



**City of Hamilton**  
**PLANNING COMMITTEE**

**Meeting #:** 19-013  
**Date:** September 3, 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

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<b>13.</b>	<b>GENERAL INFORMATION / OTHER BUSINESS</b>	
13.1	Outstanding Business List	
13.1.a	Items to be Removed: 18K - Interim Plans for Pier 7 (To be referred to the West Harbour Development Subcommittee)	
	19O - Planning Application Fees for Private Urban Boundary Expansion and Private Employment Lands Conversion Applications (Addressed as Item 7.4 on the August 13th agenda)	
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## **PLANNING COMMITTEE MINUTES**

**19-012**

**August 13, 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

**Also Present:** Councillors A. VanderBeek and E. Pauls

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### **THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

#### **1. Hamilton Municipal Heritage Committee 19-005 (Item 7.1)**

**(Farr/Collins)**

##### **(i) 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 Lusted

(d) Policy and Design Working Group

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

**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

**2. Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED19129) (Ward 7) (Item 7.2)**

**(Danko/Johnson)**

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.

**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

**3. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19152) (City Wide) (Item 7.3)**

**(Partridge/Wilson)**

That Report PED19152 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**CARRIED**

**4. New Fee for Privately-Initiated Official Plan Amendment - Urban Boundary Expansion Applications (PED19146(a)) (City Wide) (Item 7.4)**

**(Collins/Clark)**

That the Tariff of Fees By-law No. 12-282 be amended to establish a new fee of **\$67,875** 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).

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

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

**5. Bill 108, More Homes, More Choice Act, 2019 - Ontario Proposed Changes to the Land Use Planning and Appeals System (PED19125(a)) (City Wide) (Item 7.5)**

**(Whitehead/Danko)**

That Report PED19125(a) respecting Bill 108, *More Homes, More Choice Act*, 2019 - Ontario Proposed Changes to the Land Use Planning and Appeals System, be received.

**CARRIED**

**6. Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (Hamilton) (PED19149) (Ward 8) (Item 8.1)**

**(Danko/Whitehead)**

That Revised Zoning By-law Amendment Application ZAC-18-046, by Tuscan 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;
- (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; and,
- (c) ***That the public submissions received did not affect this matter.***

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Chad Collins  
 YES - Councillor John-Paul Danko  
 YES - Councillor Maria Pearson  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark

**7. 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) (Item 8.2)**

**(Johnson/Farr)**

- (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 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.
- (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;
- (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  $\geq 1350\text{mm}$  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.

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

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Chad Collins  
 YES - Councillor John-Paul Danko  
 YES - Councillor Maria Pearson  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark

**8. Application for a Zoning By-law Amendment for Lands Located at 336 and 338 King Street West, Dundas (PED19157) (Ward 13) (Item 8.3)**

**(Partridge/Collins)**

- (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 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; and,

**(b) *That the submissions received did not affect the decision.***

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Chad Collins  
 YES - Councillor John-Paul Danko  
 YES - Councillor Maria Pearson  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark

**9. Marion Tucker Way (Item 11.1)**

**(Farr/Collins)**

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 four (4) signs be funded from the Ward 2 Area Rating Capital Reserve Fund (#108052).

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

**10. 292 Dundas Street East (Maple Lawn), Waterdown (Added Item 12.1)**

**(Partridge/Farr)**

WHEREAS, there is concern that 292 Dundas Street East, Waterdown, will be placed on the market for the purpose of redevelopment;

WHEREAS, 292 Dundas Street East, 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 292 Dundas Street East, Waterdown meets the criteria specified in *Ontario Regulation 9/06* including, but not limited to:

- Historical Associations – The property is located on an early transportation route known as “The Governor’s Road” that stretched from Mississauga to London and has been in use since the late 1700s. The property is associated with potentially significant people in Waterdown’s history, including George Allison and Harold Greene. George Allison, believed to be the first owner of the house, was a recognized character in the early development of the Village. He served the local community as a juror and magistrate. Harold Greene was the first publisher of the Waterdown Review. He lived in the house with his family in the late 1910s and a few of the early issues are believed to have been produced in a carriage house located on the property. Additionally, the property has the potential to yield information that contributes to the understanding of the community through additional research.

- Physical and Architectural Design – The property is a representative example of vernacular residence constructed in the Victoria period and influenced by Gothic Revival and Italianate architectural styles. The two-storey house of stretcher bond brick construction (now painted) sits on a rubble and brick foundation. The house is defined by its Gothic-style high-gabled roof three bay façade and bay window with Italianate detailing, all displaying a high degree of craftsmanship. Victorian style influences include the wide front verandah, decorative bargeboard, and other decorative flourishes. Over all, the design of the building does not appear to have changed significantly since its construction circa mid-to-late 20th century.
- Contextual Value – The property is important in defining the historic character of the area and maintaining the historic fabric of Dundas Street East. In addition to the property's location along a historic transport route, the property is physically, visually, and historically linked to its surroundings. The 19th-century single-detached building helps define the early residential character at the west end of Dundas Street in the Village of Waterdown along with the other prominent estate homes including the Smith-Carson House at no. 289, the Crooker House at no. 299 and Chestnut Grove at no. 315. The property may be considered a local landmark.

**THEREFORE BE IT RESOLVED:**

- (a) That 292 Dundas Street East, Waterdown, be added to the City's Municipal Heritage Register as a non-designated property, after consultation with the Hamilton Municipal Heritage Committee; and,
- (b) That Council direct staff to add 292 Dundas Street East (Maple Lawn), Waterdown, to staff's designation work plan and be assigned immediate priority for Heritage Designation in Q4.

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

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

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

**1. DELEGATION REQUESTS (Item 6)**

- 6.1 Lisa Weber respecting 292 Dundas Street East (Maple Lawn), Waterdown (Added Item 12.1)

**2. CONSENT ITEMS (Item 7)**

- 7.4 New Fee for Privately-Initiated Official Plan Amendment – Urban Boundary Expansion Applications (PED19146(a)) (City Wide) – By-law added

**3. PUBLIC HEARINGS / DELEGATIONS (Item 8)**

- 8.4 Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands Located at 370 Concession Street, Hamilton (PED19158) (Ward 7)

8.4(b) Written Submission from Jackie Beaudin

**4. NOTICES OF MOTION (Item 12)**

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

**(Johnson/Farr)**

That the agenda for the August 13, 2019 meeting be approved, as amended.

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

YES - 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) July 9, 2019 (Item 4.1)**

**(Partridge/Whitehead)**

That the Minutes of the July 9, 2019 meeting be approved, as presented.

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

YES - 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) Lisa Weber respecting 292 Dundas Street East (Maple Lawn),  
Waterdown (Item 12.1 on today's agenda) (Added Item 6.1)**

**(Partridge/Johnson)**

That the Delegation Request from Lisa Weber respecting 292 Dundas Street East (Maple Lawn), Waterdown be approved for today's meeting, to be heard at this time.

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

YES - 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) Lisa Weber respecting 292 Dundas Street East (Maple Lawn), Waterdown (Item 12.1 on today's agenda) (Added Item 8.5)**

Lisa and Jeff Weber addressed the Committee about concerns with adding their property, 292 Dundas Street East (Maple Lawn) to the Municipal Heritage Register as a non-designated property.

**(Partridge/Whitehead)**

That the Delegation from Lisa and Jeff Weber respecting 292 Dundas Street East (Maple Lawn), Waterdown, be received.

**CARRIED**

For further disposition of this matter, refer to Item 10.

**(f) CONSENT ITEMS (Item 7)**

- (i) New Fee for Privately-Initiated Official Plan Amendment - Urban Boundary Expansion Applications (PED19146(a)) (City Wide) (Item 7.4)**

**(Collins/Danko)**

That the recommendation be amended to change the amount from \$67,785 to \$67,875, to read as follows:

That the Tariff of Fees By-law No. 12-282 be amended to establish a new fee of ~~\$67,785~~ **\$67,875** 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).

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

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

For further disposition of this matter, refer to Item 4.

**(g) PUBLIC HEARINGS/DELEGATIONS (Item 8) (Continued)**

**(i) Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (Hamilton) (PED19149) (Ward 14) (Item 8.1)**

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.

**(Collins/Whitehead)**

That the public meeting be closed.

**CARRIED**

**(Danko/Whitehead)**

That the staff presentation be waived.

**CARRIED**

Angela Bounamici and Scott Arbuckle, IBI Group, were in attendance and indicated support for the staff report and addressed the Committee.

**(Danko/Whitehead)**

That the recommendations in Report PED19149 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 9 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Chad Collins  
 YES - Councillor John-Paul Danko  
 YES - Councillor Maria Pearson  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark

For disposition of this matter, refer to Item 6.



- (ii) **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) (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 Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision 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.

**(Johnson/Clark)**

That the public meeting be closed.

**CARRIED**

**(Johnson/Clark)**

That the staff presentation be waived.

**CARRIED**

Stephen Fraser and Andrew Smith, A.J. Clarke & Associates, were in attendance and indicated support for the staff report and addressed the Committee.

**(Johnson/Partridge)**

That the presentation and correspondence from Stephen Fraser and Andrew Smith, A.J. Clarke & Associates, be received.

**CARRIED**

**(Johnson/Farr)**

That the recommendations in Report PED19121 be amended by adding the following sub-section (e):

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

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

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Chad Collins

YES - Councillor John-Paul Danko  
 YES - Councillor Maria Pearson  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark

For disposition of this matter, refer to Item 7.

**(iii) Application for a Zoning By-law Amendment for Lands Located at 336 and 338 King Street West, Dundas (PED19157) (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.

**(Johnson/Whitehead)**

That the public meeting be closed.

**CARRIED**

**(Johnson/Whitehead)**

That the staff presentation be waived.

**CARRIED**

Kelly Martel, MHBC, agent, was in attendance and indicated support for the staff report and addressed the Committee.

**(Partridge/Whitehead)**

That the presentation from Kelly Martel, MHBC, be received.

**CARRIED**

**(Collins/Clark)**

That the recommendations in Report PED19157 be amended by deleting sub-section (iii) in its entirety, and renumbering the balance accordingly, and that the by-law be prepared as amended, to read as follows:

- (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;~~

~~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.~~
- (iii)** 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.

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Chad Collins  
 YES - Councillor John-Paul Danko  
 YES - Councillor Maria Pearson  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark

**(Partridge/Collins)**

That the recommendations in Report PED19157 be amended by adding the following sub-section (b):

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

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Chad Collins  
 YES - Councillor John-Paul Danko  
 YES - Councillor Maria Pearson  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark

For disposition of this matter, refer to Item 8.

**(iv) Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands Located at 370 Concession Street, Hamilton (PED19158) (Ward 7) (Item 8.4)**

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.

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](http://www.hamilton.ca) or through the Office of the City Clerk.

**(Danko/Collins)**

That the staff presentation be received.

**CARRIED**

Amber Lindsay, UrbanSolutions, was in attendance and indicated support for the staff report and addressed the Committee.

**(Partridge/Danko)**

That the presentation from Amber Lindsay, UrbanSolutions, be received.

**CARRIED****Delegations:**

1. William Young, 302-370 Concession Street, addressed the Committee and expressed concerns with the proposal.
2. Ian Ludbrook, 406-370 Concession Street, addressed the Committee and expressed concerns with the proposal.
3. Jackie Beaudin, 53 East 14<sup>th</sup> Street, addressed the Committee and expressed concerns with the proposal.
4. Terry Brown, 35 East 14<sup>th</sup> Street, addressed the Committee and expressed concerns with the proposal.
5. Willy Chew, 51 East 14<sup>th</sup> Street, addressed the Committee and expressed concerns with the proposal.

**(Clark/Johnson)**

That the Delegations be received.

**CARRIED****Written Submissions:**

1. Jackie Beaudin

**(Clark/Johnson)**

That the written submission be received.

**CARRIED**

**(Clark/Johnson)**

That the public meeting be closed.

**CARRIED**

**(Clark/Farr)**

That Report PED19158 be deferred for 30 days to provide the Ward Councillor with sufficient time to meet with the residents and applicant.

**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

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

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

**(Partridge/Farr)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting 292 Dundas Street East (Maple Lawn), Waterdown.

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

For disposition of this matter, refer to Item 10.

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

(i) **Outstanding Business List (Item 13.1)**

**(Clark/Johnson)**

That Item 19E respecting Variable Development Charges be transferred to the Audit, Finance & Administration Committee's Outstanding Business List.

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

**(Collins/Danko)**

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

(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

(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)

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



**(j) ADJOURNMENT (Item 15)**

**(Farr/Partridge)**

That there being no further business, the Planning Committee be adjourned at 1:19 p.m.

**CARRIED**

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Councillor Maria Pearson  
Chair, Planning Committee

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Lisa Chamberlain  
Legislative Coordinator  
Office of the City Clerk



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 3, 2019
<b>SUBJECT/REPORT NO:</b>	Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11)
<b>WARD AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Ryan Ferrari (905) 546-2424 Ext. 5865
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Zoning By-law Amendment Application ZAA-18-006, by Larry Freeman (Owner)**, for a change in zoning from the Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P6) Zone to the Agriculture (A1, 642) Zone and Conservation / Hazard Land – Rural (P6, 642) Zone to prohibit the construction of a single detached dwelling and residential care facility and to permit a reduced lot size for the agricultural parcel, as required by conditions of approval for Consent to Sever application GL/B-17:114, for the lands located at 3600 Guyatt Road as shown on Appendix “A” to Report PED19154, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED19154, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule “C” – Special Exceptions of Zoning By-law No. 05-200; and,
- (c) That the proposed modification in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP).

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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 the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11) - Page 2 of 11**

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**EXECUTIVE SUMMARY**

The purpose of this Zoning By-law Amendment application is to rezone the subject lands to prohibit the construction of a single detached dwelling and a residential care facility on a portion of the consolidated farm parcel known as 3600 Guyatt Road, Glanbrook. The requested amendment is required to satisfy the lot creation policies of the Provincial Policy Statement (PPS), the Greenbelt Plan (2017), and the Rural Hamilton Official Plan (RHOP). This application will also add a modification to the Agricultural (A1) Zone to recognize a reduced lot area of the retained agricultural lands. The amendment will also address Condition Nos. 2 and 3 of Consent for Severance approval GL/B-17:114 to facilitate the severance of a surplus farm dwelling as a result of a consolidation of non-abutting farm parcels and to recognize the reduced lot size of the retained farmlands.

The proposed application has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the RHOP.

**Alternatives for Consideration – See Page 11**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Consent for Severance Application GL/B-17:114**

In December of 2017, an application was made to the Committee of Adjustment to sever an existing single detached dwelling from the existing farm operation. The application was heard at the February 22, 2018 Committee of Adjustment hearing and was tabled so that the applicant could submit a Hydrogeological Study to justify the size of the severed farm lot. The applicant submitted a Hydrogeological Study to the City's satisfaction and the application returned to the Committee of Adjustment on May 30, 2019 and was subsequently approved.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11) - Page 3 of 11**

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**Description of the Subject Lands**

As shown on the Location Map attached as Appendix “A” to Report PED19154, the subject lands are zoned Agricultural (A1) Zone, Conservation / Hazard Land – Rural (P6) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone. The current and future use of the retained lands is Agricultural. The severed lands contain an existing single detached dwelling.

**Proposal**

The purpose of Zoning By-law Amendment application ZAA-18-006 is to rezone the farmed portion of the subject lands from the Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P6) Zone to a site specific Agriculture Zone and Conservation / Hazard Land – Rural (P6) Zone, to prohibit the development of a single detached dwelling and residential care facility on the retained farmland in order to satisfy Condition Nos. 2 and 3 of Consent for Severance application GL/B-17:114 where an existing farm dwelling was severed through a non-abutting farm consolidation severance and to recognize the reduced lot size of the retained farmlands.

**Details of Submitted Application**

**Location:** 3600 Guyatt Road, Glanbrook (see Appendix “A” to Report PED19154)

**Agent:** IBI Group Inc. c/o Tracy Tucker

**Applicant / Owner(s):** Larry Freeman

**Property Description:**

<b><u>(Lands to be retained)</u></b> <b>As shown on Appendix “D” to Report PED19154</b>	<b><u>Total Lot Area:</u></b>	± 22 ha (54.36 ac)
	<b><u>Total Lot Frontage:</u></b>	Approx. 63 m
	<b><u>Lot Depth:</u></b>	Irregular

<b><u>(Lands to be conveyed):</u></b> <b>As shown on Appendix “D” to Report PED19154</b>	<b><u>Total Lot Area:</u></b>	0.4 ha (1 ac)
	<b><u>Total Lot Frontage:</u></b>	Approx. 63.3 m
	<b><u>Total Lot Depth:</u></b>	Approx. 63.9 m

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11) - Page 4 of 11**

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**Existing Land Use and Zoning**

**Subject Lands:**

**Existing Land Use**

Agriculture  
Single detached  
dwelling

**Existing Zoning**

Agriculture (A1) Zone,  
Conservation / Hazard Land -  
Rural (P6) Zone,  
Conservation / Hazard Land -  
Rural (P7) Zone,  
Conservation / Hazard Land -  
Rural (P8) Zone

**Surrounding Lands:**

**North**

Agriculture  
Single detached  
dwellings

Agriculture (A1) Zone

**South**

Agriculture  
Single detached  
dwellings

Agriculture (A1) Zone

**East**

Agriculture  
Single detached  
dwellings

Agriculture (A1) Zone,  
Conservation / Hazard Land –  
Rural (P6) Zone

**West**

Agriculture  
Single detached  
dwellings

Agriculture (A1) Zone,  
Conservation / Hazard Land –  
Rural (P7) Zone,  
Conservation / Hazard Land –  
Rural (P8) Zone

**Chronology**

December 20, 2017:

Zoning By-law Amendment application ZAA-18-006 was received.

January 19, 2018:

Zoning By-law Amendment application ZAA-18-006 was deemed incomplete.

January 24, 2018:

Zoning By-law Amendment application ZAA-18-006 was deemed complete.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11) - Page 5 of 11**

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- February 2, 2018: Zoning By-law Amendment application ZAA-18-006 was circulated to 36 property owners within 120m of the subject lands.
- February 17, 2018: Public Notice sign was installed on the subject lands.
- May 30, 2019: Consent for Severance application GL/B-17:114 was heard at the Committee of Adjustment and was approved.
- June 26, 2019: Consent for Severance application GL/B-17:114 received final and binding approval.
- August 7, 2019: Public Notice sign was updated to include Public Meeting Date.
- August 16, 2019: Circulation of Notice of Public Meeting to 36 property owners within 120 m of the subject lands.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

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

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

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

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

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11) - Page 6 of 11**

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**Greenbelt Plan (2017)**

The *Greenbelt Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Greenbelt Plan (2017). The Greenbelt Plan (2017) designates the subject lands as “Protected Countryside”.

The following policies, amongst others, are applicable:

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

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

- i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and,
- ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.”

As per the above policy, it was found through the Consent for Severance application (GL/B-17:114), that the proposed severance complied with policy 4.6.1 f) i). With regards to 4.6.1 f) ii), Condition No. 3 was placed on the Consent for Severance application requiring that the lands be rezoned to prohibit a residential dwelling and residential care facility in perpetuity on the subject lands and ensure that the retained farm parcel cannot be developed for a single detached dwelling. This application serves to satisfy this requirement, and as such, the proposal conforms to the Greenbelt Plan (2017).

**Rural Hamilton Official Plan**

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

“F.1.14.2.8 c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11) - Page 7 of 11**

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parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:

- v) Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:
1. The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or
  2. The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit.”

It was found through the Consent for Severance application (GL/B-17:114), that the proposed severance complied with the RHOP by restricting the development of a single detached dwelling and residential care facility on the subject lands. Based on the foregoing, this application satisfies Policy F.1.14.2.8 c) v). The proposal complies with the RHOP.

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

The subject lands are zoned Agriculture (A1) Zone, Conservation / Hazard Land – Rural (P6) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone. The permitted uses are as follows:

**Agriculture (A1) Zone**

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

**Conservation / Hazard Land – Rural (P6) Zone**

- Agriculture;
- Conservation;
- Flood and Erosion Control Facilities;
- Recreation, Passive
- Secondary Uses to Agriculture; and,



**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11) - Page 8 of 11**

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- Single Detached Dwelling.

**Conservation / Hazard Land – Rural (P7) Zone**

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

**Conservation / Hazard Land – Rural (P8) Zone**

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

The applicant proposes a site specific Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P6) Zone to prohibit the development of a single detached dwelling and residential care facility on the retained farmland. No changes are proposed to the portion of the lands zoned Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone. The applicant also proposes to permit a reduced minimum lot size for the retained agricultural parcel of 22 ha.

An evaluation of the proposed modifications is included in Appendix “C” to Report PED19154.

**RELEVANT CONSULTATION**

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

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

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11) - Page 9 of 11**

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**Public Consultation:**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 36 property owners within 120 m of the subject property on January 24, 2018 requesting public input on the application. A Public Notice sign was also posted on the property on February 17, 2018 and updated on August 7, 2019 with the date of the Public Meeting. Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on August 16, 2019. To date, one letter from the public has been received (Appendix "F" to Report PED19154). A summary of the concerns raised are included in the Analysis and Rationale for Recommendation Section of this Report.

**Public Consultation Strategy:**

As per the City's Public Consultation and Strategy Guidelines, the applicant proposed a consultation strategy through the notice requirements of the previous Consent for Severance application (GL/B-17:114) through which notice was given under Section 53 of the *Planning Act*. Neighbours within 60 m of the subject property were notified of the application. No members of the public attended the Committee of Adjustment hearing on May 30, 2019 to express any concerns.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:
  - (i) It is consistent with the PPS, and conforms to the Greenbelt Plan (2017);
  - (ii) It complies with the policies of the RHOP; and,
  - (iii) The proposed amendment satisfies Condition Nos. 2 and 3 of Consent for Severance application GL/B-17:114, which was approved by the Committee of Adjustment on May 30, 2019 (see Appendix "D" to Report PED19154).
2. The policies of the PPS and Greenbelt Plan (2017) indicate that a residence may be severed as surplus to a farming operation. It was found, through the Consent for Severance application process, that the application was consistent with the PPS and conforms to the Greenbelt Plan in effect at the time of the application. As per Policy 2.3.1, the PPS indicates that the intent of the plan is to protect agricultural areas. The restriction of development of the subject lands is consistent with that policy. The Greenbelt Plan supports and permits Agricultural Uses on lands designated within the Plan. Staff are of the opinion that the application is consistent with the PPS and

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11) - Page 10 of 11**

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conforms to the Greenbelt Plan (2017) as it restricts the development of a single detached dwelling and residential care facility on the subject lands to preserve the existing farm practice.

3. Staff received one letter of correspondence concerning the Zoning By-law Amendment application. The resident expressed concern that the severance of the surplus farm dwelling would have a cumulative impact on Agricultural properties in the Greenbelt. As stated above, the purpose of allowing farmers to sever surplus farm dwellings as a result of expanding farm operations is to allow for expansions while divesting of the surplus farm house. The purpose of the Zoning By-law Amendment is to restrict the development of a new single detached dwelling and residential care facility on the retained portion of farm land so that it remains farmed in perpetuity. This Zoning By-law Amendment serves to implement the provincial direction through the PPS and Greenbelt Plan as well as implement the direction of the RHOP.
4. The proposal complies with policy F.1.14.3.8 c) in the RHOP which speaks to surplus farm dwelling severances as a result of a farm consolidation. This application fulfils Condition Nos. 2 and 3 of Consent for Severance GL/B-17:114 by prohibiting the future development of a single detached dwelling and residential care facility of a surplus farm dwelling severance and permitting the retained farmland to have a reduced lot size.

Staff note that as a result of the Consent for Severance Application (GL/B-17:114), the retained farmlands will be reassigned the address of 3590 Guyatt Road which is reflected in the proposed By-law (see Appendix “B” to Report PED19042) while the severed surplus farm dwelling will retain the address of 3600 Guyatt Road.

The following modifications to Zoning By-law No. 05-200 are required to fulfill Conditions Nos. 2 and 3 of Consent for Severance application GL/B-17:114:

**Agriculture (A1, 642) Zone**

- Remove Single Detached Dwelling from Permitted Uses;
- Remove Single Residential Care Facility from Permitted Uses; and,
- Permit Minimum lot size of 22 ha.

**Conservation / Hazard Land – Rural (P6, 642) Zone**

- Remove Single Detached Dwelling from Permitted Uses.

The proposed modifications to the Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P6) Zone are discussed in Appendix “C” to Report PED19154.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11) - Page 11 of 11**

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## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the conditional approval of Consent Application GL/B-17:114 will lapse, and the applicant will not be able to sever the surplus dwelling from the property. The use of the subject property will continue to be regulated by the existing Agricultural (A1) Zone, Conservation / Hazard Land - Rural (P6) Zone, Conservation / Hazard Land - Rural (P7) Zone and Conservation / Hazard Land - Rural (P8) Zone in the City of Hamilton Zoning By-law No. 05-200.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

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

### **Economic Prosperity and Growth**

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

### **Clean and Green**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

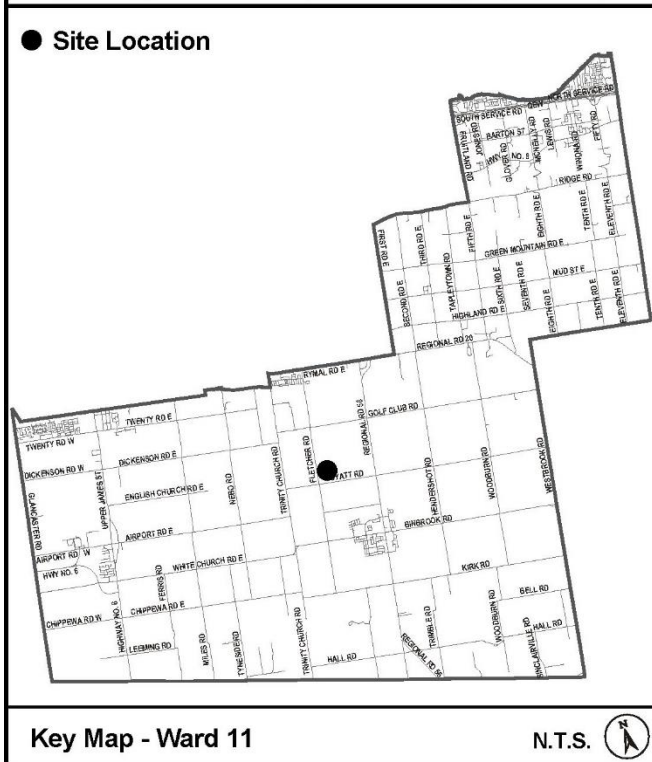
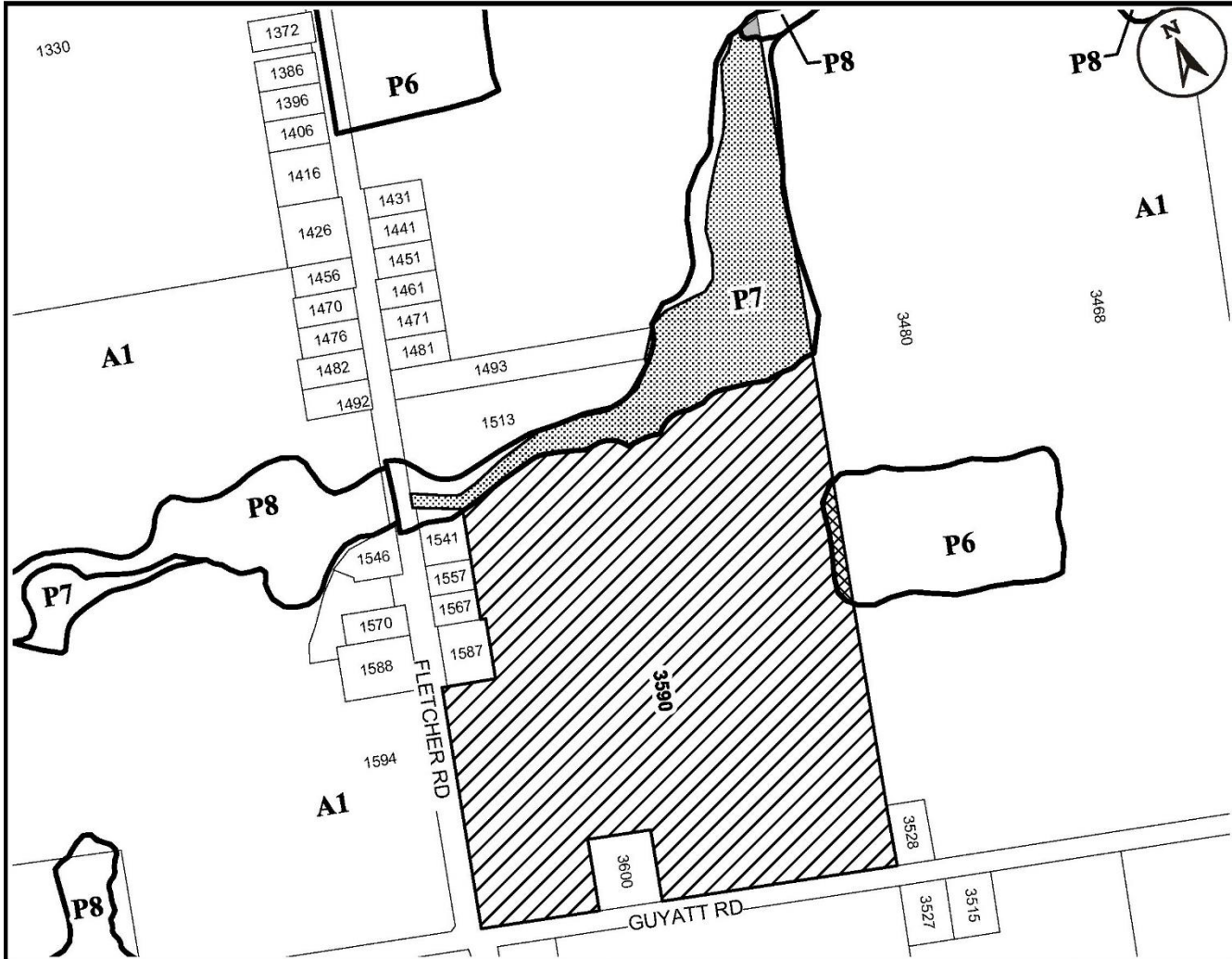
Appendix “B” – Draft Amendment to Zoning By-law No. 05-200

Appendix “C” – Zoning Modification Chart

Appendix “D” – Committee of Adjustment Decision for GL/B-17:114

Appendix “E” – Proposed Land Severance Sketch

Appendix “F” – Resident Comments



## Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**File Name/Number:**  
ZAA-18-006

**Date:**  
July 18, 2019

<b>Appendix "A"</b>	<b>Scale:</b> N.T.S.	<b>Planner/Technician:</b> RFVS
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**Subject Property**  
3600 Guyatt Road

- Block 1** - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone
- Block 2** - Change in Zoning from Conservation / Hazard Land - Rural (P6) Zone to Conservation / Hazard Land - Rural (P6, 642) Zone
- Block 3** - Conservation / Hazard Land - Rural (P7) Zone
- Block 4** - Conservation / Hazard Land - Rural (P8) Zone

**Authority:** Item ,  
Report (PED19154)  
CM:  
Ward: 11

**Bill No.**

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

**To Amend Zoning By-law No. 05-200 with respect to lands located at  
at 3600 Guyatt Road, Glanbrook**

**WHEREAS** Council approved item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 17<sup>th</sup> day of September, 2019;

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

**NOW THEREFORE** Council amends Zoning By-law No. 05-200 as follows:

1. That Map No. 193 of Schedule "A" – Zoning Maps is amended by changing the zoning from the Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P6) Zone to the Agriculture (A1, 642) Zone and Conservation / Hazard Land – Rural (P6, 642) Zone, for the lands identified in Schedule "A" to this By-law.
2. That Schedule "C" - Special Exceptions of Zoning By-law No. 05-200 is amended as follows:

- a) Adding the map reference "193," between the words "Maps" and "219" so that the wording is as follows:

"642. Within those lands zoned Agriculture (A1) Zone and Conservation/Hazard Land - Rural (P6) Zone, identified on Maps 193, 219, 223 and 255, of Schedule A – Zoning Maps and described as:"

- b) Adding reference to "3590 Guyatt Road" and "Map 193" to the Property Address and Map Numbers table as follows:

Property Address	Map Numbers
3590 Guyatt Road	193

- c) By adding subsection d) as follows:

"d) Notwithstanding Section 12.1.3.1 a), for the lands located at 3590 Guyatt Road, the minimum lot area shall be 22.0 hectares."

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

**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

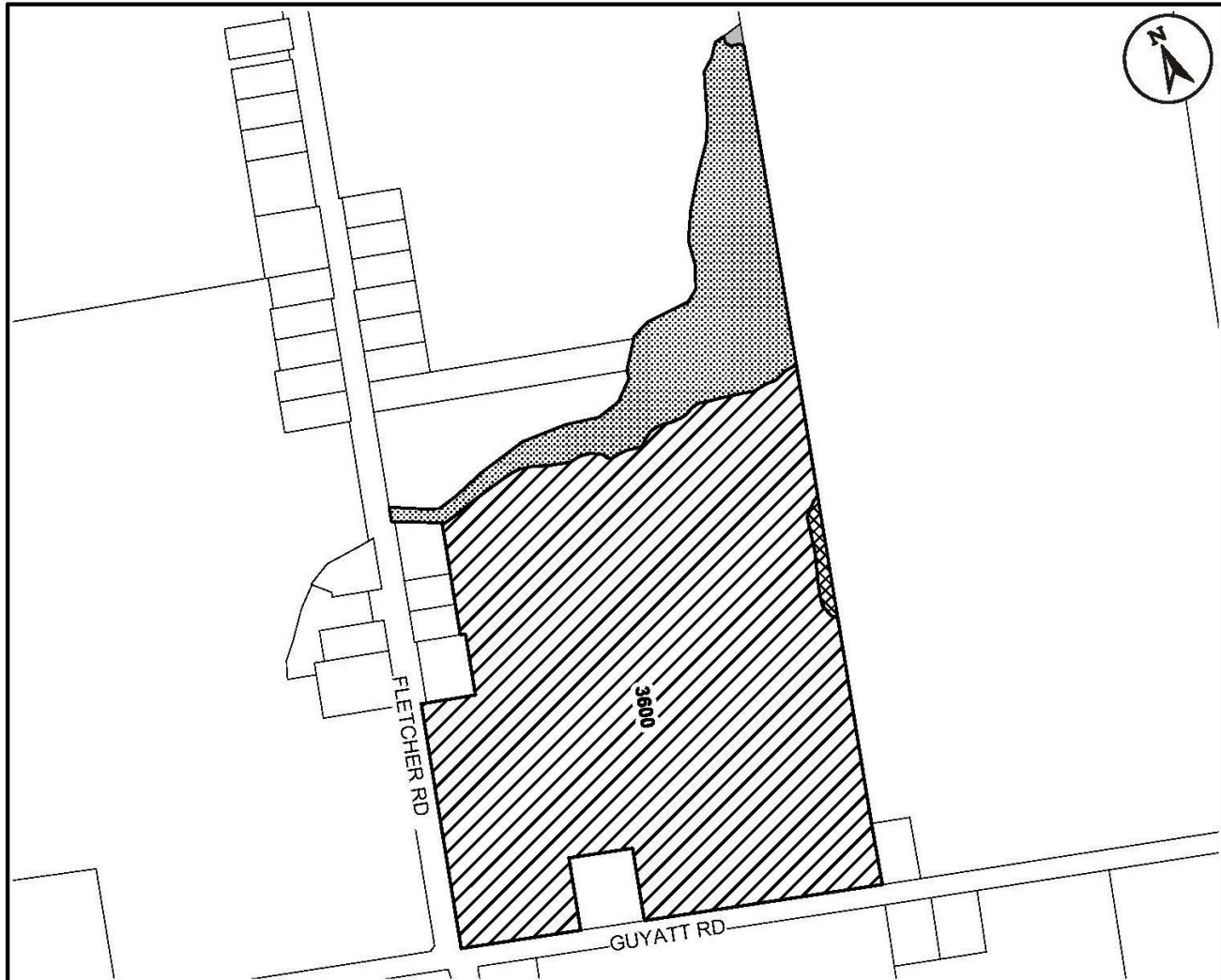
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F. Eisenberger  
Mayor

---

A. Holland  
City Clerk

ZAA-18-006



<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. 05-200 Map RU193</p>	<p><b>Subject Property</b></p> <p>3600 Guyatt Road</p> <ul style="list-style-type: none"> <li style="margin-bottom: 10px;"> <b>Block 1</b> - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone             </li> <li style="margin-bottom: 10px;"> <b>Block 2</b> - Change in Zoning from Conservation / Hazard Land - Rural (P6) Zone to Conservation / Hazard Land - Rural (P6, 642) Zone             </li> <li style="margin-bottom: 10px;"> <b>Block 3</b> - Conservation / Hazard Land - Rural (P7) Zone             </li> <li style="margin-bottom: 10px;"> <b>Block 4</b> - Conservation / Hazard Land - Rural (P8) Zone             </li> </ul>
---	---

<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAA-18-006</p>	<p><b>Hamilton</b></p>
<p><b>Date:</b> July 18, 2019</p>	<p><b>Planner/Technician:</b> RF/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



**Site Specific Modifications to the Agriculture (A1, 642) Zone and Conservation / Hazard Land – Rural (P6, 642) Zone**

Regulation	Required	Modification	Analysis
12.1.1 Permitted Uses Agriculture Residential Care Facility Secondary Uses to Agriculture Single Detached Dwelling Veterinary Service – Farm Animal	12.1.1 Permitted Uses Agriculture Secondary Uses to Agriculture Veterinary Service – Farm Animal	Prohibit Single Detached Dwelling and Residential Care Facility as a permitted use under the Agriculture (A1, 642) Zone.	<p>In accordance with the provisions of the PPS, Greenbelt Plan and Rural Hamilton Official Plan, a condition for Consent to Sever a Non-abutting Surplus Farm Consolidation is to rezone the farm parcel in order to restrict the development of a single detached dwelling and residential care facility on the retained farmland. The application seeks to preserve the agricultural operation by prohibiting new development of a single detached dwelling and residential care facility and the rezoning will satisfy this condition and allow the applicant to clear Condition No. 3 of Consent Application GL/B-17:114 and allow the non-abutting farm consolidation to be completed.</p> <p>Therefore, staff support the modification.</p>
7.6.1 Permitted Uses Agriculture Conservation Flood and Erosion Control Facilities Recreation, Passive Secondary Uses to	7.6.1 Permitted Uses Agriculture Conservation Flood and Erosion Control Facilities Recreation, Passive Secondary Uses to	Prohibit Single Detached Dwelling as a permitted use under the Conservation / Hazard Land - Rural (P6, 642) Zone.	<p>In accordance with the provisions of the PPS, Greenbelt Plan and Rural Hamilton Official Plan, a condition for Consent to Sever a Non-abutting Surplus Farm Consolidation is to rezone the farm parcel in order to restrict the development of a single detached dwelling on the retained farmland. The application seeks to preserve the agricultural operation by prohibiting new development of a single detached dwelling and the rezoning will</p>

Agriculture  Single Detached Dwelling	Agriculture		satisfy this condition and allow the applicant to clear Condition No. 3 of Consent Application GL/B-17:114 and allow the non-abutting farm consolidation to be completed.  Therefore, staff support the modification.
12.1.3.1 Minimum Lot Size	40.4 hectares	22 hectares	As a result of the associated consent application GL/B-17:114, the lot size of the parcel has been reduced. Therefore, the lot size of the retained farm land must be recognized through this application. The variance is technical in nature as the 22 hectare lot represents the amount of land currently being farmed on the property and the amount of land in agricultural production is not being reduced.  Therefore, staff support the modification.



