



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 20-003  
**Date:** February 18, 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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	(vi) Doreen Guindon	
	(vii) Russell Pape	
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## PLANNING COMMITTEE

### MINUTES

**20-002**

February 4, 2020

9:30 a.m.

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

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

**Absent with Regrets:** Councillor B. Johnson – Personal  
Councillor T. Whitehead – Personal

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

1. **Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20023) (City Wide) (Item 7.1)**

**(Danko/Wilson)**

That Report PED20023 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**CARRIED**

2. **Parking Fee Review (PED20038(a)) (City Wide) (Item 7.2)**

**(Partridge/Pearson)**

(a) That Report PED20038(a) respecting Parking Fee Review, be referred to the 2020 Operating Budget Process.

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Chair - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
NOT PRESENT - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson  
YES - Vice Chair - Ward 9 Councillor Brad Clark

**(Pearson/Partridge)**

- (b) That staff be directed to send a letter to the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board, and the Hamilton Police Service, requesting the schools to advise parents that the City will be actively enforcing parking by-laws around schools.

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Chair - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Vice Chair - Ward 9 Councillor Brad Clark

**3. Hamilton Municipal Heritage Committee Report 20-001 (Item 7.3)**

**(Pearson/Clark)**

**(i) Appointment of 2020 Chair and Vice Chair (Item 1)**

- (a) That A. Denham-Robinson be appointed Chair of the Hamilton Municipal Heritage Committee for 2020; and,
- (b) That C. Dmitry be appointed Vice-Chair of the Hamilton Municipal Heritage Committee for 2020.

**(ii) Education and Communication Working Group Meeting Notes – September 4, 2019 (Item 10.1)**

That the “Doors of Hamilton” posters be used as complimentary (“giveaway”) promotional items for outreach and education, as there is a large quantity of existing posters (size: small, condition: very good to excellent) that remain unsold since pre-amalgamation.

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Chair - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 14 Councillor Terry Whitehead  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Vice Chair - Ward 9 Councillor Brad Clark

**4. Application for Zoning By-law Amendment for Lands Located at 184 and 186 Markland Street, Hamilton (PED20016) (Ward 2) (Item 8.1)**

**(Farr/Collins)**

(a) That Revised Zoning By-law Amendment Application ZAC-18-047 by Robert and Michelle Edmonds, Owner, for a change in zoning from the “D” (Urban Protected Residential - One and Two Family Dwelling, Etc.) District to “DE-3/S1796-‘H’” (Multiple Dwellings) District, Modified, Holding, to permit six units within the existing building for lands located at 184 and 186 Markland Street, Hamilton, as shown on Appendix “A” to Report PED20016, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED20016, **as amended**, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law attached as Appendix “B” to Report PED20016, **as amended**, be added to District Map No. W6 of Zoning By-law No. 6593;
- (iii) That the amending By-law, **as amended**, 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 ‘H’ as a suffix to the proposed zoning;

The Holding Provision “DE-3/S-1796-‘H’” (Multiple Dwellings) District, Holding, Modified, be removed conditional upon:

- (1) That the Owner merge the properties municipally known as 184 and 186 Markland Street on title, to the satisfaction of the Manager of Development Planning, Heritage and Design;
- (2) That the Owner applies for and receives Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design; and,
- (3) That the Owner apply for a Building Permit to legalize a multiple dwelling with a maximum of six units, to the satisfaction of the Chief Building Official, Building Division.

- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and complies with the Urban Hamilton Official Plan;
- (b) That upon finalization of the amending By-law, **as amended**, the subject lands be redesignated from “Single & Double” to “Medium Density Apartments” in the Durand Neighbourhood Plan.
- (c) ***That the public submissions received on this matter did not affect the decision.***

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 NO - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

**5. Application to Amend City of Hamilton Zoning By-law 05-200 for Lands Located at 630 Stone Church Road West (Hamilton) (PED20024) (Ward 14) (Item 8.2)**

**(Partridge/Pearson)**

- (a) That Revised Zoning By-law Amendment Application ZAR-19-003 by CPDL Mancini Holdings Inc. (Owner) for a change in zoning from the Community Commercial (C3) Zone to a Modified Community Commercial (C3) Zone to recognize an illegally constructed rear yard freezer addition on lands located at 630 Stone Church Road West, Hamilton, as shown on Appendix “A” to Report PED20024, be **APPROVED**; and,
- (b) ***That staff be directed to prepare an amending Zoning By-law consistent with the concept plans proposed:***
  - (i) ***To address the compatibility concerns raised in this report, a Holding provision should be enacted to require a subsequent Site Plan Control application.***
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

**Result: Main Motion, As Amended, CARRIED by a vote of 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 NOT PRESENT - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

**6. Application for a Revised Draft Plan of Subdivision for Lands Located at 22 Green Mountain Road West (Stoney Creek) (PED20026) (Ward 9) (Item 8.3)**

**(Clark/Pearson)**

- (a) That Revisions to Draft Approved Plan of Subdivision 25T-200803R, by Empire Communities (Stoney Creek) Ltd. (Owner) to establish an extension of the subdivision known as "Victory Ridge Phase IV" for a 0.88 ha site located at the northwest corner of Green Mountain Road West and Upper Centennial Parkway, known as 22 Green Mountain Road West, as shown on Appendix "A" to Report PED20026, to develop residential blocks on an extension of a public road, be APPROVED, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision "Victory Ridge Phase IV" 25T-200803R, prepared by Armstrong Hunter and Associates, and certified by Douglas E. Hunt, O.L.S., dated March 25, 2019, consisting of two blocks for a maximum of 27 freehold street townhouse dwellings (Blocks 'A30' and 'A31'), dedication of road right-of-way widening for Green Mountain Road West (Block 'H'), one Open Space block (Block 'J'), and the extension of a public road (Street 'L'), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix "E" to Report PED20026;
  - (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision; and,
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.



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

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

**7. Application for Zoning By-law Amendment for Lands Located at 11 Grosvenor Avenue South, Hamilton (PED20034) (Ward 3) (Item 8.4)**

**(Clark/Pearson)**

- (a) That Zoning By-law Amendment Application ZAR-19-016 by Victor and Patricia dos Santos, Owners, for a further modification to the "C" (Urban Protected Residential, Etc.) District, to permit three dwelling units within the existing legal non-conforming two family dwelling for lands located at 11 Grosvenor Ave South, Hamilton, as shown on Appendix "A" to Report PED20034, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED20034, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law attached as Appendix "B" to Report PED20034, be added to District Map No. E76 of Zoning By-law No. 6593;
  - (iii) That the proposed change in zoning complies with the polices and intent of the Urban Hamilton Official Plan, with regards to matters including, but not limited to, density, built form, and compatibility.

**(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 1, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 NO - Ward 8 Councillor John-Paul Danko

YES - Chair - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

**8. Amendments to the Property Standards By-law 10-221 Respecting Incomplete and Unrepairable Buildings (PED20032) (City Wide) (Item 10.1)**

**(Pearson/Danko)**

- (a) That the procedural and maintenance changes to the City of Hamilton Property Standards By-law 10-221 with respect to incomplete and unrepairable buildings described in Report PED20032, 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 PED20032, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

**9. Amendments to the Idling Control By-law 07-160 and Administrative Penalty By-law 17-225 to Establish a Parking Contravention (PED20035) (City Wide) (Item 10.2)**

**(Wilson/Clark)**

- (a) That the amendment to the Idling Control By-law 07-160 and Administrative Penalty By-law (APS) 17-225 to create a parking contravention described in Report PED20035, detailed in the proposed amending by-law attached as Appendix "A" be approved; and,
- (b) That the amending by-law attached as Appendix "A" to Report PED20035, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

**10. Waiving Minor Variance Fee for 73 Cannon Street East (Item 11.1)**

**(Farr/Clark)**

WHEREAS, the City of Hamilton Zoning By-law No. 6593 regulates the use of land at 73 Cannon Street East;

WHEREAS, an accessory building has been constructed on the subject lands with a maximum building height of 4.26 metres which does not conform to the Zoning By-law;

WHEREAS, the property owner is required to apply to the Committee of Adjustment for approval of a Minor Variance to address the maximum building height; and,

WHEREAS, the fee for an “after the fact” Minor Variance Application is \$4,119.00;

THEREFORE BE IT RESOLVED:

That staff be directed to waive the fee for the required Minor Variance Application to address the maximum building height for the lands located at 73 Cannon Street East.

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

**FOR INFORMATION:****(a) APPROVAL OF AGENDA (Item 2)**

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

**1. PUBLIC MEETINGS (Item 8)**

8.1 Application for Zoning By-law Amendment for Lands Located at 184 and 186 Markland Street, Hamilton (PED20016) (Ward 2)

**(a) Written Submissions**

- (i) Durand Neighbourhood Association
- (ii) Zen Masniak
- (iii) Garry Boychuk

**2. NOTICES OF MOTIONS (Item 12)**

12.1 Temporary Use of Parking Sites to Accommodate Construction at 18-25 King Street East, Hamilton

**(Pearson/Partridge)**

That the agenda for the February 4, 2020 meeting be approved, as amended.

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Chair - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Vice Chair - Ward 9 Councillor Brad Clark

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

None declared.

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

**(i) January 14, 2020 (Item 4.1)**

**(Partridge/Pearson)**

That the Minutes of the January 14, 2020 meeting be approved, as presented.

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

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

**(i) Application for Zoning By-law Amendment for Lands Located at 184 and 186 Markland Street, Hamilton (PED20016) (Ward 2) (Item 8.1)**

Councillor Farr relinquished the Chair to Councillor Clark.

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

Daniel Barnett, Planner II, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at [www.hamilton.ca](http://www.hamilton.ca).

**(Pearson/Farr)**

That the staff presentation be received.

**CARRIED**

Terri Johns, T. Johns Consulting Group, was in attendance and indicated support for the staff report. Terri Johns requested an amendment to the

Zoning By-law to recognize the existing height of the building, which may slightly exceed the 11m maximum, and to allow a permeable rear parking lot.

**(Pearson/Partridge)**

That the presentation from Terri Johns, T. Johns Consulting Group, be received.

**CARRIED**

**Delegations:**

- (i) Adam Fleming, 290 Hess Street South, addressed the Committee and expressed concerns with the proposal.
- (ii) Sara Mayo, 284 Hess Street South, addressed the Committee and expressed support for the proposal.
- (iii) Carina Fato, 194 Markland Street, addressed the Committee and expressed concerns with the proposal.
- (iv) Tim Zahavidy, 186 Markland Street, addressed the Committee and indicated he is neither in support or against the proposal.

**(Pearson/Partridge)**

That the delegations above, be received.

**CARRIED**

**(Pearson/Partridge)**

That the following written submissions be received:

- 8.1 (a)(i) Durand Neighbourhood Association
- 8.1 (a)(ii) Zen Masniak
- 8.1 (a)(iii) Garry Boychuk

**CARRIED**

**(Pearson/Wilson)**

That the public meeting be closed.

**CARRIED**

**(Farr/Pearson)**

That the Zoning By-law, attached as Appendix "B" to Report PED20016, be **amended** to allow the following:

- (i) ***That the existing height of the building be allowed; and,***
- (ii) ***That the rear parking lot be constructed of permeable materials.***

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

**(Farr/Collins)**

That the recommendations in Report PED20016 be ***amended*** by adding the following sub-section (c):

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

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 NO - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

For disposition of this matter, refer to Item 4.

Councillor Farr assumed the Chair.

**(ii) Application to Amend City of Hamilton Zoning By-law 05-200 for Lands Located at 630 Stone Church Road West (Hamilton) (PED20024) (Ward 14) (Item 8.2)**

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.

Tim Vrooman, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at [www.hamilton.ca](http://www.hamilton.ca).

**(Partridge/Clark)**

That the staff presentation be received.

**CARRIED**

John Ariens, IBI Group, was in attendance and indicated he was not in support of 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).

**(Pearson/Partridge)**

That the presentation from John Ariens, IBI Group, be received.

**CARRIED**

**Delegation:**

- (i) Stephen Pipe, 620 Stone Church Road West, addressed the Committee and expressed concerns with the proposal.

**(Partridge/Pearson)**

That the delegation above, be received.

**CARRIED**

**(Partridge/Pearson)**

That the public meeting be closed.

**CARRIED**

**(Partridge/Pearson)**

That the recommendation in Report PED20024 be **amended**, as follows:

- (a) That the application (ZAR-19-003) be **APPROVED**; and,
- (b) ***That staff be directed to prepare an amending Zoning By-law consistent with the concept plans proposed:***
  - (i) ***To address the compatibility concerns raised in this report, a Holding provision should be enacted to require a subsequent Site Plan Control application.***



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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

**(Pearson/Clark)**

That Report PED20024 be ***amended*** by adding the following sub-section (c):

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

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 NOT PRESENT - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

For disposition of this matter, refer to Item 5.

**(iii) Application for a Revised Draft Plan of Subdivision for Lands Located at 22 Green Mountain Road West (Stoney Creek) (PED20026) (Ward 9) (Item 8.3)**

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

**(Pearson/Clark)**

That the public meeting be closed.

**CARRIED**

**(Clark/Pearson)**

That the staff presentation be waived.

**CARRIED**

Michael Auduong, Armstrong Planning, was in attendance and indicated support for the staff report.

**(Clark/Pearson)**

That the recommendations in Report PED20026 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 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

For disposition of this matter, refer to Item 6.

**(iv) Application for Zoning By-law Amendment for Lands Located at 11 Grosvenor Avenue South, Hamilton (PED20034) (Ward 3) (Item 8.4)**

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.

Sean Stewart, Planner II, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at [www.hamilton.ca](http://www.hamilton.ca).

**(Partridge/Pearson)**

That the staff presentation be received.

**CARRIED**

Katelyn Gillis, T. Johns Consulting Group, was in attendance and indicated support for the staff report.

**Delegation:**

- (i) Dina D'Ermo, 49 Grosvenor Avenue South, addressed the Committee and expressed concerns with the proposal.

**(Pearson/Partridge)**

That the delegation above, be received.

**CARRIED**

**(Pearson/Wilson)**

That the public meeting be closed.

**CARRIED**

**(Clark/Pearson)**

That the recommendations in Report PED20034 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 1, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 NO - Ward 8 Councillor John-Paul Danko  
 YES - Chair - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Vice Chair - Ward 9 Councillor Brad Clark

For disposition of this matter, refer to Item 7.

**(e) MOTIONS (Item 11)****(i) Waiving Minor Variance Fee for 73 Cannon Street East (Item 11.1)**

Councillor Farr relinquished the Chair to Councillor Clark to present his Motion respecting Waiving Minor Variance Fee for 73 Cannon Street East.

For disposition of this matter, refer to Item 10.

**(f) NOTICES OF MOTIONS (Item 12)****(i) Temporary Use of Parking Sites to Accommodate Construction at 18-25 King Street East, Hamilton (Added Item 12.1)**

Councillor Farr relinquished the Chair to Councillor Clark to introduce the following Notice of Motion:

WHEREAS, construction work has commenced on the development of 18-25 King Street East, commonly known as the Gore Buildings;

WHEREAS, as part of the construction management planning process, the applicant is intending to temporarily displace the current parking to a nearby site;

WHEREAS, in 1999, in response to the demolition of commercial building and associated loss of economic activities and erosion of the tax base, the City of Hamilton amended the Zoning Bylaw No. 6593 for the downtown to prohibit any new parking lots; and,

WHEREAS, the developer of this construction site has currently secured two properties to be used for temporary parking to accommodate the loss of parking;

THEREFORE BE IT RESOLVED:

That staff temporarily defer any enforcement action against the temporary use of parking at 20 Jackson Street West and 28 James Street South for the purpose of accommodating the displaced parking for the duration of the construction period.

**(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)****(i) Outstanding Business List (Item 13.1)**

**(Pearson/Clark)**

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

## (a) Items to be Removed:

19BB - Parking Fee Review (*with the exception of sub-section (d) which is to remain on the Outstanding Business List*) (sub-section (a), (b), (c), and (e) have been referred to the General Issues Committee)  
(Addressed as Item 7.2 on this agenda)

## (b) Items Requiring New Due Dates:

17C - Change to the Subdivision Plan for Vienna Orchard  
Current Due Date: September 17, 2019  
Proposed New Due Date: June 2020

18E - 2018 Development Fee Review  
Current Due Date: October 15, 2019  
Proposed New Due Date: March 24, 2020

18N - Dedicated Mohawk College Parking Enforcement  
Current Due Date: December 3, 2019  
Proposed New Due Date: February 18, 2020

18K - Effect of Heritage Designations on Property Values in Hamilton  
Current Due Date: December 3, 2019  
Proposed New Due Date: February 18, 2020

19M - Amendment to Nuisance By-law No. 09-110 respecting Cannabis Growing Operations  
Current Due Date: October 15, 2019  
Proposed New Due Date: February 4, 2020

19T - EV Chargers in Hamilton Municipal Parking System Lots  
Current Due Date: None  
Proposed New Due Date: March 24, 2020

19W - Electric Vehicle Charging Stations in New Developments  
Current Due Date: None  
Proposed New Due Date: March 24, 2020

19Y - Construction Hoarding  
Current Due Date: None  
Proposed New Due Date: June 16, 2020

19AA - Fencing By-law Appeal Process  
Current Due Date: None  
Proposed New Due Date: May 5, 2020

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Chair - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Vice Chair - Ward 9 Councillor Brad Clark

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

**(i) Closed Session Minutes – January 14, 2020 (Item 14.1)**

**(Partridge/Danko)**

- (a) That the Closed Session Minutes – January 14, 2020, be approved as presented; and,
- (b) That the Closed Session Minutes – January 14, 2020, remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Chair - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Vice Chair - Ward 9 Councillor Brad Clark

**(i) ADJOURNMENT (Item 15)**

**(Pearson/Partridge)**

That there being no further business, the Planning Committee be adjourned at 2:46 p.m.

**CARRIED**

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Councillor Jason Farr  
Chair, Planning Committee

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Lisa Chamberlain

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

Submitted on Tuesday, January 28, 2020 - 9:05 am

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** John Schuurman

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:**

Hamilton ON

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

I would like to share about an initiative from the City of Ottawa Planning Department of which I was able to play a role. Ottawa is in the middle of rolling out its Building Better and Smarter Suburbs Action Plan which carries lessons and opportunities for Hamilton to learn from Ottawa's work.

Please note that I am not available to speak for the February 18 Planning Committee meeting.

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

**Will you be submitting a formal presentation? Yes**





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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 18, 2020
<b>SUBJECT/REPORT NO:</b>	Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	E. Tim Vrooman (905) 546-2424 Ext. 5277
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-18-013, by IBI Group (c/o Jared Marcus, Applicant) on behalf of 1426689 Ontario Inc. (Owner)** to add a site specific policy in order to permit a 14-storey 260 unit multiple dwelling with a maximum net residential density of 349 units per hectare, for lands located at 461 Green Road, Stoney Creek, as shown on Appendix “A” to Report PED20043, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED20043, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow (2019).
- (b) That **Revised Zoning By-law Amendment Application ZAC-18-034, by IBI Group (c/o Jared Marcus, Applicant) on behalf of 1426689 Ontario Inc. (Owner)** to change the zoning from the Community Commercial (C3) Zone to the

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 2 of 40**

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Mixed Use Medium Density (C5, 669, H34) Zone, in order to permit a 14-storey mixed use development with 465 m<sup>2</sup> of ground floor commercial space and 260 multiple dwelling units with on-site amenities, 97 surface parking spaces, and 293 underground parking spaces, for lands located at 461 Green Road, Stoney Creek, as shown on Appendix “A” to Report PED20043, be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED20043, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H34’ to the proposed Mixed Use Medium Density (C5, 669) Zone.
 

The Holding Provision ‘H34’ is to be removed to allow for the development of a 14-storey mixed use development with 465 m<sup>2</sup> of ground floor commercial space and 260 dwelling units, conditional upon:

    - a. The necessary upgrades to the sanitary sewers to accommodate additional flows are completed to the satisfaction of the Senior Director of Growth Management;
    - b. A final Traffic Impact Study prepared by a qualified Traffic Engineer is submitted, approved, and implemented, to the satisfaction of the Manager of Transportation Planning; and,
    - c. The Owner has acquired additional lands required for access along the Green Road frontage, to the satisfaction of the Ontario Ministry of Transportation.
  - (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow (2019); and,
  - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-18-013 and Zoning By-law Amendment Application ZAC-18-034, the subject lands be re-designated from “Local Commercial” to “High Density Residential” in the Lakeshore Neighbourhood Plan.

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## **EXECUTIVE SUMMARY**

The applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to permit a 14-storey mixed use development with 465 m<sup>2</sup> of ground floor commercial space and 260 dwelling units, including on-site amenities, 97 surface parking spaces, and 293 underground parking spaces on the ±0.747 ha site. The site is currently developed with a ±1,400 m<sup>2</sup> one-storey commercial plaza.

The Official Plan Amendment proposes to add a site specific policy to permit a maximum net residential density of 349 units per hectare for High Density Residential development within the Neighbourhoods designation. The UHOP currently permits a maximum density of 200 units per hectare. The Zoning By-law Amendment proposes to change the zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 669, H34) Zone. A number of site specific variances to the Mixed Use Medium Density (C5) Zone are proposed to accommodate the proposed development. Further, Holding provisions are being added to ensure that necessary upgrades to the sanitary sewers are complete, a revised Traffic Impact Study is approved, and the acquisition of lands from the Ministry of Transportation (MTO) necessary for the proposed access to Green Road is secured.

This application has merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and complies with the general intent of the policies of the Urban Hamilton Official Plan (UHOP). In particular, the proposed development complements the existing function of the neighbourhood, contributes to a complete community by maintaining the existing local commercial uses, and provides residential intensification in an appropriate and strategic location in the Neighbourhoods designation. Given its proximity to employment areas and existing and planned regional and higher order transit, the proposal is compatible with the surrounding area in terms of use, scale, form, and character.

## **Alternatives for Consideration – See Page 40**

## **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 Official Plan Amendment and Zoning By-law Amendment.

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and  
Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road  
(Stoney Creek) (PED20043) (Ward 10) – Page 4 of 40**

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## HISTORICAL BACKGROUND

### Report Fact Sheet

<b>Application Details</b>	
Owner:	1426689 Ontario Ltd. (Homes by DeSantis)
Applicant/Agent:	IBI Group (c/o Jared Marcus)
File Number:	UHOPA-18-013 ZAC-18-034
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment
Proposal:	14-storey multiple dwelling with 465 m <sup>2</sup> of ground floor commercial space and 260 dwelling units with on-site amenities and 97 surface parking spaces, with eight additional unrequired surface parking spaces located within the Ministry of Transportation 14.0 m setback area, and an underground two-level parking garage containing 293 parking spaces for a total of 390 parking spaces (see Appendix “E” to Report PED20043).
<b>Property Details</b>	
Municipal Address:	461 Green Road (see Location Map attached as Appendix “A” to Report PED20043)
Lot Area:	±7,468 m <sup>2</sup> (rectangular)
Servicing:	Existing Full Municipal Services
Existing Use:	±1,400 m <sup>2</sup> one-storey commercial plaza
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow, 2019.

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Official Plan Existing:	<ul style="list-style-type: none"> <li>• “Neighbourhoods” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations</li> <li>• Permitted uses: residential dwellings, local commercial uses</li> <li>• Maximum density: 200 units per hectare (high density residential)</li> </ul>
Official Plan Proposed:	To permit a maximum net residential density of 349 units per hectare for the High Density Residential development within the Neighbourhoods designation (see Appendix “B” to Report PED20043).
Neighbourhood Plan:	Lakeshore – Local Commercial
Zoning Existing:	Community Commercial (C3) Zone
Zoning Proposed:	Mixed Use Medium Density (C5, 669, H34) Zone (see Appendix “C” to Report PED20043)
Modifications Proposed:	<ul style="list-style-type: none"> <li>• Definitions with respect to lot lines fronting a public street;</li> <li>• Special Setbacks;</li> <li>• Building setback from a street line;</li> <li>• Parking: <ul style="list-style-type: none"> <li>○ Space sizes;</li> <li>○ Surface materials;</li> <li>○ Minimum and maximum number of spaces for a Multiple Dwelling and Commercial and Institutional Uses;</li> <li>○ Planting strips; and,</li> <li>○ Location between façade and front lot line;</li> </ul> </li> <li>• Loading Facility location;</li> <li>• Finished floor elevation of a dwelling unit;</li> <li>• Building height;</li> <li>• Built form for new development;</li> <li>• Minimum amenity area for dwelling units and multiple dwellings;</li> <li>• Minimum planting strips and visual barrier requirements; and,</li> <li>• Residential density.</li> </ul> <p>(See Appendix “D” to Report PED20043.)</p>

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(Stoney Creek) (PED20043) (Ward 10) – Page 6 of 40**

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<b>Processing Details</b>	
Received:	June 8, 2018
Deemed Incomplete:	June 27, 2018
Deemed Complete:	July 24, 2018
Notice of Complete Application:	Sent to 346 property owners within 120 m of the subject property on August 6, 2018.
Public Notice Sign:	Posted August 3, 2018 and updated with Public Meeting date January 22, 2020
Notice of Public Meeting:	Sent to 346 property owners within 120 m of the subject property on January 31, 2020.
Public Consultation:	Neighbourhood meeting held on January 24, 2019. 29 people, including the Ward Councillor, City staff, the applicant and their agent, attended the meeting (see Appendix “G” to Report PED20043).
Public Comments:	16 letters / emails including two separate resident petitions with a total of 176 signatories: 1 in support and 15 (along with petitions) expressing concern (see Appendix “F” to Report PED20043).
Revised Concepts:	<ul style="list-style-type: none"> <li>• April 26, 2019</li> <li>• August 26, 2019</li> </ul>
Processing Time:	560 days.

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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 7 of 40**

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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>	Retail Commercial and Offices	Community Commercial (C3) Zone
<b><u>Surrounding Land Uses:</u></b>		
<b>North</b>	Street Townhouse Dwellings	Multiple Residential “RM2” Zone
<b>South</b>	QEW and Business / Employment Uses	General Commercial “GC-35” Zone, Modified Prestige Business Park (M3) Zone
<b>East</b>	Vacant	Mixed Use Commercial “MUC-4” Zone, Modified
<b>West</b>	Block Townhouses	Multiple Residential “RM3-10” Zone, Modified

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The application has been reviewed with respect to the Provincial Policy Statement (PPS) policies that contribute to the development of healthy, liveable, and safe communities as contained in Policy 1.1.1. In particular, the application is consistent with Policy 1.1.1. b), by accommodating a range and mix of uses to meet long term needs.

The application is also consistent with Policy 1.1.3.1 of the PPS, which focuses on growth in settlement areas. The proposed development is located within a settlement area and proposes residential intensification on underutilized lands.

In addition, the following policies, amongst others, apply to the proposal.

- “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*.”

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 8 of 40**

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

Staff have reviewed an environmental noise impact study entitled “Noise Feasibility Assessment – Proposed Residential Development at 461 Green Road” prepared by RWDI, dated May 8, 2018 in support of the above-noted development. The aforementioned study reviewed the acoustic requirements for this development with respect to road noise from North Service Road and the QEW.

In accordance with MOECP guidelines, sound level limits are specified for outdoor living areas (OLAs) which include balconies and elevated terraces with a minimum depth of 4.0 m. Terraces that do qualify as OLAs are on the north side of the building on the 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> floors. There are rooftop areas on the southerly and westerly sides of the 2<sup>nd</sup>, 5<sup>th</sup>, 9<sup>th</sup>, and 12<sup>th</sup> floors which are greater than 4 m in depth; however, the useable space that would be occupied for an OLA would be restricted to less than 4 m through the use of railings. This matter is addressed through the implementing Zoning By-law (attached as Appendix “C” to Report PED20043) and will be detailed at the future Site Plan Control stage. Noise-sensitive indoor living areas, which include living rooms and sleeping quarters, are located on every floor.

