



City of Hamilton
PLANNING COMMITTEE REVISED

Meeting #: 19-012
Date: August 13, 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	
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10. DISCUSSION ITEMS

11. MOTIONS

11.1 Marion Tucker Way

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12. NOTICES OF MOTION

*12.1 292 Dundas Street East (Maple Lawn), Waterdown

13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Outstanding Business List

- 13.1.a Items Requiring New Due Dates:
- Item 19C - On Street Parking Permits - Wellington St North
Current Due Date: August 13, 2019
Proposed New Due Date: October 15, 2019
- Item 19D - 2019 Operating Budget Offsets from Planning and Development Fees
Current Due Date: TBD
Proposed New Due Date: October 15, 2019
- Item 19E - Variable Development Charges
Current Due Date: TBD
Proposed New Due Date: October 2019
- Item 19G - Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI-19-B)
Current Due Date: TBD
Proposed New Due Date: December 3, 2019
- Item 19L - Year Round Live-Aboards at West Harbour Marina
Current Due Date: TBD
Proposed New Due Date: October 15, 2019
- Item 19M - Amendment to Nuisance By-law No. 09-110 respecting Cannabis Growing Operations
Current Due Date: TBD
Proposed New Due Date: September 3, 2019
- Item 19P - Corporate Policy for Official Planning Notification During Mail Strikes
Current Due Date: TBD
Proposed New Due Date: November 19, 2019
- Item 19Q - Application for Zoning By-law Amendment for Lands Located at 116 and 120 Barnesdale Avenue North
Current Due Date: TBD
Proposed New Due Date: October 1, 2019
- 13.1.b Items to be Removed:
- Item 19B.2 - Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200
(Addressed as Item 8.3 on this agenda)
- Item 19H - Tree Service Company Licensing Feasibility Report
(Addressed as Item 10.1 on the July 9th agenda)

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



PLANNING COMMITTEE MINUTES

19-011

July 9, 2019

9:30 a.m.

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

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

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Amend Appendix 1 of By-law 18-199, a By-law to Prohibit Driving School Instructing in the Restricted Areas and Expand Schedule A of the Administrative Penalty System (APS) By-law 17-225 to Include Contraventions of By-law 18-199 (PED17179(c)) (Wards 4 and 5) (Item 7.1)**

(Collins/Farr)

- (a) That the amending By-law attached as Appendix "A" to Report PED17179(c), being a By-law to amend By-law 18-199, a By-law to Prohibit Driving School Instructing in the Restricted Areas be enacted by Council;
- (b) That the Administrative Penalty System (APS) By-law 17-225 be amended to include By-law 18-199 as Table 19 to Schedule A as shown in Appendix "B" to Report PED17179(c) be enacted by Council.

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

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

2. Hearing Officer Appointment By-law for Administrative Penalty System (PED19122) (City Wide) (Item 7.2)

(Johnson/Wilson)

That the Hearing Officer By-law, being a by-law to appoint Hearing Officers in accordance with the Administrative Penalty By-law No. 17-225, attached as Appendix "A" to Report PED19122, which has been prepared in a form satisfactory to the City Solicitor, be approved.

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

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

3. Amendments to Yard Maintenance By-law 10-118 to Include Inoperative Vehicles (PED19144) (City Wide) (Item 7.3)

(Johnson/Clark)

- (a) That the housekeeping changes to the City of Hamilton Yard Maintenance By-law 10-118 regarding the definitions for inoperative motor vehicles and urban boundary as described in Report PED19144, 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 PED19144 which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

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

4. Hamilton Municipal Heritage Committee Report 19-004 (Item 7.4)

(Partridge/Danko)

That the following recommendations be approved:

(a) Appointment of Chair and Vice Chair (Item 1)

- (i) That A. Denham-Robinson be appointed Chair of the Hamilton Municipal Heritage Committee for the 2018-2022 term; and,
- (ii) That C. Dmitry be appointed Vice-Chair of the Hamilton Municipal Heritage Committee for the 2018-2022 term.

(b) Bill 108 - Proposed Changes to the Ontario Heritage Act (PED19140) (City Wide) (Item 10.2)

That Report PED19140 respecting Bill 108 - Proposed Changes to the Ontario Heritage Act, be received.

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

5. Application for Draft Plan of Condominium (Vacant Land) for Lands Located at 121 Fiddler's Green Road (PED19131) (Ward 12) (Item 8.2)

(Whitehead/Johnson)

That Draft Plan of Condominium Application 25CDM-201816, by Wellings Planning Consultants Inc., on Behalf of Sonoma Homes Inc. (Michael Chiaravalle), owner to establish a Draft Plan of Condominium (Vacant Land) to create a private road, landscaped areas, and five units on lands located at 121 Fiddler's Green Road (Ancaster), as shown on Appendix "A", attached to Report PED19131, be APPROVED subject to the following conditions:

- (a) That the approval for Draft Plan of Condominium (Vacant Land) application 25CDM-201816 applies to the plan prepared by A.T. McLaren Limited, certified by S.D. McLaren, and dated April 10, 2019, consisting of a private

road, landscaped areas, and five units for a total of five single detached dwellings, attached as Appendix "B" to Report PED19131;

- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201816, attached as Appendix "C" to Report PED19131, be received and endorsed by City Council; and,

(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:

NOT PRESENT - 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

6. Lorraine Appleyard respecting an Order to Remove Ducks and Changes to the By-law (Item 6.1)

(Johnson/Clark)

That the Order to Remove the ducks, issued to Lorraine Appleyard, be enforced.

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

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

7. **Application to Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Lands Located at 574 Northcliffe Avenue, Dundas (PED19132) (Ward 13) (Item 8.3)**

(Partridge/Collins)

(a) That Zoning By-law Amendment Application ZAR-19-013, by Sisters of St. Joseph, (Owner), to establish a Temporary Use By-law to permit a dormitory for 96 students with an additional 42 students subject to servicing upgrades for a total of 138 students as a temporary use within Building 'B', for a maximum period of three years, for the lands located at 574 Northcliffe Avenue, Dundas, as shown on Appendix "A" to Report PED19132, be APPROVED on the following basis:

(i) That the draft Temporary Use By-law, attached as Appendix "B" to Report PED19132, be approved by City Council;

(ii) That a Holding Symbol (H) pursuant to Section 36 of The Planning Act, R.S.O. 1990, c.P. 13 and Subsection 4.9 of By-Law No. 3581-86 is hereby applied to the PPS Zone category as it applies to 574 Northcliffe Avenue (Building 'B'). For such time as the Holding Symbol (H) applies to the subject lands, temporary dormitory shall be limited to a maximum capacity of 96 students. Council shall remove the Holding Symbol (H) by by-law amendment upon all of the following requirements having been addressed to its satisfaction:

(1) The applicant / proponent shall demonstrate and have attained all of the necessary approvals to provide adequate services to increase the capacity beyond 96 students to accommodate a dormitory having a maximum capacity of 138 occupants to the satisfaction of the Niagara Escarpment Commission, Director, Development Planning and Ministry of Environment, Conservation and Parks.

(2) That upon such time as the Holding Symbol (H) is lifted, the temporary dormitory shall have a maximum occupancy of 138 persons.

(iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Niagara Escarpment Plan, Greenbelt Plan, and Parkway Belt West Plan and complies with the Region of Hamilton-Wentworth Official Plan and Town of Dundas Official Plan; and,

(b) 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
 NOT PRESENT - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

8. Amend Business Licensing By-law 07-170 to Include a New Licence Category for Tree Cutting Services as Schedule 14 (PED19008(a)) (City Wide) (Item 10.1)

(Johnson/Wilson)

- (a) That Report PED19008(a) respecting amending the Business Licensing By-law No. 07-170 to include Tree Cutting Services as a schedule be received;
- (b) That the draft By-law, attached as Appendix "A" to Report PED19008(a) which amends Business Licensing By-law No. 07-170 to include Tree Cutting Services as a schedule be enacted by Council;
- (c) That a new licensing fee of \$270 for Tree Cutting Services be approved, and that the User Fees and Charges By-law be amended accordingly.

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

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

9. Authorization for 100 Hamilton Street GP Inc. to apply for Variances to a By-law for Lands Located at 100 Hamilton Street North (Flamborough) (Item 11.1)

(Partridge/Johnson)

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

WHEREAS, the application as presented in Report PED17157 for 100 Hamilton Street North was approved on October 18, 2017 and is within the 2 year moratorium;

WHEREAS, Council may waive this moratorium on a site specific basis, to allow the applicant to make an application to the Committee of Adjustment;

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

WHEREAS, the applicant is interested in seeking a minor variance to address matters related to loading spaces and the definition of retirement home;

THEREFORE BE IT RESOLVED:

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

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

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

10. 9 Main Street North, Waterdown - Municipal Register of Property of Cultural Value or Interest (Item 12.1)

(Partridge/Johnson)

WHEREAS, the owner of the lands located at 9 Main Street North, Waterdown, recently sold the property and closed the Village Fish & Chips restaurant;

WHEREAS, 9 Main Street North, Waterdown, is listed on the City's Heritage Inventory, but is not currently recognized through registration or protected through designation under the *Ontario Heritage Act*;

WHEREAS, a preliminary evaluation of Cultural Heritage Value or Interest conducted as part of the Waterdown Village Built Heritage Inventory found that 9 Main Street North, Waterdown meets the criteria specified in *Ontario Regulation 9/06* including, but not limited to:

- (i) Historical Associations – The property is directly associated with potentially significant organizations, institutions and local businesses. Historically, the building was publically-owned and tied to the early village post office and an early Bell telephone office. In the mid-20th century the building housed the East Flamborough Police Department. The recently closed Village Fish & Chips restaurant, owned and operated by the Bos Family since 1969, served the community for almost 50 years.
- (ii) Physical and Architectural Design - The wood-framed building, clad in rough-cast stucco, with a low hip roof and projecting eaves, is a representative example of a local vernacular architectural style. Overall, the design of the building does not appear to have changed significantly since its construction circa the turn of the 20th century. The central doors, with flanking windows on the front façade, and the low hip roof date to at least the 1950s when the East Flamborough Police Department occupied building.
- (iii) Contextual Value – The property is important in defining the historic character of the area. It is physically, functionally and historically linked to its surroundings. This former public building is located on the historic transportation corridor of Main Street North just north of Dundas Street.

THEREFORE BE IT RESOLVED:

- (a) That 9 Main Street North, Waterdown, be added to the City's Municipal Heritage *Register of Property of Cultural Heritage Value or Interest* as a non-designated property; and,
- (b) That Council direct staff to add 9 Main Street North, Waterdown, to staff's designation work plan and be assigned high priority for Heritage Designation.

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

11. Liquor Licence Act - Auxiliary Zone Changes (Item 12.2)

(Farr/Collins)

WHEREAS, the *Making Ontario Open for Business Act, 2018* is a series of bills through the Government of Ontario's Open for Business Action Plan to stimulate business investment and make Ontario more competitive;

WHEREAS, the City of Hamilton Open for Business Subcommittee has a common goal to create consistent, predictable, and customer-focused services that encourage enterprises and entrepreneurs in the City of Hamilton;

WHEREAS, the City of Hamilton's Open for Business initiatives include a number of initiatives designed to support local restaurant, bar and cafe owners through programs such as the On-Street Patio Program and music on patios program and streamlined patio approvals program;

WHEREAS, the Province of Ontario's Auxiliary Zone requirements prohibit patrons with liquor from moving across the unlicensed sidewalk separating a licensed outdoor patio and licensed establishment; and,

WHEREAS, licensed establishments would benefit from the modernization of the Liquor License Act to allow for a more liberal use of auxiliary zones;

THEREFORE BE IT RESOLVED:

That the Mayor request the Alcohol and Gaming Commission of Ontario to review and update the regulations under the Liquor License Act allowing patrons to move across auxiliary zones within a licensed premise to include any thresholds between licensed outdoor patios and the licensed establishment.

Result: Motion CARRIED by a vote of 7 to 1, 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
 NOT PRESENT - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 NO - Councillor Brad Clark

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. PUBLIC HEARINGS / DELEGATIONS (Item 8)

8.3 Application to Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Lands Located at 574 Northcliffe Avenue, Dundas (PED19132) (Ward 13)

8.3(a) Written Submission from Janet Nancekivell

2. NOTICES OF MOTION (Item 12)

12.1 9 Main Street North – Municipal Register of Property of Cultural Value or Interest

12.2 Liquor Licence Act – Auxiliary Zone Changes

(Johnson/Whitehead)

That the agenda for the July 9, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) June 18, 2019 (Item 4.1)

(Whitehead/Partridge)

That the Minutes of the June 18, 2019 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests Items 6.1, 6.2 and 6.3

(Partridge/Farr)

That the following Delegation Requests be approved for today's meeting, to be heard before the Public Meetings:

- 6.1 Lorraine Appleyard respecting an Order to Remove Ducks and Changes to the By-law
- 6.2 Jennifer Smith respecting Backyard Ducks
- 6.3 Barbara Davis respecting Backyard Ducks

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

(ii) Delegation Requests Items 6.1, 6.2 and 6.3

(Johnson/Partridge)

That Delegation Requests 6.1, 6.2 and 6.3 be moved to be heard after 10:00 a.m. to ensure Councillor Danko is present.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

(iii) Application for Draft Plan of Condominium (Vacant Land) for Lands Located at 121 Fiddler's Green Road (PED19131) (Ward12) (Item 8.2)

(Farr/Johnson)

That Item 8.2 respecting Application for Draft Plan of Condominium (Vacant Land) for Lands Located at 121 Fiddler's Green Road (PED19131) be moved up in the agenda to be heard after the approval of the Delegation Requests.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

For disposition of this matter, refer to Item 5.

(iv) Amber Lindsay, UrbanSolutions, respecting a Request to Apply for a Minor Variance at 100 Hamilton Street North, Flamborough (Item 6.4)

(Farr/Johnson)

That the Delegation Request from Amber Lindsay respecting a Request to Apply for a Minor Variance at 100 Hamilton Street North, Flamborough, be approved for today's meeting.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)

(i) Application for Draft Plan of Condominium (Vacant Land) for Lands Located at 121 Fiddler's Green Road (PED19131) (Ward 12) (Item 8.2)

In accordance with the provisions of the Planning Act, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Draft Plan of Condominium 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.

Melanie Schneider, Planner II, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca or through the Office of the City Clerk.

(Whitehead/Partridge)

That the staff presentation be received.

CARRIED

Glenn Wellings, Wellings Planning Consultant, agent, and Michael Chiaravalle, Sonoma Homes, owner, were in attendance and indicated support for the staff report and addressed the Committee.

(Whitehead/Partridge)

That the presentation from Glen Wellings and Michael Chiaravalle, be received.

CARRIED

Delegations:

1. Tom and Teresa St. Michael, 25 Douglas Road, addressed the Committee and expressed concerns with the proposal.

(Whitehead/Johnson)

That the Delegation be received.

CARRIED

Written Submissions:

1. Rosemarie Morris

(Whitehead/Farr)

That the written submission be received.

CARRIED

(Whitehead/Partridge)

That the public meeting be closed.

CARRIED

(Whitehead/Johnson)

That the recommendations in Report PED19131 be amended by adding the following sub-section (c):

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

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

NOT PRESENT - 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

For disposition of this matter, refer to Item 5.

(ii) Lorraine Appleyard respecting an Order to Remove Ducks and Changes to the By-law (Item 6.1)

Lorraine Appleyard addressed the Committee respecting an Order to Remove Ducks and Changes to the By-law.

(Johnson/Clark)

That the Delegation from Lorraine Appleyard respecting an Order to Remove Ducks and Changes to the By-law, be received.

CARRIED

(iii) Jennifer Smith respecting Backyard Ducks (Item 6.2)

Jennifer Smith addressed the Committee respecting Backyard Ducks.

(Johnson/Clark)

That the delegation from Jennifer Smith respecting Backyard Ducks, be received.

CARRIED

(iv) Barbara Davis respecting Backyard Ducks (Item 6.3)

Barbara Davis addressed the Committee respecting Backyard Ducks.

(Johnson/Clark)

That the delegation from Barbara Davis respecting Backyard Ducks, be received.

CARRIED

For disposition of this matter, refer to Item 6.

(v) James Lafferty respecting Concerns with Southbrook Golf Club regarding Ongoing Issues, Zoning, Permits and Dumping (Approved at the June 18th meeting) (Item 8.1)

James Lafferty addressed the Committee respecting Concerns with Southbrook Golf Club regarding Ongoing Issues, Zoning, Permits and Dumping.

(Johnson/Collins)

That the delegation from James Lafferty respecting Concerns with Southbrook Golf Club regarding Ongoing Issues, Zoning, Permits and Dumping, be received.

CARRIED

(vi) Application to Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Lands Located at 574 Northcliffe Avenue, Dundas (PED19132) (Ward 13) (Item 8.3)

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

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

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

(Partridge/Wilson)

That the staff presentation be received.

CARRIED

John Ariens, IBI Group, was in attendance and indicated support for the staff report and addressed the Committee.

(Partridge/Danko)

That the presentation from John Ariens, be received.

CARRIED**Delegations:**

1. Yoanne Speers, 41 Atkinson Boulevard, addressed the Committee and expressed concerns with the proposal.
2. Nancy McKeil, 37 Northcliffe Avenue, addressed the Committee and expressed concerns with the proposal.
3. Janet Nancekivell, 10 Zellens Road, addressed the Committee and expressed concerns with the proposal.

(Partridge/Danko)

That the Delegations be received.

CARRIED**Written Submissions:**

1. Janet Nancekivell

(Partridge/Clark)

That the written submission be received.

CARRIED

(Partridge/Danko)

That the public meeting be closed.

CARRIED

(Partridge/Collins)

That the recommendations in Report PED19132 be amended by adding the following sub-section (b):

(b) 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
 NOT PRESENT - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

For disposition of this matter, refer to Item 7.

(vii) Amber Lindsay, UrbanSolutions, respecting a Request to Apply for a Minor Variance at 100 Hamilton Street North, Flamborough (Item 6.4)

Amber Lindsay, UrbanSolutions, addressed the Committee respecting a Request to Apply for a Minor Variance at 100 Hamilton Street North, Flamborough, with the aid of a PowerPoint presentation.

A copy of the presentation is available online at www.hamilton.ca or through the Office of the City Clerk.

(Partridge/Clark)

That the delegation from Amber Lindsay, UrbanSolutions, respecting a Request to Apply for a Minor Variance at 100 Hamilton Street North, Flamborough, be received.

CARRIED

For disposition of this matter, refer to Item 9.

(f) NOTICES OF MOTION (Item 12)**(i) 9 Main Street North, Waterdown - Municipal Register of Property of Cultural Value or Interest (Item 12.1)****(Partridge/Farr)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting 9 Main Street North, Waterdown - Municipal Register of Property of Cultural Value or Interest.

Result: Motion CARRIED by a 2/3's majority 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
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 10.

(ii) Liquor Licence Act - Auxiliary Zone Changes (Item 12.2)**(Farr/Partridge)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Liquor Licence Act - Auxiliary Zone Changes.

Result: Motion CARRIED by a 2/3's majority 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
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 11.

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

(i) General Manager's Update (Added Item 13.1)

(Clark/Johnson)

That the General Manager's Update be received.

CARRIED

(h) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes - June 18, 2019 (Item 14.1)

(Collins/Farr)

That the Closed Session Minutes of June 18, 2019 be approved, as presented, and remain confidential.

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

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

(i) ADJOURNMENT (Item 15)

(Danko/Johnson)

That there being no further business, the Planning Committee be adjourned at 12:36 p.m.

CARRIED

Councillor Maria Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

REPORT 19-005

12:00 p.m.

July 25, 2019

Room 264, 2nd Floor

Hamilton City Hall

71 Main Street West

Present: Councillor M. Pearson
D. Beland, J. Brown, K. Burke, G. Carroll, A. Denham-Robinson
(Chair), C. Dmitry (Vice-Chair), B. Janssen, L. Lunsted, T. Ritchie

**Absent with
Regrets:** R. McKee and W. Rosart

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 19-005 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Municipal Heritage Committee working Groups (Item 10.1)

That the following membership list for the Hamilton Municipal Heritage Committee Working Groups be approved, as amended:

- (a) Heritage Permit Review Sub-Committee (2 members of the Hamilton Municipal Heritage Committee are required):

C. Dmitry, Chair
Tim Ritchie, Vice-Chair

- (b) Education and Communications Working Group:

Janice Brown
Robin McKee
Tim Ritchie
Alissa Denham-Robinson
Graham Carroll

- (c) Inventory and Research Working Group:

Graham Carroll
Janice Brown
Chuck Dmitry

Alissa Denham-Robinson
Lyn Lunsted

(d) Policy and Design Working Group

Will Rosart
Bill Janssen
Alissa Denham-Robinson
Lyn Lunsted
Chuck Dimitry

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Added Item 1)

The Chair presented a Hamilton Municipal Heritage Recognition Award for Heritage Property Developer to Megan Hobson, Built Heritage Consultant on behalf of James Street Residences Inc., for the William Thomas Residence, located at 48 James Street North, Hamilton.

(b) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee of the following changes:

1. CEREMONIAL ACTIVITIES (Item 1)

1.1 Hamilton Municipal Heritage Committee Heritage Nomination Award Presentation (no copy)

7. CONSENT ITEMS (Item 7)

7.1 For the Information of the Hamilton Municipal Heritage Committee respecting 23-25 King Street East, Stoney Creek, and 1 Main Street North, Waterdown (The Royal Coachman)

The Agenda for the July 25, 2019 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 4)

(i) June 20, 2019 (Item 4.1)

J. Brown advised that Item 13.1(a)(viii), Buildings and Landscapes, should be corrected to read **98** James Street North, Hamilton.

The Minutes of the June 20, 2019 meeting of the Hamilton Municipal Heritage Committee were approved, as amended.

(e) COMMUNICATIONS (Item 5)

(i) Correspondence from John Vitulli Jr., Vitulli Law Group, respecting a Request to Register 180 Concession Street, Hamilton, Ontario as a Heritage Property (Item 5.1)

The Correspondence from John Vitulli Jr., Vitulli Law Group, respecting a Request to Register 180 Concession Street, Hamilton, Ontario as a Heritage Property, was received.

(f) CONSENT ITEMS (Item 7)

(i) For the Information of the Hamilton Municipal Heritage Committee respecting 23-25 King Street East, Stoney Creek, and 1 Main Street North, Waterdown (The Royal Coachman) (Added Item 7.1)

The item respecting 23-25 King Street East, Stoney Creek, and 1 Main Street North, Waterdown (The Royal Coachman), was received.

(g) PRESENTATIONS (Item 9)

(i) An Introduction to Heritage Inventories and Strategies (Item 9.1)

Alissa Golden, Heritage Project Specialist, addressed the Committee with a presentation respecting An Introduction to Heritage Inventories and Strategies, with the aid of a PowerPoint presentation.

The presentation respecting An Introduction to Heritage Inventories and Strategies, was received.

The presentation is available at www.hamilton.ca, and through the Office of the City Clerk.

(h) DISCUSSION ITEMS (Item 10)

(i) Hamilton Municipal Heritage Committee Working Groups (Item 10.1)

C. Dmitry was appointed as Chair of the Heritage Permit Review Sub-Committee.

T. Ritchie was appointed as Vice-Chair of the Heritage Permit Review Sub-Committee.

The following membership list for the Hamilton Municipal Heritage Committee Working Groups was amended as follows:

- (a) Heritage Permit Review Sub-Committee (2 members of the Hamilton Municipal Heritage Committee are required):

C. Dmitry, Chair
~~Karen Burke~~
~~Will Rosart~~
Tim Ritchie, Vice-Chair
~~Alissa Denham-Robinson~~

- (b) Education and Communications Working Group:

Janice Brown
Robin McKee
Tim Ritchie
Alissa Denham-Robinson
Graham Carroll

- (c) Inventory and Research Working Group:

Graham Carroll
Janice Brown
Chuck Dmitry
Alissa Denham-Robinson
Lyn Lunsted

- (d) Policy and Design Working Group

Will Rosart
Bill Janssen
Alissa Denham-Robinson
Lyn Lunsted
Chuck Dimitry

For further disposition of this matter, refer to Item 1.

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

(i) Buildings and Landscapes (Item 13.1)

This list is determined by members of the Hamilton Municipal Heritage Committee. Members provide informal updates to the properties on this list, based on their visual assessments of the properties, or information they

have gleaned from other sources, such as new articles and updates from other heritage groups.

The properties located at 51 Herkimer Street, Hamilton; 52-56 Charlton Avenue West, Hamilton and 292 Dundas Street, Waterdown were added to the List of Buildings and Landscapes of Interest (YELLOW).

The property located at 828 Sanatorium Road, Hamilton, be added to the List of Endangered Building and Landscapes (RED).

The following members were assigned to properties on the List of Buildings and Landscapes, for future reports to Committee:

- (a) 51 Herkimer Street, Hamilton – J. Brown
- (b) 52-56 Charlton Avenue West – J. Brown
- (c) 292 Dundas Street, Waterdown – L. Lunsted
- (d) 828 Sanatorium Road, Hamilton – G. Carroll

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) – T. Ritchie

A notice for the sale of condominiums has gone out for the property.
 - (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – C. Dmitry
 - (iii) Century Manor, 100 West 5th Street, Hamilton (D) – G. Carroll
 - (iv) Beach Canal Lighthouse and Cottage (D) – R. McKee
 - (v) 18-22 King Street East, Hamilton (R)(NOI) – W. Rosart
 - (vi) 24-28 King Street East, Hamilton (R)(NOI) – W. Rosart
 - (vii) 2 Hatt Street, Dundas (R) – K. Burke
 - (viii) James Street Baptist Church, 98 James Street South, Hamilton (D) – J. Brown

A final site plan has been submitted. Housing sales will begin in the fall of 2019. Construction of the condominium is scheduled to begin by the end of 2019.

- (ix) 828 Sanatorium Road – G. Carroll

Damage to the property, such as broken windows, have been reported to the Property Standards Committee.

**(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

- (ii) 2251 Rymal Road East, Stoney Creek (R) – B. Janssen

The establishment is under new management.

- (iii) Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Burke

- (iv) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (R) (ND) – W. Rosart

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

- (vi) 1021 Garner Road East, Ancaster (Lampman House) (NOI) – C. Dimitry

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

Damage has been reported to the back of the monument, on the map.

- (viii) 1 St. James Place, Hamilton (D) – J. Brown

The applicant appeared before the Heritage Permit Review Sub-Committee regarding changes to the property.

- (ix) St. Clair Blvd. Conservation District – D. Beland

An Ash tree has been removed from the end of the boulevard and replaced.

- (x) 51 Herkimer Street, Hamilton – J. Brown
Planning Committee – August 13, 2019

(xi) 52-56 Charlton Avenue West, Hamilton – J. Brown

(xii) 292 Dundas Street, Waterdown – L. Lunsted

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

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

(ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – R. McKee

(iii) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie
Renovations continue on the property.

(iv) 104 King Street West, Dundas (Former Post Office) – K. Burke

(v) 45 Forest Avenue, Hamilton – G. Carroll

(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) – R. McKee

(j) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:48 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
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2019
SUBJECT/REPORT NO:	Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED19129) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Amanda Mcilveen (905) 546-2424 Ext. 5958
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

That the annual Pre-Christmas Free Parking Program, approved by City Council on June 25, 2003, and amended from time to time, be further amended as follows:

- That on-street parking be free at all times from November 24 to December 24 annually and limited to two hours in duration for the Concession Street Business Improvement Area.

EXECUTIVE SUMMARY

The purpose of this Report is to request City Council approval to revise the Pre-Christmas Free Parking Program for the Concession Street Business Improvement Area (BIA). The recommendation contained in this Report have been endorsed by the affected BIA.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Allowing the Concession Street BIA to alter their period of participation in the Pre-Christmas Free Parking Program will result in the increase of additional revenues of approximately \$1,500 annually.

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SUBJECT: Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED19129) (Ward 7) - Page 2 of 3

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

In 2003, staff consulted with the former Hamilton Association of Business Improvement Areas (H.A.B.I.A.) and individual BIAs to develop a consistent Pre-Christmas Parking Program. The resulting Council-approved program provided free on-street parking (with a two-hour limit) in BIAs from November 24 to December 24 annually, except in Westdale, Dundas and on Ottawa Street where the details differ as there are different needs and desires.

Concession Street originally chose not to participate in the free Pre-Christmas Parking Program because of concerns related to employee and visitor parking associated with the Juravinski Hospital. However, at the BIA's request, City Council approved free Christmas parking on Concession Street on a trial basis in 2012, 2013 and 2014.

On November 11, 2015, Council approved Item 1 of Planning Committee Report 15-017 to include Concession Street in the Pre-Christmas Free Parking Program from November 13 to December 24 annually.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

- BIA Advisory Committee
- Concession Street BIA

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The Hamilton Municipal Parking System is requesting Council permission to adjust Concession Street's Pre-Christmas Free Parking Program such that parking will be free at all times from November 24 to December 24 annually.

The date of November 13 was chosen in 2015 in order to assist the Concession Street BIA with previous business losses due to major road, water and sidewalk work that took place during that same year. The Hamilton Municipal Parking System recommends adjusting Concession Street to the start date of November 24 to be in line with other BIA organizations that currently participate in the Pre-Christmas Free Parking Program.

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SUBJECT: Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED19129) (Ward 7) - Page 3 of 3

This request aligns with the 2003 direction from City Council to allow free parking in the BIA areas to assist businesses during the Christmas season.

ALTERNATIVES FOR CONSIDERATION

N/A

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.

APPENDICES AND SCHEDULES ATTACHED

N/A

AM:cr



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2019
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19152) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

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

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

Background:

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

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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19152) (City Wide) - Page 2 of 4

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

Policy Implications and Legislative Requirements – Pre Bill 108

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

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

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

Policy Implications and Legislative Requirements – Post Bill 108

On June 6, 2019, Bill 108 received Royal Assent, which reduced the statutory timeframes for non-decision appeals outlined in the *Planning Act* for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision. The changes are applicable to complete applications received after June 6, 2019.

In accordance with the *Planning Act*, an applicant may appeal an Official Plan Amendment application after 120 days (Subsection (40)), a Zoning By-law Amendment application after 90 days (Subsection 34 (11)) and a Plan of Subdivision after 120 days (Subsection 51 (34)). However, Zoning By-law Amendment applications that are submitted together with a required Official Plan Amendment application are also subject to the statutory timeframe of 120 days. The 90-day extension previously prescribed in Bills 73 and 139 is no longer applicable.

Information:

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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19152) (City Wide) - Page 3 of 4

For the purposes of this Report, the status of active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, that were in effect pursuant to statutory timeframes prescribed in Bill 73 and Bill 139 and new statutory timeframes prescribed in Bill 108.

Applications Deemed Complete Prior to Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “A” to Report PED19152 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of June 21, 2019, there were:

- 13 active Official Plan Amendment applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 22 active Zoning By-law Amendment applications; and,
- 9 active Plan of Subdivision applications.

Within 60 to 90 days of August 13, 2019, all 22 development proposals have passed the 120, 180 and 270 day statutory timeframes.

Applications Deemed Complete After Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “B” to Report PED19152 is a table outlining the active applications received after December 12, 2017 but before Royal Assent/Proclamation of Bill 108, sorted by Ward, from oldest application to newest. As of June 21, 2019, there were:

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

Within 60 to 90 days of August 13, 2019, 15 applications will be approaching the 150, 180 or the 300 day statutory timeframe and will be eligible for appeal. Thirty applications have passed the 150, 180 and 300 day statutory timeframe.

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19152) (City Wide) - Page 4 of 4

Applications Deemed Complete After Royal Assent of Bill 108 (June 6, 2019)

Attached as Appendix “C” to Report PED19152 is a table outlining the active applications received after June 6, 2019 sorted by Ward, from oldest application to newest. As of June 12, 2019, there were:

- 2 active Official Plan Amendment applications;
- 5 active Zoning By-law Amendment applications; and,
- No active Plan of Subdivision applications.

Within 60 to 90 days of August 13, 2019, 7 applications will be approaching the 90 and 120 day statutory timeframe and will be eligible for appeal. No applications have passed the 90 and 120 day statutory timeframe.

Combined to reflect property addresses, there are 72 active development proposals. Twenty-five proposals are 2019 files, while 25 proposals are 2018 files and 22 proposals are pre-2018 files.

Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in 2021 and this information will be incorporated into the monthly report to Council. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website.

Appendices and Schedules Attached:

- Appendix “A” – List of Active Development Applications (prior to December 12, 2017)
 Appendix “B” – List of Active Development Applications (after December 12, 2017)
 Appendix “C” – List of Active Development Applications (after June 6, 2019)

JG:mo

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of August 13, 2019
Ward 1									
UHOPA-17-18 ZAC-17-036	644 Main St. W., Hamilton	31-Mar-17	n/a	28-Apr-17	29-Jul-17	n/a	26-Dec-17	Urban Solutions Planning & Land Development	865
Ward 2									
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	23-Dec-16	n/a	05-Jan-17	22-Apr-17	n/a	n/a	Urban Solutions Planning & Land Development	963
UHOPA-17-33 ZAC-17-073	125 - 129 Robert St., Hamilton	06-Oct-17	30-Oct-17	14-Nov-17	03-Feb-18	n/a	11-Aug-18	IBI Group	637
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	685
ZAC-17-089	1351 Upper James St., Hamilton	28-Nov-17	n/a	05-Dec-17	28-Mar-18	n/a	n/a	Patrick Slattery	623

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of August 13, 2019
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1035
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1035
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17	29-Aug-17	A.J. Clarke & Associates Ltd.	984
UHOPA-16-21 ZAC-16-057 25T-201608	56 Highland Rd. W., Stoney Creek	31-Aug-16	29-Sep-16	27-Mar-17	29-Dec-16	27-Feb-17	22-Dec-17	Metropolitan Consulting Inc.	869
Ward 10									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul-15	n/a	10-Aug-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	1503

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of August 13, 2019
Ward 10 cont'd									
UHOPA-17-36 ZAC-17-079	514 Barton St., Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	n/a	24-Jul-18	GSP Group	655
ZAC-16-016	1313 Baseline Rd., Stoney Creek	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	n/a	A.J. Clarke & Associates Ltd.	1306
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	963
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	30-Oct-17	n/a	24-Nov-17	27-Feb-18	28-Apr-18	n/a	Glen Schnarr & Associates Inc.	652
Ward 11									
UHOPA-17-12 ZAC-17-027 25T-210706	2341 & 2365 Regional Rd. 56 & Tanglewood Dr., Glanbrook	23-Feb-17	n/a	06-Mar-17	23-Jun-17	02-Sep-17	20-Nov-17	A.J. Clarke & Associates Ltd.	901

**Active Development Applications
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(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of August 13, 2019
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	1329
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	746
UHOPA-17-22 ZAC-17-051	280 Wilson St. E., Ancaster	05-Jun-17	22-Jun-17	23-Aug-17	03-Oct-17	n/a	20-May-18	GSP Group	720
UHOPA-17-32 ZAC-17-072	35 Londonderry Dr., Ancaster	06-Oct-17	n/a	01-Nov-17	03-Feb-18	n/a	03-Jul-18	A.J. Clarke & Associates Ltd.	676
Ward 13									
ZAR-15-004	64 Hatt St., Dundas	02-Dec-14	n/a	02-Jan-15	01-Apr-15	n/a	n/a	336477 Ontario Ltd.	1715
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	734

**Active Development Applications
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(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of August 13, 2019
Ward 15									
UHOPA-17-06 ZAC-17-016	157 Parkside Dr., Flamborough	23-Dec-16	n/a	17-Jan-17	22-Apr-17	n/a	19-Sep-17	MHBC Planning Limited	963

Active Development Applications

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

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of August 13, 2019
Ward 1									
UHOPA-18-005* ZAC-18-012	235 Main St. W., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	599
UHOPA-18-015* ZAC-18-035	69 Sanders Blvd. & 1630 Main St. W., Hamilton	18-Jun-18	n/a	13-Jul-18	n/a	n/a	14-Apr-19*	Urban Solutions Planning & Land Development	421
UHOPA-19-004* ZAC-19-009	804-816 King St. W., Hamilton	21-Dec-19	n/a	18-Jan-19	n/a	n/a	17-Oct-19*	Urban Solutions Planning & Land Development	235
UHOPA-19-006* ZAC-19-023	196 George St., Hamilton	20-Mar-19	n/a	16-Apr-19	n/a	n/a	14-Jan-20*	GSP Group	146

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of August 13, 2019
Ward 2									
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	599
UHOPA-18-008* ZAC-18-024	600 James St. N., Hamilton	29-Mar-18	n/a	23-Apr-18	n/a	n/a	23-Jan-19*	Bousfields Inc.	502
UHOPA-18-017* ZAC-18-041	225 John St. S., Hamilton	13-Jul-18	n/a	16-Aug-18	n/a	n/a	09-May-19*	GSP Group	396
UHOPA-18-021* ZAC-18-047	184 and 186 Markland St., Hamilton	22-Aug-18	20-Dec-18	21-Dec-18	n/a	n/a	17-Oct-19*	T. Johns Consulting Group	235
UHOPA-18-023* ZAR-18-057	130 Wellington St. S., Hamilton	07-Nov-18	06-Dec-18	24-Dec-18	n/a	n/a	20-Oct-19*	MBI Development Consulting INC.	232
ZAR-19-008	124 Walnut St. S., Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	235

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of August 13, 2019
Ward 3									
ZAR-19-016	11 Grosvenor's Ave. S., Hamilton	28-Feb-19	n/a	28-Mar-19	28-Jul-19	n/a	n/a	T. Johns Consulting Group	166
Ward 5									
UHOPA-19-001* ZAC-19-001	2782 Barton St. E., Hamilton	30-Nov-18	n/a	13-Dec-18	n/a	n/a	26-Sep-19*	A.J. Clarke & Associates Ltd.	256
Ward 6									
ZAC-19-004	560 Highland Rd. W., Hamilton	10-Dec-18	n/a	18-Jan-19	09-May-19	n/a	n/a	WEBB Planning Consultants Inc.	246
Ward 7									
ZAC-18-008	370 Concession St., Hamilton	21-Dec-17	n/a	22-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	600
25T-19002	70 Bobolink Rd., Hamilton	3-Jan-19	n/a	18-Jan-19	n/a	02-Jul-19	n/a	IBI Group	222

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of August 13, 2019
Ward 7 cont'd									
ZAR-19-028	18 Miles Rd. Hamilton	01-Apr-19	n/a	18-Apr-19	29-Aug-19	n/a	n/a	A.J. Clarke & Associates Ltd.	134
ZAC-19-031	323 Rymal Rd. E., Hamilton	26-Apr-19	n/a	01-May-19	23-Sep-19	n/a	n/a	IBI Group	109
Ward 8									
ZAC-18-022	35 Sabrina Blvd., Hamilton	15-Mar-18	n/a	09-Apr-18	12-Aug-18	n/a	n/a	Urban Solutions Planning & Land Development	516
UHOPA-18-010* ZAC-18-025 25T-201803	221 Genoa Dr. and 1477 Upper James St., Hamilton	12-Apr-18	n/a	10-May-18	09-Sep-18	09-Oct-18	06-Feb-19*	MHBC Planning Limited	488
ZAC-18-046	360 Mohawk Rd. W., Hamilton	30-Aug-18	n/a	14-Sep-18	27-Jan-19	n/a	n/a	IBI Group	348

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of August 13, 2019
Ward 8 cont'd									
ZAC-18-055	808 West 5 th St., Hamilton	31-Oct-18	n/a	08-Nov-18	30-Mar-19	n/a	n/a	A.J. Clarke & Associates Ltd.	286
ZAC-19-017	1020 Upper James St., Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	166
Ward 9									
UHOPA-18-011* ZAC-18-029	1912 Rymal Rd. E., Glanbrook	04-May-18	n/a	22-May-18	n/a	n/a	28-Feb-19*	Wellings Planning Consultants Inc.	466
Ward 10									
ZAC-18-005	42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek	15-Dec-17	n/a	16-Jan-18	14-May-18	n/a	n/a	A.J. Clarke & Associates Ltd.	606
UHOPA-18-013* ZAC-18-034	461 Green Road, Stoney Creek	8-Jun-18	n/a	18-Jul-18	n/a	n/a	04-Apr-19*	IBI Group	431

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of August 13, 2019
Ward 10 cont'd									
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	316
UHOPA-18-025* ZAC-18-059	466-490 Highway No. 8, Stoney Creek	23-Nov-18	n/a	06-Dec-18	n/a	n/a	19-Sep-19*	SvN Architects + Planners	263
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton St., Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	237
Ward 11									
ZAA-18-006	3600 Guyatt Rd., Glanbrook	20-Dec-17	18-Jan-18	24-Jan-18	23-Jun-18	n/a	n/a	Larry Freeman	566
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	399
ZAA-18-053	2282 Westbrook Rd., Glanbrook	23-Oct-18	n/a	14-Nov-18	22-Mar-19	n/a	n/a	IBI Group	294

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of August 13, 2019
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	338
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Rd., Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May- 19	01-Sep-19*	A.J. Clarke & Associates Ltd.	281
UHOPA-18-024* ZAC-18-058	154 Wilson St. E., Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	258
UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Rd., Ancaster	03-Dec-18	n/a	01-Dec-18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	253
ZAC-19-010	527 and 629 Shaver Rd., Ancaster	21Dec-18	n/a	10-Jan-19	20-May19	n/a	n/a	Urban Solutions Planning & Land Development	235
ZAA-19-033	2274 Powerline Rd., Ancaster	08-May- 19	n/a	03-Jun-19	05-Oct-19	n/a	n/a	Don Robertson	97

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of August 13, 2019
Ward 13									
ZAR-19-013	574 Northcliffe Ave., Dundas	31-Jan-19	n/a	21-Feb-19	30-Jun-19	n/a	n/a	IBI Group	194
ZAR-19-020	366 King St. W., Dundas	19-Mar-19	n/a	27-Mar-19	24-Aug-19	n/a	n/a	MHBC Planning	139
Ward 14									
ZAR-19-003	630 Stone Church Rd. W., Hamilton	07-Dec-18	n/a	07-Jan-19	06-May-19	n/a	n/a	IBI Group	249
ZAR-19-006	1269 Mohawk Rd., Ancaster	14-Dec-18	n/a	11-Jan-19	13-May-19	n/a	n/a	MBI Development Consulting INC.	242
ZAC-19-011	1933 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	244
ZAC-19-021	974, 980 Upper Paradise Rd., Hamilton	18-Mar-19	n/a	22-Mar-19	15-Aug-19	n/a	n/a	T. Johns Consulting Group	148

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of August 13, 2019
Ward 15									
ZAR-18-019	167 Highway 5 West, Flamborough	23-Feb-18	n/a	22-Mar-18	23-Jul-18	n/a	n/a	IBI Group	536
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	386

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 & 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 & 300 day timeframe commences the day the application was received.
- * In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 210 days to 300 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Active Development Applications
Deemed Complete After June 6, 2019
(Effective June 21, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of August 13, 2019
Ward 2								
ZAR-19-038	75 Burlington St. W., Hamilton	08-May-19	n/a	01-Jun-19	06-Aug-19	n/a	T. Johns Consulting Group	97
Ward 11								
RHOPA-19-010 ZAC-19-039	3140 Binbrook Rd. Glanbrook	08-May-19	n/a	19-Jun-19	n/a	05-Sep-19	Urban In Mind Planning Consultants	97
ZAA-19-042	6266 Chippewa Rd. Glanbrook	06-Jun-19	n/a	10-Jun-19	04-Sep-19	n/a	Shirlmar Farms Inc.	68
Ward 12								
ZAR-19-034	378 Harmony Hall Rd., Ancaster	08-May-19	n/a	20-Jun-19	06-Aug-19	n/a	T. Johns Consulting Group	97
UHOPA-19-011 ZAC-19-040	187 Wilson St. W., Ancaster	17-May-19	n/a	17-Jun-19	n/a	14-Sep-19	T. Johns Consulting Group	88

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 90 and 120 day timeframe commences on the date the new materials were submitted. In all other situations, the 90 and 120 day timeframe commences the day the application was received.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2019
SUBJECT/REPORT NO:	New Fee for Privately-Initiated Official Plan Amendment - Urban Boundary Expansion Applications (PED19146(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Heather Travis (905) 546-2424 Ext. 4168
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Tariff of Fees By-law No. 12-282 be amended to establish a new fee of \$67,785 for an Official Plan Amendment – Urban Boundary Expansion application, to be broken into two phases (Phase 1 being \$56,204 and Phase 2 being \$11,671).

EXECUTIVE SUMMARY

The Province has introduced new policy direction in the Growth Plan, 2019, which permits private individuals to apply for an Official Plan Amendment (OPA) to expand the urban boundary, up to a maximum area of 40 ha. As identified in Report PED19146, in recognition of the increased complexity and review requirements for an Official Plan Amendment – Urban Boundary Expansion application, which will utilize staff resources across several Departments and Divisions, a new fee in the amount of \$67,875 is proposed. Public notice of this new fee has been provided in accordance with the City's Public Notice By-law.

Alternatives for Consideration – See Page 3

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

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

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

SUBJECT: New Fee for Privately-Initiated Official Plan Amendment - Urban Boundary Expansion Applications (PED19146(a)) (City Wide) - Page 2 of 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Staff are recommending an increase in the fee for an Official Plan Amendment – Urban Boundary Expansion application to \$67,875.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

May 2, 2019 – The new Growth Plan “A Place to Grow” is released by the Province, which introduces a new policy direction allowing private landowners to submit an application to expand the urban boundary in advance of the completion of the City’s Municipal Comprehensive Review (MCR).

June 18, 2019 – Planning staff report to Committee (Report PED19146) on a proposed strategy to respond to these applications, including an increased application fee of \$67,875. The recommendation, which authorized staff to provide public notice of the new fee in accordance with the City’s Public Notice By-law, was approved by Committee (and ratified by Council on June 26, 2019).

July 19, 2019 – Public Notice of the proposed new fee is advertised in the Hamilton Spectator, in accordance with the City’s Public Notice By-law.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Policy 2.2.8.5 of the Growth Plan, 2019 permits settlement area boundary expansion to occur in advance of the MCR, provided that certain criteria are met, including consideration of servicing, infrastructure natural heritage, and agricultural impacts. Policy 2.2.8.6 identifies that the maximum expansion are permitted under policy 2.2.8.5 is 40 ha.

A full policy review and discussion can be found in Report PED19146.

RELEVANT CONSULTATION

As per the City’s Public Notice By-law, notice of the proposed new fee was provided in the Hamilton Spectator on July 19, 2019 (attached as Appendix “A” to Report PED19146(a)).

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SUBJECT: New Fee for Privately-Initiated Official Plan Amendment - Urban Boundary Expansion Applications (PED19146(a)) (City Wide) - Page 3 of 4

ANALYSIS AND RATIONALE FOR RECOMMENDATION

On June 18, 2019, staff reported to Committee (Report PED19146) on a proposed strategy to respond to Official Plan Amendment applications to expand the urban boundary, including an increased application fee of \$67,875, a list of identified studies and requirements for a complete application, and a process for completion of peer reviews.

The basis for the fee increase is due to the complexity of an Official Plan Amendment – Urban Boundary Expansion application and the numerous studies and other materials which will need to be reviewed. A full list of the required studies is included in Report PED19146.

It is anticipated that additional staff hours, across several departments and divisions, will be required in the review of these applications. The recommended fee increase reflects these requirements.

The application fee for the standard OPA is broken down into two phases. Phase 1 is services up to the Council report, and Phase 2 is services subsequent to the council resolution. It is proposed that the Urban Boundary Expansion OPA fee be broken down into two phases consistent with the standard OPA. Should an application for an Official Plan Amendment – Urban Boundary Expansion be denied by Council, the Phase 2 (post-Council decision) portion of the application fee will be refunded to the applicant. The breakdown is as follows:

Phase 1 - \$56,204
 Phase 2 - \$11,671
 Total - \$67,875

ALTERNATIVES FOR CONSIDERATION

Council could decide not to approve the new fee for an Official Plan Amendment – Urban Boundary Expansion.

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.

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**SUBJECT: New Fee for Privately-Initiated Official Plan Amendment - Urban
Boundary Expansion Applications (PED19146(a)) (City Wide) - Page 4
of 4**

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Public Notice

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

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

NOTICE TO CITIZENS**AMENDMENT TO CITY OF HAMILTON TARIFF OF FEES BY-LAW 12-282**

WHAT? Amendment to the City of Hamilton Planning and Growth Management Tariff of Fees By-law 12-282 to add a new fee for an Official Plan Amendment application to expand the urban boundary, to be comprised of two phases:

Official Plan Amendment – Urban Boundary Expansion: \$67,875
(Phase 1 - \$56,204 and Phase 2 - \$11,671)

The areas impacted by this fee are city-wide.

WHEN? Tuesday, August 13, 2019
9:30 a.m.

WHERE? Council Chambers, 2nd Floor
City Hall
71 Main Street West, Hamilton

WHY? To establish a new fee for a privately-initiated application to amend the Official Plan to expand the urban boundary.

The Report to the Planning Committee with respect to the By-law amendment will be available at <https://www.hamilton.ca/council-committee> on Wednesday, August 7, 2019 for anyone wishing to access the Report.

If you would like to speak at the meeting as a delegation, please pre-register with the City Clerk's Office by submitting a "Request to Speak before a Committee of Council Form" **no later than** 12:00 noon on Monday, August 12, 2019 at <https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council-form> or by contacting:

Lisa Chamberlain
Legislative Coordinator, Planning Committee
City Clerk's Office, 71 Main Street West
Hamilton, ON L8P 4Y5
Phone: (905) 546-2424 Ext. 4605 Fax: (905) 546-2095
Email: Lisa.Chamberlain@hamilton.ca

Written submissions will also be accepted up to 12:00 noon on Monday, August 12, 2019 and can be forwarded by e-mail or fax to the above-noted e-mail address / number.

Contact: For further information, please contact:

Heather Travis, Senior Project Manager
Planning & Economic Development Department

City of Hamilton
71 Main Street West, 4th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 Ext. 4168
E-Mail: Heather.Travis@Hamilton.ca

This Notice is issued Friday, July 19, 2019.

Authority: Item
Report (PED)
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend By-law No. 12-282, as amended by By-law No. 19-108, Respecting
Tariff of Fees**

WHEREAS Section 69 of the *Planning Act*, R.S.O 1990, Chapter 13, as amended, authorizes municipalities to enact a by-law to prescribe a Tariff of Fees for the processing of applications made in respect of planning matters;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O.2001, c. 25, as amended, authorizes municipalities to enact by-laws to impose fees on any class of person for services or activities provided or done by or on behalf of the municipality;

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

1. That By-law No. 12-282, as amended by By-law No. 19-108, be updated to include the following new fee in Schedule "A":

Official Plan Amendment – Urban Boundary Expansion (comprised of Phase 1 and Phase 2 fee)	\$67,875
a) Phase 1 – Services up to City Council Report	\$56,204
b) Phase 2 – Services subsequent to Council Resolution approval	\$11,671

2. The new fee for Official Plan Amendment – Urban Boundary Expansion is hereby approved and adopted.
3. The fee shall be paid at the time of and with the making of an Official Plan Amendment – Urban Boundary Expansion application.
4. No application for an Official Plan Amendment – Urban Boundary Expansion shall be deemed to have been made, provided or completed, and no application

To Amend By-law No. 12-282, as amended by By-law No. 19-108, Respecting Tariff of Fees

shall be received, unless the appropriate fee is paid in accordance with this By-law.

5. The amount of the fee for an Official Plan Amendment – Urban Boundary Expansion shall be adjusted annually by the percentage change during the preceding year of the Consumer Price Index (CPI) for Toronto, and the resulting figures shall be rounded off to the nearest five (\$5.00) dollar interval.
6. This By-law shall be deemed to have come into force on August 16, 2019.

PASSED and ENACTED this 16th day of August, 2019.

Fred Eisenberger
Mayor

A. Holland
City Clerk



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2019
SUBJECT/REPORT NO:	Bill 108, <i>More Homes, More Choice Act, 2019</i> – Ontario Proposed Changes to the Land Use Planning and Appeals System (PED19125(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Anita Fabac (905) 546-2424 Ext. 1258
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

BACKGROUND

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019*, was introduced in the Legislative Assembly and received first reading. Bill 108 received Royal Assent on June 6, 2019. On June 21, 2019, the Province released proposed new regulations and regulation changes under the *Planning Act*, including transition matters, related to Schedule 12 of Bill 108 and the *Local Planning Appeal Tribunal Act*. Changes that have not been addressed in the proposed transition regulations would apply immediately upon the coming into force of those changes.

This Report serves to provide an update on the proposed regulations and regulation changes. Input from Legal Services has been incorporated into the Report.

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SUBJECT: Bill 108, *More Homes, More Choice Act, 2019* – Ontario Proposed Changes to the Land Use Planning and Appeals System (PED19125(a)) (City Wide) - Page 2 of 4

PROPOSED NEW REGULATION AND REGULATION CHANGES

The Province has not posted an actual draft regulation, but rather has posted a notice of intent to issue a regulation. As such, staff are responding to the notice of intent which is less specific than actual regulation.

The following changes which are part of Schedule 12 to Bill 108 and the *Local Planning Appeal Tribunal Act* have been proposed:

Transition

LPAT Appeals

- Two regulatory changes include:
 - Revoking Ontario Regulation 102/18 “Planning Act Appeals”; and,
 - Creating a new regulation to establish rules for how or whether OMB Legacy appeals and the Bill 139 LPAT appeals will be transitioned.
- The new regulation includes rules for how existing and future planning appeals will be treated. The rules being proposed are as follows:
 - OMB Legacy appeals will be transitioned to be Bill 108 LPAT appeals, but without a requirement for a Case Management Conference (“CMC”);
 - For OMB appeals that had previously been transitioned into Bill 139 LPAT appeals, if a “hearing of the merits” has been scheduled before Bill 108 comes into force, then the matter will be continued as a Bill 139 LPAT appeal. If a hearing of the merits has not been scheduled, then it will be transitioned into a Bill 108 LPAT appeal;
 - For existing Bill 139 LPAT appeals, if a hearing of the merits has been scheduled before Bill 108 comes into force, then the appeal will continue as a Bill 139 LPAT appeal. If a hearing of the merits has not been scheduled, then it will be transitioned into a Bill 108 LPAT appeal; and,
 - Appeals filed on or after Bill 108 comes into force will proceed as Bill 108 LPAT appeals.

SUBJECT: Bill 108, *More Homes, More Choice Act, 2019* – Ontario Proposed Changes to the Land Use Planning and Appeals System (PED19125(a)) (City Wide) - Page 3 of 4

Appeals for Draft Plan of Subdivision

- Clarification on transition has been included which states that the removal of appeals other than by key participants for draft plans of subdivisions, conditions or changes to conditions would apply where: notice of the decision is given or conditions are appealed other than at the time of draft approval on or after the day the proposed changes come into force.

Decision Timelines

- Reduction for decision timelines on applications for official plan amendments (120 days), zoning by-law amendments (90 days, except where concurrent with official plan amendments for same proposal) and plans of subdivision (120 days) would apply to complete applications submitted after Royal Assent.

Community Planning Permit System

- A change is proposed to the regulation that would remove the ability to appeal the implementing by-law.

Second Units

- A regulation is proposed which may require municipalities to permit tandem parking, not require parking for second units if the primary residential use does not require parking, and a definition for tandem parking, as well as permitting second units regardless of whether a primary unit is occupied by the owner of the property and without regard to the date of construction of the primary or ancillary building.

Housekeeping Regulatory Changes

- Housekeeping changes are required in Ontario Regulation 544/06 “Plans of Subdivision” and Ontario Regulation 543/06 “Official Plans and Plan Amendments” to remove reference to the redundant notice of a subdivision application and the notice requirements for non-decision appeals, which would no longer be necessary.
- Housekeeping changes are required in Ontario Regulation 232/18 “Inclusionary Zoning” to remove the restrictions and prohibitions in respect of the municipal authority under section 37 (Increased Density) with inclusionary zoning.

Staff provided comments to the Province on the proposed new regulations in a letter dated July 26, 2019, attached as Appendix “A” to Report PED19125(a).

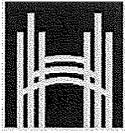
SUBJECT: Bill 108, *More Homes, More Choice Act, 2019* – Ontario Proposed Changes to the Land Use Planning and Appeals System (PED19125(a)) (City Wide) - Page 4 of 4

Next Steps

The changes proposed by Bill 108 would only come into force upon each individual schedule's proclamation. Given the unknowns with respect to the regulations necessary to implement the changes proposed in Bill 108, a further report discussing the changes in detail along with implementation measures will be prepared for Council's consideration if Bill 108 is enacted.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Letter to the Province dated July 26, 2019



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 Fax: 905.546.4202
Email: Steve.Robichaud@hamilton.ca

Hamilton

July 26, 2019

Planning Act Review
Provincial Planning Policy Branch
777 Bay Street
13th floor
Toronto, ON
M5G 2E5

Re: Proposed New Regulation and Regulation Changes Under the Planning Act, Including Transition Matters, Related to Schedule 12 of Bill 108 and the Local Planning Appeal Tribunal Act

Dear Sir or Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on the proposed new regulations and regulation changes under the Planning Act, including transition matters, related to Schedule 12 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make.

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,

A handwritten signature in black ink, appearing to read "Stephen Robichaud".

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 Submission on Bill 108 – Proposed New Regulations and Regulation Changes under the *Planning Act*, Including Transition Matters, Related to Schedule 12 and the Local Planning Appeal Tribunal Act

The following are the City's comments:

Transition

LPAT Appeals

- Two regulatory changes include:
 - Revoking Ontario Regulation 102/18 "Planning Act Appeals"; and,
 - Creating a new regulation to establish rules for how or whether OMB Legacy appeals and the Bill 139 LPAT appeals will be transitioned.

Comment

The revocation of the "Planning Act Appeals" regulation has a number of significant consequences. As it currently stands, this is the regulation that contains the mandatory timelines for *Planning Act* appeals, which are currently set at ten months for decision/non-decision appeals of official plan or zoning matters, six months for other planning appeal types, and twelve months for approval authority non-decision appeals. The regulation also contains time limits on oral submissions at hearings as well as the restriction on witness examinations before a hearing.

While it is necessary to revoke the examination restrictions in this regulation in light of the Bill 108 changes, it is unclear how or why eliminating the time limits on the LPAT decision-making or oral submissions is consistent with the Province's objective for Bill 108 is to speed up the decision-making of planning approvals. Ultimately, these changes seem to allow unlimited time to be given for parties to make submissions and for the LPAT to making decisions, contrary to the Province's stated objectives for Bill 108.

- The new regulation includes rules for how existing and future planning appeals will be treated. The rules being proposed are as follows:
 - OMB Legacy appeals will be transitioned to be Bill 108 LPAT appeals, but without a requirement for a Case Management Conference ("CMC");
 - For OMB appeals that had previously been transitioned into Bill 139 LPAT appeals, if a "hearing of the merits" has been scheduled before Bill 108 comes into force, then the matter will be continued as a Bill 139 LPAT appeal. If a hearing of the merits has not been scheduled, then it will be transitioned into a Bill 108 LPAT appeal;

- For existing Bill 139 LPAT appeals, if a hearing of the merits has been scheduled before Bill 108 comes into force, then the appeal will continue as a Bill 139 LPAT appeal. If a hearing of the merits has not been scheduled, then it will be transitioned into a Bill 108 LPAT appeal; and,
- Appeals filed on or after Bill 108 comes into force will proceed as Bill 108 LPAT appeals.

Comment

As currently proposed, the critical factor in whether a matter will continue as a Bill 139 LPAT appeal versus a Bill 108 LPAT appeal is whether or not a “hearing of the merits” has been scheduled. Under the Bill 139 LPAT system, immediately after the initiation of an appeal, significant time and resources are required to be expended by the appellants and the City: significant documentation required to prepare the mandatory Enhanced Municipal Record has been undertaken, and the Tribunal’s Rules require an Appeal Record and a Responding Record be filed containing all documents and affidavits to be relied upon for the case. The appellant’s entire argument and case is required to be submitted through the appellant’s Case Synopsis, and the City’s responding case is also required. Effectively, each party’s entire case is required to be entered into the record prior to even the first case management conference, let alone hearing of the merits. If the Province proceeds with the regulation as proposed, this will effectively cause all of the time, money, and resources used to prepare those cases to be wasted – also significantly delaying the final outcomes for decisions on those matters.

In order to ensure that minimal time and resources are not wasted in the transition, as well as to ensure timely decision-making (both outcomes which are consistent with the purported objectives of Bill 108), the critical factor to determine transition should be whether the Tribunal has decided upon validation. At this point in the proceeding, an appeal letter has been filed but none of the other significant outlays of time and resources have been spent and cases have not been filed. Setting the transition at this point in the proceeding will provide certainty as to whether a matter is transitioned or not and not waste significant time and resources spent on preparing and submitting a case.

Appeals for Draft Plan of Subdivision

- Clarification on transition has been included which states that the removal of appeals other than by key participants for draft plans of subdivisions, conditions or changes to conditions would apply where: notice of the decision is given or conditions are appealed other than at the time of draft approval on or after the day the proposed changes come into force.

Comment

- Clarification should be given regarding “the day the proposed changes come into force” and whether this would be Royal Assent (June 6, 2019) or Proclamation.

Decision Timelines

- Reduction for decision timelines on applications for official plan amendments (120 days), zoning by-law amendments (90 days, except where concurrent with official plan amendments for same proposal) and plans of subdivision (120 days) would apply to complete applications submitted after Royal Assent.

Comment:

- While the City acknowledges that the new decision timelines would not be grandfathered for applications deemed complete prior to June 6, 2019, the City continues to not support the proposed changes to the timeframe for non-decision appeals contained within Bill 108 and continues to request the Province to retain the existing *Planning Act* timeframes.

Community Planning Permit System

- A change is proposed to the regulation that would remove the ability to appeal the implementing by-law.

Comment:

- The City has no comment.

Second Units

- A regulation is proposed which may require municipalities to permit tandem parking, not require parking for second units if the primary residential use does not require parking, and a definition for tandem parking, as well as permitting second units regardless of whether a primary unit is occupied by the owner of the property and without regard to the date of construction of the primary or ancillary building.

Comment:

- The regulation should clarify if this is to be mandatory for municipalities. If this will be mandatory, the Province should use the word "shall". The City supports the proposed regulation with the exception of tandem parking as tandem parking is not operationally feasible and not viable. It has the potential to create issues between occupants. The City continues to emphasize that issues such as compatibility, context and appropriate zoning standards need to be evaluated.

Housekeeping Regulatory Changes

- Housekeeping changes are required in Ontario Regulation 544/06 "Plans of Subdivision" and Ontario Regulation 543/06 "Official Plans and Plan Amendments" to remove reference to the redundant notice of a subdivision application and the notice requirements for non-decision appeals, which would no longer be necessary.

Comment:

- The City has no comment.
- Housekeeping changes are required in Ontario Regulation 232/18 "Inclusionary Zoning" to remove the restrictions and prohibitions in respect of the municipal authority under section 37 (Increased Density) with inclusionary zoning.

Comment:

- The City has no comment.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2019
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (Hamilton) (PED19149) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

That **Revised Zoning By-law Amendment Application ZAC-18-046, by Tuscany Hill Homes (Dominic Chiaravalle, Owner)**, for a change in zoning from the “C” (Urban Protected Residential, etc.) District to the “D/S-1785” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, to permit the development of two semi detached dwellings on lands located at 360 Mohawk Road West (Hamilton), as shown on Appendix “A” to Report PED19149, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED19149, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2019), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is for a change in zoning from the “C” (Urban Protected Residential, etc.) District to a site specific “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to permit the development of two semi

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (PED19149) (Ward 14) - Page 2 of 13

detached dwellings (four units). Modifications to the minimum lot area and minimum lot frontage are proposed to facilitate the development.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Background:

The subject property is located on the northwest corner of the Mohawk Road West intersection with West 15th Street and is municipally known as 360 Mohawk Road West. The subject lands are 0.105 ha in size and are currently vacant. The lands were previously developed with a one room school house which has since been demolished.

Chronology:

<u>August 30, 2018:</u>	Application ZAC-18-046 received.
<u>September 14, 2018:</u>	Application ZAC-18-046 deemed complete.
<u>September 27, 2018:</u>	Notice of Complete Application and Pre-Circulation was mailed to 104 property owners within 120 m of the subject property.
<u>October 3, 2018:</u>	A Public Notice sign was established on the property.
<u>March 25, 2019:</u>	Revised concept received.
<u>July 17, 2019:</u>	Public Notice sign updated to reflect the date of Public Meeting.
<u>July 26, 2019:</u>	Circulation of Notice of Public Meeting to 104 property owners within 120 m of the subject property.

