



City of Hamilton

PLANNING COMMITTEE REVISED AGENDA

Meeting #: 20-007
Date: August 11, 2020
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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

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PLANNING COMMITTEE

MINUTES

20-006

July 14, 2020

9:30 a.m.

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

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

Absent with Regrets: Councillor T. Whitehead – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Matt Johnston, Urban Solutions, respecting a Request for a Minor Variance for 125-127 Young Street and 122-126 Augusta Street (Added Item 4.1)**

(Farr/Pearson)

That the request to allow the owner of 125-127 Young Street and 122-126 Augusta Street to file a Minor Variance application within two years of the passing of Zoning By-law 19-102, despite Sub-section 45(1.3) of the *Planning Act*, be approved.

Result: Motion 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

2. Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) (Item 6.1)

(Pearson/Johnson)

(a) That Revised Zoning By-law Amendment Application ZAC-17-076, by Branthaven Winona Hills Inc., (Owner) for a change in zoning from the Agricultural Specialty "AS" Zone to the Single Residential "R4-35" Zone, Modified (Block 1); from the Rural Residential "RR" Zone to the Single Residential "R4-35" Zone, Modified (Block 2); from the Single Residential "R1" Zone to the Single Residential "R4-35" Zone, Modified (Block 3); from the Agricultural Specialty "AS" Zone to the Single Residential "R4-36" Zone, Modified (Block 4); from the Agricultural Specialty "AS" Zone to the Single Residential "R4-36(H)" Zone, Modified, Holding (Block 5); from the Agricultural Specialty "AS" Zone to the Single Residential "R4-37" Zone, Modified (Block 6); and, from the Agricultural Specialty "AS" Zone to the General Commercial "GC-30(H)" Zone, Modified, Holding (Block 7), to permit the development of 50 single detached dwellings, a temporary stormwater management pond, and residential reserve blocks on the lands known as 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek), as shown on Appendix "A" to Report PED20055, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix "B" to Report PED20055, 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 lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning for the following:

The Holding Provisions for the Single Residential "R4-36(H)" Zone, Modified, Holding, shall be removed conditional upon:

- i. That the Owner prepare and implement an Emergency Overland Flow Route and dedicate an easement of suitable width for the Emergency Overland Flow Route to the City, all to the satisfaction of the Manager of Development Approvals;

The Holding Provisions for the General Commercial "GC-30(H)" Zone, Modified, Holding, shall be removed conditional upon:

- i. That land assembly occur in order to provide commercial zoned frontage, to the satisfaction of the Director of Planning and Chief Planner; and,

- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.
- (b) That Revised Draft Plan of Subdivision 25T-201711, by Branthaven Winona Hills Inc., (Owner) to establish a Draft Plan of Subdivision on the lands known as 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek), as shown on Appendix "A" to Report PED20055, be APPROVED, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision 25T-201711, prepared by Glen Schnarr & Associates Inc., and certified by S.D. McLaren, O.L.S., dated January 14, 2020, consisting of 50 lots for single detached dwellings (Lots 1-50), one temporary multi-use path block (Block 51), ten residential reserve blocks (Blocks 52-61), two residential reserve blocks for a temporary stormwater management pond (Blocks 62-63), future road for a temporary stormwater management pond (Block 64), three road widenings (Blocks 65-67), two 0.3 m reserve blocks (Blocks 68-69), and a public road (Street 'A'), attached as Appendix "D" to Report PED20055, 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 PED20055;
 - (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision, including all interim or temporary works; and,
 - (iii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.
- (c) That the Real Estate Section be authorized to transfer back to Branthaven Winona Hills Inc. Blocks 51 to 56 and Blocks 58 to 61 for interim temporary works (temporary road connection to Barton Street, temporary turning circle, and temporary pedestrian walkway to Highway No. 8) at such time that the adjacent lands are developed and permanent access and services are established.
- (d) ***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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

3. Application for a Zoning By-law Amendment for Lands located at 323 Rymal Road East (Hamilton) (PED20060) (Ward 7) (Item 6.2)

(Pearson/Danko)

- (a) That Zoning By-law Amendment Application ZAC-19-031, by 1333664 Ontario Inc., Owners, for a change in zoning from the “AA” (Agricultural) District to the “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding to permit the development of a three storey, 21 unit multiple dwelling with 26 surface parking spaces for lands located at 323 Rymal Road East, as shown on Appendix “A” to Report PED20060, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED20060, 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 lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for 323 Rymal Road East as shown on Schedule “A” of Appendix “B” to Report PED20060.

The Holding Provision “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding, be removed conditional upon:

- (1) The owner achieving Ministry of the Environment Conservation and Parks (MECP) Noise Guidelines NPC-300 by screening the Turner Park Library HVAC equipment, and/or providing an updated Noise Feasibility Study which provides further evaluation of the Turner Park Library’s HVAC, equipment to the satisfaction of the Director of Planning and Chief Planner.
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow

(2019), and complies with the Urban Hamilton Official Plan with regard to matters including compatibility with the immediate area and providing an alternative housing form.

- (b) That upon finalization of the implementing By-law, the Barnstown Neighbourhood Plan be amended by changing the designation of the subject lands from “Single and Double” to “Medium Density Apartments” to accommodate the proposed residential development; and,
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

4. Application to Amend Zoning By-law No. 6593 Respecting Lands Located at 370 Concession Street (PED19158(a)) (Ward 7) (Item 8.1)

(Pearson/Collins)

- (a) That Revised Zoning By-law Amendment Application ZAC-18-008, by 370 Concession (Hamilton) Ltd., Owners, for a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1); for changes in zoning from the “C” (Urban Protected Residential, etc.) District to the “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding (Block 2); and, from the “DE-2/S-5” (Multiple Dwellings) District, Modified to the “RT-30/S-178-H2” (Street – Townhouses) District, Modified, Holding (Block 3); to permit the development of three street townhouse dwellings along East 15th Street and the expansion of the parking area for the existing five storey multiple dwelling for lands located at 370 Concession Street, as shown on Appendix “A” to Report PED19158a, be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED19158a, 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 lands by introducing the Holding 'H' as a suffix to the proposed zoning for the subject lands as shown on Schedule "A" of Appendix "B" to Report PED191958a.

The Holding Provision "DE-2/S-5a-H1" (Multiple Dwellings) District, Modified, Holding applicable to Blocks 1 and 2, as shown on Schedule "A" to Appendix "B" to Report PED19158a, be removed conditional upon:

- (1) The Owner applying for a Building Permit to legalize the two (2) units that were not part of the original 39 unit multiple dwelling, to the satisfaction of the City's Chief Building Official.
- (2) The Owner receiving Conditional Site Plan Approval for the proposed changes to the parking lot, to the satisfaction of the Manager of Development Planning, Heritage and Design.

The Holding Provision "RT-30/S-1781-H2" (Street – Townhouses) District, Modified, Holding applicable to Block 3, as shown on Schedule "A" to Appendix "B" to Report PED19158a, be removed conditional upon:

- (1) The Owner receiving Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform to A Place to Grow Plan (2019), and comply with the Urban Hamilton Official Plan.
- (iv) That in accordance with Subsection 34(17) of the *Planning Act*, no additional public meeting notice is required.

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

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

YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

5. Recommendation to Designate 127 Hughson Street North, Hamilton (Firth Brothers Building) under Part IV of the Ontario Heritage Act (PED20050) (Ward 2) (Item 8.2)

(Pearson/Partridge)

- (a) That the designation of 127 Hughson Street North, Hamilton (Firth Brothers Building), shown in Appendix "A" to Report PED20050, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "A" to Report 20-002, be approved;
- (c) That the foyer of the 1929 building located at 127 Hughson Street North, Hamilton (Firth Brothers Building), displays a high degree of artistic merit and is therefore considered to meet the Design and Physical Value Evaluation Criteria under O. Reg 9/06 for craftsmanship or artistic merit;
- (d) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "A" to Report 20-002, be amended and approved, to include the following:
 - (i) inclusion of the operation of windows; and,
- (e) That the City Clerk be directed to take appropriate action to designate 127 Hughson Street North, Hamilton (Firth Brothers Building) under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED20050.

Result: Motion 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

YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

6. Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 315 Dalgleish Trail, Glanbrook (PED20091) (Ward 9) REVISED (Item 8.3)

(Johnson/Pearson)

- (a) That Draft Plan of Condominium Application 25CDM-201906, by A.J. Clarke and Associates Ltd. on behalf of 1356715 Ontario Inc., Owner to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units on lands located at 315 Dalgleish Trail (Glanbrook), as shown on Appendix "A", attached to Report PED20091, be APPROVED subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201906 applies to the plan prepared by A.J. Clarke and Associates Ltd., certified by Nicholas P. Muth, and dated March 24, 2020 consisting of a private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units, attached as Appendix "B" to Report PED20091;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201906, attached as REVISED Appendix "C" to Report PED20091, be received and endorsed by City 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

7. Waiving of all Road Widening at 20 East Avenue South (Item 9.1)

(Farr/Collins)

WHEREAS, the Planning Act and the Urban Official Plan state that the City shall reserve or obtain road widenings for rights-of-way as described in Schedule C2-Future Road Widenings;

WHEREAS, Transportation Planning staff have requested right of way widenings along the Main Street East frontage, the Victoria Ave North frontage, and the King Street East frontage;

THEREFORE BE IT RESOLVED:

That staff be directed to amend the site plan condition, (City file number DA-19-071) to waive the right of way widenings for Main Street East and Victoria Avenue North for the lands located at the north-west corner of Main Street East and East Avenue South, known municipally as 20 East Avenue South.

Result: Motion 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

8. 1 Jarvis Alleyway Agreement (Added Item 10.1)

(Farr/Johnson)

WHEREAS, a Site Plan Application DA-20-035 has been received for the lands municipally known as 1 Jarvis Street and the applicant proposes to construct a 14 storey mixed use building, containing 314 sq. m of commercial space and 377 dwelling units;

WHEREAS, due to site constraints and the need to protect a heritage building, the applicant proposes to utilize a portion of the Assumed Alleyway that extends between Jarvis Street and Ferguson Avenue for access to the lower level parking garage;

WHEREAS, under current policy assumed alleyways are maintained by the City, but are not subject to minimum maintenance standards and therefore unlikely to be maintained to the level that would be expected by future Condo owners;

WHEREAS, staff are currently undertaking the next phase of the Alleyway State of the Infrastructure Report & Asset Management Strategy as outlined in Report (PW17008(a)) Alleyway Management Strategy – Classification System which will identify the desired Level of Service for alleyways;

WHEREAS, this alleyway has been classified as Category A and is intended to provide a critical role to support surrounding businesses, commercial parking,

delivery and public waste collection, but would not typically serve as a primary access to a residential building;

WHEREAS, a number of alternatives were considered to minimize risk to the City should the alleyway be used for residential access including close up and sale, City maintains alleyway with fee, or developer/condominium corporation maintains alley at its cost;

WHEREAS, the option that results in the least risk to the City, while allowing the development to proceed, is to establish a maintenance agreement whereby the developer implements upgrades to the alleyway and the condominium corporation to be incorporated maintains it to a defined standard.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed prepare a condition of approval for Site Plan Application DA-20-035 which sets out the parameters of an alleyway maintenance agreement;
- (b) That agreement for the maintenance of the alleyway, whereby the Condo Corporation for 1 Jarvis maintains the alleyway in its entirety from Jarvis Street to Ferguson Avenue at its cost, be subject to the satisfaction of the Director of Transportation Operations and Maintenance;
- (c) That the Owner must, at is own expense, improve the surface condition and drainage of the alleyway between Jarvis Street and the west limit of the parking access, subject to the satisfaction of the Senior Director of Growth Management
- (d) That notwithstanding this draft approval, City policy shall remain to not allow access to assumed alleyways for site plan applications, subject to exceptional circumstances at the City's unfettered discretion; and,
- (e) That the City is directed to enter into the agreement on such terms that are satisfactory to the General Manager of Planning and Economic Development, and that the General Manager of Planning and Economic Development be authorized to sign the agreement.

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

NOT PRESENT - 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

YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

- 9. Appeal to the Local Planning Appeal Tribunal (LPAT) on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law No. 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) (LS18050(a)/PED18212(a)) (Ward 10) (Item 12.1)**

(Pearson/Partridge)

- (a) That recommendations (a), (b) and (c) contained in Report LS18050(a)/PED18212(a), be approved;
- (b) That recommendations (a), (b) and (c) contained in Report LS18050(a)/PED18212(a), and the appendices thereto, remain confidential except as necessary to implement these recommendations, at the discretion of the City Solicitor; and,
- (c) That the balance of Report LS18050(a)/PED18212(a) remain confidential.

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

NOT PRESENT - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

1. COMMUNICATIONS (Item 4)

- 4.1 Matt Johnston, Urban Solutions, respecting a Request for a Minor Variance for 125-127 Young St and 122-126 Augusta Street
- 4.2 Mike Bozzo respecting Backyard Hens Pilot Project

2. PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 6)

- 6.2 Application for a Zoning By-law Amendment for Lands located at 323 Rymal Road East (Hamilton) (PED20060) (Ward 7)
- (b) Written Submissions:
1. George Lilly
- 6.4 Terry Brown respecting 370 Concession Street (Item 8.1)
- 6.5 Ian Ludbrook respecting 370 Concession Street (Item 8.1)
- 6.6 Pearl Davie respecting 370 Concession Street (Item 8.1)
- 6.7 Jackie Beaudin respecting 370 Concession Street (Item 8.1)
- 6.8 Elva Davenport respecting 370 Concession Street (Item 8.1)

(Johnson/Partridge)

That the agenda for the July 14, 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) July 7, 2020 (Item 3.1)

(Johnson/Pearson)

That the Minutes of the July 7, 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(d) COMMUNICATIONS (Item 4)

(i) Matt Johnston, Urban Solutions, respecting a Request for a Minor Variance for 125-127 Young Street and 122-126 Augusta Street (Added Item 4.1)

Councillor Farr relinquished the Chair to Councillor Danko in order to move a motion with respect to Item 4.1.

For disposition of this matter, see Item 1.

Councillor Farr assumed the Chair.

(ii) Mike Bozzo respecting Backyard/Urban Hens (Added Item 4.2)

(Partridge/Farr)

That the correspondence from Mike Bozzo respecting Backyard Hens Pilot Project, be received.

Result: Motion 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(e) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 6)

In accordance with the *Planning Act*, Councillor Farr advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda; and that no members

of the public have pre-registered to be virtual delegate at any of the Public Meetings on today's agenda.

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 or Draft Plan of Subdivision development applications before the Committee today, 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.

(i) Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) (Item 6.1)

No members of the public were registered as Delegations.

(Pearson/Farr)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 6 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Mark Condello, GSAI, Agent, was in attendance and indicated support for the staff report.

(Pearson/Collins)

That the delegation from Mark Condello, GSAI, Agent, be received.

Result: Motion 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

YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Johnson)

That the public meeting be closed.

Result: Motion 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Johnson)

- (a) That Revised Zoning By-law Amendment Application ZAC-17-076, by Branthaven Winona Hills Inc., (Owner) for a change in zoning from the Agricultural Specialty “AS” Zone to the Single Residential “R4-35” Zone, Modified (Block 1); from the Rural Residential “RR” Zone to the Single Residential “R4-35” Zone, Modified (Block 2); from the Single Residential “R1” Zone to the Single Residential “R4-35” Zone, Modified (Block 3); from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36” Zone, Modified (Block 4); from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36(H)” Zone, Modified, Holding (Block 5); from the Agricultural Specialty “AS” Zone to the Single Residential “R4-37” Zone, Modified (Block 6); and, from the Agricultural Specialty “AS” Zone to the General Commercial “GC-30(H)” Zone, Modified, Holding (Block 7), to permit the development of 50 single detached dwellings, a temporary stormwater management pond, and residential reserve blocks on the lands known as 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED20055, be APPROVED on the following basis:
- (iv) That the draft By-law attached as Appendix “B” to Report PED20055, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (v) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

The Holding Provisions for the Single Residential “R4-36(H)” Zone, Modified, Holding, shall be removed conditional upon:

- ii. That the Owner prepare and implement an Emergency Overland Flow Route and dedicate an easement of suitable width for the Emergency Overland Flow Route to the City, all to the satisfaction of the Manager of Development Approvals;

The Holding Provisions for the General Commercial “GC-30(H)” Zone, Modified, Holding, shall be removed conditional upon:

- ii. That land assembly occur in order to provide commercial zoned frontage, to the satisfaction of the Director of Planning and Chief Planner; and,
- (vi) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.
- (b) That Revised Draft Plan of Subdivision 25T-201711, by Branthaven Winona Hills Inc., (Owner) to establish a Draft Plan of Subdivision on the lands known as 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED20055, be APPROVED, subject to the following:
 - (iv) That this approval apply to the Draft Plan of Subdivision 25T-201711, prepared by Glen Schnarr & Associates Inc., and certified by S.D. McLaren, O.L.S., dated January 14, 2020, consisting of 50 lots for single detached dwellings (Lots 1-50), one temporary multi-use path block (Block 51), ten residential reserve blocks (Blocks 52-61), two residential reserve blocks for a temporary stormwater management pond (Blocks 62-63), future road for a temporary stormwater management pond (Block 64), three road widenings (Blocks 65-67), two 0.3 m reserve blocks (Blocks 68-69), and a public road (Street ‘A’), attached as Appendix “D” to Report PED20055, 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 PED20055;
 - (v) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will

be no cost sharing for this subdivision, including all interim or temporary works; and,

(vi) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.

(c) That the Real Estate Section be authorized to transfer back to Branthaven Winona Hills Inc. Blocks 51 to 56 and Blocks 58 to 61 for interim temporary works (temporary road connection to Barton Street, temporary turning circle, and temporary pedestrian walkway to Highway No. 8) at such time that the adjacent lands are developed and permanent access and services are established.

(Pearson/Johnson)

That the recommendations in Report PED20055 be **amended** by adding the following sub-section (d):

(d) *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
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT – Ward 14 Councillor Terry Whitehead
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, see Item 2.

(ii) Application for a Zoning By-law Amendment for Lands located at 323 Rymal Road East (Hamilton) (PED20060) (Ward 7) (Item 6.2)

No members of the public were registered as Delegations.

(Pearson/Danko)

That the staff presentation be waived.

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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Tracy Tucker, IBI Group, was in attendance and indicated support for the staff report.

(Pearson/Danko)

That the delegation from the Tracy Tucker, IBI Group, be received.

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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Partridge/Pearson)

That the following written submissions be received:

1. George Lilly

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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Partridge/Pearson)

That the public meeting be closed.

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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Danko)

- (a) That Zoning By-law Amendment Application ZAC-19-031, by 1333664 Ontario Inc., Owners, for a change in zoning from the “AA” (Agricultural) District to the “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding to permit the development of a three storey, 21 unit multiple dwelling with 26 surface parking spaces for lands located at 323 Rymal Road East, as shown on Appendix “A” to Report PED20060, be APPROVED, on the following basis:
- (iv) That the draft By-law, attached as Appendix “B” to Report PED20060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (v) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for 323 Rymal Road East as shown on Schedule “A” of Appendix “B” to Report PED20060.

The Holding Provision “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding, be removed conditional upon:

- (2) The owner achieving Ministry of the Environment Conservation and Parks (MECP) Noise Guidelines NPC-300 by screening the Turner Park Library HVAC equipment, and/or providing an updated Noise Feasibility Study which provides further evaluation of the Turner Park Library’s HVAC, equipment to the satisfaction of the Director of Planning and Chief Planner.
- (vi) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan with regard to matters including compatibility with the immediate area and providing an alternative housing form.

- (b) That upon finalization of the implementing By-law, the Barnstown Neighbourhood Plan be amended by changing the designation of the subject lands from “Single and Double” to “Medium Density Apartments” to accommodate the proposed residential development.

(Pearson/Danko)

That the recommendations in Report PED20060 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 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, see Item 3.

(iii) Written Delegations (Item 6.3 and Added Items 6.4 – 6.8)

(Pearson/Johnson)

That the following written delegations respecting 370 Concession Street (Item 8.1), be received and referred to the consideration of Item 8.1:

1. Kevin Hunt (Item 6.3)
2. Terry Brown (Added Item 6.4)
3. Ian Ludbrook (Added Item 6.5)
4. Pearl Davie (Added Item 6.6)
5. Jackie Beaudin (Added Item 6.7)
6. Elva Davenport (Added Item 6.8)

Result: Motion 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(f) DISCUSSION ITEMS (Item 8)

(i) Application to Amend Zoning By-law No. 6593 Respecting Lands Located at 370 Concession Street (PED19158(a)) (Ward 7) (Item 8.1)

Melanie Schneider, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Johnson/Partridge)

That the staff presentation be received.

Result: Motion 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Amber Lindsay, Urban Solutions. was in attendance and indicated that she is in support of the staff report.

(Johnson/Pearson)

That the delegation from the Agent, be received..

Result: Motion 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Collins)

That the following written submissions, be received:

1. Kevin Hunt

2. Terry Brown
3. Ian Ludbrook
4. Pearl Davie
5. Jackie Beaudin
6. Elva Davenport

Result: Motion 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Collins)

- (a) That Revised Zoning By-law Amendment Application ZAC-18-008, by 370 Concession (Hamilton) Ltd., Owners, for a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1); for changes in zoning from the “C” (Urban Protected Residential, etc.) District to the “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding (Block 2); and, from the “DE-2/S-5” (Multiple Dwellings) District, Modified to the “RT-30/S-178-H2” (Street – Townhouses) District, Modified, Holding (Block 3); to permit the development of three street townhouse dwellings along East 15th Street and the expansion of the parking area for the existing five storey multiple dwelling for lands located at 370 Concession Street, as shown on Appendix “A” to Report PED19158a, be APPROVED, on the following basis:
 - (v) That the draft By-law, attached as Appendix “B” to Report PED19158a, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vi) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for the subject lands as shown on Schedule “A” of Appendix “B” to Report PED19158a.

The Holding Provision “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding applicable to Blocks 1 and 2, as shown on Schedule “A” to Appendix “B” to Report PED19158a, be removed conditional upon:

- (3) The Owner applying for a Building Permit to legalize the two (2) units that were not part of the original 39 unit multiple dwelling, to the satisfaction of the City's Chief Building Official.
- (4) The Owner receiving Conditional Site Plan Approval for the proposed changes to the parking lot, to the satisfaction of the Manager of Development Planning, Heritage and Design.

The Holding Provision "RT-30/S-1781-H2" (Street – Townhouses) District, Modified, Holding applicable to Block 3, as shown on Schedule "A" to Appendix "B" to Report PED19158a, be removed conditional upon:

- (2) The Owner receiving Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- (vii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform to A Place to Grow Plan (2019), and comply with the Urban Hamilton Official Plan.
- (viii) That in accordance with Subsection 34(17) of the *Planning Act*, no additional public meeting notice is required.

(Pearson/Collins)

That the recommendations in Report PED19158(a) be ***amended*** by adding the following sub-section (b):

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

Result: Amendment CARRIED by a vote of 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, see Item 4.

(ii) **Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 315 Dalglish Trail, Glanbrook (PED20091) (Ward 9) REVISED (Item 8.3)**

Spencer Skidmore, A.J. Clarke and Associates, was in attendance and indicated that he is in support of the changes to the Conditions.

(Johnson/Collins)

That the Agent's delegation, be received.

Result: Motion 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Johnson/Pearson)

(a) That Draft Plan of Condominium Application 25CDM-201906, by A.J. Clarke and Associates Ltd. on behalf of 1356715 Ontario Inc., Owner to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units on lands located at 315 Dalglish Trail (Glanbrook), as shown on Appendix "A", attached to Report PED20091, be APPROVED subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201906 applies to the plan prepared by A.J. Clarke and Associates Ltd., certified by Nicholas P. Muth, and dated March 24, 2020 consisting of a private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units, attached as Appendix "B" to Report PED20091;
- (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201906, attached as REVISED Appendix "C" to Report PED20091, be received and endorsed by City Council.

(Johnson/Pearson)

That the recommendations in Report PED20091 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
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT – Ward 14 Councillor Terry Whitehead
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, see Item 6.

(g) NOTICES OF MOTION (Item 11)

(i) 1 Jarvis Alleyway Agreement (Added Item 11.1)

Councillor Farr relinquished the Chair to Councillor Danko.

Councillor Farr introduced a Notice of Motion respecting 1 Jarvis Alleyway Agreement.

(Farr/Johnson)

That the rules be waived to allow for the introduction of a Motion respecting 1 Jarvis Alleyway Agreement.

Result: Motion CARRIED by a 2/3's majority vote of 5 to 0, as follows:

NOT PRESENT - 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, see Item 8.

Councillor Farr assumed the Chair.

(h) PRIVATE AND CONFIDENTIAL (Item 12)

Committee determined that discussion of Item 12.1 was not required in Closed Session, so the item was addressed in Open Session, as follows:

- (i) **Appeal to the Local Planning Appeal Tribunal (LPAT) on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law No. 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) (LS18050(a)/PED18212(a)) (Ward 10) (Item 12.1)**

For disposition of this matter, refer to Item 9.

(i) **ADJOURNMENT (Item 14)**

(Pearson/Partridge)

That there being no further business, the Planning Committee be adjourned at 10:52 a.m.

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

NOT PRESENT - 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Councillor Jason Farr
 Chair, Planning Committee

Lisa Chamberlain
 Legislative Coordinator



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
DATE:	August 11, 2020
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20129) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

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

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

Background:

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

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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20129) (City Wide) - Page 2 of 4

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

Policy Implications and Legislative Requirements – Pre Bill 108

In accordance with the *Planning Act*, prior to September 3, 2019, an applicant had the right to appeal an Official Plan Amendment application after 210 days (subsection 17 (40)), Zoning By-law Amendment application after 150 days (subsection 34 (11)) and a Plan of Subdivision after 180 days (subsection 51 (34)).

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

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

Policy Implications and Legislative Requirements – Post Bill 108

On June 6, 2019, Bill 108 received Royal Assent, which reduced the statutory timeframes for non-decision appeals outlined in the *Planning Act* for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision. The changes are applicable to complete applications received after September 3, 2019.

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

Information:

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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20129) (City Wide) - Page 3 of 4

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

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

Attached as Appendix “A” to Report PED20129 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of June 26, 2020, there were:

- 8 active Official Plan Amendment applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 15 active Zoning By-law Amendment applications; and,
- 8 active Plan of Subdivision applications.

Within 60 to 90 days of August 11, 2020, all 15 development proposals have passed the 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix “B” to Report PED20129 is a table outlining the active applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest application to newest. As of June 26, 2020, there were:

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

Within 60 to 90 days of August 11, 2020, all 37 development proposals have passed the 150, 180 or 300 day statutory timeframes.

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20129) (City Wide) - Page 4 of 4

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

Attached as Appendix “C” to Report PED20129 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of June 26, 2020, there were:

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

Within 60 to 90 days of August 11, 2020, 2 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Twenty-four development proposals have passed the 90 or 120 day statutory timeframe.

Combined to reflect property addresses, there are 78 active development proposals. Nineteen proposals are 2020 files, while 27 proposals are 2019 files and 32 proposals are pre-2019 files.

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

Appendices and Schedules Attached:

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

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

Appendix “C” - List of Active Development Applications (after September 3, 2019)

JG:mo

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**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 26, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of August 11, 2020
Ward 2									
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	23-Dec-16	n/a	05-Jan-17	22-Apr-17	n/a	n/a	Urban Solutions Planning & Land Development	1327
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1049
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1399
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1399
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17	29-Aug-17	A.J. Clarke & Associates Ltd.	1348

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 26, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of August 11, 2020
UHOPA-16-21 ZAC-16-057 25T-201608	56 Highland Rd. W., Stoney Creek	31-Aug-16	29-Sep-16	27-Mar-17	29-Dec-16	27-Feb-17	22-Dec-17	Metropolitan Consulting Inc.	1233
Ward 10									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	1867
UHOPA-17-36 ZAC-17-079	514 Barton St., Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	n/a	24-Jul-18	GSP Group	1019
ZAC-16-016	1313 Baseline Rd., Stoney Creek	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	n/a	A.J. Clarke & Associates Ltd.	1670
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	1327
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	30-Oct-17	n/a	2+-4-Nov-17	27-Feb-18	28-Apr-18	n/a	Glen Schnarr & Associates Inc.	1016

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 26, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of August 11, 2020
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	1693
Ward 12 cont'd									
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	1110
UHOPA-17-32 ZAC-17-072	35 Londonderry Dr., Ancaster	06-Oct-17	n/a	01-Nov-17	03-Feb-18	n/a	03-Jul-18	A.J. Clarke & Associates Ltd.	1040
Ward 13									
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	1098

Active Development Applications

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

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 26, 2020)**

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

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 26 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of August 11, 2020
Ward 1									
UHOPA-18-005* ZAC-18-012	235 Main St. W., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	963
UHOPA-18-015* ZAC-18-035	69 Sanders Blvd. & 1630 Main St. W., Hamilton	18-Jun-18	n/a	13-Jul-18	n/a	n/a	14-Apr-19*	Urban Solutions Planning & Land Development	785
UHOPA-19-004* ZAC-19-009	804-816 King St. W., Hamilton	21-Dec-19	n/a	18-Jan-19	n/a	n/a	17-Oct-19*	Urban Solutions Planning & Land Development	599
UHOPA-19-006* ZAC-19-023	196 George St., Hamilton	20-Mar-19	n/a	16-Apr-19	n/a	n/a	14-Jan-20*	GSP Group	510
Ward 2									
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	963

**Active Development Applications
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(Effective June 26 2020)**

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Ward 2 cont'd									
UHOPA-18-017* ZAC-18-041	225 John St. S., Hamilton	13-Jul-18	n/a	16-Aug-18	n/a	n/a	09-May-19*	GSP Group	760
UHOPA-18-023* ZAR-18-057	130 Wellington St. S., Hamilton	07-Nov-18	06-Dec-18	24-Dec-18	n/a	n/a	20-Oct-19*	MBI Development Consulting INC.	596
ZAR-19-008	124 Walnut St. S., Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	599
Ward 6									
ZAC-19-035	694 Pritchard Rd., Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	461
Ward 7									
ZAR-19-026	18 Miles Rd. Hamilton	01-Apr-19	n/a	18-Apr-19	29-Aug-19	n/a	n/a	A.J. Clarke & Associates Ltd.	498
ZAC-19-031	323 Rymal Rd. E., Hamilton	26-Apr-19	n/a	01-May-19	23-Sep-19	n/a	n/a	IBI Group	473

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 26 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of August 11, 2020
Ward 8									
UHOPA-18-010* ZAC-18-025 25T-201803	221 Genoa Dr. and 1477 Upper James St., Hamilton	12-Apr-18	n/a	10-May-18	09-Sep-18	09-Oct-18	06-Feb-19*	MHBC Planning Limited	852
ZAC-19-017	1020 Upper James St., Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	530
UHOPA-19-008* ZAC-19-029	83, 89 Stone Church Rd. W. and 1021, 1029 West 5th St., Hamilton	23-Apr-19	n/a	23-May-19	n/a	n/a	17-Feb-19*	Urban Solutions Planning & Land Development	476
Ward 9									
UHOPA-18-011* ZAC-18-029	1912 Rymal Rd. E., Glanbrook	04-May-18	n/a	22-May-18	n/a	n/a	28-Feb-19*	Wellings Planning Consultants Inc.	830
25T-2019003	15 Picardy Dr., Stoney Creek	25-Apr-19	n/a	29-May-19	n/a	22-Oct-19	n/a	IBI Group	474

**Active Development Applications
Deemed Complete After December 12, 2017
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Ward 10									
ZAC-18-005	42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek	15-Dec-17	n/a	16-Jan-18	14-May-18	n/a	n/a	A.J. Clarke & Associates Ltd.	970
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	680
UHOPA-18-025* ZAC-18-059	466-490 Highway No. 8, Stoney Creek	23-Nov-18	n/a	06-Dec-18	n/a	n/a	19-Sep-19*	SvN Architects + Planners	627
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton St., Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	601
25T-2019004	1288 Baseline Rd., Stoney Creek	06-May-19	n/a	09-May-19	n/a	02-Nov-19	n/a	IBI Group	463
UHOPA-19-009*	339, 347 Fifty Rd. and 1317, 1329 Barton St., Stoney Creek	03-May-19	n/a	16-May-19	n/a	n/a	27-Feb-20*	MHBC Planning Limited	466
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	763

**Active Development Applications
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(Effective June 26 2020)**

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Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	702
ZAR-18-050	2004 Glancaster Rd., Ancaster	20-Sep-18	19-Oct-18	22-May-19	19-Oct-19	n/a	n/a	Fothergill Planning & Development Inc.	447
25T-2018006	140 Glancaster Rd., Glanbrook	05-Jul-18	n/a	08-Nov-18	n/a	01-Jan-19	n/a	MHBC Planning Limited	642
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Rd., Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	645
UHOPA-18-024* ZAC-18-058	154 Wilson St. E., Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	622
UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Rd., Ancaster	03-Dec-18	n/a	01-Dec-18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	617

**Active Development Applications
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Ward 12 cont'd									
UHOPA-19-014* ZAC-19-010	527 and 629 Shaver Rd., Ancaster	21Dec-18	n/a	10-Jan-19	n/a	n/a	17-Oct-19*	Urban Solutions Planning & Land Development	599
ZAA-19-034	378 Harmony Hall Rd., Ancaster	08-May-19	n/a	20-Jun-19	06-Aug-19	n/a	n/a	T. Johns Consulting Group	461
Ward 14									
ZAR-19-006	1269 Mohawk Rd., Ancaster	14-Dec-18	n/a	11-Jan-19	13-May-19	n/a	n/a	MBI Development Consulting INC.	606
ZAC-19-011	1933 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	608
ZAC-19-021	974, 980 Upper Paradise Rd., Hamilton	18-Mar-19	n/a	22-Mar-19	15-Aug-19	n/a	n/a	T. Johns Consulting Group	512

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 26 2020)**

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Ward 15									
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	750
RHOPA-19-102* ZAC-19-044 25T-201905	30, 36 & 42 Dundas St. E. & 522 Highway 6, Flamborough	10-Jun-19	n/a	08-Jul-19	n/a	08-Oct-19	05-Apr-20*	MHBC Planning Limited	428
UHOPA-19-013* ZAC-19-046	10 Mallard Trail, Flamborough	24-Jun-19	n/a	26-Jun-19	n/a	22-Oct-19	19-Apr-20*	GSP Group	414

Active Development Applications

- When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 & 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 & 300 day timeframe commences the day the application was received.
- * In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 210 days to 300 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective June 26, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of August 11, 2020
Ward 1								
ZAS-20-003	9 Westbourne Rd., Hamilton	13-Dec-19	n/a	09-Jan-20	11-Apr-20	n/a	Joseph DiDonato	242
UHOPA-20-003 ZAR-20-008	354 King St. W., Hamilton	20-Dec-19	n/a	21-Jan-20	n/a	18-Apr-20	GSP Group	235
UHOPA-20-012 ZAC-20-016	1107 Main St. W., Hamilton	13-Feb-20	n/a	13-Mar-20	n/a	12-Jun-20	Bousfields Inc.	180
Ward 2								
UHOPA-20-001 ZAR-20-001	383 and 383 1/2 Hughson St. N., Hamilton	29-Nov-19	n/a	29-Dec-19	n/a	28-Mar-20	T. Johns Consulting Group	256
UHOPA-20-008 ZAR-20-0013	222-228 Barton St. E., and 255 - 265 Wellington St. N. Hamilton	20-Dec-19	n/a	17-Jan-20	n/a	18-Apr-20	Urban Solutions Planning and Land Development	235

**Active Development Applications
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Ward 3								
ZAR-19-054	95-97 Fairholt Rd. S. Hamilton	30-Oct-19	n/a	29-Nov-19	27-Feb-20	n/a	MHBC Planning	286
Ward 5								
UHOPA-20-007 ZAC-20-012	19 Dawson Ave., Stoney Creek	24-Dec-19	n/a	24-Feb-20	n/a	22-Apr-20	DeFilippis Design	231
Ward 6								
ZAR-20-005	1406 Upper Gage Ave., Hamilton	20-Dec-19	n/a	20-Jan-20	18-Apr-20	n/a	IBI Group	235
Ward 8								
ZAC-19-056	11 Springside Cres., Hamilton	26-Nov-19	n/a	06-Dec-19	25-Mar-20	n/a	Urban In Mind Planning Consultants	259
ZAC-20-018	212 and 220 Rymal Rd. W., Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	173

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(Effective June 26, 2020)**

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Ward 9								
25T-2019-003	15 Picardy Dr., Stoney Creek	25-Apr-19	n/a	25-May-19	n/a	23-Aug-19	IBI Group	474
ZAC-20-004	329 Highland Rd. W., Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	235
UHOPA-20-010 ZAC-20-015	2080 Rymal Rd. E., Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	193
Ward 10								
ZAC-19-036	564 Fifty Rd., Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	148
UHOPA-20-005 ZAC-20-010	325 Highway No. 8., Stoney Creek	24-Dec-19	n/a	12-Feb-20	n/a	22-Apr-20	IBI Group	231
Ward 11								
RHOPA-19-007 ZAC-19-028	3355 Golf Club Rd., Glanbrook	18-Apr-19	16-May-19	21-Oct-19	n/a	20-Feb-20	Corbett Land Strategies Inc.	295

**Active Development Applications
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Ward 11 cont'd								
RHOPA-19-015	2187 Regional Rd. 56, Glanbrook	11-Oct-19	n/a	21-Nov-19	n/a	08-Feb-20	Corbett Land Strategies Inc.	305
ZAS-20-019	9255 Airport Rd., Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	148
25T-202002	9326 and 9322 Dickenson Rd., Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	124
RHOPA-20-014 ZAC-20-022	2069 Binbrook Rd., Glanbrook	08-Apr-20	n/a	16-Jun-20	n/a	14-Oct-20	Pat Paletta Livestock	56
Ward 12								
25T-200720R (2019 File)	1020 Osprey Dr., Ancaster	15-Apr-19	30-Aug-19	11-Dec-19	n/a	02-Apr-20	Coltara Development / 1892757 ONTARTO INC.	244
UHOPA-20-006 ZAC-20-011	15 Church St., Ancaster	20-Dec-19	n/a	21-Jan-20	n/a	18-Apr-20	WEBB Planning Consultants Inc.	235

**Active Development Applications
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UHOPA-20-009 ZAC-20-014	281 Hamilton Dr., Ancaster	20-Dec-19	n/a	22-Jan-20	n/a	18-Apr-20	A.J. Clarke & Associates Ltd.	235
UHOPA-20-013 ZAC-20-017	210 Calvin St., Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	61
Ward 14								
UHOPA-20-004 ZAC-20-009	555 Sanitorium Rd., Hamilton	20-Dec-20	n/a	22-Jan-20	n/a	21-May-20	T. Johns Consulting Group	235
Ward 15								
ZAC-20-006	518 Dundas St. E., Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	232

Active Development Applications

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



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 11, 2020
SUBJECT/REPORT NO:	Built Heritage Inventory Strategy Update (PED20133) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alissa Golden (905) 546-2424 Ext. 4654
SUBMITTED BY:	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

On June 14, 2017, Council considered staff Report PED17092, Durand Neighbourhood Built Heritage Inventory, as part of Hamilton Municipal Heritage Committee (HMHC) Report 17-004 in Planning Committee Report 17-010. Council approved the recommendations of Report PED17092 and directed staff to prepare a framework and work plan for continuing the City of Hamilton's proactive built heritage inventory work and report back to the Planning Committee.

INFORMATION

The Built Heritage Inventory Strategy Work Plan attached as Appendix "A" to Report PED20133, and the framework outlined in this Report, will guide the City's continued proactive identification of heritage properties.

Short-term Built Heritage Inventory (BHI) work plan priorities include: downtown Dundas, downtown Stoney Creek, downtown Ancaster, downtown Hamilton's historic neighbourhoods and historic settlement areas in Ancaster, Flamborough and Glanbrook. The BHI Strategy outlined in this Report reflects a thoughtful and accountable approach to conducting proactive inventory work to facilitate the conservation of cultural heritage resources across the City of Hamilton.

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

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

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

**SUBJECT: Built Heritage Inventory Strategy Update (PED20133) (City Wide) -
Page 2 of 9**

Background

The City of Hamilton is proactively updating its Inventory of Heritage Buildings (Inventory), formerly known as the Inventory of Buildings of Architectural and/or Historical Interest. An inventory of heritage buildings, or built heritage resources, can be thought of as a hub of information that informs different conservation strategies. The proactive identification of cultural heritage resources facilitates informed decision-making and priority-based planning from staff and Council. Detailed information and background on the City's Inventory are contained in Report PED08053, Register of Properties of Cultural Heritage Value or Interest and the City's Heritage Inventory, which directed staff to conduct a pilot project in downtown Hamilton to test out the process for conducting updated inventory work. Council adopted the Built Heritage Inventory process as part of staff Report PED14039, Downtown Built Heritage Inventory. A summary of the Council-adopted BHI process is attached as Appendix "B" to Report PED20133.

The objectives of the City's Built Heritage Inventory process are to:

- Survey and evaluate all properties listed on the Inventory to:
 - Identify properties of heritage value or interest for listing on the Municipal Heritage Register (Register)
 - Identify significant heritage properties worthy of designation under the *Ontario Heritage Act*
- Improve transparency and access to information on the City's built heritage resources for property owners, citizens and staff;
- Encourage community participation in the identification and wise management of the City's cultural heritage resources; and
- Prevent built heritage resources from being demolished without appropriate action, such as requirements for Cultural Heritage Impact Assessments, Documentation and Salvage Reports, or designation, as appropriate.

When the Built Heritage Inventory work began in 2011, there were over 8,000 addresses listed on the Inventory city-wide. In the past eight years, almost 3,000 properties have been evaluated through the BHI process and over 1,450 listings have been added to the Municipal Heritage Register, with additional listings pending as part of the on-going Waterdown Village BHI and HMHC-led initiatives. Listing properties of heritage interest on the Register provides interim 60-day protection from demolition and the opportunity for staff to discuss conservation or salvage options with the owner, or for Council to protect the property if it is a significant heritage resource worthy of designation under the *Ontario Heritage Act*.

**SUBJECT: Built Heritage Inventory Strategy Update (PED20133) (City Wide) -
Page 3 of 9**

The BHI work has helped inform secondary plan studies, the Cultural Heritage Landscape Inventory, the Historic Neighbourhood Inventory, the Pre-Confederation Building Inventory, the development review process, designations under the *Ontario Heritage Act*, and community interpretation and education initiatives, such as walking tours and brochures.

The following is a summary of the recently completed heritage inventory work:

Initiative	Completion Date	Results
BHI Pilot Project: Downtown Hamilton Built Heritage Inventory	September 2014	<ul style="list-style-type: none"> • 1,060 properties screened • 723 Register additions • 30 additions to designation work plan • 475 listings removed from Inventory
Durand Neighbourhood Built Heritage Inventory Project	June 2017	<ul style="list-style-type: none"> • 988 properties screened • 736 Register additions • 52 additions to designation work plan • 38 listings removed from Inventory
Pre-Confederation Building Inventory (a Canada 150 Initiative)	November 2017	<ul style="list-style-type: none"> • 277 new listings added to the Inventory (previously unrecognized pre-1867 structures)
Preliminary City-wide Inventory Analysis by staff	August 2018	<ul style="list-style-type: none"> • 1,086 listings added to Inventory • 32 established historical neighbourhoods identified • Cultural Heritage Landscape Inventory database established
Places of Worship Inventory Review (an HMHC initiative with staff support)	On-going	<ul style="list-style-type: none"> • 278 listings on Inventory • 177 properties screened • Recommendations pending
Places of Education Inventory (HMHC Initiative with staff support)	On hold	<ul style="list-style-type: none"> • 354 listings on Inventory • Screening and recommendations pending
Waterdown Village Built Heritage Inventory	On-going	<ul style="list-style-type: none"> • 824 properties screened • Recommendations pending

An integral component of the on-going Built Heritage Inventory work was the creation of a comprehensive heritage property database to maintain heritage data for all protected

**SUBJECT: Built Heritage Inventory Strategy Update (PED20133) (City Wide) -
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heritage properties, non-designated registered properties and inventoried properties. More information on heritage property status is attached as Appendix “C” to Report PED20133. This database was launched in 2018 and is accessible to the public through online mapping, Open Hamilton and the City’s website at www.map.hamilton.ca/heritagemap.

