



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 20-012  
**Date:** October 20, 2020  
**Time:** 9:30 a.m.  
**Location:** Council Chambers, Hamilton City Hall  
71 Main Street West

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

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## PLANNING COMMITTEE

### MINUTES

**20-011**

October 6, 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  
M. Pearson, B. Johnson, L. Ferguson and M. Wilson

**Absent with Regrets:** Councillor J. Partridge – Personal

**Also in Attendance:** Councillor B. Clark

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

1. **Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20165) (City Wide) (Item 6.1)**

**(Collins/Wilson)**

That Report PED20165 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**2. Planning Division Consultation and Engagement Strategy in Response to COVID-19 (PED20174) (City Wide) (Item 6.2)**

**(Collins/Pearson)**

That Report PED20174 respecting Planning Division Consultation and Engagement Strategy in Response to COVID-19, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**3. Hamilton Municipal Heritage Committee Report 20-005 (Item 6.3)**

**(Pearson/Collins)**

**(i) Recommendation to Designate 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2) (Item 9.1)**

- (a) That the designation of 110-122 King Street East, Hamilton (former Royal Connaught Hotel), shown in Appendix "A" to Report PED20159, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED20159, be approved; and,
- (c) That the City Clerk be directed to take appropriate action to designate 110-122 King Street East, Hamilton (former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED20159.

**(ii) Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15) (deferred at the August 20, 2020 meeting) (Item 10.1)**

That the recommendations in Report PED20125 respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen

Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15) be amended as follows:

- (a) That maintenance of the designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) shown in Appendix "A" to Report PED20125, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario s Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED20125, be revised to exclude the house, include the stone ruins and revise any reference of the property from the Evergreen Farm to the 'Progreston Woolen Mill';
- (c) That staff report back to the next Hamilton Municipal Heritage meeting with the necessary materials for the committee to review regarding the Notice of Intention to Designate 1389 Progreston Road, Carlisle (Flamborough); and
- (d) That a commemorative plaque describing the history of the property will be erected by the with input and approval from the HMHC.

**(iii) Education and Communication Working Group Meeting Notes - August 19, 2020 (Item 10.2)**

- (a) Hamilton Municipal Heritage Committee Heritage Recognition Award Nominations 2019-2020 (Item 1)

That the Hamilton Municipal Heritage Committee Heritage Recognition Award Nominations 2019-2020, attached hereto as Appendix "A" to Report 20-005, be approved, as presented.

**(iv) Amendment to the Hamilton Municipal Heritage Committee Terms of Reference (Added Item 11.1)**

WHEREAS the current Terms of Reference for the Hamilton Municipal Heritage Committee stipulates the following; and:

**Meeting Schedule:**

Monthly – 3rd Thursday, 12:00 Noon  
Meetings are held at City Hall

WHEREAS, scheduling the monthly meetings of the Hamilton Municipal Heritage Committee without the stipulation of a date and time would allow more flexibility.

THEREFORE BE IT RESOLVED:

That the Hamilton Municipal Heritage Committee Terms of Reference be amended to read “a minimum of one meeting per month” under the heading of Meeting Schedule.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**4. Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 35 Londonderry Drive (Ancaster) (PED20158) (Ward 12) (Item 7.1)**

**(Ferguson/Farr)**

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-032, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Fontana Homes Inc. (Owner) to re-designate the subject lands from the “Low Density Residential 2d designation” to the “Medium Density Residential 2” designation within the Meadowlands Neighbourhood V Secondary Plan in order to permit a 24 townhouse unit development with a net residential density of 62 units per hectare for lands located at 35 Londonderry Drive, Ancaster, as shown on Appendix “A” to Report PED20158, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED20158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended).
- (b) That Amended Zoning By-law Amendment Application ZAC-17-072, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Fontana Homes Inc. (Owner) to rezone the subject lands from the Residential Multiple “RM4-513” Zone, Modified and the Residential Multiple “RM4-535” Zone, Modified to the Residential Multiple “RM5-711” Zone, Modified, under Zoning By-law No. 87-57 (Ancaster), in order to permit a proposed development of 24 dwelling units comprised of four three-storey

townhouse blocks, with a total of 55 parking spaces (two per unit plus eight visitor parking spaces), for lands located at 35 Londonderry Drive, Ancaster, as shown on Appendix “A” to Report PED20158, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED20158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended); and,
- (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. \_\_\_.

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

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**5. Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) (Item 7.2)**

**(Wilson/Pearson)**

- (a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-18-005 by GSP Group on behalf of Belmont Equity Hamilton Inc., Owner, to amend Schedule “E-1” – Land Use Designations to change the designation of 74 Queen Street South, 244 and 246 Jackson Street West from “Neighbourhoods” designation to “Mixed Use - Medium Density” designation and to amend Map B.6.6-1 Strathcona Secondary Plan by adding 244 and 246 Jackson Street West to the Strathcona Secondary Plan Area and designate those lands “Mixed Use - Medium Density” designation, and to further amend Map B.6.6-1 by adding a Site Specific Policy Area to the entire site being comprised of 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West to permit a height



of 23 storeys for a multiple dwelling, including attached two and three storey townhouse units as shown on Appendix “A” to Report PED20142, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED20142, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019, as amended);
- (b) That Amended Zoning By-law Amendment application ZAC-18-012 by GSP Group on behalf of Belmont Equity Hamilton Inc., Owner, to add lands as Mixed Use – Medium Density (C5, 736) Zone for the lands known as 244 and 246 Jackson Street West and for a change in zoning from the Mixed Use – Medium Density (C5, 297) Zone to the Mixed Use – Medium Density (C5, 736) Zone for the lands known as 235 Main Street West and 74 Queen Street South to permit a height of 80.85 metres (23 storeys) with additional modifications related setbacks, planting strips, visual barrier and parking, for the lands known as 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West, Hamilton, as shown on Appendix “A” to Report PED20142, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED20142, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan (2019, as amended) and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No.XXX.
- (c) That upon finalization of the amending By-law, the subject lands be re-designated from “Commercial” and “Singles and Doubles” to “Commercial and, Apartments” in the Kirkendall North Neighbourhood Plan.
- (d) *That the public submissions received regarding this matter did not affect the decision.***

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins

YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**6. Application for a Zoning By-law Amendment for lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton (PED20153) (Ward 2) (Item 7.3)**

**(Farr/Pearson)**

- (a) That Amended Zoning By-law Amendment Application ZAC-17-008, by Urban Solutions (c/o Sergio Manchia), agent, for Representative Holdings Inc. (Owner), for a further modification to the “E-3/S-601” (High Density Multiple Dwellings) District, Modified to recognize the existing 11 storey multiple dwelling and permit a 78 unit multiple dwelling, and a seven unit multiple dwelling in the form of three storey townhouse dwellings, with both buildings connected by an underground parking garage on lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton as shown on Appendix “A” to Report PED20153 be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED20153 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law, attached as Appendix “B” to Report PED20153 be added to District Map E5 of Zoning By-law No. 6593 as “E-3/S-601a”; and,
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019), as amended and complies with the Urban Hamilton Official Plan.
- (b) ***That the public submissions received regarding this matter did not affect the decision.***

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

**7. Application for a City-wide Amendment to the Urban Hamilton Official Plan and an Area-specific Amendment for Lands Located in the Twenty Road West Area (PED20163) (City Wide) (Item 7.4)**

**(Pearson/Collins)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-20-011, by Corbett Land Strategies Inc. (Applicant), on behalf of Sullstar Twenty Limited (Starward Homes), Spallacci & Sons Limited, Oxford Road Developments, Lynmount Developments Inc, The Parente Group, Twenty Road Developments Inc. and Liv Communities, for a City-wide amendment to the Urban Hamilton Official Plan to add policies to enable privately-initiated urban boundary expansion applications and an Area-specific amendment to identify lands in the Twenty Road West area as candidate areas for future urban boundary expansion, be DENIED on the following basis:
- (i) The application is proposing to update the City's Urban Hamilton Official Plan (UHOP) policies to conform to policy directions and forecasts of the Growth Plan 2019, as amended, which is a Provincial Plan conformity exercise that should be completed by the municipality as part of the Municipal Comprehensive Review (MCR) and not through a privately initiated application;
  - (ii) The application undermines the City's comprehensive and integrated Growth Related Integrated Development Strategy (GRIDS) 2 / MCR process by:
    - (1) Prematurely identifying specific lands for future urban expansion to accommodate residential growth to the year 2031; and,
    - (2) Proposing a set of policies, along with the identification of specific studies for the completion of a secondary plan, that would be used to evaluate urban boundary expansion applications for that specific area of the City outside of the larger growth management process;
  - (iii) The combination of the City's existing Vacant Residential Land Inventory (VRLI) and intensification opportunities satisfies the land supply requirements of the Provincial Policy Statement (PPS). The City's VRLI identifies a total unit supply of approximately 31,900 units (year end 2019) and there is an additional immediate intensification unit supply of at least 30,000 units based on preliminary MCR estimates, which satisfies the 15 year PPS land supply requirement. There is no need to bring additional lands into

the urban boundary prior to the completion of the MCR that will provide for a full and comprehensive review of options to accommodate growth;

- (iv) There are land use, servicing and transportation issues, amongst other matters that are more appropriately assessed and evaluated as part of a comprehensive update to City's infrastructure master plans, that must be considered and evaluated prior to identifying the lands in the Twenty Road West area as a candidate future urban growth area;
- (v) The application is proposing to amend UHOP policies that are the subject of appeals to the UHOP currently before the Local Planning Appeal Tribunal (LPAT) for which no decision has been rendered. It is premature to amend these policies in advance of a decision from the LPAT which could result in changes to the section under consideration.

- (b) ***That all eligible lands including Twenty Road West lands be part of the consideration of future growth options (residential or employment) as part of GRIDS 2 / MCR; and,***
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**8. Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios Temporary Use By-law to Zoning By-law No. 05-200 for temporary tents (CI-20-F(2)) (PED20135(a)) (City Wide) (Item 7.5)**

**(Pearson/Ferguson)**

- (a) That City Initiative-20-F(2) Outdoor Commercial Patios and Temporary Tents for Commercial and Institutional Uses to amend and extend the outdoor commercial patio regulations under Zoning By-law No. 05-200, through a Temporary Use by-law, be received; and

- (i) That in order to permit outdoor commercial patios for an extended time period to expire on October 31, 2021, in a side or rear yard that abuts a residential lot for certain commercial lands and to allow entertainment on outdoor commercial patios within the Downtown area, then approval by Council be given to:
- (1) The extension and addition of the draft Temporary Use By-law, attached as Appendix "A" to Report PED20135(a);
  - (2) 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).
- (ii) That in order to provide for improved operational flexibility for Outdoor Commercial Patio and Institutional operations, specifically places of worship, hospitals and educational establishments, within certain lands zoned for commercial and institutional uses to erect temporary tents for six consecutive months within the time period to expire on October 31, 2021, then the approval by Council be given to:
- (1) The draft Temporary Use By-law, attached as Appendix "A" to Report PED20135(a);
  - (2) 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 regarding this matter did not affect the decision.***

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**9. Outdoor Dining Districts Winter Season (PED20169) (City Wide) (Item 9.1)****(Pearson/Farr)**

- (a) That the Outdoor Dining Districts program to allow temporary outdoor patios on public lands be extended to October 31, 2021 as follows:
- (i) that all applicable public health requirements, including any COVID-related public health requirements, as well as all applicable Provincial Orders be followed;
  - (ii) that applications be accepted through the Economic Development Division and that staff ensure, through the SEAT circulation process, that there will be no negative impacts with respect to pedestrian safety, accessibility, emergency services, public transit, private accesses and other issues that are normally addressed through the SEAT review process;
  - (iii) that patios generally not be permitted between November 1, 2020 and April 30, 2021 on-street, except where done as part of a full street closure that does not allow for vehicular access, or where otherwise approved by the Transportation Operations and Maintenance Division of the Public Works Department;
  - (iv) that no application fee be charged and that costs related to any necessary road closure permits or parking charges be waived and/or refunded, utilizing funds from the City's Economic Development Reserve, with all other costs to be borne by the applicants;
  - (v) that any temporary outdoor patios that occupy streets or public parking spaces include written support from the BIA or, if not within a BIA, have at least two-thirds buy-in from all businesses on the affected block(s) through petition;
  - (vi) that the Ward Councillor be notified of each case of any outdoor patio application in advance of any approval or implementation;
  - (vii) that any patio not impede delivery and pick up vehicles or pedestrian access to any business who is not party to the arrangements;
  - (viii) that winter maintenance surrounding patios on public property be undertaken by the applicant and the patio not impede sidewalk maintenance equipment; and
  - (ix) that the City waive any requirement for site plan review and waive enforcement of any zoning provisions related to parking supply,

provided the patios are created as temporary uses with no permanent fixtures and having no alterations that require a Building Permit.

- (b) That the Outdoor Dining Districts program to allow temporary outdoor patios on private property in the private parking areas of commercial plazas and malls, be extended to October 31, 2021 as follows:
  - (i) that any Outdoor Dining Districts follow all applicable public health requirements, including any COVID-related public health requirements, as well as all applicable Provincial Orders;
  - (ii) that the City waive any requirement for site plan review and waive enforcement of any zoning provisions related to parking supply, provided the patios are created as temporary uses with no permanent fixtures and having no alterations that require a Building Permit;
- (c) That the fees for the On-Street Pop-Up Patio Program, which operates from May 1 to October 31 of each year, be waived for the 2021 season, and that any costs be charged to the City's Economic Development Reserve; and
- (d) That the Mayor be requested to correspond with the Premier, the Minister of Municipal Affairs and Housing, the Attorney General and the local MPPs to request that:
  - (i) the Provincial Order respecting municipal authority to pass a Temporary Use By-law with respect to patios be extended; and
  - (ii) the Province's amendments to Regulation 719 under the Liquor Licence Act to provide flexibility for liquor sales licensees (e.g. licensed bars and restaurants) to temporarily extend their physical premises beyond 14 days be extended to October 31, 2021.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**FOR INFORMATION:****(a) APPROVAL OF AGENDA (Item 1)**

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

**1. COMMUNICATIONS (Item 4)**

The following correspondence items respecting Urban Hens Backyard Pilot Program, are being deferred to the October 20<sup>th</sup> Planning Committee meeting when a Motion on this matter will be considered:

- (a) Giselle Burt
- (b) Mike Bozzo

**2. DELEGATION REQUESTS (Item 5)**

- 5.1 Heather Bond respecting Urban Hens Backyard Pilot Program to be approved for the October 20<sup>th</sup> Planning Committee meeting when a Motion on this matter will be considered.
- 5.2 John Ariens respecting 6.3 Item #2 – Designation of 1389 Progreston Road, for today's meeting, to be heard before Item 6.3.
- 5.3 Jack Dennison respecting 6.3 Item #2 – Designation of 1389 Progreston Road, for today's meeting, to be heard before Item 6.3.
- 5.4 Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) Item #1 of Hamilton Municipal Heritage Committee Report 20-005 (Item 6.3) for today's meeting, to be heard before Item 6.3.
  - (i) Lynda Zugec
  - (ii) Kristina M. Schmuttermeier

**3. PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 7)**

- 7.1 Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 35 Londonderry Drive (Ancaster) (PED20158) (Ward 12)
  - (a) Written Submissions:
    - (i) Donna Brown
    - (ii) S and Z Mao
    - (iii) Joel Newman



- 7.2 Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1)
- (a) Written Submissions:
    - (i) Bruno and Natasa Crugnale
    - (ii) Margaret Krol
    - (iii) Doreen Stermann
  - (b) Registered Delegations:
    - (i) Carmen Cuming
- 7.4 Application for a City-wide Amendment to the Urban Hamilton Official Plan and an Area-specific Amendment for Lands Located in the Twenty Road West Area (PED20163) (City Wide)
- (a) Written Submissions:
    - (f) John Corbett, Corbett Land Strategies (Agent)
    - (g) John Doherty
    - (h) Martin Sullivan
    - (i) Warren Caldwell
    - (j) Erin Descamps
    - (k) Mary Wesley
    - (l) Gail Sullivan
    - (m) Jim Playfair
    - (n) Linda Sullivan
    - (o) John Kerchner
    - (p) Bob Berberick
    - (q) Ann Byrne
    - (r) Kathleen Sullivan
    - (s) Tom Sullivan
    - (t) Gail Stevens
    - (u) Rory Sullivan
    - (v) Kelly Byrne
    - (w) N and G Kolaski
    - (x) Maurice Stevens
    - (y) Greg Farrell
  - (b) Registered Delegations:
    - (i) Mark Noskiewicz
    - (ii) Art Dueksen
    - (iii) Lynda Lukasik

7.5. Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios Temporary Use By-law to Zoning By-law No. 05-200 for temporary tents (CI-20-F(2)) (PED20135(a)) (City Wide)

(a) Registered Delegations:

(i) Susan Creer

(b) Written Submissions:

(i) Rachel Braithwaite, Barton BIA

**4. DISCUSSION ITEMS (Item 9)**

9.1 Outdoor Dining Districts Winter Season (PED20169) (City Wide) is being moved up in the agenda to be heard before Item 7.5

**5. NOTICES OF MOTION (Item 11)**

11.1 Connection to Municipal Services for Ecole Elementaire Michaelle Jean School, 2121 Hwy 56, and Former Wills Motors Property, located at 2187 Hwy 56, Binbrook

**(Wilson/Collins)**

That the agenda for the October 6, 2020 meeting be approved, as amended.

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

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 5 Councillor Chad Collins

YES - Ward 8 Councillor John-Paul Danko

YES - Ward 2 Councillor Jason Farr

NOT PRESENT - Ward 15 Councillor Judi Partridge

YES - Ward 12 Councillor Lloyd Ferguson

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) September 22, 2020 (Item 3.1)**

**(Pearson/Danko)**

That the Minutes of the September 22, 2020 meeting be approved, as presented.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(d) DELEGATION REQUESTS (Item 5)**

**(i) Heather Bond respecting Changes to the Urban Hen By-law (For the October 20<sup>th</sup> meeting) (Item 5.1)**

**(Danko/Pearson)**

That the Delegation Request from Heather Bond respecting Changes to the Urban Hen By-law be approved for the October 20<sup>th</sup> meeting.

**Result: Motion CARRIED by a vote of 5 to 1, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 NO - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(ii) Various Delegation Requests regarding Hamilton Municipal Heritage Committee Report 20-005 (Item 6.3)**

**(Ferguson/Pearson)**

That the following Delegation Requests respecting Hamilton Municipal Heritage Committee Report 20-005 (Item 6.3), be approved for today's meeting, to be heard before Item 6.3:

- (i) John Ariens respecting Designation of 1389 Progreston Road (Item 6.3 #2) (Added Item 5.2)
- (ii) Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.3 #2) (Added Item 5.3)
- (iii) Lynda Zugec respecting Designation of 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1) (Added Item 5.4 (i))
- (iv) Kristina Schmuttermeier respecting Designation of 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1) (Added Item 5.4(ii))

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(e) CONSENT ITEMS (Item 6)**

- (i) Planning Division Consultation and Engagement Strategy in Response to COVID-19 (PED20174) (City Wide) (Item 6.2)**

**(Ferguson/Danko)**

That the staff presentation be waived.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 2.

**(f) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 7)**

**(i) John Ariens respecting Designation of 1389 Progreston Road (Item 6.3 #2) (For today's meeting) (Added Item 5.2)**

John Ariens addressed the Committee respecting the Designation of 1389 Progreston Road.

**(Ferguson/Collins)**

That the Delegation from John Ariens respecting Designation of 1389 Progreston Road, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3 (ii).

**(ii) Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.3 #2) (For today's meeting) (Added Item 5.3)**

Jack Dennison addressed the Committee respecting the Designation of 1389 Progreston Road.

**(Pearson/Collins)**

That the Delegation from Jack Dennison respecting Designation of 1389 Progreston Road, 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3 (ii).

- (iii) Lynda Zugec respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1) (Added Item 5.4 (i))**

Lynda Zugec addressed the Committee respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1).

**(Pearson/Collins)**

That the Delegation from Lynda Zugec respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1), be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3 (ii).

- (iv) Kristina Schmuttermeier respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1) (Added Item 5.4 (ii))**

Kristina Schmuttermeier addressed the Committee respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1).

**(Pearson/Collins)**

That the Delegation from Kristina Schmuttermeier respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1), be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson

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

For disposition of this matter, refer to Item 3 (ii).

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.

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.

**(v) Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 35 Londonderry Drive (Ancaster) (PED20158) (Ward 12) (Item 7.1)**

No members of the public were registered as Delegations.

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

**(Ferguson/Collins)**

That the staff presentation be received.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

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

**(Danko/Ferguson)**

That the delegation from Franz Kloibhofer with AJ Clarke and Associates, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Pearson/Danko)**

That the following written submissions be received:

1. Donna Brown (Item 7.1 (a)(i))
2. S. and Z. Mao (Item 7.1 (a)(ii))
3. Joel Newman (Item 7.1 (a)(iii))

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Ferguson/Danko)**

That the public meeting be closed.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson



YES - Ward 10 Councillor Maria Pearson

**(Ferguson/Farr)**

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-032, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Fontana Homes Inc. (Owner) to re-designate the subject lands from the “Low Density Residential 2d designation” to the “Medium Density Residential 2” designation within the Meadowlands Neighbourhood V Secondary Plan in order to permit a 24 townhouse unit development with a net residential density of 62 units per hectare for lands located at 35 Londonderry Drive, Ancaster, as shown on Appendix “A” to Report PED20158, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED20158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended).
- (b) That Amended Zoning By-law Amendment Application ZAC-17-072, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Fontana Homes Inc. (Owner) to rezone the subject lands from the Residential Multiple “RM4-513” Zone, Modified and the Residential Multiple “RM4-535” Zone, Modified to the Residential Multiple “RM5-711” Zone, Modified, under Zoning By-law No. 87-57 (Ancaster), in order to permit a proposed development of 24 dwelling units comprised of four three-storey townhouse blocks, with a total of 55 parking spaces (two per unit plus eight visitor parking spaces), for lands located at 35 Londonderry Drive, Ancaster, as shown on Appendix “A” to Report PED20158, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED20158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended); and,
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. \_\_\_\_.

**(Ferguson/Farr)**

That the recommendations in Report PED20158 be **amended** by adding the following sub-section (c):

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

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 4.

- (vi) **Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) (Item 7.2)**

Andrea Dear, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(Wilson/Danko)**

That the staff presentation be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

Michael Spaziani with MSAI, was in attendance and indicated support for the staff report.

**(Wilson/Danko)**

That the delegation from Michael Spaziani be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Farr)**

That the following written submissions be received:

1. Bruno and Natasa Crugnale (Item 7.2 (a)(i))
2. Margaret Krol (Item 7.2 (a)(ii))
3. Doreen Stermann (Item 7.2 (a)(iii))

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**Registered Delegations:**

- 7.2(b) (i) Carmen Cuming, addressed the Committee and expressed concerns with the proposal.

**(Wilson/Collins)**

That the delegation 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson

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

**(Wilson/Collins)**

That the public meeting be closed.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(Wilson/Farr)**

- (a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-18-005 by GSP Group on behalf of Belmont Equity Hamilton Inc., Owner, to amend Schedule “E-1” – Land Use Designations to change the designation of 74 Queen Street South, 244 and 246 Jackson Street West from “Neighbourhoods” designation to “Mixed Use - Medium Density” designation and to amend Map B.6.6-1 Strathcona Secondary Plan by adding 244 and 246 Jackson Street West to the Strathcona Secondary Plan Area and designate those lands “Mixed Use - Medium Density” designation, and to further amend Map B.6.6-1 by adding a Site Specific Policy Area to the entire site being comprised of 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West to permit a height of 23 storeys for a multiple dwelling, including attached two and three storey townhouse units as shown on Appendix “A” to Report PED20142, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED20142, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019, as amended);
- (b) That Amended Zoning By-law Amendment application ZAC-18-012 by GSP Group on behalf of Belmont Equity Hamilton Inc., Owner, to add lands as Mixed Use – Medium Density (C5, 736) Zone for the lands known as 244 and 246 Jackson Street West and for a change in zoning from the Mixed Use – Medium Density (C5, 297) Zone to the Mixed Use – Medium Density (C5, 736) Zone for the lands known as 235 Main Street West and

74 Queen Street South to permit a height of 80.85 metres (23 storeys) with additional modifications related setbacks, planting strips, visual barrier and parking, for the lands known as 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West, Hamilton, as shown on Appendix "A" to Report PED20142, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix "C" to Report PED20142, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan (2019, as amended) and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No.XXX.
- (c) That upon finalization of the amending By-law, the subject lands be re-designated from "Commercial" and "Singles and Doubles" to "Commercial and, Apartments" in the Kirkendall North Neighbourhood Plan.

**(Wilson/Farr)**

That the recommendations in Report PED20142 be ***amended*** by adding the following sub-section (d):

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

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

- (vii) Application for a Zoning By-law Amendment for lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton (PED20153) (Ward 2) (Item 7.3)**

Councillor Farr relinquished the Chair to Councillor Danko.

No members of the public were registered as Delegations.

**(Farr/Johnson)**

That the staff presentation be waived.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

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

**(Farr/Johnson)**

That the delegation from Matt Johnston with Urban Solutions, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(Pearson/Farr)**

That the public meeting be closed.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(Farr/Ferguson)**

- (a) That Amended Zoning By-law Amendment Application ZAC-17-008, by Urban Solutions (c/o Sergio Manchia), agent, for Representative Holdings Inc. (Owner), for a further modification to the “E-3/S-601” (High Density Multiple Dwellings) District, Modified to recognize the existing 11 storey multiple dwelling and permit a 78 unit multiple dwelling, and a seven unit multiple dwelling in the form of three storey townhouse dwellings, with both buildings connected by an underground parking garage on lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton as shown on Appendix “A” to Report PED20153 be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED20153 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law, attached as Appendix “B” to Report PED20153 be added to District Map E5 of Zoning By-law No. 6593 as “E-3/S-601a”; and,
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019), as amended and complies with the Urban Hamilton Official Plan.