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

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENT\LAND SEVERANCE**

**APPLICATION NO. GL/B-17:114**  
**SUBMISSION NO. B-114/17**

**APPLICATION NUMBER:** GL/B-17:114

**SUBJECT PROPERTY:** 3600 Guyatt Road (Glanbrook) City of Hamilton

**APPLICANT(S):** IBI Group c/o Tracy Tucker on behalf of the owner  
 Larry Freeman

**PURPOSE OF APPLICATION:** To permit the conveyance the conveyance of a parcel of land containing a surplus farm dwelling known municipally as 3600 Guyatt Road and to retain a parcel of land for agricultural purposes as part of a non-abutting farm consolidation.

**Severed lands:**  
 63.30m<sup>±</sup> x 71.93m<sup>±</sup> and an area of 0.4ha<sup>±</sup>

**Retained lands:**  
 350.17m<sup>±</sup> x 846.46m<sup>±</sup> and an area of 21ha<sup>±</sup>

**THE DECISION OF THE COMMITTEE IS:**

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

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant / proponent shall receive final and binding approval of a Zoning By-law Amendment in order to restrict the development of a single detached dwelling on the retained farm parcel to the satisfaction of the Manager, Development Planning, Heritage & Design.
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

**CERTIFIED A TRUE COPY .../2**  
  
**SECRETARY - TREASURER**

GL/B-17:114  
Page 2

4. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping etc., conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
6. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
7. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
8. Approximately 8.0 metres are to be dedicated to the right-of-way on Guyatt Road and approximately 5.35 metres are to be dedicated to the right-of-way on Fletcher Road, as per the Council Approved Rural Official Plan: Chapter C – City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads (Guyatt Road and Fletcher Road) are to be 36 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of- way widening(s).
9. That the Owner dedicate to the City of Hamilton by deed, sufficient land at the intersection of Guyatt Road and Fletcher Road to establish a 7.0 m x 7.0 m daylighting triangle at this intersection.
10. That the owner/applicant de-convert the farm building from animal occupancy to the satisfaction of the Planning and Economic Development Department Building & Planning Divisions
11. The owner submits to the Committee of Adjustment office an administration fee of \$18.00 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.
12. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 30th day of May 2019.

\_\_\_\_\_  
V. Abraham (Acting Chairman)

\_\_\_\_\_  
N. Mleczko

\_\_\_\_\_  
D. Serwatak

\_\_\_\_\_  
M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS June 6th, 2019.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (June 6<sup>th</sup>, 2020) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

.../3

GL/B-17:114  
Page 3

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS June 26<sup>th</sup> 2019.

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

**Growth Management:**

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as **3600 Guyatt Road**, and the lands to be retained will be assigned the address of **3590 Guyatt Road**.



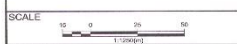
LEGEND

- PART 1 LANDS TO BE RETAINED
- PART 2 LANDS TO BE SEVERED
- PART 3, 4, & 5 ROAD WIDENING

SITE AREA = ± 22.05 ha  
 LANDS TO BE RETAINED (PART 1) = ± 21.5 ha  
 LANDS TO BE SEVERED (PART 2) = ± 0.40 ha  
 ROAD WIDENING (PART 3, 4, & 5) = ± 0.142 ha

**NOT FOR CONSTRUCTION**

SOURCE: XXX  
 BENCHMARK: XXX



DESIGN BY: SC CHECKED BY: TF  
 DRAWN BY: SC DATE: 2017-12-19

DATE	BY	REVISION/DESCRIPTION

DRAWING ISSUE RECORD

NO.	DATE	DESCRIPTION

APPROVALS

**IBI** IBI GROUP  
 200 Elm Wing 390 James Street North  
 Hamilton ON L8E 1H5 Canada  
 tel: 905.546.1010 fax: 905.546.1011  
 ibigroup.com

CITY OF HAMILTON  
 3400 GUYATT ROAD,  
 GLANBROOK  
 LOT 5, BLOCK 4, CON.2

SEVERANCE SKETCH

PER NUMBER: 111247 SHEET NUMBER: 01

**Ferrari, Ryan**

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**From:** [REDACTED]  
**Sent:** February-22-18 11:17 AM  
**To:** Ferrari, Ryan  
**Subject:** File no ZAA-18-006

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I would like to respond to the your letter to my residence address regarding, File ZAA-18-006 zoning bylaw amendment to allow the severance of a farm home from its farm land. This method of splitting properties up seems to be a slippery slope For the consolidation of large acres of land to be operated by absentee land owners and could transform local family farms in the green belt to disappear. The other questions to this proposal may be the amount of land transferred with the severance home, that land wouldn't be then considered farm use. Also if the amendment is passed would the acres severed "never" be aloud to have a building permit granted In the future. This opens the barn door to other such applicants as this may set a president to buy a local farm and sell the farm house to reduce the initial price tag and Hope that at a later time, permits may become available?. I believed that green belt properties and local farms were to be protected for future generations to enjoy as a marvel of planning and long term consideration of the look and feel of conservation. ie Central Park in New York , just imagine the difficulty in saving that space from change. Please remove my name and personal information from publication and public display.  
Thank you [REDACTED]



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 03, 2019
<b>SUBJECT/REPORT NO:</b>	Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Andrea Dear (905) 546-2424 Ext. 7856
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That **Official Plan Amendment application UHOPA-19-01 by A.J. Clarke and Associates on behalf of LJM Developments Inc., Owner**, to further modify Site Specific Policy UHN-23 to permit a residential density of 441 units per hectare, for lands located at 2782 Barton Street East, as shown on Appendix “A” to Report PED19170, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019);
- (b) That **Zoning By-law Amendment application ZAC-19-001 by A.J. Clarke and Associates on Behalf of LJM Developments Inc., Owner**, for a further modification to the “E-3/S-306b” (High Density Multiple Dwelling) District, Modified to permit a 244 unit mixed use building with a maximum height of 13 storeys on lands located at 2782 Barton Street East, Hamilton, as shown on Appendix “A” to Report PED19170, be **APPROVED** on the following basis:

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

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



**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5) - Page 2 of 17**

---

- (i) That the draft By-law attached as Appendix “C” to Report PED19170, 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 “C” to Report PED19170, be added to District Map E123 of Zoning By-law No. 6593 as “E-3/S-306b”; and,
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms with A Place to Grow Plan (2019) and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No.XX.

## **EXECUTIVE SUMMARY**

The applicant, A.J. Clarke and Associates on behalf of LJM Developments Inc., has applied for an Official Plan Amendment to further modify Site Specific Policy UHN-23 (By-law 18-048) to allow for an increased density of 441 units per hectare and a Zoning By-law Amendment to further modify the “E-3/S-306b” (High Density Multiple Dwelling) District, Modified (By-law 18-049) to permit a 244 unit, 13 storey multiple dwelling with commercial uses at grade, a further reduction in parking, an increase in building height, as well as other yard requirement modifications, on lands located at 2782 Barton Street East, Hamilton.

## **Alternatives for Consideration – See Page 16**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

## **HISTORICAL BACKGROUND**

### **Proposal**

The subject property is located at the southwest corner of the intersection of Barton Street East and Bell Manor Street. The property is rectangular in shape, has a lot area of approximately 0.56 ha (5,663.3 m<sup>2</sup>) and is municipally known as 2782 Barton Street

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

**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5) - Page 3 of 17**

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East. The property is currently vacant, with employment lands containing commercial / industrial uses to the north, townhouses to the east and south, and a 16 storey multiple dwelling to the west.

The previous applications (UHOPA-17-021 and ZAC-17-050) for the lands proposed to construct a 13 storey, 41.0 m high, multiple dwelling with 211 dwelling units and 233 vehicle parking spaces for residents provided on the ground level and within two levels of underground parking. Of the 233 vehicle parking spaces proposed, 65 spaces were required to be dedicated for visitor parking. Two additional barrier free parking spaces were included in the proposal. Additionally, the previous proposal included 168 long term indoor bicycle parking spaces, as well as 18 at grade short term bicycle parking spaces at grade for visitors. The previous applications were approved by Council and City of Hamilton By-law Nos. 18-048 and 18-049 were adopted on February 14, 2018.

To accommodate the current development proposal, the applicant has applied to further amend Site Specific Policy UHN-23 within the UHOP to permit a density of 441 units per hectare (previous permission was for 379 units per hectare). The increase in density is the result of the revised proposal to permit 244 units, where the previous approved density was intended to accommodate 211 units. The unit sizes have changed; the additional 33 units are intended to be accommodated within the previously approved built form.

The applicant has also applied to further modify the “E-3/S-306b” (High Density Multiple Dwelling) District, Modified (By-law 18-049) to permit a 13 storey, 244 unit multiple dwelling, with some minor yard requirement modifications and a height increase of 0.5 m to accommodate an appropriate commercial ceiling height. A detailed evaluation of the following proposed modifications is included in Appendix “D” to Report PED19170. The modifications are:

- To permit commercial uses on the ground floor;
- To increase building height from 41.0 m to 41.5 m;
- To decrease front yard from 4.7 m to 4.0 m;
- To decrease easterly side yard setback to the hypotenuse of a daylight triangle from 3.7 m to 1.5 m;
- To decrease westerly side yard from 4.4 m to 2.6 m;
- To decrease rear yard from 41.0 m to 39.0 m;
- To decrease landscape area from 23% to 18%;
- To reduce the size of a loading space from 18.0 m by 6.0 m to 13.0 m by 6.0 m;
- To reduce the number of required parking spaces from a ratio of 1.25 spaces per dwelling which includes 0.23 spaces per unit for visitor, to a ratio of 1.0 parking spaces per unit greater than 50 square metres, 0.3 parking spaces for a unit less than or equal to 50 square metres and 0.22 per unit to be dedicated to commercial and residential visitor parking; and,

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

**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5) - Page 4 of 17**

---

- To require that shared visitor and commercial parking to be maintained as shared, appropriately signed and to remain free of obstruction.

**Chronology**

<u>December 4, 2018:</u>	Submission of Official Plan Amendment and Zoning By-law Amendment Applications UHOPA-19-001 and ZAC-19-001.
<u>December 13, 2018:</u>	Applications UHOPA-19-001 and ZAC-19-001 deemed complete.
<u>December 14, 2018:</u>	Notice of Complete Application and Preliminary Circulation was sent to 322 property owners within 120 m of the subject property.
<u>January 9, 2019:</u>	Public Notice Sign installed on site.
<u>August 7, 2019:</u>	Public Notice Sign updated with Public Meeting Date.
<u>August 16, 2019:</u>	Circulation of the Notice of Public Meeting sent to 344 property owners within 120 m of the subject property.

**Details of Submitted Application:**

<b>Applicant / Owner:</b>	LJM Developments Inc. (c/o Liaquat Mian)		
<b>Agent:</b>	A.J. Clarke and Associates Ltd. (c/o Franz Kloibhofer)		
<b>Location:</b>	2782 Barton Street East, Hamilton (Ward 5) (see Appendix "A" to Report PED19170)		
<b>Property Description:</b>	Lot Frontage:	78.95 m (Barton Street East)	
		73.79 m (Bell Manor Street)	
	Lot Area:	5,655 m <sup>2</sup>	
	Servicing:	Existing full municipal services	

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**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5) - Page 5 of 17**

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**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	Vacant	“E-3/S-306b” (High Density Multiple Dwellings) District, Modified.

**Surrounding Lands:**

<b>North</b>	Industrial / commercial uses	Prestige Business Park (M3) Zone.
<b>East</b>	Hydro-corridor and two storey townhouses	“L-PN” (Public and Institutional Uses) District and “DE/S-205” (Low Density Multiple Dwellings) Zone.
<b>South</b>	Two storey townhouse dwellings	“DE/S-306” (Low Density Multiple Dwellings) District, Modified.
<b>West</b>	16 storey multiple dwelling	“E/S-306” (Multiple Dwellings, Lodges, Clubs, etc) District, Modified.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

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

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

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

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; and,
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including

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industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.”

The subject property is located within a settlement area and is within an existing built-up area as defined by the PPS. The proposed increase in units from the previously approved 211 to the currently proposed 244 units and the addition of commercial / retail uses at grade will further contribute to the mix of land uses in the area. The proposal is transit supportive by providing additional intensification on a Hamilton Street Railway (HSR) route, seeking a reduced parking requirement, and providing 166 long term and 18 short term bicycle parking spaces. The proposal minimizes negative impacts to air quality and climate change by encouraging the use of alternative modes of transportation.

#### Cultural Heritage and Archaeology

Staff note that the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS. 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 the following two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) In an area of sandy soil in areas of clay or stone; and
- 2) Along historic transportation routes.

As part of the previous application, a Stage 1 and 2 Archaeological Report (P255-0006-2017) was submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport in 2017 by the Fossil Hill Group. The Ministry of Tourism, Culture and Sport have reviewed the reports and have provided a letter acknowledging compliance with licensing requirements on January 17, 2019. Staff have also reviewed the Stage 1 and 2 archaeological report and concur that there is no longer a municipal interest in the subject property with respect to archaeology.

In the opinion of staff, the proposal is consistent with the policies of the PPS.

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**A Place to Grow Plan (2019)**

As of May 16, 2019, the provisions of the A Place to Grow: Growth Plan for the Greater Golden Horseshoe apply to any planning decision. The following policies, amongst others, apply to the proposal.

“1.6.6.1 Planning for sewage and water services shall: a) direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:

1. Municipal sewage services and municipal water services”

This policy is intended to direct the majority of growth to settlement areas that have access to municipal water and wastewater systems. The subject lands are serviced by municipal water and wastewater and as such the proposed development in this location conforms to this policy in the Plan.

“2.2.1.4 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; and,

e) provide for more compact built form and vibrant public realm, including public open spaces.”

The subject property is located within the Built Boundary and is fully serviced by municipal water and wastewater infrastructure. The proposal will contribute to achieving a complete community by expanding housing options within the Riverdale East neighbourhood and adding to a diverse mix of local land uses that includes low-rise and high-rise residential, local commercial uses, employment uses and public institutions. The proposed multiple dwelling with ground floor commercial uses will also provide an attractive and active streetscape on Barton Street East through desirable site design, which activates the open spaces provided. The proposed multiple dwelling has access to a range of transportation options as well.

This proposal represents an appropriate level of intensification within the built up area, consistent with the growth management policies of the Growth Plan. In the opinion of staff, the proposal conforms to A Place to Grow Plan (2019).

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**Urban Hamilton Official Plan**

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the UHOP and UHN-23. UHN-23 established a Site Specific Policy to permit a 13 storey multiple dwelling with a maximum net residential density of 379 units per hectare. The current application is seeking to increase the density to 441 units per hectare, as a result of the additional 33 units.

**Neighbourhoods, High Density Residential and Local Commercial**

“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.3.6.3 Local commercial uses may also be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 – Local Commercial are satisfied.

E.3.8.2 The following uses shall be permitted:

- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service; (OPA 64)
- b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses; and,
- c) residential uses, in accordance with Policy E.3.8.10”

The subject site is designated Neighbourhoods in the UHOP. This application is proposing to permit commercial uses on the ground floor of a 13 storey multiple dwelling. The commercial uses proposed are intended to serve the local residents and are permitted in the local commercial policies (E.3.2.1, E.3.6.3, and E.3.8.2).

In accordance with the policies above, staff are supportive of the commercial uses proposed at grade.

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High Density Residential – Site Specific Policy

“UHN-23 – 2782 Barton Street East, City of Hamilton

- 1.0 Notwithstanding Policy E.3.6.6 b) of Volume 1, for the lands designated “Neighbourhoods” located at 2782 Barton Street East, the maximum net residential density shall be 379 units per hectare.”

The Site Specific Policy permits a maximum density of 379 units per hectare within the “Neighbourhoods” designation outside of the Downtown. The applicant has proposed a density of 441 per hectare. As such, this proposal will require a further modification to Site Specific Policy UNH-23 to allow for a density of 441 units per hectare. The proposed number of units has increased from 211 to 244. The additional units are the result of a reduction in some unit sizes and as such the additional units will be accommodated within the previously approved built form of 13 storeys. Staff have reviewed the proposal once again, against the High Density Residential policies of the “Neighbourhoods” designation and are satisfied that the proposed increase in density is appropriate at this location. The proposed multiple dwelling will be located on the periphery of the neighbourhood along a minor arterial road and will be massed to address the immediate context that includes an adjacent 16 storey multiple dwelling and low rise townhouse dwellings.

The proposed changes to the previously approved built form are minimal and the building will be very similar in massing as the previously approved concept. The increased density is a result of changes to the unit sizes and configuration and as such, the additional density is not anticipated to create any significant impacts.

Furthermore, staff are satisfied that the proposed increase in density will not create adverse impacts on neighbouring land uses. The Transportation Impact Study (TIS) and Travel Demand Management (TDM) Study Update submitted by the applicant in support of the applications found that the increased traffic generated by the proposal can be accommodated on existing municipal road infrastructure.

Staff are supportive of the proposed Official Plan Amendment which is further discussed in the Analysis and Rationale for Recommendation section of this report.

Noise

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of the 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.

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- B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;”

The proposed residential development will be located 4.0 m from Barton Street East, a minor arterial road, and is a noise sensitive use.

A Noise Impact Study was prepared by dBA Acoustical Consultants Inc. and submitted with the previous Official Plan Amendment and Zoning By-law Amendment applications (UHOPA-17-020 and ZAC-17-050) in 2017. The report analysed noise levels in the area and recommended noise control measures including warning clauses, central air conditioning and noise reducing wall and window construction. Staff are satisfied with the report for rezoning purposes, however an addendum study will be required at the Site Plan Control stage providing further detail on the commercial land uses to the north and on noise impacts to the proposed outdoor amenity area which has been relocated to an area immediately south of the proposed building. A noise warning clause will be included in all future purchase or lease agreements and noise control measures recommended in the addendum report will be implemented at the Site Plan Control stage.

### Servicing

- “C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.
- C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.
- C.5.4.9 All land designated on Schedule E-1 – Urban Land Use Designations shall meet the following conditions:
- a) Development and / or redevelopment shall be connected to, or serviced by, a storm water drainage system or other appropriate system such as ditches, or any other techniques acceptable to the City, Conservation Authorities, or the Province and/or detailed in a Storm Water Master Plan or other relevant study;

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- b) Development shall be in accordance with the system capacity for drainage and storm water management and where relevant, will conform to storm water site management plans, a Storm Water Master Plan, site plans and/to other relevant studies, guidelines or regulations; and,
- c) Storm water systems shall be designed and constructed, in accordance with the City's standards and guidelines, provincial guidelines, storm water master plans, master drainage plans and any other relevant study or legislation."

An updated Functional Servicing Report (FSR) prepared by S. Llewellyn & Associates and dated October 2018 was submitted with the applications. Based on the applicants revised proposal to increase the number of dwelling units to 244 and to allow commercial uses on the ground floor, Engineering Approvals staff are satisfied with the report from a rezoning perspective. However, during the Site Plan Control process, the applicant will be required to demonstrate that appropriate sewer servicing, water servicing, stormwater management, grading, and erosion and sediment control requirements have been fully satisfied.

Based on the foregoing, the proposal complies with the UHOP subject to the required Official Plan Amendment to increase the density.

### **Riverdale East Neighbourhood Plan**

The subject site is designated "Commercial and Apartments" in the Riverdale East Neighbourhood Plan. The proposed multiple dwelling conforms to the existing designation.

### **City of Hamilton Zoning By-law No. 6593**

The subject property is currently zoned "E-3/S-306b" (High Density Multiple Dwellings) District, Modified (By-law 18-049) which permits a range of residential uses including multiple dwellings, but limits gross floor area to not greater than the area of the lot multiplied by a floor area ratio of 3.15 and a maximum building height to 41.0 m (13 storeys). To implement the revised 244 unit, 13 storey multiple dwelling proposal, further modifications to the "E-3/S-306b" (High Density Multiple Dwelling) District, Modified (By-law 18-049) are required as listed below. A detailed evaluation of the following proposed modifications is included in Appendix "D" to Report PED19170. The modifications are:

- To permit commercial uses on the ground floor;

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- To increase building height from 41.0 m to 41.5 m;
- To decrease front yard from 4.7 m to 4.0 m;
- To decrease easterly side yard setback to the hypotenuse of a daylight triangle from 3.7 m to 1.5 m;
- To decrease westerly side yard from 4.4 m to 2.6 m;
- To decrease rear yard from 41.0 m to 39.0 m;
- To decrease landscape area from 23% to 18%;
- To reduce the size of a loading space from 18.0 m by 6.0 m to 13.0 m by 6.0 m;
- To reduce the number of required parking spaces from a ratio of 1.25 spaces per dwelling which includes 0.23 spaces per unit for visitor, to a ratio of 1.0 parking spaces per unit greater than 50 square metres, 0.3 parking spaces for a unit less than or equal to 50 square metres and 0.22 per unit to be dedicated to commercial and residential visitor parking; and,
- To require that shared visitor and commercial parking to be maintained as shared, appropriately signed and to remain free of obstruction.

## RELEVANT CONSULTATION

Staff have consulted with the following Departments and Agencies, which had no comments or objections to the proposal:

- Hydro One Networks Inc.;
- Landscape Architectural Services, Public Works Department;
- Parks and Cemeteries, Public Works Department;
- Hamilton Fire Department;
- Recreation, Healthy and Safe Communities Department; and,
- Budgets and Finance, Corporate Services Department.

The following Departments and Agencies have provided comments with respect to the proposed applications:

**Waste Management Section, Public Works Department** have identified that the subject development is eligible for municipal waste collection services subject to meeting the City's requirements. Staff note that the applicant intends to provide an interior garbage room adjacent to the loading space located in the centre of the site. The owner may choose to pursue the services of a private waste contractor and this will be further reviewed at the Site Plan Control stage.

**Forestry and Horticulture Section, Public Works Department** has advised that there are municipal tree assets on site and therefore a Tree Management Plan prepared by a Registered Landscape Architect will be required. A Landscape Plan prepared by a Registered Landscape Architect is required, showing the placement of trees on City and

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private property. These requirements will be reviewed and addressed at the Site Plan Control stage.

**Health Protection Division, Healthy and Safe Communities Department** identified a requirement for a pest control plan focusing on rats and mice. This will be required at the Site Plan Control stage.

**Transportation Planning, Planning and Economic Development Department** staff have reviewed the Transportation Demand Management (TDM) report submitted by the applicant and concluded that the TDM report should be revised in order to meet the objectives of the City, as outlined in the 'TDM for Development' document. Staff have no concern with the Official Plan and Zoning By-law Amendments going forward. The proposed TDM measures will be further reviewed at the Site Plan Control stage.

The access has been relocated and commercial uses have been added, and as such, a revised Traffic Impact Study (TIS) was submitted with this application. Staff have reviewed the TIS and have expressed concerns regarding the proximity of the proposed driveway to the intersection of Bell Manor Street and Barton Street East, queuing, traffic infiltration and inconsistencies in the TIS. In that regard, Transportation staff have no objection to the proposed Official Plan Amendment and Zoning By-law Amendment proposed with these applications but will require an amended TIS and Neighbourhood Traffic Calming Study to be submitted at the Site Plan Control stage.

**Transit Division, Public Works Department** staff have reviewed the proposed development and based on the proximity to the transit loop on Bell Manor Street, staff have raised concerns regarding bus route interruption during construction. A Construction Management Plan will be required at the Site Plan Control stage to address this issue and ensure minimal disruption to Transit service.

## **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 344 property owners within 120 m of the subject property on December 20, 2018. A Public Notice sign was posted on the property on January 9, 2019 and updated with the Public Meeting Date on August 7, 2019. Finally, notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

### **Public Consultation Strategy**

In accordance with their submitted Public Consultation Strategy, the applicant provided mail correspondence to all 344 land owners within 120 m of the subject lands on March 1, 2019.

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To date, one public submission has been received in support (see Appendix “F” to Report PED19170), outlining the positive impacts of further residential development within the Riverdale East Neighbourhood.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

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

- (i) It is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019);
- (ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the High Density Residential use category of the Neighbourhoods designation upon approval of the Official Plan Amendment; and,
- (iii) It provides appropriately designed and scaled residential intensification at an appropriate location within the neighbourhood and will diversify the types of housing available in the area, contributing to a more complete community and supporting redevelopment of a vacant site.

2. Official Plan Amendment

The proposed multiple dwelling with ground floor commercial / retail is permitted in the UHOP as the subject site and proposed development meet the criteria of the High Density Residential category of the “Neighbourhoods” designation. The previously approved Site Specific Policy UNH-23 (By-law 18-048) permitted a density of 379 units per hectare which was intended to accommodate the proposed 211 units and the applicant is now proposing 244 units. The additional 33 units constitutes an increase in proposed density from 379 units per hectare to 441 units per hectare. In order to accommodate this increase, a further modification to the previously approved Site Specific policy is required.

The increase in density is a result of the revised proposal to permit 244 units, where the previous approved density was intended to accommodate 211 units. The unit sizes have changed and as such, the additional 33 units are intended to be accommodated within the previously approved built form, with some minor yard requirement modifications and a minor increase in height to accommodate an appropriate ceiling height for the proposed commercial uses on the ground floor. The proposed design of the building, its height and its massing on site incorporate elements that ensure compatibility with the adjacent low density residential neighbourhood.

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The proposed requested increase in density can be supported.

### 3. Zoning By-law Amendment

A change in zoning from the “E-3/S-306b” (High Density Multiple Dwelling) District, Modified (By-law 18-049) to the “E-3/S-306c” (High Density Multiple Dwelling) District, Modified, is required to implement the modifications. A detailed evaluation of the following proposed modifications is included in Appendix “D” to Report PED19170. The modifications are:

- To permit commercial uses on the ground floor;
- To increase building height from 41.0 m to 41.5 m;
- To decrease front yard from 4.7 m to 4.0 m;
- To decrease easterly side yard setback to the hypotenuse of a daylight triangle from 3.7 m to 1.5 m;
- To decrease westerly side yard from 4.4 m to 2.6 m;
- To decrease rear yard from 41.0 m to 39.0 m;
- To decrease landscape area from 23% to 18%;
- To reduce the size of a loading space from 18.0 m by 6.0 m to 13.0 m by 6.0 m;
- To reduce the number of required parking spaces from a ratio of 1.25 spaces per dwelling which includes 0.23 spaces per unit for visitor, to a ratio of 1.0 parking spaces per unit greater than 50 square metres, 0.3 parking spaces for a unit less than or equal to 50 square metres and 0.22 per unit to be dedicated to commercial and residential visitor parking; and,
- To require that shared visitor and commercial parking to be maintained as shared, appropriately signed and to remain free of obstruction.

Staff have reviewed these proposed modifications and are of the opinion that they are in keeping with the intent of the Zoning By-law and are therefore supportable. The modifications and rationale for support are discussed in more detail in Appendix “D” to this report. The applicant will be encouraged to incorporate Low Impact Development (LID) measures within the hardscaped areas to further improve permeability on the site.

4. The Owner intends to develop the multiple dwelling with condominium tenure. A future Draft Plan of Condominium (Standard) application is required as per the requirements of the *Planning Act*.
5. Existing servicing for the site includes a 375 mm sanitary sewer, 450 mm storm sewer and 1200 mm, 500 mm and 300 mm watermains on Barton Street East, and a 250 mm sanitary sewer, 600 mm storm sewer and 150 mm watermain on Bell Manor Street.

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Engineering Approvals staff have reviewed the FSR provided by the applicant in support of the current applications and have no concerns with the Official Plan Amendment and Zoning By-law Amendment applications proceeding from a servicing perspective. The applicant will be required to demonstrate that appropriate sewer servicing, water servicing, stormwater management, grading, and erosion and sediment control measures are undertaken to the satisfaction of City staff at the Site Plan Control stage.

6. The circulation of the UHOPA and ZAC applications has resulted in the submission of correspondence from one property owner (see Appendix “F” to Report PED19170). The correspondence expressed support for the proposed development.

### **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Official Plan Amendment and Zoning By-law Amendment applications be denied, the property could be utilized in accordance with the “E-3/S-306b” (High Density Multiple Dwelling) District, Modified which permits a 211 unit multiple dwelling at a height of 41.0 m (13 storeys).

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Community Engagement and Participation**

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

#### **Economic Prosperity and Growth**

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

#### **Healthy and Safe Communities**

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

#### **Built Environment and Infrastructure**

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

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Draft Urban Hamilton Official Plan Amendment

Appendix “C” – Draft Amendment to Zoning By-law No. 6593

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Appendix "D" – Zoning By-law Modification Assessment

Appendix "E" – Concept Plan

Appendix "F" – Public Correspondence

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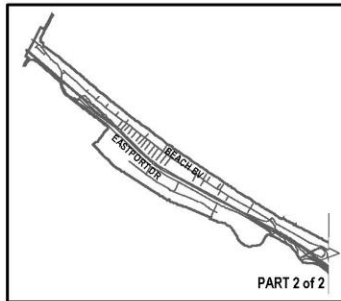
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● Site Location



Key Map - Ward 5

N.T.S.

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

ZAC-19-001 & UHOPA-19-01

Date:

Dec. 13, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
AL/VS

## Subject Property

2782 Barton Street East



Change in zoning from "E-3/S-306b" (High Density Multiple Dwellings) District, Modified, to "E-3/S-306c" (High Density Multiple Dwellings) District, Modified

**Schedule "1"**

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

The following text 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 delete an existing Site Specific Policy and replace it with a new Site Specific Policy to permit the development of a 13-storey mixed use building with a density of 441 units per hectare.

**2.0 Location:**

The lands affected by this Amendment are known municipally as 2782 Barton Street East, in the former City of Hamilton.

**3.0 Basis:**

The basis for permitting this Amendment is:

- The proposed development complies with the function, scale and design of the High Density Residential use category of the Neighbourhoods designation;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- 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 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies**

**Text**

4.1.1 Chapter C – Urban Site Specific Policies

- a. That Volume 3, Chapter C – Hamilton Urban Site Specific Policies be

amended by deleting Site Specific Policy UHN-23 in its entirety and replacing it with the following:

**"UHN-23 – 2782 Barton Street East, former City of Hamilton**

1.0 Notwithstanding Policy E.3.6.6 b) – of Volume 1, for the lands designated "Neighbourhoods", located at 2782 Barton Street East, the maximum net residential density for high density residential uses shall be 441 units per hectare."

**5.0 Implementation:**

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

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_\_, 2019.

**The  
City of Hamilton**

\_\_\_\_\_  
F. Eisenberger  
MAYOR

\_\_\_\_\_  
A. Holland  
CITY CLERK

**Authority:** Item  
Report (PED)  
CM:  
Ward: 5

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**To Amend Zoning By-law no. 6593 (Hamilton)  
Respecting Lands at 2782 Barton Street East, in the City of Hamilton**

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

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX.

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

1. That Sheet No. E123 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton) as amended, is further amended by changing from the "E-2/S-306b" (Multiple Dwellings) District, Modified to the "E-3/S-306c" (High

**CITY OF HAMILTON**  
**BY-LAW NO.**  
**To Amend Zoning By-law No. 6593**  
**Respecting Lands Located at 2782 Barton Street East, Hamilton**

Density Multiple Dwellings) District, Modified on the lands, the extent to which are shown on a plan hereto annexed as Schedule "A".

2. That the "E-3" (High Density Multiple Dwelling) District provisions as contained in Section 11C, as amended by By-law 18-049, applicable to the subject lands, be further modified to include the following special requirements:
  - a) Section 4 a) be deleted and replaced with "That notwithstanding Section 11C (b), where a building or structure is distant not greater than 30.0 metres from a "DE", "DE-2", "DE-3", "RT-10", "RT-20" or "RT-30" District, the height of a building or structure shall not exceed thirteen storeys or 41.5 metres in height.
  - b) Section 4 b) be deleted and replaced with "That notwithstanding Section 11C(2)(a), a front yard having a depth not less than 4.0 metres. For the purpose of Zoning conformity, the front lot line shall be defined as the lot line abutting Barton Street East (northerly lot line).
  - c) Section 4 c) be deleted and replaced with "That notwithstanding Section 11C(2)(b), an easterly side yard having a depth not less than 2.0 metres, except 1.5 metres to the hypotenuse of the daylight triangle, and a westerly side yard having a depth not less than 3.9 metres.
  - d) Section 4 d) be deleted and replaced with "That notwithstanding Section 11C(2)(c), a rear yard having a depth not less than 39 metres, except that any portion of the underground parking garage which may project above grade is permitted to be located within the rear yard if it is distant at least 17.0 metres from the rear property line.
  - e) Section 4 f) be deleted and replaced with "That notwithstanding Section 11C(5), for every building or structure, there shall be provided and maintained on the lot and within the district at least 18% of the area of the lot on which it is situate, as landscaped area.
  - f) Section 4 i) be deleted and replaced with "That notwithstanding Section 18A (Table 1) and (Table 2), the following requirements shall apply:
    - i. A multiple dwelling shall require parking based on the following:
      - a. Units greater than 50 square metres: 1.0 spaces per unit;

**CITY OF HAMILTON**  
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**To Amend Zoning By-law No. 6593**  
**Respecting Lands Located at 2782 Barton Street East, Hamilton**

- b. Units equal to or lesser than 50 square metres: 0.3 spaces per unit; and,
  - c. Shared commercial and resident visitor: 0.22 spaces per unit.
- ii. Each shared commercial and residential visitor parking space shall:
- a. be maintained for the use of both the commercial and residential visitor parking;
  - b. have a sign erected and legibly marked that the parking spaces are for the use of both commercial and residential visitor parking: and,
  - c. be maintained and readily accessible for either use, free and clear of all obstructions.
- g) Section 4 j) be deleted and replaced with "That notwithstanding Section 18A (Table 3), one (1) loading space shall be provided for a multiple dwelling with greater than 100 dwelling units, with a minimum size of 13.0 metres in length and 6.0 metres in width.
- h) That a new Section 4 be added and the subsequent sections be renumbered:
- "4. "That in addition to Section 11C (1), the following uses shall also be permitted on the ground floor only:
- (i) Commercial uses permitted in the "G" District;
  - (ii) A day nursery;
  - (iii) A medical or dental clinic, or the office of treatment room of any doctor, dentist, osteopath or drugless practitioner."
3. That Sheet No. E123 of the District Maps is amended by making the lands referred to in Section 1 of this By-law as S-306c.
4. That By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-306c.

