City of Hamilton
PLANNING COMMITTEE REVISED

Meeting #: 19-014
Date: September 17, 2019
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

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

Pages

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Current Due Date: September 17, 2019
Proposed New Due Date: November 5, 2019

19K - Effect of Heritage Designations on Property Values in Hamilton
Current Due Date: TBD
Proposed New Due Date: December 3, 2019

19M - Amendment to Nuisance By-law No. 09-110 respecting Cannabis Growing Operations
Current Due Date: September 3, 2019
Proposed New Due Date: October 15, 2019

19N - Development of a Rural Fill By-law
Current Due Date: TBD
Proposed New Due Date: October 15, 2019

14. PRIVATE AND CONFIDENTIAL

14.1 Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Approval of Official Plan Amendment (OPA 102) and Zoning By-law Amendment (By-law 18-114) for the Lands Located at 44 Hughson Street South, 75 James Street South and 9 Jackson Street East by Fengate Hamilton Lands GP Inc. and LPF Hamilton Lands LP (LS19037/PED19198) (Wards 1 and 2) (Distributed under separate cover)

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

15. ADJOURNMENT

PLANNING COMMITTEE
MINUTES

19-013
September 3, 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

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THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 3600 Guyatt Road, Glanbrook (PED19154) (Ward 11) (Item 8.1)

(Clark/Partridge)

(a) 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:

(i) That the draft By-law, ***as amended***, attached as Appendix “B” to Report PED19154, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law, ***as amended***, be added to Schedule “C” – Special Exceptions of Zoning By-law No. 05-200; and,

(iii) 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).

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

Result: Main Motion, *As Amended*, CARRIED by a vote of 8 to 0, as follows:

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

2. Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5) (Item 8.2)

(Collins/Farr)

(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:

(i) That the draft By-law, ***as amended***, 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.

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

Result: Main Motion, *As Amended*, CARRIED by a vote of 8 to 0, as follows:

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

3. Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7) (Item 8.3)

(Danko/Whitehead)

(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, ***as amended***, 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,

(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; and,

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

Result: Main Motion, *As Amended*, CARRIED by a vote of 8 to 0, as follows:

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

4. Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 600 James Street North, Hamilton (PED19151) (Ward 2) (Item 8.4)

(Farr/Partridge)

(a) That Official Plan Amendment Application UHOPA-18-008 and Zoning By-law Amendment Application ZAC-18-024 by PM (600 James St N) Inc., be DENIED on the following basis:

(i) The proposal represents an over intensification of the site and does not conform to the West Harbour (Setting Sail) Secondary Plan;

(ii) The proposal does not provide for adequate parking;

(iii) The proposed height of the structure is inappropriate;

(iv) The proposed structure will have unacceptable shadow impacts; and,

(v) The proposal conflicts with the James Street North Mobility Hub Study.

(b) That the written and oral submissions made with respect to this matter affected the decision by supporting the refusal of the applications;

(c) That in the event that the decision to deny is appealed to the Local Planning Appeal Tribunal, the City Solicitor be authorized to retain any necessary professional consultants, to be funded through the Tax Stabilization Reserve (110086); and,

(d) That the public submissions received respecting this matter supported the denial of the application.

Result: Main Motion, *As Amended*, CARRIED by a vote of 6 to 1, as follows:

NOT PRESENT - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
NO - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

5. Staging of Development Report 2019-2022 (PED19148) (City Wide) (Item 10.1)

(Clark/Johnson)
That Report PED19148 respecting Staging of Development Report 2019-2022, be received.

CARRIED

6. EV Chargers in Hamilton Municipal Parking System Lots (PED18250(a)) (City Wide) (10.2)

(Johnson/Farr)
(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, ***and that prior to installation, staff report back to the Planning Committee on locations and pricing structure, including what Hamilton's comparator municipalities are charging for the use of Electric Vehicle chargers; and,***

(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;

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

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

6.1 John VanDuzer, Princess Bingo Sponsors Association, respecting Princess Bingo and cGaming (For the September 17th meeting)

6.2 Ward Thomas respecting Properties of Cultural Heritage Interest in Waterdown (For today's meeting)

2. PUBLIC HEARINGS / DELEGATIONS (Item 8)

8.3 Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (Ward 7)

(b) Written Submissions:

(i) Hamilton-Wentworth District School Board

(ii) Jarett Brown

8.4 Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 600 James Street North, Hamilton (PED19151) (Ward 2)

(b) Registered Speakers:

(i) Tracy Geddes

(c) Written Submissions:

(i) Mark Easden
(ii) Lachlan Holmes, Hamilton Forward
(iii) Harbour West Neighbours Inc.
(iv) North End Neighbourhood Association

3. NOTICES OF MOTION (Item 12)

12.1 Properties of Potential Cultural Heritage Interest in Waterdown

4. GENERAL INFORMATION/OTHER BUSINESS (Item 13)

13.2 On-going Noise By-law Violations

(Partridge/Clark)
That the agenda for the September 3, 2019 meeting be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) August 13, 2019 (Item 4.1)

(Clark/Johnson)
That the Minutes of the August 13, 2019 meeting be approved, as presented.

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

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

(d) DELEGATION REQUESTS (Item 6)

(i) John VanDuzer, Princess Bingo Sponsors Association, respecting Princess Bingo and cGaming (For the September 17th meeting) (Added Item 6.1)

(Johnson/Partridge)
(a) That the Delegation Request from John VanDuzer, Princess Bingo Sponsors Association, respecting Princess Bingo and cGaming, be approved for the September 17th meeting; and,

(b) That staff be directed to meet with John VanDuzer before the September 17th Planning Committee.

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

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

(ii) Ward Thomas respecting Properties of Potential Cultural Heritage Interest in Waterdown (Added Item 6.2)

(Partridge/Farr)
That the Delegation Request from Ward Thomas respecting Properties of Potential Cultural Heritage Interest in Waterdown, be approved for today's meeting, to be heard at this time.

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

(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)

(i) Ward Thomas respecting Properties of Potential Cultural Heritage Interest in Waterdown (Added Item 6.2)

Ward Thomas addressed the Committee respecting Properties of Potential Cultural Heritage Interest in Waterdown.

(Partridge/Collins)
That the Delegation from Ward Thomas respecting Properties of Potential Cultural Heritage Interest in Waterdown, be received.

CARRIED

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

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

(Johnson/Clark)
That the staff presentation be received.

CARRIED

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

(Johnson/Clark)
That the comments from John Ariens, IBI Group, be received.

CARRIED

Delegations:

(i) Rick Katz, 1481 Fletcher Road addressed the Committee and expressed concerns with the proposal.

(Partridge/Collins)
That the delegations be received.

CARRIED

(Johnson/Danko)
That the public meeting be closed.

CARRIED

(Johnson/Wilson)
(a) That all references to the Lot Size in Report PED19154, its Appendices and the By-law, be changed from “22 hectares” to read “21 hectares”; and,

(b) That the recommendations in Report PED19154 be amended by adding the following sub-section (b):

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

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

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

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

For disposition of this matter, refer to Item 1.

(iii) Application for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5) (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 and 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.

(Whitehead/Partridge)
That the public meeting be closed.

CARRIED

(Collins/Danko)
That the staff presentation be waived.

CARRIED

Franz Kloibhofer, A.J. Clarke & Associates, was in attendance and indicated support for the staff report, and requested an additional amendment to the by-law.

(Collins/Whitehead)
That the Draft By-law, attached as Appendix “C” to report PED19170, be amended by adding the following clause:

(i) Notwithstanding Section 18(a)(30) of Zoning By-law No. 6593, permeable pavers and other dustless, Low Impact Development surface materials will also be permitted.

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

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

(Collins/Farr)
That the recommendations in Report PED19170 be amended by adding the following sub-section (c):

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

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

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

For disposition of this matter, refer to Item 2.

(iv) Application for Draft Plan of Subdivision for Lands Located at 70 Bobolink Road (Hamilton) (PED19163) (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 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.

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

(Danko/Partridge)
That the staff presentation be received.

CARRIED

Angela Bounamici, IBI Group, was in attendance and indicated support for the staff report, and addressed the Committee with the aid of a PowerPoint Presentation. A copy of the presentation is available through the Office of the City Clerk or online at www.hamilton.ca.

(Partridge/Whitehead)
That the presentation from Angela Bounamici, IBI Group, be received.

CARRIED

Delegations:

(i) Jason Mattina, 10 Hummingbird Lane, addressed the Committee and expressed concerns with the proposal.

(ii) Debbie Mattina, 81 Valridge Drive, addressed the Committee and expressed concerns with the proposal.

(Whitehead/Danko)
That the delegations be received.

CARRIED

Written Submissions:

(i) Hamilton-Wentworth District School Board (8.3(a))

(ii) Jarett Brown (8.3(b))

(Partridge/Johnson)
That the written submissions, be received.

CARRIED

(Partridge/Johnson)
That the public meeting be closed.

CARRIED

(Whitehead/Partridge)
That staff be directed to meet with the Councillor and Applicant before the September 11, 2019 Council meeting, to look at the feasibility of a pathway to provide access from the park to Pauline Johnson Public School.

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

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

(Danko/Farr)
That Special Condition No. 16 for Draft Plan of Subdivision Approval for 25T-201902, Appendix "D" to Report PED19163 be deleted in its entirety and replaced with the following:

16. That, **prior to preliminary grading and / or servicing**, the Owner shall submit to the City of Hamilton and/or the Ministry of the Environment, Conservation and Parks (MOECP), a signed Record of Site Condition (RSC), or Environmental Site Assessment(s) (ESA(s)) prepared by a qualified professional confirming that the subject site is suitable for the proposed development. The RSC or ESA(s) must be to the satisfaction of the Director of Planning and Chief Planner, including in the case of the RSC a notice of acknowledgement by the MOECP, and submission of the City of Hamilton's current RSC administration fee.

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
NOT PRESENT - Councillor Brad Clark

(Danko/Whitehead)
That the recommendations in Report PED19163 be amended by adding the following sub-section (c):

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

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

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
NOT PRESENT - Councillor Brad Clark

For disposition of this matter, refer to Item 3.

(v) Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 600 James Street North, Hamilton (PED19151) (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 Official Plan Amendment and 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.

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

(Farr/Danko)
That the staff presentation be received.

CARRIED

David Falletta, Bousfields Inc., was in attendance and indicated support for the staff report and addressed the Committee with the aid of a PowerPoint

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

(Farr/Collins)
That the presentation from David Falletta, Bousfields Inc., be received.

CARRIED

Delegations:

1. Tracy Geddes, 86 Oak Avenue, addressed the Committee and expressed concerns with the proposal.

2. Rob Fiedler, 78 Simcoe Street East, addressed the Committee and expressed concerns with the proposal.

3. Amy Rolfe, 2 Guise Street East, addressed the Committee and expressed concerns with the proposal.

4. Anthony Blanken, 24 Burlington Street, addressed the Committee and expressed concerns with the proposal.

(Farr/Collins)
That the Delegations be received.

CARRIED

Written Submissions:

1. Mark Easden (8.4(c)(i))

2. Lachlan Holmes, Hamilton Forward (8.4(c)(ii))

3. Harbour West Neighbours (8.4(c)(iii))

4. North End Neighbourhood Association (8.4(c)(iv))

Petition:

1. Werner Plessl (21 names on petition)

(Farr/Clark)
That the written submissions and petition be received.

CARRIED

A copy of the petition is available through the Office of the City Clerk.

(Partridge/Danko)
That the public meeting be closed.

CARRIED

(Farr/Partridge)
That the recommendations in Report PED19151, respecting Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 600 James Street North, Hamilton, be deleted in their entirety and replaced with the following:

(a) That Official Plan Amendment Application UHOPA-18-008 and Zoning By-law Amendment Application ZAC-18-024 by PM (600 James St N) Inc., be DENIED on the following basis:

(i) The proposal represents an over intensification of the site and does not conform to the West Harbour (Setting Sail) Secondary Plan;

(ii) The proposal does not provide for adequate parking;

(iii) The proposed height of the structure is inappropriate;

(iv) The proposed structure will have unacceptable shadow impacts; and,

(v) The proposal conflicts with the James Street North Mobility Hub Study.

(b) That the written and oral submissions made with respect to this matter affected the decision by supporting the refusal of the applications;

(c) That in the event that the decision to deny is appealed to the Local Planning Appeal Tribunal, the City Solicitor be authorized to retain any necessary professional consultants, to be funded through the Tax Stabilization Reserve (110086); and,

(d) That the public submissions received respecting this matter supported the denial of the application.

Result: ***Amendment*** **CARRIED by a vote of 6 to 1, as follows:**

NOT PRESENT - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
NO - Councillor John-Paul Danko

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

For disposition of this matter, refer to Item 4.

(f) DISCUSSION ITEMS (Item 10)

(i) Staging of Development Report 2019-2022 (PED19148) (City Wide) (Item 10.1)

Alvin Chan, Acting Manager, Legislative Approvals/Staging of Development, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk or online at www.hamilton.ca.

Alvin Chan noted a typographical error on page 3 of Report PED19148, indicating that the number of Draft Approved Plans of Subdivision anticipated for 2019 is twenty (20), not nineteen (19).

(Clark/Johnson)
That the presentation from Alvin Chan respecting Staging of Development Report 2019-2022, be received.

CARRIED

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

(ii) EV Chargers in Hamilton Municipal Parking System Lots (PED18250(a)) (City Wide) (Item 10.2)

(Clark/Farr)
That the recommendations in Report PED18250(a), respecting EV Chargers in Hamilton Municipal Parking System Lots be amended by adding wording to sub-section (b), as follows:

(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, ***and that prior to installation, staff report back to the Planning Committee on locations and pricing structure, including what Hamilton's comparator municipalities are charging for the use of Electric Vehicle chargers; and,***

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

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

For further disposition of this matter, refer to Item 6.

(g) NOTICES OF MOTION (Item 12)

(i) Properties of Potential Cultural Heritage Interest in Waterdown (Item 12.1)

Councillor Partridge introduced the following Notice of Motion respecting Properties of Potential Cultural Heritage Interest in Waterdown:

WHEREAS, the following properties (henceforth referred to collectively as "the properties") are listed on the City's Heritage Inventory but have no formal protection from demolition under the *Ontario Heritage Act*:

- 289 Dundas Street East, Waterdown (Smith/Carson House);
- 341 Main Street North, Waterdown (Buchan/Rymal House);
- 29 Berry Hill Avenue, Waterdown (Finance House);
- 100 Sunnycroft Court, Waterdown (Gauld House);
- 265 Mill Street South, Waterdown (Cummer/Fraleigh House);
- 298 Dundas Street East, Waterdown (Maycock House);
- 10 First Street, Waterdown (Balgownie);
- 49 Main Street North, Waterdown (McGregor House);
- 8 Margaret Street, Waterdown (Reid House);
- 134 Main Street South (Former Wesleyan Methodist Parsonage); and,
- 340 Dundas Street East, Waterdown (Eager House);

WHEREAS, there is concern that the properties may be lost to demolition or subject to significant alterations prior to a full assessment of their cultural heritage value;

WHEREAS, including the properties on the Municipal Heritage Register as non-designated properties under Section 27(1.2) of the *Ontario Heritage*

Act provides the properties with interim, 60-day protection from demolition; and,

WHEREAS, a preliminary evaluation of cultural heritage value or interest of the properties indicate they meet the criteria specified in *Ontario Regulation 9/06*, including but not limited to:

- Historical Associations – The properties are located in or adjacent to Waterdown's historic core and are associated with people or industries potentially significant to the history, growth and development of the village. Through further research, the properties have the potential to yield additional information which may contributes to an historic or contemporary understanding of the community;

- Physical and Architectural Design – The properties can be considered representative examples of different eras of Ontario's vernacular residential architecture, ranging from the mid-19th century to the early-20th century. The properties display architectural elements characteristic of various styles, including Gothic, Georgian, Regency, and Queen Anne. Through further research, the properties may be found to display high degrees of craftsmanship, artistic merit, or technical achievement; and,

- Contextual Value – The properties are important in defining the historic character of the Village of Waterdown and maintaining its historic fabric. Given their locations within and adjacent to Waterdown's historic core, the properties are physically, visually, and historically linked to their surroundings. Through further research, the properties may be identified as local landmarks that contribute to our understanding of the development of the Waterdown community;

THEREFORE BE IT RESOLVED:

(a) That the following properties be added to the City's Municipal Heritage Register as non-designated properties, after consultation with the Hamilton Municipal Heritage Committee:

- 289 Dundas Street East, Waterdown (Smith/Carson House);
- 341 Main Street North, Waterdown (Buchan/Rymal House);
- 29 Berry Hill Avenue, Waterdown (Finance House);
- 100 Sunnycroft Court, Waterdown (Gauld House);
- 265 Mill Street South, Waterdown (Cummer/Fraleigh House);
- 298 Dundas Street East, Waterdown (Maycock House);
- 10 First Street, Waterdown (Balgownie);
- 49 Main Street North, Waterdown (McGregor House);

- 8 Margaret Street, Waterdown (Reid House);
- 134 Main Street South (Former Wesleyan Methodist Parsonage); and,
- 340 Dundas Street East, Waterdown (Eager House); and,

(b) That Council direct Tourism and Culture staff to include the above noted properties as part of the ongoing Waterdown Village Built Heritage Inventory work associated with the Waterdown Community Node Secondary Plan study and bring forward potential heritage designations as part of the Built Heritage Inventory work.

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

(i) Outstanding Business List (Item 13.1)

(Farr/Collins)

(a) That Item 18K respecting Interim Plans for Pier 7 be transferred to the West Harbour Development Sub-Committee's Outstanding Business List; and,

(b) That the following changes to the Planning Committee Outstanding Business List, be approved:

Items to be Removed:

18P – EV Chargers in Hamilton Municipal Parking Lot Systems (addressed as Item 10.2 on this agenda)

19O – Planning Applications Fees for Private Urban Boundary Expansion and Private Employment Lands Conversion Applications (addressed as Item 7.4 on the August 13, 2019 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
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(ii) Ongoing Noise By-law Violations (Added Item 13.2)

Councillor Clark requested that By-law Enforcement staff be more proactive in enforcing Noise By-law violations at the Cause and Effect Restaurant, 1784 Stone Church Road East, Hamilton.

Councillor Johnson requested that By-law Enforcement staff be more proactive in enforcing Noise By-law violations at Marydale Park, 5999 Chippewa Road East, Mount Hope.

(i) ADJOURNMENT (Item 15)

(Partridge/Danko)
That there being no further business, the Planning Committee be adjourned at 3:20 p.m.

CARRIED

_____
Councillor Maria Pearson
Chair, Planning Committee

_____
Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk

Chamberlain, Lisa

From: Hilary Pyper <
Sent: September 16, 2019 8:39 AM
To: Chamberlain, Lisa
Subject: 29 Berry hill Ave Waterdown

Hello Lisa,
The following is our letter regarding the Motion going to the September 17th Planning Committee meeting, respecting Properties of Potential Cultural Heritage Interest in Waterdown.

BACKGROUND
My family resides in and continues to enjoy our home at 29 Berry hill Ave in Waterdown. We purchased this property in 2006. The house is less than 80 years old. It was empty at the time of our purchase, was sold "As is", with extensive flaws that were either initially evident and understood, or subsequent surprises discovered. The purchase price was considerable. Risks were taken on acquiring such a property. We invested blood, sweat, tears, and great expense on renovations, repairs, and maintenance with associated high property taxes. We looked forward to an enjoyable future in our home, defined in part by an ability to demonstrate independent pride of ownership. We were quite unaware of the bending anxiety and upheaval that arrived with "The letter".

THE LETTER
At about 4:30 pm, on 28 August 2019, a letter was hand delivered to our home. There was no knock on the door or use of doorbell. The front of the envelope listed "Property owner" --no specific family name. Inside the letter has "FILE FINANCE HOUSE" ---the relation to us being incomprehensible. We have tried to digest this request to add our home to the Municipal Register, but this process has been very superficial and incomplete. We has two business days to respond before a Council Meeting immediately following the Labour Day long weekend at 9:30 am on Tuesday September 3rd.

INITIAL QUESTIONS
We have many! Who made such an application? Why was this done at all? Why now? What is the "Cultural heritage value or interest"? Why such unreasonable urgency? When was this submitted to, processed and debated by - Municipal Heritage Committee? Who is on this committee? When do they meet? What terms of reference do they operate under? What other Waterdown properties were included? What is the definition of property alterations? What are the implications/timelines/nature of reviews when City staff are directed to review the property for potential designation? If changes or impacts are proposed - define the definition of, the power of, staff "Comment" on how to accommodate changes. Who pays for a potential Cultural Heritage Impact Assessment? Does the "Building" extend to a pool and such necessary modification that may be required there? Is heritage interest limited to outside the home - or inside as well? What is related to the whole issue of possible grants - for what, process, funding amounts, likelihood of success etc? .....And there are many more questions!

INITIAL RESPONSE
On August 29, 2019, my husband took considerable time away from his busy working day and had lengthy unhelpful conversations with Christine Digiantomasso, assistant to Councillor Partridge, Ms Miranda Brunton, Cultural Heritage Planner, and Ms Yvette Rybensky Senior Project Manager Development Planning.
Ms Partridge was completely unavailable with no known office return date. There was no one available in her absence, and yet all of the above conversations directed my husband back to Ms Partridge. How frustrating period. Questions and concerns were posed. It was clearly stated that we would be out of the country - and we still are. Ms Brunton claimed to understand but provide no specific answers - no pathway forward. Ms Rybensky stated simply, "That's democracy". Oh really?

We understand that property owner notification should at least have our names on it, that we be made aware of why a property may be placed on the Register, and that we would have 30 days to respond. How could we possibly prepare a reasonable response when we do not know why the house is potentially of some "cultural Heritage value or interest"?

Council must be given 60 days notice for issues of notice to them - yet we have been provided with minimal time to respond to having our property added to the register.

Within the 60 day period of interim protection, staff can simply, unilaterally change our home from the Register to a designation under The Heritage Act, with a whole new set of implications for us. The Register is therefor not a benign list, but a dangerous first step whereby a City of Hamilton Council will control the enjoyment/independence/and future financial value of our home! Would you, Hamilton City Council like that? Would anyone like that?

The freedom to demonstrate our pride of ownership as we have done in the past, and to possibly alter, improve, seek to subdivide as other non listed owners are able to, is stolen from us! There is also a sense of loss of faith in government due process. Ultimately, the future selling price is restricted. Where is an independent real estate expert to outline for us the potential financial constraints that we may be under? All of this without compensation.

We are away. This issue has generated significant disruption of our holiday in order to navigate through this process, and provide some kind of reasonable response. Attempting to research this, without opportunity to review it with other affected property owners, or seek counsel as necessary, is logistically challenging, incomplete, and stressful.

Again, what is the possible heritage value or interest? Perhaps so that someone might drive to the end of Berry hill Avenue, a dead end street, and just glimpse at our house while they turn around?

At a high level of analysis, presumably such a Register, or eventual designation, is so that the public, even just one member of the public, does not lose something? ....a visual image, a sense of nostalgia. Now turn that thinking upside down. Such a listing/designation will most certainly create a loss for myself and family. Is that fair when there is no conceivable reasons in our view for Designation? We will agree, it is a nice house, but what possible heritage, or cultural aspects make it necessary to designate?

This process completely disrespects the home owner. Please understand the concept of ownership! Costs for purchase, maintenance, repair, etc fall to us, yet the city could hijack control of "Our" home. You, Councillors, may feel protected by Bylaws and Acts, but my family feels truly violated by this process so far. We feel that this has been unilateral, unjust, underhanded, and even secretive. We are therefore justifiably confused and angry.

We feel strongly that our home should not be added to any Register.

Thank you for your consideration of all of the above.

Sincerely
Hilary and Alex Pyper
September 16, 2019

Sent from my iP

Form: **Request to Speak to Committee of Council**
Submitted on Tuesday, September 10, 2019 - 10:42 am

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Tom Ker

Name of Organization:

Contact Number:

Email Address:

Mailing Address:
Hamilton, ON

Reason(s) for delegation request:
Regarding the change in By-laws regarding lot sizes on the Mountain (article in the Spec on Wednesday Sept 4):

1. By changing the sizes, there will be more water runoff that the area won't be able to handle.

2. How will the road be updated between StoneChurch and Hightower for the increased traffic?

3. Do we have the Municipal resources, ie: police, fire, etc., to handle the increase in population?

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: **Request to Speak to Committee of Council**
Submitted on Wednesday, September 11, 2019 - 8:55 am

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Julie Cooper

Name of Organization: Speedy Money

Contact Number:

Email Address:

Mailing Address:
90 Centennial Pkwy North
Hamilton, Ontario
L8E 1H7

Reason(s) for delegation request:
My name is Julie Cooper and I currently operate a payday loan and cheque cashing store at 90 Centennial Pkwy North in Hamilton Ontario. I have been at this location for over 8 years and I am licenced under the Ontario Payday loan Act. I was visited by Steven Wood a Hamilton licencing officer on Wednesday Aug 28th, 2019 inquiring about my payday loan permit. It is my understanding after speaking to Mr. Wood that there was a by-law passed in the beginning of 2018 within the city of Hamilton requiring payday loan companies to pay for a permit. Unfortunately I was unaware of that by-law being passed. I spoke to Mr. Wood at great length and he suggested I go to City Hall and see what could be done.

On Thursday Aug 29th, 2019 I attended City Hall and was given the forms to apply for a payday loan permit however advised that I should speak to Steven Wood again before applying. I called Mr. Wood as he was going to speaking to his supervisors as he to thought it was unusual that I was missed when they first completed the permits, however was not in licensing at the time so was unsure of how the procedure went. He indicated that I would not be able to apply for a permit as they were not granting anymore. However told me that I should reach out to my city counsel as well as the General Issues Committee. After speaking to many people it is now noted that I should be speaking to the Planning Committee.

Let me tell you a little about myself and my business, as previously stated I have been at that location for over 8 years, we offer payday loans, western Union, cheque cashing. We are a very small store and only carry about 25000 in loan receivables. We do not lend to person on fixed income, example CPP, ODSP, OW.

I will be asking the Planning Committee to add my store to the by-law, I will make the following the submissions. I am not looking to maintain the store long-term, I am seeking the ability to operate for the next 5 years. This will allow me to full fill my lease, as well as plan for closure properly. I will not sell the business, therefore allowing others to use that address for payday loans. I can't believe that when the by-law was written there intent was ever to cause harm to families or put employees out of work. Not allowing me to continue to operate the business as it is today would financially devastate my family, and the families of the employees that I work with.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Form: **Request to Speak to Committee of Council**
Submitted on Friday, September 13, 2019 - 7:53 am

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Sergio Manchia, MCIP, RPP

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

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: To address Committee with regards to the appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Approval of Official Plan Amendment (OPA 102) and Zoning By-law Amendment (By-law 18-114) for the Lands Located at 44 Hughson Street South, 75 James Street South and 9 Jackson Street East.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 17, 2019
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19165) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY: **SIGNATURE:**	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department

Council Direction:

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

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

Background:

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

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

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

Policy Implications and Legislative Requirements – Pre Bill 108

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

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

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

Policy Implications and Legislative Requirements – Post Bill 108

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

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

Information:

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

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

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

Attached as Appendix "A" to Report PED19165 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of July 19, 2019, there were:

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

- 22 active Zoning By-law Amendment applications; and,

- 9 active Plan of Subdivision applications.

Within 60 to 90 days of September 17, 2019, all 22 development proposals have passed the 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix "B" to Report PED19165 is a table outlining the active applications received after December 12, 2017 but before Royal Assent/Proclamation of Bill 108, sorted by Ward, from oldest application to newest. As of July 19, 2019, there were:

- 21 active Official Plan Amendment applications, all of which were submitted after December 12, 2017, and therefore subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;

- 47 active Zoning By-law Amendment applications; and,

- 6 active Plan of Subdivision applications.

Within 60 to 90 days of September 17, 2019, 15 applications will be approaching the 150, 180 or the 300 day statutory timeframe and will be eligible for appeal. Thirty-three applications have passed the 150, 180 and 300 day statutory timeframe.

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

Attached as Appendix "C" to Report PED19165 is a table outlining the active applications received after June 6, 2019 sorted by Ward, from oldest application to newest. As of July 19, 2019, there were:

- 3 active Official Plan Amendment applications;
- 8 active Zoning By-law Amendment applications; and,
- 1 active Plan of Subdivision applications.

Within 60 to 90 days of September 17, 2019, 2 applications will be approaching the 90 and 120 day statutory timeframe and will be eligible for appeal. Six applications have passed the 90 and 120 day statutory timeframe.

Combined to reflect property addresses, there are 78 active development proposals. Thirty proposals are 2019 files, while 26 proposals are 2018 files and 22 proposals are pre-2018 files.

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

Appendices and Schedules Attached:

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

JG:mo

Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 19, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of September 17, 2019
Ward 1									
UHOPA-17-18 ZAC-17-036	644 Main St. W., Hamilton	31-Mar-17	n/a	28-Apr-17	29-Jul-17	n/a	26-Dec-17	Urban Solutions Planning & Land Development	900
Ward 2									
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	23-Dec-16	n/a	05-Jan-17	22-Apr-17	n/a	n/a	Urban Solutions Planning & Land Development	998
UHOPA-17-33 ZAC-17-073	125 - 129 Robert St., Hamilton	06-Oct-17	30-Oct-17	14-Nov-17	03-Feb-18	n/a	11-Aug-18	IBI Group	672
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	720
ZAC-17-089	1351 Upper James St., Hamilton	28-Nov-17	n/a	05-Dec-17	28-Mar-18	n/a	n/a	Patrick Slattery	658

Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 19, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of September 17, 2019
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1070
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1070
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17	29-Aug-17	A.J. Clarke & Associates Ltd.	1019
UHOPA-16-21 ZAC-16-057 25T-201608	56 Highland Rd. W., Stoney Creek	31-Aug-16	29-Sep-16	27-Mar-17	29-Dec-16	27-Feb-17	22-Dec-17	Metropolitan Consulting Inc.	904
Ward 10									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul-15	n/a	10-Aug-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	1538

Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 19, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of September 17, 2019
Ward 10 cont'd									
UHOPA-17-36 ZAC-17-079	514 Barton St., Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	n/a	24-Jul-18	GSP Group	690
ZAC-16-016	1313 Baseline Rd., Stoney Creek	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	n/a	A.J. Clarke & Associates Ltd.	1341
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	998
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	30-Oct-17	n/a	24-Nov-17	27-Feb-18	28-Apr-18	n/a	Glen Schnarr & Associates Inc.	687
Ward 11									
UHOPA-17-12 ZAC-17-027 25T-210706	2341 & 2365 Regional Rd. 56 & Tanglewood Dr., Glanbrook	23-Feb-17	n/a	06-Mar-17	23-Jun-17	02-Sep-17	20-Nov-17	A.J. Clarke & Associates Ltd.	936

Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 19, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of September 17, 2019
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	1364
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	781
UHOPA-17-22 ZAC-17-051	280 Wilson St. E., Ancaster	05-Jun-17	22-Jun-17	23-Aug-17	03-Oct-17	n/a	20-May-18	GSP Group	755
UHOPA-17-32 ZAC-17-072	35 Londonderry Dr., Ancaster	06-Oct-17	n/a	01-Nov-17	03-Feb-18	n/a	03-Jul-18	A.J. Clarke & Associates Ltd.	711
Ward 13									
ZAR-15-004	64 Hatt St., Dundas	02-Dec-14	n/a	02-Jan-15	01-Apr-15	n/a	n/a	336477 Ontario Ltd.	1750
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	769

Active Development Applications
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(Effective July 19, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of September 17, 2019
Ward 15									
UHOPA-17-06 ZAC-17-016	157 Parkside Dr., Flamborough	23-Dec-16	n/a	17-Jan-17	22-Apr-17	n/a	19-Sep-17	MHBC Planning Limited	998

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 & 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 & 270 day timeframe commences the day the application was received.

* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 180 days to 270 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

Active Development Applications
Deemed Complete After December 12, 2017
(Effective July 19, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of September 17, 2019
Ward 1									
UHOPA-18-005* ZAC-18-012	235 Main St. W., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	634
UHOPA-18-015* ZAC-18-035	69 Sanders Blvd. & 1630 Main St. W., Hamilton	18-Jun-18	n/a	13-Jul-18	n/a	n/a	14-Apr-19*	Urban Solutions Planning & Land Development	456
UHOPA-19-004* ZAC-19-009	804-816 King St. W., Hamilton	21-Dec-19	n/a	18-Jan-19	n/a	n/a	17-Oct-19*	Urban Solutions Planning & Land Development	270
UHOPA-19-006* ZAC-19-023	196 George St., Hamilton	20-Mar-19	n/a	16-Apr-19	n/a	n/a	14-Jan-20*	GSP Group	181

Active Development Applications
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Ward 2									
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	634
UHOPA-18-008* ZAC-18-024	600 James St. N., Hamilton	29-Mar-18	n/a	23-Apr-18	n/a	n/a	23-Jan-19*	Bousfields Inc.	537
UHOPA-18-017* ZAC-18-041	225 John St. S., Hamilton	13-Jul-18	n/a	16-Aug-18	n/a	n/a	09-May-19*	GSP Group	431
UHOPA-18-021* ZAC-18-047	184 and 186 Markland St., Hamilton	22-Aug-18	20-Dec-18	21-Dec-18	n/a	n/a	17-Oct-19*	T. Johns Consulting Group	270
UHOPA-18-023* ZAR-18-057	130 Wellington St. S., Hamilton	07-Nov-18	06-Dec-18	24-Dec-18	n/a	n/a	20-Oct-19*	MBI Development Consulting INC.	267
ZAR-19-008	124 Walnut St. S., Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	270

Active Development Applications
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Ward 3									
ZAR-19-016	11 Grosvenor's Ave. S., Hamilton	28-Feb-19	n/a	28-Mar-19	28-Jul-19	n/a	n/a	T. Johns Consulting Group	201
Ward 5									
UHOPA-19-001* ZAC-19-001	2782 Barton St. E., Hamilton	30-Nov-18	n/a	13-Dec-18	n/a	n/a	26-Sep-19*	A.J. Clarke & Associates Ltd.	291
Ward 6									
ZAC-19-004	560 Highland Rd. W., Hamilton	10-Dec-18	n/a	18-Jan-19	09-May-19	n/a	n/a	WEBB Planning Consultants Inc.	281
ZAC-19-035	694 Pritchard Rd., Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	132
Ward 7									
ZAC-18-008	370 Concession St., Hamilton	21-Dec-17	n/a	22-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	635

Active Development Applications
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Ward 7 cont'd									
25T-19002	70 Bobolink Rd., Hamilton	3-Jan-19	n/a	18-Jan-19	n/a	02-Jul-19	n/a	IBI Group	257
ZAR-19-028	18 Miles Rd. Hamilton	01-Apr-19	n/a	18-Apr-19	29-Aug-19	n/a	n/a	A.J. Clarke & Associates Ltd.	169
ZAC-19-031	323 Rymal Rd. E., Hamilton	26-Apr-19	n/a	01-May-19	23-Sep-19	n/a	n/a	IBI Group	144
Ward 8									
ZAC-18-022	35 Sabrina Blvd., Hamilton	15-Mar-18	n/a	09-Apr-18	12-Aug-18	n/a	n/a	Urban Solutions Planning & Land Development	551
UHOPA-18-010* ZAC-18-025 25T-201803	221 Genoa Dr. and 1477 Upper James St., Hamilton	12-Apr-18	n/a	10-May-18	09-Sep-18	09-Oct-18	06-Feb-19*	MHBC Planning Limited	523
ZAC-18-046	360 Mohawk Rd. W., Hamilton	30-Aug-18	n/a	14-Sep-18	27-Jan-19	n/a	n/a	IBI Group	383

Active Development Applications
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Ward 8 cont'd									
ZAC-18-055	808 West 5th St., Hamilton	31-Oct-18	n/a	08-Nov-18	30-Mar-19	n/a	n/a	A.J. Clarke & Associates Ltd.	321
ZAC-19-017	1020 Upper James St., Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	201
UHOPA-19-008* ZAC-19-029	83, 89 Stone Church Rd. W. and 1021, 1029 West 5th St., Hamilton	23-Apr-19	n/a	23-May-19	n/a	n/a	17-Feb-19	Urban Solutions Planning & Land Development	147
Ward 9									
UHOPA-18-011* ZAC-18-029	1912 Rymal Rd. E., Glanbrook	04-May-18	n/a	22-May-18	n/a	n/a	28-Feb-19*	Wellings Planning Consultants Inc.	501

Active Development Applications
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Ward 10									
ZAC-18-005	42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek	15-Dec-17	n/a	16-Jan-18	14-May-18	n/a	n/a	A.J. Clarke & Associates Ltd.	641
UHOPA-18-013* ZAC-18-034	461 Green Road, Stoney Creek	8-Jun-18	n/a	18-Jul-18	n/a	n/a	04-Apr-19*	IBI Group	466
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	351
UHOPA-18-025* ZAC-18-059	466-490 Highway No. 8, Stoney Creek	23-Nov-18	n/a	06-Dec-18	n/a	n/a	19-Sep-19*	SvN Architects + Planners	298
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton St., Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	272

Active Development Applications
Deemed Complete After December 12, 2017
(Effective July 19, 2019)

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Ward 11									
ZAA-18-006	3600 Guyatt Rd., Glanbrook	20-Dec-17	18-Jan-18	24-Jan-18	23-Jun-18	n/a	n/a	Larry Freeman	601
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	434
ZAA-18-053	2282 Westbrook Rd., Glanbrook	23-Oct-18	n/a	14-Nov-18	22-Mar-19	n/a	n/a	IBI Group	329
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	373
ZAR-18-050	2004 Glancaster Rd., Ancaster	20-Sep-18	19-Oct-18	22-May-19	19-Oct-19	n/a	n/a	Fothergill Planning & Development Inc.	118

Active Development Applications
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Ward 12 cont'd									
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Rd., Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	316
UHOPA-18-024* ZAC-18-058	154 Wilson St. E., Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	293
UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Rd., Ancaster	03-Dec-18	n/a	01-Dec-18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	288
ZAC-19-010	527 and 629 Shaver Rd., Ancaster	21Dec-18	n/a	10-Jan-19	20-May19	n/a	n/a	Urban Solutions Planning & Land Development	270
ZAC-19-032	455 Springbrook Ave., Ancaster	01-May-19	n/a	09-May-19	28-Sep-19	n/a	n/a	GSP Group	139
ZAA-19-033	2274 Powerline Rd., Ancaster	08-May-19	n/a	03-Jun-19	05-Oct-19	n/a	n/a	Don Robertson	132

Active Development Applications
Deemed Complete After December 12, 2017
(Effective July 19, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of September 17, 2019
Ward 13									
ZAR-19-020	366 King St. W., Dundas	19-Mar-19	n/a	27-Mar-19	24-Aug-19	n/a	n/a	MHBC Planning	174
Ward 14									
ZAR-19-003	630 Stone Church Rd. W., Hamilton	07-Dec-18	n/a	07-Jan-19	06-May-19	n/a	n/a	IBI Group	284
ZAR-19-006	1269 Mohawk Rd., Ancaster	14-Dec-18	n/a	11-Jan-19	13-May-19	n/a	n/a	MBI Development Consulting INC.	277
ZAC-19-011	1933 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	279
Ward 14 cont'd									
ZAC-19-021	974, 980 Upper Paradise Rd., Hamilton	18-Mar-19	n/a	22-Mar-19	15-Aug-19	n/a	n/a	T. Johns Consulting Group	183

Active Development Applications
Deemed Complete After December 12, 2017
(Effective July 19, 2019)

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Ward 15									
ZAR-18-019	167 Highway 5 West, Flamborough	23-Feb-18	n/a	22-Mar-18	23-Jul-18	n/a	n/a	IBI Group	571
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	421

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 & 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 & 300 day timeframe commences the day the application was received.

* In accordance with Section 34 (11.0.0.0.1), of the *Planning Act,* the approval period for Zoning By-law Amendment applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.

* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 210 days to 300 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

Active Development Applications
Deemed Complete After June 6, 2019
(Effective July 19, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of September 17, 2019
Ward 2								
ZAR-19-038	75 Burlington St. W., Hamilton	08-May-19	n/a	01-Jun-19	06-Aug-19	n/a	T. Johns Consulting Group	132
Ward 5								
ZAR-19-037	2798 King St. E., Hamilton	08-May-19	n/a	06-Jun-19	06-Aug-19	n/a	T. Johns Consulting Group	132
Ward 11								
RHOPA-19-010 ZAC-19-039	3140 Binbrook Rd. Glanbrook	08-May-19	n/a	19-Jun-19	n/a	05-Sep-19	Urban In Mind Planning Consultants	132
ZAA-19-042	6266 Chippewa Rd. Glanbrook	06-Jun-19	n/a	10-Jun-19	04-Sep-19	n/a	Shirlmar Farms Inc.	103
Ward 12								
ZAR-19-034	378 Harmony Hall Rd., Ancaster	08-May-19	n/a	20-Jun-19	06-Aug-19	n/a	T. Johns Consulting Group	132
UHOPA-19-011 ZAC-19-040	187 Wilson St. W., Ancaster	17-May-19	n/a	17-Jun-19	n/a	14-Sep-19	T. Johns Consulting Group	123

Active Development Applications
Deemed Complete After June 6, 2019
(Effective July 19, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of September 17, 2019
Ward 15								
RHOPA-19-102 ZAC-19-044 25T-201905	30, 36 & 42 Dundas St. E. & 522 Highway 6, Flamborough	10-Jun-19	n/a	08-Jul-19	n/a	08-Oct-19	MHBC Planning Limited	99
ZAC-19-046	10 Mallard Trail, Flamborough	24-Jun-19	n/a	26-Jun-19	22-Sep-19	n/a	GSP Group	85

Active Development Applications

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

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 17, 2019
SUBJECT/REPORT NO:	Greensville Area Special Event Parking Pilot Program (PED19189) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Amanda McIlveen (905) 546-2424 Ext. 5958
SUBMITTED BY: **SIGNATURE:**	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department

RECOMMENDATION(S)

(1) That the following Special Event Parking Plan be adopted for local residential streets on Saturdays, Sundays and Statutory Holidays from March 15 to November 15 (Waterfalls tourism season), on an as needed basis, in the area of the Special Fine Zone as noted in Schedule 23 of Parking By-law No. 01-218 as an 18-month pilot project;

(a) That the boundaries for the Special Event Parking Plan be defined per Schedule 23 of Parking By-law 01-218 as shown on the map attached as Appendix “A” to Report PED19189;

(b) That residential streets currently identified to take part in the pilot project involving parking permits be defined as shown on the map attached as Appendix “B” to Report PED19189;

(c) That permit parking restrictions be in effect where signed on local residential streets within the defined boundaries during the Waterfall tourism season in Greensville;

(d) That Staff be authorized to implement the Special Event Parking Plan during the Waterfall tourism season in Greensville as deemed necessary in consultation with the Ward Councillor;

(e) That special event parking permits be issued at no charge to area residents and their guests in accordance with the following criteria;

(i) Special event parking permits will be issued to residents in one, two or three family dwellings within the defined special event parking area. These permits can be obtained at the Dundas Municipal Service Centre, 60 Main Street West in Dundas, or will be mailed out to the requesting address;

(ii) Special event parking permits will not be issued to businesses and/or their employees;

(iii) Commercial or heavy vehicles will not be eligible for permits as parking is prohibited for these classes of vehicles on local residential streets under the general provisions of Parking By-law 01-218;

(f) The manufacturing and installation of special event signage will be paid for by the City;

(g) Parking Control Officers will be assigned to patrol the area during the Waterfall tourism season in Greensville in order to provide enforcement and public relations to motorists as required;

(h) Staff, in consultation with the Ward Councillor and neighbouring residents, will evaluate the program after the pilot project period with recommendations for the fine tuning of the Special Event Parking Plan for future years;

(2) That “Special Event Parking Permits” be issued to area residents in accordance with the guidelines outlined attached as Appendix “C” to Report PED19189;

(3) That the amendment to the Parking By-law 01-218 attached as Appendix “D” to Report PED19189 which has been prepared in a form satisfactory to the City Solicitor, be approved;

(4) That the Special Event Parking Program be implemented as a pilot project for an 18-month period to enable staff to evaluate the program.

EXECUTIVE SUMMARY

The City of Hamilton has been promoted as “The Waterfall Capital of the World” and annual visitors to Webster Falls, Tew Falls, and the Dundas Peak have continued to increase significantly over the past five years. The increase in visitors to the waterfall

areas has continued to result in significant parking issues for residents living in the adjacent Greensville neighbourhoods.

Measures to combat illegal parking, gridlock on local streets, and visitors blocking residential driveways, have resulted in the installation of “No Parking” and “No Stopping” signs, extra staff and proactive by-law enforcement on weekends, and the implementation of a special event fine for illegal parking by visitors to Webster Falls, Tew Falls, and the Dundas Peak. The installation of “No Parking” and “No Stopping” signs have limited the ability of Greensville residents to utilize parking on their street for their vehicles or vehicles belonging to their guests.

The purpose of this Report is to request the implementation of a Special Event Parking Program for the Greensville area during the Waterfall tourism season, beginning on March 15 and ending on November 15 annually, and active on Saturdays, Sundays and Statutory Holidays. The Special Event Parking plan provides a viable means of regulating non-resident parking in the Greensville area and protects parking for local residents. This plan was endorsed by the Ward Councillor during the June 26, 2019 meeting of the multi-disciplinary working group, consisting of Planning and Economic Development staff, to address on-going issues during the Waterfall tourism season negatively impacting the residents of Greensville.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Costs associated with manufacturing, installing and maintaining the required special event permit parking signage and physical parking permits is expected to be a one-time cost of approximately $5,000.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

In August 2016, the Hamilton Municipal Parking System (HMPS) installed “No Parking, 10:00 a.m. to 7:00 p.m., Saturdays, Sundays, and Mondays, May to October” on the streets as outlined in Appendix “B” attached to this Report.

The purpose of the prohibitive parking signage was to assist in limiting illegal parking and blocking of residential driveways.

At the request of former Councillor Robert Pasuta, City Council directed a comprehensive review of problems associated with increased visitors to the Waterfalls

in April 2017. It was requested that measures be taken, such as additional "No Parking" signage and additional weekend By-law Enforcement, to combat traffic and parking issues for local residents, such as gridlock on local streets, visitors blocking roadways and blocking residents' driveways.

City staff was also directed to form a multi-disciplinary working group to conduct a comprehensive, multi-faceted investigation of public safety and the negative impacts to the Greensville and Dundas neighbourhoods associated with the increase in visitors to Webster Falls, Tew Falls, and the Dundas Peak.

As actioned from the Waterfalls Motion Working Group, HMPS installed additional "No Parking" signage in June 2017 in the following Webster Falls and Tew Falls areas to prevent visitors from occupying residential streets and illegally blocking driveways:

- Brock Street North;
- Melville Street;
- Old Dundas Road;
- Ofield Road; and,
- Fallsview Road.

On April 10, 2019, a motion went forward to City Council from the Ward 13 Councillor asking staff to create a "Special Enforcement Area" with a fine of $250 for illegal parking on all streets in Greensville.

In July 2019, HMPS installed additional "No Parking" signs on Harvest Road, Ofield Road, Old Brock Road, and Cramer Road to further assist in prohibiting visitor vehicles from parking unsafely or illegally and causing traffic congestion in the Greensville area.

The increase in prohibitive signage in the last three years to assist in alleviating the negative impact of visitors to Webster Falls, Tew Falls, and the Dundas Peak, has left Greensville residents in the area of Appendix "B" attached to this Report without the ability to hold events at their residences, such as family parties or barbeques, due to the unavailability of on-street parking. The Ward Councillor has, therefore, recommended the implementation of a Special Events Parking Program to assist these residents.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

- Waterfalls Motion Working Group; and,
- Councillor Arlene VanderBeek, Ward 13.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Due to concerns raised by Greensville residents about the lack of available on-street parking on weekends and statutory holidays during peak Waterfalls visitation periods, and in consultation with the Ward 13 Councillor, Staff are recommending that a Special Event Parking Program be enacted for the residents who reside on streets as outlined in Appendix “A” attached to this Report which will allow them to request parking permits from HMPS for their visitors during occasions at their residences.

HMPS recommends the adoption of this plan as a pilot project for an 18-month period so that staff can continue to monitor and review the area for changing conditions based upon visitor volumes to the Waterfall areas in Greensville.

The plan, as outlined in the recommendation, includes the following key components:

- Utilizes permanent “Parking by Permit Only” signage which will reduce any annual signing costs in the designated area;
- Provides a maximum of ten parking permits per household, per request for guests;
- Provides residents with ten maximum opportunities to request parking permits per Waterfall tourism season; and,
- Allows the program to take effect only during Saturdays, Sundays and Statutory Holidays from March 15 to November 15 as deemed necessary by the Ward Councillor.

ALTERNATIVES FOR CONSIDERATION

Alternative considerations are to continue to prohibit all vehicles on streets as outlined in Appendix “B” attached to this Report. This, however, would not be acceptable to the area residents who are having difficulty with guest parking for family functions from March 15 to November 15.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Health and Safe Communities

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Map Identifying the Special Fine Zone Area
Appendix “B” – Residential Streets Currently Identified to Take Part in Pilot Project
Appendix “C” – Special Event Parking Permit Qualification Guidelines
Appendix “D” – Amendments to Parking By-law 01-218

AM:cr

Appendix "A" to Report PED19189
Page 1 of 1

Special Fine Zone

Appendix "A"

Special Fine Zone

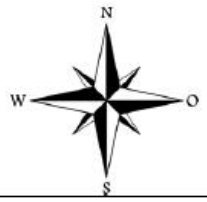
Permit Parking Plan
Maximum Boundary

Drawn By: A.M

Date: 08/07/2019

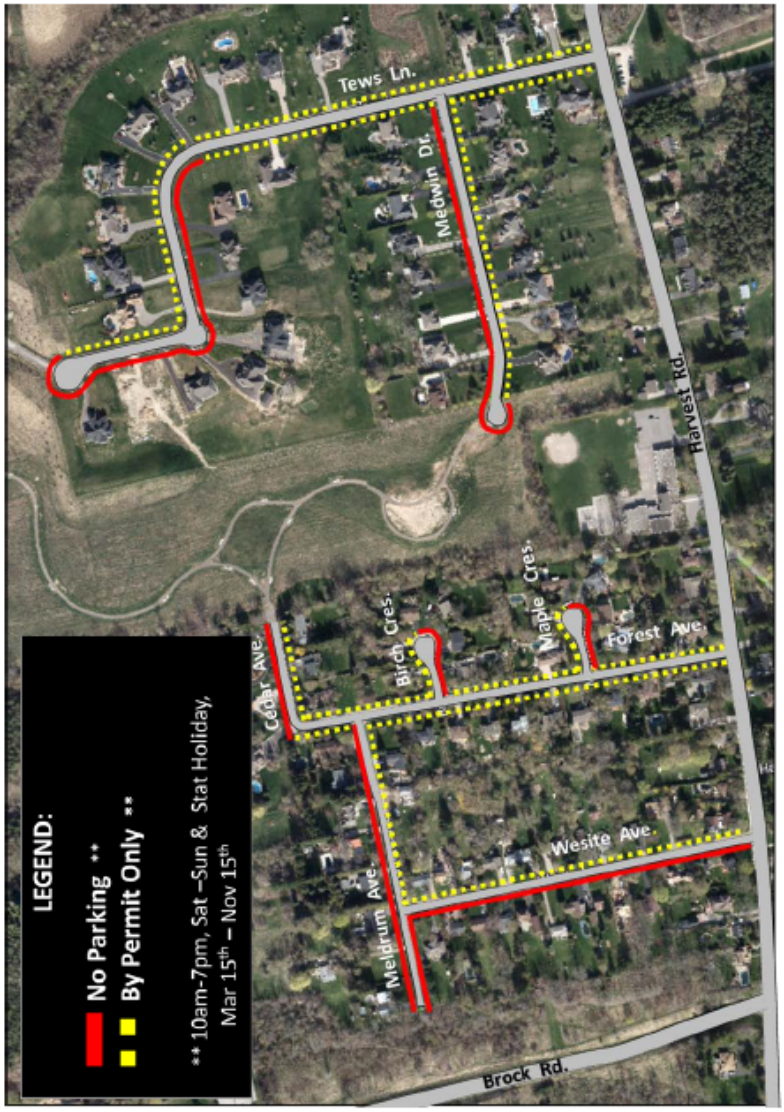
NOT TO SCALE

Hamilton Municipal Parking System



Appendix "B" to Report PED19189
Page 1 of 1

Residential Streets Currently Taking Part in Pilot Project



Appendix "B"

Greensville Special Event Parking Permit Plan

Ward 13 Plan Boundry

Drawn By: A.M

Date: Aug. 07, 2019

NOT TO SCALE

Hamilton Municipal Parking System

N S W O

Special Event Permit Parking Guidelines

That "Special Event Parking Permits" be issued to area residents in accordance with the following guidelines:

1. Up to ten "Special Event Parking Permits" will be issued to each residential unit (including apartment buildings) within the Special Event Parking area shown in Appendix "A" to Report PED19189.

2. Residents must inform the Hamilton Municipal Parking System (HMPS) of their request for parking permits ten business days in advance of their event.

3. Residents have a maximum of ten requests for permits from March 15 to November 15 during the Waterfall season.

4. Permits will be mailed to the residential addresses in advance of the event or can be distributed by staff.

5. "Parking by Permit Only, Saturdays, Sundays and Statutory Holidays, March 15 to November 15" permanent signage will be placed along each roadway per Appendix "B" to Report PED19189.

CITY OF HAMILTON

BY-LAW NO. 01-2018

To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking

WHEREAS *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended.

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

1. Schedule 4 (Special Event Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "A" thereof the following items, namely:

Wesite Ave., east side, from end to end

Meldrum Ave., south side, from Wesite Ave. to Forest Ave.

Forest Ave., both sides, from end to end

Maple Cres., north side, from Forest Ave. to end

Birch Cres., north side, from Forest Ave. to end

Cedar Ave., south side, from Forest Ave. to end

Medwin Dr., south side, from Tews Ln. to end

Tews Ln., west side, from Harvest Rd. to 35 Tews Ln.

Tews Ln., east side, from Harvest Rd. to end.

Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE
REPORT 19-006
12:00 p.m.
August 22, 2019
Council Chambers, 2nd Floor
Hamilton City Hall
71 Main Street West

Present:	Councillor M. Pearson D. Beland, J. Brown, K. Burke, G. Carroll, C. Dimitry (Vice-Chair), L. Lunsted, T. Ritchie R. McKee and W. Rosart
Absent with Regrets:	A. Denham-Robinson (Chair) and B. Janssen

---

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 19-006 AND RESPECTFULLY RECOMMENDS:

1. Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the *Ontario Heritage Act* (PED19164) (Ward 2) (Item 9.1)

(a) That the designation of 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station), shown in Appendix “A” to Report PED19164, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;

(b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED19164, be approved;

(c) That the City Clerk be directed to take appropriate action to designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED19164; and,

(d) That Report PED19164 be forwarded to the Director of the Water and Wastewater Division of the Public Works Department for information.

2. Correspondence from the Waterdown-East Flamborough Heritage Society respecting its Annual Fall Book Fair on October 19, 2019 (Added Item 5.1)

That the recommendation respecting Correspondence from the Waterdown-East Flamborough Heritage Society respecting its Annual Fall Book Fair on October 19, 2019, be amended to include the following:

That the Correspondence from the Waterdown-East Flamborough Heritage Society respecting its Annual Fall Book Fair on October 19, 2019, be received, and that an exhibitor table be reserved for a cost of $25.00, to allow for the Committee to participate in the event.

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

There were no ceremonial activities.

(b) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee of the following changes:

5. COMMUNICATIONS

5.1 Correspondence from the Waterdown-East Flamborough Heritage Society respecting its Annual Fall Book Fair on October 19, 2019. Recommendation: Be received.

7. CONSENT ITEMS

7.1 Heritage Permit Applications - Delegated Approvals

7.1.k Heritage Permit Application HP2019-024: Proposed master bedroom restoration at 610 York Boulevard (Ward 1) (By-law No. 77-239)

7.1.l Heritage Permit Application HP2019-025: Proposed alteration of driveway at 24 Union Street, Waterdown (Ward 15) (By-law No.96-34-H)

7.1.m Heritage Permit Application HP2019-026: Proposed alteration of storm windows at 13-15 Inglewood Drive (Ward 2) (By-law No. 17-224)

7.2 For the information of the Hamilton Municipal Heritage Committee: 9 Main Street North, Waterdown - Municipal Register of Property of Cultural Value or Interest

7.3 Heritage Permit Review Sub-Committee - Minutes of June 25th, 2019

7.4 Education and Communication Working Group Meeting Notes - July 3, 2019

7.5 For the information of the Hamilton Municipal Heritage Committee: 292 Dundas Street East (Maple Lawn), Waterdown

8. PUBLIC HEARINGS / DELEGATIONS

8.2 Marc Bader, respecting Ancaster High School Building and Lands

8.2.a Delegation Deferred to the September 19, 2019 Meeting - Marc Bader, respecting Ancaster High School Building and Lands

As per the request from the delegate this item will be deferred to the September 19, 2019 meeting

9. STAFF PRESENTATIONS

9.1 Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the Ontario Heritage Act (PED19164) (Ward 2)

The Agenda for the August 22, 2019 Hamilton Municipal Heritage Committee was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

Robin McKee declared an interest in Items 7.1(e) and 7.1(f), Heritage Permit Applications – Delegated Approvals for Heritage Permit Application HP2018-003 262 MacNab Street North, Hamilton (Designation Plaque) Subject to Notice of Intention to Designate, and Heritage Permit Application HP2018-004 262 MacNab Street North, Hamilton (Facade Restoration) Subject to Notice of Intention to Designate, as he is the owner of these two properties.

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

(i) July 25, 2019 (Item 4.1)

The Minutes of the July 25, 2019 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(e) CONSENT ITEMS (Item 7)

(i) Heritage Permit Applications - Delegated Approvals (Items 7.1(a) to 7.1(m))

The following Delegated Approvals be received:

(a) Heritage Permit Application HP2017-070 255 West Avenue North, Hamilton By-law No. 88-182 (Item 7.1(a))

(b) Heritage Permit Application HP2017-071 Proposed replacement of front steps and stoop 37 Mill Street North, Flamborough (Waterdown) By-law No.93-34-H (Item 7.1(b))

(c) Heritage Permit Application HP2018-001 Shaver Family Cemetery-1160 Wilson Street West, Ancaster (Ward 12) Wall Rebuild & Tree Removal By-law No. 93-68 (Item 7.1(c))

(d) Heritage Permit Application HP2018-002 Abrey-Zimmerman House -159 Carlisle Road, Flamborough (Ward 15) Construction of Detached Garage Heritage Conservation Easement Agreement/ By-law No. 2000-105-H (Item 7.1(d))

(e) Heritage Permit Application HP2018-003 262 MacNab Street North, Hamilton (Designation Plaque) Subject to Notice of Intention to Designate (Item 7.1(e))

(f) Heritage Permit Application HP2018-004 262 MacNab Street North, Hamilton (Facade Restoration) Subject to Notice of Intention to Designate (7.1(f))

(g) Heritage Permit Application HP2018-005 Mortar Repointing 231 St. Clair Boulevard, Hamilton St. Clair Boulevard Heritage Conservation District (Item 7.1(g))

(h) Heritage Permit Application HP2018-008 11 Union Street, Flamborough (Ward 15) Construction of new addition Mill Street Heritage Conservation District By-law No. 93-34-H (Item 7.1(h))

(i) Heritage Permit Application HP2018-009 Installation of Fall Arrest System 900 Woodward Avenue (Hamilton Waterworks) By-law No. 84-30 as amended by By-law No. 86-25 (Ward 4) (Item 7.1(i))

(j) Heritage Permit Application HP2018-013 Handrail Installation 1280 Main Street West, Hamilton (McMaster University) By-law No. 08-002 (Item 7.1(j))

(k) Heritage Permit Application HP2019-024: Proposed master bedroom restoration at 610 York Boulevard (Ward 1) (By-law No. 77-239) (Added Item 7.1(k))

(l) Heritage Permit Application HP2019-025: Proposed alteration of driveway at 24 Union Street, Waterdown (Ward 15) (By-law No.96-34-H) (Added Item 7.1(l))

(m) Heritage Permit Application HP2019-026: Proposed alteration of storm windows at 13-15 Inglewood Drive (Ward 2) (By-law No. 17-224) (Added Item 7.1(m))

(ii) For the information of the Hamilton Municipal Heritage Committee: 9 Main Street North, Waterdown - Municipal Register of Property of Cultural Value or Interest (Added Item 7.2)

The information respecting 9 Main Street North, Waterdown - Municipal Register of Property of Cultural Value or Interest, was received.

(iii) Heritage Permit Review Sub-Committee - Minutes of June 25th, 2019 (Added Item 7.3)

The Heritage Permit Review Sub-Committee Minutes of June 25, 2019, were received.

(iv) Education and Communication Working Group Meeting Notes - July 3, 2019 (Added Item 7.4)

The Education and Communication Working Group Meeting Notes of July 3, 2019, were received.

(v) For the information of the Hamilton Municipal Heritage Committee: 292 Dundas Street East (Maple Lawn), Waterdown (Added Item 7.5)

The information respecting 292 Dundas Street East (Maple Lawn), Waterdown, was received.

(f) DELEGATIONS (Item 8)

(i) Susan O'Rourke, respecting 745 Crooks Hollow Road, Dundas (Item 8.1)

Susan O'Rourke addressed the Committee respecting 745 Crooks Hollow Road, Dundas, advising that she does not support the inclusion of this property on the City's Municipal Heritage Register, and its inclusion on the staff work plan.

The delegation from Susan O'Rourke, respecting 745 Crooks Hollow Road, Dundas, was received.

(g) PRESENTATIONS (Item 9)

(i) Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the *Ontario Heritage Act* (PED19164) (Ward 2) (Item 9.1)

David Addington, Cultural Heritage Planner, addressed the Committee with a presentation respecting Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the *Ontario Heritage Act*, with the aid of a PowerPoint presentation.

The presentation respecting Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the *Ontario Heritage Act*, was received.

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

For disposition of this matter, refer to Item 1.

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

(i) Buildings and Landscapes (Item 13.1)

This list is determined by members of the Hamilton Municipal Heritage Committee. Members provide informal updates to the properties on this list, based on their visual assessments of the properties, or information they have gleaned from other sources, such as new articles and updates from other heritage groups.

(a) The property located 120 Park Street, Hamilton at be added to the Endangered Buildings and Landscapes of Interest (RED); and,

(b) R. McKee will report to the Committee on the property.

The following updates were received:

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

(i) Tivoli, 108 James Street North, Hamilton (D) – T. Ritchie

(ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – C. Dmitry

(iii) Century Manor, 100 West 5th Street, Hamilton (D) – G. Carroll

(iv) Beach Canal Lighthouse and Cottage (D) – R. McKee

(v) 18-22 King Street East, Hamilton (R)(NOI) – W. Rosart

(vi) 24-28 King Street East, Hamilton (R)(NOI) – W. Rosart

(vii) 2 Hatt Street, Dundas (R) – K. Burke

The exterior of the property continues to be maintained.

(viii) James Street Baptist Church, 98 James Street South, Hamilton (D) – J. Brown

(ix) 828 Sanatorium Road – G. Carroll

Damage to the exterior of the building continues.

(x) 120 Park Street, Hamilton – R. McKee

(b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

(i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland

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

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

No construction has appeared on site.

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

Columbia College students will take temporary residency at the property.

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

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

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

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

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

The group will be examining their heritage plan.

(x) 51 Herkimer Street, Hamilton – J. Brown

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

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

(c) Heritage Properties Update (GREEN):

(Green = Properties whose status is stable)

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

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

The Friends of Auchmar will be holding an event at the Westdale Theatre.

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

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

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

(d) Heritage Properties Update (black):

(Black = Properties that HMHC have no control over and may be demolished)

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

(i) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:49 p.m.

Respectfully submitted,

Chuck Dimitry, Vice-Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

CHARITY GAMING FEDERATION of ONTARIO

CITY OF HAMILTON'S PLANNING COMMITTEE

MAKING THE CASE

Hamilton's Princess Bingo is very much at risk of closing within the next year or two if it's not able to participate in cGaming, something now being offered in 37 other Bingo halls across the province in an effort to modernizing the bingo industry with electronic (not just paper) bingo.

Without the support of the Planning Committee and City Council as a whole:

✔ Princess Bingo will be forced to close its doors permanently

✔ Because of year-over-year declines in sales, the City of Hamilton will lose up to 80% of the revenue it receives from Princess Bingo while the Hall stays open and, obviously, lose all 100% of this revenue if it's forced into bankruptcy

✔ The City of Hamilton will forgo upwards of $876,000 in annual revenues from the increase in sales cGaming is projected to bring

✔ The 52 charities who depend on revenue they earn from supporting Princess Bingo will be forced to say 'no' to your constituents because each of their revenues will decrease by up to 50%... or even more! Many of these charities will then be forced to turn to City Hall and the Province for funding.

After reviewing the pertinent supporting documents on the pages which follow, and after speaking with us on the 17th, ***we very much hope that you will put forward a motion to City Council at its September 25th meeting*** providing the City's permission that the Princess Bingo Sponsors Association and the hall be able to participate in the offering of electronic bingo as provided for in Ontario Regulation 81/12.

Oakville, Cambridge, and five halls flooding Niagara Region already offer electronic forms of bingo and break-open tickets. Burlington is likely to approve the same very, very soon.

In order for Princess Bingo to compete on a level playing field and keep its doors open despite such an overwhelming competitive advantage enjoyed by these surrounding communities, we must also be able to offer the same modern equipment and prize boards that they offer and that customers demand.

Respectfully,

John VanDuzer
Executive Director,
Charitable Gaming Federation of Ontario
• • •
jvanduzer@cgfo.ca
905 577-6290

IF PRINCESS BINGO CLOSES

HERE ARE THE HAMILTON CHARITIES THAT WILL LOSE TENS OF THOUSANDS OF DOLLARS ANNUALLY

THEREBY LOSING THE ABILITY TO SUPPORT THE FAMILIES THAT DEPEND ON THEM

91st Highlanders Athletic Association
Adas Israel Congregation
Adult Basic Education
Armenian Community Centre
Assumption Church
Bereaved Families of Ontario
Canadian Council of The Blind
Canadian Orpheus Male Choir
Canusa Games
Capability Support Services
Catch as Catch CAN Wrestling
Centre Francophone Hamilton
Conway Opportunity Homes Inc.
Hamilton & District Extend a Family
Hamilton Artist Inc
Hamilton Aquatic Water Polo
Hamilton Kilty B Hockey
Hamilton Hebrew Academy
Hamilton Hoppers Rope Skipping
Hamilton Lacrosse Association
Hamilton Literacy Council
Hamilton Malayalee Samajam
Hamilton National Olympic Skating
Hamilton Olympic Club
Hamilton Theatre Inc.
Hamilton Wentworth Regionettes
Hamilton Wentworth Stroke Recovery
Hamilton YWCA
Hamilton/Burlington SPCA
John Howard Society
Jumpsations Rope Skipping
Knights of Columbus Ontario Charities Foundation
Lions Club of Hamilton Central
Lung Association of Hamilton
Multiple Sclerosis Society
Neighbour to Neighbour Centre
Optimists Club of Hamilton Inc.
Romanian Cultural Centre
Rotary Club of Hamilton
Rygiel Home
Sacred Heart Parish
Sherwood Secondary School
Sir Allan MacNab High School
Star-lite Competitive Dancers Inc.
St. Lawrence the Martyr Parish
St. Nicholas Church
St. Stephen's Hungarian Parish
Steel City Sound Youth Ensemble
Stoney Creek Co-Op Preschool
Trident Hamilton Charities
Wentworth Minor Football Association
Zonta Club of Hamilton

Of the ten halls in Ontario currently seeking approval for cGaming, only Hamilton is considered a 'Tier 2' hall; the OLG 's highest distinction. Being a 'Tier 2' hall is a great indicator that, if approved for cGaming, Princess Bingo's charities won't just survive, they'll thrive!

PRINCESS BINGO SPONSORS ASSOCIATION

c/o 1104 Fennell Avenue East, Suite 222, Hamilton, Ontario L8T 1R9

July 29, 2019

Mr. Rick Gray, Vice President, Charitable Gaming
Ontario Lottery & Gaming Corporation
4120 Yonge Street, Suite 402
Toronto, Ontario M2P 2B3

Dear Sir:

Re: Modernization of Charitable Gaming - cGaming

I am pleased to inform you that Princess Bingo Sponsors Association, representing all of the charitable organizations operating Bingo events at Princess Bingo Hall in Hamilton, Ontario, is in favour of, and supports, the application of our Hall to be included in the Modernization of Charitable Gaming initiative, and to transition to a cGaming hall offering all of the products available as such.

We have communicated, to the City of Hamilton, our desire to transition to cGaming, and we are working with the City to obtain their approval of our efforts to modernize the offerings at our location (please see attached e-mail chain).

Thank you for your consideration of this matter.

Yours truly,

Clement Feierabend

Clement Feierabend, President
Princess Bingo Sponsors Association

c.c. Mr. Adam Palmieri, Supervisor, Licensing – Administration
Ms. Tiffany Gardner, Supervisor, Licensing
Mr. Joe Falco, Princess Bingo
Mr. Ron Conciatori, Princess Bingo
Mr. John VanDuzer

As you can see...
Princess Bingo Sponsors Association is in favour of cGaming in Hamilton

Asked if Licensing supports our application, we were told:
"Absolutely.
Licensing is in support of your proposal for c-gaming and we are committed to working with you to assist you in the process."
Tiffany Gardner, August 27, 2019 at 4:29:59 PM

In a previous email we were told,
"We will be working closely with Councillor Pauls to get this moving... we will coordinate our efforts with yours."
Tiffany Gardner, August 23, 2019 at 2:48:08 PM

BINGO players want this, too... In mid-April (and in just a natter of days), the Premier's Office was flooded with
470 emails
asking that he direct the OLG to include Hamilton in cGaming

As for Councillor Esther Pauls (in whose ward Princess Bingo is proud to call home), she's providing
"110% support!"
Esther exclaimed, August 15, 2019 during our meeting with her in her City Hall office

PAPER BINGO HALLS LIKE PRINCESS BINGO ARE GOING THE WAY OF THE DINOSAUR

If they are to survive, paper bingo halls like Princess – like ALL BINGO HALLS – need cGaming.

With the recent introduction of the new cGaming Model, paper bingo halls' customer declines will continue at an accelerated rate. It is estimated that this decline rate will be between 20 to 30% in the first year that the new cGaming halls open (and they're now open!) This will be enough to make Princess Bingo Hall unprofitable, thereby forcing it to close... or even to declare bankruptcy within a year or two!

Hamilton's Princess Bingo

	Number of Customers per year	% chg
2008	169,707	
2009	144,510	-14.85%
2010	126,776	-12.27%
2011	118,810	-6.28%
2012	118,337	-0.40%
2013	121,606	2.76%
2014	148,492	22.11% *
2015	146,456	-1.37%
2016	143,066	-2.31%
2017	143,872	0.56%
2018	131,015	-8.94%

22.80% decline

in customers over the last 10 years

THE FINANCIAL IMPACT ON HAMILTON

Princess Bingo

Bingo Revenue*	$2,800,000
Win/eBingo Machine/Day**	$400
# of machines***	200
Revenue/Day	$80,000
Annual Revenue	$29,120,000
Total Revenue	**$31,920,000**
OLG Revenue (22% of Rev)****	$6,428,840
Charity Revenue (25% or Rev)****	$7,305,500
Municipal Revenue (3% of Rev)****	$876,660

(1) Charities currently receive 45% of Bingo Revenues

(2) Estimate of Municipality license fees were calculated as follows: average of 3 sessions/day x 7 days x 52 weeks x 10 halls

* Estimate of Bingo Revenue with the new model (estimate based on existing revenue at each hall)

** Based upon market performance of similar machines in the marketplace.

*** Based upon population size of each market

**** The OLG receives 29% of revenues of the first $3.8 mil generated and any revenue above that number, the OLG receives 50%. The revenue is then split as follows: OLG, 22%; Charities, 25%; and Municipalities, 3%

Sure, there's a lot of money at stake, but it's even more important to remember that every dollar a charity raises represents a worthwhile investment in better, stronger, and healthier communities; it has a multiplying effect. An ounce of prevention really IS worth a pound of cure!

WE NEED TO BE COMPLIANT WITH

ONTARIO REGULATION 81/12

ONTARIO REGULATION 81/12

made under the

ONTARIO LOTTERY AND GAMING CORPORATION ACT, 1999

Made: May 2, 2012
Filed: May 14, 2012
Published on e-Laws: May 15, 2012
Printed in *The Ontario Gazette*: June 2, 2012

REQUIREMENTS FOR ESTABLISHING A GAMING SITE

Definitions

1. In this Regulation,

"band", "council of the band" and "reserve" have the same meanings as in the *Indian Act* (Canada); ("bande", "conseil de la bande", "réserve")

"municipality" means a lower-tier or single-tier municipality. ("municipalité")

Requirements

2. (1) Subject to subsections (2) and (3), the Corporation may authorize the establishment of a gaming site on an electronic channel or, at premises approved by the Corporation, in a municipality or on a reserve.

(2) The Corporation shall not authorize the establishment of a gaming site until after the Corporation takes the steps and requires that the conditions are met as follows:

1. The Corporation prepares a business case for the proposed gaming site that,
   i. sets out the cost of establishing the proposed gaming site,
   ii. demonstrates the viability of the proposed gaming site and the adequacy of responsible gaming features for the proposed gaming site, and
   iii. sets out or demonstrates any other matter that the Corporation considers appropriate.
2. The Corporation gives a copy of the business case, and any other information requested by the Minister or by the Minister of Finance, to the Minister and the Minister of Finance for review.
3. In the case of a proposed gaming site to be established at premises in a municipality or on a reserve,
   i. the municipal council or the council of the band, as the case may be, seeks public input into the establishment of the proposed gaming site and gives the Corporation, in writing, a description of the steps it took to do so and a summary of the public input it received, and
   ii. the municipal council or the council of the band, as the case may be, passes a resolution supporting the establishment of the gaming site in the municipality or on the band's reserve and gives a copy of the resolution to the Corporation.
4. The Minister and the Minister of Finance agree to the business case prepared by the Corporation.
5. The Corporation publishes a notice in a newspaper or on the Corporation's website, or both, as determined by the Corporation, advising that the proposed gaming site is to be established and containing the information that the Corporation considers appropriate.

(3) If both of the following circumstances apply, the Corporation shall not authorize the establishment of the gaming site until after the Corporation takes the step set out in paragraph 5 of subsection (2), and the steps and conditions set out in paragraphs 1, 2, 3 and 4 of subsection (2) need not be taken or met:

1. The proposed gaming site is to be established in a municipality or on a reserve at the same premises where a charitable organization conducts and manages one or more lottery schemes pursuant to a provincial order in council and a licence issued by the municipal council, council of the band or the Registrar of Alcohol and Gaming.
2. The lottery schemes offered at the proposed gaming site and described in paragraph 1 are restricted to the following games conducted and managed by the Corporation:
   i. Lotteries, using paper tickets.
   ii. Raffles, using paper tickets.
   iii. Paper break open tickets.
   iv. Break open tickets sold by means of an electronic break open ticket dispenser.
   v. Break open tickets played on an electronic bingo device.
   vi. Bingo, using paper cards.
   vii. Bingo played on an electronic bingo device.
   viii. Instant games played on an electronic bingo device.

Exception — proposed gaming site to sell lottery tickets

3. The Corporation may authorize the establishment of a gaming site solely for the sale of lottery tickets by a person authorized by the Corporation to sell lottery tickets for a lottery scheme. The steps and conditions set out in subsection 2 (2) need not be taken or met in this case.

Revocation

4. Ontario Regulation 347/00 is revoked.

Commencement

5. This Regulation comes into force on the later of the day subsection 11 (3) of Schedule 34 to the *Better Tomorrow for Ontario Act (Budget Measures), 2011* comes into force and the day this Regulation is filed.

Français

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3. In the case of a proposed gaming site to be established at premises in a municipality or on a reserve,

   i. the municipal council or the council of the band, as the case may be, seeks public input into the establishment of the proposed gaming site and gives the Corporation, in writing, a description of the steps it took to do so and a summary of the public input it received, and

   ii. the municipal council or the council of the band, as the case may be, passes a resolution supporting the establishment of the gaming site in the municipality or on the band's reserve and gives a copy of the resolution to the Corporation.

CHARITY GAMING FEDERATION of ONTARIO

TODAY'S OBJECTIVE

As a result of our presentation, we hope you recommend to City Council that they pass motions substantially similar to those approved by Toronto City Council in 2013:

1. That City Council direct that the City enter into an agreement with the Ontario Lottery and Gaming Corporation (OLG) related to the Charitable Bingo and Gaming Revitalization Initiative in accordance with Ontario Regulation 81/12.

2. That City Council permit Princess Bingo – currently located at 300 Fennell East, Hamilton, ON L9A 1T2 – to participate in the Ontario Lottery and Gaming Corporation's Charitable Bingo and Gaming Revitalization Initiative in order to offer electronic bingo and other electronic games in its bingo hall, excluding slot machines in accordance with Ontario Regulation 81/12.

3. That City Council authorize the City Clerk to enter into the necessary agreement with the Ontario Lottery and Gaming Corporation, and in a form satisfactory to the City Solicitor. *(The OLG has a Charity Gaming Centre Municipality Agreement that numerous other municipalities have agreed to.)*

4. That City Council authorize City Officials to execute the Charitable Gaming Centre Municipality Agreement on behalf of the City of Hamilton.

5. That City Council authorize and direct the appropriate City Officials to take the necessary action to give effect to Council's decision.

Afterwards, we ask that City Council's decisions be shared with the Ontario Lottery and Gaming Corporation, specifically: David Pridmore: dpridmore@olg.ca *and* Richard Gray: rgray@olg.ca

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 17, 2019
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 455 Springbrook Avenue, 253 Fair Street and Block 14, Plan 62M-1161 (Ancaster) (PED19169) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY: **SIGNATURE:**	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATION(S)

That **Zoning By-law Amendment Application ZAC-19-032, by GSP Group on behalf of Rotuka Development Inc.,** for a change in zoning from the Agricultural "A" Zone and Residential "R4-563" Zone, Modified to Residential "R4-705" Zone, Modified and Residential "R4-706" Zone, Modified to permit the development of four single detached dwellings on lands located at 455 Springbrook Avenue, 253 Fair Street and Block 14, Plan 62M-1161 (Ancaster), as shown on Appendix "A" to Report PED19169, be **APPROVED** on the following basis:

(a) That the draft By-law, attached as Appendix "B" to Report PED19169, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is for a change in zoning from the Agricultural "A" Zone and Residential "R4-563" Zone, Modified to Residential "R4-705" Zone, Modified

and Residential "R4-706" Zone, Modified to permit development of four single detached dwellings. A modification to the maximum lot coverage for the proposed lot fronting on Fair Street and modifications to the maximum lot coverage and minimum lot frontage for the lots fronting Springbrook Avenue are proposed to facilitate the development.

The Zoning By-law Amendment has merit and can be supported, as the proposal is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019); and complies with the Urban Hamilton Official Plan.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Background:

The subject property is located on the east side of Springbrook Avenue, west of Fair Street, north of Garner Road East and is municipally known as 455 Springbrook Avenue, 253 Fair Street and Block 14, Plan 62M-1161. The subject lands are 0.22 ha in size, consisting of a single detached dwelling which is proposed to be demolished. As a result of previous *Planning Act* applications, the applicant was required to purchase remnant parcels of the adjacent subdivisions from the City of Hamilton to comprehensively develop the property known as 455 Springbrook Avenue. The purchase is currently pending the approval of the Zoning By-law Amendment.

An appeal settlement for Consent Applications AN/B-12:76, AN/B-12:77 and AN/B-12:78 for the creation of four single detached dwellings fronting on Fair Street resulted in remnant lands being transferred to the City of Hamilton for future development. The applicant has been required to purchase and develop the remnant lands in conjunction with 455 Springbrook Avenue, resulting in the creation of an irregular shaped lot fronting on Fair Street, as opposed to a standard pie shaped lot.

Zoning By-law Amendment

The lands are currently zoned Agricultural "A" Zone and Residential "R4-563" Zone, Modified in Ancaster Zoning By-law No. 87-57. The applicant has requested a zoning change to a site specific Residential "R4" Zone, with proposed modifications to the Zoning By-law including the following:

Lots fronting on Springbrook Avenue:

- Maximum lot coverage of 45% for a single detached dwelling instead of a maximum of 35%; and,
- Minimum lot frontage of 11.8 m for a single detached dwelling instead of a minimum 12 m.