**(Farr/Ferguson)**

That the recommendations in Report PED20153 be **amended** by adding the following sub-section (b):

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

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 6.

Councillor Farr assumed the Chair.

**(Collins/Wilson)**

That the Committee recess until 1:30pm.

**Result: Motion CARRIED by a vote of 5 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

The Committee reconvened at 1:30 p.m.

**(viii) Application for a City-wide Amendment to the Urban Hamilton Official Plan and an Area-specific Amendment for Lands Located in the Twenty Road West Area (PED20163) (City Wide) (Item 7.4)**

Heather Travis, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

**(Danko/Farr)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 5 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 NOT PRESENT - Ward 10 Councillor Maria Pearson

John Corbett with Corbett Land Strategies was in attendance and indicated he was not in support of the staff report.

Joel Farber with Fogler, Rubinoff LLP, solicitor for the owners/applicants was in attendance and indicated he was not in support of the staff report.

**(Johnson/Farr)**

That the delegations from John Corbett with Corbett Land Strategies and Joel Farber with Fogler, Rubinoff LLP, 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 NOT PRESENT - Ward 10 Councillor Maria Pearson

**(Johnson/Ferguson)**

That the following written submissions, respecting Item 7.4(a), be received:

- (a) Joe Hoffman on behalf of the Elfrida Landowners
- (b) Susan Rosenthal on behalf of the TRE (Twenty Road East) Landowners
- (c) Barry Fraser, President Phase 6 Twenty Place
- (d) Carolyn Venema
- (e) Jack Restivo on behalf of Nicholas Tsuluca
- (f) John Corbett, Corbett Land Strategies (Agent)
- (g) John Doherty
- (h) Martin Sullivan
- (i) Warren Caldwell
- (j) Erin Descamps
- (k) Mary Wesley
- (l) Gail Sullivan
- (m) Jim Playfair
- (n) Linda Sullivan
- (o) John Kerchner
- (p) Bob Berberick
- (q) Ann Byrne
- (r) Kathleen Sullivan
- (s) Tom Sullivan
- (t) Gail Stevens
- (u) Rory Sullivan
- (v) Kelly Byrne
- (w) N and G Kolaski
- (x) Maurice Stevens
- (y) Greg Farrell

**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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 NOT PRESENT - Ward 10 Councillor Maria Pearson

**Registered Delegations:**

- 7.2(b)(i) Mark Noskiewicz addressed the Committee and expressed concerns with the proposal.
- 7.2(b)(ii) Art Dueksen addressed the Committee and expressed concerns with the proposal.
- 7.2(b)(iii) Lynda Lukasik, Environment Hamilton, addressed the Committee and expressed concerns with the proposal.

**(Wilson/Johnson)**

That the delegations 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 NOT PRESENT - Ward 10 Councillor Maria Pearson

**(Wilson/Johnson)**

That the public meeting be closed.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 NOT PRESENT - Ward 10 Councillor Maria Pearson

**(Collins/Pearson)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-20-011, by Corbett Land Strategies Inc. (Applicant), on behalf of Sullstar Twenty Limited (Starward Homes), Spallacci & Sons Limited, Oxford Road Developments, Lynmount Developments Inc, The Parente Group, Twenty Road Developments Inc. and Liv Communities, for a City-wide amendment to the Urban Hamilton Official Plan to add policies to enable privately-initiated urban boundary expansion applications and an Area-specific amendment to identify lands in the Twenty Road West area as candidate areas for future urban boundary expansion, be DENIED on the following basis:
- (i) The application is proposing to update the City's Urban Hamilton Official Plan (UHOP) policies to conform to policy directions and forecasts of the Growth Plan 2019, as amended, which is a Provincial Plan conformity exercise that should be completed by the municipality as part of the Municipal Comprehensive Review (MCR) and not through a privately initiated application;
  - (ii) The application undermines the City's comprehensive and integrated Growth Related Integrated Development Strategy (GRIDS) 2 / MCR process by:
    - (1) Prematurely identifying specific lands for future urban expansion to accommodate residential growth to the year 2031; and,
    - (2) Proposing a set of policies, along with the identification of specific studies for the completion of a secondary plan, that would be used to evaluate urban boundary expansion applications for that specific area of the City outside of the larger growth management process;
  - (iii) The combination of the City's existing Vacant Residential Land Inventory (VRLI) and intensification opportunities satisfies the land supply requirements of the Provincial Policy Statement (PPS). The City's VRLI identifies a total unit supply of approximately 31,900 units (year end 2019) and there is an additional immediate intensification unit supply of at least 30,000 units based on preliminary MCR estimates, which satisfies the 15 year PPS land supply requirement. There is no need to bring additional lands into the urban boundary prior to the completion of the MCR that will provide for a full and comprehensive review of options to accommodate growth;
  - (iv) There are land use, servicing and transportation issues, amongst other matters that are more appropriately assessed and evaluated

as part of a comprehensive update to City's infrastructure master plans, that must be considered and evaluated prior to identifying the lands in the Twenty Road West area as a candidate future urban growth area;

- (v) The application is proposing to amend UHOP policies that are the subject of appeals to the UHOP currently before the Local Planning Appeal Tribunal (LPAT) for which no decision has been rendered. It is premature to amend these policies in advance of a decision from the LPAT which could result in changes to the section under consideration.

**(Ferguson/Johnson)**

That the recommendations in Report PED20163 be **amended** by adding the following sub-section (b):

- (b) *That all eligible lands including Twenty Road West lands be part of the consideration of future growth options (residential or employment) as part of GRIDS 2 / MCR.***

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Collins/Pearson)**

That the recommendations in Report PED20163 be **amended** by adding the following sub-section (c):

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

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item #7.

- (ix) Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios Temporary Use By-law to Zoning By-law No. 05-200 for temporary tents (CI-20-F(2)) (PED20135(a)) (City Wide) (Item 7.5)**

**(Ferguson/Danko)**

That the staff presentation be waived.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Pearson/Wilson)**

That the following written submission be received:

1. Rachel Braithwaite, Barton Village Business Improvement Area (Item 7.5 (b)(i))

**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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**Registered Delegations:**

- 7.2(b) (i) Susan Creer, addressed the Committee and expressed concerns with the proposal.

**(Wilson/Farr)**

That the delegation 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Pearson/Danko)**

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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Danko/Farr)**

- (a) That City Initiative-20-F(2) Outdoor Commercial Patios and Temporary Tents for Commercial and Institutional Uses to amend and extend the outdoor commercial patio regulations under Zoning By-law No. 05-200, through a Temporary Use by-law, be received; and
- (i) That in order to permit outdoor commercial patios for an extended time period to expire on October 31, 2021, in a side or rear yard that abuts a residential lot for certain commercial lands and to allow entertainment on outdoor commercial patios within the Downtown area, then approval by Council be given to:
- (1) The extension and addition of the draft Temporary Use By-law, attached as Appendix "A" to Report PED20135(a);
  - (2) 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).
- (ii) That in order to provide for improved operational flexibility for Outdoor Commercial Patio and Institutional operations, specifically

places of worship, hospitals and educational establishments, within certain lands zoned for commercial and institutional uses to erect temporary tents for six consecutive months within the time period to expire on October 31, 2021, then the approval by Council be given to:

- (1) The draft Temporary Use By-law, attached as Appendix "A" to Report PED20135(a);
- (2) 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).

**(Danko/Farr)**

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

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

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

YES - 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 8.

**(g) NOTICES OF MOTION (Item 11)**

- (i) Connection to Municipal Services for Ecole Elementaire Michaelle Jean School, 2121 Hwy 56, and Former Wills Motors Property, located at 2187 Hwy 56, Binbrook (Added Item 11.1)**

**(Johnson/Pearson)**

That the Notice of Motion respecting Connection to Municipal Services for Ecole Elementaire Michaelle Jean School, 2121 Hwy 56, and Former Wills Motors Property, located at 2187 Hwy 56, Binbrook be deferred to the November 17<sup>th</sup> Planning Committee meeting and considered as a Motion.

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

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

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

**(Pearson/Ferguson)**

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

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

19R - 282 MacNab Street North (Official Plan and Zoning By-law Amendment)  
 (Addressed as Item 7.2 on the September 22, 2020 agenda)

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

17B - Designation of the Gore District as a Heritage Conservation District

Current Due Date: October 20, 2020

Proposed New Due Date: November 17, 2020

17E - Family Friendly Housing Policy

Current Due Date: September 2020

Proposed New Due Date: January 12, 2021

18E - 2018 Development Fee Review

Current Due Date: March 24, 2020

Proposed New Due Date: Q2 2021

18G - 8475 English Church Road - Zoning and OPA Amendments

Current Due Date: September 8, 2020

Proposed New Due Date: October 20, 2020

19DD - Anthony Longo respecting 2070 Rymal Road East

Current Due Date: None

Proposed New Due Date: Q1 2021



19EE - Angela Riley respecting a Request for a Taxi Stand  
Current Due Date: None  
Proposed New Due Date: Q2 2021

20B - Review of Problems Associated with Increased Visitors to Waterfalls  
Current Due Date: September 8, 2020  
Proposed New Due Date: December 8, 2020

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(i) PRIVATE AND CONFIDENTIAL (Item 13)**

**(i) Closed Session Minutes – September 22, 2020 (Item 13.1)**

**(Pearson/Farr)**

That the Closed Session Minutes from the September 22, 2020 Planning Committee meeting be received and remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(j) ADJOURNMENT (Item 14)**

**(Pearson/Ferguson)**

That there being no further business, the Planning Committee be adjourned at 5:15 p.m.

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

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Councillor J. Farr  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator

**From:** David David

**Sent:** September 8, 2020 7:03 AM

**To:** Kelsey, Lisa <[Lisa.Kelsey@hamilton.ca](mailto:Lisa.Kelsey@hamilton.ca)>

**Subject:** Re: Humble suggestion for increase of local revenue (Millions dollars) as well as justice for taxi drivers.

Hi,

Thank you for inviting me. I want the following facts to increase.

1. By doubling the renewal fee of the taxi owner/lessee plate, we can get \$296875/ per year, for our city revenue (as the Toronto city hall renewal fee is \$1003/ per year per plate). Also, there is cheaper taxi insurance than in our Hamilton. Today, the taxi plate prices ( in the market is \$5000/- ) in Toronto. In Hamilton due to these middlemen, we are paying double the price of auto insurance.
2. By increasing the fee of multiple ownership/lessee taxi plates, and charging \$3000/ per year, per plate, from each multiple plates owner/lessee, we can also increase our city hall revenue.
3. At a non-refundable taxi license ownership fee of \$10000/ per plate, our city hall, will make 10,00,000/, as we know there are more than 100 taxi drivers who want to buy new taxi license plates from our city hall.
4. Some people think about DARTS, or wheelchair cab, are short in the taxi profession. But, nowadays, there are a lot of franchise companies working under our city hall for wheelchair/DARTS. So, there is no concern for this issue.
5. Our city Hall may issue the Ambassador Taxi plate, of old taxi drivers.
6. The middlemen in this profession suck our taxi drivers' blood. Please issue the plates, to any taxi driver, by city hall, on legal grounds.

Thank you very much.

Sincerely,

Dauids

**From:** David David

**Sent:** August 19, 2020 12:22 PM

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

**Subject:** Humble suggestion for increase of local revenue (Millions dollars) as well as justice for taxi drivers.

Respected City Clerk of Hamilton.

Here are some suggestions for the financial benefits for all of us, in Hamilton.

I am working as a taxi driver (professional) for the last 15 years, in Hamilton. In these long years, I felt that the middlemen (who are doing this profession as an investment business) suck our blood. We work (as professional taxi drivers) for feeding our kids and families as loyal citizens. Since, my 15 years of taxi driving, I could not get my own taxi license plate legally (if I want to get a taxi license plate then I have to pay nearly \$60,000/ to these middlemen). I have no option to buy a taxi license plate from our city hall taxi licensing office. I want some humble suggestions for increasing the revenue of our city hall as well as justice for our taxi drivers.

1. We may issue ambassador taxi license plates for taxi drivers professionals (as in Toronto), who completed 10 years as a full-time taxi driver and has not his own taxi license plate.
2. Taxi License plates have very high demand in Hamilton, due to less supply. There is no balance in the supply and demand of these taxi license plates. Middlemen get the benefit of this high demand. We want our city hall may get the benefit of this high demand for taxi license plates. As land property, city hall makes zoning (commercial plots/domestic plots), we may make two types of zones in taxi licensing. (Zone A). For those owners/lessees who have multiple plates. They are using these plates as an investment business. Most of these middlemen ( about 70%) rent their taxi license plates (a couple of years before the rental

price was \$1200/ per month, but nowadays less price due to coronavirus shutdown). We may increase the renewal fee five (5) times more than the present fee, on each multiple taxi plate (owner or lessee) (There is a very easy way to find how many multiple taxi plates each individual keeps. Our city hall computer can solve this issue easily to find multiple taxi plate owners/lessees). (Zone B). Those taxi driving professionals are driving taxi himself. They do not rent the taxi license plates 24/7/ for the year. These taxi drivers are as professionals and working in shift & paying the rent to others.

3. When our city hall approved the ride-sharing companies, logically it means that we have opened more opportunities for this profession for everyone. We are happy with your approval of this ride-sharing profession, in our city.

But, now, we may open the taxi license plates for every taxi license holder (professional). We may promote the taxi profession (not the investment business for middlemen, who suck the blood of taxi drivers/professional). So, we may finish the limitation of taxi license plates and issue taxi plates to those taxi professional (individuals), who has no taxi license plate. It will increase millions of dollars to our city hall revenue.

Every taxi driver wants to buy his own taxi license plate from the city hall, at the double license fee. At present, our city charges nearly \$5000/- (for each taxi license plate), but every taxi driver wants the pay \$10,000/ as a taxi license plate fee to our city hall.

On the other hand, every taxi driver wants to pay double (of the present) price as the new annual renewal fee. At present annual renewal fee is \$660/ per year but every taxi driver wants to pay \$1300/ per year as a new annual renewal fee of a taxi license plate. There are some hidden reasons that some people and these middlemen, do not want to increase the revenue of our city hall, in this way.

These middlemen also crying to city hall to reduce the renewal fee but taking full 100% rent from us (\$850/ per week from both shift drivers, included taxi insurance, etc.), for a cab, in these coronavirus days.

Our city hall licensing staff may issue the taxi license plates open, who wants to pay the double price/fee. In this way, taxi drivers will be happy to pay the double price to our city hall to buy a new taxi license plate. Our middlemen do not want to do this due to their own personal interests.

Please open the taxi license plates for everybody (who wants, I mean open to the public). We need to increase 5 times more than the present renewal fee, from the multiple taxi license plate owners/lessees, as the annual taxi license fee, as they are doing this as an investment business.

Thank you for your sympathetic consideration of my above requests, which will increase millions of dollars in our city revenue as well as justice for taxi drivers.

Sincerely,  
A loyal citizen of Hamilton.  
Davids

**From:** Mike Bozzo  
**Sent:** September 29, 2020 10:59 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** backyard hens pilot

Dear committee members, I hope this email finds you well. thank you for continuing to support our community. It is much appreciated.

I am once again writing to the council in regard to the issue of Urban Hens in Hamilton. I have just been informed that Councillor Nann is presently in consultation with staff and colleagues and On October 7th, she will bring forward a motion to the General Issues Committee to explore a pilot program permitting Urban Hens in specific areas of the City.

I would like to offer my expertise and support for this pilot since I grew up having Urban Hens. During those years we were able to correct a couple of important glitches that created a complete noon disturbance for neighbors.

Please see below my experiences and additional supporting websites:

- Hens **are very quiet** . Unlike roosters.
- Fresh eggs** and more nutritional eggs.
- fed with **Organic** and non GMO food.
- Raised **Cruelty-free**
- the chicken manure is classified as one of the **best natural Fertilizers**. Also, excellent to add to your compost.
- Pest control**: Chickens will eat any sort of bug. No need for pesticides.
- chickens Help to **cut down on food waste**. Chickens will . Help the Heavy load of landfills
- Chickens are **Therapeutic** animals. Proven especially to be helpful for people with **dementia** and children with **autism**.
- A form of entertainment / **hobby for children** other than electronics.
- Provide a taste of **country life** for city folks.

-**Inexpensive** to care for.

-there are several professional **websites** regarding backyard chickens that offer daily support and consultations.

- **local chicken vendors** that only sell quiet and docile chickens are located on the outskirts of Hamilton

- only a very **small percentage of chickens cluck** [app 10 seconds] when they lay their egg.

-**Proper chicken coop** is imperative to keep hens quiet;

**Containment requirements:** chickens are to be confined at all times in a coop or outdoor run, meaning free-ranging is not allowed.

**Regulations related to chicken enclosures:** the chicken run must have 2 ½-3 foot walls/tarp/ bushes to block the view of visiting animals[squirrels ,raccoons, etc] to prevent scared squawking. The Run should be enclosed with hardware cloth of chain-link fencing. Chicken wire is not strong enough to keep out predators.

Please feel free to contact me for further information,

sincerely, Mike Bozzo

<https://www.naturallivingideas.com/20-convincing-reasons-to-keep-backyard-chickens/>

<http://www.countingmychickens.com/is-it-legal-to-raise-chickens-in-my-suburban-backyard/>

approval of backyard:

[https://www.stwnewspress.com/news/backyard-chickens-get-final-approval/article\\_ca3c7da6-60b6-11e9-86d0-8b094d0ead2d.html](https://www.stwnewspress.com/news/backyard-chickens-get-final-approval/article_ca3c7da6-60b6-11e9-86d0-8b094d0ead2d.html)

<https://www.backyardchickens.com/>





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 20, 2020
<b>SUBJECT/REPORT NO:</b>	To Incorporate City Lands into Arvin Avenue by By-Law (PED20157) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Sally Yong-Lee (905) 546-2424 x1428
<b>SUBMITTED BY:</b>	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- (a) That the following City Lands designated as Block 18 on Plan 62M-640, Part 4 on Plan 62R-17671 and Parts 2, 5, and 8 on Plan 62R-20885, be established as a public highway to form part of Arvin Avenue, as shown on Appendix "A" attached to Report PED20157;
- (b) That the By-Law to incorporate the City lands to form part of Arvin Avenue be prepared to the satisfaction of the 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

A Municipal Class Environmental Assessment was undertaken to extend Arvin Avenue in the Stoney Creek Industrial Park. The study looked at extending the western terminus of Arvin Avenue to Jones Road and the eastern terminus of Arvin Avenue to West Avenue across both McNeilly Road and Lewis Road. The preferred alternatives from the study included:

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

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

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



**SUBJECT: To Incorporate City Lands into Arvin Avenue by By-Law  
(PED20157) (Ward 10) – Page 2 of 4**

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1. Extending Arvin Avenue west from existing terminus to align with the existing Arvin Avenue west of Jones Road;
2. Extending Arvin Avenue east to intersect with McNeilly Road as well as to pass through Lewis Road; and,
3. Extending Arvin Avenue to terminate at a cul-de-sac east of Lewis Road.

On January 28, 2009, Council endorsed the Arvin Avenue Extension Municipal Class Environmental Study and the Environmental Study Report was placed on record for a 30-day public and agency review. The focus of this report is the segment of Arvin Avenue from McNeilly Road to 325m westerly.

Arvin Avenue extension (McNeilly Road to 325m westerly) was constructed under Contract C15-37-18 (HSW) and the road was substantially completed and opened to traffic in March 2020.

**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**

Arvin Avenue is a two-lane, east-west industrial collector roadway which services the Stoney Creek Industrial Park. Some sections of the road have been constructed east and west of Glover Road to service the industrial lands adjacent to Glover Road. A Municipal Class Environmental Assessment was undertaken to look at further road extensions to complete the network and to accommodate growth within the Industrial Park.

The preferred alternatives from the study included:

1. Extending Arvin Avenue west from existing terminus to align with the existing Arvin Avenue west of Jones Road;

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**SUBJECT: To Incorporate City Lands into Arvin Avenue by By-Law  
(PED20157) (Ward 10) – Page 3 of 4**

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2. Extending Arvin Avenue east to intersect with McNeilly Road as well as to pass through Lewis Road; and,
3. Extending Arvin Avenue to terminate at a cul-de-sac east of Lewis Road.

On January 28, 2009, Council endorsed the Arvin Avenue Extension Municipal Class Environmental Study and the Environmental Study Report was placed on record for a 30-day public and agency review. The focus of this report is the segment of Arvin Avenue from McNeilly Road to 325m westerly.

Arvin Avenue extension (McNeilly Road to 325m westerly) was constructed under Contract C15-37-18 (HSW) and the road was substantially completed and opened to traffic in March 2020.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

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

### **RELEVANT CONSULTATION**

- Geomatics and Corridor Management, Public Works Department; and,
- Legal Services Division, 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 Arvin Avenue would bar legal access to abutting lands.

### **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.

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

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**SUBJECT: To Incorporate City Lands into Arvin Avenue by By-Law  
(PED20157) (Ward 10) – Page 4 of 4**

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**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Key Location Map

Appendix “B” – By-Law No. XX – To incorporate City lands designated as Block 18 on Plan 62M-640, Part 4 on Plan 62R-17671 and Parts 2, 5, and 8 on Plan 62R-20885 as part of Arvin Avenue.

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Appendix "A" to PED20157  
Page 1 of 1



● Site Location



Key Map - Ward 10

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
Arvin Road By-Law


Date:  
August 25, 2020

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
SYVS

**Subject Property**

 Subject Lands

Bill No.

**CITY OF HAMILTON**

**BY-LAW NO. 20-**

**To Establish City of Hamilton Land  
Described as Block 18 on Plan 62M-640, Part 4 on Plan 62R-17671  
and Parts 2, 5, and 8 on Plan 62R-20885 as Part of Arvin Avenue.**

**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 Block 18 on Plan 62M-640, Part 4 on Plan 62R-17671 and Parts 2, 5, and 8 on Plan 62R-20885, is established as a public highway to form part of Arvin Avenue.
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.

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Fred Eisenberger  
Mayor

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Andrea Holland  
City Clerk



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 20, 2020
<b>SUBJECT/REPORT NO:</b>	To Incorporate City Lands into North Waterdown Drive by By-Law (PED20166) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Sally Yong-Lee (905) 546-2424 x1428
<b>SUBMITTED BY:</b>	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That the following City lands designated as Parts 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 20, 21, and 22 on Plan 62R-20684, be established as a public highway to form part of North Waterdown Drive;
- (b) That the By-Law to incorporate the City lands to form part of North Waterdown Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the portion of Mosaic Drive designated as Parts 5, 6, 7, and 8 on Plan 62R-20684, be renamed North Waterdown Drive as identified on Appendix "A" attached to Report PED20166;
- (d) That the By-law to rename the portion of Mosaic Drive designated as Parts 5, 6, 7, and 8 on Plan 62R-20684 to North Waterdown Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council.

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**SUBJECT: To Incorporate City Lands into North Waterdown Drive by By-Law  
(PED20166) (Ward 15) – Page 2 of 4**

---

**EXECUTIVE SUMMARY**

A Municipal Class Environmental Assessment Phase 3 and 4 was completed to identify the preferred corridor to address east-west capacity in the North Waterdown and Waterdown/Aldershot/Burlington area, due to the development of the OPA 28 lands. The study recommended a new east-west road located north of Parkside Drive extending from Highway 6 across Centre Road, and from Centre Road south-east to Parkside Drive, and a southerly link between Dundas Street and Parkside Drive. The study also recommended widening Dundas Street from the southerly link to Brant Street.

On June 23, 2010, Council endorsed the “New East-West Road Corridor Class Environmental Assessment (Highway 6 to Brant Street) Study and the Environmental Study Report was placed on record for a 45-day public and agency review. On April 14, 2015, the Ministry of the Environment and Climate Change granted conditional approval for the project to proceed.

The focus of this Report is the segment of North Waterdown Drive from Mosaic Drive to 205m easterly. The lands for North Waterdown Drive were transferred to the City by the developer, LIV Developments Ltd. as a condition of Plan Registration (25T200802). This road segment was constructed under Contract C15-59-19 (PED) and opened to traffic in July 2020.

Mosaic Drive was dedicated as a public highway through the registration of Plan 62M-1243. A portion of Mosaic Drive, as shown on Appendix “A” attached to Report PED20166, overlays part of North Waterdown Drive. A street name change from Mosaic Drive to North Waterdown Drive is required over Parts 5, 6, 7, and 8 on Plan 62R-20684.

**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.

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**SUBJECT: To Incorporate City Lands into North Waterdown Drive by By-Law  
(PED20166) (Ward 15) – Page 3 of 4**

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## **HISTORICAL BACKGROUND**

A Municipal Class Environmental Assessment Phase 3 and 4 was completed to identify the preferred corridor to address east-west capacity in the North Waterdown and Waterdown/Aldershot/Burlington area, due to the development of the OPA 28 lands. The study recommended a new east-west road located north of Parkside Drive extending from Highway 6 across Centre Road, and from Centre Road south-east to Parkside Drive, and a southerly link between Dundas Street and Parkside Drive. The study also recommended widening Dundas Street from the southerly link to Brant Street.

On June 23, 2010, Council endorsed the “New East-West Road Corridor Class Environmental Assessment (Highway 6 to Brant Street) Study and the Environmental Study Report was placed on record for a 45-day public and agency review. On April 14, 2015, the Ministry of the Environment and Climate Change granted conditional approval for the project to proceed.