Unmitigated sounds levels at the OLAs and indoor living areas are predicted to be greater than MOECP guidelines; however, the proposed sound attenuation measures, including the installation of parapets and specific building materials, would achieve acceptable levels. Staff are generally satisfied with the findings of the study, subject to the submission of a detailed noise study to identify the specific building materials, confirm grading information, implement the parapets, address potential noise from the parkade ramp, and confirm the location of any unitary equipment on site. This will be addressed at the future Site Plan Control stage.

In addition, warning clauses are to be identified in the Site Plan undertaking and in all offers of purchase and sale or lease agreements. Further, should the proposed development be subject to a future Draft Plan of Condominium application, the necessary noise warning clauses shall be included within the registerable portion of the Condominium Agreement.

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



**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 9 of 40**

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- 1) Within 250 m of known archaeological sites;
- 2) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 3) In an area of sandy soil in areas of clay or stone; and,
- 4) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the subject application. Staff will require that a written caution be added to any future Site Plan Control Application.

As the proposal is for a change of use from commercial to include residential, this constitutes a change to a more sensitive use and therefore it is mandatory for the proponent to submit a Record of Site Condition (RSC) to demonstrate that the site is suitable for the intended residential use. Record of Site Condition number 226094 was filed in the Environmental Site Registry with the Ministry of Environment, Conservation and Parks on October 17, 2019; therefore, City staff are satisfied that this requirement has been met.

Based on the foregoing, and subject to the proposed zoning by-law and future site plan requirements, the proposal is consistent with Section 3 of the *Planning Act* and the PPS 2014.

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

The policies of A Place to Grow (2019) apply to any Planning decision.

The proposal conforms to the Guiding Principles, Section 1.2.1 of A Place to Grow (2019), as it supports the achievement of complete communities, provides residential intensification to make efficient use of land and infrastructure, supports a range and mix of housing options, meets people's needs for daily living, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

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

- a. the vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 10 of 40**

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

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

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

The subject lands are within the Urban Boundary and Built Up Area in a settlement area, with existing and planned municipal services available. As the proposed development is for a 14 storey mixed use development with ground floor commercial space and 260 dwelling units, it will contribute to a complete community as it provides mixed use and compact development, ensuring that new residential development is efficient and cost effective with appropriate densities, and provides opportunities to maintain existing local commercial uses intended to serve residents within the surrounding neighbourhood.

With respect to appropriate densities, it is noted that the site is not located in a specified strategic growth area (i.e. within planned nodes and corridors as shown in Appendix E – Urban Structure of the UHOP where greater changes in built form can be expected to occur) where direction for intensification and higher densities to make efficient use of land and infrastructure and support transit viability is targeted. However, this does not preclude opportunities for intensification and higher densities in other strategic locations. Forty percent of intensification is targeted to occur elsewhere throughout the

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Built Up Area. Development is encouraged where there is planned transit, and the proposed development benefits integration of land use planning and investment in regional transit infrastructure as the site is in close proximity to the Confederation GO Station, approximately 3.6 km away. The proposed density will support ridership of GO transit. In addition, the site is in close proximity to the Employment Area on the south side of the QEW, making the subject lands desirable for high density residential uses.

Further, due to the isolated nature of the Lakeshore neighbourhood, being bounded by Lake Ontario to the north and the QEW to the south, it is important that new development be sustained as a self-sufficient complete community, which can be achieved through intensification and efforts to sustain viable commercial land uses.

Based on the foregoing, the proposal conforms with the applicable policies of A Place to Grow (2019).

### **Urban Hamilton Official Plan (UHOP)**

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

#### Neighbourhoods Designation

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

As discussed above, the proposed development contributes to the achievement of a complete community by further contributing to a full range of residential dwelling types in an area that offers a wide range of existing dwellings, including detached dwellings, townhouse units, and multiple dwellings. It also maintains existing local commercial uses intended to serve residents within the surrounding neighbourhood.

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High Density Residential

- “E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities / services, including public transit, schools, and active or passive recreational facilities.
- E.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.”

The proposed development of a multiple dwelling with a proposed density of 349 units per net residential hectare is classified as a high density residential development. High density residential developments are to be located on the periphery of neighbourhoods in proximity to major or minor arterial roads. The site is located on the periphery of the Lakeshore neighbourhood, and North Service Road is designated a minor arterial roadway on Schedule C – Functional Road Classifications of the UHOP.

The subject site is within safe and convenient walking distance to a neighbourhood park (Edgelake Park) which includes walking trails, outdoor play structures, tennis courts, and a hard surface play area, and is also accessible to Confederation Park, which provides City-wide recreational services. The development also includes private indoor / outdoor amenity space for future residents.

The proposed development functions as an appropriate transition between the QEW and North Service Road to the south and the neighbourhood to the north, given the step-back design of the building, which maintains a 45° angular plane to the property lines (see the Angular Plane Analysis attached to Appendix “E” to Report PED20043). Further, the site is in close proximity to the Employment Area on the south side of the QEW, making this site desirable for high density residential uses, as noted in Policy E.3.6.5.

Residential Intensification

- “B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

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- c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.

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

- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

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

- a) the matters listed in Policy B.2.4.1.4;
- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;

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- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood; and,
- j) infrastructure and transportation capacity and impacts.”

As discussed above, the proposed development represents residential intensification in an appropriate location. The intent of the UHOP is to intensify the existing built up area in appropriate locations, with 40% of intensification targeted to occur within the Neighbourhoods. The subject property is designated Neighbourhoods and is situated on the periphery of the neighbourhood with access to a Minor Arterial Road (North Service Road).

Intensification ensures land, municipal services, and transportation systems are used efficiently and sufficient population is maintained to support community facilities, including regional transit, which builds on the strength of communities to create and maintain vibrant neighbourhoods and provide a wide range of housing types. The proposed development maintains and enhances the existing character and function of the neighbourhood by maintaining the existing commercial uses which contributes to a complete community. The additional density will strengthen the viability of improved transit service in the area, help sustain the local commercial uses, and attract interregional commuters to the area given its proximity to the Confederation GO Station.

In order to ensure infrastructure capacity is available, the Millen Road Water and Wastewater Analysis, prepared by GM BluePlan dated August 2019, recommends upgrading the sanitary sewers to accommodate additional capacity. A Holding provision will be assigned to the lands as part of the implementing Zoning By-law Amendment (attached as Appendix “C” to Report PED20043) until the necessary upgrades are complete and the development pays its proportionate share to the upgrades, which will be addressed at the future Site Plan Control stage.

Based on the Traffic Impact Study (TIS), prepared by Crozier Consulting Engineers and updated November 2019, the development can be supported from a traffic operations perspective as the road system can accommodate the increase in traffic volumes attributable to the proposed development. Traffic signals have been installed at the intersection of North Service Road and Green Road to alleviate increasing background traffic, which will further manage the increased traffic from the proposed development. Transportation Planning supports the application subject to revisions required to the TIS

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to address some inconsistencies; however, these concerns do not question the available capacity of the transportation network. The revisions to the TIS will be addressed through a second Holding provision assigned to the lands as part of the implementing Zoning By-law Amendment (attached as Appendix “C” to Report PED20043).

Careful consideration must be given to design, transition, and compatibility with existing and planned surrounding uses and neighbourhood character, and to minimize impacts. The area contains a mixture of low, medium and high density developments, including two existing 18-storey multiple dwellings constructed in the early 1970s. The lands to the east, across Green Road, are zoned Mixed Use Commercial “MUC-4” Zone, Modified, which permits a high density mixed use development with a minimum residential density of 585 units and has no maximum building height. Accordingly, the proposed redevelopment represents an appropriate transition.

The proposed development will be compatible with adjacent townhouses directly surrounding these lands. Based on a Shadow Study, prepared by IBI Group and dated May 16, 2018, the proposed massing will not cast significant shadows on adjacent properties. The following extracts summarize the impacts:

- The western townhouse blocks will only be in the shade in the morning, up to 12 (noon) in the winter, spring, and fall;
- The northern residential areas will not experience cast shadows in the spring, summer, and fall. The first two rows of townhouses and the first high-rise multiple dwelling will experience short exposure to cast shadow in winter, between noon and 4PM; however, overcast weather, short daylight, and the low position of the sun in winter do not deem these shadows significant, generally, in best practices; and,
- The eastern vacant property will be cast in shadow shortly before sunset in winter (after 4PM) and spring (after 4PM). Summer evening shadows are not expected to be significant.

The massing of the building is also offset from the adjacent low density uses through a stepped back design. The stepped back design recesses upper floors approximately every two to four storeys by a roughly equivalent distance to apply a 45° angular plane on the north and west elevations (see the Angular Plane Analysis attached to Appendix “E” to Report PED20043). This places the bulk of the building along the southerly and easterly edges of the lands along the North Service Road and Green Road frontages, to minimize impacts of overlook and facilitate the transition of height and density. The building itself will function as a noise barrier to help minimise noise impacts associated with the QEW and North Service Road. Lighting will be addressed with the detailed

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design at the future Site Plan Control stage. Other land use compatibility matters are further discussed later in this Report.

Scale and Design

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

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided.
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.

E.3.6.6 In high density residential areas, the permitted *net residential densities*, identified on Appendix G – Boundaries Map shall be:

- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.
- c) Notwithstanding the maximum density requirement in Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met. **(OPA 109)**

E.3.6.7 *Development* within the high density residential category shall be evaluated on the basis of the following criteria:

- a) *Development* should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted indirect access to a collector or major or minor arterial roads from a local road upon which only a small number of low density residential dwellings are fronting on the local road. **(OPA 109)**
- b) High profile *multiple dwellings* shall not generally be permitted immediately adjacent to low profile residential uses. A separation



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distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.

- d) *Development* shall:
- i) provide adequate landscaping, amenity features, on-site parking, and buffering where required;
  - ii) be *compatible* with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
  - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) In accordance with the policies of Section B.3.3 – Urban Design Policies, *development* shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):
- i) surface parking areas;
  - ii) parking structures;
  - iii) utility and service structures such as garbage enclosures; and,
  - iv) expanses of blank walls.
- f) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.

E.3.8.9 Development and redevelopment of local commercial uses shall:

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- a) front and have access to a major arterial, minor arterial, or collector road;
- b) provide safe and convenient access for pedestrians and cyclists; and,
- c) be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.

E.3.8.10 Residential units located in the same building as local commercial uses shall generally be located above the ground floor. Some components of the residential use may be located in ground floor areas in the rear of buildings. All commercial space shall be located on the ground floor with the primary entrances to the commercial space through the principal façade of the building.

E.3.8.14 New local commercial buildings or uses in areas other than those referred to in E.3.8.13 shall:

- a) be located close to the street to create a strong pedestrian orientation particularly along adjoining collector roads;
- b) provide a principal entrance facing the arterial and collector road;
- c) provide direct access from the sidewalk;
- d) provide windows and signage facing the street; and,
- e) provide for a consistent minimum setback.”

To permit this development, an amendment to the UHOP is required as the proposal is for 260 units on a ±0.747 ha site, which converts to 349 units per net residential hectare, exceeding the maximum permitted density of 200 units per net residential hectare. Given that the site is in an appropriate location to support intensification, higher densities make efficient use of land and infrastructure and support transit viability.

Further, the site is located immediately adjacent to low rise townhouse developments, such as the street townhouse dwellings to the north, which are of a scale appropriate to low density typology and, as noted above, high-density residential shall not generally be permitted immediately adjacent to low-density residential uses without some form of intervening land use or transitional features. To mitigate adverse impact on these adjacent low profile residential uses, the proposed development incorporates design

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features to ensure compatibility through the site design, scale and massing of the building. The building is sited as far as possible from the property lines abutting the residential land uses, and the application of a 45° angular plane using a stepped back design on the north and west elevations facing the residential uses implements best practice standards for a compatible interface, demonstrating that the proposed development will not result in the loss of privacy or overlook concerns (see the Angular Plane Analysis attached to Appendix “E” to Report PED20043).

The development proposes additional screening by providing a planting strip with a minimum width of 2.75 m along the interior side and rear lot lines that will provide for a landscape buffer and screen to further mitigate privacy and overlook impacts on adjacent low profile residential uses. The building setbacks provided also allow for landscape areas around the perimeter of the site, which are generally greater setbacks than the existing lower-rise residential dwellings to ensure compatibility with these properties. These matters will be further detailed at the future Site Plan Control stage.

In support of the proposed development, the proponent has submitted an Urban Design Brief prepared by IBI Group dated May 2018. Staff have reviewed this study and are satisfied with the proposed design measures outlined in the report. Such design measures include, but are not limited to:

- Locating the building towards the southeast corner of the site, furthest away from the adjacent residential dwellings, and to frame the streetscape;
- Orienting the building in such a way that it is aligned lengthwise on a north / south axis on Green Road, which reduces the shadow cast on the residential blocks to the north and west as well as maximizing sightlines to Lake Ontario when viewed from the south;
- Proposing significant terracing, particularly on the north and west-facing sides of the building, meeting the required angular planes to reduce the impact on adjacent properties;
- The proposed building design offers visual interest through high contrast in colour, detailed articulation and variety of form. Cantilevered balconies and recessed terraces in a variety of configurations contrast each other to provide an interesting arrangement of horizontal and vertical components. A high percentage of glazing and variation in materiality and colour are proposed, furthering the visual interest; and,
- The majority of parking is located underground, minimizing the appearance of parking at grade which facilitates more room for amenity and green space. The

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above ground parking lot and entry to the underground parking garage are located in the rear and interior side yards, which effectively uses the multiple dwelling as a visual screen when viewed from Green Road.

The development is located on the corner of a minor arterial road and a local road (North Service Road and Green Road, respectively), with adequate access provided on Green Road to minimize traffic and pedestrian conflicts. The commercial uses will provide safe, convenient, and direct pedestrian access, with the accesses located close to the street and maintaining consistent setbacks from the street. The commercial component is placed along the principal façade facing Green Road with entrances and storefronts addressing the street, with the residential component located above and behind the commercial areas. Adequate on-site parking, indoor amenities, and access to the property for vehicles and pedestrians will be provided onsite, as discussed further in this Report. The proposed landscape areas provide further opportunities to improve existing landscape features and the overall landscape character of the surrounding area. These matters will be further addressed with the detailed design at the future Site Plan Control stage.

The proposed development will contribute to an attractive public realm by placing a large portion of parking below grade and locating surface parking areas behind the building, away from the street lines. However, staff note that the proximity of the parkade ramp to the yards of adjacent townhouses could result in vehicular noise. Best practices (including the City's Tall Buildings Design Guidelines) discourage free-standing ramps to avoid this occurrence. To mitigate this, detailed noise studies will be required and screening could be required, which would be detailed at the future Site Plan Control stage. Further, the garbage collection is located below grade and will be brought to the surface only on collection days.

The detailed design of the building elevations will minimize expanses of blank walls. The proposed massing defines the street through consistent setbacks and building elevations and respects existing street proportions, given its strategic location at the entrance to the neighbourhood. The proposed building presents a sleek modern architecture design: a 14 storey building at approximately 42 m in height, rectangular in shape with a variety of step backs in the floors to provide screening to the adjacent existing residential dwellings to the north and west. The building façades have been designed with vertical and horizontal articulation to avoid expanses of blank walls. To enhance pedestrian perception and contextual integration, variation in balcony formatting and material treatment should help break down the sheer height of the wall to an acceptable level, and will be detailed at the future Site Plan Control stage.

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Local Commercial

- “E.3.2.5 Supporting uses such as local commercial, community facilities/services, and open space and parks, should be clustered to create a focal point for the neighbourhood and to facilitate access by all forms of transportation.
- E.3.6.3 Local commercial uses may also be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 – Local Commercial are satisfied.
- E.3.8.1 Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.
- E.3.8.4 Local commercial uses may be permitted in the following built forms:
- d) multiple storey buildings with the local commercial uses on the ground floor and residential units above.”

The proposed development will provide opportunities for local commercial uses permitted in the Mixed Use Medium Density (C5) Zone to be retained in 465 m<sup>2</sup> of commercial space located on the ground floor of the building. While the applicant’s initial proposal was for a multiple dwelling only, maintaining the existing local commercial uses that cater to the weekly and daily needs of residents within the surrounding neighbourhood will provide opportunities for residents of not only this building but also the surrounding neighbourhood to retain some of the local commercial uses currently servicing the area.

Natural Heritage

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

Trees have been identified on the subject property, and staff have reviewed and are satisfied with the submitted Tree Protection Plan prepared by IBI Group (Zara Brown, landscape architect), dated September 17, 2018. The City requires 1 for 1 compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan which will be required at the future Site Plan Control stage.

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Road Widening

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

- d) Minor arterial roads, subject to the following policies:
  - iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres...;”

North Service Road is classified as a Minor Arterial on Schedule C – Urban Road Classification of the UHOP. Accordingly, 3.58 metres are required to be dedicated to the right-of-way along North Service Road. Further, in accordance with Policy C.4.5.7 c), a 12.19 m x 12.19 m daylighting triangle is required at the intersection of the widened limits of Green Road and North Service Road. The applicant has illustrated on the Concept Plan (attached to Appendix “E” to Report PED20043) the required right-of-way and daylight triangle dedications. The applicant will be required to dedicate the lands as part of the future Site Plan Control Application.

Infrastructure and Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.”

The City has completed a Sanitary Capacity Analysis (Millen Road Water and Wastewater Analysis, prepared by GM BluePlan, August 2019) of the sanitary catchment area, which includes the subject site. The report recommends upgrading the sewers to accommodate additional flows including from the subject site. The development shall not proceed prior to the completion of the municipal sewer upgrades. As a result, the Zoning By-law Amendment will be subject to a Holding provision until the necessary upgrades are complete.

There are no concerns with the subject applications from a water servicing perspective; however, at detailed design the water demand and fire flow calculations shall be updated, as necessary, as part of the future Site Plan Control Application.

Lakeshore Neighbourhood Plan

An amendment to the Lakeshore Neighbourhood Plan is required to change the designation from “Local Commercial” to “High Density Residential”. Given:

1. The introduction of the nearby Confederation GO station;

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2. The site's frontage on a minor arterial road, location as a prominent entrance to the neighbourhood, function as a transitional use between the low density residential development to the north and west, the QEW, and the designated high density residential lands to the east; and,
3. That the development will comply with the Urban Hamilton Official Plan upon approval of the proposed Urban Hamilton Official Plan Amendment,

the redesignation to "High Density Residential" can be supported.

### **Hamilton Zoning By-law No. 05-200**

The subject property is currently zoned Community Commercial (C3) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix "A" to Report PED20043. The C3 Zone permits local commercial uses intended to serve residents within the surrounding neighbourhoods, including but not limited to financial establishments, medical clinics, motor vehicle gas bars, offices, personal services, restaurants, and retail.

The proposed Zoning By-law Amendment is for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 669, H34) Zone for lands located at 461 Green Road, to permit a 14-storey multiple dwelling with 465 m<sup>2</sup> of ground floor commercial space and 260 dwelling units with on-site amenities, surface parking with 97 parking spaces, and an underground parking garage with 293 parking spaces. Site specific modifications to the C5 Zone have been requested to implement the subject proposal and are discussed in greater detail in Appendix "D" to Report PED20043, and the 'H' Holding provisions have been discussed above.

### **RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
<ul style="list-style-type: none"> <li>• Asset Management, Strategic Planning Division, Public Works Department;</li> <li>• Construction, Strategic Planning Division, Public Works Department; and,</li> <li>• Growth Planning Section, Growth Management Division, Planning and Economic Development Department.</li> </ul>		No Comment
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering	Water Servicing	<ul style="list-style-type: none"> <li>• At detailed design the water demand and fire flow</li> </ul>

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Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>There are no concerns with the subject applications from a water servicing perspective.</li> </ul>	calculations shall be updated, as necessary, as part of the future Site Plan Control Application.
	<p>Sanitary Capacity</p> <ul style="list-style-type: none"> <li>The City has completed a Sanitary Capacity Analysis (Millen Road Water and Wastewater Analysis, GM BluePlan, August 2019) of the sanitary catchment area, which includes the subject site. The report recommends upgrading the sewers to accommodate additional flows including from the subject site. The development shall not proceed prior to the completion of the municipal sewer upgrades.</li> <li>The applicant is not required to complete a separate sanitary capacity analysis; however, they are restricted to the population density and flow that the Sanitary Capacity Analysis has allocated for the property. The applicant will be required to cost share with the neighbouring lands for the sanitary system upgrades that will benefit the subject property from a capacity perspective.</li> </ul>	<ul style="list-style-type: none"> <li>The Zoning By-law Amendment application will be subject to a Holding provision until the necessary upgrades are complete, through the implementing Zoning By-law (attached as Appendix "C" to Report PED20043).</li> <li>Cost sharing and sanitary servicing will be further reviewed through the detailed design at the Site Plan Control stage.</li> </ul>
	<p>Source Water Protection</p> <ul style="list-style-type: none"> <li>Hamilton Water agrees with</li> </ul>	<ul style="list-style-type: none"> <li>These matters will be further reviewed through the detailed design at the Site</li> </ul>

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	<p>the Geotechnical Investigation prepared by Soil-Mat Engineers and Consultants Ltd., revised April 18, 2019, that monitoring well(s) should be installed. Groundwater levels will be required to estimate dewatering rates given the likelihood during construction. The applicant shall also confirm that waterproof membranes or other design will be implemented for subsurface foundations, as this has significant implications on ongoing dewatering to municipal infrastructure, after construction. The applicant shall also discuss the final shoring method as this decision has considerable implications on dewatering rates post-construction.</p> <ul style="list-style-type: none"> <li>• For information purposes, the proponent has been made aware that the property falls within the Intake Protection Zone for Hamilton’s municipal water intake. At this time there are no conditions concerning the proposed use; however, the applicant should be advised that conditions may be attached to future proposals if policies and programs are developed for the area.</li> </ul>	<p>Plan Control stage.</p>
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	<p>Stormwater Management</p> <ul style="list-style-type: none"> <li>Based on the design of the proposed underground storage tank and the outlet orifice, it appears a portion of the tank would be located below the outlet. This logging of water may create nuisance, and if it is an open bottom tank, untreated water will percolate underground and contaminate groundwater.</li> </ul>	<ul style="list-style-type: none"> <li>This matter will be further reviewed, and revisions made to the design may be required, at the Site Plan Control stage.</li> </ul>
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<ul style="list-style-type: none"> <li>Reviewed and approved the Tree Management Plan, subject to receipt of applicable fees.</li> <li>Advised that a Landscape Plan is required.</li> </ul>	<ul style="list-style-type: none"> <li>The Landscape Plan and fees will be reviewed at the Site Plan Control stage.</li> </ul>
<p>Hamilton Conservation Authority</p>	<ul style="list-style-type: none"> <li>Reviewed the Functional Servicing and Stormwater Management Report “461 Green Road, City of Hamilton” dated May, 2018 and prepared by Crozier &amp; Associates along with associated drawings dated May, 2018, and Hydrogeological and geotechnical reports prepared by Soil-Mat Engineers dated November 14, 2017 and January 31, 2018 respectively, and provided comments with respect to quality control and final Functional Servicing Report and associated drawing</li> </ul>	<ul style="list-style-type: none"> <li>These matters will be further reviewed at the Site Plan Control stage.</li> </ul>

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	requirements.	
Landscape Architectural Services, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> <li>Require cash-in-lieu of parkland dedication for the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>This matter will be further reviewed at the Site Plan Control stage.</li> </ul>
Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department	<ul style="list-style-type: none"> <li>Requested a pest control plan for the construction of the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>This matter will be further reviewed at the Site Plan Control stage.</li> </ul>
Recreation Division, Healthy and Safe Communities Department	<ul style="list-style-type: none"> <li>Supports the proposal's inclusion of private indoor / outdoor amenity space for future residents of the development as the neighbourhood park deficiency will increase with construction of this high density residential dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>The inclusion of private indoor / outdoor amenity space will be further reviewed at the Site Plan Control stage.</li> </ul>
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department	<ul style="list-style-type: none"> <li>Plan to continue providing and monitoring Trans-Cab service in this area.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>Supports the applications subject to revisions required to the Traffic Impact Study (TIS).</li> <li>The TDM Report has been approved.</li> <li>Sidewalks and other pedestrian treatments should be provided within the development.</li> <li>3.58 m ROW dedication along North Service Road</li> </ul>	<ul style="list-style-type: none"> <li>The Zoning By-law Amendment (attached to Appendix "C" to Report PED20043) will be subject to a Holding provision until satisfactory revisions have been made to the TIS.</li> <li>Pedestrian facilities and ROW dedications have been identified on the Concept Plan (attached to Appendix "E" to Report PED20043), as</li> </ul>

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	<p>and 12.19 m by 12.19 m daylighting triangle at the intersection of Green Road required.</p> <ul style="list-style-type: none"> <li>• 5 m by 5 m visibility triangles must be provided at the driveway access.</li> <li>• The grade percentage of the parkade ramp needs to be shown.</li> <li>• The lay-bys along Green Road are not supported.</li> <li>• A truck turning plan needs to be illustrated.</li> </ul>	<p>discussed above under the UHOP design policies. These and other matters will be further reviewed at the Site Plan Control stage.</p>
Ministry of Environment, Conservation and Parks	<ul style="list-style-type: none"> <li>• As the use of the land is being changed from commercial to residential, this constitutes a change to a more sensitive use and therefore, it is mandatory as per O. Reg. 153/04 for the proponent to submit a Record of Site Condition to demonstrate that the site is suitable for the intended residential use.</li> </ul>	<ul style="list-style-type: none"> <li>• Record of Site Condition number 226094 was filed in the Environmental Site Registry on October 17, 2019. Therefore, City staff are satisfied that this requirement has been met.</li> </ul>
Ministry of Transportation (MTO)	<ul style="list-style-type: none"> <li>• No objection to the Official Plan and Zoning By-law Amendments.</li> <li>• The site is within the MTO Permit Control Area. Applicant is required to obtain MTO Building and Land Use permits prior to any grading / construction.</li> <li>• Nothing except at grade surplus parking can be located within the 14.0 m setback from the highway.</li> <li>• No concerns with the traffic</li> </ul>	<ul style="list-style-type: none"> <li>• MTO permits, drainage, and lighting will be further reviewed at the Site Plan Control stage.</li> <li>• Only landscaping and surplus parking is proposed within the 14.0 m setback.</li> <li>• The developer will need to coordinate the acquisition of the additional lands for the proposed access to Green Road with MTO prior to submitting a site plan application. This matter will</li> </ul>

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	<p>generated by the development.</p> <ul style="list-style-type: none"> <li>• Detailed drainage / stormwater management design will be required.</li> <li>• There is a 0.3 m MTO reserve placed along the North Service Road and Green Road frontages, with the exception of the existing site access. MTO has no concerns to transfer an additional piece to the developer for the proposed access location.</li> <li>• Requires a lighting plan and report for the site.</li> </ul>	<p>be secured with a Holding provision through the implementing Zoning By-law (attached as Appendix “C” to Report PED20043).</p>
Horizon / Alectra Utilities	<ul style="list-style-type: none"> <li>• Provided information for electrical service and facility requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Developer to contact Alectra Utilities for hydro facilities and services.</li> </ul>
<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Existing Neighbourhood Character, Density and Built Form (Height and Massing), Shadowing, Privacy and Overlook	<ul style="list-style-type: none"> <li>• Viewed as a quiet developed neighbourhood, and new development is expected to occur, just not to the extent that it has.</li> <li>• The area has been developed with townhouse and detached dwellings. A 14 storey high rise multiple dwelling will be out of character with the area.</li> <li>• This is too much density for such a small area that is essentially cut off from the rest of Stoney Creek by the QEW.</li> </ul>	<ul style="list-style-type: none"> <li>• The area contains a mixture of low, medium and high density developments, including two existing 18-storey multiple dwellings. The proposed development would not be out of character with the existing context.</li> <li>• The subject property is appropriate for residential intensification as it is situated on the periphery of the neighbourhood with access to a Minor Arterial Road (North Service Road), in close proximity to regional</li> </ul>

