



# City of Hamilton

## PLANNING COMMITTEE POST-MEETING AGENDA

**Meeting #:** 20-008  
**Date:** August 18, 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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## **13. PRIVATE AND CONFIDENTIAL**

- \*13.1 Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 05-200 for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (LS20021/PED19186(a)) (Ward 1)

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

#### 14. ADJOURNMENT



## PLANNING COMMITTEE

### MINUTES

**20-007**

August 11, 2020

9:30 a.m.

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

**Present:** Councillors J.P. Danko (Vice Chair), C. Collins  
J. Partridge, M. Pearson, B. Johnson (2<sup>nd</sup> Vice Chair) and  
M. Wilson

**Absent with Regrets:** Councillor J. Farr (Chair) – Personal

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

1. **Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20129) (City Wide) (Item 5.1)**

**(Johnson/Pearson)**

That Report PED20129 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**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  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

2. **Built Heritage Inventory Strategy Update (PED20133) (City Wide) (Item 5.2)**

**(Partridge/Wilson)**

That Report PED 20133 respecting Built Heritage Inventory Strategy Update, be received.

**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  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**3. 2020 Water and Wastewater Infrastructure Support Community Improvement Project Area and Plan (PED20120/FCS20055/PW20047) (City Wide) (Item 6.1)**

**(Pearson/Partridge)**

- (a) That the 2013 Water and Wastewater Infrastructure Support Community Improvement Project Area and Plan By-laws 13-079 and 13-080 be repealed and replaced with Appendices “A” and “B” attached 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), be approved;
  - (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), be approved; 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.

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

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

4. **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) (Item 6.2)**

**(Pearson/Johnson)**

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

**Result: Main Motion, As Amended, CARRIED by a vote of 4 to 1, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**5. 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) (Item 6.3)**

**(Johnson/Pearson)**

- (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).
- (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;
- (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 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”; and,
- (e) ***That there were no public submissions received regarding this matter.***

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**6. Amendments to Property Standards By-law 10-221 to Include Private Water Service Line Requirements (PED20121/ FCS20060) (City Wide) (Item 8.1)**

**(Pearson/Wilson)**

- (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.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 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. PUBLIC HEARINGS/WRITTEN DELEGATIONS/VIRTUAL DELEGATIONS (Item 6)**

6.2 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)

6.2(a) Public Delegations:

1. Tiberiu and Georgeta Stoica

**2. NOTICES OF MOTION (Item 10)**

10.1 Waterdown Heritage Walk Commemorative Plaques

**(Pearson/Partridge)**

That the agenda for the August 11, 2020 meeting be approved, as amended.

**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  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 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 14, 2020 (Item 3.1)**

**(Johnson/Pearson)**

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

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(d) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 6)**

In accordance with the *Planning Act*, Acting Chair Danko 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.

In accordance with the provisions of the *Planning Act*, Chair Danko 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 Community Improvement Project, Zoning By-law Amendments, Official Plan Amendment, Draft Plan of Condominium 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) 2020 Water and Wastewater Infrastructure Support Community Improvement Project Area and Plan (PED20120/FCS20055/PW20047) (City Wide) (Item 6.1)**

No members of the public were registered as Delegations.

John Savoia, Senior Policy Advisor, addressed the Committee with the aid of a PowerPoint presentation.

**(Collins/Pearson)**

That the staff presentation be received

**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  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Pearson/Wilson)**

That the public meeting be closed.

**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  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Partridge/Pearson)**

- (a) That the 2013 Water and Wastewater Infrastructure Support Community Improvement Project Area and Plan By-laws 13-079 and 13-080 be repealed and replaced with Appendices "A" and "B" attached 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), be approved;
  - (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), be approved; 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.

**(Partridge/Pearson)**

That the recommendations in Report PED20120/FCS20055/PW20047 be ***amended*** by adding the following sub-section (c):

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

**Result: Amendment 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  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3.

- (ii) **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) (Item 6.2)**

Tim Vrooman, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(Pearson/Johnson)**

That the staff presentation be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

Franz Kloibhofer, AJ Clarke and Associates, was in attendance and indicated support for the staff report.

**(Pearson/Partridge)**

That the delegation from Franz Kloibhofer, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

The following registered public delegations were not in attendance:

1. Tiberiu and Georgeta Stoica

**(Pearson/Partridge)**

That the written submissions in the report be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 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 5 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Pearson/Johnson)**

- (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,
  - (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,
  - (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.

**(Pearson/Johnson)**

That the recommendations in Report PED20082 be **amended** by adding the following sub-section (d):

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

**Result: Amendment CARRIED by a vote of 4 to 1, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 4.

- (iii) **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) (Item 6.3)**

No members of the public were registered as Delegations.

Michael Davis, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(Pearson/Danko)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

James Webb, Webb Consulting, was in attendance and indicated support for the staff report; and, he addressed the Committee with the aid of a PowerPoint presentation.

**(Partridge/Pearson)**

That the delegation from James Webb, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Partridge)**

That the public meeting be closed.

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Partridge/Pearson)**

- (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).
- (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;
- (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 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”;

**(Partridge/Pearson)**

That the recommendations in Report PED20084 be **amended** by adding the following sub-section (e):

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

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

**(e) NOTICES OF MOTION (Item 10)**

- (i) Waterdown Heritage Walk Commemorative Plaques (Added Item 10.1)**

Councillor Partridge introduced a Notice of Motion respecting Waterdown Heritage Walk Commemorative Plaques.

**(f) GENERAL INFORMATION / OTHER BUSINESS (Item 11)**

- (i) General Manager's Update (Added Item 11.1)**

Jason Thorne, General Manager, PED, addressed the Committee regarding the August 18<sup>th</sup> Planning Committee agenda, which is being published on August 12<sup>th</sup> and the Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology report will be on the agenda.

**(Pearson/Partridge)**

That the General Manager's update be received.

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

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

YES - Ward 15 Councillor Judi Partridge  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(g) ADJOURNMENT (Item 13)**

**(Johnson/Pearson)**

That there being no further business, the Planning Committee be adjourned at 11:41 a.m.

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

\_\_\_\_\_  
Councillor J.P. Danko  
Vice Chair, Planning Committee

\_\_\_\_\_  
Lisa Chamberlain  
Legislative Coordinator

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

Submitted on Monday, August 17, 2020 - 9:02 am

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** Lynda Lukasik

**Name of Organization:** Environment Hamilton

**Contact Number:**

**Email Address:**

**Mailing Address:**

Hamilton, ON

**Reason(s) for delegation request:** I would like to make an oral submission during the virtual meeting of the Planning Committee at the August 18th meeting - regarding Item 9.2 - Comments on Proposed Amendment 1 to A Place to Grow & Revised Land Needs Assessment Methodology.

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

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



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 18, 2020
<b>SUBJECT/REPORT NO:</b>	Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6)
<b>WARD(S) AFFECTED:</b>	Ward 6
<b>PREPARED BY:</b>	Michael Fiorino (905) 546-2424 Ext. 4424
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That **Amended Zoning By-law Amendment Application ZAR-20-005, (Hussein Ghaddar, Owner)**, for a change in zoning from the “L-mr-1/S-401” (Planned Development) District, Modified to the “C/S-1802 - H” (Urban Protected Residential etc.) District, Modified, Holding, to facilitate a severance to create two lots for two single detached dwellings on lands located at 1406 Upper Gage Avenue (Hamilton), as shown on Appendix “A” to Report PED20131, be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED20131, 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 1406 Upper Gage Avenue, as shown on Schedule “A” of Appendix “B” to Report PED20131.

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

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

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

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 2 of 13**

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The Holding Provision “C/S-1802 - H” (Urban Protected Residential etc.) District, Modified, Holding, be removed conditional upon:

- (1) Submission and approval of a Stage 3 and if required, Stage 4 Archaeological Assessment, to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
  - (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 regarding matters including compatibility with the immediate area.
- (b) That upon finalization of the implementing By-law, the Eleanor Neighbourhood Plan be amended by changing the designation of the subject lands from “Low Density Apartments” to “Single and Double”.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 1406 Upper Gage Avenue, Hamilton. The owner, Hussein Ghaddar has applied for a Zoning By-law Amendment to Hamilton Zoning By-law No. 6593 to permit a single detached dwelling fronting onto Elmore Drive while retaining the existing dwelling fronting on Upper Gage Avenue. The proposed Zoning By-law Amendment is for a change in zoning from the “L-mr-1/S-401” (Planned Development) District, Modified to the “C/S-1802 - H” (Urban Protected Residential etc.) District, Modified, Holding, to facilitate Consent application HM/B-19:55 to sever a “through” lot to permit the development of a single detached dwelling fronting on Elmore Drive. Consent application HM/B-19:55 was conditionally approved on June 20, 2019 and, as a condition of the Consent application, the owner was to receive final approval of a Zoning By-law Amendment application.

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

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019);
- It complies with the Urban Hamilton Official Plan; and,
- Is considered to be compatible with and complementary to the existing development in the immediate area and represents good planning.

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 3 of 13**

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**Alternatives for Consideration – See Page 12**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

Report Fact Sheet

<b>Application Details</b>	
Applicant/Owner:	Hussein Ghaddar
File Number:	ZAR-20-005
Type of Application:	Zoning By-law Amendment Application
Proposal:	To permit a single detached dwelling fronting on Elmore Drive while retaining the existing single detached dwelling fronting on Upper Gage Avenue.
<b>Property Details</b>	
Municipal Address:	1406 Upper Gage Avenue, Hamilton
Lot Area:	0.123 hectares
Servicing:	Water service exists along Upper Gage and Elmore Drive. The connection of services for the severed lands will be addressed through the Consent Agreement of Consent application HM/B-19:55.
Existing Use:	One single detached dwelling fronting on Upper Gage Avenue.

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 4 of 13**

<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms with A Place to Grow (2019).
Official Plan Existing:	Neighbourhoods on Schedule "E" – Urban Structure and Neighbourhoods on Schedule "E-1" – Urban Land Use Designations
Eleanor Neighbourhood Plan:	Neighbourhood Plan identifies the subject lands as "Low Density Apartments"
Zoning Existing:	"L-mr-1/S-401" (Planned Development) District, Modified
Zoning Proposed:	"C/S-1802 - H" (Urban Protected Residential etc.) District, Modified, Holding
Modifications Proposed:	The applicant is not requesting modifications to the "C" (Urban Protected Residential etc.) District.
<b>Processing Details</b>	
Application Received:	December 20, 2019
Deemed Complete:	January 20, 2020
Notice of Complete Application:	Sent to 162 property owners within 120 m of the subject property on January 27, 2020.
Public Notice Sign:	January 27, 2020 and updated on July 22, 2020.
Notice of Public Meeting:	July 31, 2020
Public Consultation:	On February 10, 2020 an additional letter to the surrounding neighbours was provided by IBI Group describing the proposal and providing contact information for both IBI Group staff and City of Hamilton staff should further information be required.
Public Comments:	No public submissions were made.

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 5 of 13**

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Processing Time:	243 days
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**Background**

The property is municipally known as 1406 Upper Gage Avenue, Hamilton and is located south of the commercial plaza at the southwest corner of Upper Gage Avenue and Stone Church Road East. The proposed Zoning By-law Amendment is for a change in zoning from the “L-mr-1/S-401” (Planned Development) District, Modified to the “C/S-1802 - H” (Urban Protected Residential etc.) District, Modified, Holding, to facilitate Consent application HM/B-19:55 to sever a “through” lot to permit the development of a single detached dwelling fronting on Elmore Drive. Consent application HM/B-19:55 was conditionally approved on June 20, 2019 and, as a condition of the Consent application, the owner was to receive final approval of a Zoning By-law Amendment application.

**Existing Land Use and Zoning:**

<b><u>Subject Lands:</u></b>	Single Detached Dwelling	“L-mr-1/S-401” (Planned Development) District, Modified
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**Surrounding Lands:**

<b>North</b>	Commercial Plaza	Neighbourhood Commercial (C2) Zone.
<b>East</b>	Commercial building (Convenience Store)	Neighbourhood Commercial (C2) Zone.
	Single Detached Dwellings	“DE-3/S-389” (Multiple Dwellings) District, Modified.
<b>South</b>	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District.
<b>West</b>	Single Detached Dwellings	“D/S-402” and D/S-650” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified.

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 6 of 13**

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use, are reviewed and 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 (2020). The following policy amongst others of the PPS 2020 applies.

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

Accordingly a Stage 1-2 Archaeological Assessment (P449-0369-2019) was conducted and has been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries. The report recommends that further archaeological work be conducted to address the archaeological potential of the subject property. Staff concur with this recommendation and require that the applicant conduct a Stage 3 Archaeological Assessment and if required, a Stage 4 Archaeological Assessment. A Holding symbol ‘H’ is being proposed to ensure any significant archaeological resources are identified and conserved prior to development or site alteration.

As the application for a change in zoning complies 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*,
- consistent with the Provincial Policy Statement (2020); and,
- conforms to A Place to Grow (2019).

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 7 of 13**

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**Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). In addition, Upper Gage Avenue is considered a Minor Arterial road per Schedule “C” of Volume 1 in the Urban Hamilton Official Plan.

**Neighbourhoods Designation**

- “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.
- 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.
- 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.
  - 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 proposed single detached dwelling is to be constructed on the severed portion of the subject lands fronting onto Elmore Drive while the existing single detached dwelling fronting Upper Gage Avenue will be retained.

The neighbourhood is comprised primarily of two and two and a half storey single detached dwellings; no modification to the height of the proposed dwelling has been requested. The proposal for an additional single detached dwelling in the interior of a neighbourhood respects the existing character, scale and design of the neighbourhood. The proposal represents an infill opportunity to facilitate an efficient use of land,

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 8 of 13**

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contributing to a compact form of development that will front onto Elmore Drive within the interior of the neighbourhood.

The intent of the existing, “L-mr-1/S-401” (Planned Development) District, Modified, zoning is to encourage various forms of multiple dwellings through the assembly of lands. However, over time the Eleanor Neighbourhood has evolved with the surrounding lands developing with single detached dwellings rather than multiple dwellings. In addition, although lot assembly was anticipated, the existing lot and single detached dwelling precluded the intended multiple dwelling use of the Eleanor Neighbourhood Plan. Given the surrounding development and severance application HM/B-19:55 the subject lands are no longer suitable for a multiple dwelling. The addition of the proposed single detached dwelling will increase the density to 16 units per hectare from 8 units per hectare, which is still well below the permitted 60 units per hectare. As such, the proposed development is an appropriate form of infill development that contributes to the housing stock within the neighbourhood.

#### Natural Heritage

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

The Tree Protection Plan submitted indicates that given the location of the trees inventoried, it is not possible to retain the trees on the interior of the subject land and therefore compensation in the form of cash-in-lieu for six trees has been provided to the City. There are four trees along the northern side lot line which will be protected and will require the installation of Tree Protection fencing.

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

#### Eleanor Neighbourhood Plan

The Eleanor Neighbourhood Plan was adopted by Council in 1973 and identifies the subject lands as “Low Density Apartments”. As the proposed use is for a single detached dwelling, it does not conform to the Neighbourhood Plan. The following UHOP policies with respect to the Neighbourhood Plan apply:

“F.1.2.8 Any amendment to the *Neighbourhood Plan* must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 9 of 13**

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- F.1.1.3 Amendments to this Plan, including secondary plans, shall be required to create, modify or expand land use designations and policies, which do not comply with this Plan.”

The proposed development complies with the Low Density Residential policies. Staff note that to implement the Eleanor Neighbourhood Plan, the subject lands were zoned “L-mr-1/S-401” (Planned Development) District, Modified (By-law No. 75-176) with the intent that the subject lands were to be developed in conjunction with the adjacent lots to the north for multiple dwellings. The subject land has remained a single lot and the single detached dwellings are now more in keeping with how the neighbourhood has evolved since the plan was adopted in 1973. On this basis, an amendment from “Low Density Apartments” to “Single and Double” can be supported by staff.

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

The lands are currently zoned “L-mr-1/S-401” (Planned Development) District, Modified in Zoning By-law No. 6593. This zoning essentially functions as a holding zone until such time that the subject lands are to be redeveloped and only permits existing uses; any development or alteration to the lands requires an amendment to the Zoning By-law.

The purpose of this application is to amend the City of Hamilton Zoning By-law No. 6593 from “L-mr-1/S-401” (Planned Development) District, Modified to the “C” (Urban Protected Residential, etc.) District with a holding provision to address further archaeological review. No modifications to the “C” (Urban Protected Residential, etc.) District, are proposed.

**RELEVANT CONSULTATION**

<b>Departments and Agencies with no concerns</b>		
Transportation Planning, Planning and Economic Development		No comments
<b>Departments and Agencies with comments</b>		
	Comment	Staff Response
Forestry & Horticulture, Environmental Services Division, Public Works Department	Tree Protection Plan is not approved. Tree DBH of Tree #676 shall be corrected to show 13cm, and tree protection fencing	Planning staff note that Forestry and Horticulture comments address the trees and vegetation within the municipal right of way. Based on Forestry

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 10 of 13**

	for this tree must incorporated.	comments, a revised Tree Protection Plan was submitted on June 5, 2020, and Forestry is now satisfied as the plan confirms no site works will be completed within proximity to Tree #676 and a permit is not required.
Legislative Approvals, Growth Planning Section	Have indicated that the address 1406 Upper Gage Avenue will be retained for Part one (retained lands) and the address 49 Elmore Drive will be assigned to the severed lands.	Addressing and unit numbering will be reviewed through the Consent application HM/B-19:55.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	Staff has no issues supporting the proposed Zoning By-law Amendment. There is an existing 0.305 m reserve, described as Block 'F' on Plan M-279 adjacent to the Elmore Drive right-of-way that must be lifted prior to the development. This will be addressed through the severance application HM/B-19:55.	The 0.305 m reserve will be addressed through the Consent application HM/B-19:55.
Recycling and Waste Disposal, Environmental Services Division, Public Works Department	Proposed development is eligible for municipal waste collection services subject to meeting the City's requirements.	Recycling and waste disposal will occur at curb side along Elmore Drive and Upper Gage Avenue.
<b>Public Consultation</b>		
No public comments were received		

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**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 11 of 13**

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## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 162 property owners within 120 metres of the subject property on January 27, 2020 for the application.

A Public Notice sign was posted on the property on January 27, 2020 and updated on July 22, 2020 with the Public Meeting date. Finally, Notice of the Public Meeting was given on July 31, 2020 in accordance with the requirements of the *Planning Act*.

To date, no submissions were received from the public as a result of the circulation.

### **Public Consultation Strategy**

The applicant's Public Consultation Strategy provided surrounding neighbours a letter explaining the proposal, provided the consultants' contact information and requested that any correspondence on the proposal be directed to City staff. The Public Consultation Strategy also identified that should there be concern with the proposal, a Neighbourhood meeting would be scheduled. No comments were received by either the applicant or City staff and it was determined that further consultation was not required.

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

1. The Zoning By-law Amendment has merit and can be supported for the following reasons:
  - (i) The application is consistent with the PPS and conforms to A Place to Grow Plan (2019);
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development is considered to be compatible with existing land uses in the surrounding area and represents good planning by, among other things, providing intensification in keeping with the surrounding neighbourhood and making efficient use of existing infrastructure within the urban boundary.

2. **Zoning By-law Amendment**

The subject lands are zoned "L-mr-1/S-401" (Planned Development) District, Modified, in the former City of Hamilton Zoning By-law No. 6593. As this zone

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 12 of 13**

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does not permit any uses but those existing at the time of passing of the By-law, an amendment to the Zoning By-law is required to rezone the subject lands to the “C/S-1802 - H” (Urban Protected Residential etc.) District, Modified, Holding to facilitate Consent application HM/B-19:55. Consent application HM/B-19:55 was conditionally approved on June 20, 2019 and, as a condition of the Consent application, the owner is to receive final approval of a Zoning By-law Amendment application.

No modifications have been requested to the amending by-law pertaining to the regulations of the parent “C” (Urban Protected Residential etc.) District. The proposed change in zoning complies with the Low Density Residential policies of the Urban Hamilton Official Plan. The proposed built form contributes to a complete community by providing an infill opportunity for the efficient use of land in a compact form of development that is compatible with the surrounding area. The proposed zoning also reflects how this area has evolved over time. Therefore, staff supports the proposed Zoning By-law amendment.

3. Holding Provision

A Holding provision will be placed on the subject lands, as there is archaeological potential on the subject property. A Stage 1-2 Archaeological Assessment (P449-0369-2019) was conducted and has been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries. The report recommends that further archaeological work be conducted to address the archaeological potential of the subject property. Staff concur with this recommendation and require that the applicant conduct a Stage 3 archaeological assessment and, if required, a Stage 4 Archaeological Assessment prior to any site works and prior to the removal of the Holding symbol ‘H’, to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the subject land will continue to be utilized in accordance with the existing “L-mr-1/S-401” (Planned Development) District, Modified within the City of Hamilton Zoning By-law No. 6593 which permits the existing single detached dwelling. In addition, Consent application HM/B-19:55 will lapse.

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) - Page 13 of 13**

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

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

### **Built Environment and Infrastructure**

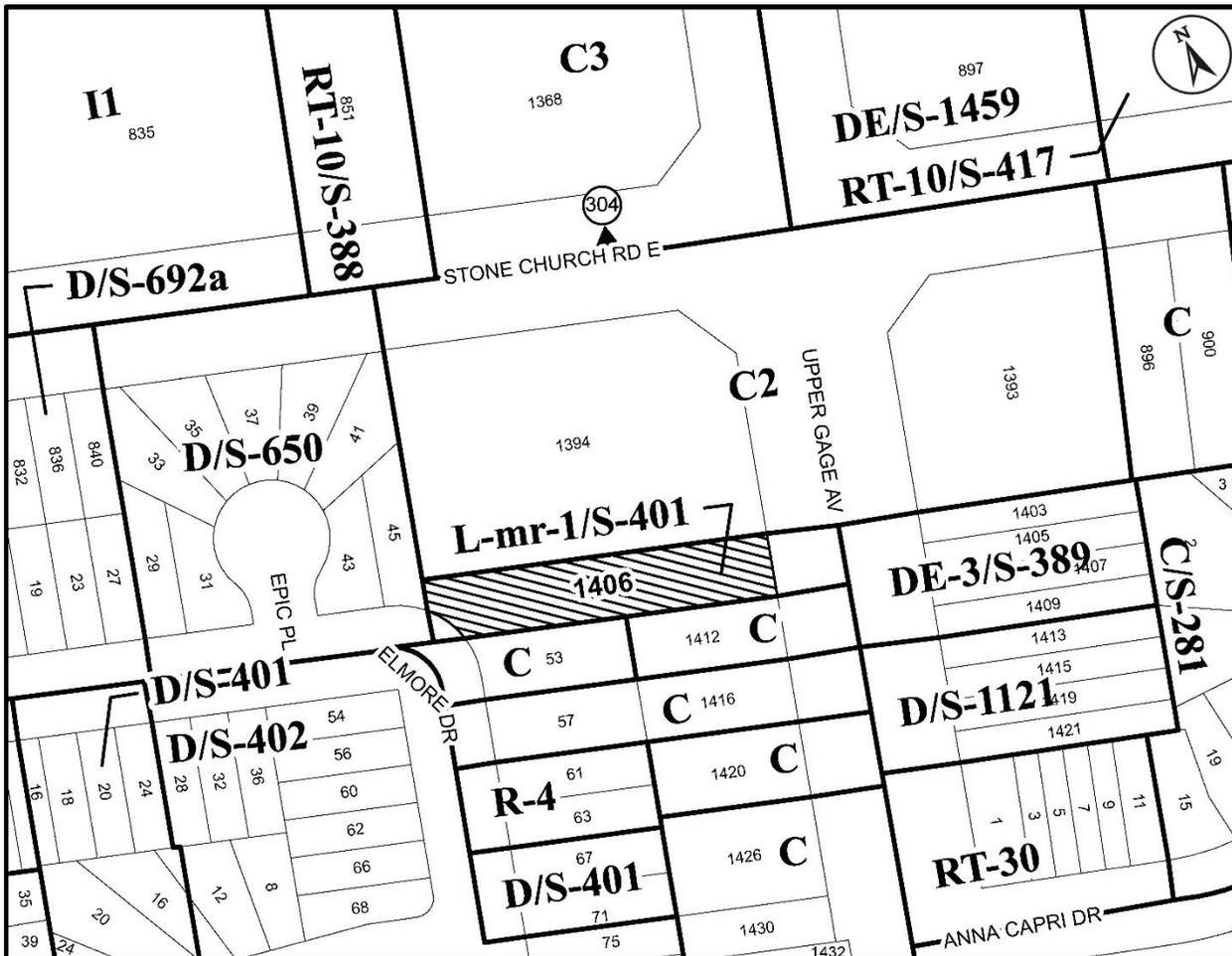
Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

## **APPENDICES AND SCHEDULES ATTACHED**

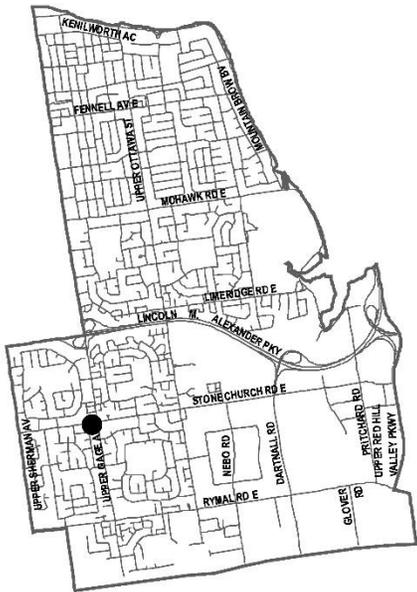
Appendix “A” – Location Map

Appendix “B” – Amendment to Zoning By-law No. 6593

Appendix “C” – Concept Plan



● Site Location



Key Map - Ward 6



## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAR-20-005

Date:  
July 13, 2020

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
MF/NB

### Subject Property

1406 Upper Gage Avenue, Hamilton



Change in zoning from "L-mr-1/S-401" (Planned Development) District, Modified to the "C/S-1802-H" (Urban Protected Residential etc.) District, Modified Holding

**Authority:** Item ,  
Report (PED20131)  
CM:  
Ward: 6

**Bill No.**

## **CITY OF HAMILTON**

### **BY-LAW NO.**

#### **To Amend Zoning By-law No. 6593, Respecting Lands Located at 1406 Upper Gage Avenue, 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 18<sup>th</sup> 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;

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

1. That Sheet No. E38c of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from "L-mr-1/S-401" (Planned Development) District, Modified, to the "C/S-1802 - H" (Urban Protected Residential etc.) District, Modified, Holding on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

**To Amend Zoning By-law No. 6593,  
Respecting Lands Located at 1406 Upper Gage Avenue, Hamilton**

2. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
  - i) Submission and approval of a Stage 3 and, if required a Stage 4 archaeological assessment, to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C/S-1802 - H" (Urban Protected Residential etc.) District, Modified, Holding.
4. That Sheet No. E38c of the District Maps is amended by marking the lands referred to in Section 2 of the By-law as "C/S-1802 - H" (Urban Protected Residential etc.) District, Modified, Holding.
5. 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.

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F. Eisenberger  
Mayor

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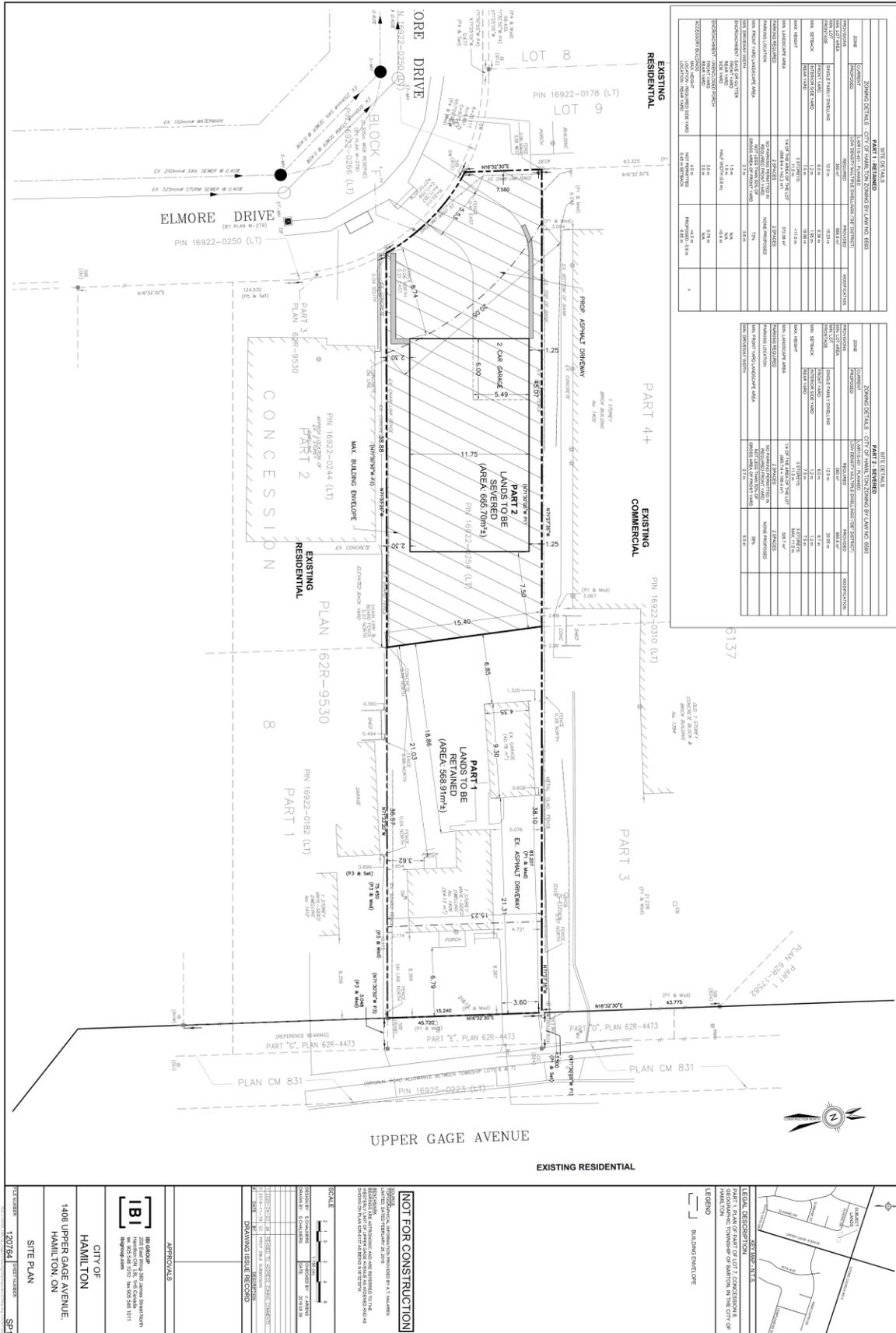
A. Holland  
City Clerk

ZAR-20-005

**To Amend Zoning By-law No. 6593,  
Respecting Lands Located at 1406 Upper Gage Avenue, Hamilton**

		<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the ..... day of ....., 2020</p>		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
		<p><b>Schedule "A"</b></p> <p><b>Map forming Part of By-law No. 20-_____</b></p> <p><b>to Amend By-law No. 6593</b></p>		<p><b>Subject Property</b></p> <p>1406 Upper Gage Avenue, Hamilton</p> <p> Change in zoning from "L-mr-1/S-401" (Planned Development) District, Modified to the "C/S-1802-H" (Urban Protected Residential etc.) District, Modified Holding</p>
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAR-20-005</p>	 <p>Hamilton</p>		
<p>Date: July 13, 2020</p>	<p>Planner/Technician: MF/NB</p>			
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>				

Appendix "C" to Report PED20131  
Page 1 of 1



ZONING DETAILS		SITE DETAILS	
ZONING	R-1	LOT AREA	10,000.00
PERMITTED	RESIDENTIAL	PERMITTED	RESIDENTIAL
PROPOSED	RESIDENTIAL	PROPOSED	RESIDENTIAL
REQUIREMENTS	MINIMUM FRONT YARD SETBACK: 4.5M MINIMUM SIDE YARD SETBACK: 1.5M MINIMUM REAR YARD SETBACK: 1.5M	REQUIREMENTS	MINIMUM FRONT YARD SETBACK: 4.5M MINIMUM SIDE YARD SETBACK: 1.5M MINIMUM REAR YARD SETBACK: 1.5M
COMMENTS		COMMENTS	

ZONING DETAILS		SITE DETAILS	
ZONING	R-1	LOT AREA	10,000.00
PERMITTED	RESIDENTIAL	PERMITTED	RESIDENTIAL
PROPOSED	RESIDENTIAL	PROPOSED	RESIDENTIAL
REQUIREMENTS	MINIMUM FRONT YARD SETBACK: 4.5M MINIMUM SIDE YARD SETBACK: 1.5M MINIMUM REAR YARD SETBACK: 1.5M	REQUIREMENTS	MINIMUM FRONT YARD SETBACK: 4.5M MINIMUM SIDE YARD SETBACK: 1.5M MINIMUM REAR YARD SETBACK: 1.5M
COMMENTS		COMMENTS	

**NOT FOR CONSTRUCTION**

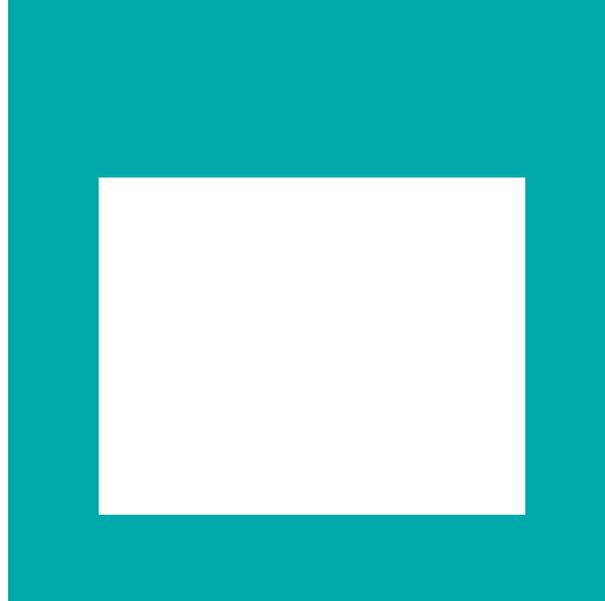
THIS DRAWING IS THE PROPERTY OF IBI GROUP INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF IBI GROUP INC.