The focus of this Report is the segment of North Waterdown Drive from Mosaic Drive to 205m easterly. The lands for North Waterdown Drive were transferred to the City by the developer, LIV Developments Ltd. as a condition of Plan Registration (25T200802). This road segment was constructed under Contract C15-59-19 (PED) and opened to traffic in July 2020.

Mosaic Drive was dedicated as a public highway through the registration of Plan 62M-1243. A portion of Mosaic Drive, as shown on Appendix “A” attached to Report PED20166, overlays part of North Waterdown Drive. A street name change from Mosaic Drive to North Waterdown Drive is required over Parts 5, 6, 7, and 8 on Plan 62R-20684.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

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

## **RELEVANT CONSULTATION**

- Geomatics and Corridor Management 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.

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**SUBJECT: To Incorporate City Lands into North Waterdown Drive by By-Law  
(PED20166) (Ward 15) – Page 4 of 4**

---

**ALTERNATIVES FOR CONSIDERATION**

Not incorporating the lands into a public highway to form part of North Waterdown Drive would bar legal access to abutting lands.

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

**Economic Prosperity and Growth**

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

**Healthy and Safe Communities**

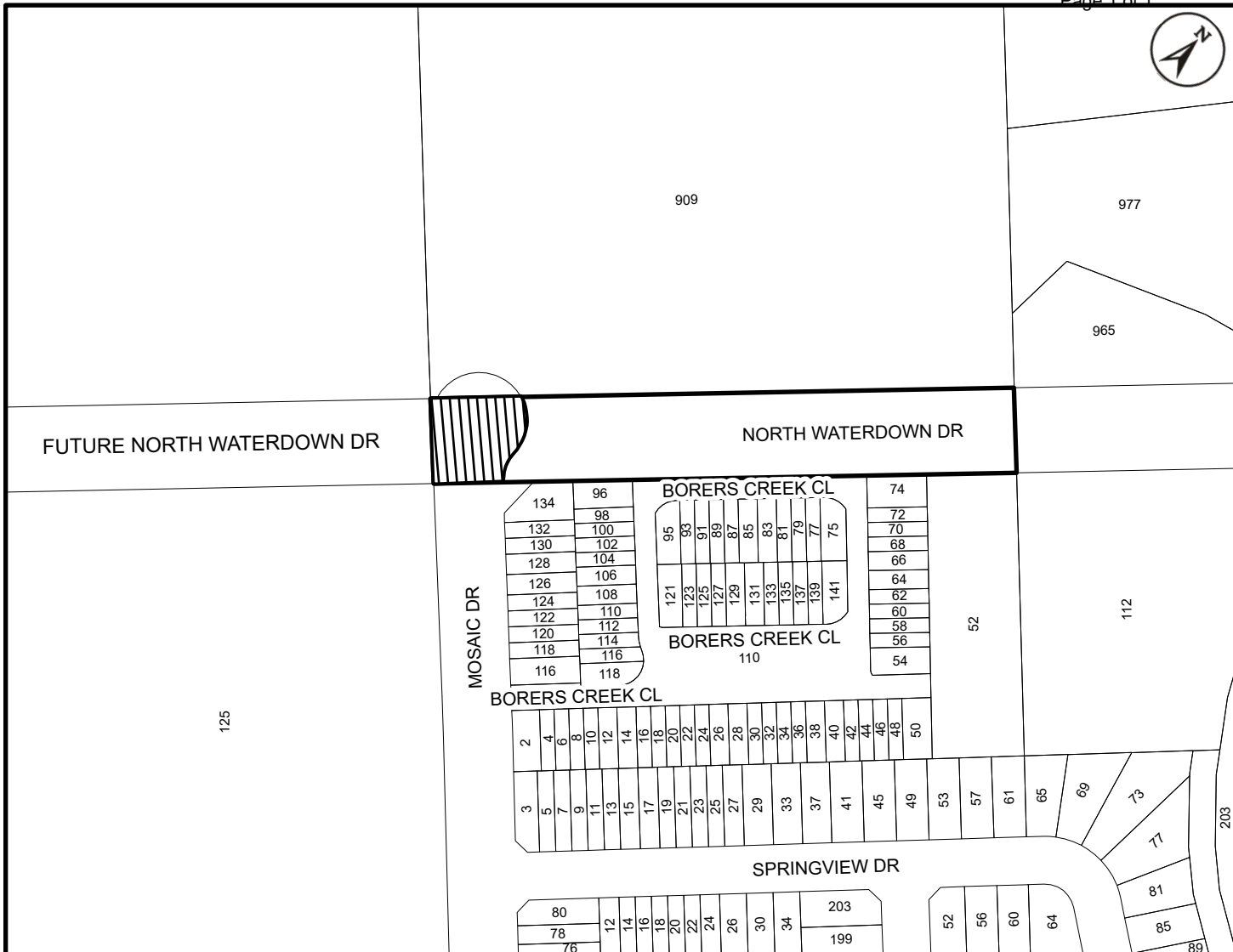
*Hamilton* is a safe and supportive city where people are active, healthy, and have a high quality of life.

**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” – Location Map
- Appendix “B” – By-Law No. XX – To incorporate City lands designated as Parts 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 20, 21, and 22 on Plan 62R-20684, be established as a public highway to form part of North Waterdown Drive
- Appendix “C” – By-Law No. XX – To rename a portion of Mosaic Drive to North Waterdown Drive



● Site Location

# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
North Waterdown Dr

Date:  
September 15, 2020

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
SYL/NB

## Subject Property

- Subject Lands
- Portion of Mosaic Drive - renamed to North Waterdown Drive

## Key Map - Ward 15



**Appendix "B" to Report PED20166**  
**Page 1 of 1**

**Authority:** Item [redacted], Planning Committee  
Report: xx-[redacted] (PED20166)  
CM: [redacted]

**Bill No.** [redacted]

**CITY OF HAMILTON**

**BY-LAW NO. 20-**

**To Establish City of Hamilton Land  
Described as Parts 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 20, 21 and 22 on  
Plan 62R-20684, be established as a public highway to form part of North  
Waterdown Drive.**

**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, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 20, 21 and 22 on Plan 62R-20684, be established as a public highway to form part of North Waterdown Drive.
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

**Appendix "C" to Report PED20166**  
**Page 1 of 1**

**Authority:** Item [redacted], Planning Committee  
Report: xx-[redacted] (PED20166)  
CM: [redacted]

**Bill No.** [redacted]

**CITY OF HAMILTON**

**BY-LAW NO.** [redacted]

**To rename a portion of Mosaic Drive to North Waterdown Drive**

**WHEREAS** Mosaic Drive was dedicated to the City as a Public Highway by registration of the Plan of Subdivision 62M-1243;

**AND WHEREAS** a portion of Mosaic Drive overlays with North Waterdown Drive, more specifically known as Parts 5, 6, 7, and 8 on Plan 62R-20684;

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

1. The portion of the street municipally known as Mosaic Drive, more particularly described as follows:

PIN 17511-1735 (LT)

Part of Mosaic Drive, Plan 62M-1243 being Parts 5 & 6, 62R-20684; City of Hamilton

PIN 17511-1728 (LT)

Part of Block 84, Plan 62M-1243 being Parts 7 & 8, 62R-20684; City of Hamilton

is hereby changed to North Waterdown Drive.

2. That this By-law comes into force and takes effect on the date of its registration in The Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

**PASSED and ENACTED** this [redacted] day of [redacted], 2020.

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Fred Eisenberger  
Mayor

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Andrea Holland  
City Clerk



## INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 20, 2020
<b>SUBJECT/REPORT NO:</b>	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5 <sup>th</sup> , Hamilton (PED20171) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	James Van Rooi (905) 546-2424 Ext. 4283
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### Council Direction:

In accordance with subsections 22(7) and 34(11), of the *Planning Act*, an Official Plan Amendment Application and a UHOPA-19-008, may be appealed to the Local Planning Appeal Tribunal (LPAT) after 120 days if Council has not made a decision on the application.

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

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029, which have been appealed for lack of decision.

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**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5<sup>th</sup>, Hamilton (PED20171) (Ward 8) - Page 2 of 5**

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**Information:**

The subject property is municipally known as 73, 77, 83, 89 Stone Church Road West and 1029 West 5<sup>th</sup> Street (refer to Appendix “A” to Report PED20171).

The subject property is rectangular in shape, having a lot area of 0.8 ha (1.97 ac) and is located along two frontages, being Stone Church Road West and West 5<sup>th</sup> Street. The property is bound by Stone Church Road West to the north, St. Mari’s Assyrian Church to the east, a currently vacant, but site plan approved lot for a retirement facility to the south, and West 5<sup>th</sup> Street to the west. The property is located within the Mewburn Neighbourhood.

The lands that are subject of the applications were previously developed with single detached dwellings, however 83 and 89 Stone Church Road West obtained demolition permits in 2013 and 2015 respectively. The demolition permits were obtained in anticipation of a prior development application approval known as ZAC-13-018 to permit 18 stacked townhouses. This previous application was abandoned and superseded by the current applications for an Official Plan and Zoning By-law Amendment to permit a multiple dwelling. The details of the proposal are outlined below.

Applications UHOPA-19-008 and ZAC-19-029 were submitted on April 23, 2019 and were deemed complete on May 23, 2019.

**PROPOSED DEVELOPMENT**

**First Submission:**

The applications originally proposed a 237-unit multiple dwelling in the form of a ten-storey building with 70 surface parking spaces, 171 underground parking spaces and 179 bicycle parking spaces. The applicant had proposed both interior and exterior amenity space. The first proposal provided little opportunity for buffering between the multiple dwelling and neighbouring lands to the north, east and west, for example, in some cases the building setback ranged from 1.4 metres to 1.54 metres along West 5<sup>th</sup> Street and 0.97 metres along Stone Church Road West. These setbacks were considered inadequate in order to achieve appropriate separation between at-grade units and the public realm and inadequate to provide appropriate screening.

Staff also had concerns with the proximity and interface between the multiple dwelling and the property to the east. In addition to concern with setbacks, Staff also had concerns with the design and impact of massing and height in context of surrounding properties and concern with amenity space as there appeared to be no outdoor

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**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5<sup>th</sup>, Hamilton (PED20171) (Ward 8) - Page 3 of 5**

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communal amenity area. Access to the site was proposed to be provided from West 5<sup>th</sup> Street to a parking area, and it was noted by Staff, that the parking area had inadequate landscaping along the perimeter of the site.

**Second Submission:**

On February 7, 2020 a revised submission was received. The second submission proposed a 226-unit multiple dwelling in the form of a ten-storey building with 59 surface parking spaces, 167 underground parking spaces and 85 bicycle parking spaces. The revised submission provided a setback that Staff considered appropriate between the subject property and the property to the east, and landscaping within the parking lot was increased, however staff continued to have concerns with the design and impact of massing and height in the context of surrounding properties. One of Staff's recommendations to reduce massing was to provide a stepback design for the building facing Stone Church Road West and West 5<sup>th</sup> Street and to also provide stepbacks along the southern portion of the building closest to the proposed retirement facility. There were also still concerns with the setbacks along Stone Church Road West and West 5<sup>th</sup> Street.

**Third Submission:**

On June 17, 2020 a third submission was received, proposing a 216-unit multiple dwelling in the form of a nine-storey building with 54 surface parking spaces, 243 underground parking spaces and 92 bicycle parking spaces. Although this proposal reduced the height, the building footprint was increased, resulting in the eastern side yard setback being reduced to 4.72 metres for the above ground portion of the multiple dwelling and to 2.57 metres for the underground parking structure. The applicant did increase the setback along Stone Church Road West and West 5<sup>th</sup> Street, however in Staff's opinion massing and height remained an issue.

**Urban Hamilton Official Plan & City of Hamilton Zoning By-law 6593:**

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and are designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in Volume 1 of the UHOP. The subject lands are also designated "Single and Double" and "Attached Housing" in the Mewburn Neighbourhood Plan.

The subject lands are currently split zoned as follows:

- 73 Stone Church Road West – "C" (Urban Protected Residential, Etc.) District;

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**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5<sup>th</sup>, Hamilton (PED20171) (Ward 8) - Page 4 of 5**

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- 77 Stone Church Road West – “C” (Urban Protected Residential, Etc.) District;
- 89 Stone Church Road West - “DE-2/S-1700” (Multiple Dwelling) District, Modified;
- 83 Stone Church Road West - “DE-2/S-1700” (Multiple Dwelling) District, Modified; and,
- 1029 West 5th Street - “AA” (Agricultural) District.

**Official Plan Amendment Application:**

The revised Official Plan Amendment Application was to add a Site Specific Policy Area for the subject lands that would increase the overall density from 100-200 units per net hectare to 309 units per net hectare to permit a nine-storey storey multiple dwelling.

**Zoning By-law Amendment Application:**

The Zoning By-law Amendment Application proposed to rezone the lands from the “C” (Urban Protected Residential, Etc.) District, “AA” (Agricultural) District, and “DE-2/S-1700” (Multiple Dwelling) District, Modified to a site specific “DE-2” (Multiple Dwelling) District, in Former City of Hamilton Zoning By-law No. 6593.

In addition, a number of site specific modifications were proposed to implement the proposed development, including an increase in height, reduction in front, side, flankage and rear yard requirements, an increase in floor area ratio, a reduction in landscaped area, a reduction in number of parking spaces required, modification to the parking stall size, reduction in buffering of parking areas from adjoining properties, and modifications related to projections for canopies, terraces, porches or platforms. The requested site specific modifications are shown on the concept plan in Appendix “B” to Report PED20171.

**Public Consultation:**

As part of the Applicant’s Public Consultation Strategy and in consultation with the Ward Councillors office, a neighbourhood meeting was held on September 19, 2019. Notice of the neighbourhood meeting was sent out by the applicant to residents within 120 metres of the subject lands and additional notice was provided to residents on Pantano Drive and Giovanna Drive through the Councillors office.

To date staff have received a total of 47 written submissions by residents opposed to the development. In addition, a petition has been received, signed by 76 individuals opposed to the development.

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**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5<sup>th</sup>, Hamilton (PED20171) (Ward 8) - Page 5 of 5**

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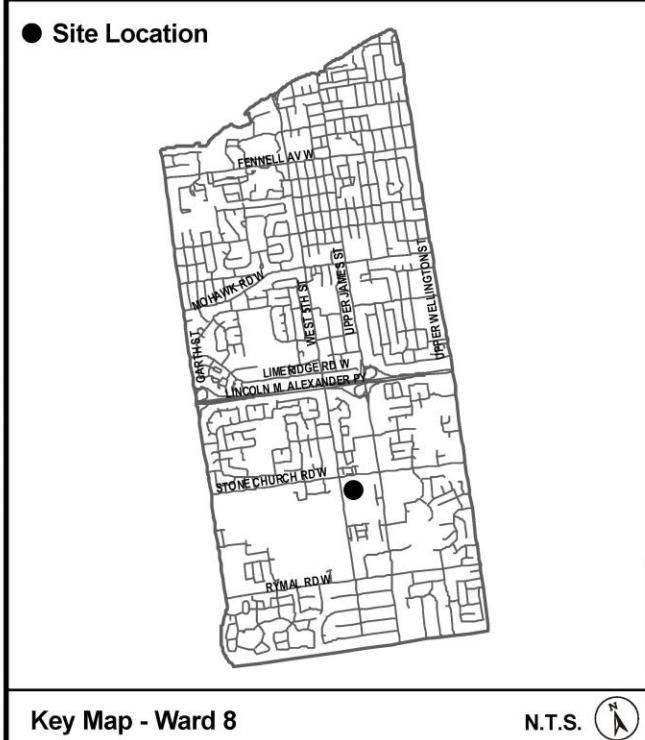
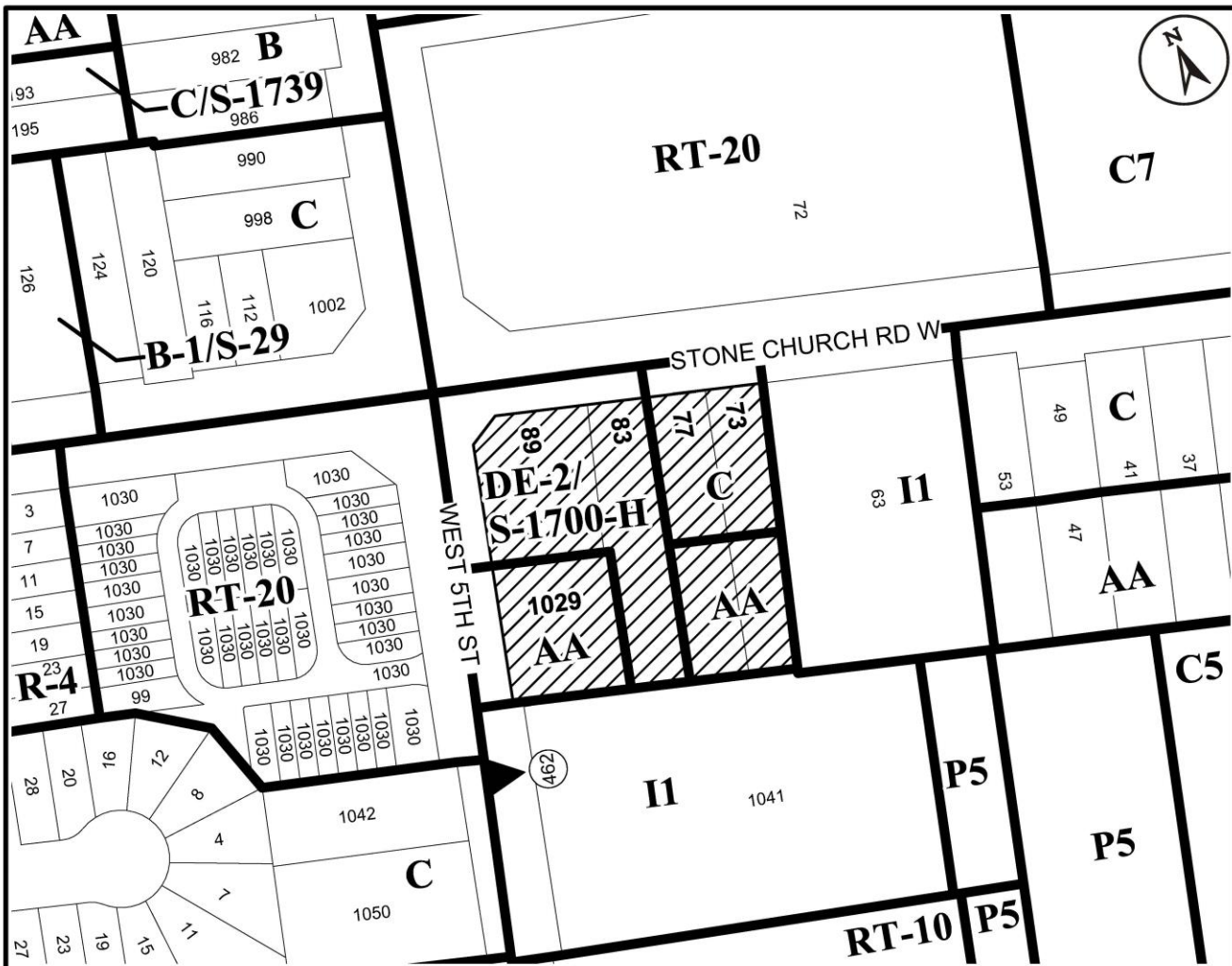
Issues raised by the public related to traffic and parking, the notification and circulation process, infrastructure and site servicing capacity, overdevelopment of the site, construction, tenure, community benefit and compatibility with adjacent existing low density development.

The appeal of both applications was received by the City Clerk's Office on July 31, 2020, 465 days after the receipt of the initial application (refer to Appendix "C" to Report PED20171).

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": Location Map  
Appendix "B": Site Plan  
Appendix "C": Letter of Appeal

AF:jvr



## Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**File Name/Number:**  
ZAC-19-029 & UHOPA-19-008

**Date:**  
May 28, 2019

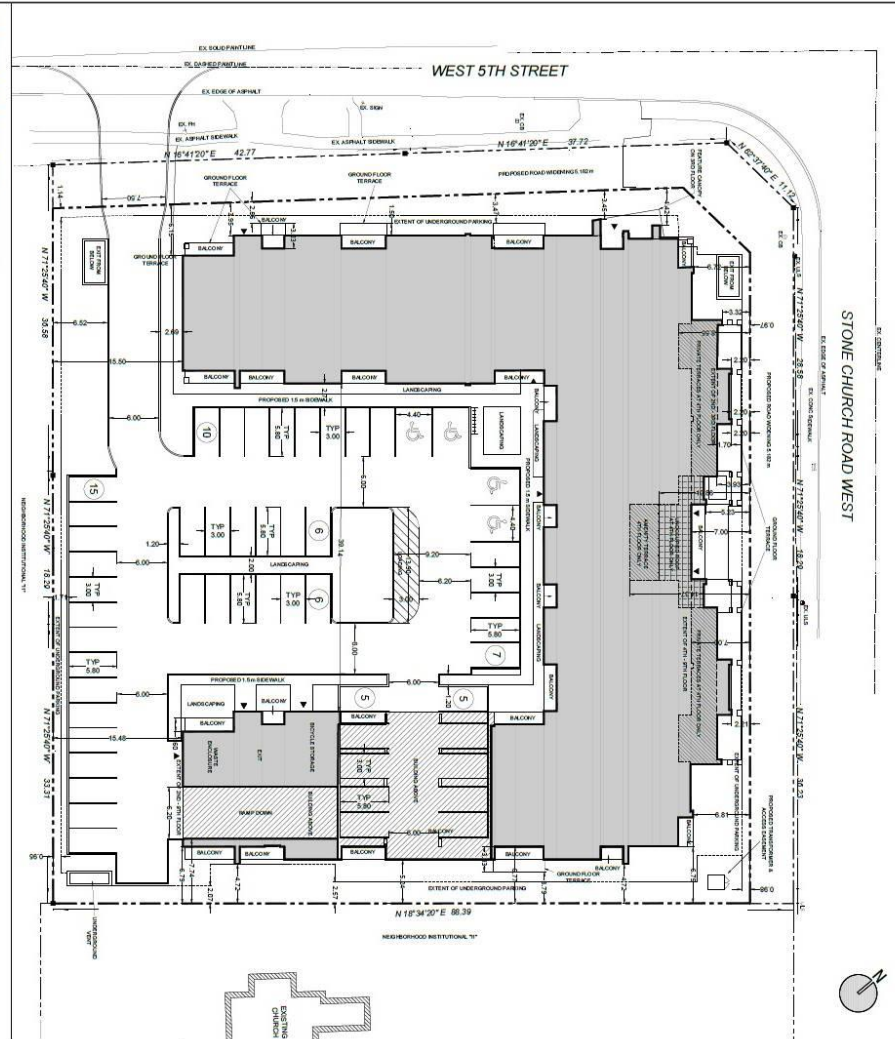
<b>Appendix "A"</b>	<b>Scale:</b> N.T.S.	<b>Planner/Technician:</b> JV/AL
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**Subject Property**

73, 77, 83 & 89 Stone Church Road West and 1029 West 5th Street

Change in Zoning from the "C" (Urban Protected Residential, Etc.) District, "AA" (Agricultural) District, and "DE-2/S-1700" (Multiple Dwelling) District, Modified to a "DE-2/S-XXXX" (Multiple Dwelling) District, Modified

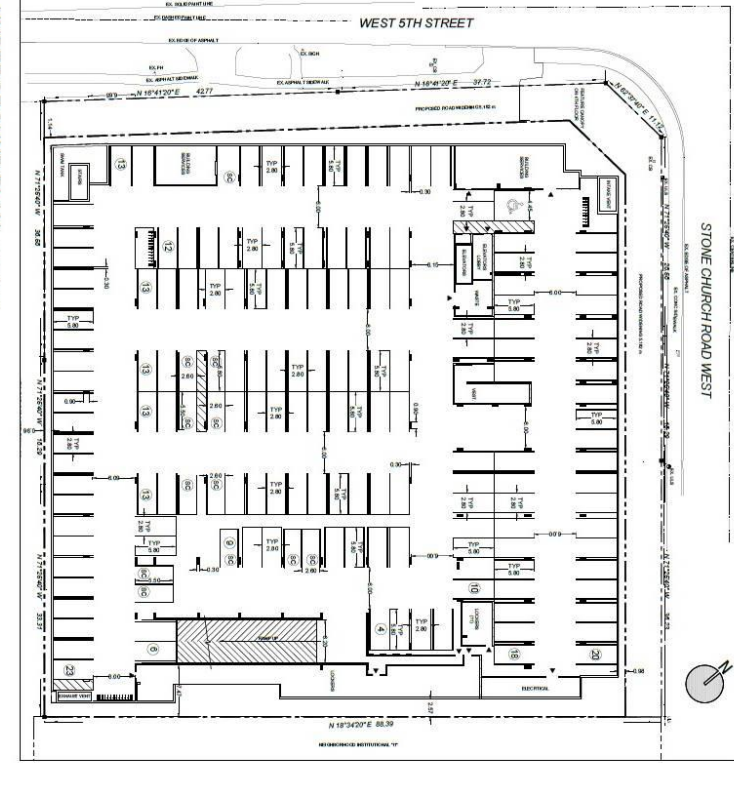
Appendix "B" to Report PED20171  
Page 1 of 1



GROUND FLOOR - SCALE 1:250

LEGEND

- SUBJECT LANDS
- - - EXISTING PROPERTY LINES
- ▒ EXISTING BUILDINGS
- ▒ PROPOSED BUILDINGS
- ▒ PROPOSED MAIN DOOR
- ▲ SMALL CAR PARKING SPACE



UNDERGROUND PLAN - SCALE 1:300

CONCEPT PLAN

LEGAL DESCRIPTION  
PART OF LOT 15, CONCESSION 8,  
GEOGRAPHIC TOWNSHIP OF BARTON,  
CITY OF HAMILTON



URBAN SOLUTIONS  
PLANNING & LAND DEVELOPMENT  
105 Main Street East, Suite 401  
Hamilton, ON L8N 1G6  
905-546-1087 - UrbanSolutions.info

PROJECT: 73-88 STONE CHURCH ROAD WEST AND 1029 WEST 5TH STREET CITY OF HAMILTON

CLIENT: VALERY HOMES  
DRAWN BY: J. VANDERKAM  
CHECKED BY: T. MANCHUK  
DATE: APRIL 5, 2018

NOT FOR CONSTRUCTION

NO.	DATE	BY	DESCRIPTION
1	2018 02 15	STYRENE/STYRENE/CONCEPT	CONCEPT PLAN
2	2018 02 15	STYRENE/STYRENE/CONCEPT	CONCEPT PLAN
3	2018 02 15	STYRENE/STYRENE/CONCEPT	CONCEPT PLAN

DEVELOPMENT STATISTICS		
LD Area	Proposed	7 Zones
LD Area	Required	Proposed
Before R.O.V. Widening	N/A	0.7083 ha
After R.O.V. Widening	N/A	0.8083 ha
Max. Height	3.81 m (125.0 ft)	9.14 m (27.0 ft)
Max. Front Yard (Stone Church Road West)	Rate to By-law	0.2 m
Underground Parking Structure	Rate to By-law	3.25 m
Underground Parking Structure	Rate to By-law	3.35 m
Underground Parking Structure	Rate to By-law	6.72 m
Man. Furnishing Yard (West 5th Street)	Rate to By-law	1.14 m
Underground Parking Structure	Rate to By-law	2.72 m
Underground Parking Structure	Rate to By-law	4.25 m
Man. Interior Stairs Yard	Rate to By-law	3.66 m
Underground Parking Structure	Rate to By-law	3.66 m
Man. Rear Yard	Rate to By-law	0.2 m
Underground Parking Structure	Rate to By-law	15.24 m
Landscaped Area	N/A	20.40 m
Yard Encroachments	N/A	216.00 m
No. of Levels	N/A	267 (1,000) ft
Parking Spaces	75	0
Encycle Parking	N/A	62 Spaces

RUSSELL D. CHEESEMAN  
- Barrister & Solicitor -

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

July 30, 2020

**DELIVERED BY COURIER and BY E - MAIL**

Ms. Andrea Holland  
City Clerk  
Corporation of the City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

<b>OFFICE OF THE CITY CLERK</b>	
JUL 31 2020	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	_____
_____	

Dear Ms. Holland:

**Re: Notice of Appeals Pursuant to Section 22(7) and 34(11) of the  
Planning Act, R.S.O. 1990, c. P. 13, as amended – T. Valeri  
Construction Limited – 73-89 Stone Church Road West and  
1029 West 5<sup>th</sup> Street, City of Hamilton  
City of Hamilton File Nos. UHOPA-19-08 & ZAC-19-029**

We are counsel for T. Valeri Construction Limited, the owner of the above referenced lands in the City of Hamilton.