**CITY OF HAMILTON  
BY-LAW NO.  
To Amend Zoning By-law No. 6593  
Respecting Lands Located at 2782 Barton Street East, Hamilton**

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

**PASSED and ENACTED** this            day of            , 2019.

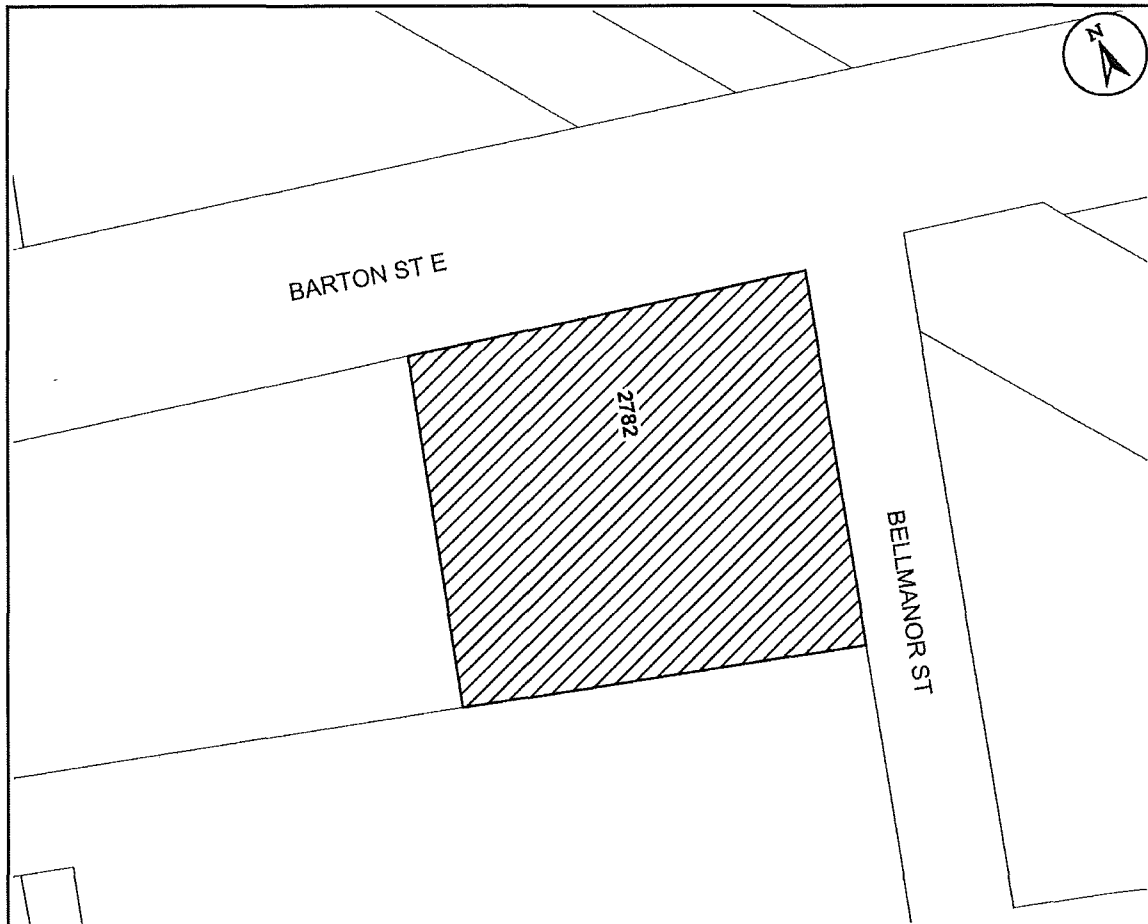
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Fred Eisenberger  
Mayor

---

A. Holland  
City Clerk

**CITY OF HAMILTON  
BY-LAW NO.  
To Amend Zoning By-law No. 6593  
Respecting Lands Located at 2782 Barton Street East, Hamilton**



<p>This is Schedule "A" to By-law No. 19- Passed the ..... day of ....., 2019</p>	<p align="center">----- Mayor ----- Clerk</p>		
<p align="center"><b>Schedule "A"</b></p> <p align="center">Map Forming Part of By-law No. 19-_____</p> <p align="center">to Amend By-law No. 6593</p>	<p><b>Subject Property</b></p> <p> 2782 Barton Street East</p>   <p>Change in zoning from "E-3/S-306b" (High Density Multiple Dwellings) District, Modified, to "E-3/S-306c" (High Density Multiple Dwellings) District, Modified</p>		
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-19-001 / UHOPA-19-001</p>		
<p>Date: April 26, 2019</p>	<p>Planner/Technician: JO/AL</p>	<p align="center">PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	



Zoning By-law Site Specific Modifications – High Density Multiple Dwellings District (E-3/S-306c)

Provision	Permitted	Requested Amendment	Analysis
Permitted Uses Section 11C: E-3 Requirements	Commercial Uses include: “Office or consultative uses or personal clinical services by a charitable ‘institution’ within the meaning of The Charitable Institutions Act, which may be in a dwelling or a converted dwelling”	To permit the following uses on the ground floor only: (i) Commercial Uses permitted in the “G” District; (ii) A day nursery; and (iii) A medical or dental clinic, or the office of treatment room of any doctor, dentist, osteopath or drugless practitioner.	<p>The “E-3” District was intended to be a predominantly residential area with permissions for institutional uses and some commercial as it relates to charitable organizations.</p> <p>The commercial uses requested are permitted in the Local Commercial Designation in the UHOP, but are not permitted in the Zoning By-law.</p> <p>The proposal to permit the commercial uses on the ground floor of this building will help to achieve the vision of the UHOP by adding everyday uses within a community which helps to create complete communities and a more active pedestrian realm.</p> <p>The commercial uses proposed are supportable.</p>
Maximum Building Height	Where a building or structure is not distant not greater than 30.0 metres from a “DE”, DE-2”, “DE-3”, “RT-10”, “RT-20” or “RT-30” District, the height of a building or structure shall not exceed 13 storeys or 41.0 metres.	13 storeys or 41.5 metres.	<p>The intent of this provision is to minimize the impact of buildings on adjacent properties / areas with respect to sun shadowing, overlook and ensure that an appropriate scale for the area is achieved.</p> <p>The 0.5 metre increase in height is required to accommodate the commercial uses being added on the ground floor. The overall building is generally the same as previously approved. The proposed building height represents a modest increase above the 41.0 metres currently permitted in the “E-3/S-306b” District, Modified.</p> <p>Given the above, this modification has merit and can be supported.</p>

Provision	Permitted	Requested Amendment	Analysis
Minimum Front Yard	A front yard having a depth not less than 4.7 metres.	A front yard having a depth not less than 4.0 metres.	<p>The intent of this provision is to minimize the physical impact of structures along the street, allow for the provision of parking within a driveway and landscaped area.</p> <p>A further reduction from the permitted 4.7 metres to the proposed 4.0 metres is being requested in order to better situate the commercial uses on the ground floor and to address the pedestrian realm. The front yard focused on pedestrian access to the commercial uses and as such, the further reduction of 0.7 metres for the front yard is considered appropriate.</p> <p>As result, this modification has merit and can be supported.</p>
Minimum Side Yard	An easterly side yard having a depth not less than 1.95 metres except 3.7 metres to the hypotenuse of a daylight triangle, and a westerly side yard having a depth of not less than 4.4 metres.	An easterly side yard having a depth not less than 2.0 metres, except 1.5 metres to the hypotenuse of a daylight triangle, and a westerly side yard having a depth of not less than 2.6 metres.	<p>The intent of this provision is to minimize the physical impact of structures on the adjacent properties, while allowing for adequate area for drainage and for maintenance purposes.</p> <p>The overall easterly side yard is being increased from 1.95 metres to 2.0 metres except at the portion adjacent to the required daylight triangle. At this point the setback is reduced from 3.7 metres to 1.5 metres. The proposed 1.5 metres maintains the intent of the rear yard requirement and will not negatively impact the required daylight triangle.</p> <p>The westerly side yard reduction from 4.4 metres to 2.6 metres is acceptable as the majority of the yard is greater than this distance and as such the intent of the side yard is maintained and the additional reduction is not expected to cause any adverse effects on the neighbouring lands.</p> <p>As a result, these modifications have merit and can be supported.</p>

Provision	Permitted	Requested Amendment	Analysis
Minimum Rear Yard	A rear yard having a depth not less than 41.0 metres.	A rear yard having a depth not less than 39.0 metres, except that any portion of the underground parking garage which may project above grade is permitted within the rear yard if it is distant at least 17.0 metres from the rear property line.	<p>The proposal is to reduce the required rear yard setback from 41.0 metres to 39.0 metres. The rear yard of this development will be used primarily for parking but does also contain an outdoor amenity space for the residents of this building. Through an evaluation of the proposal, it has been determined that 39.0 metres is sufficient to maintain the intent of the rear yard setback requirement and also to provide adequate parking and amenity space for the development.</p> <p>Staff are in support of this modification.</p> <p>The proposal also seeks relief from the requirement for any access to a below grade parking structure that projects above grade to be considered part of the principal structure and as such is required to meet all yard requirements. This application proposes to have a stairwell to the underground parking located within the rear yard. Staff have considered this and have agreed that this should be permitted but should not be any closer than 17.0 metres to the rear lot line.</p> <p>Based on the size of the rear yard and the desire for access to the below grade parking, staff support this modification.</p>

Provision	Permitted	Requested Amendment	Analysis
<p>Minimum Landscaped Area</p>	<p>For every building or structure, there shall be provided and maintained on the lot and within the district at least 23% of the area of the lot on which it is situate, as landscaped area</p>	<p>For every building or structure, there shall be provided and maintained on the lot and within the district at least 18% of the area of the lot on which it is situate, as landscaped area</p>	<p>The intent of this provision is to ensure that there is an adequate balance between built form, hard surface and open space areas on a property.</p> <p>The proposed modification is to reduce the landscape requirement from 23 % of the lot to 18% of the lot. The proposed reduction has been reviewed and it is believed that the proposed landscape maintains adequate landscape buffers to the residential uses to the south, east, and west and incorporates an outdoor amenity area into the design. A landscape plan will be required at the Site Plan Control stage and reviewed by staff to ensure high quality landscape is provided. At this stage, the applicant will be encouraged to incorporate Low Impact Development (LID) measures within the hardscaped areas to further improve permeability on the site.</p> <p>Based on the foregoing, staff support the proposed reduction in landscape area.</p>

Provision	Permitted	Requested Amendment	Analysis
Minimum Number of Parking Spaces	A multiple dwelling shall provide 1.25 parking spaces per Class A dwelling unit of which 0.23 spaces per unit shall be allocated for visitor parking.	<p>A multiple dwelling shall require parking based on the following:</p> <ul style="list-style-type: none"> <li>a. Units greater than 50 square metres: 1.0 spaces per unit;</li> <li>b. Units equal to or lesser than 50 square metres: 0.3 spaces per unit; and,</li> <li>c. Shared commercial and resident visitor: 0.22 spaces per unit.</li> </ul>	<p>The intent of this provision is to ensure that properties provide an adequate amount of parking spaces on site for the proposed uses. The previously approved Zoning By-law (By-law No. 18-049) permits parking at a rate of 1.25 spaces per unit which breaks down to 1.02 spaces per unit and 0.23 visitor spaces per unit. The applicant is proposing to pre-emptively comply with the parking standards identified in Section 5 of the City of Hamilton's Comprehensive Zoning By-law No. 05-200, which are more reflective of the markets current parking demands. As such, the current application proposes to reduce the required parking to 1.0 spaces per unit greater than 50 square metres, 0.3 spaces per unit less than or equal to 50 square metres, and 0.22 spaces per unit dedicated to commercial and residential visitor parking.</p> <p>The shared visitor and commercial parking spaces will be located on the surface level and will have appropriate signage. The majority of the resident parking will be underground and will be accessed via a secure entry system.</p> <p>Staff have evaluated this requested reduction and feel that it can be accommodated given the availability of alternative transportation modes available in the area, along with the reduced parking demands as identified by Zoning By-law No. 05-200.</p> <p>Given the above, these modifications have merit and can be supported.</p>

Provision	Permitted	Requested Amendment	Analysis
<p>Special requirements for shared commercial and visitor parking</p>	<p>n/a</p>	<p>Each shared commercial and residential visitor parking space shall:</p> <ul style="list-style-type: none"> <li>• be maintained for the use of both the commercial and residential visitor parking;</li> <li>• have a sign erected and legibly marked that the parking spaces are for the use of both commercial and residential visitor parking; and,</li> <li>• be maintained and readily accessible for either use, free and clear of all obstructions.</li> </ul>	<p>The intent of this modification is to ensure the parking spaces intended for commercial and visitor parking spaces are easily accessible, clearly marked, and maintained free and clear of obstructions.</p> <p>Staff have added this modification as part of good practice to ensure the functionality of the parking on the site.</p> <p>The parking layout and markings/signage will be further evaluated at the Site Plan Control stage.</p>

Provision	Permitted	Requested Amendment	Analysis
Loading Space(s)	One loading space shall be provided for a multiple dwelling with greater than 100 dwelling units, with a minimum size of 18.0 metres in length and 6.0 metres in width.	One loading space shall be provided for a multiple dwelling with greater than 100 dwelling units, with a minimum size of 13.0 metres in length and 6.0 metres in width.	<p>The intent of this provision is to ensure that an adequate number of loading spaces are provided on site to service the proposed development.</p> <p>The proposal to reduce the size of the previously approved loading space requirement is based on the requirement for not more than Medium Single Unit (MSU) trucks. The requested loading space is sufficient to accommodate loading and unloading of an MSU truck and is therefore appropriate for the purpose of this mixed use building. Loading operations will be examined in further detail at the Site Plan Control stage.</p> <p>Based on the foregoing, staff support the reduced dimension of the loading space.</p>

# 2782 BARTON STREET EAST Hamilton, Ontario

## ARCHITECTURAL DRAWINGS

- A000 COVER SHEET
- A101 PLAN P1
- A102 PLAN P2
- A201 PLAN GROUND FLOOR
- A202 PLAN LEVEL 2 - 12
- A213 PLAN TOWER LEVEL 13
- A214 MECHANICAL PENTHOUSE
- A401 ELEVATIONS - NORTH AND SOUTH
- A402 ELEVATIONS - EAST AND WEST
- A501 BUILDING SECTION

## PROJECT CONSULTANTS

ARCHITECT  
RAW DESIGN INC.  
405-317 ADELAIDE STREET WEST  
TORONTO CANADA M5V 1P9  
416.599.9729



2 3D VIEW  
SCALE NTS

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- ISSUED RECORD**
- 2015.12.07 - ISSUED FOR ZBA
  - 2016.09.28 - ISSUED FOR REVISIONS
  - 2016.10.24 - ZBA RE-SUBMISSION
  - 2017.02.14 - ZBA RE-SUBMISSION
  - 2017.02.27 - ISSUED FOR SPA
  - 2017.05.18 - ZBA+SPA RE-SUBMISSION
  - 2017.11.06 - SPA RE-SUBMISSION
  - 2018.02.02 - SPA RE-SUBMISSION

**REVISION RECORD**

<b>RAW</b>		405-317 ADELAIDE ST. W. TORONTO CANADA M5V 1P9 +1 416 599 9729 WWW.RAWDESIGN.CA		<b>16073</b> Barton Street Hamilton, ON															
<b>PRELIMINARY SITE STATISTICS</b> 26 November, 2018																			
Official Plan	Commercial	SITE AREA GROSS	5,655.0	sq.m.	60870														
Avenue Width	28	ROAD DEDICATION	74.3	sq.m.	799.77														
Character Area	N/A	PARKLAND	0.0	sq.m.	0														
Policy Area		SITE AREA NET	5,580.7	sq.m.	60071														
Established District																			
Current Zoning		PROPOSED FSI		Allowed FSI	3.15														
		Residential	2.9																
		Retail	0.1																
		Total	3.0																
<b>AREA CALCULATIONS</b>																			
FLOOR	1B	1B-D	2B	2B-D	3B	TOTAL	RES GFA	RETAIL GFA	OFFICE GFA	AMENITY	GCA	GFA EXCLUSIONS							
1	0	0	0	0	0	0	274	2,949	765	8,234	0	0	294	3,165	1370	14,747	343	3,687	
2	10	7	4	4	4	21	1313	14,133					1313	14,133	34	361	34	361	
3	10	7	4	4	4	21	1313	14,133					1313	14,133	34	361	34	361	
4	10	7	4	4	4	21	1313	14,133					1313	14,133	34	361	34	361	
5	10	7	4	4	4	21	1313	14,133					1313	14,133	34	361	34	361	
6	10	7	4	4	4	21	1313	14,133					1313	14,133	34	361	34	361	
7	10	7	4	4	4	21	1313	14,133					1313	14,133	34	361	34	361	
8	10	7	4	4	4	21	1313	14,133					1313	14,133	34	361	34	361	
9	10	7	4	4	4	21	1313	14,133					1313	14,133	34	361	34	361	
10	10	7	4	4	4	21	1313	14,133					1313	14,133	34	361	34	361	
11	10	7	4	4	4	21	1313	14,133					1313	14,133	34	361	34	361	
12	10	7	4	4	4	21	1313	14,133					1313	14,133	34	361	34	361	
13	5				2	6	13	1192	12,825				1192	12,825	1192	12,825			
14																			
15																			
16																			
MECH																			
<b>TOTAL</b>	<b>115</b>	<b>77</b>	<b>0</b>	<b>46</b>	<b>0</b>	<b>6</b>	<b>244</b>	<b>15,909</b>	<b>171,238</b>	<b>765</b>	<b>8,234</b>	<b>0</b>	<b>0</b>	<b>309</b>	<b>3,165</b>	<b>17,005</b>	<b>183,035</b>	<b>1,903</b>	<b>20,478</b>
AVERAGE UNIT SIZE						65.2 m <sup>2</sup>													
LANDSCAPE OPEN SPACE						Required	23%	Provided											
INDOOR AMENITY						488 m <sup>2</sup>	2 m <sup>2</sup> /unit		309 m <sup>2</sup>	127 m <sup>2</sup> /unit									
OUTDOOR AMENITY						488 m <sup>2</sup>			239 m <sup>2</sup>										
TOTAL AMENITY						976 m <sup>2</sup>			548 m <sup>2</sup>										
<b>PARKING CALCULATIONS</b>																			
VEHICLE PARKING						REQUIRED	TOTAL		PROVIDED										
RATIO	0.30	1.02	1.02	1.02	1.02	0.23	Total												
RESIDENT	35	78.5	0.0	46.9	0.0	6.1	166		Surface Retail	67	65								
VISITOR						56.12	57		P1	82	82								
Retail at 1/23m <sup>2</sup> to be shared with visitors						33,268	223		P2	86	86								
<b>TOTAL</b>							223		<b>ALL</b>	<b>67</b>	<b>233</b>								
BICYCLE PARKING																			
RESIDENTIAL LONG-TERM						INDOORS (0.68)	166		PROVIDED		166								
RESIDENTIAL VISITOR/SHORT-TERM						AT GRADE (0.07)	18				18								
<b>TOTAL</b>							<b>184</b>				<b>184</b>								

1 Statistics  
SCALE N/A



3 Context Plan  
SCALE 1:1000

**RAW**  
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16073  
2782 BARTON STREET  
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LJM Developments  
COVER  
SEE NOTED

A000  
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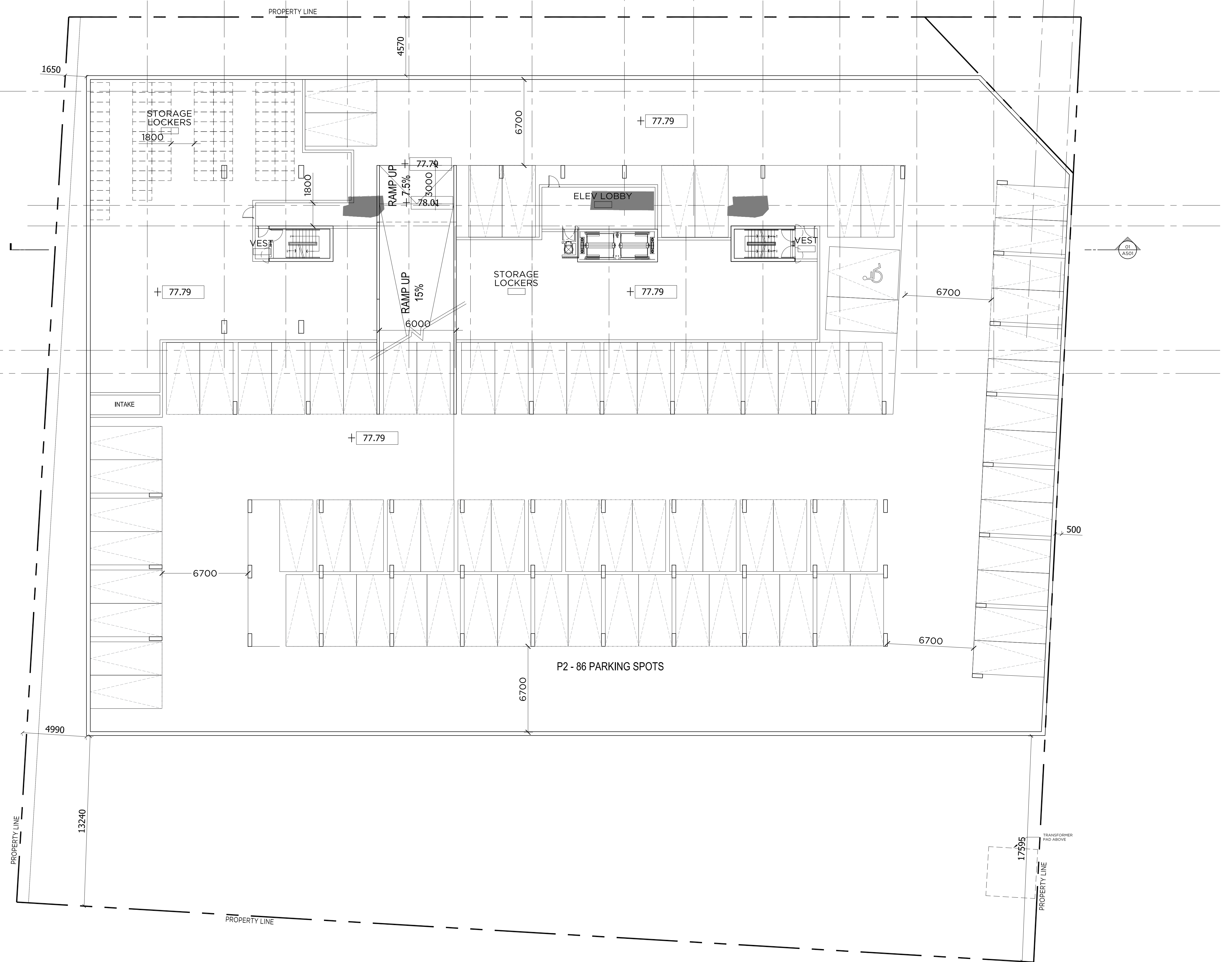
- ISSUED RECORD**
- 2015.12.07 - ISSUED FOR ZBA
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  - 2017.02.27 - ISSUED FOR SPA
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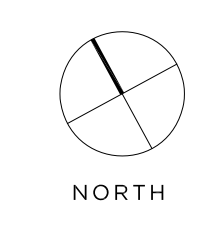
LJM Developments  
 LEVEL P1 PLAN  
 Page 2 of 10  
 1:150  
 A101



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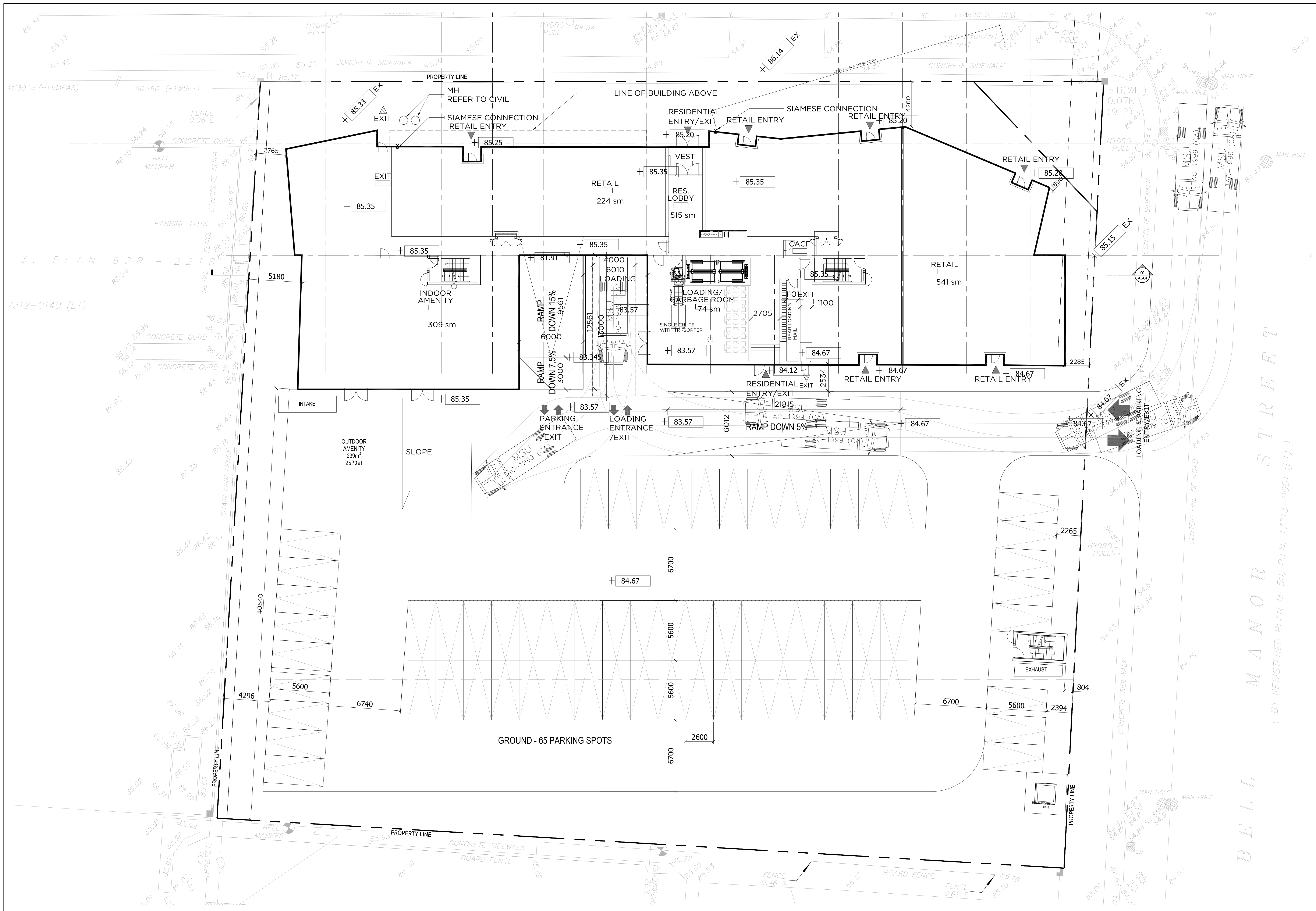
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  - 2017.02.27 - ISSUED FOR SPA
  - 2017.05.18 - ZBA+SPA RE-SUBMISSION
  - 2017.11.06 - SPA RE-SUBMISSION
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 16073  
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 HAMILTON, ON

LJM Developments  
 LEVEL P2 PLAN  
 1:150  
 A10 of 10



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- 2017.02.27 - ISSUED FOR SPA
- 2017.05.18 - ZBA+SPA RE-SUBMISSION
- 2017.11.06 - SPA RE-SUBMISSION
- 2018.02.02 - SPA RE-SUBMISSION

**REVISION RECORD**

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16073  
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 GROUND PLAN  
 1:150  
 A20 of 10

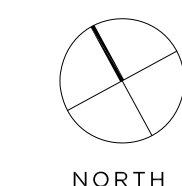


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- 2017.05.18 - ZBA+SPA RE-SUBMISSION
- 2017.11.06 - SPA RE-SUBMISSION
- 2018.02.02 - SPA RE-SUBMISSION

**REVISION RECORD**



NORTH

**RAW**

405-317 ADELAIDE STREET  
TORONTO CANADA M5V 1P5  
+1 416 599 9729  
WWW.RAWDESIGN.CA

16073

2782 BARTON STREET  
HAMILTON, ON

LJM Developments

LEVEL 2 - 12  
TYPICAL FLOOR  
PLAN

1:150

**A20**

Appendix "E" to Report PED19170  
Page 5 of 10



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- 2015.12.07 - ISSUED FOR ZBA
  - 2016.09.28 - ISSUED FOR REVISIONS
  - 2016.10.24 - ZBA RE-SUBMISSION
  - 2017.02.14 - ZBA RE-SUBMISSION
  - 2017.02.27 - ISSUED FOR SPA
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  - 2018.02.02 - SPA RE-SUBMISSION

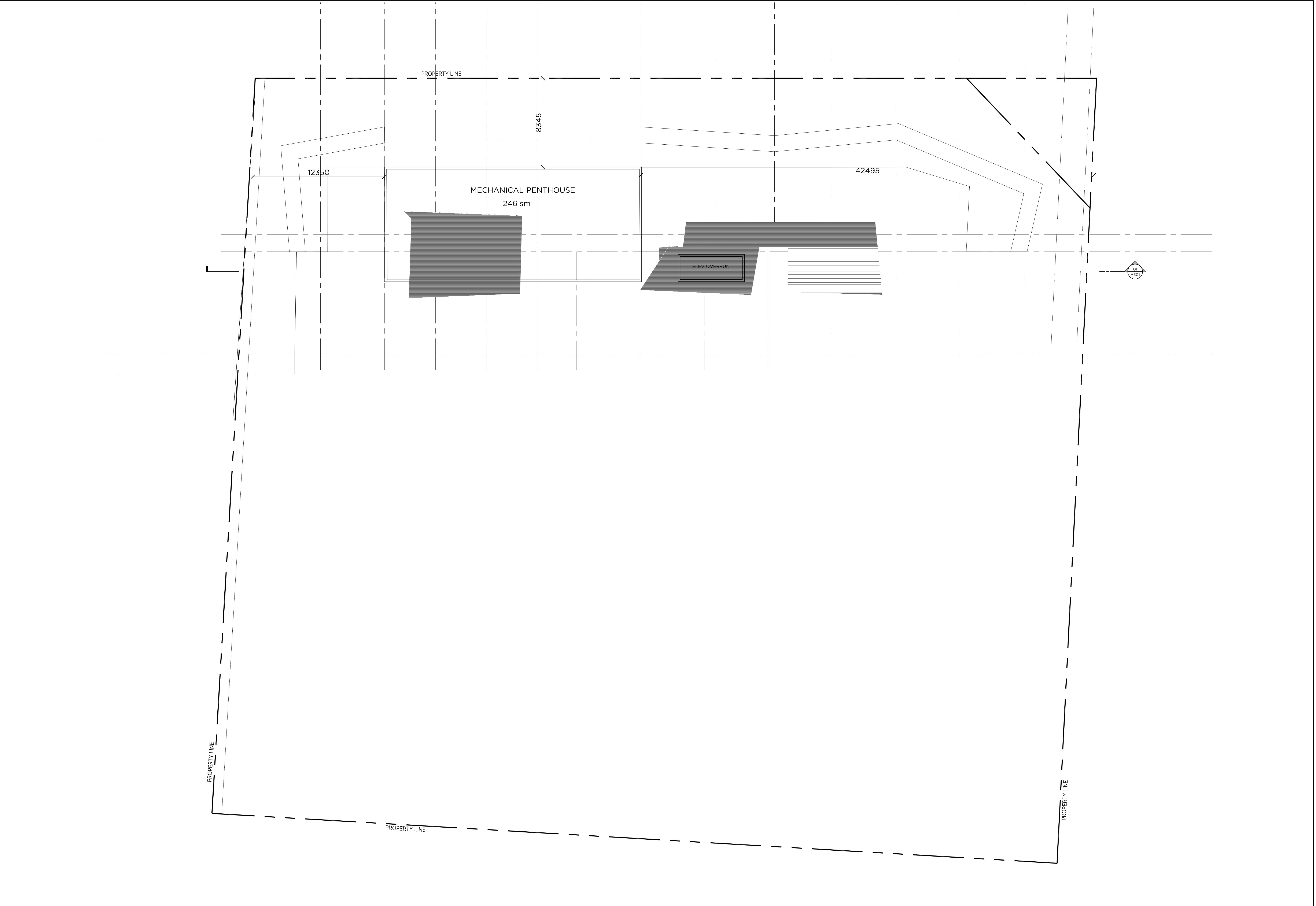
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16073  
 2782 BARTON STREET  
 HAMILTON, ON

LJM Developments  
 LEVEL 13  
 TYPICAL FLOOR  
 PLAN  
 1:150  
 A213

Appendix "E" to Report PED19170  
 Page 6 of 10

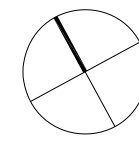


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2017.11.06	- SPA RE-SUBMISSION
2018.02.02	- SPA RE-SUBMISSION

**REVISION RECORD**

  
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2782 BARTON STREET  
 HAMILTON, ON

LJM Developments

MECHANICAL PENTHOUSE

1:150

**A214**

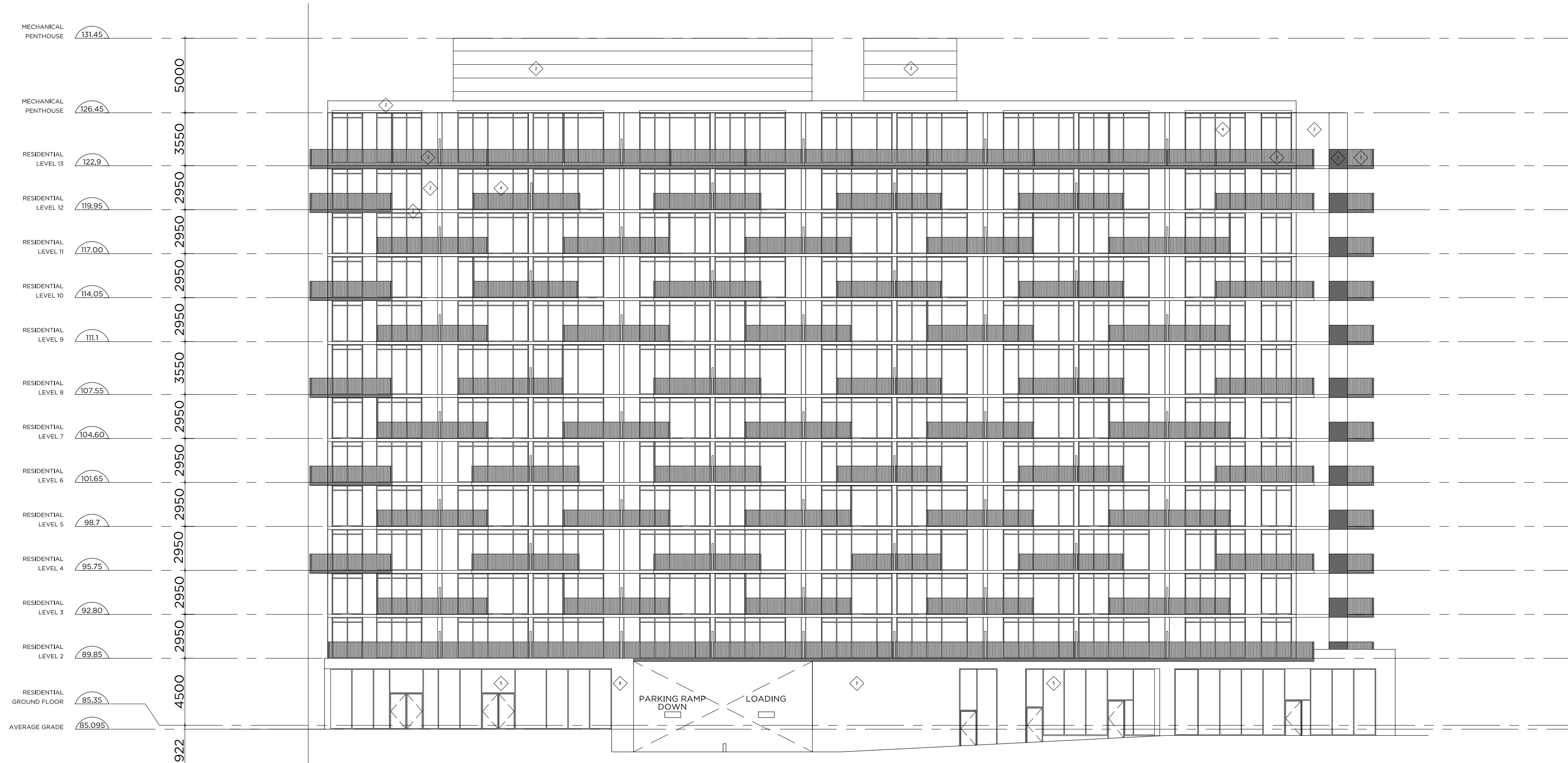
Appendix "E" to Report PED19170  
 Page 7 of 10



**MATERIAL LEGEND**

1	GREY METAL PANEL
2	WHITE METAL PANEL
3	ALUMINIUM + GLASS RAILING
4	VISION GLASS WINDOW WALL
5	VISION GLASS CURTAIN WALL
6	UNUSED
7	UNUSED
8	GREY MASONRY

1 North Elevation  
SCALE 1:200



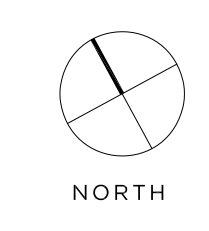
2 South Elevation  
SCALE 1:200

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**ISSUED RECORD**

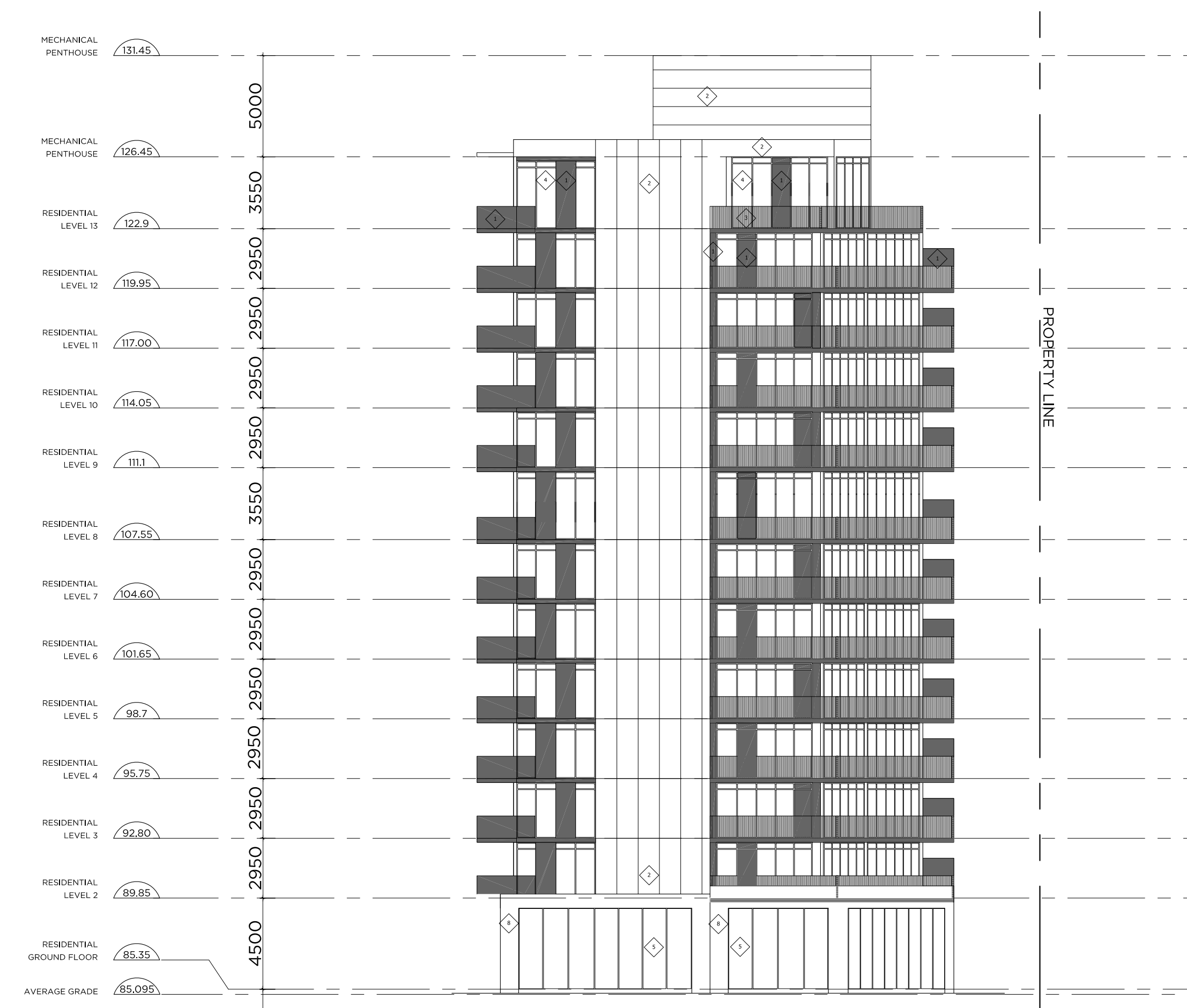
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2017.11.06	- SPA RE-SUBMISSION
2018.02.02	- SPA RE-SUBMISSION

**REVISION RECORD**



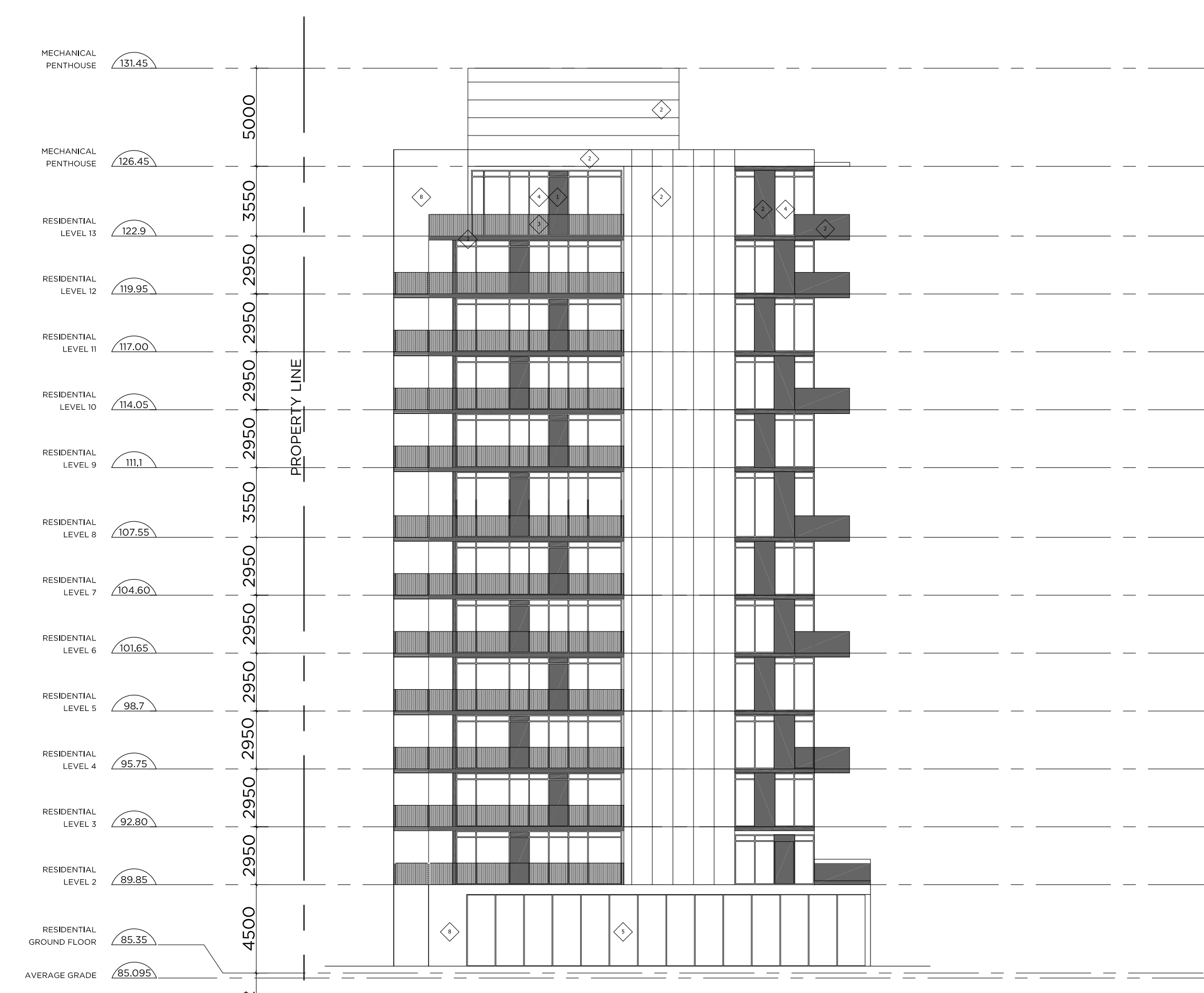
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HAMILTON, ON