Built Heritage Inventory Strategy

Approximately 5,700 properties remain on Inventory pending review through the Built Heritage Inventory process. Each phase of the BHI work has taken approximately two years to complete, with between 850 to 1,500 properties reviewed per study area. Staff created a framework for prioritizing future BHI work based on legislation and municipal best practices, broken down into four categories:

1. Updating the existing Inventory
2. Alignment with policy and Council direction
3. Managing change
4. Addressing community and stakeholder interest

Analysis was conducted to develop a Built Heritage Inventory Strategy for prioritizing future phases of BHI work and to maximize the efficiency and effectiveness of the initiative. The analysis was conducted at various geographic levels, including by community, ward, neighbourhood and settlement area. Staff looked at factors including the number of existing inventoried properties; how many previously inventoried buildings have been lost; the degree to which properties are already recognized or protected under the *Ontario Heritage Act* or through municipal planning policy or zoning; alignment with other City initiatives and studies (e.g. Secondary Plans); the number of pre-1950 buildings; the perceived development pressure (e.g. the number of development and building permit applications); alignment with HMHC initiatives and priorities; community interest (e.g. heritage advocacy groups, active neighbourhood associations and/or Ward Councillor support); available and existing historic research; and anticipated staff time and resources. A community-level summary of the analysis is attached as Appendix “D” to Report PED20133.

The following City staff were consulted on the preliminary analysis that informed the Built Heritage Inventory Strategy and Work Plan:

- Management Team, Tourism and Culture Division, Planning and Economic Development Department (August 2017)
- Development Planning, Heritage and Design Section, Planning Division, Planning and Economic Development Department (October 2017 and June 2020)
- Community Planning and GIS Section, Planning Division, Planning and Economic Development Department (November 2017)

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- Rural Development Planning Team, Development Planning, Heritage and Design Section, Planning Division, Planning and Economic Development Department (November 2017)
- Real Estate Section, Economic Development Division, Planning and Economic Development Department (December 2017)

Staff also consulted with the following:

- Neighbourhood Action Strategy Community Developers (October 2017)
- Inventory and Research Working Group of the Hamilton Municipal Heritage Committee (November 2017)
- Hamilton Municipal Heritage Committee (July 2019)

The framework and analysis informed the following staff conclusions to guide the BHI Strategy and developing BHI work plan priorities:

- Built Heritage Inventory work tied to other City initiatives, such as Secondary Plans, should be prioritized over elective BHI work. Analysis has shown that conducting this inventory work in-house instead of retaining and managing outside consultants can lead to considerable cost and time savings on these projects.
- The City's Urban Hamilton Official Plan calls for the conservation of Established Historical Neighbourhoods (EHNs), areas comprised of significant concentrations of pre-1950 structures. 62% of all existing Inventory listings are in the city's EHNs. Lower Hamilton's EHNs have the highest concentration of Inventoried properties and the highest perceived development pressure. The EHNs identified in Hamilton and Dundas should be prioritized for comprehensive BHI studies (e.g. Historic Context Statement approach). These are dense walkable neighbourhoods that require less resources to execute and would result in the greatest number of existing Inventory listings to be reviewed.
- Historical Settlement Areas in the rural area should be prioritized, aligning with the goals and objectives identified in the Cultural Plan to build and promote strong and unique rural areas as distinct places with unique identities.
- The evaluation of built heritage in the rural areas outside of defined Historic Settlement Areas should be coordinated with local historical societies and the Inventory and Research Working Group of the HMHC with focus along Historic Transportation Corridors (historic roads).
- Inventorying the EHNs, Historic Settlement Areas and along Historic Transportation Corridors will help inform the pending Cultural Heritage Landscape Inventory and Management Plan.
- City owned properties with cultural heritage value or interest should be flagged and a protocol developed for determining their value and appropriate conservation measures.

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

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

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

**SUBJECT: Built Heritage Inventory Strategy Update (PED20133) (City Wide) -
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BHI Work Plan

The BHI Strategy has informed a set of short, medium and longer-term priorities to guide future BHI work, summarized below and attached as Appendix “A” to Report PED20133, including mapping of the priorities by community. The identified short-term priorities would review 38% of the remaining Inventory listings and would prioritize those areas with high concentrations and integrity of heritage resources, the highest perceived development pressure and strong community support for conducting the work.

Short-Term Priorities:

- Areas with significant inventory listings, including remaining historic neighbourhoods in downtown Hamilton, downtown Dundas, downtown (old town) Stoney Creek, Ancaster Village and historic settlement areas in Ancaster, Glanbrook and Flamborough.

Medium-Term Priorities:

- Areas with moderate concentrations of inventoried properties, including the remaining historic neighbourhoods, the remaining historic settlement areas and new historic neighbourhoods of interest.

Longer-Term Priorities:

- The remaining rural listings and post-1950 neighbourhoods across the city.

The work plan priorities are intended to provide guidance for completing the remaining Built Heritage Inventory phases across the city. There are no timelines attached to the identified priorities because the timing will depend on factors that may change overtime, including available staff resources, stakeholder interest, volunteer and community capacity, shifting development pressures and revised City project timelines.

Staffing and Resources

There is currently one full-time staff responsible for conducting the City’s BHI work in-house. The Heritage Project Specialist, Tourism and Culture Division, works in close consultation with Cultural Heritage Planning staff in the Planning Division, the Inventory and Research Working Group of the HMHC and community stakeholders (historical associations and archives) as part of the BHI process. Administrative analysis of the BHI process indicates that property evaluation, data management and consultation/engagement are the most time-intensive components of each project.

**SUBJECT: Built Heritage Inventory Strategy Update (PED20133) (City Wide) -
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For the first two phases of the BHI work in downtown Hamilton and the Durand neighbourhood, significant heritage properties were flagged as candidates for designation and added to Planning Division staff's designation work plan. As part of the Waterdown Village Built Heritage Inventory, the City received Federal grant funding to hire an intern through the Young Canada Works Building Careers in Heritage program. The four-month, full-time paid intern assisted with detailed research and the preparation of Cultural Heritage assessment reports in support of the designation of the identified significant heritage properties in the village. This allowed staff to bring forward recommendations for designation as part of the Waterdown Inventory; final recommendations to Council (pending), instead of adding a list of designation candidates to the Planning Division's designation work plan for future consideration.

Staff's ability to continue to prepare designation recommendations as part of future BHI work will depend on the availability of funding and support to hire interns. Interns could also supplement the staff time needed to conduct comprehensive research, evaluate properties and input survey data into the City's heritage property database. There may also be opportunities to empower community groups and volunteers to conduct research and survey work in support of active BHI projects. Staff would want to ensure that any work being done by volunteers is consistent with the Council-adopted BHI process as outlined in Appendix "B" to Report PED20133.

To further enhance the City and community capacity to undertake future phases of the BHI, staff will:

- Continue to build partnerships with neighbourhood associations, local community groups, historical societies and local institutions like McMaster University, Mohawk College and Willowbank;
- Offer "Heritage 101" presentations to interested neighbourhood associations and organizations;
- Develop forms for Register addition and designation requests;
- Develop a digital surveying application for mobile devices to assist with inventory work and data management (e.g. ArcGIS Online Collector App);
- Develop a resource guide and make it available online for neighbourhood associations and other interested organizations to undertake their own community inventories for the consideration of staff and HMHC; and
- Apply for Young Canada Works and other applicable grants to help fund and hire interns on an as-needed basis to assist with the on-going BHI work, where feasible.

Standardized Inventory Forms

In order to continue to build a consistent and robust database of information on built heritage resources across the city, a standard form is used when conducting inventory and evaluation work, attached as Appendix "E" to Report PED20133, which may be

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updated by staff from time to time. This Built Heritage Inventory and Evaluation Form is also used by the Inventory and Research Working Group of the HMHC and by Cultural Heritage Planning staff when inventorying a property and conducting a preliminary evaluation of its heritage value or interest as part of:

- A request to add a property to the Register;
- A request to designate a property under Part IV of the *Ontario Heritage Act*; or
- A *Planning Act* application that may impact the cultural heritage value or interest of an Inventoried or Registered property, or a previously un-inventoried building or structure that is 40 years old or older.

All completed forms should be considered by the Hamilton Municipal Heritage Committee, through its Inventory and Research Working Group, for their advice and recommendation before consideration by the Planning Committee and Council.

In situations where a consultant has been retained by the City of Hamilton to undertake Built Heritage Inventory and/or evaluation work as part of a relevant project, such as Environmental Assessments (EA), it is expected that a similar process will be followed. For cases where a group or “batch” of Register listings are being recommended outside of a City-initiated BHI process (e.g. as part of an EA, an HMHC-led project or a community-led project), it is anticipated that the listings will be reviewed by the Inventory and Research Working Group in manageable groupings of less than 50 properties per meeting.

Next Steps

Following the completion of the on-going Waterdown Village Built Heritage Inventory, the next phase of BHI work will begin in downtown Dundas, which is identified as a short-term priority area in the BHI Strategy Work Plan attached as Appendix “A” of PED20133. The Downtown Dundas Built Heritage Inventory will align with the Dundas Community Node Study underway by the Community Planning and GIS Section of the Planning Division and will address the strong community and Ward Councillor interest in updated heritage inventory work.

The Hamilton branch of the Architectural Conservancy of Ontario, the Beasley Neighbourhood Association and the Ancaster Village Heritage Community have expressed interest in spearheading updated inventory work. Staff are in discussions with representatives from each organization about opportunities to empower and support community volunteers in conducting BHI work in these areas and how to best bring forward the recommendations for consideration by HMHC, the Planning Committee and Council. This process could act as a pilot for facilitating other community-led BHI initiatives in the future.

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Staff will continue to provide updates on the Built Heritage Inventory Strategy and Work Plan by request.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Built Heritage Inventory Strategy Work Plan

Appendix "B" - Council-Adopted Built Heritage Inventory Process

Appendix "C" - Heritage Status Diagram

Appendix "D" - Cultural Heritage Analysis by Community

Appendix "E" - Standardized Inventory Form

AG:ac

Built Heritage Inventory Strategy Work Plan

The BHI Strategy Work Plan priorities are listed below and are shown in the mapping on the following pages, broken down by each community (Ancaster, Dundas, Flamborough, Glanbrook, Hamilton and Stoney Creek).

Short-Term Priorities:

- Ancaster historic settlement areas: Ancaster Village, Jerseyville, Lynden
- Downtown Dundas: central business district and adjacent historic neighbourhoods of Colborne, Hunter, Spencer Creek and York Heights
- Flamborough historic settlement areas: Greensville (which includes Crook’s Hollow, Bullock’s Corners and West Flamboro) and Sheffield
- Glanbrook historic settlement areas: Binbrook, Mount Hope, North Glanford and Woodburn
- Historic lower Hamilton neighbourhoods: Beasley, Central, Corktown and Stinson
- Downtown (old town) Stoney Creek

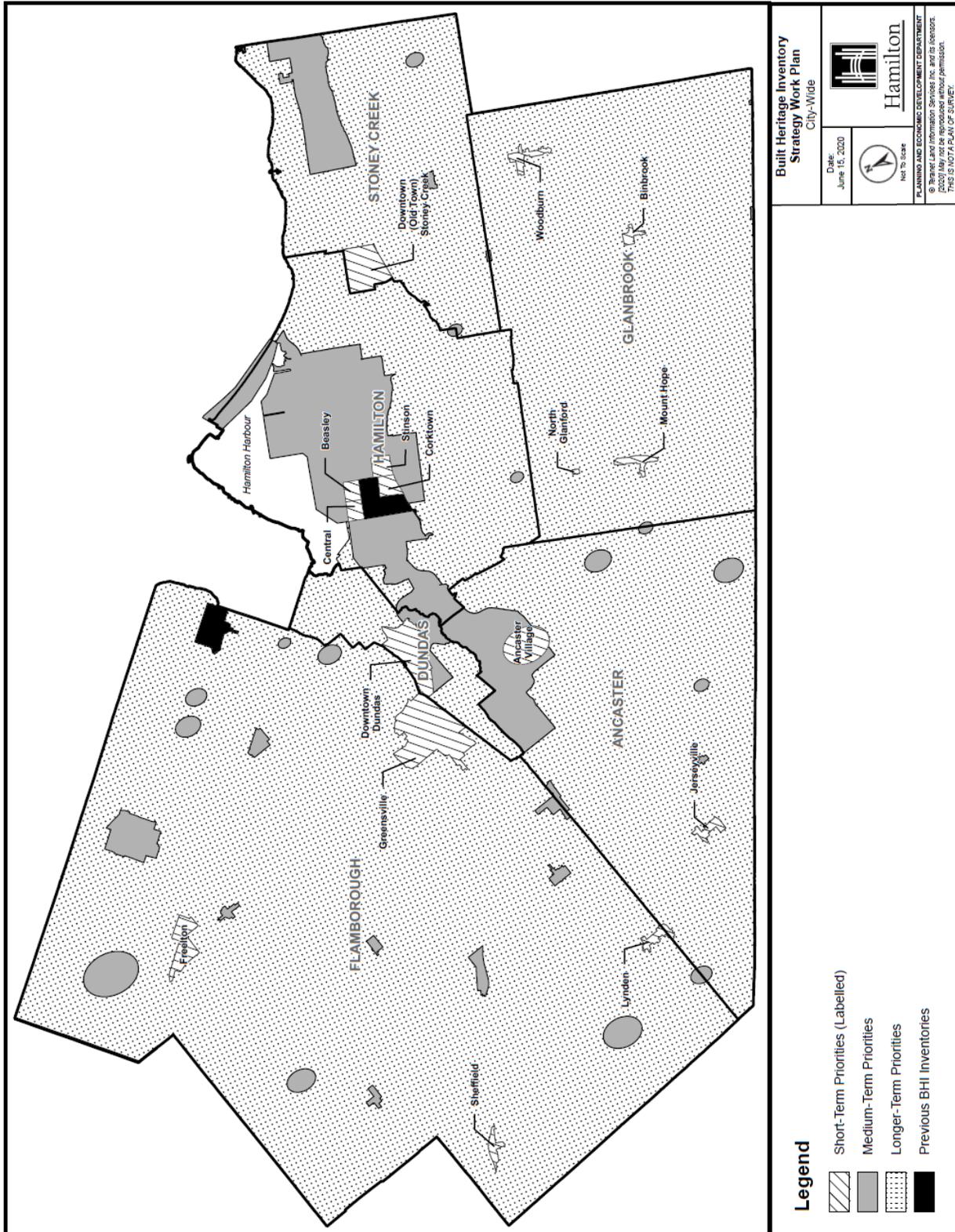
Medium-Term Priorities:

- Remaining Ancaster historic settlement areas: Alberton, Carluke, Copetown, Renforth, Southcote, Trinity and Weir
- Ancaster areas: Lime Kiln, Old Mill, St. John’s and Sulphur Springs
- Dundas neighbourhoods: Creighton (east and west), Duranda (east and west) and University Gardens
- Remaining Flamborough historic settlement areas: Bakersville, Carlisle, Clappison’s Corners, Flamboro Centre, Kirkwall, Millgrove, Mountsburg, Orkney, Rock Chapel, Rockton, Strabane, Troy, Valens and Westover
- Remaining Glanbrook historic settlement areas: Blackheath, Sinclairville and Ryckman’s Corners
- Remaining historic lower-Hamilton neighbourhoods: Ainslie Wood East, West and North; Bartonville, Blakeley, Crown Point East and West, Delta East and West, Gibson, Hamilton Beach, Homeside, Industrial Bayfront, Keith, Kirkendall North and South, Landsdale, McAnulty, Normanhurst, North End, St. Clair, Strathcona, Stiplely and Westdale North and South
- Historic Hamilton-mountain neighbourhoods: Centremount, Eastmount, Inch Park and Southam
- Remaining Stoney Creek historic settlement areas: (Elfrida), Mount Albion, Tapleytown, Tweedside and Winona
- Stoney Creek areas: Fruitland and Winona South

Longer-Term Priorities:

- Remaining inventoried properties across the City
- Post-1950s neighbourhoods

Appendix "A" to Report PED20133



Built Heritage Inventory
Strategy Work Plan
 City-Wide

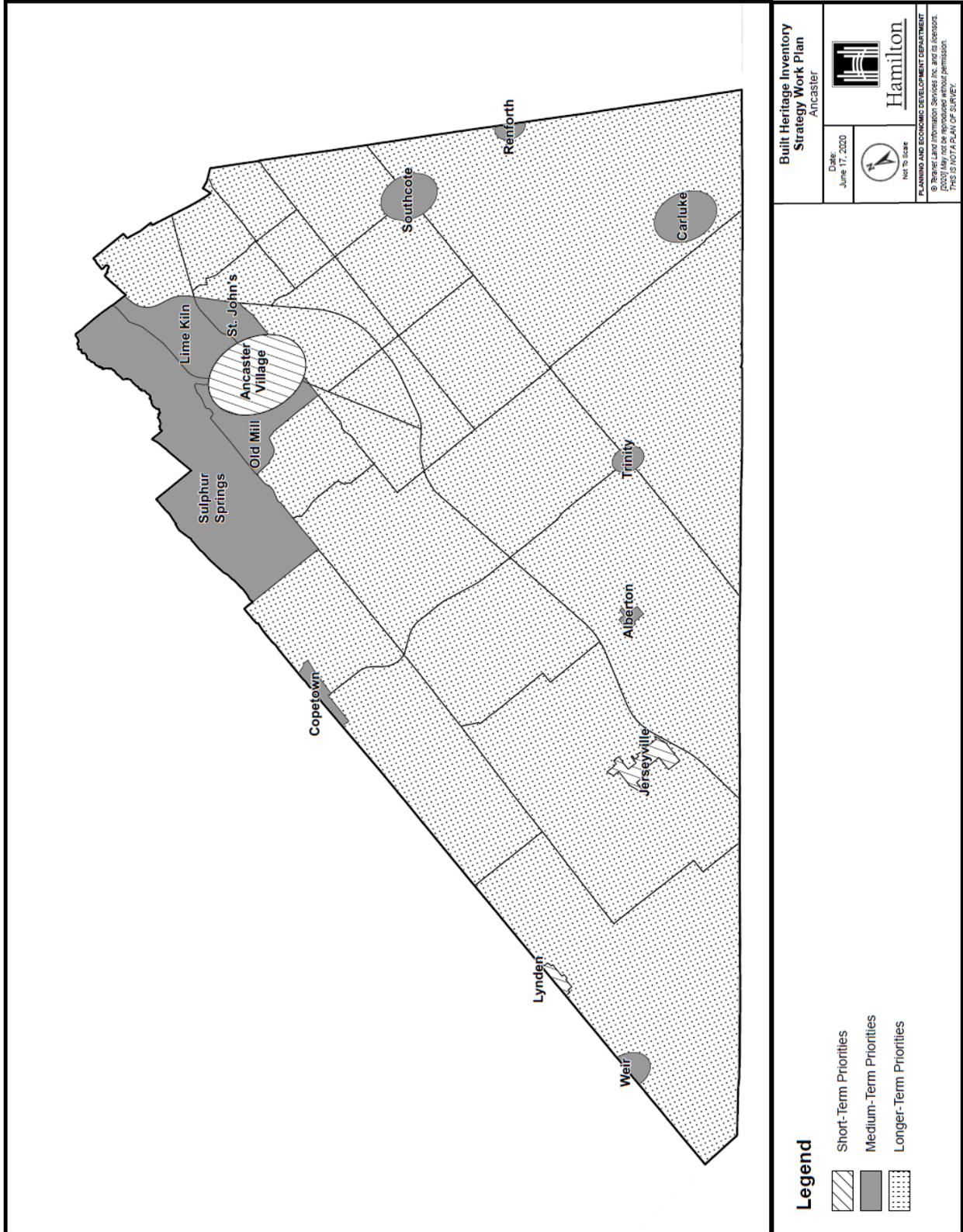
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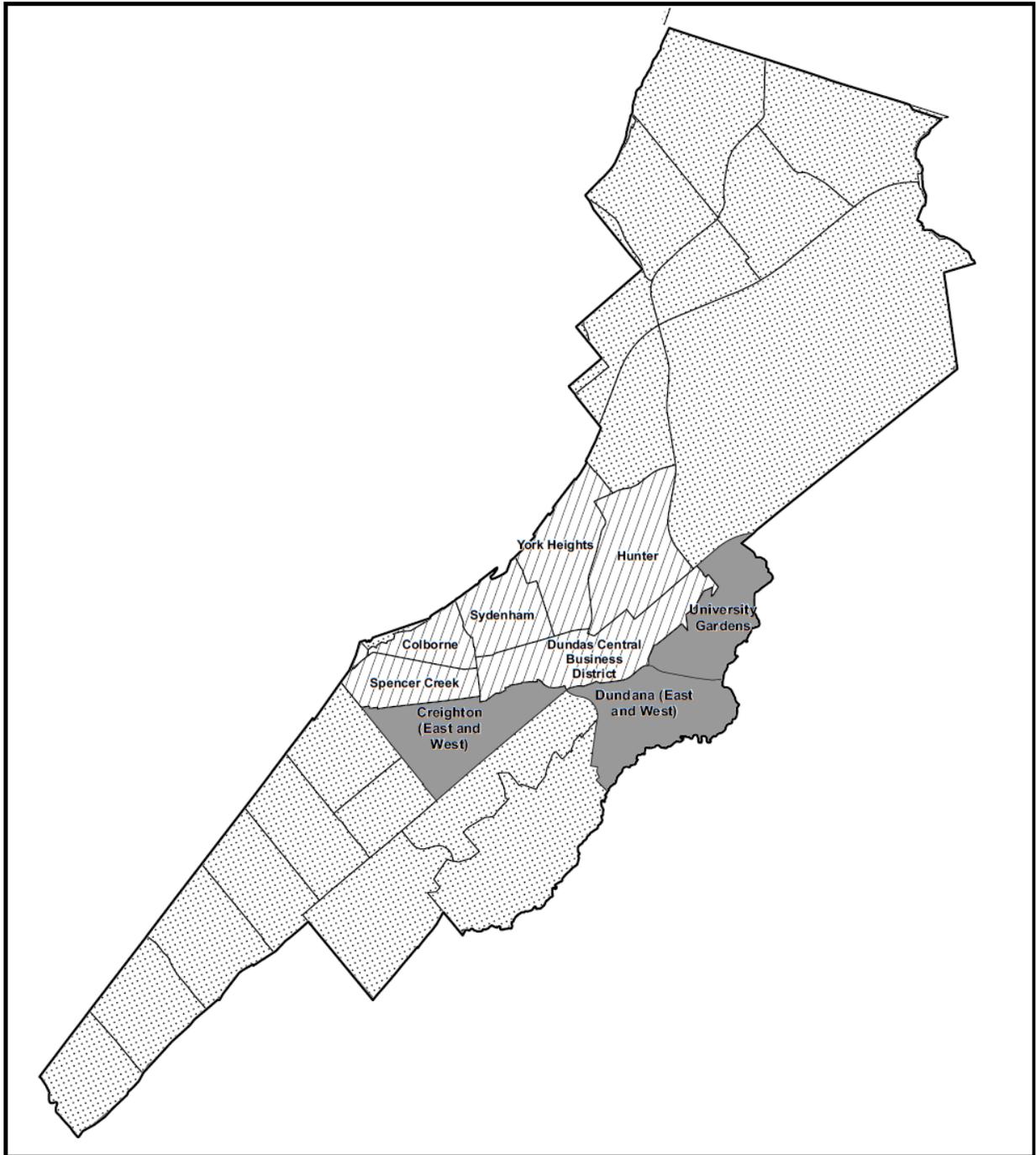
Hamilton

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- Legend**
-  Short-Term Priorities (Labelled)
 -  Medium-Term Priorities
 -  Longer-Term Priorities
 -  Previous BHI Inventories



Appendix "A" to Report PED20133
Page 4 of 8



Legend

-  Short-Term Priorities
-  Medium-Term Priorities
-  Longer-Term Priorities
-  Previous BHI Inventories

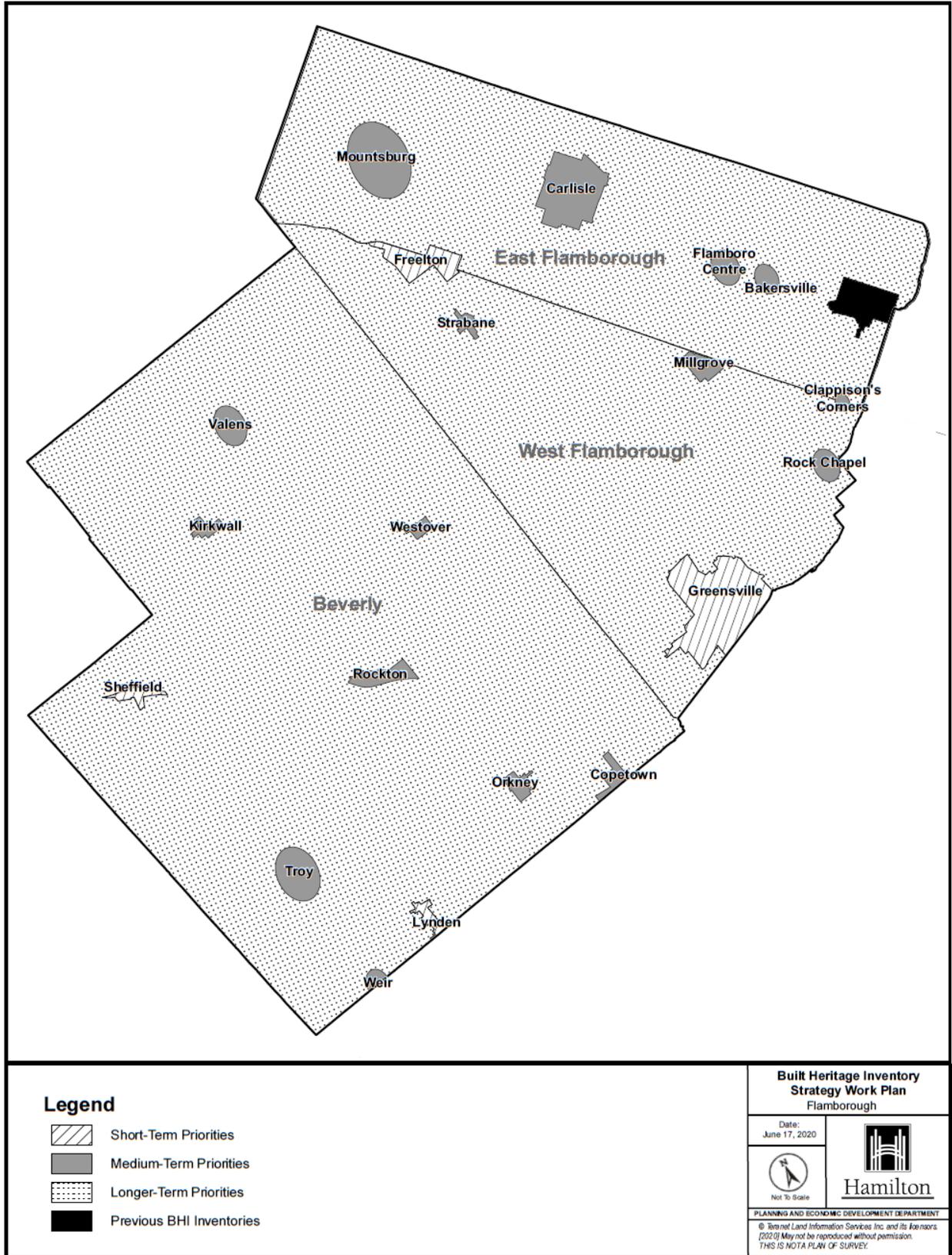
**Built Heritage Inventory
Strategy Work Plan
Dundas**

Date:
June 16, 2020

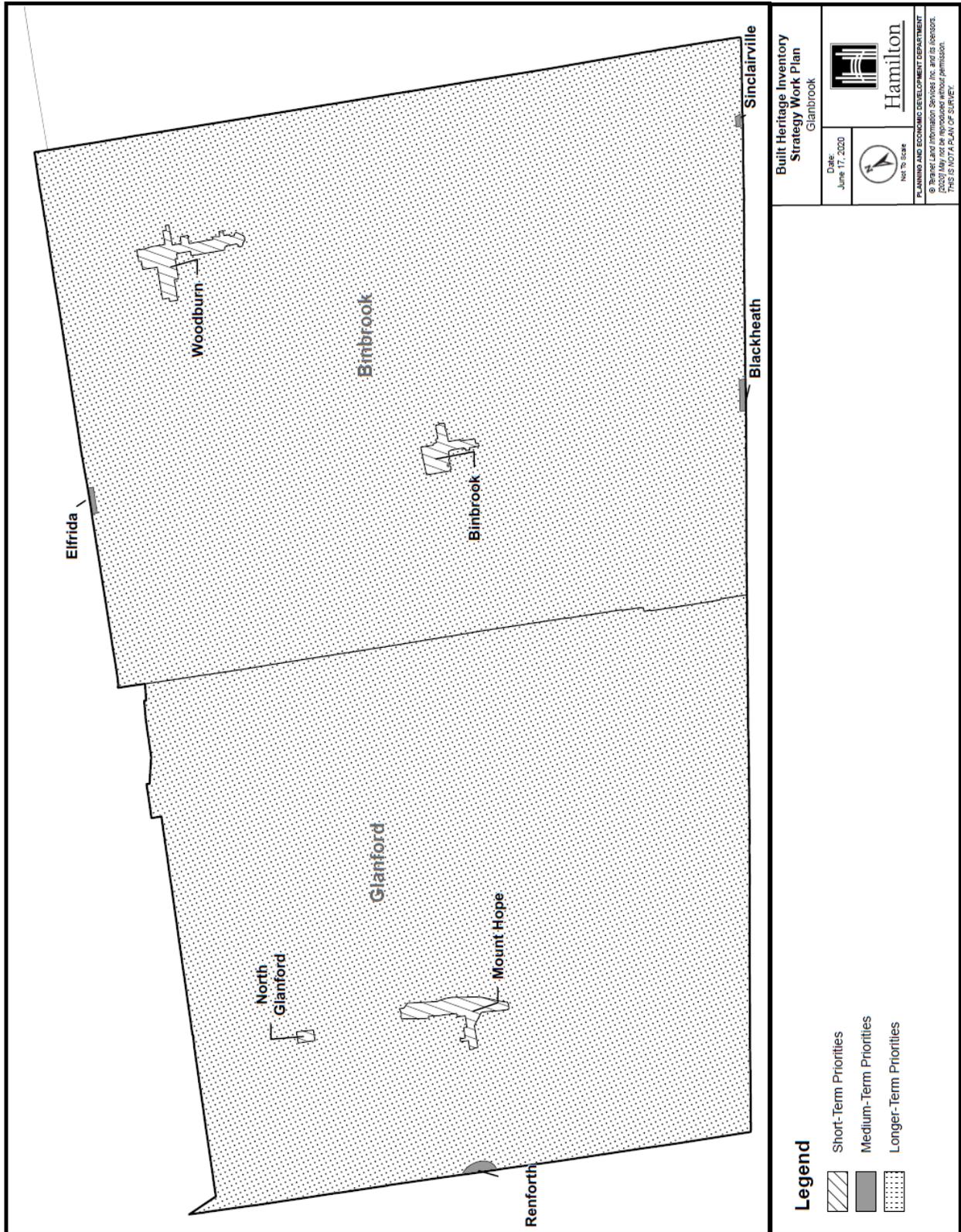


Hamilton

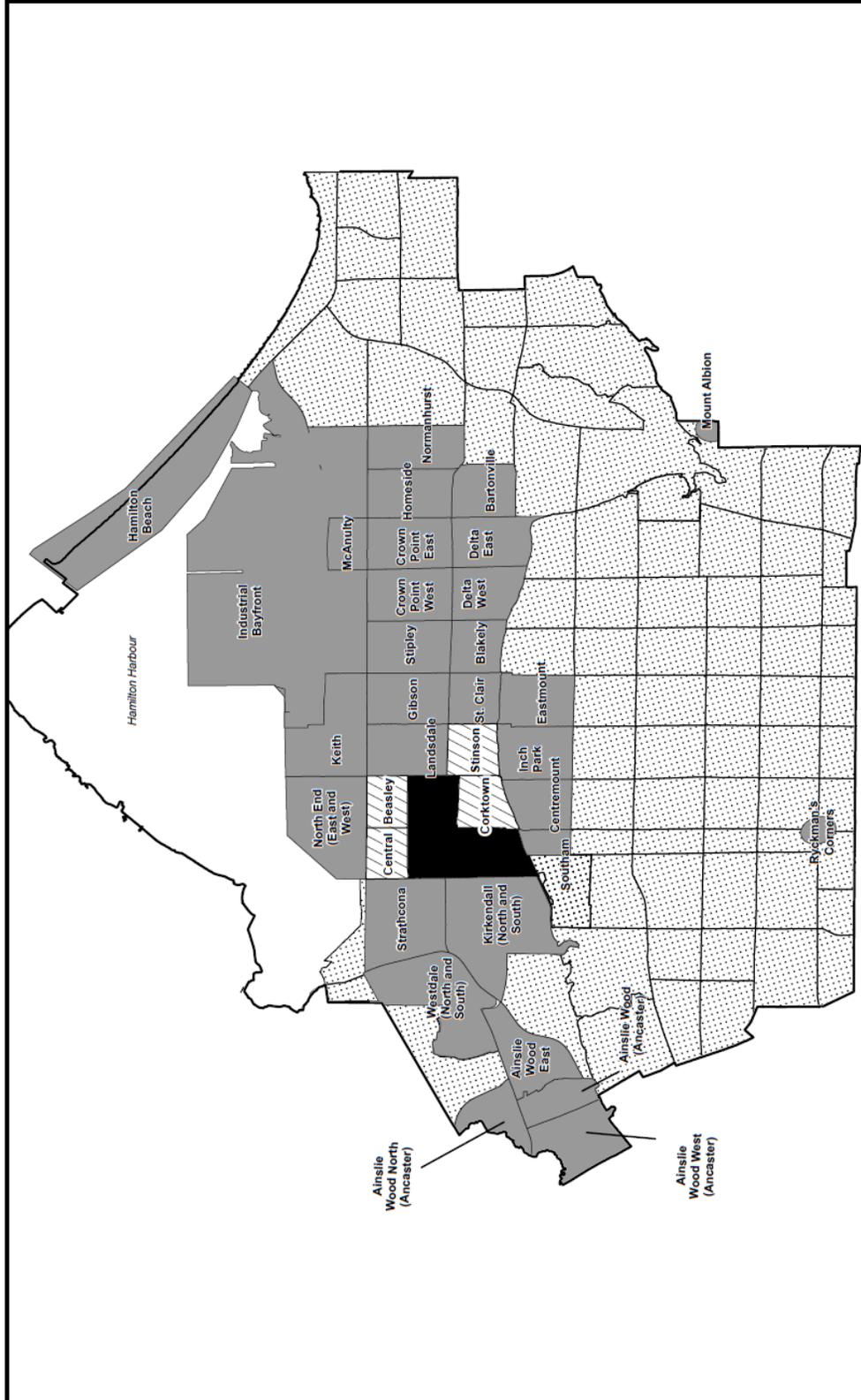
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Appendix "A" to Report PED20133
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Appendix "A" to Report PED20133
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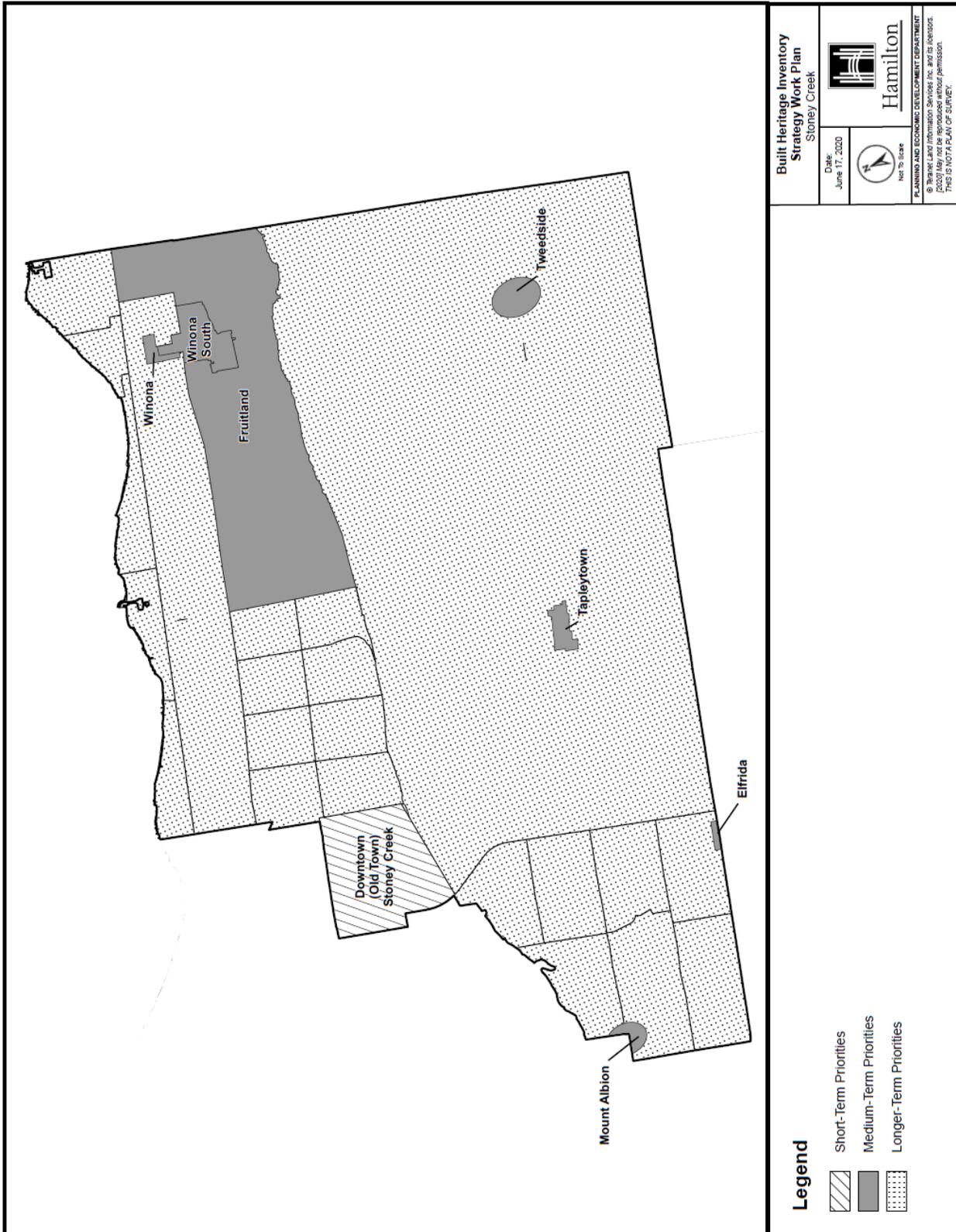
**Built Heritage Inventory
Strategy Work Plan**
Hamilton

Date: June 16, 2020

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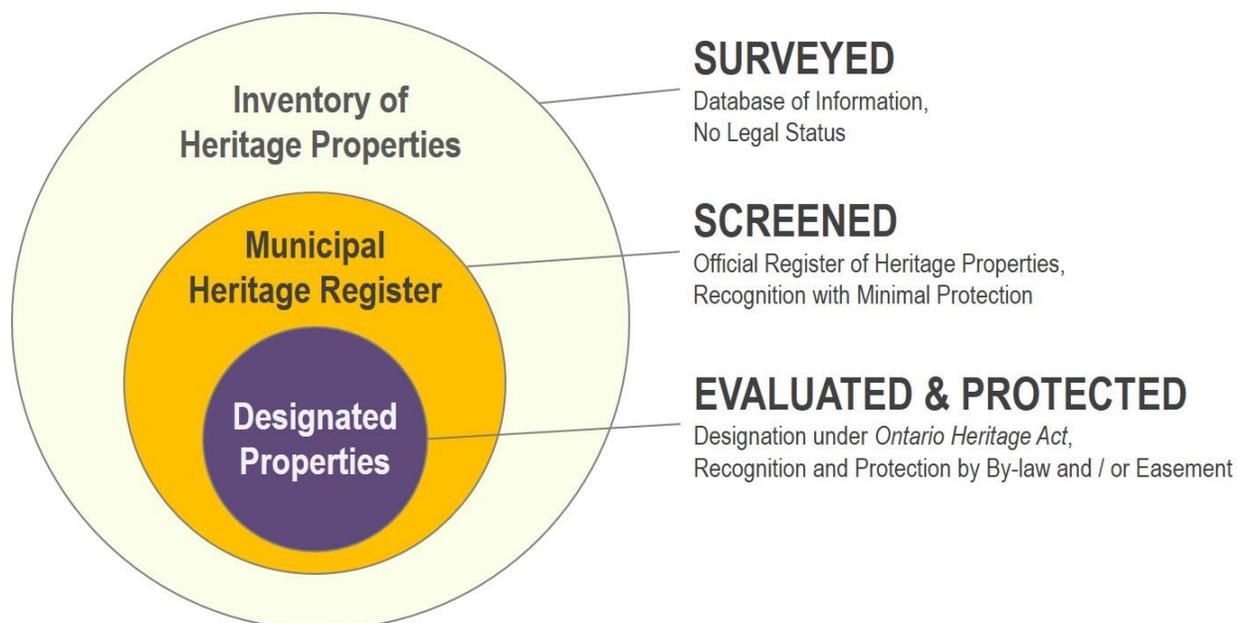
- Short-Term Priorities
- Medium-Term Priorities
- Longer-Term Priorities
- Previous BHI Inventories



Council-Adopted Built Heritage Inventory Process

1. **RESEARCH** - Compile available research and information and complete a desktop review of the study area.
2. **SURVEY** - Undertake surveys and document all properties within a study area using the standardized Built Heritage Inventory Form.
3. **IDENTIFY** - Prepare a Historic Context Statement (HCS) for the study area, in consultation with residents and the HMHC, where applicable. The HCS should identify key themes and heritage attributes of the area. An early public engagement session is recommended to introduce the project to the community and to gather their thoughts and historic information on the study area, which will help guide the development the HCS.
4. **EVALUATE** - Conduct a preliminary evaluation using the City and provincial criteria and classify each property in the study area as either a Significant Built Resource, Character-Defining Resource, Character-Supporting Resource or Inventoried Property, as outlined in the “Preliminary Evaluation” section of the Built Heritage Inventory Form. Candidates for listing on the Municipal Heritage Register and for designation under the *Ontario Heritage Act* are identified based on their individual classifications.
5. **CONSULT** - Present the draft recommendations to the Inventory and Research Working Group of the HMHC for their preliminary feedback. Prepare notifications to affected property owners regarding the recommendations and outline opportunities for input, discussion and delegations at the HMHC and Planning Committee meetings the recommendations will be considered. Hold a public information session to discuss the draft recommendations with the owners and members of the public. Keep the Ward Councillor apprised of the recommendations as they come forward.
6. **ADVISE** - Bring forward recommendations for the consideration of the Hamilton Municipal Heritage Committee, Planning Committee and Council for listing on the Register and candidates for designation under the *Ontario Heritage Act*; and,
7. **UPDATE** - Update the heritage database and mapping with Inventory, Register and designation work plan additions.

