



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

**Meeting #:** 20-001  
**Date:** January 14, 2020  
**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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**13. GENERAL INFORMATION / OTHER BUSINESS**

**14. PRIVATE AND CONFIDENTIAL**

- 14.1 Site Alteration Permit (PED20029) (Ward 11) (Distributed under separate cover)  
Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**15. ADJOURNMENT**



## **PLANNING COMMITTEE MINUTES**

**19-019**

**December 3, 2019**

**9:30 a.m.**

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

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

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

**1. Hamilton Municipal Heritage Committee Report 19-009 (Item 7.1)**

**(Partridge/Collins)**

**(i) Inventory and Research Working Group Meeting Notes - September 23, 2019 (Item 10.1)**

**(a) Evergreen Farm, 389 Progreston Road, Carlisle, Pt Lot 4, Pt Lot 5 Concession 8 East**

That the property located at 1389 Progreston Road, Carlisle, Pt Lot 4, Pt Lot 5 Concession 8 East, be added to the City of Hamilton Municipal Register of Properties of Cultural Heritage Value or Interest.

**(ii) Funding Approval for the Purchase of Two Presentation Banners for the Hamilton Municipal Heritage Committee (Item 11.1)**

That the purchase of two presentation banners with retractable stands be approved, to an upset amount of \$500, and to be funded from account 57540-812040, for use in Hamilton Municipal Heritage Committee outreach events.

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

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

**2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19227) (City Wide) (Item 7.2)**

**(Collins/Danko)**

That Report PED19227 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**CARRIED**

**3. Expanding Administrative Penalty System (APS) By-law 17-225 to include Section 3(2) of the Yard Maintenance By-law 10-118 (PED19225) (City Wide) (Item 7.3)**

**(Partridge/Johnson)**

(a) That the amendment to the Administrative Penalty System (APS) By-law 17-225 to include the contravention under subsection 3(2) of the Yard Maintenance By-law 10-118 described in Report PED19225, detailed in the proposed amending by-law attached as Appendix "A" be approved;

(b) That the amending by-law attached as Appendix "A" to Report PED19225, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

**Result: Motion CARRIED by a vote of 7 to 1, as follows:**

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

**4. Agriculture and Rural Affairs Advisory Committee Report 19-005 (Added Item 7.4)****(Collins/Johnson)****(a) Revised Terms of Reference - Agriculture & Rural Affairs Advisory Committee (PED19173) (Wards 9, 10, 11, 12, 13 and 15) (deferred from the September 9, 2019 meeting) (Item 10.1(a))**

That the revised Agriculture and Rural Affairs Advisory Committee Terms of Reference, attached as Appendix "A" to Agriculture & Rural Affairs Advisory Committee Report 19-005, be approved.

That Report PED19173, respecting Revised Terms of Reference - Agriculture & Rural Affairs Advisory Committee, be received.

**(b) Corporate Climate Change Task Force Request - Information Update (deferred from the September 9, 2019 meeting) (Item 10.2)**

(i) That the Information Update, respecting a Corporate Climate Change Task Force Request, be received.

(ii) (1) That a Climate Action Working Group of the Agriculture & Rural Affairs Advisory Committee be established to assemble current knowledge on farm abatement technologies, strategies and management practices to reduce agricultural greenhouse gas emissions and sequester carbon in soil while maintaining or enhancing productivity and report back to the Agriculture & Rural Affairs Advisory Committee at each meeting; and,

(2) That the following Members of the Agriculture & Rural Affairs Advisory Committee be appointed to the Climate Action Working Group:

- (a) Cathy McMaster
- (b) Andrew Spoelstra

**(c) City Assessment of Development Charges to Agriculture Organizations Without a Farm Business Registration Number (Item 10.3)**

That the Agriculture & Rural Affairs Advisory Committee is supportive of all Agricultural Societies in Hamilton (Rockton, Binbrook and Ancaster) being exempted from Development Charges.

**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

**5. City Initiative (CI) 19-I – Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12) (Item 8.1)**

**(Whitehead/Farr)**

(a) That City Initiative 19-I to amend the Town of Ancaster Zoning By-law No. 87-57, to make technical changes and clarify regulations for ease of implementation to the Existing Residential “ER” Zone, be APPROVED on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED19203, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) 2014, conforms with A Place to Grow Plan (2019) and, complies with the Urban Hamilton Official Plan.

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

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

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

**6. Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (PED19219) (Ward 8) (Item 8.2)**

**(Danko/Wilson)**

(a) That Zoning By-law Amendment Application ZAC-18-022, by Spallacci & Sons Ltd. (Owner), for a change in zoning from the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified, to the “RT-20/S-1301b-H1” (Townhouse – Maisonette – ‘Holding’) District, Modified (Blocks 1 and 2) and the “RT-20/S-1301b-H1, H2” (Townhouse – Maisonette – ‘Holding’) District, Modified (Block 3), in the City of Hamilton Zoning By-law No. 6593, to permit the development of 71 street townhouse dwellings and 260 stacked townhouse dwellings on lands located at 35 Sabrina Boulevard (Hamilton), as shown on Appendix “A” to Report PED19219, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix “B” to Report PED19219, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms with A Place to Grow Plan (2019) and complies with the Urban Hamilton Official Plan; and,
- (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H1’ and ‘H2’ as a suffix to the proposed zoning for the following:

(1) The ‘H1’ symbol shall be removed conditional upon:

- (a) That the necessary downstream sanitary sewer upgrades are completed and a suitable sanitary sewer outlet is established to the satisfaction of the Senior Director of Growth Management; and,
- (b) That the ultimate stormwater management facility downstream of the subject site is constructed and a suitable drainage outlet is established to the satisfaction of the Senior Director of Growth Management.

(2) For such time as the ‘H2’ symbol is applicable to the lands, the lands shall only be used for street townhouses in accordance with the “RT-20” District provisions as contained in Section 10E of Zoning By-law No. 6593, as amended by By-law No. 09-023. The ‘H2’ symbol shall be removed conditional upon:

- (a) That Draft Plan of Subdivision 25T-200721 lapses or the owner/applicant applies for and obtains approval of a revision to Draft Plan of Subdivision 25T-200721 to the satisfaction of the Director, Planning and Chief Planner.

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

**Result: Main Motion, As Amended, CARRIED by a vote of 5 to 2, as follows:**

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

**7. Increase to Permit Fees Under the Building By-law (PED19224) (City Wide) (Item 8.3)**

**(Danko/Clark)**

- (a) That the By-law, attached as Appendix "A" to Report PED19224 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix "A" to Report PED19224, be included in the User Fees and Charges By-law, replacing the fees listed under the heading "Classes of Permits and Fees under the Hamilton Building By-law".

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

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

**8. Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) (Item 8.4)**

**(Collins/Danko)**

- (a) That Draft Plan of Subdivision Application 25T-201804, by IBI Group, on behalf of DeSantis Rose Joint Venture Inc., owner to establish a Draft Plan of Subdivision on lands located at 84 and 96 Lakeview Drive (Stoney Creek), as shown on Appendix "A", attached to Report PED19226, be APPROVED pursuant to By-law No. 07-323 subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision application 25T-201804 prepared by IBI Group and certified by S.D. McLaren, dated September 19, 2019, consisting of four development blocks (Blocks 1-4) and a road widening block (Block 5) attached as Appendix "B" to Report PED19226;
  - (ii) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision;
  - (iii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-201804, attached as Appendix "C" to Report PED19226, be received and endorsed by City Council;
  - (iv) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage, and the calculation for the payment be based on the value of the lands on the day, prior to the day of issuance of each building permit, to which payment shall be based on the value of the land on the day, prior to the issuance of the first building permit, for each said Block, with the calculation of the Cash-in-Lieu of parkland payment based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council; and,
  - (v) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix "C" to Report PED19226.
- (b) That Draft Plan of Condominium Application 25CDM-201902, by IBI Group, on behalf of DeSantis Rose Joint Venture Inc., owner to establish a Draft Plan of Condominium (Common Element) to create a private



condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at 84 and 96 Lakeview Drive (Stoney Creek), as shown on Appendix "A", attached to Report PED19226, be APPROVED pursuant to By-law No. 07-323 subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201902 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated March 14, 2019, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, in favour of 94 maisonette dwellings and 42 townhouse dwellings, attached as Appendix "D" to Report PED19226; and,
- (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-201902, attached as Appendix "E" to Report PED19226, be received and endorsed by City Council.

**(c) *That there were no public submissions received on this matter.***

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

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

**9. Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) (Item 8.5)**

**(Danko/Farr)**

- (a) That Zoning By-law Amendment Application ZAC-18-055, by Maria Puzzo (c/o Turkstra Mazza Associates, Owner), for a change in zoning from the "C" (Urban Protected Residential, etc.) District (Block 1) and the "D-H/S-1706" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, Holding (Block 2) to the "RT-30-S/1789" (Street – Townhouse) District, Modified in the City of Hamilton Zoning By-law No. 6593, to permit the development of four street townhouse dwellings fronting onto Springvalley Crescent, as shown on Appendix "A" to Report PED19232, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED19232, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and comply with the Urban Hamilton Official Plan.
- (b) That the Gourley Neighbourhood Plan be amended to redesignate the subject lands from “Single and Double” to “Attached Housing”; and,
- (c) *That there were no public submissions received on this matter.***

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

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

**10. Temporary Use By-law to Amend Certain Regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8 and Part of 14) (Item 8.6)**

**(Danko/Whitehead)**

- (a) That Report PED19176(a) (City Initiative CI-19-D – Amendments to Section 19 – Residential Conversion for Wards 1, 8, and part of 14) to establish a Temporary Use By-law, by amending specific provisions of Section 19 – Residential Conversion regulations in City of Hamilton Zoning By-law No. 6593 with respect to lot area, unit size and parking (Ward 1 east of Highway 403 only), to provide for alternative zoning by-law standards on a temporary basis for three years to facilitate the creation of an accessory dwelling in single detached and two family dwellings, as part of the on-going Low Density Rental Housing Licensing Pilot Project and Zoning By-law Reform project, applicable to Wards 1, 8, and portions of 14, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “A” to Report PED19176(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed modifications in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019) and complies with the Urban Hamilton Official Plan;
- (iii) That, in the event that updated Secondary suite regulations in Zoning By-law No. 05-200, applicable to the pilot project area, are not in force and effect, then staff report back on the effectiveness of the temporary use by-law in July, 2022, being 30 months after adoption of the By-law and recommendations on whether to further extend the by-law, or make the changes permanent or cease the pilot project.

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

**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

**11. Animal Adoption Pilot Program (PED18004(b)) (City Wide) (Item 10.1)**

**(Collins/Whitehead)**

That the Animal Services Animal Adoption Program, with an enhancement of one FTE, Animal Adoption Program Coordinator, fully funded by adoption revenue, be referred to the 2020 Budget Deliberation process;

**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

**12. Request for Access to DC Reserve “110352 Storm – Separated Sewer System” to fund Mewburn Pond (PED19216) (Ward 8) (Item 10.2)**

**(Danko/Whitehead)**

- (a) That the budget for Capital Project “5181580586 SWMF H-24 Mewburn Pond” be increased approximately \$4.3 M (Planning and Procurement are currently negotiating with the low bid to minimize the increase required, as per policy 5.3 (4)) to be funded from DC Reserve “110352 Storm – Separated Sewer System”.
- (b) That Contract C15-26-19 (PED) – Mewburn Neighbourhood Stormwater Management Facility be awarded to Rankin Construction Inc. at a negotiated bid price.

**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

**13. Demolition Permit for 758 Beach Boulevard (Item 11.1)**

**(Collins/Farr)**

That the Chief Building Official be authorized and directed to issue a demolition permit for 758 Beach Boulevard, without having to issue a building permit for the replacement dwelling at the same time, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the *Planning Act*, subject to the following conditions:

- (a) That if a replacement building, subject to the issuance of a building permit, is not erected on this property within two years of the demolition of the existing building, the City be paid the sum of \$20,000 which sum:
- (i) the City Clerk is authorized to enter on the collector’s roll and collect in like manner as municipal taxes;
  - (ii) is a lien or charge on the property until paid; and

- (b) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

**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

**14. Authorization for 197073 Ontario Inc. to Apply for a Variance to a By-law for Lands Located at 154 Main Street East and 49 Walnut Street South (Added Item 12.1)**

**(Farr/Collins)**

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

WHEREAS, the application as presented in Report PED18196 for lands including 154 Main Street East and 49 Walnut Street South was approved September 4, 2018 and is within the 2 year moratorium;

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

WHEREAS, the application as presented in Report PED18196 was approved at a maximum height of 80 metres;

THEREFORE, BE IT RESOLVED:

That Council of the City of Hamilton provide authorization to 197073 Ontario Inc. to apply for minor variances to a by-law for lands located at 154 Main Street East and 49 Walnut Street South in order to vary building height by 3 metres, among other variances, of a site specific by-law approved within the last 2 years.

**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

**15. Appointments of Planning Committee Chair and Vice Chairs for 2020  
(Added Item 13.2)**

**(Johnson/Clark)**

That the following appointments of the Planning Committee Chair and Vice Chairs for 2020 be approved:

- (a) Chair – Councillor Farr
- (b) 1<sup>st</sup> Vice Chair – Councillor Clark
- (c) 2<sup>nd</sup> Vice Chair – Councillor Johnson

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

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

**FOR INFORMATION:**

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

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

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

- 6.1 Added Delegation Request from John Ariens, IBI Group, respecting Roof Top Noise Mitigation (For today's meeting)

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

- 7.4 Agriculture and Rural Affairs Advisory Committee Report 19-005

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

- 8.6 (a)(iii) The Hamilton and District Apartment Association has withdrawn their Delegation and submitted written comments
- 8.6 (a)(iv) Written submission from Robert Thomas
- 8.6 (b)(i) The McMaster Students Union Delegation has been withdrawn

**4. GENERAL INFORMATION/OTHER BUSINESS (Item 13)**

- 13.1 Added updates to the Outstanding Business List
- 13.2 Appointments of Planning Committee Chair and Vice Chairs for 2020

**(Clark/Johnson)**

That the agenda for the December 3, 2019 meeting be approved, as amended.

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

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

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

Councillor Pearson advised she has a conflict with Item 8.6, Temporary Use By-law to Amend Certain Regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8 and Part of 14), as she is a landlord of rental properties.

Councillor Clark advised he has a conflict with Item 8.6, Temporary Use By-law to Amend Certain Regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8 and Part of 14), as he has a former professional relationship with the Hamilton and District Apartment Association.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)****(i) November 19, 2019 (Item 4.1)****(Danko/Farr)**

That the Minutes of the November 19, 2019 meeting be approved, as presented.

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

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

**(d) DELEGATION REQUESTS (Item 6)****(i) John Ariens, IBI Group, respecting Roof Top Noise Mitigation (For today's meeting) (Added Item 6.1)****(Farr/Partridge)**

That the Delegation Request from John Ariens, IBI Group, respecting Roof Top Noise Mitigation, be approved for today's meeting, to be heard at this time.

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

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



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

**(i) John Ariens, IBI Group, respecting Roof Top Noise Mitigation (For today's meeting) (Added Item 8.7)**

John Ariens, IBI Group, addressed the Committee respecting Roof Top Noise Mitigation with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at [www.hamilton.ca](http://www.hamilton.ca).

**(Johnson/Clark)**

That the Delegates speaking time be extended by five minutes.

**CARRIED**

**(Johnson/Partridge)**

That the Delegation from John Ariens, IBI Group, respecting Roof Top Noise Mitigation, be received.

**CARRIED**

**(Clark/Collins)**

That staff be directed to report back to the January 14, 2020 Planning Committee meeting respecting options that may permit the CoMo Condos (600 North Service Road) roof top amenity area as proposed without additional noise mitigation and instead requiring the use of Warning Clauses registered on title and signage at the entry point, including a Class 4 designation and input from Legal staff.

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

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

**(ii) City Initiative (CI) 19-I – Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12) (Item 8.1)**

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

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

No members of the public came forward.

**(Whitehead/Clark)**

That the public meeting be closed.

**CARRIED**

**(Clark/Collins)**

That the staff presentation be waived.

**CARRIED**

**(Whitehead/Wilson)**

That the recommendations in Report PED19203 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 9 to 0, as follows:**

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

For disposition of this matter, refer to Item 5.

**(iii) Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (PED19219) (Ward 8) (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.

Michael Davis, 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 and online at [www.hamilton.ca](http://www.hamilton.ca).

**(Partridge/Whitehead)**

That the staff presentation be received.

**CARRIED**

Amber Lindsay, Urban Solutions, was in attendance and indicated support for the staff report, and addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at [www.hamilton.ca](http://www.hamilton.ca).

**(Danko/Partridge)**

That the presentation from Amber Lindsay, Urban Solutions, be received.

**CARRIED**

**Delegations:**

- (i) Lisa Ward, 1455 Garth Street, Unit 30, addressed the Committee and expressed concerns with the proposal.
- (ii) Colleen Burke, 1455 Garth Street, Unit 46, addressed the Committee and expressed concerns with the proposal.

**(Danko/Farr)**

That the delegations be received.

**CARRIED**

**(Danko/Farr)**

That the public meeting be closed.

**CARRIED**

**(Farr/Whitehead)**

That the draft by-law attached to Report PED19219, as Appendix "B", be amended to allow the following modifications:

- (a) ***Perimeter Blocks – Notwithstanding Section 10(F)(a), a front yard of a depth not less than 4.5 metres shall be provided and maintained except for corner lot where a minimum 3.0 metres 1.2 metres shall be provided and maintained; and,***

- (b) ***Interior Block – Where a yard abuts a street, a depth of not less than ~~3.0 metres~~ 1.2 metres shall be provided and maintained.***

**Result: Amendment DEFEATED by a vote of 4 to 3, as follows:**

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

**(Danko/Wilson)**

That the recommendations in Report PED19219 be amended by adding the following sub-section (b):

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

**Result: Amendment CARRIED by a vote of 5 to 2, as follows:**

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

For disposition of this matter, refer to Item 6.

- (iv) **Increase to Permit Fees Under the Building By-law (PED19224) (City Wide) (Item 8.3)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that a public meeting was required under the *Municipal Act*, 2001, as amended.

No members of the public came forward.

**(Farr/Danko)**

That the public meeting be closed.

**CARRIED**

For disposition of this matter, refer to Item 7.

- (v) Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) (Item 8.4)**

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

No members of the public came forward.

**(Collins/Wilson)**

That the public meeting be closed.

**CARRIED**

**(Farr/Johnson)**

That the staff presentation be waived.

**CARRIED**

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

**(Collins/Danko)**

That the recommendations in Report PED19226 be amended by adding the following sub-section (c):

- (c) *That there were no public submissions received on this matter.***

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Chad Collins  
 YES - Councillor John-Paul Danko  
 YES - Councillor Maria Pearson  
 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 8.

**(vi) Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) (Item 8.5)**

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.

No members of the public came forward.

**(Collins/Whitehead)**

That the public meeting be closed.

**CARRIED**

**(Danko/Wilson)**

That the staff presentation be waived.

**CARRIED**

Spencer Skidmore, AJ Clarke & Associates, was in attendance and indicated support for the staff report.

**(Danko/Collins)**

That the recommendations in Report PED19232 be amended by adding the following sub-section (c):

**(c) *That there were no public submissions received on 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

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

For disposition of this matter, refer to Item 9.

**(vii) Temporary Use By-law to Amend Certain Regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8 and Part of 14) (Item 8.6)**

Councillor Pearson relinquished the Chair to Councillor Farr.

In accordance with the provisions of the *Planning Act*, Chair Farr 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.

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 and online at [www.hamilton.ca](http://www.hamilton.ca).

**(Whitehead/Wilson)**

That the staff presentation be received.

**CARRIED**

**Delegations:**

- (i) Wendy Stewart, Realtors Association of Hamilton Burlington, addressed the Committee and expressed concerns with the proposal.

**(Whitehead/Johnson)**

That the delegation be received.

**CARRIED**

**Written Submissions:**

- (i) McMaster University (8.6 (a)(i))
- (ii) Emily Kam (8.6 (a)(ii))
- (iii) Hamilton and District Apartment Association (8.6 (a)(iii))
- (iv) Robert Thomas (8.6 (a)(iv))

**(Danko/Whitehead)**

That the written submissions be received.

**CARRIED**

**(Whitehead/Wilson)**

That the public meeting be closed.

**CARRIED**

**(Danko/Whitehead)**

That the recommendations in Report PED19176(a) be amended by adding the following sub-section (b):

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

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

For disposition of this matter, refer to Item 10.

Councillor Pearson resumed the Chair.

**(f) NOTICE OF MOTIONS (Item 12)**

- (i) Authorization for 197073 Ontario Inc. to Apply for a Variance to a By-law for Lands Located at 154 Main Street East and 49 Walnut Street South (Added Item 12.1)**

Councillor Farr introduced a Notice of Motion respecting Authorization for 197073 Ontario Inc. to Apply for a Variance to a By-law for Lands Located at 154 Main Street East and 49 Walnut Street South.

**(Farr/Collins)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Authorization for 197073 Ontario Inc. to Apply for a Variance to a By-law for Lands Located at 154 Main Street East and 49 Walnut Street South.



**Result: Motion CARRIED by a 2/3's majority vote of 8 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Chad Collins  
 YES - Councillor John-Paul Danko  
 YES - Councillor Maria Pearson  
 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 14.

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

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

**(Whitehead/Johnson)**

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

**(a) Items to be Removed:**

18C - Animal Adoption Pilot Program  
 (Item 10.1 on this agenda)

19C - On Street Parking Permits - Wellington Street North  
 (Item 10.3 on the November 19th agenda)

19N - Development of a Rural Fill By-law  
 (Item 10.2 on the November 19th agenda)

19V - Accessory Dwelling Units (Pilot Project)  
 (Item 8.6 on this agenda)

**(b) Items Requiring New Due Dates**

12A - Regulation of Rental Housing  
 Current Due Date: December 3, 2019  
 Proposed New Due Date: May 19, 2020

18A - Exemption of Affordable Housing Project From Application  
 Fees  
 Current Due Date: September 3, 2019  
 Proposed New Due Date: March 24, 2020

**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

**(h) ADJOURNMENT (Item 15)**

**(Johnson/Clark)**

That there being no further business, the Planning Committee be adjourned at 2:23 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

**Form: Request to Speak to Committee of Council**

Submitted on Friday, December 20, 2019 - 4:02 pm

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** Denise Harvey

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:**

Branchton, Ontario

**Reason(s) for delegation request:**

Dirt farming (dumping of fill) in the City. Specifically, violation of the Site Alteration By-law at 927 Lynden Road.

**Will you be requesting funds from the City? No**

**Will you be submitting a formal presentation? No**



## INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2020
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20007) (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

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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: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20007) (City Wide) - Page 2 of 4**

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Information Report (PED16096). An analysis of the information was also included in the year-end reports of December 5, 2017 (PED17208), September 18, 2018 (PED18192) and December 11, 2018 (PED18231).

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

In accordance with the *Planning Act*, prior to September 3, 2019, 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 September 3, 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

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20007) (City Wide) - Page 3 of 4**

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tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

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

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

Attached as Appendix “A” to Report PED20007 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of November 9, 2019, there were:

- 12 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;
- 21 active Zoning By-law Amendment applications; and,
- 8 active Plan of Subdivision applications.

Within 60 to 90 days of November 19, 2019, all 21 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 PED20007 is a table outlining the active applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest application to newest. As of November 8, 2019, there were:

- 25 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;
- 41 active Zoning By-law Amendment applications; and,
- 10 active Plan of Subdivision applications.

Within 60 to 90 days of November 19, 2019, 5 applications will be approaching the 150, 180 or the 300 day statutory timeframe and will be eligible for appeal. Forty-one applications have passed the 150, 180 and 300 day statutory timeframe.

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20007) (City Wide) - Page 4 of 4**

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Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)

Attached as Appendix “C” to Report PED20007 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of November 8, 2019, there was:

- One active Official Plan Amendment application; and,
- One active Zoning By-law Amendment application.

Within 60 to 90 days of January 14, 2020, 1 application is approaching the 90 or 120 day statutory timeframe.

Combined to reflect property addresses, there are 68 active development proposals.

Twenty-five proposals are 2019 files, while 23 proposals are 2018 files and 21 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 September 3, 2019)

JG:mo

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective November 8, 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 January 14, 2020
<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	1019
<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	1117
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	791
<b>Ward 7</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.	839
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	777



**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective November 8, 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 January 14, 2020
<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.	1189
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.	1189
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.	1138
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.	1023
<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.	1657
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	809
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.	1460

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective November 8, 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 January 14, 2020
<b>Ward 10 cont'd</b>									
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	1117
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.	806
<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	1483
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.	900
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	874

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective November 8, 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 January 14, 2020
<b>Ward 12 cont'd</b>									
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.	830
<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.	1869
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.	888
<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	1117

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 November 8, 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 January 14, 2020
<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	753
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	575
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	389
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	300
<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	753

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective November 8, 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 January 14, 2020
<b>Ward 2 cont'd</b>									
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	550
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	389
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.	386
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	389
<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	320
<b>Ward 6</b>									
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	251

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective November 8, 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 January 14, 2020
<b>Ward 7</b>									
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.	288
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	263
<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	361
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	642
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.	440
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.	320

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective November 8, 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 January 14, 2020
<b>Ward 8 cont'd</b>									
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	266
<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	512
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.	620
25T-2019003	15 Picardy Dr., Stoney Creek	25-Apr-19	n/a	29-May-19	n/a	22-Oct-19	n/a	IBI Group	264
<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.	760

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective November 8, 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 January 14, 2020
<b>Ward 10 cont'd</b>									
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	585
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	470
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	417
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.	391
25T-2019004	1288 Baseline Rd., Stoney Creek	06-May-19	n/a	09-May-19	n/a	02-Nov-19	n/a	IBI Group	253
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	256
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	553



**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective November 8, 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 January 14, 2020
<b>Ward 11</b>									
ZAA-18-053	2282 Westbrook Rd., Glanbrook	23-Oct-18	n/a	14-Nov-18	22-Mar-19	n/a	n/a	IBI Group	448
<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.	492
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.	237
25T-2018006	140 Glancaster Rd., Glanbrook	05-Jul-18	n/a	08-Nov-18	n/a	01-Jan-19	n/a	MHBC Planning Limited	432
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.	435

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective November 8, 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 January 14, 2020
<b>Ward 12 cont'd</b>									
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	412
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.	407
UHOPA-19-014 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	389
ZAA-19-034	378 Harmony Hall Rd., Ancaster	08-May-19	n/a	20-Jun-19	06-Aug-19	n/a	n/a	T. Johns Consulting Group	251
UHOPA-19-011* ZAC-19-040	187 Wilson Street	17-May-19	n/a	17-Jun-19	n/a	n/a	12-Mar-20*	T. Johns Consulting Group	242

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective November 8, 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 January 14, 2020
<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	403
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.	396
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	398
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	302
<b>Ward 15</b>									
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	540
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	05-Apr-20*	MHBC Planning Limited	218

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective November 8, 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 January 14, 2020
<b>Ward 15 cont'd</b>									
UHOPA-19-013* ZAC-19-046	10 Mallard Trail, Flamborough	24-Jun-19	n/a	26-Jun-19	n/a	22-Oct-19	19-Apr-20*	GSP Group	204

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 September 3, 2019  
(Effective November 8, 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 January 14, 2020
<b>Ward 11</b>								
RHOPA-19-007 ZAC-19-028	3355 Golf Club Rd., Glanbrook	18-Apr-19	16-May-19	21-Oct-19	n/a	20-Feb-20	Corbett Land Strategies Inc.	85

Active Development Applications

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



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2020
<b>SUBJECT/REPORT NO:</b>	Payday Loan Licences (PED20010) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Tiffany Gardner (905) 546-2424 Ext. 1789
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

At its meeting of February 28, 2018, Council approved Item 9 of Planning Committee Report 18-003 directing staff to report annually regarding the status of the number of Payday Loan Licences in the City of Hamilton.

## INFORMATION

Item 9 of Planning Committee Report 18-003 outlined the expansion of the municipal authority to limit the number and location of payday loan establishments within the City and included the updated Schedule 11 under the Business Licensing By-law 07-170, which outlines the following under Section 6:

- (a) No more than 15 payday loan business licenses to be issued; and
- (b) No more than one payday loan business per ward.

On January 1, 2018 there were 31 licensed payday loan businesses at 30 locations. These locations and licences were grandfathered at the time of the passing of the amending By-law. Once a licence expires and is not renewed, these locations are eliminated, reducing the number of grandfathered locations to meet the by-law criteria. On January 1, 2019 the total number reduced to 29 licensed businesses at 28 locations. On October 23, 2019, Council approved Item 3 of Planning Committee Report 19-016 directing staff to amend Schedule 11 of the Licensing By-law 07-170 to include 90 Centennial Parkway North, Hamilton to the location of approved sites, increasing the total number to 30 licensed businesses at 29 locations.

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**SUBJECT: Payday Loan Licences (PED20010) (City Wide) Page 2 of 2**

<b>Licensed Payday Loan Businesses as at January 1, 2018</b>	<b>Licensed Payday Loan Businesses as at January 1, 2020</b>	<b>Change</b>
1 Wilson Street	1 Wilson Street	
1056 Barton Street East	1056 Barton Street East	
1062 Barton Street East	1062 Barton Street East	
1116 Barton Street E Unit 1	1116 Barton Street E Unit 1	
1120 Fennell Avenue East	1120 Fennell Avenue East	
127 King Street East	127 King Street East	
1299 Barton Street East, Bldg. K	1299 Barton Street East, Bldg.K	
13 King Street East. Suite 1	13 King Street East, Suite 1	
1392 Main Street East	1392 Main Street East	
147 Locke Street South		Closed Aug 2018
152 Hwy 8, Unit 158	152 Hwy 8, Unit 158	
219 King Street East		Closed Aug 2018
1655 Main Street West	1655 Main Street West	
309 Grays Road	309 Grays Road	
314 Queenston Road, Unit F	314 Queenston Road, Unit F	
460 Main Street West	460 Main Street West	
478 King Street East. Unit 2	478 King Street East, Unit 2	
483 Hwy 8	483 Hwy 8	
529 Concession Street	529 Concession Street	
534 Concession Street	534 Concession Street	
58 Centennial Parkway North	58 Centennial Parkway North	
61 King Street East	61 King Street East	
695 Queenston Road	695 Queenston Road	
732 Queenston Road	732 Queenston Road	
736 Queenston Road	736 Queenston Road	
77 James Street North, Unit 223	77 James Street North, Unit 223	
833 Upper James Street	833 Upper James Street	
833 Upper James Street	833 Upper James Street	
836 Upper James Street	836 Upper James Street	
858 Upper James Street	858 Upper James Street	
970 Upper James Street	970 Upper James Street	
	90 Centennial Parkway North	Added Oct 23/19

Payday loan businesses are inspected annually to confirm that they meet the requirements of Schedule 11, of the Business Licensing By-law.

**APPENDICES AND SCHEDULES ATTACHED**

N/A

KL:st

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## INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2020
<b>SUBJECT/REPORT NO:</b>	Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Zoning By-law Amendment Application ZAA-18-053 for Lands Located at 2282 Westbrook Road (PED20002) (Glanbrook) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Elyse Meneray (905) 546-2626 Ext. 6360
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### Council Direction:

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the LPAT.

### Bill 139 Building Better Communities and Conserving Watersheds Act, 2017

Prior to September 3, 2019, a Zoning By-law Amendment application could be appealed to the Local Planning Appeal Tribunal (LPAT) after 150 days if Council had not made a decision on the application, in accordance with subsection 34(11) of the *Planning Act*.

### Bill 108 More Homes, More Choice Act, 2019

Bill 108 *More Homes, More Choice Act, 2019*, received Royal Assent on June 6, 2019 and was proclaimed on September 3, 2019. Bill 108 reduced the appeal period for a Zoning By-law Amendment application. In accordance with subsection 34(11) of the *Planning Act*, a Zoning By-law Amendment application could now be appealed to the

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**SUBJECT: Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Zoning By-law Amendment Application ZAA-18-053 for Lands Located at 2282 Westbrook Road (PED20002) (Glanbrook) (Ward 11) - Page 2 of 5**

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Local Planning Appeal Tribunal (LPAT) for applications made after September 3, 2019, after 90 days if Council had not made a decision on the application. As this application was made prior to September 3, 2019, it is subject to the Bill 139 appeal period.

The following information is provided for Planning Committee's information with regards to Zoning By-law Amendment application ZAA-18-053, which has been appealed to the LPAT for lack of decision.

**Information:**

The subject lands municipally known as 2282 Westbrook Road, Former Township of Glanbrook are located south of the intersection of Guyatt Road and Westbrook Road in Glanbrook (see location map attached as Appendix "A" to Report PED20002). The applicants are John and Eva Vuckovic.

The subject lands are surrounded to the north, east, south and west by farmland, accessory farm uses and single detached dwellings.

The subject lands make up an irregular shaped lot with a frontage of 851.18 metres on Westbrook Road, having a depth of approximately 830 metres (irregular), and an area of 59.107 hectares. The subject lands currently contain farmland, accessory decommissioned farm buildings, a decommissioned horse paddock and a single detached dwelling. The intent of the proposal is to sever the existing single detached dwelling through a non-abutting farm consolidation severance and rezone the retained farmland to prohibit the development of a single detached dwelling and residential care facility.

**Application:**

Zoning By-law Amendment Application:

The purpose of the Zoning By-law Amendment application (ZAA-18-053) is to rezone the agricultural portion of the subject lands to a site specific Agriculture (A1) Zone to prohibit the development of a single detached dwelling and residential care facility on the retained farmland through a non-abutting farm consolidation severance (see Concept Plan in Appendix "B" to Report PED20002).

The application was originally submitted on October 23, 2018 and deemed to be complete on November 14, 2018.

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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: Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Zoning By-law Amendment Application ZAA-18-053 for Lands Located at 2282 Westbrook Road (PED20002) (Glanbrook) (Ward 11) - Page 3 of 5**

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Rural Hamilton Official Plan

The subject lands are designated as “Agriculture” on Schedule “D” – Rural Land Use Designations. Policy F.1.14.2.8 c) v) of the Rural Hamilton Official Plan permits the severance of a surplus farm dwelling under the condition that the land owner apply and receive final approval of a Zoning By-law Amendment to rezone the farm parcel to prohibit the construction of a dwelling unit.

Zoning By-law 05-200

The subject lands contain four separate zones. The majority of the property is zoned Agriculture (A1) Zone with the Conservation / Hazard Land – Rural (P7) and Conservation / Hazard Land – Rural (P8) Zones located at the western portion of the property and the Conservation / Hazard Land – Rural (P6) Zone at the south of the property. The proposal will modify the Agriculture (A1) Zone; there are no modifications to the Conservation / Hazard Land – Rural (P6), Conservation / Hazard Land – Rural (P7) and Conservation / Hazard Land – Rural (P8) Zones.

The Agriculture (A1) Zone permits, among other things: agriculture, a residential care facility, secondary uses to agriculture, single detached dwelling and veterinary service – farm animal.

The Conservation / Hazard Land – Rural (P6) Zone permits agriculture, conservation, flood and erosion control facilities, passive recreation, single detached dwelling and secondary uses to agriculture. The Zone does not permit the development of new buildings or structures on vacant lots, however there are permissions for expansions to existing buildings and structures.

The Conservation / Hazard Land – Rural (P7) and Conservation / Hazard Land – Rural (P8) Zones permit agriculture, conservation, existing single detached dwelling, flood and erosion control facilities and passive recreation. The Zones do not permit the development of new buildings or structures.

A Zoning By-law Amendment is required to prohibit the development of a single detached dwelling and residential care facility on the retained farmland as per RHOP policy F.1.14.2.8 c) v).

Committee of Adjustment Application GL/B-18:58

The Applicant submitted a Consent to Sever application (GL/B-18:58) on May 15, 2018 to sever a 1.986 hectare parcel of land containing a single detached dwelling, two barns, a silo, storage building, container and small storage building from the 57.12

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**SUBJECT: Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Zoning By-law Amendment Application ZAA-18-053 for Lands Located at 2282 Westbrook Road (PED20002) (Glanbrook) (Ward 11) - Page 4 of 5**

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hectare farm parcel. The Applicant requested to retain one barn and the small storage building as accessory buildings for the single detached dwelling. Staff were of the opinion that the farm buildings are unnecessary as they no longer facilitate a farm operation and are not suitable as accessory structures for the single detached dwelling. In discussions with the applicant, staff agreed to allow for one of the structures to remain as accessory storage for the single detached dwelling, however two of the three accessory structures are required to be demolished as a condition of consent approval.

Staff recommended that the application be approved, subject to conditions (see July 19, 2018 Meeting Minutes attached as Appendix “D” to Report PED20002).

July 19, 2018 Committee of Adjustment Hearing

The application was tabled at the July 19, 2018 Committee of Adjustment hearing in order for the applicant to work with staff to address Committee’s concerns and recommendations including:

- Retaining two of the farm buildings on the property, when all farm buildings are to be demolished as part of the severance application;
- Reducing the lot size (1.986 ha) of the retained parcel, as members believed the lot was too large;
- Reconfiguring the retained lot by eliminating all farm buildings and moving the rear lot line closer to the single detached dwelling; and,
- Addressing the size of the accessory structures, as both exceed 200 sq m.

March 21, 2019 Committee of Adjustment Hearing

The application was rescheduled for the March 21, 2019 Committee of Adjustment hearing. No changes were made to the proposal and the application was further tabled to allow Committee members to conduct a site inspection (see March 21, 2019 Meeting Minutes attached as Appendix “E” to Report PED20002).