LJM Developments  
ELEVATIONS  
1:200  
Page 8 of 10  
A40



MATERIAL LEGEND	
1	GREY METAL PANEL
2	WHITE METAL PANEL
3	ALUMINIUM + GLASS RAILING
4	VISION GLASS WINDOW WALL
5	VISION GLASS CURTAIN WALL
6	UNUSED
7	UNUSED
8	GREY MASONRY

1 East Elevation  
SCALE 1:200



1 West Elevation  
SCALE 1:200

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REVISION RECORD	



**RAW** DESIGN  
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HAMILTON, ON

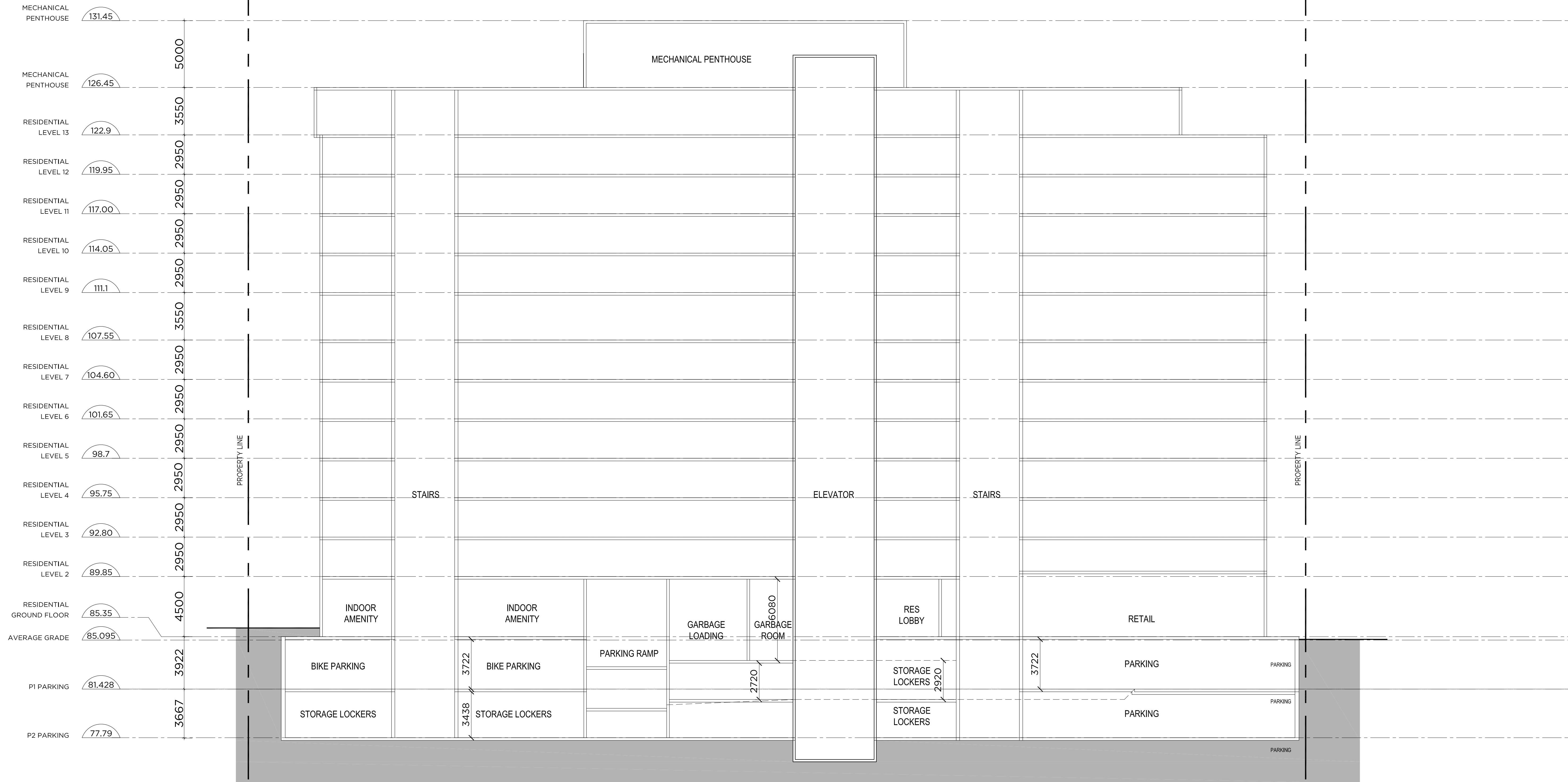
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ELEVATIONS  
Page 9 of 110  
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  - 2018.02.02 - SPA RE-SUBMISSION

**REVISION RECORD**



**RAW**  
 405-317 ADELAIDE STREET  
 TORONTO CANADA M5V 1P5  
 +1 416 598 9729  
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16073  
 2782 BARTON STREET  
 HAMILTON, ON

LJM Developments  
 BUILDING SECTION  
 1:250

A50  
 Appendix "E" to Report PED19170  
 Page 10 of 10

January 15, 2019

**Attention:**

Mr Adam Lucas  
Planning and Economic Development Department  
City of Hamilton

**Subject:**

File No. UHOPA-19-01 and ZAC-19-001  
2782 Barton Street East, Hamilton

Dear Mr Lucas,

I have been a home owner on Berkindale Drive for over a decade.

I am writing to show my utmost support for the proposed development at 2782 Barton St E. As the skeptics may outline worrisome concerns, I on the other hand am optimistic about the proposed development and I believe it will improve the local community as follows:

- 1) This development will allow families an affordable option to own property and live in the neighborhood.
- 2) New residents will be contributing to municipal taxes and this will assist the neighborhood for upcoming repairs/improvements.
- 3) The Confederation Go Station will provide younger professionals the opportunity to live in an affordable neighborhood whilst being able to work in nearby cities.
- 4) In speaking to the developer, I understand that:
  - a. The units will be more compact and effectively designed.
  - b. The window façade of the building will showcase a high quality look compared to existing buildings that have a worn masonry façade.
  - c. The ground floor commercial units will consist of a medical clinic and coffee shop which will be benefit to nearby residents.
  - d. The parking is being reduced to promote public transit and bicycles.
- 5) I believe this development will attract the appropriate demographic to improve the neighborhood further.

Over the last decade I have witnessed much residential and commercial development in the area and with each new project I have experienced a positive impact. I am in support of the proposed development.

Sincerely,

Resident on Berkindale Drive



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 3, 2019
<b>SUBJECT/REPORT NO:</b>	Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7)
<b>WARD(S) AFFECTED:</b>	Ward 7
<b>PREPARED BY:</b>	E. Tim Vrooman (905) 546-2424 Ext. 5277
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That **Draft Plan of Subdivision Application 25T-201902 by Cardinal Heights Development Corp., (Owners)**, to establish a Draft Plan of Subdivision to develop 54 semi-detached dwellings fronting on a new public road, on lands located at 70 Bobolink Road as shown on Appendix "A" to Report PED19163, be **APPROVED**, subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision, 25T-201902, prepared by IBI Group and certified by S. Dan McLaren, O.L.S., dated December 11, 2018 (Revision 3, dated June 27, 2019), consisting of 54 lots for semi-detached dwellings (Lots 1-54) and a public road (Street 'A'), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix "D" to Report PED19163;
  - (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision, including the SWM facility requirements; and,

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

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

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

**SUBJECT: Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7) – Page 2 of 18**

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- (iii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.
- (b) That upon the approval of Draft Plan of Subdivision Application 25T-201902, the subject lands be re-designated from "Civic and Institutional" to "Single and Double" in the Bruleville Neighbourhood Plan.

### **EXECUTIVE SUMMARY**

The application is for a proposed Draft Plan of Subdivision to establish 54 lots fronting on a new public road for the development of semi-detached dwellings. Approval would be subject to the owner entering into a Standard Form Subdivision Agreement, with Special Conditions.

The site is appropriately designated in the Urban Hamilton Official Plan (UHOP) and appropriately zoned to accommodate the proposed development. The site was previously developed with a school owned by the Hamilton-Wentworth District School Board (HWDSB), since closed and demolished with the land being sold.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan (UHOP). The proposed development is deemed to be compatible with existing development in the area and presents good planning by providing residential infill in an area where full municipal services are available.

### **Alternatives for Consideration – See Page 18**

### **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 Draft Plan of Subdivision.

**SUBJECT: Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7) – Page 3 of 18**

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## **HISTORICAL BACKGROUND**

### Proposal

The subject lands are located at the southeast corner of the intersection of Bobolink Road and Hummingbird Lane in the Bruleville Neighbourhood (see Location Map attached as Appendix “A” to Report PED19163). The subject lands are the former site of the Cardinal Heights Middle School, which was demolished in the fall of 2018 and the property now sits vacant.

The site is designated Neighbourhoods and zoned Neighbourhood Institutional (I1) Zone which permits semi-detached dwellings. No variances are being requested.

### Draft Plan of Subdivision

The proposed Draft Plan of Subdivision is intended to create 54 lots (Lots 1-54) fronting on a new public road (Street ‘A’) for the development of 54 semi-detached dwellings.

### **Chronology:**

<u>December 21, 2018:</u>	Application 25T-201902 received.
<u>January 18, 2019:</u>	Application 25T-201902 deemed complete.
<u>January 30, 2019:</u>	Circulation of Notice of Complete Application and Preliminary Circulation to 171 property owners within 120 m of the subject lands.
<u>February 5, 2019:</u>	Public Notice Sign erected on the subject property.
<u>April 23, 2019:</u>	Neighbourhood Meeting.
<u>May 2, 2019:</u>	Revised concept submitted to City of Hamilton for review.
<u>July 25, 2019:</u>	Public Notice Sign updated with Public Meeting Information.
<u>August 16, 2019:</u>	Circulation of the Notice of Public Meeting to 171 property owners within 120 m of the subject lands.

## **DETAILS OF SUBMITTED APPLICATION**

**Location:** 70 Bobolink Road, Hamilton (see Appendix “A” to Report PED19163)

**SUBJECT: Application for Draft Plan of Subdivision for Lands Located at 70  
Bobolink Road (Hamilton) (PED19163) (Ward 7) – Page 4 of 18**

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**Owner/Applicant:** Cardinal Heights Development Corporation (c/o Allan Buist)

**Agent:** IBI Group (c/o Angela Buonamici)

**Property Description:** Lot Frontage: ± 165.08 m (Bobolink Road)  
± 104.31 m (Hummingbird Lane)

Lot Depth: ± 165.08 m

Lot Area: ± 1.702 ha (Rectangular)

**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant	Neighbourhood Institutional (I1) Zone
<b><u>Surrounding Land Uses:</u></b>		
North	Single Detached Dwellings, Semi-Detached Dwellings, and Block Townhouses	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District and “DE” (Low Density Multiple Dwellings) District
South	Educational Establishment	Neighbourhood Institutional (I1) Zone
East	Bruleville Park and Single Detached Dwellings	Neighbourhood Park (P1) Zone and “C” (Urban Protected Residential, Etc.) District
West	Single Detached Dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District and “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

**SUBJECT: Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7) – Page 5 of 18**

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that all municipal land use decisions affecting planning matters be consistent with the PPS 2014.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (formerly known as the Ontario Municipal Board) approval of the Urban 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 and balanced growth) are reviewed and discussed in the Official Plan analysis below.

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

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.”

The subject property meets two of the 10 criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Local knowledge associates areas with historic events/activities/occupations; and,
- 2) In areas of pioneer Euro Canadian settlement.

Notwithstanding current surface conditions (previous disturbance), these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the subject application. A warning clause shall be required, identified in all offers of purchase and sale or lease agreements, which is addressed as a condition of Draft Plan of Subdivision approval as Condition No. 15 of Appendix “D” to Report PED19163.

The subject property formerly contained a building included in the City’s Inventory of Buildings of Architectural and/or Historical Interest (Cardinal Heights Middle School, built 1963), which was demolished in the fall of 2018. Although the property was not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject property was of potential cultural heritage value. Staff recommends placing a plaque on the property to mark the location and significance of the former school, which is being

**SUBJECT: Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7) – Page 6 of 18**

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addressed as a condition of Draft Plan of Subdivision approval as Condition No. 19 of Appendix “D” to Report PED19163.

*Record at the Site Condition*

Recognizing that some building materials historically used in schools may trigger the need for the filing of a Record of Site Condition (RSC), staff have included a condition of Draft Plan of Subdivision approval requiring the filing of a RSC as Condition No. 16 of Appendix “D” to Report PED19163.

As the application complies with the UHOP, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- Conforms to A Place to Grow (2019).

**Urban Hamilton Official Plan (UHOP)**

The subject lands are designated “Neighbourhoods” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, apply to the proposal.

Neighbourhoods Designation

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and *housing with supports*.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained.”

The proposed development for 54 semi-detached dwellings contributes to the provision of complete communities by providing another form of dwelling for the surrounding established neighbourhood. The area is well served with a neighbourhood park to the east and elementary school to the south of the subject site, as well as having commercial uses and public transit amenities within walking distance along Upper Wentworth Street



**SUBJECT: Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7) – Page 7 of 18**

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and Upper Wellington Street. Other land uses in the vicinity of the subject site are predominantly single detached dwellings, with some semi-detached dwellings interspersed, and block townhouses to the northeast. The proposed development builds upon the established lot and block pattern and built form of the existing residential neighbourhood.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.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.
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings.”

The proposed development is located within the interior of the Bruleville Neighbourhood and is a built form that complies with the low density residential policies of the Neighbourhoods designation.

Scale

- “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.”

The proposed development is for 54 semi-detached dwellings on 1.328 net residential hectares, which converts to 40.7 units per net residential hectare. The dwelling units are intended to be two storeys in height and in conformity with the maximum building height of 10.5 m allowed in the Neighbourhood Institutional (I1) Zone. The proposed development complies with the density range and height requirements for low density residential in the Neighbourhoods designation.

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.”

Trees have been identified on the subject property, and staff have reviewed a submitted Tree Protection Plan (TPP) and Landscape Plan. Revisions to the TPP and Landscape

**SUBJECT: Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7) – Page 8 of 18**

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Plan are required. The City requires 1 for 1 compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan. A final approved TPP and Landscape Plan will be required as conditions of Draft Plan of Subdivision approval as Condition Nos. 17 - 18 of Appendix “D” to Report PED19163.

Transportation Network

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

- f) Local roads, subject to the following policies:
  - ii) The basic maximum right-of-way widths for local roads shall be ... 20.117 metres ...;”

Bobolink Road and Hummingbird Lane are classified as local roads and their existing right-of-way widths meet the requirements of the Urban Hamilton Official Plan. The proposed Street ‘A’ is also classified a local road with a 20.0 m right-of-way width and, in accordance with Policy C.4.5.7 a), 4.57 x 4.57 m daylight triangles are located at each proposed intersection. These requirements are being addressed as a condition of Draft Plan of Subdivision approval as Condition No. 14 of Appendix “D” to Report PED19163.

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;

**SUBJECT: Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7) – Page 9 of 18**

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- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the *Planning Act*.”

As has been previously discussed, the proposed Draft Plan of Subdivision complies with the Urban Hamilton Official Plan and meets all requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the site can be serviced using existing infrastructure, subject to the proposed Draft Plan conditions. The development will not adversely impact the transportation system or natural environment, will be integrated with existing lands and roads, and will not adversely impact municipal finances.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan.

### **Hamilton Zoning Bylaw No. 05-200**

The subject property is currently zoned Neighbourhood Institutional (I1) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED19163.

The Neighbourhood Institutional (I1) Zone permits a range of compatible low intensity institutional and residential uses, such as educational establishments, places of worship, and single and semi-detached dwellings. The intended use of 54 semi-detached dwellings are permitted within the (I1) Zone, and the proposed development has been reviewed and appears to conform to the standards of the (I1) Zone, as shown on the provided concept plan appended as Appendix “B” to Report PED19163.

### **Bruleville Neighbourhood Plan**

An amendment to the Bruleville Neighbourhood Plan is required to change the designation from “Civic and Institutional” to “Single and Double” to reflect this proposal. Given the former institutional use (elementary school) has since been discontinued and the building demolished, and the Official Plan designation and Zoning are permissive of this development, the re-designation to “Single and Double” can be supported.

### **RELEVANT CONSULTATION**

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

- Asset Management, Strategic Planning Division, Public Works Department;
- Construction, Strategic Planning Division, Public Works Department;
- Transit Planning and Infrastructure, Public Works Department;
- Horizon Utilities; and,

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**SUBJECT: Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7) – Page 10 of 18**

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- Hydro One Networks Inc.

The following departments and agencies submitted comments:

**Forestry and Horticulture Section, Environmental Services Division, Public Works Department** does not approve the Tree Protection Plan, and amendments are required. A condition is also to be added requiring the applicant to submit a plan depicting new trees as shown in Item 2.8 of the standard Subdivision Agreement, and the applicant is required to provide payment for road allowance trees which will be planted by the City of Hamilton.

The Tree Management Plan requirements are being addressed as a condition of Draft Plan of Subdivision approval as Condition No. 20 of Appendix “D” to Report PED19163.

**Growth Planning Section, Growth Management Division, Planning and Economic Development Department** have requested that a note be included to the conditions of Draft Plan of Subdivision indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted.

The above requirement is being addressed as a note to the conditions of Draft Plan of Subdivision approval (see Appendix “D” to Report PED19163).

**Hamilton Conservation Authority** has no objection to the approval of the Draft Plan of Subdivision, however notes that residential development will result in significant increase in imperviousness of site. HCA staff is generally satisfied with the proposed stormwater quality control and sediment and erosion control measures, however will require a full Stormwater Management Report and revised set of engineering drawings as a condition of Draft Plan of Subdivision approval, included as Condition No. 21 of Appendix “D” to Report PED19163.

**Landscape Architectural Services, Strategic Planning Division, Public Works Department** has noted that the City’s standard for fencing between development and parks is a 1.5 m height black vinyl chain link fence. Any cost sharing between the City and the developer for the fence will be based on standard pricing for a chain link fence. The developer will pay any additional costs associated with the installation of a screen that exceeds this standard. They also request cash-in-lieu of parkland dedication. The above matters will be addressed as a condition of Draft Plan of Subdivision approval, included as Condition No. 10 of Appendix “D” to Report PED19163 and as part of the building permit process.

**Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department** is requesting a Pest Control Plan during the construction/development phase of the project. This requirement is being addressed as

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a condition of Draft Plan of Subdivision approval, included as Condition No. 22 of Appendix “D” to Report PED19163.

**Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department** has noted that this development is eligible for municipal waste collection service subject to meeting the City’s requirements. This requirement is being addressed as a note to the conditions of Draft Plan of Subdivision approval (see Appendix “D” to Report PED19163).

**Transportation Planning Section, Planning and Economic Development Department** has advised that driveways must not be located within intersections of possible crosswalk locations per the Comprehensive Development Guidelines and Financial Policies Manual 2017. For driveway accesses, the maximum width of the curb depression, measured at the gutter line, shall be 4.5 m for a single residential driveway and 7.0 m for a double residential driveway. With respect to driveway locations within intersections, Transportation Planning staff have reviewed functional drawings provided for each intersection (Bobolink Road at Cardinal Drive and Street ‘A’, Bobolink Road at Meadowlark Road, and Hummingbird Lane at Street ‘A’) and have no further comments. Transportation Planning staff recommend the driveway locations on the south side of Bobolink Road opposite Meadowlark Drive be reviewed to facilitate any future crosswalks as part of the detailed design and access / building permit stages.

Transportation Planning has reviewed the Transportation Impact Study (TIS) and concurs with the findings that the development proposal can adequately be accommodated by the existing transportation network with manageable traffic impact to the adjacent public roadways. Transportation Planning approves the TIS and no revisions are required. It is anticipated that all existing intersection controls will remain. Transportation Planning also reviewed the Transportation Demand Management (TDM) Report and have no further comments.

Transportation Planning requires Street ‘A’ to be established with a width of 20.0 m, and that pavement marking drawings be submitted for review and approval. These items are being addressed as condition of Draft Plan of Subdivision approval and are included as Condition Nos. 23 and 24 of Appendix “D” to Report PED19163.

**Canada Post** has indicated that the owners are required to notify purchasers of Centralized Mailbox locations. Further, Canada Post has provided their requirements for the Centralized Mailbox locations. These requirements are being addressed as conditions of Draft Plan of Subdivision approval, included as Condition Nos. 25 - 27 of Appendix “D” to Report PED19163.

**Hamilton-Wentworth District School Board (HWDSB)** requires that the Developer install a minimum 1.2 m height chain link fence along the boundary of the subject site and the School Board’s lands (Pauline Johnson Elementary School). HWDSB has agreed that

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the municipal standard 1.5 m height black vinyl chain link fence is sufficient. This requirement is being addressed as a condition of Draft Plan of Subdivision approval, included as Condition No. 10 of Appendix “D” to Report PED19163.

**Rogers Communications Inc.** has no objections to the proposed application but requests the necessary easements and/or agreements required to service the development be provided. This requirement is being addressed as conditions of Draft Plan of Subdivision approval as Condition No. 28 of Appendix “D” to Report PED19163.

**Union Gas** has no objections to the proposed application but requests the necessary easements and/or agreements required to service the development be provided. This requirement is being addressed as conditions of Draft Plan of Subdivision approval as Condition No. 29 of Appendix “D” to Report PED19163.

### **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 171 property owners within 120 m of the subject property on January 30, 2019 for the proposed Draft Plan of Subdivision Application.

A Public Notice Sign was posted on the property on February 5, 2019, and updated on July 25, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on August 16, 2019.

To date, five letters, including one with 41 digital signatories, (attached as Appendix “E” to Report PED19163) were received from the public through this circulation and are summarized in the Analysis and Rationale for Recommendation Section of this Report.

### **Public Consultation Strategy**

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included a neighbourhood meeting held on April 23, 2019 and hosted by the applicant at Nora F. Henderson Secondary School located at 75 Palmer Road, Hamilton. The applicant’s agent presented the application to members of the public and addressed questions and concerns associated with the proposal. A notice advising of the neighbourhood meeting was sent to all residents within 120 m of the subject land. A total of 19 people, including the Ward Councillor, City staff, the applicant and their agent, attended the meeting.

Neighbourhood concerns include traffic volumes, safety, and parking, particularly with respect to the adjacent public school and shortcutting to nearby Upper Wentworth Street / Lime Ridge Mall, site condition and impact of demolition / construction, and density, amongst other issues. The Meeting Comments, including applicable responses from the

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applicant, are included in Appendix “F” to Report PED19163 and are addressed in the Analysis and Rationale for Recommendation Section of this Report.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the PPS, conforms to A Place to Grow (2019), complies with the Urban Hamilton Official Plan, and conforms to the Neighbourhood (I1) Zone;
  - ii) The proposed development provides additional dwelling units in an area where full municipal services are available, making efficient use of the land and infrastructure; and,
  - iii) The proposed development will be compatible with the existing development in the immediate area with respect to use, size and scale.
  
2. The subject lands are located at the southeast corner of the intersection of Bobolink Road and Hummingbird Lane and the now vacant site is the former site of the Cardinal Heights Middle School. The subject application (25T-201902) proposes to establish 54 lots fronting on a new municipal road for the development of 54 semi-detached dwellings.

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, A Place to Grow, and with the general intent of the Urban Hamilton Official Plan, including the Bruleville Neighbourhood Plan;
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It complies with the applicable policies of the Urban Hamilton Official Plan;
- (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood;

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- (f) The proposed road will adequately service the proposed subdivision and can connect to the current road network;
- (g) The dimensions and shapes of the proposed lots conform to the Zoning By-law and are sufficient to accommodate the proposed development of semi-detached dwellings;
- (h) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;
- (i) Adequate utilities and municipal services are available to service the proposed lots within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,
- (j) The application will not have any negative impact on the City's finances.

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

3. The Engineering Approvals section is supportive of this application to subdivide the subject land and have provided the following information.

There are existing watermains and sanitary and storm sewers on Bobolink Road and Hummingbird Lane that the development can connect to. Existing road widths are to standard; therefore, no road widenings will be required for this development.

The site drains in a northerly direction and will be graded in accordance with the City of Hamilton grading standards / policy. Given the location of the site to an existing school to the south and existing homes to the east, the developer will be required to install safety fencing, silt fence, and sedimentation controls and will be required to maintain the fencing and controls throughout the construction period and house construction. To avoid external flows from the park entering the subject site, the developer will be required to install a catch basin and swale to direct the flows to Bobolink Road. Where back to front drainage is proposed, a minimum combined side yard setback of no less than 2.0 m between dwellings shall be required. This combined setback requirement shall also apply where emergency overland flow routes are required from the rear yards. These matters are being addressed as conditions of Draft Plan of Subdivision approval and are included as Condition Nos. 1, 11, and 13 of Appendix "D" to Report PED19163.

A geotechnical report is to be submitted to determine subsurface conditions, which is addressed as a condition of Draft Plan of Subdivision approval as Condition No. 9 of Appendix "D" to Report PED19163.

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The internal sewers will be oversized to provide adequate storm water quantity control to Bobolink Road. Storm water quality will be treated by an oil-grit separator. The proposed superpipe storage within Street 'A' is considered as a stormwater management facility and will therefore require a direct submission ECA application. These matters are being addressed as a condition of Draft Plan of Subdivision approval, included as Condition No. 2 of Appendix "D" to Report PED19163.

As part of detailed engineering design and review, the Owner will be required to submit pre-construction video inspection reports for the existing sewers, to install a 1.5 m wide sidewalk along the south side of Bobolink Road fronting the subject site, including the removal and disposal of existing sidewalk, and along both sides of Street 'A', to reconstruct Bobolink Road, including a complete asphalt overlay fronting the subject site, and to remove, relocate, or replace all affected utility infrastructure, as required. These matters are being addressed as conditions of Draft Plan of Subdivision approval, included as Condition Nos. 5, 7, 8, and 12 of Appendix "D" to Report PED19163, respectively.

In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision, including the SWM facility requirements.

4. To date, five letters of correspondence, including one with 41 digital signatories, have been received through public consultation (attached as Appendix "E" to Report PED19163), and additional comments were received at the community meeting, as documented in the Meeting Comments, including responses from the applicant (attached as Appendix "F" to Report PED19163). The comments can be summarized as follows.

#### Traffic

Written submissions and comments received at the community meeting included concerns regarding traffic volumes, particularly with respect to the adjacent public school and children accessing the school. At arrival and dismissal times, traffic along Hummingbird Lane is perceived to be quite busy, and there is concern that the proposed new access onto Hummingbird Lane will further exacerbate this existing issue. The Transportation Impact Study, completed by NexTrans Consulting Engineers, dated December 17, 2018, indicates that the existing transportation network currently operates at excellent levels of service during both peak periods, that it can adequately accommodate the proposed development, and is expected to continue to operate with excellent levels of service.

There is a preference from the public that there be no access to Hummingbird Lane, and that the subdivision should be designed in a 'U' pattern. This pattern

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would introduce another four-way intersection around Meadowlark Drive which would be too close in proximity to the intersection of Hummingbird Lane and Bobolink Road. This would introduce further traffic safety and operational issues. The proposed intersection of Street 'A' and Hummingbird Lane is sufficiently spaced from the existing intersection.

Concerns were also expressed regarding shortcutting traffic through the neighbourhood to access nearby Upper Wentworth Street / Lime Ridge Mall, as well as observations of numerous traffic violations such as failure to stop at stop signs in the area. Staff advise that these concerns would be applicable to existing conditions and are enforcement issues on which the proposed subdivision will have no impact.

### Parking

Expanding on the traffic concerns above, residents also expressed concerns regarding parking, again especially at school arrival and dismissal times. An on-street parking plan submitted in support of the proposal, dated April 2019, meets the minimum 40% parking requirement based on the removal of on-street parking restrictions on the south side of Bobolink Road that were in place due to the former school use. Transportation Planning and Parking have confirmed that they have initiated the process to lift the parking restriction and the signs should be removed later this year. A final driveway location / on-street parking plan will be required, including driveway locations shown on all engineering plans, as conditions of Draft Plan of Subdivision approval and is included as Condition Nos. 3 and 4 of Appendix "D" to Report PED19163.

### Safety

Comments were received with concerns about increased population density and foot traffic in the area, leading to increases in crime and vandalism. It is important that development be properly designed to create safe conditions, and to note that increases in population density does not directly correlate to an increase in crime. Effectively reducing opportunities for crime is achieved through implementing Crime Prevention Through Environmental Design (CPTED) principles. Staff believes the proposed development achieves these principles by providing opportunities for natural surveillance and visually legible and intuitive means of access as well as defined distinctive public and private property.

### Demolition / Construction Impact

Written submissions and comments received at the community meeting speak to existing site conditions, including recent ponding and freezing at the community mailbox along Hummingbird Drive, being a result of drainage and maintenance

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issues from the demolition of the former school, as well as the physical impact of construction on the neighbourhood. The proponent has been made aware of concerns over existing issues and has encouraged residents to approach the construction manager directly with any future concerns.

To mitigate impacts of construction activities during redevelopment of the site, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision will be required, addressed as a condition of Draft Plan of Subdivision approval as Condition No. 6 of Appendix “D” to Report PED19163.

#### Population and Density Increase

Concerns about the increase in population, lot density, and building heights within a relatively small area were expressed in the submissions and comments. The net residential density is 40.7 units per hectare, which complies with the policies of the Urban Hamilton Official Plan for low density residential development. The built form of the proposed semi-detached dwellings is compatible with the existing lot pattern and built form of the neighbourhood, and the lot and building dimensions conform to the Neighbourhood Institutional (I1) Zone.

Concerns were also raised that the additional dwelling units would cause overloading of the school due to increased student population. This matter would ultimately be up to the school boards to address; however, staff reiterate that the increase in overall population is negligible.

#### Loss of Greenspace, Trees, and Pedestrian Connectivity

Written submissions and comments speak to concern over the loss of valuable amenity / greenspace on the former school site and a desire to maintain a pathway between the existing park and the school. The site is privately owned and is not designated as a public park or open space. The current block and roadway design provide ample pedestrian opportunities, with sidewalks on both sides of the roads, spaced with short blocks with reasonable walking distances, making a midblock pedestrian pathway not warranted.

#### Infrastructure Capacity

Submissions have been made concerning whether there is sufficient infrastructure capacity to support the additional dwelling units. Engineering Approvals has reviewed the Functional Servicing Report and preliminary servicing plans and confirm that there is sufficient capacity to support the proposed development in accordance with all current and applicable engineering design standards.

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## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the lands could not be developed with the proposed subdivision of freehold lots fronting onto a public municipal road. The lands could be developed in accordance with the Neighbourhood Institutional (I1) Zone, which permits uses, including but not limited to, institutional and residential uses, such as educational establishments, places of worship, and single and semi-detached dwellings.

## **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.*

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Concept Plan

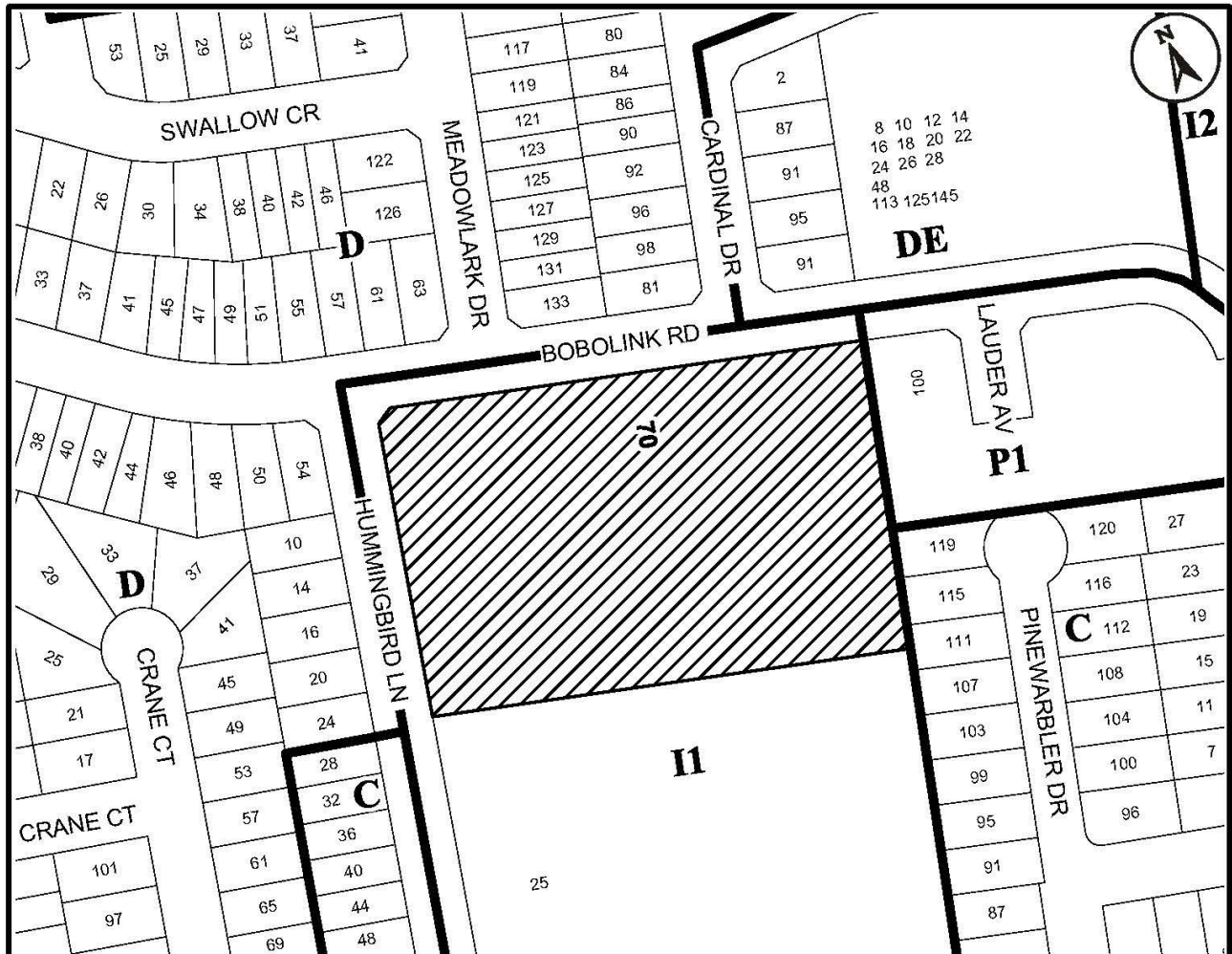
Appendix “C” – Draft Plan of Subdivision

Appendix “D” – Draft Plan of Subdivision Special Conditions

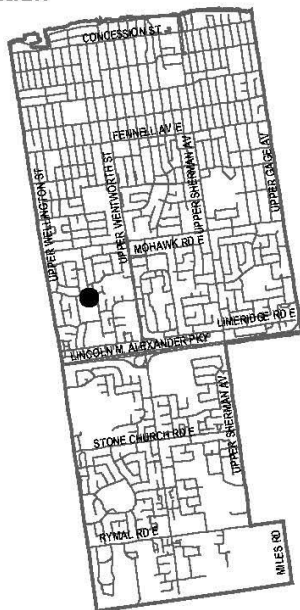
Appendix “E” – Public Submissions

Appendix “F” – Neighbourhood Meeting Minutes


TV:mo



● Site Location



Key Map - Ward 7

N.T.S. 

