



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

**Meeting #:** 19-016  
**Date:** October 15, 2019  
**Time:** 9:30 a.m.  
**Location:** Council Chambers, Hamilton City Hall  
71 Main Street West

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

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- 14.1 Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 05-200 and Former City of Hamilton Zoning By-law No. 6593 for the Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue (Hamilton) (Ward 7) (LS18020(a)/PED18172(a)) (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, Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- 14.2 Amendment to the Site Alteration By-law 03-126 (PED19213) (City Wide) (Distributed under separate cover)
- Pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, and Section 239, Sub-sections (f) and (k) on the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

## 15. ADJOURNMENT



## **PLANNING COMMITTEE MINUTES**

**19-015**

**October 1, 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, T. Whitehead

**Also Present:** Mayor F. Eisenberger, Councillor L. Ferguson

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

- 1. To Rename a Portion of Upper Mount Albion Road to Columbus Gate (PED19161) (Ward 9) (Item 7.1)**

**(Collins/Danko)**

That the portion of Upper Mount Albion Road from the intersection with Rymal Road East to 109 meters north of said intersection be renamed Columbus Gate, as identified on Appendix "A", to Report PED19161, in accordance with the draft By-law, attached as Appendix "B" to Report PED19161, which has been prepared in a form satisfactory to the City Solicitor, to be enacted by City Council.

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

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

**2. Sign Variance Appeal SV-19-002 for the Property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) (Item 7.2)**

**(Collins/Farr)**

(a) That the Appeal of Sign Variance Application SV-19-002, by Ancaster Self Storage Inc., Owner, to permit a proposed electronic message display Ground Sign proposing a 100% electronic message display and third party advertising, increased height, decreased setback from a property line, and no display of the municipal address to be included, for the property located at 1147 Garner Road West, Ancaster, as shown on Appendix "A" to Report PED19195, be **APPROVED**, on the following basis:

- (i) ***That 20% of the sign time be allocated for Community use at no cost; and,***
- (ii) ***That a list of Ancaster Self Storage Inc.'s related businesses, with addresses, be provided for approval by Council on October 9, 2019.***

**Result: Main Motion, As Amended CARRIED by a vote of 6 to 2, as follows:**

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

**3. Parking Technology Update (PED19197) (City Wide) (Item 7.3)**

**(Whitehead/Farr)**

That Report PED19197 respecting Parking Technology Update, be received.

**CARRIED**

**4. Agriculture and Rural Affairs Advisory Committee Report 19-004 (Item 7.4)**

**(Johnson/Clark)**

**(a) Draft Rural Site Alteration By-law Proposal (Item 10.3)**

That the Agricultural and Rural Affairs Advisory Committee support the Draft Rural Site Alteration By-law with the following amendments:

- (i) That Section 26 be revised to explicitly state that ***there is an obligation to report observations that fill may be affected by contaminants and include a reporting timeframe;***
- (ii) That Section 15(4)(c) be amended to remove reference to proof of membership in an accredited farm organization, as follows:
  - (1) the farm business registration number of the agricultural operation ~~***or proof of membership in an accredited farm organization;***~~
- (iii) That the following statements be added to the preamble of the by-law:
  - (1) ***It is illegal for any person or any company to dump or deposit fill, excess soil or waste in the City of Hamilton without prior approval or consent after due process;*** and,
  - (2) ***It is prohibited to import fill from outside the geographical boundaries of the City of Hamilton.***

**Result: Motion CARRIED by a vote of 7 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  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark

## **5. Prohibiting the Importing of Fill (Added Item 11.4)**

### **(Johnson/Clark)**

That a moratorium be implemented immediately to prohibit the importing of fill from outside the geographical boundaries of the City of Hamilton.

**Result: Motion CARRIED by a vote of 7 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

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

**6. Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) (Item 8.2)**

**(Johnson/Clark)**

(a) That Zoning By-law Amendment Application ZAA-19-033, by Thomas and Susan Traver (Owners), for a change in zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone (Block 1) and from the Conservation / Hazard Land – Rural (P6) Zone to the Conservation / Hazard Land – Rural (P6, 642) Zone (Block 2) 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 AN/B-18:131, for the lands located at 2274 Powerline Road W, as shown on Appendix “A” to Report PED19171, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED19171, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Schedule “C” 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 there were no public submissions received regarding this matter.***

**Result: Main Motion, As Amended, CARRIED by a vote of 6 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  
 NOT PRESENT - Councillor Judi Partridge  
 NOT PRESENT - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark

**7. Application for Zoning By-law Amendment for Lands Located at 560-580 Highland Road West (Hamilton) (PED19182) (Ward 6) (Item 8.3)**

**(Clark/Collins)**

- (a) That Zoning By-law Amendment Application ZAC-19-004, by Commons Holdings Inc. (Owner) to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone in order to permit a broader range of business support uses on lands located at 560-580 Highland Road West, as shown on Appendix "A" to Report PED19182, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "B" to Report PED19182, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.
- (b) *That the public submissions received did not affect the decision on this matter.***

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

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

**8. Provincial Policy Statement Review – City of Hamilton Comments (PED1988) (City Wide) (Item 10.1)**

**(Clark/Johnson)**

- (a) That the City of Hamilton supports the Province's general directions of the Provincial Policy Statement (PPS) to promote efficient use and management of infrastructure, transit-supportive development with a range of housing options, a strong economy, and protection of agricultural lands.
- (b) That the City of Hamilton does not support the proposed policy direction which emphasizes the provision of a market-based supply of housing



(policies 1.1.1, 1.4.3, 1.7.1), and further, connects the justification for a settlement area boundary expansion to the satisfaction of market demand (policy 1.1.3.8).

- (c) That the City of Hamilton does not support the following proposed changes, additions and deletions to the PPS:
- (i) Revised policies 1.1.3.6 (built form), 1.3.7 (phasing) and 1.6.7.2 (transportation infrastructure) which change the policy direction from “shall” to “should”. The previous wording should be maintained;
  - (ii) Proposed policy 1.3.2.5 allowing employment land conversions to occur in advance of the Municipal Comprehensive Review, which should be removed;
  - (iii) Revised policy 1.6.6.3 which identifies private communal water and sewage services to be the preferred form of servicing where municipal services are not available, which is contrary to the Rural Hamilton Official Plan. This revision should be removed;
  - (iv) Deletion of policy 1.6.7.5 which requires that transportation and land use considerations should be developed at all stages of the planning process. This policy should be maintained;
  - (v) Deletion of existing policy 2.3.6.1.b) 2) which requires that Minimum Distance Separation (MDS) formulae be applied when non-agricultural uses (excluding residential) locate in prime agricultural areas, which is intended to provide protection to the agricultural community when a new sensitive land use is introduced. This policy should be maintained;
  - (vi) Revised policy 2.5.2.2 which would allow mineral aggregate extraction to take place in certain natural heritage features where not previously permitted. This revision should be removed;
  - (vii) Proposed policy 4.7 which requires planning authorities to expedite certain priority planning applications. This policy should be removed;
  - (viii) Deletion of existing policy 4.9 (monitoring of Official Plan policies) which recognized that the policies of the PPS represented minimum standards. This policy should remain in the Implementation section; and,
  - (ix) Revised definition of Heritage Attributes which is ambiguous in relation to the wording “must be retained”. This revision should be removed.

- (d) That the City of Hamilton requires clarification and / or additional information to implement the following proposed revisions which should be provided to municipalities prior to finalizing the revised PPS:
- (i) If revised policies 1.1.1, 1.4.3, 1.7.1 and 1.1.3.8 are maintained, the Province should provide guidance and clarification on the meaning of “market-based need” and “market demand”, including a methodology for how these terms will be calculated. In addition, the Province should confirm if, and when, a revised Land Needs Assessment Methodology will be released. The revised PPS policies should not be finalized until after municipalities have had an opportunity to comment on the additional information and revised Methodology.
  - (ii) Clarification on the expectations surrounding revised servicing policy 1.6.6.4 which would require municipalities to review long term impacts of individual private services at the time of the Official Plan review, which would require significant resources for municipalities in terms of time and finances. This should not be required as part of the Official Plan review;
  - (iii) Additional information on the role of the Special Advisor on Flooding (Section 3), including what role municipalities and conservation authorities can play in the review;
  - (iv) Information on the expectations surrounding reporting requirements and data standards in relation to proposed policy 4.9; and,
  - (v) Additional information on the implementation of the revised definition of “Conserved” and the impact on a municipality’s ability to formally protect heritage resources over the long term in the absence of the requirement to be retained under the *Ontario Heritage Act*.
- (e) That the City of Hamilton provides the following suggestions / revisions regarding the proposed policies:
- (i) Additional wording should be added to Part IV: Vision for Ontario’s Land Use Planning System and Section 1: Managing and Directing Land Use to recognize the reality of climate change and the need for immediate actions to be taken at the provincial and local level to prevent climate change through a variety of actions, including land use planning, energy conservation and planning, sustainable design, servicing, protection of natural features and water systems, transportation considerations, protection of agricultural land, incentives, and other methods;

- (ii) The following proposed / revised policies, which address the need to respond to the “impacts of a changing climate”, be revised to also address the need for actions to prevent climate change: 1.1.1(i); 1.1.3.2(d); 1.6.1, 1.6.6.1 (b); 1.6.6.7(c); 1.8.1; 2.2.1(c); and, 3.1.3;
  - (iii) The proposed revision to policy 1.1.3.3 is unclear with regards to what constitutes a “significant” supply and should be amended to remove this reference from the policy;
  - (iv) The proposed new policy 2.1.10 regarding the management of wetlands should be amended to provide clarity on the meaning of the word “manage”, either within the policy or through a new definition;
  - (v) If revised policy 2.5.2.2 is maintained, the policy should be amended to remove the reliance on long-term rehabilitation of a natural heritage feature as justification for removal of that feature through mineral aggregate extraction. Consideration of extraction in a natural heritage feature should instead be based on the ecological value and significance of that feature. If this suggested change is not taken, clarification on how “long-term” rehabilitation is defined is required;
  - (vi) If the amendment to the definition of Heritage Attributes is maintained, the wording should be revised to reduce ambiguity, by including wording that explains the purpose for why a feature or element “must be retained” (i.e. must be retained to inform the heritage value of the protected heritage property, etc);
  - (vii) The new definition of Impacts of a Changing Climate should be revised to remove the words “potential for” and the words “and opportunities” which appear to downplay the significance of climate change which is already occurring; and,
  - (viii) The proposed revision to the definition of Significant should be amended to reduce ambiguity, including the replacement of the word “processes” with “criteria”.
- (f) That the City of Hamilton suggests that guidance documents be developed / updated by the Province to assist municipalities in implementing the following new policy directions:
- (i) Guidance on the type, level and expectations of engagement that should be undertaken for a municipality to ensure that it has satisfied the requirements of policies 1.2.2 and 2.6.5 regarding consultation with Indigenous Communities;

- (ii) Updated Ministry of Environment, Conservation and Parks (MECP) Guidelines D-1 and D-6 to address issues related to land use compatibility between major facilities and sensitive land uses, in accordance with proposed policy 1.2.6.2; and,
  - (iii) Updated MECP D-5 and B-7 Guidelines regarding planning for water and sewage services and determining negative impact arising from proposed development.
- (g) That the City of Hamilton requests that the Province address the inconsistency in definitions amongst provincial planning documents, where applicable, or include a policy in the PPS which states that where a definition within a Provincial Plan exists, the Provincial Plan definition would apply.
- (h) That the City Clerk's Office be directed to forward Report PED19188 to the Ministry of Municipal Affairs and Housing, and this Report is considered the City of Hamilton's formal comments on the Provincial Policy Statement Review.

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

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

**9. Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) (Deferred from the September 17<sup>th</sup> meeting) (Item 10.2)**

**(Whitehead/Danko)**

- (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;

- (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; and,
- (c) ***That a Public meeting be scheduled for the December 3, 2019 Planning Committee meeting to consider the original (pre-2018) Ward 8 boundaries that were not part of Report PED19176.***

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

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

**10. Electric Vehicle Charging Stations in New Developments (Item 11.1)**

**(Danko/Clark)**

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.

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

**11. Use of Surplus Parking Spaces by Third Parties in Downtown Hamilton (Item 11.2)**

**(Farr/Collins)**

WHEREAS, in 1999 in response to the demolition of commercial buildings and associated loss of economic activity and erosion of the tax base, the City of Hamilton amended the Zoning By-law No. 6593 for the Downtown to prohibit any parking lots;

WHEREAS, the 2001 Downtown Secondary Plan and implementing Zoning By-law prohibited any new surface parking lots in the Downtown;

WHEREAS, in 2017, Planning staff were directed to investigate and report back on changes to the Institutional Zones to ensure that the planning permissions reflect the general intent of the Institutional zones with respect to land use permissions;

WHEREAS, in 2017 at the request of the Chief Planner the University of Waterloo Planning programme undertook a “best practises” review of intuitional zoning by-law regulations in the Greater Golden Horseshoe to reflect the changing role of places of worship, including issues relating to financial sustainability;

WHEREAS, the 2018 Downtown Secondary Plan and associated Zoning By-law retained the prohibition on new surface parking lots in the Downtown but revised the zoning regulations for multiple dwellings to permit surplus structured parking for existing multiple dwelling sites to be used for “commercial parking” purposes;

WHEREAS, there are existing places of worship in the downtown with legally established parking areas that provide parking in an amount that exceed the day to day needs of the place of worship;

WHEREAS, surface parking lots in the Downtown are being redeveloped for residential, commercial and park purposes thereby decreasing the overall supply of parking; and,

WHEREAS, the use of surplus parking spaces by third parties would assist in the meeting the need for parking in the downtown;

THEREFORE BE IT RESOLVED:

- (a) As part of the Institutional Zoning By-law review that Planning staff report back on options and opportunities to allow for places of worship to utilize surplus parking by third parties;
- (b) That staff be authorized to schedule a public meeting of the Planning Committee to consider the proposed zoning by-law changes; and,
- (c) That staff report back no later than Q1, 2020.

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

## **12. Construction Hoarding (Item 11.3)**

### **(Eisenberger/Farr)**

WHEREAS, significant development is occurring throughout the City of Hamilton, and the City wants to ensure that new development contributes positively to the image and quality of life of Hamilton, including during the construction period;

WHEREAS, development in existing urban areas often requires the erection of construction hoarding around the site for many months;

WHEREAS, construction hoarding is regulated provincially by the Ministry of Labour, and the City's regulatory authority is limited to issues associated with general property standards;

WHEREAS, construction hoarding is often located in the public realm, and often bears Branding Signs, in accordance with the City's Sign By-law;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to include in the update to the City's Construction Management Plan Guidelines, language to encourage developers to incorporate art or other means of beautifying construction hoarding, particularly in the case of infill development where there are existing residents and businesses located close by; and,
- (b) That staff be directed to review the City's Sign By-law, and any related City by-laws, and report back to the Planning Committee with options for charging an additional fee for construction hoarding located on the public realm that includes construction branding or advertising, with such funds to be directed toward providing public art or other beautification of construction hoarding.

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

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

**13. Closed Session Minutes – September 17, 2019 (Item 14.1)**

**(Collins/Johnson)**

- (a) That the Closed Session Minutes dated September 17, 2019 be approved; and,
- (b) That the Closed Session Minutes dated September 17, 2019 remain confidential.

**CARRIED**

**FOR INFORMATION:**

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

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

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

- 6.2 Karl Andrus, Hamilton Community Benefits Network, respecting Construction Hoarding (Item 11.3) (For today's meeting) – To be



moved up in the agenda to be heard after Approval of the Minutes (Item 4.1)

- 6.3 Lynda Lukasik, Environment Hamilton, respecting Provincial Policy Statement Review (Item 10.1) (For today's meeting)
- 6.4 Ken Bekendam respecting Accessory Dwelling Units – Pilot Project (Item 10.2) (For today's meeting)

**2. MOTIONS (Item 11)**

- 11.3 Construction Hoarding – To be moved up in the agenda to follow the Delegation from Karl Andrus (Item 6.2)

**(Wilson/Johnson)**

That the agenda for the October 1, 2019 meeting be approved, as amended.

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

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

**(b) DECLARATIONS OF INTEREST (Item 3)**

Councillor Clark declared a conflict with respect to Item 10.2 for a non-pecuniary indirect apparent conflict as he has a previous relationship with the Hamilton District Apartment Association as a former client, as he wrote "Promoting Code Compliant, Affordable, Safe, Clean and Healthy Rental Housing".

Councillor Pearson declared a conflict with respect to Item 10.2 as she is a landlord and owns rental properties.

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

**(i) September 17, 2019 (Item 4.1)**

**(Whitehead/Johnson)**

That the Minutes of the September 17, 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  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark

**(d) DELEGATION REQUESTS (Item 6)**

- (i) Karl Andrus, Hamilton Community Benefits Network, respecting Construction Hoarding (Item 11.3) (For today's meeting) (Added Item 6.2)**

**(Farr/Wilson)**

That the Delegation Request from Karl Andrus, Hamilton Community Benefits Network, respecting Construction Hoarding, 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  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor John-Paul Danko  
 YES - Councillor Maria Pearson  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark  
 YES – Mayor Fred Eisenberger

**(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)**

- (i) Karl Andrus, Hamilton Community Benefits Network, respecting Construction Hoarding (Item 11.3) (For today's meeting) (Added Item 6.2)**

Karl Andrus, Hamilton Community Benefits Network, addressed the Committee regarding Construction Hoarding 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](http://www.hamilton.ca).

**(Danko/Collins)**

That the Delegation from Karl Andrus, Hamilton Community Benefits Network, respecting Construction Hoarding, be received.

**CARRIED**

For disposition of this matter, refer to Item 12.

**(f) DELEGATION REQUESTS (Item 6) - CONTINUED**

- (i) Sergio Manchia, Ancaster Self Storage Inc. c/o UrbanCore Developments, respecting Sign Variance Appeal for 1147 Garner Road West (Item 7.2) (For today's meeting) (Item 6.1)**

**(Danko/Farr)**

That the Delegation Request from Sergio Manchia, Ancaster Self Storage Inc. c/o UrbanCore Developments, respecting Sign Variance Appeal for 1147 Garner Road West, be approved for today's meeting, to be heard under Item 7.2.

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

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

- (ii) Lynda Lukasik, Environment Hamilton, respecting Provincial Policy Statement Review (Item 10.1) (For today's meeting) (Added Item 6.3)**

**(Wilson/Johnson)**

That the Delegation Request from Lynda Lukasik, Environment Hamilton, respecting Provincial Policy Statement Review (Item 10.1), be approved for today's meeting.

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Chad Collins  
 YES - Councillor John-Paul Danko

YES - Councillor Maria Pearson  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 NOT PRESENT - Councillor Brad Clark  
 YES – Mayor Fred Eisenberger

**(iii) Ken Bekendam respecting Accessory Dwelling Units – Pilot Project (Item 10.2) (For today’s meeting) (Added Item 6.4)**

**(Johnson/Collins)**

That the Delegation Request from Ken Bekendam respecting Accessory Dwelling Units – Pilot Project (Item 10.2), be approved for today’s meeting.

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

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

**(g) CONSENT ITEMS (Item 7)**

**(i) Sign Variance Appeal SV-19-002 for the Property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) (Item 7.2)**

Sara Rogers, Planning Technician I, 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](http://www.hamilton.ca).

**(Whitehead/Danko)**

That the presentation from Sara Rogers, be received.

**CARRIED**

**Sergio Manchia, Ancaster Self Storage Inc. c/o UrbanCore Developments, respecting Sign Variance Appeal for 1147 Garner Road West (Item 7.2) (For today's meeting) (Item 6.1)**

Sergio Manchia, Ancaster Self Storage Inc. c/o UrbanCore Developments, addressed the Committee respecting Sign Variance Appeal for 1147 Garner Road West, 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](http://www.hamilton.ca).

**(Collins/Farr)**

That the Delegation from Sergio Manchia, Ancaster Self Storage Inc. c/o UrbanCore Developments, respecting Sign Variance Appeal for 1147 Garner Road West (Item 7.2), be received.

**CARRIED**

**(Collins/Whitehead)**

That the recommendations in Report PED19195 be **amended** as follows:

- (a) That the Appeal of Sign Variance Application SV-19-002, by Ancaster Self Storage Inc., Owner, to permit a proposed electronic message display Ground Sign proposing a 100% electronic message display and third party advertising, increased height, decreased setback from a property line, and no display of the municipal address to be included, for the property located at 1147 Garner Road West, Ancaster, as shown on Appendix "A" to Report PED19195, be **APPROVED**, on the following basis:
- (i) ***That 20% of the sign time be allocated for Community use at no cost; and,***
  - (ii) ***That a list of Ancaster Self Storage Inc.'s related businesses, with addresses, be provided for approval by Council on October 9, 2019.***

**Result: Amendment CARRIED by a vote of 6 to 2, as follows:**

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

For disposition of this matter, refer to Item 2.

**(h) PUBLIC HEARINGS/DELEGATIONS (Item 8) - CONTINUED**

**(i) Tom Ker respecting Changes in By-laws regarding Lot Sizes on the Mountain (Approved at the September 17<sup>th</sup> meeting) (Item 8.1)**

Tom Ker was unable to remain at the meeting for his Delegation.

**(Danko/Whitehead)**

That the Delegation from Tom Ker respecting Changes in By-laws regarding Lot Sizes on the Mountain, be deferred to a future meeting of the Planning Committee.

**CARRIED**

**(ii) Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) (Item 8.2)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(Johnson/Farr)**

That the public meeting be closed.

**CARRIED**

**(Johnson/Farr)**

That the staff presentation be waived.

**CARRIED**

Don Robertson, Agent, was in attendance and indicated support for the staff report.

**(Farr/Collins)**

That the comments from Don Robertson, Agent, be received.

**CARRIED**

**(Johnson/Clark)**

That the recommendations in Report PED19171 be amended by adding the following sub-section (b):

- (b) *That there were no public submissions received regarding this matter.***

**Result: *Amendment CARRIED by a vote of 6 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  
 NOT PRESENT - Councillor Judi Partridge  
 NOT PRESENT - Councillor Terry Whitehead  
 YES - Councillor Brenda Johnson  
 YES - Councillor Brad Clark

For disposition of this matter, refer to Item 6.

- (iii) *Application for Zoning By-law Amendment for Lands Located at 560-580 Highland Road West (Hamilton) (PED19182) (Ward 6) (Item 8.3)***

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(Clark/Danko)**

That the public meeting be closed.

**CARRIED**

**(Clark/Danko)**

That the staff presentation be waived.

**CARRIED**

James Webb, WEBB Planning Consultants, was in attendance and indicated support for the staff report.

**(Clark/Farr)**

That the presentation from James Webb, WEBB Planning Consultants, be received.

**CARRIED**

**(Clark/Collins)**

That the recommendations in Report PED19182 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 6 to 0, as follows:**

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

For disposition of this matter, refer to Item 7.

- (iv) Lynda Lukasik, Environment Hamilton, respecting Provincial Policy Statement Review (Item 10.1) (For today's meeting) (Added Item 6.3)**

Lynda Lukasik, Environment Hamilton, addressed the Committee respecting Provincial Policy Statement Review (Item 10.1)

**(Farr/Wilson)**

That the Delegation from Lynda Lukasik, Environment Hamilton, respecting Provincial Policy Statement Review (Item 10.1), be received.

**CARRIED**

For disposition of this matter, refer to Items 8 and (i)(i).

- (v) Ken Bekendam respecting Accessory Dwelling Units – Pilot Project (Item 10.2) (For today's meeting) (Added Item 6.4)**

Ken Bekendam addressed the Committee respecting Accessory Dwelling Units – Pilot Project (Item 10.2).



**(Whitehead/Danko)**

That the Delegation from Ken Bekendam respecting Accessory Dwelling Units – Pilot Project (Item 10.2), be received.

**CARRIED**

For disposition of this matter, refer to Items 9 and (i)(ii).

**(i) DISCUSSION ITEMS (Item 10)**

**(i) Provincial Policy Statement Review – City of Hamilton Comments (PED1988) (City Wide) (Item 10.1)**

Heather Travis, Senior Project Manager, addressed the Committee respecting Provincial Policy Statement Review – City of Hamilton Comments, with the aid of PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk or online at [www.hamilton.ca](http://www.hamilton.ca).

**(Clark/Johnson)**

That the presentation from Heather Travis respecting Provincial Policy Statement Review – City of Hamilton Comments, be received.

**CARRIED**

For disposition of this matter, refer to Item 8.

Councillor Pearson relinquished the Chair to Councillor Farr.

**(ii) Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) (Deferred from the September 17<sup>th</sup> meeting) (Item 10.2)**

Timothy Lee, 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](http://www.hamilton.ca).

**(Whitehead/Danko)**

That the presentation from Timothy Lee respecting Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176), be received.

**CARRIED**

**(Whitehead/Danko)**

That the recommendations in Report PED19176 be amended by adding sub-section (c) to read as follows:

- (c) ***That a Public meeting be scheduled for the December 3, 2019 Planning Committee meeting to consider the original (pre-2018) Ward 8 boundaries that were not part of Report PED19176.***

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

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

For disposition of this matter, refer to Item 9.

**(j) MOTIONS (Item 11)**

- (i) **Community Benefits Policy Regarding Electric Message Display Signs (Added Item 11.5)**

**(Collins/Johnson)**

That staff be directed to develop a Community Benefits Policy as part of an updated Electric Message Display (video) Sign By-law.

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

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

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

- (i) **Fencing By-law Appeal Process (Added Item 12.1)**

Councillor Whitehead introduced the following Notice of Motion respecting Fencing By-law Appeal Process:

That staff be directed to look at the feasibility of having an appeal process for the Fencing By-law.

**(ii) Community Benefits Policy Regarding Electric Message Display Signs (Added Item 12.2)**

Councillor Collins introduced a Notice of Motion respecting Community Benefits Policy Regarding Electric Message Display Signs.

**(Collins/Johnson)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Community Benefits Policy Regarding Electric Message Display Signs.

**Result: Motion CARRIED by a 2/3's majority vote of 7 to 0, as follows:**

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

For disposition of this matter, refer to Item (j)(i).

**(l) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – September 17, 2019 (Item 14.1)**

The Committee determined they did not need to go into Closed Session for this item.

For further disposition of this matter, refer to Item 13.

**(m) ADJOURNMENT (Item 15)**

**(Clark/Wilson)**

That there being no further business, the Planning Committee be adjourned at 2:48 p.m.

**CARRIED**

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Councillor Maria Pearson  
Chair, Planning Committee

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Lisa Chamberlain  
Legislative Coordinator  
Office of the City Clerk



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 15, 2019
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19183) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Joe Gravina (905) 546-2424 Ext. 1284
<b>SUBMITTED BY:</b>	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## **Council Direction:**

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

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

## **Background:**

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

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

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19183) (City Wide) - Page 2 of 4**

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

**Policy Implications and Legislative Requirements – Pre Bill 108**

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

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

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

**Policy Implications and Legislative Requirements – Post Bill 108**

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

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

**Information:**

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

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19183) (City Wide) - Page 3 of 4**

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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 PED19183 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of August 14, 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,
- 8 active Plan of Subdivision applications.

Within 60 to 90 days of October 15, 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 PED19183 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 August 14, 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;
- 44 active Zoning By-law Amendment applications; and,
- 8 active Plan of Subdivision applications.

Within 60 to 90 days of October 15, 2019, 10 applications will be approaching the 150, 180 or the 300 day statutory timeframe and will be eligible for appeal. Thirty-eight applications have passed the 150, 180 and 300 day statutory timeframe.

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19183) (City Wide) - Page 4 of 4**

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

Attached as Appendix “C” to Report PED19183 is a table outlining the active applications received after June 6, 2019 sorted by Ward, from oldest application to newest. As of August 14, 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 October 15, 2019, 1 application will be approaching its 120 day statutory timeframe. Seven applications have passed the 90 and 120 day statutory timeframes.

Combined to reflect property addresses, there are 78 active development proposals. Thirty-one proposals are 2019 files, while 25 proposals are 2018 files and 22 proposals are pre-2018 files.

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

**Appendices and Schedules Attached:**

Appendix “A” – List of Active Development Applications (prior to December 12, 2017)

Appendix “B” – List of Active Development Applications (after December 12, 2017)

Appendix “C” – List of Active Development Applications (after June 6, 2019)

JG:mo



**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective August 14, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 October 15, 2019
<b>Ward 1</b>									
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	928
<b>Ward 2</b>									
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	1026
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	700
<b>Ward 7</b>									
UHOPA-15-16 ZAC-11-070	1375 Upper James Street	16-Mar-15	n/a	26-May-15	14-Jul-15	n/a	12-Sep-15	WEBB Planning Consultants Inc.	1603

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective August 14, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 October 15, 2019
<b>Ward 7 cont'd</b>									
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.	748
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	686
<b>Ward 9</b>									
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.	1098
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.	1098
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.	1047
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.	932

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective August 14, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 October 15, 2019
<b>Ward 10</b>									
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.	1566
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	718
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.	1369
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	1026
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	30-Oct-17	n/a	2+-4-Nov-17	27-Feb-18	28-Apr-18	n/a	Glen Schnarr & Associates Inc.	715

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective August 14, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 October 15, 2019
<b>Ward 12</b>									
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	1392
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.	809
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	783
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.	739
<b>Ward 13</b>									
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.	1778
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.	797

**Active Development Applications  
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<b>Ward 15</b>									
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	1026

Active Development Applications

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

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective August 14, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 October 15, 2019
<b>Ward 1</b>									
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	662
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	484
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	298
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	209

**Active Development Applications  
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<b>Ward 2</b>									
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	662
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.	565
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	459
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	298
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.	295

**Active Development Applications  
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<b>Ward 2</b>									
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	298
<b>Ward 3</b>									
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	229
<b>Ward 5</b>									
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.	319
<b>Ward 6</b>									
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.	309
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	160



**Active Development Applications  
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<b>Ward 7</b>									
25T-2019002	70 Bobolink Rd., Hamilton	3-Jan-19	n/a	18-Jan-19	n/a	02-Jul-19	n/a	IBI Group	285
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.	197
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	172
<b>Ward 8</b>									
UHOPA-19-005 ZAC-18-022 (2018 File)	35 Sabrina Blvd., Hamilton	15-Mar-18	11-Jan-19	18-Jan-19	n/a	n/a	14-Nov-19	Urban Solutions Planning & Land Development	270
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	551

**Active Development Applications  
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<b>Ward 8 cont'd</b>									
ZAC-18-055	808 West 5 <sup>th</sup> St., Hamilton	31-Oct-18	n/a	08-Nov-18	30-Mar-19	n/a	n/a	A.J. Clarke & Associates Ltd.	349
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.	229
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	175
<b>Ward 9</b>									
25T-200803R (2018 File)	22 Green Mountain Rd. Stoney Creek	10-Aug-18	n/a	15-Oct-18	n/a	19-Feb-19	n/a	Armstrong Planning	421
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.	529

**Active Development Applications  
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<b>Ward 10</b>									
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.	669
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	494
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	379
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	326
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.	300
25T-2019004	1288 Baseline Rd., Stoney Creek	06-May-19	n/a	09-May-19	n/a	02-Nov-19	n/a	IBI Group	162

**Active Development Applications  
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<b>Ward 10 cont'd</b>									
UHOPA-19-009	339, 347 Fifty Rd. and 1317, 1329 Barton St., Stoney Creek	03-May-19	n/a	16-May-19	n/a	n/a	27-Feb-20	MHBC Planning Limited	165
<b>Ward 11</b>									
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	629
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	462
ZAA-18-053	2282 Westbrook Rd., Glanbrook	23-Oct-18	n/a	14-Nov-18	22-Mar-19	n/a	n/a	IBI Group	357
<b>Ward 12</b>									
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.	401

**Active Development Applications  
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<b>Ward 12 cont'd</b>									
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.	146
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.	344
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	321
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.	316
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	298

**Active Development Applications  
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<b>Ward 12 cont'd</b>									
ZAC-19-032	455 Springbrook Ave., Ancaster	01-May-19	n/a	09-May-19	28-Sep-19	n/a	n/a	GSP Group	167
ZAA-19-033	2274 Powerline Rd., Ancaster	08-May-19	n/a	03-Jun-19	05-Oct-19	n/a	n/a	Don Robertson	160
<b>Ward 14</b>									
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	312
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.	305
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	307
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	211

**Active Development Applications  
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<b>Ward 15</b>									
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	599
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	449

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 August 14, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 October 15, 2019
<b>Ward 2</b>								
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	160
<b>Ward 5</b>								
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	160
<b>Ward 11</b>								
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	160
ZAA-19-042	6266 Chippewa Rd. Glanbrook	06-Jun-19	n/a	10-Jun-19	04-Sep-19	n/a	Shirlmar Farms Inc.	131
<b>Ward 12</b>								
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	160
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	151



**Active Development Applications  
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<b>Ward 15</b>								
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	127
UHOPA-19-013 ZAC-19-046	10 Mallard Trail, Flamborough	24-Jun-19	n/a	26-Jun-19	n/a	22-Oct-19	GSP Group	113

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.



## Hamilton

### **HAMILTON MUNICIPAL HERITAGE COMMITTEE**

#### **REPORT 19-007**

**12:00 p.m.**

**September 20, 2019**

**Room 264, 2<sup>nd</sup> Floor**

**Hamilton City Hall**

**71 Main Street West**

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

**Also Present:** Councillor L. Ferguson

**Absent with**

**Regrets:** K. Burke

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### **THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 19-007 AND RESPECTFULLY RECOMMENDS:**

- 1. Notice of Intention to Demolish the Building known as the Former Rebecca Street Bus Terminal, located at 71 Rebecca Street, Hamilton, Being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest (PED19200) (Ward 2) (Added Item 7.3)**

That Report PED19200 respecting Notice of Intention to Demolish the Building known as the Former Rebecca Street Bus Terminal, located at 71 Rebecca Street, Hamilton, Being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest, be received.

### **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:

**6. DELEGATION REQUESTS**

- 6.1 Erin Davis, respecting the Designation of the Mineral Springs on Sulphur Springs Road, Ancaster (for a future meeting)

**7. CONSENT ITEMS**

7.1 Heritage Permit Applications - Delegated Approvals

7.1.q Heritage Permit Application HP2019-029: Proposed Tree Planting, Stump Removal and Tree Removal at 77 King Street West, Stoney Creek (Ward 9) (By-law No. 3419-91)

7.1.r Heritage Permit Application HP2019-030: Proposed Tree Planting and Removal in St. Clair Boulevard Heritage Conservation District (Ward 3) (Bylaw No. 92-140)

- 7.3 Notice of Intention to Demolish the Building known as the Former Rebecca Street Bus Terminal, located at 71 Rebecca Street, Hamilton, Being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest (PED19200) (Ward 2)

Item 8.1, Delegation from Marc Bader, respecting Ancaster High School Building and Lands, was moved up the agenda to immediately follow Approval of the Agenda.

The Agenda for the September 19, 2019 Hamilton Municipal Heritage Committee was approved, as amended.

**(c) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

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

**(i) August 22, 2019 (Item 4.1)**

The Minutes of the August 22, 2019 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

**(e) DELEGATION REQUESTS (Item 6)**

- (i) Erin Davis, respecting the Designation of the Mineral Springs on Sulphur Springs Road, Ancaster (for a future meeting) (Added Item 6.1)**

The delegation from Erin Davis, respecting the Designation of the Mineral Springs on Sulphur Springs Road, Ancaster, was approved, for a future meeting.