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (PED19149) (Ward 14) - Page 3 of 13

Zoning By-law Amendment (ZAC-18-046)

The lands are currently zoned “C” (Urban Protected Residential, etc.) District in the Hamilton Zoning By-law No. 6593. The initial submission of the application was for a change in zoning from the “C” (Urban Protected Residential, etc.) District to a modified “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to permit two semi detached dwellings having access from West 15th Street and a single detached dwelling having access from Mohawk Road West for a total of five dwelling units.

In response to staff concerns with respect to the extent of the proposed modifications required to the Zoning By-law to implement this initial proposal and Transportation Planning concerns regarding access from Mohawk Road West, the applicant revised the proposal to two semi detached dwellings (four units) all proposed to be accessed from West 15th Street. The following modifications are now proposed:

- Minimum lot area of 480 sq m for a two family dwelling instead of a minimum 540 sq m; and,
- Minimum lot frontage of 13.5 m for a two family dwelling instead of a minimum 18 m.

Staff have also included a further modification to prohibit driveway access from Mohawk Road West.

Future Consent Applications will be required to create the lots.

DETAILS OF SUBMITTED APPLICATION:

Owner: Tuscany Hill Homes (Dominic Chiaravalle, owner)

Agent: IBI Group

Location: 360 Mohawk Road West (Hamilton) (see Appendix “A” to Report PED19149)

<u>Property Size:</u>	Frontage	32.95 m (Mohawk Road West)
	Area	0.1057 ha
	Depth	33.9 m

Servicing: Full Municipal Services

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (PED19149) (Ward 14) - Page 4 of 13

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	“C” (Urban Protected Residential, etc.) District
<u>Surrounding Lands:</u>		
North	Single detached dwellings	“C” (Urban Protected Residential, etc.) District
East	Single detached dwellings	“C” (Urban Protected Residential, etc.) District
South	Single detached dwellings	“C” (Urban Protected Residential, etc.) District
West	Single detached dwellings	“C” (Urban Protected Residential, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019).

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

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

“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.”

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (PED19149) (Ward 14) - Page 5 of 13

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 2) Local knowledge associates areas with historic events/activities/occupations;
- 3) In an area of sandy soil in areas of clay or stone; and,
- 4) 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 application. As part of a previous application (FC-17-093), a Stage 1-2 (P029-0941-2017) archaeological report for the subject property was submitted to the City and the Ministry of Tourism, Culture and Sport. The Province signed off on the reports for compliance with licensing requirements in a letter dated February 12, 2018. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2014, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

Urban Hamilton Official Plan

The subject lands are identified as "Secondary Corridor" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan. The following policies, amongst others, apply to the proposal:

Noise

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

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (PED19149) (Ward 14) - Page 6 of 13

- B.3.6.3.11 Design of noise mitigation measures adjacent to collector roads, or major or minor arterial roads shall address streetscape quality through compliance with the following policies:
- a) Noise mitigation measures shall avoid the use of noise barriers (walls and berms) wherever possible.
 - b) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed.
 - c) The use of noise barriers shall be prohibited adjacent to Primary, Secondary, or Potential Expansion of Secondary Corridors designated on Schedule E – Urban Structure, and adjacent to pedestrian focus streets as identified in Section E.4.3 – Pedestrian Focus Streets.
 - d) Noise mitigation measures shall comply with Section 3.3 – Urban Design Policies, and all other design policies of this Plan unless it is determined in the detailed noise study, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.”

The subject lands have direct frontage on Mohawk Road West, which is a designated Major Arterial Road. Accordingly, a Noise Feasibility Study prepared by RWDI, dated August 13, 2018 was submitted. At minimum, a 2.0 m high acoustical barrier will be required for the semi detached dwelling unit adjacent to Mohawk Road West and warning clauses for each dwelling unit will be included in all future purchase / sale and lease agreements that will be implemented through a future Consent Application.

The applicant has indicated that this wall will be in the form of a board on board fence which will not provide the appearance of an engineered noise wall and will not negatively impact the streetscape of Mohawk Road West to any greater extent than a regular solid fence, which is permitted as of right. The proposed orientation of the development, facing West 15th Street, will provide a safer interface with the public realm by providing driveway access from a Local road instead of a Major Arterial road and will reduce potential traffic conflicts with other users of the road. Staff are of the opinion that the design and layout of the site provides for the most practical development orientation of the lands. A final Detailed Noise Study will be required as part of the Consent Applications to finalize the details of the required noise mitigation measures.

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (PED19149) (Ward 14) - Page 7 of 13

Natural Heritage

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

The applicant has submitted a Tree Removal and Landscape Plan prepared by Marton Smith Landscape Architects (dated August 29, 2018) which identifies several trees in conflict with the proposed development. Minor modifications to the Tree Protection Plan are required which will be finalized as part of the future Consent Applications.

Daylight Triangles

“C.4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:

- a) Local to local roads: 4.57 m triangle or radius;
- c) Arterial to collector or arterial (Urban): 12.19 m x 12.19 m triangle.”

The subject lands are located at the intersection of Mohawk Road West and West 15th Street, which are designated as Major Arterial and Local roads, respectively. Through detailed review of the development, staff are satisfied that the local triangle having dimensions of 4.57 m by 4.57 m is sufficient for this intersection and reflects a similarly dimensioned daylight triangle provided at the opposite end of the intersection.

Urban Corridors

“E.2.4.2 Urban Corridors are a separate structural element from the Neighbourhoods, which are set out in Section E.2.6, however in many locations, Urban Corridors function as an integral part of the surrounding Neighbourhood, and serve as a central focal point.

E.2.4.5 Secondary Corridors shall serve to link nodes and employment areas, or Primary Corridors.

E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (PED19149) (Ward 14) - Page 8 of 13

Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.

- E.2.4.16 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

The subject lands are located along Mohawk Road West which is identified as a Secondary Corridor on Schedule “E” – Urban Structure of the UHOP. The proposed development consists of two semi detached dwellings in an area primarily characterized by single detached dwellings. Accordingly, the proposal will introduce similarly scaled uses within an area dominated by low density development that will minimize shadowing and overview of adjacent properties.

Neighbourhoods

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings.
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.
 - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas,

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yards, heights, and other zoning regulations to ensure compatibility.”

The subject lands are considered to be on the periphery of the neighbourhood, but are consistent with surrounding land uses which are dominated by low density residential uses. The proposed semi detached dwellings are permitted uses under Policy E.3.4.3 and will be restricted in height to three storeys under the implementing zoning by-law. The proposed lot area of 480 sq m and lot width of 13.5 m are compatible with the surrounding developments, which range in size from 345 sq m to approximately 490 sq m for lot areas and 12 m to 14 m for lot widths, with the units having a density of approximately 37.8 units per hectare. The lands will be accessed from West 15th Street, identified as a Local Road to avoid conflicts with Mohawk Road West, a Major Arterial road. While the proposed units are compatible in scale and massing with the surrounding single detached development, they also offer a wider range in use by introducing another housing form in an otherwise homogeneous neighbourhood developed predominantly with single detached dwellings.

Based on the foregoing, the proposal complies with the policies of the UHOP.

Hamilton Zoning By-law No. 6593

The applicant proposes a change in zoning from the “C” (Urban Protected Residential, etc) District to a modified “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District in support of the proposed development, which permits semi detached dwellings. The following modifications are proposed:

- Minimum lot width of 13.5 m for a two family dwelling instead of a minimum 18 m;
- Minimum lot area of 480 sq m for a two family dwelling instead of a minimum 540 sq m; and,
- To prohibit driveway access from Mohawk Road West.

An evaluation of the proposed modifications is included in Appendix “D” to Report PED19149.

RELEVANT CONSULTATION

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

- Corporate Assets & Strategic Planning Division, Public Works Department; and,
- Transit Strategy & Infrastructure Division, Public Works Department.

Forestry and Horticulture Section, Public Works Departments have confirmed there are no municipal trees on site, though street trees would need to be planted. A landscape

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (PED19149) (Ward 14) - Page 10 of 13

plan depicting the quantity and location will be required and would be a condition of the future Consent Applications.

Ministry of Environment, Conservation and Parks (MECP) has noted that the subject lands were previously used as a school and museum before the original building was demolished. As a result, a Phase 1 ESA was submitted to the MECP and City of Hamilton for review. Since the previous uses were considered a sensitive land use and the current proposal is also considered a sensitive land use, the MECP has indicated that filing a Record of Site Condition is not required. MECP have noted no further concerns with the proposal.

Recycling and Waste Disposal, Environmental Services Division, Public Works Department has noted that the lands are eligible for curbside municipal waste collection. Design standards for waste collection have been provided to the applicant for their information.

Transportation Planning, Planning and Economic Development Department have reviewed the proposal and note that an appropriate daylight triangle shall be provided at the West 15th Street and Mohawk Road West intersection. Additionally, direct access from Mohawk Road West is discouraged. The applicant has revised the concept to remove access from Mohawk Road West and has confirmed daylight triangle dimensions with staff to ensure the design is appropriate. However, to ensure the development does not have direct access from Mohawk Road West, staff have included an additional modification into the Draft Zoning By-law to prohibit this orientation of the development (see Appendix “B” to Report PED19149).

Canada Post Corporation has noted that a community mail box may be in conflict with the driveways fronting on West 15th Street. The applicant is coordinating with Canada Post staff to relocate the community mail box on the easterly side of West 15th Street to accommodate the development.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the proposal was sent to 104 property owners within 120 m of the subject lands on September 27, 2018. A Public Notice Sign was posted on the property on October 3, 2018, and updated with the Public Meeting date on July 17, 2019. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act*. Two submissions were received as a result of the circulation and are discussed in the Analysis and Rationale for Recommendation Section of Report PED19149 and attached as Appendix “E” to Report PED19149.

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Public Consultation Strategy

As part of the applicant's Public Consultation Strategy, a neighbourhood meeting was organized by the local Ward Councillor's office prior to the submission of a complete application. The proposal presented to the public included a five storey multiple dwelling. Concerns from the participants at the meeting included scale of development and traffic. The applicant then revised the proposal to five grade oriented units as a result of the feedback and further revised to four units based on comments from the Preliminary Circulation by the City.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow), which encourages compact development within built-up areas;
 - (ii) It complies with and implements the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposal represents good planning by providing a compatible development that is in keeping with existing development in the surrounding area and uses existing infrastructure.
2. The applicant will be required to submit Consent applications in order to facilitate the proposed future residential development. As conditions of approval, the applicant will be required to complete and implement a detailed noise study and finalize the associated Tree Protection Plan.
3. The proposed change in zoning from the "C" (Urban Protected Residential, etc.) District to a site specific "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District will allow for a new housing form in an area primarily comprised of single detached dwellings. The proposed lots are appropriate for the use of the lands which were previously underutilized with a one room school house which has since been demolished. Due to the configuration and size of the subject lands, additional units would not be appropriate beyond what is currently proposed. The site layout reflects the continued development pattern of the lands bound by West 15th Street, West 16th Street, Mohawk Road West, and Sanatorium Road. While the units will not be fronting onto Mohawk Road West, which is identified as a Secondary Corridor, a successful street interface with the Corridor can still be provided by the corner lot with enhanced façade articulation facing Mohawk Road West. The proposed development complies with the UHOP and staff support the

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proposed change in zoning. Two modifications are required to the “D” District which are discussed in Appendix “D” to Report PED19149.

4. Existing watermain, sanitary and storm sewers are available along the frontage of West 15th Street to service the proposed development. The proposed density is in keeping with the available services to support the development.
5. To date, two submissions from the public have been received in response to the public circulation (see Appendix “E” to Report PED19149). The overall concerns from the responses are generally summarized as follows:

Number of Units

One response from the public was concerned with the original proposal of five dwelling units on the subject lands. As a result of public and staff feedback, the development has been revised to a total of four dwelling units.

Parking

Concerns were raised with providing adequate parking on site and avoiding on street parking overflow onto West 16th and West 15th Streets. The applicant will be required to provide all parking on site, either in garages or driveways, in accordance with Hamilton Zoning By-law No. 6593.

Proposed Yard Reductions

A member of the public indicated concerns with the original proposal which included a minimum westerly side yard setback of 0.54 m and could pose fire safety concerns. The applicant has revised the proposal to remove the single detached dwelling along Mohawk Road West to avoid the proposed side yard setback of 0.54 m which was not supported by staff. All dwellings shall have a minimum side yard setback of 1.2 m, in accordance with Hamilton Zoning By-law No. 6593.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the “C” (Urban Protected Residential, etc.) District, which would permit one single detached dwelling.

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.

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (PED19149) (Ward 14) - Page 13 of 13

Healthy and Safe Communities

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

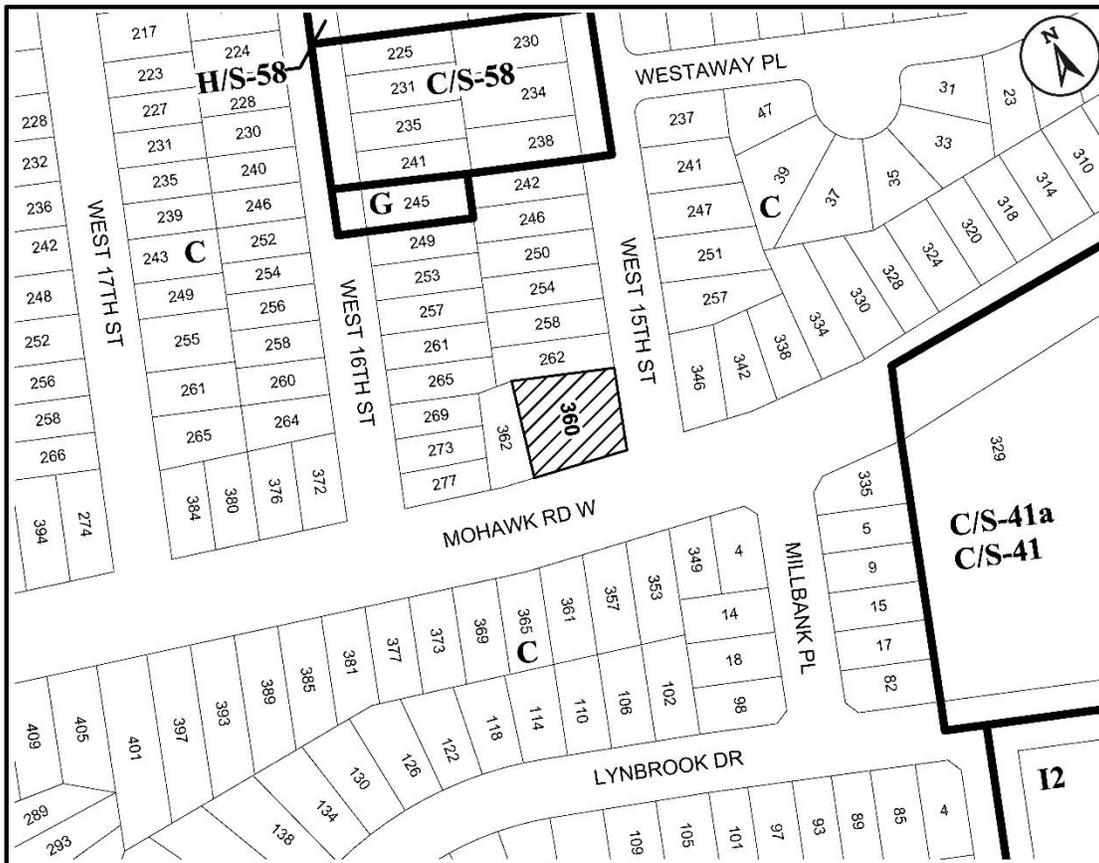
- Appendix "A" – Location Map
- Appendix "B" – Draft Zoning By-law
- Appendix "C" – Concept Plan
- Appendix "D" – Zoning Modification Chart
- Appendix "E" – Public Input

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Appendix "A" to Report PED19149
Page 1 of 1



● Site Location



Key Map - Ward 8

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-18-046

Date:
June 18, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MS/AL

Subject Property

360 Mohawk Road West



Change in Zoning from the "C"
(Urban Protected Residential, etc.) District to the
"D/S-1785" (Urban Protected Residential - One
and Two Family Dwellings, etc.) District, Modified

**Appendix “B” to Report PED19149
Page 1 of 3**

Authority: Item ,
Report (PED19XXX)
CM:
Ward: 14

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 360 Mohawk Road West**

WHEREAS, the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Schedule. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

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

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

WHEREAS, the Council of the Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

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; and,

WHEREAS, this By-law is in conformity with the Urban Hamilton Official Plan.

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

1. That Sheet No. W17c of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended, by changing the zoning from the “C” (Urban Protected Residential, etc.) District to the “D/S-1785” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

Appendix “B” to Report PED19149

Page 2 of 3

2. That the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions are contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
 - (a) That notwithstanding Subsection 4(ii), for a two family dwelling a width of at least 13.5 metres and an area of at least 480 square metres.
 - (b) In addition to Section 10, driveway access shall be prohibited from Mohawk Road West.
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “D” District provisions, subject to the special requirements in Section 2 of this By-law.
4. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1785.
5. That Sheet No. W17c of the District maps be amended by making the lands referred to in Section 1 of this By-law as Schedule S-1785.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this _____ , 2019

F. Eisenberger
Mayor

Andrea Holland
City Clerk

Appendix "B" to Report PED19149
Page 3 of 3

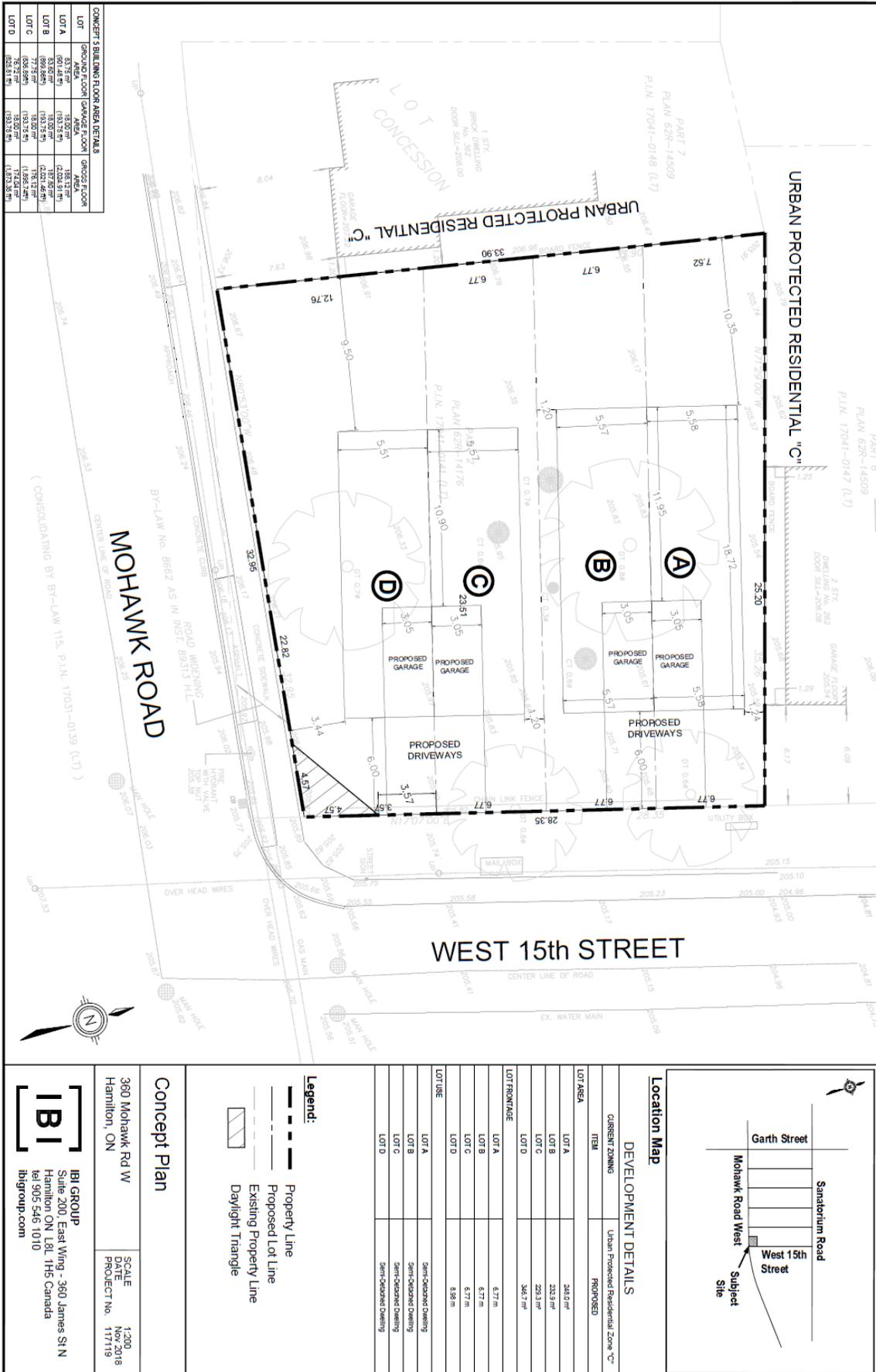


<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 6593</p>	<p>Subject Property 360 Mohawk Road West</p> <p> Change in Zoning from the "C" (Urban Protected Residential, etc.) District to the "D/S-1785" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-18-046</p>	<p>Hamilton</p>
<p>Date: June 18, 2019</p>	<p>Planner/Technician: MS/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Appendix "C" to Report PED19149
Page 1 of 1



Site Specific Modifications to the “D” District

Regulation	Required	Modification	Analysis
Minimum Lot Area for a two family dwelling	540 square metres	480 square metres	The proposed lot area requests an overall reduction of 60 square metres. The proposed reduction acknowledges that the lands are narrow in shape. Staff are satisfied that the proposed reduction will continue to provide an adequate building envelope in terms of yard setbacks, amenity area, and stormwater management. Based on the foregoing, the modification is reasonable and supported by staff.
Minimum lot frontage for a two family dwelling	18 metres	13.5 metres	The proposed modification will allow for a compact development that will appear to be consistent with the surrounding lands in terms of scale and massing of buildings. While the surrounding development consists of single detached dwellings, the frontage for adjacent lands is approximately 12 to 17 metres. The proposed modification will allow for a built form that is compatible with existing surrounding uses. Based on the foregoing, the modification is reasonable and is supported by staff.
Location of Driveway Access	N/A	Prohibit driveway access from Mohawk Road West	The proposed modification has been introduced by staff to implement the site layout and concerns from Transportation Planning Staff. The modification will ensure that access is provided from West 15th Street, which is the preferred orientation by staff. Based on the foregoing, the modification is reasonable and supported by staff.

Appendix “E” to Report PED19149
Page 1 of 2**Schneider, Melanie**

From: [REDACTED]
Sent: October 16, 2018 9:31 PM
To: Schneider, Melanie
Subject: 360 Mohawk Road West

October 16, 2018

Melanie Schneider,

Thank you for notifying us about the changes that have been proposed for the lot at 360 Mohawk Road West.

While we don't have objections to using the property for residential purposes, we are concerned about the number of homes – 5—that are planned for this lot when compared to a lot of similar size on the rest of the block. For example, the houses on 262, 256, and 254 West 15th Street together comprise about the same amount of lot space as 360 Mohawk Road; so 3 houses is a much more reasonable use of the lot at 360 Mohawk Road West than 5.

We especially have concerns about the number of parking spaces that may be required on West 15th and West 16th Streets with the addition of 5 new homes on Mohawk Road. We haven't seen the design for the 5 new homes on the 360 Mohawk Road West lot, but it would be imperative to us that each of the homes has a driveway that will accommodate at least one vehicle – therefore, 5 driveways for the 5 dwellings. Parking isn't allowed on Mohawk Road, so the only other option the residents of these new homes will have will be the side streets. All of the other homes in the Mohawk, West 15th, and West 16th neighbourhood have driveways to limit parking on the streets. Even then, there are many 2 vehicle families in the neighbourhood, so there are always vehicles parked along West 15th and West 16th Street. It would not be acceptable to put the burden on the neighbours around the new housing lot to provide street parking spaces for all of the new homes because driveways are not included in the plans.

Thank you for taking the time to consider our concerns.

We also request that you do not include any of our personal information when you post our concerns on the City's website.

Appendix "E" to Report PED19149
Page 2 of 2**Schneider, Melanie**

From: RYAN O NEILL <ryanone@rogers.com>
Sent: November 6, 2018 12:22 PM
To: Schneider, Melanie
Subject: ZAC-18-046

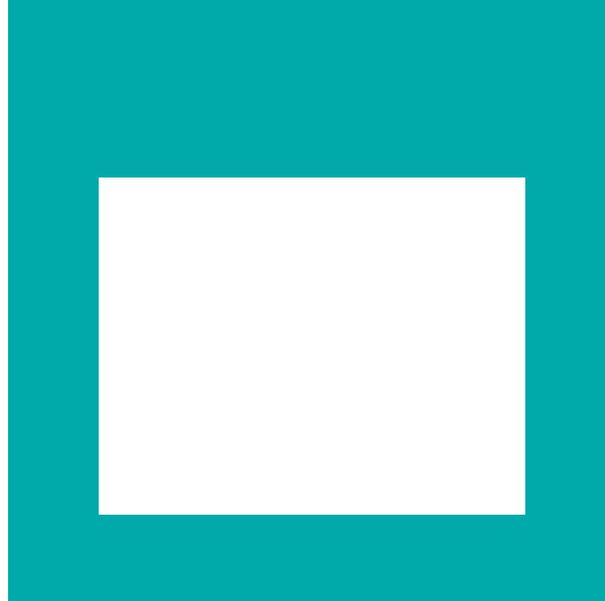
Follow Up Flag: Follow up
Flag Status: Completed

Hello, I was hoping you could help me with some information relevant to the drawing that was attached in this package for ZAC-18-046.

In the drawing for the proposed 2 new townhouses(B&C) and (D&E) there is a detached house (A) in between the new townhouses and the property line to my home. In the drawing it has .54 meters between this new house (A) and my property line, which would be approx 1.77 feet. Is this correct? How is that not a fire safety concern to have a house stuffed that close to another? In By-Law 05-200 Section 4(e) it states that an accessory, such as a shed, has to be .6 meters away, so how can an entire home be built closer than the by-law for a shed?

Also Section 4.5 (a) says that no more than one single detached, semi-detached, or duplex can be built per lot and this has 3 being built on a lot.

Thank you.



WELCOME TO THE CITY OF HAMILTON

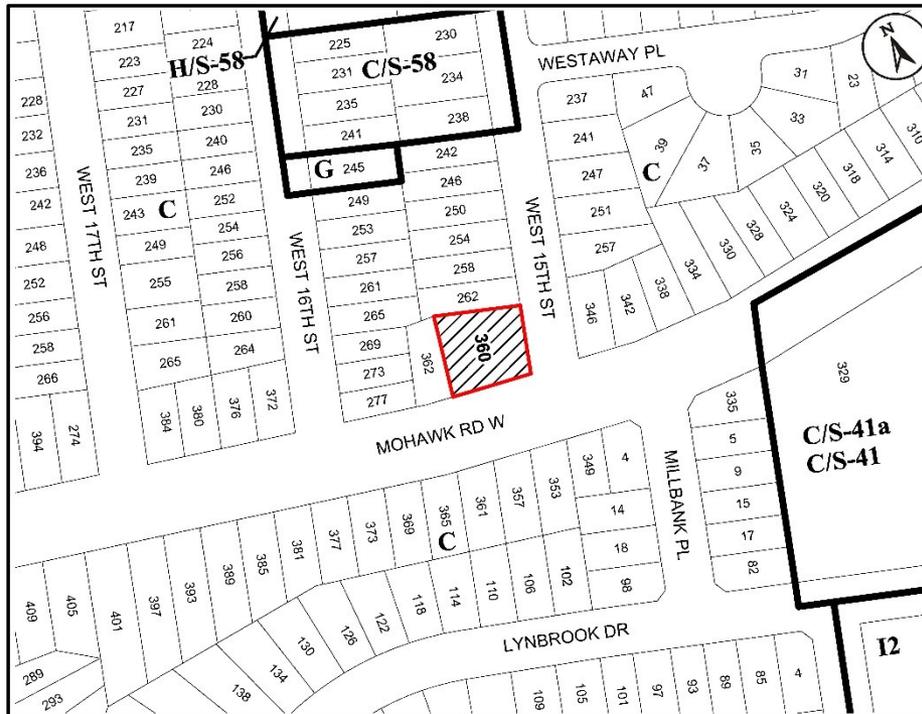
PLANNING COMMITTEE

August 13, 2019

PED19149 – (ZAC-18-046 / UHOPA-17-012)

Application for Zoning By-law Amendment for Lands Located at 360
Mohawk Road West, Hamilton.

Presented by: Melanie Schneider



● Site Location



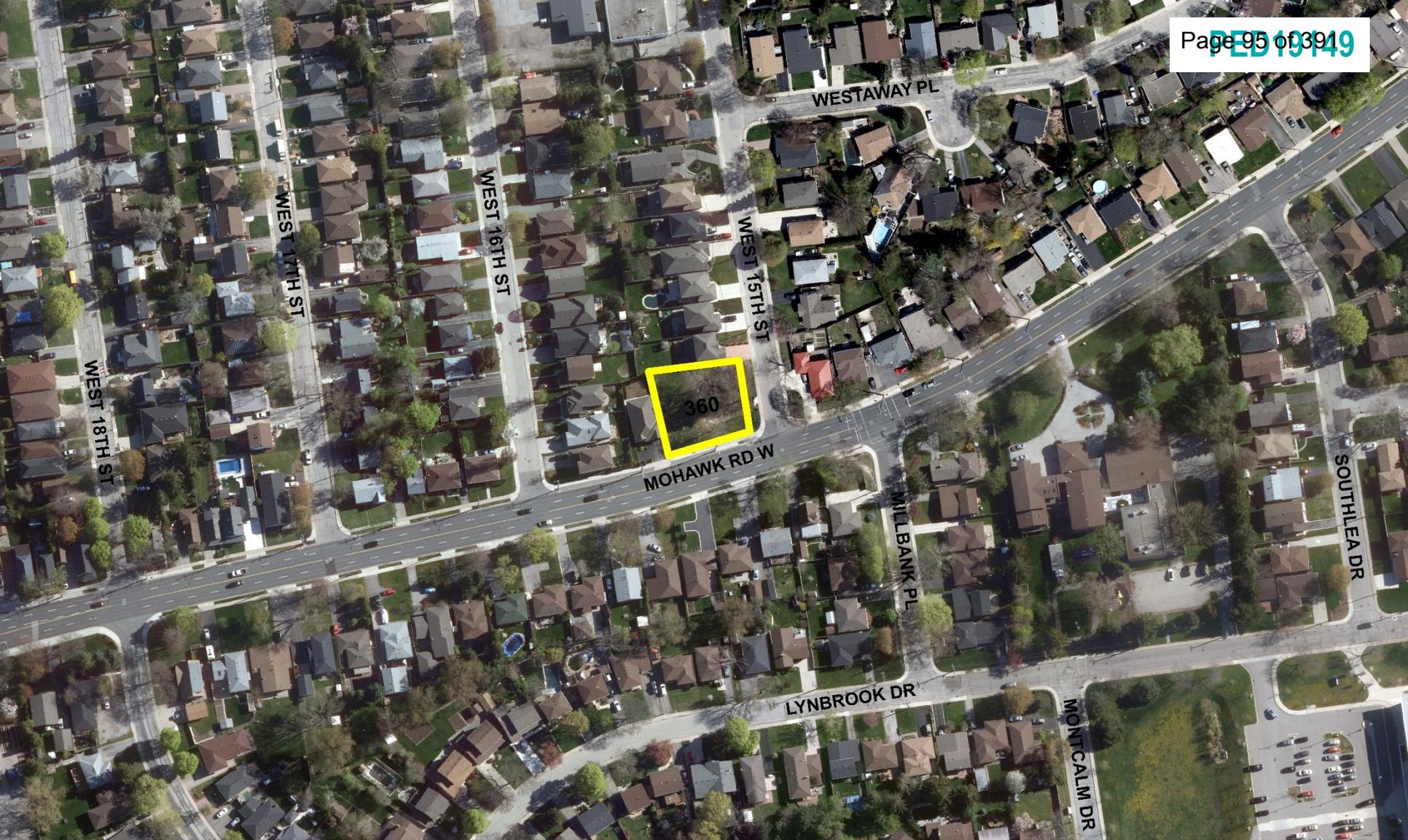
Key Map - Ward 8 N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-18-046	Date: June 18, 2019
Appendix "A"	Planner/Technician: MS/AL
Scale: N.T.S.	

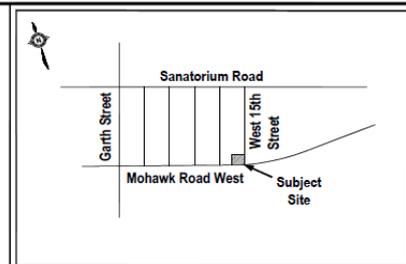
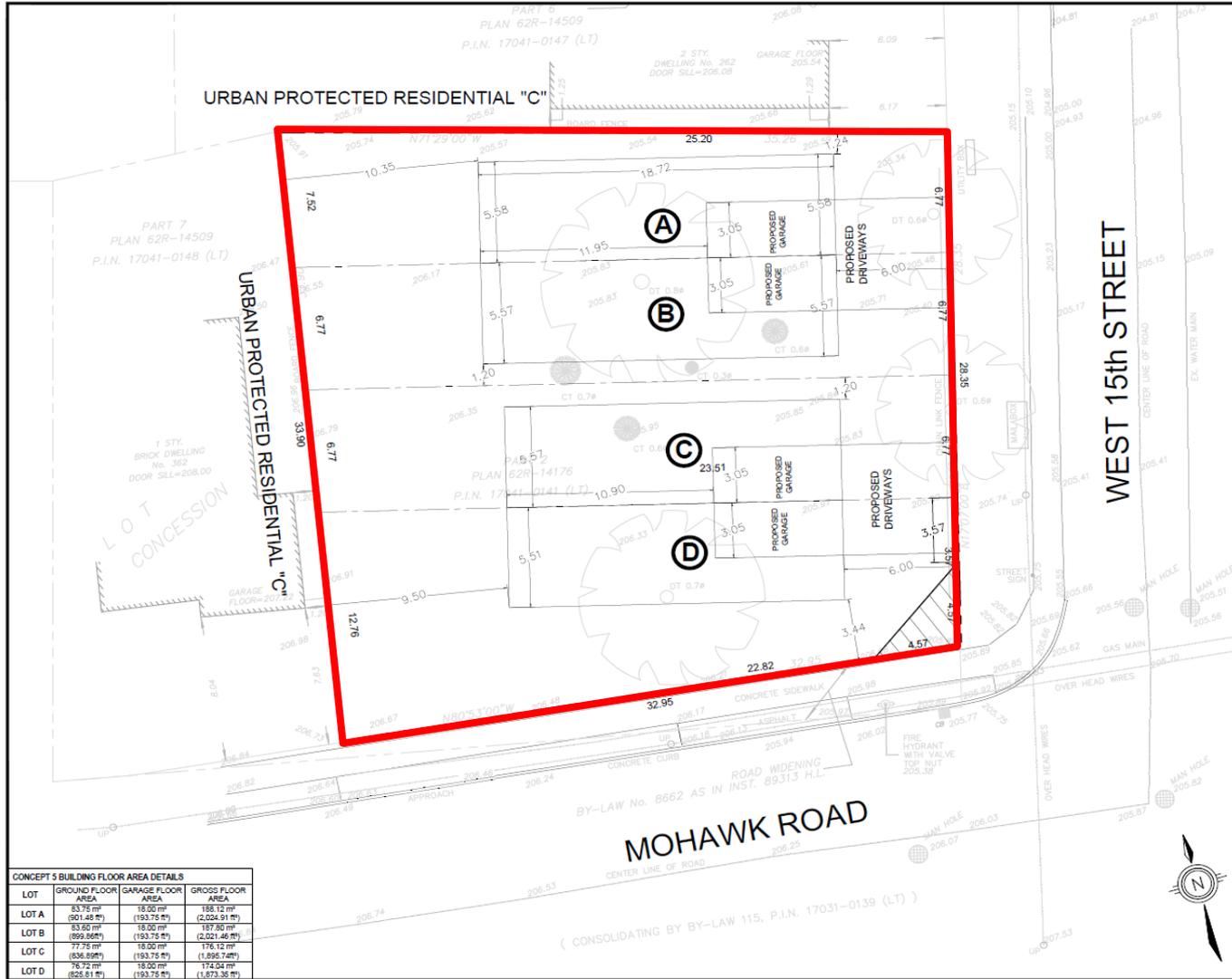
Subject Property
 360 Mohawk Road West
 Change in Zoning from the "C"
 (Urban Protected Residential, etc.) District to the
 "D/S-1785" (Urban Protected Residential - One
 and Two Family Dwellings, etc.) District, Modified



SUBJECT PROPERTY



360 Mohawk Road West, Hamilton



Location Map

DEVELOPMENT DETAILS

CURRENT ZONING		Urban Protected Residential Zone "C"
ITEM	PROPOSED	
LOT AREA		
LOT A		248.0 m ²
LOT B		232.9 m ²
LOT C		229.3 m ²
LOT D		345.7 m ²
LOT FRONTAGE		
LOT A		6.77 m
LOT B		6.77 m
LOT C		6.77 m
LOT D		8.98 m
LOT USE		
LOT A		Semi-Detached Dwelling
LOT B		Semi-Detached Dwelling
LOT C		Semi-Detached Dwelling
LOT D		Semi-Detached Dwelling

Legend:

- Property Line
- Proposed Lot Line
- Existing Property Line
- Daylight Triangle

Concept Plan

360 Mohawk Rd W Hamilton, ON	SCALE DATE PROJECT No.	1:200 Nov 2018 117119
---------------------------------	------------------------------	-----------------------------

IBI GROUP
 Suite 200, East Wing - 360 James St N
 Hamilton ON L8L 1H5 Canada
 tel 905 546 1010
 ibigroup.com

CONCEPT 3 BUILDING FLOOR AREA DETAILS

LOT	GROUND FLOOR AREA	GARAGE FLOOR AREA	GROSS FLOOR AREA
LOT A	83.76 m ² (901.46 ft ²)	18.00 m ² (193.75 ft ²)	188.12 m ² (2,028.91 ft ²)
LOT B	83.50 m ² (899.86 ft ²)	18.00 m ² (193.75 ft ²)	197.90 m ² (2,121.46 ft ²)
LOT C	77.75 m ² (836.89 ft ²)	18.00 m ² (193.75 ft ²)	176.14 m ² (1,896.74 ft ²)
LOT D	76.72 m ² (825.81 ft ²)	18.00 m ² (193.75 ft ²)	174.04 m ² (1,873.36 ft ²)



Subject Lands from Mohawk Road West



Subject Lands from West 15th Street



Existing Single Detached Dwellings to the North



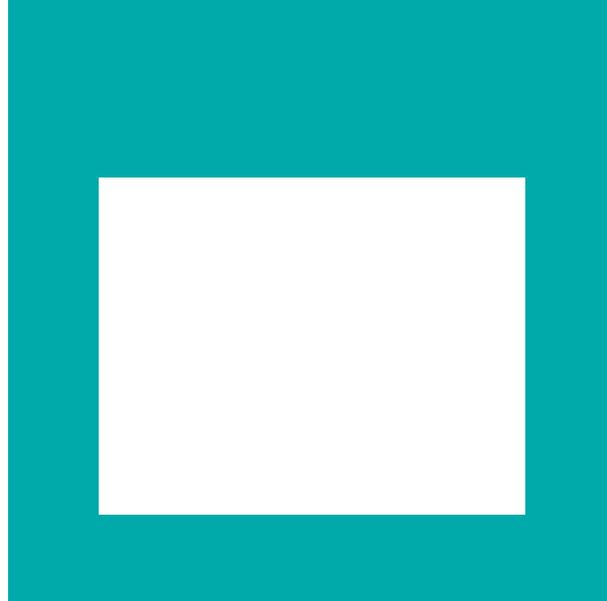
Existing single detached dwelling to the east



Existing single detached dwelling to the west



Existing single detached dwellings to the south on Mohawk Road West



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

Planning Committee

360 Mohawk Road West

Zoning By-law Amendment



IBI GROUP

Scott Arbuckle, MCIP, RPP

360 Mohawk Road West, Hamilton

August 13th 2019

Staff Report PED19149

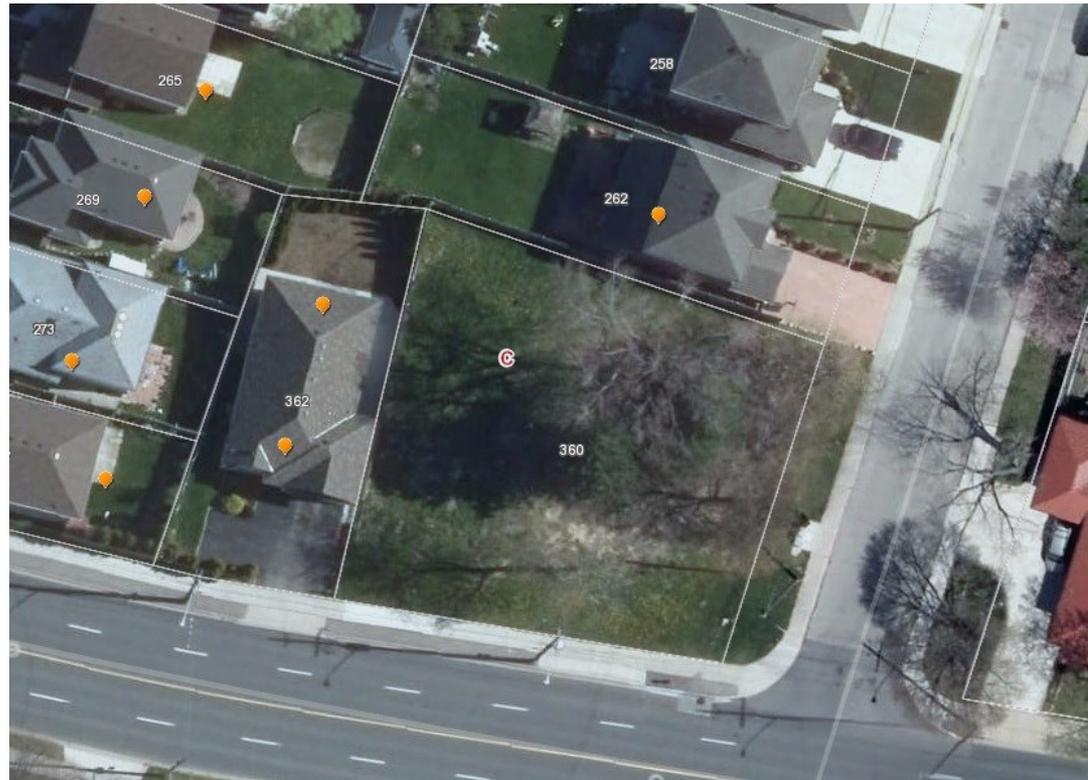
Recommends Approval

Recommendation:

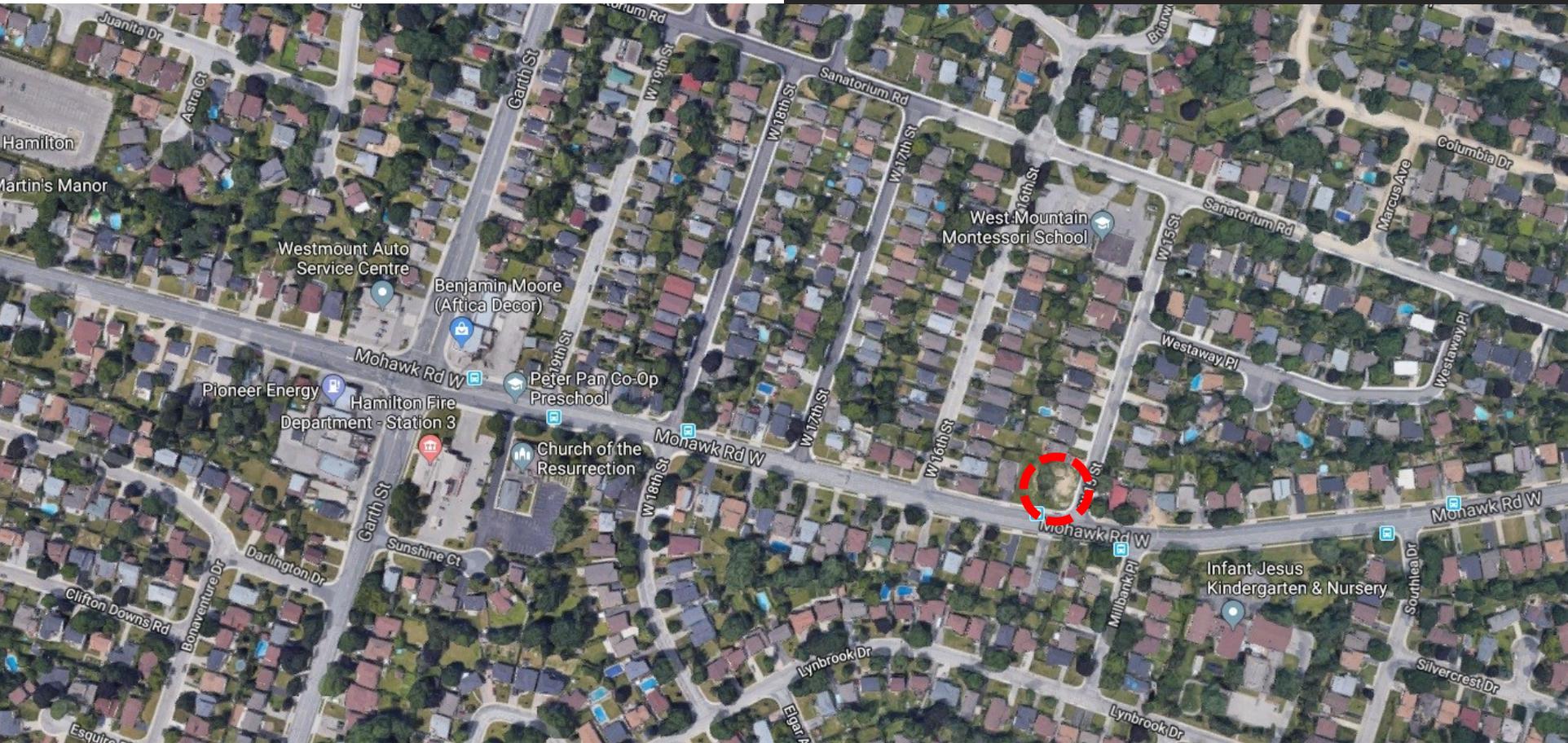
Create 2 semi detached dwellings instead of 2 semi detached dwellings and 1 single detached lot

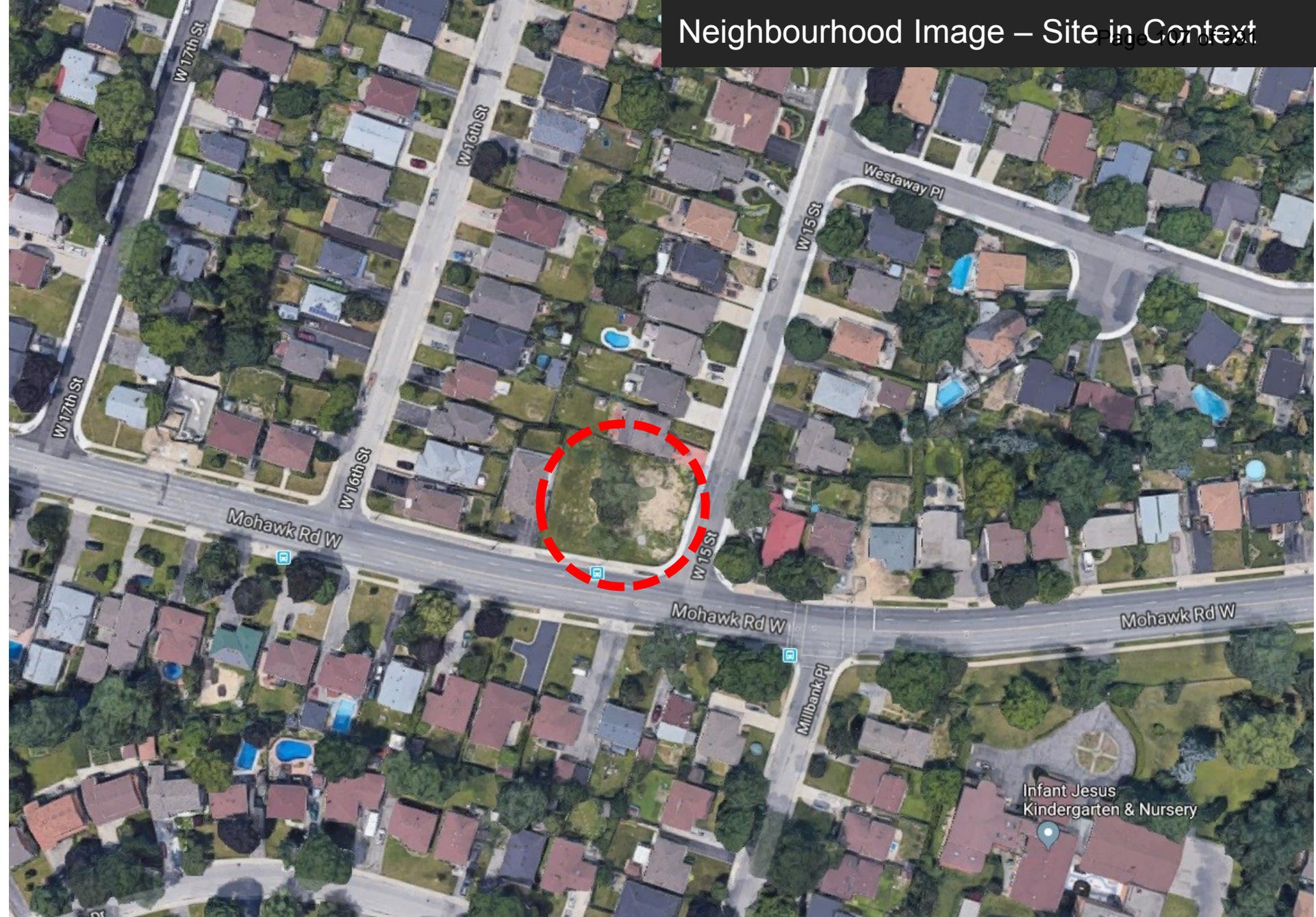
Zoning By-Law Amendment

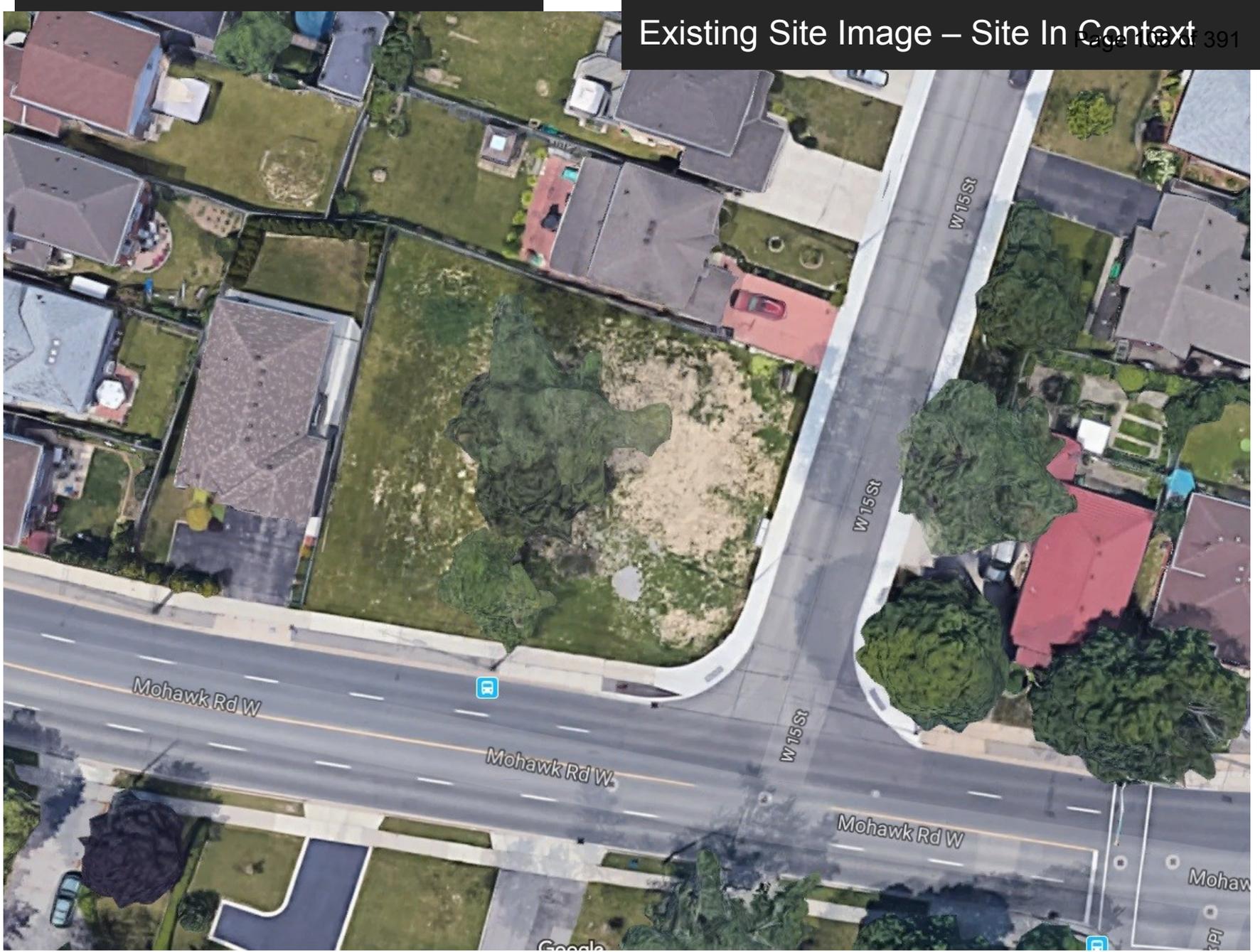
- Modification to lot frontage, setback consistent with the surrounding lotting fabric and prohibiting any driveway access onto Mohawk Road.
- We accept and support the staff recommendation to approve, and the provisions contained in proposed ZBLA



Overview Image – Site in Context





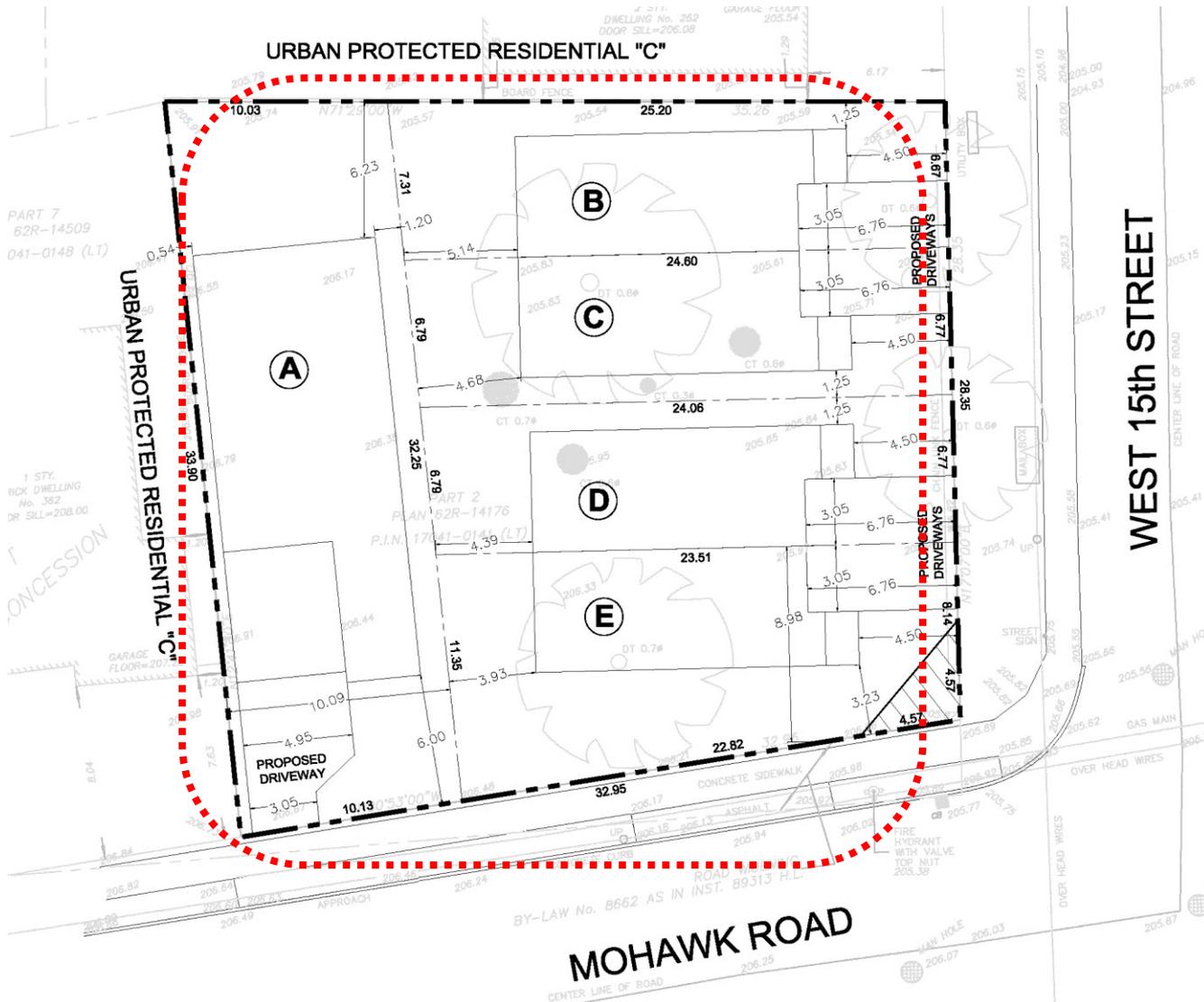


Potential Residential Development – Initial Investigation

Initial Consultation:

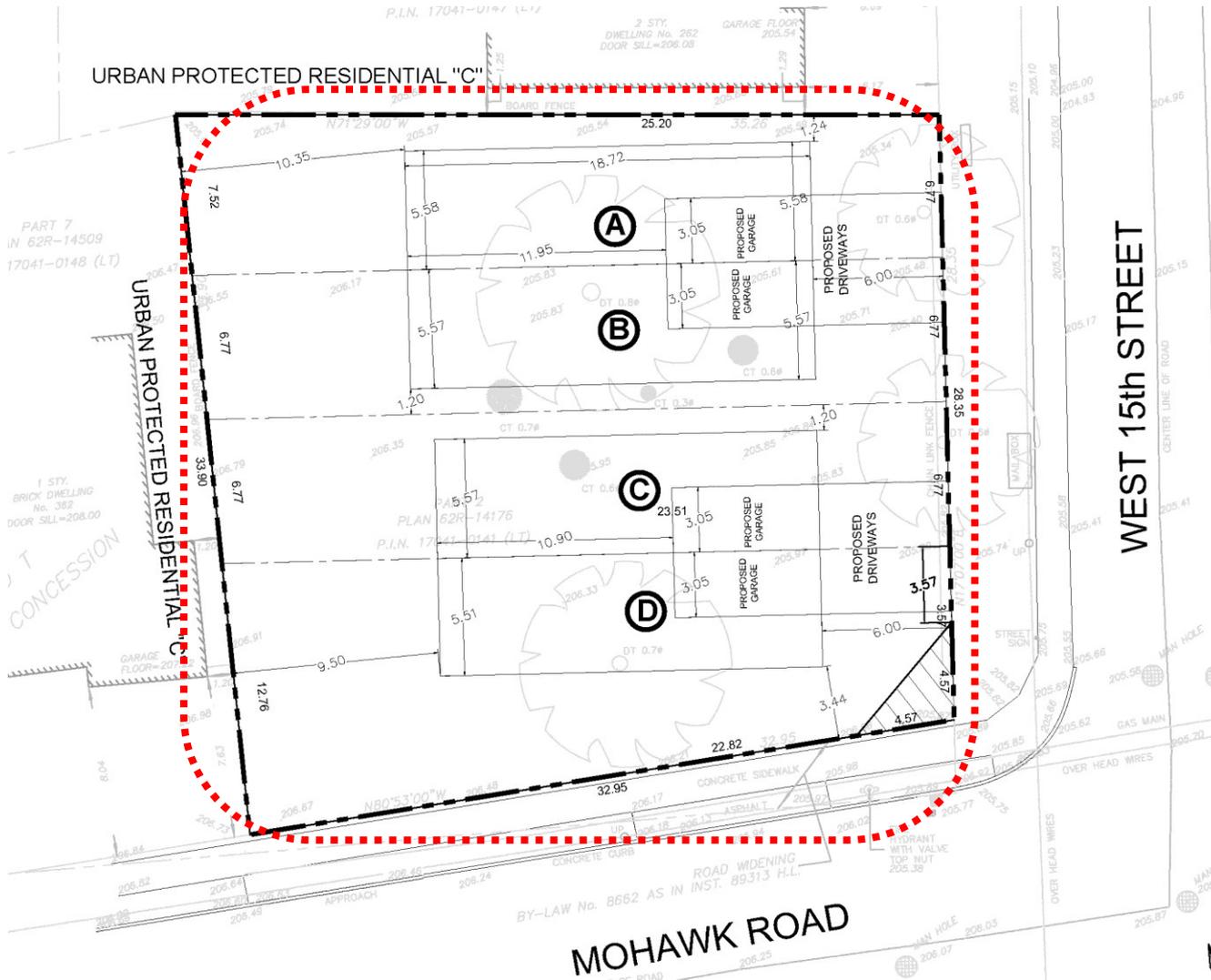
- Back in 2016, a meeting was held at the Westmount Recreation Facility to receive public feedback regarding a potential 3 storey residential apartment.
- Height and servicing were the main concerns for residents; they did not want to see anything past 2 storeys
- Thus an application was never made to the City regarding this potential design

Proposed Residential Development – Original Submission



- Development Proposes:**
- One (1) Single Detached Residential Lot along Mohawk Road
 - 2 Semi Detached Residential Lots (4 units) along West 15th Street

Revised Residential Development – Resubmission

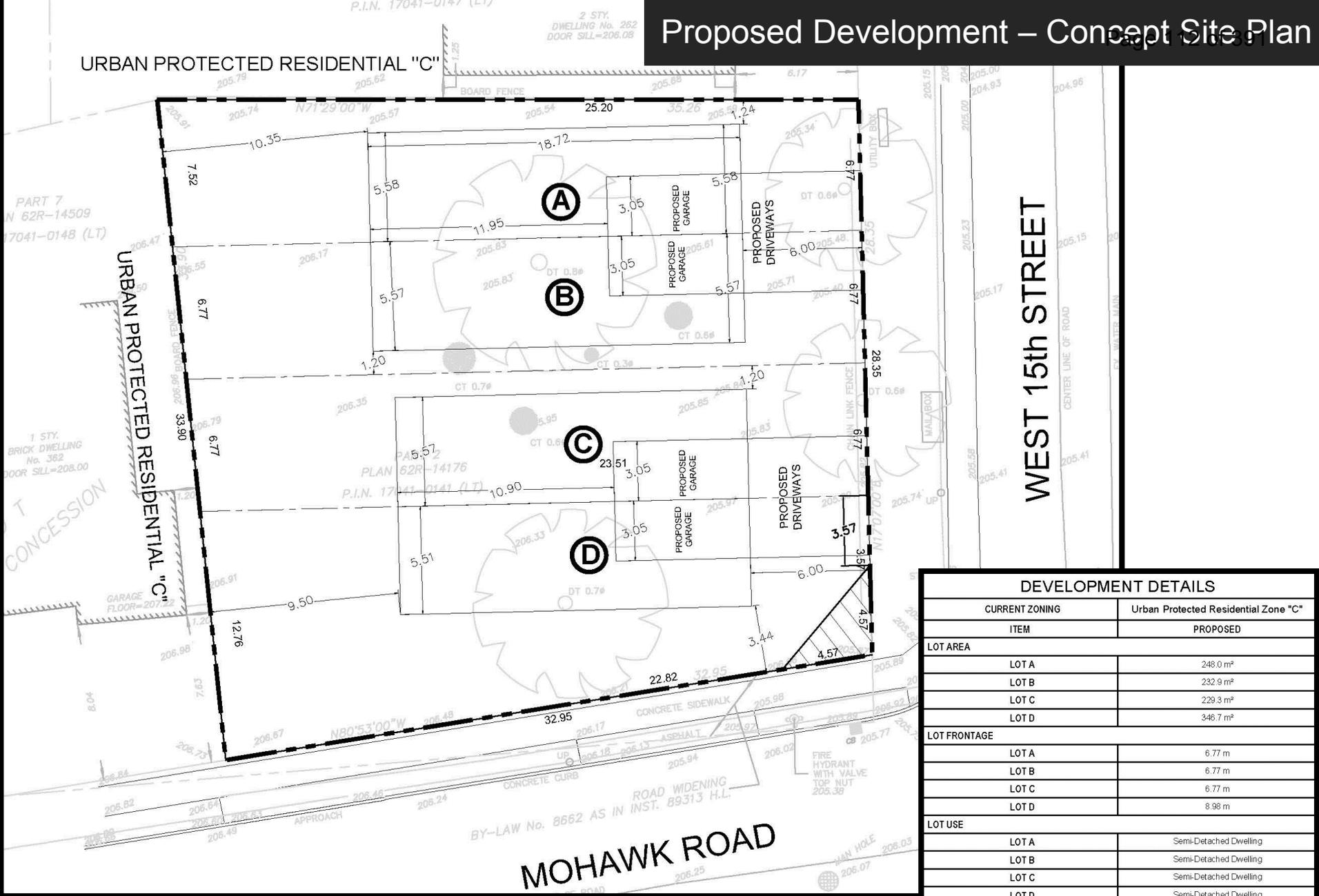


Development Proposes:

- 2 Semi Detached Residential Lots (4 units) along West 15th Street

Proposed Development – Concept Site Plan

URBAN PROTECTED RESIDENTIAL "C"



WEST 15th STREET

MOHAWK ROAD

DEVELOPMENT DETAILS	
CURRENT ZONING	Urban Protected Residential Zone "C"
ITEM	PROPOSED
LOT AREA	
LOT A	248.0 m ²
LOT B	232.9 m ²
LOT C	229.3 m ²
LOT D	346.7 m ²
LOT FRONTAGE	
LOT A	6.77 m
LOT B	6.77 m
LOT C	6.77 m
LOT D	8.98 m
LOT USE	
LOT A	Semi-Detached Dwelling
LOT B	Semi-Detached Dwelling
LOT C	Semi-Detached Dwelling
LOT D	Semi-Detached Dwelling

The proposed development has been designed to:

- **Maintain general continuity in building form with the existing residential uses in the neighbourhood**
- **Provide additional housing types to the neighbourhood to contribute to a complete neighbourhood**
- **Make efficient use of underutilized land and existing infrastructure**

The application is supported by relevant technical studies confirming noise control and servicing measures

Approval of the Rezoning Application ZAC-18-046:

- 1. Conforms to the Planning Act**
- 2. Is Consistent with the PPS 2014**
- 3. Conforms to the Growth Plan, 2017**
- 4. Complies with the Urban Hamilton Official Plan**
- 5. Implements Hamilton Zoning By-Law No. 6593 including site-specific permissions**
- 6. Will allow for physical modifications to site to ensure functional, efficient development that is appropriate in context with the existing neighbourhood**

Thank you!