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25T-201902


Date:  
January 22, 2019

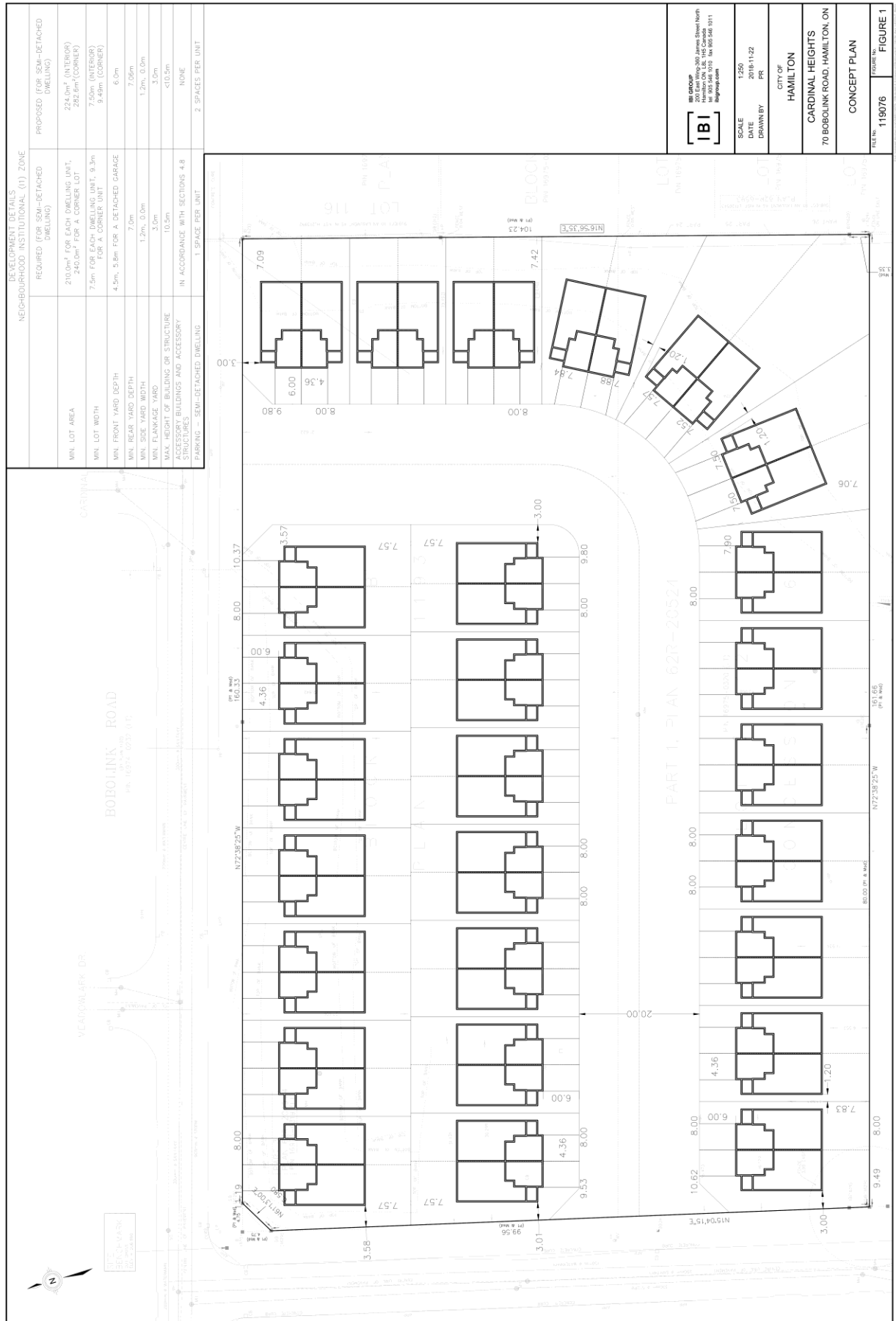
Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
TV/AL

**Subject Property**

 70 Bobolink Road





### Special Conditions for Draft Plan of Subdivision Approval for 25T-201902

That this approval for the Draft Plan of Subdivision, 25T-201902, prepared by IBI Group and certified by S. Dan McLaren, O.L.S., dated December 11, 2018 (Revision 3, dated June 27, 2019), consisting of 54 lots for semi-detached dwellings (Lots 1-54) and one public road (Street A) be received and endorsed by City Council with the following special conditions:

#### Development Engineering:

1. That, **prior to preliminary grading**, the Owner agrees, to install a 1.8 m temporary fast fence around the perimeter of the site and agrees to maintain the fence for the full duration of servicing and house construction, to the satisfaction of the Senior Director, Growth Management.
2. That, **prior to preliminary grading**, the Owner shall submit a detailed Stormwater Management Report prepared by a qualified professional engineer, in accordance with the City of Hamilton Drainage Policies, City of Hamilton Comprehensive Development Guidelines and The MECP Stormwater Management Planning and Design Manual (2003), and considering the following parameters:
  - a. The 100-year post development flow from the subject site including any external drainage shall be controlled to 2-year predevelopment level. Any external drainage through the subject site must be considered in the stormwater quantity control storage system;
  - b. The maximum water elevation in the superpipe storage system during 100-year event should not exceed the obvert of the superpipe storage system; and,
  - c. Considering an appropriate technique in the SWM design to demonstrate level 1 quality control;all to the satisfaction of the Senior Director, Growth Management.
3. That, **prior to servicing**, the Owner prepares and submits a driveway location/on street parking plan showing:
  - a. the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
  - b. the driveways ramps and curb openings for all lots;
  - c. the pairing of driveways;



- d. where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
  - e. the location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities,
- to the satisfaction of the Senior Director, Growth Management.
4. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering plans for all lots, and that no driveway shall be located within a daylight triangle. Further, all driveway locations at bends and corners shall be situated to ensure that the driveways are within their own frontages, to the satisfaction of the Senior Director, Growth Management.
  5. That, **prior to servicing**, the Owner shall submit a pre-construction video inspection report for the existing sanitary and storm sewers on Bobolink and Hummingbird Lane. The Owner further agrees to provide a post-construction CCTV video of these existing sewers promptly upon the completion of the underground servicing construction, to the satisfaction of the Senior Director, Growth Management.
  6. That, **prior to servicing**, the Owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works be completed as necessary, to the satisfaction of the Senior Director, Growth Management.
  7. That, **prior to servicing**, the Owner agrees, at their expense, to install a 1.5 m concrete sidewalk along the south side of Bobolink Road from the existing sidewalk at the east limit of the subdivision to Hummingbird Lane including the removal and disposal of the existing sidewalk and the installation of a 1.5 m concrete sidewalk on both sides of Street "A" (Mia Drive), to the satisfaction of the Senior Director, Growth Management.
  8. That, **prior to servicing**, the Owner agrees to reconstruct Bobolink Road from Cardinal Drive to Hummingbird Lane, including a complete asphalt overlay at their expense to the satisfaction of the Senior Director, Growth Management.
  9. That, **prior to servicing**, the Owner agrees to prepare a geotechnical report and agrees to implement the report's recommendations, to the satisfaction of the Senior Director, Growth Management.

10. That, **prior to servicing**, the Owner agrees to install a 1.5 m high black vinyl coated heavy duty chain link fence along the rear yards of Lots 29 to 54, to the satisfaction of the Senior Director, Growth Management.
11. That, **prior to servicing**, the Owner agrees to pay all costs associated with the installation of a catch basin and swale, including all restoration works within the existing park to the east to the satisfaction of the Senior Director, Growth Management.
12. That, **prior to registration of the plan of subdivision**, the Owner agrees, at their expense, to remove, relocate or replace, as required, all affected utility poles, hydrants, pedestals, hydro vaults etc., on Hummingbird Lane and Bobolink Road, including the existing pole line located within the rear yards of Lots 45 to 54 to the satisfaction of the Senior Director, Growth Management.
13. That, **prior to registration of the plan of subdivision**, the Owner agrees that where back to front drainage is proposed that a combined minimum setback of 2.0 m shall be provided between the affected dwellings. Further the combined 2.0 m minimum setback shall apply where emergency overland flow routes are proposed between dwellings, to the satisfaction of the Senior Director, Growth Management.
14. That, **prior to registration of the plan of subdivision**, the Owner agrees that 4.57 m x 4.57 m daylight triangles shall be established on the final plan of subdivision at the following locations:
  - a. Mia Drive and Bobolink Road;
  - b. Bobolink Road and Hummingbird Lane (southeast corner); and,
  - c. Mia Drive and Hummingbird Lane,all to the satisfaction of the Senior Director, Growth Management and the Manager of Transportation Planning.

#### **Development Planning:**

15. That, **prior to preliminary grading and / or servicing**, the following warning clause be identified in all offers of purchase and sale or lease agreements:

**Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains

are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

16. That, **prior to preliminary grading and / or servicing**, a signed Record of Site Condition (RSC) be submitted to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee.
17. That, **prior to preliminary grading and / or servicing**, the Owner shall prepare a Tree Preservation / Enhancement Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; and to implement all approved tree savings measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner.
18. That, **prior to registration of the plan of subdivision**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect to the satisfaction of the Director of Planning and Chief Planner. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City's Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees.
19. That, **prior to registration of the plan of subdivision**, and at the Owner's expense, the Owner shall erect and maintain a plaque on the property displaying graphic and textual descriptions of the site's history and former use, buildings, and structures pertaining to Cardinal Heights Middle School, to the satisfaction of the Manager of Development Planning, Heritage and Design.

#### **Forestry and Horticulture Section, Public Works Department:**

20. That, **prior to preliminary grading and / or servicing**, the Owner shall submit a Tree Management Plan and the payment of all applicable fees, all to the satisfaction of the Forestry and Horticulture Section, Public Works Department.

#### **Hamilton Conservation Authority:**

21. That **prior to preliminary grading and / or servicing**, the applicant prepares a full Stormwater Management Report and revised set of engineering drawings to the satisfaction of the Hamilton Conservation Authority.

**Public Health Services:**

22. 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, to the satisfaction of the Director of the Health Protection Division, Public Health Services Department.

**Transportation Planning:**

23. That, **prior to servicing**, the road allowance for Street 'A' be established as 20.0 m; and dimensioned on the Draft Plan of Subdivision; all to the satisfaction of the Manager of Transportation Planning.
24. That, **prior to servicing**, pavement marking drawings will be submitted to the satisfaction of the Manager of Transportation Planning as well as Manager of Transportation Operations.

**Canada Post:**

25. That **prior to registration of the plan of subdivision**, the Owner shall include on all offers of purchase and sale, a statement that advises the prospective purchaser:
- a. That the home / business mail delivery will be from a designated Centralized Mail Box.
  - b. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
26. That **prior to registration of the plan of subdivision**, the Owner agrees to:
- a. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - b. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - c. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

- d. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
  - e. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
27. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

#### **Rogers Communication Inc.:**

28. That **prior to registration of the plan of subdivision**, the owner / developer provide to Rogers Communications Inc. ("Rogers") the necessary easements and / or agreements required by Rogers for the provision of telecommunications services for this project, in a form satisfactory to Rogers.

#### **Union Gas:**

29. That **prior to registration of the plan of subdivision**, the owner / developer provide to Enbridge Gas Inc.'s operating as Union Gas, ("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.

#### **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 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

#### **Recycling and Waste Disposal:**

2. This property is eligible for municipal waste collection service subject to meeting the City's requirements indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended. The property owner must contact the City by email [wastemanagement@hamilton.ca](mailto:wastemanagement@hamilton.ca) or by telephone 905-546-CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirements.

**From:** GCH-CanDisPro [REDACTED]  
**Sent:** February 5, 2019 4:52 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** File 25T-201902

Dear Mr. Vrooman,

I am a resident living on Hummingbird Lane.

I was reviewing the proposed plan and was concerned whether there will be a direct access to Humminbird Lane from the new proposed street.

As you know, there is a school and the existing traffic with school buses and parents is already very congested. I would hope that this will be considered and that there be NO access to Hummingbird Lane.

Also, will the park that exists now be improved to reflect the additional 54 households?

Thank you.

Grace Hinz

**From:** [REDACTED]  
**Sent:** February 11, 2019 7:11 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** New construction by Hummingbird lane

Dear Mr. Vrooman.

My house is on Hummingbird lane and I have learnt about the new construction for 54 more houses. I am deeply concerned about this new subdivision to be accessible from Hummingbird lane. Having the access by Hummingbird, with the school and all children there, can be very dangerous. We already suffer from traffic and adding another access will not be safe.

I hope you can take this into consideration.

Thank you.

Javier Millan

Sunday, February 17<sup>th</sup> 2019

Gina DiFederico

[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Mr Vrooman

My name is Gina DiFederico and I reside on Hummingbird Lane.

My main reason why I am writing this letter is that I have concerns of the safety of this community.

Through the twelve(12) years I've lived at this residence, the flow of traffic has increased. The proposed plan will only compound and create added volume of traffic on to Hummingbird Lane which would be a safety concern for the neighbourhood, school, buses, cars, and pedestrians alike. In the past, there were near misses of accidents.

Also, there are numerous children in this community that the park is used for their recreational enjoyment. A pathway to the park would be suggested so that there would be safe easy access to the community park from the school could be maintained.

Yours Truly,

Gina DiFederico



Saturday, February 16<sup>th</sup>, 2019

Jason Mattina



Dear Mr Vrooman,

I am writing in response to the proposed re-development planned for the former Cardinal Heights School lands.

I have some serious concerns on how the proposed access to the new lots will unnecessarily increase the traffic in the school zone around Pauline Johnson Elementary. Drivers already use Bobolink to Hummingbird Lane along Skylark and out Thresher for access to Limeridge Mall. I fear adding another easy way through the community from Cardinal to Hummingbird via "Street A", will further increase this dangerous trend. Drivers already skip the stop signs at Bobolink and Hummingbird which is in a school zone. They pass school buses offloading and loading students and drive with excessive speed around the school. While none of these issues are a result of the plan, the fact they exist should raise cause for concern when planning to add more access to the area.

I would suggest instead of the proposed "L" shaped road joining Cardinal to Hummingbird a "U" shaped road or crescent connecting Cardinal to Meadowlark be preferred. A crescent would not provide additional access to the school zone beyond what already exists.

Secondly the existing plan does not account for the hundreds of students who use the open field to access the school from the affordable housing located at the east end of Bobolink and students who live further north east of the community. The same route has been used by Pauline Johnson School to access the park located east of the former Cardinal Heights lands. I believe it would be best for the safety of the community and students, if a path were included in the plan to maintain the access which so many use.

Finally the number and size of the lots to be developed is worrisome. 54 new homes on lots half the size of all other lots in the community. Based on the houses surrounding the proposed lands, 36 homes would be more appropriate. Will the infrastructure support that many houses? Where will they park? How will it impact traffic in the area. Has a traffic study been done?

If there is to be a meeting to discuss this development I would like to attend.

Based on the actions of the developer so far, I do not believe they have the best interests of the community in mind. I ask that city planning and bylaw take extra care every step of the way to ensure all laws are being followed.

Sincerely,

Jason Mattina

**From:** Soos, Rebecca [REDACTED]  
**Sent:** February 20, 2019 12:54 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Response to the Notice of Proposed Subdivision at 70 Bobolink Rd. File No. 25T-201902  
**Importance:** High

Feb 20, 2019

**RE: Proposed subdivision at 70 Bobolink Rd. File No. 25T-201902**

Dear Mr. Vrooman and Members of the Hamilton City Council,

I am submitting this letter on behalf of the Bruleville residents in the area of the proposed subdivision at 70 Bobolink Rd. File No. 25T-201902. A list of residents and signatures will be forthcoming to accompany this letter, however we wanted to ensure the letter with our concerns was submitted before the deadline for responses.

The Bruleville residents' focus is to help make our neighbourhood area a great place to live: safe, valued and community oriented. Our residents are generally families with young children, and lifetime residents who have lived here since the initial stages of building in this neighbourhood. We understand that part of forging a better community is planned growth. The Bruleville residents want the community to grow and thrive; we just want it to be done in a way that protects our investments, our safety, our environment and our quality of life.

We are extremely concerned with the proposed draft plan of subdivision for lands located at 70 Bobolink Road, File No. 25T-201902, (formerly site of Cardinal Heights School) to construct 54 semi-detached dwelling units and a new municipal road. We have numerous concerns with the physical impact of such a construction project on our established neighbourhood, as well as concerns for the dramatic increase to the population density in such a small, concentrated area.

We have very serious concerns for the safety and well-being of our children due to the increased traffic and population density in an area directly adjacent to Pauline Johnson Elementary School. Hummingbird Lane is currently unable to handle the capacity of traffic that congests the street at bell times, and such a drastic increase to population directly adjacent to the school grounds is only going to exacerbate an already dangerous circumstance. Large numbers of the students walk to the school, and their safety is of utmost concern. We also fear that the degree of increased population directly beside the school will raise other safety concerns: increased foot traffic surrounding the unfenced school playground, the potential for increased crime and vandalism, and the safety of our walking routes and area parks. We also have concerns around overloading of the school from the increase in school aged children that the proposed density of homes will likely bring. Pauline Johnson is a school which has just been renovated in 2018 to accommodate the current student population, amalgamate the elementary and middle schools,

and is currently at maximum capacity; we fear the introduction of larger class sizes and portable classrooms- both of which are a hinderance to quality education for our children.

We have concerns that the current infrastructure of the neighbourhood (roads, water & sewage systems, hydro lines, etc) does not have the capacity to handle such a significant increase in vehicular and pedestrian traffic pertaining to 54 new families in one small space. We are concerned about the safety of our neighbourhood; anticipating drastic increases to walkthrough traffic via the Pinewarbler Drive park entrance through to Limeridge Mall and the Upper Wentworth Street retail area. We have seen historically that the increased use of these walkthroughs directly relates to a higher degree of vandalism and theft of our properties and the park space, evidenced by known drug activities in the area and recently the stabbing death of a Hamilton teen at the park walkthrough in December 2018. We are also concerned with the elimination of valuable greenspace within our area, as well as the height implications of residential structures on such small, narrow lots. A dense occupancy housing project such as this by the very physical space it will take up, will change the look and feel of our established community. There is great concern with the value of the residential property surrounding the development dropping dramatically, which has significant financial implications to our families.

We are asking the Hamilton City Council and Development Planning team to take into account the concerns of the residents of the Bruleville neighbourhood in regards to this application. We understand and expect that development of the property at 70 Bobolink Road is necessary for growth, but feel that the density proposed by this request is more than double the capacity that this lot and the surrounding neighbourhood can support.

We, the undersigned are opposed to the application as proposed.

Thank you,

### **The Residents of the Bruleville Neighbourhood**

(bordered by Mohawk Rd. East, Upper Wentworth St, the Lincoln Alexander Parkway (The Linc), and Upper Wellington St.)

\*Individual listing of residents and signatures forthcoming

**[Contact: [REDACTED] not publish this contact information\*\*.]**

**\*\*please do**

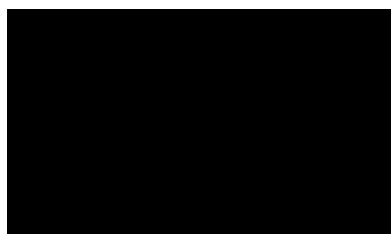


[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]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

If you have any other questions, please do not hesitate to email or give me a call. If you prefer, you can use my personal email [REDACTED], or my cell# [REDACTED].

Is there any information yet on when the public meeting will be held? We have received notice of a meeting held by the developer, but realize that this is not the official city meeting.

Thanks,





**IBI GROUP**  
 200 East Wing – 360 James Street North  
 Hamilton ON L8L 1H5 Canada  
 tel 905 546 1010 fax 905 546 1011  
 ibigroup.com

## Neighbourhood Open Houses Comments

<b>To/Attention</b>	Notes to File	<b>Date</b>	April 26, 2019
<b>From</b>	Brianne Comley	<b>Project No</b>	119076
<b>Subject</b>	70 Bobolink Road - Neighbourhood Open House Nora Frances Henderson Secondary School April 23, 2019 @ 6:30pm		
<b>Present</b>	* See Sign-in Sheet (Presenter: John Ariens, City Staff: Councillor Esther Pauls, Zora Milovanov, Tim Vrooman)		

- Short-cutting from survey through Toys-R-Us
  - People will get killed eventually from drivers not stopping at stop signs
  - John promised to follow-up with NexTrans about short-cutting issue and impact on traffic
- Parking Concern
  - Illegal parking
  - Where are visitors of new development going to park? Nobody uses garages.
    - John examples the 40% on-street parking ratio typically used in residential developments for visitor parking
  - Councillor states that she will go out and count cars/experience the traffic and parking issues being brought up
- Traffic Concern
  - School drop-off along Hummingbird Lane – causes traffic in present tense and development will just add to this
  - Residents recommending Councillor come see during school hours/rush hour
  - John recommends putting in traffic calming measures to mediate traffic and safety
- Sight Line Concern
  - Parking on both sides of the street is causing an issues for visibility – Streets usually experience 2 side of parked cars
  - Bus coming down middle of road
  - Children will get hit
- Street Pattern Concern
  - Residents believe that a U-shaped road pattern will help mitigate people from short-cutting and parking on Mia Drive
- Safety Concern
  - Running stop signs
  - Passing school buses when they have their lights on
  - Short-cutting from survey through Toys-R-Us

70 Bobolink Road - Neighbourhood Open House  
 Nora Frances Henderson Secondary School  
 April 23, 2019 @ 6:30pm

Page 2 of 2

- People will get killed eventually from drivers not stopping at stop signs
    - John promised to follow-up with NexTrans about short-cutting issue and impact on traffic
  - Can a walkway from the existing townhouse development to the existing school be included in concept??
- Drainage Concern
  - Hummingbird frontage of subject lands has not been kept up causing drainage issues and pooling at Community Mailboxes
  - Request of backflow history on the property
- Density Concern
  - Residents believe that 54 semis are too high
- Street Name Concern
  - Residents believe that the street should follow suit and be named after a bird
- Property/Construction Management Concern/Comment
  - Ensure proper management of property leading up to the new development
  - Request for Construction Management to ensure safety of park as well as cleanliness of construction of development
- Tree Management Concern
  - Residents question if there is any opportunity to preserve any of the trees on the property
- Complaint that no one knew what "subject lands" meant on the Neighbourhood Open House notice
- DiCenzo spoke to neighbours about how all their issues are current/existing issues
  - Proposed development is an improvement from old land use (school)
- Councillor extremely supportive of development
  - Beautiful design
  - Development is inevitable might as well accept a positive thoughtful design – city growing
  - June Planning Agenda is goal
- Timeline – DiCenzo wants a quick in & out process to benefit everyone
  - Planning Committee & Council Decision – June 2019
  - Servicing – Summer 2019
  - Construction – Fall 2019





70 BOBOLINK ROAD  
HAMILTON, ONTARIO



**NEIGHBOURHOOD MEETING SIGN-IN SHEET**

Please PRINT your name and address. Meeting hosted by Owner and IBI Group  
Held on Tuesday April 23<sup>rd</sup> 2019 at Nora Frances Henderson Secondary School.

Name	Address & Postal Code



**IBI GROUP**  
 200 East Wing – 360 James Street North  
 Hamilton ON L8L 1H5 Canada  
 tel 905 546 1010 fax 905 546 1011  
 ibigroup.com

## Neighbourhood Open Houses Comments

**To/Attention** Tim Vrooman **Date** June 12, 2019  
**From** Angela Buonamici **Project No** 119076

**Subject** Response to Public Comments from 70 Bobolink Road -  
 Neighbourhood Open House  
 Nora Frances Henderson Secondary School  
 April 23, 2019 @ 6:30pm

**Issues / Concerns** Below are the concerns that residents provided at our Neighbourhood Open House. While most of their concerns are existing conditions within the neighbourhood. Any issues we can help alleviate and address are highlighted after each concern in **RED**.

- Short-cutting from survey through Toys-R-Us
  - People will get killed eventually from drivers not stopping at stop signs
  - **While this is an existing condition, there is no way to prohibit people shortcutting through the existing subdivision.**
- Parking Concern
  - Illegal parking
  - Where are visitors of new development going to park? Nobody uses garages.
  - **The illegal parking is an existing concern. We are providing 40% on-street parking for our proposed development, which is normal for residential development. We comply with the parking regulations as per the City's by-law. We can work with the City to post signage for illegal parking.**
- Traffic Concern
  - School drop-off along Hummingbird Lane – causes traffic in present tense and development will just add to this
  - Residents recommending Councillor come see during school hours/rush hour
  - **We can work with the City to provide traffic calming measures along Hummingbird Lane to help slow down the traffic during these times.**
- Sight Line Concern
  - Parking on both sides of the street is causing an issues for visibility – Streets usually experience 2 side of parked cars
  - Bus coming down middle of road
  - Children will get hit
  - **Our parking plan does not propose parking on both sides, only on one side which will provide enough space for school buses. We provide daylight triangles at both intersections to help with sight lines.**
- Street Pattern Concern
  - Residents believe that a U-shaped road pattern will help mitigate people from short-cutting and parking on Mia Drive

Response to Public Comments from 70 Bobolink Road - Neighbourhood Open House  
 Nora Frances Henderson Secondary School  
 April 23, 2019 @ 6:30pm

Page 2 of 2

- **The U-shaped pattern would put the second intersection too close to Meadowlark Drive intersection and the intersection at Bobolink Road and Hummingbird Lane which would cause significant traffic issues**
- Safety Concern
  - Running stop signs
  - Passing school buses when they have their lights on
  - Short-cutting from survey through Toys-R-Us
    - People will get killed eventually from drivers not stopping at stop signs
    - John promised to follow-up with NexTrans about short-cutting issue and impact on traffic
  - **While these are all existing conditions, our traffic consultant can investigate the short-cutting issue and its impact on traffic and provide some direction to the City to mitigate these issues.**
- Drainage Concern
  - Hummingbird frontage of subject lands has not been kept up causing drainage issues and pooling at Community Mailboxes
  - **Our proposal has to go through a detailed engineering design, our design can correct the existing drainage issue along Hummingbird Lane.**
- Density Concern
  - Residents believe that 54 semis are too high
  - **Our development is conforming to the density requirement in the Official Plan and we are not requesting any modifications to the Zoning By-law.**
- Street Name Concern
  - Residents believe that the street should follow suit and be named after a bird
  - **The name has been approved by the city therefore, it cannot be changed at this point of the process.**
- Property/Construction Management Concern/Comment
  - Ensure proper management of property leading up to the new development
  - Request for Construction Management to ensure safety of park as well as cleanliness of construction of development
  - **A construction management will be required to be approved as part of the detailed design process. Our client can provide proper upkeep of the property.**
- Tree Management Concern
  - Residents question if there is any opportunity to preserve any of the trees on the property
  - **Our landscape plan proposed to preserve certain trees, however, the City's Forestry department stated that due to the stress the trees would endure during construction, they would not survive. We are required to provide compensation to the City for any trees that we remove.**

I trust the above sufficiently addressed the above concerns. Please accept this for your report and don't hesitate to ask any questions if you require further information.

Thanks,  
 IBI Group

Angela Buonamici, MCIP, RPP, CPT  
 Senior Planner



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 3, 2019
<b>SUBJECT/REPORT NO:</b>	Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 600 James Street North, Hamilton (PED19151) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Mark Kehler (905) 546-2424 Ext. 4148
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-18-008, by PM (600 James St N) Inc., Owner**, for a change in building height permissions on Schedule “M-4” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit the development of a nine storey mixed use building, for lands located at 600 James Street North, as shown on Appendix “A” to Report PED19151, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19151, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to A Place to Grow Plan (2019).
- (b) That **Amended Zoning By-law Amendment Application ZAC-18-024, by PM (600 James St N) Inc., Owner**, for a change in zoning from the “H/S-182” (Community Shopping and Commercial, Etc.) District, Modified to the “H/S-1783-H” (Community Shopping and Commercial, Etc.) District, Holding, Modified to permit a 27.5 metre (nine storey) mixed use building with 55 dwelling units, 153.0

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

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

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 600 James Street North, Hamilton (PED19151) (Ward 2) - Page 2 of 37**

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square metres of commercial space and 32 parking spaces provided at grade and within a parking stacker system, for lands located at 600 James Street North, as shown on Appendix “A” to Report PED19151, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19151 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 “C” to Report PED19151 be added to District Map E2 of Zoning By-law No. 6593 as “H/S-1783-H”;
- (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.

The Holding Provision “H/S-1783-H” (Community Shopping and Commercial, etc.) District, Holding, Modified, be removed conditional upon:

- (1) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition (RSC); or,
- (2) A signed RSC being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). The RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow Plan (Growth Plan) (2019) and will comply with the City of Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

## **EXECUTIVE SUMMARY**

The Owner, PM (600 James St N) Inc. has applied for an Official Plan Amendment and a Zoning By-law Amendment to permit a nine storey (27.5 metres) mixed use building with 55 dwelling units, 153.0 square metres of commercial space and 32 parking spaces

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 600 James Street North, Hamilton (PED19151) (Ward 2) - Page 3 of 37**

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provided using a parking stacker system within the proposed building on lands located at 600 James Street North, Hamilton.

The purpose of the Official Plan Amendment application is for a change in building height permissions on Schedule “M-4” of Setting Sail in the former City of Hamilton Official Plan to permit the development of a nine storey (27.5 metre) mixed use building. Schedule “M-4” currently permits building heights of three to five storeys for the subject lands.

The purpose of the Zoning By-Law Amendment application is for a change in zoning from the “H/S-182” (Community Shopping and Commercial, Etc.) District, Modified to the “H/S-1783-H” (Community Shopping and Commercial, Etc.) District, Holding, Modified. Modifications to the “H” District are required to permit a multiple dwelling use in conjunction with a permitted commercial use with an increased maximum permitted building height of 27.5 metres or nine storeys. Reduced minimum front, side and rear yards are proposed with step backs at upper storeys to transition to adjacent residential uses and address the width of adjacent right of ways. Modifications to the parking and loading requirements are required to permit parking located within a parking stacker system, and reduced parking space width and length, number of parking spaces for a multiple dwelling and loading space length and width.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2014), conforms to the A Place to Grow Plan (2019), and will comply with Setting Sail upon finalization of the Official Plan Amendment. The proposed mixed use building maintains the intended retail function of the James Street North corridor and represents an appropriate level of intensification at this location that respects the scale and character of adjacent development.

**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 an application for an amendment to the Official Plan and Zoning By-law.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 600 James Street North, Hamilton (PED19151) (Ward 2) - Page 4 of 37**

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## **HISTORICAL BACKGROUND**

### **Proposal:**

The subject property is located at the northeast corner of James Street North and Burlington Street East in the North End Neighbourhood. The property has a lot area of 0.1022 hectares (1,022 square metres) and is municipally known as 600 James Street North.

The property is currently occupied by a one storey commercial building with an associated surface parking lot. The existing building is currently vacant and was previously occupied by a financial establishment which will be demolished to accommodate the proposed development.

The applicant is proposing to construct a nine storey (27.5 metres) high mixed use building with:

- 55 dwelling units;
- 153.0 square metres of commercial space at the ground floor and second level;
- 32 parking spaces provided at grade and within a stacker system located within the building and screened from view by garage doors; and,
- 55 long term and 6 short term bicycle parking spaces.

The commercial space is proposed to be located at the corner of James Street North and Burlington Street East and pedestrian access to the multiple dwelling is proposed on Burlington Street East. Two dwelling units with access at grade are proposed facing Burlington Street East. Vehicle access to the driveway for the parking stackers is proposed from James Street North at the northwest corner of the site. Amenity space is proposed through balconies for individual units, an indoor amenity space at the ninth storey and outdoor amenity space at the ninth storey and roof level.

The applicant has applied to amend the Setting Sail Secondary Plan in the former City of Hamilton Official Plan to change the building height permissions on Schedule "M-4" to permit the development of a nine storey building. The Secondary Plan currently permits a maximum building height of three to five storeys for the subject lands.

The applicant has applied for a change in zoning from the "H/S-182" (Community Shopping and Commercial, Etc.) District, Modified to the "H/S-1783-H" (Community Shopping and Commercial, Etc.) District, Holding, Modified. The existing "H/S-182" District zoning permits a one storey commercial building with associated parking and landscaped areas. Modifications to the "H" District are required to permit a multiple dwelling use in conjunction with a permitted commercial use with an increased

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 600 James Street North, Hamilton (PED19151) (Ward 2) - Page 5 of 37**

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maximum permitted building height of 27.5 metres or nine storeys. Reduced minimum front, side and rear yards are proposed with step backs at upper storeys to transition to adjacent residential uses and address the width of adjacent right of ways. Modifications to the parking and loading requirements are required to permit parking located within a parking stacking system, and reduced parking space width and length, number of parking spaces for a multiple dwelling and loading space length and width.

### First Submission

The original application, submitted on March 29, 2018, proposed a nine storey (27.5 metre) mixed use building with 60 dwelling units, 134 square metres of commercial space and 33 parking spaces located within a parking stacker system. The initial proposal provided no setback to the east abutting residential property with step backs at the seventh and eighth storeys. No setbacks were provided to the James Street North and Burlington Street East property lines with step backs at the seventh and ninth storeys. Parking was proposed within a parking stacker system consisting of six elevating devices, each containing three levels and accessed separately via garage doors facing a driveway along the north portion of the site.

### Second Submission

On November 21, 2018, the applicant submitted a revised concept plan and Zoning By-law Amendment in response to staff comments. The revised proposal included an increased east side yard setback abutting a residential district of 2.0 metres to 3.0 metres, whereas 0.0 metres was initially proposed. A step back was added to achieve a minimum 6.5 metre setback from the east property line above the fifth storey and 1.5 metre step backs were added at the seventh storey and 3.0 metres at the ninth storey along the James Street North and Burlington Street East frontages. The revised proposal included an increase in the number of dwelling units from 60 to 63, an increase in commercial floor area from 134.0 square metres to 152.0 square metres and an increase in the number of bicycle parking spaces from 40 to 48, including 32 long term and 16 short term bicycle parking spaces.

### Third Submission

On March 25, 2019, the applicant submitted a further revised concept plan and Zoning By-law Amendment in response to staff comments. The revised proposal included additional step backs to generally achieve a 45 degree angular plane measured from the east property line, beginning at height of 11.0 metres. With the exception of a portion of the ninth storey and the mechanical penthouse, the remainder of the building fell under the 45 degree angular plane. The revised proposal included transparent cladding material at the northwest corner of the building and the elimination of one



**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 600 James Street North, Hamilton (PED19151) (Ward 2) - Page 6 of 37**

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stacked parking space to allow visibility for vehicles exiting the access driveway onto James Street North and to achieve the required 3.0 metre by 3.0 metre visibility triangles. The revised proposal includes a total of 55 dwelling units, 153.0 square metres of commercial space and 32 parking spaces.

Fourth Submission (Attached as Appendix “E” to Report PED19151)

On July 19, 2019, the applicant submitted a revised concept plan at the request of staff that provides an additional east side step back at the ninth storey so that no portion of the building will project into the 45 degree angular plane measured from the east property line, beginning at a height of 11.0 metres. The ninth storey setbacks facing James Street North and Burlington Street East are also increased to eliminate projection into the 45 degree angular planes measured from 100 percent of the right of way widths. In addition, the applicant revised the design of the mechanical penthouse so that it does not project into the east side angular plane and the 45 degree angular planes measured from the right of way widths of James Street North and Burlington Street East. The proposed parking stacker system is revised to include two elevating devices, one with eight parking spaces and one with 23 parking spaces, with platforms that move both vertically and horizontally to accommodate three levels of vehicle parking. Due to the change in the proposed parking stacker system, the ground level plan is revised so that one of the proposed parking spaces is at ground level rather than within a parking stacker and the number of short term bicycle parking spaces is reduced from 16 to 6. At the request of staff, the number of long term bicycle parking spaces has been increased from 32 to 55. The final proposal continues to provide 55 dwelling units, 153.0 square metres of commercial space and 32 parking spaces.

Staff Amendments

At the request of staff, the applicant has incorporated the proposed upper level building step backs adjacent to the front, side and rear lot lines into the design of the building and are reflected in the amending by-law. In addition, staff have amended the by-law to remove permission for an automobile service station, repair garage or car wash and required that a multiple dwelling use be permitted only in the same building as a permitted commercial use. Staff added a requirement to provide a minimum of 1.0 long term bicycle parking space per dwelling unit.

Chronology:

December 6, 2017: Applicant attendance and presentation at the North End Neighbourhood Association meeting.

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<u>March 29, 2018:</u>	Submission of Official Plan Amendment Application UHOPA-18-008 and Zoning By-law Amendment Application ZAC-18-024.
<u>April 18, 2018:</u>	Applications UHOPA-18-008 and ZAC-18-024 deemed complete.
<u>May 1, 2018:</u>	Notice of Complete Application and Preliminary Circulation was sent to 350 property owners within 120 metres of the subject lands.
<u>May 9, 2018:</u>	Public Notice Sign installed on the subject lands.
<u>July 25, 2018:</u>	Applicant public open house.
<u>November 21, 2018:</u>	Second revised concept plan and Zoning By-law Amendment submitted in response to staff comments.
<u>March 25, 2019:</u>	Third revised concept plan and Zoning By-law Amendment submitted in response to staff comments.
<u>July 19, 2019:</u>	Fourth revised concept plan submitted in response to staff comments.
<u>August 7, 2019:</u>	Notice Sign updated with the Public Meeting date.
<u>August 16, 2019:</u>	Circulation of the Notice of Public Meeting to 350 property owners within 120 m of the subject lands.

**Details of Submitted Applications:**

<b>Owner:</b>	PM (600 James St N) Inc. (c/o Eli Turkiewicz)	
<b>Agent:</b>	Bousfields Inc. (c/o David Falletta)	
<b>Location:</b>	600 James Street North, Hamilton (see Appendix "A" to Report PED19151).	
<b>Property Description:</b>	<u>Lot Frontage:</u>	15.7 m
	<u>Lot Depth:</u>	43.4 m

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Lot Area: 1,022 sq m (0.1022 ha)

Servicing: Existing full municipal services

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	One storey commercial building formerly occupied by a bank and a surface parking lot	“H/S-182” (Community Shopping and Commercial, Etc.) District, Modified

**Surrounding Land Uses:**

<b>North</b>	Six storey multiple dwelling	“E/S-843” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified
<b>East</b>	Two and a half storey detached dwelling	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District
<b>South</b>	One storey commercial plaza	“G/S-902” (Neighbourhood Shopping Centre, Etc.) District, Modified
<b>West</b>	Six storey office building (Hamilton Port Authority)	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014) (PPS)**

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

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Settlement Areas

With respect to Settlement Areas, the PPS policies apply:

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

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

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

The subject property is located within a settlement area as defined by the PPS. The proposed nine storey mixed use building would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification. The proposal is transit-supportive by providing intensification along existing bus routes on James Street North and Burlington Street East and providing secure bicycle parking spaces on site. The lands are located approximately 800 metres from the West Harbour GO Station and were included within the boundaries of the City of Hamilton James Street North Mobility Hub Study.

Cultural Heritage and Archaeology

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

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

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

The subject property is located adjacent to the following properties included in the City’s Inventory of Buildings of Architectural and / or Historical Interest:

- 2 Guise Street; and,
- 605 James Street North.

Staff are of the opinion that the proposed building massing and design are appropriate for the existing and planned context and will not impact the heritage value of adjacent properties.

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

1. Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
2. In areas of pioneer EuroCanadian settlement; and,
3. Along historic transportation routes.

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

### Noise

Regarding noise, the following PPS policies apply:

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

The applicant submitted a Noise Impact Study prepared by Gradient Wind Engineering Inc. dated March 19, 2018 for the subject proposal and an addendum dated November

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9, 2018. The Study assessed the impact of roadway traffic noise from James Street North and Burlington Street East on the proposed residential development using noise criteria from the Ministry of the Environment, Conservation and Parks (MOECP) NPC-300 guidelines. No significant stationary noise sources were identified.

The Study concludes that noise mitigation measures are required to meet MOECP guidelines, including the provision for central air conditioning allowing windows to remain closed. Upgraded building components will be required on the south and west façades where traffic noise levels are the highest. Staff are satisfied with the report for rezoning purposes, and will require that the noise control measures recommended in the Study be implemented at the Site Plan Control stage. In addition, staff will require that the noise study be updated at Site Plan Control stage to demonstrate that the noise impact of the proposed parking stacker system and mechanical equipment on adjacent residential uses will be in accordance with provincial and municipal requirements.

#### Human-Made Hazards

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

The subject property is recognized as a potentially contaminated site due to the past use of the property for commercial purposes. As a result, the property is subject to environmental review to allow for the proposed multiple dwelling. The applicant has undergone a Phase One Environmental Site Assessment (ESA) dated June 28, 2017 by Pinchin. The ESA documented three potentially contaminating activities on site including a former gasoline underground storage tank associated with a retail fuel outlet that operated on site in the 1960s (removed in 2016 and 2017), granular fill material of unknown quality, and a pole-mounted, oil-cooled hydro-electric transformer located on the northwest portion of the site. A further 24 potentially contaminating activities were identified within the Phase One Study Area outside of the subject site. The ESA recommends that a Phase Two ESA be conducted prior to the filing of a Record of Site Condition (RSC).

The Owner will be responsible for ensuring an RSC has been filed appropriately satisfying the MOECP. A Holding Provision has been included in the amending Zoning By-law (attached as Appendix “C” to Report PED19151). Removal of the Holding Provision will be required pending a conditional building permit agreement with respect to completing an RSC or receipt of a Notice of Acknowledgement letter from the MOECP that the RSC has been filed.

Therefore, the proposal is consistent with the PPS.

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**A Place to Grow: Growth plan for the Greater Golden Horseshoe (Growth Plan) (2019)**

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

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

- a) the vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;
  - ii. have existing or planned *municipal water and wastewater systems*; and
  - iii. can support the achievement of *complete communities*;

2.2.1.2 c) within *settlement areas*, growth will be focused in:

- i. delineated built-up areas;
- ii. strategic growth areas;
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
- iv. areas with existing or planned public service facilities;

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

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

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The subject lands are located within the City of Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal complements the community by providing commercial uses and expanding housing options within the neighbourhood (Policy 2.2.1.4 a) and c)). Consistent with the growth management policies of the Growth Plan, the proposal represents a form of residential intensification within the built up area, in proximity to existing transit routes on James Street North and Burlington Street East. The lands are located within 800 metres of the West Harbour GO Station and are within the boundaries of the City initiated James Street North Mobility Hub Study.

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

### **Urban Hamilton Official Plan**

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

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

### **Hamilton-Wentworth Official Plan**

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

#### **Urban Area**

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



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the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.

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

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

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

The proposal complies with the above policy direction to encourage redevelopment of the subject lands for compact development within the Urban Area along a commercial corridor, in close proximity to Bayfront Park. The proposed mixed use, higher density building would provide for efficient use of services, including existing transit. As such, the proposal complies with the applicable policies of the Hamilton-Wentworth Official Plan.