Heritage Status Diagram



What is the Inventory?

The Inventory is a compilation of over 25 years of data on buildings identified as having heritage value or interest. There are **no** legal restrictions imposed on property through listing on the Inventory. Inventoried properties are **not** subject to Heritage Permits. There are over 6,700 addresses listed on the Inventory city-wide.

What is the Municipal Heritage Register?

The Municipal Heritage Register is an **administrative record** of properties designated under the *Ontario Heritage Act* and properties of heritage value or interest (non-designated). It requires consultation with our Hamilton Municipal Heritage Committee and a Council resolution to include (or remove) a non-designated property on the Register. The Register provides **short-term protection from demolition** for non-designated properties by requiring an owner to give 60-days notice of their intention to demolish or remove a building or structure on the property. Non-designated registered properties are **not** subject to Heritage Permits. There are over 1,500 non-designated properties listed on the Register city-wide.

What is Heritage Designation?

A designated property is a significant heritage resource protected by a municipal by-law that identifies why the property has value and what features contribute to its value. Designation does **not** prevent change, but it allows the City to manage physical changes to a property through the **Heritage Permit** process. Designated properties are also eligible for City **grants** and **loans** to assist with their maintenance, restoration and adaptive reuse. There are over 600 designated properties in the City of Hamilton.

Cultural Heritage Analysis by Community
 Prepared May 2020 by the Heritage Resource Management Section of the Tourism & Culture Division, City of Hamilton

Analysis by Community	Ancaster	Dundas	Flamborough	Glanbrook	Hamilton	Stoney Creek	City-Wide
Wards (Located within each community)	12	1, 13	12, 13, 15	9, 11	1-6, 7, 8, 14	5, 9, 10	15
Cultural Heritage Resources							
Designated, Part IV, V or Easement (Number)	26	103	153*	5	323	21	631
Registered Non-Designated (Number)	34	7	16*	4	1,539	7	1,607
Designation Work Plan Priorities	40	4	5	1	106	3	159
Inventoried, Active (Number)	292	356	1,785	425	3,747	186	6,791
(% of total active inventory)	(4%)	(5%)	(26%)	(6%)	(55%)	(3%)	
Cultural Heritage Landscapes (Number)	9	3	26	23	236	10	307
Historic Settlement Areas, pre-1875 (Number)	7	1	12	7	1	4	32
Historic Neighbourhoods** (Number)	0	3	0	0	31	0	34
**Substantially built prior to 1950							
Heritage Conservation Districts (Number)	0	1	1	0	5	0	7
Heritage Bridges (Number)	1	4	8	1	12	2	28
National Historic Sites (Number)	1	2	0	0	11	2	16
Cemeteries (Number)	23	6	31	15	22	13	110
Registered Archaeological Sites (Number)	561	28	364	372	218	355	1,898
Inventory Analysis							
Inventoried, Inactive (Number)	48	58	93	120	1,230	92	1,641
Inactive, Non-Extant, Pre-2017 (Number)	29	34	16	84	925	63	1,151
(% of community's total pre-2017 listings)	(15%)	(8%)	(1%)	(18%)	(17%)	(32%)	
Inventoried, Pre-1867 (Number)	156	120	191	53	104	18	642
Previous Heritage Surveys and Studies	1976-1985 Survey	1978 Survey, 1990s Survey	Mid-1970s survey, 1982, 1991, 1997, 1998 and 2003 Updates; WVBHI	Birbrook and Glanbrook 1984 surveys (by Township Lot and Concession)	DBHI, DNBHI, King Street East Heritage Survey, James Street North and South Heritage District Studies, 1970s-1980s Lower-City Neighbourhood Inventories	Incremental surveys and updates	CHB Survey (1970s-80s), Places of Worship Inventory, Cemeteries and Burial Grounds Inventory, Pre-Confederation Inventory

*Note: Data does not include pending Waterdown Village Built Heritage Inventory recommendations

Summary of Findings	Community
Greatest number of active Inventory Listings pending BHI review	Hamilton
Greatest number of inventoried pre-Confederation (1867) structures with no OHA protection	Flamborough
Lowest percentage of heritage properties registered and designated under the OHA as a percentage of total Community built parcels	Glanbrook
Greatest number of recognized Established Historical Neighbourhoods (substantially built prior to 1950)	Hamilton
Greatest number of inventoried cultural heritage landscapes	Hamilton
Greatest number of Historic Settlement Areas (Pre-1875)	Flamborough
Greatest number of Registered Archaeological Sites	Ancaster
Greatest number of non-extant Inventory listings as a percentage of all pre-2017 listings	Stoney Creek
Property with the earliest MPAC date of construction	Flamborough
Lowest average MPAC date of construction	Hamilton
Greatest number of pre-1900 structures, based on MPAC data	Hamilton
Greatest number of pre-1950 structures, based on MPAC data (Established Historical Neighbourhoods)	Hamilton
Greatest number of pre-1980 structures, based on MPAC data (40-year rule)	Hamilton
Greatest percentage of all Development Applications, 2010-2017, City-wide	Hamilton
Greatest percentage of all Committee of Adjustment Applications, 2010-2017, City-wide	Hamilton
Greatest percentage of Registered Plans of Subdivision, 2010-2017, City-wide	Hamilton
Greatest percentage of Building Permit Applications and Permits to Demolish, 2008-2016, City-wide	Hamilton

**Appendix "E" to Report PED20133
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Hamilton

BUILT HERITAGE INVENTORY FORM

Address _____	Community _____
Also known as _____	Legal Description _____
P.I.N. _____	Roll No. _____
Ward _____	Neighbourhood _____

Heritage Status: Inventory Registered Designated (Part IV / Part V) Easement (City / OHT) NHS
Heritage Conservation District (if applicable): _____ Cultural Heritage Landscape (if applicable): _____

Property Status (Observed): Occupied Building Vacant Building Vacant Lot Parking Lot

Integrity: Preserved / Intact Modified Compromised Demolished (date) _____

Construction Period: Pre 1867 1868-1900 1901-1939 1940-1955 1956-1970 Post 1970
Year (if known) _____ Architect / Builder / Craftsperson (if known) _____

Massing: Single-detached Semi-detached, related Semi-detached, unrelated Row, related Row, unrelated Other _____

Stores: 1 1 ½ 2 2 ½ 3 3 ½ 4 or more Irregular Other _____

Foundation Construction Material: Stone Brick Concrete Wood Other _____ Finish: _____

Building Construction Material: Brick Frame (wood) Stone Log Other _____ Finish: _____

Building Cladding: Wood Stone Brick Stucco Synthetic Other _____ Finish: _____

Roof type: Hip Flat Gambrel Mansard Gable Other _____ Type: _____

Roof Materials: Asphalt Shingle Wood Shingle Slate Tile/Terra Cotta Tar/Gravel Metal Other _____

Architectural Style / Influence:

- | | | | | |
|---|---|---|--|--|
| <input type="checkbox"/> Art Deco / Moderne
(1920s-1950s) | <input type="checkbox"/> Craftsman / Prairie
(1900s-1930s) | <input type="checkbox"/> International
(1930-1965) | <input type="checkbox"/> Ontario Cottage
(1840-1900) | <input type="checkbox"/> Romanesque Revival
(1850-1910) |
| <input type="checkbox"/> Beaux-Arts Classicism
(1900-1945) | <input type="checkbox"/> Colonial Revival
(1900-Present) | <input type="checkbox"/> Italian Villa
(1830-1900) | <input type="checkbox"/> Period Revivals
(1900-Present) | <input type="checkbox"/> Second Empire
(1860-1900) |
| <input type="checkbox"/> Bungalow
(1900-1945) | <input type="checkbox"/> Edwardian
(1900-1930) | <input type="checkbox"/> Italianate
(1850-1900) | <input type="checkbox"/> Post-Modern
(1970-Present) | <input type="checkbox"/> Vernacular |
| <input type="checkbox"/> Classic Revival
(1830-1860) | <input type="checkbox"/> Georgian / Loyalist
(1784-1860) | <input type="checkbox"/> Neo-Classical
(1800-1860) | <input type="checkbox"/> Queen Anne
(1880-1910) | <input type="checkbox"/> Victory Housing
(1940-1950) |
| <input type="checkbox"/> Chateau
(1880-1940) | <input type="checkbox"/> Gothic Revival
(1830-1900) | <input type="checkbox"/> Neo-Gothic
(1900-1945) | <input type="checkbox"/> Regency
(1830-1860) | <input type="checkbox"/> 1950s Contemporary
(1945-1965) |
| <input type="checkbox"/> Other _____ | | | | |

Appendix "E" to Report PED20133
Page 2 of 3

Notable Building Features:

- | | | | | |
|---|---|--------------------------------------|--------------------------------------|---|
| <input type="checkbox"/> Porch: _____ | <input type="checkbox"/> Sill(s): _____ | <input type="checkbox"/> Tower/Spire | <input type="checkbox"/> Bargeboard | <input type="checkbox"/> Eaves: _____ |
| <input type="checkbox"/> Verandah: _____ | <input type="checkbox"/> Lintel(s): _____ | <input type="checkbox"/> Dome | <input type="checkbox"/> Transom | <input type="checkbox"/> Verges: _____ |
| <input type="checkbox"/> Balcony: _____ | <input type="checkbox"/> Shutters: _____ | <input type="checkbox"/> Finial | <input type="checkbox"/> Side light | <input type="checkbox"/> Dormer: _____ |
| <input type="checkbox"/> Door(s): _____ | <input type="checkbox"/> Quoins: _____ | <input type="checkbox"/> Pilaster | <input type="checkbox"/> Pediment | <input type="checkbox"/> Chimney: _____ |
| <input type="checkbox"/> Stairs: _____ | <input type="checkbox"/> Voussoirs: _____ | <input type="checkbox"/> Capital | <input type="checkbox"/> Woodwork | <input type="checkbox"/> Parapet: _____ |
| <input type="checkbox"/> Fire wall: _____ | <input type="checkbox"/> Cornice: _____ | <input type="checkbox"/> Panel | <input type="checkbox"/> Date stone | <input type="checkbox"/> Bay: _____ |
| <input type="checkbox"/> Windows: _____ | <input type="checkbox"/> Column | <input type="checkbox"/> Cresting | <input type="checkbox"/> Other _____ | |

Notes: _____

Context:Historic Context Statement: Yes No Name of HCS Area: _____ Streetscape (Residential / Commercial) Terrace / Row Complex / Grouping Landmark Multi-address parcel (list addresses): _____ Other _____ Related buildings: _____**Plan:** Square Rectangular L U T H Cross Irregular Other _____**Wings:** _____ **Setback:** Shallow Deep At ROW Other _____ Corner Lot**Accessory Features and Structures:** Features (e.g. stone wall, fountain): _____ Structures (e.g. shed, outbuilding): _____**Additional Notes:****Related Files:** _____**Fire Insurance Mapping:****Additional Documentation and Research Attached (if applicable):**

Surveyed by:	Date:	Survey Area:
Staff Reviewer:	Date:	

PRELIMINARY EVALUATION

Physical / Design Value:	
<input type="checkbox"/>	The property's style, type or expression is: <input type="checkbox"/> rare <input type="checkbox"/> unique <input type="checkbox"/> representative <input type="checkbox"/> early
<input type="checkbox"/>	The property displays a high degree of: <input type="checkbox"/> craftsmanship <input type="checkbox"/> artistic merit
<input type="checkbox"/>	The property demonstrates a high degree of: <input type="checkbox"/> technical achievement <input type="checkbox"/> scientific achievement
Historical / Associative Value:	
<input type="checkbox"/>	The property has direct associations with a potentially significant: <input type="checkbox"/> theme <input type="checkbox"/> event <input type="checkbox"/> belief <input type="checkbox"/> person <input type="checkbox"/> activity <input type="checkbox"/> organization <input type="checkbox"/> institution
<input type="checkbox"/>	The property yields, or has the potential to yield, information that contributes to an understanding of a community or culture
<input type="checkbox"/>	The property demonstrates or reflects the work or ideas of a potentially significant: <input type="checkbox"/> architect <input type="checkbox"/> artist <input type="checkbox"/> builder <input type="checkbox"/> designer <input type="checkbox"/> theorist
Contextual Value:	
<input type="checkbox"/>	The property is important in: <input type="checkbox"/> defining <input type="checkbox"/> maintaining <input type="checkbox"/> supporting the character of the area
<input type="checkbox"/>	The property is linked to its surroundings: <input type="checkbox"/> physically <input type="checkbox"/> functionally <input type="checkbox"/> visually <input type="checkbox"/> historically
<input type="checkbox"/>	The property is a landmark

Classification:

- Significant Built Resource (SBR)
- Character-Defining Resource (CDR)
- Character-Supporting Resource (CSR)
- Inventory Property (IP)
- Remove from Inventory (RFI)
- None

Recommendation:

- Add to Designation Work Plan
- Include in Register (Non-designated)
- Remove from Register (Non-designated)
- Add to Inventory – Periodic Review
- Inventory – No Further Review (Non-extant)
- No Action Required

Evaluated by:	Date:
HMHC Advice:	Date
Planning Committee Advice:	Date:
Council Decision:	Date:
Database/GIS Update:	AMANDA Update:



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division
 and
CORPORATE SERVICES DEPARTMENT
 Financial Planning, Administration and Policy Division
 and
PUBLIC WORKS
 Hamilton Water Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 11, 2020
SUBJECT/REPORT NO:	2020 Water and Wastewater Infrastructure Support Community Improvement Project Area and Plan (PED20120/FCS20055/PW20047) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joanne Hickey Evans (905) 546-2424 Ext. 1282 John Savoia (905) 546-2424 Ext. 7298 Ryan Doyle (905) 546-2424 Ext. 7455
SUBMITTED BY: SIGNATURE:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SUBMITTED BY: SIGNATURE:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SUBMITTED BY: SIGNATURE:	Andrew Grice Director, Hamilton Water Public Works Department

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RECOMMENDATIONS

- (a) That the 2013 Water and Wastewater Infrastructure Support Community Improvement Project Area and Plan By-laws 13-079 and 13-080 be repealed, attached as Appendices “A” and “B” to Report (PED20120/FCS20055/PW20047);
- (b) That the Water and Wastewater Infrastructure Support Community Improvement Project Area and Plan (2020) By-law, as described in Report (PED20120/FCS20055/PW20047), be approved on the following basis:
 - (i) That the draft By-law for the Water and Wastewater Infrastructure Support Community Improvement Project Area, attached as Appendix “A” to Report (PED20120/FCS20055/PW20047), be enacted by City Council;
 - (ii) That the draft By-law for the Water and Wastewater Infrastructure Support Community Improvement Plan, attached as Appendix “B” to Report (PED20120/FCS20055/PW20047), be enacted by City Council;
 - (iii) That Residential Protective Plumbing Program Guidelines, appended to the Water and Wastewater Infrastructure Support Community Improvement Plan, attached as Appendix “C” to Report (PED20120/FCS20055/PW20047);
 - (iv) That Lead Water Service Replacement Loan Program Guidelines, appended to the Water and Wastewater Infrastructure Support Community Improvement Plan, attached as Appendix “D” to Report (PED20120/FCS20055/PW20047); and,
 - (v) That the proposed Community improvement Plan and Project Area are consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan (2019), conforms to the Greenbelt Plan (2017) and complies with the Urban and Rural Hamilton Official Plans.

EXECUTIVE SUMMARY

Committee of the Whole at their May 13, 2020 meeting approved a recommendation to extend the Lead Water Service Replacement Loan Program to rental residential properties. However, before any loans can be advanced to a rental residential property owner, the City’s 2013 Water and Wastewater Infrastructure Support Community Improvement (WWW CIP) Project Area and Plan have to be amended to incorporate this program.

The 2013 WWW CIP was adopted to permit homeowners of rental residential properties within the urban area who are on municipal services to access loans under the

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Residential Protective Plumbing Subsidy Program. This program provided funding to homeowners to modify private plumbing systems to prevent sewer back-up into basements and release of untreated effluent in extreme weather events.

Upon reviewing the 2013 WWW CIP, the project area has to be expanded to apply to the whole City and the focus of the 2013 Plan is too narrow in scope to address this new program. As a result, it is more efficient and effective to delete and replace the 2013 WWW CIP.

The Report has four components:

- The Community Improvement Project Area, adopted through a City By-law;
- The Community Improvement Plan, adopted through a City By-law;
- Residential Protective Plumbing Program Guidelines, appended to the Water and Wastewater Infrastructure Support Community Improvement Plan, adopted by a separate resolution of Council; and,
- Lead Water Service Replacement Loan Program Guidelines, adopted by a separate resolution of Council

Any formal amendment to a CIP requires a public meeting under the *Planning Act*. Changes to the appendices can be undertaken by a Council resolution only.

Alternatives for Consideration – See Page 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The *Planning Act* (Section 28) allows a municipality that has provisions in their Official Plan relating to community improvement, to designate, by By-law, a Community Improvement Project Area, and then prepare a Community Improvement Plan for the Project Area.

A municipality may make grants or loans, in conformity with the approved Community Improvement Plan, that would otherwise be prohibited under the *Municipal Act, 2001* (Section 106(1)), to the registered/assessed owners or tenants of land and buildings, or their respective assignees, within the designated Project Area.

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As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider the establishment of or an amendment to a Community Improvement Project Area and Plan.

HISTORICAL BACKGROUND

1.0 Community Improvement Plans

A Community Improvement Plan is a Plan, adopted under the *Planning Act*, that authorizes municipalities to provide grants or loans to commercial enterprises for a variety of rejuvenation / rehabilitation purposes, without contravening the *Municipal Act, 2001* prohibition against bonusing.

The City may have multiple CIP's to address certain programs within certain geographic areas of the City.

2.0 Water and Waste Water Infrastructure Support Community Improvement Plan (WWW CIP) and Project Area (2013)

In 2013, the City passed By-laws 13-079 (Project Area) and By-law 13- 080 (CIP) to designate the project area and adopt the Water and Waste Water Infrastructure Support Community Improvement Plan (WWW CIP).

The project area applied to the urban area only. The purpose of the WWW CIP is to facilitate Hamilton's adaptation to climate change and protection of the health of Hamilton's citizens through specific infrastructure incentive programs. The Plan permitted the Residential Protective Plumbing Program (3P) to be extended to owners of residential rental properties within the City's urban area. This incentive program provided money to homeowners for specific modifications to private plumbing systems to prevent sewer back-up into basements and release of untreated effluent in extreme weather events.

Before a rental property owner could access this funding, this program had to be included within the CIP since rental properties are considered as 'commercial enterprises.'

3.0 Update to 2013 Water and Waste Water Infrastructure Support Community Improvement Plan

In 2007, the City established the Lead Water Service Replacement Loan Program. The purpose of the Program is to provide homeowners with the opportunity to access funding to assist homeowners to replace their private lead water service line to reduce their potential risk of exposure to lead in tap water. The program has been updated to

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extend the interest-bearing loans to property owners of rental properties.

To enable the extension of this funding, it must be included within the WWW CIP. In addition, since this program is available to homeowners, both within the urban and rural areas, the CIP project area must be amended.

Committee of the Whole, at their meeting of May 13, 2020, approved the following recommendation from the Lead Water Service Replacement Loan Program Review (FCS19025(a)):

- “(c) That the Planning and Economic Development Department be directed to undertake an amendment to the Water and Wastewater Infrastructure Support Community Improvement Project Area and Community Improvement Plan so the Lead Water Service Replacement Loan Program can be incorporated into the Community Improvement Plan to extend loans to residential rental properties and report back at a future Planning Committee meeting. “

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Municipal Act, 2001

Subsections 106(1) and (2) of the *Municipal Act, 2001* states: "*a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose.*" Providing financial or other assistance, often referred to as bonusing, is normally prohibited.

Community improvement initiatives are an exception to the rule against bonusing provided the City adopts a Community Improvement Project Area and Plan to prescribe specific financial incentives.

2.0 Planning Act

The *Planning Act* (Section 28) allows municipalities that have provisions in their Official Plan relating to community improvement to designate, by By-law, a community improvement project area.

A municipality may engage in certain actions within a designated community improvement project area, including:

- *Make grants or loans, in conformity with the approved Community Improvement Plan, to the registered owners, assessed owners, and tenants of lands and buildings, and to any person to whom such an owner or tenant has assigned the*

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right to receive a grant or loan, to pay for the whole or part of the eligible costs of the Community Improvement Plan (Section 28(7)).

Section 28(7.1) defines eligible costs as "*costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of energy efficient uses, buildings, structures, works, improvements, or facilities.*"

3.0 Provincial Policy

3.1. The Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (2019) provides Provincial growth management policy direction to municipalities within the Greater Golden Horseshoe, including Hamilton. It also provides a framework for infrastructure investments and planning.

3.2 Greenbelt Plan

There are no specific policies in the Greenbelt Plan that address housing stock or municipal infrastructure.

3.3 Provincial Policy Statement 2020

The Provincial Policy Statement supports infrastructure planning, particularly sewage and water services, for health, safety, and environmental reasons. This CIP promotes improvements of infrastructure planning, promotes efficient use of infrastructure, reduces the potential for environmental contamination, and promotes improved health and safety. Installation of backflow valves and sump pumps promotes health and safety. Similarly, the replacement of lead water service lines improves the health of Hamilton residents.

4.0 Official Plans (OP's)

Both the Urban and Rural Hamilton Official Plans provide support of this Community Improvement Plan's goals, objectives, and programs. The promotion of healthy and safe communities is a core principle of the Official Plan that is seen in several policies, for example, B.1 - Communities, Introduction states:

"Health and safety in our communities is essential. Policies ensure that our communities are safe and healthy. A broad interpretation of health recognizes the inter-relationships between all aspects of our environment and the impacts on the

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health of citizens. Policies in this section enable healthy lifestyles, promote a healthy and safe community, and promote a high quality of life.

B.3.2.4.6 The existing stock of housing shall be retained, wherever possible, and kept

B.3.2.2.2 in a safe and adequate condition through use of the City's Demolition Control By-law, Property Standards By-law, and incentive programs financed by the City or by senior levels of government."

Extending the Residential Protective Plumbing Program and the Lead Water Service Replacement Loan Program (LWSRLP) to residential rental properties promotes the health of those living in rental dwellings and helps to maintain the quality of the City's limited rental housing units.

Section F.1.15 - Community Improvement Plans of Volume 1 in both OP's provide the authority to prepare CIP's.

RELEVANT CONSULTATION

None

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1.0 Purpose of the Report

The purpose of this Report is to delete and replace the 2013 Water and Waste Water Infrastructure Support Community Improvement Plan (WWW CIP) and Project Area to:

- Incorporate the City's approved financial incentive program for Lead Water Service Replacement Loan Program (LWSRLP) into the CIP, in addition to the existing Residential Protective Plumbing Program (3P); and,
- Extend the project area to the entire City.

2.0 Community Improvement Project Area and Plan

Generally, changes to the CIP appendices to add other incentive programs within the same project area can be undertaken through a Council resolution, since these appendices to the Plan do not require a formal amendment under the *Planning Act*.

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However, the LWSRLP applies to the entire City whereas the existing 3P Program applied to homeowners with rental properties within the urban areas only. Further, the descriptions in the existing 2013 CIP are too narrow to recognize the LWSRLP.

2.1 Community Improvement Project Area

The CIP Project area for the 3P program applied to the urban area since almost all of the properties that have a municipal sewer are within the urban areas. However, the program applies to any home owner of a principal residence, even though their home is outside the urban boundary.

Homeowners of rental properties throughout the entire City are eligible for the LWSRLP.

Therefore, the project area needs to be expanded to include the entire City.

2.2 Community Improvement Plan

The 2013 WWW CIP was developed with a focus on the 3P program only. The goals of the CIP are broad enough to allow for other infrastructure financial incentive programs to be added:

- Improve the quality of life for Hamilton residents;
- Improve Hamilton's image as a good place to live;
- Improve Hamilton's ability to adapt to the extreme weather patterns that are the result of climate change;
- Improve the health and safety of citizens by reducing basement sewer back-ups as a result of extreme storms;
- Facilitate ongoing rehabilitation and upgrading of Hamilton's aging infrastructure and housing stock; and,
- Protect the environment by reducing the release of untreated effluent as a result of extreme storms.

However, the other sections of the WWW CIP only focussed on 3P. Therefore, it was more efficient and effective to delete and replace the Plan to include the LWSRLP and to ensure that other programs could be included in the future. The Programs within the CIP are to be approved by Council as separate resolutions, as no public meetings are required for any amendment to the programs.

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ALTERNATIVES FOR CONSIDERATION

- Option 1 - Council could choose to not to either extend the WWW CIP project area to the entire City.
- Option 2 – Council could direct the existing WWW CIP be re-written to incorporate the Lead Water Service Replacement Loan Program.

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.

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” - 2020 Water and Wastewater Infrastructure Support Community Improvement Project Area By-law
- Appendix “B” - 2020 Water and Wastewater Infrastructure Support Community Improvement Plan
- Appendix “C” - Residential Protective Plumbing Program Description and Administrative Details
- Appendix “D” - Lead Water Service Replacement Loan Program Description and Administrative Details

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Authority: Item [REDACTED]
Planning Committee
Report 20-[REDACTED]
PED20120/FCS20055/PW20047)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. 20-[REDACTED]

To Adopt the Water and Wastewater Infrastructure Support Community Improvement Project Area

WHEREAS Section 28 of the Planning Act entitled "Community Improvement" provides in Sub-section (2):

"Where there is an Official Plan in effect in a local municipality, or in a prescribed upper-tier municipality that contains provisions relating to community improvement in the municipality, the Council may, by By-law, designate the whole or any part of an area covered by such an Official Plan as a community improvement project area";

AND WHEREAS the Planning Act, Section 28(1) defines a "community improvement project area" as "a municipality or an area within a municipality, the community improvement of which in the opinion of the Council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, or for any other environmental, social, or community economic development reason";

AND WHEREAS Section F.1.15 of the Rural Hamilton Official Plan contains provisions relating to community improvement;

AND WHEREAS Section F.1.15 of the Urban Hamilton Official Plan contains provisions relating to community improvement;

AND WHEREAS By-law No. 13-079 adopted Water and Wastewater Infrastructure Support Community Improvement Project Area for the urban area only;

AND WHEREAS the Council of the City of Hamilton considers it appropriate to designate the entire City of Hamilton as a "Community Improvement Project Area" for the purposes of the Water and Wastewater Infrastructure improvement on private property, as provided for in this By-law;

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

1. By-law 13-079, respecting the former Water and Wastewater Infrastructure Support Community Project Area, is hereby repealed in its entirety.
2. The whole of the area within the corporate limits of the City of Hamilton is designated as the "Water and Wastewater Infrastructure Support Community Improvement Project Area".
3. This By-law comes into force on the day it is passed.

PASSED this [REDACTED] day of [REDACTED], 2020

F. Eisenberger
Mayor

A. Holland
Clerk

Authority: Item [REDACTED]
Planning Committee
Report 20-[REDACTED]
(PED20120/FCS20055/PW20047)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. 20-[REDACTED]

**To Adopt the
Water and Wastewater Infrastructure Support Community Improvement Plan**

WHEREAS By-law No. 20-[REDACTED], passed on the [REDACTED] day of [REDACTED] 2020, designated the Water and Wastewater Infrastructure Support Community Improvement Project Area;

AND WHEREAS Section 28 of the *Planning Act* states that where a By-law has been passed to designate a community improvement project area, the Council may provide for the preparation of a plan suitable for adoption as a Community Improvement Plan for the community improvement project area;

AND WHEREAS under the *Planning Act* (Section 28) "community improvement" means

"the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and rehabilitation, improvement or energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary";

AND WHEREAS Council of the City of Hamilton passed By-law No. 13-080 to adopt Water and Wastewater Infrastructure Support Community Improvement Plan, in accordance with the *Planning Act*, to facilitate community improvement in the urban area to promote Hamilton's adaptation to climate change and protection of the health of Hamilton's citizens through municipal initiatives, such as the residential plumbing improvements, as set out in the Community Improvement Plan.

AND WHEREAS Council of the City of Hamilton considers it appropriate to adopt an updated Water and Wastewater Infrastructure Support Community Improvement Plan, in accordance with the *Planning Act*, to facilitate community improvement within both the urban and rural areas to promote Hamilton's adaptation to climate change and protection of the health of Hamilton's citizens through various municipal initiatives.

AND WHEREAS the Council of the City of Hamilton considers it appropriate to adopt an updated Water and Wastewater Infrastructure Support Community Improvement Plan for the purposes of the community improvement within the designated Water and Wastewater Infrastructure Support Community Improvement Project Area, through Community Improvement Plan.

AND WHEREAS Section F.1.15 of the Rural Hamilton Official Plan contains provisions relating to community improvement;

AND WHEREAS Section F.1.15 of the Urban Hamilton Official Plan contains provisions relating to community improvement;

AND WHEREAS the City has prepared a plan entitled "Water and Wastewater Infrastructure Support Community Improvement Plan" attached as Schedule 'A' and forming part of this By-law;

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

1. By-law 13-080 is hereby repealed in its entirety.
2. That the Water and Wastewater Infrastructure Support Community Improvement Plan, attached as Schedule 'A' and forming part of this By-law, is adopted as the Water and Wastewater Infrastructure Support Community Improvement Plan for the Water and Wastewater Infrastructure Support Project Area designated by By-law No. 20-█.

3. That this By-law comes into force on the day it is passed.

PASSED this [] day of [], 2020

F. Eisenberger
Mayor

A.Holland
Clerk

Water and Wastewater Infrastructure Support Community Improvement Plan

1. INTRODUCTION

The Water and Wastewater Infrastructure Support Community Improvement Plan provides the basis for water and wastewater improvement programs and initiatives within the designated Water and Wastewater Infrastructure Support Community Project Area of the City of Hamilton. It targets certain properties within the City, as designated in the Water and Wastewater Infrastructure Support Community Improvement Project Area.

The Water and Wastewater Infrastructure Support Community Improvement Plan contains the following sections:

1. Introduction
2. Purpose
3. Legislative Authority
4. Previous Plans, Programs and Initiatives
5. Supporting Policy and Strategies
6. Community Improvement Project Area(s)
7. Goals and Objectives
8. Programs and Initiatives
9. Monitoring
10. Approval and Amendment Process

This 2020 Plan repeals and replaces the Water and Wastewater Infrastructure Support Community Improvement Plan, originally adopted and approved by Hamilton City Council on March 27, 2013 (By-law 13-080).

2.0 PURPOSE

Community Improvement Plans are intended to facilitate the improvement of lands and buildings in the City that result in a benefit to the community within the Water and Wastewater Infrastructure Support Community Project Area. In turn, these improvements have positive impacts on the City and its residents by reducing environmental impacts from climate change and protecting human health, among other benefits.

The Water and Wastewater Infrastructure Support Community Project Area includes all land within the City's municipal boundary.

The purpose of this updated Community Improvement Plan (CIP) is to promote Hamilton's adaptation to climate change and protection of the health of Hamilton's citizens through specific initiatives and programs for residents to upgrade or replace water and wastewater infrastructure.

More specifically, the CIP:

- Provides a structured framework for City programs and initiatives within the Water and Wastewater Infrastructure Support Community Project Area that meets the legislative requirements of the *Planning Act* and the *Municipal Act*. These requirements allow the municipality to provide financial assistance to private enterprise (see section 3 of this Plan);
- Outlines a set of financial incentive programs designed to improve the health of citizens and mitigate impacts from climate change; and,
- Focuses and coordinates municipal action and investment aimed at reducing impacts from climate change, improving and protecting the health of Hamilton's citizens.

This Plan functions as an implementation tool. It builds on the City's past efforts to improve water and waste water infrastructure within the City including the prevention of sewer backs ups into basements, the release of untreated effluent in extreme weather events and reducing lead exposure through the replacement of lead water service lines. The programs and initiatives identified in Section 8 implement the City's Corporate Strategic Plan, Corporate Goals and Areas of Focus for Climate Change Adaptation and Mitigation, and Health Protection. These documents are reviewed in Section 5 to provide rationale for the Community Improvement Project Area described in Section 6.

Monitoring the Plan's implementation is undertaken through the City's performance measurement reporting, as noted in Section 9. This CIP may be amended from time-to-time, in accordance with Section 10.

3. LEGISLATIVE AUTHORITY

The legislative framework for Community Improvement Planning in Ontario is established in the *Planning Act* and the *Municipal Act, 2001*. This legislation governs how

municipalities prepare Community Improvement Plans and programs, providing financial incentives that would otherwise be prohibited.

3.1 Municipal Act, 2001

Subsections 106(1) and (2) of the *Municipal Act, 2001* states: "*a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose.*" Providing financial or other assistance, often referred to as bonusing, is normally prohibited, including the following actions:

- Giving or lending money or municipal property;
- Guaranteeing borrowing;
- Leasing or selling municipal property below fair market value; or,
- Giving a total or partial exemption from any levy, charge or fee.

Community improvement initiatives are an exception to the rule against bonusing. This exception is found in Section 106(3) of the *Municipal Act, 2001* for municipalities exercising powers under Section 28(6), (7) or (7.2) of the *Planning Act*, and under Section 365.1 of the *Municipal Act, 2001*. This exception provides the legislative basis for the financial incentive programs described in Section 8.1 of this Plan.

Rental properties are considered as "commercial enterprises".

3.2 Planning Act

The *Planning Act* (Section 28) allows municipalities that have provisions in their Official Plan relating to community improvement to designate, by By-law, a community improvement project area. Under Section 28(1) of the *Planning Act*:

- A community improvement project area is defined as "*a municipality or an area within a municipality, the community improvement of which, in the opinion of the Council, is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, or for any other environmental, social, or community economic development reason;*"
- Community improvement is defined as "*the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement or energy efficiency, or any of them, of a community improvement project area, and the provision of such*

residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary."

A municipality may engage in the following actions within a designated community improvement project area:

- *Acquire, hold, clear, grade, or otherwise prepare land for community improvement (Section 28(3));*
- *Prepare a Community Improvement Plan for the project area (Section 28(4));*
- *Construct, repair, rehabilitate, or improve buildings on land acquired or held by it in conformity with the approved Community Improvement Plan (Section 28(6));*
- *Sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the approved Community Improvement Plan (Section 28(6)); and,*
- *Make grants or loans, in conformity with the approved Community Improvement Plan, to the registered owners, assessed owners, and tenants of lands and buildings, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or part of the eligible costs of the Community Improvement Plan (Section 28(7)).*

Section 28(7.1) defines eligible costs as "*costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of energy efficient uses, buildings, structures, works, improvements, or facilities.*"

The maximum amount of financial assistance a municipality may offer is limited by Section 28(7.3) of the *Planning Act*. The total of the grants, loans and tax assistance provided to particular lands and buildings under the *Planning Act* (Section 28) and the *Municipal Act, 2001* (Section 365.1) shall not exceed the eligible cost of the Community Improvement Plan with respect to those lands and buildings. The financial incentive programs provided in Section 8.1 of this Plan, therefore, contain eligibility criteria and financial assistance maximum limits to ensure assistance does not exceed eligible costs.

3.3 Municipal Official Plan Authorization

Municipal authority is granted by the community improvement policies in the Rural and Urban Hamilton Official Plans. As noted in Section 3.1 of this CIP, municipalities must have provisions in their Official Plans to designate a community improvement project area and prepare a Community Improvement Plan.

3.3.1 Urban Hamilton Official Plan

The following policies enable the City to establish a Community Improvement Project Area and prepare and implement Community Improvement Plans:

"F.1.15.1 Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project Areas and through the preparation and implementation of Community Improvement Plans pursuant to the *Planning Act*, R.S.O., 1990 c. P.13. It is the intent of Council that the entire urban area or any part of the urban area as defined in this Plan, and as subsequently amended, may by by-law be designated as a Community Improvement Project Area.

F.1.15.3 Community Improvement Plans shall provide direction regarding the application of one or more of the following:

a) allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land and/buildings;"

3.3.2 Rural Hamilton Official Plan

The following policies enable the City to establish a Community Improvement Project Area and prepare and implement Community Improvement Plans:

"F.1.15.1 Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project Areas and through the preparation and implementation of Community Improvement Plans pursuant to the *Planning Act*. It is the intent of Council that the entire Rural Area or any part of the Rural Area as defined in this Plan, and as subsequently amended, may by By-law be designated as a Community Improvement Project Area. (OPA 5)

F.1.15.3 Community Improvement Plans shall provide direction regarding the application of one or more of the following:

- a) allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land and/buildings;"

4. PREVIOUS PLANS, PROGRAMS, AND INITIATIVES

This 2020 Plan repeals and replaces the Water and Wastewater Infrastructure Support Community Improvement Plan, originally adopted and approved by Hamilton City Council on March 27, 2013 (By-law 13-080).

The 2013 Water and Wastewater Infrastructure Support Community Improvement Plan was adopted to support the Residential Protective Plumbing Program, which was initially adopted by Council on September 30, 2009 Council (Report PW09082) and has been reviewed and revised several times since, most recently February 20, 2020 (Report PW11056(c)). The Residential Protective Plumbing Subsidy Program provides guidance and financial assistance to existing residential property owners in the urban area undertaking improvements to their eligible properties to reduce the potential for basement flooding due to sewer surcharge.

In October 2008, Council established a city-wide program that provided home owners of owner-occupied dwellings with the opportunity to access an interest-bearing loan to replace their private lead water service line. This program is titled Lead Water Service Replacement Loan Program. On May 13, 2020, City Council approved extending this loan program to homeowners who owned rental properties throughout the City.

As a result, the 2013 Water and Wastewater Infrastructure Support Community Improvement Plan is being deleted and replaced. The 2020 Water and Wastewater Infrastructure Support Community Improvement Plan will be broadened to include both the Residential Protective Plumbing Program and the Lead Water Service Replacement Loan Program.

5. SUPPORTING POLICIES AND STRATEGIES

The documents reviewed in this Section provide the direction and policy basis for this Plan's goals, objectives (see Section 7) and programs (see Section 8).

5.1 Provincial Policy

5.1.1 The Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (2019) provides Provincial growth management policy direction to municipalities within the Greater Golden Horseshoe, including Hamilton. It also provides a framework for infrastructure investments and planning.

5.1.2 Greenbelt Plan

There are no specific policies in the Greenbelt Plan that address housing stock or municipal infrastructure. Planning and design of sewage and water in the Greenbelt Plan area is to be carried out in accordance with the policies of the Growth Plan.

5.1.3 Provincial Policy Statement 2020

The Provincial Policy Statement (2020) sets the policy foundation for regulating the development and use of land in Ontario. Overall the Provincial Policy Statement promotes “strong, liveable, and healthy communities, protect the environment and public health and safety, and facilitate economic growth”. It also promotes efficient use of infrastructure. While not directly a planning matter, the Water and Wastewater Infrastructure Support Community Improvement Plan will be adopted under the *Planning Act* and must, therefore, be consistent with the Provincial Policy Statement.

The Water and Wastewater Infrastructure Support Community Improvement Plan is consistent with the following Provincial Policy Statement policies:

- The goal of “1.1.1 c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns*”;
- “1.6.6.1 b) 4) *Planning for sewage and water services shall: b) ensure that these systems are provided in a manner that protects human health and safety, and the natural environment.*”

The Provincial Policy Statement supports infrastructure planning, particularly sewage and water services, for health, safety, and environmental reasons. This CIP promotes improvements of infrastructure planning, promotes efficient use of infrastructure, reduces the potential for environmental contamination, and promotes improved health and safety.

Installation of backflow valves and sump pumps promotes health and safety. Similarly, the replacement of lead water service lines improves the health of Hamilton residents.

5.3 Official Plans

5.3.1 Urban Hamilton Official Plan

The Urban Hamilton Official Plan provides support of this Community Improvement Plan's goals, objectives, and programs. The promotion of healthy and safe communities is a core principle of the Official Plan . B.1 - Communities, Introduction states:

"Health and safety in our communities is essential. Policies ensure that our communities are safe and healthy. A broad interpretation of health recognizes the inter-relationships between all aspects of our environment and the impacts on the health of citizens. Policies in this section enable healthy lifestyles, promote a healthy and safe community, and promote a high quality of life."

B.3.2.4.6 *The existing stock of housing shall be retained, wherever possible, and kept in a safe and adequate condition through use of the City's Demolition Control By-law, Property Standards By-law, and incentive programs financed by the City or by senior levels of government."*

The preamble to Section B.3.2.5 states:

"It is important to maintain a balance of primary rental and ownership housing stock. ... The intent of the policies in Section 3.2.5 - Rental Housing Protection Policies is to minimize the loss of primary rental housing, particularly affordable rental housing, while permitting opportunities for neighbourhood revitalization, residential intensification, and affordable home ownership when the rental housing market is strong."

Extending the Residential Protective Plumbing Program and the Lead Water Service Replacement Loan Program (LWSRLP) to residential rental properties promotes the health of those living in rental dwellings and helps to maintain the quality of the City's limited rental housing units.

5.3.2 Rural Hamilton Official Plan

The Rural Hamilton Official Plan provides support of this Community Improvement Plan's goals, objectives, and programs. The promotion of healthy and safe communities is a core principle of the Official Plan that is seen in several policies, including:

- the same B.1 policy at the Urban Hamilton Official Plan; and,
- Policy B.3.2.2.2

“3.2.2.2 The existing stock of housing in the rural area shall be retained wherever possible and kept in a safe and adequate condition through use of the City's Property Standards by-law and incentive programs financed by the City or by senior levels of government.”

Extending the Residential Protective Plumbing Program and the Lead Water Service Replacement Loan Program (LWSRLP) to residential rental properties promotes the health of those living in rental dwellings and helps to maintain the quality of the City's limited rental housing units.

5.4 Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation

In December 2019, City Council approved the “Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation”

The purpose of Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation “is to lay the foundation for the first corporate-wide climate change reporting framework and areas of focus to empower City staff and enable the community to take action on climate change.” (Source: “Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation” p. 9)

There are 9 Goals. Two goals apply to this CIP.

Goal 4 – Building: identifies a specific action to “ensure future land use and development supports climate change mitigation and resiliency”. One of the methods is applying Low Impact Development guidelines within the City's Comprehensive Engineering Guidelines, Site Plan guidelines and zoning standards.

Goal 7 – Climate Change Adaptation: aims “to improve Hamilton’s climate resiliency by decreasing our vulnerability to extreme weather, minimizing future damages, take advantage of opportunities, and better recover from future damages.

These goals, among other City Initiatives, are intended to reduce the impact of extreme weather.

5.5 Our Future Hamilton Community Vision (2016)

Our Future Hamilton Community Vision, adopted in 2016, articulates six community priorities, two of which are based on environmental responsibility and built infrastructure.

Under the priority of Built Environment and Infrastructure, two of the key directions under Modern Infrastructure include:

- Build and adapt public infrastructure and buildings to withstand extreme weather events.
- Construct and renovate buildings to meet environmental standards.

5.6 City of Hamilton Corporate Strategic Plan 2016 - 2025

The Corporate Strategic Plan developed by Council identifies strategic priorities for 2016 to 2025, that include the following themes and focus areas:

Our Mission

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

Priority - Built Environment and Infrastructure

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

This priority means the City contributes to achieving the Our Future Hamilton vision by providing services that ensure its infrastructure assets (roads, sewers, municipal buildings, etc.) and overall built form are planned, constructed, rehabilitated and maintained in a manner that incorporates best practices, innovative features and are designed to be resilient to the effects of climate change. One of the focus areas for this priority is water, wastewater and stormwater systems.