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

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

That the following Delegated Approvals were received:

- (i) Heritage Permit Application HP2018-014: 21 Mill Street North, Flamborough, Chimney Removal, Utility Installation, And Parking Lot Repair By-Law No. 96-34-H (Mill Street Heritage Conservation District) (Item 7.1(a))
- (ii) Heritage Permit Application HP2018-016: Construction Of New Balcony At Sandyford Place, 35-43 Duke Street, Hamilton (Ward 2) (By-Law No. 75- 237) (Item 7.1(b))
- (iii) Heritage Permit Application HP2018-018: Ash Tree Replacement In The City Hall Forecourt At 71 Main Street West, Hamilton (Ward 2) (By-Law No. 06-011) (Item 7.1(c))
- (iv) Heritage Permit Application HP2018-019: 317 Dundas Street East, Flamborough (Waterdown Memorial Hall), Repair And Replacement Of Concrete Features And Foundation Waterproofing, Designation By-Law No. 08-010 (Item 7.1(d))
- (v) Heritage Permit Application HP2018-020: Pave The Alleyway Located Behind Dwelling At 63 Sydenham Street, Dundas, (Ward 13) (Cross-Melville HCD) (Item 7.1(e))
- (vi) Heritage Permit Application HP2018-021: Removal Of Wrought Iron Component From Stone Wall At 31 Cross Street, Dundas (Ward 13) (Cross- Melville HCD) (Item 7.1(f))
- (vii) Heritage Permit Application HP2018-022: Removal Of Sidewalk In Front Of 2 Victoria Street, Dundas (Ward 13), (Cross-Melville HCD) (Item 7.1(g))
- (viii) Heritage Permit Application HP2018-023: 168 Mill Street North, Flamborough (Featherston-Nicholson House) Landscape Alterations Installation Of Retaining Wall, And New Parking Area Designation

- By-Law No. 96-34-H (Mill Street Heritage Conservation District)  
(Item 7.1(h))
- (ix) Heritage Permit Application HP2018-024: Facade Restoration And Stairs 34-36 Hess Street South, Hamilton (Ward 2) (By-Law No. 03-211) (Item 7.1(i))
  - (x) Heritage Permit Application HP2018-025: Addition Of Seasonal Promotional Banners At 10 King Street West, Dundas, (Ward 13) (By-Law No. 3196-80) (Item 7.1(j))
  - (xi) Heritage Permit Application HP2018-026: Reduction Of Boulevard Located At Delaware Avenue And St. Clair, Boulevard Intersection (St. Clair Boulevard And St. Clair Avenue Heritage Conservation Districts) (Ward 3) (Item 7.1(k))
  - (xii) Heritage Permit Application HP2018-027: Restore And Repair Exterior Cladding, Windows And Porch At 20 Union Street, Flamborough (Mill Street Heritage Conservation District) (Ward 15) (Item 7.1(l))
  - (xiii) Heritage Permit Application HP2018-028: Restoration Of Front Entrance Wing Walls And Rebuilding Of Chimney At 22 Hauser Place, Flamborough (Ward 14) (Item 7.1(m))
  - (xiv) Heritage Permit Application HP2018-029: Replacement Of Front Porch Columns At 31 Cross Street, Dundas (Ward 13) (Cross-Melville HCD) (Item 7.1(n))
  - (xv) Heritage Permit Application HP2018-030: Replacement Of Window Inserts And Capping At 31 Cross Street, Dundas (Ward 13) (Cross-Melville HCD) (Item 7.1(o))
  - (xvi) Heritage Permit Application HP2019-027: Proposed Additions At 983 Beach Boulevard (Ward 5) (By-Law No. 00-135) (Item 7.1(p))
  - (xvii) Heritage Permit Application HP2019-029: Proposed Tree Planting, Stump Removal and Tree Removal at 77 King Street West, Stoney Creek (Ward 9) (By-law No. 3419-91) (Added Item 7.1(q))
  - (xviii) Heritage Permit Application HP2019-030: Proposed Tree Planting and Removal in St. Clair Boulevard Heritage Conservation District (Ward 3) (By-law No. 92-140) (Added Item 7.1(r))

**(ii) Education and Communication Working Group Meeting Notes - August 14, 2019 (Item 7.2)**

The Education and Communication Working Group Meeting Notes of August 14, 2019, were received.

**(g) DELEGATIONS (Item 8)**

**(i) Marc Bader, respecting Ancaster High School Building and Lands (deferred from the August 22, 2019 meeting) (Item 8.1)**

Marc Bader addressed the Committee respecting Ancaster High School Building and Lands.

The delegation from Marc Bader, respecting Ancaster High School Building and Lands was received.

**(h) PRESENTATIONS (Item 9)**

**(i) Hamilton Municipal Heritage Committee Budget Overview (Item 9.1)**

Anita Fabac, Manager of Development Planning, addressed the Committee respecting the Hamilton Municipal Heritage Committee Budget Overview.

The presentation respecting Hamilton Municipal Heritage Committee Budget Overview, was received.

The presentation is available at [www.hamilton.ca](http://www.hamilton.ca), and through the Office of the City Clerk.

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

**(i) Buildings and Landscapes (Item 13.1)**

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

The property located 398 Wilson Street, Hamilton at was added to the Endangered Buildings and Landscapes of Interest (RED).

C. Dimitry will report to the Committee on the property located at 398 Wilson Street, Hamilton.

The property located at 56 Charlton Avenue West, Hamilton, was removed from the Buildings and Landscapes of Interest (YELLOW), as the property is now occupied.

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

Staff will provide the committee with an update on this property at the October 17, 2019 meeting.

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

The group has received a Future Fund Grant of \$400,000 and will move forward with an Architectural Conservancy Of Ontario Inc. Assessment.

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

Staff will provide the committee with an update on this property at the October 17, 2019 meeting.

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

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

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

The developer has forwarded a copy of the micro-set up of the project.

- (ix) 828 Sanatorium Road – G. Carroll

Damage to the exterior of the building continues.

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

Licensing and By-Law Services have served the property owners regarding rooftop construction

(xi) 398 Wilson Street, Hamilton – C. Dimitry

**(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

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

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

Staff will provide the committee with an update on this property at the October 17, 2019 meeting.

(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

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

Several trees on the property have been removed.

(xi) 52 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 dovecote door has been damaged.
- (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

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

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:37 p.m.

Respectfully submitted,


Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



Hamilton

## INFORMATION REPORT

<b>TO:</b>	Chair and Committee Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	September 19, 2019
<b>SUBJECT/REPORT NO:</b>	Notice of Intention to Demolish the Building known as the Former Rebecca Street Bus Terminal, located at 71 Rebecca Street, Hamilton, Being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest (PED19200) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	David Addington (905) 546-2424 Ext. 1214
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### **Notice of Intention to Demolish under Section 27 (3) of the Ontario Heritage Act**

On September 12, 2019, the owner of 71 Rebecca Street, Hamilton, Sonoma Development Group Inc., submitted written notice of the intention to demolish the existing building and attached canopy located on the subject property.

The subject property was included as a non-designated property in the City's Register of Property of Cultural Heritage Value or Interest by Council in 2014 as part of the Downtown Built Heritage Inventory project. Section 27(3) of the *Ontario Heritage Act* provides that the owner of a non-designated property on the Register shall not demolish a building or structure on the property unless Council is provided at least 60 days notice in writing of the owner's intention to demolish the building or structure. This provision of the *Ontario Heritage Act* is intended to provide Council with the opportunity to prevent demolition or removal through designation of the property under Part IV of the *Ontario Heritage Act* or to discuss other options with the proponent.

The subject property is comprised of the former Rebecca Street Bus Terminal which was constructed in 1955 to serve as the regional bus terminal. This terminal operated until

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

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

**SUBJECT: Notice of Intention to Demolish the Building known as the Former Rebecca Street Bus Terminal, located at 71 Rebecca Street, Hamilton, Being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest (PED19200) (Ward 2) - Page 2 of 2**

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1996. The building consists of a two-storey brick, concrete block and steel structure with a single storey annex and attached L-shaped covered loading canopy.

On September 26, 2018, Council passed Official Plan and Zoning By-law Amendments to permit the redevelopment of the subject property with a mixed use building with a maximum height of 30 storeys. The proposal included the demolition of the existing building and L-shaped canopy. In the review of the redevelopment applications, Council did not recommend the preservation or reuse of the building through designation under Part IV of the *Ontario Heritage Act* or through any other means.

As part of the submission for the Official Plan and Rezoning Amendment applications, Cultural Heritage Planning staff requested and received a Documentation and Salvage Report by Detritus Consulting (April 2017). The report concluded that the existing building does not contain cultural heritage value or interest and did not recommend the salvage or reuse of any portion of the building. The report was reviewed and accepted by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee (HMHC) on August 21, 2017 and the HMHC was made aware of the proposed demolition on September 28, 2017. Cultural Heritage Planning staff indicated satisfaction with the Documentation and Salvage Report which was noted in the staff report (PED18195) recommending the approval of the Official Plan and Zoning By-law Amendment applications.

Sonoma Development Group Inc. has indicated that the L-shaped canopy on the eastern section of the subject property will be demolished imminently while the main building is intended for demolition within approximately the next two years.



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 15, 2019
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Andrea Dear (905) 546-2424 Ext. 7856
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That the **Amended Urban Hamilton Official Plan Amendment application UHOPA-17-028 by Diamond Schmitt Architects on behalf of McMaster University, Owner**, to change the land use designation on Schedule E-1 - Urban Land Use Designations, from “Mixed Use – Medium Density” to “Institutional” and to change the Ainslie Wood Westdale Secondary Plan from “Mixed Use – Medium Density, Special Policy Area E” to “Institutional” with a Site Specific Policy Area “XX” on Map B.6.2-1 – Land Use Plan to permit a student residence consisting of two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth (see Concept Plan and Elevation attached as Appendix “C” to Report PED19186), for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, as shown on Appendix “A” to Report PED19186, be **APPROVED** on the following basis:

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

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

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

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 2 of 28**

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- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED19186, be adopted 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 Council direct the Planning staff to proceed with settlement discussions at the Local Planning Appeal Tribunal (LPAT) regarding the appeal of **Zoning By-law Amendment application ZAC-17-065 by Diamond Schmitt Architects on Behalf of McMaster University, Owner**, seeking to create a site specific zone in order to permit the height and other site specific performance standards for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton, as shown on Appendix “A” to Report PED19186.

## EXECUTIVE SUMMARY

The applicant, Diamond Schmitt Architects on behalf of McMaster University, applied for an Urban Hamilton Official Plan Amendment (UHOPA-17-028) and Zoning By-law Amendment (ZAC-17-065) in August of 2017. The applications were to allow for the future development of two 12 storey student residences associated with McMaster University.

On March 29, 2018 the applicant appealed the Zoning By-law Amendment to the Local Planning Appeal Tribunal (LPAT) for non-decision. The applicant subsequently appealed the Urban Hamilton Official Plan Amendment to the LPAT on May 28, 2018 for non-decision.

On December 14, 2018 the LPAT determined that the appeal submitted for the Urban Hamilton Official Plan Amendment did not meet the required tests and the appeal was withdrawn by the applicants. The appeal for the Zoning By-law Amendment remains before the LPAT for decision.

As a result of the withdrawn appeal, the Urban Hamilton Official Plan Amendment is subject to Council approval and has been revised to address concerns identified through public consultation and raised by staff.

The proposed Urban Hamilton Official Plan Amendment is for a change in designation from the Mixed Use – Medium Density designation to the Institutional designation on Schedule E-1 – Urban Land Use Designations and from the Mixed Use – Medium Density,

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 3 of 28**

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Special Policy Area E designation to the Institutional designation with a Site Specific Policy Area. The amendment will allow for the development of a 1,415 bed student residence consisting of two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth (see Concept Plan and Elevations attached as Appendix “C” to Report PED19186) with accessory educational and retail uses, for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue.

**Alternatives for Consideration – See Page 28**

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

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, shall hold at least one Public Meeting to consider an application for Official Plan Amendment.

## **HISTORICAL BACKGROUND**

### **Proposal**

The subject property is located on the north side of Main Street West, west of Dalewood Avenue, east of Forsyth Avenue South and south of Traymore Avenue, adjacent to McMaster University, within the Westdale neighbourhood. The property is comprised of vacant land (Main Street West frontage) and 14 single detached dwellings fronting onto Forsyth Avenue South and Traymore Avenue. The site is generally rectangular in shape with a total area of 0.79 ha (7,976 sq.m.).

The original application proposed to demolish 14 single detached dwellings in order to develop the lands with two student residence buildings, with associated educational and retail on the ground floor, ranging in height from two storeys along parts of the Traymore Avenue frontage, stepping back to eight storeys and again to 12 storeys along the southern portion of the lands.

A revised submission was made on March 29, 2019. The proposed development has been amended to address staff and resident concerns. The current proposal is to permit

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 4 of 28**

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two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth Avenue (see Concept Plan and Elevations attached as Appendix “C” to Report PED19186), with accessory retail and educational uses on the ground floor. Additional changes include but are not limited to: the introduction of an outdoor green space which breaks up the westerly building along the Traymore Avenue frontage; the removal of one grade related unit which increases the width of the vehicular access; and additional step backs at the corner of Traymore Avenue and Dalewood Avenue to reduce shadow impact on the neighbouring Dalewood School, and additional parking spaces.

To facilitate the proposed development an amendment to the Urban Hamilton Official Plan (UHOP) and Ainslie Wood Westdale Secondary Plan is required to change the designation to Institutional to recognize the connection between the proposed student residence and McMaster University and to allow for the proposed height whereas a maximum height of six storeys is permitted. The proposed Official Plan Amendment will be implemented through a site specific zoning by-law ((Application ZAC-17-065 that is currently before the LPAT).

### **Chronology**

<u>August 15, 2017:</u>	Submission of Urban Hamilton Official Plan Amendment application UHOPA-17-028 and Zoning By-law Amendment application ZAC-17-065.
<u>August 21, 2017:</u>	Applications UHOPA-17-028 and ZAC-17-065 deemed incomplete.
<u>October 10, 2017:</u>	Applications UHOPA-17-028 and ZAC-17-065 deemed complete.
<u>November 21, 2017:</u>	Notice of Complete Applications and Preliminary Circulation was sent to 189 residents within 120 metres of the subject property.
<u>November 29, 2017:</u>	Public Notice Sign was installed.
<u>February 7, 2018:</u>	Public Meeting held by the applicant.
<u>February 18, 2018:</u>	Design Review Panel meeting.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 5 of 28**

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March 29, 2018: Application ZAC-17-065 appealed to the LPAT.

May 28, 2018: Application UHOPA-17-028 appealed to the LPAT.

December 14, 2018: UHOPA-17-028 appeal was rejected.

March 29, 2019: Applicant submitted second revision.

September 6, 2019: Public Notice Sign updated with Public Meeting date.

September 13, 2019: Circulation of the Notice of Public Meeting sent to 189 property owners within 120 metres of the subject property.

**Details of Submitted Application:**

**Location:** 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue

**Owner:** McMaster University

**Applicant:** Diamond Schmitt Architects (c/o Aleksandra Janus)

**Agent:** Bousfields Inc. (c/o David Falletta)

**Property Size:** Lot Frontage: 150.71 m (Main Street West);  
170.818 m (Traymore Avenue);  
59.13 m (Dalewood Avenue); and,  
47.49 m (Forsyth Avenue).

Lot Depth: 53 m (approx.)

Lot Area: 0.79 ha

Services: Existing full municipal services.



**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 6 of 28**

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**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	Main Street West frontage – Vacant	Transit Oriented Corridor – Mixed Use – Medium Density (TOC1, H63) Zone
	Traymore Avenue and Forsyth Avenue frontage – Single detached dwellings	Transit Oriented Corridor - Mixed Use – Medium Density (TOC1, 296, H63) and (TOC1, H63) Zone

**Surrounding Land Uses:**

<b>North</b>	Single detached dwellings	“C/S-1361” (Urban Protected Residential, etc) District, Modified
<b>East</b>	Dalewood Recreational Centre / Dalewood School	Neighbourhood Institutional (I1, 292) Zone
<b>South</b>	Single detached dwellings three storey apartments small scale commercial	Transit Oriented Corridor – Mixed Use – Medium Density (TOC1) Zone
<b>West</b>	McMaster Children’s Hospital and McMaster University	Major Institutional (I3) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

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

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 7 of 28**

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

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

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.”

The PPS encourages intensification of land within urban areas, promotes efficient use of existing infrastructure and the support of public transit. The provision of an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents is also an important target. The proposal to provide 1,415 beds for students, attending the neighbouring McMaster University, is an efficient use of land and services.

Further, the PPS states that:

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

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

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

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 8 of 28**

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The subject lands are partially vacant and the remaining lands were used for low density residential uses. The proposed student residence is an appropriate redevelopment due to the proximity to McMaster University and the deficiency of student housing on the campus. The lands are serviced by existing municipal infrastructure. The proposed development represents a compact built form as it uses increased height to prevent outward sprawl which reduces the strain on land and resources. Based on the proximity to McMaster University and the Light Rail Transit (LRT) Corridor, this development will encourage active transportation and transit usage, which will work towards the reducing negative impacts on air quality and climate change.

Cultural Heritage and Archaeology

Staff note that the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS, and therefore the following policy of the PPS 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 met two of the 10 criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- a) In areas of pioneer EuroCanadian settlement; and,
- b) 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.

A Stage 1 archaeological assessment (P396-0001-2017) for the subject property has been submitted to the Ministry of Tourism, Culture and Sport and the City of Hamilton. The report recommended that further archaeological work be conducted on a portion of the property to address the archaeological potential of the subject property. A Stage 2 archaeological assessment (P449-0265-2018) was completed in 2018 and the site was cleared from any future requirements. The findings were submitted to the Ministry of Tourism, Culture and Sport and the City of Hamilton and there are no longer any concerns with regard to archaeological potential.

In the opinion of staff, the proposed amendment is consistent with the policies of the PPS (2014).

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 9 of 28**

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

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

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) the vast majority of growth will be directed to settlement areas that:
    - ii. have existing or planned municipal water and waste water systems; and
    - iii. can support the achievement of complete communities
  - c) within settlement area, growth will be focused in:
    - i. delineated built-up areas;
    - iii. locations with existing or planned transit, with a priority on higher transit where it exists or is planned
- 2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:
- a) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
  - d) expand convenient access to:
    - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - e) provide for a more compact built form and a vibrant public realm, including public open spaces;

The subject lands are located within the Hamilton Urban Boundary and are fully serviced by municipal water and wastewater infrastructure (Policies 2.2.1.2 a) and c)). The

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 10 of 28**

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proposal will contribute to achieving a complete community by expanding high quality and compact housing options for students within the Ainslie Wood Westdale neighbourhood and adding to a diverse mix of local land uses that includes low-rise and mid-rise residential, local commercial uses, employment uses and public institutions such as McMaster University (Policy 2.2.1.4 a)). The proposed student residence will also provide an attractive and active streetscape on Main Street West through desirable site design, which activates the pedestrian realm (Policy 2.2.1.4 e)). The proposed student residence is located on a Primary Corridor with existing bus transit and a proposed LRT route (Policy 2.2.1.4 d)).

This proposal represents an appropriate redevelopment of lands within the built up area, and in the opinion of staff, the proposed Urban Hamilton Official Plan Amendment conforms with A Place to Grow Plan (2019).

### **Urban Hamilton Official Plan**

The subject property is designated “Primary Corridor” on Schedule “E” – Urban Structure and designated “Mixed-Use Medium Density” on Schedule “E-1” – Urban Land Use Designations of the UHOP.

The applicant is proposing to change the land use designation from “Mixed Use - Medium Density” to “Institutional” on Schedule E-1 Urban Land Use Designations. Although the uses contemplated by this application are permitted within the Mixed Use – Medium Density designation, the proposed height is not. The proposed change to Institutional is intended to permit the additional height and to recognize the relationship between this site and the larger McMaster University.

The subject lands are identified as Primary Corridor on Schedule E – Urban Structure, in the UHOP the following policies, among others, apply:

- “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

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 11 of 28**

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*intensification* will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as *Urban Corridors*.

E.2.4.14 *Urban Corridors* shall provide a comfortable and attractive pedestrian experience.

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)”

As a Primary Corridor, Main Street West offers convenient access to existing transit routes as well as the planned LRT Corridor (Policies E.2.4.10 and E.2.4.17). The proposed student residence is similar in massing to a high density residential development and is located adjacent to a Major Activity Centre (McMaster University), on the edge of a neighbourhood with frontage on a primary corridor and a major arterial road. With these considerations, the increased height and massing can be accommodated at this location (Policies E.2.4.10 and E.2.4.11).

The proposed student residence is located next to McMaster University and there will be many students walking between the sites. The Urban Design Brief, submitted in support of the application, demonstrates that the buildings have been designed to minimize the effects of shadow and wind and to enhance the pedestrian environment (Policies E.2.4.14 and E.2.4.16).

The following policies, among others, apply to the “Mixed Use - Medium Density” designation:

“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:

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- 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.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.

E.4.6.25 Areas designated Mixed Use - Medium Density shall be integrated with the surrounding neighbourhoods through frequent street and pedestrian linkages.

E.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be balanced with the need to improve pedestrian access and opportunities for active transportation.”

To permit this development, an amendment to the UHOP with regard to height is required. According to the Sections E.4.6.7 and E.4.6.8 above, the maximum permitted height is six storeys, but may be increased to eight storeys if it can be demonstrated that there are no adverse shadow impacts, that there is an appropriate transition and stepping back of heights and that the appearance of height is minimized (Policies E.4.6.8 a), b) and c)). The proposal has been amended from the original submission to address these concerns. The current application is proposing two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth Avenue, this location to minimize the sun / shadow and wind effects that can be caused by tall buildings (Policies E.4.6.8 a), b) and c) and E.4.6.24).

As part of the applicants planning justification, it was stated the buildings will be designed to encourage sustainable travel modes rather than auto-bourne. In this regard it is anticipated that the pedestrian realm will be enhanced with wider sidewalks and direct access to the grade related units along Traymore Avenue (Policy E.4.6.25). Vehicular

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access to the buildings underground parking is limited to one access from Traymore Avenue. Having only one access, that is clearly marked, will help to create a safe environment for pedestrians (Policy E.4.6.26). The exact configuration of the sidewalks and vehicular access will be determined at the Site Plan Control stage.

The applicant is proposing to change the designation from Mixed Use - Medium Density to Institutional. The following policies, among others, apply to the Institutional designation:

- “E.6.1.3      Ensure the integration and harmonious relationship between institutional areas and adjacent land use designations, particularly from a transportation and urban design perspective.
- E.6.2.1      The Institutional designation applies to lands greater than 4 hectares in size designated Institutional on Schedule E-1 - Urban Land Use Designations. Lands used for institutional purposes less than 4 hectares shall be permitted within the Neighbourhoods and Commercial Mixed Use designations subject to the provisions of this Plan. (OPA 64).
- E.6.2.2      The following uses shall be permitted on lands designated Institutional on Schedule E-1 – Urban Land Use Designations:
- a)      educational facilities, except commercial schools;
  - b)      religious facilities;
  - c)      cultural facilities;
  - d)      health care facilities;
  - e)      long term care facilities;
  - f)      day care facilities;
  - g)      accessory uses; and,
  - h)      ancillary uses, in accordance with Policy E.6.2.3, E.6.2.4, and E.6.2.5. (OPA 64)”

The Urban Design Brief submitted as part of the application indicated that the buildings will be designed to integrate and enhance the campus from an urban design perspective, by using appropriate materials, animating the street edge and enhancing the pedestrian connections (Policy E.6.1.3). The details of the materials and design of the pedestrian realm will be evaluated at the Site Plan Control stage. This application to change the designation from Mixed Use – Medium Density to Institutional, represents the expansion of an institutional use and the following policies, amongst others, apply:



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- “E.6.3.1 When considering development proposals for new institutional uses or expansions to existing institutional uses within existing Institutional designations, the following criteria shall be evaluated:
- a) availability of sufficient off-street parking to meet projected demand, to minimize spill-over parking on adjacent local streets;
  - b) provision of adequate and appropriate landscaping and buffering to effectively screen parking, loading and service areas from adjacent residential uses;
  - c) the scale of the proposed institutional use and its compatibility with the character of established development in the surrounding area;
  - d) the capability of the site for providing convenient access to public transit with all buildings located within a reasonable walking distance; and, e) use of underground parking or parking structures.”

The proposed change in land use designation is intended to recognize the relationship with McMaster University and can be considered an expansion of the Campus. With this, all amenities that the University has to offer, including parking, will be offered to the students living in the proposed residence. This will help to control parking demand and reduce spill-over on nearby local roads (Policy E.6.3.1 a)). This site is also located along an existing bus route and the future LRT route providing students and visitors with alternative modes of transportation (Policy E.6.3.1 d)). The proposal to build 17, two storey grade related dwelling units, along the Traymore Avenue frontage, and the step backs to eight and then 10 storeys as the building moves closer to Main Street West will help to respect and maintain the low rise character on Traymore Avenue. (Policy E.6.3.1 d)). Landscaping, buffers and the screening of parking and loading will be addressed at the Site Plan Control stage (Policy E.6.3.1 b)).

This proposed student residence is institutional in nature and is intended to function as part of McMaster University. The proposal includes an educational use (McMaster Centre for Intergenerational Research) as well as a student amenities including a dining hall and study rooms. The student residence and accessory uses will be considered an ancillary use to McMaster University and the following policies will apply:

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

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- a) The site and/or building shall be designed to minimize negative impacts on institutional uses.
- b) Residential uses shall be developed in accordance with Section E.3.4 – Low Density Residential or Section E.3.5 – Medium Density Residential. The appropriate density shall be determined on a site by site basis provided it meets the applicable policies of Sections E.3.3 – Low Density Residential and E.3.5 – Medium Density Residential, inclusive.”

The proposed student residence is intended to serve and enhance McMaster University (Policy E.6.2.4 a)). Policy E.6.2.4 b) states that a student residence shall be developed in accordance with the policies of the Medium Density Residential Policies (Policy E.6.2.4 b)).

With regard to Section E.6.2.4 b), Section E.3.5.8 Medium Density Residential states that:

“E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

An amendment to Policy E.3.5.8 is required to recognize the proposed development including two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys and a 15 storey tower at the corner of Main Street West and Forsyth Avenue. This location minimizes the sun / shadow and the stepping back of the facades work to mitigate wind effects that can be caused by tall buildings (Policy E.3.5.8). Additional measures such as windscreens, canopies, trellises and / or dense landscaping could be employed to extend the use of the outdoor green space into the spring and fall and will be further assessed at the Site Plan Control stage.

### **Ainslie Wood Westdale Secondary Plan**

The subject lands are designated Mixed Use – Medium Density, and Site Specific Policy Area E. Within both the current and proposed designation, a maximum height of three storeys (which can be increased to four – six storeys if a number of conditions can be met) is allowed. This application is seeking to change the designation to Institutional and to allow a maximum height of 15 storeys in order to facilitate the development of a student residence comprised of two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth

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(see Concept Plan and Elevations attached as Appendix “C” to Report PED19186) with some accessory retail and educational facilities on the ground floor. Staff have amended the application to restrict the height through a Site Specific Policy Area.

Site Specific Policy – Area E states that:

“B.6.2.17.6 In addition to Policy B.6.2.17.6, the following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403, designated Mixed Use – Medium Density, and identified as Area Specific Policy – Area E on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan:

- a) In addition to Section E.4.0 – Commercial and Mixed Use Designations of Volume 1, and notwithstanding B.6.2.7.2 of Volume 2, the following policies shall apply:
  - i) building forms shall be in keeping with the predominant character of the surrounding area with respect to materials, roofline and setbacks;

Area Specific Policy – Area E is intended to supplement the applicable policies in Section E.4.0 of the UHOP. Sections E.4.6.7 and E.4.6.8 as discussed above, state that the maximum permitted height is six storeys, but may be increased to eight storeys if it can be demonstrated that there are no adverse shadow impacts, that there is an appropriate transition and stepping back of heights and that the appearance of height is minimized (Policies E.4.6.8 a), b) and c)).

The subject lands are located on the edge of an existing low rise residential neighbourhood, beside McMaster University and along a major arterial road. The proposed development will be in keeping with McMaster University and will provide appropriate transition to the low rise neighbourhood to the north by stepping the building back from the homes and toward Main Street West. Building materials and a more detailed design will be evaluated at the Site Plan Control stage (Policy B.6.2.17.6 a) i)).

This application proposes to change the land use designation from Mixed Use Medium Density to Institutional in the Ainslie Wood Secondary Plan, and as such, the following policies apply:

6.2.11.2 In addition to Sections E.3.10 – Community Facilities and Services Policies and E.6.0 – Institutional Designation of Volume 1, the following policies shall

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apply to lands designated Institutional on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan

- a) existing Institutional uses within the Ainslie Wood Westdale area include McMaster University, McMaster University Medical Centre (Hamilton Health Sciences Corporation), other schools providing for various age groups, and several places of worship.
- b) McMaster University is located immediately adjacent to, and surrounded by, the Secondary Plan area. The University and adjacent hospital shall be recognized for their key role in defining the identity of the Ainslie Wood Westdale community.

Further to the E.6.0 – Institutional Policies, McMaster is recognized as an important institutional use within the secondary plan area (Policy 6.2.11.2 a)) and is recognized as playing a key role in defining the identity of the Ainslie Wood Westdale community (Policy 6.2.11.2 b)). The proposed student residences are intended to function as an extension to the McMaster University Campus and will be designed in a way that enhances the character of the University.

A Site Specific Policy Area (attached as Appendix “B” to Report PED19186) is proposed in order to accommodate the height while recognizing the proposed step backs. The Site Specific Policy Area will ensure that the appropriate transitions are achieved.

Further to the above, the lands are identified as “Cultural Heritage Landscape” on Map B.6.2-2 – Ainslie Wood Westdale – Cultural Heritage Landscapes and as such the following policies, amongst others apply:

- 6.2.14.1 The objectives for cultural heritage in the Ainslie Wood Westdale community are to:
- a) recognize the existing heritage and design features of the area, and take advantage of opportunities to further enhance these features;
  - b) conserve the historic and architecturally significant buildings and areas, and reflect this heritage character in adjacent lands; and,
  - c) ensure the appropriate management, conservation, mitigation or preservation of archaeological resources.

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6.2.14.2 In addition to Section B.3.4 - Cultural Heritage Resources Policies of Volume 1, the following policies shall apply to the Ainslie Wood Westdale Secondary Plan area:

- a) Additional properties or heritage conservation districts may be designated or listed under the Ontario Heritage Act without amendment to this Plan. These areas may include areas identified on Map B.6.2-2 – Ainslie Wood Westdale - Cultural Heritage Landscapes as Cultural Heritage Landscapes.
- b) Cultural heritage landscapes shall be conserved and protected with the intent of retaining major characteristics through the review of planning applications. The following Cultural Heritage Landscapes are identified on Map B.6.2-2 – Ainslie Wood Westdale - Cultural Heritage Landscapes:
  - i) The McMaster University Historic Core;
  - ii) The Westdale Original Subdivision;

A Cultural Heritage Impact Assessment (CHIA), prepared by ERA Architects Inc., dated revised dated July 31, 2017, was submitted in support of this application. The CHIA concluded that the proposed development will rehabilitate the block by removing all existing buildings and constructing a new student residence with associated educational and retail uses intended for use by McMaster University.

Although the proposal represents a significant change to the site, the proposed development is in keeping with the anticipated growth of the area and will provide much needed student residences. It also continues the historic relationship between the Westdale neighbourhood and McMaster University, which has already led to significant changes to this block in the 1960s.

The impact on the Westdale cultural heritage landscape will be mitigated through design decisions that respond to the character of Westdale’s residential streetscape on Traymore Avenue in their scale, landscaping and materiality. These will help the transition from the new development to the historic neighbourhood. Staff have reviewed the CHIA and agree with the findings.

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

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## RELEVANT CONSULTATION

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

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

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

**Forestry and Horticulture Section, Public Works Department** has advised that there are trees on site and as such a Tree Management Plan prepared by a Registered Landscape Architect will be required. A Landscape Plan prepared by a Registered Landscape Architect is required, showing the placement of trees on City and private property. These requirements will be reviewed at the Site Plan Control stage.

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

**Transportation Planning, Planning and Economic Department** has reviewed McMaster Residences Transportation Impact Study (TIS) (Update) have no objection to the application for an Official Plan Amendment. Revisions to the TIS will be required at the Site Plan Control stage. Revisions requested are generally for updated peak time information, signal timing information and the provision of additional datasets used to support the findings. The TIS will be required to be updated and re-evaluated at the Site Plan Control stage.

**Light Rapid Transit** has reviewed the application and advised that the development is adjacent to the Main/King/Queenston B-Line LRT corridor. Main Street in its current configuration between Forsyth Avenue and Dalewood Avenue will be converted to two westbound lanes on the north side of the road with a left turn lane onto Bowman Street and three eastbound lanes on the south side of the street. In this section, the LRT guideway is side running along the northerly side of the street. Driveway access or other

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crossings of the LRT guideway from the subject lands would not be permitted in this section of Main Street West.

The concept plan submitted with the application indicates a road widening in order to establish the property line 22.86 metres from the centre of Main Street West. While this appears to be sufficient, the LRT office advised that the detail design is not complete and this could change once the final designs are developed. Once the final site design and final corridor lands needed are determined, the LRT Office will work with the application the proposed street scape design. This will ensure that pedestrian features can be introduced along Main Street West to both animate the street and provide building access and connections to the LRT corridor (the McMaster termini is located at Main Street West and Cootes Drive).

The design of the LRT system limits accesses onto the LRT corridor and prohibits stopping and deliveries along the corridor where it would negatively impact the flow of traffic. All parking, stopping and loading activity for this site will not be permitted on Main Street West.

The applicant should be aware that to avoid disruptions to the LRT corridor all servicing connections, where possible, should be from alternative connection locations than Main Street West. The application currently contemplates sewer connection to the Main Street West storm sewer as it is a municipal objective to outlet storm flows to a dedicated storm sewer, as opposed to a combined sewer. City staff will work with the applicant to coordinate this connection.

Construction timing and staging should also be coordinated with LRT construction so as to eliminate potential conflicts should the two schedules overlap.

**Metrolinx** provided separate comments that speak to the need for a coordinated approach. City Staff and Metrolinx are prepared to work with the applicant in order to coordinate works related to land dedications, service connections, construction and streetscaping.

**Design Review Panel (DRP)** The application was presented to DRP on February 18, 2018 to address the following questions:

1. Does the proposal provide for an appropriate scale of development and transition of built form to the adjacent lower density development?

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2. Does the proposed development provide for compatible integration with the surrounding built environment?
3. Does the proposal minimize the impacts of shadowing and maximizing light to adjacent properties and the public realm?
4. Is the proposed development contextually appropriate given the characteristics of the adjacent cultural heritage landscape (Westdale Original Subdivision)?

DRP recognized that student housing is needed but agreed that the building mass is too large. The building mass needs to be sculpted to significantly reduce the negative impacts to existing residential neighbourhood to the north and Main Street to the south. Some additional comments were made including:

- Building heights should be varied to break up the mass;
- The façade abutting Main Street West façade should be designed to enliven the street and add to the pedestrian experience;
- Building materials used on the north side should relate more to the neighbourhood;
- Additional outdoor amenity/green space should be provided; and,
- Some of the proposed bicycle parking should be moved indoors.

In response to these, and other staff comments the proposed development has been amended. The current proposal is to permit two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth (see Concept Plan and Elevations attached as Appendix “C” to Report PED19186). Additional changes include, but are not limited to: the introduction of an outdoor green space which breaks up the westerly building along the Traymore Avenue frontage; the removal of one grade related unit which increases the width of the vehicular access; and additional step backs at the corner of Traymore Avenue and Dalewood Avenue to reduce shadow impact on the neighbouring Dalewood School.

## **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



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to 189 property owners within 120 metres of the subject property on November 21, 2017. A Public Notice sign was posted on the property on November 29, 2017 and updated on September 4, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

The applicant held one Public Open House on February 18, 2018.

To date, 39 public submissions (attached as Appendix “D” to Report PED19186) have been received. While the majority expressed concerns, a number of submissions offered support.

The submissions in support is generally summarized as follows:

- McMaster University needs additional student housing; and,
- The residence may reduce the number of students renting in the neighbourhood.

The submissions with concerns are generally summarized as follows:

- The scale of development is not appropriate for the area, the increased population/density cannot be supported and the proposal does not meet the intent of the Ainslie Wood Westdale Secondary Plan;
- There is not an appropriate transition between the proposed buildings and the existing low rise residential uses, does not maintain the character of the neighbourhood, shadow impacts, loss of view to the escarpment and lack of green space on the site;
- Increased pedestrian and vehicular traffic, lack of sufficient parking and safety issues associated with the increased traffic;
- Lack of consultation/information and transparency, commenting period too short; process does not seem democratic;
- Construction nuisance, added litter, garbage, trespass and other crimes, and noise;
- Decreased property values, long term loss of the character of the Westdale neighbourhood, loss of single detached homes; and,
- Servicing concerns regarding water/wastewater and drainage concerns, loss of taxation due to institutional status.

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

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

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

- (i) It is consistent with the Provincial Policy Statement (2014) and conforms A Place to Grow Plan (2019). Both policy documents encourage intensification within settlement areas.
- (ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the Medium Density Residential policies as it relates to ancillary uses in an Institutional designation; and,
- (iii) It provides much needed student housing in a location that is appropriate for the proposed use and height as it is adjacent to McMaster University, along the LRT Corridor and provides convenient access to a number of amenities in the area.