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Tel: 905.524.1000 Fax: 905.524.1011

**CITY OF HAMILTON**  
1408 UPPER GAGE AVENUE  
HAMILTON, ON

**SITE PLAN**

DATE: 12/07/14  
DRAWN: SP1



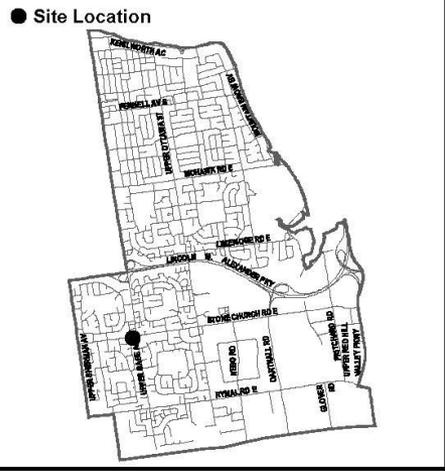
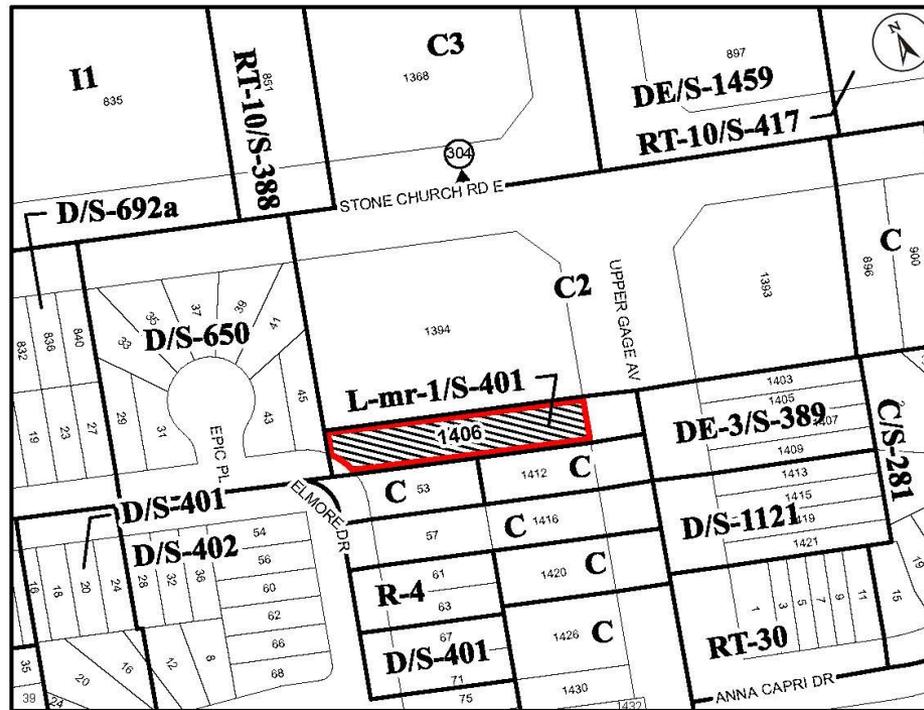
WELCOME TO THE CITY OF HAMILTON  
**PLANNING COMMITTEE**

August 18, 2020

# PED20131 – (ZAR-20-005)

Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue, Hamilton

Presented by: Michael Fiorino



Key Map - Ward 6

### Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-20-005		Date: July 13, 2020
Appendix "A"	Scale: N.T.S.	Planner/Technician: MF/NB

**Subject Property**  
 1406 Upper Gage Avenue, Hamilton

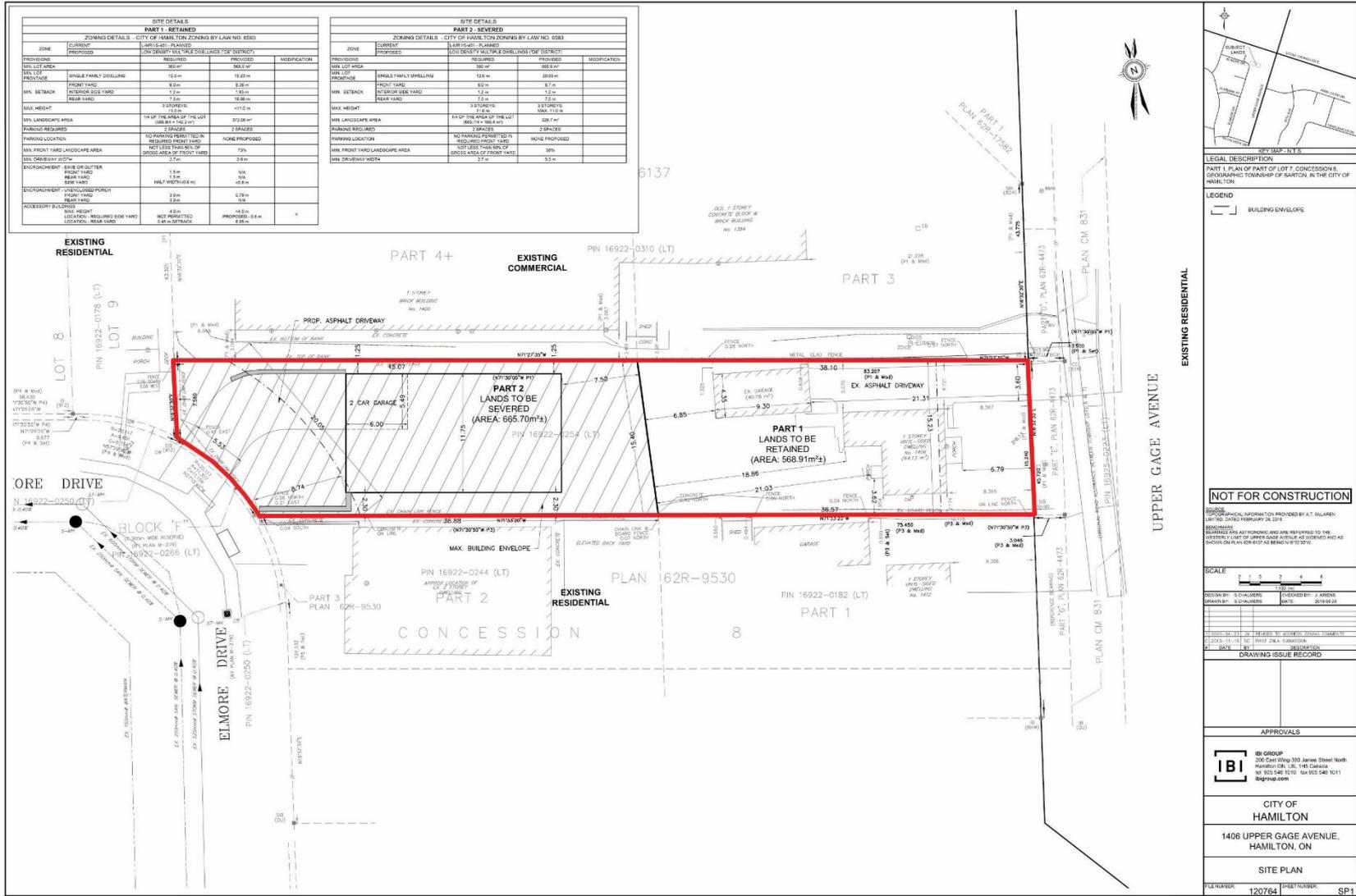
Change in zoning from "L-mr-1/S-401" (Planned Development) District, Modified to the "C/S-1802-H" (Urban Protected Residential etc.) District, Modified Holding



**SUBJECT PROPERTY**



**1406 Upper Gage Avenue, Hamilton**





1406 Upper Gage - Facing West



1406 Upper Gage - Facing West



1406 Upper Gage - Facing North



1406 Upper Gage - Facing South



1406 Upper Gage - Facing South



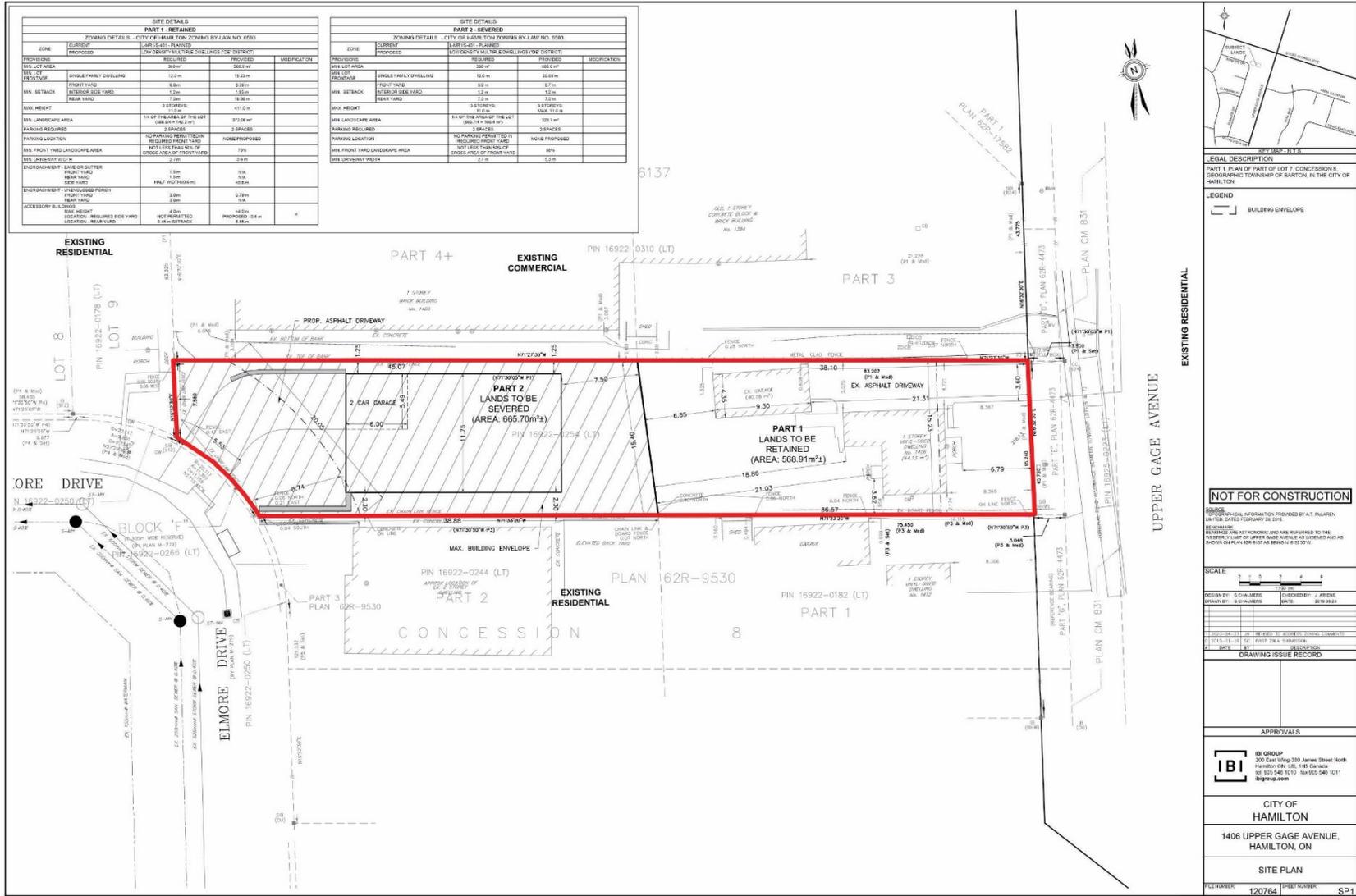
1406 Upper Gage - Along Elmore Drive Facing East

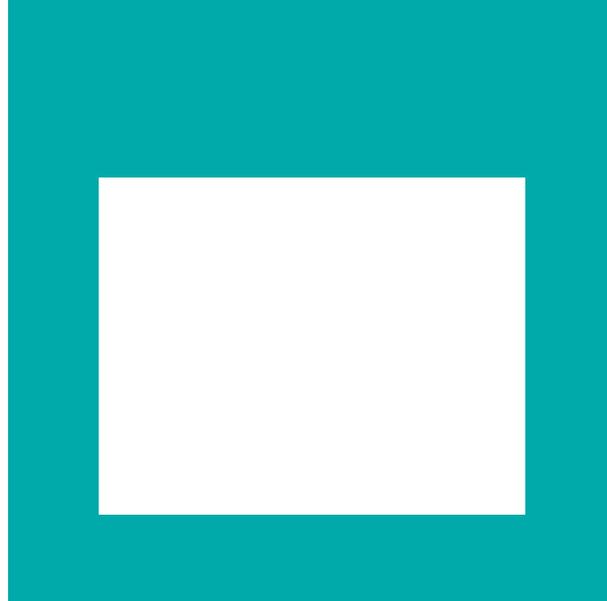


1406 Upper Gage - Along Elmore Drive Facing South



1406 Upper Gage - Along Elmore Drive Facing West





# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

# Planning Committee

## Zoning By-law Amendment

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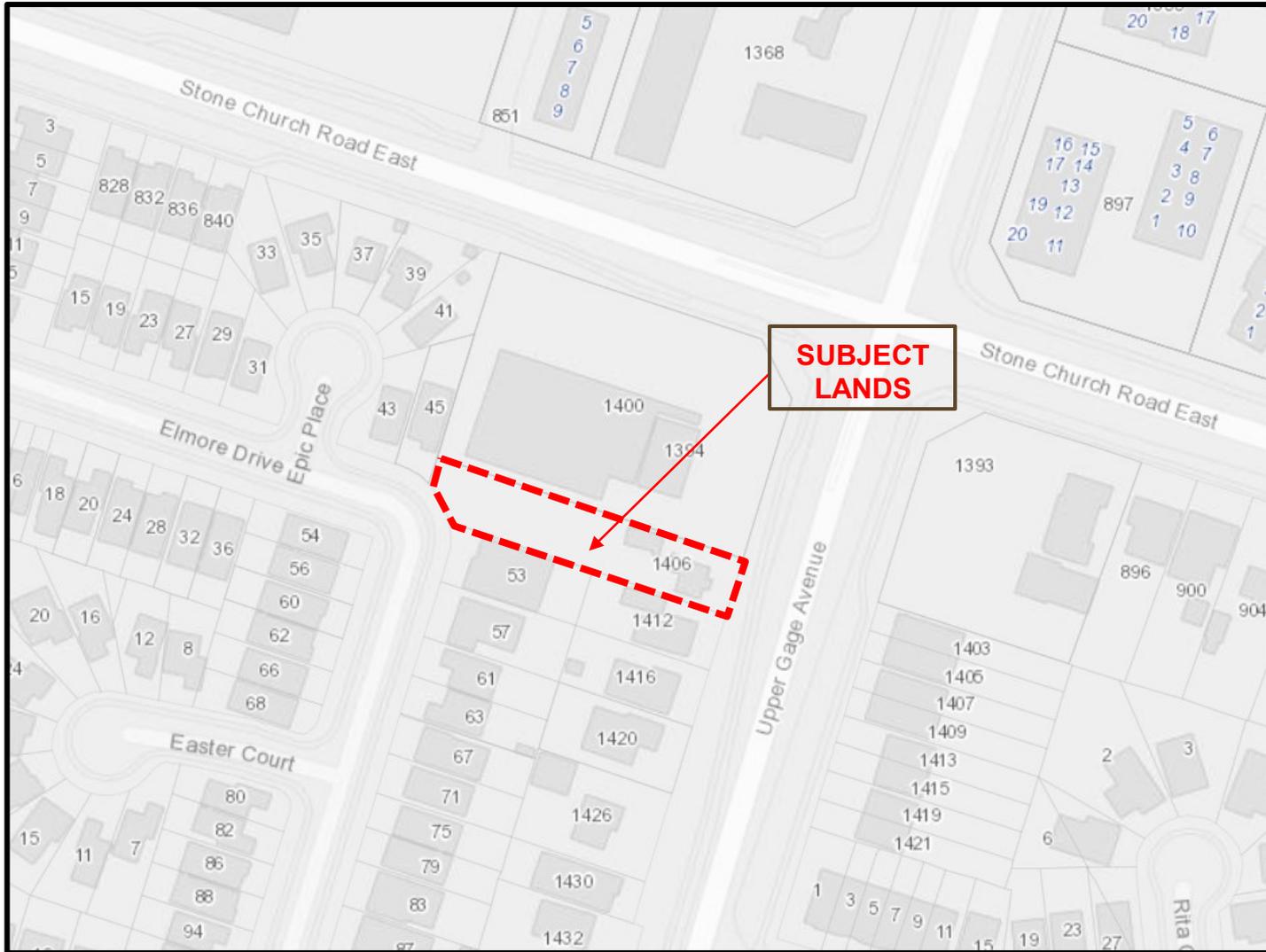


IBI Group

Jared Marcus

1406 Upper Gage Avenue, Hamilton

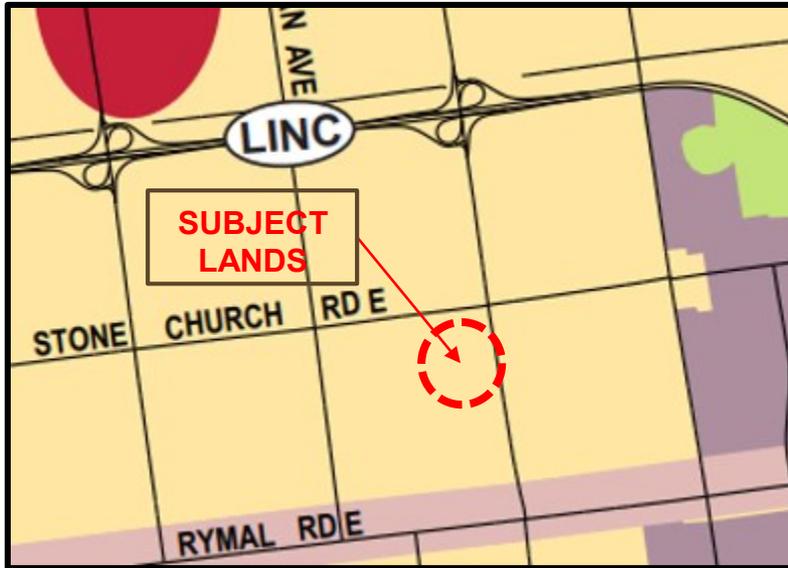
August 18, 2020



Location Map



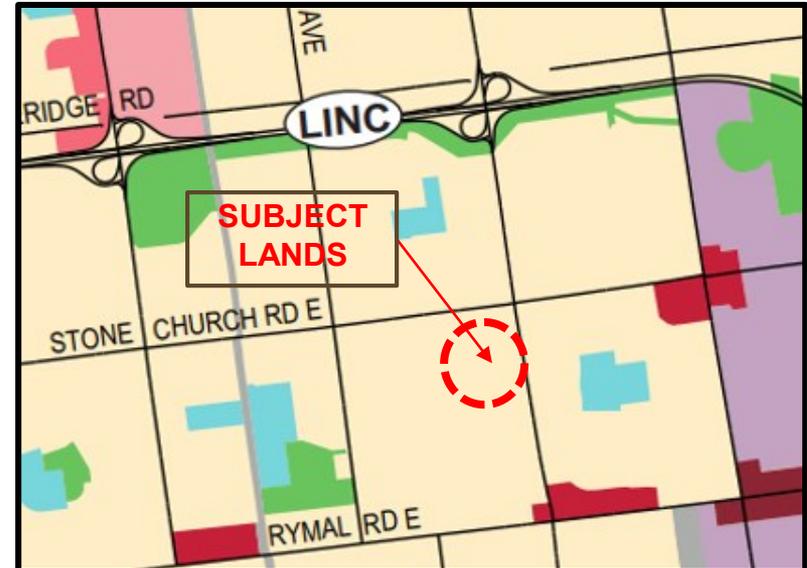
Air Photo



## Schedule E – Urban Structure

### Neighbourhoods

- Consist primarily of residential uses;
- Permits a mix of uses, including commercial;
- Permits a mix of densities

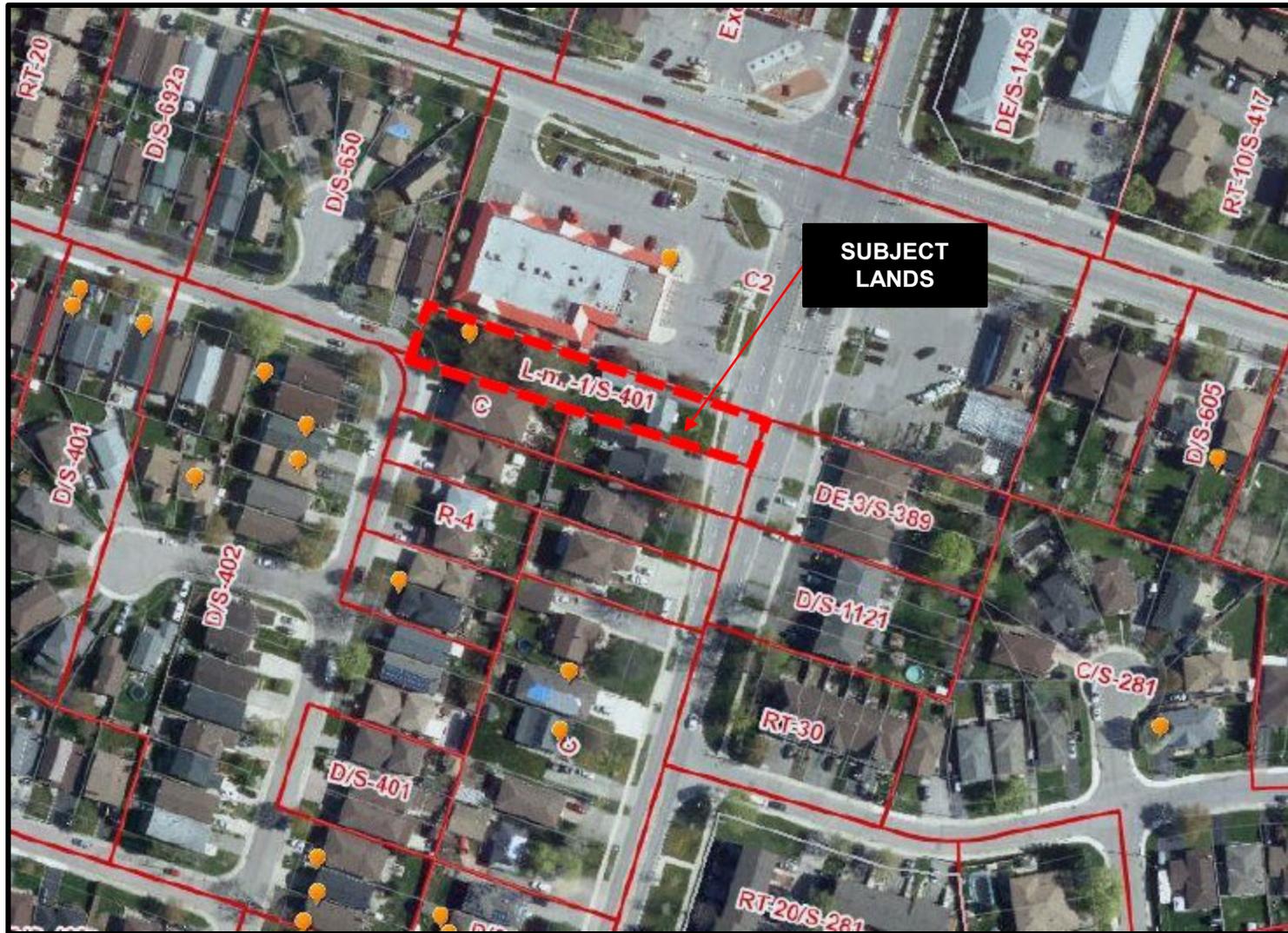


## Schedule E1 – Urban Land Use Designations

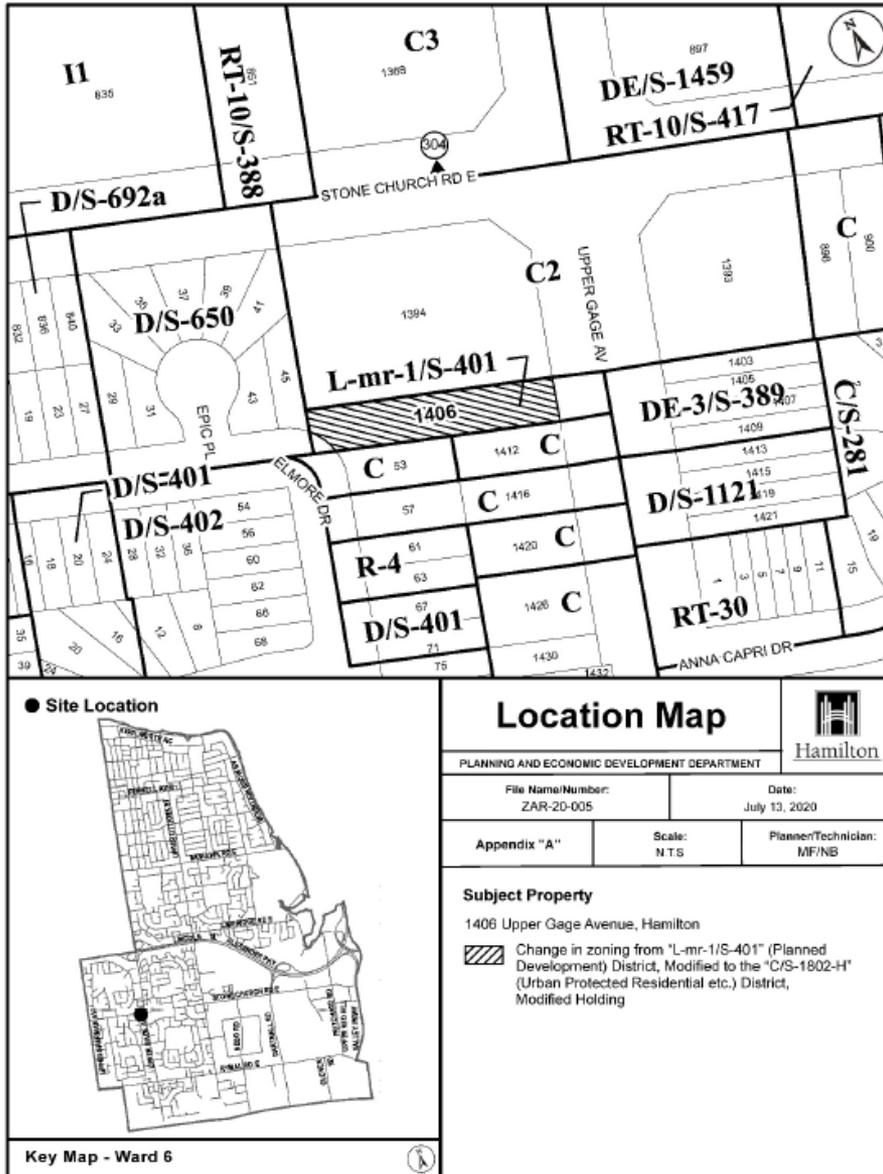
### Neighbourhoods Designation

- Permits Low Density Residential (60 units per hectare);
- Permits Multiple Dwelling Forms (single-detached, semi-detached, duplex and triplex etc.)

### Current Official Plan Status



Former Hamilton Zoning By-law No. 6593



### Current Zoning:

Planned Development "L-mr-1/S-401" District, Modified

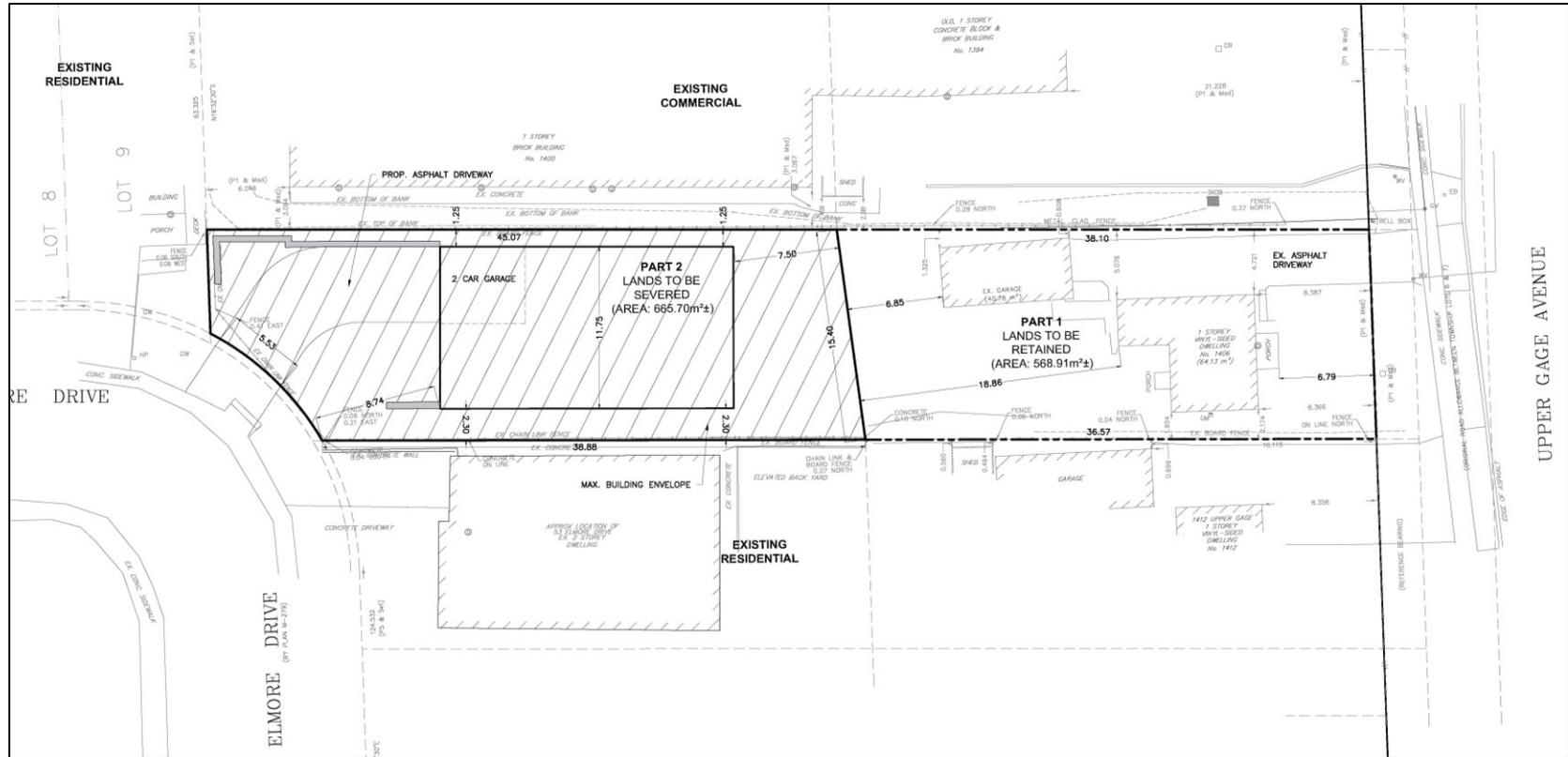
- Only permits existing uses

### Proposed Zoning:

Urban Protected Residential, etc. "C/S-1802-H" District, Modified Holding

- Permits the existing single-detached dwelling to remain
- Permits the proposed single-detached dwelling
- No site specific modifications
- Holding requires Stage 3 Archaeological Assessment

### Proposed Zoning By-law Amendment



## Development Details:

- Subject to Consent application HM/B-19:55
- Existing single detached dwelling to remain on retained lands
- Proposed single detached dwelling on severed lands

## Conceptual Site Plan

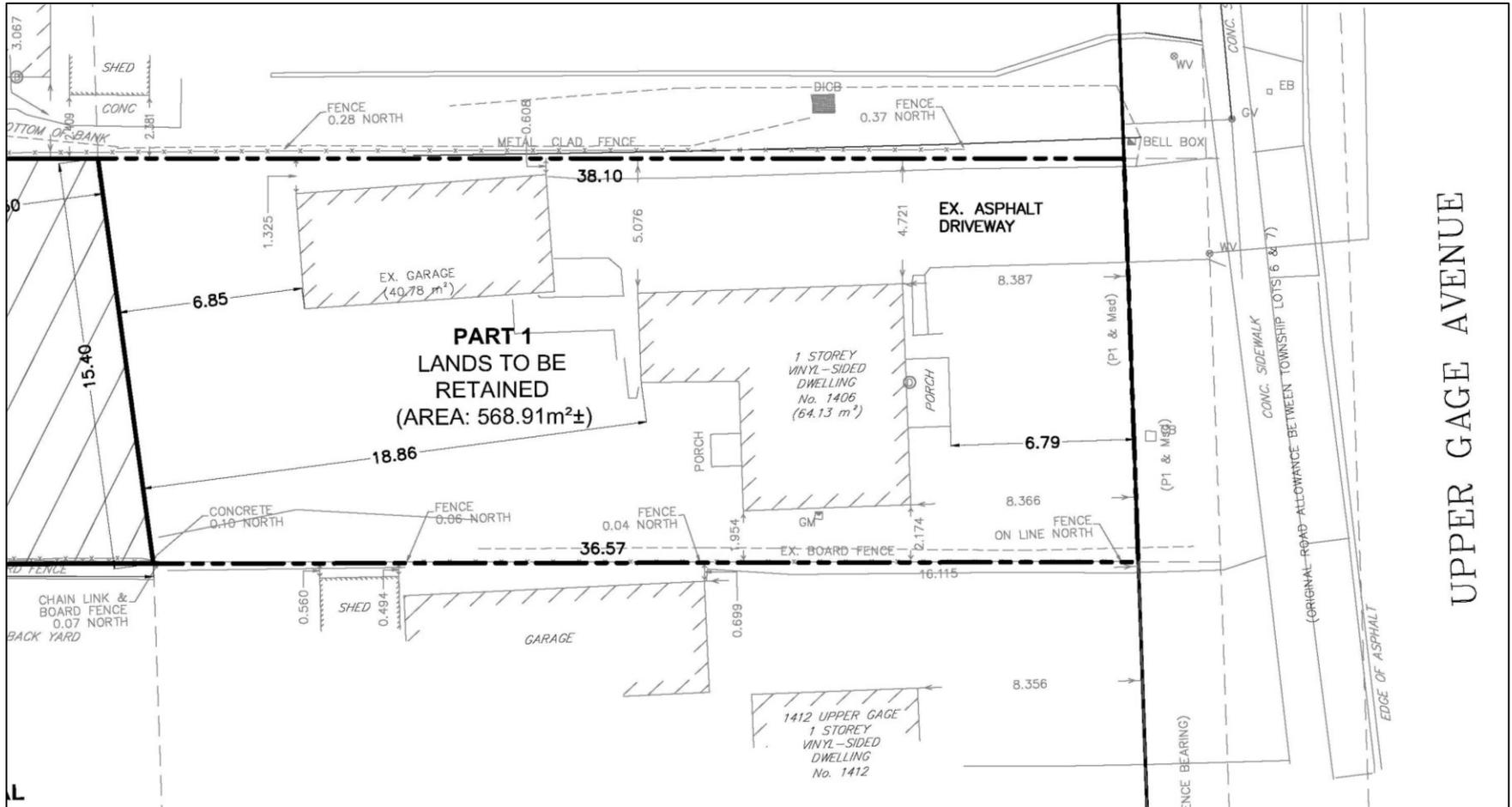
## Development Details:

### Existing Lot

- Lot Area: 568.9m<sup>2</sup>
- Lot Frontage: 15.23m
- Front Yard: 8.36m
- Side Yard: 1.95m
- Rear Yard: 18.86m
- Lot Coverage: 18.4%
- Dwelling Height: 1 storey

### Proposed Lot

- Lot Area: 665.6m<sup>2</sup>
- Lot Frontage: 20.05m
- Front Yard: 8.7m
- Side Yard: 1.25m
- Rear Yard: 7.5m
- Lot Coverage: 36.7%
- Dwelling Height: 2 storeys



- Existing lot and dwelling comply with all “C” District regulations

Part 1 - Retained Lands

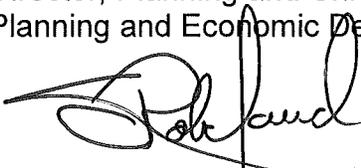


THANK YOU!