April 11, 2019 Committee of Adjustment Hearing

The application was rescheduled for the April 11, 2019 Committee of Adjustment hearing. Based on comments from the site inspection and previous meetings, the applicant reduced the retained lot size to 1.822 hectares and agreed to retain one farm building accessory to the single detached dwelling. This reduction raised concerns with Source Water Protection staff on whether the lot could be sustainably serviced.

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**SUBJECT: Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Zoning By-law Amendment Application ZAA-18-053 for Lands Located at 2282 Westbrook Road (PED20002) (Glanbrook) (Ward 11) - Page 5 of 5**

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The Applicant requested the application be further tabled to address the following:

- Source Water Protection comments with respect to lot size;
- Size of the accessory structure, as it exceeded 200 sq. m; and,
- Confirm ownership of the property, as the property was under two different names and could not be considered a consolidation until this was resolved.

The motion was granted, and the application was tabled (see April 11, 2019 Meeting Minutes attached as Appendix “F” to Report PED20002).

August 15, 2019 Committee of Adjustment Hearing

The application was rescheduled for the August 15, 2019 Committee of Adjustment hearing, where the application was denied as members of the Committee were not supportive of the retention and size of the accessory structures on site (see August 15, 2019 Meeting Minutes attached as Appendix “G” to Report PED20002). The Consent to Sever application was appealed by the owners to the Local Planning Appeal Tribunal on September 10, 2019.

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 12 property owners within 120 m of the subject property on November 21, 2018 requesting public input on the application. A Public Notice sign was also posted on the property on November 18, 2018. To date, no correspondence from the public has been received.

The appeal to the LPAT was received by the City Clerks’ office on September 26, 2019, 338 days after the receipt of the initial application.

**APPENDICES AND SCHEDULES ATTACHED**

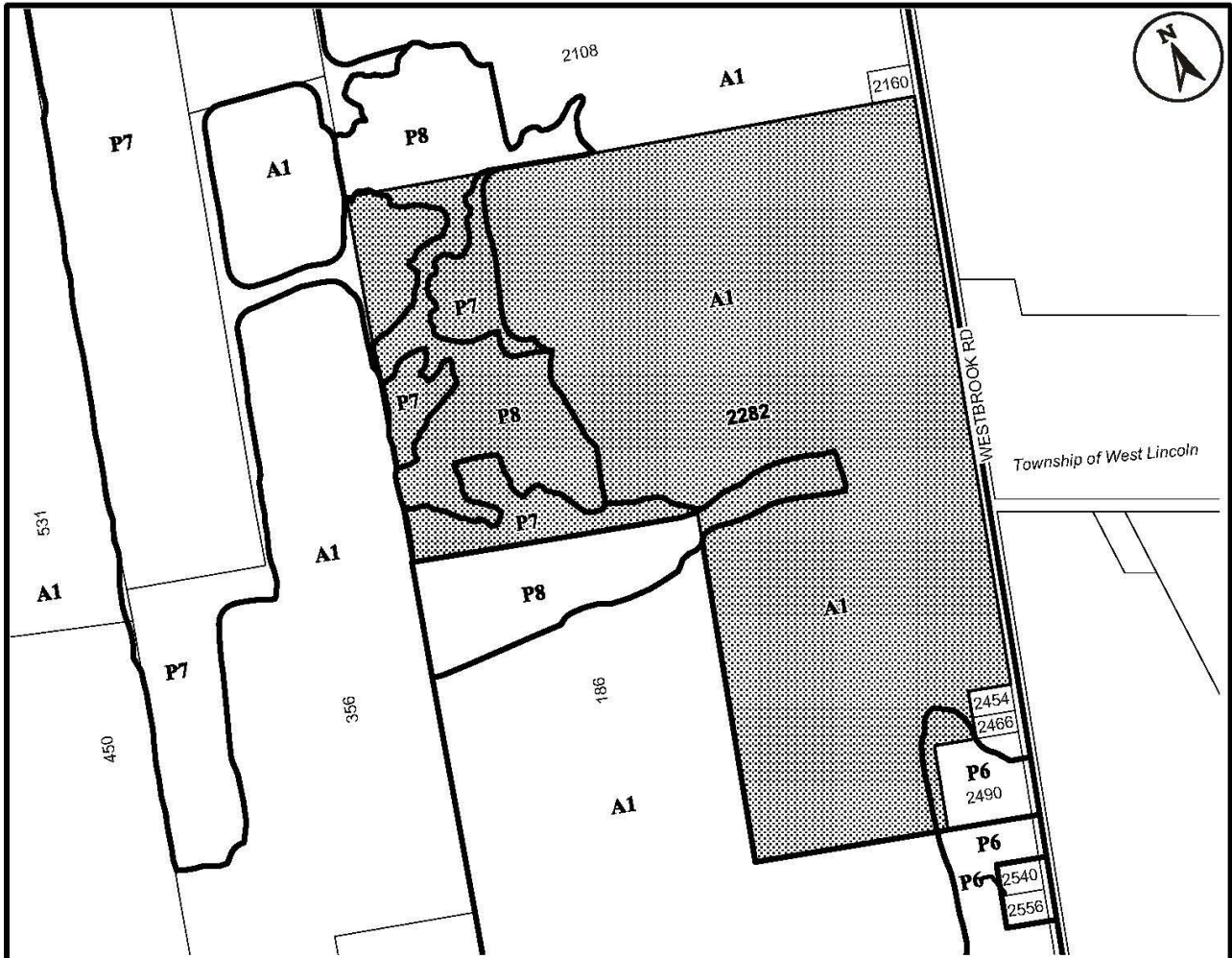
- Appendix “A” – Location Map
- Appendix “B” – Concept Plan
- Appendix “C” – Appeal Letter
- Appendix “D” – Committee of Adjustment July 19, 2018 Meeting Minutes
- Appendix “E” – Committee of Adjustment March 21, 2019 Meeting Minutes
- Appendix “F” – Committee of Adjustment April 11, 2019 Meeting Minutes
- Appendix “G” – Committee of Adjustment August 15, 2019 Meeting Minutes

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● Site Location



Key Map - Ward 11

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAA-18-053

Date:  
Nov. 13, 2018

Appendix "A"

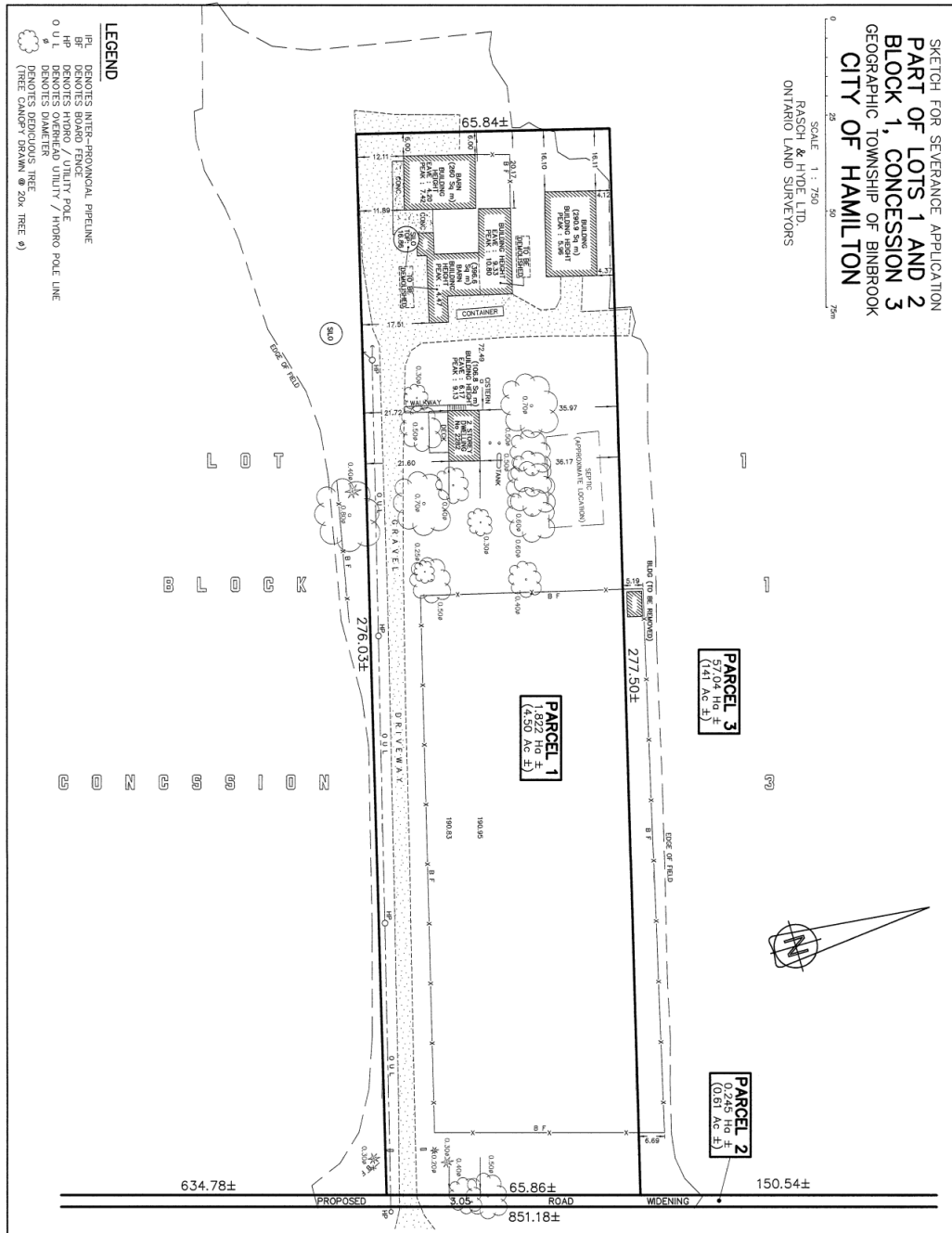
Scale:  
N.T.S.

Planner/Technician:  
RF/VS

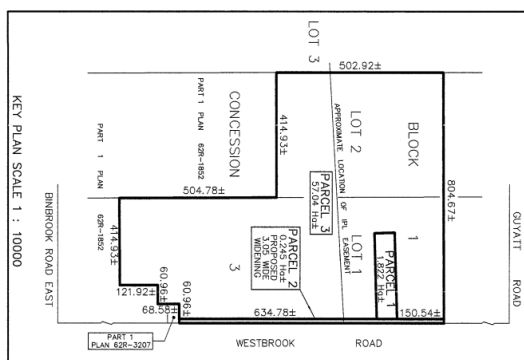
### Subject Property



2282 Westbrook Road



ROAD ALLOWANCE BETWEEN TOWNSHIP OF GLANBROOK AND WEST LINCOLN  
 ALSO KNOWN AS WESTBROOK ROAD



**METRIC NOTE**

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

**NOTE**

THIS PLAN IS PREPARED FROM COMPUTED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY. ALL DIMENSIONS AND AREAS ARE APPROXIMATE.

**NOTE**

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

SEPTEMBER 18, 2018  
 DATE  
 HAROLD D. HYDE  
 ONTARIO LAND SURVEYOR

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**RASCH & HYDE LTD.**  
 Ontario Land Surveyors

P.O. Box 6, 13331 Highway 41 East, Unit B  
 Binbrook, Ontario L7R 4S1  
 (905) 774-7188  
 (781) 802-774-4000

P.O. Box 6509, 74 Jervis Street  
 Hamilton, Ontario L8N 4Y1  
 (905) 871-9757  
 (781) 802-871-3748

HAROLD D. HYDE O.L.S.  
 SCALE: 1 : 750  
 DRAWN BY: T. Robinson  
 SKETCH: T. Robinson

# Turkstra Mazza

Hamilton London Toronto

**Scott Snider**  
Professional Corporation  
15 Bold Street  
Hamilton Ontario Canada L8P 1T3  
Receptionist 905 529 3476 (905 LAW-FIRM)  
Facsimile 905 529 3663  
[ssnider@tmalaw.ca](mailto:ssnider@tmalaw.ca)

September 26, 2019

## HAND DELIVERED & VIA EMAIL

City of Hamilton  
Office of the City Clerk  
**Attn: Ms. Rose Caterini, City Clerk**  
Hamilton City Hall  
71 Main Street West, 1st Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Caterini:

**Re: Appeal of failure of Council to make a decision pursuant to s. 34(11)  
of the *Planning Act*, 2282 Westbrook Rd., (Glanbrook), City of Hamilton  
Municipal File No.: ZAA-18-053  
Applicant: John and Eva Vuckovic, Our File No. 13651**

We are counsel to John and Eva Vuckovic (the "Vuckovics") with respect to the above noted matter. Our client filed an application for a zoning by-law amendment ("Application") with respect to the lands located at 2282 Westbrook Rd. in the City of Hamilton ("Subject Lands"). The Subject Lands are approximately 59.1 hectares in size and are legally described as Part of Lots 1 and 2, Block 1, Concession 3, Geographic Township of Binbrook.

On November 14, 2018, the City of Hamilton (the "City") provided a Notice of Complete Application in respect of the Application. No decision has been made by Council in respect of the Application as of September 25, 2019. Pursuant to Section 34(11) of the *Planning Act*, we hereby appeal Council's failure to make a decision with respect to the

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Attn: Ms. R. Caterini, City Clerk  
September 26, 2019

zoning by-law amendment to the Local Planning Appeal Tribunal ("LPAT"). In accordance with s. 32(3) of the *Planning Act* Transitional Matters – General Regulation (O.Reg. 174/16), the applicable 150 day timeline under s. 34(11) of the *Planning Act* as it read on September 2, 2019 has been met.

An application for consent was made to sever a surplus dwelling for residential purposes (1.82 ha+/-) and to retain vacant farmland (57 ha+/-) as part of a non-abutting farm consolidation. The zoning by-law amendment application was made to ensure the applicable policy restrictions on erecting a single-family dwelling on the retained lot in a surplus farm severance would be met. The Application also proposed modifications to the regulations relating to accessory buildings and/or structures in the Agricultural A1 Zone. The proposed zoning by-law amendment is consistent with the Provincial Policy Statement, 2014 Rural Lands in Municipalities and Agriculture Policies. The proposed zoning by-law amendment conforms to the applicable Growth Plan for the Greater Golden Horseshoe Natural Heritage and Agricultural System Policies and Greenbelt Plan policies regarding "Protected Countryside" designations as well as the Severance Policies of the Rural Hamilton Official Plan. Obtaining the amendment would be an appropriate condition of severance and the intent of the Zoning By-law is preserved.

An associated appeal pursuant to s. 53(19) with respect to the refusal of the Committee of Adjustment to permit a severance was previously filed on September 10, 2019. We respectfully request that these appeals be consolidated.

We enclose a cheque made payable to the Minister of Finance in the order of \$300.00 as the appropriate filing fee along with a completed Form A1.

Please let us know if you require anything further.

Yours truly,



Scott Snider

13651/3  
skss  
Encls.

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Environment and Land Tribunals Ontario  
**Local Planning Appeal Tribunal**  
655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
Telephone: 416-212-6349  
Toll Free: 1-866-448-2248  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

## Appellant Form (A1)

### Instructions for preparing and submitting the Appellant Form (A1)

For help navigating the LPAT appeals process, practices and procedures, please see information on the LPAT website <http://elto.gov.on.ca/tribunals/lpat/lpat-process/>

- **Important: Do not send your appeal directly to the Local Planning Appeal Tribunal (LPAT).** Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the Municipality/Approval Authority/School Board will tell you where to send the form and appeal fee.
- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the LPAT.
- We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at:  
Toll free: 1-866-448-2248; or  
TTY: 1-800-855-1155 via Bell relay
- E-mail is the primary form of communication used by the LPAT. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.
- A filing fee is required for each type of appeal you are filing. Please see the Tribunal's Fee Schedule to calculate the correct amount due.
- To view the Fee Schedule, visit the LPAT's website [<http://elto.gov.on.ca/lpat/fee-chart/>].
- The filing fee **must** be paid by certified cheque or money order, in Canadian funds, payable to the **Minister of Finance**. Do not send cash.
- If you are represented by a lawyer the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the LPAT if you retain a representative after the submission of this form.
- Should you need more room to provide a further explanation to any sections throughout this form, please attach a separate letter to the back of the form.
- Provide both an electronic copy (.pdf) and paper copy of all document submissions. The electronic submissions are to be provided by USB key.
- The *Planning Act, Development Charges Act, Education Act, Local Planning Appeal Tribunal Act*, and others, are available on the LPAT website [<http://elto.gov.on.ca/lpat/legislation-and-rules/>].



Environment and Land Tribunals Ontario  
**Local Planning Appeal Tribunal**  
 655 Bay Street, Suite 1500  
 Toronto ON M5G 1E5  
 Telephone: 416-212-6349  
 Toll Free: 1-866-448-2248  
 Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

**Appellant Form (A1)**

Receipt Number (LPAT Office Use Only)
---------------------------------------

Date Stamp Appeal Received by Municipality/Approval Authority
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**To file an appeal, select one or more below**

- Appeal of *Planning Act* matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
- Second appeal of a *Planning Act* matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017*, allows appeals to the Tribunal of some *Planning Act* matters previously determined by LPAT.
- Appeals of other matters, including Development Charges, *Education Act*, *Aggregate Resources Act*, *Municipal Act* and Ontario Heritage, proceed to Section 1C

**1 A. Appeal Type (Please check all applicable boxes)**

Subject of Appeal	Type of Appeal	Reference (Section)
<b>Planning Act Matters</b>		
<b>Official Plan or Official Plan Amendment</b>	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 120 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 120 days	22(7)
	<input type="checkbox"/> Council refuses to adopt the requested amendment	
<b>Zoning By-law or Zoning By-law Amendment</b>	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input checked="" type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 90 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision within 120 days where the application is associated with an Official Plan Amendment	
<b>Interim Control Zoning By-law</b>	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
	<input type="checkbox"/> Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)
<b>Site Plan</b>	<input type="checkbox"/> Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)
	<input type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)

Subject of Appeal	Type of Appeal	Reference (Section)
	<input type="checkbox"/> Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)
<b>Minor Variance</b>	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
<b>Consent/Severance</b>	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
<b>Plan of Subdivision</b>	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 120 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

**1 B. Appeal Type (Please check all applicable boxes) Only for appeal(s) of a new decision or non-decision by municipality or Approval Authority following a previous LPAT Decision (i.e., second appeal).**

For matters subject to Bill 139 and the associated transition regulation (the second appeal).

Subject of Appeal	Type of Appeal	Reference (Section)
<b>Planning Act Matters</b>		
<b>Official Plan or Official Plan Amendment</b>	<input type="checkbox"/> Appeal of a <b>decision</b> by Approval Authority on an OP or OPA (exempt from approval by Minister or Approval Authority) following a LPAT decision	17(24) and 17(49.6)
	<input type="checkbox"/> Appeal of a <b>decision</b> by Council or Approval Authority on an OP or OPA following a LPAT decision	17(36) and 17(49.6)
	<input type="checkbox"/> Appeal of a <b>refusal</b> within 90 days by Council following a LPAT decision	22(7) and 22(11.0.12)
	<input type="checkbox"/> Appeal of a <b>non-decision</b> within 90 days by Council following a LPAT decision	
<b>Zoning By-law or Zoning By-law Amendment</b>	<input type="checkbox"/> Appeal of a <b>refusal</b> within 90 days by Council following a LPAT decision	34(11) and 34(26.5)
	<input type="checkbox"/> Appeal of a <b>non-decision</b> within 90 days by Council following a LPAT decision	
	<input type="checkbox"/> Appeal of a <b>decision</b> by Council following a LPAT decision	34(19) and 34(26.5)

**1 C. Other Appeal Types (Please check all applicable boxes)**

Subject of Appeal	Type of Appeal	Reference (Section)
<b>Development Charges Act Matters</b>		
<b>Development Charge By-law</b>	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
<b>Development Charge Complaint</b>	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
<b>Front-ending Agreement</b>	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
<b>Education Act Matters</b>		
<b>Education Development Charge By-law</b>	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
<b>Education Development Charge Complaint</b>	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
<b>Aggregate Resources Act Matters</b>		
<b>Aggregate Removal Licence</b>	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
<input type="checkbox"/> Revocation of licence	20(4)	
<b>Municipal Act Matters</b>		
<b>Ward Boundary By-law</b>	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	

Subject of Appeal	Type of Appeal	Reference (Section)
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	

**Ontario Heritage Act Matters**

<b>Designation of Property</b>	<input type="checkbox"/> Appeal a Notice of intention to designate property	29(11)
	<input type="checkbox"/> Appeal of an amendment to a by-law designating property	30.1(10)
	<input type="checkbox"/> Appeal a Notice of Intention to repeal a designating by-law or part of a designating by-law	31(9)
	<input type="checkbox"/> Appeal a council's decision to approve or refuse the repealing of a designating by-law or part of a designating by-law	32(7)/32(8)
	<input type="checkbox"/> Appeal council's decision to alter a heritage designated property	33(9)
<b>Heritage Conservation District</b>	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

**Other Act Matters**

Subject of Appeal	Act/Legislation Name	Section Number

**2. Location Information**

Address and/or Legal Description of property subject to the appeal

2282 Westbrook Rd. (Glanbrook)

Municipality  
City of Hamilton

Upper Tier (Example: county, district, region)

**3. Appellant/Objector Information**

**Note:** You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.

Last Name  
Vuckovic

First Name  
John and Eva

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Email Address

Daytime Telephone Number

ext.

Alternate Telephone Number

**Mailing Address**

Unit Number

Street Number

Street Name

PO Box

City/Town

Province

Country

Postal Code

**4. Representative Information**

I hereby authorize the named company and/or individual(s) to represent me

Last Name Snider	First Name Scott
---------------------	---------------------

Company Name  
Turkstra Mazza Associates

Professional Title  
Lawyer

Email Address  
ssnider@tmalaw.ca

Daytime Telephone Number 905-529-3476	ext.	Alternate Telephone Number
--	------	----------------------------

**Mailing Address**

Unit Number	Street Number 15	Street Name Bold Street	PO Box
City/Town Hamilton	Province ON	Country Canada	Postal Code L8P1T3

**Note:** If you are representing the appellant and are not licensed under the *Law Society Act*, please confirm that you have written authorization, as required by the LPAT's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

**5. Appeal Reasons**

Municipal Reference Number(s)  
File ZAA-18-053

For all appeal types, please outline the nature of the appeal and the reasons for your appeal.

Please see attached letter.

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you intend on arguing one or more of the following:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement, issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

**And**

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If you intend on arguing on one or more of the above throughout a proceeding, please explain:

Please see attached letter.

**Oral/written submissions to council**

If applicable, did you make your opinions regarding this matter known to council?

- Oral submissions at a public meeting of council
- Written submissions to council

**6. Related Matters**

Are there other appeals not yet filed with the Municipality?

- Yes
- No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

- Yes
- No

If yes, please provide LPAT Case Number(s) and/or Municipal File Number(s)  
GL/B-18:58 Application for a Consent refused (Appeal filed September 10, 2019)

**7. Mediation**

Mediation is a confidential process in which the parties to an appeal talk about their differences and, with the facilitative assistance of an impartial individual, a mediator, negotiate a consensual resolution of the appeal. Unless the Tribunal determines that there is a good reason for not addressing the appeal with mediation, all parties shall presume that their differences will first be addressed through a mediation directed by the Tribunal. As such, parties shall act and prepare accordingly, meaning good faith negotiation and collaboration are a priority and are expected by the Tribunal.

- I have read and understand the above statement.

**8. Witness Information**

Detail the nature and/or expertise of witnesses you will have available.

Land use planner

**For all other appeal types :**

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.).

Land use planner


**9. Required Fee**

Total Fee Submitted \$ 300

Payment Method ▶  Certified cheque  Money Order  Lawyer's general or trust account cheque

**10. Declaration**

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Scott Snider		2019/09/26.

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.



July 19<sup>th</sup>, 2018

GL/B-18:58

John & Eva Vuckovic  
2282 Westbrook Road, Glanbrook

Appearances were:

John Ariens, Agent on behalf of the applicants; John Vuckovic, Applicant. Interested parties were: nil

Those members present for the hearing of this application were: M. Dudzic (Chairman), V. Abraham, M. Smith, D. Serwatuk, P. Mallard, N. Mleczko, D. Smith, L. Gaddy, W. Pearce.

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: nil

R. Ferrari  
(staff)

- staff are requesting that condition #2 be changed slightly to read as follows:
  - The applicant/proponent shall be required to enter into a consent agreement and post securities with the City to ensure that the appropriate structures are demolished to the satisfaction of the Manager, Development Planning Heritage and Design.

J. Ariens

- the original request was to remove two of the buildings and retain one of them
- the barn in the middle (building #2) is proposed to be demolished
- by entering into an agreement this will give them time to do it slowly to salvage materials and give them flexibility

P. Mallard  
(Committee Member)

- asked about the silo and the container

J. Ariens

- that wasn't included in the condition
- showed a site plan to the Committee
- they want to retain buildings 1 & 3

D. Smith  
(Committee Member)

- he is confused with the comments from the City
- they talked about the number of buildings but when he visited the site he counted six accessory structures

...../2

GL/B-18:58  
Page 2

- they are only allowed to have one accessory building
- he would like to see everything labelled and taken down
- any other application they have had one year and he doesn't see the reason for an extension over one year
- this is almost a 5 acre parcel which is excessive in his mind
- if buildings are taken down the lot line could move up to the back of the house
- he realizes that the front area is cut by a lawnmower now but it used to be a pasture for horses
- he thinks this could be a keyhole lot

J. Ariens

- there are many factors involved
- they are not removing agriculture which is important
- the paddock and pasture out front are now lawn
- the Quonset hut and building 3 are valuable which dictates the lot line
- the agricultural activity goes almost right up to the parcel
- this won't add or take away agricultural land
- the Consent Agreement will ensure that the buildings are torn down while giving them a little extra time to do it at their leisure
- they would like two years
- they will have to give a \$25,000 letter of credit
- this is a legal and binding agreement registered on title to make sure the barn gets torn down

D. Smith  
(Committee Member)

- he still has an issue with the buildings that stay
- all farm buildings are supposed to come down
- the covered building could be moved beside the house

J. Vuckovic

- there is a tile bed beside the house

D. Smith  
(Committee Member)

- the container is a structure and has to come out of there
- that's why he wants things labeled so there are no loopholes

J. Ariens

- they are permitted a percentage for accessory structures not just one structure

...../3

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Page 3

- R. Ferrari (staff) - the rules have been changed to 5%
- P. Mallard (Committee Member) - typically a lot is one acre not five acres
- D. Smith (Committee Member) - this is too large of a parcel with too many accessory buildings
- J. Ariens - they have a use and a value  
- showed the site plan to the Committee and explained the uses of the structures

In answer to questions from the Committee Mr. Vuckovic stated as follows:

- J. Vuckovic - he doesn't live at the site  
- the property is owned between family members  
- they are severing as a surplus dwelling and will sell them the lot and keep the farm parcel  
- they purchased the land in 2011
- J. Ariens - they have about 14 other farm parcels
- J. Vuckovic - his brother and sister-in-law lives there  
- they just want to sever and sell the house to them and keep the farm land
- J. Ariens - read the wording of the condition which states "structures" (plural) to the satisfaction of the City not just one structure  
- they have one year to enter into the agreement and the agreement will have a two year limit
- D. Smith (Committee Member) - the Committee can put on a condition about which structures have to come down  
- you can't store agricultural equipment on a residential lot
- J. Vuckovic - currently there are no agricultural uses out of those buildings
- W. Pearce (Committee Member) - one of the joint owners is going to end up having it

...../4

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Page 4

- J. Ariens
- the title is in a farm corporation
  - if they want to sell it back to an individual family member that's up to them

Moved by Mr. Abraham and seconded by Mr. Serwatuk that the application be approved.

All the other members voted in opposition to the motion to approve the application.

Motion defeated.

Moved by Mr. Smith that the application be denied.

- J. Vuckovic
- if it's the time line constraint they could do it within the year.

- L. Gaddy  
(Committee Member)
- he is not opposed to the severance he's opposed to what's happening here
  - this is a large lot that they can build another building on
  - the majority of the buildings are being removed so he thinks the back lot line should be moved up to put land back into agricultural production

- J. Ariens
- the Committee has made some good points
  - he would request that the application be tabled so they can proceed to Planning Committee and work with staff
  - once the rezoning process is close they will bring it back

Following discussion it was moved by Mr. Gaddy and seconded by Mr. Pearce that the application be **TABLED** as requested.

**CARRIED.**

Appendix "E" to Report PED20002  
Page 1 of 3

March 21<sup>st</sup>, 2019

GL/B-18:58

John & Eva Vuckovic  
2282 Westbrook Rd., Glanbrook

Appearances were:

Angela Buonamici, agent on behalf of the owner; John Vuckovic, owner. Interested parties were: Nil.

Those members present for the hearing of this application were: M. Dudzic (Chairman), M. Smith, D. Serwatuk, P. Mallard, N. Mleczko, D. Smith, L. Gaddy, V. Abraham

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: NIL

- R. Ferrari - Staff want to amend condition #3 (remove the word two and delete the "s" from the word structures)
- A. Buonamici - showed the plan of which barn would be staying and which would be demolished  
- no farm related purpose
- R. Ferrari - concurrently rezoning submitted and planning committee would comment on the two barns and no issues
- L. Gaddy - dealing with farm consolidation (all barns are to be removed, here 1 barn, 1 container and cylo to be removed only)  
- 5 acres taken out of agriculture just to accommodate the severance  
- on other occasions have formed a key lot; why need 5 acres of land in front of this house
- A. Buonamici - this is a manicured land not being used for farming  
- there is no justification for size under policies  
- house is setback from the property  
- keyhole lot would not be complying with the frontage and not desirable from a planning perspective  
- house does not have a garage so using as storage
- J. Vuckovic - similar acres were severed from Barlow property and not key lot

Appendix "E" to Report PED20002  
Page 2 of 3

.../2

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Page 2

- J. Vuckovic
- not farmed no room for axillary for septic tank
  - both barns have been decommissioned
  - invested money in the barn (not used for habitable purposes)
  - when property was purchased finished the barn for family gatherings
- P. Mallard
- checked off creation of a new lot on the application form but yet comments state farm consolidation
- A. Buonamici
- rezoning application restricts Single Detached Dwelling
  - adjusting the lot area on the other property
- D. Smith
- history was used for housing animals
  - all barns need to come down
  - concerned with the area (frontage) no reason why a large portion cannot be put back in agricultural use
  - not a heavily treed property
  - source water stipulates how big lot should be this is almost 2 -3 acres larger (oversized)
  - read from planning comments
  - knows it's manicured, but was seeded as hay a long time ago
  - feels could be put back to an agricultural use
  - property was partially fenced with horses out there at one time
  - if barns are left could use for hobby horses, sheep
- A. Buonamici
- distributed plans
  - fence will be coming down
- V. Abraham
- conditions list things that would be covered by staff
- D. Serwatuk
- would like to put this over to conduct a site inspection
- J. Vuckovic
- Bell Rd. application that was approved had no key lots, no agriculture; why good for one person and not the other person

It was moved by D. Serwatuk and seconded by L. Gaddy that the application be TABLED to April 4<sup>th</sup>, 2019 to allow the

Appendix "E" to Report PED20002

Page 3 of 3

Committee members to conduct a site inspection.

**CARRIED.**

Appendix "F" to Report PED20002  
Page 1 of 2

April 11th, 2019

GL/B-18:58

John & Eva Vuckovic  
2282 Westbrook Rd. Glanbrook

Appearances were:

J. Ariens, agent on behalf of the owner. Interested parties were:  
NIL

Those members present for the hearing of this application were:  
M. Dudzic (Chairman), V. Abraham, N. Mleczo, L. Gaddy, W. Pearce, D. Smith, M. Smith, D. Serwatu, P. Mallard.

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: Councillor B. Johnson, Councillor's Office 2<sup>nd</sup> Floor City Hall; IBI Group (J. Ariens submitted a letter with further clarifications)

J. Ariens

- have had correspondence with Councillor
- have comments from Source Water Protection and would like to meet with them and would like to request tabling the application

P. Mallard

- during his site visit, there was a comment made that application is to tidy up an estate matter
- spent time on this and appreciate J. Ariens, based on info regarding ownership this is not a farm consolidation
- one under John and two under Green Horizon
- want to resolve this but the OP requires consolidation first not part and parcel
- application states to create a lot
- staff have prepared their comments under farm consolidation
- this has been tabled since July there is no change in size or buildings, no need to table
- understand what they are trying to do but this does not meet the Official Plan Policies

V. Abraham

- In favour of application; different points of view and would suggest tabling

N. Mleczo

- procedurally once set aside for site inspection does it open it up again for further discussions



Appendix "F" to Report PED20002  
Page 2 of 2

P. Mallard - asked about the latest written submission between staff and zoning  
.../2

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Page 2

J. Ariens - zoning report would not go forward without severance approval  
- Official Plan states that farm operators who have multiple properties can sever  
- a farm operation does not have to be in the same has seen these many times; this is a legitimate farm operation  
- property may not be in the same title, but policies require a farm operation  
- consolidation has occurred, and this is a dwelling that is not needed (residence surplus to this property)  
- would like to table to deal with source water  
- and would satisfy the Committee

W. Pearce - applicant has known all this time that Committee has an issue with size and now asking to table

J. Ariens - back in July staff has issue with lot size; fine-tuned the application with staff and did reduce the size now have come back and find out issue with Source Water Protection and consolidation and accessory building; therefore, asking for a tabling

R. Ferrari - Applicant has described it (read from Official Plan regarding farming operation)

Moved by Mr. Serwatak and seconded by Ms. Mlecenko that the application is TABLED until further notice.

**CARRIED.**

Appendix "G" to Report PED20002  
Page 1 of 2

August 15th, 2019

GL/B-18:58

Jon & Eva Vuckovic  
2282 Westbrook Rd., Glanbrook

Appearances were:

A. Buonamici, agent on behalf of the owners; Jon & Jim Vuckovic; Interested parties were: NIL

Those members present for the hearing of this application were: M. Dudzic (Chairman), M. Smith, D. Serwatuk, M. Switzer D. Smith, N. Mleczyko, B. Charters, T. Lofchik, L. Gaddy.

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: NIL

- |                    |  |
|--------------------|--|
| A. Buonamici       | - read from a prepared statement and submitted it for the record   |
| D. Smith           | - confused by staff's comments<br>- there was initially concern from the Ward Councillor<br>- read from a prepared statement and submitted it for the record   |
| Alaina Baldassarra | - in terms of barns being removed would just to change the condition to 1 barn being removed<br>- explained staff's recommendation and how many barns would remain<br>- back in April applicant had tabled and Mr. Ariens did have discussions with Councillor Johnson   |
| D. Smith           | - property was farmed and horse pastured on the front piece<br>- easy to convert to horse stalls or live stock<br>- second storey in barn ideal for hay<br>- by removing the barn in question would eliminate any concerns<br>- building has advised that 1 permit was issued for the septic system back in 2014 |
| T. Lofchik         | - is this really impeding the agricultural use because farmed in the past and has been sodded for so many year; property has not been farmed for some time now   |
| J. Vuckovic        | - explained the history of when they purchased the property  |

Appendix "G" to Report PED20002  
Page 2 of 2

.../2

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Page 2

- M. Smith - did visit the property and 1 accessory structure is the most she can support
- Alaina Baldassarra - maximum amount of gfa identified up to 200 m2 no # just size
- N. Mleczko - did visit the property and if looking at any property in the rural setting the size of the building is irrelevant
- J. Vuckovic - asked if they just left the barn would the committee members be supportive
- L. Gaddy - explained about staff comments on previous applications about key lots; and also, on the removal of all barns
- M. Smith - accessory building is way over size

It was moved by D. Smith and seconded by M. Smith that the consent requested be **DENIED** for the following reasons:

1. The proposal does not comply with the Severance Policies of the Rural Hamilton Official Plan.
2. The proposal does not appear to be in the interest of proper planning and development for the area.
3. The proposal does not comply with Section 51(24) of The Planning Act.
4. The proposal does not comply with the requirements of the Zoning By-law.

**CARRIED.**



Hamilton

**Agriculture and Rural Affairs Advisory Committee**

**MINUTES 19-003**

**Monday, June 3, 2019**

**7:00 p.m.**

**Council Chambers, Glanbrook Municipal Service Centre  
4280 Binbrook Road, Binbrook**

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**Present:** Councillors B. Clark, L. Ferguson, B. Johnson, and A. VanderBeek  
  
A. Spoelstra (Chair), D. Smith (Vice-Chair), J. Groen, C. McMaster,  
J. Mantel, N. Mills, A. Payne, R. Pearce, R. Shuker, G. Smuk, and  
M. Switzer

**Absent**

**With Regrets:** P. Krakar and C. Roberts

**Also Present:** H. Swierenga

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**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

The Committee Clerk advised that there were no changes to the agenda.

**(Switzer/McMaster)**

That the agenda for the June 3, 2019 meeting of the Agriculture and Rural Affairs Advisory Committee be approved, as presented.

**CARRIED**

**(b) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)**

**(i) March 18, 2019 (Item 4.1)**

**(Smith/McMaster)**

That the Minutes of the March 18, 2019 meeting of the Agriculture and Rural Affairs Advisory Committee be approved, as presented.

**CARRIED**

**(ii) May 13, 2019 (Item 4.2)****(Switzer/Payne)**

That the Minutes of the May 13, 2019 meeting of the Agriculture and Rural Affairs Advisory Committee be approved, as presented.