2. Official Plan Amendment

The proposed student residence with associated educational and retail uses is permitted in the UHOP within both the Mixed Use – Medium Density and the Institutional designations. The applicant is proposing that the designation be changed to Institutional in order to recognize the relationship to McMaster University. The Institutional designation refers back to the Mixed Use Medium Density provisions with regard to height and states that a height of six storeys which may be increased to eight storeys if conditions related to sun/shadow, transition, and overlook can be mitigated. The current application is to allow a maximum of 15 storeys, and in order to achieve this, a number of studies were submitted with the application to demonstrate that these effects can be mitigated. The proposed building design has been amended, by providing a 2 storey built form along the Traymore Avenue frontage, and the subsequent stepping back of heights toward main street and away from the low rise residential on Traymore Avenue. These measures help to mitigate negative impacts related to sun/shadow and wind and to create an appropriate transition from the low rise neighbourhood to Main Street West.

A Site Specific Policy Area is proposed in order to accommodate the height and recognize the proposed step backs. The Site Specific Policy Area will ensure that the

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appropriate transitions are achieved (see the map attached as Appendix “D” to this report).

4. Development Engineering Approvals staff have reviewed the application, and the associated Functional Servicing Report (FSR) prepared by exp., revised dated June 10, 2019 which was submitted as part of the most recent submission. Development Engineering Approvals staff have no concerns with the Official Plan Amendment proceeding from a servicing perspective and the proposed development servicing concept is supportable by existing infrastructure.
5. The circulation of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications resulted in the submission of 39 pieces of correspondence (attached as Appendix “D” to Report PED19186).

#### Support for Student Residence

A number of residents offered support for the student residence use, as they understand that it is needed and that the increased supply of student accommodation may help to lessen the demand for student rentals within the neighbourhood.

#### Scale and Appropriateness

Many of the letters of correspondence received are concerned about the size of the proposed residence as they feel it is not appropriate for the site given the context of the site being located so closely to the low density residential neighbourhood. In particular, some residents are concerned that this proposal is not in keeping with the Ainslie Wood Westdale Secondary Plan.

The subject lands are comprised of a number of residential lots and take up an entire block. The block is located on a Primary Corridor, adjacent to a Major Activity Centre and directly abutting the proposed LRT Corridor. This block is also located in between two existing institutional campuses, the first being McMaster University and McMaster Children’s Hospital and the other being Dalewood School and Dalewood Recreational Centre. Increased heights and massing are considered appropriate along a Primary Corridor and the location of the subject lands in relation to McMaster University and the proposed LRT make this site an appropriate for increased height and density. The Student residence use is a transit supportive use that will benefit the LRT and surrounding neighbourhood by encouraging active forms of transportation.

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Lack of Transition / Character / Impacts/

Residents expressed concerns that there is not an appropriate transition between the proposed buildings and the existing low rise residential uses, does not maintain the character of the neighbourhood, shadow impacts, loss of view to the Niagara Escarpment and lack of green space on the site;

To provide an appropriate transition, and to minimize shadow impacts, the proposed building design has been amended, by providing a two storey built form along Traymore Avenue, and the subsequent stepping back of heights toward Main Street West and away from the low rise residential on Traymore Avenue. These measures help to mitigate negative impacts related to shadow impacts and to create an appropriate transition from the low rise neighbourhood to Main Street West.

Traffic and Parking Impacts

A number of residence expressed concerns regarding the amount of traffic that a student residence of this scale will produce. They also feel that the number of parking spaces being proposed is insufficient. The concern is that the introduction of this number of student beds will cause a greater number of vehicles and pedestrians to be present in the area which can create a number of issues including, but not limited to congestion, street parking shortages and safety risks. Concerns regarding move-in and move-out times of the year were also raised.

A revised parking study was prepared and submitted as part of the most recent submission and is being evaluated as part of the Zoning By-law Amendment application which is currently before the LPAT.

Lack of Consultation, Information and Transparency

Concerns were raised regarding the lack of consultation done with the area residents. There were also concerns about the lack of information and transparency from both the applicant and the City of Hamilton.

On November 21, 2017, the Notice of Complete Applications and Preliminary Circulation was sent to 189 residents within 120 metres of the subject property. On November 29, 2017, a Public Notice Sign was installed on the property, and on February 7, 2018 a Public Meeting was held by the Applicant. The Planning Act dictates the length of time that a municipality has to make a decision on an application once a complete application has been submitted. In this case the City had not made

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 26 of 28**

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a decision within the prescribed period and the applicant appealed the applications to the LPAT for non-decision. The applications have been reviewed, circulated and assessed in accordance with the requirements of the *Planning Act*.

Nuisance (Noise, Litter, Trespass and Construction)

A number of residents raised concerns regarding increased nuisances related to noise as the students walk to and from school as well as in the evenings and overnights when social gatherings occur. There were also concerns regarding increased litter and instances of trespass and general nuisance that are said to occur in this area already. The concern is that the instances of such events will increase as the number of students in the area increase.

A Noise Report was submitted as part of the application and staff found it to be satisfactory. Noise impact will be reevaluated as a more detailed design concept is reviewed at the at the Site Plan Control stage. Any necessary noise mitigation measurements with be required at that time.

There is no evidence that instances of littering and trespass will increase due to this development. At the Site Plan Control stage, staff can work with the applicants to encourage sufficient and convenient waste receptacles to be maintained on the site.

Property Values, Property Taxes and Neighbourhood Character

In the correspondence received identified concerns regarding impacts on property taxes, property values and the loss of the Cultural Heritage feel in the Westdale neighbourhood.

A Cultural Heritage Impact Assessment (CHIA) was submitted in support of this application. The CHIA concluded that the proposed development will rehabilitate the block by removing all existing buildings and constructing a new student residence with associated educational and retail uses intended for use by McMaster University. Staff have reviewed the CHIA and are in support of the findings. At Site Plan Control stage the applicant will be required to demonstrate that the building materials, landscaping, and scale address the transition from the historic Westdale neighbourhood to the Main Street West corridor and as an extension of the McMaster University campus.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 27 of 28**

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With regard to the concern that development will impact the property taxes and property values of the surrounding residential areas, there is no empirical evidence that a development will negatively impact neighbouring uses.

Finance staff have advised the the proposed development will be required to pay Development Charges at the time of Building Permit application. With respect to property taxes, the final determination as to whether or not the proposed development will be required to pay property taxes has yet to be made by MPAC. MPAC has indicated that this determination will be made once construction has been completed and McMaster University provides copies of the final operating agreement to MPAC.

#### Servicing, Drainage and Waste

There were concerns raised regarding servicing, water / wastewater and drainage and waste collection. Residents are concerned that the existing servicing (water and wastewater) may not be sufficient to accommodate the proposed development.

A Functional Servicing Report was submitted in support of this application and staff will evaluate this at the Site Plan Application stage. Additionally, Grading and Drainage Plans are required at the Site Plan Control stage and the site is eligible for municipal waste collection. Staff will work with the applicant to ensure that the design collection area will facilitate municipal waste collection.

#### Greenspace and Trees

Some residents are concerned about the loss of the existing open space and mature trees and they do not feel that the proposed development has enough open space. Some residents have asked what McMaster will do to compensate the losses.

The development does propose an outdoor amenity area and a landscape plan will be required at the Site Plan Control stage to replace any trees that are lost as a result of the development and enhance both hardscaping and landscaping on the site. Staff note that the subject property does not form part of the natural heritage system identified in the UHOP and further designated 'Neighbourhoods' in the UHOP wherein residential development is envisioned on the subject land.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) - Page 28 of 28**

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## **ALTERNATIVES FOR CONSIDERATION**

Should Council deny the application and direct staff to contest the Zoning By-law Amendment at the LPAT. Development would be permitted in accordance with the Mixed Use – Medium Density, Special Policy Area E polices and the Transit Oriented Corridor – Mixed Use Medium Density (TOC1, 296) and (TOC1, 296, H63) Zone.

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

### **Community Engagement and Participation**

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

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

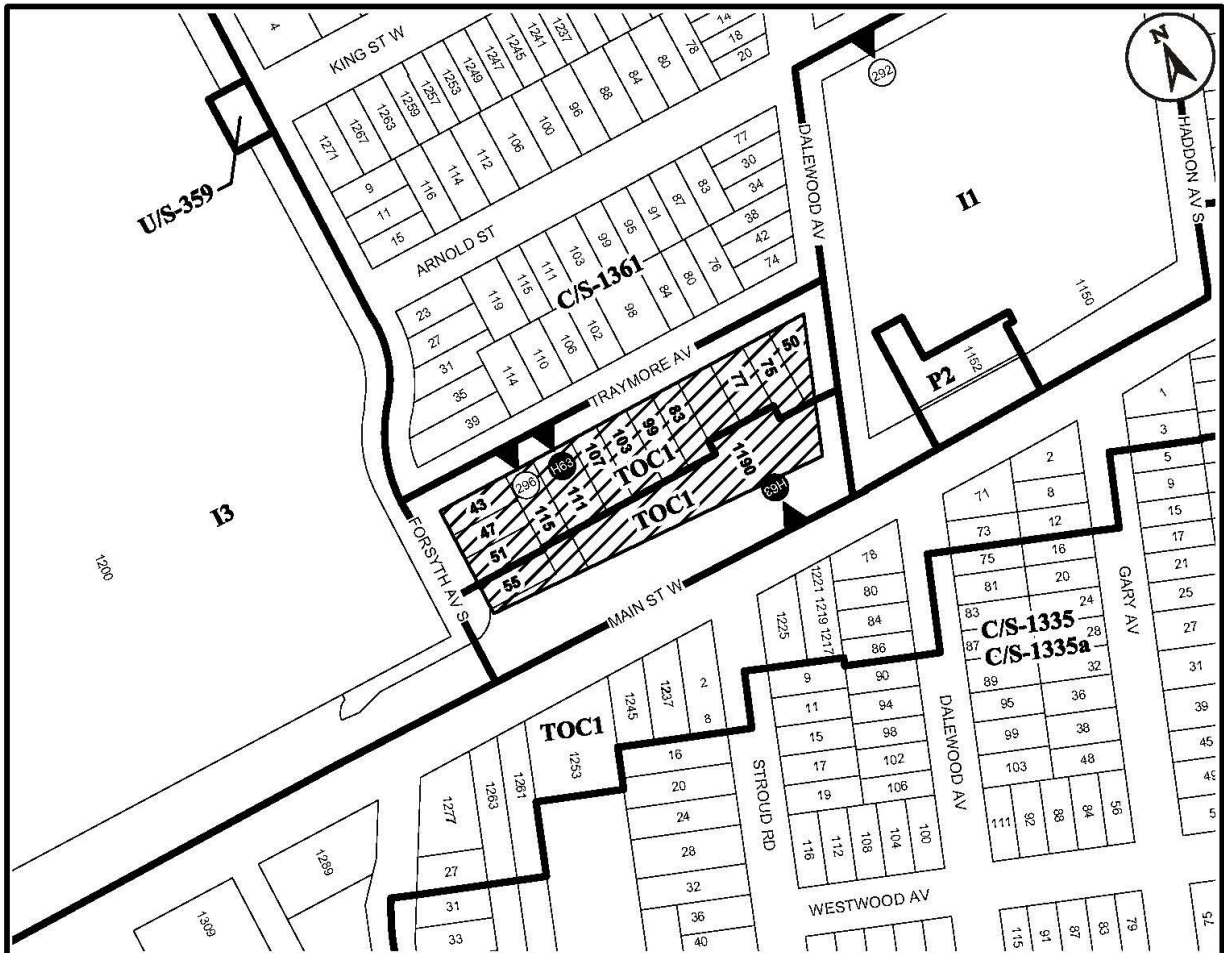
Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Built Environment and Infrastructure**

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

## **APPENDICES AND SCHEDULES ATTACHED**


- Appendix “A” – Location Map
- Appendix “B” – Draft Urban Hamilton Official Plan
- Appendix “C” – Concept Plan and Elevations
- Appendix “D” – Height Map from Official Plan
- Appendix “D” – Public Correspondence



● Site Location



Key Map - Ward 1

N.T.S. 

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-065 & UHOPA-17-28

Date:  
Oct 4, 2017

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
TS/AL

### Subject Property



1190 Main Street West, 43, 47, 51 & 55  
Forsyth Avenue South, 75, 77, 81, 99, 103,  
107, 111 & 115 Traymore Avenue, and 50  
Dalewood Avenue

Change in Land Use Designation from Mixed  
Use - Medium Density to Institutional



**Schedule "1"**

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

The following text, together with:

Appendix "A"	Volume 1, Schedule E-1 – Urban Land Use Designations
Appendix "B"	Volume 2, Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan

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

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to change the Official Plan designation from "Mixed Use – Medium Density" to "Institutional" and establish a Site Specific Policy Area within the Ainslie Wood Westdale Secondary Plan – Land Use Plan to permit the development of McMaster University student residences.

**2.0 Location:**

The lands affected by this Amendment are known municipally as 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, in the former City of Hamilton.

**3.0 Basis:**

The basis for permitting this Amendment is:

- The proposed development complies with the function, scale and design of the Institutional designation;
- The proposed development serves the McMaster University Campus by providing additional purpose-built student residences,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.

#### 4.0 Actual Changes:

#### 4.1 Volume 1 – Parent Plan

##### **Schedules and Appendices**

##### 4.1.1 Schedule E-1 – Urban Land Use Designations

- a. That Volume 1, Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from "Mixed Use - Medium Density" to "Institutional", as shown on Appendix "A", attached to this Amendment.

#### 4.2 Volume 2 – Secondary Plans

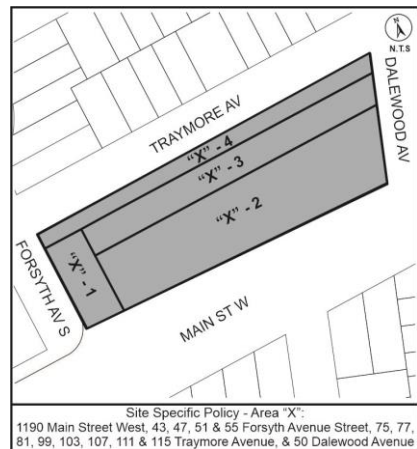
##### **Text**

##### 4.2.1 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.2 – Ainslie Wood Westdale Secondary Plan

- a. That Volume 2, Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.2 – Ainslie Wood Westdale Secondary Plan be amended by adding a new Site Specific Policy, as follows:

##### **"Site Specific Policy – Area "X"**

B.2.17.X In addition to Policy B.6.2.11 of Volume 2, the following policies shall apply to the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, designated "Institutional" and identified as Site Specific Policy – Area "X" on Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan:



- a) Notwithstanding Policy E.3.8.2 and E.3.8.3 of Volume 1, motor vehicle service station and drive-through facilities shall be prohibited;
- b) In addition to Policy E.6.2.4 b) and notwithstanding Policy E.3.5.8 of Volume 1, building heights shall be as follows:

- i) for Area "X-1" the maximum height shall be 15 storeys;
- ii) for Area "X-2" the maximum height shall be 10 storeys;
- iii) for Area "X-3" the maximum height shall be 8 storeys; and
- iv) for Area "X-4" the maximum height shall be 2 storeys."

## Maps

### 4.2.2 Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan

a. That Volume 2, Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan be amended by:

- i) redesignating lands from "Mixed Use – Medium Density" to "Institutional";
- ii) removing the Area Specific Policy – Area E identification from the subject lands; and
- ii) identifying the subject lands as Site Specific Policy – Area "X",

as shown on Appendix "B", attached to this Amendment.

## 5.0 Implementation:

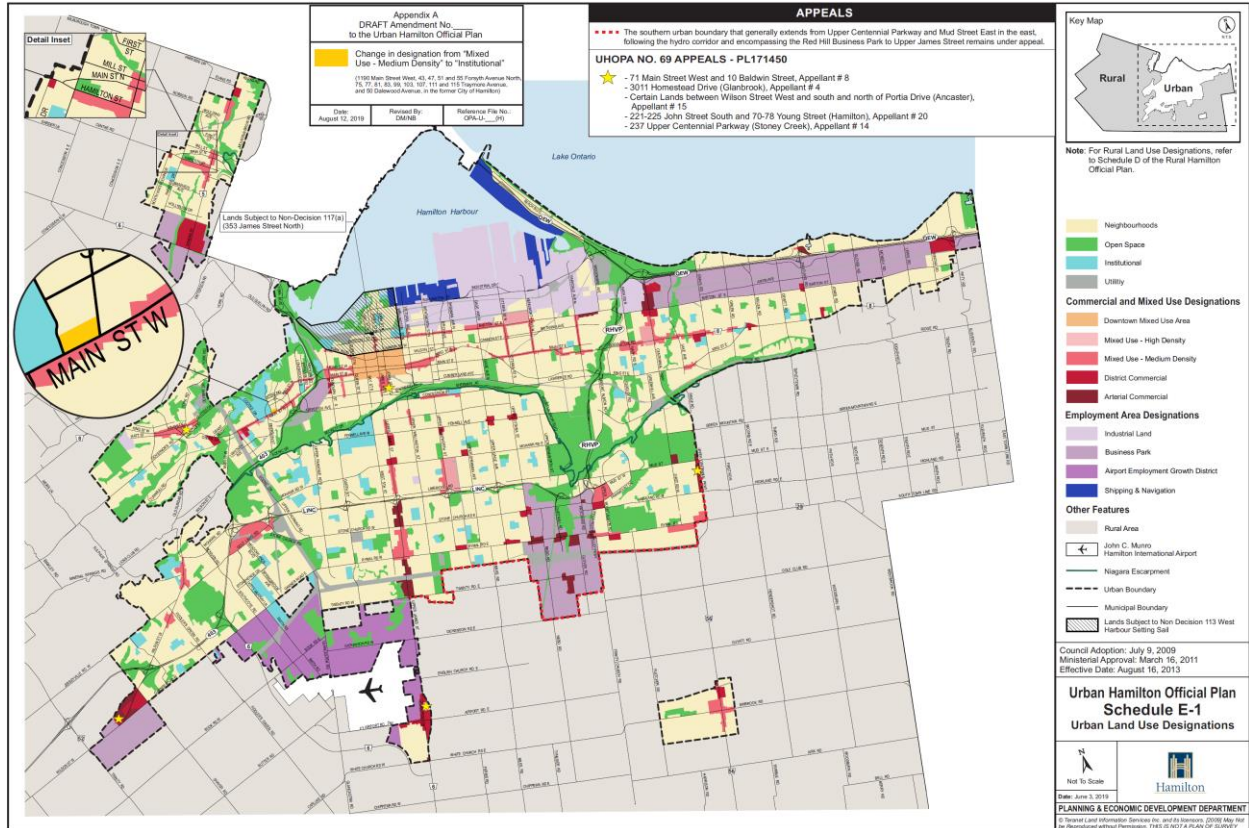
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

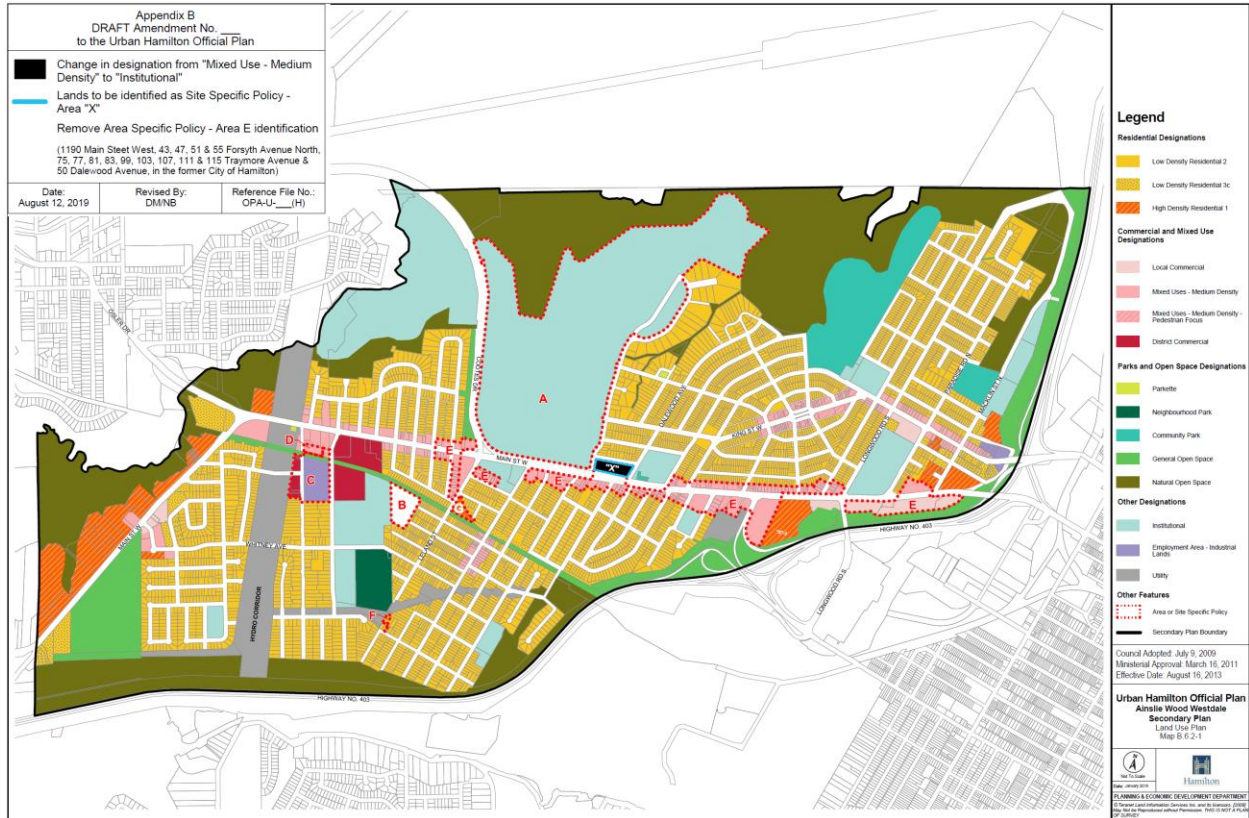
This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_\_, 201X.

## The City of Hamilton

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

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







Diamond Schmitt Architects

SITE / GROUND FLOOR PLAN  
 Master Residences  
 ARCH 101

2019-09-28 1:30



Diamond Schmitt Architects

2019-03-28 REVISED PROPOSAL - MAIN STREET LOOKING NORTHEAST  
McClaster Residences

2019-03-28



Diamond Schmitt Architects

2019-03-28 REVISED PROPOSAL - MAIN STREET LOOKING NORTHWEST  
McLaster Residences 2019-03-28





Diamond Schmitz Architects

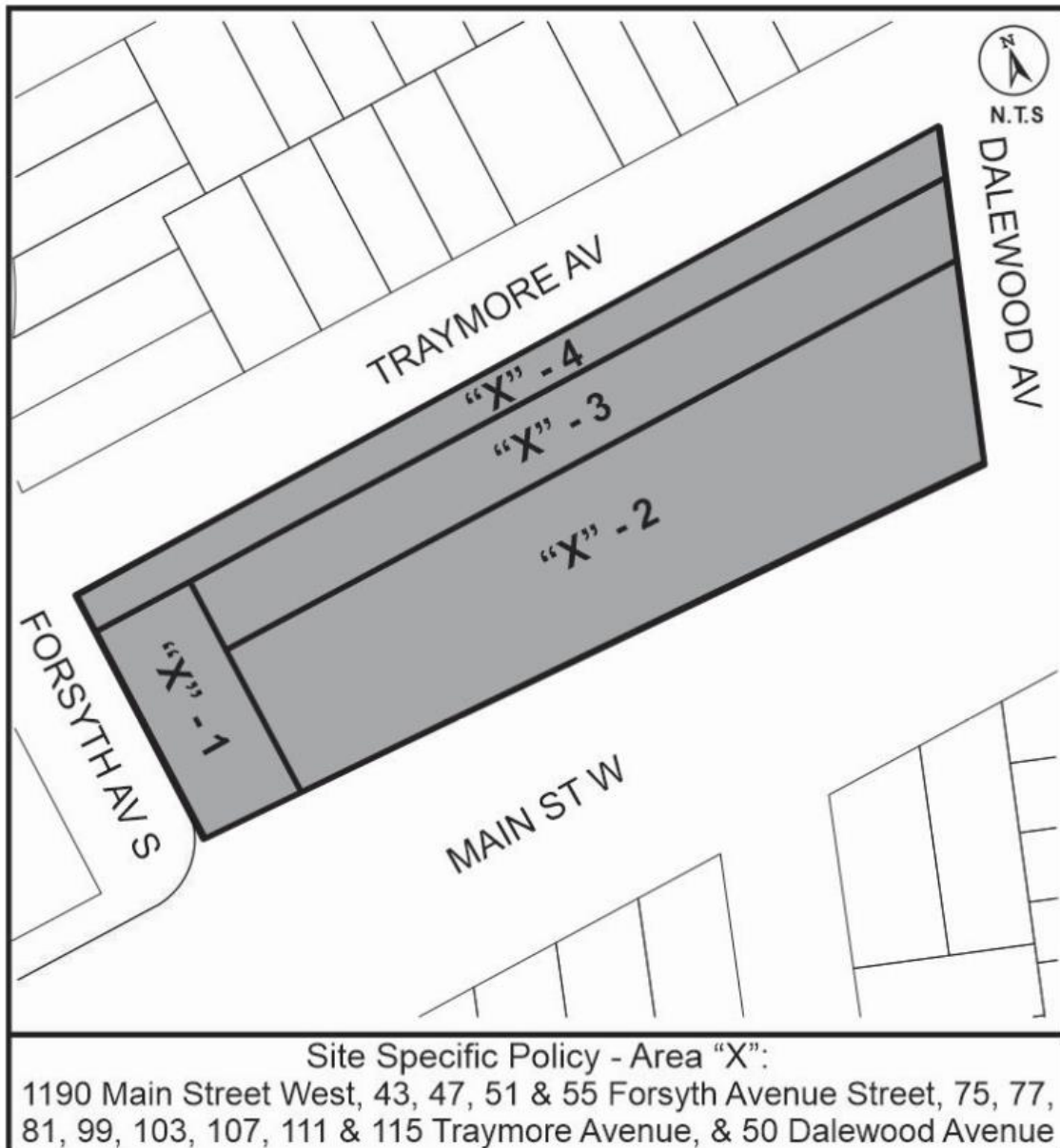
2019-03-28 REVISED PROPOSAL - TRAYMORE AVENUE LOOKING SOUTHWEST  
McKasler Residences 2019-03-28



Diamond Schmitt Architects

2019-03-28 REVISED PROPOSAL - FORSYTH AVENUE LOOKING SOUTH  
McMaster Residences 2019-03-28

2019-03-28



Maximum Height will be as follows:

Area "X-1" the maximum height shall be 15 storeys;

Area "X-2" the maximum height shall be 10 storeys;

Area "X-3" the maximum height shall be 8 storeys; and

Area "X-4" the maximum height shall be 2 storeys."

**Dear, Andrea**

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**From:**  
**Sent:** Saturday, November 25, 2017 9:11 PM  
**To:** Lucas, Adam  
**Subject:** Files: UHOPA-17-28, ZAC-17-065; ATTN. : Mr. Adam Lucas, City of Hamilton

Dear Sir,

We live in a house in Dalewood Ave., on the other side of the Main st. but quite close to the proposed construction site. We would like to know how we are going to be affected during and after the construction of the proposed building. Kindly, write to us by e-mail or by other means when the construction is going to start and how long it is going to take to complete.

We'll appreciate if you do not publish any personal information. Best regards

**Dear, Andrea**

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**From:** Wali Khan  
**Sent:** Wednesday, November 29, 2017 3:52 PM  
**To:** Lucas, Adam  
**Subject:** Response to the Notice (UHOPA-17-28 and ZAC-17-065) from City of Hamilton Office on Construction/Change of Zoning

Dear Mr. Lucas,

I have received the notice from Planning and Economic Development Department of City of Hamilton regarding the applications (Refs: UHOPA-17-28 and ZAC-17-065) by Knightstone Capital Management II Inc. (c/o Alan Perlis) on behalf of McMaster University (c/o Dr. Mohammad Attalla) for an Official Plan Amendment and Zoning By-law Amendment for constructing two (2) 12 storey student residence building students of McMaster University on the South Side of Traymore Avenue (between Traymore Avenue and Main Street West). I am residing on the North Side of Traymore Avenue with my family since 2009. I strongly oppose this kind of construction or change of zoning on the other side of same road.

I believe construction of 12 storey buildings on the South Side of Traymore Avenue will significantly affect the residential environment on this road. It is going to affect our right to light, and will change the surrounding atmosphere significantly. This proposed big construction will also generate huge noise which will affect our life. Overall this will cause nuisance for living on this road with family. I am working at McMaster University as a Faculty Member, and my son and daughter is studying at McMaster University and Westdale High School, respectively. We bought this house on Traymore Avenue as it is in a residential area and there was no indication from City of Hamilton until recently of development of multistoried buildings on the opposite side of the same road. I moved in this house to live with family in this residential area and now we are facing this unexpected situation. It is also very unreasonable to change one side of a road to commercial/institutional zone keeping another side of the same road residential. We have also no information whether this huge construction is going to impact water drainage system or water supply in our side. In addition, this is going to significantly impact the values of the residential houses on our side of the road. Specifically after the City of Hamilton has placed the Notice Board on the South side of Traymore Avenue today I think it is now going to reduce the value of our house on the North Side substantially and it will be not at all easy for us to sell this house and move to another place.

It is unfortunate that the Knightstone Capital Management Inc did not inform or communicate with us about this before.

I will be grateful if the Planning and Economic Development Department of City of Hamilton consider our difficult situation (residents of North Side of Traymore Avenue) and take appropriate measures to stop this construction and zoning change.

Please let me know if you need any other information.

Many thanks anticipation of your kind consideration.

Sincerely,

Waliul Khan

Hamilton, ON

DEC 04 2017

88 Arnold Street  
Hamilton, ON L8S 1R6

November 29, 2017

Director of Growth Planning, Growth  
Management Division, Planning  
and Economic Development Department  
71 Main Street East, 6th Floor  
Hamilton, ON L8P 4Y5

Dear Sir or Madam:

**Re: Notice of Complete Applications by Knightstone Capital Management II Inc. (c/o Alan Perlis) on behalf of McMaster University (c/o Dr. Mohamed Atalla) for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1190 Main Street West; 43, 47, 51 and 55 Forsyth Avenue South; 75, 77, 81, 99, 103, 107, 111 and 115 Traymore Avenue; and 50 Dalewood Avenue, Hamilton (Ward 1)**

**Re: Your File(s): UHOPA-17-28; ZAC-17-065**

We acknowledge receipt of the November 21<sup>st</sup>, 2017 letter from Kimberley Harrison-McMillan, the Senior Project Manager. Please provide a copy of the decision of the City in respect of the proposed Draft Plan of Subdivision.

Please communicate with us at the residence address shown in the top right-hand corner of this letter. If you prefer to communicate with us by email please advise us and we will provide you with our email address. Thank you for your cooperation.

Yours truly,

John M. Wigle

cc: Susan Wigle

**Dear, Andrea**

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**From:** Kevin Russell a>  
**Sent:** Tuesday, December 5, 2017 7:48 AM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan  
**Subject:** Development on Traymore Ave.

My wife and I live at [redacted] (for over 30 years) and are one of the resident owners most impacted by the proposed development. Please consider what follows as my preliminary comments to the proposal.

The December 12th deadline is unreasonable particularly as we as residents have no idea of the details of the project. It is hard to comment without site plan and at least concept drawings for the building.

The statement in the notice that the building will be 52 metres in height is meaningless to a lay person. Mac suggests that it will be 12 stories but two engineers have suggested that it could be as much as 15 stories.

Specific concerns:

Building is too high should not be more than eight stories;

The occupancy density at 1,400+ is too large should not be more than 800;

6 parking spots for complex will lead to parking issues on Traymore and the community centre — permit parking on Traymore should be maintained and occupants of the residence prohibited from having said permits;

The service entrance is planned to be off Dalewood. It should be off Forsyth.

As a city planner it is my view that you have an obligation to protect the interests of the residents. How do you intend to fulfil that obligation?

Kevin Russell



**Dear, Andrea**

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**From:** Tony Benko  
**Sent:** Wednesday, December 6, 2017 9:49 AM  
**To:** Lucas, Adam  
**Subject:** UHOPA-17-28 and ZAC-17-065

Hello,  
My family and myself live at  
We are highly against the above development with regards to the height and capacity of the proposed development. Firstly, the height of the buildings would impose on sunlight and our view to the south. Secondly, the extra capacity would impact our neighbourhood due to extra excessive noise which we experience on a daily basis during the late ours when we are trying to sleep. Also, traffic in the area would be affected and our access to the city streets. Parking at this moment is congesting our streets and all the families and friends of the tenants would increase this substantially due to the limited parking space provided by the development. This is a very bad idea as it stands.

Regards,  
Tony and Jasna Benko

**Dear, Andrea**

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**From:**  
**Sent:** Friday, December 8, 2017 2:08 PM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan  
**Subject:** McMaster Application for new Student housing between Forsyth & Dalewood

Dear Sir,

I support the application for a new student housing development.

As a resident of the area I have long believed that the University should expand the housing supply for students closer to the university to reduce the "creep" of student housed in a family housing area.

Keeping students under closer watch and nearer to the University can only be beneficial to the entire neighbourhood in general.

I am concerned however with;

Lack of parking space – only 6 spaces for 1406 beds ?

Waste disposal – hopefully there will be sufficient waste receptacles and properly maintained.

Increase in capacity from original disclosure from the university.

Is it only for First year students ? What about other years?

Shadow of buildings on houses on other side of street ( Traymore)

Will the width of the sidewalks be increased to accommodate the increased pedestrian traffic ? Will they be installed on BOTH sides of Forsyth ? Will the sidewalks on Sterling & King be increased in width as well due to increased pedestrian traffic ? Current design of sidewalks appears to be from the 1940's.

If you want people to walk the sidewalks need to accommodate the flow in both directions and as you know people walk beside each other to talk not in single file.

Lack of transparency from the University with community.

Best regards,

Pieter deJonge

**Dear, Andrea**

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**From:** HERMAN BOUWMAN <  
**Sent:** Friday, December 8, 2017 9:41 PM  
**To:** Lucas, Adam  
**Subject:** aidan.johnson@hamilton.ca

I have just read some information regarding the new student residence by Traymore. I have concerns regarding litter, noise, no parking spots available and additional traffic. McMaster needs to be more transparent about their plans for development. They have land that is being used for parking as well as land west of Cootes. A residence would fit nicely in that area. Our neighbourhood has been destroyed because of McMaster and the its lack of planning for students and the city of Hamilton's failure to license housing. Is there anyway that residents will be able to have a say in this development?

Sincerely ,  
K. Bouwman

**Dear, Andrea**

---

**From:** Glenn  
**Sent:** Friday, December 8, 2017 6:24 PM  
**To:** Lucas, Adam; Johnson, Aidan  
**Subject:** UHOPA-17-28 and ZAC-17-065 Mac Residence

Dear Mr Lucas,

I am writing concerning McMaster University's proposed student residence on Main Street West/Traymore Avenue. While I applaud the university for creating more living space for students, the current plan is much larger than announced earlier in the year and consultation with the general public has not been held. The initial report stated: "A new partnership would see up to 800 beds in a new residence building on a stretch of land facing Main Street between Forsyth and Dalewood , backing onto Traymore. . . . 'The project will create an outstanding residence for students,' said provost, David Wilkinson. 'The building will be beautifully designed and there has been early consultation with neighbours to make sure their concerns are being addressed.' The building plan calls for [a] multi-storied structure on Main Street West which then is tiered back down towards Traymore creating interesting architectural elements, eliminating any shadows on area homes and reducing the impact on neighbours across the street".

There has been no guarantee that the new larger plan will not impact neighbours, including creating shadows to those on Traymore, as well as those travelling along Main Street. I am concerned there is no buffer zone between such a large institutional building and the adjacent homes located on a narrow street. The limited parking (6 places) is a very major concern. I believe this to be against all planning requirements, and I urge you to not waive the requirements to such an extent. Even if residents are told in advance they cannot have cars as part of their tenancy agreement, there must be provision for visitors. The nature of a student residence is that it is geared to students from outside the area, and therefore it must be assumed there will be visits from out-of-town family members, as well as friends from the city and beyond, who will travel by car. There must also be on-site parking for those moving in and out, and those assisting in this process.

Sincerely,

Glenn Fletcher

Hamilton

p.s. Please remove personal information before posting these comments

**Dear, Andrea**

---

**From:** Joan Drummond  
**Sent:** Saturday, December 9, 2017 9:13 AM  
**To:** Lucas, Adam  
**Subject:** Proposed student residence

This is not acceptable & certainly NOT DEMOCRACY--stop it!