### **City of Hamilton Official Plan**

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. Schedule A of the City of Hamilton Official Plan designates the subject lands “West Harbour.” The policies of Setting Sail provide more detailed designations and policy

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framework for this area. The following City of Hamilton Official Plan policies, amongst others, apply to the proposal.

“Subsection B.2.1 – Water Distribution

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

Subsection B.2.2 – Sewage Disposal

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

Subsection B.2.3 – Storm Drainage

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

There are existing services adjacent to the subject property including sanitary, storm and watermain sewers. Water and wastewater servicing and storm drainage will be further reviewed at the Site Plan Control stage.

“Subsection 2.4.5- Solid Waste Disposal

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

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

“Subsection C.7 – Residential Environmental and Housing Policy

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

The proposed mixed use building complies with Policies C.7.3 ix) and xii) by increasing the availability of apartment style dwellings in the neighbourhood and increasing residential densities in proximity to public transit.

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The proposal addresses Policies C.7.2 and C.7.3 iii) and v) by locating the proposed infill mid-rise building at the northern edge of the neighbourhood and incorporating design features that provide for appropriate transition in massing and scale to adjacent residential areas. The subject site is located near the northern terminus of James Street North adjacent to a six storey multiple dwelling to the north and a six storey office building to the west. A 17 storey multiple dwelling is located further to the west at the northeast corner of MacNab Street North and Burlington Street West. The proposal recognizes and complements the lower density residential area to the east by locating the bulk of the building mass towards the James Street North frontage. Additionally, a 2.0 metre to 3.0 metre easterly side yard setback and step backs at the sixth, seventh, eighth, ninth and mechanical levels achieve a 45 degree angular plane from the east property line beginning at a height of 11.0 metres. To limit privacy and overview impacts, proposed balconies are setback a minimum 3.0 metres from the east property line and there are no windows proposed on the east façade for the first five storeys. The proposed building is adjacent to an existing surface parking area for the abutting multiple dwelling to the north, limiting privacy and overview impacts.

The proposed building will occupy an existing lot and will make efficient use of available infrastructure. No setbacks are provided adjacent to the James Street North and Burlington Street East right of ways, however there is a landscaped boulevard adjacent to the property that will provide opportunities for street trees and streetscape improvements. The existing boulevard is wider than the existing boulevards for adjacent properties as 3.0 metre widenings and a corner widening with a radius of 12.19 metres were previously secured by the City along both James Street North and Burlington Street East. Amenity areas are proposed on individual balconies and shared indoor and outdoor amenity space on the eight floor, ninth floor and rooftop level.

Based on the forgoing, the proposal complies with the applicable policies of the City of Hamilton Official Plan.

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

Setting Sail was approved by Council in 2005. Due to appeals to the LPAT the Secondary Plan was not deemed to be in effect until the LPAT issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time.

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

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The subject lands are located along a Corridor of Gradual Change (James Street North) as identified on Schedule “M-1” of Setting Sail and are designated Prime Retail on Schedule “M-2.” Schedule “M-4” of Setting Sail permits a maximum building height of three to five storeys for the subject lands.

Corridors of Gradual Change

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

A.6.3.6.5 James Street

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

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

The proposal maintains the primary retail function of James Street as required by Policy A.6.3.6.5.1 by providing a 153.0 square metre commercial space at the corner of James Street North and Burlington Street East. As per Policy A.6.3.6.1.4, the proposal respects the scale and character of existing development in the Stable Area to the east by providing an appropriate transition in height and massing in the form of a 2.0 metre to 3.0 metre setback and step backs at the sixth, seventh, eighth, ninth and mechanical levels. Parking for the multiple dwelling is proposed to be provided using a parking stacker system and one at grade parking space located within the building and screened from view. Loading and service areas are proposed to be located on site and within the building, limiting traffic impacts and screening loading and service facilities from view.

As per Policy A.6.3.6.5.2, no parking is required for the proposed 153.0 square metre commercial space. This will eliminate the need for surface parking that could interrupt the character of the street that includes a consistent street wall with active uses at grade.

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Prime Retail

“A.6.3.3.1.18 James Street and Barton Street are the prime retail streets in West Harbour. In Prime Retail areas:

- i) mixed use developments with ground-floor, street-related commercial and community uses are permitted and encouraged;
- ii) most of the street-facing portion of the ground floor of buildings shall be reserved for street-related commercial and/or community uses, including retail stores, restaurants, take-out restaurants, business and personal services, and/or professional offices;
- iii) the ground floors of all buildings shall have windows and doors opening onto the street to provide “eyes on the street” and an interesting pedestrian experience;
- iv) the range of uses permitted on upper floors shall include residential, live/work and office. Two-storey retail stores are permitted, and personal services are permitted on the second floor of buildings;
- vi) the density and height of development shall be governed by the maximum heights identified on Schedule “M-4”;
- vii) buildings generally shall be built close to or at the front property line to maintain a consistent street wall subject to the development satisfying sightline requirements entering the public road allowance;
- ix) ground-floor uses shall have their main entrances on the street, with barrier free access at grade;
- x) parking areas shall be provided at the rear of sites, with access from public streets or laneways;
- xi) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,

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- xii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.”

The proposed mixed use building complies with Policies A.6.3.3.1.18 i), ii) and iv) by providing ground-floor, street related commercial space at the corner of James Street North and Burlington Street East, with residential uses on the upper floors. The proposed commercial space is two storeys, as permitted in Policy A.6.3.3.1.18 iv).

In accordance with Policies A.6.3.3.1.18 iii), vii) and ix), the proposed building will be built at the front and west side property lines abutting James Street North and Burlington Street East with windows and doors opening onto the street contributing to an interesting pedestrian experience. There is an existing landscaped boulevard in front of the subject property and transparent building materials are proposed at the northwest corner of the building where vehicles will exit onto James Street North, ensuring adequate sightlines are maintained. Ground floor access to the proposed commercial unit, multiple dwelling and ground floor dwellings will be at grade, allowing for barrier free access. As per Policy A.6.3.3.1.18 x), parking is proposed within the building with access off of James Street North at the rear of the site.

Policy A.6.3.3.1.18 vi) requires development to comply with the maximum heights identified on Schedule “M-4” of Setting Sail. The proposed nine storey (27.5 metres) building does not comply with Schedule “M-4” that permits a maximum building height of three to five storeys for the subject lands. Therefore, the applicant has applied to amend Setting Sail to allow a maximum building height of nine storeys. Staff are satisfied that the proposed building height is appropriate based on the proposed massing that responds in scale to the width of adjacent right of ways and provides adequate transition to adjacent residential areas.

Adjacent to the James Street North and Burlington Street East right of ways, the proposal provides a six storey (18.5 metre) building base that conforms to a 45 degree angular plane measured from 80 percent of the right of way width. A minimum 1.5 metre step back at the seventh and eighth storeys, a 4.2 metre step back at the ninth storey and a 7.7 metre step back at the mechanical penthouse are proposed so that the building conforms to a 45 degree angular plane measured from 100 percent of the right of way widths. The massing adjacent to James Street North and Burlington Street East appropriately frames the street and reduces the visual impact of the upper three storeys.

The applicant has incorporated building setbacks and step backs that provide for adequate transition in building height to the six storey multiple dwelling to the north and the single detached dwelling to the east. The building is set back 3.0 metres from the

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north property adjacent to the surface parking area for the abutting multiple dwelling. To transition to the single detached dwelling to the east, the proposal provides a 3.0 metre easterly side yard setback reduced to 2.0 metres at the rear to accommodate the parking stackers. Step backs are proposed at the sixth, seventh, eighth, ninth and mechanical levels to achieve a 45 degree angular plane measured from the east property line at a height of 11.0 metres. The 11.0 metre height is consistent with the height of a two and a half storey detached dwelling. In the opinion of staff, the proposed setbacks and step backs adequately reduce the visual impact of the increased building height on adjacent residential areas.

The translation of storeys to metres for determining height permissions for mixed use buildings in City of Hamilton Zoning By-law 05-200 is based on a 4.5 metre height for the ground floor and a 3.5 metre height for subsequent floors. Using this methodology, the proposed 27.5 metre building height is 1.5 metres lower in height than an eight storey building (29.0 metres). The subject lands have not been brought into Zoning By-law 05-200, however staff consider the height calculation to be informative as it is the Council approved practice applied to mixed use developments elsewhere in the City.

The three to five storey building height category on Schedule "M-4" applies to the properties on the southeast, southwest and northeast corners of James Street North and Burlington Street East. The northwest corner of James Street North and Burlington Street East permits a height of four to six storeys. The permitted heights at the intersection of James Street North and Burlington Street East are higher than along the remainder of James Street North to the south of the site and north of Barton Street (two to four storeys), indicating that the area should be considered an appropriate location for additional height and density.

In response to Policies A.6.3.3.1.18 xi) and xii), the applicant submitted a revised Shadow Study prepared by RAW Design dated March 19, 2019. The Shadow Study demonstrates shadowing on the public realm within the James Street North right of way on March 21<sup>st</sup>, June 21<sup>st</sup> and September 21<sup>st</sup>. Westerly shadows would be longest in the morning impacting sidewalks on both sides of James Street North at 9:18 am and 10:18 am at all three study dates. A portion of the westerly sidewalk would be impacted on March 21<sup>st</sup> and September 21<sup>st</sup> at 11:18 am, with only the easterly sidewalk experiencing shadows at 12:18 pm for all three study dates. There are no shadow impacts on the public realm in the afternoon and no impacts within the Burlington Street East right of way. Shadows would extend to the Hughson Street North right of way in the evening on March 21<sup>st</sup> and September 21<sup>st</sup>, but would not have a significant impact as the sidewalks are already shadowed by existing dwellings. Staff are satisfied the findings of the Study that the shadow impact on the public realm, limited to the James Street North right of way in the morning hours, is acceptable for the site that is identified in Setting Sail as an appropriate location for a mid-rise building.

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The proposed building would be separated from the existing multiple dwelling to the north by a surface parking lot located on adjacent lands limiting issues of privacy and overlook. All shadows cast on the north abutting property would be over the surface parking area. To address privacy and overlook impacts on the east abutting detached dwelling, the proposal includes a 2.0 metre to 3.0 metre east side yard setback and no windows facing east for the first five storeys closest to the property line. The building steps back at the sixth, seventh, eighth and ninth storeys, reducing overlook associated with balconies and windows located above the fifth storey.

According to the Shadow Study, shadows would encroach into the rear amenity area for the east abutting detached dwelling after 3:18 pm on March 21<sup>st</sup> and September 21<sup>st</sup> and after 4:18 pm on June 21<sup>st</sup>. Easterly shadows would extend in the evening on March 21<sup>st</sup> and September 21<sup>st</sup> to impact the rear yards of five additional dwellings fronting Burlington Street East and Hughson Street North. Staff consider the shadow impact on the rear yard for the dwelling directly to the east to be the most impactful as it would occur earlier in the day and during the summer months. Staff have worked with the applicant to refine the building design to reduce the building mass and improve transition to the east abutting property. The shadow impact of the current design is similar to what would occur should the building height be reduced to five storeys (18.5 metres) as envisioned in Setting Sail.

Based on the foregoing, staff support the applicant's proposal to amend Schedule "M-4" of Setting Sail to permit a nine storey (27.5 metre) building height, and are satisfied that the proposal complies with all other policies of the Prime Retail designation.

Urban Design:

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

- "A.6.3.3.4.1      New development, redevelopment and alterations to existing buildings in West Harbour shall respect, complement and enhance the best attributes of West Harbour and shall adhere to the following urban design principles:
- i)      Create a comfortable and interesting pedestrian environment;
  - ii)     Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;

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- iii) Generally locate surface parking at the rear or side of buildings;
- iv) Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level; and,
- v) Ensure barrier-free access from grade level in commercial mixed use development.”

In accordance with Policies A.6.3.3.4.1 i), iv) and v), the proposal creates a comfortable and interesting environment by locating the building at the street with windows and entrances at grade, ensuring barrier free access. As per Policy A.6.3.3.4.1 iii), parking is located within the building, screening the parking facilities from view. The proposed building respects the design, scale, massing, setbacks, height and use of neighbouring buildings by locating the bulk of the mass at the corner of James Street North and Burlington Street East, and providing setbacks and step backs to transition to adjacent lower profile residential uses. With respect to Policy A.6.3.3.4.1 ii), the existing context includes a six storey multiple dwelling to the north, and a six storey office building and 17 storey multiple dwelling to the west. As shown on Schedule “M-4” of Setting Sail, the planned context for building height includes heights between three to six storeys at the intersection of James Street North and Burlington Street East compared to two to four storeys for the portion of James Street North further to the south, north of Barton Street East. In the opinion of staff, the subject site is an appropriate location for additional height and density given the existing and planned context.

Based on the forgoing, the proposal complies with the general intent of the Setting Sail Secondary Plan, subject to the proposed amendment to building height.

**James Street North Mobility Hub Study**

On September 24, 2014, Hamilton City Council adopted the James Street North Mobility Hub Study (the Study). The Study was commissioned by the City of Hamilton to guide future planning and development in the area surrounding the intersection of the now constructed West Harbour GO train station and the planned City of Hamilton A-Line rapid transit corridor. This location is identified as a Gateway Hub by Metrolinx in The Big Move transportation plan for the GTHA, as a key intersection in the regional transportation network intended to support transit access and high density development. Currently, the recommendations of the James Street North Mobility Hub Study have not been incorporated comprehensively into the Official Plan and Zoning By-law. As a Council adopted document that will be incorporated into the Secondary Plan, Staff consider the Study to be informative when considering the development potential of the subject lands.

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

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

The proposal is consistent with Guiding Principle Nos. 3 and 7 by providing a street-oriented mixed use building along the James Street North corridor that will support existing transit infrastructure.

The subject lands are located within the Primary Zone of the Mobility Hub and within Focus Area A – James Street North to the Waterfront. The Primary Zone is the area with the greatest potential for change through redevelopment and includes the lands on either side of James Street North between Strachan Street and the waterfront (Focus Area A). The study further identifies specific opportunity sites throughout the Mobility Hub, including Opportunity Sites 1 and 2 located directly to the southwest and south of the subject lands respectively.

The Study recommends that building heights along James Street North in Focus Area A be mid-rise in scale and should be determined based on a one to one ratio where the maximum building height is equivalent to the width of the right of way. The ability to achieve the maximum height is tempered by angular planes applied to the front and rear property lines. The proposed 27.5 metre (nine storey) building height exceeds the approximate 23.0 metre right of way width on James Street North and Burlington Street East, however the applicant has incorporated step backs along the James Street North

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and Burlington Street East facades at the seventh, ninth and mechanical levels to achieve a 45 degree angular plane measured from 100 percent of the right of way widths. Staff are of the opinion that the proposed step backs will reduce the perceived height of the building from the street, meeting the intent of the one to one height to right of way width ratio recommended in the Study. In addition, the proposal incorporates step backs adjacent to the low profile residential area to the east to achieve a 45 degree angular plane measured from the east property line beginning at a height of 11.0 metres, minimizing overlook, visual impact and shadow.

The study further recommends that a consistent street wall be created with a diversity of podium heights to create interest in the urban fabric. Podium heights up to three storeys are recommended that may be built up to the property line. Minimum 3.0 metre step backs are recommended along the James Street North frontage. The applicant has proposed a six storey (18.5 metre) podium built to the property line with a minimum 1.5 metre step back at the seventh storey and a minimum 4.2 metre step back at the ninth storey. Staff are satisfied that a higher podium height is appropriate for the site that is located at the northern end of James Street North adjacent to a six storey building to the north and a six storey building to the west. In addition, the applicant has designed the building so that the podium height conforms to a 45 degree angular plane measured from 80 percent of the James Street North and Burlington Street East right of way widths.

Based on the forgoing, the proposal aligns with Guiding Principle Nos. 4 and 5 by developing at an appropriate scale, form and density and incorporating building step backs to limit adverse impacts on adjacent neighbourhoods.

**City of Hamilton Zoning By-law No. 6593**

The subject property is currently zoned "H/S-182" (Community Shopping and Commercial, Etc.) District, Modified (By-law No. 71-32) which permits a one storey commercial building with associated surface parking and landscaped areas as per a site plan drawing attached to the site specific by-law. To implement the proposed nine storey (27.5 metre) mixed use building, a change in zoning to a site specific "H" (Community Shopping and Commercial, Etc.) District is required. An evaluation of the proposed modifications is included in Appendix "D" of Report PED19151.

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## **RELEVANT CONSULTATION**

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

- Recycling & Waste Disposal, Environmental Services Division, Public Works Department;
- Recreation Planning, Healthy and Safe Communities Department.
- Alectra Utilities; and,
- Strategic Planning Section, Public Works Department.

**Transportation Planning Division, Planning and Economic Development Department**, advised that the proposed 55 long term and 6 short term bicycle spaces are sufficient for the development. Staff have incorporated the proposed long-term bicycle parking rate in the amending zoning by-law attached as Appendix “C” to Report PED19151. Transportation Planning recommended that some of the short term bicycle parking be moved closer to the commercial portion of the development to enhance access and visibility. Bicycle parking location will be further reviewed at the Site Plan Control stage.

Transportation Planning Staff have reviewed the Transportation Impact Study (TIS) dated March 2018, prepared by Paradigm Transportation Solutions, and addendums dated November 20, 2018 and March 25, 2019. Transportation Planning staff advised that 3.0 metre by 3.0 metre visibility triangles are required at the property line for the access driveway. To accommodate the southern-most visibility triangle, the applicant has proposed transparent building materials at the northwest corner of the building and no parking will be permitted on the upper-most platform of the parking stacker closest to James Street North. The proposed driveway throat length is acceptable based on the internal queuing analysis provided in the TIS and the access driveway has been located as far north of the intersection of James Street North and Burlington Street East as possible.

**Healthy Environments Division, Public Health Services** indicated that a Pest Control Plan will be required at the Site Plan Control stage.

**Forestry and Horticulture Section, Public Works Department** advised that there are two municipal trees within the James Street North right of way to the north of the subject lands. A tree protection plan has been prepared and approved by the Forestry and Horticulture Section and will be implemented at the Site Plan Control Stage. In addition, a Landscape Plan will be required at the Site Plan Control stage showing the placement of street trees.

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**Design Review Panel (DRP)**

The development proposal was presented to the City's Design Review Panel (DRP) on July 12, 2018 after submission of the Official Plan Amendment and Zoning By-law Amendment applications. The mandate of the DRP is to provide design advice to staff and the proponent.

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

- The panel applauded the proposed mid-rise built form but recommended that height and density be introduced carefully to ensure adequate transition to the adjacent neighbourhood. The panel unanimously agreed that the initial proposal did not adequately transition to the adjacent single detached dwelling to the east and recommended a 45 degree angular plane be applied beginning at a height of 12.0 metres from the east side property line. The panel recommended that the blank east façade be articulated using step backs and possibly a mural.
- The panel noted that the property is small for the type of development proposed and that the desire to provide parking with a stacker system rather than underground limits opportunities to provide active ground floor uses on James Street North.
- The panel recommended distinguishing the grade related (townhouse style) units from the retail portion of the building by giving the façade treatment a more residential character and providing an elevated front porch or patio area. Converting the units to live / work was suggested as a way to better integrate with the adjacent commercial uses along James Street North.
- The panel recommended a 3.0 metre setback be provided to the east and north property lines to buffer adjacent residential uses and provide room for trees.
- The panel recommended shifting the access driveway from James Street North to Burlington Street East to improve the pedestrian environment along James Street North.
- The panel noted that amenity space is lacking and recommended additional outdoor amenity space at a terrace level and a landscaped area at the ground level.

**Applicant's Response to DRP Advice:**

The applicant has addressed comments related to transition to the property to the east by incorporating step backs to achieve a 45 degree angular plane measured from the

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easterly side lot line from a height of 11.0 metres. A 3.0 metre easterly side setback has been added, decreased to 2.0 metres at the rear to accommodate the parking stackers. At the north property line, the building is setback 3.0 metres, except for balconies at the third level, which extend over the proposed access driveway.

Amenity area has been increased since the initial submission through the provision of outdoor terraces at the stepped back levels and on the roof. The size of the ground floor commercial use has been increased from 134.0 square metres to 153.0 square metres providing more room for active uses at grade facing James Street North. Comments related to façade treatment will be further considered at the Site Plan Control Stage.

The applicant has not relocated the access driveway from James Street North to Burlington Street East as recommended by the DRP. Staff are satisfied that the James Street North driveway location is acceptable from an urban design perspective as it is adjacent to the surface parking area for the north abutting multiple dwelling and does not interrupt the street wall and commercial character that begins south of Burlington Street East. Transportation Planning staff have reviewed and are satisfied with the proposed driveway location on James Street North.

## **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 350 property owners within 120 metres of the subject property on May 1, 2018. A Public Notice sign was posted on the property on May 9, 2018 and updated with the Public Meeting date on August 7, 2019. Finally, a Notice of Public Meeting was sent to 350 property owners within 120 metres of the subject property on August 16, 2019.

To date, five letters have been submitted expressing concerns with the proposed development (Appendix "F" of Report PED19151). The concerns raised include parking, traffic, height, neighbourhood character, shadow and overlook and are summarized in the Analysis and Rationale for Recommendation section of this Report.

### Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant attended the December 6, 2017 meeting of the North End Neighbourhood Association prior to submission of the application and held a public open house on July 25, 2018 at Bennetto Community Centre.

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The applicant mailed public open house invitations to all residents within 120 metres of the subject lands and emailed invitations to the North End Neighbourhood Association and the Guise Street Housing Cooperative Board of Directors. Approximately 33 residents attended the meeting (based on sign in sheets) raising concerns related to building height, parking, traffic, noise, storm water management, landscaping and trees. A response to the resident concerns is included in the Analysis and Rationale for Recommendation section of this report.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the PPS (2014) and conforms to A Place to Grow Plan (2019);
  - (ii) The application complies with the policies of the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and complies with the general intent of Setting Sail upon approval of the Official Plan Amendment; and,
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, enhancing the streetscape along James Street North, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.
  
2. Official Plan Amendment

The proposed mixed use building is a permitted use in Setting Sail as the proposed development meets the criteria of the Prime Retail designation. However, A.6.3.3.1.18 vi) and Schedule “M-4” of Setting Sail permits a maximum building height of three to five storeys. To facilitate the proposed nine storey building height, a change in height permissions on Schedule “M-4” is required.

The intent of the Corridors of Gradual Change and Prime Retail policies in Setting Sail is to maintain the commercial function of James Street North while permitting residential development in a form that respects the scale and character of adjacent stable residential areas. The proposed development provides commercial space at the ground and second level fronting James Street North and incorporates building setbacks and step backs that provide for an adequate transition to adjacent residential areas. Therefore, in the opinion of staff, the proposal to increase the permitted building height can be supported.



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3. Zoning By-law Amendment

The subject lands are currently zoned “H/S-182” (Community Shopping and Commercial, Etc.) District, Modified.

To permit the proposed nine storey (27.5 metre) mixed use building, the applicant has applied to change the zoning to a site specific “H” (Community Shopping and Commercial, Etc.) District. The following site specific modifications to the “H” District are required to implement the proposal:

Applicant requested modifications

- To permit a rooftop terrace above the maximum permitted building height;
- To permit a multiple dwelling in the same building as a commercial use;
- Increased building height;
- Reduced front and rear yard depth and side yard width;
- Eliminated floor area ratio requirements;
- Eliminated landscape area requirements;
- To permit canopy and balcony encroachments to be located at a street line;
- To permit parking within a parking stacker system;
- Reduced parking rate;
- Eliminated visitor parking requirement;
- Modified loading space dimensions;
- Reduced parking space length and width for parking spaces within a parking stacker;
- Eliminated requirement for a buffer between an access driveway for a non-residential use and a residential district; and,
- To provide no surface markings or wheel barriers for parking spaces within a stacker system.

Staff requested modifications

- To require building step backs to achieve a 45 degree angular plane measured from east property line beginning at a height of 11 metres;
- To require building step backs to achieve a 45 degree angular plane measured from 80 percent of adjacent right of way widths for the building base and a 45 degree angular plane measured from 100 percent of the adjacent right of way widths for the overall building;
- To remove permission for an automobile service station, repair garage or car wash; and,
- Added requirement to provide long term bicycle parking.

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Staff support the proposed Zoning By-law Amendment application for the following reasons:

Built form and Massing

The proposed nine storey (27.5 metre) building is appropriate for the immediate context that includes a six storey multiple dwelling to the north and a six storey office building and 17 storey multiple dwelling to the west. The applicant has incorporated building setbacks and step backs to ensure the building height responds to adjacent street dimensions and transitions to existing residential uses to the north and east. The proposed building incorporates the following setbacks and step backs:

- At the east property line adjacent to an existing two and a half storey detached dwelling, the proposal includes a 3.0 metre side yard setback, reduced to 2.0 metres at the rear to accommodate the final row of parking stackers. Step backs are proposed at the sixth, seventh, eighth, ninth and mechanical levels to achieve a 45 degree angular plane measured from the east property line beginning at a height of 11.0 metres.
- At the north property line adjacent to the parking area for the abutting six storey multiple dwelling, the proposal includes a 3.0 metre setback, except for a terrace at the third level proposed to be built above the access driveway for the parking stackers.
- At the west property line adjacent to James Street North and the south property line adjacent to Burlington Street East, the proposed six storey (18.5 metre) building base is located at the property line and falls within a 45 degree angular plane measured from 80 percent of the right of way width. Step backs at the seventh, ninth and mechanical levels are proposed so that the building conforms to a 45 degree angular plane measured from 100 percent of the right of way width.

Staff are satisfied that the massing described above results in an appropriate mid-rise built form at this location that transitions to adjacent residential uses and responds in scale to the James Street North and Burlington Street East right of ways. To ensure the required setbacks and step backs are implemented in the final design, staff have incorporated them in the amending By-law (attached as Appendix "C" to Report PED19151).

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Parking

The applicant has proposed an overall parking rate of 0.58 parking spaces per unit, whereas Zoning By-law No. 6593 requires 1.25 parking spaces per unit for a multiple dwelling. No parking spaces are proposed for visitors or for the proposed commercial unit. The parking is proposed to be provided primarily within a parking stacker system that rearranges parking platforms both vertically and horizontally to make available the requested platform at the required garage door. Two stacker systems are proposed, one to the east of the proposed loading area containing 23 parking spaces, and one to the west of the proposed loading area containing eight parking spaces. One surface parking space is proposed at grade, outside of the parking stacker system. The parking platforms within the stacker systems will be accessed via garage doors facing a driveway along the north portion of the site. Parking will not be permitted on the platform assigned to the portion of the west parking stacker located at grade adjacent to the west property line to allow visibility for vehicles existing onto James Street North. To accommodate the design of the parking stacker system, modifications to the minimum parking space length and width requirements are required. The proposed parking space dimension reductions are limited to those spaces within the parking stacker system.

In support of the proposed parking reduction, the applicant submitted a Parking Justification Study prepared by Paradigm Transportation Solutions dated March 2018, with addendums dated November 20, 2018 and March 25, 2019. The Parking Justification includes parking surveys for three multiple dwellings in the City of Hamilton, one close to Downtown Hamilton (187 Park Street South) and two near Eastgate Square (770 Queenston Road and 70 Glenburn Court). The surveys identified an average parking utilization of 0.50 parking spaces per unit.

Staff reviewed the Parking Justification Study and expressed concern that the parking survey for 187 Park Street South was completed in 2012 and did not include overnight hours between 10:00 pm and 7:00 am when parking demand may be highest. The surveys for 770 Queenston Road and 70 Glenburn Court were more recent (completed in June of 2016) but also did not include overnight hours. Staff expressed concern that none of the three sites are located in close proximity to the subject site. Therefore, staff requested that parking surveys be completed with different sites that more closely resemble the conditions of the proposed development. In response to staff concerns, Paradigm Transportation Solutions conducted a parking survey of 2 Guise Street directly to the north of the subject lands in January 2019 between the hours of 9:00 pm and 4:00 am. The survey identified a maximum parking utilization rate of 0.56 spaces per unit.

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In addition, the applicant has incorporated TDM measures in the development, including 55 long term and 6 short term bicycle parking spaces. The site is within reasonable walking distance of the West Harbour Go Station (approximately 800 metres), is located adjacent to HSR Bus service on James Street North and Burlington Street East, and has access to a nearby Sobi Bike Share station at James Street North and Guise Street.

Staff are satisfied that parking for the proposed 153.0 square metre commercial space and residential visitor parking can be accommodated off site. The applicant's Parking Justification Study identified 170 temporary on-street parking spaces within 300 metres of the subject land. Where time limit or permit only restrictions exists, on street parking may only be used for temporary visitor and commercial parking as residents of the multiple dwelling would not be eligible for on-street parking permits or time limit exemptions. Based on the foregoing, staff support the proposed parking rate of 0.58 parking spaces for the multiple dwelling with no on site parking for visitors or the proposed commercial unit.

The proposed modifications to parking space length and width are required due to the specifications of the parking stacker system proposed by the applicant. Within the parking stacker system, a minimum width of 2.5 metres, a length of 5.0 metres and a height of 1.75 metres will be available for each parking space platform.

The applicant submitted an analysis of vehicle dimensions demonstrating that the parking spaces within the proposed parking stacker system will be able to accommodate many of the most popular vehicle makes with space for door opening clearance. Staff are satisfied that the proposed parking stacker system can accommodate the residential parking needs of the development and support the proposed modifications to parking space size within a parking stacker system.

The proposed modifications to the "H" District are included in Appendix "C" to Report PED19151 and further analysis of all requested modifications is provided in Appendix "D" to Report PED19151.

4. An "H" Holding Provision is recommended to require the Owner to enter into a conditional building permit agreement with respect to completing a Record of Site Condition (RSC) or a signed RSC be submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) for the subject property. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration

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- fee. This is required to evaluate the impacts of the former commercial uses on the property given the proposed change to include residential uses (a sensitive land use).
5. The subject lands are currently subject to site specific By-law No. 71-32 that rezoned the lands to a "H/S-182" (Community Shopping and Commercial, Etc.) District, Modified. The "H/S-182" District zoning permits a one storey commercial building with associated surface parking and landscaped areas as per a site plan drawing attached to the site specific by-law. Staff recommend that By-law No. 71-32 be repealed.
  6. Engineering Approvals staff reviewed the Functional Servicing Report (FSR) dated March 21, 2018, prepared by MTE Consultants Inc., with an addendum dated November 16, 2018 and have no concerns with the proposed OPA / Zoning By-law Amendment moving forward. At the Site Plan Control stage, Engineering Approvals staff advised that if dewatering is anticipated for construction activities and / or for underground parking, dewatering discharge must comply with City of Hamilton Sewer Use By-law standards. No permanent dewatering to the City sewer system will be allowed. Detailed design and review of grading and drainage, storm water management, servicing and construction management will occur at Site Plan Control stage.
  7. The circulation of the application resulted in the submission of correspondence from five area residents (see Appendix "F" to Report PED19151). The issues identified are as follows:

Parking and Traffic

There is a concern about the number of parking spaces provided and the traffic generated by the proposal. The applicant submitted a Parking Justification Report in support of the proposed parking reduction and has incorporated Transportation Demand Management measures including 55 long term and 6 short term bicycle parking spaces. The site has access to HSR Transit on James Street North and Burlington Street East, and is within 800 metres of the West Harbour GO Station. Staff are satisfied that the proposed parking rate of 0.58 parking spaces per unit is adequate for the development. A Traffic Impact Study was submitted with the application and staff are of the opinion that the traffic generated by the proposal can be accommodated on area streets.

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Height and Neighbourhood Character

There is a concern that the proposed building is too tall and does not respect the character of the neighbourhood. The applicant has incorporated building setbacks and step backs to provide appropriate transition to neighbouring buildings and a mid-rise scale that responds to the width of adjacent right of ways. Commercial space and residential entrances are provided at grade activating adjacent streets and maintaining the commercial function of James Street North. The proposed building height is appropriate for the location that includes a six storey multiple dwelling to the north and a six storey office building and 17 storey multiple dwelling to the west. Staff are of the opinion that the proposal respects the character of the neighbourhood.

Shadow and Overlook

There is a concern that the development will have shadow and overlook impacts on adjacent residential uses. The applicant has incorporated design features to limit issues of shadow and overlook, including setbacks and step backs adjacent to the residential uses to the north and east. The development abuts the surface parking area of the north abutting multiple dwelling, limiting shadow and overlook impacts. To the east, the applicant has provided step backs at the sixth, seventh, eighth and ninth storeys and are proposing no windows on the east façade for the first five storeys closest to the property line.

Noise

There is a concern that noise generated by the proposed parking stacker system and mechanical equipment will impact adjacent residents. Staff will require an addendum to the Noise Study at the Site Plan Control Stage demonstrating that noise generated by the proposed building will meet MOECP noise criteria.

Stormwater Management

There is a concern that the high lot coverage and limited setbacks will reduce water infiltration and impact the City's storm sewer capacity. Engineering Approvals staff have reviewed the Functional Servicing Report submitted with the application and are satisfied that the proposed development is feasible from a servicing perspective. Storm water management will be reviewed in greater detail at the Site Plan Control stage.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 600 James Street North, Hamilton (PED19151) (Ward 2) - Page 36 of 37**

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Landscaping and Trees

There is a concern that the concept plan submitted does not identify trees and landscaping within the Burlington Street East and James Street North right of ways. A landscape plan will be required at Site Plan Control stage, identifying suitable locations for trees within the municipal boulevard.

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Official Plan Amendment and Zoning By-law Amendment be denied, the lands could be developed in accordance with the existing “H/S-182” (Community Shopping and Commercial, Etc.) District, Modified zoning which permits a one storey commercial building with a surface parking area as per the site plan attached to By-law No. 71-32.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and Participation**

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

**Economic Prosperity and Growth**

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

**Healthy and Safe Communities**

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

**Clean and Green**

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

**Built Environment and Infrastructure**

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

**Culture and Diversity**

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

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
Amendment for lands located at 600 James Street North, Hamilton  
(PED19151) (Ward 2) - Page 37 of 37**

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**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” – Official Plan Amendment

Appendix “C” – Amendment to Zoning By-law No. 6593

Appendix “D” – Zoning Modification Table

Appendix “E” – Concept Plan

Appendix “F” – Public Submissions

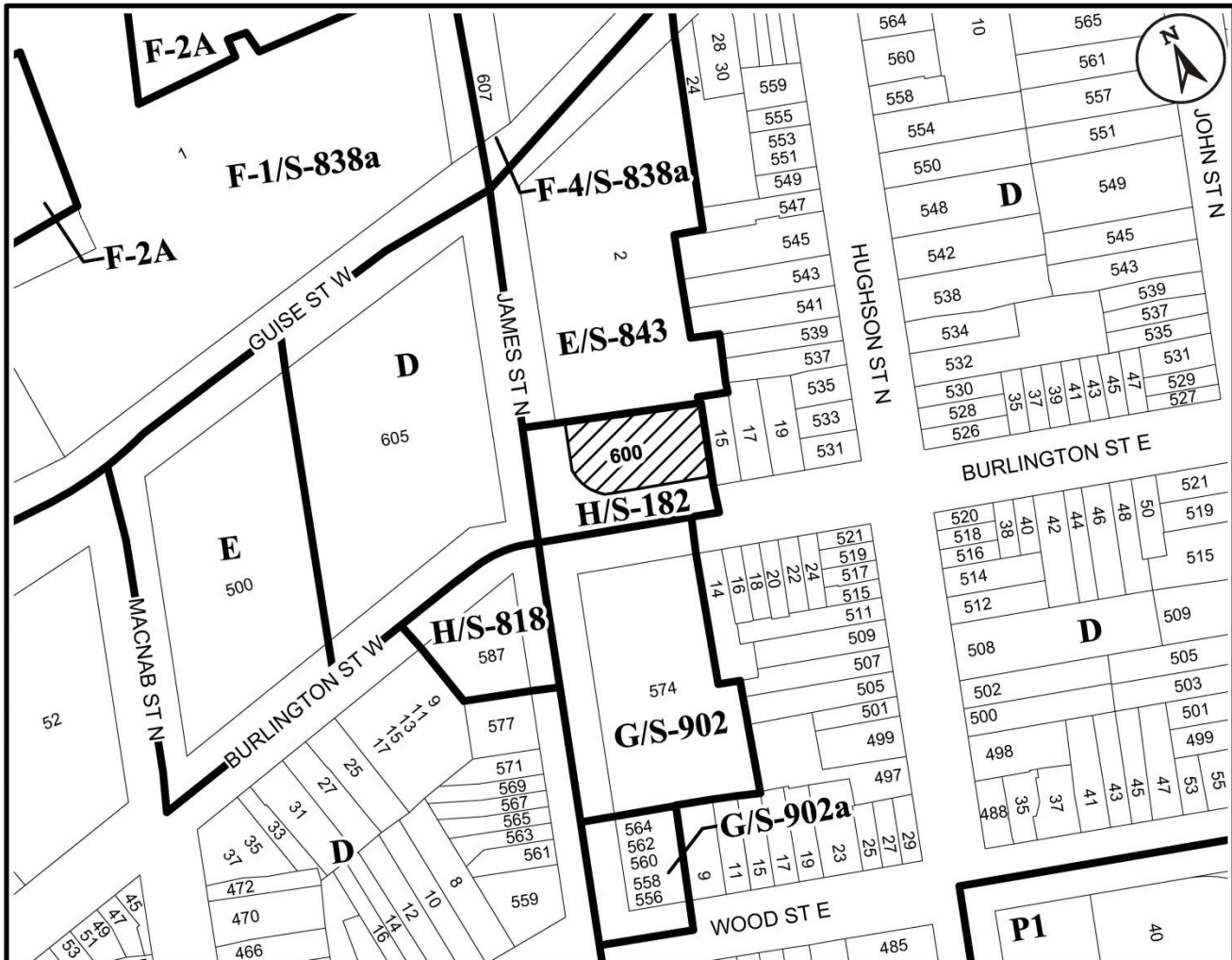
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OUR Vision: To be the best place to raise a child and age successfully.

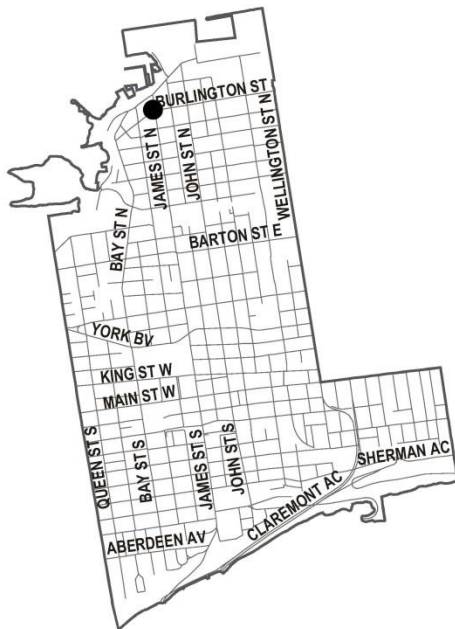
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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





● Site Location



Key Map - Ward 2

N.T.S.



# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**File Name/Number:**

ZAC-18-024 / UHOPA-18-008

**Date:**

June 25, 2019

**Appendix "A"**

**Scale:**  
N.T.S.

**Planner/Technician:**  
MK/AL

**Subject Property**

600 James Street North



Change in zoning from "H/S-182"  
(Community Shopping and Commercial, Etc.)  
District, Modified to "H/S-1783-H"  
(Community Shopping and Commercial, Etc.)  
District, Holding, Modified

**Schedule "1"****--DRAFT--****Amendment****to the****City of Hamilton Official Plan**

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

**1.0 Purpose and Effect:**

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

**2.0 Location:**

The lands affected by this Amendment are located at 600 James Street North in the City of Hamilton.