Hamilton

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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 18, 2020
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Emily Bent (905) 546-2424 Ext. 2266
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATIONS**

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-19-14, by Urban Solutions on behalf of Montelena Development Corporation (Owner)**, for an amendment to the Shaver Neighbourhood Secondary Plan for a Change in designation from "Medium Density Residential 2a" to "Medium Density Residential 2c", with a site-specific policy to permit a block townhouse development with a density of 63 units per hectare for lands located at 527 Shaver Road and 629 Garner Road West, as shown on Appendix "A" to Report PED20132, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED20132, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019).
- (b) That **Zoning By-law Amendment Application ZAC-19-010 by Urban Solutions on behalf of Montelena Development Corporation (Owner)**, for a change in

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

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 2 of 30**

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zoning from the Agricultural "A-216" Zone, Modified, to a Holding Residential Multiple (H-RM4-710) Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, to permit a maximum of 24 block townhouse units for lands located at 527 Shaver Road and 629 Garner Road (Ancaster), as shown on Appendix "A" to Report PED20132 be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED20132, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding 'H' to the proposed Residential Multiple (RM4-710) Zone, as shown on Schedule 'A' to Appendix "C" to Report PED20132;

The Holding Residential Multiple "H-RM4-710" Zone, Modified, applicable to the lands shown on Schedule 'A' to Appendix 'C' to Report PED20132 be removed conditional upon the following:

- "a) Payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site is received, to the satisfaction of the Senior Director of Growth Management.
- b) That the applicant complete a Stage 1-2 Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries and the Director of Planning and Chief Planner."
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019); and,
- (iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

## **EXECUTIVE SUMMARY**

The subject lands are comprised of two properties municipally known as 527 Shaver Road and 629 Garner Road West (Ancaster). The Owner has applied for an Urban Hamilton Official Plan Amendment and a Zoning by-law Amendment to permit the development of 24 block townhouse units with 6 visitor parking spaces.

The Official Plan Amendment proposes to implement a "Medium Density Residential 2c" designation to permit the housing form of block townhouses, whereas the current

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designation only permits low-rise apartment buildings. A site-specific policy is required to the Official Plan Amendment to increase the density from 62 to 63 units per hectare.

The Zoning By-law Amendment proposes a change in zoning from the Agricultural "A-216" Zone, Modified to a Holding Residential Multiple "H-RM4-710" Zone, Modified. Site-specific variances to the "RM4" Zone are proposed to accommodate the proposed development, which are discussed in detail in Appendix "D" to Report PED20132. Further, a Holding provision is being added to ensure payment is made of the outstanding servicing cost for the existing sanitary sewer on Garner Road, adjacent to the site, and to ensure that an archaeological assessment is completed for the site.

This application has merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and complies with the general intent of the policies of the Urban Hamilton Official Plan (UHOP). Given the existing scale and housing forms represented in the surrounding area, the proposal is compatible with and adds to a broader range and mix of housing types in the Shaver Neighbourhood Secondary Plan.

**Alternatives for Consideration – See Page 29**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	Montelena Development Corporation
Agent:	Urban Solutions LTD.
File Number:	UHOPA-19-14 ZAC-19-010

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 4 of 30**

Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment
Proposal:	Block Townhouse development with a maximum of 24 three storey townhouse units with 6 visitor parking spaces.
<b>Property Details</b>	
Municipal Address:	527 Shaver Road and 629 Garner Road West, Ancaster
Lot Area Combined:	0.4016 ha
Lot Area – 527 Shaver Road:	0.2578 ha (2,578.982 m <sup>2</sup> )
Lot Area – 629 Garner Road West:	0.1437 ha (1437.111 m <sup>2</sup> )
Lot Area Combined less Daylighting Triangle/ Road Widening Dedication:	0.3802 ha (3820.156 m <sup>2</sup> )
Servicing:	Existing full municipal services.
Existing Use	Single detached dwellings and accessory garages.
<b>Documents</b>	
Provincial Policy Statement (PPS)	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms with A Place to Grow (2019).
Official Plan Existing:	<p>“Neighbourhoods” on Schedule “E”– Urban Structure and Schedule “E-1”- Urban Land Use Designations</p> <ul style="list-style-type: none"> <li>Shaver Neighbourhood Secondary Plan - “Medium Density Residential 2a”</li> </ul>
Official Plan Proposed:	A change in designation to “Medium Density Residential 2c”, with a site-specific to permit block townhouses with a density of up to 63 units per hectare.
Zoning Existing:	Agricultural “A-216” Zone, Modified Ancaster Zoning By-law No. 87-57

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Zoning Proposed:	Holding Residential Multiple "H-RM4-710" Zone, Modified																
Modifications Proposed:	<ul style="list-style-type: none"> <li>• Minimum Lot Area: 0.382 ha;</li> <li>• Maximum Density: 63 dwellings per hectare (uph);</li> <li>• Maximum Lot Coverage: 32.76%;</li> <li>• Minimum Front Yard: 2.2 metres to Garner Road W;</li> <li>• Minimum Side Yard: 1.25 metres – Easterly 1.80 metres – Westerly;</li> <li>• Minimum Rear Yard: 6.0 metres;</li> <li>• Maximum Building Height: 11.5 metres;</li> <li>• Minimum Landscaping: 29%;</li> <li>• Planting Strip: 1.8 metres;</li> <li>• Minimum Privacy Area: 20 square metres;</li> <li>• Children's Play Area: None shall be required;</li> <li>• Building Separation: Any townhouse dwelling shall be no closer to another townhouse dwelling on the same lot in accordance with the following distance requirements: <table data-bbox="640 1219 1341 1442" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Façade</th> <th style="text-align: center;">Rear Wall</th> <th style="text-align: center;">End Wall</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Façade</td> <td style="text-align: center;">19.70 m</td> <td style="text-align: center;">19.5m</td> <td style="text-align: center;">16.0 m</td> </tr> <tr> <td style="text-align: center;">Rear Wall</td> <td style="text-align: center;">19.5 m</td> <td style="text-align: center;">15.0m</td> <td style="text-align: center;">10.5m</td> </tr> <tr> <td style="text-align: center;">End Wall</td> <td style="text-align: center;">16.0m</td> <td style="text-align: center;">7.0 m</td> <td style="text-align: center;">2.4 m</td> </tr> </tbody> </table> </li> <li>• Yard Encroachments: That a balcony shall be permitted to encroach 1.55 m into any yard but shall not be closer than 4.45 m from any lot line;</li> <li>• Parking: No parking space shall be located closer to the street line than 3.5 m;</li> <li>• That visitor parking spaces shall be provided at a rate of 0.25 spaces per unit; and,</li> </ul>		Façade	Rear Wall	End Wall	Façade	19.70 m	19.5m	16.0 m	Rear Wall	19.5 m	15.0m	10.5m	End Wall	16.0m	7.0 m	2.4 m
	Façade	Rear Wall	End Wall														
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End Wall	16.0m	7.0 m	2.4 m														

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	<ul style="list-style-type: none"> <li>Introduce a minimum setback to the hypotenuse of a daylighting triangle: 5.5 m.</li> </ul>
<b>Processing Details</b>	
Received:	ZBA: December 21, 2018 UHOPA: August 19, 2019
Deemed Complete:	ZBA: January 10, 2019 UHOPA: September 13, 2019
Notice of Complete Application:	ZBA: January 25, 2019 – notice sent to 12 property owners within 120 m of the subject property UHOPA: October 9, 2019– notice sent to 12 property owners within 120 m of the subject property.
Public Notice Sign:	ZBA Posted: January 17, 2019 UHOPA Posted: September 16, 2019.  Updated with Public Meeting date: July 22, 2020.
Notice of Public Meeting:	Sent to property owners within 120m of the subject property on July 31, 2020.
Public Consultation:	The applicant has posted relevant information related to the purpose and intent of the requested changes to the Urban Hamilton Official Plan and Zoning By-law on the subject lands and prepared a presentation for the statutory public meeting.
Public Comments:	One letter from neighbouring commercial use (see Appendix 'F' to Report PED20132).
Processing Time:	596 days from receipt of Zoning By-law Amendment.

**Existing Land Use and Zoning:**

<b><u>Subject Lands:</u></b>	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
	Single Detached Residential Dwellings	"A-216" Agricultural Zone

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**Surrounding Land Uses:**

<b>North:</b>	City of Hamilton Operations Centre	Public "P" Zone
<b>East:</b>	Townhouse Dwellings and Multiple Dwelling	Residential Multiple "RM6-659" Zone, Modified
<b>South:</b>	Agricultural uses	Rural "A2" Zone
<b>West:</b>	Commercial Shopping Centre	District Commercial "C6" Zone, 320

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020)**

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

The application is also consistent with Policies "1.1.3.1" and "1.1.3.2 a) 1)" of the PPS, which focus on growth and development in settlement areas. The proposed development is located within a settlement area and proposes residential intensification on two residual parcels of land containing single detached dwellings.

Additionally, the following policies, amongst others, apply to the proposal:

- "1.2.6.1 *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.
- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

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

Staff have reviewed an environmental noise impact study entitled “Townhouse Blocks Residential Subdivision” prepared by dBA Acoustical Consultants Inc., dated January 2020 submitted in support of the development. The study demonstrates that while noise levels in the outdoor amenity area exceed recommended levels, it is feasible to mitigate noise impacts on this proposed development through inclusion of a 2.5m noise barrier and acoustical gates for the units where the outdoor living area abuts Shaver Road and Garner Road West. Staff are generally satisfied with the findings of the study, subject to the submission of a detailed noise study to identify specific building materials and confirm grading information which will be required at the Site Plan Control Stage. Noise mitigation measures indicated in this study will be implemented at the future Site Plan Control stage and condominium application.

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In the vicinity of distinctive or unusual landforms; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, staff require that an Archaeological Assessment (Stage 1-2) be completed. A Holding provision has been added to require the completion of the Archaeological Assessment.

Based on the foregoing and subject to future site plan requirements, the proposal is consistent with Section 3 of the *Planning Act* and the PPS 2020.

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

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

The proposal conforms to the Guiding Principles, Section 1.2.1 of A Place to Grow (2019), as it supports the *achievement of complete communities*, prioritizes residential intensification and higher densities in strategic growth areas to make efficient use of

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land and infrastructure, supports transit viability and supports a range and mix of housing options, to serve all sizes, incomes, and ages of households. The following policies, amongst others, apply to this proposal:

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) the vast majority of growth will be directed to *settlement areas* that:
    - i. have a *delineated built* boundary;
    - ii. have existing or planned *municipal water and wastewater* systems; and
    - iii. can support the achievement of *complete communities*;
  - c) within *settlement areas*, growth will be focused in:
    - i. *delineated built-up* areas;
    - ii. *strategic growth* areas;
    - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and iv. areas with existing or planned public service facilities;
    - iv. areas with existing or planned *public service facilities*;
- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
  - c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are located within the Urban area where full municipal services are available. The proposal meets the intent for a complete community by providing 24 three storey townhouse dwellings, which are compact in design and add a mix of

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housing options within close proximity to local commercial uses in the area. Residents in this development will have convenient access to pedestrian infrastructure along Shaver Road, providing strong connections to shopping at SmartCentres Ancaster and Trinity Wilson Common. Additionally, the site offers access to existing public transit at the northwest, northeast and southwest corners of the Garner Road West and Shaver Road intersection. Based on the foregoing, the proposal conforms to the Growth Plan (2019).

**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations. The subject lands are further designated “Medium Density Residential 2a”, on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan Land Use Plan.

The following policies, amongst others, are applicable to the proposal.

Neighbourhoods Designation

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

The proposal conforms to the above noted policies by providing an expanded housing form that is consistent with the surrounding housing stock. The proposed amendment is compatible with surrounding land uses and the concept design provides for a similar housing form and layout as an abutting development to the east. In addition, the subject property offers immediate pedestrian access to Shaver Road, which connects future residents to a variety of commercial shopping centres, contributing to a connected and complete community. Staff are of the opinion that the requested change is appropriate and consistent with the existing scale and character of the neighbourhood.

Medium Density Residential

- “E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities,

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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.

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.
- 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.
- e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

The site is located opposite lands with a District Commercial designation, comprised of the SmartCentres Ancaster commercial development. Shaver Road offers safe and convenient pedestrian connections from the site to the aforementioned shopping centres.

Additionally, the proposal acts as a continuation of a use transitioned between the Site-Specific High Density Residential 1 designation to the east, containing block townhouses abutting Garner Road West and a multiple dwelling on the north side of the

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site. The proposed block townhouses carry forward the abutting block townhouses on the neighbouring site, to complete the block and facilitate a stronger transition between the high density building at the northeast corner of the neighbouring site, as the built form decreases in height across both sites towards Shaver Road.

The proposal complements the neighbouring block townhouses in scale and mimics the height and design of similar sites in the area. The design incorporates connection of pedestrian routes through a combination of coordinated landscaping and walkways, allowing for safe access to commercial facilities in the area.

The subject lands have a proposed access from a Collector Road identified on Schedule 'C' of the Urban Hamilton Official Plan (Shaver Road). This access is proposed in order to minimize traffic conflicts which could occur if using a Major Arterial Road, such as Garner Road West. The proposed concept design integrates the subject site with the site layout of the neighbouring property, and offers a similar scale and design, which is consistent with policy E.3.5.9 b).

#### Natural Heritage

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

Trees have been identified on the subject property. Staff have reviewed the submitted Tree Protection Plan prepared by Adesso Design Inc. dated November 29, 2018 and note that the 33 trees on site are proposed to be removed. The decision to retain trees is based on vigour, condition and aesthetics. While at this time all of the trees are proposed to be removed, staff will be working with the applicant at the Site Plan Control Stage to explore whether any of the trees along the perimeter can be retained. Staff note that the City requires 1 for 1 compensation for any tree that is proposed to be removed from private property. Staff has also reviewed the Landscape Plan, prepared by Adesso Design Inc., dated November 29, 2018. Both the TPP and Landscape Plan will be reviewed in further detail at the Site Plan Control stage, including tree compensation.

#### Residential Intensification

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

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

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

**B.2.4.2.2**

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

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

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- g) The ability to respect and maintain or enhance the streetscape patterns of private and public amenity space;
- h) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- i) The ability to complement the existing functions of the neighbourhood;
- j) The conservation of cultural heritage resources; and,
- k) Infrastructure and transportation capacity and impacts”

In response to the above-mentioned policies, the proposed townhouses have been designed with consideration and compatibility with the surrounding residential uses. The buildings proposed are three storeys in height, being a low-profile built-form which mimics the three storey townhomes currently under construction to the east of the subject lands. As part of the Site Plan Approval process, a lighting plan will be required. Lighting plans ensure that spillover light is confined within the site while still maintaining a well-lit property for pedestrian and vehicular safety.

Although the proposal indicates an increased density on the site from the current 62 units per hectare to 63 units per hectare, Staff are of the opinion that the proposed increase is minor and appropriate, given that it falls between the current permitted density and the adjacent permitted density of 110 dwelling units per hectare of the “High Density Residential 1” designation. Since the proposal comprises a housing form that is contemplated in the Shaver Neighbourhood Secondary Plan, and a density that does not exceed existing standards, Staff are supportive of the proposed intensification. A detailed site plan at Site Plan Control Stage will review opportunities for enhanced landscaping and noise mitigation. Based on the above, staff are of the opinion that the proposed intensification, in conjunction with the proposed additional housing forms is compatible to the existing area.

### Urban Design Policies

#### Principles:

“3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;

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- b) promoting quality design consistent with the locale and surrounding environment;
- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;

3.3.2.4

Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;
- d) creating streets as public spaces that are accessible to all;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;

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- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- h) creating, reinforcing, and emphasizing important public vistas and view corridors;
- i) minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping; and,
- j) creating places and spaces which are publicly visible and safe.

3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

In response to addressing above noted design policies, the applicant submitted the Supplemental Planning Rationale, dated January 15, 2020. The report identifies Official Plan policies relating to noise mitigation and evaluates the solutions applicable to this site context. Where all options have been exhausted, policies indicate that noise walls in combination with landscaped berms are preferred over walls alone. The report also refers to potential landscaping and other enhancements which would be addressed in detail at the Site Plan Control Stage. While back lotting and noise walls are never the preferred option, this property is a residual site that is mirroring the development to the east, currently under construction. However, with one frontage on to a major arterial road and a second frontage / flankage across from a major commercial facility, this site has limited options to avoid a noise attenuation barrier, regardless of the housing form. Given the constraints of the site, staff are willing to support a noise attenuation barrier, but will be seeking landscape strips having a minimum width of 1.5m to provide a sustainable pedestrian-oriented streetscape.

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**Shaver Neighbourhood Secondary Plan**

The subject property is designated "Medium Density Residential 2a" on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan. The following General Policies, amongst others, apply:

"B.2.2.1.2 General Residential Policies

- a) Residential buildings shall have no more than three occupied storeys entirely above grade.
- b) Notwithstanding Section E.3.4 – Low Density Residential of Volume 1, a long term care facility shall be permitted in Low Density Residential 2c, 3a and 3f designated areas on sites that are adjacent to boundary roads for the Shaver Neighbourhood Secondary Plan area.

B.2.2.1.4 Notwithstanding Policies E.3.5.2 and E.3.5.7 of Volume 1, the following policies shall apply to the Medium Density Residential designations identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:

- a) In the Medium Density Residential 2a designation:
  - i) the permitted use shall be low rise apartment buildings."

As indicated earlier in this report, to facilitate this proposal, a change is required to the Official Plan designation to "Medium Density Residential 2c." The following policies would apply:

B.2.2.1.4 Notwithstanding Policies E.3.5.2 and E.3.5.7 of Volume 1, the following policies shall apply to the Medium Density Residential designations identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:

- c) In the Medium Density Residential 2c designation:
  - i) the permitted uses shall be low rise apartment buildings, street and block townhouses, stacked townhouses."

The amendment would permit the built form of block townhouses, which are not a permitted typology in the current designation. To offer more flexibility, the proposed amendment introduces several housing forms that are permitted elsewhere within the Shaver Neighbourhood Secondary Plan. Staff are of the opinion that the proposal is compatible with the surrounding housing typologies and allows for adjustments to the

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 18 of 30**

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concept plan at the Site Plan Control Stage given the constraints in size and configuration of this remnant site.

A site-specific policy will be added to permit a maximum density of 63 units per hectare to permit up to 24 townhouse units.

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

The subject property is currently zoned Agricultural (A-216) Ancaster Zoning By-law 87-57, as shown on Appendix "A" to Report PED20132. The A-216 Zone permits single detached dwellings and agricultural uses.

The proposed Zoning By-law Amendment is for a change in zoning from the Agricultural "(A-216)" Zone, Modified in Ancaster Zoning By-law 87-57 to a Holding Residential Multiple "(H-RM4-710)" Zone, Modified for lands located at 527 Shaver Road and 629 Garner Road West, to permit 24 three storey block townhouses and 6 parking spaces. Site-specific modifications to the RM4 Zone have been requested to implement the subject proposal and are discussed in greater detail in Appendix "D" to Report PED20132.

The Holding provision will address concerns from Development Engineering and Cultural Heritage through the following conditions:

- a) Payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site is received, to the satisfaction of the Manager of Development Engineering.
- b) That the applicant complete an Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries.

Once both conditions have been addressed, the applicant can apply for the removal of the Holding provision through the passing of a by-law lifting the Hold.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>	
Grand River Conservation Authority	No comment
Infrastructure Planning	No comment

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	Comment	Staff Response
Development Engineering	<ul style="list-style-type: none"> <li>• Public Works has noted that from a sewer servicing perspective they have no concerns with the applications approval; however, their water comments must be addressed prior to the application moving forward to approval.</li> <li>• The proponent is required to provide a servicing report, prepared by a licensed Professional Engineer, addressing: <ul style="list-style-type: none"> <li>- how the proponent intends to provide water servicing.</li> <li>- intended occupancy and the anticipated water demands, including peak demand calculated using the fixture-unit approach.</li> <li>- the required fire flow (RFF) calculated per "Water Supply for Public Fire Protection, 1999, Fire Underwriters Survey" (FUS), and supplemented where appropriate by NFPA 13; Details to support the RFF calculation (e.g. floor area, type of construction, fire wall location and fire resistance rating, content fire hazard, sprinkler system credit and exposure charges, etc., as applicable) shall be clearly identified and properly documented.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Staff has no issue with the proposed Zoning By-law amendment subject to inclusion of 'H' provision that cannot be removed prior to payment of the outstanding.</li> <li>• An 11.91 m by 11.91 m daylighting triangle has been provided at the Garner Road West and Shaver Road intersection and satisfies the Engineering requirement.</li> <li>• Growth Management concerns can be addressed through a Functional Servicing Report to address sanitary drainage requirements.</li> <li>• Staff note that the following will be required for Development Engineering Approval at Site Plan Control Stage: <ul style="list-style-type: none"> <li>- Erosion and Sediment Control Plan</li> <li>- Grading Plan</li> <li>- Storm Water Management Design</li> <li>- ROW or Daylighting Triangles as indicate on Site Plan</li> <li>- Servicing Plan</li> <li>- Waste Water assessment</li> <li>- Water Service Assessment</li> <li>- Storm Drainage Area Plan</li> <li>- Pay outstanding servicing costs associated with the subject lands fronting onto Shaver Road</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>- if the proponent intends to install sprinkler systems to ensure fire protection of the proposed buildings, the hydraulic parameters (flow and pressure) required by this system will need to be provided for our records when available.</li> <li>- summary of the available fire flow in the area, based on two-hydrant flow tests, and a conclusion as to the adequacy of available flow from the municipal system for the proposal.</li> <li>- for information, the following hydrant test data is available in the vicinity of the development.</li> <li>• Notwithstanding Public Works approval of the sewer layout in principle, it must be noted that Growth Management, based on an approved drainage area plan for Monterey Heights Site Plan, have concerns about the entire site being discharged to Shaver Road, as the drainage area plan shows approximately 80 % of the site being discharged to the Garner Road system. This system on Garner Road was constructed in 2018. A revised Functional Servicing Report is therefore required to reflect the above noted</li> </ul>	<ul style="list-style-type: none"> <li>- Functional Servicing Report</li> </ul>
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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 21 of 30**

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	<p>sanitary drainage requirements or alternatively justification to the satisfaction of the Manager of Development Engineering Approvals provided to allow outlet of the site entirely to the Shaver Road system.</p> <ul style="list-style-type: none"> <li>• Infrastructure Planning has provided the following comments which must be addressed at the future applicable development stages as noted.</li> </ul> <ol style="list-style-type: none"> <li>1) A detailed SWM report will be required during site plan application for the subject development. The SWM report shall demonstrate onsite SWM system and off site outlet including road culvert details on the site servicing plan.</li> <li>2) The grading plan should show Basement Floor elevations (BFE) and Underside Footing Elevations (USF) on Servicing Plan.</li> </ol> <ul style="list-style-type: none"> <li>• Maintenance responsibilities of the OGS system should be included in the Condo agreement</li> <li>• The technical memorandum clarifies that the sanitary flows from the proposed development are going to be directed toward the existing</li> </ul>	
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	<p>300mm dia. sanitary sewer on Garner Road in accordance with the approved servicing concept under previous development known as Monterey Heights.</p> <ul style="list-style-type: none"> <li>• It appears that the proposed population on the site based on 3 persons per unit does not reflect the current City Guidelines considering the number of units and the size of the property. Notwithstanding the previous comment there is sufficient capacity in the existing 300mm sanitary sewer on Garner Road to support the proposed population density on the subject lands.</li> <li>• We would like to advise that the City has an obligation to recover the cost for installation of the existing sewer on behalf of the owner of the adjacent development. Therefore, A 'H' provision shall be included in the Zoning By-law amendment for the subject lands that may be removed upon payment of their share of the cost for installation of the existing sewer.</li> </ul>	
<p>Transportation</p>	<p>Based on a review of the TIS, Transportation Planning has no concerns with respect to the re-zoning of this site to permit the proposed uses. Initial comments</p>	<ul style="list-style-type: none"> <li>• Transportation Planning staff may have further comments following a detailed review of the site plan.</li> </ul>

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Road West (Ancaster) (PED20132) (Ward 12) - Page 23 of 30**

	with respect to reconfiguring the access are reflected in the proposed site plan. The TIS has also confirmed that site lines at the proposed access are acceptable.	<ul style="list-style-type: none"> <li>Staff support the concept plan indicating the daylighting triangle of 11.91 m by 11.91 m.</li> </ul>
Public Works	Requests cash in lieu of parkland dedication	This will be indicated as a condition of Site Plan.
Public Health	Pest Control Plan required	This will be a Special Condition of the Site Plan.
Finance	Pay the amount of \$25,047.69 for the Best Effort Municipal Act Sanitary Sewer, By-law 11-049, Shaver Estates and \$7,745.00 for the Best Effort Sanitary Sewer, By-law 18-039 for 527 Shaver Rd. and \$7,745.00 for 629 Garner Rd. W. as at Feb. 28/19. Please note these charges were noted on FC-18-082.	A Holding provision has been added in order to obtain outstanding fees prior to development.
Healthy Environments	<ul style="list-style-type: none"> <li>This recommendation aligns with the Official Plan principle of a compact and healthy urban community that provides opportunities to live, work, play and learn as well as supports healthy, strong communities by providing quality built and natural environments. <ul style="list-style-type: none"> <li>Provide safe, attractive, and direct pathways for pedestrian linking townhomes to public sidewalks and nearby destinations — where able provide shortened pedestrian routes using cut-</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>This development is well situated and has access to a grocery store less than 500m away. Furthermore, this development is on a transit line, providing greater access to more food retailers. At Site Plan stage, the concept plan will be evaluated further to ensure the site is well connected to active travel opportunities for future residents.</li> </ul>

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	<p>throughs between townhomes to public sidewalks (e.g., onto Garner Road); sidewalks on both sides of the private roadway (i.e., sidewalks in front of townhomes on north side)</p> <ul style="list-style-type: none"> <li>○ Provide cycling connections from subdivision to cycling routes and multi-use trails<sup>6</sup> — Note bike paths as per Hamilton Cycling Master Plan (e.g., Garner Rd., Shaver Rd.)</li> </ul>	
<p>Forestry</p>	<ul style="list-style-type: none"> <li>• Forestry approves the Tree Protection Plan L-1, revision 2, dated 2018-11-29. As plan confirms that all the trees on site are private, no permit or fees are required. The tree management plan condition has been satisfied.</li> <li>• The landscape plan L-2, revision 2, dated 2018-12-19 is not approved requiring amendments.</li> <li>• Due to primary hydro conflicts, only small trees are permitted within the right of way on both the Shaver Road and Garner Road frontages. Smaller tree spacing requirements are 6-7m and shall be changed from the existing 10 m spacing as shown on plan.</li> <li>• Confirmation of property lines are required on plan. It appears there is a 3 m right of</li> </ul>	<p>Forestry &amp; Horticulture Staff require a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal/external City property be provided as a condition of Site Plan approval.</p>

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	<p>way widening on Garner Road, if correct, the street trees shall be adjusted 1.5 m from proposed property line.</p>	
<p>Growth Planning</p>	<ul style="list-style-type: none"> <li>• It should be determined if the proposed development has sufficient space reserved for snow storage and garbage removal;</li> <li>• It should be determined if a road widening will be required along Shaver Road;</li> <li>• The proposed Site Plan seems to be deficient of barrier free and visitors parking;</li> <li>• The proposed Site Plan appears to indicate that the daylighting triangle is being taken from the existing property lines and not from the proposed widened limits;</li> <li>• Is there sufficient rear and east yard for maintenance or will an easement be required?;</li> <li>• Has there been any indication that the subject proposal will be Condominium tenure?;</li> <li>• The owner and agent should be made aware that the subject development will retain the 527 Shaver Road address and 629 Garner Road West will be retired when a Site Plan application is submitted; and,</li> <li>• At the Site Plan Approval Stage, we will require that the municipal address be affixed</li> </ul>	<p>An official address notice will be sent upon all Site Plan conditions being fulfilled and final approval of the Site Plan being granted. Staff will require that barrier free visitor parking, road widening, daylighting triangles and maintenance easements be indicated on an updated Site Plan and may require Special Conditions for site plan approval.</p>

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	to a sign near the entranceway and we will require a list of unit numbers through the letter of undertaking on the Site Plan.	
Environmental Services	<ul style="list-style-type: none"> <li>• Due to limited movement of Collections vehicles, units at the closed ends of the "T" will be required to place their waste in front of the neighbour's unit to accommodate the lack of movement.</li> <li>• Prior to Occupancy, An <i>Agreement for On-Site Collection of Municipal Solid Waste</i> must be executed and submitted to the City in order to receive waste collection on private property. A site visit by Public Works staff is required prior to the start of waste collection service.</li> <li>• Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirements.</li> </ul>	Staff note that if municipal requirements cannot be met on-site, municipal garbage collection will not be available. Revisions to the Site Plan are therefore required prior to determining eligibility.

### 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 12 property owners within 120 m of the subject property on January 25, 2019 for the Zoning By-law Amendment and on October 9, 2019 for the Official Plan Amendment.

A Public Notice Sign was posted on the property on January 17, 2019 for the Zoning By-law Amendment and September 16, 2019 for the Official Plan Amendment. The

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Public Notice Sign was updated on July 22, 2020 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on July 23, 2020.

One public comment was received from Calloway REIT, the company operating the shopping centre west of the proposed application (across Shaver Road) at 1051 Garner Road West, also known as SmartCentres Ancaster. Calloway REIT note that the loading bays for the existing Walmart are located in the northwest corner of Shaver Road and Garner Road West and should be considered as a pre-existing condition with respect to noise. They request that the City and Applicant assess potential of any noise impacts associated with this pre-existing condition prior to the approval of the proposed residential townhouse units and obtain acknowledgment from the Applicant of this pre-existing condition; ensure that the Applicant obtains acknowledgment from purchasers of his pre-existing condition and stipulate such in their Agreements of Purchase and Sale; and, should noise mitigations be required, that the Applicant agree to provide as required on the Applicant's property.

Staff have reviewed the noise mitigation strategies on site and do not believe the loading area opposite the site will have a negative impact on outdoor living areas. However, the noise study and its implementation will be addressed in detail at the Site Plan Control Stage.

To address the concern related to the purchaser acknowledgement, a clause will be added to the Undertaking at the Site Plan Control Stage.

#### Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which focused on following the City's notification and circulation process and preparing a presentation for the statutory public meeting. Property owners and residents within 120m of the subject lands received the Zoning By-law Amendment Circulation in January 2019 and returned no feedback. The Official Plan Amendment circulation was sent in September 2019, with feedback received only from SmartCentres, wanting to ensure that noise mitigation would be provided on site as loading bays from Walmart are located opposite the proposal. Based on the applicant's noise study, staff are of the opinion that sufficient noise mitigation can be provided on site and will be addressed in further detail at the site plan control stage. Since no other concerns or comments were received, no community meeting was required.

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019);
  - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan, subject to the recommended Official Plan Amendment;
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
  - (iv) The proposed development represents good planning by, among other things, providing a compatible housing typology for the area, which creates a good transition from the street and public realm between itself and neighbouring sites.
  
2. The purpose of the proposed Official Plan Amendment is to change the designation to a Site-specific "Medium Density Residential 2c" within the Shaver Neighbourhood Secondary Plan to allow for a block townhouse development with a density of 63 units per hectare.

The proposed development is consistent in height with the Shaver Neighbourhood Secondary Plan, being a maximum three storeys and is of a massing, character, scale and density similar to other block townhouse developments in the area. It is a residual parcel of land that proposes to extend development from 591 Garner Road West to this site to provide a similar and compatible development.

The proposed built form is supportable at this location and is similar in scale and function of a low-rise multiple dwelling that is currently permitted under the current Shaver Neighbourhood Secondary Plan designation. The intensification proposed for 63 units per hectare is minor in nature and comparable to existing "Medium Density Residential" designations permitted at 62 uph. Future noise mitigation measures will be required along the side yards abutting Shaver Road and future industrial development at the southwest corner of Garner Road West and Shaver Road to allow for noise attenuation for private amenity areas associated with the residential units. Based on the foregoing, staff support the requested amendment.

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Since the proposal is abutting a major arterial road and a collector road, an 11.91m X 11.9m Daylighting Triangle is required. The Concept Plan (attached to Appendix "E" to Report PED20132) has been revised in order to demonstrate the provision of the required daylight triangle dedications. The applicant will be required to dedicate the road widening and daylighting triangle as part of the future Site Plan Control Application.