5.7 The Public Works Business Plan, Innovate Now and the Water and Wastewater Strategic Business Plan for 2010 - 2012

The documents reviewed in this Section provide the direction and policy basis for this Plan's goals. Implementing the recommendations of this report will assist the City in meeting the following priorities contained within the Corporate Strategic Plan 2016-2025:

Our Mission

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

Built Environment and Infrastructure

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

This priority means the City contributes to achieving the Our Future Hamilton vision by providing services that ensure its infrastructure assets (roads, sewers, municipal buildings, etc.) and overall built form are planned, constructed, rehabilitated and maintained in a manner that incorporates best practices, innovative features and are designed to be resilient to the effects of climate change.

The actions of this Community Improvement Plan support the corporate strategic goals of “*clean and green*” and “*healthy and safe communities*,” through the provision of the Residential Protective Plumbing Program and Substandard Water Service Replacement Program.

Clean and Green

The extension of the Residential Protective Plumbing Program to owners of residential rental properties has improved access to the program and helped maintain the quality of the City’s valuable rental housing stock. The Residential Protective Plumbing Program continues to be a key element of the City's climate change adaptation strategy. The City has taken further action to improve climate change adaption by working with Planning and Economic Development to mandate that all homes built after January 1, 2012 require a backwater valve.

Healthy and Safe Communities

The lead service line replacement component of the Substandard Water Service Replacement Program reduces exposure of vulnerable populations to the potential for

adverse health impacts due to the presence of lead within private plumbing. This particular function of the Water and Wastewater Infrastructure Support Community Improvement Plan is in direct alignment with the City's desired outcome of making Hamilton a safe and supportive city where people are active, healthy, and have a high quality of life.

6. WATER AND WASTEWATER INFRASTRUCTURE SUPPORT COMMUNITY IMPROVEMENT PROJECT AREA

This Water and Wastewater Infrastructure Support Community Improvement Plan applies to all lands, which includes the urban and rural areas, in the City of Hamilton. The project area is designated by By-law 20- , approved by Council on , 2020.

7. GOALS AND OBJECTIVES

With consideration of the broader policy context outlined in Section 5 of this Plan, the goals of the Water and Wastewater Infrastructure Support Community Improvement Plan are to:

- Improve the quality of life for Hamilton residents;
- Improve Hamilton's image as a good place to live;
- Improve the health and safety of citizens through such programs that
 - reduce basement sewer back-ups as a result of extreme storms; and,
 - reduce exposure to lead or other environmental hazards;
- Facilitate ongoing rehabilitation and upgrading of Hamilton's aging infrastructure and housing stock;
- Improve Hamilton's ability to adapt to the extreme weather patterns that are the result of climate change; and,
- Protect the environment by reducing the release of untreated effluent as a result of extreme storms.

8. PROGRAMS AND INITIATIVES

This section outlines programs and initiatives that may foster and support climate change adaptation and mitigation and the protection of human health within the designated Community Improvement Project Area.

8.1 Provision of Loans and Grants

Through its financial incentive programs, the City of Hamilton will provide grants and/or loans to registered/assessed owners of residential land and buildings including rental properties, to pay for the whole or part of the eligible costs of a project, as described in this Community Improvement Plan to mitigate and or adapt to the impacts of climate change and to improve the health of City residents.

Approval of all loan or grant program applications is at the absolute discretion of the City, and subject to the availability of funds.

Project costs that may be eligible for financial assistance relate to:

- Assessment of a building's drainage system, including a closed-circuit television (CCTV) inspection;
- Installation of an approved backwater valve (replacement of existing sump pumps is not eligible);
- Disconnection of downspouts; and,
- Replacement of a private water service line that is confirmed by the City to be substantially composed of lead.

Projects will contribute to the achievement of this Plan's goals and objectives as described in Section 7.

In addition to the following program summaries, Council shall adopt, by resolution, implementation measures and procedures to allow for the efficient administration of each financial incentive program. These details of the program are contained in Appendix '1' and Appendix '2' to this Plan, Program Guidelines for the Residential Protective Plumbing Subsidy Program and Lead Water Service Replacement Loan Program respectively, which provides detailed program descriptions, terms, and administration processes.

8.1.1 Residential Protective Plumbing Program

The Residential Protective Plumbing Subsidy Program was initially adopted by Council on September 30, 2009, (Report PW09082), and has been reviewed and revised several times, most recently July 4, 2016 (Report PW11056(i)). The Residential Protective Plumbing Subsidy Program provides guidance and financial assistance to existing residential property owners in the urban area seeking to undertake improvements to their eligible properties that will reduce the potential for basement flooding due to sewer surcharge. Residential properties that are owner-occupied or rented and attached to the municipal sewer system are eligible for the program provided the proposed works conform to the Ontario Building Code. The Program provides grants of up to \$2,000, and an additional loan of up to \$2,000 for works that exceed the grant amount. The Program covers the following works:

- Works which are eligible for the grant under this Program are limited to the following items:
- Assessment of the building's drainage system, including a closed-circuit television (CCTV) inspection;
- Installation of a new approved backwater valve (replacements are not eligible);
- Installation of a new sump pit and pump when installed in conjunction with an approved backwater valve (replacement of existing sump pumps is not eligible); and,
- Disconnection of downspouts

This Program is a key element of the City's climate change adaptation strategy and applies to basement flooding caused by sewer surcharge only. It does not provide relief or assistance for flooding due to any other condition such as overland flooding. Appendix "A" to this Plan, formally adopted through a resolution of City Council and amended from time to time, provides the detailed program description, terms, and administration processes for the Residential Protective Plumbing Subsidy Program.

The purpose of including this program in this CIP is to extend the \$2500 interest bearing loan, currently available to owner-occupied residential properties, to owners of rental residential properties. The objective is to provide owners of rental residential properties with the financial support to replace their lead water service line to reduce

exposure to lead for their tenants.

8.1.2 Lead Water Service Replacement Loan Program

The City's Lead Water Service Replacement Loan Program was approved by Council in October 2008 as an ongoing program following its inception as a pilot program in October 2007 (refer to Report FCS07087(a) / PW07121(a)). The purpose of the Program is to provide homeowners with the continued opportunity to access funding, through an interest-bearing loan from the City, to assist homeowners to reduce their potential risk of exposure to lead in tap water that could be coming from their private lead water service line.

Works which are eligible for the loan under this Program are limited to the replacement of a private water service line that is confirmed by the City to be substantially composed of lead.

This Program is a significant component of the City's multi-pronged proactive approach to minimize customers' exposure to lead. Appendix "B" to this Plan, formally adopted through a resolution of City Council and amended from time to time, provides the detailed program description, terms, and administration processes for the Lead Water Service Replacement Loan Program.

The purpose of including this Program in this CIP is to allow owners of rental residential properties, as well as owner-occupied residential properties, to access an interest-bearing loan further promoting the replacement of lead service lines with the potential to reduce the total lead exposure to residents of the City of Hamilton.

9. MONITORING

Weekly monitoring of the Residential Protective Plumbing Subsidy Program is conducted by the Public Works Department. This monitoring includes weekly reports on the number and costs of:

- Backwater valve installations;
- Downspout disconnections;
- Installations of new sump pumps; and,
- Building Permit fee reimbursements.

Compassionate Grants, given through the Residential Municipal Disaster Relief Assistance Program, are also tracked, providing a very rough estimate of the reduction

of basement sewer back-ups. Overall program reports are presented to Council annually as part of the Water, Wastewater and Storm Rate Budget review process.

10. APPROVAL AND AMENDMENT PROCESS

This Community Improvement Plan will be reviewed from time-to-time to ensure that it is current and adequately reflects existing City policies and priorities, as well as Provincial policies. Monitoring and applicant feedback regarding the Community Improvement Plan and its programs may also lead to amendments and/or minor revisions to the financial incentive program descriptions and terms, included as Appendices to this Plan.

10.1 Formal Amendments

A formal amendment to this Community Improvement Plan is required in the following instances:

- To introduce any new financial incentive programs, to be added to Section 8;
- To increase the amount of financial assistance that may be provided to registered owners and assessed owners of residential properties, as described in Section 8;
- To change who may receive the financial assistance under existing or any new financial incentive programs, such as tenants and any person to whom a registered owner, assessed owner or tenant has assigned the right to receive a grant or loan, to be added to Section 8; or,
- To change the boundaries of the Community Improvement Project Area, as described in Section 6.

Formal amendments shall require approval by Council and shall be undertaken in accordance with Section 28 of the *Planning Act* and the City's Public Participation and Notification Policies contained in the Official Plans. Notification of the required Public Meeting for Community Improvement Plan Amendments shall be given at least 17 days prior to the date of the meeting. The notice shall be given in accordance with the applicable requirements of the *Planning Act* regulations.

10.2 Other Changes

Council has adopted, by resolution, detailed implementation measures to allow for the efficient administration of the financial incentive program. These administration

procedures are contained in the program guidelines provided in Appendices "A" and "B" to this Community Improvement Plan. Council may discontinue the program contained in this Plan without amendment to the Plan. Formal amendments, in accordance with Section 10.1 of this Plan, shall not be required for minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors, and policy number changes. Changes to the program guidelines not requiring a formal amendment will be adopted by City Council by resolution.

10.3 Transition

Program applications will be processed under the terms of the program in effect at the time the application was approved by Council. When program terms are revised, applications submitted and approved under the former terms of the program will be processed under the former terms unless the City receives a formal cancellation of the application.

11. APPENDICES

Appendix "A" Residential Protective Plumbing Program Guidelines.

Appendix "B" Lead Water Service Replacement Loan Program Guidelines

Appendix "A" to Water and Wastewater Infrastructure Support Community Improvement Plan

Residential Protective Plumbing Program Guidelines

1.0 Purpose

- 1.1 The following provides details relating to the eligibility for Program participation, scope of eligible works, grant values, application process, and other requirements related to the Residential Protective Plumbing Program.

2.0 Eligibility

- 2.1 Only single-family residential homes connected to the City of Hamilton municipal sewer system are eligible for the Program.
- 2.2 Only the registered owner of the property shall be eligible for the grant and must be the registered owner at both the time the works were completed and the application for reimbursement is submitted.

3.0 Scope of Eligible Works

- 3.1 Works which are eligible for the grant under this Program are limited to the following:
- 3.2 Assessment of the building's drainage system, including a closed-circuit television (CCTV) inspection;
- 3.3 Installation of a new approved backwater valve (replacements are not eligible);
- 3.4 Installation of a new sump pit and pump when installed in conjunction with an approved backwater valve (replacement of existing sump pumps is not eligible);
- 3.5 Disconnection of downspouts.

4.0 Grant Values

- 1.1. Residential property owners will be eligible, upon approval from the City, for a single grant, up to a maximum of \$2,000 for eligible works.

5.0 Application

- 5.1 The Customer must call the number indicated on the following City's website and speak to a Customer Service Representative to review eligibility and to obtain a Confirmation Number:
<https://www.hamilton.ca/home-property-and-development/water-sewer/protective-plumbing-program>
- 5.2 The Customer must request a copy of the Protective Plumbing Forms to be mailed to them or download program information from
www.hamilton.ca/backwatervalve.
- 5.3 The customer will then choose a contractor from the Pre-qualified Contractors List and schedule a time to have the contractor perform the assessment and review recommendations with them.
- 5.4 Once the homeowner agrees to the work, the Contractor will submit the information required to the Building Department to obtain the necessary permit before beginning the work.
- 5.5 Once the contractor completes the work, the Building Inspector will inspect the work for approval.
- 5.6 Once the works is approved by the Building Department, the homeowner will submit the completed information package to the address listed on the City's webpage: <https://www.hamilton.ca/home-property-and-development/water-sewer/protective-plumbing-program>
- 5.7 All documentation must be originals (no photocopies) and signed by the registered owner of the subject property.
- 5.8 One or all of works identified in the assessment must be completed on the sanitary or combined drainage system, prior to issuance of the grant or loan.
- 5.9 Except for downspout disconnections, all eligible works must be completed by a contractor licensed in the City of Hamilton for the subject works, with the contractor's license number provided on the receipts.
- 5.10 The contractor's invoice must be itemized in format acceptable to the General Manager of Public Works.

- 5.11 The grants are issued on a per property basis. No more than one grant will be issued per property. Property owners are free to choose from any of the 5 Pre-qualified contractors to be eligible for the maximum amount, however should they choose another contractor, then the maximum grant amount provided will be \$500.
- 5.12 For the grant to be issued, the property owner must provide proof, satisfactory to the General Manager of Public Works, or designate, that the contractor has been or will be paid in full.

6.0 Other Requirements/Specifications:

- 6.1 Sewer lateral repairs are not eligible under this Program.
- 6.2 An assessment, subject to the specifications of the General Manager of Public Works, shall include as a minimum:
- a. A CCTV inspection, identification of any upstream connections to the drainage system.
 - b. Assessment of potential for downspout disconnection.
 - c. Written recommendations.
 - d. Documented risks associated with the recommended works.
 - e. Sign offs by both the contractor and property owner.
- 6.3 The purpose of the CCTV inspection of the building drainage system is to identify all sources of drainage into the system, and to determine the best location for the installation of the backwater valve and/or sump pump, as well as to identify any potential adverse impacts of the installation of a backwater valve and/or sump pump.
- 6.4 A sump pump and pit will only qualify for reimbursement if installed in conjunction with an approved backwater valve, and if it is a new installation. Replacement pumps and/or pits are not eligible.
- 6.5 Installation of backwater valves must be compliant with the Ontario Building Code and in a manner acceptable to the General Manager of Public Works.
- 6.6 Building Permit expenses will only be reimbursed when one is required for the works being completed, and it is associated with a property that has previously experienced flooding. Downspout disconnection must be completed in a manner that does not create a potential or real hazard, create an adverse

condition for the subject or adjoining properties, or a health and safety hazard for the public.

- 6.6 Once a property owner has obtained a Confirmation Number from the City, the eligible works must be completed, and all required documentation and information must be submitted to the City within 6-months of the date of the City's written notice. If the property owner does not meet the 6-month requirement, no grant will be given, and the property owner will have to re-apply for a new grant, subject to review by the City as to the property owner's eligibility for the Program and subject to adequate funding being available.
- 6.7 The General Manager of Public Works may, at their discretion, require additional inspection and/or such other alterations to ensure that works undertaken are acceptable for reimbursement under the Program.
- 6.8 The General Manager of Public Works may, at their discretion, adjust the administrative aspects of the Program at any time without notice.
- 6.9 Program availability continues to be subject to funding, as determined by Council, and may be discontinued at any time without notice.

7.0 Loan Details:

- 7.1 Loans may be available to cover all applicable estimated costs (as approved and determined by the General Manager of Public Works) for undertaking residential protective plumbing measures, as described in Paragraph 3. Loans will not be available to cover any other associated costs (e.g. it will not cover the costs of repaving of an entire driveway, restoration of landscaped yards, or any other such costs that are deemed by the General Manager to be unnecessary for the installation of protective plumbing measures).
- 7.2 The loan, if approved, will only be paid to the residential property owner upon receipt of invoices for completed work and inspection of the completed work by City staff under the associated permits.
- 7.3 Any work that is commenced or completed, prior to the loan application approval, will be ineligible under the Program (unless waived at the General Manager of Public Works discretion).
- 7.4 The amount of each loan will not exceed \$2,000.
- 7.5 The loan amount, plus interest, will be transferred to the tax roll for the owner's residential property, as a special charge, for up to a ten (10) year period. The yearly loan amount, plus applicable interest, will be repayable on the final tax installment due dates.

- 7.6 Loan approvals are subject to the availability of funding, at any given time, as determined by Council. Loan applications will be processed in chronological order based on the date of receipt of applications.
- 7.7 Loan approvals will be valid for 6-months and will expire if the work is not completed within that time period (unless extended at the General Manager of Public Works discretion).

Security:

- 7.8 The loan will be added to the tax roll for the owner's residential property. Loans will be noted on the next tax roll and will show on a Treasurer's Certificate as a special charge.

Repayment of the Loan:

- 7.9 Repayments of the loan, plus interest, will be made through taxes, as set out in the Commitment Letter signed by the owner(s). Full repayment (including interest) can be made at any time, with no penalty to the owner. At the discretion of the City, the loan may be transferable to a new owner provided that the new owner agrees, in writing, to the terms and conditions of the loan. In the event of default in loan repayment over thirty (30) days, or in the event of sale of the property, the outstanding balance (including principal and interest) may be immediately payable. A further penalty of 15% per annum will be applied against any unpaid balance on taxes applied at 1.25% per month applied the first day past due.

Loan Application and Procedures:

- 7.10 The applicant/residential property owner(s) are required to complete an application form provided by the Public Works Department (Hamilton Water Division). Every person who is registered on title as an owner of the property is required to sign the application.
- 7.11 In addition to the completed application form, the applicant/owner(s) must provide such other further information or documentation as may be required by the General Manager of Public Works.
- 7.12 The City reviews the application and supporting documentation, decides whether to approve the loan amount, and determines the loan amount. The City will advise the applicant, in writing, of its decision and provide a Commitment Letter for the owner to complete.

- 7.13 The owner(s) must complete and sign the Commitment Letter, forwarding the original copy to Hamilton Water, Finance and Administration at the address indicated at the following webpage:
<https://www.hamilton.ca/home-property-and-development/water-sewer/residential-protective-plumbing-loan-program>
- 7.14 The owner or contractor must obtain any necessary permits prior to the commencement of work. Failure to obtain required permits prior to commencement of work, and having a related inspection completed, will result in cancellation of any approved loan amounts.
- 7.15 The owner or contractor must co-ordinate work with the City well in advance. The owner or contractor is responsible to obtain all utility locates for the work for both private and City property (where necessary).
- 7.16 The owner or contractor must arrange for an inspection by the City with respect to the installation of a backwater valve, or new sump pump and pit. If works are not inspected by the City, any approved loan amounts will be cancelled.
- 7.17 Within 6-months of receiving loan approval, the owner(s) must submit to the City the final invoice from the contractor setting out the amount due for the work and/or invoices for materials and equipment related to the eligible residential protective plumbing measures performed. Any owner submitting an invoice more than 6-months after the loan approval will be ineligible for payment of the loan. The City will not provide a loan for an amount greater than the approximate loan amount set out in Paragraph 7.12 above, even where the final invoice is greater than the approximate loan amount.
- 7.18 The City may advance either the invoice amount submitted by the contractor or the amount of the approximate loan amount, as set out in Paragraph 7.12. above, whichever is less, to the applicant owner(s).

Appendix "B" to Water and Wastewater Infrastructure Support Community Improvement Plan

Lead Water Service Replacement Loan Program (LWSRLP) Guidelines

1.0 Purpose

- 1.1 The following description provides details relating to the eligibility for Program participation, scope of eligible works, loan values, application process, and other requirements related to the Lead Water Service Replacement Loan Program (LWSRLP).

2.0 Eligibility

- 2.1 Only residential properties with an existing private water service line substantially composed of lead confirmed by the City of Hamilton are eligible for the Program.
- 2.2 Only the registered owners of the property shall be eligible for the loan and must be the registered owner at both the time the works were completed and the application for reimbursement is submitted.

3.0 Scope of Eligible Works

- 3.1 Works which are eligible for the loan under this Program are limited to the following:
- 3.2 Replacement of a private water service line that is confirmed by the City to be substantially composed of lead.

4.0 Loan Value

- 4.1 Residential property owners will be eligible, upon approval from the City, for a single interest bearing loan, up to a maximum of \$2,500 for eligible works. The General Manager of Finance and Corporate Services has been authorized by Council to review the maximum loan amount under the LWSRLP on a quinquennial (every five years) basis and increase the maximum loan amount based on the Statistics Canada Construction Price Index. Council may also revise the maximum loan amount at its sole discretion.

5.0 Loan Details:

- 5.1 Loans may be available to cover all applicable estimated costs (as approved and determined by the General Manager of Public Works) for undertaking lead

water service replacements measures, as described in Paragraph 3. Loans will not be available to cover any other associated costs (e.g. it will not cover the costs of repaving of an entire driveway, restoration of landscaped yards, or any other such costs that are deemed by the General Manager to be unnecessary for the replacement of the private water service line).

- 5.2 The loan, if approved, will only be advanced to the property owner upon receipt of invoices for completed work and inspection of the completed work by City staff under a Water Service Replacement Permit.
- 5.3 Any work that is commenced or completed, prior to the loan application approval, will be ineligible under the LWRSLP (unless waived at the General Manager of Public Works discretion).
- 5.4 The loan amount, plus any applicable interest, will be transferred to the Alectra Utilities' water account for the owner's residential property, as a payment arrangement. The monthly loan amount, plus applicable interest, will be billed monthly for a maximum period of up to 120 months or 10 years.
- 5.5 Loan approvals are subject to the availability of funding, at any given time, as determined by Council. Loan applications will be processed in chronological order based on the date of receipt of applications.
- 5.6 Loan approvals will be valid for 12-months and will expire if the work is not completed within that time period (unless extended at the General Manager of Public Works discretion).

Security:

- 5.7 The loan will be secured by a Commitment Letter and Promissory Note that must be signed by all registered owners of the Property in connection to which the loan is advanced and will be added to the owner's Alectra Utilities water and wastewater/storm account. The loan will show as a payment arrangement on the Alectra Utilities water and wastewater/storm account.

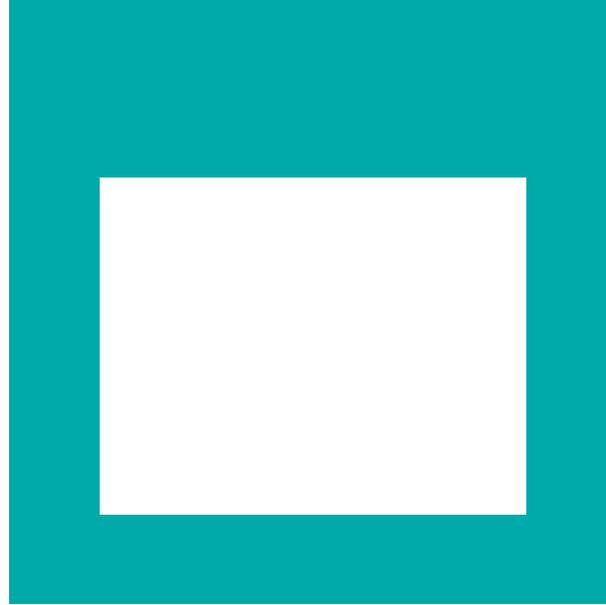
Repayment of the Loan:

- 5.8 Full repayment (including Repayment of the loan plus applicable interest will be made monthly through the owner's Alectra Utilities water and wastewater/storm account for a term agreed upon in the Commitment Letter and Promissory Note signed by the Property owner(s). Full repayment (including interest) can be made at any time with no penalty to the owner.

In the event of default of any of the conditions of advancement, default in loan repayment, or in the event of disposition of the Property or any part of the Property in connection to which the loan was advanced, the outstanding loan

balance (including principal and applicable interest) **will immediately become due and payable by the owner(s)**. A penalty of 19.56% per annum will be applied against the unpaid balance. Amounts that remain outstanding 60 or more calendar days beyond the invoice due date will be transferred to the property tax roll. For each transfer of arrears to the tax roll an administration fee will be applied to the account. The balance transferred to the tax roll will incur a penalty of 15% per annum will be applied against any unpaid balance applied at 1.25% per month applied the first day past due.

In the sole discretion of the City, the loan may be transferred to a new owner of the Property for which the loan was advanced on the same re-payment terms provided that the new owner agrees to the terms and conditions of the loan by executing a Commitment Letter and Promissory Note in the form acceptable to the City.



WELCOME TO THE CITY OF HAMILTON

Water and Waste Water Infrastructure Support Community Improvement Project Area and Plan

August 11, 2020 – Planning Committee Meeting

Background

- Committee of the Whole meeting (May 13, 2020) approved extending the Lead Water Service Replacement Loan Program (LWSRLP) to rental residential properties.
- The LWSRLP provides homeowners financial assistance to replace their private lead water service line to reduce their potential risk of exposure to lead in tap water.

Background (cont'd)

- To extend loans to rental residential property owners, the 2013 Water and Wastewater Infrastructure Support Community Improvement (WWW CIP) Project Area and Plan has to be amended to incorporate this loan program.
- CIP is required to advance any loans to owners of rental properties for any improvements since they are considered as commercial enterprises.

2013 Water and Wastewater Infrastructure Support Community Improvement Project Area and Plan

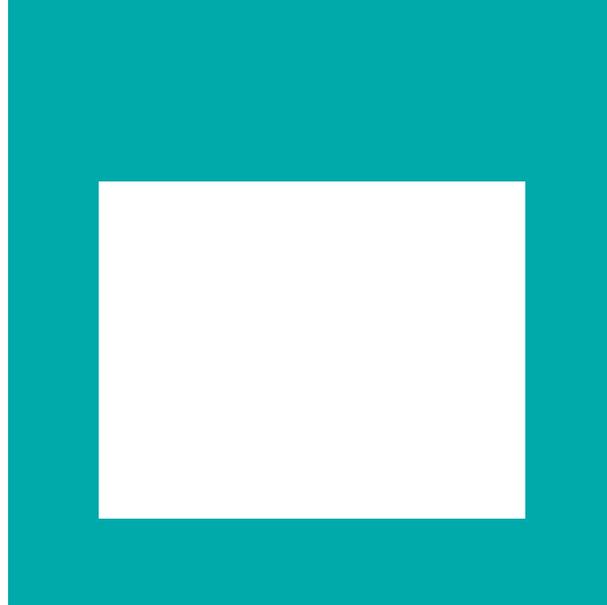
- Adopted in 2013 to allow the City to provide a specific infrastructure incentive program aimed at climate change mitigation\protection for Hamilton's citizens.
- The CIP permitted the Residential Protective Plumbing Program to be extended to owners of residential rental properties within the City's urban area.
- Program provides grants and loans to homeowners for private plumbing modifications to prevent sewer back-up into basements during extreme weather events.

2020 Water and Wastewater Infrastructure Support Community Improvement Project Area and Plan

- Upon Review of 2013 CIP, scope and extent of project area was too narrow to incorporate the Lead Water Service Replacement Loan Program
- Recommendation is to delete the 2013 CIP Project Area and Plan replace it with an updated 2020 Water and Waste Water Infrastructure Support Community Improvement Plan (WWW CIP)

Highlights/Recommendations of 2020 of WWW CIP

- **Project Area** – Appendix “A” to Report
Expanded to include the entire City of Hamilton as the Lead Water Service Replacement Loan Program could be used by rental property owners within the rural area
- **Plan** - Appendix “B” to Report
 - 1) updates the scope of the CIP to allow for future incentive programs aimed at improving the health of Hamilton citizens;
 - 2) adds guidelines for the LWSRLP and retains the existing protective plumbing program guidelines



THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 11, 2020
SUBJECT/REPORT NO:	Applications for Amendments to Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Condominium (Vacant Land) for Lands Known as 42, 44, 48, 52, and 54 Lakeshore Drive (Stoney Creek) (PED20082) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Revised Zoning By-law Amendment Application ZAC-18-005, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Robert Kosik, Mildred Kosik, Wendell Harrison, Elizabeth Laing, Robert Strong, Maureen Strong, and Elizabeth Sleep (Owners)** to change the zoning from the Rural Residential “RR” Zone to the Single Residential “R2-66” Zone, Modified, in order to permit 28 units for single detached dwellings on a private road (condominium road) on lands known as 42, 44, 48, 52, and 54 Lakeshore Drive (Stoney Creek), as shown on Appendix “A” to Report PED20082, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED20082, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

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SUBJECT: Applications for Amendments to Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Condominium (Vacant Land) for Lands Known as 42, 44, 48, 52, and 54 Lakeshore Drive (Stoney Creek) (PED20082) (Ward 10) – Page 2 of 24

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.
- (b) That **Revised Zoning By-law Amendment Application ZAC-18-005, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Robert Kosik, Mildred Kosik, Wendell Harrison, Elizabeth Laing, Robert Strong, Maureen Strong, and Elizabeth Sleep (Owners)** to change the zoning from the Rural Residential “RR” Zone to the Conservation/Hazard Land (P5, 645) Zone, in order to establish a shoreline protection area along Lake Ontario on lands known as 42, 44, 48, 52, and 54 Lakeshore Drive, Stoney Creek, as shown on Appendix “A” to Report PED20082, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED20082, 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 (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.
- (c) That **Revised Draft Plan of Condominium (Vacant Land) Application 25CDM-201802, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Robert Kosik, Mildred Kosik, Wendell Harrison, Elizabeth Laing, Robert Strong, Maureen Strong, and Elizabeth Sleep (Owners)** to establish a Draft Plan of Condominium (Vacant Land) on lands known as 42, 44, 48, 52, and 54 Lakeshore Drive, Stoney Creek, as shown on Appendix “A” to Report PED20082, be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Condominium (Vacant Land) application 25T-201802, prepared by A.J. Clarke and Associates Ltd., and certified by Nicholas P. Muth, O.L.S., dated February 12 2020, consisting of 28 vacant land units for single detached dwellings, common elements for a private road, and exclusive use waterfront, attached as Appendix “F” to Report PED20082, subject to the Owner entering into a standard form condominium approval agreement as approved by City Council and with Special Conditions attached as Appendix “G” to Report PED20055;
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this development; and,

SUBJECT: Applications for Amendments to Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Condominium (Vacant Land) for Lands Known as 42, 44, 48, 52, and 54 Lakeshore Drive (Stoney Creek) (PED20082) (Ward 10) – Page 3 of 24

- (iii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.

EXECUTIVE SUMMARY

The application is for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) to create 28 condominium units for 27 proposed single detached dwellings and one existing single detached dwelling that is to be retained, as well as common elements for a private road, and exclusive use waterfront areas with a shoreline protection wall.

A site specific Single Residential "R2-66" Zone, Modified; a Single Residential "R2-67" Zone, Modified; a Single Residential "R2-68" Zone, Modified; and, a Conservation/ Hazard Land (P5, 645) Zone are proposed for this development. A P5 Zone is proposed for lands that are susceptible to erosion along the Lake Ontario shoreline. Shoreline protection works for the lands in the proposed P5 Zone have been completed, inspected, and approved by the Ministry of Natural Resources and Hamilton Conservation Authority.

Proposed modifications are required to the Single Residential "R2" Zone to recognize a common element condominium road as a street, limit vehicular access to the common element condominium road, permit 28 single detached dwellings on the subject lands, establish the rear lot lines abutting Lake Ontario and setbacks from the P5 Zone, allow for site specific minimum lot and condominium unit areas and frontages, and establish minimum front and side yards, setbacks from the common element condominium road, and distance between buildings, and recognize and tie the draft approved vacant land condominium units for the proposed by-law modifications to the Site Plan Control application, which are discussed in detail in Appendix "D" to Report PED20082. Staff are supportive of the proposed modifications.

The proposed Draft Plan of Condominium (Vacant Land) approval would be subject to conditions attached as Appendix "G" to Report PED20082.

The proposal has merit and can be supported as it is consistent with the Provincial Policy (2020) (PPS) and conforms to A Place to Grow (2019), complies with the policies of the Urban Hamilton Official Plan and the Urban Lakeshore Area Secondary Plan, and

SUBJECT: Applications for Amendments to Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Condominium (Vacant Land) for Lands Known as 42, 44, 48, 52, and 54 Lakeshore Drive (Stoney Creek) (PED20082) (Ward 10) – Page 4 of 24

represents good planning by, among other things, providing a compatible development that is in keeping with the existing lot pattern and configuration of the neighbourhood.

Alternatives for Consideration – See Page 24

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land).

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owners:	Robert Kosik; Mildred Kosik; Wendell Harrison and Elizabeth Laing; Robert Strong and Maureen Strong; and, Elizabeth Sleep
Applicant/Agent:	A.J. Clarke and Associates (c/o Franz Kloibhofer)
File Number:	ZAC-18-005 25CDM-201802
Type of Applications:	Zoning By-law Amendment Draft Plan of Condominium (Vacant Land)
Proposal:	28 condominium units for one existing single detached dwelling to be retained and 27 proposed single detached dwellings, common elements for a private road, and exclusive use waterfront areas with a shoreline protection wall.
Property Details	
Municipal Address:	42, 44, 48, 52, and 54 Lakeshore Drive, Stoney Creek
Lot Area:	±2.488 ha

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Servicing:	Full municipal services
Existing Use:	Single detached dwellings
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow (2019).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No changes proposed.
Secondary Plan Existing:	“Low Density Residential 2b” on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan Land Use Plan.
Secondary Plan Proposed:	No changes proposed.
Neighbourhood Plan:	Trillium – Low Density Residential.
Zoning Existing:	Rural Residential “RR” Zone
Zoning Proposed:	Single Residential “R2-66” Zone, Modified (Block 1); Single Residential “R2-67” Zone, Modified (Block 2); Single Residential “R2-68” Zone, Modified (Block 3); and, Conservation/Hazard Land (P5, 645) Zone.
Modifications Proposed:	<ul style="list-style-type: none"> • To deem the condominium road as a street; • To recognize a Vacant Land Condominium Unit for the purposes of the proposed by-law modifications; • To deem the rear lot line along Lake Ontario as the boundary of the Residential Zone; • To limit access to the common element condominium road; • To permit 28 single detached dwellings on the subject lands; • Minimum Lot Area; • Minimum Lot Frontage; • Minimum Front Yard;

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	<ul style="list-style-type: none"> • Minimum Side Yard; • Minimum Setback from a Common Element Condominium Road; • Minimum Distance between Buildings on the Same Lot; • Condominium Unit Area and Frontage; • Site Plan Approval; and, • Special Setback from a Conservation/Hazard Land (P5) Zone.
Processing Details	
Received:	December 15, 2017
Deemed Complete:	January 14, 2018
Notice of Complete Application:	Sent to 93 property owners within 120 m of the subject lands on February 14, 2018.
Public Notice Sign:	Posted March 16, 2018 and updated with Public Meeting date July 15, 2020.
Notice of Public Meeting:	Sent to 100 property owners within 120 m of the subject lands on July 24, 2020.
Public Comments:	1 email expressing concern (see Appendix “I” to Report PED20082)
Processing Time:	873 days (not including the 97 days that the <i>Planning Act</i> timelines were suspended in accordance with Ontario Regulation 149/20: Special Rules Relating to Declared Emergency).

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwellings	Rural Residential “RR” Zone
<u>Surrounding Land Uses:</u>		
North	Lake Ontario	n/a
South	Single Detached Dwellings	Single Residential “R2-53” Zone, Modified

SUBJECT: Applications for Amendments to Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Condominium (Vacant Land) for Lands Known as 42, 44, 48, 52, and 54 Lakeshore Drive (Stoney Creek) (PED20082) (Ward 10) – Page 7 of 24

East	Single Detached Dwellings	Rural Residential “RR” Zone
West	Watercourse, Single Detached Dwellings	Conservation/Hazard Land (P5) Zone; Open Space “OS” Zone; Single Residential “R2-50” Zone, Modified; Single Residential “R2-57” Zone, Modified; and Single Residential “R2-58” Zone, Modified.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS 2020.

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

One exception to the local implementation of the Provincial planning policy framework is that the UHOP has not been updated with respect to Cultural Heritage policies of the PPS. The following policies, amongst others, apply:

- “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.
- 3.1.1 Development shall generally be directed to areas outside of:
 - a. *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*.”

SUBJECT: Applications for Amendments to Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Condominium (Vacant Land) for Lands Known as 42, 44, 48, 52, and 54 Lakeshore Drive (Stoney Creek) (PED20082) (Ward 10) – Page 8 of 24

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

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

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 *Provincial Policy Statement* apply to the subject application. A Stage 1-2 and Stage 3 archaeological report (P389-0252-2016 & P389-0255-2017) has been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the reports and no longer have an interest in the subject property with respect to archaeology.

With respect to Policy 3.1.1, a Shoreline Hazard Assessment, prepared by Shoreplan Engineering Ltd. dated September 5, 2017, has been submitted. The proposed shoreline protection works adjacent to Lake Ontario have been completed and have been inspected and approved by the Ministry of Natural Resources (MNR) and Hamilton Conservation Authority (HCA). HCA completed a compliance check of the shoreline retaining wall construction and confirm the wall has been constructed as per the approved design. Additionally, the implementing Zoning By-law attached as Appendix “C” to Report PED20082 proposes the Conservation/Hazard Land (P5) Zone for the hazard lands. Based on the foregoing, staff is satisfied that the proposal is consistent with Policy 3.1.1.

As the application for changes in zoning comply with the Official Plan and the relevant policies in the PPS (2020), it is staff’s opinion that the application:

- is consistent with Section 3 of the *Planning Act*;
- is consistent with the Provincial Policy Statement (2020); and,
- conforms to A Place to Grow (2019).

SUBJECT: Applications for Amendments to Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Condominium (Vacant Land) for Lands Known as 42, 44, 48, 52, and 54 Lakeshore Drive (Stoney Creek) (PED20082) (Ward 10) – Page 9 of 24

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.

Hazard Lands

- “B.3.6.5.4 *Hazard lands* shall be placed in a separate zoning classification in the Zoning Bylaw.
- B.3.6.5.6 *Hazard lands* shall be conserved and land uses or activities which could be affected by prevailing hazardous conditions such as flooding or erosion, or could increase the inherent hazard, shall be prohibited in *hazard lands* and on lands adjacent to hazard lands.
- B.3.6.5.11 Development approvals shall not be granted within *hazard lands* or on lands adjacent to *hazard lands* that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority.”

As discussed above, the implementing Zoning By-law attached as Appendix “C” to Report PED20082 proposes the Conservation/Hazard Land (P5) Zone for the hazard lands. Uses permitted in the P5 Zone include conservation, flood and erosion control facilities, and passive recreational uses. The modification to remove the requirement for the 7.5 metre setback from the limits of the P5 Zone, which is further discussed in Appendix “D” to Report PED20082, is supported by staff and the Hamilton Conservation Authority.

Natural Heritage

- “C.2.7.3 The City shall require the incorporation of Linkages into a design of new development requiring approval by this Plan to retain and enhance the cultural, aesthetic, and environmental qualities of the landscape, wherever possible and deemed feasible to the satisfaction of the City.
- 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.”

SUBJECT: Applications for Amendments to Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Condominium (Vacant Land) for Lands Known as 42, 44, 48, 52, and 54 Lakeshore Drive (Stoney Creek) (PED20082) (Ward 10) – Page 10 of 24

A Linkage Assessment / EIS Addendum was prepared by Myler Ecological Consulting, dated June 2019, which identified that residential trees and shrubs within the subject properties were being used as temporary resting and foraging sites as well as cover for migratory birds. Since migratory birds chose suboptimal habitat where suitable habitat is unavailable, it is important to retain this function. Through discussions with the applicant, it was identified that trees would be planted within the development including along the rear of Lots 17-23. The Linkage Assessment/EIS has been approved on the basis that the following mitigation measures will be implemented:

1. Trees and shrubs planted along the rear of Lots 17-23 will be maintained;
2. Native species will be used in the planting areas associated with Lots 17-23. The diversity of native trees and shrubs will allow for plantings to be functional as well as attractive;
3. Coniferous trees will be included within the planting plan. This is important since many of the migratory birds observed were using cedars on site as a resting place; and,
4. Bird-friendly design elements (i.e. internal blinds and shades, tinting/adhesive film/frit patterns on windows and landscape design) will be incorporated into the design of houses within Lots 17-22.

These matters will be addressed at the Site Plan Control stage through landscape plans and elevations; with the landscape plan requirements, a warning clause to maintain the function of the Linkage, and the requirement for Site Plan Control, secured as Condition Nos. 13, 16, and 19, respectively, of Appendix “G” to Report PED20082. The requirements for Site Plan Control are further discussed on the Analysis and Rationale section of this Report.

A Tree Inventory and Preservation Plan (TIPP) has been prepared by Jackson Arboriculture Inc. (Jeremy Jackson; certified arborist), revised October 1, 2019. The TIPP has been approved based on the following:

1. Trees #36 (Silver Maple), 37 (Silver Maple), 45 (Honey Locust) and 47 (Catalpa) are to be monitored by a certified arborist twice a year (spring and fall) for any signs of failure for a period of 3 years;
2. Trees that have been proposed to be retained will be protected with tree protection measures (i.e. fencing); and,

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3. Compensation for 42 trees that will be/have been removed will be provided on site to ensure that existing tree cover is maintained.

These matters have been addressed through Condition Nos. 14 and 15 of Appendix “G” to Report PED20082.

Neighbourhoods Designation

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

The proposed development of 28 vacant land condominium units for single detached dwellings on a private condominium road contributes to the provision of complete communities by providing an innovative form of dwelling for the surrounding established neighbourhood. The area is well served with open spaces, parks, and other natural amenities such as the Lake Ontario waterfront. The proposed development builds upon the established lot and block pattern and built form of the existing residential neighbourhood.

Residential Intensification

- “B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:
- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

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- 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;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood; and,

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- j) infrastructure and transportation capacity and impacts.”

Land uses in the vicinity of the subject land are predominantly single detached dwellings, with groups of semi-detached and street townhouse dwellings towards the west and south, with convenient access to neighbourhood parks and public amenities. The proposed development of 28 vacant land condominium units for single detached dwellings on a private condominium road is designed to be compatible with the scale and character of the area, and builds upon the established lot and block pattern and built form of the existing residential neighbourhood. At the same time, the proposal adds to the range of dwelling types for the neighbourhood. The infrastructure and transportation capacity has been deemed to be sufficient, as discussed in further detail in the Analysis and Rationale for Recommendation section of this Report.

Built Form, Scale and Design

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

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

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

The dwelling units are intended to be in conformity with the maximum building height of 11 m allowed in the Single Residential “R2” Zone. The lot widths and sizes are compatible with the existing streetscape. The proposed development complies with the requirements for low density residential in the Neighbourhoods designation. An Urban and Architectural Design Guidelines report will be required to address requirements for pedestrian accessibility, streetscape landscaping, and architectural design. Architectural control will also be required, to implement the objectives of the Architectural Design Guidelines report. These requirements are addressed as Condition Nos. 17 and 18 of Appendix “G” to Report PED20082. The exterior design of the dwellings will be reviewed at the Site Plan Control stage, with requirement for Site Plan Control secured as Condition No. 19 of Appendix “G” to Report PED20082.

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Based on the foregoing, staff are of the opinion that the proposal complies with the applicable policies of Volume 1 of the Urban Hamilton Official Plan.

Urban Lakeshore Area Secondary Plan

Residential Designations

“B.7.3.1.3 Low Density Residential 2b Designation

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b on Map B.7.3-1 – Urban Lakeshore Area - Land Use Plan:

- a) the permitted uses shall be single, semi detached and duplex dwellings; and,
- b) the density shall range from 1 to 29 units per net residential hectare.”

The proposed development is for 28 vacant land condominium units for single detached dwellings on 2.488 net residential hectares, which converts to 11.25 units per net residential hectare. The proposed development complies with the permitted housing form and density range requirements for the Low Density Residential 2b Designation.

Based on the foregoing, staff are of the opinion that the proposal complies with the applicable policies of the Urban Lakeshore Area Secondary Plan.

Trillium Neighbourhood Plan

The subject lands are designated “Low Density Residential” in the Trillium Neighbourhood Plan. The proposal for 28 single detached dwellings on a condominium road complies with the Trillium Neighbourhood Plan.

Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton By-law No. 05-200

In order to permit the proposed development, the Zoning By-law Amendment application proposes to rezone the subject property to the Single Residential “R2-66” Zone, Modified (Block 1), the Single Residential “R2-67” Zone, Modified (Block 2), and the Single Residential “R2-68” Zone, Modified (Block 3), all under Stoney Creek Zoning By-law No. 3692-92; and, the Conservation/Hazard Land (P5, 645) Zone under City of Hamilton By-law No. 05-200. The proposed zoning will be discussed in the Analysis and

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Rationale section of this Report, and an evaluation of the proposed modifications to the “R4” Zone and P5 Zone are included in Appendix “D” to Report PED20082.

RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> Asset Management, Strategic Planning Division, Public Works Department; Construction, Strategic Planning Division, Public Works Department; Landscape Architectural Services, Strategic Planning Division, Public Works Department; and, Recreation Division, Healthy and Safe Communities Department. 	No Comment
	Comment	Staff Response
Capital Budgets and Financing Section, Financial Planning and Policy Division, Corporate Services Department	<ul style="list-style-type: none"> The owner must pay the outstanding storm, sanitary and sewer connection charge under By-law 11-052, Bridgeport Phase 1 for 42, 44 and 48 Lakeshore Drive. 	<ul style="list-style-type: none"> This matter is being addressed through Condition No. 1 of Appendix “G” to Report PED20082.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Has no concerns with the revised Zoning By-law Amendment application proceeding to approval. No additional road right-of-way dedications are required. All outstanding servicing, stormwater management, grading, wastewater generation, watermain hydraulic analysis, groundwater impact, private road closure, dedication of 	<ul style="list-style-type: none"> Drainage and maintenance easements, outstanding servicing costs, utility relocates, decommissioning of any existing water wells or septic tanks, discharging existing reciprocal access easements, acquisition of City owned lands are being addressed through Condition Nos. 1 to 11 of Appendix “G” to Report PED20082. All other matters will be addressed prior to

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	<p>road right-of-way widening, provision of sidewalks, etc. will be reviewed in more detail through conditions of Draft Plan of Condominium approval or at the Site Plan Control stage.</p> <ul style="list-style-type: none"> • There is no cost sharing anticipated for this development. 	<p>registration of the condominium and at the Site Plan Control stage.</p>
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<ul style="list-style-type: none"> • Approved the Tree Management Plan, dated November 15, 2017. Three city trees are proposed for removal. Of these trees, two warrant replacement fees as per the public tree preservation & sustainability policy. • Payment of replacement fees and tree removal permit fees are required. • A Landscape Plan is required. 	<ul style="list-style-type: none"> • These requirements are being addressed through Condition No. 21 of Appendix "G" to Report PED20082.
<p>Growth Planning Section, Growth Management Division, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • The 0.3 m reserve will need to be lifted to facilitate the subject proposal. • The address for the lands known as 54 Lakeshore Drive will require a change of address. • The Owner is to contact for a list of pre-approved Stoney Creek road names for the common element lane. • Requested that a note be included on the draft plan 	<ul style="list-style-type: none"> • These requirements are being addressed through Condition Nos. 5 and 22 of Appendix "G" to Report PED20082. • Approval limitation has been added as Note No. 1 in the condition of Draft Plan of Condominium approval (see Appendix "G" to Report PED20082).

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	<p>conditions indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted.</p>	
<p>Hamilton Conservation Authority</p>	<p><u>Stormwater Management</u></p> <ul style="list-style-type: none"> No significant concerns with the stormwater management concept; however, there are a few details to address. <p><u>Linkage Assessment and EIS</u></p> <ul style="list-style-type: none"> Migratory birds use the on-site white cedars as a resting place. Recommend coniferous trees be incorporated into the final planting plan. Use of native species in all plantings is recommended. Ensure that lighting is designed to reduce the likelihood of attracting migratory birds. All site preparation should be completed outside the migration and breeding bird timing windows in accordance with the federal <i>Migratory Birds Convention Act</i>. <p><u>Natural Hazards</u></p> <ul style="list-style-type: none"> A shoreline retaining wall has been constructed as per the approved design and HCA has no concerns 	<p><u>Stormwater Management</u></p> <ul style="list-style-type: none"> Stormwater management details can be addressed at the Site Plan Control stage. Lot grading and drainage and erosion and sediment control plans are addressed as Condition Nos. 24 and 25 of Appendix “G” to Report PED20082. <p><u>Linkage Assessment and EIS</u></p> <ul style="list-style-type: none"> A landscaping plan is required as Condition No. 26 of Appendix “G” to Report PED20082. Site lighting design and site preparation works can be addressed at the Site Plan Control stage. <p><u>Natural Hazards</u></p> <ul style="list-style-type: none"> See Appendix “I” to Report PED20082 for a drawing showing the approved shoreline improvement works. HCA Permits and easements have been addressed through Condition Nos. 3, 12, 23 of Appendix “G” to Report PED20082. The lands to the south limit

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	<p>with the as-built wall. The stormwater outlet and headwall have yet to be constructed and will have to proceed through the existing HCA permit or a new permit depending on timing of construction.</p> <ul style="list-style-type: none"> • Required 6 metre erosion access allowance easement beyond the long-term stable top of bank is shown on the Draft Plan of Condominium. No further concerns provided the easement is registered on title in favour of the abutting landowners. • The lands within the shoreline erosion hazard limit to the south limit of the 6m erosion access allowance should be zoned as Conservation/Hazard Land (P5) Zone. 	<p>of the 6m erosion access allowance are proposed to be rezoned to Conservation/Hazard Land (P5) Zone as shown in Appendix “C” to Report PED20082.</p>
<p>Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department</p>	<ul style="list-style-type: none"> • Requested a Pest Control Plan during the construction / development phase of the project. 	<ul style="list-style-type: none"> • This requirement is being addressed through Condition No. 27 of Appendix “G” to Report PED20082.
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and</p>	<ul style="list-style-type: none"> • Current right-of-way width of Watershore Drive is ± 18.0 m. The local road standard width is 20.12 m. • There is joint ownership on Lakeshore Drive between 	<ul style="list-style-type: none"> • Watershore Drive was approved and constructed in 2006 with an 18.0 m municipal right-of-way through the Bridgeport Phase 1 subdivision (62M-

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Economic Development Department	<p>the City and the surrounding residents. The applicant must obtain the City's portion through a purchase of sale.</p> <ul style="list-style-type: none"> • There is an existing reserve that fronts Lakeshore Drive which doesn't allow access onto Watershore Drive. • Municipal sidewalk is required along the frontage of the property. Some form of pedestrian treatment within the development to provide safe access for pedestrians to the municipal sidewalk is recommended. • 5.0 m x 5.0 m visibility triangles must be provided for each driveway access. 	<p>1073). Because of this existing condition, additional right-of-way is not required.</p> <ul style="list-style-type: none"> • Reserves and land transfers / purchase are being addressed through Condition No. 5 of Appendix "G" to Report PED20082. • The provision of sidewalks and other site plan requirements will be addressed at the Site Plan Control stage.
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • This development is eligible for municipal waste collection service subject to meeting the City's requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City's waste collection requirements. 	<ul style="list-style-type: none"> • This requirement is being addressed as Note No. 2 on the conditions of Draft Plan of Condominium approval (See Appendix "G" to Report PED20082).
Public Consultation		
	Comment	Staff Response
Developer	The current owners of the subject lands are seeking the	The landowners have made the application for a zoning by-law

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	rezoning and development of the land. However, it does not state the developer. Please specify all of the developers.	amendment and draft plan of condominium (vacant land) to determine land use and tenure. The landowners may proceed with the implementation of the plan or sell the subject lands to a developer once the planning approvals are in place. The application as submitted complies with the <i>Planning Act</i> application requirements.
Condominium Tenure	Clarify the purpose(s) for the tenure of the land as a condominium. Would all future property owners have equal access to the lakefront and have to contribute to the future maintenance required to the shoreline protection and private road?	A vacant land condominium corporation is required to establish their own by-laws to specify contributions from each unit owner to the private road and other common elements for continuing operation and maintenance, and establish who will have access to and maintain the shoreline. The shoreline protection area is shown as a common element and therefore will be owned and maintained by the future condominium corporation.
Shoreline Protection	What company studied the existing shoreline erosion hazard and prepared the proposed shoreline protection? Was a study conducted or report prepared on potential lakefront erosion to nearby properties near-by due to installation of the proposed shoreline protection? Do the approval agencies take this into consideration?	A Shoreline Hazard Assessment was prepared by Shoreplan Engineering Ltd. dated September 5, 2017. The shoreline protection works have been completed, inspected and approved by the Ministry of Natural Resources (MNR) and Hamilton Conservation Authority (HCA). These agencies have regard to offsite impacts; however, the details of which are outside the scope of these

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		<i>Planning Act</i> applications. HCA inspected the shoreline retaining wall construction and confirm it has been constructed as per the approved design.
Lakeshore Drive	<p>Will Lakeshore Drive be physically closed off west of 34 Lakeshore Drive, and future owners will have no access to Lakeshore Drive?</p> <p>Will Lakeshore Drive be used for the development and construction traffic and activities, or will access be via Watershore Drive?</p>	<p>The proposed development will connect directly to Watershore Drive. The existing reciprocal access easement over 42, 44 and 48 Lakeshore Drive is required to be discharged, as required by Condition No. 10 of Appendix "G" to Report PED20082, removing legal access to Lakeshore Drive.</p> <p>Construction traffic and activities will be addressed through the Site Plan Control process.</p>
Grading and Drainage	Have any elevation studies been conducted to ensure that the slopes proposed will not have water drainage and damage issues to the near-by homeowners on Lakeshore Drive?	<p>A preliminary review of a grading plan has been completed by Development Engineering staff. All development is required to contain drainage on site. Detailed review of grading will be addressed during the Site Plan Control process.</p>

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 93 property owners within 120 m of the subject lands on February 14, 2018.

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A Public Notice Sign was posted on the property on March 16, 2018, and updated on July 15, 2020, with the Public Meeting date. Finally, Notice of the Public Meeting was sent to 100 property owners within 120 m of the subject lands on July 24, 2020.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included an information letter delivered to residents within 120 m of the subject lands, Planning staff, and the Ward Councillor on March 9, 2018, and included contact information for recipients to provide feedback to the Applicant's Agent that would be recorded and provided to the City. No comments were received through this public consultation and no further consultation was required.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to A Place to Grow (2019);
 - ii) It complies with the policies of the Urban Hamilton Official Plan and the Urban Lakeshore Area Secondary Plan; and,
 - iii) The proposal represents good planning by, among other things, providing a compatible development that is in keeping with the existing lot pattern and configuration of the neighbourhood.

2. The proposed Zoning By-law Amendment is to change the zoning from the Rural Residential "RR" Zone to the Single Residential "R2-66" Zone, Modified (Block 1), the Single Residential "R2-67" Zone, Modified (Block 2), the Single Residential "R2-68" Zone, Modified (Block 3), and the Conservation / Hazard Lands (P5, 645) Zone, in order to permit 28 units for single detached dwellings on a private road.

The implementing by-law proposes modifications to the Single Residential "R2" Zone which are discussed in Appendix "D" to Report PED20082. The proposed development complies with the Urban Hamilton Official Plan and Urban Lakeshore Area Secondary Plan and places hazard lands that are susceptible to erosion in the Conservation/Hazard Land (P5) Zone, with consent to develop the lands adjacent to these hazard lands having been granted from the Hamilton Conservation Authority. It contributes to a complete community by providing an innovative form of dwelling for the surrounding established neighbourhood,

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provides a built form that is compatible with the scale and character of the area, and builds upon the established lot and block pattern and built form of the existing residential neighbourhood. On the basis of the above, staff are supportive of the proposed Zoning By-law Amendment.

3. The proposed Draft Plan of Condominium (Vacant Land) is for 28 condominium units, with one existing single detached dwelling to be retained and 27 proposed new single detached dwellings, common elements for a private road, and exclusive use waterfront areas with a shoreline protection wall, as shown on the attached plan, marked as Appendix “F” to Report PED20082. The private condominium road will provide access to Watershore Drive. All 28 units will be accessed from the private condominium road. Staff are supportive of the Draft Plan of Condominium (Vacant Land) and recommend its approval, subject to conditions attached as Appendix “G” to Report PED20082.

Vacant land condominiums contain units and common elements. The “unit” is a vacant parcel of land on which a building or structure may be constructed only after the condominium is registered. In this regard, vacant land condominiums are akin to a subdivision with vacant parcels of land fronting a public road. The distinction is that private services, roadways, and amenities are constructed to private development standards, included as condominium common elements, and are the responsibility of the condominium corporation.

4. Site Plan Control By-law No. 15-176 applies to any single detached dwellings, including accessory buildings and structures, decks, and additions, forming part of an innovative house grouping development, which for the purposes of this by-law means any development proposing to locate multiple single detached dwellings on a single parcel of land. Further, no more than one single detached dwelling shall be located on a parcel of land. Accordingly, the vacant land condominium must be registered prior to the construction of any additional dwellings on the subject lands.

Prior to registration, a Site Plan Control application is required for the proposed development consisting of 28 vacant land units for single detached dwellings, common elements for a private road, and exclusive use waterfront. Matters to address through the Site Plan Control application include, but are not limited to, architectural design, landscaping, site lighting design, stormwater management, preliminary grading, road design, water and wastewater servicing, dedication of road right-of-way widening, and the provision of sidewalks. To ensure that these matters are addressed, the requirement for Site Plan Control, and subsequently to ensure the development is consistent with zoning and the final Site Plan

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Control approval, are secured as Condition Nos. 19 and 20 of Appendix “G” to Report PED20082. The Site Plan Control requirement is not intended to apply to individual dwellings on each vacant land condominium unit.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could not be developed with condominium units fronting onto a private condominium road. The lands can be developed in accordance with the Rural Residential “RR” Zone, which permits single detached dwellings, fronting on a public road.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

Clean and Green

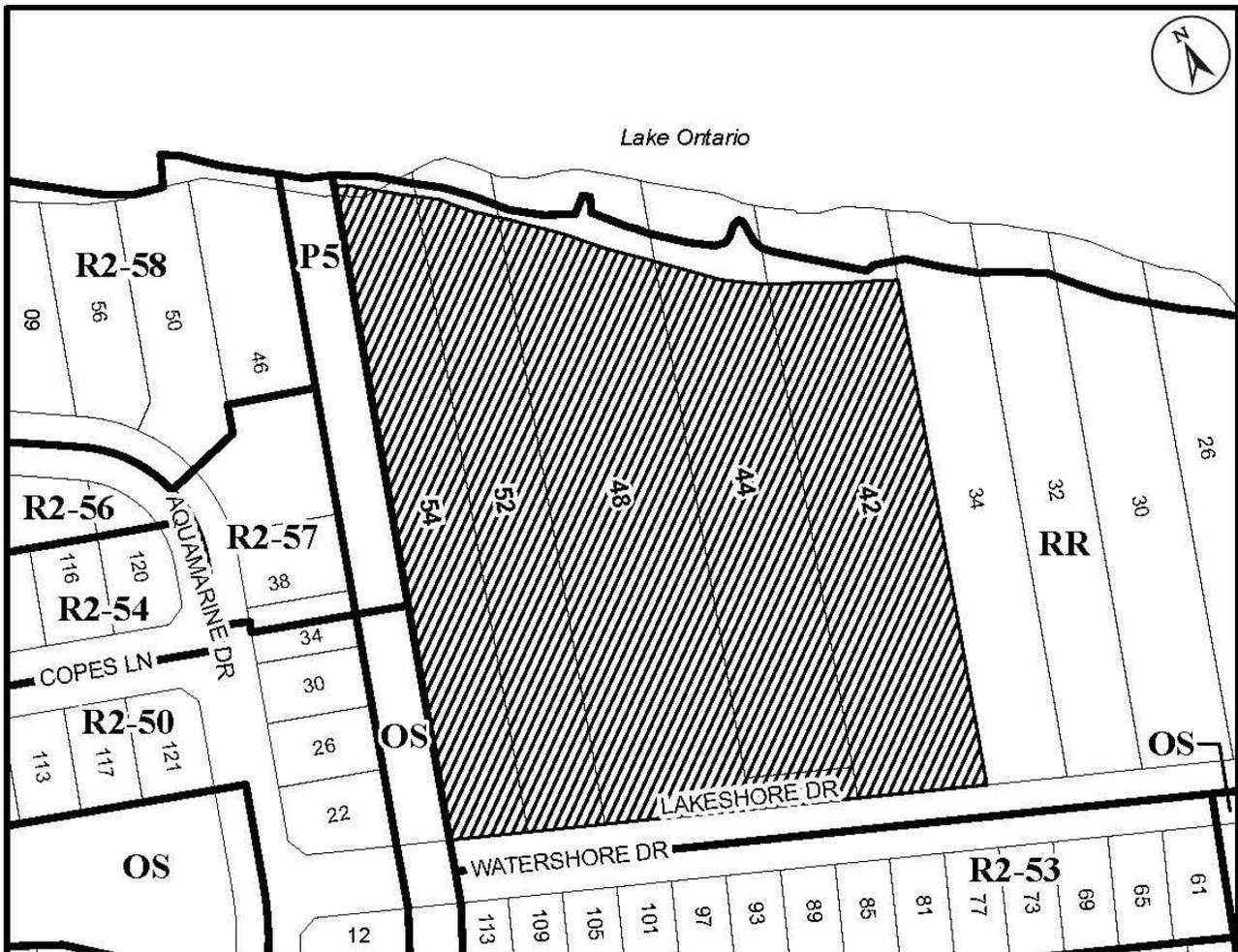
Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Our People and Performance

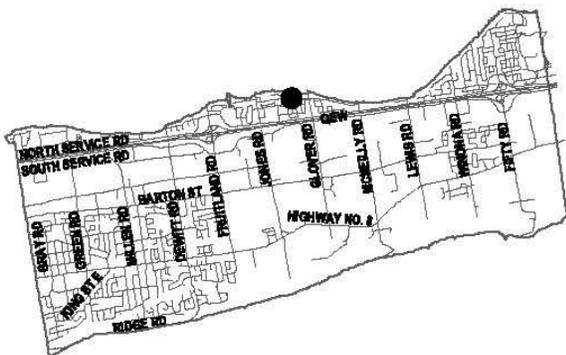
Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – Draft Amendment to Zoning By-law No. 3692-92
- Appendix “C” – Draft Amendment to Zoning By-law No. 05-200
- Appendix “D” – Zoning Modification Chart
- Appendix “E” – Concept Plan
- Appendix “F” – Proposed Draft Plan of Condominium
- Appendix “G” – Special Conditions of Draft Plan of Condominium Approval
- Appendix “H” – Approved Shoreline Improvement Works
- Appendix “I” – Public Submissions



● Site Location



Key Map - Ward 10

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-18-005 / 25CDM-201802

Date:
February 4, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
TV/AL

Subject Property

42, 44, 48, 52 and 54 Lakeshore Drive

Authority: Item _____, Planning Committee
Report PED20082
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. 20-_____

To Amend Zoning By-law No. 3692-92

Respecting Lands Located at 42, 44, 48, 52 and 54 Lakeshore Drive, Stoney Creek

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

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

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

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item X of Report PED20082 of the Planning Committee at its meeting held on the ____ day of _____, 2020, which recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided;

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

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

1. That Map No. 2 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Rural Residential "RR" Zone to the Single Residential "R2-66" Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Subsection 6.3.7, "Special Exemptions" of Section 6.3, Single Residential "R2" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R2-66", as follows:

"R2-66" 42, 44, 48, 52 and 54 Lakeshore Drive, Schedule "A" Map No. 2

For the purpose of this By-law, a common element condominium road shall be deemed to be a street, a condominium unit shall mean a vacant land condominium unit within a draft approved or registered plan of vacant land condominium, and the rear lot line shall be the northern boundary of the Single Residential "R2-66" Zone, Modified.

No direct access shall be provided to individual dwelling units from Watershore Drive, with the exception of a common element condominium road.

Notwithstanding the provisions of Section 6.3.3 of Zoning By-law 3692-92, the total number of dwelling units permitted on lands zoned "R2-66" shall be 28 single detached dwellings.

Notwithstanding the provisions of Paragraphs (a), (b), (c) and (d) of Subsection 6.3.3 of Section 6.3, Single Residential "R2" Zone, on those lands zoned "R2-66" by this By-law, the following shall apply:

- (a) Minimum Lot Area - 2.4 hectares
- (b) Minimum Lot Frontage - 152.0 metres
- (c) Minimum Front Yard - 3.0 metres
- (d) Minimum Side Yard - 7.5 metres, except for a condominium unit which has a rear lot line abutting Lake Ontario, the minimum side yard shall be 1.5 metres.
- (h) Minimum Setback from a Common Element Condominium Road - 6.0 metres, except:
 - 1. On a corner unit, the minimum side yard abutting the flankage lot line shall be 3.0 metres, except that an attached garage or attached carport which fronts on the flankage lot line shall not be located within 6.0 metres of the flankage lot line. For the purpose of this subsection only, corner unit shall have the same meaning as a corner lot except that the meaning of street shall only be the common element condominium road.
- (i) Minimum Distance between Buildings on the Same Lot - 3.0 metres, except:
 - 1. 15.0 metres between end walls.

2. 9.0 metres between a side wall and an end wall, except where a dwelling has two façades fronting a common element condominium road but is not a corner unit as defined in (h) above, the other two façades shall be considered to be side walls with a minimum distance between buildings of 3.0 metres.

3. 2.7 metres from dwellings in existence prior to the adoption of this by-law.

Notwithstanding the foregoing, features may project into the minimum distance between buildings in accordance with the provisions of Section 4.19 of this By-law.

For each condominium unit, the following regulations shall apply:

- | | | | |
|-----|----------------------|---|--|
| (j) | Unit Area | | |
| | Minimum | - | 410 square metres |
| | Maximum | - | 2,200 square metres |
| | | | |
| (k) | Unit Frontage | | |
| | Minimum | - | 9.8 metres |
| | Maximum | - | 23.2 metres |
| | | | |
| (l) | Site Plan Approval - | | The location of a dwelling on each condominium unit shall be within the minimum setbacks and distance between buildings as |

delineated on the approved Site Plan, pursuant to Section 41 of the Planning Act.

3. No building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential "R2" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.

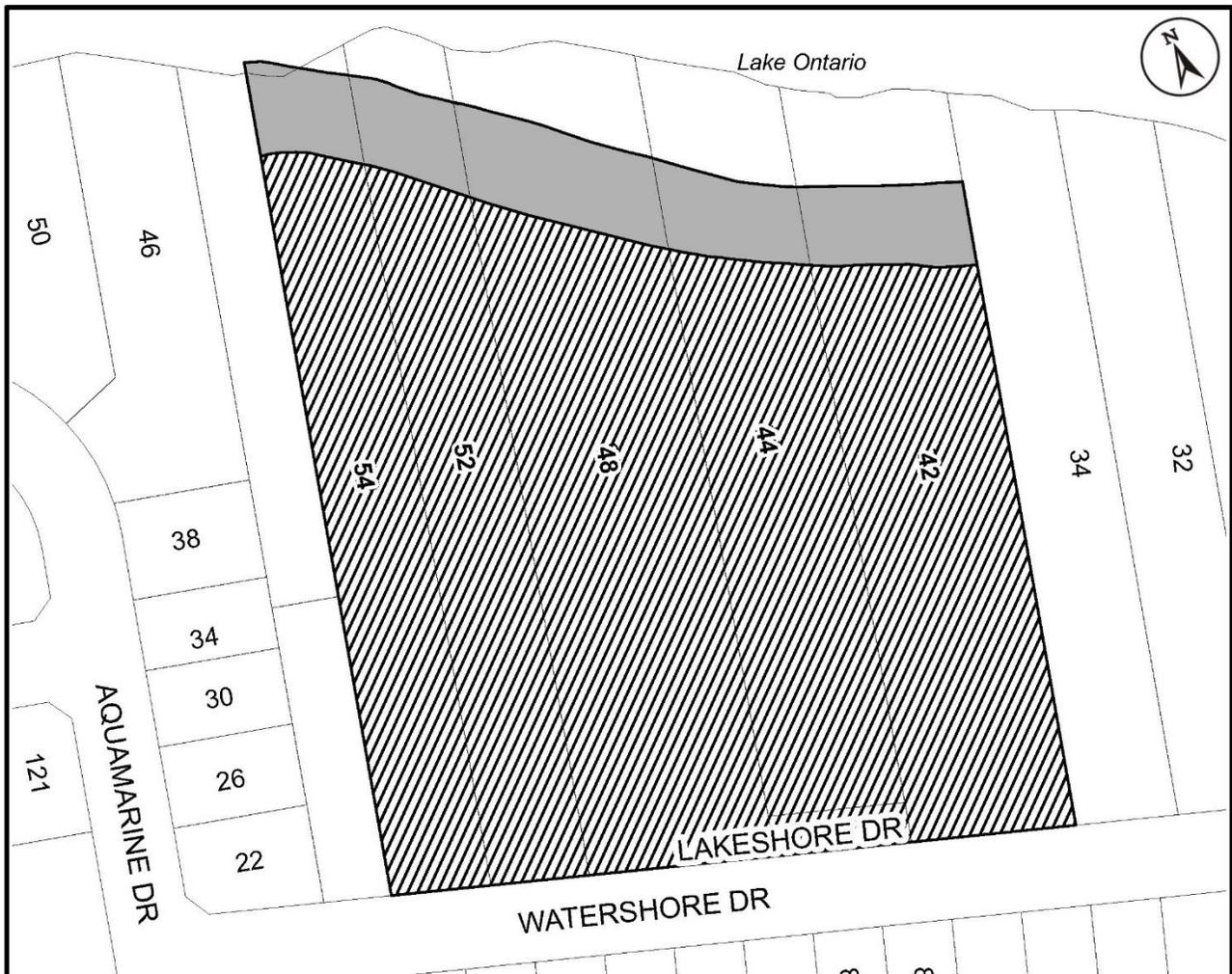
4. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this ___ day of ___, 2020.

Fred Eisenberger
Mayor

A. Holland
City Clerk

ZAC-18-005



This is Schedule "A" to By-law No. 20-
 Passed the day of, 2020

 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 20-_____
to Amend By-law No. 3692-92

Subject Property
 42, 44, 48, 52 and 54 Lakeshore Drive

 Change in zoning from the Rural Residential "RR" Zone to the Single Residential "R2-66" Zone, Modified

 Refer to By-law No. 05-200

Scale:
 N.T.S

Date:
 April 15, 2020

File Name/Number:
 ZAC-18-005 / 25CDM-201802

Planner/Technician:
 TV/VS



Authority: Item _____, Planning Committee
Report PED20082
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. 20-_____

To Amend Zoning By-law No. 05-200 with respect to lands located at 42, 44, 48, 52 and 54 Lakeshore Drive, Stoney Creek

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on _____, 2020;

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

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

1. That Map Nos. 1150 and 1151 of Schedule "A" – Zoning Maps is amended by adding the Conservation/Hazard Land (P5, 645) Zone to 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:
 - "645. Within the lands zoned Conservation/Hazard Land (P5) Zone, identified on Map Nos. 1150 and 1151 of Schedule "A" – Zoning Maps and described as 42, 44, 48, 52 and 54 Lakeshore Drive, the following special provisions shall apply:
 - a) That Section 4.23 d) shall not apply to the zone boundary of the Conservation/Hazard Land (P5) Zone."

3. 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.

Fred Eisenberger
Mayor

A. Holland
City Clerk

ZAC-18-005



This is Schedule "A" to By-law No. 20-
 Passed the day of, 2020

 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 20-_____
to Amend By-law No. 05-200
Maps 1150 & 1151

Subject Property
 42, 44, 48, 52 and 54 Lakeshore Drive

 Lands to be zoned Conservation / Hazard Land (P5, 645) Zone

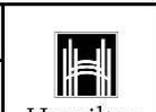
 Refer to By-law No. 3692-92

Scale:
 N.T.S.

Date:
 February 4, 2020

File Name/Number:
 ZAC-18-005 / 25CDM-201802

Planner/Technician:
 TV/AL



Site Specific Modifications to the Single Residential “R2” Zone (By-law No. 3692-92)

Regulation	Required	Modification	Analysis
<p>Interpretation and General Access Provisions</p>	<p>No person shall erect any building or structure on a lot or use any lot in any zone unless such lot has frontage on a street as defined...</p> <p>Street (Highway) means a public highway, street, etc., designed and intended for, or used by, the general public for the passage of motor vehicles and which has been assumed for public use as a public highway.</p> <p>Lot - Line means any boundary of a Lot. Lot means a parcel of land pursuant to the <i>Planning Act</i> (i.e. a vacant land condominium unit).</p>	<p>For the purpose of this By-law, a common element condominium road shall be deemed to be a street, a condominium unit shall mean a vacant land condominium unit within a draft approved or registered plan of vacant land condominium, and the rear lot line shall be the northern boundary of the Single Residential “R2-66” Zone, Modified.</p> <p>No direct access shall be provided to individual dwelling units from Watershore Drive, with the exception of a common element condominium road.</p>	<p>The private road functions as and fulfills the intent of a public road for the intent of this development and is required to be deemed a street for the purposes of the proposed development as each condominium unit fronts onto the private condominium road. Access to each condominium unit shall be via the private condominium road.</p> <p>Establishing the vacant land condominium units for the purposes on this by-law enables certain setbacks to refer to the boundaries of the proposed units.</p> <p>A 6.0 metre wide maintenance access easement is proposed through the lots abutting Lake Ontario (Units 17-23 as shown on the Building Envelope Sketch attached as Appendix “E” to Report PED20082). This easement is proposed to be in the Conservation / Hazard Land (P5, 645) Zone; however, it will form part of the vacant land condominium units. To ensure sufficient setback and suitable rear yard amenity space, the boundary of the residential zone is proposed to be the rear lot line. This ensures protection of the shoreline while providing private amenity area for the units abutting Lake Ontario.</p> <p>Therefore, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
Maximum Number of Single Detached Dwellings	One dwelling unit per lot.	The total number of dwelling units permitted on lands zoned "R2-66" shall be 28 single detached dwellings.	As the by-law deems the full extent of the vacant land condominium a single lot, which would only permit one single detached dwelling unit on the lands, this modification will permit multiple single detached dwelling units on the lands. Therefore, staff supports this modification.
Minimum Lot Area	Interior Lot - 460 square metres Corner Lot - 505 square metres	2.4 hectares	The proposed area reflects the full extent of the vacant land condominium for the purposes of this by-law. Therefore, staff supports this modification.
Minimum Lot Frontage	Interior Lot – 15 metres Corner Lot – 16.5 metres	152.0 metres	The proposed frontage reflects the frontage of the vacant land condominium on Watershore Drive for the purposes of this by-law. Therefore, staff supports this modification.
Minimum Front Yard	6 metres	3.0 metres	The proposed reduction applies to the lands fronting along Watershore Drive, which function as flanking side yards of the condominium units fronting the private condominium road. 3.0 metres is the flanking side yard setback of the parent by-law. Therefore, staff supports this modification.

Regulation	Required	Modification	Analysis
Minimum Side Yard	<p>1.25 metres, except:</p> <ul style="list-style-type: none"> • Attached garage or attached carport – 1 m from an interior side lot line. • On an interior lot with no attached garage or attached carport – 3 m on one side. • corner lot – 3 m flankage, except 5.5 m for an attached garage or attached carport which fronts on the flankage lot line. 	<p>7.5 metres, except for a condominium unit which has a rear lot line abutting Lake Ontario, the minimum side yard shall be 1.5 metres.</p>	<p>The side yards apply to the east and west lot lines of the vacant land condominium, which function as the rear yards of the condominium units, with the exception of the pie-shaped units (Units 17 and 23 as shown on the Building Envelope Sketch attached as Appendix “E” to Report PED20082) in the northeast and northwest corners which back onto Lake Ontario.</p> <p>The proposed setbacks are consistent with the respective rear and side yard setbacks of the parent by-law and proposed side wall separation distance between buildings (as discussed below).</p> <p>Therefore, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
Minimum Setback from a Common Element Condominium Road	N/A	<p>6.0 metres, except:</p> <ol style="list-style-type: none"> 1. On a corner unit, the minimum side yard abutting the flankage lot line shall be 3.0 metres, except that an attached garage or attached carport which fronts on the flankage lot line shall not be located within 6.0 metres of the flankage lot line. For the purpose of this subsection only, corner unit shall have the same meaning as a corner lot except that the meaning of street shall only be the common element condominium road. 	<p>The proposed setback from the condominium road, which all the units front onto, is consistent with the front yard setback of the principal by-law. An exception is made to reflect the flankage side yard of Unit 5 (see the Building Envelope Sketch attached as Appendix "E" to Report PED20082), which increases the flankage side yard with a parking space of the parent by-law from 5.5 m to 6.0 m, to provide adequate area for the parking of a vehicle.</p> <p>Therefore, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
Minimum Distance between Buildings on the Same Lot	N/A	<p>3.0 metres, except:</p> <ol style="list-style-type: none"> 1. 15.0 metres between end walls. 2. 9.0 metres between a side wall and an end wall, except where a dwelling has two façades fronting a common element condominium road but is not a corner unit as defined in (h) above, the other two façades shall be considered to be side walls with a minimum distance between buildings of 3.0 metres. 3. 2.7 metres from dwellings in existence prior to the adoption of this by-law. <p>Notwithstanding the foregoing, features may project into the minimum distance between buildings in accordance with the provisions of Section 4.19 of this By-law.</p>	<p>The proposed separation distances reflect a 7.5 metre rear yard and a 1.5 metre side yard setback for each unit. The side yard separation is an increase from the parent by-law's 1.25 m. This modification is minor, provides additional building separation for an enhanced streetscape and further maintains the character of the existing dwellings in the neighbourhood.</p> <p>The exception in 2. applies to Unit 7 (see the Building Envelope Sketch attached as Appendix "E" to Report PED20082) which provides adequate amenity space along the dual frontages of the unit, the remaining setbacks can be equivalent to side yard setbacks to ensure an adequate building envelope is provided for this unit.</p> <p>The exception in 3. proposed is a 1.2 metre interior side yard setback for Unit 23 (see the Building Envelope Sketch attached as Appendix "E" to Report PED20082) to accommodate the existing side yard conditions of the existing dwelling which is compatible with the remainder of the development and surrounding neighbourhood.</p> <p>Despite the minimum separation distances, projections into yards shall be permitted in accordance with the provisions of the parent by-law.</p> <p>Therefore, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
Condominium Unit Area	N/A	<p>Minimum - 410 square metres</p> <p>Maximum - 2,200 square metres</p>	<p>The proposed condominium unit areas are consistent with the smallest and largest proposed units on the Draft Plan of Condominium (see Appendix "F" to Report PED20082). The areas of the proposed condominium units are sufficient to accommodate the development of single detached dwellings and compatible with the lot areas of surrounding properties.</p> <p>Therefore, staff supports this modification.</p>
Condominium Unit Frontage	N/A	<p>Minimum - 9.8 metres</p> <p>Maximum - 23.2 metres</p>	<p>The proposed condominium unit frontages are consistent with the shortest and longest proposed unit frontages on the Draft Plan of Condominium (see Appendix "F" to Report PED20082). The frontages of the proposed condominium units are sufficient to accommodate the development of single detached dwellings and compatible with the lot frontages of surrounding properties.</p> <p>Therefore, staff supports this modification.</p>
Site Plan Approval	N/A	<p>The location of a dwelling on each condominium unit shall be within the minimum setbacks and distance between buildings as delineated on the approved Site Plan, pursuant to Section 41 of the <u>Planning Act</u>.</p>	<p>Single detached dwellings on a private condominium road are deemed to be an innovative housing form which is subject to site plan approval in accordance with the Site Plan Control By-law. To ensure the vacant land condominium is developed with the intent of these zoning modifications, this provision ensures that the future single detached dwellings are located within the building envelope approved through the future site plan control application.</p> <p>Therefore, staff supports this modification.</p>

Site Specific Modifications to the Conservation / Hazard Land (P5) Zone (By-law No. 05-200)

Regulation	Required	Modification	Analysis
Special Setback from a Conservation/ Hazard Land (P5) Zone	All buildings or structures located on a property shall be setback a minimum of 7.5 metres from a P5 Zone boundary.	Shall not apply.	<p>The lands identified as “proposed 6.0 m wide maintenance access easement” on the Building Envelope Sketch (attached as Appendix “E” to Report PED20082) and Draft Plan of Condominium (attached as Appendix “F” to Report PED20082) are proposed to be added to the Conservation/Hazard Land (P5) Zone. Given that this easement establishes a buffer from the hazard lands, staff are satisfied that the maintenance access easement maintains the intent and function of the 7.5 metre setback.</p> <p>Therefore, staff supports this modification.</p>

Special Conditions for Draft Plan of Condominium Approval 25CDM-201802

That this approval for the Draft Plan of Condominium, 25CDM-201802, prepared by A.J. Clarke and Associates Ltd., and certified by Nicholas P. Muth, O.L.S., dated February 12, 2020, consisting of 28 vacant land units for single detached dwellings, common elements, and exclusive use waterfront, on lands located at 42, 44, 48, 52, and 54 Lakeshore Drive (Stoney Creek), be received and endorsed by City Council with the following special conditions:

Corporate Services:

1. That the Owner pay the outstanding storm, sanitary and sewer connection total charge under By-law 11-052, Bridgeport Phase I, for 42, 44 & 48 Lakeshore Drive, to the satisfaction of the Capital Budgets and Financing Section, Corporate Services Department. The recoverable amount is subject to cost indexing to the date that payment is made to the City.

Development Engineering:

2. That suitable easements are to be established for drainage purposes over Units 1-28, in favour of the future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management.
3. That suitable easement(s) are to be established for shoreline maintenance purposes for Units 17 through 23, in favour of the future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management.
4. That the Owner agrees to provide an easement with a total width of 6.0 m over Units 21 and 22 for purposes of a drainage and maintenance access to the shore of Lake Ontario to the satisfaction of the Senior Director of Growth Management.
5. That the Owner shall be required to pay the outstanding servicing costs associated with the removal of the portion of the 0.3m reserve along the frontage of 42, 44 and 48 Lakeshore Drive described as Block 111 on Plan 62M-1073, to the satisfaction of the Senior Director of Growth Management. The recoverable amount is subject to cost indexing to the date that payment is made to the City.
6. That the Owner shall be required to register an easement for common elements (drainage, road, sewer, water etc.) in favour of the Future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management.
7. That the Owner agrees to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, mailboxes, etc. on the frontage of the subject lands along Watershore Drive and Lakeshore Drive, at the Owner's expense, to the satisfaction of the Senior Director of Growth Management.

8. That the Owner agrees that any existing septic tank be pumped out by a licensed contractor, collapsed and/or refilled with suitable material to prevent it from caving in, to the satisfaction of the Medical Officer of Health, Public Health Services, City of Hamilton.
9. That the Owner agrees that any existing abandoned water wells are plugged in accordance with Ontario Regulation 903/90 under the Ontario Water Resource Act (Environment Ontario's Fact Sheet entitled: "Water Wells and Groundwater Supplies Recommended Methods of Plugging Water Wells", to the satisfaction of the Senior Director of Growth Management.
10. That the Owner agrees to discharge the existing reciprocal access easements over 42, 44 and 48 Lakeshore Drive described as Parts 16, 17, 18, 19, 20, 24, 25, 26, 27 and 28, 62R- 4789, to the satisfaction of the Senior Director of Growth Management.
11. That the Owner acquires the City Owned lands described as Parts 17 and 25, 62R-4789, to the satisfaction of the Senior Director of Growth Management.
12. That the owner agrees to include a clause in the condominium declaration and identify on the grading plan(s) that a permit is required from the Hamilton Conservation Authority under its Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04 prior to the commencement of any grading or construction activities on Units 17 through 23, to the satisfaction of the Senior Director of Growth Management.

Development Planning:

13. The owner shall agree to submit a Landscape Plan prepared by a certified Landscape Architect (OALA) to the satisfaction of the Director of Planning and Chief Planner, which outlines the following:
 - a. The placement of compensation trees required for the removal of any tree (10 cm DBH or greater) (compensation would be required for 42 trees).
 - b. Trees and shrubs shall be planted along the side and rear yards of Lots 17-23. This is to increase canopy cover over time. The plant material is to be comprised exclusively of native species and is to include deciduous and coniferous trees as well as shrubs. The minimum caliper size for deciduous trees is 50 mm DBH while the minimum height for coniferous trees is 1.5 metres.

14. The owner shall agree to hire a certified arborist to monitor trees #36 (Silver Maple), 37 (Silver Maple), 45 (Honey Locust) and 47 (Catalpa) twice a year (spring and fall) for any signs of failure or decline for a period of 3 years post construction and replace any trees that die as per the Tree Inventory and Preservation Plan Report (October 1, 2019) prepared by Jackson Arboriculture Inc. to the satisfaction of the Director of Planning and Chief Planner.
15. The owner shall agree to submit a Verification of Tree Protection Letter to the satisfaction of the Director of Planning and Chief Planner. This letter is to confirm that all tree protection fencing has been installed as per the approved Tree Inventory and Preservation Plan prepared by Jackson Arboriculture Inc. (Oct. 1, 2019) and is to be prepared by a recognized tree management professional (i.e. certified arborist, registered professional forester or landscape architect).
16. That the owner shall include the following warning clause in all Agreement of Purchase and Sale and/or Lease and the condominium declaration, to the satisfaction of the Director of Planning and Chief Planner:
 - a. To maintain the function of the Linkage, the removal of trees and shrubs within the rear of Lots 17-23 is prohibited without the written approval of the City of Hamilton.
17. That the Owner submits an Urban and Architectural Design Guidelines report, at the owner's expense, prepared by a qualified architect or urban designer, to the satisfaction of the Director of Planning and Chief Planner.
18. That the Owner agrees to retain a qualified Urban Designer/Architect to administer architectural development standards for all lots in this development, prior to acceptance of a building permit application, to the satisfaction of the Director of Planning and Chief Planner.
19. That the Owner acknowledges that Site Plan Control By-law No. 15-176 applies to the subject lands and submits a complete application for and receives final approval of a Site Plan Control application, to the satisfaction of the Director of Planning and Chief Planner.
20. That the Final Plan of Condominium (Vacant Land) shall comply, in all respects: with all of the applicable provisions of Zoning By-law No. 3692-92, as amended, or in the event the City of Hamilton has repealed and replaced By-law No. 3692-92 with By-law No. 05-200, the final Plan of Condominium shall comply with all the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium (Vacant Land); and, with the final approved Site Plan Control application; to the satisfaction of the Director of Planning and Chief Planner.

Forestry and Horticulture:

21. That the Owner shall submit a Landscape Plan and the payment of all applicable fees, all to the satisfaction of the Forestry and Horticulture Section, Public Works Department.

Growth Planning:

22. That the Owner of 54 Lakeshore Drive (Unit 23) submit a Change of Address application, along with the required fee, to the Growth Planning section, to the satisfaction of the Senior Director of Growth Management.

Hamilton Conservation Authority:

23. That the Owner obtain a permit from the Hamilton Conservation Authority under Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the Conservation Authorities Act, R.S.O. 1990 for any development within HCA regulated lands to the satisfaction of the Hamilton Conservation Authority.
24. That the Owner prepares and implements a lot grading and drainage plan to the satisfaction of the Hamilton Conservation Authority.
25. That the Owner prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Conservation Authority.
26. That the Owner prepare and implement a landscaping plan to the satisfaction of the Hamilton Conservation Authority.

Public Health:

27. That the Owner agrees at their sole cost to prepare a pest control plan, focusing on rats and mice, which shall be developed and implemented for any demolition, and for the construction / development phase of the project and continue until the project is complete, to the satisfaction of the Director of the Health Protection Division, Public Health Services Department.

NOTES TO DRAFT PLAN APPROVAL

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

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

From: [REDACTED]
Sent: March 20, 2018 3:30 PM
To: Larsen, Jacob <Jacob.Larsen@hamilton.ca>
Subject: Resident Contact re Proposed Development on Lakeshore Drive Stoney Creek ---File ZAC-18-005 and 25CDM-201802

Hi Jacob,

As per our telephone discussion on Feb 23, 2018, I am following up in writing with specific questions/concerns regarding the proposed development of single family dwellings on Lakeshore Drive Stoney Creek.

