



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 20-009
Date: September 8, 2020
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

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

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

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

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PLANNING COMMITTEE

MINUTES

20-008

August 18, 2020

9:30 a.m.

Council Chambers, Hamilton City Hall
71 Main Street West

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

Absent with Regrets: Councillor B. Johnson – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) (Item 7.1)**

(Partridge/Pearson)

- (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.

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”.
- (c) ***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
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

2. 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) (Item 7.2)

(Pearson/Danko)

- (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 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”, **as amended**, 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.

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

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

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

3. Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide) (Item 7.3)

(Pearson/Danko)

- (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).
- (b) ***That the public submissions received on this matter did not affect the decision.***
- (c) ***That the proposed Temporary Use By-law described in (a) above be further amended to permit live or recorded music, amplified music, and audio/video presentations (including televised sports and***

entertainment) on any Outdoor Commercial Patio for lands zoned for Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Park (P2) Zone and City Wide (P3) Zone and are covered by the Downtown Secondary Plan;

- (d) *That should any notice be required to amend the proposed by-law attached as Appendix "A" to Report PED20135 to permit live or recorded music, amplified music, and audio/video presentations (including televised sports and entertainment), that notice is hereby waived.*
- (e) *That the previously Council-directed suspension of enforcement related to Outdoor Commercial Patios also include suspension of enforcement related to (b) above.*

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

4. Amendments to the General Provisions of Business Licensing By-law 07-170 (PED20137) (City Wide) (Item 9.1)

(Collins/Pearson)

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.

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

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

5. Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (PED19033(b)) (City Wide) (Item 9.2)

(Partridge/Danko)

(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 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.
- (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).

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

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

6. Waterdown Heritage Walk Commemorative Plaques (Item 10.1)

(Partridge/Pearson)

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.

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

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

- 7. 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) (Added Item 13.1)**

(Wilson/Danko)

- (a) That recommendations (a), (b), and (c) contained in Report LS20021/PED19186(a) remain confidential, until made public, as the City's position before the LPAT; and,
- (b) That the remainder of Report LS20021/PED19186(a) and its appendices remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - 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. DELEGATION REQUESTS (Item 5)

- 5.1 Lynda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2) (For today's meeting)

2. PRIVATE AND CONFIDENTIAL (Item 13)

- 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)

(Pearson/Partridge)

That the agenda for the August 18, 2020 meeting be approved, as amended.

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

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - 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) August 11, 2020 (Item 3.1)

(Pearson/Danko)

That the Minutes of the August 11, 2020 meeting be approved, as presented.

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

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

(d) DELEGATION REQUESTS (Item 5)

(i) Lynda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2) (For today's meeting) (Added Item 5.1)

(Wilson/Farr)

That the Delegation from Lynda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2), be approved for today's meeting.

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

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

(e) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 7)

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

In accordance with the provisions of the *Planning Act*, Chair Farr advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment and Official Plan Amendment, 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) Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) (Item 7.1)

No members of the public were registered as Delegations.

(Pearson/Partridge)

That the staff presentation be waived

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

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

Jared Marcus, IBI Group, was in attendance and indicated support for the staff report. Jared Marcus requested the removal of a holding provision related to a required Stage Three Archaeological Study, which was not supported by the Committee.

(Pearson/Danko)

That the delegation from Jared Marcus, IBI Group, 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
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

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

(Partridge/Pearson)

- (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.

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".

(Partridge/Pearson)

That the recommendations in Report PED20131 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 5 to 0, as follows:

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

For disposition of this matter, refer to Item 1.

- (ii) **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) (Item 7.2)**

No members of the public were registered as Delegations.

(Pearson/Partridge)

That the staff presentation be waived.

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

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

Matt Johnston, Urban Solutions, was in attendance and indicated support for the staff report, with a requested amendment.

(Partridge/Danko)

That the delegation from Matt Johnston, 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
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Danko)

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

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

(Pearson/Danko)

- (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:
- (iii) 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;
- (iv) 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 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:
- (v) That the draft By-law attached as Appendix “C”, **as amended**, to Report PED20132, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (vi) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject 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.”

- (vii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019); and,
- (viii) That the proposed change in zoning complies with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(Pearson/Partridge)

That the draft Zoning By-law, attached as Appendix “C” to Report PED20132, be amended as follows:

- (a) Sub-section 2(m): No parking space shall be located closer to the street line than ~~3.5m~~ **3.30m**
- (b) Sub-section 4(a): Minimum Setback from a Daylighting Triangle: ~~5.5m~~ **4.30m**

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

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

(Pearson/Danko)

That the recommendations in Report PED20132 be **amended** by adding the following sub-section (c):

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

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

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

For disposition of this matter, refer to Item 2.

- (iii) **Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide) (Item 7.3)**

No members of the public were registered as Delegations.

Joanne Hickey-Evans, Manager, Policy Planning and Zoning By-law Reform, addressed the Committee with the aid of a PowerPoint presentation.

(Partridge/Pearson)

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

(Danko/Wilson)

That the written submission from Erin Shacklette 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
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge

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

(Pearson/Collins)

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).

(Pearson/Collins)

That the recommendations in Report PED20135 be **amended** by adding the following sub-section (b):

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

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

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

Councillor Danko assumed the Chair.

(Farr/Danko)

That the recommendations in Report PED20135 be amended by adding sub-sections (c), (d) and (e) as follows:

- (c) ***That the proposed Temporary Use By-law described in (a) above be further amended to permit live or recorded music, amplified music, and audio/video presentations (including televised sports and entertainment) on any Outdoor Commercial Patio for lands zoned for Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Park (P2) Zone and City Wide (P3) Zone and are covered by the Downtown Secondary Plan;***
- (d) ***That should any notice be required to amend the proposed by-law attached as Appendix "A" to Report PED20135 to permit live or recorded music, amplified music, and audio/video presentations (including televised sports and entertainment), that notice is hereby waived.***
- (e) ***That the previously Council-directed suspension of enforcement related to Outdoor Commercial Patios also include suspension of enforcement related to (b) above.***

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

For disposition of this matter, refer to Item 3.

Councillor Farr assumed the Chair.

- (iv) **Lynda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2) (For today's meeting) (Added Item 7.4)**

Linda Lukasik, Environment Hamilton, addressed the Committee respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2).

(Wilson/Pearson)

That the delegation from Linda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2), 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
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(e) DISCUSSION ITEMS (Item 9)

- (i) **Comments on Proposed Amendment 1 to A Place to Grow and Revised Land needs Assessment Methodology (PED19033(b) (Item 9.2)**

Heather Travis, Senior Project Manager, 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
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

(f) GENERAL INFORMATION / OTHER BUSINESS (Item 12)

(i) General Manager's Update (Added Item 12.1)

Jason Thorne, General Manager, PED, addressed the Committee regarding the Minister's Orders on the Psychiatric Hospital lands; and responded to questions about tent permits.

(g) PRIVATE AND CONFIDENTIAL (Item 13)

(i) 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) (Added Item 13.1)

(Wilson/Pearson)

That Committee move into Closed Session respecting Item 13.1 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.

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

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

For disposition of this matter, refer to Item 7.

(h) ADJOURNMENT (Item 14)

(Collins/Pearson)

That there being no further business, the Planning Committee be adjourned at 11:44 a.m.

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

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

Councillor J. Farr
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator

From: Denise Minardi
Sent: Tuesday, August 18, 2020 4:07 PM
To: clerk@hamilton.ca
Subject: Infrastructure

August 10, 2020
Mayor Eisenberger and Members of Council,

I have concerns about amendments that are being considered for the City of Hamilton Urban Hamilton Official Plan (UHOP), and, in light of flooding that has recently occurred in the Strathcona, Kirkendall, Westdale and Ainslie Wood neighbourhoods, feel compelled to express my concerns. Living and working in these neighbourhoods for the last 13 years, I have noticed a tremendous amount of development happening that does not suit the neighbourhood or benefit these communities.

I appreciate that McMaster University and the McMaster Children's Hospital are draws to the west-end of Hamilton but feel that revitalizing the downtown core with a focus on stimulating thoughtful growth east of the downtown core will be of greater benefit to the city as a whole, although, perhaps not as profitable for developers. Six years ago, I volunteered on a City of Hamilton committee – (HEC-IWG infrastructure working group) to discuss aging infrastructure and the problems that this is creating for the City of Hamilton and impact on the City deficit. This group, under John Murray, then Manager of Asset Management, Engineering Services Division, Public Works Department, examined failing infrastructure throughout the City and looked at sustainable infrastructure asset management.

There was an infrastructure crisis in 2014 and I feel that the flooding is linked to the continued problem of deteriorating infrastructure with increased development. The research presented at this time focussed on developing a strategy to communicate the City's infrastructure challenges with the goal of improving transparency and accountability of infrastructure decisions to ensure that services (and development) can be sustained over the long term. The flooding that occurred in homes throughout the west-end is a new phenomenon. My friends and family, who were impacted by the flooding and continue to dry out their basements a week later, have lived in their homes for years and never had a water issue before. Many of them are looking at the development around them and the extra strain on the existing infrastructure and concluding that this is the only change and the likely culprit for the flooding.

As the Mayor and members of councillor consider new development and developers requests for changes to existing city plans and secondary plans, such as those in Strathcona and Westdale-Ainslie Wood, please consider our neighbourhoods and the disruption and long-term impact that new development that does not abide by these plans is having on many Hamilton residents. We are not opposed to thoughtful development that follows the City of Hamilton Urban Hamilton Official Plan and Strathcona Secondary Plan and that works with us to create places to live for new residents who will participate in and enrich our communities. This type of growth should be supported and developed by the members of council and Hamilton residents.

Hamilton is a growing city and a great place to live. Our city benefits from the many new residents who are moving here and want to be a part of our city – the key is to entice them to become permanent residents who contribute to the life of the city and economy.

Overwhelming the existing infrastructure makes life challenging for existing residents and does not make for a welcoming environment for new residents. Please consider the existing challenges to the city infrastructure and the additional strain that will be caused by overdevelopment, such as the 354 King St W-25-storey increase, which do not serve the needs of the Strathcona neighbourhood or City of Hamilton.

As an elected official, you have a duty to listen to the community and weigh the odds of increased revenue for the City of Hamilton with the well-being of its residents and neighbourhoods. Please carefully consider what will make Hamilton the best place to raise a child and age successfully.

Sincerely, Denise Minardi, Strathcona resident



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
DATE:	September 8, 2020
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20144) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

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

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

Background:

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

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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20144) (City Wide) - Page 2 of 4

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

Policy Implications and Legislative Requirements – Pre Bill 108

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

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

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

Policy Implications and Legislative Requirements – Post Bill 108

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

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

Information:

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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20144) (City Wide) - Page 3 of 4

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

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

Attached as Appendix “A” to Report PED20144 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of July 23, 2020, there were:

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

Within 60 to 90 days of September 8, 2020, all 14 development proposals have passed the 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix “B” to Report PED20144 is a table outlining the active applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest application to newest. As of July 23, 2020, there were:

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

Within 60 to 90 days of September 8, 2020, all 35 development proposals have passed the 150, 180 or 300 day statutory timeframes.

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20144) (City Wide) - Page 4 of 4

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

Attached as Appendix “C” to Report PED20144 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of July 23, 2020, there were:

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

Within 60 to 90 days of September 8, 2020, 3 development proposal are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Twenty-three development proposals have passed the 90 or 120 day statutory timeframe.

Combined to reflect property addresses, there are 75 active development proposals. Twenty proposals are 2020 files, while 24 proposals are 2019 files and 31 proposals are pre-2019 files.

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

Appendices and Schedules Attached:

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

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

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

JG:mo

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**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 23, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of September 8, 2020
Ward 2									
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	23-Dec-16	n/a	05-Jan-17	22-Apr-17	n/a	n/a	Urban Solutions Planning & Land Development	1355
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1077
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1427
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1427
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17	29-Aug-17	A.J. Clarke & Associates Ltd.	1376
UHOPA-16-21 ZAC-16-057 25T-201608	56 Highland Rd. W., Stoney Creek	31-Aug-16	29-Sep-16	27-Mar-17	29-Dec-16	27-Feb-17	22-Dec-17	Metropolitan Consulting Inc.	1261

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 23, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of September 8, 2020
Ward 10									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	1895
UHOPA-17-36 ZAC-17-079	514 Barton St., Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	n/a	24-Jul-18	GSP Group	1047
ZAC-16-016	1313 Baseline Rd., Stoney Creek	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	n/a	A.J. Clarke & Associates Ltd.	1698
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	1355
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	1721

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 23, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of September 8, 2020
Ward 12 cont'd									
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	1138
UHOPA-17-32 ZAC-17-072	35 Londonderry Dr., Ancaster	06-Oct-17	n/a	01-Nov-17	03-Feb-18	n/a	03-Jul-18	A.J. Clarke & Associates Ltd.	1068
Ward 13									
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	1126

Active Development Applications

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

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective July 23, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of September 8, 2020
Ward 1									
UHOPA-18-005* ZAC-18-012	235 Main St. W., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	991
UHOPA-18-015* ZAC-18-035	69 Sanders Blvd. & 1630 Main St. W., Hamilton	18-Jun-18	n/a	13-Jul-18	n/a	n/a	14-Apr-19*	Urban Solutions Planning & Land Development	813
UHOPA-19-004* ZAC-19-009	804-816 King St. W., Hamilton	21-Dec-19	n/a	18-Jan-19	n/a	n/a	17-Oct-19*	Urban Solutions Planning & Land Development	627
UHOPA-19-006* ZAC-19-023	196 George St., Hamilton	20-Mar-19	n/a	16-Apr-19	n/a	n/a	14-Jan-20*	GSP Group	538
Ward 2									
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	991

**Active Development Applications
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(Effective July 23, 2020)**

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Ward 2 cont'd									
UHOPA-18-017* ZAC-18-041	225 John St. S., Hamilton	13-Jul-18	n/a	16-Aug-18	n/a	n/a	09-May-19*	GSP Group	788
UHOPA-18-023* ZAR-18-057	130 Wellington St. S., Hamilton	07-Nov-18	06-Dec-18	24-Dec-18	n/a	n/a	20-Oct-19*	MBI Development Consulting INC.	624
ZAR-19-008	124 Walnut St. S., Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	627
Ward 6									
ZAC-19-035	694 Pritchard Rd., Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	489
Ward 7									
ZAR-19-026	18 Miles Rd. Hamilton	01-Apr-19	n/a	18-Apr-19	29-Aug-19	n/a	n/a	A.J. Clarke & Associates Ltd.	526
ZAC-19-031	323 Rymal Rd. E., Hamilton	26-Apr-19	n/a	01-May-19	23-Sep-19	n/a	n/a	IBI Group	501

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Ward 8									
UHOPA-18-010* ZAC-18-025 25T-201803	221 Genoa Dr. and 1477 Upper James St., Hamilton	12-Apr-18	n/a	10-May-18	09-Sep-18	09-Oct-18	06-Feb-19*	MHBC Planning Limited	880
ZAC-19-017	1020 Upper James St., Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	558
UHOPA-19-008* ZAC-19-029	83, 89 Stone Church Rd. W. and 1021, 1029 West 5th St., Hamilton	23-Apr-19	n/a	23-May-19	n/a	n/a	17-Feb-19*	Urban Solutions Planning & Land Development	504
Ward 9									
UHOPA-18-011* ZAC-18-029	1912 Rymal Rd. E., Glanbrook	04-May-18	n/a	22-May-18	n/a	n/a	28-Feb-19*	Wellings Planning Consultants Inc.	858
25T-2019003	15 Picardy Dr., Stoney Creek	25-Apr-19	n/a	29-May-19	n/a	22-Oct-19	n/a	IBI Group	502

**Active Development Applications
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Ward 10									
ZAC-18-005	42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek	15-Dec-17	n/a	16-Jan-18	14-May-18	n/a	n/a	A.J. Clarke & Associates Ltd.	998
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	708
UHOPA-18-025* ZAC-18-059	466-490 Highway No. 8, Stoney Creek	23-Nov-18	n/a	06-Dec-18	n/a	n/a	19-Sep-19*	SvN Architects + Planners	655
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton St., Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	629
25T-2019004	1288 Baseline Rd., Stoney Creek	06-May-19	n/a	09-May-19	n/a	02-Nov-19	n/a	IBI Group	491
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	791

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Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	730
ZAR-18-050	2004 Glancaster Rd., Ancaster	20-Sep-18	19-Oct-18	22-May-19	19-Oct-19	n/a	n/a	Fothergill Planning & Development Inc.	475
25T-2018006	140 Glancaster Rd., Glanbrook	05-Jul-18	n/a	08-Nov-18	n/a	01-Jan-19	n/a	MHBC Planning Limited	670
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Rd., Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	673
UHOPA-18-024* ZAC-18-058	154 Wilson St. E., Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	650
UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Rd., Ancaster	03-Dec-18	n/a	01-Dec-18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	645

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Ward 12 cont'd									
UHOPA-19-014* ZAC-19-010	527 and 629 Shaver Rd., Ancaster	21Dec-18	n/a	10-Jan-19	n/a	n/a	17-Oct-19*	Urban Solutions Planning & Land Development	627
Ward 14									
ZAR-19-006	1269 Mohawk Rd., Ancaster	14-Dec-18	n/a	11-Jan-19	13-May-19	n/a	n/a	MBI Development Consulting INC.	634
ZAC-19-011	1933 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	636
ZAC-19-021	974, 980 Upper Paradise Rd., Hamilton	18-Mar-19	n/a	22-Mar-19	15-Aug-19	n/a	n/a	T. Johns Consulting Group	540

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Ward 15									
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	778
RHOPA-19-102* ZAC-19-044 25T-201905	30, 36 & 42 Dundas St. E. & 522 Highway 6, Flamborough	10-Jun-19	n/a	08-Jul-19	n/a	08-Oct-19	05-Apr-20*	MHBC Planning Limited	456
UHOPA-19-013* ZAC-19-046	10 Mallard Trail, Flamborough	24-Jun-19	n/a	26-Jun-19	n/a	22-Oct-19	19-Apr-20*	GSP Group	442

Active Development Applications

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

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 23, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of September 8, 2020
Ward 1								
ZAS-20-003	9 Westbourne Rd., Hamilton	13-Dec-19	n/a	09-Jan-20	11-Apr-20	n/a	Joseph DiDonato	270
UHOPA-20-003 ZAR-20-008	354 King St. W., Hamilton	20-Dec-19	n/a	21-Jan-20	n/a	18-Apr-20	GSP Group	263
UHOPA-20-012 ZAC-20-016	1107 Main St. W., Hamilton	13-Feb-20	n/a	13-Mar-20	n/a	12-Jun-20	Bousfields Inc.	208
Ward 2								
UHOPA-20-001 ZAR-20-001	383 and 383 1/2 Hughson St. N., Hamilton	29-Nov-19	n/a	29-Dec-19	n/a	28-Mar-20	T. Johns Consulting Group	284
UHOPA-20-008 ZAR-20-0013	222-228 Barton St. E., and 255 - 265 Wellington St. N. Hamilton	20-Dec-19	n/a	17-Jan-20	n/a	18-Apr-20	Urban Solutions Planning and Land Development	263
Ward 3								
ZAR-19-054	95-97 Fairholt Rd. S. Hamilton	30-Oct-19	n/a	29-Nov-19	27-Feb-20	n/a	MHBC Planning	314
Ward 5								
UHOPA-20-007 ZAC-20-012	19 Dawson Ave., Stoney Creek	24-Dec-19	n/a	24-Feb-20	n/a	22-Apr-20	DeFilippis Design	259

**Active Development Applications
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Ward 6								
ZAR-20-005	1406 Upper Gage Ave., Hamilton	20-Dec-19	n/a	20-Jan-20	18-Apr-20	n/a	IBI Group	263
Ward 8								
ZAC-19-056	11 Springside Cres., Hamilton	26-Nov-19	n/a	06-Dec-19	25-Mar-20	n/a	Urban In Mind Planning Consultants	287
ZAC-20-018	212 and 220 Rymal Rd. W., Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	201
Ward 9								
ZAC-20-004	329 Highland Rd. W., Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	263
UHOPA-20-010 ZAC-20-015	2080 Rymal Rd. E., Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	221
Ward 10								
ZAC-19-036	564 Fifty Rd., Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	176

**Active Development Applications
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(Effective July 23, 2020)**

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UHOPA-20-005 ZAC-20-010	325 Highway No. 8., Stoney Creek	24-Dec-19	n/a	12-Feb-20	n/a	22-Apr-20	IBI Group	259
Ward 11								
RHOPA-19-007 ZAC-19-028	3355 Golf Club Rd., Glanbrook	18-Apr-19	16-May-19	21-Oct-19	n/a	20-Feb-20	Corbett Land Strategies Inc.	323
RHOPA-19-015	2187 Regional Rd. 56, Glanbrook	11-Oct-19	n/a	21-Nov-19	n/a	08-Feb-20	Corbett Land Strategies Inc.	333
ZAS-20-019	9255 Airport Rd., Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	176
25T-202002	9326 and 9322 Dickenson Rd., Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	152
RHOPA-20-014 ZAC-20-022	2069 Binbrook Rd., Glanbrook	08-Apr-20	n/a	16-Jun-20	n/a	14-Oct-20	Pat Paletta Livestock	84
Ward 12								
25T-200720R (2019 File)	1020 Osprey Dr., Ancaster	15-Apr-19	30-Aug-19	11-Dec-19	n/a	02-Apr-20	Coltara Development / 1892757 ONTARTO INC.	272

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UHOPA-20-006 ZAC-20-011	15 Church St., Ancaster	20-Dec-19	n/a	21-Jan-20	n/a	18-Apr-20	WEBB Planning Consultants Inc.	263
UHOPA-20-009 ZAC-20-014	281 Hamilton Dr., Ancaster	20-Dec-19	n/a	22-Jan-20	n/a	18-Apr-20	A.J. Clarke & Associates Ltd.	263
UHOPA-20-013 ZAC-20-017	210 Calvin St., Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	89
ZAC-20-024	140 Wilson St. W., Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	68
Ward 14								
UHOPA-20-004 ZAC-20-009	555 Sanitorium Rd., Hamilton	20-Dec-20	n/a	22-Jan-20	n/a	21-May-20	T. Johns Consulting Group	263
Ward 15								
ZAC-20-006	518 Dundas St. E., Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	260

**Active Development Applications
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Active Development Applications

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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 8, 2020
SUBJECT/REPORT NO:	To Incorporate City Lands into Cormorant Road by By-Law (PED20145) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Sally Yong-Lee (905) 546-2424 x1428
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the following City Lands designated as Parts 1 and 2 on Plan 62R-18324, Parts 2, 3, 4, and 6 on Plan 62R-18588 and Parts 1, 2, and 3 on Plan 62R-20075, as shown on Appendix "A" to Report 20145, be established as a public highway to form part of Cormorant Road;
- (b) That the By-Law to incorporate the City lands to form part of Cormorant Road be prepared to the satisfaction of City Solicitor and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-Law.