Sent from my iPhone

**Dear, Andrea**

---

**From:** Adler  
**Sent:** Sunday, December 10, 2017 1:46 PM  
**To:** Lucas, Adam  
**Subject:** Uhopa-17-28 and Zac-17-065

Hi Adam,

I am writing to you to support the proposed amendments to the ZAC-17-065 AND OHOPA-17-28. Westdale is in desperate need of more student housing. I moved onto Dow Ave a little over a year ago with my wife who is a internal medicine resident at McMaster University and we were strongly considering staying here to raise a family. The lack of organized student housing in the area means that what would normally be family homes have been converted into illegal student houses. I'm sure you are already aware that there are a great many of these houses surrounding the university. This prevents good families from being able to move into the area. Perhaps more concerning is that it promotes an environment not conducive to raising a family (to put it politely) for those families that have managed to find houses. As a result of this my wife and I are strongly considering leaving Hamilton. I think a proper student residence will go a long way in terms of restoring Westdale to a healthy place to raise a family.

Thank you  
Israel Adler

**Dear, Andrea**

---

**From:** Emmy Arnold  
**Sent:** Sunday, December 10, 2017 8:06 PM  
**To:**  
**Cc:**  
**Subject:** Important: Letter re: proposed Westdale development

Hamilton, ON

December 8, 2017 Re: File(s): UHOPA-17-28 and ZAC-17-065

Dear Mr Lucas,

As residents of Arnold Street in Westdale, we are writing to you to object in the strongest possible terms to the proposed development for lands located at 1190 Main Street West; 43, 47, 51, and 55 Forsyth Avenue South; 75, 77, 81, 99, 103, 107, 111, and 115 Traymore Avenue; and 50 Dalewood Avenue.

We object to this proposed development for many reasons:

The planning process is seriously flawed as local residents, who will be most affected have not been properly consulted or included;

The letter dated November 21, 2017 is the first formal notification that we as residents have received. It was delivered to our home on November 27th and we were given until December 12th to respond which is an extremely short response period;

Transparency has been entirely lacking. Traymore Avenue and other nearby residents were under the impression that the proposal was for an 800-bed residence. This has now jumped to 1406 beds without any community consultation;

The size of the building is entirely without precedent in the residential neighbourhood of Westdale, a historic, uniquely planned neighbourhood of which the city of Hamilton has formerly been proud;

The impact of such a large residence on our neighbourhood and especially on the residential street blocks immediately in the vicinity will be enormous: these include increased vehicular traffic, increased pedestrian traffic, increased noise, litter, garbage, etc. The provision of only six parking spots for students who have vehicles, residence staff and the vehicles of visiting family and friends for two buildings totaling 1406 beds is ridiculous beyond belief;

The physical size of the buildings are entirely out of keeping with the neighbourhood and will have an impact on available light over surrounding residential blocks;

Implications of the change in zoning to Institutional and the affect that this will have on a residential community needs to be closely examined. Again, the lack of transparency and the timeframe of consultation have added to the difficulties faced by residents as they try to understand and respond to this, as well as all of the other issues involved;

As contributors of substantial property taxes to the City of Hamilton over many years, we expect to be full participants in the decision making around this major change proposed for our immediate environment and the Westdale neighbourhood as a whole;

As a representative of the Planning Committee of the the City of Hamilton we trust that you will address the concerns that we have expressed in this letter, and ensure that the planning process as it moves forward will be fully transparent and will include full community consultation.

We look forward to your response,

Emmy and Andrew Arnold

Cc: Dr. Mohamed Attalla, McMaster University Councillor Aidan Johnson, Ward 1 Ted McMeekin, MPP for Ancaster-Dundas- Flamborough-Westdale

Sent from my iPad



**Dear, Andrea**

---

**From:**  
**Sent:** Sunday, December 10, 2017 10:11 PM  
**To:** Lucas, Adam  
**Cc:** attalla@mcmaster.ca; Ted McMeekin, MPP; info@aidanjohnson.ca  
**Subject:** Comments to City Planning re proposed McMaster Residence Development on Main W.

To Adam Lucas, City Planning,  
Hamilton

December 10, 2017

Re: File(s): UHOPA-17-28 and ZAC-17-065

Dear Mr. Lucas,

We are long time residents of Arnold St in Westdale, and are writing to strongly object to the proposed development by McMaster for a Residence on lands at 1190 Main West, and occupying that entire block.

We object to the whole concept of McMaster expanding its Campus into the surrounding neighbourhood, and all of the attendant problems related.

The newly proposed height requested of up to 52 metres would continue the process of boxing in our streets from the West side (MUMC) and now from the South with two towers approximately 12 stories or more. There are shadows and noise affecting our street greatly from MUMC presently, and there will be new shadow impacts on Traymore and parts of Arnold, as well as noise. The buildings' sizes and density have no relationship to the look of the existing neighbourhood, and many of the houses to be destroyed in the plan are fine ones.

Surely McMaster realizes the impacts on the neighbourhoods of bringing beyond Campus over 1400 1st year students. The front page of the Spectator two months ago told the story of the damaging impact of about 2000 students having a full day of parties on the streets South of Main, right adjacent to where the proposed residence would be. Imagine adding another 1400 students to the mix and closer to the neighbours. Undoubtedly we would be looking at more frequent and larger street parties of this nature.

Presently, McMaster Security patrols the Campus. Will they be driving in circles around these new building on a consistent and regular basis? Does this make sense?

McMaster has been sadly lacking in transparency, as we have misled thoroughly, through to the third version which is one they have notified you of. It has been very difficult for us to follow this moving target. What kind of good planning can this possibly represent?

From the City's side, not long ago, Hamilton rezoned the entire LRT corridor to a height of 22 metres. We think that is more than sufficient for McMaster's Residence idea, and for the City to approve. There is no need to go beyond the current zoning of the City Plan. Alternatively, why cannot McMaster either build a development to the maximum height of six stories that their existing residences are? Another alternative would be building on the unused former President's residence with its much surrounding unused property. Or in the Parking area to the West of Cootes Drive.

There are other huge Planning issues directly to deal with, such as a great increase in traffic at and around the new development. As well, several times of year the students get dropped off to move in, and move out, including at the end of each term, which presently leads to horrendous back-ups onto the 403, even though current residences are further in the Campus. Imagine the disastrous impact of these additional buildings, right on Main. As well, the problems that will develop at these times, and regularly, when the LRT is finished are beyond the imagination.

Pedestrian Traffic is another issue of concern as it streams off the HSR, already leading to serious early morning problems for cars to cross Forsyth, notably at King St, and at Arnold. With the new development, many hundreds more students together will have to cross Forsyth, and at the front entrance of McMaster at MUMC blocking cars who want to leave their homes; and cars and ambulances that need to enter the hospital or the University. Does McMaster plan to build at least two pedestrian bridges?

There are many other issues we see as daunting in a project like this, such as increased noise, garbage odours, litter, and students cutting through Traymore and Arnold backyards (as has happened in the past without even a large residence there).

The number of parking spots in the plan, six, is hard to believe. We have noticed that many first year students do have cars. Where will they park them? Our street is already a revolving door parking lot.

As householders and taxpayers, we expect to be seriously considered as participants in all of the decision making in this very important proposed change to Westdale and Ainslee Wood.

We trust that you will address our concerns, and be sure that the planning process amends McMaster's overreaching beyond its extensive borders.

Looking forward to hearing from you at Planning, and from all of you copied above.

Very truly yours,

Alan Livingston,

**Dear, Andrea**

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**From:** Sheryl Katz  
**Sent:** Sunday, December 10, 2017 7:42 PM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan  
**Subject:** UHOPA-17-28-and ZAC-17-065 - McMaster Student Housing \* I SUPPORT THIS APPLICATION

Adam Lucas, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team

My wife & I having both grown up in Westdale have seen the area over grown with student houses with absentee landlords over the last 65 years of which many are illegal. I am certain that there is not sufficient safety in the homes, like smoke and carbon monoxide detectors, snow and ice not cleaned in the winter months and lots of drinking parties, we are happy that McMaster University is taking the initiative to partner in building more student housing. With the continued growth of the Medical School and University, it is imperative that sufficient student housing is provided thus allowing families affordable housing in the area.

Sincerely

Stan & Sheryl Katz

Hamilton, ON

**Dear, Andrea**

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**From:** Yuval Bavly <...>  
**Sent:** Sunday, December 10, 2017 8:33 PM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan  
**Subject:** UHOPA-17-28 and ZAC-17- 065

Hello Mr. Lucas,

I live with my wife and two children in the Eastern end of the Anslie Wood neighborhood in a hotbed of student housing. I have read the above referenced applications and would like to voice my approval as I would like to see the upward pressure of student housing on housing prices reduced which I hope will make the area affordable for more families.

Thank you,

Yuval Bavly

**Dear, Andrea**

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**From:** Jane Brander  
**Sent:** Monday, December 11, 2017 10:04 PM  
**To:** Lucas, Adam  
**Subject:** McMaster building plan for Main street/Traymore Ave

Hello Adam,

I would like to voice my very serious concerns about McMaster University's proposed plan for the land it has acquired on the Main Street/Traymore Ave. block. I live a block over on . My son attends Dalewood School. I am concerned about every aspect of the proposed building including the number of students to be housed which I understand was stated to be 800 but has been increased to 1,400. What will this mean in terms of vehicle traffic, pedestrian traffic, noise? What size of a building is being planned? The height of the building is a concern. I understand the zoning has already been changed to accommodate the university's planned building. Will the zoning be changed again to accommodate a larger, taller building? What effect will this have on the people living across the street and on the adjacent blocks? At the very least, they will find themselves living in the shadow of a very tall building. The city has to look into this proposed building carefully before agreeing to anything. McMaster's plans, and continual changes to the plans, lack transparency. Is consideration being given to the neighbourhood as it currently exists? And what is our vision for this neighbourhood. If we have something that is wonderful, should we not strive to keep it wonderful? Westdale was planned to be a wonderful, liveable neighbourhood and it currently is just that. What are the long term implications of this proposed building?

What would Jane Jacobs say? She would say we need some thoughtful city planning at this critical point.

Jane Brander

Hamilton

**Dear, Andrea**

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**From:** Helen Hobson  
**Sent:** Monday, December 11, 2017 2:03 PM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan  
**Subject:** McMaster's Building Plans for Student Residences on Main St., Traymore and Forsyth Streets and Dalewood

Dear Sir,

We have only recently learned of McMaster's plans for up to 1500 first year students on Main Street and Traymore/Forsyth and/or Main Street and Forsyth. The plans are not clear to us as we have in the last week received 3 different versions.

As residents of Westdale and second generation owners of our home on Arnold Street for over 70 years we have seen many changes in our community as a result of McMaster's growth in the last 50 years. Many of these changes have directly impacted us --- absentee landlords and all the property infractions that entails; traffic problems and parking violations; noise, debris, and graffiti etc.

Will McMaster's final plan to house up to 1500 first year students in one or more residences on Main St. and these other streets improve our situation and that of our neighbours? What will happen to our property values? Is the latest version of their plan the best one for the university itself? Surely from an aesthetic point of view such tall buildings as seem to be planned would be overwhelming, incompatible with the nearby houses and with McMaster's beautiful campus, which is truly beautiful, aside from the ugly structure, poorly designed over 50 years ago for McMaster University Hospital. No one has ever remarked on its attractive appearance but rather on its incongruity with its neighbourhood. Let us not repeat the approval of such past poor planning.

Of the 12 residences currently on McMaster's campus only one houses more than 550 or so students, the average number of students in all 12 is 250, and none is 10 storeys high. All add to the carefully developed campus. Can we say the same for the behemoths planned? Please let the city, the community and the university work together for the future of all. Let common sense prevail!

Sincerely,  
Helen R. Hobson  
Maureen C. Hobson

**Dear, Andrea**

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**From:** Branko Radisic  
**Sent:** Monday, December 11, 2017 5:01 PM  
**To:** Lucas, Adam  
**Subject:** Re: UHOPA-17-28 ZAC-17-065 Comments/Feedback

Good afternoon Mr. Lucas and thank you for the opportunity to provide feedback to your Planning Committee in regards to UHOPA-17-28 and ZAC-17-065. My name is Dr. Branko Radisic and I live at [redacted] which is right across the road from the proposed development. I have a few questions/comments for your committee.

1. Since this development will inevitably devalue the property, will there be immediate tax relief for the neighbours on Traymore Avenue?
2. Since McMaster University paid above market value to acquire the property, will it impact the next property tax assessment?
3. I am unclear about the details of the proposal. I am not sure that I have ever seen the size of a building described in number of beds. By beds do you mean single beds, double beds, queen size beds, king size beds? How many persons is this building aiming to house?
4. The literature also indicates that this will be a 12 storey building. How would a 12 storey building fit into 52 metres? Is each floor 14 feet high?
5. With regards to the height of the building as well, what impact would the shadow of this building have on my property and that of my neighbours? Will we only be able to plant shade loving mosses and ferns in our gardens once it is erected?

Again, thank you for this opportunity to contribute. I will look forward to clarification on these and other details of the project in the near future.

Sincerely,

Dr. Branko Radisic

**Dear, Andrea**

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**From:** Chanan Weiser  
**Sent:** Monday, December 11, 2017 5:00 PM  
**To:** Lucas, Adam; Johnson, Aidan  
**Subject:** "UHOPA-17-28 and ZAC-17- 065".

To whom it may concern,

I live in the Ainslee woods area . I do support the above mentioned application for a few reasons. McMaster is going to always be expanding, and with every expansion more housing is required. I feel that it is better to have the students concentrated in one area then having them spread out around the entire neighborhood, this way they can keep all their different extracurricular activities that they do, contained in one area as opposed to with in the community where families reside with kids. If you recall the homecoming party on dalewood, perhaps if we have more residence like this one, a 12 story building, then less students will be in residential housing and we would not have the disturbances that we had to go through from that. I had to walk through all of the craziness that was going on with my kids asking me all these questions what they were doing. I dont think my kids should be exposed to these things at such a young age. In summation I do agree with allowing the proposed plans to build the 12 story building.

Chanan Weiser



**Dear, Andrea**

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**From:**  
**Sent:** Monday, December 11, 2017 11:12 AM  
**To:** Lucas, Adam  
**Subject:** Lands Located at 1190 Main Street West - Ref: UHOPA-17-28 & ZAC-17-065

Dear Mr Lucas

I refer to the City of Hamilton's letter dated November 21, 2017 setting out proposed planning and zoning amendments in order to allow the development of the above land for institutional student resident purposes.

We are generally supportive of the application requesting these amendments in the hope that this will reduce the number of private residential houses in our area being used as student letting accommodation which has had an adverse affect on the maintenance and upkeep of these properties in the neighbourhood and also impacted on the peace and enjoyment of our own homes. Our only concerns are that the development will not cause parking or traffic issues. We note that only 6 parking spaces are being allocated for the development and whilst we appreciate that not all the potential 1,406 students living in the development will have cars – there will surely still be a sizable number that will own and use cars and trust that this will not lead to a spill over of parking into quiet residential neighbourhoods and/or increase the traffic flow in the area which is already busy. Provided that these matters are taken into account and addressed, then we are in favour of the said development.

We kindly request that our personal information not appear on the City's Website.

Thank you.

Yours truly

**Dear, Andrea**

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**From:** Kendyll Woodman a>  
**Sent:** Monday, December 11, 2017 9:01 PM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan; arbeaug@mcmaster.ca;  
**Subject:** Proposed McMaster Residence on Traymore

Dear Mr. Lucas,

My husband and I are residents of Westdale and members of the AWWCA and I write to register my concerns regarding the proposed new McMaster residences on Traymore.

When Mr. Arbeau of McMaster University came to our neighbourhood association meetings the past two years and mentioned the new residence there was concern because of the impact it would have on the neighbourhood in general and especially those homes that would thereafter be living in the shadow of the building that was being proposed. He gave us assurances that it would be a stepped building, not so very tall, with only about 800 students, and that they (McMaster) would continue to work with the community to ensure that we would not be seriously and negatively affected by this new building.

Now we learn that, in fact, that original proposal which was shared with us was never even submitted to the city and that instead of this there are now TWO buildings proposed, much higher than the original plan and with many more students. How will they even fit TWO buildings in that space?

As residents of this neighbourhood, on Haddon Ave. North, we have seen, over the 25 years that we have lived here, the negative impacts that the increase of students/absentee landlords has had. From garbage (and related raccoon and rat issues), to NOISE, unkempt lawns/yards, NOISE, public drunkenness and associated reprehensible behavior and damage, NOISE, our street being turned into a veritable parking lot as student house after student house has paved over the majority of their yard to make a parking pad, or students just parking their cars on the grass; and the associated increase in traffic (both foot and vehicular). I have witnessed the damage that has been done to the MSU Child Care Centre on the corner of King & Haddon; to mail boxes, fences, people's cars, homes and property, even the street itself after yet another day and/or night of wild drunken and stoned parties. We've smelled the increasing amount of marijuana already being smoked around the community. We've had to listen to profanity and wild screaming day and night. Our home has been vandalized, our vehicle and garden shed burgled. We and our pets have been verbally threatened. I don't see how placing TWO new buildings and over 1400 students in our neighbourhood is going to improve any of this.

We will assume that the garbage issue will be mostly contained by the facilities themselves – other than the not insignificant litter that will be produced by introducing over 1400 students to the area. What initiative will the university as landlords take to ensure that garbage and litter are dealt with promptly and adequately?

What about water and sewage issues related to that increase in this area?

With such a large footprint, and especially with TWO proposed buildings, there will likely be NO greenspace left in the area. That is very unfortunate and unhealthy.

I understand they are proposing only six parking spaces. Where? (And quite frankly, that isn't realistic based on the number of cars that have moved into the neighbourhood with the increase of students over the years.)

How will this already extremely busy area cope with the increased vehicular traffic – not just the students but their visitors and services to the buildings?

What will be the other impacts to the area of this rezoning? For example: This space is adjacent to the local middle school and recreation centre. What consideration has gone into the impact on those two venues and the people who work and attend them?

How will McMaster educate these new "tenants" of their responsibilities to the neighbourhood and ensure that their impact will not further increase the negative effects (as mentioned above) that we have already experienced?

Finally, I would like to comment on our disappointment at McMaster's lack of transparency and integrity in dealing with their neighbours. This constant changing of plans without consulting those who actually live in this area, year after year, breaks down trust and respect for the institution. Shame on Mr. Arbeau and the others representing the university on this issue.

We do not support the proposed changes and urge the city NOT to approve them.

Sincerely,  
Kendyll Woodman

**Dear, Andrea**

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**From:** Chien Jan  
**Sent:** Monday, December 11, 2017 9:44 AM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan  
**Subject:** UHOPA-17-28 and ZAC-17-065

Dear Sir,

We have numerous concerns regarding the proposed population shock loading of the South Traymore neighbourhood.

- 1) The devaluation of the property value of the houses in the surrounding area.

We moved in this area 30 years ago attracted by the surroundings. We have invested considerable amount of time and capital upgrading our property done in good faith that the neighborhood will retain its appeal. There was *no plan of such massive population infusion* for this area at that time. With the gradual spread of the student housing, the property value has at best failed to maintain. I therefore urge you to consider the plight of the existing stake holders in this neighborhood in view of this massive proposal.

- 2) The destruction of the residential neighbourhood.

The block within Traymore, Dalewood, Main St. W. and Forsyth consists of single dwellings with houses no more than 2.5 storeys high with established clearances and shadow angles. The proposal demolishes the charm of such neighborhood. We find this disturbing that the City may allow the proposal of replacing the existing with a totally out of character structure to proceed.

- 3) Noise Pollution

There are numerous single dwelling houses in the immediate neighbourhood of the proposed 1400 plus residence proposal. All of us are aware of the local headlines regarding large group gatherings and house parties during August/September moving in, April moving out and homecoming periods. Most of the houses are very close to the sidewalks. Most of the loud conversations on street are audible. This is particularly a problem in the late evenings and nights, which happens 8 out of 12 months (assuming the University does not go to a 3 term arrangement and or converting the facility into summer rentals). With the 1400 plus new residents and their visitors invited or otherwise, the noise will be prohibitive.

The service vehicles associated with the proposed residence will also create additional noise.

Visitors' (invited and uninvited) car radios and boisterous driving displays will produce additional noise.

The existing green land between Main West and Traymore is a wonderful buffer from the aesthetic, safety and noise perspective. I trust a similar arrangement is part of the design.

4) Open concept trash disposal

This is a problem, as is, with the residential yards being used as a litter site openly disposing various food containers, tissues of all descriptions and conditions and on occasions items normally disposed in bathrooms. There are also safety issues created by bottle being smashed on the pavement and when they are flung onto the yard. An influx of 1400 plus residents, who essentially pay for the accommodation service, will create a huge issue for us the residents collecting the litter and cleaning the yards.

5) Increased traffic.

The service and other vehicles associated with the twin structure will also increase. The safety hazard will increase with the immediate proximity of the Medical Centre, Dalewood School and recreation centre.

6) Shadow angle and Height Safety.

The 52 meter height (?) increases the existing sight angle available to the residents on the north side of the Traymore Avenue. The existing angle provided by the height of the current houses on the south side of Traymore should be retained.

There will be Safety issues arising from objects being dropped from such a height as well.

7) Holiday Surprise.

Please allow the current stakeholders sufficient time in responding to the proposal. There must be a better way than dropping such a vast imposition on the good residents who faithfully have nurtured this neighbourhood over the years.

8) Additional Questions.

How close will the tall structure be to Main West-any safety/aesthetic concern?

Is the infrastructure capable of handling the influx of the 1400 plus people in such close quarters?

Has the University considered alternate arrangements-Medical Centre, the vast available land west of Cootes Drive, Innovation centre land on Longwood, land west of MARC, the north fields of the campus and so on? All are away from residential areas with available buffer space to existing residential dwellings.

We trust that there will be a satisfactory resolution of the concerns raised by the current stake holders of the neighborhood impacted by the proposed high density accommodation on the south side of Traymore Avenue.

Yours Sincerely

Helen and Chien Jan

Hamilton, Ontario

**Dear, Andrea**

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**From:** Chien Jan  
**Sent:** Tuesday, December 12, 2017 9:09 PM  
**To:** Arbeau, Gord  
**Cc:** Johnson, Aidan; Lucas, Adam  
**Subject:** Re: UHOPA-17-28 and ZAC-17-065

Dear Gord,

Thank you for sharing the McMaster perspective on some of the points of my concerns.

Please note that Jan is my family name.

A drawing showing the proposed structure outline, with heights and easement projected on the existing dwellings will clarify the intent.

I respect your efforts to alleviate the pressure on the residential neighbourhood . However the impact of the additional 1400 accommodations will be an additional pressure on the immediate neighbourhood.

No matter how the structure is tiered, the 12 storey summit will increase the shadow/sight angles of the existing neighbourhood, not to mention what is in store for the Dalewood end. Please maintain the existing clear sight angles of the existing dwellings in this neighbourhood.

Let us plan being good neighbours and maintain the charm and heritage of this area.

Yours Sincerely

Chien Jan

On Mon, Dec 11, 2017 at 1:38 PM, Arbeau, Gord > wrote:

Jan, thank you for your inquiry and interest in the project. We are at the beginning of the consultation process that will include one-on-one meetings involving the University, the developer and neighbours, as well as a University-organized public information meeting in late January, and a public hearing organized by the city in the spring. We are eager to hear your suggestions and feedback.

The proposal, first envisioned a year ago, has evolved. The University now owns another collection of student rental houses along Traymore towards Forsyth, allowing for the consolidation of plans for new student residences.

The new proposal is a two-phased approach. The first phase would be a 950-bed, 12 storey residence at Main and Forsyth. This is the same height as envisioned in the earlier iteration. The 12-storey height is along Main Street, in alignment with the city's plans for density on Main. The design tiers the building down to two-stories along Traymore.

The second phase, to be constructed after the first phase, is for another 450 beds in a building towards Main and Dalewood.

McMaster does not have current capacity to house all incoming first-year students. For many years, the neighbourhood associations and neighbours have been advocating for new McMaster-operated student residence buildings to alleviate the pressure on the residential neighbourhood . We believe this project along with the new 500-bed on-campus

residence now under construction, will help meet that need. Thank you again for your interest and we look forward to hearing your feedback and suggestions as the project continues to evolve and takes shape.

Thank you again for your interest.

**Gord Arbeau** | Director, Communications

Communications & Public Affairs

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**From:** Aidan Johnson <[aidan.johnson@hamilton.ca](mailto:aidan.johnson@hamilton.ca)>  
**Date:** Monday, December 11, 2017 at 10:58 AM  
**To:** 'Chien Jan \_\_\_\_\_ n>, "Lucas, Adam" <[Adam.Lucas@hamilton.ca](mailto:Adam.Lucas@hamilton.ca)>  
**Cc:** Gordon Arbeau \_\_\_\_\_  
**Subject:** RE: UHOPA-17-28 and ZAC-17-065

Dear Helen and Chien,

Thank you for the thoughtful feedback. Cc.ing Gord Arbeau at Mac for his response.

Best,

Aidan Johnson, BCL, LLB, BA, MA

Councillor for Ward 1

Chair, Emergency and Community Services Committee

City of Hamilton

**From:** Chien Jan \_\_\_\_\_ [om]  
**Sent:** December-11-17 9:44 AM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan  
**Subject:** UHOPA-17-28 and ZAC-17-065

Dear Sir,

We have numerous concerns regarding the proposed population shock loading of the South Traymore neighbourhood.

1) The devaluation of the property value of the houses in the surrounding area.

We moved in this area 30 years ago attracted by the surroundings. We have invested considerable amount of time and capital upgrading our property done in good faith that the neighborhood will retain its appeal. There was no plan of such massive population infusion for this area at that time. With the gradual spread of the student housing, the property value has at best failed to maintain. I therefore urge you to consider the plight of the existing stake holders in this neighborhood in view of this massive proposal.

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3) Noise Pollution

There are numerous single dwelling houses in the immediate neighbourhood of the proposed 1400 plus residence proposal. All of us are aware of the local headlines regarding large group gatherings and house parties during August/September moving in, April moving out and homecoming periods. Most of the houses are very close to the sidewalks. Most of the loud conversations on street are audible. This is particularly a problem in the late evenings and nights, which happens 8 out of 12 months (assuming the University does not go to a 3 term arrangement and or converting the facility into summer rentals). With the 1400 plus new residents and their visitors invited or otherwise, the noise will be prohibitive.

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This is a problem, as is, with the residential yards being used as a litter site openly disposing various food containers, tissues of all descriptions and conditions and on occasions items normally disposed in bathrooms. There are also safety issues created by bottle being smashed on the pavement and when they are flung onto the yard. An influx of 1400 plus residents, who essentially pay for the accommodation service, will create a huge issue for us the residents collecting the litter and cleaning the yards.

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The service and other vehicles associated with the twin structure will also increase. The safety hazard will increase with the immediate proximity of the Medical Centre, Dalewood School and recreation centre.

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How close will the tall structure be to Main West-any safety/aesthetic concern?

Is the infrastructure capable of handling the influx of the 1400 plus people in such close quarters?

Has the University considered alternate arrangements-Medical Centre, the vast available land west of Cootes Drive, Innovation centre land on Longwood, land west of MARC, the north fields of the campus and so on? All are away from residential areas with available buffer space to existing residential dwellings.

We trust that there will be a satisfactory resolution of the concerns raised by the current stake holders of the neighborhood impacted by the proposed high density accommodation on the south side of Traymore Avenue.

Yours Sincerely

Helen and Chien Jan

Hamilton, Ontario

Mr & Mrs Wahoush

Hamilton,  
ONT

Dec 12, 2017

Dear Adam Lucas

My family has lived on Traymore Ave for 25 years and have managed to live cooperatively with our neighbours including many students who have come and gone over that time. We are very aware of the issues that arise from time to time with student behaviour and that is with less than 100 students living on the street.

We have many concerns related to the proposed development of a very large student residence on Traymore, Forsyth and Main streets. Concerns include the lack of consultation, the scale of the proposed development and its likely impacts on our property and life in Traymore.

The first and only discussion with the University was a result of my call following comments on local media (September 2016) announcing the proposed development on Traymore (Version 1) and claiming that discussions had taken place with residents. As one of the few owner occupiers on Traymore I know that our household was never contacted about this plan.

I appreciated the initial meeting at that time but note that we have had no further information and know that a planning application for version 1 was not submitted as we would have been notified by the city. At that meeting hosted by Gord Arbeau with McMaster staff, Knightstone representatives, Kevin Russell and I, a glossy brochure was circulated with a conceptual plan for the proposed building to house 800 students. The plan was for a three tiered building with 12 stories on Main Street, 8 in the middle and 2 stories at the Traymore side 'to look more in keeping with the street scape'.

In summary, we are concerned about the evolution of the planning ideas, the scale of the building (1406 students, now 2 blocks of 12 stories each), the much increased population density even at the end of phase 1; impacts on our property, parking, traffic and access to our homes which is not yet clearly described. The re-zoning to Major Institutional Zone is also alarming.

Recently I noted that a 9 storey building in another area of the city casts long shadows at this time of year and find it impossible to believe that we will not be negatively impacted by the proposed 12 here.

Sincerely,

cc: Councillor Aiden Johnson Ward 1

Anthony Petric

Hamilton, (

Dec 12, 2017

Adam Lucas  
Development Planning, Heritage and Design – Urban Team  
71 Main street West, 5<sup>th</sup> Floor, Hamilton, ON L8P 4Y5

Re: UHOPA-17-28 and ZAC-17-065

Dear Mr. Lucas:

I wish to express my negative view on the proposed university residence on Main Street West. I am generally in favor of providing McMaster students with additional residence accommodation. However it must not disrupt the setting of the local residents, and clearly this proposal is a terrible violation.

First, this building spans an entire block between the hospital and the public school. The side streets already support a high volume of traffic. They are the only means of access to and from the west end of the city for the Westdale neighborhood. Although university students are not expected to drive, they will nonetheless order taxis and fast food delivery, receive visits from parents and friends, and engage in social activities that bring in vehicles. Therefore the size of the residence must be kept to manageable numbers.

I also worry about the architectural aesthetics of the design. McMaster University has been notorious for hideous, ill-planned buildings; they focus on practicality and have no vision for creating an appealing building envelope that could be considered attractive. One only needs to look at the campus to see examples of such. The latest memo indicates the erection of a square monolith 13 stories high. How does this mesh with the housing directly across the narrow street? Would any city resident want to live next door to the new building? Would you?

I am asking the city to reject any proposal that exceeds the height of the hospital. The city should insist on a design that blends with the existing residential housing. Any new construction should offer the benefit of visual appearance and not detract from the local neighborhood. The city should consider the impact on traffic, especially the increased volume of pedestrian traffic on Forsythe and in front of the hospital; because of oncoming headlights, this roadway is a danger to pedestrians, even at designated crosswalks and will inevitably lead to accidents.

Finally, the proposed building is not on the university campus. The university cannot be granted carte blanche to construct any design that meets building code. They must convince us as city residents that the design is one we can all be proud of.

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Anthony Petric  
cc. Councilor Aidan Johnson

**Dear, Andrea**

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**From:** Bocz, Tibor >  
**Sent:** Tuesday, December 12, 2017 9:23 PM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan  
**Subject:** Response to Notice of Applications UHOPA-17-28, ZAC-17-065  
**Attachments:** Letter Re UHOPA-17-28,ZAC-17-065.docx

Dear Mr Lucas

Please find enclosed a letter outlining my concerns regarding the reference Notice of Applications presented by Knightsbridge Capital Management II Inc. on behalf of McMaster University.

I would like to request:

1. That this zoning application be immediately denied - even a cursory review reveals that the proposed usage is entirely non-compliant with the neighbourhood secondary plan.
2. In the event that this is not possible:
  - a. that any planning be subjected to the requirements of the Secondary Plan (BY-LAW NO. 05-208, both sections 6.4.1.1 "General Residential Policies", and 6.4.10 (iii) and (iv). In particular, since this property is designated in Schedule N-2 as within Cultural Heritage Landscape of the planned suburb of Westdale, it should be subject to a Heritage Impact Assessment that "will be processed with development approvals and prior to the issuance of any building permit" 6.4.10 (v).
  - b. that the period for providing comment on this proposal be extended to a minimum of 6 months in order for local residents to become fully cognizant of the true proposal and potential issues to support effective comment; and
  - c. that required notice of this proposed change be sent to an expanded community to better reflect the magnitude of the proposed development – a proposed area would be north to Sterling, south to the RAIL trail and east to Newton Avenue.

**Tibor Bocz**

Terri Bocz

Hamilton, ON

Dec 12, 2017

City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
5th Floor, 71 Main St West, Hamilton, ON,  
L8P 4Y5

Attention: Adam Lucas

Dear Sirs:

Re: Files: UHOPA-17-28, ZAC-17-065

I have reviewed the Notice of Complete Applications by Knightsbridge Capital Management II Inc. on behalf of McMaster University for an Official Plan Amendment and Zoning By-Law Amendment for Lands Located at 1190 Main St West: 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 99, 103, 107, 111 and 115 Traymore Avenue; and 50 Dalewood Avenue, Hamilton (Ward 1).

Re-designation and rezoning of the subject lands is inappropriate at this early stage; neighbours and other community stakeholders have not been consulted on the parameters of the proposed university residence and the immediate and long-term impacts of the proposed planning and zoning amendments. Impacts to property values, neighbourhood character, traffic flow, parking, noise, litter, safety and lifestyle would surely be seriously impacted. Community stakeholders need more time and more information, before possibly supporting this application.

I understand that changing the designation of subject lands from "Mixed Use - Medium Density" to "Institutional," and rezoning them from Downtown Multiple Residential (TOC1, H63) to a site specific Major Institutional (I3 XXX) is required for a student residence to be constructed within the parameters proposed by Knightsbridge Capital Management II and McMaster University. However, neighbourhood stakeholders have not been consulted on these parameters. Until two weeks ago, Knightsbridge and McMaster University had presented to local residents a completely different set of criteria: a single eight-storied structure, tiered back down to five stories towards Traymore which would contain 800 beds and create interesting architectural elements, would eliminate shadows on area homes and reduce the impact on neighbours across the street. Such a structure was described in the McMaster Daily News (<https://dailynews.mcmaster.ca/worthmentioning/new-residence-option-for-students-in-the-works/>). The original zoning of the subject lands, with an application for zoning variance through the committee of adjustment, would have permitted this development to proceed as originally presented to residents. Unfortunately, the *actual* parameters were only unveiled *two weeks ago*, to a limited number of

stakeholders who live in the immediate vicinity of the subject lands. The current notice of applications was received by immediate neighbours on 27 November. Instead of a single structure, tiering down to five-storeys, this application mentions two twelve-storey buildings, measuring fifty-two metres in height, (quite likely with mechanicals on top,) with 1,406 beds, only 6 parking spaces, and housing first-year students. No mention is made of architectural features to minimize the shadow or reduce the impact of a large institutional structure on the surrounding family neighbourhood.

We have a multitude of unaddressed concerns, such as neighbourhood character, vehicular and pedestrian traffic (of occupants, visitors and servicing partners), property values, shadow, parking, noise, litter, safety, implications of rezoning and altering the city plan, and McMaster's lack of transparency and continual changes of plans without consulting neighbours. For these reasons, we request the city act to protect residents and reject these applications.

However, should the City be favourably inclined toward the wishes of the university and this large developer, we request that, as a minimum, it postpone a decision, until residents have had time to formally respond to the application. At this time of year, leading up to the holiday season, many neighbours do not have time to pen their objection to submit to the City, in time for their objections to be included in the staff report. We therefore ask the City to postpone its decision on this, and reconsider the application in the New Year, at a more appropriate time for local residents to take in the information, and form a thoughtful response to these new parameters and the applications themselves.

I wish to be notified of the decision of the City of Hamilton on the proposed Official Plan Amendment, the proposed Zoning By-Law Amendment, and the Draft Plan of Subdivision.

Yours truly,

Terri Bocz

**Dear, Andrea**

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**From:** Katherine P  
**Sent:** Tuesday, December 12, 2017 5:10 PM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan

My husband and I are, once again, very disappointed in the lack of transparency shown by McMaster University with respect to their expansion plans and, in particular, with respect to the residence building proposed to be built on Main Street between Dalewood and Forsyth. The University has made major changes to its original plans for this residence (including a 50% increase in density and rezoning to Major Institutional) which are very concerning and require sufficient time for Westdale residential owners to provide feedback on their numerous concerns.

*George and Katherine Pakozdi*

Hamilton

**Dear, Andrea**

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**From:** ...  
**Sent:** Tuesday, December 12, 2017 11:35 PM  
**To:** Lucas, Adam  
**Cc:** attalla@mcmaster.ca; Ted McMeekin, MPP; info@aidanjohnson.ca  
**Subject:** Fwd: Files:UHOPA-17-28 and ZAC-17-065 Main West McMaster development

To: Adam Lucas, City Planning,  
City of Hamilton

December 12, 2017

Re: Files: UHOPA-17-28 and ZAC-17-065

Dear Mr. Lucas,

I am a long time resident of Arnold St in Westdale. I am writing to express how strongly I object to the proposed development by McMaster for a Residence on lands at 1190 Main West, and that entire block.