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	<ul style="list-style-type: none"> <li>• The height of the building will reduce sunlight, which can allegedly cause dampness and mold and lead to mental and physical health issues, and reduce privacy in the backyards and windows for the abutting townhouses.</li> <li>• Would generally be more supportive of a building up to eight storeys in height.</li> <li>• One respondent excited about the proposed development and believe it will be a very beautiful and modern looking building.</li> </ul>	<p>transit services.</p> <ul style="list-style-type: none"> <li>• The proposed development is sited as far as possible from the property lines abutting the residential land uses, and the application of a 45° angular plane using a stepped back design on the north and west elevations facing the residential uses implements best practice standards for a compatible interface, in order to provide an appropriate transition from the surrounding uses and to address privacy and overlook concerns.</li> <li>• Based on the Shadow Study, prepared by IBI Group dated May 16, 2018, the proposed massing will not cast significant shadows on adjacent properties.</li> <li>• Screening and/or design features shall be incorporated into the design to mitigate any adverse impact on adjacent low profile residential which will be addressed through the future Site Plan Control stage.</li> </ul>
<p>Traffic and Parking</p>	<ul style="list-style-type: none"> <li>• Proposed development will cause an increase to already heavy traffic congestion in the area and at the intersection of Green Road and North Service Road resulting from other new developments in that area. Congestion on the</li> </ul>	<ul style="list-style-type: none"> <li>• The Traffic Impact Study (TIS), prepared by Crozier Consulting Engineers updated November 2019, concludes that the development can be supported from a traffic operations perspective as the boundary road system</li> </ul>

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	<p>QEW causes additional traffic to detour onto the service roads, adding to the existing heavy traffic congestion.</p> <ul style="list-style-type: none"> <li>• Concerns with Traffic Impact Study methodology: Were actual traffic counts taken? How do projected counts work?</li> <li>• North Service Road needs resurfacing, lower speed limits, proper and safe turning lanes, widening, improved lighting, and traffic signals.</li> <li>• Why is there no alternative traffic route via connection of Frances Avenue through to Millen Road?</li> <li>• Illegal parking, speeding through neighbourhood, and disregard for stop sign.</li> <li>• One parking space per unit is insufficient to accommodate second vehicles and visitors who would have to park on the street.</li> </ul>	<p>can accommodate the increase in traffic volumes attributable to the proposed development.</p> <ul style="list-style-type: none"> <li>• All Traffic Impact Studies are to be prepared in accordance with the City's Traffic Impact Study Guidelines, July 2009.</li> <li>• The neighbourhood could petition for traffic calming solutions and other road improvements, however, these matters are beyond the scope of this development application. Frances Avenue will not be constructed as a through street east of the development site to prevent through traffic from shortcutting through the neighbourhood, and to preserve the existing Environmentally Significant Area.</li> <li>• Through revisions made to the proposed design, the proponent proposes 1.5 parking spaces per dwelling unit, inclusive of visitor parking, from the original proposal of 1.25 spaces per unit, which is more than the minimum residential parking spaces required by the by-law.</li> </ul>
Local Commercial Amenities	<ul style="list-style-type: none"> <li>• The community needs commercial amenities, as the next nearest commercial uses are</li> </ul>	<ul style="list-style-type: none"> <li>• Revisions to the proposed development now includes 465 m<sup>2</sup> of at grade commercial space.</li> </ul>

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	<p>across the QEW, which is rather inaccessible as well as with the area not being provided with regular transit service.</p> <ul style="list-style-type: none"> <li>• Hope to see local commercial space designated on the first floor, and with the recent and future growth of the area believe there is a need for this and that the businesses would thrive.</li> </ul>	
Extent of Zoning Modifications	<ul style="list-style-type: none"> <li>• Several modifications to the development regulations of the zoning by-law are required.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed development was designed according to a modified Multiple Residential “RM5” Zone within the Former City of Stoney Creek Zoning By-law 3692-92, and was changed to a modified Mixed Use Medium Density (C5) Zone. In either case, these zones were proposed as a “best fit” for the proposed development. The proposed modifications are further discussed in Appendix “D” to Report PED20043, focusing on compatibility of the proposed development with surrounding uses and the general intent and purpose of the Zoning By-law.</li> </ul>
Loss of Views to Lake Ontario	<ul style="list-style-type: none"> <li>• Development has reduced picturesque views of Lake Ontario to small peeks seen between multiple buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• The building is oriented lengthwise on a north / south axis, maximizing sightlines to Lake Ontario. The proposed building would not block existing vistas along Green</li> </ul>

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		Road.
Perceived Loss of Property Values	<ul style="list-style-type: none"> <li>The proposed development will lower the value of homes in the area as it would overshadow the properties and limit views blocking any sun and green space, and may result in vacancies of properties as they may be less desirable.</li> </ul>	<ul style="list-style-type: none"> <li>The City is not aware of any empirical evidence to support this claim.</li> </ul>
Safety and Crime	<ul style="list-style-type: none"> <li>There has allegedly been an increased police presence in the area and shoplifting at the variety store.</li> </ul>	<ul style="list-style-type: none"> <li>It is important that development be properly designed to create safe conditions, and to note that increases in population density does not directly correlate to an increase in crime. Effectively reducing opportunities for crime is achieved through implementing Crime Prevention Through Environmental Design (CPTED) principles. Staff believes the proposed development achieves these principles by providing opportunities for natural surveillance and visually legible and intuitive means of access as well as defined distinctive public and private property.</li> </ul>
Nuisance from Parkade Vents	<ul style="list-style-type: none"> <li>What are the vents shown on the site plan for and will there be any noise or fumes from them as they are close to existing homes?</li> </ul>	<ul style="list-style-type: none"> <li>The vents are for intake and exhaust from the proposed underground parking structure. Any nuisance resulting from noise or odours emanating from the</li> </ul>

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		vents will be further reviewed at the Site Plan Control stage.
Nuisance and Damage from Construction	<ul style="list-style-type: none"> <li>• Vibration caused by excavation and construction is concerning for the integrity of existing foundations.</li> <li>• Likelihood for disruption of normal living due to construction noise, traffic detours, dust and debris, and wear and tear on local roads.</li> <li>• Does the soil have the bearing capacity for this size of development?</li> </ul>	<ul style="list-style-type: none"> <li>• To mitigate impacts of construction activities during redevelopment of the site, plans or procedures for dealing with issues concerning dust control and construction management will be further reviewed at the Site Plan Control stage.</li> <li>• The Geotechnical Investigation prepared by Soil-Mat Engineers and Consultants Ltd., revised April 18, 2019, indicated that the subsurface conditions are suitable for the proposed development provided the appropriate foundation scheme to support the anticipated loads of the proposed structure is used, which would be detailed at the future Site Plan Control stage.</li> </ul>
Impacts on Trees and Green Space	<ul style="list-style-type: none"> <li>• Green space should be larger with the size of the building, and not only on North Service Road but also along Green Road and Frances Avenue.</li> <li>• Will trees planted on adjacent properties be cut or damaged during construction?</li> </ul>	<ul style="list-style-type: none"> <li>• The site is privately owned and is not designated as a public park or open space, and the landscaped and amenity areas provided within the development is intended for private use.</li> <li>• A detailed Landscape Plan, including plantings along the required planting strips along the property lines adjoining the adjacent residential uses (as shown on the Site Plan</li> </ul>

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		<p>as part of Appendix “E” to Report PED20043), will be required at the Site Plan Control stage.</p> <ul style="list-style-type: none"> <li>• Staff have reviewed and are satisfied with the Tree Protection Plan prepared by IBI Group dated September 17, 2018. All existing trees to remain on site, or on adjacent properties, shall be tagged and fully protected with fencing beyond their dripline complete with notice signs advising of the tree protection zones.</li> </ul>
Light Pollution	<ul style="list-style-type: none"> <li>• Will there be lights on the outside and from inside each of the units shining down from all 14 floors onto adjacent properties?</li> </ul>	<ul style="list-style-type: none"> <li>• A Site Lighting Plan will be required as a condition of Site Plan Control and shall be prepared in accordance with Section 3.9 of the City of Hamilton’s Site Plan Guidelines, which applies standards which protect adjacent properties from light trespass.</li> </ul>
Municipal Service Capacity	<ul style="list-style-type: none"> <li>• Can the existing water and wastewater infrastructure and other municipal and emergency services support such a high density development?</li> </ul>	<ul style="list-style-type: none"> <li>• Development Engineering has reviewed the Functional Servicing Report, prepared by Crozier Consulting Engineers dated October 2019, and advise they have no concerns from a water servicing perspective. The Millen Road Water and Wastewater Analysis, prepared by GM BluePlan dated August 2019, recommends upgrading the sanitary sewers to</li> </ul>

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		<p>accommodate additional capacity. A Holding provision will be assigned to the lands as part of the implementing Zoning By-law Amendment (attached as Appendix “C” to Report PED20043) until the necessary upgrades are complete and the development pays its proportionate share to the upgrades, which will be addressed at the future Site Plan Control stage.</p>
Public Notice and Planning Process	<ul style="list-style-type: none"> <li>Concerned that the notification radius is insufficient to provide notice to all affected property owners of the Lakeshore Neighbourhood, and that the Public Notice Sign is posted on the North Service Road frontage, which is an unsafe place to stop and is located away from the sidewalk and entrance to the commercial plaza along Green Road.</li> <li>Why are Public Meetings set for 9:30 am when most residents are at work and why at City Hall where travel and parking are a challenge, instead of a local evening meeting?</li> </ul>	<ul style="list-style-type: none"> <li>In accordance with the <i>Planning Act</i> and the Council Approved Public Participation Policy, notice is sent within a 120 m radius of the site and a Public Notice Sign is posted on the property notifying that a complete application has been received. The sign posting requirements state that the sign should be posted on the site of the application and provide maximum exposure and is not to obstruct visibility for pedestrians and motorists.</li> <li>The Statutory Public Meeting is held in accordance with the City’s Procedural By-law.</li> </ul>
“MUC-4” Zone	<ul style="list-style-type: none"> <li>Adjacent residents have expressed curiosity over what the vacant lands to the east, located at 310 Frances Avenue and zoned</li> </ul>	<ul style="list-style-type: none"> <li>The “MUC-4” Zone permits a limited variety of commercial uses with apartment dwelling units above. Notably, the special exception requires a</li> </ul>

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	Mixed Use Commercial “MUC-4” Zone, Modified, permits.	<p>minimum residential density of 585 units and has no maximum building height.</p> <ul style="list-style-type: none"> <li>• In the time since comments on this application were received, Site Plan Control application (DA-19-020) was received for a mixed use multiple dwelling with 1,836 units consisting of three towers with heights of 48, 54, and 59 storeys, with a four storey parking podium and 400 m<sup>2</sup> of commercial space. This application remains under review and has not received conditional site plan approval.</li> </ul>
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### **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 346 property owners within 120 m of the subject property on August 6, 2018.

A Public Notice Sign was posted on the property on August 3, 2018, and updated on January 22, 2020, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on January 31, 2020.

### **Public Consultation Strategy**

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included a neighbourhood meeting held on January 24, 2019 and hosted by the Ward Councillor at the Stoney Creek Municipal Centre located at 777 Highway No. 8, Stoney Creek. The applicant presented the proposal to members of the public and addressed questions and concerns associated with the application. A notice advising of the neighbourhood meeting was sent from the Ward Councillor’s office to all residents within 120 m of the subject land and local media. A total of 29 people, including the Ward Councillor, City staff, the applicant and their agent, attended the meeting. The Meeting Comments, including applicable responses

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from the applicant, are included in Appendix “G” to Report PED20043 and are addressed in the table above.

**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). Both policy documents encourage intensification within settlement areas;
  - ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the High Density Residential and Local Commercial policies as they relate to residential intensification and complete communities in the Neighbourhoods designation; and,
  - iii) The proposed development complements the existing function of the neighbourhood by maintaining the existing local commercial uses to achieve a complete community. In addition, it provides for residential intensification in a strategic location in proximity to existing and planned regional and higher order transit, ensuring land, municipal services, and transportation systems are used efficiently and contribute to a full range of residential dwelling types. This proposal builds on the strength of the community and maintains and creates a vibrant neighbourhood. The additional density will strengthen the viability of improved transit service in the area and sustain the local commercial uses.

2. Urban Hamilton Official Plan Amendment

The proposed Urban Hamilton Official Plan (UHOP) Amendment is required to create a site specific policy to permit a 14-storey multiple dwelling with a maximum net residential density of 349 units per hectare for High Density Residential development within the Neighbourhoods designation, which currently permits a maximum density of 200 units per hectare.

As per the UHOP policies identified above, the Official Plan Amendment can be supported given the site is located on the periphery of the neighbourhood, fronts onto a minor arterial road, and the proposed development represents residential intensification in an appropriate location that is compatible with the surrounding area in terms of use, scale, form and character. The proposed development will sustain and further contribute to a self-sufficient complete community through intensification and maintaining the existing commercial uses. The subject site is strategically located in close proximity to planned transit where compact

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development is encouraged, with the Confederation GO Station approximately 3.6 km away. Therefore, staff support the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The proposed Zoning By-law Amendment is to change the zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 669, H34) Zone. The purpose of the proposed amendment is to permit a 14-storey multiple dwelling with 465 m<sup>2</sup> of ground floor commercial space and 260 multiple dwelling units with on-site amenities, surface parking, and an underground parking garage. Given the site's location and:

- That the zoning will maintain commercial uses intended to serve the day to day needs of local residents;
- That the proposed development will accommodate residential uses to support and enhance the character of the neighbourhood through intensification;
- The stepped back design of the proposed development;
- The proposed setbacks to residential development to the north and west; and,
- That it will comply with the Urban Hamilton Official Plan upon the adoption of Urban Hamilton Official Plan Amendment discussed above;

The proposed Zoning By-law Amendment can be supported.

The implementing by-law proposes modifications to the Mixed Use Medium Density (C5) Zone with respect to setbacks, building height, parking, and perimeter landscaping and screening to accommodate the proposed development. The proposed development is an innovative design which is not tailored to any specific zone found within the Zoning By-law, and the specific modifications are further discussed in Appendix "D" to PED20043, focusing on compatibility of the proposed development with surrounding uses and the general intent and purpose of the Zoning By-law.

4. Holding 'H' Provisions are recommended in order to ensure the necessary upgrades to the sanitary sewers to accommodate additional flows for the catchment area, which includes the subject site, are complete, a final Traffic Impact Study is approved by Transportation Planning, and the acquisition of lands from the Ministry of Transportation (MTO) necessary for the proposed onto to Green Road is secured.

A Traffic Impact Study was submitted with the application and needs to be revised to address some inconsistencies; however, the concerns do not question the available capacity of the transportation network.

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## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the lands could be developed in accordance with the Community Commercial (C3) Zone, which permits local commercial uses intended to serve residents within the surrounding neighbourhoods, including but not limited to financial establishments, medical clinics, motor vehicle gas bars, offices, personal services, restaurants, and retail.

## **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.*

### **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 Official Plan Amendment

Appendix “C” – Draft Zoning By-law Amendment

Appendix “D” – Zoning Modification Chart

Appendix “E” – Preliminary Site Plan, Elevations and Angular Plane Analysis

Appendix “F” – Public Submissions

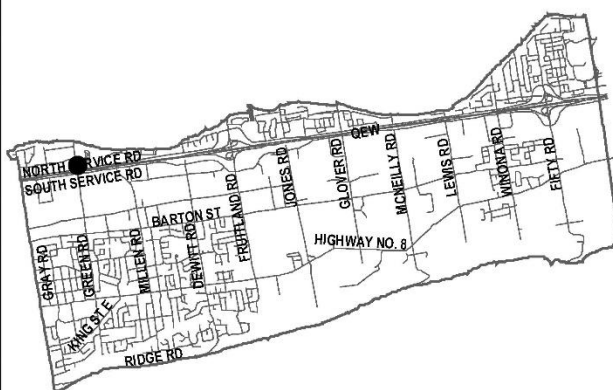
Appendix “G” – Neighbourhood Meeting Notes

TV:mo





● Site Location



Key Map - Ward 10

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-18-034 / UHOPA-18-013

Date:  
Nov. 26, 2019

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
TV/AL

### Subject Property

461 Green Road



Change in Zoning from Community Commercial (C3) Zone to Mixed Use Medium Density (C5, 669, H34) Zone

**Schedule “1”**

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

The following text, together with Appendix “A” – Volume 3: Map 2 – Urban Site Specific Key Map attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to establish a Site Specific Policy to permit the development of a 14-storey *multiple dwelling* with a maximum *net residential density* of 349 units per hectare for High Density Residential development within the Neighbourhoods designation.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 461 Green Road, in the former City of Stoney Creek.

### **3.0 Basis:**

The basis for permitting this Amendment is:

- The proposed development complies with the function, scale and design policies of the High Density Residential and Local Commercial use categories of the Neighbourhoods designation;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.

#### 4.0 Actual Changes:

#### 4.1 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies

##### **Text**

##### 4.1.1 Chapter C – Urban Site Specific Policies

- a. That Volume 3, Chapter C – Urban Site Specific Policies – Stoney Creek Neighbourhoods be amended by adding a new Site Specific Policy, as follows:

##### **“USCN-X Lands Located at 461 Green Road, former City of Stoney Creek**

- 1.0 Notwithstanding Policy E.3.6.6 b) of Volume 1, for high density residential uses, the *net residential density* shall be greater than 100 units per hectare and not greater than 349 units per hectare.”

##### **Maps and Appendices**

##### 4.1.2 Map

- a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as USCN-X, as shown on Appendix “A”, attached to this Amendment.

#### 5.0 Implementation:

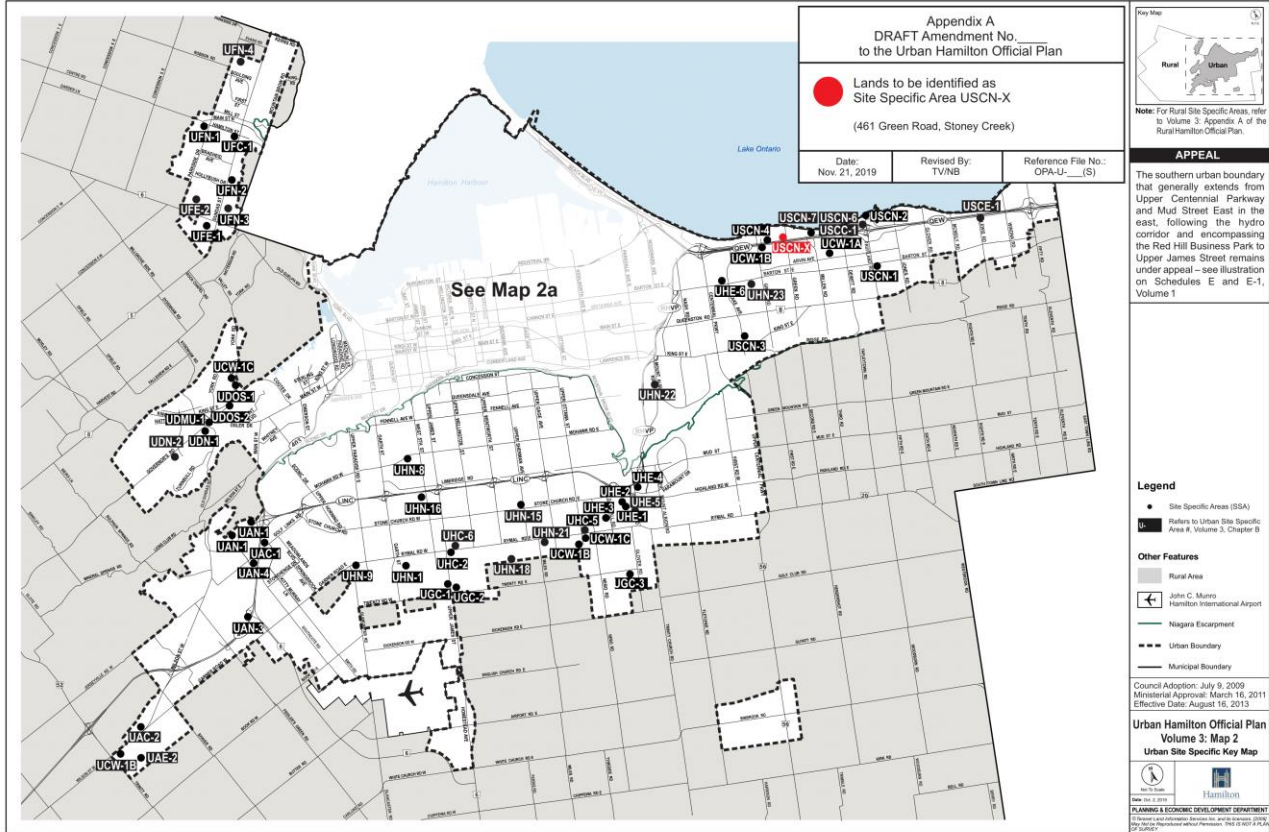
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. \_\_\_\_\_ passed on the \_\_\_\_<sup>th</sup> day of \_\_\_\_, 2020.

**The  
City of Hamilton**

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

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



**Authority:** Item \_\_\_\_\_, Planning Committee  
Report PED20043  
CM:

**Bill No.**

## **CITY OF HAMILTON**

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

**To amend Zoning By-law No. 05-200 with respect to lands located at 461 Green Road, Stoney Creek**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at the meeting held on February 18, 2020;

**AND WHEREAS** this By-law conforms with the Urban Hamilton Official Plan upon the adoption of Urban Hamilton Official Plan Amendment No. XX.

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

1. That Map Nos. 1051 and 1097 of Schedule "A" – Zoning Maps are amended by changing the zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 669, H34) Zone for the lands identified in the Location Map attached as Schedule "A" to this By-law.
2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exception:  
  
"669. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map Nos. 1051 and 1097 of Schedule "A" – Zoning Maps and described as 461 Green Road, the following special provisions shall apply:

a) In addition to Section 3 of this By-law, any reserve block abutting a lot line shall be considered a street.

b) Notwithstanding Sections 4.23 a), 5.1 a) v) b), 5.1 d), 5.2 b) and f), 5.2.1 c), and 5.6 c) and e), and in addition to Section 5.2 e), the following regulations shall apply:

i) **Special Setbacks**                      Electrical and communication facilities, noise walls, and fences existing on the effective date of this By-law shall be deemed to comply with the regulations for any required setbacks and are permitted by this By-law.

ii) **Planting Strip**                      Shall provide a 2.8 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisles, except for that portion where a building, not including any accessory structure or mechanical or unitary equipment, is located between the street line and parking spaces and aisles.

iii) **Parking Location**                      Parking spaces in excess of the required parking and aisles shall be permitted between the required building façade and the front lot line.

iiii) **Parking Space Sizes**                      a) Minimum 2.75 metres in width and 5.8 metres in length.

b) Notwithstanding a) above, barrier free parking spaces shall be a minimum of 2.8 metres in width and 5.8 metres in length, accompanied by a painted

- aisle of not less than 1.5 metres in width.
- v) Surfaces of Parking Spaces and Parking Lots
    - May include exhaust and intake vents provided at grade.
  - vi) Loading Facilities
    - A Loading Facility shall be permitted in a required yard abutting a Residential Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.
  - vii) Number of Parking Spaces for a Multiple Dwelling and Commercial or Institutional Uses
    - a) Minimum 1.25 parking spaces and 0.25 visitor parking spaces per dwelling unit.
    - b) Maximum 1.5 parking spaces and 0.35 visitor parking spaces per dwelling unit.
    - c) No parking spaces shall be required for Commercial or Institutional Uses.
    - d) Each shared commercial and residential visitor parking space shall:
      - a. be maintained for the use of both the commercial and residential visitor parking;
      - b. have a sign erected and legibly marked that the parking spaces are for the use of both commercial and residential visitor parking: and,

- c. be maintained and readily accessible for either use, free and clear of all obstructions.

c) Notwithstanding Sections 10.5.3 a), d), g) vi), i), and j), and in addition to Sections 10.5.1.1 and 10.5.3 h), the following regulations shall apply:

- i) Building Setback from a Street Line
  - From Green Road:
    - a) Minimum 0.4 metres; and,
    - b) Maximum 8.5 metres.
  - From North Service Road:
    - a) Maximum 16.5 metres.
- ii) Restricted Uses
  - a) Multiple Dwelling Unit(s) shall only be permitted in conjunction with a Commercial Use.
- iii) Building Height
  - a) Minimum 7.5 metre façade height for any portion of a building along a street line;
  - b) Maximum 46.0 metres for any portion of the building along a street line; and,
  - c) Maximum 7.5 metres for any portion of the building along a rear or interior side lot line; and,
  - d) In addition to b) above, maximum building height shall be equivalently increased as yard increases beyond the minimum rear and interior side yard requirements, established in



Sections 10.5.3 b) and c) of this By-law, to a maximum of 46.0 metres.

- e) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:
  - a. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;
  - b. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,

- c. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.

iv) Built form for New Development

In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:

- a) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
- b) The minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.
- c) In addition to Subsections a) and b) above, the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.

- d) No parking spaces and/or aisles shall be permitted between the required building façade and the flankage lot line.
  - e) A minimum of one principal entrance shall be provided:
    - a. within the ground floor façade that is set back is closest to a street; and,
    - b. shall be accessible from the building façade with direct access from the public sidewalk.
  - f) A walkway shall be permitted in a Planting Strip where required by the By-law.
- v) Minimum Amenity Area for Dwelling Units and Multiple Dwellings
- In addition to the Minimum Amenity Area requirements, a rooftop amenity area that has exposure to the front lot line shall be less than 4.0 metres in depth.
- vi) Planting Strip
- a) A minimum 0.7 metres wide Planting Strip shall be provided and maintained along the rear lot line abutting a Residential zone between the rear lot line, and, parking aisles and exhaust and intake vents; and,
  - b) A minimum 2.0 metre wide Planting Strip, which may include a noise wall, shall be provided and maintained along the remainder of the rear lot line and the westerly

side lot line abutting a Residential zone.

vii) Visual Barrier Requirement

A visual barrier shall be required along any lot line abutting a Residential Zone property line in accordance with Section 4.19 of this By-law, except between the rear lot line and exhaust and intake vents.

viii) Density

a) Minimum 100 dwelling units per net residential hectare.

b) Maximum 349 dwelling units per net residential hectare.

d) Section 10.5.1.1 i) 1) shall not apply.

3. That Schedule "D" – Holding Provisions be amended by adding the additional Holding Provision as follows:

"34. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 669) Zone, identified on Map Nos. 1051 and 1097 of Schedule "A" – Zoning Maps and described as 461 Green Road, no development shall be permitted until such time as:

- a) The necessary upgrades to the sanitary sewers to accommodate additional flows are completed to the satisfaction of the Senior Director of Growth Management.
- b) A final Traffic Impact Study prepared by a qualified Traffic Engineer is submitted, approved, and implemented, to the satisfaction of the Manager of Transportation Planning.

c) The Owner has acquired additional lands required for access along the Green Road frontage, to the satisfaction of the Ontario Ministry of Transportation.