EXECUTIVE SUMMARY

There is currently only one single point of ingress/egress into the Ancaster Industrial Park via a signalized intersection at Tradewind Drive and Wilson Street. Safety concerns have been expressed from the Ancaster Industrial Park landowners given that emergency services and access are limited to the single point of ingress/egress.

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: To Incorporate City Lands into Cormorant Road by By-Law
(PED20145) (Ward 12) - Page 2 of 4**

A Municipal Class Environmental Assessment (MCEA) for the extension of Cormorant Road was undertaken. Council at its meeting of February 25, 2015 endorsed the Cormorant Road Extension Municipal Class B Environmental Assessment identifying the preferred alternative route to extend Cormorant Road directly to Trinity Road South (straight line) from Tradewind Drive.

The Notice of Study Completion was issued on March 5, 2015 and the Cormorant Road Extension Schedule B Class EA Project File Report was placed on record for a 30-day public and agency review. On August 21, 2015, the Minister of the Environment and Climate Change declined to approve the Project File Report as it did not meet the Class EA assessment requirements in the areas of heritage and archaeology. A second Notice of Study Completion was issued on November 12, 2015 and a revised Project File Report made available for a 30-day public and agency review. On June 24, 2016 a decision was issued by Ministry of the Environment and Climate Change denying a Part II Order request for an individual Environmental Assessment, allowing the project to proceed.

Cormorant Road is being constructed by the Developer, 1932376 Ontario Inc., owner of the "Valery Ancaster Business Park" (25T-200512) lands.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-Law.

HISTORICAL BACKGROUND

Access into and out of the Ancaster Industrial Park is restricted to the one signalized intersection at Tradewind Drive and Wilson Street. Safety concerns have been expressed from the Ancaster Industrial Park landowners given that emergency services and access are limited to the single point of ingress/egress. With the continued expansion in the Ancaster Business Park to accommodate new businesses and growth of the established companies have added to the mounting traffic issues at this intersection.

Extension of Cormorant Road, from Tradewind Drive to Trinity Road South would provide a much needed second point of ingress/egress as well improve marketability of

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**SUBJECT: To Incorporate City Lands into Cormorant Road by By-Law
(PED20145) (Ward 12) - Page 3 of 4**

the remaining lands west of Tradewind Drive. A Municipal Class Environmental Assessment was undertaken to identify an optimal route for the extension of Cormorant Road between Tradewind Drive and Trinity Road South.

On February 25, 2015 Council endorsed the Cormorant Road Extension Municipal Class B Environmental Assessment. The preferred alternative is to extend Cormorant Road directly to Trinity Road South (straight line) from Tradewind Drive.

The Notice of Study Completion was issued on March 5, 2015 and the Cormorant Road Extension Schedule B Class EA Project File Report was placed on record for a 30-day public and agency review. On August 21, 2015, the Minister of the Environment and Climate Change declined to approve the Project File Report as it did not meet the Class EA assessment requirements in the areas of heritage and archaeology. A second Notice of Study Completion was issued on November 12, 2015 and a revised Project File Report made available for a 30-day public and agency review. On June 24, 2016 a decision was issued by Ministry of the Environment and Climate Change denying a Part II Order request for an individual Environmental Assessment, allowing the project to proceed.

Cormorant Road is being constructed by the Developer, 1932376 Ontario Inc., owner of the “Valery Ancaster Business Park” (25T-200512) lands.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations do not bind the Corporation to any policy matter.

RELEVANT CONSULTATION

- Geomatics and Corridor Management Section of the Public Works Department; and
- Legal Services Division of the Corporate Services Department.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Current Provincial legislation requires a Municipal By-Law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into a public highway to form part of Cormorant Road would bar legal access.

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**SUBJECT: To Incorporate City Lands into Cormorant Road by By-Law
(PED20145) (Ward 12) - Page 4 of 4**

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.

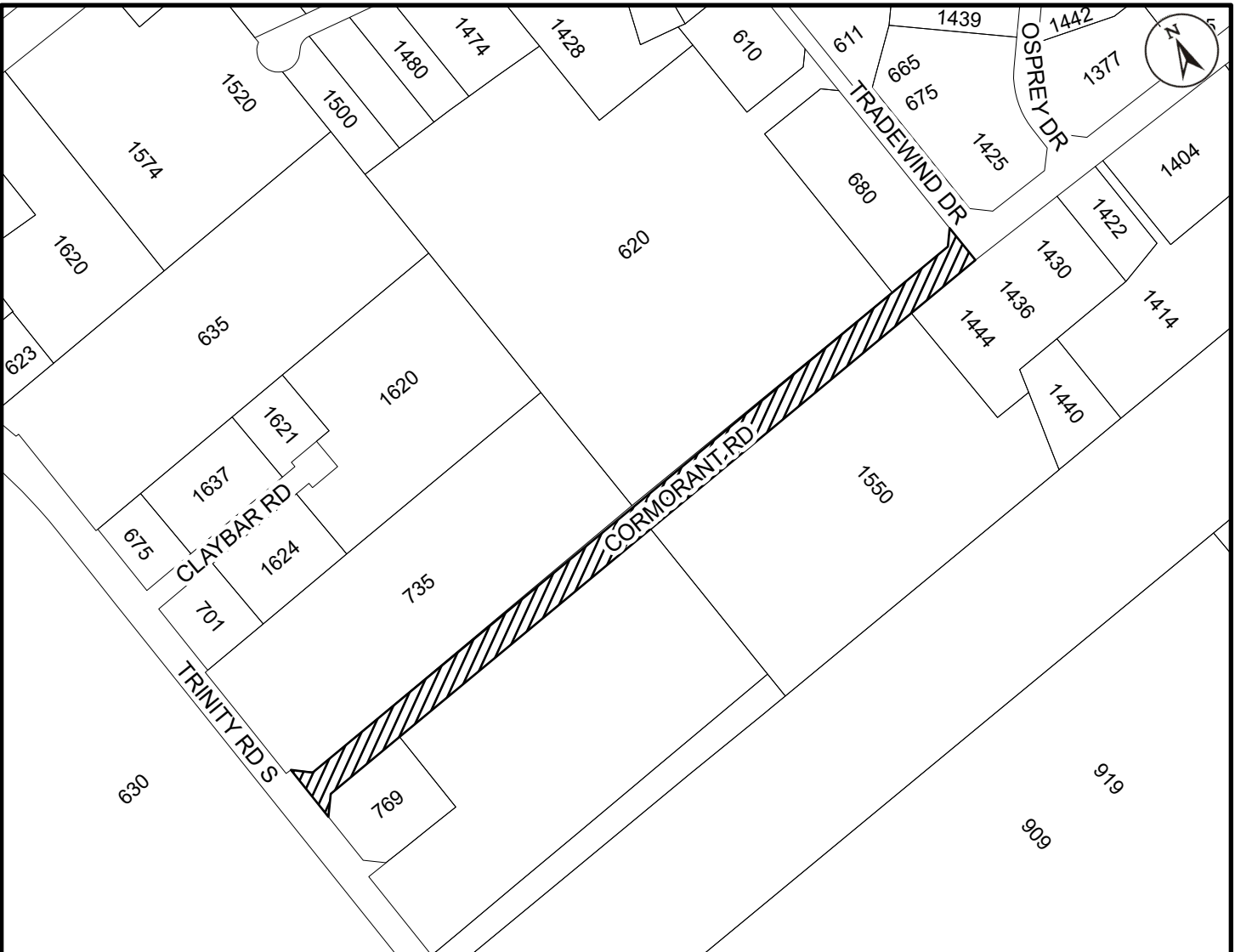
Built Environment and Infrastructure

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

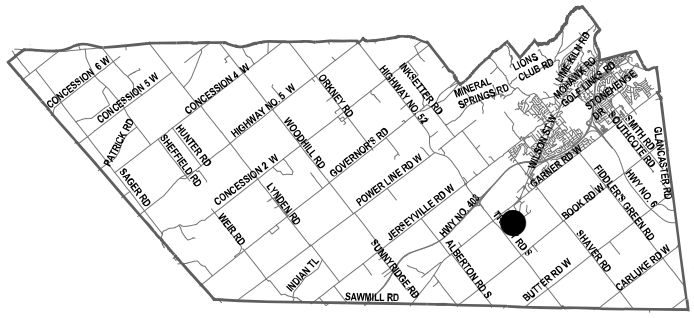
APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Key Location Map
- Appendix “B” – By-Law No. XX – To incorporate City lands designated as Parts 1 and 2 on Plan 62R-18324, Parts 2, 3, 4, and 6 on Plan 62R-18588 and Parts 1, 2, and 3 on Plan 62R-20075, be established as a public highway to form part of Cormorant Road

SYL/sd



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Cormorant Road By-Law

Date:
August 11, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
SY/VS

Subject Property

Subject Lands



Bill No.

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Parts 1 and 2 on Plan 62R-18324, Parts 2, 3, 4, and 6 on Plan 62R-
18588 and Parts 1, 2, and 3 on Plan 62R-20075 as Part of Cormorant Road**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Parts 1 and 2 on Plan 62R-18324, Parts 2, 3, 4, and 6 on Plan 62R-18588 and Parts 1, 2, and 3 on Plan 62R-20075, is established as a public highway to form part of Cormorant Road.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of , 2020.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

REPORT 20-004

9:30 a.m.

August 20, 2020

Hamilton City Hall

71 Main Street West

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

THE FOLLOWING ITEMS WERE REFERRED TO THE PLANNING COMMITTEE FOR CONSIDERATION:

- 1. Location of the Cross of Lorraine located at 828 Sanatorium Road Hamilton (PED20141) (Ward 8) (Added Item 10.5)**

That Report PED20141, respecting the Location of the Cross of Lorraine located at 828 Sanatorium Road Hamilton, be received.

- 2. Ancaster Village Heritage Committee respecting Demolition Control as a Positive Force (referred from the July 7, 2020 Planning Committee) (Item 10.4)**

That the Ancaster Village Heritage Committee documents respecting Demolition Control as a Positive Force, be received and referred to the General Manager, Planning and Economic Development for a report back to a future meeting of the Hamilton Municipal Heritage Committee.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee of the following changes:

5. COMMUNICATIONS

- 5.2 Correspondence from Jim MacLeod, Vice President, Ancaster Village Heritage Community, respecting Demolition Control in the City of Hamilton

Recommendation: Be received and referred to Item 10.4 for consideration

6. DELEGATION REQUEST

- 6.1 Jack Dennison, Property Owner, respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15)

7. CONSENT

- 7.5(c) Heritage Permit Application HP2020-016: Proposed additions and alterations, 49 Mill Street South, Waterdown, located in Mill Street Heritage Conservation District, By-law No. 96-34-H

- 7.5(d) Heritage Permit Application HP2020-018: Proposed front porch replacement, and addition of lights and decorative shutters at 62 Sydenham Street, Dundas (Ward 13) Located within the Cross-Melville Heritage Conservation District, By-law No. 3899-90

10. DISCUSSION ITEM

- 10.5 Location of the Cross of Lorraine located at 828 Sanatorium Road Hamilton (PED20141) (Ward 8)

The Agenda for the August 20, 2020 Hamilton Municipal Heritage Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

R. McKee declared an interest in Item 5.1 Correspondence from Susan Noordyk, and Staff Response respecting a Heritage Plaque for 91 John Street, as he is the former owner of the property.

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

(i) July 3, 2020 (Item 4.1)

The Minutes of the July 3, 2020 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from Susan Noordyk, and Staff Response respecting a Heritage Plaque for 91 John Street (Item 5.1)

Correspondence from Susan Noordyk, and Staff Response respecting a Heritage Plaque for 91 John Street was received.

(ii) Correspondence from Jim MacLeod, Vice President, Ancaster Village Heritage Community, respecting Demolition Control in the City of Hamilton (Added Item 5.2)

Correspondence from Jim MacLeod, Vice President, Ancaster Village Heritage Community, respecting Demolition Control in the City of Hamilton, was received and referred to Item 10.4, for consideration.

(e) DELEGATION REQUESTS (Item 6)

(i) Jack Dennison, Property Owner, respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15) (Added Item 6.1)

The Delegation Request from Jack Dennison, Property Owner, respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15), was approved for today's meeting.

(f) CONSENT ITEMS (Item 7)

The following items were received:

- (i) Heritage Permit Review Sub-Committee Minutes - February 18, 2020 (Item 7.1)
- (ii) Education and Communications Working Group Meeting Notes - February 5, 2020 (Item 7.2)
- (iii) Education and Communication Working Group Meeting Notes - March 4, 2020 (Item 7.3)
- (iv) Education and Communication Working Group Meeting Notes - July 22, 2020 (Item 7.4)
- (v) Heritage Permit Applications - Delegated Approvals (Item 7.5)
 - (1) Heritage Permit Application HP2020-013: Replacement of the existing flat, mansard style roof and front dormers for the designated property at 158 James Street South (Ward 2) (By-law No. 86-21) (Item 7.5(a))
 - (2) Heritage Permit Application HP2020-015: Proposed repointing of the brick porch at 216 St. Clair Boulevard, Hamilton (Ward 3) (By-law No. 92-140) (Item 7.5(b))
 - (3) Heritage Permit Application HP2020-016: Proposed additions and alterations, 49 Mill Street South, Waterdown, located in Mill Street Heritage Conservation District, By-law No. 96-34-H (Added Item 7.5(c))
 - (4) Heritage Permit Application HP2020-018: Proposed front porch replacement, and addition of lights and decorative shutters at 62 Sydenham Street, Dundas (Ward 13) Located within the Cross-Melville Heritage Conservation District, By-law No. 3899-90" (Added Item 7.5(d))
- (vi) Inventory and Research Working Group Meeting Notes - February 24, 2020 (Item 7.6)
- (vii) Resignation of L. Brady from the Heritage Permit Review Sub-Committee (Item 7.7)

- (viii) Policy and Design Working Group Meeting Notes - January 20, 2020 (Item 7.8)

(g) DELEGATIONS (Item 8)

- (i) Jack Dennison, Property Owner, respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15) (Added Item 8.1)**

Jack Dennison, Property Owner, introduced Leah D. Wallace, Land Use & Heritage Planning Services, and Mark Shoalts as consultants for the property. All three individuals addressed Committee respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15)

The speaking time for the Delegation was extended.

The delegation from Jack Dennison, Property Owner, respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15), was received.

For further discussion, refer to Item (i)(i).

(h) STAFF PRESENTATION (Item 9)

- (i) 2020 Staff Designation Work Plan Update (Item 9.1)**

David Addington, Cultural Heritage Planner, addressed the Committee with an overview of the 2020 Staff Designation Work Plan Update.

The presentation respecting the 2020 Staff Designation Work Plan Update was received.

Staff were directed to implement the following:

- (a) That the Staff Designation Work Plan be added to the Agenda of the Hamilton Municipal Heritage Committee on an ongoing basis;
- (b) That the Staff Designation Work Plan be uploaded to the City's website; and,
- (c) That the Staff Designation Work Plan be reviewed for efficiencies.

(i) **DISCUSSION ITEM (Item 10)**

(i) **Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the *Ontario Heritage Act* (PED20125) (Ward 15)**

Report PED20125 respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the *Ontario Heritage Act*, was DEFERRED to the September 17, 2020 meeting of the Hamilton Municipal Heritage Committee.

(ii) **2020 Work Plans for the Working Groups of the Hamilton Municipal Heritage Committee (Item 10.2)**

The following 2020 Work Plans for the Working Groups of the Hamilton Municipal Heritage Committee were received:

- (i) Education and Communication Working Group Work Plan 2020 (Item 10.2(a)); and,
- (ii) Inventory and Research Working Group Work Plan 2020 (Item 10.2(b)).

A. Denham-Robinson relinquished the Chair to speak to the following item.

(iii) **Education and Communication Working Group Meeting Notes - July 8, 2020 (Item 10.3)**

The recommendation in the Education and Communication Working Group Meeting Notes of July 8, 2020 was amended by deleting sub-section (b) in its entirety, and revising and renumbering sub-section (c), as follows:

- (a) That staff be directed to follow-up with the Culture Division (Christopher Redford) regarding plaquing for 2019-2020 designated properties including:
 - (i) 231 Ferguson Ave. S. (Ferguson Pumping Station);
 - (ii) 24 Main St. West (Centenary United Church);
- ~~(b) That where there is an annual budget for the production of 5 heritage property designation plaques, and only 2 applicable plaques for the year, that the excess budgeted funds be used to produce plaquing for properties currently unplaqued (backlog of properties); and,~~
- ~~(c)~~ **(b)** That **staff from Tourism and Culture** provide a presentation update to HMHC, **report back to the Hamilton Municipal**

Heritage Committee with a presentation on the Process and Budget specific to the Plaquing Workplan.

That the Education and Communication Working Group Meeting Notes of July 8, 2020, be approved, as amended.

(j) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Buildings and Landscapes (Item 13.1)

The following property was removed from the Buildings and Landscapes of Interest (YELLOW) list:

- (viii) 1 St. James Place, Hamilton (D) – J. Brown

The property located at 1021 Garner Road East (Lampman House), was moved from the Buildings and Landscapes of Interest (YELLOW) list to the Endangered Buildings and Landscapes (RED) list.