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2019
SUBJECT/REPORT NO:	Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision "Jackson Heights Extension – Phase 2" for Lands Located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive, Glanbrook (PED19121) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-012 by Rob-Geof Properties Limited c/o Coleman Robinson (Owner)**, for changes in land use designation in Volume 1 Schedule E-1 - Urban Land Use Designations from Utility to Neighbourhoods and from Neighbourhoods to District Commercial; to remove the Parks & General Open Space (Excluding Parkettes) in Volume 1 Schedule B - Natural Heritage System; for changes in designation in Volume 2 Binbrook Village Secondary Plan – Land Use Plan from Low Density Residential 2e, Low Density Residential 2h, Utility, and Parkette to Low Density Residential 2d; from Low Density Residential 2e and Low Density Residential 2h to Low Density Residential 3e; from Low Density Residential 2e and Low Density Residential 2h to District Commercial; in Volume 2 Binbrook Village Secondary Plan – Open Space Linkages to remove the Parkette and Utility identification and add a local road identification; and in Volume 2 Binbrook Village Secondary Plan – Open Space Linkages to add lands to an area specific policy area to permit a density of 41 - 85 units per hectare; and to add a site specific policy to permit

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SUBJECT: Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision “Jackson Heights Extension – Phase 2” for Lands Located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive, Glanbrook (PED19121) (Ward 11) - Page 2 of 37

maisonette dwellings as a permitted use and increase the density to 26 to 48 units per hectare, in the Binbrook Village Secondary Plan, for lands located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive Glanbrook, as shown on Appendix “B” to Report PED19121, be **APPROVED** on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19121 be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019).
- (b) That **Zoning By-law Amendment Application ZAC-17-027 by Rob-Geof Properties Limited c/o Coleman Robinson (Owner)**, for changes to the Township of Glanbrook Zoning By-law No. 464 from Residential “R2” Zone, Private Open Space “OS1-166” Zone, Modified Public Open Space “OS2” Zone, Restricted Agricultural “A2-176” Zone, Restricted Agricultural “A2” Zone, Deferred Development “DD” Zone and Existing Residential “ER” Zone to Residential Multiple “RM2-313” Zone; from Restricted Agricultural “A2-176” Zone and Restricted Agricultural “A2” Zone to Residential Multiple “RM2-313(a)” Zone; from Restricted Agricultural “A2-176” Zone and Existing Residential “ER” Zone to Residential Multiple “RM4-314” Zone; from Residential “R2” Zone and Private Open Space “OS1-166” Zone, Modified, to Residential “R4-315” Zone; Restricted Agriculture “A2-176” Zone, Modified and Restricted Agriculture “A2” Zone to Residential Multiple “RM2-316” Zone; for lands located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive Glanbrook, as shown on Appendix “A” to Report PED19121, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED19121, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Exception 44 – “Exceptions to the Provisions of By-law” of the Township of Glanbrook Zoning By-law No. 464;
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

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SUBJECT: Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision “Jackson Heights Extension – Phase 2” for Lands Located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive, Glanbrook (PED19121) (Ward 11) - Page 3 of 37

- (c) That **Zoning By-law Amendment Application ZAC-17-027 by Rob-Geof Properties Limited c/o Coleman Robinson (Owner)**, to add lands to the Hamilton Zoning By-law No. 05-200 and for changes in zoning from Existing Residential “ER” Zone, Private Open Space “OS1-166” Zone, Modified and General Commercial “H-C3-76” Zone, Modified in the Glanbrook Zoning By-law No. 464 to District Commercial (C6, 728) Zone and District Commercial (C6, 728, H113) Zone; and from District Commercial (C6, 570) Zone to District Commercial (C6, 728) Zone for lands located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive Glanbrook, as shown on Appendix “A” to Report PED19121, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED19121, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule D – Holding Provisions of Hamilton Zoning By-law No. 05-200;
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (d) That **Draft Plan of Subdivision Application 25T-201706 by Rob-Geof Properties Limited c/o Coleman Robinson (Owner)**, to establish a Draft Plan of Subdivision known as “Jackson Heights Extension”, Glanbrook, on lands located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive Glanbrook, as shown on Appendix “E” to Report PED19121, be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Jackson Heights Extension”, 25T-201706, prepared by A. J. Clarke and Associates and certified by B.J. Clarke, dated April 30, 2019, consisting of eighteen lots for single detached dwellings (Lots 1 - 18), seven blocks for street townhouse dwellings (Blocks 19 – 23, 25 and 26), one block for maisonette dwellings (Block 24), one block for a multiple dwelling (Block 29), one block for commercial uses (Block 27), one block for future development (Block 28), three blocks for a future road widening (Blocks 30-32), two blocks for Stormwater Management (Blocks 33 and 34), and four proposed streets, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “F” to Report PED19121;

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SUBJECT: Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision “Jackson Heights Extension – Phase 2” for Lands Located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive, Glanbrook (PED19121) (Ward 11) - Page 4 of 37

- (ii) That the Stormwater Management Facility retrofit works shall be in accordance with the City’s current Comprehensive Development Guidelines and Financial Policies Manual and funding approved at the time of original pond construction.

The proposed storm sewers ≥ 1350 mm diameter (MH16 to pond inlet HW) are not eligible for Cost Sharing as they are proposed to convey 100-year flows from the external drainage areas; and,

- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

EXECUTIVE SUMMARY

The applicant has applied to amend the Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200, and for approval of a Draft Plan of Subdivision to permit the development of a residential subdivision known as “Jackson Heights Extension”. The purpose of the Draft Plan of Subdivision is to create a residential subdivision on the subject lands with proposed new municipal roads, stormwater management infrastructure and future road widening dedication. In addition, the property will amend the designation and zoning on a portion of the subject lands to permit commercial development on a portion of the property. Approximately 319 residential units are proposed.

The Urban Hamilton Official Plan Amendment is to amend the Parks and Open Space map, the Land Use Designation map, the Binbrook Village Secondary Plan Land Use Map and the Binbrook Village Secondary Plan Open Space Linkages Map to remove the parkette from the subject site, remove the utility designations to align with the utilities on-site, redesignate a portion of the lands to District Commercial, extend the proposed local road, expand the range of residential built forms, and permit an increase in density for the proposed residential uses.

The Zoning By-law Amendment is to facilitate the construction of a residential subdivision by rezoning the subject lands to permit a range of housing forms which include townhouses (street townhouses, maisonettes and block townhouses), single detached dwellings and a multiple residential block for a multiple dwelling. In addition,

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SUBJECT: Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision “Jackson Heights Extension – Phase 2” for Lands Located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive, Glanbrook (PED19121) (Ward 11) - Page 5 of 37

the applicant is requesting multiple site specific modifications to the zoning to facilitate the proposed subdivision that is consistent with the built form in the surrounding area. The zoning application will also amend the zoning on a portion of the subject lands to permit commercial development and add the lands to Hamilton Zoning By-law No. 05-200. An ‘H’ Holding provision is proposed to be added to a portion of the commercially zoned land to require that a site plan application be approved, confirming that the lands can be comprehensively developed with adjacent lands, previously zoned commercial, prior to lifting the ‘H’ Holding.

The application for the Plan of Subdivision is for:

- eighteen lots for single detached dwellings;
- seven blocks for street townhouse dwellings;
- one block for maisonette dwellings;
- one block for a multiple dwelling;
- one block for commercial uses;
- two blocks for stormwater management uses;
- one block for future development;
- three blocks for a road widening (along Regional Road 56); and,
- four municipal roads.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (PPS) (2014), conform to A Place to Grow Plan (2019) and comply with the policies of the Urban Hamilton Official Plan (UHOP) subject to approval of Official Plan Amendment No. XX.

Alternatives for Consideration – See Page 36

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

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HISTORICAL BACKGROUND

Proposal

The subject lands are located east of Regional Road 56, west of the Urban Boundary limit for the Binbrook Village Secondary Plan, north of Degrow Crescent and Maggie Johnson Drive and south of the Urban Boundary limit for the Binbrook Village Secondary Plan (see location map attached as Appendix “A” to Report PED19121). The subject lands are a consolidation of nine properties municipally known as 2341, 2365, 2375, 2385, 2395, 2403, 2413 and 2431 Regional Road 56 and 250 Tanglewood Drive. The subject applications includes nine lots proposed to be developed, seven of which are developed with existing single detached dwellings to be demolished and two vacant lots.

The proposal is for:

- eighteen lots for single detached dwellings;
- seven blocks for street townhouse dwellings;
- one block for maisonette dwellings;
- one block for a multiple dwelling;
- one block for commercial uses;
- two blocks for stormwater management uses;
- one block for future development;
- three blocks for a road widening (along Regional Road 56); and,
- four municipal roads.

Urban Hamilton Official Plan Amendment

In support of this proposal, the applicant has submitted an Urban Hamilton Official Plan Amendment to facilitate the development of a residential subdivision and add lands to the District Commercial designation. The proposal will require amendments as follows to Volumes 1 and 2 of the UHOP:

- Urban Hamilton Official Plan Volume 1: Schedule B - Natural Heritage System be amended by removing the “Parks & General Open Space (Excluding Parkettes)” designation from the northern portion of the subject lands;
- Urban Hamilton Official Plan Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the southern portion of the subject

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lands from “Utility” to “Neighbourhoods” and “Neighbourhoods” to “District Commercial”;

- Urban Hamilton Official Plan Volume 2: Map B.5.1-1 – Binbrook Village Secondary Plan - Land Use Plan be amended by redesignating the lands from “Low Density Residential 2e”, “Low Density Residential 2h”, “Utility”, and “Parkette” to “Low Density Residential 2d”; from “Low Density Residential 2e” and “Low Density Residential 2h” to “Low Density Residential 3e”; from “Low Density Residential 2e” and “Low Density Residential 2h” to “District Commercial”; and, adding two site specific policy areas to a portion of the subject lands; and,
- Urban Hamilton Official Plan Volume 2: Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages be amended by removing the “Parkette” and “Utility” identifications from the northern portion of the subject lands; and, adding a “Local Road” designation to the map on the southern portion of the subject lands.

In addition, two site specific policy areas are proposed to be added to the Binbrook Village Secondary Plan in Volume 2 of the UHOP as follows:

- Amending Policy 5.1.4.5(a)(i) to add a maisonette dwelling as a permitted use;
- To amend Policy B.5.1.4.5(a)(ii) to permit a density of 26 – 48 net residential units per hectare for the “Low Density Residential 2d”; and,
- To amend Policy B.5.1.4.5(e)(ii) to permit a density of 41 – 85 net residential units per hectare for the “Low Density Residential 3e”.

Township of Glanbrook Zoning By-law No. 464 Amendment

The applicant has applied for the following changes in zoning:

- From Residential “R2” Zone and Private Open Space “OS1-166” Zone to Residential “R4-315” Zone;
- From Residential “R2” Zone, Public Open Space “OS2” Zone, Private Open Space “OS1-166” Zone, Modified, Restricted Agricultural “A2-176” Zone, Restricted Agricultural “A2” Zone, Deferred Development “DD” Zone and Existing Residential “ER” Zone to Residential Multiple “RM2-313” Zone;

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- From Restricted Agricultural “A2-176” Zone, Existing Residential “ER” Zone, and Restricted Agricultural “A2” Zone to Residential Multiple “RM2-313(a)” Zone;
- From Restricted Agricultural “A2-176” Zone and Restricted Agricultural “A2” Zone to Residential Multiple “RM2-316” Zone; and,
- From Restricted Agricultural “A2-176” Zone and Existing Residential “ER” Zone to Residential Multiple “RM4-314” Zone.

A number of modifications have been requested by the applicant and are outlined in Appendix “G” to Report PED19121.

Hamilton Zoning By-law No. 05-200 Amendment

To accommodate the proposed commercial uses, the applicant has applied for the following changes in zoning:

- Adding lands to the City of Hamilton Zoning By-law No. 05-200 and changing the zoning to District Commercial (C6, 728) Zone, shown as “Block 1” of Schedule “A” to the Draft By-law attached as Appendix “D” to Report PED19121.
- Changing the zoning from District Commercial (C6, 570) Zone to District Commercial (C6, 728) Zone for the lands comprised in “Block 2”, as shown on Schedule “A” of Schedule “A” to the Draft By-law attached as Appendix “D” to Report PED19121; and,
- Adding lands to the City of Hamilton Zoning By-law No. 05-200 and changing the zoning to District Commercial (C6, 728, H113) Zone, shown as “Block 3” of Schedule “A” to the Draft By-law attached as Appendix “D” to Report PED19121.

Under the Hamilton Zoning By-law 05-200 there is an existing site specific zoning (570) for the property restricting the height of the building to 11.0 m. The applicant is requesting to remove this property from the existing site specific zoning but maintaining the 11.0 m height and adding a 7.5 m reduced setback to the TransCanada pipeline, whereas the By-law requires a setback of 10 m for the TransCanada Pipeline.

The proposal also includes one Holding Provision which requires that the applicant obtain Site Plan approval for a portion of the subject lands prior to any development being permitted on the subject lands.

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SUBJECT: Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision “Jackson Heights Extension – Phase 2” for Lands Located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive, Glanbrook (PED19121) (Ward 11) - Page 9 of 37

Plan of Subdivision

The proposed Draft Plan of Subdivision is intended to create the following:

- eighteen lots for single detached dwellings (Lots 1 - 18);
- seven blocks for street townhouse dwellings (Blocks 19 – 23, 25 and 26);
- one block for maisonette dwellings (Block 24);
- one block for a multiple dwelling (Block 29);
- one block for commercial uses (Block 27);
- two blocks for stormwater management uses (Blocks 33 and 34);
- one block for future development (Block 28);
- three blocks for a road widening (along Regional Road 56) (Block 30 - 32); and,
- four municipal roads.

Chronology:

<u>February 23, 2017:</u>	Official Plan Amendment Application UHOPA-17-012, Zoning By-law Amendment Application ZAC-17-027 and Draft Plan of Subdivision Application 25T-201706 received.
<u>March 6, 2017:</u>	Official Plan Amendment Application UHOPA-17-012, Zoning By-law Amendment Application ZAC-17-027 and Draft Plan of Subdivision Application 25T-201706 deemed complete.
<u>March 24, 2017:</u>	Notice of Complete Application and Preliminary Circulation sent to 251 property owners within 120 m of the subject lands.
<u>April 4, 2017:</u>	Public Notice sign posted on the subject lands.
<u>July 17, 2019:</u>	Public Notice Sign updated with Public Meeting Date.
<u>July 26, 2019:</u>	Circulation of the Notice of Public Meeting mailed to 251 property owners within 120 m of the subject property.

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SUBJECT: Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision “Jackson Heights Extension – Phase 2” for Lands Located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive, Glanbrook (PED19121) (Ward 11) - Page 10 of 37

DETAILS OF SUBMITTED APPLICATIONS

Location: 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive

Owner: Rob-Geof Properties Limited c/o Coleman Robinson

Agent: A.J. Clarke and Associates c/o Steve Fraser

Property Size (Consolidated):

<u>Lot Area:</u>	97,281.2 sq m
<u>Frontage:</u>	251 m (along Regional Road 56)
<u>Depth:</u>	413 m (from Regional Road 56 to the farthest rear lot line)
<u>Servicing:</u>	Full Municipal Services Available

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Lands:	Vacant Land and seven single family dwellings fronting onto Regional Road 56	Residential “R2” Zone, Public Open Space (OS2) Zone, Deferred Development “DD” Zone, Existing Residential “ER” Zone, Rural “A2” Zone, Rural “A2 Zone, Restricted Agricultural “A2-176”, Modified, General Commercial “H-C3-176” Zone, Modified, Private Open Space “OS1-166” Zone, Modified in Glanbrook Zoning By-law No. 464 and District Commercial (C6, 570) Zone in the Hamilton Zoning By-law

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Surrounding Lands:

North:	Residential Uses, Stormwater Management Facility	Agriculture (A1) Zone
East:	Agricultural Operation	Agriculture (A1) Zone
South:	Residential Dwellings, Commercial Operations	Residential “R4-164” Zone, Modified, Residential “R3-163” Zone, Modified, Residential Multiple “RM2-310” Zone, Modified, District Commercial (C6, 570) Zone, General Commercial “H-C3-176” Zone, Modified
West:	Vacant Land, Cemetery, Commercial Operation	Open Space (P4) Zone, District Commercial (C6, 570) Zone, District Commercial (C6, 570, 646) Zone, Agriculture (A1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The application was reviewed against policies 1.1.1 and 1.1.3. The application is proposing to amend the Official Plan to permit a broader range of housing options and provide an opportunity for increased density than what is permitted in the Secondary Plan. Staff are of the opinion that the proposed increase in density is appropriate for the area and respectful to the existing development in the area.

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

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

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

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

These criteria define the property as having archaeological potential. As part of Jackson Heights Phase 3B Draft Plan of Subdivision (25T-200006), Stage 1-4 Archaeological Reports were submitted to the City of Hamilton and the Ministry of Tourism, Culture and Sport and compliance with licensing requirements was identified in a letter dated December 14, 2005, however, 2365 Regional Road 56 was not included in that archaeological assessment. As a result, the proponent has provided further Stages 1 to 4 archaeological assessments (P017-0539-2016; P017-0544-2016; P389-0247-2016) for 2365 Highway 56. Staff concur with the recommendations made in the report, and the archaeology condition for these lands has been met to the City’s satisfaction. The applicant has provided a letter from the Ministry for City records.

While the Draft Plan of Subdivision application was being processed it was noted that the Archaeological Assessment did not include 2431 Regional Road 56. Therefore, in order to comply with Provincial Policy a condition has been added to the Draft Plan of Subdivision conditions requiring the applicant to complete an archaeological assessment prior to any development or grading occurring on the property (Condition No. 45 on Appendix “F” to Report PED19121).

Therefore, the proposal is consistent with the Provincial Policy Statement.

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A Place to Grow Plan (2019)

The policies of A Place to Grow Plan (2019) apply to any planning decision. The application has been reviewed against the Plan and Staff are of the opinion that the proposed Official Plan Amendment has regard for Policy 1.2.1 - Guiding Principles in the Official Plan. In addition, the following policies, amongst others, apply to the proposal:

- “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*; and,
 - 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*;
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;
 - d. expand convenient access to:

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- i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;
- ii. *public service facilities*, co-located and integrated in community hubs;
- iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
- iv. healthy, local, and affordable food options, including through urban agriculture;

Staff are of the opinion that the proposal conforms to A Place to Grow Plan (2019) because the application is proposing to increase the range of housing and density permissions currently outlined for residential uses within a settlement area boundary while still being respectful of the character of the surrounding area. The proposed density increase will make efficient use of the existing and planned extension of the municipal services, is within half a kilometre of a Neighbourhood Park and located within half a kilometre of existing commercial uses. The proposal conforms to A Place to Grow Plan (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Neighbourhoods” on Schedule “E”- Urban Structure and “Neighbourhoods”, “District Commercial” and “Utility” on Schedule “E-1” – Land Use Designations. In addition, the lands include a “Parks & General Open Space (Excluding Parkettes)” identification on Schedule B – Natural Heritage System.

The following policies, amongst others, apply to the subject lands:

- “C.3.3.2 The Open Space designation applies to lands greater than 4 hectares in size designated Open Space on Schedule E-1 – Urban Land Use Designations. Lands used for open space purposes less than 4 hectares shall be permitted within the Neighbourhoods designation subject to the provisions of this Plan.
- C.3.3.3 Open Space designations shall be further refined in secondary plans and rural settlement area plans or identified in Appendix A - Parks Classification in accordance with Section B.3.5.3 – Parkland Policies.
- C.3.4.1 The Utility designation applies to lands greater than 4 hectares in size designated Utility on Schedule E-1 - Urban Land Use Designations. Lands used for utility purposes less than 4 hectares shall be permitted within the

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other land use designation in accordance with Policies C.3.2.1 and C.3.4.9.”

The application is requesting to remove the “Parks & General Open Space (Excluding Parkettes)” designation from the current Volume 1: Schedule B - Natural Heritage System and change the designation from “Utility” to “Neighbourhoods” on the Volume 1: Schedule E-1 - Urban Land Use Designations.

Staff are supportive of the removal of the “Parks & General Open Space (Excluding Parkettes)” because:

- the proposed Parkette is less than 4 hectares in size; and,
- the designation states that it excludes Parkettes which aligns with the minimum size requirement and the Binbrook Village Secondary Plan identifies the open space as a Parkette.

Staff are supportive of changing the designation from Utility to Neighbourhoods because:

- the total area of the Utility designation appears to be less than 4 hectares in size;
- the location of the Utility designation does not align with the actual utility location on the ground;
- the location of the existing pipeline will be maintained as part of the Binbrook Village Secondary Plan - Land Use Map;
- the change in designation allows the area to be used for residential purposes which aligns with the current designation for the lands north of the existing utility; and,
- the change in designation is appropriate given that the Binbrook Village Secondary Plan – Land Use Plan designates the area low density residential.

“E.4.7.1 The range of retail uses are intended to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods. The District Commercial areas shall also serve as a focus for the adjacent neighbourhood(s) by creating a sense of place.

E.4.7.6 The preferred location of a new District Commercial designated area is at the intersection of a collector road and a major or minor arterial road.”

The area proposed to be redesignated to District Commercial will be connected and added to the existing District Commercial designation. The existing District Commercial property is located at an intersection of an arterial and collector road. The proposal will

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allow the lands to develop comprehensively with the existing District Commercial area for a range of daily and weekly uses meant to support the community. The lands being added to the District Commercial designation is minor and will not change the function of the commercial area but instead provides a logical separation between the residential area and commercial area with an existing gas pipeline running between the two uses. As a result, no buildings or major digging can be proposed within the pipeline right-of-way.

Noise

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
- B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

The applicant submitted a Noise Feasibility Study “Jackson Heights Extension” prepared by HGC Engineering on February 15, 2017. The original Noise Study was reviewed by Staff and determined to be generally acceptable. Although a Noise Study was reviewed as part of the application, the proposal has changed since the original submission. Staff have included a condition stating that the applicant is to update the Noise Study to reflect the most modified proposal. As part of the revised Study any noise warning clauses will need to be included within the registered Subdivision and be included in any approved drawings for implementation of required Noise Mitigation (Condition No. 46 in Appendix “F” of Report PED19121).

Urban Design

As part of the proposal the applicants submitted an Urban Design Guideline for the residential subdivision. The Urban Design Guideline has been reviewed by Staff for conformity with the Residential Design Guidelines and other applicable design policies for the area. Staff are of the opinion that the proposed Urban Design Guideline meets the intent and complies with the policies in the Urban Hamilton Official Plan. Staff have included additional conditions in order to finalize the Urban Design Guideline and

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implement the proposed urban design measures (Condition No. 47 and 48 in Appendix “F” of Report PED19121). In addition, portions of the residential subdivision are required to go through Site Plan Control where staff will review the details of the proposed developments.

Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this plan;
- b) the plan of subdivision implements the City’s staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the Planning Act.”

The proposed Plan of Subdivision has been identified in the City of Hamilton’s Staging of Development Plan and is consistent with the Criteria for Staging of Development.

There are existing utilities and municipal services available and Staff note that the 2018 Staging of Development Report identified the subject lands as an area of priority for receiving Draft Plan Approval in 2018.

The proposed Draft Plan can be adequately serviced using existing infrastructure, subject to the proposed Draft Plan conditions, and will not adversely impact the natural

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environment or transportation system, will be integrated with existing lands and roads, and will not adversely impact municipal finances.

Based on the above, the proposal conforms to the criteria relative to Plans of Subdivision in the Official Plan.

Binbrook Village Secondary Plan

The subject lands are designated “District Commercial”, “Low Density Residential 2e”, “Low Density Residential 2h”, “Utility”, “Parkette”, “Pipeline” and “Gateway” on the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1. In addition, the property is identified as “Local”, “Arterial”, “Drainage Channel / Public Walkway”, “Pipeline Easement” and “Parkette” on the Binbrook Village Secondary Plan – Open Space Linkages Map B.5.1-2.

Accordingly, the following policies, amongst others, apply:

- “B.5.1.2.4 Develop Binbrook Village in a manner that is sensitive to and harmonious with the predominately rural character of the surrounding area, with particular sensitivity to the urban/rural edges.

- B.5.1.2.7 Provide an enhanced and integrated visual experience along Regional Road 56 and Binbrook Road by promoting an attractive, comfortable and safe streetscape and buildings in a well landscaped setting, as well as greater architectural interest in individual buildings.

- B.5.1.3.5 Design of new greenfield development or development/ redevelopment of large sites shall enable future public transit services to be within reasonable walking distances.

- B.5.1.4.1 The following goals shall apply to the Residential designations:
 - a) Establish residential neighbourhoods which are diverse in population, scaled for the pedestrian, can accommodate cars and transit, and have a well-defined public realm.

 - c) Create safe, efficient and attractive residential neighbourhoods consisting of a range and mix of housing types and densities.

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- d) Integrate residential neighbourhoods with parks and schools in order to provide a functional, efficient, practical, safe and visually pleasing living environment.
- g) Ensure new residential development considers and is sensitive to existing residential uses and other existing and permitted uses in Binbrook Village.
- h) Encourage the reuse of existing large residential lots to maximize the efficient use of urban land and services.

B.5.1.4.5 Low Density Residential

- a) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2d on Map B.5.1-1 – Binbrook Village – Land Use Plan:
 - i) The permitted uses shall be single and semi detached dwellings and street, block and stacked townhouses. Innovative forms of attached housing may also be permitted.
 - ii) The density range shall be from 26 to 40 units per net hectare.
- b) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2e on Map B.5.1-1 – Binbrook Village – Land Use Plan:
 - i) The permitted uses shall consist primarily of single detached dwellings. Semi-detached dwellings, duplexes and cluster homes may also be permitted.
 - ii) The density shall not exceed 30 units per net hectare.
- c) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2h on Map B.5.1-1 – Binbrook Village – Land Use Plan:
 - i) The permitted uses shall consist primarily of multiple dwelling unit types including street, block and stacked townhouse dwellings. Duplexes and triplexes may also be permitted.

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- ii) The density range shall be from 26 to 40 units per net hectare.
- e) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3e on Map B.5.1-1 – Binbrook Village – Land Use Plan:
 - i) The permitted uses shall be low-rise apartments, stacked townhouse dwellings and quaterplexes.
 - ii) The density range shall be from 41 to 60 units per net hectare.
 - iii) In locating new Low Density Residential 3e development, consideration shall be given to the following criteria:
 1. Low Density Residential 3e uses shall generally be located on the periphery of the neighbourhood, in areas abutting commercial development, or fronting major or minor arterial or major collector Roads.
 2. Some Low Density Residential 3e development in proximity to the Mixed Use - Medium Density area is desirable.
 3. Low Density Residential 3e dwelling forms shall be sensitively integrated with and adequately buffered from adjacent land uses.
 4. Where Low Density Residential 3e areas are proposed adjacent to Low Density Residential 2e and 2h uses, consideration shall be given to appropriate integration and compatibility of the dwelling forms. Compatibility may be accomplished through attention to architectural massing, height, scale, buffering and landscaping.”

The current Official Plan designations permit single detached dwellings, semi-detached dwellings, townhouse dwellings (maisonettes, street and block), triplexes and duplexes with a maximum density. The application is proposing to amend the current designations to add maisonette townhouse dwellings on the subject lands and permit an increased maximum density range for a portion of the subject lands as part of one of the proposed site specifics. In addition, an amendment to the Secondary Plan is required to

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permit a multiple dwelling on a residential block abutting Regional Road 56 and Zoe Lane and permit an increased maximum density.

Staff are of the opinion that the proposed increase in density and additional townhouse forms is respectful of the surrounding area and maintains a ground level built form abutting the Urban / Rural edges. In addition, the applicants are proposing to develop single-detached dwellings abutting the rear of the existing single-detached dwellings, which respects the existing built form. Therefore, Staff are of the opinion that the proposed Official Plan Amendment can be supported.

Staff are of the opinion that the proposed amendment to the Secondary Plan to permit a multiple dwelling along Regional Road 56 can be supported as it satisfies the criteria for locating low-rise multiple dwellings fronting a major or minor arterial road and within walking distance of an existing commercial development. The applicant has included sufficient setbacks for the purposes of providing landscaping along Regional Road 56 and to be sensitive to the surrounding low density area. Therefore, Staff are of the opinion that the proposed Official Plan Amendment can be supported.

Zoning By-law

Glanbrook Zoning By-law No. 464

The property is currently zoned Deferred Development “DD” Zone, General Commercial “H-C3-176” Zone, Modified, Private Open Space “OS1-166” Zone, Modified, Public Open Space “OS2” Zone, Restricted Agricultural “A2-176” Zone, Modified, Residential “R2” Zone, Rural “A2” Zone and Existing Residential “ER” Zone in the Glanbrook Zoning By-law No. 464. In order for the applicant to develop the proposed Draft Plan of Subdivision, the property will need to be rezoned to permit the proposed uses on the property.

These applications propose the following changes in the Glanbrook Zoning By-law No. 464 (see Appendix “C” of Report PED19121):

- Blocks 1- 7 and 19: to be zoned Residential Multiple “RM2-313” Zone, Modified;
- Blocks 8, 9 and 18: to be zoned Residential Multiple “RM2-313(a)” Zone, Modified;
- Blocks 10 and 11: to be zoned Residential Multiple “RM4-314” Zone, Modified;
- Blocks 12 and 13: to be zoned Residential “R4-315” Zone, Modified; and,
- Blocks 14 and 15: to be zoned Residential Multiple “RM2-316” Zone, Modified.

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As part of the rezoning, the applicant is requesting to modify the parent zones to permit modifications to the rear yard setback, lot area, lot frontage, building height, parking requirements, landscape area, amenity area, planting strips and lot coverage. The proposed modifications are further discussed in Appendix “G” to Report PED19121.

Hamilton Zoning By-law No. 05-200

In order to comprehensively develop with the existing District Commercial area for a range of daily and weekly uses meant to support the community, the application proposes to change the zoning on a portion of the lands and add a portion of the lands to the Hamilton Zoning By-law No. 05-200.

These applications propose the following changes in Hamilton Zoning By-law No. 05-200 (see Appendix “D” of Report PED19121):

- Block 1: to be rezoned District Commercial (C6, 728) Zone;
- Block 2: to be rezoned District Commercial (C6, 728) Zone; and,
- Block 3: to be rezoned District Commercial (C6, 728, H113) Zone.

As part of the rezoning, the applicant is requesting to modify the parent zones to modify the Maximum Height of the building and minimum Setback from a Trans-Canada Pipeline. The proposed modifications are further discussed in Appendix “G” to Report PED19121.

RELEVANT CONSULTATION

The following Departments/Agencies have no comments or objections with respect to the proposed development:

- Recreation Planning, Community & Emergency Services Department.

The following Departments/Agencies have provided the following comments:

Union Gas requests that as a condition of final approval, the owner / developer provide to Union Gas the necessary easements and / or agreements in favour of Union Gas for the provision of gas services for this development, in a form satisfactory to Union Gas. This requirement has been addressed as a condition of Draft Plan of Subdivision Approval (Condition No. 54 of Appendix “F” to Report PED19121).

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Niagara Peninsula Conservation Authority (NPCA) identified in correspondence the Conservation Authority regulated watercourse, flood plains (up to the 100 year flood level), great lakes shorelines, hazardous land, valleylands and wetlands (Provincially Significant Wetlands and other wetlands over 2 hectares in size) under *Ontario Regulation 155/06 of the Conservation Authorities Act*. There is a watercourse that crosses the subject lands and eventually drains to Twenty Mile Creek. This is the only NPCA-regulated feature on the subject lands.

Due to the minor nature of the watercourse, NPCA staff have no objection to the watercourse being altered and incorporated into the stormwater management system for this subdivision. An NPCA Work Permit will not be required for this as NPCA concerns can be appropriately addressed through the stormwater management review. Accordingly, NPCA staff have no objections to the applications as they relate to NPCA policy.

Stormwater Management

The following comments pertain to stormwater management:

1. The NPCA is satisfied that the existing Jackson Heights stormwater management facility was designed to provide adequate quality and quantity controls for the proposed Jackson Heights Extension development.
2. Prior to construction, the NPCA will require that detailed grading, storm servicing, and construction sediment control plans be circulated to this office for review and approval.

The NPCA requests that the following conditions be incorporated into the conditions of Draft Plan Approval:

1. That the developer submit to the Niagara Peninsula Conservation Authority for review and approval detailed grading, storm servicing, and construction sediment control drawings (Condition No. 52 of Appendix “F” to Report PED19121).
2. That Condition 1 above is incorporated into the Subdivision Agreement between the Developer and the City of Hamilton to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Hamilton shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval (Condition No. 53 of Appendix “F” to Report PED19121).

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Public Works – Environmental Service Division advised that the proposed Draft Plan of Subdivision is eligible for weekly waste collection service subject to compliance with the City’s Solid Waste Management By-law 09-067, as amended.

Public Works – Health Protection advised that a pest control plan, focusing on rats and mice, shall be developed and implemented for the demolition, construction/development phase of the project and continue until the project is complete and that a dust mitigation plan be formulated for the proposal.

In addition, the applicants are advised that any proposed permanent or temporary irrigation / storm water management pond(s) or any existing oversized irrigation / stormwater management pond(s) should be designed, constructed, or modified and maintained to control mosquitoes / WNV and comply with all aspects of By-law No. 03-173, A By-law to prohibit and regulate the accumulation of standing water at specified times of the year.

Growth Planning advised that a number of documents are using the incorrect street names of Highway No. 56 or Highway 56, when the correct name is Regional Road 56. The submitted Draft Plan is correctly using Regional Road 56.

In addition, Staff have advised that the following note be added to the Draft Approval Conditions:

Notes: Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if written request is received before the draft approval lapses (Note No. 1 on Appendix “F” to Report PED19121).

Finance advised that the applicant pay any outstanding Municipal Act / Best Effort Watermain and Sewer charges and the Outstanding Binbrook Stormwater Management Pond Charge of \$26,858.00 (Condition No. 55 on Appendix “F” to Report PED19121).

Enbridge Pipelines Inc. (Enbridge) advises the following:

Enbridge operates two high pressure petroleum pipelines contained in an 18.3 m wide right-of-way / easement through Blocks 27 and 23 on the Draft Plan of Jackson Heights Extension dated April 30, 2019. No permanent facilities are permitted within the limits of the pipeline easement.

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Enbridge has no objections to proposed development adjacent to the pipeline easement providing the following information for working on or near the Enbridge right-of-way are adhered to:

- Enbridge requests a permanent fence be added on both sides of the pipeline right-of way for the duration of construction to eliminate the risk of unauthorized activity over the pipeline. An Enbridge Inspector must be present during fence installation (Condition No. 56 of Appendix “F” to Report PED19121).
- Enbridge is regulated by the National Energy Board (NEB) Act. Section 112 of the Act states that “No person shall, unless leave is first obtained from the Board, construct a facility across, on, along or under a pipeline or excavate using power-operated equipment or explosives within 30 meters of a pipeline”.
- No grading or placing fill on Enbridge’s right-of-way without prior written approval of Enbridge.
- No work shall take place on Enbridge’s right-of-way without the presence of an Enbridge Inspector.
- No heavy machinery will be permitted to cross Enbridge’s right-of-way without the prior written approval of Enbridge.
- No Landscaping shall take place on Enbridge’s right-of-way without Enbridge’s written approval.

Transportation Planning, advises that the applicant will be required to design and install traffic calming at the intersection of Zoe Lane, Tanglewood Drive and Adi Crescent. Acceptable traffic calming measures include a raised intersection, bump-outs on the four corners or a mini traffic circle in addition to the traffic calming measures identified in the Traffic Impact Study.

Transportation Planning requested that prior to servicing, the applicant design traffic calming measures, fully at the applicants expense, for the intersection of Zoe Lane and Tanglewood Drive and Adi Crescent and the balance of the proposed residential subdivision as identified within the Traffic Impact Study. Acceptable traffic calming measures include a raised intersection, bump-outs on the four corners or a mini traffic circle (Condition Nos. 49 and 50 in Appendix “F” to Report PED19121). In addition, pavement marking drawings will be submitted and approved (Condition No. 51 in Appendix “F” to Report PED19121).

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Public Consultation

In accordance with the provisions of the *Planning Act* and the Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 251 property owners within 120 m of the subject lands on March 24, 2017. A Public Notice sign was also posted on the property on April 4, 2017, and updated on July 17, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was given to 251 property owners in accordance with the requirements of the *Planning Act* on July 26, 2019.

To date, three letters have been received by the City of Hamilton. The comments have been summarized in the Analysis and Recommendation Section and are attached as Appendix “H” to Report RED19121.

Public Consultation Strategy

The applicant’s Public Consultation Strategy stated that an Open House would be organized to provide information to the public and to generate valuable feedback from stakeholders. The applicant held a Public Open House on March 30, 2017 at the Glanbrook Municipal Service Centre. A Notice was mailed out to neighbouring properties inviting them to the Open House. Approximately 19 people attended the Public Open House. The proposal presented at the Public Open House has since been adjusted through the review process and the applicant has modified the proposal in response to Public concerns and Staff comments.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications have merit and can be supported for the following reasons:
 - i) They are consistent with the Provincial Policy Statement and conform to A Place to Grow (2019);
 - ii) They comply with the general intent of the Urban Hamilton Official Plan Amendment and secondary plan in that the development maintains a commercial component and proposes a built form and an increased density for the subject lands; and,

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- iii) The proposed development is an extension of an adjoining residential development that is compatible with the existing and planned development in the area.

2. Official Plan Amendment

The application proposes to change some of the schedules in Volume 1 of the Urban Hamilton Official Plan by removing the Parks and General Open Space Identification and redesignating from Utility to Neighbourhoods and Neighbourhoods to District Commercial for a portion of the subject lands located within Blocks 1 – 18, 20, 21, 22, 27 and 34 (as shown in Appendix “B” to Report PED19121). Staff are supportive of the modifications as the proposed removal of the “Parks and General Open Space (excluding parkettes)” identification is consistent with the Binbrook Village Secondary Plan, which identifies the area as a Parkette which is exempt from being identified within the Open Space Schedule. In addition, the existing Utility designation does not align with the location of the existing Enbridge Pipeline. Therefore, Staff are supportive of this adjustment as the proposed Neighbourhoods Designation would align with the proposed use of the subject lands, matches the Official Plan with what exists on the ground and aligns Schedule E-1 – Urban Land Use Designation Map with the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1.

The application also proposes to change the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1 to change the designation of Block 27 from Low Density Residential 2e and Low Density Residential 2h to District Commercial (as shown on Appendix “B” of Report PED19121) to add a portion of the lands to the District Commercial designation to allow for comprehensive development with the abutting District Commercial lands and prevent isolation of land uses divided by a utility easement.

The application is proposing to change the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1 designation of Blocks 1-26 from Low Density Residential 2e, Low Density Residential 2h, Utility and Parkette to Low Density 2d for the purposes of permitting townhouse dwellings on the subject lands (as shown on Appendix “B” of Report PED19121). Staff are of the opinion that the proposed change in designations for the property which proposes to increase the range of permitted uses on the subject lands is appropriate and meets the intent of the Official Plan since the proposed density still maintains opportunity for landscaping to be provided, efficiently uses the existing municipal infrastructure

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on the subject lands and is compatible with the built form existing surrounding the subject lands and the abutting Urban / Rural Boundary Cross Section.

The application also proposes to change the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1 designation of Block 29 from Low Density Residential 2h and Low Density Residential 2e to Low Density Residential 3e (as shown on Appendix “B” of Report PED19121). The proposed amendment is appropriate because it locates the multiple dwelling on the periphery of the proposed residential neighbourhood, and is located on an arterial Road (Regional Road 56). In addition, the proposed multiple dwelling has proposed setbacks that would buffer the adjacent low topology residential uses and is located within 500 metres of a commercial area.

Two Special Policy Areas are proposed to the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1 as part of the Official Plan Amendment (as shown on Appendix “B” of Report PED19121). The first Special Policy Area proposes to permit a maximum density of 48 units per net residential hectare and add maisonette dwellings as an additional permitted use to the residential forms permitted within the Low Density Residential 2d designation for Blocks 1-26. The second Special Policy Area proposes to permit a maximum density of 85 units per net residential hectare for Block 29. While the Secondary Plan envisions residential on the subject lands, it allows for a different built form and density. The applicants have provided sufficient information through the submitted concept plan and studies demonstrating that the proposed increase in density meets the policies within the Binbrook Secondary Plan. The proposed increase in density still provides opportunities for landscaping within the front yards, is compatible with the Urban / Rural Boundary interface, is compatible with the current built form in the area, provides a range of housing options within the proposed residential subdivision, and proposes efficient use of both planned and existing municipal services.

The application is proposing to change the Binbrook Village Secondary Plan – Open Space and Linkages Map by removing the Parkette and Utility identifications from a portion of Blocks 20, 21 and 34 and extend a small portion of the planned local road layout to Regional Road 56, as identified within the Draft Plan of Subdivision (as shown on Appendix “B” of Report PED19121). The Utility identification removal is appropriate given that the existing identification does not match the proposed stormwater outlets identified through the engineering review for the Draft Plan of Subdivision. Instead, the lands are proposed to be used for residential purposes and the proposed residential

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designation is appropriate. The removal of the Parkette identification is appropriate given that the subject lands are located within half a kilometre of a neighbourhood park and with the exception of the maisonette dwellings the proposed units have an opportunity for private amenity areas. In addition, the Parkland Advisory Review Committee discussed the value of the existing Parkette designation within the subdivision at a April 26, 2016 meeting. At the meeting the working group determined that the new lots in the draft plan are approximately 200m from Jackson Heights Neighbourhood Park and Natural Open Space which would serve the needs of the community. In addition, they advise that parkettes are generally more expensive to develop and do not serve a wide range of recreational opportunities that neighbourhood or community parks provide. Finally, the applicant submitted a Traffic Impact Study in support of the local road network extension that has been reviewed by Transportation Planning Staff. The proposed amendment would implement the road layout, as identified in the submitted and approved Traffic Impact Study.

Therefore, Staff are supportive of the Official Plan Amendments.

3. Glanbrook Zoning By-law Amendment No. 464

The subject lands are currently zoned Residential “R2” Zone, Public Open Space (OS2) Zone, Deferred Development “DD” Zone, Existing Residential “ER” Zone, Rural “A2” Zone, Restricted Agricultural “A2-176”, Modified, General Commercial “H-C3-176” Zone, Modified, and Private Open Space “OS1-166” Zone, Modified.

In order to permit the proposed multiple dwelling, townhouses (street and maisonette), and single detached dwellings, the applicant has applied to change the zoning as follows:

- from Residential “R2” Zone and Private Open Space “OS1-166” Zone to Residential “R4-315” Zone (See Appendix “C” of Report PED19121);
- from Residential “R2” Zone, Public Open Space “OS2” Zone, Restricted Agricultural “A2-176” Zone, Restricted Agricultural “A2” Zone, Deferred Development “DD” Zone, Private Open Space “OS1-166” Zone, Modified, and Existing Residential “ER” Zone to Residential Multiple “RM2-313” Zone (See Appendix “C” of Report PED19121);

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- from Restricted Agricultural “A2-176” Zone, Restricted Agricultural “A2” Zone and Existing Residential “ER” Zone to Residential Multiple “RM2-313(a)” Zone (See Appendix “C” of Report PED19121);
- From Restricted Agricultural “A2-176” Zone and Restricted Agricultural “A2” Zone to Residential Multiple “RM2-316” Zone; and,
- from Restricted Agricultural “A2-176” Zone and Existing Residential “ER” Zone to Residential Multiple “RM4-314” Zone (See Appendix “C” of Report PED19121).

Staff are supportive of the requested changes in zoning as they will permit a variety of housing forms, compatible with existing housing forms in the surrounding area. The proposed multiple dwelling satisfies the criteria for locating low –rise multiple dwellings as per the UHOP, while including sufficient setbacks, parking and opportunities for landscaping. In addition to the change in the parent zoning, a number of site specific modifications are required to the proposed zoning; as outlined in detail in Appendix “G” to Report PED19121.

4. Hamilton Zoning By-Law No. 05-200

In order to align the commercial zoning with adjacent commercial lands, a portion of the lands currently zoned in the Glanbrook Zoning By-law are proposed to be added to the Hamilton Zoning By-law No. 05-200. In addition, the applicant proposes to rezone a portion of the lands already zoned District Commercial (C6) Zone within Hamilton Zoning By-law No. 05-200 to remove the existing site specific and add a new site specific. The proposed amendments to the Hamilton Zoning By-law are as follows:

- by changing the zoning to District Commercial (C6, 728) Zone (see Appendix “D” of Report PED19121);
- by changing the zoning from District Commercial (C6, 570) Zone to District Commercial (C6, 728) Zone (see Appendix “D” of Report PED19121); and,
- by changing the zoning to District Commercial (C6, 728, H113) Zone (See Appendix “D” of Report PED19121).

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The applicants are requesting to replace the existing site specific provision applying to the commercial lands to include the additional lands and apply revised modifications.

Staff are supportive of the proposed modifications to the zoning by-law because the maximum height regulation implements the height maximum policy identified with the Binbrook Secondary Plan. In addition, the proposed reduction in the setback to the existing utility pipeline can be supported because it promotes commercial development while allowing an appropriate setback.

5. One ‘H’ Holding Provision is proposed to require the applicant to obtain site plan approval for the subject lands prior to any development being permitted. Staff are supportive of the Holding because it requires the owner to confirm that the lands can be appropriately developed prior to any proposed building permits being issued.
6. Draft Plan of Subdivision

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement, the Growth Plan and the general intent of the Urban Hamilton Official Plan including the Binbrook Village Secondary Plan;
- (b) Through the subdivision staging plan the draft plan was identified as an area of priority and represents a logical and timely expansion of existing development;
- (c) The proposed roads will adequately service the proposed subdivision and can connect to the current road system;
- (d) The proposed Draft Plan of Subdivision can be appropriately subdivided and is determined to not negatively impact the existing road network;
- (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood;
- (f) The dimensions and shape of the lots are appropriate;

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- (g) Adequate Municipal Services are available, the particulars of which will be determined as part of the conditions of Draft Approval and Subdivision Agreement;
- (h) Restrictions and regulations for the development of the Subdivision are included in the implementing Zoning By-law Amendment, conditions of Draft Approval and Subdivision Agreement; and,
- (i) The applications do not have any negative impact on the City’s finances.

Therefore, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

6. **Engineering Approvals**

The Engineering Approvals section reviewed the applications and supporting studies from the most recent submission of May 2019 and are in support of the subject development applications. They have the following comments and conditions:

City Share of Servicing Cost

Stormwater management facility retrofit works shall be in accordance with the City’s current Comprehensive Development Guidelines and Financial Policies Manual and funding approved at the time of original pond construction.

The proposed storm sewers ≥ 1350 mm diameter (MH16 to pond inlet HW) are not eligible for Cost Sharing as they are proposed to convey 100-year flows from the external drainage areas.

Water Servicing

Existing watermains adjacent to the subject lands include:

- A 300 mm diameter watermain on Tanglewood Drive at the southern limit of the proposed subdivision; and,
- 400 mm diameter watermains on Regional Road 56 at the western limit of proposed Zoe Lane.

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Wastewater

Existing sanitary sewers adjacent to the subject lands include:

- A 375 mm diameter sanitary sewer on Tanglewood Drive, that drains south and increases to a 450 mm diameter south of DeGrow Crescent;
- A 900 mm diameter sanitary sewer on Regional Road 56 that drains north. The southern portion of this sewer will be connected to the trunk sanitary sewer which is currently being constructed to the south. The estimated completion is Summer 2019;
- Sanitary flows from the proposed development are proposed to drain south to Tanglewood Drive to the Binbrook Wastewater Pump Station;
- The pump station currently has no remaining capacity available for this subdivision;
- Upgrades to the pump station and forcemain are required and are presently estimated to be completed in the Winter of 2019/2020 but this may be subject to change without notice; and,
- The completion of the Regional Road 56 trunk sanitary sewer and pump station upgrades are required to permit this site to proceed.

Storm Drainage and Stormwater Management

There is an existing stormwater management pond at the northeast corner of the proposed subdivision. It is proposed that the pond will be modified to accommodate the proposed development. A revised stormwater management report addressing all concerns is required prior to preliminary grading. The current volume of the existing stormwater management pond shall be confirmed by a bathymetric survey ahead of the preliminary grading.

An existing 1200 mm diameter storm sewer, MH16 to the SWM pond headwall, is proposed to be replaced with elliptical pipes 1095 by 1730 mm & 1220 by 1920 mm. These pipes are to convey the 100-year flows from external drainage areas (#104 and #110, and Ex .1) and therefore would be solely at the Owner’s cost.

Roadways

The existing width of Regional Road 56 adjacent to the subject lands is 100 ft (30.48 m). The ultimate right of way width for Regional Road 56 adjacent to this property is 36.576 m, requiring a 3.048 m road widening to be dedicated along the east side of the road adjacent to the subject lands. Therefore, the final plan of

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subdivision shall identify separate blocks that shall be dedicated to the City of Hamilton for road widening purposes. Regional Road 56 was recently upgraded to an urbanized cross section.

In the previous phase of the subdivision existing Tanglewood Drive was built to the northern limit of DeGrow Crescent and will need to be extended north approximately 51 m to the southern limit of the subdivision. This outstanding work from Jackson Heights Phase 3A shall be included in the engineering cost estimate and be secured under this phase.

A proposed driveway access from Block 29 to Regional Road 56 is not permitted in accordance with comments received from Transportation Planning.

Engineering Approvals supports the application for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision subject the conditions included below:

The Engineering Approvals section has included conditions to address Stormwater Management and Grading as part of the Draft Plan of Subdivision which has been identified as Condition Nos. 1, 9, 20, 21, 22, 25, 26, 27, 33, 36, 41 in Appendix “F” of Report PED19121.

The Engineering Approvals section has included the Public Right-of-way requirements, including utilities that are impacted within the right-of way which have been identified as Condition Nos. 2, 3, 4 and 5 in Appendix “F” of Report PED19121.

The Engineering Approvals section has included conditions relating to municipal services and private services which have been identified as Conditions Nos. 6, 7 and 38 in Appendix “F” of Report PED19121.

The Engineering Approvals section has included warning clauses and permissions from neighbouring properties which have been identified as Condition Nos. 8, 12, 15, 16, 17 and 24 in Appendix “F” of Report PED19121.

The Engineering Approvals section has included conditions relating to easements for the purpose of access and maintenance which have been identified as Condition Nos. 10, 11, 13 and 14 in Appendix “F” of Report PED19121.

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The Engineering Approvals section has included general conditions which have been identified as Condition Nos. 18, 19, 23, 28, 29, 30, 31, 32, 34, 35, 37, 39, 40, 42, 43 and 44 in Appendix “F” of Report PED19121.

7. Staff circulated the applications for public comment. Concerns received included loss of greenspace, proposed building height, increase in the amount of commercial space and stormwater management.

Building Height

Staff note that concern from neighbouring property owners was for the proposed four storey building submitted as part of the initial application. The proposed multiple dwelling has been revised and has since been modified to be a maximum height of three storeys, which is in line with the maximum height identified within the Binbrook Village Secondary Plan. The proposed building is located adjacent to Regional Road 56 and requires a minimum setback of 7.5 m from any low density residential zone to minimize impacts on abutting properties. The proposed multiple dwelling will be required to go through site plan and staff will further review the details of the site, including the locating of the building, parking, and landscaping at that time.

Increase in Mixed Commercial Space

The original proposal included commercial permissions within the original proposal for a four storey building. The applicants have since removed the commercial permissions as part of the proposed building but have requested a portion of the lands to be redesignated and rezoned District Commercial. Staff are of the opinion that the proposed redesignation and rezoning for the commercial lands is appropriate since it is a minor addition of land to be added to the existing District Commercial designation that would otherwise function as an isolated piece of residential land divided from the remaining subdivision by a utility easement.

Loss of Greenspace

Neighbouring property owners expressed concerns with the loss of greenspace currently identified within the City of Hamilton Official Plan. Staff support the proposed modification to remove the open space designation and zoning given that the proposed low density residential built form still provides an appropriate Urban / Rural edge, provides the more intense built form along Regional Road 56

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and ground floor residential along the edges and maintains ground floor rear yard amenity area for the proposed residential development. In addition, the proposed subdivision is within 500 m of a neighbourhood park, built as part of a previous phase of the residential subdivision.

Stormwater Management

As part of this application, a Functional Servicing Study and Stormwater Management Report were provided and reviewed by Staff. The proposed stormwater management has been accepted by Staff and conditions are included as part of the development of the Subdivision to ensure implementation of the stormwater management scheme.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could not be developed for the proposed residential Plan of Subdivision. The lands however, could be developed in accordance with the Existing Residential, Public Open Space, Deferred Development, Existing Residential, Rural, Restricted Agricultural, General Commercial and Private Open Space Zones, which already permit a range of residential, open space and commercial uses.

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.

Built Environment and Infrastructure

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

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Urban Hamilton Official Plan Amendment

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Appendix “C” – Draft Town of Glanbrook Zoning By-law No. 464 Amendment

Appendix “D” – Draft City of Hamilton Zoning By-law No. 05-200 Amendment

Appendix “E” – Draft Plan of Subdivision

Appendix “F” – Draft Plan of Subdivision Special Conditions

Appendix “G” – Zoning Modifications

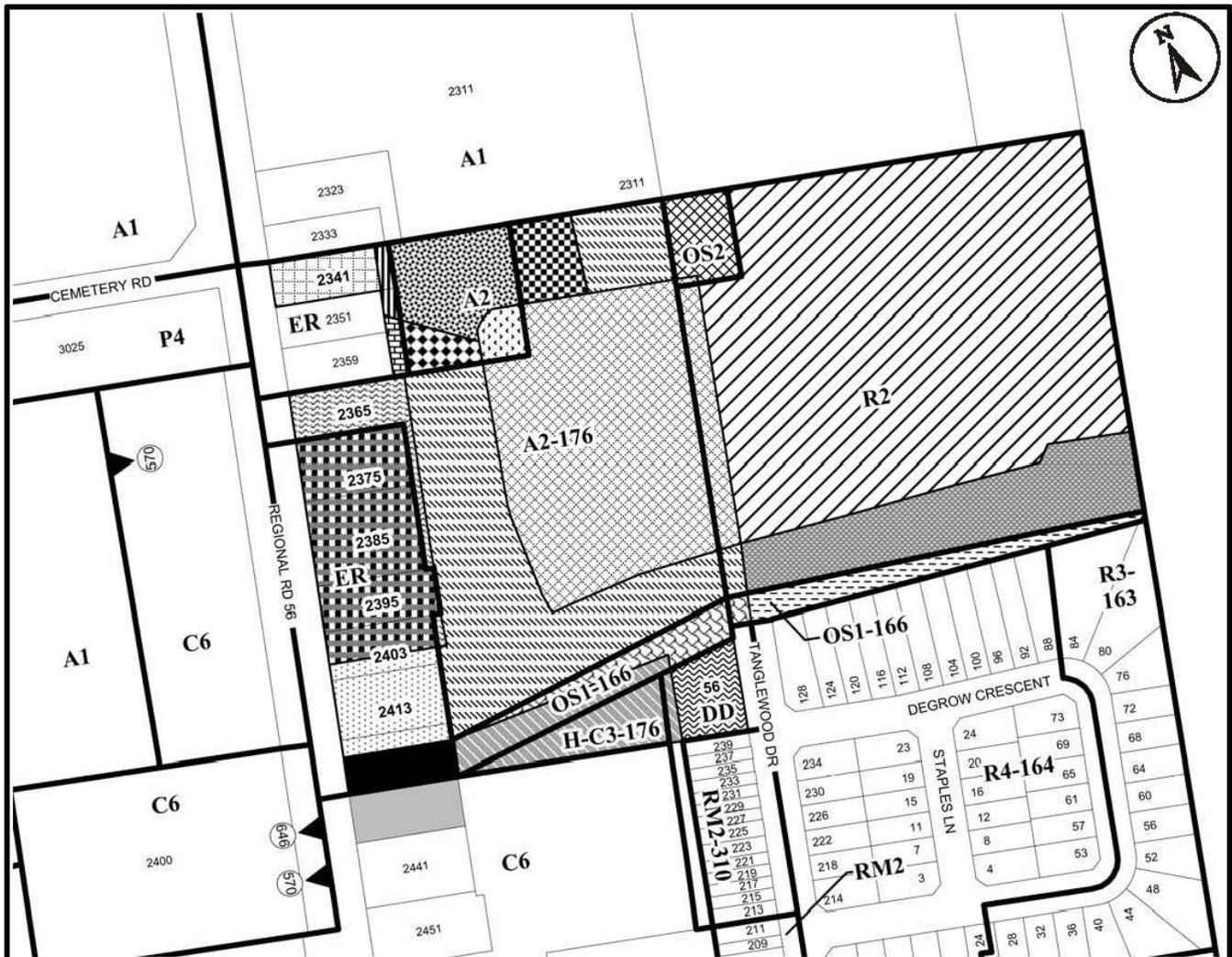
Appendix “H” – Public Comments

Appendix “I” – Concept Plan

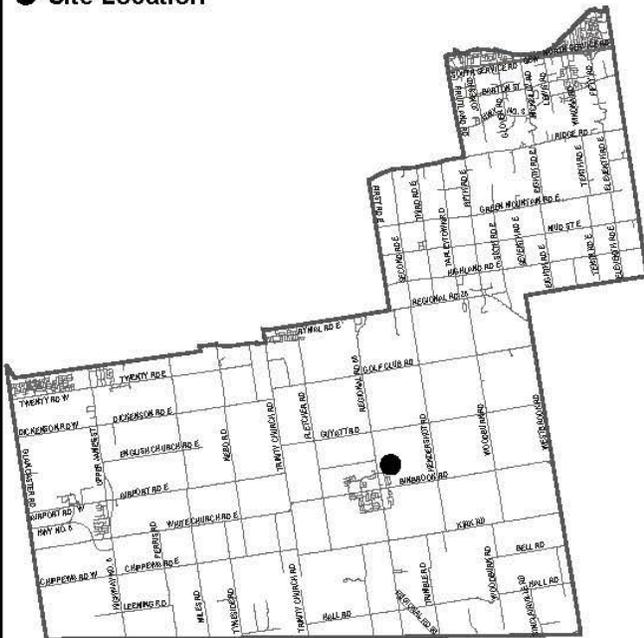
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● Site Location



Key Map - Ward 11

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

ZAC-17-027/UHOPA-17-012/25T-201706

Date:

July 17, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AB/NB

Subject Property - 2341, 2365 - 2431 Regional Rd. 56 & 250 Tanglewood Dr.

- Block 1** - Change in zoning from Residential "R2" Zone to Residential Multiple "RM2-313" Zone, Modified
- Block 2** - Change in zoning from Public Open Space "OS2" Zone to Residential Multiple "RM2-313" Zone, Modified
- Block 3** - Change in zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified
- Block 4** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313" Zone, Modified
- Block 5** - Change in zoning from Private Open Space "OS1-166" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified
- Block 6** - Change in zoning from Deferred Development "DD" Zone to Residential Multiple "RM2-313" Zone
- Block 7** - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313" Zone, Modified
- Block 8** - Change in zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313(a)" Zone, Modified
- Block 9** - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313(a)" Zone, Modified

Schedule 1**DRAFT Urban Hamilton Official Plan
Amendment No. XX**

The following text, together with:

Appendix "A"	Volume 1, Schedule B – Natural Heritage System
Appendix "B"	Volume 1, Schedule E-1 – Urban Land Use Designations
Appendix "C"	Volume 2, Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan
Appendix "D"	Volume 2, Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages

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

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to change the land use designations, refine the natural heritage features, and establish two Specific Policy Areas within the Binbrook Village Secondary Plan to facilitate the orderly development of a plan of subdivision with higher net residential densities, and to permit commercial uses on a portion of the subject lands.

2.0 Location:

The lands affected by this Amendment are generally located southeast of Cemetery Road and Regional Road 56 and known municipally as 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive, in the former Township of Glanbrook.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment is in keeping with the policies of the Urban Hamilton Official Plan and the Binbrook Village Secondary Plan to provide a diversity of housing opportunities suitable for different segments of the population and to make the most efficient use of urban lands.

- The proposed development is considered to be consistent with, and complementary to, the planned and existing development in the immediate area.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014, and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan:

Schedule Changes

Schedule B – Natural Heritage System

4.1.1 That Volume 1, Schedule B – Natural Heritage System be amended by removing the “Parks & General Open Space” identification from a portion of the subject lands, as shown on Appendix “A”, attached to this Amendment.

Schedule E-1 – Urban Land Use Designations

4.1.2 That Volume 1, Schedule E-1 – Urban Land Use Designations be amended by:

- a) redesignating a portion of the lands from “Neighbourhoods” to “District Commercial”; and
- b) redesignating a portion of the lands from “Utility” to “Neighbourhoods”,

as shown on Appendix “B” attached to this Amendment.

4.2 Volume 2 – Secondary Plans and Rural Settlement Areas:

Text Changes

4.2.1 Chapter B-5 – Glanbrook Secondary Plans

- a. That Volume 2, Chapter B.5 – Glanbrook Secondary Plans, Section B.5.1 – Binbrook Village Secondary Plan be amended by adding Area Specific Policy – Area “X”, as follows:

“Area Specific Policy – Area X

B.5.1.13.X For the lands located east of Regional Road No. 56 and north of the pipeline easement, designated “Low Density Residential 2d” and identified as Area Specific Policy Area “X” on Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan, the following policies shall apply:

- a) In addition to Policy B.5.1.4.5(a)(i), maisonette dwellings shall also be permitted; and,
- b) In addition to Policy B.5.1.4.5(a)(ii), a density of 26 – 48 units per net residential hectare shall be permitted.”