Lot fronting on Fair Street:

- Maximum lot coverage of 45% for a single detached dwelling instead of a maximum of 35%.

Future Consent Applications will be required to create the lots.

Chronology:

May 1, 2019:	Application ZAC-19-032 received.
May 15, 2019:	Application ZAC-19-032 deemed complete.
May 23, 2019:	Notice of Complete Application and Pre-Circulation was mailed to 64 property owners within 120 m of the subject property.
June 6, 2019:	A Public Notice sign is installed on the property.
August 21, 2019:	Public Notice sign updated to reflect the date of Public Meeting.
August 30, 2019:	Circulation of Notice of Public Meeting to 64 property owners within 120 m of the subject property.

DETAILS OF SUBMITTED APPLICATION:

Owner: Rotuka Development Inc. (Divyang Patel, Owner)

Agent: GSP Group

Location: 455 Springbrook Avenue, 253 Fair Street and Block 14 Plan 62M-1161 (Ancaster) (see Appendix "A" to Report PED19169)

Property Size:		
	Frontage	35.56 m (Springbrook Avenue)
	Area	0.22 ha
	Depth	60.96 m

Servicing: Partial Municipal Services

EXISTING LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands:	Vacant	Agricultural "A" Zone and Residential "R4-563" Zone, Modified
Surrounding Lands:		
North	Single detached dwellings	Residential "R4-692" Zone, Modified
East	Single detached dwellings	Residential "R4-563" Zone, Modified
South	Single detached dwellings	Residential "R4-605" Zone, Modified and Residential "R4-606" Zone, Modified
West	Single detached dwellings	Residential "R4-555" Zone, Modified and Residential "R4-562" Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

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

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

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

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

1) Within 250 metres of known archaeological sites; and,
2) 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.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

A Stage 1-2 archaeological report (P244-0136-2018) has been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report. As such, staff can confirm that the City's interest in the site's archaeological potential has been satisfied.

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

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

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan. The lands are further designated "Low Density Residential 3b" in the Meadowlands Neighbourhood IV Secondary Plan. The following policies, amongst others, apply to the proposal.

Natural Heritage

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

The applicant has submitted a Tree Protection and Landscape Plan prepared by OMC Landscape Architecture dated November 7, 2018 which identifies several trees in conflict with the proposed development and additional trees that could potentially be saved. Staff are undertaking further consultation with the agent to ensure additional trees along the perimeter are being evaluated for protection. Minor modifications to the Landscape Plan may be required to reflect additional tree retention but will be finalized as part of the future Consent Applications.

Neighbourhoods

"E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.

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

E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.

c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility."

The subject lands are considered to be on the periphery of the neighbourhood, but are consistent with surrounding land uses which are dominated by low density residential uses. The proposed single detached dwellings will be restricted in height to three storeys under the implementing zoning by-law.

The proposed lot areas of 426 to 428 sq m and lot widths of 11.85 m along Springbrook Avenue and an area of 990 sq m and lot width of 13.3 metres for the proposed lot fronting on Fair Street are compatible with the surrounding developments along Springbrook Avenue and Fair Street, which range in size from 384 sq m to approximately 770 sq m and lot widths of 11 m to 25 m. The lands will be accessed from Springbrook Avenue and Fair Street, both identified as local roads and the proposal is comparable in scale and massing with the surrounding single detached developments.

Having regard for infrastructure, Engineering staff has stated the urbanization of Springbrook Avenue will commence in the near future and that the urbanization fees will apply for the roadway, watermain, stormwater and sanitary sewers as part of the future Consent Agreement, required as part of the severance applications to create the four proposed lots.

Meadowlands Neighbourhood IV Secondary Plan

The subject lands are identified as “Low Density Residential 2b” in the Meadowlands Neighbourhood IV Secondary Plan. The following policy, amongst others, applies to the proposal.

“2.6.1.4 Low Density Residential Designations

Notwithstanding Section E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.6-1 – Meadowlands Neighbourhood IV – Land Use Plan:

a) In the Low Density Residential 2b designation:

i) the density shall be approximately 1 to 30 units per net residential hectare;

ii) predominantly single detached dwellings, duplex and semi-detached dwellings shall be permitted; and,

iii) generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads.”

The proposed single detached dwellings are a permitted form of development and have a density of 18 units per hectare. The proposed lots are accessed by local roads and although located at the periphery of the neighbourhood, the proposal continues the existing form of development.

Based on the foregoing, the proposal complies with the Meadowlands Neighbourhood IV Secondary Plan and the policies of the UHOP.

Ancaster Zoning By-law No. 87-57

The applicant proposes to change the current zoning from Agricultural "A" Zone and Residential "R4-563" Zone, Modified to a site specific Residential "R4" Zone, in support of the proposed development, which permits single detached dwellings. The proposed modifications are discussed in detail in Appendix "D" to Report PED19169.

RELEVANT CONSULTATION

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

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

Forestry and Horticulture Section, Public Works Department have confirmed there are municipal trees on site that are to be demonstrated on the Tree Management Plan. A Tree Management Plan with related fee and a landscape plan depicting the quantity and location of municipal trees will be required as a condition of the future Consent Applications.

Hamilton Conservation Authority has noted that the development of the subject lands will not significantly increase the impervious surface, therefore Hamilton Conservation Authority has no concerns with the proposal.

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

Transportation Planning, Planning and Economic Development Department have confirmed that the access driveway for the proposed lot fronting Fair Street will be evaluated through the future Consent Applications.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the proposal was sent to 64 property owners within 120 m of the subject lands on May 23, 2019. A Public Notice Sign was posted on the property on June 6, 2019, and updated with the Public Meeting date on August 21, 2019. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act*. One submission was received as a result of the circulation and is discussed in the Analysis and Rationale for Recommendation Section and attached as Appendix "E" to Report PED19169.

Public Consultation Strategy

As part of the applicant's Public Consultation Strategy, the applicant proposed to use the statutory Public Meeting as part of the public strategy, given the small scale of the proposal. However, if there were a significant number of concerned neighbours, a microsite for the application and future severances would have been prepared which would provide direct access for the Ward Councillor and public to the reports and information submitted as part of the application. Additionally, if there were numerous concerns raised by the public, a neighbourhood meeting would have been scheduled, including a concept plan for four single detached dwellings. As there was only one inquiry, from a consultant representing a landowner on Springbrook Avenue, the applicant utilized the standard circulation requirements set out by the *Planning Act* and initiated by Staff for providing sufficient notice to adjacent landowners.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

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

    (i) It is consistent with the Provincial Policy Statement and conforms to A Place to Grow, which encourages compact development within built-up areas;

    (ii) It complies with and implements the policies of the Urban Hamilton Official Plan and Meadowlands Neighbourhood IV Secondary Plan; and,

    (iii) The proposal represents good planning by providing a compatible development that is in keeping with existing development in the surrounding area and uses existing infrastructure.

2. The proposal is for a change in zoning from the Agricultural "A" Zone and Residential "R4-563" Zone, Modified to a Residential "R4-705" Zone, Modified and Residential "R4-706" Zone, Modified, to permit the development of four single detached dwellings. The proposed lots are appropriate for the use of the lands which were

previously underutilized with a single detached dwelling that is proposed to be demolished. Due to the irregular shape of the subject lands, additional lots would not be appropriate beyond what is currently proposed. The site layout reflects the continued development pattern of the lands along Springbrook Avenue, Fair Street and Lockman Drive. The proposed development complies with the UHOP and staff support the proposed change in zoning. Two modifications are required to the Residential "R4" Zone for the three lots proposed along Springbrook Avenue and one modification to the Residential "R4" Zone for the proposed lot fronting on Fair Street, which are discussed in Appendix "D" to Report PED19169.

3. The applicant will be required to submit Consent Applications in order to facilitate the proposed future residential development. As conditions of approval, the applicant will be required to complete and finalize the associated Tree Protection Plan.

4. Urbanization works on Springbrook Avenue, including the sanitary sewer, from Regan Drive to Lockman Drive, are expected to commence in the near future. The applicant / owner is responsible for the cost of urbanization as well as sewer servicing. The development is required to proceed with a Consent Application to create the four lots. As a condition of the Consent Application, the applicant / owner will be required to enter into a Consent Agreement that will address the following but not limited to: grading and drainage, cash payment requirements and the lifting of the one foot reserve that currently runs along the frontage of Fair Street.

5. A one foot reserve will be required along the proposed lots fronting onto Springbrook Avenue to ensure that all upgrades to services and new services are completed prior to the creation of the three lots. The existing one foot reserve currently in place along the properties to the south of the subject lands will also continue in place. Through the future Consent Applications, the one foot reserves will be applied until the completion of the required services.

6. To date, one submission from the public has been received in response to the public circulation (see Appendix "E" to Report PED19169). The overall concern is with respect to the urbanization costs associated with Springbrook Avenue and a request to the City to ensure that the developer pays these costs prior to developing the outstanding lots. Staff are aware of these costs and will be using reserves and the consent process to ensure the costs are recovered.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the Agricultural "A" Zone and Residential "R4-563" Zone, Modified which would permit one single detached dwelling.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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

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

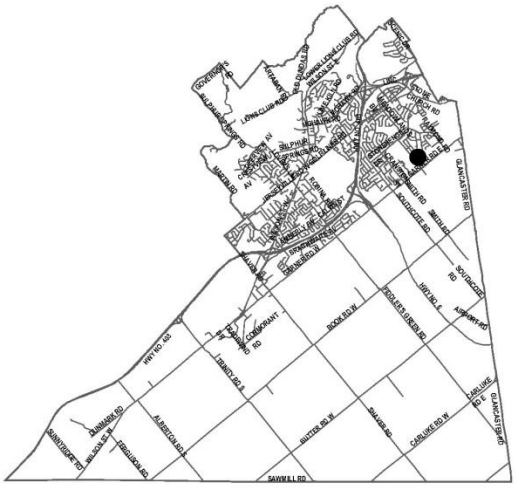
Our People and Performance
Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

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

Appendix "A" to Report PED19169
Page 1 of 1

● Site Location



Key Map - Ward 12 N.T.S.

Location Map

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:	Date:	
ZAC-19-032	August 1, 2019	
Appendix "A"	Scale: N.T.S.	Planner/Technician: JV/VS

Subject Property

455 Springbrook Avenue and 253 Fair Street and Block 14, Plan 62M-1161, Ancaster

Block 1 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-705" Zone, Modified

Block 2 - Change in Zoning from Agricultural "A" Zone and the Residential "R4-563" Zone to the Residential "R4-706" Zone, Modified

Authority: Item XX, Planning Committee
Report 19-XXX
CM: XXXX
Ward: 12
Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 19-XXX

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 455 Springbrook Avenue, 253 Fair Street and Block 14, Plan 62M-1161

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

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

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

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June, 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report 19- of the Planning Committee at its meeting held on the 17th day of September 2019, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Map No. 1337 and Map No. 1338 of Schedule "A", appended to and forming part of Zoning By-law No. 87-57 (Ancaster) are amended, by changing the zoning from the Agricultural "A" Zone to the Residential "R4-705" Zone, Modified (Block 1); and from the Agricultural "A" Zone and Residential "R4-563" Zone, Modified to the Residential "R4-706" Zone, Modified (Block 2) on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

To Amend Zoning By-law No. 87-57
Respecting Lands Located at 455 Springbrook Avenue, 253 Fair Street and Block 14
Plan 62M-1161 (Ancaster)

2. The Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-sections:

"R4 – 705" (Block 1)

That notwithstanding the provisions of Section 12.2 (b) and (c) the following special provisions shall apply to the lands zoned "R4-705":

REGULATIONS

(a) Minimum Lot Frontage: 11.8 metres.

(b) Maximum Lot Coverage: 45%

"R4 – 706" (Block 2)

REGULATIONS

That notwithstanding the provision of Section 12.2 (c) the following special provision shall apply to the lands zoned "R4-706":

(a) Maximum Lot Coverage: 45%

3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential "R4" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.

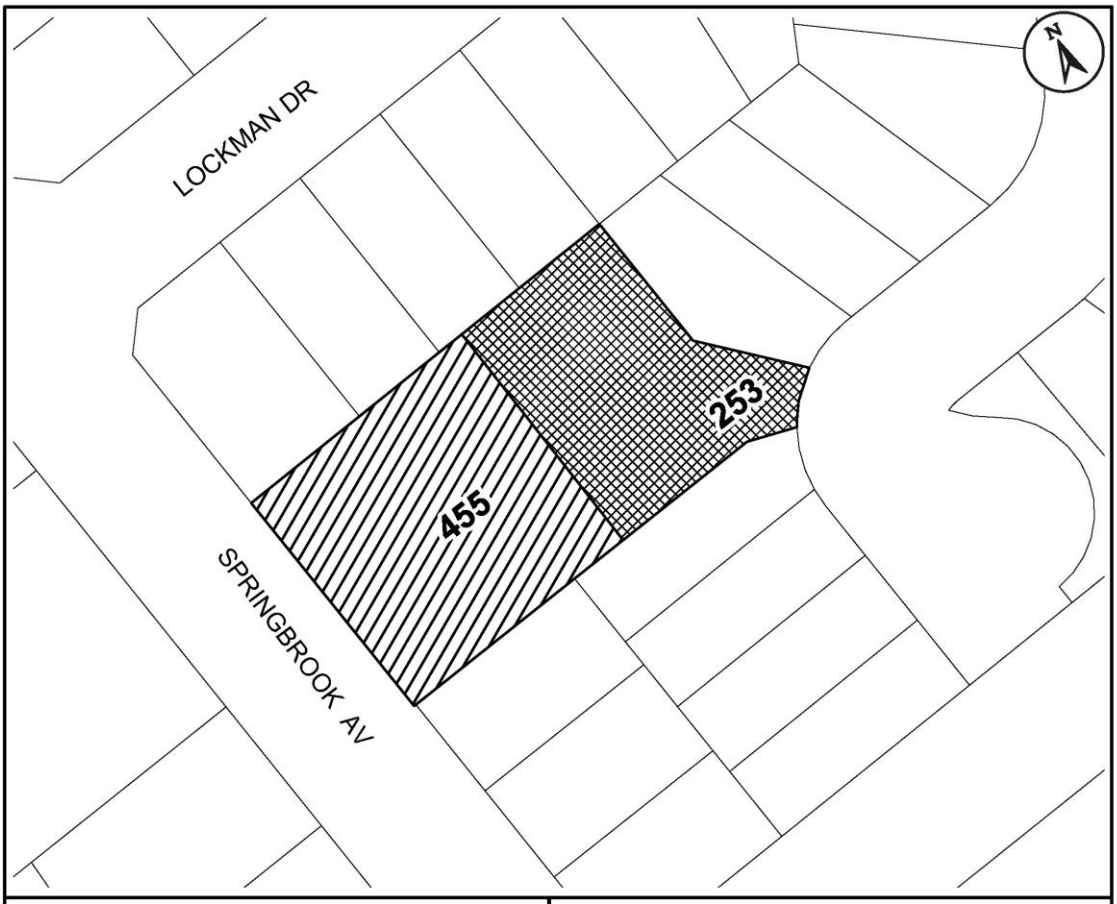
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this ____ day of _____, 2019.

Fred Eisenberger	A. Holland
Mayor	City Clerk

ZAC-19-032

To Amend Zoning By-law No. 87-57
Respecting Lands Located at 455 Springbrook Avenue, 253 Fair Street and Block 14
Plan 62M-1161 (Ancaster)



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

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

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

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

Schedule "A"

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

to Amend By-law No. 87-57

Scale: N.T.S.	File Name/Number: ZAC-19-032
Date: July 31, 2019	Planner/Technician: JV/VS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

Hamilton

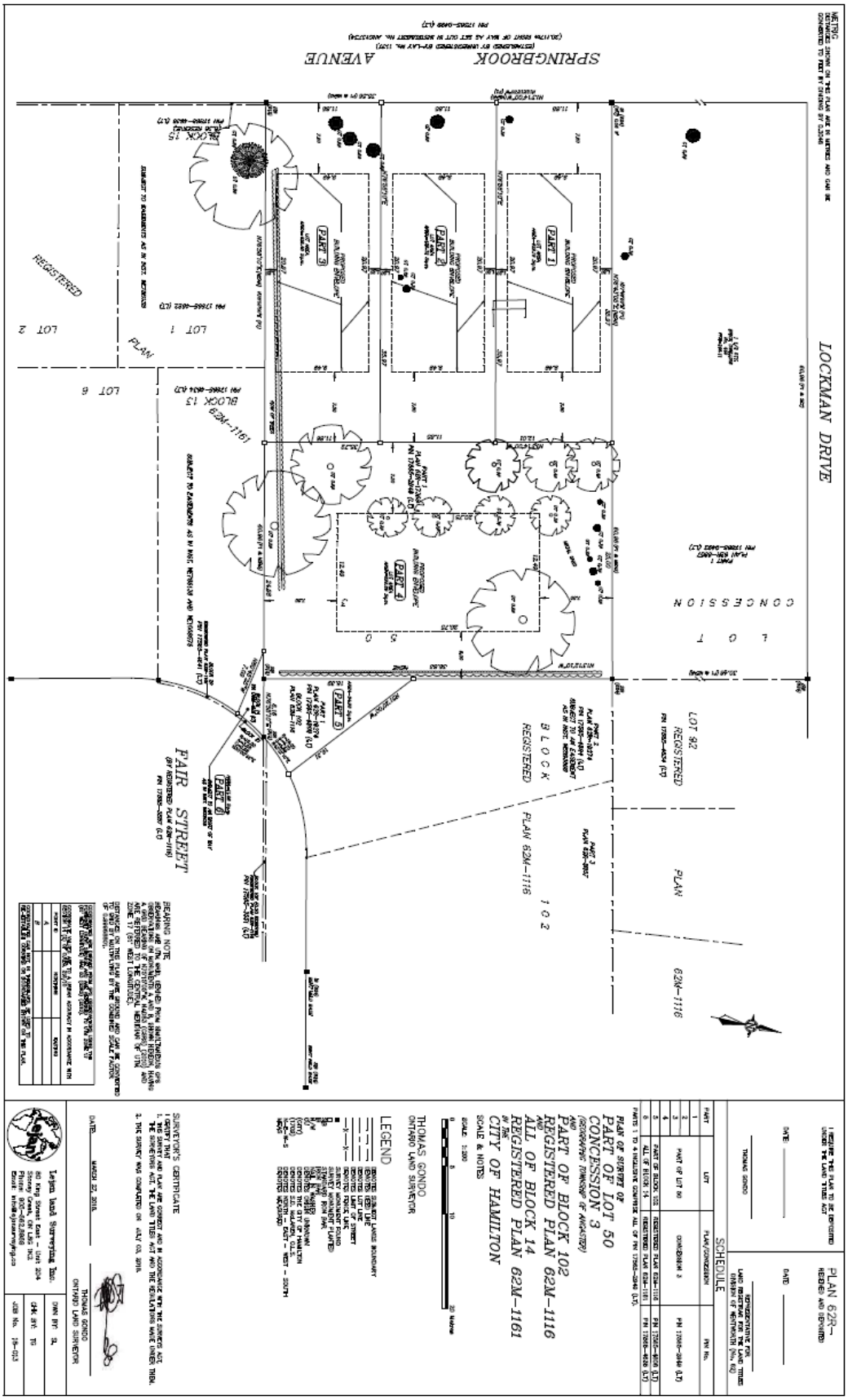
Subject Property

455 Springbrook Avenue and 253 Fair Street and Block 14, Plan 62M-1161, Ancaster

Block 1 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-705" Zone, Modified

Block 2 - Change in Zoning from Agricultural "A" Zone and the Residential "R4-563" Zone to the Residential "R4-706" Zone, Modified

Appendix "C" to Report PED19169
Page 1 of 1



Site Specific Modifications to the Residential "R4" Zone on Springbrook Avenue

Regulation	Required	Modification	Analysis
Minimum Lot coverage for a single detached dwelling	35%	45%	The proposed lot coverage is an overall increase of 10%. The proposed increase acknowledges that the lands are narrow in shape. Staff are satisfied that the proposed increase will continue to provide an adequate building envelope in terms of yard setbacks, amenity area, and stormwater management. The proposed increase is also in keeping with the increase of lot coverage with the neighbouring subdivisions that have obtained a similar increase. Based on the foregoing, the modification can be and supported by staff.
Minimum lot frontage for a single detached dwelling	12 metres	11.8 metres	The proposed modification will allow for a compact development that will be consistent with the surrounding lands in terms of scale and massing of buildings. While the surrounding development consists of single detached dwellings, the frontage for adjacent lands ranges from 11 metres to 25 metres. The proposed modification will allow for a built form that is compatible with existing surrounding uses. Based on the foregoing, the modification can be supported by staff.

Site Specific Modifications to the Residential "R4" Zone on Fair Street

Regulation	Required	Modification	Analysis
Minimum Lot coverage for a single detached dwelling	35%	45%	The proposed lot coverage is an overall increase of 10%. The proposed increase acknowledges that the lands are narrow in shape. Staff are satisfied that the proposed increase will continue to provide an adequate building envelope in terms of yard setbacks, amenity area, and stormwater management. The proposed increase is also in keeping with the increase of lot coverage with the neighbouring subdivisions that have obtained a similar increase. Based on the foregoing, the modification can be supported by staff.

From: [redacted]
To: West, Alicia
Cc:
Subject: 455 Springbrook Avenue (ZAC-19-032)
Sent: Tue 6/04/19 9:2

Dear Alicia:
On behalf of our clients developing lands along Springbrook Ave. we wish to advise that we are not opposed to the subject application. However we request that the City of Hamilton ensure that, as part of this development, conditions are put in place that require the developer to pay their proportionate share of costs associated with the urbanization of Springbrook Ave. Lately, the City of Hamilton's share of cost for Springbrook Ave. urbanization has been at issue for some of the developers along Springbrook Ave. Depending on the outcome of these discussions it is important to note that all developers will be responsible for their proportionate share of cost, excluding the City of Hamilton contribution. The urbanization rates outlined in the City of Hamilton Financial Policy Guidelines may not be sufficient to cover the true costs of construction and overhead.
Lastly, Parts 1,2 & 3 should be placed in a holding zone subject to the urbanization of Springbrook Ave. and the availability of services are in place.

Angelo Cameracci, P. Eng.
URBEX ENGINEERING LIMITED
161 Rebecca Street
Hamilton, ON L8R 1B9
P 905-522-3328 Ext - 113
F 905-522-0452

Disclaimer:
The attached file(s) are intended for reference purposes only. They are, in no way, to be taken as appurtenant to associate with or in place of hard copies of the drawings issued by our office. The user of these files accepts full responsibility for their use. Urbex Engineering Limited is not responsible for edited or reproduced versions of this digital data. Urbex Engineering Limited is responsible only for information shown on a mechanical reproduction of this drawing that has been signed and sealed by a Professional Engineer employed by the firm.

WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

September 17, 2019

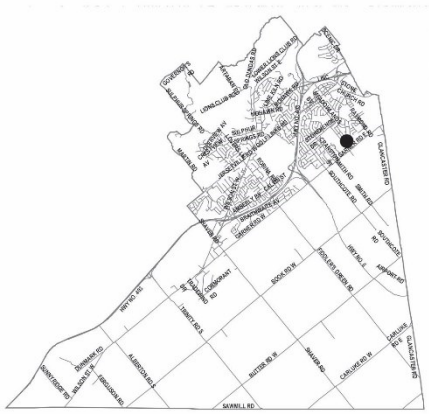
Presented by: James Van Rooi

PED19169 – (ZAC-19-032)

Application for Zoning By-law Amendment for Lands Located at
455 Springbrook Avenue, 253 Fair Street and Block 14, Plan 62M-1161.

Presented by: James Van Rooi

● Site Location



Key Map - Ward 12 N.T.S.

Location Map

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:	Date:	
ZAC-19-032	August 1, 2019	
Appendix "A"	Scale: N.T.S.	Planner/Technician: JV/VS

Subject Property

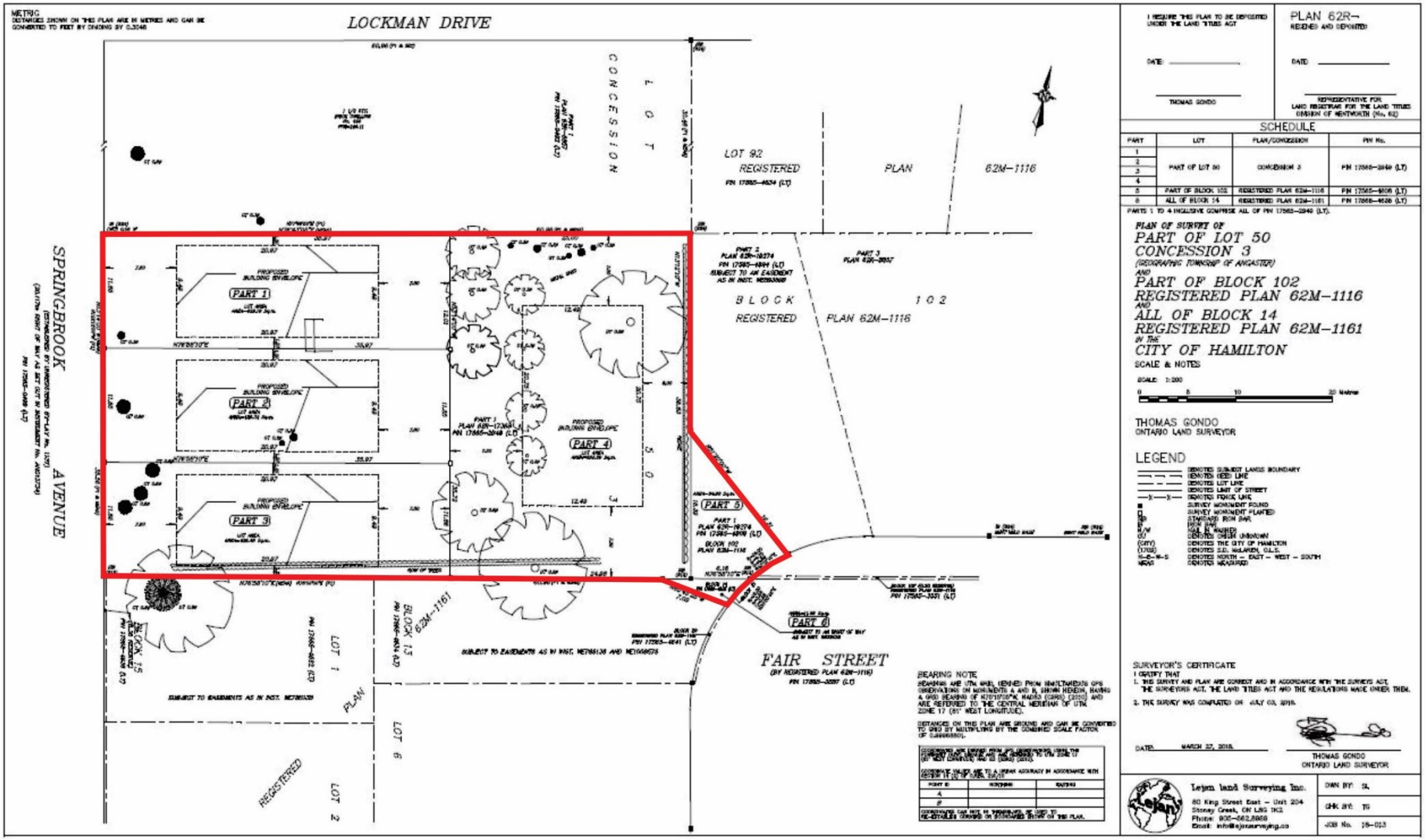
455 Springbrook Avenue and 253 Fair Street and Block 14, Plan 62M-1161, Ancaster

Block 1 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-705" Zone, Modified

Block 2 - Change in Zoning from Agricultural "A" Zone and the Residential "R4-563" Zone to the Residential "R4-706" Zone, Modified

SUBJECT PROPERTY

455 Springbrook Avenue and 253 Fair Street and
Block 14, Plan 62M-1161, Ancaster


LOCKMAN DRIVE
SPRINGBROOK AVENUE
FAIR STREET
CONCESSION
LOT 50
LOT 92
REGISTERED PLAN 62M-1116
BLOCK 102
REGISTERED PLAN 62M-1116
BLOCK 13
REGISTERED PLAN 62M-1161
LOT 1
LOT 2
LOT 6
PART 1
PART 2
PART 3
PART 4
PART 5
PART 6
PLAN 62R-
SCHEDULE
PLAN OF SURVEY OF
PART OF LOT 50
CONCESSION 3
(GEOGRAPHIC TOWNSHIP OF ANCASTER)
AND
PART OF BLOCK 102
REGISTERED PLAN 62M-1116
AND
ALL OF BLOCK 14
REGISTERED PLAN 62M-1161
IN THE
CITY OF HAMILTON
SCALE & NOTES
THOMAS GONDO
ONTARIO LAND SURVEYOR
LEGEND
SURVEYOR'S CERTIFICATE
BEARING NOTE
Lejm Land Surveying Inc.

PED19169

Photo 1

Existing Single Detached 455 Springbrook Avenue

PED19169
Photo 2

Looking North along Springbrook Avenue

PED19169
Photo 3

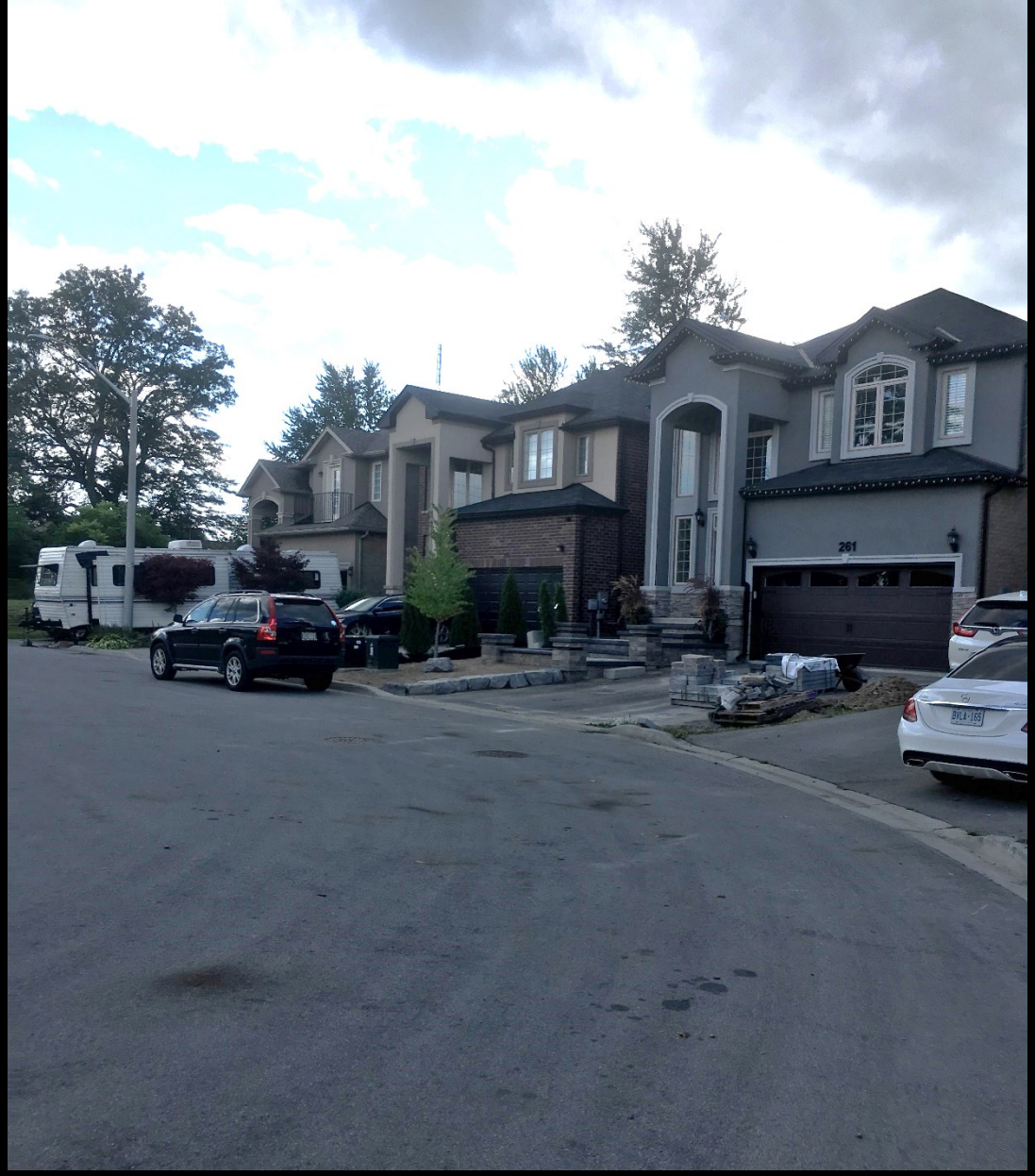
Looking South along Springbrook Avenue

PED19169
Photo 4

253 Fair Street and Block 14

PED19169

Photo 5



Properties south of Fair Street

PED19169

Photo 6

Eg. Properties

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 17, 2019
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 1351, 1355, 1359 and 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, Hamilton (PED19059)(Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 3933
SUBMITTED BY: **SIGNATURE:**	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATION

(a) That **Amended Zoning By-law Amendment Application ZAC-11-070 by A.R. Riccio Developments, Owner,** for a change in zoning from the Mixed Use Medium Density (C5, 318) Zone, "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to the Mixed Use Medium Density (C5, 724) Zone for lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, Hamilton, as shown on Appendix "A" to Report PED19059, be **APPROVED** on the following basis:

(i) That the draft By-law, attached as Appendix "B" to Report PED19059, 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 PED19059, be added to Schedule 1343 of Zoning By-law No. 05-200;

(iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow (2019) and comply with the Urban Hamilton Official Plan.

(b) That upon finalization of the amending By-law, the subject lands be re-designated from “Commercial”, “Attached Housing” and “Commercial and Retail Warehouse” (1375 Upper James Street) to “Mixed Commercial / Residential” and “Medium Density Apartments” in the Ryckmans Neighbourhood Plan.

EXECUTIVE SUMMARY

The Owner, A.R. Riccio Developments, is proposing to rezone 1351, 1355, 1359 and 1375 Upper James Street and 16, 24 and a portion of 34 Stone Church Road East for an eight storey mixed-use building (Building “A”). The application also proposes to rezone the remaining portion of 34 Stone Church Road East, and 40 and 48 Stone Church Road East to permit two, four storey multiple dwellings (Buildings “B” and “C”). There are 220 residential units proposed within Building “A” and 138 units are proposed within Buildings “B” and “C”, for a total of 358 residential units, although the final number of units may vary, provided the overall number of units in the three buildings combined does not exceed a density of 200 units per hectare or 358 units, whichever is less. In addition, a total of 477 parking spaces are proposed, with 113 spaces being surface parking spaces and 364 being underground parking spaces.

To accommodate the above proposal, a rezoning from Mixed Use Medium Density (C5, 318) Zone, “C” (Urban Protected Residential, etc.) District and “AA” (Agricultural) District to the Mixed Use Medium Density (C5, 724) Zone for lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East is proposed. Modifications to the By-law are required to revise the definition of front lot line, to acknowledge encroachment and location of emergency stairs to below-grade parking, to increase the maximum permitted height, to permit a reduction in the permitted interior side yard and to permit a reduction in parking and loading requirements.

The application has merit and can be supported, as the proposal is consistent with the PPS, conforms to A Place to Grow (2019) and complies with the Urban Hamilton Official Plan (“UHOP”).

Alternatives for Consideration – See Page 25

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject property currently contains eight vacant single detached dwellings. In total, the subject property has an area of approximately 1.79 hectares and is located on the south east corner of Stone Church Road East and Upper James Street.

To the north of the subject property is existing commercial, as well as single detached dwellings, to the east are existing single detached dwellings, to the south is existing commercial and a municipal park and to the west is an existing cemetery.

Original Submission – October 27, 2011

The applicant's original submission was for an Official Plan and Zoning By-law Amendment to permit 13, three storey townhouses, two, 12 storey multiple dwellings with a two storey mixed-use podium, as well as three, one storey commercial buildings.

Second Submission – November 15, 2017

After meetings with City staff, the applicants re-submitted for an eight storey mixed-use building with commercial uses on the ground floor at the corner of Upper James Street and Stone Church Road East and four, three and four storey multiple dwellings on the easterly portion of the subject property; these adjustments eliminated the need for an Official Plan Amendment.

Third Submission – January 19, 2019

In response to City staff comments, the applicant further revised the subject proposal to maintain the eight storey mixed-use building, but proposed two, four storey multiple dwellings on the easterly portion of the subject property. This concept was later refined to address various staff comments and is attached as Appendix "E" to Report PED19059.

The applicant's submission was to keep the Mixed Use Medium Density (C5) Zone and add site specific modifications in Zoning By-law No. 05-200 to the portion of the subject lands with the eight storey mixed-use building and rezone the portion of lands with the

four storey multiple dwellings to a site specific "DE-2" (Multiple Dwellings) District within Zoning By-law No. 6593. Upon further review, City staff amended the submission to include all the subject lands within Zoning By-law No. 05-200.

The proposal, therefore, is for a change in zoning from the Mixed Use Medium Density (C5, 318) Zone, "C" (Urban Protected Residential etc.) District and "AA" (Agricultural) District to the Mixed Use Medium Density (C5, 724) Zone for lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, to permit an eight storey mixed use building and two, four storey multiple dwellings. Commercial uses will only be permitted within the eight storey mixed use building and will be limited to a maximum gross floor area of 4,500 square metres. A right-in / right-out access is to be located on Upper James Street and a full movement access is to be located on Stone Church Road East for the proposed development. There are 235 residential units proposed within Building "A" and 138 units are proposed within Buildings "B" and "C" for a total of 373 residential units. In addition, a total of 477 parking spaces are proposed, with 113 spaces being surface parking spaces and 364 being underground parking spaces. In addition, an outdoor amenity area will be located at the second storey for the mixed use building, as well as an outdoor landscaped courtyard will be located between the two multiple dwellings.

The following site specific modifications to the "C5" Zone are required:

- To revise the definition of Front Lot Line;
- To permit a fire escape or exterior stair to encroach into a required front, side or rear yard;
- To permit a reduction in Parking and Loading Regulations;
- To permit an increase in the Maximum Permitted Height; and,
- To permit a reduction in the Minimum Permitted Interior Side Yard.

Chronology:

October 27, 2011:	Submission of Official Plan and Zoning By-law Amendment Applications OPA-11-018 and ZAC-11-070.
November 17, 2011:	Applications OPA-11-018 and ZAC-11-070 deemed complete.
November 25, 2011:	Notice of Complete Applications and Preliminary Circulation was sent to 97 property owners within 120 m of the subject property.

November 29, 2011:	Public Notice Sign installed on the subject lands.
November 15, 2017:	Second submission received, which eliminated the need for an Official Plan Amendment.
January 31, 2018:	Public Information Meeting held by the applicant and agent.
January 19, 2019:	Revised concept site plan and elevations submitted in response to comments.
August 21, 2019:	Public Notice Sign updated with Public Meeting date.
August 30, 2019:	Circulation of the Notice of Public Meeting to 97 property owners within 120 m of the subject property.

Details of Submitted Applications:

Owner:	A.R. Riccio Developments	
Applicant:	A.R. Riccio Developments	
Agent:	mainline planning services inc. (c/o Joseph Plutino)	
Location:	1351, 1355, 1359 and 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, Hamilton (see Appendix "A" to Report PED19059)	
Property Description:	Lot Frontage:	171 metres (Stone Church Road East)
	Lot Depth:	106 metres
	Lot Area:	1.79 hectares
	Servicing:	Existing Full Municipal Services

Existing Land Use and Zoning:

	Existing Land Use	**Existing Zoning**
Subject Property:	Vacant Single Detached Dwellings	Mixed Use Medium Density (C5, 318) Zone; "C" (Urban Protected

		Residential, etc.) District and "AA" (Agricultural) District

Surrounding Land Uses:

North	Commercial and Single Detached Dwellings	Arterial Commercial (C7) Zone and "C" (Urban Protected Residential, etc.) District
East	Single Detached Dwellings and Dr. William Bethune Park	"C" (Urban Protected Residential, etc.) District, "AA" (Agricultural) District and Community Park (P2) Zone
South	Dr. William Bethune Park and Commercial	Community Park (P2) Zone and Mixed Use Medium Density (C5, 318) Zone
West	Barton Stone United Cemetery and a Commercial Plaza	Neighbourhood Institutional (I1) Zone and Mixed Use Medium Density (C5) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation of, adoption and subsequent Ontario Municipal Board (now Local Planning Appeal Tribunal) 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.