**CARRIED****(c) DELEGATION REQUESTS (Item 6)****(i) Ian Graham, National Farmers Union Ontario Local 351, respecting Formation of a Working Group to Study the Effects of Climate Change on Farm Production and the Role Farms Can Play to Help the City Meet its Greenhouse Gas Emission Reduction Goals (for a future meeting) (Item 6.1)****(Smith/Switzer)**

That the delegation request, submitted by Ian Graham, National Farmers Union Ontario Local 351, respecting Formation of a Working Group to Study the Effects of Climate Change on Farm Production and the Role Farms Can Play to Help the City Meet its Greenhouse Gas Emission Reduction Goals, be approved for a future meeting.

**CARRIED**

As the delegate was present, the Committee permitted Mr. Graham to delegate at this meeting respecting the Formation of a Working Group to Study the Effects of Climate Change on Farm Production and the Role Farms Can Play to Help the City Meet its Greenhouse Gas Emission Reduction Goals, which resulted in the following:

**(McMaster/Mills)**

That staff be directed to inquire as to whether the effects of climate change on agriculture and the role of agriculture in supporting the City of Hamilton in reducing Greenhouse Gas (GHG) emissions will be considered in the findings of the Corporate Climate Change Task Force in their upcoming report back to the Board of Health (see Item 3 of Board of Health Report 19-003, a Motion respecting Accelerating and Prioritizing Climate Action in Response to the Climate Emergency for reference) in order to determine whether a Working Group of the Agriculture and Rural Affairs Advisory Committee is required to address this issue.

**CARRIED****(d) DISCUSSION ITEMS (Item 10)****(i) Review of the Revised Draft Site Alteration By-law Proposal (Item 10.1)**

Due to its time sensitivity, the following was considered at the June 4, 2019

Planning Committee meeting:

**(Smith/Shuker)**

That Staff be requested to develop a rural fill by-law to stop illegal fill movement while minimizing the impact on normal farm practices.

**CARRIED**

**(ii) Review of Terms of Reference (Item 10.2)**

**(Clark/Mantel)**

That Item 10.2, respecting a Review of the Terms of Reference, be deferred to a future meeting of the Agriculture & Rural Affairs Advisory Committee.

**CARRIED**

**(e) ADJOURNMENT (Item 15)**

**(Groen/McMaster)**

That the meeting of the Agriculture & Rural Affairs Advisory Committee be adjourned at 8:56 p.m.

**CARRIED**

Respectfully submitted,

Andrew Spoelstra, Chair  
Agriculture and Rural Affairs  
Advisory Committee

Alicia Davenport  
Legislative Coordinator  
Office of the City Clerk



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2020
<b>SUBJECT/REPORT NO:</b>	Roof Top Amenity Area for 600 North Service Road, Stoney Creek (PED20037) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Anita Fabac (905) 546-2424 Ext. 1258
<b>SUBMITTED BY:</b>	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## Council Direction

At the December 3, 2019, Planning Committee, staff were “directed to report back to the January 14, 2020 Planning Committee respecting options that may permit CoMo Condos (600 North Service Road) roof top amenity area as proposed without additional noise mitigation and instead requiring the use of Warning Clauses registered on title and signage at the entry point, including a Class 4 designation and input from legal staff”.

This report provides clarification on the applicable Provincial Policy Statement and Urban Hamilton Official Plan polices and application of the Class 4 designation.

## Background

Site Plan Control application DA-19-053 was received by the City on February 26, 2019 and deemed complete on March 7, 2019. Conditional Approval was granted for the development of a 140-unit, six storey multiple dwelling with a total of 183 parking spaces on May 17, 2019. A special condition was added to the Conditional Approval letter dated May 17, 2019 which required the completion of a Detailed Noise Study with recommendations implemented prior to the issuance of a building permit. An Environmental Noise Report, dated September 9, 2019 and prepared by Valcoustics Canada Ltd. was submitted on September 10, 2019 which identified noise levels ranging from 65dBA to 70dBA for all outdoor living areas on site after all proposed mitigation measures had been provided on site.

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**SUBJECT: Options Respecting the Roof Top Amenity Area for 600 North Service Road, Stoney Creek (PED20037) (City Wide) - Page 2 of 5**

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The noise study notes that at the common outdoor amenity areas, the unmitigated daytime sound levels are predicted to be 70 dBA at the rooftop terrace. The study concluded the following:

- Excesses over the noise guideline limits are predicted to occur at the common amenity patio at the northeast corner of the building and the rooftop terrace.
- At the rooftop terrace, a 4.4 m high sound barrier would be required around the south, east and west sides of the terrace to mitigate the sound levels to the MECP guidelines.
- This sound barrier is not considered feasible as it would significantly alter the building aesthetics and interfere with the lake view. It is, however, noted that the intention is to include 1.5 m to 1.8 m high sound barriers around the south and west sides of the terrace such that the road traffic noise at this location is mitigated to the extent that is feasible. It is unclear how much mitigation these sound barriers will provide.

The noise study concluded that as it is not feasible to mitigate the outdoor sound levels to the guideline limits, and a sound barrier would interfere with the lake view, warning clauses should be included in purchase and sale agreements indicating that the outdoor spaces in the buildings will have elevated noise levels and have not been designed to meet the MECP noise guidelines.

On December 10, 2019, the City received a revised site plan which removed the rooftop amenity area from the site plan and on December 17, 2019, the City received an addendum to the Environmental Noise Assessment which removed the rooftop amenity area from the building design.

**Provincial Policy Statement and Urban Hamilton Official Plan**

With respect to noise, Policy 1.2.6.1 of the Provincial Policy Statement states:

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

With respect to noise, the following policies of the Urban Hamilton Official Plan are applicable to the proposed development:

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to

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**SUBJECT: Options Respecting the Roof Top Amenity Area for 600 North Service Road, Stoney Creek (PED20037) (City Wide) - Page 3 of 5**

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be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

- B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification; and,
- B.3.6.3.8 Proponents of development proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:
- a) Proponents shall provide evidence that predicted noise levels in outdoor living areas meet the daytime objective of 55 dBA.
- b) If predicted noise levels in outdoor living areas exceed 55 dBA but are less than or equal to 60 dBA, noise mitigation measures may be required.
- c) If predicted noise levels in outdoor living areas exceed 60 dBA, noise mitigation measures shall be required.
- d) Every effort should be made to reduce noise levels in the outdoor living area to as close to 55 dBA as technically, economically, and administratively feasible. If noise levels will not be reduced to 55 dBA, the proponent shall demonstrate with options and cost estimates why it is not feasible or practical to achieve 55 dBA, or shall provide justification as to why it may not be aesthetically appropriate or desired to mitigate noise levels to 55 dBA. If noise levels will not be mitigated to 55 dBA, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within required development agreements.
- e) Provide evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours, appropriate mitigation measures shall be incorporated into the development, according to provincial guidelines, and appropriate warning clauses shall be included in

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**SUBJECT: Options Respecting the Roof Top Amenity Area for 600 North Service Road, Stoney Creek (PED20037) (City Wide) - Page 4 of 5**

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lease or rental agreements, agreements of purchase and sale, and within development agreements.

- B. 3.6.3.9 New residential and other noise sensitive land uses that include outdoor living areas shall not be permitted in locations where attenuated outdoor noise levels from road and railway traffic are forecast to exceed 60 dBA.”

As the subject lands are within 400 metres of a provincial highway, a noise feasibility study was required as part of the Site Plan Control application to address both City and provincial noise guidelines. As the predicted noise levels of the rooftop outdoor living area outlined in the noise study will exceed 60dBA, in accordance with provincial and municipal requirements, noise mitigation measures shall be required.

**Environmental Noise Guideline (Publication NPC-300)**

The Ministry of the Environmental and Climate Change has a noise criteria guideline entitled “Environmental Noise Guideline: Stationary and Transportation Noise Sources – Approval and Planning (NPC-300) to provide advice, sound level limits and guidance that may be used when land use planning decisions are made under the *Planning Act* to minimize potential conflict.

The Guideline includes definitions of four class areas:

- Class 1 area means an area with an acoustical environment typical of a major population centre where the background sound level is dominated by the activities of people, usually road traffic, often referred to as “urban hum”.
- Class 2 means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas:
  - Sound levels characteristic of Class 1 during daytime and low evening and night background sound level defined by natural environment and infrequent human activity as early as 19:00 hours.
- Class 3 area means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic.
- Class 4 means an area or specific site that would otherwise be defined as Class 1 or 2 and which:
  - Is an area intended for development with new noise sensitive land uses(s) that are not yet built;
  - Is in proximity to existing, lawfully established stationary source(s); and,

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**SUBJECT: Options Respecting the Roof Top Amenity Area for 600 North Service Road, Stoney Creek (PED20037) (City Wide) - Page 5 of 5**

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- Has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process.

Additionally, areas with existing noise sensitive land use(s) cannot be classified as Class 4 areas.

The Guideline further states that sources not considered as stationary sources in the context of Part B and Part C of this guideline include:

- Transportation corridors, ie railways and roadways (including off-site haul routes).

The use of Class 4 Area is meant to be a tool to allow municipalities to approve a noise sensitive land use with relaxed noise limit levels in an area of existing stationary noise sources.

In accordance with direction established in the Downtown Hamilton Secondary Plan, the Director of Planning and Chief Planner, City of Hamilton may authorize, where in conformity with the Class 4 Area criteria, and upon the submission of a noise study with recommendations, that an area be designated as Class 4.

Based on the definitions in the guideline, the lands would not be in conformity with the Class 4 criteria, as the noise source is road traffic and not an existing, lawfully established stationary noise source and development with new noise sensitive land uses is intended as the zoning permits residential uses.

AF:mo

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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2020
<b>SUBJECT/REPORT NO:</b>	Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 185 Bedrock Drive, Stoney Creek (PED20001) (Ward 9)
<b>WARD(S) AFFECTED:</b>	Ward 9
<b>PREPARED BY:</b>	Elyse Meneray (905) 546-2424 Ext. 6360
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Draft Plan of Condominium Application 25CDM-201905, by Armstrong Planning & Project Management on behalf of Empire (Red Hill) Ltd., owner** to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units on lands located at 185 Bedrock Drive (Stoney Creek), as shown on Appendix "A", attached to Report PED20001, be **APPROVED** subject to the following conditions:

- (a) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201905 applies to the plan prepared by A.T. McLaren Limited, certified by S.D. McLaren, and dated April 10, 2019, consisting of a private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units, attached as Appendix "B" to Report PED20001;
- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201905, attached as Appendix "C" to Report PED20001, be received and endorsed by City Council.

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 185 Bedrock Drive (PED20001) (Ward 9) - Page 2 of 11**

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## **EXECUTIVE SUMMARY**

The subject property is municipally known as 185 Bedrock Drive. The Owner has applied for approval of a Draft Plan of Condominium (Common Element) to create:

- A private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units.

The proposed development is conditionally approved under Site Plan Control application DA-18-220. The private road will access onto Bedrock Drive. The proposed Draft Plan of Condominium conforms to the Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 15-259.

The proposed Draft Plan of Condominium has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2014) (PPS);
- It conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan); and,
- It complies with the Urban Hamilton Official Plan (UHOP) and Nash Neighbourhood Secondary Plan.

## **Alternatives for Consideration – See Page 11**

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

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Draft Plan of Condominium (Common Element).

## **HISTORICAL BACKGROUND**

### **Proposal:**

The purpose of the application is to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units to be developed on the subject lands in accordance with conditionally approved Site Plan Control application DA-18-220, attached as Appendix “D” to Report PED20001. The private road will provide access to Bedrock Drive.

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By-law No. 15-259

In 2015, Council passed By-law No. 15-259 rezoning the subject lands from Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-54" Zone, Modified. The effect of this by-law was to allow for the development of up to 84 townhouse units comprised of 16 rear lane townhouse units and 68 block townhouse units.

Site Plan Control Application DA-18-220

On February 8, 2019, Site Plan Control application DA-18-220 was conditionally approved. This Site Plan Control application implemented the proposal reviewed under Zoning By-law Amendment application ZAC-13-005(R) and Draft Plan of Subdivision application 25T-201301(R) for the development of Block 24 of up to 84 townhouse units comprised of 16 rear lane townhouse units and 68 block townhouse units.

**Report Fact Sheet**

<b>Application Details</b>	Applicant/Owner:	Empire (Red Hill) Ltd.
	File Number:	25CDM-201905
	Type of Application:	Draft Plan of Condominium (Common Element)
	Proposal:	To create a private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units.
<b>Property Details</b>	Municipal Address:	185 Bedrock Drive (Stoney Creek)
	Lot Area:	1.71 ha
	Servicing:	Full Municipal Services
	Existing Use	Vacant Land
<b>Documents</b>	Provincial Policy Statement (PPS)	Proposal is consistent with the PPS
	A Place to Grow:	Proposal conforms to A Place to Grow

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	Official Plan Existing:	<ul style="list-style-type: none"> <li>• Neighbourhoods on Schedule “E” – Urban Structure and on Schedule “E-1” – Urban Land Use Designations in the UHOP</li> <li>• “Medium Density Residential 2” in the Nash Neighbourhood Secondary Plan of Volume 2, which permits: <ul style="list-style-type: none"> <li>○ street and block townhouses;</li> <li>○ a maximum density of 30 to 49 units per hectare; and,</li> <li>○ a maximum building height of 3 storeys</li> </ul> </li> </ul>
	Official Plan Proposed:	No proposed amendment
	Zoning Existing:	Multiple Residential “RM2-54” Zone, Modified
	Zoning Proposed:	No proposed amendment
	Modifications Proposed:	N/A
<b>Processing Details</b>	Received:	August 21, 2019
	Deemed Complete:	September 16, 2019
	Notice of Complete Application:	Sent to 3 property owners within 120 m of the subject property on September 23, 2019
	Public Notice Sign:	September 26, 2019 and updated on December 4, 2019
	Notice of Public Meeting:	December 13, 2019
	Public Consultation:	N/A
	Public Comments:	To date, staff have not received any public submissions through this circulation.
	Processing Time:	146 days

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 185 Bedrock Drive (PED20001) (Ward 9) - Page 5 of 11**

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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 Lands:</u></b>	Vacant	Multiple Residential “RM2-54” Zone, Modified
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Vacant, to be developed for single detached dwellings	Single Residential “R4-32” Zone, Modified
<b>South</b>	Woodlot	Conservation / Hazard Lands (P5) Zone
<b>East</b>	Vacant, to be developed into a Neighbourhood Park	Neighbourhood Park (P1) Zone
<b>West</b>	Woodlot, vacant land to be developed for single detached dwellings	Conservation / Hazard Lands (P5) Zone and Single Residential “R4-32” Zone, Modified

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (PPS 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 and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019).

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

**Archaeology**

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

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A Stage 1-2 assessment report (P058-260-2007 & P058-310-2008) and Stage 3 site specific archaeological assessments were completed as part of the Draft Plan of Subdivision application (25T-201305R) and accepted by the Ministry of Heritage, Sport, Tourism and Culture Industries. Staff are requesting a copy of the approval letter from the Ministry when available. This is being implemented through the Site Plan Control application DA-18-220.

As the application for a Draft Plan of Condominium complies with the UHOP, it is staff's opinion that the application is:

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

**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure, designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the UHOP, and, "Medium Density Residential 2" in the Nash Neighbourhood Secondary Plan of Volume 2. The following Secondary Plan policies, amongst others, are applicable to the subject application:

"B.7.5.4.2 In addition to Section E.3.5 – Medium Density Residential of Volume 1, the following policies shall apply to lands designated Medium Density Residential 2 and Medium Density Residential 3 as shown on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:

- a) Medium Density Residential 2 Designation:
  - i) Multiple dwellings such as street and block townhouses, duplexes, triplexes and quadraplexes shall be permitted.
  - ii) Notwithstanding Policy E.3.5.4 of Volume 1, the density of development shall be in the range of 30 to 49 units per net residential hectare.
  - iii) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum height of dwelling units shall be three storeys.
  - vi) Individual driveways shall not be permitted to directly access the public street. Individual vehicular access shall be provided by either a private lane parallel to the public road in front of the buildings separated from the public street by an

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 185 Bedrock Drive (PED20001) (Ward 9) - Page 7 of 11**

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enhanced continuous landscape strip, or by a private lane behind the buildings.”

The subject proposal complies with the above UHOP policies as block and street townhouse units are a permitted use within the Medium Density Residential 2 designation. The proposal complies with the maximum net residential density of 49 dwelling units per hectare, maintains a maximum building height of three storeys and provides access to a public road (Bedrock Drive) through a private road.

**Stoney Creek Zoning By-law No. 3692-92**

The subject lands are zoned Multiple Residential “RM2-54” Zone, Modified in the Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 15-259. The “RM2-54” Zone, Modified permits the proposed form of development, being 83 townhouse units (16 rear lane townhouses and 67 standard townhouses). The proposal conforms to the Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 15-259. Condition No. 1 of Appendix “C” to Report PED20001 has been included to ensure the proposal is developed in accordance with the Zoning By-law.

**Site Plan Control Application DA-18-220**

Site Plan Control application DA-18-220 received conditional approval on February 8, 2019. The proposed Draft Plan of Condominium will be required to comply with the final approved Site Plan (see Condition No. 2 of Appendix “C” to Report PED20001).

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning  Hydro One	No Comment	N/A
Hamilton Public Health	A Dust Management Plan is required to identify all potential sources of dust generation.	This will be addressed through the Site Plan Control application DA-18-220.
Health Hazard & Vector Borne Disease	A Pest Control Plan focusing on rats and mice during the construction phase of the	This will be addressed through the Site Plan Control application DA-18-220.

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Program, Healthy Environments Division	development proposal is required.	
Healthy Environments Division, Healthy and Safe Communities Department.	Recommended that the development include opportunities for urban agriculture, provide pedestrian infrastructure and shorter blocks to minimize walking distance and provide well-lit, short term bicycle parking.	This will be addressed through the Site Plan Control application DA-18-220.
Forestry and Horticulture	A Landscape Plan depicting the street tree planting scheme for the proposed development is required.	This will be addressed through the Site Plan Control application DA-18-220.
Recycling and Waste Disposal Section, Public Works Department	The site is eligible for municipal waste collection.	Prior to Occupancy, the future residents will be required to enter into an Agreement for On-Site Collection of Municipal Solid Waste in order to begin waste collection on private property.
Engineering Approvals	Recommended the inclusion of conditions for the on-going maintenance and / or replacement costs for any structures within the condominium lands and a drainage easement within the backyards of property owners adjacent to public lands to ensure that drainage patterns established in the approved grading plan are maintained.	These requirements are addressed through Condition No. 9 of Appendix "C" to Report PED20001
Growth Management	A warning clause should be included in the Purchase and Sales agreement notifying some residents that their unit has a	These requirements are addressed through Condition Nos. 12 and 13 in Appendix "C" to Report PED20001.

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 185 Bedrock Drive (PED20001) (Ward 9) - Page 9 of 11**

	<p>visibility triangle and that there are planting restrictions associated with this triangle.</p> <p>The owner shall submit a plan indicating the mail address unit number of each residential unit.</p> <p>The standard note should be added to the Draft Plan of Condominium Conditions as Note 1.</p>	<p>The note has been included in Appendix "C" to Report PED20001.</p>
Development Planning	<p>Warning clauses will be included in all purchase and sale agreements and rental or lease agreements to advise prospective purchasers that the City of Hamilton will not provide maintenance or snow removal and that the provided garages are for parking (including that on-street, overflow parking may not be available and cannot be guaranteed in perpetuity).</p>	<p>These requirements are addressed through Condition No. 3 (i) and (iii) in Appendix "C" to Report PED20001.</p>
Canada Post Corporation	<p>The site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per standard requirements.</p>	<p>Associated warning clauses regarding this requirement have been included as Condition Nos. 3(ii) and 4 to 8 in Appendix "C" to Report PED20001.</p>
Bell Canada	<p>Necessary easements and / or agreements for the provision of communication / telecommunication infrastructure for this project is required.</p>	<p>This has been included as Condition No. 11 in Appendix "C" to Report PED20001.</p>
Union Gas Ltd.	<p>Requires that the applicant provide necessary easements and/or agreements for the provision of gas services for this project.</p>	<p>This has been included as Condition No. 10 in Appendix "C" to Report PED20001.</p>

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Niagara Escarpment Commission	The lands are designated as Urban Area by the Niagara Escarpment Plan but are outside of the NEC's area of development control and given the distance of the proposed development from the Escarpment Brow, there are no visual impact concerns.	A NEC Development Permit is not required.
<b>Public Consultation</b>		
	Comment	Staff Response
	To date, staff have not received any public submissions through this circulation.	

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to A Place to Grow Plan for the Greater Golden Horseshoe;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposal establishes condominium tenure for a form of development permitted under the Stoney Creek Zoning By-law No. 3692-92 as amended by By-law No 15-259. It will implement the conditionally approved Site Plan Control Application DA-18-220, which provides for a form of development that is compatible with surrounding land uses.
2. The proposed Draft Plan of Condominium (Common Element) is comprised of the following common elements: private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units, as shown on the attached plan, marked as Appendix "B" to Report PED20001. The private condominium road will provide two accesses to Bedrock Drive. All units will be accessed from the private condominium road.
3. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition No. 14 in Appendix "C" to Report PED20001).

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## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Plan of Condominium (Common Element) not be approved, the applicant / owner could develop the lands as a standard block condominium development or as a rental development. A change in tenure from the proposed common element condominium to a standard form condominium would require a new Draft Plan of Condominium application.

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

### **Community Engagement and Participation**

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

### **Healthy and Safe Communities**

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

### **Built Environment and Infrastructure**

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

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Draft Plan of Condominium

Appendix “C” – Draft Plan Conditions of Approval

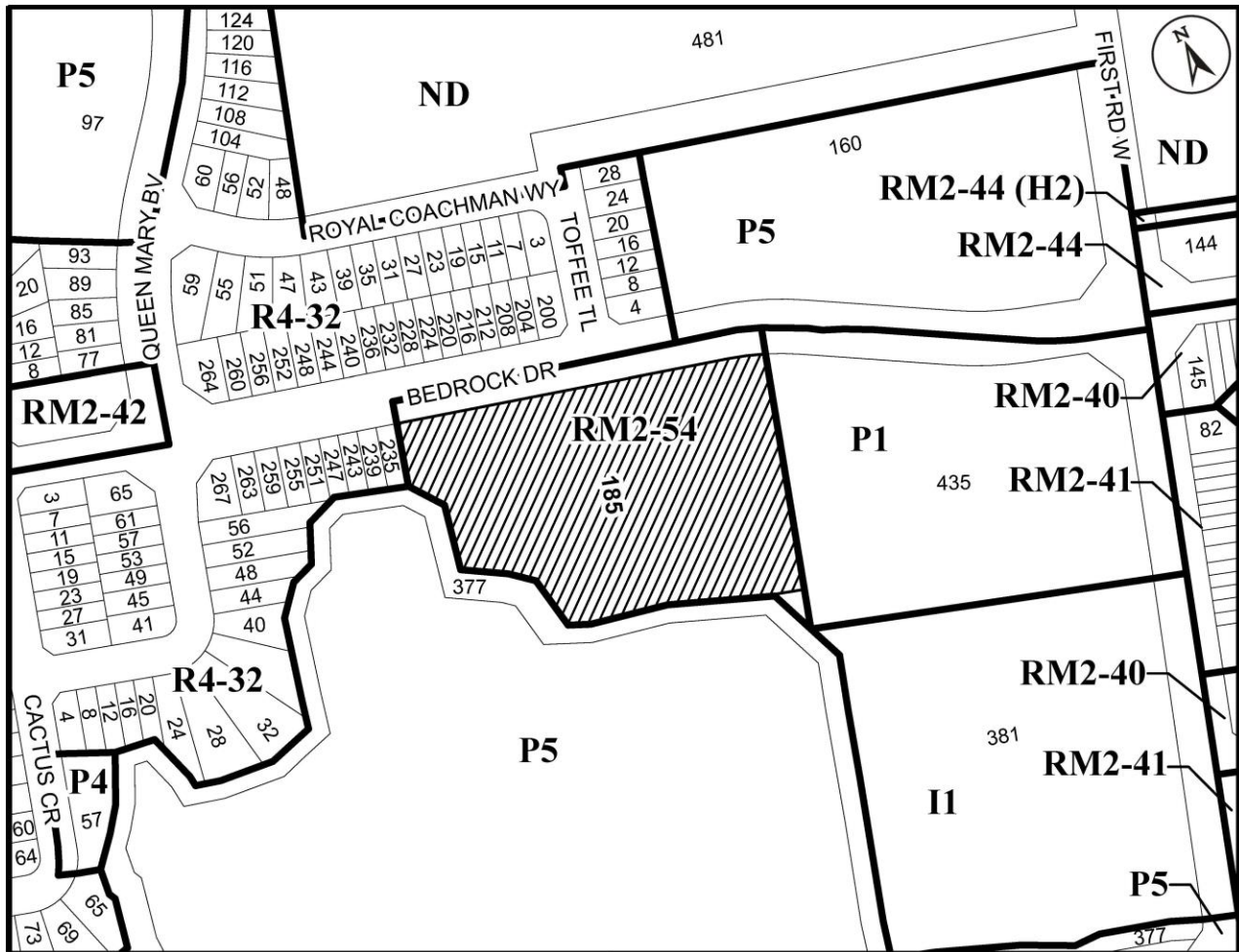
Appendix “D” – Site Plan

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● Site Location



Key Map - Ward 9

# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-201905

Date:  
September 9, 2019

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
EM/AL

### Subject Property

185 Bedrock Drive

# Appendix "B" to Report PED20001

## Page 1 of 1

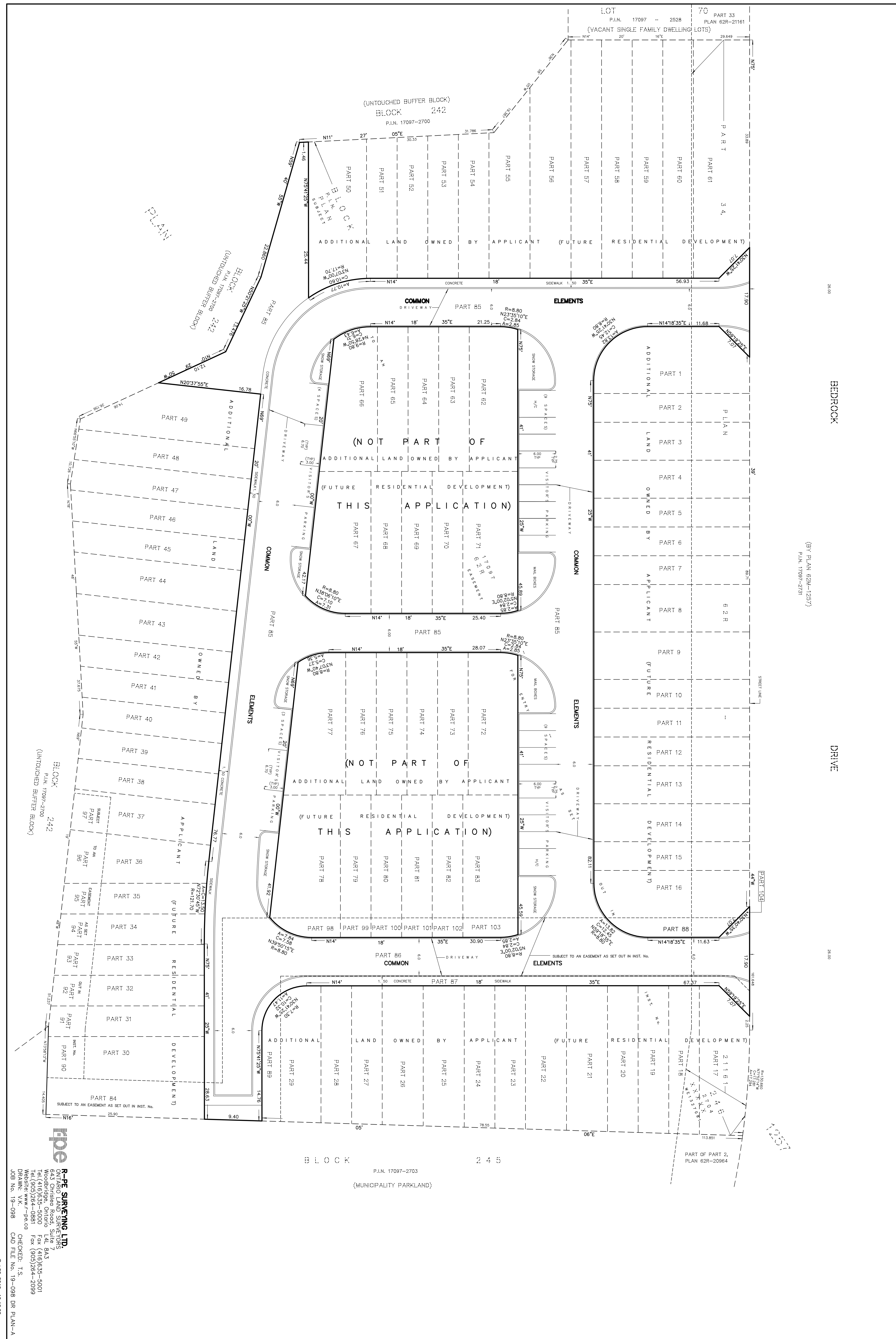
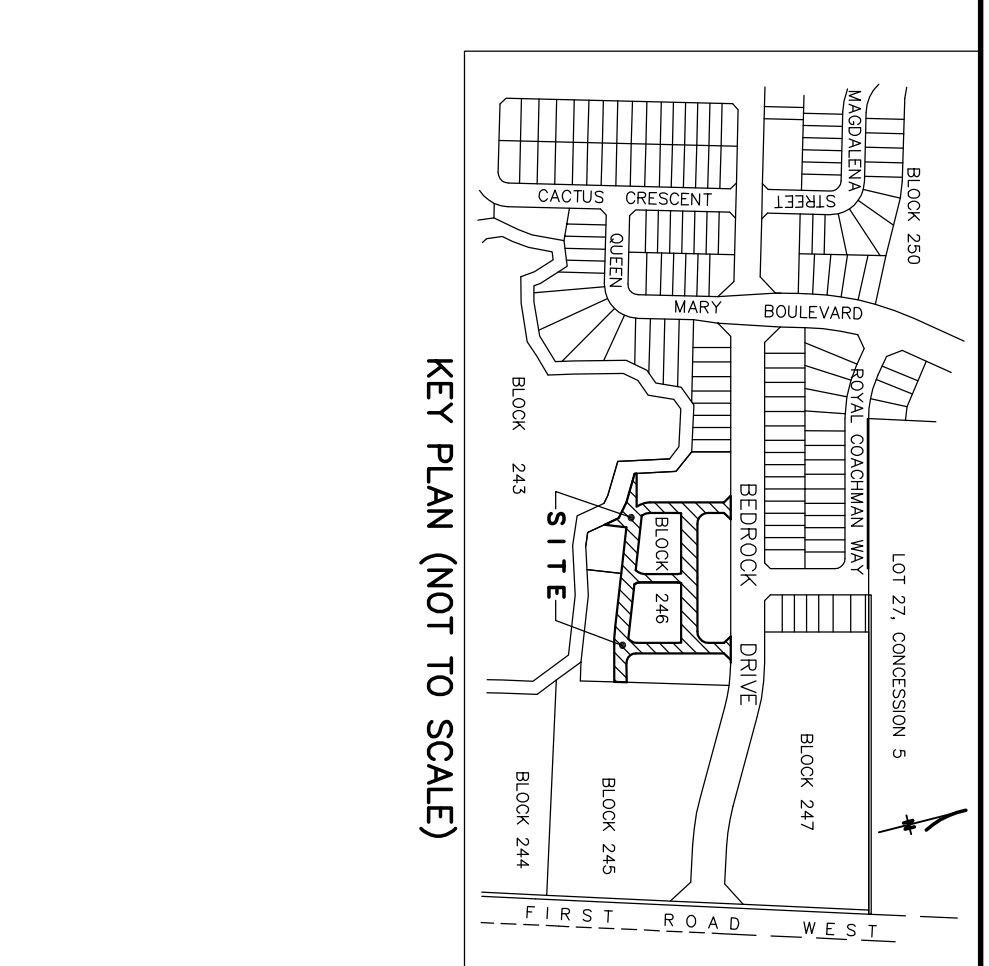
**DRAFT PLAN OF COMMON ELEMENTS CONDOMINIUM OF PART OF BLOCK 246 PLAN 62M-1257 CITY OF HAMILTON**

**SURVEYOR'S CERTIFICATE**  
I, the undersigned, being duly sworn, depose and say that the above described plan was prepared by me or under my direct supervision and that I am a duly qualified and licensed Surveyor in the Province of Ontario.

**OWNER'S CERTIFICATE**  
I hereby authorize R-P-E Surveying Ltd., O.L.S. to prepare and submit this Draft Plan of Common Elements Condominium to the City of Hamilton for approval.

**ADDITIONAL INFORMATION AS REQUIRED BY SECTION 51(17) OF THE PLANNING ACT**  
SEE PLAN FOR DETAILS.  
(1) SEE PLAN  
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**NOTES**  
1. DONOR'S PROPERTY IDENTIFIER NUMBER  
2. ALL AREAS WITHIN THE CONDOMINIUM SHALL BE MAINTAINED AND OPERATED AS A RESIDENTIAL DEVELOPMENT.  
3. THE AREA (COMMON ELEMENTS AREA) IS 4415.8 SQM.  
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**R-P-E SURVEYING LTD.**  
543 Dundas Street East  
Hamilton, Ontario L8N 4C1  
Tel: (905) 244-0881 Fax: (905) 244-2099  
CAD FILE No. 19-098 DR PLAN-A  
JOB No. 19-098  
CHECKED: T.S.  
DATE: 2018-10-18



### **Recommended Conditions of Draft Plan of Condominium Approval**

That this approval for the **Draft Plan of Condominium Application 25CDM-201905, by Armstrong Planning & Project Management on behalf of Empire (Red Hill) Ltd., Owner**, to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units, on lands located at 185 Bedrock Drive (Stoney Creek), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 15-259, or in the event the City of Hamilton has repealed and replaced the Stoney Creek Zoning By-law No. 3692-92 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium, to the satisfaction of the Director of Planning and Chief Planner.
2. That Site Plan Application DA-18-220 receive final approval and that the final Plan of Condominium complies with the final approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements, to the satisfaction of the Senior Director of Growth Management:
  - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
  - (ii) The home mail delivery will be from a Community Mail Box.
  - (iii) Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
4. That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
5. That the owner work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.

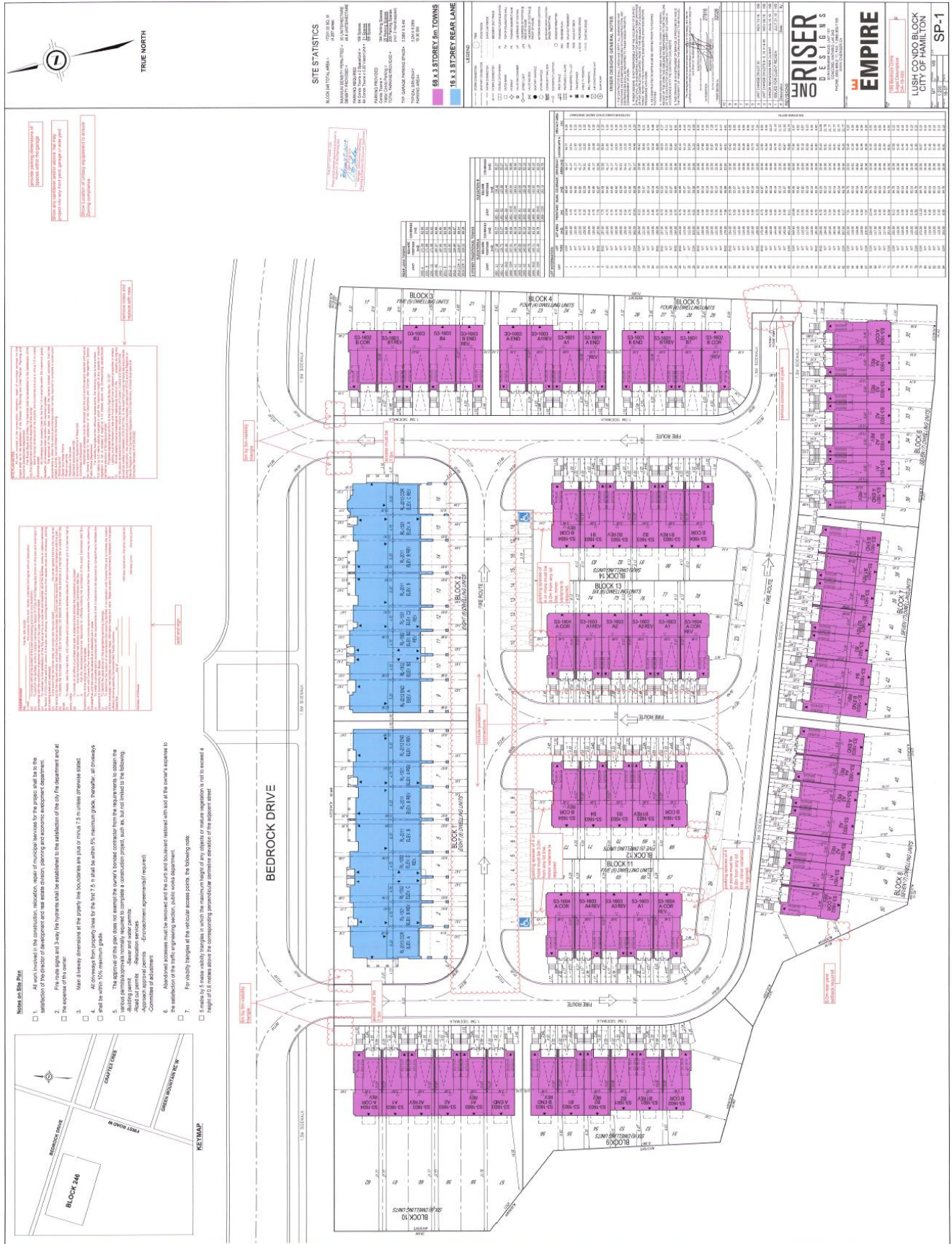
6. That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
7. That the owner identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
8. That the owner determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
9. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, to the satisfaction of the Manager of Engineering Approvals:
  - All future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to retaining walls, private watermains/sewers, services, catch basins, parking areas, fencing along the property lines adjacent to private lands owned by others, City lands, etc. is the sole responsibility of the condominium corporation and as such shall be noted in the condominium declaration.
  - Condominium corporation is granted a drainage easement within the backyards of the properties adjacent to public lands and private lands owned by others to ensure that the drainage patterns established in the approved grading plan are maintained.
10. That the Owner / Developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.
11. That the Owner / Developer shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement for communication / telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements, in a form satisfactory to Bell Canada.
12. That the Owner / Developer shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, to the satisfaction of the Senior Director of Growth Management:

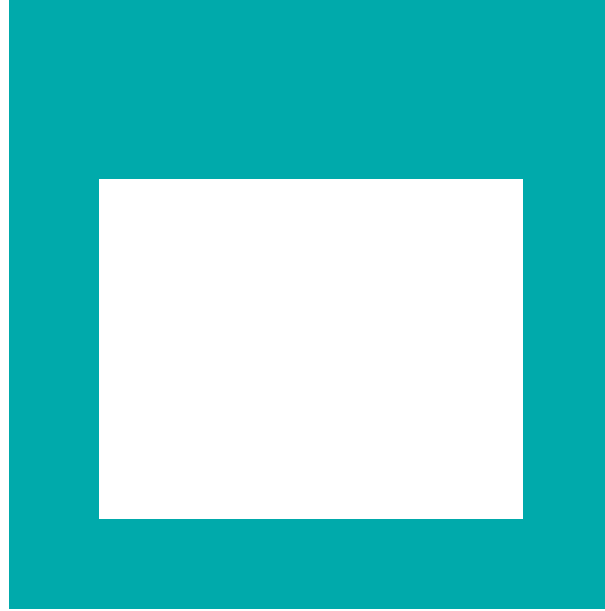
Purchasers of Parts 1, 16, 17, 61 and 88 are advised that their unit has a visibility triangle and that there are restrictions to what can be planted or constructed within the visibility triangles.