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

**PASSED and ENACTED** this \_\_ day of \_\_, 2020.

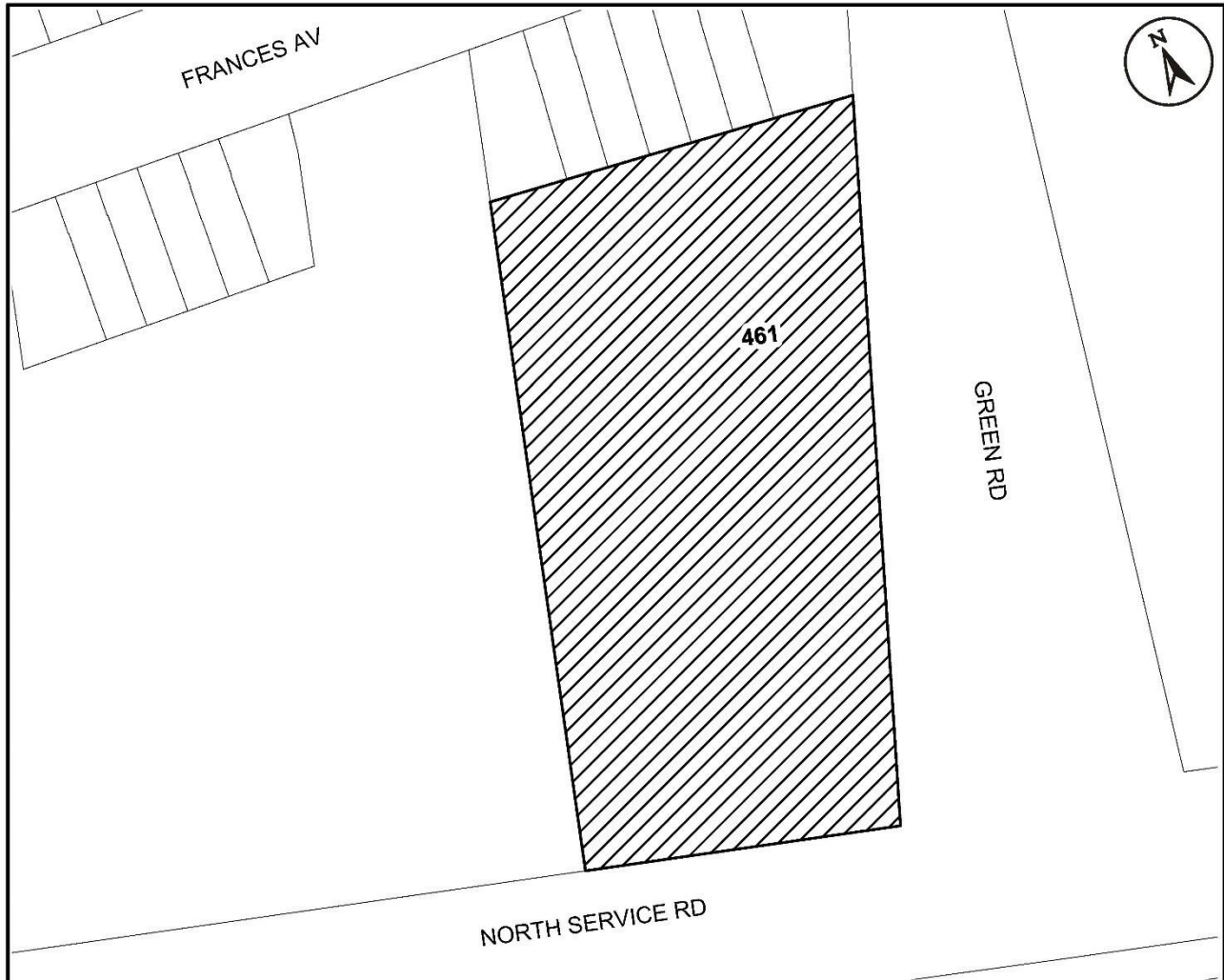
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Fred Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-18-034



<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the ..... day of ....., 2020</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p><b>Schedule "A"</b></p> <p>Map Forming Part of By-law No. 20-_____</p> <p>to Amend By-law No. 05-200 Maps 1051 &amp; 1097</p>	<p><b>Subject Property</b> 461 Green Road</p> <p> Change in Zoning from Community Commercial (C3) Zone to Mixed Use Medium Density (C5, 669, H34) Zone</p>
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<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAC-18-034/UHOPA-18-013</p>	<p>Hamilton</p>
<p><b>Date:</b> Nov. 21, 2019</p>	<p><b>Planner/Technician:</b> TV/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

### Site Specific Modifications to the Mixed Use Medium Density (C5) Zone

Regulation	Required	Modification	Analysis
Definitions – Lot Lines fronting a street	<p><b>Lot Line</b> - Shall mean the boundary of a lot including the vertical projection thereof.</p> <p><b>Flankage Lot Line</b> - shall mean a lot line other than a front lot line that abuts a street.</p> <p><b>Front Lot Line</b> – shall mean any lot line abutting a street...</p> <p><b>Street</b> - Shall mean a public highway or road allowance having a minimum width of 12.0 metres.</p>	In addition to Section 3 of this By-law, any reserve block abutting a lot line shall be considered a street.	<p>There is a 0.3 m Ministry of Transportation (MTO) reserve placed along the full length of the site's North Service Road and Green Road frontages, except for the existing site access. To ensure the definitions of flankage lot line and front lot line are applied to regulations of this by-law as intended, the additional regulation clarifies the reserves are part of the street.</p> <p>Therefore, staff supports this modification.</p>
Special Setbacks	All buildings, structures, required parking areas and storm water management facilities located on a property shall be setback a minimum of 14.0 metres from a Provincial Highway Right-of-Way.	Electrical and communication facilities, noise walls, and fences existing on the effective date of this By-law shall be deemed to comply with the regulations for any required setbacks and are permitted by this By-law.	<p>Existing bell facilities, transformer, noise wall, and chain-link fence are located within the 14.0 m MTO setback; however, they are not intended to be modified or relocated.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Planting Strip (parking spaces)	<p>Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street...:</p> <ul style="list-style-type: none"> <li>• Shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle...</li> </ul>	<p>Shall provide a 2.8 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisles, except for that portion where a building, not including any accessory structure or mechanical or unitary equipment, is located between the street line and parking spaces and aisles.</p>	<p>The intent of a planting strip between the street line and parking spaces are to screen the parking spaces from the street. The modification is limited to the southern side of the entrance driveway along the building frontage next to the Green Road street line, not including the existing bell facilities and transformer noted above. The parking spaces along the southern side of the building are setback approximately 20 metres from the Green Road street line. Required planting strips of between 3 and 4 metres are otherwise provided throughout and the corner of Green Road and North Service Road will be sufficiently landscaped to provide screening.</p> <p>Therefore, staff supports this modification.</p>



Regulation	Required	Modification	Analysis
Parking Location	<p>Multiple Dwellings</p> <p>On a lot containing a multiple dwelling:</p> <ul style="list-style-type: none"> <li>With the exception of any visitor parking required by Section 5.6, required parking for multiple dwellings shall not be located between the façade and the front lot line or between the façade and flankage lot line. In no case shall any parking be located within the required front yard or required flankage yard or within 3.0 metres of a street line.</li> <li>Visitor parking may be permitted between the façade and a street provided that no more than 50% of the front yard shall be used for visitor parking and access to such parking.</li> </ul>	<p>Parking spaces in excess of the required parking and/or aisles shall be permitted between the required building façade and the front lot line</p>	<p>Eight spaces are located between the front lot line and the building façade. These spaces are surplus as permitted within the 14.0 m MTO setback and provided as additional parking spaces for the convenience of residents and potential users of the commercial spaces. This is a corner lot and the North Service Road frontage is deemed to be the front lot line; however, based on the orientation of the development addressing Green Road, the neighbourhood context, and restricted development within the MTO setback, locating parking within this yard is considered appropriate.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Parking Space Sizes	<p>Parking space sizes shall be:</p> <ul style="list-style-type: none"> <li>• Minimum 3.0 metres in width and 5.8 metres in length; and,</li> <li>• Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres.</li> <li>• Notwithstanding [above], in the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres.</li> </ul>	<p>Parking space sizes shall be:</p> <ul style="list-style-type: none"> <li>• Minimum 2.75 metres in width and 5.8 metres in length.</li> <li>• Notwithstanding a) above, barrier free parking spaces shall be a minimum of 2.8 metres in width and 5.8 metres in length, accompanied by a painted aisle of not less than 1.5 metres in width.</li> </ul>	<p>The proposed development was designed in accordance with the Former Stoney Creek Zoning By-law No. 3692-92 (for a modified Multiple Residential “RM5” Zone), and the proposed standard parking space sizes conform to this by-law. During the review of this application, the Commercial and Mixed Use Zones of City of Hamilton Zoning By-law No. 05-200 came into force and effect, which rezoned the subject lands from the General Commercial “GC-35” Zone, Modified, to the Community Commercial (C3) Zone and increased the minimum parking space size. In addition, the development proposal was revised to include a commercial component. The proposed barrier free parking spaces are designed in accordance with AODA standards. A larger parking space size results in fewer spaces provided for users of the proposed development, whereas a smaller parking space size allows the parking area to be fully maximized. The width of the parking stall is sufficient for a vehicle in a residential building.</p> <p>Therefore, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
Surfaces of Parking Spaces and Parking Lots	Parking Lots in All Zones, except the Rural Classification Zones, shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material.	May include exhaust and intake vents provided at grade.	<p>All of the parking spaces are provided with stable surfaces such as asphalt and concrete. There are two vents from the underground parking structure within the driveways. The vents would be of stable construction and are at grade so as to not restrict the passage of vehicles.</p> <p>Therefore, staff supports this modification.</p>
Loading Facilities	Loading facilities shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.	A Loading Facility shall be permitted in a required yard abutting a Residential Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.	<p>Along the eastern and southern boundary of the property, the site is adjacent to Green Road and North Service Road and is surrounded by Residential Zones to the north and west. The location of the loading facility is placed within the yards abutting the Residential Zones, as it would disrupt the streetscape if it were to be located in the other required yards. The proposed development provides adequate screening from the loading space along the lot line abutting the Residential Zones.</p> <p>Therefore, staff supports this modification.</p>

<p>Number of Parking Spaces for a Multiple Dwelling and Commercial or Institutional Uses</p>	<ul style="list-style-type: none"> <li>• Minimum 0.3 spaces/unit ≤50 m<sup>2</sup> @ 7 units + 1.0 spaces/unit &gt;50 m<sup>2</sup> + 1.0 per 30 m<sup>2</sup> Commercial / Institutional GFA over 450 m<sup>2</sup> @ 14.5 m<sup>2</sup> (assumed) = 238.1 spaces.</li> <li>• Maximum 1.25 spaces/unit @ 260 units (325 spaces) and no Commercial / Institutional Maximum.</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum 1.25 parking spaces and 0.25 visitor parking spaces per dwelling unit (390 spaces).</li> <li>• No parking spaces shall be required for Commercial or Institutional Uses.</li> <li>• Maximum 1.5 parking spaces and 0.35 visitor parking spaces per dwelling unit.</li> <li>• Each shared commercial and residential visitor parking space shall:             <ul style="list-style-type: none"> <li>a. be maintained for the use of both the commercial and residential visitor parking;</li> <li>b. have a sign erected and legibly marked that the parking spaces are for the use of both commercial and</li> </ul> </li> </ul>	<p>The standard of parking spaces for the Commercial Mixed Use Zones are anticipated for a more urban context, with different modes of transportation available to offset potential automobile usage. There is limited transit available in the surrounding area, which warrants an increased minimum number of parking spaces. For comparison, the Stoney Creek Zoning By-Law would require 445 parking spaces for the proposed development (337 resident, 91 visitor, and 17 commercial). The maximum is consistent with the Stoney Creek Zoning By-Law for two-bedroom multiple dwelling units. Through the Parking Justification Study prepared by Crozier Consulting Engineering dated April 2019, the proposed residential and visitor parking rates are appropriate. Further, the visitor parking spaces are to be shared with parking needed for the Commercial or Institutional Uses within the proposed development.</p> <p>Therefore, staff supports these modifications.</p>
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Regulation	Required	Modification	Analysis
		residential visitor parking: and,  c. be maintained and readily accessible for either use, free and clear of all obstructions.	
Building Setback from a Street Line	<ul style="list-style-type: none"> <li>• Minimum 3.0 metres.</li> <li>• Maximum 4.5 metres.</li> </ul>	From Green Road: <ul style="list-style-type: none"> <li>• Minimum 0.4 metres; and,</li> <li>• Maximum 8.5 metres.</li> </ul> From North Service Road: <ul style="list-style-type: none"> <li>• Maximum 16.5 metres.</li> </ul>	<p>The minimum setback is measured to a projecting column from the building face at 0.4 m, however, the primary façade of the building is setback 1.8 m from the closest point to the street line. Staff also note that the north portion of the building will be setback approximately 8.4 m from the street line, once the 0.3 metre MTO reserve is acquired for the proposed access to Green Road. While the façade is oriented parallel to Green Road, the property line is tapered out towards North Service Road. In actuality, the building provides a consistent and appropriate setback from the street.</p> <p>The maximum setback with respect to the North Service Road frontage is where the 14.0 m MTO setback applies and therefore the development would be unable to conform without modification to the By-law.</p> <p>Therefore, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
<p>Restricted Uses</p> <p>Minimum finished floor elevation of any dwelling unit above grade <i>(subsection c) of proposed Zoning By-law attached as Appendix "C" to Report PED20043).</i></p>	<ul style="list-style-type: none"> <li>No applicable restriction.</li> <li>The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade.</li> </ul>	<ul style="list-style-type: none"> <li>Multiple Dwelling Unit(s) shall only be permitted in conjunction with a Commercial Use.</li> <li>The finished floor elevation of any dwelling unit shall not apply.</li> </ul>	<p>To ensure the development contributes to a complete community, the commercial component shall be required whereas the parent C5 Zone can permit standalone multiple dwellings.</p> <p>Without the proposed modifications to the C5 Zone, the building would be required to be setback less than 4.5 m from the street line. In addition to other design measures, elevated finished floors provide a clear physical delineation between the public realm (i.e. the sidewalk and street) and the private space of the residential dwelling unit, to extend the sense of ownership and privacy. The proposed dwelling units at grade are located approximately 12 metres from the sidewalk along Green Road and are not located in an area where there would be heavy pedestrian traffic along the street where a raised elevation is warranted for enhanced privacy. Other landscape or fencing treatments to distinguish the semi-public commercial uses from the private residential uses and direct pedestrian traffic to the appropriate building accesses will be addressed at the site plan stage. Being provided at grade, the ground floor units are also available for barrier free accessibility.</p> <p>Therefore, staff supports these modifications.</p>

<p>Building Height</p>	<ul style="list-style-type: none"> <li>• Maximum 22.0 metres; and,</li> <li>• Notwithstanding [above], any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.</li> </ul>	<p>a) Minimum 7.5 metre façade height for any portion of a building along a street line;</p> <p>b) Maximum 46.0 metres for any portion of the building along a street line; and,</p> <p>c) Maximum 7.5 metres for any portion of the building along a rear or interior side lot line; and,</p> <p>d) In addition to b) above, maximum building height shall be equivalently increased as yard increases beyond the minimum rear and interior side yard requirements, established in Sections 10.5.3 b) and c) of this By-law, to a maximum of 46.0 metres.</p> <p>e) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to</p>	<p>With respect to proposed Subsections a) and e), these regulations are not yet final and binding in By-law 05-200 and have been carried forward in this site specific by-law.</p> <p>With respect to proposed Subsections b) through d), the proposed development provides more than the required minimum rear yard and interior side yard setbacks, meeting the general intent and purpose of the parent regulation. Further, upper storeys are stepped back through the use of a 45° angular plane to provide an appropriate transition to surrounding lower profile residential uses, minimizing impact of privacy and overlook. Further, the proposed massing will not cast significant shadows on adjacent properties. The proposed building height has no immediate impact on surrounding properties. Further, as discussed with respect to parking requirements, the initial application proposed rezoning to the Multiple Residential “RM5” Zone of the Stoney Creek By-law, which has no maximum building height.</p> <p>Therefore, staff supports these modifications.</p>
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		<p>provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:</p> <ul style="list-style-type: none"><li>a. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;</li><li>b. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall</li></ul>	
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Regulation	Required	Modification	Analysis
		<p>be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,</p> <p>c. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.</p>	

<p>Built form for New Development</p>	<p>In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:</p> <ul style="list-style-type: none"> <li>i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.</li> <li>ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line.</li> <li>iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.</li> <li>iv) In addition to Section i), ii) and iii) [above], the minimum width of</li> </ul>	<p>In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:</p> <ul style="list-style-type: none"> <li>a) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.</li> <li>b) The minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.</li> <li>c) In addition to Subsections a) and b) above, the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.</li> <li>d) No parking spaces and/or aisles shall be permitted between the</li> </ul>	<p>The existing regulations are not yet final and binding.</p> <p>With respect to required Subsections i), iii), iv), vii), and viii), these regulations have been carried forward in the site specific by-law.</p> <p>With respect to Required Subsection vi), this regulation has been modified as Subsection d) The eight parking spaces, as discussed above in Parking Location, are located between the front lot line and the building facade. Parking will not be permitted to be located between the flankage lot line and the building face.</p> <p>Therefore, staff supports these modifications.</p>
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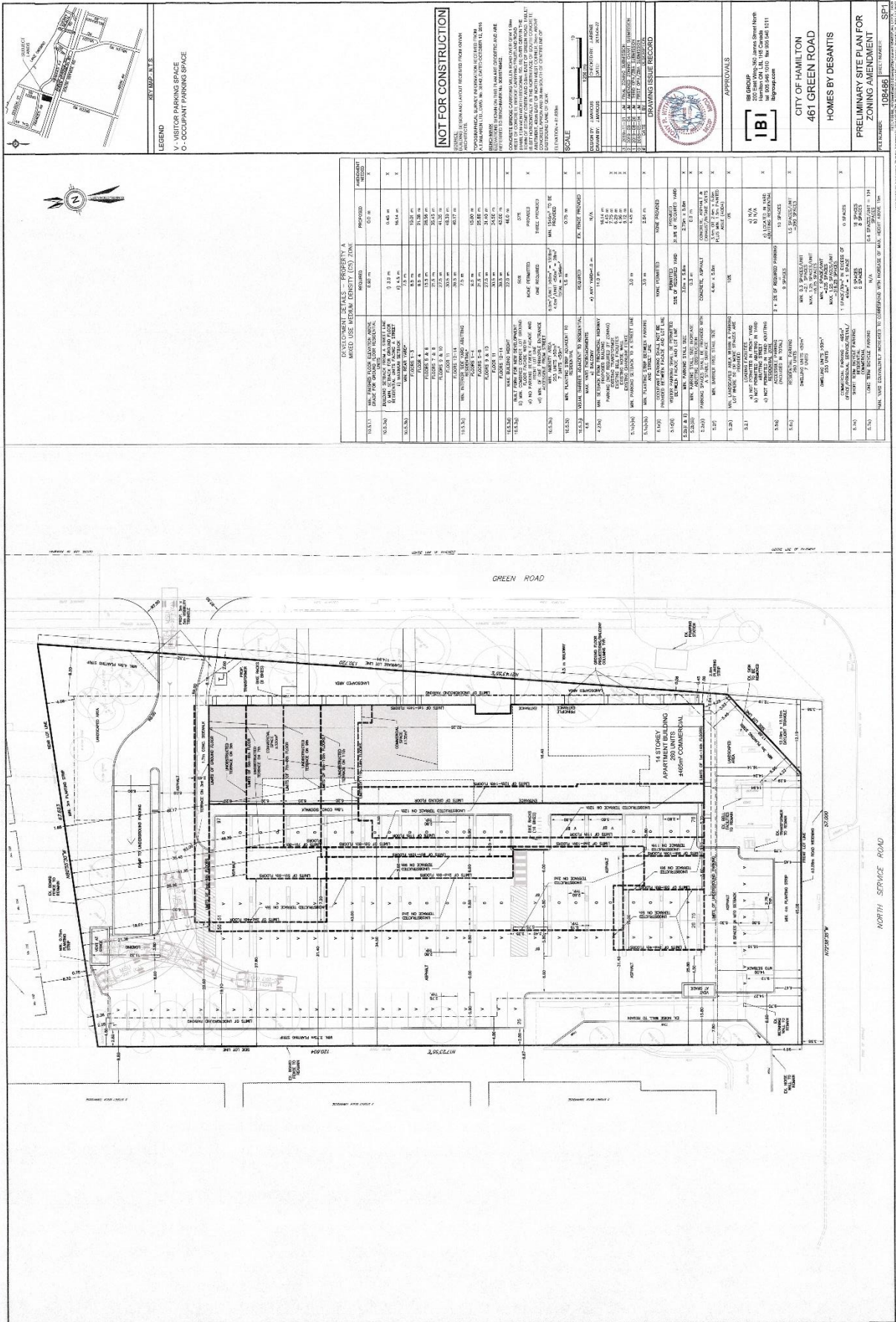
	<p>the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.</p> <p>v) For commercial development existing at the time of the passing of the By-law, the Section 10.5.3g)ii) and iii) shall not apply to new commercial buildings subject to the following:</p> <ol style="list-style-type: none"> <li>1. The maximum Gross Floor Area of each building shall be 650 square metres; and,</li> <li>2. Notwithstanding Section 10.5.3d)i), the minimum building height shall be 6.0 metres.</li> </ol> <p>vi) No parking, stacking lanes, or aisles shall be located between the required building façade and the front</p>	<p>required building façade and the flankage lot line.</p> <p>e) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> <li>a. within the ground floor façade that is set back is closest to a street; and,</li> <li>b. shall be accessible from the building façade with direct access from the public sidewalk.</li> </ol> <p>f) A walkway shall be permitted in a Planting Strip where required by the By-law.</p>	
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	<p>lot line and flankage lot line.</p> <p>vii) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> <li>1. within the ground floor façade that is set back is closest to a street; and,</li> <li>2. shall be accessible from the building façade with direct access from the public sidewalk.</li> </ol> <p>viii) A walkway shall be permitted in a Planting Strip where required by the By-law.</p> <p>ix) Notwithstanding Section 10.5.3, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.</p>		
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Regulation	Required	Modification	Analysis
<p>Minimum Amenity Area for Dwelling Units and Multiple Dwellings</p>	<p>On a lot containing 10 dwelling units or more, the following Minimum Amenity Area requirements be provided:</p> <ul style="list-style-type: none"> <li>i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and,</li> <li>ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area.</li> <li>iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.</li> </ul>	<p>In addition to the Minimum Amenity Area requirements, a rooftop amenity area that has exposure to the front lot line shall be less than 4.0 metres in depth.</p>	<p>In accordance with MOECP guidelines, sound level limits are specified for outdoor living areas (OLAs) which include balconies and elevated terraces with a minimum depth of 4 m. There are rooftop areas on the southerly and westerly sides of the 2<sup>nd</sup>, 5<sup>th</sup>, 9<sup>th</sup>, and 12<sup>th</sup> floors which are exposed to noise from the QEW and would be greater than 4 m in depth. These areas will be restricted to less than 4 m to ensure they do not qualify as OLA.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Planting Strip (abutting residential)	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.	<ul style="list-style-type: none"> <li>• A minimum 0.7 metres wide Planting Strip shall be provided and maintained along the rear lot line abutting a Residential zone between the rear lot line, and, parking aisles and exhaust and intake vents; and,</li> <li>• A minimum 2.0 metre wide Planting Strip, which may include a noise wall, shall be provided and maintained along the remainder of the rear lot line and the westerly side lot line abutting a Residential zone.</li> </ul>	<p>The intent of the Planting Strip is to provide screening between incompatible uses. A Planting Strip is provided along the majority of the northerly and westerly lot lines, except in a small portion behind the vent. This is just a small area with a reduced width and is compensated by otherwise wider Planting Strips throughout and the existing board fence along the northerly lot line. Further screening may be provided during the site plan stage.</p> <p>Therefore, staff supports this modification.</p>
Visual Barrier Requirement	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone line in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be required along any lot line abutting a Residential Zone property line in accordance with Section 4.19 of this By-law, except between the rear lot line and exhaust and intake vents.	<p>As noted above, the planting strip is narrowed adjacent to the vent, which would not support landscape growth to a height of 1.8 metres as required for a visual barrier. The board fence along the northerly lot line exists and acts as a visual barrier but cannot be considered as such as it is located on the adjacent lands, and small plantings in this small area may be provided during the site plan stage.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Density	n/a	<ul style="list-style-type: none"> <li>• Minimum 100 dwelling units per net residential hectare.</li> <li>• Maximum 349 dwelling units per net residential hectare.</li> </ul>	<p>To ensure development aligns to the intent of the proposed zoning by-law amendment, the site specific by-law will recognize the permitted density range consistent with the proposed site specific amendments to the Urban Hamilton Official Plan and Lakeshore Neighbourhood Plan.</p> <p>Therefore, staff supports this modification.</p>



**DEVELOPMENT DETAILS - PROPERTY A**  
MIXED USE MEDIUM DENSITY (M2) ZONE

ITEM NO.	DESCRIPTION	REQUIREMENTS	PROPOSED	APPROVAL
10.0.1	MAX. FLOOR AREA (GROSS AREA)	10,000 sq. ft.	10,000 sq. ft.	X
10.0.2	MAX. FLOOR AREA (NET AREA)	8,000 sq. ft.	8,000 sq. ft.	X
10.0.3	MAX. FLOOR AREA (GROSS AREA) PER UNIT	3.33 sq. ft./unit	3.33 sq. ft./unit	X
10.0.4	MAX. FLOOR AREA (NET AREA) PER UNIT	2.67 sq. ft./unit	2.67 sq. ft./unit	X
10.0.5	MAX. FLOOR AREA (GROSS AREA) PER UNIT	100 sq. ft./unit	100 sq. ft./unit	X
10.0.6	MAX. FLOOR AREA (NET AREA) PER UNIT	80 sq. ft./unit	80 sq. ft./unit	X
10.0.7	MAX. FLOOR AREA (GROSS AREA) PER UNIT	150 sq. ft./unit	150 sq. ft./unit	X
10.0.8	MAX. FLOOR AREA (NET AREA) PER UNIT	120 sq. ft./unit	120 sq. ft./unit	X
10.0.9	MAX. FLOOR AREA (GROSS AREA) PER UNIT	200 sq. ft./unit	200 sq. ft./unit	X
10.0.10	MAX. FLOOR AREA (NET AREA) PER UNIT	160 sq. ft./unit	160 sq. ft./unit	X
10.0.11	MAX. FLOOR AREA (GROSS AREA) PER UNIT	300 sq. ft./unit	300 sq. ft./unit	X
10.0.12	MAX. FLOOR AREA (NET AREA) PER UNIT	240 sq. ft./unit	240 sq. ft./unit	X
10.0.13	MAX. FLOOR AREA (GROSS AREA) PER UNIT	400 sq. ft./unit	400 sq. ft./unit	X
10.0.14	MAX. FLOOR AREA (NET AREA) PER UNIT	320 sq. ft./unit	320 sq. ft./unit	X
10.0.15	MAX. FLOOR AREA (GROSS AREA) PER UNIT	600 sq. ft./unit	600 sq. ft./unit	X
10.0.16	MAX. FLOOR AREA (NET AREA) PER UNIT	480 sq. ft./unit	480 sq. ft./unit	X
10.0.17	MAX. FLOOR AREA (GROSS AREA) PER UNIT	900 sq. ft./unit	900 sq. ft./unit	X
10.0.18	MAX. FLOOR AREA (NET AREA) PER UNIT	720 sq. ft./unit	720 sq. ft./unit	X
10.0.19	MAX. FLOOR AREA (GROSS AREA) PER UNIT	1,200 sq. ft./unit	1,200 sq. ft./unit	X
10.0.20	MAX. FLOOR AREA (NET AREA) PER UNIT	960 sq. ft./unit	960 sq. ft./unit	X
10.0.21	MAX. FLOOR AREA (GROSS AREA) PER UNIT	1,800 sq. ft./unit	1,800 sq. ft./unit	X
10.0.22	MAX. FLOOR AREA (NET AREA) PER UNIT	1,440 sq. ft./unit	1,440 sq. ft./unit	X
10.0.23	MAX. FLOOR AREA (GROSS AREA) PER UNIT	3,000 sq. ft./unit	3,000 sq. ft./unit	X
10.0.24	MAX. FLOOR AREA (NET AREA) PER UNIT	2,400 sq. ft./unit	2,400 sq. ft./unit	X
10.0.25	MAX. FLOOR AREA (GROSS AREA) PER UNIT	6,000 sq. ft./unit	6,000 sq. ft./unit	X
10.0.26	MAX. FLOOR AREA (NET AREA) PER UNIT	4,800 sq. ft./unit	4,800 sq. ft./unit	X
10.0.27	MAX. FLOOR AREA (GROSS AREA) PER UNIT	12,000 sq. ft./unit	12,000 sq. ft./unit	X
10.0.28	MAX. FLOOR AREA (NET AREA) PER UNIT	9,600 sq. ft./unit	9,600 sq. ft./unit	X
10.0.29	MAX. FLOOR AREA (GROSS AREA) PER UNIT	24,000 sq. ft./unit	24,000 sq. ft./unit	X
10.0.30	MAX. FLOOR AREA (NET AREA) PER UNIT	19,200 sq. ft./unit	19,200 sq. ft./unit	X