T. Valeri Construction Limited, through its land use planning consultants, Urban Solutions Planning & Land Development Consultants Inc., filed applications to amend both the Official Plan and the Comprehensive Zoning By-law of the City of Hamilton in respect of the above referenced property on April 18, 2019. The applications were deemed complete by the City of Hamilton on May 23, 2019.

To date the City of Hamilton has failed to adopt the Official Plan Amendment and neglected to make a decision on the Zoning By-law Amendment.

This letter will serve as our client’s Notice of Appeal of Hamilton Council’s failure to adopt the requested Official Plan Amendment Application pursuant to Section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. This letter will also serve as our client’s Notice of Appeal of Hamilton Council’s neglect to make a decision on the Zoning By-law pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Please find enclosed our firm’s cheque in the amount of \$2200.00, payable to the “Minister of Finance – Ontario”, which we understand to be the required combined

Royal Building  
277 Lakeshore Road East, Suite 211  
Oakville ON L6J 1H9



Toronto Meeting Rooms  
Brookfield Place, 161 Bay Street, Suite 2700  
Toronto ON M5J 2S1

fee for these types of appeals. Please also find enclosed one set of completed Form "A1" of the Local Planning Appeal Tribunal, for inclusion with the documentation you will forward to the Local Planning Appeal Tribunal.

Our client is of the opinion that the applications as submitted are consistent with the Provincial Policy Statement 2014, issued under Section 3 of the *Planning Act*. We also are of the opinion that the applications are in conformity with the Growth Plan for the Greater Golden Horseshoe, which is the Provincial Plan in effect and applicable to these lands. We believe the applications that were submitted constitute good land use planning.

We trust that you will now prepare a record and forward the prescribed material to the Local Planning Appeal Tribunal within fifteen days of the receipt of this notice, in compliance with Sections 22(9) and 34(23) of the *Planning Act*.

Thank you for your cooperation in respect of this matter.

Yours very truly,



Russell D. Cheeseman

cc. Mr. Ted Valeri (via e-mail)  
Mr. Paul Valeri (via e-mail)



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

Receipt Number (LPAT Office Use Only)

Date Stamp Appeal Received by Municipality/Approval Authority

**To file an appeal, select one or more below**

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

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

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

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

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

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

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

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

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



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

**Ontario Heritage Act Matters**

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

**Other Act Matters**

Subject of Appeal	Act/Legislation Name	Section Number

**2. Location Information**

Address and/or Legal Description of property subject to the appeal  
 73-89 Stone Church Road West & 1029 West 5th Street

Municipality  
 City of Hamilton

Upper Tier (Example: county, district, region)

**3. Appellant/Objector Information**

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

Last Name Valeri	First Name Ted
---------------------	-------------------

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)  
 T. Valeri Construction Limited

Email Address  
 ted@valeryhomes.com

Daytime Telephone Number 905-547-5056	ext. Alternate Telephone Number
--	------------------------------------

**Mailing Address**

Unit Number	Street Number 2140	Street Name King Street East	PO Box
City/Town Hamilton	Province Ontario	Country Canada	Postal Code L8K 1W6

**4. Representative Information**

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

Last Name  
Cheeseman

First Name  
Russell

Company Name

Professional Title  
Barrister and Solicitor

Email Address  
rdcheese@aol.com

Daytime Telephone Number  
416-955-9529

ext.

Alternate Telephone Number  
416-520-9854

**Mailing Address**

Unit Number  
211

Street Number  
277

Street Name  
Lakeshore Road East

PO Box

City/Town  
Oakville

Province  
Ontario

Country  
Canada

Postal Code  
L6J 1H9

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

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

**5. Appeal Reasons**

Municipal Reference Number(s)  
City of Hamilton File Nos. UHOPA-019-08 & ZAC-19-029

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

Please see accompanying letter, dated July 30, 2020

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

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

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

**And**

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

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

If you intend on arguing on one or more of the above throughout a proceeding, please explain:  
Please see accompanying letter, dated July 30, 2020

**Oral/written submissions to council**

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

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

**6. Related Matters**

Are there other appeals not yet filed with the Municipality?

- Yes
- No

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

- Yes
- No

If yes, please provide LPAT Case Number(s) and/or Municipal File Number(s)

**7. Mediation**

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

- I have read and understand the above statement.

**8. Witness Information**

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

Land Use Planning, Architectural & Urban Design, Acoustical Engineering, Civil Engineering, Traffic Engineering, Hydrogeological Engineering, Geotechnical Engineering, Archaeological, Landscape Architecture

**For all other appeal types :**

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

**9. Required Fee**

Total Fee Submitted \$ 2,200

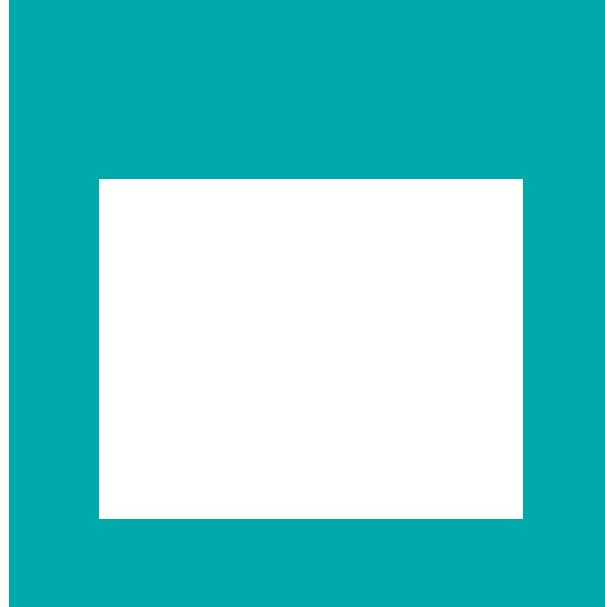
- Payment Method ▶  Certified cheque  Money Order  Lawyer's general or trust account cheque

**10. Declaration**

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

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Russell D. Cheeseman		2020/07/30

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



WELCOME TO THE CITY OF HAMILTON

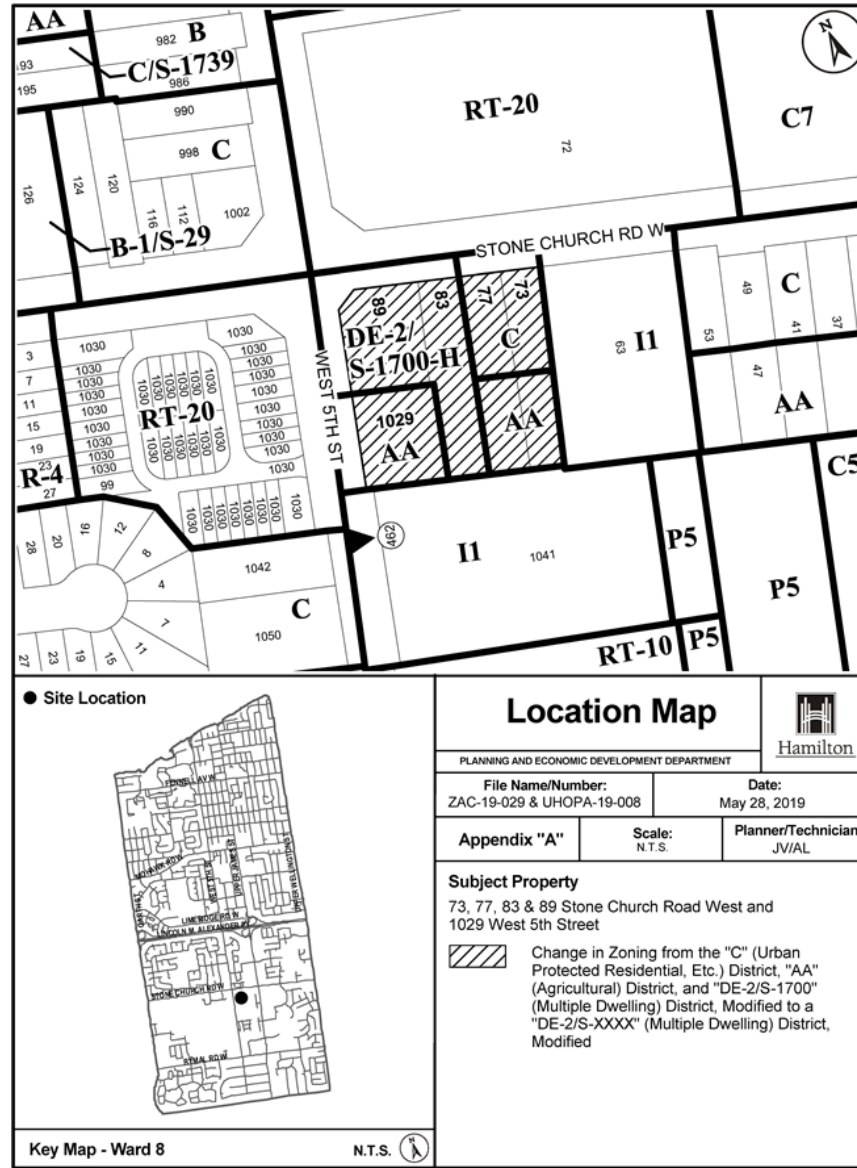
# PLANNING COMMITTEE

October 20, 2020

## **PED20171 – (UHOPA-19-008 & ZAC-19-029)**

Appealed Urban Hamilton Official Plan Amendment and Zoning By-law  
Amendment Applications for Lands located at  
73,77,83,89 Stone Church Road West and 1029 West 5<sup>th</sup> Street,  
Hamilton

Presented by: James Van Rooi



● Site Location



Key Map - Ward 8

N.T.S.

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
 ZAC-19-029 & UHOPA-19-008

Date:  
 May 28, 2019

Appendix "A"

Scale:  
 N.T.S.

Planner/Technician:  
 JV/AL

**Subject Property**

73, 77, 83 & 89 Stone Church Road West and  
 1029 West 5th Street



Change in Zoning from the "C" (Urban Protected Residential, Etc.) District, "AA" (Agricultural) District, and "DE-2/S-1700" (Multiple Dwelling) District, Modified to a "DE-2/S-XXXX" (Multiple Dwelling) District, Modified

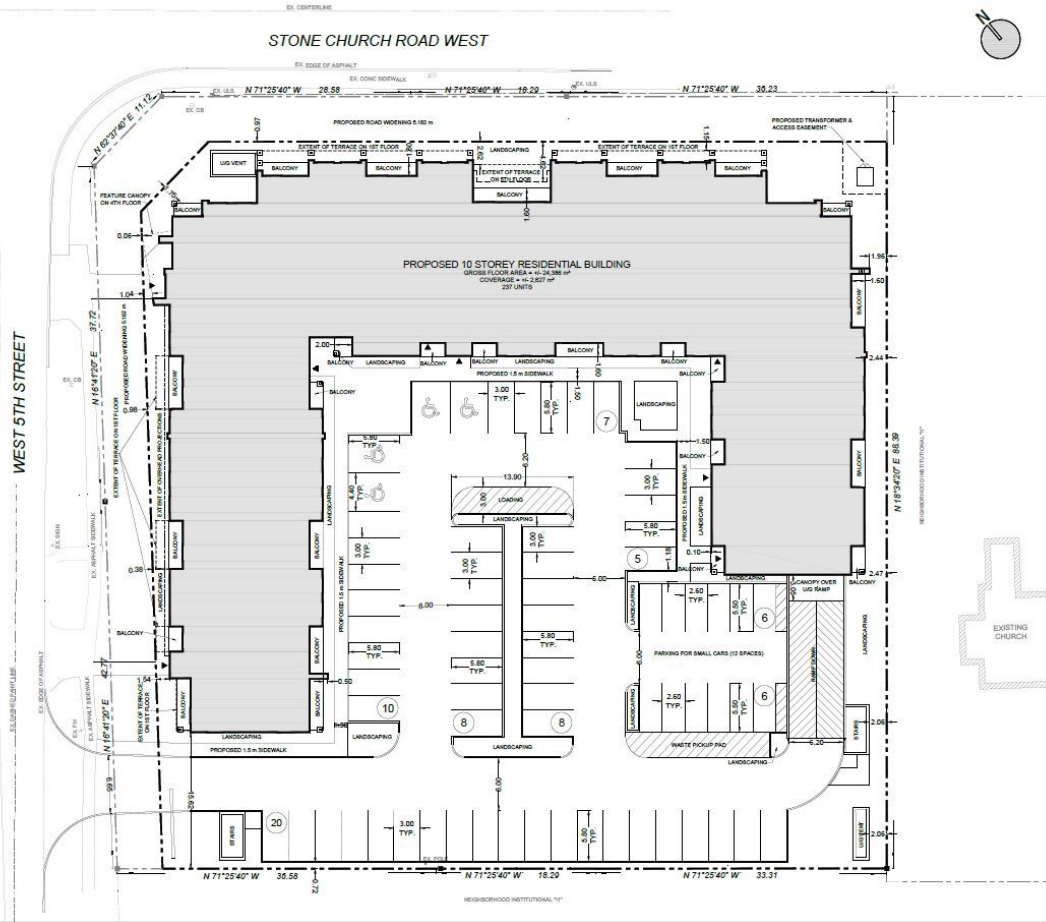


**SUBJECT PROPERTY**

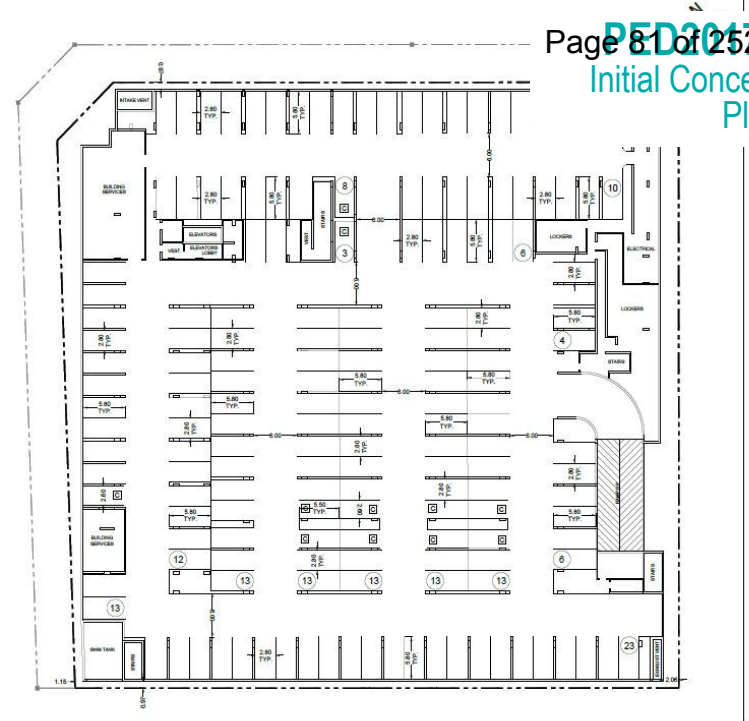


**73,77,83,89 Stone Church Road West and 1029 West 5th Street**

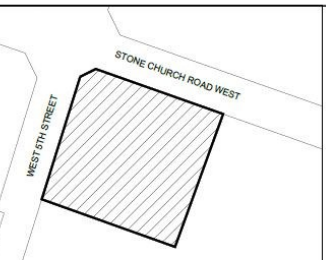




ROUND FLOOR - SCALE 1:250



UNDERGROUND PLAN - SCALE 1:300



**LEGEND:**

- SUBJECT LANDS
- EXISTING PROPERTY LINES
- PROPOSED BUILDINGS
- EXISTING BUILDINGS
- PROPOSED MAN DOOR

**CONCEPT PLAN**

**LEGAL DESCRIPTION:**  
 PART OF LOT 15, CONCESSION 8,  
 GEOGRAPHIC TOWNSHIP OF BARTON,  
 CITY OF HAMILTON



**PROJECT:**  
 73-89 STONE CHURCH ROAD WEST AND  
 1029 WEST 5TH STREET  
 CITY OF HAMILTON

**CLIENT:**  
 VALERY HOMES

URS FILE NUMBER: 214-17 SHEET NUMBER: 1

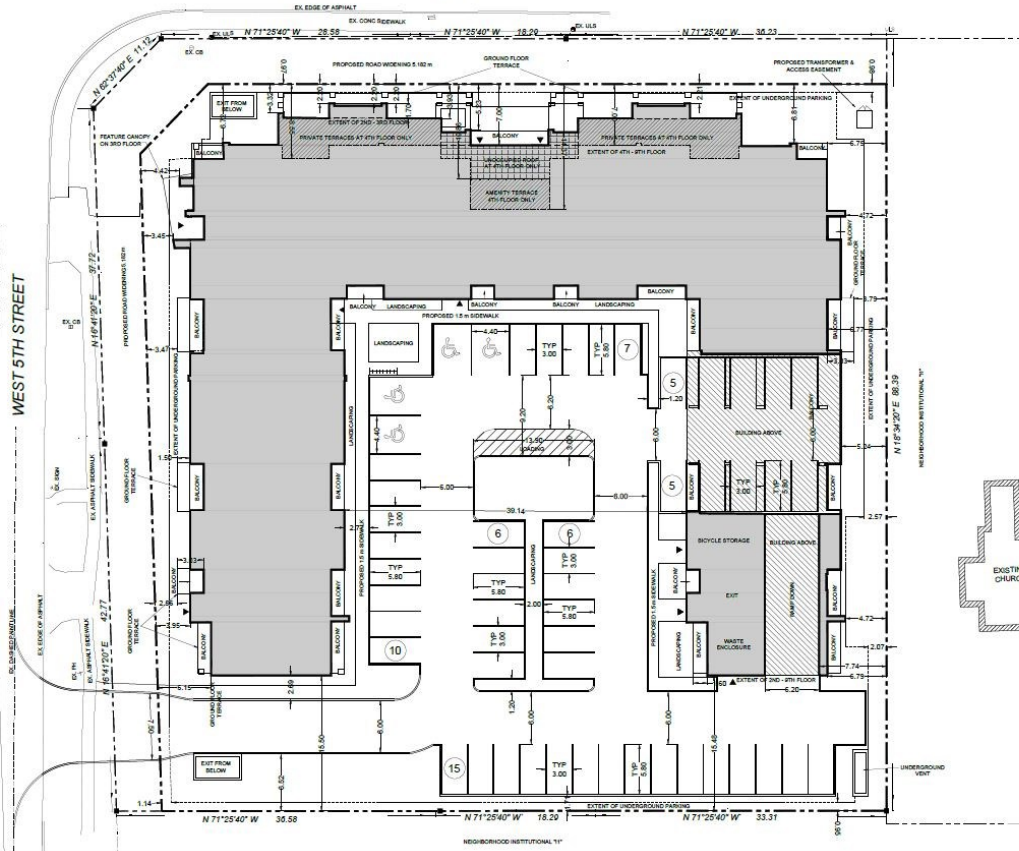
**NOT FOR CONSTRUCTION**

DESIGN BY: KNYMH ARCHITECTS CHECKED BY: S. MANDHIA  
 DRAWN BY: M. DOWLING DATE: APRIL 5, 2015

DEVELOPMENT STATISTICS		
Proposed Zoning: Multiple Dwellings ("DE-2/S-" ) Zone		
Item	Required	Proposed
Max. Height	8 storeys (26.0 m)	10 storeys (32.0 m)
Min. Front Yard		
Underground Parking Garage	Refer to by-law	0.97 m
Floors 1-4	Refer to by-law	2.12 m
Floors 5-10	Refer to by-law	7.02 m
Min. Flankage Yard		
Underground Parking Garage	Refer to by-law	1.15 m
Floors 1-10	Refer to by-law	1.54 m
Min. Side Yard	Refer to by-law	2.57 m
Min. Rear Yard		
Underground Parking Garage	Refer to by-law	0.97 m
Floors 1-10	Refer to by-law	15.62 m
Yard Encroachments	Various	Refer to draft by-law
Gross Floor Area Ratio	N/A	3.33
Lot Area	N/A	0.73 ha
No. of Units	N/A	237 units

**73,77,83,89 Stone Church Road West and 1029 West 5th Street**

STONE CHURCH ROAD WEST

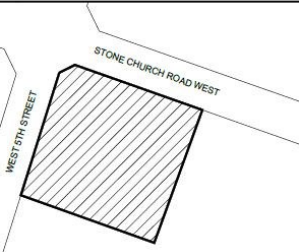


GROUND FLOOR - SCALE 1:250



LEGEND:

- SUBJECT LANDS
- EXISTING PROPERTY LINES
- PROPOSED BUILDINGS
- EXISTING BUILDINGS
- PROPOSED MAN DOOR
- SMALL CAR PARKING SPACE



CONCEPT PLAN

LEGAL DESCRIPTION:  
 PART OF LOT 15, CONCESSION 8,  
 GEOGRAPHIC TOWNSHIP OF BARTON,  
 CITY OF HAMILTON



PROJECT:  
 73-89 STONE CHURCH ROAD WEST AND  
 1029 WEST 5TH STREET  
 CITY OF HAMILTON

CLIENT: VALERY HOMES

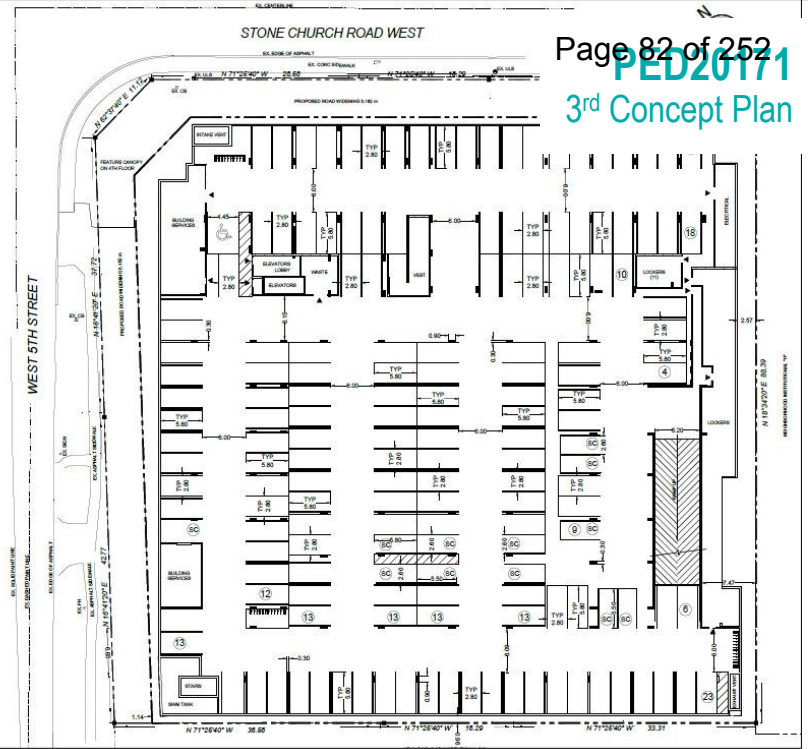
U/S FILE NUMBER: 214-17 SHEET NUMBER: 1

**NOT FOR CONSTRUCTION**

DESIGN BY: KNYMH ARCHITECTS CHECKED BY: S. MANOHA

DRAWN BY: M.GOWANS DATE: APRIL 5, 2019

UNDERGROUND PLAN - SCALE 1:300



DEVELOPMENT STATISTICS			
Proposed Zoning: Multiple Dwellings ("DE-2/S-") Zone			
Item	Required	Proposed	
Lot Area			
Before R.O.W Widening	N/A		0.788 ha
After R.O.W Widening			0.698 ha
Max. Height	8 storeys (26.0 m)		9 storeys (27.8 m)
Mn. Front Yard (Stone Church Road West)			
Underground Parking Garage	Refer to by-law		0.97 m
Floors 1	Refer to by-law		2.20 m
Floors 2-3	Refer to by-law		3.32 m
Floors 4-9	Refer to by-law		6.72 m
Mn. Flankage Yard (West 5th Street)			
Underground Parking Garage	Refer to by-law		1.14 m
Floors 1-9	Refer to by-law		0.93 m
Mn. Interior Side Yard			
Underground Parking Garage	Refer to by-law		2.57 m
Floor 1	Refer to by-law		3.45 m
Floors 2-9	Refer to by-law		3.95 m
Mn. Rear Yard			
Underground Parking Garage	Refer to by-law		0.96 m
Floors 1-9	Refer to by-law		15.5 m
Landscaped Area	N/A		20.40%
Yard Encroachments	Various		Refer to draft by-law
Np. of Units	N/A		216 units