I am the homeowner at [REDACTED]. I have reviewed the letter and information package sent on Feb 14, 2018. The following are my questions, to which I would like some clarifications:

1. The current owners of the subject lands 42, 44, 48, 52 and 54 are seeking the rezoning and development of the land. However, it does not state the developer. Please specify all of the developers.
2. Although the future development is for 29 'single detached' homes, it also specifies that the purpose and effect is to "create a vacant land condominium". Please clarify the purpose(s) for the tenure of the land as a condominium. I assume that under a condominium tenure, all future property owners would have equal access to the lakefront and would have to contribute to the future maintenance required to the shoreline protection and private road.
3. What is the name of the company that studied the existing shoreline erosion hazard at the development land and prepared the proposed shoreline protection, including stone groynes, cobble beaches etc. Please forward a copy of their report.
4. Was there a study conducted or report prepared on the potential lakefront erosion to the properties near-by, due to installation of the proposed shoreline protection? The concept drawing provided does **not** provide sufficient details on any potential beach build-up or erosion to the adjacent properties.
5. If known at this time, what is the name of the company that may install the shoreline protection system?
6. Do you know if the pending shoreline approvals by the various governmental agencies (Ministry of Natural Resources, Forestry, Fisheries and Oceans Canada, Hamilton Conservation Authority) take into consideration the potential erosion impact to other lakefront properties on Lakeshore Drive?
Will these agencies meet with the existing owners on Lakeshore to address their questions/concerns? If not, please provide contact names/numbers for those agencies that will review the proposed shoreline protection.

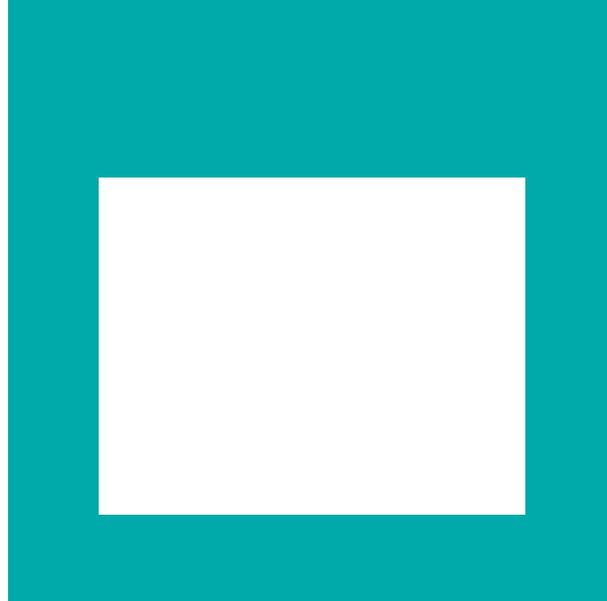
7. Based on the drawings provided, it appears that the proposed land development would start west of property #34. Please confirm whether Lakeshore Drive will then be physically closed off west of #34 property, and future owners at the proposed development will have no access to Lakeshore Drive.
8. Please confirm that the existing private road Lakeshore Drive will not be used for the development and construction traffic and activities. Rather, access to the development site will have to be conducted via Watershore Drive, and whatever tie-ins to that road required will be constructed at the out-set of the development.
9. Have any elevation studies been conducted to ensure that the slopes proposed will not have water drainage and damage issues to the near-by homeowners on Lakeshore Drive?
10. Has the date of the public meeting with the residents at Lakeshore Drive been set yet?

If you are unable to address all of the questions, please forward to the appropriate department or individual. I thank-you for all of your assistance in advance.

Best Regards,

[REDACTED]

[REDACTED]



WELCOME TO THE CITY OF HAMILTON

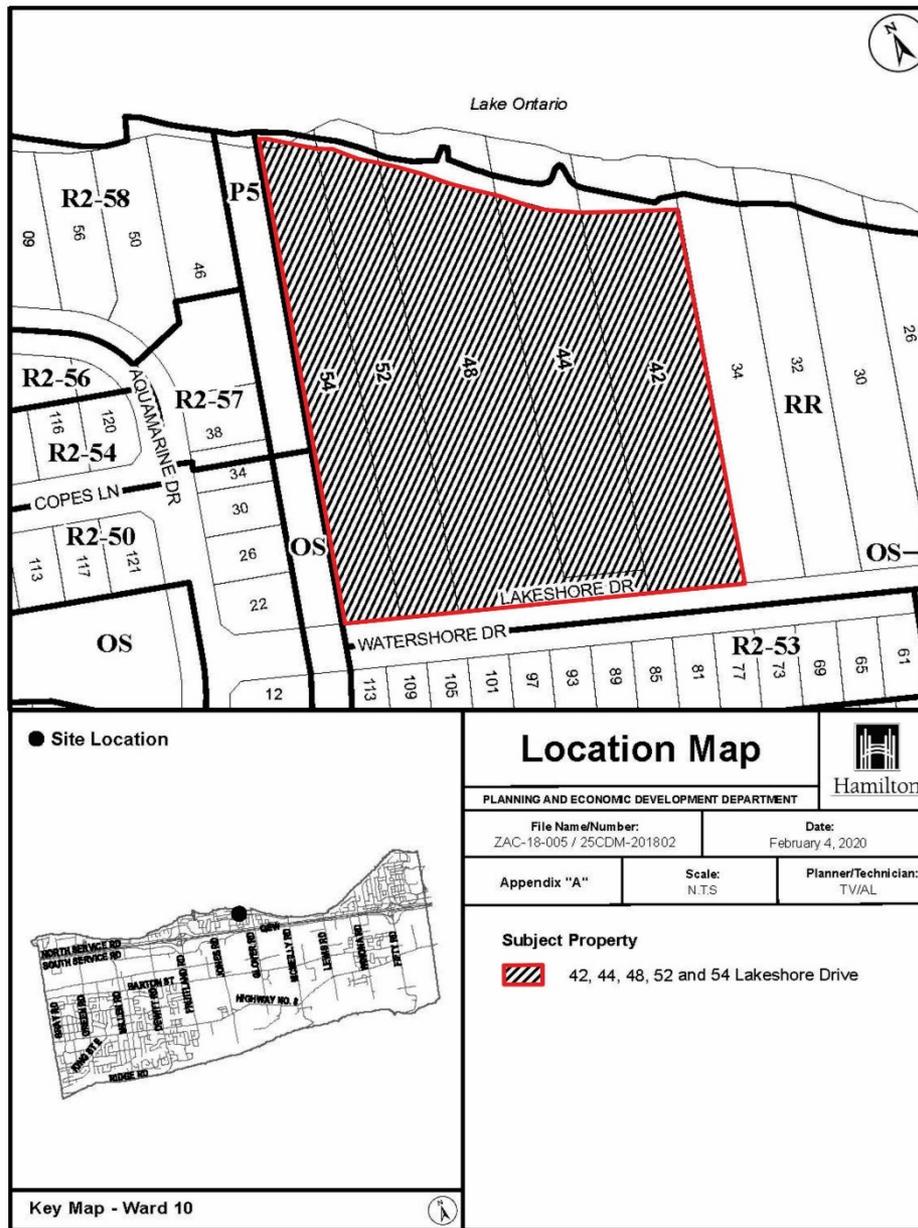
PLANNING COMMITTEE

August 11, 2020

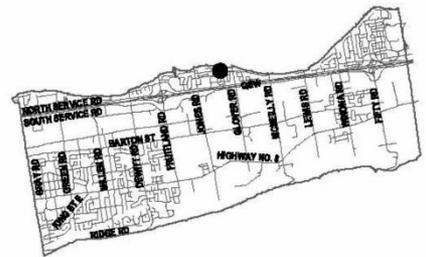
PED20082 – (ZAC-18-015 / 25CDM-201802)

Applications for Amendments to Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Condominium (Vacant Land) for Lands Known as 42, 44, 48, 52, and 54 Lakeshore Drive, Stoney Creek

Presented by: Tim Vrooman



● Site Location



Key Map - Ward 10

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-18-005 / 25CDM-201802

Date:
February 4, 2020

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
TV/AL

Subject Property

42, 44, 48, 52 and 54 Lakeshore Drive



SUBJECT PROPERTY



42, 44, 48, 52 & 54 Lakeshore Drive, Stoney Creek



42 & 44 Lakeshore Drive from Watershore Drive



44 & 48 Lakeshore Drive from Watershore Drive



52 & 54 Lakeshore Drive from Watershore Drive



View to the west along Watershore Drive



View to the east along Watershore Drive



View to the east along Lakeshore Drive



Watercourse to the west of the site along Watershore Drive



Properties to the east of the site along Lakeshore Drive



View to the south across Watershore Drive



View to the south across Watershore Drive



View to the south across Watershore Drive



View to the south across Watershore Drive



View to the east along the shoreline retaining wall



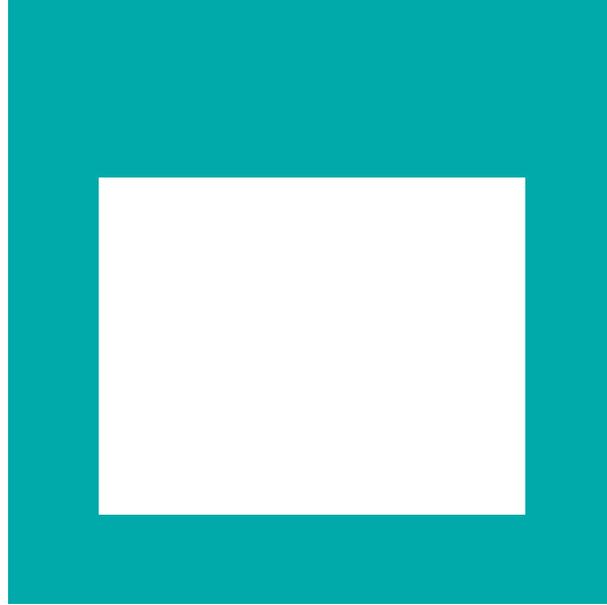
View to the west along the shoreline retaining wall



Existing trees on site as part of Linkage



Existing trees on site as part of Linkage



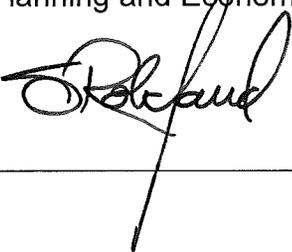
THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 11, 2020
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 6593 and for a Draft Plan of Subdivision for Lands known as 1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton (PED20084) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Mike Davis (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-18-010, by DiCenzo Construction Company Ltd. (Owner)**, to add a site specific policy in order to permit a minimum net residential density of 40 units per hectare for a block townhouse development, for lands known as at 1477 Upper James Street and 221 Genoa Drive, Hamilton, as shown on Appendix "A" to Report PED20084, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED20084, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019).

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- (b) That Zoning By-law Amendment Application ZAC-18-025, by DiCenzo Construction Company Ltd. (Owner), to change the zoning of the lands from the "RT-30" (Street – Townhouse) District to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified (Block 1); from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified (Block 2); from the "AA" (Agricultural) District to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified (Block 3); from the "C/S-1788" (Urban Protected Residential, etc.) District, Modified to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified (Blocks 4 and 5); from the "C/S-1788" (Urban Protected Residential, etc.) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Blocks 6 and 13); from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Blocks 7, 9, 11 and 14); from the "RT-30" (Street – Townhouse) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Blocks * and 10); from the "AA" (Agricultural) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 12); from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 15); from the "AA" (Agricultural) District to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 16); from the "C/S-1788" (Urban Protected Residential, etc.) District, Modified to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 17); from the "AA" (Agricultural) District to the "C/S-1788" (Urban Protected Residential) District, Modified (Block 18); and, from the "C/S-1788" (Urban Protected Residential, etc.) District, Modified to the "C/S-1801"-H' (Urban Protected Residential, etc.) District, Modified, Holding (Block 19), in the City of Hamilton Zoning By-law No. 6593, to permit the development of 91 street townhouse dwellings, 38 semi detached dwellings, three single detached dwellings and 18 block townhouse units on lands known as 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton, as shown on Appendix "A" to Report PED20084, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix "C" to Report PED20084, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan (2019) and will comply with the Urban Hamilton Official Plan upon finalization of UHOPA No. __; and,
 - (iii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed "C/S-1801" (Urban Protected Residential, etc.) District, Modified (Block 19), with the 'H' symbol being eligible to be removed conditional upon:
 - (1) That the lands identified as Block 19 in Schedule "A" of the amending by-law shall be consolidated with remnant parcels in the abutting Registered Plan 62M-1209, known as 87 and 91 Aquasanta Crescent to the satisfaction of the Senior Director, Growth Management.
- (c) That **Draft Plan of Subdivision Application 25T-201803, by DiCenzo Construction Company Ltd. (Owner)**, to establish a Draft Plan of Subdivision known as "Jamesmount Extension" on lands known as 1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, as shown on Appendix "A" to Report PED20084, be **APPROVED** subject to the following conditions:
- (i) That this approval applies to the Draft Plan of Subdivision "Jamesmount Extension" 25T-201803, prepared by A.T. McLaren Ltd., and certified by S.D. McLaren, O.L.S., dated June 19, 2020, consisting of 19 blocks for 38 semi detached dwellings (Blocks 1 – 19), 13 blocks for 91 street townhouse dwellings (Blocks 21 – 25, 27 – 31 and 32 – 34), one lot for a single detached dwelling (Lot 20), one block for 18 block townhouse dwellings (Block 26), two future development blocks for single detached dwellings (Blocks 35 and 36) and the extension of DiCenzo Drive, Aquasanta Crescent, Genoa Drive and the creation of a new Street 'A', subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "F" to Report PED20084;
 - (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 or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of

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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.

- (d) That, upon finalization of the implementing Zoning By-law, the Ryckmans Neighbourhood Plan be amended by re-designating the lands identified as Blocks 6-17 on Appendix "A" to Report PED20084 from "Single and Double" to "Attached Housing".

EXECUTIVE SUMMARY

The applicant has applied to amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 and for approval of a Draft Plan of Subdivision to allow for the development of 150 residential units comprised primarily of semi detached units and townhouse units. These applications apply to a 4.97 hectare (12.28 acre) site in the Ryckmans Neighbourhood, east of Upper James Street and south of Stone Church Road West. Portions of the site form part of the existing "Jamesmount Gardens" Draft Plan of Subdivision (25T-91007) and "Sobie" Draft Plan of Subdivision (25T-87032). These applications seek to revise and consolidate undeveloped lands from these two older plans of subdivision to complete the neighbourhood and street patterns (see Appendix "A" to Report PED20084).

The Urban Hamilton Official Plan (UHOP) Amendment is to permit a block townhouse development on Block 26 of the Draft Plan of Subdivision at a minimum density of 40 units per hectare, whereas the UHOP requires a minimum density of 60 units per hectare for this building form.

The Zoning By-law Amendment will permit a range of housing forms including townhouses (street townhouses and block townhouses), semi detached and single detached dwellings. Some minor site-specific modifications to the various zone regulations are required to facilitate the proposed development and reflect the specific context of this site (see Appendix "D" to Report PED20084).

The proposed Draft Plan of Subdivision establishes 19 blocks for 38 semi detached dwellings (Blocks 1 – 19), 13 blocks for 91 street townhouse dwellings (Blocks 21 – 25, 27 – 31 and 32 – 34), one lot for a single detached dwelling (Lot 20), one block for 18 block townhouse dwellings (Block 26) and two future development blocks for single detached dwellings (Blocks 35 and 36). The Draft Plan includes an extension of DiCenzo Drive, Aquasanta Crescent, Genoa Drive and the creation of a new Street 'A' to serve the planned development and complete portions of the overall neighbourhood

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street network, subject to the owner entering into a Standard Form Subdivision Agreement, with Special Conditions as outlined in Appendix "F" to Report PED20084. The proposed development represents a more comprehensive approach to the infilling of these lands than would be achieved by way of the existing subdivision approvals. The proposed street layout, block pattern and building forms represent a logical extension of and complement the existing developments to the east, north and west and will broaden the range of housing options. Based on the above, the proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan (UHOP) subject to the recommended amendment.

Alternatives for Consideration – See Page 34

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting prior to considering the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	DiCenzo Construction Company Ltd.
Agent:	Webb Planning Consultants Inc. (c/o James Webb)
File Number:	UHOPA-18-010, ZAC-18-025 and 25T-201803
Type of Application(s):	Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision.

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Proposal:	<p>To revise, consolidate and add lands to existing Draft Plans of Subdivision within the Ryckmans Neighbourhood to facilitate a comprehensive development that includes:</p> <ul style="list-style-type: none"> • 91 street townhouse dwellings; • 38 semi-detached dwellings; • 1 single detached dwelling; • 2 future development blocks for single detached dwellings; and, • 18 block townhouse units. <p>The proposal also involves the extension and creation of local streets (DiCenzo Drive, Aquasanta Crescent, Genoa Drive and Street 'A') and utilities in order to service the planned development and complete portions of the neighbourhood street network (see Appendix "E" to Report PED20084).</p>
Property Details	
Municipal Address:	1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton.
Lot Area:	4.97 hectares
Servicing:	Full Municipal Services
Existing Uses:	Vacant
Proposed Uses:	A range of low and medium density residential uses and built forms (150 total proposed units).
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow Plan (2019).
Official Plan Existing:	<ul style="list-style-type: none"> • Identified as "Neighbourhoods" on Schedule "E" – Urban Structure.

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	<ul style="list-style-type: none"> Designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.
Official Plan Proposed:	To add a site-specific policy to allow for a minimum density of 40 units per net residential hectare within a medium density residential area for block townhouses.
Zoning Existing:	<ul style="list-style-type: none"> “RT-30” (Street – Townhouse) District; “D/S-1395” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified; “C/S-1788” (Urban Protected Residential, etc.) District, Modified; and, “AA” (Agricultural) District.
Zoning Proposed:	<ul style="list-style-type: none"> “D/S-1801” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified; “RT-20/S-1801” (Townhouse – Maisonette) District, Modified; “RT-30/S-1801” (Street – Townhouse) District, Modified; “C/S-1788” (Urban Protected Residential, etc.) District, Modified; and, “C/S-1801”-‘H’ (Urban Protected Residential, etc. – ‘Holding’) District, Modified.
Modifications Proposed: (see Appendix “D” to Report PED20084)	<p><u>Semi detached dwellings:</u></p> <ul style="list-style-type: none"> Reduced minimum lot width of 16.0 metres for semi-detached dwellings (Blocks 1-5); Reduced minimum lot area of 515.0.0 square metres for semi-detached dwellings (Blocks 1-4); and, Reduced minimum lot area of 480.0 square metres for semi-detached dwellings (Block 5). <p><u>Street townhouse dwellings:</u></p> <ul style="list-style-type: none"> Reduced frontage requirement of 5.75 metres for street townhouse dwellings (Blocks 6-14); Reduced minimum lot area of 170.0 square metres for street townhouse dwellings (Blocks 6-9); Reduced minimum lot area of 160.0 square metres for street townhouse dwellings (Blocks 10-13);

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	<ul style="list-style-type: none"> • Reduced minimum lot area of 150.0 square metres for street townhouse dwellings (Block 14); and, • Reduced minimum rear yard depth of 6.0 metres for street townhouse dwellings (Block 14). <p><u>Block townhouse dwellings:</u></p> <ul style="list-style-type: none"> • Reduced east side yard setback requirement of 2.0 metres (Blocks 15-17); • Reduced setback between a building and an adjacent residential property of 3.3 metres (Blocks 15-17); and, • A reduced setback between surface visitor parking spaces and a residential lot (Blocks 15-17).
Processing Details	
Received:	April 12, 2018
Deemed Complete:	May 10, 2018
Notice of Complete Application:	Notice sent to 145 property owners within 120 m of the subject property on May 25, 2018.
Public Notice Sign:	Sign Posted: May 25, 2018. Sign Updated: July 15, 2020.
Notice of Public Meeting:	Notice sent to 145 property owners within 120 m of the subject property on July 24, 2020.
Public Consultation:	<p>The public consultation strategy relies on <i>Planning Act</i> requirements carried out by the City including installation of a Public Notice Sign, circulation of the Notice of Application to all landowners within 120 metres of the site and the holding of a statutory public meeting before the City's Planning Committee.</p> <p>To supplement these requirements, the Applicants hosted a neighbourhood information meeting on September 30, 2019. Invitations were circulated to all households within 120 metres of the site. Approximately 25 residents attended the meeting. The comments raised at this meeting are</p>

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	addressed in the Analysis and Rationale for Recommendation section of this report.
Public Comments:	No written correspondence was received.
Processing Time:	852 days

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant	"RT-30" (Street – Townhouse) District, "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, "C/S-1788" (Urban Protected Residential, etc.) District, Modified and "AA" (Agricultural) District.

Surrounding Lands:

North	Street Townhouses and Dr. William Bethune Park.	"RT-30" (Street – Townhouse) District and Community Park (P2) Zone.
East	Single Detached Dwellings, Ryckmans Neighbourhood Park and the Olmstead Archaeological Site.	"C" (Urban Protected Residential, etc.) District, Neighbourhood Park (P1) Zone and Open Space (P4) Zone.
South	Vacant/Undeveloped.	"C/S-1788" (Urban Protected Residential, etc.) District, Modified.
West	Street Townhouses and Automotive Dealerships.	"RT-30" (Street – Townhouse) District, "RT-30"-H/S-1342 (Street – Townhouse –

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Holding) District, Modified, "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, and Mixed-Use Medium Density (C5) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe, A Place to Grow, (2019).

Provincial Policy Statement (2020)

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Section 1.1 of the PPS provides over-arching policy guidance for managing and directing land use in settlement areas to achieve efficient and resilient land use patterns. The following policies, amongst others, apply to the applications.

- "1.1.1 Healthy, liveable and safe communities are sustained by:
- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;"

The Application is consistent with Section 1.1.1 of the PPS in that it serves to plan and designate lands for a mix of housing forms (townhouses, semi detached and single

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detached dwellings) that will broaden the range of housing options available in the neighbourhood. The proposed housing forms will be developed at higher densities than what is currently planned through existing zoning and subdivision approvals applicable to the site, thereby making more efficient use of land and infrastructure.

Section 2.6 of the PPS provides policy related to the conservation of significant cultural heritage and archaeological resources.

“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.*”

In this regard, the subject property is within 250 metres of known archaeological sites which is one of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for determining archaeological potential.

A Stage 1 and partial Stage 2 archaeological assessment (P017-0368-2015) for the subject property was previously submitted to the MHSTCI and the City of Hamilton. The report recommends that further archaeological work be conducted to address the archaeological potential of the subject property. As a condition of the Draft Plan of Subdivision (Condition No. 26), the applicant will be required to carry out a complete Stage 2 archaeological assessment of the entire property (and further stages as recommended by a licensed archaeologist) and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Director of Planning and Chief Planner and the MHSTCI. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and Chief Planner and the MHSTCI confirming that all archaeological resource concerns have met licensing and conservation requirements.

The proposal is consistent with the Provincial Policy Statement (2020).

A Place to Grow (2019)

Section 1.2.1 of A Place to Grow (2019) provides an overview of guiding principles upon which further, more detailed, policies are based. The proposal is supported by the guiding principles outlined in Section 1.2.1 in that it will provide for a broader mix of housing options in the neighbourhood, thereby contributing to the creation of a more

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complete community. These more compact building forms will provide for a more efficient use of land and infrastructure than existing planned development on the site. Section 2.2.7 of A Place to Grow (2019) provides high-level policy guidance for new development in designated greenfield areas within municipalities.

“2.2.7 Designated Greenfield Areas

1. New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:
 - a) supports the achievement of complete communities;
 - b) supports active transportation; and
 - c) encourages the integration and sustained viability of transit services.

2. The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows:
 - a) The Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare.”

The subject lands are identified as a designated greenfield area within the Urban Hamilton Official Plan. The proposed development will support the creation of a more complete community by planning and designating a 4.97 hectare greenfield site for a mix of low profile grade-oriented housing forms at varying densities. Further, the proposed development will complete key portions of the planned local street network, better connecting existing residents to commercial activities, employment uses and transit services along Upper James Street.

In accordance with Section 2.2.7.2 above, the Growth Plan sets a minimum target density of 50 people and jobs per hectare across the City’s designated greenfield areas. This proposal will provide for an anticipated density of 83 people and jobs per hectare, thereby contributing to the achievement of provincial density targets.

The proposal conforms to the policies of A Place to Grow Plan (2019).

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Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the UHOP. Further, the subject site is located outside of the built boundary identified on Appendix “G” – Boundaries Map of the Urban Hamilton Official Plan.

Section 2.6.4 of the UHOP directs that the Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports. The proposed development seeks to allow for a range of new housing forms on an undeveloped site in a developing greenfield area. The following policies of the “Neighbourhoods” designation contained in Section E.3.0 of the UHOP, amongst others, apply.

Neighbourhoods

- “E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.”

The proposal is supported by the policy goals for Neighbourhoods in urban Hamilton. The applications serve to plan and designate lands within the neighbourhood for a range of housing types. By providing opportunities for the development of block townhouses, street townhouses, semi detached and single detached dwellings, the proposal will broaden the mix of housing types available and generally provide for more compact forms of residential development. Notwithstanding the more compact form of development, the proposed housing types remain low-rise, grade-oriented, forms such

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as townhouses and semi detached dwellings that fit with the scale and proportions of existing and planned residential uses in proximity to the site. Portions of the neighbourhood have already been planned and developed with street townhouses.

Overall, the proposed draft plan of subdivision will consolidate, connect and “infill” a gap in the neighbourhood and associated street network. The completion of this portion of the neighbourhood street network will serve both new and existing residents, allow for appropriate integration of these expanded residential uses and increase access to nearby commercial services located along Upper James Street.

Low Density Residential

Function

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.”

The proposed development is largely located within the interior of the neighbourhood. These portions of the plan (Blocks 1-25 and Blocks 27-36 on Appendix “E” to Report PED20084) are proposed to be developed with single detached, semi detached and street townhouse dwellings in accordance with the policies outlined above.

Scale

- “E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

In total, the proposed low density residential area will be developed at a net residential density of 44.9 units per hectare, with street townhouse forms being developed at a net residential density of 50 units per hectare and semi detached forms being developed at

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a net residential density of 36.2 units per hectare. The proposed maximum height regulations in the implementing Zoning By-law do not exceed three storeys.

Design

- "E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.
 - b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.
 - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.
 - d) Development, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern."

The proposed development includes a total of 132 low density residential dwelling units. These units have been oriented towards interior local streets, being developed by way of the draft plan of subdivision, with direct vehicular access to be provided by these streets. Higher intensity areas of development, focused around the intersection of DiCenzo Drive and Regina Drive, have been restricted as direct vehicular access points.

The proposed subdivision pattern has been configured to avoid backlotting on existing and proposed public streets (i.e. no backlotting is proposed). Street townhouse, semi detached and single detached blocks have been oriented such that building fronts predominantly face existing and proposed local streets within the plan area. In limited

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areas, the sides of buildings will face the street. In these cases, building elevations will be designed to mimic the rhythm and character of front elevations.

The plan provides for a mix of dwelling types including semi detached and street townhouse dwellings. The site-specific zoning will provide for minimum lot widths and sizes that are compatible with the existing character of the area which includes existing street townhouse lots developed at a width of 6.0 metres and area of 180 square metres directly north and west of the site. An 'H' Holding provision has been applied to a small portion of the plan (Blocks 35 and 36) to ensure that two remnant parcels being created are comprehensively developed with two remnant parcels in the abutting Registered Plan 62M-1209, east of the site. The Draft Plan of Subdivision includes the extension of three existing local streets and the creation of one new internal local street. The plan presents logical and sequential extension of streets and municipal services to ensure an efficient lotting pattern.

Medium Density Residential

Function

- "E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses."

A portion of the plan area is located at the intersection of Regina Drive and DiCenzo Drive towards the periphery of the residential portion of the neighbourhood, where residential uses interface with commercial development fronting on Upper James Street. This portion of the area also has frontage on DiCenzo Drive and Regina Drive, which function as collector streets within the neighbourhood.

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This block (see Block 26 on Appendix “E” to Report PED20084) has been identified for medium density residential uses within the proposed Draft Plan of Subdivision. Specifically, Block 26 is proposed to be developed with block townhouses, which the UHOP classifies as a form of multiple residential development. Within the context of the proposed development, this block and the proposed building form serve as a transition between higher intensity development and activity along DiCenzo Drive to lower forms such as street townhouses and semi detached dwellings along Street ‘A’ and Aquasanta Crescent.

Scale

- “E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

The proposed medium density block has a density of 40 units per hectare. Given the specific context of this site, there is a desire to maintain lower profile, grade-oriented forms of medium density housing within this block. The proposed block townhouses also include requirements for visitor parking and amenity areas that make meeting the minimum density threshold of 60 units per hectare difficult to achieve on this limited size of a site. As such, the applicant has applied for a site-specific policy area that recognizes the reduced density requirement. The proposed amendment is further discussed in the Analysis and Rationale for Recommendation section of this report.

Design

- “E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments 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 gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.

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- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

With respect to the medium density residential design policies noted above, it is important to note that the proposed development is a part of a comprehensively designed Draft Plan of Subdivision. The specific design details for the interior block (Block 26) such as access, building placement/orientation, landscaping and parking will be addressed in detail through a future Site Plan Control application. Block 26 contains approximately 40 metres of frontage along DiCenzo Drive which provides an opportunity for direct pedestrian access to a collector street (i.e. DiCenzo Drive). Although the supporting concept plan envisions vehicular access to be provided on the east side of the block by way of a local street, the lower anticipated density (i.e. 40 uph vs. a minimum of 60 uph) will ensure the impacts of vehicular traffic will have minimal disruptions to planned and existing development in the vicinity.

Through the amending Zoning By-law, building heights are proposed to be limited to three-storeys (11.0 metres) on Block 26. These maximum building heights match with the existing townhouse development west of the site.

Finally, the proposed Zoning By-law Amendment introduces site-specific measures to control building massing and landscaping in a manner that balances the need to respect neighbourhood character with a desire to facilitate a compact efficient development form.

Residential Greenfield Design

- “E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open

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spaces, and infrastructure shall be designed to contribute to this character.

- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.
- E.3.7.3 The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods.
- E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:
- a) minimize changes to existing topography;
 - b) preserve existing trees and natural features; and,
 - c) be compatible with, and maintain public views and vistas to prominent City features and landmarks, including the Niagara Escarpment, the waterfronts of Lake Ontario and Hamilton Harbour, Cootes Paradise, and Dundas Valley, or as identified through secondary plans, cultural heritage management plans, cultural heritage conservation plan statements, or other studies.
- E.3.7.6 New development or redevelopment adjacent to open spaces shall:
- a) minimize the impacts on natural heritage features;
 - b) maintain or enhance public access to trails, bikeways, and parks within these features;
 - c) preserve or enhance public views to these features; and,
 - d) use native plant material adjacent to these features.
- E.3.7.7 Prior to registration of a plan of subdivision, the City may require the owner to prepare urban design and/or architectural guidelines to the

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satisfaction of the City. The City may undertake architectural control to ensure compliance with the approved urban design or architectural guidelines.”

Section E.3.7 of the Neighbourhoods Designation policies outlined above provides guidance for the design of new residential communities that are located outside of the built boundary as defined in A Place to Grow (2019). The proposed development is contiguous with existing development to the east, north and west. The design is heavily influenced and constrained by these existing conditions and the plan seeks to provide for a logical completion, integration with and extension of existing development and infrastructure.

Parks and other significant open space and amenities, for example, are planned and established at a neighbourhood scale and have been planned and implemented through previous draft plans. This site is one component of a larger neighbourhood plan and Draft Plan of Subdivision that already includes significant open space components (e.g. Dr. William Bethune Park and Ryckmans Neighbourhood Park). Instead, the plan provides for a logical extension of street connections and development blocks. It is an assembly of four remnant zoning blocks that provide a more cohesive strategy for the infilling of this area than what would be achieved through existing zoning and subdivision approvals.

The Draft Plan has been designed in conformity with City development standards for right-of-way widths and infrastructure design. In this case, given the infill nature of the proposal and the limited land area, architectural controls and site-specific urban design guidelines have not been applied although the proposed block townhouse development will continue to be reviewed from an urban design perspective at the future site plan approval stage.

Plans of Subdivision

- “F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:
- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
 - b) the plan of subdivision implements the City’s staging of development program;

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- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways.”

The proposed Plan of Subdivision has been identified in the City of Hamilton’s Staging of Development Plan for as a priority for processing in 2020 and is consistent with the Criteria for Staging of Development. The proposed development relies on existing planned utilities and community amenities as it represents a small portion of a broader planned neighbourhood. The proposed Draft Plan can be adequately serviced using existing infrastructure, subject to the proposed Draft Plan conditions, and will not adversely impact the natural environment or transportation system, will be integrated with existing lands and roads, and will not adversely impact municipal finances. Based on the above, the proposal conforms to the criteria relative to Plans of Subdivision in the Official Plan subject to the recommended amendment to recognize a reduced density requirement on the proposed medium density block (see Block 26 on Appendix “E” to Report PED20084).

Ryckmans Neighbourhood Plan

The subject site is located within the boundaries of the Ryckmans Neighbourhood Plan. The neighbourhood plan sets out a comprehensive land use vision for the lands bounded by Stone Church Road East, Upper James Street, Rymal Road East and Upper Wellington Street. The Neighbourhood Plan establishes an overall framework for the neighbourhood design, including locations for park blocks, open spaces and opportunities for maximizing passive solar energy through the orientation of the road pattern to serve the future development of the broader area.

The specific land use permissions and design details for individual development blocks in the neighbourhood have been, and continue to be, implemented through Zoning By-law Amendment applications and Draft Plans of Subdivision. The site is designated “Single and Double” in the Neighbourhood Plan, which contemplates single detached and semi detached dwellings.

The Provincial Policy Statement (2020) and A Place to Grow Plan (2019) provide minimum density targets of 50 people and jobs per hectare in designated greenfield

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areas. These documents also place a greater policy emphasis on achieving a more complete range of housing options within neighbourhoods. The Urban Hamilton Official Plan takes a more flexible and broad approach to the range of housing types contemplated within the interior of neighbourhoods. Where the neighbourhood plan previously established the “single and double” category, limiting development to single detached and semi detached dwellings, the evolving planning expectations and requirements also consider townhouse building forms in this area. The proposed plan will provide for a range of low profile, grade-oriented housing that fits with the established building forms in the area.

The proposed Official Plan and Zoning changes will enable a form of development that generally aligns with the form of development envisioned for lands designated “Attached Housing”. An amendment to redesignate the lands identified as Blocks 6-17 on Appendix “A” to Report PED20084 from “Single and Double” to “Attached Housing” on the Ryckmans Neighbourhood Plan Land Use Map is included as part of the staff recommendation. The proposal will introduce additional housing options, sizes and densities with appropriate controls on built form, scale and massing, to ensure the development is compatible with its surroundings. As such, the proposal is consistent with the overall intent of the neighbourhood plan to provide for low profile grade-oriented housing forms in the interior of the neighbourhood and the proposed amendment to reflect relevant portions of this development is appropriate.

City of Hamilton Zoning By-law No. 6593

The subject lands are currently zoned “RT-30” (Street – Townhouse) District, “D/S-1395” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, “C/S-1788” (Urban Protected Residential, etc.) District, Modified and “AA” (Agricultural) District within the City of Hamilton Zoning By-law No. 6593. These districts permit a mix of low profile grade-oriented housing forms including street townhouse, semi detached and single detached dwellings, to be developed in accordance with the existing draft approved subdivision framework.

This application proposes to update, consolidate and modify the previous planning approvals that currently guide development on the site. To provide a framework for the mix of housing types being sought, the application proposes to rezone the lands to the “D/S-1801” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, “RT-30/S-1801” (Street – Townhouse) District, Modified, “RT-20/S-1801” (Townhouse – Maisonette) District, Modified, “C/S-1788” (Urban Protected Residential, etc.) District, Modified, and “C/S-1801”-‘H’ (Urban Protected Residential, etc.) District, Modified, Holding.

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A series of modifications to the standard development regulations are also proposed. These modifications are generally minor in nature and are intended to reflect site-specific contextual considerations. A detailed overview and evaluation of the following proposed modifications are included in Appendix "D" to Report PED20084.

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
<ul style="list-style-type: none"> • Hydro One Networks Inc.; • Transit Planning and Infrastructure, Transit (HSR); • Parks and Cemeteries, Public Works Department; • Recreation, Healthy and Safe Communities Department; and, • Landscape Architectural Services, Public Works Department. 		No Comments
Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning supports the proposed Official Plan, Zoning By-law amendment and Draft Plan of Subdivision subject to the following conditions:</p> <ul style="list-style-type: none"> • Submission of a Neighbourhood Traffic Calming Study (NTCS) and completion of any identified municipal infrastructure upgrades. • Completion of a revised Traffic Impact Study (brief/memo) with the recommendations of this revised brief being implemented in the detailed design of the 	The special conditions outlined in Appendix "F" to Report PED20084 (Condition Nos. 22-24) will ensure that these items are implemented through the detailed engineering process prior to site grading.

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	<p>proposed street network.</p> <ul style="list-style-type: none"> • Further demonstration that driveway locations shall not conflict with required crosswalk areas. 	
<p>Healthy Environments Division Public Health Services, Healthy and Safe Communities Department</p>	<p>A pest control plan, focusing on rats and mice, should be developed and implemented for the construction/development phase of the project and continue until the project is complete.</p>	<p>The special condition outlined in Appendix "F" to Report PED20084 (Condition No. 10) will ensure that a pest control plan is prepared by the Owner prior to grading of the site. Further, Condition No. 11 will ensure the completion of a dust control and street cleaning plan to be implemented through the construction phase.</p>
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<p>There are no Municipal Tree assets on site. This was confirmed through the submission of the Tree Protection Plan 1 dated April 11, 2018. As a result, no Tree Permit is required.</p> <p>A Landscape Plan is required by the Forestry and Horticulture Section, depicting the street tree planting scheme for the proposed development.</p>	<p>As part of the standard subdivision agreement and the special conditions outlined in Appendix "F" to Report PED20084 (Condition No. 27), a Landscape Plan will be required to be submitted and approved prior to site servicing. The Landscape Plan shall be reviewed by and to the satisfaction of the Forestry and Horticulture Section, Public Works Department and the Planning Division, Planning and Economic Development Department.</p>

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<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department</p> <p>-and-</p> <p>Water & Wastewater Planning, Hamilton Water Division, Public Works Department</p>	<p><u>Storm Drainage</u></p> <p>Stormwater drainage from the site will outlet southeast to the existing 750 mm storm sewer system on Aquasanta Crescent.</p> <p>The major overland flow route for most of the proposed development is to be conveyed southeast through the municipal road network toward the existing DiCenzo Gardens Phase 10 and towards Tevere Place. The major overland flow route for a small portion of the DiCenzo Drive extension is to be conveyed north along the existing DiCenzo Drive road network.</p> <p>Blocks 1 and 2 should remain undeveloped until the hydraulic modelling for the storm sewers downstream is performed to demonstrate that an onsite stormwater quantity control is not required.</p> <p><u>Sanitary Sewer</u></p> <p>The proposed site except Lot 20 will be serviced by an existing 250mm sanitary sewer on Aquasanta Crescent in DiCenzo</p>	<p>The comments provided by Development Engineering will be addressed through the standard subdivision agreement and the Special Conditions outlined in Appendix "F" to Report PED20084 (Conditions No. 1-21). In general, these conditions will ensure the implementation of important infrastructure design details for items such corner daylight triangles, sidewalks, temporary turning circles and retaining walls.</p> <p>Condition No. 14 serves to prevent the development of Blocks 1 and 2 on the Draft Plan of Subdivision until such time as the necessary hydraulic modelling for the downstream storm sewers has been completed.</p> <p>The Concept Plan attached as Appendix "G" to Report PED20084 demonstrates the ability to meet the 40% on-street parking requirement. A final parking plan will be required and implemented as part of the engineering design submission that will occur prior to servicing of the subdivision (Condition No. 17).</p>
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	<p>Gardens Phase 10. Lot 20 will be serviced by the existing 250mm sanitary sewer on DiCenzo Drive.</p> <p><u>Water Servicing</u></p> <p>The existing municipal water distribution system consists of an existing 300mm watermain located west of the proposed development on DiCenzo Drive and Genoa Drive. An existing 300mm Dia. watermain is also located southeast of the proposed development on Aquasanta Crescent.</p> <p><u>Parking Plan</u></p> <p>For purposes of on-street parking requirements the proposed development includes 130 units and two future development lots (Block 35 and 36). Required parking spaces based on 40% of the units shall be 52 parking spaces. All the parking spaces must be accommodated within the proposed development limit as per the City's Development Guideline.</p>	<p>The Draft Plan of Subdivision and Concept Plan include a southward extension of DiCenzo Drive beyond the south limit of development. This extension follows the street alignment set out in the existing Sobie Draft Plan (25T-87032) which will allow for a logical transition to a permanent component of supporting street network for future development to the south. In the interim, a temporary turning circle will be provided at the southern terminus. Condition Nos. 2, 4 and 5 all provide guidance for implementation of the turning circle design and eventual removal.</p> <p>A reduced rear yard setback of 6.0 metres is proposed for all lots within Block Nos. 30 and 31 located at the northeast portion of the plan area. Block Nos. 30 and 31 represent a limited number of future lots (i.e. limited to approximately 7 lots). These lots are impacted by the irregular grading conditions whereby a retaining wall will be required to be installed in the rear yard. The reduced rear yard setback included in the proposed Zoning By-law Amendment will allow for flexibility in the detailed</p>
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	<p><u>City Share Cost/Best Efforts Recovery</u></p> <p>There is no City share for the proposed development. The Owner shall pay cost recovery for the construction of the existing DiCenzo Drive Road from the North limit of the property line of Lot 20 to the South limit of the intersection of Regina Drive and DiCenzo Drive.</p> <p><u>Retaining Wall</u></p> <p>As a result of the preliminary grading design for Blocks 30 and 31 on the Draft Plan of Subdivision, a retaining wall will be required in the rear yard to accommodate the difference in elevation with adjacent lots to the northeast. The proposed retaining wall will impact the available amenity space for these lots.</p>	<p>engineering of the grading design and, given the context, will not introduce privacy concerns with adjacent existing dwellings.</p> <p>Condition No. 18 of the Special Conditions will require that the retaining wall be located a minimum of 0.45 metres from the rear property line to ensure its construction has no impact on the grading of adjacent existing lots. Further, it requires that the engineering design of this retaining wall be peer reviewed at the Applicant's expense. Condition No. 21 will ensure that warning clauses are included in purchase and sales agreements to advise residents of the presence of the retaining wall, their responsibility to maintain portions of the feature and that their amenity space and ability to construct accessory structures (e.g. shed, deck, etc.) may be reduced. A reduced rear yard depth requirement of 6.0 metres for Blocks 30 and 31 on the Plan of Subdivision has been incorporated into the proposed Zoning By-law Amendment to reflect this requirement.</p>
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<p>Corporate Real Estate Office, Planning and Economic Development Department</p>	<p>The Corporate Real Estate Office has acknowledged the request by the applicant to include City land adjacent to the Jamesmount Extension development, which land will ultimately be transferred to DiCenzo Developments, in their application for Draft Plan Approval. Accordingly, the Manager of the Corporate Real Estate Office has authorized the submission of the Draft Plan in advance of property transfer(s).</p>	<p>A portion of the street extension and temporary turning circle planned for the south extension of DiCenzo Drive is within a City-owned right of way. The Corporate Real Estate office has authorized this application to be submitted in advance of formal acquisition by DiCenzo Construction Company Ltd. Condition Nos. 6 and 7 outlined in Appendix "F" to Report PED20084 ensure that necessary agreements and land transfer occur prior to registration of the plan.</p>
<p>Growth Planning Section, Growth Management Division, Planning and Economic Development Department</p>	<p>Existing Draft Plans of Subdivision that apply to the site including Jamesmount Gardens (25T-91007) and Sobie (25T-87032) are required to be closed and/or revised prior to registration of the proposed Draft Plan of Subdivision.</p> <p>Further, Growth Planning recommends the dedication of a 0.30 metre reserve on the east side of Dicenso Drive in order to restrict vehicular access on portions of the collector street network that would pose safety concerns due</p>	<p>In accordance with the special conditions provided in Appendix "F" to Report PED20084 (Conditions 32 & 33), existing draft plans that apply to portions of the site will be required to be closed or revised prior to registration of blocks and lots in the proposed plan.</p> <p>In accordance with the Concept Plan provided in Appendix "G" to Report PED20084, vehicular access has been restricted on those blocks/lots that abut DiCenzo Drive. Condition No. 34 requires the dedication of a 0.30 m reserve by the Owner to the City of Hamilton prior</p>

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	to proximity to planned intersections.	to registration of the Plan of Subdivision.
Canada Post	Canada Post has advised that this Draft Plan of Subdivision will receive mail service to centralized mail facilities provided through their Community Mailbox program. Canada Post has requested the City of Hamilton to ensure that purchasers are advised of this and that the physical infrastructure to support the community mailboxes is provided by the Developer.	As part of the special conditions outlined in Appendix "F" to Report PED20084 (Conditions 28-30) the developer will be required to include statements on the future offers of purchase and sale and lease agreements advising purchasers of the form and location of mail delivery. The conditions also require that the owner address the physical requirements for the community mailbox system such as concrete pads, lock box assembly, etc.
Union Gas	Union Gas requests that the owner/developer provide the necessary easements and/or agreements for the provision of gas services for this project.	As part of the special conditions outlined in Appendix "F" to Report PED20084 (Condition No. 31) the developer is required to provide such easements and/or agreements which will be determined through the detailed engineering design of the subdivision prior to registration.