13. That the Owner / Developer submit a plan to the Growth Planning Section, indicating the mailing address unit number of each residential unit, to the satisfaction of the Senior Director of Growth Management.
14. That the Owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

#### NOTES TO DRAFT PLAN APPROVAL

Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.





WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

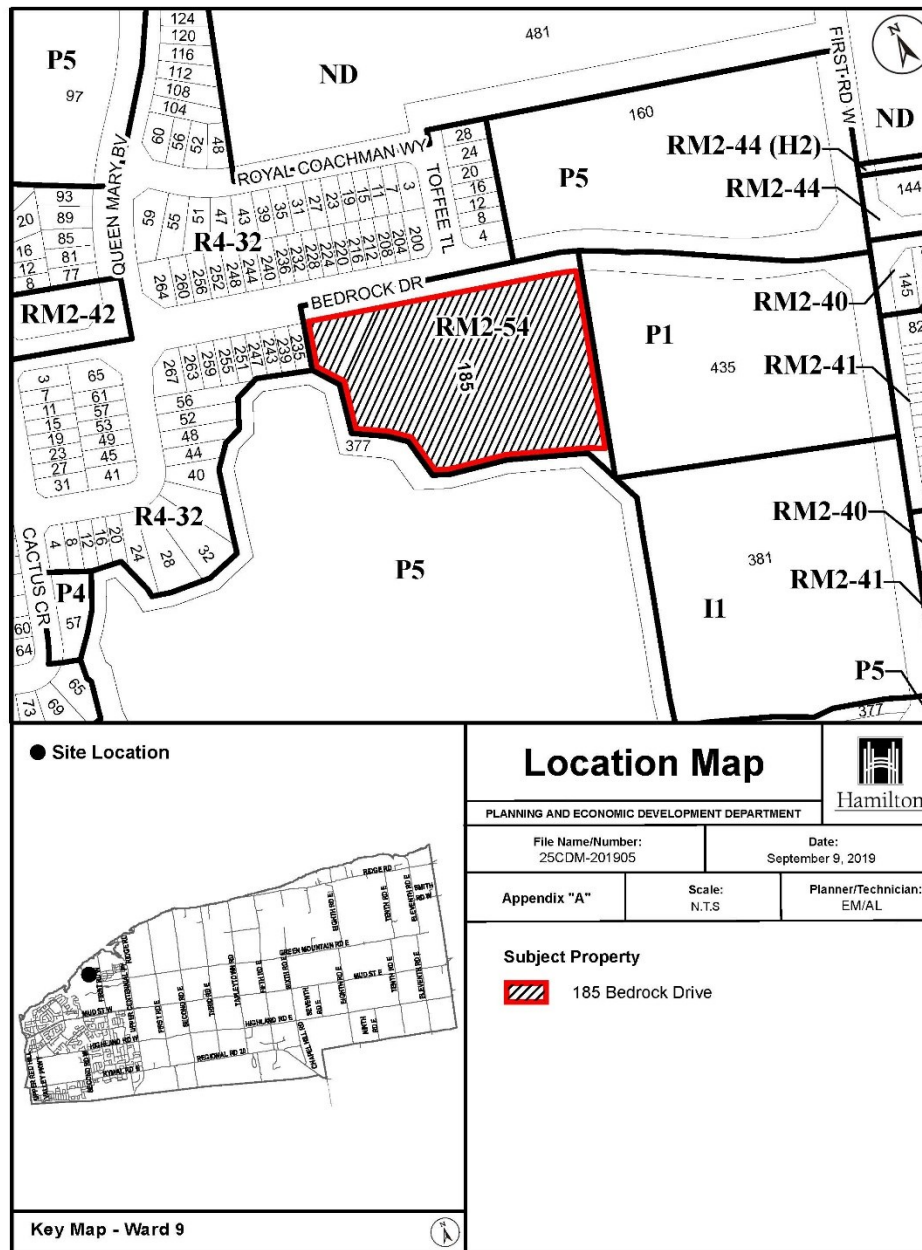
January 14, 2020

# PED20001 – (25CDM-201905)

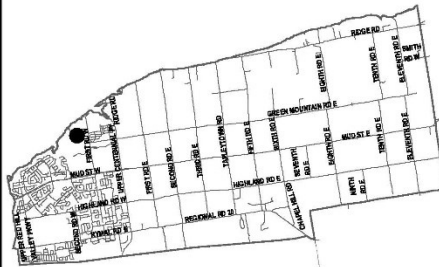
Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 185 Bedrock Drive, Stoney Creek

Presented by: Elyse Meneray





● Site Location



Key Map - Ward 9

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-201905


Date:  
September 9, 2019

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
EM/AL

#### Subject Property

 185 Bedrock Drive





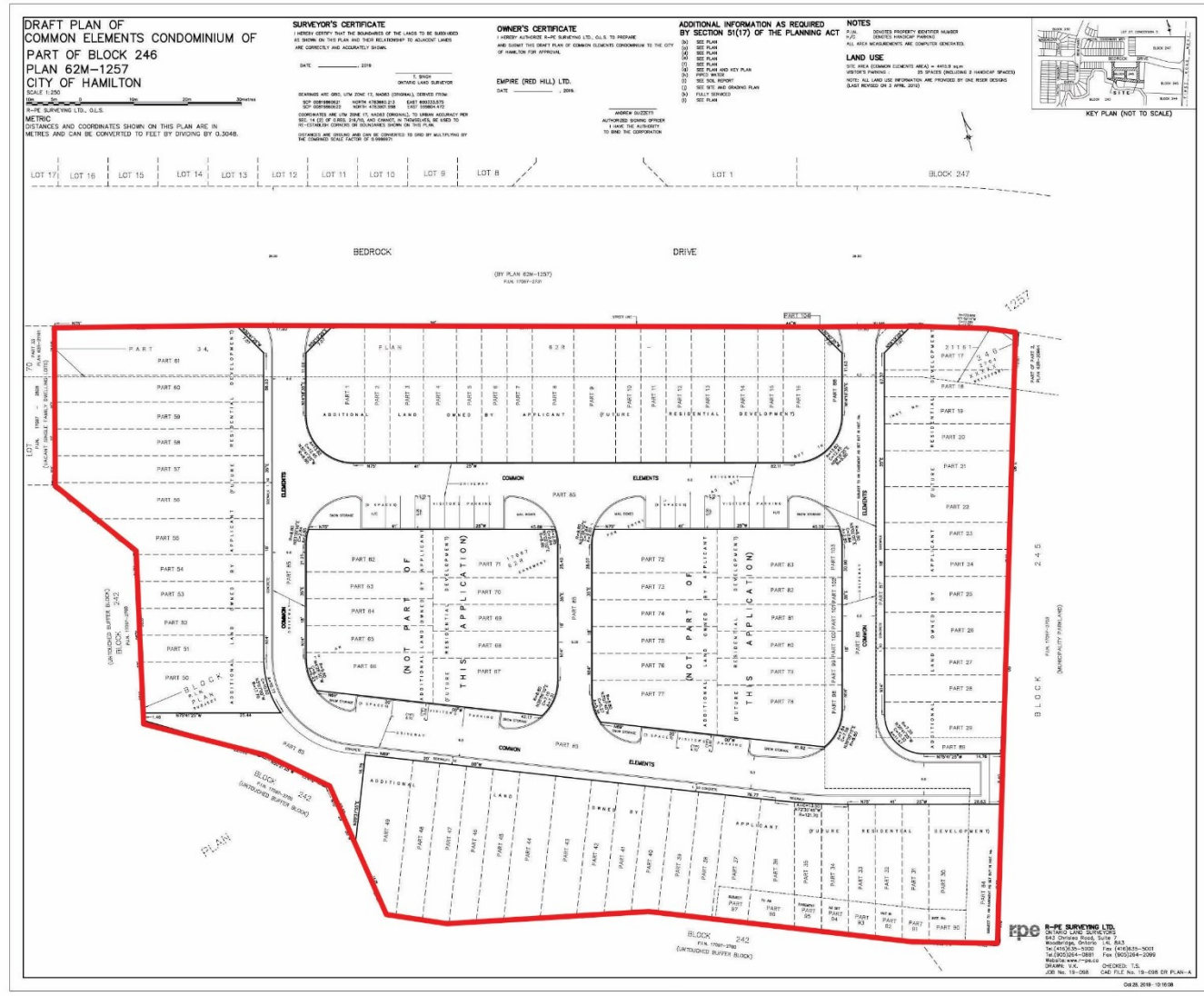
**SUBJECT PROPERTY**



**185 Bedrock Drive, Stoney Creek**



Appendix "B" to Report PE20001  
 Page 1 of 1









Subject Lands, wood lot to the south







Existing Townhouses to the north







Existing Townhouses and future Townhouse locations to the north







Future Neighbourhood Park to the east

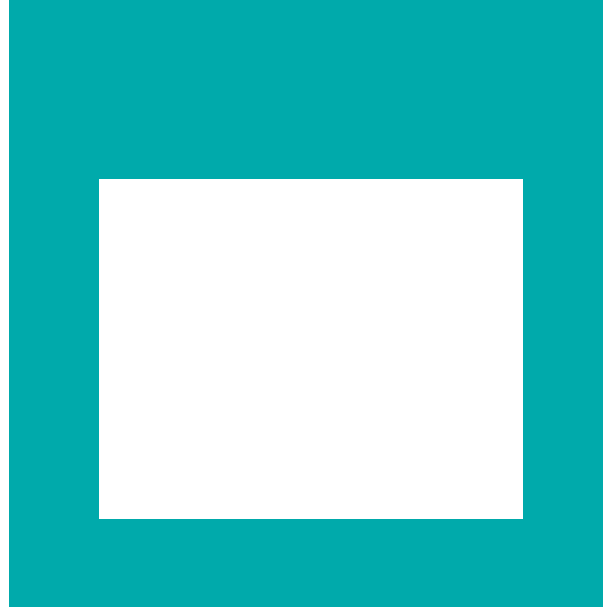






Existing Townhouses and woodlot to the west





# 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>	January 14, 2020
<b>SUBJECT/REPORT NO:</b>	Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Andrea Dear (905) 546-2424 Ext. 7856
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That **Official Plan Amendment Application UHOPA-17-033 by Vision Hamilton Inc., Owner**, for a change in designation on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to add a Site Specific Policy Area to permit the development of a six unit, three storey multiple dwelling with a maximum residential density of 143.0 units per gross hectare, for lands located at 125 and 129 Robert Street, as shown on Appendix “A” to Report PED20015, be **DENIED** on the following basis:
- (i) That the proposed amendment does not meet the general intent of the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan with respect to lot area, coverage, mass, and compatibility with the character of the existing neighbourhood, and is not considered to be good planning.
- (b) That **Zoning By-law Amendment Application ZAC-17-073 by Vision Hamilton Inc., Owner**, for a change in zoning from the “D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified to a site specific “DE-2” (Low Density Multiple Dwellings) District, Modified to permit a six unit, three storey multiple dwelling with no on-site parking on lands located

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**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2) - Page 2 of 20**

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at 125 and 129 Robert Street, Hamilton, as shown on Appendix “A” to Report PED20015, be **DENIED** on the following basis:

- (i) That the proposed change in zoning does not meet the general intent of the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan with respect to setbacks, privacy, overview and parking, and is not considered to be good planning.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 125 and 129 Robert Street. The owner has applied for amendments to the West Harbour (Setting Sail) Secondary Plan and the City of Hamilton Zoning By-law No. 6593 to permit the development of a six unit, three storey multiple dwelling with no on-site parking. To facilitate the application the following amendments have been requested by the applicant:

- An Official Plan Amendment to create a Site Specific Policy Area to permit a six unit multiple dwelling with a maximum residential density of 143.0 units per gross hectare in the Low Density Residential designation; and,
- A Zoning By-law Amendment to rezone the lands from the “D/S-378” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified to a site specific “DE-2” (Low Density Multiple Dwellings) District, to permit a multiple dwelling with no on-site parking, a reduced lot area, reduced yard requirements, increased encroachment and reduced parking space size requirements, for the lands located at 125 and 129 Robert Street, Hamilton.

The applications are consistent with the Provincial Policy Statement (2014)(PPS) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan).

The proposal cannot be supported as the proposed amendments do not comply with the policies and intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan with respect to lot area, coverage, mass, setbacks, privacy, overview, and compatibility with the character of the surrounding low density neighbourhood and do not represent good planning.

## **Alternatives for Consideration – See Page 19**

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**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2) - Page 3 of 20**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	Applicant/Owner:	Vision Hamilton Inc.
	Agent:	IBI Group (c/o John Ariens)
	File Number:	UHOPA-17-033 and ZAC-17-073
	Type of Application:	Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment
	Proposal:	To permit the development of a six unit, three storey, multiple dwelling with no on-site parking spaces.
<b>Property Details</b>	Municipal Address:	125 and 129 Robert Street
	Lot Area:	0.042 hectares (420 square metres)
	Servicing:	Existing full municipal services.
	Existing Use	Two single detached dwellings.
<b>Documents</b>	Provincial Policy Statement (PPS)	The proposal is consistent with the PPS.
	A Place to Grow:	The proposal conforms to the Growth Plan.
	Official Plan Existing:	Urban Area (Hamilton Wentworth Official Plan) and Low Density Residential in the West Harbour (Setting Sail) Secondary Plan.

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**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2) - Page 4 of 20**

	Official Plan Proposed:	Low Density Residential with a Site Specific Policy Area to permit: <ul style="list-style-type: none"> <li>• Multiple dwelling; and,</li> <li>• Density – maximum 143.0 units per gross hectare.</li> </ul>
	Zoning Existing:	“D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified.
	Zoning Proposed:	A site specific “DE-2” (Low Density Multiple Dwellings) District.
	Modifications Proposed:	<ul style="list-style-type: none"> <li>• Decreased front yard depth from 3.0 m to 1.0 m;</li> <li>• Decreased easterly side yard depth from 1.5 m to 0.0 m;</li> <li>• Decreased westerly side yard depth from 1.5 m to 1.22 m;</li> <li>• Reduce the minimum lot width from 21.0 m to 20.0 m and the minimum area from 630 m<sup>2</sup> to 415 m<sup>2</sup>;</li> <li>• Increase the gross floor area ratio from 0.9 to 2.0;</li> <li>• Reduce the required landscaped area from 25% to 20%;</li> <li>• Increase the permitted encroachment of open stairs into a rear yard from 1.0 m to 5.0 m;</li> <li>• Reduce the number of required parking spaces from a ratio of 1.0 spaces per dwelling unit which includes 0.20 spaces per unit for visitor, to 0; and,</li> <li>• Reduce the size of a required parking space from 2.7 m by 6.0 m to 2.6 m by 5.5 m.</li> </ul>
<b>Processing Details</b>	Received:	October 6, 2017
	Deemed Incomplete:	October 30, 2017
	Deemed Complete:	November 14, 2017

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**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2) - Page 5 of 20**

	Notice of Complete Application:	Notice sent to 368 property owners within 120 m of the subject property on November 22, 2017.
	Public Notice Sign:	Sign Posted: December 22, 2017 Sign Updated: November 15, 2019
	Notice of Public Meeting:	Notice sent to 116 property owners within 120 m of the subject property on December 13, 2019.
	Public Consultation:	Neighbourhood meeting on February 14, 2018. Approximately 40 people were in attendance.
	Public Comments:	Three letters of concern were received from the public.
	Processing Time:	788 days

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	Single detached dwellings	“D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified.
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single detached dwellings	“D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified.
<b>East</b>	Publicly owned / unassumed laneway and a semi-detached dwelling	“D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified.
<b>South</b>	Single and semi-detached dwellings	“D/S-378” (Urban Protected Residential - One and Two Family Dwellings) District, Modified.

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**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2) - Page 6 of 20**

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<b>West</b>	Single detached dwellings	“D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified.
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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2014)**

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

### **Settlement Areas**

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

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

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

The subject property is located within a settlement area as defined by the PPS. The proposed three storey multiple dwelling would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification.

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**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2) - Page 7 of 20**

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Therefore, the proposal is consistent with the policies of the PPS.

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

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

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

1. Municipal sewage services and municipal water services”

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

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

- a. the vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;
  - ii. have existing or planned *municipal water and wastewater systems*; and,
  - iii. can support the achievement of *complete communities*;
- c. within *settlement areas*, growth will be focused in:
  - iv. *delineated built-up areas*;
  - v. *strategic growth areas*;
  - vi. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
  - vii. areas with existing or planned *public service facilities*;
- d. development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise;

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

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

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**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2) - Page 8 of 20**

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- c. provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- e. provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;
- f. mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability;”

The subject property is located within the Built Boundary and is fully serviced by municipal water and wastewater infrastructure. The proposal will contribute to achieving a complete community by expanding housing options within the West Harbour (Setting Sail) Secondary Plan area and adding to a diverse mix of local land uses that includes low rise and high rise residential, local commercial uses, employment uses and public institutions. The proposed multiple dwelling has access to a range of transportation options.

This proposal represents intensification within the built up area, consistent with the growth management policies of the Growth Plan.

Based on the foregoing, the proposal conforms to the Growth Plan.

### **Urban Hamilton Official Plan**

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

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

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

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

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**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2) - Page 9 of 20**

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within the Urban Area of the Hamilton-Wentworth Official Plan and the following policies, amongst others, apply to the proposal.

Urban Area

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

- Compact urban form, including mixed use areas.

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

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

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

Redevelopment of the subject lands for a multiple dwelling would comply with the above policy direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed multiple dwelling would provide for efficient use of services. As such, the proposal complies with the applicable policies of the Hamilton-Wentworth Official Plan.

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**City of Hamilton Official Plan**

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

“Subsection B.2.1 – Water Distribution

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

Subsection B.2.2 – Sewage Disposal

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

Subsection B.2.3 – Storm Drainage

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

There are existing services adjacent to the subject property including sanitary, storm and watermain sewers. Should the applications be approved, stormwater management, geotechnical and hydrogeological studies would be required at the Site Plan Control stage.

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“Subsection 2.4.5- Solid Waste Disposal

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

The proposed mixed use development is eligible for curbside waste collection by City Services subject to the requirements of the City’s Solid Waste Management By-law. Should the applications be approved, waste collection would be examined in greater detail at the Site Plan Control stage.

“Subsection C.7 – Residential Environmental and Housing Policy

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

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Although the proposed multiple dwelling complies with Policies C.7.3 ix) and xii) by increasing the availability of multiple dwelling units in the neighbourhood, staff are concerned that the proposed six unit, three storey multiple dwelling fails to address the intent of Policies C.7.2 and C.7.3 iii) and v) as it does not enhance the scale and character of the existing residential area in terms of coverage, massing, setbacks, privacy and overlook (see Appendix “B” of Report PED20015). These policies reinforce the need for new development to recognize and enhance the scale and character of the existing residential area. In this instance the existing residential area is comprised predominantly of single detached and semi detached dwellings on lots with landscaped areas and yard space. This proposed building requires reductions to the front, sides and rear yards, which creates a lot coverage that is greater than that of the surrounding neighbourhood. The increased building coverage results in a built form that will reduce privacy and allow overlook onto the adjacent properties.

For reasons to be discussed later in the Secondary Plan and Analysis and Rationale for Recommendation sections of this Report, it is the opinion of staff that the proposed massing of this building on the site is not appropriate given the low density character of the existing residential area. The proposed development represents an overbuild of undersized lots and the proposed scale, landscaping, lot area, coverage and massing does not enhance the low density residential character of the surrounding neighbourhood. Based on the foregoing, the proposed development does not comply with the policies of the City of Hamilton Official Plan.

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

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

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

The lands are identified as “Stable Area” on Schedule M-1: Planning Areas and Sub-Areas and designated “Low Density Residential” on Schedule M-2: General Land Use within the West Harbour (Setting Sail) Secondary Plan. The following policies, amongst others apply to the applications.

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“A.6.3.7 Stable Areas

The Stable Areas are identified on Schedule “M-1”. They comprise the generally low density neighbourhoods that define the residential character of West Harbour. Significant physical change is not anticipated in Stable Areas. The intent of the policies in this section is to maintain and reinforce the character of existing neighbourhoods and to encourage the replacement of inappropriate industrial and commercial uses with sensitively-designed residential development.

A.6.3.7.1.1 The predominant land use in Stable Areas shall be Low Density Residential, with detached, semi-detached and street townhouses being the predominant types of housing.”

The proposed development is seeking permission for a reduced lot area, decreased front and side yards, reduced landscaped area, and a density that is in keeping with the Medium Density Residential designation and as such is not in keeping with the intent of the Stable Area policies (A.6.3.7.1.1). The predominant land use in the area is single and semi detached dwelling units, and the policy also allows street townhouses. The proposed multiple dwelling is not contemplated in Policy A.6.3.7.1.1.

Low Density Residential

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

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

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

A.6.3.3.1.12 In Low Density Residential areas:

- i) the scale, type and character of new development shall generally reflect existing low density development in the neighbourhood;
- ii) single detached, semi-detached and street townhouses are permitted;

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- iii) the density of development shall range from 25 to 60 units per gross hectare;
- iv) existing grid patterns of streets, blocks, and open space, and/or those proposed by this plan, shall be respected;
- v) lot dimensions and building setbacks shall be generally consistent with other Low Density Residential properties in the neighbourhood;
- vi) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance; and
- vii) garages shall be located generally at the rear of properties and accessed from rear laneways where feasible.”

The proposed six unit, three storey multiple building is not contemplated in the “Low Density Residential” designation as only single detached, semi detached and street townhouses are permitted (Policy A.6.3.3.1.12 ii)). The proposed density of 142.8 units per gross hectare exceeds the permitted range of 25 - 60 units per gross residential hectare (Policy A.6.3.3.1.12 iii)). The proposed development will require a number of modifications to the proposed zone category with regard to yards, setbacks and parking and is not in keeping with Policy 6.3.3.1.12 v).

This type of residential intensification is to be directed to areas designated “Medium Density Residential” in the West Harbour (Setting Sail) Secondary Plan where both the use and the proposed density is contemplated. The areas surrounding the subject lands are designated “Low Density Residential” whereas the “Medium Density Residential” designation is applied in areas with direct access to arterial roads (e.g. Barton Street and James Street North). The subject lands are located in the middle of a stable low density residential neighbourhood. The subject lands lack the necessary lot area required to accommodate the size of the building and number of units, required yards, and parking requirements, which represents an overdevelopment of this site.

Based on the foregoing, the proposed six unit, three storey multiple dwelling does not comply with the intent of the “Low Density Residential” policies.

The intent of the “Stable Area” and “Low Density Residential” policies are to maintain and reinforce the character of existing neighbourhoods. It is the opinion of staff that the proposed massing and built form do not comply with the policies and intent of the West Harbour (Setting Sail) Secondary Plan.

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

The subject property is currently zoned “D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified which permits single family and two family dwellings. To permit the proposed six unit multiple dwelling a change in zoning from the “D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified to a site specific “DE-2” (Multiple Dwelling) District is required. The modifications are identified in the Report Fact Sheet found on page 4 of Report PED20015.

The proposed “DE-2” District is intended to allow more intense forms of development than the “D/S-378” District that the lands, and surrounding neighbourhood, are currently zoned for. The applicant is proposing to go from a low density residential built form to a higher density development. The proposed development requires further relief from the requirements of this District and as such, the application is proposing a number of modifications as listed in the Report Fact Sheet on page 4 of Report PED20015, as they are not able to comply with requirements such as minimum lot area, minimum yards widths (setbacks), required number of parking spaces and stall sizes.

The proposed Zoning By-law Amendment does not meet the intent of the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan, is not considered good planning and cannot be supported by staff.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
<ul style="list-style-type: none"> <li>• Office of the LRT</li> <li>• Recreation Division, Healthy and Safe Communities Department</li> <li>• Landscape Architectural Services, Public Works Department</li> <li>• Asset Management, Public Works Department</li> <li>• Construction (Capitol Budgets), Public Works</li> </ul>	No Comment	

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<ul style="list-style-type: none"> <li>Recycling &amp; Waste Disposal, Environmental Services Division, Public Works Department</li> <li>Alectra Utilities</li> </ul>		
Engineering Approvals	Servicing Plan and Erosion and Sediment Control and Grading Plan required at Site Plan.	Should the applications be approved, a Servicing Plan and Erosion and Sediment Control and Grading Plan will be required at the Site Plan Control stage.
Transportation Planning	Comments regarding AODA sidewalks and other standards to be addresses at Site Plan Control stage.	Should the applications be approved, these comments will be addressed at the Site Plan Control stage.
Urban Forestry	Some amendments required to the Tree Management Plan to be addressed at the Site Plan Control stage.  If trees are to be removed, a Landscape Plan will be required.	Should the applications be approved, these comments will be addressed at the Site Plan Control stage.
Growth Planning	Clarification sought on parking, vehicular access, snow storage and side yard requirements for maintenance.	Should the applications be approved, these concerns will be addressed at the Site Plan Control stage.
<b>Public Consultation</b>		
Concern	Comment	Staff Response
Parking	Residents are concerned about the lack of parking being proposed on the site which will increase	Staff do not support the proposal for no on-site parking.

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	demand for street parking which is already in short supply.	
Privacy	Concerns that the proposed building mass and resulting setbacks will lead to a reduction in privacy for the surrounding residential properties.	Appropriate setbacks are required in order to protect privacy and reduce overlook. Staff are not supportive of the proposal as it will result in privacy and overlook impacts.
Shadow	One resident raised concerns that the proposed development would block the sun.	Staff do not support the proposed massing and setbacks.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 368 property owners within 120 m of the subject property on November 22, 2017. A Public Notice sign was posted on the property on December 22, 2017 and updated on November 15, 2019, in accordance with the requirements of the *Planning Act*.

### Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant provided mail correspondence to all 368 property owners within 120 m of the subject lands on January 31, 2018.

To date, three public submissions expressing concerns have been received (see Appendix "C" to Report PED20015) and a summary of the comments received are on page 16 and 17 of this report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal does not have merit and cannot be supported for the following reasons:

- (i) The proposal does not comply with the general intent and purpose of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan, with

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regards to matters including but not limited to, lot area, coverage, density, privacy, overlook, and compatibility with the existing character of the surrounding neighbourhood.

2. Staff are not in support of the proposal for the following reasons:

Building Mass, Lot Coverage, Privacy and Overlook

The City of Hamilton Official Plan recognizes the benefits of permitting a variety of residential dwelling units in all residential land use categories but it also encourages development to recognize and enhance the existing residential area by having regard for natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview. The West Harbour (Setting Sail) Secondary Plan reinforces this with a number of policies intended to prevent the overdevelopment of infill and other underutilized sites within existing, stable neighbourhoods. The applicant is proposing to redevelop two single detached lots with a six unit, three storey multiple dwelling that requires permission for a number of modifications. The requested modifications include a reduction in the required lot area from 630 m<sup>2</sup> to 415 m<sup>2</sup>, a reduction in the required side yards from 1.5 m to 0.0 m for the easterly side yard. In addition to the reduced lot area and yard depths, permission to allow the stairs to encroach into the required rear yard up to 5.0 m whereas the by-law currently allows only 1.0 m. These modifications, in addition to the proposed 0.0 parking spaces on-site, results in an overdevelopment of the site.

Compatibility with the Character of the Surrounding Neighbourhood

The West Harbour (Setting Sail) Secondary Plan envisions that development and redevelopment in the Secondary Plan area respects and enhances the character of neighbourhoods (Policy A.6.3.2.2). The subject lands are located in a predominantly low density area with single detached and semi detached dwellings with yards and setbacks sufficient to accommodate parking, rear yard grade level amenity space, and to reduce privacy and overlook issues. The proposed form of development is more appropriately suited for a medium density residential area. This site lacks sufficient lot size to accommodate the proposal while maintaining appropriate setbacks and landscaped area and providing sufficient parking.

Parking

The By-law currently requires 1.0 parking space per unit (which includes 0.2 for visitors) therefore six parking spaces would be required. This development proposes to locate only a portion of one parking space on the site. To accommodate this, a modification to the by-law is required to allow 0.0 spaces per unit, with 0.0 spaces per unit for visitor parking. In order for the one parking space to be created, a

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boulevard parking permit would be required. To qualify for boulevard parking, the parking space dimensions must conform to the applicable Zoning By-law which in this instance is 2.7 metres by 6.0 metres. The applicant is proposing a reduction in the required parking space dimensions to allow the space to be 2.6 metres by 5.5 metres. On street parking is available, but if the street parking were to change to a permit only system, the residents in the multiple dwelling would not qualify for a permit. New development should not negatively impact existing uses and as such, any new development should be able to provide the required parking on-site.

Based on the rationale above, staff recommend that the applications be denied.

### **ALTERNATIVES FOR CONSIDERATION**

- 1) Should the proposed applications be approved, staff be directed to prepare the Official Plan Amendment and Zoning By-law Amendment consistent with the concept plans proposed, and any other necessary agreements to implement Council's Direction.
- 2) Council could direct staff to negotiate revisions to the proposal with the applicant in response to the issues and concerns identifies in the Report and report back to Council with the results of the discussion.
- 3) Should the applications be denied, the lands could develop in accordance with the Low Density Residential designation and the "D/S-378" (Urban Protected Residential – One and Two Family Dwellings) District, Modified which permits single detached, semi-detached and street townhouse dwellings.

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

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

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

#### **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.

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Amendment for lands located at 125 and 129 Robert Street, Hamilton  
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**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" – Concept Plan and Elevations

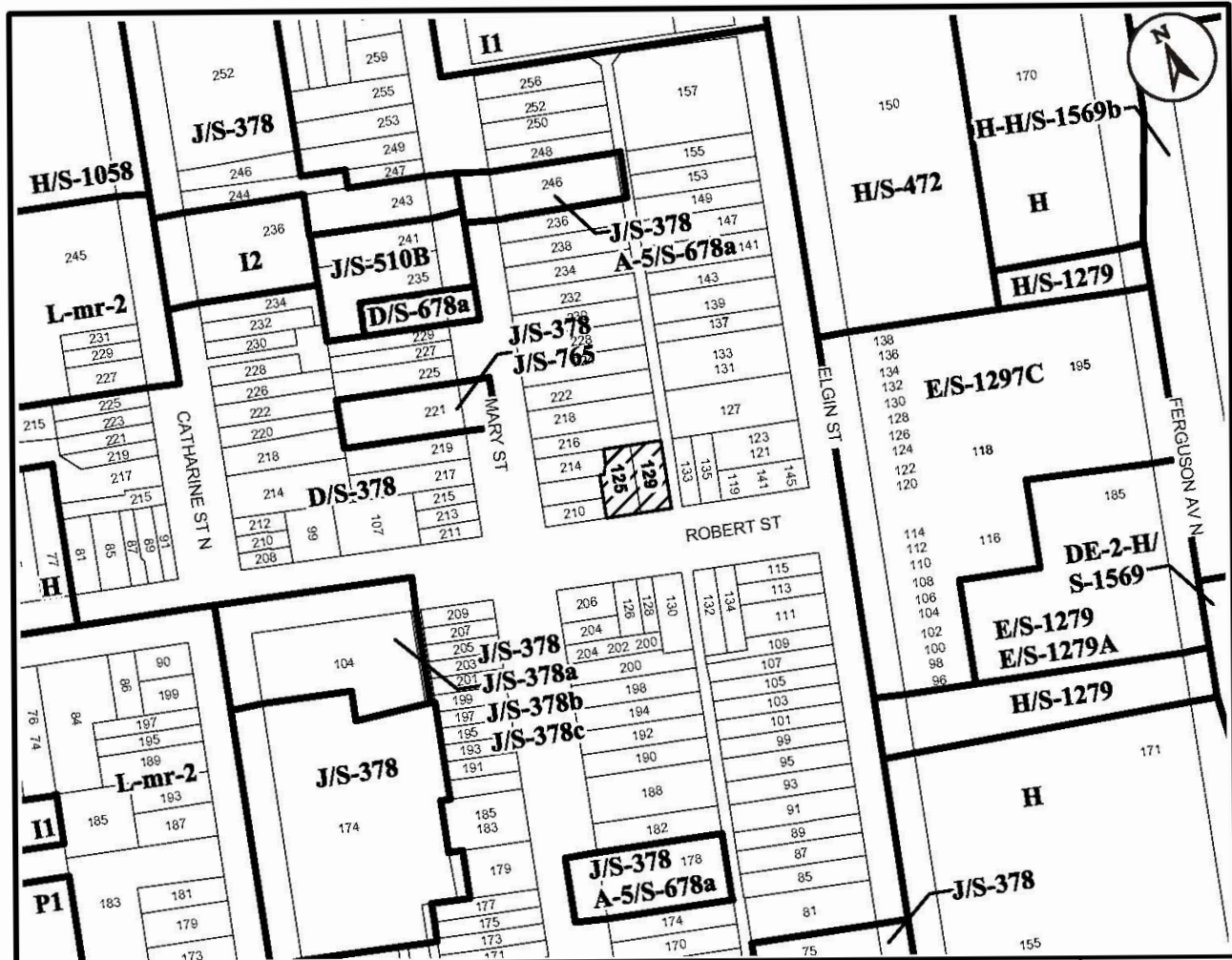
Appendix "C" – Public Correspondence

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● Site Location



Key Map - Ward 2

N.T.S.



# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-073 & UHOPA-17-033

Date:  
Nov. 15, 2017

Appendix "A"

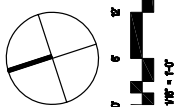
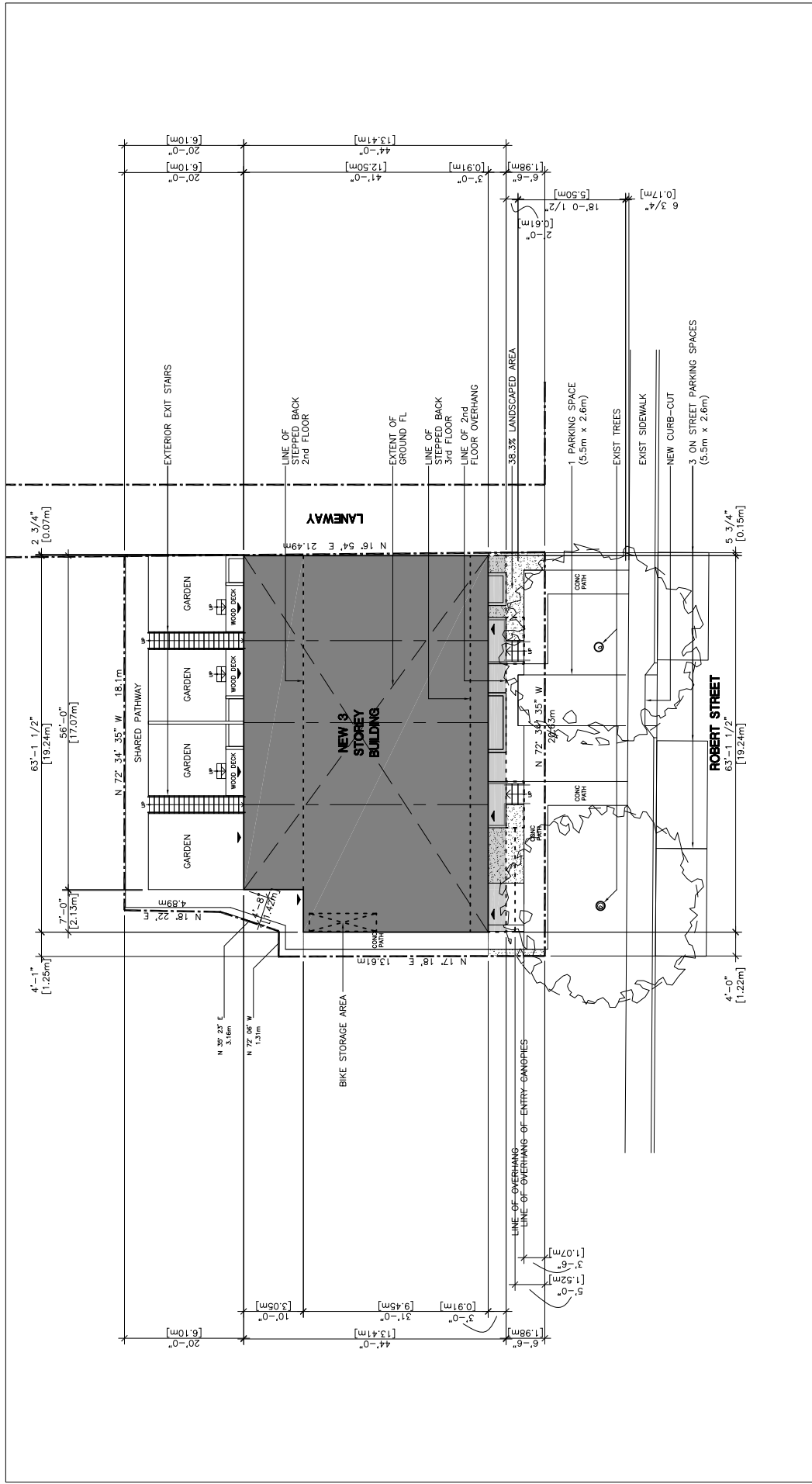
Scale:  
N.T.S.

Planner/Technician:  
AL/AL

### Subject Property



125-129 Robert Street



**SITE PLAN**  
18/07/13  
**A00**

**Robert Street Development**  
38/01 Robert Street, Tamworth, QLD 4267

**TOMS + MCNALLY**  
DESIGN ARCHITECTURE LANDSCAPE CONSULTANTS  
SUITE 101/102, 100/102, 101/102, 103/103, 104/104, 105/105, 106/106, 107/107, 108/108, 109/109, 110/110, 111/111, 112/112, 113/113, 114/114, 115/115, 116/116, 117/117, 118/118, 119/119, 120/120, 121/121, 122/122, 123/123, 124/124, 125/125, 126/126, 127/127, 128/128, 129/129, 130/130, 131/131, 132/132, 133/133, 134/134, 135/135, 136/136, 137/137, 138/138, 139/139, 140/140, 141/141, 142/142, 143/143, 144/144, 145/145, 146/146, 147/147, 148/148, 149/149, 150/150, 151/151, 152/152, 153/153, 154/154, 155/155, 156/156, 157/157, 158/158, 159/159, 160/160, 161/161, 162/162, 163/163, 164/164, 165/165, 166/166, 167/167, 168/168, 169/169, 170/170, 171/171, 172/172, 173/173, 174/174, 175/175, 176/176, 177/177, 178/178, 179/179, 180/180, 181/181, 182/182, 183/183, 184/184, 185/185, 186/186, 187/187, 188/188, 189/189, 190/190, 191/191, 192/192, 193/193, 194/194, 195/195, 196/196, 197/197, 198/198, 199/199, 200/200



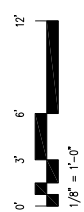
FRONT ELEVATION  
 18/03/27

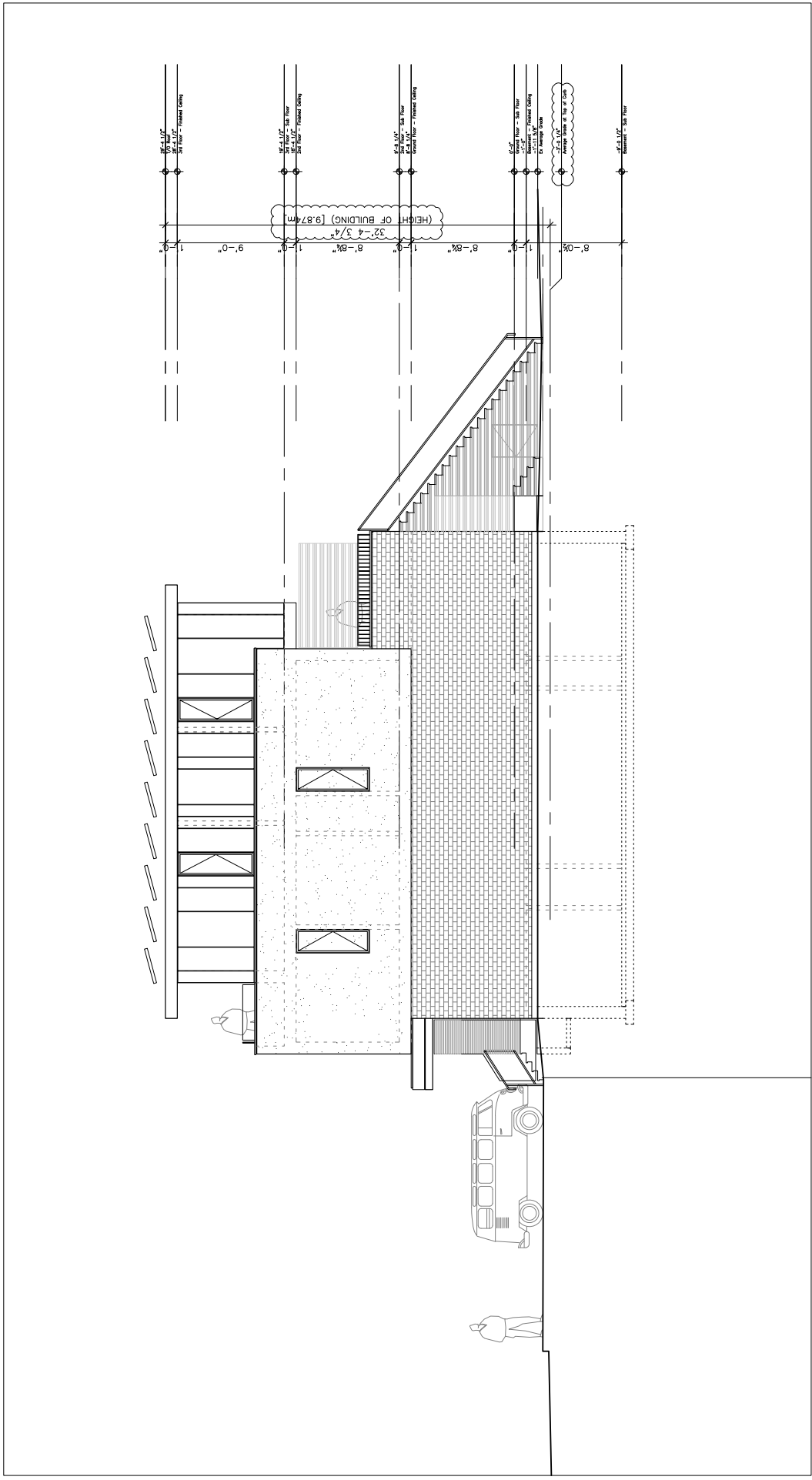
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**Robert Street Development**  
 125-129 Robert Street, Hamilton, ON, L8L 2P7

**TOMS + MCNALLY**  
 Planning, Architecture, Landscape Architecture

18/03/27 09:23 AM  
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 18/03/27 09:23 AM



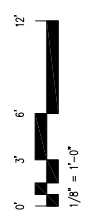


**EAST (LANEWAY) ELEVATION**  
 18030207

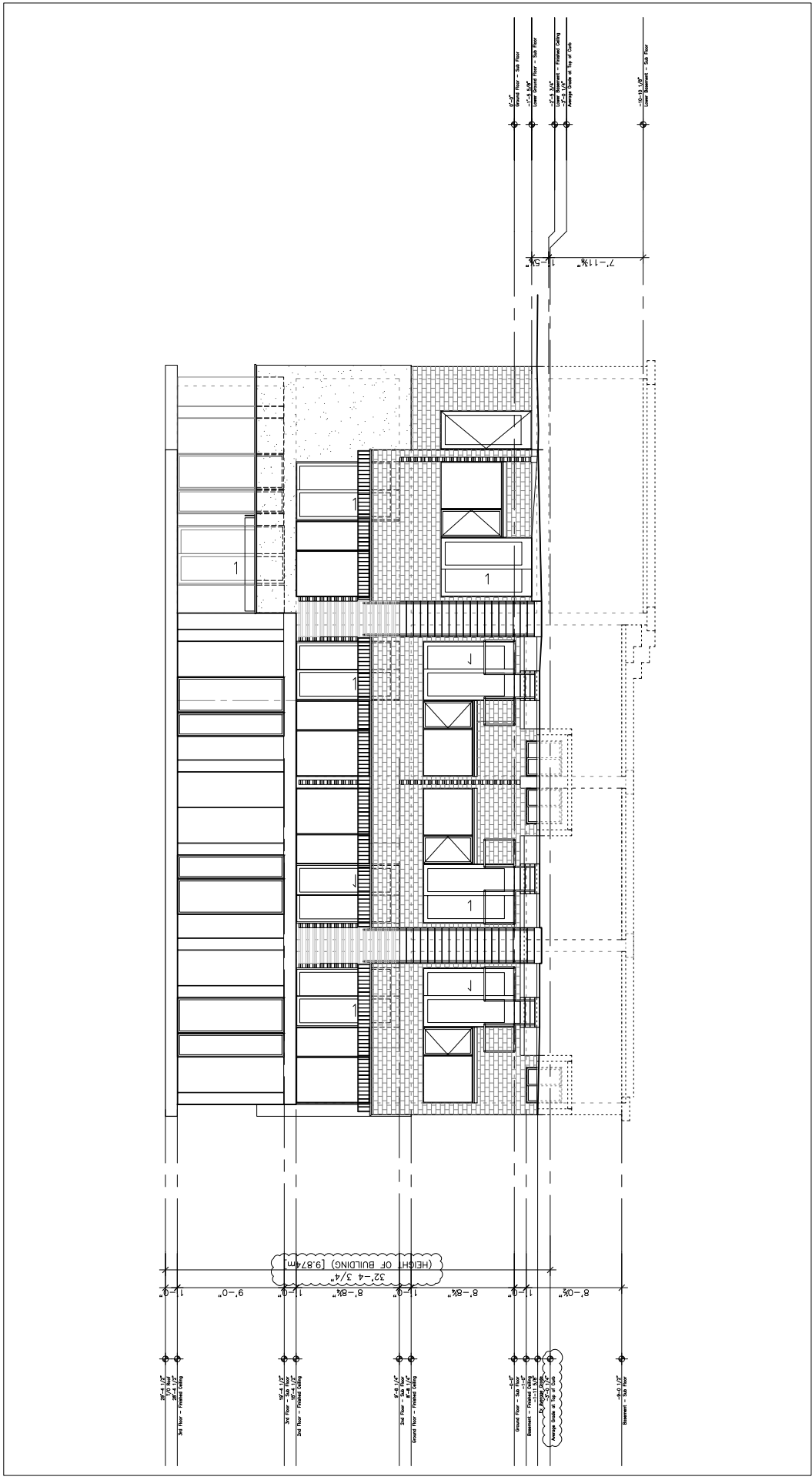
**A5**

**TOMS + MCNALLY**  
 ARCHITECTS  
 125-129 Robert Street, Hamilton, ON, L8L 2P7  
 TEL: (519) 528-8822  
 FAX: (519) 528-8823  
 WWW: TMSMCA.COM

**Robert Street Development**  
 125-129 Robert Street, Hamilton, ON, L8L 2P7





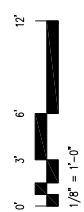


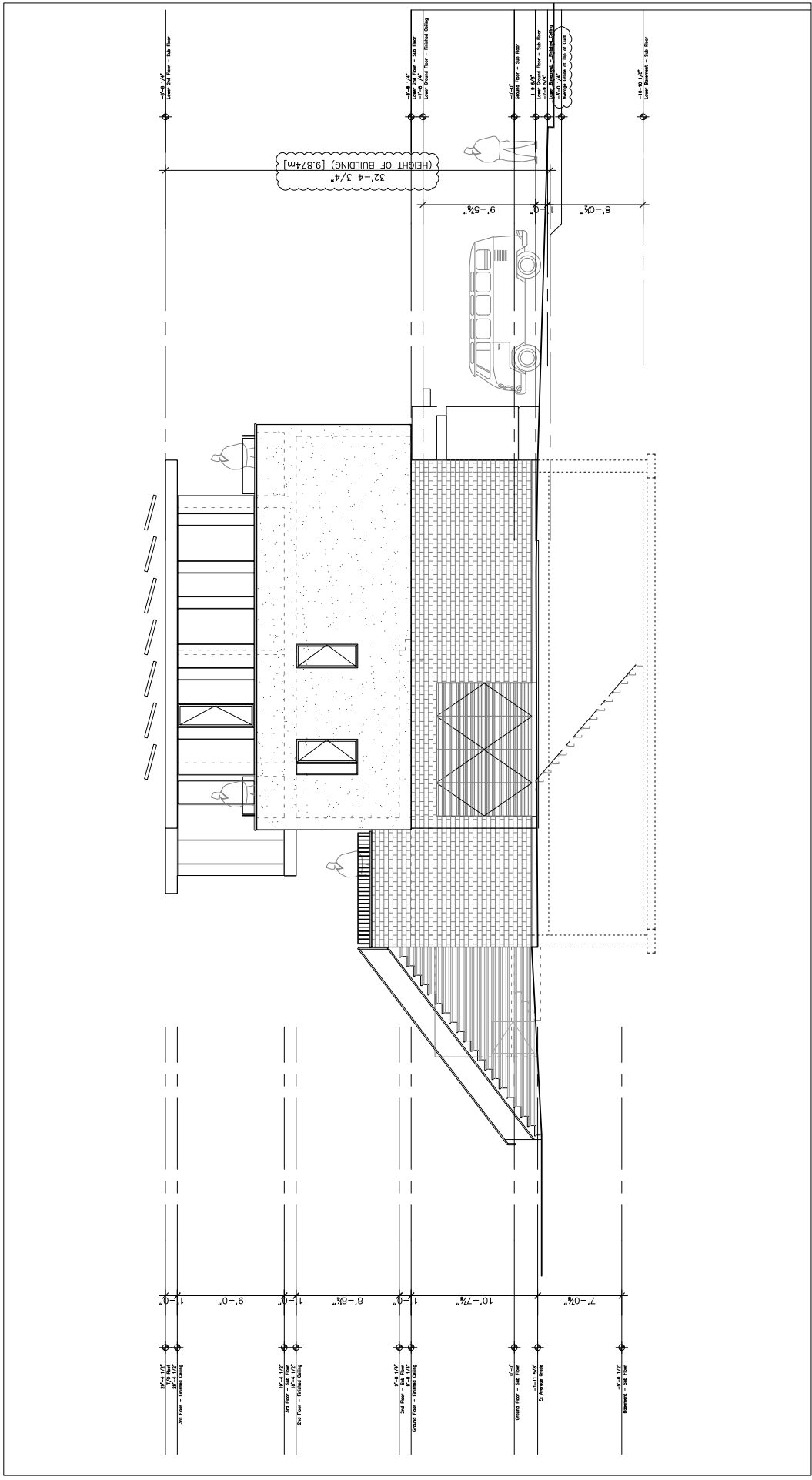
**A6**

**REAR ELEVATION**  
 1800027

**TOMS + MCNALLY**  
 ARCHITECTS  
 125-129 Robert Street, Hamilton, ON, L8L 2P7  
 TEL: (519) 528-8822  
 WWW.TOMSMCNALLY.COM

**Robert Street Development**  
 125-129 Robert Street, Hamilton, ON, L8L 2P7



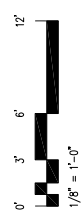


**A7**

**WEST ELEVATION**  
 18/03/27

**TOMS + MCNALLY**  
 Planning, Architecture, Landscape Architecture

**Robert Street Development**  
 125-129 Robert Street, Hamilton, ON, L8L 2P7



**Dear, Andrea**

---

**From:** Lucas, Adam  
**Sent:** Monday, December 4, 2017 1:08 PM  
**To:** 'Lori Lychy'  
**Subject:** RE: Zoning 125-129 Robert St

Hi Lori,

Thank you for your e-mail. Your comments will form part of the public record and will be forwarded to the applicant for further consideration. City staff will be asking the applicant to provide a response to all comments/concerns received in relation to the application.

If you have any further questions, please let me know.

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:** Lori Lychy  
**Sent:** December-04-17 10:58 AM  
**To:** Lucas, Adam  
**Subject:** Zoning 125-129 Robert St

Good morning,

I own the residence directly across the street from 125-129 Robert Street. I live at 130 Robert Street.

I do have an issue regarding the changing of the Low Density Residential standing to Medium Density Residential. The issue is with **Parking**. Robert street is already saturated with cars looking for parking. On the south side of the street we already have 9 cars who need parking. These cars are from people like myself who own or rent the properties on the south side of the street. These cars already take up all the street parking on the south side.

As well as the owners/renters on Robert Street, we have the issue of the hospital workers who park on our street Monday to Friday and walk to hospital. They are waiting for us to leave in the morning so they can park on our street. These hospital workers work 12 to 14 hour shifts, meaning we have no place to park when we return from our 8 hour work days.

Earlier this year a permit was submitted for the large house on the corner of Elgin and Robert to change from a single family dwelling to a multi family dwelling. I believe 3 to 4 apartments. The builders are only supplying

**one driveway parking spot.** The other residence will be looking for street parking where their is none.

Now we have another request for a 7 residential dwelling unit with **only 4 parking spaces supplied.** Why do they not supply enough parking for the building? Where are these people going to park? In front of my house I would guess. What is someone on the street wishes to have company? **The point I'm trying to make is that Robert Street cannot support anymore cars.** If the builders wish to build an apartment they **NEED** to supply enough parking for their building.

--

Lori Plecity  
130 Robert Street  
Hamilton, ON L8L 2P6

**Dear, Andrea**

---

**From:**  
**Sent:** Wednesday, December 6, 2017 6:24 PM  
**To:** Lucas, Adam  
**Cc:**  
**Subject:** Files:UHOPA-17-033 / ZAC-17-073

Dear Lucas,

My name is [redacted] and I spoke with you on the phone today regarding some concerns my father [redacted] had about a 3 storey apartment being built around the corner from his house, he lives at 222 Mary st. some of the issues hes concerned about are...

- Privacy
- Parking
- Blocking of the sun

My father [redacted] : would like his name to be kept confidential.

thanks,

Dear, Andrea

---

**From:**  
**Sent:** Tuesday, January 30, 2018 12:41 PM  
**To:** Lucas, Adam  
**Subject:** Concerns About Development Application UHOPA-17-033 (125-129 Robert St, Hamilton)

Hello,

**\*\*\*IMPORTANT: PLEASE STRIKE MY NAME AND CREDENTIALS IN THE EVENT THAT MY COMMENTS ARE MADE PUBLIC OR VIEWABLE TO THE APPLICANT.**

This is regarding the **Development Application: UHOPA-17-033** for 125-129 ROBERT ST. I am a concerned neighbor that did receive a notice in the mail from the city about this application.

My apprehension is due to the proposal to build **7 residential dwellings, but only 4 parking spaces**. This could potentially add 3 or more vehicles parking on the street in the area. Many of the dwellings on that section of Robert street (between Mary St. and Elgin St.) are single occupancy homes with no driveways. As it is right now, there appears to be just enough parking to accommodate everyone that lives in this section of Robert St. It is a similar situation with the intersecting streets, Mary and Elgin, which also appear to have just enough street parking to accommodate the needs of those areas. In summary, **if the Application is approved, it would create an increased parking space deficit, lowering the value of homes with no driveway that are in proximity to 125-129 Robert St. and forcing residents to park at an unreasonable distance from their homes.**

**I propose the following considerations:**

- 1) Reject the Development Application

**OR**

- 2) Counter the Development Application that it be re-planned to have a 1:1 ratio of dwellings to parking spaces, perhaps by reducing the number of units and using the added space for more parking. (5 units to 5 parking spaces perhaps, for example)

**OR**

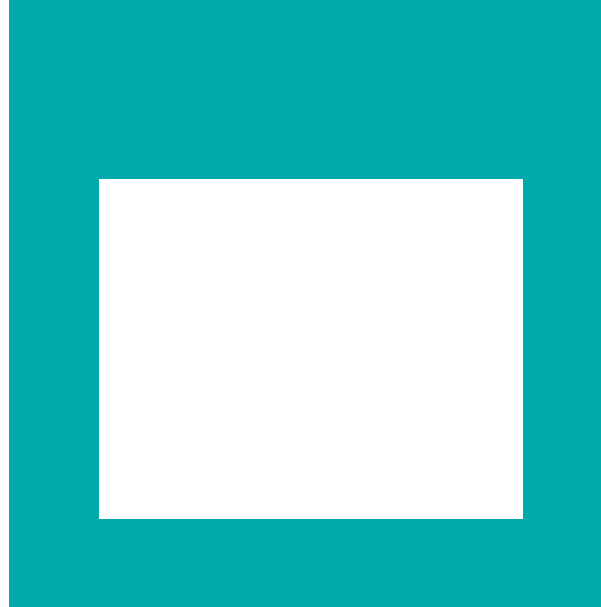
- 3) If the Application is approved as is, as a last resort, remove the parking restriction on the SW side of Robert St., between Mary St. and Catharine St. N, which currently posts "No Parking from 7am to 6PM Monday to Saturday". This would add enough parking for 3 or 4 vehicles in the area, although at the

expense of reduced traffic flow due to narrowing the roadway with parked cars. With this scenario, also add exempt parking for the residents of Robert St to ensure we all have a spot. Again...a last resort.

**\*\*\*IMPORTANT: PLEASE STRIKE MY NAME AND CREDENTIALS IN THE EVENT THAT MY COMMENTS ARE MADE PUBLIC OR VIEWABLE TO THE APPLICANT.**

If the above could be taken into consideration, it would be greatly appreciated.

With Regards,



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

January 14, 2020

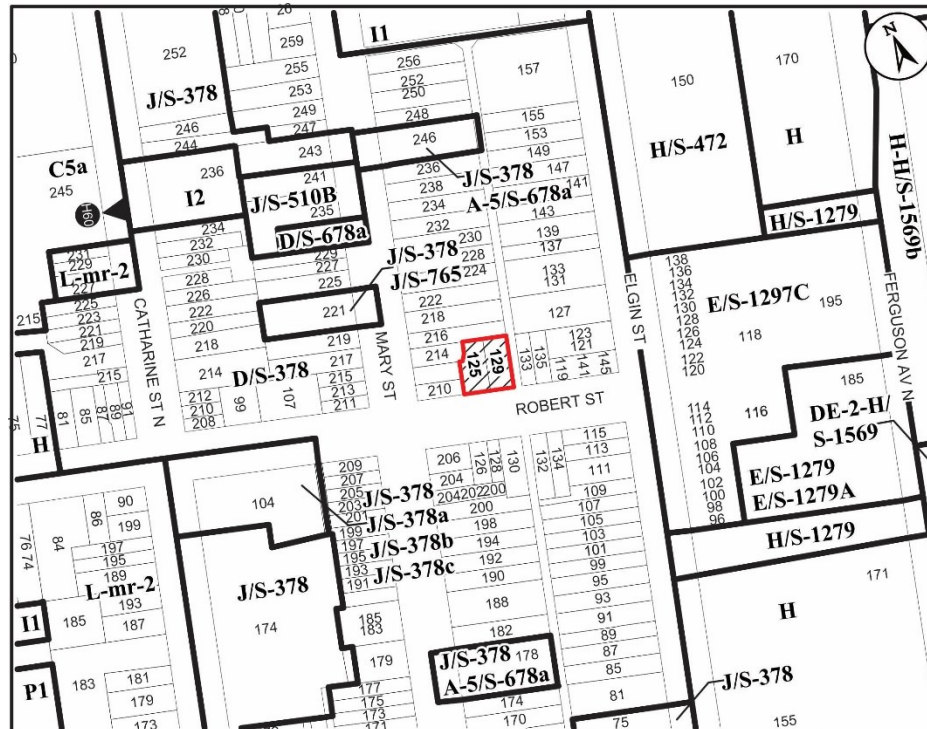


# **PED20015 – (ZAC-17-073 & UHOPA-17-033)**

Applications for Official Plan Amendment and Zoning By-law  
Amendment for lands located at 125 and 129 Robert Street, Hamilton

Presented by: Andrea Dear





● Site Location



Key Map - Ward 2

N.T.S.

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
 ZAC-17-073 & UHOPA-17-033

Date:  
 November 7, 2019

Appendix "A"

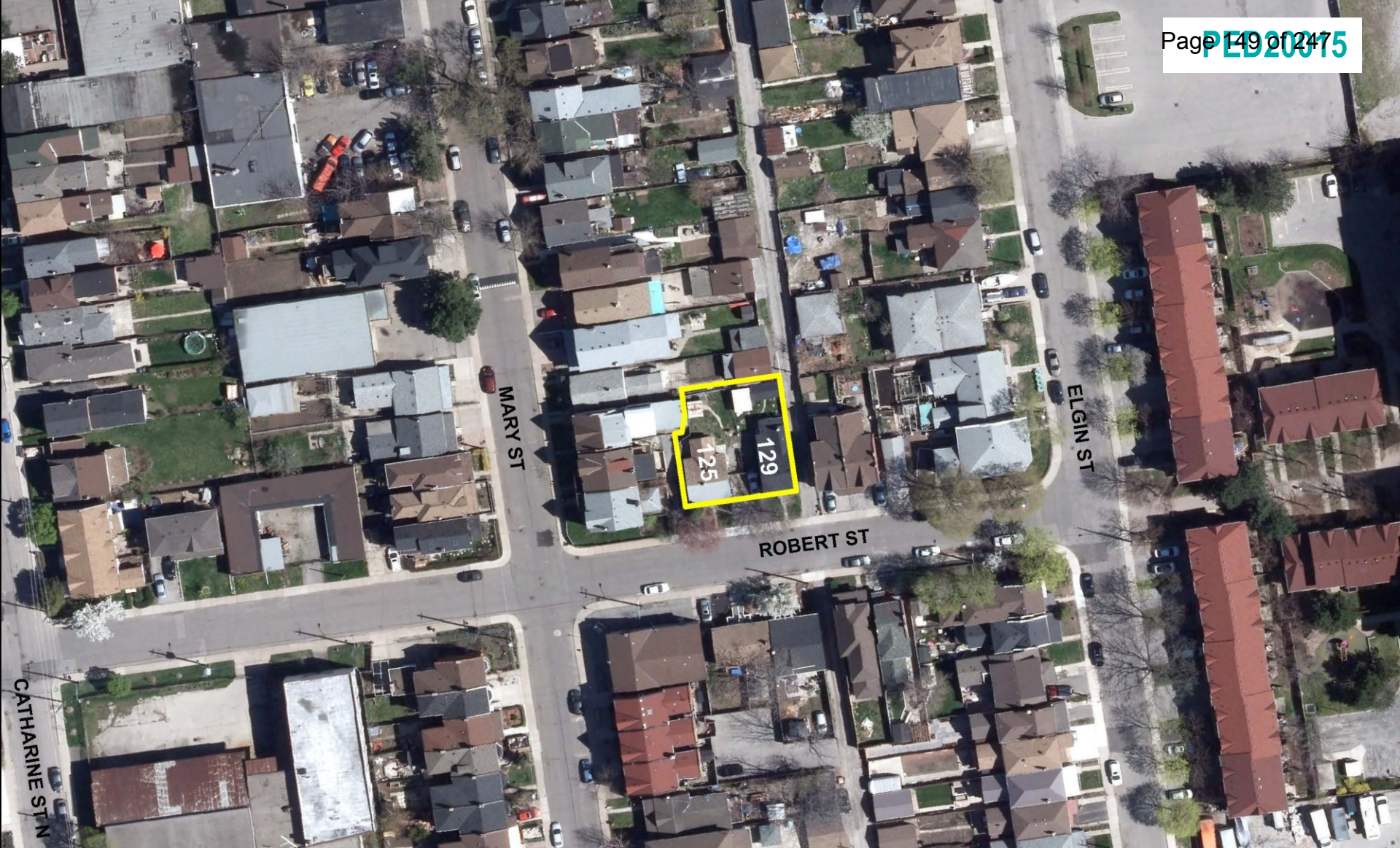
Scale:  
 N.T.S.

Planner/Technician:  
 AD/AL

#### Subject Property

125 - 129 Robert Street



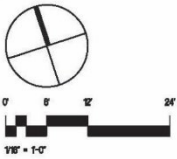
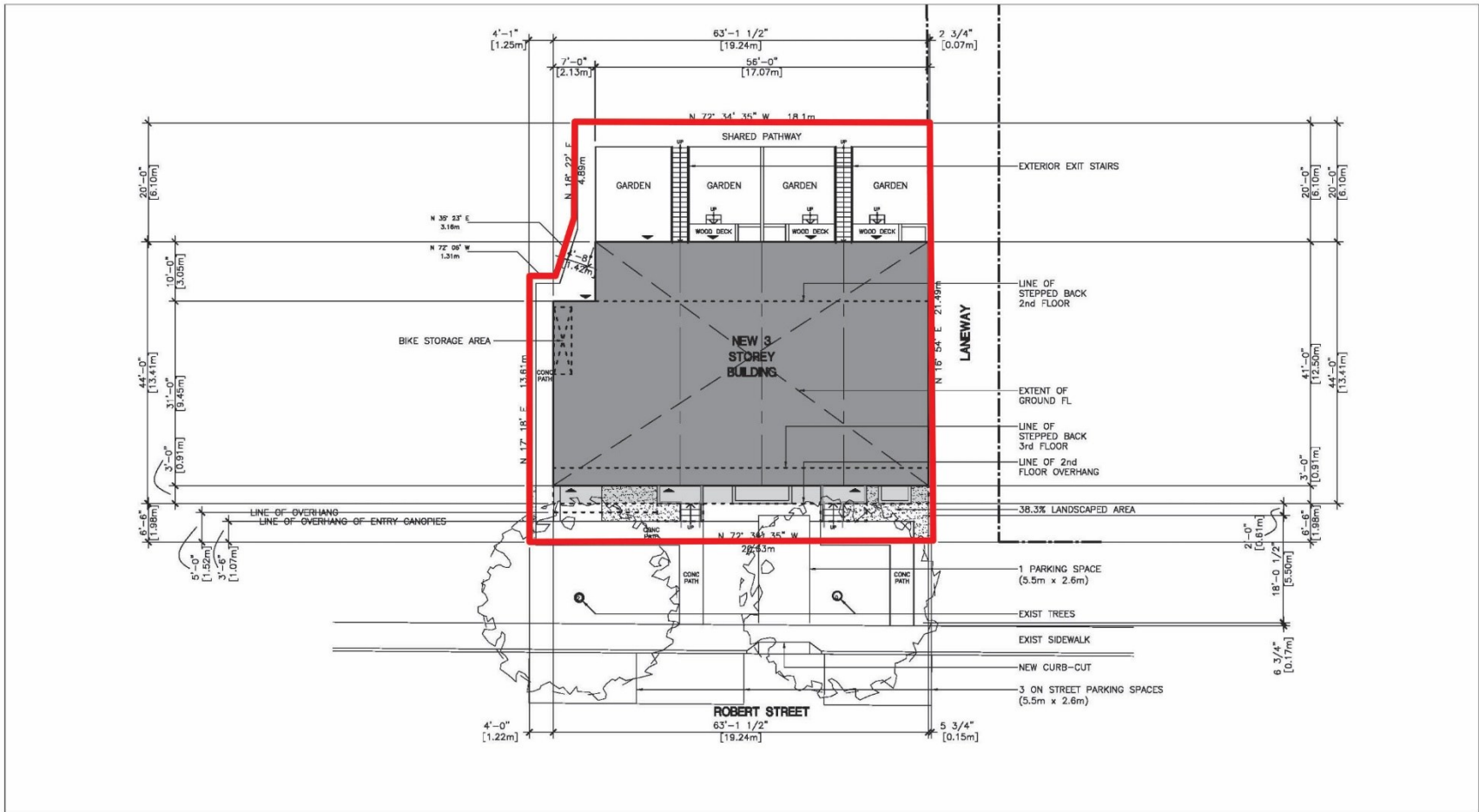


**SUBJECT PROPERTY**



**185 Bedrock Drive, Stoney Creek**





**SITE PLAN**  
 18/07/3

**A00**

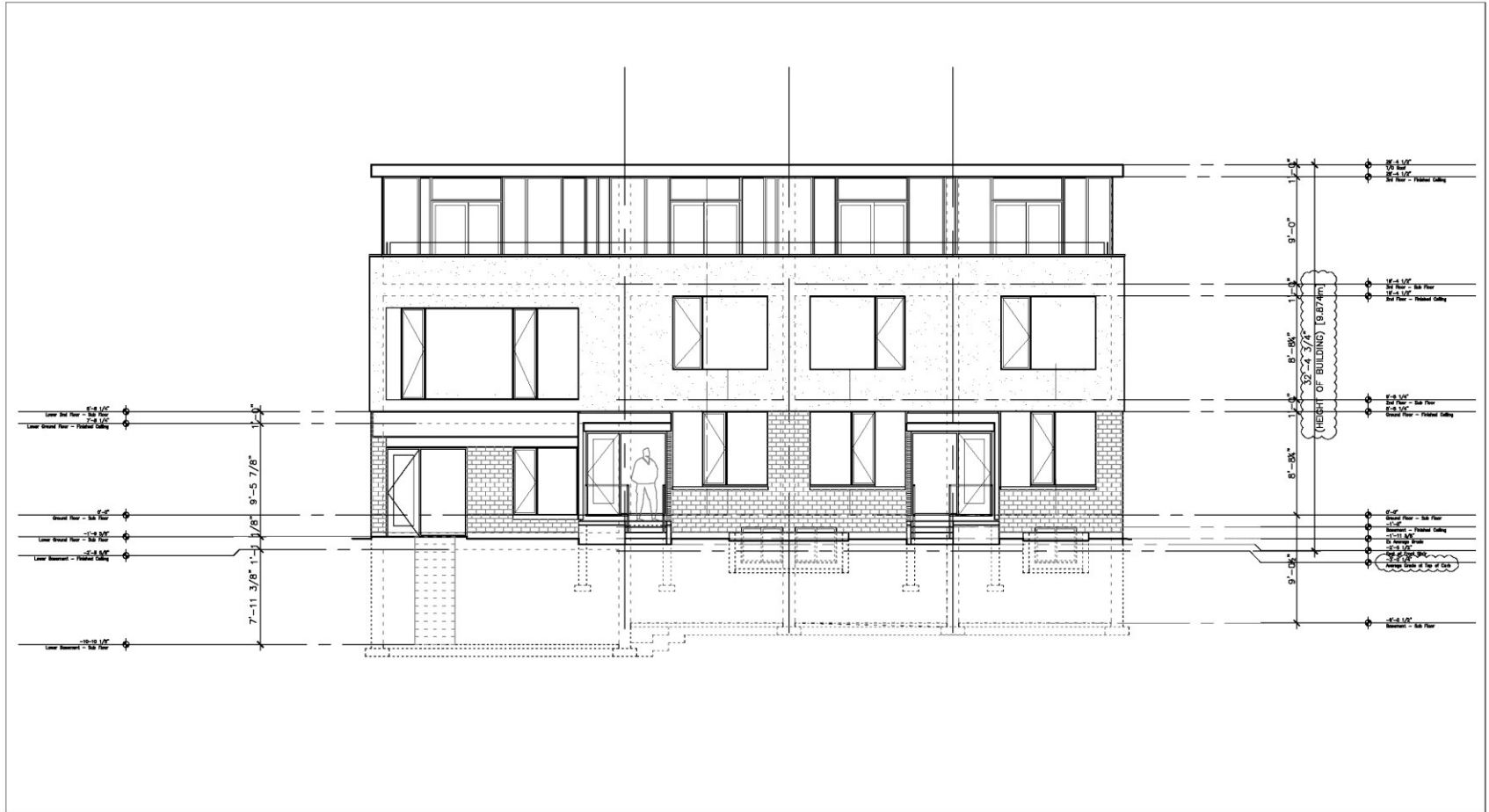
**Robert Street Development**  
 125-129 Robert Street, Hamilton, ON, L8L 2P7

**TOMS + MCNALLY**  
 DESIGN | ARCHITECTURE | URBANISM | CONSTRUCTION

180, Avenue 51 N | Box 203 | 180-000-1 | ON: 1-888-262-2889 | 905-769-2700  
 www.toms-mcnally.com