I have had many encounters with McMaster University, and find that they have a total disregard for the impacts of their planning and actions on 'their close neighbors'--(especially those who live directly across from them!). That is part of why I have many serious concerns.

1) The whole process associated with the proposed student residence development fits the pattern described above. As residents, taxpayers and stakeholders we have been subjected to 3 different versions of their building proposal. At no point were we consulted; we only heard of one earlier version.

The last and final version is drastically different in its scope and impact on the neighborhood: the plans have gone from 600 to almost 1500 students. The other home owners and ourselves feel blindsided, shocked, shut-out and unprepared for this latest development.

2) If the zoning and related bylaw are to be changed to accommodate McMaster's latest proposal to build two 12+ story towers, Traymore and Arnold Streets will be practically enclosed by the MUMC to the West, and this residence to the South. Would anyone in the planning department or the staff at McMaster like to wake up one day and feel they are living on campus; or have to put up with additional shadows?

3) Along with the higher density of packing over 1400 first year students into two residential towers, comes the issue of more noise, garbage, and much more pedestrian traffic (hundreds more ) to cross Forsyth and the front entrance to McMaster at MUMC.

How will these planning problems be addressed? Whose responsibility is it to ensure there is a balanced flow of pedestrian and car traffic? What are the safety concerns?

4) The design in McMaster's latest proposal only provides a mere six parking spaces. This is ridiculous. There will be general parking problems created by this development, in terms of students with cars, and their visitors (pizza delivery...etc..) which need to be addressed.

5) If McMaster succeeds in having the city planning committee change the zoning from residential to institutional....then the city will lose a fair amount of its tax revenue from the demolished homes on Traymore, as well as from a potential non-institutional development. Is this outcome desirable? Was it



not the original idea of building the LRT to bring the kind of intensification that would increase the city's tax-base...not shrink it?

6) What will McMaster give back to the neighborhood for cutting down the trees, and building over the present greenspace?

7) The city planners should be very concerned that these imposing structures (two 12+ story towers) would be totally out of keeping with the tree-lined, established single-home residential character of a neighborhood like Westdale?

In summary, since it has been our collective experience as residents of Arnold and Traymore, that McMaster proceeds to take actions solely based on its OWN POWERFUL SELF-INTEREST, we trust that you will address these concerns on our behalf, and be sure that the planning process restricts McMaster's proposed height, and density, at least to the present zoning of 22 metres, and of mixed-residential use..

IF McMaster is going to build and expand outside its campus boundaries, it must engage with its neighbors on a transparent basis, consult with them, listen, and adjust to their their plan to address their serious concerns.

The planning department should also consider the negative impact this residence will have in a broader context, and the long-term affects on the vulnerable community of Westdale and Anslie Wood as neighbours of the major institution that is McMaster University.

Yael Greenberg,

**Dear, Andrea**

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**From:** Kelly Hargreave  
**Sent:** Wednesday, December 13, 2017 8:09 AM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan  
**Subject:** Traymore student residence

Good morning.

As a longtime resident of Westdale, I am writing to express my concerns with the proposed student residence for McMaster on Traymore Ave.

My biggest concern is parking. Our street parking spots are always full - in the daytime, with students commuting to the university by bus (because the parking cost at McMaster is prohibitive) and at night, with people that live in the houses. There would be no room for the hundreds of residents in a new building on the streets. The proposal I was made aware of, has a very limited number of parking spots on site.

Thank you so much for your time, I really appreciate it. If possible, I would like to be kept informed as the plans for this building develop.

All the best,  
Kelly Hargreave

Sent from my iPhone

Hamilton, Ont.,

December 14, 2017

Via E-mail: [Adam.Lucas@hamilton.ca](mailto:Adam.Lucas@hamilton.ca)

Adam Lucas  
City of Hamilton  
Planning and Economic Development Department  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Mr. Lucas,

Re: Files UHOPA-17-28 and ZAC-17-065

I am writing to make comments on Knightstone Capital Management's applications for Official Plan and Zoning By-law amendments related to proposed development of student residences on subject lands near me as described in the November 21, 2017 notice and above referenced files.

I oppose these applications for the reasons outlined below and hope the issues raised are useful in the preparation of the staff report for Council.

#### Proposed Urban Hamilton Official Plan Amendment

The applicant seeks to change the designation of the subject lands from "Mixed Use - Medium Density" to "Institutional" so that it can build two twelve story student residence buildings there containing a total 1406 beds and 6 parking spaces. The notice advises that the specific amendments requested will be made public in the staff report to be presented at a future public meeting. Lacking this key information I reviewed the Vol. 2 "B.6.2 Ainslie Wood Westdale Secondary Plan dated July 2017 (AWWSP), for evident discrepancies vis-à-vis the application, bearing in mind that changes to the AWWSP from By-law 16-264 passed by Council on October 12, 2016 to facilitate LRT corridor development do not seem to be in the version posted on-line.

The AWWSP clearly gives a high priority to single detached residential areas and lists related objectives in Section 6.2.4 - Objectives:

- b) Maintain low density single detached residential areas, in terms of both appearance and use.
- c) Ensure new infill housing and renovations are *compatible* with existing development.
- f) Reduce conflicts between adjacent land uses by buffering and distance separation.

I believe that these are sound principles to guide development in our neighbourhood. Until 16-264, part of the subject lands fronting on Forsyth, Traymore and Dalewood were zoned residential and the blocks to the north and south across Main St W are all single family residential or low rise multi residential with some low rise commercial. Far from maintaining single detached residences per 6.2.4 b the application

contemplates removing some. The scale of the proposed development is in my view completely *incompatible* with existing development, with many adverse consequences for the neighbourhood. The proposed development would create a high density, high activity, area of use within the residential areas. High pedestrian and vehicle traffic and hours of activity incompatible with the normal intensity and pace of activity in a single family residential zone, around the clock and through the week, would deny residents domestic peace.

The current application is particularly problematic considering 6.2.4 f. The idea that development should avoid creating abrupt transitions in building forms or intensity of use runs throughout the AWWSP. There is even a site specific plan for McMaster University (Area A) with separate planning objectives including 6.2.17.2 b) iii) □provide for an appropriate transition between the University and the surrounding community, at the campus edges and for the lands directly south of the University.□ This is a sound objective and effective where observed (Forsythe Avenue N. to Mayfair Crescent, trees and fencing along Forsyth Avenue). The current proposal undermines this concept in several ways:

- i. The buildings themselves would be so large as to occupy the entire block of the subject lands. Concept renderings available on the Knightstone website for an earlier ~800 student project [www.k-cap.com/properties/mcmaster-university-student-residence] show narrow paved setbacks from the streets with entrances, a paved plaza and possibly vehicle ramps facing Traymore, and 31 decorative trees set into pavements around the perimeter. There is not enough space to include separating transitions from the residential area that would either reduce the visual discord or screen the high level of activity or HVAC noise from the neighbours. The design might be appropriate in a downtown setting but not for redevelopment of a residential area.
- ii. The proposal effectively extends the University precinct into Westdale and so breaks down such transitions has have been put in place along the east side of the campus. Any classroom, student collaborative, conference or food service space would all amplify the intensity of use over that of a dedicated residence and increase the need for appropriate transition design and space.
- iii. Such a large residence in the proposed location would have the effect of turning Forsyth Avenue S. and Traymore into interior roads of campus and would create a conflict of use on the streets used by home owners, again especially if the building design includes functions other than residential. Road congestion at term ends associated with on-campus residence move-in/out is an indication of the potential problem.

The AWWSP designates part of Westdale, including the subject lands, as one of four *Cultural Heritage Landscapes* identified on Map B.6.2.2 as the □Westdale Original Subdivision□ Concerning these areas Section 6.2.13.2 Urban Design Policies advises that:

c)□ .New *development* shall reflect the existing built context by conforming to existing setback, building height, roof types, and complimentary construction material. These *established historical neighbourhoods* shall include, □

i) *Cultural Heritage Landscapes* identified on Map B.6.2.2 □Ainslie Wood Westdale □Cultural Heritage Landscapes; and,□ .

f) Views and vistas which are important to the Ainslie Wood Westdale area, including views of the Niagara Escarpment and Cootes Paradise, shall be identified and preserved in *development* and *redevelopment*. The review process for development proposals and design briefs shall incorporate the preservation of views and vistas.

The heritage nature of Westdale attracted me here from Burlington when I became a home owner. I do not know the degree to which these 6.2.13.2 requirements have been superseded by the establishment of

the TOC but note that the Escarpment is visible from neighbourhood streets and the second floor of my house, and that I would regret the loss of this vista. Perhaps more practically I cannot see how the proposed towers could reflect the existing built context. Notwithstanding TOC related amendments, I maintain that the goal of matching height, rooflines and materials should not be lost in evaluating this or other development proposals for the subject lands.

By-law 16-264 re-zoned the subject lands as TOC1 Mixed Use as of October 16, 2016 with the stated purpose of encouraging intensification along the LRT route and increasing municipal tax assessments. The AWWSP anticipates this need in 6.2.5.3 and 6.2.7.2 and goes some way to defining the Mixed Use □ Medium Density designation:

- 6.2.5.3 e) □ Housing forms which shall be encouraged for new rental housing and new student units include mixed use commercial / residential on major roads, low rise apartments, medium rise apartments, and rental rooms in owner-occupied houses.
- 6.2.7.2 Mixed Use □ Medium Density etc. □ Designation Policies
- d) Building forms shall be in keeping with the predominant character of the surrounding area with respect to materials, roofline and setbacks.
- e) The residential densities shall generally be about 30 □ 49 units per gross hectare.
- h) ii) [Mixed use medium density opposite McMaster] Building heights shall not exceed three stories. Increased building heights of four to six stories may be permitted if it can be demonstrated that the height shall not produce any adverse shadow impacts on public spaces and/or private outdoor amenity spaces.

In establishing the TOC City Council clearly intended to enable the concept of 6.2.7.2 and apply it to the subject lands, rezoning them as TOC1. TOC1 is a mixed use designation which permits multi-residential use within a height limit of 22 meters. The current proposal aims to set aside a clear choice by Council, made only 14 months ago, not to allow intensification far exceeding the AWWSP guidance. Built form conformance is again advised in this section but the proposal renderings I have seen are in keeping with downtown development as opposed to, for example, Ronald McDonald House at the corner of Main West and Cootes, which integrates seamlessly with its neighbourhood.

Summary comments on Proposed Official Plan Amendment.

The present application runs contrary to so many aspects of the AWWSP as to effectively set it aside in respect of the subject lands and I urge your Department to recommend against approval by Council. As matters of detail I also suggest that the report to Council:

- Recommend that Council initiate a comprehensive traffic planning study to assess the effects of a student residence of any size on the subject lands
- Recommend that amendments to the AWWSP be made by a process under democratic control and not ad-hoc for the subject lands only.
- Recommend that the applicant be required to provide a total noise impact study that would address combined and interacting effects with the McMaster Children's Hospital.

Proposed Zoning By-law Amendment

This application seeks rezoning of the subject lands from the current Mixed Use (TOC1) to Major Institutional (I3). I note the applicant has mis-named TOC1 as □ Downtown Multiple Residential □ and suggest that the correct designation informs the degree to which the applicant's proposal departs from the established Official Plan and zoning. Associated with this, the proposal is to allow □ □ .development at a maximum height of 52.0 meters....and 6 vehicular parking spaces □ □ City of Hamilton zoning By-law

Section 8.3, Major Institutional (I3) Zone, permits multiple dwellings and in 8.3.2.2, for Educational Establishments, establishes a maximum building height of 18.0 meters which can be exceeded as side and rear yard size exceeds 6.0 meters. A full assessment of the 52.0 meter proposal in relation to 8.3.2.2 from architectural and site drawings is not available but I note that, between the two applications, the proposed 52.0 meter height far exceeds what would be needed for 12 story structures, suggesting that the applicant and client have not finalized their intentions. Also required by 8.3.2.2 are: c) Location of Multiple Dwelling and Lodging House  Shall only be permitted on the same lot as an Educational Establishment,  and d) Parking  In accordance with the requirements of Section 5 of this By-law.  Whether a multiple dwelling in the form of a university residence standing on dedicated land qualifies as an educational establishment in its own right needs to be carefully considered and may relate to any ancillary functions introduced in the design which, as noted above, would increase the use intensity in undesirable ways. The proposed six surface parking spaces are clearly insufficient relative to Section 5.6 of By-law 05-200, as amended for TOC zones, requiring 0.3 spaces per unit under 50 square meters, or a minimum 105 spaces for 1406 beds at four beds per unit; to include 4 barrier free spaces.

I object strenuously to the proposed height limit of 52.0 meters. This represents about 2.4 times the current TOC1 limit of 22.0 meters and 2.9 times the base I3 limit. In my view any building so tall would be an oppressive mass on the skyline as seen from the residential neighbourhoods north and south of Main St. As analysed below, it would cast long shadows to the north for significant periods of the day during those seasons when days are already naturally short and sunlight has most value.

For discussion purposes, I have made a preliminary estimate of shadows we could expect from a 52 meter structure on the subject lands. Again, lacking architectural and site drawings, this cannot be exact and in no sense purports to substitute for a formal shadow study carried out by a qualified professional applying standard methods. For purposes of the simulation, using an on-line shadow calculator available at [www.findmyshadow.com](http://www.findmyshadow.com), I assumed a building plan based on project renderings available at [www.k-cap.com/properties/mcmaster-university-student-residence](http://www.k-cap.com/properties/mcmaster-university-student-residence) where the eight floor east and west wings are estimated at 24 m. high and the central structure at 52 m., as proposed, oriented east-west, fronting without setback directly on Main St. W. and occupying about half the available north-south span. I also included the effects of the adjacent McMaster Children's Hospital with estimated height of 32.5 m. Dates and times for analysis in Diagram 1 are as suggested by the Oakville Shadow Impact Analysis standard, since Hamilton lacks a similar standard (Hamilton Spectator, August 8, 2017).

Diagram 1 shows that on September 21, noon shadows cast by the 52 m. structure cross Traymore Ave. and extend onto front lawns of houses on the north side. On December 21, the shadow extends almost to Arnold St. and completely covers most houses on Traymore and the south side of Arnold. Diagram 2 examines time of day effects on December 21 where the morning and afternoon shadows are considerably longer, crossing the north side of Arnold around 10 am, and again after 2 pm, directly shading houses on Traymore and the south side of Arnold for something like six continuous hours. These effects on houses are not confined to the shortest day of the year, but as shown in Diagram 3, happen to lesser degrees between November 1 and February 28.

The shadows described above do not conform to the Hamilton Site Plan Guidelines 4.0 Building Design. In this, streetscapes should be designed to ensure direct illumination of pedestrian spaces during at least part of the day, (at 9 am or 3pm) on December 21. The shadows predicted above in Diagram 2 show that the sidewalks on both the north and south sides of Traymore Ave. would be in shade at both 9am and 3pm on December 21.

The Oakville standard referenced is quite comprehensive and advises that public sidewalks and outdoor amenity areas receive at least 6 hours of continuous sunlight per day on the test dates of April 21, June 21 and September 21. It also recognizes the importance of direct illumination of residential areas in winter, as would promote home energy savings through solar gain and goes further to declare that "The shadow impact analysis must demonstrate that proposed development allows adequate sunlight on building faces and roofs for the possibility of using solar energy. Shadow impacts from proposed development should not exceed two consecutive hourly test times on December 21." I believe that this forward-looking standard has great value and recommend it towards evaluation of the present application.

*Summary Comments on the By-law amendment:*

I urge your Department to advise Council against approving this application as it would permit construction of structures far taller than allowed either under the existing TOC1 or proposed I3 designations, and that development on the subject lands be restricted to the TOC1 height limit of 22 meters. I also believe that the proposal for I3 designation is, in itself, unjustifiable given that TOC1 equally permits multi-residential development and that any consideration of this aspect of the proposal should include a careful analysis of municipal tax impacts for consideration by Council.

Yours truly,

John Thomson

Diagram 1 Noon shadows through the Year

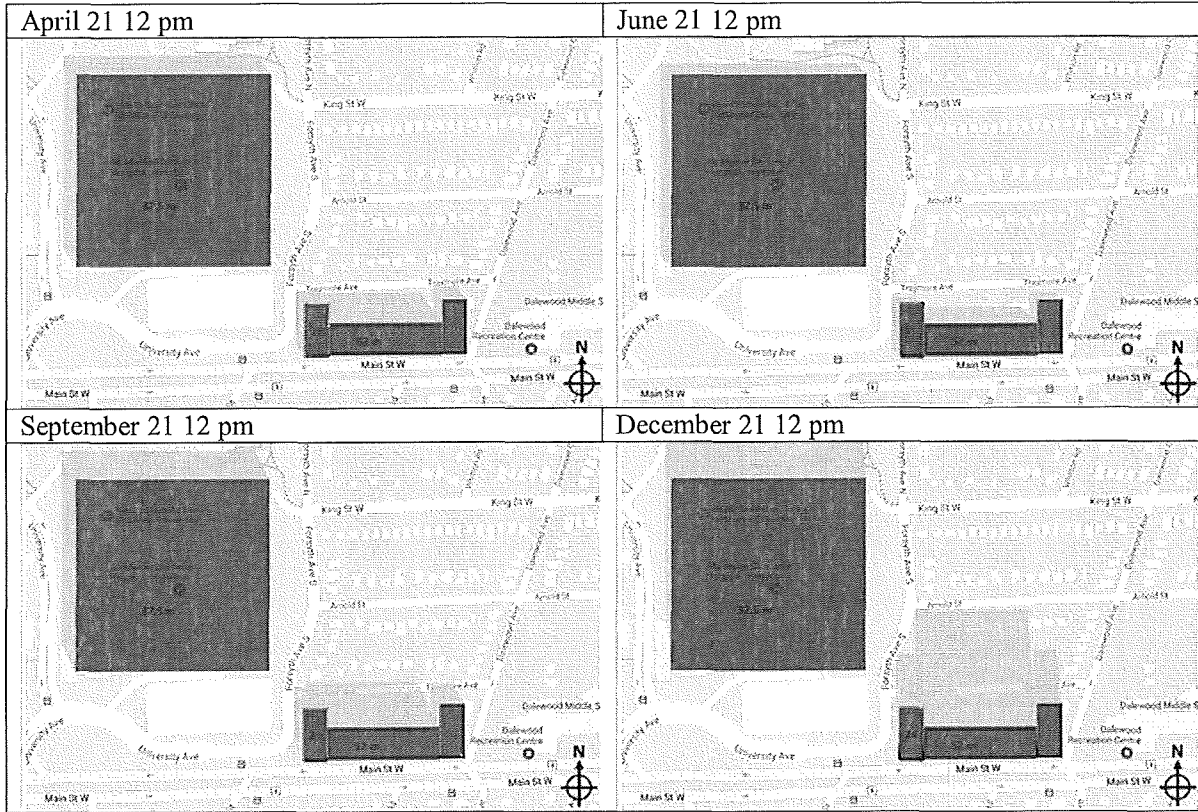




Diagram 2 December 21 series

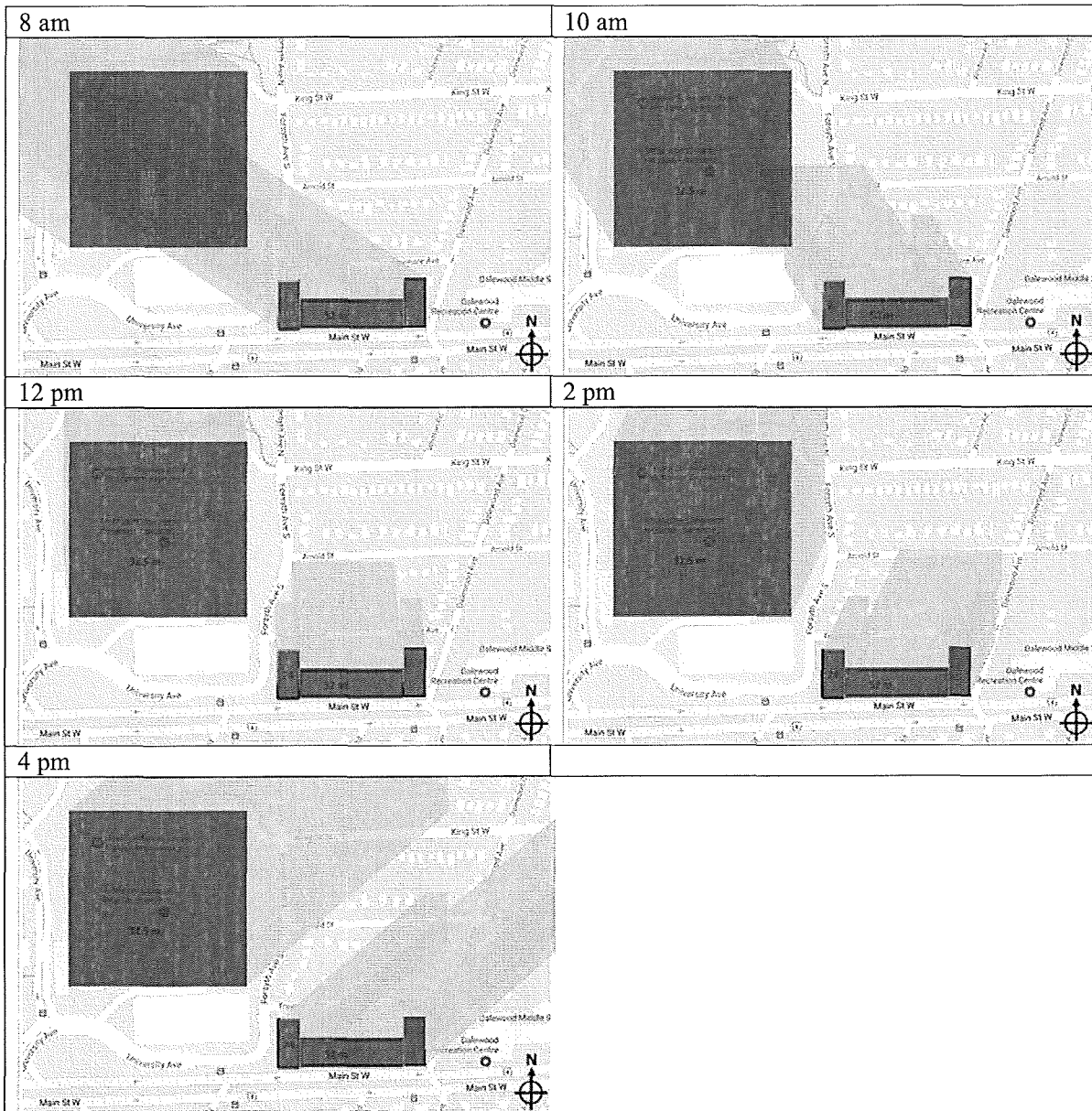
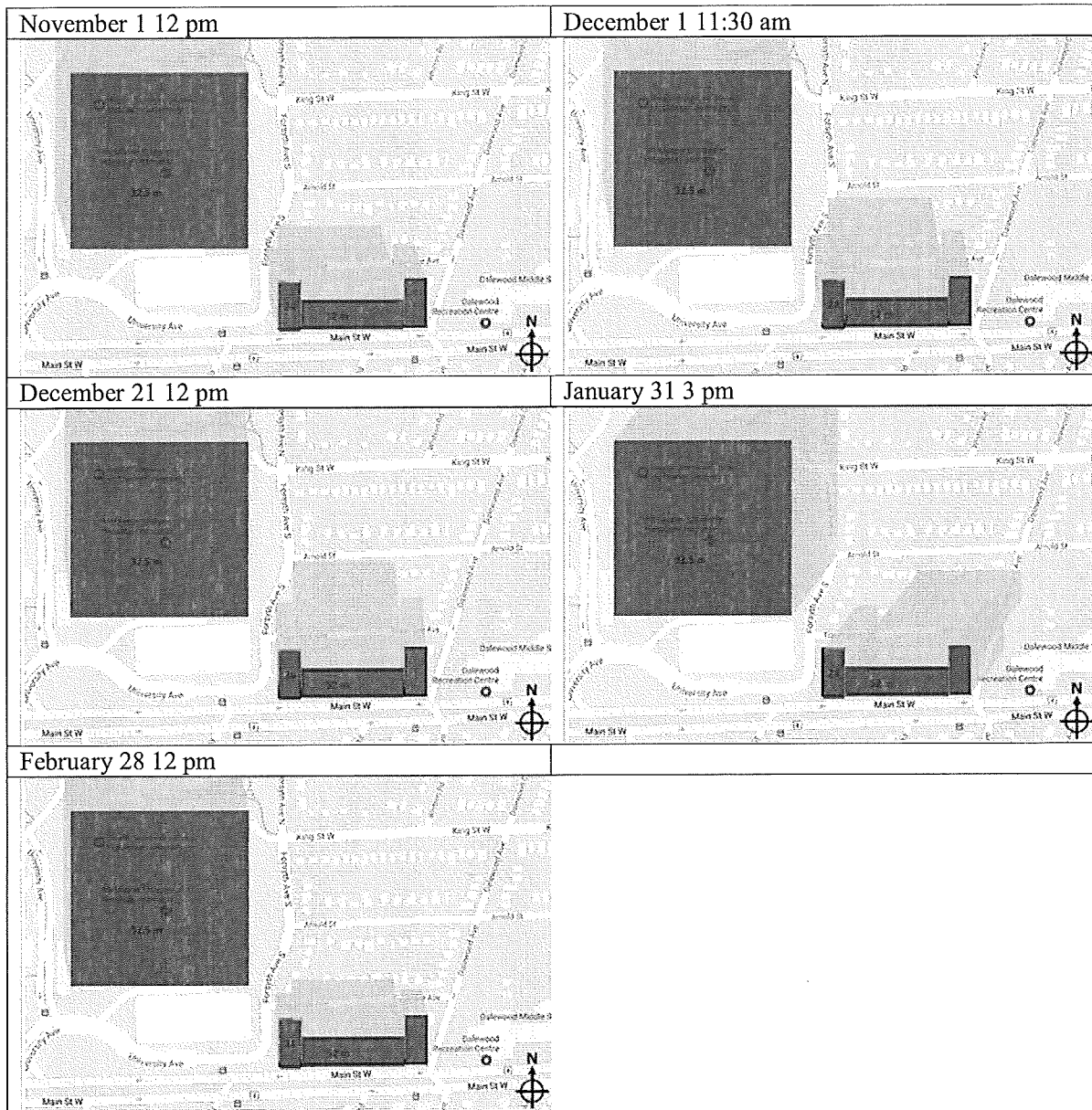


Diagram 3: Midday Shadows Nov 1 - Feb 28



Hamilton, ON

December 17 2017

Adam Lucas,

Planning Department, Hamilton

[adam.lucas@hamilton.ca](mailto:adam.lucas@hamilton.ca)

Re: File(s): UHOPA-17-28 and ZAC-17-065

Dear Mr. Lucas,

We are opposed to the above zoning bylaw amendment application from multiple residential to major institutional. The change will adversely affect the character and enjoyment of the neighborhood by long-term residents. I urge you to consider people who are citizens of Hamilton rather than institutions that show little regard for their neighbors even though they profess to do so. It is outrageous for McMaster University and its agent Knightstone Capital Management, to propose and then increase the size of this project.

There has been much publicity about the adverse effect of large numbers of students moving into the Westdale neighborhood during the academic year. 1400 more students will have a major impact and I don't see any consideration by McMaster to how it will affect us. If the City of Hamilton had a vision of what the Westdale neighborhood will look like in 10 years, please share it.

I don't want to repeat the specific arguments that have been put forward in other letters opposing these residences. They are well thought out and we support them. McMaster University has the land to build residences on campus. The university made a planning decision about 1980 to sell the many houses it owned on Traymore, Arnold and King Street. It would be ironic that McMaster is buying them back now except that their poor judgement and opportunism in taking over this development is at our, the taxpayers, expense. We urge not to support their application.

Respectfully,

Simone & Ed Rotstein

Cc Aidan Johnson, [aidan.johnson@hamilton.ca](mailto:aidan.johnson@hamilton.ca)

**Dear, Andrea**

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**From:** Ira Rosen  
**Sent:** Sunday, January 7, 2018 12:53 PM  
**To:** Lucas, Adam  
**Cc:** Johnson, Aidan  
**Subject:** Re: Traymore Development

Hi Adam,

I hope to have a letter out to you for Monday Jan 8th. In the mean time we are still opposed to this development due to height, density and over all poor design as it does not help reduce the negative effect on the immediate community. We are in favour of a development but it must not exceed the allowances described in there LRT corridor master plan and there must be no main entrances on the Traymore side of the development all major pedestrian access should be on Main St.

Thank you

Ira Rosen  
President AWWCA..

Lucas, Adam wrote:

>Hi Ira,  
>Thank you for your e-mail. The application numbers for the Knightstone Capital development at 1190 Main Street West are UHOPA-17-028 and ZAC-17-065. I've attached a copy of the notice of complete application which was forwarded to the neighbours within 120 metres of the proposal. The notice describes what is proposed on the property.  
>If you have any additional questions with respect the proposed development, please let me know.  
>Regards,  
>Adam  
>  
>Adam Lucas, MCIP, RPP  
>Senior Planner  
>  
>Development Planning, Heritage and Design, Urban Team Planning Division  
>Planning and Economic Development Department City of Hamilton  
>71 Main Street West, 5th floor  
>Hamilton, ON  
>L8P 4Y5  
>t. 905.546.2424 ext. 7856  
>f. 905.546.4202  
>e. adam.lucas@hamilton.ca  
>  
>  
>-----Original Message-----  
>From: Ira Rosen [mailto:irosen@cogeco.ca]  
>Sent: December-06-17 12:30 PM  
>To: Lucas, Adam  
>Cc: Johnson, Aidan

>Subject: re: Traymore Development

>

>Hello Adam,

>

>Can you please forward the application number and any other info. on

>the development for a formal letter to be sent out

>

>thank you

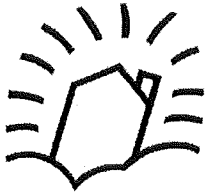
>

>Ira Rosen

>President AWWCA

>

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**Ainslie Wood/Westdale Community Association**  
*Of Resident Homeowners Inc.*  
1063 King Street West  
Suite 221  
Hamilton, Ontario L8S 4H2  
awwca.ca

January 8, 2018

Adam Lucas, MCIP, RPP Senior Planner  
Planning and Economic Development Department  
City of Hamilton  
71 Main Street West, 5th floor  
Hamilton, ON L8P 4Y5

Re: Application # UHOPA-17-028, ZAC-17-065.  
Knightstone Capital Development  
1190 Main Street West  
Hamilton, ON

Dear Mr. Lucas,

Please be advised that the Ainslie Wood Westdale Community Association (AWWCA) is formally opposed to the above-mentioned development in its present application. We firmly oppose the height of 52 meters as well as the density of over 1,400 beds. The primary objective of this development is to house McMaster University's first-year students. We understand the need of the University, and we endorse a development on the proposed site; however, we feel that this development in its present form will have long-lasting negative effects on the immediate community.

When we met last year with the developer and University our position on certain aspects was made clear. There were to be no major pedestrian entrances on the Traymore side of the development to help reduce the saturation of foot traffic on a small side street.

In addition, after several requests we have not seen any plans for how the University and developer plan to deal with the increased vehicular traffic since the present plan has only six parking spots. In particular, how do they plan to handle the yearly move-in and move-out? With the reduced lanes on Main Street West due to LRT, the end result will be the possibility of 1,400 vehicles unloading and loading on the small side streets in the area. Furthermore, this development is across the street from Dalewood School, which will create an extremely unsafe situation.

We have been informed of an open house in February 2018, and we are open to continued conversations with the hope that the above-mentioned concerns will be addressed. It's important to note that the University is constructing a new residence on campus with 500 beds: Why could that development not have been made taller and larger to fully house first-year students?

Sincerely yours,

Ira Rosen  
President, AWWCA

**Dear, Andrea**

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**From:** Philip Vasilevski >  
**Sent:** Wednesday, January 24, 2018 8:38 PM  
**To:** Lucas, Adam  
**Subject:** McMaster Residence on Traymore Ave (Ref UHOPA-17-028 & ZAC-17-065)

Dear Mr Lucas,

As a homeowner in Westdale, I am writing regarding the proposed new McMaster Residence on Traymore Ave (Ref UHOPA-17-028 & ZAC-17-065).

I approve the concept by McMaster University of a residence complex of up to 12 storeys between Main street and Traymore Ave as it will meet the needs of all stakeholders. It will also have the desirable effect of driving out the worst landlords of student houses in our neighbourhood who do not take care of their property knowing that they currently have a captive market of student renters with no choice but to live in substandard accommodations.

My only concern is that visitor parking for 6 vehicles is too small for the number of people who would live there and will result in congested streets.

Regards

Philip Vasilevski

Hamilton, ON

phone:

**Dear, Andrea**

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**Subject:** FW: Set Backs

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**From:**  
**Sent:** June-29-18 12:40 PM  
**To:** Johnson, Aidan  
**Cc:** Emmy  
**Subject:** Re: Set Backs

I have not been able to follow the details of this project... So I don't have detailed suggestions beyond what neighbours may have already have brought forward. But I do know that there are concerns about the increased height of the building. Thus thinking about a set back as in the illustration might be a rational compromise solution.

Emmy may be able to be more specific, as she is more up-to-date and a directly *affected neighbour of the proposal*.

Another issue is cars and parking. Given that there will be insufficient parking for the number of proposed students, it will be vital to tightly restrict parking in the neighbouring streets, so they don't become the students' parking lot with the accompanying traffic and noise at all hours.

My suggestion would be to restrict parking on the neighbouring streets to the local neighbours/residents.

Dieter



**Dear, Andrea**

---

**From:** Wali Khan  
**Sent:** Monday, September 10, 2018 1:22 PM  
**To:** Lucas, Adam  
**Subject:** Fwd: Traymore/Main Street McMaster Student Residence

Dear Mr. Lucas,  
Hope you are doing very well. I think you know that McMaster University and Knightstone Real Estate recently (Sept 6th) organized a public meeting to inform their revise plan on the student residence that they are planning to build between Traymore Avenue and Main Street West. Basically in the revised plan they proposed to reduce part of the building from 12 storied to 10 storied and increase part of the building from 12 storied to 18 storied keeping the overall accommodation same (for 1400 students). It seems they do not want to decrease their income! For parking in revised proposal they said they will build 23 underground parking instead of previous 6 on ground parking. For this underground parking they proposed to build a ramp near Dalewood Avenue end (close to my house) on Traymore Avenue. It means all the time we have to see the garbage trucks or supplies trucks moving around. In addition, it is not clear where the parking will be even if 5-10% of 1400 students have cars. They cannot put a restriction on buying car. There was no report on traffic situation on Traymore and on the adjacent roads following the construction of this residence for 1400 students. Overall this is very disappointing and frustrating. They basically did not do much to address our concerns. We living on the other side of Traymore along with neighbors on Arnold will suffer a lot if this huge building get approval from the city. Many have expressed their concerns in the meeting. I hope City Planning Department will take appropriate steps in this regard.  
Thanks very much.

Best wishes,  
Waliul Khan

Hamilton

----- Forwarded message -----

**From:** Wali Khan <khanwi@gmail.com>  
**Date:** Tue, May 29, 2018 at 8:54 PM  
**Subject:** Traymore/Main Street McMaster Student Residence  
**To:** <mayor@hamilton.ca>, Ted McMeekin, MPP (Constituency Office) <tmcmeekin.mpp.co@liberal.ola.org>, <aidan.johnson@hamilton.ca>, Lucas, Adam <Adam.Lucas@hamilton.ca>, Wojewoda, Nikola <Nikola.Wojewoda@hamilton.ca>

Dear Mayor Mr. Eisenberger, MPP Mr. McMeekin, Councillor Mr. Johnson, Mr. Lucas:

Recently I found that several houses on the Traymore Avenue and Forsythe Avenue (those bought by McMaster/Knightstone to build student residence) are boarded up. I am living with my family on the other side of Traymore Avenue. I also heard that the McMaster/Knightstone is going to demolish the other side houses in September. This is a very unfortunate, depressing and disturbing situation for those like me living on the other side of Traymore Avenue. As the plan is not yet officially approved I am not sure how much appropriate this is to do like it. The developer seems not to care anything about us. They do not have minimum consideration for us who are going to suffer from this gigantic building for 1400 students just on the other side of the same road. First they did not communicate with us before making the plan to build a huge 12 storied building in front of us

and now by boarding the houses they are trying to create a hostile environment for us. It seems they are trying to intimidate us. We pay tax and as citizen of civilized country we expect right treatment from the city and also from the McMaster/Knightstone. I never thought we have to face this kind of dismal situation in this wonderful city and beautiful country.