3. The subject lands are currently zoned Agricultural "A-216" Zone Modified under Ancaster Zoning By-law 87-57. The applicant has requested that the subject lands be changed from the existing zoning designation to a Holding Residential Multiple "H-RM4-710" Zone, Modified to permit the intended townhouse units.

Modifications to the development standards are required to facilitate the proposal and are discussed in detail in Appendix 'D' of report PED20132. The Applicant has requested a reduction in the width of visitor parking spaces from 2.6 m to 2.4m. It is the opinion of staff that the site can accommodate the typical parking space width and will not support the requested width reduction. Revisions to the parking space sizes can be addressed at the Site Plan Control stage.

4. A Holding 'H' Provision is required in order to ensure payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site and for the completion of an Archaeological Assessment.

#### **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could continue to be used in accordance with the Agricultural "A-216" Zone, which permits a single detached dwelling.

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

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

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

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

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

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

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

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**Clean and Green**

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

**Built Environment and Infrastructure**

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

**Culture and Diversity**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Draft Official Plan Amendment

Appendix "C" – Draft Zoning By-law Amendment

Appendix "D" – Zoning Analysis

Appendix "E" – Concept Plan and Architectural Drawings

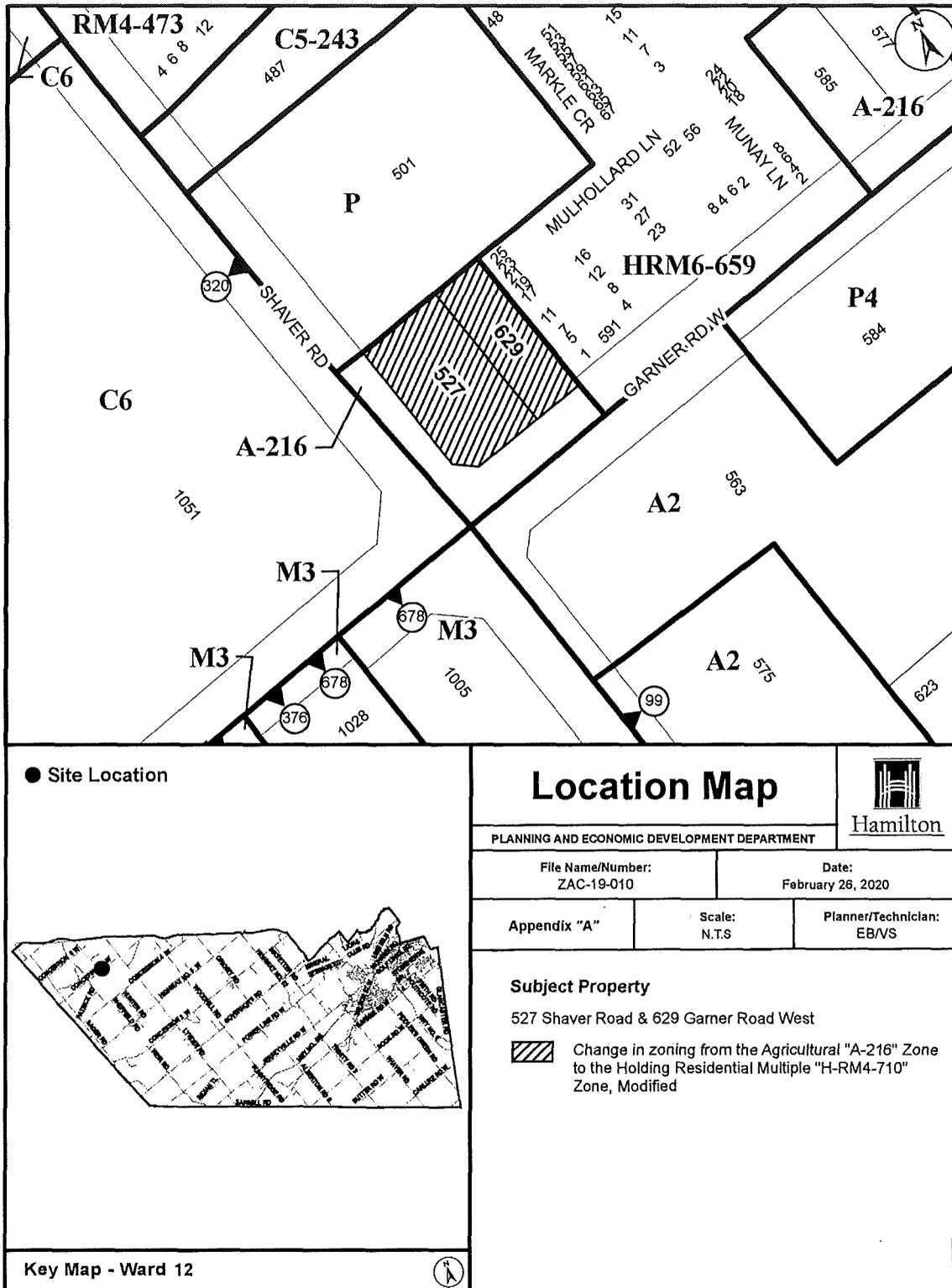
Appendix "F" – Public Submissions

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● Site Location



Key Map - Ward 12

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-19-010

Date:  
February 26, 2020

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
EB/VS

### Subject Property

527 Shaver Road & 629 Garner Road West

 Change in zoning from the Agricultural "A-216" Zone to the Holding Residential Multiple "H-RM4-710" Zone, Modified

## Schedule "1"

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

The following text, together with Appendix "A" – Volume 2, Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan, attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to amend the Shaver Neighbourhood Secondary Plan by redesignating the subject lands to permit additional forms of housing and by establishing a Site Specific Policy to increase the maximum density to 63 units per gross/net residential hectare.

**2.0 Location:**

The lands affected by this Amendment are known municipally as 527 Shaver Road and 629 Garner Road West, in the former Town of Ancaster.

**3.0 Basis:**

The basis for permitting this Amendment is:

- The proposed development is in keeping with the policies of the Urban Hamilton Official Plan and the Shaver Neighbourhood Secondary Plan, as it contributes to compact urban form, the provision of variety of housing forms, and the efficient use of land.
- The proposed development is compatible with existing and approved development in the immediate area.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.

#### 4.0 Actual Changes:

#### 4.1 Volume 2 – Secondary Plans

##### **Text**

##### 4.1.1 Chapter B.2.0 – Ancaster Secondary Plans – Section B.2.2 – Shaver Neighbourhood Secondary Plan

- a. That Volume 2, Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.2 – Shaver Neighbourhood Secondary Plan be amended by adding a new Site-Specific Policy, as follows:

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

B.2.2.5.X Notwithstanding Policy B.2.2.1.4 c) ii) of Volume 2, for the lands located at 527 Shaver Road and 629 Garner Road West, designated Medium Density Residential 2c and identified as Site Specific Policy – Area "X" on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan –, density shall be between 40 and 63 units per gross/net residential hectare."

##### **Maps**

##### 4.1.2 Map

- a. That Volume 2, Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan be amended by:

- i) redesignating lands from "Medium Density Residential 2a" to "Medium Density Residential 2c"; and,
- ii) identifying the subject lands as Site Specific Policy – Area "X"

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

#### 5.0 Implementation:

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

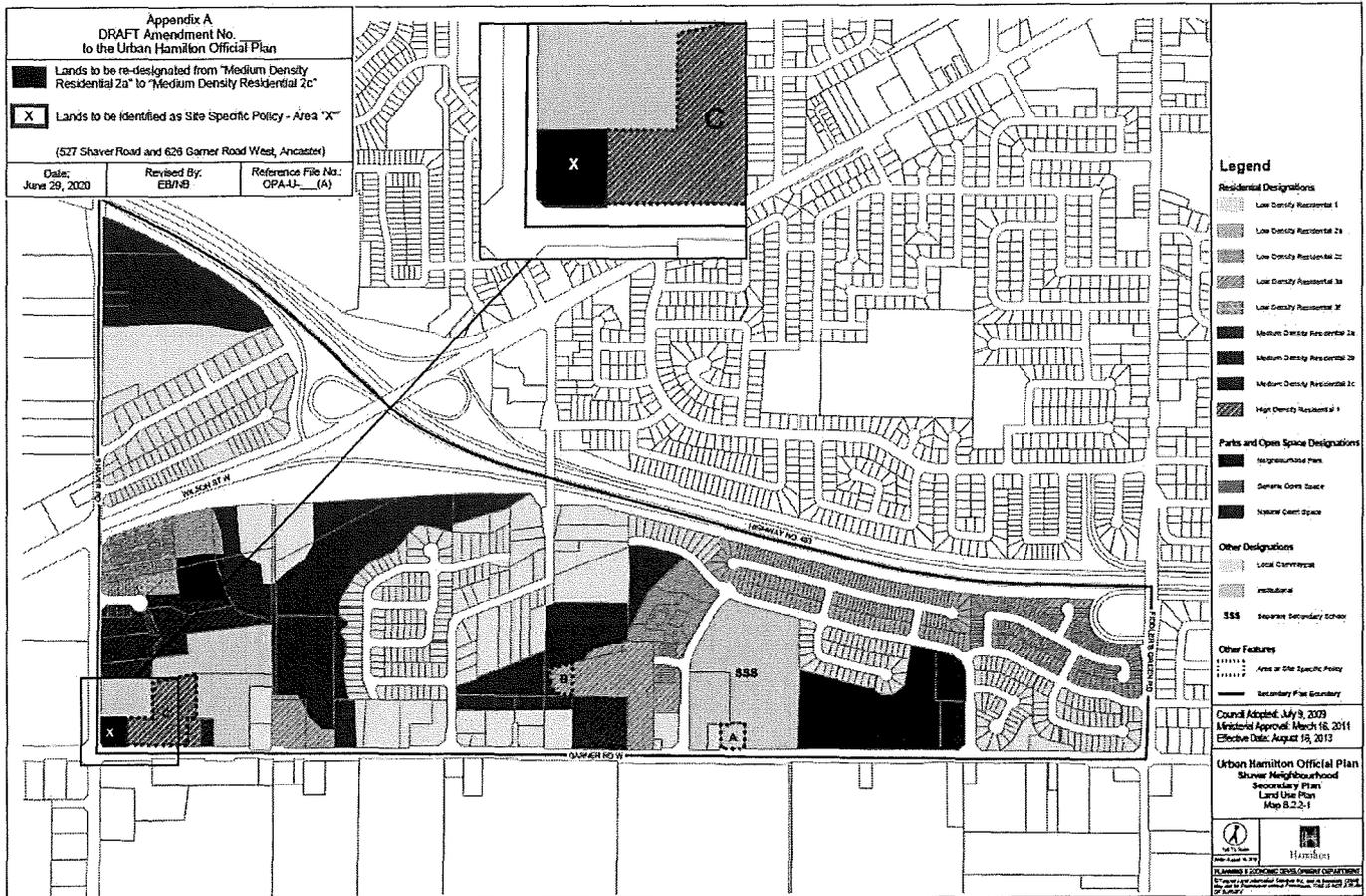
This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the  
\_\_\_\_<sup>th</sup> day of \_\_\_\_, 202X.

**The  
City of Hamilton**

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

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

Appendix "B" to Report PED20132  
Page 4 of 4



Authority: Item XX, Planning Committee  
Report PED20132  
CM: XXXX  
Ward: 12  
**Bill No. XXX**

## CITY OF HAMILTON

### BY-LAW NO. 20-XXX

#### To Amend Zoning By-law No. 87-57 Respecting Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster)

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

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

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report PED20132 of the Planning Committee at its meeting held on the 18<sup>th</sup> day of August 2020, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No. XX;

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

1. That Map No. 1-B to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster) is amended by changing the zoning from the Agricultural "A-216"

Zone Modified to a Holding Residential Multiple "RM4" (H-RM4-710) Zone Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

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

#### **RM4 – XXX**

That notwithstanding the provisions of Sections 7.11, 7.14 (a)(x), (b), 17.2 (a), (b), (e), (f), (g), (h), (i), (j), (k), (n) and (p) the following special provisions shall apply to the lands zoned "H-RM4-XXX":

#### PERMITTED USES

- (a) Block townhouse dwellings, back to back townhouse dwellings and uses, buildings and structures accessory thereto.

#### REGULATIONS

- |     |                          |  |
|-----|--------------------------|--|
| (a) | Minimum Lot Area         | 0.382 ha   |
| (b) | Maximum Density:         | 63 dwelling units per hectare  |
| (c) | Maximum Lot Coverage:    | 32.76%   |
| (d) | Minimum Front Yard:      | 2.2 metres to Garner Road West   |
| (e) | i. Minimum Side Yard:    | 1.25 metres – Easterly<br>1.80 metres – Westerly   |
|     | ii. Minimum Rear Yard:   | 6.0 metres   |
| (f) | Maximum Building Height: | 11.5 metres  |
| (g) | Minimum Landscaping:     | 29 %   |
| (h) | Planting Strip:          | 1.8 metres width along each lot line   |
| (i) | Minimum Privacy Area:    | i. 20 square metres<br>ii. That the minimum depth for at grade privacy areas shall be 6m |
| (j) | Children's Play Area:    | None shall be required   |
| (k) | Building Separation:     | Any townhouse dwelling shall be no closer to another townhouse dwelling on               |

Appendix "C" to Report PED20132  
Page 3 of 6

the same lot in accordance with the following distance requirements:

	Façade	Rear Wall	End Wall
Façade	19.70 m	19.5m	16.0 m
Rear Wall	19.5 m	15.0m	10.5m
End Wall	16.0m	7.0 m	2.4 m

- (l) Yard Encroachments: That a balcony shall be permitted to encroach 1.55m into any yard but shall not be closer than 4.45m from any lot line.
- (j) Parking: No parking space shall be located closer to the street line than 3.5m
- That visitor parking spaces shall be provided at a rate of 0.25 spaces per unit.
4. In addition to the above noted modifications, notwithstanding any other provisions in this by-law, the following setback will also be required:
- (a) Minimum Setback from a Daylighting Triangle: 5.5 m
3. 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 zoning.
- The Holding Provision Residential Multiple (Holding) "H-RM4-710" Zone, Modified, shall be removed conditional upon:
- a) Payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site is received to the satisfaction of the Manager of Development Engineering.
- b) That the applicant complete an Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture.
4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple "RM4" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.

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

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2020.

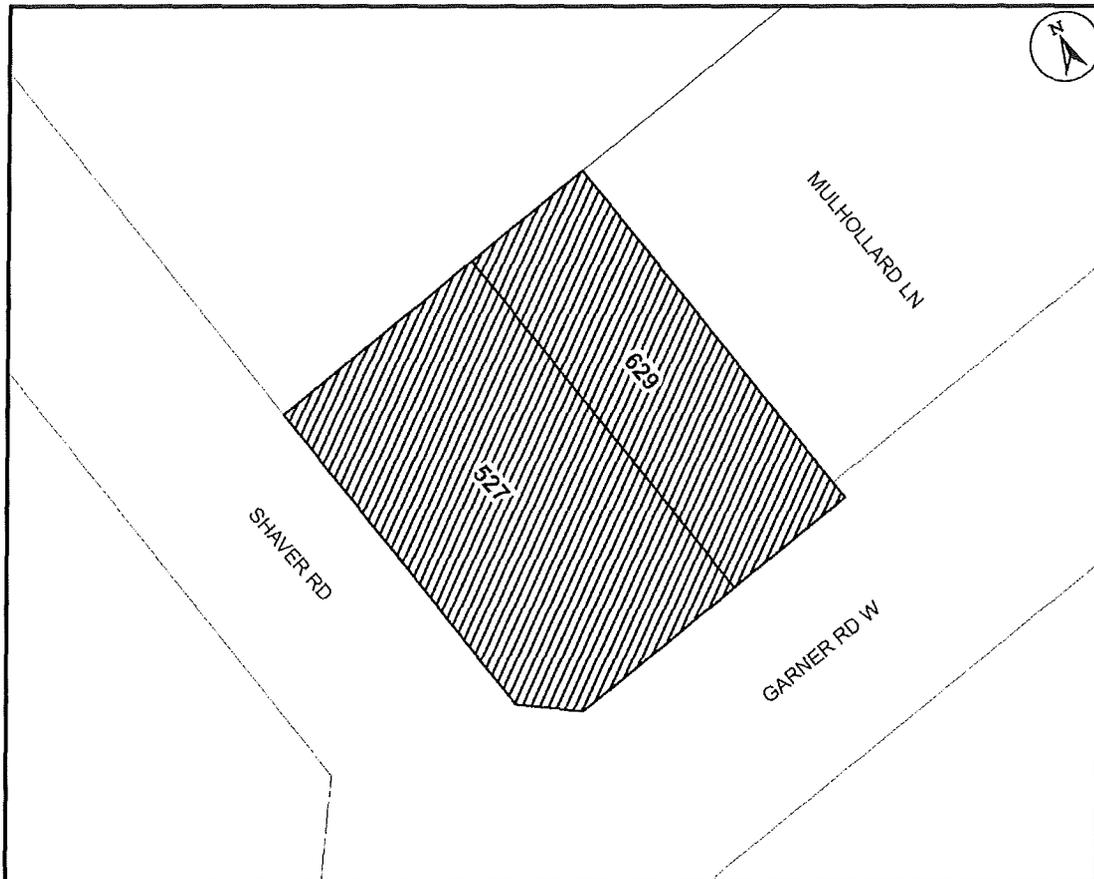
---

Fred Eisenberger  
Mayor

---

A. Holland  
City Clerk

UHOPA-19-14  
ZAC-19-010



<p>This is Schedule "A" to By-law No. 20-  Passed the ..... day of ....., 2020</p>	<p>----- Mayor ----- Clerk</p>
--	--

<p><b>Schedule "A"</b>  <b>Map forming Part of By-law No. 20-_____</b>  <b>to Amend By-law No. 87-57</b></p>	<p><b>Subject Property</b>  527 Shaver Road &amp; 629 Garner Road West   Change in zoning from the Agricultural "A-216" Zone to the Holding Residential Multiple "H-RM4-710" Zone, Modified</p>
--	--

<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-19-010</p>	 Hamilton
<p>Date: February 27, 2020</p>	<p>Planner/Technician: EB/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members

Report No.: PEDXXX

Date:

Ward(s) or City Wide: Ward: 12

(MM/DD/YYYY)

Prepared by: Emily Bent

Phone No: 905-546-2424, ext. 2266

*For Office Use Only, this doesn't appear in the by-law*

**Site Specific Modifications to the Residential Multiple (RM4) Zone Ancaster Zoning By-law 87-57**

Regulation	Required	Modification	Analysis
<p>Minimum lot area Section 17.2 (a)</p>	<p>0.4 ha</p>	<p>0.3820 ha</p>	<p>The intent of the minimum lot size is to ensure the appropriate density and housing form can be accommodated. Staff note that the joining of two existing lots, while slightly undersized, still allows for development of an urbanized housing form. This modification will allow for site developed housing in a manner that complements the existing area and promotes compact urban form. Staff support the modification.</p>
<p>Maximum Density Section 17.2 (b)</p>	<p>30 dwelling units per hectare plus an additional 5 dwelling units per hectare where all parking spaces (excluding required visitor parking) are provided under landscaped grounds or inside a building, plus 2 additional dwelling units per hectare where the lot abuts lands zoned Public Open Space "O2" which lands are not less than 2 hectares in area, to a maximum density of 37 dwelling units per hectare.</p>	<p>63 dwelling units per hectare</p>	<p>The intent of a maximum density target is to allow for site design that reflects a compact urban form that is consistent with the regulations in the Official Plan Designation and Shaver Neighbourhood Secondary Plan. Since the maximum density in the Shaver Neighbourhood Secondary Plan is 62 units per hectare, staff are of the opinion that the proposed increase is minor and the result of the size of the daylighting triangle required at the intersection of an arterial and collector road. Additionally, staff note that the built form and configuration of the proposal complements the development currently under construction at 591 Garner Road East, comprised of block townhouses of a similar scale.</p>

Regulation	Required	Modification	Analysis
<p>Maximum Lot Coverage Section 17.2 (c)</p>	<p>30%</p>	<p>32.76%</p>	<p>The intent of the maximum lot coverage regulation is to provide enough area for stormwater infiltration and landscape amenity opportunities. The requested increase is minor in nature compared to existing regulations and staff are of the opinion that the intention of the regulation can be satisfied while still maintaining adequate stormwater infiltration through the SWM design at the Site Plan Control Stage.</p>
<p>Minimum Front Yard Section 17.2 (f)</p>	<p>7.5 m where the facade with a primary entrance faces the street or 10.5 m, plus any applicable distance as specified in Schedule "C."</p>	<p>2.2 m (Garner Road W)</p>	<p>The intent of the front yard set-back is to provide an attractive streetscape by regulating the distance between the principal building and the front lot line. The proposed minimum front yard modification is less than the required parent provision, however it is consistent with the front yard setbacks of the neighbouring development at 591 Garner Road W of 2.2m. The intent of the modification will allow the proposal to be setback a similar distance, providing a consistent streetscape and landscaped area to the easterly block townhouses at 591 Garner Road W.</p>

Regulation	Required	Modification	Analysis
<p>Minimum Side Yard Section 17.2 (g)</p>	<p>7.5 m</p>	<p>1.25 m Easterly 1.80 Westerly</p>	<p>The intent of the side yard set-back is to provide an appropriate transition between the built form and the abutting land use or street. The reduced easterly side yard is for the south facing block townhouses at the north side of the subject lands, which will abut the rear yards of the block townhouses on the neighboring site at 591 Garner Road W. This reduction is consistent with the existing setbacks of the abutting land use, which the proposal intends as a continuation of that development. As the neighbouring land use is the same, staff are of the opinion that the proximity of the two sites provide for a consistent lot pattern.</p> <p>The westerly side yard reduction abuts Shaver Road. This setback allows for more flexibility for placement of noise mitigation measures for the outdoor living areas. Therefore, staff are in support of this configuration with the reduction in side yards.</p>
<p>Minimum Rear yard Section 17.2 (g)</p>	<p>7.5 m</p>	<p>6 m</p>	<p>Staff note that the intent of the minimum rear yard is to provide for appropriate private outdoor living area and setback from neighbouring land uses. The proposed reduction will allow for a functional lot configuration for 24 townhouse units with a smaller minimum rear yard setback, which is suitable to promote compact urban form. The townhouse blocks at 591 Garner Road W also provide a depth of 6m, which the proposal intends to complement. As this 6m depth is already a standard existing in the Shaver Neighbourhood Secondary Plan, and will achieve a similar lot configuration, Staff can support this modification.</p>

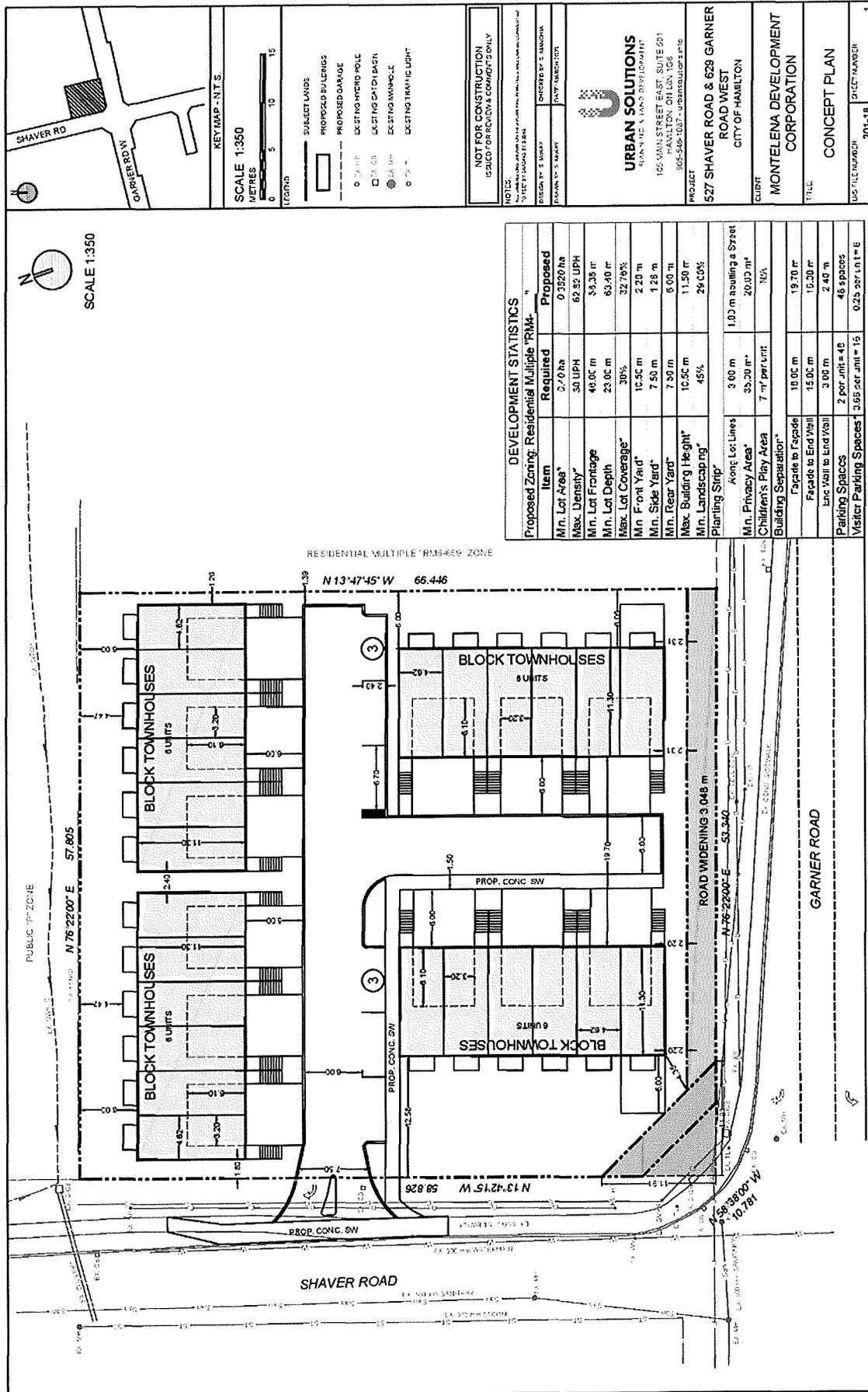
Regulation	Required	Modification	Analysis
Maximum Height - Section 17.2 (h)	10.5 m	11.5 m	The purpose of the regulation is to maintain a consistent height throughout the area. To achieve a compatible design with the abutting block townhouses at 591 Garner Road W, a similar height modification is proposed. Staff are in support of this proposal, as it will provide a cohesive design between the two developments.
Minimum Landscaping Section 17.2 (i)	45%	29%	The intent of the landscaped area is to promote the inclusion of natural features and provide privacy areas that enhance the proposed development. The request to reduce the landscaped area will permit the establishment of a compact housing form while still providing adequate private amenity areas and common landscaped strips. Given that the proposed reduction to landscaping acts as a continuum of the development to the east, staff are in support of this modification.
Planting Strip Section 17.2 (j)	3.0m in width along the lot lines	1.8 m in width along the lot lines	The intent of the planting strip along lot lines is to act as a buffer between the proposed development and the road allowance. The intent of this modification is to allow for a similar setback from the neighbouring block townhouses and road allowance, allowing for continuity between both sides, as well as increasing the buildable area; Staff are in support of the modification.
Minimum Privacy Area Section 17.2 (k)	35 sq m per unit	i. 20 sq m per unit ii. That the minimum depth for at grade privacy areas shall be 6 m	Staff are supportive of the modifications to reduce side and rear yard, which results in a reduced minimum privacy area, in keeping with a compact urban housing form contemplated for this site. However, staff have requested a minimum 6m depth for at grade privacy areas. Since the intent of the side and rear yard setbacks is to provide for a 6m yard at the rear of each unit, this regulation will ensure that this space is utilized for outdoor amenity space for each unit.

Regulation	Required	Modification	Analysis
Children's Play Area Section 17.2 (n)	7 sq m	None	The intent of this regulation is to provide a designated play area for children within a new residential development. In order to provide a safe area for children to play, an area at the centre of the site would be preferable, however, this is not possible due to the small size and configuration of the site. Given that the site is in the vicinity of Shaver Estates Park, staff are in support of the modification is supported.
Building Separation - End wall to End Wall Section 17.2 (p)	3 m	2.4 m	The intent of the modification is to provide adequate separation between buildings and to facilitate the current site configuration, which mimics the built form pattern established at 591 Garner Road W. This reduced building separation is minor and has little impact on the overall development. Therefore, Staff support the modification.
Yard Encroachments – balconies Section 7.12 (c)	Balconies or open stairways that project into any minimum front or minimum rear yard a distance of not more than 1.5 m, or into any minimum side yard a distance of not more than 45 cm.	1.55 m for balconies into any yard but shall not be closer than 4.45 m from any lot line.	The intent of the yard encroachment regulation is to minimize overlook issues to neighbouring sites. The proposed modification will allow for larger outdoor amenity areas in the form of balconies. Due to the similar orientation and height of the neighbouring townhouses to the east, and other proposed units backing on Shaver Road, there are not any perceived overlook issues. The additional 4.45 m setback will ensure that any revisions to the plan at Site Plan Control Stage will maintain an appropriate distance from lot liens to prevent any overlook issues not yet considered in the proposed configuration.  Staff are in support of this modification which will provide larger outdoor living areas for future residents and allow for flexibility at the Site Plan Control Stage.

Regulation	Required	Modification	Analysis
<p>Location of Parking Spaces Section 7.14 (a)(ix)1.  Add intent – maintain streetscape</p>	<p>No parking space in an RM4 Zone shall be located closer to the street line than 6 m.</p>	<p>No parking space shall be located closer to the street line than 3.5 m.</p>	<p>The intent of this regulation is create a buffer between the parking area and the streetscape, allowing for increased maneuvering. This modification would permit the location of a visitor parking space near the easterly lot line abutting the townhouses at 591 Garner Road W. As the request will help facilitate an appropriate amount of visitor parking on site, staff are in support of this amendment.</p>
<p>Required Parking Section 7.14 (b) (i) (A)</p>	<p>Block Townhouses – based on 2 parking spaces per unit plus 0.66 spaces visitor parking spaces per unit.  Parking 2.0 parking spaces / unit x 24 units = parking spaces.  There are 2 parking spaces per unit provided.  Visitors Parking 0.66 parking spaces / unit x 24 units = 63.8 parking spaces = 64 visitor parking spaces.</p>	<p>That visitor parking spaces shall be provided at a rate of 0.25 spaces per unit.</p>	<p>The intention of the required parking regulations is to ensure sufficient parking spaces for residents and visitors. The site is able to provide two parking spaces for each unit and is seeking a reduction in the rate to provide visitor spaces. There will still be 6 visitor parking spaces for this relatively small development, which is anticipated to be adequate, along with the two parking spaces per unit. In addition, there is on-street parking available in the near vicinity. Staff are of the opinion that the modification is reasonable to facilitate the development.</p>

Regulation	Required	Modification	Analysis
Minimum Setback from a Daylighting Triangle	N/A	5.5 m	The intent of introducing this modification is to allow for flexibility in site design at the Site Plan Control Stage to accommodate for the intended noise mitigation measures. Staff support the regulation to permit adequate protection of outdoor living areas.

Appendix "E" to Report PED20132  
Page 1 of 1



SCALE 1:350



RESIDENTIAL MULTIPLE "RM6-659" ZONE

DEVELOPMENT STATISTICS	
Item	Required
Proposed Zoning: Residential Multiple "RM6-659"	Proposed
Min. Lot Area*	0.1920 ha
Max. Density*	62.30 UPH
Min. Lot Frontage	9.139 m
Min. Lot Depth	65.40 m
Max. Lot Coverage*	32.76%
Min. Front Yard*	2.20 m
Min. Side Yard*	1.28 m
Min. Rear Yard*	6.00 m
Max. Building Height*	11.50 m
Min. Landscaping*	24.00%
Planting Strip*	1.00 m
Along Leg: Lanes	3.00 m
Min. Financy Area*	35.20 m <sup>2</sup>
Children's Play Area	7 m <sup>2</sup> per unit
Building Separation*	10.00 m
Facade to Facade	15.00 m
Facade to End Wall	3.00 m
End Wall to End Wall	2 per unit = 40
Parking Spaces	0.25 per unit = 6
Visitor Parking Spaces*	3.65 per unit = 15

SHAVER RD

GARNER RD W

KEY MAP - N.T.S.

SCALE 1:350

METRES

0 5 10 15

LEGEND

- SUBJECT LANDS
- PROPOSED BUILDINGS
- PROPOSED GARAGE
- EXISTING HYDRO POLE
- EXISTING DATA BACK
- EXISTING MANHOLE
- EXISTING TRAFFIC LIGHT

**NOT FOR CONSTRUCTION**  
ISSUED FOR REVIEW & COMMENT ONLY

NOTES:  
1. THIS PLAN IS FOR INFORMATION ONLY.  
2. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION.  
3. THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS PLAN AND IT IS APPROVED FOR REVIEW ONLY.  
4. THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS PLAN AND IT IS APPROVED FOR REVIEW ONLY.

DESIGN BY: E. BARRY  
DRAWN BY: S. BARRY  
CHECKED BY: E. BARRY  
DATE: 10/18/2018

**URBAN SOLUTIONS**  
4100 THE LARK DEVELOPMENT  
100 MAIN STREET EAST, SUITE 501  
HAMILTON, ON L8N 1G8  
905-546-1087 - urban@solutions.ca

PROJECT  
**527 SHAVER RD & 629 GARNER**  
ROAD WEST  
CITY OF HAMILTON

CLIENT  
**MONTELENA DEVELOPMENT CORPORATION**

TITLE  
**CONCEPT PLAN**

DWG. FILE NUMBER  
301-18

DWG. NUMBER  
1



**SMARTCENTRES®**

3200 HIGHWAY 7 | VAUGHAN, ON. CANADA L4K 5Z5  
T 905 326 6400 F 905 326 0783

October 22, 2019

Emily Bent, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Suburban Team  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

**Subject: Notice of Official Plan Amendment  
527 Shaver Road and 629 Garner Road West, Ancaster  
Comments on UHOPA-19-14**

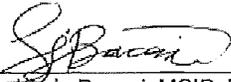
Dear Ms. Bent,

On behalf of Calloway Real Estate Investment Trust Inc. ("Calloway REIT"), SmartCentres REIT is writing to you regarding its concerns on the proposed Urban Hamilton Official Plan Amendment application (File No. UHOPA-19-14) located at 527 Shaver Road and 629 Garner Road West ("proposed application") submitted by Urban Solutions Planning & Development Consultants Inc. on behalf of Montelena Development Corp. ("Applicant").