**NOT FOR CONSTRUCTION**



**LEGEND**  
V - VISITOR PARKING SPACE  
O - OCCUPANT PARKING SPACE



**APPROVALS**

**IBI GROUP**  
100 WEST 10TH STREET  
SUITE 200  
MINNEAPOLIS, MN 55402  
PHONE: 612.555.1111

**CITY OF HAMILTON**  
461 GREEN ROAD  
HOMES BY DESANTIS

**PRELIMINARY SITE PLAN FOR ZONING APPLICANT**

109496  
SPT



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<p>PROJECT NO: 16075</p>		<p>DATE: [ ] / [ ] / 20[ ]</p>		<p>PROJECT NO: 16075</p>		<p>SHEET NO: A410</p>	

<p>NOT FOR CONSTRUCTION</p>		<p>ARCHITECTURE + SOLUTIONS</p>		<p>KNYMVIH</p>		<p>ARCHITECTS</p>	
<p>481 BAYVIEW DRIVE, SUITE 100</p>		<p>SCARBOROUGH, ONTARIO M1B 2Y7</p>		<p>481 BAYVIEW DRIVE, SUITE 100</p>		<p>SCARBOROUGH, ONTARIO M1B 2Y7</p>	
<p>www.knymvih.com</p>		<p>info@knymvih.com</p>		<p>www.knymvih.com</p>		<p>info@knymvih.com</p>	
<p>106 BAYVIEW DRIVE, SUITE 100</p>		<p>SCARBOROUGH, ONTARIO M1B 2Y7</p>		<p>106 BAYVIEW DRIVE, SUITE 100</p>		<p>SCARBOROUGH, ONTARIO M1B 2Y7</p>	
<p>www.knymvih.com</p>		<p>info@knymvih.com</p>		<p>www.knymvih.com</p>		<p>info@knymvih.com</p>	
<p>ARCHITECTS</p>		<p>KNYMVIH ARCHITECTURE + SOLUTIONS</p>		<p>ARCHITECTS</p>		<p>KNYMVIH ARCHITECTURE + SOLUTIONS</p>	

<p>HOMES BY DESANTIS</p>		<p>GREEN ROAD</p>		<p>461 GREEN ROAD</p>		<p>HAMILTON ONTARIO</p>	
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<p>COLOURED ELEVATION</p>		<p>SCALE: 1:200</p>		<p>PROJECT NO: 16075</p>		<p>SHEET NO: A410</p>	
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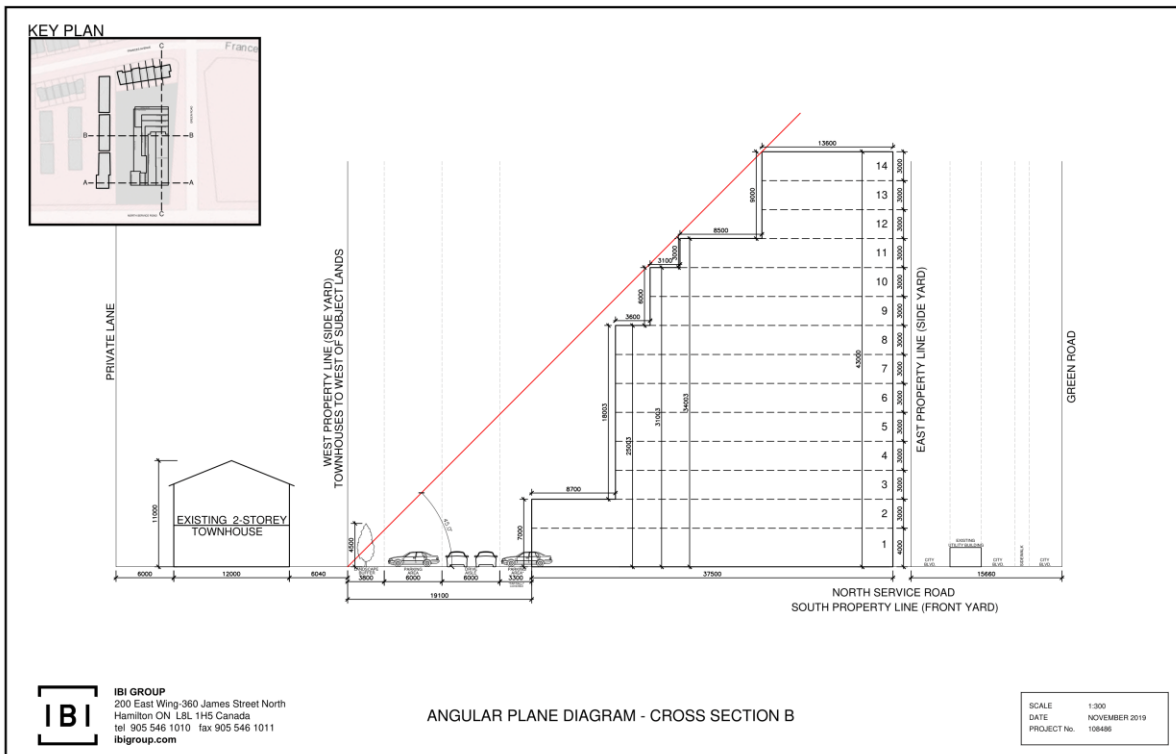
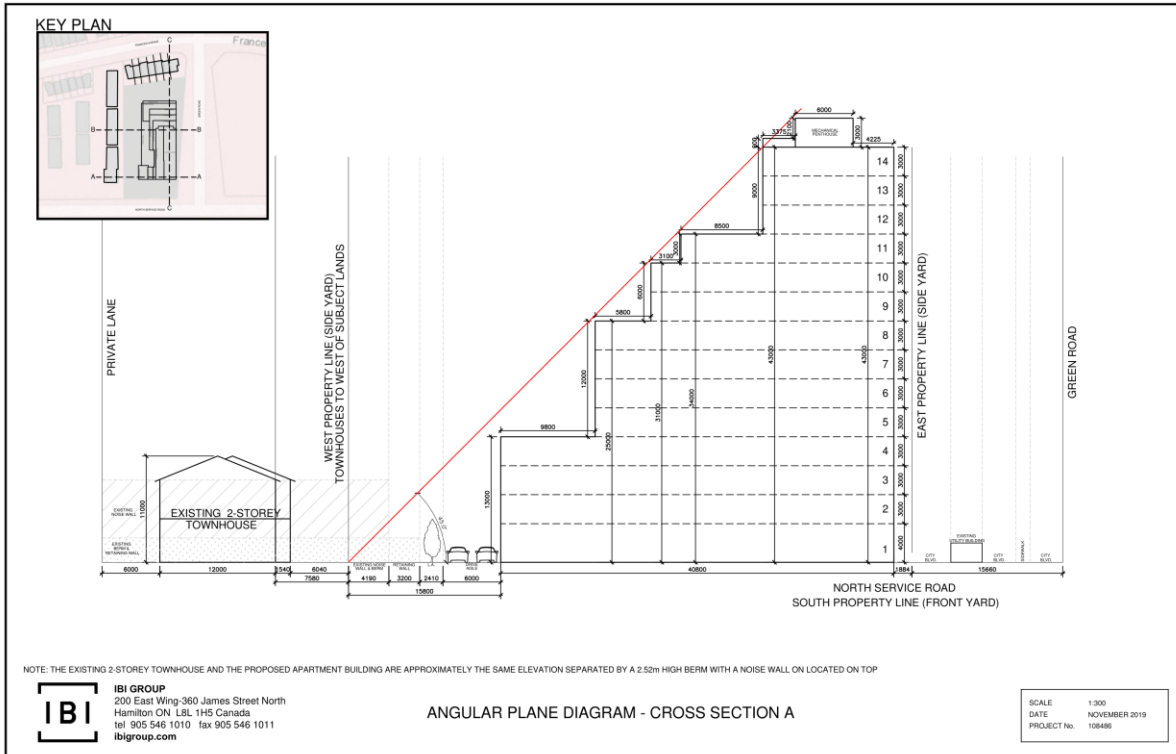
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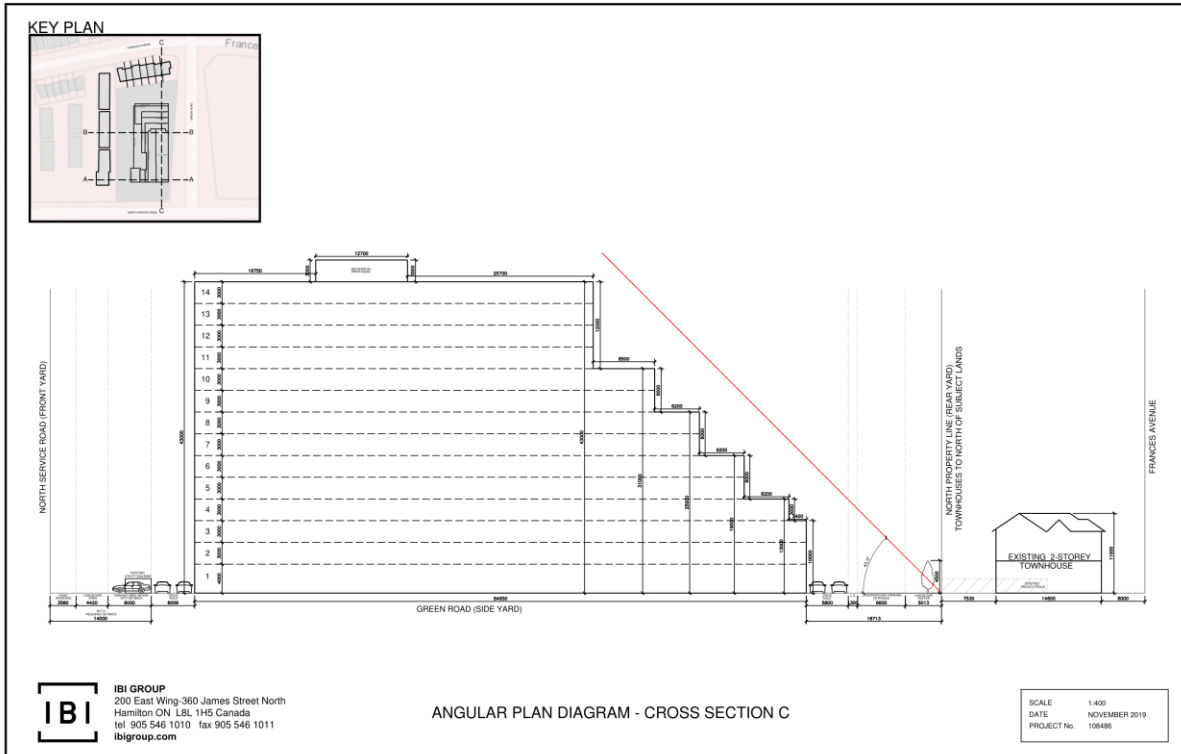
  

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From: MaryT [mailto: ]  
Sent: August 12, 2018 12:04 PM  
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
Subject: New Buildings proposed at Green Rd

Hello Tim

I figure this would be easier than a phone call. My name is Mary Tinebra and I reside at 113 Frances Ave, Stoney Creek. I have lived here for 11 years. I moved into this community because it was a quiet developed neighbourhood. Yes I knew that there would be construction on the other side of Green Rd, not to the extent that has been developed and now more changes are happening then what was understood by us residents.

You can not put a building of that magnitude in this residential community. We don't have the capacity and don't want the troubles that come, hassle and construction. Since new residents have moved in on the other side of Green Rd, traffic has become a problem. An electronic speed monitoring sign has been placed on Frances Ave as cars were coming from the new area doing 100km down our street like it was a freeway (no I am not exaggerating). A 4 way stop has been put in place at Green Rd and Frances Ave as new occupants disregarded the stop sign on Frances Ave and would fail to stop.

There was never a police presence in this neighbourhood, now police are here weekly and there has already been a drug bust!!! The shoplifting that is occurring at the variety store now is insane. But I guess you don't care about that as it has already been approved to be torn down for an apartment building!

With more people come more problems, and that is everywhere. I would guarantee you would have an issue if your home was now going to be drastically changed. Your quiet community was going to be over run and packed like Toronto condos. This is not what Stoney Creek is! This is not why we live here!! I don't want to packed in a home like a sardine now with huge traffic problems and criminal activity that never existed. I will not be able to enjoy my property.

I came to this community for reasons that you are now robbing me of and I planned on retiring here and now you are forcing me out of my home and neighbourhood instead of having mine and the communities best interest at heart.

My home will go up for sale if this building occurs and I will leave Hamilton where I was born and raised. If I wanted to live like a Torontonion I would have moved to Toronto.

Please consider what you would feel like if a thousand more people moved into your neighbourhood!

Mary

**From:** [REDACTED]  
**Sent:** August 14, 2018 9:51 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Re: ZAC-18-034

Dear city staff,

As a resident on Green Road for 18 years, I strongly oppose Urban Hamilton Official Plan Amendment (File No. UHOPA-18-013) and Zoning By-law Amendment (File No. ZAC-18-034), for lands located at 461 Green Road.

The infrastructure in this area simply can NOT support such a high-density development. 13 out of 19 required development details are not met and need to be amended. This tell me the proposed development plan is a disaster waiting to happen.

The increased population will put even more stress on the area's already very heavy traffic and worsen the neighborhood safety (due to the newly developed townhomes and a condo building on Francis Avenue, and a retirement home by Millen road), not to mention 2 more new condo buildings are soon to be occupied east of Green Road.

Please take my input into your consideration regarding the matter.  
I'd like to receive a copy of the staff report also.

My mailing address:

[REDACTED]

Please remove my personal information from any city publications.

Thank you,

Sent from [Mail](#) for Windows 10

**From:** Alison Cruickshank [mailto: ]  
**Sent:** August 16, 2018 2:17 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** ZAC-18-034

Planning Amendment ZAC-18-034

The neighborhood has already undergone a significant redevelopment  
The proposed 14 storey high rise 264 units is completely out of character with the area, the building will totally block any day light from my town Home on Frances Ave which backs onto this development and will lower the value of my home and other homes in the area  
I will be over shadowed by this building with balcony's looking directly into my home If this rezoning is approved and the planned development completed, the residential neighborhoods surrounding the property will witness a dramatic increase in traffic in an already heavily congested area, the amount of traffic has increased since the building of town homes and the condo building on Southshore Cres  
The Rapidly expanding community needs a strip Mall. The building De Santis wants to tear down is ideal it already has a convenient store maybe add take out food, pizza, hairdresser, coffee shop bakery etc At the moment we have to travel over the QEW, De Santis needs to improve the existing building make it more attractive for retailers not build more residential homes

Alison Cruickshank  
11-104 Frances Ave  
Stoney Creek

**From:** dave& Barb theobald [mailto: ]  
**Sent:** August 19, 2018 1:07 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** ZAC-18-034

RE: ZAC-18-034

I am a resident of 104 Frances Avenue and have some concerns regarding the above development.

1/ Deep excavations to accommodate the underground parking and height of the building causes

concern for the integrity of foundations of existing homes in the immediate vicinity.

2/ The height of the building will also reduce both light and privacy to these town houses.

3/ Green space has been reduced, this should be larger with the size of the building, and not only

on North Service Road but also Green and Frances.

4/ Having only 1 parking space per unit is not enough, extra residents vehicles and visitors will be

parking on the street, already the street is used from Frances Ave to the lake on Green Rd for the

apartments already there.

5/ Loss of any commercial space leaves the area without a variety store, many people rely on this

business for essentials as there is no public transportation to reach the malls.

6/ The plan for this building shows two vents, what are these for and will there be any noise or fumes

as they are close to existing homes.

7/ The infrastructure also needs attention as the North Service Road needs resurfacing. With the increase

of residents recently this Service road should also have lower speed limits, proper and safe turn lanes,

widening, improved lighting and traffic signals. Additionally the constant backlog on the QEW is putting more drivers onto this service road, therefore the above improvements are essential.

8/ My final concern is in regard to future development of MUC4, will this also be a large development, in which case it is extremely important the above issues are dealt with now.

**From:** Mary Tacoma [mailto: ]  
**Sent:** August 21, 2018 11:09 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** File: ZAC-18-034

Dear Sir:

Received copy of the above file.

My husband and I have lived at 95 Frances Ave. for 12 plus years and have enjoyed the area. the new building in the area has impacted us. The increase in traffic on Frances is quite notable as our street is used by all the new development. They have no other route to leave their homes. Why is there no access to Millen Road or a new road created?

Now the plan is to build a high rise on property probably owned by the builder De Santis. We lose our variety store and dentist and gain more people with their cars.

What are the plans for the area labeled MUC-4?

In closing, I believe the planning department should investigate ways to service this area effectively by using some common sense re traffic flow and providing space for commercial services in the area.

Mary Tacoma



RECEIVED

AUG 22 2018

Tim Vrooman, City of Hamilton  
Planning and Economic Development Dept  
Development Planning Heritage and Design – Suburban Team

Re: Plan and Zoning By-Law Amendment Application by IBI Group for  
Lands Located at 461 Green Road, Stoney Creek ZAC-18-034

August 14, 2018

Dear Mr Tim Vrooman,

I am a 72 year old business woman residing at 301 Frances Ave., Stoney Creek since 2002. During this time and until two (2) years ago I was enjoying the peaceful area that I chose to call home. From my eighth floor condo I had an unobstructed view of Fifty Point and a panoramic view of Lake Ontario including Toronto, Hamilton Skyway Bridge and Burlington Waterfront. The North Service Road running along Confederation Park from Green Road to the QEW access was a comfortable and relaxing drive that I made daily to get to work. The traffic was light and the road itself was in good condition. There was a community variety store that served the needs of it's residents.

Over the past two (2) years there has been and continues to be new construction which is destroying the idealic picture I described. There have been serious consequences attached to these High Density Residential Developments. It has reduced the picturesque Lake Ontario waterfront to small peeks of it seen between multiple housing pods. Access to the lake itself has diminished as well. The most serious concern that I have is with the increase in road traffic along the North Service Road between Millen Road and the QEW access. With the construction of a fourteen (14) storey, three hundred and sixty (360) unit hi-rise this stretch of road will be a nightmare with a potential seven hundred and twenty (720) more cars on the road that can barely sustain the current volume. Please do not follow "the money" as the cities of Toronto and now Burlington have done.

I understand the need for progress, but there has to be a limit to what "progress" will do to this wonderful community. High Density Residential Living is exactly that, and lends itself to becoming an unacceptable way of life in many ways that can result in crime, traffic problems and other matters that will eventually increase the taxes of all area residents.

I am declaring my strong opposition to the rezoning application and hope that other Stoney Creek area residents of my community will follow.

Respectfully,

A handwritten signature in cursive script, appearing to read "Sue Banting".

Sue Banting

301 Frances Ave

Ste 802

Stoney Creek, On L8E 3W6

905-662-8680

Bayliner Residents

If you agree with my attached letter regarding the High Density Residential Re-zoning Application and wish to attach your name to this letter, please feel free to sign the attached form and I will include it to Mr Vrooman.

DATE	NAME	UNIT NO.	SIGNATURE
Aug 14/18	L. WALLER		
AUG 14/18	S. GRAINGER		
Aug 15/18	J. Strychowsky		
Aug 15/18	L. HEWSON		
Aug. 15/18	S. COWDEN		
Aug. 15/18	C. RICHARDSON		
Aug 15/18	D WOOD		
Aug 15/18	E. DRAGE		
Aug 15/18	J. OLIPHANT		
Aug 15/2018	G Jurasek		
Aug. 15, 2018	V. & E Bell		
Aug 15	TE Bell		
Aug 16	E Parker		
AUG 16	C BELACC		
Aug 22	J & M Marks		
Aug 17	D. Grapman		
Nov-18	Penelope P...		
Aug. 18	FA LA Z...		
Aug 16	John Platt		
Aug 16	Grego Trista		
Aug 16	Karen Gass		



**From:** Bill M [mailto: ]  
**Sent:** August 24, 2018 2:53 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Concern re highrise proposed for Green Rd.

I am writing to voice my strong disagreement over the proposed highrise condo to be built at 461 Green Rd.

I have lived in this neighbourhood for over 10 years. With more townhouses and 3 storey condos built further east on Frances Ave., the number of cars using our street has increased. Frances Ave. is now a main street more than a residential one.

The traffic on the highway and the Service Rd. has increased as well, and will increase substantially more if a 14 storey residential building is built. I don't want this neighbourhood turned into an even more population-dense area.

Please take residents' concerns into account. Thank you.

William Maher

**From:** Joan Sopkow [mailto: [REDACTED]]  
**Sent:** August 24, 2018 2:35 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** 461 Green Rd.

We live on Frances Ave between Gray's and Green Rd. With the new townhouses built east of Green Rd., the traffic on our street is very heavy now. The neighbourhood is noisier and more congested.

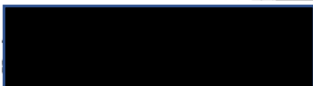
We strongly disagree with the proposed change to the by-law to allow a high rise condo building to be built on Green Rd., especially with the building having 14 storeys.

We really like this neighbourhood with its ideal location - it is busier now but tolerable. I hate to think we would have to move to escape even more noise, traffic and congestion.

Joan Sopkow  
Frances Ave  
[REDACTED]

RECEIVED  
AUG 28 2018

**Board of Directors, WCC 270 (104  
Frances Ave., Stoney Creek)**

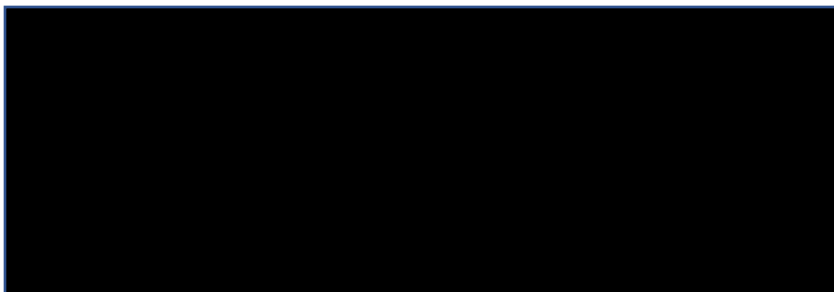
<b>To:</b> Tim Voortman	<b>From:</b> Board of Directors, WCC 270
	<b>Pages:</b> 4 including this one
	<b>Date:</b> Monday, August 27, 2018
<b>Re:</b> ZAC-18-034	<b>cc:</b> Board

Comments:

Good morning

Please see following three pages concerning the above mentioned proposed by-law change.

The document will also be sent via email to ensure receipt by all parties concerned.



Tim Voortman: Planning and Economic Development Department, Fax 905-546-4202, email  
 Tim.Voortman@hamilton.ca  
 Councillor Maria Pearson, Ward 10 Fax 905-546-2535, email maria.pearson@hamilton.ca  
 Mayor Fred Eisenberger, City of Hamilton Fax 905-546-2340, email mayor@hamilton.ca

**RE: ZAC-18-034 City of Stoney Creek Zoning Amendment at 461 Green Road, Stoney Creek (Ward 10)**

The Board of Directors, on behalf of the 49 homeowners at 104 Frances Avenue, WCC 270, we wish to address the proposed Urban Hamilton Official Plan Amendment as set forth for ZAC 18-034. While we know that development of vacant lands is inevitable, we strongly feel that some aspects of this by-law amendment have not been thoroughly explored. Further, we believe that zoning by-laws were and are created for a reason, not to be easily changed at the whim of a landowner or developer.

Our concerns:

**1. Excavation:**

- a. Deep excavations to accommodate the underground parking and height of the building causes concern for the integrity of foundations of existing homes in the immediate vicinity.

**2. Height:**

- a. The height of the building will also reduce both light and privacy to these town houses.
- b. The light issue can be a serious issue as the rear of the townhomes facing this development have water issues which we have taken steps to alleviate/eliminate. The lack of sun in these areas can cause dampness and mold.
- c. Lack of sunlight also can lead to serious mental and physical health issues, this is something we don't want our homeowners to face.
- d. Further, a complex of 4 (four) to 7 (seven) stories would be more environmentally beneficial to these properties

**3. Property Values:**

- a. We further feel that a 14 story building will significantly lower the property value of this block of homes, no matter how attractive the developer makes his plan look

**4. Green Space:**

- a. Green space has been reduced, this should be larger with the size of the building, and not only on North Service Road but also Green Road and Frances Avenue.



Tim Voortman: Planning and Economic Development Department, Fax 905-546-4202, email  
 Tim.Voortman@hamilton.ca  
 Councillor Maria Pearson, Ward 10 Fax 905-546-2535, email maria.pearson@hamilton.ca  
 Mayor Fred Eisenberger, City of Hamilton Fax 905-546-2340, email mayor@hamilton.ca

**RE: ZAC-18-034 City of Stoney Creek Zoning Amendment at 461 Green Road, Stoney Creek (Ward 10)**

**5. Traffic & Parking:**

- a. The North Service Road, Frances Avenue and Green Road are already busy traffic areas, the service road, in particular, is due for some serious upgrading, not the least of which are a set of stoplights at the intersection of Green and the North Service Road
- b. A turning lane has been constructed for traffic heading east and turning north onto Green Road however this has proved to be confusing to some traffic travelling west towards Centennial Pkwy, especially in the evening (dusk) hours.
- c. The additional traffic on the QEW since the building of this development in 1998, has increased significantly. When there is bad weather or an accident situation, the service roads pick up the excess traffic. This has proven a nightmare from time to time.
- d. Turning east from Green road to the North Service Road is more than challenging most mornings and some evenings with development which is already in place.
- e. Having only 1 (one) parking space per unit further aggravates the issues as the surrounding streets are already filled with weekend and evening visitors not to mention residents with more than one vehicle who cannot use designated visitor spaces.

**6. Water & Sewer:**

- a. While we understand that the developer is responsible for water and sewer infrastructure for the proposed development, can the city waste water plant and drinking water plants manage the additional volume this development will place on these facilities.

**7. Commercial Space:**

- a. Loss of any commercial space such as our present variety store, or even a coffee shop leaves many older residents without a place to pick up a loaf of bread or small household necessities without a drive to a local grocery. We have bike lanes and nowhere for bikers to stop and rest or purchase water. Many, many people rely on this type of business.

Tim Voortman: Planning and Economic Development Department, Fax 905-546-4202, email  
Tim.Voortman@hamilton.ca  
Councillor Maria Pearson, Ward 10 Fax 905-546-2535, email maria.pearson@hamilton.ca  
Mayor Fred Eisenberger, City of Hamilton Fax 905-546-2340, email mayor@hamilton.ca

**RE: ZAÇ-18-034 City of Stoney Creek Zoning Amendment at 461 Green Road, Stoney Creek (Ward 10)**

**8. Ventilation:**

- a. The plan for this building shows two vents, what are these for and will there be any noise or fumes as they are close to existing homes.