73,77,83,89 Stone Church Road West and 1029 West 5th Street



89 Stone Church Road West (looking south east)



73 & 77 Stone Church Road West



St. Mari's Assyrian Church



72 Stone Church Road West (looking north)



Single Detached Residential (north west of subject lands)



Single Detached Residential (north west of subject lands)





1029 West 5<sup>th</sup> Street



1041 West 5<sup>th</sup> Street



1030 West 5<sup>th</sup> Street



1030 West 5<sup>th</sup> Street



Stone Church Road West (looking east)



Stone Church Road West (looking west)

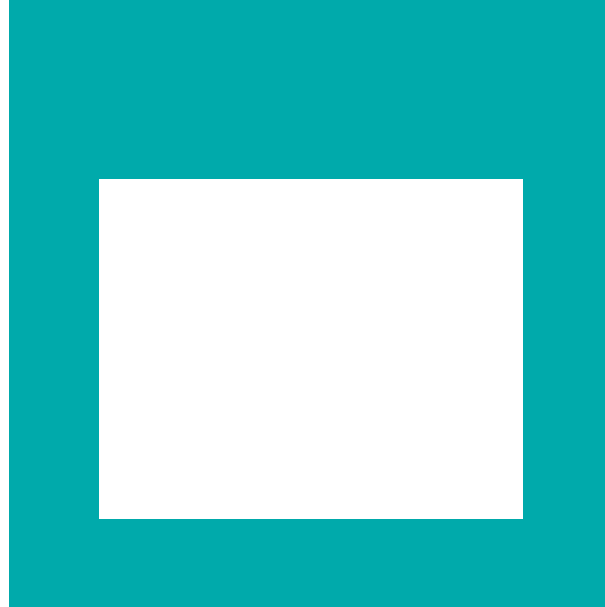


West 5<sup>th</sup> Street (looking south)



West 5<sup>th</sup> Street (looking north)





# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



## INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 20, 2020
<b>SUBJECT/REPORT NO:</b>	Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-17-006 and Zoning By-law Amendment application ZAC-17-016 for Lands Located at 909 North Waterdown Drive (Flamborough) (PED20167) (Ward 15)
<b>WARD AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2626 Ext. 7421
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### Council Direction:

In accordance with subsections 22(7) and 34(11), of the *Planning Act*, an Official Plan Amendment Application and a Zoning By-law Amendment Application, may be appealed to the Local Planning Appeal Tribunal (LPAT) after 180 Days for the Official Plan Amendment and 120 days for the Zoning By-law Amendment if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010.

This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the Local Planning Appeal Tribunal (LPAT).

The following information is provided for Planning Committee's information with regards to the Urban Hamilton Official Plan Amendment application UHOPA-17-006 and Zoning By-law Amendment application ZAC-17-016, which has been appealed to the LPAT for

---

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: Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-17-006, Zoning By-law Amendment Application ZAC-17-016 for Lands Located at 909 North Waterdown Drive (Flamborough) (PED20167) (Ward 15) - Page 2 of 6**

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lack of decision (see Appeal Letter attached as Appendix “B” to Report PED20167). Legal and Planning staff will be preparing a future in-camera report on this matter.

**Information:**

The subject lands, municipally known as 909 North Waterdown Drive, are located north of the future intersection of Mosaic Drive and North Waterdown Drive Road in Flamborough (see location map attached as Appendix “A” to Report PED20167). The applicants are LIV Developments Ltd.

The subject lands are surrounded to the north and east by environmentally sensitive lands, wetlands and agricultural lands, to the west by a vacant development parcel containing some environmentally sensitive lands and wetlands, and to the south by North Waterdown Road and existing townhouse developments developed by Liv Developments Ltd., (Owner). The subject applications are considered to be Phase 3 of the development of the lands by Liv Developments Ltd.

The subject lands are irregularly shaped with a frontage of 218 metres on North Waterdown Drive, a depth of approximately 840 metres, and an area of 16.1 hectares. The lands are currently vacant with environmentally sensitive lands on majority of the lands to the north that are not included for development in these applications as they are outside of the urban area, and are designated Rural in the Rural Hamilton Official Plan (RHOP). The proposed development will be entirely in the portion of the lands within the Urban boundary for residential uses with access to North Waterdown Drive.

The applicants submitted an Official Plan Amendment and Zoning By-law Amendment applications to facilitate the residential development on the subject lands.

The applications were originally submitted on December 23, 2016 and were deemed incomplete on January 20, 2017 and deemed complete on February 14, 2017.

The purpose of the Official Plan Amendment is to permit a reduced minimum density within High Density 1 designation. Other requested amendments include revising the natural heritage designation in accordance with the submitted Environmental Impact Study.

The purpose of the Zoning By-law Amendment is to change the current zoning to a Medium Density Residential (RM6-XX) Zone, Modified in the Flamborough Zoning By-law in order to permit the uses and modify the required regulations to allow for the implementation of the development concept. The applicants requested that additional lands be added into the Conservation / Hazard Land (P5, XX) Zone, Modified to

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**SUBJECT: Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-17-006, Zoning By-law Amendment Application ZAC-17-016 for Lands Located at 909 North Waterdown Drive (Flamborough) (PED20167) (Ward 15) - Page 3 of 6**

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implement the proposed natural heritage designation and a separate zone to maintain access to the rear of the subject lands.

The applicants submitted a Site Plan Control application (DA-20-057) for the subject lands on April 07, 2020. The proposal was for 123 stacked townhouse dwellings and 277 parking spaces (including 31 visitor parking spaces). The application was deemed complete on April 9, 2020 and subsequently denied on May 7, 2020 on the basis that the proposal was premature as it does not comply with existing zoning and official plans. The Site Plan application aligns with the second development concept submitted in April 9, 2018 which is described in the submission history section of this report.

**Concept Submissions:**

Original Submission

The original concept plan dated November 21, 2016 proposed a total of 104 residential units consisting of 80 stacked townhouse dwellings and 24 townhouses (see Appendix “C” to Report PED20167). A total of 208 residential parking spaces and 26 visitor parking spaces were proposed. Two accesses including an emergency access onto North Waterdown Drive were proposed. The density proposed was 45 units per hectare.

Concept No. 2

The revised concept plan dated April 9, 2018 proposed 123 stacked townhouse units (see Appendix “D” to Report PED20167). A total of 261 residential parking spaces and 31 visitor parking spaces were proposed. Similar to the original concept, two accesses including an emergency access onto North Waterdown Drive were proposed. As well, an amenity area was added as part of the proposed residential development. The revised concept proposed a density of 66.5 units per hectare.

The main difference between the original submission and Concept No. 2 is the relocation of the amenity area, removal of the standard townhouse units and increase in the number of units proposed on the site.

Concept No. 3

The revised concept plan dated January 16, 2019 proposed 123 staked townhouse units (see Appendix “D” to Report PED20167). A total of 261 parking spaces and 31 visitor parking spaces with two accesses onto North Waterdown Drive. The revised concept proposed a density of 66 units per hectare.

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The main differences between Concept No. 2 and Concept No. 3 is that the applicant removed the amenity space and the emergency access was changed to a right-in right-out access.

Concept No. 4

The revised concept plan dated July 18, 2019 proposed 163 units consisting of 99 stacked townhouse dwellings and 64 stacked back-to-back townhouses with underground parking (see Appendix “D” to Report PED20167). A total of 278 residential parking spaces (198 spaces in attached garages and 80 in underground area) and 41 visitor parking spaces were proposed. Two accesses onto North Waterdown Drive with one of the accesses being a right-in and right-out only. The residential density proposed was approximately 87 units per hectare.

The main differences between Concept No. 3 and Concept No. 4 was additional residential units within a new built form (stacked back-to-back townhouses) and additional parking to support the residential uses including underground parking.

Concept No. 5

The revised concept plan dated January 29, 2020 proposed 84 stacked townhouse dwellings which are identified in Phase 3 and 112 apartment units within an 8 storey apartment building with a ground floor parkade which is identified in Phase 4 (see Appendix “D” to Report PED20167). A total of 389 parking spaces were proposed which included 193 parking spaces for the townhouse portion of the development and 196 parking spaces for the apartment portion of the proposal. Two accesses onto North Waterdown Drive with one of the accesses being a right-in and right-out only. The proposed density would total 105 units per hectare.

The main differences between Concept No. 4 and Concept No. 5 were the increase in the number of residential units from 163 residential units to 196 residential units the addition of an 8 storey apartment building on the northern (rear) portion of the site with an increased number of parking spaces in order to support the increase in the number of residential units.

Through the applications review, staff advised the applicants that the proposed development needed to get as close as possible to the current minimum Official Plan density requirement as staff were not supportive of a significant reduction in density from what is required in the Waterdown North Secondary Plan. The current High Density Residential 1 Designation states that the density for all lands within the designation shall be greater than 100 units to a maximum of 125 units per gross

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residential hectare. The only concept that proposed to meet the density requirements of the secondary plan was concept no. 5

**Urban Hamilton Official Plan:**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations. A portion of the lands are identified as Natural Open Space on Schedule B – Natural Heritage System. The lands are designated as High Density Residential 1, Natural Open Space and Low Density Residential 2 on Map B.4.2-1 – Land Use Plan in the Waterdown North Secondary Plan.

A portion of the subject lands are located within the Rural Hamilton Official Plan. The portion of the lands located within the Rural Hamilton Official Plan are designated as “Rural” on Schedule “D” – Rural Land Use Designations. The proposed development will not be located within this area.

**Zoning By-laws:**

The portion of the lands within the urban boundary is zoned Agricultural “A” Zone in the Town of Flamborough Zoning By-law 90-145-Z.

The Agricultural “A” Zone permits agriculture, accessory open storage, single detached dwelling, one help house, one fruit and/or vegetable stand, an office of one physical or mental health practitioner located within the residence.

The portion of the property outside the urban boundary within the rural area is zoned the following in the City of Hamilton Zoning By-law No. 05-200:

- Conservation / Hazard Land – Rural (P7) Zone;
- Conservation / Hazard Land – Rural (P8) Zone; and,
- Rural (A2) Zone

The Conservation / Hazard Land – Rural (P7) Zone permits agriculture, conservation, flood and erosion control facilities, passive recreation and existing single detached dwellings. The Zone does not permit the development of new buildings or structures on vacant lots, however there are permissions for expansions to existing buildings and structures.

The Conservation / Hazard Land – Rural (P8) Zone permits agriculture, conservation, flood and erosion control facilities, passive recreation and existing single detached

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dwellings. The Zone does not permit the development of new buildings or structures on vacant lots or the expansion of expansion of existing structures on the property.

The Rural (A2) Zone permits, among other things: Agriculture, Secondary Uses to Agriculture, Veterinary Service – Farm Animal, Single Detached Dwelling, Farm Product Supply Dealer, Kennel, Agricultural Processing Establishment, Abattoir and kennel.

**Public Consultation:**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 95 property owners within 120 m of the subject property on March 10, 2017 requesting public input on the application.

A Public Notice sign was also posted on the property on March 22, 2017.

To date, no correspondence from the public has been received.

The appeal to the LPAT was received by the City Clerks' office on March 20, 2020, 1,183 days after the receipt of the initial application.

**APPENDICES AND SCHEDULES ATTACHED**

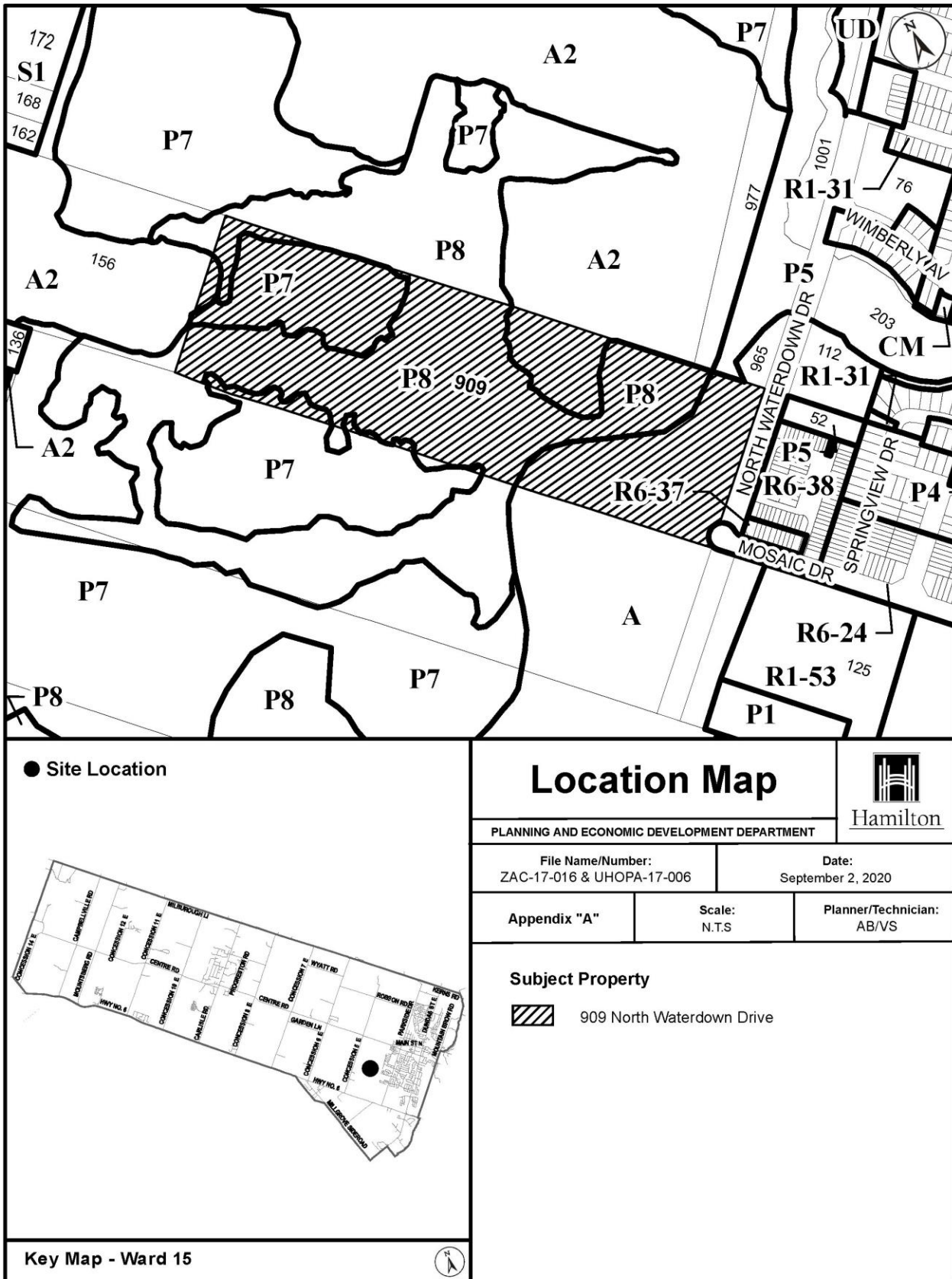
- Appendix "A" – Location Map
- Appendix "B" – Appeal Letter
- Appendix "C" – Original Development Concept
- Appendix "D" – Concept Plan, dated April 9, 2018
- Appendix "E" – Concept Plan, dated January 16, 2019
- Appendix "F" – Concept Plan, dated July 18, 2019
- Appendix "G" – Concept Plan, dated January 29, 2020

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RUSSELL D. CHEESEMAN

REAL ESTATE DEVELOPMENT MUNICIPAL LAW ENVIRONMENTAL LAW

<b>OFFICE OF THE CITY CLERK</b>	
MAR 20 2020	
REF'D TO	L. CHAMBERLAIN
REF'D TO	_____
REF'D TO	_____
ACTION	_____
_____	

March 20, 2020

**DELIVERED BY COURIER**

Ms. Andrea Holland  
City Clerk  
Corporation of the City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Ms. Holland:

**Re: Notice of Appeals Pursuant to Section 22(7) and 34(11) of the  
Planning Act, R.S.O. 1990, c. P. 13, as amended – Liv  
Developments Ltd. - 157 Parkside Drive (909 North Waterdown  
Drive), Waterdown, City of Hamilton  
City of Hamilton File Nos. UHOPA-17-006 & ZAC-17-016**

We are counsel for Liv Developments Ltd., the owners of the above referenced lands in the City of Hamilton.

Liv Developments Ltd., through its land use planning consultants, MHBC Planning and Urban Design, filed applications to amend both the Official Plan and the Comprehensive Zoning By-law of the City of Hamilton in respect of the above referenced property on December 23, 2016. The applications were deemed complete by the City of Hamilton on February 14, 2017.

To date the City of Hamilton has failed to adopt the Official Plan Amendment and neglected to make a decision on the Zoning By-law Amendment.

This letter will serve as our client's Notice of Appeal of Hamilton Council's failure to adopt the requested Official Plan Amendment Application pursuant to Section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. This letter will also serve as our client's Notice of Appeal of Hamilton Council's neglect to make a decision on the Zoning By-law pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Please find enclosed our firm's cheque in the amount of \$600.00, payable to the "Minister of Finance – Ontario", which we understand to be the required combined fee

Royal Building  
277 Lakeshore Road East, Suite 211  
Oakville ON L6J 1H9



Toronto Meeting Rooms  
Brookfield Place, 161 Bay Street, Suite 2700  
Toronto ON M5J 2S1

for these types of appeals. Please also find enclosed one set of completed Form "A1" of the Local Planning Appeal Tribunal, for inclusion with the documentation you will forward to the Local Planning Appeal Tribunal.

Our client is of the opinion that the applications as submitted are consistent with the Provincial Policy Statement 2014, issued under Section 3 of the *Planning Act*. We also are of the opinion that the applications are in conformity with the Growth Plan for the Greater Golden Horseshoe, which is the Provincial Plan in effect and applicable to these lands. We believe the applications that were submitted constitute good land use planning.

We trust that you will now prepare a record and forward the prescribed material to the Local Planning Appeal Tribunal within fifteen days of the receipt of this notice, in compliance with Sections 22(9) and 34(23) of the *Planning Act*.

Thank you for your cooperation in respect of this matter.

Yours very truly,



Russell D. Cheeseman

cc. Mr. Andrew Mulder (via e-mail)  
Mr. Sylvain Rivet (via e-mail)  
Mr. John Corbett (via e-mail)



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

**Appellant Form (A1)**

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

Date Stamp Appeal Received by Municipality/Approval Authority
---

**To file an appeal, select one or more below**

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

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

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

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

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

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

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

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

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

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

**Ontario Heritage Act Matters**

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

**Other Act Matters**

Subject of Appeal	Act/Legislation Name	Section Number

**2. Location Information**

Address and/or Legal Description of property subject to the appeal  
 Part Lot 10 Concession 4, Former Township of Flamborough, known municipally as 157 Parkside Drive (909 North Waterdown Drive

Municipality  
 City of Hamilton

Upper Tier (Example: county, district, region)

**3. Appellant/Objector Information**

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

Last Name Mulder	First Name Andrew
---------------------	----------------------

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)  
 Liv Developments Ltd.

Email Address  
 amulder@livhere.ca

Daytime Telephone Number 289-245-1300	ext. 518	Alternate Telephone Number 905-481-4728
--	----------	--

**Mailing Address**

Unit Number 301	Street Number 1005	Street Name Skyview Road	PO Box
City/Town Burlington	Province Ontario	Country Canada	Postal Code L7P 5B1

**4. Representative Information**

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

Last Name Cheeseman	First Name Russell
------------------------	-----------------------

Company Name

Professional Title  
Barrister and Solicitor

Email Address  
rdcheese@aol.com

Daytime Telephone Number 416-955-9529	ext.	Alternate Telephone Number 416-520-9854
--	------	--

**Mailing Address**

Unit Number 211	Street Number 277	Street Name Lakeshore Road East	PO Box
City/Town Oakville	Province Ontario	Country Canada	Postal Code L6J 1H9

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

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

**5. Appeal Reasons**

Municipal Reference Number(s)  
City of Hamilton File Nos. UHOPA-017-006 & ZAC-17-016

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

Please see accompanying letter, dated March 20, 2020

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

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

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

**And**

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

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

If you intend on arguing on one or more of the above throughout a proceeding, please explain:  
See accompanying letter, dated March 20, 2020

**Oral/written submissions to council**

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

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

**6. Related Matters**

Are there other appeals not yet filed with the Municipality?

- Yes
- No

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

- Yes
- No ▼

If yes, please provide LPAT Case Number(s) and/or Municipal File Number(s)  
There will be an appeal of the related Site Plan Application, once the right of appeal has vested.

**7. Mediation**

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

- I have read and understand the above statement.

**8. Witness Information**

Detail the nature and/or expertise of witnesses you will have available.  
Land Use Planning, Architectural & Urban Design, Environmental Impact Assessment, Acoustical Engineering, Civil Engineering, Traffic Engineering, Hydrogeological Engineering, Geotechnical Engineering, Forestry.