I and my family are now in a very stressful condition. We now have to sale our house and at the same time buy another house to live. According to real estate agents it will be not easy to sell the house now (who will buy our house with houses boarded on other side of same road?). This is a mental torture to me and my family. McMaster also so far did not show any intention to buy the houses on our side. McMaster can also consider that in order to make parking for the residence (the current plan lacks parking for the residence) or for other future development. This could at least reduce our worry of selling the property.

I would like to request honorable Mayor, MPP, City/Ward Councillors, and City Planning Department to take appropriate measures and help us in this very difficult and stressful situation.

Many thanks in anticipation of your kind consideration.

Sincerely,

Waliul Khan

Hamilton, ON

**Dear, Andrea**

---

**From:** Philip Vasilevski <p>  
**Sent:** Tuesday, February 6, 2018 8:10 PM  
**To:** Lucas, Adam  
**Subject:** Re: McMaster Residence on Traymore Ave (Ref UHOPA-17-028 & ZAC-17-065)

Adam,

I will not be able to attend the meeting tomorrow. But I want to reiterate that I fully support the project to build 1400 units of up to 12 stories on Main Street and stepping down to smaller units at Traymore.

My only concern is that with only 6 visitor parking spots and no permanent parking, there will be more cars visiting than a typical apartment building. Plus, there needs to be a plan for dealing with vehicles moving students into and out of the units at the beginning of September and end of April.

Regards

Philip Vasilevski

Hamilton, ON

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**From:** Lucas, Adam <Adam.Lucas@hamilton.ca>  
**Sent:** January 26, 2018 9:10 AM  
**To:** 'Philip Vasilevski'  
**Subject:** RE: McMaster Residence on Traymore Ave (Ref UHOPA-17-028 & ZAC-17-065)

Hi Philip,  
Thank you for your e-mail. Your comments and concerns regarding the availability of parking have been received and will be incorporated in a future planning report before Planning Committee.  
I'm unsure if you know this, but the applicant is holding a public information meeting regarding their proposal on February 7<sup>th</sup>. I've attached the flyer for your information.  
Regards,

**Adam Lucas, MCIP, RPP**  
Senior Planner

Development Planning, Heritage and Design, Urban Team  
Planning Division  
Planning and Economic Development Department  
City of Hamilton  
71 Main Street West, 5th floor  
Hamilton, ON  
L8P 4Y5  
t. 905.546.2424 ext. 7856

f. 905.546.4202  
e. [adam.lucas@hamilton.ca](mailto:adam.lucas@hamilton.ca)

---

**From:** Philip Vasilevski  
**Sent:** January-24-18 8:38 PM  
**To:** Lucas, Adam  
**Subject:** McMaster Residence on Traymore Ave (Ref UHOPA-17-028 & ZAC-17-065)

Dear Mr Lucas,

As a homeowner in Westdale, I am writing regarding the proposed new McMaster Residence on Traymore Ave (Ref UHOPA-17-028 & ZAC-17-065).

I approve the concept by McMaster University of a residence complex of up to 12 storeys between Main street and Traymore Ave as it will meet the needs of all stakeholders. It will also have the desirable effect of driving out the worst landlords of student houses in our neighbourhood who do not take care of their property knowing that they currently have a captive market of student renters with no choice but to live in substandard accommodations.

My only concern is that visitor parking for 6 vehicles is too small for the number of people who would live there and will result in congested streets.

Regards

Philip Vasilevski

Hamilton, ON

**Dear, Andrea**

---

**From:** Wali Khan  
**Sent:** Monday, September 10, 2018 1:22 PM  
**To:** Lucas, Adam  
**Subject:** Fwd: Traymore/Main Street McMaster Student Residence

Dear Mr. Lucas,

Hope you are doing very well. I think you know that McMaster University and Knightstone Real Estate recently (Sept 6th) organized a public meeting to inform their revised plan on the student residence that they are planning to build between Traymore Avenue and Main Street West. Basically in the revised plan they proposed to reduce part of the building from 12 storied to 10 storied and increase part of the building from 12 storied to 18 storied keeping the overall accommodation same (for 1400 students). It seems they do not want to decrease their income! For parking in revised proposal they said they will build 23 underground parking instead of previous 6 on ground parking. For this underground parking they proposed to build a ramp near Dalewood Avenue end (close to my house) on Traymore Avenue. It means all the time we have to see the garbage trucks or supplies trucks moving around. In addition, it is not clear where the parking will be even if 5-10% of 1400 students have cars. They cannot put a restriction on buying car. There was no report on traffic situation on Traymore and on the adjacent roads following the construction of this residence for 1400 students. Overall this is very disappointing and frustrating. They basically did not do much to address our concerns. We living on the other side of Traymore along with neighbors on Arnold will suffer a lot if this huge building get approval from the city. Many have expressed their concerns in the meeting. I hope City Planning Department will take appropriate steps in this regard.

Thanks very much.

Best wishes,  
Waliul Khan

, Hamilton

----- Forwarded message -----

**From:** Wali Khan  
**Date:** Tue, May 29, 2018 at 8:54 PM  
**Subject:** Traymore/Main Street McMaster Student Residence  
**To:** <[mayor@hamilton.ca](mailto:mayor@hamilton.ca)>, Ted McMeekin, MPP (Constituency Office) <[tmcmeekin.mpp.co@liberal.ola.org](mailto:tmcmeekin.mpp.co@liberal.ola.org)>, <[aidan.johnson@hamilton.ca](mailto:aidan.johnson@hamilton.ca)>, Lucas, Adam <[Adam.Lucas@hamilton.ca](mailto:Adam.Lucas@hamilton.ca)>, Wojewoda, Nikola <[Nikola.Wojewoda@hamilton.ca](mailto:Nikola.Wojewoda@hamilton.ca)>

Dear Mayor Mr. Eisenberger, MPP Mr. McMeekin, Councillor Mr. Johnson, Mr. Lucas:

Recently I found that several houses on the Traymore Avenue and Forsythe Avenue (those bought by McMaster/Knightstone to build student residence) are boarded up. I am living with my family on the other side of Traymore Avenue. I also heard that the McMaster/Knightstone is going to demolish the other side houses in September. This is a very unfortunate, depressing and disturbing situation for those like me living on the other side of Traymore Avenue. As the plan is not yet officially approved I am not sure how much appropriate this is to do like it. The developer seems not to care anything about us. They do not have minimum consideration for us who are going to suffer from this gigantic building for 1400 students just on the other side of the same road. First they did not communicate with us before making the plan to build a huge 12 storied building in front of us

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I and my family are now in a very stressful condition. We now have to sale our house and at the same time buy another house to live. According to real estate agents it will be not easy to sell the house now (who will buy our house with houses boarded on other side of same road?). This is a mental torture to me and my family. McMaster also so far did not show any intention to buy the houses on our side. McMaster can also consider that in order to make parking for the residence (the current plan lacks parking for the residence) or for other future development. This could at least reduce our worry of selling the property.

I would like to request honorable Mayor, MPP, City/Ward Councillors, and City Planning Department to take appropriate measures and help us in this very difficult and stressful situation.

Many thanks in anticipation of your kind consideration.

Sincerely,

Waliul Khan

Hamilton, ON

Sept 23 2019

File: UHOPA-17-028

To whom it may concern,

I am writing this letter as a concerned citizen of the Westdale neighbourhood. Westdale is a well-established residential neighbourhood and is one of the oldest planned communities in Canada. It is a model of a walkable community and serves as an excellent neighbourhood in which to live, given its proximity to public schools, places of worship, shops, health care facilities and parks.

It is because of this I am concerned about the plan of McMaster University, in conjunction with Knightstone Properties, to develop the property located in Westdale between Traymore Avenue and Main St. West, bordered by Dalewood Ave and Forsyth Ave S. The height of the propose building is enormous, currently designed as up to 10 stories for most of the building with a "15 storey tower at the corner of Main St. West and Forsyth Avenue S". This rivals the height of buildings in the downtown core despite being located across the street from residential two-storey homes.

To allow the applicant Diamond Schmidt Architects to change the Official Plan designation from Mixed Use- Medium Density to Institutional would be counterproductive for the neighbourhood as a whole. Furthermore, the institutional designation would have to be made an I3 (Major Institutional Zone) to satisfy the University and Architects proposed plan, meaning that this small neighbourhood between Traymore and Arnold Streets would now be bordered by I3 zoning on two sides. This proposal serves to negatively impact property values of local residents, some of whom have lived in the area for decades.

I also have safety concerns about the number of students the University has planned for this off-campus residence, which is propose to house over 1400. This location originally consisted of 13 two-story homes constructed in the first half of the 20<sup>th</sup> century. The roadways, originally intended for low density car and foot traffic, are not well designed to handle the levels of pedestrian, bike and vehicle traffic that will come with the number of proposed residents. A sad example of how difficult the area at the southwest corner of the proposed development is to navigate occurred in early January 2018. A pedestrian crossing Forsyth Ave S heading towards McMaster Hospital was struck and killed as a car came around the blind curve in the road.

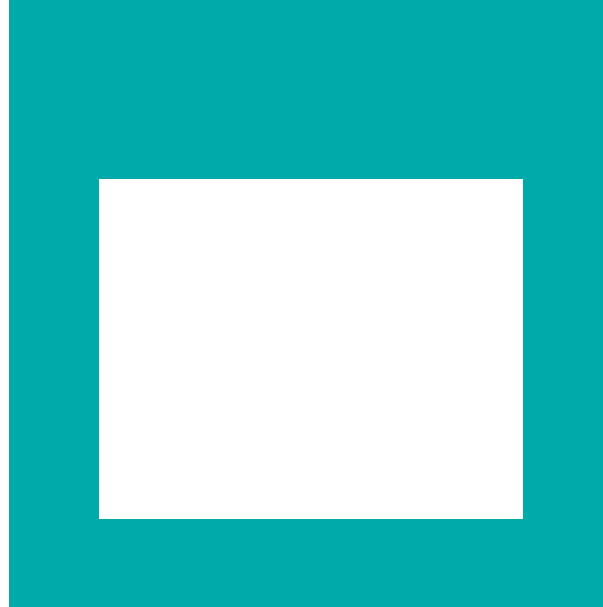
On the artist conceptual drawing, Forsyth Ave S. is depicted as a straighter road than it actually is. In reality, pedestrians and drivers must be particularly careful as the street's small size lends it an appearance of relative safety. Pedestrians may not realize that drivers do not have sufficient sightline to avoid stopping in time, especially if pedestrians are crossing at bends in the road at night or in poor weather. While pedestrians currently walk across this road to get to the Hospital or the University, the volume of foot and bike traffic would increase exponentially with this proposed development in an area poorly designed for this volume of traffic, unfortunately making accidents more likely.

There are many good reasons to limit the size of the development proposed by the University, but safety of the potential residence must be paramount in the minds of all.

Thank you,

Emily Brackenridge

*p.s. Please notify me of the decision of the City of Hamilton.*



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

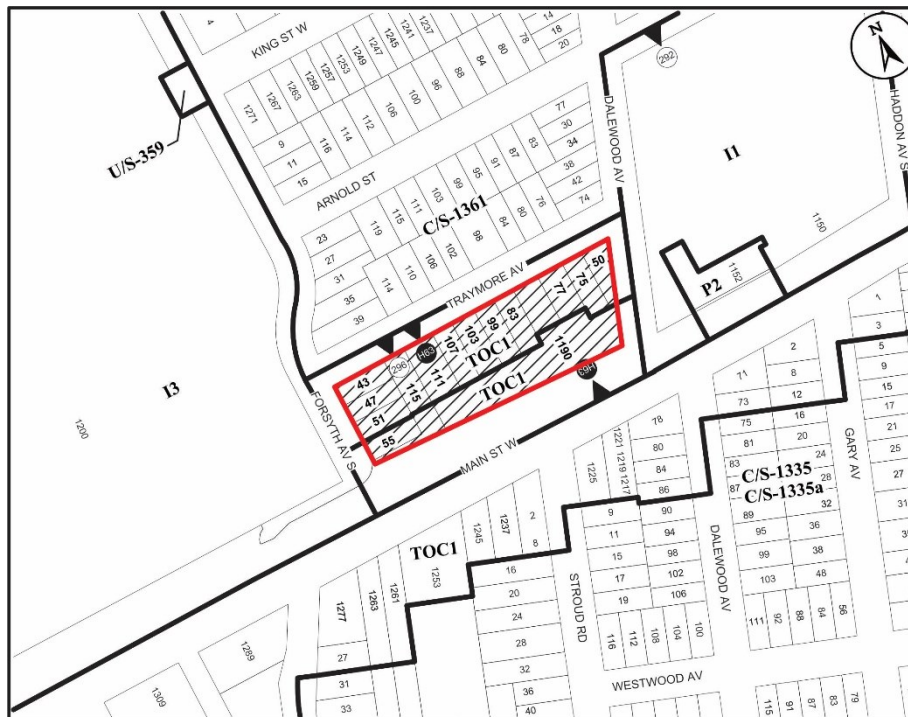
October 15, 2019



## **PED19186 – (UHOPA-17-028 )**

Application for an Official Plan Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton.

Presented by: Andrea Dear



● Site Location



Key Map - Ward 1

N.T.S.

### Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-065 & UHOPA-17-28

Date:  
Oct. 4, 2017

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
TS/AL

#### Subject Property

1190 Main Street West,  
43, 47, 51 & 55 Forsyth Avenue South,  
75, 77, 81, 99, 103, 107, 111 & 115 Traymore Avenue,  
50 Dalewood Avenue



**SUBJECT PROPERTY**



1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton



Diamond Schmitt Architects

SITE/ GROUND FLOOR PLAN 101.

McMaster Residences  
 Revision 2019-03-28 1:500



Diamond Schmitt Architects

2019-03-28 REVISED PROPOSAL - TRAYMORE AVENUE LOOKING SOUTHWEST

McMaster Residences 2019-03-28



Diamond Schmitt Architects

2019-03-28 REVISED PROPOSAL - MAIN STREET LOOKING NORTHWEST

McMaster Residences 2019-03-28



Diamond Schmitt Architects

2019-03-28 REVISED PROPOSAL - MAIN STREET LOOKING NORTHEAST

McMaster Residences 2019-03-28



Diamond Schmitt Architects

2019-03-28 REVISED PROPOSAL - FORSYTH AVENUE LOOKING SOUTH

McMaster Residences 2019-03-28





Subject Lands from the south side of Main Street West (looking northwest)



Homes on the south side of Traymore Avenue to be demolished



Homes on the south side of Traymore Avenue to be demolished



Homes on the southside of Traymore Avenue to be demolished



North side of Traymore Avenue looking east



North side of Traymore looking west



Commercial Uses south of the Subject Site



Dalewood Recreation Centre and School to the east





McMaster Hospital to the west

# Legislative Planning Process for UHOPA-17-028 and ZAC-17-065

Application	Appeal to OMB 120 Days	Appeal to LPAT 180 Days	Resubmission	Planning Committee	Decision
Zoning By-Law Amendment	March 29, 2018 Accepted	-	-	-	LPAT
Official Plan Amendment	-	May 28, 2018 Rejected	March 29, 2019	October 15, 2019	Planning Committee /Council



April 3<sup>rd</sup>, 2018, the Local Planning Appeal Tribunal (LPAT) replaced the Ontario Municipal Board (OMB)

## Urban Hamilton Official Plan:

Mixed Use –  
Medium Density



Institutional



## Ainslie Wood Westdale Secondary Plan:

Mixed Use –  
Medium Density

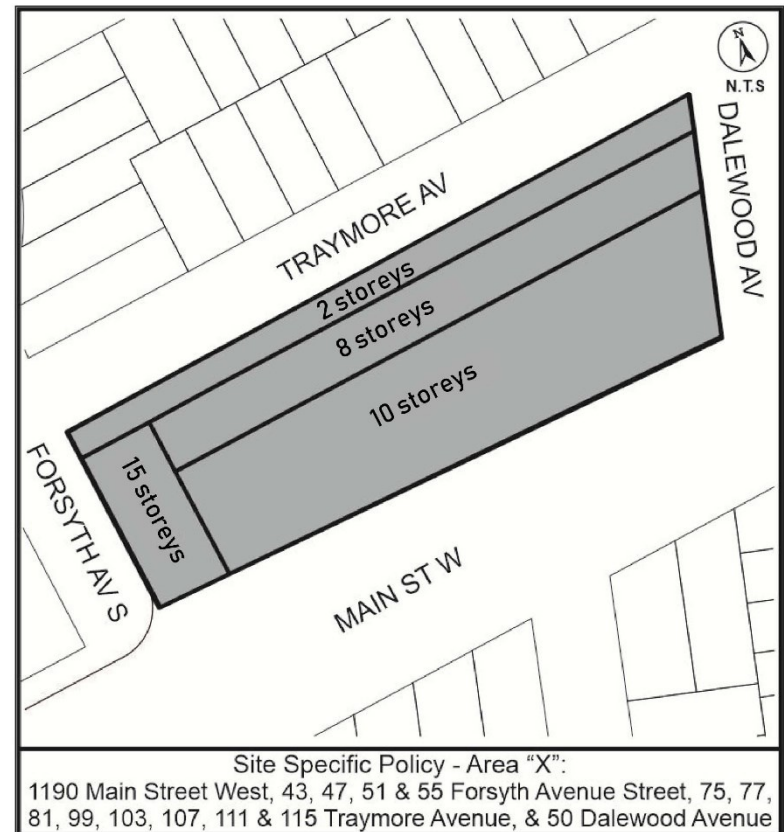


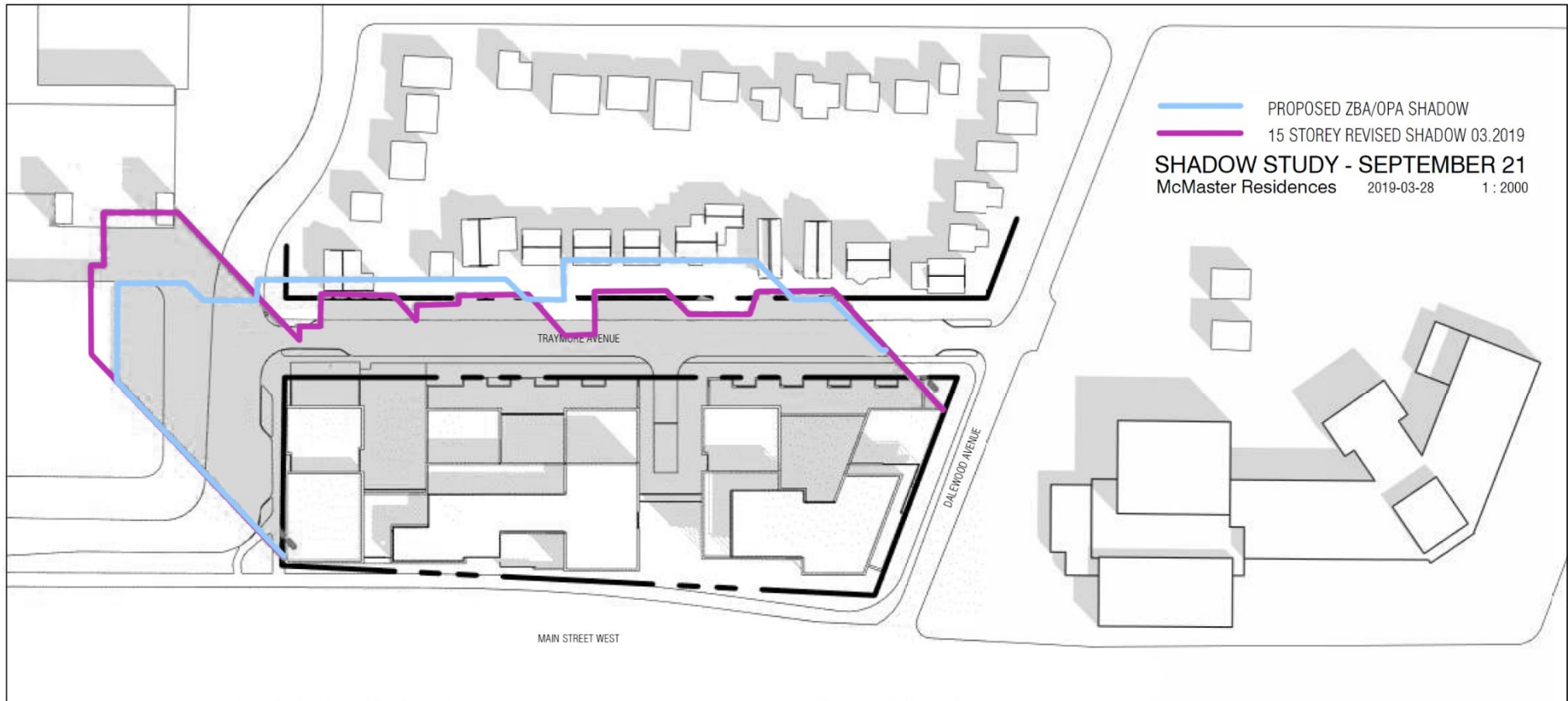
Institutional

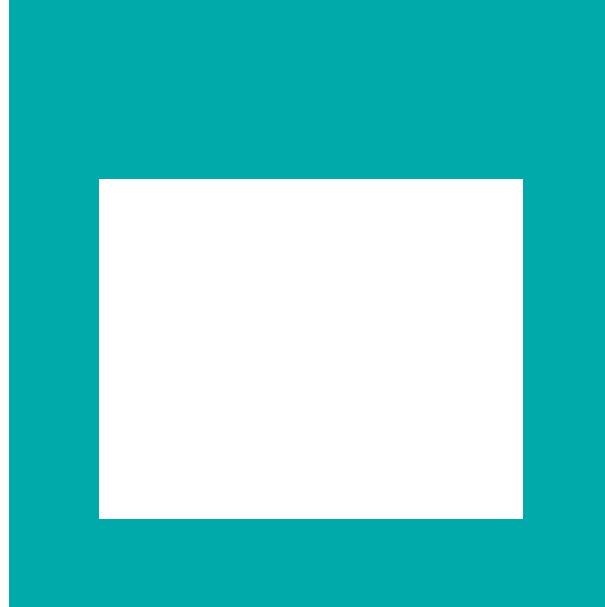


## Considerations for Planning Committee

1. Change in designation to Institutional
2. Permit heights of up to 15 storeys with the restrictions shown







# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 15, 2019
<b>SUBJECT/REPORT NO:</b>	Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11)
<b>WARD AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That **Zoning By-law Amendment Application ZAA-19-042, by Shirlmar Farms Inc. (Owner)** for a change in zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone and the Agriculture (A1, 464) Zone to prohibit the construction of a single detached dwelling and residential care facility and recognize a reduced lot area for the retained agricultural parcel and recognize a reduced lot width for the severed surplus farm dwelling parcel, as required by conditions of approval for Consent to Sever application GL/B-18:144, for the lands located at 6266 and 6330 Chippewa Road East as shown on Appendix "A" to Report PED19196, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED19196, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed modification in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP).

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

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

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



**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) - Page 2 of 10**

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## **EXECUTIVE SUMMARY**

The purpose of this Zoning By-law Amendment application is to add special exceptions to the Agriculture (A1) Zone to:

- prohibit the construction of a single detached dwelling or residential care facility on the retained agricultural portion of the subject lands currently known as 6266 Chippewa Road East, Glanbrook;
- recognize a reduced lot area for the retained agricultural portion of the subject lands; and,
- recognize a reduced lot width on the severed surplus farm dwelling portion of the subject lands.

The proposed amendment is required to satisfy the lot creation policies of the Provincial Policy Statement (PPS), the Greenbelt Plan (2017), and the RHOP. Further, the proposed amendment addresses Condition Nos. 2 and 5 of Consent for Severance approval GL/B-18:144 facilitating the severance of a surplus farm dwelling as a result of a consolidation of non-abutting farm parcels.

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

### **Alternatives for Consideration – See Page 9**

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

Financial: N/A

Staffing: N/A

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

## **HISTORICAL BACKGROUND**

### **Consent for Severance Application GL/B-18:144**

In November 2018 an application was made to the Committee of Adjustment to sever an existing single detached dwelling from the existing farm operation. The application

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) - Page 3 of 10**

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was heard at Committee on February 7, 2019 and was subsequently approved. As a condition of consent, the applicant was required to submit a Zoning By-law Amendment application for the purposes of restricting the development of a single detached dwelling and residential care facility on the farmland to be retained. Refer to Appendix "D" to Report PED19196 for the Notice of Decision.

**Description of the Subject Lands**

As shown on the Location Map attached as Appendix "A" to Report PED19196, the subject lands are zoned Agricultural (A1) Zone. The current and future use of the retained lands is agriculture. The severed lands contain an existing single detached dwelling. Refer to Appendix "E" to Report PED19196 for a sketch of the conditionally approved severance.

**Proposal**

The purpose of Zoning By-law Amendment application ZAA-19-042 is to rezone the subject lands to a site specific Agriculture (A1) Zone to prohibit the development of a single detached dwelling and residential care facility in order to satisfy Condition No. 2 of Consent for severance application GL/B-18:144 where an existing farm dwelling was severed through a non-abutting farm consolidation severance. The site specific zoning will also recognize a reduced lot area for the retained agricultural parcel and a reduced lot width for the severed surplus farm dwelling parcel to satisfy Condition No. 5 of Consent for severance application GL/B-18:144.

**Chronology**

- February 7, 2019: Consent for Severance application GL/B-18:144 was heard at the Committee of Adjustment and was approved.
- April 3, 2019: Consent for Severance application GL/B-18:144 received final and binding approval.
- June 6, 2019: Zoning By-law Amendment application ZAA-19-042 received.
- June 10, 2019: Zoning By-law Amendment application ZAA-19-042 deemed complete.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) - Page 4 of 10**

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June 10, 2019: Zoning By-law Amendment application ZAA-19-042 circulated to 29 property owners within 120 m of the subject lands.

June 18, 2019: Public Notice sign installed on the subject lands.

September 18, 2019: Public Notice sign updated to include Public Meeting Date.

September 27, 2019: Circulation of Notice of Public Meeting to 29 property owners within 120 m of the subject lands.

**Details of Submitted Application**

**Location:** 6266 and 6330 Chippewa Road East, Glanbrook (see Appendix "A" to Report PED19196)

**Applicant / Owner:** Shirlmar Farms Inc.

**Property Description**

**(Lands to be retained):** As shown on Appendix "E" to Report PED19196

<u>Total Lot Area:</u>	36.9 ha (91.18 ac)
<u>Total Lot Frontage:</u>	± 576 m
<u>Lot Depth:</u>	± 661 m

**Property Description**

**(Lands to be conveyed):** As shown on Appendix "E" to Report PED19196

<u>Total Lot Area:</u>	1.0 ha (2.48 ac)
<u>Total Lot Frontage:</u>	± 13.72 m
<u>Total Lot Depth:</u>	± 216.5 m

**Existing Land Use and Zoning**

**Subject Lands:**

**Existing Land Use**

Agriculture  
Single detached dwelling

**Existing Zoning**

Agriculture (A1) Zone

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) - Page 5 of 10**

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**Surrounding Lands:**

<b>North</b>	Agriculture Single detached dwellings	Agriculture (A1, 118) Zone, Agriculture (A1) Zone
<b>South</b>	Agriculture Single detached dwellings	Agriculture (A1) Zone
<b>East</b>	Agriculture Single detached dwellings	Agriculture (A1) Zone
<b>West</b>	Agriculture Single detached dwellings	Agriculture (A1) Zone, Conservation / Hazard Land - Rural (P6) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

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

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

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

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

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) - Page 6 of 10**

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**Greenbelt Plan**

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

The following policies, amongst others, are applicable:

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

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

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

As per the above policy, it was found through the Consent for Severance application (GL/B-18:144) process that the proposed severance complied with policy 4.6.1 f) i). With regards to 4.6.1 f) ii), Condition No. 2 was placed on the Consent for Severance application requiring that the lands be rezoned to prohibit a residential dwelling and residential care facility in perpetuity on the subject lands and ensure that the retained farm parcel cannot be developed for a single detached dwelling. This application serves to satisfy this requirement, and as such, the recommendation conforms to the Greenbelt Plan (2017).

**Rural Hamilton Official Plan**

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

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

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) - Page 7 of 10**

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

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

It was found through the Consent for Severance application (GL/B-18:144) that the proposed severance, through the imposition of Condition No. 2, complied with the RHOP by restricting the development of a single detached dwelling on the subject lands. Based on the foregoing, this application will satisfy Policy F.1.14.2.8 c) v).

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

The subject lands are zoned Agriculture (A1) Zone. The permitted uses are as follows:

**Agriculture (A1) Zone**

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

The applicant proposes two site specific Agriculture (A1) Zones in order to prohibit the development of a single detached dwelling and residential care facility and recognize a reduced lot area on the retained farmland and to recognize a reduced lot width for the severed surplus farm dwelling lot.

An evaluation of the proposed modifications is included in Appendix “C” to Report PED19196.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) - Page 8 of 10**

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**RELEVANT CONSULTATION**

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

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

**Public Consultation:**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 29 property owners within 120 m of the subject property on June 10, 2019 requesting public input on the application. A Public Notice sign was also posted on the property on June 18, 2019 and updated on September 18, 2019 with the date of the Public Meeting. Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on September 27, 2019.

**Public Consultation Strategy:**

As per the City's Public Consultation and Strategy Guidelines, the applicant proposed a consultation strategy through the notice requirements of the previous Consent for Severance application (GL/B-18:144) through which notice was given under Section 53 of the *Planning Act*. Neighbours within 60 m of the subject property were notified of the application. No members of the public attended the Committee of Adjustment hearing on February 7, 2019 to express any concerns.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:
  - (i) It is consistent with the PPS, and conforms to the Greenbelt Plan (2017);
  - (ii) It complies with the policies of the RHOP; and,

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) - Page 9 of 10**

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- (iii) The proposed amendment satisfies Condition Nos. 2 and 5 of Consent for Severance application GL/B-18:144 which was approved by the Committee of Adjustment on February 7, 2019 (see Appendix "D" to Report PED19196).
2. The policies of the PPS and Greenbelt Plan (2017) indicate that a residence may be severed as surplus to a farming operation. It was found, through the Consent for Severance application (GL/B-18:144) process, that the application was consistent with the PPS and conforms to the Greenbelt Plan in effect at the time of the application. The PPS indicates that the intent of the plan is to maintain agricultural uses for the long-term period of the PPS and the restriction of development of the subject lands is consistent with that policy. The Greenbelt Plan supports and permits agricultural uses on lands located outside of prime agricultural and specialty crop lands as designated within the Plan. Staff are of the opinion that the application is consistent with the PPS and conforms to the Greenbelt Plan (2017) by restricting the development of a single detached dwelling and residential care facility on the subject lands in order to preserve the existing farm practice.
3. The proposal complies with the policies in the RHOP which speak to surplus farm dwelling severances as a result of a farm consolidation. This application fulfils Condition Nos. 2 and 5 of Consent for Severance Application GL/B-18:144 by prohibiting the future development of a single detached dwelling and residential care facility on the retained agricultural parcel, permitting a reduced lot area on the retained agricultural parcel and permitting a reduced lot width on the severed surplus farm dwelling parcel.

Staff note that as a result of the Consent for Severance Application (GL/B-18:144), the subject lands will be reassigned the address of 6330 Chippewa Road East and the surplus farm dwelling property will remain 6266 Chippewa Road East, which is reflected in the proposed By-law (see Appendix "B" to Report PED19196).

The proposed modifications to the Agriculture (A1) Zone are discussed in Appendix "C" to Report PED19196.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the conditional approval of Consent for Severance application (GL/B-18:144) will lapse, and the applicant will not be able to sever the surplus dwelling from the property. The use of the subject property will continue to be regulated by the existing Agricultural (A1) Zone.



**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) - Page 10 of 10**

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

**Community Engagement and Participation**

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

**Economic Prosperity and Growth**

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

**Clean and Green**

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

**APPENDICES AND SCHEDULES ATTACHED**

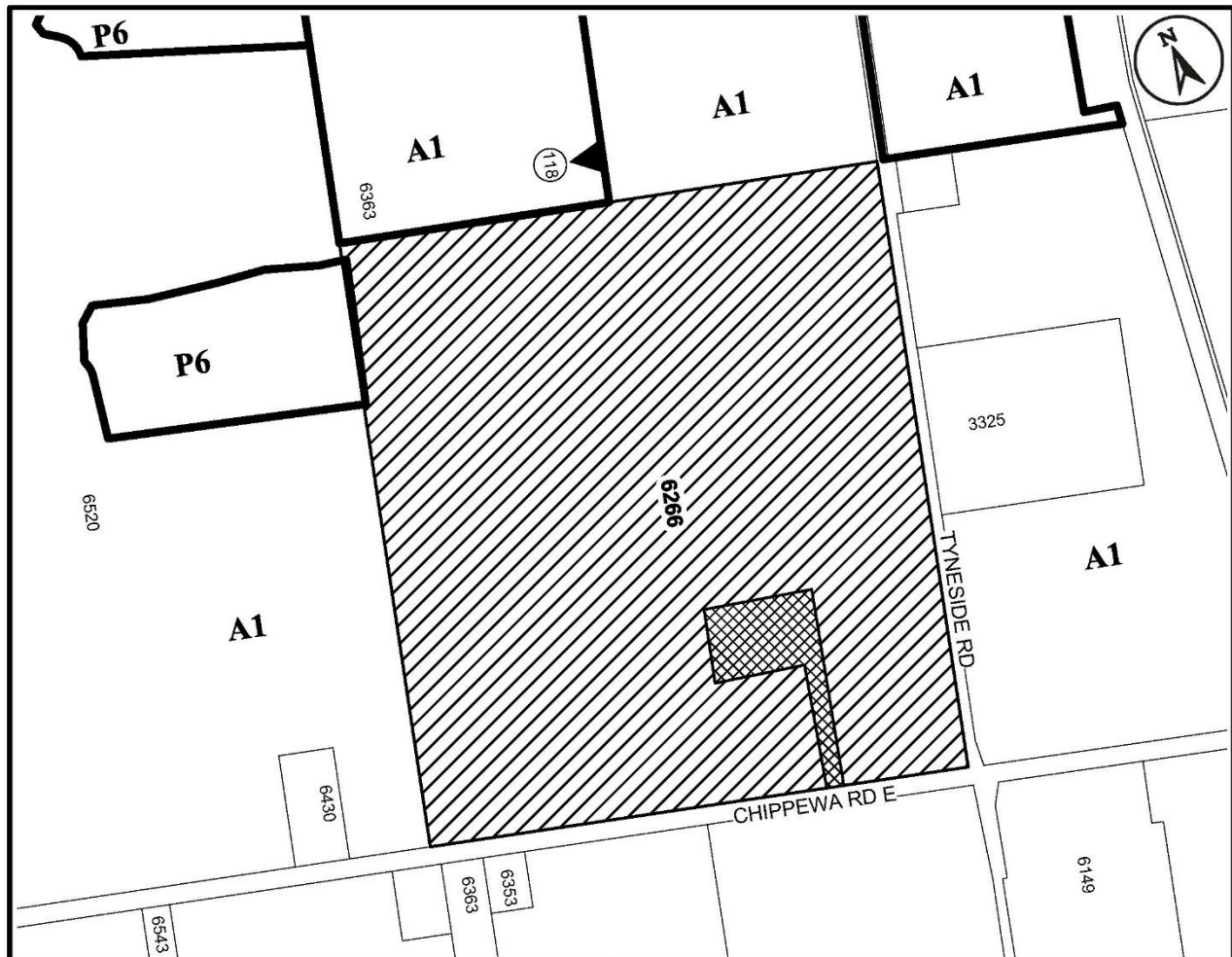
Appendix “A”: Location Map

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

Appendix “C”: Zoning Modification Chart

Appendix “D”: Committee of Adjustment Decision for GL/B-18:113


Appendix “E”: Land Severance Sketch



● Site Location



Key Map - Ward 11

N.T.S. 

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAA-19-042

Date:  
July 17, 2019

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
RFVS

### Subject Property

6266 Chippewa Road



**Block 1** - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone



**Block 2** - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 464) Zone

**Authority:** Item ,  
Report (PED19196)  
CM:  
Ward: 12

**Bill No.**

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

**To Amend Zoning By-law No. 05-200 Respecting Lands Located at  
6266 and 6330 Chippewa Road East, Glanbrook**

**WHEREAS** Council approved item \_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on the 15<sup>th</sup> day of October, 2019.