The property known as the Beach Canal Lighthouse and Cottage, currently on the Endangered Buildings and Landscapes (RED) list, as moved to the Buildings and Landscapes of Interest (YELLOW) list.

The property known as Cathedral Boys School, located at 378 Main Street East, Hamilton was added to the Endangered Buildings and Landscapes (RED) list.

The property known as the Firth Brothers Building, located at 127 Hughson Street North, Hamilton was added to the Endangered Buildings and Landscapes (RED) list.

The property known as the Cannon Knitting Mill, located at 134 Cannon Street East, Hamilton, was added to the Buildings and Landscapes of Interest (YELLOW) list.

The following updates be received:

**(a) Endangered Buildings and Landscapes (RED):
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)**

- (i) Tivoli, 108 James Street North, Hamilton (D) – T. Ritchie
- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – C. Dimitry

- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – G. Carroll
- (iv) 18-22 King Street East, Hamilton (D) – W. Rosart
- (v) 24-28 King Street East, Hamilton (D) – W. Rosart
- (vi) 2 Hatt Street, Dundas (R) – K. Burke
- (vii) James Street Baptist Church, 98 James Street South, Hamilton (D) – J. Brown
- (viii) Long and Bisby Building, 828 Sanatorium Road – G. Carroll

Staff are currently working with the property developer on a protection plan.

For further disposition, refer to Item 1.

- (ix) 120 Park Street, Hamilton (R) – R. McKee
- (x) 398 Wilson Street East, Ancaster (D) – C. Dimitry
- (xi) Lampman House, 1021 Garner Road East, Ancaster (NOID) – C. Dimitry
- (xii) Cathedral Boys School, 378 Main Street East, Hamilton (R) – T. Ritchie
- (xiii) Firth Brothers Building, 127 Hughson Street North, Hamilton (NOID) – T. Ritchie

**(b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)**

- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland
- (ii) 2251 Rymal Road East, Stoney Creek (R) – B. Janssen
- (iii) Former Valley City Manufacturing, 64 Hatt Street, Dundas (R) – K. Burke
- (iv) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (ND) – W. Rosart
- (v) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll

- (vi) Dunington-Grubb Gardens, 1000 Main Street East (within Gage Park) (R) – D. Beland
- (vii) St. Clair Blvd. Conservation District (D) – D. Beland
- (viii) 52 Charlton Avenue West, Hamilton (D) – J. Brown
- (ix) 292 Dundas Street East, Waterdown (R) – L. Lunsted
- (x) Chedoke Estate (Balfour House), 1 Balfour Drive, Hamilton (R) – T. Ritchie
- (xi) Binkley property, 50-54 Sanders Blvd., Hamilton (R) - J. Brown
- (xii) 62 6th Concession East, Flamborough (I) - L. Lunsted
- (xiii) Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xiv) Cannon Knitting Mill, 134 Cannon Street East, Hamilton (R) – T. Ritchie

**(c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)**

- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie
- (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – R. McKee
- (iii) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie
- (iv) 104 King Street West, Dundas (Former Post Office) (R) – K. Burke
- (v) 45 Forest Avenue, Hamilton – G. Carroll
- (vi) 125 King Street East, Hamilton – T. Ritchie

(d) Heritage Properties Update (black):

(Black = Properties that HMHC have no control over and may be demolished)

- (i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – R. McKee
- (ii) 80 and 92 Barton Street East (Hanrahan Hotel) – T. Ritchie

(k) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:05 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 8, 2020
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 3692-92 (Stoney Creek) for Lands Located at 325 Highway No. 8 (Stoney Creek) (PED20140) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-20-005, by IBI Group (c/o Julia Redfearn, Applicant) on behalf of LJM Developments (Stoney Creek) Inc. (c/o Liaquat Mian, Owner)** to change the designation from “Medium Density Residential 3” to “High Density Residential” and to replace the existing Site Specific Policy Area A in the Western Development Area Secondary Plan to permit an 11-storey, 148 unit multiple dwelling with a maximum net residential density of 551 units per hectare on lands located at 325 Highway No. 8, Stoney Creek, as shown on Appendix “A” to Report PED20140, be **DENIED** on the following basis:
- (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Western Development Area Secondary Plan with respect to building height, residential density, scale, massing, privacy, overlook, and compatibility with and enhancing the character of the existing neighbourhood, and is not considered to be good planning.

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- (b) That Zoning By-law Amendment Application ZAC-20-010, by IBI Group (c/o Julia Redfearn, Applicant) on behalf of LJM Developments (Stoney Creek) Inc. (c/o Liaquat Mian, Owner) to further modify the Multiple Residential “RM4-8” Zone, Modified in order to permit an 11-storey, 148 unit multiple dwelling with on-site ground level amenity areas and outdoor terraces, 22 surface visitor parking spaces, and 123 underground parking spaces in a two-level underground parkade on lands located at 325 Highway No. 8, Stoney Creek, as shown on Appendix “A” to Report PED20140, be **DENIED** on the following basis:
- (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Western Development Area Secondary Plan with respect to setbacks, residential density, building height, coverage, and parking, and is not considered to be good planning.

EXECUTIVE SUMMARY

The purpose of the application is for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to permit an 11-storey, 148 unit multiple dwelling having a maximum net residential density of 551 units per hectare with on-site ground level amenity areas and outdoor terraces, 22 surface visitor parking spaces, and 123 underground parking spaces in a two-level underground parkade. Additional modifications to the Residential Multiple “RM4-8” Zone, Modified are proposed to accommodate the proposed development.

The site is presently designated “Medium Density Residential 3” and located within “Site Specific Policy Area A” in the Western Development Area Secondary Plan and zoned Residential Multiple “RM4-8” Zone, Modified, to permit a multiple dwelling with a maximum of 93 units (344 units per net residential hectare) and a maximum height of six storeys, with 129 parking spaces. Site Plan Control Application (DA-17-059) to construct a six storey, 93 unit multiple dwelling with four surface parking spaces and 126 parking spaces below grade was conditionally approved on May 5, 2017 and three requests to extend the Site Plan Approval were granted. On November 1, 2019, Site Plan Approval lapsed.

The proposed Official Plan and Zoning By-law amendments do not meet the general intent of the Urban Hamilton Official Plan and the Western Development Area Secondary Plan with respect to matters including but not limited to:

- building height;
- residential density;
- massing;
- privacy;

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 3692-92 (Stoney Creek) for Lands Located at 325 Highway No. 8 (Stoney Creek) (PED20140) (Ward 10) – Page 3 of 35

- overlook;
- setbacks;
- coverage;
- parking;
- compatibility with and enhancing the character of the existing neighbourhood; and,

are considered to be an overdevelopment of the site. Given the above reasons, the proposal is not considered good planning and staff recommend that the applications be denied.

Alternatives for Consideration – See Page 35

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

The applications were deemed complete on February 12, 2020 and pursuant to Section 22 (7.0.2) of the *Planning Act*, an application for an Official Plan Amendment may be referred to the LPAT if a decision of Council on the application has not been made within 120 days. This period was suspended for 97 days due to COVID-19 in accordance with Ontario Regulation 149/20: Special Rules Relating to Declared Emergency. The 120 day time period therefore expires on September 17, 2020.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	LJM Developments (Stoney Creek) Inc. (c/o Liaquat Mian)
Applicant/Agent:	IBI Group (c/o Julia Redfearn)
File Number:	UHOPA-20-005 ZAC-20-010

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Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment
Proposal:	11-storey, 148 unit multiple dwelling with on-site ground level amenity areas and outdoor terraces, 22 surface visitor parking spaces, and 123 underground parking spaces in a two-level underground parkade (see the Architectural Concepts attached as Appendix “B” to Report PED20140).
Property Details	
Municipal Address:	325 Highway No. 8 (see Location Map attached as Appendix “A” to Report PED20140)
Lot Area:	±2,686 m ² (rectangular)
Servicing:	Full municipal services
Existing Use:	Temporary sales office
Documents	
Provincial Policy Statement (PPS):	The proposal is not consistent with the PPS (2020).
A Place to Grow:	The proposal does not conform to A Place to Grow (2019).
Official Plan Existing:	“Secondary Corridor” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	To permit a maximum net residential density of 551 units per hectare for High Density Residential within the Neighbourhoods designation.
Secondary Plan Existing:	Western Development Area – Medium Density Residential 3 (permits a maximum height of nine storeys); Site Specific Policy Area A (maximum net residential density: 344 units per hectare).
Secondary Plan Proposed:	Western Development Area – High Density Residential (permits a maximum height above six storeys); Site Specific Policy Area A (maximum net residential density: 551 units per hectare).
Neighbourhood Plan:	Poplar Park – Medium Density Residential

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Zoning Existing:	Multiple Residential “RM4-8” Zone, Modified
Zoning Proposed:	Multiple Residential “RM4-8” Zone, Modified
Further Modifications Proposed:	<p>Increases in:</p> <ul style="list-style-type: none"> • Maximum Residential Density from 344 units per hectare to 551 units per hectare; and, • Maximum Building Height from 18.5 metres and six storeys to 34.5 metres and 11 storeys; and, <p>Reductions in:</p> <ul style="list-style-type: none"> • Minimum Front Yard from 2.0 metres (1.4 metres for projection at storeys 2 to 4) to 0.57 metres; • Minimum Landscaped Open Space from 27% to 20% of lot area; • Minimum Number of Parking Spaces from 1.04 parking spaces and 0.35 visitor parking spaces per dwelling unit to 0.83 parking spaces and 0.15 visitor parking spaces per dwelling unit; and, • Setback from Daylight Triangles from 0.75 metres to the building to 0.52 metres to the building.
Processing Details	
Received:	December 24, 2019
Deemed Incomplete:	January 22, 2020
Deemed Complete:	February 12, 2020
Notice of Complete Application:	Sent to 175 property owners within 120 m of the subject lands on February 21, 2020.
Public Notice Sign:	Posted February 25, 2020 and updated with Public Meeting date August 12, 2020.
Notice of Public Meeting:	<ul style="list-style-type: none"> • Sent to 175 property owners within 120 m of the subject lands on August 21, 2020. • Statutory notice given by way of newspaper in accordance with the provisions of the <i>Planning Act</i> on August 21, 2020.
Public Comments:	14 letters / emails including a resident petition with a total of 69 signatories expressing concern (see Appendix “C” to Report PED20140).

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Processing Time:	112 days from application deemed complete to Planning Committee (not including the 97 days that the <i>Planning Act</i> timelines were suspended in accordance with Ontario Regulation 149/20: Special Rules Relating to Declared Emergency).
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Background

In 2016, the applicant submitted the following development applications for this site:

- An Official Plan Amendment (UHOPA-16-012): The purpose of the initial application was to amend the Urban Hamilton Official Plan by changing the land use designation on the subject lands from Low Density Residential 3c to High Density Residential 2 and to establish a site specific policy to permit a multiple dwelling with a maximum of 128 units (474 units per hectare) and a maximum height of nine storeys.

Further to discussions with staff and consideration of the comments received at the neighbourhood meeting, the 2016 application was revised to change the land use designation of the subject lands from “Low Density Residential 3c” to “Medium Density Residential 3” and to establish a site specific policy to permit a multiple dwelling with a maximum of 93 units (344 units per net residential hectare) and a maximum height of six storeys.

- A Zoning By-law Amendment (ZAC-16-030): The purpose of the initial application was to change the zoning on the subject lands from the General Commercial “GC-13” Zone, Modified, to a site specific Residential Multiple “RM4” Zone in order to permit the development of a nine storey multiple dwelling containing 128 units.

Further to discussions with staff and consideration of the comments received at the neighbourhood meeting, the 2016 application was revised to rezone the subject lands from the General Commercial “GC-13” Zone, Modified, to the Residential Multiple “RM4-8” Zone, Modified, and to introduce site specific performance standards in order to permit the development of a six storey multiple dwelling containing 93 units and 129 parking spaces. The parking spaces are to be provided underground, with the exception of three parking spaces which are to be provided at grade.

The above noted applications (Report PED17034) were approved by Council through Official Plan Amendment No. 72 to the Urban Hamilton Official Plan (By-law No. 17-052) and By-law No. 17-053 to amend the City of Stoney Creek Zoning By-law No. 3692-92 on March 29, 2017.

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In 2017, an application was made for Site Plan Control (DA-17-059) to construct a six storey, 93 unit multiple dwelling with four surface parking spaces and 126 parking spaces below grade. The application was conditionally approved on May 5, 2017. Three requests for extensions to Site Plan Approval beyond the one year period were granted, extending the approval to May 1, 2019, further to August 1, 2019, and finally to November 1, 2019. On November 1, 2019, this Site Plan Approval lapsed.

The following chart summarizes the existing and proposed changes to the Western Development Area Secondary Plan and the City of Stoney Creek Zoning By-law No. 3692-92:

Western Development Area Secondary Plan		
	Existing:	Proposed:
Designation	Medium Density Residential 3 Site Specific Policy Area A	High Density Residential Modified Site Specific Policy Area A
Density	Maximum of 344 units per net residential hectare	Maximum of 551 units per net residential hectare
Building Height	Maximum of nine storeys	No maximum
City of Stoney Creek Zoning By-law No. 3692-92		
	Existing:	Proposed:
Minimum Front Yard	2.0 metres 1.40 metres for projection at storeys 2 to 4	0.57 metres
Maximum Residential Density	344 units per hectare	551 units per hectare
Maximum Building Height	18.5 metres and six storeys	34.5 metres and 11 storeys
Minimum Landscaped Open Space	27% of the lot area	20% of the lot area

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Minimum Number of Parking Spaces	1.04 parking spaces and 0.35 visitor parking spaces for each apartment dwelling unit	0.83 parking spaces and 0.15 visitor parking spaces for each apartment dwelling unit
Daylight Triangles	Have a minimum yard of 0.34 metres to the canopy of the proposed building and 0.75 metres to the proposed building from the hypotenuse of the daylight triangle.	Have a minimum yard of 0.34 metres to the canopy of the proposed building and 0.52 metres to the proposed building from the hypotenuse of the daylight triangle.

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Residential sales centre	Multiple Residential “RM4-8” Zone, Modified
<u>Surrounding Land Uses:</u>		
North	Street Townhouses and Townhouse Dwellings	Multiple Residential “RM3” Zone
South	Road Allowance; Place of Worship (St. Francis Xavier Church); and, Public Parks (Cenotaph Park and King Street Parkette)	General Commercial “GC-13” Zone, Modified; Neighbourhood Park “P1” Zone; and, Community Institutional “I2” Zone
East	Single Detached Dwellings and Nursing Home (three storey building)	Residential “R5” Zone and Major Institutional “I3” Zone
West	Multiple Dwelling (eight storey building)	Multiple Residential “RM4-6” Zone, Modified

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 3692-92 (Stoney Creek) for Lands Located at 325 Highway No. 8 (Stoney Creek) (PED20140) (Ward 10) – Page 9 of 35

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The application has been reviewed with respect to the PPS policies that contribute to the development of healthy, liveable, and safe communities as contained in Policy 1.1.1. The application is also consistent with Policy 1.1.3.1 of the PPS, which focuses on growth in settlement areas. The proposed development is located within a settlement area and proposes residential intensification on underutilized lands. In addition, the following policies, amongst others, apply to the proposed development.

“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*.”

1.7.1 Long-term economic prosperity should be supported by:

- e) encouraging a sense of place, by promoting well-designed built form...”

The subject lands are located within a Settlement Area, and along a major arterial corridor, where intensification is to be directed.

As the subject lands are for a sensitive land use (residential use) abutting a major arterial road, the applicant submitted a Noise Impact Study to assess the effect of vehicular road traffic noise on the proposed residential development. The potential for environmental impact from road traffic and stationary noise is significant, resulting in mitigation measure requirements. The new 2020 proposal shows an outdoor living area (OLA) in the front yard (as shown on Appendix “B” to Report PED20140). This OLA was not proposed in the previous applications from 2016-17. Unmitigated sound levels within the OLA are predicted to be greater than MOECP guidelines. The Noise Impact Study recommends that a 2.3 metre tall acoustic barrier be implemented in addition to warning clauses. This wall would negatively impact the streetscape design of Highway No. 8, which is further discussed in the Urban Hamilton Official Plan (UHOP) section below, and is not consistent with Section 2 (n) of the *Planning Act* or Policy 1.7.1 e) of the PPS (2020).

Based on the foregoing, the proposal is not consistent with the PPS (2020).

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A Place to Grow (2019)

The policies of A Place to Grow (2019) apply to any Planning decision. The proposal conforms to the Guiding Principles, Section 1.2.1 of A Place to Grow (2019). 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*;
- 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;
 - e. provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;”

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The subject lands are located within the built-up area of Hamilton, along a Secondary Corridor where the City directs intensification. The subject lands are located where full municipal services are available, along an existing transit route, and contribute to creating complete communities by providing an additional housing form for the area, with convenient access to local stores and services. The current in force and effect planning framework for these lands implements A Place To Grow (2019).

As discussed in the Provincial Policy Statement (2020) section above, a 2.3 metre tall acoustic barrier is required to mitigate road traffic and stationary noise from an outdoor living area (OLA) proposed in the front yard. This barrier would have a negative impact on the public realm and streetscape, which is further discussed in the Urban Hamilton Official Plan (UHOP) section below, and therefore is not consistent with Policy 2.2.1.4 e) of A Place to Grow (2019).

Based on the foregoing, the proposal does not conform with the applicable policies of A Place to Grow (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Secondary Corridor” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations and “Medium Density Residential 3” on Map B.7.1.1 – Western Development Area Secondary Plan – Land Use Plan. The lands are located within “Site Specific Policy Area A”. The following policies, amongst others, apply to the proposal.

Urban Corridors

- “E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.

- E.2.4.5 Secondary Corridors shall serve to link nodes and employment areas, or Primary Corridors.

- E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.

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- E.2.4.11 Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.
- E.2.4.12 Secondary Corridors are currently characterized, in large measure, by single use buildings. The intent of this Plan is to evolve the Secondary Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at grade retail and service commercial uses.
- E.2.4.16 New *development* shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New *development* shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods. (OPA 98)
- E.2.4.17 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes. (OPA 98)”

As outlined in the above policies, the subject lands are located on a Secondary Corridor along Highway No. 8, and the Official Plan directs higher densities and residential intensification along Secondary Corridors. Secondary Corridors are to serve as links between nodes and employment areas, such as Eastgate Square and the employment areas between Barton Street and the QEW. The lands are serviced by No. 55 and No. 58 Stoney Creek bus routes, with a transit stop directly in front of the subject lands. The BLAST network, as shown on Appendix B of Volume 1 of the UHOP, identifies Highway No. 8 as a potential future high order transit corridor, specifically the potential future extension of the B-Line rapid transit line.

The intent of the UHOP policies are to evolve the Secondary Corridors from single use buildings to an increasing proportion of mid rise, medium density mixed use buildings in small cluster locations with at-grade retail and service commercial uses. Some areas of the Urban Corridors are permitted to accommodate high density and high rise built form. The subject site has other adjacent multiple storey residential buildings, arterial and mixed use medium density commercial, and institutional uses along Highway No. 8 between Green Road and Millen Road. There is an eight storey residential building (with the eighth storey being a mechanical and service equipment penthouse) directly to the west of the subject lands (known as the Travisio), as well as a three storey building across Ellington Avenue to the east of the subject lands. In this respect, this location does represent a cluster of multiple storey and mixed use buildings. At 11 storeys in

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height, the proposed building is a single use, high rise built form, with no retail / service uses at grade.

It is important to note that the policy direction in the UHOP for Urban Corridors were achieved with the 2016-17 approvals (as detailed above), and these proposed 2020 amendments are not required to implement the policies of the UHOP.