Appendix "B" to Report PED20015  
 Page 1 of 5





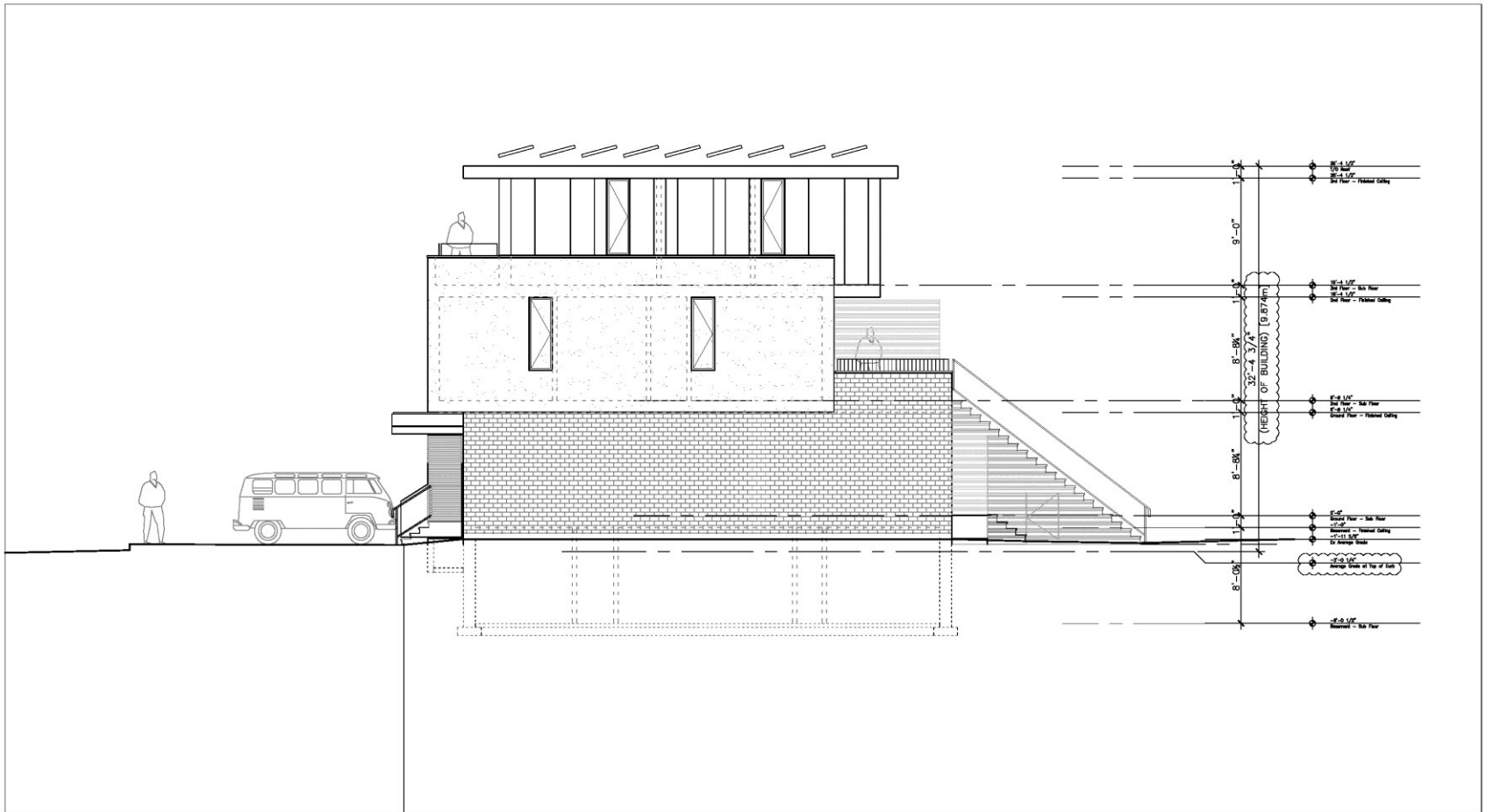
**FRONT ELEVATION**  
 18/03/21

**A4**

**Robert Street Development**  
 125-129 Robert Street, Hamilton, OH, LBL 2P7

**TOMS + MCNALLY**  
 DESIGN | ARCHITECTURE | LANDSCAPE | CONSTRUCTION  
 915 Jerome Blvd | New York | New York | CH | LBL 2.3 | 212.776.2211  
 www.tomsmcnally.com

Appendix "B" to Report PED20015  
 Page 2 of 5



**EAST (LANEWAY) ELEVATION**

180327

**A5**

**Robert Street Development**  
 125-129 Robert Street, Hamilton, OH, USA 45011

**TOMS + MCNALLY**  
 DESIGN | ARCHITECTURE | LANDSCAPE | CONSTRUCTION  
 905 Graham Street | Suite 200 | Hamilton | OH | USA 45011 | 513.758.2211  
[www.tomsandmcnally.com](http://www.tomsandmcnally.com)

Appendix "B" to Report PED20015  
 Page 3 of 5





**REAR ELEVATION**

18/03/27

**A6**

**Robert Street Development**  
 125-129 Robert Street, Hamilton, ON, L8L 2P7

**TOMS + MCNALLY**

DESIGN | ARCHITECTURE | URBANISM | CONSTRUCTION

90 James St E | 3rd Floor | Hamilton | ON | L8R 3L3 | 905.769.7802  
 www.tomsandmcnally.com







Subject Properties from Robert Street looking north







Subject Properties from Robert Street including the Alley







North side of Robert Street just east of the subject properties







North side of Robert Street just west of the subject properties







Townhouses on Elgin Street at Robert Street (further east)







Properties across (south) from Subject Properties







South side of Robert Street, looking east







South side of Robert Street, looking west







Mary Street north of Robert Street



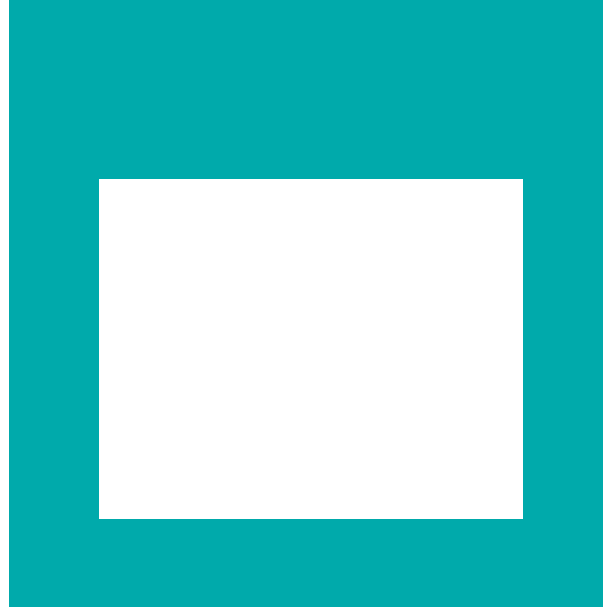




West side of Mary Street just west of Robert Street



Zoning Requirement	Intent of Requirement	Effect of Proposed Reduction
<b>Front Yard Depth</b>	Pedestrian friendly streetscape, landscape area, visibility, physical separation from municipal right-of-way.	Streetscape is interrupted, landscape area is reduced, visibility from alley to Robert Street is reduced.
<b>Side Yard Depth</b>	Landscape (permeability), adequate access to rear yard for maintenance purposes.	Reduced permeability, westerly access is limited for maintenance and easterly access is completely dependent on the alley.
<b>Lot Width</b>	Minimum lot widths create consistency in character and context and ensure lots are adequately sized to accommodate permitted uses, landscape (permeability).	Over-intensification, a use that is out of character and context with the existing neighbourhood.
<b>Gross Floor Area Ratio</b>	To keep the building size proportionate to allow for adequate landscape and amenity area and protects the character of the neighbourhood.	Massing is increased and not in keeping with surrounding neighbourhood. Increased floor area leads to reduced landscaped / permeable amenity area.
<b>Landscaped Area</b>	Provides appropriate outdoor amenity area and allows water to permeate into the ground to avoid run off.	Reduced amenity space and permeability increases run off which can negatively impact neighbours and add pressure to existing municipal infrastructure.
<b>Yard Encroachment - Stairs</b>	Maximum yard encroachments protect landscape and amenity area while reducing overlook and privacy issues on neighbouring lots.	Reduction of amenity space, increased overlook into neighbouring yards, reduced privacy.
<b>Number of Parking Spaces</b>	To provide adequate parking for the use and reduce impact on surrounding neighbourhood and the availability of on-street parking.	Having no parking spaces on the property does not adequately accommodate the use and will increase demand for already limited on-street parking on Robert Street and within the surrounding neighbourhood.
<b>Parking Space Size</b>	Minimum parking space sizes ensure usability for a variety of vehicles and reduce damage to personal property.	Undersized parking spaces increase demand for already limited on-street parking on Robert Street and limits the type of vehicles that are able to use the spaces.



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE





December 2, 2019

Planning Committee  
City of Hamilton  
71 Main Street West  
Hamilton ON L8P 4Y5

**RE: UHOPA-17-033 & ZAC 17-073 (125-129 Robert St.)**

To the Members of the Planning Committee:

We are writing you today in support of a proposed Official Plan Amendment and Zoning Bylaw Amendment (UHOPA-17-033 & ZAC 17-073) related to a “gentle intensification” or “missing-middle housing” proposal at 125-129 Robert St., in the Beasley Neighbourhood.

On February 14, 2018, Renee Sekula, the owner of 125-129 Robert St. attended a Beasley Neighbourhood Association meeting at the Beasley Community Centre to inform us of plans she had for the subject properties. Members were interested in hearing about the plans for a new, 3-storey, 7-unit building on the site. At the time, members appreciated the human scale of the proposal, that the development would add to the rental stock, and that the increase in dwelling units would address affordability and housing availability concerns in the neighbourhood. Members also highlighted a clear desire to save the existing, mature trees on the site. As presented, the project represented “gentle intensification” of Beasley, and the BNA’s executive committed to write a letter in support once details were confirmed.

On November 13, 2019, Ms. Sekula & her architect, Philip Toms, from Toms + McNally, attended the Association’s monthly meeting to provide an update on the proposal, and formally seek our written support. Questions were posed by some of the 30+ people in attendance, and members heard the revised plans for on-street parking to save the trees, and a reduction of 1 unit from 7 to 6 units.

As we have communicated in the past on other projects in Beasley, considering our neighbourhood’s high “walk score” (i.e. the proximity to amenities, and the enhanced ability to walk to access them) the Association sees the benefit of considering a reduced number of required on-site parking spots. A flexible approach to on-site parking has facilitated the prompt building of previous intensification projects in Beasley, and in the case of this development, will also maintain the environmental benefits provided by trees as the City addresses a climate emergency.

Some discussion took place regarding the City’s requirements for the number of spots and we understand the proposal maintains the same overall parking supply (technically 0 spaces in either scenario), but avoids new boulevard parking spaces and their associated parking

pads and curb cuts. This leaves intact the existing parking on-street in front of the properties, which is available to all residents, their visitors, and the community. Members have previously pointed out accessibility issues associated with sharply sloping curb-cuts (i.e. pedestrians and those with mobility devices sometimes face challenges maintaining balance on these slopes, especially in icy/snowy winter conditions), and that parking pads privatize previously “common” on-street parking spots. After deliberation and discussion with members and residents who live nearby, we believe the proponent’s solution to the parking/tree issue is a reasonable one, and no objections were expressed.

Members also expressed support for the fact that the proposed development includes units of various sizes and configurations, including one fully-accessible unit, and that the project is oriented to renters. Given the sharply rising rents and low rental vacancy rate in Hamilton, members were also supportive of these aspects of the project. Following the discussion, a vote was taken on a motion to write this letter of support, and it received unanimous consent.

Please let us know if you have any further questions, and we look forward to you helping us continue to make Beasley a greener and healthier place to live, work and play.

Sincerely,



Alexandra Murphy  
Co-Chair



Karlie Rogerson  
Co-Chair

Copy:

Renee Sekula

Philip Toms, Toms+McNally Design



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2020
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 179, 183 and 187 Wilson Street West (Ancaster) (PED20022) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	James Van Rooi (905) 546-2424 Ext. 4283
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATIONS

That **Zoning By-law Amendment Application ZAC-19-040 by T. Johns Consulting Group on behalf of Sunrise Senior Living, Owner**, for a change in zoning from the Residential "R2" Zone in Town of Ancaster Zoning By-law No. 87-57, to the Community Institutional (I2, 694) Zone, in the City of Hamilton Zoning By-law No. 05-200, to permit a three storey retirement home for lands located at 179, 183, and 187 Wilson Street West (Ancaster), as shown on Appendix "A" to Report PED20022 be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED20022, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to A Place to Grow (2019);
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan.

---

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

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

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



**SUBJECT: Application for a Zoning By-law Amendment for lands located at 179, 183 and 187 Wilson Street West (Ancaster) (PED20022) (Ward 12) - Page 2 of 24**

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## **EXECUTIVE SUMMARY**

The subject property is municipally known as 179, 183, and 187 Wilson Street West (Ancaster). The Owner has applied for an amendment to Zoning By-law No. 05-200 to permit:

- A three storey, 88 room, retirement home with shared dining, lounges and entertainment areas, 49 underground parking spaces, three surface parking spaces (for a total of 52 parking spaces), one loading space, a drop off area and outdoor amenity area. The proposed retirement home will provide assisted care and memory care support for its residents and is expected to house a total of 134 residents.

The application has merit and can be supported for the following reasons:

- it is consistent with the Provincial Policy Statement (2014) (PPS);
- it conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019);
- it complies with the Ancaster Wilson Street Secondary Plan;
- it is compatible with and complementary to the existing surrounding neighbourhood; and,
- it represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances and continues the streetscape of the neighbourhood and further provides housing opportunities to meet the social and health needs of the community.

## **Alternatives for Consideration – See Page 23**

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

Financial: N/A

Staffing: N/A

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

**SUBJECT: Application for a Zoning By-law Amendment for lands located at 179, 183 and 187 Wilson Street West (Ancaster) (PED20022) (Ward 12) - Page 3 of 24**

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## HISTORICAL BACKGROUND

### Report Fact Sheet

<b>Application Details</b>	Applicant/Owner:	T. Johns Consulting Group on behalf of Sunrise Senior Living
	File Number:	ZAC-19-040
	Type of Application:	Zoning By-law Amendment Application
	Proposal:	<p>Three storey, 88 room, retirement home with shared facilities with 49 underground parking spaces, three surface spaces, a drop off area and one loading space.</p> <p>The proposal also includes approximately 40% landscaped area which will include features such as outdoor seating amenity area, walkways, and outdoor seating.</p>
<b>Property Details</b>	Municipal Address:	179, 183 and 187 Wilson Street West
	Lot Area:	0.8 ha <ul style="list-style-type: none"> <li>• 179 Wilson Street 0.29 ha</li> <li>• 183 Wilson Street 0.24 ha</li> <li>• 187 Wilson Street 0.27 ha</li> </ul>
	Lot Frontage:	62.4 metres <ul style="list-style-type: none"> <li>• 179 Wilson Street 22.7 metres</li> <li>• 183 Wilson Street 18.3 metres</li> <li>• 187 Wilson Street 21.4 metres</li> </ul>
	Servicing:	Full Municipal Services
	Existing Use	Three single detached dwellings
<b>Documents</b>	Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.

**SUBJECT: Application for a Zoning By-law Amendment for lands located at 179, 183 and 187 Wilson Street West (Ancaster) (PED20022) (Ward 12) - Page 4 of 24**

	A Place to Grow:	The proposal conforms to A Place to Grow.
	Official Plan Existing:	<ul style="list-style-type: none"> <li>• Neighbourhoods</li> <li>• <u>Ancaster Wilson Street Secondary Plan</u> <ul style="list-style-type: none"> <li>• Medium Density Residential 2</li> <li>• Permitted uses shall be limited to single detached dwellings, semi-detached dwellings, all form of townhouse dwellings, low-rise multiple dwellings, and live-work units.</li> <li>• Maximum building height shall be three storeys.</li> <li>• New housing with supports are permitted within the Neighbourhoods designation.</li> </ul> </li> </ul>
	Zoning Existing:	Residential "R2" Zone
	Zoning Proposed:	Community Institutional (I2, 694) Zone
	Modifications Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> <li>• Increase maximum capacity of residents from 50 to 134;</li> <li>• Rear yard setback of 15 metres; and,</li> <li>• Side yard setback of 2 metres to the ramp and/or retaining wall for the underground parking area.</li> </ul>
<b>Processing Details</b>	Received:	May 17, 2019
	Deemed Complete:	June 17, 2019
	Notice of Complete Application:	Sent to 166 property owners within 120 m of the subject property on June 24, 2019.
	Public Notice Sign:	June 25, 2019 and updated on December 04, 2019.
	Notice of Public Meeting:	Sent to 166 property owners within 120 m of the subject property on December 13, 2019.

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment for lands located at 179, 183 and 187 Wilson Street West (Ancaster) (PED20022) (Ward 12) - Page 5 of 24**

	Public Consultation:	On April 25, 2019 a community information session was hosted by the applicant and attended by approximately 35 residents.
	Public Comments:	One letter in support and two letters expressing concern.
	Processing Time:	212 days

**Original Submission – June 17, 2019**

The applicant's initial submission consisted of a three storey building with a total of 88 rooms and 49 parking spaces. The initial submission proposed a building having a 10.95 metre rear yard setback.

**Second Submission – August 23, 2019**

After the April 25<sup>th</sup>, 2019 open house, the applicants made minor adjustments to the proposal in response to some of the neighbourhood concerns with respect to parking and setbacks. The revised submission included the same number of rooms (88) but increased the total number of parking spaces to 52, (49 underground and three surface). The rear yard setback was also increased from 10.95 metres to a 15.95 metres from the rear property line.

**Zoning By-law Amendment:**

Application ZAC-19-040 will remove the lands from the Residential "R2" Zone in the Town of Ancaster Zoning By-law No. 87-57 and place the lands in the Community Institutional (I2, 694) Zone with site specific provisions in the City of Hamilton Zoning By-law No. 05-200. The (I2) Zone permits retirement homes and the specific exception would allow for a maximum capacity of 134 residents, whereas 50 is the maximum permitted. The specific exception also requests an increased rear yard setback to 15 metres and a decreased side yard setback of 2 metres for the ramp and/or retaining wall leading to an underground parking area.

**Existing Land Use and Zoning:**

<b><u>Subject Lands:</u></b>	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
	Single Detached Residential Dwellings	Residential "R2" Zone

**SUBJECT: Application for a Zoning By-law Amendment for lands located at 179, 183 and 187 Wilson Street West (Ancaster) (PED20022) (Ward 12) - Page 6 of 24**

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**Surrounding Land Uses:**

<b>North:</b>	Single Detached Dwellings	Existing Residential “ER” Zone
<b>East:</b>	Townhouse Dwellings	Residential Multiple “RM3-378” Zone, Modified
<b>South:</b>	Single Detached Dwellings	Existing Residential “ER” Zone and “ER-358” Zone, Modified
<b>West:</b>	Single Detached Dwellings (condominium development)	Residential “R2-541” Zone, Modified

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) approval of the City of Hamilton Official 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, cultural heritage and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

**Cultural Heritage and Archaeology**

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

“2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been

**SUBJECT: Application for a Zoning By-law Amendment for lands located at 179, 183 and 187 Wilson Street West (Ancaster) (PED20022) (Ward 12) - Page 7 of 24**

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demonstrated that the heritage attributes of the protected heritage property will be conserved.”

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. A Stage 1-2 (report #P389-0399-2018) archaeological assessment for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the reports for compliance with licensing requirements in a letter dated May 10, 2019. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

### Noise

Regarding noise, the PPS provides the following:

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

S. Llewellyn & Associates Ltd. prepared an Environmental Noise Assessment Report, dated May, 2019, in support of the proposed development. The study reviewed the acoustic requirements for this development with respect to noise anticipated from Wilson Street West.

Based on the results of the study, noise warning clauses will be required to be included on the future site plan undertaking and in all agreements of purchase and sale or lease and all rental agreements. The study’s findings also include recommendations that a central air conditioning system will be required. No outdoor attenuation measures are required for the proposal based on the findings of the report.



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

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

**Urban Hamilton Official Plan (UHOP)**

The subject property is identified as "Neighbourhoods" on Schedule "E" – Urban Structure, designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations, and shown within the Built Boundary on Appendix "G" – Boundaries Map. The subject property is further designated "Medium Density Residential 2", on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan Land Use Plan.

The following policies, amongst others, are applicable to the subject application.

**Neighbourhoods Designation**

- "E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

**Built Form and Compatibility:**

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

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- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.2.14 New *housing with supports* shall be permitted within the Neighbourhoods designation in accordance with the locational and design criteria of the residential category to which the density and built form best complies.”

In review of the above, the proposal contributes to a complete community by providing housing with supports and adding to the variety of dwelling types in the area. The UHOP permits housing with supports in the Institutional, Neighbourhoods, and Commercial and Mixed Use designations. Comments on the compatibility with the existing residential neighbourhood, density and form are addressed in the following section “residential intensification”.

#### Residential Intensification

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.
- B.2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.
- B.2.4.1.4 Residential intensification development shall be evaluated based on the following criteria:
- a) A balanced evaluation of the criteria in b) through g), as follows;
  - b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
  - c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;

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- d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies

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

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space
- g) The ability to respect and maintain or enhance the streetscape patterns of private and public amenity space;
- h) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- i) The ability to complement the existing functions of the neighbourhood;
- j) The conservation of cultural heritage resources; and,

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k) Infrastructure and transportation capacity and impacts”

In response to the above mentioned policies, the proposed retirement facility has been designed with consideration for the surrounding residential uses. The development proposes adequate landscaping to be compatible with the streetscape character of the area and also to provide buffering to surrounding properties. Noise from Wilson Street has been evaluated and the development appropriately meets the sound level limits prescribed by the Province. Furthermore, in terms of traffic, the use as a retirement home is considered less intensive than a typical residential use, generating traffic primarily for employees and visitors. The proposed retirement home will contribute to and expand the range of dwelling types within the neighbourhood and provides appropriate transition between the adjacent single detached dwellings, townhouses and nearby multiple dwellings.

The scale and form of the proposed retirement home is regulated by the proposed amending site specific By-law to ensure an appropriate relationship is established between the proposed development and existing adjacent single detached dwellings and townhouses. The building proposed is three storeys totalling 14.1 metres in height from the finished floor elevation to the top of roof. The low-profile built form in combination with adequate setbacks reduce shadowing and overlook impacts to adjacent single detached and townhouse dwellings. Drawings provided in Appendix “C” to Report PED20022, show that the 45-degree angular plane from shared property lines are not encroached by any portions of the proposed building. In addition, the applicant has proposed a dense mix of native trees (deciduous and evergreen) and vegetation along property lines to mitigate overlook and massing which will be implemented at the Site Plan Control stage. As part of the Site Plan Control process a lighting plan will be required to ensure that spillover light is confined within the site while still maintaining a well-lit property for pedestrian and vehicular safety.

Although the proposed building is taller in height and greater in mass and scale than directly adjacent residential properties, the proposed form, which staff consider similar to a multiple dwelling form, exist nearby and within the neighbourhood. Properties such as 153, 125 and 150 Wilson Street West are examples of existing multiple dwelling building forms in the immediate area.

The proposal includes outdoor and indoor amenity areas and provides for connectivity of the private space and public space with pedestrian walkways connecting to the municipal sidewalk. In regards to streetscape, the proponent has considered the Ancaster Wilson Street Secondary Plan Urban Design Guidelines. These guidelines emphasize landscaping and tree cover to be closer to the street. The applicant has also proposed setting the building back further from the property line/streetline to keep the streetscape consistent with the area. The entrance to the underground parking is

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located on the side of the building and would be screened from public and neighbouring views. Staff are of the opinion that the streetscape pattern is being maintained, enhanced and respected and that the development complements the area.

The proposed building's closest above ground setbacks to property lines are as follows:

- 15.95 metres from rear property line;
- 12.65 metres from the north (side) property line;
- 18.15 metres from the steetline/front property line (considered the streetline); and,
- 12.40 metres from the south (side) property line.

Staff note that the ramp leading to the underground parking is proposed 2 metres from the southern property line. The setbacks proposed for the building would integrate well with the existing adjacent uses and have minimal impacts with respect to shadowing, overlook, lighting, noise, traffic and other nuisances.

With respect to infrastructure, Engineering Approvals staff have reviewed a Functional Servicing Report (FSR) prepared by S. Llewellyn & Associates Limited. Further revisions have been requested to the FSR with respect to Stormwater Management and will be implemented as a standard condition of Site Plan approval. Engineering Approvals were generally satisfied that water and sanitary servicing capacities would be accommodated.

#### Tree and Woodland Protection

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

Trees have been identified on the subject property, and staff have reviewed a submitted Tree Protection Plan (TPP). Revisions to the TPP are required, and in addition a Landscape Plan will be required. Both the TPP and the Landscape Plan would be addressed in detail as part of the Site Plan Control process.

#### Roads Network

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

- a) Major arterial roads, subject to the following policies:

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iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.

The subject lands are identified as being located along Wilson Street, which is considered a Major Arterial right-of-way. The applicant has identified a future right-of-way widening of 3 metres. Staff note that the right-of-way widening does not trigger the need for a modified front yard setback. Furthermore, this will support the overall vision of providing an appropriate right-of-way width identified for Wilson Street.

**Ancaster Wilson Street Secondary Plan**

The subject property is designated “Medium Density Residential 2” on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan and is within the Ancaster Community Node Area on Appendix A. The following policies, amongst others, apply.

“B.2.8.7.4 Medium Density Residential 2 Designation

- a) Notwithstanding Policy E.3.5.2 and E.3.5.4 of Volume 1, the permitted uses shall be limited to single detached dwellings, semi-detached dwellings, all form of townhouse dwellings, low-rise multiple dwellings, and live-work units.
- b) Notwithstanding Policy E.3.5.7 of Volume 1, the net residential density range shall be 60 - 75 units per hectare.
- c) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum building height shall be three storeys.”

The proposal introduces a different housing form, being housing with supports. As previously discussed, housing with supports is a permitted use in Neighbourhoods (which this site is designated in Volume 1) as such, the proposal must meet the locational and design criteria of the residential category to which the built form best complies. The proposal for a three storey building is similar in built form and function to low-rise multiple dwellings which are currently permitted in the secondary plan. The proposal also complies with the height requirements provided for in the Ancaster Wilson Street Secondary Plan.

The site is also identified as a Community Node, the policies below provide additional direction to development within the area.

“B.2.8.6.1 Ancaster Community Node Policies



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- a) The Ancaster Community Node shall be a focus area for growth, development, and intensification within the Ancaster Wilson Street Secondary Plan.
- b) The Ancaster Community Node shall include a range of housing forms and tenures, and a mix of employment, institutional, recreational, and commercial uses subject to the land use designation policies of this Secondary Plan and Volume 1 of this Plan.
- c) Intensification and infill development shall be balanced with the heritage and historic character of Ancaster. Further guidance for incorporating heritage features, design, and overall character through infill and intensification is provided in the supporting Ancaster Wilson Street Urban Design Guidelines.
- d) Within the Ancaster Community Node, larger scale development and redevelopment are encouraged to be directed towards the Uptown Core and western portion of the Gateway Residential area, as shown on Appendix A – Character Areas and Heritage Features.

#### B.2.8.7.2 General Residential Policies

- a) Residential development or redevelopment and infill development shall maintain and enhance the character of the residential areas through architecture style that is sympathetic and complementary with the existing adjacent residential areas, heritage buildings, and uses. Further direction regarding design shall be provided in the Urban Design policies, detailed in Policy 2.8.12 of this Plan.

#### B.2.8.12.1 Urban Design Policies

- b) Development and redevelopment shall be consistent with the Ancaster Wilson Street Secondary Plan Urban Design Guidelines, and shall be sympathetic to adjacent building styles, features, and materials when adjacent to a designated or listed heritage building.
- e) New development or redevelopment shall complement the distinct character, design, style, building materials, and characteristics, which define each Character Area.
- f) Design requirements shall only apply to commercial and mixed use areas, institutional, and multi-residential developments. The Guidelines shall not apply to single detached and semi-detached dwellings.”

In review of the policies above, the proposed development is within the Ancaster Community Node and facilitates intensification as prescribed within the Ancaster Wilson Street Secondary Plan. This proposal would contribute to a range of housing options

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and forms for seniors and is a larger scale development that is directed to the western portion of the Gateway Residential Area.

An Urban Design Brief prepared by Turner Fleischer, dated May 2019 has been submitted and examines the proposal in accordance with the established Urban Design guidelines. The Urban Design Brief maintains that the proposal complements the existing style and character of the area by maintaining a residential feel and a green quality as prescribed by the Guidelines. The Urban Design Brief also confirms that the proposed development would be similar to its surrounding context in terms of building materials. The proponent has indicated that materials considered include a mixture of stone/block and siding and will incorporate the concept of a base, middle and cap.

A retirement home being considered housing with supports is permitted within the Neighbourhoods designation and the proposal incorporates the locational and design criteria of the Medium Density Residential 2 Designation established by the Ancaster Wilson Street Secondary Plan. Staff are of the opinion that the form, function and use of the land for a retirement home is compatible with the existing and planned development of the area. The proposal also supports growth and intensification while contributing to an additional housing form and tenure for seniors within the Ancaster Community Node Area.

Staff are of the opinion that the proposal complies with the Ancaster Wilson Street Secondary Plan and the Urban Hamilton Official Plan.

**Ancaster Wilson Street Secondary Plan Urban Design Guidelines**

The lands are located within the Gateway Residential Area of the Ancaster Wilson Street Secondary Plan Urban Design Guidelines. The proposed building form on the subject lands is identified as Typology B. The following excerpts of the Guidelines apply.

**Design Goals**

“The intent of these design guidelines is to preserve the residential scale and “green” character of Wilson Street West, while enhancing the “gateway” function the corridor currently fulfills. Primary elements of the guidelines that achieve this include:

- Building design is flexible and accommodates/ promotes individual expression;
- Building heights are limited to 3 storeys with pitched rooflines;
- Building masses are setback from the street with front yard landscaping; and,

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- A strong linear parkway for pedestrian and bicycle circulation enhances connections and the green quality of the street.”

The applicant has indicated that the three storey building will have a pitched roof and will have a maximum of three materials reflective of its surrounding area in keeping with the Guidelines. Other design requirements that will be considered through Site Plan Control include windows, accesses, setbacks, and landscaping requirements.

Based on the foregoing, the proposal meets the intent of the Ancaster Wilson Street Secondary Plan Urban Design Guidelines.

**Town of Ancaster Zoning By-law No. 87-57**

The subject lands are currently zoned Residential “R2” Zone in the former Town of Ancaster Zoning By-law No. 87-57. The Residential “R2” Zone, permits one detached dwelling on one lot and uses, buildings and structures accessory thereto. The subject lands are all currently occupied by single detached dwellings.

In order to implement the proposed development of a three storey, 88 room retirement home, the applicant has applied to rezone the lands and incorporate them into Hamilton Zoning By-law No. 05-200. The lands are intended to become a site specific Community Institutional (I2, 694) Zone to facilitate the development of a retirement home and to permit an increase in maximum capacity from 50 residents to 134 residents. The modifications also intend to increase the required rear yard setback and to allow for a special setback from the ramp and/or retaining wall structure to the underground parking area. An analysis of the proposed modifications for the subject lands are contained in Appendix “D” to Report PED20022.

**RELEVANT CONSULTATION**

Departments and Agencies		
	Comment	Staff Response
<ul style="list-style-type: none"> <li>• MPAC</li> <li>• Union Gas</li> <li>• Bell Canada</li> <li>• Cogeco Cable</li> <li>• Hydro One</li> <li>• Ministry of the Environment, Conservation and Parks</li> </ul>	No Comment	

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<ul style="list-style-type: none"> <li>• Niagara Escarpment Commission</li> <li>• Recreation Division</li> <li>• Special Projects, Growth Management Division</li> </ul>		
Forestry, Public Works Department	Landscape Plan depicting the street tree planting scheme for the proposed development will be required.	This will be reviewed through the Site Plan Control process.
Recycling and Waste Collection, Public Works Department	Noted that the development would be ineligible for service, and that a private hauler will be required.	This will be reviewed through the Site Plan Control process.
Public Health Services, Healthy and Safe Communities	Require a Pest Control Plan.	This will be required through the Site Plan Control process.
Transportation Planning	<p>Approves the Transportation Demand Management Report and note that a Transportation Impact Study is not required.</p> <p>The proponent is required to make revisions to the site plan to include 5.0 metre by 5.0 metre visibility triangles and an increase to the driveway throat width.</p> <p>A right of way dedication is required.</p>	These requirements will be reviewed through the Site Plan Control process. The proposal includes the required right-of-way widening.
Engineering Approvals	Reviewed the Functional Servicing Report, Preliminary	As part of the Site Plan Control process the applicant will be

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	<p>Grading and Erosion Control Plan, Preliminary Site Servicing Plan and Notes and Details Plan submitted with this application.</p> <p>The municipal infrastructure fronting the subject site includes:</p> <ul style="list-style-type: none"> <li>• 300mmØ watermain</li> <li>• 525mmØ storm sewer</li> <li>• 1050mmØ storm sewer</li> <li>• 750mmØ sanitary sewer</li> </ul> <p>The property is subject to a road widening requirement along Wilson Street West which is identified as a major arterial road.</p> <p>The existing 450mmØ storm sewer stub at the northeast corner of the subject site is located within private property at 173 Wilson Street West (Wilson Woods Condominium). Development Engineering has reviewed the registered R-plan, 62R-13682 and legal document LT405091 that contains the easement through the subject site. However, the 450mmØ storm sewer does not appear to be within this easement.</p> <p>It appears that the emergency overland flow route is directed to Wilson Street West, which is acceptable. Detailed engineering review and</p>	<p>required to dedicate sufficient lands across the frontage of the property adjacent to the road. This is to achieve a right-of-way width of 15.24 metres (50 feet) at this location from the original centreline of this roadway. The proposal includes the required right-of-way widening.</p> <p>The applicant is required to obtain permission from the neighbouring lands and demonstrate their legal rights to connect to the storm sewer to the satisfaction of Engineering Approvals.</p> <p>Through the Site Plan Control process the applicant will be required to submit:</p> <ol style="list-style-type: none"> <li>1. A Geotechnical Report as underground parking is proposed.</li> <li>2. An updated Functional Servicing and Stormwater Management Report.</li> <li>3. Detailed engineering drawings including: <ul style="list-style-type: none"> <li>• Grading Plan;</li> <li>• Servicing Plan; and,</li> <li>• Erosion and Sedimentation Control Plan.</li> </ul> </li> </ol> <p>Engineering Approvals staff have identified that generally there are no concerns with the proposed Zoning By-law Amendment, and the necessary details identified</p>
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	<p>comments will be provided at the Site Plan Control process.</p> <p>There are no downstream concerns with respect to the sewer capacity. Therefore, Hamilton Water has no concerns or conditions.</p> <p>The peak domestic water usage for the site, based on the approximate fixture units approach, has been calculated as 7.71 L/s. This calculation is acceptable.</p> <p>The required fire flow (RFF) has been calculated as 8000 L/min (133 L/s). This calculation was based on fire-resistive construction materials (i.e. C=0.6), exposure charges of 35%, limited combustible contents (15% reduction) and a 50% credit for a fully-supervised sprinkler system.</p> <p>The building floor areas, exposure distances, building materials and sprinkler system design, should be checked to be compliant with the RFF calculations at the site plan application and building permit application stages.</p> <p>The City's hydrant testing at the closest municipal hydrant (AM14H122, dated September 14, 2016) resulted</p>	<p>above shall be implemented through the future Site Plan Control application.</p>
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	<p>in a theoretical available flow of 2186 IGPM (165 L/s) at 20psi.</p> <p>A Geotechnical Report will be required to discuss the soil/groundwater conditions as well as the potential need for dewatering.</p>	
<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
	<p>Public submissions identified concerns with respect to privacy specifically for the residents of a single detached condominium development to the south, and residents along Taylor Road.</p>	<p>Increased setbacks from the rear yard of adjacent residential properties have been included to address privacy concerns. Staff note that the decreased side yard setback proposed is 2 metres specifically just for the ramp and/or underground parking structure. The principal building is proposed at a setback of 11.8 metres whereas the required side yard setback is 6 metres in the (I2) Zone.</p>
	<p>A concern has been submitted indicating that a negative impact to resale value will occur.</p>	<p>Staff are not aware of any supporting real estate information or documentation that would substantiate this concern, or any empirical data with respect to property devaluation.</p>
	<p>A concern identified was that height information was not provided in the preliminary circulation.</p>	<p>The proponent is not looking for any increase in the height stipulated by the Zoning By-law.</p>
	<p>One comment was in support for the plan to permit a retirement home.</p>	<p>Staff have noted this.</p>

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	Concerns regarding the temporary impacts of construction were expressed.	Staff note that details such as a Dust Mitigation Plan and an Erosion and Siltation Control Plan will be conditions of Site Plan Approval to ensure that the areas surrounding the development are maintained. A Construction Management Plan will also be submitted through the Site Plan Approval process.

### **Public Consultation**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 166 property owners within 120 m of the subject property on June 24, 2019 for the application.

A Public Notice Sign was posted on the property on June 25, 2019, and updated on December 04, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on December 13, 2019.

To date, staff received three letters pertaining to the application (attached as Appendix “E” to Report PED20022) and the concerns are summarized in the table above.

### Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant has prepared a Public Consultation Strategy which includes a neighbourhood meeting held on April 25, 2019 and hosted by the applicant at Ancaster Town Hall. A notice advising of the neighbourhood meeting was sent to all residents within 120 metres of the subject lands. Approximately 35 people, including the applicant and their agents, attended the meeting.