The Urban Hamilton Official Plan has not been updated with respect to Cultural Heritage and Archaeology policies of the PPS and therefore, the following policies, amongst others, applies.

Cultural Heritage and Archaeology

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

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

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

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

1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
2) Local knowledge associates areas with historic events/activities/occupations;
3) In areas of pioneer EuroCanadian settlement; and,
4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

Stage 1-2 archaeological reports (PIF# P018-347-2011 and P018-0722-2015), which included the lands at 16-48 Stone Church Road East and 1351, 1355, 1359 and 1375 Upper James Street, were submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport in 2011 and 2015. The reports were reviewed by staff and the Ministry. Staff concurred with the recommendations made in the reports and have received the Ministry's letters of concurrence. Therefore, municipal archaeological interest for 16-48 Stone Church Road East and 1351 - 1375 Upper James Street has been satisfied.

Noise

"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."

dBA Acoustical Consultants Inc. prepared "Environmental Noise Impact Study, Riccio Place, Upper James and Stone Church Road East, Commercial / Residential Development", dated November, 2017, in support of the proposed development. This study reviewed the acoustic requirements for this development with respect to Upper James Street and Stone Church Road East.

Based on the results of the study, specific building materials are required for window glazing for bedrooms and living rooms and noise warning clauses will be required to be included on the future site plan undertaking and in all agreements of purchase and sale or lease and all rental agreements.

When the future Site Plan Control Application is submitted, a detailed noise study or addendum will be required to address the following:

1. Any design changes regarding the rooftop amenity space provided on the second and seventh floors;

2. The existing commercial building at 1367 Upper James Street; and,

3. Any mechanical / unitary equipment provided in proximity to the landscaped courtyard or rooftop amenity space.

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

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

<u>Urban Hamilton Official Plan</u>

The subject property is identified as "Neighbourhoods" (34, 40 and 48 Stone Church Road East), "Primary Corridor" (16 and 24 Stone Church Road East, 1351, 1355, 1359, and a portion of 1375 Upper James Street) and "Community Node" (16 and 24 Stone Church Road East, 1351, 1355, 1359 and 1375 Upper James Street) on Schedule "E" – Urban Structure, designated as "Neighbourhoods" (34, 40 and 48 Stone Church Road East) and "Mixed Use – Medium Density" (16, 24 Stone Church Road East, 1351, 1355,

1359 and1375 Upper James Street) on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan ("UHOP"). The subject property is also identified as located on a Potential Rapid Transit Line (B.L.A.S.T.) per Appendix B - Major Transportation Facilities and Routes. The following policies, amongst others, are applicable to the subject application.

Urban Structure

"E.2.3.3 Community Nodes

E.2.3.3.1 The following areas are identified as Community Nodes on Schedule E – Urban Structure:

b) Centre Mall area, Meadowlands area, the East Mountain/Heritage Green Centre and the Upper James Street/Rymal Road area; and,

Function

E.2.3.3.2 Within each Community Node a range of uses shall be provided that allow for access to housing, employment, services, and recreation in close proximity to each other and transit. The Community Nodes shall provide services to residents within the former area municipalities and surrounding neighbourhoods in a mixed use environment.

E.2.3.3.3 Community Nodes shall provide community scale retail stores and services to the residents within the Node and surrounding neighbourhoods.

E.2.3.3.5 Community Nodes shall function as vibrant, mixed use areas containing a range of housing opportunities, including affordable housing and housing with supports. The unique characteristics of the individual Community Nodes lend themselves to a range of built forms.

E.2.3.3.6 Community Nodes shall be linked to the higher order transit system through connecting conventional transit or by rapid transit, where possible. Where possible, the City shall direct local routes through the Community Nodes.

Scale

E.2.3.3.7 Community Nodes shall generally be planned to achieve a target density of 100 persons and jobs per hectare.

E.2.3.3.9 The built form shall largely be in medium and low rise, mixed use buildings. Along the commercial and mixed use streets, single use commercial buildings shall be permitted along with residential housing forms on the periphery of the Nodes. However, the intent of this Plan is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade.

The proposed development of a mixed-use eight storey building and two, four storey multiple dwellings are in keeping with the mid-rise built form outlined in the policies and provides a range of housing types for the neighbourhood, while the proposed commercial uses at grade contribute to a complete community and Community Node. The proposed development will also have a maxium density of 200 units per hectare, thereby contributing to the overall Community Node density target of 100 persons and jobs per hectare.

“E.2.4 Urban Corridors

Function

E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.

E.2.4.6 Urban Corridors shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to a broader regional market may be also permitted.

Scale

E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.

E.2.4.11 Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.

Design

E.2.4.16 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods. (OPA 98)

E.2.4.17 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes. (OPA 98)"

The proposed development will add a higher density mixed-use development including low to mid rise buildings and retail and commercial services along a primary corridor, Upper James Street. In addition, the subject property is located on a Potential Rapid Transit Line (B.L.A.S.T.), serviced by various HSR bus routes and located on a Major Arterial (Upper James Street) and Minor Arterial road (Stone Church Road East). Further, density and scale of development is graduated in building height to respect existing single detached dwellings located immediately east of the subject property. This step back design will further minimize the effects of shadowing and overview on existing surrounding properties.

Neighbourhoods

"E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.

E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

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

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

a) residential dwellings, including second dwelling units and housing with supports;

d) local commercial uses.

Scale and Design

E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

a) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.

b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.

c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.

d) Development shall improve existing landscape features and overall landscape character of the surrounding area."

The proposed two, four storey multiple dwellings comply with the above-noted policy goals, as the proposed form of housing contributes to a compact urban form and complete community, is transit supportive as it is located on a major arterial and minor

arterial roadway, contributes to a range of housing types, respects the existing character of the neighbourhood with a compatible form of residential dwellings and provides an appropriate scale and location for the development by incorporating appropriate setbacks and buffers to the existing residential development and Dr. William Bethune Park.

The proposed buildings will also be street oriented, thereby adding to the public realm; the surface parking area is proposed at the rear of the subject property, away from the street, the development will have internal pedestrian links, as well as concrete sidewalk connections to Upper James Street and Stone Church Road East and will have landscaped areas, including along Stone Church Road East, all contributing to be compatible with the landscape character of the surrounding area.

"E.4.6 Mixed Use - Medium Density Designation

Function

E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.

E.4.6.3 Newer areas designated Mixed Use - Medium Density shall evolve over time into compact, mixed use people places where people can live, work, and shop.

E.4.6.4 It is also the function of areas designated Mixed Use - Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential development. Residential development enhances the function of these areas as transit supportive nodes and corridors.

Scale

E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.

E.4.6.8 Additional height up to a total of eight storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:

a) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;

b) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,

c) buildings are stepped back from the street to minimize the height appearance from the street, where necessary.

E.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted, except for pedestrian focus streets as listed by Policy E.4.3.1. (OPA 65)

E.4.6.10 Permitted uses shall be located in single or mixed use buildings.

E.4.6.15 Although residential development is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan."

A maximum of eight storeys is proposed for the mixed-use building with an overall density of 208 units per hectare for the whole development. The proposal will create minimal shadow impacts on the existing residential uses designated Neighbourhoods, with the greatest impacts being after 4 p.m. on December 21. Shadow impacts are further discussed under the Residential Intensification section of this Report.

The proposed eight storey building will be stepped back from the street, as well as provide a pedestrian focus designed to the street line. A proposed gradation of building height is being proposed from the eight storeys transitioning down to the four storey multiple dwellings with a proposed 13.1 metre landscape buffer to the east, adjacent to the existing detached dwellings and park. Staff have also reviewed the proposed elevations with respect to Upper James Street and Stone Church Road East and can conclude that the proposed eight storey building complies with the angular plane requirements taken from 80 percent of the adjacent right-of-way (Upper James Street and Stone Church Road East). The mixed use building falls outside of the angular

plane measurement. The subject proposal will contribute to a complete community with a range of housing types and densities, while respecting the character of the existing neighbourhood.

"B.2.4 Residential Intensification

B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

a) a balanced evaluation of the criteria in b) through g), as follows;

b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;

d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

f) infrastructure and transportation capacity; and,

g) the ability of the development to comply with all applicable policies."

As mentioned, the subject proposal transitions from the proposed eight storey mixed use building down to the four storey multiple dwellings, as well as provides a 13.1 metre setback to the east, adjacent to the existing residential and thereby, respects the existing neighbourhood character. The subject proposal will also contribute to a range of dwelling types and densities for the neighbourhood. In addition, the proposal will be compatible and integrate with the surrounding area, as the proposed eight storey building will be at the corner of Upper James Street and Stone Church Road East and be stepped back at the 7th and 8th storeys. The proposed multiple dwellings will be restricted to residential use, as well as restricted to four storeys in height. The proposed eight storey building will contribute to a range of uses along a Primary Corridor, as well as retail and service uses within the Community Node. There are no

infrastructure or transportation capacity concerns. Therefore, the subject proposal conforms to the above-noted residential intensification policies.

"B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

a) the matters listed in Policy B.2.4.1.4;

b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;

c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

d) the consideration of transitions in height and density to adjacent residential buildings;

e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;

f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;

h) the ability to complement the existing functions of the neighbourhood;

i) the conservation of cultural heritage resources; and,

j) infrastructure and transportation capacity and impacts."

A Shadow Impact Study was submitted with the original application submission, which showed the greatest impact on the single detached dwellings on the north side of Stone Church Road East, during December at 4:00 p.m. as a result of the twelve storey height. In response, the proposed development was reduced in building height from twelve storeys to eight storeys, reducing the adverse impacts with respect to shadows on adjacent existing developments during the aforementioned period.

The eight storey mixed use building is to be located on the corner of Upper James Street and Stone Church Road East away from existing residential uses and the proposed four storey multiple dwellings will have a 13.1 metre setback adjacent to the existing residential minimizing overlook effects. With respect to appropriate transition in height and density, appropriate use of step backs and terracing have been incorporated in the design of the proposed eight storey building to define the base and tower. The 2nd and 6th storey will be flush with the 1st storey and the 7th and 8th storeys will be setback a further 3 metres from both Upper James Street and Stone Church Road East. Further, density and scale of development is graduated in building height, in addition to a 13.1 metre setback from the multiple dwellings to the east property line, to respect existing single detached dwellings located immediately east of the subject property.

A 916 square metre outdoor amenity area is proposed on the 2nd storey of the mixed use building, as well as a landscaped courtyard is proposed between the two multiple dwellings. The subject property is also adjacent to the existing municipal park (Dr. William Bethune Park). The proposed buildings will also be appropriately separated, as the proposed mixed use building will be separated 18 metres from the northerly proposed multiple dwelling and approximately 15 metres will be provided between the two multiple dwellings. There are no cultural heritage concerns, infrastructure or transportation capacity concerns.

Urban Design

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

a) creating transitions in scale to neighbouring buildings;

b) ensuring adequate privacy and sunlight to neighbouring properties; and,

c) minimizing the impacts of shadows and wind conditions.

B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

a) locating principal façades and primary building entrances parallel to and as close to the street as possible;

b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
c) including a quality landscape edge along frontages where buildings are set back from the street;

d) locating surface parking to the sides or rear of the sites or buildings, where appropriate; and,

e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas."

The proposed multiple dwellings at four storeys in height are appropriate in respect to the transition in scale to the neighbouring dwellings to the east, which maintain a height of two and a half and three storeys, and the development is massed to respect the existing street proportions. The proposed development transitions from eight storeys to four storeys adjacent to the existing detached dwellings and park. Given that the multiple dwellings will be a maximum of four storeys in height and maintain proper setbacks from the existing residential development, adequate privacy will be maintained and the proposed development will not create adverse shadow impacts. The proposed mixed use building will be located away from the existing residential and will be stepped back 3 metres at the 7th and 8th storeys, thereby creating an optimum pedestrian environment. The proposed above grade parking is within the interior of the property and will include landscaped areas adjacent to the existing uses. Further, a detailed landscape plan will be required with the future Site Plan Control application.

"F.1.4 Interpretation of the Official Plan

F.1.4.7 Boundaries of land use designations, as shown on Schedule E-1 – Urban Land Use Designations, shall be considered approximate, and are not intended to define the exact limits of any land use, unless they coincide with a road, lot or concession line, railway, watercourse or prominent physical feature or specifically coincide with detailed area boundaries set out in a secondary plan or special policy or site specific area. Similarly, minor adjustments may be made in the Zoning By-law without amending this Plan, providing the By-law conforms to the general intent of this Plan."

Although the easterly portion of the subject property (34, 40 and 48 Stone Church Road East) is not within the Mixed Use - Medium Density designation and is designated Neighbourhoods within the UHOP and since the entire subject property will function as one, the proposed By-law can be considered a minor adjustment, as only residential

uses will be permitted on the aforementioned portion of the subject property and the By-law complies with the general intent of the Official Plan.

Based on the foregoing, the subject proposal complies with the UHOP.

City of Hamilton Zoning By-law No. 6593 and No. 05-200

The properties 34, 40 and 48 Stone Church Road East are currently zoned "C" (Urban Protected Residential etc.) District and "AA" (Agricultural) District within the City of Hamilton Zoning By-law No. 6593. The "C" (Urban Protected Residential etc.) District permits single detached dwellings, a foster home, residential care facility or retirement home of not more than six persons, a day nursery, a school, a library, as well as other public uses. The "AA" (Agricultural) District permits a single detached dwelling, a foster home, a hospital, a private stable, as well as other public uses.

The properties at 1351, 1355, 1359 and 1375 Upper James Street, as well as 16 and 24 Stone Church Road East are currently zoned Mixed Use Medium Density (C5, 318) Zone within the City of Hamilton Zoning By-law No. 05-200. The Mixed Use Medium Density (C5, 318) Zone permits multiple dwellings, office uses, personal services, restaurant and retail uses, as well as other commercial related uses.

Exception 318 within Zoning By-law No. 05-200 permits the following uses:

i) Commercial Motor Vehicle Sales, Rental and Service Establishment;
ii) Equipment and Machinery Sales, Rental and Service Establishment;
iii) Garden Centre;
iv) Major Recreational Equipment Sales, Rental and Service Establishment;
v) Motor Vehicle Dealership;
vi) Motor Vehicle Rental Establishment;
vii) Surveying, Engineering, Planning or Design Business; and,
viii) Warehouse.

The special exception also establishes specific front, rear and side yard requirements, and a maximum building height of 14 metres.

The proposed Zoning By-law Amendment is for a change in zoning from the Mixed Use Medium Density (C5, 318) Zone, "C" (Urban Protected Residential etc.) District and "AA" (Agricultural) District to the Mixed Use Medium Density (C5, 724) Zone for lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, to permit an eight storey mixed use building and two, four storey multiple dwellings. Commercial uses will only be permitted at 1351, 1355, 1359, 1375

Upper James Street and 16, 24 and a portion of 34 Stone Church Road East. A total of 373 residential units and 477 parking spaces are proposed, with 113 spaces being surface parking spaces and 364 being underground parking spaces.
Site specific modifications to the "C5" Zone have been requested to implement the subject proposal. An analysis of the site specific modifications is included in Appendix "C" to Report PED19059.

RELEVANT CONSULTATION

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

- Hamilton Conservation Authority; and,
- Recreation Division, Healthy and Safe Communities Department.

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

Health Hazards Office, Healthy and Safe Communities Department staff have requested that a written dust mitigation plan be formulated and submitted prior to the demolition / construction phase. This matter will be a condition at the Site Plan Control stage.

Healthy Environments Division, Public Health Services staff have indicated that a Pest Control Plan will be required. This matter will be a condition at the Site Plan Control stage.

In addition, if the proposed development will use a cooling tower for air conditioning or other cooling needs the owner of the development is required to register their cooling tower(s) with Public Health Services (PHS) and comply with Hamilton Cooling Tower Registry Bylaw # 11-078.

The cooling tower(s) must be registered with PHS prior to being operated. PHS recommends that the owner consult with PHS prior to operating their cooling towers to ensure, as much as possible, that the cooling tower(s) will be constructed, operated, and maintained in compliance with By-law 11-078 and that a Risk Management Plan is prepared and completed.

Transportation Planning Services (TPS), Planning and Economic Development Department have reviewed the turning plans provided by the applicant and provided the following comments:

- The turning plans are acceptable and no additional information is required at this time: turning plans are illustrated on the "Concept Site Plan Re-Zoning Application" Revision 6, dated January, 2019 and successfully demonstrate large trucks (and emergency vehicles, if required by OBC) will maneuver to and from the loading and garbage within the site.

- Also, we appreciate that access to the underground garage has been relocated to / from an internal aisle and ramp slopes are now consistent with City standards.

- We accept and concur that the following items can be addressed with conditions of Site Plan Approval:

  - Land transfer to City for right-of-way dedication;
  - Road improvements including, but not limited to northbound Upper James Street right-turn lane;
  - External Works Agreement and securities through Engineering Approvals; and,
  - Driveway access design and construction.

Forestry and Horticulture Section, Public Works Department has no concerns regarding the subject applications, however, noted that there are municipal tree assets on the subject property. Therefore, a Tree Management Plan and Landscape Plan will be conditions at the Site Plan Control stage.

Growth Planning Section, Planning and Economic Development Department commented that the Owner and agent should be made aware that separate municipal addresses will be assigned to each building through the Site Plan application process.

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

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 103 property owners within 120 metres of the subject property on November 25, 2011. It should be noted that when the November 15, 2017 revised proposal was submitted, it was re-circulated to 97 property owners within 120 metres of the subject property. A Public Notice sign was posted on the property on November 29, 2011, and updated on August 21, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

The applicant held a Public Information Meeting on January 31, 2017 at the Barton Stone-Mount Hope United Church. Invitations were sent to properties within a 120 metre radius of the subject lands. There were 21 attendees at the Information Meeting, including City staff and the Ward Councillor. Residents conveyed concerns at the meeting regarding a future change in height, proposed setbacks, form of tenure, traffic, access and use. To date, five letters have been submitted expressing concerns with the proposed development regarding traffic attached as Appendix "E" to Report PED19059. These concerns are addressed in the Analysis and Rationale for Recommendation section of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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

   (i) The Amendment is consistent with the PPS (2014) and conforms to A Place to Grow Plan (2019);

   (ii) The subject proposal complies with the UHOP;

   (iii) The addition of 373 residential units and at-grade commercial will be compatible with the character of the area; and,

   (iv) The proposed development represents good planning by, amongst other things, providing a compact and efficient urban form that is compatible with the area, maintains commercial opportunities, provides a wider range of housing and is pedestrian and transit supportive.

2. <u>Zoning By-law Amendment</u>

   The proposed Zoning By-law Amendment is for a change in zoning from the Mixed Use Medium Density (C5, 318) Zone, "C" (Urban Protected Residential etc.) District and "AA" (Agricultural) District to the Mixed Use Medium Density (C5, 724) Zone for lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, to permit an eight storey mixed use building and two, four storey multiple dwellings. Commercial uses will only be permitted within the eight storey mixed use building.

Staff's analysis and recommendation on the requested site specific modifications to the Mixed Use Medium Density (C5, 724) Zone is provided in Appendix "C" to Report PED19059. Since the subject proposal will function as one comprehensive development, the subject lands will be zoned Mixed Use Medium Density (C5,724) Zone.

The Amendment to Zoning By-law No. 05-200 can be supported by staff as the proposed built form contributes to a complete community through a compact urban design with an additional housing type and form for the area, while adding a higher density mixed-use development, including retail space and residential homes in low to mid rise buildings adjacent to a primary corridor, Upper James Street. In addition, the subject property is located on a Potential Rapid Transit Line (B.L.A.S.T.), serviced by various HSR bus routes and located on major arterial (Upper James Street) and minor arterial roadways (Stone Church Road East). The Amendment also complies with the UHOP density range, urban design provisions, shadow impacts, as well as archaeological and noise requirements.

3. <u>Engineering</u>

The applicant submitted a Functional Servicing and Storm Water Management Report in January, 2011, March, 2015 and November, 2017. Staff have reviewed the Report and are generally satisfied with the analysis, however, additional comments will be addressed at the Site Plan Control stage.

Stormwater Management

In accordance with the FSR, the applicant is prepared to control the 100 year storm flow within the site and discharging the pre-development flow to the storm system. The applicant has also proposed to install an Oil Grit Separator (OGS) on site to address the quality control. The sanitary flows from this development are proposed to discharge to Stone Church Road. As part of the Site Plan Control application, staff will review the detailed sanitary sewer design calculations to address any further concerns.

Water Servicing

1. Water Demands:
   The water demand calculations are acceptable to the City at this stage. In addition, the applicant will have to submit Fixture Unit calculations to confirm the overall water demand for this site.

2. Required Fire Flow:

Building A has been determined to be the worst case RFF of 267 L/s based on a fire-resistive construction (C=0.6), fire area of 18,725 square metres, limited combustible occupancy (-15%), a 40% credit for a sprinkler system and a 45% exposure charge. The applicant will have to submit a water generation report as part of the Site Plan Control application for staff's review and approval. The exposure charge for building E should be 60%. This will not change the worst case RFF. A 40% reduction for sprinkler system has been used for building A. When the sprinkler system parameters become available they should be provided to the City for records with the understanding that the approved domestic and fire water demands constitute upper bounds and cannot be exceeded. The City's hydrant testing at the closest municipal hydrant (HC46H010 dated July 24, 2017) resulted in a theoretical available flow of 7394 IGPM (560 L/s) at 20psi. The aforementioned calculations are acceptable to staff at this stage, however, the proponent should ensure that the Building Department is satisfied with the hydrant coverage, accessibility and firefighting provisions.

4. Concerns were raised by residents regarding height, proposed setbacks, form of tenure, traffic, access and use.

Use and Form of Tenure

Concerns were raised regarding use and form of tenure of the subject proposal. In response, the subject proposal will provide a range of housing types for the neighbourhood as well as proposed retail and service commercial uses at grade, all contributing to a complete community. Type of tenure at this time has not been determined, however, if the applicant decides on condominium tenure, a future Draft Plan of Condominium application will be required.

Traffic / Access

Concerns were raised with respect to the amount of traffic being generated as a result of the subject proposal. In support of the proposed development, the applicants submitted a Traffic Impact Study, prepared by Paradigm Transportation Solutions and Addendum, which was reviewed by Transportation Planning; detailed comments are contained within this Report. In summary, Transportation Planning found the turning plans and level of increased vehicles acceptable. The proposed development will be subject to Site Plan Control, where the development will be reviewed in greater detail.

Height / Setbacks

The proposed eight storey mixed use building proposes a step back from Upper James Street and Stone Church Road East to the 2nd and 8th storeys, which will provide a street presence promoting a comfortable pedestrian environment. In addition, the proposed mixed use building will be setback 7.5 metres from the existing two storey dwelling at 1367 Upper James Street. The proposed two, four storey multiple dwellings will be setback 13.1 metres from the existing two storey dwelling at 54 Stone Church Road East, as well as the Park.

As mentioned previously in this Report, a Shadow Impact Study was submitted for the twelve storey proposal, showing the greatest impact on the single detached dwellings on the north side of Stone Church Road East, during December at 4:00 p.m. The proposed development was reduced in building height from 12 storeys to eight storeys thereby reducing the shadow impacts of the proposed development. Density and scale of development is graduated in building height to respect existing single detached dwellings located immediately east of the subject property. This will minimize the effects of shadowing and overview on existing properties in adjacent neighbourhoods. The proposed 2nd and 6th storeys will be flush with the 1st storey and the 7th and 8th storeys will be setback a further 3 metres from both Upper James Street and Stone Church Road East.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment applications be denied, the property could be utilized in accordance with the current “C” (Urban Protected Residential etc.) District and “AA” (Agricultural) District within the City of Hamilton Zoning By-law No. 6593 and the Mixed Use Medium Density (C5, 318) Zone within the City of Hamilton Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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

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

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

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

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

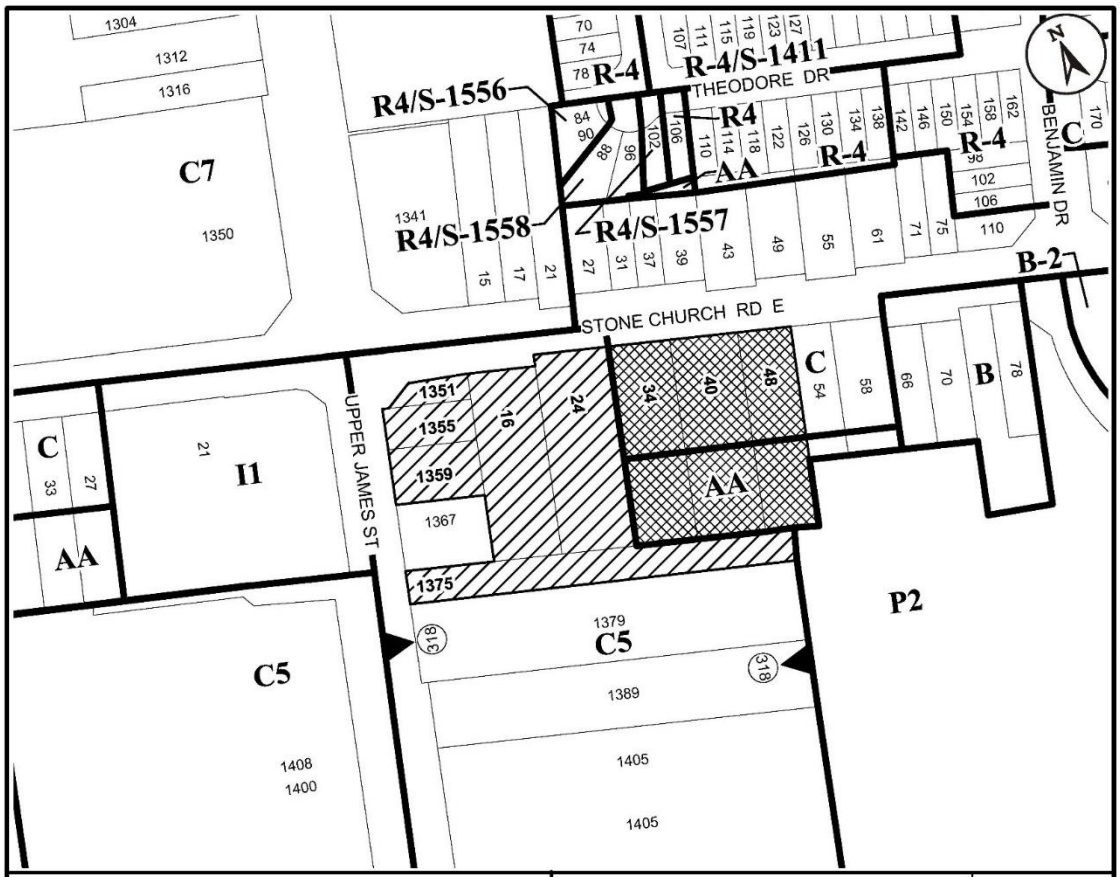
Culture and Diversity
Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

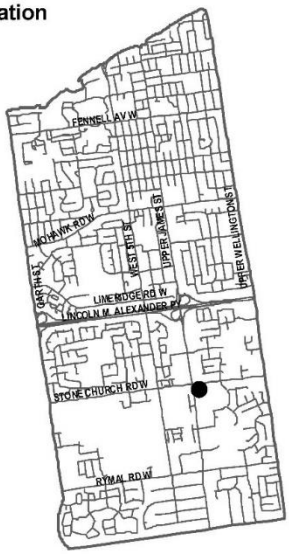
- Appendix “A”: Location Map
- Appendix “B”: Zoning By-law No. 05-200 Amendment
- Appendix “C”: Zoning By-law Amendment Assessment
- Appendix “D”: Proposed Site Plan
- Appendix “E”: Public Submissions

GZ:

Appendix “A” to Report PED19059
Page 1 of 1



● Site Location



Key Map - Ward 8

N.T.S.

Location Map

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:	Date:	
ZAC-11-070	August 16, 2019	
Appendix "A"	Scale: N.T.S.	Planner/Technician: GZ/AL

Subject Property

1351, 1355, 1359 & 1375 Upper James Street & 16, 24, 34, 40 & 48 Stone Church Road East

Block 1 - Change in Zoning from Mixed Use Medium Density (C5, 318) Zone to the Mixed Use Medium Density (C5, 724) Zone

Block 2 - Lands to be added to Zoning By-law No. 05-200 and Zoned Mixed Use Medium Density (C5, 724) Zone

Authority: Item,
Report (PED19059)
CM:
Ward: 8

Bill No.

CITY OF HAMILTON

BY-LAW NO._____

To amend Zoning By-law No. 05-200 with respect to lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, Hamilton

WHEREAS Council approved Item____ of Report_____ of the Planning Committee, at its meeting held on September 17th, 2019;

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

NOW THEREFORE Council of the City of Hamilton enacts Zoning By-law No. 05-200 as follows:

1. That Map No. 1343 of Schedule “A” – Zoning Maps is amended by changing the zoning from the Mixed Use – Medium Density (C5, 318) Zone to the Mixed Use – Medium Density (C5, 724) Zone and adding the Mixed Use – Medium Density (C5, 724) Zone for the lands identified in the Location Map attached as Schedule “A” to this By-law.

2. That Schedule “C” – Special Exceptions is hereby amended as follows:

   2.1 That Special Exception 318 be amended by deleting the following Property Address and Map Number references:

“1351 Upper James Street	1343
1355 Upper James Street	1343
1359 Upper James Street	1343
1375 Upper James Street	1343
16 Stone Church Road East	1343
24 Stone Church Road East	1343”

2.2 That the following new Special Exception be added:

“724. Within the lands zoned Mixed Use - Medium Density (C5) Zone, identified on Map 1343 of Schedule “A” – Zoning Maps and described as 1351, 1355, 1359 and 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, the following special provisions shall apply:

a) Notwithstanding the definition of Front Lot Line in Section 3: Definitions, the definition of the Front Lot Line shall mean any lot line abutting Stone Church Road East.

b) Notwithstanding Section 4.6b), a fire escape or exterior stair may encroach into a required front, side or rear yard.

c) Sections 5.1a)i), 5.1a)v)c), 5.2h)i), 5.2h)ii) and 5.2.1c) shall not apply.

d) Notwithstanding Sections 5.6c) as it relates to parking requirements for a Multiple Dwelling and Retail, 5.2b)i) and 5.2b)ii), the following regulations shall apply:

i)	Parking Requirements	A)	Multiple Dwelling	1 space for each dwelling unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for such unit (excluding 7 spaces from the total required).
			Retail	1. 0 spaces where a use is less than 450.0 square metres in gross floor area; and, 2. 1 space for each 50 square metres of gross floor area in excess of 450.0 square metres.

ii) Parking Space Dimension

A) A minimum parking space size dimension of 2.8 metres by 5.8 metres shall be provided.

e) In addition to Section 10.5.1.1 and 10.5.1.1i) and notwithstanding Sections 10.5.3a)i), 10.5.3a)ii), 10.5.3c), 10.5.3d)i)-iii), 10.5.3g)iii), 10.5.3g)iv), 10.5.3g)vii), 10.5.3g)viii), 10.5.3h)i), 10.5.3h)i)iii) and 10.5.3j) the following shall apply:

i) Restricted Uses

A) Multiple Dwelling

1. Notwithstanding Section 10.5.1 Block 2, as shown on Figure 21 of Schedule “F” – Special Figures shall be restricted to a maximum of two Multiple Dwelling buildings.

2. Blocks 1 and 2, as shown on Figure 21 of Schedule “F” - Special Figures, shall have a maximum combined density of no greater than 200 uph or a maximum of 358 units, whichever is the lesser.

B) Restriction of Uses within a building on Block 1, as shown on Figure 21 of Schedule “F” – Special Figures

1. Uses other than a Multiple Dwelling shall be restricted to the ground floor.

ii) Setback from a Street Line

A) A maximum of 4.5 metres shall be provided for Block 1, as shown on Figure 21 of Schedule “F” – Special Figures.

B) A minimum of 2.9 metres shall be provided for Block 2, as shown on Figure 21 of Schedule “F” – Special Figures.

C) Notwithstanding ii)A) above, a minimum of 6.5 metres shall be provided abutting the hypotenuse of the daylight triangle for Block 1, as shown on Figure 21 of Schedule “F” – Special Figures.

D) In addition to ii)A), above, for any portion of a building on Block 1, as shown on Figure 21 of Schedule F – Special Figures, greater than 20.0 metres in height the following additional setbacks shall apply:

1. Minimum 4.0 metres from Upper James Street; and,

2. Minimum 6.0 metres from Stone Church Road East.

iii)	Minimum Interior Side Yard	4.5 metres abutting a Residential or Institutional Zone or a lot containing a residential use.
iv)	Building Height	A) Maximum 35.0 metres for Block 1, as shown on Figure 21 of Schedule “F” – Special Figures. B) Maximum 17.0 metres for Block 2, as shown on Figure 21 of Schedule “F” – Special Figures.

5. That Figure 21: 1351, 1355, 1359, and 1375 Upper James Street, 16, 24, 34, 40 and 48 Stone Church Road East attached to this By-law be added to Schedule “F” – Special Figures.

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

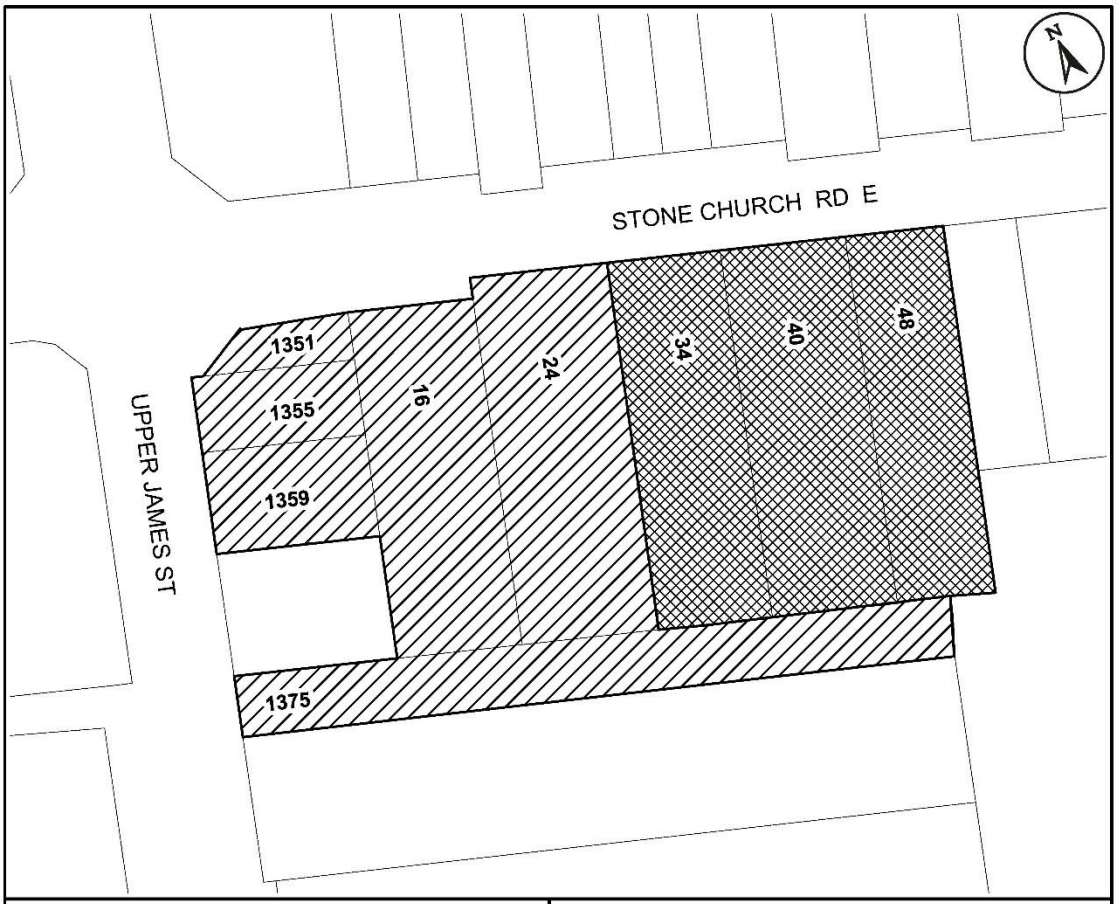
PASSED AND ENACTED this _____day of _____, 2019.