**9. Signage:**

- a. The sign for the city meeting is situated facing the North Service Road – why? It is not safe to stop and read it there. Surely a safer place could be found
- b. Why are the public meetings set for 9:30 am when most residents are at work and why the City Hall where parking is a challenge at the best of times and accessible parking is virtually always full? Why not an evening meeting at the Jones Road location which has ample and accessible parking

**10. Future Development:**

- a. What are the plans for future development of MUC4, will this also be a large development in line with the proposed change to this by-law? Is one developer depending on the city and this plan to give them (whomever they may be) carte blanc to develop another monstrosity without having to amend yet another by-law? We need to know the answer this this and what the plans are for MUC4.

*In conclusion, we are requesting Maria Person counselor Ward 10, who is also receiving a copy of this letter, to vote **AGAINST** this by-law change.*

Respectfully, the Board of Directors for WCC 270

Lorna Rowland, Unit 48

Denise Farnum, Unit 44

Mike Rowe, Unit 32

From: Phyllis Christie [mailto: ]  
Sent: August 30, 2018 11:18 AM  
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
Subject: ZAC-18-034 New Condominium Project 461 Green Road, Stoney Creek

To Tim Vrooman:

My husband and I have lived at 104 Frances Avenue, Unit 12, since 1999. We were one of the first residents to move into this townhouse complex after construction was finished.

Over the years we have watched this area continue to grow with new developments of townhouses and homes.

The prospect of this new condominium project at 461 Green Road is a very disturbing matter as our unit backs onto this projected build.

This 14 story condominium project will definitely block all sunlight from our complex as well as our own personal backyards. Will the sun ever adorn our backyards or flowers again? We feel that our homes and back yards will no longer have privacy with this new condominium project being built behind our homes, what with the balconies and all the condominium windows on the 14 floors of this building, that will overlook our complex, and will give the new condo residents the ability to look down into our backyards and windows.

Will we have to keep all our windows and curtains closed to protect the privacy of our homes as of the result of this new condominium project being built in our backyards?

Trees that have been on our complex since the beginning of our residency, over the years of course have grown. Will the overhanging branches on the property behind us be cut down during the construction and cause possible damage to the trees that were planted on our site so many years ago?

The disruption of normal living during the construction of this new condominium project will surely cause many problems with noise from the construction, possible detours for traffic, dust and debris due to construction. Also the wear and tear on the roads in our area, due to heavy construction equipment and trucks. We won't be able to have our windows open or sit out in our backyards during this time.

The population that will be moving into this 14 story complex will only contribute to more traffic in this area, and to the already congesting traffic problems at the intersection of Green Road and the North Service Road, as with most of the new tenants will probably have one or more vehicles. Problems with the flow of traffic already due to the more recent building projects having been built from Green Road down to Millen Road are causing traffic problems entering onto the North Service Road with the early morning rush going to work as well as the reverse coming home at night especially making left hand turns. More and more traffic to cause congestion both ways on the North Service Road.

Will all way stop signs or traffic lights be installed at Green Road and the North Service Road to control the flow of traffic entering and exiting at this intersection? Will this help or will it cause even more traffic tie ups and more frustration for drivers?

We are sure that the idea of having such a large condominium project behind our property will differently reduce the value of our homes for selling purposes because of having a 14 story condominium complex overshadowing our property with no views except a concrete and windowed building blocking any sun and green space.

No one wants neighbours so close you can, and they in turn can, look into each other's homes, this is very disturbing and totally unwarranted.

The whole area on Frances Avenue has always been built to the concept of townhouses and houses, not high rise condominium buildings. This building will definitely be out of place on such a small area which is now small strip mall, which has a convenience store that is a neighbourhood family owned business of one of our local residents.

This may also cause long time residents to possibly sell and move away from this area due to above mentioned problems resulting from the construction of this condominium project, maybe leaving some houses vacant because of the properties being over shadowed by this 14 story condominium complex.

Does anyone want to live or purchase a home backing onto a building complex of this size in their backyard?

With a building of this kind of structure, will there be 14 floors of bright lights on the outside of the building as well as lights from the owners suites shining down on our properties at night?

There could be and probably will be more issues raised about the building of this new complex, from other residents of 104 Frances Avenue, other than what we have mentioned in the above paragraphs, but all in all the building of this complex should be vetoed.

The height of this new complex will make our properties look like doll houses, totally out of the style and concept for our neighbourhood.

Yours truly,

John & Phyllis Christie  
12-104 Frances Avenue  
Stoney Creek, Ontario  
L8E 5X3

Home phone: [REDACTED]

Cell phone: [REDACTED]

E-mail: [REDACTED]

Sent from my iPad

**From:** Sylvie Letarte [mailto: ]  
**Sent:** August 30, 2018 1:33 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Re: ZAC-18-034

Good afternoon Tim,

In regards to the new proposed condo development at the corner of Green Rd and North Service Rd in Stoney Creek, both my husband and I are very excited. From the diagrams we received, it seems as though it will be a very beautiful and modern looking building.

We are hoping the first floor of the building will be designated for commercial space (i.e. restaurant, doctor/dentist office, convenience store, ...)

With the recent and future growth of this area, I believe there is a need for this and these businesses would thrive within this eclectic community.

Thanks

Sylvie Letarte and Bob Leduc

**From:** Kristina [mailto: ]  
**Sent:** August 31, 2018 3:57 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** ZAC-18-034

Dear Mr. Vrooman

I am writing to you in regards to the proposed 14 story condo on Green Road and the North Service Road in Stoney Creek (ZAC-18-034).

I am devastated that such an enormous building would be permitted to be built behind our homes on Frances Avenue. To allow such a building in this area is a direct disregard for all of us who live here, our privacy and quality of life. This 14 story building would become my backyard with hundreds of people able to look into my backyard and home. I would go from the private backyard I have now, which is the main reason I bought this home to not having any privacy and I would have to have my blinds closed at all times.

It is unbelievable that this project is even being considered in this area.

Who will then be responsible for the value of my home plummeting? I take great pride in my home, a home which I have renovated entirely from top to bottom.

What will happen when/if I need to sell my home and cannot because a buyer will look at this monstrosity and walk away?

As it is now I have limited Sun exposure in my backyard, enough to support my garden however with this 14 story building I will be reduced to a few short hours.

The natural light into my home will be decreased due to this building. As it is we are an older neighborhood with older homes which includes 8 foot ceiling unlike the 9 foot ceiling which have become the standard these days.

We need all the light we can get and this building will block what little sunlight we have. Our townhomes that would be behind this building would have our main living space facing this building, again causing an issue for sunlight and privacy.

Thank you for taking the time to read this and I do hope you understand my concerns and how much they will negatively impact my life and all those in my entire neighborhood. I expect that all points made would be considered and I do hope for a response as soon as possible.

Regards,

Christina Barbaric

**From:** Jasmina Salman [mailto: ]  
**Sent:** August 31, 2018 2:47 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** Community Petition

Good Afternoon Mr. Vrooman

I have attached a folder containing 7 pages containing a total of 124 signatures that the community here gathered from the local neighbourhoods. I'm sure if we had more time we would have definitely been able to reach more of our community.

In general the opinion stands the same for everyone that signed.

Opposed to both files as it is inappropriate planning for this neighbourhood.

Too much congestion

Major concern for traffic issues in this area.

The type of building or structure proposed.

More people prefer having a plaza with some convenient amenities available for this over- populated area.

Negative affects on the existing community.

Structural problems that could potentially affect the homes that are located directly around this property .

The concerns and negative feedback was endless.

Sincerely,

Jasmina Salman

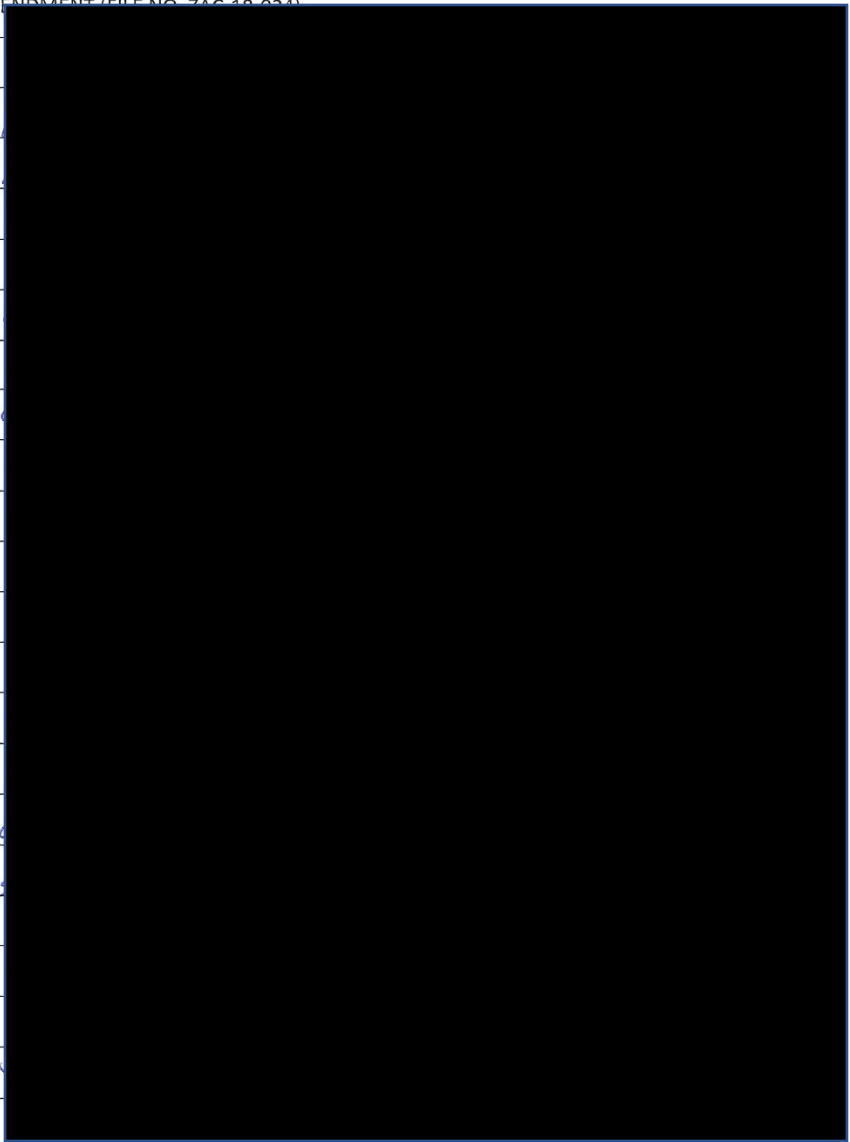
Sent from [Mail](#) for Windows 10

I/we oppose the

URBAN HAMILTON OFFICIAL PLAN AMENDMENT (FILE NO. UHOPA-18-013)

ZONING BY-LAW AMENDMENT (FILE NO. ZLG-18-021)

NAME
Donc Sitor
Nosia Thomas
MARC BOND
Shane Ruzum
Steven Zebroski
Mary Taome
Geo Taome
Guy Finley
J Dopkin
W. Malen
Nattapatch F
Kate Hantz
MARIA HANTZ
Jean Brattain
REW. HUNT
MIKE BABIT
Chris Bridge
A. ANDERSON
B. Toombs
Carolyn Swannick
Paul Sabranys





I/we oppose the

URBAN HAMILTON OFFICIAL PLAN AMENDMENT (FILE NO. UHOPA-18-013)

ZONING BY-LAW AMENDMENT (FILE NO. ZAC-18-034)

NAME
M. RICHMOND
RICHARD GARNEAU
Lisa Boucher
Pat Butera
Jean Lechner
Alison Percin
A. Daly
Calvin R.
Kauschik
G. King
Lay La
DENISE FARMERS
Judy Doherty
Kyle Bohm
Marisa Trevisan
Allen Miller
Matthew Percin
DAVE THEOBALD
BARB THEOBALD
Mike Rowe



I/we oppose the

URBAN HAMILTON OFFICIAL PLAN AMENDMENT (FILE NO. UHOPA-18-013)

ZONING BY-LAW AMENDMENT (FILE NO. ZAC-18-034)

NAME	
Eugenia Anton	
Anna Paulucci	
LARRAINE PRICE	
VICTORY POPE	
Kerate McClintock	
Trish Reich	
Alison Croidshank	
Adam Constable	
EDUARDO DOMINGO	
Tracy Allard	
Phil Hatton	
Sue Centineli	
Linda McCallum	
Delilah Salman	
PHYLLIS CRAIG	
Jessica Connolly	
ROBERT STRINGER	
Margaret Stringer	
Dawn Watts	
David Maas	

I/we oppose the

URBAN HAMILTON OFFICIAL PLAN AMENDMENT (FILE NO. UHOPA-18-013)

ZONING BY-LAW AMENDMENT (FILE NO. ZAC-18-034)

NAME	
J. Bullock	
JADICE STRE	
Dave Johnston	
Wayne Bost	
M. Ryan	
Colin Ho	
* Brian	
Mark W. Wolf	
RUCKELL BAILEY	
Rob Galusha	
M. Matillan	
M. Fummei	
J. VanDenBroek	
C. Guerrero	
V. Moore	
Theresa Grosvenor	
Kimberly Denny	
Sayanthoun Rachakrishnan	
BLIAN COY	

I/we oppose the

URBAN HAMILTON OFFICIAL PLAN AMENDMENT (FILE NO. UHOPA-18-013)

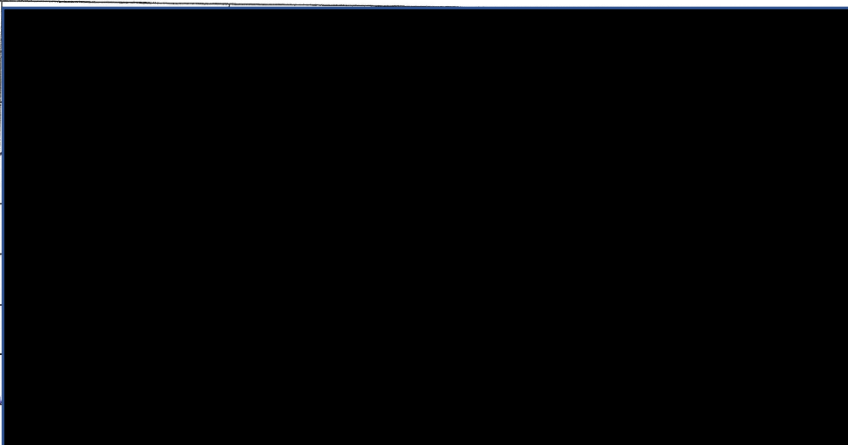
ZONING BY-LAW AMENDMENT (FILE NO. ZAC-18-034)

NAME	[REDACTED]			
Judy Dawson				
KEN DAWSON				
Yvette S				
Erin Barbiero				
Adam Barbiero				
ROSA MILINCIC				
Edmond Tumentar				
Susan Drozko				
LYNN PHILLIPS				
IONUT STAN				
Milton Cunningham				
Doreen Givoda				
James Peters				
Megan Ryan				
Nicola Wiertel				
Matthew Fubbro				
Christina Barbaric				

I/we oppose the

URBAN HAMILTON OFFICIAL PLAN AMENDMENT (FILE NO. UHOPA-18-013)

ZONING BY-LAW AMENDMENT (FILE NO. ZAC-18-034)

NAME				
Zanka Bachman				
Fran Jarlan				
sing Guo				
Bill Morgan				
A. Walcott				
Kyle Denvir				
Ashley Sardo				

I/we oppose the

URBAN HAMILTON OFFICIAL PLAN AMENDMENT (FILE NO. UHOPA-18-013)

ZONING BY-LAW AMENDMENT (FILE NO. ZAC-18-034)

NAME	
Tara Gasparik	
Stephan Green	
JOE NEZIC	
Jen Ryell	
Kelly Hill	
Katherine Luna	
Rick Belford	
Alyssa Belford	
G. HAMLYN	
L. MELTON	
Smider	
L. DeRubeis	
MARISA Fioravanti	
HENRY KAMPHUIS	
Maureen Amato	
Katharine King	
Kia Bylis	
PAUL BASHINSKI	
Jing Liu	
Kim Turner	

**From:** [REDACTED]  
**Sent:** August 31, 2018 4:58 PM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Subject:** File zac-18-034

Dear Mr Vrooman

I wish to oppose the application to rezone 461 Green Rd. I believe adding 264 apartment units along with the other high density dwelling that has already been approved along Green Rd and Frances Ave as well as Millen Rd will greatly change the neighborhood. This is too much high density dwelling for such a small area that is essentially cut off from the rest of Stoney Creek by the highway.

Please remove my personal information.

Sincerely

[REDACTED]

Sent from my Samsung Galaxy smartphone.

**From:** Lakewood Beach Community Council

**Sent:** August 20, 2018 7:54 AM

**To:** Rybensky, Yvette

**Cc:** [steve.robichaud@hamilton.ca](mailto:steve.robichaud@hamilton.ca); Fabac, Anita; [jason.thorne@hamilton.ca](mailto:jason.thorne@hamilton.ca)

**Subject:** 461 Green Road - Notice of Complete Application

Good Morning Yvette,

I heard on the weekend that a Notice has gone out. Our records indicate that we haven't been advised.

Can you please look into this & advise why?

To refresh your memory, this is the property that we inquired about back in October 2017 as to whether a Formal Consultation had occurred. We were advised no. Therefore, can you please also advise when the Formal Consultation meeting did occur?

Lastly, although the Planning Act includes the minimum requirements for Notification, we understand that the Planning Department can use their discretion to increase the area to include property owners that will be impacted. You may recall that Cambridge Planning Dept did that on occasion as confirmed by their Head of Planning. Considering this is our only commercial/convenience store within walking/cycling distance of thousands of residences, we would respectfully request that the distribution area be increased to include all property owners north of the QEW from Grays Road to Fruitland Road.

Thank you,

Viv / Anna/ Nancy

Lakewood Beach Community Council



**From:** Lakewood Beach Community Council <[REDACTED]>  
**Sent:** March 12, 2019 10:26 AM  
**To:** Vrooman, Tim <Tim.Vrooman@hamilton.ca>  
**Cc:** DL - Council Only <dlcouncilonly@hamilton.ca>  
**Subject:** 461 Green Road - Public Notice Board - Road Less Travelled

Morning Tim,

Ran into a few people at the corner store who weren't aware this store is slated to close and a 14 storey apartment built in it's place. This is the 3rd case in our area of a Public Notice board being installed where the least amount of foot traffic occurs.

We're copying in all of Council, should someone wish to provide direction to Staff, that rather than simply checking a box, Staff should be providing the application with the the location of all Public Notice boards city-wide going forward, in order to ensure it meets the intent of providing the Public with notification of applications & dates of Public Meetings.

In this particular case, the sign is posted on the North Service Road facing the south vehicular traffic (co-incidentally beside the alleged illegal advertisement billboard). It is reasonable to assume, the 'public' while travelling at 80km/hr are not able to read the Public Notice board.

The plaza faces east, the sidewalk is on Green Road, and the entrance to the plaza is on Green Road. The sign should be on Green just north of the entrance.

Allowing the sign to continue to be located on NSR (and eventually updated with the date of the Public Meeting / Planning Committee) undermines the regulations in the Planning Act in our humble opinion and should be addressed.

Respectfully,

Viv  
Lakewood Beach Community Council



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

## Neighbourhood Open Houses Comments

**To/Attention** Notes to File **Date** January 25, 2019  
**From** Jared Marcus **Project No** 108486

**Subject** 461 Green Road - Neighbourhood Open House  
Stoney Creek Municipal Service Centre  
January 24, 2019 @ 6:00pm

**Present** \* See Sign-in Sheet (Presenter: John Ariens, City Staff: Councillor Maria Pearson, Yvette Rybensky, and Tim Vrooman)

- Parking Concern
  - Existing illegal parking in neighbourhood
  - Concern that development will impact existing parking availability in neighbourhood
- Traffic Concern
  - How will future development across Green Road impact road network
  - Concerns with TIS methodology: Were actual traffic counts taken? How do projected counts work?
  - Concern about traffic cutting through established neighbourhood
  - Concern about capacity and visibility of NSR and Green Road
  - Question about possible future alternate traffic routes, i.e. extension of Francis
  - Question about future signalization of NSR and Green Road
- Construction Concern
  - Question about bearing capacity of soil
  - Question about whether a pre-construction survey will be undertaken
  - Concern over noise and dust during construction
- Development Concerns
  - Will development require additional municipal services such as fire, police, etc.
  - Concern about increased crime as a result of development
  - Question about possibility of adding commercial to development
  - Question about reduced air quality as a result of development
  - Question about green space being provided in development given suggested lack of available green space in neighbourhood
  - Question about ownership of units, condo versus rental
  - Concern that development will lessen land value in neighbourhood
  - Concern that scale of development will negatively impact neighbourhood
  - Question about whether a wind study was undertaken
  - Questions about timing of decision and process that will happen moving forward, when can residents get involved and provide input to City staff.

## Memorandum

<b>To/Attention</b>	Mr. Tim Vrooman Senior Planner, Suburban Team City of Hamilton 71 Main Street West, 5 <sup>th</sup> Floor Hamilton, Ontario L8P 4Y5	<b>Date</b>	November 21, 2019
<b>From</b>	John Ariens Associate Director, Planning Lead IBI Group 360 James Street North, Suite 200 Hamilton, Ontario L8L 1H5	<b>Project No</b>	<b>ZAC-18-034:</b> 461 Green Road, Stoney Creek
<b>cc</b>	Jared Marcus		
<b>Subject</b>	<b>ZAC-18-034- 461 Green Road, Stoney Creek</b>		

### Response to Comments Received at Neighbourhood Information Meeting

IBI Group submitted Official Plan and Zoning By-law Amendment applications on May 31, 2018 in support of the proposed redevelopment of the existing neighbourhood commercial plaza located at 461 Green Road, Stoney Creek. A Neighbourhood Open House was held on January 24, 2019 at the Stoney Creek Municipal Service Centre. John Ariens and Jared Marcus from IBI Group presented the concept to the public, while Councillor Maria Pearson, Planners Yvette Rybensky and Tim Vrooman from the City of Hamilton were in attendance. A copy of the sign-in sheet and Neighbourhood Open House Comments were submitted in April 2019.

In response to the comments discussed at the Neighbourhood Open House, the following section outlines the comments by the type of issue and provides a response to each concern individually.

#### Parking Concerns

- Existing illegal parking in the neighbourhood
- Development will impact existing parking availability in the neighbourhood

**Response:** The proposed development provides more than the minimum required residential parking spaces, therefore it will not exacerbate the parking concerns.

#### Traffic Concerns

- How will future development across Green Road impact road network?

**Response:** New Horizon Development Group is developing the lands across Green Road, and these developments are currently undergoing a Formal Site Plan Submission, which will show their road network. The proposed development on 461 Green Road has only one access point, which will not impact the road network.

4. Concerns with TIS Methodology: Were Actual traffic counts taken? How do projected counts work?

**Response:** An updated Traffic Impact Study has been submitted, and the analysis was undertaken using ITE Trip Generation.

5. Concern about traffic cutting through established neighbourhood

**Response:** Noted. During the neighbourhood meeting, a suggestion was made about how future road closures can be considered, through landscaping.

6. Concern about capacity and visibility of North Service Road and Green Road

**Response:** North Service Road and Green Road can accommodate the increase in traffic, attributable to the proposed development.

7. Question about possible future alternative traffic routes i.e. extension of Francis

**Response:** Noted, this is a municipal matter.

8. Question about possible future signalization of North Service Road and Green Road

**Response:** Noted, this is a municipal matter.

#### **Construction Concerns**

9. Question about bearing capacity of soil

10. Question about whether a pre-construction survey will be undertaken

11. Concern over noise and dust during construction

**Response:** Noted – construction issues will be addressed further in the submission timeline.

#### **Development Concerns**

12. Will development require additional municipal services?

**Response:** Water demand for the proposed development will be provided with a 200mm diameter water service, splitting to a 200mm diameter fire line and a 150mm diameter domestic line, which will connect to the existing 300 mm diameter water main on Green Road. Sanitary Servicing will be provided using the existing 150mm diameter sanitary sewer, connecting the existing 500mm diameter sanitary sewer.

13. Concern about increased crime as a result of development

**Response:** There is no evidence to support that crime will increase as a result of the proposed development.

14. Question about possibility of adding commercial to development

**Response:** The proposed development includes commercial at grade spaces.

15. Question about reduced air quality as a result of development

**Response:** There is no evidence to support that air quality will reduce as a result of the proposed development.

16. Question about green space being provided in development given suggested lack of available green space in neighbourhood

**Response:** Green Space provided within the development is intended for private use.

17. Question about ownership of units, condo versus rental

**Response:** Condominium tenure is proposed.

18. Concern that development will lessen land value in neighbourhood

**Response:** There is no evidence to support the above claim.

19. Concern that scale of development will negatively impact neighbourhood

**Response:** The proposed development has been scaled back in order to provide an appropriate transition from the surrounding uses, thereby minimizing privacy concerns.

20. Question about whether a wind study was undertaken

**Response:** A wind study was not identified within the Pre-Consultation as a required study.


21. Questions about timing of decision and process that will happen moving forward, when can residents get involved and provide input to City staff

**Response:** A Notice of the Public Meeting will be provided by municipal staff.

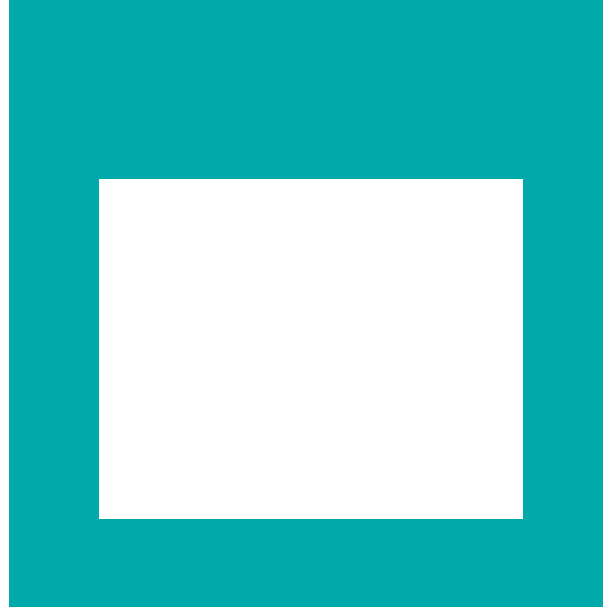
### **Conclusion**

We trust that the above is sufficient in outlining how the applicant will address public comments. However, should you have any questions or require further information, please do not hesitate to contact us.

Respectfully submitted this 21<sup>st</sup> day of November, 2019.