- b. That Volume 2, Chapter B.5 – Glanbrook Secondary Plans, Section B.5.1 – Binbrook Village Secondary Plan be amended by adding Site Specific Policy – Area “Y”, as follows:

“Site Specific Policy – Area Y

B.5.1.13.X Notwithstanding Policy B.5.1.4.5(e)(ii), for the lands located east of Regional Road No. 56 and north of the pipeline easement, designated “Low Density Residential 3e” and identified as Site Specific Policy Area “Y” on Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan, a density of 41 – 85 units per net residential hectare shall be permitted.”

Schedule and Map Changes

Map B.5.1-1 – Binbrook Village Secondary Plan - Land Use Plan

- 4.2.2 That Volume 2, Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan be amended by:

- a) redesignating a portion of the lands from “Low Density Residential 2e” to “Low Density Residential 3e”;
- b) redesignating a portion of the lands from “Low Density Residential 2h” to “Low Density Residential 3e”;
- c) redesignating a portion of the lands from “Low Density Residential 2e” to Low Density Residential 2d”;
- d) redesignating a portion of the lands from “Low Density Residential 2h” to “Low Density Residential 2d”;
- e) redesignating a portion of the lands from “Utility” to “Low Density Residential 2d”;
- f) redesignating a portion of the lands from “Parkette” to “Low Density Residential 2d”;
- g) redesignating a portion of the lands from “Low Density Residential 2e” to “District Commercial”;
- h) redesignating a portion of the lands from “Low Density Residential 2h” to “District Commercial”;
- i) adding Area Specific Policy – Area “X” to a portion of the subject lands; and,
- j) adding Site Specific Policy – Area “Y” to a portion of the subject lands,

as shown on Appendix “C” attached to this Amendment.

Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages

4.2.3 That Volume 2, Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages be amended by:

- a) Removing the “Parkette” identification from a portion of the subject lands;
- b) Removing the “Utility” identification from a portion of the subject lands; and,

- c) Adding "Local Road" identification to a portion of the subject lands,

as shown on Appendix "D" attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment, Draft Plans of Subdivision and Condominium 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.

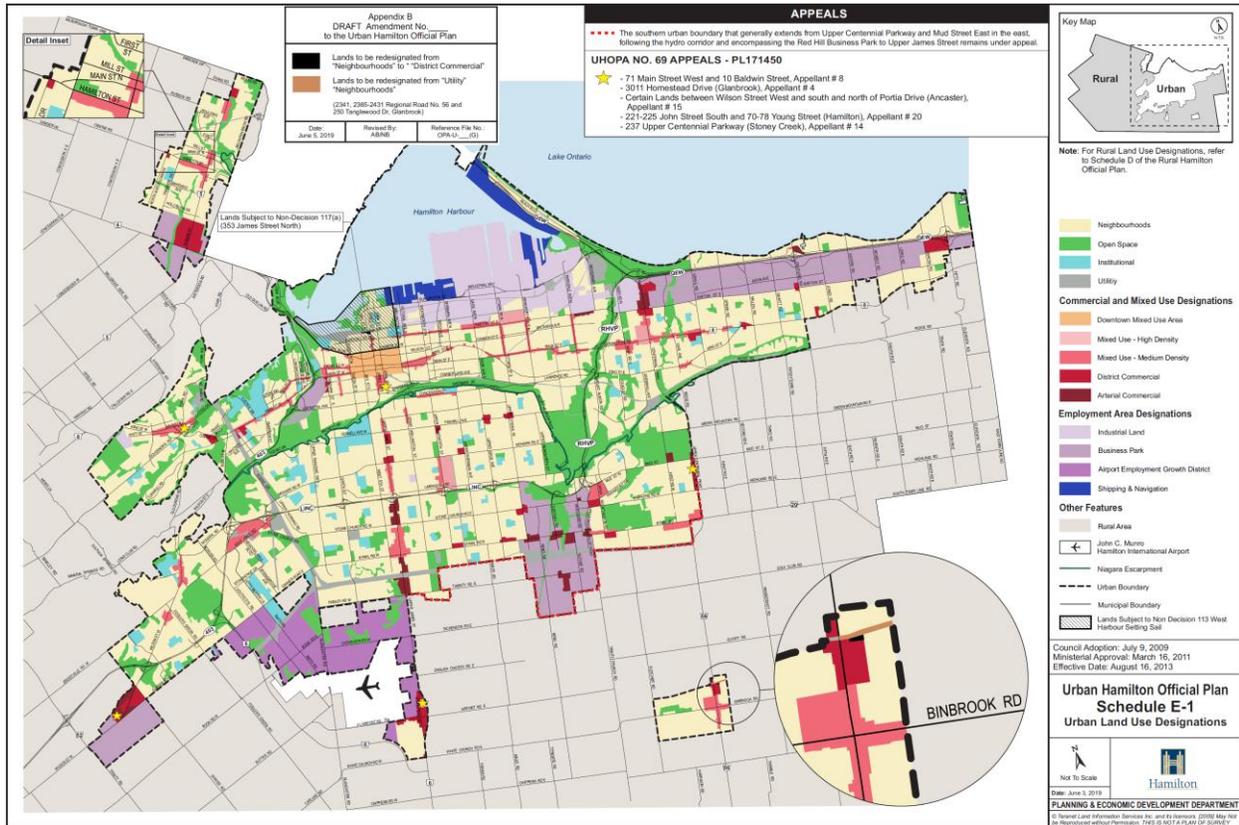
**The
City of Hamilton**

Fred Eisenberger
MAYOR

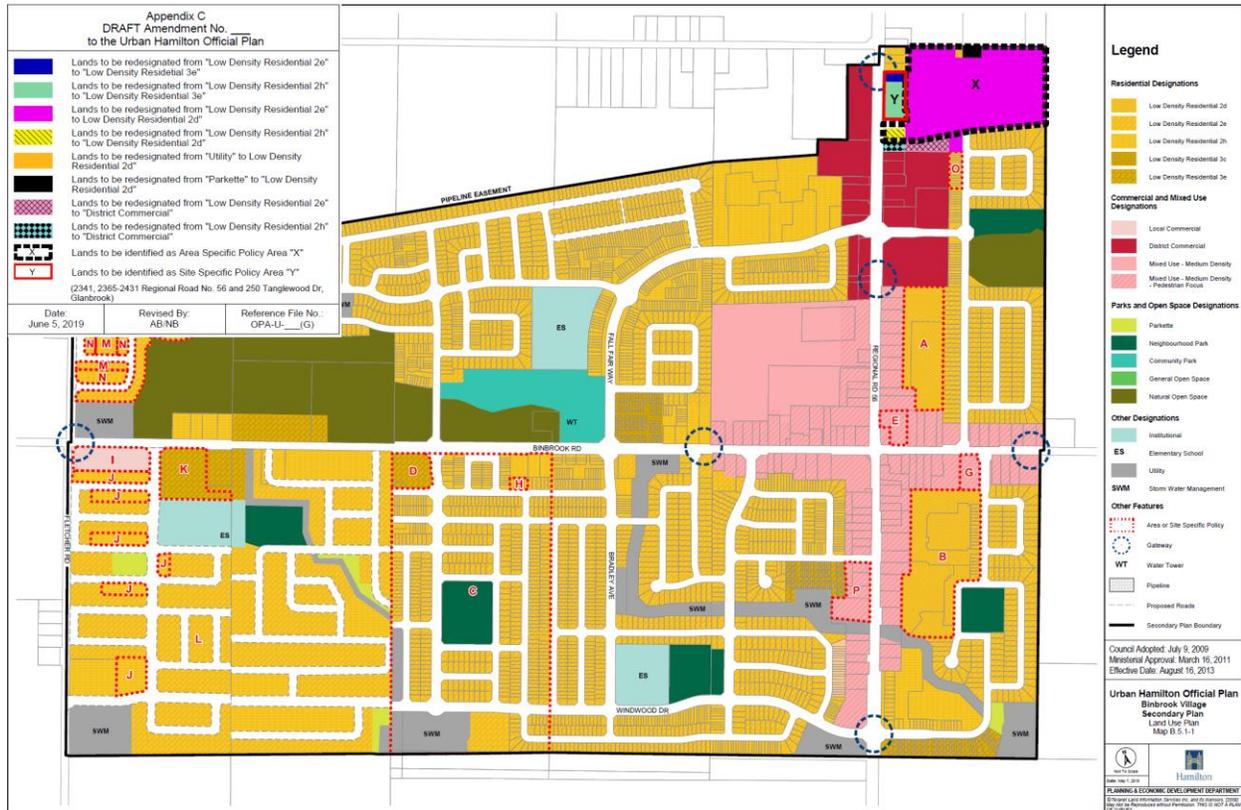
Andrea Holland
CITY CLERK



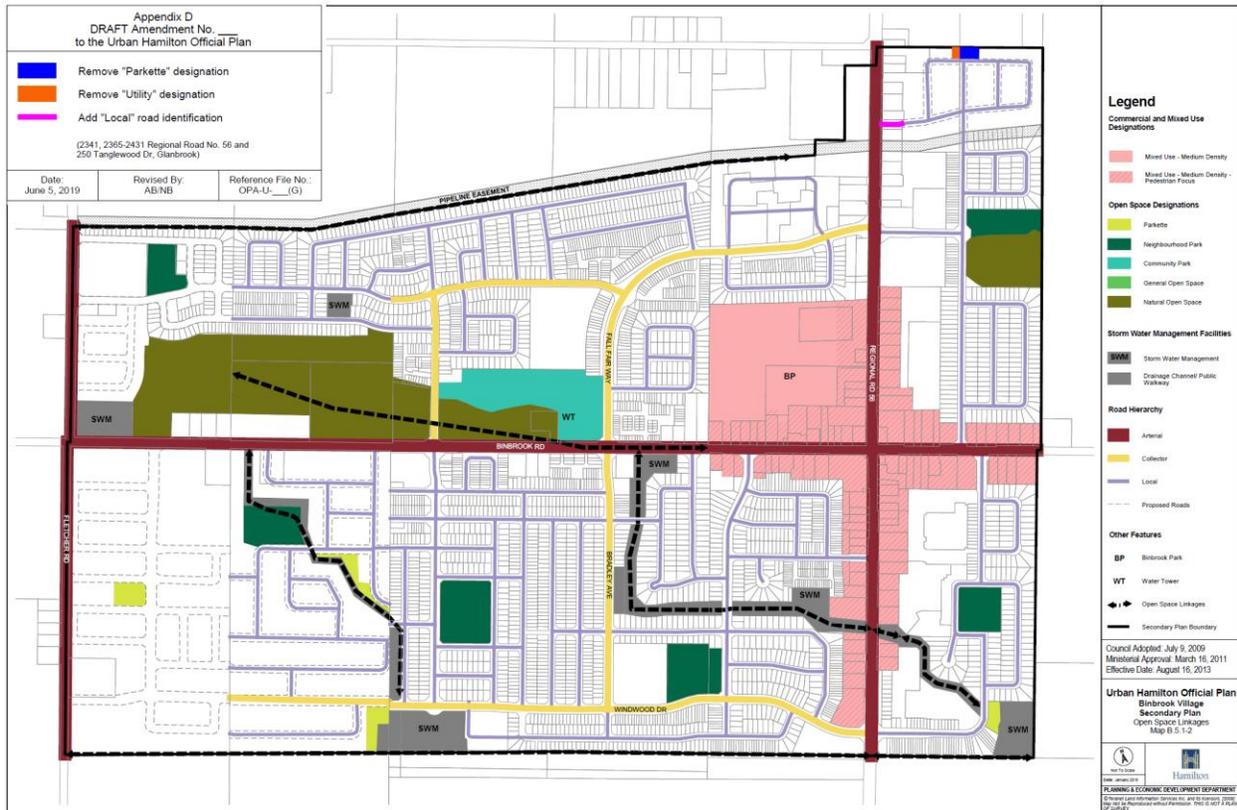
Appendix "B" to Report PED19121
Page 7 of 9



Appendix "B" to Report PED19121
Page 8 of 9



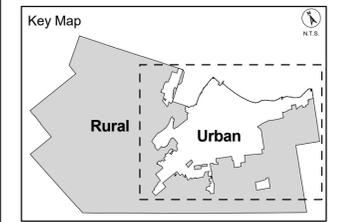
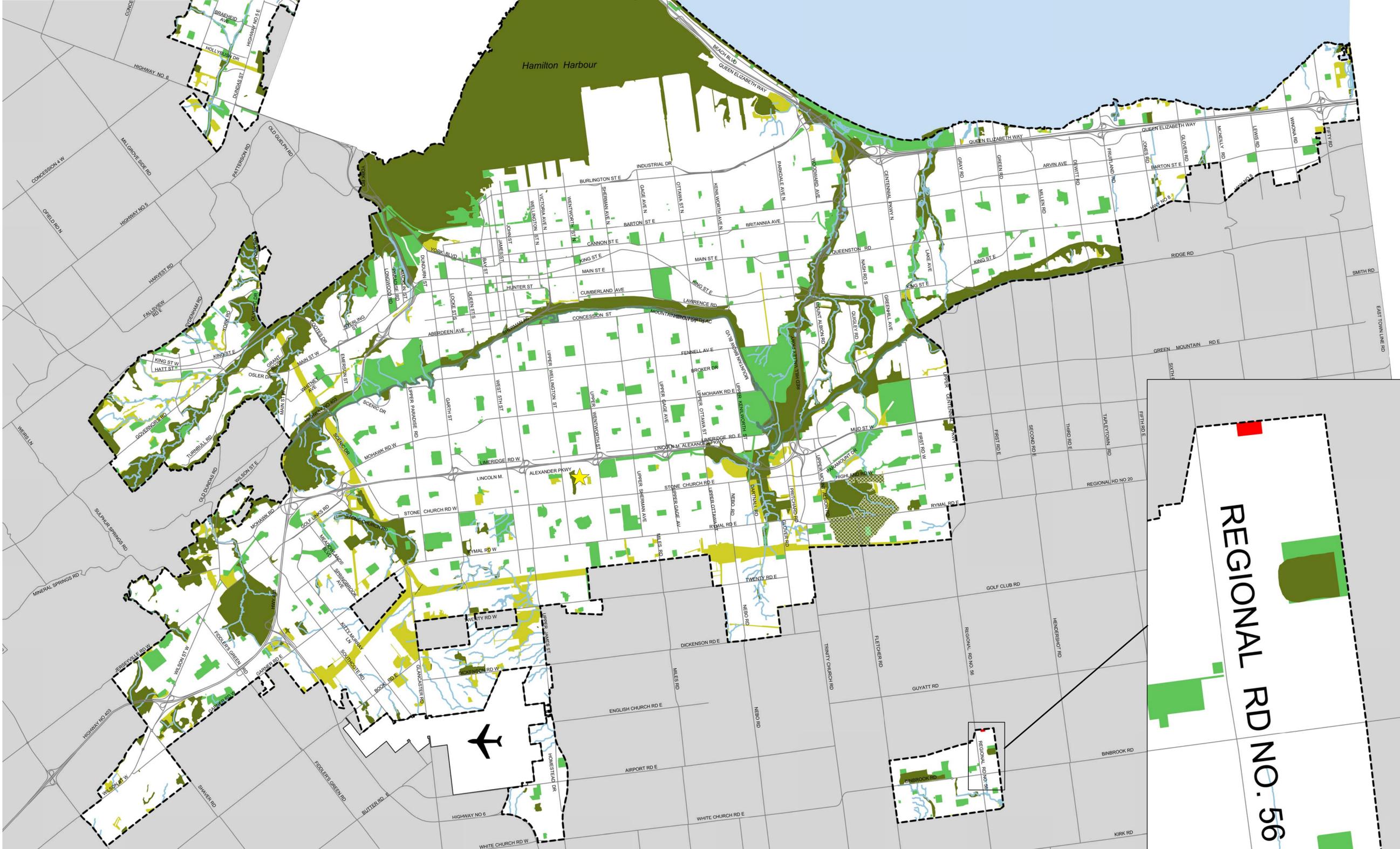
Appendix "B" to Report PED19121
Page 9 of 9



Appendix A
DRAFT Amendment No. ___
to the Urban Hamilton Official Plan

 Remove "Parks and General Open Space"
(2341, 2365-2431 Regional Road No. 56 and 250 Tanglewood Drive, Glanbrook)

Date: June 5, 2019
Revised By: AB/NB
Reference File No.: OPA-U-___(G)



Note: For Rural Natural Heritage Features refer to Schedule B of the Rural Hamilton Official Plan.

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal - see illustration on Schedules E and E-1, Volume 1.

★ Lands Under Appeal

- 313 Stone Church Road East & lands bounded by Stone Church Road East, Upper Wellington Street, Lincoln M Alexander Parkway and Upper Wentworth Street

Legend

- Core Areas
- Area Specific Policy - USC-1 and USC-2 in Volume 3
- Linkages
- Parks & General Open Space (Excluding Parkettes)
- Streams

Other Features

- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

**Urban Hamilton Official Plan
Schedule B
Natural Heritage System**

Not To Scale

Date: November 2018

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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Appendix B
DRAFT Amendment No. _____
to the Urban Hamilton Official Plan

-  Lands to be redesignated from "Neighbourhoods" to "District Commercial"
 -  Lands to be redesignated from "Utility" "Neighbourhoods"
- (2341, 2365-2431 Regional Road No. 56 and 250 Tanglewood Dr, Glanbrook)

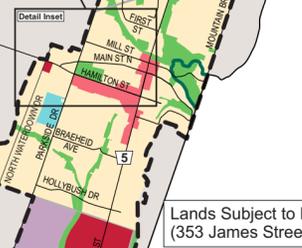
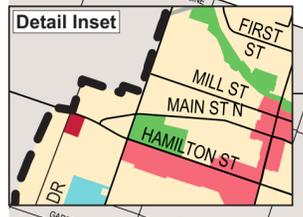
Date: June 5, 2019	Revised By: AB/NB	Reference File No.: OPA-U-____(G)
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APPEALS

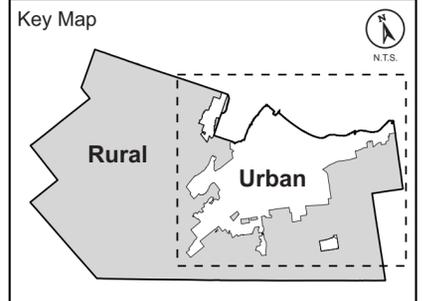
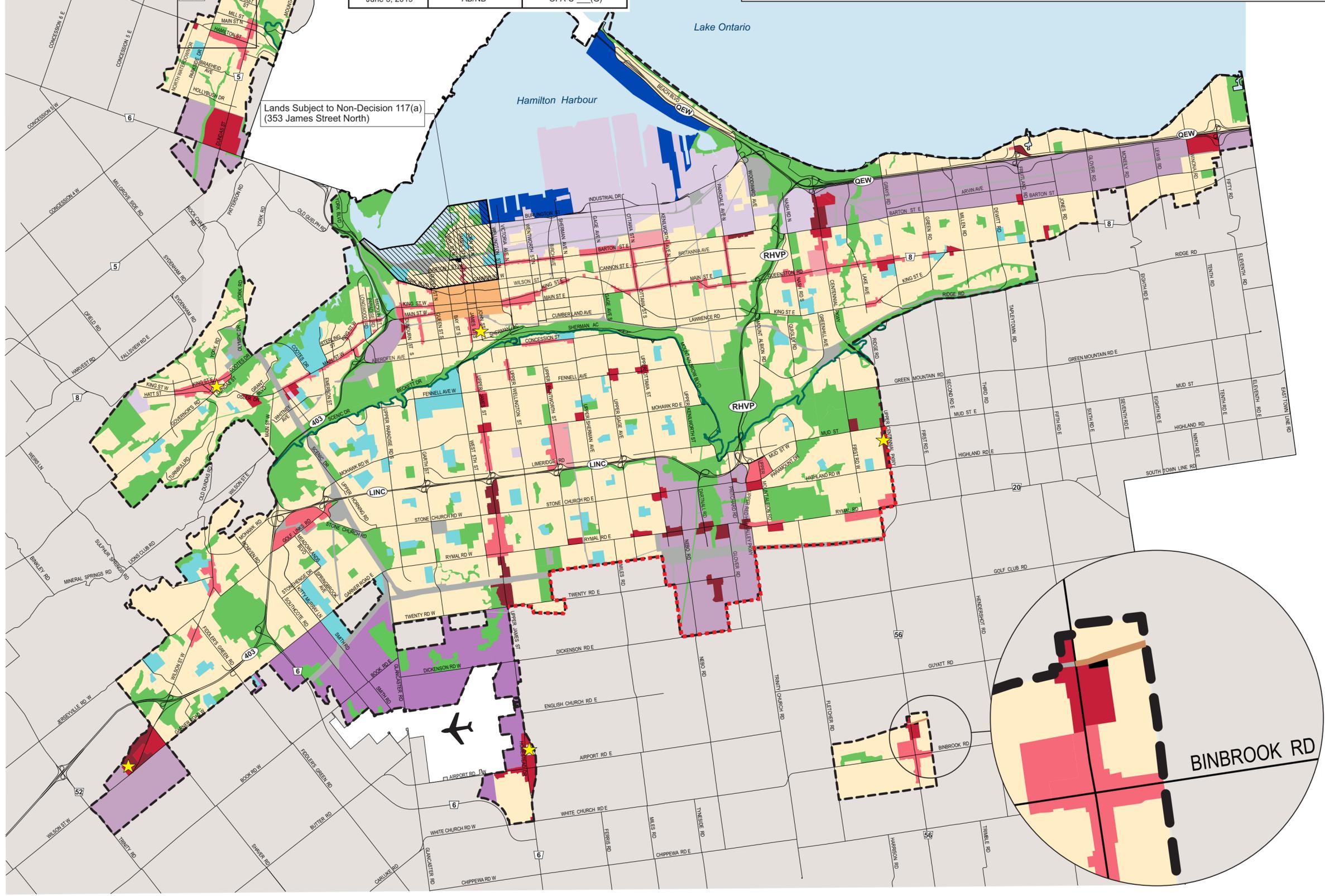
----- The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal.

UHOPA NO. 69 APPEALS - PL171450

-  - 71 Main Street West and 10 Baldwin Street, Appellant # 8
- 3011 Homestead Drive (Glanbrook), Appellant # 4
- Certain Lands between Wilson Street West and south and north of Portia Drive (Ancaster), Appellant # 15
- 221-225 John Street South and 70-78 Young Street (Hamilton), Appellant # 20
- 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14



Lands Subject to Non-Decision 117(a)
(353 James Street North)



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

-  Neighbourhoods
-  Open Space
-  Institutional
-  Utility

Commercial and Mixed Use Designations

-  Downtown Mixed Use Area
-  Mixed Use - High Density
-  Mixed Use - Medium Density
-  District Commercial
-  Arterial Commercial

Employment Area Designations

-  Industrial Land
-  Business Park
-  Airport Employment Growth District
-  Shipping & Navigation

Other Features

-  Rural Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary
-  Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

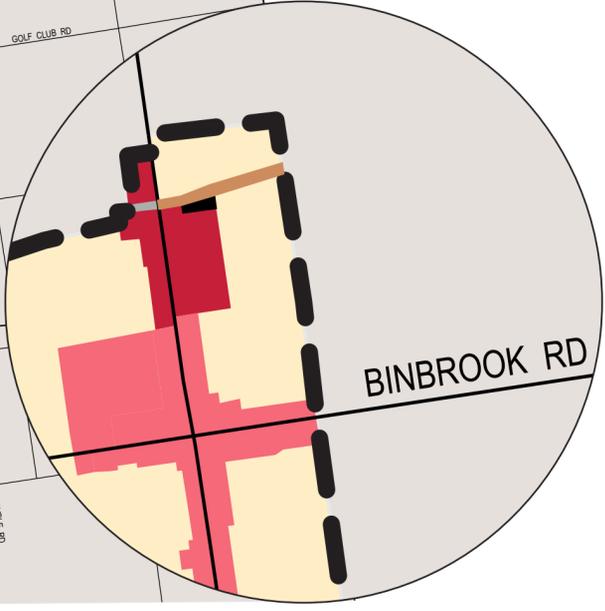
Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations

Not To Scale



Date: June 3, 2019

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Appendix C
DRAFT Amendment No. ___
to the Urban Hamilton Official Plan

-  Lands to be redesignated from "Low Density Residential 2e" to "Low Density Residential 3e"
-  Lands to be redesignated from "Low Density Residential 2h" to "Low Density Residential 3e"
-  Lands to be redesignated from "Low Density Residential 2e" to Low Density Residential 2d"
-  Lands to be redesignated from "Low Density Residential 2h" to "Low Density Residential 2d"
-  Lands to be redesignated from "Utility" to Low Density Residential 2d"
-  Lands to be redesignated from "Parkette" to "Low Density Residential 2d"
-  Lands to be redesignated from "Low Density Residential 2e" to "District Commercial"
-  Lands to be redesignated from "Low Density Residential 2h" to "District Commercial"
-  Lands to be identified as Area Specific Policy Area "X"
-  Lands to be identified as Site Specific Policy Area "Y"
(2341, 2365-2431 Regional Road No. 56 and 250 Tanglewood Dr, Glanbrook)

Date:
June 5, 2019

Revised By:
AB/NB

Reference File No.:
OPA-U-___(G)

Legend

- Residential Designations**
-  Low Density Residential 2d
 -  Low Density Residential 2e
 -  Low Density Residential 2h
 -  Low Density Residential 3c
 -  Low Density Residential 3e

- Commercial and Mixed Use Designations**
-  Local Commercial
 -  District Commercial
 -  Mixed Use - Medium Density
 -  Mixed Use - Medium Density - Pedestrian Focus

- Parks and Open Space Designations**
-  Parkette
 -  Neighbourhood Park
 -  Community Park
 -  General Open Space
 -  Natural Open Space

- Other Designations**
-  Institutional
 -  Elementary School
 -  Utility
 -  Storm Water Management

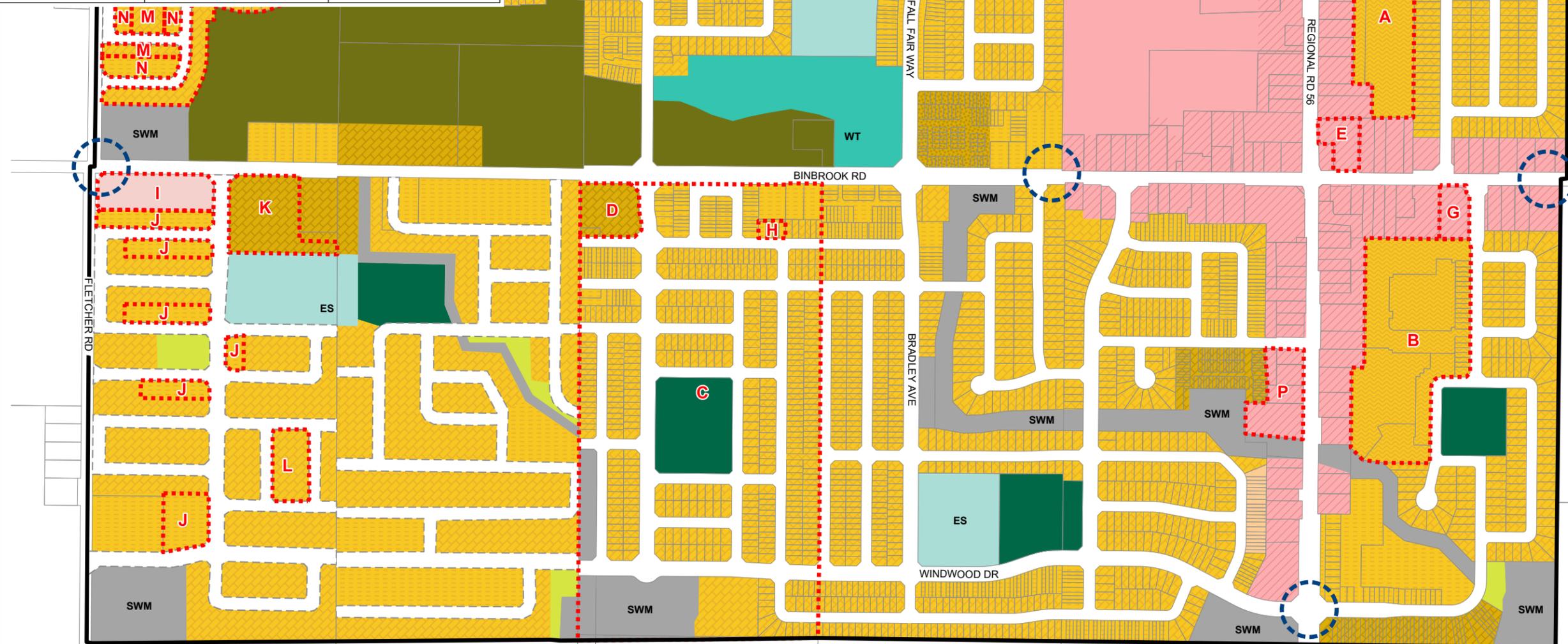
- Other Features**
-  Area or Site Specific Policy
 -  Gateway
 -  Water Tower
 -  Pipeline
 -  Proposed Roads
 -  Secondary Plan Boundary

Council Adopted: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

Urban Hamilton Official Plan
Binbrook Village
Secondary Plan
Land Use Plan
Map B.5.1-1



Date: May 7, 2019
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Appendix "B" to Report PED19121
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Appendix D
DRAFT Amendment No. ___
to the Urban Hamilton Official Plan

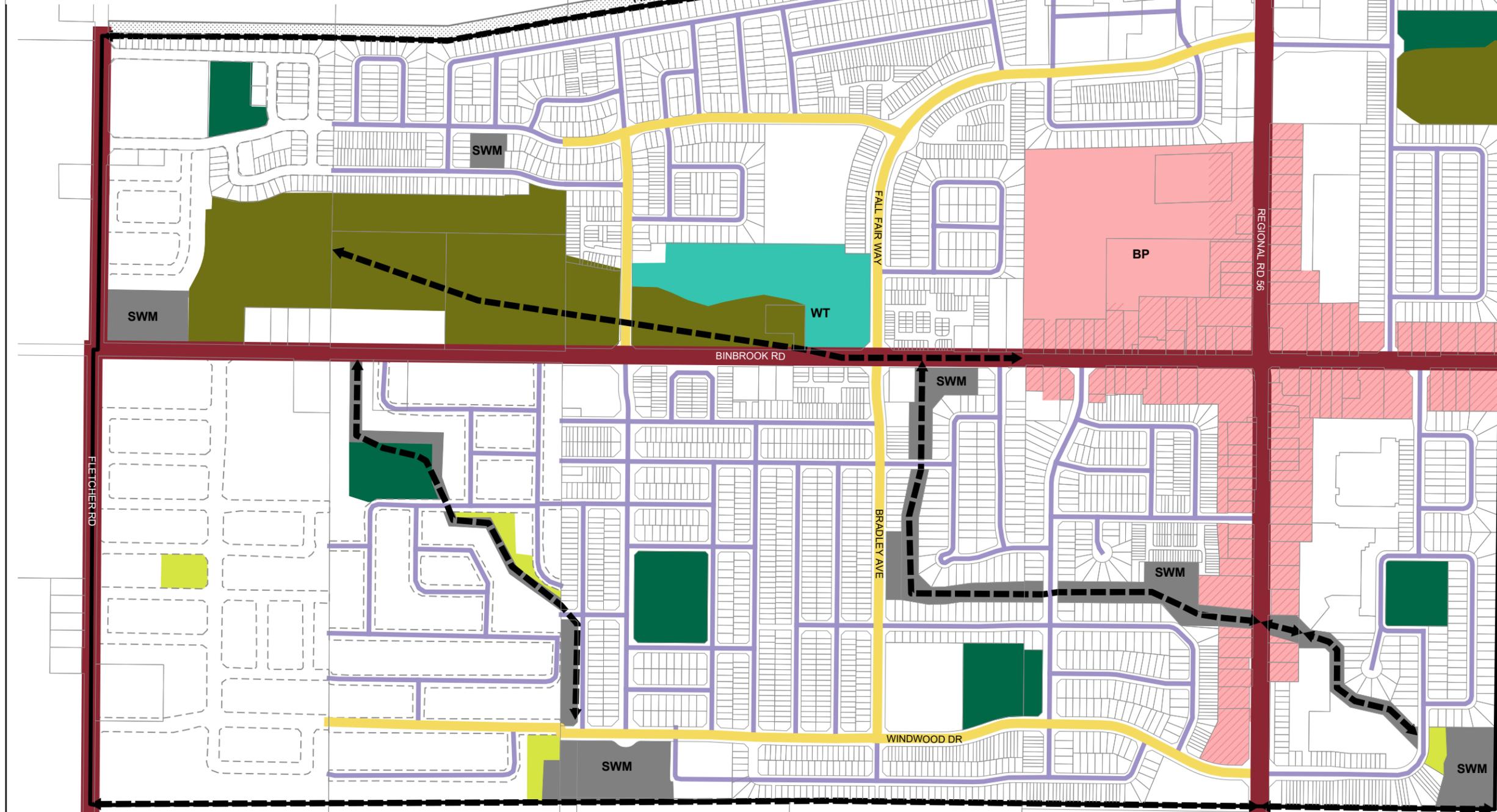
- Remove "Parkette" designation
- Remove "Utility" designation
- Add "Local" road identification

(2341, 2365-2431 Regional Road No. 56 and
250 Tanglewood Dr, Glanbrook)

Date:
June 5, 2019

Revised By:
AB/NB

Reference File No.:
OPA-U-___(G)



Legend

Commercial and Mixed Use Designations

- Mixed Use - Medium Density
- Mixed Use - Medium Density - Pedestrian Focus

Open Space Designations

- Parkette
- Neighbourhood Park
- Community Park
- General Open Space
- Natural Open Space

Storm Water Management Facilities

- SWM Storm Water Management
- Drainage Channel/ Public Walkway

Road Hierarchy

- Arterial
- Collector
- Local
- Proposed Roads

Other Features

- BP Binbrook Park
- WT Water Tower
- Open Space Linkages
- Secondary Plan Boundary

Council Adopted: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

Urban Hamilton Official Plan
Binbrook Village
Secondary Plan
Open Space Linkages
Map B.5.1-2



Not To Scale



Date: January 2019

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Appendix "B" to Report PED19121
Page 9 of 9

Authority: ,
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 2341 and 2365 to 2431 Regional Road 56 and 250
Tanglewood Drive (Glanbrook)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

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

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

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report PED19121 of the Planning Committee at its meeting held on the 13th day of August 2019, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided; and,

AND WHEREAS this By-law will be 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 Schedule "H" – Binbrook Settlement Area, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:
 - (a) by changing the zoning from Residential "R2" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 1);
 - (b) by changing the zoning from Public Open Space "OS2" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 2);

- (c) by changing the zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified (Block 3);
- (d) by changing the zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 4);
- (e) by changing the zoning from Private Open Space "OS1-166" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified (Block 5);
- (f) by changing the zoning from Deferred Development "DD" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 6);
- (g) by changing the zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 7);
- (h) by changing the zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313(a)" Zone, Modified (Block 8);
- (i) by changing the zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313(a)" Zone, Modified (Block 9);
- (j) by changing the zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM4-314" Zone, Modified (Block 10);
- (k) by changing the zoning from Existing Residential "ER" Zone to Residential Multiple "RM4-314" Zone, Modified (Block 11);
- (l) by changing the zoning from Residential "R2" Zone to Residential "R4-315" Zone, Modified (Block 12);
- (m) by changing the zoning from Private Open Space "OS-1-166" Zone, Modified to Residential "R4-315" Zone, Modified (Block 13);
- (n) by changing the zoning from Restricted Agriculture "A2-176" Zone, Modified to Residential Multiple "RM2-316" Zone, Modified (Block 14);
- (o) by changing the zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-316" Zone, Modified (Block 15);
- (p) by changing the zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313(a)" Zone, Modified (Block 18); and,
- (q) by changing the zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313" Zone, Modified (Block 19).

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 44, "Exceptions to the Provisions of the By-law", as amended, of Zoning By-law No. 464, is hereby further amended by modifying **SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING)**, provisions (a), (b), (c), (d), (e), (g), (h), (i), (k):

RM2-313 (Blocks 1 – 7 and 19)

- 18.2 (a) Minimum Lot Frontage: 6.0 metres
- (b) Minimum Lot Area: 175.0 square metres
- (c) Maximum Lot Coverage: 60%
- (d) Minimum Front Yard: 4.5 metres to the dwelling, except 5.8 metres to the garage
- (e) Minimum Side Yard: 1.2 metres on an end unit which does not abut a flanking street and 1.9 metres for an end unit on a corner lot which abuts a flanking street
- (g) Minimum Floor Area Dwelling Unit: N/A
- (h) Maximum Height: 11.5 metres (3 storeys)
- (i) Minimum Landscaped Area: 25% of the lot area
- (k) Dwelling Unit Placement: Not more than four (4) attached dwelling units shall be erected in a row without offsetting or staggering the front face or wall of the dwelling a minimum of 1 metre or without varying the exterior design of the dwelling.

In addition to the definitions of **SECTION 4: DEFINITIONS**, the following definition shall apply:

- (a) A "*Retaining Wall*" shall be defined as a wall used for the retention of earth and soil, with a height of no less than 0.7 metres.

Notwithstanding the definitions of **SECTION 4: DEFINITIONS**, the following definition shall apply to a Dwelling, Street Townhouse:

- (a) Means a townhouse dwelling:
- i) in which all dwelling units front on a public thoroughfare; and,

- ii) which does not share any yards, driveways, common open space and parking and manoeuvring space.

In addition to the regulations of **SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING)** and **Section 7: General Provisions for All Zones, Sub-section 7.13 - ACCESSORY BUILDINGS and Sub-Section 7.16 – OUTDOOR SWIMMING POOLS AND HOT TUBS,** the following provision shall apply:

- (a) A Principal Building shall have a minimum setback of 6.0 metres from the Top of the "*Retaining Wall*";
- (b) Accessory Structures, including a deck, shall be permitted in a rear yard with a minimum 3 metre setback from the top of the "*Retaining Wall*"; and,
- (c) No pools, spas or hot tubs shall be permitted on the property on a property with a "*Retaining Wall*".

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES,** Sub-Section 7.25 - SPECIAL SETBACK REQUIREMENTS FROM TRANSMISSION PIPELINE RIGHTS-OF-WAY, the following provisions shall apply to those lands zoned site-specific residential "RM2-313":

- (a) All principal buildings and / or structures shall be setback a minimum distance of 7.5 metres from the boundary of a transmission pipeline right-of-way.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES,** Sub-Section 7.35 – MINIMUM PARKING REQUIREMENTS - Clauses (a) (vii), the following provisions shall apply:

- (a) In addition, a parking space shall have a minimum width of 3 metres and a minimum length of 5.8 metres.

In addition to the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES,** Sub-section 7.26 - ENCROACHMENT INTO YARDS, the following regulations shall apply:

- (a) Covered porches may project into any required front yard a distance of not more than 3.0m.
- (b) Stairs may project into any required front yard a distance of not more than 3.0m.
- (c) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear (all units) or side yard (end unit and/or corner unit) a distance of not more than 0.6m.

3. That **SECTION 44, "EXCEPTIONS TO THE PROVISIONS OF THE BY-LAW"**, as amended, of Zoning By-law No. 464, is hereby further amended by modifying the "RM2-313" Zone provisions as follows:

RM2-313(a) (Blocks 8, 9 and 18)

In addition to the provisions of the Residential "RM2-313" Zone, Modified, and notwithstanding Section 18.2 (f), the minimum rear yard setback shall be 10.4 metres.

4. That Section 44, "Exceptions to the Provisions of the By-law", as amended, of Zoning By-law No. 464, is hereby further amended by modifying **SECTION 20.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1 (APARTMENT BUILDING)**, provisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m)(ii) as follows:

RM4-314 (Blocks 10 and 11)

20.2	(a) Maximum Lot Coverage	40 percent
	(b) Maximum Density	85 dwelling units per hectare
	(c) Minimum Front Yard	1.5 metres
	(d) Minimum Side and Rear Yards:	2 metres, except where the boundary of a Residential Multiple "RM4" Zone abuts a boundary of any residential or institutional zone or any zone where the adjoining land is used for residential or institutional purposes the minimum side yard shall be 7.5 metres.
	(e) Minimum Floor Area per Dwelling:	N/A
	(f) Maximum Height:	13 metres (3 storeys)
	(g) Minimum Amenity Area:	A minimum area of 5 square metres per dwelling unit shall be provided. Notwithstanding the definition of amenity area, private balconies shall be included in the Amenity Area.
	(h) Minimum Landscape Area:	10 percent of the lot area excluding the Amenity Area.
	(i) Planting Strip / Fencing:	A 2.9 metre wide planting strip and / or a 1.8 high visual barrier shall be

provided along any lot line that abuts a residential or institutional zone, or any lands being uses for residential or institutional purposes. A transformer shall be permitted within any planting strip.

(j) Minimum Parking Requirement: The following requirement is in addition to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law:

(i) No parking space or area shall be located closer to a street line than 3 metres and not closer than 2.9 metres to any Residential Zone, unless such parking space is located within a below-grade communal parking structure.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Sub-Section 7.35 – MINIMUM PARKING REQUIREMENTS -** Clauses (a), (i), (vii), (xii) and clause (b) and **Sub-Section 7.36 – Minimum Loading Requirements** Clause(a)(ix) the following provisions shall apply to those lands zoned site-specific residential "RM4-314":

- (a) An Apartment Building shall provide and maintain 1.25 parking spaces per unit and 0.25 visitor Parking Spaces per unit. In the case of any other use, the minimum parking space requirements of 7.35(a)(i) shall apply.
- (b) Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 3 metres and a minimum length of 5.8 metres, exclusive of any land required for access or driveway, except where a minimum of 20 parking spaces are required to be provided on the subject lot, a maximum of thirty-five percent (35%) of the parking spaces may have a minimum width of 2.6 metres and a minimum length of 5.8 metres, provided these parking spaces are clearly marked for small cars only. Each parking space for parallel parking shall have a minimum width of 2.5 metres and a minimum length of 6.5 metres, exclusive of any land required for access or driveway. Notwithstanding the above regulations, the size of the required parking spaces for the physically handicapped shall be subject to Clause 7.35(a) (xv) of this By-law.
- (c) Subject to the establishment of more specific and / or substantial regulations in the Regulations for the various Zones, where a parking area which is required to provide for more than four (4) vehicles abuts any Residential or Institutional Zone or where the adjoining land is

used for residential or institutional purposes, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 2.9 metres shall be provided and shall also include fencing to provide a solid and effective screen.

- (d) Where a loading area abuts any Residential or Institutional Zone or a residential or institutional use, a permanently maintained landscaped area consisting of a planting strip with a minimum width of 2.9 metres shall be provided and shall also include fencing to provide a solid and effective screen.

5. That Section 44, "Exceptions to the Provisions of this By-law", as amended, of Zoning By-law No. 464, is hereby further amended by modifying **SECTION 16.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING)**, provisions (a), (b), (c), (d), (e), and (g):

R4-315 (Blocks 12 and 13)

- 16.2 (a) Minimum Lot Frontage: 10 metres, except on a corner lot the minimum frontage shall be 11.8 metres
- (b) Minimum Lot Area: 300 square metres except on a corner lot the minimum lot area shall be 380 square metres
- (c) Maximum Lot Coverage: 55 %
- (d) Minimum Front Yard: 4.5 metres to the dwelling, except 5.8 metres to the garage
- (e) Minimum Side Yard: 1.2 metres on the garage side and 0.6 metres on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6 metres into the side yard of the lot adjacent to the yard with a side yard setback less than 1.2 metres.

A 0.6 metres side yard setback shall not be permitted adjacent to any side lot line less than 1.2metres, except:

- (i) On a corner lot, the minimum side yard abutting the flankage street shall be 3.0 metres, except

that an attached garage which fronts on the flankage street shall not be located within 5.8 metres of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0 metres setback for any building from the hypotenuse of the daylight triangle is required; and,

- (ii) On a lot where an emergency spillway/overland flow route shall be located, a minimum 2.0 metres side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

(g) Minimum Floor Area Per Dwelling: N/A

In addition to the definitions of **SECTION 4: DEFINITIONS**, the following definition shall apply:

- (a) A "*Retaining Wall*" shall be defined as a wall used for the retention of earth and soil, with a height of no less than 0.7 metres.

In addition to the regulations of **SECTION 16.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING)** and **Section 7: General Provisions for All Zones**, Sub-section 7.13 - ACCESSORY BUILDINGS and Sub-Section 7.16 – OUTDOOR SWIMMING POOLS AND HOT TUBS, the following provision shall apply:

- (a) A Principal Building shall have a minimum setback of 6.0 metres from the Top of the "*Retaining Wall*".
- (b) Accessory Structures, including a deck, shall be permitted in a rear yard with a minimum 3 metre setback from the top of the "*Retaining Wall*".
- (a) No pools, spas or hot tubs shall be permitted on the property where a "*Retaining Wall*" exists.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Sub-Section 7.25 – SPECIAL SETBACK REQUIREMENTS FROM TRANSMISSION PIPELINE RIGHTS-OF-WAY and Sub-Section 7.35 – MINIMUM PARKING REQUIREMENTS - Clauses (a), (i), (vii), and clause (b), the following provisions shall apply:

- (a) All principal buildings and / or structures shall be setback a minimum distance of 7.5 metres from the boundary of a transmission pipeline right-of-way.
- (b) Every single-detached dwelling shall provide and maintain 2 parking spaces within the driveway and 1 parking space within the garage.
- (c) In addition, a parking space shall have a minimum width of 3 metres and a minimum length of 5.8 metres.

In addition to the provisions of Paragraphs (a) through (g) of **Sub-section 7.26 ENCROACHMENT INTO YARDS**, the following provisions shall apply:

- (a) Covered porches may project into any required front yard a distance of not more than 3.0 metres and into a required flankage yard a distance of not more than 1.8 metres.
- (b) Stairs may project into any required front yard a distance of not more than 3.0 metres.
- (c) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear or garage side yard a distance of not more than 0.6 metres.

6. That Section 44, "Exceptions to the Provisions of this By-law", as amended, of Zoning By-law No. 464, is hereby further amended by modifying **SECTION 18.1 – USES PERMITTED** and **SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING)**, provisions (a), (b), (c), (d), (e), and (g):

RM2-316 (Block 14 and 15)

In addition to the regulations of **SECTION 18.1 – USES PERMITTED**, the following provision shall apply:

- (a) A Back-to-back townhouses (Maisonettes) and Block Townhouses shall be permitted uses.

In addition to the regulations of **SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING)**, the following provision shall apply for Block Townhouse and maisonette dwellings:

- (a) A block townhouse dwelling and Back-to-back townhouses (Maisonettes) would be subject to all regulations identified within the RM2-313 Zone.

In addition to the definitions of **SECTION 4: DEFINITIONS**, the following definition shall apply:

- (a) On the lands zoned "RM2-316", the definition of a "*Street*" shall include a private condominium road. For the purposes of a private condominium road, the parking and landscaping are permitted within the "*Street*" and common elements.
- (b) "*Back-to-back townhouses (Maisonettes)*" shall be defined as a dwelling divided vertically into a minimum of 6 dwelling units and a maximum of 16 dwelling units, with each unit separated by common or parting walls, both at the rear and at the side or sides of the unit, and having one or more private entrances at grade.

Notwithstanding the regulations of **SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH(a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING)** provision (f) **and SECTION 44, "Exceptions to the Provisions of this By-law"** RM2-313 (b), (i) and (e), the following provision shall apply for Back-to-back townhouses (Maisonettes) dwellings:

- (a) Back-to-back townhouses (Maisonettes) shall have a minimum lot area of 90 square metres.
- (b) Back-to-back townhouses (Maisonettes) shall have no minimum rear yard requirement.
- (c) Back-to-back townhouses (Maisonettes) shall a minimum landscape area of 15% within the Front Yard.
- (d) Back-to-back townhouses (Maisonettes) shall a minimum Side Yard Setback of 1.2 metres for an end unit.

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Sub-Section 7.35 – MINIMUM PARKING REQUIREMENTS - Clauses (a), (i), (vii), and clause (b), the following provisions shall apply for Back-to-back townhouses (Maisonettes) and block townhouse dwellings:

- (a) Every Block Townhouse Dwelling and Maisonette Dwelling unit shall provide and maintain 2 parking spaces within the driveway and 0.25 visitor Parking Spaces per unit. In the case of any other use, the minimum parking space requirements of 7.35(a)(i) shall apply.
- (b) In addition, a parking space shall have a minimum width of 3 metres and a minimum length of 5.8 metres.

PASSED this August XX, 2019.

F. Eisenberger
Mayor

Andrea Holland
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. 464

Subject Property

2341, 2365 - 2431 Regional Road 56 & 250 Tanglewood Drive

-  **Block 1** - Change in zoning from Residential "R2" Zone to Residential Multiple "RM2-313" Zone, Modified
-  **Block 2** - Change in zoning from Public Open Space "OS2" Zone to Residential Multiple "RM2-313" Zone, Modified
-  **Block 3** - Change in zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified
-  **Block 4** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313" Zone, Modified
-  **Block 5** - Change in zoning from Private Open Space "OS1-166" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified
-  **Block 6** - Change in zoning from Deferred Development "DD" Zone to Residential Multiple "RM2-313" Zone, Modified
-  **Block 7** - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313" Zone, Modified
-  **Block 8** - Change in zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313(a)" Zone, Modified
-  **Block 9** - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313(a)" Zone, Modified
-  **Block 10** - Change in zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM4-314" Zone, Modified

Scale:

N.T.S.

File Name/Number:

ZAC-17-027/UHOPA-17-012/25T-201706

Date:

July 17, 2019

Planner/Technician:

AB/NB



Hamilton



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. 464

Subject Property

2341, 2365 - 2431 Regional Road 56 & 250 Tanglewood Drive

-  **Block 11** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM4-314" Zone, Modified
-  **Block 12** - Change in zoning from Residential "R2" Zone to Residential "R4-315" Zone, Modified
-  **Block 13** - Change in zoning from Private Open Space "OS1-166" Zone, Modified to Residential "R4-315" Zone, Modified
-  **Block 14** - Change in zoning from Restricted Agriculture "A2-176" Zone, Modified to Residential Multiple "RM2-316" Zone, Modified
-  **Block 15** - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-316" Zone, Modified
-  **Block 16** - Lands to be removed from Zoning By-law No. 464 & rezoned to District Commercial (C6, 728, H113) Zone
-  **Block 17** - Lands to be removed from Zoning By-law No. 464 & rezoned to District Commercial (C6, 728) Zone
-  **Block 18** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313(a)" Zone, Modified
-  **Block 19** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313" Zone, Modified
-  Refer to By-law No. 05-200
-  Other lands owned by applicant

Scale:
N.T.S.

File Name/Number:
ZAC-17-027/UHOPA-17-012/25T-201706

Date:
July 17, 2019

Planner/Technician:
AB/NB



Hamilton

Authority: ,
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 (Hamilton) Respecting Lands located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive (Glanbrook)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to different areas incorporated into the City by virtue of the City of Hamilton Act 1999, Statutes of Ontario, 1999 Chap.14;

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS the first stage of the new Zoning By law, being By-law No. 05-200, came into force on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item XX of Report PED19121 of the Planning Committee, at its meeting held on the 13th day of August 2019, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

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

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

1. That Map Nos. 1887 and 1912 of Schedule "A" Zoning Maps of Zoning By-law No. 05-200, be amended as follows:
 - a) by adding to the City of Hamilton Zoning By-law No. 05-200, the lands the extent and boundaries of which are shown as "Blocks 1 and 3" on a Plan hereto annexed as Schedule "A";
 - b) by establishing a District Commercial (C6, 728) Zone to the lands, the extent and boundaries of which are shown as "Block 1" on a Plan hereto annexed as Schedule "A";
 - c) by changing the zoning from District Commercial (C6, 570) Zone to District Commercial (C6, 728) Zone for the lands comprised in Block 2, as shown on Schedule "A"; and,

d) by establishing a District Commercial (C6, 728, H113) Zone to the lands, the extent and boundaries of which are shown as "Block 3" on a Plan hereto annexed as Schedule "A".

2. That Schedule "C": Special Exemptions, Subsection 570 of By-law No. 05-200 is amended by deleting the following:

2431 Regional Road 56	Map 1912
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3. That Schedule "C": Special Exemptions of Zoning By-law No. 05-200, as amended, is hereby further amended by adding the following site specific District Commercial (C6, 728) Zone:

728 The following special provisions shall apply:

- a) Notwithstanding Subsections 10.6.3 d), 10.5.3 d) ii) and iii) and 10.5a.3 d) ii) and iii), a maximum building height of 11.0 metres shall be permitted; and,
- b) Notwithstanding Subsections 4.23 c), all buildings or structures located on a property shall be setback a minimum of 7.5 metres from a Transcanada Pipeline Right-of-Way.

4. That Schedule "D" - Holding Provisions of By-law No. 05-200, is amended, by adding the following holding provision:

H113 Notwithstanding Section 10.6 and Special Exception 728 on those lands zoned District Commercial (C6) Zone, identified on Map 1912 of Schedule "A" – Zoning Maps, and described as 2431 Regional Road 56 and 2365 Regional Road 56, no development shall be permitted until such time as:

- ii) The lands are assembled and comprehensively planned and a site plan control application has been approved for the assembled properties, which ensures that the lands are comprehensively developed with the lands adjacent to the south to the satisfaction of the Director of Planning and Chief Planner.

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law, in accordance with the *Planning Act*.
6. That no building or structure shall be erected, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the District Commercial (C6) Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.

PASSED this August XX, 2019.

F. Eisenberger
Mayor

Andrea Holland
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. 05-200
Maps 1887 & 1912

Subject Property

2341, 2365 - 2431 Regional Road 56 & 250 Tanglewood Drive



Block 1 - Lands to be removed from Zoning By-law No. 464 and Rezoned to District Commercial (C6, 728) Zone



Block 2 - Change in Zoning from District Commercial (C6, 570) Zone to District Commercial (C6, 728) Zone



Block 3 - Lands to be removed from Zoning By-law No. 464 & rezoned to District Commercial (C6, 728, H113) Zone



Refer to By-law No. 464

Scale:
N.T.S.

File Name/Number:
ZAC-17-027/UHO/PA-17-012/25T-201706

Date:
July 17, 2019

Planner/Technician:
AB/NB



Hamilton



Jackson Heights Extension

REVISED DRAFT PLAN OF

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 5-BLOCK 3-CONCESSION 3
GEOGRAPHIC TOWNSHIP OF BINBROOK
AND PART OF BLOCK 58 - PLAN 62M-1105
CITY OF HAMILTON

SCALE 1:1000

B. V. CLARKE O.L.S.

NOTES: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.
METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND DECIMAL METRES CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RE: CHAPTER P.13 R.S.O. 1990 SECTION 51(67)

THE PLANNING ACT

A. SHOWN ON PLAN
B. SHOWN ON PLAN
C. SHOWN ON PLAN
D. SHOWN ON PLAN
E. SHOWN ON PLAN
F. SHOWN ON PLAN
G. SHOWN ON PLAN
H. SHOWN ON PLAN
I. SHOWN ON PLAN
J. SHOWN ON PLAN
K. SHOWN ON PLAN
L. SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THE RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

APRIL 30, 2019
DATE

B. V. CLARKE
ON BEHALF OF THE SURVEYOR

LAND USE SCHEDULE:

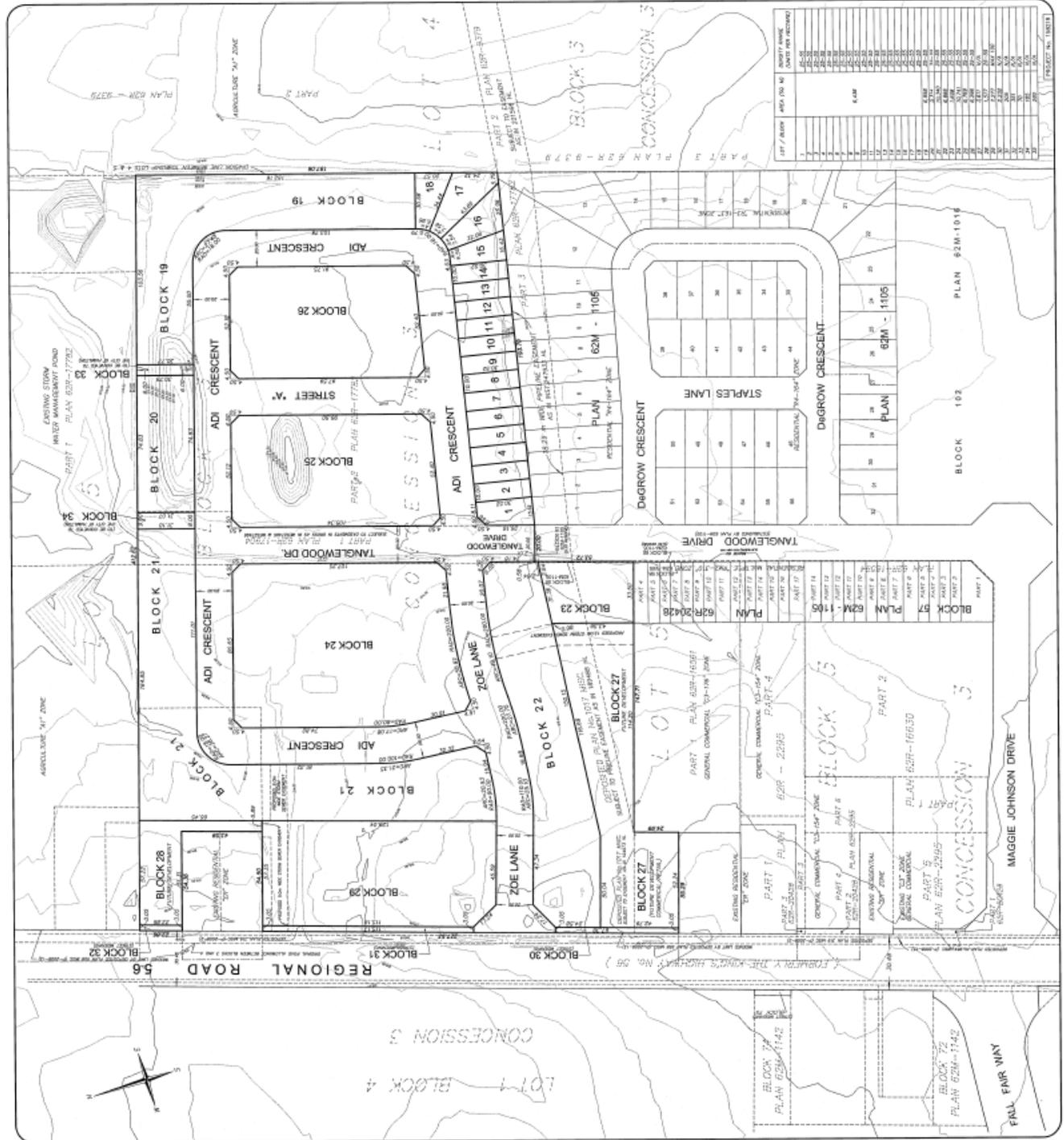
STREETS: LOTS 1 - 18 INCLUSIVE, 21, 22, 23, 24 & 26 (777 UNITS)
MUNICIPALITY: BLOCK 24 (70 UNITS)
MUNICIPALITY: BLOCK 29 (140 UNITS)
MUNICIPALITY: BLOCK 30 (140 UNITS)
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MUNICIPALITY: BLOCK 99 (140 UNITS)
MUNICIPALITY: BLOCK 100 (140 UNITS)

SUBDIVISION DRAFT APPROVAL:
I HEREBY APPROVE THIS DRAFT PLAN AND THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THE RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
CITY OF HAMILTON

THIS DAY OF _____ 2019.

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAW STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1M1
TEL: 905-528-5757 FAX: 905-528-2889



**Special Conditions for Draft Plan of Subdivision Approval for 25T-201706
"Jackson Heights Extension"**

That this approval for the Revised Draft Plan of Subdivision, 25T-201706, prepared by A.J. Clarke and Associates Ltd. and certified by B.J. Clarke, O.L.S., dated April 30, 2019, consisting of eighteen lots for single detached dwellings (Lots 1 - 18), seven blocks for street townhouse dwellings (Blocks 19 – 23, 25 and 26), one block for maisonette dwellings (Block 24), one block for a multiple dwelling (Block 29), 1 block for commercial uses (Block 27), 3 blocks for a road widening (Blocks 30 - 32), 2 blocks for overland flow and future storm sewer and storm pond access (Blocks 33 - 34), future development block (Block 28) and 4 municipal roads (Extension of Tanglewood Drive, Street A, Adi Crescent, and Zoe Lane) be received and endorsed by City Council with the following special conditions:

Development Engineering

1. That, **prior to assumption** of the stormwater management facilities, the Owner agrees in writing and shall complete and provide the following requirements:
 - a. To submit an operation and maintenance manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Senior Director, Growth Management, and to inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to the assumption of the facility, in accordance with the conditions of ECA issued by the Ministry of the Environment, Conservation and Parks.
 - b. To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and to submit said logs to the City during any pre-grading and construction activities, in accordance with the operation manual.
 - c. To construct, operate and maintain at the Owner / Developer's expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the Ministry of the Environment, Conservation and Parks' approval, throughout servicing of all stages of draft plan registration and development of all registered blocks, or until such time as determined by the Senior Director, Growth Management.
 - d. To remove sediment from the stormwater management facility attributed to development, carry out a bathymetric survey and verify volumetric capacity of the stormwater management facility, prior to release of the Owner / Developer's operation and maintenance responsibilities for the stormwater management facility;

All to the satisfaction of the Senior Director, Growth Management.

2. That, **prior to registration of the plan of subdivision**, the Owner agrees, at their expense, to remove/relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc., on Regional Road 56, to the satisfaction of the Senior Director, Growth Management.
3. That, **prior to registration of the plan of subdivision**, 4.50m by 4.50m daylight triangles be established on the final plan of subdivision at the following locations:
 - i. Zoe Lane and Adi Crescent;
 - ii. Tanglewood Drive and Adi Crescent;
 - iii. Tanglewood Drive and Zoe Lane;
 - iv. Street "A" and Adi Crescent (north leg);
 - v. Street "A" and Adi Crescent (south leg); and,
 - vi. Adi Crescent at each inside ($\approx 90^\circ$) bend, 3 locations.

All to the satisfaction of the Senior Director, Growth Management.

4. That, **prior to registration of the plan of subdivision**, 12.00m by 12.00m daylight triangles be established on the final plan of subdivision at the intersection of Zoe Lane and Regional Road #56 to the satisfaction of the Senior Director, Growth Management.
5. That, **prior to registration of the plan of subdivision**, the plan shall include Blocks 30, 31, & 32 showing sufficient lands to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to establish the widened limit of Regional Road 56 at 60 ft. (18.288metres) from the centre line of the original road allowance, to the satisfaction of the Senior Director, Growth Management.
6. That, **prior to registration of the plan of subdivision**, the Owner agrees to confirm that there is sufficient sanitary capacity available within the existing sanitary sewer network to accommodate this development, to the satisfaction of the Senior Director, Growth Management.
7. That, **prior to registration of the plan of subdivision**, the owner covenant and agrees that the subdivision plan shall not be registered until the City completes the Binbrook Sanitary Sewer Pumping Station Upgrades, the trunk sewer extension and the existing forcemain is connected to the new trunk sewer to the satisfaction of the Senior Director, Growth Management.
8. That, **prior to registration of the plan of subdivision**, the Owner shall agree to include on all notices of purchase and sale of residential units, the following warning clauses:

"On-street, public parking in the surrounding neighbourhood will be limited and cannot be guaranteed in perpetuity. Garage space for this unit is provided and intended for the purposes of parking a vehicle. It is the owner's responsibility to ensure that their parking needs can be accommodated.";

all to the satisfaction of the Senior Director, Growth Management.