_____ _____

F. Eisenberger
MAYOR

A. Holland
CITY CLERK

ZAC-11-070



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

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

Mayor

Clerk

Schedule "A"

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

to Amend By-law No. 05-200
Map 1343

Scale: N.T.S.	File Name/Number: ZAC-11-070
Date: Aug. 16, 2019	Planner/Technician: GZ/AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

Subject Property

1351, 1355, 1359 & 1375 Upper James Street &
16, 24, 34, 40 & 48 Stone Church Road East

Block 1 - Change in Zoning from Mixed Use Medium Density (C5, 318) Zone to the Mixed Use Medium Density (C5, 724) Zone

Block 2 - Lands to be added to Zoning By-law No. 05-200 and Zoned Mixed Use Medium Density (C5, 724) Zone

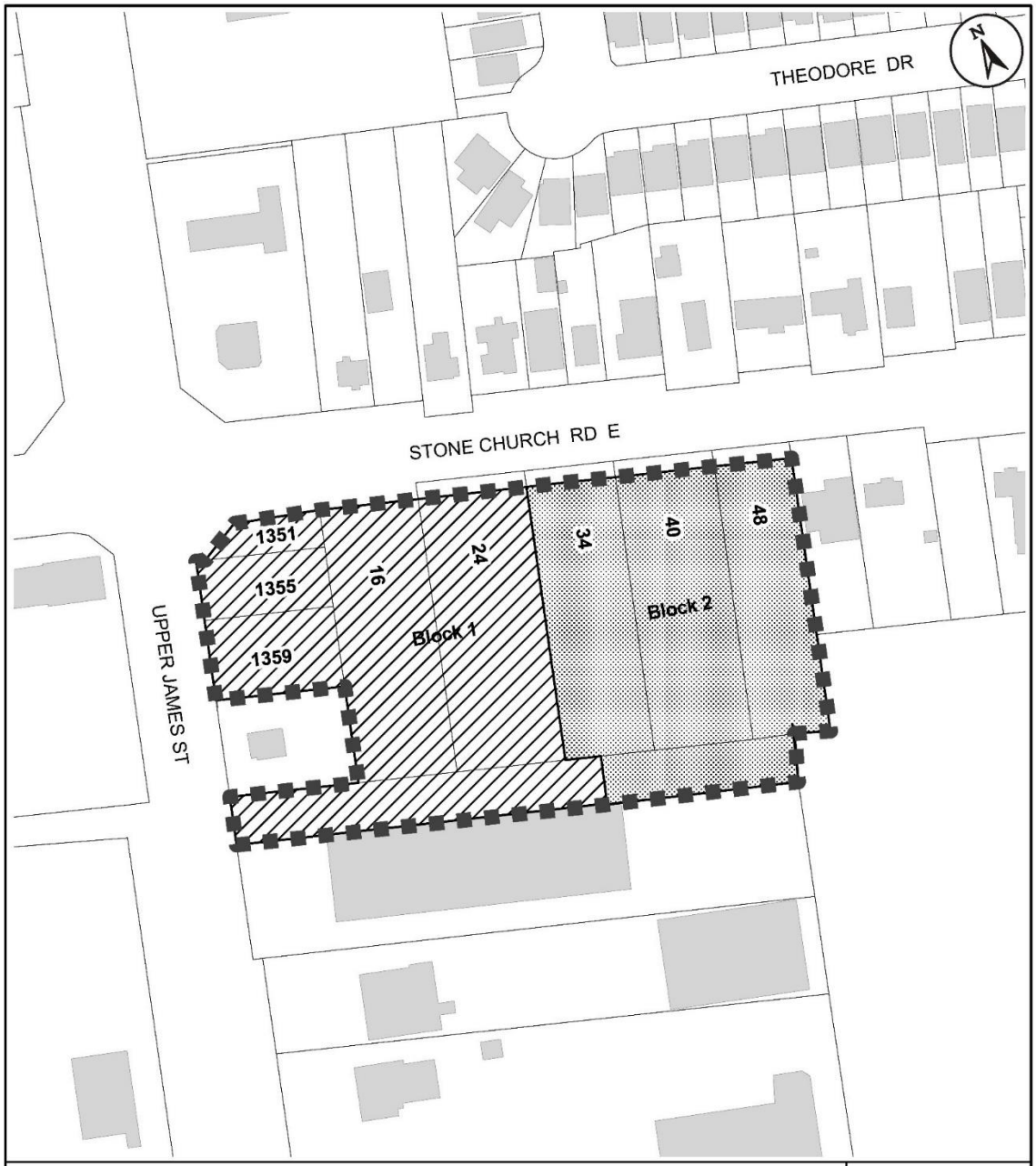


Figure 21: 1351, 1355, 1359 & 1375 Upper James Street & 16, 24, 34, 40 & 48 Stone Church Road East

Date;
August 7, 2019

Legend

- Subject Area - Special Exception 724
- **Block 1** - Mixed Use Building - Maximum permitted height of 8 storeys (35.0 metres)
- **Block 2** - Two Multiple Dwellings - Maximum permitted height of 4 storeys (17.0 metres)

Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members Report No.: PED19059 Date: 09/17/2019 (MM/DD/YYYY)

Ward(s) or City Wide: Ward: 8

Prepared by: George T. Zajac Phone No: 905-546-2424, ext. 3933

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

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East, Hamilton

By-law Modifications

By-law Provisions	Required 05-200 Zoning Requirements	Proposed C5 Zoning Requirements	
Front Lot Line	Front Lot Line – shall mean any lot line abutting a street, and: a) With reference to a corner lot, shall mean the shorter of the lot lines abutting the streets, except where both lot lines are of equal length, at the option of the owner, either of the lot lines abutting a public street may be considered as the front lot line.	Stone Church Road East to be the Front Lot Line	The subject property is a corner lot with frontage on Upper James Street and Stone Church Road East and although Upper James Street has the shorter lot line, Stone Church Road East is to be considered the front lot line, as the main access to the development will be from this frontage. Therefore, staff can support the proposed modification.
Permitted Yard Encroachment	4.6b) A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or a to a maximum of half the distance of the required yard, whichever is the lesser.	Notwithstanding Section 4.6b), a fire escape or exterior stair may encroach into a required front, side or rear yard.	The proposed stairs are to be utilized as fire escape access from the below grade parking garage.
Parking and Loading Regulations	5.1 LOCATION a) All Uses v) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following: c) Where a Planting Strip is provided, as per b) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres. 5.2 DESIGN STANDARDS	Notwithstanding Section 5: PARKING REGULATIONS, the following shall apply: a. Parking areas may be shared for all uses on Blocks 1 and 2 of Schedule “A”. b. That Section 5.1(a)(v)(c) not apply. c. That Section 5.2(b)(i) be, Minimum 2.8 metres in width and 5.8 metres in length. d. That Section 5.2(b)(ii) be, Maximum 3.4 metres in width and 6.0 metres in length. e. That Section 5.2(h)(i) not apply. f.That Section 5.2(h)(ii) not apply.	5.1(a)(v)(c) – A stairwell to the underground parking is proposed on the south side and adjacent to the right-in / right-out access on Upper James Street. The proposed stairwell is located within the planting strip, but outside of the visibility triangle and therefore, this modification can be supported by staff. 5.2(b)(i) – The subject Zoning By-law Amendment application was submitted in 2011 and therefore, predates the new design standards for parking spaces. The proposed modification for a reduction in width of 0.2 metres is only for the underground parking and will still allow for parking to function in a normal manner and therefore, staff can support the proposed modification. 5.2(b)(ii) – The proposed regulation shall not apply as it is less restrictive and therefore, can be supported by

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East, Hamilton

By-law Provisions	Required 05-200 Zoning Requirements	Proposed C5 Zoning Requirements	
	b) Unless permitted by another regulation in this By-law, parking space sizes shall be: i) Minimum 3.0 metres in width and 5.8 metres in length; ii) Notwithstanding Subsection i) herein, a minimum 2.8 metres in width and 5.8 metres in length shall be permitted within an above ground or underground parking structure, but shall not apply to an attached or detached garage to a Block Townhouse Dwelling, Duplex Dwelling, Maisonette Dwelling, Semi-Detached Dwelling, Single Detached Dwelling, or Street Townhouse Dwelling. h) In addition to Section 5.1 a) v) and Subsection e) herein, the following Planting Strip requirements shall apply to a parking lot in a Commercial and Mixed Use Zone and the Parking (U3) Zone where 50 or more parking spaces are provided on a lot: i) Landscaped Areas or Landscaped Parking Islands with a minimum combined area of 10% of the area of the parking lot and associated access driveway and manouvering areas shall be provided and maintained; ii) Each Landscaped Area or Landscaped Parking Island shall have a minimum width of 2.8 metres	g. That Section 5.2.1(c) not apply. h. That Section 5.6(c) be modified to add: Multiple Dwelling: 1 space for each dwelling unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for such unit (excluding 7 spaces from the total required). Retail within a Commercial Mixed-Use Zone: i. 0 spaces where a use is less tan 450.0 square metres in gross floor area; and, ii. 1 space for each 50 square metres of gross floor area in excess of 450.0 square metres.	staff. 5.2.(h)(i) and (ii) – The subject proposal does contain landscaped areas within the parking areas, however, due to the amount of spaces required, a modification is needed. Since the applicant has made an effort to provide 3.0 metre by 5.8 metre parking spaces on the surface parking areas, staff can support the proposed modification. 5.2.1(c) – Two loading spaces are proposed and will be partially screened by the proposed buildings, as well as adjacent to landscaped areas. Therefore, staff can support the proposed modification. 5.6(c) - <u>For all uses on the property</u> Assuming all dwelling units provide a gross floor area greater than 50 square metres: 373 dwelling units x 1 space = 373 required parking spaces for the residential dwelling units. 82 parking spaces required for retail uses. 373 spaces + 82 spaces = a total of 455 required parking spaces (for all residential and commercial uses). Commercial parking provides opportunities for additional visitor parking. A total of 477 parking spaces provided. The Required Parking standard is under appeal and therefore, not yet final and binding. Since the subject proposal will have a total of 477 parking spaces, staff can support the proposed modification.

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East, Hamilton

By-law Provisions	Required 05-200 Zoning Requirements	Proposed C5 Zoning Requirements	
	and a minimum area of 10.0 square metres. 5.2.1 LOCATION OF LOADING FACILITIES The location of loading doors and associated loading facilities shall be subject to the following: c) Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19. 5.6 PARKING SCHEDULES Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1, subject to the provisions of Subsection b) herein: Multiple Dwelling (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones) i) Dwelling Units less than 50.0 square metres in gross floor area Minimum 0.3 per unit. Maximum 1.25 per unit. ii) Dwelling Units greater than 50.0 square metres in gross floor area		

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East, Hamilton

By-law Provisions	Required 05-200 Zoning Requirements	Proposed C5 Zoning Requirements	
	Minimum 1 – 14 units 0.7 per unit. 15 – 50 units 0.85 per unit. 51+ units 1.0 per unit. Maximum 1.25 per unit. Retail within a Commercial and Mixed Use Zone i) 0 where a use is less than 450.0 square metres in gross floor area; ii) 1 for each 17.0 square metres any gross floor area between 450.0 square metres and 4,000.0 square metres; and, iii) 1 for each 50.0 square metres of gross floor area greater than 4,000.0 square metres.		
Mixed Use Medium Density (C5) Zone Regulations	10.5.3 REGULATIONS a) Building Setback from a Street Line i) Minimum 3.0 metres for a building with residential units on the ground floor facing a street; ii) Maximum 4.5 metres, except where a visibility triangle is required for a driveway access; iii) Notwithstanding Section 10.5.3 i), a maximum 6.0 metres for that portion of a building providing an access driveway to a grage and, iv) Section 10.5.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5.3g)ii) and iii).	Notwithstanding Section 10.5: Mixed Use Medium Density (C5) Zone, the following shall apply: a.Notwithstanding Section 10.5.3 a)i), the minimum Building Setback from a Street Line for Block 2 of Schedule "A" shall be 2.9 metres. b.Notwithstanding Section 10.5.3 a)ii), the mixed use building located within Block 1 shall be permitted within 4.5 metres of the Street Line, except where 6.5 metres is provided abutting the hypotenuse of the daylight triangle. c.Section 10.5.3(c) as it relates to the minimum interior side yard, be	10.5.3(c) - A minimum setback of 4.5 metres provided to the northerly lot line of the property known as 1367 Upper James Street containing a residential use is proposed. The proposed 4.5 metre setback includes a 2.0 metre walkway and a 2.5 metre landscape area. An additional 3.0 metres is proposed to the 2nd and 8th storey of the proposed mixed-use building. There are no shadow impacts and therefore, staff can support the proposed modification. 10.5.3(d)(iii) – This regulation is not yet final and binding and does not apply. Staff can support the proposed modification. 10.5.3(g)(iii) - This regulation is not yet final and binding and does not apply. Staff can support the proposed modification.

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East, Hamilton

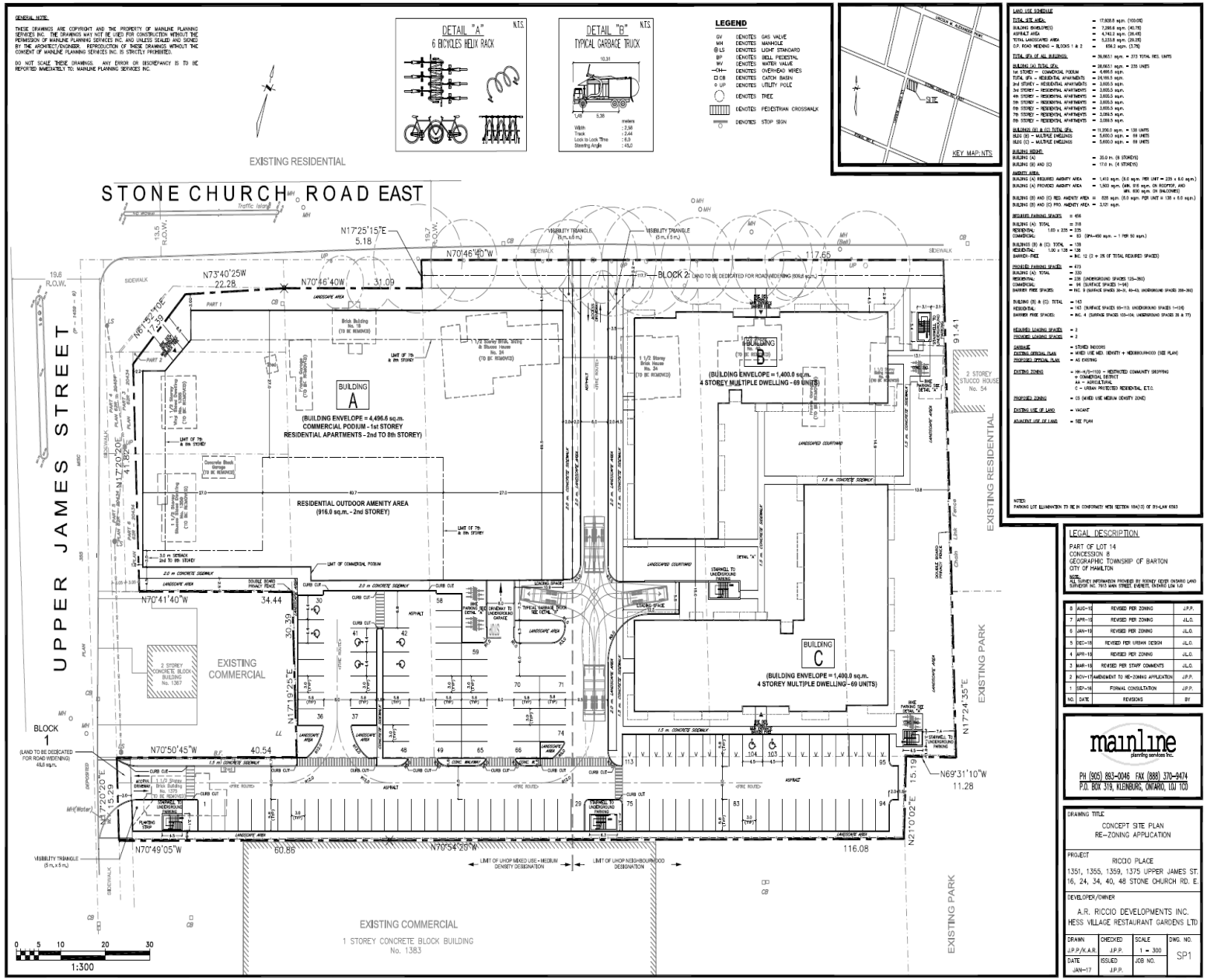
By-law Provisions	Required 05-200 Zoning Requirements	Proposed C5 Zoning Requirements	
	c) Minimum Interior Side Yard 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use. d) Building Height i) Minimum 7.5 metre façade height for any portion of a building along a street line; ii) Maximum 22.0 metres; and, iii) In addition to Section 10.5.3d)i) and notwithstanding Section 10.5.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres. g) Built form for New Development In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law: iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.	4.5 metres abutting a Residential or Institutional zone or a lot containing a residential use. d.That Section 10.5.3(d)(iii) not apply. e.That Section 10.5.3(g)(iii) not apply. f.That Section 10.5.3(g)(iv) not apply. g.That Section 10.5.3(g)(vii) not apply. h.That Section 10.5.3(g)(viii) not apply. i.That Section 10.5.3(h)(i) not apply. j.That Section 10.5.3(h)(iii) not apply. k.That Section 10.5.3(j) not apply.	10.5.3(g)(iv) - This regulation is not yet final and binding and does not apply. Staff can support the proposed modification. 10.5.3(g)(vii) - This regulation is not yet final and binding and does not apply. Staff can support the proposed modification. 10.5.3(h)(i) and (iii) - Assuming all dwellings will provide a gross floor greater than 50 square metres, 235 units x 6.0 square metres = 1,410 square metres of amenity area is required. 1,500 square metres of amenity area proposed (located on 2nd storey rooftop and balconies). Staff can support the proposed modifications. 10.5.3(j) – A minimum setback of 4.5 metres provided to the northerly lot line of the property known as 1367 Upper James Street containing a residential use is proposed. The proposed 4.5 metre setback includes a 2.0 metre walkway and a 2.5 metre landscape area. An additional 3.0 metres is proposed to the 2nd and 8th storey of the proposed mixed-use building. In addition, the proposed right-in / right-out access on Upper James Street is adjacent to the existing 6.0 metre driveway at 1367 Upper James. There are no shadow impacts and therefore, staff can support the proposed modification.

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East, Hamilton

By-law Provisions	Required 05-200 Zoning Requirements	Proposed C5 Zoning Requirements	
	iv) In addition to Section 10.5.3g)i), ii) and iii), the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street. vii) A minimum of one principal entrance shall be provided: 1. within the ground floor façade that is set back is closest to a street; and, 2. shall be accessible from the building façade with direct access from the public sidewalk. h) Minimum Amenity Area for Dwelling Units and Multiple Dwellings On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements be provided: i) An area of 4.0 square metres for each dwelling unit less than 50 square metres; and, ii) An area of 6.0 square metres for each dwelling unit more than 50 square metres. iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.		

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East, Hamilton

By-law Provisions	Required 05-200 Zoning Requirements	Proposed C5 Zoning Requirements	
Maximum Height Permitted	10.5.3(d)(ii) Maximum 22.0 metres.	The maximum height permitted on the subject lands shall be 35.0 metres (8 storeys) for Block 1 and 17.0 metres (4 storeys) for Block 2	The proposed development will add a higher density mixed-use development including retail space and residential homes in low to mid rise buildings adjacent to a primary corridor, Upper James Street. In addition, the subject property is located on a Potential Rapid Transit Line (B.L.A.S.T.), serviced by various HSR bus routes and located on a major arterial (Upper James Street) and minor arterial roadway (Stone Church Road East). A Shadow Impact Study was submitted, which showed the greatest impact on the single detached dwellings on the north side of Stone Church Road East, during December at 4:00 p.m. The proposed development was reduced in building height from 12 storeys to 8 storeys. Density and scale of development is graduated in building height to respect existing single detached dwellings located immediately east of the subject property. This will minimize the effects of shadowing and overview on existing properties in adjacent neighbourhoods.



GENERAL NOTE:

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DO NOT SCALE THESE DRAWINGS. ANY ERROR OR DISCREPANCY IS TO BE REPORTED IMMEDIATELY TO: MAINLINE PLANNING SERVICES INC.

LAND USE SCHEDULE

TOTAL SITE AREA:	=	17,828.6 sq.m. (100.00)
BUILDING ENVELOPE(S)	=	7,296.6 sq.m. (40.78)
ASPHALT AREA	=	4,742.2 sq.m. (26.48)
TOTAL LANDSCAPED AREA	=	5,233.8 sq.m. (29.38)
O.P. ROAD WIDENING - BLOCKS 1 & 2	=	656.2 sq.m. (3.76)
TOTAL GFA OF ALL BUILDINGS:	=	36,863.1 sq.m. = 373 TOTAL RES. UNITS
BUILDING (A) TOTAL GFA:	=	36,863.1 sq.m. = 235 UNITS
1st STOREY - COMMERCIAL PODIUM	=	4,496.6 sq.m.
TOTAL GFA - RESIDENTIAL APARTMENTS	=	24,195.5 sq.m.
2nd STOREY - RESIDENTIAL APARTMENTS	=	3,605.5 sq.m.
3rd STOREY - RESIDENTIAL APARTMENTS	=	3,605.5 sq.m.
4th STOREY - RESIDENTIAL APARTMENTS	=	3,605.5 sq.m.
5th STOREY - RESIDENTIAL APARTMENTS	=	3,605.5 sq.m.
6th STOREY - RESIDENTIAL APARTMENTS	=	3,605.5 sq.m.
7th STOREY - RESIDENTIAL APARTMENTS	=	3,089.5 sq.m.
8th STOREY - RESIDENTIAL APARTMENTS	=	3,089.5 sq.m.
BUILDINGS (B) & (C) TOTAL GFA:	=	11,200.0 sq.m. = 138 UNITS
BLDG (B) - MULTIPLE DWELLINGS	=	5,600.0 sq.m. = 69 UNITS
BLDG (C) - MULTIPLE DWELLINGS	=	5,600.0 sq.m. = 69 UNITS
BUILDING HEIGHT:		
BUILDING (A)	=	30.0 m. (8 STOREYS)
BUILDING (B) AND (C)	=	17.0 m. (4 STOREYS)
AMENITY AREA:		
BUILDING (A) REQUIRED AMENITY AREA	=	1,410 sq.m. (6.0 sq.m. PER UNIT = 235 x 6.0 sq.m.)
BUILDING (A) PROVIDED AMENITY AREA	=	1,920 sq.m. (MIN. 916 sq.m. ON ROOFTOP, AND MIN. 600 sq.m. ON BALCONIES)
BUILDING (B) AND (C) REQ. AMENITY AREA	=	828 sq.m. (6.0 sq.m. PER UNIT = 138 x 6.0 sq.m.)
BUILDING (B) AND (C) PRO. AMENITY AREA	=	1,121 sq.m.
REQUIRED PARKING SPACES	=	466
BUILDING (A) TOTAL	=	318
RESIDENTIAL: 1.05 x 235	=	235
COMMERCIAL:	=	83 (SPA=450 sq.m. - 1 PER 50 sq.m.)
BUILDINGS (B) & (C) TOTAL	=	138
RESIDENTIAL: 1.00 x 138	=	138
BARRIER-FREE	=	INC. 12 (2 + 2% OF TOTAL REQUIRED SPACES)
PROVIDED PARKING SPACES	=	473
BUILDING (A) TOTAL	=	335
RESIDENTIAL:	=	335 (UNDERGROUND SPACES 125-360)
COMMERCIAL:	=	84 (SURFACE SPACES 1-84)
BARRIER FREE SPACES:	=	INC. 9 (SURFACE SPACES 36-39, 49-53, UNDERGROUND SPACES 208-360)
BUILDING (B) & (C) TOTAL	=	143
RESIDENTIAL	=	143 (SURFACE SPACES 69-113, UNDERGROUND SPACES 1-124)
BARRIER FREE SPACES:	=	INC. 4 (SURFACE SPACES 103-104, UNDERGROUND SPACES 35 & 77)
REQUIRED LOADING SPACES	=	2
PROVIDED LOADING SPACES	=	2
GARBAGE	=	STORED INDOORS
EXISTING OFFICIAL PLAN	=	MIXED USE MED. DENSITY + NEIGHBOURHOOD (SEE PLAN)
PROPOSED OFFICIAL PLAN	=	AS EXISTING
EXISTING ZONING	=	HM-H/S-1103 - RESTRICTED COMMUNITY SHOPPING + COMMERCIAL DISTRICT AA - AGRICULTURAL C - URBAN PROTECTED RESIDENTIAL, ETC.
PROPOSED ZONING	=	C5 (MIXED USE MEDIUM DENSITY ZONE)
EXISTING USE OF LAND	=	VACANT
ADJACENT USE OF LAND	=	SEE PLAN

NOTES:
PARKING LOT ILLUMINATION TO BE IN CONFORMITY WITH SECTION 114(13) OF BY-LAW 6593

LEGAL DESCRIPTION

PART OF LOT 14
CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON

NOTE:
ALL SURVEY INFORMATION PROVIDED BY RODNEY DOYE ONTARIO LAND SURVEYOR INC. 7913 MAIN STREET EMBRETT, ONTARIO L0A 1J0

NO.	DATE	REVISIONS	BY
8	AUG-18	REVISED PER ZONING	J.P.P.
7	APR-18	REVISED PER ZONING	J.L.G.
6	JAN-18	REVISED PER ZONING	J.L.G.
5	DEC-16	REVISED PER URBAN DESIGN	J.L.G.
4	APR-16	REVISED PER ZONING	J.L.G.
3	MAR-16	REVISED PER STAFF COMMENTS	J.L.G.
2	NOV-17	AMENDEMENT TO RE-ZONING APPLICATION	J.P.P.
1	SEP-16	FORMAL CONSULTATION	J.P.P.

mainline planning services inc.
PH (905) 893-0046 FAX (888) 370-9474
P.O. BOX 319, KLEINBURG, ONTARIO, L0J 1C0

DRAWING TITLE
CONCEPT SITE PLAN
RE-ZONING APPLICATION

PROJECT
RICCIO PLACE
1351, 1355, 1359, 1375 UPPER JAMES ST.
16, 24, 34, 40, 48 STONE CHURCH RD. E.

DEVELOPER/OWNER
A.R. RICCIO DEVELOPMENTS INC.
HESS VILLAGE RESTAURANT GARDENS LTD

DRAWN	CHECKED	SCALE	DWG. NO.
J.P.P./K.A.R.	J.P.P.	1 = 300	SP1
DATE	ISSUED	JOB NO.	
JAN-17	J.P.P.		

Sent: March 26, 2018 11:48 AM
To: Zajac, George; [redacted]
Subject: Fw: Upper James at Stone Church Development
Attachments: Hamilton House.pdf; Signed Cheng Response.pdf

Thank you, Mr. George Zajac.

I am forwarding to you our communications with Varcon developer, Mr. Angelo Riccio. In the email, we expressed our concern regarding the traffic congestion of the area and our willingness to negotiation on the possible acquisition of our property. We express the same sentiment to you as well.

We not only believe that it will add congestion to an already congested area overall. But we also feel that it will negatively impact our existing business entrance/exit as their proposed entrance/exit will run alongside our lot.

In addition, I've attached our letter to the previous Hamilton Senior Planner Alvin Chan, as well as, his response to us in 2015.

We appreciate your considerations.

Sincerely,
Adam Cheng
Property/Business Owner

Sent: March 19, 2018 1:42 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Upper James at Stone Church Development

Dear Mr. Angelo Riccio,

It was a pleasure to meet with you to discuss the acquisition of 1367 Upper James St. property last month, February 6th. Thank you again for the wonderful lunch. We appreciate the tour of your Varcon office space and your personal collection.

In reviewing your plans laid out at the church meeting on January 31st, the designated exit/entrance to Upper James is our major concern. We believe it will interfere with our only existing entrance/exit but, more so, the additional compounding effect

on existing traffic congestion. As many area residents can expressed during the meeting, Upper James St. and Stone Church Rd. intersection is already extremely problematic especially during rush hour times.

As we discussed in our lunch meeting, we do not want to come in the way of your development and believe in the growth of that area. We want to be reasonable and fair in our asking price in hopes to come to an equitable agreement. We simply want the current market value of the property plus 20% for the expenses and potential loss to relocate our existing business on that property.

Our small family business, Ceragem Kangen Wellness Centres, has been well established in operation for the past 18 years with locations in the Toronto-area and in Hamilton since 2006. We currently employ 7 people across all locations. So we feel this is a fair asking price to sell our property and move our business in Hamilton.

We believe your offer of $1M is too low even in comparison to the surrounding market value alone. As shown during our meeting, the latest commercial comparable sales and the prevailing market value on Upper James as $1.1~$1.2M as of 2017. Thus, our asking price is $1.32M. We hope you will see our perspective and hope to still come to some sort of mutually beneficial agreement.

Thank you for your consideration.

Warmest regards,

Adam Cheng
Property/Business Owner

July 2, 2015

Dear Alvin Chan,

RE: UPPER JAMES AT STONECHURCH DEVELOPMENT
252 Unit Residential Apartment 13 Unit Residential Townhouse and Commercial Project.

This letter is to inform that, as occupants of 1367 Upper James St., we object to the Location Plan and Concept Plan submitted by WEBB Planning Consultants Inc., on behalf of A.R. Riccio Developments and Hess Village Restaurants Gardens. The development plan submitted to Hamilton's Planning and Economic Development Department for an Urban Hamilton Official Plan and Zoning By-law Amendment Application for lands at 1355-1359 & 1375 Upper James St. and 16-48 Stone Church Road East was reviewed and found to be unacceptable.

Based on the current Location Plan and Concept Plan, our commercial 2 storey property will sit adjacent to the development in question. Historically, our only access is through Upper James St. as is one of the proposed access points/fire routes from the plan in question. We believe this would not only impede traffic along Upper James St. but also affect our own accessibility, thus, our current business operations negatively.

Existing traffic is already extremely heavy, especially during peak hours, even without the development in place. The proposed 252 suites of the two 12 storey residential towers and the 13 three storey townhomes would only add more congestion in an already congested intersection. Add the multiple commercial units prosposed, we anticipate a traffic nightmare as the only other Fire Route exists on Stone Church Road.

We thank you for your understanding. Please keep us informed about future hearings and meetings as we would like to participate in them moving forward.

Sincerely,

Richard Cheng
Business/Property Owner

[redacted]

RECEIVED
JAN 15 2018
G2

January 12, 2018

ATTENTION: Mr. George Zajac (City Planner)

Councillor Donna Skelly

Departments of Development Planning, Heritage and Design

Re: Public Information Meeting Wednesday January 31, 2018

Application for Zoning By-Law Amendment File Number ZAC-11-070

Dear Mr. Zajac,

It has been brought to my attention that once again, proposed development of the subject lands on the South East corner of Upper James Street and Stone Church Road East, has been revised and the owners and developers are seeking amendment of the zoning by-law which would permit development as proposed and shown on submitted documents. The information document refers to a "second public information meeting" regarding the application. I was not aware that a previous meeting had taken place. It is possible that reference is to the meeting 6 or 7 years ago which resulted in rejection of the application.

In 2012 I had extensive communication by telephone and email, with Chris Bell – at that time the Senior Planner for the subject properties. I was to receive notification of any future proposal to develop the properties. I have not been notified. The correspondence should be in your files. Please ensure that my correspondence is available to all City participants prior to the meeting on January 31, 2018. I have attached a copy of my letter from 2012 regarding this issue.

The application states that the current amendment attempts "to address concerns raised by ratepayers and City staff". Basically nothing has changed from the last attempt to proceed with an unacceptable development. I will reiterate some of the main, obvious objections to the proposed development.

(1) Since the last attempt to develop the subject lands, traffic has increased dramatically on both Upper James and Stone Church Road. A development as proposed would create a significant and unacceptable increase in the amount of traffic on both these major thoroughfares. Congestion, accidents, injuries, damage and loss of life would surely rise significantly. The traffic situation at the intersection is often untenable even at present.

(2) A commercial development of 8 stories (with a rooftop "amenity space" – essentially a 9th floor) directly across Upper James from the historically designated Barton Stone-Mt. Hope United Church, would be totally out of keeping with the character of the area.

(3) Previous development on the NE corner of the same intersection – ie. Tim Horton's – did not fulfill proposed and theoretically required landscaping intended to shield even a one story commercial operation from the Church. Traffic leaving Tim Horton's often involves vehicles making an illegal left turn past a concrete median, onto Stone Church Road heading east. This does not seem to be policed. Neither are the vehicles (usually large trucks or buses) which stop at the corner to allow the driver to purchase coffee.

I would hope that analysis of the situation would result in City rejection of the application. I would expect Councillors of the wards involved, would oppose the application.

Once again, I would request that I be notified of any legislation or meetings relevant to this application.

[redacted]

Copy
Jan 2012

January 4, 2012

Mr. Christopher Bell, Senior Planner,
The City of Hamilton, Development Planning
City Hall, 71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Re: File Number OPA-11-018 and ZAC-11-070
Applications for an Official Plan Amendment, By-Law Amendment and Public Meeting of the Planning Committee
A.R. Riccio Developments Inc. Lands on the SE corner of Upper James Street and Stone Church Road

Purpose: To rezone all identified properties, including 1375-1383 Upper James Street and 16-48 Stone Church Road East, as Commercial, to allow for development of a retail development of 7,300 square metres

Dear Mr. Bell,

I wish to comment on these proposals and object to their adoption. It was only in the last few days that I have made the effort to read the sign posted at #16 Stone Church Road East in order to learn about the proposed applications. Because the lettering on the sign is small and because traffic does not permit either reading the sign from the street or stopping within a reasonable distance of the sign, I was forced to park and walk to the sign location in order to learn of its content. The sign indicates that all landowners within 120 metres of the subject lands had been sent Notice of Complete Applications. This Notice should have been received by Barton Stone United Church which is located within a few metres of the subject lands and which is one of the properties most affected by the proposal. Notice would have been directed to my wife, [redacted] Review of mailings to the Church found no notification. No action has been taken prior to the present, since it was assumed that any proposal in such close proximity to the Church would have been brought to the attention of the Church. The sign also reports a Public Meeting to be held at City Hall, at 9:30 a.m. – with no mention of a date.

I note that the applicants are those who had proposed two 30 story towers on the subject lands. It would appear that the developers are modifying their proposal in order to identify one which would be less offensive to adjacent landowners. Unfortunately, the current proposal is equally unacceptable for many reasons.

(1) Recent improvements to both Upper James Street and Stone Church Road have merely increased the speed and density of traffic on both thoroughfares – traffic which is already at or beyond capacity and makes it almost impossible to cross either Stone Church Road or Upper James Street on foot. It should be noted that Stone Church Road is essentially a **residential** artery from Ancaster in the West to Ottawa Street in the East. There is no precedent for eliminating an extensive row of residential properties or need to rezone the 5 properties on Stone Church Road East as Commercial. This would place a commercial development adjacent to and across from existing residential housing. I would suggest that it would be more appropriate to rezone all subject lands as single-family residential, in order to preserve the residential character of Stone Church Road East. Any commercial development would fall close to the existing park, to which a large number of children travel in summer. This would pose a major hazard to access because of increased traffic flow and interruption of bicycle lanes and footpaths.

(2) The intersection of Stone Church and Upper James has already been noted to have one of the highest accident rates in the City. Further commercial development would increase traffic and the complexity of the intersection. With vehicles turning and not infrequently parking near the corner (ie. large trucks and buses which are left while their drivers obtain coffee at Tim Horton's), the number of accidents involving vehicles and pedestrians would inevitably increase, leading to loss of property and life. The City and any developer would have such damage on their consciences.

(3) The proposed development is across from Barton Stone United Church, one of the oldest heritage sites in the City, having just celebrated its 200th year anniversary. Any development in such close proximity to this heritage site should reflect the character of the church. A large commercial development would not be suitable. When the proposal was accepted to develop the N/E corner in order to construct Tim Horton's and a gas station, development was conditional on landscaping to help screen structures from the aspect of the church. The landscaping was inadequate and has not been maintained, despite complaints from nearby residents.

I would hope that Councillors Scott Duvall (Ward 7) and Terry Whitehead (Ward 8) will strongly oppose the applications for rezoning and development. The developers have shown willingness to revise their expectations for an enormous and inappropriate development in the past. I would hope that they would once again revise their plan to eliminate all commercial elements and promote quality residential development which would complement the neighbourhood and not constitute an unsightly and dangerous proposition.

Please advise me of any legislation or meetings relevant to the above applications. Please notify the City Clerk that I wish to receive any such information.

Sincerely,

[redacted]

cc. Scott Duvall, Councillor, Ward 7
Terry Whitehead, Councillor, Ward 8
Bob Bratina, Mayor, City of Hamilton

From: Peter Edmonson [redacted]
Sent: January 30, 2018 1:13 PM
To: Skelly, Donna; Whitehead, Terry; Office of the Mayor
Cc: Zajac, George
Subject: Application For Zoning File Number ZAC-11-070

To All

On the outside chance that I cannot attend the meeting scheduled for Wednesday Jan. 31st at the Barton Stone United Church Hall regarding the Public Information Meeting for this Application, I would like to have my comments listed below to be recorded.

My major concerns regarding this project is the impact it will have on traffic on Stone Church Road East and parking within the immediate surrounding area.

My specific comments are;

1. Can the entrance/exit for the underground parking be moved from the extreme northeast portion of the development to an internal location? This would allow the site's residents to have the option of other entrances and exits and would alleviate a large number of vehicles (possibly 800 per day) entering and exiting within the residential portion of Stone Church Road East. Under the current plan, the majority of the site's traffic volume will be using this underground entrance/exit.

2. Will there be adequate road allowance along the South side of Stone Church Road East at the intersection of Upper James to accommodate for people either being dropped off or being picked up from the front doors of the residential/commercial tower? I mention this point as this portion of the road is only about a lane and half wide and is already a current congestion point as cars that are stopped while performing an illegal left turn into Tim Hortons cause a backup that can sometimes extend back into the intersection.

3. Can the City post and enforce "No Overnight Parking" (or comparable wording) signs within the Barton Stone United Church Parking lot along with the commercial parking areas near Tim Hortons, Swiss Chalet and Denningers? Even though there are about 558 planned parking spaces, only 158 of these will be above ground and there could be, especially on weekend nights, a shortage of available on-site parking due to residential visitors and the restaurant patrons

4. I would like to see addressed whether there will be a pedestrian walkway leading from the southeast portion of the development into the Park? If so, could similar no overnight parking signage be placed within the parking area of the Park?

Dr. Peter J. Edmonson P.Eng

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Robert C. Dickson Ph.D., M.D., C.C.F.P.
[redacted]
Hamilton, Ontario [redacted]

June 24, 2015

Attention: Alvin Chan, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Suburban Team
Hamilton City Hall 71 Main St W., 5th Floor, Hamilton L8P 4Y5

Re: Applications File UHOPA-15-016 and ZAC-11-070

Dear Mr. Chan,

I am writing to oppose the subject applications for many reasons. I specifically ask that this sentence and my personal demographic information be removed, if this letter is included in the Staff Report for Council consideration – leaving only my name and address as "Hamilton Mountain". I further wish to be sent a copy of the Staff Report prepared prior to any meeting. Please make this communication available to Tami Kitay, S. Robichaud and A. Fabac.

(1) I believe that this is another attempt to "bait and switch". In the past, the subject lands have been considered for various commercial developments. The properties have sat unoccupied but generally in excellent and rentable/saleable/useable as single family dwellings. In the past, extensive commercial or higher density occupancy use has been requested – with large numbers of stories – and as far as I know, turned down. The reasons are transparently obvious – but once again – in the summer (no one is supposed to pay attention) unusual and unacceptable changes are being proposed. I have lived in the area for almost 70 years – and have seen reasonable development. I strongly suspect that the applicants know that multi story buildings are impossible – and expect you to give an "okay" with reduced height. The entire concept remains beyond human reason.

(2) Development would lead to traffic increase onto Upper James and Stone Church Road East. In the last week or two the Hamilton Spectator has published a McMaster traffic volume study which showed usage at 40,000 cars per day on Upper James. This is far beyond capacity already causing innumerable delays. Stone Church Road East has had an enormous increase in traffic over recent years – making access difficult from the mostly residential population. Many small children live and play near Stone Church and cross Stone Church East, going to school and to access the park on Di Cenzo. Accidents involving death have already occurred on this stretch of Stone Church. Stone Church is over design capacity and worsening daily. Speeding is common.

(3) The corner proposed for redesignation includes Barton Stone Church across Upper James. The oldest heritage church in Hamilton – still in active use – and maintained as one of the few reminders of Hamilton's origins, would be overwhelmed by yet another commercial development. Upper James is already an eyesight because of development.

(4) A large development of unoccupied homes is occurring just South of Stone Church, East of Di Cenzo. This will also add to the traffic problems in the area. Another large development at Upper Wellington and Lime Ridge – currently not yet occupied – will also add to congestion in the area. If the Airport attracts more traffic, everything will worsen – including the view of Hamilton approaching from the South.

(5) There are huge areas of developable land – to whatever extent desired – on the waterfront and elsewhere - to which development should be oriented. The details of the subject proposals are unbelievable – aesthetically and practically.

Please reject the proposed submissions and suggest that the owners change their approach. This has all been tried before.

Sincerely,

Dr. Robert C. Dickson

c. Councillor Scott Duvall, Ward 7

RECEIVED
JUN 29 2015

6/26/2015

Mr. Alvin Chan, Development Planning, Heritage and Design – Suburban Team

Planning and Economic Development Department, Hamilton City Hall

71 Main Street West, 5th Floor,

Hamilton L8P 4Y5 **Telephone** 905 5462424 Ext 1334 email Alvin.chan@hamilton.ca

Re: Urban Hamilton Official Plan Amendment (File No. UHOPA-15-016)
Zoning By-Law Amendment (File No. ZAC-11-070)

Dear Mr. Chan,

Very recently, my church, Barton Stone United, received a notice about a proposed by-law amendment and an official plan amendment for lands at 1355-1359 and 1375 Upper James and 16-48 Stone Church Rd. E. Written comments are to be submitted by **June 29**, 2015 prior to a public meeting. The developers wish to construct commercial and housing complexes which would include two **eleven story** towers.

As past chair of the Administrative Board at the church, a longtime member and someone who has lived in the neighbourhood since 1985, I wish to object to these changes.

Years ago, the Official Plan specified maintaining **all** remaining corners at Stone Church and Upper James to reflect the historic (1846) church. When Johnson Motors (as it was called then) was rebuilt, the landscape, including a section of wall, was designed to complement the appearance of the church.

Subsequent development of a Tim Horton's on the NE corner raised a number of complaints before the proposed landscape was modified to reduce the impact of its appearance. The entrances and exits continue to make a dangerous corner. I often see drivers exiting to drive **east** on Stone Church when the arrow in the median clearly indicates that this is illegal. Vehicles park in no parking zones while their drivers go into the Tim Horton's. In recent years, a cyclist was killed when a truck parked on Upper James blocked the view of a driver turning into the Tim Horton's. Neighbours and Barton Stone Church members had anticipated problems before Tim Hortons was approved, and wrote letters of objection. Some attended an Ontario Municipal Board hearing to oppose the development. Unfortunately, the board overruled the objections and the Tim Horton's and the gas bar were built.

A few years later, plans were submitted for development of the property on and adjacent to the SE corner. The suggestion of condo towers as tall as or taller than any other existing buildings in Hamilton was patently absurd, especially if they were to be built across the street from the church and in the path of flights to and from Hamilton's airport. As I recall, meetings scheduled to discuss this proposal were also in the summer. That proposal was not accepted. At a time when reasonably priced housing is needed, five houses on Stone Church have sat empty and other houses sit unused on Upper James. It is disturbing for residents who have built and rebuilt houses on Stone Church Rd. E., thinking that the single family dwellings beside them or across the road would stay.

Non-resident developers, whose only motivation is profit, want to further change the neighbourhood at a time when many of the businesses already on Upper James have come and gone, leaving plenty of retail space already zoned commercial.

A recent study, done at McMaster University, found that 40, 000 cars a day use Upper James between the Linc and Rymal Rd. When the Linc is closed by accidents or for other reasons, the traffic on Upper James and Stone Church is bumper to bumper. The intersection of Upper James and Stone Church will be even more dangerous if commercial buildings and two eleven storey towers are built where proposed and traffic congestion becomes intolerable.