**For all other appeal types :**

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

**9. Required Fee**


Total Fee Submitted \$ 600

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

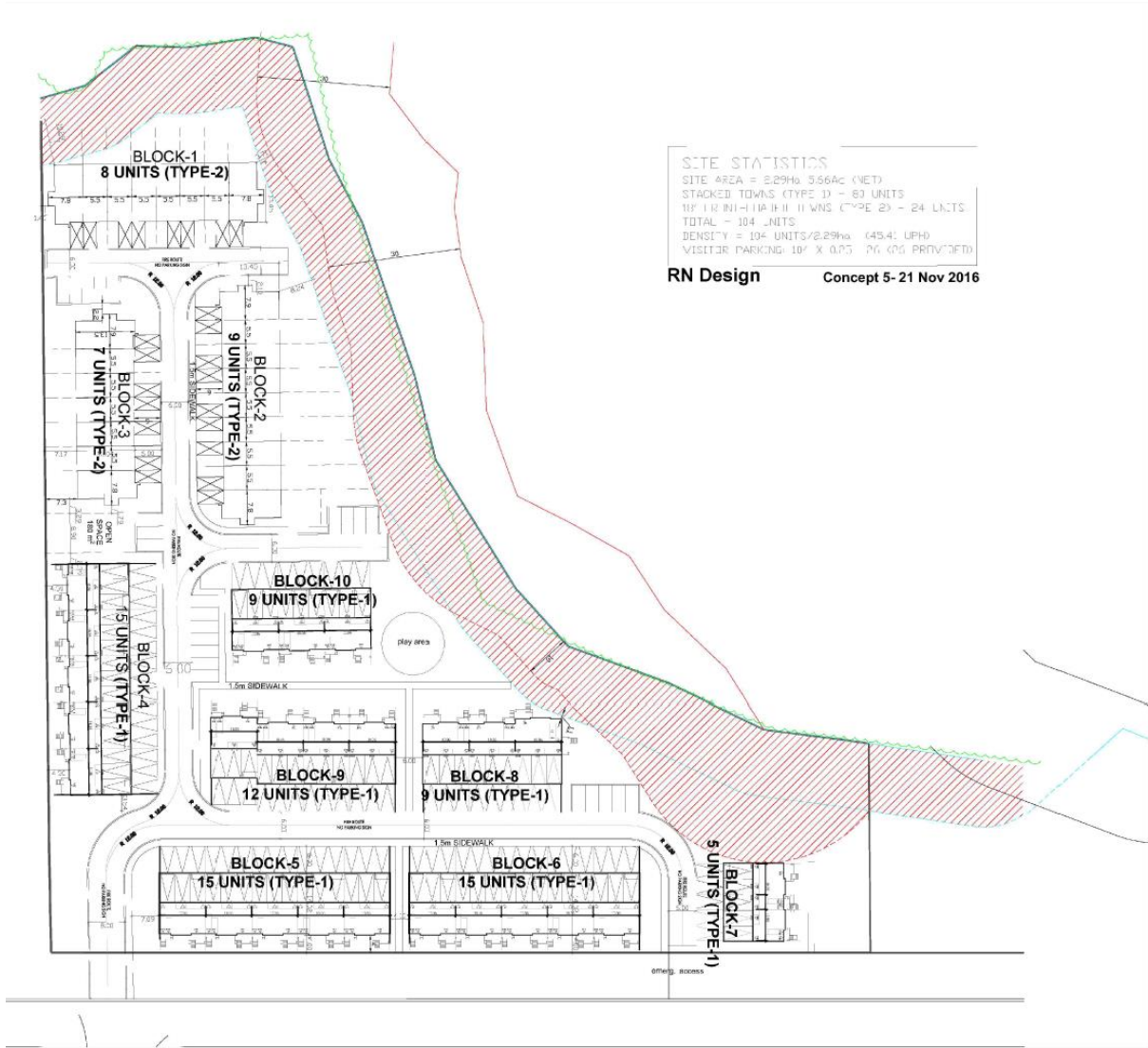


**10. Declaration**

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

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Russell D. Cheeseman		2020/03/20

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



LIMIT OF WETLANDS AS STAKED BY SAVANTA INC, OCT 10, 2013

Kaleidoscope Phase 3  
157 Parkside Drive  
Hamilton, Ontario

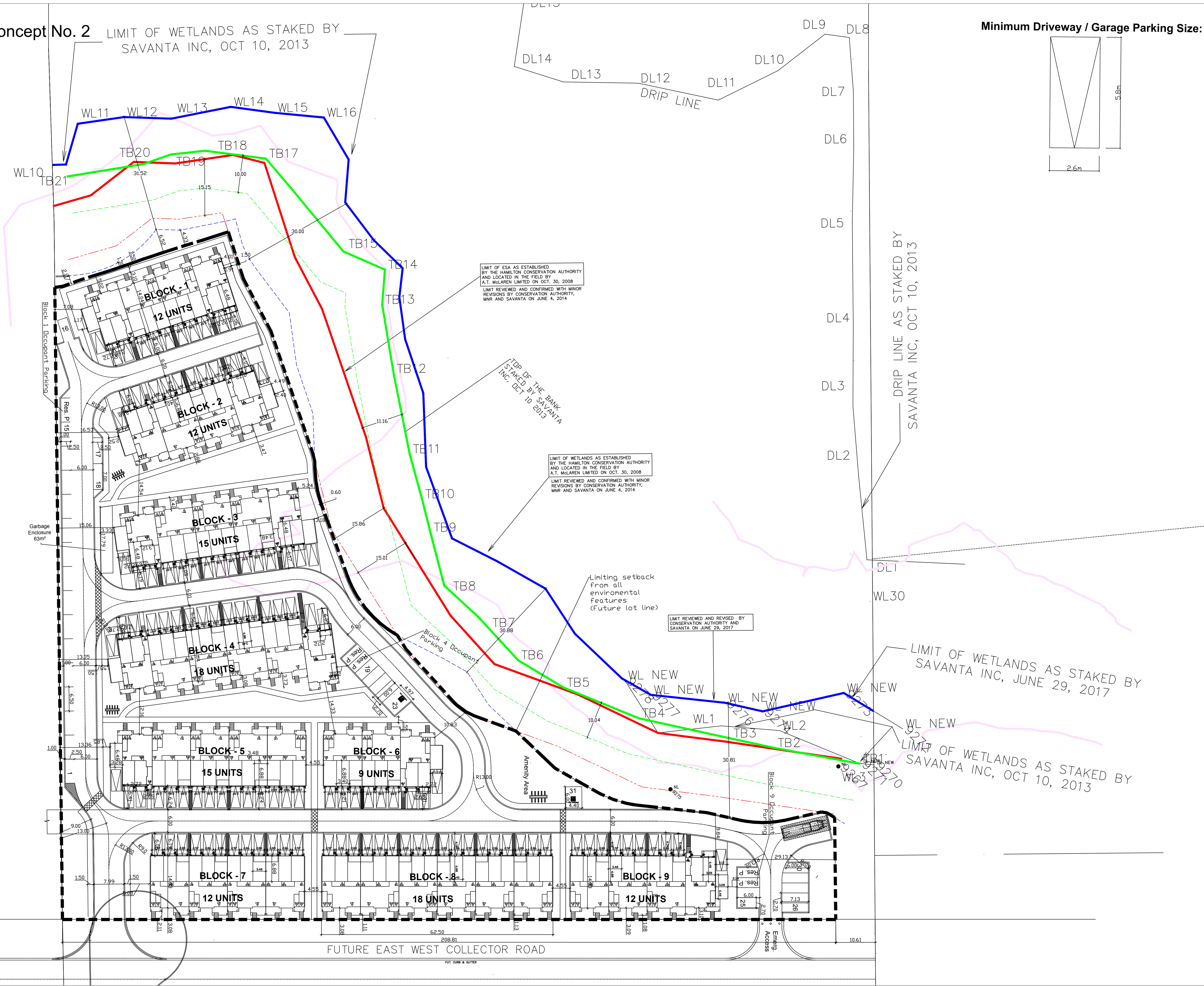
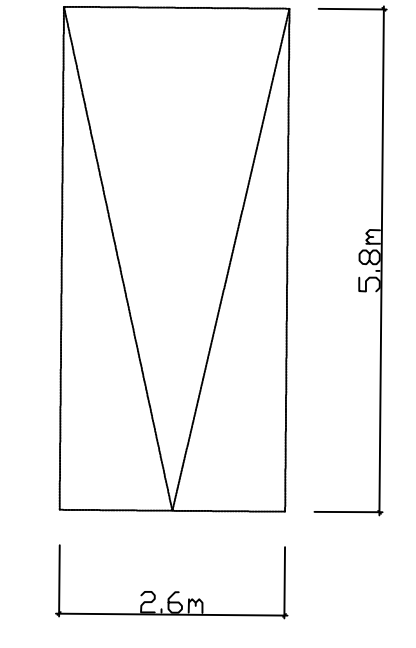
**LEGEND**

- Property Boundary
- Wetland
- Limit of ESA
- Top of Bank
- 15m Buffer to ESA
- 10m Buffer to Top of Bank
- 30m Buffer Wetland
- Bike Rack (10 spaces per rack)

**SITE STATISTICS**

SITE AREA = 1.85 Ha 4.57ac (NET)  
 STACKED TOWNS - 123 UNITS  
 DENSITY = 123 UNITS/1.85ha (66.5 UPH)  
 VISITOR PARKING REQUIRED: 123 X 0.25 = 31  
 RES. PARKING: 123 X 2 = 246 (includes 4 remote spaces)

Minimum Driveway / Garage Parking Size:



LIMIT OF ESA AS ESTABLISHED BY THE HAMILTON CONSERVATION AUTHORITY AND LOCATED IN THE FIELD BY A.T. MCLAREN LIMITED ON OCT. 30, 2008  
 LIMIT REVIEWED AND CONFIRMED WITH MINOR REVISIONS BY CONSERVATION AUTHORITY, MNR AND SAVANTA ON JUNE 4, 2014

LIMIT OF WETLANDS AS ESTABLISHED BY THE HAMILTON CONSERVATION AUTHORITY AND LOCATED IN THE FIELD BY A.T. MCLAREN LIMITED ON OCT. 30, 2008  
 LIMIT REVIEWED AND CONFIRMED WITH MINOR REVISIONS BY CONSERVATION AUTHORITY, MNR AND SAVANTA ON JUNE 4, 2014

LIMIT REVIEWED AND REVISED BY CONSERVATION AUTHORITY AND SAVANTA ON JUNE 29, 2017

DRIP LINE AS STAKED BY SAVANTA INC, OCT 10, 2013

LIMIT OF WETLANDS AS STAKED BY SAVANTA INC, JUNE 29, 2017

LIMIT OF WETLANDS AS STAKED BY SAVANTA INC, OCT 10, 2013

Data Source: Jan 10 2018 RN Concept Design

DATE: April 9, 2018

SCALE: 1 : 400

N:\15226\C\2018\March\17074-SP-100.dwg\_dwg

**MHBC** PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE  
 230-7050 WESTON ROAD WOODBRIDGE, ON, L4L 8G7  
 P: 905.761.5588 F: 905.761.5589 | WWW.MHBCPLAN.COM

# CONCEPT PLAN

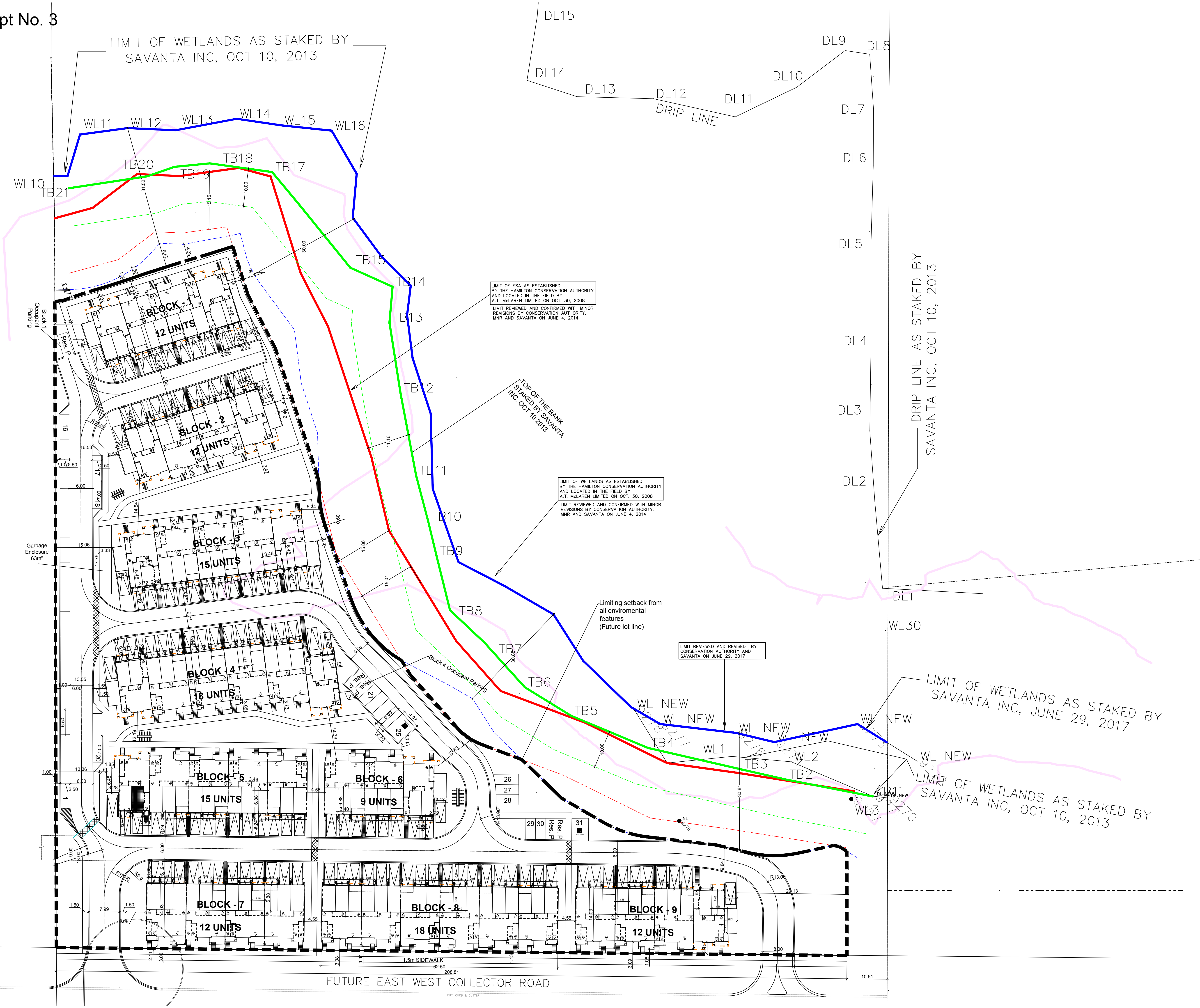
Kaleidoscope Phase 3  
157 Parkside Drive Hamilton,  
Ontario

## LEGEND

- Property Boundary
- Wetland
- Limit of ESA
- Top of Bank
- 15m Buffer to ESA
- 10m Buffer to Top of Bank
- 30m Buffer Wetland
- Bike Rack (10 spaces per rack)

## SITE STATISTICS

SITE AREA = 1.85 Ha 4.57Ac (NET)  
 STACKED TOWNS - 123 UNITS  
 DENSITY = 123 UNITS/1.85ha (66.5 UPH)  
 VISITOR PARKING REQUIRED: 123 X 0.25 = 31  
 RES. PARKING: 123 X 2 = 246 (includes 5 remote spaces)

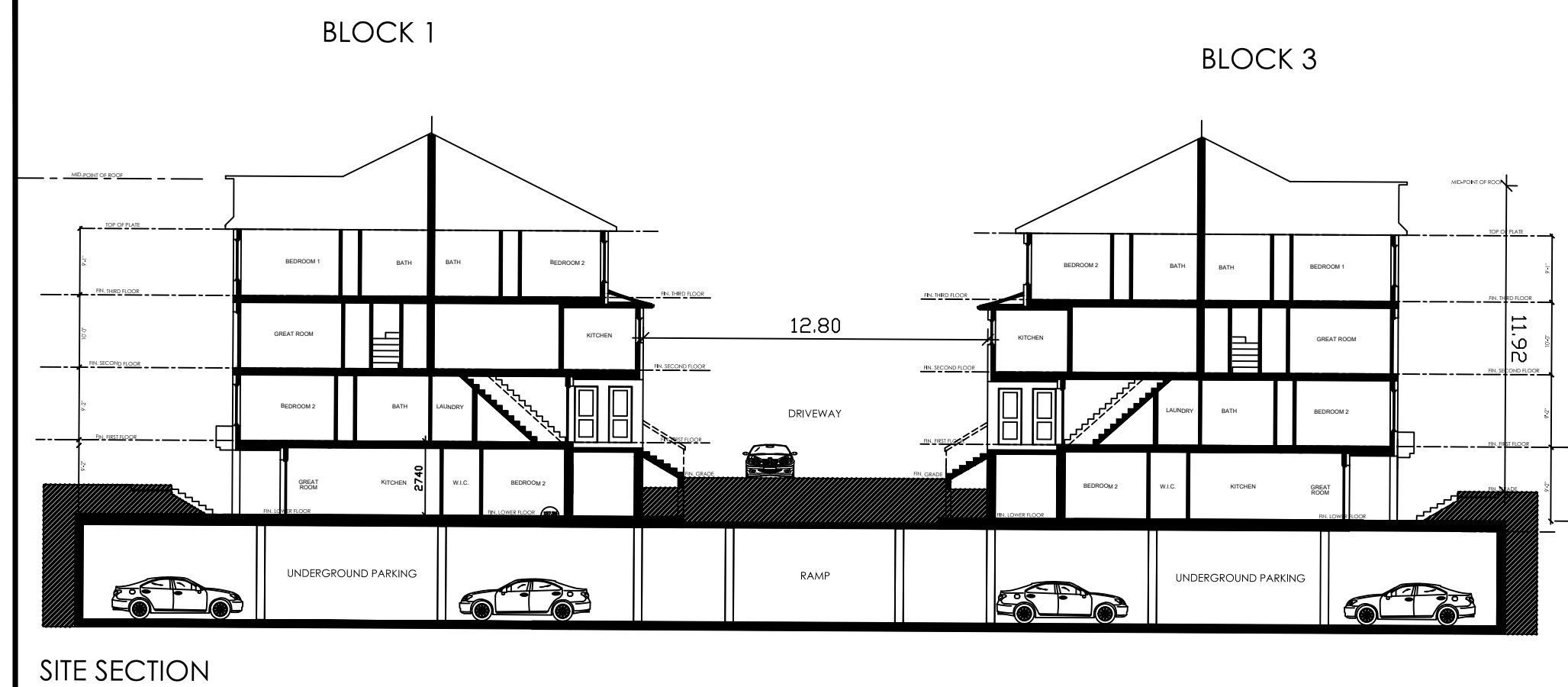
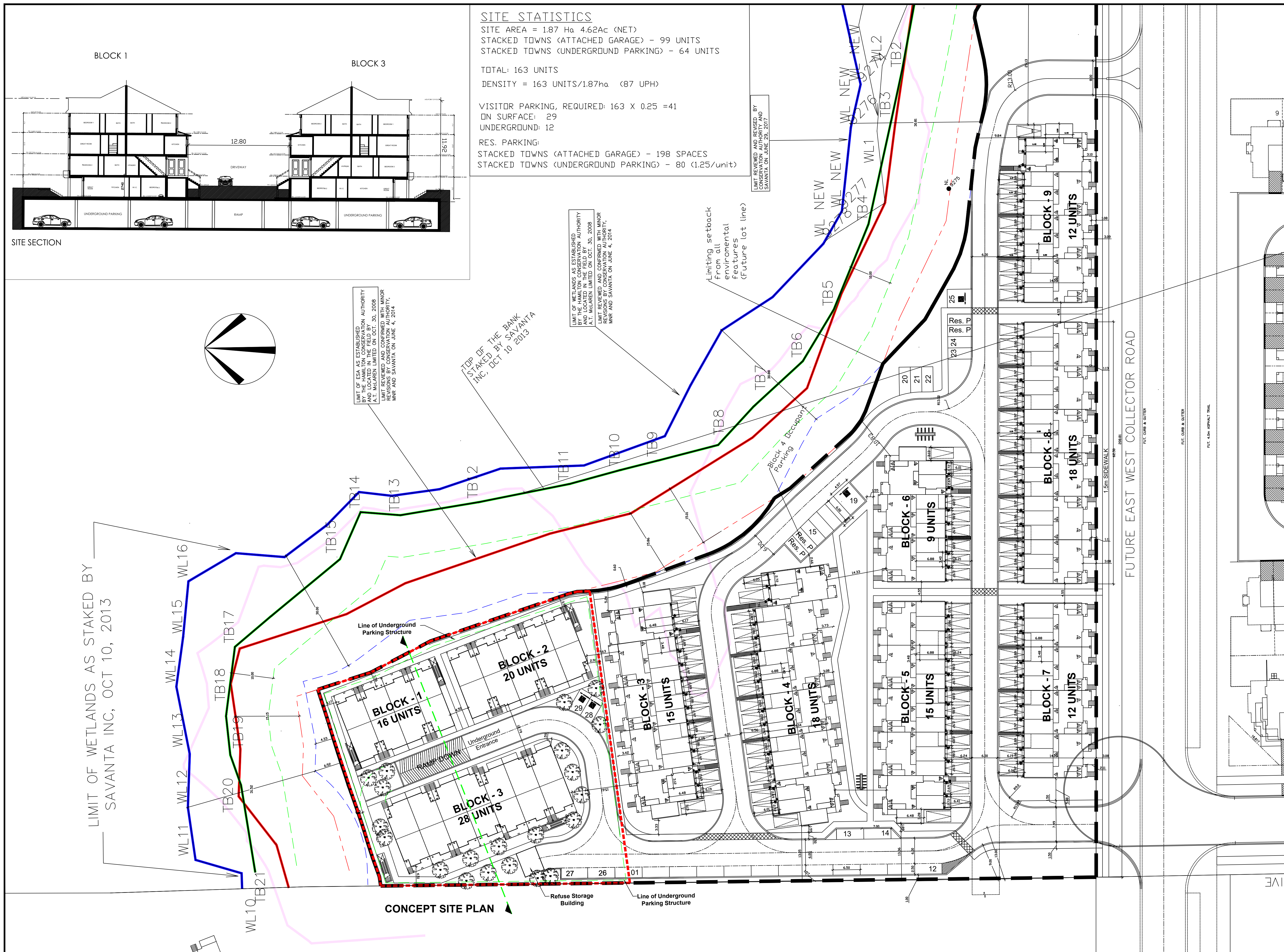


DATE: January 16, 2019

SCALE: 1:450

N:\15226\C\2018\March\17074-SP-100.dwg\_2019-1-15.dwg

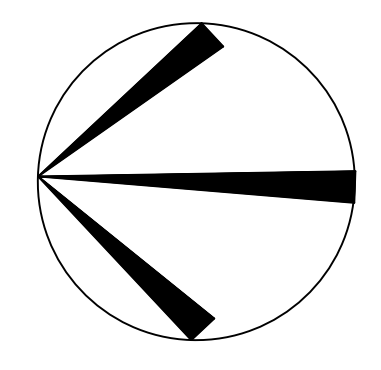
Data Source: 17074-SP-100



**SITE STATISTICS**  
 SITE AREA = 1.87 Ha 4.62Ac (NET)  
 STACKED TOWNS (ATTACHED GARAGE) - 99 UNITS  
 STACKED TOWNS (UNDERGROUND PARKING) - 64 UNITS  
 TOTAL: 163 UNITS  
 DENSITY = 163 UNITS/1.87ha (87 UPH)

VISITOR PARKING, REQUIRED: 163 X 0.25 = 41  
 ON SURFACE: 29  
 UNDERGROUND: 12

RES. PARKING:  
 STACKED TOWNS (ATTACHED GARAGE) - 198 SPACES  
 STACKED TOWNS (UNDERGROUND PARKING) - 80 (1.25/unit)



LIMIT OF WETLANDS AS ESTABLISHED BY THE HAMILTON CONSERVATION AUTHORITY AND LOCATED IN THE FIELD BY A.T. MCLAREN LIMITED ON OCT. 30, 2008. LIMIT REVIEWED AND CONFIRMED WITH MINOR REVISIONS BY CONSERVATION AUTHORITY, MNR AND SAVANTA ON JUNE 4, 2014.

TOP OF THE BANK STAKED BY SAVANTA INC., OCT. 10 2013

LIMIT OF WETLANDS AS ESTABLISHED BY THE HAMILTON CONSERVATION AUTHORITY AND LOCATED IN THE FIELD BY A.T. MCLAREN LIMITED ON OCT. 30, 2008. LIMIT REVIEWED AND CONFIRMED WITH MINOR REVISIONS BY CONSERVATION AUTHORITY, MNR AND SAVANTA ON JUNE 4, 2014.

Limiting setback from all environmental features (Future lot line)

LIMIT REVIEWED AND CONFIRMED BY SAVANTA ON JUNE 29, 2017

THESE DRAWINGS ARE NOT TO BE SCALED. ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES MUST BE REPORTED DIRECTLY TO SRH ARCHITECTS INC.

PROJECT CONSULTANTS:

ISSUED OR REVISION COMMENTS				
NO.	DESCRIPTION	DATE	DWN	CHK

**RN DESIGN LTD.**  
 8395 JANE STREET, SUITE 203  
 VAUGHAN, ONTARIO, L4K 5Y2  
 T: 905-738-3177 | F: 905-738-5449

CLIENT: **LIV COMMUNITIES**

PROJECT/LOCATION: **Kaleidoscope Phase 3**  
 157 Parkside Drive  
 Hamilton, ON.