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019);
  - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan;
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
  - (iv) The proposed development represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances and continues the streetscape of the neighbourhood and further provides housing opportunities to meet the social and health needs of the community.
  
2. Zoning By-law Amendment

The subject lands are currently zoned Residential “R2” Zone in the Ancaster Zoning By-law No. 87-57.

The applicant has requested that the subject lands be removed from the Ancaster Zoning By-law No. 87-57 and be re-zoned to a site specific Community Institutional (I2, 694) Zone, under Hamilton Zoning By-law No. 05-200 to permit a 134 person capacity retirement home. The use is permitted, as housing with supports are permitted within the Neighbourhoods designation in accordance with the locational and design criteria of the residential category to which the density and built form best complies. The proposal for a three storey, low-rise built-form meets the requirements of the Medium Density Residential 2 designation. Staff are in support of this change in zoning as the proposal complies with the Urban Hamilton Official Plan policies and the Ancaster Wilson Street Secondary Plan policies and provides an additional housing form to meet the needs of the community.

The subject application will further modify the (I2) Zone to permit a maximum capacity of 134 residents. A modification to provide a greater rear yard setback and a modification to consider a specific setback for the ramp to the underground parking area have also been included. These modifications are further discussed in Appendix “D” to Report PED20022.

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The Amendment to Zoning By-law No. 05-200 can be supported by staff as the proposed built form contributes to a complete community through a compact and efficient urban design. The proposal also supports an additional housing type and form for the area, in the form of a low-rise building. Staff are satisfied that the setbacks, landscaping, scale and massing are compatible with the surrounding area. In addition, the subject property is serviced by an HSR bus route and located along a major arterial (Wilson Street West).

Given the proposed setbacks, landscaping, appropriate scale and massing, the proposed Zoning By-law Amendment can be supported.

### **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could continue to be used in accordance with the Residential "R2" Zone, which permits a single detached dwelling.

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

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

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

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

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

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

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

#### **Clean and Green**

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

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

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

#### **Culture and Diversity**

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

---

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment for lands located at 179,  
183 and 187 Wilson Street West (Ancaster) (PED20022) (Ward 12) -  
Page 24 of 24**

---

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

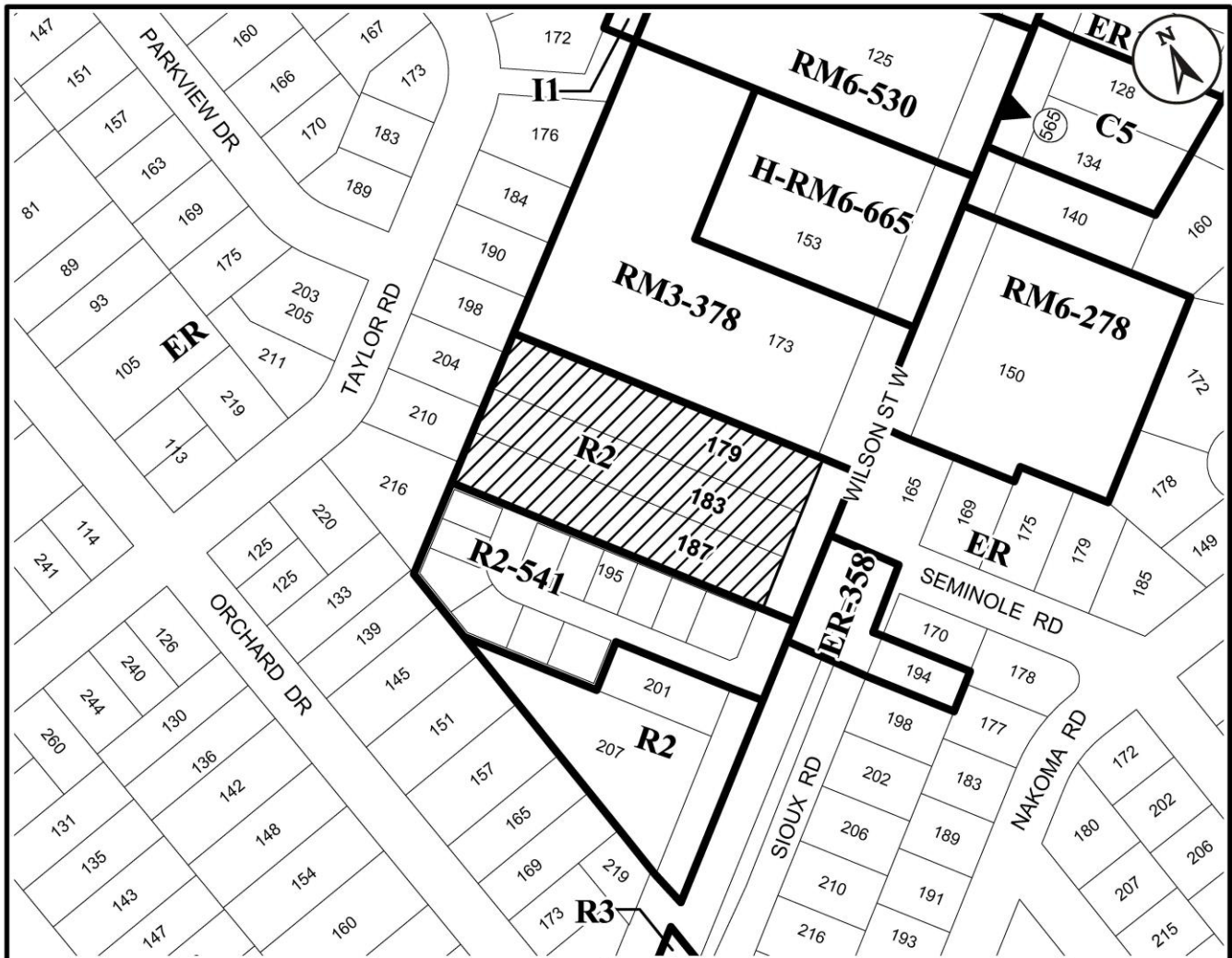
Appendix "A" – Location Map

Appendix "B" – Draft Zoning By-law Amendment

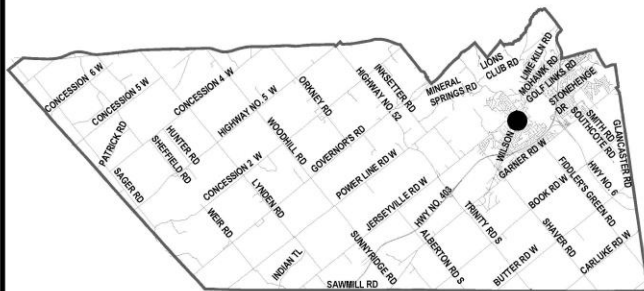
Appendix "C" – Concept Plan and Architectural Drawings

Appendix "D" – Zoning Modifications

Appendix "E" – Public Submissions



● Site Location



Key Map - Ward 12

N.T.S.



# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

ZAC-19-040

Date:

June 5, 2019

Appendix "A"

Scale:

N.T.S.

Planner/Technician:

JV/AL

### Subject Property

179, 183, 187 Wilson Street West



Change in zoning from Residential "R2" Zone to the Community Institutional (I2, 694) Zone



**Authority:** Item \_\_\_\_\_,  
Report (PED20022)  
CM:  
Ward: 12

**Bill No.**

## CITY OF HAMILTON

### BY-LAW NO. 20- \_\_\_\_\_

**To Amend Zoning By-law No. 05-200, with respect to lands located at 179, 183 and 187 Wilson Street West, Ancaster**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on January 14, 2020;

**AND WHEREAS** this By-law conforms with the Urban Hamilton Official Plan;

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

1. That Map Nos. 1280 and 1333 of Schedule "A" – Zoning Maps are amended by adding the Community Institutional (I2, 694) Zone to the lands attached as Schedule "A" to this By-law.
2. That Schedule "C": Special Exceptions is amended by adding the following new Special Exception:
  - "694. Within the lands zoned Community Institutional (I2) Zone, identified on Map Nos. 1280 and 1333 of Schedule "A" – Zoning Maps and described as 179, 183, and 189 Wilson Street West, Ancaster, the following special provisions shall apply:
    - a) In addition to Subsection 8.2.3.1 c), and notwithstanding Subsection 8.2.3.1 d), and g) the following regulations shall apply:

Appendix "B" to Report PED20022

Page 2 of 3

To Amend Zoning By-law No. 05-200, with respect to lands located at 179, 183 and 187 Wilson Street West, Ancaster

- ii) Minimum Side Yard      2 metres for a ramp or retaining wall for an underground parking area.
- iii) Minimum Rear Yard      15 metres
- iv) Maximum Capacity      Shall not exceed 134 residents.  
for a Retirement Home

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

**PASSED** this      day of      , 2020.

---

Fred Eisenberger  
Mayor

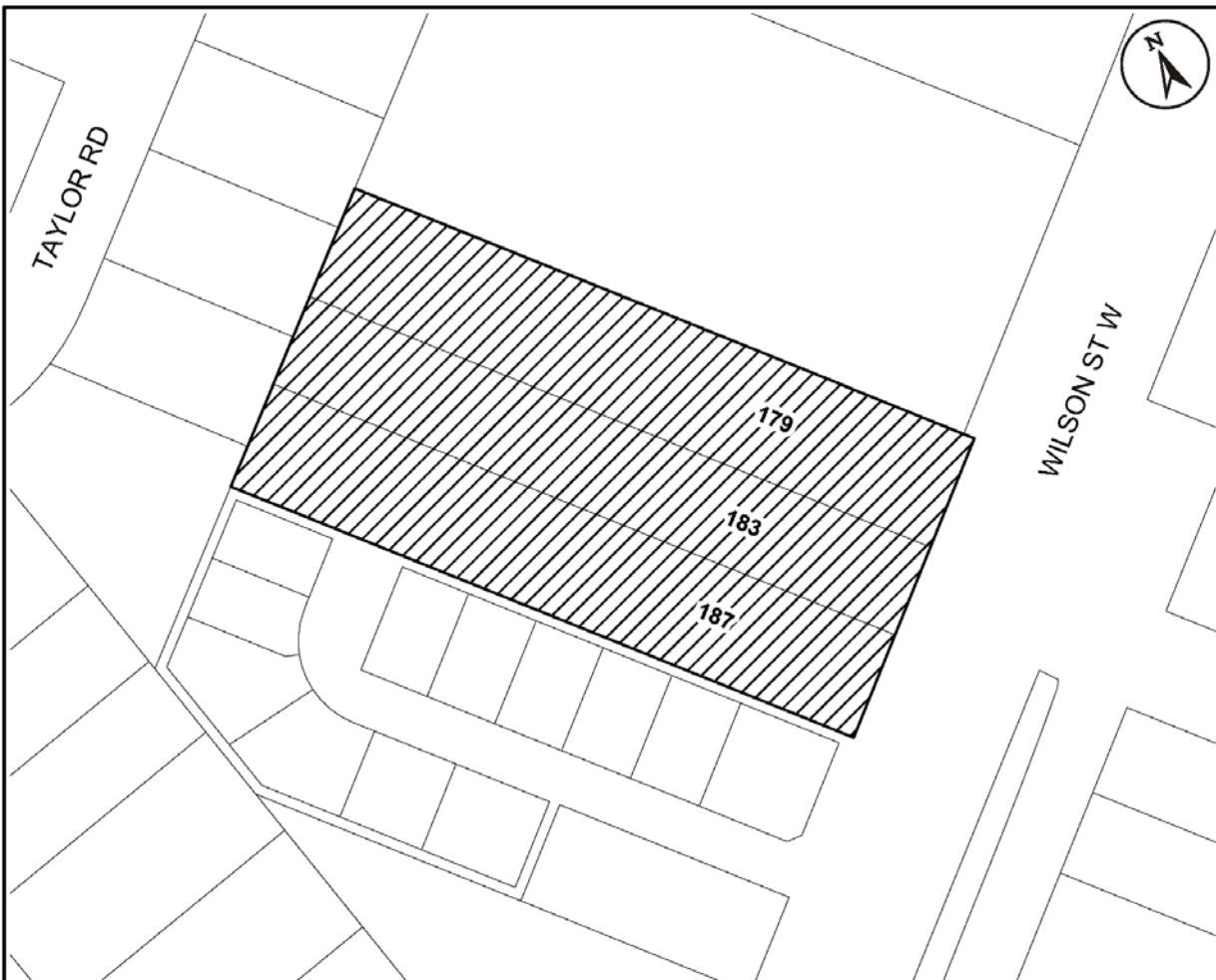
---

A. Holland  
City Clerk

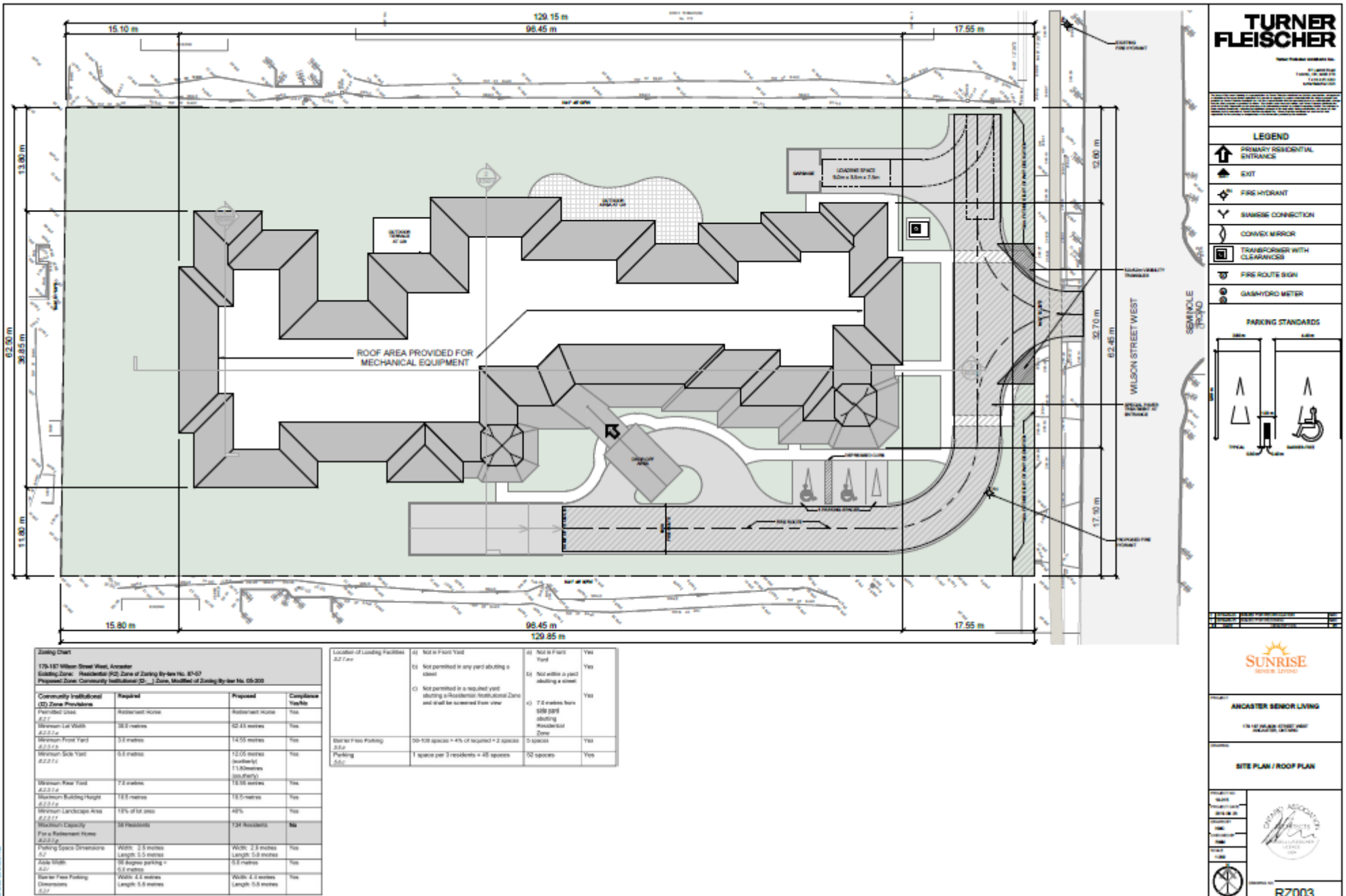
ZAC-19-040

Appendix "B" to Report PED20022

To Amend Zoning By-law No. 05-200, with respect to lands located at 179, 183 and 187 Wilson Street West, Ancaster



This is Schedule "A" to By-law No. 20- Passed the ..... day of ....., 2020		----- Mayor ----- Clerk
<h2>Schedule "A"</h2> <p>Map Forming Part of                  By-law No. 20-_____</p> <p>to Amend By-law No. 87-57</p>		<p><b>Subject Property</b>                  179, 183, 187 Wilson Street West</p> <p> Change in Zoning from the Residential "R2" Zone to the Community Institutional (I2, 694) Zone</p>
Scale: N.T.S.	File Name/Number: ZAC-19-040	 Hamilton
Date: Dec. 5, 2019	Planner/Technician: JV/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



**TURNER FLEISCHER**  
 TURNER FLEISCHER CONSULTANTS INC.  
 100 WILSON STREET WEST  
 ANCASTER, ONTARIO L9G 1K1  
 TEL: 905.477.1111  
 FAX: 905.477.1112  
 WWW.TFCONSULTANTS.COM

**LEGEND**

- PRIMARY RESIDENTIAL ENTRANCE
- EXIT
- FIRE HYDRANT
- SEWER CONNECTION
- CONDUIT MIRROR
- TRANSFORMER WITH CLEARANCES
- FIRE ROUTE SIGN
- GAS/HYDRO METER

**PARKING STANDARDS**

**Zoning Chart**  
 175-187 Wilson Street West, Ancaster  
 Building Zone: Residential (R2) Zone of Zoning By-law No. 67-07  
 Proposed Zone: Community Institutional (C2) Zone, Modified of Zoning By-law No. 05-000

Community Institutional (C2) Zone Provisions	Required	Proposed	Compliance Yes/No
Permitted Uses	Resident house	Resident house	Yes
Minimum Lot Width	36.0 metres	32.21 metres	Yes
Minimum Front Yard	3.0 metres	14.55 metres	Yes
Minimum Side Yard	0.5 metres	12.05 metres (on the left) / 11.0 metres (on the right)	Yes
Minimum Rear Yard	7.2 metres	18.58 metres	Yes
Maximum Building Height	18.0 metres	18.5 metres	Yes
Minimum Landscape Area	10% of lot area	40%	Yes
Maximum Capacity	38 Residents	134 Residents	No
For a Reference House			
Parking Space Dimensions	Width: 2.5 metres Length: 5.5 metres	Width: 2.3 metres Length: 5.0 metres	Yes
Aisle Width	3.0 metres	3.0 metres	Yes
Home Free Parking Dimensions	Width: 1.5 metres Length: 3.5 metres	Width: 1.5 metres Length: 3.5 metres	Yes

**Location of Loading Facilities Adj. Zone**

a) Not in Front Yard	Yes
b) Not permitted in any yard abutting a street	Yes
c) Not permitted in a required yard abutting a Residential Institutional Zone and shall be screened from view	Yes
Street Free Parking	50-100 spaces = 4% of required + 2 spaces
Parking Adj.	1 space per 3 residents = 48 spaces

**SUNRISE**  
 SOLAR LIVING

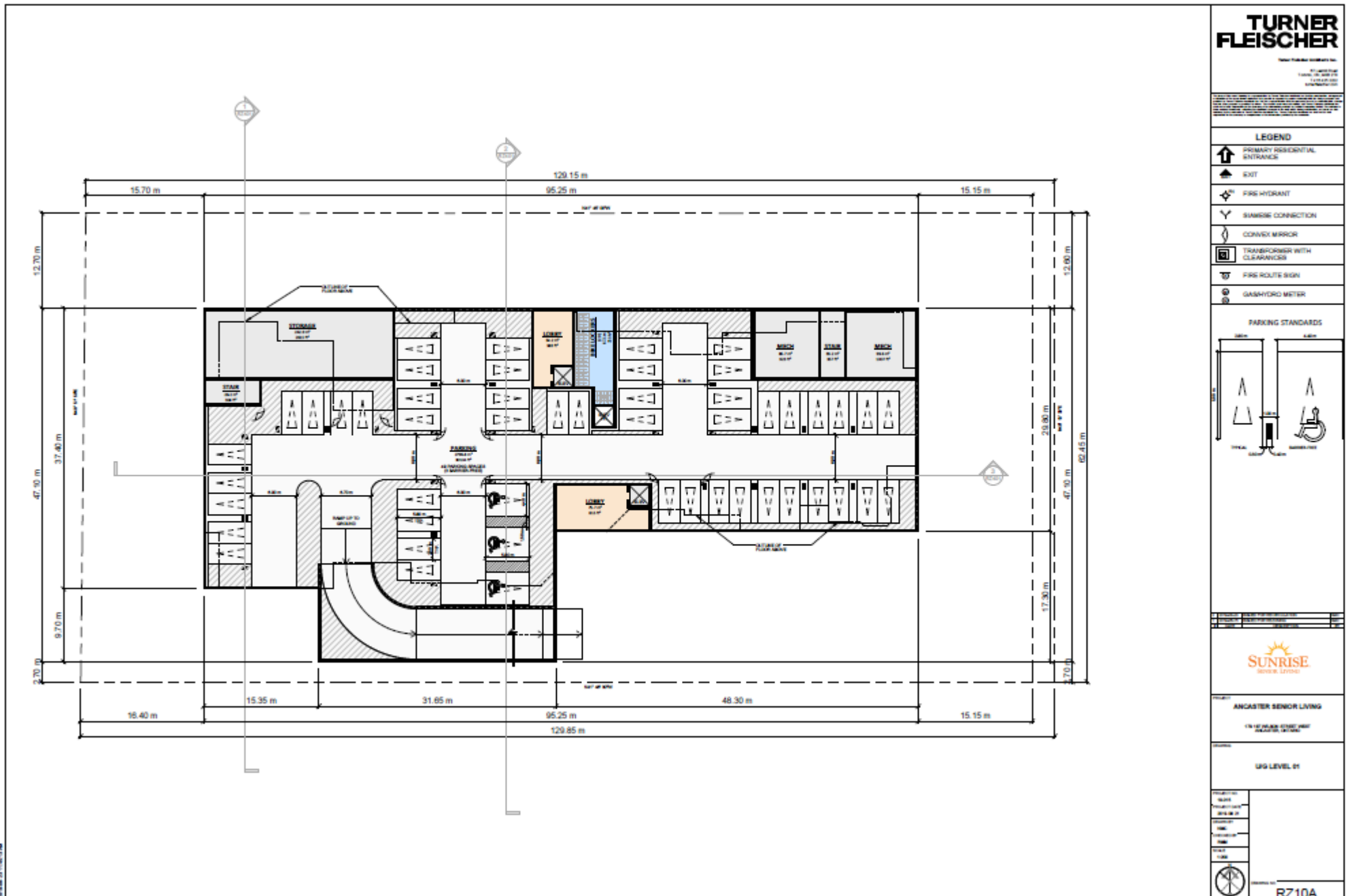
**ANGASTER SENIOR LIVING**  
 175 WILSON STREET WEST  
 ANCASTER, ONTARIO

**SITE PLAN / ROOF PLAN**

DATE: 2022-08-10  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: 1:100  
 PROJECT NO: [Number]

**OPUS CONSULTANTS**  
 100 WILSON STREET WEST  
 ANCASTER, ONTARIO L9G 1K1  
 TEL: 905.477.1111  
 FAX: 905.477.1112  
 WWW.OPUSCONSULTANTS.COM

**RZ003**

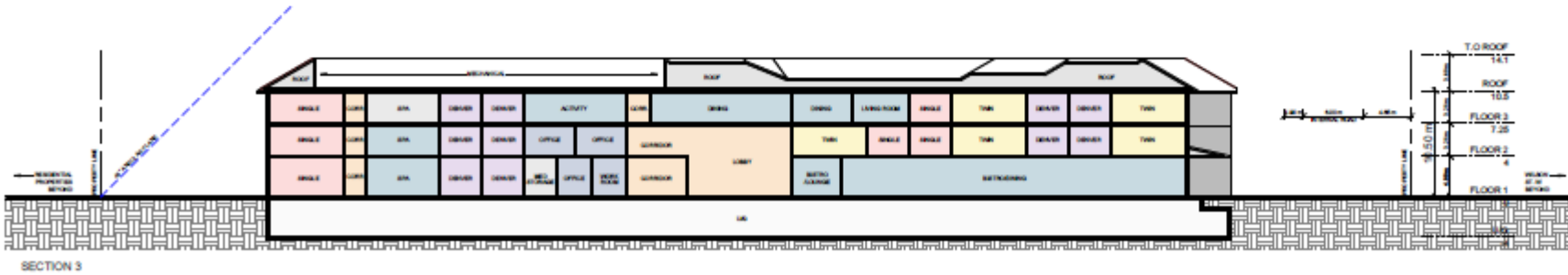
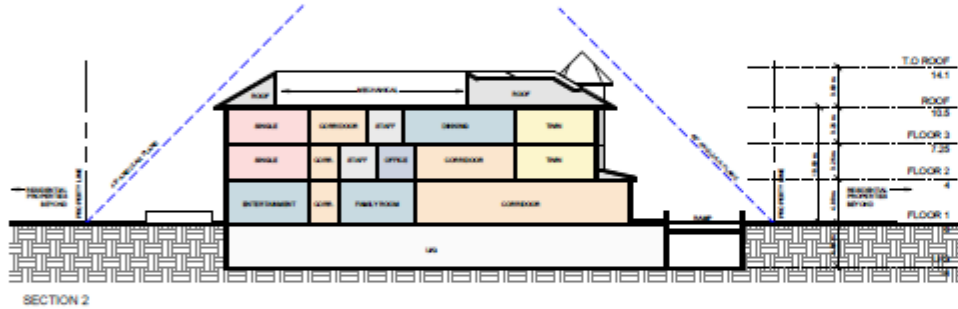






# TURNER FLEISCHER

TURNER FLEISCHER ARCHITECTS INC.  
1100 COLLEGE STREET  
TORONTO, ONTARIO M5G 1A7  
416-597-2121



NO.	DESCRIPTION	DATE
-----	-------------	------



PROJECT: ANCASTER SENIOR LIVING  
175 HAZEL STREET EAST  
AGINCOURT, ONTARIO

BUILDING SECTIONS

PROJECT NO.	
DATE	
REVISION NO.	
NO.	
DATE	
BY	
DATE	
BY	

PROJECT NO: RZ401

DRAWN BY: 110022101



ROAD ENTRANCE LOOKING NORTH



MAIN ENTRANCE LOOKING NORTH

**TURNER  
FLEISCHER**

Turner Fleischer Architects Inc.  
1110 Lakeside Drive  
Lancaster, PA 17602-1100  
Tel: 717.391.1000  
Fax: 717.391.1001

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DATE	DESCRIPTION



**ANCASTER SENIOR LIVING**  
17410 PALM CREST DRIVE  
LANCASTER, PENNSYLVANIA

**3D PERSPECTIVES**

PROJECT NO.	
SCALE	
DATE	

PROJECT NO. **RZ801**

DATE PLOTTED: 11/14/11 10:54 AM



VIEW LOOKING SOUTH TOWARD OPEN LAWN SPACE



AERIAL VIEW LOOKING NORTH

**TURNER  
FLEISCHER**

Turner Fleischer Architects Inc.  
111 South Street  
Lancaster, PA 17602-1111  
TEL: 717.391.1111  
WWW.TFARCHITECTS.COM

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Project Name	ANGCASTER SENIOR LIVING
Project Address	1741 W. PALM SPRING AVENUE LANCASTER, PA 17602
Project Number	
Project Date	



ANGCASTER SENIOR LIVING

1741 W. PALM SPRING AVENUE  
LANCASTER, PA 17602

3D PERSPECTIVES

Project Name	ANGCASTER SENIOR LIVING
Project Address	1741 W. PALM SPRING AVENUE LANCASTER, PA 17602
Project Number	
Project Date	

Project Name	ANGCASTER SENIOR LIVING
Project Address	1741 W. PALM SPRING AVENUE LANCASTER, PA 17602
Project Number	
Project Date	

PROJECT NO. RZ802

**Site Specific Modifications to the Community Institutional “I2” Zone**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Maximum Capacity for Emergency Shelter, Residential Care Facility and Retirement Home	Shall not exceed 50 Residents	Shal not exceed 134 Residents	The proposed capacity increase is an overall increase of 84 residents. The proposed increase acknowledges that the lands are large enough to accommodate the proposed development, while maintaining a three storey height and appropriate setbacks from surrounding uses and sufficient parking, loading, and landscape areas. Staff note that the increase in capacity does not create a strain on municipal services. Based on the foregoing, the modification can be supported.
Minimum Rear Yard	7 metres	15 metres	The rear yard modification exceeds the required parent provision and is built into the by-law to reflect the proposal, therefore staff support the modification.
Minimum Side Yard	6 metres	2 metres for a ramp or retaining wall for underground parking area.	The proposed modification is intended to apply specifically to the ramp structure which leads to the underground parking. The building will maintain a setback well beyond the required 6 metres. The ramp leading to the underground parking area will begin at grade and descend approximately 4 metres into the subsurface. From a viewer’s perspective the only visible features of the parking structure will be the retaining wall, which is expected to be less than 2 metres in height. Furthermore, there are opportunities for landscape buffering between the underground parking area and properties to the north of the site, which will be implemented through the Site Plan Control process. Staff are supportive of the modification.

Appendix "E" to Report PED20022  
Page 1 of 2



Fri 6/28/19 1:48 PM

[Redacted]

UHOPA -19-11 & ZAC -19-040

To Van Rooi, James

Cc [Redacted]

**i** Follow up. Start by June 28, 2019. Due by June 28, 2019.  
You replied to this message on 6/28/19 2:44 PM.

Good Day,

I am writing as a concerned neighbor regarding the letter sent out pertaining to File: UHOPA -19-11 & ZAC -19-040. As soon as my wife and I received the letter in the mail she began to cry. We were devastated to learn the entirety of our very private tree lined backyard backs on to the proposed rezoned retirement facility, which snakes all the way back from Wilson St., over 100 meters to within only 10 of our property line at [Redacted], in the small and quiet Spring Valley neighborhood. The yard and its privacy was the reason my wife and I chose the property to raise our 4 young children 7 and under. As you can imagine I have some serious privacy and home value concerns. We would hate to sell our home, as we have fallen in love with the community. And both you and I realize that to do so now {this proposal} would have a tragic impact on the resale value of our family home. However, our hands may be tied, and we may be forced to at least try and do so.

I was shocked to see that only a 7 meter rear yard was required for this type of facility, the same as if it were 900 square foot bungalow.

Also, I don't believe the blueprint mentions the proposed height of this building, which could add even greater stress and anxiety to me and my family.

As a high school civics teacher the playing out of this process will be tremendously beneficial in teaching municipal governments responsibilities to its citizens vs. collecting tax and permit money from corporations who continue to reshape the appeal of our once quaint town.

I would be happy to invite anyone to our home to see first hand what we would stand to lose.

Thanks so much for reading this email. My family and I **do appreciate your time and attention to our concerns.**

[Redacted signature block]





Wed 7/17/19 2:05 PM

H [redacted] pm>

UHOP-19-11

To Van Rooi, James

You forwarded this message on 7/17/19 3:23 PM.

As President of the Condo Board for 173 Wilson St. West in Ancaster and representing 22 Units, I would appreciate receiving any and all correspondence regarding the future development of properties to be known as Sunrise Senior Living. At present there seems no objections Re: zoning, however we will require input and clarification on the design, landscape, and privacy for our residents. I am also requesting consultation with T. Johns Consulting Group.

[redacted]

[redacted]

Ancaster ON

[redacted]

e-mail [\[redacted\]](mailto:[redacted])



Fri 7/02/19 9:14 PM

[redacted]

UHOPA-19-11

To Van Rooi, James

Cc [redacted]

[redacted]

[redacted]

Ancaster, ON [redacted]

05 July 2019

City of Hamilton  
71 Main St. W., 5<sup>th</sup> Floor  
Hamilton, ON

Re: UHOPA-19-11

Att.: Mr. James Van Rooi

My Wife and I would like give approval for the Official Plan Amendment & Zoning By-Law Amendment for Lands Located at 179, 183 & 187 Wilson Street West, Ancaster.

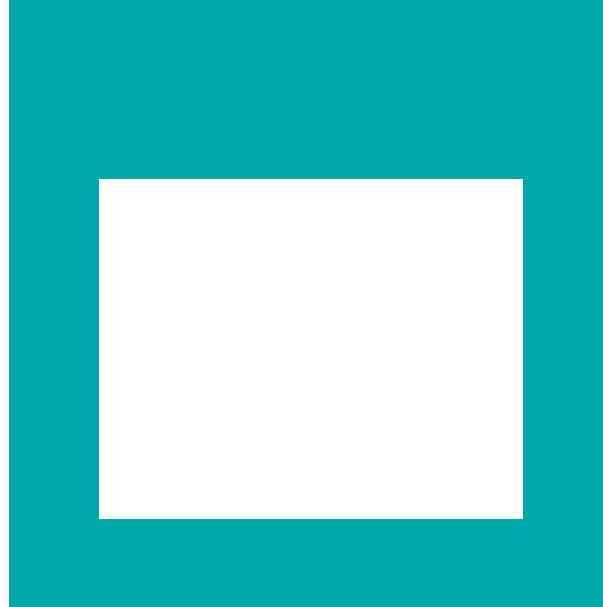
We attended their "Open House" per Invitation and spoke at length with the Representatives of T. Johns Consulting, as well as the Landscape Architects of Sefarian Design Group and Mr. Jerry Liang, CFA of Sunrise Senior Living.

**We favour the Plan Amendment from Residential "R2" Zone, to a Community Institutional "I2-XX" Zone, to permit a Retirement Home as per Application.**

This Project, once approved and completed, will be a "Superior Addition" and a great "Compliment" for the entire Ancaster ( Hamilton ) Community!