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 145 property owners within 120 m of the subject property on May 25, 2018 and a

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Public Notice sign was posted on the property on the same day. The Public Notice Sign was updated with the Public Meeting Date on July 15, 2020. Finally, notice of the Public Meeting was given on July 24, 2020 in accordance with the requirements of the *Planning Act*.

At the time of writing this report, no formal submissions have been received from members of the public.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy. The strategy prepared by the consulting planners Webb Planning Consultants Inc. relied on a combination of *Planning Act* requirements carried out by the City and supplementary strategies (i.e. a neighbourhood information meeting) executed by the Applicant. *Planning Act* requirements include installation of a Public Notice Sign, circulation of the Notice of Application to all landowners within 120 metres of the site and the holding of a statutory public meeting before the City's Planning Committee. The applicants have indicated they will be present to answer questions at the statutory public meeting before Planning Committee.

The Applicants hosted a neighbourhood information meeting on September 30, 2019. Invitations were mailed to all households within 120 metres of the subject lands. Approximately 25 members of the public attended the meeting. Citizen feedback was not specifically documented and provided to the City for review, but staff did attend to observe the discussion. General themes of citizen interest related to density, neighbourhood traffic and subdivision design.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision has merit and can be supported for the following reasons:
 - (i) The proposal is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019);
 - (ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design policies for Low Density Residential, the function and design policies for Medium Density Residential and the Greenfield Design policies for the Neighbourhoods designation; and,

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 6593 and for a Draft Plan of Subdivision for Lands known as 1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton (PED20084) (Ward 8) - Page 31 of 35

- (iii) The proposed development represents good planning by, amongst other things, providing a street layout, block pattern and building forms that represent a logical extension of and complement existing development to the east, north and west and provide an overall wider range of housing options in the Jamesmount Gardens subdivision.

2. Official Plan Amendment

The proposed Draft Plan of Subdivision represents an overall gross density of 31 units per hectare. Individual housing blocks will be developed at an average net residential density of 44.6 units per hectare with street townhouse forms being developed at 50 units per hectare, block townhouses being developed at 40 units per hectare and semi detached forms being developed at 36.2 units per hectare. The proposed densities for street townhouses and semi detached dwellings are supported by the policies regarding the allowable intensity of development contemplated for Low Density Residential areas in Section E.3.4 of the Urban Hamilton Official Plan. Given the specific context of this site, there is a desire to maintain grade-oriented forms of medium density housing within Block 26. As such, the applicant has applied for an Official Plan Amendment to recognize a reduced density requirement of 40 units per hectare within the block. The block townhouse development satisfies the characteristics and intent of the medium density residential policies, save and except the prescribed residential density range. Overall, by providing opportunities for the development of townhouses, street townhouses, semi detached and single detached dwellings, the proposal will broaden the range of housing types available and provide for more compact forms of residential development. Notwithstanding the more compact form of development, the proposed housing types remain low-rise, grade-oriented, housing forms that fit with the scale and proportions of existing and planned residential uses surrounding the site. Therefore, staff support the proposed Official Plan Amendment.

3. The proposed Draft Plan of Subdivision (25T-201803) seeks to revise and consolidate undeveloped lands from two older plans of subdivision to complete the neighbourhood and street patterns in this portion of the Ryckmans Neighbourhood. In doing so, it will enable the development of 150 new dwelling units, the extension of three existing local streets and the creation of one new local street. In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

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- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019) thereby satisfying the matters of provincial interest referred to in Section 2 of the *Planning Act*;
- (b) It represents a more comprehensive approach to the infilling of these lands than would be achieved by way of the existing subdivision approvals and is therefore in the public interest;
- (c) The street layout, block pattern and building forms represent a logical extension of and are complementary to adjacent plans of subdivision and existing development and the Draft Plan of Subdivision will comply with the UHOP upon finalization of the proposed Official Plan Amendment;
- (d) The subject lands are suitable for the intended residential uses and public streets for which they will be subdivided for, the Draft Plan of Subdivision will not negatively impact natural heritage features and flood control will be addressed through stormwater management plans required through the conditions of draft plan approval;
- (e) The number, width, location and grades of proposed roads are adequate to service the planned subdivision and represent a logical extension of the current existing streets in the vicinity;
- (f) The dimensions and shapes of the proposed blocks and lots are sufficient to accommodate the range of dwelling types proposed to be developed with modifications to existing zoning standards being implemented by way of the proposed Zoning By-law amendment (the nature and extent of which are described and rationalized in detail in Appendix "D" to Report PED20084);
- (g) Necessary restrictions and regulations for the development of the subdivision are included in the conditions of draft approval and subdivision agreement;
- (h) Adequate utilities and municipal services are available to service the proposed blocks and lots within the subdivision, the particulars of which will be determined through detailed design stages as part of the conditions of draft approval and the Subdivision Agreement; and,
- (i) The application will not have any negative impact on the City's finances.

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4. Subdivision Design

The proposed Draft Plan of Subdivision includes 19 blocks for 38 semi detached dwellings (Blocks 1 – 19), 13 blocks for 91 street townhouse dwellings (Blocks 21 – 25, 27 – 31 and 32 – 34), one lot for a single detached dwelling (Lot 20), one block for 18 block townhouse dwellings (Block 26) and two future development blocks for single detached dwellings (Blocks 35 and 36). The Draft Plan includes extensions of DiCenzo Drive, Aquasanta Crescent and Genoa Drive and the creation of a new Street 'A' to serve the planned development and complete portions of the overall neighbourhood street network. Final approval of the proposed Draft Plan of Subdivision is subject to the owner entering into a Standard Form Subdivision Agreement, with Special Conditions as outlined in Appendix "F" to Report PED20084.

The proposed Draft Plan of Subdivision represents an "infill" situation in a developing greenfield area. The proposed development is contiguous with existing development to the east, north and west. As such, the design is influenced and constrained by these existing conditions. The plan seeks to provide for a logical completion, integration with and extension of existing development and infrastructure. It represents an assembly of four remnant blocks, some of which form parts of existing draft plans of subdivision. The proposal presents a more cohesive strategy for the infilling of this area than what would be achieved through existing zoning and subdivision approvals.

5. Zoning Modifications

A range of site-specific regulations have been proposed which provide specific controls on the intensity, scale and design of townhouse and semi detached dwellings within the specific context of this site. These zoning regulations generally are minor in nature and are needed to reflect irregularities in the portions of the block pattern recognizing the subdivision design is being influenced by existing surrounding street connections. The proposed Zoning By-law amendment and associated modifications will produce a built form that is complementary to the design and scale of adjacent residential development and complies with applicable UHOP policies guiding the scale and design of development within the Neighbourhoods designation. Further details of each modification and a supporting detailed planning evaluation is found in Appendix "D" to Report PED20084.

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6. Neighbourhood Traffic

Specific concern regarding “cut-through traffic” was raised by area residents at the neighbourhood information meeting. In particular, concern surrounds an observed pattern of commercial vehicles accessing Stone Church Road West by way of Regina Drive and DiCenzo Drive. In accordance with Condition No. 22 of the Special Conditions outlined in Appendix “F” to Report PED20084, a Neighbourhood Traffic Calming Study (NTCS) will be required to be submitted and approved prior to preliminary grading of the site. The Neighbourhood Traffic Calming Study will be reviewed and any recommendations for physical design changes to planned infrastructure will be implemented in the detailed engineering design drawings, to the satisfaction of the Manager of Transportation Operations & Maintenance, Public Works Department.

Additional Transportation Analysis requirements to occur prior to preliminary grading of the site includes an assessment of the appropriate intersection control mechanism for the proposed 3-way intersection at DiCenzo Drive and Regina Drive. A 3-way stop at this location is a potential outcome. Currently there are no stop controls in place at this location.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, portions of the property could be developed in accordance with the existing “RT-30” (Street – Townhouse) District, “D/S-1395” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, “C/S-1788” (Urban Protected Residential, etc.) District, Modified and “AA” (Agricultural) District Zoning and Draft Plans of Subdivision. The existing zoning allows for the development of a mix of street townhouses, semi detached and single detached dwellings.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

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Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Urban Hamilton Official Plan Amendment

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

Appendix "D" – Zoning By-law Modification Assessment

Appendix "E" – Jamesmount Extension Draft Plan of Subdivision (25T-201803)

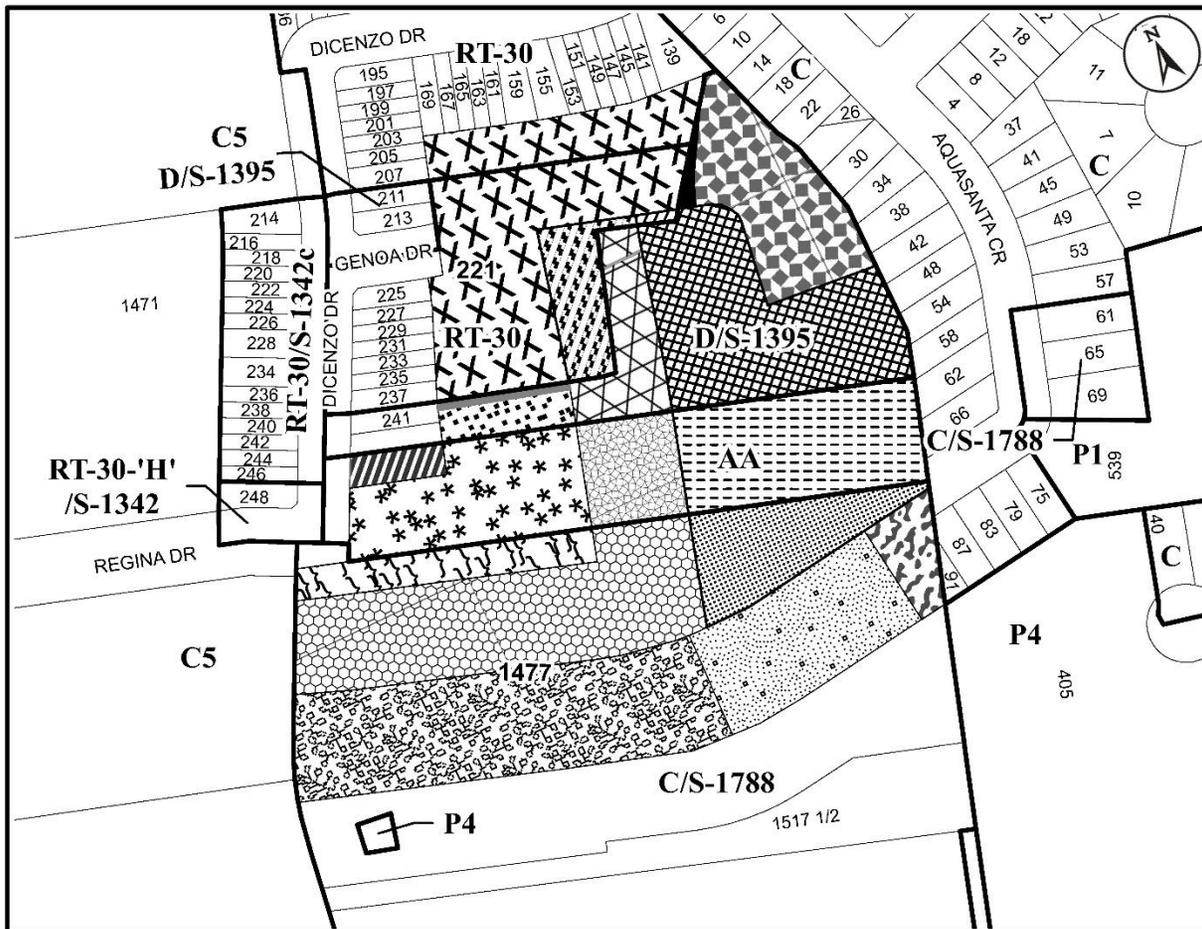
Appendix "F" – Special Conditions

Appendix "G" – Concept Plan

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● Site Location



Key Map - Ward 8

Location Map

Map 1 of 2



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

ZAC-18-025/UHOPA-18-010/25T-201803

Date:

July 15, 2020

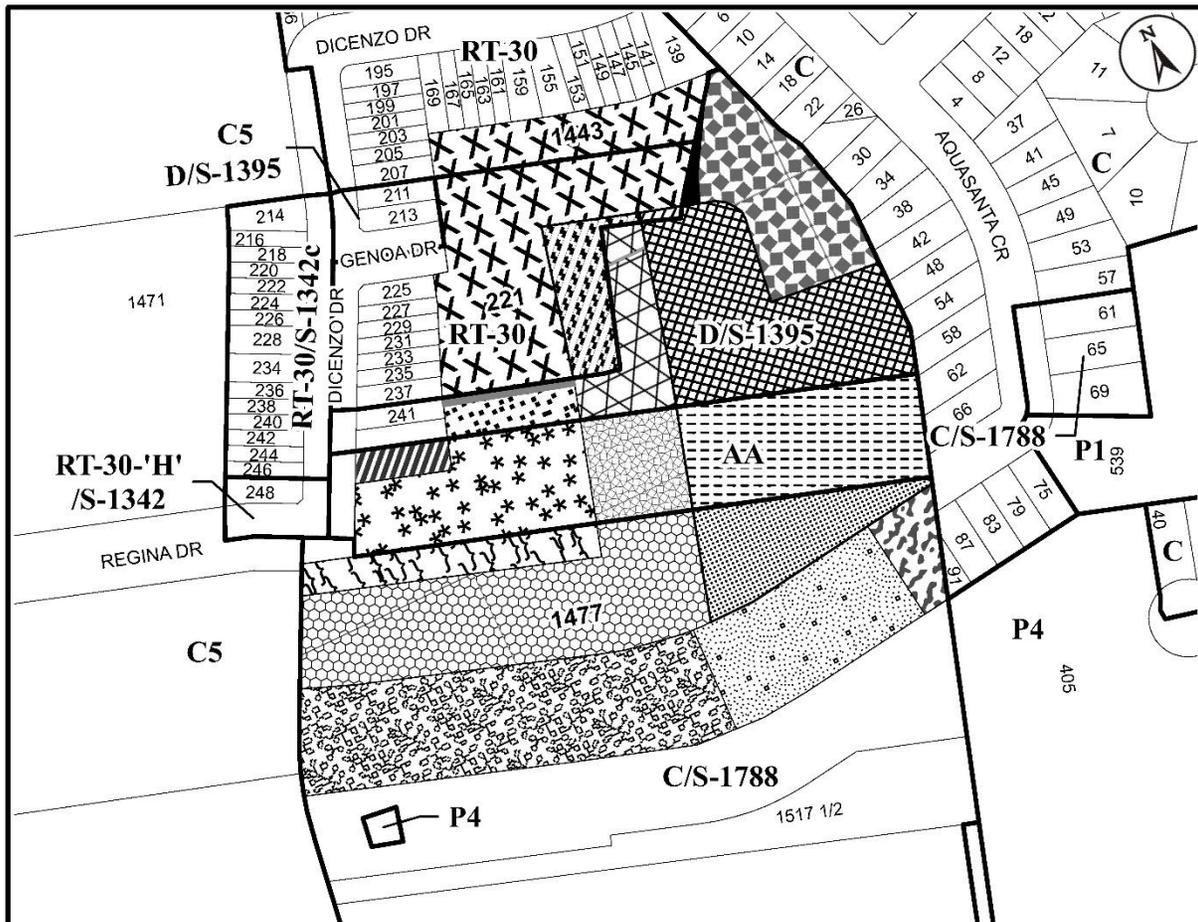
Appendix "A"

Scale:
N.T.S

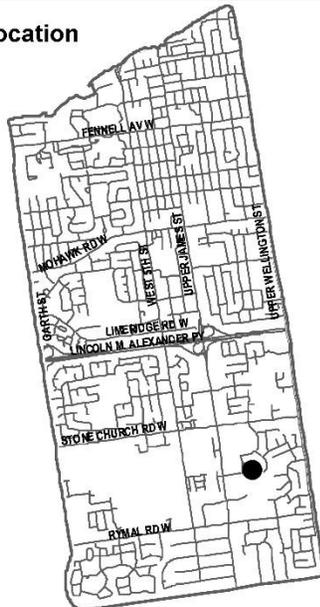
Planner/Technician:
MD/NB

Subject Property - 1443 and 1477 Upper James Street & 221 Genoa Drive

-  Block 1: Change from "RT-30" (Street - Townhouse) District to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 2: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 3: Change from "AA" (Agricultural) District to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 4: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 5: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 6: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
-  Block 7: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
-  Block 8: Change from "RT-30" (Street - Townhouse) District to the "RT-30/S-1801" (Street - Townhouse) District, Modified
-  Block 9: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified



● Site Location



Key Map - Ward 8

Location Map

Map 2 of 2



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-18-025/UHOPA-18-010/25T-201803

Date:
July 15, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MD/NB

- Subject Property** - 1443 and 1477 Upper James Street & 221 Genoa Drive
- Block 10: Change from "RT-30" (Street - Townhouse) District to the "RT-30/S-1801" (Street - Townhouse) District, Modified
 - Block 11: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
 - Block 12: Change from "AA" (Agricultural) District to the "RT-30/S-1801" (Street - Townhouse) District, Modified
 - Block 13: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
 - Block 14: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
 - Block 15: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-20/S-1801" (Townhouse - Maisonette) District, Modified
 - Block 16: Change from "AA" (Agricultural) District to the "RT-20/S-1801" (Townhouse - Maisonette) District, Modified
 - Block 17: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-20/S-1801" (Townhouse - Maisonette) District, Modified
 - Block 18: Change from "AA" (Agricultural) District to the "C/S-1788" (Urban Protected Residential) District, Modified
 - Block 19: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "C/S-1801"-H" (Urban Protected Residential - "Holding") District, Modified

DRAFT Urban Hamilton Official Plan Amendment No. XX

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

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to establish an Urban Site Specific Policy Area to permit a minimum net residential density of 40 units per hectare within a medium density residential area of the Neighbourhoods Designation.

2.0 Location:

The lands affected by this Amendment are known municipally as 1477 Upper James Street and 221 Genoa Drive, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposal satisfies all characteristics and requirements of the medium density residential polices, save and except the permitted use policies;
- The proposed Amendment is compatible with the existing and planned development in the immediate area; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to A Place to Grow Plan, 2019.

4.0 Actual Changes:

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

Text

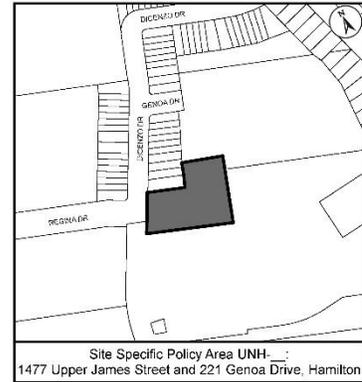
4.1.1 Chapter C – Urban Site Specific Policies

Appendix “B” to Report PED20084
Page 2 of 3

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

“UHN-XX Lands Known As 1477 Upper James Street and 221 Genoa Drive, former City of Hamilton

- 1.0 Notwithstanding Policy E.3.5.7 of Volume 1, for lands known as 1477 Upper James Street and 221 Genoa Drive, the net residential density for medium density residential uses shall be greater than 40 units per hectare and not greater than 100 units per hectare.”



Maps and Appendices

4.1.2 Maps

- a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as UHN-XX, 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.

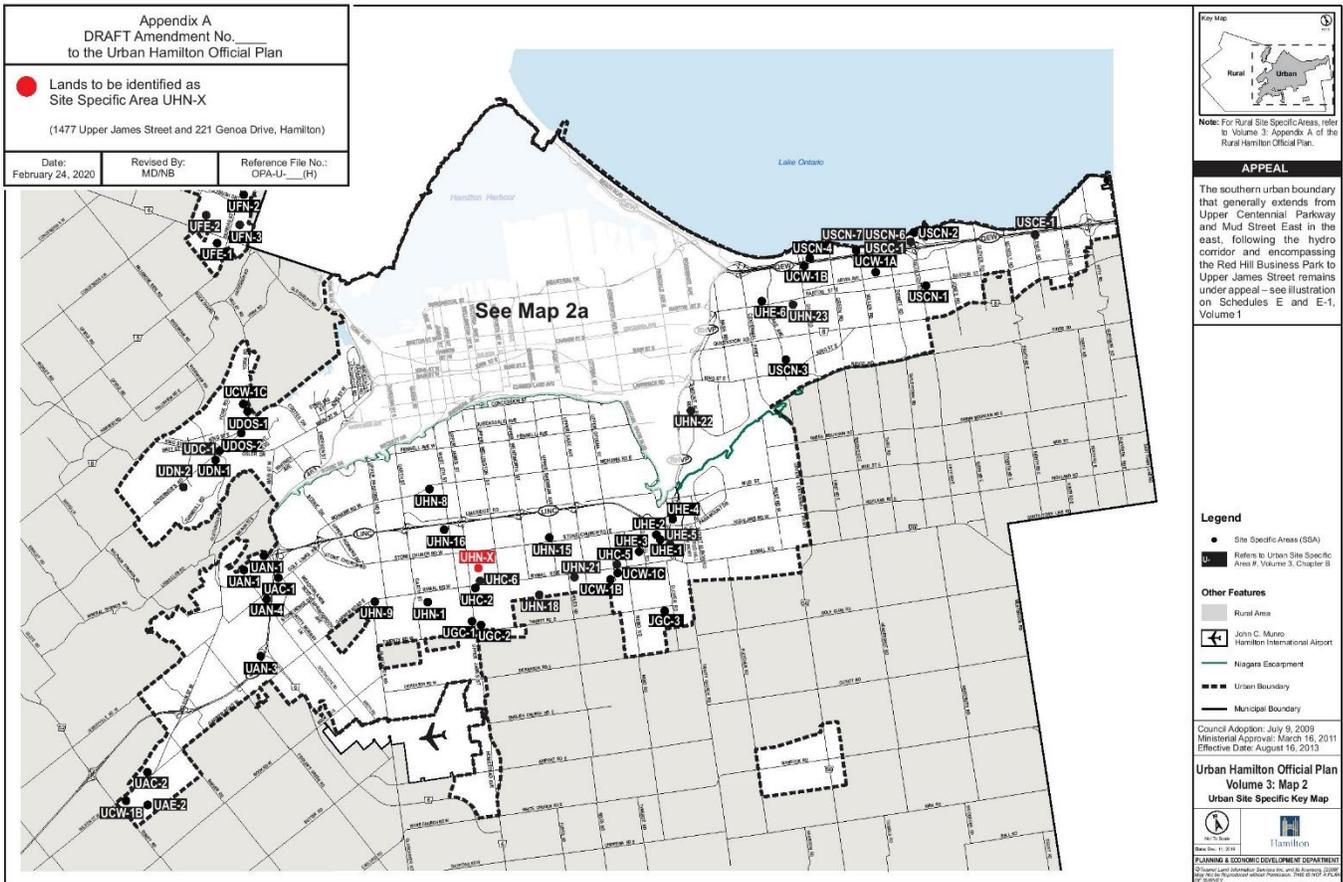
This is Schedule “1” to By-law No. _____ passed on the ____th day of ____, 2020.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK

Appendix "B" to Report PED20084
Page 3 of 3



Key Map

Legend

- Site Specific Areas (SSA)
- Urban Site Specific Area # Volume 3, Chapter 8
- Rural Area
- Urban Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal – see illustration on Schedules E and E-1, Volume 1.

**Urban Hamilton Official Plan
Volume 3: Map 2
Urban Site Specific Key Map**

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
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Authority: Item
Report (PED)
CM:
Ward: 8

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593 Respecting Lands Known as 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item ____ of Report 20-____ of the Planning Committee, at its meeting held on the 11th day of August 2020, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton upon finalization of OPA No. XX;

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

1. That Sheet No. E9d of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended as follows:

- a. By changing the zoning from the "RT-30" (Street – Townhouse) District to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings) District, Modified (Block 1);
- b. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings) District, Modified (Block 2);
- c. By changing the zoning from the "AA" (Agricultural) District to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings) District, Modified (Block 3);
- d. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings) District, Modified (Block 4);
- e. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings) District, Modified (Block 5);
- f. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 6);
- g. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 7);
- h. By changing the zoning from the "RT-30" (Street – Townhouse) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 8);
- i. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 9);
- j. By changing the zoning from the "RT-30" (Street – Townhouse) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 10);
- k. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 11);
- l. By changing the zoning from the "AA" (Agricultural) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 12);
- m. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 13);

- n. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 14);
- o. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 15);
- p. By changing the zoning from the "AA" (Agricultural) District to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 16);
- q. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 17);
- r. By changing the zoning from the "AA" (Agricultural) District to the "C/S-1788" (Urban Protected Residential) District, Modified (Block 18); and,
- s. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "C/S-1801"-'H' (Urban Protected Residential) District, Modified, Holding (Block 19);

on the land the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

- 2. That the "D" (Urban Protected Residential – One and Two Family Dwellings) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the land comprised in Blocks 1-5, be modified to include the following special requirements:
 - a. That notwithstanding Section 10(4)(ii), for a two family dwelling a width of at least 16.0 metres.
 - b. That notwithstanding Section 10(4)(ii), for lands identified as Blocks 1-4, for a two family dwelling an area of at least 515.0 square metres.
 - c. That notwithstanding Section 10(4)(ii), for lands identified as Block 5, for a two family dwelling an area of at least 480.0 square metres.
- 3. That the "RT-20" (Townhouse – Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to the land comprised in Blocks 15-17, be modified to include the following special requirements:
 - a. That notwithstanding Section 10E(4)(a), where a yard abuts a street, a depth of not less than 6.0 metres from the street line except for the easterly yard, where the yard abuts a street, a depth of not less than 2.0 metres.

- b. That notwithstanding Section 10E(4)(b), a depth of not less than 3.3 metres between the exterior side wall of a building and the lot line of an abutting residential district.
 - c. That notwithstanding Section 10E(5)(b) and (c), a distance not less than 3.5 metres between the side exterior wall of a building and the side exterior wall of another building on the same parcel, a distance not less than 7.5 metres between the rear or front facing exterior wall of a building and the side exterior wall of a building on the same parcel and a distance not less than 15.0 metres between the rear or front facing exterior wall of a building and the rear or front facing exterior wall of another building on the same parcel.
 - d. That notwithstanding Section 18A(11)(a) for Blocks 15-17, not less than 1.3 metres from the adjoining residential district boundary and shall include a landscaped area with a planting strip of not less than 1.2 metres.
4. That the "RT-30" (Street – Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to the land comprised in Blocks 6-14, be modified to include the following special requirements:
- a. That notwithstanding Section 10F(4)(b), for lands identified as Block 14, a rear yard of a depth not less than 6.0 metres.
 - b. That notwithstanding Section 10F(6)(i), for lands identified as Blocks 6-9, a lot area not less than 170.0 square metres for each single family dwelling unit.
 - c. That notwithstanding Section 10F(6)(i), for lands identified as Blocks 10-13, a lot area not less than 160.0 square metres for each single family dwelling unit.
 - d. That notwithstanding Section 10F(6)(i), for lands identified as Block 14, a lot area not less than 150.0 square metres for each single family dwelling unit.
 - e. That notwithstanding Section 10F(6)(ii), a width of not less than 5.75 metres for each dwelling unit.
5. The 'H' symbol applicable to the lands referred to in Section 1 of this By-law shall be removed conditional upon:
- a) The holding provision "C/S-1801"- 'H' (Urban Protected Residential, etc.) District, Modified, Holding applicable to Block 19 be removed conditional upon:
 - i) That the lands identified as Block 19 in Schedule "A" of the amending By-law shall be consolidated with remnant parcels in the abutting Registered Plan 62M-1209, known as 87 and 91 Aquasanta Crescent to the satisfaction of the Senior Director, Growth Management.
6. That By-law No. 6593 Hamilton is amended by adding this By-law to Section 19B as Schedule S-1801.

7. That Sheet No. E9d of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1801.
8. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this _____ , 2020

Fred Eisenberger
Mayor

Andrea Holland
City Clerk



This is Schedule "A" to By-law No. 20-

Passed the day of, 2020

Mayor

Clerk

Schedule "A"

Map 1 of 2

Map forming Part of
By-law No. 20-_____

to Amend By-law No. 6593

Subject Property - 1443 and 1477 Upper James Street & 221 Genoa Drive

-  Block 1: Change from "RT-30" (Street - Townhouse) District to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 2: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 3: Change from "AA" (Agricultural) District to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 4: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 5: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 6: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
-  Block 7: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
-  Block 8: Change from "RT-30" (Street - Townhouse) District to the "RT-30/S-1801" (Street - Townhouse) District, Modified
-  Block 9: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified

Scale: N.T.S.	File Name/Number: ZAC-18-025/UHOPA-18-010/25T-201803
Date: July 15, 2020	Planner/Technician: MD/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "A" to By-law No. 20-
 Passed the day of, 2020

 Mayor

 Clerk

Schedule "A"
Map 2 of 2
Map forming Part of
By-law No. 20-_____
to Amend By-law No. 6593

- Subject Property - 1443 and 1477 Upper James Street & 221 Genoa Drive**
-  Block 10: Change from "RT-30" (Street – Townhouse) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified
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 -  Block 15: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified
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 -  Block 19: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "C/S-1801"-H" (Urban Protected Residential – 'Holding') District, Modified

Scale: N.T.S	File Name/Number: ZAC-18-025/UHOPA-18-010/25T-201803	
Date: July 15, 2020	Planner/Technician: MD/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

City of Hamilton Zoning By-law No. 6593**Modifications to the “D” (Urban Protected Residential – One and Two Family Dwelling) District (Applicable to Semi-Detached Dwellings in Blocks 1-5)**

Regulation	Required	Modification	Analysis
10(4)(ii) Lot Width (min.)	18.0 metres	16.0 metres	The reduced frontage requirement will allow for an appropriate balance between soft landscaping and paved driveway in the front yards. The proposed reduction is compatible with what is existing in the neighbourhood. Therefore, staff support the modification.
10(4)(ii) Lot Area (min.)	540.0 square metres	515.0 square metres (for Blocks 1-4) 480.0 square metres (for Block 5)	The minimum lot area requirement serves to regulate the overall density of various housing types and ensure, in conjunction with other site development standards, a consistent balance between built form and amenity area in neighbourhoods. The reduced lot area requirements will help to enable a more compact building form while still allowing for an appropriate balance of development and amenity. Therefore, staff support the proposed modification.

Modifications to the “RT-30” (Street – Townhouse) District (Applicable to Street Townhouses in Blocks 6-14)

Regulation	Required	Modification	Analysis
10F(4)(b) Rear Yard Depth (min.)	7.5 metres	6.0 metres (for Block 14)	The rear yard setback requirement serves to provide a building standard that ensures appropriate amenity and protection of privacy, especially where residential rear yards back onto each other and create a condition where windows to habitable rooms are facing. A reduced rear yard setback of 6.0 metres is proposed for all lots within Block 14 located at the northeast portion of the plan area. Block 14 represents a limited number of future lots (i.e. limited to approximately 7 lots). These lots are impacted by the irregular grading conditions whereby a

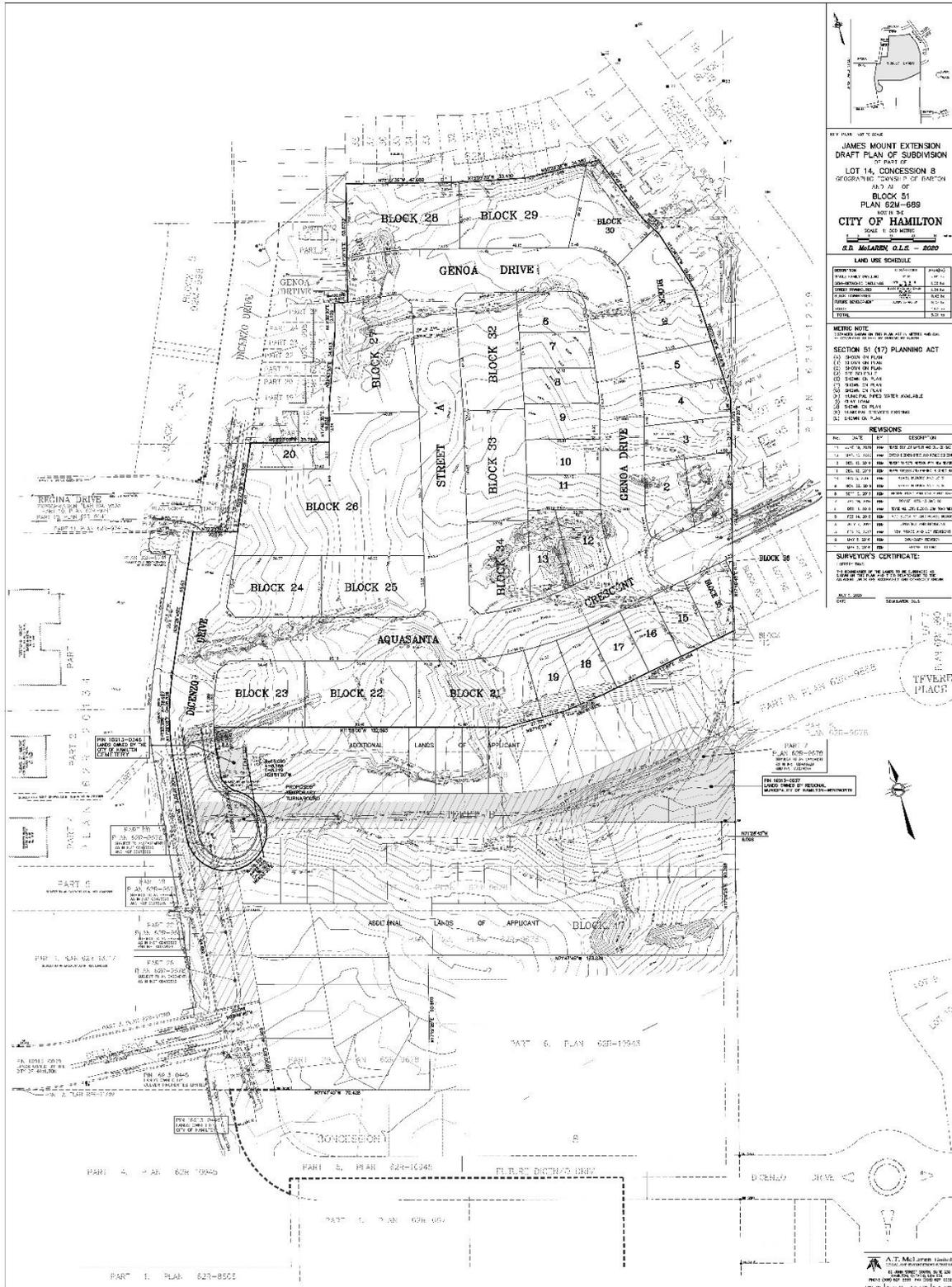
			retaining wall will be required to be installed in the rear yard. The reduced rear yard setback will allow for flexibility in the detailed engineering of the grading design and, given the context, will not introduce privacy concerns with adjacent existing dwellings. As such, staff support the proposed modification.
10F(6)(i) Lot Area (min.)	180.0 square metres	170.0 square metres (for Blocks 6-9) 160.0 square metres (for Blocks 10-13) 150.0 square metres (for Block 14)	The minimum lot area requirement serves to regulate the overall density of various housing types. The reduced lot area requirements will enable a more compact building form while still allowing for an appropriate balance of development and amenity. The average lot size within this block contemplated by the draft plan of subdivision remains over 170.0 square metres. The further reduced lot area requirement for development in Block 14 is needed in order to address the block-specific impacts of rear yard grading and the engineering design of the adjacent roadway curve radius. These elements create a minor “pinch-point” in the plan of subdivision and associated lot depth. The proposed modifications are appropriate given the limited area and site constraints. Therefore, staff support the proposed modification.
10F(6)(ii) Lot Width (min.)	6.0 metres	5.75 metres	The reduced frontage requirement will enable a more compact building form while still allowing for an appropriate balance between soft landscaping and paved driveway in the front yards. The proposed reduction is compatible with townhouse lot widths in the neighbourhood. Therefore, staff support the modification.

Modifications to the “RT-20” (Townhouse – Maisonette) District (Applicable to Blocks 15-17)

Regulation	Required	Modification	Analysis
10E(4)(a) Yard Setback Abutting a Street (min.)	6.0 metres	2.0 metres for the easterly side yard abutting a street.	This reduced setback requirement of 2.0 metres along Street ‘A’ will ensure that development abutting Street ‘A’ in Blocks 15-17 maintains a consistent street wall with the adjacent street townhouse product planned for Blocks 6-13. The proposed 2.0 metre setback is consistent with exterior yard setback requirements in adjacent “RT-30” street townhouse blocks. Therefore, staff support the modification.
10E(4)(b) Yard Setback Abutting a Residential District (min.)	7.5 metres	3.3 metres between an exterior side wall and an abutting residential district.	This yard setback requirement serves to provide a building standard that ensures appropriate protection of privacy and access to sunlight, especially where habitable building space with windows is located adjacent to another residential property. In this case, the proposed development within Blocks 15-17 results in a side-facing window facing the rear yard of Block 18. The side facing building openings and windows are more predominantly devoted to non-active interior building spaces such as stairwells and corridors. These conditions do not introduce the same concern with overlook and privacy issues. Therefore, staff support the modification.
10E(5)(b) and (c) Distance Between Buildings (min.)	(b) 9.0 metres between two exterior walls, one of which contains at least one window to a habitable room; (c) 15.0 metres between two exterior walls each	3.5 metres between the side exterior wall of a building and the side exterior wall of another building on the same parcel.	The “RT-20” District contains spacing requirements between groups of buildings in order to ensure for protection of privacy and access to sunlight in interior portions of the site. The modified spacing provides more flexibility to allow for windows along the sides of buildings, into stairwells and other habitable space that doesn’t introduce privacy concerns through proximity. Therefore, staff support the modification.

	of which contains at least one window to a habitable room.		
18A(11)(a) Setback Between a Parking Area and a Residential District (min.)	1.5 metres	1.3 metres with a minimum 1.2 metre landscape strip.	This regulation is intended to provide for separation to enable landscaping and buffering between a surface parking area and an adjacent residential district. The recommend zoning by-law includes a reduced setback requirement of 1.3 metres. The proposed modification is minor in nature. Further, the Applicants have voluntarily added a requirement for a 1.2 metre landscape strip which serves to clarify and reinforce the purpose of this setback area. This will ensure an appropriate treatment in the setback area. Therefore, staff support the proposed modification.

Draft Plan of Subdivision (25T-201803)



**Special Conditions for Draft Plan of Subdivision Approval for 25T-201803
"Jamesmount Extension"**

That this approval for the Draft Plan of Subdivision, 25T-201803, prepared by A.J. Clarke and Associates Ltd. and certified by S.D. McLaren, O.L.S., dated June 19, 2020, consisting of 19 blocks for 38 semi detached dwellings (Blocks 1 – 19), 13 blocks for 91 street townhouse dwellings (Blocks 21 – 25, 27 – 31 and 32 – 34), one lot for a single detached dwelling (Lot 20), one block for 18 block townhouse dwellings (Block 26), two future development blocks for single detached dwellings (Blocks 35 and 36) and 4 municipal roads (Extension of DiCenzo Drive, Extension of Aquasanta Crescent, Extension of Genoa Drive, Street 'A') be received and endorsed by City Council with the following special conditions:

Development Engineering

1. That, **prior to the registration of the plan of subdivision**, 4.5 m all of 4.5 m daylight triangles be established on the final plan of subdivision at the following locations:
 - a. Genoa Drive and Street "A";
 - b. Street "A" and Aquasanta Crescent;
 - c. Genoa Drive and Aquasanta Crescent; and,
 - d. Aquasanta Crescent and DiCenzo Drive

All to the satisfaction of the Senior Director, Growth Management.

2. That, **prior to the registration of the plan of subdivision**, the Owner shall include in the engineering design and cost estimate schedules provision for installation of a 1.5m concrete sidewalk on both sides of all proposed roads including a 1.5m asphalt sidewalk around the temporary turning circle at the south limit of DiCenzo Drive, all to the satisfaction of the Senior Director, Growth Management.
3. That, **prior to the registration of the plan of subdivision**, the Owner shall demonstrate that a 13.0m pavement radius along the inside curb line at the 90-degree bends of Genoa Drive and a minimum of 15.0m pavement radius along the center line of the road as per City Standards, to the satisfaction of the Senior Director, Growth Management.
4. That, **prior to the registration of the plan of subdivision**, the Owner agrees, at their expense to construct a temporary turning circle with minimum asphalt radius $R=13.0m$ and minimum outside radius $R=18.0m$, at the south limit of DiCenzo Drive, to the satisfaction of the Senior Director, Growth Management.
5. That, **prior to the registration of the plan of subdivision**, the Owner agrees to include in the engineering design and cost estimates, the future removal of

the temporary turning circle at the south limit of DiCenzo Drive, at the Owner's expense, to the satisfaction of the Senior Director, Growth Management.

6. That, **prior to registration of the plan of subdivision**, the Owner agrees to register a reference plan establishing the parcel to be acquired, identified as a portion of 1517 Upper James Street forming part of DiCenzo Drive on the Draft Plan, from the City of Hamilton to the satisfaction of the Senior Director, Growth Management.
7. That, **prior to registration of the plan of subdivision**, the owner shall acquire the necessary portions of 1517 Upper James Street to accommodate the extension of DiCenzo Drive identified on the plan from the City of Hamilton for the nominal consideration of \$1.00 to the satisfaction of the Senior Director, Growth Management.
8. That, **prior to the registration of the plan of subdivision**, the Owner shall indicate all driveway locations on the engineering drawings for all lots and blocks and that no driveway shall be located within a daylight triangle, to the satisfaction of the Senior Director, Growth Management.
9. That, **prior to the registration of the plan of subdivision**, the Owner shall pay for the cost recovery for the construction of the existing DiCenzo Drive from the North limit of the property line of Lot #20 to the South limit of the intersection of Regina Drive and DiCenzo Drive, to the satisfaction of the Senior Director, Growth Management.
10. That, **prior to preliminary grading**, the Owner agrees at their sole cost to prepare a pest control plan, focusing on rats and mice, which shall be developed and implemented for any demolition, and for the construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MECP and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harborage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221 and to the satisfaction of the Medical Officer of Health.
11. That, **prior to preliminary grading**, the Owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be

used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works be completed as necessary, to the satisfaction of the Senior Director, Growth Management.