9. That, **prior to registration of the plan of subdivision**, the Owner shall submit the necessary transfer deeds to the City's Legal Department to convey Block 34 with a minimum width of 9m and Block 33. The required width of Block 33 shall be confirmed to accommodate an adequate overland flow route through the detailed design, all to the satisfaction of the Senior Director, Growth Management.
10. That, **prior to registration of the plan of subdivision**, the Owner agrees to transfer a 12m wide sewer and drainage easement across Block 22 & Block 27 in favour of the City, all to the satisfaction of the Senior Director, Growth Management.
11. That, **prior to registration of the plan of subdivision**, the Owner agrees to transfer to the City storm sewer and drainage easements (minimum 9m wide) across Block 21 & Block 29, from Regional Road 56 to Adi Crescent. Further, the easement shall be unobstructed and unencumbered to accommodate an overland flow route, all to the satisfaction of the Senior Director, Growth Management.
12. That, **prior to registration of the plan of subdivision**, the Owner agrees to provide confirmation of the inclusion of warning clauses within the agreement of purchase and sale that the purchasers are obligated to maintain the easements in perpetuity and may not encumber or block the storm drainage on the easements on Blocks 21, 22, 27, & 29. Further the warning clauses shall clearly indicate that the easement and boulevard immediately downstream shall not be used for snow storage and must remain clear at all times, all to the satisfaction of the Senior Director, Growth Management.
13. That, **prior to registration of the plan of subdivision**, the Owner agrees to provide a suitable maintenance easement in favour of the Purchasers of Block 21, and their successors, along the north limit of Block 28 to provide suitable access to allow for maintenance of their property and retaining wall, to the satisfaction of the Senior Director, Growth Management.
14. That, **prior to registration of the plan of subdivision**, the Owner agrees to provide suitable reciprocal access and maintenance easements in favour of the Purchasers, and their successors, (along the north property limit) on Block 21, to the satisfaction of the Senior Director, Growth Management.
15. That, **prior to registration of the plan of subdivision**, the Owner agrees to include suitable warning clauses in the agreements of purchase and sale, and register on title, for all affected Lots on Block 21 regarding the required easements and drainage swales. Further the Owner of Block 28, and their successors, shall create a suitable easement in their favour over Block 21 and be responsible to maintain the drainage swale on Block 21 that is proposed to drain in the interim parts of Block 28, #2311, #2323, 2351 & #2356 Regional Road 56 and #2311 and #2323 Regional Road 56 in the ultimate condition. The

requirement of the current and future Owner(s) of Block 28 to maintain the drainage swale on Block 21 in perpetuity shall be registered on the title for Block 28, to the satisfaction of the Senior Director, Growth Management.

16. That, **prior to registration of the plan of subdivision**, the Owner shall agree to prepare and provide to the City for review suitable warning clause(s) to the affected Purchasers of Block 21 to outline their maintenance obligations for the retaining wall and associated fencing, drainage swales, catch basins and grading. The warning clause shall also indicate that the wall is privately owned by the Purchaser and all associated maintenance costs will be their responsibility. Further, the final approved wording of the warning clause(s) shall be included in the agreements of purchase and sale and registered on title, all to the satisfaction of the Senior Director, Growth Management.
17. That, **prior to registration of the plan of subdivision**, the Owner agrees in writing to include warning clauses in the agreements of purchase and sale with suitable wording to identify the applicable rear yard restrictions and increased setbacks in the zoning i.e. pools, sheds, and accessory structures, to the satisfaction of the Senior Director, Growth Management.
18. That, **prior to registration of the plan of subdivision**, the Owner shall agree to provide a landscaping design that includes a 1.8m tall wood privacy fence and plantings to provide screening for the existing dwelling at #2359 Regional Road 56. The fencing shall be located generally at the top of the retaining wall. A minimum 2.9m planting strip shall be located at the top of the retaining wall and be measured from the top back of wall south to the back of curb. All to the satisfaction of the Senior Director, Growth Management.
19. That, **prior to the registration of the plan of subdivision**, the Owner shall agree to maintain an equivalent number of on-street parking spaces immediately adjacent to Block 24 as proposed on a final parking plan. Further no reductions to the number of parking spaces adjacent to Block 24 shall be permitted at the time of the Site Plan application for Block 24, to the satisfaction of the Senior Director, Growth Management.
20. That, **prior to preliminary grading**, the Owner agrees to obtain approval from the MECP, in the form of an amended Environmental Certificate of Approval (ECA) for all required modifications to the existing SWM Pond and for the removal and diversion of the external drainage (generally from 2498 Binbrook Road) that was previously designed and approved by the MECP to flow through the SWM pond. All to the satisfaction of the Senior Director, Growth Management.
21. That, **prior to preliminary grading**, the Owner agrees to undertake the following:
 - a. To submit a detailed stormwater management (SWM) report prepared by a qualified professional engineer that demonstrates how quality and quantity control, including the erosion downstream, will be handled in

accordance with SWM design guideline - 2003 Ministry of Environment & Conservation and Parks, and City of Hamilton Drainage Policy and Current Comprehensive Development Guideline;

- b. The outflows from the SWM facility must be controlled to erosion threshold and predevelopment flow rates for all ranges design storms considering the updated drainage area plan;
- c. Demonstrating that the hydraulic grade line (HGL) based on rational method and standard spread sheet calculations for the post development 100-Year storm event is located a minimum of 0.3 m below the top of grate elevation at all inlet locations, and the 5-year HGL shall not exceed the obvert of the sewers;
- d. Design and upgrade the existing SWM facility outlet control structures, including emergency spillway, to convey allowable discharges from the pond to match erosion control target including predevelopment flows for all ranges storm including Regional event;
- e. Demonstrate and provide an appropriate overland flow route within Block 33 to convey 100-year post development flow to the main cell of the pond bypassing the forebay;
- f. Demonstrate how the existing SWM facility has adequate storage volumes in accordance with updated SWM facility rating curve (stage –storage-discharge). The SWM facility must have a minimum of 0.1 m freeboard between 100-year pond elevation and emergency spillway; and 0.3 m freeboard between the maximum water level on the spillway and pond perimeter elevation;
- g. Provide a detailed landscaped plan prepared and implemented in accordance with City's Landscape Design Guidelines for Stormwater Facilities, May 2009;
- h. Demonstrate and provide a suitable storm outlet for the external drainage areas to the east of the subject site which were included in the original SWM facility design approved by the Ministry of the Environment, Conservation and Parks;
- i. Provide an appropriate maintenance access road and decanting area per City's standards; and,
- j. Notwithstanding conditions 19, 20a) to 20 i), the preliminary grading of the areas west of the extension of Tanglewood Drive can proceed subject to meeting all other conditions required prior to preliminary grading.

all to the satisfaction of the Senior Director, Growth Management.

22. That, **prior to preliminary grading**, the Owner shall confirm sediment depth and available water quality & flood control storage volumes of the existing stormwater management pond by a bathymetric survey and submit a report brief to the City to demonstrate that the existing SWM facility has sufficient required volumes to accommodate the subject development in accordance with the original design of the same. Pending the results of the survey and review of the report, the City reserves the right to require additional works including cleaning and maintenance and any other work that may be determined as necessary be completed prior to servicing, all to the satisfaction of the Senior Director, Growth Management.
23. That, **prior to preliminary grading**, the Owner agrees at their sole cost to prepare a pest control plan, focusing on rats and mice, which shall be developed and implemented for any demolition, and for the construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all the development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MECP and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221 and to the satisfaction of the Medical Officer of Health.
24. That, **prior to preliminary grading**, the Owner shall obtain the necessary permission/consent from the affected land owner of the surrounding lands in order to accommodate the grading encroachment on their properties for the construction of the draft plan of subdivision, to the satisfaction of the Senior Director, Growth Management.
25. That, **prior to preliminary grading**, the Owner agrees to provide a pre-grading staging plan and demonstrate how the existing drainage channel's function will be maintained in advance the diversion of the flows and construction of the storm sewer, to the satisfaction of the Senior Director, Growth Management.
26. That, **prior to preliminary grading**, the Owner shall demonstrate that the subject development has riparian rights to drain through the existing privately owned pond on abutting land (2289 Regional Road 56). The Owner shall notify the downstream pond owner, of a proposed SWM outfall, and impending pond upgrades. In addition, the pond design must verify and confirm the following: The Owner shall demonstrate that the proposed pond outflows through the existing pond on abutting land can safely convey all controlled outflows to a suitable outlet for all ranges storm event without any negative impacts such as no overflow through the pond perimeter, no bank failure or no expansion etc. of the existing pond on 2289 Regional Road 56. The Owner agrees to monitor the drainage across the lands from the north limit of 2289 Regional Road 56 to the

SWM pond to ensure that the existing lands are not negatively impacted by the development. The monitoring plan will occur throughout the construction of the subdivision and for a period of not less than 2 years after all lots and blocks within the draft approved plan are fully developed. In the event that a problem arises, the Owner further agrees to take the necessary remedial action as per the monitoring report at the Owner's cost. The engineering design and cost schedule for the outlet works shall include a minimum of \$200,000.00 security for potential remedial works. The security shall not be released or reduced until it has been demonstrated that there are no impacts as a result of development for a period of not less than 2 years after full buildout of the draft approved plan, all to the satisfaction of the Senior Director, Growth Management.

27. That, **prior to servicing**, the Owner shall submit and obtain approval for the storm sewers designs to convey the 100-year flows from applicable external drainage areas to the satisfaction of the Senior Director, Growth Management.
28. That, **prior to servicing**, the Owner shall include in the engineering design and costs estimate for the installation of a minimum 1.8m tall black vinyl coated heavy duty chain-link fence along the rear yard of Lots 1 to 17 & Block 22, as well as Blocks 23, & 27 inclusive, which yards abut or flank the Pipeline easement, to the satisfaction of the Senior Director, Growth Management.
29. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimates provision for installation of a 1.5m black vinyl coated heavy duty chain-link fence between private and public lands, including Block 33, and Block 34, to the satisfaction of the Senior Director, Growth Management.
30. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for installation of a 1.5m concrete sidewalk on both sides of all proposed roads as well as the extension of the existing Tanglewood Drive sidewalks, approx. 150m on the west side of Tanglewood Drive and approx. 51m on the east side of Tanglewood Drive, all to the satisfaction of the Senior Director, Growth Management.
31. That, **prior to servicing**, the Owner shall include in the engineering design all road geometric to the City of Hamilton guidelines. The minimum urban residential horizontal centerline road radius, excluding 90-degree curves, shall be; 90m for local roads, 95m for minor collectors, and 160m for major collectors, to the satisfaction of the Senior Director, Growth Management.
32. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for installation of 13.0m pavement radii along the inside curb line and 15m radii along the outside curb line at the three 90-degree bends of Adi Crescent, all to the satisfaction of the Senior Director, Growth Management.
33. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for replacement of the existing storm sewers, manholes, and catchbasins on Tanglewood Drive, Block 34, and the existing

Stormwater Management facility. Furthermore, the Owner acknowledges and agrees that there will be no City share for the upsized storm sewers to convey 100-year flows from the external drainage areas. Further, where elliptical pipes are proposed the Owner agrees that they will be converted to the equivalent circular diameter for any oversizing calculation. All to the satisfaction of the Senior Director, Growth Management.

34. That, **prior to servicing**, the Owner shall prepare and submit an on-street parking plan showing:
- k. the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
 - l. the driveway aprons and curb openings for all lots;
 - m. the pairing of driveways;
 - n. where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
 - o. the location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities;

All to the satisfaction of the Senior Director, Growth Management.

35. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering drawings for all lots and blocks and that no driveway shall be located within a daylight triangle. Further, the driveway of Lot 1 shall be located on the east side of the lot. Further, all driveway locations at bends and corners in Adi Crescent shall be situated to ensure that the driveways are completely located within their own lot frontages and the driveway aprons shall not cross in front of adjacent lots. Further, all end units with daylighting triangles shall have the driveway located on the internal side of the lot or block. All to the satisfaction of the Senior Director, Growth Management.
36. That, **prior to servicing**, the Owner acknowledges and agrees to show on the final grading plans that the combined side yard setback must be a minimum of 2.0m between foundation walls where back-to-front drainage is proposed, or an emergency overland flow route is identified on the approved grading plan for the subject lands, all to the satisfaction of the Senior Director, Growth Management.
37. That, **prior to servicing**, the Owner shall agree to provide a landscaping design for review and approval of the proposed relief swale that is to accommodate the existing flows from #2311, #2323, #2351, and #2359 Regional Road 56, and Block 28. Further the areas north and west of the retaining wall shall be designed with low maintenance ground covers and vegetation, all to the satisfaction of the Senior Director, Growth Management.

38. That, **prior to servicing**, the Owner, through a soil consultant or other qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells prior to the commencement of construction; monitor these wells during construction; and check wells for a period of one year after the completion of construction. If any problems arise, they must appropriately addressed by the Owner, to the satisfaction of the Senior Director of Growth Management.
39. That, **prior to servicing**, the Owner prepares a geotechnical report and implements the report's recommendations, to the satisfaction of the Senior Director of Growth Management.
40. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost schedules the extension of sanitary and storm sewers within the 12.0m wide easement from Zoe Lane to the south limit of Block 27, to the satisfaction of the Senior Director, Growth Management.
41. That, **prior to servicing**, the Owner agrees to replace and realign the culvert across Regional Road 56 in line with the storm sewer proposed on Block 29 if it cannot be demonstrated that the existing 825mm pipe can satisfactorily convey the 100-yr predevelopment flows, to the satisfaction of the Senior Director, Growth Management.
42. That, **prior to servicing**, the Owner shall agree that in the event that they cannot satisfy all of the conditions and there is a need to change the draft plan, they shall revise and resubmit the draft plan, to the satisfaction of the Senior Director, Growth Management.
43. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimates, provision for the extension of Tanglewood Drive to the southern limit of the subject lands, all to the satisfaction of the Senior Director, Growth Management.
44. That, **prior to servicing**, the Owner shall include in the design and Engineer's cost schedule provision to install all temporary and permanent traffic calming features, at their cost, to the satisfaction of the Manager of Traffic Operations and Engineering and the Senior Director, Growth Management.

Development Planning:

45. That, **prior to preliminary grading**, the proponent shall carry out an archaeological assessment for a portion of 2431 Regional Road 56 and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and Chief Planner and the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and

conservation requirements. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

46. The, **prior to registration**, the applicant submit and obtain approval for an amended Noise Study to the satisfaction of the Director of Planning and Chief Planner. In addition, the applicant is required to implement any noise mitigation measures and show them on the appropriate drawings and include any warning clauses as part of the Registration of the Subdivision Agreement.
47. That, **prior to registration**, of the final plan of subdivision, and at the Owner's expense, the Owner shall submit Urban Design Guidelines, prepared by a qualified architect or urban designer (referred to as the "Design Architect") to the satisfaction of the Director of Planning and Chief Planner.
48. That, prior to registration of the final plan of subdivision, and at the Owner's expense, the Owner shall have a "Control Architect", independent of the "Design Architect" firm or individual retained, to the satisfaction of the Manager of Development Planning, Heritage and Design, and whose function shall be:
 1. To certify, through stamping and signing, all drawings for the development of each lot and or block subject to the architectural guidelines prior to the issuance of any building permit(s).

Transportation Planning:

49. That, **prior to servicing**, the applicant design traffic calming for the intersection of Zoe Lane and Tanglewood Drive and Adi Crescent;
 - (a) acceptable traffic calming measures include a raised intersection, bump-outs on the four (4) corners or / a mini traffic circle;
 - (b) this is in addition to other traffic calming measures identified in the Traffic Impact Study;
 - (c) fully at the applicants expense.

All to the satisfaction of the Manager of Transportation Planning, Manager of Traffic Operations and Engineering as well as Manager of Engineering Approvals.
50. That, **prior to servicing**, Traffic Calming Measures as identified in the Traffic Impact Study;
 - (a) are designed including an implementation plan;
 - (b) this is in addition to traffic calming for the intersection of Zoe Lane and Tanglewood Drive and Adi Crescent;
 - (c) fully at the applicants expense.

All to the satisfaction of the Manager of Transportation Planning, Manager of Traffic Operations and Engineering as well as Manager of Engineering Approvals.

51. That, **prior to servicing**, the Owner shall submit for approval a pavement marking design and plans, to the satisfaction of the Manager of Transportation Planning, and Manager of Traffic Operations and Engineering.

Niagara Peninsula Conservation Authority:

52. That, **prior to preliminary grading**, the NPCA is satisfied that the existing Jackson Heights stormwater management facility was designed to provide adequate quality and quantity controls for the proposed Jackson Heights Extension development.
53. That, **prior to registration**, Condition 52 above is incorporated into the Subdivision Agreement between the Developer and the City of Hamilton to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Hamilton shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Union Gas:

54. The owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

Finance:

55. That, **prior to registration**, the applicant pay any outstanding Municipal Act / Best Effort Watermain and Sewer charges and the Outstanding Binbrook Stormwater Management Pond Charge of \$26,858.00.

Enbridge:

56. Thea permanent fence be added on both sides of the pipeline Right-of-Way for the duration of construction to eliminate the risk of unauthorized activity over the pipeline and an Enbridge Inspector must be present during fence installation to the satisfaction of Enbridge Pipelines Inc.

Notes to Draft Plan Approval

1. Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if written request is received before the Draft Approval lapses.

Glanbrook Zoning By-Law No. 464**Modification to the RM2-313 Zone (Blocks 1 – 7 and 19)**

Regulation	Required	Modification	Analysis
Minimum Lot Frontage	7.0 metres	6.0 metres	Staff are of the opinion that the proposed modification can be supported as it will still allow for an appropriate Lot Frontage and Dwelling Unit.
Minimum Lot Area	210 square metres	175 square metres	Staff are of the opinion that the proposed modification to the existing provision is minor in nature and can still maintain appropriate setbacks for any structures proposed a lot. Therefore, Staff are supportive of the proposed modification.
Maximum Lot Coverage	35%	60%	Staff are of the opinion that the proposed increased lot coverage is minor in nature, still provides an opportunity for rear yard amenity area and provides enough separation for privacy but maintains buildings closer to the street for the public realm. Therefore, Staff are of the opinion that the proposed modification can be supported.
Minimum Front Yard	7.5 metres	4.5 metres to dwelling unit, except 5.8 metres to the garage	Staff are of the opinion that the proposed modification for the minimum front yard setback meets the intent of the Official Plan by allowing for landscaping within the front yard of the subject lands

Regulation	Required	Modification	Analysis
			providing a more positive environment for pedestrians within the residential subdivision and maintains an opportunity for parking on individual residential lots.
Minimum Side Yard	2 metres for an end dwelling unit not abutting a street and 6 metres for an end unit on a corner lot abutting a flanking street	1.2 metres on an end unit not abutting a flanking street and 1.9 metres for an end unit on a corner lot abutting a flanking street	Staff are of the opinion that the proposed modification can be supported because the proposed setback provides an opportunity for access to the rear of the properties for maintenance purposes. In addition, it provides an opportunity for some privacy and windows to be proposed on a residential structure and provides an opportunity for intensification and more efficient use of proposed municipal services. Therefore, Staff are of the opinion that the modification can be supported.
Minimum Floor Area Dwelling Unit	<ul style="list-style-type: none"> <li data-bbox="422 984 831 1052">(i) 1 or 2 bedroom unit - 90 square metres <li data-bbox="422 1089 831 1157">(ii) 3 bedroom unit - 100 square metres <li data-bbox="422 1195 831 1377">(iii) Unit containing more than 3 bedrooms - 100 square metres plus 10 square metres for each 	N/A	Staff are of the opinion that the removal of the existing provision relating to the minimum size of the dwellings units allows flexibility in the size of the units to address the housing needs in the area. In addition, the number of units proposed would not affect the privacy and impact on neighbouring areas. These would be controlled by setbacks and height minimums and maximums which have been reviewed as part of this application. In addition, proposed density of the

Regulation	Required	Modification	Analysis
	bedroom in excess of 3		subject lands limits the amount of units that can be proposed to 60 units, approximately. If the applicant wanted to significantly increase the number of units, they would be required to go through an Official Plan Amendment and Zoning By-law Amendment.
Maximum Height	10.7 metres	11.5 metres (3 storeys)	Staff are of the opinion that the proposed modification can be supported because it complies with the maximum height of the Binbrook Village Secondary Plan but allows for appropriate development of the ground floor residential on the reduced lots. In addition, the proposed height increase still respects the heights of the surrounding area. Therefore, Staff are of the opinion that the proposed modification can be supported.
Minimum Landscaped Area	30%	25% of the Lot Area	Staff are of the opinion that the proposed modification can be supported because the requested reduction is minor and still requires that the applicant provide landscaping as part of their development and the reduction in the minimum amount of landscaping is minor in nature.
Dwelling Unit Placement	Not more than eight (8) dwelling units are permitted within a row and not more	Not more than four (4) attached dwelling units shall be erected in a row without offsetting or staggering	Staff are of the opinion that the proposed modification to the Zoning By-law can be considered minor in nature because the

Regulation	Required	Modification	Analysis
	than four (4) dwelling units shall be erected in a row without staggering or front face or the wall of a dwelling a minimum of 1 metre or without varying the exterior design and materials of the front face or wall of the dwelling.	the front face or wall of the dwelling a minimum of 1 metre or without varying the exterior design.	intent of the regulation is to ensure that there is variation between the façade and not one long blank wall. There will be other mechanisms to review the design of the buildings which includes the requirement that a Control Architect review any dwellings not subject to site plan for conformity with those guidelines.
Minimum Size of Parking Spaces	3 metres by 6 metres	In addition, a parking space shall have a minimum width of 3 metres and a minimum length of 5.8 metres.	Staff are of the opinion that the proposed modification from 6 metres to 5.8 metres is minor in nature and therefore the modification can be supported.
Minimum Setback From TransCanada Pipeline	10 metres	7.5 metres	Staff are of the opinion that the proposed setback to the pipeline can be supported because the modification still maintains a setback requirement for the building from the right-of-way for any proposed structure while providing more flexibility when developing the subject lands.
Encroachments into Yards	No changes to the existing encroachment provisions	(i) Covered porches may project into any required front yard a distance of not more than 3.0m. (iii) Stairs may project into any required front yard a distance of not more than 3.0m.	Staff are of the opinion that the proposed addition to the existing Encroachment Provisions is appropriate because it limits the amount of encroachment of features into the front yard so that there is an area which can be used for landscaping / open space purposes.

Regulation	Required	Modification	Analysis
		(iv) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear (all units) or side yard (end unit and/or corner unit) a distance of not more than 0.6m.	
Definition of a Retaining Wall	N / A	A retaining wall is defined as a wall used for the retention of earth and soil, with a height of no less than 0.7 metres.	The purpose of the definition is for the purposes of defining a setback for a retaining wall for proposed structures on the subject lands.
Setback for a Swimming Pool and Spa	N / A	No pools or Spas shall be located on a property with a retaining wall	The proposed modification for the setback for the retaining wall was identified through the review of the applications. Staff are of the opinion that the modification can be supported because the intent of the provision is to restrict construction within a specific setback from the retaining wall for the purposes of protecting the retaining wall from possible damage and / or failure of the wall in the future.
Setback for Principal Building and Accessory Structures	N / A	A principal dwelling shall have a minimum setback of 6.0 metres from the Top of a Retaining Wall and all accessory structures shall have a minimum setback of 3.0 metres from the Top of a Retaining Wall.	The proposed modification for the setback for the retaining wall was identified through the review of the applications. The intent of the provision is to restrict construction within a specific setback from the retaining wall for the purposes of protecting the retaining wall from possible damage and / or failure of the wall in the future. Staff are of the

Regulation	Required	Modification	Analysis
			opinion that the modification can be supported.

Further Modification to the RM2-313(a) Zone (Blocks 8, 9 and 18)

Regulation	Required	Modification	Analysis
Minimum Rear Yard	7.5 metres	10.4 metres	In addition to the modifications required for the RM2-313 Zone the applicant requires a site specific rear yard setback. The reason for the requested modification is to make sure that the proposed residential structures are setback to provide enough rear yard amenity area in addition to the required swale for the purposes of providing the required drainage for the property. Staff are in support of the proposed modification because it ensures that amenity area will be secured for the proposed residential units.

Modification to the RM4-314 Zone (Blocks 10 and 11)

Regulation	Required	Modification	Analysis
Maximum Lot Coverage	25%	40%	Staff are of the opinion that the proposed increase in Lot Coverage meets the intent of the current policies by supporting a range of housing types, maintaining a landscaped buffer around the parking area and locating the parking behind the building to animate the street. In addition, the increased lot coverage permits required off-street parking to be located on the same lot as the proposed use. Therefore, Staff are in support of the modification.
Maximum Density	60 units per hectare	85 units per hectare	Staff are of the opinion that the proposed increase in density meets the intent of the Official Plan by locating the density on an arterial road, maintains the design principles outlined in the Binbrook Village Guidelines by providing landscaping on Regional Road 56, having a building located closer to the street line to animate the street and maintains the 3 storey height that is envisioned within the current policies. Therefore, Staff are in support of the modification.
Minimum Front Yard	9 metres	1.5 metres	Staff are of the opinion that the proposed modification for the Front Yard Setback meets the intent of the current policy by moving the building closer to the main intersection of the subdivision to animate the corner while still providing opportunity to add landscaping to the front of the building. In addition, the proposed setback supports the parking located behind the building which maintains a more pleasing pedestrian experience along the arterial road. Therefore, Staff are of the opinion that the modification can be supported.

Regulation	Required	Modification	Analysis
Minimum Side Yard and Rear Yards	9 metres except where abutting a residential Zone, a minimum yard of 15 meters shall be provided.	2 metres for a side yard and 7.5 metres for a rear yard	Staff note that the proposed setback supports intensification along an arterial road and provides a more animated streetscape by moving the building closer to Regional Road 56 and providing an opportunity for landscaping in front of the building. In addition, the proposed setback provides appropriate buffering and respects the proposed low density residential dwellings in the form of townhouse dwellings abutting the proposed multiple dwelling. Therefore, Staff are in support of the proposed modification.
Minimum Floor Area	(i) Bachelor Unit - 45 square metres (ii) One Bedroom Unit - 60 square metres (iii) Two Bedroom Unit - 75 square metres (iv) Three or more Bedrooms - 85 square metres	N/A	Staff are of the opinion that the removal of the existing provision relating to the minimum size of the dwelling units allows flexibility in the size of the units to address the housing needs in the area. In addition, the number of units proposed would not affect the privacy and impact on neighbouring areas. These would be controlled by setbacks and height minimums and maximums which have been reviewed as part of this application. In addition, proposed density of the subject lands limits the amount of units that can be proposed to 60 units, approximately. If the applicant wanted to significantly increase the number of units, they would be required to go through an Official Plan Amendment and Zoning By-law Amendment.
Maximum Height	10.7 metres	13 metres (3 storeys)	The proposed increase in height does not change the proposed number of storeys, which is identified as a maximum of three within the current policy documents. Therefore, Staff are in support of the proposed modification.

Regulation	Required	Modification	Analysis
Amenity Area Requirement	Does not include private balconies	Includes balconies	The proposed modification for the definition of amenity area is to include balconies as part of the acceptable amenity area for the propose site specific zone. Staff are supportive of the proposed modification because it supports a range of dwelling units, supports a more compact built form and still provides some personal amenity space for each unit. In addition, the building is located within half a kilometre of a neighbourhood park and the property is located within the main street of the Binbrook Village. Therefore, Staff are in support of the proposed modification.
Minimum Landscape Area	40% of the lot area excluding the amenity area	10% of the lot area excluding the amenity area	The proposed modification to the reduction in the amount of landscape area can be supported as it will maintain any required buffering for parking areas and landscaping in front of the proposed multiple dwelling. Therefore, Staff are of the opinion that the modification can be supported.
Planting Strip / Fencing	Where the property abuts a residential zoned boundary, a planting strip with a minimum width of 3 metres and / or a solid fence with a height of 1.8 metres adjoining such boundary shall be provided.	A minimum width of 2.9 metres and / or a solid fence with a height of 1.8 metres shall be provided and permit a transformer within the planting strip.	Staff are of the opinion that the proposed modification for the decrease in planting strip requirements from 3 metres to 2.9 metres and to permit a transformer in the planting strip is minor in nature. Therefore, Staff are in support of the proposed modification.

Regulation	Required	Modification	Analysis
Minimum Setback when abutting a Street Line and Residential Zone Requirements	No parking space or area shall be located closer to a street line that 6 metres and not closer than 3 metres to any Residential Zone	No parking space or area shall be located closer to a street line that 3 metres and not closer than 2.9 metres to any Residential Zone.	Staff are of the opinion that the proposed modification from 3 metres to 2.9 metres is minor in nature. The proposed modification still allows for screening of the proposed parking area which is the intent of the regulation but also allows the applicant to include off-street parking for the property.
Minimum Number of Parking Spaces	2 spaces for each dwelling unit plus 0.5 visitor parking spaces for each dwelling unit	1.25 space for each dwelling unit plus 0.25 visitor parking spaces for each dwelling unit	Staff are of the opinion the modification can be supported because the applicant is providing more than one space per unit. The reduction in the amount of required spaces allows for flexibility for the types of units proposed within the building. Finally, the proposed number of parking spaces is more in line with the requirement for multiple dwellings identified within the Hamilton Zoning By-law No. 05-200. There are also other opportunities for visitor parking in close proximity to the proposed multiple dwelling. As part of the application, the applicants were required to provide an on-street parking plan within the proposed residential neighbourhood showing there are opportunities for on-street visitor parking.
Minimum Parking Space Size	3 metres in width and 6 metres in length	3 metres in width and 5.8 metres in length	Staff note that the only change to the existing provision is to modify the standard parking space size from 6 metres in length to 5.8 metres in length. Staff are of the opinion that the proposed modification to the existing provision is minor in nature. Therefore, Staff are supportive of the proposed modification.

Regulation	Required	Modification	Analysis
Landscape Area Abutting a Parking Area for a parking area providing more than 4 parking spaces	- a landscaped area consisting of a permanently maintained planting strip with a minimum width of 3 metres shall be provided and shall also include fencing to provide a solid and effective screen when abutting a residential zone or use and an institutional zone and use.	- a landscaped area consisting of a permanently maintained planting strip with a minimum width of 2.9 metres shall be provided and shall also include fencing to provide a solid and effective screen when abutting a residential zone or use and an institutional zone and use.	Staff note that the applicants are requesting to modify the minimum landscape setback from 3.0 metres to 2.9 metres for parking areas abutting a residential zone and / or use or institutional zone and / or use. Staff are of the opinion that the proposed modification to the existing provision is minor in nature. Therefore, Staff are supportive of the proposed modification.
Landscape Area for a Loading Space abutting a residential zone and / or use and institutional zone and / or use	- a planting strip with a minimum width of 3 metres shall be provided and shall also include fencing to provide a solid and effective screen.	- a planting strip with a minimum width of 2.9 metres shall be provided and shall also include fencing to provide a solid and effective screen.	Staff are of the opinion that the proposed modification to the existing provision from 3 metres to 2.9 metres is minor in nature. Therefore, Staff are supportive of the proposed modification.

Modification to the R4-315 Zone (Blocks 12 and 13)

Regulation	Required	Modification	Analysis
Minimum Lot Frontage	12 metres	10m, except 11.8m for a corner lot	Staff are of the opinion that the proposed modification is considered minor for the proposed application because the minimum lot frontage width allows for landscaping to be provided within the front yard of the property, allows for municipal service connections and promotes a denser residential development while still being sensitive to the existing residential dwellings abutting the subject lands.
Minimum Lot Area	400 square metres	300 square metres except on a corner lot the minimum Lot Area shall be 380 square metres	Staff are of the opinion that the reduction can be supported because appropriate setbacks, landscaping, privacy between residential lots, private amenity area, front yard setback and parking for the proposed dwellings will be provided.
Maximum Lot Coverage	35%	55%	Staff are of the opinion that the proposed increased lot coverage still provides an opportunity for rear yard amenity area, provides enough separation for privacy but maintains buildings closer to the street for the public realm. Therefore, staff are of the opinion that the proposed modification can be supported.
Minimum Front Yard	7.5 metres	4.5 metres to dwelling unit, except 5.8 metres to the garage	Staff are of the opinion that the proposed modification for the minimum front yard allows for landscaping within the front yard of the subject lands providing a more positive environment for pedestrians within the residential subdivision and maintains an opportunity for parking on individual residential lots.
Minimum Side Yard	1.2 metres, except:	1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement	Staff are of the opinion that the overland flow route is required as per Engineering Approval comments to address the drainage for the proposed residential development.

Regulation	Required	Modification	Analysis
	<p>(i) On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 4.2 metres; and,</p> <p>(ii) On a corner lot, the minimum side yard abutting the flanking street shall be 4.5 metres, except that an attached garage or attached carport which fronts on the flankage street shall not be located within 6 metres of the flanking street line.</p>	<p>for any minimum side yard that is less than 1.2m, with easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m. A 0.6m side yard setback shall not be permitted adjacent to any side lot line less than 1.2m, except: On a corner lot, the minimum side yard abutting the flankage street shall be 3.0m, except that an attached garage which fronts on the flankage street shall not be located within 6.0m of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle is required; and, On a lot where an emergency</p>	

Regulation	Required	Modification	Analysis
		spillway/overland flow route shall be located, a minimum 2.0m side yard separation between buildings shall be provided and maintained between buildings along one common lot line.	
Minimum Dwelling Unit Floor Area	(i) Bachelor Unit - 45 square metres (ii) One Bedroom Unit - 60 square metres (iii) Two Bedroom Unit - 75 square metres (iv) Three or more Bedrooms - 85 square metres	N/A	Staff are of the opinion that the removal of the existing provision relating to the minimum size of the dwellings units allows flexibility in the size of the units being proposed to address the housing needs in the area. In addition, the number of units proposed would not affect the privacy and impact on neighbouring areas. These would be controlled by setbacks and height minimums and maximums which have been reviewed as part of this application. In addition, the proposed density limits the amount of units that can be proposed to 60 units, approximately. If the applicant wanted to significantly increase the number of units, they would be required to go through an Official Plan Amendment and Zoning By-law Amendment.
Definition of a Retaining Wall	N / A	A retaining wall is defined as a wall used for the retention of earth and soil, with a height of no less than 0.7 metres.	The purpose of the definition is for the purposes of defining a setback for a retaining wall for proposed structures on the subject lands.

Regulation	Required	Modification	Analysis
Setback for a Swimming Pool and Spa	N / A	No pools or Spas shall be located on the subject lands with a retaining wall.	The proposed modification for the setback for the retaining wall was identified through review of the applications. Staff are of the opinion that the modification can be supported because the intent of the provision is to restrict construction within a specific setback from the retaining wall for the purposes of protecting the retaining wall from possible damage and / or failure of the wall in the future.
Setback for Principal Building and Accessory Structures	N / A	A principal dwelling shall have a minimum setback of 6.0 metres from the Top of a Retaining Wall and all accessory structures shall have a minimum setback of 3.0 metres from the Top of a Retaining Wall.	The proposed modification for the setback for the retaining wall was identified through the review of the applications. The intent of the provision is to restrict construction within a specific setback from the retaining wall for the purposes of protecting the retaining wall from possible damage and / or failure of the wall in the future. Staff are of the opinion that the modification can be supported.
Setback From Trans- Canada Pipeline	A minimum setback of 10m from the boundary of a transmission pipeline right-of-way shall be provided and maintained for all buildings and/or structures.	A minimum setback of 7.5m from the boundary of a transmission pipeline right-of-way shall be provided and maintained for all buildings and/or structures.	Staff are of the opinion that the proposed setback to the pipeline can be supported because the modification still maintains a setback requirement for the building from the right-of-way for any proposed structure while providing more flexibility when developing the subject lands.

Regulation	Required	Modification	Analysis
Minimum Number of Parking Spaces	Every Single Detached dwelling is required to provide and maintain two parking spaces	Every Single Detached dwelling unit shall provide and maintain 2 parking spaces within the driveway and 1 parking space within the garage.	Staff are of the opinion that the proposed modification can be supported because the applicant is proposing to provide more parking than identified within the Glanbrook Zoning By-law while still maintaining required landscaping within the front yard.
Minimum Parking Space Size	3 metres in width and 6 metres in length	In addition, a parking space shall have a minimum width of 3.0 metres and a minimum length of 5.8 metres.	Staff are of the opinion that the proposed modification to the existing provision from 6 metres to 5.8 metres is minor in nature. Therefore, Staff are supportive of the proposed modification.
Encroachments into Yards	No changes to the existing encroachment provisions	<p>(i) Covered porches may project into any required front yard a distance of not more than 3.0m and not more than 1.8m into a required Flankage Yard.</p> <p>(iii) Stairs may project into any required front yard a distance of not more than 3.0m.</p> <p>(iv) A cantilever and/or alcove, either with or without foundations, may project into any required front, rear or</p>	Staff are of the opinion that the proposed addition to the existing Encroachment Provisions is appropriate because it limits the amount of encroachment of features into the front yard so that there is an area which can be used for landscaping / open space purposes.

Regulation	Required	Modification	Analysis
		garage side yard a distance of not more than 0.6m.	

Modifications to the RM2-316 Zone (Blocks 14 and 15)

Regulation	Required	Modification	Analysis
Permitted Uses	One Street Townhouse Dwelling per lot	A Maisonette and Block Townhouse shall be permitted uses.	Staff are of the opinion that the proposed additional uses requested are appropriate and can be supported as they are compatible with the existing and proposed uses in the area, and increase the range of residential uses in the area.
Regulations for Permitted Uses	N/A	A block townhouse dwelling would be subject to the regulations identified as part of the RM2-313 Zone.	Staff are of the opinion that applying the proposed setbacks for the block townhouse dwellings is appropriate for similar reasons as were previously identified in the table and include but are not limited to requiring parking to be located on-site, providing an opportunity for landscaped area in the front and limiting the amount of encroachment into the front yard.
Definition for a Maisonette	N/A	A Maisonette shall be defined as a dwelling divided vertically into a minimum of 6 spaces and a maximum of 16 dwelling units, with each unit separated by common or parting walls, both at the rear and at the side or sides of the unit, and having one or more private entrances at grade.	The addition of a definition for a Maisonette dwelling can be supported since it is currently not a defined use in the By-law. By defining the use it restricts the built form to what has been proposed as part of the submitted applications.

Regulation	Required	Modification	Analysis
Minimum Lot Area for Maisonettes	N/A	90 square metres	Staff are of the opinion that the proposed modification for the application is acceptable given that the minimum size of the lots is reduced since the proposed building would have no rear yard and shares a wall with neighbouring units.
Minimum Rear Yard for Maisonettes	N/A	N/A	Staff are of the opinion that the proposed modification can be supported as it implements the Maisonette built form.
Minimum Landscape Area for Maisonette	N/A	15%	Staff are of the opinion that the additional regulation requiring a minimum amount of landscaping for the Maisonettes is appropriate because it provides an opportunity for plantings between the street and the front yards and improves the pedestrian realm both along the public right-of-way and internal to the site along the proposed condominium road.
Minimum Side Yard Setback for Maisonettes	N / A	1.2 metres from the side lot line	Staff are of the opinion that the proposed 1.2 metres for the side yard of an end unit is appropriate because it allows for access to the proposed residential units for the purposes of maintenance, helps to break up the look of a possible continuous façade, brings the building close to the street enhancing the public realm and may provide opportunities for end units to have windows on the side façade.
Setbacks and Landscaping on a Condominium Road	N / A	Private Condominium Roads are deemed to be streets for the purposes of this by-law, and parking and landscaping are permitted within the streets and common elements	Staff note that the modification is technical in nature and is required to implement the proposal in order to permit landscaping and parking spaces within the proposed internal road network.

Regulation	Required	Modification	Analysis
Minimum Size of Parking Spaces	3 metres by 6 metres	In addition, a parking space shall have a minimum width of 3 metres and a minimum length of 5.8 metres.	Staff are of the opinion that the proposed modification from 6 metres to 5.8 metres is minor in nature and can be supported.
Minimum number of Visitor Parking Spaces	0.5 per unit	0.25 per unit	Staff are of the opinion that the proposed modification is minor in nature and that there are other opportunities to provide visitor parking in close proximity to the proposed residential units. As part of the application, the applicants were required to provide an on-street parking plan within the proposed residential neighbourhood. Overall, staff are of the opinion that the proposed modification can be supported.

Hamilton Zoning By-law No. 05-200**Modification to the C6-728 Zone**

Regulation	Required	Modification	Analysis
Maximum Height	11.0 metres	11.0 metres	Staff note that the following modification already exists on a portion of the subject lands currently zoned District Commercial (C6) Zone with a site specific and the purpose of the modification is to expand the existing site specific to the balance of the proposed commercial lands.
Setback to Pipeline	10 metres	7.5 metres	Staff are of the opinion that the proposed setback to the pipeline can be supported because the modification still maintains a setback requirement for the building from the right-of-way for any proposed structure while providing more flexibility when developing the subject lands.

RE: Development Proposal: Jackson Heights Extension, Binbrook ON
2341 & 2365 to 2431 Highway 56 and Tanglewood Drive
Applicant: Rob-Geof Properties Limited
Owner: 1583123 Ontario Limited – Losani Homes (1998) Ltd

In preparing our response, we referenced the following two documents –

- 1) The Urban Hamilton Official Plan, Binbrook Village Secondary Plan – Land Use Plan, Map B 51-1, effective date August 16, 2013 identifies these lands as Mixed Used – Medium Density, Pedestrian Predominant.
- 2) The Glanbrook Secondary Plan for Binbrook Village, dated November, 2016, Volume 2 – B.5.1, Section 5.1.5.1, Mixed Use – Medium Density Designation and Section 5.1.5.2 District Local Commercial and have the following comments.

We are opposed to the proposed development for the following reason.

1) Building Height

As per the Glanbrook Secondary Plan, Medium Density Designation (Page 6, Item h):) and Local Commercial (page 7, item b)) building heights shall not exceed three storeys. The height of the proposed building is 4 storeys and does not meet this criteria.

We understand the developer has the opportunity to justify the need for the additional 4th storey however, if justification is for recouping rising development and/or building costs, it should not be at the expense of Binbrook residents. The developer should have taken into account rising costs at time of purchasing the property.

Granting such height amendments now opens the door to future proposals with heights greater than 4 storeys. In fact, there is a current proposal for a 10 storey development on Binbrook Road.

- 2) Commercial and Retail uses are permitted however, every future development that we are currently aware of includes such uses. When does it become too much for the village resulting in an abundance of vacant units. There are empty units in the Freshco plaza, Binbrook plaza and the 3 storey building located at Windwood/Hwy. 56.
- 3) Needs of the community
Existing single residential dwellings are being demolished to accommodate this development. It displaces residents, some who are aging. Binbrook needs more senior citizens complex, much like the existing one on Library Road and the proposed one at the corner of Southbrook and Binbrook Road. Future developments, including this one, should keep the needs of the village in mind.

Thank you.

March 29, 2017

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

Sent via email to: greg.macdonald@hamilton.ca

Dear Mr. Macdonald:

**Re: Rob-Geof Properties Ltd. Applications at 2341 and 2365 to 2431 Highway 56
City Files UHOPA-17-012; ZAC-17-027; 25T-201706**

We are in receipt of the Notice of Complete Applications for the above noted property dated March 24, 2017, and as the abutting property owner of 2289 Highway 56 to the north (and 2498 Binbrook Road to the east) we wish to submit the following comments for your consideration.

Of primary concern is the Draft Plan prepared by A.J. Clarke and Associates Ltd. which indicates a proposed 9m wide Storm Sewer Easement, a proposed 6m wide Major Overland Flow Easement, and an alleged "existing" storm water management pond all to the north of the subject property.

The northern property line of the subject property represents the urban boundary of Binbrook, with rural undeveloped land beyond that boundary. What is the purpose of a 9m wide Storm Sewer Easement, and what exactly are the intentions? Is this storm sewer anticipated to outlet to the north and flood our farm land?

The same concern applies to the 6m wide Major Overland Flow Easement. What are the intentions, and has any consideration been given to the resulting negative impacts to our property?

We are puzzled by the claim that there is an "existing" storm water management pond to the north of the subject property, as this is not in fact the case. There is an old man-made irrigation pond used during the time our property was farmed as an orchard, however that pond was not designed as a storm water management pond, nor is it capable of acting as one, nor have we granted permission for this pond to be used for that purpose.

In general, there appears to be a serious misunderstanding regarding the lands north of the subject property, and what impacts this proposed development will have on those lands.

No engineering or grading plans have been made available for review as part of this notice, therefore is it possible to obtain copies in due course and be given an opportunity to review to ensure any potential negative impacts to our properties can be addressed prior to the approval of these applications?

Thank you in advance for your co-operation.

From:
Sent: Wednesday, April 19, 2017 9:27 PM
To: Johnson, Brenda
Subject: Jackson heights extension

Good afternoon councillor Johnson

As you know changes have been made to the proposed development that abuts the south side of our property, 2311 regional rd 56 in Binbrook. While we did informally discuss the issues at the town meeting, we feel it necessary to document our opposition to same

To be clear, we are not opposed to the proposed development as per the original plan which accommodated a number of homes as well as green space that abutted our property. The new plan eliminates the green space thereby significantly increases the density of homes.

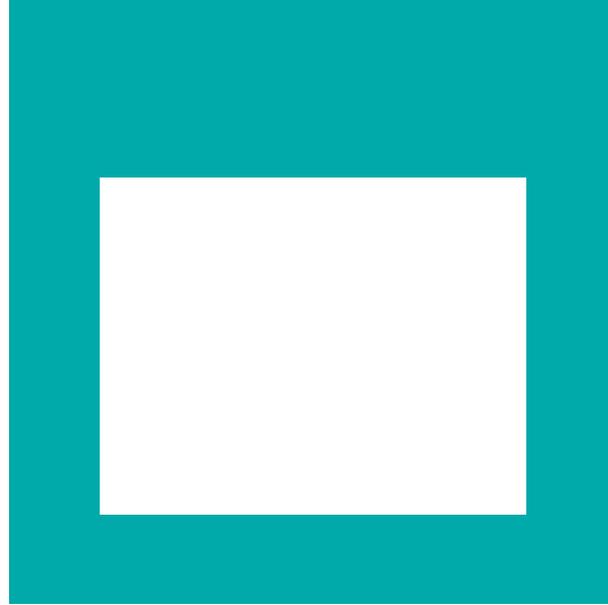
This not only causes us concern in that the development of the size proposed ought to be balanced with green space, but it also causes us very serious concerns regarding the water retention pond that runs along the rear of our property.

As I have advised city officials previously to no response in past years, the said pond does not function properly currently and is insufficient for the property it is currently serving therefore bringing water back on to our property. It is my understanding that the new plan does not contemplate this issue and rather, the developer intends to rely upon the

existing water retention pond to service the newly proposed homes. I reiterate that the existing pond is inadequate for these purposes.

Accordingly, the changes to the said proposed development will negatively impact our property and we respectfully submit that they ought not be permitted.

We thank you for your consideration and look forward to discussing this matter with you further.



WELCOME TO THE CITY OF HAMILTON
PLANNING COMMITTEE

August 13, 2019

PED19121 – (ZAC-17-027 / UHOPA-17-012)

Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision “Jackson Heights Extension – Phase 2” for Lands Located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive, Glanbrook.

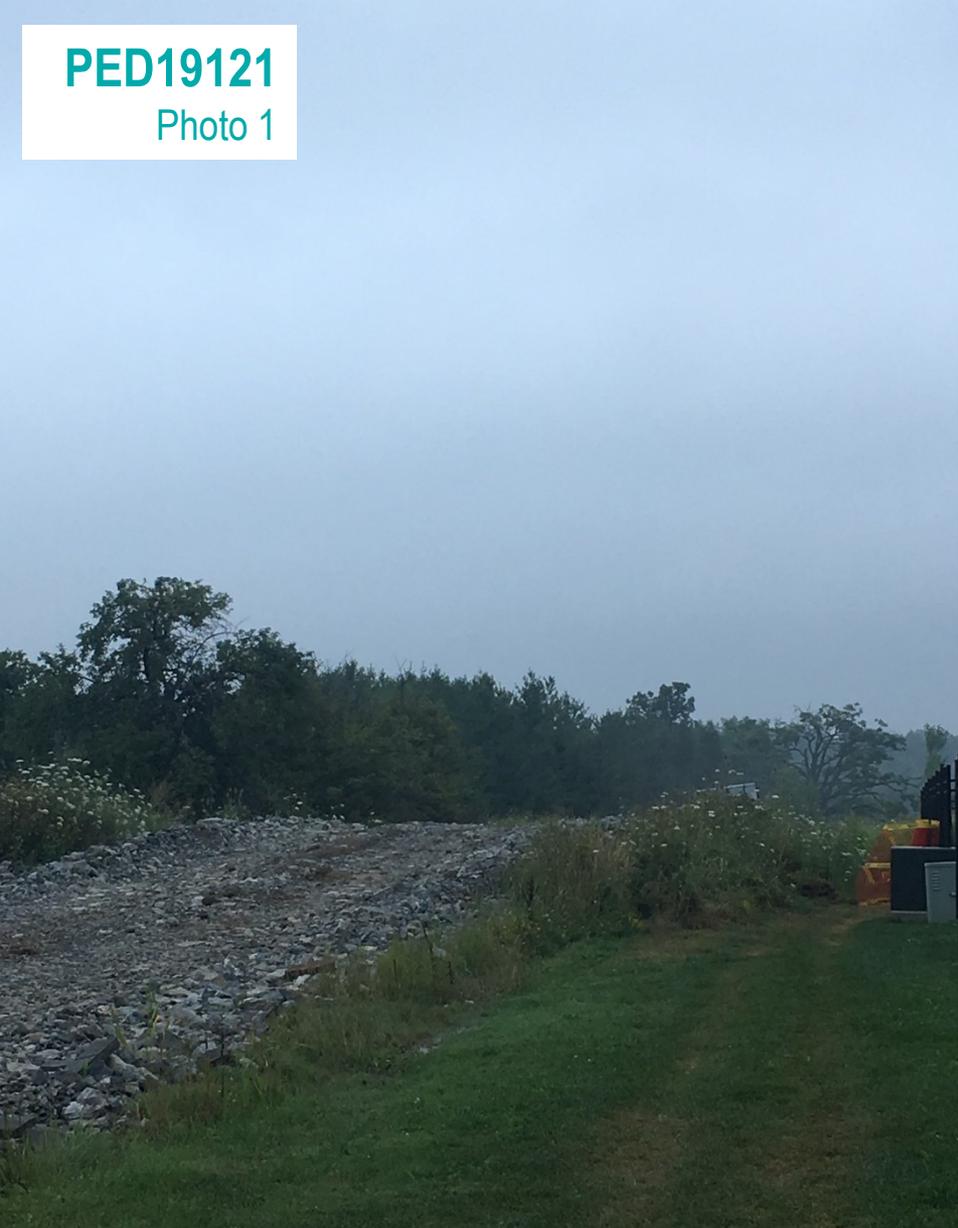
Presented by: Alaina Baldassarra



SUBJECT PROPERTY



2341, 2365, 2375, 2385, 2395, 2403 & 2413 Regional Road 56 and 250 Tanglewood Drive



View of the site from the current end of Tanglewood Drive (looking north at the Subject Lands)

PED19121

Photo 3



Page 227 of 391

PED19121

Photo 4



View of the consolidated properties looking from Regional Road 56 (west portion of the Subject Lands)



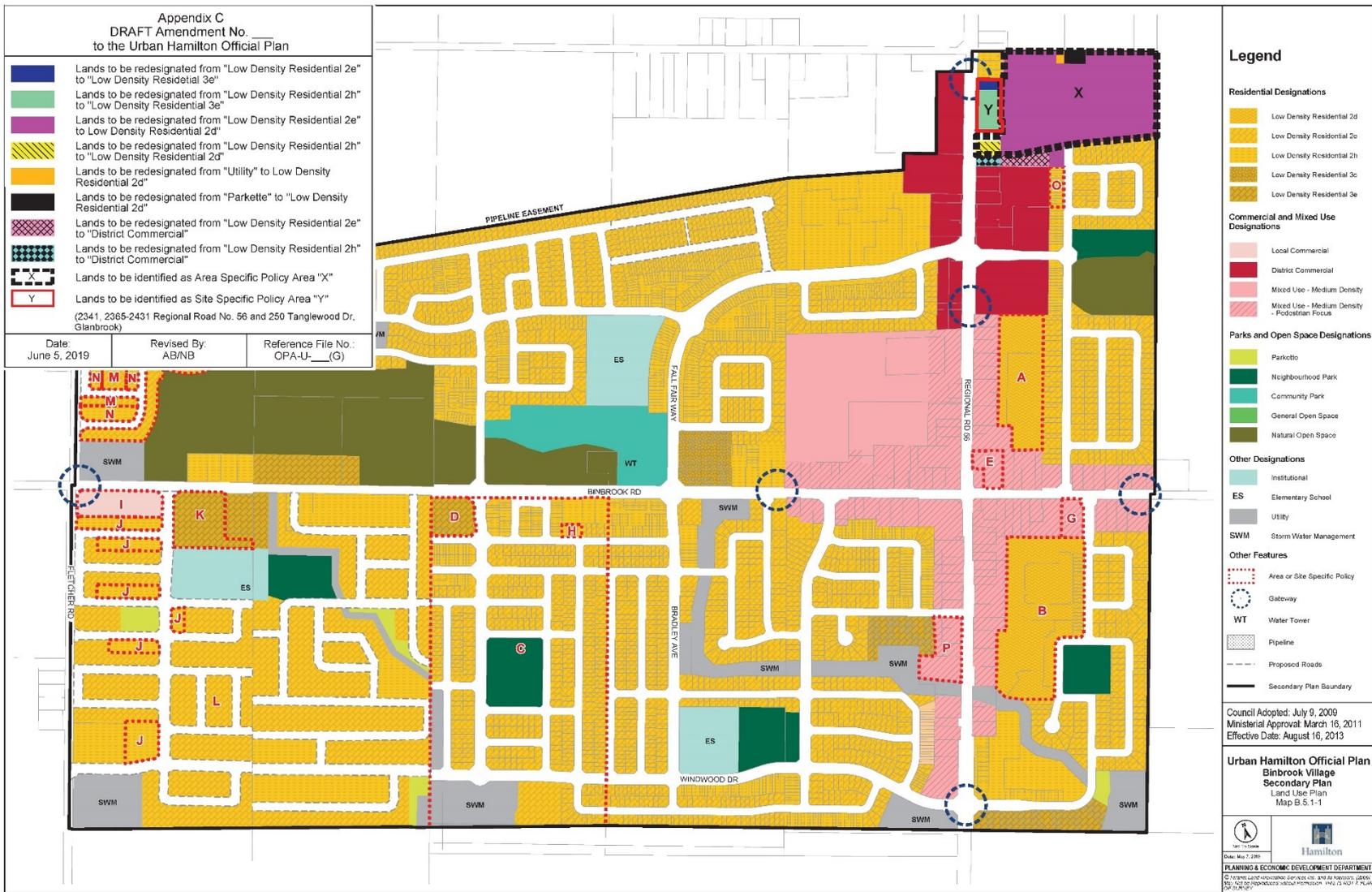
View from the property of the west side of Regional Road 56

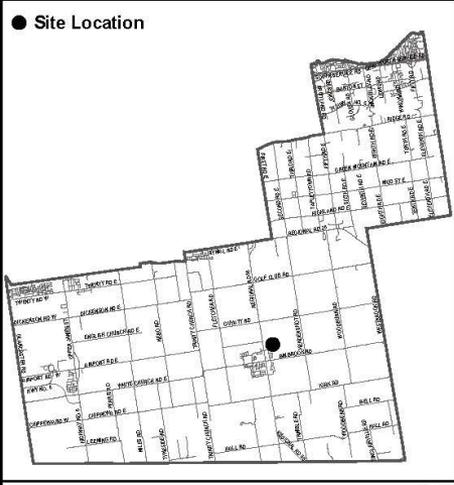


View of existing residential dwellings abutting the Subject Land (looking from Tanglewood Drive)



View of existing residential dwellings abutting the Subject Land (looking from Tanglewood Drive)





Key Map - Ward 11 N.T.S.

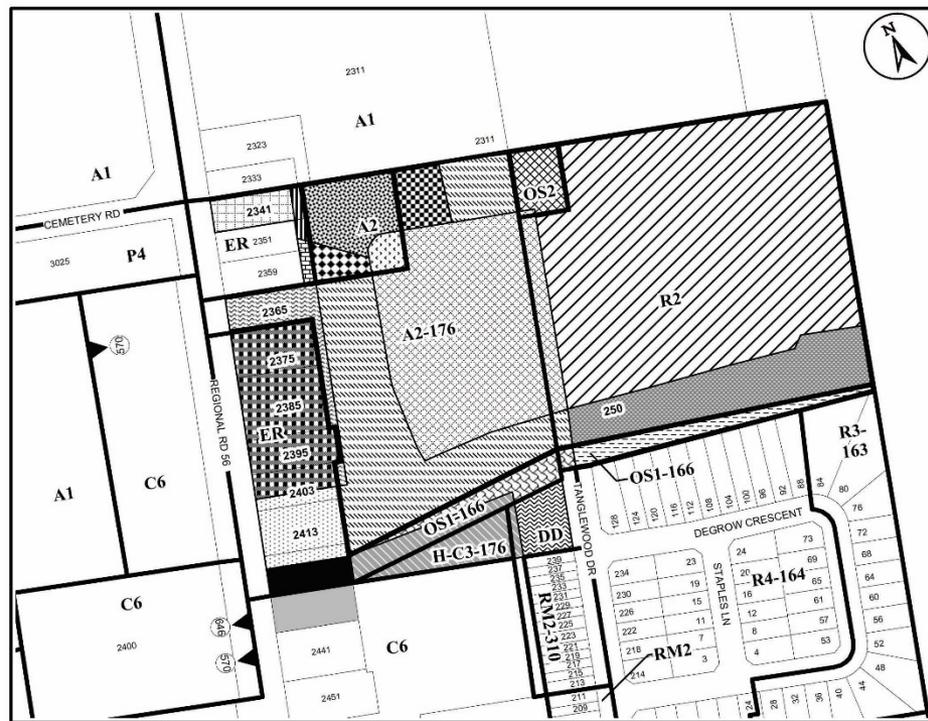
Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-17-027/UHOPA-17-012/25T-201706	Date: July 17, 2019
Appendix "A"	Scale: N.T.S.
Planner/Technician: AB/NB	

Subject Property - 2341, 2365 - 2431 Regional Rd. 56 & 250 Tanglewood Dr.

- Block 1** - Change in zoning from Residential "R2" Zone to Residential Multiple "RM2-313" Zone, Modified
- Block 2** - Change in zoning from Public Open Space "OS2" Zone to Residential Multiple "RM2-313" Zone, Modified
- Block 3** - Change in zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified
- Block 4** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313" Zone, Modified
- Block 5** - Change in zoning from Private Open Space "OS1-166" Zone, Modified to Residential Multiple "RM2-313" Zone, Modified
- Block 6** - Change in zoning from Deferred Development "DD" Zone to Residential Multiple "RM2-313" Zone
- Block 7** - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313" Zone, Modified
- Block 8** - Change in zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM2-313(a)" Zone, Modified
- Block 9** - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-313(a)" Zone, Modified



● Site Location



Key Map - Ward 11

N.T.S.

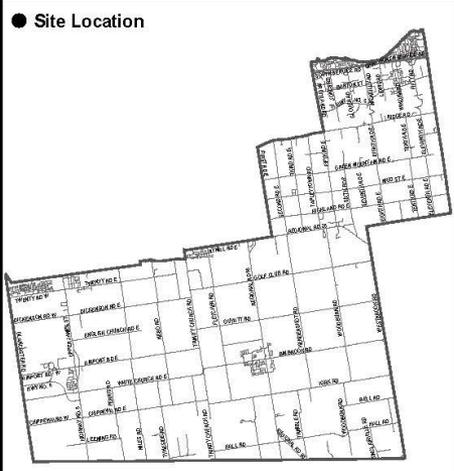
Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 File Name/Number: ZAC-17-027/UHOPA-17-012/25T-201706
 Date: July 17, 2019

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

- Subject Property - 2341, 2365 - 2431 Regional Rd. 56 & 250 Tanglewood Dr.
- Block 10** - Change in zoning from Restricted Agricultural "A2-176" Zone, Modified to Residential Multiple "RM4-314" Zone, Modified
 - Block 11** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM4-314" Zone, Modified
 - Block 12** - Change in zoning from Residential "R2" Zone to Residential "R4-315" Zone, Modified
 - Block 13** - Change in zoning from Private Open Space "OS1-166" Zone, Modified to Residential "R4-315" Zone, Modified
 - Block 14** - Change in zoning from Restricted Agriculture "A2-176" Zone, Modified to Residential Multiple "RM3-316" Zone, Modified
 - Block 15** - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-316" Zone, Modified
 - Block 16** - Lands to be removed from Zoning By-law No. 464 & rezoned to District Commercial (C6, 728, H113) Zone
 - Block 17** - Lands to be removed from Zoning By-law No. 464 & rezoned to District Commercial (C6, 728) Zone
 - Block 18** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313(a)" Zone, Modified



Key Map - Ward 11 N.T.S.

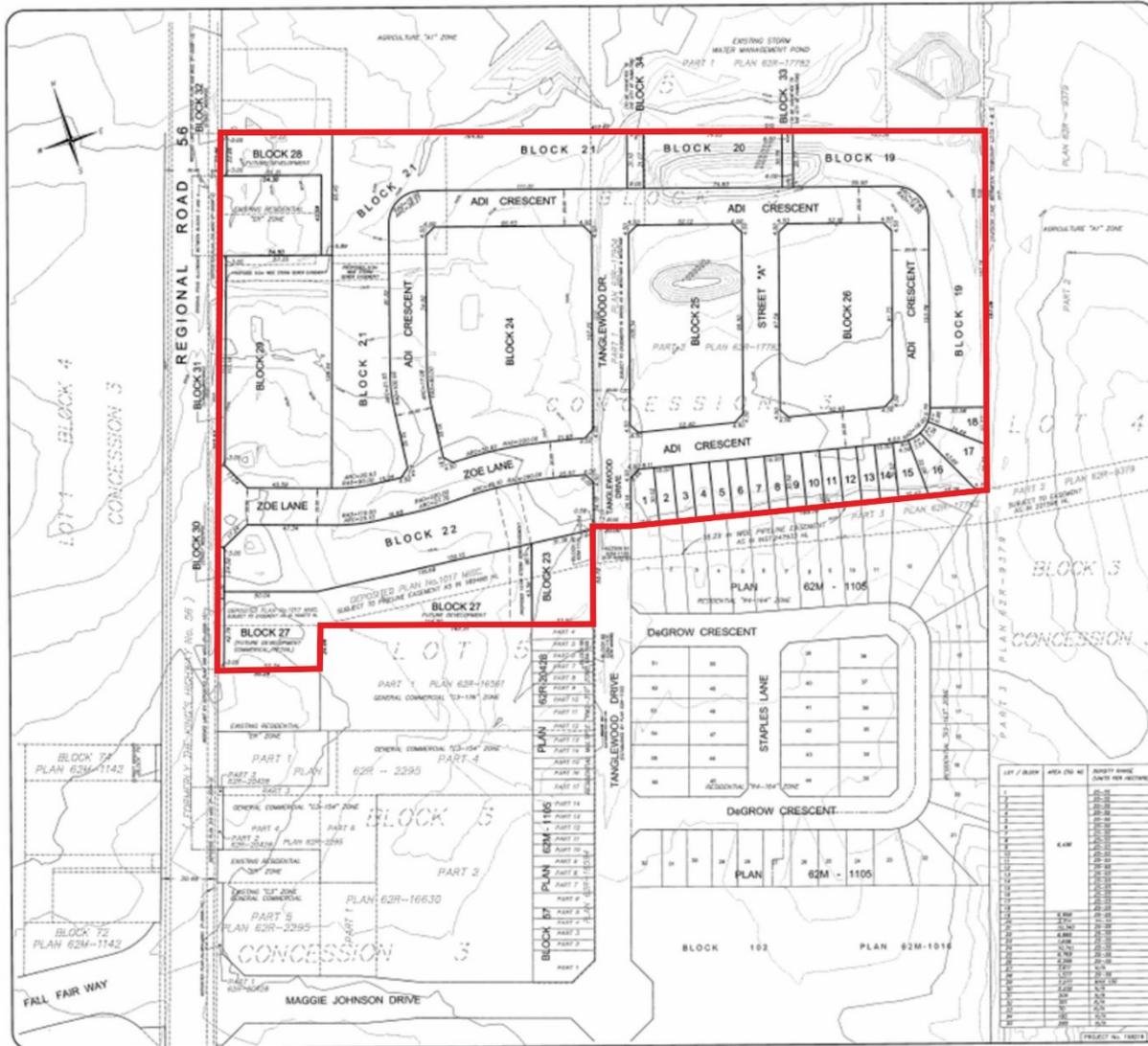
Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAC-17-027/UHOPA-17-012/25T-201706	Date: July 17, 2019	
Appendix "A"	Scale: N.T.S.	Planner/Technician: AB/NB

Subject Property - 2341, 2365 - 2431 Regional Rd. 56 & 250 Tanglewood Dr.

- Block 19** - Change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM2-313" Zone, Modified
- Block 20** - Change in Zoning from District Commercial (C6, 570) Zone to District Commercial (C6, 728) Zone
- Other lands owned by applicant



REVISED DRAFT PLAN OF
Jackson Heights Extension
 BEING A PROPOSED SUBDIVISION OF
 PART OF LOT 5—BLOCK 3—CONCESSION 3
 GEOGRAPHIC TOWNSHIP OF BINBROOK
 AND PART OF BLOCK 58 — PLAN 62M-1105
 CITY OF HAMILTON
 SCALE 1:1000
 B. J. CLARKE O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.2808.