DRAWING: **CONCEPT PLAN**

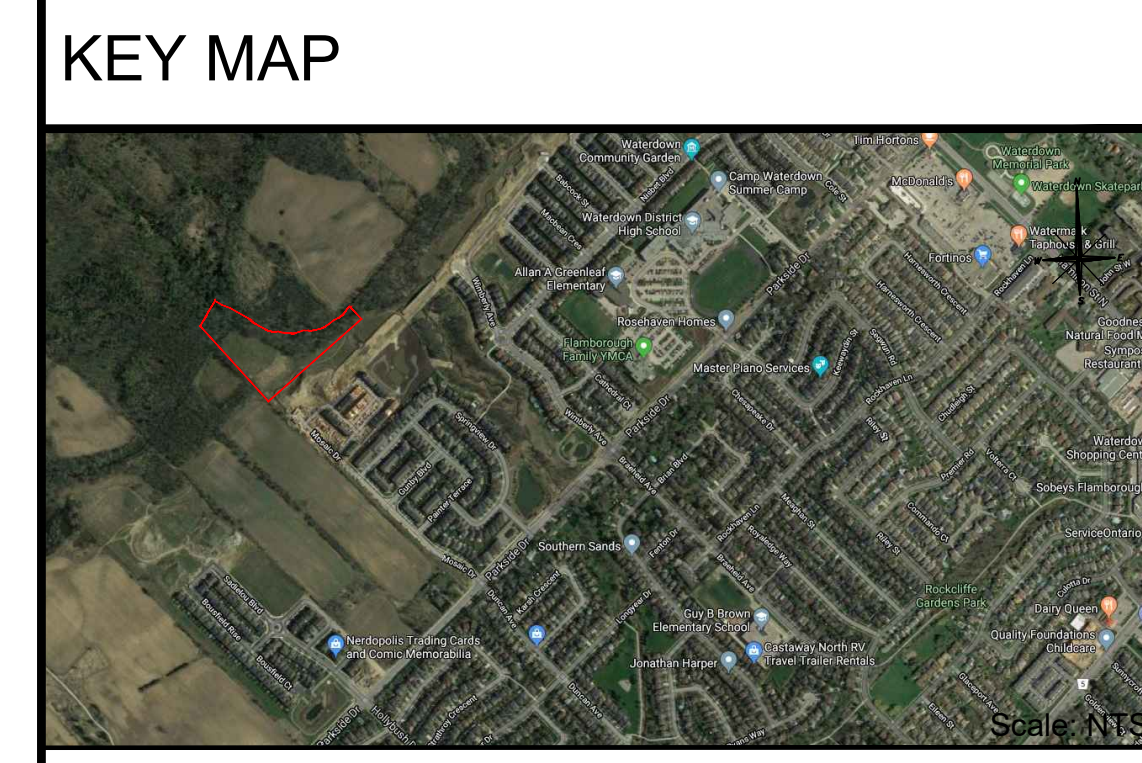
DATE: <b>JULY 18 2019</b>	SCALE: <b>1:450</b>
DRAWN BY: <b>MA</b>	CHECKED BY:
PROJECT NUMBER: <b>16072</b>	DRAWING NUMBER: <b>SP-100</b>



PARKING STATISTICS	
Townhouse/Apartment	1.5 parking spaces per dwelling unit and 0.25 parking spaces per dwelling unit for visitors.
Barrier free parking	As per Zoning Requirements 3 barrier free spaces are required for units 61-100 with 1 additional for every 30 units to a maximum of 12 barrier free spaces.
REQUIRED PARKING	
Phase 3 Parking (Townhouses)	147
Barrier Free Parking Spaces	5
Phase 4 Parking (Apartments)	196
Barrier Free Parking Spaces	7
<b>Total Required</b>	<b>343</b>
PROPOSED PARKING	
Phase 3 Parking (Townhouses)	193
Phase 4 Parking (Apartments)	196
<b>Total Proposed</b>	<b>389</b>

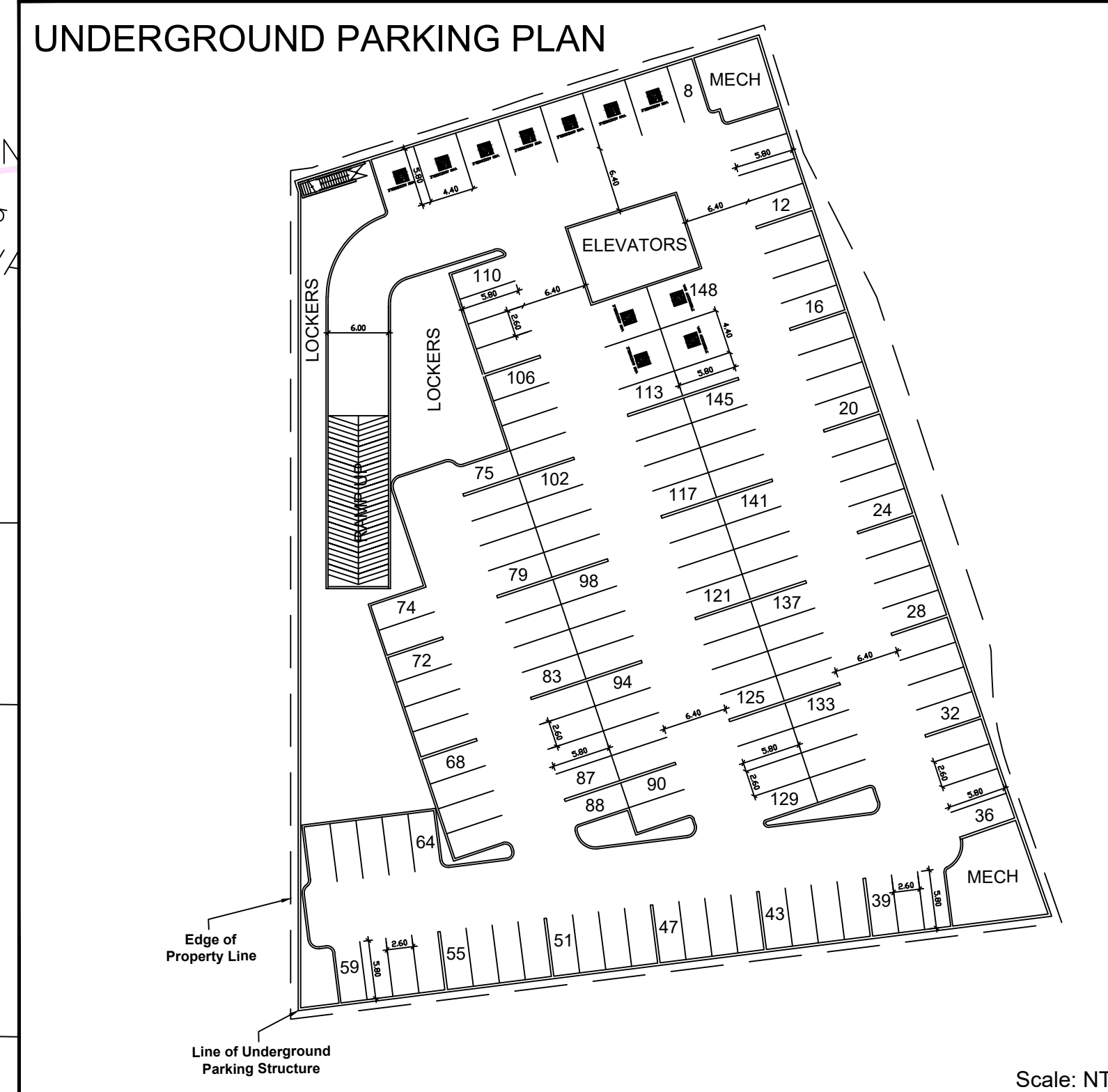
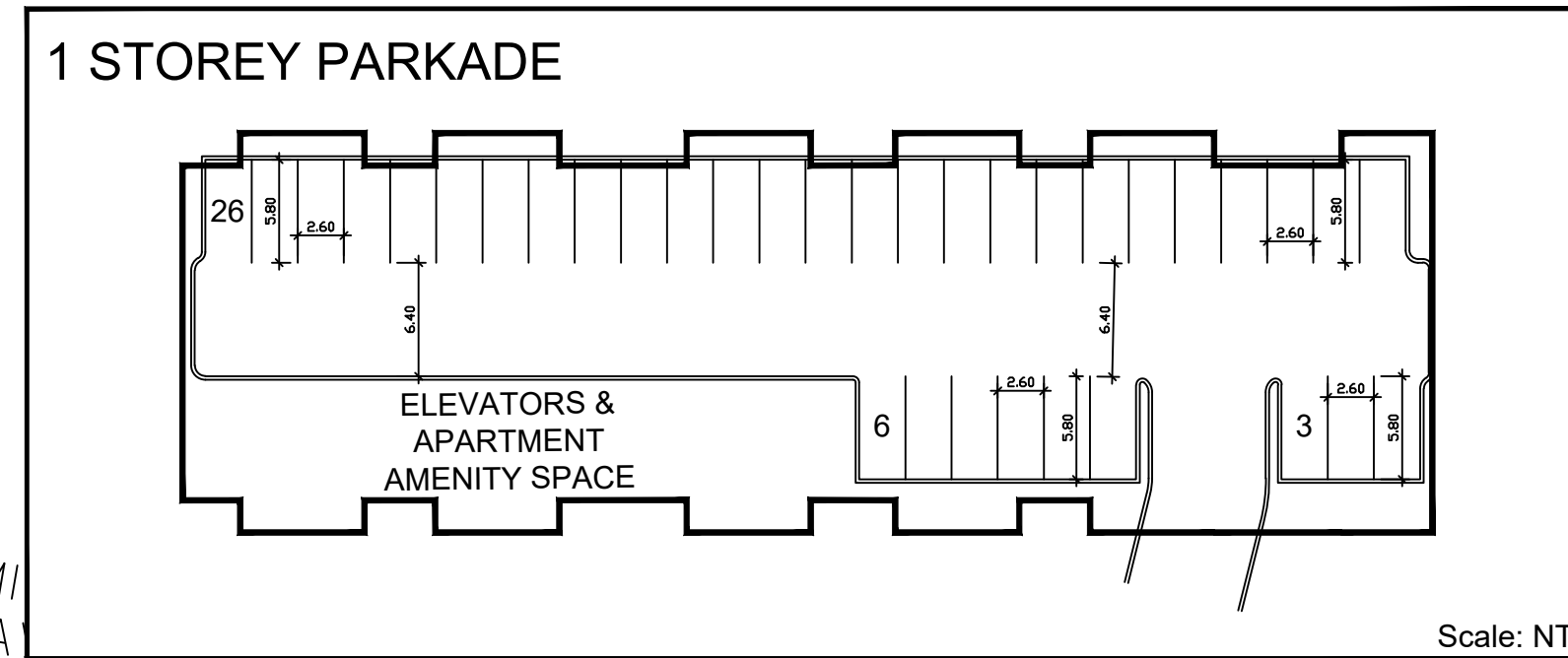
SITE STATISTICS	
Total Site Area	18,551.92m <sup>2</sup> (1.85 Ha/ 4.57 Ac)
Phase 3 Area	12,921.18m <sup>2</sup> (1.29 Ha/ 3.19 Ac)
Phase 4 Area	5,630.73m <sup>2</sup> (0.56 Ha/ 1.39 Ac)
Total Stacked Townhouses (Phase 3)	84
Total Apartment Units (Phase 4)	112
Total Units	196
Density	196 Units/1.85ha (105.9 UPH)
Phase 3 Density	84 Units/1.29ha (65.1 UPH)
Phase 4 Density	112 Units/0.56ha (200.0 UPH)
Apartment GFA	11,786.5m <sup>2</sup>
Parking Garage GFA	6,772.8m <sup>2</sup>
Building Coverage	6,079.35 m <sup>2</sup> (32.77%)
Total Pavement	5,940.93 m <sup>2</sup> (32.02%)
Total Landscape	6,531.64 m <sup>2</sup> (35.21%)

ZONING MATRIX (By-Law No. 90-145-Z)	
Existing Zoning: Agricultural (A) Zone	
Proposed Zoning: Medium Density Residential (R6)	
Street Townhouses:	
Lot Area (min)	210m <sup>2</sup>
Lot Frontage	6.5m
Building Height (max)	11.0m
Lot Coverage (max)	40%
Front Yard (min)	7.5m
Rear Yard (min)	7.5m
Interior Side Yard (min)	3.0m
Exterior Side Yard (min)	7.5m
Landscaped Open Space (min)	30%
Apartment Buildings:	
Lot Area (min)	2,000m <sup>2</sup>
Lot Frontage	30.0m
Building Height (max)	11.0m
Lot Coverage (max)	30%
Front Yard (min)	7.5m
Rear Yard (min)	7.5m
Interior Side Yard (min)	3.0m
Exterior Side Yard (min)	7.5m
Landscaped Open Space (min)	30%
Density (max)	49 units/ha
Parking Space:	2.6m x 5.8m
Barrier Free Parking:	4.4m x 5.8m
Building Height	12.0m



LEGEND	
-----	Property Boundary
—	Wetland
—	Limit of ESA
—	Top of Bank
—	15m Buffer to ESA
—	10m Buffer to Top of Bank
---	30m Buffer Wetland
	Bike Rack (10 spaces per rack)

**Notes:**  
This drawing is drawn in metric. 1 metre is equal to 3.28 feet. Multiply by 3.28 to convert to feet.  
1 level parking structure = 140 parking spaces



**CONCEPTUAL SITE PLAN**  
8 Storey Building with Parkade

Project:  
**KALEIDOSCOPE PHASE 3**  
157 Parkside Drive  
Hamilton, ON

Date:	Jan 29, 2020	Scale:	Scale 1:40
Drawn By:	HA	Checked By:	NW
Project Number:		Drawing Number:	SP - 3B



**CORBETT LAND STRATEGIES INC.**  
VISION • EXPERTISE

483 Dundas St W, Unit 212  
Oakville, Ontario L6M 1L9  
corbettlandstrategies.ca



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 20, 2020
<b>SUBJECT/REPORT NO:</b>	New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15)
<b>WARD(S) AFFECTED:</b>	Ward 1, 2, 12, 13 and 15
<b>PREPARED BY:</b>	Alvin Chan (905) 546-2424 x 2978
<b>SUBMITTED BY:</b>	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- (a) That Planning staff be directed to develop and implement a program to address Duplicate Street Names and Municipal Address Issues as outlined in Report PED20175; and,
- (b) That Report PED20175, be forwarded to Bell Canada for their information.

### EXECUTIVE SUMMARY

Considering new technologies, the Canadian Radio-Television and Tele-communication Commission (CRTC), has begun a transition to what is called the “New Generation 9-1-1 or NG 9-1-1”. On June 1, 2017, the CRTC directed all telephone companies to update their networks in order to be ready to provide next-generation (NG 9-1-1) voice and text messaging services in the near future.

The video link below from the CRTC provides an overview of the proposed NG 9-1-1 program:

<https://www.youtube.com/watch?v=7jrKpiSqENU>

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

**SUBJECT: New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15) - Page 2 of 6**

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In particular, under the Public Emergency Response Service (PERS) agreement between Bell Canada and the former Region, the City (as successor) has an obligation to provide Bell Canada with accurate addressing information if Bell is to provide the City with reliable response and effectiveness of the NG 9-1-1 system.

As part of the review by Bell Canada, they have identified a number of duplicate street names and municipal addressing issues that must be resolved, in order to facilitate the required network updates for the NG 9-1-1 program.

In accordance with recommendations (a) and (b) of Report PED20175, staff seek direction to undertake the required resolutions to satisfy and advise Bell Canada; and, by virtue the CRTC, that requirements for the provision of NG 9-1-1 services have been met.

Of note, there are associated private landowner costs that will be incurred as result of the recommended solutions. These costs and impacts are of a private nature and are not considered in Staff's analysis and recommendations. However, Council may choose to direct staff to cover any associated costs related to impacts as result of the required resolutions. A detailed review of these costs is provided in the "Analysis and Rationale for Recommendation" Section below.

Lastly, it should be noted that not resolving the identified issues would result in Bell Canada refusing to re-execute the PERS agreement with the City of Hamilton; and, would therefore leave the City without a Public Emergency Response Service which would impact all Emergency Services across the City.

**Alternatives for Consideration – See Page 6**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** Associated costs include staff time, mailing cost to notify residents, and related costs for the insertion of newspaper notices. With this in mind, the project will be completed within the existing divisional workplan and budget.

As noted, there are associated private landowner costs that will be incurred as result of the recommended solutions. These costs and impacts are of a private nature and are not considered in Staff's analysis and recommendations. However, Council may choose to direct staff to cover any associated costs related to impacts as result of the required resolutions.

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**SUBJECT: New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15) - Page 3 of 6**

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Staff will monitor this additional cost, which may trigger additional operating costs / budget impacts, that may not be able to be absorbed within the current operating budget.

**Staffing:** There are no associated staffing implications, as the project will be managed by the existing staff compliment.

**Legal:** Legal staff are available to provide support including the review and negotiation of required agreements and to draft applicable By-law(s).

## **HISTORICAL BACKGROUND**

On June 1, 2017, the CRTC directed all telephone companies to update their networks in order to be ready to provide next-generation (NG 9-1-1) voice and text messaging services in the near future.

The City of Hamilton's provider is Bell Canada. Under PERS agreement between Bell Canada and the former Region, the City (as successor) has an obligation to provide Bell Canada with accurate addressing information if Bell is to provide the City with reliable response and effectiveness of the NG 9-1-1 system.

As part of the review by Bell Canada, they have identified a number of duplicate street names and municipal addressing issues that require the City to address in order to facilitate the required network updates for NG 9-1-1 service.

In particular, three categories of issues were identified by Bell Canada:

- i) **Overlap:** Where several segments of the same street within the same (former) municipality have municipal address ranges that are overlapping;
- ii) **Duplicate:** Two different streets within the same (former) municipality sharing the same name, suffix, direction, and part of ranges; and,
- iii) **Mixed Parity:** A street segment with a mix of odd or even numbering on one or both sides of the address range.

A detailed review of the above issues is provided in the "Analysis and Rationale for Recommendation" Section below.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Policy B.3.5 of Volume 1 of the Urban and Rural Hamilton Official Plan identifies emergency medical services, fire services, and police services as a community facility/service.

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**SUBJECT: New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15) - Page 4 of 6**

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Accordingly, “The City recognizes that the planning and provision of community facilities / services requires partnership, consultation, coordination, and cooperation among all levels of government, public agencies, the non-profit service delivery and voluntary sector, and citizens. It is the role of the City to facilitate and support a process of integrated planning and cooperation.”

As such, per the existing agreement between Bell Canada and the former Region, the City (as successor) has an obligation to provide Bell Canada with accurate addressing information if Bell is to provide the City with reliable response and effectiveness of the NG 9-1-1 system.

It should be noted that the required upgrades to the Bell Network are a direct result of the CRTC and the NG 9-1-1 program. Not resolving the identified issues would result in Bell Canada refusing to re-execute the PERS agreement with the City of Hamilton; and, would therefore leave the City without a Public Emergency Response Service which would impact all Emergency Services across the City.

#### **RELEVANT CONSULTATION**

- Infrastructure & Operations, Corporate Services;
- Business Applications, Corporate Services;
- Geomatics and Corridor Management Section of the Public Works Department; and,
- Legal Services, Corporate Services Department.

#### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Bell Canada have identified three categories of issues related to Duplicate Street Names and Municipal Address Issues, that must be resolved in order for the execution of the PERS agreement with the City of Hamilton, and in preparation of the CRTC’s NG 9-1-1 system.

The first category deals with “Overlap”, whereby several segments of the same street within the same municipality have municipal address ranges that are overlapping.

In review, there is only one instance of this issue within the City of Hamilton, being:

- Woodworth Drive in Ancaster (Ward 12)

The second category deals with “Duplicates”, whereby two different streets within the same (former) municipality share the same name, suffix, direction, and part of ranges.

**SUBJECT: New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15) - Page 5 of 6**

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In review, there are four instances of this issue within the City of Hamilton, being:

- Bayview Avenue in Flamborough (Wards 13 and 15);
- Margaret Street in Flamborough (Wards 12 and 15);
- William Street in Flamborough (Wards 13 and 15); and,
- Union Street in Flamborough (Ward 12 and 15).

Lastly, the final category of “Mixed Parity”, whereby a street segment has odd or even address ranges on both sides.

In review, there are four instances of this issue within the City of Hamilton, being:

- Buchan Court in Flamborough (Ward 15);
- East Street South in Dundas (Ward 13);
- Valley Inn Rd in Hamilton (Ward 1); and,
- Ferguson Avenue North in Hamilton (Ward 2).

In addition, to avoid future issues staff will be running a query for quality control and assurance purposes, in order to determine if there are any additional “Mixed Parity” issues within the City of Hamilton. Any such issues will be reviewed and discussed with the Ward Councillor before action, should they appear.

In review of the above issues, it is noted that Street Name Change By-laws will be required to resolve the first two categories of issues, “Overlap” and “Duplicates”, which will impact individual land owners associated with these streets and/or addresses.

These costs and impacts are of a private nature and are not considered in staff’s analysis and recommendations. However, Council may choose to direct staff to cover any associated costs related to impacts as result of the required resolutions.

In particular, it is anticipated that at a minimum, dependent on how the building has identified their address, the Changes to Physical Address on the building(s) may incur a range of cost, where municipal numbers are to be changed. Changes to personal information with banks, etc... typically do not incur costs, or can await renewals for updating of information. Lastly, Canada Post has advised there will be no cost to those affected, given the nature of the changes.

Upon approval of direction to staff per Recommendation (b) of Report PED20175, each Ward Councillor will be informed when staff are prepared to start work on any street name issue in their respective Ward.

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**SUBJECT: New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15) - Page 6 of 6**

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Staff must calculate dedicated time, resources, and availability required to ensure public consultation and engagement, along with costs and deadlines associated with legislated notice requirements of the respective individual By-law(s).

A future report will be brought forward to Planning Committee with the respective By-law(s) to resolve these issues, along with notice provided in the Hamilton Spectator 20 days prior to the public meeting.

### **ALTERNATIVES FOR CONSIDERATION**

It should be noted that the required upgrades to the Bell Network are a direct result of the CRTC and the NG 9-1-1 program. Not resolving the identified issues would result in Bell Canada refusing to re-execute the PERS agreement with the City of Hamilton; and, would therefore leave the City without a Public Emergency Response Service which would impact all Emergency Services across the City.

Accordingly, dealing with the street name issues is seen as being in the long-term interest of public safety and is legislated through the CRTC's NG 9-1-1 program. In the future, valuable time may be lost and a real threat to public safety may be at risk if there is confusion in locating the caller's location.

Lastly, there are associated private landowner costs that will be incurred as result of the recommended solutions. These costs and impacts are of a private nature and are not considered in Staff's analysis and recommendations. However, Council may choose to direct staff to cover any associated costs related to impacts as result of the required resolutions.

### **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**

N/A

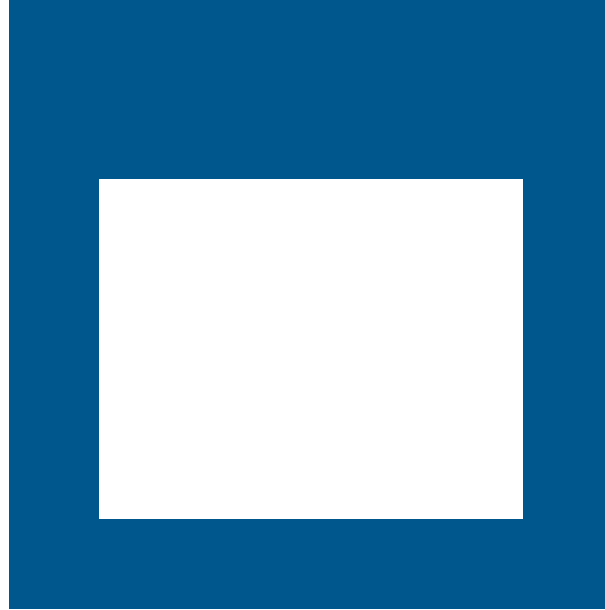
AC/as

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New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues  
Report PED20175

October 20, 2020

# New Generation 9-1-1 Requirements

- On June 1, 2017, the CRTC directed all telephone companies to update their networks in order to be ready to provide next-generation (NG 9-1-1) voice and text messaging services in the near future.
- The Public Emergency Response Service (PERS) agreement between Bell Canada and the former Region, the City (as successor) obligates us to provide Bell Canada with accurate addressing information.

## What does this mean for the City of Hamilton?

A review by Bell Canada identified a number of duplicate street names and municipal addressing issues that the City must resolve for NG 9-1-1 service.

Staff are to consult with the Ward Councillors before undertaking any resolutions. In particular, three categories of issues were identified:

1. Overlap;
2. Duplicate; and,
3. Mixed Parity.

## Issues identified by Bell Canada

“Overlap”, whereby several segments of the same street within the same municipality have municipal address ranges that are overlapping.

- Woodworth Drive in Ancaster (Ward 12).

Will require street name change for Resolution.

Use of East / West is recommended at Elgin Place.



“Duplicates”, whereby two different streets within the same (former) municipality share the same name, suffix, direction, and part of ranges.

- Bayview Avenue in Flamborough (Wards 13 and 15);
- Margaret Street in Flamborough (Wards 12 and 15);
- William Street in Flamborough (Wards 13 and 15); and,
- Union Street in Flamborough (Ward 12 and 15)

Will require street name change of one of the two duplicate streets for resolution.

## Issues identified by Bell Canada

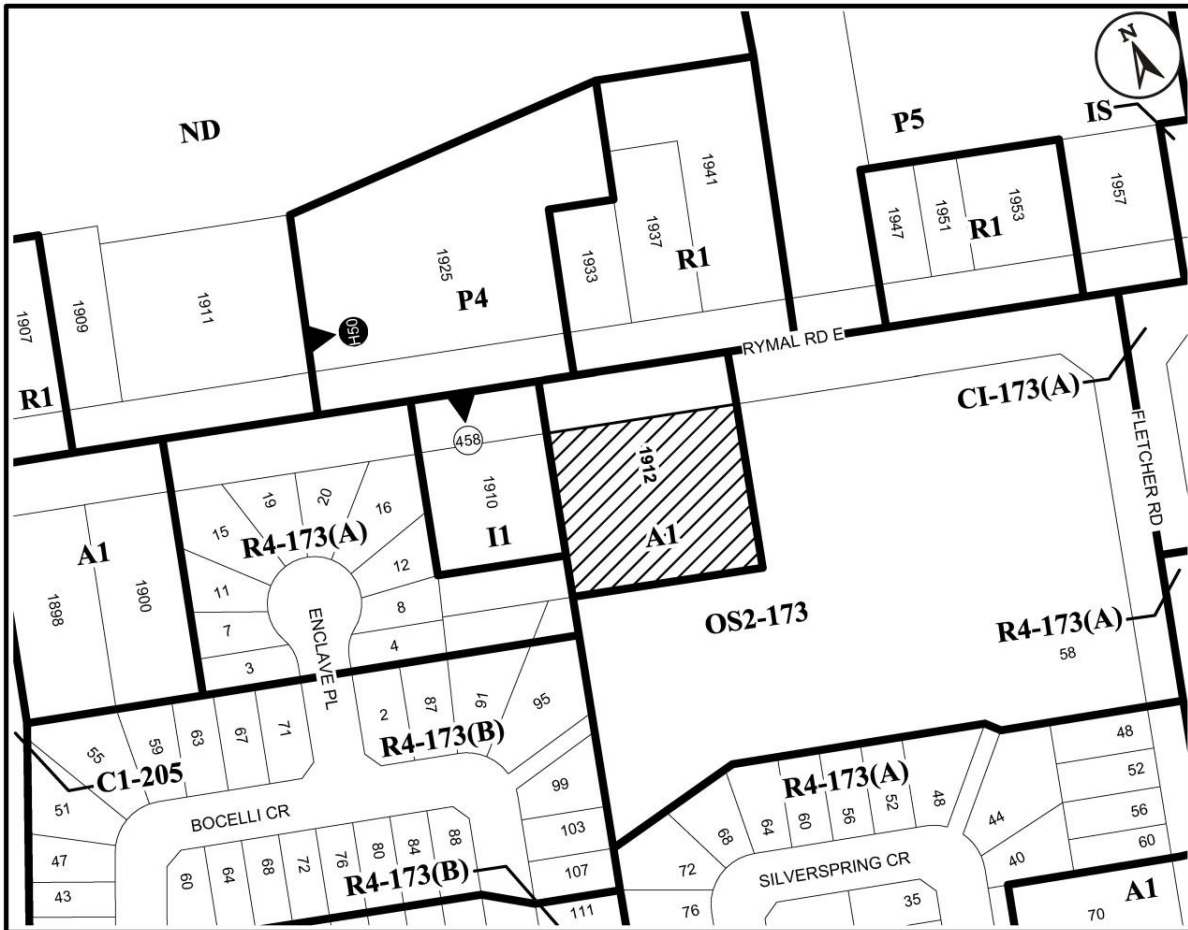
“Mixed Parity”, whereby a street segment has odd or even address ranges on both sides.