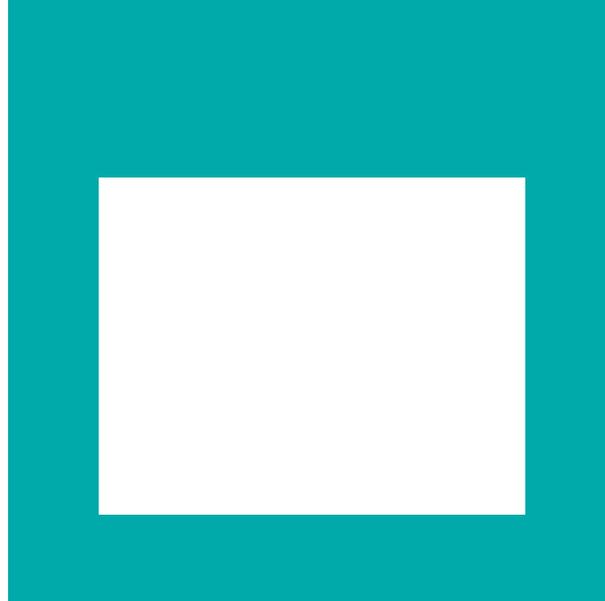
Calloway REIT owns an operating shopping centre west of the proposed application (across Shaver Road) at 1051 Garner Road West, also known as SmartCentres Ancaster. Please take note that the loading bays for the existing Walmart are located in the northwest corner of Shaver Road and Garner Road West and should be considered as a pre-existing condition with respect to noise. We request that the City and Applicant assess potential of any noise impacts associated with this pre-existing condition prior to the approval of the proposed residential townhouse units and obtain acknowledgment from the Applicant of this pre-existing condition; ensure that the Applicant obtains acknowledgment from purchasers of his pre-existing condition and stipulate such in their Agreements of Purchase and Sale; and, should noise mitigations be required, that the Applicant agree to provided as required on the Applicant's property.

We request to be circulated on all notifications for the proposed application. Thank you.

Respectfully Submitted,  
**SmartCentres**

  
Stéphanie Bacani, MCIP, RPP  
Development Associate

cc: Allan Scully, SmartCentres



WELCOME TO THE CITY OF HAMILTON

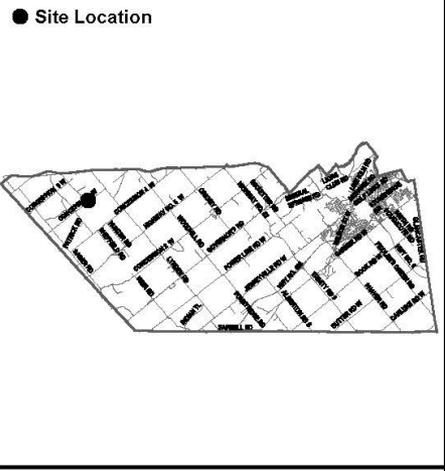
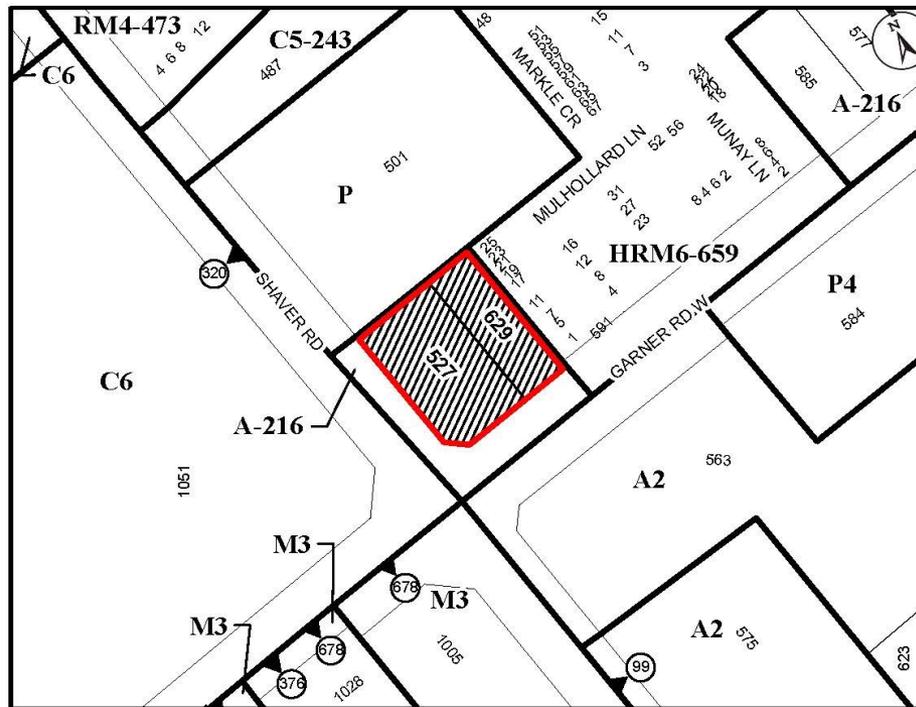
# PLANNING COMMITTEE

August 18, 2020

## PED20132 – (ZAC-19-010)

Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West , Hamilton

Presented by: Emily Bent



Key Map - Ward 12

<b>Location Map</b>		 Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAC-19-010	Date: February 26, 2020	
Appendix "A"	Scale: N.T.S.	Planner/Technician: EB/VS

**Subject Property**  
 527 Shaver Road & 629 Garner Road West

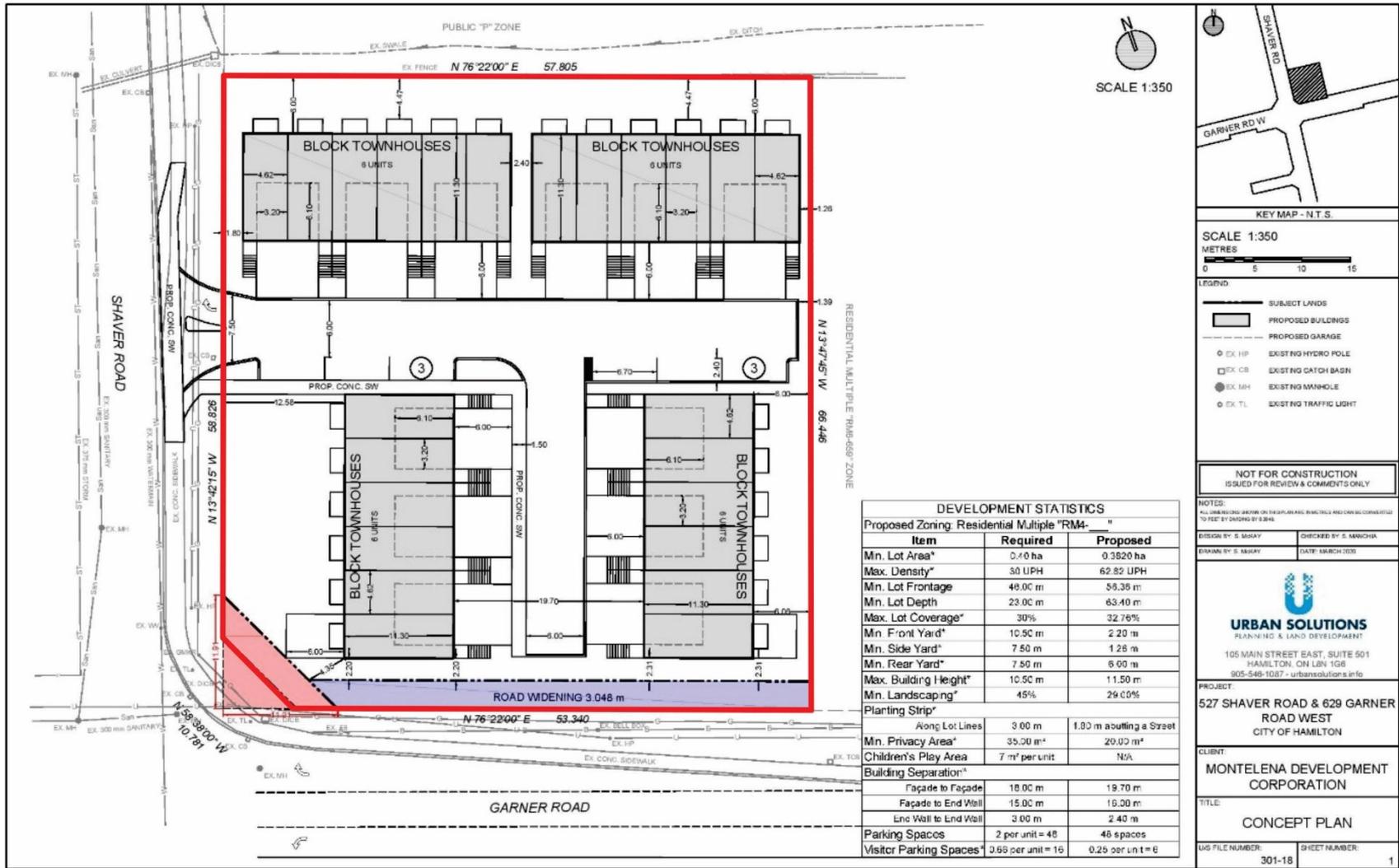
 Change in zoning from the Agricultural "A-216" Zone to the Holding Residential Multiple "H-RM4-710" Zone, Modified



**SUBJECT PROPERTY**



**527 Shaver Road & 629 Garner Road West, Hamilton**





Subject lands from northwest corner of Shaver Road and Garner Road West



Context: Southeast corner of Shaver Road and Garner Road West intersection



Context: Southwest corner of Shaver Road and Garner Road West intersection



Northwest corner of Shaver Road and Garner Road West intersection



Westerly portion of subject lands from Shaver Road



Westerly portion of subject lands from Shaver Road – existing dwelling



Northern edge of subject lands



Southerly portion of subject lands from Garner Road West



Southerly portion of subject lands from Garner Road West – existing dwelling



Southerly portion of subject lands from Garner Road West – view of neighbouring townhomes



Walmart located opposite subject lands on Shaver Road



View of Walmart loading docks



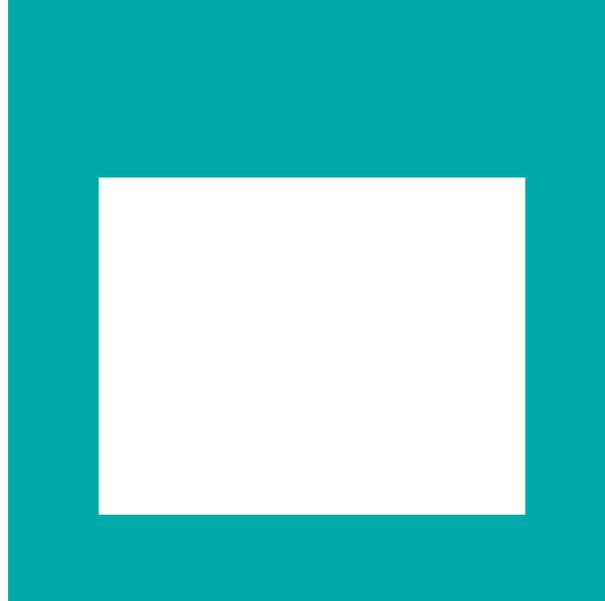
View of neighbouring townhouse development



View of neighbouring townhouse development



View of neighbouring townhouse development



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



# URBAN SOLUTIONS

PLANNING & LAND DEVELOPMENT





Application to Amend the Former Town of Ancaster Zoning By-law No. 87-57 (ZAC-19-010), and to Amend the Urban Hamilton Official Plan (UHOPA-19-14) for Lands Located at 527 Shaver Road and 629 Garner Road West, Hamilton (Ancaster)

Owner/Applicant: Montelena Development Corporation (c/o Anthony DiCenzo)  
Agent: UrbanSolutions Planning & Land Development Consultants Inc.  
(c/o Matt Johnston, MCIP, RPP)



# THANK YOU

UrbanSolutions would like to thank City of Hamilton staff for their hard work on this application, including:

Steve Robichaud

Yvette Rybensky

Anita Fabac

Emily Bent



# SUBJECT LANDS



Image 1 - View of the existing lot from Garner Road W.





# SUBJECT LANDS



Image 2 - View of the existing detached dwellings from Shaver Road.



# SURROUNDING AREA

- North: City of Hamilton Operations Centre and townhouse dwellings
- South: Canadian Reformed Church of Ancaster and rural agricultural uses
- West: Large commercial shopping centre
- East: Approved to be block townhouses and a 4.5 storey apartment dwelling



Image 3 – Aerial view of subject lands.



# PROPOSED DEVELOPMENT

- Proposed development consists of four (4) three (3) storey townhouses within four (4) development blocks.
- Each development block will consist of six (6) townhouse units
- Each unit will have one (1) parking space in the garage and one (1) parking space in the driveway.
- A total of six (6) visitor parking spaces are included in the development.
- In total, the development consists of 24 townhouse units and 30 parking spaces – 6 visitor, 24 resident.

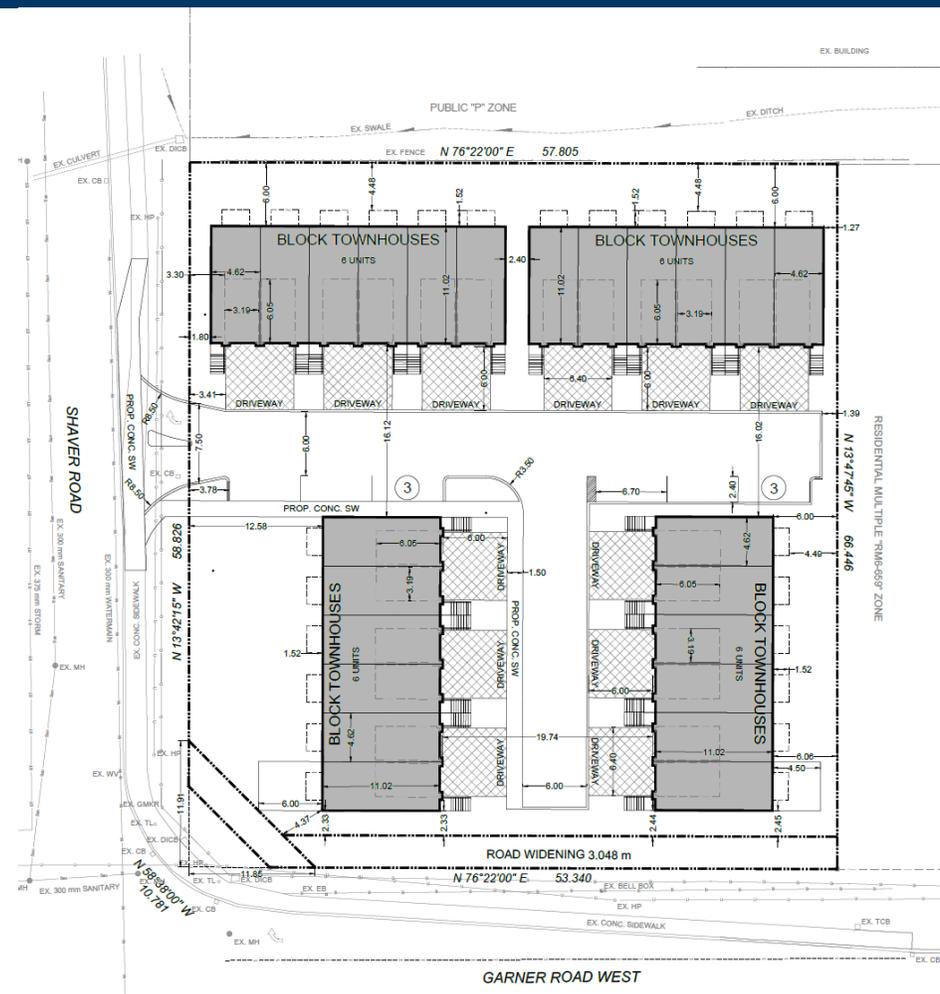


Image 4 – Proposed Site Plan for the subject lands.



# PROPOSED DEVELOPMENT

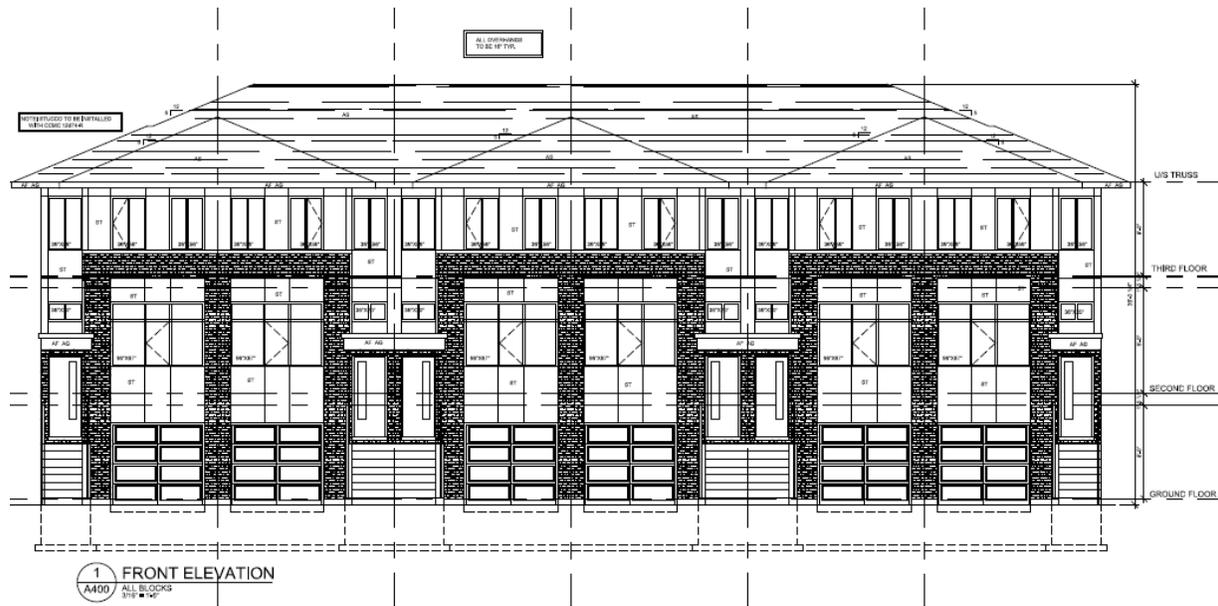


Image 5 – Front elevation of proposed townhouse development.



Image 6 – Rear elevation of proposed townhouse development.



# PROPOSED DEVELOPMENT

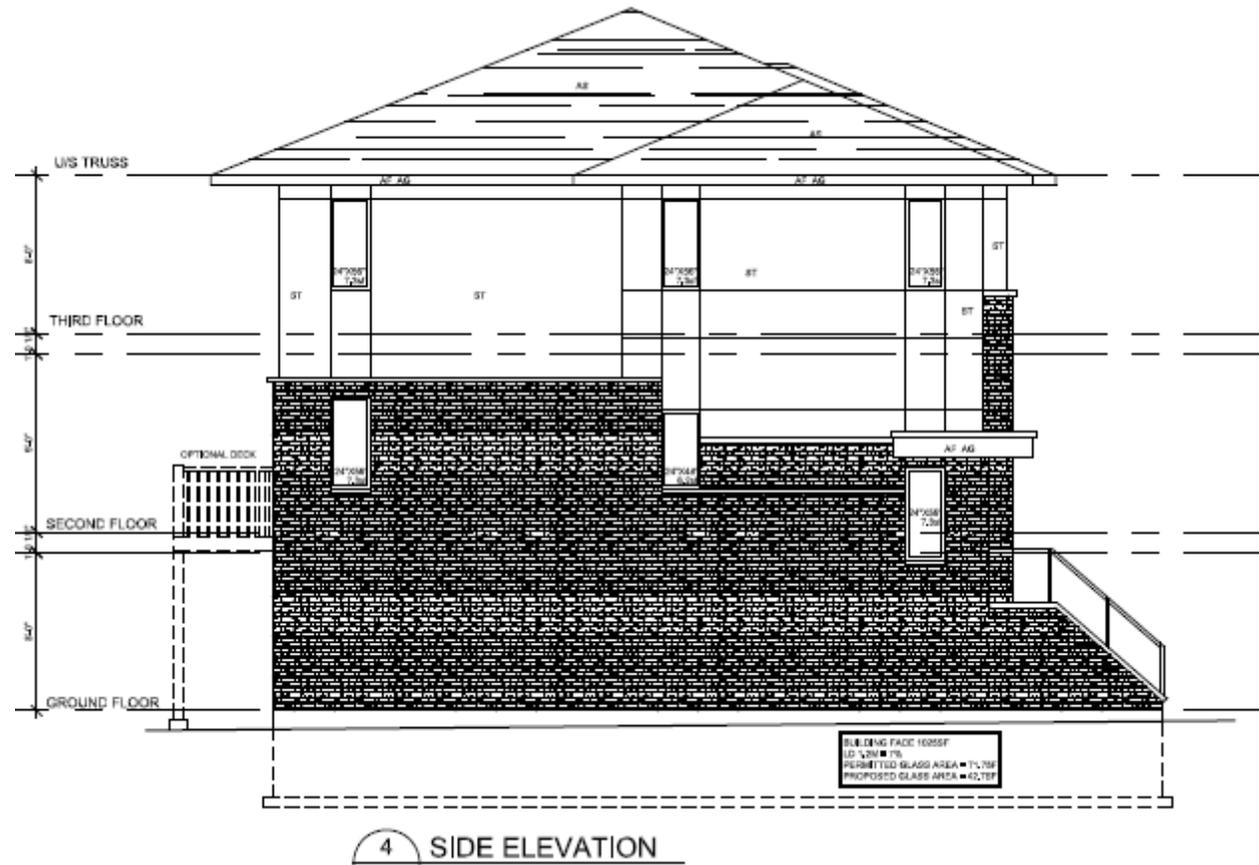


Image 7 – Side elevation of proposed townhouse development.



# ZONING BY-LAW AMENDMENT

## Zoning By-law Amendment (ZAC-19-010)

1. To change the zoning from “A-216” District (Agricultural), to a site specific “RM4-\_\_\_\_” Residential Multiple District, modified.

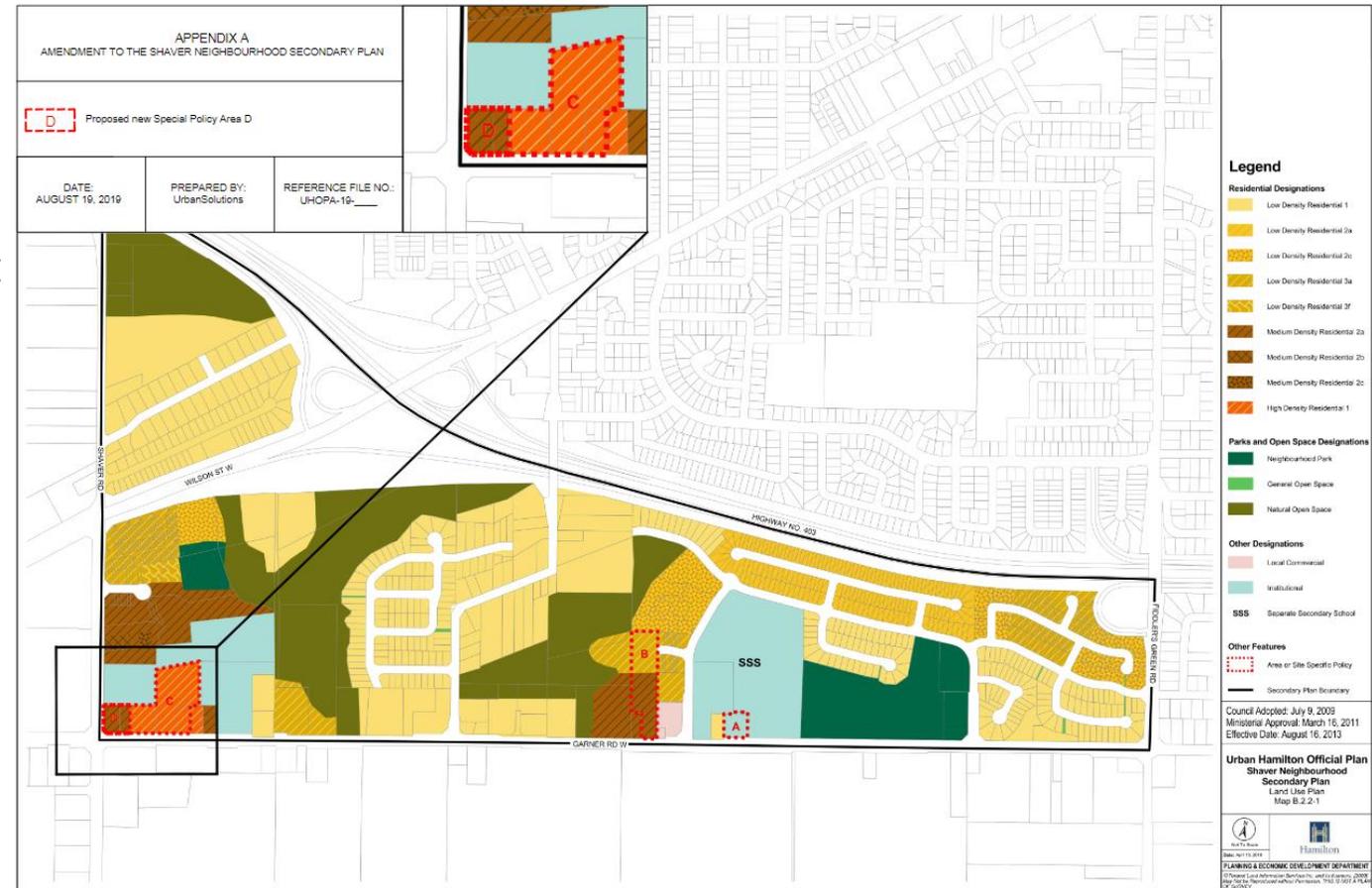
This is Schedule "A" to By-law No. 17-____ Passed the ____ day of ____, 2018	_____ Clerk  _____ Mayor				
<p align="center"><b>DRAFT</b> <b>Schedule "A"</b></p> Map Forming part of By-law No. 87-57  to Amend By-law No. 87-57	<p><b>Subject Property</b> 527 Shaver Road &amp; 629 Garner Road West in the City of Hamilton.</p> <p> Block 1 - change in zoning from "A-216" to "RM4-____"</p>				
<table border="1"> <tr> <td>Scale: N.T.S</td> <td>File Name/Number: 301-18</td> </tr> <tr> <td>Date: 10-12-2018</td> <td>Planner/Technician: M.GOWANS</td> </tr> </table>	Scale: N.T.S	File Name/Number: 301-18	Date: 10-12-2018	Planner/Technician: M.GOWANS	
Scale: N.T.S	File Name/Number: 301-18				
Date: 10-12-2018	Planner/Technician: M.GOWANS				
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT					



# OFFICIAL PLAN AMENDMENT

## Official Plan Amendment (UHOPA-19-14)

- To identify a Site Specific Policy area to permit 24 townhouse dwelling units allowing a density of 65 units per hectare, instead of low rise apartment buildings having a density of 62 units per hectare as presently permitted in the existing Medium Density Residential 2a land use designation in the Shaver Neighbourhood Secondary Plan.





# SUPPORTING STUDIES

## Supporting Studies included:

- Planning Justification Report (UrbanSolutions)
- Concept Plan (UrbanSolutions)
- Draft Zoning By-law Amendment (UrbanSolutions)
- Public Consultation Strategy (UrbanSolutions)
- Transportation Impact Study (Nextrans Consulting)
- Transportation Demand Management Options Report (Nextrans Consulting)
- Site Plan and Building Elevations (KNYMH Architects)
- Survey Plan (A.T. McLaren)
- Environmental Noise Impact Study (dBA Acoustical Consultants)
- Preliminary Functional Servicing Report (S. Llewellyn & Associates)
- Erosion and Sediment Control Plan (S. Llewellyn & Associates)
- Grading and Servicing Plan (S. Llewellyn & Associates)
- Stormwater Management Report (S. Llewellyn & Associates)
- Landscape Plan (Adesso Design)
- Tree Management/Protection Plan (Adesso Design)



# CHRONOLOGY

June 27, 2018	Assigned Development Review Team Re: FC-18-082.
December 21, 2018	Submission of the Zoning By-law Amendment application.(ZAC-19-010)
January 10, 2019	Zoning By-law Amendment Application deemed complete.
August 19, 2019	Submission of the Official Plan Amendment application.(UHOPA-19-14)
September 13, 2019	Official Plan Amendment Application deemed complete.
September 24, 2019	Public Notice Sign Posted.
November 21, 2019	Engineering Technical Memorandum submitted.
January 15, 2020	Supplementary Planning Rationale and Noise Impact Study submitted.



# PLANNING MERIT

- The application is consistent with the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Niagara Escarpment Plan, and Urban Hamilton Official Plan;
- The proposed development represents an efficient use of underutilized land;
- The proposed street townhouse development represents a compatible form of residential intensification that supports complete communities; and,
- The proposed development pattern is consistent with the development under construction immediately east of the site; and,
- The modifications maintain the intent of the Zoning By-law and Urban Hamilton Official Plan.



# Required Modifications

- 2(j) of the Draft Zoning By-law relating to parking, we request a change to read “No parking space shall be located closer to the street line than 3.30 metres”.
- 4(a) of the Draft Zoning By-law regarding setback from a daylight triangle, we request a change to read “Minimum Setback from a Daylight Triangle: 4.30 metres” to reflect the concept plan.



# Required Modifications

2(j) of the Draft Zoning By-law relating to parking, we request a change to read “No parking space shall be located closer to the street line than 3.30 metres”.

4(a) of the Draft Zoning By-law regarding setback from a daylight triangle, we request a change to read “Minimum Setback from a Daylight Triangle: 4.30 metres” to reflect the concept plan.





THANK YOU





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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 18, 2020
<b>SUBJECT/REPORT NO:</b>	Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Joanne Hickey Evans (905) 546-2424 Ext. 1282
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That approval be given to **City Initiative CI-20-F** to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until December 31, 2020, to grant relief from and provide for additional locational requirements for outdoor commercial patios for Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, Transit Oriented Corridor Local Commercial (TOC2) Zone, and, Transit Oriented Corridor Mixed Use High Density (TOC4) Zones, within the City, on the following basis:
- (i) That Temporary Use By-law, attached as Appendix “A” to Report PED20135, be approved by City Council;
  - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Urban Hamilton Official Plan (UHOP).

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide) - Page 2 of 7**

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**EXECUTIVE SUMMARY**

On July 7, 2020, City Council passed a motion directing staff to prepare a Temporary Use By-law that would permit outdoor commercial patios in a side or rear yard that abuts a residential lot. Additional requirements have been added to ensure there is a minimum 5 metre setback from the residential zone/lot and there are no obstructions of parking aisles, driveways or fire routes.

This By-law would apply to all the Downtown Commercial, Commercial and Mixed Use and Transit Oriented Corridor Commercial Zones in the urban area, with the exception of the Residential Character (C1) Zone. It would be in effect until December 31, 2020.

**Alternatives for Consideration – N/A**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: Subsection 39 of the *Planning Act* allows a municipality to pass Temporary Use By-laws for a 3-year period with an extension of up to another 3 years.

The Urban Hamilton Official Plan requires that notice of a Public meeting is provided 17 days prior to a Public meeting where changes to a Zoning By-law are contemplated.

**HISTORICAL BACKGROUND**

**1.0 Council Motion - Extension of the Outdoor Patio Program**

On July 7, 2020 City Council passed the following motion:

WHEREAS on May 13, 2020, Hamilton became one of the first cities in Canada to temporarily permit outdoor dining on streets, sidewalks, and parking areas on public and private lands through the approval of a motion allowing the creation of temporary “Outdoor Dining Districts” and temporary outdoor patios;

WHEREAS the City’s program has already approved 68 Outdoor Dining Districts and temporary outdoor patios across the City;

WHEREAS the Council direction to permit temporary outdoor patios on private parking lots waived any requirement for site plan review for such locations and waived

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide) - Page 3 of 7**

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enforcement of any zoning provisions related to parking supply, but still required the temporary outdoor patios to meet all other applicable zoning;

WHEREAS the City's zoning does not permit commercial outdoor patios in side or rear lots abutting residentially zoned properties;

WHEREAS there have been a small number of businesses that have been unable to establish temporary outdoor patios because of the zoning restriction regarding abutting residentially zoned lands;

WHEREAS the City wants to provide for as many businesses as possible to participate in the Outdoor Dining Districts and temporary outdoor patio program, while minimizing any potential adverse impacts on neighbouring residential properties; and,

WHEREAS the COVID-19 pandemic creates an urgent need to support the City's culinary scene;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to prepare a Temporary Use By-law effective to December 31, 2020 for consideration at a statutory public meeting of the Planning Committee, and give the required notice, for temporary amendments to the Zoning By-law that would allow temporary outdoor commercial patios in side and/or rear yards abutting a residential zone or D5 Zone or D6 Zone on lands zoned as follows:
- (i) Downtown Central Business District (D1) Zone
  - (ii) Downtown Prime Retail Streets (D2) Zone
  - (iii) Downtown Mixed Use (D3) Zone
  - (iv) Downtown Local Commercial (D4) Zone
  - (v) Community Commercial (C2) Zone
  - (vi) Community Commercial (C3) Zone
  - (vii) Mixed Use High Density (C4) Zone
  - (viii) Mixed Use Medium Density (C5) Zone
  - (ix) Mixed Use Medium Density - Pedestrian Focus (C5a) Zone
  - (x) District Commercial (C6) Zone
  - (xi) Arterial Commercial (C7) Zone
  - (xii) Mixed Use (TOC1) Zone
  - (xiii) Local Commercial (TOC2) Zone
  - (xiv) Mixed Use High Density (TOC4) Zone

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide) - Page 4 of 7**

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Subject to the following conditions:

1. The patio is setback at least 5 metres from any residentially zoned property.
  2. The patio does not obstruct a driveway or parking aisle or fire route.
- (b) That Council direct staff to immediately suspend the enforcement of the zoning by-law provisions prohibiting commercial outdoor patios in side and/or rear yards abutting a residential zone, D5 Zone or D6 Zone, where the conditions listed in (a) above have been met, and that the suspension of enforcement continue until either the temporary use zoning by-law comes into force or until the duration stipulated for the temporary use zoning by-law expires.