The built form of the proposed 11 storey building steps back the upper floors of the building to apply a 45° build to plane on the north elevation; however, the building projects above this plane for the eighth storey and above (see the Angular Plane Analysis attached to Appendix “B” to Report PED20140). Further, the angular plane diagram is based on a section through the building at the location of the northern stairwell and does not adequately show the positioning of residential units flanking the stairwell or balconies in relation to the angular plane, which may cause further projection issues. In addition, the application of the angular plane, which aims to achieve adequate street proportions in support of pedestrian comfort and neighbourhood character, requires all parts (including balconies) of a building above three storeys in height to be limited to the 45° build to plane applied at 80% of the arterial road right-of-way. This goal of achieving a pedestrian-scaled street profile is also relevant for lower-profile residential streets such as Ellington Avenue.

The proposed height encroachments above the adjacent residential uses and in relation to street widths are above the recommended limits, which result in overview on adjacent properties and does not respect the built form of the surrounding neighbourhood. As a result, the proposed built form is not in character with the existing neighbourhood or the surrounding cluster of development along the Secondary Corridor. While the Shadow Study, prepared by RAW Design and dated January 10, 2020, indicates that cast shadows will have minimal impact onto the adjacent residential properties, the above projection issues remain unresolved. The northern low rise residential property will be slightly impacted in spring and fall after 1PM by cast shadows onto its southern side yard and a small area of its rear yard. Further discussion of compatibility, the residential intensification policies, and design and built form is provided in the following sections.

Staff supported a parking reduction for the subject site from the Stoney Creek Zoning By-Law No. 3692-92 requirements through the previous rezoning application, allowing for 1.04 parking spaces plus 0.35 visitor parking spaces per dwelling unit. Staff do not support the proposal for a further reduction in parking requirements to 123 spaces for 148 dwelling units plus 22 visitor parking spaces (0.83 parking spaces plus 0.15 visitor parking spaces per dwelling unit). There is no provision for on-street parking along either frontage of the site and therefore all parking requirements must be satisfied onsite. While the site is located along a Secondary Corridor which provides opportunities for future transit oriented development and may be served by higher order transit service, it is not located within an existing or planned transit oriented

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development area. In addition, while two barrier free parking spaces are proposed, none are provided for visitor parking at grade and the spaces in the underground parking garage are not located closest to the elevator lobby doors (see the Parkade Level Floor Plans attached to Appendix “B” to Report PED20140). Neighbourhood comments (see Appendix “C” to Report PED20140) further highlighted that parking in this surrounding area is already constrained, and staff cannot support a reduction in parking that does not provide at least one parking space per unit and a sufficient number of parking spaces for visitors.

Therefore, the proposal does not comply with the UHOP policies for Secondary Corridors.

Neighbourhoods Designation

- “E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. *Residential intensification* within these areas shall enhance and be *compatible* with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
 - c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided.
 - d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.
- E.3.3.2 *Development or redevelopment* adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are *compatible* with existing and future uses in the surrounding area.”

The subject lands are located within the Western Development Area Secondary Plan, and the neighbourhood character includes a variety of low rise and mid rise housing forms, ranging from single detached housing to street townhouses and multiple dwellings. The UHOP defines ‘Compatible’ as “land uses and building forms that are

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mutually tolerant and capable of existing together in harmony within an area.

Compatibility or *compatible* should not be narrowly interpreted to mean "the same as" or even as "being similar to." With respect to Policy E.3.3.2, it is the height, massing and arrangement of buildings that are to exist in harmony with the lower density areas. To introduce an 11 storey residential building abutting a low-rise character area with insufficient transition in built form is not in keeping with or compatible to the existing character, pattern, and built form of the Western Development Area Secondary Plan area. A more fulsome discussion of compatibility and the residential intensification policies is provided further below.

Access to the parking garage and surface parking area are not visible from the public street. Direct pedestrian access is provided via the public sidewalk, as well as direct walkways from the ground level units along Highway No. 8 and Ellington Avenue.

High Density Residential

- E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities / services, including public transit, schools, and active or passive recreational facilities.
- E.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.
- E.3.6.6 In high density residential areas, the permitted *net residential densities*, identified on Appendix G – Boundaries Map shall be:
- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.
 - c) Notwithstanding the maximum density requirement in Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met. (OPA 109)
- E.3.6.7 *Development* within the high density residential category shall be evaluated on the basis of the following criteria:

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- a) *Development* should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted indirect access to a collector or major or minor arterial roads from a local road upon which only a small number of low density residential dwellings are fronting on the local road. (OPA 109)
- b) High profile *multiple dwellings* shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.
- d) *Development* shall:
 - i) provide adequate landscaping, amenity features, on-site parking, and buffering where required;
 - ii) be *compatible* with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
 - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) In accordance with the policies of Section B.3.3 – Urban Design Policies, *development* shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):
 - iv) expanses of blank walls.
- f) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

To permit this development, an amendment to the UHOP is required as the proposal is for 148 units on a ±0.269 ha site, which converts to 551 units per net residential

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hectare, exceeding the previous maximum permitted density of 344 units per net residential hectare applied to the subject lands. The site is located immediately adjacent to low rise developments, such as the street townhouse dwellings to the north and single detached dwellings to the northeast, which are of a scale appropriate to low density typology. As noted in Policy E.3.6.7 b), high density residential development shall not generally be permitted immediately adjacent to low density residential uses without some form of intervening land use or transitional features.

Immediately abutting the rear of the subject lands is the side and rear yard of the townhouse fronting along Ellington Avenue and the rear yards of a row of townhouses. Transitional design features are required to be incorporated into the design of the development to mitigate adverse impact on these adjacent low profile residential uses. The height and mass of the building at 11 storeys does not mitigate the impact of the building on these adjacent buildings. As discussed, the Angular Plane Analysis indicates that the proposed building encroaches above the recommended limits to the adjacent residential uses, leading to overlook issues on the immediately adjacent properties. There are also issues arising from the residential balconies located on the second and third storeys, potentially creating further overlook and privacy encroachment onto the adjacent properties.

The proposal depends on permanent planted landscaping buffers to address screening and buffering requirements in respect to adjacent residential properties and streetscapes. A 3 metre wide landscape buffer is required along the northern property line; however, only an approximately 1.5 metre wide buffer is provided. Further, the buffers are required to be unencumbered by structures to provide sufficient soil volumes and avoid periodic disturbances caused by maintenance work to enable substantial plantings that are sustainable, but the underground parking garage is located in close proximity to the northern (rear) property line which would not allow for viable permanent tree plantings (see the Site Plan attached to Appendix “B” to Report PED20140).

Transitions in scale and height are important in respect to skylines but also views from the public realm of the street. Staff are of the opinion that the lower three storey component at the north (rear) of the building is not visually articulated from the larger massing of the overall building to help with the perception of a gradual increase in height and massing from the lower profile residential uses interior to the neighbourhood along Ellington Avenue towards the intersection with Highway No. 8.

Access is proposed onto Ellington Avenue, which is a local road having direct access to a Major Arterial (Highway No. 8). While Ellington Ave has a number of low density residential dwellings fronting it and carries significant volumes of traffic from the Poplar Park neighbourhood to Highway No. 8, the Traffic Impact Study (TIS), prepared by Paradigm Transportation Planning Solutions Limited, dated January 2020, concludes that traffic will operate at acceptable levels of service. Transportation Planning has

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reviewed the TIS and concurs the proposed development can be supported by the surrounding road network.

With respect to Policy E.3.6.7 e) iv), while the applicant is not proposing any expanses of blank walls that would be visible from the public realm (see the Elevation drawings attached to Appendix “B” to Report PED20140), the required 2.3 metre tall acoustic barrier along the frontage will have the identical effect of a large expanse of a blank wall that will impact the streetscape, which is further discussed below.

Residential Intensification

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

- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- 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;

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

As previously noted, the definition of compatible development is achieved with “mutually tolerant” development within the existing area. Policy B.2.4.1.4 (d) requires that development be compatible in terms of use, scale, form and character. While compatibility does not necessarily mean that the development has to be identical to existing adjacent development, it does need to be in keeping with the surrounding context of the area.

The subject lands are located along Highway No. 8, a major arterial road, and the boundary of the neighbourhood to the north of the subject lands. The interior of the neighbourhood contains a variety of low rise house forms such as single detached dwellings and townhouse dwellings, while along Highway No. 8 there is a three storey retirement and nursing home to the east, as well as an eight storey multiple dwelling immediately to the west of the subject lands. A variety of retail, open space and institutional uses are also located along Highway No. 8, in the immediate vicinity, including the St. Francis Xavier Church and St. Francis Xavier elementary school on the south side of Highway No. 8, and the Church of Jesus Christ of Latter Day Saints further east along Highway No. 8.

With respect to policy B.2.4.2.2, staff are concerned that the proposed scale of the development is not in keeping with the existing character of the neighbourhood. While higher density residential development contributes to a number of planning objectives, staff note that the previous approval at six storeys and 93 units achieved these

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objectives given the size of the site. The proposed development, with additional height and a density of 551 units per hectare, represents an overdevelopment of the site, and is not in keeping with the surrounding area. The proposal does not meet the residential intensification policies of the UHOP, as the proposal does not provide sufficient transitional measures, setbacks, landscaping, or buffers to mitigate the height, scale, and massing being proposed. As such, the proposal is not compatible with the existing uses and does not build upon or enhance the established and planned character of the neighbourhood. It is the opinion of staff that the proposal does not demonstrate compatible integration with the surrounding area.

The Functional Servicing Report (FSR), prepared by S. Llewellyn & Associates Limited and dated January 2020, indicates that the sanitary discharge based on people per hectare for the proposed development will result in sanitary flows exceeding the assumed flows used in the design of the existing sanitary system for this location and therefore Growth Management staff have advised that based on the FSR and other information, Growth Management staff cannot support these applications. The Traffic Impact Study (TIS), prepared by Paradigm Transportation Planning Solutions Limited dated January 2020, identifies that eastbound through and right turn movements during the afternoon peak hour along Highway No. 8 are approaching critical volume to capacity (v/c) ratios. The TIS concludes that the introduction of site generated traffic is not expected to significantly impact operations at the study area intersections, which will continue to operate similarly to background traffic scenarios.

Matters regarding compatibility with adjacent land uses, transitions in height and density to adjacent residential buildings, existing neighbourhood character, shadowing, and massing (including the angular plane analysis) are already discussed, which identify privacy and overlook concerns, inadequate planted landscape buffers, and insufficient transitions in scale and height.

The proposed development includes 339 m² of indoor amenity space and 123 m² of outdoor amenity space, which is greater than required by the Zoning By-law. However, as discussed above, a continuous 2.3 metre tall acoustic barrier with no gaps needs to be constructed along the southwest half of the front yard to reduce sound levels to an acceptable level for the at grade outdoor living area. This wall would enclose and cast shadows over the outdoor amenity area, which would make it less desirable for its intended use. While the proposed building has been designed with a front yard setback that is consistent with the multiple dwelling to the west, the noise wall would encroach into the front yard. Also, while the bulk of the massing and height of the building is placed at the corner furthest away from adjacent residential lands, this massing does not meet the application of the 45° angular plane along the road rights-of-way of Highway No. 8 and Ellington Avenue and impacts the streetscape and pedestrian realm.

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Given the above, the proposal does not contribute to a consistent street edge to enhance the streetscape pattern of Highway No. 8 or provide adequate street scale in support of pedestrian comfort and neighbourhood character. It is staff's position that the proposed development does not appropriately implement the Urban Structure of the Plan and does not comply with the residential intensification policies of the UHOP.

Urban Design

"B.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;
- b) promoting quality design consistent with the locale and surrounding environment;

B.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; and,
- c) 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.

B.3.6.3.11 Design of noise mitigation measures adjacent to collector roads, or major or minor arterial roads shall address streetscape quality through compliance with the following policies:

- a) Noise mitigation measures shall avoid the use of noise barriers (walls and berms) wherever possible.
- b) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed.
- c) The use of noise barriers shall be prohibited adjacent to Primary, Secondary, or Potential Expansion of Secondary Corridors designated on Schedule E – Urban Structure, and adjacent to

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pedestrian focus streets as identified in Section E.4.3 – Pedestrian Focus Streets. (OPA 69)

- d) Noise mitigation measures shall comply with Section 3.3 – Urban Design Policies, and all other design policies of this Plan unless it is determined in the detailed noise study, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.”

While the applicant is proposing to situate the proposed multiple dwelling close to the street, the proposed additional height and massing of the building, which lacks or provides insufficient landscape buffers, does not respect the existing character, development patterns, or built-form of adjacent developments and the surrounding area.

As discussed above, the Noise Impact Study indicates that the Outdoor Living Area located in the front yard (as shown on Appendix “B” to Report PED20140) requires that a 2.3 metre tall acoustic barrier be implemented along Highway No. 8, which is designated a Secondary Corridor on Schedule E – Urban Structure. As noise barriers are prohibited in accordance with Policy B.3.6.3.11, the proposal does not comply with the design policies of the UHOP.

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 a Tree Protection Plan (TPP), prepared by OMC Landscape Architecture and dated August 9, 2017, and note that a full evaluation could not be provided as the TPP (submitted as part of this application) is not the most recent version of the TPP (dated August 9, 2017; an October 12, 2018 version of the TPP was reviewed as part of the previous Site Plan application), and it is missing the tree inventory table. Staff note that the October 12, 2018 version of the TPP reviewed as part of the previous Site Plan application never received approval.

Infrastructure and Servicing

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

The sanitary discharge will result in sanitary flows exceeding the assumed flows used in the design of the existing sanitary system for this location, based on people per hectare

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for the proposed development noted in the Functional Servicing Report (FSR), prepared by S. Llewellyn & Associates Limited and dated January 2020. There is no information provided in the FSR to demonstrate that the existing downstream sanitary system has sufficient capacity to support the proposed density on the site. Based on the foregoing, Growth Management staff are unable to support the proposed applications. As the scale of development being proposed was never contemplated, should the applications proceed to approval, detailed calculations would be required at the Site Plan Control stage.

The proposal, with respect to matters including but not limited to building height, residential density, scale, massing, privacy, overlook, and compatibility with the character of the existing surrounding neighbourhood is more typically directed to downtown and, to some degree, sub regional service nodes and primary corridors, where these higher densities have been contemplated, are anticipated, and are reflected in the municipal infrastructure. Based on the foregoing, the proposal does not meet the intent of the Urban Hamilton Official Plan as this area has never been anticipated for the levels of infrastructure required to comprehensively incorporate the densities at this scale.

Western Development Area Secondary Plan

The subject lands are designated “Medium Density Residential 3” in the Western Development Area Secondary Plan – Land Use Plan, and located within “Site Specific Policy Area A”. The following policies, amongst others, apply to the proposal.

“7.1.1.4 Medium Density Residential 3 Designations

Notwithstanding Policies E.3.5.2, E.3.5.7, and E.3.5.8 of Volume 1, the following policies shall apply to the Medium Density Residential 3 designation identified on Map B.7.1-1– Western Development Area – Land Use Plan:

- a) the permitted uses shall be predominantly apartment dwellings in buildings not exceeding a height of nine stories;

Site Specific Policy Area A (OPA 72)

- 7.1.5.1 For the lands located at 325 Highway No. 8, identified as Site Specific Policy Area A on Map B.7.1-1 – Western Development Area – Land Use Plan and designated Medium Density Residential 3, the following shall apply:

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- a) Notwithstanding the maximum residential densities of Policy E.3.5.7 of Volume 1 and Policy B.7.1.1.4 b) of Volume 2, a multiple dwelling having a maximum of 93 dwelling units or 344 units per net residential hectare shall be permitted.”

The Secondary Plan permits multiple dwellings to a maximum height of nine storeys and 344 dwelling units per hectare on the subject lands in the Medium Density Residential 3 designation. The proposed development does not comply with the Secondary Plan as the proposed building height is 11 storeys and the proposed density is 551 units per hectare. Therefore an amendment to the UHOP to recognize the higher density and height is required.

While a density range of 344 units per net residential hectare would be characterized as High Density Residential, the Secondary Plan did not contain a High Density Residential category at the time that the previous applications were considered in 2017. Since then, the adjacent property to the west, located at 319 Highway No. 8, has been redesignated to High Density Residential 1 through OPA No. 109, which was adopted on August 17, 2018 and came into force and effect on September 21, 2018. (Related OPA No. 161 to Stoney Creek Official Plan was adopted by Council on October 13, 2010 and associated OPA No. 8 to the UHOP was assigned, but as these changes were not incorporated into either MMAH or LPAT (formerly OMB) approval of the UHOP, Amendment No. 109 incorporated the necessary changes to the UHOP.) Accordingly, as the Secondary Plan now contains High Density Residential designations the subject proposal is appropriately being considered for redesignation to a High Density Residential category.

“B.7.1.1.5 High Density Designation

Section E.3.6 – High Density Residential of Volume 1 shall apply to the lands designated High Density on Map B.7.1-1– Western Development Area - Land Use Plan. (OPA 109)”

As noted in the UHOP analysis above, Policy E.3.6.6 of Volume 1 establishes a density range of greater than 100 units per hectare and not greater than 200 units per hectare. While staff were supportive of the previous proposal for a six storey multiple dwelling containing 93 units (with a density of 344 units per net residential hectare) and 129 parking spaces as appropriate development along a Secondary Corridor, the proposed increase in height to 11 storeys and density of 551 units per hectare represents an overdevelopment of this site. While this area is appropriate for the High Density Residential designation, the density, height, and massing being proposed on this site were never contemplated for this area. The lot area of this proposal, at 0.268 hectares, cannot accommodate the number of units, and meet the setback requirements, landscape buffers, and parking requirements to integrate with the area.

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Based on the foregoing, the proposal does not meet the intent of the Western Development Area Secondary Plan with respect to building height and residential density.

Poplar Park Neighbourhood Plan

The subject lands are designated “Medium Density Residential” in the Poplar Park Neighbourhood Plan. A redesignation to “High Density Residential” would be required to reflect the proposed development. As per Policy F.1.2.8 of the UHOP, amendments to the Neighbourhood Plan are to be evaluated against Policies F.1.1.3 and F.1.1.4 of the UHOP.

- “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.
- 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.
- F.1.1.4 Amendments to this Plan shall be undertaken by the City:
- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five Year review or other appropriate time through a City initiative; or,
 - b) to update and streamline administration of municipal planning policies.”

Staff are not supportive of the proposed Official Plan Amendment. Should the Official Plan Amendment be approved, an amendment to the Neighbourhood Plan would be required.

Stoney Creek Zoning Bylaw No. 3692-92

The subject property is currently zoned Multiple Residential “RM4-8” Zone, Modified, in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED20140. The applicant is proposing further modifications to the Multiple Residential “RM4-8” Zone, Modified, for reductions in the minimum front yard setback including setbacks from daylight triangles, increased building height, increased maximum residential density, and reductions to minimum landscaped open space and the minimum number of parking spaces. The proposed modifications to the “RM4-8” Zone are discussed in greater detail in the Analysis and Rationale section of this Report.

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RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> Asset Management, Strategic Planning Division, Public Works Department; Construction, Strategic Planning Division, Public Works Department; and, Recreation Division, Healthy and Safe Communities Department. 	No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> The sanitary discharge will result in sanitary flows exceeding the assumed flows used in the design of the existing sanitary system for this location, based on people per hectare for the proposed development noted in the Functional Servicing Report (FSR), prepared by S. Llewellyn & Associates Limited and dated January 2020. There is no information provided in the FSR to demonstrate that the existing downstream sanitary system has sufficient capacity to support the proposed density on the site. In absence of such information, they are unable to support the proposed applications. A geotechnical study is required to determine potential dewatering needs. Due to the limited capacity in the sanitary sewer system, no long term dewatering post-construction would be 	<ul style="list-style-type: none"> Staff do not support the proposed density for reasons including but not limited to sanitary capacity. Should the applications be approved, a Holding provision should be applied to the amending Zoning By-law requiring the applicant to demonstrate adequate sanitary capacity downstream. Should the applications be approved, the geotechnical and drainage concerns will be addressed at the Site Plan Control stage. Water demand and fire flow calculations shall also be updated, as necessary, and resubmitted at that stage.