**3.0 Basis:**

The basis for permitting the Amendment is as follows:

- The proposed development efficiently utilizes the existing infrastructure, positively contributes to the streetscape and makes use of an underutilized lot;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan in maintaining James Street North as a mixed use area, while providing intensification at a form and scale that is in keeping with the character of the surrounding neighbourhood and is in proximity to existing transit; and,
- The Amendment is consistent with the Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe, 2019.

**4.0 Changes:**

**4.1 Mapping Changes:**

That Schedule M-4: Building Heights of the West Harbour (Setting Sail) Secondary Plan is amended by establishing a new 7-9 storey building height category and apply the new 7-9 storey building height category to the lands at 600 James Street North, as shown on Appendix "A" of this Amendment.

**5.0 Implementation:**

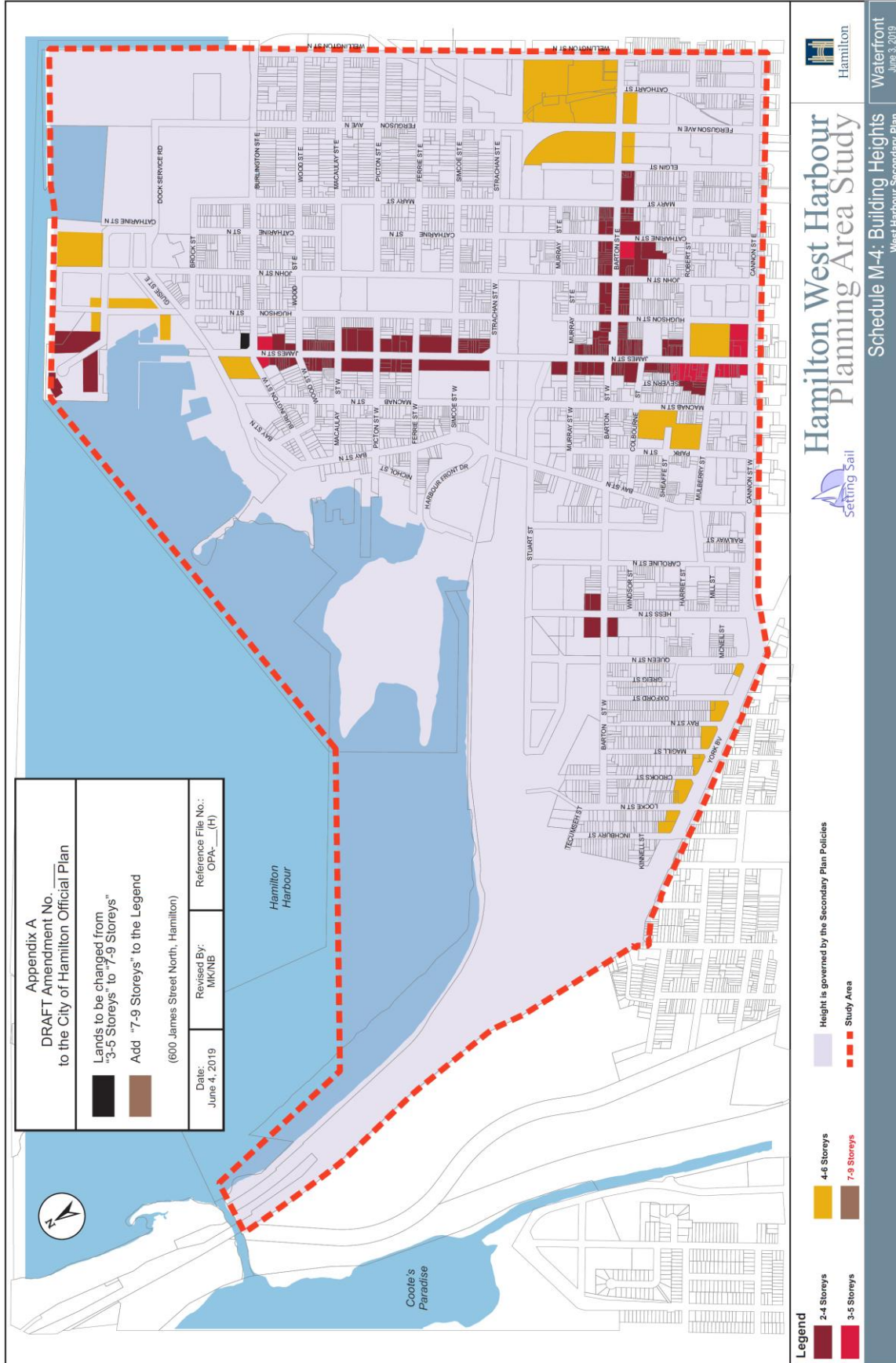
An implementing Zoning By-law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. \_\_\_\_ passed on the day of \_\_\_\_, 2019.

**The  
City of Hamilton**

\_\_\_\_\_  
F. Eisenberger  
MAYOR

\_\_\_\_\_  
A. Holland  
CITY CLERK



**Authority:**  
City Wide  
**Bill No.**

## CITY OF HAMILTON

### BY-LAW NO.

#### **To Repeal By-law No. 71-32 and To Amend Zoning By-law No. 6593 Respecting Lands Located at 600 James Street North, 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 3<sup>rd</sup> day of September 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 City of Hamilton Official Plan of the City of Hamilton upon finalization of OPA No. XX.

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

1. That By-law No. 71-32 is hereby repealed in its entirety.
2. That Sheet No. E2 of the District Maps appended is amended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the "H/S-182" (Community Shopping and Commercial, Etc.) District, Modified to the "H/S-1783-H" (Community Shopping and Commercial, Etc.) District, Holding, Modified; the extent and boundaries of which are shown on a plan here to annexed as Schedule "A".

To Amend Zoning By-law No. 6593 Respecting Lands Located at 600 James Street  
North, Hamilton

3. That the "H" (Community Shopping and Commercial, Etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593 be modified to include the following special requirements:
- a) In addition to Section 2.(2)J.(ix), "Height" shall not include a rooftop terrace.
  - b) In addition to Section 14.(1), a multiple dwelling in the same building with a commercial use permitted in the district shall be permitted.
  - c) Notwithstanding Section 14.(1)(xiv) and (xviii), an automobile service station or other public garage, and a car wash shall be prohibited.
  - d) Notwithstanding Section 14.(2), no building or structure shall exceed nine storeys or 27.5 metres in height.
  - e) Notwithstanding Section 14.(3)(i), a front yard depth not less than 0.0 metres, except that:
    - i) For any portion of the building with a height greater than 18.4 metres, a front yard depth not less than 1.5 metres;
    - ii) For any portion of the building with a height greater than 24.3 metres, a front yard depth not less than 4.6 metres; and,
    - iii) For a mechanical penthouse, a front yard depth not less than 7.7 metres.
  - f) Notwithstanding Section 14.(3)(ii), for a side yard abutting a street, a width not less than 0.0 metres, except that:
    - i) For any portion of the building with a height greater than 18.4 metres, a side yard width abutting a street not less than 1.6 metres;
    - ii) For any portion of the building with a height greater than 24.3 metres, a side yard width abutting a street not less than 4.2 metres; and,
    - iii) For a mechanical penthouse, a side yard width abutting a street not less than 7.8 metres.
  - g) Notwithstanding Section 14.(3)(ii), for a side yard abutting a residential district, a width not less than 2.0 metres, except that:
    - i) For any portion of the building with a height greater than 15.4

To Amend Zoning By-law No. 6593 Respecting Lands Located at 600 James Street  
North, Hamilton

- metres, a side yard width abutting a residential district not less than 6.8 metres;
- ii) For any portion of the building with a height greater than 18.4 metres, a side yard width abutting a residential district not less than 9.8 metres;
  - iii) For any portion of the building with a height greater than 21.3 metres, a side yard width abutting a residential district not less than 12.8 metres;
  - iv) For any portion of the building with a height greater than 24.3 metres, a side yard width abutting a residential district not less than 15.8 metres; and,
  - v) For a mechanical penthouse, a side yard width abutting a residential district not less than 20.6 metres.
- h) Notwithstanding Section 14.(3)(iii), a rear yard of a depth of at least 3.0 metres, except that a rear balcony and associated structural columns at a height not greater than 7.0 metres may be located 0.0 metres from the rear lot line.
  - i) Section 14.(5) shall not apply.
  - j) Section 14.(9) shall not apply.
  - k) Notwithstanding Section 18.(3)(vi)(b)(i), a canopy, cornice, eave or gutter may project into a required front yard up to 0 metres from a street line.
  - l) Notwithstanding Section 18.(3)(vi)(cc)(i), a bay, balcony or dormer may project into a required front yard up to 0 metres from a street line.
  - m) In addition to Section 18A, a parking stacker system shall be permitted and required parking may be provided by means of a parking stacker system. A parking stacker system shall permit a parking space that is positioned above or below another parking space and is accessed by means of an elevating device.
  - n) Notwithstanding Section 18A.(1)(a), a minimum of 0.58 spaces per Class A dwelling unit shall be provided;
  - o) Section 18A.(1)(b) shall not apply.
  - p) Notwithstanding Section 18A.(1)(c), one loading space shall be provided

To Amend Zoning By-law No. 6593 Respecting Lands Located at 600 James Street  
North, Hamilton

with a minimum size of:

- i) Length: 10.0 m
- ii) Width: 4.0 m
- iii) Height: 6.0 m

- q) In addition to Section 18A.(7), every required parking space provided within a parking stacker system shall have dimensions not less than 2.5 metres wide and 5.0 metres long.
  - r) In addition to Sections 18A.(24)(b)(iii) and (iv), for parking spaces provided within a parking stacker system, markings on the surface to delineate parking spaces and bumpers or wheel barriers shall not be required.
  - s) Section 18A.(26) shall not apply.
  - t) Long term, secure bicycle parking shall be provided at a rate of 1.0 bicycle parking spaces per Class A dwelling unit.
4. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- 1) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition (RSC); or,
  - 2) A signed RSC being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). The RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
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 "H" (Community Shopping and Commercial, Etc.) District provisions, subject to the special requirements referred to in Sections 3 and 4 of this By-law.
6. That Sheet No. E2 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "H/S-1783-H".
7. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1783.
8. 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 600 James Street  
North, Hamilton

PASSED this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Fred Eisenberger  
Mayor

\_\_\_\_\_  
Andrea Holland  
City Clerk

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

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

Committee: Chair and Members      Report No.: PED19151      Date:  
Ward(s) or City Wide: Ward 2      (MM/DD/YYYY)

Prepared by: Mark Kehler, Planner I      Phone No: 905-546-2424 ext. 4148  
*For Office Use Only, this doesn't appear in the by-law*

To Amend Zoning By-law No. 6593 Respecting Lands Located at 600 James Street North, 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><b>Subject Property</b> 600 James Street North</p> <p> Change in zoning from "H/S-182" (Community Shopping and Commercial, Etc.) District, Modified to "H/S-1783-H" (Community Shopping and Commercial, Etc.) District, Holding, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-18-024 / UHOPA-18-008	
Date: June 25, 2019	Planner/Technician: MK/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		Hamilton

**Site Specific Modifications to the “H” (Community Shopping and Commercial, Etc.) District**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
2.(2)J.(ix) Definition of Height	“Height” means the vertical distance from grade to the uppermost point of the building, not including any mechanical penthouse and other accessory features.	That “Height” not include a rooftop terrace.	<p>The definition of “Height” does not specifically exclude a rooftop terrace from the calculation of vertical distance from grade. In order to ensure the proposed rooftop terrace will be permitted above the maximum permitted building height, the applicant has requested a modification to exclude a rooftop terrace for the purposes of calculating building height.</p> <p>The proposed rooftop terrace will increase the amount of shared outdoor amenity space available to residents of the development. Staff are satisfied that the proposed building step backs will mitigate issues of noise and overlook associated with the outdoor terrace.</p> <p>Staff support this modification.</p>
14.(1) Permitted Uses	Does not permit a multiple dwelling and permits a range of commercial uses.	To permit a multiple dwelling in the same building with a commercial use permitted in the district and to remove permissions for an automobile station, public garage or car wash.	<p>The proposed mixed use building including commercial uses at the first and second floor and a multiple dwelling above is a permitted use in the Prime Retail designation in Setting Sail. Therefore, staff support the proposed modification to permit a multiple dwelling in the same building as a commercial use permitted in the “H” District.</p> <p>Staff are of the opinion that a land extensive, auto oriented use such as an automobile service station, public garage or car wash would not be appropriate at this location given the land use direction provided in Setting Sail. Therefore, staff have modified the “H” District provisions to remove these as permitted uses.</p> <p>Staff support these modifications.</p>
14.(2) Building Height	No building shall exceed four storeys or 17.0 metres in height,	No building or structure shall exceed nine storeys or 27.5	A modification is required to permit the proposed nine storey, 27.5 metre building height. Staff are satisfied that the proposed building height is appropriate based on the proposed massing that includes setbacks and step backs to transition to adjacent residential uses and

Regulation	Required	Modification	Analysis
	except where side yards are not less than 3.0 metres, the height of a building or structure shall not exceed eight storeys of 26.0 metres in height.	metres in height.	<p>step backs adjacent to Burlington Street East and James Street North to limit the visual impact of the upper storeys when viewed from the street.</p> <p>The proposed 27.5 metre building height is 1.5 metres taller than the maximum height permitted in “H” District where minimum 3.0 metre side yard setbacks are provided. The proposal provides a 3.0 metre east side yard setback not abutting a street, reduced to 2.0 metres at the rear of the building to accommodate the proposed parking stackers.</p> <p>Staff support this modification.</p>
14.(3)(i) Front Yard Depth	A front yard depth of at least 6.0 metres.	A front yard depth not less than 0.0 metres with a minimum 1.5 metre front yard depth above 18.4 metres, a minimum 4.6 metre front yard depth above 24.3 metres and a minimum 7.7 metre front yard depth for a mechanical penthouse.	<p>Consistent with the Prime Retail designation in Setting Sail, the proposed building is to be built at the front (Burlington Street East) lot line with commercial and residential entrances at grade. A minimum 1.5 metre step back is proposed at the seventh floor so that the building generally conforms to a 45 degree angular plane measured from 80 percent of the right of way width. A minimum 4.6 metre step back is proposed at the ninth storey and a 7.7 metre step back is proposed at the mechanical level so that the overall building generally conforms to a 45 degree angular measured from 100 percent of the right of way width.</p> <p>Staff are of the opinion that the proposed step backs limit the visual impact of the top three storeys and support the proposed modification to front yard depth.</p>
14.(3)(ii) Side Yard Width	A side yard width of at least 2.7 metres.	For a side yard abutting a street, a width not less than 0.0 m, with a minimum 1.6 metre	As per the rationale provided for the front yard depth abutting Burlington Street East, staff support the proposed 0.0 metre side yard width abutting James Street North with step backs at the seventh and ninth storeys.

Regulation	Required	Modification	Analysis
		<p>side yard width above 18.4 metres, a minimum 4.2 metre side yard width above 24.3 metres and a minimum 7.8 metre side yard width for the mechanical penthouse; and,</p> <p>For a side yard abutting a residential district, a width not less than 2.0 metres, with a minimum side yard width of 6.8 metres above 15.4 metres, a minimum 9.8 metre side yard width above 18.4 metres, a minimum 12.8 metre side yard width above 21.3 metres, a minimum 15.8 metre side yard width above 24.3 metres and a minimum 20.6</p>	<p>To provide for transition to the detached dwelling to the east, the proposal includes a 3.0 metre side yard setback, reduced to 2.0 metres at the rear to accommodate the final row of stacked parking. Step backs are proposed at the sixth, seventh, eighth, ninth and mechanical levels so that the building conforms to a 45 degree angular plan measured from the east property line beginning at a height of 11 metres.</p> <p>Based on the forgoing, staff support the proposed side yard width modifications.</p>

Regulation	Required	Modification	Analysis
		metres side yard width for the mechanical penthouse.	
14.(3)(iii) Rear Yard Depth	A rear yard depth of at least 7.5 metres.	A rear yard depth not less than 3.0 metres. A rear balcony at a height not greater than 7.0 metres may be located 0.0 metres from the rear lot line.	<p>The north main wall of the building will be located at least 3.0 metres from the north lot line. To provide additional outdoor amenity space for residents, a terrace is proposed at the third level, built above the proposed access driveway. The rear yard for the proposed building abuts the surface parking area for the north abutting multiple dwelling, limiting issues of overlook associated with the proposed balcony.</p> <p>Based on the forgoing, staff support the proposed modification to rear yard depth.</p>
14.(5) Floor Area Ratio	No building or structure in an "H" District shall have a gross floor area of more than four times the area within the district of the lot on which it is situate.	That Section 14.(5) not apply	<p>The building footprint and envelope is regulated by the proposed height and yard requirements and the residential unit count is regulated by the parking rate.</p> <p>Therefore, in the opinion of staff, a floor area ratio regulation is not required.</p>
14.(9) Landscape Requirements for Commercial Uses	A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line or rear lot line adjoining a residential District.	That Section 14.(9) not apply	<p>A modification is required to provide no planting strip along the north and east lot lines adjoining a residential district.</p> <p>The proposed building will be located adjacent to the parking lot for the multiple dwelling to the north. There is an existing landscaped area with mature trees between the parking lot and the subject lands. The building will be setback 3.0 metres from the north lot line with a third floor balcony above the access driveway along the north lot line.</p>

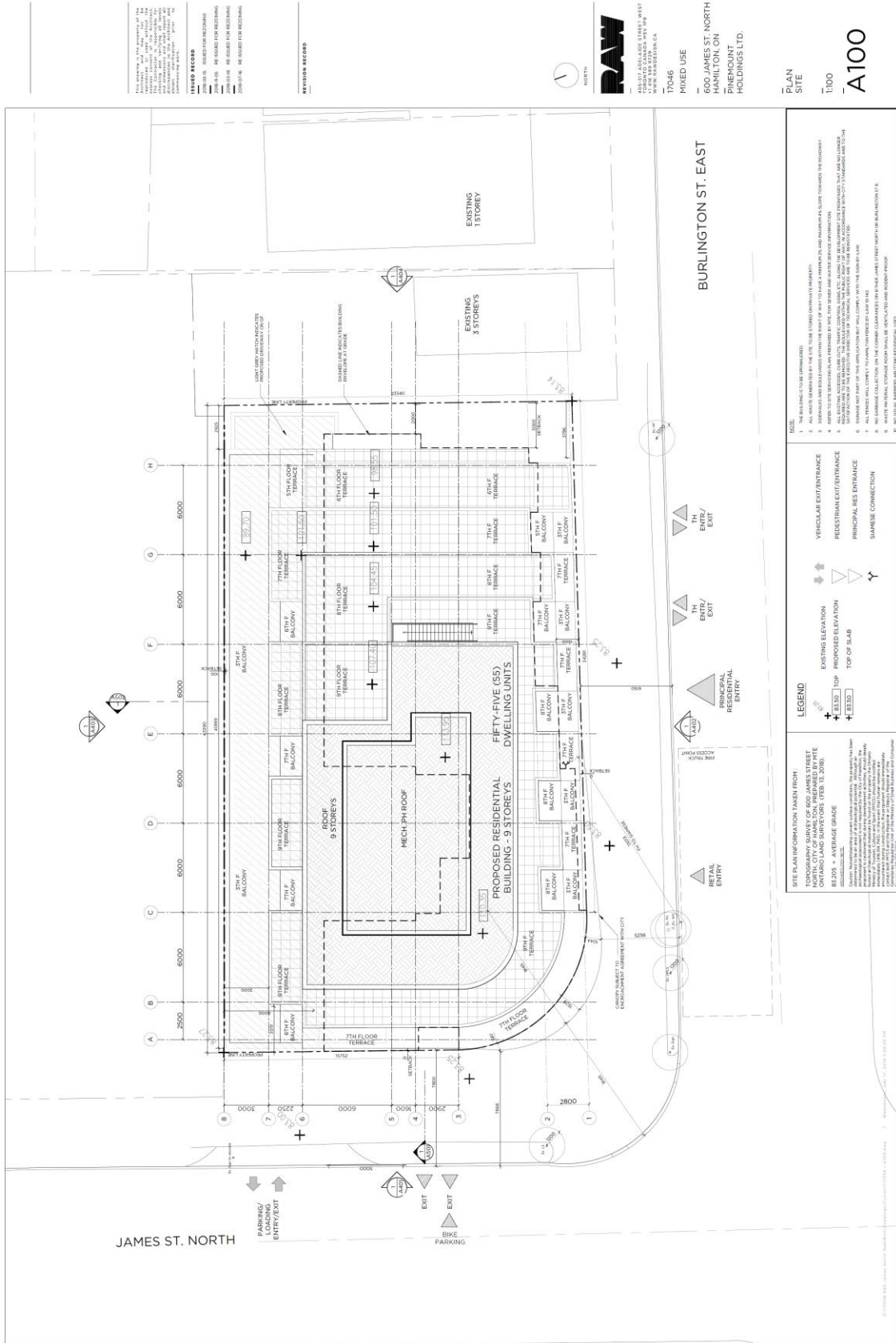
Regulation	Required	Modification	Analysis
			<p>A 3.0 metre easterly side yard setback is proposed, reduced to 2.0 metres at the rear to accommodate the parking stackers. The access driveway for the parking stackers will extend to 0.5 metres from the east property line. Staff will work with the applicant at Site Plan Control Stage to enhance the area within the easterly side yard with landscaping. In addition, a visual barrier will be required along the entire easterly lot line.</p> <p>Based on the forgoing, staff support the proposed modification to eliminate the requirement for planting strips.</p>
18.(3)(vi)(b)(i) and 18.(3)(vi)(cc)(i) Canopy and Balcony Projections	A canopy or balcony may not project into a required front yard closer to a street line than 1.5 metres.	A canopy or balcony may project 0 metres from a street line.	<p>The proposed building will be located at the front property line, therefore proposed balconies and canopies will be located 0 metre from the Burlington Street East street line, whereas 1.5 metres is required.</p> <p>The boulevard adjacent to the subject lands is wider than adjacent properties due to a previous right of way dedication providing an enhanced buffer between the sidewalk and the proposed balconies and canopies.</p> <p>Therefore, staff support this modification.</p>
Parking Stackers	No existing regulation.	<p>A parking stacker system shall be permitted and required parking shall be provided by means of a parking stacker system.</p> <p>A parking stacker system shall permit</p>	<p>A modification is required to permit parking within a parking stacker system. The applicant has demonstrated that the proposed parking stacker system can accommodate the parking needs of the development.</p> <p>Therefore, staff support adding permissions for stacked parking to the by-law.</p>

Regulation	Required	Modification	Analysis
		a parking space that is positioned above or below another parking space and is accessed by means of an elevating device.	
18A.(1)(a) and (b) Parking Rate	A minimum of 1.25 parking spaces are required for a multiple dwelling, of which 0.25 shall be designated for visitors.	A minimum of 0.58 of a parking space per Class A dwelling unit, of which no parking will be designated for visitors.	<p>A modification is required to provide a reduced residential parking rate of 0.58 parking spaces per dwelling unit, whereas 1.25 parking spaces per dwelling unit are required. In addition, the applicant has proposed no visitor parking, whereas 0.25 parking spaces per unit are required for visitors.</p> <p>Staff support the proposed parking reduction based on the Parking Justification Report and Transportation Demand Management measures proposed by the applicant. Further analysis of the parking requirements is provided in the Analysis and Rationale section of this report.</p>
18A.(1)(c) Loading Space Size	For a multiple dwelling with greater than 30 and less than 100 units, a minimum of one loading space with a length of 18.0 metres, a width of 3.7 metres and a height of 4.3	One loading space with a length of 10.0 metres, a width of 4.0 metres and a height of 6.0 metres.	<p>The applicant has proposed a loading space with a reduced length but an increased width and height to accommodate garbage collection, loading and service activities.</p> <p>Staff are satisfied that a reduced loading space length is appropriate as the applicant has demonstrated that the proposed loading space can accommodate delivery vehicles and allow them to enter and exit onto James Street North in a forward manner.</p> <p>Therefore, staff support the modification.</p>



Regulation	Required	Modification	Analysis
18A.(7) Parking Space Dimensions	metres. For any parking space other than a parallel parking space, a minimum width of 2.7 metres and a minimum length of 6.0 metres.	Every required parking space provided within a parking stacker system shall have dimensions not less than 2.5 metres wide and 5.0 metres long.	The proposed parking space width and length is determined by the platform size of the proposed parking stacker system. The applicant has demonstrated that the system can accommodate many of the most common vehicle makes, including space for maneuvering and door opening.  Therefore, staff support the proposed parking space dimensions within a parking stacker system.
18A.(24)(b)(ii) and (v) Surface Markings and Wheel Barriers	Surface markings and wheel barriers are required for surface parking spaces.	For parking spaces provided within a parking stacker system, markings on the surface to delineate parking spaces and bumpers or wheel barriers are not required.	Parking spaces within the proposed parking stacker system will each be located on their own platform.  Therefore, surface markings or wheel barriers are not required and staff support the modification.
18A.(26) Non-residential Access Driveway Location	Any access driveway for a non-residential use shall be located 3.0 metres from a residential district.	That Section 18A.(26) not apply.	The proposed driveway provides access primarily to the parking stacker system for the multiple dwelling as well as to the loading space that serves both the residential and commercial portion of the development. The access driveway abuts the surface parking area for the north abutting multiple dwelling, limiting noise and light impacts. The portion of the access driveway adjacent to the easterly property line would experience limited traffic as it would serve only the eastern most parking stackers located furthest from James Street North. A visual barrier will be required along the easterly property line, further limiting noise and light impacts.

Regulation	Required	Modification	Analysis
			Based on the foregoing, staff support the proposal to waive the separation distance requirement for a non-residential access driveway to a residential district.
Bicycle Parking Rate	No existing regulation	Long term, secure bicycle parking shall be provided at a rate of 1.0 bicycle parking spaces per Class A dwelling unit.	<p>The applicant has proposed long term, secure bicycle parking as a Transportation Demand Management measure in support of the proposed parking reduction.</p> <p>Therefore, staff recommend the proposed long term bicycle parking rate be included in the amending by-law.</p>



**REVISION RECORD**

2018-05-01: ISSUED FOR RECORDS  
2018-05-01: REVISIONS FOR RECORDS  
2018-05-01: REVISIONS FOR RECORDS  
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2018-05-01: REVISIONS FOR RECORDS

**REVISION RECORD**



**RAW**  
488-310, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

**MIXED USE**  
600 JAMES ST. NORTH  
HAMILTON, ON  
PINEMOUNT HOLDINGS LTD.

**PLAN SITE**

**1:100**  
**A100**

**LEGEND**

**SITE PLAN INFORMATION TAKEN FROM:**  
TOPOGRAPHIC SURVEY OF 600 JAMES STREET NORTH, CITY OF HAMILTON, PREPARED BY THE CITY OF HAMILTON, 2014 (P.L. 14-01) 83,200 ± AVERAGE GRADE

**VEHICULAR EXIT ENTRANCE**  
**PEDESTRIAN EXIT ENTRANCE**  
**PRINCIPAL RES. ENTRANCE**  
**SHARED CONNECTION**

**EXISTING ELEVATION**  
**PROPOSED ELEVATION**  
**TOP OF SLAB**

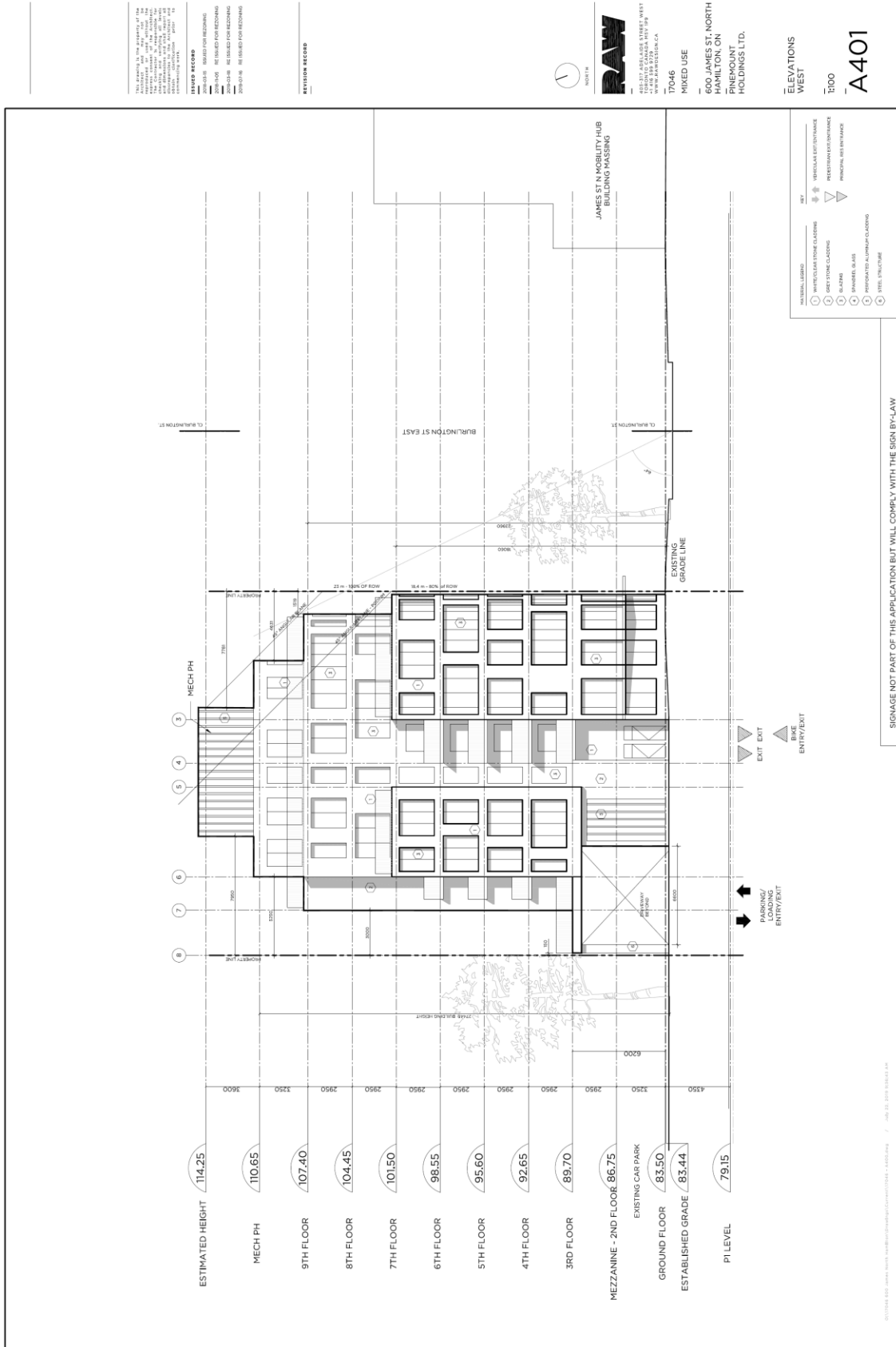
**VEHICULAR EXIT ENTRANCE**  
**PEDESTRIAN EXIT ENTRANCE**  
**PRINCIPAL RES. ENTRANCE**  
**SHARED CONNECTION**

**RETAIL ENTRY**  
**PRINCIPAL RESIDENTIAL ENTRY**

**NOTES:**

1. THE BUILDING TO BE DEMOLISHED.
2. EXISTING AND PROPOSED ELEVATIONS ARE TO BE TAKEN AS SHOWN UNLESS OTHERWISE INDICATED.
3. REFER TO THE DEMOLITION PLAN FOR THE EXISTING AND PROPOSED AREAS AND MATERIALS TO BE DEMOLISHED.
4. REFER TO THE DEMOLITION PLAN FOR THE EXISTING AND PROPOSED AREAS AND MATERIALS TO BE DEMOLISHED.
5. REFER TO THE DEMOLITION PLAN FOR THE EXISTING AND PROPOSED AREAS AND MATERIALS TO BE DEMOLISHED.
6. REFER TO THE DEMOLITION PLAN FOR THE EXISTING AND PROPOSED AREAS AND MATERIALS TO BE DEMOLISHED.
7. ALL UTILITIES SHALL BE TO MATCH THE RECORD PLANS TO BE USED BY THE ENGINEER.
8. ALL UTILITIES SHALL BE TO MATCH THE RECORD PLANS TO BE USED BY THE ENGINEER.
9. ALL UTILITIES SHALL BE TO MATCH THE RECORD PLANS TO BE USED BY THE ENGINEER.
10. ALL UTILITIES SHALL BE TO MATCH THE RECORD PLANS TO BE USED BY THE ENGINEER.







Appendix "E" to Report PED19151  
Page 5 of 6

**REVISION RECORD**

NO.	DATE	DESCRIPTION
1	01/12/2011	ISSUED FOR PERMITS
2	01/12/2011	ISSUED FOR PERMITS
3	01/12/2011	ISSUED FOR PERMITS
4	01/12/2011	ISSUED FOR PERMITS
5	01/12/2011	ISSUED FOR PERMITS
6	01/12/2011	ISSUED FOR PERMITS
7	01/12/2011	ISSUED FOR PERMITS
8	01/12/2011	ISSUED FOR PERMITS
9	01/12/2011	ISSUED FOR PERMITS
10	01/12/2011	ISSUED FOR PERMITS
11	01/12/2011	ISSUED FOR PERMITS
12	01/12/2011	ISSUED FOR PERMITS
13	01/12/2011	ISSUED FOR PERMITS
14	01/12/2011	ISSUED FOR PERMITS
15	01/12/2011	ISSUED FOR PERMITS

**REVISION RECORD**



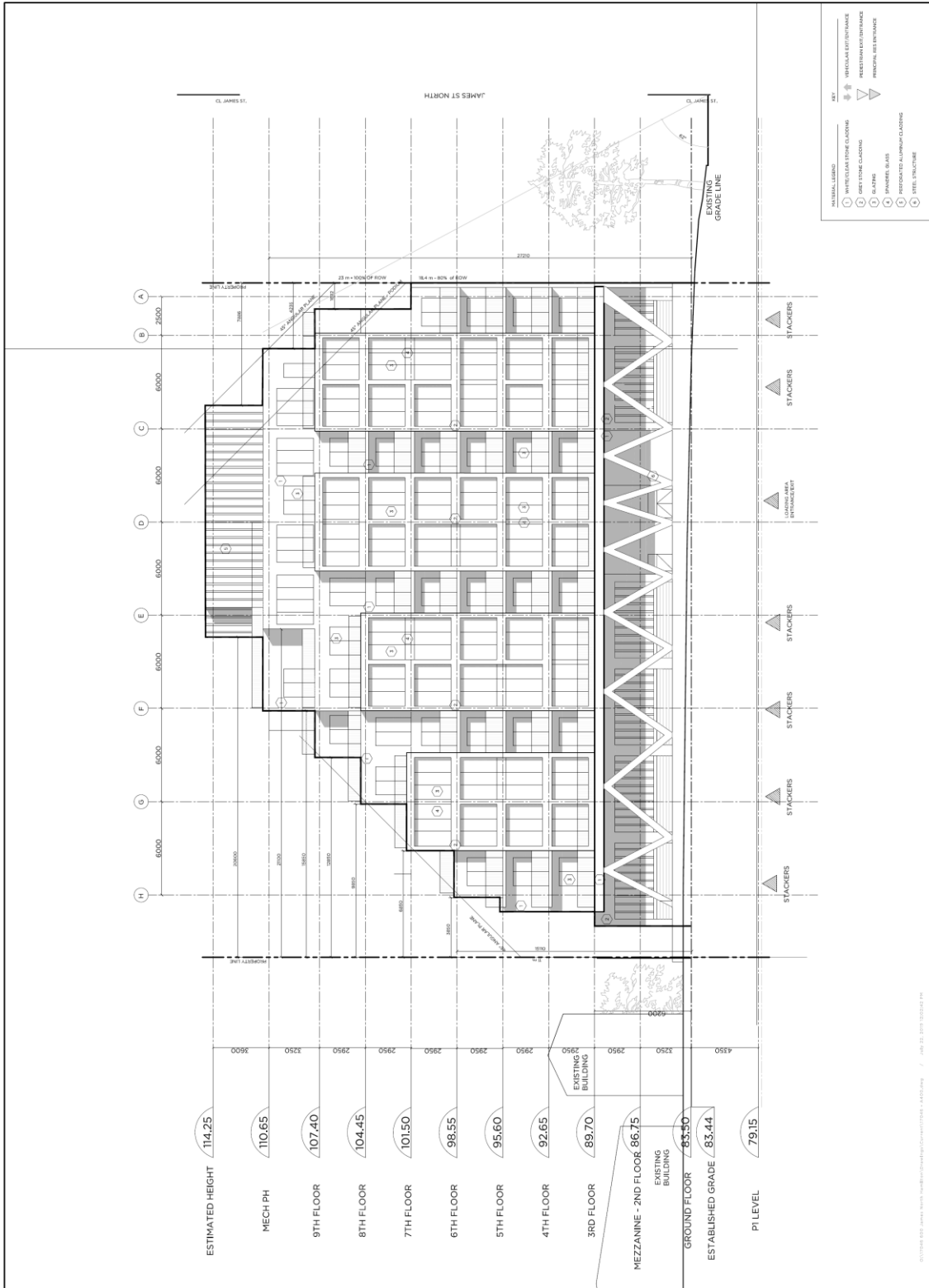
450 JAMES ST. NORTH  
HAMILTON ON  
KINGSTON, ONTARIO  
K7L 1A8  
PHONE: 519-376-8517  
FAX: 519-376-8518  
WWW.RAWARCHITECTURE.COM

17046  
MIXED USE  
450 JAMES ST. NORTH  
HAMILTON ON  
KINGSTON, ONTARIO  
K7L 1A8  
HOLDINGS LTD.

ELEVATIONS  
NORTH

1:100

A403



10/12/2011 11:45 AM C:\Users\matt\Documents\Projects\17046 - A403\Drawings - Elevation - A403.dwg / Job ID: 17046.dwg

**REVISION RECORD**

2018-01-15	ISSUED FOR RECORDING
2018-01-15	ISSUED FOR RECORDING
2018-01-15	ISSUED FOR RECORDING
2018-01-15	ISSUED FOR RECORDING
2018-01-15	ISSUED FOR RECORDING

**REVISION RECORD**

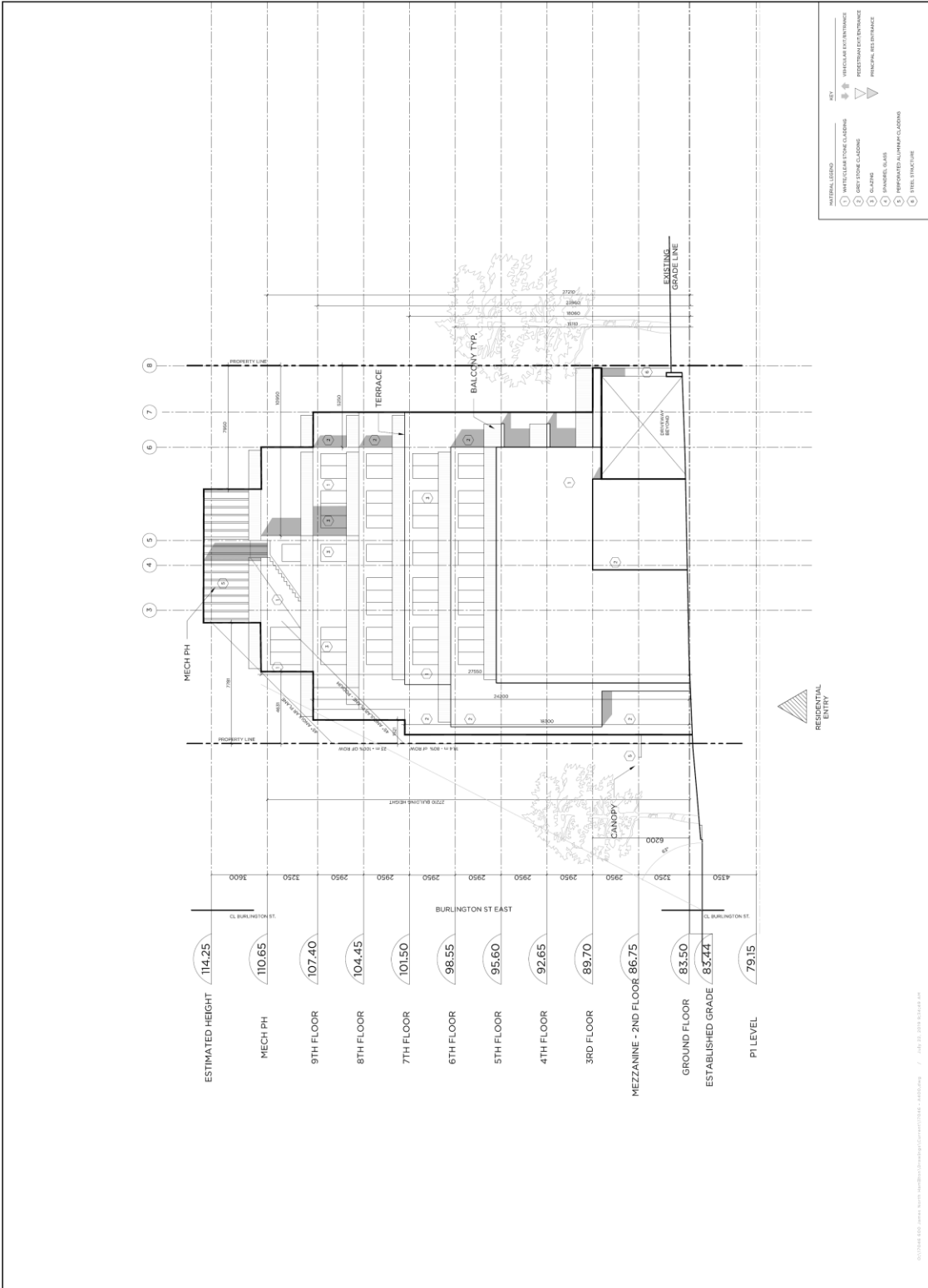


**RAW**  
 400 S. JAMES STREET, WEST  
 HAMILTON, ONTARIO L8N 2R5  
 TEL: 905.571.1111  
 WWW.RAWARCHITECTURE.COM

T7046  
 MIXED USE  
 600 JAMES ST. NORTH  
 HAMILTON, ON  
 PINEMOUNT HOLDINGS LTD.