## **2.0 Temporary Use By-laws – Entertainment on Outdoor Commercial Patios**

In May 2017, the City passed Temporary Use By-laws and amendments to the Noise By-law to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios, for seven urban pilot project areas and the rural area (see Report PED16155(a)). These areas include:

1. Downtown Hamilton,
2. Hess Village,
3. West Harbour area,
4. Downtown Dundas,
5. James Street North,
6. James Street South/Augusta Street,
7. Upper James Street (Stone Church to Rymal Road);
8. Some properties (predominantly golf courses) within the Rural area.

These By-laws were appealed to the Ontario Municipal Board. The settlement included the removal of the West Harbour area from the pilot project areas.

In April, 2019, the City further extended these Temporary Use By-laws until May 1, 2022 (see Report PED16155(b)).

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **1.0 Provincial Policy**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) is silent on outdoor commercial patios since these uses are accessory to commercial uses.

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide) - Page 5 of 7**

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## 2.0 Urban Hamilton Official Plan (UHOP)

Outdoor Commercial Patios are not identified as a use in the UHOP. Under Volume 1 of the UHOP, the policy for development and redevelopment of local commercial uses (E.3.8.9 Design), in part, provides that local commercial uses be compatible with the surrounding area in terms of noise impact.

Section F.1.11 contains policies with respect to Temporary Use By-laws. More specifically, the following policies, amongst others, apply:

### “F.1.11 Temporary Use By-laws

At times it is in the public interest to permit lands to be used for a particular use on a temporary basis even though it may not conform to the Zoning By-law. The *Planning Act* authorizes a municipality to pass a temporary use by-law, which defines the area and duration of the use.

- 1.11.1 Council may adopt temporary use by-laws provided the use complies with the permitted uses in Section E – Urban Systems and Designations, to permit the temporary use of land, buildings or *structures* for a purpose that is prohibited by the Zoning By-law.
- 1.11.2 A temporary use by-law may allow a use that is temporary in nature. Any new buildings or *structures* associated with the proposed temporary use shall be constructed so that it can be easily removed after the expiry date of the temporary use by-law.
- 1.11.3 The proposed temporary use shall:
- a) be *compatible* with uses on adjacent and nearby properties;
  - b) have no adverse impact on the traffic, transportation or parking facilities in the area;
- 1.11.4 A temporary use by-law may be permitted for a period of time which shall not exceed three years, except for garden suites which shall not exceed ten years. However, Council may, by By-law, extend such period of time for further periods of time not exceeding three years each, during which the temporary use is authorized.”

Outdoor Commercial Patios are permitted as an accessory use to a restaurant in the Downtown, Neighbourhoods (Local Commercial Uses), Commercial and Mixed Use Designations.

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide) - Page 6 of 7**

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The Temporary Use By-law conforms to the Urban Hamilton Official Plan.

2.1 City of Hamilton Official Plan - Setting Sail Secondary Plan

The proposed outdoor commercial are also located within the West Harbour area which is subject to the Setting Sail Secondary Plan. On some sites, the current zoning permits restaurants and uses that are legal non-complying to the Secondary Plan. As such, the accessory use of the outdoor commercial patio does not conflict with the Secondary Plan, subject to the proposed Nosie By-law changes being adopted by Council.

**3.0 Zoning By-law No. 05-200**

Zoning By-law No. 05-200 defines outdoor commercial patios and contains regulations relating to capacity, location and entertainment.

The Zoning By-law provides the following definition:

**“Outdoor Commercial Patio:** shall mean any outdoor area used in conjunction with any establishment licensed under the Liquor Licence Act, where meals or refreshments are served to the public for consumption on the premises”

The regulations are below.

**“4.20 OUTDOOR COMMERCIAL PATIOS**

Notwithstanding any provisions of this By-law, every Outdoor Commercial Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following:

a) Design Requirements

Outdoor Commercial Patios shall be designed and used to accommodate seating of customers.

b) Seating Capacity Requirements

An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person.

c) Location Requirements:

i) Except as provided in Subsection b) (ii) below, no outdoor patio shall be permitted on a lot where any lot line abuts a Residential Zone, Downtown D5 or Downtown D6 Zone or where such lot is

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**SUBJECT: Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide) - Page 7 of 7**

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separated from a Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway; and,

- ii) Where only the rear lot line abuts a Residential Zone, Downtown D5 or Downtown D6 Zone or the lot is separated from the Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway, an outdoor patio shall be permitted in the front yard.”

## **RELEVANT CONSULTATION**

N/A

## **ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

1. City Council, at its meeting of July 7, 2020, directed staff to prepare a Temporary Use By-law that would allow outdoor commercial patios to be located in the rear or side yard abutting a residential zone. An additional requirement has been added to ensure there is a 5 metre setback between the adjacent residentially zoned lot and the patio. This Temporary Use By-law does not exempt patio owners from the other Zoning By-law regulations respecting seating capacity. It is noted the Downtown Local Commercial (D4) Zone was repealed in 2018 and is therefore, no longer in effect.

- 2. This Temporary use By-law is:
  - a. a separate By-law to the 2019 Temporary Use By-laws that allow entertainment on patios in select locations within the City; and,
  - b. does not exempt patio owners or patrons from the City’s Noise By-laws.

## **ALTERNATIVES FOR CONSIDERATION**

N/A

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

### **Economic Prosperity and Growth**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” - Proposed Temporary Use By-law for Zoning By-law No. 05-200

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**Authority:** Item  
 Planning Committee  
 Report: 20- (PED20135)  
 CM:

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW No. \_\_\_\_\_**

**To Amend By-law 05-200**

**Respecting Temporary Use By-law for Outdoor Commercial Patios**

**AND WHEREAS**, the City of Hamilton's new comprehensive Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

**AND WHEREAS** the Council of the City of Hamilton passed a motion, at its meeting held on the July 7, 2020, directing staff to prepare a Temporary Use By-law, effective to December 31, 2020, for amendments to the Zoning By-law 05-200 to allow temporary outdoor commercial patios in side and/or rear yards abutting a residential zone, D5 Zone or D6 Zone on certain commercial lands within the City;

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

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

1. That Schedule "A" – Zoning Maps of Zoning By-law 05-200 is amended by adding the Temporary Use symbol to Maps 414-415, 444-447, 481-482, 516-517, 549-550, 580-582, 612, 680, 753, 793, 834, 859-862, 867-879, 871, 901-904, 906-913, 942-943, 946-958, 988, 990, 992-999, 1000-1001, 1038-1048, 1050-1051, 1079, 1083-1087, 1089-1092, 1097, 1100, 1124, 1126-1146, 1149-1150, 1174-1179, 1182-1188, 1190-1196, 1198-1999, 1200, 1205, 1228-1229, 1234-1242, 1245-1254, 1258-1260, 1280-1281, 1284-1285, 1287, 1289-1295, 1298-1299, 1301-1302, 1305-1306, 1311-1312, 1339-1340, 1342-1348, 1352, 1383-1384, 1386, 1388-1389, 1394-1395, 1397-1399, 1403, 1405, 1433-1436, 1443, 1445, 1447-1448, 1450, 1452-1454, 1456-1457, 1482-1483, 1494, 1497-1503, 1505-1506, 1546-1549, 1552, 1591, 1593-1597, 1635-1636, 1639-1641, 1710-1711, 1747-1749, 1785-1786, 1819, 1887, 1911-1912, 1934-1935, and 1956.

2. That Schedule "E" – Temporary Use of By-law 05-200 is amended by adding the following new Subsection:

"6. Within the lands zoned Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Mixed Use (TOC1) Zone, Local Commercial (TOC2) Zone, Mixed Use High Density (TOC4) Zone, the following provisions shall apply for the period running to December 31, 2020:

- a) Section 4.20 (c) shall not apply.
- b) In addition to the provisions of Section 4.20, an outdoor commercial patio shall:
  - i) be setback a minimum of 5.0 metres from any residential zone; and,
  - ii) not obstruct a driveway, parking aisle or fire route."

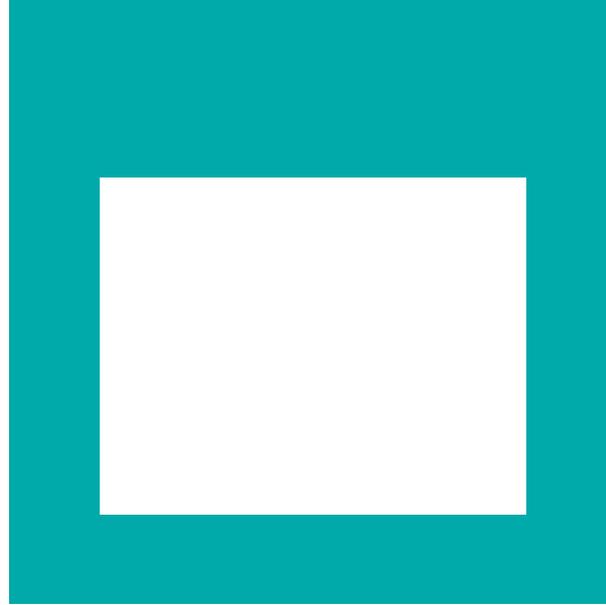
3. That this By-law comes into force in accordance with Section 34 and 39 of the *Planning Act*.

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

\_\_\_\_\_  
Fred Eisenberger  
MAYOR

\_\_\_\_\_  
Andrea Holland  
CITY CLERK

CI 20-F



WELCOME TO THE CITY OF HAMILTON

# Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F)

August 18, 2020 – Planning Committee Meeting

## Background

- City Council, at the July 7, 2020 meeting, directed staff to prepare a Temporary Use By-law, effective to December 31, 2020, for temporary amendments to Zoning By-law No. 05-200 for certain commercial zones which would allow outdoor commercial patios in side and/or rear yards abutting a residential zone or D5 Zone or D6 Zone, subject to certain conditions.

## Background (cont'd)

Zones include:

- Downtown Zones - Central Business District (D1) Zone, Prime Retail Streets (D2) Zone, Mixed Use (D3) Zone, and Local Commercial (D4) Zone
- Commercial Zones - Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, and Arterial Commercial (C7) Zone
- Transit Oriented Corridor Zones - Mixed Use (TOC1) Zone, Local Commercial (TOC2) Zone, and Mixed Use High Density (TOC4) Zone

## Zoning By-law 05-200 By-law Current Location Requirements for Outdoor Commercial Patios

- Allows a patio in a front yard if only the rear lot line abuts a residential zone or D5 or D6 Zone or is separated from a Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway.

## Proposed Zoning By-law 05-200 By-law Changes

### Temporary Use By-law exemptions until December 31, 2020:

- Would allow a patio in a rear or side yard of a lot that abuts a residential zone or D5 or D6 Zone provided:
  - The outdoor commercial patio is setback at least 5 metres from any residentially zoned property; and,
  - The patio does not obstruct a driveway or parking aisle or fire route.

## Other Temporary Use By-laws – Outdoor Entertainment on Outdoor Commercial Patios

- Temporary Use By-laws and amendments to the Noise By-law to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios, for six urban pilot project areas and the rural area are in effect until May 1, 2022

## Other Temporary Use By-laws – Outdoor Entertainment on Outdoor Commercial Patios

These areas include:

- Downtown Hamilton,
- Hess Village,
- Downtown Dundas,
- James Street North,
- James Street South/Augusta Street,
- Upper James Street (Stone Church to Rymal Road);
- Some properties (predominantly golf courses) within the Rural area.

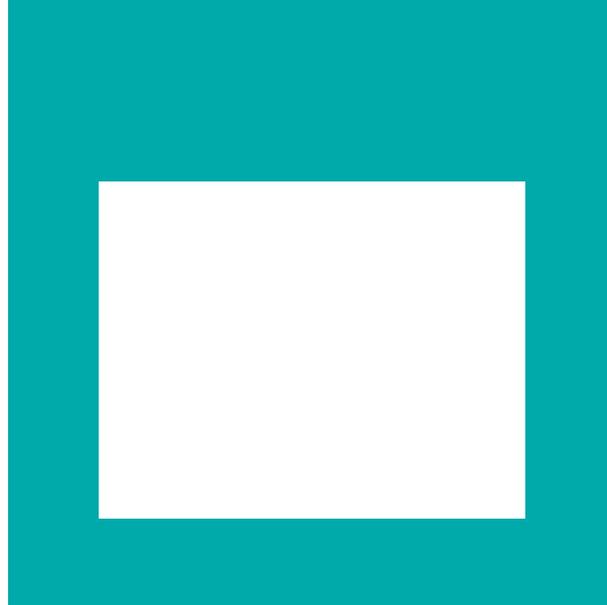
## Recommendation

Pass a Temporary Use By-law, effective to December 31, 2020, for temporary amendments to Zoning By-law No. 05-200 for certain commercial zones which would allow outdoor commercial patios in side and/or rear yards abutting a residential zone or D5 Zone or D6 Zone, provided:

- The outdoor commercial patio is setback at least 5 metres from any residentially zoned property; and,
- The patio does not obstruct a driveway or parking aisle or fire route

## Recommendation

- This Temporary use By-law:
  - does not exempt patio owners from other requirements such as seating capacity;
  - is a separate By-law to the 2019 Temporary Use By-laws that allow entertainment on patios in select locations within the City; and,
  - does not exempt patio owners or patrons from the City's Noise By-law.



THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE

**Subject:** Temporary Use Bylaw for ZBL 05-200: Outdoor Commercial Patios

I am writing to say that I fully support this temporary use bylaw as I, along with many people I know, are not yet entirely comfortable with indoor dining, especially in small restaurants and cafes. It helps support business in our community and allows people to venture out of their homes and meet up in a safer space than inside a bar.

As part of this proposed bylaw (and it appears the City may have already pre-approved some patios whether via site specific zoning amendments or other avenues which I applaud) I hope the City will consider making some of these permanent features, where the site makes sense (ie, unused alleys, dead end streets, abandoned parking lots, etc). When I say permanent, this could be through seasonal licenses for pop up patios (ie Hmbrgr on Ottawa St) in certain commercial districts, or via permanent zoning amendments for sites that can support the use year-round without having to take them apart each evening.

A fantastic example of using space that provides an outdoor dining experience that is safer for patrons is Merk on Ottawa St N. They have been able to utilize the alleyway beside them and I have felt safer from speeding car traffic. People are quiet and respectful and it is a nice option that I hope can continue.

I would like to receive a copy of the decision, via email preferably.

Thank you.

Kind regards,  
Erin Shacklette



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Licensing and By-law Services Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 18, 2020
<b>SUBJECT/REPORT NO:</b>	Amendments to the General Provisions of Business Licensing By-law 07-170 (PED 20137) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Monica Ciriello (905) 546-2424 Ext. 5809
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the amending by-law attached as Appendix "A" to Report PED20137 which amends the General Provisions of Licensing By-law 07-170, and which has been prepared in a form satisfactory to the City Solicitor, be enacted effective immediately by Council.

### EXECUTIVE SUMMARY

As part of Licensing and Bylaw Services' continuous improvement efforts, staff review enforcement activities and update by-laws to address specific municipal needs. The amendments to the General Provisions of the Licensing By-law 07-170 proposed in this report are based directly on authorities granted to the City under the *Municipal Act, 2001*, S.O. 2001, c.25 ("*Municipal Act, 2001*") and will provide the City, through the Director of Licensing, greater flexibility to promptly address situations where a licensee is involved in activity that presents a danger to the health or safety of a person or property.

The proposed amendments are consistent with the 'progressive enforcement' model and will permit the City/Director to impose additional conditions on, and/or issue a temporary suspension (up to 14 days) of, a business licence in response to undesirable activity. These amendments also permit the licensee to appeal the additional conditions

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**SUBJECT: Amendments to the General Provisions of Business Licensing By-law  
07-170 (PED 20137) (City Wide) - Page 2 of 4**

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to a Hearing Officer and then to the Licensing Tribunal if they disagree with those conditions.

**Alternatives for Consideration – Page 3****FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

The *Municipal Act, 2001*, provides a municipality with the authority to regulate, including license, any business, wholly or partly, carried out within its jurisdiction. The justifications for licensing certain types of businesses generally relate to the health and safety, consumer protection and nuisance control. Furthermore, the *Municipal Act, 2001* permits the imposition of conditions on licence holders and permits the temporary suspension of licences where the continuation of the business would pose an immediate danger to the health or safety of any person or to any property.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

Legal Services were consulted in the preparation of the Report and Bylaw.

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

Licensing and Bylaw Services' staff constantly engage in continuous improvement reviews, to update by-laws that address specific municipal and enforcement needs.

Section 151(1) of the *Municipal Act, 2001* authorizes the City to impose conditions as a requirement of obtaining, continuing to hold or renewing a licence. Furthermore, section 151(2) authorizes the City for the time and on the conditions as it considers appropriate, without a formal hearing to suspend a licence if it is satisfied that the continuation of the business poses an immediate danger to the health or safety of any person or to any property.

**SUBJECT: Amendments to the General Provisions of Business Licensing By-law  
07-170 (PED 20137) (City Wide) - Page 3 of 4**

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The General Provisions of the Licensing By-law as currently drafted is limited with regards to the Director's authority to impose conditions and is silent regarding temporary suspensions of business licences. In reviewing best practices of other municipalities, when the Director has such authority it provides further enforcement tools to obtain compliance.

General Provision amendments will allow the Director the discretion to impose terms and conditions on any licence at the time of issuance, at renewal or any time during the licensing period – this could include; stipulating the hours of operation, the maximum of persons permitted at the establishment and the conduct of outdoor patio operations. These conditions would be subject to appeal – first by a Hearing Officer and then to the Licensing Tribunal if necessary. Furthermore, it will allow for the temporary suspensions of a license, without a hearing, for a maximum period of 14 days. The Director may reinstate the licence before 14 days if the matter has been corrected to the satisfaction of the Director.

These amendments will allow for additional tools in progressive enforcement. Before the Director imposes any additional conditions on a licence, notice shall be given to the applicant or the licensee advising, the grounds for the conditions, reasonable particulars of the conditions; and that the applicant or licensee is entitled to a hearing before a Hearing Officer. A Hearing Officer can conduct a hearing remotely; over the phone or over email which will allow matters to be addressed while in a pandemic. A Hearing Officer's decision may be appealed to the Licensing Tribunal.

The amendments provide further obligations on licensees regarding the continuation of business activity, such as:

- Not permitting shouting, noise or disturbances on, in or in connection with their business which is unnecessary, unreasonable or contrary to any other by-law;
- Not permitting any obstruction on any highway, sidewalk or public place without the prior approval of the Director of Licensing; and
- Not permitting any expansion(s) or addition(s) in connection with the business without the prior approval of the Director of Licensing.

These amendments will ensure that Licensing and Bylaw can ensure compliance, while balancing the City's 'Open for Business' initiative.

## **ALTERNATIVES FOR CONSIDERATION**

Council may decide that progressive enforcement tools currently available under the Licensing Bylaw are sufficient and that some or all of the additional tools proposed in this Report are not required. However, staff believe that these amendments will provide the City, through the Director of Licensing, greater flexibility to promptly address

**SUBJECT: Amendments to the General Provisions of Business Licensing By-law  
07-170 (PED 20137) (City Wide) - Page 4 of 4**

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undesirable activities while maintaining a licensee's ability to challenge any additional restrictions imposed by the City/Director.

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": Amending Business Licensing By-law 07-170

**Appendix “A” to Report 20137  
Page 1 of 5**

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

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO. 20-**

**A By-law to Amend By-law 07-170 being a By-law to License and Regulate  
Various Businesses**

**WHEREAS** section 151 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (“*Municipal Act, 2001*”) authorizes a municipality to impose conditions as a requirement of obtaining, continuing to hold or renewing a licence:

**AND WHEREAS** section 151 (2) of the *Municipal Act, 2001* authorizes a municipality, for the time and on the conditions as it considers appropriate, without a hearing, to suspend a licence if it is satisfied that the continuation of the business poses an immediate danger to the health or safety of any person or to any property;

**AND WHEREAS** Council deems it to be an immediate danger to the health and safety of any person or to any property when a business contravenes any law, including any municipal by-law or in any situation itemized in this By-law;

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

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That By-law 07-170 be amended by repealing the definition of “Director of Licensing” and replacing it with the following definition in the General Provisions:
 

**“Director” or “Director of Licensing”** means the Director of Licensing and By-law Services for the City, or their designate;
3. That By-law 07-170 be amended by adding the following definition in the General Provisions:
 

**“Hearing Officer”** means a person from time to time appointed by Council pursuant to the City’s Administrative Penalty By-law;
4. That By-law 07-170 be amended to add a new section 12a immediately after subsection 12 (2) (b) to read:

**License on Terms and Conditions**

**Appendix "A" to Report 20137****Page 2 of 5**

12a (1) Notwithstanding any other provision of this By-law, the Director may impose terms and conditions as they believe reasonable in the circumstances on any licence at issuance, at renewal, or at any time during the licence period, which may include, but are not limited to conditions stipulating: the hours of operation; the maximum number of persons permitted to attend at the premises; the conduct of outdoor patio operations other than those set out in this By-law; payment of outstanding fines; or that the licensee shall have employees in attendance at the premises during hours of operation to ensure compliance with this By-law and the conditions on the licence.

(2) It shall be a condition of every licence that the licensee shall comply with all provisions of this By-law, other by-laws and all provincial and federal legislation, as applicable.

(3) The licensee shall:

(a) ensure compliance with this By-law by every other person involved in carrying out the business;

(b) at all times maintain and keep clean, safe, in good condition and repair the place or premises for which a licence has been issued under this By-law;

(c) not cause, tolerate or permit shouting, noise or disturbance on, in or in connection with the place or premises for which a licence was issued, which is unnecessary, unreasonable or contrary to any by-law prohibiting the same, and if such shouting, noise or other disturbance occurs, the licensee shall at once take immediate steps to cause the shouting, noise or other disturbance to be abated;

(d) not cause, tolerate or permit any profane, offensive or abusive language in connection with any place or premises for which the licence was issued;

(e) not cause, tolerate or permit any obstruction on any highway, sidewalk, lane or public place in front of or adjoining the place or premises for which the licence was issued, unless approved by the Director; and

(f) not cause, tolerate or permit any expansion(s) or addition(s) in connection with the place or premises for which a licence was issued without first obtaining the approval of the Director.

(4) Before the Director imposes any further conditions on a licence, the applicant or licensee shall be advised orally which additional conditions the Director proposes to add to the licence and they shall be given an

**Appendix "A" to Report 20137****Page 3 of 5**

opportunity to respond orally. The Director may then immediately impose additional conditions on the licence subsequent to which the Director shall provide written notice to the applicant or the licensee advising:

- (a) the grounds for the conditions;
- (b) reasonable particulars of the conditions; and
- (c) that the applicant or licensee is entitled to a hearing before a Hearing Officer.

(5) Where an applicant or licensee is dissatisfied with any condition imposed by the Director, the applicant or licensee may request a review by the Hearing Officer in accordance with this section 12a and in accordance with the procedures and fees outlined in the City of Hamilton's Administrative Penalties By-law, with necessary modifications.

- (a) A person may appeal the Director's conditions by submitting a written request to the Director no later than fifteen (15) days after the date on which the Director's decision is given to them. A person may not request that a Hearing Officer extend the time to appeal after the fifteen (15) days, at which time the Director's decision is final and not subject to review.
- (b) The person shall be given no fewer than fifteen (15) days' notice of the date, time and place of the hearing of the review request under this subsection.
- (c) The Hearing Officer shall not make a determination with respect to a review request under this By-law unless the Hearing Officer has given each of the applicant or licensee and the Director an opportunity to be heard.
- (d) The Hearing Officer shall give the written decision to the applicant or licensee at the conclusion of the hearing and may remove the conditions, affirm the Director's conditions or impose different conditions that the Hearing Officer sees fit as a condition of obtaining, continuing to hold or renewing the licence.
- (e) If the applicant or licensee is dissatisfied with the final decision of the Hearing Officer, the licence shall be deemed revoked or failed to be issued pursuant to section 13 and the applicant or licensee shall be entitled to a hearing before the Licensing Tribunal, pursuant to section 14.
- (f) A request by an applicant or licensee for a hearing shall be made in writing, accompanied by the applicable fee and delivered to the Secretary within 30 days of the date contained in the written

**Appendix "A" to Report 20137****Page 4 of 5**

decision of the Hearing Officer. The applicant or licensee shall also include the grounds for their request.

5. That By-law 07-170 be amended to add a new section 18a immediately after subsection 18 (2) (b) to read:

**Temporary Suspensions without a Hearing**

18a (1) Notwithstanding the above, a licence issued under the authority of this By-law may be temporarily suspended upon such grounds and in accordance with such procedural provisions as are set out in this section 18a.

(2) Temporary suspensions of a licence may be for a maximum period of fourteen (14) days. If the violation has been corrected to the satisfaction of the Director prior to the expiry of the suspension, the licence may be reinstated.

(3) Temporary suspensions may be initiated by the Director in any situation that has resulted, or may reasonably be expected to result, in a danger to health or safety of persons or property, and without limiting the generality of the foregoing, these situations may include:

(a) where the licensee (which includes, for the purposes of this By-law, any of its owners, operators, officers, directors, employees, sub-contractors, agents or representatives) has breached any law including any City by-law;

(b) where the licensee has done anything that is in any way adverse to the public interest;

(c) where a motor vehicle is deemed to be mechanically unsafe, including but not limited to body damage with sharp edges, holes in the floor boards, unserviceable tires, doors not closing properly, wire protruding from the seat or any other mechanical defect that would render the motor vehicle unsafe;

(d) where an inspection has been performed on a motor vehicle for transfer of a licence and the licensee fails to effect the transfer, the licence shall be suspended should the operator carry on business with the replacement vehicle;

(e) where a leasing agreement has expired and the lessee has failed to renew it, the licence may be suspended if the licensee continues to work while the licensing agreement is expired, and the licensee does not have the authority to remain on the premises;

**Appendix "A" to Report 20137**

**Page 5 of 5**

- (f) where a licensee's liability insurance has expired and he or she continues to carry on business for which the licence was issued, the licence shall be suspended; or
  - (g) any other situation or circumstance that constitutes, in the discretion of the Director, a danger to health or safety.
- (4) Prior to suspending a licence, the Director shall provide the licensee with the reasons for the suspension either orally or in writing and an opportunity to respond to them.
- (5) The Licensing Tribunal will be advised on a quarterly basis of all suspension actions initiated summarily.
- (6) The suspension of a licence pursuant to this section is lifted after the expiration of two (2) weeks from the date of suspension or at the discretion of the Director any time prior to the expiration.
- (7) Where a licence has been suspended or revoked, no person shall refuse to deliver the licence to the Director or shall in any way prevent or hinder the Director from receiving or taking the licence.
- (8) No licensee shall operate or carry on the business for which the licence was issued while the licence is under suspension.
6. That in all other respects, By-law 07-170 is confirmed.
7. That the provisions of this By-law shall become effective on August 20, 2020.

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

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 18, 2020
<b>SUBJECT/REPORT NO:</b>	Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (PED19033(b)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Heather Travis (905) 546-2424 Ext. 4168
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATIONS

- (a) That the Province of Ontario be advised that the City of Hamilton provides the following comments and recommended changes to Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (ERO #019-1680):
- (i) The final Schedule 3 forecast shall reflect either the Low or Reference scenario;
  - (ii) Revise Growth Plan policy 5.2.4.2 to provide flexibility to municipalities in how the 2051 forecasts are accounted in the Land Needs Assessment and conformity work as follows (additional wording in italics):

“5.2.4.2 All upper and single tier municipalities will, through a municipal comprehensive review, apply the forecasts in Schedule 3 for planning and managing growth to the horizon of this Plan. *For the period from 2041 to 2051, municipalities are not required to designate lands to accommodate the*

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**SUBJECT: Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (PED19033(b)) (City Wide) - Page 2 of 18**

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*forecasted growth, but must identify a strategy for how the growth will be accommodated.”;*

- (iii) The City does not support the proposed revisions to Growth Plan policies 2.2.1, 5.2.4.1 and 5.2.4.2. These policies should not be revised and should instead maintain the existing policy wording of the Growth Plan 2019 which requires municipalities to plan for the forecasts in Schedule 3, and do not provide any opportunity for municipalities to consider higher forecasts;
- (iv) As an alternative to (iii), if the Province maintains the revision to policies 2.2.1, 5.2.4.1 and 5.2.4.2, the Policy should be revised to state that only Councils may request an increased Schedule 3 forecast with appropriate justification. The revised Schedule 3 forecast would require approval from the Minister, and if such approval is not granted, the Schedule 3 forecast will apply (similar to the policy direction surrounding alternative intensification or density targets);
- (v) The Schedule 3 ‘Mock B’ format in Amendment 1 which contains the 2051 population and employment forecasts, with no interim year forecasts, is the preferred option for the Schedule 3 format;
- (vi) As an alternative to (v), if the ‘Mock A’ format of Schedule 3 is approved, then the Hemson population and employment forecasts for the 2031 and 2041 time periods be incorporated into Schedule 3 rather than maintaining the current 2019 Schedule 3 numbers;
- (vii) The Housing by Type forecast included in the “Hemson Greater Golden Horseshoe: Growth Forecasts to 2051” report be revised to reflect the minimum Growth Plan policy requirements that provide a more realistic housing unit breakdown for municipalities to reference;
- (viii) As an alternative to (vii), the Hemson Housing by Type forecast could be removed from the Technical Report to avoid confusion; and,
- (ix) The Local Planning Appeal Tribunal proceedings regarding the 2011 Ministry modifications to the Urban Hamilton Official Plan and the 2009 Ministry modifications to the Rural Hamilton Official Plan shall be continued and disposed of in accordance with the 2019 Growth Plan, as amended, and the boundaries of the settlement area in the Urban Hamilton Official Plan shall not be modified by the LPAT and shall not be modified until a municipal comprehensive review has been completed except in accordance with Growth Plan policies 2.2.8.4 and 2.2.8.5.

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**SUBJECT: Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (PED19033(b)) (City Wide) - Page 3 of 18**

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- (b) That the Province of Ontario be advised the City of Hamilton provides the following comments and recommended changes to the Revised Land Needs Assessment Methodology A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (ERO #019-1679):
- (i) The Land Needs Assessment methodology provides a detailed, standardized approach to the completion of the LNA and remove any opportunities for doubt or debate regarding the approach to LNA completion. The revised methodology should be presented in a detailed stand-alone document similar the 2018 version;
  - (ii) The Province provide greater detail as to how market demand is to be defined to remove opportunities for lengthy tribunal debates over this topic and provide direction on how municipalities can reconcile market demand with the required Growth Plan intensification and density targets; and,
  - (iii) The completion and approval of the LNA should not require additional public consultation, potentially resulting in lengthy debates and delays, as the completion of a Land Needs Assessment is a technical document, and it is understood that municipalities consulted on LNA inputs such as intensification and density targets.
- (c) That the City Clerk's Office be directed to forward Report PED19033(b) to the Ministry of Municipal Affairs and Housing, and this Report is considered the City of Hamilton's formal comments on Amendment 1 to A Place to Grow (ERO posting 019-1680) and the Revised Land Needs Assessment Methodology (ERO posting 019-1679).

## **EXECUTIVE SUMMARY**

On June 16, 2020, the Province released the following two postings on the Environmental Registry of Ontario (ERO):

- ERO #019-1680 – Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe; and,
- ERO #019-1679 – Proposed Land Needs Assessment Methodology for A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

The commenting deadline to the Province for both of these postings was July 31, 2020.

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Amendment 1 to A Place to Grow proposes to update the population and employment growth forecasts for Greater Golden Horseshoe (GGH) municipalities and extend the horizon of the forecasts and policies to 2051.

The Land Needs Assessment Methodology is a revision from a previous version of the methodology released in 2018, and is a less detailed and directive approach and appears to allow municipalities greater latitude in how land needs assessments will be completed.

Staff have reviewed the ERO postings and have identified a number of concerns. This report contains recommendations for the Province to consider prior to finalizing the revised documents. Staff have previously forwarded letters to the Province, attached as Appendices “A” and “B” to Report PED19033(b), outlining staff’s concerns on the ERO postings in advance of the commenting deadline. This staff report, including any changes or additions proposed by Council, will be forwarded to the Province as additional comments on the ERO postings.

**Alternatives for Consideration – See Page 18**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

In recent years, a number of provincial policy changes have occurred through a series of revisions to provincial plans and guidelines. Key dates relevant to this report are:

May 18, 2017 – release of the Growth Plan for the Greater Golden Horseshoe, 2017 (since replaced by the Growth Plan, 2019).

May 4, 2018 – release of Land Needs Assessment Methodology for the Greater Golden Horseshoe (implements the direction of the Growth Plan, 2017).

May 2, 2019 – release of A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2019.

May 1, 2020 – Provincial Policy Statement 2020 comes into force and effect.

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June 16, 2020 – posting of ERO #019-1680 (Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe) and ERO #019-1679 (Proposed Land Needs Assessment Methodology for A Place to Grow: Growth Plan for the Greater Golden Horseshoe) on the Environmental Registry of Ontario for public comment.

The commenting deadline for the ERO postings was July 31, 2020. Staff have previously forwarded letters to the Province, attached as Appendices “A” and “B” to Report PED19033(b), outlining staff’s concerns on the ERO postings in advance of the commenting deadline. This staff report, including any changes or additions proposed by Council, will be forwarded to the Province as additional comments on the ERO postings.

Municipal Comprehensive Review (MCR) / GRIDS 2

The MCR is a process which the City is currently undertaking which will update the policies of the Urban and Rural Hamilton Official Plans to comprehensively apply the policies of the Growth Plan, 2019, and Amendment 1 if approved, and identify how and where Hamilton’s projected growth will be accommodated to 2051 (as per the proposed changes in Amendment 1). The MCR is being completed concurrently with the update to the City’s Growth Related Integrated Development Strategy (GRIDS2).

The MCR process requires the City to complete a Land Needs Assessment (LNA) which will determine how much of the City’s population and employment growth can be accommodated within the City’s existing urban boundary, and how much may need to be accommodated through new growth area(s). If the LNA identifies a need for additional land, a review and evaluation of growth options (residential and employment) will be undertaken to identify a preferred growth option. The LNA must be completed in accordance with the methodology established by the Province.