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	<p>supported by Hamilton Water. Foundation design should be designed accordingly.</p> <ul style="list-style-type: none"> • The drainage area and servicing plans need to demonstrate the storm system can adequately capture external flows and manage any backflow that has the possibility of flooding adjacent properties. • The peak domestic water usage and required fire flow calculations for this site are acceptable. 	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • Some amendments are required to the Tree Management Plan. • A Landscape Plan will be required. 	<ul style="list-style-type: none"> • Should the applications be approved, these concerns will be addressed at the Site Plan Control stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Determine if the proposed development will be condominium tenure. • Determine if the proposal will have implications on M-Plan 376 and WCP 112 e.g. cost recoveries. • The existing municipal address of 325 Highway No. 8 will be retained for this development. 	<ul style="list-style-type: none"> • Should the applications be approved, these concerns will be addressed at the Site Plan Control stages and the Draft Plan of Condominium, if condominium tenure is considered.
Landscape Architectural Services, Strategic Planning Division, Public Works	<ul style="list-style-type: none"> • Does not request cash-in-lieu of parkland dedication at this point in the planning process. 	<ul style="list-style-type: none"> • Noted.

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Department		
Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department	<ul style="list-style-type: none"> • If the proposed development will use a cooling tower for air conditioning or other cooling needs, the owner is required to register their cooling tower(s) with Public Health Services and comply with Hamilton Cooling Tower Registry Bylaw No.11-078. • If the proposed development will include a pool or spa, it must meet the requirements of RRO 1990, Reg. 565: Public Pools. 	<ul style="list-style-type: none"> • Noted.
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department	<ul style="list-style-type: none"> • Supports recommendations related to travel demand, found in the transportation study entitled “325 Highway 8, Hamilton Transportation Impact Study, Parking Study, and Transportation Demand Management Plan,” prepared by Paradigm Transportation Solutions Ltd. dated January 2020. • Intends to maintain the existing bus stop (Highway No. 8 @ Ellington, NW corner), including the existing transit shelter and exterior bench, in its current position. 	<ul style="list-style-type: none"> • Noted.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic	<ul style="list-style-type: none"> • Approves the Traffic Impact Study, prepared by Paradigm Transportation Planning Solutions Limited dated January 2020. • The Transportation Demand Management (TDM) report, 	<ul style="list-style-type: none"> • Should the applications be approved, TDM implementation measures and site revisions will be addressed at the Site Plan Control stage.

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Development Department	<p>prepared by Paradigm Transportation Planning Solutions Limited dated January 2020, requires revisions to implement TDM measures recommended within the report.</p> <ul style="list-style-type: none"> • No right-of-way dedications are required. • The site plan drawing requires revisions to provide sufficient visibility triangles at the driveway entrance, driveway widths and curve radii, and enhanced pedestrian connectivity. 	
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • This development is eligible for municipal waste collection service subject to meeting the City's requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City's waste collection requirements. 	<ul style="list-style-type: none"> • Should the applications be approved, these concerns will be addressed at the Site Plan Control stage.
Horizon / Alectra Utilities	<ul style="list-style-type: none"> • Provided information for electrical service and facility requirements. 	<ul style="list-style-type: none"> • Developer to contact Alectra Utilities for hydro facilities and services.
Public Consultation		
	Comment	Staff Response
Existing Neighbourhood Character, Density and Built Form (Height and Massing),	<ul style="list-style-type: none"> • The area is viewed as a quieter and less dense neighbourhood with less congestion. • An 11 storey building with a density of 551 units per 	<ul style="list-style-type: none"> • Compatibility with adjacent land uses and appropriate setbacks are required in order to protect privacy and reduce overlook. Staff do not support the

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Shadowing, Privacy and Overlook	<p>hectare is unacceptable and completely out of character with the neighbourhood, which is characterized by low (less than three storeys) and one midrise (eight storey) building.</p> <ul style="list-style-type: none"> The height of the building will reduce sunlight, block views, and reduce privacy in the yards and windows of abutting properties. The reduced sunlight would require extended periods of artificial indoor lighting, generating higher electricity consumption. 	proposed density, building height and massing.
Reason for Subsequent Planning Applications	<ul style="list-style-type: none"> Unsure why this application for 11 storeys is being considered as the developer was recently approved for a six storey multiple dwelling after initially proposing a nine storey structure. 	<ul style="list-style-type: none"> Regardless of merit, the City shall process all complete applications for an Official Plan Amendment and Zoning By-law Amendment in accordance with the <i>Planning Act</i>.
Traffic, Associated Noise, and Parking	<ul style="list-style-type: none"> Proposed development will cause an increase in traffic, adding to already heavy traffic along the Highway No. 8 corridor. There is also concerns that the limited space on the site and surrounding areas will limit the manoeuvrability of larger vehicles and responsiveness of emergency services. Less than one parking space per unit is insufficient to accommodate second 	<ul style="list-style-type: none"> The Traffic Impact Study (TIS), prepared by Paradigm Transportation Planning Solutions Limited dated January 2020, concludes that the total traffic operations at the study area intersections will continue to operate similarly to background traffic scenarios. Transportation Planning has reviewed and approved the TIS, concurring with the findings

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	<p>vehicles and visitors who would have to park on the street, and there is limited street parking available in the vicinity. The recent cancellation of the LRT limits alternative modes of transportation and the predominant use of personal vehicles will persevere, further exacerbating parking concerns.</p> <ul style="list-style-type: none"> • Congestion, noise and pollution generated from additional traffic will have a negative impact on the quality of life and safety of existing residents. 	<p>and conclusions of the study.</p> <ul style="list-style-type: none"> • Staff do not support the proposed reduction to on-site parking requirements.
Lack of On-Site Landscaping	<ul style="list-style-type: none"> • Concerned that landscape buffering and open space between the building / parking area and adjacent properties is insufficient, and the lack of permeable surfaces will increase the risk of flooding. 	<ul style="list-style-type: none"> • Staff acknowledge that there are insufficient planted landscape buffers proposed and do not support the proposed reduction to Minimum Landscaped Open Space.
Nuisance and Damage from Construction	<ul style="list-style-type: none"> • Excavation and construction is concerning for the integrity of existing foundations. • Likelihood for disruption of normal living due to construction noise, traffic detours, dust and debris, and wear and tear on local roads. 	<ul style="list-style-type: none"> • Should the applications be approved, plans or procedures for dealing with issues concerning dust control and construction management would be reviewed at the Site Plan Control stage to mitigate impacts of construction activities during site development.
Perceived Loss of Property Values	<ul style="list-style-type: none"> • The proposed development will lower the value of homes 	<ul style="list-style-type: none"> • The City is not aware of any empirical evidence to

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	in the area.	support this.
Revenue Generated from Development	<ul style="list-style-type: none"> Recurring sentiment that the City is driven by revenues generated by the proposed development. 	<ul style="list-style-type: none"> All planning applications are considered on their own merits against all relevant provincial and local planning policies.

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 175 property owners within 120 m of the subject lands on February 21, 2020.

A Public Notice Sign was posted on the property on February 25, 2020, and updated on August 12, 2020, with the Public Meeting date. Notice of the Public Meeting was sent to 175 property owners within 120 m of the subject lands and statutory notice was given by way of a newspaper ad published in The Hamilton Spectator on August 21, 2020, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy. An initial meeting with the Ward Councillor and staff occurred on August 20, 2019 to discuss the proposed increase in height and density, which led to an informal information meeting with recognized concerned residents on September 3, 2019. Residents expressed major concerns with the increases in height and density. Following this meeting, the building design was revised and supporting studies were obtained to address the public feedback. A community meeting was to be held by the applicant on March 26, 2020; however, this meeting was cancelled due to the COVID-19 emergency. In lieu of a rescheduled meeting, the Ward Councillor sent a letter to residents on July 29, 2020 to provide an overview of the history of the applications on this property and to request any additional comments (see Appendix "D" to Report PED20140).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law amendments cannot be supported for the following reasons:
 - i) The proposed amendments do not meet the general intent of the Urban Hamilton Official Plan and the Western Development Area Secondary

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Plan with respect to matters including but not limited to building height, residential density, massing, privacy, overlook, setbacks, lot coverage, parking, and compatibility with and enhancing the character of the existing neighbourhood.

2. As discussed in the Official Plan and Secondary Plan analyses sections of this report, staff are not in support of the proposal for the following reasons:

i) Modifications to Development Standards and Regulations

Staff do not support the proposed Amendment to the Urban Hamilton Official Plan (UHOP) as the proposal does not meet the intensification and compatibility policies of the UHOP. While the UHOP focuses intensification along Urban Corridors and directs high density residential multiple dwelling forms to the periphery of Neighbourhoods in proximity to major or minor arterial roads, it also requires that the existing character of established Neighbourhoods be maintained and that residential intensification within these areas enhance and be compatible with the scale and character of the existing residential neighbourhood in terms of matters such as privacy, overlook, noise, built form, density, height, scale, and massing, provision of amenity space, and infrastructure capacity.

The proposal is for an 11 storey, 148 unit multiple dwelling with on-site ground level amenity areas and outdoor terraces, 22 surface visitor parking spaces, and 123 underground parking spaces in a two-level underground parkade.

Sanitary discharge for the proposed development will result in flows exceeding the existing sanitary system capacity for this location.

Requested amendments include an increase in maximum building height from 18.5 metres and six storeys to 34.5 metres and 11 storeys, maximum residential density from 344 to 551 dwelling units per net residential hectare, minimum front yard from 2.0 metres to 0.57 metres, minimum landscaped open space from 27% to 20% of lot area, minimum number of parking spaces from 1.04 parking spaces and 0.35 visitor parking spaces per dwelling unit to 0.83 parking spaces and 0.15 visitor parking spaces per dwelling unit, and setback from daylight triangles from 0.75 metres to the building to 0.52 metres to the building.

The cumulative effect of these modifications result in an overdevelopment of the site.

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ii) Compatibility with Character of Existing Neighbourhood

The Urban Hamilton Official Plan requires that the existing character of established Neighbourhoods be maintained and that residential intensification within these areas enhance and be compatible with the scale and character of the existing residential neighbourhood. The site is located immediately adjacent to street townhouse dwellings to the north and single detached dwellings to the northeast, which are of a scale appropriate to low density typology.

To locate high density residential development immediately adjacent to low density residential uses, transitional features are required. Privacy and overlook concerns, inadequate planted landscape buffers, and insufficient transitions in scale and height exist. In addition, a 2.3 metre tall acoustic barrier needs to be constructed along the front yard which would interrupt the streetscape pattern along Highway No. 8.

This site lacks sufficient lot size to accommodate the necessary design and transitional features to achieve compatibility and cannot provide appropriate setbacks and landscaped area. Further, the density being proposed was never contemplated for this area and is not compatible with the surrounding area.

iii) Parking

The current Stoney Creek Zoning By-Law No. 3692-92 for this site requires a reduced parking rate of 1.04 parking spaces plus 0.35 visitor parking spaces per dwelling unit. The application proposes a further reduction in parking requirements to 0.83 parking spaces plus 0.15 visitor parking spaces per dwelling unit (123 spaces for 148 dwelling units plus 22 visitor parking spaces). As there is no provision for on-street parking along either frontage of the site, and, no higher order transit exists, staff do not support the proposal for a further reduction in parking requirements.

Proposals for intensification and redevelopment with higher densities and high rise built form beside low density residential forms are to meet a number of criteria, as set out in the UHOP. Staff do not support the proposed Amendment to the UHOP as it is contrary to the overall vision, planning principles and policies for the area. Based on the rationale above, staff recommend that the applications be denied.

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ALTERNATIVES FOR CONSIDERATION

- 1) Should the applications be approved, that staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the concept plans proposed, with the inclusion of Holding Provision(s) to address matters, including addressing sanitary sewer system capacity constraints, and any other necessary agreements to implement Council's direction.
- 2) Council could direct staff to negotiate revisions to the proposal with the applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion.
- 3) Should the applications be denied, the lands could be developed in accordance with the Multiple Residential "RM4-8" Zone, Modified, which permits a six storey multiple dwelling containing 93 units.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

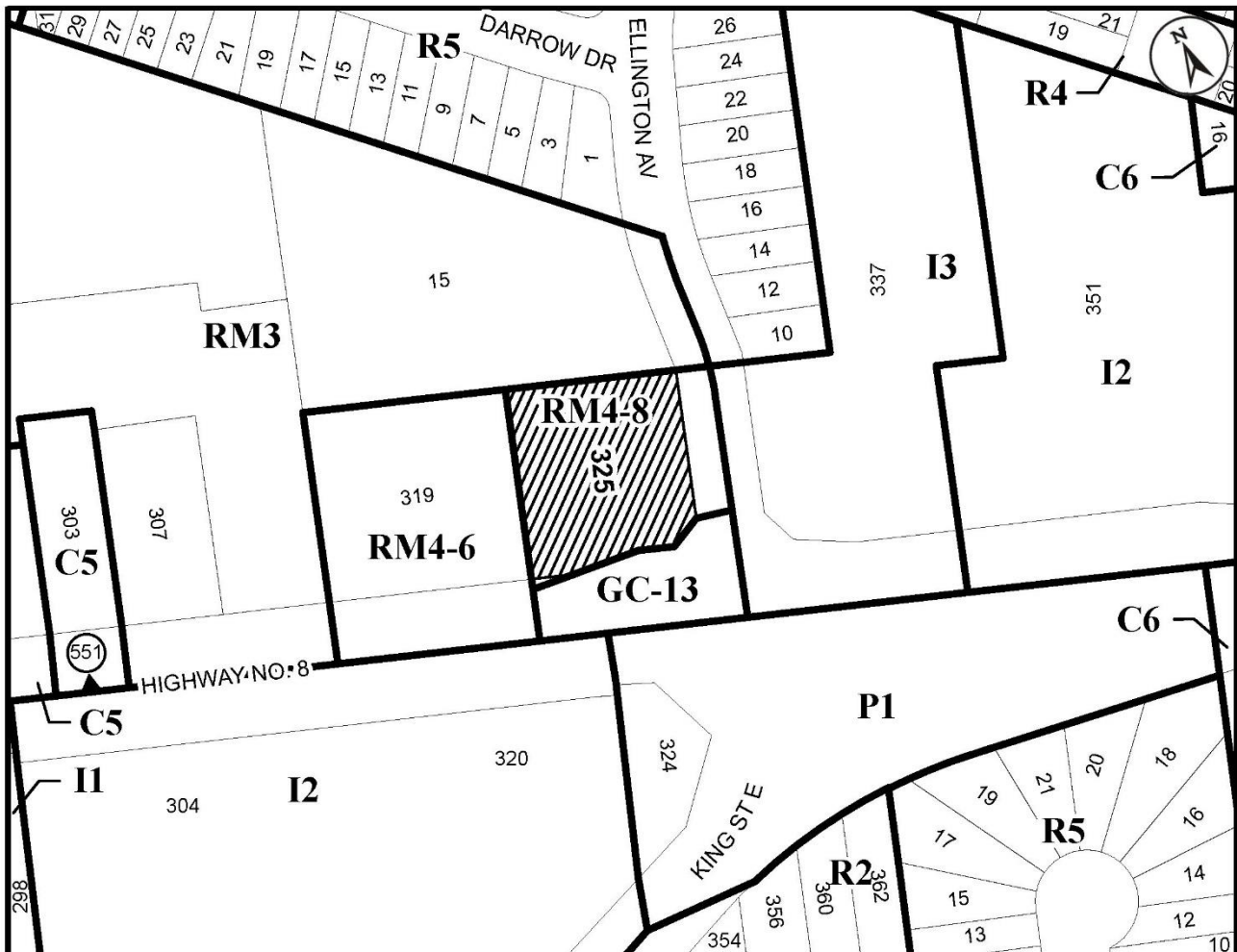
Our People and Performance

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

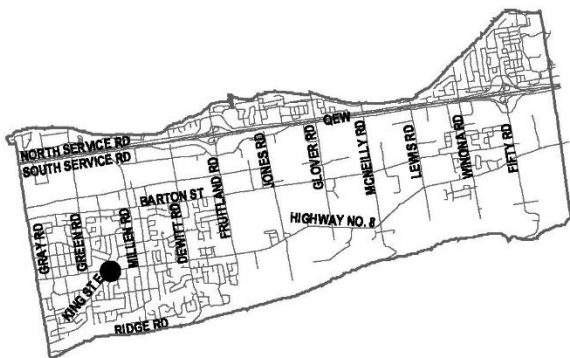
APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" – Location Map
- Appendix "B" – Concept Plan
- Appendix "C" – Public Submissions
- Appendix "D" – Neighbourhood Letter from Ward Councillor

TV:



● Site Location



Key Map - Ward 10

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-20-010

Date:
February 13, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
TV/VS

Subject Property

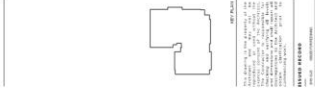
325 Highway No. 8, Stoney Creek



Lands Zoned Multiple Residential "RM4-8" Zone, Modified



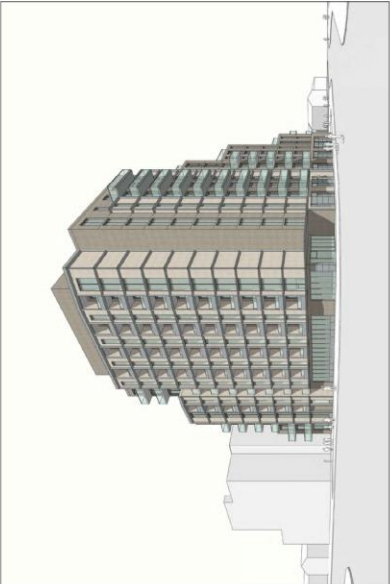
Appendix "B" to Report PED20140
Page 1 of 8