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(6) THE PLANNING ACT

- A. SHOWN ON PLAN
- B. SHOWN ON PLAN
- C. SHOWN ON PLAN
- D. SHOWN ON PLAN
- E. SHOWN ON PLAN
- F. SHOWN ON PLAN
- G. SHOWN ON PLAN
- H. MUNICIPAL PIPED WATER AREA
- I. CLAY LANE
- J. SHOWN ON PLAN
- K. SANITARY STORM AND WATERWAY AVAILABLE OR REGIONAL ROAD
- L. SHOWN ON PLAN

SUBDIVISOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIPS TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

APRIL 30, 2019
 DATE
 B. J. CLARKE
 ONTARIO LAND SURVEYOR

LAND USE SCHEDULE:

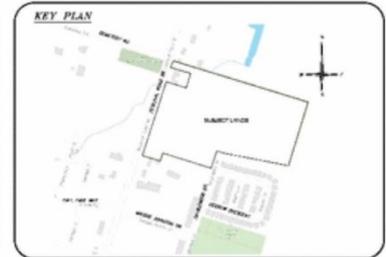
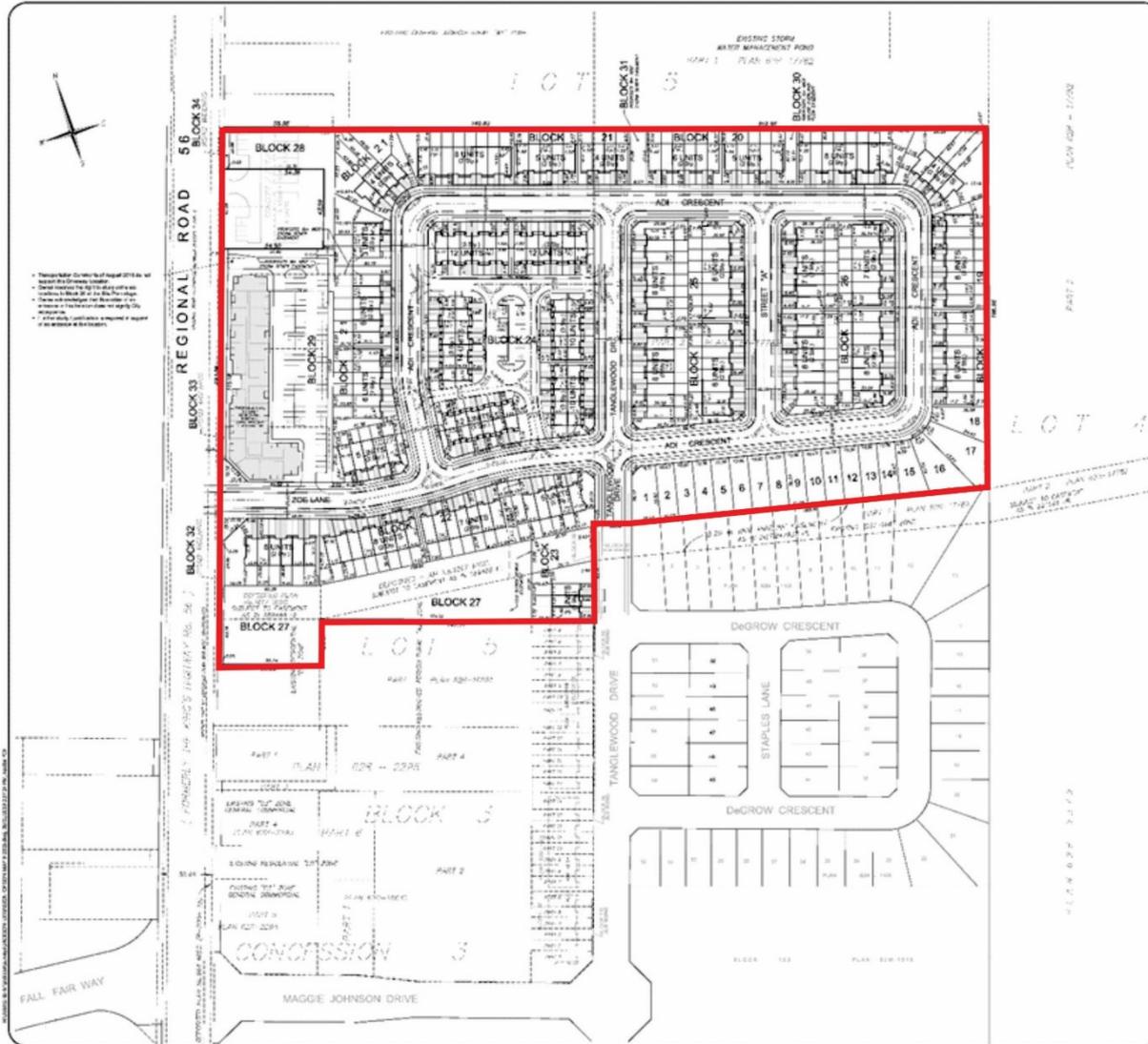
SINGLETS: LOTS 1 - 18 INCLUSIVE
 STREET FRONT: BLOCKS 19, 20, 21, 22, 23, 24 & 26 (771 UNITS)
 BACKSIDES: BLOCK 24 (70 UNITS)
 AREA SPACES: BLOCK 29 (410 UNITS)
 FUTURE COMMERCIAL: BLOCK 27
 FUTURE DEVELOPMENT: BLOCK 28
 FUTURE DEVELOPMENT: BLOCK 29
 FUTURE STORM SEWER & STORM POND ACCESS: BLOCK 24
 STREET FRONTING: BLOCKS 20 - 32
 AREA OF SUBDIVISION: 9,747 sq.

SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990/C.P.13, AS AMENDED BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-323
 THIS _____ DAY OF _____, 2019.

GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
 CITY OF HAMILTON

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 ARAD STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 3H7
 TEL: 905-528-8797 FAX: 905-528-2289
 WWW.AJCLARKE.COM



CONCEPT PLAN OF
Jackson Heights Extension
 BEING A PROPOSED SUBDIVISION OF
 PART OF LOT 5—BLOCK 3—CONCESSION 3
 OF CIRCULAR TOWNSHIP OF RIMMICK
 CITY OF HAMMILTON
 SCALE 1:1500
 N. 10111, O.E.S.

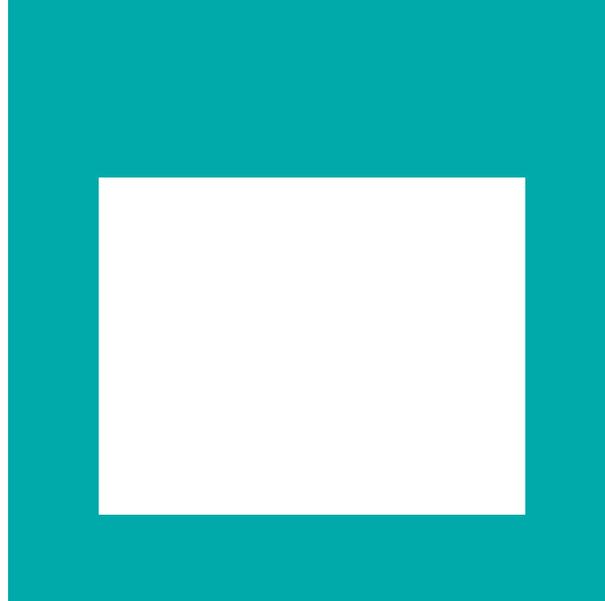
METRIC: (UNITS) 1 METRE = 39.37 INCHES AND 39.37 INCHES = 1 METRE
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

MAY 8, 2019
 DATE
 (AS PER UNINCORPORATED PLAN IN 1980s Old-Hickson Heights Extension)
 SURVEY'S February 13, 2019 Jackson Heights Extension CONVESSION PLAN (2019)

LAND USE SCHEDULE:
 SINGLE LOTS 1 - 18 INDUSTRY
 STREET FRONT BLOCKS 29, 30, 31, 22, 23, 25 & 26 (17 UNITS)
 MANUFACTURE BLOCK 24 (70 UNITS)
 RESIDUAL BLOCK 28 (400 UNITS)
 FUTURE COMMERCIAL/INDUSTRY - BLOCK 27
 FUTURE COMMERCIAL/INDUSTRY - BLOCK 28
 MANUFACTURE/INDUSTRY - BLOCK 30
 FUTURE COMMERCIAL/INDUSTRY - BLOCK 31
 FUTURE COMMERCIAL/INDUSTRY - BLOCK 21
 FUTURE COMMERCIAL/INDUSTRY - BLOCK 22

NOTE
 LOCATION OF PARCEL LINES AND BOUNDARY (INDICATED) ARE COMPILED FROM DEEDS AND PLANS AND NOT BASED ON FIELD SURVEY.

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST SUITE 200
 HAMMILTON, ONTARIO L8P 1Y7
 TEL 905 528 8761 FAX 905 528 2285
 WWW.AJCLARKE.COM



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

JACKSON HEIGHTS EXTENSION

Rob-Geof Properties Limited
(Homes by John Bruce Robinson)
August 13th, 2019

OFFICIAL PLAN, ZONING BY-LAW AMENDMENT, AND
DRAFT PLAN OF SUBDIVISION

CITY OF HAMILTON PLANNING COMMITTEE



SUBJECT LANDS



- Legally described as Part of Lot 5 – Block 3 – Concession 3 Geographic Township of Binbrook.
- Municipally known as 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive, Glanbrook
- Approximate Area of ±97,740 square metres (9.747 hectares).



CHRONOLOGY

- **February 23, 2017** – Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision submitted.
- **March 6, 2017** – Official Plan Amendment Application UHOPA-17-012, Zoning By-law Amendment Application ZAC-17-027 and Draft Plan of Subdivision Application 25T-201706 deemed complete.
- **March 26, 2017** – Notice of Complete Application received.
- **March 30th, 2017** – Public Open House held at Glanbrook Municipal Service Centre.
- **April 4, 2017** – Public Notice Sign posted on Subject Lands
- **July 17, 2019** - Public Notice Sign updated with Statutory Public Meeting date.



ORIGINAL PROPOSAL

- Total of 325 dwelling units (unit breakdown below).
- Maximum building height of 4 storeys.
- Minimum unit width of 4.5m for townhouses.
- Apartment parking ratio of 1.25 spaces per unit.
- Ground floor commercial on apartment block.
- District Commercial block on southeast corner of Zoe Land and RR56.

Table 1. Site Statistics of the Original Proposal

Dwelling Type	Dwelling Units	Commercial GFA	Building Height	Unit Width
Street Townhouse	173	N/A	3 Storeys	4.5m
“Back-to-Back” Townhouse	70	N/A	3 storeys	6.5m
Single Detached	18	N/A	2 – 2.5 storeys	10m
Apartment / Mixed Use Building	64	1170m ²	4 Storeys	N/A
General Commercial Block	N/A	Future Development	3 storeys	N/A
TOTAL	325	1170m ²	N/A	N/A



STAFF/PUBLIC FEEDBACK SUMMARY

- Concern for building height of four (4) storeys for mixed use building.
- Concern for provision of commercial uses being incorporated into proposed apartment building.
- Concern for 1.25 space per unit parking rate for apartment use.
- Concern for creation of commercial block for future development at the southeast corner of Zoe Lane and RR56.
- Concern for 4.5m unit width for street townhouses and their building height of 3 storeys.
- On-street parking concerns.
- Concern for “cut through” traffic along Tanglewood Drive and Zoe Lane.
- Stormwater management concerns.
- Various technical concerns discussed with City Development Engineering Staff.



SUMMARY OF REVISIONS MADE

- Apartment building reduced to three (3) storeys in height.
- Ground floor commercial component removed from proposed apartment building.
- Parking rate for proposed apartment uses was increased to 1.5 spaces per unit.
- All street townhouses reduced to two (2) storeys in height.
- Unit widths were increased to a minimum of 6m in width for townhouse units.
- Wider townhouse units increased the number of available on-street parking spaces. Single detached dwellings require three (3) parking spaces per unit.
- Commercial block at the corner of Zoe Lane and RR56 was removed and replaced with residential uses (2 storey townhouses)
- Traffic calming measures were implemented, including a “mini roundabout” at the intersection of Tanglewood Drive and Zoe Lane.
- Stormwater management concerns were resolved with City Staff.
- Concerns of City Development Engineering Staff sufficiently addressed.



REVISED PROPOSAL

- Total of 319 dwelling units (unit breakdown below).
- Maximum building height of 3 storeys.
- Minimum unit width of 6.0m.
- Apartment parking ratio of 1.5 spaces per unit.
- No ground floor commercial on apartment block.
- No District Commercial block included within Concept Plan.

Table 1. Site Statistics of the Original Proposal

Dwelling Type	Dwelling Units	Commercial GFA	Building Height	Unit Width
Street Townhouse	171	N/A	2 Storeys	6.0m
"Back-to-Back" Townhouse	70	N/A	3 storeys	6.5m
Single Detached	18	N/A	2-2.5 storeys	10m
Apartment	60	None	3 Storeys	N/A
General Commercial Block (removed)	N/A	No Commercial	N/A	N/A
TOTAL	319	None	N/A	N/A



QUESTIONS?





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2019
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for lands located at 336 and 338 King Street West, Dundas (PED19157) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Andrea Dear (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That **Zoning By-law Amendment application ZAR-19-020, by King@Dundas Inc., Owner**, for a change in zoning from the Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified, to the Holding – Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127a), Modified, in order to permit six townhouse (block townhouse) dwellings accessed by a rear lane, for lands located at 336 and 338 King Street West (Dundas), as shown on Appendix “A” to Report PED19157, be **APPROVED**, on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED19157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “B” to Report PED19157, be added to Schedule “L” (Spencer Creek) of Zoning By-law No. 3581-86 as “H-RM1/S-127a”;
 - (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 lands by introducing the Holding Symbol ‘H’ as a suffix to the proposed zoning;

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The Holding Provision “H-RM1/S-127” (Holding – Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127a), Modified, applicable as shown on Schedule “A” of Appendix “B” to Report PED19157, be removed conditional upon:

- (1) The owner / applicant shall investigate noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report, prepared by a Professional Engineer containing recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.
 - (2) The owner / applicant shall investigate anticipated residential water usage and fire flow through the submission of a Watermain Hydraulic Analysis Report to the satisfaction of the Senior Director of Growth Management.
- (iv) That the item respecting 336-338 King Street West, Dundas is considered as completed and is to be removed from the Planning Committee’s Outstanding Business List.

EXECUTIVE SUMMARY

The applicant, King@Dundas Inc., has applied for a Zoning By-law Amendment to permit the development of a standard condominium comprised of six townhouse (block townhouse) dwelling units accessed by a common rear laneway for lands located at 336 and 338 King Street West (Dundas).

The Zoning By-law Amendment will rezone the lands from the Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127) Modified, to the Holding – Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127a) Modified. The Holding provision is being maintained in order to ensure that the City receives a satisfactory Water Hydraulic Analysis Report and Noise Study.

This application has merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and complies with the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with the existing and planned

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development in the area and represents good planning by providing a compact and efficient urban form that contributes to the provision of a range of housing types, while respecting the existing neighbourhood in terms of massing and scale.

Alternatives for Consideration – See Page 17

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject property is located at the southwest corner of King Street West and Brock Street South, Dundas. The property is comprised of two existing lots of record, municipally known as 336 and 338 King Street West, Dundas. The overall site is approximately 0.74 ha in area. The site is currently vacant with one access from Brock Street South.

The applicant is proposing to develop the lands with a standard condominium comprised of six townhouse (block townhouse) dwelling units accessed by a common rear laneway with access from King Street West. Each unit is proposed to have one dedicated parking space contained within a garage and a private amenity space above each garage on the westerly side of the building. Each unit is proposed to have one parking space (refer to Appendix “D” to Report PED19157).

The lands were previously subject to Official Plan and Zoning By-law Amendment applications to permit a four storey mixed use building comprised of two commercial units at grade, 13 residential units, and 18 parking spaces located in an underground parking garage. The previous applications were approved by Council and subsequently appealed by a resident to the Ontario Municipal Board, now Local Planning Appeal Tribunal (LPAT). Prior to the scheduled LPAT hearing, the applicant and appellant were able to reach an agreement on changes to the by-law and the LPAT approved the by-law, as amended, on August 27, 2014.

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Since that time, ownership of the lands has changed and the current owners wish to amend the by-law in order to develop the lands for townhouses.

In order to accommodate the proposed development, the applicant has applied for a change in zoning from the Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127) Modified, to a site specific Low to Medium Density Multiple Dwelling Zone (RM1)

The following modifications to the “RM1” Zone have been requested by the applicant:

- Increased encroachments into a side yard for canopies, uncovered porches and unenclosed balconies;
- Decreased landscape requirements in the front yards;
- Decreased off-street parking space requirements;
- Decreased lot frontage;
- Decreased front yard;
- Decreased side yard;
- Decreased rear yard;
- Increased maximum building height;
- Decreased maximum density;
- Decreased percentage of landscaped area; and,
- Decreased buffer strip.

In addition to the above, staff recommend the following modification:

- No vehicular access or parking space be permitted in the side yard abutting the Brock Street South street line.

Chronology:

March 15, 2019: Submission of Zoning By-law Amendment application ZAR-19-020.

March 25, 2019: Applicant held Public Open House.

March 27, 2019: Application ZAR-19-020 deemed complete.

April 18, 2019: Notice of Complete Application and Preliminary Circulation was sent to 138 property owners within 120 m of the subject property.

April 25, 2019: Public Notice Sign installed on subject lands.

July 17, 2019: Public Notice Sign updated with Public Meeting Date.

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July 26, 2019: Circulation of the Notice of Public Meeting to 138 property owners within 120 m of the subject property.

Details of Submitted Application:

Applicant / Agent: King@Dundas Inc. (c/o Sergio Manchia) / MHBC Planning (c/o Kelly Martel)

Location: 336 and 338 King Street W, Dundas

Owner: King@Dundas Inc. (c/o Sergio Manchia)

Agent: MHBC Planning (c/o Kelly Martel)

Property Size: Lot Frontage: 20.42 m (King Street West)

Lot Depth: 36.62 m (Brock Street South)

Lot Area: 748.88 m²

Services: Existing full municipal services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Property:	Commercial building (vacant) with paved parking area	Holding - Medium to High Density Multiple Dwelling Zone, (H-RM3/S-127), Modified

Surrounding Land Uses:

North:	Single detached dwellings	Single-Detached Residential Zone (R2)
East:	Semi detached dwellings	Low Density Residential Zone (R4/S-86), Modified and Medium Density Multiple Dwelling Zone (RM2)
South:	Single detached dwellings	Single-Detached Residential Zone (R2)

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West: Single detached dwellings Single-Detached Residential Zone (R2)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014):

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation of, adoption and subsequent Local Appeal Tribunal approval of the UHOP, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (i.e. efficiency of land) are reviewed and discussed in the Official Plan Analysis that follows.

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

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

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

- 1) Within 250 m of known archaeological sites;
- 2) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 3) In an area of sandy soil in areas of clay or stone;
- 4) In areas of pioneer EuroCanadian settlement; and,
- 5) Along historic transportation routes.

A caution note will be required at the Site Plan Control stage advising of the City of Hamilton and Ministry of Tourism, Culture and Sport requirements should deeply buried archaeological materials or human remains be encountered during construction / development activities.

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As the application for a change in zoning to permit townhouse (block townhouse) dwelling units complies with the UHOP, and based on the review of the proposal, it is the opinion of staff that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- In conformity with A Place to Grow Plan.

Urban Hamilton Official Plan (UHOP)

The subject property is designated “Neighbourhoods” on Schedule “E” – Urban Structure and Schedule “E-1” – Urban Land Use Designations of the UHOP. The proposed development is a standard condominium comprised of six townhouse (block townhouse) dwelling units accessed by a common rear laneway which is permitted within the “Neighbourhoods” designation of the UHOP and as such, the following policies, among others, apply to the proposal.

Neighbourhoods

- “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 dwellings and housing with supports;
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.”

Policies E.3.2.1, E.3.2.3 a) and E.3.2.4 reinforce the importance of providing a range of residential dwelling types and densities within a neighbourhood. The surrounding neighbourhood is predominantly composed of single detached dwellings. The proposed townhouse (block townhouse) dwelling units will add a variety of housing forms to the area that does not currently exist, offering an additional housing form that is in keeping with the surrounding neighbourhood (Policies E.2.6.7 and E.3.2.4).

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Medium Density Residential

- E.3.5.1 Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.2 Uses permitted in medium density residential areas include *multiple dwellings* except street townhouses.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.7 For medium density residential uses, the *net residential density* shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.
- E.3.5.9 *Development* within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
 - b) *Development* shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
 - c) *Development* shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.

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- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

In accordance with the definitions of the UHOP, the proposed townhouse (block townhouse) dwellings located on a private laneway are considered multiple dwellings (Policy E.3.5.1). The private laneway has direct access to King Street West which is classified as a Major Arterial road on Schedule E of the UHOP (Policy E.3.5.1). Multiple dwellings are permitted under Policy E.3.5.2 and the proposed density of 81 units per hectare complies with the density ranges established in Policy E.3.5.7. By proposing similar setbacks to the neighbouring buildings, the proposed building footprint respects the development patterns in the neighbourhood, thus allowing the increased density and built form to be well integrated with other lands in the neighbourhood (Policy E.3.5.9 b)). On-site parking and a private amenity space is proposed for each dwelling unit which increases the compatibility with the abutting land uses and will help this proposed development to better integrate into the greater community (Policy E.3.5.9 c)).

The townhouse (block townhouse) dwelling units are proposed at a height of 15.3 m or four storeys, although higher than the existing built form, represents a size and scale that is compatible with the surrounding land uses (Policies E.3.5.2, E.3.5.7, and E.3.5.8). The subject lands have direct access to public transit (HSR Route #5 Delaware) and Fisher’s Mill Park (Policies E.3.5.5).

Residential Intensification

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

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- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.”

The introduction of six townhouse (block townhouse) dwelling units on an existing underutilized lot represents a form of residential intensification (Policies B.2.4.1.4 c) and B.2.4.1.4 g)). The proposed setbacks to King Street West and Brock Street South will place the building close to the street edge which is similar to the neighbouring buildings.

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This will also allow for an increase in height that is still in keeping with the surrounding built form and will build upon and enhance the existing patterns (B.2.4.1.4 b), c), d) and e)). The townhouse (block townhouse) dwelling units will be further integrated into the community through urban design controls at the Site Plan Control application stage (B.2.4.1.4 d)). The proposed development has been designed so as to minimize the effects of shadowing and overlook by placing the building closer to the street and the second storey amenity area further away from the properties to the west. Traffic impacts are minimized through the provision of a single shared access point. Noise and lighting will be further reviewed and mitigated at the Site Plan Control application stage (B.2.4.2.2 b)). As previously discussed, in addition to existing public park space within walking distance, this proposal includes the provision of a private amenity space for each dwelling unit which is in keeping with the existing patterns in the neighbourhood (B.2.4.2.2 f)).

With respect to Policies B.2.4.1.4 f) and B.2.4.2.2 j), the subject site is serviced by municipal water, sewer and stormwater infrastructure.

Urban Design

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

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;”

By respecting existing setbacks, building separations and the pedestrian friendly character of the area, the proposed development is proposing a building envelope that adequately respects the existing character, development patterns and built form (B.3.3.2.3 a)). Details of the built form such as the materials, glazing and landscape elements will be determined at the Site Plan Control application stage. It will be required that these design elements enhance the surrounding environment (B.3.3.2.3 b)).

Therefore, the proposal complies with the UHOP.

Town of Dundas Zoning By-law No. 3581-86

The subject property is currently zoned Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified which permits a four storey (16.5 m) multiple dwelling, with two commercial uses located on the ground floor, having a combined maximum floor area of 199.0 sq m along the King Street West lot line. The commercial

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uses shall be limited to the uses listed under Retail Trade Industries excluding any automotive and motor vehicle uses and restaurant use.

In order to implement the proposed development, a change in zoning from Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified to a site specific Low to Medium Density Multiple Dwelling Zone (RM1) is required to permit a range of uses, including townhouses (block townhouses), and introduce a new special exception to accommodate the proposed development on the site. The modifications required include:

- Increased encroachments into a side yard for canopies, uncovered porches and unenclosed porches;
- Decreased landscape requirements in the front yards;
- Decreased off-street parking space requirements;
- Decreased lot frontage;
- Decreased front yard;
- Decreased side yard;
- Decreased rear yard;
- Increased maximum building height;
- Decreased maximum density;
- Decreased percentage of landscaped area; and,
- Decreased buffer strip.

In addition to the above, staff recommended the following modification:

- No vehicular access or parking space be permitted in the side yard abutting the Brock Street South street line.

Staff are in support of the proposed modifications. A detailed evaluation of the proposed modifications is included in Appendix “C” to Report PED19157.

RELEVANT CONSULTATION

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

- Horizon Utilities;
- Hydro One, Networks Inc.;
- Hamilton Fire Department;
- Budgets and Finance;
- Public Health – BOAST; and,

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- MTO.

The following Departments and Agencies have provided comments with respect to the proposed applications:

Transportation Planning Division, Planning and Economic Development Department, advised that, although there is a preference for a 4.57 m by 4.57 m daylighting triangle at the corner of King Street West and Brock Street South, given the context of the development, a 2.5 m radius is acceptable. Staff have noted that there is an existing bus stop on King Street West, directly in front of the subject lands, and access to the stop must remain in accordance with the accessibility requirements in terms of sidewalk width and grade. These requirements will be addressed at the Site Plan Control stage. Further, the driveway must be 7.5 m wide at the property line, but is permitted to narrow to 6.0 m within the site.

Transit if it is determined that the bus bench or bus stop sign need to be relocated due to this development, the cost of the relocation will be the responsibility of the owner and / or ~~the~~ applicant.

Urban Forestry, requires a Landscape Plan, prepared by a Registered Landscape Architect, to be submitted as part of the Site Plan Application showing the proposed placement, species and size of trees that are being proposed on public lands. A landscape plan will be required as a condition at the Site Plan Approval stage.

Public Health Services, requires that a Pest Control Plan and Dust Management Plan be submitted for the proposed development. These will be required as conditions at the Site Plan Control Stage.

Environmental Services Division, Public Works Department, indicated that the development is eligible for municipal waste collection service subject to meeting the City of Hamilton's requirements. Should the proposed development not meet the City of Hamilton's requirements a warning clause should be included in all offers and agreements of purchase and sale, rental, or lease for all units.

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 138 property owners within 120 m of the subject property on December 20, 2018. A Public Notice sign was posted on the property on April 25, 2019 and updated with the Public Meeting Date on July 17, 2019. Finally, notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

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SUBJECT: Application for a Zoning By-law Amendment for lands located at 336 and 338 King Street West, Dundas (PED19157) (Ward 13) - Page 14 of 17

One letter in support of the application was received as a result of the public circulation of the application (attached as Appendix “E” to Report PED19157).

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant held a Public Open House on March 25, 2019. The Ward Councillor and approximately five residents were in attendance.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2014), and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) which directs and encourages infill and intensification within the built-up area;
 - (ii) It complies with the general intent and purpose of the UHOP; and,
 - (iii) It is an appropriately scaled infill development that is compatible with existing residential land uses of the area and represents good planning by, among other things, supporting the intensification and redevelopment of a brownfield site.

2. Zoning By-law Amendment

The applicant has requested to rezone the property from the Holding – Medium to High Density Multiple Dwelling (H-RM3/S-127) to the Low to Medium Density Multiple Dwelling Zone (RM1/S-127a), Modified. The current zone does not permit townhouse (block townhouse) dwellings as it was zoned to accommodate a previous application for a four storey mixed use building with a higher density. A rezoning is required in order to facilitate the development of six townhouse (block townhouse) dwellings and to accommodate changes to proposed setback and landscape regulations.

As discussed previously, staff are supportive of this change as the introduction of townhouse (block townhouse) dwellings is compatible with the immediate residential development surrounding the property, and provides an appropriate level of intensification on an underutilized brownfield site within an existing neighbourhood.

SUBJECT: Application for a Zoning By-law Amendment for lands located at 336 and 338 King Street West, Dundas (PED19157) (Ward 13) - Page 15 of 17

The following site specific modifications to Low to Medium Density Multiple Dwelling Zone (RM1) of the Town of Dundas Zoning By-law No. 3581-86 are required to implement the proposal (see Appendix “B” to Report PED19157):

- Increased encroachments into a side yard for canopies, uncovered porches and unenclosed porches;
- Decreased landscape in the front yards;
- Decreased off-street parking space requirements;
- Decreased lot frontage;
- Decreased front yard;
- Decreased side yard;
- Decreased rear yard;
- Increased maximum building height;
- Decreased maximum density;
- Decreased percentage of landscaped area; and,
- Decreased buffer strip.

In addition to the above, staff recommended the following modification:

- No vehicular access or parking space be permitted in the side yard abutting the Brock Street South street line.

A detailed evaluation of the proposed modifications is included in Appendix “C” to Report PED19157.

3. A Holding “H” Provision is recommended in order to ensure the submission of a Noise Study to the satisfaction of the Director of Planning and Chief Planner, and a Watermain Hydraulic Analysis Report to the satisfaction of the Senior Director of Growth Management.

A Noise Study was submitted with the previous application but the built form has changed from a multiple dwelling with no outdoor amenity space to townhouses with private amenity spaces proposed to be located above the garages adjacent to King Street West. The change in built form necessitates a revised acoustical report. The noise mitigation measures outlined in the Noise Study will be required to be implemented at the Site Plan Control stage and / or Standard Condominium stage.

The requirement for the Watermain Hydraulic Analysis Report is an ongoing request from the previous application and was a Holding Zone requirement as approved by the LPAT (OMB). This Report is required to investigate residential water usage and fire flow.

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SUBJECT: Application for a Zoning By-law Amendment for lands located at 336 and 338 King Street West, Dundas (PED19157) (Ward 13) - Page 16 of 17

4. Engineering Approvals staff have reviewed the proposed Zoning By-law Amendment application and provide the following comments:

The FSR was not finalized for the previous Zoning By-law Amendment application ZAC-12-042. At that time the FSR was not satisfactory and therefore it cannot be assumed to be satisfactory despite the proposed amendment.

As such, the watermain hydraulic analysis (WHA) dated March 11, 2016 has some deficiencies that must be corrected prior to Engineering Approvals being able to recommend the lifting of the Holding Provision. The deficiencies include:

- The domestic water demands should be calculated using the fixture unit approach;
- The conclusions note that the expected pressures will range from 290 to 300 kPa, whereas Section 4.1 says the pressure will range from 290 to 295 kPa;
- With regards to the RFF calculations, the building is specified in the report as four stories and in Appendix C as one storey. Staff recognize that notes in Appendix C clarify the calculation of the floor area, however the indication that the 1,668 m² represents the largest floor, and that there is only one storey, is confusing;
- With regards to the RFF, the floor area in the report (1,668 m²) does not match the gross floor area specified on the Site Plan dated September 2015 (1,785.31 m²). Please confirm the building area and update the calculation accordingly;
- With regards to the RFF calculations, the report specifies that the development shall be non-combustible. According to the drawings (Cover Sheet, dated September, 2015), the building is both combustible and non-combustible construction. Please review and update the coefficient of construction accordingly;
- With regards to the RFF calculation, the exposure distances shown on Appendix C Figure 1 do not match the exposure distances noted on the calculation sheet, which do not match the percentages used in the calculations. Additionally, the exposure distances noted do not match with the distances determined from the drawings. For example, the west exposure, when scaled from the Site Plan, is only 2 m. Whereas it is noted as 11 m on Figure 1 in Appendix C and 14 m within the calculations. Please ensure accuracy and update accordingly;
- With regards to the RFF, please clarify the comment “Exposures considered for building south and west of condominium”; and,
- Please label the Street Names on all figures within the appendices.

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SUBJECT: Application for a Zoning By-law Amendment for lands located at 336 and 338 King Street West, Dundas (PED19157) (Ward 13) - Page 17 of 17

The WHA must be revised based on the above and submitted before any development is permitted on the site. The WHA should at this time also be adapted to a Low/Medium Density Multiple Dwelling Zone, Modified.

Once we have a revised WHA that is satisfactory to the Manager of Development Approvals we will be able to provide recommend the lifting of the holding provision.

5. A future Condominium application will be required in order to create the units and delineate the common rear laneway and manoeuvring space.
6. Circulation of the application resulted in the submission of correspondence from one are resident (see Appendix “E” to Report PED19157). This resident is in support of the application.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment be denied, the lands could be developed in accordance with the existing, LPAT approved, Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127) which permits a four storey multiple dwelling with ground floor commercial uses and 13 residential units above.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Zoning By-law Amendment

Appendix “C” – Site Specific Modifications to the RM1 Zone

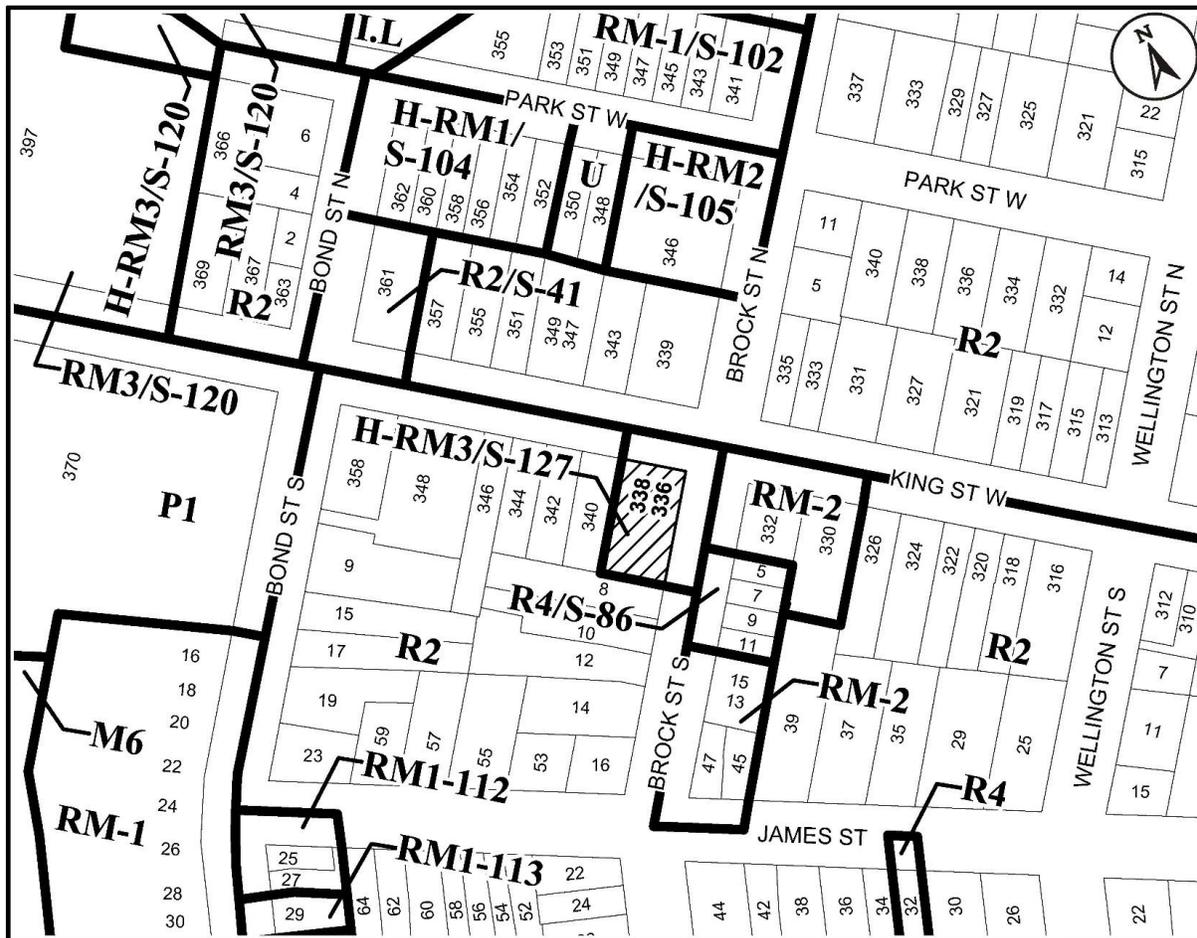
Appendix “D” – Concept Site Plan, Floor Plans and Elevations

Appendix “E” – Public Submissions

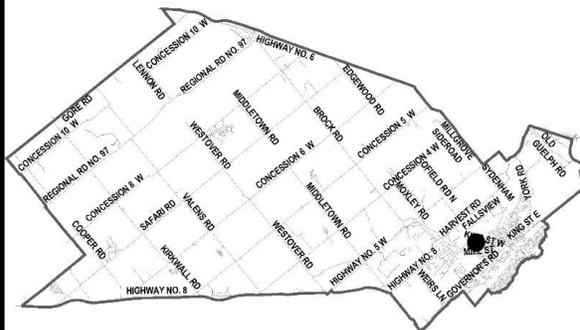
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● Site Location



Key Map - Ward 13

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-19-020

Date:
April 2, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
JO/AL

Subject Property

336 - 338 King Street West



Holding - Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified, to the Holding - Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127), Modified

Authority: Item ,
Report (PED)
CM:
Ward: 13

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 3581-86
Respecting Lands Located at 336 and 338 King Street West
in the former Town of Dundas**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999. Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton":

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

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former municipalities and the Official Plan of the former Regional Municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting item XX of Report PED19XXX of the Planning Committee, at its meeting held on the 13th day of August, 2019, recommended that Zoning By-law No. 3581-86 (Dundas) be amended as hereinafter provided; and,

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

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

1. That Schedule "L" (Spencer Creek) appended to and forming part of Zoning By-law No. 3581-86 (Dundas) is amended by changing the zoning from Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified to the Holding - Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127a) Zone, Modified on the lands to the extent and boundaries of which are shown on Schedule "A" which forms part of this By-law.

2. That Section 32 "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), be amended by deleting in its entirety, S-127 and replacing it with the following subsections:

"S-127a"

- i) Notwithstanding Subsections 6.6.2, 6.6.8, and 6.6.9, and in addition to 6.6.9 (i), (ii), (iii) and (iv), the following special regulations shall apply:

6.0 GENERAL REGULATIONS

6.6 ENCROACHMENTS INTO YARDS

6.6.2 CANOPIES

A canopy may project:

- (i) into a required front yard, not more than 1.0 metres provided that no such projection be closer to a street line than 0.3 metres; and,
- (ii) into the required easterly side yard not more than 0.85 metres provided that no such projection shall be closer to a street line than 0.05 metres.

6.6.8 UNCOVERED PORCHES

A terrace, uncovered porch, platform or ornamental feature which does not extend more than 2.0 metres above the floor level of the second storey may project 3.0 metres into a required yard.

6.6.9 UNENCLOSED PORCHES

A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level including eaves and gutters may project into a required yard to a distance of not more than 3.0 metres, and shall be permitted to be 0.0 metres from the easterly side lot line.

- ii) Subsection 6.11.3 shall not apply.
- ii) In addition to Subsection 7.3, no vehicular access or parking space shall be permitted in the side yard abutting the Brock Street South street line.
- iii) Notwithstanding Subsection 7.12.1.3, 1.0 parking space per dwelling unit shall be provided.

- iv) Notwithstanding Subsections 12.3.1.1, 12.3.2.1, 12.3.2.2, 12.3.2.3, 12.3.3, 12.3.4.2, 12.3.6.1, 12.3.6.2, the following special regulations shall apply:

12.3 REGULATIONS FOR MAISONETTE DWELLINGS AND TOWNHOUSE DWELLINGS

12.3.1 AREA REQUIREMENTS

12.3.1.1 LOT FRONTAGE

Minimum	20 metres
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12.3.2 YARD REQUIREMENTS

12.3.2.1 FRONT YARD

Minimum	1.4 metres, except that a minimum front yard setback of 0.87 metres may be provided to a daylight radius
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12.3.2.2 SIDE YARD

Minimum	0.9 metres for an easterly side yard, except that a minimum side yard setback of 0.87 metres may be provided to a daylight radius: and, 6.0 metres for a westerly side yard
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12.3.2.3 REAR YARD

Minimum	1.5 metres
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12.3.3 HEIGHT

Maximum 15.7 metres

12.3.4 DENSITY

12.3.4.2 TOWNHOUSE DWELLINGS

Maximum - 81 dwelling units per hectare

12.3.6 LANDSCAPING REQUIREMENTS**12.3.6.1 LANDSCAPED AREA**

Minimum	12 per cent of the site area shall be landscaped
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12.3.6.2 BUFFER STRIP

The landscaped area requirements contained in subclause 12.3.6.1 shall include a buffer strip of not less than 0.4 metres in width which shall be provided and maintained adjacent to every portion of any lot line that abuts any R1, R2, R3, R3A, R4, or R6 Zone.

3. On those lands zoned "H-RM1/S-127" by this bylaw, the "H" symbol may be removed and thereby give effect to the "RM1/S-127a" Zone provisions by enactment of an amending by-law upon:
 - (a) The owner / applicant shall investigate noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report, prepared by a Professional Engineer containing Recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner; and,
 - (b) The owner applicant investigating anticipated residential water usage and fire flow through the submission of a Watermain Hydraulic Analysis Report to the satisfaction of the Senior Director of Growth Management.
4. That the Town of Dundas Zoning By-law No. 3581-86 is amended by adding this By-law to Section 32 as Schedule "S-127a".
5. That Schedule "A" of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 2 of this By-law as "H-RM1/S-127a".
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this _____, _____, 2019

F. Eisenberger
Mayor

A. Holland
City Clerk



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 87-57</p>	<p>Subject Property 336 - 338 King Street West</p> <p> Holding - Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified, to the Holding - Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127), Modified</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAR-19-020</p>	<p>Hamilton</p>
<p>Date: June 28, 2019</p>	<p>Planner/Technician: AD/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Site Specific Modifications to the RM1 (Low to Medium Density Multiple Residential Zone)			
Regulation	Required	Modification	Analysis
6.6.2 Encroachments into Yards - Canopies	A canopy, cornice, eave, or gutter may project: i) into a required front yard not more than 1.5 metres provided that no such projection shall be closer to a street line than 1.5 metres; ii) into a required rear yard not more than 1.5 metres; or iii) into a required side yard not more than one-half of its width, or 1.0 metres, whichever is lesser.	A canopy may project: (i) into a front yard not more than 1.0 metres provided that no such projection be closer to a street line than 0.3 metres; and, (ii) into the required easterly side yard not more than 0.85 metres provided that no such projection shall be closer to a street line than 0.05 metres.	These townhouse dwellings have been designed and oriented to have a strong presence along the street edge by being located close to both the King Street West and Brock Street South street lines. The development is proposed to have open canopies over the doors along the Brock Street South façade. The canopy design is open and unenclosed and each canopy will provide weather protection and architectural interest along the Brock Street South façade. The addition of the modification along the King Street West lot line is to allow for flexibility at the Site Plan Application stage in the event that increased articulation along that elevation is contemplated. Staff support this modification.
6.6.8 Encroachments into Yards - Uncovered Porched	A terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metres above the floor level of the first storey may project into a required yard if distant at least 0.5 metres from the nearest side lot line, at least 1.5 metres from the flankage side lot line and at least 4.0	A terrace, unenclosed porch, platform or ornamental feature which does not extend more than 2.0 metres above the floor level of the second storey may project 3.0 metres into a required side	The proposed townhouse dwellings have rear lane access to private garages. The private amenity space for each unit is proposed to be located above the garage (terrace). To accommodate an appropriate amount of amenity space, the applicant is proposing to allow a terrace to encroach further into the side yard. The side yard in this instance is the western side of the lot. Functionally, this is the rear of the units.

Regulation	Required	Modification	Analysis
	metres from the nearest street line.	yard.	This is a typical condition in this rear lane style dwelling unit and as such staff support this modification.
6.6.9 Encroachments into Yards - Unenclosed Porches	A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres, and every such projecting porch shall be distant at least 4.0 metres from the front lot line, and the enclosure of such a porch to the following extent shall not be deemed enclosure for the purposes of this section: i) the porch may have a solid guard around the perimeter of the porch not more than 1.0 metres in height measured from the floor of the porch; ii) the roof may be supported on columns or piers having a maximum width of 0.5 metres; iii) the beam, lintel or crown or an arch shall be no more than 0.3 metres in depth; and iv) the minimum distance between piers or columns	A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level including eaves and gutters may project into a required yard to a distance of not more than 3.0 metres, and shall be permitted to be 0.0 metres from the easterly side lot line.	This proposed modification is to allow for the roof of the upper terraces to encroach into the required front yard. In order to accommodate the rear lane, and create an attractive and pedestrian oriented street edge, the building is proposed to be close to the Brock Street South street line. The front doors to each unit are located in this frontage and there are roofs proposed over the doors. These roofs will help to protect from weather and also help to articulate this elevation. Given the above, staff find that this encroachment is acceptable given the design of the rear elevations. Staff support this modification.

Regulation	Required	Modification	Analysis
	shall be 1.0 metres and, in the case of arches, the arches shall have a minimum clear width of 1.0 metres.		
6.11.3 Landscaping in Residential Front Yards	Front yards of residential buildings shall have a minimum of 50% landscaped area.	Shall not apply.	<p>The front yard is located between the building and King Street West which functions as a side yard for the proposed townhouse dwellings. Therefore the applicant is requesting that this section not apply to this development.</p> <p>In this proposal, the King Street West façade is located close to the street line, in keeping with other dwellings in the area.</p> <p>As the front yard functions as the side yard and the side yard functions as the front yard, landscaping is proposed along Brock Street South (functional front yard) and in the rear yard (functional side yard) which is located between the building and the lot to the south.</p> <p>Due to the positioning of this building and the fact that landscape is proposed elsewhere on the site, staff are supportive of the modification.</p>
7.3 Off-Street Parking and Loading - Access		In addition to Subsection 7.3, no vehicular access or parking space shall be permitted in the side yard abutting the Brock Street South street line.	The configuration of this lot is such that the individual vehicular access is intended to be provided through a rear laneway with a single access to King Street West. This configuration allows for the Brock Street Frontage to maintain and enhance a pedestrian focus and as such it is the intent of this modification to ensure that no parking of vehicles be permitted on the

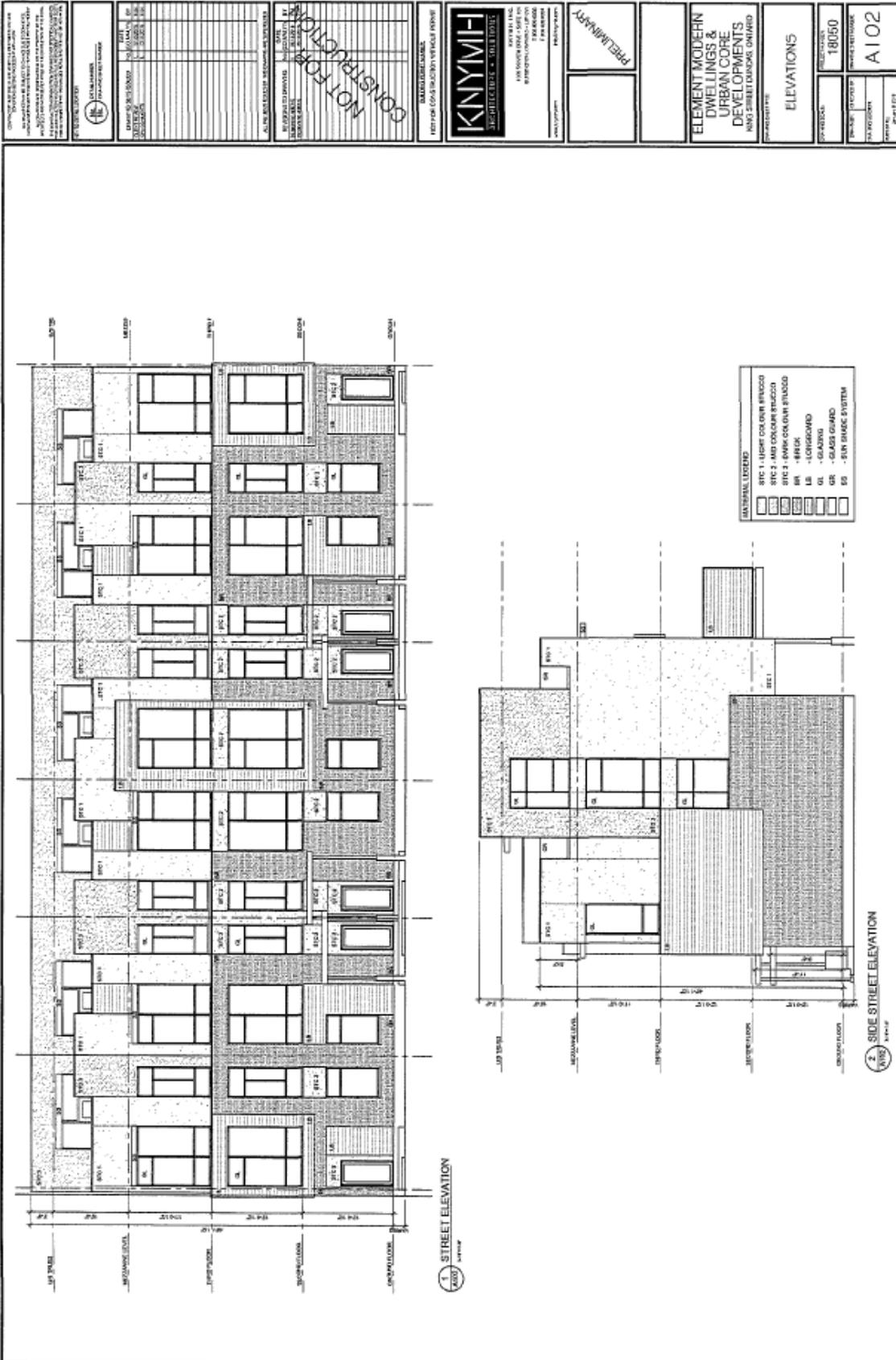
Regulation	Required	Modification	Analysis
			<p>subject lands along the Brock Street South street line.</p> <p>Staff support this modification.</p>
7.12.1.3 Off Street Parking Space Requirement	For Townhouse and Maisonette Dwelling units - 1.5 spaces per dwelling unit, of Maisonette Dwellings which 0.30 spaces per dwelling unit shall be provided for Visitor Parking.	1.0 space per dwelling unit	<p>This development proposal, although similar in that the units will share a rear laneway, does have frontage onto a public road. The proposed townhouse dwellings essentially functions the same as a street townhouse dwelling as there is on-street parking options along Brock Street South. "Street Townhouses" under the by-law require one parking space per dwelling unit.</p> <p>As each unit will have a dedicated garage and on-street parking is available on Brock Street South, staff consider the proposed one parking space per unit to be acceptable and support the modification.</p>
12.3.1.1 Area Requirements - Lot Frontage	Minimum 30.0 metres.	Minimum 20.0 metres.	<p>This application is not proposing to alter the existing lot frontage and therefore the proposed amendment to allow a minimum frontage of 20.0 metres is required in order to recognize an existing condition.</p> <p>Staff are in support of the proposed modification.</p>
12.3.2.1 Yard Requirements - Front Yard	Minimum 7.5 metres.	Minimum 1.4 metres, except that a minimum front yard	Although King Street West is technically the front yard, it functions as the side yard for the end unit. As such the typical 7.5 metres

Regulation	Required	Modification	Analysis
		<p>setback of 0.87 metres may be provided to a daylight radius.</p>	<p>required to park a car is not required as the parking for each unit is being provided in a private garage at the rear of the dwelling unit accessed by a common lane.</p> <p>Transportation requires a 2.5 metre daylight radius at the south west corner of King Street West and Brock Street South. This land will be dedicated to the City and as such, the property line will change. The proposed front yard setback to this daylight triangle is only needed at the north-eastern corner of the building and will not have a significant impact on the surrounding lands.</p> <p>This setback is also in keeping with the property to the west (340 King Street West).</p> <p>Staff are of the opinion that this is appropriate and support the modification.</p>
12.3.2.2 Yard Requirements - Side Yard	<p>Minimum 7.5 metres, except that a minimum side yard of 3.0 metres may be provided where no window of a habitable room overlooks such yard and the yard does not abut a public thoroughfare.</p>	<p>Minimum 0.9 metres for an easterly side yard, except that a minimum side yard setback of 0.87 metres may be provided to a daylight radius.</p> <p>Minimum 6.0 metres for a westerly side yard.</p>	<p>Due to the positioning of the building, the front of the units are close to Brock Street South, which is the easterly side yard. The westerly side yard is the rear of the buildings and this is where the rear lane is proposed.</p> <p>With regard to the setback to the daylight radius, the same rationale as above will apply.</p> <p>The front yard setback requirement is typically to allow a car to park in the front, but parking for the proposed development is in the rear and</p>

Regulation	Required	Modification	Analysis
			<p>therefore the requested 0.9 metres is appropriate for the easterly side yard and the 6.0 metres along the westerly side yard is sufficient to accommodate the proposed rear-lane.</p> <p>Therefore, staff support the proposed modification.</p>
12.3.2.3 Yard Requirements - Rear Yard	Minimum 7.5 metres.	Minimum 1.5 metres.	<p>In this case, the rear yard is the southerly property line however, due to the positioning of the building, this yard functions as the side yard.</p> <p>As such, staff consider 1.5 metres to be appropriate for a side yard adjacent to a townhouse and as such support the modification.</p>
12.3.3 Height	Maximum 10.5 metres.	Maximum 15.7 metres.	<p>The maximum height is standard for low rise single and semi-detached dwelling units. The proposed townhouse dwellings are four storeys in height. The laneway and buffer strip provided along the westerly lot line provide sufficient distance to address privacy and overlook concerns. The proposed height is a reduction from the 16.5 metres that was approved through the LPAT for a multiple dwelling.</p> <p>Staff support the proposed modification.</p>

Regulation	Required	Modification	Analysis
12.3.4.2 Density	TOWNHOUSE DWELLINGS Maximum - 37 dwelling units per hectare.	TOWNHOUSE DWELLINGS Maximum - 81 dwelling units per hectare.	<p>The six proposed townhouses on a 0.0748 hectare site represents a density of 80.12 units per hectare. Staff are of the opinion that the proposed built form is compatible with the surrounding neighbourhood and makes efficient use of an underutilized property. The UHOP permits townhouses (Block Townhouses) in the “Neighbourhoods” designation and the proposed density is in keeping with those policies.</p> <p>Staff are in support of the proposed modification.</p>
12.3.6.1 Landscaping Requirements - Landscape Area	Minimum 50 per cent of the site area shall be landscaped.	Minimum 12 per cent of the site area shall be landscaped.	<p>The reduction in landscaped area is largely due to the rear-lane and the units being brought close to the street line. The applicant has included the provision of additional amenity area on top of the attached garage. Landscaping will be provided within the buffer strip and the landscaped areas along the street line. There may be opportunity to include additional low impact design at the Site Plan Control stage to encourage additional sustainable design measures.</p> <p>Therefore, staff are of the opinion that 12 per cent landscaped area is appropriate and support the modification.</p>

Regulation	Required	Modification	Analysis
12.3.6.2 Landscaping Requirements - Buffer Strip	The landscaped area requirements contained in subclause 12.3.6.1 shall include a buffer strip of not less than 3.0 metres in width which shall be provided and maintained adjacent to every portion of any lot line that butts any R1, R2, R3, R3A, R4 or R6 Zone.	The landscaped area requirements contained in subclause 12.3.6.1 shall include a buffer strip of not less than 0.4 metres in width which shall be provided and maintained adjacent to every portion of any lot line that butts any R1, R2, R3, R3A, R4 or R6 Zone.	<p>The buffer strip is augmented by the proposed rear lane which provides additional distance separation between the proposed townhouse dwellings and the existing residential dwelling to the west. Although this strip is not sufficient for planting, its location between the laneway and the lot to the west will add to the visual separation of this proposed development and the existing lot to the west.</p> <p>Based on the above, staff support this modification.</p>



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

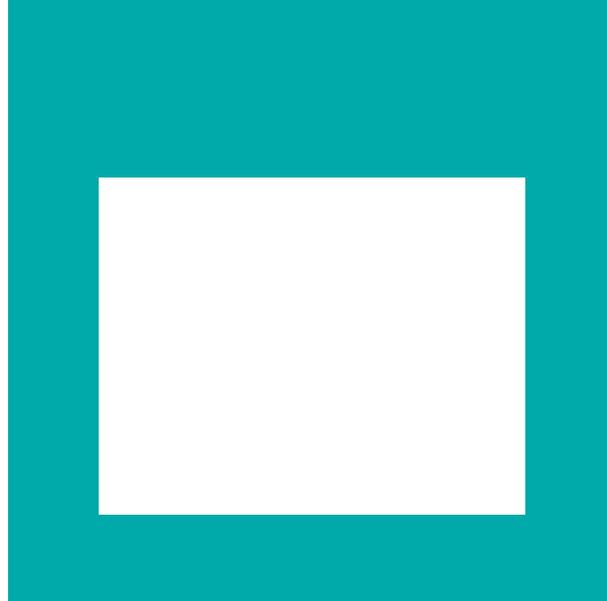
From [REDACTED]

Sent: March-18-19 2:39 PM

To: Kehler, Mark; VanderBeek, Arlene; spencer@urbancore.info

Subject: Notice of amendment

Hi Mark my name is [REDACTED] I've lived and built our home at [REDACTED] since 1975 after seeing the notice of the proposed amendment to allow six town houses over a four-story mixed use condominium building I am 100% in favour of the new proposal The four-story mixed use does not make sense in our neighbourhood it overshadows the single-story homes adjacent to the 4 story building and privacy in all the back yards from Brock to Bond Street will disappear please consider this proposal [REDACTED]



WELCOME TO THE CITY OF HAMILTON

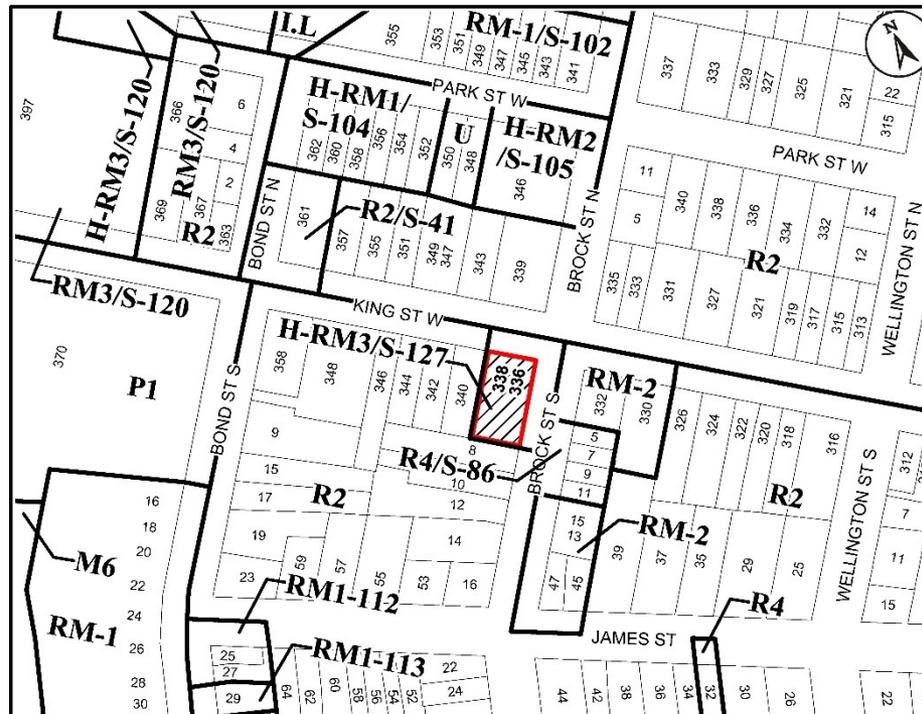
PLANNING COMMITTEE

August 13, 2019

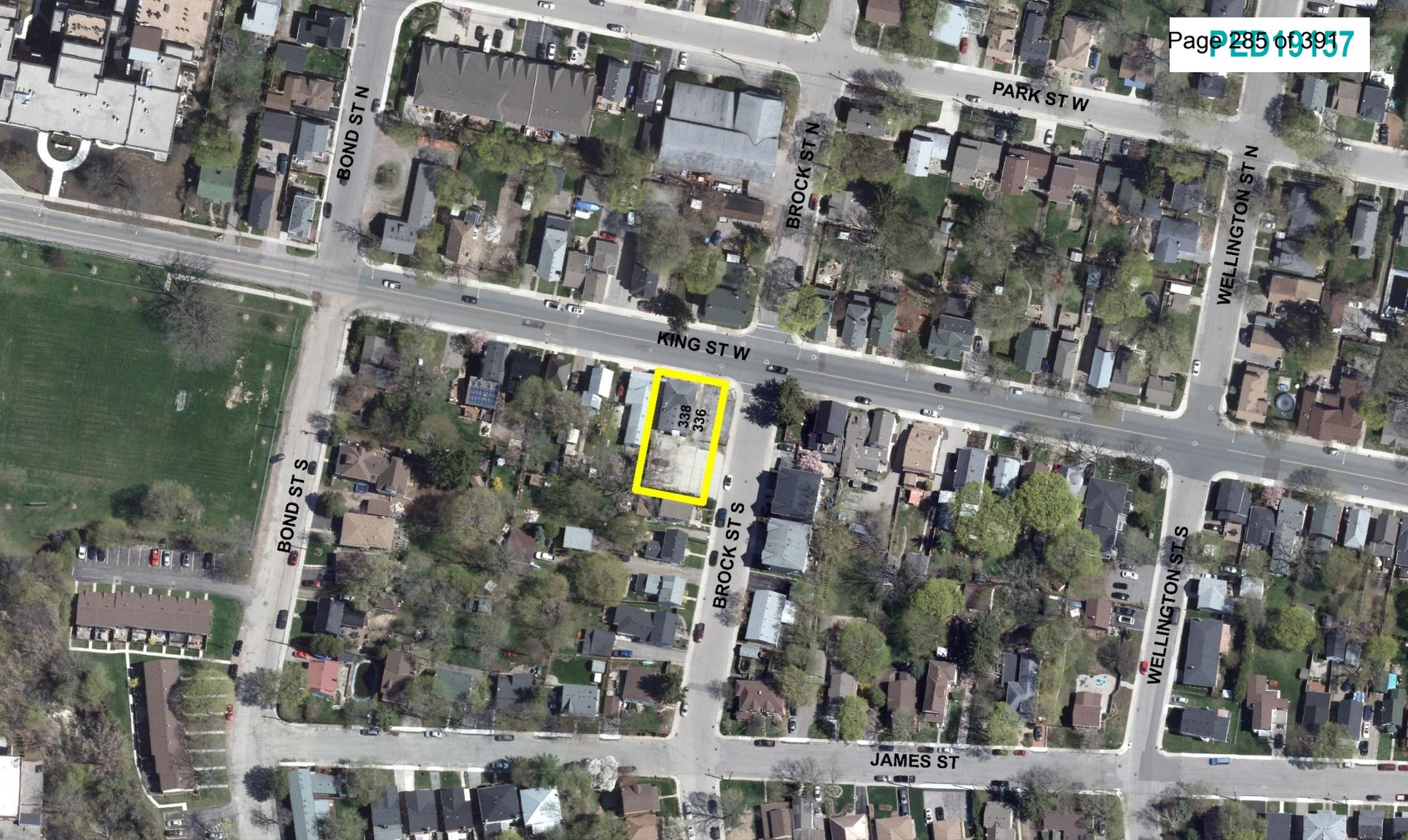
PED19157 – (ZAR-19-020)

Application for a Zoning By-law Amendment for lands located at 336 and 338 King Street West, Dundas.