Barton Stone Church received notice after the June Administrative Board Meeting and during a time of year when people in the congregation are often attending shared summer services at other United Churches. It is more difficult to communicate information to members or have a congregational meeting which requires three notices.

I hope that the Planning and Economic Development Department will allow only a development at this corner that is best for our neighbourhood, the historic church and Hamilton.

Sincerely,

Mary Lou Dickson

Mary Lou Dickson [redacted]

C.C. Scott Duvall, Councillor Ward 7

PLEASE REMOVE MY ADDRESS FROM THIS LETTER BEFORE MAKING IT PUBLIC

Robert C. Dickson Ph.D., M.D., F.C.F.P.

Hamilton, Ontario

September 4, 2019

Co-ordinator, Planning Committee
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, Ontario L8P 4Y5

Re: Public Information Meeting September 17, 2019

Application by A. R. Riccio Developments for a Zoning By-law Amendment for Lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East, Hamilton (Ward 8)

Dear Sir,

I am writing to oppose the Application above. It is the latest in a series of applications and proposals to develop the subject lands in an unacceptable fashion. I have corresponded in detail in the past – most recently in 2018 with Mr. George Zajac (Files ZAC-11-070) – with each attempt to develop the subject lands in an unsuitable and unacceptable fashion. Previous correspondence should be on file, but I will briefly outline some of the many reasons that the lands should not be developed as proposed.

(1) Traffic on Upper James and Stone Church Road continues to increase. It is difficult, time-consuming and frustrating to exit by car or on foot, from properties along both these roads. Crossing on foot is almost impossible – especially dangerous for children accessing a nearby park and pool. The proposed development would add to the traffic congestion and increase once again, the danger of walking or driving on both roads. When E/W traffic is disrupted elsewhere (ie. the Linc), Stone Church Road is flooded with bumper to bumper traffic. Frustration on Stone Church Road leads to frequent speeding between stops at lights (ie Wellington, DiCenzo, W 5th etc.). Stone Church Road is frequently used for fire and ambulance travel which would be compromised by additional congestion.

(2) Development as proposed would be totally out of keeping with the character of the area. An eight story building alone, directly across from Barton Stone – Mt. Hope United Church, historically designated as one of the oldest building in Hamilton, would be unacceptable.

(3) Increased congestion at the intersection of Upper James and Stone Church Road would result in additional accidents, damage, injuries and risk of loss of life. I oppose the proposed development, not just for aesthetic and convenience reasons, but also for serious medical concerns.

(4) The area of proposed development abuts a park to the East. Many children approach the park and pool from all directions. No fencing or barriers could prevent the traffic danger to pedestrians.

I would hope that the Application will be rejected. Please notify me of the outcome of City decisions – including possible adoption. Please remove my address from this letter before it is entered into the Public Record.

Sincerely,

Robert C. Dickson

Robert C. Dickson

cc. John-Paul Danko, Councillor Ward 8

Upper James Street and Stone Church Road

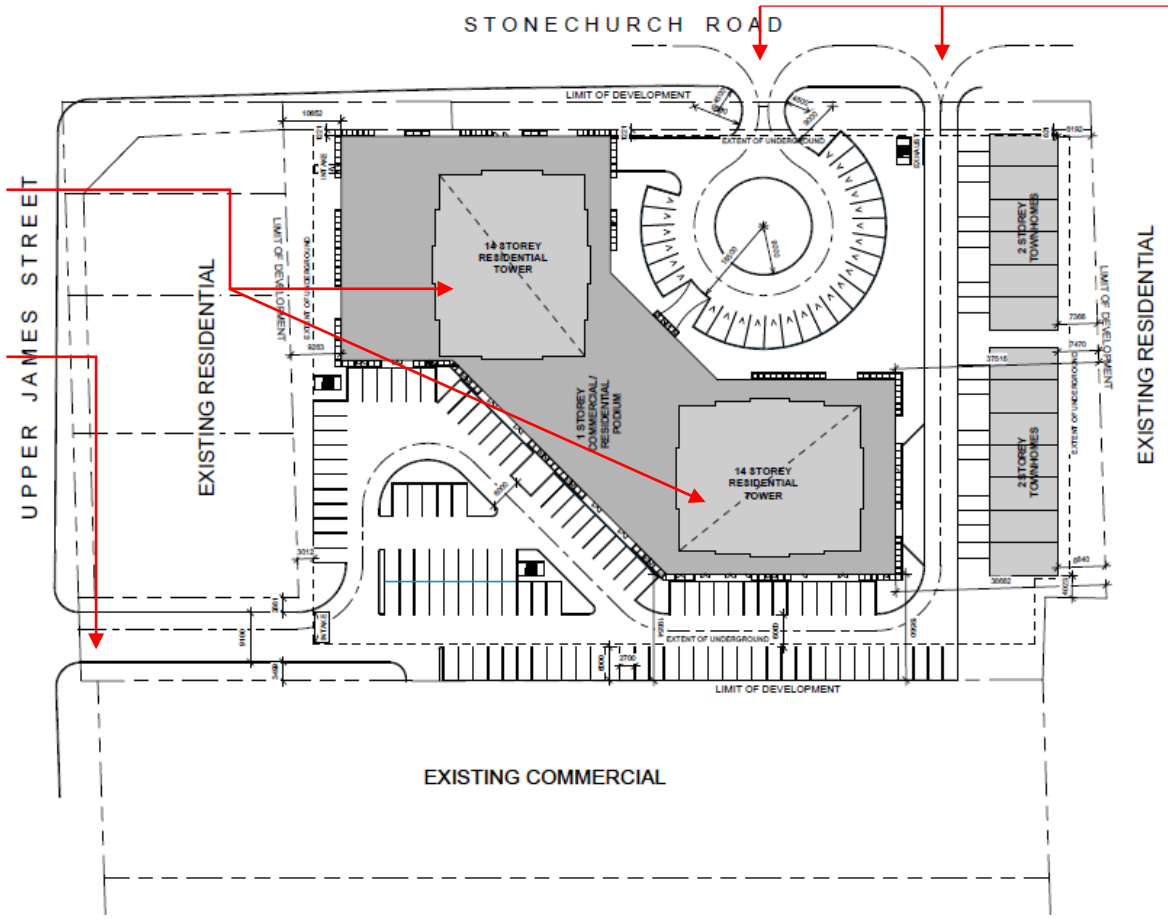
Zoning By-Law Amendment:

ZAC-11-070

2011 Conceptual Site Plan

14-storey residential towers

1 entrance off of Upper James Street



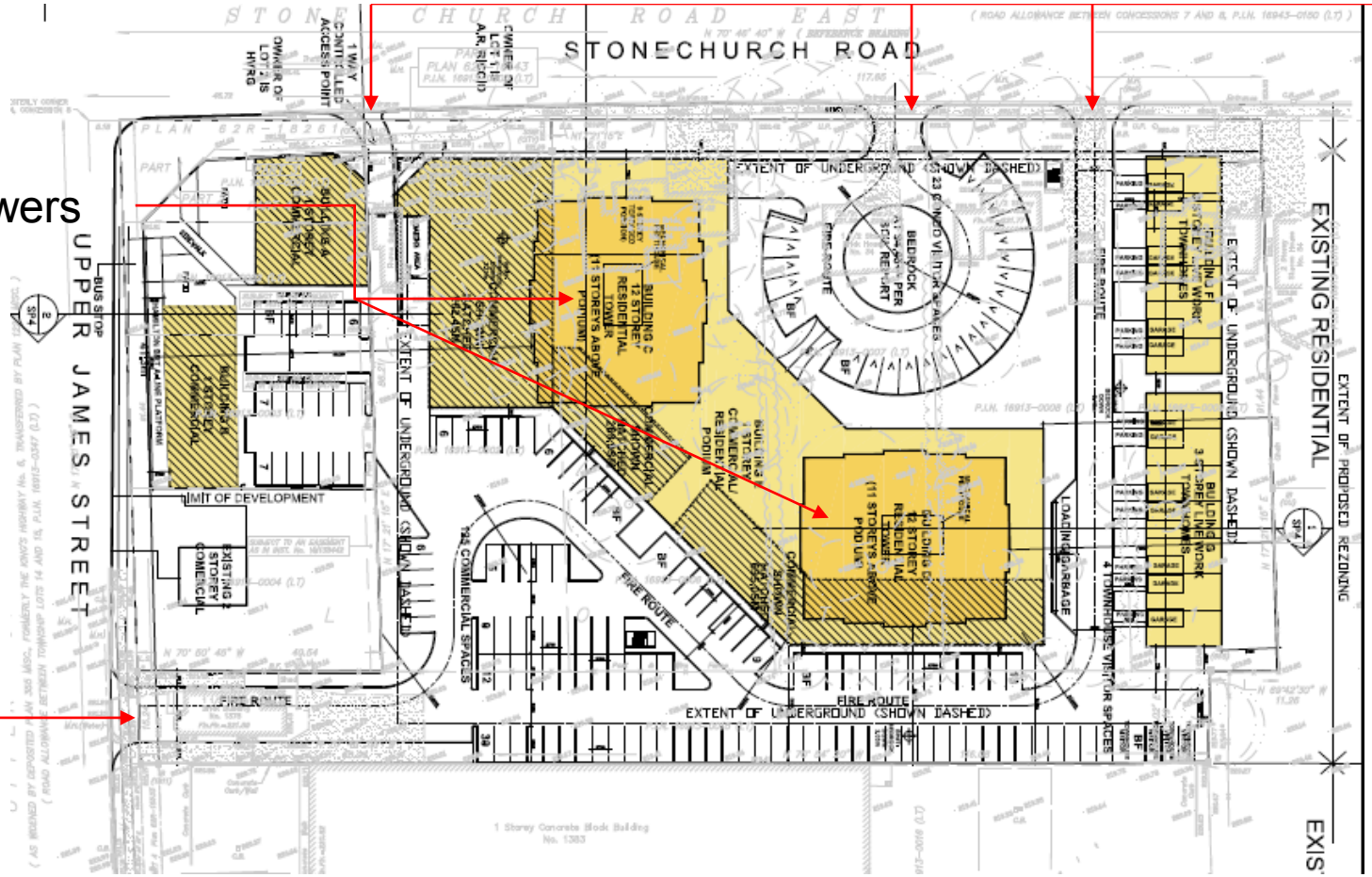
2 entrances off of Stone Church Road

Official Plan Amendment **WOULD** be required

2015 Conceptual Site Plan

12-storey residential towers

1 entrance off of Upper James Street



3 entrances off of Stone Church Road

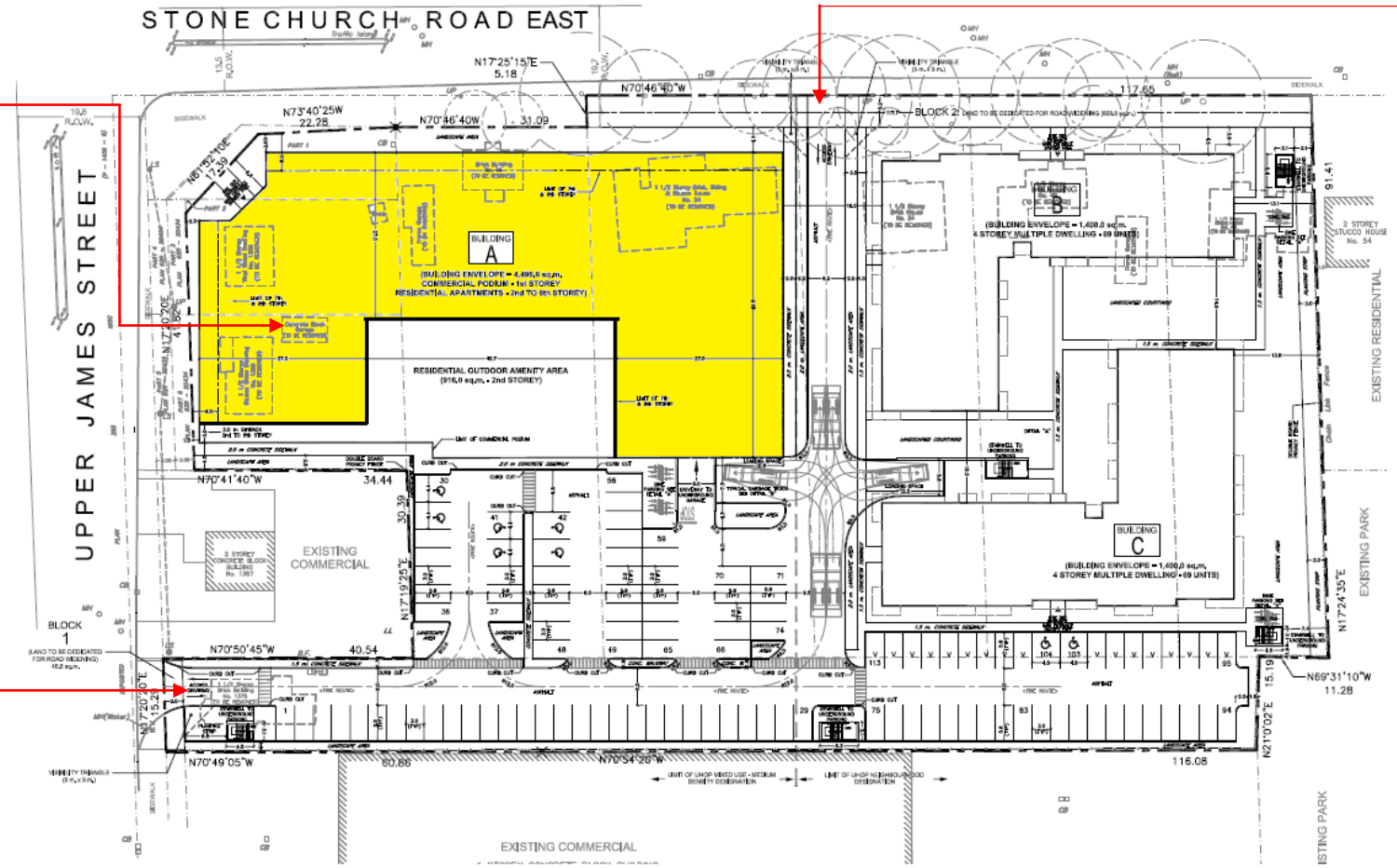
Official Plan Amendment **WOULD** be required

NORTH ELEVATION (STONECHURCH ROAD)
EAST ELEVATION (INTERIOR ROAD)
WEST ELEVATION (UPPER JAMES STREET)
SOUTH ELEVATION
BUILDING 'A'
DRAFT
FOR DISCUSSION PURPOSES ONLY
REVISIONS
ARCHITECTURAL DESIGN INC.
56 PENNSYLVANIA AVE. UNIT 1
CONCORD, ONT. L4K 3V9
TEL 905 660-9393
FAX 905 660-9419
PROJECT:
RESIDENTIAL AND COMMERCIAL DEVELOPMENT
FOR: A.R. RICCIO DEVELOPMENTS INC.
AT: UPPER JAMES ST. / STONECHURCH RD. HAMILTON
DRAWING:
ELEVATIONS (BLDG A)
DATE SEP '18
PROJECT NO 17-076
DRAWN L.A.
DRAWING NO A-1
SCALE 1:200

Current Proposed Development (2019)

8-storey mixed use building

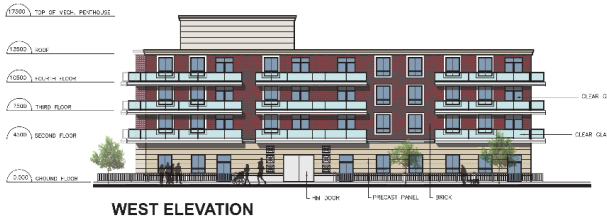
1 entrance off Upper James Street



1 entrance off Stone Church Road – safe distance from intersection and far enough away from adjacent residential neighbourhood

NO Official Plan Amendment is required

NORTH ELEVATION (STONECHURCH ROAD)



WEST ELEVATION

EAST ELEVATION

SOUTH ELEVATION

BUILDING 'B'

DRAFT
FOR DISCUSSION PURPOSES ONLY

5 4 3 2 1 0 5 10 15
SCALE

REVISIONS

#		DATE

ONTARIO ASSOCIATION OF ARCHITECTS
LEO ARCEMA
LICENCE
7561

ALL DRAWINGS & SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND CANNOT BE USED OR REPRODUCED WITHOUT HIS APPROVAL.

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS, DATA AND REPORT ANY DISCREPANCIES TO THE ARCHITECT.

ALL DRAWINGS MUST NOT BE SCALED.

ARCHITECTURAL DESIGN INC.
56 PENNSYLVANIA AVE.
UNIT 1
CONCORD, ONT. L4K 3V9
TEL 905 660-9393
FAX 905 660-9419

PROJECT
RESIDENTIAL AND COMMERICAL DEVELOPMENT

FOR: A.R. RICCIO DEVELOPMENTS INC.
AT: UPPER JAMES ST. / STONECHURCH RD.
HAMILTON

DRAWING
ELEVATIONS (BLDG B)

DATE SEP '18	PROJECT NO 17–076
DRAWN L.A.	DRAWING NO A–1
CHECKED	
SCALE 1:200	

SOUTH ELEVATION

EAST ELEVATION

WEST ELEVATION

NORTH ELEVATION

BUILDING 'C'

DRAFT
FOR DISCUSSION PURPOSES ONLY

SCALE

REVISIONS

#	DATE

ONTARIO ASSOCIATION OF ARCHITECTS
LOI ARCHWA
LICENCE
7561

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ARCHITECTURAL DESIGN INC.
56 PENNSYLVANIA AVE.
UNIT 1
CONCORD, ONT. L4K 3V9
TEL 905 660-9393
FAX 905 660-9419

PROJECT
RESIDENTIAL AND COMMERICAL DEVELOPMENT
FOR: A.R. RICCIO DEVELOPMENTS INC.
AT: UPPER JAMES ST. / STONECHURCH RD. HAMILTON

DRAWING
ELEVATIONS (BLDG C)

DATE SEP '18	PROJECT NO 17–076
DRAWN L.A.	DRAWING NO A–1
CHECKED	
SCALE 1:200	

VARCON

ESTABLISHED IN 1994

mainline

planning services inc.

Hamilton

Thank You

From: Robert Dickson <
Sent: September 13, 2019 1:17 PM
To: Zajac, George <George.Zajac@hamilton.ca>; Rybensky, Yvette <Yvette.Rybensky@hamilton.ca>
Cc: Danko, John-Paul <John-Paul.Danko@hamilton.ca>
Subject: Critical Omission from Application for Development (PED19059)(Ward 8)

ATTENTION: George Zajac, Yvette Rybensky
Planning and Development
City of Hamilton

RE: Application for Zoning By-law Amendment
File ZAC-11-070
PED 19059 Ward 8

Thank you for providing me with the details of the **Staff Approved Application** for Zoning By-law amendments to permit development of properties at the South East corner of Upper James Street and Stone Church Road in the City of Hamilton.

On careful review, I am deeply concerned that either by accident or lack of information, a description of the lands in close proximity, repeatedly and critically **OMITTED** the presence of Barton Stone – Mt. Hope United Church and Education building, which are located on the South West corner of the same intersection – directly across the street and only a few feet away from the proposed development. In the Application, **land to the West of the development is referred to as "a cemetery". No mention of the Church buildings**. The Church is Historically designated as a Heritage structure – and is the oldest church in Hamilton. It is in active use for weekly worship and other meetings. It is adjacent to the church's Education Building, which is used daily for many activities – including programs for children. The Church is critical to the appearance of the intersection.

It will be immediately apparent that the presence and use of the Church and Education Building are historically critical and generate large volumes of traffic at an already complex intersection.

Development as proposed (repeatedly over the years) to the East – across the street from the Church would have major implications for several City departments. Without addition to the proposed application and development, Traffic, Historical Background, Cultural Heritage, Design, Landscape character of the surrounding area, Urban design, Safe Communities Department, Health Hazards, Shading (no more "sunrise services") etc. will not have had, nor will have, adequate information to make an informed decision about the proposed development – or the current "Staff Approved" Application - already in print and incomplete.

Once again, I strongly oppose the current Application. I would suggest that the property owners adopt the "ALTERNATIVES FOR CONSIDERATION" suggested in the Staff Report.

Please remove my email contact from this email before it is entered into the public domain. Please attach this email to my previous letter of September 4, 2019.

Thank you for your consideration and understanding,

Dr. Robert Dickson

WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

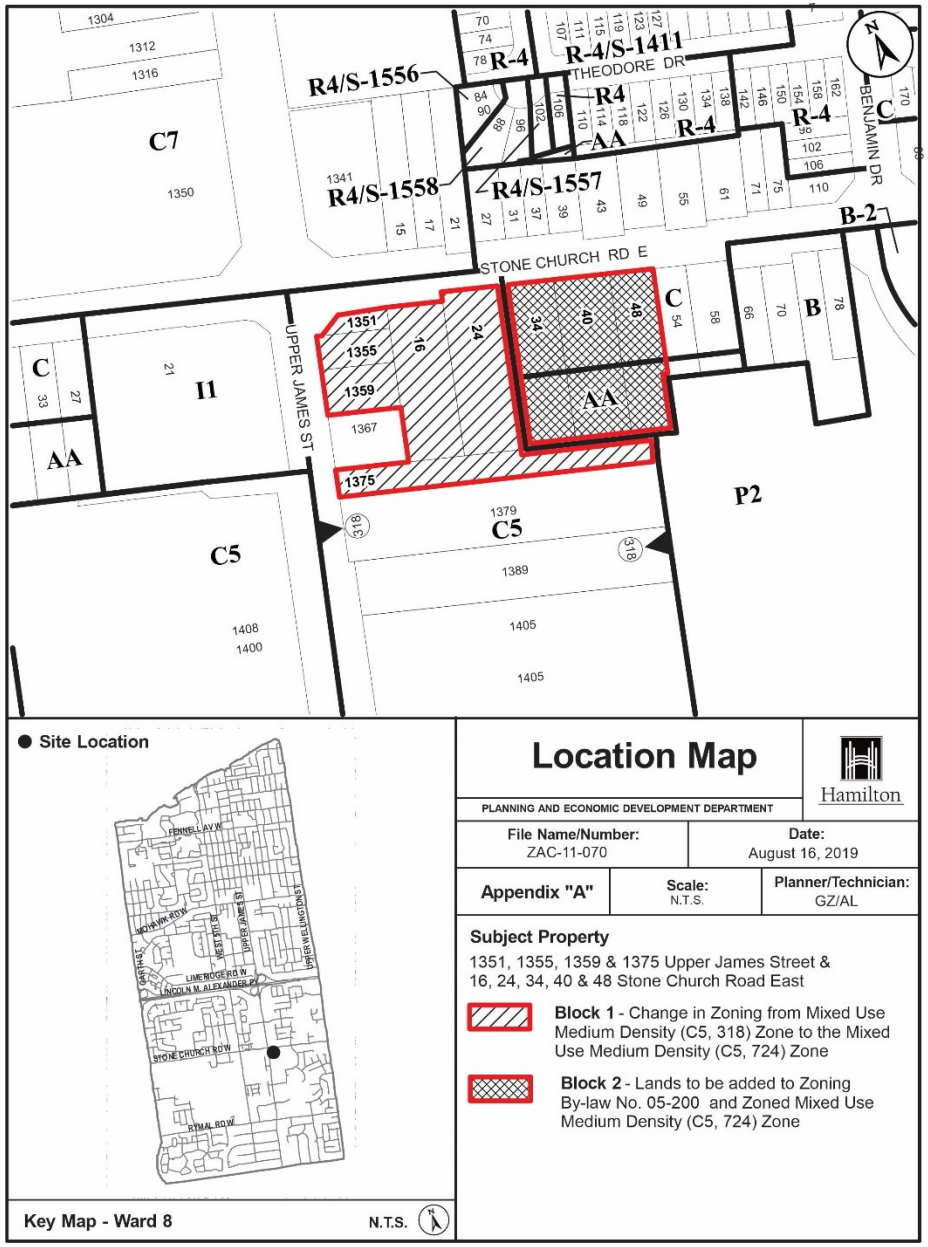
September 17, 2019

Presented by: George T. Zajac

PED19059 – (ZAC-11-070)

Application for Zoning By-law Amendment for Lands Located at
1351, 1355, 1359 and 1375 Upper James Street and
16, 24, 34, 40 and 48 Stone Church Road East, Hamilton.

Presented by: George T. Zajac


R4/S-1556
R-4
R-4/S-1411
THEODORE DR
R4
AA
R-4
R-4
C
BENJAMIN DR
C7
R4/S-1558
R4/S-1557
B-2
STONE CHURCH RD E
C
B
C
AA
I1
UPPER JAMES ST
1351
1355
1359
1367
1375
16
24
34
40
48
AA
P2
C5
C5
1379
1389
1405
1405
1408
1400
318
318
Site Location
FENNELL AV W
MOHAWK ROW
UPPER JAMES ST
UPPER WELLINGTON ST
LIMEROCK RD N
LINDSIAY DR
LINCOLN M. ALEXANDER PY
STONE CHURCH ROW
RYMAL RD W
Key Map - Ward 8
N.T.S.
Location Map
Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
File Name/Number:
ZAC-11-070
Date:
August 16, 2019
Appendix "A"
Scale:
N.T.S.
Planner/Technician:
GZ/AL
Subject Property
1351, 1355, 1359 & 1375 Upper James Street &
16, 24, 34, 40 & 48 Stone Church Road East
Block 1 - Change in Zoning from Mixed Use Medium Density (C5, 318) Zone to the Mixed Use Medium Density (C5, 724) Zone
Block 2 - Lands to be added to Zoning By-law No. 05-200 and Zoned Mixed Use Medium Density (C5, 724) Zone

SUBJECT PROPERTY

1351, 1355, 1359 & 1375 Upper James Street &
16, 24, 34, 40 & 48 Stone Church Road East, Hamilton

Urban Hamilton Official Plan ("UHOP")

Schedule "E" – Urban Structure

Neighbourhoods" (34, 40 and 48 Stone Church Road East),
"Primary Corridor" (16 and 24 Stone Church Road East, 1351, 1355, 1359, and a portion of 1375 Upper James Street)
"Community Node" (16 and 24 Stone Church Road East, 1351, 1355, 1359 and 1375 Upper James Street)

Schedule "E-1" – Urban Land Use Designations

"Neighbourhoods" (34, 40 and 48 Stone Church Road East)
"Mixed Use – Medium Density" (16, 24 Stone Church Road East, 1351, 1355, 1359 and1375 Upper James Street)

The subject property is also identified as located on a Potential Rapid Transit Line (B.L.A.S.T.) per Appendix B - Major Transportation Facilities and Routes.

NO OFFICIAL PLAN AMENDMENT REQUIRED

- Consistent with the Provincial Policy Statement;
- Conforms to A Place to Grow Plan (2019); and,
- Conforms to the City's UHOP

CHRONOLOGY

Original Submission – October 27, 2011

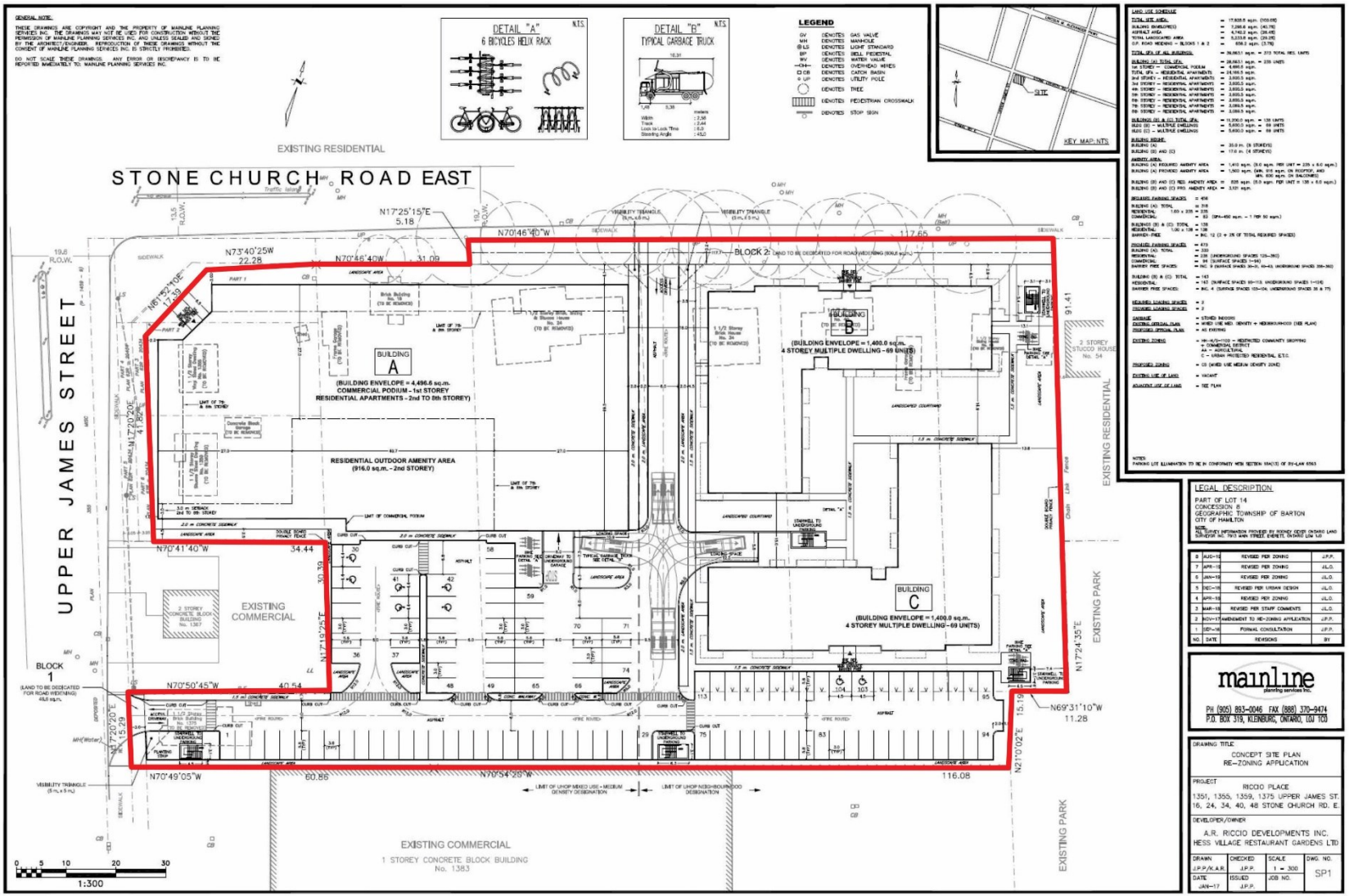
The applicant's original submission was for an Official Plan and Zoning By-law Amendment to permit 13, three storey townhouses, two, 12 storey multiple dwellings with a two storey mixed-use podium, as well as three, one storey commercial buildings.

Second Submission – November 15, 2017

After meetings with City staff, the applicants re-submitted for an eight storey mixed-use building with commercial uses on the ground floor at the corner of Upper James Street and Stone Church Road East and four, three and four storey multiple dwellings on the easterly portion of the subject property; these adjustments eliminated the need for an Official Plan Amendment.

Third Submission – January 19, 2019

In response to City staff comments, the applicant further revised the subject proposal to maintain the eight storey mixed-use building, but proposed two, four storey multiple dwellings on the easterly portion of the subject property. This concept was later refined to address various staff comments.


STONE CHURCH ROAD EAST
UPPER JAMES STREET
EXISTING RESIDENTIAL
EXISTING COMMERCIAL
EXISTING PARK
BUILDING A
(BUILDING ENVELOPE = 4,496.6 sq.m.
COMMERCIAL PODIUM - 1st STOREY
RESIDENTIAL APARTMENTS - 2nd TO 8th STOREY)
RESIDENTIAL OUTDOOR AMENITY AREA
(916.0 sq.m. - 2nd STOREY)
BUILDING B
(BUILDING ENVELOPE = 1,400.0 sq.m.
4 STOREY MULTIPLE DWELLING - 69 UNITS)
BUILDING C
(BUILDING ENVELOPE = 1,400.0 sq.m.
4 STOREY MULTIPLE DWELLING - 69 UNITS)
BLOCK 1
BLOCK 2
DETAIL "A"
6 BICYCLES HELIX RACK
DETAIL "B"
TYPICAL GARBAGE TRUCK
LEGEND
KEY MAP-NTS
LEGAL DESCRIPTION
PART OF LOT 14
CONCESSION 6
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON
mainline
planning services inc.
PH (905) 893-0046 FAX (888) 370-9474
P.O. BOX 319, KLEINBURG, ONTARIO, L0J 1C0
DRAWING TITLE
CONCEPT SITE PLAN
RE-ZONING APPLICATION
PROJECT
RICCIO PLACE
1351, 1355, 1359, 1375 UPPER JAMES ST.
16, 24, 34, 40, 48 STONE CHURCH RD. E.
DEVELOPER/OWNER
A.R. RICCIO DEVELOPMENTS INC.
HESS VILLAGE RESTAURANT GARDENS LTD
DRAWN J.P.P./K.A.R.
CHECKED J.P.P.
SCALE 1 = 300
DWG. NO. SP1
DATE JAN-17
ISSUED J.P.P.
JOB NO.
1:300

Item 2.
Item 1.
NORTH ELEVATION (STONECHURCH ROAD)
EAST ELEVATION (INTERIOR ROAD)
WEST ELEVATION (UPPER JAMES STREET)
SOUTH ELEVATION
BUILDING 'A'
DRAFT
FOR DISCUSSION PURPOSES ONLY
REVISIONS
ARCHITECTURAL DESIGN INC.
58 PENNSYLVANIA AVE. UNIT 1
CONCORD, ONT. L4K 3V9
TEL 905 660-9393
FAX 905 660-9419
PROJECT
RESIDENTIAL AND COMMERCIAL DEVELOPMENT
FOR: A.R. RICCIO DEVELOPMENTS INC.
AT: UPPER JAMES ST. / STONECHURCH RD. HAMILTON
DRAWING
ELEVATIONS (BLDG A)
DATE SEP '18
PROJECT NO. 17-076
DRAWN L.A.
DRAWING NO. NO
A-1
CHECKED
SCALE 1:200
ONTARIO ASSOCIATION OF ARCHITECTS

BUILDING 'B'

DRAFT
FOR DISCUSSION PURPOSES ONLY

REVISIONS

ONTARIO ASSOCIATION OF ARCHITECTS

ARCHITECTURAL DESIGN INC.
36 PENNSYLVANIA AVE. UNIT 1
CONCORD, ONT. L4K 5Y9
TEL 905 660-6583
FAX 905 660-9419

PROJECT
RESIDENTIAL AND COMMERCIAL DEVELOPMENT
FOR: A.R. RICCIO DEVELOPMENTS INC.
AT: UPPER JAMES ST. / STONECHURCH RD. HAMILTON.

DRAWING
ELEVATIONS (BLDG B)
DATE SEP '19
PROJECT NO 17-076
DRAWN L.A.
CHECKED
DRAWING NO A-1
SCALE 1:200

SOUTH ELEVATION

EAST ELEVATION

WEST ELEVATION

NORTH ELEVATION

BUILDING 'C'

DRAFT
FOR DISCUSSION PURPOSES ONLY

SCALE

REVISIONS

#		DATE

ONTARIO ASSOCIATION OF ARCHITECTS

ARCHITECTURAL DESIGN INC.
35 PENNSYLVANIA AVE. UNIT 1
CONCORD, ONT. L4K 3V9
TEL 905 660-6383
FAX 905 660-6419

PROJECT
RESIDENTIAL AND COMMERCIAL DEVELOPMENT
FOR: A.R. RICCIO DEVELOPMENTS INC.
AT: UPPER JAMES ST. / STONEHAVEN RD.
HAMILTON

DRAWING
ELEVATIONS (BLDG C)

DATE SEP '18	PROJECT NO 17-076
DRAWN L.A.	DRAWING NO A-1
CHECKED	
SCALE 1:200	

PED19039
Photo 1

Looking north along Upper James Street

PED19039
Photo 2

Looking east along Stone Church Road East

PED19039

Photo 3

Looking west along Stone Church Road East

PED19039

Photo 4

Looking south along Upper James Street

PED19039
Photo 5

Looking at the Subject Property from Upper James Street

PED19039
Photo 6

Looking at the Subject Property from Stone Church Road East

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 17, 2019
SUBJECT/REPORT NO:	Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176)
WARD(S) AFFECTED:	Wards 1 and 8
PREPARED BY:	Timothy Lee (905) 546-2424 Ext. 1249 Senior Planner, Policy Planning and Zoning By-law Reform
SUBMITTED BY: **SIGNATURE:**	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATION(S)

(a) That Report PED19176 (City Initiative CI-19-D - Accessory Dwelling Units - Pilot Project for Wards 1 and 8) to establish a Temporary Use By-law to amend Section 19 – Residential Conversion zone regulations in City of Hamilton Zoning By-law No. 6593, to provide for alternative zoning by-law standards on a temporary basis for three years to facilitate the creation of accessory units in single detached and two family dwellings, as part of the Low Density Rental Housing Licensing Pilot Project in Wards 1 and 8, be received; and,

(b) That Report PED19176, together with any written submissions and input from delegations of the Low Density Rental Housing Licensing Pilot Project received at Planning Committee, be referred to staff for consideration and incorporated into a further report and amending By-law to be presented to a future Planning Committee.

EXECUTIVE SUMMARY

Staff of the Licensing and By-law Services Section of the Planning and Economic Development Department were directed to look into a Rental Housing Licensing Pilot Project for Wards 1 and 8 (Planning Committee Report 18-015, December 19, 2018).

It is proposed, through the Rental Housing Pilot Project, that residential properties with fewer than five rental units will be required to obtain a Rental Business Owner Licence. The licence would be granted once the property demonstrates conformity/compliance with the applicable provisions of Hamilton Zoning By-law No. 6593, the Ontario Building Code (OBC) and the Fire Code of Ontario. This compliance/conformity requirement would be achieved through a Building Permit application. Based on preliminary stakeholder feedback on a Rental Housing Licensing regime, a concern has been raised that an unintended consequence will be the removal of existing rental units that do not comply with the in-force zoning provisions. Given that staff are in the process of developing updated zoning provisions for accessory dwelling units for community consultation, the need for an interim measure was identified, which is the nature of Report PED19176. A proposed Temporary Use By-law, attached as Appendix "A" to Report PED19176, to amend Section 19 – Residential Conversion in Hamilton Zoning By-law No. 6593is being recommended by staff as an appropriate interim measure that will enable staff to assess the proposed alternative zoning regulations for accessory dwelling units.

At present, establishing an Accessory Dwelling Unit requires meeting Section 19 – Residential Conversion zone regulations or seek a Minor Variance approval through the Committee of Adjustment, or Rezoning. To assist with the Pilot Project, the proposed Temporary Use By-law (See Appendix "A" to Report PED19176.) amends the conversion regulations associated with a single detached dwelling and two-family dwellings. The proposed amendments ensure rental units are maintained and contribute to housing supply, while integrating with the surrounding community. The Temporary Use By-law is proposed to be in effect for up to 36-months until the completion of the New Residential Zones project which will bring residential zones into Hamilton Zoning By-law No. 05-200, including permitting Second Dwelling Units city-wide.

The proposed Zoning By-law amendments, as listed below, only apply to single detached dwellings and two-family dwellings for Wards 1 and 8:

Existing Regulation	Temporary Exemption
"B", "B-1", "B-2", "C", "D", "R-2", "DE" "DE-2", "DE-3", "E", "E-1", "E-2", and "E-3" Districts	
Minimum 65 m^2 for each dwelling unit	No minimum size requirement
Minimum lot area - 270 m^2	Minimum lot area reduced to 200 m^2
For lands east of Highway 403 in Ward 1 only	
	Add a new regulation to exempt existing legally established single and two-family dwellings with no parking from the current zoning standards.

The first step is for Report PED19176to be received for information for information, and any written submissions and input resulting from the Low Density Rental Housing Licensing Pilot Project be considered and incorporated into a further report, including any zoning by-law changes.

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: Subsection 39 of the *Planning Act* allows a municipality to pass Temporary Use By-law for a 3 year period with an extension of up to another 3 years.

Subsection 34(19.1) of the *Planning Act* restricts appeals of any by-law passed under Section 34 relating to second dwelling units. A Temporary Use by-law is passed under Subsection 34 and therefore no appeals of the by-law are permitted under the Planning Act.