VIEW FROM NORTHEAST



VIEW FROM SOUTHWEST



VIEW FROM SOUTHEAST



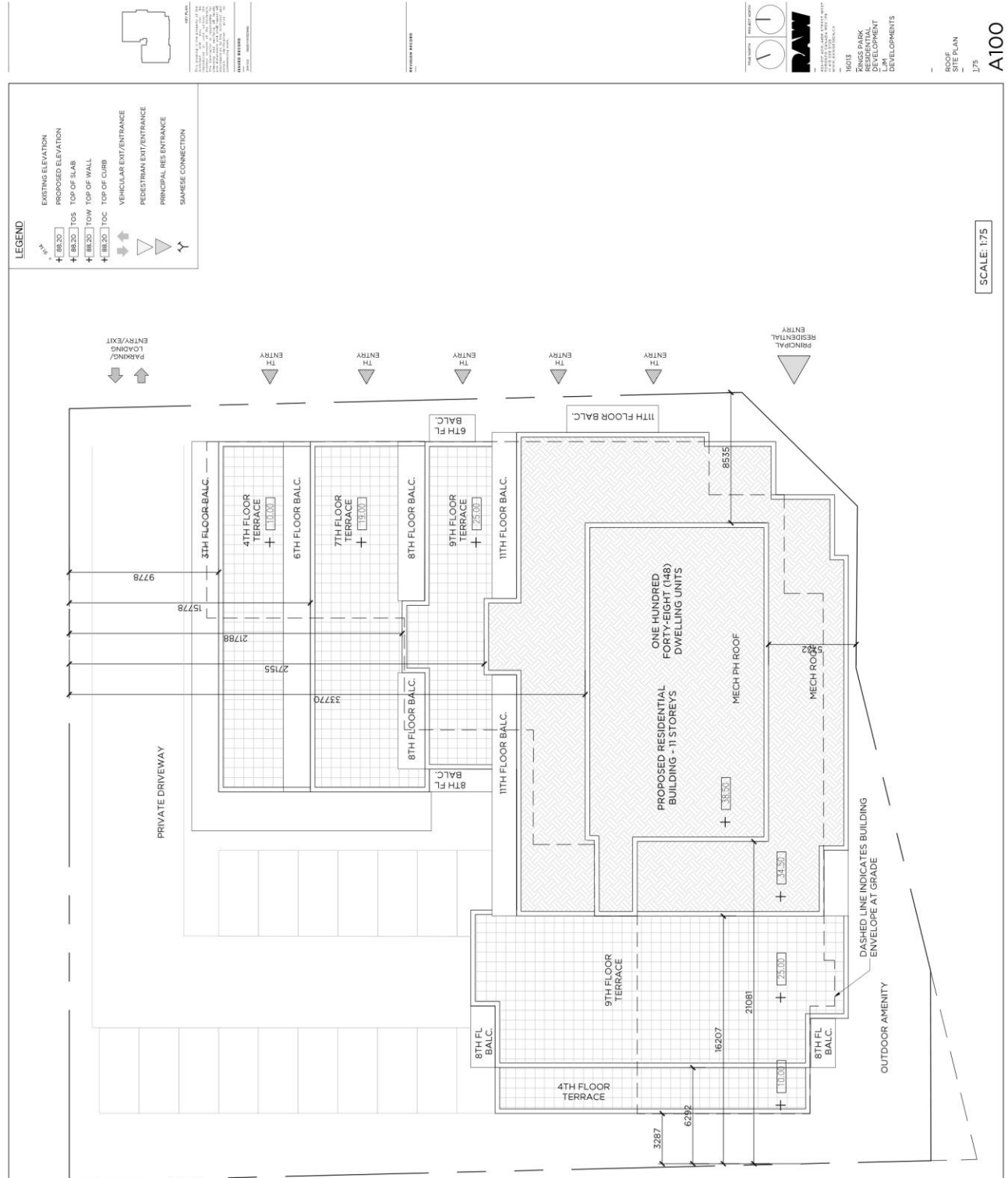
VIEW FROM NORTHWEST

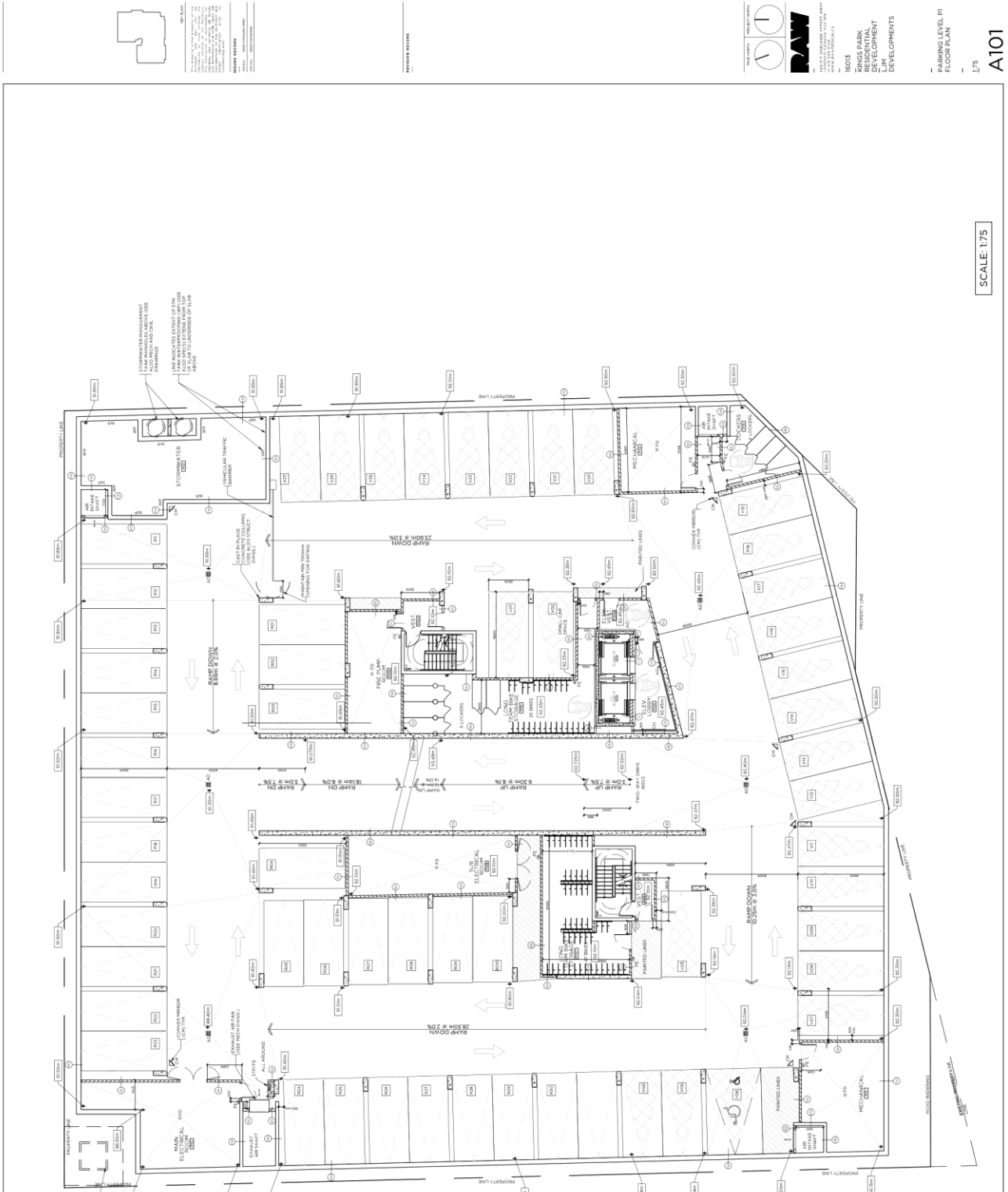
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36 VIEWS

A001





SCALE: 1:75



NOTES:
1. THESE ARE THE PROPOSED DIMENSIONS OF THE PARKING LEVEL. THE DIMENSIONS OF THE EXISTING BUILDING ARE SHOWN IN DASHED LINES. THE DIMENSIONS OF THE EXISTING BUILDING ARE SHOWN IN DASHED LINES. THE DIMENSIONS OF THE EXISTING BUILDING ARE SHOWN IN DASHED LINES.
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REVISIONS:



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BRIMS PARK
DEVELOPMENT
L.P.M.
DEVELOPMENTS

PARKING LEVEL R1
FLOOR PLAN

175

A101



NOTES:
1. THIS PLAN IS TO BE USED IN CONJUNCTION WITH THE OTHER PLANS IN THIS SET.
2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
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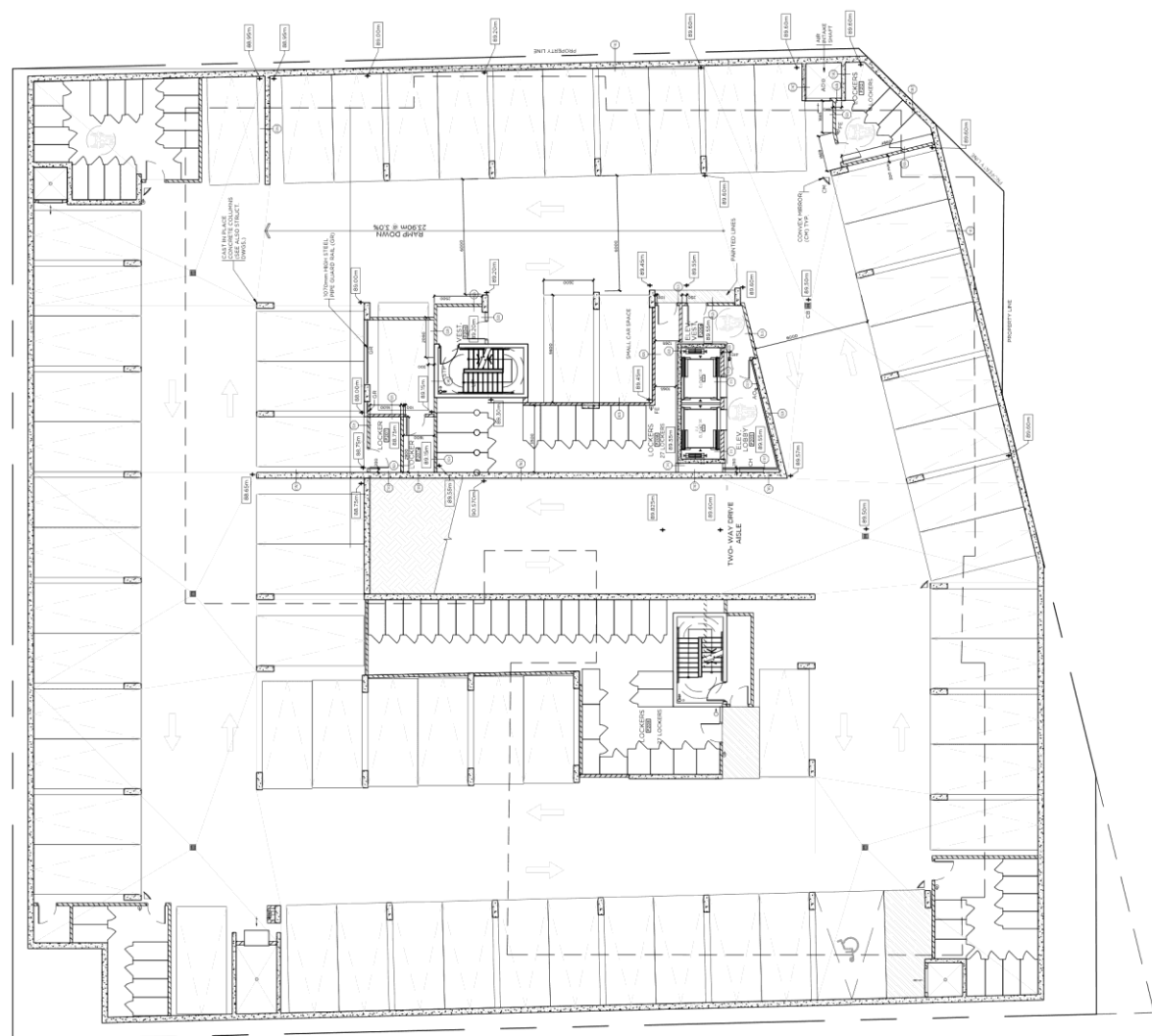


RAW
REGISTERED ARCHITECTS
16013
TRINIS PARK
DEVELOPMENT
LUM
DEVELOPMENTS

**PARKING LEVEL P2
FLOOR PLAN**

175

A102



SCALE: 1:75



NOTES:

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.
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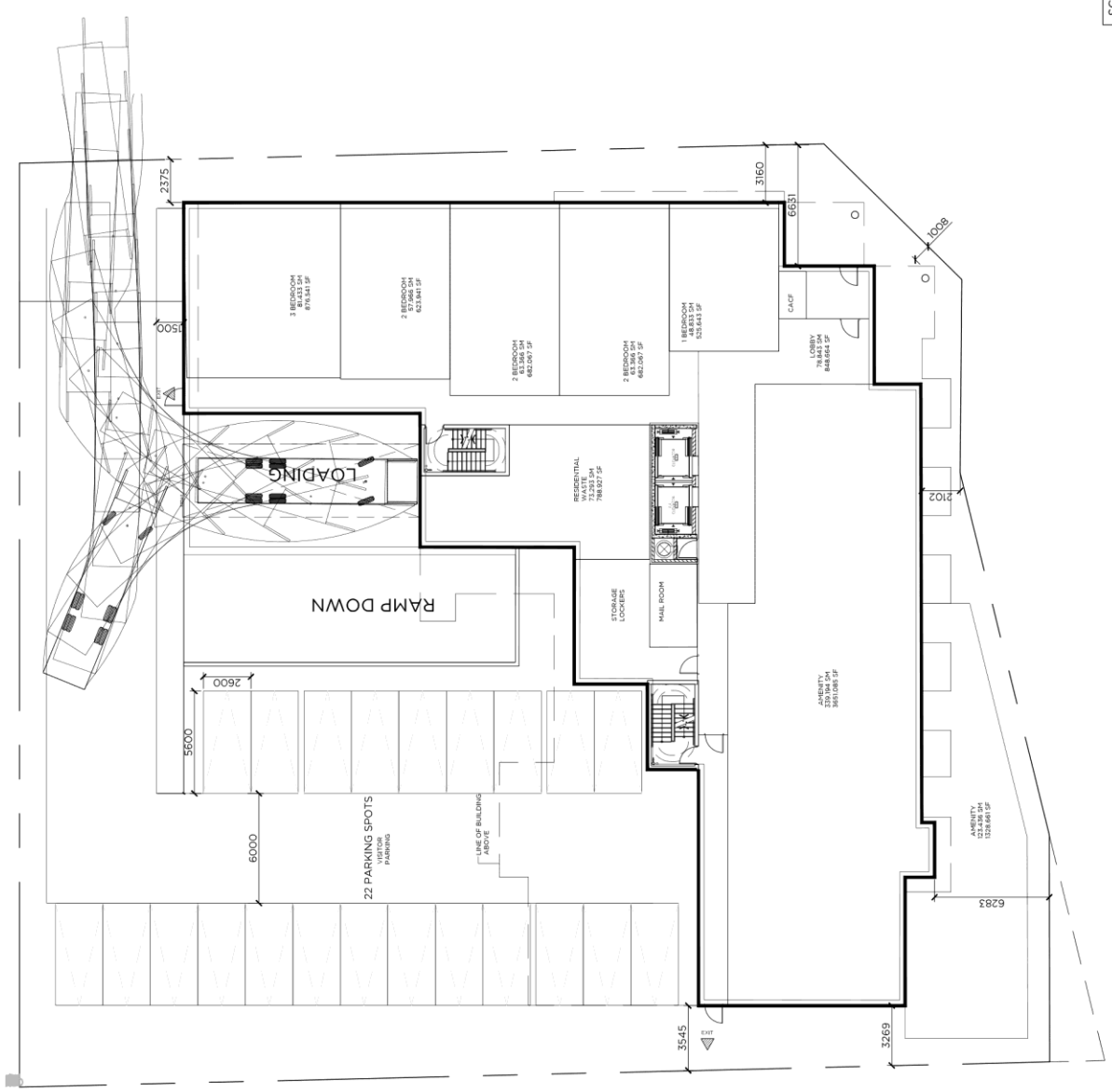
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 LUM DEVELOPMENTS

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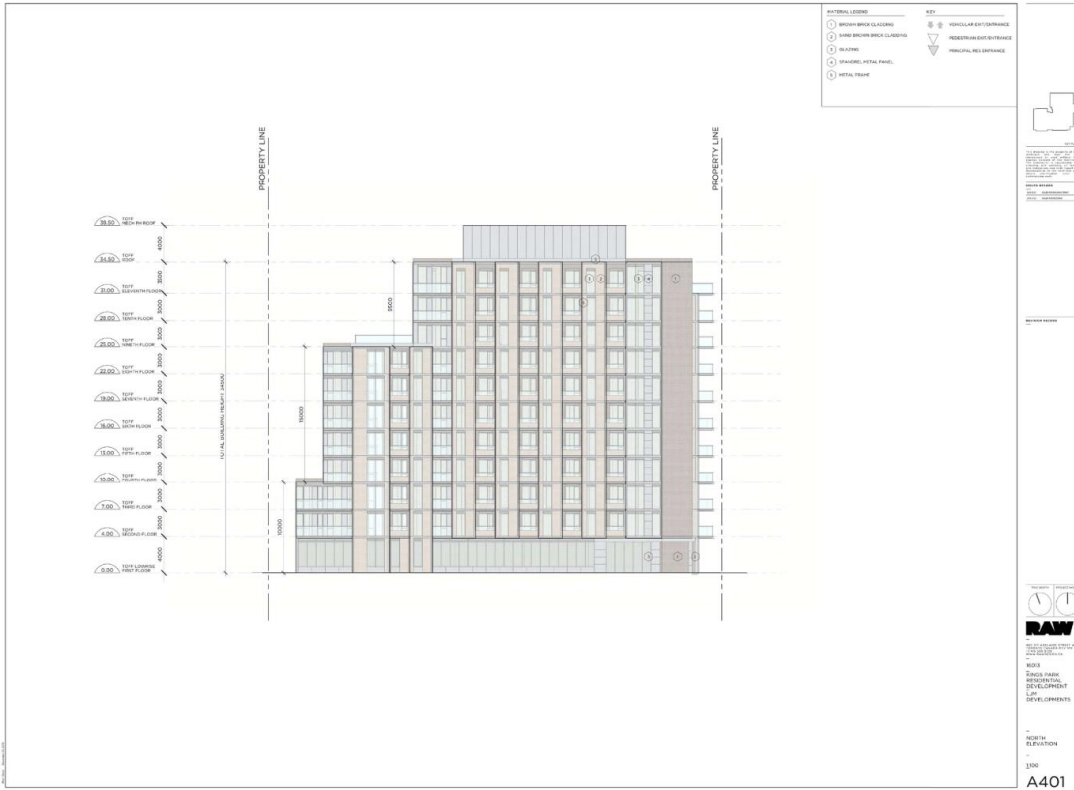
GROUND FLOOR PLAN

17/5

A201



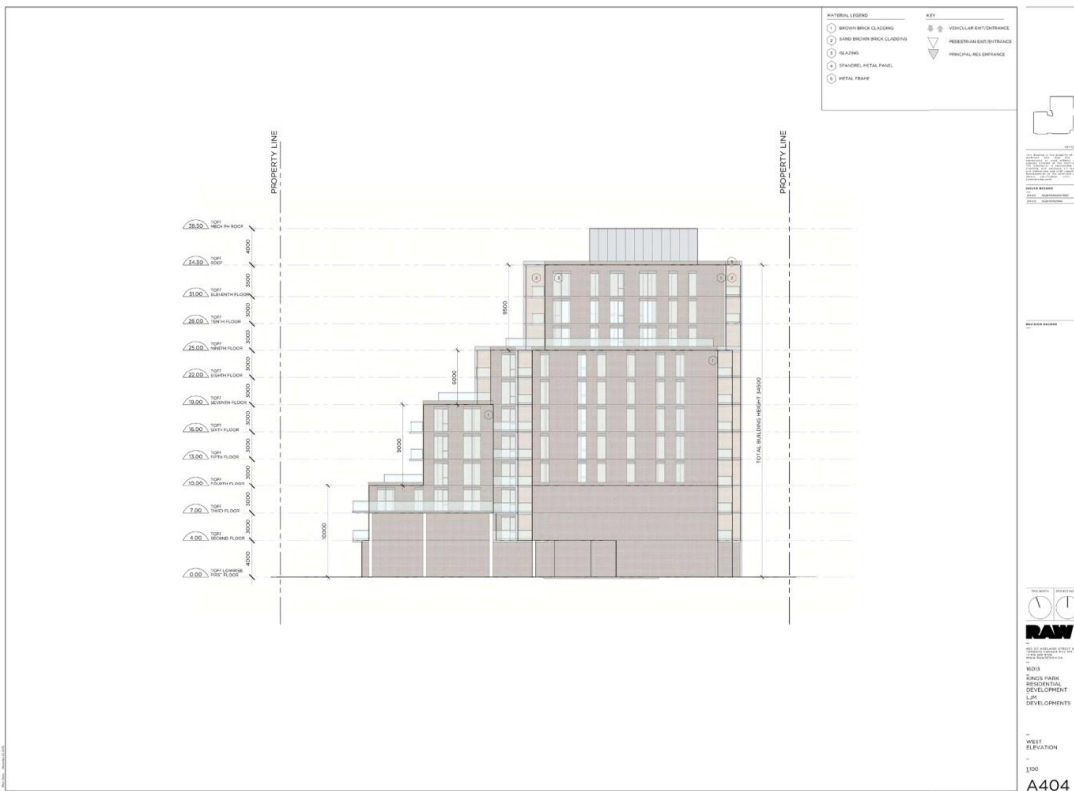
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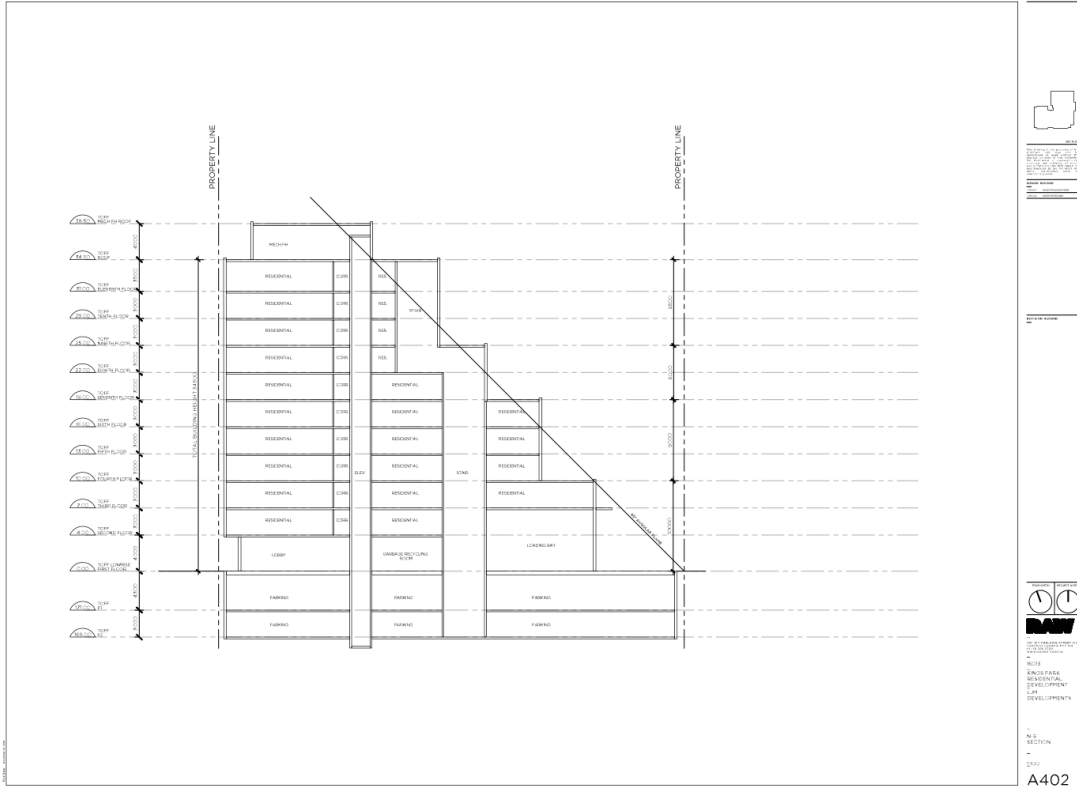


A401



A402





August 2020

Dear Resident/Occupant,

Re: Application by LJM Developments for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 325 Highway No. 8, Stoney Creek Ward 10

You would have received a Notice from our Planning Staff regarding this application that asked for comments to be received prior to March 6th, 2020. You may have also received Notice of a Neighbourhood Meeting arranged by the applicant's agent for March 26th, 2020, which had to be cancelled due to COVID-19 and cannot be rescheduled under the current COVID restrictions.