Presented by: Andrea Dear



<p>● Site Location</p> <p>Key Map - Ward 13</p>	<h3>Location Map</h3> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	<p>File Name/Number: ZAR-19-020</p>	<p>Date: June 28, 2019</p>
<p>Appendix "A"</p>	<p>Scale: N.T.S.</p>	<p>Planner/Technician: AD/AL</p>
<p>Subject Property 336 - 338 King Street West</p> <p> Holding - Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified, to the Holding - Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127), Modified</p>		
<p>N.T.S.</p>		



SUBJECT PROPERTY



336 and 338 King Street West, Dundas



Subject Lands from north side of King Street West



Subject Lands from the northeast corner of King Street West and Brock Street South



Single detached dwellings to the north (King Street West)



Single detached dwellings to the east on south side of King Street West



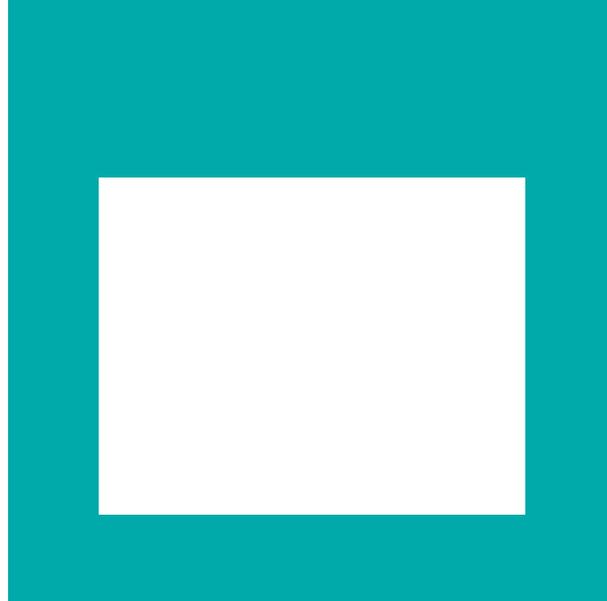
Semi detached dwellings to the east (Brock Street South)



Single detached dwellings to the south (Brock Street South)



Single detached dwellings to the west (King Street West)



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:	August 13, 2019
SUBJECT/REPORT NO:	Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands located at 370 Concession Street, Hamilton (PED19158) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424 Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

That **Revised Zoning By-law Amendment Application ZAC-18-008, by 370 Concession (Hamilton) Ltd., Owners**, for a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1); for changes in zoning from the “C” (Urban Protected Residential, etc.) District to the “DE-2/S-5a-H” (Multiple Dwellings) District, Modified, Holding (Block 2); and, from the “DE-2/S-5” (Multiple Dwellings) District, Modified to the “RT-30/S-1781” (Street – Townhouses) District, Modified (Block 3); to permit the development of four street townhouse dwellings along East 15th Street and the expansion of the parking area for the existing five storey multiple dwelling for lands located at 370 Concession Street, as shown on Appendix “A” to Report PED19158, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED19158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as

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

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

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

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands located at 370 Concession Street, Hamilton (Ward 7) (PED19158) (Ward 7) - Page 2 of 19

a suffix to the proposed zoning for Blocks 1 and 2 as shown on Schedule “A” of Appendix “B” to Report PED19158.

The Holding Provision “DE-2/S-5a-H” (Multiple Dwellings) District, Modified, Holding applicable to Blocks 1 and 2 as shown on Schedule “A” to Appendix “B” to Report PED19158, be removed condition upon:

- (1) The Owner applying for a Building Permit to legalize the 41 unit multiple dwelling, to the satisfaction of the City’s Chief Building Official.
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow Plan (2019), and comply with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The subject property is municipally known as 370 Concession Street, Hamilton. The owner, 370 Concession (Hamilton) Ltd., has applied for a Zoning By-law Amendment to Hamilton Zoning By-law No. 6593 to permit the development of four street townhouse dwellings to front on East 15th Street and the redevelopment of a portion of the subject property to establish an expanded parking area for the existing five storey multiple dwelling, known as Belmont Apartments. Forty-one at grade parking spaces will be provided for the multiple dwelling, of which eight parking spaces are located within the attached at-grade garages. The four street townhouses are proposed to have two parking spaces for each townhouse dwelling.

Modifications to the existing “DE-2/S-5” (Multiple Dwellings) District, Modified, include a number of technical amendments to recognize the setbacks of the existing multiple dwelling, a reduction in landscape area and width, as well as a reduction in visitor parking space and the parking space size. A Holding provision has been introduced to ensure necessary building permits have been obtained to recognize two illegally established dwelling units within the existing multiple dwelling. A change in zoning to the “RT-30/S-1781” (Street – Townhouses) District, Modified is required to permit the four street townhouse dwellings and include a reduction in rear and side yard setbacks, lot area and encroachments of balconies and porches.

The application has merit and can be supported as it is consistent with the Provincial Policy Statement (2014) (PPS), conforms to A Place to Grow Plan (2019), and complies with the Urban Hamilton Official 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, provides an

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alternative housing form for the neighbourhood and supports developing a complete community.

Alternatives for Consideration – See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject property is located at the southwest corner of Concession Street and East 15th Street, between Upper Wellington Street and Upper Wentworth Street. The property is “L” shaped, measuring 0.35 hectares in size and is municipally known as 370 Concession Street. The subject property has frontage on both Concession Street and East 15th Street and is currently developed with a five storey multiple dwelling containing 41 residential units and a total of 44 at grade parking spaces, 36 within the surface parking area and eight within the at grade individual parking garages. The parking area is located to the rear of the subject lands and is accessed from East 15th Street. The existing multiple dwelling was constructed in the late 1960’s and is occupied as rental accommodation. A total of 39 dwelling units are recognized by the City of Hamilton. Two dwelling units were created in the building without Building Permits.

The applicant has applied for a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1); and changes in zoning from the “C” (Urban Protected Residential, etc.) District to a further modified “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 2); and, from the “DE-2/S-5” (Multiple Dwellings) District, Modified to a modified “RT-30” (Street – Townhouses) District (Block 3). The proposal will modify the zoning to accommodate the expansion of the parking area to the rear of the property in the former location of an outdoor swimming pool that has been removed.

Based on feedback from staff and the public, the applicant has revised the proposal with the following modifications to the “RT-30” District:

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- Minimum southerly side yard setback of 1.0 m for a two storey street townhouse, whereas a minimum 2.0 m is required;
- Minimum northerly side yard setback of 0.7 m for a two storey street townhouse, whereas a minimum 2.0 m is required;
- Minimum rear yard setback 6.0 m, whereas a minimum 7.5 m is required;
- Minimum lot area of 141 sq m, whereas a minimum 180 sq m is required; and,
- Maximum front yard projection of 1.5 m for a balcony, whereas a maximum 1.0 m projection is permitted.

In addition, the following modifications are now proposed for the “DE-2/S-5” District to address staff comments:

- Minimum front yard setback of 7.15 m for the existing multiple dwelling;
- Maximum gross floor area of 2,995.3 sq m for the existing multiple dwelling, whereas a maximum 2,656.75 sq m is permitted;
- Maximum 20% lot coverage, whereas a maximum 25% is required;
- To allow a maximum 23 parking spaces on site to have a stall size of 2.6 m by 5.5 m, whereas a minimum stall of 2.7 m by 6.0 m is required;
- Minimum parking rate of 1 space per dwelling unit, whereas a minimum 1.25 parking spaces per unit is required;
- To provide no visitor parking on site, whereas a minimum 0.25 spaces per unit is required;
- To provide no loading space, whereas one loading space is required; and,
- Minimum 1.0 m setback to an adjacent “C” District, whereas a minimum 1.5 m setback is required.

Staff have also included a Holding Provision over the “DE-2/S-5” District to legalize two dwelling units that were converted without building permits in the existing multiple dwelling.

Chronology:

- December 21, 2017: Submission of Zoning By-law Amendment Application ZAC-18-008.
- January 22, 2018: Application ZAC-18-008 deemed complete.
- February 1, 2018: Notice of Complete Application and Preliminary Circulation was sent to 307 property owners within 120 m of the subject lands.

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February 12, 2018: Public Notice Sign installed on the subject lands.

July 11, 2018: Public Open House held by the applicant and agent.

July 17, 2019: Public Notice sign updated with Public Meeting information.

July 26, 2019: Circulation of the Notice of Public Meeting sent to 307 property owners within 120 m of the subject property.

Details of Submitted Application

Location: 370 Concession Street (Hamilton)

Owner: 370 Concession (Hamilton) Ltd.

Agent: Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnston

Property Description: Frontage: ± 44.84 m (370 Concession Street)
Lot Depth: ± 94.3 m
Area: ± 0.35 ha

Services: Municipal Piped Water System
Municipal Sanitary Sewer System

EXISTING LAND USE AND ZONING:

Subject Lands: Multiple Dwelling “DE-2/S-5” (Multiple Dwellings) District, Modified and,
“C” (Urban Protected Residential, etc.) District

Surrounding Lands:

North City of Hamilton park (Mountain Brow West Park); City Wide (P3) Zone

Single Detached Dwelling, and; “C” (Urban Protected Residential, etc.) District

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	Multiple Dwelling	Mixed Use – Medium Density – Pedestrian Focus (C5a) Zone
East	Vacant Lot, and;	Mixed Use – Medium Density – Pedestrian Focus (C5a) Zone
	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District
South	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District
West	Single Detached Dwelling	“C” (Urban Protected Residential, etc.) District
	Multiple Dwelling	“E-2” (Multiple Dwellings) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use) are discussed in the Official Plan analysis that follows.

However, the UHOP has not been updated with respect to the cultural heritage policies of the Provincial Policy Statement. The following policy amongst others, applies:

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

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

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- 1) Local knowledge associates areas with historic events / activities / occupations;
- 2) In an area of elevated topography;
- 3) In the vicinity of distinctive or unusual landforms; and,
- 4) Along historic transportation routes.

In lieu of an Archaeological Assessment, a Caution note will be required on the Site Plan at the time of the Site Plan Control Application.

As the application for changes in zoning comply with the Official Plan and the relevant policies in the PPS, 2014, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). In addition, Concession Street is considered a Minor Arterial road per Schedule "C" of Volume 1 in the UHOP.

The following policy goals, amongst others, apply to the Neighbourhoods designation:

- "E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their on going evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods."

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The proposal for four street townhouses provides for a range of housing types within an existing stable neighbourhood which respects the existing character and streetscape. The street townhouses, at two storeys (approximately 7.5 m), are in keeping with the surrounding development and provides residential intensification through an infill opportunity for an efficient use of land. The proposal complies with the above policies as the development of the land will facilitate a compact form of development, which contributes to a complete community.

A bus stop is located along the frontage of Concession Street, providing users three different routes including Routes 23, 24 and 25. There are an additional three bus routes including 22, 26, and 27 within walking distance. All routes provide service both on the mountain and throughout the lower city as the buses travelling down the Jolley Cut and connect with the MacNab terminal in Downtown Hamilton.

“E.3.2 Neighbourhoods Designation – General Policies Function

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.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4– Residential Intensification and other applicable policies of this Plan.

E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- d) Development shall improve existing landscape features and overall landscape character of the surrounding area.“

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The proposal provides for a range of housing types within an existing stable neighbourhood which respects the existing character and streetscape. The street townhouses will be set 6.0 m back from the existing street line to ensure continuity with the neighbouring residential dwellings to continue the street edge along East 15th Street. Further, the development will be oriented to the street to animate the streetscape and minimize walking distance from the townhouse dwelling units to the public sidewalk.

The existing parking area will be reorganized to provide a more efficient parking layout for the existing multiple dwelling but will maintain one parking space for each unit for the existing multiple dwelling and two parking spaces for each street townhouse dwelling. In addition, this site is well served by public transit, with several lines stopping at the bus stop along the Concession Street frontage. The parking area is located at the rear of the property and the existing pedestrian connection from the multiple dwelling to Concession Street will remain unchanged.

A minor reduction in landscaped area is being requested. The rear portion of the subject lands and proposed to be converted to a parking area, which will provide an additional 11 parking spaces. The area is currently green space and is the former location of a swimming pool, which has been removed. Staff note that the existing fencing along this rear portion is currently chain link fencing and will be required to be upgraded to ensure privacy between the parking area and the adjacent single detached dwelling. The proposal also includes a reduced landscaped strip along the western property line, in order to try to preserve some of the larger vegetation along the eastern property line. In addition, the majority of the existing parking area along the western property line is adjacent to the parking of the multiple dwelling of 350 Concession Street and will be an improvement as there is currently no landscaping along this property line. These details will be further evaluated at the Site Plan Control stage to ensure appropriate landscaping and plantings are accommodated on site.

Low Density Residential

- “3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- 3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- 3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.
- 3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.

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- 3.4.5 For low density residential areas, the maximum height shall be three storeys.
- 3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The proposed development is situated within the interior of the neighbourhood. The proposed street townhouses are a permitted use and while there are currently no street townhouses along East 15th Street, the introduction of the similar grade oriented land use will allow for intensification within the existing parking area while continuing the street edge along East 15th Street. The applicant has requested reductions to the minimum lot area and lot width requirements through the site specific amending By-law, which provides for a compatible mix of lot widths and lot sizes on East 15th Street. Staff note that the applicant is providing appropriate front and rear yards having requested a rear yard setback reduction of 1.5 metres. In addition, the townhouses are a maximum height of two storeys, with direct access to East 15th Street and contribute to a range of housing types within an existing stable neighbourhood.

High Density Residential

- “3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- 3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.
- 3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:
- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.”

The existing multiple dwelling is located along a Minor Arterial road and has a density of 128 units per hectare (including the street townhouses) in which the addition of the street townhouses increased the overall density by 11 units per hectare.

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Residential Intensification

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 –Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;

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- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.”

The proposed development has been designed to be compatible with the existing character and function of the neighbourhood by respecting the character, scale, and appearance of the surrounding area. The proposed street townhouses will contribute to and expand the range of dwelling types within the neighbourhood and provides appropriate transition between the multiple dwelling and adjacent single detached dwellings. The scale and form of the proposed street townhouses is regulated by the proposed amending site specific By-law to ensure an appropriate relationship is established between the proposed development and existing adjacent single detached dwellings.

The Neighbourhoods designation permits a full range of dwelling types and densities to foster complete communities. The proposal will help develop a complete community by contributing to a range of housing types in the neighbourhood that are in close proximity to non-residential land uses, including commercial, open space, and institutional. The four street townhouse dwellings maintain the surrounding lotting patterns and configurations, as they will front East 15th Street and provide for a building envelope that maintains the established neighbourhood lotting pattern and configuration in terms of dwelling width, having widths that range from 6 m to 8 m. The proposed street townhouses are two storeys and approximately 7.5 metres in height, consistent with the established height of the adjacent single detached dwellings, to ensure no adverse impacts from shadowing and overlook occur. The proposed height is in keeping with the existing one and half and two storey single detached dwellings in the surrounding neighbourhood. The proposed development of four street townhouses will provide for a compatible built form that will not create adverse impacts in terms of lighting, traffic or other nuisance effects.

Street townhouse developments are subject to the Site Plan Control, process unless they are within a registered plan of subdivision. The expansion of the parking area is also subject to Site Plan Control to allow for a comprehensive review of the site and ensure that the site servicing is implemented to municipal standards. In addition, lighting for the

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proposed parking lot will be reviewed at the Site Plan stage to ensure that light pollution does not spill over to the adjacent residential properties.

A Functional Servicing Report (FSR) has been prepared by S. Llewellyn & Associates Limited, for which Engineering Approvals staff are generally satisfied. Further revisions have been requested to the FSR with respect to water demand, and fire flow, and will be implemented as a standard condition of Site Plan approval. In addition, NexTrans Consulting Engineering prepared a Parking Study in support of the redeveloped parking lot component of the proposal. Staff concurs with the study.

Based on the above policies, staff are of the opinion that the proposal complies with the policies of the Urban Hamilton Official Plan.

Hamilton Zoning By-law No. 6593

The subject lands are currently zoned “DE-2/S-5” (Multiple Dwellings) District, Modified and “C” (Urban Protected Residential, etc.) District in the City of Hamilton Zoning By-law No. 6593, as shown on Appendix “A” to Report PED19158.

The applicant is proposing a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1); and changes in zoning from the “C” (Urban Protected Residential, etc.) District to a further modified “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 2); and, from the “DE-2/S-5” (Multiple Dwellings) District, Modified to a modified “RT-30” (Street – Townhouses) District (Block 3) to allow for the development of four street townhouse dwellings along East 15th Street and for the reconfiguration of the parking area for the existing multiple dwelling. The proposed modifications to the zoning for the subject lands are discussed in greater detail in Appendix “C” to Report PED19158.

RELEVANT CONSULTATION

The following departments and agencies have no comments or objections:

- Recycling and Waste Disposal, Public Works Department; and,
- Recreation, Emergency and Community Services Department.

Forestry and Horticulture, Public Works Department acknowledge that there are potential conflicts with publicly owned trees. Where existing municipal trees are impacted by development work and are within proximity of the development work or access/egress to the development work, a Tree Management Plan is required. A landscape plan is required depicting the street tree planting scheme for the proposed development. These plans will be required at the Site Plan Control stage.

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands located at 370 Concession Street, Hamilton (Ward 7) (PED19158) (Ward 7) - Page 14 of 19

Transportation Planning (Planning and Economic Development) have reviewed the application and have identified that through further review and analysis of the applicant's Right-of-Way Impact Analysis, a 2.0 m right-of-way widening along Concession Street and a 4.57 m by 4.57 m daylighting triangle can be provided. Transportation Planning Staff advise that the Transportation Demand Management initiatives in the proposed applications meet the objectives of the City, as outlined in the TDM for development document. Design requirements have also been provided by staff which include a minimum 1.2 m separation between any driveway access and infrastructure, and 5.0 m by 5.0 m visibility triangles at the access. In addition, Transportation Planning staff have identified that no loading space has been demonstrated on the site and that on-street loading / unloading will be prohibited within the 'No Stopping' areas. Staff note that the details regarding sidewalks, Access Permits, loading and visibility triangles will be evaluated through the future Site Plan Control application.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 307 property owners within 120 m of the subject property on December 22, 2017. A Public Notice sign was posted on the property on January 11, 2018, and updated on July 17, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was given on July 26, 2019 in accordance with the requirements of the *Planning Act*. To date, twenty submissions have been received as a result of the circulation and are discussed in the Analysis and Rationale for Recommendation Section of Report PED19158 and attached as Appendix "E" to Report PED19158.

Public Consultation Strategy

The Public Consultation Strategy prepared by the applicant proposed to rely on the City's public notice exercise and to attend any neighbourhood meetings organized by the local ward councillor, should any be organized. Due to the feedback from the public, the applicant held a Public Open House on July 11, 2018 which included a formal presentation by the applicant, followed by a question and answer session. Twenty people in total attended the meeting. A number of questions / concerns with regards to the development were raised, with responses prepared by the applicant, as shown in Appendix "E" to Report PED19158. A summary of the questions / comments received are discussed in the Analysis and Rationale for Recommendation section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

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

OUR Vision: To be the best place to raise a child and age successfully.
 OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
 OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands located at 370 Concession Street, Hamilton (Ward 7) (PED19158) (Ward 7) - Page 15 of 19

- (i) The application is consistent with the PPS and conforms to A Place to Grow Plan (2019);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposed development is considered to be compatible with existing land uses in the immediate area and represents good planning by, among other things, providing housing for a complete community, providing intensification in keeping with the surrounding neighbourhood and making efficient use of existing infrastructure within the urban boundary.
2. The proposal consists of two redevelopments. Blocks 1 and 2, as shown on Appendix “A” to Report PED19158 consist of a change in zoning from the “C” (Urban Protected Residential, etc.) District to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 2) and a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1) to allow for the expansion of the existing parking area in support of the existing multiple dwelling. Block 3 is for a change in zoning from the “DE-2/S-5” (Multiple Dwelling) District, Modified to a modified “RT-30” (Street – Townhouses) District to allow for the development of four street townhouses fronting onto East 15th Street. Block 3 currently contains a portion of the parking area for the multiple dwelling which will be removed to facilitate the development of the street townhouses. Block 2 was previously developed with a swimming pool that has since been removed, leaving the lands vacant.

The proposed development of four townhouse dwellings under the modified “RT-30” (Street – Townhouses) District will contribute to an efficient utilization of serviced land, which is currently an existing parking area. The proposal has considered the adjacent land uses by designing the street townhouses to front along East 15th Street to continue and compliment the streetscape of adjacent one and a half and two storey single detached dwellings.

The proposal is a similar, grade oriented land use that will allow for intensification within the existing parking area in order to improve the street edge along East 15th Street. The proposed modifications meet the intent of the “Neighbourhoods” designation and the implementing zoning regulations will ensure that development will be in a form that is a complementary use to the surrounding neighbourhood. The new dwelling units will introduce a scalable transition from the existing high density multiple dwelling to the low density typology of single detached dwellings along East 15th Street with an improved street interface. Further discussion regarding modifications to the “RT-30” District, is provided in Appendix “C” to Report PED19158. Based on the foregoing, the change in zoning to permit a new housing form meets the intent of the UHOP and is supported by staff.

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands located at 370 Concession Street, Hamilton (Ward 7) (PED19158) (Ward 7) - Page 16 of 19

The proposed modifications to the “DE-2/S-5” (Multiple Dwellings) District, Modified will allow for the reconfiguration of the existing parking area. The proposed modifications to the “DE-2/S-5” (Multiple Dwelling) District, Modified will recognize the existing building and permit a reconfigured parking area with a range of parking stall sizes. The new parking area will be screened from view by the new dwelling units which will improve the neighbourhood character along East 15th Street. Further discussion regarding the proposed zoning modifications is provided in Appendix “C” to Report PED19158. Based on the foregoing, the proposed change in zoning to reconfigure the parking area meets the intent of the UHOP and is supported by staff.

3. At the time of construction, the multiple dwelling originally consisted of 39 dwelling units. Two additional dwelling units have been established within the building since construction without necessary permits. In 2002, a Minor Variance application was approved by the Committee of Adjustment to begin the process of legalizing one of the units, but the permits were never finalized. In order to ensure all dwelling units have been legally established and meet necessary requirements, staff have included a Holding Provision over the lands that encompass the multiple dwelling to ensure the appropriate permits have been issued prior to any development activity (see Appendix “B” to Report PED19158).
4. Since the street townhouses are not located within a registered plan of subdivision, the entire development, including reconfiguration of the parking lot, will be subject to Site Plan Control, per By-law No. 15-176. The Site Plan Control review process will provide an opportunity for a comprehensive review of the parking area, including matters such as conformity with the proposed zoning, site servicing, grading, drainage, storm water management, landscaping, access, parking, fencing, and relocation of waste and recycling bins.
5. Engineering Approvals staff have reviewed the application, and the associated Functional Servicing Report (FSR) prepared by S. Llewellyn & Associates Limited, December 2017, which was submitted as part of the subject applications. Staff are generally satisfied with the proposal but have requested revisions to the FSR with respect to water demand and requested fire flow. In addition to the revised FSR, the owner / applicant will be required to submit a detailed grading plan, water hydraulic analysis, wastewater generation report, site servicing plan, and storm water management quantity and quality control as conditions of a future Site Plan Control application.
6. The applicant held a Public Open House on July 11th, 2018. Twenty people attended the meeting. Staff have consolidated the comments received throughout the application and at the neighbourhood meeting and have summarized the concerns of the residents below, also attached as Appendix “E” to Report PED19158.

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SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands located at 370 Concession Street, Hamilton (Ward 7) (PED19158) (Ward 7) - Page 17 of 19

Flooding

Concerns regarding the increase in hard surface (asphalt pavement) and the potential for flooding risk have been raised. Staff note that the applicant will be responsible for maintaining storm water management on site and through the Site Plan Control application, a detailed Stormwater Management Report and Grading Plan will be required. In addition, a Functional Servicing Report (FSR) has been submitted in support of the proposal.

Parking

Concerns have been raised over the number of parking spaces being provided for the proposed uses. The required number of parking spaces is considered legal non-conforming since the multiple dwelling was permitted 42 parking spaces in support of 39 dwelling units at time of construction. Staff note that the existing parking area currently has 44 at grade parking spaces, 36 within the surface parking area and eight within the at grade individual parking garages. The development proposal provides 41 parking spaces for the existing multiple dwelling with a range of stall sizes and two parking spaces per unit for the street townhouses.

Traffic

Concerns were raised over the potential increase in traffic volumes. Transportation Planning has reviewed the proposal and have no concerns with traffic volume increase from the proposed four street townhouse dwellings.

Light Pollution

Concerns were raised with regards to the requirement for light poles needing to be installed for the proposed extension of the parking area. Staff note that Site Lighting is a standard condition of Site Plan Control application process and lighting levels will be reviewed to ensure that spill over light does not occur.

Construction

Concerns regarding timing and construction of the townhouses were expressed. These concerns focused on the potential for dust and debris and noise from construction. Staff note that details such as a Dust Mitigation Plan and an Erosion and Siltation Control Plan will be conditions of Site Plan Control to ensure that the areas surrounding the development are maintained.

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands located at 370 Concession Street, Hamilton (Ward 7) (PED19158) (Ward 7) - Page 18 of 19

Concern of breach of *Residential Tenancies Act* Section 22

Several submissions from the public have quoted Section 22 of the *Residential Tenancies Act* (RTA) which states:

“A landlord shall not at any time during a tenant’s occupancy of a rental unit and before the day on which an order evicting the tenant is executed substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household.”

Staff note that the property owner has a right to apply for a *Planning Act* application and that this application is outside of the purview of the *RTA*. However, should the owner proceed to act on the implementing zoning, the owner may need to consult further with the tenants residing at the multiple dwelling on site before any development activity occurs. The property owner has been made aware of these public responses and has acknowledged that future consultation may be required with existing tenants at 370 Concession Street.

Location of Waste Bins

Concerns were raised regarding the relocation of the waste collection area on site to accommodate the development.

Staff note that the existing location of the waste bins for garbage and recycling are located on the property line at East 15th Street. Staff note that the current location of waste bins is not permitted and they will be required to be relocated. At the Site Plan Control stage, the applicant will be required to show the new location of the bins.

Future Redevelopment

Concerns were raised with regard to further re-development encroaching into the residential neighbourhood. Staff note that a change in permitted uses would require a Zoning By-law Amendment and public consultation.

Privacy

A public response stated concerns with potential loss of privacy from the proposed street townhouses over their property. Staff note that the street townhouses have been setback 1.2 m from the existing single detached dwelling to the south to provide an appropriate side yard buffer. Furthermore, the proposed development will require Site Plan approval and fencing will be a requirement to provide privacy between the parking area and the adjacent single detached dwellings.

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands located at 370 Concession Street, Hamilton (Ward 7) (PED19158) (Ward 7) - Page 19 of 19

Snow Storage

One of the concerns raised by the public responses related to where snow will be stored on site.

The applicant is providing landscaping area surrounding the parking area where no previous landscaping was provided. The addition of the curbing surrounding the proposed parking area will limit the amount of runoff which currently is not controlled throughout the site. Staff also note that there is opportunities for storage adjacent to the multiple dwelling. The storage of snow will be further reviewed through the Site Plan Control process.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the subject land will continue to be utilized in accordance with the existing “DE-2/S-5” (Multiple Dwellings) District, Modified which would permit up to 39 of the existing units within multiple dwelling. The two illegally established units would need to be removed.

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.

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

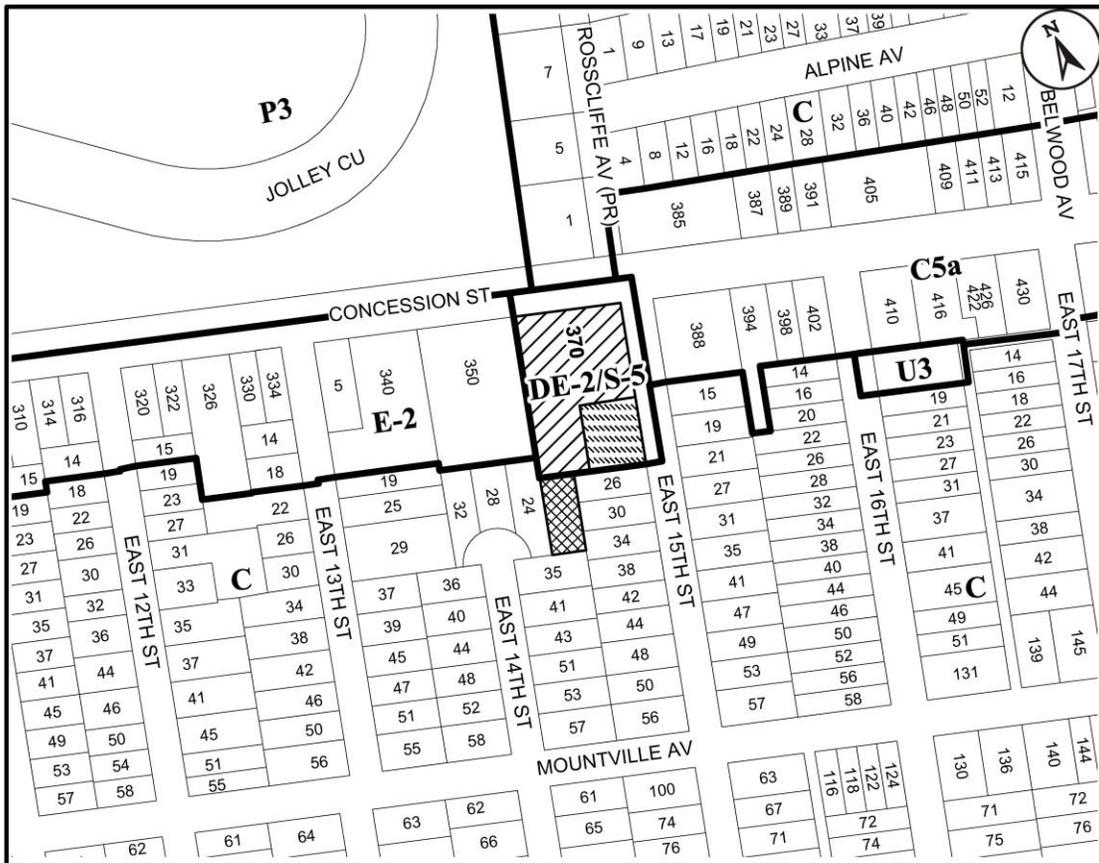
Appendix “B” – Amendment to Zoning By-law No. 6593

Appendix “C1” – Zoning Modification Table for “DE-2” (Multiple Dwellings) District

Appendix “C2” – Zoning Modification Table for “RT-30” (Street-Townhouses) District

Appendix “D” – Concept Plan

Appendix “E” – Public Submissions



● Site Location



Key Map - Ward 7

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-18-008

Date:
June 28, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MS/AL

Subject Property

370 Concession Street, Hamilton



Block 1 - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding



Block 2 - Change in zoning from the "C" (Urban Protected Residential, etc.) District to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding



Block 3 - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "RT-30/S-1781-H" (Street - Townhouses) District, Modified, Holding

Authority: Item ,
Report (PED19XXX)
CM:
Ward: 8

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593, Respecting Lands Located at 370 Concession Street, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

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

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

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report 19-_____ of the Planning Committee, at its meeting held on the 9th day of July 2019, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

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

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

1. That Sheet No. E15 of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended as follows:
 - a) By changing the zoning from "DE-2/S-5" (Multiple Dwellings) District, Modified to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding (Block 1);

**To Amend Zoning By-law No. 6593,
Respecting Lands Located at 370 Concession Street, Hamilton**

- b) By changing the "C" (Urban Protected Residential, etc.) District to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding (Block 2); and,
- c) By changing the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "RT-30/S-1781-H" (Street – Townhouses) District, Modified, Holding (Block 3);

on the land the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "DE-2/S-5a" (Multiple Dwellings) District, Modified, provisions as contained within Section 10B of Zoning By-law No. 6593 applicable to the subject lands (Blocks 1 and 2), be modified to include the following special requirements:
- a) Notwithstanding Section 10B(3)(i)(b), the existing multiple dwelling shall have a front yard depth of not less than 7.15 metres.
 - b) Notwithstanding Section 10B(5), the existing gross floor area of 2,995.3 square metres for the existing multiple dwelling on the subject land shall be deemed to conform as of the date of the passing of the By-law.
 - c) Notwithstanding Section 10B(6), for every building or structure in a "DE-2" District, there shall be provided and maintained on the lot and within the district, at least 20% of the area of the lot on which it is situate, as landscaped area, unused for access or manoeuvring space or parking space or for any other purpose other than landscaped area including a playground.
 - d) Notwithstanding Section 18(3)(vi)(b)(i) and (ii), and (cc)(i) and (ii), the following provisions apply:
 - (i) A canopy, cornice, eave or gutter may project into a required front yard not more than 5.23 metres;
 - (ii) A canopy, cornice, eave or gutter may project into a required rear yard not more than 1.6 metres;
 - (iii) A bay, balcony or dormer may project into a required front yard not more than 1.6 metres;
 - (iv) A bay, balcony or dormer may project into a required rear yard not more than 1.6 metres.

**To Amend Zoning By-law No. 6593,
Respecting Lands Located at 370 Concession Street, Hamilton**

- i) Notwithstanding Section 18A(1)(a) and Section 18A(1)(b) Table 1 and 2, 1 parking space per Class A dwelling unit shall be provided.
 - j) Section 18A(1)(b) shall not apply.
 - k) Section 18A(1) (c) shall not apply.
 - l) Notwithstanding Section 18A(7), a maximum 23 parking spaces, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
 - n) Notwithstanding Section 18A(11), the boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed:
 - i) not less than 1.0 metre from the western and eastern adjoining "C" (Urban Protected Residential, etc.) District and "E-2" (Multiple Dwellings) District, boundary;
 - ii) not less than 1.2 metres from the southern adjoining "C" (Urban Protected Residential, etc.) District boundary;
 - o) Section 18A(25) shall not apply.
3. That the "RT-30/S-1781-H" (Street - Townhouses) District, Modified, Holding, provisions as contained within Section 10F of Zoning By-law No. 6593 applicable to the subject lands (Block 3), be modified to include the following special requirements:
- a) Notwithstanding Section 10F(4)(b), a rear yard depth of not less than 6.0 metres shall be provided.
 - b) Notwithstanding Section 10F(4)(c), a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than:
 - i) 1.0 metres from the southerly lot line for a Street Townhouse Dwelling, not exceeding two storeys in height; and,
 - ii) 0.7 metres from the northerly lot line for a Street Townhouse Dwelling, not exceeding two storeys in height.
 - c) Notwithstanding Section 10F(6)(c)(i), in a "RT-30" District every lot or tract of land upon which Street Townhouse Dwelling is erected, altered

**To Amend Zoning By-law No. 6593,
Respecting Lands Located at 370 Concession Street, Hamilton**

extended or enlarged shall have a lot area not less than 140.0 square metres.

- d) Notwithstanding Section 18(3)(vi)(cc)(i), a balcony may project into a required front yard not more than 1.5 metres.
 - e) Section 18(3)(vi)(e), shall not apply.
4. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- a) The holding provision "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding applicable to Blocks 1 and 2 be removed conditional upon:
 - i) The Owner applying for a Building Permit to legalize the existing 41 dwelling units within the multiple dwelling, to the satisfaction of the City's Chief Building Official.
 - ii) The Owner receiving Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design.
 - b) The holding provision "RT-30/S-1781-H" (Street – Townhouses) District, Modified, Holding applicable to Block 3 be removed conditional upon:
 - i) The Owner receiving Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design.
5. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding and "RT-30/S-1781-H" (Street - Townhouses) District, Modified, Holding the provisions, subject to the special requirements referred to in Sections 2 and 3.
6. That Sheet No. E15 of the District Maps is amended by marking the lands referred to in Section 2 of the By-law as "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding and "RT-30/S-1781-H" (Street - Townhouses) District, Modified, Holding.
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*.

**To Amend Zoning By-law No. 6593,
Respecting Lands Located at 370 Concession Street, Hamilton**

PASSED this _____, 2019.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-18-008

**To Amend Zoning By-law No. 6593,
Respecting Lands Located at 370 Concession Street, Hamilton**



This is Schedule "A" to By-law No. 19- Passed the day of, 2019	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 6593</p>		<p>Subject Property 370 Concession Street, Hamilton</p> <p> Block 1 - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding</p> <p> Block 2 - Change in zoning from the "C" (Urban Protected Residential, etc.) District to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding</p> <p> Block 3 - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "RT-30/S-1781-H" (Street - Townhouses) District, Modified, Holding</p>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;"> Scale: N.T.S. </td> <td style="width: 50%; padding: 2px;"> File Name/Number: ZAC-18-008 </td> </tr> <tr> <td style="padding: 2px;"> Date: June 28, 2019 </td> <td style="padding: 2px;"> Planner/Technician: MS/AL </td> </tr> </table>	Scale: N.T.S.	File Name/Number: ZAC-18-008	Date: June 28, 2019	Planner/Technician: MS/AL	<p style="margin: 0;">Hamilton</p> <p style="margin: 0; font-size: 8px;">PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
Scale: N.T.S.	File Name/Number: ZAC-18-008					
Date: June 28, 2019	Planner/Technician: MS/AL					

Site Specific Modifications to the “DE-2/S-5a” (Multiple Dwelling) District, Modified (Blocks 1 and 2)

Regulation	Required	Modification	Analysis
Minimum Front Yard Setback	A front yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building structure by its width, but no less than 3.0 metres (9.84 feet) and need not have a depth of more than 7.5 metres (24.61 feet), provided that where a front yard abuts upon a street of a width of less than 20.0 metres (65.62 feet), the required depth shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet)	Recognize the existing multiple dwelling's front yard setback of 7.15 metres.	<p>The current front yard setback for the multiple dwelling is 9.15m and a road widening of approximately 2.0m will be required at the Site Plan Control stage.</p> <p>The proposed modification is required to recognize the existing multiple dwelling once the road widening has been taken. The proposed modification will not alter the built form / massing and setbacks from the street. Therefore, Staff support the proposed modification.</p>
Gross Floor Area Ratio	No building or structure in a "DE	The existing gross floor area of the	The proposed modification is required to recognize the existing multiple dwelling, which will have a gross floor area

	-2" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.90	existing multiple dwelling on the subject land shall be deemed to conform as of the date of the passing of the By-law	of 2,995.3 square metres, whereas 2,656.75 square metres is permitted. The proposed modification will not alter the built form / massing and setbacks from the street but will reflect the gross floor ratio once the road widening has been dedicated and the lands associated with the townhouse dwellings have been conveyed. Therefore, Staff support the proposed modification.
Landscape Area	For every building or structure in a "DE-2" District, there shall be provided and maintained on the lot and within the district, at least one-quarter of the area of the lot on which it is situate, as landscaped area, unused for access or manoeuvring space or parking space or for any other purpose	To permit a minimum landscaped area of 20%.	The proposed modification is to permit a 5.0% increase in lot coverage to reflect the removal of the portion of lands proposed for street townhouses. The proposal will not adversely impact the character of the neighbourhood and will still allow for appropriate drainage to occur. The subject land was developed in the late 1960's and the existing parking area does not have any landscape area along the frontage of East 15 th Street and along the majority of the western property line. The redevelopment of the parking area will provide opportunities for landscaping adjacent to existing properties to the south, where no landscaping previously existed. Therefore, Staff support the proposed modification.
Encroachments into Yards	Every part of a required yard shall be unobstructed from its lowest level upwards, except that	(i) An existing canopy, cornice, eave or gutter may project into a required front yard not more than 5.23 metres;	The proposed modification is required to recognize the existing multiple dwelling. The proposed modification will not alter the built form / massing and setbacks from the street. Therefore, Staff support the proposed modification.

	<p>(b) A canopy, cornice, eave or gutter may project,</p> <p>(i) into a required front yard not more than 1.5 metre (4.92 feet) provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet);</p> <p>(ii) into a required rear yard not more than 1.5 metre (4.92 feet);</p> <p>(cc) A bay, balcony or dormer may project</p> <p>(i) into a required front yard not more than 1.0 metre (3.28 feet), provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet);</p>	<p>(ii) A canopy, cornice, eave or gutter may project into a required rear yard not more than 1.6 metres;</p> <p>(iii) A bay, balcony or dormer may project into a required front yard not more than 1.6 metres;</p> <p>(iv) A bay, balcony or dormer may project into a required rear yard not more than 1.6 metres.</p>	
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	<p>(ii) into a required rear yard not more than 1.0 metre (3.28 feet); or</p> <p>(iii) into a required side yard not more than one-third of its width, or 1.0 metre (3.28 feet), whichever is the lesser,</p>		
Required Parking	1.25 parking spaces per Class A dwelling unit	1 parking space per Class A dwelling unit	<p>The existing parking area will be reconfigured to provide a more efficient parking layout for the multiple dwelling. The applicant is proposing a reduction in parking from the existing 44 parking spaces to 41 parking spaces, whereas the By-law requires 52 parking spaces. Staff note that the existing parking area currently has 44 at grade parking spaces, 36 within the surface parking area and eight within the at grade individual parking garages. A Parking Study has been submitted by NexTrans Consulting Engineering in support of the proposal. Staff have reviewed the study and are of the opinion that a reduction can be supported.</p> <p>Staff are aware that the possibility that not all residents of the multiple dwelling may have a vehicle, however, there could be the possibility that residents may have two vehicles. There are additional tandem parking spaces proposed through this redevelopment which can be available for residents which may have a second vehicle. The reconfiguration of the parking area will provide a total of 41 surface parking spaces and eight tandem spaces within garages that may not be accessible at all times and are therefore not included in the parking ratio. These</p>

			<p>tandem parking spaces may be available to those tenants who require a second parking space to avoid conflicts with other residents.</p> <p>Furthermore, there are three HSR bus routes along Concession Street, being Routes 23, 24 and 25. There are also three additional bus routes (22, 26 and 27) which are within close proximity. The routes provide service to travel both on the mountain and throughout the lower city as the buses travelling down the Jolley Cut connect with the main transit hub, MacNab terminal in Downtown Hamilton.</p> <p>Therefore, Staff support the proposed modification.</p>
Visitor Parking	Multiple dwellings outside of area "A" and "B" on Schedule "H" shall provide 0.25 parking spaces per Class A dwelling unit.	Section 18A(1)(b) and (c) shall not apply	The applicant has requested to remove the requirement for visitor parking. Staff note that the existing parking currently does not have any parking spaces labelled for visitor parking and the reduction in spaces for the reconfiguration of the parking spaces will result in the reduction of three spaces overall. In consultation with parking staff, there are no parking complaints with regards to the development and the supporting Parking Study noted that even at peak time there were approximately half (30 or more parking spaces) of the available on street parking spaces available. Therefore, Staff support the proposed modification.
Loading Space	Greater than 30 to 100 dwelling units requires (1) loading space measuring 18.0 m long by 3.7 m wide and 4.3 m in height	Notwithstanding Section 18A(1)(b) and (c), shall not apply	The applicant requested to provide no loading space instead of one to recognize the existing situation. There is an existing "U" shaped driveway along Concession Street which provides resident and visitors a loading area, however, this driveway is undersized as a portion is covered by a canopy which does not provide the minimum required height of 4.3 metres. However, the driveway still has capacity to provide loading away from the canopy. Therefore, Staff support the proposed modification.

Parking Space Size	2.75 m by 6. 0 m	23 parking stalls shall have dimensions of 2.6 m by 5.5 m.	<p>The applicant has requested a modification to the parking stall size to 2.6 m by 5.5 m, whereas the By-law requires 2.7 m by 6.0 m.</p> <p>As part of the proposal, the development includes the extension of the parking area over underutilized lands which previously contained a swimming pool. This portion of the lands are narrow in shape and cannot accommodate the full parking stall size, maneuvering space, and landscape buffers. Additionally, there are 10 parking spaces which align with balcony projections adjacent to the existing multiple dwelling which best accommodate the reduced parking stall size. Accordingly, the applicant has amended the proposal to provide a mix of parking stall sizes to acknowledge the configuration of the lands and will allow for a range of vehicle sizes to be accommodated on site. Based on the foregoing, the modification is reasonable and supported by staff.</p>
Parking Abutting a Residential Zone	The boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed, (a) not less than 1.5 metres from the adjoining	<ul style="list-style-type: none"> i) not less than 1.0 metre from the western and eastern adjoining "C" (Urban Protected Residential, etc.) District and "E-2" (Multiple Dwellings) District, boundary; ii) not less than 1.2 metres from the southern adjoining "C" (Urban Protected 	Staff note that the existing parking area does not currently have any existing landscape area along the eastern and western property line of the parking area. The redevelopment of the parking area will provide landscaping where none previously existed and is an improvement to the existing situation. In addition, the applicant will be required to provide a visual barrier (fencing) providing protection from headlight glares in the parking lot for adjacent residential uses. Therefore, Staff support the proposed modification.

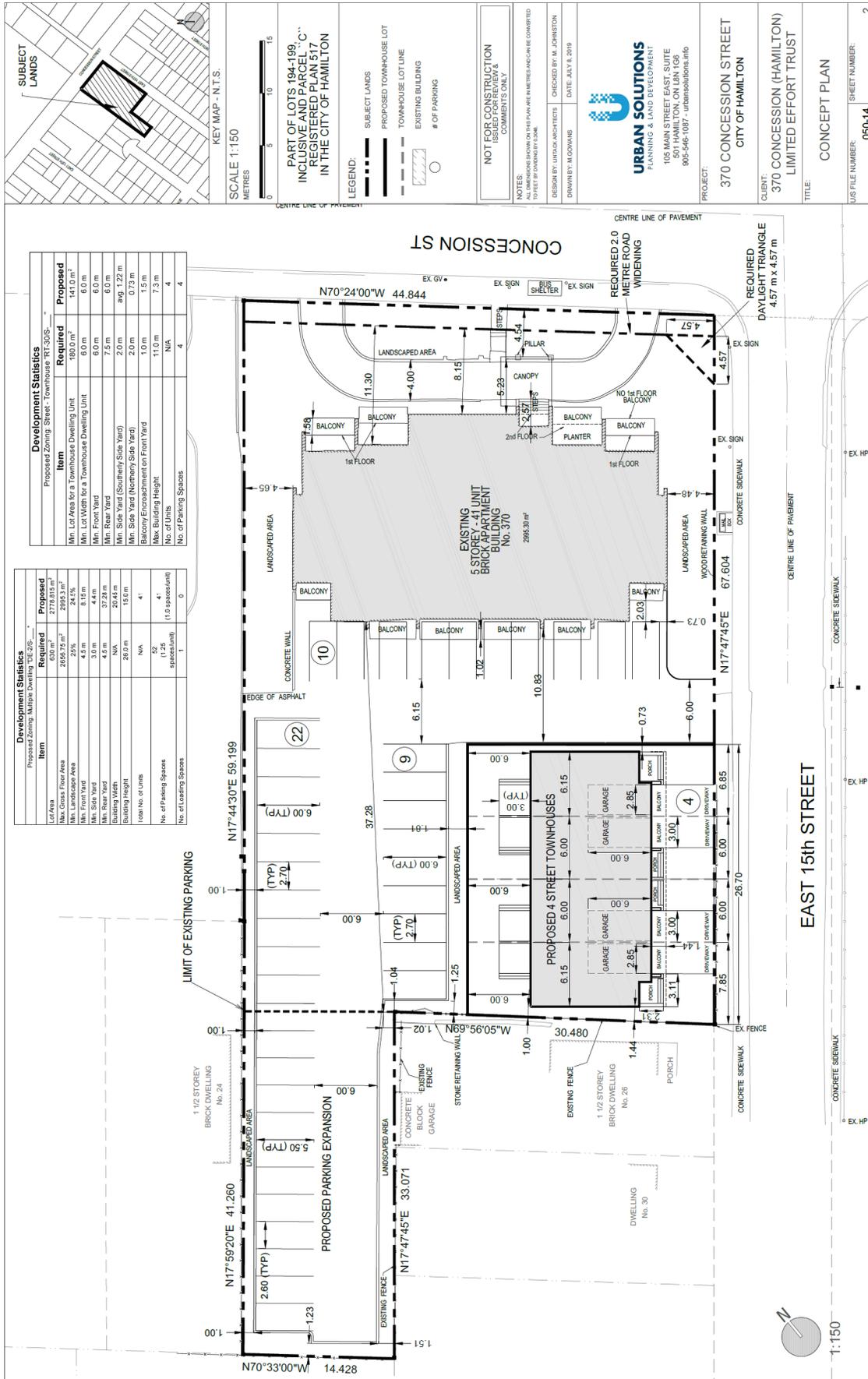
	residential district boundary; and	Residential, etc.) District boundary;	
Multiple Dwellings abutting a Residential Zone	Where a townhouse dwelling, maisonette dwelling or multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the townhouse dwelling, maisonette dwelling or multiple dwelling shall be located not less than 3.0 metres from the common boundary between the district in which the townhouse dwelling, maisonette dwelling or multiple dwelling is located and the district that does not permit such uses.	That Section 18A(25), shall not apply.	<p>This amendment to the Zoning By-law is a result of the access driveway location being located adjacent to the street townhouse development. Staff note that no increase in traffic generation for the existing multiple dwelling will be created.</p> <p>In addition, the majority of vehicles accessing the parking area for the existing multiple dwelling will be travelling from Concession Street and will not cross the proposed street townhouses. A visual barrier will be required as a condition of Site Plan Control and will provide separation and privacy between the two residential uses. In addition, the proposed driveways will be setback 3.6 metres between driveways.</p> <p>Therefore, Staff support the proposed modification.</p>

Site Specific Modifications to the “RT-30/S-1781” (Street - Townhouses) District (Block 3)

Regulation	Required	Modification	Analysis
Yard Setbacks	<p>In an "RT-30" District, there shall be provided and maintained in the district, for every building or structure, the following yards:</p> <p>(b) a rear yard of a depth not less than 7.5 metres;</p> <p>(c) except as provided in clause (d), a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than,</p> <p>ii) 2.0 metres (6.56 feet) for a Street Townhouse Dwelling, not exceeding two storeys in height.</p>	<p>Notwithstanding Section 10F(4)(c), a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than:</p> <p>i) 1.0 metres from the southerly lot line for a Street Townhouse Dwelling, not exceeding two storeys in height; and,</p> <p>ii) 0.7 metres from the northerly lot line for a Street Townhouse Dwelling, not exceeding two storeys in height.</p>	<p>The proposed development will facilitate a compact form of development while ensuring an appropriate relationship is established between the proposed development and the existing adjacent single detached dwelling. Concerns were raised at the neighbourhood meeting of the setback to the existing single detached dwelling and the applicant increased the setback to a minimum of 1.0 metre. Staff note that the majority of the dwelling is further than the minimum 1.2 m but due the angle of the property line, the setback decreases to the rear.</p> <p>The applicant is proposing a 0.7 m side yard setback for the northerly end unit which abuts the existing access driveway whereas the By-law requires a 2.0 setback for a two storey dwelling. Staff are of the opinion that the reduced side setback is reflective of a standard setback for single detached dwelling of 1.2 m.</p> <p>In addition, the applicant seeks to modify the minimum rear yard setback of 7.5 m to 6.0 m. Concerns were raised with the original rear yard setback of 3.0 m which did not meet Engineering Approval requirements for usable rear yard amenity space and any required drainage swale. The revised reduction to 6.0 m will allow for sufficient stormwater management, private amenity space, and separation from the parking area to the rear of the proposed street townhouses.</p> <p>Based on the foregoing, Staff support the proposed modification.</p>

Lot Area	180.0 sq m	Notwithstanding Section 10F(6)(c), in a "RT-30" District every lot or tract of land upon which Street Townhouse Dwelling is erected, altered extended or enlarged shall have a lot area not less than 141.0 metres.	The applicant is requesting to reduce the lot area of the proposed street townhouses to 127 sq. m whereas 180 sq. m is required. Staff are of the opinion that as the proposed units will have sufficient setbacks and provide adequate amenity space the proposed development is appropriate and compatible with the existing lot fabric along East 15 th Street. Therefore, Staff support the proposed modification.
Balcony Projection	A bay, balcony or dormer may project (i) into a required front yard not more than 1.0 metre (3.28 feet), provided that no such projection shall be closer to a street line than 1.5 metres (4.92 feet)	Notwithstanding Section 18(3)(vi)(cc)(i), a balcony may project into a required front yard not more than 1.5 metres.	The applicant has requested an increase in the front yard projection to allow for a second storey balcony, serving as amenity area, to be provided at the front of the dwelling along East 15 th Street. The proposed encroachment will provide additional flexibility in terms of the design of the balconies and allow for additional amenity area. Therefore, Staff support the proposed modification.
Porch Projection	A terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre (3.28 feet) above the floor level of the first storey, may	Notwithstanding Section 18(3)(vi)(e), shall not apply.	The applicant has requested the proposal be exempted from the provision of the by-law to allow for greater flexibility with articulation of the front porch. The exemption will allow for flexibility for the two end units. Therefore, Staff support the proposed modification.

	<p>project into a required yard, if distant at least 0.5 metres (1.64 feet) from the nearest side lot line and at least 1.5 metres (4.92 feet) from the nearest street line</p>		
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RECEIVED

MAR - 1 2018

Feb. 25/18

Dear Mr Fiorino,

I am submitting my formal comments in opposition to the proposed re-zoning by-law amendment for the land located at 370 Concession St. in Hamilton (Ward 7): file # - ZAC-18-008. As a resident at I strongly urge that the City of Hamilton DENY this proposed application situated herein: file # ZAC-18-008. The landowners are in violation of Section 22 of the Residential Tenancies Act. Also it will destroy the peace and integrity of the neighbourhood. I respectfully and seriously request from you PLEASE nullify the re-zoning of 370 CONCESSION STREET file # ZAC-18-008

Thank You
Ann Phillips

Dear Mr. Fiorino :

I am submitting my formal comments in opposition to the proposed re-zoning by-law amendment for land located at 370 Concession Street, Ontario. I strongly urge that the city of Hamilton deny this proposed application situated herein
FILE # - ZAC - 18 - 008.

I am therefore respectfully and seriously requesting from you, that you nullify the re-zoning of 370 Concession St.
FILE # - ZAC - 18 - 008

Lina Bisutti

370 Concession St. APT. 503

Hamilton, Ontario L981B6



Yvette Rybensky, Senior Project Manager,
Developmental Planning, Heritage & Design – Suburban Team,
City of Hamilton,

File: ZAC-18-008

With respect to the Notice of Complete Application and Preliminary Circulation
Re 370 Concession Street, dated February 1, 2018;

ROBERT and PEARL DAVIE, homeowners at 41 East 14th Street, (for 44 years) have
carefully considered the rezoning application and make the following submission:

Our recollection is that the owners of the building at 370 Concession Street applied some
years ago to have a change made in that the building was zoned for 50 units and they had
been renting out an additional unit for some time and wanted it regularized, as well as
changes to the parking area similar to those they are now requesting. This did not meet
with community approval and was denied.

-It would appear that another attempt is being made which also would adversely affect the
local homeowners and disrupt the community.

-Initially there was a swimming pool at the back of the building - it was never used because
the drainage was not properly constructed. Eventually the pool was removed and the area
has remained a 'green space' with some yearly maintenance (grass cutting etc.) It is
surrounded on 3 sides by privately owned homes and backyards that would be severely
impacted by having vehicles coming and going, headlights and associated noise etc.

-Moreover the proposed addition of townhouses on the East 15th edge of the property
would again add to the traffic and noise. The only access to the parking is limited to a
driveway exiting on to East 15^h and there would certainly be congestion at some hours of
the day. I would question if there was space for the proposed townhouses along 15th
street without demolition of some existing houses.

-A major concern would be access to the rear of the building for emergency vehicles and
fire control, as well as increased parking on East 15th which is now congested.

It is our concern that any changes would be of no benefit whatever to the neighbourhood
or to the home owners - just for the owners of 370 Concession St.

While our property is not as directly affected as some others, we emphatically oppose the
proposed changes.

Thank you for the return call and discussion with staff member Michael Fiorino

Pearl Davie – please acknowledge by email or call 905-385-3616
February 25, 2018

Fiorino, Michael

From: Linnea Cherriere <lpcherriere@hotmail.com>
Sent: February-26-18 11:24 PM
To: Fiorino, Michael
Subject: Re: File #ZAC-18-008

Dear Mr. Fiorino,

I am submitting my formal comments in **opposition** to the proposed re-zoning by-law amendment for land located at 370 Concession Street in Hamilton (Ward 7): File #ZAC-18-008. As a resident at 370 Concession Street in Hamilton ON, I **strongly urge** that the city of Hamilton **deny** this proposed application situated herein: File #ZAC-18-008.

Below are my reasons for opposing this re-zoning:

1. Violating **Section 22 of the "Residential Tenancies Act"** guideline which states that, "A landlord **shall not at any time** during a tenant's occupancy of a rental unit (and before the day on which an order evicting the tenant is executed), substantially **interfere** with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household".
2. As a part of my rental agreement, I'm guaranteed a parking spot in the back lot, and will possibly lose this if construction begins, because of tools, equipment and supplies that would be stored in the parking lot space.
3. If construction begins, there will be two major, negative impacts to the occupants of this building. The first, as stated above, some people will not be able to use their parking spaces and will be forced to park on the street. Not only is it hard to find parking close to the building, resulting in someone possibly having to walk down the block, at night, alone, which is unsafe, but there's less assurance and ownership that your car will be safe on the street. The second negative impact, and the worst in my opinion, would be the constant noise and debris in the environment. There is no time-line for this proposed project, and with the law allowing construction to commence from 7am to 6pm, this could result in months of waking up to loud, intrusive construction sounds, that absolutely affect peoples' day to day well being. As well as from the construction, there's the possibility for a lot of dust and dirt in the area, which will affect the lungs of anyone in the vicinity.

I am therefore, **respectfully** and **seriously** requesting from you, that you **nullify** the re-zoning of 370 Concession Street (File #ZAC-18-008).

Perhaps some money can be allocated to fix our existing parking lot as it's in need of repair.

Lastly, I noticed there is a sign on the property advertising a town meeting to discuss the proposed project, but it shows the date "to be announced". Can you please provide me with a date for this meeting?

Thank you,
Linnéa Cherriere.

Fiorino, Michael

From:
Sent: February-25-18 9:53 PM
To: Fiorino, Michael
Subject: Reasons for Opposing Effort Trust's Proposed Townhouses

Dear Micheal,

We are submitting our formal comments in opposition to the proposed re-zoning by-law amendment for land located at 370 Concession Street in Hamilton (Ward 7): File #--ZAC-18-008. As residents of this location, we strongly urge that the city of Hamilton to deny this proposed application for the following reasons.

1) It is a violation of section 22 under the "Residential Tenancies Act:" "a landlord shall not at any time during a tenant's occupancy of a rental unit...substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household."

2) Owners of vehicles will experience immense inconvenience. Their cars will be displaced by hazardous project equipment such as front-end loaders, sewage pipes, fences, and piles of dirt just to name a few. Vehicles will be displaced to a very narrow E15th street increasing the risks for congestion, annoyance and safety hazards.

3) Customers of their rental units will be forced to endure loud noise from construction at any given time from 0700-1900, Monday to Friday and potentially on weekends and holidays. Due to the unknown timing of this project, it is difficult to pinpoint exact timings but either way, this will be detrimental to our mental and physical well-beings.

4) Customers of their rental units will be forced to compromise their respiratory health for the purpose of this project. Odorous debris of all sorts (dust, woodchips, metal) may enter our lungs and increase are susceptibility to occupational diseases such as asthma, COPD and lung cancer for examples. Presently, there are probably occupants that have such illnesses that may be further aggravated by this project and therefore compromise their qualities of life overall.

5) Customers of their rental units may be forced to endure temporary disruptions to essential services such as water, sewage, electricity, and internet.

6) Presently, a grocery store/restaurant by the name of "Oasis" exists right beside our apartment that has not been in use since 2016. Surely, this is a location that the city of Hamilton should consider using instead. Constructing townhouses in that area instead of ours would affect maybe 1-2 people versus the several tenants occupying this apartment.

We thank you for taking your time to read and consider our complaints. We hope that our words will be enough to aid you in nullifying this proposed project: File---ZAC-18-008. Please exclude us from the clerk's office/registry/hearing related to this case as we wish not be involved to that extent.

Sincerely,

Fiorino, Michael

From: Ian Ludbrook <ianaludbrook@gmail.com>
Sent: February-25-18 2:27 PM
To: Skelly, Donna; Fiorino, Michael
Subject: File # ---ZAC-18-008 Opposition

I am submitting my formal in opposition to the proposed re-zoning by-law amendment for land located at 370 Concession Street in Hamilton (ward 7): file # ---ZAC-18-008.

As a resident at 370 Concession St, Hamilton Ontario. I strongly urge that the city of Hamilton deny this proposed application situated here in file # ---ZAC-18-008. Below are my reasons for opposing this rezoning.

1. It violates section 22 of the "residential tenancies act"
2. I have been renting at 370 concession st for over 9 years and I have not be notified of this application for the zoning change.
3. I face the back of the building and the construction will affect my comfort.
4. Effort trust just removed the concrete awnings above all units without proper notice. They stated the construction on balconies was going to commence but nothing about the awnings.
5. It will affect parking for the entire building.

Fiorino, Michael

From: Debbie Sangster <marydeborah406@gmail.com>
Sent: February-25-18 1:09 PM
To: Fiorino, Michael
Cc: Skelly, Donna
Subject: Proposed re-zoning by-law amendment for land located at 370 Concession St. Hamilton, On File#---ZAC-18-008

As a resident at 370 Concession St. in Hamilton, On, I strongly urge that the city of Hamilton deny this proposed application situated here: File#---ZAC-18-008

Below, are my reasons for opposing this re-zoning:

1. Violating Section 22 of the "Residential Tenancies Act" guideline which states that, "A landlord SHALL NOT AT ANY TIME DURING A TENANT'S OCCUPANCY OF A RENTAL UNIT (and before the day on which an order evicting the tenant is executed) , substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household. "
2. Our vehicle will be forced off our parking lot and onto E. 15th St., which has little space now for parking, which means that I will be inconvenienced because I will be forced to walk an extensive distance from my building in order to reach my vehicle, because the 'heavy duty' equipment like backhoes, front end loaders, and other such digging equipment, and supplies such as large sewer pipes, fences, brick, wood, dry wall, piles of dirt, etc. will occupy most of the parking lot.
3. I will be forced to endure extreme loud noise decibels from 7am to at least 6pm daily for months, resulting from 'heavy duty' equipment vehicles, but also other equipment like large concrete mixing vehicles.
4. My parking lot will be replete with not only those innumerable 'heavy duty equipment' vehicles, but also other equipment like concrete sewer pipes and concrete mixing vehicles.
5. I will endure, as a result of the boring and gouging deep into the ground of the parking lot, dust, dirt and other such debris, which will affect our lungs and therefore cause more profound and negative physiological and mental damage.
6. I have no knowledge of the duration of this proposed project's time period.
7. When I decided to move into this building, I chose this building because it had met our needs, satisfaction and convenience but now UNEXPECTEDLY, my living quarters will possibly change. Having introduced the loss of our parking lots which are included in our rental payments, this is a direct breach of contract and contravention of my lease agreement, because each tenant is permitted one free parking spot.

Therefore my rights under SECTION 22 of the "Residential Tenancies Act" will be violated.

I am therefore, respectfully and seriously requesting from you, that you nullify the re zoning of 370 Concession St. (File---ZAC-18-008)

Thank you
Michael and Debbie Sangster
Residents of 370 Concession St.

cc Donna Skelly

Fiorino, Michael

From: Anthony Guitard <guitardanthony3883@gmail.com>
Sent: February-25-18 11:07 AM
To: Fiorino, Michael
Subject: Oppose the construction of 4 townhouses

I just sent Donna skelly an email explaining why I oppose the construction of 4 town homes , I 100% dislike the idea of having our parking lot downsized by more the half I'm sure ,,the lot is already small for the size of the building , this would be a disaster , I love the city of Hamilton ,not when this happens though, snow removal garbage remove ,fire safety for the top floors . a building next to 370 sits empty almost two or more years now ,plus the Oasis on East 15th and Concession, build there , sell the condos ,before even thinking about building in a space that is small to begin with , there are so many other places effort trust could build

Fiorino, Michael

From: Doris McHarg <dorismcharg@gmail.com>
Sent: February-24-18 12:55 PM
To: Fiorino, Michael
Subject: OPPOSITION TO PROPOSED PLANNING DEVELOPMENT (FILE#: ZAC-18-008), 370 CONCESSION STREET, HAMILTON, ON

Hamilton City Hall

Planning and Economic Development Department

Development Planning, Heritage and Design

71 Main Street West, 5th Floor, Hamilton, ON L8P 4Y5

c/o Michael Fiorino RE: FILE #---ZAC-18-008

Dear Mr. Fiorino:

I am submitting my formal comments in **opposition** to the proposed re-zoning by-law amendment for land located at 370 Concession Street in Hamilton (Ward 7): File #---ZAC-18-008.

As a resident at 370 Concession Street in Hamilton, ON, I **strongly urge** that the city of Hamilton **deny** this proposed application situated therein.