John S. Ariens MCIP, RPP  
Associate Director  
Practice Lead, Planning



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

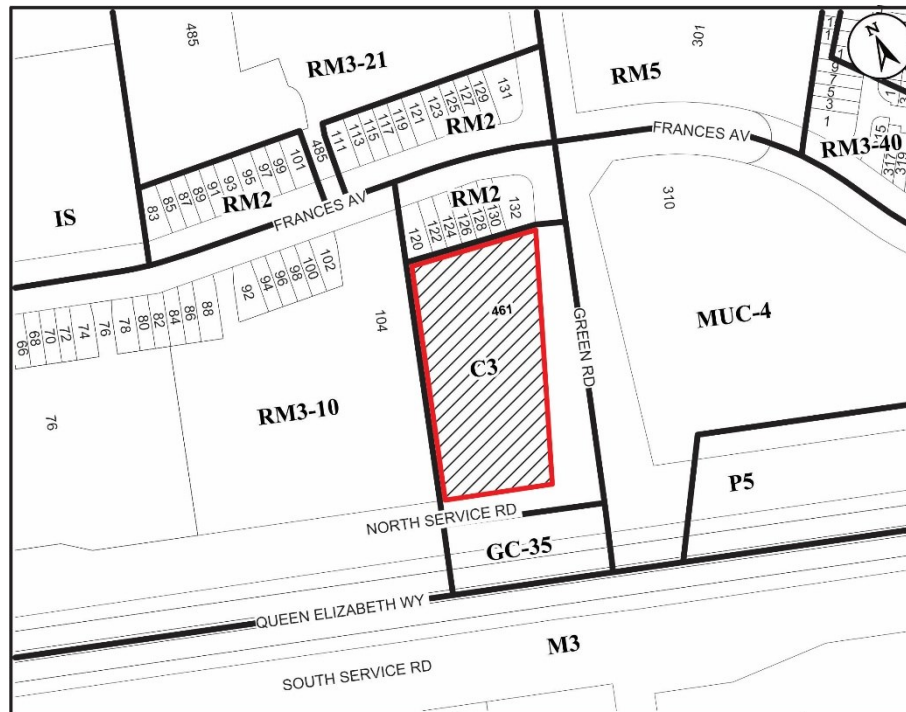
February 18, 2020

## **PED20043 – (ZAC-18-034 / UHOPA-18-013)**

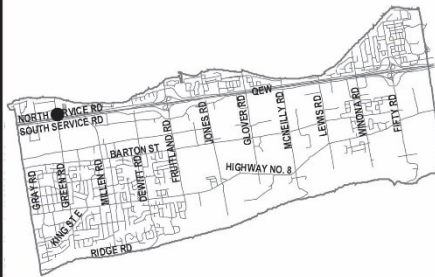
Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 461 Green Road, Stoney Creek.

Presented by: Tim Vrooman





● Site Location



Key Map - Ward 10

N.T.S.

### Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-18-034 / UHOPA-18-013

Date:  
Nov. 26, 2019

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
TV/AL

#### Subject Property

461 Green Road



Change in Zoning from Community Commercial (C3) Zone to Mixed Use Medium Density (C5, 669, H34) Zone





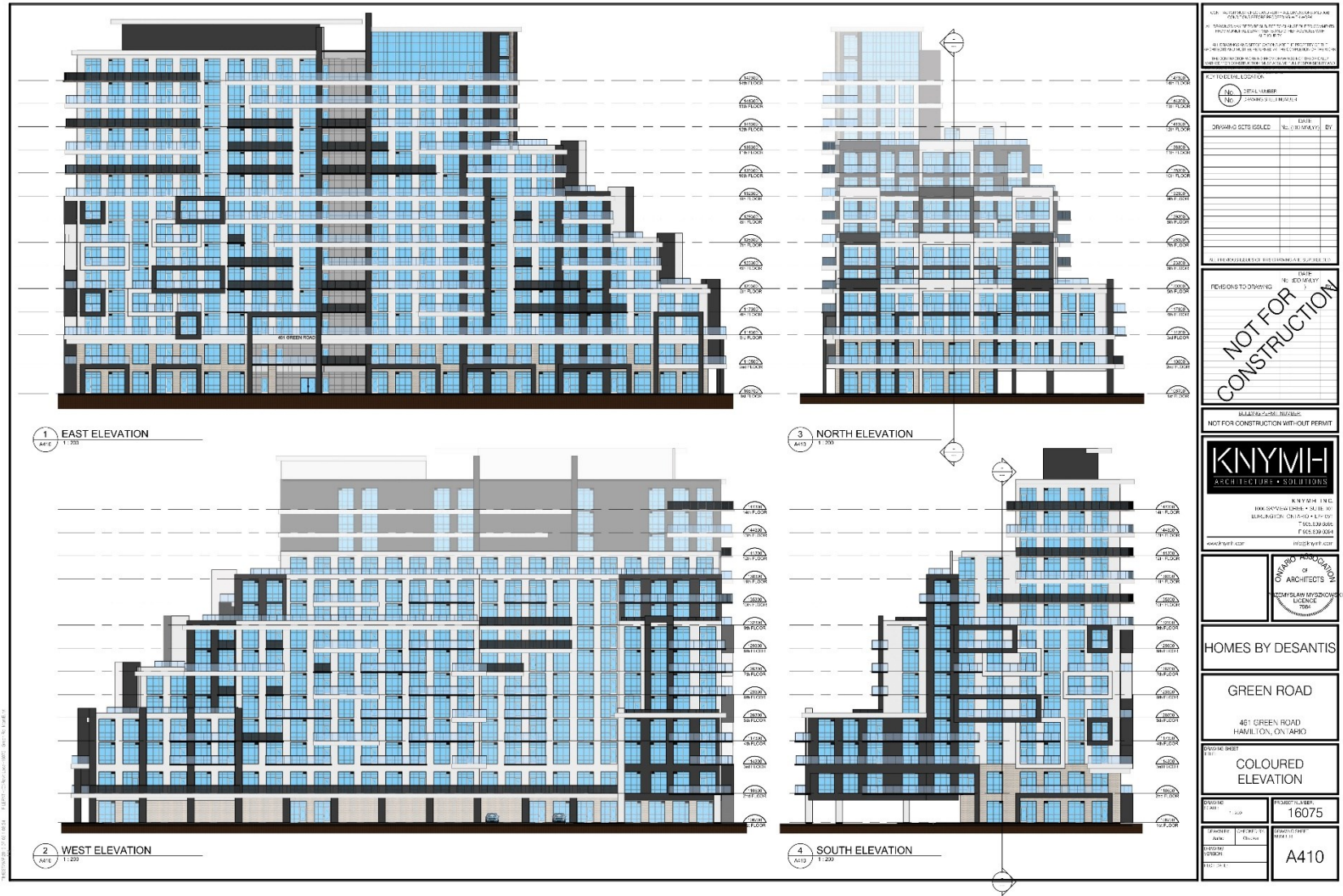
**SUBJECT PROPERTY**

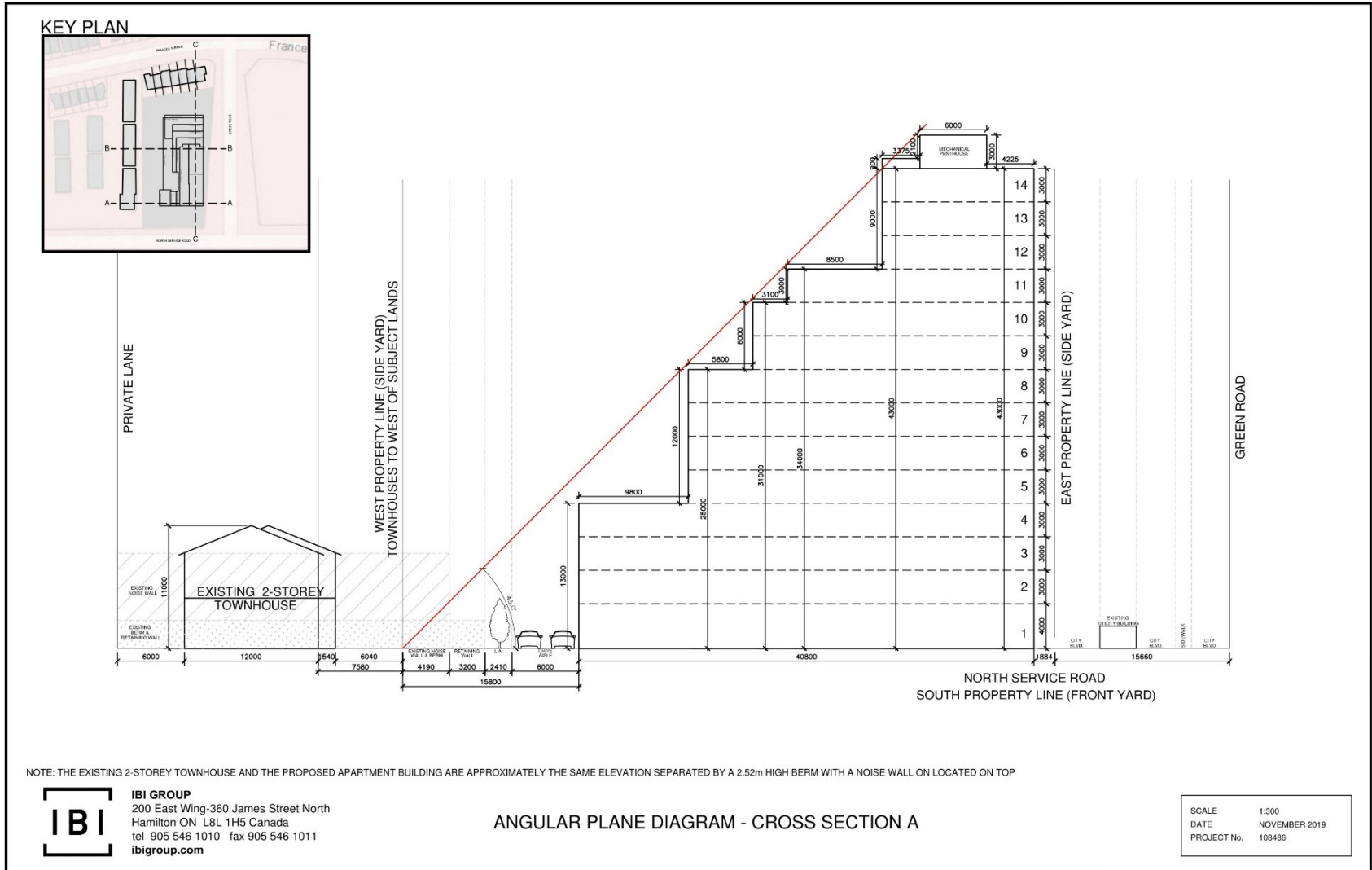


**461 Green Road, Stoney Creek**

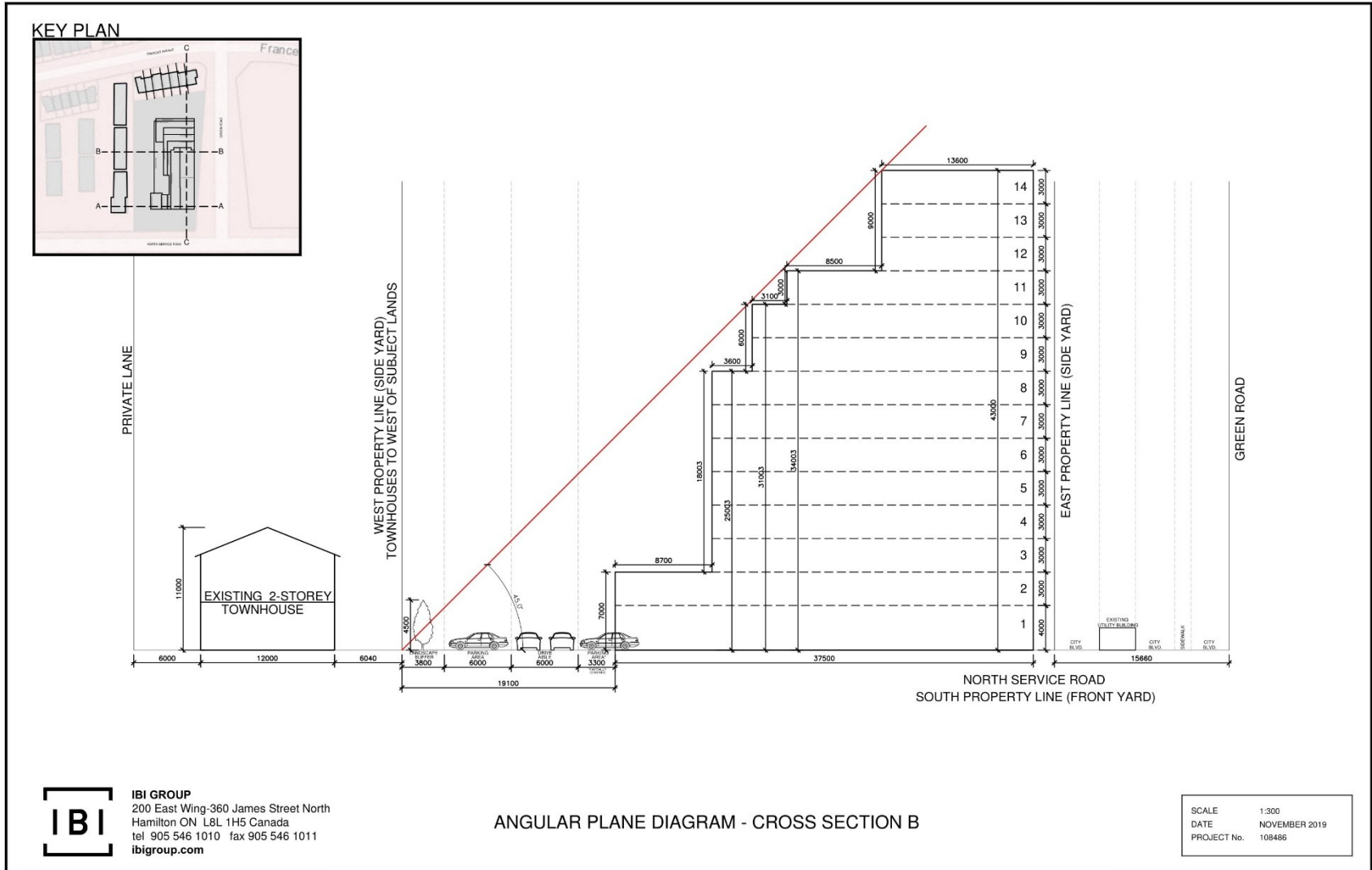






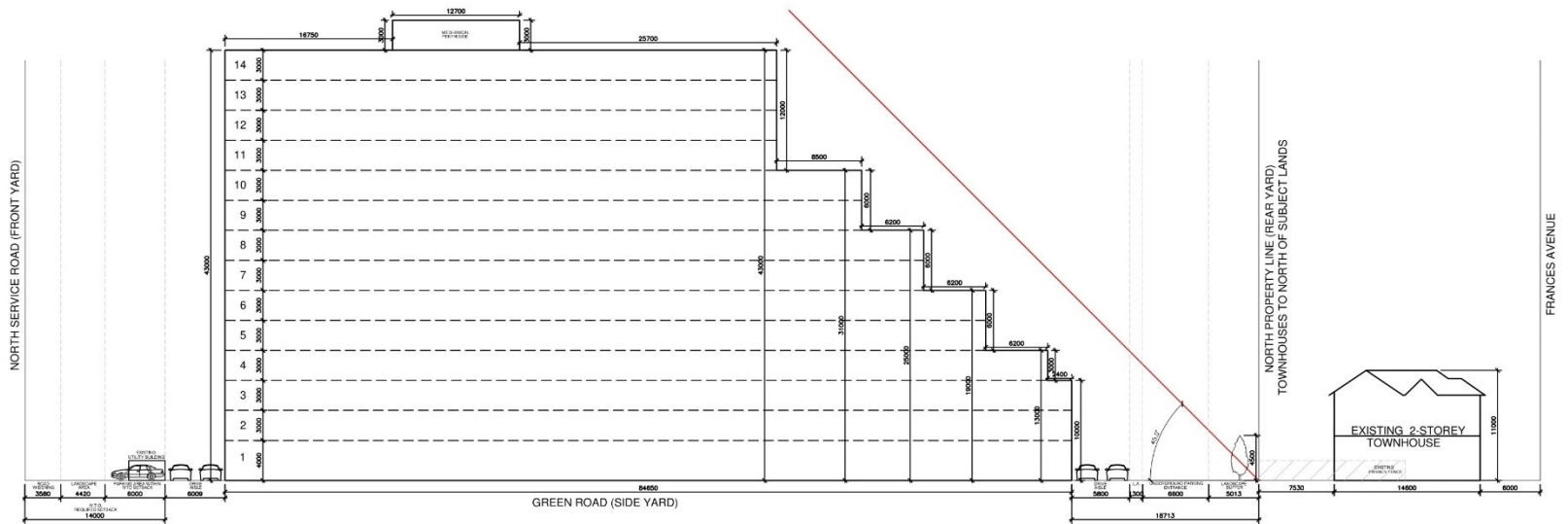
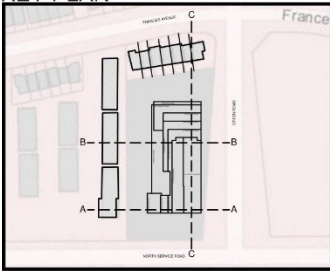


FILE:J:\108486\_461 GreenRoad5.9 Drawings\59\concept\ANGULAR PLANS\3\_16079 - Site Plan 2019-11-21 14 Storey.dwg LAYOUT CROSS SECTION A  
 LAST SAVED BY:Jared.marcus, Thursday, November 21, 2019 1:59:53 PM. PLOTTED BY:Jared.Marcus, Thursday, November 21, 2019 2:37:28 PM



FILE:J:\108486\_461GreenRoad5.9 Drawings\59p\concept\ANGULAR PLANE-3 16075 - Site Plan 2019-11-21 14 Storey.dwg LAYOUT: CROSS SECTION B  
 LAST SAVED BY: Jared Marcus, Thursday, November 21, 2019 1:59:53 PM PLOTTED BY: Jared Marcus, Thursday, November 21, 2019 2:37:55 PM

**KEY PLAN**



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

**ANGULAR PLAN DIAGRAM - CROSS SECTION C**

SCALE	1:400
DATE	NOVEMBER 2019
PROJECT No.	108486

FILE:21108486\_4610GreenPlace5.9 Drawings\9\p\concept\ANGULAR PLANE\3\_18076 - Site Plan 2019-11-21\_14 Storey.dwg LAYOUT CROSS SECTION C  
 LAST SAVED BY: Jared.marcus, Thursday, November 21, 2019 1:59:53 PM PLOTTED BY: Jared Marcus, Thursday, November 21, 2019 2:38:15 PM



Interior view of subject site from southeast





Southeast corner of site from across Green Road







Northeast corner of site from across Green Road





Interface with townhomes on Frances Avenue at north rear yard of site





Interface with townhomes on Frances Avenue at west side yard of site





Vacant property to the east across Green Road





View to the east across Green Road





View to the south along Green Road





View to the east along North Service Road





View to the west along North Service Road







View to the north along Green Road





Existing street townhouses on south side of Frances Avenue north of site





Existing block townhouses on south side of Frances Avenue west of site





Existing street townhouses and multiple dwellings north of Frances Avenue





Existing multiple dwellings north of Frances Avenue





Google Earth  
Image © 1995-  
Image © 1998 / Copernicus  
Image © 2000 / TerraMetrics

Conceptual 3D massing model from southwest (Google Earth)





Conceptual 3D massing model from southeast (Google Earth)



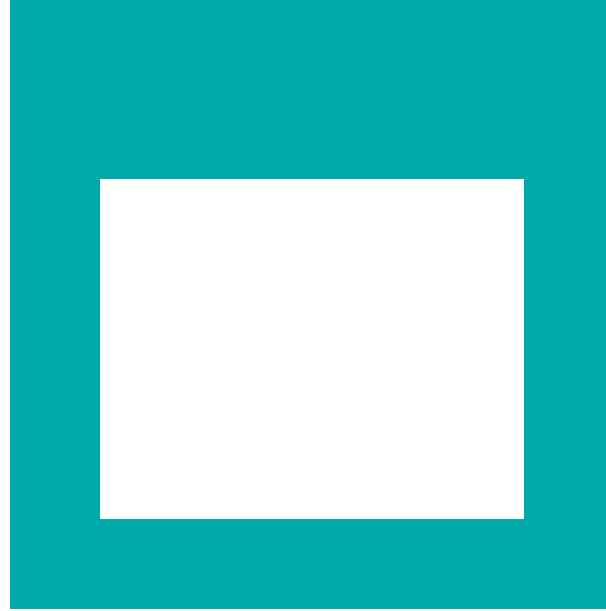


Earth  
pernicious  
© Airbus

Conceptual 3D massing model from east (Google Earth)







# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

**Carson, Katie**

---

**Subject:** FW: 461 Green Road, Stoney Creek Planning Committee Meeting Feb. 18, 2020

**From:** \_\_\_\_\_  
**Sent:** February 5, 2020 6:37 PM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** 461 Green Road, Stoney Creek Planning Committee Meeting Feb. 18, 2020

**Please Include My Letter In The Agenda At The February 18<sup>th</sup> Planning Committee Meeting for these reasons;**

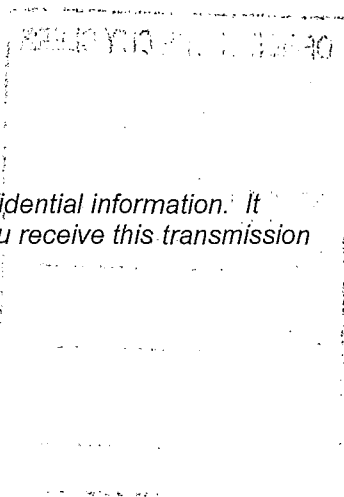
- Infrastructure Overload – What Will Happen With Our Sewers, Hydro, Water?**
- Severe Traffic Congestion On Our Streets & North Service Road**
- There Will Be Parking Overload On Our Neighbourhood Streets**
- There Will Surely Be Safety Issues For All Residents**
- There Is Serious Potential For More Area Flooding**
- There Will Be Extreme Car Emissions & Noise Pollution**
- There Will Be Terrible Destruction Of Wildlife & Birds**
- There Will Likely Be Extensive Loss Of Green Spaces**

There are many other problems that can occur but these are the main concerns I along with my fellow neighbors have.

Respectfully,

Stan F Kurak

*Stan F. Kurak, RHU, CRA*



*This transmission is intended for use only by the addressee(s) and may contain privileged/confidential information. It must not be read or distributed to any other person. Please notify the sender immediately if you receive this transmission in error*

**Carson, Katie**

---

**Subject:** FW: 461 GreenRd. Stoney Creek

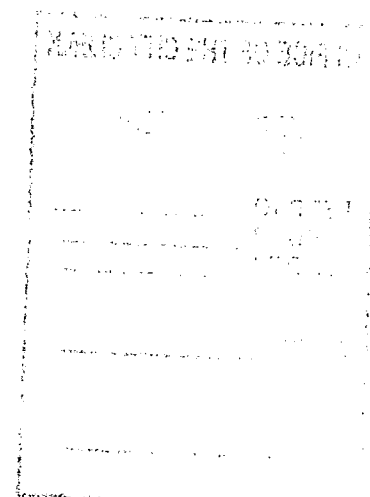
-----Original Message-----

From: linda mcmanus  
Sent: February 5, 2020 6:39 PM  
To: clerk@hamilton.ca  
Subject: 461 GreenRd. Stoney Creek

Please include my letter in the Agenda At The February 8 th planning committee meeting.  
Severe traffic congestion, car emissions and noise pollution.  
Street parking overload.  
Infrastructure overload, sewers, hydro, water.  
Potential of more area flooding.  
Car emissions and noise pollution.  
Extensive loss of green space.

Destruction of wildlife.  
Extensive loss of green space.

Sent from my iPad



**Carson, Katie**

---

**Subject:** FW: 461 Green Road, Stoney Creek

-----Original Message-----

From: Diane milburn

Sent: February 5, 2020 7:08 PM

To: clerk@hamilton.ca

Subject: Re: 461 Green Road, Stoney Creek

Please include my letter in the agenda at the February 18th Planning Committee Meeting

I am extremely concerned about this structure going ahead.

There is already a shortage of street parking, I am concerned of the safety of all residents in this area due to the potential overload of traffic.

We have already lost the majority of our neighbourhood Green space along with all the wildlife and birds that lived in it.

The traffic congestion, pollution from vehicles and noise will be unacceptable.

Please, please do NOT approve this plan.

Thank you.

Diane Milburn

Sent from my iPad

**Carson, Katie**

---

**Subject:** FW: 461 Green Road, Stoney Creek Planning Committee Meeting Feb. 18, 2020

**From:** Valerie Gardner

**Sent:** February 6, 2020 5:26 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Cc:** Pearson, Maria <[Maria.Pearson@hamilton.ca](mailto:Maria.Pearson@hamilton.ca)>; Wilson, Maureen <[Maureen.Wilson@hamilton.ca](mailto:Maureen.Wilson@hamilton.ca)>; Farr, Jason <[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)>; Nann, Nrinder <[Nrinder.Nann@hamilton.ca](mailto:Nrinder.Nann@hamilton.ca)>; Merulla, Sam <[Sam.Merulla@hamilton.ca](mailto:Sam.Merulla@hamilton.ca)>; Collins, Chad <[Chad.Collins@hamilton.ca](mailto:Chad.Collins@hamilton.ca)>; Jackson, Tom <[Tom.Jackson@hamilton.ca](mailto:Tom.Jackson@hamilton.ca)>; Pauls, Esther <[Esther.Pauls@hamilton.ca](mailto:Esther.Pauls@hamilton.ca)>; Ward 8 Office <[ward8@hamilton.ca](mailto:ward8@hamilton.ca)>; Clark, Brad <[Brad.Clark@hamilton.ca](mailto:Brad.Clark@hamilton.ca)>; Johnson, Brenda <[Brenda.Johnson@hamilton.ca](mailto:Brenda.Johnson@hamilton.ca)>; Ferguson, Lloyd <[Lloyd.Ferguson@hamilton.ca](mailto:Lloyd.Ferguson@hamilton.ca)>; VanderBeek, Arlene <[Arlene.VanderBeek@hamilton.ca](mailto:Arlene.VanderBeek@hamilton.ca)>; Whitehead, Terry <[Terry.Whitehead@hamilton.ca](mailto:Terry.Whitehead@hamilton.ca)>; Partridge, Judi <[Judi.Partridge@hamilton.ca](mailto:Judi.Partridge@hamilton.ca)>; Office of the Mayor <[mayor@hamilton.ca](mailto:mayor@hamilton.ca)>

**Subject:** 461 Green Road, Stoney Creek Planning Committee Meeting Feb. 18, 2020

To Whom It May Concern:

We wish to have our letter included in the Agenda at the February 18th Planning Committee Meeting regarding the DeSantis highrise to be built at 461 Green Road in Stoney Creek.

The high rise building proposed for this address is reason for serious concern by us and by numerous others in the community. With 3 high-density high rises already proposed across the street from this build, we fully expect our community to be adversely affected and suffer in ways outlined below.

- There will be severe traffic congestion on our surrounding streets and the North Service Road
- With the number of units being proposed, and the number of cars (a realistic average of 2 per unit, not to mention visitor parking) we know there will a major impact in cars parked along neighbourhood streets.
- Pedestrian safety issues will result from the number of cars that will therefore be on neighbourhood roads.
- We are quite convinced that there will be an impact on the existing sewers, hydro and water system.
- This area has already experienced flooding from the impact of severe storms and rain. With the increase in high density covering what little remains of open ground, worse flooding in this area will occur.
- We are fortunate to be on a migratory bird flight path in this area. This development, as well as the 3 other high rises already under proposal will certainly prove destructive to both birds and other wildlife.
- This project and the others across the street make no provision for surrounding green space. Again, this will have a negative impact on the surrounding neighbourhoods. Past and recent builds in the area have kept in mind the need for green space in their plans. As a result the neighbourhood is people friendly, treed, open, and welcoming to everyone.

We trust that Council and the Planning Committee will take into consideration the concerns we have outlined above in their determining of not only the build proposed on this property, but also the 3 high rise builds proposed for the property across the street, at 560 Gray's Road.

Sincerely,

Valerie Gardner and Peter Miller

Stoney Creek

<b>OFFICE OF THE CITY CLERK</b>	
FEB 07 2020	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	_____

**Carson, Katie**

---

**Subject:** FW: 461 green road stoney creek

**From:** Janice Mortimer  
**Sent:** February 7, 2020 9:52 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** 461 green road stoney creek

please include my letter in the Feb 18 planning committee meeting.