The process to undertake a MCR is lengthy and involves a review of all of the technical aspects noted above and significant public and stakeholder consultation. The MCR will ultimately be approved through the passage of an Official Plan Amendment(s) which will update the City’s Official Plans to reflect provincial policies and the recommendations of the MCR process. The province requires that the City complete the MCR by July, 2022.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan, 2019 sets the direction for accommodating growth and development in the City and surrounding municipalities. The Plan requires municipalities to grow in ways that are more efficient by reducing outward growth and by building new developments in ways that use existing infrastructure to the fullest potential. The

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**SUBJECT: Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (PED19033(b)) (City Wide) - Page 6 of 18**

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Growth Plan encourages the creation of complete communities with a mix of uses and range of housing types.

The Growth Plan sets out targets related to intensification and density which the City must plan to achieve. The Plan also identifies the criteria which must be followed when evaluating certain key planning changes such as settlement area boundary expansions and employment land conversions. Through the Municipal Comprehensive Review (MCR) process, the City is required to update its Official Plans to conform to the requirements of the Growth Plan by the year 2022.

Land Needs Assessment Methodology (2018)

A Land Needs Assessment (LNA) is a study that determines the quantity of land that will be required to accommodate the forecasted population and employment growth within a municipality. In 2018, the Province released the Land Needs Assessment Methodology for the Greater Golden Horseshoe. The methodology provided a standardized approach to the completion of a Land Needs Assessment which all Growth Plan municipalities are required to use in the completion of their MCR work. The benefit of a standardized methodology is that it allows for a consistent approach amongst all Growth Plan municipalities, allows for easy comparison amongst municipalities, and avoids the need for debate on the appropriate approach to land needs assessment.

The 2018 Methodology was a detailed policy-based approach which considered land need based on a separate determination of Community Area (residential, commercial, institutional) and Employment Area (industrial land, business parks) land need. Community Area land need is strongly influenced by intensification and density targets (i.e. how much of the City's population growth can be accommodated through intensification in the built-up area, and through increased density of the greenfield areas). Employment Area land need is influenced by the anticipated density of future development of the City's existing employment areas.

The Province is proposing to replace the 2018 Methodology with an 'outcome-based methodology' that appears to provide greater flexibility in how the LNA must be completed. The new methodology is described on the ERO posting, but is much less detailed than the previous methodology.

**RELEVANT CONSULTATION**

N/A

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**ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

The following are the key areas of concern identified by staff related to the Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Proposed Land Needs Assessment Methodology, and the associated staff recommendations.

**Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

1. *Revised Schedule 3 forecasts and extended planning horizon:*

The proposed amendment introduces revised population and employment forecasts for all GGH municipalities in Schedule 3 to the year 2051. The draft Amendment includes three possible forecast scenarios: Reference (identified as the most probable future growth outlook); Low; and High. The three scenarios are provided for consultation purposes only. The final Schedule 3 in Amendment 1, once released, will only include one forecast to 2051, based on feedback received.

In Hamilton, the difference between the three 2051 forecast scenarios is noted below, compared to the existing Schedule 3 forecasts:

Table 1 Population and Employment Forecasts

Year	Population	Employment
2031 (Existing)	680,000	310,000
2041 (Existing)	780,000	350,000
2051 (Reference Scenario)	820,000	360,000
2051 (Low Scenario)	790,000	340,000
2051 (High Scenario)	850,000	370,000

Staff note that options to accommodate the additional growth include intensification within the City's existing built-up area, increasing the density of future development on the City's existing greenfield lands, and / or through urban boundary expansion into the City's 'whitebelt' lands (i.e. rural lands outside of the Greenbelt Plan area).

The principles and objectives of the Greenbelt Plan, which provides "a broad band of permanently protected land" for agricultural and related uses are supported and must be maintained. Within Hamilton, opportunities to expand the settlement (urban) area boundary in areas outside of the Greenbelt Plan are limited:

- Approximately 83,700 ha of Hamilton's rural area is within the Greenbelt Plan Protected Countryside, which equates to 94% of the rural land area. Expansion

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into the Greenbelt Plan area is not permitted (with the minimal exception of a 10 ha expansion to Towns / Villages).

- Approximately 4,300 ha of Hamilton’s rural area lands are outside of the Greenbelt Plan area and frequently referred to as ‘whitebelt’ lands. Settlement area expansion may be considered into this whitebelt area.
  - Of the 4,300 ha of land, 2,100 ha are constrained by airport Noise Exposure Forecast contours and can therefore only be considered for expansion for Employment purposes.
  - Of the remaining 2,200 ha of the whitebelt lands that may be considered for a potential Community Area expansion, between 300 – 600 ha are constrained by natural heritage features and in accordance with A Place to Grow are netted out of the available land calculation.

A summary of Hamilton’s available whitebelt net land supply opportunities (net land area defined in accordance with the Growth Plan exclusions removing natural heritage features) is presented below in Table 2.

Table 2 Land Supply Opportunities

Gross whitebelt area (ha)	“Employment – only” whitebelt (constrained by NEF contours)	“Residential whitebelt” - Gross	“Residential whitebelt” - Net	
			Growth Plan net-outs	Growth Plan net-outs, including stream net outs
4,320	2,120	2,200	1,940	1,600

The alternative to accommodating the increased growth through urban expansion is to increase the minimum intensification and density targets assumed for future growth. Staff note that the City has limited greenfield supply, and still an emerging intensification market and it is unclear if the intensification market can absorb the significant additional growth. Between 2010 and 2019, the City’s average intensification rate has been 35%, or approximately 2,350 intensification units per year. The City is reviewing intensification supply and demand through the ongoing MCR.

The extended planning horizon to 2051 means that the many unknowns about future growth and development, including those noted above regarding future intensification market potential, become more pronounced as the planning period progresses. For some aspects of long range planning, such as non-linear capital intensive assets including wastewater treatment plants, hospitals and community recreational facilities

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(eg arenas, stadiums), there is an advantage to the thirty year time horizon for the purpose of preparing and implementing capital upgrades and financing strategies. These assets will be required regardless of where growth occurs and are less likely to be impacted by unforeseen social and economic changes. There is less risk to planning for the extended forecast horizon for these assets.

However, planning for other aspects of future growth in the extended horizon poses greater risk to the municipality. A thirty year time horizon is significant and it is difficult at present to anticipate future social, economic and market changes. Questions surrounding intensification potential, market preferences, built form considerations and other unknown variables make considerations of long range urban boundary expansions difficult to predict and a risk to the municipality. Planning for growth and particularly urban expansion that does not occur can create financial challenges to the municipality if the City's actual population or job growth does not keep pace with the forecasted growth. The City will not collect enough in Development Charges to pay for infrastructure investment, leading to debt financing future growth with related financial implications.

Staff are therefore recommending that municipalities should be provided flexibility in how the 2051 forecasts are accounted in their land needs assessment (LNA) and MCR work. Specifically, municipalities should not be required to expand the urban boundary as part of the present MCR to accommodate the 2051 growth forecasts due to the potential financial risks noted above arising from unrealized growth. Instead, municipalities should be given the flexibility to indicate a general growth strategy for the period from 2041 to 2051, without expanding the boundary. This will avoid issues with over-designating land for future development and will allow the City to monitor trends and targets prior to adding additional lands to the urban area in future.

*Recommendation:* The final Schedule 3 forecast shall reflect either the Low or Reference Scenario.

*Recommendation:* Provide flexibility to municipalities in how the 2051 forecasts are accounted in Land Needs Assessment and conformity work by revising Policy 5.2.4.2 as follows (additional wording in italics):

“5.2.4.2 All upper and single tier municipalities will, through a municipal comprehensive review, apply the forecasts in Schedule 3 for planning and managing growth to the horizon of this Plan. *For the period from 2041 to 2051, municipalities are not required to designate lands to accommodate the forecasted growth, but must identify a strategy for how the growth will be accommodated.*”

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*2. Opportunity to plan for a higher forecast:*

In addition to the updated forecasts, a related policy is proposed that would allow municipalities to plan for higher forecasts than the Schedule 3 forecasts.

This policy shift is a significant change from previous versions of the Growth Plan which required municipalities to plan for the Schedule 3 forecasts, with no opportunities to plan for an alternative forecast. The revisions proposed through Amendment 1 would allow municipalities to plan for the Schedule 3 forecast “or such higher forecasts as established by the applicable upper- or single-tier municipality through its municipal comprehensive review”. There is no opportunity to plan for a forecast that is lower than the Schedule 3 numbers.

While this change could be seen to add flexibility and a local planning context to long term growth planning, it could also add an element of uncertainty and debate to the City’s growth management planning. It is not clear how or why an increase in population and employment forecasts beyond Schedule 3 could be justified or how the Province would consider and approve any alternative forecasts. This change could have the effect of subverting the original purpose of the Growth Plan to allocate growth based on regional planning. This issue is relevant for Hamilton given its role as a regional service centre in the southwest GGH.

There is a significant concern the City’s MCR could be delayed by debates, including appeals to the LPAT, over the appropriate forecast to plan toward and also what appears to be a much more flexible and less prescriptive approach to the land needs assessment. Given the required conformity date of July, 2022, municipalities cannot afford to lose time to debates on these issues. Further, delays in the completion of the MCR will cause corresponding delays to the completion of the City’s Infrastructure Master Plan updates and Development Charges By-law update, which could ultimately lead to financial impacts for the City.

*Recommendation:*

**Preferred Option:** The City does not support the proposed revisions to policies 2.2.1, 5.2.4.1 and 5.2.4.2. These policies should not be revised and should instead maintain the existing policy wording of the Growth Plan 2019 which requires municipalities to plan for the forecasts in Schedule 3, with no opportunity for municipalities to consider higher forecasts.

**Second Option:** If the Province maintains the proposed revision to policies 2.2.1, 5.2.4.1 and 5.2.4.2, the policies should be revised to state that an alternative forecast will only be considered where the Council has requested an alternative Schedule 3 forecast and provided appropriate justification to support the alternative forecast. The

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alternative Schedule 3 forecast would require approval from the Minister. If the Minister does not approve the alternative forecast then the Schedule 3 forecast will apply (similar to the policy direction surrounding alternative intensification or density targets).

*3. Mock A vs Mock B Scenario – removal of interim year forecasts:*

The proposed Amendment 1 released for comment includes two variations of Schedule 3 for each scenario – a Mock A and a Mock B format. The Mock A format includes population and employment forecasts for the interim years of 2031 and 2041. The Mock B format only includes the 2051 forecasts. Staff note that municipalities are required to plan for and manage growth to the horizon of the plan in accordance with the 2051 forecasts, but are not required to meet the forecasts for the interim years.

Staff further note that the population and employment forecasts for 2031 and 2041 in the Mock A version of Schedule 3 have been carried forward from the Growth Plan 2019 and have not been updated. The rationale for maintaining the previous forecasts is explained in the preface to Amendment 1 which states that the Minister is proposing to maintain the existing forecasts to 2041 to ensure continuity of the work that municipalities have undertaken to bring their official plans into conformity with the existing forecasts.

On the contrary, staff note the *Hemson Technical Report 'Appendix B: Detailed Forecast Results'* for the City of Hamilton, which is the technical background document released concurrently with Amendment 1, identifies lower population and employment forecasts for the 2031 and 2041 periods than what is reflected on Schedule 3 for all of the Mock A scenarios. The Hemson Report reflects updated analysis of the anticipated growth in the City to 2031 and 2041. The difference in the 2031 and 2041 forecast years is summarized in Table 3 below. The 2051 forecasts align for all scenarios between the two documents.

Table 3 Difference in Forecasts – Growth Plan Schedule 3 and Hemson

Year	Schedule 3 (all scenarios)	Hemson Reference	Hemson High	Hemson Low
<b>Population</b>				
2031	680,000	652,000	655,000	643,000
2041	780,000	733,000	742,000	713,000
<b>Employment</b>				
2031	310,000	271,000	272,000	266,000
2041	350,000	310,000	314,000	301,000

The impact of this difference is reflected in the graphs below. The Hemson forecast results in a more gradual and consistent rate of growth between 2031 and 2041, for

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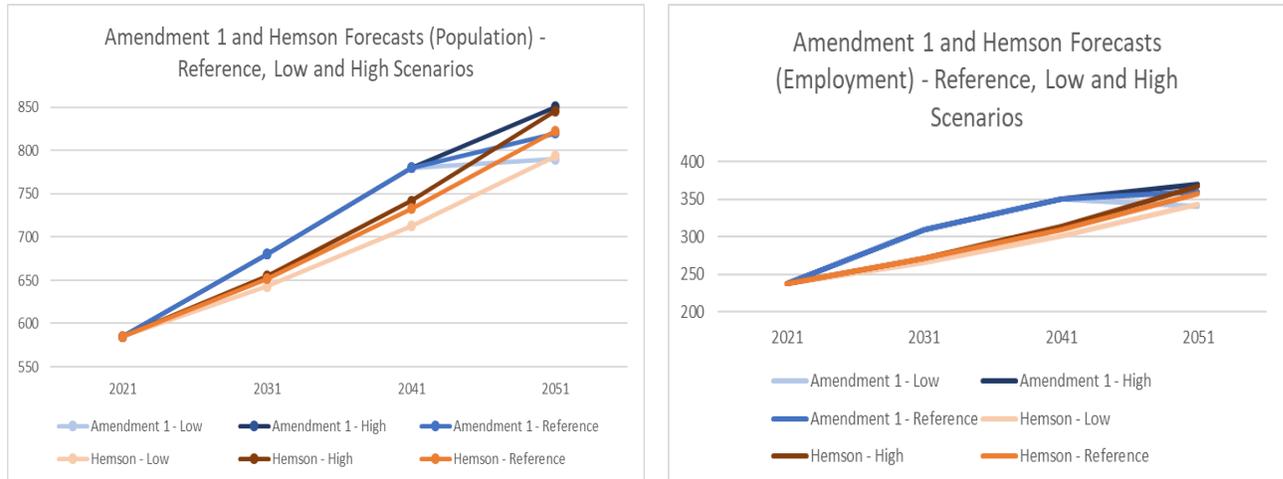
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both population and employment growth. The curve is much flatter. In the Schedule 3 scenarios, the growth increase between 2031 and 2041 is very steep and sharply increases during this period, before slowing toward 2051.



Staff are concerned the Schedule 3 forecasts (all scenarios), which reflect the previous Growth Plan 2019 Schedule 3 forecasts, are artificially inflating the rate of growth between 2031 and 2041 to maintain consistency with the previous forecasts.

Staff have previously identified concerns with the rate of growth proposed between 2021 and 2041 in the existing Schedule 3 scenarios. Using the Hemson and Schedule 3 reference scenarios for population as an example, the difference in the rate of growth can be illustrated. The Schedule 3 reference scenario for population growth would amount to a rate of growth of almost 4,550 units per year on average, compared to an average 2,350 units per year being constructed over the past 10 years. The Hemson Reference forecast, with the graduated curve, amounts to an average 3,600 units per year between 2021 and 2041. The Hemson rate of growth is still a significant increase over current numbers, but is not as drastic as the Schedule 3 numbers.

There are potential fiscal impacts arising from planning for growth that is not realized. For example, if the City's actual population or job growth does not keep pace with the forecasted growth, the City will not collect enough in Development Charges to pay for infrastructure investment because the calculated amount per unit or per sq m collected is insufficient (unless the full planned population occurs within the planned timeframe). The insufficient collection of DCs results in the City debt financing future growth with related financial implications.

Further, with regard to the employment forecasts, staff note that the 'Low' Scenario forecast in the draft Schedule 3 shows a decline in employment between 2041 and 2051, dropping from 350,000 jobs in 2041 to 340,000 in 2051. While staff understand

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that this apparent discrepancy arises because the draft Schedule 3 forecasts are proposing to maintain the previous Schedule 3 2031 / 2041 numbers, staff do not support the inclusion of any forecast scenario which would appear to suggest that Hamilton will lose total employment in any period of time. This sends a negative message and is not reflective of Hamilton's economic resurgence and growth potential.

For these reasons, staff suggest that the Mock B version of Schedule 3 be carried forward into the final Amendment 1. Municipalities will be required to plan for the forecasted population and employment growth to 2051, but may phase the rate of growth as is deemed appropriate based on historic and local conditions.

If the Province chooses to use the Mock A version of Schedule 3 with the interim forecast years, staff suggest that the updated and more realistic 2031 and 2041 scenarios from Hemson should be incorporated into Schedule 3.

Recommendation:

Preferred Option: use the Mock B version of Schedule 3 in Amendment 1 which contains only the 2051 population and employment forecasts.

Second Option: if the Mock A version of Schedule 3 is utilized, the Hemson forecasts for 2031 and 2041 be incorporated in Schedule 3 rather than maintaining the previous Schedule 3 numbers.

*4. Hemson Housing by Type forecast:*

Appendix B to the Hemson Technical Report includes a housing unit breakdown by type for the years 2021 – 2051 for the reference scenario. The breakdown is shown in Table 4 below. For Hamilton, 82% of the projected unit growth is identified as Ground-Related (singles, semis and townhouses), with 18% of unit growth identified as Apartments (defined by Hemson as all apartment buildings regardless of height):

Table 4 Hemson Housing by Type Breakdown

Time Period	Ground-Related	%	Apartments	%	Total
2021 – 2051	89,000	82	20,000	18	109,000

There appears to be a significant discrepancy between this forecasted unit breakdown and the City's recent unit breakdown of new residential units (see Table 5 below) as well as the intensification and density target requirements of the Growth Plan.

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Table 5 City of Hamilton New Residential Unit Breakdown (2015 - 2019)

City of Hamilton Net New Residential Units 2015 - 2019												
Dwelling Type	2015	%	2016	%	2017	%	2018	%	2019	%	Total	%
Single/Semi detached	1,139	40	896	41	610	24	513	20	625	22	<b>3,783</b>	<b>29</b>
Rows	609	21	891	40	1,012	39	859	34	963	34	<b>4,334</b>	<b>33</b>
Apartments	1,130	39	423	19	959	37	1,182	46	1,238	44	<b>4,932</b>	<b>38</b>
Total	2,878		2,210		2,581		2,554		2,826		<b>13,049</b>	

As seen in Table 5, apartments (defined as apartments and stacked townhouses) have accounted for almost 40% of the City's new unit growth over the past 5 years, more than double the breakdown forecast in the Hemson report.

Further, with the Growth Plan minimum intensification target set at 50%, it is anticipated that a significant percentage of these intensification units will continue to be in the form of apartments in the future. Combined with policy direction to support the development of complete communities in greenfield areas which will include higher density housing types, it is apparent that the Hemson unit breakdown appears to misrepresent the number of future apartment units required to meet Growth Plan intensification and density targets. It would not be possible for municipalities to meet the Growth Plan targets based on the Hemson unit breakdown. This raises the question as to why this housing by type breakdown is included in the technical document.

The Hemson report acknowledges that housing mix will be determined through each municipality's conformity work and that planned housing mix will continue to be decided by municipalities through their local planning processes. However, staff find that the inclusion of the Hemson breakdown, as shown, could lead to confusion going forward as the planned housing mix developed and adopted by municipalities will not align with the Hemson breakdown, creating debate and uncertainty.

*Recommendation:*

Option A: revise the Hemson Housing by Type forecast to reflect minimum Growth Plan policy requirements and therefore provide a more realistic housing unit breakdown for municipalities to reference.

Option B: remove the Hemson Housing by Type forecast from Appendix "B" to avoid confusion.

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6. *Transition:*

It is noted that the policies of proposed Amendment 1 will need to be used in most planning decisions immediately after the policies come into effect. Minor modifications to the existing transition regulation O. Reg 311/06 are proposed to clarify conformity requirements with Amendment 1, and to clarify that in situations where an LPAT hearing has taken place but no decision has been issued, the decision will be required to conform to the policies of the Growth Plan prior to Amendment 1. No additional transitional rules are being proposed.

The City of Hamilton has ongoing appeals related to the approvals of its Rural and Urban Hamilton Official Plans (RHOP / UHOP), planning to the horizon year of 2031, which were approved under the Growth Plan 2006. A decision was issued from a pre-hearing conference held in October, 2018 which determined that the appeals would continue to be dealt with under the policies of the Growth Plan 2006.

Staff request clarity in the revised transition regulation issued for Amendment 1 to explicitly address the transition rules for the City of Hamilton and the RHOP / UHOP appeals and the applicable policy framework going forward.

*Recommendation:* The Local Planning Appeal Tribunal proceedings regarding the 2011 Ministry modifications to the Urban Hamilton Official Plan and the 2009 Ministry modifications to the Rural Hamilton Official Plan shall be continued and disposed of in accordance with the 2019 Growth Plan, as amended, and the boundaries of the settlement area in the Urban Hamilton Official Plan shall not be modified by the LPAT and shall not be modified until a municipal comprehensive review has been completed except in accordance with Growth Plan policies 2.2.8.4 and 2.2.8.5.

**Land Needs Assessment Methodology**

1. *Lack of a standardized methodology document and lack of detail in the ERO posting:*

In 2018, the Province released the Land Needs Assessment (LNA) Methodology for the Greater Golden Horseshoe. The standardized methodology was described in a stand-alone document that clearly identified the approach to the completion of a Land Needs Assessment which all Growth Plan municipalities were required to use in the completion of their MCR work. While there was some flexibility in the various data inputs and assumptions used in applying the method, there could be no deviation in the mandated steps to be taken. There was no opportunity to incorporate higher forecasts into the LNA than those shown in the Schedule 3 forecasts in 2018. The benefit of a standardized methodology is that it allows for a consistent approach amongst all Growth Plan municipalities, allows for easy comparison amongst municipalities, and avoids the

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need for debate, particularly at the LPAT, on the appropriate approach to land needs assessment.

The ERO Posting is proposing to replace the 2018 Methodology with an ‘outcome-based methodology’ that appears to provide greater flexibility in how the LNA must be completed. The new methodology is described on the ERO posting, but is much less detailed than the previous methodology. The posting notes the new methodology will present “a simplified approach to land needs assessment that reduces the overall complexity of implementation of the Plan. The proposed Methodology will provide more flexibility to municipalities.”

Under the revised approach, there is no longer a stand-alone methodology document with specific steps to be followed, but rather a much less formal identification of the minimum requirements to be considered. There would appear to be much greater latitude in the data inputs and assumptions used under the new approach. Municipalities may also consider alternate assumptions about forecast growth to the Growth Plan horizon.

While there may be benefit to allowing some flexibility to municipalities in the completion of the LNA (e.g. municipalities can complete the LNA in a manner that is most transparent and easy to understand for Council and the public), there is a significant concern the lack of detail in the proposed methodology on the ERO posting will lead to debate and questioning over the methodology used to complete the LNA and possible appeals to the LPAT, thereby defeating the purpose of establishing a methodology document and slowing the City’s growth management and conformity exercise.

*Recommendation:* The Land Needs Assessment methodology must provide a detailed, standardized approach to the completion of the LNA and remove any opportunities for doubt or debate regarding the approach to LNA completion. The revised methodology should be presented in a detailed stand-alone document as per the 2018 version, and not simply a vague description on the ERO posting.

*2. Market-based approach:*

The proposed methodology also appears to follow more of a market-based approach to the consideration of housing need, as noted in the following passage from the ERO posting:

“Recognizing that local needs are diverse, the proposed new Methodology aims to provide the key factors to be considered as municipalities plan to ensure that a sufficient and appropriate mix of land is available to:  
 accommodate all housing market segments; avoid housing shortages;  
 consider market demand; accommodate all employment types, including those

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that are evolving; and plan for all infrastructure services that are needed to meet complete communities objectives to the horizon of the Plan.”

Further, the ERO posting states that the methodology will “be forward-looking and account for demographics, employment trends, market demand, and concerns related to housing affordability in the Greater Golden Horseshoe.” The proposed new method focusses much more on the concept of ‘market-based’ demand and ensuring sufficient land supply is available to serve all segments of the housing market, referring to ground-related housing versus apartments as distinguished in the updated technical forecast report (2020).

Staff note that basing the LNA in part on market demand raises the question of how market demand is defined, and whether or not future growth management planning should be based on past market demand, or more of a forward-looking approach.

*Recommendation:* If the revised methodology is based, in large part, on the satisfaction of market demand, greater detail as to how market demand is to be defined needs to be provided to remove opportunities for lengthy tribunal debates over this topic. Further, municipalities are required to plan for the minimum intensification and density targets in the Growth Plan, and therefore direction on how municipalities can reconcile market demand with the required targets should be provided.

3. *Public consultation:*

Staff note there is also new language in the ERO posting regarding public consultation and different levels of government, as part of the LNA process. It is staff’s understanding that the 2018 method envisioned consultation on the LNA document with Provincial staff only, as it is a primarily technical document. It was understood that public consultation would occur on the various inputs into the LNA (e.g. intensification and density targets, employment land review) prior to the completion of the LNA. This approach is a potentially significant change to the LNA process and eventual results. The combination of a less formal approach and opportunity to incorporate alternative (higher) assumptions about future growth will require an expanded and lengthy consultation process than envisioned under the 2018 method. It will be challenging for municipalities to meet the required July, 2022 conformity deadline.

*Recommendation:* As the completion of a Land Needs Assessment is a technical document, and it is understood that municipalities will have already consulted on LNA inputs such as intensification and density targets, the completion and approval of the LNA should not require additional public consultation, potentially resulting in lengthy debates and delays.

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**ALTERNATIVES FOR CONSIDERATION**

1. Council could choose not to send formal comments to the Province on the two ERO postings.
2. Council could choose to send amended comments to the Province on the two ERO postings.

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

**Economic Prosperity and Growth**

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

**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”: Letter to Province regarding ERO #019-1680 – Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe;
- Appendix “B”: Letter to Province regarding ERO #019-1679 – Proposed Land Needs Assessment Methodology for A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

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July 29, 2020

Sandra Bickford  
Ontario Growth Secretariat  
777 Bay Street, Suite 2304  
Toronto, ON M7A 2J8

Dear Madam,

**Re: Comments from the City of Hamilton – Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe – ERO Posting #019-1680**

Thank you for the opportunity to provide comments on “Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe – ERO Posting #019-1680”. City of Hamilton staff have reviewed the documents and have prepared the comments below.

Please note that the following documents were considered in the preparation of the comments below:

- Proposed Amendment 1 to A Place To Grow: Growth Plan for the Greater Golden Horseshoe;
- Hemson Technical Report, Greater Golden Horseshoe: Growth Forecasts to 2051.

City of Hamilton staff have reviewed the documents and provide comments on the following specific areas which are of concern to the City of Hamilton:

1. Revised Schedule 3 forecasts and extended planning horizon;
2. Opportunity to plan for a higher forecast;
3. Mock A vs Mock B scenario;
4. Hemson housing by type forecast; and,
5. Transition.

Each of the above areas of concern are elaborated on below.

1. Revised Schedule 3 forecasts and extended planning horizon: the proposed amendment introduces revised population and employment forecasts for all GGH municipalities in Schedule 3 to the year 2051. The proposed Amendment includes 3 possible forecast scenarios: Reference (identified as the most probable future growth outlook); Low; and High. The three scenarios are provided for consultation

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purposes only. The final Schedule 3 in Amendment 1, once released, will only include one forecast to 2051, based on feedback received.

In Hamilton, the difference between the three 2051 forecast scenarios is noted below, compared to the existing Schedule 3 forecasts:

Table 1 Population and Employment Forecasts

Year	Population	Employment
2031 (Existing)	680,000	310,000
2041 (Existing)	780,000	350,000
2051 (Reference Scenario)	820,000	360,000
2051 (Low Scenario)	790,000	340,000
2051 (High Scenario)	850,000	370,000

Staff note that options to accommodate the additional growth include intensification within the City's existing built-up area, increasing the density of future development on the City's existing greenfield lands, and / or through urban boundary expansion into the City's 'whitebelt' lands (i.e. rural lands outside of the Greenbelt Plan area).

The City of Hamilton supports the principles and objectives of the Greenbelt Plan, which provides "a broad band of permanently protected land" for agricultural and related uses. Within Hamilton, opportunities to expand the settlement (urban) area boundary in areas outside of the Greenbelt Plan are limited:

- Approximately 83,700 ha of Hamilton's rural area is within the Greenbelt Plan Protected Countryside, which equates to 94% of the rural land area. Expansion into the Greenbelt Plan area is not permitted (with the minimal exception of a 10 ha expansion to the Towns / Villages).
- Approximately 4,300 ha of Hamilton's rural area lands are outside of the Greenbelt Plan area and frequently referred to as 'whitebelt' lands. Settlement area expansion may be considered into this whitebelt area.
  - Of the 4,300 ha of land, 2,100 ha are constrained by airport Noise Exposure Forecast contours and can therefore only be considered for expansion for Employment purposes.
  - Of the remaining 2,200 ha of the whitebelt lands that may be considered for a potential Community Area expansion, between 300 – 600 ha are constrained by natural heritage features and in accordance with A Place to Grow are netted out of the available land calculation.

A summary of Hamilton's available whitebelt net land supply opportunities (net land area defined in accordance with the Growth Plan exclusions removing natural heritage features) is presented below in Table 2.

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Table 2 Land Supply Opportunities

Gross whitebelt area (ha)	“Employment – only” whitebelt (constrained by NEF contours) (ha)	“Residential whitebelt” – Gross (ha)	“Residential whitebelt” – Net (ha)	
			Growth Plan net-outs	Growth Plan net-outs, including stream net outs
4,320	2,120	2,200	1,940	1,600

The alternative to accommodating the increased growth through urban expansion is to increase the minimum intensification and density targets assumed for future growth. Staff note that the City has limited greenfield supply, and still an emerging intensification market and it is unclear if the intensification market can absorb the significant additional growth. Between 2010 and 2019, the City’s average intensification rate has been 35%, or approximately 2,350 intensification units per year. The City is reviewing intensification supply and demand through the ongoing MCR.

The extended planning horizon to 2051 means that the many unknowns about future growth and development, including those noted above regarding future intensification market potential, become more pronounced as the planning period progresses. For some aspects of long range planning, such as non-linear capital intensive assets including wastewater treatment plants, hospitals and community recreational facilities (eg arenas, stadiums), there is an advantage to the thirty year time horizon for the purpose of preparing and implementing capital upgrades and financing strategies. These assets will be required regardless of where growth occurs and are less likely to be impacted by unforeseen social and economic changes. There is less risk to planning for the extended forecast horizon for these assets.

However, planning for other aspects of future growth in the extended horizon poses greater risk to the municipality. A thirty year time horizon is significant and it is difficult at present to anticipate future social, economic and market changes. Questions surrounding intensification potential, market preferences, built form considerations and other unknown variables make considerations of long range urban boundary expansions difficult to predict and a risk to the municipality. Planning for growth and particularly urban expansion that does not occur can create financial challenges to the municipality if the City’s actual population or job growth does not keep pace with the forecasted growth. The City will not collect enough in Development Charges to pay for infrastructure investment, leading to debt financing future growth with related financial implications.

Staff therefore suggest that municipalities should be provided flexibility in how the 2051 forecasts are accounted in their land needs assessment (LNA) and MCR

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work. Specifically, municipalities should not be required to expand the urban boundary as part of the present MCR to accommodate the 2051 growth forecasts due to the potential financial risks noted above arising from unrealized growth. Instead, municipalities should be given the flexibility to indicate a general growth strategy for the period from 2041 to 2051, without expanding the boundary. This will avoid issues with over-designating land for future development and will allow the City to monitor trends and targets prior to adding additional lands to the urban area in future.

**Recommendation:** The final Schedule 3 forecast shall reflect either the Low or Reference Scenario.

**Recommendation:** Provide flexibility to municipalities in how the 2051 forecasts are accounted in Land Needs Assessment and conformity work by revising Policy 5.2.4.2 as follows (additional wording in italics):

**“5.2.4.2 All upper and single tier municipalities will, through a municipal comprehensive review, apply the forecasts in Schedule 3 for planning and managing growth to the horizon of this Plan. *For the period from 2041 to 2051, municipalities are not required to designate lands to accommodate the forecasted growth, but must identify a strategy for how the growth will be accommodated.*”**

2. Opportunity to plan for a higher forecast: in addition to the updated forecasts, a related policy is proposed that would allow municipalities to plan for higher forecasts than the Schedule 3 forecasts.

This policy shift is a significant change from previous versions of the Growth Plan which required municipalities to plan for the Schedule 3 forecasts, with no opportunities to plan for an alternative forecast. The revisions proposed through Amendment 1 would allow municipalities to plan for the Schedule 3 forecast “or such higher forecasts as established by the applicable upper- or single-tier municipality through its municipal comprehensive review”. There is no opportunity to plan for a forecast that is lower than the Schedule 3 numbers.

While this change could be seen to add flexibility and a local planning context to long term growth planning, it could also add an element of uncertainty and debate to the City’s growth management planning. It is not clear how or why an increase in population and employment forecasts beyond Schedule 3 could be justified or how the Province would consider and approve any alternative forecasts. This change could have the effect of subverting the original purpose of the Growth Plan to allocate growth based on regional planning. This issue is relevant for Hamilton given its role as a regional service centre in the southwest Greater Golden Horseshoe.

There is a significant concern the City’s MCR could be delayed by debates, including appeals to the LPAT, over the appropriate forecast to plan toward and

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also what appears to be a much more flexible and less prescriptive approach to the land needs assessment. Given the required conformity date of July, 2022, municipalities cannot afford to lose time to debates on these issues. Further, delays in the completion of the MCR will cause corresponding delays to the completion of the City's Infrastructure Master Plan updates and Development Charges By-law update, which could ultimately lead to financial impacts for the City.

**Recommendation:**

**Preferred Option: The City does not support the proposed revisions to policies 2.2.1, 5.2.4.1 and 5.2.4.2. These policies should not be revised and should instead maintain the existing policy wording of the Growth Plan 2019 which requires municipalities to plan for the forecasts in Schedule 3, with no opportunity for municipalities to consider higher forecasts.**

**Second Option: If the Province maintains the proposed revision to policies 2.2.1, 5.2.4.1 and 5.2.4.2, the policies should be revised to state that an alternative forecast will only be considered where the Council has requested an alternative Schedule 3 forecast and provided appropriate justification to support the alternative forecast. The alternative Schedule 3 forecast would require approval from the Minister. If the Minister does not approve the alternative forecast then the Schedule 3 forecast will apply (similar to the policy direction surrounding alternative intensification or density targets).**

3. Mock A vs Mock B Schedule 3 – removal of interim year forecasts: the proposed Amendment 1 released for comment includes two variations of Schedule 3 for each scenario – a Mock A and a Mock B format. The Mock A format includes population and employment forecasts for the interim years of 2031 and 2041. The Mock B format only includes the 2051 forecasts. Staff note that municipalities are required to plan for and manage growth to the horizon of the plan in accordance with the 2051 forecasts but are not required to meet the forecasts for the interim years.