HISTORICAL BACKGROUND

1.0 Section 19 – Residential Conversion Regulations in Hamilton Zoning By-law No. 6593

A staff report was brought forward to the January 1991 City of Hamilton Planning and Development Committee which included the *Housing Intensification Strategy Report.* The Strategy Report provided information respecting the opportunity to revise and update the in-force zoning regulations to facilitate the conversion of dwelling units to permit Accessory Units. The Report also identified advantages and disadvantages of residential conversion, including benefits to the community. The report mentioned that Accessory Dwelling Units were a cost-effective solution to increase housing supply by homeowners without governmental investment; Accessory Dwellings were a way to utilize existing hard and soft infrastructure such as roads, sewers, and water services; and, implemented the concept of sustainable development by promoting a more compact urban form. This study resulted in an amendment to the City of Hamilton Zoning By-law No. 6593 and the creation of Section 19 – Residential Conversion Requirements zone regulations which was approved through By-law No. 92-281.

Section 19 of the Zoning By-law allows residential conversions based on Zone Districts The table below shows Accessory Dwelling Units are permitted in association with Single Detached Dwellings, and Two Family and Multiple Dwellings by Zone Districts.

Single Detached Dwellings (Section 19.1)	Two Family Dwelling, Multiple Dwellings (Section 19.2)
"AA", "B", "B-1", "B-2", "C", "D", "R-2", "DE", "DE-2", "DE-3", "E", "E-2", "E-3" Districts	"DE", "DE-2", "DE-3", "E", "E-2", "E-3" Districts

At the December 18, 2018 Planning Committee meeting, staff was directed to explore a Rental Housing Licensing Pilot Project for Wards 1 and 8 by the Licensing and By-law Services Section of the Planning and Economic Development Department.

The Pilot Project will require residential properties with fewer than five rental units to obtain a Rental Business Owner Licence which would be granted upon review of zone regulations in Hamilton Zoning By-law No. 6593, the Ontario Building Code (OBC) and the Fire Code of Ontario through the submission of a Building Permit application.

In response to Council's direction, Planning and Economic Development Department staff have received preliminary feedback from stakeholders that a possible unintended consequence of the Licencing regime would be the removal of rental market housing units that have been created but do not comply with zoning. Specifically, the current minimum unit size (65 m^2) and the minimum lot area (270 m^2) have been identified as barriers to the legalization and/or creation of accessory dwelling units. To assist with the Pilot Project and facilitate input, it is proposed a Temporary Use By-law be passed to relax the lot area and unit size requirements. The Temporary Use By-law (See Appendix "A") would amends zone regulations associated with a single detached dwelling and two-family dwellings.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Legislation and regulations

Bill 108 (More Homes, More Choice Act, 2019) received Royal Assent on June 6, 2019 and is a response by the Provincial Government to increase housing supply. One such method is direct municipalities to permit up to two Second Dwelling Units in single detached, semi-detached, and rowhouses in all municipalities in Ontario through its Official Plans and Zoning By-laws.

In addition, the provincial Government introduced a companion regulation to address parking and age of dwelling unit which the commenting period has recently ended. The proposed Temporary Use By-law provides relief from certain Residential Conversion regulations because of the Pilot Project.

2.0 Provincial Policy

1.1 Provincial Policy Statement 2014 (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development which the UHOP has implemented. Section 1 – Building Strong Healthy Communities – requires a municipality to include policies in their Official Plan to address affordable housing (Policy 1.4.3.a) and the provision of housing for special needs groups (Policy 1.4.3.b.1.). Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, institutional, recreation, park and open space, and other uses to meet long-term needs.

The proposed Temporary Use By-law is consistent with the PPS in that it allows for Accessory Dwelling Units in single detached dwellings with more flexible Zoning By-law regulations.

1.2 Proposed Provincial Policy Statement 2019

The Province released the draft Provincial Policy Statement (2019) on July 22, 2019, and the three-month comment period ends on October 21, 2019. The proposed PPS 2019 proposes to accommodate a mix of residential types such as (additional residential units and housing for older persons) and living arrangements that should be employed in intensification and accommodating supply and range of housing options through intensification.

1.3 Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2019)

The Growth Plan contains similar policies to the PPS that requires a municipality, though the completion of a Housing Strategy, to identify affordable housing for current and future populations.

Policy 2.2.6.1 a) i) requires that municipalities plan to achieve certain density targets for both inside and outside the built boundary. To achieve these targets, municipalities must identify a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents. This is also identified under Policy 1.2.1: Guiding Principles. This includes second units to serve all sizes, incomes, and ages of households (Policy 2.2.1.4).

The proposed Temporary Use By-law conforms to the Growth Plan by encouraging the establishment of Accessory Dwelling Units in Hamilton and providing more flexible Zone regulations.

2.0 Urban Hamilton Official Plan (UHOP)

Housing policies in Volume 1 of the UHOP identifies the need for a range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents (Policy B.3.2.1.1). Further, the goal includes increasing Hamilton's housing stock based on tenure, affordability throughout the urban area of the City (Policies B.3.2.1.4 and B.3.2.1.6).

Additional general housing policies where Policy B.3.2.4.1 states the development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. Residential Intensification policies also speak to integration of new development with the existing neighbourhood and consider scale, bulk, and massing.

Under the general land use provision, Policy C.3.2.2d) and Policy E.3.2.3a) states Second Dwelling Units shall be permitted within single and semi-detached dwellings provided it complies with all applicable policies and the Zoning By-law.

Additional Policies can also be found in respective Secondary Plans in Volume 2 of the UHOP. The proposed Temporary Use By-law conforms to the policies of the UHOP as it provides relief from Zone regulations to simplify establishing Accessory Dwelling Units.

2.1 Ainslie Wood Westdale Secondary Plan:

Accessory Dwelling Units are permitted in the Low Density Residential 2 designation as identified in Policy B.6.2.5.4a)i) and generally development must be compatible with the surrounding existing neighbourhood as directed under Policy B.6.2.5.2a), b), and c).

Existing policies in the Secondary Plan provides further support to the proposed Zoning By-law as Accessory Dwelling Units are a recognized form of housing that is permitted within ground related housing, and general amendments to Section 19 of Hamilton Zoning By-law No. 6593 support these policies to encourage Accessory Dwelling Units to be established.

2.2 Strathcona Secondary Plan:

Under Policy B.6.6.5.2 – General Residential Policies of the Secondary Plan, residential development and infill development shall reflect and enhance the character of the residential areas and provide for a broad range and mix of housing types and

opportunities in terms of built form and tenure. Under Subsection g), all development proposals shall consider compatibility with adjacent uses including its scale and character of the existing residential neighbourhood.

3.0 City of Hamilton Official Plan

Certain lands affected by the proposed Temporary Use By-law (See Appendix “”A) to the north and west of York Boulevard and Queen Street North are not included within the UHOP as there was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the Setting Sail Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP and the Setting Sail Secondary Plan was still under appeal. The lands are currently designated “West Harbour” on Schedule “A” Land Use Concept of the City of Hamilton Official Plan, identifying the area as the West Harbour (Setting Sail) Secondary Plan.

3.1 West Harbour (Setting Sail) Secondary Plan:

Accessory dwellings are considered under Policy A.6.3.3.1.12, as development in the Low Density Residential areas new development in the existing neighbourhood should consider scale, type, and character. The proposed Temporary Use By-law provides certain relief from Residential Conversion Zone regulations while maintaining the intent of the Secondary Plan policy.

4.0 Zoning By-laws

Briefly, the current zone regulations under Section 19 of Hamilton Zoning By-law No. 6593 which area applicable to the Pilot Project area permit accessory units subject to the following requirements:

- One Accessory Dwelling Unit is permitted in a single detached dwelling under Section 19 (1) for “B”, “B-1”, “B-2”, “C”, “D”, and “R-2” Districts;

- One or more Accessory Dwelling Units are also permitted in Two-Family Dwellings, Three-Family Dwellings, and Multiple Dwellings under Section 19(2) for “DE” “DE-2”, “DE-3”, “E”, “E-1”, “E-2”, and “E-3” Districts;

- Each dwelling unit (i.e. the principal dwelling and the accessory dwelling unit) must have a floor area of at least 65 square metres;

- The minimum lot size shall be 270 square metres;

- The external appearance and character of the dwelling shall be preserved;

- There shall be no outside stairway other than an exterior exit;
- Parking requirements, access driveway, and manoeuvring space shall be provided in accordance with Section 18A of the Zoning By-law; and,
- A minimum of 50% of the front yard shall be landscaped.

The intent of these regulations is to permit Accessory Dwelling Units based on the minimum lot size requirement and minimum gross floor area of each dwelling unit to meet Ontario Building Code requirements and to maintain the appearance and character of the dwelling.

As part of the proposed Temporary Use By-law (See Appendix "A"), certain Zone regulations are amended to provide relief for homeowners wishing to establish an Accessory Dwelling Units. This Temporary Use By-law is part of the implementation of the Low Density Rental Dwelling Licensing Pilot Project which reduces the number of regulations which should assist landlords in legalizing their Accessory Dwelling Units.

RELEVANT CONSULTATION

The following Sections and Departments were consulted:

Licensing and By-law Services, Planning and Economic Development Department

Investment In Affordable Housing Section, Healthy and Safe Communities Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1.0 Licensing By-law for Low Density Rental Housing Wards 1 and 8 – Pilot Project Area

The purpose of this Pilot Project, led by the Licensing and By-law Services Section, is to implement a low density rental housing licensing program for buildings containing 5 rental units or less in two Pilot Project areas of Wards 1 and 8. A license shall only be granted upon successful review of the zone regulations under Hamilton Zoning By-law No. 6593, the Ontario Building Code (OBC), and the Ontario Fire Code.

To support the Pilot Project, the proposed Temporary Use By-law (See Appendix "A") was initiated to provide relief to certain zone regulations in Section 19 – Residential Conversion Requirements in Hamilton Zoning By-law No. 6593. The recommendation is to receive Report PED19176 and to consider any written submissions and input from delegations received at Planning Committee. This input would be addressed in a future

report and amending Temporary Use Zoning By-law to be presented to Planning Committee for Consideration. It is anticipated that a report on the Pilot Project will be brought forward to Planning Committee in the near future where the opportunities for written comments and input from delegations will exist.

The following is an analysis of the Zone regulations amended through the proposed By-law.

2.0 Temporary Use By-law

Section 19.(1) of Zoning By-law No. 6593 permits Accessory Dwelling Units within existing single detached dwelling based on certain regulations. Similarly, Section 19.(2) permits Accessory Dwelling Units within existing Two-Family Dwellings, Three-Family Dwellings, and Multiple Dwellings. Generally, the same regulations apply to both Sections.

The proposed Temporary Use by-law provides relief to certain zone regulations to facilitate residential conversion of single detached dwelling under Section 19.(1) and single detached dwellings and two family dwellings in Section 19.(2) that have been commonly modified through Minor Variance applications. Examples include reduction in minimum floor area for each dwelling unit and minimum lot size requirements.

2.1 Existing Zoning By-law regulations and Proposed Amendments

The following table identifies the existing Zone regulations under Sections 19.(1) and 19.(2) in Hamilton Zoning By-law No. 6593, whether the zone regulation is amended through the proposed Temporary Use By-law, and the rationale for the amendment (or not amended). A more thorough discussion on Parking Requirements and Manoeuvring can be found under Subsection 2.2 of this Report. The draft Temporary Use By-law can be found in Appendix “A” of this Report.

Regulation	Temporary Exemption	Rationale
“B”, “B-1”, “B-2”, “C”, “D”, “R-2”, “DE” “DE-2”, “DE-3”, “E”, “E-1”, “E-2”, and “E-3” Districts		
Minimum 65 m^2 for each dwelling unit Subsection 19.(1)(i), 19.(2)(i) and 19.2 (v)(2) – in part	Yes	The intent of the minimum floor area of 65 square metres is to ensure the dwelling unit is not too small and undersized.

Regulation	Temporary Exemption	Rationale
No change to the external appearance (e.g. not adding a door to the front of the house Sections 19.(1)(iii) and 19.(2)(ii)	No	Limited changes to the external appearance to the front façade facing the street (i.e. windows and doors to meet OBC requirements) but not permitting two doors facing the street.
No outside stairway, except for an exterior exit. Sections 19.(1)(iv) and 19.(2)(iii)	No	The intent is for dwelling units to be integrated into the neighbourhood fabric. Also addresses the issue of privacy and overlook.
Minimum 50% of front and yards to be landscaped (excludes asphalt, pavers, concrete, gravel, etc.). Sections 19.(1)(v)(2) and 19.(2)(vi)(2)	No	It is important to balance the need for parking spaces with front yard landscaping to minimize paving over the majority or entire front yards. From a climate change perspective, it is important to maintain as much permeable surface as possible. Also maintains the general appearance of the lot from the street.
Parking and Manoeuvring		
2 spaces per dwelling unit, allowed as tandem Table 1, Section 18A	Yes – in part	Affects only in Ward 1 east of Highway 403 to recognize lots with little space to accommodate an extra parking space. See discussion on parking.
Manoeuvring space (6 m) required, but Manoeuvring space for one dwelling unit may be permitted off-site. Sections 19.(1)(v)(2) and 19.(2)(vi)(2)	Yes – in part	Affects only in Ward 1 east of Highway 403 to recognize lots with little space to accommodate an extra parking space.. See discussion on parking.

Regulation	Temporary Exemption	Rationale
New regulation for certain areas to exempt existing single and two-family dwellings with no parking from the current zoning standards.	To be added	Affects only in Ward 1 east of Highway 403 to recognize lots with little space to accommodate an extra parking space.. See discussion on parking.
"B", "B-1", "B-2", "C", "D", and "R-2" Districts		
Minimum lot area for single-detached dwelling 270 m^2. Section 19.(1)(ii)	Yes, , to reduce lot area to 200 m^2.	An amendment allows smaller residential lots to also permit an Accessory Dwelling Unit.
"DE" "DE-2", "DE-3", "E", "E-1", "E-2", and "E-3" Districts		
Minimum 270 m^2 of lot area for one to three dwelling units. Section 19.(2)(v)(1)	Yes, to reduce lot area to 200 m^2.	In these zoning districts, up to two additional dwelling units are permitted provided the lot area is 270 m^2. An exemption allows smaller lots the opportunity for residential conversion.
Minimum 450 m^2 of lot area for more than three dwelling units. Section 19.(2)(v)(2)	No	The intent is to provide a minimum lot area to accommodate the building containing more than three dwelling units, associated parking lot and driveway, building setbacks from the property line, and to address issues of privacy and overlook.
Setback requirements of the applicable zoning district in which the residential building is located shall apply to any extensions or enlargements. Section 19.(2)(iv)	No	The intent is to require a minimum setback from the property line especially for larger residential buildings containing numerous dwelling units. Also address privacy and overlook.

Other zone regulations with respect to encroachment of certain architectural features such as ramps, chimneys, bay windows, ornamental projections, alcoves, and vestibules,

amongst others, are not part of the proposed Temporary Use By-law and are not listed in the above table.

2.2 *Parking Requirements and Parking Arrangement / Manoeuvring*

Under Section 18A of Hamilton Zoning By-law No. 6593, a single detached dwelling containing 8 habitable rooms (i.e. bedroom, living, study room) or less requires two parking spaces. Further, under Section 18A(14h)(i), the two required parking spaces can be arranged in tandem (i.e. cars can be parked in a single-file on a single-car driveway) but only apply to single detached dwellings.

When a homeowner establishes an Accessory Dwelling Unit within the single detached dwelling through the Section 19 – Residential Conversion zone regulations, the single detached dwelling becomes a converted single detached dwelling containing two dwelling units. Additional rooms in the accessory dwelling unit are not counted as part of the habitable rooms for the single detached dwelling. For the purposes of calculating parking requirements, requirements under Two Family Dwelling are used. Based on Table 1 of Section 18A, the number of required parking spaces for the property remains at two for the property (1 parking space for each dwelling unit). This equates to two required parking spaces.

Whereas tandem parking is permitted for Single Detached Dwellings, tandem parking is not permitted for a converted single detached dwelling containing two dwelling units. For example, cars can be parked in a single file with the presence of a single detached dwelling. However, with a converted single detached dwelling, this permission is lost, and unobstructed manoeuvring must therefore be provided for each vehicle. The following is a table summarizing the various parking requirement and combinations.

	Single Detached Dwelling	Converted Single Detached Dwelling containing two dwelling units
Parking Requirement	2.0 parking spaces	1.0 parking spaces per dwelling unit
Total Number of Parking Spaces Required	2.0 parking spaces	2.0 parking spaces
Tandem Parking?	Yes	No

Generally, newer residential communities, such as in Hamilton Mountain, may be able to accommodate two or more cars on a driveway that are unobstructed and have full manoeuvrability onto the street. For example, a two-car driveway/garage can

accommodate two vehicles parked side by side. However, in older communities, such as near the Downtown, where residential lots may not have a driveway onsite, or have a single-car driveway, there is greater difficulty to accommodate the second vehicle that is unobstructed to the street. Variances that have been requested have been for reduction in parking requirements or increase the percentage of paved surface in the front yard to accommodate the second parking spot.

To recognize the unique lot fabric and lack of onsite parking in communities such as Strathcona, (See Schedule “A1” of Appendix “A”), the proposed Temporary Use By-law includes a regulation where parking requirements are deemed to comply for existing legally established single detached dwellings, and where the number and location of the parking spaces are also legally established (See Appendix “A”). In other words, for the purposes of calculating parking requirements, the single detached dwelling use is maintained which also continues to permit tandem parking.

For the remainder of the Pilot Project area (See Schedules “A2” and “B” of Appendix “A”), parking requirements remain status-quo and is not part of the amendment as residential lots are generally wider, and existing driveway may be widened to accommodate the parking space for the accessory dwelling units should additional parking is required while maintaining the minimum landscaped area for the front yard. Further, these are infrequent requests for variances in the remainder of the Pilot Project Area.

The modification to the parking requirements would apply to single detached dwellings in the “B”, “B-1”, “B-2”, “C” and “D” Districts under Section 19.(1), and single detached dwellings and two family dwellings in the “DE” “DE-2”, “DE-3”, “E”, “E-1”, “E-2”, and “E-3” Districts under Section 19.(2) that are legally established with no parking on-site. This exemption does not apply to three family dwellings and multiple dwellings.

ALTERNATIVES FOR CONSIDERATION

Option 1 – Staff would address second dwelling units as part of the residential zones in Zoning By-law No. 05-200. Existing zone regulations under Section 19: Residential Conversion would continue to exist.

Option 2 – Change the length of the proposed Temporary Use By-law to less than 36 months.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" Draft Zoning By-law – Proposed Temporary Use By-law for Second Dwelling Units in Hamilton Zoning By-law No. 6593.

Authority:
Wards 1, 8
Bill No.

CITY OF HAMILTON

BY-LAW NO. 19-XXX

To Amend Zoning By-law No. 6593 Respecting Second Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

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

WHEREAS subsection 39(3) of the *Planning Act* provides that Council may by by-law grant further periods of time that the temporary use is in effect for a period not more than three years;

WHEREAS this By-law adds a Temporary Use expiring three years from the date of the passing of this By-law [DATE TO BE ADDED] respecting a pilot project to modify certain clauses of Section 19 of Zoning By-law No. 6593 respecting Residential Conversion requirements for accessory dwelling units and applying to certain lands within Wards 1 and 8; and,

WHEREAS this By-law conforms with the Urban Hamilton Official Plan and Hamilton Official Plan;

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

1. That Sheet Numbers W11, W12, W13, W14, W15, W21, W22, W23, W24, W25 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by adding Site Specific S-1787 to lands zoned:

    (i) "C" (Urban Protected Residential) District;
    (ii) "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District;
    (iii) "E" (Multiple Dwellings, Lodges, Clubs, etc.) District; and,
    (iv) "DE" (Low Density Multiple Dwellings) District;

    on the lands extent and boundaries of which are shown on a plan hereto annexed as Schedule "A1", but excluding lands zoned "D/S-1745" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified.

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

2. That Sheet Numbers E6, E7, E8, E9, E9a, E9b, E9c, E9d, E9e, W6, W7, W8, W9, W9a, W9b, W9c, W9d, W9e, W15, W16, W17, W17a, W17b, W17c, W17d, W17e, W21, W22, W23, W24, W25, W31, W32, W33, W34, W39, W40, W41, W42, W45, W46, W47, W48, W50, W51, and W52 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by adding Site Specific S-1788 to lands zoned:

   a) “B” (Suburban Agriculture and Residential, etc.) District;
   b) “B-1” (Suburban Agriculture and Residential, etc.) District;
   c) “B-2” (Suburban Residential) District;
   d) “C” (Urban Protected Residential) District;
   e) “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District;
   f) “DE” (Low Density Multiple Dwellings) District;
   g) “R-2” (Urban Protected Residential One and Two Family Dwellings, etc.) District; and,
   h) “E” (Multiple Dwellings, Lodges, Clubs, etc.) District.

   on the lands extent and boundaries of which are shown on a plan hereto annexed as Schedules “A2” and “B”.

3. “S-1787” and “S-1788”

   a) That Section 19.(1) – Residential Conversion Requirements provisions for Single Family Detached dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands identified in Schedules “A1”, “A2”, and “B”, be modified to include the following special requirements:

      i) That Sections 19.(1)(i) shall not apply.

      ii) That section 19.(1)(ii) be modified by deleting the number “270’ and replacing it with the number “200”, so the clause reads as follows:

      “The applicable zoning district regulations for a single family detached dwelling shall apply, except the minimum lot are shall be 200 m^2;”

   b) That Section 19.(2) – Residential Conversion Requirements provisions for single family detached dwellings, and Two Family Dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands identified

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

on Schedules “A1”, “A2”, and “B”, be modified to include the following special requirements:

i) That Section 19.(2)(i) shall not apply.

ii) That Section 19.(2)(v)(1) be modified by deleting the number “270” and replacing it with the number “200”, so the clause reads as follows:

“a minimum lot area of 200 m^2 shall be provided and maintained for one to three dwelling units;”

4. “S-1787”

That Sections 19.(1) and (2) – Residential Conversion Requirements provisions for Single Family Detached dwellings, and Two Family Dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands (Schedule “A1”), be modified to include the following special requirements:

a) Notwithstanding any other provisions of this by-law, the parking requirements in Tables 1 and 2 of Sections 18A(1)(a) and (b) shall be deemed to comply upon establishing accessory dwelling unit(s) within an existing legally established accessory dwelling unit in a single family detached dwelling or Two-Family dwellings, in cases where the number and location of the parking spaces for the single family detached dwelling and Two Family dwellings have been legally established existing on the effective date of this by-law.

5. That Sheet Numbers E6, E7, E8, E9, E9a, E9b, E9c, E9d, E9e, W6, W7, W8, W9, W9a, W9b, W9c, W9d, W9e, W15, W16, W17, W17a, W17b, W17c, W17d, W17e, W11, W12, W13, W14, W15, W21, W22, W23, W24, W25, W31, W32, W33, W34, W39, W40, W41, W42, W45, W46, W47, W48, W50, W51, W52 of the District Maps is amended by adding S-1787 and S-1788 to the lands referred to in Sections 1 and 2 of this By-law.

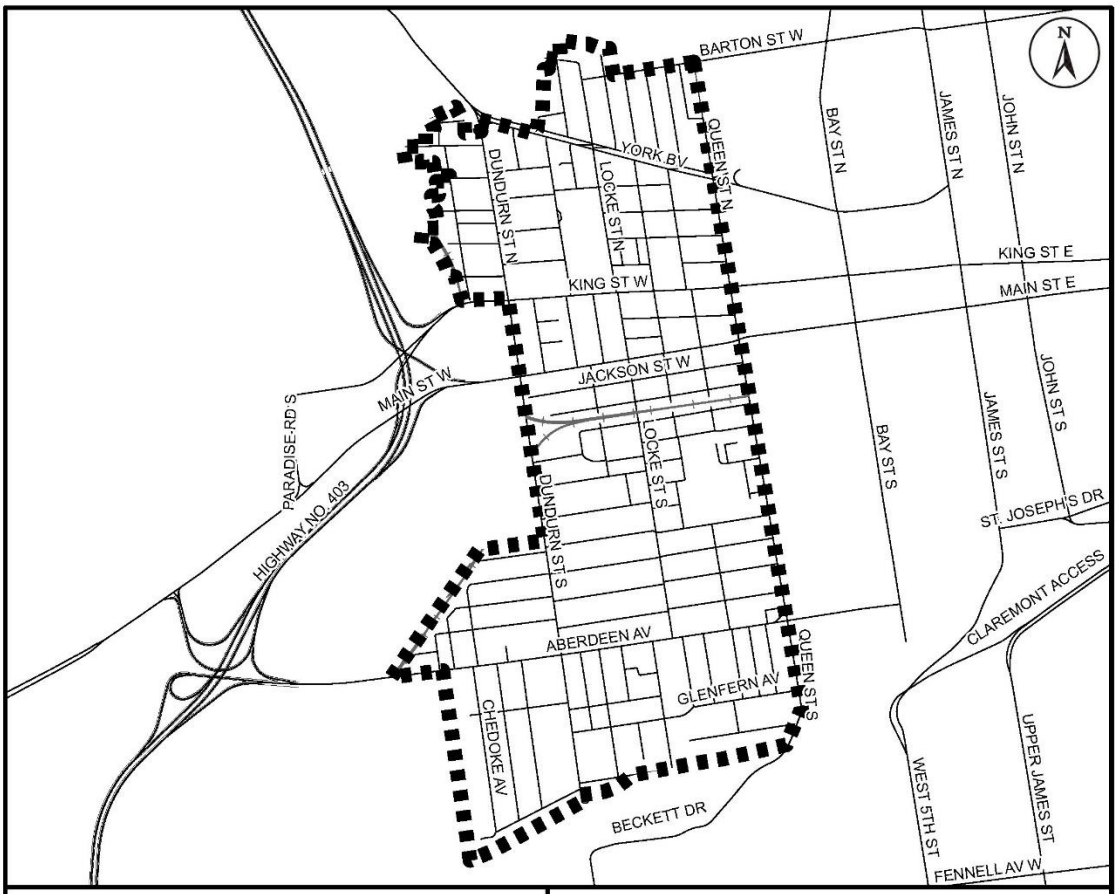
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act.*

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

PASSED this XX day of XX, 2019.

Fred Eisenberger Mayor	Andrea Holland City Clerk

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.



This is Schedule "A1" to By-law No. 19-

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

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

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

Schedule "A1"

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

to Amend By-law No. 6593

Scale: N.T.S	**File Name/Number:** CI-19-D	Hamilton
Date: August 12, 2019	**Planner/Technician:** TL/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

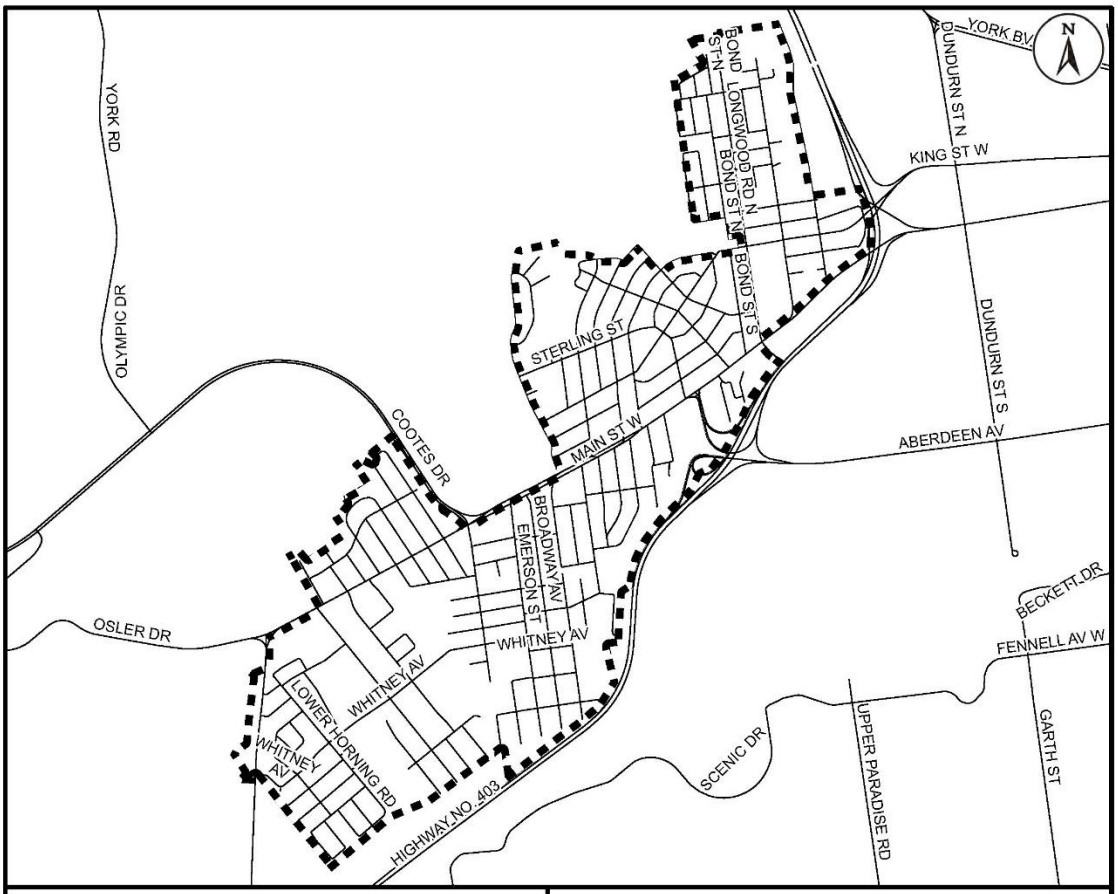
Subject Area

Geographic Area Subject to By-law No. 19___

By-law affecting lands zoned:
“C” (Urban Protected Residential, etc.) District;
“D” (Urban Protected Residential - One and Two-Family Dwellings, etc.) District;
"E" (Multiple Dwellings, Lodges, Clubs, etc.) District; and,
"DE" (Low Density Multiple Dwellings) District

By adding Site Specific Number “S-1787”.

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.



This is Schedule "A2" to By-law No. 19-

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

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

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

Schedule "A2"

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

to Amend By-law No. 6593

Scale: N.T.S	File Name/Number: CI-19-D
Date: August 12, 2019	Planner/Technician: TL/VS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

Hamilton

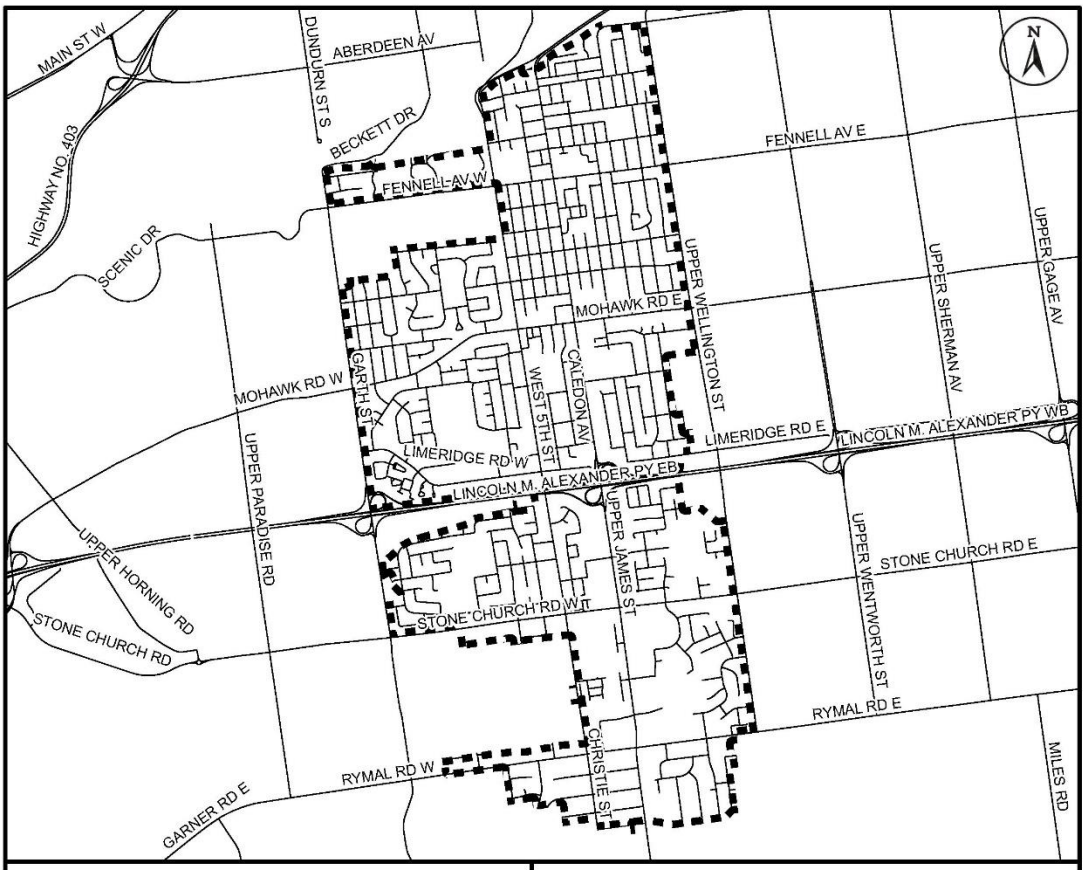
Subject Area

Geographic Area Subject to By-law No. 19___

By-law affecting lands zoned:
“C” (Urban Protected Residential, etc.) District;
“D” (Urban Protected Residential - One and Two-Family Dwellings, etc.) District
"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

By adding Site Specific Number "S-1788".

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.



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

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

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

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

Schedule "B"

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

to Amend By-law No. 6593

Scale: N.T.S	File Name/Number: CI-19-D	Hamilton
Date: August 12, 2019	Planner/Technician: TL/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Subject Area

Geographic Area Subject to By-law No. 19___

By-law affecting lands zoned:
“B” (Suburban Agriculture and Residential, etc.) District;
“B-1” (Suburban Agriculture and Residential, etc.) District;
“B-2” (Suburban Residential) District;
“C” (Urban Protected Residential, etc.) District;
“D” (Urban Protected Residential - One and Two-Family Dwellings, etc.) District;
“R-2” (Urban Protected Residential One and Two Family Dwellings, etc.) District;
"DE" (Low Density Multiple Dwellings) District, and,
"E-2" (Multiple Dwellings) District

By adding Site Specific Number “S-1788” .

Planning Committee
Hamilton City Hall
2nd floor - 71 Main Street West
Hamilton, Ontario L8P 4Y5
RE: Temporary Use Bylaw for City of Hamilton Zoning By-law No. 6593 (PED19176)

The Hamilton and District Apartment Association would like to congratulate City Staff for proposing the Accessory Dwelling Units (Pilot Project) – Temporary Use Bylaw for City of Hamilton Zoning By-law No. 6593 (PED19176). If not for the application of Licensing, we believe the relaxed regulations on zoning requirements in section 19 will help maintain the number of units and perhaps increase the supply. We applaud the City for accepting the direction of the Provincial Government by enacting Bill 108 (More Homes, More Choice Act, 2019).

This effort to help housing providers create more housing is a great step toward increasing supply in Hamilton. Along with the other 25 recommendations proposed in the "Promoting Code Compliant, Affordable, Safe, Clean and Healthy Rental Housing", we believe if this is introduced City wide the changes will go a long way to reduce the housing affordably crisis the City is currently facing. We can only hope that when the official re zoning plan comes out it will also see the same zoning regulation changes so the benefits can increase supply across the City. It would be a shame if the only reason this zoning bylaw change is being proposed is for a licencing regime to be enacted and not because it helps create more affordable housing.

We would like to have the Planning Committee and City Staff look at the implication of what happens after the 3-year proposal term.

- Will units be forced to go back to the current zoning regulations?
- Will investments be wasted when this bylaw is discontinued?
- Will there be a grandfathering clause added?

If the Proposed Pilot Project requires those who create or legalize secondary suites to obtain a building permit with associated inspections, wouldn't that eliminate the need for a licence program as the bylaw officers will have access to the unit during building permit inspection?

Although the Accessory Dwelling Units Pilot Project will help negate some of the displacement issues we would see if a trial licencing program is passed, it will not remove the threat entirely. The position of HDAA remains unchanged and our support of the Accessory Dwelling Units (Pilot Project) should not be considered an acceptance of the concept of Rental Housing Licencing. The threat of licencing still brings with it a serious risk of significant tenant displacement and increased rents because of the costs associated with a program that is already being done through the Cities proactive bylaw enforcement program.

As such, HDAA would support a City-wide section 19 bylaw change as suggested in the Accessory Dwelling Units (Pilot Project) – Temporary Use Bylaw for City of Hamilton Zoning By-law No. 6593 (PED19176).

Respectfully yours,
Hamilton and District Apartment Association

P.O. Box 33522 Dundurn Road Hamilton, Ontario L8P 4X4
P: 289 208 5445 **E:** info@hamiltonapartmentassociation.ca **W:** www.hamiltonapartmentassociation.ca

September 13, 2019

The Planning Committee

City Clerk's Office, 1st floor

71 Main St. West

Hamilton, Ontario

L8P 4Y5

Attn.: Lisa Chamberlain, Planning Coordinator

Re: Temporary Use By-Law No. 6593

Dear Ms. Chamberlain,

I have reviewed the above proposal as outlined in "the Spec" but have not had an opportunity to review the full report available as of September 11, 2019. As I may not be able to attend the meeting on the 17th I wanted to make certain my thoughts and concerns over the proposal, were voiced.

My life experience has taught me that "temporary" is only the beginning of "permanent" particularly once conversion has taken place. To refer to this proposal as "relief" from certain zoning regulations in Residential Conversion makes it seem as though the existing requirements and process are an onerous hardship. This proposal will not result in the vision the planning committee has created for the future but will unfold with a very different look.

...beware your hearts desire...you soon may get it.

I have no issue / concern with eliminating a minimum dwelling size, perhaps resulting in some families of 4 living in 500 square feet (46.5 square metres) or less.

I have no issue with reducing lot size that will ultimately result in the destruction of many of the current single family homes in order to make way for more high-rise condo building units, which will rent for exorbitant

rates (eg. new condo building on Locke St. S; 1 bedroom 800 square feet (74.3 square metres) or so, rents for $2350/ month – Very affordable).

What I do take issue with is the "No additional parking required....."

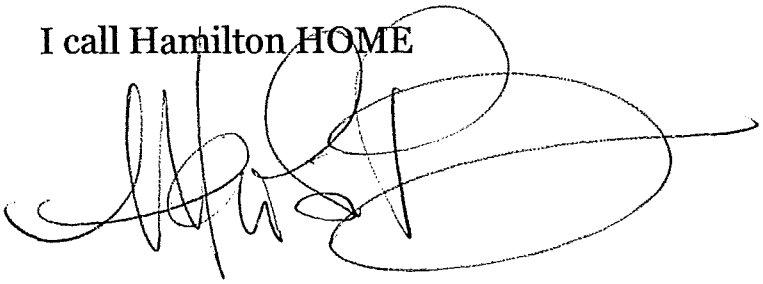
Parking is already an issue on many of the older streets in Ward 1, where I live. Without addressing future parking requirements and making necessary changes to increase street and front yard parking availability, there will be some turmoil resulting from too many housing units with not enough parking. I understand the desire to eliminate parking and get people to take the HSR but Hamiltonians love their vehicles and some people even have multiple vehicles.

In addition, while the conversions are taking place, construction related trucks and vehicles take up precious parking spaces and / or block traffic, creating additional pressure for commuters.

I believe minds are already made up and the concerns of people like myself, who live in the area, are being "outed" by flipper / speculators and big money Toronto developpers and not the single family buyers.

I ask that parking needs in Wards 1 and Ward 8 be reviewed for the purpose of providing relief.