ELEVATIONS  
 EAST

1:100  
**A404**





**Kehler, Mark**

---

**From:** Deborah Mercer  
**Sent:** May-04-18 2:33 PM  
**To:** Kehler, Mark  
**Cc:** Farr, Jason  
**Subject:** UPOPA-18-08 and ZAC-18-024

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Kehler

I live in the Cooperative building that is adjacent to the property listed above and am greatly opposed to the proposal for an 8 storey building on that lot.

The size of the lot would not accommodate 60 residential dwelling units as well as commercial use of the ground floor while indicating that only 33 vehicle parking spaces are proposed.

Our building, which is only a 6 storey, accommodates 50 units and with many of the residents driving more than one vehicle, I cannot understand the reasoning for only 33 parking spaces.

There is already a parking problem near my home with on the street parking at the old Harbour Commission building (now a doctors' office building). We are constantly having vehicles notified to move or be towed/tagged who park in our lot, if even for a short while.

There isn't any street parking available as the proposed building is right at the corner of a very busy intersection - Burlington Street and James Street.

I would appreciate it very much if you would forward me a copy of the May 1, 2018 letter as well as any other notifications pertaining to these applications. (The copy that I have read was from a neighbour)

regards,  
Deborah Mercer

**Kehler, Mark**

---

**From:** North End Neighbours  
**Sent:** May-31-18 8:48 PM  
**To:** Kehler, Mark  
**Subject:** Re: 600 James St. North Proposed Development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Mark,

We have learned that there is an Official Plan Amendment for the property at James/Burlington (the former Scotia Bank) asking for a change to allow 8 stories with commercial on the main floor and 60 residential units with 33 parking spaces.

Thank you for the opportunity to comment.

Our position is that we support the Setting Sail Secondary Plan. We would also like to reserve our comments regarding parking until the planning department provides a staff report. If you could please add me to the list of people that receive documentation regarding this matter that would be appreciated.

Sincerely, Curtis Biehler. President

**North End Neighbourhood Association**

To: Mark Kehler,  
City of Hamilton,  
Planning and Economic Development Department

Re: UHOPA-18-08 ZAC-18-024

May 25, 2018

Dear Sir,

I would like to take this opportunity to express my opposition to the proposed Official Plan Amendment and Zoning By-law Amendment to rezone the lands located at 600 James St North permitting construction of the 8-story building. The 8-story building will have a negative impact on the character of the neighbourhood, access to the sun and the privacy of adjacent low rise residential buildings. The 600 James St North is a small piece of land and immediately adjacent to the block of single residential buildings without space to allow transition between a mid-rise building and low-rise residential buildings. The Hamilton Downtown Secondary Plan allows 3 - 5 story building for 600 James St North and this should be upheld.

Please remove my personal information (address) from the public documents.

Sincerely,

Zyta Kuzan

.....

**Kehler, Mark**

---

**From:** Wade Hicken  
**Sent:** May-30-18 7:25 AM  
**To:** Kehler, Mark  
**Subject:** Appeals for 600 James street north

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning, I am a resident in the are of James and Burlington Street. I just received a copy from our neighbour regarding 600 James Street North, as non of the paperwork was mailed or delivered to our home.

I would like to appeal Official Plan Amendment Application (UHOPA-18-08) And I am also appealing Zoning By-law Amendment Application (ZAC-18-024)

I would also like a notice mailed to me confirming the date of thePublic Meeting.

If you require anything else from me please let me know.

Thank you  
Cheryl Hicken

Sent from my iPhone

**Kehler, Mark**

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**From:** elizabeth poynter  
**Sent:** May-31-18 9:44 AM  
**To:** Kehler, Mark  
**Subject:** UHOPA-18-08 and ZAC-18-024

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir,

I am writing with concerns about the application for 600 James St. N. for variances to build an 8 storey building with 33 parking spaces.

I understand the City's desire for intensification but the height and size of this building does not fit in with the existing neighbourhood. There are several apartment buildings nearby and indeed the beautiful Port Authority across the street but all these buildings are set back well from the street. According to the footprint on the map it would appear there will be little to no setback so eight stories would most certainly dominate the area. The height would also seriously affect access to sunlight for the home owners next door on Burlington St. This is a neighbourhood where folk sit on their front porches.

This corner is very busy already, as the City is well aware, so there is a concern about additional traffic.

I wish to be notified of any decisions by the City of Hamilton with regard to UHOPA-18-08 and ZAC-18-024 and any future public meeting with regard to this project.

Sincerely  
Elizabeth A. Poynter



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 3, 2019
<b>SUBJECT/REPORT NO:</b>	Staging of Development Report 2019-2022 (PED19148) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Alvin Chan (905) 546-2424 Ext. 2978
<b>SUBMITTED BY:</b>	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

## INFORMATION

As per the policy F.3.6.3 of Volume 1 of the Urban Hamilton Official Plan, “the City’s Staging of Development Report shall be prepared and approved annually. The City’s Staging of Development Report and the City’s Capital Works Program shall generally be prepared in concert with each other.” Moreover, policy F.3.6.3(i) provides criteria for determining the appropriate staging and priority for development.

The intent of the Staging of Development Report is to provide a document and process which integrates the City’s financial planning of growth-related capital costs with land use planning and the timing of development which shall occur in an orderly and appropriate sequence of locations of market demand with adequate servicing programs.

This Report provides for a complete picture of growth within the City of Hamilton, which will allow the municipality to ensure that existing infrastructure and future investments are optimized to serve future growth; as it is essential to the viability of our community and critical to our economic competitiveness, quality of life and the delivery of public services.

Lastly, the Staging of Development Report will also provide an overview of residential development activity in the City for 2016 through to 2018, including associated Building Permit data. Hamilton remains a successful community and has experienced robust growth in the last several years and will continue to grow.

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

**SUBJECT: Staging of Development 2019 – 2022 (PED19148) (City Wide) -  
Page 2 of 13**

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Accordingly, the Staging of Development Program serves as a guide for setting the capital program for growth infrastructure; however, it is approval of the annual Capital Budget that ultimately authorizes the timing and funding for project implementation.

This Report has been set out into three sections, the first being, Draft Plan of Subdivision Prioritizations for Draft Approval and Servicing 2019 – 2020; Development Activity Summary Approvals and Registrations 2016 – 2018; and, Building Permit Activity 2016 – 2018.

**Staging of Development Report 2020 – 2022**

Due to the size of the Report, a complete copy of the Report can be found at:

<https://www.hamilton.ca/mapping-business-reporting/activity-reports/staging-development-report>

**Data Sources:**

Previous Staging of Development Reports were based on Canadian Mortgage and Housing Corporation data and subsequently transitioned to building permits in 2015. In addition, upon detailed review, staff have been updating the building permit data to reflect as built conditions.

The data below was compiled by the Planning and Economic Development Department, GIS - Planning and Analysis Section using a variety of data sources including, but not limited to: Engineering Approvals – Status Database; AMANDA; and, File information from the Planning and Economic Development Department, Legislative Approvals and Staging of Development Section. The data contained within this Report is for the Staging of Development Report only and shall not be used for land budgeting or growth planning purpose(s).

**Query Dates:**

- Registrations reported are up to end of year 2018.
- Building Permit data reflects all permits up to end of year 2018.

**NOTES:**

- Institutional / Commercial / Industrial (ICI) statistics are based on the assumption that 30% of the respective block can be developed for ICI purposes. In addition, Mixed-Use land uses were included as Commercial for ICI calculations, where identified.

**SUBJECT: Staging of Development 2019 – 2022 (PED19148) (City Wide) -  
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**1.0 Draft Plan of Subdivision Prioritizations Draft Approval & Servicing 2019 - 2020**

The Staging of Development Report is an important tool to guide growth in an orderly manner by balancing the infrastructure needs with the costs of extending new services, coordinating growth infrastructure with development approvals and guiding the pace of growth across the City. In particular, it identifies and prioritizes Draft Plans of Subdivision for Draft Approval and for Servicing Eligibility / Registration purposes from 2019 – 2022.

The Staging of Development Plan identifies:

- Four (4) Plans of Subdivision Applications are identified for Priority Processing for Draft Plan Application Approval in 2019 (Tables 1 and 2); and, twenty-three (23) in 2020.
- Nineteen (19) Draft Approved Plans of Subdivision are anticipated for servicing in 2019 (Tables 3 and 4); and, eleven (11) expected in 2020.

The four (4) submitted Draft Plans of Subdivision applications identified for potential approval in 2019 will create a potential maximum of 1,815 dwelling units comprised of 18 single detached residential units; 54 semi-detached residential units; 337 townhouse units; 1,406 apartment units; and 91,386 square feet of Industrial / Commercial / Institutional (ICI) land uses (Table 1).

**Table 1: 2019 Priority Processing for Draft Plan Application Approval**

Plan No.		Subdivision Name	Single	Semi-Detach	Towns	Apt.	Institutional/Commercial/Industrial (ICI)
25T-201605	HAM	Waterfront Pier 8	0	0	0	1,300	*78,792
25T-201706	GLAN	Jackson Heights Extension	18	0	243	64	12,594
25T-201804	SC	Myst	0	0	94	42	0
25T-201902	HAM	Cardinal Heights	0	54	0	0	0
		<b>TOTAL</b>	<b>18</b>	<b>54</b>	<b>337</b>	<b>1,406</b>	<b>91,386</b>

NOTES: Institutional / Commercial / Industrial (ICI) is calculated with an assumption of 30% of the respective Block area being developed, including Mixed-Use Blocks.

\*Includes Mixed-Use Blocks.



**SUBJECT: Staging of Development 2019 – 2022 (PED19148) (City Wide) -  
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The 23 submitted Draft Plans of Subdivision applications identified for potential approval in 2020 will create a potential maximum of 2,093 dwelling units comprised of 277 single detached residential units; 52 semi-detached residential units; 1,454 townhouse units; 310 apartment units; and 2,713,206 square feet of Industrial / Commercial / Institutional (ICI) land uses (Table 2).

**Table 2: 2020 Priority Processing for Draft Plan Application Approval**

<b>2020 PRIORITY PROCESSING FOR DRAFT PLAN APPROVAL</b>							
<b>Plan No.</b>		<b>Subdivision Name</b>	<b>Single</b>	<b>Semi-Detach</b>	<b>Towns</b>	<b>Apt.</b>	<b>Institutional/ Commercial/ Industrial (ICI)</b>
25T-201206	ANC	Springbrook Corners	0	0	35	0	53,056
25T-201306	FLAM	Silverwood Homes, Ph.2-3	0	0	195	0	0
25T-201503	SC	165 Upper Centennial Parkway @ LPAT	0	4	257	189	17,761
25T-201505	GLAN	Silverbirch Meadows @ LPAT	32	0	53	0	0
25T-201602	ANC	Fiddlers Green Townhouses	0	0	12	0	0
25T-201608	SC	56 Highland Road	1	0	49	1	0
25T-201609	SC	1809-1821 Rymal Road East	0	0	279	0	54,509
25T-201611	SC	Nash Neighbourhood Ph. 2	12	0	185	12	0
25T-201612	SC	Nash Neighbourhood Ph. 3	48	0	87	48	0
25T-201701	SC	City View Estates - Nash Phase 5	39	0	58	0	0
25T-201702	FLAM	609 & 615 Hamilton Street North @ LPAT	0	2	61	0	0
25T-201703	SC	Newport Yacht Club, Ph. 4	38	0	0	0	0
25T-201708	FLAM	43 Highway 5 West	0	0	0	0	252,846
25T-201709	ANC	45 Secinaro Avenue	11	0	0	0	0
25T-201710	FLAM	Alayche Estates - 655 Cramer Road	18	0	0	0	0
25T-201711	SC	Branthaven Winona Hills	59	0	0	0	1,615

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**SUBJECT: Staging of Development 2019 – 2022 (PED19148) (City Wide) -  
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**Table 2: 2020 Priority Processing for Draft Plan Application Approval - CONTINUED**

2020 PRIORITY PROCESSING FOR DRAFT PLAN APPROVAL							
Plan No.		Subdivision Name	Single	Semi-Detach	Towns	Apt.	Institutional/Commercial/Industrial (ICI)
25T-201803	HAM	James Mount Extension	0	46	100	0	0
25T-201806	ANC	Silvestri	0	0	0	0	725,278
25T-201807	GLAN	Corbett	0	0	0	0	1,608,141
25T-201809	ANC	387-409 Hamilton Drive	19	0	0	0	0
25T-201901	SC	Barton Estates	0	0	12	0	0
25T-201903	SC	Trillium Housing - 15 Picardy Dr	0	0	71	0	0
25T-201904	SC	Trillium Housing - 1288 Baseline Road	0	0	0	60	0
		<b>TOTAL</b>	<b>277</b>	<b>52</b>	<b>1,454</b>	<b>310</b>	<b>2,713,206</b>

NOTES: Institutional / Commercial / Industrial (ICI) is calculated with an assumption of 30% of the respective Block area being developed, including Mixed-Use Blocks.

As mentioned, twenty (20) Draft Approved Plans of Subdivision are anticipated for servicing in 2019 (Table 3); resulting in a potential of 3,081 units comprised of 1,041 single detached residential units; 6 semi-detached residential units; 1,365 townhouse units; 669 apartment units; and, 1,694,457 square feet of Industrial / Commercial / Institutional (ICI) land uses (Table 3).

**Table 3: 2019 Anticipated Timing of Servicing of Draft Approved Plans**

Plan No.	Subdivision Name	Single	Semi-Detach	Towns	Apt.	Institutional/Commercial/Industrial (ICI)
25T-200513	Waterdown Bay, Phase 3-4 (Phase 1)	609	0	103	314	*321,531
25T-200621	Silverwood Phase 1c	0	6	16	0	0
25T-200706	Stoneywood Park, Ph.2	44	0	67	0	26,705
25T-200723	Lancaster Heights (Mountaingate)	217	0	440	0	**80,084

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**SUBJECT: Staging of Development 2019 – 2022 (PED19148) (City Wide) -  
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**Table 3: 2019 Anticipated Timing of Servicing of Draft Approved Plans – CONTINUED**

<b>Plan No.</b>	<b>Subdivision Name</b>	<b>Single</b>	<b>Semi-Detach</b>	<b>Towns</b>	<b>Apt.</b>	<b>Institutional/ Commercial/ Industrial (ICI)</b>
25T-200903	Balsam Estates	10	0	0	0	0
25T-201003	Parkside Hills, Ph.2	6	0	181	0	***48,438
25T-201209	1125 West 5th Street	2	0	130	0	0
25T-201302	Kopper Meadow Phase 4	45	0	0	0	0
25T-201307	Star Meadows	16	0	0	0	0
25T-201504	Springbrook Meadows West Extension	44	0	0	0	0
25T-201507	Flamborough Power Centre North (Parkside Drive)	0	0	0	0	789,507
25T-201601	2 Glover Mountain Road (Red Hill Phase 5)	6	0	0	0	0
25T-201603	9890-9906 Twenty Rd W	8	0	0	0	0
25T-201604	820 Rymal Road East	0	0	14	0	0
25T-201613	The Towns at Red Hill	2	0	29	0	0
25T-200512	620 Tradewind Drive (Valery Business Park)	0	0	0	0	428,192
25T-201606	20 Miller Drive	22	0	0	0	0
25T-201802	Roxborough Park – Ph. 1	0	0	320	355	0
25T-200803	Victory Ridge Phase 3	6	0	0	0	0
25T-201805	Central Park Phase 2	4	0	65	0	0
	<b>TOTAL</b>	<b>1,041</b>	<b>6</b>	<b>1,365</b>	<b>669</b>	<b>1,694,457</b>

NOTES: Institutional / Commercial / Industrial (ICI) is calculated with an assumption of 30% of the respective Block area being developed, including Mixed-Use Blocks.

\*Includes School, District Commercial, Neighbourhood Node and Mixed-Use Blocks

\*\*Institutional Block not included as zoning permits for residential which was included.

\*\*\*Mixed-Use Block not included.

**SUBJECT: Staging of Development 2019 – 2022 (PED19148) (City Wide) -  
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The eleven (11) Draft Approved Plans of Subdivision are anticipated for servicing in 2020 will yield a potential of 1,796 units, comprised of 1,007 single detached residential units; 24 semi-detached residential units; 512 townhouse units; 253 Apartment units; and, 1,927,945 square feet of Industrial / Commercial / Institutional (ICI) land uses (Table 4).

**Table 4: 2020 Anticipated Timing of Servicing of Draft Approved Plans**

Plan No.		Subdivision Name	Single	Semi-Detach	Towns	Apt.	Institutional/Commercial/Industrial (ICI)
25T-86029	FLAM	Clappison Power Centre	0	0	0	0	*471,399
25T-91007	HAM	Jamesmount Gardens	0	24	23	0	0
25T-200303	GLAN	The Crossings Ph. 2	78	0	57	0	**95,520
25T-200404	FLAM	Flamborough Power Centre	0	0	0	0	887,384
25T-200908	SC	198 First Road West, Ph.2 (Paletta Lands)	0	0	49	253	79,761
25T-201205	ANC	Fields of Springbrook	92	0	0	0	0
25T-201309	GLAN	Summit Park – Ph. 11	368	0	158	0	31,323
25T-201402	HAM	Multi-Area Employment Lands	0	0	0	0	246,630
25T-201405	GLAN	3105 Fletcher Road	340	0	225	0	115,928
25T-201506	FLAM	Butternut Hill	6	0	0	0	0
25T-201801	GLAN	Branthaven Mount Hope	123	0	0	0	0
		<b>TOTAL</b>	<b>1,007</b>	<b>24</b>	<b>512</b>	<b>253</b>	<b>1,927,945</b>

NOTES: Institutional / Commercial / Industrial (ICI) is calculated with an assumption of 30% of the respective Block area being developed, including Mixed-Use Blocks.

\*A revision is required to reflect the DA-18-171

\*\*Includes Block 99 which is zoned for residential or institutional (public school)

**SUBJECT: Staging of Development 2019 – 2022 (PED19148) (City Wide) -  
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**2.0 Development Activity Summary Approvals and Registrations 2016 – 2018**

*Summary of Draft Plan of Subdivision Registration Activities in 2016 to 2018.*

Thirty-Seven (37) plans of subdivisions were registered between 2016 and 2018 (Table 5), resulting in the potential creation of 6,588 dwelling units (Table 6).

Of note, Draft Plan of Condominiums have been removed from this Report, as the unit would have been captured already through the related Draft Plan of Subdivision or through the City of Hamilton Site Plan Pipeline tracking initiatives or associated development applications.

Additionally, the difference in numbers between Draft Plan Approval and Registration are due to a number of factors, such as, but not limited to, phased registration and lag time between Draft Approval and Registration.

**Table 5: Number of Registered Plans of Subdivision 2016 to 2018**

<b>Year</b>	<b>Subdivision Registrations</b>
2016	13
2017	9
2018	15
<b>TOTAL</b>	<b>37</b>

With respect to the 6,588 potential units created from subdivision registrations, it should be noted that the reporting numbers were adjusted to reflect subsequent related development applications such as, but not limited to: Site Plan Control and Part Lot Control Applications (Table 6).

**Table 6: Dwelling Unit Types in Registered Plans of Subdivision 2016 to 2018**

<b>Year</b>	<b>Single</b>	<b>Semi-Detach</b>	<b>Townhouse</b>	<b>Apartment</b>	<b>Total</b>
2016	465	70	736	48	1,319
2017	497	56	1,037	795	2,385
2018	742	20	1,466	656	2,884
<b>TOTAL</b>	<b>1,704</b>	<b>146</b>	<b>3,239</b>	<b>1,499</b>	<b>6,588</b>

Based on the updated potential unit count, approximately 38% was within Stoney Creek; 25% within Waterdown / Flamborough; 19% within Ancaster; 12% within Glanbrook / Binbrook / Mount Hope; 6% within Hamilton; and, none within the Dundas community (Table 7).

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**Table 7: Percentage of Registered Plans of Subdivision by Community  
2016 to 2018**

Community	Dwelling Units in Registered Plans	
	Subdivision	%
Ancaster	1,227	19
Glanbrook/Binbrook/Mount Hope	810	12
Hamilton	417	6
Dundas	0	0
Stoney Creek	2,484	38
Waterdown/Flamborough	1,650	25
<b>TOTAL</b>	<b>6,588</b>	<b>100%</b>

### 3.0 Building Permit Activity 2016 – 2018

There has been a steady level of building permit activity averaging 2,288 units over the last three years, with an additional average of 159 units created through residential conversions from non-residential and / or additions / alterations resulting in the creation of additional units. In combination of both new construction and residential conversions, the City averaged 2,447 new units.

Between January 2016 and end of year 2018, there were 2,137; 2,395; and 2,333 building permits issued for new construction of dwelling units, respectively. Additionally, there were 100; 214, and 162 additional dwelling units created through residential conversions over the same time period (Table 7).

**Table 7: Building Permit Activity (2016 - 2018)**

New Construction				Residential Conversions			
	2016	2017	2018		2016	2017	2018
<b>Single Detached</b>	<b>831</b>	<b>523</b>	<b>492</b>	<b>Single Detached</b>	<b>3</b>	<b>3</b>	<b>2</b>
<b>Semi-Detached</b>	<b>84</b>	<b>94</b>	<b>22</b>	<b>Semi-Detached</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Townhouses</b>	<b>886</b>	<b>1,012</b>	<b>859</b>	<b>Townhouses</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>Apartments</b>	<b>336</b>	<b>766</b>	<b>960</b>	<b>Apartments</b>	<b>94</b>	<b>211</b>	<b>160</b>
<b>TOTAL</b>	<b>2,137</b>	<b>2,395</b>	<b>2,333</b>	<b>TOTAL</b>	<b>100</b>	<b>214</b>	<b>162</b>

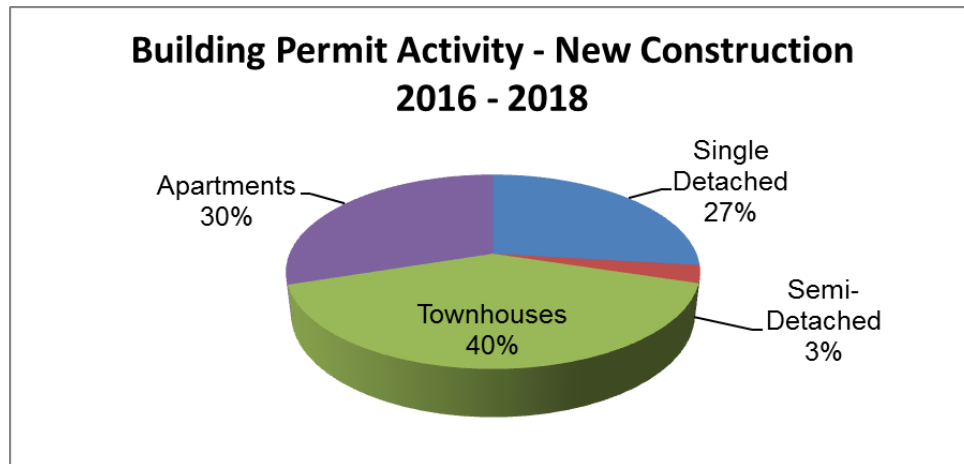
From 2016 to end of year 2018, the form of development is generally varied and balanced, save and except for semi-detached development forms. The units are comprised of 40% townhouses; 30% apartment units; 27% single detached residential; and, 3% semi-detached, per Figure 1 below. An annual breakdown of building permits by unit type is also provided in Figure 2.

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

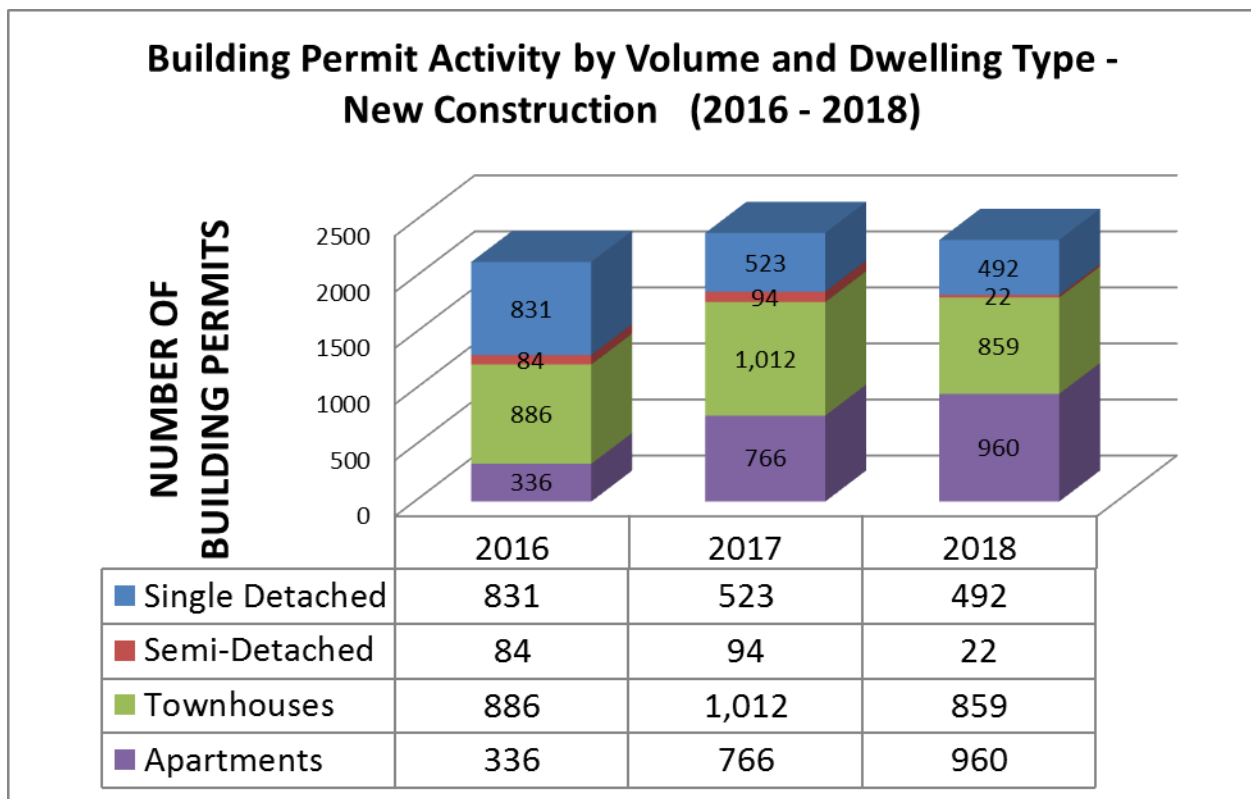
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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**Figure 1: Building Permit Activity Percentages by Dwelling Types –  
New Construction (2016 – 2018)**



**Figure 2: Building Permit Activity Volumes by Year and Dwelling Type –  
New Construction (2016 – 2018)**



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**Growth within the Built Boundary (Intensification)**

NOTE:

- There is an inherent difference between the building permit data provided above and the below statistics pertaining to Growth within the Built Boundary, as the below dataset is a net representation of the building permit dataset, whereby it includes loss of units through conversions, alterations and / or demolitions with replacement.

Growth within the built boundary (Intensification) means the development of a property, site or area at a higher density than currently exists through the redevelopment, including the reuse of brownfield sites; the development of vacant and / or underutilized lots within previously developed areas; infill development; and the expansion or conversion of existing buildings (PPS 2014).

Over the last three years (2016 – 2018) based on new construction building permits and accounting for variations (i.e. demolition permits, non-residential permits, conversions, etc.) the net residential units created within the built boundary are 607; 659; and, 1,270 units respectively.

Of note, as the reported information is based on net residential units, the respective numbers may not align with the building permit data noted above due to planning definitions of what is included within the “net residential units”; and, as building permit data cannot account for loss of units; historical units previously allocated / recorded; data reconciliation issues (ex. Revisions); and, missing details within the AMANDA program.

Lastly, an additional 1,576; 1,906; and, 1,270 residential units have been created outside of the built boundary for the same time period (2016 – 2018).

Accordingly, the percentage of intensification over the last three years is approximately 35%, which is slightly below the current 40% intensification requirement.

**Summary of Unit Supply Forecast**

The Provincial Policy Statement (2014) directs planning authorities to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents.

It requires municipalities to maintain at all times land with servicing capacity sufficient to provide a three-year supply of housing through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.



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The following unit supply table (Table 8) is based on data as of the end of year 2018 within the Urban Area but does not include lands zoned for residential intensification outside of a Draft Plan of Subdivision.

Based on the City's housing unit forecast for the period between 2016 – 2021 a total of 8700 units are required to meet the three-year supply, with approximately 2900 units required to be constructed annually.

As of the end of year 2018, the inventory of vacant lots in registered plans was 4,632 units and the draft approved inventory was 11,458 units, for a total registered and draft plan inventory of 16,090 units. Including the 1,815 units that are anticipated to receive draft approval in 2019, the City's average for building permits from 2016 to 2018 was 2,447 new units (Table 8).

Accordingly, with the projected total of 17,905 units, subject to an annual average of building permits of 2,447 units, the City would have approximately 7.3 years of supply for housing (based on above combined average and not including lands zoned for residential intensification outside of a Draft Plan of Subdivision).

**Table 8: Unit Supply Table within the Urban Area as of End of Year 2018**

<b>CITY OF HAMILTON UNIT SUPPLY AS OF END OF YEAR 2018 within the Urban Area</b>					
	<b>Single</b>	<b>Semi-Detach</b>	<b>Townhouse</b>	<b>Apartment</b>	<b>Total</b>
Units in Registered Plans (Vacant Lot Inventory) as of end of year 2018	989	36	2,039	1,568	4,632
Units in Draft Approved Plans as of end of year 2018	2,855	464	2,446	5,693	11,458
<b>TOTAL APPROVED UNIT SUPPLY</b>	<b>3,844</b>	<b>500</b>	<b>4,485</b>	<b>7,261</b>	<b>16,090</b>
Units in 2019 Priority Processing for Draft Plan Approval	18	54	337	1,406	1,815
<b>TOTAL PENDING UNIT SUPPLY</b>	<b>3,862</b>	<b>554</b>	<b>4,822</b>	<b>8,667</b>	<b>17,905</b>

Lastly, please consult the Staging of Development Report per the City of Hamilton Website:

<https://www.hamilton.ca/mapping-business-reporting/activity-reports/staging-development-report>

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## **APPENDICES AND SCHEDULES ATTACHED**

- N/A

:AC/sd



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Transportation Planning and Parking Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 3, 2019
<b>SUBJECT/REPORT NO:</b>	EV Chargers in Hamilton Municipal Parking System Lots (PED18250(a)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Allen Hand (905) 546-2424 Ext. 5441
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- (a) That staff be directed to apply for a Natural Resources Canada Grant which funds up to 50% of the cost of Electric Vehicle Charging Stations, conditional on a minimum of 20 chargers being purchased;
- (b) That, if successful on the application, staff be directed to install 20 Electric Vehicle Chargers in selected Hamilton Municipal Parking System lots or other suitable locations;
- (c) That the estimated cost of \$252,000 for 20 chargers, after the 50% rebate, be funded through a combination of Ward Reserve funds and the Parking Reserve Account No. 108021;
- (d) That the matter respecting Electric Vehicle Chargers in Hamilton Municipal Parking Lot Systems be identified as complete and removed from the Planning Committee Outstanding Business List.

### EXECUTIVE SUMMARY

At its meeting on December 11, 2018, Planning Committee directed staff as follows:

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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: EV Chargers in Hamilton Municipal Parking System Lots  
(PED18250(a)) (City Wide) - Page 2 of 5**

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- (b) That staff request the Ministry of Transportation to provide statistics on how many electric vehicles currently exist in Hamilton;
- (c) That staff report back to the Planning Committee regarding projected future electric vehicle ownership in Hamilton.

This report provides information on current electric vehicle ownership as well as a brief future outlook.

In addition, since the initial Report in December 2018 (PED18250), an opportunity to potentially receive funding for the installation of electric vehicle charging stations has emerged. The Government of Canada, under the Department of Natural Resource Canada (NRCAN) has released a Rebate Program for “Zero-Emission Vehicles” that will provide up to 50% off the total Project Costs for Level Two or Level Three public Electric Vehicle (EV) charging stations. A minimum of 20 charging stations must be purchased.

Given the rise in EV ownership, together with the need to transition to a low-carbon transportation future, it is appropriate to take advantage of the current opportunity to accelerate the installation of electric charging stations in various City of Hamilton Parking lots in order to improve the current state of charging availability.

**Alternatives for Consideration – See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** Staff is recommending Level Two Charging Stations be purchased and installed. The total cost is estimated at \$252,000, after the 50% rebate. This would include the necessary hardware, software and electrical fees required.

The estimated on-going annual maintenance fee for the charging infrastructure of approximately \$500 would be absorbed within the Operating Budget.

Staff would seek funding from individual Councillor Ward reserve funds to off-set the initial Capital investment from the Parking Reserve Fund.

**Staffing:** N/A

**Legal:** N/A

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**Cost Recovery**

At this time, staff does not recommend an end-user-fee for use of the EV Charging Stations.

EV Charging Stations would be installed in City of Hamilton parking lots and the set parking fees would continue to off-set a portion of the charging costs.

Staff recommends a pilot for 24 months, at which time, a new report to Council with a further recommendation for any changes that may include the adoption of user fees for cost recovery.

**HISTORICAL BACKGROUND**

At its meeting of December 11, 2018, the Planning Committee directed:

- (b) That staff request the Ministry of Transportation to provide statistics on how many electric vehicles currently exist in Hamilton;
- (c) That staff report back to the Planning Committee regarding projected future EV ownership in Hamilton;

Based on data that could be obtained from the Ontario Ministry of Transportation (MTO), there were 467 EVs registered within the City of Hamilton as of the end of 2018. In comparison, there were approximately 320,000 vehicles owned by households in Hamilton as of 2016.

City staff also requested information on future projected Electric Vehicle ownership in Hamilton from the MTO and Ministry of Environment, Conservation and Parks (MOECP). The MOECP provided staff with a report authored by the Independent Electricity System Operator (IESO) in 2016. This report includes projections only at the provincial level and not at the City level as requested. Staff could not find a source for City only projections.

The IESO report forecasts a range between 55,000 to 109,000 EVs in Ontario by year 2022 and between 145,000-334,000 by year 2025.

Electric Mobility Canada is a national membership-based not-for-profit organization which indicates that over 35,000 EVs have been sold in Ontario as of Q1 2019. (For reference, 100,000 EVs have been sold in Canada to-date).

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(PED18250(a)) (City Wide) - Page 4 of 5**

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**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

There are no policy implications around the basic installation of EV charges in municipal parking lots. One potential area that may require a policy change is around the cost of use. For the present time, staff are not recommending any special pricing policies. However, after a 24-month EV Charging Station pilot, staff would submit a further report to Council with recommendations that would include:

- (a) Data on location usage, average charge time and lessons learned for future locations;
- (b) Recommendations for user-fees based on similar industry practices;
- (c) Parking by-law amendments required to implement payment; and,
- (d) Enforcement recommendations to maintain reasonable turnover.

**RELEVANT CONSULTATION**

Consultation included with the following:

- (a) Ministry of Transportation – current Data on number of EVs in Hamilton as of end of 2018;
- (b) Ministry of Environment, Conservation and Parks – included report from IESO for future outlook of EVs;
- (c) City of Hamilton: Planning and Economic Development Department, Real Estate Division; Public Works Department, Parks Division; Public Works Department, Office of Energy Initiatives; Planning and Economic Development Department, Transportation Planning and Parking; Corporate Services Department, Finance and Administration; and, Corporate Services Department, Procurement;
- (d) City of Hamilton Corporate Contract Vendor, Merlo Electric Inc.; and,
- (e) Alectra Utilities – Hydro utility provider.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

One of the major barriers to the adoption of EVs is “range anxiety” due to the availability of charging infrastructure.

Compared to 18 area municipalities with a population over 100,000, Hamilton ranks last with respect to the number of EV chargers per capita.

An opportunity has emerged to expand EV charging capacity in the City. The existing Government grant is targeting public places and on-street parking. Based on the rise of EV ownership, staff recommends the submission of an application for the available

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rebate, and, if approved, installation of a minimum of 20 Level Two electric charging stations throughout the City of Hamilton.

**ALTERNATIVES FOR CONSIDERATION**

Although the rebate allows for Level Three charging stations, staff recommends Level Two charging stations would make better use of the costs for greater coverage area at this time.

Another alternative would be to purchase fewer EV chargers than 20; however, the current 50% rebate would not be available.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN****Clean and Green**

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

**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

N/A

AH:cr