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

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

1. That Map No. 203 of Schedule "A" to Zoning By-law No. 05-200 is amended by changing the zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone and Agriculture (A1) Zone to Agriculture (A1, 464) Zone, to the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions, of By-law No. 05-200 is amended by modifying Special Exception 642, as follows:
  - a) Adding the map reference "203" between the words "130" and "219" so that the wording is as follows:
    - (i) "Within those lands zoned Agriculture (A1) Zone and Conservation/Hazard Land - Rural (P6) Zone, identified on Maps 130, 203, 219, 223 and 255, of Schedule A – Zoning Maps and described as:"
  - b) Adding reference to Map 203 to the Property Address and Map Numbers table as follows:

Property Address	Map Numbers
6330 Chippewa Road East	203

- c) Adding subsection f) as follows:

- f) Notwithstanding Section 12.2.3.1 a), for the lands located at 6330 Chippewa Road East the minimum lot area shall be 36 hectares.
- 3. That Schedule "C" Special Exceptions, of By-law No. 05-200 is amended by adding Special Exception 464, as follows:
  - a) Notwithstanding Section 12.2.3.3 b), for the lands located at 6266 Chippewa Road, the minimum lot width shall be 13.72 m.
- 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*.
- 5. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

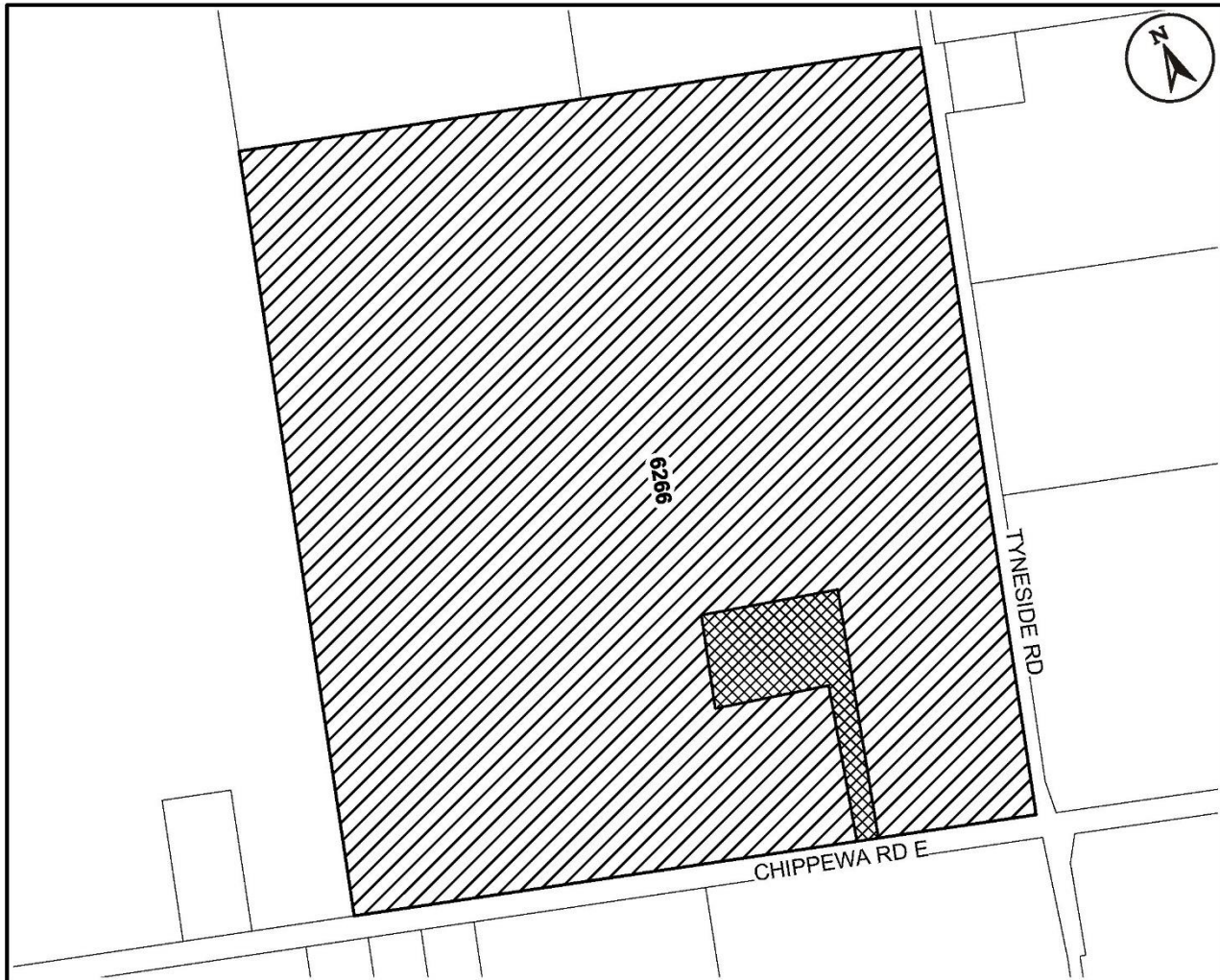
**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

---

F. Eisenberger  
Mayor

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

A. Holland  
City Clerk



This is Schedule "A" to By-law No. 19-  
 Passed the ..... day of ....., 2019

-----  
 Mayor  
 -----  
 Clerk

**Schedule "A"**  
 Map Forming Part of  
 By-law No. 19-\_\_\_\_\_  
 to Amend By-law No. 05-200  
 Map 203

**Subject Property**  
 6266 Chippewa Road  
 **Block 1** - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone  
 **Block 2** - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 464) Zone

**Scale:**  
 N.T.S.  
**Date:**  
 July 17, 2019

**File Name/Number:**  
 ZAA-19-042  
**Planner/Technician:**  
 RF/VS



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
12.1.1 Permitted Uses Agriculture Residential Care Facility Secondary Uses to Agriculture Single Detached Dwelling Veterinary Service – Farm Animal	12.1.1 Permitted Uses Agriculture Secondary Uses to Agriculture Veterinary Service – Farm Animal	Prohibit Single Detached Dwelling and Residential Care Facility	In accordance with the provisions of the PPS, Greenbelt Plan and Rural Hamilton Official Plan, as a condition for Consent to Sever a Non-abutting Surplus Farm Consolidation is to rezone the farm parcel in order to restrict the development of a single detached dwelling and residential care facility on the retained farmland. The application seeks to preserve the primary long-term land use of agriculture within the Agricultural area and the rezoning will satisfy this condition and allow the applicant to clear Condition No. 2 of Consent Application GL/B-18:144 and allow the non-abutting farm consolidation to be completed. Therefore, staff support the modification.
12.1.3.1 Minimum Lot Size	40.4 ha.	36 ha.	As a result of the associated consent application GL/B-18:144, the lot size of the parcel has been reduced by 0.4 ha. Therefore, the lot size of the retained farm land must be recognized through this application. The variance is technical in nature as the 36 ha. lot represents the amount of land currently being farmed on the property and the amount of land in agricultural production is not being reduced. Therefore, staff support the modification.

**Site Specific Modifications to the Agriculture (A1, 464) Zone**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
12.1.3.3 b) Minimum Lot Width	30.0 metres	13.71 metres	To reduce the amount of farmland being taken out of production, the applicant requested that the severed surplus farm dwelling have a reduced lot width. The lot width reflects the width of the existing driveway leading to the existing surplus farm dwelling. In addition, the reduced width is in accordance with the Committee of Adjustment Decision which supported the lot configuration having a reduced lot width. Since the variance is required to give effect to the consent application, staff support the modification.



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

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

**APPLICATION FOR CONSENT/LAND SEVERANCE**

**APPLICATION NO. GL/B-18:144**  
**SUBMISSION NO. B-144/18**

**APPLICATION NUMBER:** GL/B-18:144

**SUBJECT PROPERTY:** 6266 Chippewa Rd. E. (Glanbrook) City of Hamilton

**APPLICANT(S):** Owner Shirimar Farms Inc. c/o Mark Comley

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land containing an existing dwelling for residential purposes and to retain a parcel of land for agricultural purposes.

**Severed lands (Part 1 on attached sketch):**  
 13.716m<sup>±</sup> x 216.5m<sup>±</sup> and an area of 1ha<sup>±</sup>

**Retained lands:**  
 1143m<sup>±</sup> x 1334m<sup>±</sup> and an area of 36.9 ha<sup>±</sup>

**THE DECISION OF THE COMMITTEE IS:**

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

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant / proponent shall receive final and binding approval of a zoning by-law amendment in order to restrict the development of a single detached dwelling on the retained farm parcel to the satisfaction of the Manager, Development Planning, Heritage & Design.
3. The applicant / proponent shall confirm that the existing garage and barn have been demolished in accordance with the submitted site plan "Detail A" to the satisfaction of the Manager, Development Planning, Heritage & Design.
4. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the




GL/B-18:144

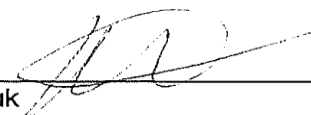
Page 2

Planning and Economic Development Department (Building Division – Plan Examination Section).

5. The applicant shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
7. The applicant shall submit survey evidence that the lands to be conveyed and the lands to be retained, including the location of any existing structures on the lands to be retained and parking for the single detached dwelling on the lands to be conveyed, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
8. The applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section), if required.
9. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent to Chippewa Road East in order to establish the property line 18.576m (60 feet) from the original centreline of this roadway, if required.
10. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent to Tyneside Road in order to establish the property line 13.1m (43 feet) from the original centreline of this roadway, if required.
11. That the Owner dedicate to the City of Hamilton by deed, sufficient land at the intersection of Chippewa Road East and Tyneside Road in order to establish a 15m x 15m daylight triangle from the widened limits of these 2 roadways, if required.
12. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
13. The owner submits to the Committee of Adjustment office an administration fee of \$17.70 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.
14. To satisfy the requirements of Source Water to the satisfaction of the Director, Hamilton Water.

DATED AT HAMILTON this 7th day of February, 2019.


  
 \_\_\_\_\_  
 M. Dudzic (Chairman)

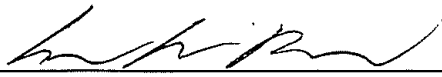
  
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 D. Serwatak


  
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 L. Gaddy


GL/B-18:144


Page 3


  
 \_\_\_\_\_  
 D. Smith


  
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 W. Pearce


  
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 V. Abraham


  
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 P. Mallard


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


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

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 14th, 2019.  
 HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE  
 OF THIS NOTICE OF DECISION (February 14th, 2020) OR THE APPLICATION SHALL  
 BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

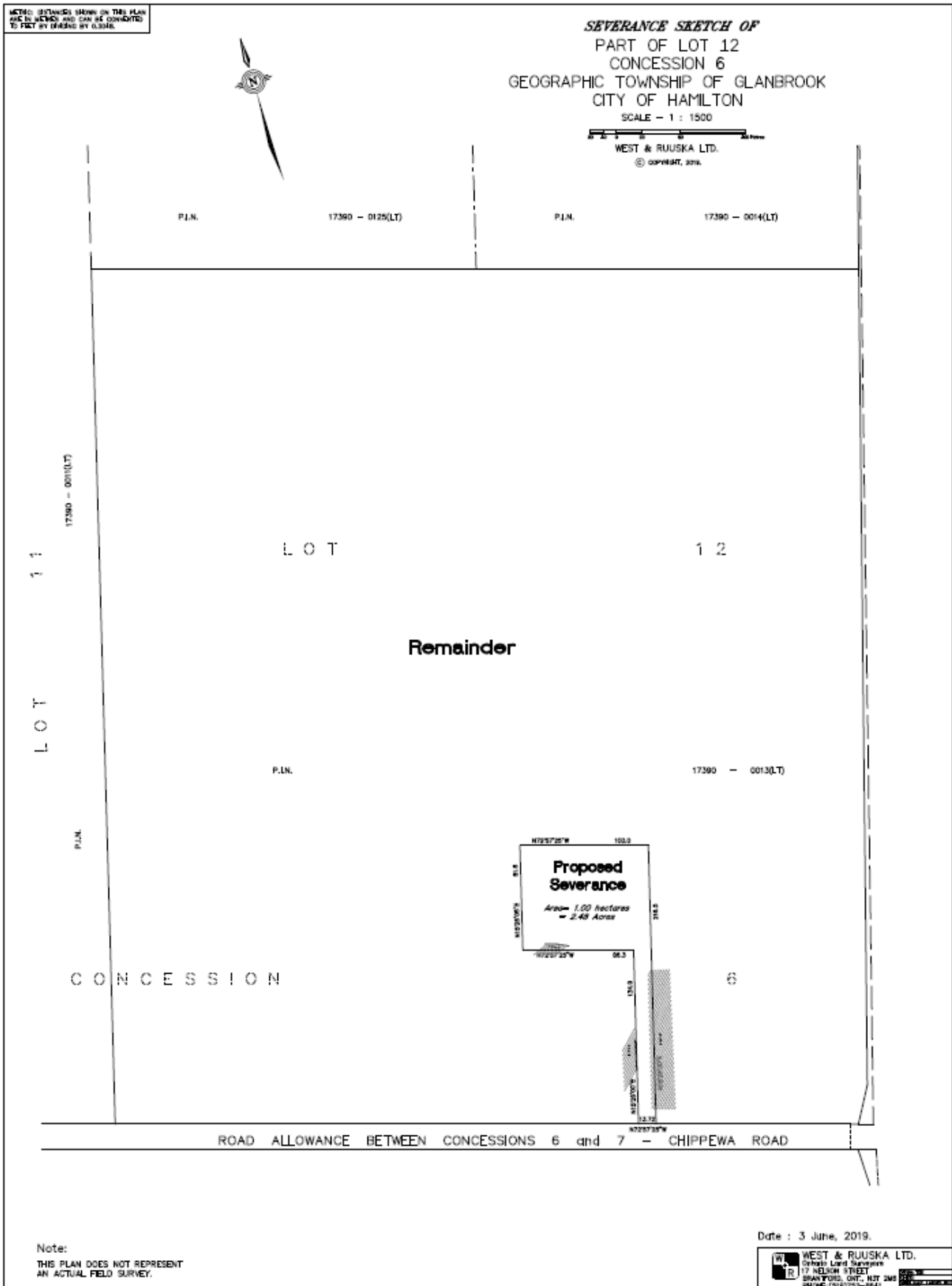
NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING  
 APPEAL TRIBUNAL (LPAT) MAY BE FILED IS March 6<sup>th</sup> 2019.

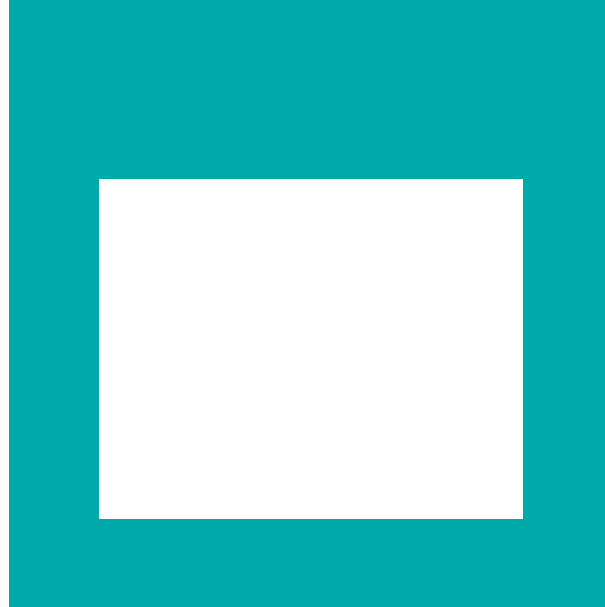
**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**

Notes:

1. Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 1) will remain as **6266 Chippewa Road East** and the lands to be retained will be assigned the address of **6330 Chippewa Road East** based on a location to the West of the existing dwelling. Please note that a new address will be required if a building is to be constructed on the East side of the property by contacting the Growth Management section.
2. **"Advisory Note:** Any further approvals under the *Planning Act*, the property owner may have carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

The subject lands are considered to be of archeological potential, and should deeply buried archaeological remains be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (519.675.7742). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (416.326.8392)."





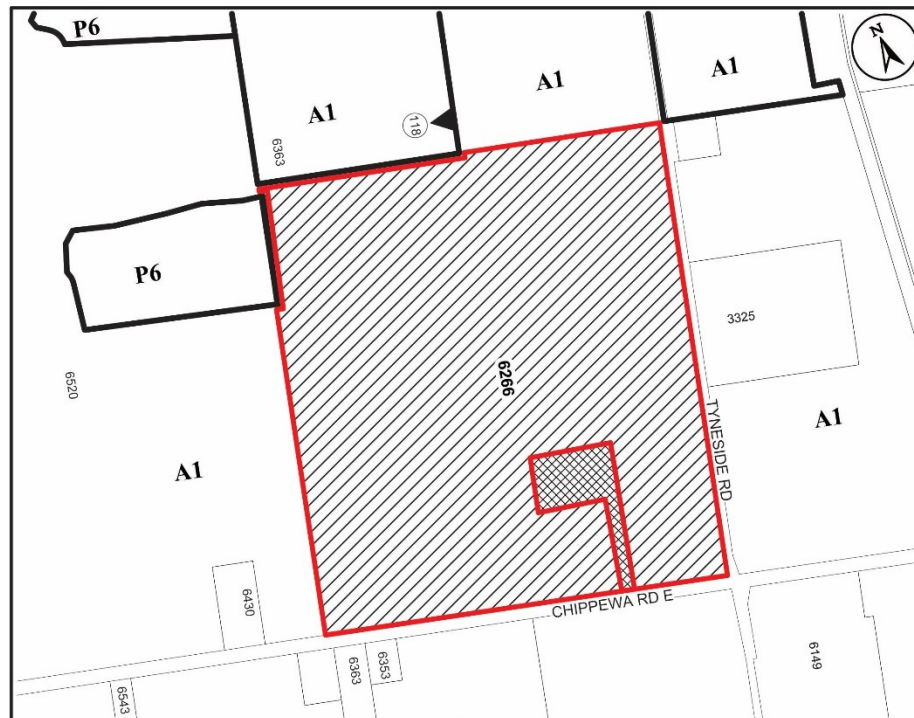
WELCOME TO THE CITY OF HAMILTON  
**PLANNING COMMITTEE**

October 15, 2019

## PED19196 – (ZAA-19-042)

Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook.

Presented by: Alaina Baldassarra



● Site Location



Key Map - Ward 11

N.T.S.

### Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAA-19-042

Date:  
July 17, 2019

Appendix "A"

Scale:  
N.T.S.

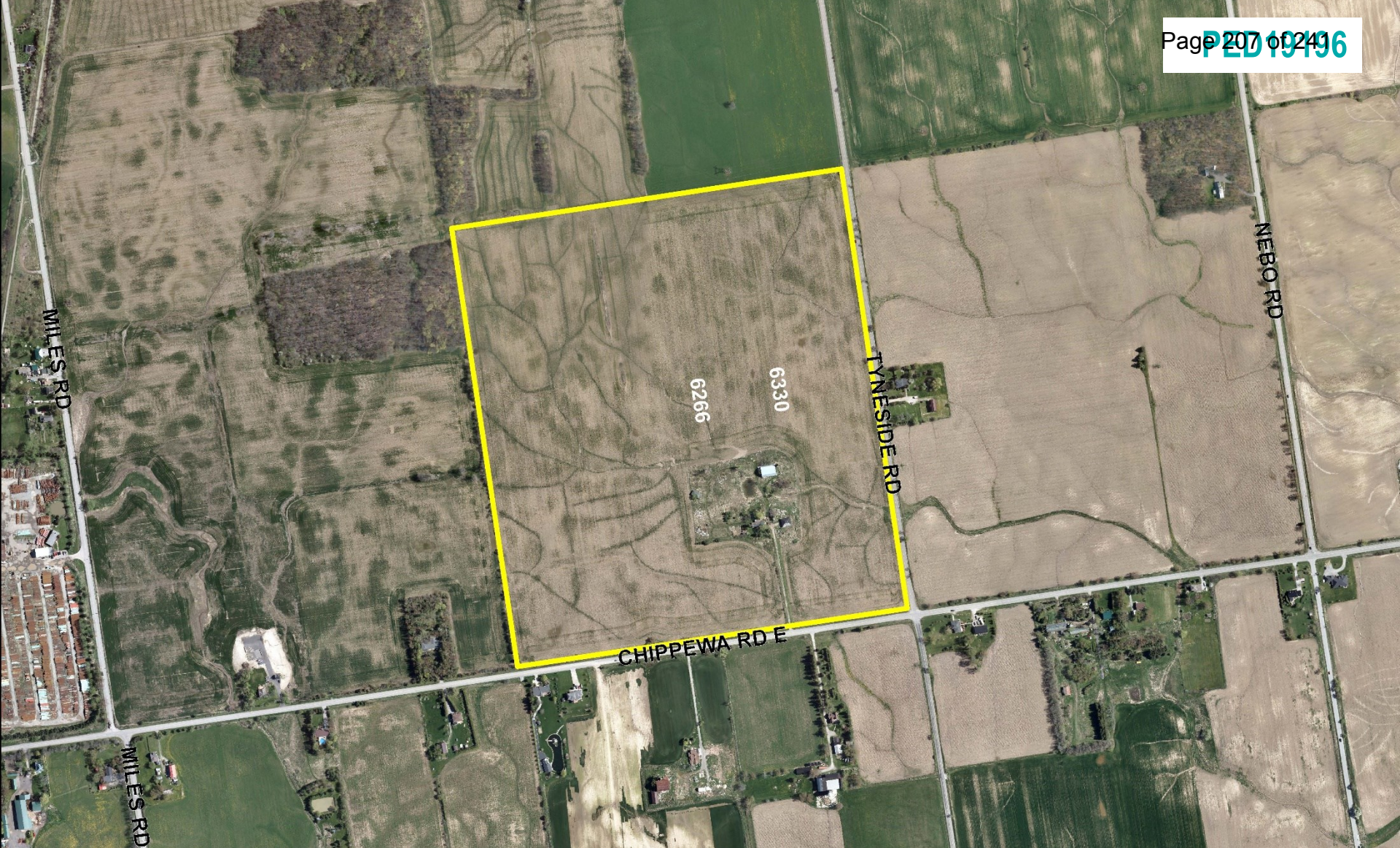
Planner/Technician:  
RF/VS

#### Subject Property

6266 Chippewa Road

**Block 1** - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone

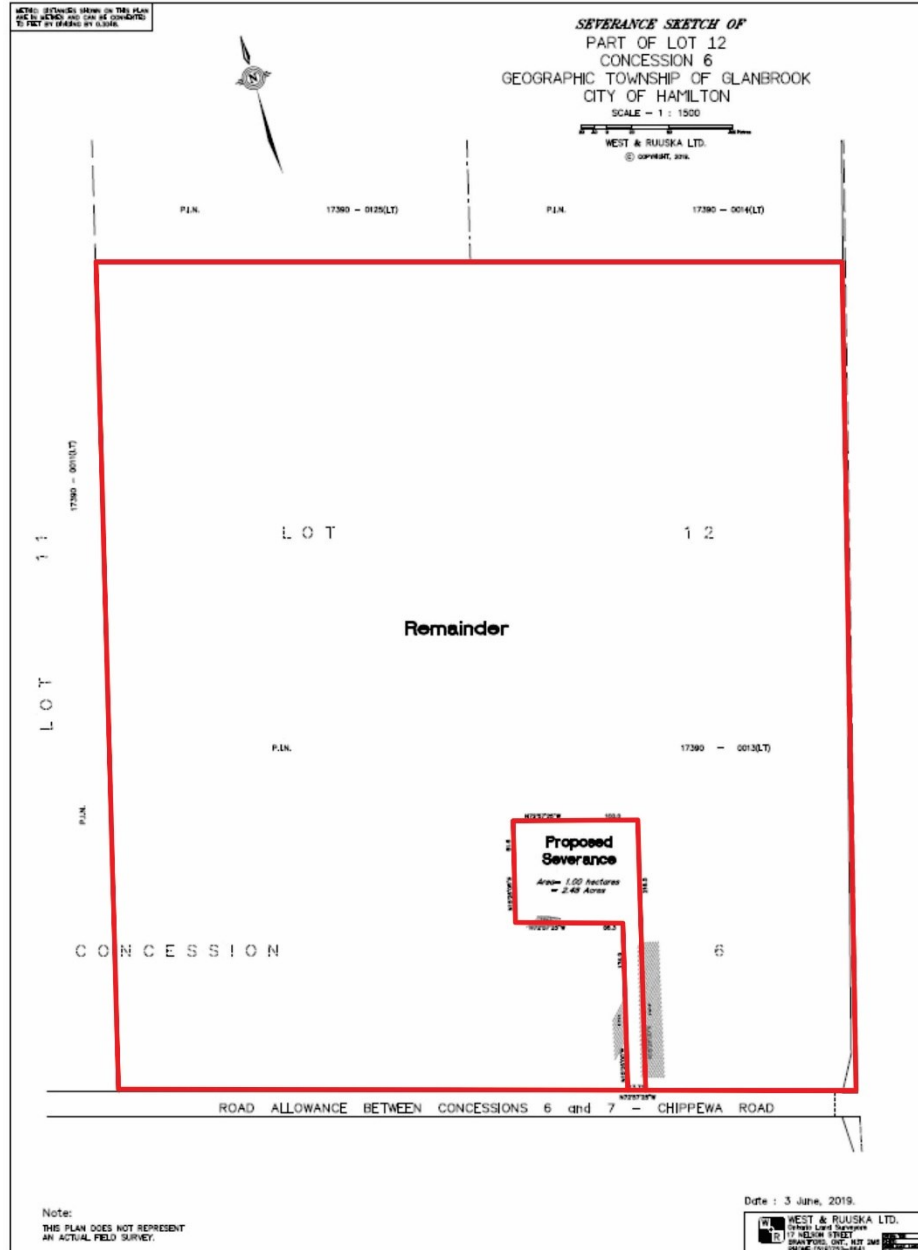
**Block 2** - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 464) Zone



**SUBJECT PROPERTY**



**6266 & 6330 Chippewa Road East, Glanbrook**







Driveway to severed residential lot



House to be severed from Farmland



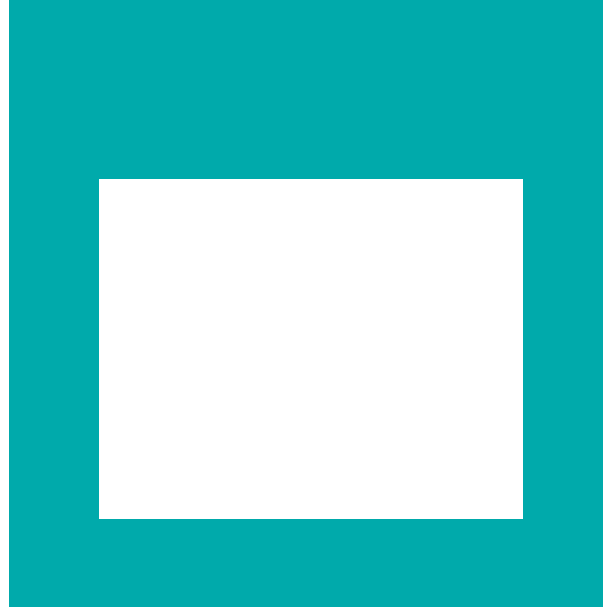
Farm land to be retained



Farm on the other side of Chippewa Road



Farmland located on the property, located on the other side of Chippewa road



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 15, 2019
<b>SUBJECT/REPORT NO:</b>	Proposed Amendments to the Aggregate Resources Act – Request for Comments (PED19207) (Wards 9, 11 to 13, 15)
<b>WARD(S) AFFECTED:</b>	Wards 9, 11 to 13, 15
<b>PREPARED BY:</b>	Joanne Hickey Evans (905) 546-2424 x1282
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATIONS

- (a) The City is concerned about the process the Province is following for the proposed amendments to the Aggregate Resources Act (ARA) and associated regulations for the following reasons:
- (i) there are no specific details that allow municipalities to understand and comment on changes to the ARA that may impact both the City and its residents;
  - (ii) the time frame for comments on this ERO posting is short; and,
  - (iii) there are no details as to when municipalities will be given another opportunity to comment or the length of time that will be provided to respond to specific changes to the ARA or the associated regulations.
- (b) The City requests:
- (i) the wording “within the water table” be clarified (e.g. below the water table, above the water table); and,

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

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

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

**SUBJECT: Proposed Amendments to the Aggregate Resources Act – Request for Comments (PED19207) (Wards 9, 11 to 13, 15) - Page 2 of 6**

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- (ii) that when the Province proposes specific amendments to both the ARA and the associated regulations the comment period be a minimum of 90 days to determine the impacts on the City and its residents.
- (c) The City supports changes to the Act and regulations related to:
  - (i) strengthening the protection of water resources for extraction within the water table as part of a more robust application process for existing operations;
  - (ii) increasing public engagement for applications that may impact water resources;
  - (iii) enhancing reporting on rehabilitation; and,
  - (iv) reviewing the notification and consultation requirements for new applications.
- (d) That the City Clerk's Office be directed to forward Report PED19207 to the Ministry of Municipal Affairs and Housing, and this Report is considered the City of Hamilton's formal comments on the Proposed Amendments to the Aggregate Resources Act

## **EXECUTIVE SUMMARY**

On September 20, 2019, the Province posted a proposal to amend the *Aggregate Resources Act* (ARA) and associated regulations through ERO 019-0556. Comments are due by November 4, 2019 (45 day posting).

There are no specific changes to the Act or associated regulations proposed in this ERO posting. It is difficult for staff to comment without details; however, there is a commitment by the Province to provide details at a later date. No time frames have been identified.

Staff are concerned with the Province's approach to consultation given the short time frame for comments and the lack of detail on proposed changes at this stage.

There are some positive directions for future changes, including:

- strengthening the protection of water resources for extraction within the water table as part of a more robust application process for existing operations;
- increasing public engagement for applications that may impact water resources;
- enhancing reporting on rehabilitation; and,
- reviewing the notification and consultation requirements, among other requirements, for new applications.

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**SUBJECT: Proposed Amendments to the Aggregate Resources Act – Request for Comments (PED19207) (Wards 9, 11 to 13, 15) - Page 3 of 6**

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Given the vagueness of the other proposed Act and regulation changes, staff are unable to determine if such changes can be supported or if there are any impacts on the City or its residents.

**Alternatives for Consideration – See Page 6**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

On September 20, 2019, the Province posted a proposal to amend the *Aggregate Resources Act* (ARA) and associated regulations through ERO 019-0556. Comments on the proposed changes to the Act and the potential regulatory changes are due by November 4, 2019 (45 day posting).

These proposed changes are the result of an Aggregates summit (March 2019) and a follow-up survey with the industry, municipalities and indigenous leaders. To staff's knowledge, no one for the City was invited or attended this summit. Based on the ERO posting, the themes heard as a result of this consultation included:

- Reducing duplication for applications and processes;
- Improving access to aggregates;
- Protecting agricultural lands and water resources;
- Enhancing rehabilitation; and
- Continuing public engagement on any proposed changes to the ARA framework.

Amendments to the ARA are proposed to “reduce burdens for business while also ensuring the environment is protected and Ontarians continue to have an opportunity to participate in processes that may impact them.”

The proposed Act and regulatory changes are vague and no specific changes to with the ARA Act or the regulations has been identified.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

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

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**SUBJECT: Proposed Amendments to the Aggregate Resources Act – Request for Comments (PED19207) (Wards 9, 11 to 13, 15) - Page 4 of 6**

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**RELEVANT CONSULTATION**

N/A

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

A pattern of provincial engagement (e.g. limited or targeted public consultation, short commenting periods, vague Act regulation or Plan changes, uncertainty as to the number of opportunities to comment, and posting changes on ERO followed by a short effective date between posting and coming into effect) continues.

There is a commitment to consult further on any regulatory changes but there are no details as to when or how this consultation will take place or the length of time municipalities will be given to make comments on any proposed changes.

**1.0 Proposed Changes to the ARA and Associated Regulations**

As noted above, there are no specific changes to the ARA or the regulations that the City can review. However, there are some initial comments that can be provided. It should be noted that under the key themes from the Province's spring engagement which have been identified in this ERO posting, there does not appear to be any proposed changes related to the treatment of agricultural lands.

**1.1 Strengthening Protection for Water resources**

The proposed changes would affect existing operators that want to expand within the water table by creating a more robust application and public engagement process in cases where water resources maybe impacted.

Additional protection of water resources is a positive step. However, staff are unclear what "within the water table" means since the description for aggregates is above or below the water table. As a result, it is difficult to determine what applications would be affected. Further, there is no description of what enhanced public engagement or increased application requirements would be.

**1.2 Haul Routes**

The ERO posting indicates that the revisions will clarify how haul routes are considered under the ARA so that the Local Planning Appeal Tribunal and the Minister, when making a decision on a license, cannot impose conditions requiring agreements between municipalities and aggregate producers regarding aggregate haulage. Agreements can still be entered into between municipalities and aggregate producers on a voluntary basis.

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**SUBJECT: Proposed Amendments to the Aggregate Resources Act – Request for Comments (PED19207) (Wards 9, 11 to 13, 15) - Page 5 of 6**

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When evaluating a proposal for a new aggregate operation, the issue of the preferred haul route is a consideration due to the volume of truck traffic associated with aggregate operations as well as the potential for road damage due to the heavy usage. Based on previous applications in the City, implementation of a preferred haul route may require road network improvements (e.g. enhanced intersection control, turning lanes, etc.), road improvements (e.g. reconstruction of a road segment) and land acquisitions. (road widenings). It appears based on the wording in the notice that the revisions will clarify that conditions cannot be imposed on an aggregate producer which would require them to enter into a haul route agreement with the municipality, and that agreements can be voluntary only. More information on this proposed revision is required in order for staff to fully assess any potential impacts.

### 1.3 Administrative Issues (Act and Regulation changes)

As part of the ARA process, operators are required to submit 3 plans (existing conditions, site plan and rehabilitation plan) and notes/conditions, among other requirements, as part of their licence applications. When the City receives a licence application under the ARA, staff can comment on the submission materials.

The administrative issues identified in the proposed changes to the regulations are:

- Permitting self-filing for:
  - routine site plans that comply with regulation requirements; and,
  - changes to existing site plans (e.g. relocation of structures, fences, etc.) provided setbacks are maintained and the rules for related to self filing area maintained;
- Enhancing requirements for reporting on rehabilitation (e.g. more context and detail, how and when rehabilitation is undertaken;
- Eliminating licence requirements for low risk activities (e.g. using aggregate for operational use on-site);
- Clarifying site plan requirements and streamlining compliance reporting. Maintain the annual reporting requirement; and,
- Reviewing application requirements, including consultation and notice requirements, for new sites.

Staff support the additional reporting for rehabilitation. Given the vagueness of the other proposed Act and regulation changes, staff are unable to determine if such changes can be supported or if there are any impacts on the City.

## **2.0 Aggregate Fees**

The Province establishes a fee structure (price per tonne) paid annually to the Province based on the size and type of pit or quarry and then distributed to municipalities, the

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Crown and Aggregate Resources Trust. No changes are proposed at this time, but the Province has indicated that if changes are introduced future consultation will occur.

**ALTERNATIVES FOR CONSIDERATION**

The City could choose not to comment on ERO Posting 19-0556.

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

**Community Engagement and Participation**

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

**Economic Prosperity and Growth**

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

**Clean and Green**

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

**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” - ERO Posting for Proposed Amendments to the Aggregate Resources Act

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## Proposed amendments to the Aggregate Resources Act

**ERO number**

019-0556

**Notice type**

Act

**Act**

Aggregate Resources Act, R.S.O. 1990

**Posted by**

Ministry of Natural Resources and Forestry

**Notice stage**[Proposal](#)**Proposal posted**

September 20, 2019

**Comment period**September 20, 2019 - November 4, 2019 (45 days) [Open](#)

## Proposal details

### *Aggregate Resources Act*

The Ministry of Natural Resources and Forestry (MNRF) is responsible for managing Ontario's aggregate resources, regulated under the *Aggregate Resources Act* (ARA). Aggregate resources are non-renewable resources like sand, gravel and rock that are needed for infrastructure that supports the quality of life that Ontarians enjoy today. They are used to construct the buildings we live and work in, the roads, the airports and subways we use to get from place to place, and for many other necessary services like sewers and power generating stations. Most of the aggregate produced in Ontario comes from private land in the southern region of the province where most Ontarians live.

Ontario requires a continued supply of aggregate resources. Approximately 160 million tonnes of aggregate are needed in Ontario each year. Yet, it is equally important to manage and minimize the impact extraction operations may have on the environment and on the communities that surround them. These operations are located across our diverse province, and the regulatory framework that manages them must be fair and predictable and flexible enough to be effective.