Below, are my reasons for opposing this re-zoning:

1. Under Section 22 of the "Residential Tenancies Act", it clearly states that, "**A LANDLORD SHALL NOT AT ANY TIME DURING A TENANT'S OCCUPANCY OF A RENTAL UNIT.....substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household.**" Therefore, having stated this Section 22 of the Act, "Effort Trust Residential Property Management" will be unconscionably, in violation of this Act, due to the following list;
2. Our vehicles will be forced off of our parking lot and out onto what little space is already presently available, on E15th Street; which means that we will all be inconvenienced because we will be forced to walk an extensive distance from our building in order to reach our vehicles, because the 'heavy-duty' equipment like back-hoes, front-end loaders, and other such digging equipment, and supplies such as large sewage pipes, fences, piles of dirt, brick, wood, dry-wall, etc., will occupy most of the parking lot;
3. We will be forced to endure extreme loud noise decibels from 7am to at least 6pm daily for months, resulting from 'heavy-duty' digging equipment for boring and gouging deep into the parking lot;
4. Our parking lot will be replete with not only those innumerable 'heavy-duty' equipment vehicles, but also other equipment like large concrete sewage pipes and concrete-mixing vehicles;
5. We will endure, as a result of the boring and gouging deep into the ground of our parking lot, dust, dirt and other such debris, which will affect our lungs, and therefore cause more profound, and negative physiological and mental damage;
6. We have no knowledge of the duration of this **proposed** project's time period;

7. If "Effort Trust Residential Property Management's" **proposed** project is approved, we will ALL lose; especially the loss of our parking spaces. Half of our parking lot will be lost, and thusly create a crammed vehicular area, which may, in the end, not be able to accommodate all of our vehicles, not to mention our family and friends' vehicles to be able to have spaces to park when they come to visit us;
8. This **proposed** building of 4 town-townhouses on our parking lot will seriously affect our mental, emotional, and physiological well-being, which may result in your **unnecessary** need to move out of our building due to the stressful nature of this **proposed** project; which I am certain that we do not wish to be forced to undergo that type of inconvenience and expense;
9. When the tenants had decided to move into this building, they had chosen this building because it had met their needs, satisfaction, and convenience. But NOW, UNEXPECTEDLY, their living quarters will possibly change (if the **proposed** town-houses are to be built). What this means for them, is that they will endure a negatively-altered, and un-foreseen living arrangement which will CLEARLY, and incontrovertibly, become a disadvantage to them and their loved ones; **AND**
10. We will lose the natural and gorgeous verdure of the 'back-yard' at the south-west rear of the parking lot;
11. Due to the immense sizes of these 4 **proposed** townhouses and their adjoining drive-ways, the vehicular parking lots that are included in our rental payments, may be ultimately.....PERMANENTLY lost forever, because of the resulting cramming. There may not be enough parking spaces left-over, once the **proposed** project is completed (which could last many, many months).

Having introduced the loss of our parking lots which are included in our rental payments, **this is a direct breach of contract and contravention of ALL of our lease agreements**, because each tenant(s) unit is permitted one free parking space.

Therefore, our rights under Section 22 of the "Residential Tenancies Act", WILL BE violated.

What this also means is that under **Civil Law** in Canada, "Effort Trust Residential Property Management" will be violating **Tort Civil Laws**, and therefore, "Effort Trust Residential Property Management" will thereby, become what is known as a **Tortfeasor**; because it will **violate** our rights under the statutes which, as stated above, entitles us ALL, to the "**Residential Tenancies Act's**", **Section 22** which states that we are ALL entitled to the "...reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household."

These are only a few of the **disadvantages** that we ALL will be **forced to ENDURE**, if this **proposed** planning of the 4 town-houses are to be constructed. I'm certain that you can imagine and ponder other dire consequences which involve the tenants own particular, private, and personal situations. But herein are those violations:

1. Severe disturbance of the surrounding area, including other residential home-owners' and businesses' properties including their occupants, visitors, guests, and customers;
2. Severe disruption of pre-existing vehicular parking spaces, which are inclusive in pre-existing lease agreements between the landlord and tenants;
3. Severe disruption of vehicular parking spaces, which will thereby introduce an overflow and therefore, a surplus of vehicles being forced to park onto the already and existing-crammed vehicular spaces (which already exist), onto E15th Street for an indefinite and unpredicted time period;
4. Existing tenants who have acquired units, prior to February 01, 2018, had chosen 370 Concession Street as their desired home due to its EXISTING features such as:

- a) a large, flexible parking lot;
- b) a spacious and quiet pre-existing environment; and
- c) a small portion of an existing, flattering, luxurious, peaceful, and flourishing area to the rear of the parking lot. This small, delightful portion of verdure provides and nurtures a sanctuary for not only a growing population of small animals such as: rabbits, and squirrels in which to survive and thrive, but that very abundance of flora and fauna, also provides the residents at 370 Concession Street and other surrounding residents, a small sanctuary to savour, admire, and respect. It can be equated to a house conjoined with a 'back-yard'.

To remove this admirable verdure, would be a travesty, and only lend itself to yet MORE of a 'concrete jungle'. Therefore, those tenants and other surrounding residents, have been denied knowledge of an un-foreseen future-plan, which would unconscionably and unbeknownst to them, convert their homes, 'castles', and oases, into an un-inhabitable, and useless wasteland where they would be **unknowingly become victims/customers/tax-payers (tenants/home-owners);**

- 5. Severely impact in a negative manner, those tenants who are on **'fixed incomes'** due to increased property taxes;
- 6. Severely disrupt amenities such as: hydro; plumbing; water services; and heating and/or gas services; and
- 8. Severe disturbance to due boring, gouging, and excavating; which will thereby affect the mental, psychological, and physiological health and well-being of the tenants and many other surrounding residential home-owners, who are living in VERY close proximity to where the proposed townhouses might be constructed.

I am therefore, **respectfully** and seriously requesting from you, that you nullify the re-zoning of 370 Concession Street (File#---ZAC-18-008).

All of the above-mentioned items could thereby lead to a 'class-action' civil law-suit toward the **tortfeasor (Effort Trust Residential Property Management)**, for delict and toxic-tort, resulting from conducting this proposed re-zoning project.

Very sincerely, thanking you in advance,

Doris McHarg

307-370 Concession Street

Hamilton, ON L9A 1B6

Phone: 905.962.3536

Email: DorisMcHarg@gmail.com



SUSAN M. PATTEN
26 EAST 15th ST
HAMILTON ONT.

RE FILE # ZAC-18-008

L9A 4E7 - 905.575.6844

FEB 16th 2018 -

To All Concerned with the above proposal.

I am writing to express my objections to the stated plan to build 4 townhouses, facing 10 East 15th Street. This would be directly next to my property. Looking out at this area, which at the moment is used as a garbage + recycling bin area, I do NOT see this area as wide enough to build 4 houses on. This street is made up of single, detached privately owned houses, most of which are older style houses, and owned by older people.

This proposal would take up at least $\frac{1}{3}$, if not more of current tenant parking lot. The further proposal to "expand" the parking refers to a strip of land behind my property, previously an old swimming pool. As this area has only 1 open area and only 2 cars wide, parking side by side; this is NOT usable for parking at all, it backs onto private property on both sides. I see a net loss of tenant parking.

I am concerned that the digging of such a large, deep foundation, noise + vibrations, may well affect my own property, built in 1920's, being so close by me. Also not knowing if 1, 2 storeys, and buildings would block out my light + view from my North windows. Also overlooking + privacy concerns, re windows,

After having the road dug up 3 times, pavements removed and multiple construction during the past few years with the dust, mud, noise + trucks up + down this involves, my neighbours are also against this plan.

The building of 4 houses and reduction in parking for tenants of APV building, would add to the existing parking issue on the street, with non residents parking on street, sometimes for days at a time.

At this time these concerns and observations are my issues, given lack of real information on size, depth, height, proposals for renting, selling or condo style. There could be further concerns at a later date especially if rental units are the plan.

Sincerely



Copy to Councillor Donna Strelly -

February 8, 2018

Re: Application by Urban Solutions Planning & Land Development Consultants
Zoning By-Law Amendment for Lands Located at 370 Concession Street – Hamilton – Ward 7

File: ZAC-18-008

In respect to this application there seems to be information lacking and the drawing did little to provide a clear understanding of the project. The following questions are being raised:

1. How are the proposed four townhouses going to be oriented?
2. What will the lot size and footprint of the proposed buildings? (Including frontage, setback, and backyard?)
3. How many stories are the proposed buildings?
4. Are there drawings or a rendition of the proposed changes available?
5. What happens if the final design differs from the application? The original 370 Concession Build is vastly different than the original proposed plan. (Still have copies of the original 1960's plan.)
6. What happens to the mature trees along East 15th, likely in line for removal with the proposed changes? Will there be a typical clear cut or work around?
7. Does the sanitary sewer system have capacity for the additional homes?
8. The proposal to rezone the rear subject land from "C" (Urban Protected Residential) to DE-2-XX seems to be a major change for a small subject land lot in a residential setting. Original plans for 370 Concession many decades ago showed a 5 foot garden setback around the lot line. Will this be upheld if a parking lot is allowed to take over the subject land?
9. Will the proposed changes to 370 Concession contain any urban canopy design such as a 5 foot treed area surrounding the proposed parking lot changes or will there be payment to the lot line?
10. Does the proposed plan for rear subject land have a water runoff / water conservation plan?
11. What plans are in place for the residential backyards backing on to the proposed parking lot? Will there be barriers in place regarding vehicle headlights, vehicle noise?
12. What is the plan for illumination in the parking lot? Will the light spillage be excessive as per the main building floodlights?
13. What is the snow removal plan for the proposed parking lot?

Fiorino, Michael

From: Rybensky, Yvette
Sent: February-07-18 4:54 PM
To: Fiorino, Michael
Subject: FW: ZAC-18-008

Michael: FYI and the file-a concern for the application you recently circulated.

Yvette Rybensky, MCIP, RPP

*Senior Project Manager-Suburban
Development Planning, Heritage & Design Section, Planning Division
Planning & Economic Development Department
City of Hamilton, 71 Main St. W, 5th floor, L8P 4Y5
Ph: (905) 546-2424 ext. 5134
Fax: (905) 546-4202
Email: Yvette.Rybensky@hamilton.ca*

From: Terry Brown [<mailto:tbrown@iw736.com>]
Sent: Wednesday, February 07, 2018 4:42 PM
To: Rybensky, Yvette
Cc: Skelly, Donna; Wood, Christine
Subject: ZAC-18-008

Good afternoon,
We would like to once again vehemently oppose the application to turn a small green space into a parking lot, in order to accommodate 4 new townhomes in an area that is already at capacity for dwellings and vehicular traffic. The area in question is zoned 'C' and formerly used as a 'swimming pool – recreation area' for the tenants of the building @ 370 Concession St. Hamilton. The tenants @ 385 Concession St. use East 15th St. to park their vehicles and the commercial business @ 388 Concession St. also use East 15th St. for their over flow parking. Needless to say, it is a very busy area already. The small parcel of land behind 370 Concession St. is adjacent to 5 homes and would be a hazardous area if cars were permitted to park so close to homes in a 'land locked' area. Thank you.

Terry D. Brown
Training Coordinator
Ironworkers Local 736
905-679-6439 Ext: 27
905-679-0808
Fax: 905-679-6617
Cell:905-577-1840
tbrown@iw736.com
1384 Osprey Dr
Ancaster Ont.

VIA FACSIMILE

Yvette Rybensky,
Senior Project Manager,
Development Planning, Heritage and Design-Suburban Team,
Planning and Economic Development Department,
City of Hamilton.

Re: Zoning By-law Amendment Application--ZAC-18-008

I write to provide your Team with some comments concerning the above-noted application.

I will address three general areas:

1) Streetscape

a) My wife and I have lived in this house for over twenty years. There is a clear view from our house two blocks west to East 13th Street.

According to the plans, which I just recently saw late last week, this proposed amendment and subsequent building will radically alter that perspective:

Instead of what we see now, there will be four two story townhouses right across the street from our front room. This will completely alter our site line for the worse. If I wanted that type of neighbourhood, I would have bought something there.

b) This neighbourhood is a single housing development. Each house has space between them and a side driveway. What is proposed will alter this landscape. If this is approved, we will be denied a major advantage we currently have. In fact, it will put us in a significant disadvantage because we will not have a similiar landscape as others on the street, i.e. they do not have the equivilant of a large monster home in their view. Nor will they have to deal with a building that, if approved, would allow individuals on second storey balconies to overlook one's property and activities.

c) The proposed townhouses will have four driveways in front of garages. This will mean that those who have more than one car--or decide to use their garages for other things--will park their vehicles on the limited driveway in front of their garage or on the street. Cars that are parked on these driveways will make the property look like a glorified parking lot. It would be the equivilant of allowing neighbours to park on their front lawns.

2) Available parking

a) This proposal will negatively impact the parking on the street. As it stands now, this is a narrow street with alternate parking. If this development is approved, the available parking on the street will be reduced. There is currently limited parking for those who require it. On the north-east corner of East 15th and Concession (385 Concession), there is virtually no parking. The individuals from this apartment building (among others) have to find parking on this side of the

street. What makes matters worse, is that East 16th has limited parking because their properties are narrower. This means that it is difficult to park there without a ticket.

Another aspect is the building at 380[✓] Concession (south-east corner at East 15th). This property is zoned commercial. It has limited parking spaces. It is currently vacant due to a fire in August 2016. Individuals are parking on the vacant lot instead of the street.

Prior to the fire, there was a constant problem with parking. It is unknown what will replace it at this time. Back then, By-law officers were continually ticketing illegally parked cars. Several verbal disputes and threats were made by individuals to the officers as well as ourselves. It made us hesitant to sit out on our front porch when parking was on our side of the street. We do not want to return to this scenario.

b) This proposal will also alter the parking configuration within the existing lot at 370 Concession. If approved, the available parking will be shifted to the south end of the property. A significant number of parking spaces will be created along the west side of the property, up to and including, the proposed space in contention to compensate for those lost because of the space needed for the townhouse development.

In order to accomplish this, it seems that the parking dimensions for each space are less than what is now the standard. I did not see any provision for visitor parking. There is also very little room left to pile snow or for recycle bins and/or a garbage disposal dumpster, as well as their emptying. These factors could very well lead to more street parking.

3) Traffic and congestion.

This part of East 15th at Concession is far busier than the balance of the street. This is the result of street parking, numerous driveways and the volume of cars. As far as 370 Concession is concerned, there is one driveway to enter and exit the parking lot. Depending on the time of day, this becomes a busy corner as individuals use their cars to come and go.

The same applies to the entrances on the east side of the street which access the property at 380 Concession. Once this is rebuilt, there will certainly be additional volume accessing this lot, as in the past. Canada Post also installed a community mail box on the west side of the street close to the corner of Concession. This causes increased congestion when individuals park their cars to get their mail.

In addition to this, a stoplight was installed at the corner of East 13th and Concession (for pedestrian crossing). Concession street is an extremely busy road during business hours, particularly during the early morning and late afternoon commute. When this light is activated, several individuals will turn on East 15th to avoid stopping and turn west on Mountville or Inverness to access Upper Wellington.

Allowing four more driveways to this end of the street will make matters only worse.

One final comment. If this zoning By-law amendment is approved, one can foresee the possibility of the owner of this property attempting to purchase to three adjoining properties along East 15th. The

individuals who reside in them are elderly. These properties butt onto the space under consideration. If they are purchased, it becomes a distinct possibility that a similar application could be advanced at that time. Obviously, the approval of this application will be relied on to further extend townhouses down the street.

Incidentally, this scenario happened in the past. The proposal to ammend the property in question was turned down at that time.

Thank you and your Team for the opportunity to provide these comments for your conideration.

Yours truly,



03-03-18

Thomas Walker
19 East 15th St.,
Hamilton, Ontario
L9A 4E6

December 17, 2018

RECEIVED

DEC 18 2018

Mr. Michael Florino
Hamilton City Hall
Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

RE: File #---ZAC-18-008
Proposed Townhouse Development
370 Concession Street
Hamilton, Ontario

Dear Mr. Florino

Following are my concerns regarding this proposed development:

Our home is located on the east side of East 14th Street (in the court) just south of this proposed area for development. We along with our neighbours have had several basement floods over the years due to major rain storms. Homes on the west side of East 14th Street have not been affected.

My Dad built our house and I learned that it along with the other homes on the east side of East 14th Street were built over an underground spring which ambles through the ground toward the mountain brow. I have often wondered if these basement floods have been due to this underground spring.

My big concern is the proposed paving over of the green space at the south west area of the Effort Trust property for a parking lot. The diminishing areas for runoff due to paving over all our green space is accelerating. With global warming and the prediction of more natural weather related disasters makes preserving our rapidly depleting green spaces of major importance. The days of paving over all our green space is 20th century thinking. We must be more visionary and act more responsibly.

Another concern is visual pollution due to flood lights which are installed at the back of the Effort Trust apartment building and shine directly into our kitchen window at night. If this proposed paved parking lot becomes reality we will be inundated with flood lights shining at night in our residential neighbourhood.

- 2 -

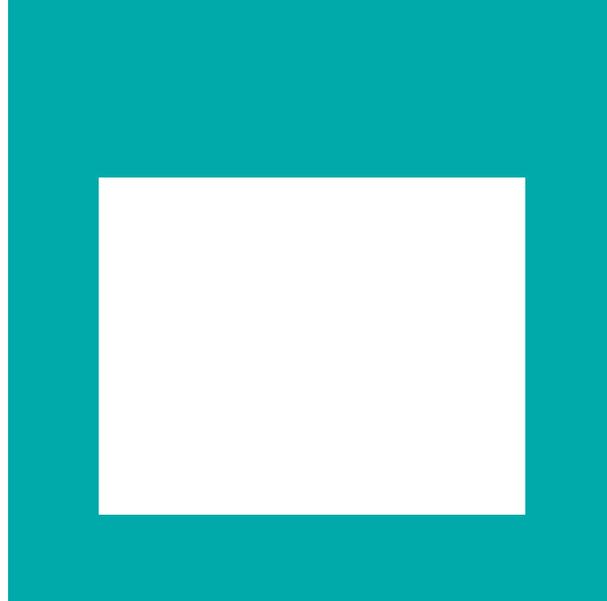
There will be added parking gridlock due to the planned construction of condos directly across East 15th Street (north east corner) from the proposed townhouse development. The anticipated increased number of cars parking on an already congested street which is zoned for parking only on one side will be a calamity. Many people use these streets adjacent to Concession Street to park their cars, walk to the bus stop, catch a bus to downtown, consequently, saving downtown parking fees.

Allowing 4 townhouses in this small area will further accentuate matters and narrow the access into the parking area of the Effort Trust apartment building which will be chaotic in an emergency situation.

Respectfully,

Jackie Beaudin
53 East 14th Street
Hamilton, Ontario L9A 4B3

Copy to: Esther Pauls, Councillor, Ward 7
Fred Eisenberger, Hamilton City Mayor
Monique Taylor, MPP Hamilton Mountain
Scott Duvall, MP Hamilton Mountain



WELCOME TO THE CITY OF HAMILTON

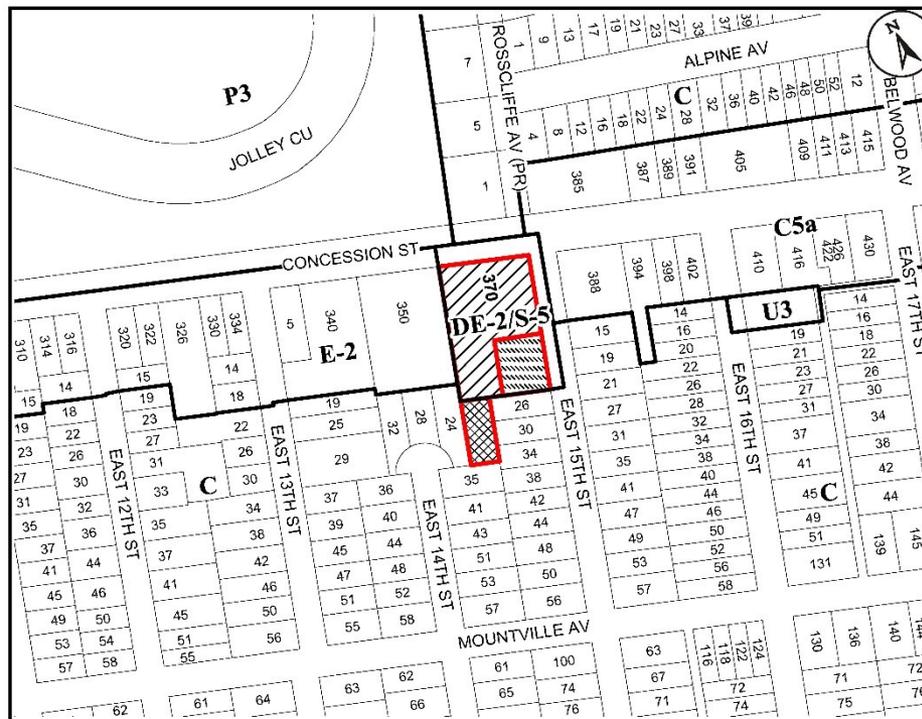
PLANNING COMMITTEE

August 13, 2019

PED19158 – (ZAC-18-008)

Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands located at 370 Concession Street, Hamilton.

Presented by: Melanie Schneider / Michael Fiorino



● Site Location



Key Map - Ward 7

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-18-008

Date:
June 28, 2019

Appendix "A"

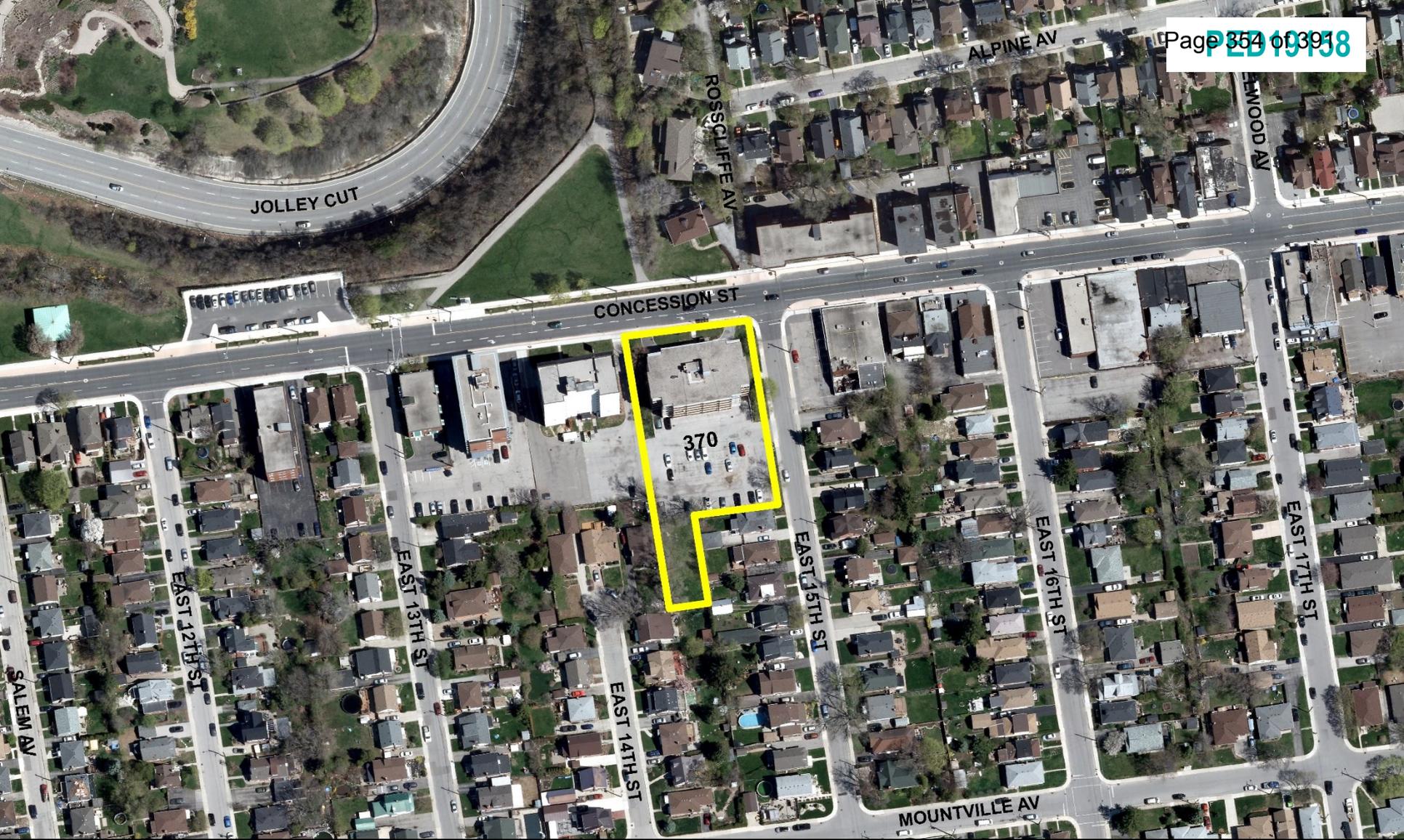
Scale:
N.T.S.

Planner/Technician:
MS/AL

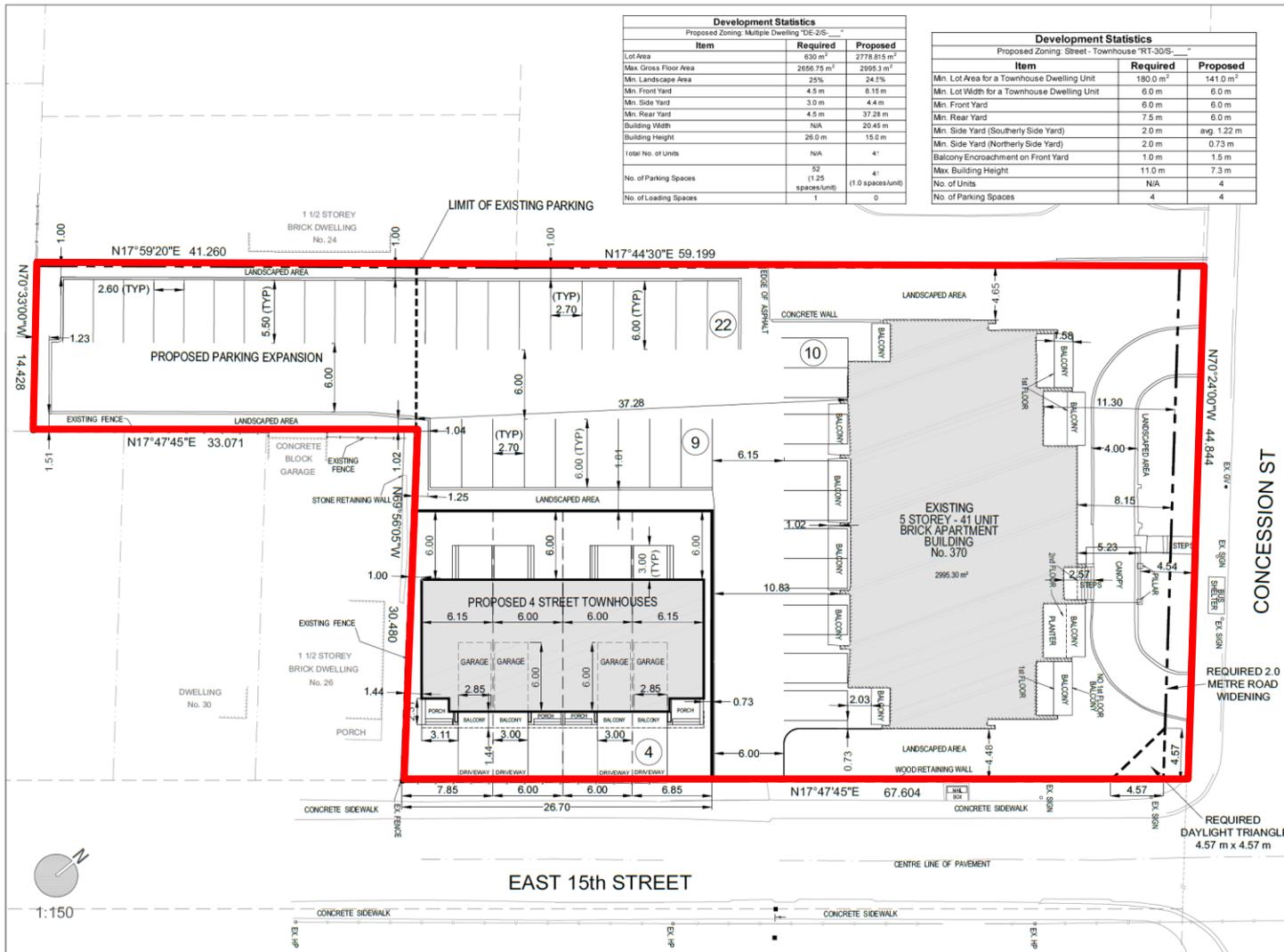
Subject Property

370 Concession Street, Hamilton

- Block 1** - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding
- Block 2** - Change in zoning from the "C" (Urban Protected Residential, etc.) District to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding
- Block 3** - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "RT-30/S-1781" (Street-Townhouses) District, Modified

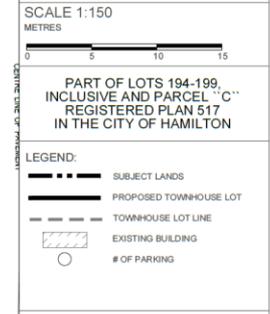
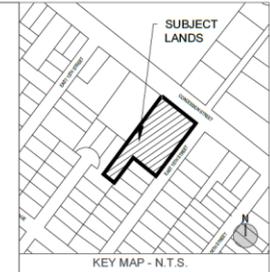


SUBJECT PROPERTY  370 Concession Road, Hamilton



Development Statistics		
Proposed Zoning: Multiple Dwelling "DE-2S"		
Item	Required	Proposed
Lot Area	630 m ²	2778.810 m ²
Max Gross Floor Area	2656.75 m ²	2959.3 m ²
Min Landscape Area	25%	24.4%
Min Front Yard	4.5 m	8.15 m
Min Side Yard	3.0 m	4.4 m
Min Rear Yard	4.5 m	37.28 m
Building Width	N/A	20.45 m
Building Height	26.0 m	15.0 m
Total No. of Units	N/A	4 ¹
No. of Parking Spaces	52 (1.25 spaces/unit)	41 (1.0 spaces/unit)
No. of Loading Spaces	1	0

Development Statistics		
Proposed Zoning: Street - Townhouse "RT-30S"		
Item	Required	Proposed
Min Lot Area for a Townhouse Dwelling Unit	180.0 m ²	141.0 m ²
Min Lot Width for a Townhouse Dwelling Unit	6.0 m	6.0 m
Min Front Yard	6.0 m	6.0 m
Min Rear Yard	7.5 m	6.0 m
Min Side Yard (Southernly Side Yard)	2.0 m	avg. 1.22 m
Min Side Yard (Northernly Side Yard)	2.0 m	0.73 m
Balcony Encroachment on Front Yard	1.0 m	1.5 m
Max Building Height	11.0 m	7.3 m
No. of Units	N/A	4
No. of Parking Spaces	4	4



NOT FOR CONSTRUCTION
 ISSUED FOR REVIEW &
 COMMENTARY ONLY

NOTES:
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED
 TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: UNIKOK ARCHITECTS CHECKED BY: M. JOHNSTON
 DRAWN BY: M. GONANS DATE: JULY 8, 2019

URBAN SOLUTIONS
 PLANNING & LAND DEVELOPMENT
 105 MAIN STREET EAST, SUITE
 501 HAMILTON, ON L8N 1G6
 905-546-1087 - urbansolutions.info

PROJECT:
 370 CONCESSION STREET
 CITY OF HAMILTON

CLIENT:
 370 CONCESSION (HAMILTON)
 LIMITED EFFORT TRUST

TITLE:
 CONCEPT PLAN

UIS FILE NUMBER: SHEET NUMBER:
 050-14 2



Existing multiple dwelling from Concession Street



Existing multiple dwelling from the rear



Current parking lot from East 15th Street



Former location of swimming pool on site, future parking lot expansion area



Existing rear parking lot and lands to the west



Existing single detached dwellings to the east on East 15th Street



Existing single detached dwellings to the south on East 15th Street



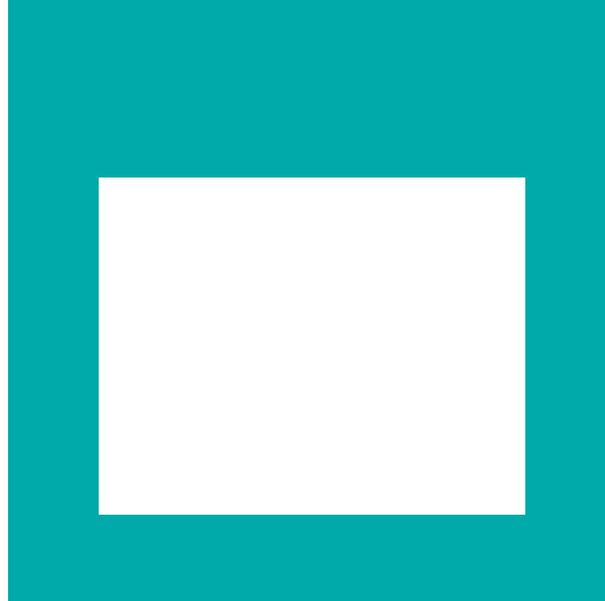
Lands to the east on Concession Street



Existing uses on north side of Concession Street



Sam Lawrence Park on north side of Concession Street



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

RECEIVED

AUG 12 2019

August 12, 2019

Melanie Schneider
Legislative Coordinator
Planning Committee
71 Main Street West, 1st Floor
Hamilton, Ontario L8P 4Y5

RE: File #---ZAC-18-008
Proposed Townhouse Development
370 Concession Street
Hamilton, Ontario

Following is an amendment to my letter of December 17, 2019 sent to Mr. Michael Florino regarding my concerns with this proposed development:

Our home is located on the east side of East 14th Street (in the court) just south of this proposed area for development. We along with our neighbours have had several basement floods over the years due to major rain storms. Homes on the west side of East 14th Street have not been affected.

Our home along with the other homes on the east side of East 14th Street were built over an underground spring which ambles through the ground toward the mountain brow. I have often wondered if these basement floods during the 1980's and 1990's were due to this underground spring.

My big concern is the proposed paving over of the green space at the south west area of the Effort Trust property for a parking lot. The diminishing areas for runoff due to paving over all our green space is accelerating. With climate change and the prediction of more weather related disasters makes preserving our rapidly depleting green spaces of major importance. The days of paving over all our green space is 1960's thinking.

A World Health Organization report regarding urban green spaces states that these green spaces have positive effects on mental health. Studies using brain imaging techniques have confirmed that symptoms of depression are reduced simply by viewing nature. We must protect and preserve all the urban green space no matter the size. Why not zone it as a Green Space and develop it as a parkette for the tenants of the apartment building?

The proposal will call for the removal of trees from this green space specifically on the west side of the property. There are at least 22 trees on this site and by far the majority of the trees are on the west side of the property. This leads me to believe that most of the trees will be cut down. One tree alone absorbs 48 pounds of CO2 each year.

..... Page 2

- 2 -

Another concern is visual pollution due to flood lights which would be installed in this proposed new parking area at the back of the Effort Trust apartment building. Presently, Effort Trust have one installed on the south side of the apartment building and shines directly into our dining room window at night. It is worse in the winter when all the leaves are off the trees. If this proposed paved parking lot becomes reality we will be inundated with flood lights shining at night in our residential neighbourhood making it like living next to a car lot on Upper James. ATTACHED IS A PHOTO TAKEN FROM OUR DINING ROOM WINDOW LOOKING NORTH TOWARDS EFFORT TRUST APARTMENT BUILDING. We are over 300' from the back of this apartment building.

There will be added parking gridlock due to the planned construction of townhouses directly across East 15th Street (north east corner) from the proposed townhouse development. The anticipated increased number of cars parking on an already congested street which is zoned for parking only on one side will be a calamity. Many people use these streets adjacent to Concession Street to park their cars, walk to the bus stop, catch a bus to downtown, consequently, saving downtown parking fees.

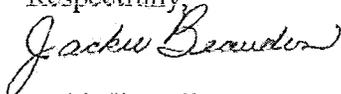
Have you viewed the sketches of the proposed townhouse development? They do not fit into the existing character of the 1940s, 1950s style of home. What I saw of the building plans was an ultra modern two story building. Why 2 parking spaces per unit when the apartment tenants at 370 Concession Street are allowed 1 parking space or less each. Is this a 4 or 8 unit complex? This needs to be clarified.

In the future, what concerns the residents is the possibility of Effort Trust purchasing a property at the end of our street and to alleviate the concern of the congested area in and out from East 15th Street, ultimately opening up an area for access to the parking area from East 14th Street.

I can not help but wonder if such a proposal would pass in a community that is more progressive and environmentally conscious. Hamilton needs visionaries to move our community into the future and this project is not forward thinking.

We pay taxes too!

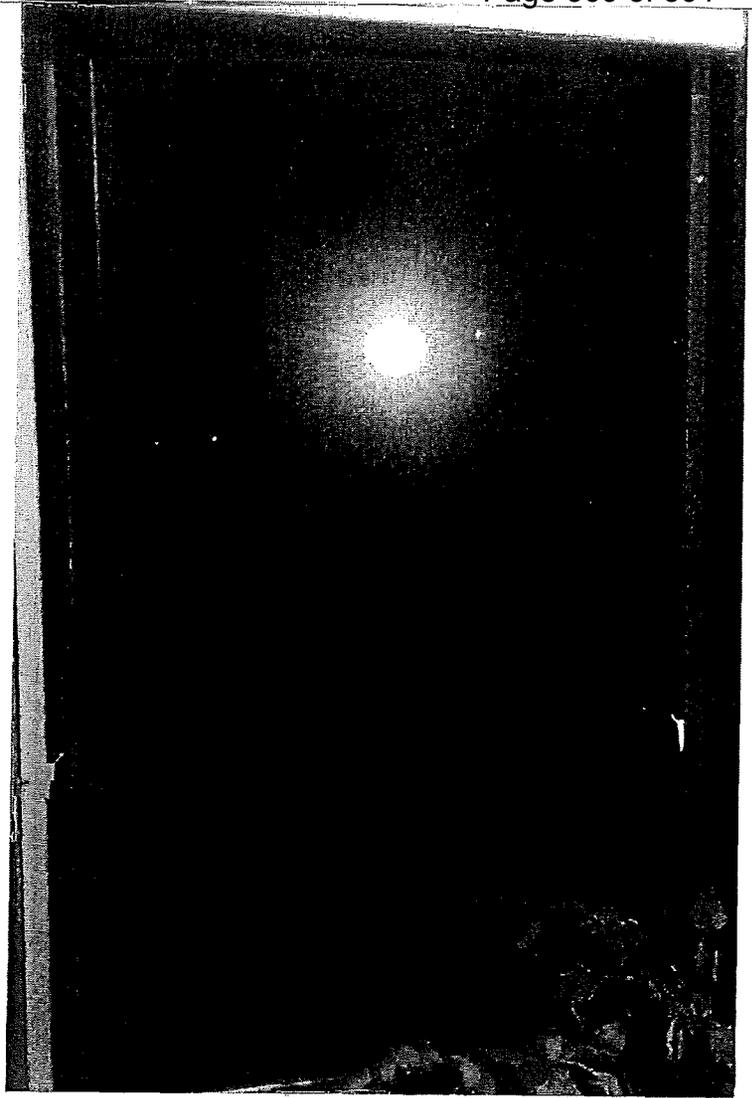
Respectfully,



Jackie Beaudin

Hamilton, Ontario

Copy to: Esther Pauls, Counsellor Ward 7

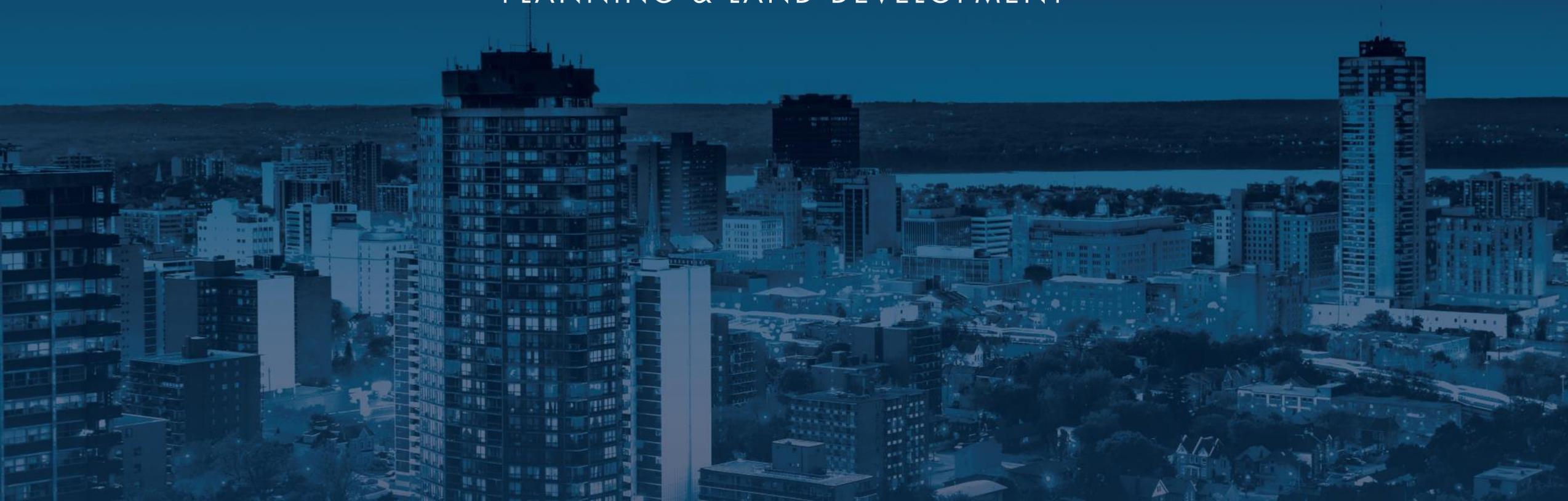


TAKEN FROM
DINING ROOM
LOOKING NORTH TO
370 CONCESSION ST. APT
BUILDING.
LITE INSTALLED ON
SOUTH SIDE OF BUILDING.
OVER 200' FEET FROM
OUR WINDOW



URBAN SOLUTIONS

PLANNING & LAND DEVELOPMENT





Application to Amend the City of Hamilton Zoning By-law No. 6593 (ZAC-18-008), for Lands Located at 370 Concession Street, Hamilton

Owner/Applicant: 370 Concession (Hamilton) Ltd. (c/o Effort Trust)
Agent: UrbanSolutions Planning & Land Development Consultants Inc.
(c/o Matt Johnston, MCIP, RPP & Amber Lindsay, MES)



THANK YOU

UrbanSolutions would like to thank City of Hamilton staff for their hard work on this application, including:

Steve Robichaud

Yvette Rybensky

Anita Fabac

Michael Fiorino

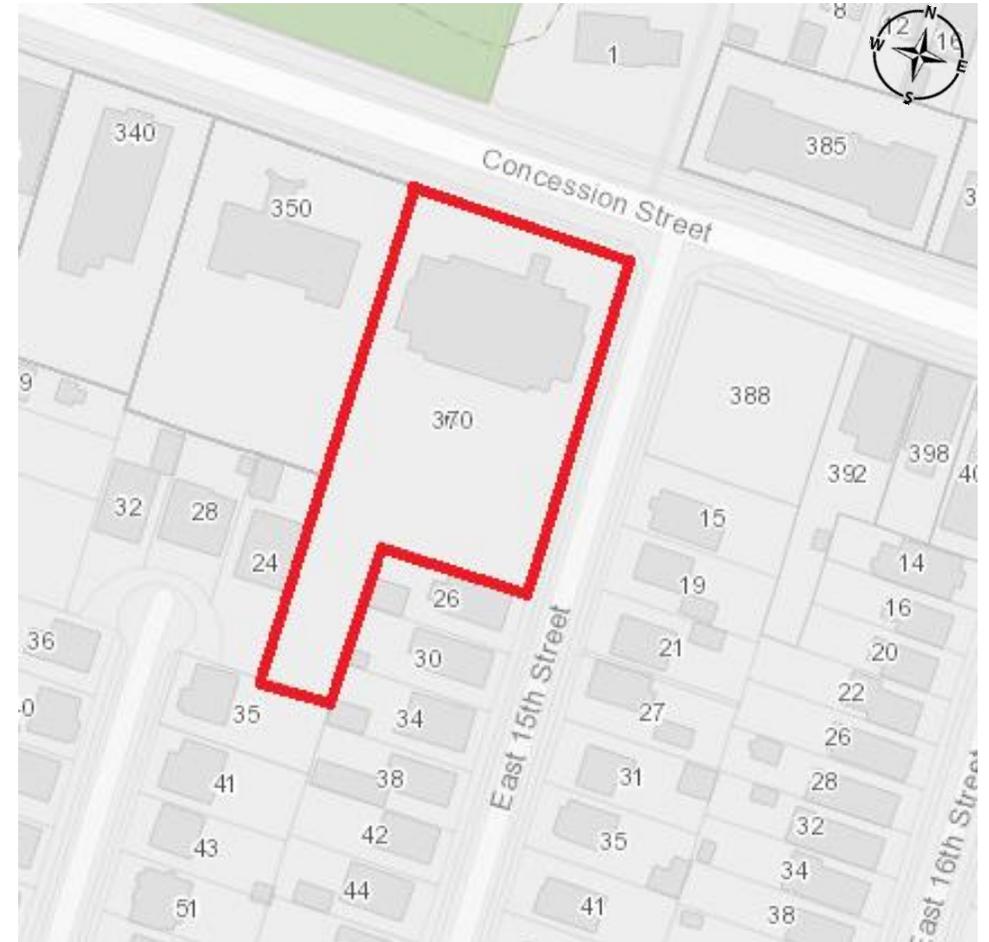
Melanie Schneider



SUBJECT LANDS



Image 1 - View of the existing apartment building from Concession Street.





SUBJECT LANDS



Image 2 - View of the existing apartment building from rear.



Image 3 - View of the proposed parking expansion area.



SUBJECT LANDS



Image 4 - View of the proposed townhouse area from apartment rear.



Image 5 - View of the proposed townhouse area looking south.



SURROUNDING AREA

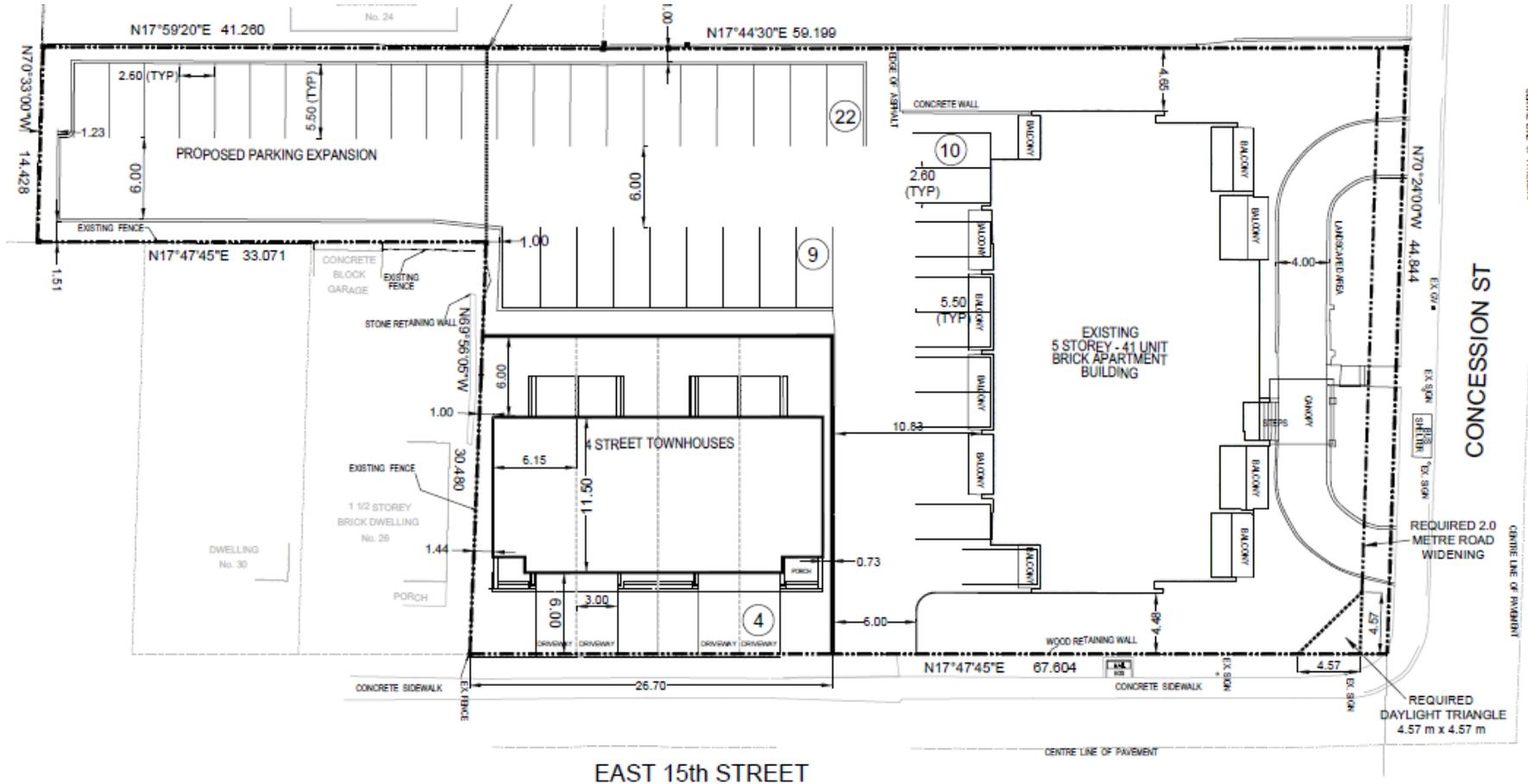
- North: Single-detached and multiple dwellings, Jolley Cut and the Escarpment beyond
- South: Single-detached dwellings
- West: Multiple dwellings
- East: Single-detached dwellings and commercial uses



Image 6 – Aerial view of subject lands.



PROPOSED DEVELOPMENT





PROPOSED DEVELOPMENT



Image 5 – Site view from East 15th St (existing).



Image 6 – Rendering of proposed development.



ZONING BY-LAW AMENDMENT

Zoning By-law Amendment

1. To change the zoning from “DE-2/S-5” District (Low Density Multiple Dwellings), modified, to a site specific “RT-30” Street – Townhouse District for the townhouse area; and,
2. To rezone the parking expansion area from the “C” Urban Protected Residential) District to a site specific “DE-2” District.

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	
Subject Property 370 Concession Street, Hamilton	
Block 1 - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified, Holding to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding	
Block 2 - Change in zoning from the "C" (Urban Protected Residential, etc.) District to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding	
Block 3 - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "RT-30/S-1781" (Street-Townhouses) District, Modified	
Scale: N.T.S.	File Name/Number: ZAC-18-008
Date: June 28, 2019	Planner/Technician: MS/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

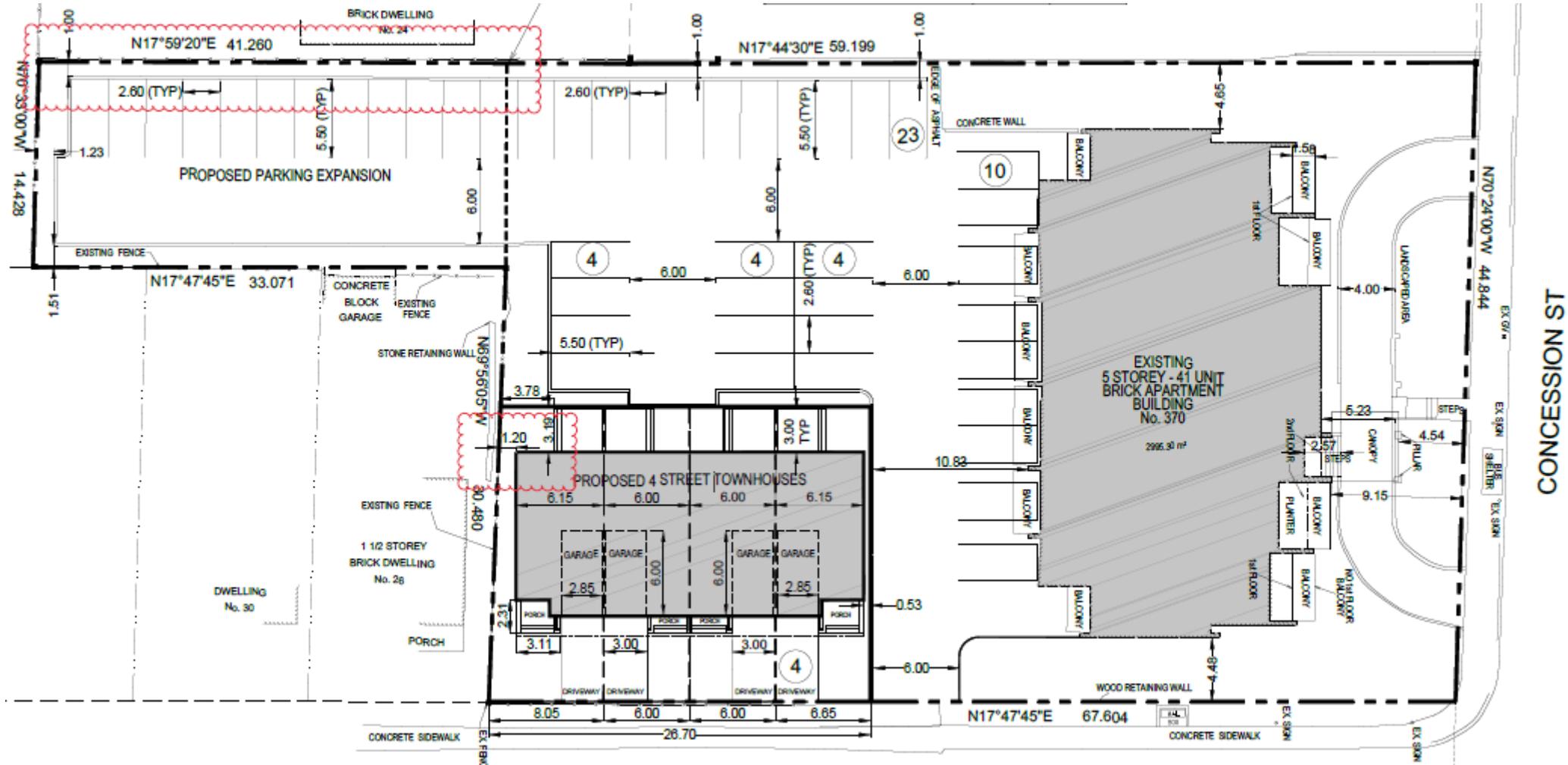


CHRONOLOGY

August 27, 2014	Development Review Team Meeting for Formal Consultation.
December 20, 2017	Submission of the Zoning By-law Amendment application.
January 22, 2018	Zoning By-law Amendment Application deemed complete.
February 7, 2018	Public Notice Sign Posted.
July 11, 2018	Public Information Meeting.
November 18, 2018/ May 15, 2019/ July 8, 2019	Revised Concept Plans submitted in response to application feedback.

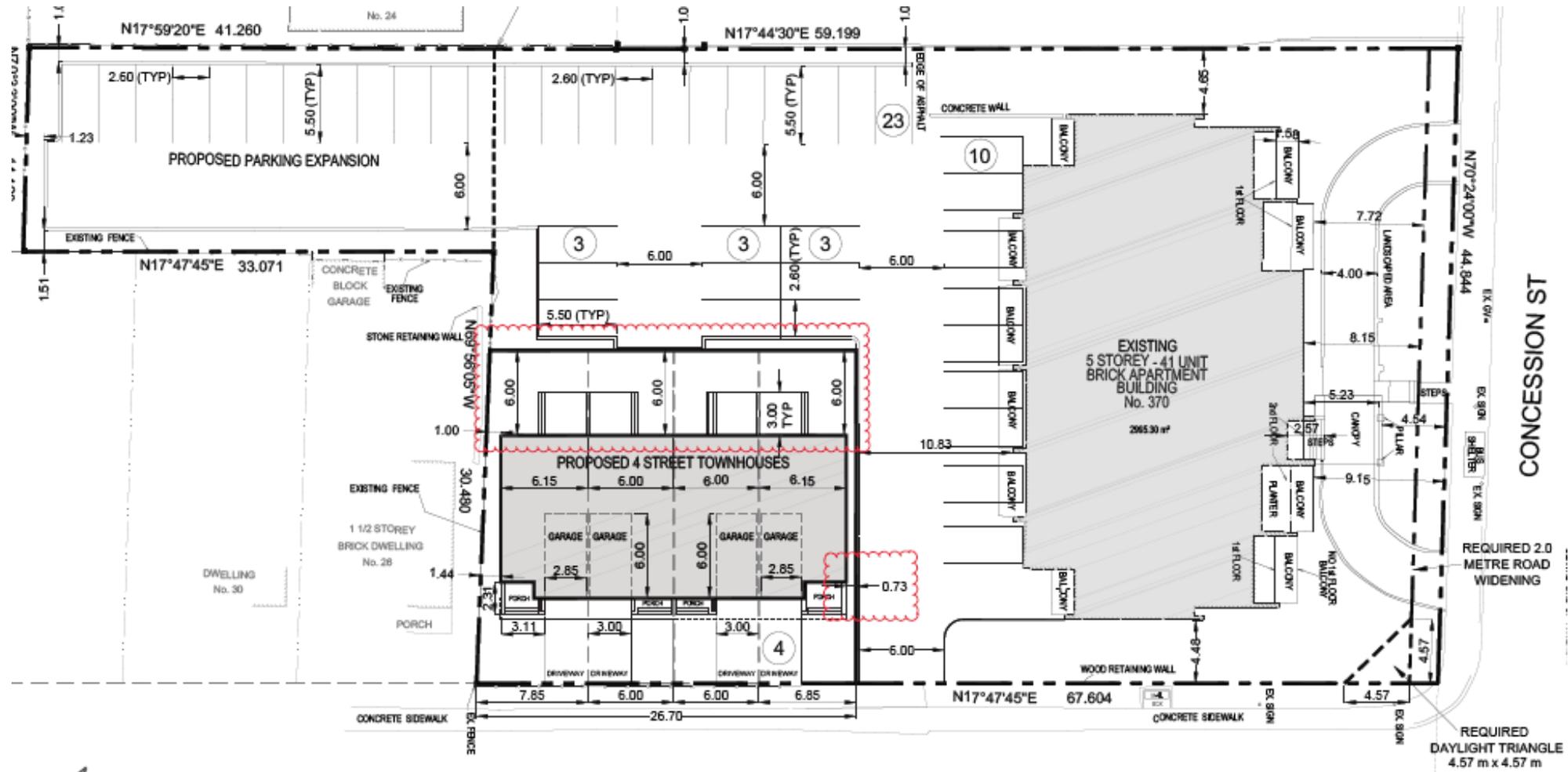


CONCEPT EVOLUTION (1)



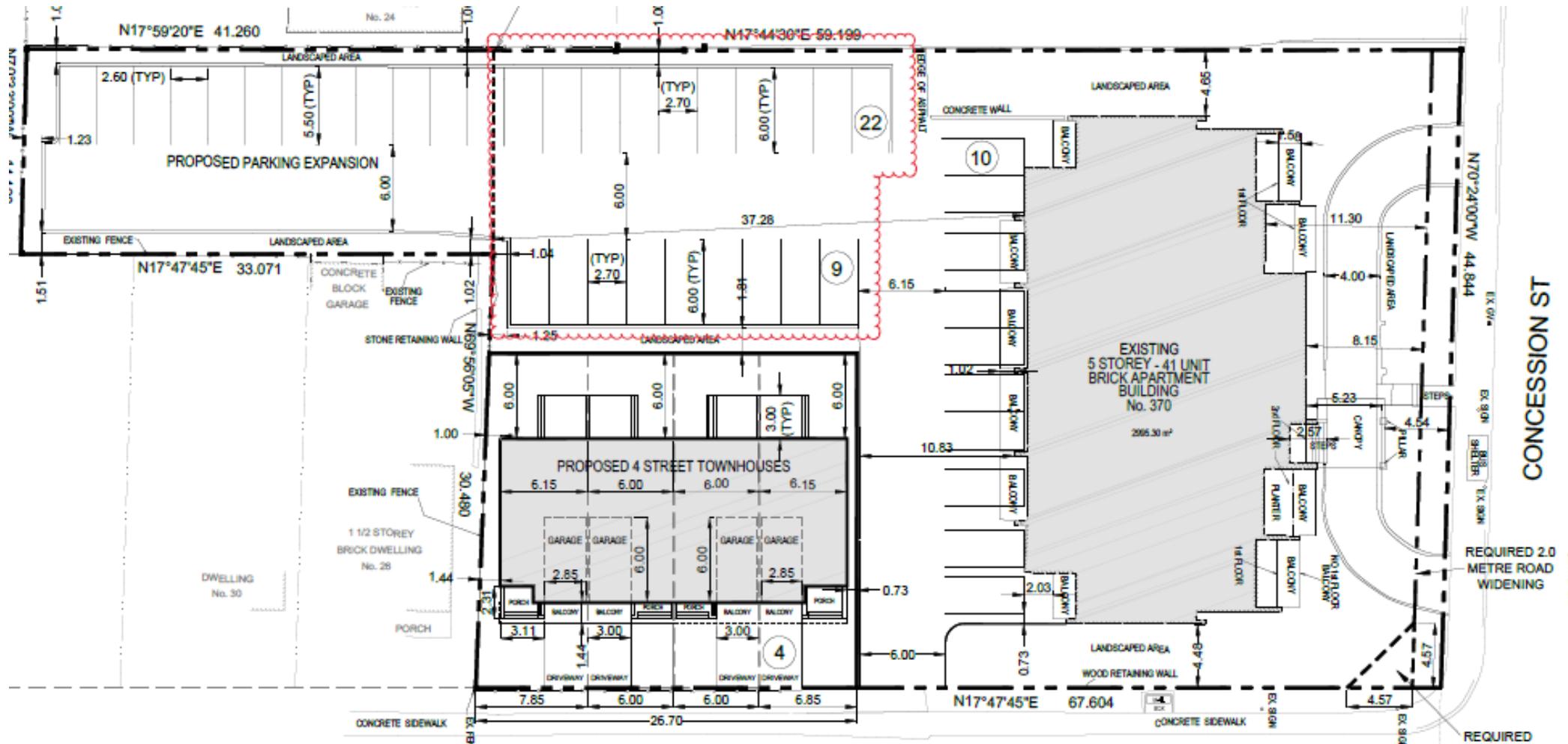


CONCEPT EVOLUTION (2)





CONCEPT EVOLUTION (3)





PUBLIC COMMENTS

1. Parking
2. Traffic
3. Loss of Greenspace
4. Compatibility
5. Stormwater Management
6. Construction Activities & the *Residential Tenancies Act*



PARKING

- There are currently 36 marked surface parking spaces on site (-1 obstructed), plus eight (8) within enclosed garages
- 24 spaces will be removed to accommodate the townhouse development
- 29 spaces will be added through the parking expansion and stall reconfiguration
 - Excluding eight (8) tandem parking spaces within the garages to remain
- Therefore parking spaces will be replaced 1:1





PUBLIC COMMENTS

1. Parking
2. Traffic
3. Loss of Greenspace
4. Compatibility
5. Stormwater Management
6. Construction Activities & the *Residential Tenancies Act*



GREENSPACE





PUBLIC COMMENTS

1. Parking
2. Traffic
3. Loss of Greenspace
4. Compatibility
5. Stormwater Management
6. Construction Activities & the *Residential Tenancies Act*



PLANNING MERIT

- The application is consistent with the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Niagara Escarpment Plan, and Urban Hamilton Official Plan;
- The proposed parking expansion represents an efficient use of underutilized land;
- The proposed street townhouse development represents a compatible form of residential intensification that supports complete communities; and,
- The modifications maintain the intent of the Zoning By-law.



THANK YOU



CITY OF HAMILTON M O T I O N

PLANNING COMMITTEE: August 13, 2019

MOVED BY COUNCILLOR J. FARR

SECONDED BY

Marion Tucker Way

WHEREAS, Marion Tucker guided the Hess Village Mall Authority since its inception a few decades ago;

WHEREAS, Marion Tucker remained devoted to the beautification and cleanliness of Hess Village in addition to regularly attending or facilitating meetings formal or otherwise and respecting issues related to safety and security in the area; and,

WHEREAS, Marion Tucker’s efforts and love of not only Hess Village where she operated a successful Marketing and Design firm, but also our city, deserves a legacy recognition.

THEREFORE BE IT RESOLVED:

That the section of George Street between Queen Street South and Caroline Street South be named Marion Tucker Way, with the cost of \$700 to install the four (4) signs be funded from the Ward 2 Area Rating Capital Reserve Fund (#108052).