12. That, **prior to preliminary grading**, the owner agrees to include in the design and cost estimates removal of the existing temporary turning circles at the west end of the existing Aquasanta Crescent including restoration of road surface and grading if required, entirely at the owner's expense to the satisfaction of Senior Director, Growth Management.
13. That, **prior to preliminary grading**, the Owner shall submit a detailed stormwater management (SWM) report prepared by a qualified professional engineer that demonstrates how storm water quality and quantity control will be handled in accordance with City of Hamilton Drainage Policy and Current Comprehensive Development Guideline addressing the following, to the satisfaction of the Senior Director, Growth Management:
 - a. The hydraulic performances for the existing minor and major system downstream must be evaluated in accordance with the West Central Mountain Drainage Study model (PCSWMM) prepared by AMEC -WOOD to demonstrate no negative impact due to an uncontrolled post development flow proposed from the subject site. Further, the owner shall consider an appropriate flood control storage system on Block 26 in accordance with the above hydraulic performance assessment report;
 - b. Demonstrating an appropriate minor and major system outlet for all external drainages along the entire perimeters of the subject development; and,
 - c. Demonstrating that the hydraulic grade line (HGL) for the post development 100-Year storm event is minimum of 0.3 m below the top of grate elevation at all inlet locations.

All to the satisfaction of the Senior Director, Growth Management.

14. That, **prior to preliminary grading**, the owner acknowledges that Block Nos. 1 & 2 will not be developable until the hydraulic performance evaluation for the existing minor and major systems downstream have been completed in accordance with the West Central Mountain Drainage Study model to demonstrate that an onsite stormwater quantity control is not required for the subject site, to the satisfaction of the Senior Director, Growth Management.
15. That, **prior to preliminary grading**, the owner shall prepare and provide a Construction Management plan addressing the following:
 - a. prohibit access to and from the existing development to the east through Aquasanta Crescent throughout all phases of construction until such time

as the City assumes municipal waste pick-up and snow clearing responsibilities;

- b. to minimize impacts to the surrounding residential neighbourhood, appropriate signage shall be installed and maintained throughout all phases of construction directing construction vehicles to access the site from Upper James Street only; and,
- c. The soil stock-pile shall be placed in a location away from existing residential development and covers may be used or vegetation will be established on stockpiles to reduce exposure to wind and water erosion and establishment of invasive plants.

All to the satisfaction of the Senior Director, Growth Management

16. That, **prior to preliminary grading**, the owner shall prepare and provide the following:
- a. a pre-construction survey of surrounding roads that are outside the subject lands; and,
 - b. an adequate security for costs to repair and reconstruction to any of these roads that are damaged due to construction.

All to the satisfaction of the Senior Director, Growth Management.

17. That, **prior to servicing**, the Owner shall prepare and submit an on-street parking plan showing:
- a. the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
 - b. the driveway aprons and curb openings for all lots;
 - c. the pairing of driveways;
 - d. where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
 - e. the location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities.

All to the satisfaction of the Senior Director, Growth Management.

18. That, **prior to servicing**, the Owner shall agree that the proposed retaining wall within Block 30 and Block 31 shall be located a minimum of 0.45m from the property line and shall be designed as a free-standing structure. The design of

the retaining wall shall be peer reviewed at the Owner's sole expense, to the satisfaction of the Senior Director, Growth Management.

19. That, **prior to servicing**, the Owner be required to relocate, as required, any affected utility poles, hydrants, pedestals, hydro vaults, etc. on Aquasanta Crescent, Genoa Drive, and DiCenzo Drive at the Owner's sole expense, to the satisfaction of the Senior Director, Growth Management.
20. That, **prior to servicing**, the Owner agrees to prepare a geotechnical report and agrees to implement the report's recommendations, to the satisfaction of the Senior Director, Growth Management.
21. That, the following special condition shall be inserted in Part 1 of the Subdivision Agreement:

"The Owner shall agree to include the following warning clauses in all purchase and sales agreements:

- a. All Residents/Purchasers for units within Block 30 and Block 31 shall be advised that a retaining wall will be constructed within the rear yard and the maintenance of this retaining wall shall be entirely the Residents/Purchasers responsibility.
- b. All Residents/Purchaser for units within Block 30 and Block 31 shall be advised that their amenity area may be reduced due to grading requirements. Residents/Purchasers will be required to sign off on the approved plot plan in accordance with the approved grading plan and shall be registered on title.
- c. All residents/purchasers of units within Block 30 and Block 31 shall be advised that the rear yard of their unit is susceptible to flooding due to a reduced rear yard setback and therefore there will be limited opportunity to install a deck, patio or outdoor structure (i.e. shed)."

Transportation Planning

22. That, **prior to preliminary grading**, Transportation Planning requires a Neighbourhood Traffic Calming Study (NTCS) be submitted and the recommendations be implemented to the satisfaction and approval of the Manager of Transportation Operations & Maintenance, Public Works. This study and any modifications to the related municipal infrastructure will be fully at the expense of the Applicant.
23. That, **prior to preliminary grading**, Transportation Planning requires a revised Traffic Impact Study (brief/memo) subject to the approval and satisfaction of the Manager of Transportation Planning. The recommendations of this revised study shall be implemented in the design of the proposed street network.

24. That, **prior to the registration of the plan of subdivision**, the Owner shall indicate all driveway locations on the engineering drawings for all lots and blocks and that no driveway shall conflict with required crosswalk areas to the satisfaction of the Manager of Transportation Planning.

Development Planning

25. That, **prior to preliminary grading**, the Owner shall prepare a revised Tree Preservation / Enhancement Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; and to implement all approved tree savings measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner.
26. That, **prior to preliminary grading**, the Owner shall carry out a complete Stage 2 archaeological assessment of the entire property (and further stages as recommended by a licensed archaeologist) and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and Chief Planner and the MHSTCI confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Forestry and Horticulture Section, Public Works Department

27. That, **prior to the registration of the plan of subdivision**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect to the satisfaction of the Forestry and Horticulture Section, Public Works Department and the Director of Planning and Chief Planner. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City's Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees.

Canada Post

28. That, **prior to the registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale or lease agreement, a statement that advises the prospective purchaser:

- a. That the home / business mail delivery will be from a designated Centralized Mail Box.
 - b. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
29. That, **prior to the registration of the plan of subdivision**, the Owner agrees to:
- a. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - b. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - c. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - d. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
 - e. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
30. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

Union Gas

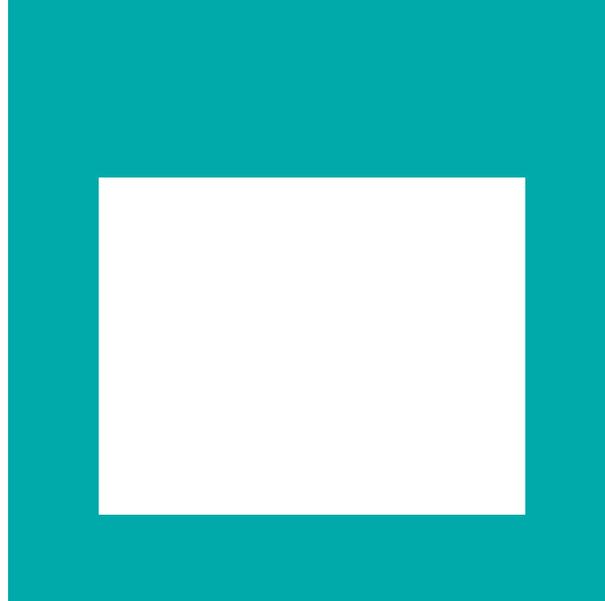
31. That, **prior to the registration of the plan of subdivision**, the owner / developer provides to Enbridge Gas Inc.'s operating as Union Gas, ("Union") the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

Growth Planning

32. That, **prior to the registration of the plan of subdivision**, Draft Plan 25T-91007 (Jamesmount Gardens) shall be closed to the satisfaction of the Senior Director, Growth Management.
33. That, **prior to the registration of the plan of subdivision**, Draft Plan 25T-87032 (Sobie) shall be revised to remove the portion that is part of this application to the satisfaction of the Senior Director, Growth Management.
34. That, **prior to the registration of the plan of subdivision**, the Owner shall dedicate a 0.30 metre reserve along the east side of DiCenzo Drive to the satisfaction of the Senior Director, Growth Management.

NOTES TO DRAFT APPROVAL

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.



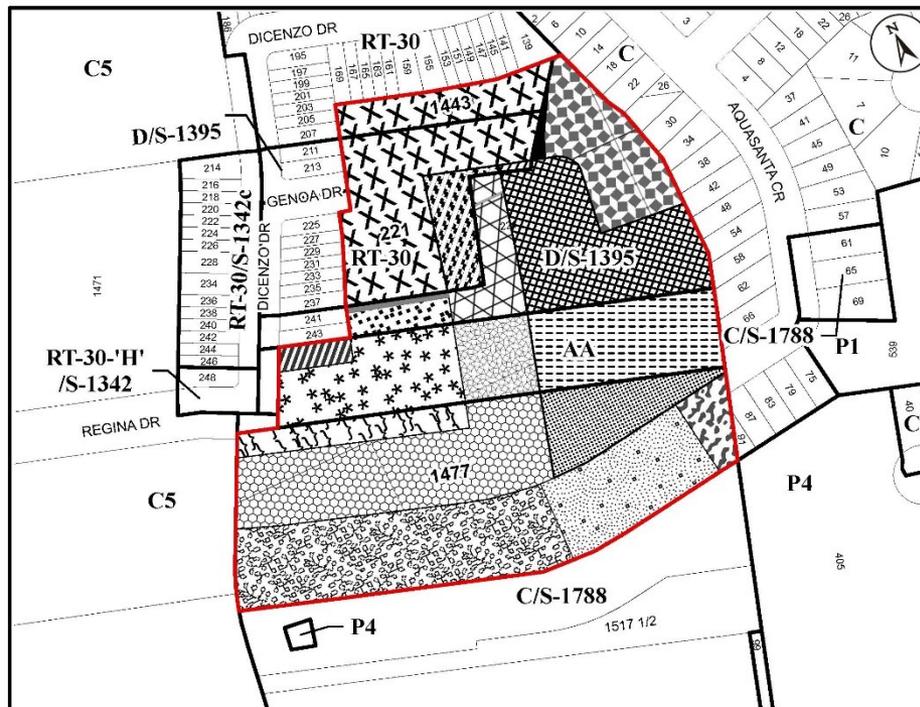
WELCOME TO THE CITY OF HAMILTON
PLANNING COMMITTEE

August 11, 2020

PED20084 – (ZAC-18-025/UHOPA-18-010/25T-201803)

Applications to Amend the Urban Hamilton Official Plan and
Hamilton Zoning By-law No. 6593 and for a Draft Plan of Subdivision
for Lands known as 1517, 1477 & 1443 Upper James Street and
221 Genoa Drive, Hamilton

Presented by: Michael Davis



● Site Location



Key Map - Ward 8

Location Map

Map 2 of 2



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
 ZAC-18-025/UHOPA-18-010/25T-201803

Date:
 August 6, 2020

Appendix "A"

Scale:
 N.T.S.

Planner/Technician:
 MD/NB

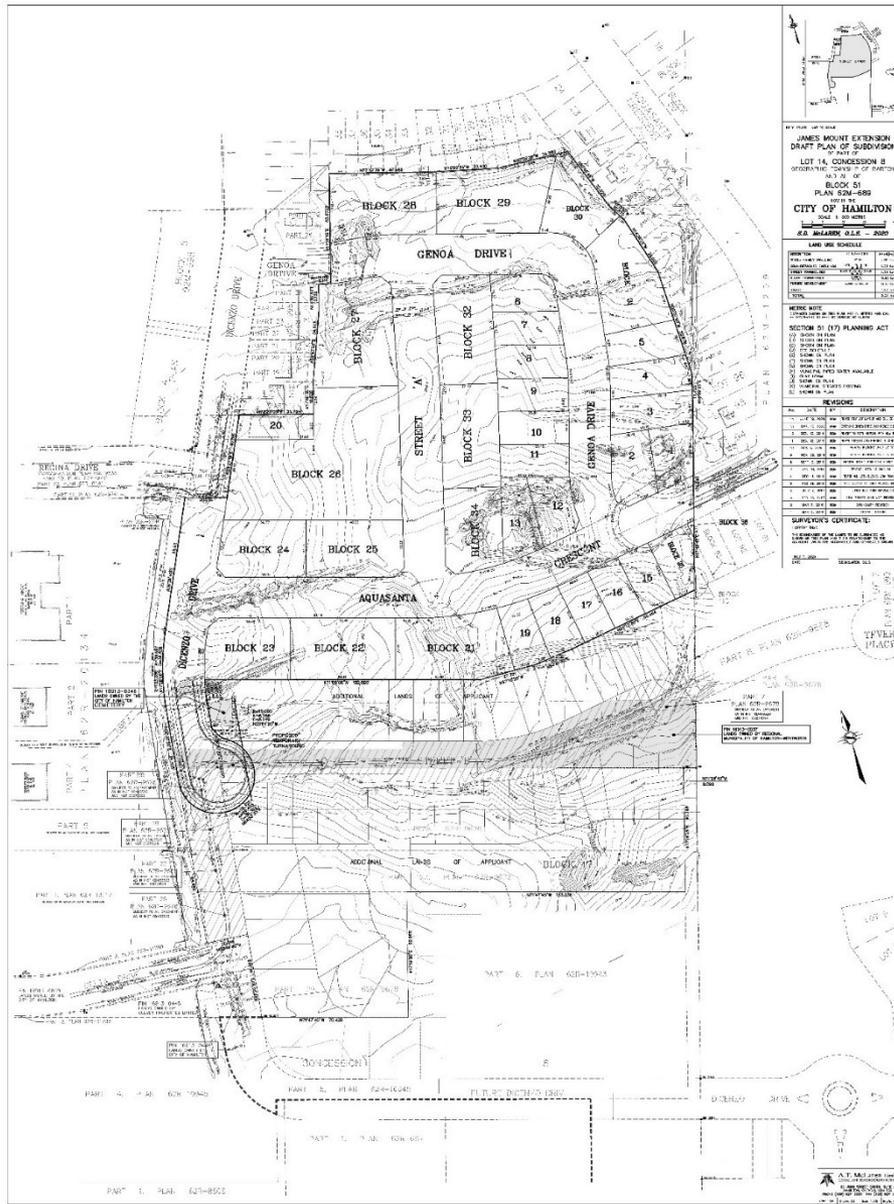
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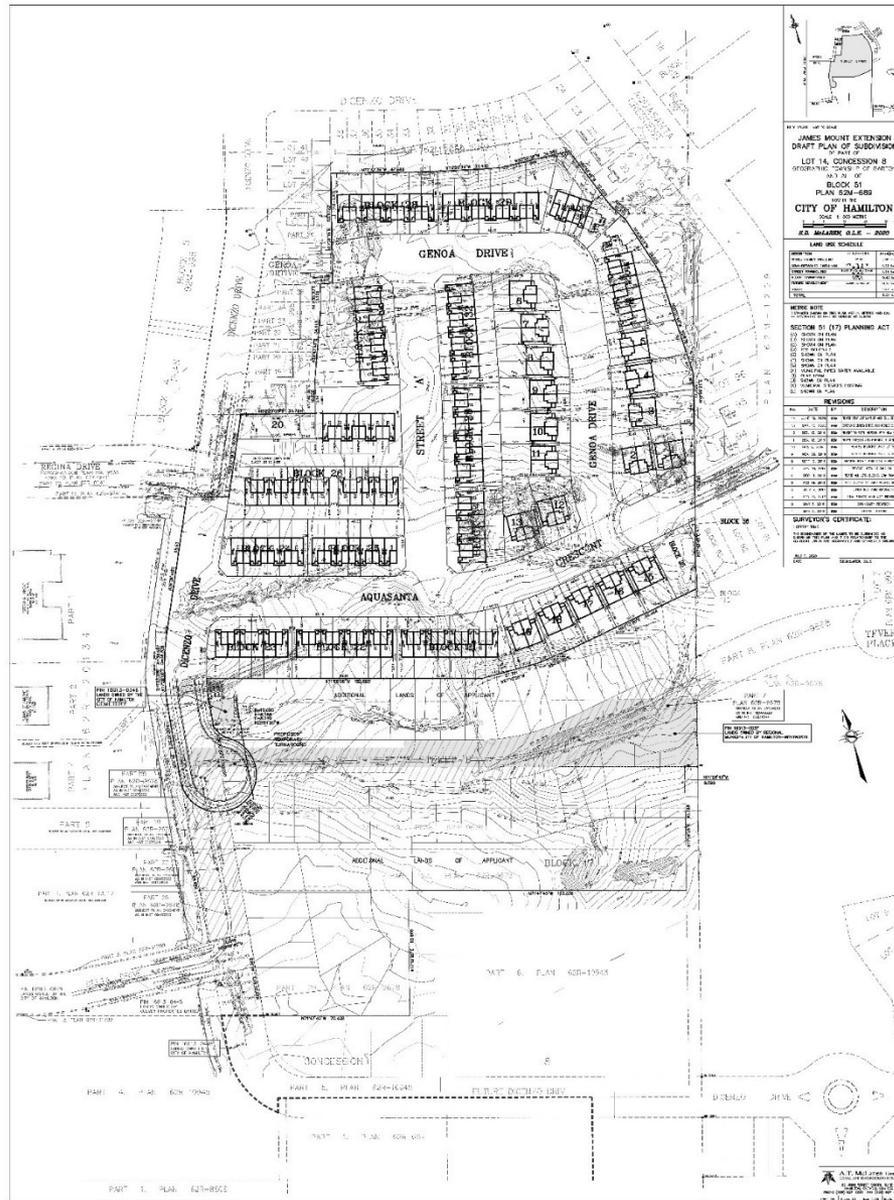


SUBJECT PROPERTY



1443 and 1477 Upper James Street & 221 Geona Drive, Hamilton







View looking west from Regina Drive and DiCenzo Drive towards Upper James Street



View looking east from Regina Drive towards Regina Drive and DiCenzo Drive



View looking north along DiCenzo Drive from Regina Drive



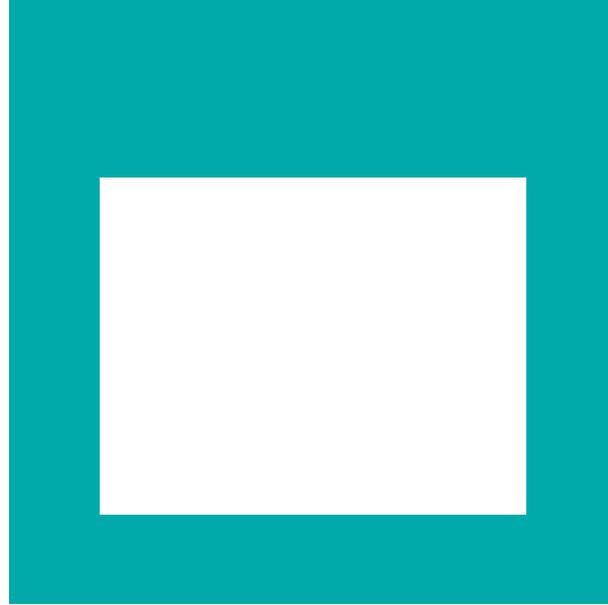
View looking north along DiCenzo Drive from DiCenzo Drive



View looking east along Genoa Drive from DiCenzo Drive



View looking west towards site from Aquasanta Crescent



THANK YOU FOR ATTENDING

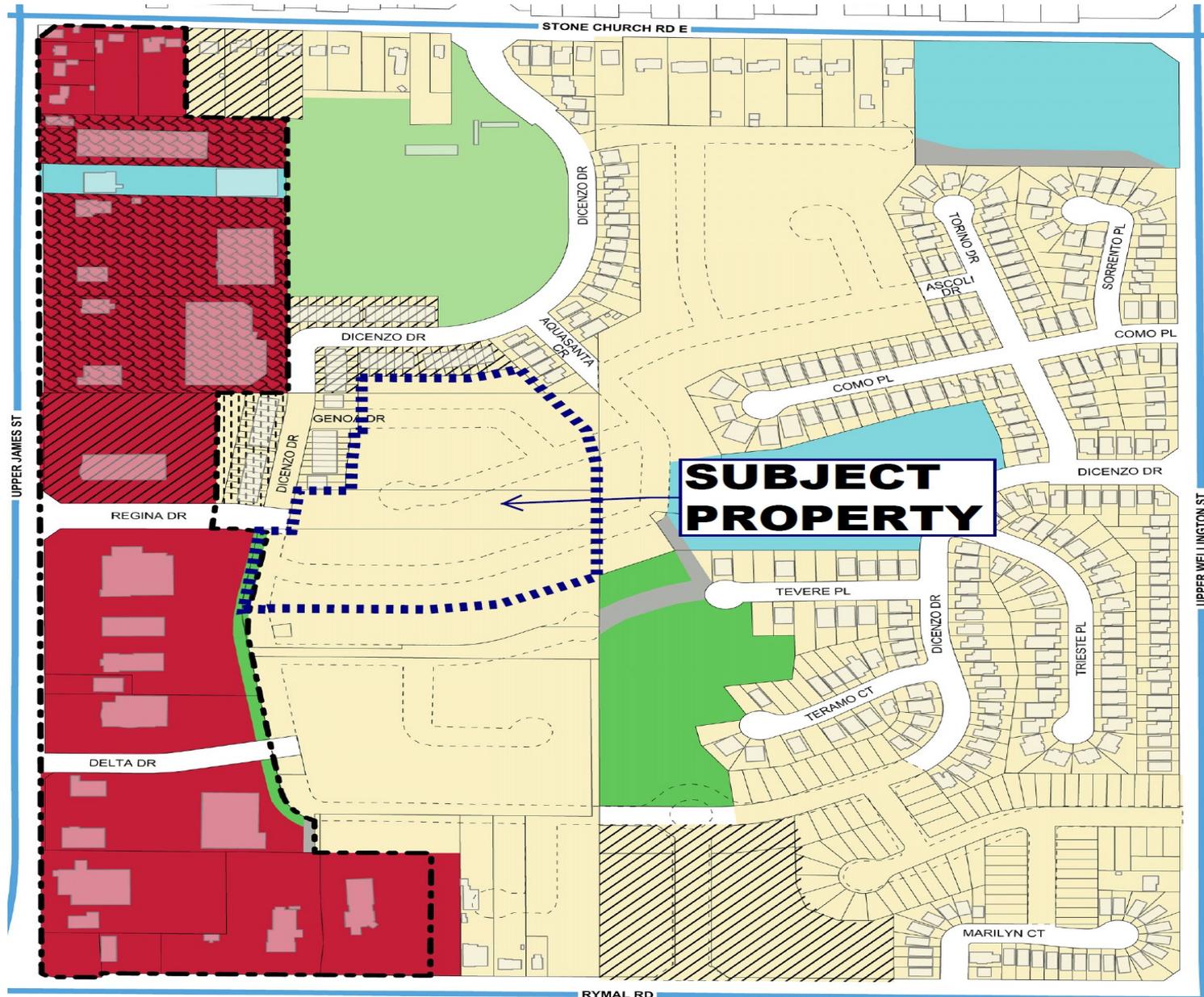
THE CITY OF HAMILTON PLANNING COMMITTEE

PRESENTATION TO PLANNING COMMITTEE

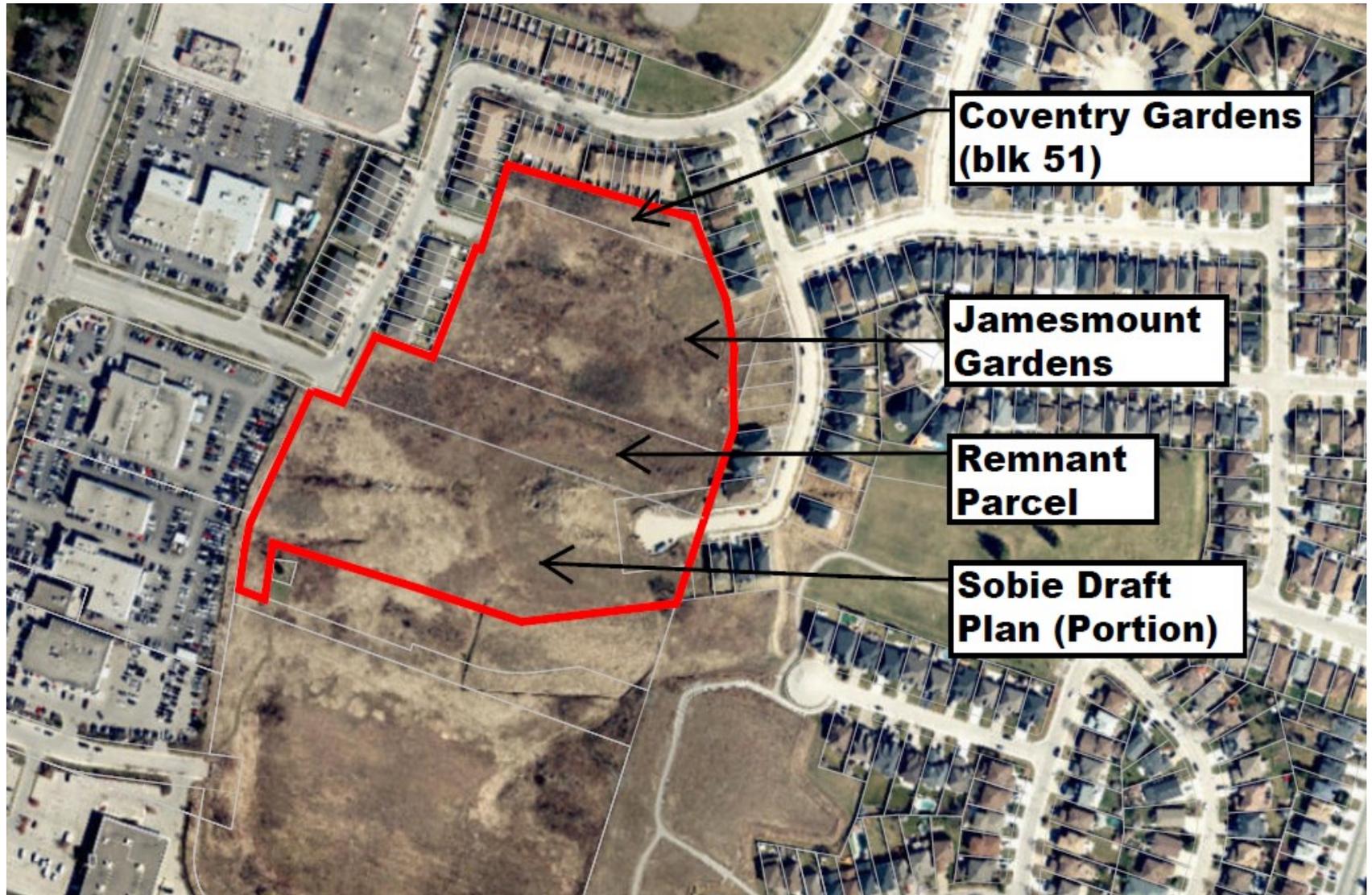
JAMESMOUNT EXTENSION DRAFT PLAN OF SUBDIVISION UPPER JAMES ST. & GENOA DR.



RYCKMAN NEIGHBOURHOOD



SITE CONTEXT

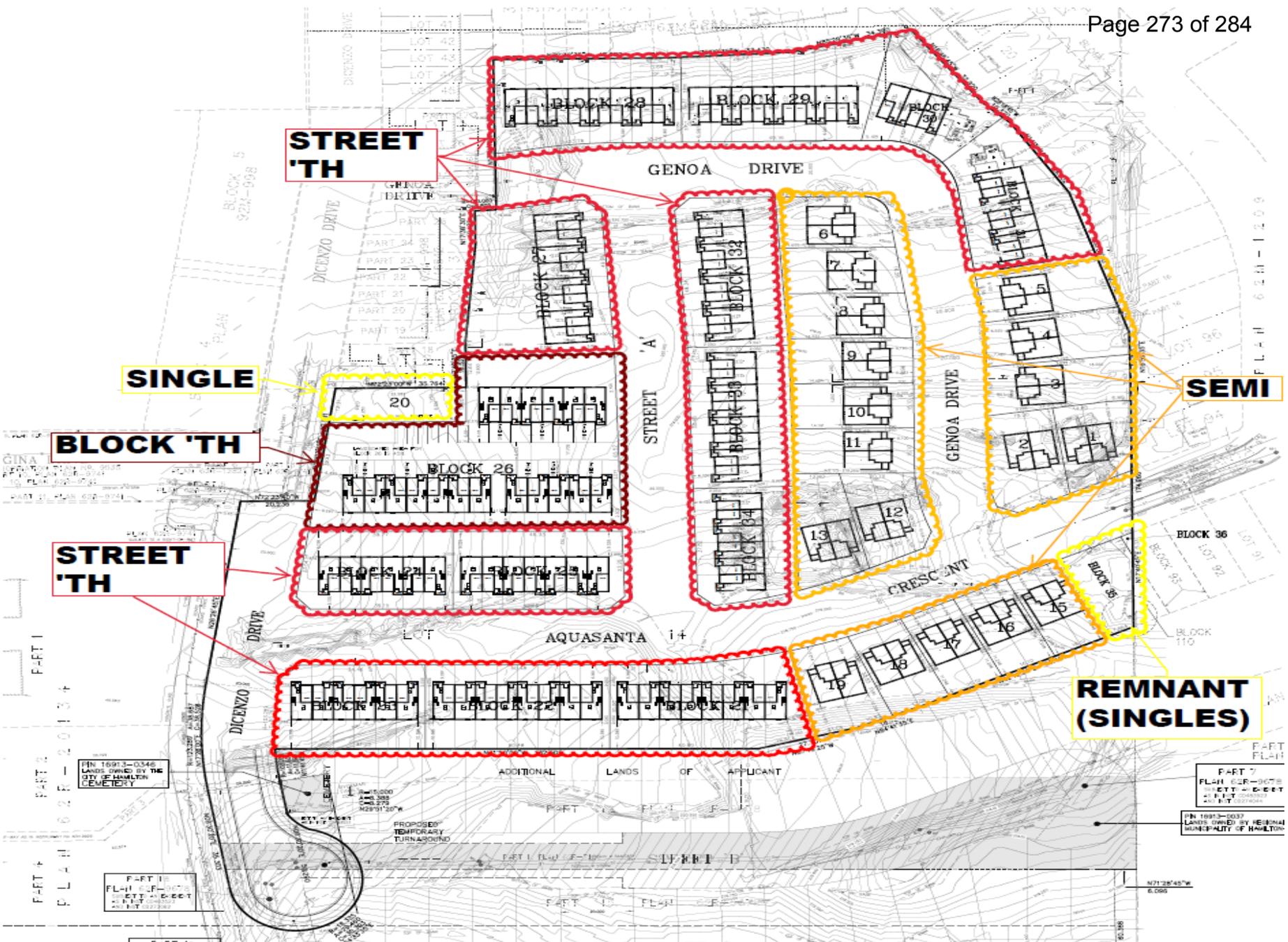


**Coventry Gardens
(blk 51)**

**Jamesmount
Gardens**

**Remnant
Parcel**

**Sobie Draft
Plan (Portion)**



STREET 'TH'

SINGLE

BLOCK 'TH'

STREET 'TH'

SEMI

REMNANT (SINGLES)

PIN 16913-0346
LANDS OWNED BY THE
CITY OF HAMILTON

PIN 16913-0337
LANDS OWNED BY REGIONAL
MUNICIPALITY OF HAMILTON

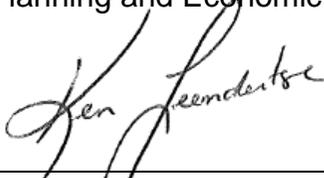
PART 7
PLAN 024-007B
CITY OF HAMILTON
PLAN 024-008
CITY OF HAMILTON

QUESTIONS?





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 11, 2020
SUBJECT/REPORT NO:	Amendments to Property Standards By-law 10-221 to Include Private Water Service Line Requirements (PED20121/FCS20060) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721 John Savoia (905) 546-2424 Ext. 7298
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the changes to the City of Hamilton Property Standards By-law 10-221 regarding the maintenance requirements for private water service lines as described in Report PED20121/FCS20060, detailed in the proposed amending by-law attached as Appendix "A" to Report PED20121/FCS20060 be approved;
- (b) That the amending by-law attached as Appendix "A" to Report PED20121/FCS20060, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

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

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

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

SUBJECT: Amendments to Property Standards By-law 10-221 to Include Private Water Service Line Requirements (PED20121/FCS20060) (City Wide) - Page 2 of 7

EXECUTIVE SUMMARY

At its meeting of November 27/28, 2019, Council directed staff to report back regarding the feasibility of the implementation of a by-law to impose the obligation of property owners to replace the private portion of lead water service lines where the public portion of a lead water service line replacement has occurred or is to be replaced.

The Property Standards By-law 10-221 (By-law) sets minimum standards to ensure that property owners maintain their properties. These standards are put in place to protect the health and safety of those that reside on the property as well as the general public. Property Standards address the physical building and the land around the property.

By-law amendments are occasionally required to improve enforcement activities and update various by-laws as part of continuous improvement efforts for the most efficient and effective by-laws. Report PED20121/FCS20060 recommends amending the City's By-law:

- to require a property owner to replace the private portion of lead water service lines where the public portion of a lead water service line replacement has occurred or is to be replaced; and,
- to require a property owner to repair or replace a private water service line that is in a state of disrepair that it leaks.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial/Staffing: The cost of the proposed amending by-law (attached as Appendix “A” to this Report) would not have an impact on current Licensing and By-law Services (LBS) resources or change the annual operating budget. However, it is important to note that the staffing and cost estimates to enforce the replacement of the private portion of a lead water service line is difficult to project for how often this enforcement may be required.

The financial strategy is to recover enforcement costs imposing Fees for Service, predicated on the principle that Public Works staff will educate the property owner and front-end discussions prior to any LBS action. Enforcement would be guided by Public Works staff on a case by case basis, and not steered by public complaint. Costs for

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registering/discharging Orders on Title are recovered through the User Fees and Charges By-law when a property is sold.

Legal: The Property Standards By-law offers a simple and straightforward mechanism to adopt a lead-free standard for water service supply for lands in the City and to clarify the maintenance obligation for water service supply lines on private lands. This approach dovetails with existing enforcement and administrative practices and procedures.

HISTORICAL BACKGROUND

Based on best available information, it is estimated that the City of Hamilton has approximately 20,000 households with potential lead exposure associated with water services. While staff cannot identify the distribution of this figure by geographic boundary, it can be assumed that homes built prior to the mid-1950s may be impacted by some level of risk, assuming the service lines and plumbing have not been replaced to date.

Lead can pose various health risks depending on the level of exposure. The objective of public health authorities is to reduce as much as possible the level of lead exposure for the entire population, and more particularly for young children (6 years old and younger), pregnant women, and infants fed with powdered or concentrate formula mixed with water.

The City has relied on lead service water line replacement as its main option to reduce the amount of lead in tap water as required by the *Safe Drinking Water Act, 2002*. The Ministry of the Environment, Conservation and Parks (MECP) guidelines indicate that the process in which the lead service is replaced may have direct influence over the concentration of lead migrating into drinking water. A partial replacement of a lead service line (e.g. only the private side or public side of service is replaced) has the potential to increase lead concentrations via the following mechanisms:

- Construction activities can dislodge lead particles that can enter the drinking water; and,
- Connecting a lead service line to a new copper line may result in an electrochemical process between the two metals that can dissolve lead particles into the drinking water.

Hamilton Water's service line replacement process, under the substandard water service replacement program, begins with replacement of the private portion of the lead water service line by the property owner, followed by replacement of the public portion

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by the City. However, the replacement sequence differs when the City replaces water mains and simultaneously replaces the public portion of the water service lines. Where the replaced public portion was comprised of lead there is no assurance that the property owner will replace the private portion of the lead service. If the property owner chooses not to replace the private portion of the lead service, they may be subject to long-term health risks associated with dissolved lead in their drinking water resulting from the partial replacement.

To avoid partial replacements, Council has approved a motion that directs staff to report back regarding the feasibility of the implementation of a by-law to impose the obligation to replace the private portion of lead water service lines where the public portion of a lead water service line replacement has occurred or is to be replaced.

Hamilton Water has noted instances in the past, where a private water service line is in a state of disrepair so that it leaks water but has faced challenges with the property owner to have the water line repaired or replaced in a timely fashion. Amending the By-law to require a property owner to repair or replace a private water service line that is in a state of disrepair so that it leaks will greatly improve efforts to ensure the integrity of the City's water distribution system inclusive of private water service lines.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Building Code Act, 1992* allows municipalities to pass a by-law to prescribe standards for the maintenance and occupancy of property.

RELEVANT CONSULTATION

Public Works, Hamilton Water and Legal Services was consulted in the preparation of this Report and the draft amending by-law attached as Appendix "A".

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

The By-law sets minimum standards to ensure that property owners maintain their properties. These standards are put in place to protect the health and safety of those that reside on the property as well as the general public. Amending the By-law to require the repair of leaking private water service lines or the replacement of the private portion of a lead water service line where the public portion of a lead water service line replacement has occurred or will occur soon, is consistent with the By-law's purpose. This approach provides a fair and comprehensive appeal process to effectively address the replacement of a private portion of a lead water service line or to require the repair or replacement of a water service line that is in a state of disrepair.

SUBJECT: Amendments to Property Standards By-law 10-221 to Include Private Water Service Line Requirements (PED20121/FCS20060) (City Wide) - Page 5 of 7

Property Standards By-law Enforcement

Section 15.2 of the *Building Code Act* provides authority to Municipal Law Enforcement Officers (MLEO) to issue Orders requiring compliance for all aspects of the property's interior and exterior features that are non-compliant with the By-law. If the property owner does not comply with the Order, the MLE Officer can use various tools to resolve the violation which may include:

- a fee for inspection cost that would be added to the property taxes;
- registering the Order on title;
- tickets or court action; and,
- sending out a contractor to complete the required work with the costs added to the property taxes as a priority lien.

It is contemplated that MLE, when notified by Hamilton Water, will enforce the replacement of a private portion of a lead water service line or to require the repair or replacement of a water service line so that it would no longer leak. This action would occur following outreach by Hamilton Water to affected property owners who do not comply within a reasonable timeframe.

The use of enforcement tools by the MLEO may vary on a case by case basis, with the objective to obtain compliance. For example, Orders may be registered on title and are assumed by any subsequent owner, who may require resolution of an Order by the selling property owner prior to the house closing date. Registering Orders on property title provides assurance that removal of the private portion of a lead water service lien will occur when the property is sold. This action may be preferable in situations where the current owner is a senior who declines to replace the lead water service line due to financial hardship and/or as the only occupant of the property is not concerned about the health risks associated with lead exposure. Similarly, in the case of a leaking private water service line, water service disconnection may be the preferred compliance tool where an Order has not been complied within a reasonable timeframe.

Failure to comply with an Order is an offence pursuant to paragraph 36(1)(b) of the *Building Code Act, 1992* which may result in a fine of up to \$50K for a first offence and \$100K for a subsequent offence for an individual; up to \$500K for a first offence and \$1.5M for a subsequent offence for a corporation. In extreme cases, where non-compliance continues despite the issuance of a final and binding property standards order, the City may undertake the required repair or replacement of the private water service line with all costs added to the tax roll as a priority lien and collected in a like manner as property taxes.

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Financial Assistance for Property Owners to Replace Private Lead Water Service Lines

The City's Lead Water Service Replacement Loan Program (Program) has been offered since October 2007 with the purpose to provide eligible homeowners with the opportunity to access funding, through an interest-bearing loan from the City, to assist homeowners to reduce their potential risk of exposure to lead in tap water that could be coming from their private lead water service line.

In May 2020, the Program was amended to provide access to zero interest loans for eligible low-income residential property owners (for details refer to Report FCS19025(a), approved at May 13, 2020 Council as Item 5.4.(a)). Zero-interest loans will be granted to property owners of owner-occupied dwellings who have qualified for low-income energy customer programs such as the Low-Income Energy Assistance Program or the Ontario Electricity Support Program.

The current Program provides loans only to owner-occupied homes specifically and not to residential rental properties. There are bonusing provisions within section 106 of the *Municipal Act, 2001* whereby a municipality shall not assist directly or indirectly with any commercial enterprise by, giving or lending any property of the municipality, including money. However, section 28 of the *Planning Act* allows municipalities, to designate, by by-law, a Community Improvement Plan (CIP) that authorizes municipalities to provide grants or loans to commercial enterprises for a defined variety of rejuvenation/ rehabilitation purposes, without contravening the *Municipal Act, 2001* prohibition against bonusing.

The 2020 Water and Wastewater Infrastructure Support Community Improvement Project Area and Plan (PED20120/FCS20055/PW20047) report recommends the adoption of a Water and Wastewater Infrastructure Support CIP that incorporates the Program so that loans can be expanded to residential rental properties. Providing access to the Program for residential landlords will support the replacement of more private portion lead water service lines and provide healthier drinking water conditions for tenants of these rental properties.

The Program enhancements are expected to aid with enforcement efforts to have lead water service lines replaced.

ALTERNATIVES FOR CONSIDERATION

N/A

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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.

Clean and Green

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

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

Authority: Item ,
Report (PED20121/FCS20060)
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO. 20-**

**To Amend City of Hamilton By-law No. 10-221, as amended,
being a By-law to Prescribe Standards for the
Maintenance and Occupancy of Property**

WHEREAS Council enacted a by-law to prescribe standards for the maintenance and occupancy of property, being City of Hamilton By-law No.10-221; and,

WHEREAS Council wishes to amend By-law No. 10-221 to include standards for the construction and maintenance of water supply lines,

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Section 2(1) of By-law 10-221, as amended, is further amended by adding the following definition to section 2(1):

“water supply line” means the supply line or lines located on private lands which connect the plumbing system of a building to the municipal water system but does not include a water meter owned by the City.

3. Section 14 of By-law 10-221, as amended, is further amended by adding the following section 14(8) thereto:

City Water System

- 14(8) In addition to any other requirements of this By-law, when a building is connected to the City water system, the following standards shall apply:

- (a) The water supply line shall be maintained so as to properly perform its intended function and free from leaks and defects;
 - (b) The water supply line shall not include any materials that contain lead; and,
 - (c) Subsection (b) shall not apply if the water supply line connects to a portion of the City water system that itself is constructed of materials that contain lead.
3. This By-law shall come into effect on the day it is passed.

PASSED this _____ day of _____, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

NOTICE OF MOTION

PLANNING COMMITTEE DATE: August 11, 2020

MOVED BY COUNCILLOR J. PARTRIDGE.....

WATERDOWN HERITAGE WALK COMMEMORATIVE PLAQUES

WHEREAS, the Waterdown Business Improvement Area and Flamborough Archives and Heritage Society, in partnership with City staff, are planning a Heritage Walk event for the community of Waterdown to attract tourism and promote the heritage district; and,

WHEREAS, commemorative plaques for various heritage buildings are estimated to cost \$25,000.

THEREFORE, IT BE RESOLVED:

That the General Manager of Finance and Corporate Services be authorized to transfer \$25,000 from the Flamborough Capital Reserve to a Heritage Resource Management project for the purposes of producing and installing the various plaques required at Waterdown Memorial, Waterdown Memorial Hall and throughout the Waterdown Village Heritage District.