Sincerely





WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

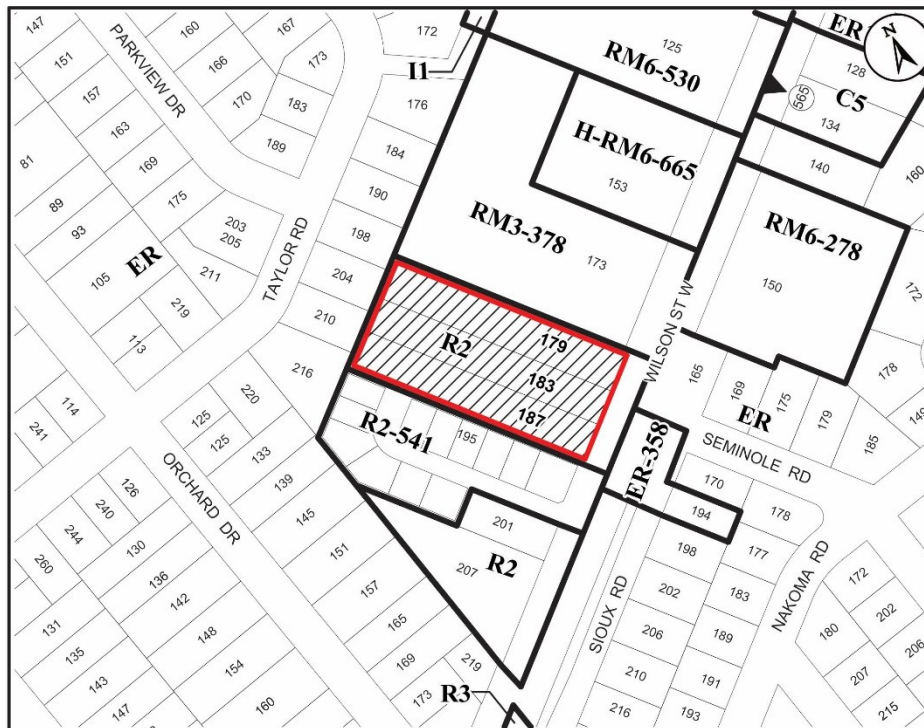
January 14, 2020

# **PED20022 – (ZAC-19-040 & UHOPA-19-011)**

Application for a Zoning By-law Amendment for Lands Located at 179,  
183 and 187 Wilson Street West, Ancaster

Presented by: James Van Rooi





<p>● Site Location</p> <p>Key Map - Ward 12</p>	<h3>Location Map</h3> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	<p>File Name/Number: ZAC-19-040 &amp; UHOPA-19-011</p>	<p>Date: June 5, 2019</p>
<p>Appendix "A"</p>	<p>Scale: N.T.S.</p>	<p>Planner/Technician: JV/IAL</p>
<p><b>Subject Property</b>          179, 183, 187 Wilson Street West</p> <p> Change in zoning from Residential "R2" Zone to the Community Institutional (I2, 694) Zone</p>		
<p>N.T.S.</p>		







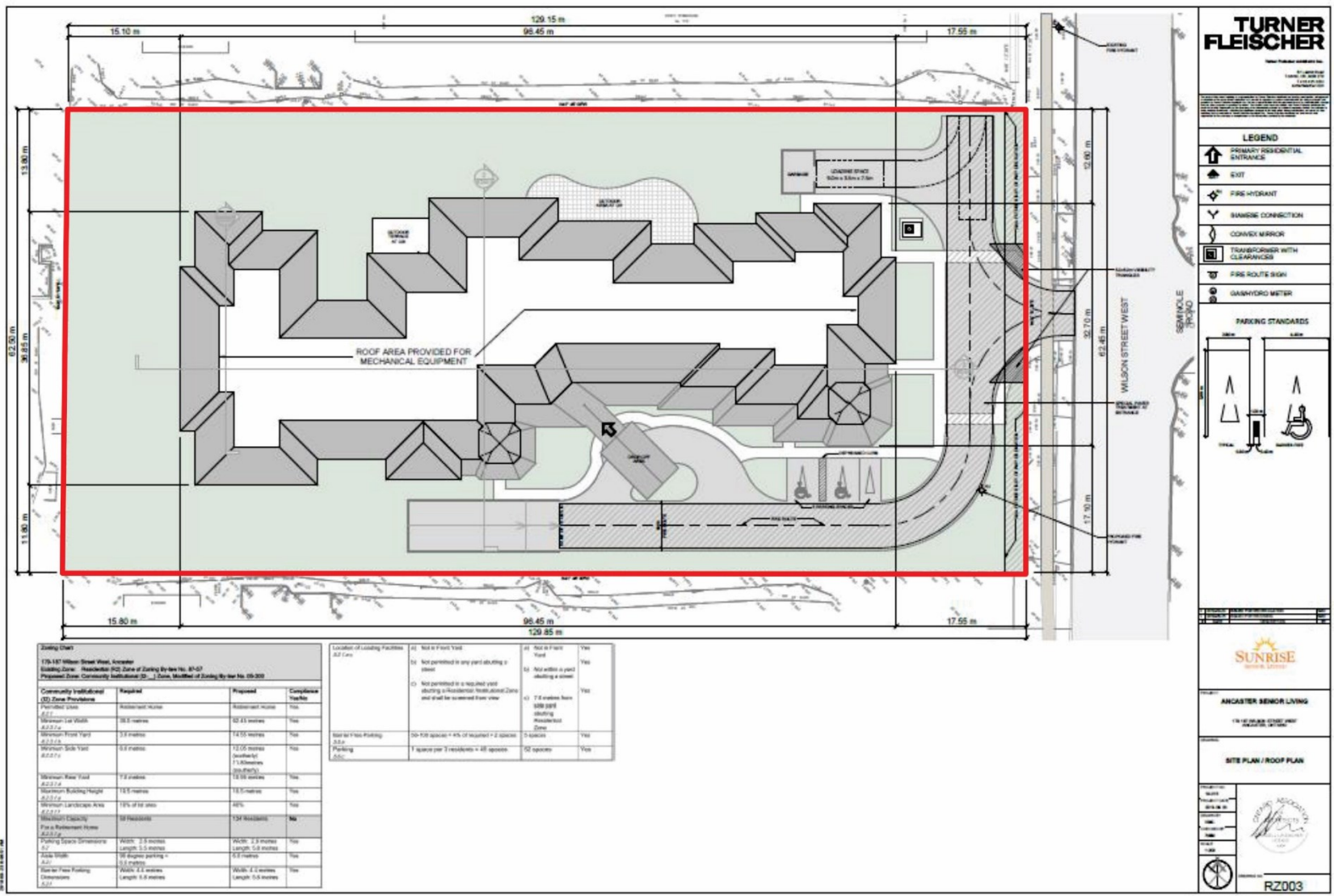
**SUBJECT PROPERTY**

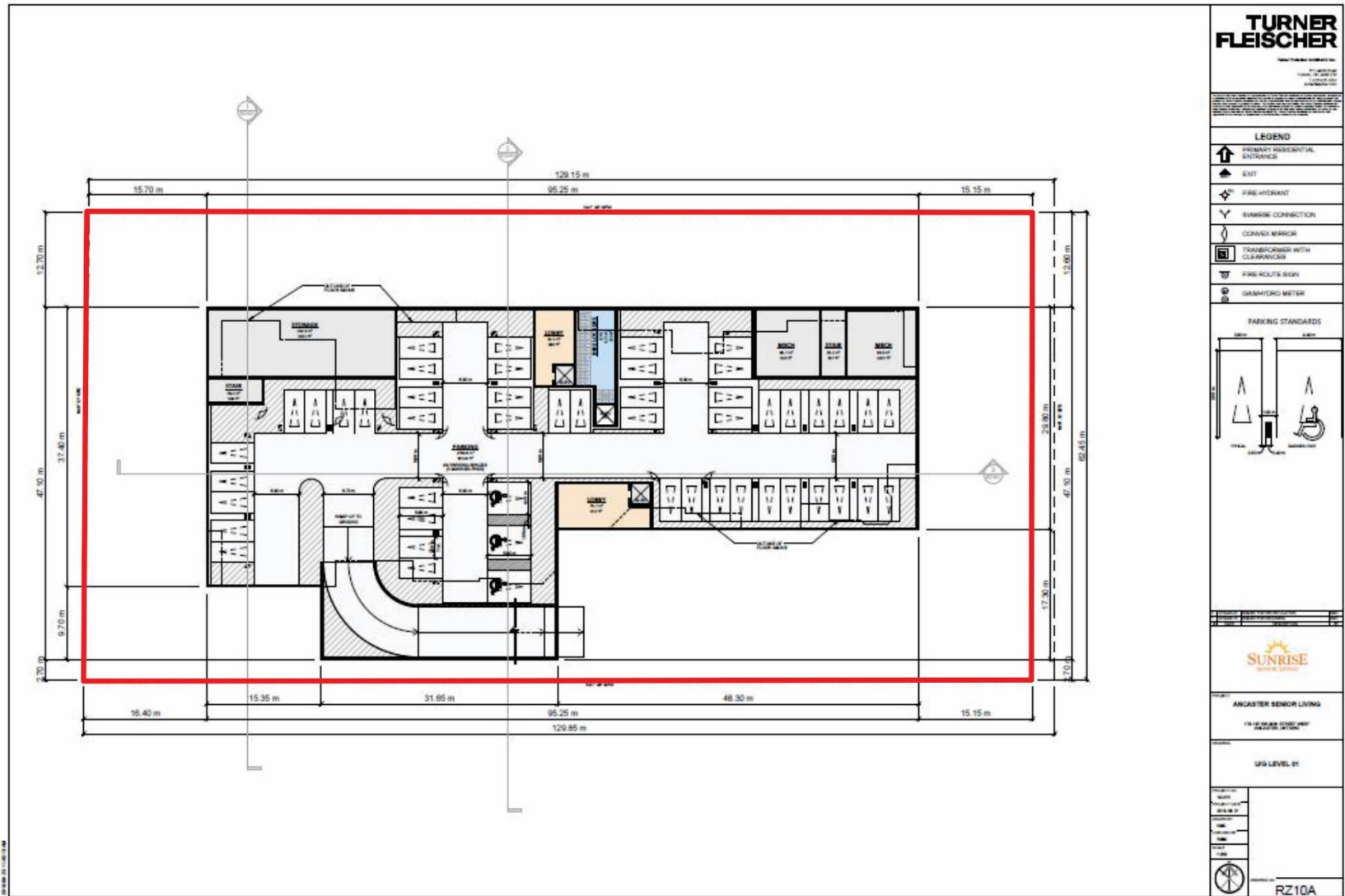


**179, 183 & 187 Wilson Street, Ancaster**



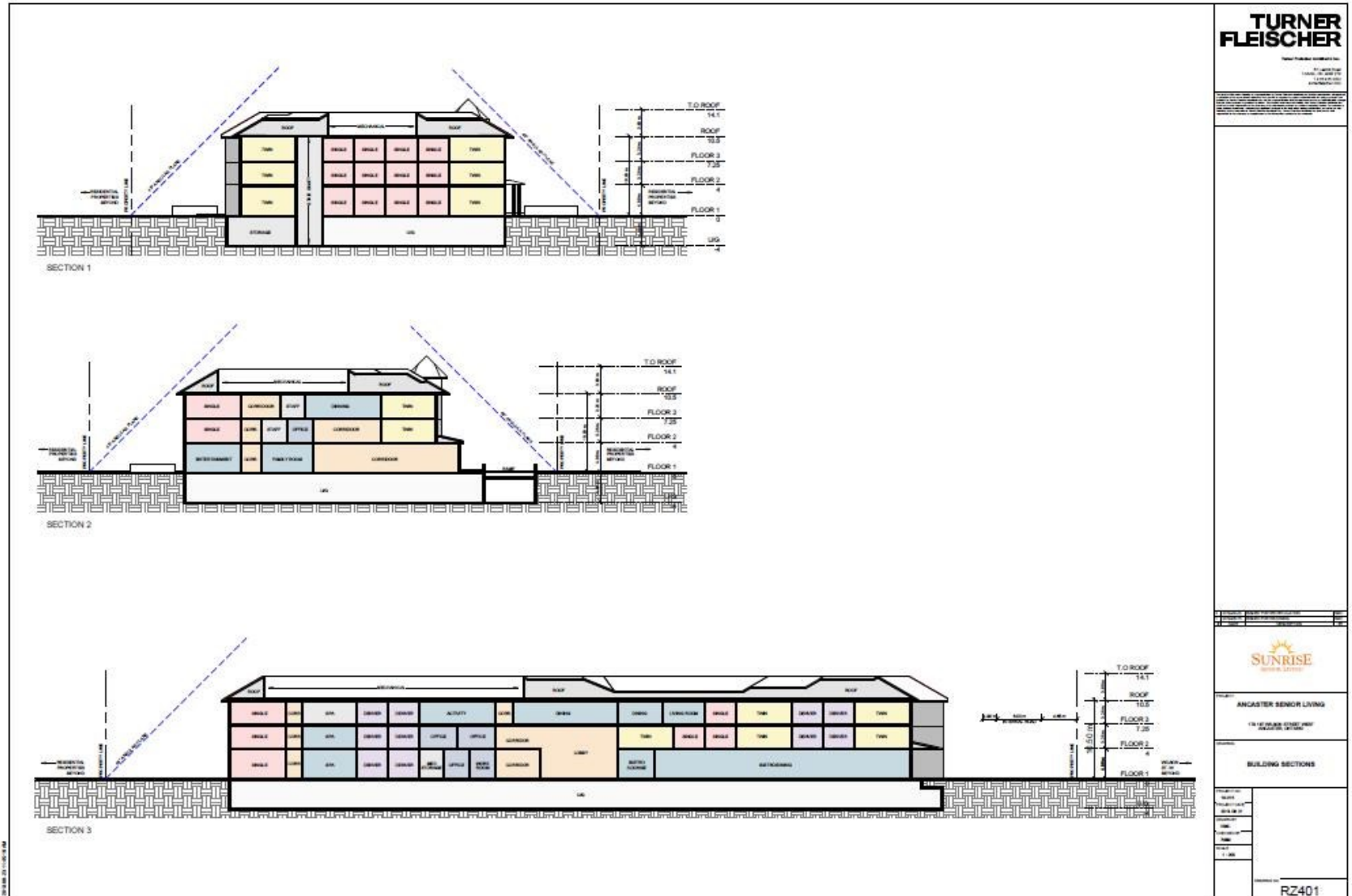














ROAD ENTRANCE LOOKING NORTH



MAIN ENTRANCE LOOKING NORTH

**TURNER  
 FLEISCHER**

Senior Facilities Development, Inc.  
 1000 Peachtree Street, N.E.  
 Atlanta, GA 30309  
 404.525.8800  
 www.turnerfleischer.com

Blank space for project details or notes.

Project Name: \_\_\_\_\_



**ANCASTER SENIOR LIVING**  
 175 WILSON ROAD, UNIT 100  
 WILSON, NC 27604

3D PERSPECTIVES

Scale:	
Date:	
Author:	
Check:	
Appr:	
Rev:	

Project No: **RZ801**



VIEW LOOKING SOUTH TOWARD OPEN LAWN SPACE



AERIAL VIEW LOOKING NORTH

**TURNER  
 FLEISCHER**

Senior Architectural Firm  
 1000 W. 10th Street  
 Lincoln, NE 68502  
 402.441.1100  
 www.turnerfleischer.com

Project Name: \_\_\_\_\_  
 Project Number: \_\_\_\_\_



ANGASTER SENIOR LIVING

1500 W. 10th Street  
 Lincoln, NE 68502

3D PERSPECTIVES

Scale:	
Date:	
Drawn by:	
Checked by:	
Project:	

RZ802





187 Wilson Street West







183 Wilson Street West







179 Wilson Street West





Looking at Site NW Direction







Looking at Site SW Direction







Wilson Street (South West Bound)





Wilson Street West (North East Bound)







150 Wilson Street West Ancaster Mews







150 Wilson Street West Ancaster Mews 2







173 Wilson Street West





153 Wilson Street West Starward Homes Condos







125 Wilson Street West







Wilson (South West Bound) wide landscaped tree boulevard



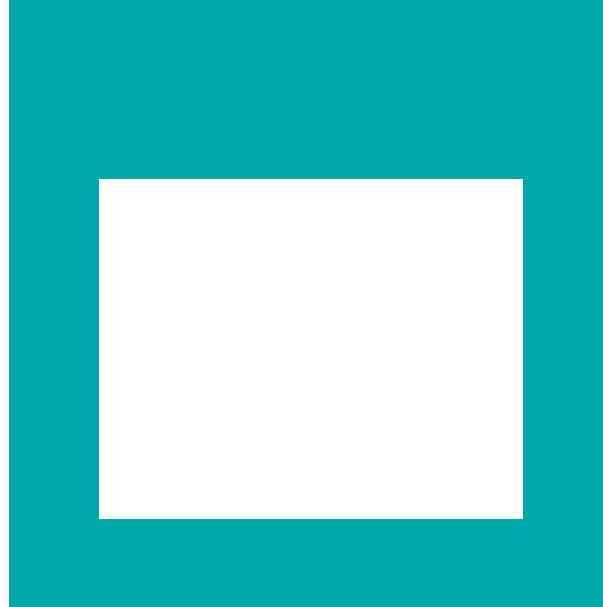




195 Wilson Street West WVLC#40







# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

Joanne & Frank Otterspoor

December 29, 2019

Legislative Coordinator  
Planning Committee  
City of Hamilton  
71 Main Street, West  
1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

**Re: 179, 183, 187 Wilson Street, West, Ancaster – Zoning By-law Amendment  
File No. ZAC-19-04**

---

To Whom It May Concern:

We have read the notice of Public Meeting of the Planning Committee concerning the amendment application and have some concerns.

There does not appear to be enough space allowed for parking for the requested building. There are only 49 spaces allowed for 88 rooms. With the addition of staff in the building there will not be enough parking for an active senior population.

The result of too few parking spaces will push staff, visitors and possibly residents into the adjacent residential areas to obtain parking. These areas do not have sidewalks.

Street parking where there are no sidewalks will endanger pedestrian traffic and property fringes.

Those persons accessing parking for this location will need to cross Wilson Street. There is no existing protected crossing area in the vicinity which will endanger those crossing this very busy street. There is limited bus service to this location which may prevent use.

Please notify us of the decision of the City of Hamilton on this issue.

Please remove our personal information from any communication with the applicant, general public and publishing on the City's website.

Thank you,

Joanne & Frank Otterspoor

# BARRY COE

Media and Public Relations

January 3/2020

Re: Notice of Public Planning Meeting, January 14/2020, 9:30 Am., Council Chambers, 2d flr.  
City Hall, 71 Main Street West, Hamilton  
File: ZAC -19-40  
Zoning By-Law Amendment, 179,183,187 Wilson Street West, Ancaster

To: James Van Rooi, City of Hamilton, Planning and Economic Development Department,  
City of Hamilton, City Hall, 71 Main St West, 5<sup>th</sup> Floor, Hamilton, L8P 4Y5

From: Barry Coe, Board member, Condo Association, WVLCA #40, Unit 1, 195 Wilson Street West,  
Ancaster, ON L9G 1N4

Dear Mr. Van Rooi,

I am writing on behalf of our Condo Association to request an opportunity to express our concerns regarding the possible Zoning Amendment to the property adjacent to our homes at 195 Wilson Street West, Ancaster, ON L9G 1N4.

Please confirm my participation for the Public Planning Meeting, 9:30-am, January, 14<sup>th</sup>/2020 and the time allotted for the presentation.

Thank you for your time and consideration.

Sincerely,



Barry Coe, [barrycoe@outlook.com](mailto:barrycoe@outlook.com)

cc Lloyd Ferguson

Legislative Coordinator, Planning Committee

Concerns: Condo Association, WVLC #49: 195 Wilson Street West, Ancaster, Ontario

The construction of a three story retirement home for seniors, requiring 24/7 care , will have negative lifestyle implications for people living adjacent to the properties affected as will the traffic flow on Wilson Street. The majority of homeowners in our association are retirees who chose Ancaster for a safe and quite lifestyle.

A twenty four hour a day, institutional operation, raises a number of safety and noise pollution issues which will impact more than just the homeowners adjacent to the potential institutional facility.

Concerns and issues to discuss and resolve include;

- Emergency staff and developer contact number-Who to contact after hours in event of construction emergency, vandalism etc.
- City Development staff walk the properties to obtain first hand perspective of the development, its feasibility and practicality and implications on adjacent homes
- City Arbour staff assess health of present trees, preserve or remove existing trees safely
- City staff studies water flow impact as a stream flows beneath affected properties which have sub pump installations
- City Staff inspect adjacent property foundations prior to construction in order to monitor potential foundation cracking and compensation from the developer for any property damage caused by construction.
- Decking, poured concrete patios, gazebos or other damage sustained by construction to be replaced in agreement with property owners affected
- City staff to ensure fencing and tree planting on adjacent properties. Landscaping input requested
- City Staff to monitor traffic flow and research impact of 24/7 facility on traffic patterns
- City Staff to monitor and establish noise (H-Vac systems) and light pollution standards for institutional lighting, air conditioning units
- Construction time limits: Mon-Fri, 8-5. No weekend work
- Security issues, regarding clientele, alarms etc.

- Establish Institutional delivery times for food bedding etc. to daylight hours

It would be ideal if our local councillor, Lloyd Ferguson, who has extensive construction experience, could play a key role in monitoring this project and alleviate the concerns expressed by Ancaster residents regarding this unique re-zoning application.

Sincerely;



Barry Coe, Board of Directors,

Condo Association WVLCA#409, Unit 1, 195 Wilson Street West, Hamilton, ON L9G 1N4

[barrycoe@outlook.com](mailto:barrycoe@outlook.com)

905-304-7058





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Licensing and By-law Services Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2020
<b>SUBJECT/REPORT NO:</b>	Accessible Taxicab Financial Incentive Program (PED18082(a)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Monica Ciriello (905) 546-2424 Ext. 5809
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the Accessible Taxicab Financial Incentive Pilot Program be extended for an additional 16 months to the end of April 2021 and that the program be funded through the Working Funds - General Reserve 112400 at an estimated net cost of \$80,000 or \$5,000 per month;
- (b) That funding for a permanent Accessible Taxicab Financial Incentive Program be considered during the 2021 budget deliberations.

### EXECUTIVE SUMMARY

Following Council's approval of Item 9 of the Planning Committee Report 18-082 on July 27, 2018, staff initiated the Accessible Taxicab Financial Pilot Program (Pilot Program) in September 2018. The report was created in conjunction with members of the Advisory Committee for Persons with Disabilities (ACPD) and the Taxicab Brokers in Hamilton, with a goal to improve accessible taxicab service.

The Pilot Program provided a \$5 incentive for each dispatched accessible trip. The \$5 incentive has ignited interest among taxicab drivers resulting in previously underutilized accessible taxicabs that are now on the road providing accessible trips to persons with disabilities.

---

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: Accessible Taxicab Financial Incentive Program (PED18082(a)) (City Wide) - Page 2 of 6**

---

The Pilot Program was initially funded by the Licensing and By-law Services Division, utilizing funds generated from licensed Personal Transportation Providers (Uber, Lyft etc.) who annually pay \$20K each in-lieu of providing accessible services.

The preliminary findings of the Pilot Program, demonstrate success for both drivers providing the accessible taxicab service and the community in need of the accessible taxicab service. There was an increase in accessible trips (24,702) with a simultaneous decrease in complaints for lack of service and or long wait times.

An 18-month extension to the Pilot Program is required to review financial sustainability, impact on ridership, impact on the DARTS program, and process improvements to ensure proper utilization by the accessible community. Staff are requesting that the Pilot Program continue before it is considered a permanently funded program during the 2021 budget deliberations.

**Alternatives for Consideration - See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The Pilot Program was completely funded through revenues collected through the “in-lieu” payments made by PTP licence holders over the past two years. The original cost of the program was estimated at \$115K per year. The actual cost of the one-year pilot was \$107,360.

The continuation of this program and its success cannot solely rely on funding from the PTP licensees who make voluntary annual payments as these funds are not sufficient. To ensure no disruption to the accessible community and maintain the current level of service, staff is requesting an additional \$5K per month from the Working Funds - General Reserve 112400 be allocated to this program until the conclusion of the 2021 budget deliberations.

**Staffing:** In 2018, Council approved .25 FTE to support the administration of the Pilot Program, funded from the existing licensing fees from Personal Transportation Providers (PTP) under Schedule 24 of the Business Licensing By-law 07-170. No additional staff is required.

**Legal:** N/A

**HISTORICAL BACKGROUND**

On April 27, 2016, Council approved Item 9 of the General Issues Report 16-011 directing that the ACPD Report 16-002, Item 1, respecting Financial Incentives for

**SUBJECT: Accessible Taxicab Financial Incentive Program (PED18082(a)) (City Wide) - Page 3 of 6**

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Accessible Taxi Services, be referred to staff for a report back to the Planning Committee.

On May 10, 2017, Council approved Item 8 of the General Issues Committee Report 17-010 directing the Director of Licensing and By-Law Services to review and address the lack of on-demand accessible taxicabs in full consultation with members of ACPD and that staff be directed to report back to ACPD on steps to be actively taken to ensure full and equitable access to the City's taxicab service for all persons with disabilities.

In September 2017, following consultation with the Taxicab Industry and the ACPD, it was determined that there was a need for additional accessible taxicabs, more efficient management of complaints and amendments to the Business Licensing By-law 07-170 to improve accessible taxicab service delivery.

On June 27, 2018, Council approved Item 9 of Planning Committee Report 18-010 directing staff to create a one-year pilot program to provide a subsidy for accessible taxicab trips to further support the accessible community. The program was to provide a \$5 flat subsidized rate to all qualified accessible taxicab drivers for each accessible taxicab trip dispatched by Hamilton Cab and Blue Line Taxi at an estimated cost of \$115K. The one-year Pilot Program commenced in September 2018.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The *Accessibility for Ontarians with Disabilities Act Ontario Regulation 191/11 (AODA)* outlines a general standard for equal or equivalent access to persons with disabilities in communication, transportation and employment. Its coverage is broad, including both private and public sectors under provincial jurisdiction.

## **RELEVANT CONSULTATION**

Finance and Administration, Hamilton Cab, Blue Line Taxi and the ACPD Working Group were consulted in the preparation of this Report.

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

Hamilton Cab and Blue Line Taxi are the two brokers that provide the City with taxicab and accessible taxicab services.

Accessible taxicab driver's earnings can be significantly lower than those who operate standard taxicabs because of the additional maintenance costs and time required to assist passengers and load/unload equipment. As a result, accessible taxicab drivers not only have to pay more to operate their accessible vehicles but are unable to provide the same number of rides during their shift. Furthermore, due to the relatively small

**SUBJECT: Accessible Taxicab Financial Incentive Program (PED18082(a)) (City Wide) - Page 4 of 6**

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number of available accessible taxicab vehicles which requires drivers to travel further distances to pick-up and return clients, including wait times resulting in again, fewer daily trips and less money earned by the driver.

The accessible community requires additional qualified accessible drivers to transport persons with disabilities. In consultation with the taxicab industry and ACPD, it was determined that there was a need for additional accessible taxicab trips, which can only be achieved with additional accessible vehicles and qualified, accessible taxicab drivers to provide the service.

Licensing and By-law Services implemented the Pilot Program in 2018 and entered into agreements with the two City taxi brokers that required each broker to provide the City with monthly data documenting the number of accessible trips dispatched through its company for the relevant period. Pursuant to the agreement, the City would pay the \$5 incentive monthly for each accessible trip dispatched directly to the accessible driver.

As of October 2019, Licensing and By-law Services established an internal auditing process consisting of accessible trip video downloads being cross compared to accessible trip data provided by the brokers to ensure that the Pilot Program payments being claimed match that of the video footage obtained. At the time of this Report being finalized, Licensing and By-law Services has downloaded approximately 70 videos, of which only 2 raised concern and required additional follow up. During the Pilot Program, there will be a continuous auditing process to ensure compliance with the established process.

In addition to the extra 18 accessible taxicabs plates in service, the Pilot Program resulted in an increase of taxicab drivers who wanted to be trained and registered as accessible taxicab drivers. Since 2018 the number of accessible taxicab drivers has increased to 146 and a total of 40 accessible taxicab vehicles are in service today.

In support of accessibility transportation, 18 additional Accessible Taxicab Plates have been issued, almost doubling the accessible taxicab vehicle fleet and increasing the total number of accessible taxicab drivers by a third. The following are the changes since the additional plates and the Pilot Program was implemented.

Accessible Taxicab Statistics prior to the additional 18 plates and the Pilot Program:

- An average of 868 accessible taxicab rides per month;
- A monthly average of approximately 115 ride refusals or denials;
- Average of 45 no-shows per month; and
- The ratio of accessible taxicabs per person of 1:25,381 (based on population of 558,397).

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**SUBJECT: Accessible Taxicab Financial Incentive Program (PED18082(a)) (City Wide) - Page 5 of 6**

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Accessible Taxicab Statistics after the additional release of 18 plates and the implementation of the Pilot Program:

- An average of 2,058 accessible taxicab rides per month;
- No reported ride refusals or denials during the pilot;
- Five complaints of no shows or late during pilot; and
- The ratio of accessible taxicabs per person improved to 1:13,959 (based on population of 558,397).

Over the 12 months of the Pilot Program:

- 24,702 (monthly average 2,058) accessible taxicab trips provided by accessible taxicab vehicles; and
- \$107,360 paid out from the \$5 flat rate per accessible trip subsidy provided by the PTP licensees.

Staff anticipate that the necessary cost to fund the Pilot Program for the next 16 months will be \$10,000 per month totalling \$160K. In January 2020 and 2021, Licensing and By-law Services is expected to receive \$40K per year from the licensed PTPs as a voluntary “in-lieu” payment, leaving a levy impact of \$80K for this program.

In 2020, staff will be examining the current funding model involving PTPs with a focus on improving the “in-lieu” payment, allowing for a more sustainable Financial Incentive Program for Accessible Taxis.

Approving the recommendations contained within this Report will provide sustainability of this pilot, allowing staff an opportunity to examine critical areas including funding. The Pilot Program has improved the quality of life of persons with disabilities within our municipality as well as our aging community.

## **ALTERNATIVES FOR CONSIDERATION**

1. The Pilot Program, could be funded by increasing the cost of taxicab vehicle renewals by \$200 to owners and taxicab driver’s licence renewals by \$20. These changes could be made to the City’s User Fees and Charges By-law however; it may cause concern from the Taxicab Industry. The current taxicab vehicle renewal fee is \$642 and the taxicab driver’s licence is \$104. This proposal would equate to a 31% increase to taxicab vehicle renewal fees and a 20% increase to Taxicab Driver’s Licence renewals.
2. Cancel the Financial Incentive Pilot Program. Due to funding shortages, the pilot may be cancelled or deferred to another year.



**SUBJECT: Accessible Taxicab Financial Incentive Program (PED18082(a)) (City Wide) - Page 6 of 6**

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3. Reduce the subsidy for accessible taxi trips from \$5 to \$2. The total projected cost of the program would be \$48K which could be covered by the current funding available from the “in-lieu” payments from PTPs.
4. Negotiate with the current PTP partners to increase the “in-lieu” payments from 20K to 30K to assist in funding a reduced incentive Program from \$5 per trip to \$3 per trip.

The AODA does not permit downloading the additional cost of operating an accessible taxicab vehicle to the customer and further requires municipalities to work towards providing “on demand service”.

**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.

**APPENDICES AND SCHEDULES ATTACHED**

N/A

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**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Licensing and By-law Services Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2020
<b>SUBJECT/REPORT NO:</b>	Release of Standard Taxi Plates - Priority List (PED20011) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Monica Ciriello (905) 546-2424 Ext. 5809
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That staff be authorized to issue three standard taxicab plates in January 2020 and an additional three standard taxicab plates per year until the Standard Taxicab Priority List expires.

### EXECUTIVE SUMMARY

The Standard Taxicab Priority List has 19 applicants and is now closed to new applicants. The applicants pay an annual fee of \$112 to remain on the list to be considered for the issuance of the next round of standard taxicab plates. The last issued standard taxicab plate was in 2014.

Since 2014, 40 accessible taxicab plates have been issued. The total number of taxicab plates in operation in the City of Hamilton (the City) is 471 plates, made up of 431 standard plates and 40 accessible plates.

Taxicab plates are issued based on a population ratio of one plate per every 1,170 residents. Based on the current and projected population for the City, staff are recommending the issuance of three standard taxicab plates on an annual basis until the expiry of the Standard Taxicab Priority List.

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**SUBJECT: Release of Standard Taxi Plates - Priority List (PED20011) (City Wide)**  
**- Page 2 of 3**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial / Staffing / Legal: N/A

**Alternatives for Consideration – See Page 3**

**HISTORICAL BACKGROUND**

See Analysis for details.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

City of Hamilton Legal, Risk Management and Strategic Partnerships and Communications as well as external stakeholders including members of the Taxi Industry were consulted in the preparation of this Report.

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

The Standard Taxicab Priority List is now closed. To remain on the list, applicants must pay an annual fee of \$112 and remain active in the industry as a broker, driver, operator, dispatcher or mechanic. Active is defined as a minimum of 35 hours per week for 40 weeks per year. Names have been removed or applications abandoned over the years. The current list consists of 19 applicants.

Schedule 25 of the Business Licensing By-law 07-170 creates limitations as to the ratio of taxicabs per population. The current ratio of taxicab plate to population is one taxicab plate per 1,170 population.

Using population projections from the Hemson Report, the City population in 2017 was 549,212 and the anticipated growth is 601,160 by 2021.

2016	2017	2018	2019	2020	2021
536,917	549,212	561,570	574,205	587,125	601,160

*NB: these are approximations based on 2016 Census data and 2021 population data extracted from the Hemson Report*

Relying on the information in the Hemson Report, it is anticipated that the population of the City in 2020 will be 587,125. Using the current ratio of taxicab plate to the 2020

**SUBJECT: Release of Standard Taxi Plates - Priority List (PED20011) (City Wide)**  
**- Page 3 of 3**

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population the allotment of taxicab plates would be 501. Since there are currently 471 plates issued, that would allow for the issuance of an additional 30 plates.

Schedule 25, subsection 25(1) states that an applicant issued a standard taxicab plate must, within 30 days of the date of being notified by the Director of Licensing of the available taxicab plate, affix the plate to a vehicle registered as a taxicab and shall continually operate such vehicle as a taxicab.

If the applicant fails to meet the 30-day period set out in subsection 25(1);

- (a) His or her applications for the licence shall be voided;
- (b) He or she shall be ineligible for the licence;
- (c) His or her name shall be struck from the Priority List; and
- (d) The next person on the Priority List shall become eligible for the licence.

Taking into consideration the current demands in the taxi industry, the impact of rideshare, while simultaneously considering the applicants on the priority list, staff is recommending the issuance of three standard taxicab plates annually until the expiry of the Standard Taxicab Priority List. This recommendation will eliminate the current Standard Taxicab Priority List allowing for any future additional taxicab licences to be issued from the Accessible Taxicab Priority List.

#### **ALTERNATIVES FOR CONSIDERATION**

1. Issue five standard taxicab plates annually, starting in January 2020 and an additional five taxicab plates per year until the Standard Taxicab Priority list expires.
2. As permitted in the Licensing By-law, staff could issue all 19 standard taxicab plates in January 2020, allowing for any future additional taxicab licences to be issued from the Accessible Taxicab Priority List.

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

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

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

#### **APPENDICES AND SCHEDULES ATTACHED**

None

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## INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2020
<b>SUBJECT/REPORT NO:</b>	Advertising on Taxicabs (PED20014) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Monica Ciriello (905) 546-2424 Ext. 5809
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

N/A

### INFORMATION

To align with and support our Planning and Economic Development objective of “Open of Business” the Licensing and By-law Services Division is proposing to approve advertising internally and externally in taxicabs as already permitted in the City of Hamilton, Business Licensing By-law 07-170, Schedule 25.

As a result of the disruptive changes in the taxicab industry over the last few years, approving advertising would allow for additional revenue to be generated for drivers, owners and/or operators. Schedule 25 of the Business Licensing By-law, regulates the operation of taxicabs within the City. Subsection 49(1) of Schedule 25 already contemplates the specifics around taxicab advertising and it does not allow a taxicab to advertise unless it is done in a manner that is approved by the Director of Licensing and By-law Services.

Subparagraph 49(1)(i) further outlines content guidelines such as:

- The content of the advertising shall not be of an obscene, racist, sexist or discriminatory nature.

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**SUBJECT: Advertising on Taxicabs (PED20014) (City Wide) - Page 2 of 2**

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As well as specification guidelines, such as:

- number of exterior advertisements shall not exceed one;
- the size of the exterior advertisements shall not exceed 16cm x 92 cm; and
- exterior advertisements shall not obstruct vision of the taxicab driver.

Although permitted under the Business Licensing By-law and requested by the taxicab industry, to date the Director of Licensing and By-law Services has not approved advertising on licensed taxicabs. This language does not exist under Schedule 24 which regulates the Personal Transportation Providers.

A jurisdictional scan, attached as Appendix “A” to this Report, of surrounding municipalities, as well as the City of Edmonton demonstrates that all but the Region of Waterloo has language within their respective Licensing By-law similar to the City’s and in those cases advertising is permitted internally or externally on a taxicab so long as the content is approved by a member of management in Licensing.

The total number of taxicab plates in operation in the City is 471, which includes 431 standard plates and 40 accessible plates. There would be no changes or amendments to the Licensing By-law and no cost implications to the City to permit advertising on licensed taxicabs. The cost of the advertising would be negotiated and set by the taxi industry, but the content would be required to be approved by the Director of Licensing and By-law Services prior to installation, as well as when the advertisement changed to ensure compliance with Schedule 25.

The Licensing and By-law Services Division would work collaboratively with the taxicab industry to negotiate a percentage amount of all advertisements that would be dedicated to advertising City wide or tourism events, such as the 2021 Grey Cup.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A”: Jurisdictional Scan

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**Appendix “A” to Report PED20014  
Page 1 of 1**

**Jurisdictional Scan**

<b>Municipality</b>	<b>Regulation in By-law</b>	<b>Advertising</b>
Niagara Region	Permitted if content and form is approved by the Licensing Officer.	Yes
Toronto	Permitted if content and form is approved by the City.	Yes
Ottawa	Permitted as long as it doesn't obstruct the view of the driver or cover the required markings on the exterior of the cab (taxicab numbers, company name, warning sticker for in car camera etc.)	Yes
Burlington	Permitted in a form approved by the Licensing Manager.	No recent requests for approval
Windsor	Permitted if approved by the License Commissioner or designate.	No recent requests for approval
Edmonton	No Specific section regarding advertising, but colour and markings of the vehicle must comply with requirements prescribed by the City Manager, who would determine if the advertising is appropriate by not infringing on the by-law requirements.	Yes
Waterloo Region	No stipulations on advertising.	Yes

# CITY OF HAMILTON

## MOTION

Planning Committee Date: January 14, 2020

**MOVED BY COUNCILLOR WHITEHEAD.....**

**SECONDED BY COUNCILLOR .....**

### **Property Standards By-law – Rental Properties and Apartments**

WHEREAS, the *Building Code Act, 1992*, authorized the City of Hamilton to pass a by-law prescribing standards for the maintenance and occupancy of property;

WHEREAS, the City of Hamilton Consolidated By-law 10-221, being a By-law to prescribe standards of the maintenance and occupancy of property was passed by Council in 2010;

WHEREAS, as part of continuous improvement, by-laws require changes over time to align with changes in legislation, improve processes and to maintain the by-law to the original intent and effectiveness;

WHEREAS, since the adoption of the Property Standards By-law, there have been eight (8) incorporated amendments to improve the By-law; and,

WHEREAS, there have been concerns of the health and safety of rental house and apartments within the City.

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to meet with Internal and external stakeholders concerning possible improvements to the Property Standards By-law involving rental properties and apartments; and,
- (b) That staff be directed to review and compare our current Property Standards By-law against other municipalities to determine best practices and improvement to our current legislation.

# CITY OF HAMILTON M O T I O N

Planning Committee Date: January 14, 2020

**MOVED BY COUNCILLOR COLLINS.....**

**SECONDED BY COUNCILLOR .....**

**Authorization for LJM Developments Inc. to apply for a Variance to a By-law for Lands Located at 2782 Barton Street East**

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

WHEREAS the application as presented in Report PED19170 for lands including 2782 Barton Street East was approved September 3, 2019 and is within the 2 year moratorium;

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

WHEREAS the application as presented in Report PED19170 was approved at a maximum density of 441 units per hectare (or 244 units), and any proposed height increases cannot increase the maximum density established without an amendment to the Urban Hamilton Official Plan;

**THEREFORE BE IT RESOLVED:**

That Council of the City of Hamilton provide authorization to LJM Developments Inc. to apply for minor variances to a by-law for lands located at 2782 Barton Street East in order to vary building height, among other variances, of a site specific by-law approved within the last 2 years.