There are many reasons against the addition of yet another Condo in this area. The current infrastructure cannot support the number of cars and trucks using the QEW, both east and westbound. The North Service Road is definitely not designed to handle the volume of traffic that exists today. The further addition of the planned condos in the area will only exacerbate an already untenable situation. During any slowdown of traffic in the eastbound QEW, the north and southbound service roads become virtual parking lots. With cars inching along at a snails pace and can result in the trip to Burlington from Stoney Creek taking more than an hour. Add to that the lift bridge going up and you can increase the travel time by another 30 minutes. All roads in the Stoney Creek area are similarly impacted, Eastport, Barton, Woodward, even Queenston. In the past 6 years there has been the addition of several condos and town homes and single family dwellings between Gray Road and Fifty Road without any changes/ improvements or additions to the roads. the planning committee needs to halt further development of this area until improvements/additions have been made to roads, sewers, hydro, water, street parking. The impact on our green spaces and the wildlife in this area should also be a consideration. Is it right that money is the only driving force in the development of a most beautiful asset in our area? The waterfront!

<b>OFFICE OF THE CITY CLERK</b>	
FEB 07 2020	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	_____
	_____

**Carson, Katie**

---

**Subject:** FW: Concerns fr our neighbourhood 461 Frances Ave, Green Rd and area  
**Attachments:** IMG\_7189.PNG; ATT00001.txt; IMG\_7188.PNG; ATT00002.txt; IMG\_7190.PNG;  
ATT00003.txt

-----Original Message-----

From: Doreen Guindon  
Sent: February 7, 2020 1:24 PM  
To: clerk@hamilton.ca  
Subject: Concerns fr our neighbourhood 461 Frances Ave, Green Rd and area

<b>OFFICE OF THE CITY CLERK</b>	
FEB 07 2020	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	_____
_____	

5:24 PM Wed Feb 5

50%

< All Inboxes

IMPORTANT INFORMATION RE: 461...



**IT'S AS EASY AS: 1 – 2 – 3!!!**

1. Email: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)
2. Subject: 461 Green Road, Stoney Creek Planning Committee Meeting Feb. 18, 2020
3. Begin Your Letter With: Please Include My Letter In The Agenda At The February 18<sup>th</sup> Planning Committee Meeting

**NOT SURE WHAT TO WRITE? CONSIDER THESE POINTS:**

**WE ARE VERY CONCERNED FOR:**

**Severe Traffic Congestion On Our Streets & North Service Road  
There Will Be Parking Overload On Our Neighbourhood Streets**





 All Inboxes

To: undisclosed-recipients >

1:17PM

**IMPORTANT INFORMATION RE: 461  
GREEN ROAD - DESANTIS PLAZA  
DEVELOPMENT**

**IMPORTANT 'FOR THE  
COMMUNITY' INFORMATION - TIME  
SENSITIVE**

**Regarding – 461 Green Road – DeSantis  
Plaza Development Application  
(Corner Of Green Road & North Service Road)**

**Ward Councillor Maria Pearson Is In  
FAVOUR Of High-Rise / High-Density  
Developments In This Lakeside Community**

**LET THIS COUNCILLOR AND ALL CITY**



9:26 PM Wed Feb 8

90%

< All Inboxes

IMPORTANT INFORMATION RE: 461...



**NOT SURE WHAT TO WRITE? CONSIDER  
THESE POINTS:**

**WE ARE VERY CONCERNED FOR:**

**Severe Traffic Congestion On Our Streets &  
North Service Road**

**There Will Be Parking Overload On Our  
Neighbourhood Streets**

**There Will Surely Be Safety Issues For All  
Residents**

**Infrastructure Overload – What Will Happen  
With Our Sewers, Hydro, Water?**

**There Is Serious Potential For More Area  
Flooding**

**There Will Be Extreme Car Emissions &  
Noise Pollution**

**There Will Be Terrible Destruction Of  
Wildlife & Birds**

**There Will Likely Be Extensive Loss Of  
Green Spaces**



Carson, Katie

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Subject: FW: [Fwd: Triple Towers]

-----Original Message-----

From: i>  
Sent: February 7, 2020 9:32 PM  
To: Office of the Mayor <mayor@hamilton.ca>  
Cc: clerk@hamilton.ca  
Subject: [Fwd: Triple Towers]

Further to my earlier Jan 12 email, now a 14 storey tower at 461 Green Rd across the street from the triple towers at 310 Frances Ave. What the hell is the city of Hamilton thinking of other than the property tax revenue!!?

Russell Pape

<b>OFFICE OF THE CITY CLERK</b>	
FEB 10 2020	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	_____
	_____

----- Original Message -----

Subject: Triple Towers  
From:  
Date: Sun, January 12, 2020 1:48 pm  
To: mayor@hamilton.ca  
Cc: clerk@hamilton.ca

I live at [redacted], Stoney Creek and think the Triple Towers Condo project at 310 Frances Ave is outrageous!  
The traffic, on street parking etc will be a nightmare!!!  
Why would buildings that high be even considered when the maximum stories allowed in Hamilton is much less?

Russell Pape

**Carson, Katie**

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**Subject:** FW: De Santis Plaza High-rise

**From:** Mark Lunt  
**Sent:** February 9, 2020 8:15 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** De Santis Plaza High-rise

Hello

Please include my letter in the agenda at the February 18<sup>th</sup> Planning committee meeting,

Re: 461 Green Rd High-rise application

Dear Committee

As home and business owner in Stoney Creek I am particular apposed and concerned about the proposed plan to approve the high rise building on Green Rd, it's not only obviously not in keeping with the current landscape therefore will have a dramatic effect on some my residence daily life's in that area, but this isn't and doesn't want to be Toronto with high rise building being built on any available piece of land, we don't have the infrastructure, the roads/highway is already in chaos at peak times, so much so we have tow truck drivers parked at entrance to highway on Centennial waiting for the next accident.

If this piece of land is to be used for housing, build houses that are the same as in the area already or even better quality houses that would be attractive to families that already live in the area, families outgrow the townhouses in this area and have to move away because we don't have any next level houses for them to move into. By providing that next level housing it helps keep families growing in our area , no school changes etc.

Stoney Creek is growing into a very nice community don't spoil it by opening to door to money hungry developers

Mark Lunt

<b>OFFICE OF THE CITY CLERK</b>	
FEB 10 2020	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	_____
	_____



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 18, 2020
<b>SUBJECT/REPORT NO:</b>	Effect of Heritage Designations on Property Values in Hamilton (PED20030)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	David Addington (905) 546-2424 Ext. 1214
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## EXECUTIVE SUMMARY

On May 14, 2019, the City of Hamilton Planning Committee passed the following motion and added the item to the Outstanding Business List as Item 19K:

“That the appropriate staff from PED be requested to consult with the Realtors Association of Hamilton-Burlington in an effort to determine if they are aware of or possess any documented proof (attained through previous reports, studies or sales figure analysis) that a heritage designation decreases a property’s value in Hamilton” (Item 11.1, Report-008).

Cultural Heritage Planning staff met with representatives of the Realtors Association of Hamilton-Burlington on September 26, 2019. The Realtors Association were not aware of any local reports, studies or sales figures demonstrating that a heritage designation decreases a property’s value in Hamilton.

Further, staff intend on maintaining ongoing communication with the Realtors Association to share information related to heritage properties in Hamilton and to explore opportunities for education on the implications of heritage protection by including a property to the Municipal Heritage Register and by designation.

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**SUBJECT: Effect of Heritage Designations on Property Values in Hamilton  
(PED20030) - Page 2 of 3**

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**BACKGROUND**

The motion requesting consultation with the Realtors Association of Hamilton-Burlington was passed in response to concerns expressed at Planning Committee by multiple property owners that the inclusion of their property on the City's Municipal Heritage Register and protection through designation under the *Ontario Heritage Act* would have a negative impact upon the value of their property. Empirical data correlating the impact of heritage designation to property values at a local scale has not been readily available to inform the issue. As a result, concerns of a negative correlation have largely been anecdotal and based on individual perceptions instead of supporting data. In at least one circumstance, a resident indicated to Planning Committee that their realtor had advised that heritage protection would negatively affect their property's value and this, in part, formed the basis for the resident's objection to adding the property to the Register and designating the property in the future.

To date, staff are not aware of data or studies that establishes a negative correlation between heritage protection by means of including a property on the Municipal Heritage Register or through designation and a property's resale value. Available academic studies (Shiple, 2000; Singbeil, 2005; and, Shiple et al., 2011) have concluded that heritage designation has not had a negative impact on property values and in some instances properties with heritage designation have been shown to increase in value at a faster rate than similar, non-designated properties. Planning staff can provide copies of the academic studies upon request.

The purpose of staff's consultation with the Realtors Association of Hamilton-Burlington was to determine if realtors had access to local Hamilton data, sales analysis or studies that demonstrate a connection between heritage protection and reduced local property values.

**CONSULTATION WITH THE REALTORS ASSOCIATION**

On September 26, 2019, Heritage Planning staff met with representatives of the Realtors Association of Hamilton-Burlington including the Manager of Member Services, the Manager of Communications and External Relations and the Manager of Information Technology.

The Realtors Association did not have data, sales analysis or studies that indicated that heritage protection through inclusion of a property on the Municipal Heritage Register or through designation has led to lower local property values. It was generally concluded that realtor assertions that heritage protection has a negative impact on property values was likely due to individual realtor perceptions that heritage protection depresses the market demand for such homes. This contention has not been supported by empirical data or studies that the Realtors Association have in their possession.

**SUBJECT: Effect of Heritage Designations on Property Values in Hamilton  
(PED20030) - Page 3 of 3**

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Discussion also included the potential to establish a productive working relationship among Heritage Planning staff and the Realtors Association through information sharing and education. It was agreed that staff can assist in clarifying the process and impacts of heritage protection with realtors through information workshops with the Realtors Association. This would assist in reducing potential confusion related to the meaning of heritage protection among realtors. Additionally, the Realtors Association agreed to look into providing average local sales figure data to assist staff in conducting further comparative analysis of property values between homes with and without heritage protection. Staff will report back to Planning Committee when this information becomes available.

**OUTSTANDING BUSINESS LIST**

As this report addresses staff's consultation with the Realtors Association of Hamilton-Burlington regarding whether they are aware of or possess documented proof that a heritage designation decreases a property's value in Hamilton, it is appropriate to be identified as complete and removed from the Planning Committee Outstanding Business List.



**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>	February 18, 2020
<b>SUBJECT/REPORT NO:</b>	Business Licensing By-law 07-170 - Amendments to the Adult Entertainment (Schedule 1) and Body-Rub Parlours (Schedule 4) (PED20045) (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 amendment to the City of Hamilton Business Licensing By-law 07-170 be amended to delete Map 2 in Schedule 1 (Adult Entertainment) and Schedule 4 (Body-Rub Parlours) described in Report PED20045, 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 PED20045, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

## EXECUTIVE SUMMARY

There is a discrepancy between the Business Licensing By-law 07-170 (Licensing By-law) and the Zoning By-law 05-200 regarding the permitted locations of Adult Entertainment Establishments and Body-Rub Parlours (collectively referred to in the Zoning By-law as adult entertainment) in the City of Hamilton (The City). The Licensing By-law permits these types of businesses to operate in two separate areas whereas the Zoning By-law only permits them to operate in one particular area. Staff are recommending that the Licensing By-law be amended to delete one of the areas, as

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**SUBJECT: Business Licensing By-law 07-170 - Amendments to the Adult Entertainment (Schedule 1) and Body-Rub Parlours (Schedule 4) (PED20045) (City Wide)- Page 2 of 4**

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referenced in Map 2 (45 Goderich Road, the north-west corner of Centennial Parkway North and Goderich Road) to be consistent with the Zoning By-law.

**Alternatives for Consideration – see Page 4**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial/Staffing/Legal: N/A

**HISTORICAL BACKGROUND**

Schedule 1, which licences adult entertainment establishments and Schedule 4, which licences body-rub parlours under the Licensing By-law references two sites that permit adult entertainment establishments and body-rub parlours: Map 1 and Map 2.

There are 15 sites in the area surrounding the intersection of Rymal Road East and Dartnall Road as outlined in Map 1 that are zoned C7 which permits an adult entertainment use.

“Arterial Commercial” (C7) which allows for commercial uses that cater to the travelling or drive by consumer. It also allows for land extensive commercial uses that need outside storage (e.g. car dealership).

The site referenced in Map 2 (Appendix “B”) is located at 45 Goderich Road (the north-west corner of Centennial Parkway North and Goderich Road). This site is one of the first sites to be seen when travelling south on Centennial Parkway and the Centennial GO station is proposed on the site directly south of the subject property. The lands within the Centennial Neighbourhood area were left out of the Commercial and Mixed Use (CMU) Zoning Project since the development of the secondary plan was underway. However, inadvertently this site, as referenced in Map 2, was inadvertently added to this area through the CMU project when all the other properties were left out. When staff reviewed where adult entertainment establishments and body-rub parlours were, staff did not look in this area as it was believed that all the properties had been left out.

Council directed that adult entertainment establishments be permitted on sites that were identified in the Licensing By-law. At the time, the CMU Zoning was passed, staff did not include the adult entertainment establishment use on the site at 45 Goderich Road since they did not realize this site was included.

Since the adoption of the Centennial Neighbourhoods Secondary Plan in February 2018, the vision for the area surrounding this site has changed. The Secondary Plan was undertaken as part of a larger City building initiative. This initiative included

**SUBJECT: Business Licensing By-law 07-170 - Amendments to the Adult Entertainment (Schedule 1) and Body-Rub Parlours (Schedule 4) (PED20045) (City Wide)- Page 3 of 4**

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developing a planning and transportation framework that would encourage this area to evolve into more of a mixed use pedestrian focussed area supported by the future GO station.

Its vision, in part, is:

*“The Centennial Neighbourhoods Secondary Plan area is home to some of the City’s most vibrant shopping, recreation, living and mixed use spaces. The Centennial Node will feature a higher order transit corridor and two major transit hubs, which are supported by compact, mixed use development along the Queenston Road and Centennial Parkway corridors.”*

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

## **RELEVANT CONSULTATION**

Legal Services and the Planning Division were consulted in the preparation of this Report.

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

Sections 153 and 154 of the *Municipal Act, 2001* speak to limitations regarding the location of businesses and restrictions of adult entertainment uses. The City has the authority to define the area in which adult entertainment uses may or may not operate and limit the number in any defined area in which they are permitted.

The Licensing By-law allows for two licences for both adult entertainment (Schedule 1) and body-rub parlours (Schedule 4). At present, there are no adult entertainment establishment licences issued within the City and there are no pending applications. There are currently two body-rub parlours that were grandfathered in their current locations.

There are 15 sites in the area surrounding the intersection of Rymal Road East and Dartnall Road as outlined in Map 1 that are zoned C7 which permit an adult entertainment use. Whereas Map 2 only has one municipal address, 45 Goderich Road. Attached as Appendix “B” is Map 2.

Based on the vision and policy directions of the Urban Hamilton Official Plan (UHOP) and the site’s location at the entrance of Centennial Parkway, it is no longer appropriate to permit an adult entertainment establishment. The character of the area is planned to

**SUBJECT: Business Licensing By-law 07-170 - Amendments to the Adult Entertainment (Schedule 1) and Body-Rub Parlours (Schedule 4) (PED20045) (City Wide)- Page 4 of 4**

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change from a primarily industrial area with quasi commercial and industrial sites fronting on Centennial Parkway to an area where residential and other commercial uses that cater to the travelling or drive by customer.

**ALTERNATIVES FOR CONSIDERATION**

Amend the Zoning By-law to permit the use of adult entertainment establishments and body-rub parlours at 45 Goderich Road.

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

**Healthy and Safe Communities**

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**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A”: Draft Amending By-law to the Licensing By-law

Appendix “B”: Location Map 2 to Schedules 1 and 4 of the Licensing By-law

KL:st

**Appendix "A" to Report PED20045**

**Page 1 of 1**

**Authority:** Item ,  
Report  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**To Amend By-law 07-170, a By-law to License and Regulate Various Businesses**

**WHEREAS** Council enacted a By-law to License and Regulate Various businesses, being By-law No. 07-170; and

**WHEREAS** this By-law amends By-law No. 07-170;

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

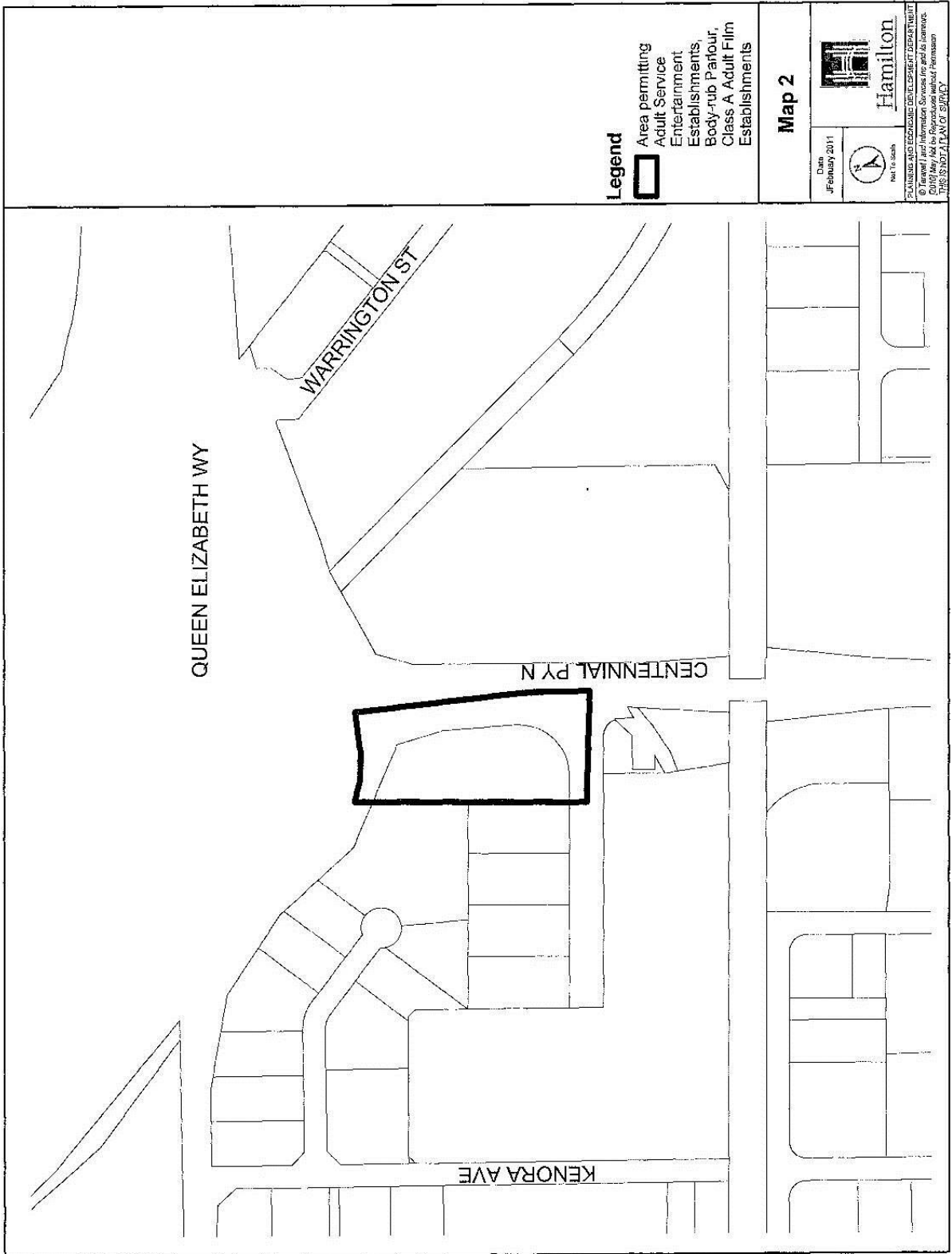
1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Schedule 1 of By-law No. 07-170 is amended by deleting Map 2.
3. Schedule 1, Subsection 7(2) of By-law No. 07-170, is amended by deleting the words "or the area shown Map 2".
4. Schedule 1, Subsection 10(2) of By-law No. 07-170, is amended by deleting the words "or the area shown Map 2".
5. Schedule 1, Subsection 11(2) of By-law No. 07-170, is amended by deleting the words "or the area shown Map 2".
6. Schedule 4 of By-law No. 07-170 is amended by deleting Map 2.
7. Schedule 4, Subsection 3(2) of By-law No. 07-170, is amended by deleting the words "or the area shown on Map 2".

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
F. Eisenberger  
Mayor

\_\_\_\_\_  
A. Holland  
City Clerk

Appendix "B" to Report PED20045  
Page 1 of 1





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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 18, 2020
<b>SUBJECT/REPORT NO:</b>	Dedicated Mohawk College Enforcement (PED18220(a)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Mary Collins (905) 546-2424 Ext. 2674 James Buffet (905) 546-2424 Ext. 3177
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the 12-month extension of the temporary Parking Enforcement Officer at an estimated gross annual cost of \$85,300 offset by fine revenues generated for a net annual cost of \$0, be approved;
- (b) That the temporary Parking Enforcement Officer supplement City-wide Parking enforcement, in addition to the enforcement efforts in the Mohawk College Precinct, be approved;
- (c) That staff report back with results and recommendations following the 12-months at the end of Q1 2021;
- (d) That the item respecting staff report back with results and recommendations following the one-year pilot program respecting the temporary Dedicated Mohawk College Parking Enforcement Officer be identified as complete and removed from the Planning Committee Outstanding Business List.

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**SUBJECT: Dedicated Mohawk College Enforcement (PED18220(a)) (City Wide) -  
Page 2 of 4**

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## **EXECUTIVE SUMMARY**

Short-term parking demands in the Mohawk College Precinct has generated a significant number of requests for enforcement in the area. Proactive enforcement via a Council approved pilot project starting January 2019, achieving positive results with a reduction in community complaints and additional issuance of parking fines above historical area averages. Fine revenues offset the cost of the temporary FTE and staff observed an approximate increase of 1,600 parking fines issued in the Mohawk College area with a value of approximately \$37 K. While these increases are above historical averages, they do not cover the complete cost of the additional dedicated officer.

Parking enforcement demand across the entire City of Hamilton is experiencing rapid growth, with the total number of complaints increasing annually. In 2019, City-wide requests for enforcement rose 14% over the previous year.

### **Alternatives for Consideration – See Page 4**

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

Financial: \$85,300 gross cost to Transportation Planning and Parking, but at a Net Cost of \$0.

Staffing: A 12-month extension for the use of a temporary FTE Parking Control Officer until end of Q1 2021.

Legal: N/A

## **HISTORICAL BACKGROUND**

Short-term parking pressures have plagued residential streets around Mohawk College since parking fees were implemented on the College campus many years ago. The College has advertised paid parking on-site at a rate of \$5 per hour, with a \$16 daily maximum. In addition, annual permits are made available at a cost of \$940. To avoid the cost of parking on campus, visitors and students seek short-term, no-cost on-street parking options.

Ongoing parking demands have generated a significant number of requests for parking enforcement in the area, and staff regularly respond to calls for service as part of the west mountain 'beat' for the daily Parking Control Officers (PCO) assignments.

On a typical day during the school year, there are approximately five to six PCOs patrolling proactively and responding to complaints regarding parking enforcement throughout the City of Hamilton, with a single PCO dedicated to the west mountain, which includes the Mohawk College Precinct.

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**SUBJECT: Dedicated Mohawk College Enforcement (PED18220(a)) (City Wide) -  
Page 3 of 4**

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At the Council Meeting of May 23,2018, Council passed a Motion from the Ward Councillor “that staff look at the feasibility of a dedicated PCO in the Mohawk College Precinct”.

At the Planning Committee Meeting on September 18, 2018, staff submitted Recommendation Report PED18220 outlining the feasibility of the pilot program. Staff indicated that a dedicated PCO in the Mohawk College area could provide a heightened level of enforcement and at a ‘net zero’ cost.

At the Council meeting of September 26, 2018, Council approved a one-year pilot program using one temporary FTE Parking Enforcement Officer for the Mohawk College Precinct at an estimated gross annual cost of \$84 K and net cost of \$0; and that staff report back with results and recommendations following the one-year pilot program.

The pilot program was amended by Council at its meeting of June 26, 2019, where it approved Item 7.1, which read as follows: “That the one (1) Temporary FTE Parking Enforcement Officer assigned to the one (1) year pilot program for Mohawk College Precinct, be reassigned over the summer months, to other areas to cover vacation/sick time.”

As anticipated, the total number of tickets issued for the pilot project exceeded the historical area average. Revenues from parking fines offset the cost of the temporary FTE and staff observed an approximate increase of 1,600 fines issued in the Mohawk Collect Precinct (with an approximate value of \$37 K).

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

Staff had regular interaction and communication over the course of the Pilot Program and leading up to this report with the Ward 8 Councillor.

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

Prior to the Pilot Program, the average annual number of parking fines issued between 2015 and 2018 was 2,897 with an average revenue of \$79,036. Over the 12-month period of the Pilot Program, the number of parking fines increased by 35% and revenues increased by 32%. While these increases are above historical averages, they do not cover the complete cost of the additional dedicated officer which was approximately \$84 K for the same period.

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**SUBJECT: Dedicated Mohawk College Enforcement (PED18220(a)) (City Wide) -  
Page 4 of 4**

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The following results provide a five-year comparison:

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>PPN Issued</b>	2,635	2,994	3,140	2,821	4,478
<b>Issued Revenue</b>	\$71,040	\$80,989	\$86,328	\$77,790	\$116,609

Proactive enforcement of the area has led to less reported public complaints regarding parking violations with staff receiving 477 complaints in 2019 versus 540 complaints in 2018.

Based on a review of historical trends, the average ticket value issuance per officer across the City is approximately \$184 K per year. Accordingly, it can be concluded that the dedicated officer for the Mohawk precinct had a ticket issuance much below the average, which is understandable given the focused area of work. Increasing the flexibility for this officer to be deployed to other areas of the City, in addition to focusing on the Mohawk precinct, would improve the cost recovery for the extra officer, and have a higher probability to be revenue neutral or revenue positive.

#### **ALTERNATIVES FOR CONSIDERATION**

- (a) Staff could be directed to approve one new permanent FTE Parking Control Officer, to enforce the regulations in the Mohawk College Precinct, and that the increased complement of one FTE be referred to in the finalization of the 2020 budget process or move to the 2021 budget process for consideration; and,
- (b) Staff could be directed to immediately end the Pilot Program and revert to regular routine enforcement and calls for service.

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

##### **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

MC:JB:cr

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# CITY OF HAMILTON

## MOTION

Planning Committee Date: February 18, 2020

**MOVED BY COUNCILLOR FARR.....**

**SECONDED BY COUNCILLOR .....**

**Temporary Use of Parking Sites to Accommodate Construction at 18-25 King Street East, Hamilton**

WHEREAS, construction work has commenced on the development of 18-25 King Street East, commonly known as the Gore Buildings;

WHEREAS, as part of the construction management planning process, the applicant is intending to temporarily displace the current parking to a nearby site;

WHEREAS, in 1999, in response to the demolition of commercial building and associated loss of economic activities and erosion of the tax base, the City of Hamilton amended the Zoning Bylaw No. 6593 for the downtown to prohibit any new parking lots; and,

WHEREAS, the developer of this construction site has currently secured two properties to be used for temporary parking to accommodate the lose of parking;

**THEREFORE BE IT RESOLVED:**

That staff temporarily defer any enforcement action against the temporary use of parking at 20 Jackson Street West and 28 James Street South for the purpose of accommodating the displaced parking for the duration of the construction period.