I am providing you with a copy of the Chronology of events from my office for your information. A lot has transpired from the initial meeting. I commend the neighbourhood for providing comments for each of the proposals that have come forward, and for supporting the 6-storey development proposal approved in 2019. At this time, I can tell you that I AM NOT supporting the latest proposal for an 11-storey 148-unit development. I would ask that you review the history of the applications on this property and please provide any additional comments/opinions quoting ZAC-20-010 to:

Tim Vrooman, City of Hamilton
Planning and Economic Department
Development Planning, Heritage and Design - Suburban Team
71 Main Street West, 5th Floor, Hamilton, ON, L8P 4Y5
Fax: 905-546-5202, E-Mail: Tim.Vrooman@hamilton.ca

Information received will be collected under the authority of the Planning Act. All comments and opinions submitted to the City on this matter, including name, address, and contact information will become part of the public record and will be made available to the Applicant and the general public, **and will appear on the City's website unless you expressly request within your communication that the City remove your personal information.**

This latest application is scheduled to come before Planning Committee on Tuesday, September 8th, 2020 and the Notice of Public Meeting will be mailed out August 21, 2020. Your comments are important.

Yours truly,



Maria Pearson
Your Ward 10 Councillor

**Chronology of LJM Application for Development at
325 Highway No. 8, Stoney Creek
From Councillor Maria Pearson**

2015 – 16: I had my initial meeting with Mr. Mian regarding his proposal for a 12-storey condominium tower on this site. Beautiful photos, but advised Mr. Mian that I would not support such densification on this site, and to please go back to the drawing board.

January 2016: Formal Consultation - LJM applied for a 12-storey condo with potential commercial space - reviewed with staff who were also not supportive.

April 2016: Met with Mr. Mian again with new proposal for 9-storey 128 units on site – still dense, but would support application going forward with neighbourhood involvement.

May 2016: Application received from LJM for a 9-storey 128-unit condo building.

June 9, 2016: Neighbourhood meeting arranged for LJM to show their proposal to the residents with staff in attendance. Developer heard from neighbourhood and staff - still issues with density.

June 21, 2016: LJM has comments from all departments and wants to meet with me. Issues still with height and density.

July 4, 2016: Met with Mr. Mian – original zoning of site allows for a 3-storey building with first floor commercial. He still wants to put forward a great building!

August 4, 2016: New proposal after meeting with Mr. Mian and staff - developer prepared to bring forward application for a 6-storey building with 93 units, with several site changes to meet several of the site plan issues including setbacks.

September 15, 2016: Neighbourhood Meeting to present newest proposal for 6-storey 93 units - still concerns from the neighbourhood, but something will go on this site and this is the best of all presented so far.

October 2016: Revised Application from LJM received for 6-storey 93 units.

February 28, 2017: Application for Official Plan Amendment and Zoning By-law Amendment for Lands located at 325 Highway No. 8, Stoney Creek for 6-storey residential development consisting of 93 units. Staff recommendation to Approve.

February 28, 2016: Application was approved and ratified by Council. There were no appeals from the neighbourhood!

April 2017: Site Plan Control Application received.

May 2017: Concurrent Site Plan/Building Permit Review Process considered and site plan issues to be addressed are provided.

June 2019: Phone call and meeting with Mr. Mian regarding his development going forward and the need for higher density in order to make the numbers work. Now looking at coming back with 9-12 storey.

September 2019: Meeting with Mr. Mian, his planner, and staff, as well as a few residents from the neighbourhood regarding an increased height and density request for 9-12 storeys. Again, the message was sent loud and clear to the developer that the neighbourhood, staff, and myself would NOT support this intensification.

November 2019: Site Plan Approval for 6-storey lapsed.

February 2020: Notice of Complete Application received for an 11-storey building with 148 units.

March 26, 2020: Neighbourhood meeting scheduled to present latest development proposal for 11 storeys to the residents. Unfortunately, due to COVID-19 this meeting had to be cancelled. In light of the restrictions I do not believe a neighbourhood meeting can be arranged in sufficient time before the September 8th meeting.

September 8, 2020: Report to come before Planning Committee.

From: Garry <[REDACTED]>
Sent: February 28, 2020 12:46 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: ZAC-20-010

Mr Vrooman my name is Gary Connell I live at 15 Ellington ave right behind the proposed condo building . I fail to see why this application is even being considered as his original application for a nine story building was turned down and reduced to a six story building. The same reasons for this still exist, there has been no. changes as far as I know. Now he's asking for an eleven story building hoping I presume to get his original nine story at least. Seems to me like a waste of taxpayers money.

Gary Connell

From: [REDACTED] <[REDACTED]>
Sent: March 4, 2020 2:17 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Planning Committee Meeting - ZAC-20-010

I live next door to the planned site in question. I am extremely confused to why we are even at this point and question why there is a meeting at all. As one of many neighbours of this site, we went through all this bureaucracy red tape over 2 years ago and I was under the belief that everything was put to bed then. The Builder/Developer accepted the City's terms, set up a Sales Centre and starting selling Units. Now over 2 years later we seem to be trying to reinvent the wheel by giving this Developer a second chance to change the rules. I am too far removed to know whether greed or poor decision making on the Developer's part is to to blame, but as a citizen who is affected by all of this I think those who live near this site have had enough. Whether the Developer has the right to appeal is not the question for me. The question for me is whether my City Councillor who I voted for and the City Planning representatives who work for me are going to allow this suspect Developer to get anything he is trying to achieve through the back door of policy. Bad planning, forecasting and decision making on this Developer's part should be rewarded with absolutely nothing – no increase in floors what so ever. Let his architects go back to the drawing board and come up with a 6 Floor Model that works or sell the opportunity to another Developer who would make it work.

Thanking you,

Ray Magill, Unit 303, 319 Highway #8 Stoney Creek.

RECEIVED
MAR - 4 2020

Brenda Costello
Treviso Condominium
409-319 Highway 8
Stoney Creek, ON, L8G 0B1

February, 27, 2020

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design - Suburban Team
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Dear Mr. Tim Vrooman:

Re: Proposed Zoning By-law Amendment (File No ZAC-20-010)

As stated in your letter to residents in the area of the proposed zoning by-law amendment for lands located at 325 Highway 8, Stoney Creek, dated February 21, 2020, the following comments are provided.

Let me begin my comments by introducing myself. My name is Brenda Costello and I live in the Treviso Condominium at 319 Highway 8. I was an officer in the Canadian Armed Forces for 25 years and upon retirement returned to Stoney Creek to care for my elderly parents, both of whom have recently passed away. They too lived in this condominium. Most of the residents in the Treviso are retired, senior citizens, many for whom English is not their first language. These seniors have worked hard their entire life to afford a comfortable retirement in a close-knit community. I, and the occupants of the Treviso, especially those who cannot effectively convey their concerns in English, are vehemently opposed to any such change in a zoning by-law that would allow for the building of a high-rise condominium.

At the time of purchase in 2015, I was informed that the only future construction next door would be a small medical building. Since that time I, and the residents in the area, have experienced a zoning by-law amendment to a mid-rise condominium of six floors and a now to another proposed amendment to a high-rise. This is totally unacceptable.

My particular unit faces east and the building of an eleven floor complex would directly impact my quality of life. My unit would be totally blocked from any morning sunlight and I would be constantly in the dark forcing me to have the lights on all day thus increasing the cost of my hydro. I would not have any sort of view aside from the wall of a building. You can appreciate that this would be a very depressing way to live. It would also impact on the resale value of my home.

The increased traffic and resultant noise and pollution due to the increased density of residents living in such a building would be detrimental to the health and well-being of area residents. It is difficult now trying to make a left turn from the Treviso parking lots due to the amount of traffic on Highway 8. Add another 150 vehicles to the mix and it would next to impossible to safely making any such turn.

This particular property at 325 Highway 8 has been "in development" for a long period of time, which makes me question the financial viability of constructing such a large building on such a small footprint. I hope I am wrong in assuming that the City of Hamilton is motivated only by increasing revenue from the property taxes generated from this potential site.

Thank you in advance for taking my comments and concerns into consideration. Please do not hesitate to contact me if you wish to discuss the contents of this letter further.

Yours truly,

A handwritten signature in cursive script that reads "Brenda Costello".

Brenda Costello
905-572-52

Tim Vrooman, Planning and Economic Development Department,
Yvette Rybensky, Senior Project Manager, Senior Project Manager
City of Hamilton,
71 Main St. W. 5th Floor
Hamilton, ON, L8P 4Y5

Dear Mr Vrooman and Ms Yvette Rybensky

I have received a letter from you concerning the application of JLM Developments for amendments to the Planning and Zoning of the property at 325 Highway 8, Stoney Creek, Ontario. There are many, many reasons that you will be hearing, from others, concerning the many and varied reasons why these applications must be denied. Therefore, I have limited myself to only one aspect – the consequences of the massively increased volume of traffic.

To begin with, this proposed 11 story building has 148 Units and 123 parking places. This leaves 25 Units that have no on-site parking and that is assuming that each unit has only one vehicle. Therefore, a minimum of 25 to a maximum of 173 vehicles that will have to park on street.

The sheer volume of traffic will be an accident waiting to happen. If approved, The King's Park Condos, will be located immediately beside 319 Highway 8, a seven story Condo building, the majority of whom are seniors; across from the Clarion Nursing Home/Lakeview Retirement Centre on Eglinton St. and St Francis Xavier Church and School on Highway 8 making this a completely inappropriate and perilous location for an 11 story, 148 Unit Condo building.

Twenty four hours a day, seven days a week there are fire engines, ambulances and police cars speeding past this corner, on their way to an emergency to which they have been called. With the increased volume of traffic, I do not believe there will room for vehicles to pull to the side to let them pass. Another dangerous situation.

The applications for Amendments to the Planning Board or Zoning Board for this property must be denied. Stoney Creek cannot accommodate a building of this size on its tiny parcel of land.

Thanks for including my opinion when you are ready to consider these applications.

Gail D'Aoust
702 319 Highway 8
Stoney Creek, ON
L8G 0B1

From: [REDACTED] <[REDACTED]>
Sent: March 4, 2020 9:59 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: ZAC-20-010

REGARDING THE APPLICATION TO FOR AN URAN HAMILTON OFFICIAL PLAN AMENDMENT AND A ZONING BY-LAW AMENDMENT FOR LANDS LOCATED AT 325 HWY #8, STONEY CREEK

ALSO NOTE - do not publish our personal information.

The City seems to only think about the amount of revenue generated by taxes and does not support those residents who have chosen to live in Stoney Creek for years because of it's appealing lifestyle as a smaller community geared to quieter and less dense population and congestion.

We are not people who are adverse to what some might call progress, however approving an 11 storey 148 unit multiple dwelling on that site and giving developers the go ahead to build anything height and size with a maximum residential density of 551 unit per hectare is totally unacceptable and irresponsible on the part of this city council.

We did not move into this area to have the Town's elected officials to make such changes. Based on the sketches provided the privacy of our home is in question and jeopardy since some of these units face and will tower over and look down onto our property. This is an invasion of privacy and to us totally unacceptable.

It appears the proposed design at 325 Hwy #8 needs the height so marketing for the units can promote a "lake water view" at the expense of us.


We understand the developer for this project is the same who has put up high rises and continues in the Grimsby area beside the QEW. It is known amongst many residents as the "Rubic's Cube Design" buildings, slow in work and ugly in design.

This rezoning will create a very dense population with impact on noise and traffic and parking. No amount of under ground parking and visitor parking will alleviate parking on residential streets nearby. We already have a "silent noise" vacuum around us and this huge massive building will bring more.

Why do we have to accept these conditions as long time residents so developers can move in and take over to benefit their agenda in profits. AND the CITY - why is the almighty dollar the bottom line??? Again at our expense - the long time residents of this area?

Our note here and those of others will fall on "deaf-ears" as the almighty dollar is the bottom line in all of the city's decisions. This was the same situation as the building next door - 403 Hwy #8 as all comments from residents went unheard, fallen on deaf ears and thrown under the table. Plans were heard and already approved was the apparent comment. Again - the ALMIGHTY DOLLAR in tax revenue , for the City!!!! AGAIN - at the expense of EXISTING LONG TIME RESIDENTS!!!

This rezoning and any huge massive building to be possibly built on this corner is abhorrent !!! We disapprove totally.

 - remove personal information

NOTE - we do not wish our personal information available or printed.

Brian Tombolini 408-319 Highway 8 Stoney creek ON L8E 2R4 905 930 7786

March 3, 2020

Dear Mr Vrooman

I would like to express my opposition of granting a further variance to the contactor that would allow them to add four additional floors to their proposed condo development for Lands located at 325 Hwy 8 , Stoney Creek (Ward 10).

When I purchased my condo unit we were told that the property next door was only zoned for a three story building. Since that time the owner has been granted a variance to build a six story unit. I do not believe a further variance is warranted.

One of my biggest concerns is the proposed height of the building itself. An 11-storey building would loom over the tree line, creating issues of shadowing on the adjacent properties, and interference with privacy and therefore enjoyment of the resident's private yards and terraces. Another major concern is the noise population issue that will accompany a building of that size.

Residents are questioning the additional traffic as well as parking in the area. Also the initial proposal had no external outdoor parking; I see the new proposal includes 22 outdoor parking spaces which will add to the noise and traffic on Elginton Ave

A unit of that size will also devalue the real estate of the entire neighborhood because of the additional noise, traffic and the general scope of the building size.

Regards

Brian Tombolini

From: Val De Laporte <[REDACTED]>

Sent: March 5, 2020 10:57 AM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: Application by LJM Developments for Official Plan Amendments and Zoning By-Law Amendments at 325 Highway 8, Stoney Creek

Tim,

I am writing regarding my concerns for this application. I live in the Treviso condo at 319 Highway 8 which is next door to this property. I have been involved in the meetings with LJM since the beginning. I was prepared to accept the 6 storey condo that was approved for this site. Even at the 6 storeys I had major concerns with the building size on that small property. The shadowing studies, traffic flow, green space allowance etc must have been borderline at best. A building of 11 storeys and 148 units could not possibly meet the requirements for any of these studies. There is an old age home on Ellington across from where the entrance would be for this building and the traffic flow would be a major concern. We already have concerns with traffic for our building with the church and school across Highway 8. This building added to the corner would make traffic congestion a major problem. There are many more concerns that I don't intend to address in this note but I want to be on record as apposing this application. I will attend all meetings associated with this property. The entire neighborhood is concerned about this application. Thank-you Val De Laporte 701-319 Hwy 8, Stoney Creek

From: K De Laporte <[REDACTED]>
Sent: March 5, 2020 10:38 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Pearson, Maria <Maria.Pearson@hamilton.ca>
Subject: Re: ZAC-20-010 Official Plan and Zoning By-law Amendments 325 Highway 8

Mr. T. Vrooman
City of Hamilton
Planning and Economic Development Department

Please consider the following reasons why the rezoning amendments of 325 Highway 8 and the proposed development as requested should not be allowed:

The increase in auto and population densities will be too high for a corner lot. The corner will appear building-heavy because there will not be the vast expanse of green space seen with other condo/apartment buildings in Stoney Creek.

The proposed building will not compliment, but disrupt the existing environment. The tiered effect means that the lower floors will have more than 13 units per floor. Presumably those units will be smaller with 1 bedroom and maybe a den that young people can afford. The younger generation does not fit this environment. They will end up spending \$ on cabs (hopefully) after enjoying downtown Hamilton's night life. Nearby is a retirement residence, Treviso condominium with an average age group of 70, a cenotaph, a church and a school. Overall, a very quiet, peaceful area of Stoney Creek.

There is the worry that digging deep to accommodate a two level parking garage could structurally compromise the Treviso building. Hearing that the answer to any damage done to surrounding buildings is "they have insurance" was a shock. Lets be proactive and not put Treviso and other properties in jeopardy at all.

The City of Hamilton approved the current Treviso building and its surrounding green space. We, the residents of Treviso, are living the proof that this 7 storey, liveable space building, is too big for the area of land its built on. As a result, there are a number of issues that make living in this externally beautiful building a nightmare.

The L-shaped driveway to the back of the building is not spacious enough for large fire, garbage or moving trucks to drive in and turn around. Hence, fire trucks park on Highway 8, and garbage and moving trucks back in and out onto Highway 8. That is disruptive and dangerous for traffic on Highway 8 and after 4 years, our garbage issue remains unsolved.

Handicapped persons have to access the building by going onto the sidewalk to get to the front doors. There is no ramp for access at the back.

The entrance to the moving room and the garbage bins are on the fire route. So far, we have been lucky that we have not had an emergency in the back while the above activities are happening.

Most of the parking spaces in the underground parking are a tight squeeze and there are not enough to accommodate all the families who need two parking spaces. If you live in a condo/apartment, do not have a party. There are not enough visitors parking on any given day. That will certainly be a major issue with the proposed 11 storey building of 148 units and only 123 parking spaces. Plus, only 22 visitors parking? Treviso has 16 visitors spaces for 54 units.

Many times we have seen and experienced traffic conflicts at the entrances to the church and Treviso when vehicles need to turn at the same time. Since the church is so busy and we have in excess of 54 vehicles in motion several times every day, the uncertainty of where to be to avoid a collision is a challenge. With increased traffic, the issue will be magnified. To avoid the above issues, traffic will cut through the subdivision to get home faster. We certainly will.

We do not understand how this approved/inspected Treviso building and its surrounding green space got passed by inspectors.

We trust that, you, our elected officials and planning staff, after completing your own studies, will see how inappropriate the proposed 11 storey, 148 units building is for the lot size and location.