Staff further note that the population and employment forecasts for 2031 and 2041 in the Mock A version of Schedule 3 have been carried forward from the Growth Plan 2019 and have not been updated. The rationale for maintaining the previous forecasts is explained in the preface to Amendment 1 which states that the Minister is proposing to maintain the existing forecasts to 2041 to ensure continuity of the work that municipalities have undertaken to bring their official plans into conformity with the existing forecasts.

On the contrary, staff note the Hemson Technical Report 'Appendix B: Detailed Forecast Results' for the City of Hamilton identifies lower population and employment forecasts for the 2031 and 2041 periods than what is reflected on Schedule 3 for all of the Mock A scenarios. The Hemson Report reflects updated analysis of the anticipated growth in the City to 2031 and 2041. The difference in the 2031 and 2041 forecast years is summarized in Table 3 below. The 2051 forecasts align for all scenarios between the two documents.

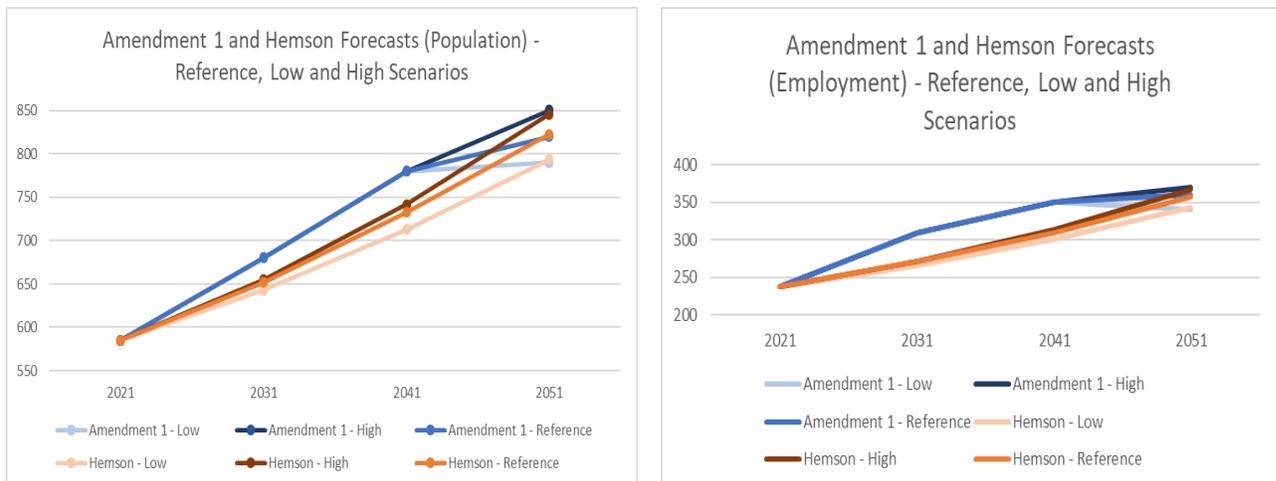
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Table 3 Population and Employment Forecasts

Year	Schedule 3 (all scenarios)	Hemson Reference	Hemson High	Hemson Low
<b>Population</b>				
2031	680,000	652,000	655,000	643,000
2041	780,000	733,000	742,000	713,000
<b>Employment</b>				
2031	310,000	271,000	272,000	266,000
2041	350,000	310,000	314,000	301,000

The impact of this difference is reflected in the graphs below. The Hemson forecast results in a more gradual and consistent rate of growth between 2031 and 2041, for both population and employment growth. The curve is much flatter. In the Schedule 3 scenarios, the growth increase between 2031 and 2041 is very steep and sharply increases during this period, before slowing toward 2051.



Staff are concerned the Schedule 3 forecasts (all scenarios), which reflect the previous Growth Plan 2019 Schedule 3 forecasts, are artificially inflating the rate of growth between 2031 and 2041 to maintain consistency with the previous forecasts.

Staff have previously identified concerns with the rate of growth proposed between 2021 and 2041 in the existing Schedule 3 scenarios. Using the Hemson and Schedule 3 reference scenarios for population as an example, the difference in the rate of growth can be illustrated. The Schedule 3 reference scenario for population growth would amount to a rate of growth of almost 4,550 units per year on average, compared to an average 2,350 units per year being constructed over the past 10 years. The Hemson Reference forecast, with the graduated curve, amounts to an average 3,600 units per year between 2021 and 2041. The Hemson rate of growth is still a significant increase over current numbers, but is not as drastic as the Schedule 3 numbers.

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There are potential fiscal impacts arising from planning for growth that is not realized. For example, if the City's actual population or job growth does not keep pace with the forecasted growth, the City will not collect enough in Development Charges to pay for infrastructure investment because the calculated amount per unit or per sq m collected is insufficient (unless the full planned population occurs within the planned timeframe). The insufficient collection of DCs results in the City debt financing future growth with related financial implications.

Further, with regard to the employment forecasts, staff note that the 'Low' Scenario forecast in the proposed Schedule 3 shows a decline in employment between 2041 and 2051, dropping from 350,000 jobs in 2041 to 340,000 in 2051. While staff understand that this apparent discrepancy arises because the proposed Schedule 3 forecasts are proposing to maintain the previous Schedule 3 2031 / 2041 numbers, staff do not support the inclusion of any forecast scenario which would appear to suggest that Hamilton will lose total employment in any period of time. This sends a negative message and is not reflective of Hamilton's economic resurgence and growth potential.

For these reasons, staff suggest that the Mock B version of Schedule 3 be carried forward into the final Amendment 1. Municipalities will be required to plan for the forecasted population and employment growth to 2051, but may phase the rate of growth as is deemed appropriate based on historic and local conditions.

If the Province chooses to use the Mock A version of Schedule 3 with the interim forecast years, staff suggest that the updated and more realistic 2031 and 2041 scenarios from Hemson should be incorporated into Schedule 3.

**Recommendation:**

**Preferred Option: use the Mock B version of Schedule 3 in Amendment 1 which contains only the 2051 population and employment forecasts.**

**Second Option: if the Mock A version of Schedule 3 is utilized, the Hemson forecasts for 2031 and 2041 be incorporated in Schedule 3 rather than maintaining the previous Schedule 3 numbers.**

4. Hemson Housing by Type forecast: Appendix B to the Hemson Technical Report includes a housing unit breakdown by type for the years 2021 – 2051 for the reference scenario. The breakdown is shown in Table 4 below. For Hamilton, 82% of the projected unit growth is identified as Ground-Related (singles, semis and townhouses), with 18% of unit growth identified as Apartments (defined by Hemson as all apartment buildings regardless of height):

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Table 4 Hemson Housing by Type Breakdown

Time Period	Ground-Related	%	Apartments	%	Total
2021 – 2051	89,000	82	20,000	18	109,000

There appears to be a significant discrepancy between this forecasted unit breakdown and the City's recent unit breakdown of new residential units (see Table 5 below) as well as the intensification and density target requirements of the Growth Plan.

Table 5 City of Hamilton New Residential Unit Breakdown (2015 - 2019)

City of Hamilton Net New Residential Units 2015 - 2019												
Dwelling Type	2015	%	2016	%	2017	%	2018	%	2019	%	Total	%
Single/Semi detached	1,139	40	896	41	610	24	513	20	625	22	<b>3,783</b>	<b>29</b>
Rows	609	21	891	40	1,012	39	859	34	963	34	<b>4,334</b>	<b>33</b>
Apartments	1,130	39	423	19	959	37	1,182	46	1,238	44	<b>4,932</b>	<b>38</b>
Total	2,878		2,210		2,581		2,554		2,826		<b>13,049</b>	

As seen in Table 5, apartments (defined as apartments and stacked townhouses) have accounted for almost 40% of the City's new unit growth over the past 5 years, more than double the breakdown forecast in the Hemson report.

Further, with the Growth Plan minimum intensification target set at 50%, it is anticipated that a significant percentage of these intensification units will continue to be in the form of apartments in the future. Combined with policy direction to support the development of complete communities in greenfield areas which will include higher density housing types, it is apparent that the Hemson unit breakdown appears to misrepresent the number of future apartment units required to meet Growth Plan intensification and density targets. It would not be possible for municipalities to meet the Growth Plan targets based on the Hemson unit breakdown. This raises the question as to why this housing by type breakdown is included in the technical document.

The Hemson report acknowledges that housing mix will be determined through each municipality's conformity work and that planned housing mix will continue to be decided by municipalities through their local planning processes. However, staff find that the inclusion of the Hemson breakdown, as shown, could lead to confusion going forward as the planned housing mix developed and adopted by municipalities will not align with the Hemson breakdown, creating debate and uncertainty.

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**Recommendation:**

**Option A: revise the Hemson Housing by Type forecast to reflect minimum Growth Plan policy requirements and therefore provide a more realistic housing unit breakdown for municipalities to reference;**

**Option B: remove the Hemson Housing by Type forecast from Appendix “B” to avoid confusion.**

5. **Transition:** it is noted that the policies of proposed Amendment 1 will need to be used in most planning decisions immediately after the policies come into effect. Minor modifications to the existing transition regulation O. Reg 311/06 are proposed to clarify conformity requirements with Amendment 1, and to clarify that in situations where an LPAT hearing has taken place but no decision has been issued, the decision will be required to conform to the policies of the Growth Plan prior to Amendment 1. No additional transitional rules are being proposed.

The City of Hamilton has ongoing appeals related to the approvals of its Rural and Urban Hamilton Official Plans (RHOP / UHOP), planning to the horizon year of 2031, which were approved under the Growth Plan 2006. A decision was issued from a pre-hearing conference held in October, 2018 which determined that the appeals would continue to be dealt with under the policies of the Growth Plan 2006.

Staff request clarity in the revised transition regulation issued for Amendment 1 to explicitly address the transition rules for the City of Hamilton and the RHOP / UHOP appeals and the applicable policy framework going forward, as per the recommendation below.

**Recommendation: The Local Planning Appeal Tribunal proceedings regarding the 2011 Ministry modifications to the Urban Hamilton Official Plan and the 2009 Ministry modifications to the Rural Hamilton Official Plan shall be continued and disposed of in accordance with the 2019 Growth Plan, as amended, and the boundaries of the settlement area in the Urban Hamilton Official Plan shall not be modified by the LPAT and shall not be modified until a municipal comprehensive review has been completed except in accordance with Growth Plan policies 2.2.8.4 and 2.2.8.5.**

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1 to A Place to Grow: Growth Plan for the Greater Golden  
Horseshoe – ERO Posting #019-1680**

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Please accept these comments to meet the July 31, 2020 Provincial deadline for the submission of comments on the Proposed Amendment 1 to A Place to Grow. If you have any questions, please feel free to contact Heather Travis at (905) 546-2424, ext. 4168, or by email at [Heather.Travis@hamilton.ca](mailto:Heather.Travis@hamilton.ca).

Yours truly,

Steve Robichaud  
Director of Planning and Chief Planner  
Planning Division  
Planning and Economic Development Department  
City of Hamilton

HT:



Hamilton

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Planning Division  
Phone: 905-546-2424 Ext. 4281 Fax: 905-546-4202

July 29, 2020

Sandra Bickford  
Ontario Growth Secretariat  
777 Bay Street, Suite 2304  
Toronto, ON M7A 2J8

Dear Madam,

**Re: Comments from the City of Hamilton – Proposed Land Needs Assessment Methodology for A Place to Grow: Growth Plan for the Greater Golden Horseshoe – ERO Posting #019-1679**

Thank you for the opportunity to provide comments on “Proposed Land Needs Assessment Methodology for A Place to Grow: Growth Plan for the Greater Golden Horseshoe – ERO Posting #019-1679”. City of Hamilton staff have reviewed the ERO posting which explains the revised methodology and have prepared the comments below and provide comments with respect to the following areas of concern:

1. Lack of a standardized methodology document and lack of detail in the ERO posting;
2. Market-based approach; and,
3. Public consultation.

The following specific areas of concern are identified by the City of Hamilton:

1. Lack of a standardized methodology document and lack of detail in the ERO posting:  
In 2018, the Province released the Land Needs Assessment Methodology for the Greater Golden Horseshoe. The standardized methodology was described in a stand-alone document that clearly identified the approach to the completion of a Land Needs Assessment which all Growth Plan municipalities were required to use in the completion of their MCR work. While there was some flexibility in the various data inputs and assumptions used in applying the method, there could be no deviation in the mandated steps to be taken. There was no opportunity to incorporate higher forecasts into the LNA than those shown in the Schedule 3 forecasts in 2018. The benefit of a standardized methodology is that it allows for a consistent approach amongst all Growth Plan municipalities, allows for easy comparison amongst municipalities, and avoids the need for debate, particularly at the LPAT, on the appropriate approach to land needs assessment.

The ERO Posting is proposing to replace the 2018 Methodology with an ‘outcome-based methodology’ that appears to provide greater flexibility in how the LNA must be completed. The new methodology is described on the ERO posting, but is much less detailed than the previous methodology. The posting notes the new

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methodology will present “a simplified approach to land needs assessment that reduces the overall complexity of implementation of the Plan. The proposed Methodology will provide more flexibility to municipalities.”

Under the revised approach, there is no longer a stand-alone methodology document with specific steps to be followed, but rather a much less formal identification of the minimum requirements to be considered. There would appear to be much greater latitude in the data inputs and assumptions used under the new approach. Municipalities may also consider alternate assumptions about forecast growth to the Growth Plan horizon.

While there may be benefit to allowing some flexibility to municipalities in the completion of the LNA (e.g. municipalities can complete the LNA in a manner that is most transparent and easy to understand for Council and the public), there is a significant concern the lack of detail in the proposed methodology on the ERO posting will lead to debate and questioning over the methodology used to complete the LNA and possible appeals to the LPAT, thereby defeating the purpose of establishing a methodology document and slowing the City’s growth management and conformity exercise.

**Recommendation: The Land Needs Assessment methodology must provide a detailed, standardized approach to the completion of the LNA and remove any opportunities for doubt or debate regarding the approach to LNA completion. The revised methodology should be presented in a detailed stand-alone document as per the 2018 version, and not simply a vague description on the ERO posting.**

2. Market-based approach: The proposed methodology also appears to follow more of a market-based approach to the consideration of housing need, as noted in the following passage from the ERO posting:

“Recognizing that local needs are diverse, the proposed new Methodology aims to provide the key factors to be considered as municipalities plan to ensure that a sufficient and appropriate mix of land is available to: accommodate all housing market segments; avoid housing shortages; consider market demand; accommodate all employment types, including those that are evolving; and plan for all infrastructure services that are needed to meet complete communities objectives to the horizon of the Plan.”

Further, the posting states that the methodology will “be forward-looking and account for demographics, employment trends, market demand, and concerns related to housing affordability in the Greater Golden Horseshoe.” The proposed new method focusses much more on the notion of ‘market-based’ demand and ensuring sufficient land supply is available to serve all segments of the housing market, referring to ground-related housing versus apartments as distinguished in the updated technical forecast report (2020).

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Staff note that basing the LNA in part on market demand raises the question of how market demand is defined, and whether or not future growth management planning should be based on past market demand, or more of a forward-looking approach.

**Recommendation: if the revised methodology is based, in large part, on the satisfaction of market demand, greater detail as to how market demand is to be defined needs to be provided to remove opportunities for lengthy tribunal debates over this topic. Further, municipalities are required to plan for the minimum intensification and density targets in the Growth Plan, and therefore direction on how municipalities can reconcile market demand with the required targets should be provided.**

3. Public consultation:

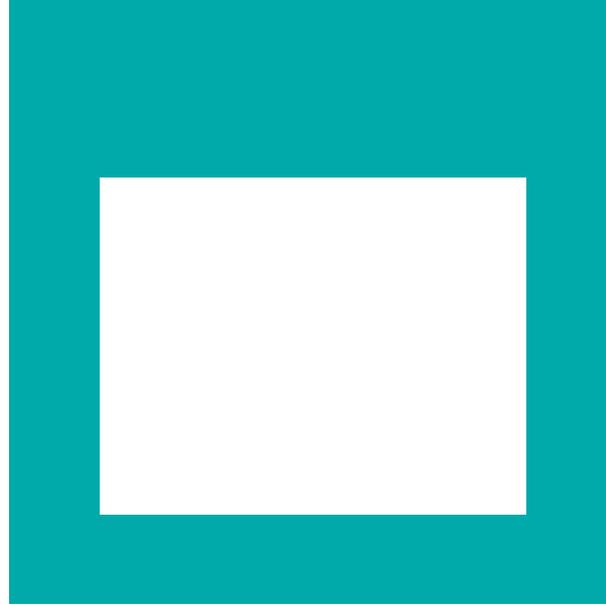
Staff note there is also new language in the ERO posting regarding public consultation and different levels of government, as part of the LNA process. It is staff's understanding that the 2018 method envisioned consultation on the LNA document with Provincial staff only, as it is a primarily technical document. It was understood that public consultation would occur on the various inputs into the LNA (e.g. intensification and density targets, employment land review) prior to the completion of the LNA. This approach is a potentially significant change to the LNA process and eventual results. The combination of a less formal approach and opportunity to incorporate alternative (higher) assumptions about future growth will require an expanded and lengthy consultation process than envisioned under the 2018 method. It will be challenging for municipalities it meet the required July, 2022 conformity deadline.

**Recommendation: as the completion of a Land Needs Assessment is a technical document, and it is understood that municipalities will have already consulted on LNA inputs such as intensification and density targets, the completion and approval of the LNA should not require additional public consultation, potentially resulting in lengthy debates and delays.**

Please accept these comments to meet the July 31, 2020 Provincial deadline for the submission of comments on the Proposed Land Needs Assessment Methodology for A Place to Grow. If you have any questions, please feel free to contact Heather Travis at (905) 546-2424, ext. 4168, or by email at [Heather.Travis@hamilton.ca](mailto:Heather.Travis@hamilton.ca).

Yours truly,

Steve Robichaud  
Director of Planning and Chief Planner  
Planning Division  
Planning and Economic Development Department  
City of Hamilton



# Growth Plan Amendment 1 and Revised Land Needs Assessment Methodology – City of Hamilton Comments

August 18, 2020  
(PED19033(b))

# ERO Postings

On June 16, 2020, the Province released two postings on the Environmental Registry of Ontario for review and comment:

- #019-1680 – Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe; and,
- #019-1679 – Proposed Land Needs Assessment Methodology for A Place to Grow.

The deadline for comments was July 31, 2020. Staff submitted comments to the Province by the deadline. Any revisions or modifications by Council will be forwarded to the Province as the City's formal comments on the ERO postings.

# Proposed Amendment 1 to a Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

Key changes with impact on the City of Hamilton:

- Extended planning horizon to 2051; and,
- Updated population and employment forecasts.

# Proposed Amendment 1 to a Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

Summary of concerns:

1. Revised forecasts
2. Extended planning horizon
3. Opportunity to plan for a higher forecast
4. Interim year forecasts
5. Housing by type forecast
6. Transition

# Revised Schedule 3 Forecasts

## Revised Schedule 3 Forecasts:

Year	Population	Employment
2031 (Existing)	680,000	310,000
2041 (Existing)	780,000	350,000
2051 (Reference Scenario)	820,000	360,000
2051 (Low Scenario)	790,000	340,000
2051 (High Scenario)	850,000	370,000

The “Reference Scenario” is identified as being the most probable future growth forecast.

## Revised Schedule 3 Forecasts

Options to accommodate the additional growth include:

- intensification within the existing urban area;
- increasing the density of future development; and / or,
- urban expansion into the City's 'whitebelt' lands.

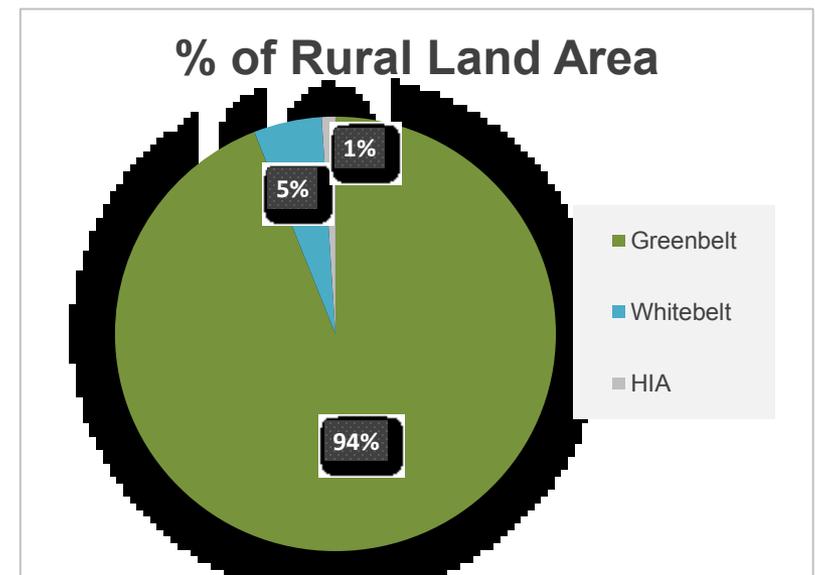
GRIDS 2 / MCR will examine how much of the growth can be accommodated through intensification and increased density of the City's greenfield lands.

## Revised Schedule 3 Forecasts

‘Whitebelt’ lands are Rural lands which are not located within the Greenbelt Plan area. Urban expansion can only take place within the ‘whitebelt’ area (with a small exception for Towns / Villages).

Within Rural Hamilton:

- 94% of the land area is within the Greenbelt Plan
- 5% of the land area is considered ‘whitebelt’
- 1% is occupied by the Hamilton International Airport



## Revised Schedule 3 Forecasts

Growth in the 'whitebelt' lands is constrained by many factors:

- Natural heritage features
- Rights – of – ways and corridors
- Airport Noise Exposure Forecast contours – lands that are located above the 28 NEF contour may not be developed for sensitive land uses.

After factoring in these constraints, roughly 1,600 ha of whitebelt lands are available to accommodate residential growth.

# Revised Schedule 3 Forecasts

Recommendation:

- (a)(i) The final Schedule 3 forecast should reflect either the Low or Reference scenario.

# Extended Planning Horizon

- Extended planning horizon to 2051 is significant.
- Difficult at present to anticipate future social, economic, and market changes, including intensification potential, employment trends etc.
- Planning for growth that does not occur can create financial challenges.

# Extended Planning Horizon

## Recommendation:

- (a)(ii) Revise Growth Plan policies to provide flexibility to municipalities in planning for growth from 2041 to 2051 by not requiring municipalities to designate land to accommodate the growth, but rather to identify a strategy for how the growth will be accommodated.

# Opportunity to Plan for a Higher Forecast

- Proposed revisions would allow a municipality to plan for higher population and / or job forecasts than the Schedule 3 forecasts.
- There is no opportunity to plan for a lower forecast.
- Not clear how or why an increased forecast could be justified.
- MCR process could be delayed over debates about the appropriate forecast to plan toward.
- Potential regional planning implications if certain municipalities plan for higher growth which may impact the growth of other municipalities.

# Opportunity to Plan for a Higher Forecast

## Recommendations:

- (a)(iii) The City does not support the proposed revisions to allow municipalities to plan for higher forecasts. The existing policy wording of the Growth Plan 2019 should be maintained which requires municipalities to plan for the forecasts in Schedule 3, and do not provide any opportunity for municipalities to consider higher forecasts.
- (a)(iv) As an alternative to (iii), if the Province maintains the revision to the policies, the Policy should be revised to state that only Councils may request an increased Schedule 3 forecast with appropriate justification, which would require approval from the Minister.

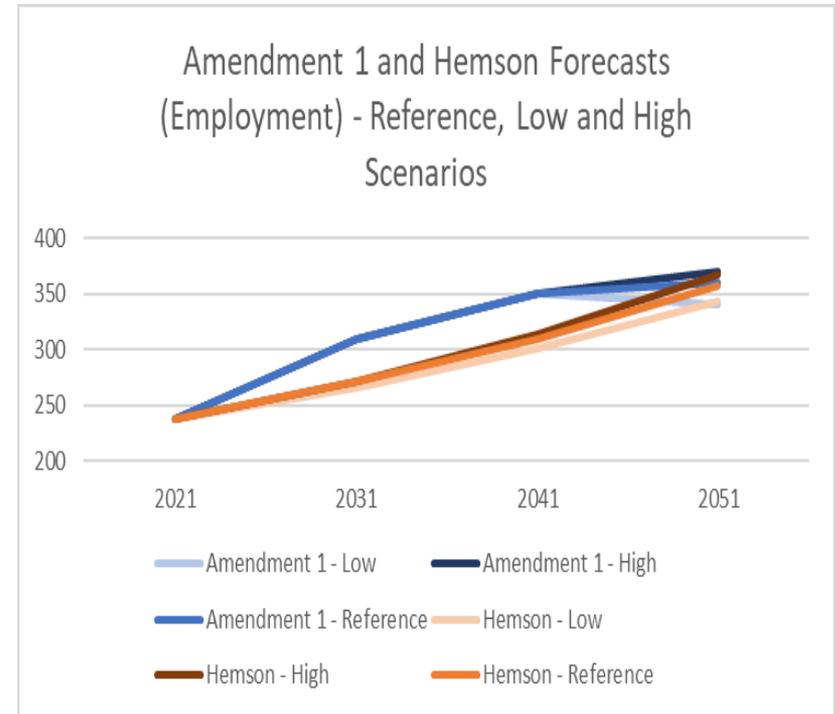
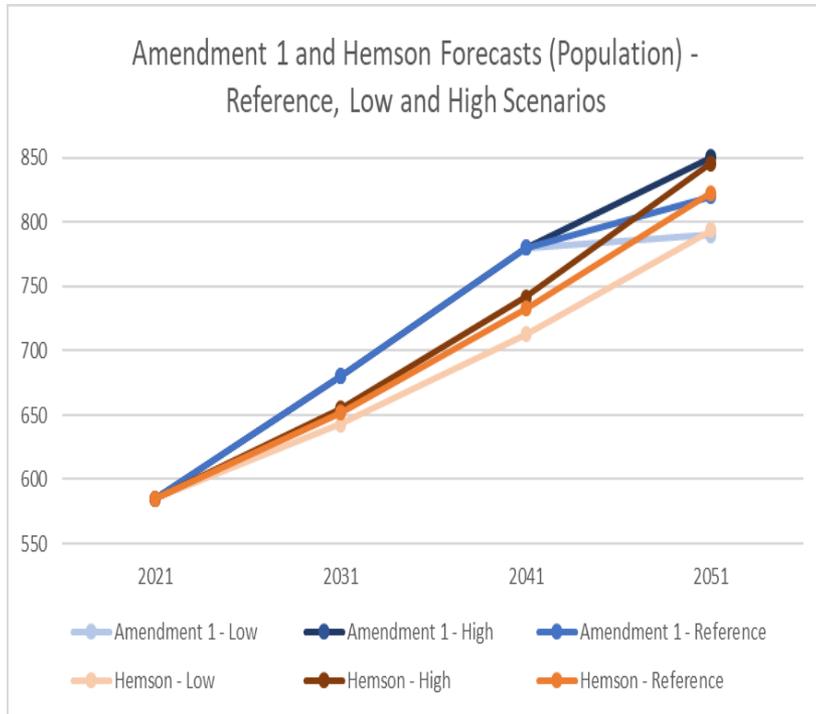
# Interim Year Forecasts

- Two versions of Schedule 3 were included with the draft Amendment 1: Mock A and Mock B.
  - Mock A: includes forecasts for 2031, 2041 and 2051.
  - Mock B: includes forecasts only for 2051.
- The 2031 and 2041 forecasts in Mock A have been carried forward from the previous version of Schedule 3 in the Growth Plan 2019 and have not been updated.

# Interim Year Forecasts

- A technical background document was released with Amendment 1 prepared by Hemson Consulting.
- Appendix B to the Hemson report identifies updated 2031 and 2041 forecasts for all municipalities in addition to the 2051 numbers.
- For all scenarios (reference, low and high), the Hemson 2031 and 2041 population and job forecasts are lower for Hamilton than the Schedule 3 numbers.

# Interim Year Forecasts



The Hemson forecasts result in a more gradual and consistent rate of growth from 2021 to 2041.

# Interim Year Forecasts

- Concern that the Schedule 3 interim year forecasts are artificially inflating the rate of growth to 2041.
- Staff have previously identified concerns with the rate of growth in the Schedule 3 forecasts to 2041.
- Concern over planning for growth in the early years that does not materialize.

# Interim Year Forecasts

## Recommendations:

- (a)(v) The 'Mock B' format in Amendment 1 which contains the 2051 population and employment forecasts, with no interim year forecasts, is the preferred option for the Schedule 3 format.
  
- (a)(vi) As an alternative to (v), if the 'Mock A' format of Schedule 3 is approved, then the Hemson population and employment forecasts for the 2031 and 2041 time periods be incorporated into Schedule 3 rather than maintaining the current 2019 Schedule 3 numbers.

## Hemson Housing by Type Forecast

- Appendix B to the Hemson report includes a housing by unit type breakdown:

Time Period	Ground-Related	%	Apartments	%	Total
2021 – 2051	89,000	82	20,000	18	109,000

- The Growth Plan requires that a minimum of 50% of the City's new units be in the form of intensification, which is anticipated to be primarily apartment units.

# Hemson Housing by Type Forecast

- City's unit breakdown over past 5 years:

Year	Ground – related (%)		Apartments (%)
	Singles / Semis	Towns	
2015 – 2019	29	33	<b>38</b>
	<b>62</b>		

- The Hemson unit breakdown is misrepresenting the number of future apartment units anticipated to be constructed going forward.

# Hemson Housing by Type Forecast

## Recommendations:

- (a)(vii) The Housing by Type forecast included in the “Hemson Greater Golden Horseshoe: Growth Forecasts to 2051” report be revised to reflect the minimum Growth Plan policy requirements that provide a more realistic housing unit breakdown for municipalities to reference.
- (a)(viii) As an alternative to (vii), the Hemson Housing by Type forecast could be removed from the Technical Report to avoid confusion.

# Transition

## Recommendation:

- (ix) The Local Planning Appeal Tribunal proceedings regarding the 2011 Ministry modifications to the Urban Hamilton Official Plan and the 2009 Ministry modifications to the Rural Hamilton Official Plan shall be continued and disposed of in accordance with the 2019 Growth Plan, as amended, and the boundaries of the settlement area in the Urban Hamilton Official Plan shall not be modified by the LPAT and shall not be modified until a municipal comprehensive review has been completed except in accordance with Growth Plan policies 2.2.8.4 and 2.2.8.5.

# Proposed Land Needs Assessment Methodology

## Key Changes:

- In 2018, the Province released the *Land Needs Assessment Methodology for the Greater Golden Horseshoe*.
- Methodology was a stand-alone document which clearly identified the approach that municipalities were required to follow to complete the LNA.
- Proposing to replace the 2018 Methodology with an approach that provides more flexibility to municipalities in completing the LNA.
- No stand-alone document is proposed, instead a less formal identification of minimum requirements to be considered.

# Proposed Land Needs Assessment Methodology

Summary of concerns:

1. Lack of a standardized methodology
2. Market-based approach
3. Consultation requirements

## Lack of a Standardized Methodology

- Benefit of a standardized methodology is that it allows for easy comparison amongst municipalities, and removes the opportunity for debate over the best approach to follow.
- Concern that the lack of detail in the new methodology will lead to debate and questioning over the best approach to complete the LNA.
- Defeats the purpose of establishing a methodology and may slow the City's GRIDS 2 / MCR conformity exercise.

## Lack of a Standardized Methodology

### Recommendation:

- (b)(i) The Land Needs Assessment methodology must provide a detailed, standardized approach to the completion of the LNA and remove any opportunities for doubt or debate regarding the approach to LNA completion. The revised methodology should be presented in a detailed stand-alone document similar the 2018 version.

# Market-based Approach

- Proposed methodology follows more of a market-based approach to the consideration of housing need.
- Concern that basing the LNA in part on market demand raises the question of:
  - how market demand is defined?
  - how market demand can be reconciled with required minimum intensification and density targets?

## Market-based Approach

### Recommendation:

- (b) (ii) The Province should provide greater detail as to how market demand is to be defined and provide direction on how municipalities can reconcile market demand with the required Growth Plan intensification and density targets.

# Public Consultation

- New language in the ERO posting regarding public consultation on the LNA document.
- Consultation is an important part of the process and the public is engaged on inputs into the LNA including intensification and density targets and employment land review.
- Under the previous methodology, consultation on the technical LNA method and calculations was not required.
- Opportunity for consultation on the technical components of the LNA could result in lengthy delays to the City's growth management planning.

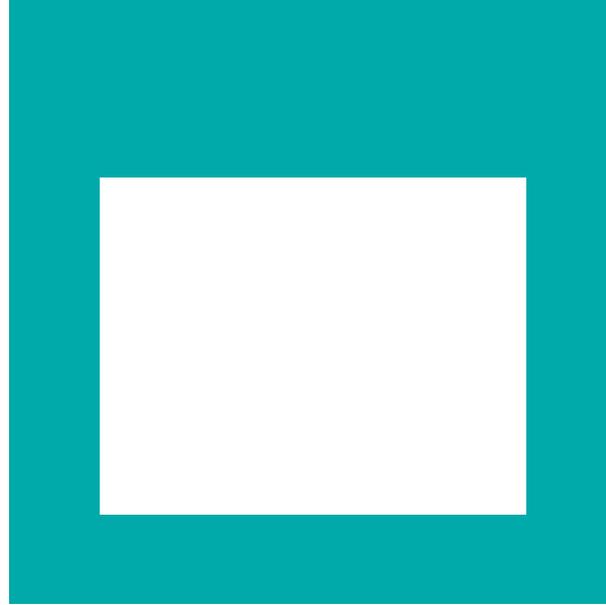
# Public Consultation

## Recommendation:

- (b)(iii) The completion and approval of the LNA should not require additional public consultation, potentially resulting in lengthy debates and delays, as the completion of a Land Needs Assessment is a technical document, and it is understood that municipalities consulted on LNA inputs such as intensification and density targets.

# ERO Postings

- Comments on the ERO Postings were provided to the Province by staff in advance of the July 31 commenting deadline.
- The Staff report, including any changes requested by Council, will be further submitted as the City's comments on the two postings.



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

# 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.