I call Hamilton HOME

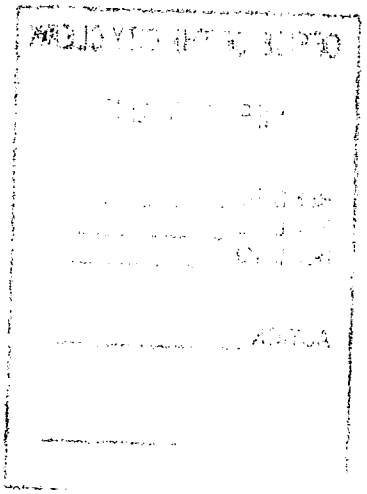


love, light and peace

merosia butschynski

Hamilton, Ontario

Email:



WELCOME TO THE CITY OF HAMILTON

Proposed Temporary Use By-law

Relief from Certain Residential Conversion Zone Regulations in conjunction with the Low Density Rental Housing Pilot Project

September 17, 2019 – Planning Committee Meeting

Purpose of the Proposed Temporary Use By-law

- Proposed By-law directly tied to the Low Density Rental Housing Licensing Pilot Project for Wards 1 and 8.
- Stakeholders identified 1991 Zoning By-law regulations can be a barrier to create accessory dwelling units.
- Proposed By-law is to amend Zone Regulations under Section 19 – Residential Conversion in Hamilton Zoning By-law No. 6593 for a period of 36 months:
  - Minimum dwelling size and lot size requirements
  - Parking requirements and parking arrangements (east of Hwy 403 only)

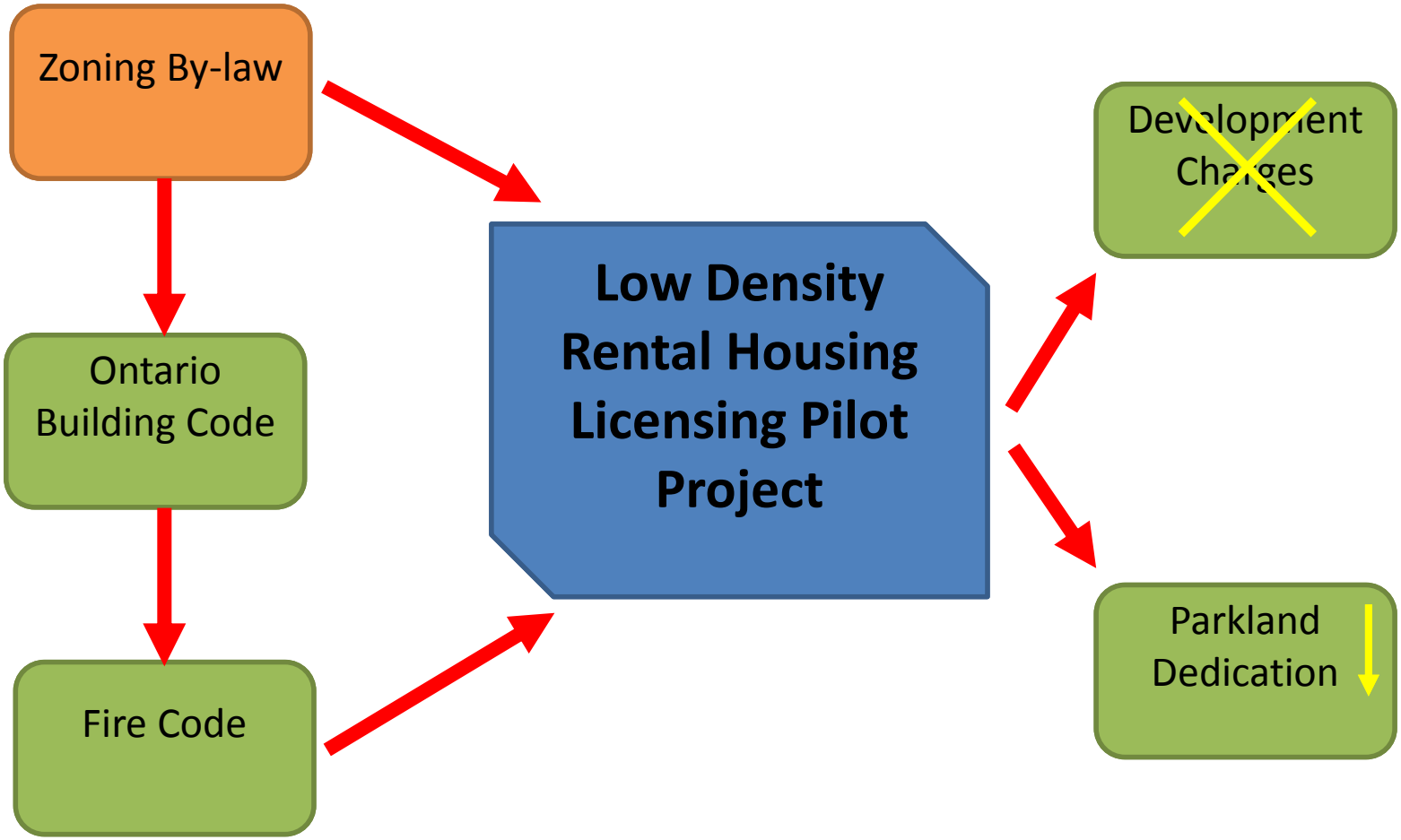
The Proposed Temporary Use By-law also applies to…

- Homeowners who wish to rent out their accessory dwelling units to a tenant.
- Homeowners who wish to provide for accommodation to family members.

Summary of Recommendations for Consideration

- Receive the staff report and proposed Temporary Use By-law.
- Seeking feedback and future direction on the proposed Temporary Use By-law and not the Pilot Project.

Staff is not asking for Committee decision today.


Zoning By-law
Ontario Building Code
Fire Code
Low Density Rental Housing Licensing Pilot Project
Development Charges
Parkland Dedication

What is Section 19 – Residential Conversion of Hamilton Zoning By-law No. 6593?

- A homeowner or land owner can add one additional dwelling unit such as a basement apartment.
- Must comply with Section 19 Residential Conversion zone regulations and is restrict to one accessory dwelling unit per lot.
- This section only applies to the former City of Hamilton.

What is Section 19 – Residential Conversion of Hamilton Zoning By-law No. 6593?

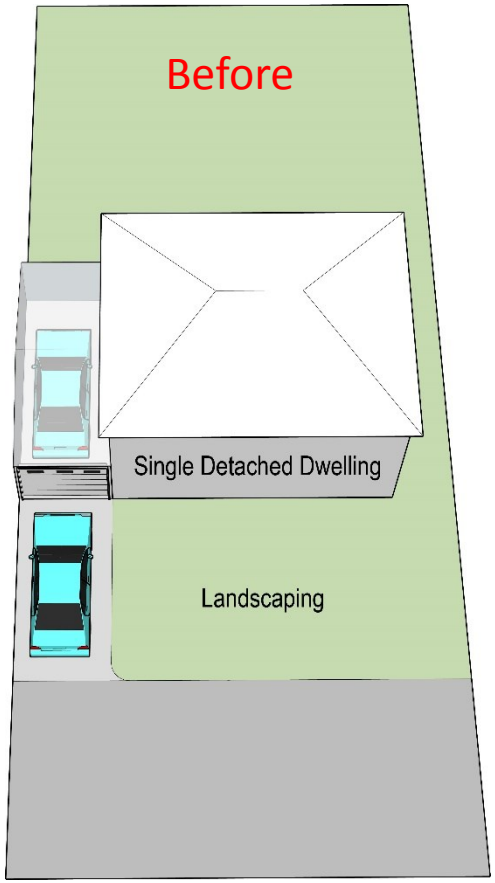
- Minimum 65 square metres (640 square feet) per dwelling unit (main dwelling unit and accessory dwelling unit).
- Minimum 270 square metres (2,906 square feet) lot size.
- Design Regulations controls overall appearance of the dwelling:
  - The external appearance shall be preserved; and,
  - There shall be no exterior stairway other than an exterior exit.

What is Section 19 – Residential Conversion of Hamilton Zoning By-law No. 6593?

- Regulations do not control how many people reside in the dwelling unit.
- The Zoning By-law cannot require owner occupancy of the principle dwelling unit.

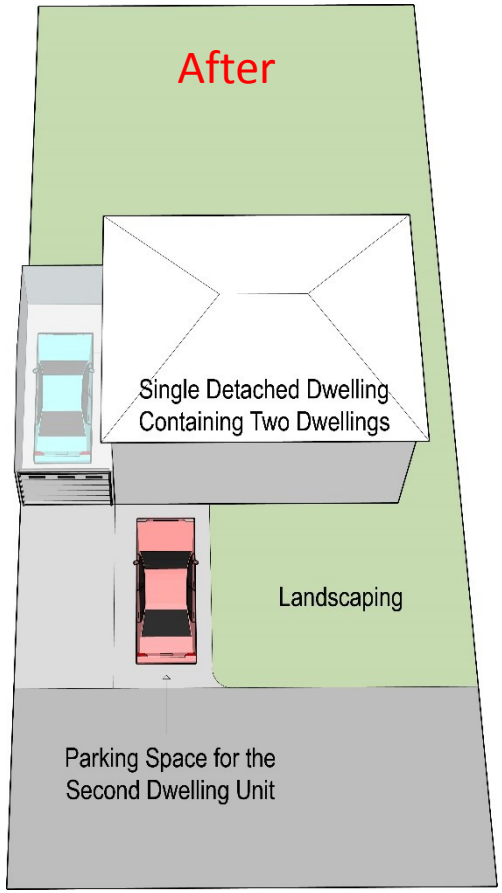
What is Section 19 – Residential Conversion of Hamilton Zoning By-law No. 6593?

- Parking Requirements and Arrangements
  - Requirements are different based on the principal land use
  - Single Detached Dwelling, two (2) parking spaces are required and can be parked in tandem
  - Meet the minimum 50% landscaping requirement in the front yard



What is Section 19 – Residential Conversion of Hamilton Zoning By-law No. 6593?

- As soon as the homeowner adds an accessory dwelling unit, the dwelling unit becomes a “Converted Single Detached Dwelling containing two dwellings”.
- 1 parking space per dwelling unit for a total of 2 parking spaces on a lot.
- Overall does not affect how many parking spaces that must be provided.
- Affects how parking is arranged however.



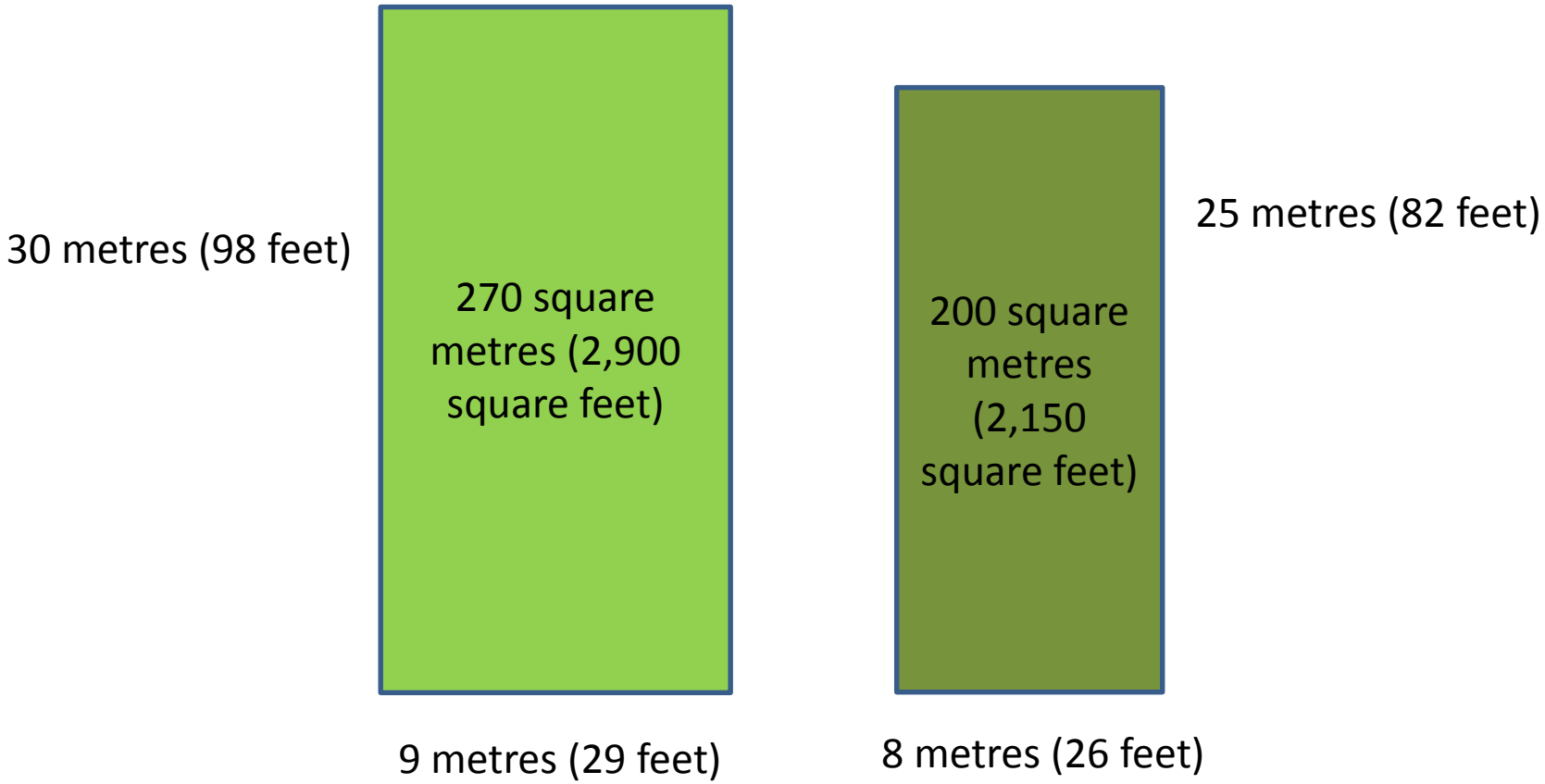
What Section 19 Regulations are being amended?

- Proposed By-law mainly affects Single Detached Dwellings (Section 19.(1) and 19.(2) of the Zoning By-law).
- “Laneway Housing” pilot project (By-law 18-299) was recently added to Section 19 and is not subject to the Temporary Use By-law. Regulations remains as it is.

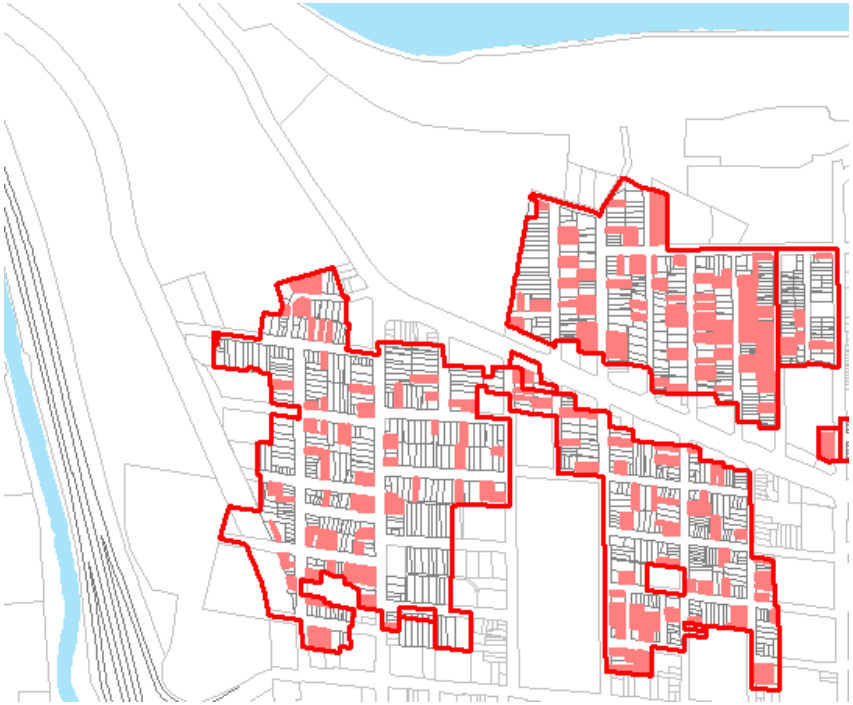
What Zone Regulations in Section 19 are being amended?

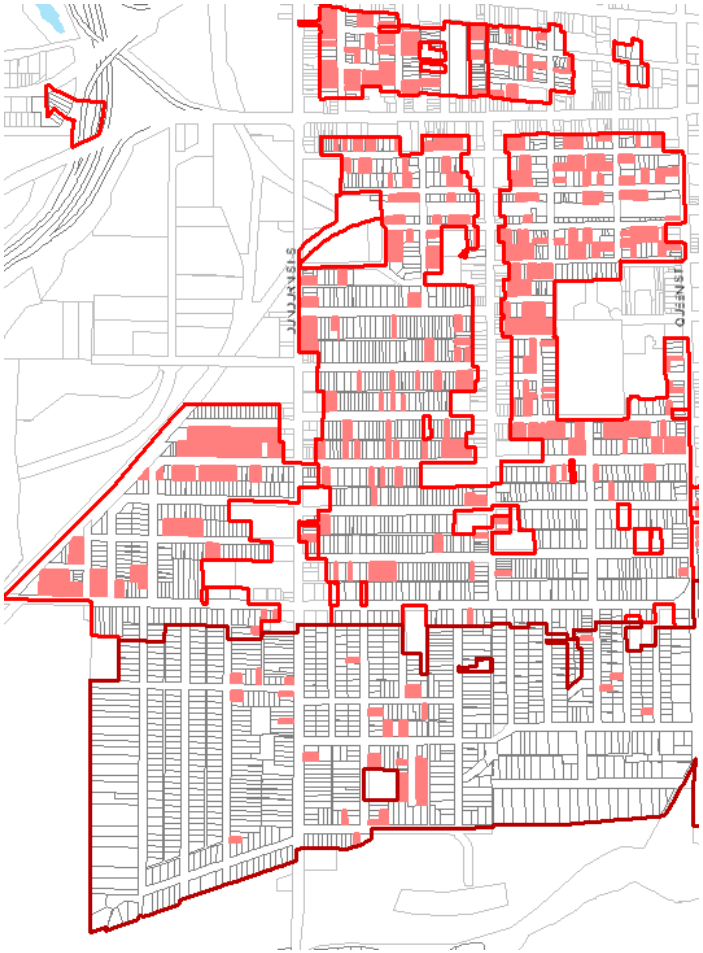
Regulation	Existing	Proposed
19.(1)(i), 19.(2)(i) and 19.2 (v)(2) – in part	Minimum 65 square metres (640 square feet) for each dwelling unit	(Deleted)
Section 19.(1)(ii) Section 19.(2)(v)(1)	Minimum lot area for single-detached dwelling 270 square metres (~2,900 square feet)	Minimum lot area for single-detached dwelling 200 square metres (2,150 square feet)

What Zone Regulations in Section 19 are being amended?

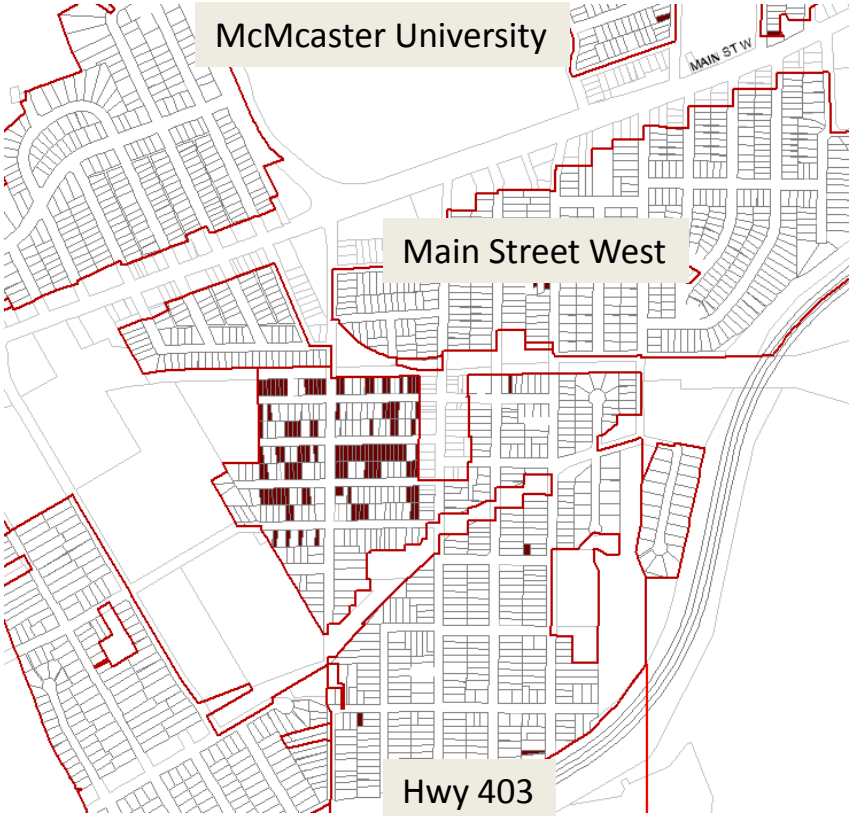


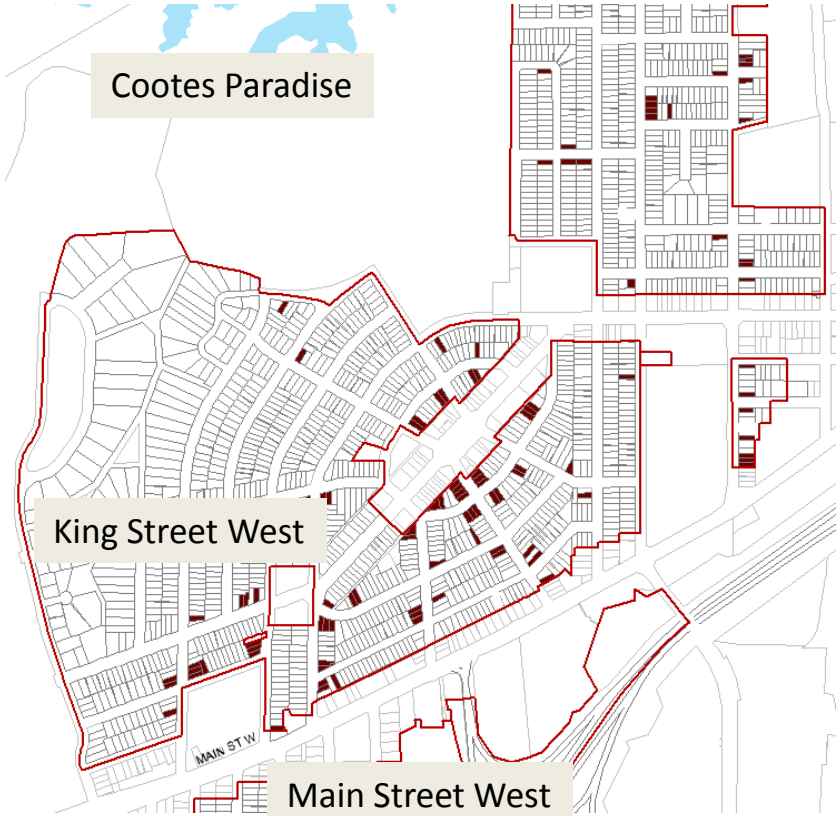
What Zone Regulations in Section 19 are being amended? **Ward 1**





What Zone Regulations in Section 19 are being amended? **Ward 1**

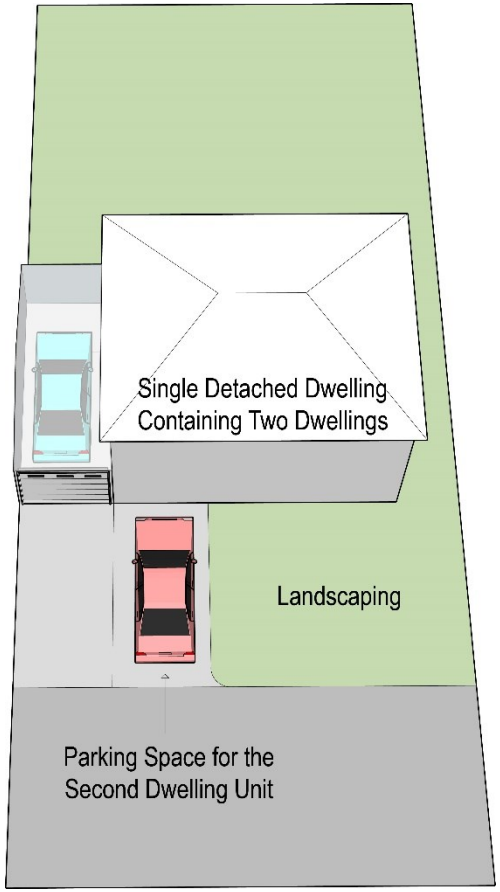




What Zone Regulations in Section 19 are being amended? **Ward 8**

What Zone Regulations in Section 19 are being amended?

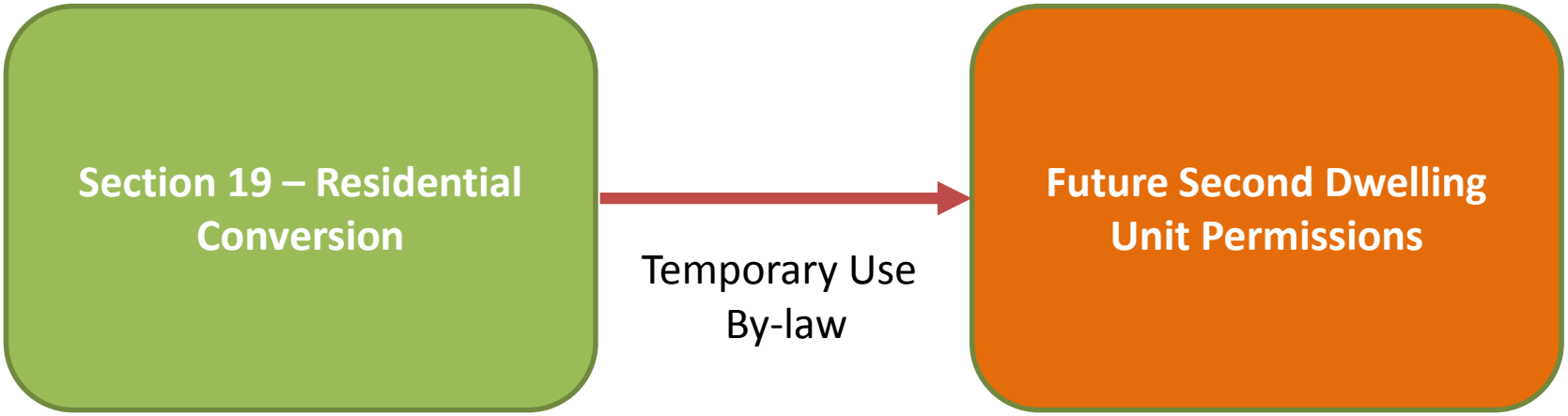
- Parking requirements and Parking arrangement
  - Ward 8 and Ward 1 west of Highway 403
    - No change in the way parking requirements are calculated and parking is arranged for a single detached dwelling containing an accessory dwelling unit.



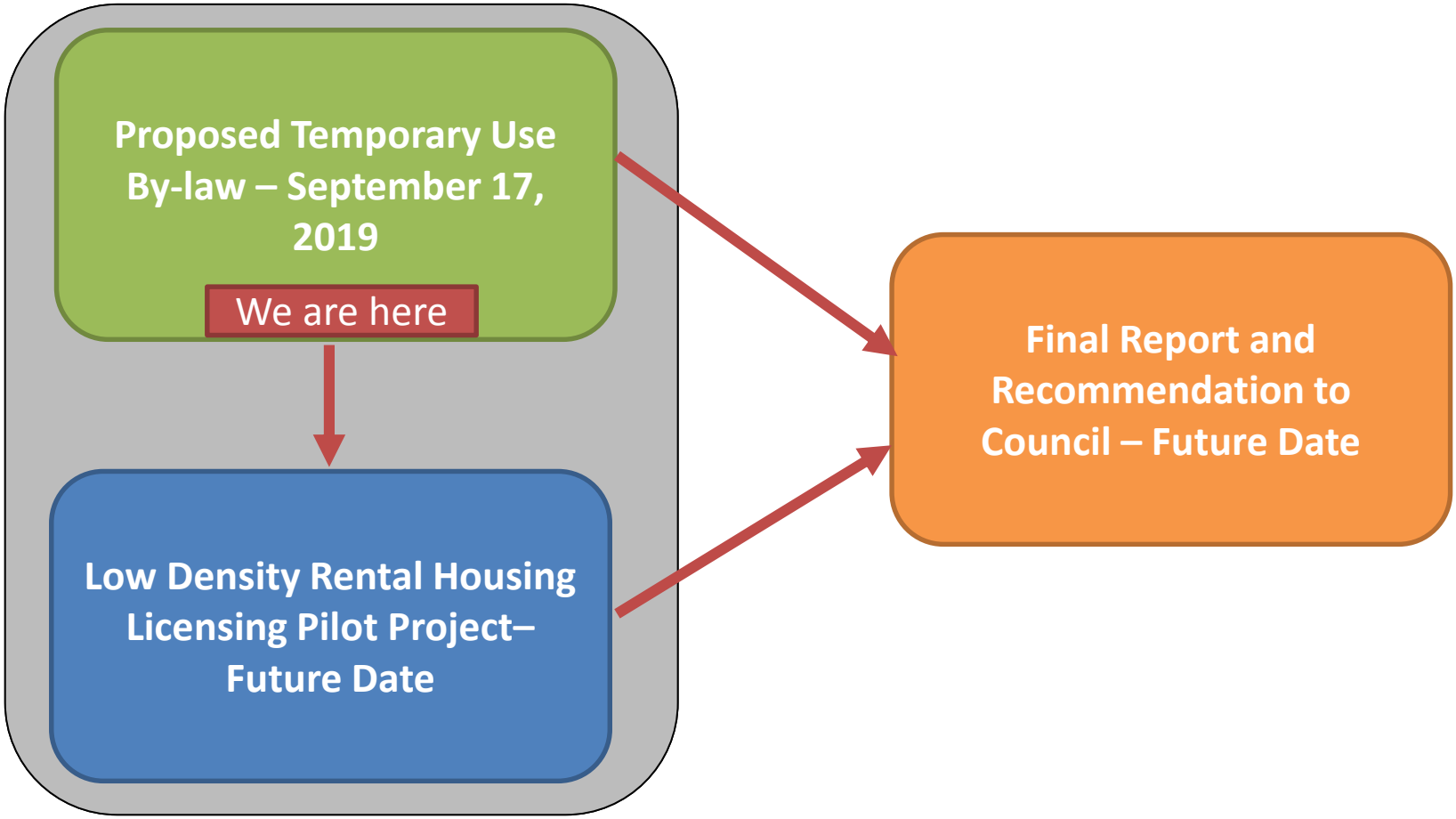
What Zone Regulations in Section 19 are being amended?

- Parking requirements and Parking arrangement
  - Ward 1 east of Highway 403
    - Existing number of parking spaces and how parking is arranged continues to be recognized even with one accessory dwelling unit.

Why is the Temporary Use By-law in effect for only 36 months?



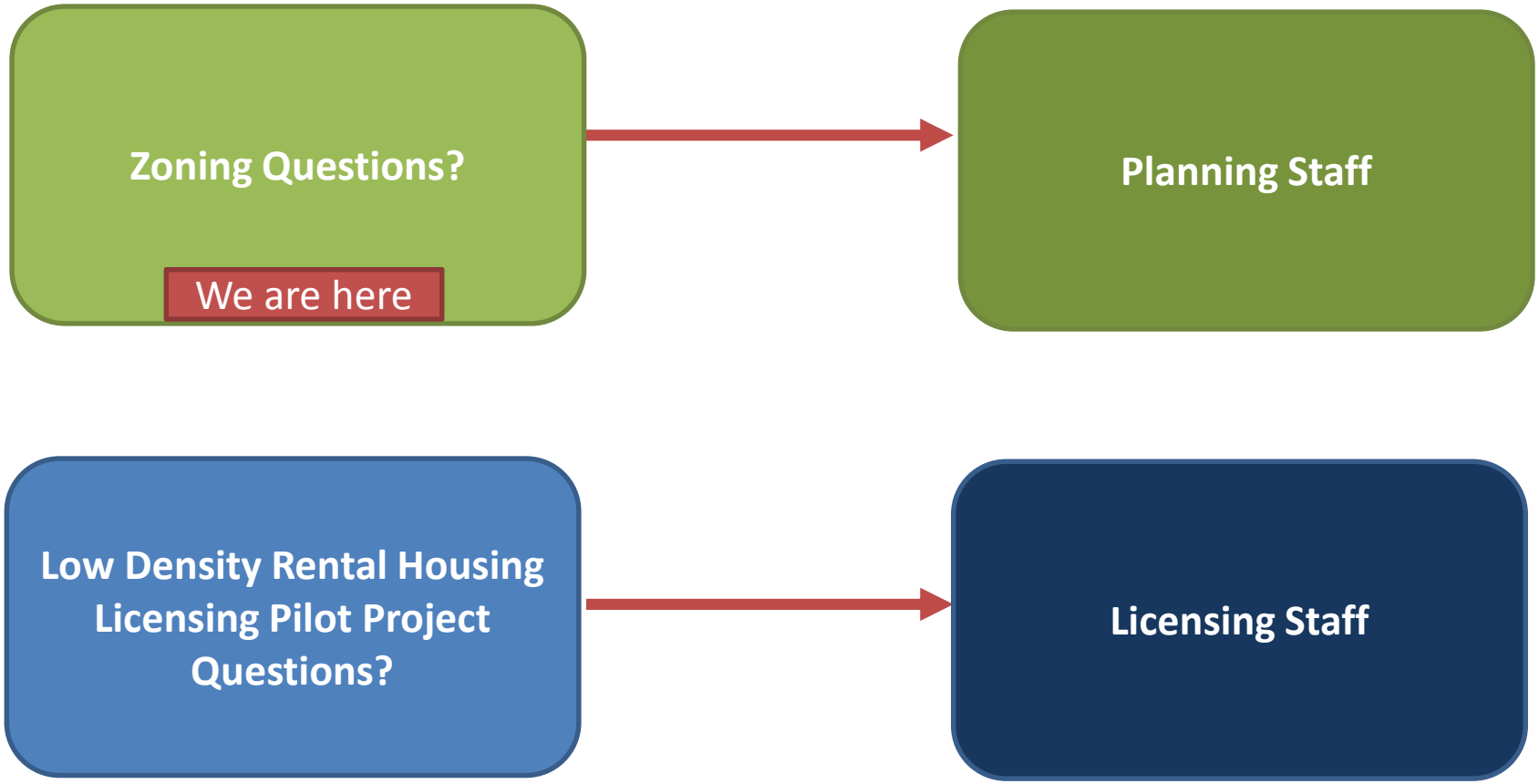
Recommendations for Consideration



Recommendations for Consideration

- Recommendations are to:
  - Receive the staff report and proposed Temporary Use By-law; and,
  - Together with any written submissions and input from delegates at this Planning Committee Meeting and the Low Density Rental Housing Licensing Pilot Project, referred back to staff for consideration and incorporation into a further report and amending By-law.
- Seeking feedback and future direction on the proposed Temporary Use By-law and not the Pilot Project.

Questions and Answers?



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

CITY OF HAMILTON

MOTION

Planning Committee Meeting: September 17, 2019

MOVED BY COUNCILLOR PARTRIDGE…….…….…...

SECONDED BY COUNCILLOR……..……

Properties of Potential Cultural Heritage Interest, Waterdown

WHEREAS, the following properties (henceforth referred to collectively as "the properties") are listed on the City's Heritage Inventory but have no formal protection from demolition under the *Ontario Heritage Act*:

- 289 Dundas Street East, Waterdown (Smith/Carson House);
- 341 Main Street North, Waterdown (Buchan/Rymal House);
- 29 Berry Hill Avenue, Waterdown (Finance House);
- 100 Sunnycroft Court, Waterdown (Gauld House);
- 265 Mill Street South, Waterdown (Cummer/Fraleigh House);
- 298 Dundas Street East, Waterdown (Maycock House);
- 10 First Street, Waterdown (Balgownie);
- 49 Main Street North, Waterdown (McGregor House);
- 8 Margaret Street, Waterdown (Reid House);
- 134 Main Street South (Former Wesleyan Methodist Parsonage); and,
- 340 Dundas Street East, Waterdown (Eager House);

WHEREAS, there is concern that the properties may be lost to demolition or subject to significant alterations prior to a full assessment of their cultural heritage value;

WHEREAS, including the properties on the Municipal Heritage Register as non-designated properties under Section 27(1.2) of the *Ontario Heritage Act* provides the properties with interim, 60-day protection from demolition; and,

WHEREAS, a preliminary evaluation of cultural heritage value or interest of the properties indicate they meet the criteria specified in *Ontario Regulation 9/06*, including but not limited to:

- Historical Associations – The properties are located in or adjacent to Waterdown's historic core and are associated with people or industries potentially significant to the history, growth and development of the village.

Through further research, the properties have the potential to yield additional information which may contributes to an historic or contemporary understanding of the community;

- Physical and Architectural Design – The properties can be considered representative examples of different eras of Ontario's vernacular residential architecture, ranging from the mid-19th century to the early-20th century. The properties display architectural elements characteristic of various styles, including Gothic, Georgian, Regency, and Queen Anne. Through further research, the properties may be found to display high degrees of craftsmanship, artistic merit, or technical achievement; and,

- Contextual Value – The properties are important in defining the historic character of the Village of Waterdown and maintaining its historic fabric. Given their locations within and adjacent to Waterdown's historic core, the properties are physically, visually, and historically linked to their surroundings. Through further research, the properties may be identified as local landmarks that contribute to our understanding of the development of the Waterdown community;

THEREFORE BE IT RESOLVED:

(a) That the following properties be added to the City's Municipal Heritage Register as non-designated properties, after consultation with the Hamilton Municipal Heritage Committee:

- 289 Dundas Street East, Waterdown (Smith/Carson House);
- 341 Main Street North, Waterdown (Buchan/Rymal House);
- 29 Berry Hill Avenue, Waterdown (Finance House);
- 100 Sunnycroft Court, Waterdown (Gauld House);
- 265 Mill Street South, Waterdown (Cummer/Fraleigh House);
- 298 Dundas Street East, Waterdown (Maycock House);
- 10 First Street, Waterdown (Balgownie);
- 49 Main Street North, Waterdown (McGregor House);
- 8 Margaret Street, Waterdown (Reid House);
- 134 Main Street South (Former Wesleyan Methodist Parsonage); and,
- 340 Dundas Street East, Waterdown (Eager House); and,

(b) That Council direct Tourism and Culture staff to include the above noted properties as part of the ongoing Waterdown Village Built Heritage Inventory work associated with the Waterdown Community Node Secondary Plan study and bring forward potential heritage designations as part of the Built Heritage Inventory work.

CITY OF HAMILTON

NOTICE OF ~~Notice~~ MOTION

Planning Committee Meeting: September 17, 2019

MOVED BY COUNCILLOR DANKO……..……...

SECONDED BY COUNCILLOR CLARK……..……

Electric Vehicle Charging Stations in New Developments

WHEREAS, the City of Hamilton has declared a Climate Emergency and is moving towards a zero-carbon economy;

THEREFORE BE IT RESOLVED:

(a) That staff be directed to investigate options available through the planning approvals process to require an appropriate number of Electric Vehicle Charging Stations to be included as part of the parking requirement for new development, and report back to the Planning Committee; and,

(b) That staff be directed to review the City's by-laws, including the Municipal and Private Property By-law and On-Street Parking By-law, and report back with recommendations for ensuring that the City has appropriate tools and mechanisms in place to prohibit and enforce the parking of non-electric vehicles at Electric Vehicle Charging Stations in municipal parking lots and on-street parking spaces.

CITY OF HAMILTON

NOTICE OF MOTION

PLANNING COMMITTEE DATE: September 17, 2019

MOVED BY COUNCILLOR CLARK……..……...

SECONDED BY COUNCILLOR ……..…….……

Upper Mount Albion Road Completion

WHEREAS, the reconstruction of Upper Mount Albion Road has stopped due to a dispute between the developer and the City;

WHEREAS, the driveway entrances have not been restored to original conditions and many have uneven grades to the roads;

WHEREAS, the grades of the entrances to driveways needed to be changed to facilitate easy egress with the road; and,

WHEREAS, resident properties adjacent to the new sidewalks have not been restored to their original condition;

THEREFORE BE IT RESOLVED:

(a) That staff be directed to take whatever corrective measures that are necessary to complete the reconstruction of Upper Mount Albion Road:

(i) to restore the driveways to original conditions with retaining walls as required,

(ii) to ensure reasonable grading between road and driveways for easy egress,

(iii) to restore resident properties adjacent to the new sidewalks to original conditions; and,

(iv) to ensure that all road work on Upper Mount Albion is completed before November 1, 2019.