Thanks, yours sincerely,

Kathy De Laporte

701-319 Highway 8, Stoney Creek, On. L8G 0B1

March 6, 2020

Mr. Tim Vrooman, City of HAMILTON
Planning and Economic Development Department

Re: Your File No. UHOPA-20-005 and File No. ZAC-20-010
Applications by LJM Developments for Amendments to the Urban Official Plan and Zoning By-Law

Dear Mr. Vrooman,

I am writing to you on behalf of my husband and myself to express our extremely strong disapproval of the above noted requests by LJM Developments for property at 325 Highway 8, Stoney Creek, Ontario.

We have been here before expressing our disapproval for zoning by-law changes requested by LJM Developments for this same property approximately three years ago.

We all agreed to the six storey building that was finalized but not without reservations. We still felt and feel that even six storey was much too large for this relatively small parcel of land. We didn't like it but we were also realistic that sometimes status quo can not stand still and change is inevitable.

Frankly, for LJM Developments to come back to us with this proposed supersized structure is insulting!

At that time we had the same concerns as we have today, only now, they are exponentially greater given the significant increase in physical size (approximately 84% increase) and number of units (approximately 54% increase) he is now requesting! In addition, his current proposed plans also blatantly states there will be 148 units but only 123 underground parking spaces in a two level underground parkade for the units and 22 surface visitor parking spaces. That means 25 units will have no parking spaces allocated.

Therefore, the following concerns that we voiced three years ago are now even more concerning.

1. Increased traffic at an already high traffic corner where two main arteries, King Street and Highway 8, meet. This, of course, also increases danger to pedestrians, both young, children going to school across the street to the south, and old, retirement residences to the east, the majority of residents of Treviso to the west and a significant number of neighbouring homes to the north.

2. Increased population, especially at the proposed density level, will bring a significant increased level of noise which will be in complete contrast to the relatively tranquil landscape (a parkette, a cenotaph and a church) enjoyed by the long time residents of the surrounding areas.
3. Decreased or total elimination of daylight/sunlight for us at Treviso and all the immediate homes to the north of us because of this proposed oversized building.
4. Decreased privacy for us at Treviso and all neighbouring homes.
5. Inadequate green space, if any, given the disproportion of the extra large structure and the relatively small parcel of land.
6. Serious concerns for everyday operations logistics such as garbage removal, snow removal, large truck deliveries, emergency vehicle access for both the proposed building as well as surrounding establishments, namely, the Retirement/Nursing Home directly across the street to the east. As per the drawings that show the proposed building driveway directly across from the existing driveway for the Retirement/Nursing Home.
7. A very realistic fear that our property value will suffer a significant loss given the effect this disproportioned proposed structure will have on our streetscape.

Lastly, this proposed massive building will not compliment, in any way, the landscape nor the streetscape nor the serenity of the immediate area. And, sadly, it will rob the cenotaph directly across the street of its beautiful, very significant location, at a crossroads, that commemorates and honours our soldiers.

Sincerely,

Ugo and Rita D'Angelo
703-319 Highway 8
Stoney Creek, Ontario

February 28, 2020

Mr. Tim Vrooman, City of Hamilton
Planning and Economic Development Department

Re: ZAC-20-010

Dear Mr. Vrooman,

We are writing to ask that the city not approve the zoning change requested by LJM developments which would enable them to built an 11 storey building on the lot located at 325 Highway 8, Stoney Creek.

About two and a half years ago, the same builder asked the city for permission to build a 12 story building on the same lot that was originally occupied by a single family home. Such a large structure would have taken up every inch of space of the small lot totally overpowering our building, as well as the family homes on Ellington Avenue close to it.

Many of us in the community objected to this, and gave the following reasons:

- The elimination of all green space between the townhouses, the Treviso building and the proposed new structure.
- Increased traffic at the intersection of Hwy 8 and Ellington Ave., as well as along Ellington, Hwy 8 and King St.
- Increased risk to students of the local school, and to the many seniors in this neighbourhood due to increased traffic.
- Inadequate logistic for everyday operations, such as garbage, snow removal, and for the delivery of goods to the nursing home on Ellington Ave. These deliveries are done by large trucks.
- Severely inadequate parking (the builder plans to have 148 units, but only 123 parking spaces), forcing street parking in local neighbourhoods. However, there is very little street parking in this area.
- Significant increase in noise level, and significant decrease in tranquility for the whole neighbourhood.
- Significant decrease of natural light, privacy and views for all residents living East, West, and North of the new structure, and especially so for the residents of our building, on the side directly behind the structure.

Those of us who attended the public meeting, heard all these objection minimized away by both the city representatives and the builder. They cited a variety of studies which were very hard to believe, and which were meant to convince us that we would not be impacted by the placement of an oversized building in what is comparable to an handkerchief, in an area almost entirely inhabited by seniors. In the end the builder agreed to limit the dwelling to 6 storeys.

Some of us have followed the progress of the sale of the units at 325 Hwy 8. The sales have been poor, at best. We were surprised and very puzzled to hear that the developer, once again, wants to build a bigger building.

- 2 -

Though many of us felt that even a 6 storey unit was still too big for the lot, we resigned ourselves to this because we knew that something would eventually be built there, because such a project would, hopefully, not take more than a year to complete, and because it would have less of an impact on the neighbourhood. However, when the project was announced, we had a significant turnover in our building. Those of us who remain will surely see our properties devalued and will likely have a lot of difficulty selling once the building of such an oversized structure is announced. And then there are those, such as the residents of the nursing home, who won't even have the choice to move.

All the objections mentioned in the past still apply today, however, we want to address an important issue that was not stressed enough last time.

The intended building will fall right in between a retirement/nursing home on one side, and the Treviso condo whose occupants are mostly seniors, many of us in our seventies and eighties.

We all worked all our lives to be able to have a peaceful retirement. We were good citizens who paid our taxes, federal, provincial and city, and who continue to do so.

We chose a small place like Stoney Creek that was away from the noise and heavy traffic of large cities. We thought we would not have to take our lives into our hands crossing the street, nor getting in and out of our parking lots fighting heavy traffics now that we are not as mobile and as sharp as we used to be.

We also thought we would not have to listen to heavy construction work day in day out, every hour of the day for the two to three years that it will take to build a large structure. Many of us have limited mobility, and seldom leave our homes, others can't leave at all. Many of us are in poor health, and one of our few enjoyments in life is sitting on our balconies, and in the outdoor common areas when weather permits, something that will be taken away from us. Some of us are in such poor health that we likely won't even be alive when the building is finished. Those of us who are still able to enjoy life, will have to struggle getting in an out of our parking lots even more than we do now because of the increase of cars turning onto Hwy 8 from Ellington Ave.

There is plenty of land in Stoney Creek that could be used to build a large condo without disrupting the lives of so many people who are nearing the end of theirs. We ask that you show us some compassion, and that you place the needs of the current inhabitants of this area over the potential profits of a developer.

Sincerely,

The residents of 319 Hwy 8, Stoney Creek

Signatures attached

**Petition to the City of Hamilton on rezoning
of 325 Hwy 8 Stoney Creek**

Signature

Full address

J. Mikic

E. Metic

A. D. Benjak

ANTON. Benjak

Algor Cuhig

Angela Giangregorio

Lidia Quercia

Matalina D'Angelo

DONATO M. Laminio

Mary Padrebarac

M. De

Angela Petella

Shirley Wöhle

Ilene Bennett

M. R. Williams

Denise Pepe

Ashley Zimmerman

V. J. ...

Rita ...

Mary Ann ...

J. ...

Thomas ...

Ugo ...

R. ...

**Petition to the City of Hamilton on rezoning
of 325 Hwy 8 Stoney Creek**

Signature

Full address



Adriana Albanesi
MILKA LUSIE


Mary Gogovic
Brenda Cvetkovic

Brenda Cvetkovic
Tudy Tomblini

Brian Tomblini
Giulia De Fayio

LEONARDO + MARY BUR
Barbara Zimcak

Nick Zimcak
Therese P. 1130

Megan Lynch 

RAY MAGILL
Monol Motesov

Michon
Kirsti Lepp

Baldan Lupa
Gubica Lovkovic

Schatoro Fidanza
Livia Allecco

Gail Stewart

Petition to the City of Hamilton on rezoning of 325 Hwy 8 Stoney Creek

Signature

Full address

Ted + Marilyn Medina
 Ruthie Jean Brown
 J. V. Whitaker
 J. S. Whitaker
 Dara McAloney
 PEGGY McALONEN
 ANITA SYVAL
 Brandon Trach
 Chase Martin
 Mitch Sokolowski
 J. KARAVSKI
 J. Lu
 Al Weylow
 Marjorie Cuthbert
 Marija Jureic
 J. / to
 Dennis Cordeba
 Najlaa SULAIMAN
 Kable
 Alhama

From: Kathy Susic <[REDACTED]>
Sent: March 6, 2020 2:17 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Building Concerns for property on Hwy #8, Stoney Creek ZAC-20-010

Hello, Mr Vrooman, I am emailing you on behalf of my mother, Ljubica Cackovic who is a resident at 319 Hwy #8. There was a meeting held On Wednesday at the condo with Maria Pearson regarding the development of the proposed condo building to the east of her residence. In speaking with my mother, she asked me to send this email on her behalf.

She wishes to express her concerns with the proposal of an 11 storey building next door to her condo. She is not opposed to the building of a condo just the height of it.

- The area is residential, other than her condo of 7 floors, all surrounding buildings are houses. The proposal of 11 floors seems out of place in the neighbourhood.
- Extra traffic congestion that an 11 floor building would create. There is a school across the street and a nursing home to the east. This would add a lot more cars and traffic on the road in an area that should exercise extra caution because of the children and elderly in the vicinity
- Is the property large enough for an 11 storey building? That is will there be enough outdoor/green space around the building or will it just be a structure on that lot, essentially an eyesore in the neighbourhood
- Noise level in the neighbourhood, in an already busy part of the city, especially with is being a main road for emergency vehicles, traffic noise will increase with the additional vehicles that may come with the many residents in the building

I hope my mother's concerns and those of the other residents in the neighbourhood are taken into consideration when the decision is being made on the height of the proposed property.

Thank you for your time.
Kathy Susic

From: Mary Ann Cottone <[REDACTED]>
Sent: March 7, 2020 9:19 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: LJM highway 8

I am writing to you today regarding the terrible news that a developer has the nerve to walk all over Stoney Creek residents with pure greed.

My name is MaryAnn Cottone and my mom lives in the Triviso condos. When I moved my parents here to Stoney creek from Fort Erie they came to this wonderful community thinking that next door would be a medical building that they could utilize, and then finding out that a builder wants to build a monster building next door.

This Stoney creek neighbourhood can not support s building if that size.

The model of that ugly building does not match anything on highway 8.

This developer needs to be stopped.

Bachelor condos are not what Stoney Creek needs or wants. Both my daughters are in the market for a home and think the building is a joke.

What this neighbourhood needs is condos that cater to families seniors and new home buyers.

The amount of units proposed is ridiculous with not enough parking for residents and any visitors. Graf would force tons of street parking in a neighbourhood that can not support it. Then the issue of traffic would be insane. I live around the corner in King St between green and grays and it is already a pain in the ass to get out of my driveway in the morning now. If you allow this you will Have a dangerous situation with pedestrians. We already do not have enough lights at night when leaving Triviso which I do daily. We had a resident killed on# 8. Still no one has addressed the lights issue for years and you want to add more issues.

I could go on for hours with the problems this will cause but I feel the City has let down the citizens of Stoney creek with all the problems the residents of Triviso have had and now to let this developer win is an outrage. Please do not let them do this.

Regards

Mary Ann Cottone
Stoney creek resident

Sent from my iPhone

From: [REDACTED] <[REDACTED]>
Sent: March 7, 2020 10:12 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Pearson, Maria <Maria.Pearson@hamilton.ca>
Subject: ZAC-20-010 Objection

re: ZAC-20-010, Zoning-By-Law Amendment for Lands Located at 325 Highway No. 8

Dear Mr. Vrooman,

The purpose of this email is to file my objection to the amendments related to ZAC-20-010 applications filed by LJM Developments.

My objection is due to the following concerns:

- **greater volume of traffic** will significantly decrease the safety of pedestrians especially the children (who must cross from the neighbouring communities to/from school), and the senior residents
- **negative impact to emergency services** (e.g. Fire Dept, Ambulance Service, Police) to respond to the needs of our community due to increase traffic at an already high traffic corner (Highway 8 / Ellington Ave)
- **decreased green space** will greatly increase the risk of flooding due to overload of sewer system
- **decrease of natural sunlight** because of the much larger shadow cast by proposed building
- **significant increase for parking requirements**

Years ago when 325 Highway 8 was re-zoned from a 3-story building to the current 6-storey building, my neighbours and I who reside in the condominium next door continued to be concerned because of the challenges we live with related to access to our building for garbage pickup, deliveries, resident pick-up and emergency services. We live with the hope that we will not require emergency services at the same time one of the other vehicles are at our building. This information is relevant to my objection, because even at the current 6-storey zoning for 325 Highway 8, the future residents will be faced with these same challenges but at a greater degree, because their building will have many more occupants on a smaller lot size than ours.

I strongly appeal to you and your office to decline these applications related to ZAC-20-010.

Note: I respectfully request that my personal information is kept Private and not accessible to the general public in any form.

Thank you for your time and consideration.

[REDACTED]

cc: Councillor Maria Pearson, Ward 10

From: Ashley Zimmerman <[REDACTED]>
Sent: March 11, 2020 11:11 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Pearson, Maria <Maria.Pearson@hamilton.ca>
Subject: 325 hwy 8 development

Dear Mr. Vrooman,

I disagree with the proposed development at 325 Highway 8, Stoney Creek.

The proposal LJM Developments has put forth is very concerning to me and poses numerous detrimental effects to the area.

The 11 story building will be incongruous to the neighborhood. The density of the structure will occlude natural daylight.

The building's footprint utilizes too much of the plot leaving no space for greenery. If it were constructed downtown, for instance, it might be better suited. In these times of greater awareness of climate and environmental issues, allocating green space and porous surfaces should be considered more of a priority. Putting up a "green wall" on tons of concrete is not enough.

With the recent cancellation of the LRT the only viable solution for residents is to use personal vehicles. However, the allotment of parking spots does not meet the requirements of the building.

The uncharacteristically high density for the area places a burden on existing infrastructure. Can the aging infrastructure withstand the trend of high density growth?

Sincerely,
Ashley Zimmerman, resident
319 Highway 8
Stoney Creek, ON
L8G 0B1

RECEIVED

MAR 12 2020

Olga Culig
410-319 Highway 8
Stoney Creek, ON, L8G 0B1

March 9, 2020

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design - Suburban Team
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Dear Mr. Tim Vrooman:

My name is Olga Culig and I live in the Treviso Condominium at 319 Highway 8 in unit 410. I used to live in a beautiful neighbourhood on Oakridge Drive in Stoney Creek but, unfortunately, as an elderly widow it was too difficult for me to continue living in my house for health reasons. I moved to the Treviso three years ago and have enjoyed my condo, the beautiful views being one reason. I have a south-east corner unit that allows me to enjoy plenty of natural light.

Now I understand that the developer is requesting a zoning change to the property next door at 325 Highway 8, in order to build an eleven-story building. I have many concerns about this since it will impact me directly. I will be living next door, to what amounts to a box, that will block out my light and will be very unsightly to look at. This building does not fit into the surrounding neighbourhood due to its size. I do not understand how the developer is going to make this proposed building fit onto such a small piece of land.

There are many senior citizens who live in the area, not only in my building but in the long-term care and retirement home at the corner. I use a walker to get about so I am also concerned for my health and safety due to the increase in traffic along with the noise and pollution that will result from a building this size. I read the development plan and there will not be enough parking spaces for all the occupants of this new building. Where are the people going to park? The corner of King Street, Highway 8 and Ellington is not the place for this type of development.

I want to enjoy my remaining years in the quiet and comfort of my home but now this will not happen if the city allows the proposed zoning change to occur. I please hope that the city will give careful consideration to my concerns.

Yours truly,



Olga Culig

Dear Mr. Vrooman,

I am writing to express my opposition to the 11-storey 148-unit development proposal at 325 Highway No.8, Stoney Creek that's been made by Mr. Mian. I live on 12 Darrow Drive and an 11-storey building, given density issues, would not be a welcome addition to our neighbourhood. I can live with the original 6-storey building proposal, however.

I would like to go on record as vehemently opposing the LJM 11-storey development proposal.

Sincerely,

Conrad DiDiodato

Stoney Creek, ON

I just wanted to add my name to the list of residents who are not in agreement with the development of a 11-storey 148 unit development on hwy 8....

Its going to block any of the sun that we get in the afternoon

Its going to add more traffic to our roads

Celeste Cordoba

Stoney Creek

Dear Mr. Vrooman,

I kindly received a notice from Councillor Pearson's office informing my neighbours and I that this application (ZAC-20-010) is scheduled to go before the Planning Committee on Sept. 8th, 2020. If not for the seriousness of the pandemic that we are all doing our part to control, I would be making plans to attend this meeting in person, however due to the pandemic I do not anticipate attending.

I am writing to reiterate my concerns expressed in my email of March 7, 2020 and appeal for understanding that if my neighbours also choose not to attend the Public Meeting due to health safety concerns that the Planning Committee does not take this as a sign of diminished concern on our part.

Note: As before I respectfully request that my personal information is kept Private and not accessible to the general public in any form.

Thank you,

K. Chong

Good afternoon,

I would like to thank you for this opportunity to express my disappointment. The public health crisis is affecting everyone and, therefore, should not be an excuse to expedite this application.

We are presently in a global pandemic, and quite notably, our neighbourhood has been long established and, therefore, comprises of a very high percentage of residents who are most vulnerable. Sensibility and health issues will dictate that most, if any, will not be attending a Public Meeting and we will not have a fair opportunity to voice our very strong opposition to any changes to the Official Plan and Zoning Plan. We reluctantly accepted the 6 storey Condo Project in September 2016 and, today, we still only reluctantly accept the 6 storey Project.

I can only imagine that Mr. Mian is feeling quite confident that he will be successful, given the times we are in, in changing the status quo that was granted him when he applied and was granted the previous application to Amend the Official Plan and Zoning By-law!

I, together with all my fellow neighbours and immediate community, have not changed our position. We were extremely reluctant to accept the current status for a 6 storey building but recognized that progress brings change, and, it was a mutual compromise, so we did not appeal.

However, it is quite clear, and I might add, I suspected, and voiced my suspicions of same at the time, that Mr. Mian would not honour his commitment and agreement to build the 6 storey that was agreed upon by all parties concerned because he had stated as much at the original meetings that building less than 120 units was not feasible.

I was suspicious when he accepted a 93 unit, 6 storey building and my suspicion was right! The original Application to amend the Official Plan and Zoning By-law was only a stepping stone to make a much bolder Application in the future, much like the saying goes, "give them an inch and they will take a mile".

I have also attached all original correspondence sent on March 6, 2020. See below.

In closing, I, respectfully ask that this application not be accepted.

Sincerely,
Rita D'Angelo

CITY OF HAMILTON

MOTION

Planning Committee Date: September 8, 2020

MOVED BY COUNCILLOR M. WILSON

SECONDED BY COUNCILLOR

Demolition Permit for 86 Sherman Avenue South, Hamilton

WHEREAS, the owner of 86 Sherman Avenue South has experienced a fire in their home making it uninhabitable;

WHEREAS, generally vacant buildings or structures damaged by accident, storm, fire, neglect or otherwise, are not necessarily deemed unsafe, but are contrary to the standards for the maintenance and occupancy property prescribed in the Property Standards By-law;

WHEREAS, demolition is appropriate where it is not feasible to repair a damaged or derelict building to the standards prescribed by this Property Standards By-law or maintain property on the Vacant Building Registry and demolition is appropriate; and,

WHEREAS, the owner intends to rebuild the dwelling at 86 Sherman Avenue South as soon as is practicable;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for the fire damaged dwelling at 86 Sherman Avenue South in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act as amended, without having to comply with conditions 6. (a), (b) and (c) of the Demolition Control By-law 09-208.