**Appendix “A” to Report PED19207  
Page 2 of 3**

In March of 2019, the Ministry hosted an Aggregates Summit. The Summit was an opportunity for industry, municipal and Indigenous leaders to share their ideas for cutting red tape, creating jobs and promoting environmental stewardship and economic growth within the aggregate industry. We also gathered further input through an online survey, ending May 31.

**Key themes heard:**

- reducing duplication, inefficiency, and inconsistency in application and approval processes
- improving access to aggregate resources
- protecting agricultural lands and water resources
- enhancing rehabilitation
- continue public engagement and outreach on any proposed changes to the ARA framework.

As a result of this input, the Ministry is proposing changes to the aggregate resources framework to reduce burdens for business while also ensuring the environment is protected and Ontarians continue to have an opportunity to participate in processes that may impact them.

**Summary of proposed changes**

**We are proposing to make amendments to the *Aggregate Resources Act*, while continuing to ensure operators are meeting high standards for aggregate extraction, that would:**

- strengthen protection of water resources by creating a more robust application process for existing operators that want to expand to extract aggregate within the water table, allowing for increased public engagement on applications that may impact water resources. This would allow municipalities and others to officially object to an application and provide the opportunity to have their concerns heard by the Local Planning Appeal Tribunal.
- clarify that depth of extraction of pits and quarries is managed under the *Aggregate Resources Act* and that duplicative municipal zoning by-laws relating to the depth of aggregate extraction would not apply
- clarify the application of municipal zoning on Crown land does not apply to aggregate extraction
- clarify how haul routes are considered under the *Aggregate Resources Act* so that the Local Planning Appeal Tribunal and the Minister, when making a decision about issuing or refusing a licence, cannot impose conditions requiring agreements between municipalities and aggregate producers regarding aggregate haulage. This change is proposed to apply to all applications in progress where a decision by the Local Planning Appeal Tribunal or the Minister has not yet been made. Municipalities and aggregate producers may continue to enter into agreements on a voluntary basis.

**Appendix “A” to Report PED19207  
Page 3 of 3**

- improve access to aggregates in adjacent municipal road allowances through a simpler application process (i.e. amendment vs a new application) for an existing license holder, if supported by the municipality
- provide more flexibility for regulations to permit self-filing of routine site plan amendments, as long as regulatory conditions are met.

**We are also considering some regulatory changes, including:**

- enhanced reporting on rehabilitation by requiring more context and detail on where, when and how rehabilitation is or has been undertaken.
- allowing operators to self-file changes to existing site plans for some routine activities, subject to conditions set out in regulation. For example, re-location of some structures or fencing, as long as setbacks are respected
- allowing some low-risk activities to occur without a licence if conditions specified in regulation are followed. For example, extraction of small amounts of aggregate if material is for personal use and does not leave the property
- clarifying requirements for site plan amendment applications
- streamlining compliance reporting requirements, while maintaining the annual requirement
- reviewing application requirements for new sites, including notification and consultation requirements

While no changes to aggregates fees are being proposed at this time, the Ministry is also interested in hearing your feedback on this matter.

We are committed to consult further on more specific details related to the regulatory proposals, including any proposed changes to aggregate fees at a later date.

**Public consultation opportunities****Ontario Government’s Summit on Aggregate Reform (March 2019):**

- provided an opportunity for industry, municipal and Indigenous leaders to share their ideas for cutting red tape, creating jobs and promoting economic growth within the aggregate industry
- input was also received via email and through an online survey, which closed May 31, 2019. A total of 378 aggregate reform comments were received from the following groups:
  - Members of the public
  - Industry, industry associations, consultants
  - Municipalities, municipal associations
  - Non-governmental organizations (NGOs)
  - Academia, and
  - Indigenous communities



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 1, 2019
<b>SUBJECT/REPORT NO:</b>	Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Sara Rogers (905) 546-2424 Ext. 2694
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That the **Appeal of Sign Variance Application SV-19-002, by Ancaster Self Storage Inc., Owner**, to permit a proposed electronic message display Ground Sign proposing a 100% electronic message display and third party advertising, increased height, decreased setback from a property line, and no display of the municipal address to be included, for the property located at 1147 Garner Road West, Ancaster, as shown on Appendix "A" to Report PED19195, be **Denied**, on the following basis:

- (a) That the requested variances are not in keeping with the general intent and purpose of Sign By-law No. 10-197; and,
- (b) That the requested variances do not meet the tests of Sign By-law No. 10-197.

### EXECUTIVE SUMMARY

The owner submitted Sign Variance Application SV-19-002 on December 21, 2018. The application was amended by the owner on May 7, 2019. The amended application proposed to erect a Ground Sign 0.0 metres from the property line abutting Garner Road West, with a maximum height of 8.14 metres, upon which the municipal address of the property would not be displayed, and would allocate 100% of the sign face to an electronic message display, for the purposes of advertising for Ancaster Self Storage,

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**SUBJECT: Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) - Page 2 of 10**

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located on the subject property (see Appendices “B”, “C” and “D” to Report PED19195), as well as for third party advertising (i.e. other self-storage facilities owned by the applicant).

The variances were denied by the Director of Planning and Chief Planner, on July 15, 2019. Staff were generally supportive of the one variance to permit a Ground Sign to be located 0.0 m from the property line abutting Garner Road West, whereas Sign By-law 10-197 requires the proposed Ground Sign to be located a minimum of 6.1 m from any property line; however, staff were unable to support the overall massing, height, third party advertising, and extent of the electronic component of the proposed Ground Sign. As a result, staff could not support the proposed Ground Sign to be located at a distance of 0.0 m from the property line as the Ground Sign variances overall could not be supported.

The owner appealed the decision to deny the variances on July 26, 2019, and requested the proposed Sign Variance Application be considered by the Planning Committee.

***Alternatives for Consideration – See Page 8***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: None

Staffing: None

Legal: The application is subject to the *Municipal Act*, and there are no requirements for a Public Meeting. By-law No. 10-197 requires the City Clerk to notify the owner once a hearing date before the Planning Committee has been fixed to consider an appeal of the decision by the Director of Planning and Chief Planner to deny a sign variance application.

**HISTORICAL BACKGROUND**

On August 12, 2010, Council approved Sign By-law No. 10-197. Part 6.0 of By-law No. 10-197 provides the regulations in dealing with variances, including the delegated approval authority, what the City of Hamilton shall have regard for when reviewing Sign Variance Applications (section 6.5), and the process of appealing the Sign Variance Application decision (section 6.6) (see Appendix “E” to Report PED19195).

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On December 21, 2018, staff received an application for a Sign Variance to permit the establishment of a new electronic message display Ground Sign which did not conform to the applicable provisions of Sign By-law No. 10-197. The application was amended subsequently by the owner on May 7, 2019.

The following variances were requested:

- 1) To permit a Ground Sign with a maximum height of 8.14 metres whereas the Sign By-law required 7.5 metres;
- 2) To permit a Ground Sign that does not display the municipal address of the property on which the Ground Sign is displayed;
- 3) To permit a Ground Sign to allocate 100% of the sign face to an electronic message display whereas the Sign By-law permits a maximum of 50% of the sign face for electronic display;
- 4) To permit a Ground Sign for the purposes of 'third party' advertising whereas the Sign By-law permits Ground Signs to only advertise a business, activity, product, or service that is available on the property;
- 5) To permit a Ground Sign not within a Business Improvement Area or the Ancaster Village Core Area to allocate 100% of an electronic message display for the purposes of third party advertising; and,
- 6) To permit a Ground Sign to be located at a distance of 0.0 metres from a property line whereas the Sign By-law requires a setback of 6.1 metres from the Garner Road property line.

On July 15, 2019, the variances were denied by the Director of Planning and Chief Planner, and notice was sent to the applicant advising of the decision. On July 26, 2019, the owner appealed the decision by the Director of Planning and Chief Planner to deny the variances, and requested that the matter be considered by the Planning Committee (see Appendix "F" to Report PED19195).

### **Details of Submitted Application**

**Location:** 1147 Garner Road West, Ancaster

**Owner** Ancaster Self Storage Inc.

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**Applicant:** Urbancore Developments

**Property Description:**

Frontage: ±86 metres

Lot Depth: ±87 metres

Area: ±8,779 square metres

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### City of Hamilton Sign By-law No. 10-197

By-law No. 10-197 provides regulations for signs and other advertising devices within the City of Hamilton.

Section 5.1.1 of By-law 10-197 specifies which signs shall be prohibited. Section 5.1.1 (a) prohibits “any sign with a video screen or any flashing, kinetic, or illusionary motion, except an electronic message display as permitted under this By-law”. The proposed Ground Sign is a full colour LED display with no illusionary motion. Therefore, the proposed Ground Sign does conform to the Sign By-law 10-197.

The proposed Ground Sign was reviewed against Sign By-law 10-197 and the following deviations were identified:

Section 5.2.2 (f) of the Sign By-law 10-197 restricts the height to a maximum of 7.5 metres. Therefore, the proposed Ground Sign at a height of 8.14 metres does not conform to the Sign By-law 10-197.

Section 5.2.2 (g) (i) of the Sign By-law 10-197 requires the content of a Ground Sign to include the “municipal address number of the property on which the Ground Sign is displayed”. Therefore, the proposed Ground Sign which does not display the municipal address does not conform to the Sign By-law 10-197.

Section 5.2.2 (g) (iii) of the Sign By-law 10-197 restricts the extent of an electronic message display to “a maximum of 50% of the sign face area...provided that no copy...shall be displayed for less than three seconds, during which there shall be no movement or change in colour or intensity of illumination”. Therefore, the proposed Ground Sign which is allocating 100% of the sign face area to a full colour LED display with no illusionary motion does not conform to the Sign By-law 10-197.

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Section 5.2.2 (g) (v) of the Sign By-law 10-197 restricts advertising to “a business on the property on which the Ground Sign is displayed, or an activity, product or service available on that property, or a charity’s or community organization’s activities”. Therefore, the proposed Ground Sign which is advertising a business, activity, product or service which is not available on the subject site does not conform to the Sign By-law 10-197.

Section 5.2.2 (g) (vi) of the Sign By-law 10-197 permits third party advertising on a portion of the sign face area for Ground Signs not within the “Downtown Community Improvement Project Area, a Business Improvement Area, the Ancaster Village Core Area or within the Glanbrook Village Core Area”. A maximum 25% of the sign area or 1.2 sq. m, whichever is lesser, except for an electronic message display, may be allocated to third party advertising. Therefore, the proposed Ground Sign which is not within one of the areas noted above and which is allocating 100% of the sign area or 11.29 sq. m, all of which is electronic message display, does not conform to the Sign By-law 10-197.

Section 5.2.2 (i) of the Sign By-law 10-197 restricts the location of a Ground Sign to a minimum of “1.5 m or a distance equal to 75% of the height of the Ground Sign, whichever is greater, [from] any property line”. Based on a height of 8.14 m, a setback of 6.1 m from any property line is required. Therefore, the proposed Ground Sign which is located 0.0 m from the property line abutting Garner Road West does not conform to the Sign By-law 10-197.

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

The subject property is zoned Arterial Commercial (C7, 650) Zone in the City of Hamilton Zoning By-law No. 05-200, which permits a range of commercial uses including the self-storage use currently developed on the site.

As the proposed Ground Sign is not located within any required parking or landscaped areas, the proposed Ground Sign conforms to the City of Hamilton Zoning By-law No. 05-200.

**RELEVANT CONSULTATION**

**Departments/Agencies having no comments or concerns:**

- Growth Management (Development Engineering) Section;
- Corridor Management Section; and
- Building, Engineering and Zoning Section.

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**Building Services Division (Building Construction Section)**

Comments received from the Building Services Division identified which provisions of the Sign By-law were applicable to the proposed Ground Sign, and identified whether the proposed Ground Sign complied or did not comply with the requirements of the By-law. The comments from the Building Services Division identified that the proposed Ground Sign did not conform to a total of six (6) provisions of the By-law as outlined in the Policy Implications and Legislated Requirements Section of this Report.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The applicant is proposing to erect an electronic Ground Sign at the subject site to provide a promotional opportunity for the existing 300 unit Self Storage Facility as well as other self storage facilities located elsewhere and owned by the applicant. In particular, the third party advertising proposed and the overall massing, height and extent of the electronic component of the Ground Sign does not conform to the intent of the City of Hamilton Sign By-law 10-197 and does not have regard for the four tests against which the variances are evaluated against.

On August 12, 2010, Council approved Sign By-law No. 10-197. Part 6.0 of By-law No. 10-197 provides the regulations in dealing with variances, pursuant to section 6.5 of the City of Hamilton Sign By-law No.10-197, in considering applications for sign variance, the following shall be considered:

- Special circumstances or conditions applying to the land, building or use referred to in the application;
- Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
- Whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant; and,
- Whether the Sign that is the subject of the variance will alter the essential character of the area in which the Sign will be located.

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The City of Hamilton may approve a Sign Variance Application if the general intent and purpose of the By-law is maintained, and the proposal has regard for the four tests, as set out in Section 6.5 of By-law No. 10-197 (see Appendix “E” to Report PED19195).

The four tests are evaluated in the following comments:

- a) Special circumstances or conditions applying to the lands, building or use referred to in the application;

The subject lands are currently developed with a self-storage facility. Site Plan Control Application DA-05-185 was approved on November 2, 2006, prior to the Sign By-law coming into force and effect. As a result, the applicant is unable to conform to the location requirements of the Sign By-law (as in Variance 6, Section 5.2.2 (i)) without impacting the vehicular circulation and fire routes that are part of the approved site plan. This situation is considered to be a special condition applying to the land, however this special condition does not require the Ground Sign to be constructed at a height of 8.14 m with 100% electronic message display and third party advertising, without displaying the municipal address. Therefore, while there is a special condition applying to the lands; with respect to sign location, it does not impact Variances 1 to 5.

- b) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;

Strict application of the provisions of the By-law with respect to maintaining a 6.1 m setback from Garner Road West (Variance 6), would cause the proposed Ground Sign to be located within a drive aisle and fire route, resulting in practical difficulties for the applicant. However, staff are of the opinion that there would be no practical difficulties or unnecessary and unusual hardships as a result of the proposed Ground Sign conforming to the remainder of the Sign By-law.

- c) Whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant;

The site design is pre-existing, and signage was not contemplated prior to Site Plan Approval or prior to the Sign By-law coming into force and effect. Staff are satisfied that the conditions for this site are pre-existing and that the applicant did not create the special condition applying to the land with respect to the required setback of the Ground Sign from any property line.

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While the layout of the site is pre-existing, there are no special circumstances or conditions that apply to the lands that require the Ground Sign to be constructed at a height of 8.14 m with 100% electronic message display and third party advertising, without displaying the municipal address. Therefore, the special condition is pre-existing; however, it does not impact Variances 1 to 5.

- d) Whether the Sign that is the subject of the variance will alter the essential character of the area in which the Sign will be located.

Garner Road West in this location is zoned Commercial and Mixed Use on the north side and Industrial on the south side, with the lands to the south being largely underdeveloped as the uses transition from agriculture to industrial. There is a Ground Sign on the abutting property to the west, being 1151 Garner Road West, located at the property line, and another Ground Sign approximately 400 m to the west at 1242 Garner Road West. However, these sign faces contain no readograph or electronic message display.

Staff are generally satisfied that a Ground Sign could be located 0.0 m from the property line abutting Garner Road West without negatively impacting the character of the area as the area is vehicle rather than pedestrian-oriented, with no sidewalks currently provided and a speed limit of 70 km/hr in both directions along Garner Road West. Notwithstanding the foregoing, staff are unable to support this location for the proposed Ground Sign that is the subject of this application. Staff are of the opinion that the proposed height, third party advertising, and the allocation of 100% of the sign face to an electronic message display would alter the essential character of the area and set a precedent for Ground Signs proposed in the future as this underdeveloped area transitions to more urban uses. Therefore, the Ground Sign that is the subject of these variances would alter the essential character of the area.

The Sign Variance Application was denied by the Director of Planning and Chief Planner, on July 15, 2019. The reasons for the refusal are that the proposed sign variances do not maintain the general intent and purpose of the Sign By-law and do not meet the four tests for sign variances provided in Section 6.5 of By-law No. 10-197 (see Appendix "E" to Report PED19195).

## **ALTERNATIVES FOR CONSIDERATION**

### **Option 1**

Council may uphold the recommendation of the Director of Planning and Chief Planner, Planning Division, to refuse the proposed variances as they do not maintain the general

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intent and purpose of the Sign By-law. The owner would be permitted to erect a Ground Sign in accordance with the City of Hamilton Sign By-law No. 10-197.

**Option 2**

Council may deny the recommendation of the Director of Planning and Chief Planner, Planning Division, and support the proposed variances, as submitted. However, it is staff's opinion that this option does not maintain the general intent and purpose of the City of Hamilton Sign By-law No. 10-197.

**Option 3**

Council may support Variance 6 to permit the Ground Sign to be located within 0.0 m of the property line abutting Garner Road West, and refuse Variances 1 to 5. The owner would be permitted to erect a Ground Sign at a distance of 0.0 m from the property line abutting Garner Road West provided that the Ground Sign is in conformity with all other applicable provisions of the City of Hamilton Sign By-law No. 10-197.

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

**Community Engagement & Participation**

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

**Economic Prosperity and Growth**

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

**Built Environment and Infrastructure**

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

**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": Site Plan
- Appendix "C": Site Plan – Detail
- Appendix "D": Elevations and Renderings of proposed Ground Sign

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

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

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



**SUBJECT: Sign Variance Appeal SV-19-002 for the property known as 1147  
Garner Road West, Ancaster, Denied by the Director of Planning and  
Chief Planner and Appealed by the Owner (PED19195) (Ward 12) -  
Page 10 of 10**

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Appendix "E": Section 6.0 of Sign By-law No. 10-197

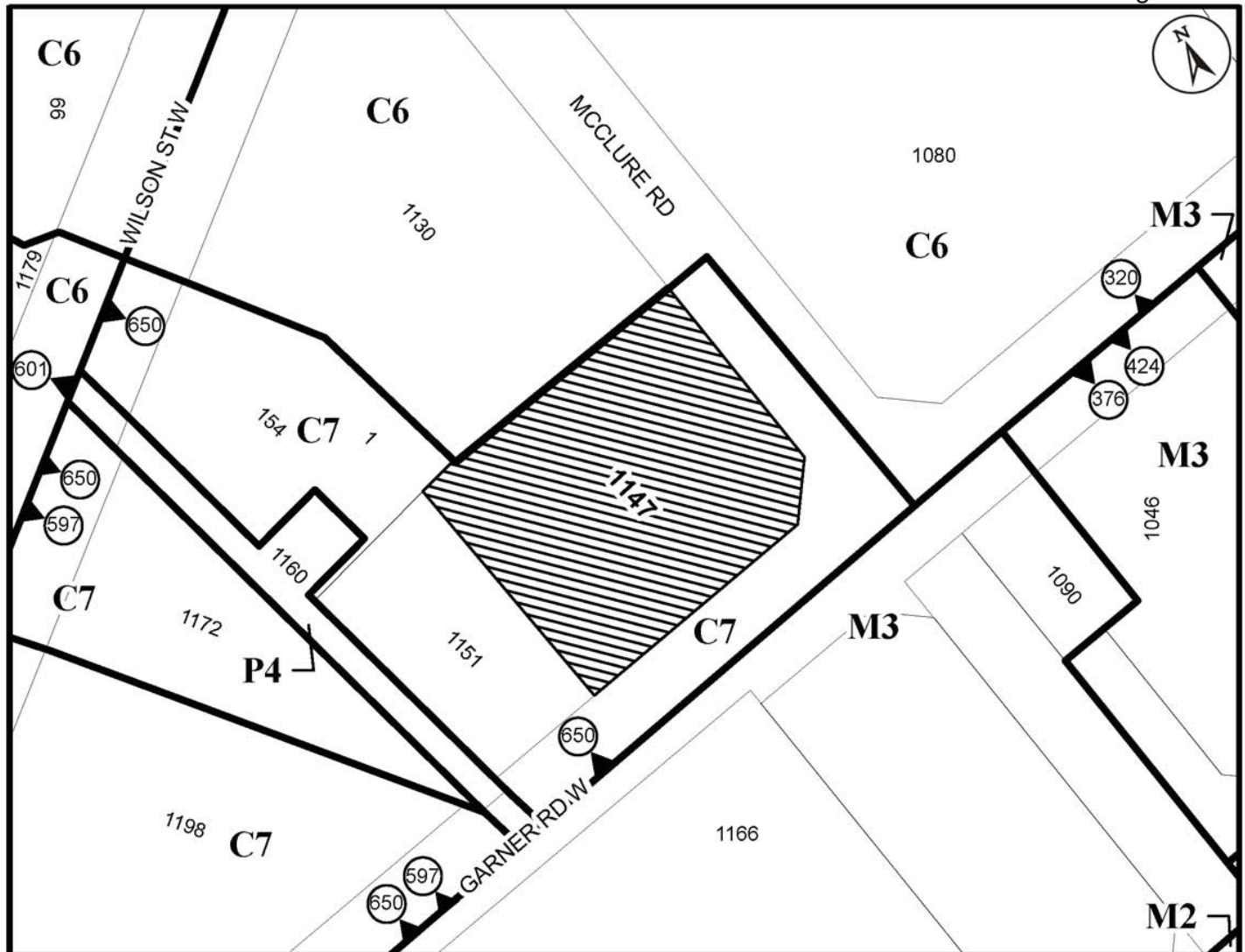
Appendix "F": Appeal Letter

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

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

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



● Site Location



Key Map - Ward 12

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
SV-19-002

Date:  
April 23, 2019

Appendix "A"

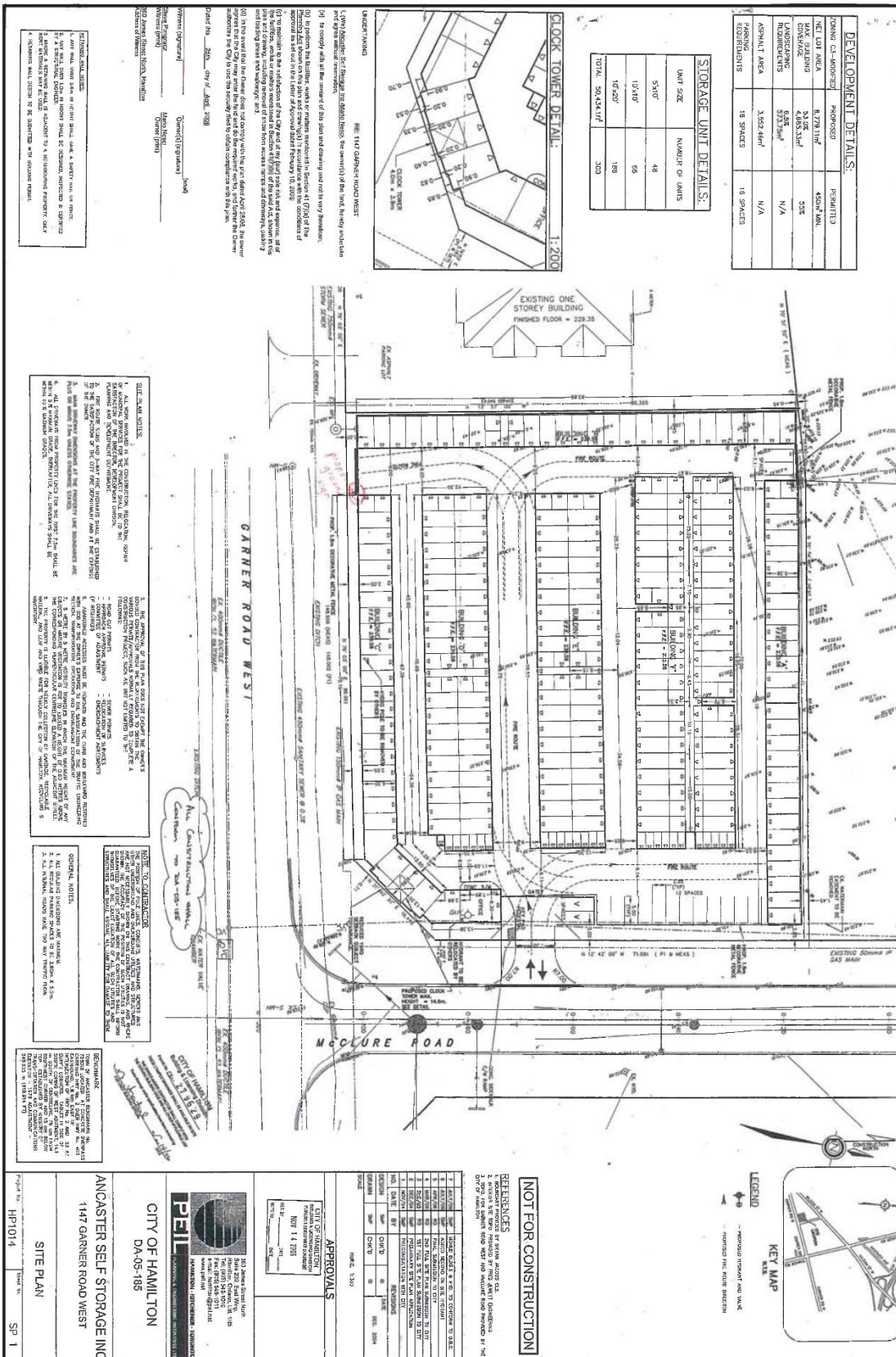
Scale:  
N.T.S

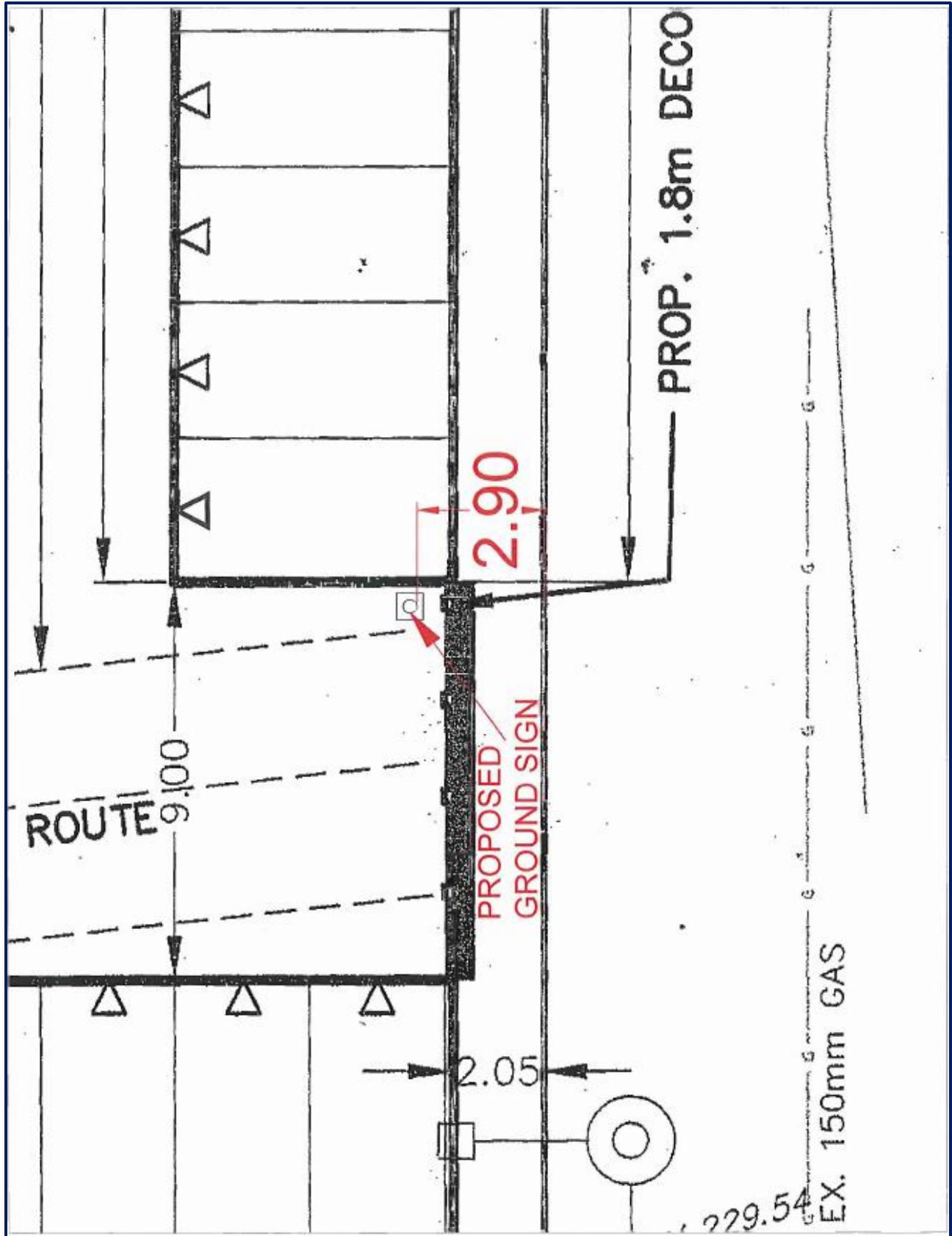
Planner/Technician:  
SR/VS

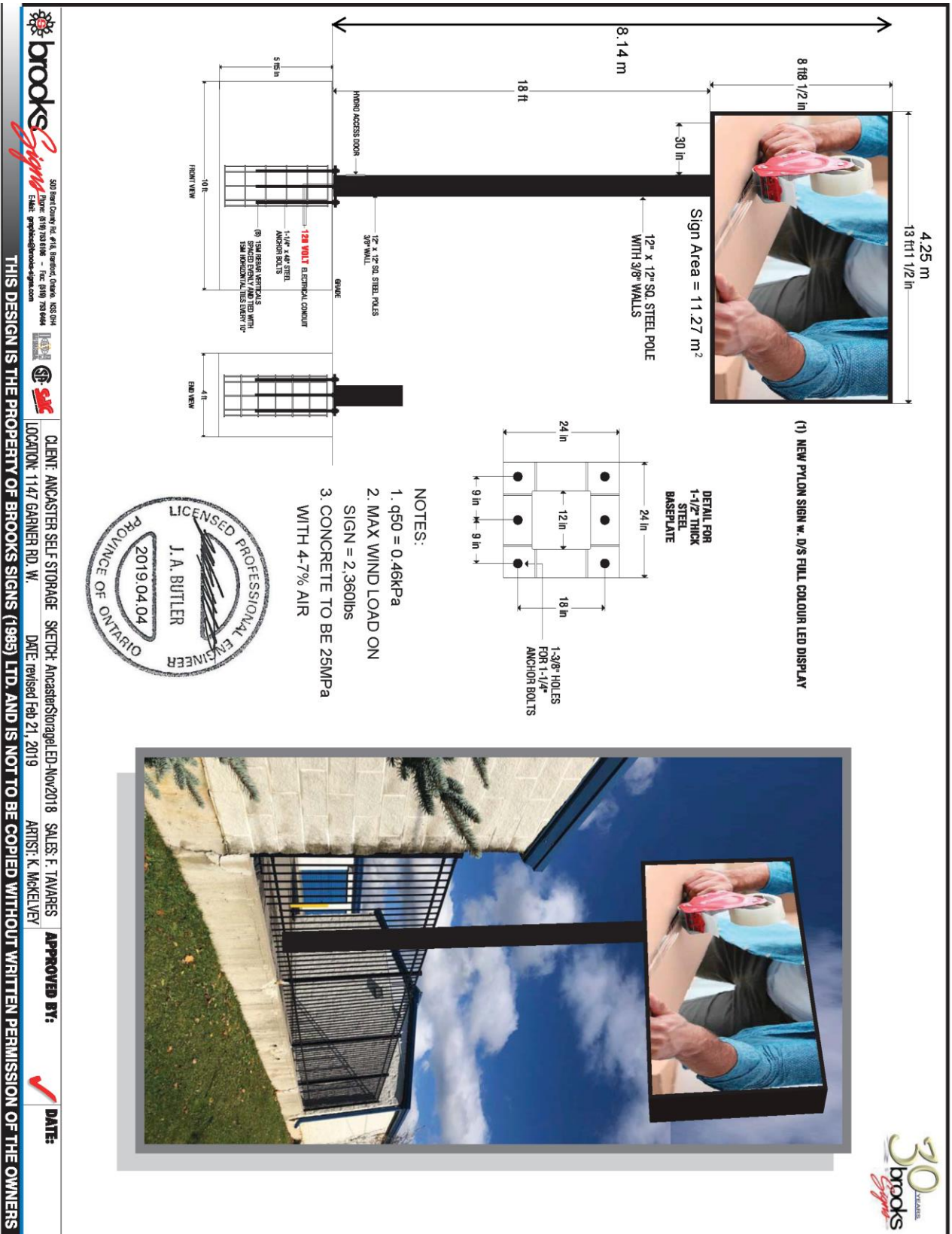
## Subject Property



1147 Garner Road West, Ancaster







**brooks sign**  
 500 Brent County Rd. #14, Brentwood, Ontario, L6S 0H4  
 Phone: (905) 723-0306 - Fax: (905) 723-0444  
 Email: gpross@brookssign.com

**CLIENT:** ANCASTER SELF-STORAGE SKETCH: AncasterStorage@EP-Nov2018 SALES: F. TAVARES  
**LOCATION:** 147 GARNER RD. W. DATE: revised Feb 21, 2019 ARTIST: K. MCKELVEY

**APPROVED BY:** **DATE:**

**THIS DESIGN IS THE PROPERTY OF BROOKS SIGNS (1985) LTD. AND IS NOT TO BE COPIED WITHOUT WRITTEN PERMISSION OF THE OWNERS**



## **PART 6.0 VARIANCES**

6.1 Any person may apply for a variance from this By-law or any provision thereof.

6.2 An application for variance shall be made on the form prescribed by the City and shall be accompanied by the applicable fee, as set out in the City's User Fees and Charges By-law.

### **A By-Law repealing and replacing By-law No. 06-243 respecting Signs within the City of Hamilton**

6.3 Variances may be authorized by the Director.

6.4 The General Manager may authorize a variance if in his or her opinion the general intent and purpose of the By-law are maintained.

6.5 In considering an application for a variance, the Director shall have regard for:

(a) special circumstances or conditions applying to the land, building or use referred to in the application;

(b) whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;

(c) whether such special circumstances or conditions are pre-existing and not created by the sign owner or applicant; and

(d) whether the sign that is the subject of the variance will alter the essential character of the area in which the sign will be located.

6.6 An applicant may appeal the variance application decision of the Director within 21 days of the decision is made to the Economic Development and

Planning Committee or any successor Committee.

6.7 The City Clerk shall notify the applicant once a hearing date before the Economic Development and Planning Committee or any successor Committee has been fixed and if the applicant does not attend at the appointed time and place, the Committee may proceed in the absence of the applicant and the applicant shall not be entitled to further notice in the proceeding.

6.8 Council may uphold or vary the recommendations of the Economic Development and Planning Committee or any successor Committee or do any act or make any decision that it might have done had it conducted the hearing itself and the applicant shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

6.9 A variance from this By-law shall expire 6 months from the date of issuance unless the sign is displayed for its intended purpose and a variance shall expire upon the removal of the sign.



July 25, 2019

Via Email & Delivered

**Mayor Fred Eisenberger**  
City of Hamilton

RECEIVED

JUL 26 2019

And

**Ms. Janet Pilon**  
City Clerk

City of Hamilton  
71 Main Street West, 2nd Floor  
Hamilton, ON L8P 4Y5

Dear Mr. Mayor Eisenberger and Ms. Pilon,

**Re: Ancaster Self Storage - Sign Variance Application - SV-19-002 - 1147 Garner Road West, Ancaster**

By way of this letter, We are formally requesting that the matter pertaining to our sign variance application at 1147 Garner Road West, Ancaster be referred to the next available Planning Committee meeting for reconsideration of the final decision. I will also be making a request to be a delegation through the City Clerk's office as it is my intention to attend the Planning Committee meeting and make a deputation.

Should any additional information or clarification be required prior to this meeting, please do not hesitate to contact me.

Regards,  
Ancaster Self Storage Inc.

A handwritten signature in blue ink, appearing to read "Sergio Manchia", is written over the typed name below.

Sergio Manchia

Cc: Councillor Lloyd Ferguson, Ward 12, City of Hamilton  
Mr. Steve Robichaud, Chief Planner, City of Hamilton  
Ms. Anita Fabac, Manager of Development Planning, City of Hamilton



# CITY OF HAMILTON

## MOTION

Planning Committee: October 15, 2019

**MOVED BY COUNCILLOR T. WHITEHEAD.....**

**SECONDED BY COUNCILLOR .....**

### **Fencing By-law Appeal Process**

That staff be directed to look at the feasibility of having an appeal process for the Fencing By-law.