- Buchan Court in Flamborough (Ward 15);
- East Street South in Dundas (Ward 13);
- Valley Inn Rd in Hamilton (Ward 1); and,
- Ferguson Avenue North in Hamilton (Ward 2).

Will require municipal address change for two properties and IT solutions for resolution.



thank you!



● Site Location



Key Map - Ward 11

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-18-029 & UHOPA-18-011

Date:  
May 25, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
MS/AL

### Subject Property



1912 Rymal Road East

**Schedule "1"**

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

The following text, together with Appendix "A", Volume 2: Map B.5.2-1 – Land Use Plan, Rymal Road Secondary Plan attached hereto, constitutes Official Plan Amendment No. "X" to the Urban Hamilton Official Plan.

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

The purpose and effect of this Amendment is to redesignate the subject lands from "Low Density Residential 2h" to "Medium Density Residential 2c" in the Rymal Road Secondary Plan, to facilitate the development of a five storey, 92 unit multiple dwelling.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 1912 Rymal Road East, in the former Town of Glanbrook.

### **3.0 Basis:**

The basis for permitting this Amendment is:

- The proposal provides for a compact infill form of development along a Secondary Corridor.
- The proposal will provide for new housing form in an area primarily comprised of single detached dwellings.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

### **4.0 Actual Changes:**

#### **4.1 Volume 2 – Secondary Plans**

## Maps

### 4.1.1 Map

- a. That Volume 2: Map B.5.2-1 – Rymal Road Secondary Plan – Land Use Plan be amended by redesignating lands from "Low Density Residential 2h" to "Medium Density Residential 2c", as shown on Appendix "A", attached to this Amendment.

## 5.0 Implementation:

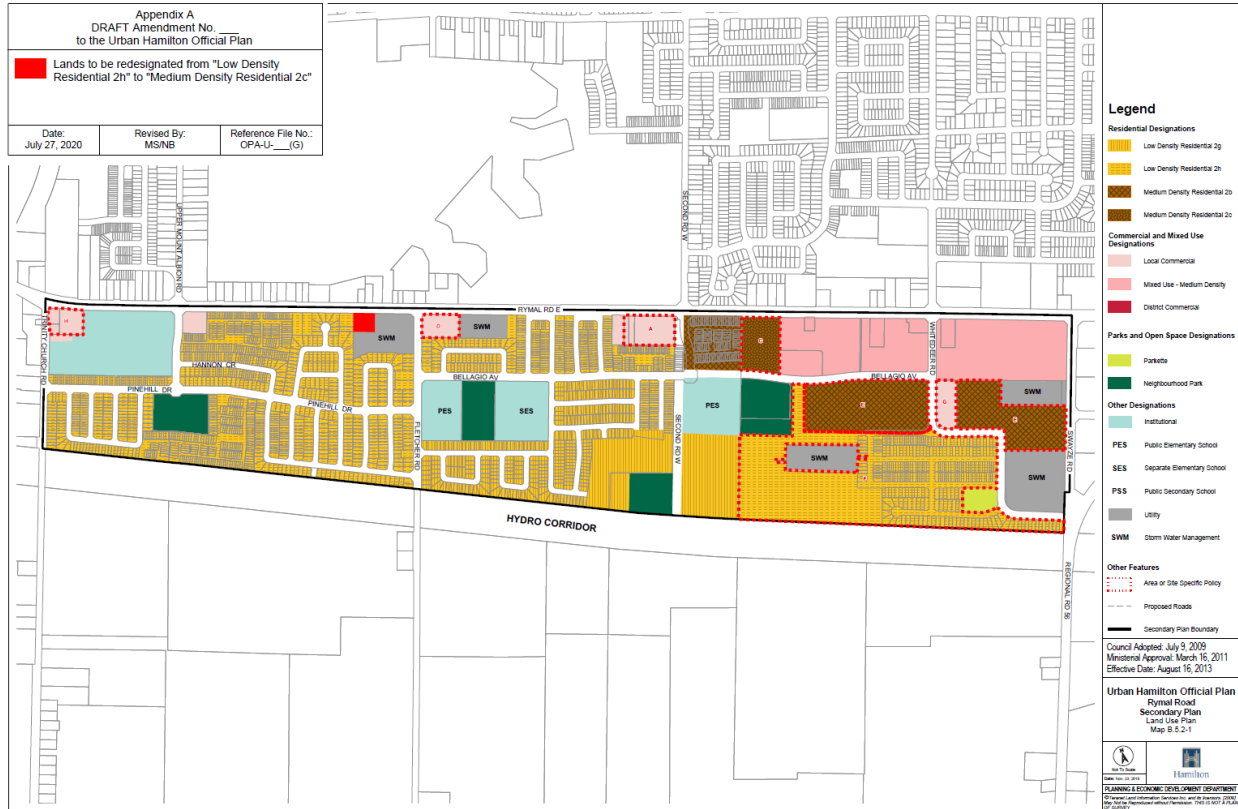
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

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

## The City of Hamilton

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

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



Appendix "C" to Report PED20164  
Page 1 of 4

**Authority:** Item \_\_\_\_\_, Planning Committee  
Report PED20164  
CM: October 20, 2020

**Bill No.**

**CITY OF HAMILTON**

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

**To Amending Zoning By-law No. 464 (Glanbrook)  
Respecting Lands Located at 1912 Rymal Road East (Glanbrook)**

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item \_\_\_ of Report 20-\_\_\_ of the Planning Committee at its meeting held on the 20<sup>th</sup> day of October 2020, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided; and,

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. \_\_\_\_\_.

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

1. That Schedule "J" – Rymal Road Planning Area, appended to and forming part of By-law No. 464 (Glanbrook), be amended by changing the zoning from Agricultural "A1" Zone to Residential Multiple "H-RM4-319" Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 44, "Exceptions to the Provisions of the By-law", as amended, of Zoning By-law No. 464, is hereby further amended by modifying **SECTION 20.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF**



**SUBSECTION 20.1 (APARTMENT BUILDING)**, provisions (b), (d), (e), (f), (g), (h), (i), (k):

**RM4-319**

20.2 (b) Minimum Lot Area:	0.38 hectares
(d) Maximum Lot Coverage:	48 percent
(e) Maximum Density:	242 dwelling units per hectare
(f) Front Yard:	3.0 metres
(g) Minimum Side and Rear Yards	
(i) 3.0 metre easterly side yard	
(ii) 13.0 metre westerly side yard	
(iii) 3.0 metre rear yard	
(h) Minimum Floor Area per Dwelling Unit	Shall not apply
(i) Maximum Building Height	18.0 metres
(k) Minimum Landscaped Area	27 percent of the lot area excluding the Amenity Area

Notwithstanding the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Sub-section 7.35 - MINIMUM PARKING REQUIREMENTS – Clause (b), the following provision shall apply:

(b) Off Street Parking Space Requirements

Parking Spaces shall be provided at a rate of 1 space per dwelling unit and 0.25 visitor parking spaces per dwelling unit.

3. That Section 44, "Exceptions to the Provisions of the By-law", as amended, of Zoning By-law No. 464, is hereby further amended by modifying the "RM4-319" Zone provisions as follows:

**H-RM4-319**

That the "H" symbol applicable to the lands zoned "H-RM4-319" may be removed by a further amendment to this By-law at such time that the applicant submits and implements a revised Traffic Impact Study to the satisfaction of the Manager of Transportation Planning.

Appendix "C" to Report PED20164

Page 3 of 4

4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple "RM4" Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**PASSED and ENACTED** this            day of            , 20            .

---

Fred Eisenberger  
Mayor

---

A. Holland  
City Clerk

ZAC-18-029  
UHOPA-18-11



<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the ..... day of ....., 2020</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p><b>Map forming Part of By-law No. 20-_____</b></p> <p><b>to Amend By-law No. 464</b></p>	<p><b>Subject Property</b></p> <p>1912 Rymal Road East</p> <p> Change in zoning from the Agriculture "A1" Zone to the Residential Multiple "H-RM4-319" Zone, Modified, Holding</p>
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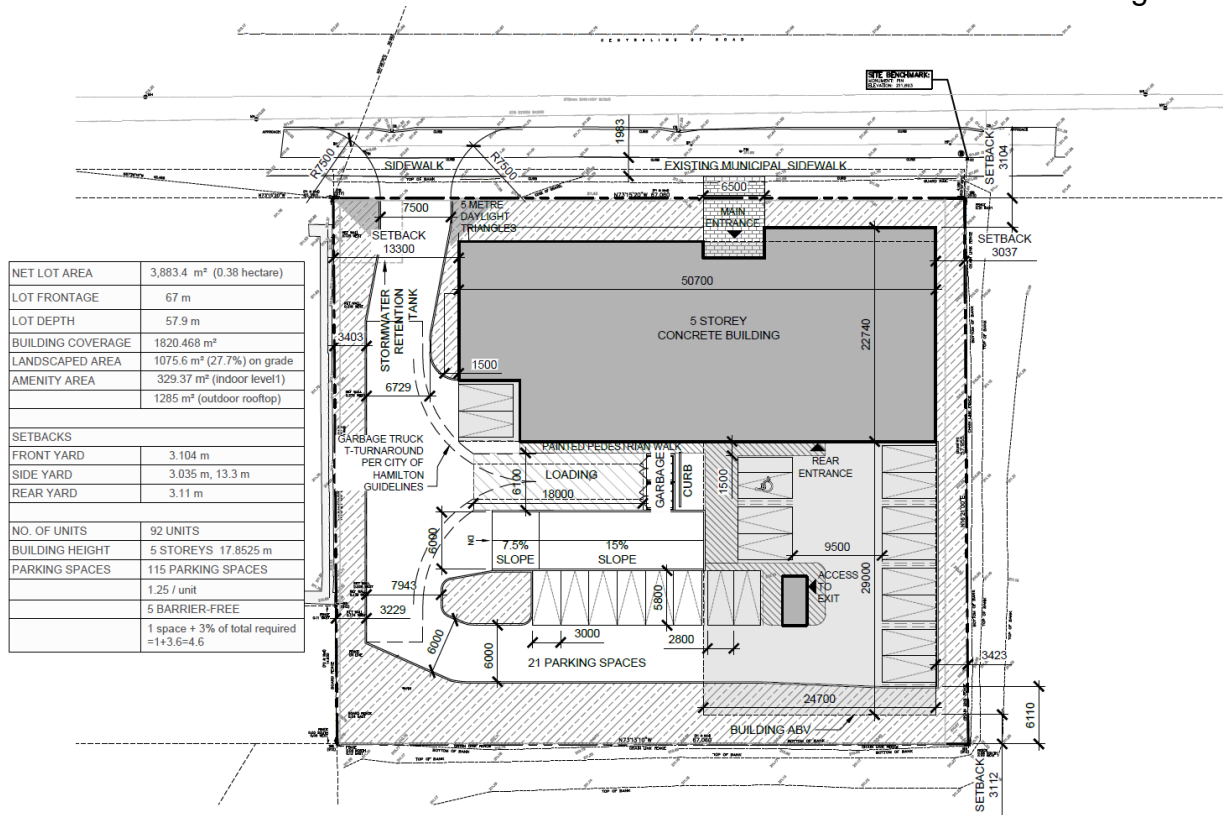
<p><b>Scale:</b> N.T.S</p>	<p><b>File Name/Number:</b> ZAC-18-029 &amp; UHOPA-18-011</p>	
<p><b>Date:</b> July 27, 2020</p>	<p><b>Planner/Technician:</b> MS/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

**Site Specific Modifications to the Residential Multiple “RM4” Zone**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Minimum Lot Area 20.2(b)	0.4 hectares	0.38 hectares	<p>The proposed modification reflects a minor reduction in lot area since these lands are remnant from surrounding development activity. The applicant has demonstrated through the Planning Justification Report and Urban Design Brief that the proposed lot area can continue to provide an adequate building envelope.</p> <p>The lot area complies with the City’s Corridor Planning Principles and Design Guidelines which require a minimum lot area of 0.102 ha for a midrise building. Based on the foregoing, the modification is reasonable and supported by staff.</p>
Maximum Lot Coverage 20.2(d)	25%	48%  The 25% lot coverage contemplates surface parking being provided.	<p>Stormwater management can be addressed by being located adjacent to an existing stormwater management pond. The modification also allows for larger massing of the building to provide more street presence along Rymal Road East while still balancing adequate landscaping. Based on the foregoing, the modification is reasonable and supported by staff.</p>
Maximum Density 20.2(e)	60 dwelling units per hectare	242 dwelling units per hectare	<p>The proposed modification seeks to provide additional units along the Rymal Road East Corridor in close proximity to transit, supporting commercial uses, and meets applicable policies which seek to locate higher densities in these areas. The applicant has demonstrated that the increased density can be accommodated by servicing infrastructure (including transportation) and that the proposal meets applicable residential intensification policies of the UHOP. Further, the Rymal Road Secondary Plan directs the maximum density to be identified in the Zoning By-law. The modification allows for a new housing form in an area primarily comprised of ground related housing and reflects more up to date standards. Based on the foregoing, the proposal is reasonable and supported by staff.</p>
Minimum Front Yard Setback 20.2(f)	9.0 metres	3.0 metres	<p>The proposed modification seeks to bring the proposed development closer to the street and to provide enhanced street presence along Rymal Road East. The applicant has demonstrated that the massing, though closer to the street, continues to meet applicable design guidelines with reference to built form and transition of massing from adjacent low density uses without overwhelming the streetscape. The modification is reasonable and supported by staff.</p>
Minimum Side Yard	9.0 metres to the east and 15.0	Easterly side yard of 3.0	<p>The proposed modifications seek to locate the building massing towards the adjacent stormwater management pond and away from the existing residential uses to the</p>

20.2(g)	metres abutting a low density residential zone	metres and westerly side yard of 13.0 metres	west. The modification also allows the building mass to maintain the 45 degree angular plane to adjacent low density residential uses which seek to provide a transition of scale and massing. Based on the foregoing, the modification is reasonable and supported by staff.
Minimum rear yard 20.2(g)	9.0 metres	3.0 metres	The proposed modification acknowledges that the rear yard is adjacent to a stormwater management pond and allows for further transition to the low density residential neighbourhood to the south of the subject lands even with the proposed reduction. The rear yard will also ensure there is adequate space for landscaping and visual barriers. Based on the foregoing, the modification is reasonable and supported by staff.
Minimum Floor Area per Dwelling Unit 20.2(h)	(i) Bachelor Unit, 45 square metres (ii) One Bedroom Unit, 60 square metres (iii) Two Bedroom Unit, 75 square metres (iv) Three Bedroom Unit, 85 square metres	Shall not apply	The proposed modification provides for a more flexible floor layout and arrangement of unit types within the proposed building. In addition, the proposal is consistent with the lands on the north side of Rymal Road East which are subject to the Mixed Use Medium Density (C5, 589) Zone in Zoning By-law No. 05-200, which permits multiple dwellings with no minimum unit size. The Ontario Building Code regulates minimum unit size, based on the foregoing, the modification is reasonable and supported by staff.
Maximum Height 20.2(i)	10.7 metres	18.0 metres	The proposed modification seeks to permit a maximum height of five storeys whereas the By-law currently permits approximately three storeys. The modification will allow for a built form that aligns with the policy direction of the "Medium Density Residential 2c" designation of the Rymal Road Secondary Plan which permits a maximum height of nine storeys. The modification has been supported by an accompanying shadow impact analysis to ensure the proposed height will not have a negative impact on surrounding land uses. Based on the foregoing, the modification is reasonable and supported by staff.

Minimum Landscaped Area 20.2(k)	40% of the lot excluding the amenity area	27% excluding rooftop amenity area	The proposed modification acknowledges the reduction in lot coverage while balancing required landscaping and buffering for adjacent land uses. The proposal is consistent with more modern design standards for development and will continue to allow adequate landscaping and soft scaping on site. Based on the foregoing, the modification is reasonable and supported by staff.
Minimum Residential Parking 7.35(b)	2 parking spaces per unit	1 parking space per unit	The proposed modification seeks to provide 94 residential parking spaces in support of the development whereas a minimum 184 spaces are required for residents. The modification has been supported by a parking study which confirms that the proposed parking ratio is consistent with current vehicle ownership trends. The site is supported by existing transit infrastructure along the S line of the BLAST network, which is targeted for future enhancements and will ensure that alternative transportation methods will be provided. The modification also ensures that each unit will have access to a parking space to accommodate parking needs. Based on the foregoing, the modification is reasonable and supported by staff.
Minimum Visitor Parking Spaces 7.35(b)	0.5 spaces per unit	0.25 spaces per unit	The proposed modification seeks to provide a visitor parking ratio consistent with more modern parking standards. As visitor parking will continue to be provided in support of this development, the modification is reasonable and supported by staff.



NET LOT AREA	3,883.4 m <sup>2</sup> (0.38 hectare)
LOT FRONTAGE	67 m
LOT DEPTH	57.9 m
BUILDING COVERAGE	1820.468 m <sup>2</sup>
LANDSCAPED AREA	1075.6 m <sup>2</sup> (27.7% on grade)
AMENITY AREA	329.37 m <sup>2</sup> (indoor level)
	1285 m <sup>2</sup> (outdoor rooftop)
<b>SETBACKS</b>	
FRONT YARD	3.104 m
SIDE YARD	3.035 m, 13.3 m
REAR YARD	3.11 m
<b>NO. OF UNITS</b>	
NO. OF UNITS	92 UNITS
BUILDING HEIGHT	5 STOREYS 17.8525 m
PARKING SPACES	115 PARKING SPACES
	1.25 / unit
	5 BARRIER-FREE
	1 space + 3% of total required = 1+3.6=4.6



**ROYAL LIVING DEVELOPMENT GROUP  
1912 RYMAL RD EAST RESIDENCES**

**SITE PLAN**

Project No.  
11724

Scale: 1:500  
Date: 2020-03-18



**Schneider, Melanie**

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**From:**  
**Sent:** July 11, 2018 10:14 PM  
**To:** Schneider, Melanie  
**Cc:** Johnson, Brenda; donna.skelly@pc.ola.org  
**Subject:** ZAC-18-029 and UHOPA-18-11

Hi Melanie

We received the Notice for the zoning by-law amendments, after reading through it we would like to formally object to having the zoning amended allowing for the construction of a five storey building. Our backyard backs on to the pond at Rymal and Fletcher's and we feel that this is an invasion of our privacy to have a five storey building full of tenants that will have a clear line of vision into our yard. We pay a lot of property taxes to have full enjoyment and privacy of our yard.

There is also the consideration of traffic, (115 parking spaces) as mentioned in the notice and the strain that this will put on already overcrowded Rymal. It narrows into a two lane road not far from this property. At certain times of the day traffic slows to a crawl and allowing this many additional cars will only further slow the movement of traffic on Rymal.

We ask that you give serious consideration to these issues going forward.

Thank you,



July 16, 2018.

Dear Melanie Schneider,

I am writing this letter in response to the request for public input regarding the application by Wellings Planning Consultants for quote number ZAC-18-029 and UHOPA-18-11.

I would like to begin by stating that I am a long time resident of Ward 11 having lived here for over 20 years. During this time, I have seen the area grow from a small bedroom community, once nicknamed "Satellite City", which boasted very few services, to the megalopolis that it has now become. I have seen many changes to the area, most of which in my opinion were good for the community. As per the proposed building of the five story apartment complex however, I vehemently oppose it as it will not benefit the residents of Ward 11 and Summit Park for the following reasons.

- 1. Traffic Problems.** Currently, Rymal road cannot support the population growth that has developed over the past several years. Not to mention that it is also very difficult to move in a North South direction from Rymal road to the adjoining communities, North of Rymal Road. During my 12 years of living in Summit Park, well over a thousand homes have been built adding significant population to this area. Not to mention Binbrook which is fast becoming a major community of its own. This growth, will not slow down as much of the land south of Rymal is currently or will be in the near future prepared for more family dwellings. Furthermore, with the addition of Bishop Ryan, as well as Our Lady of the Assumption Schools, this has further increased traffic in the area at peak times of the day. Finally, the many new services that have been added, like the plazas, daycares and food stores have also contributed to an increase in traffic. To add an apartment complex that will house over a hundred families in the location proposed would greatly add to the traffic issues that are currently occurring with no solution in sight. Not to mention, the proposed sight is within a 100 meters from a major intersection in Summit Park. When urban/rural planning, should not the transportation routes be the first item of consideration? I fail to see how this has been considered in this situation.
- 2. Character Change of Neighborhood.** Summit Park as well as most of the neighborhoods in Ward 11 have a distinct look and character about them. These neighborhoods are made up of single family homes, duplexes and town homes. Not in any area of Ward 11 will you find an apartment complex. This type of dwelling is not suited for this area. Why are we trying to force a square peg into a round hole? A building complex of this sort does not belong here.
- 3. Property Values.** Last year, I paid over 8000 dollars in property taxes. Part of this high fee is due to the fact that I had to pay a large premium for the lot where I built my home thus raising the overall price of my home. How can this be fair that I have paid high taxes to live on my property for 12 years, only to have the city devalue my property by permitting the construction of a structure that will be unsightly and not fit in to the look of the area? I would expect the city to lower my taxes significantly, if this project moves forward.
- 4. Privacy Invasion.** How can the city actually support a building, knowing full well that the structure will allow countless people the opportunity to look directly into my back yard and through the many windows on the back of my home thus invading my privacy? What ever

Appendix "F" to Report PED20164  
Page 3 of 4

happened to respecting someone's privacy? Not to mention the fact that I paid a great deal of money for the premium on this lot to enjoy the current view that it has. I did not move here so that I can look at some unsightly concrete building in my back yard while hundreds of eyes stare back at me.

5. **Shade my Backyard.** Five stories of building will block my exposure to the sun. I am currently looking into adding solar energy to my home so I can lesson my carbon footprint on this world. With the construction of a five story building, this will seriously compromise my exposure to the valuable sun rays and thus squash my plans to be more ecologically friendly. Why should I not be allowed the same opportunity to harness the natural resources of the Sun as my neighbors?

In summation, I hope that you please consider the increased traffic problems, the change in the character of the neighborhood, the devaluing of property values, the loss of privacy and the impact of the environment that this project will impact when you are debating the merits of continuing with the proposed changes to the zoning of lands located at 1912 Rymal Road East.

Please respond to my email so that I know you have received it. I look forward to hearing from you to further discuss my opposition to this proposed project.

Sincerely,

**Schneider, Melanie**

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**From:**  
**Sent:** July 23, 2018 11:19 AM  
**To:** Schneider, Melanie  
**Subject:** FW: Emailing: 20180627141734  
**Attachments:** 20180627141734.pdf

Hi Melanie,

I wanted check on the status of this development (Files ZAC-18-029). Attached is the letter I received. I live fairly close to the location. I didn't have a chance to send in my comments. Was there a great deal of feedback from residents? I will be able to see this from my backyard.

I know it is currently zoned for 3 stories; however, I am opposed to the two additional stories. When is it scheduled to go to the Planning Committee?

Thanks

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

**From:**  
**Sent:** Wednesday, July 18, 2018 3:07 AM  
**To:**  
**Subject:** FW: Emailing: 20180627141734



Appendix "G" to Report PED20164  
Page 2 of 5

Brad Clark Notes from Public Meeting Held March 28 @ 7-8:30pm  
Rymal Road Community Church, 1967 Rymal Road East

Re: 1912 Rymal Road East

Issues and questions raised by residents to be addressed by proponent and staff

- 1) Residents concerned about loss of view from their homes and back yards  
**Action Item:** Proponent committed to doing a presentation that would show actual viewpoints (google earth)
- 2) Loss of Privacy, concern about new residents seeing into the existing backyards  
**Action item:** (same as 1)
- 3) Loss of trees, some mature trees will be removed  
**Action Item:** Proponent to look at landscaping and addition of some more mature trees to add to noise and visual barriers, possible trees could be planted in buffer zone even before construction
- 4) Loss of sunshine  
**\*No Action required:** Consultants demonstrated that the loss of sun is very limited visual aids were uses
- 5) Concerns about noise from Rymal  
**Action Item:** Noise study and additional trees in buffer zone will help mitigate
- 6) Congestion from second to fletcher  
**\*No Action required:** Widening of Rymal is the city's responsibility and is urgently needed
- 7) Cumulative traffic impacts from the new developments and future ones  
**\*No Action required:** Proponent completed a traffic study that included some adjacent developments. City will look at a comprehensive traffic study separate from this application

- No action required refers only to developer

**Schneider, Melanie**

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**From:** Glenn Wellings <glenn@wellingsplanning.ca>  
**Sent:** February 7, 2020 3:35 PM  
**To:** elena\_leskova@mail.ru; lauratoll@yahoo.ca; jivkovic@cogeco.ca; loris@sbww.com; jxamin@cogeco.ca  
**Cc:** Clark, Brad; Ribaric, Robert; Rybensky, Yvette; Schneider, Melanie; Fabac, Anita; 'Alex Arbab'; 'David Premi'; Petra Matar; mario (mario@adessodesigninc.ca); Robichaud, Steve  
**Subject:** Follow-up - 1912 Rymal Road East  
**Attachments:** 1912 Rymal - VIA (Final).pdf  
**Importance:** High

Good afternoon Residents. I am Planning Consultant for Royal Living Development Group for their property located at 1912 Rymal Road East. You attended a Public Information Meeting back on March 28, 2019 at the Rymal Road Community Church to discuss the proposed redevelopment of the property. As a follow-up to that meeting, we have worked closely with City Planning staff on various mitigation measures to address concerns regarding compatibility. Based on the results of the attached Visual Impact Assessment prepared by the Project Architects (dpai), we are not recommending significant changes to the 5 storey built form. However, various design and landscape improvements have been recommended. These recommendations are summarized as follows:

- West facing balconies (oriented toward the existing residences) have been removed;
- Recessing of the roof-top terrace is provided to avoid overlook condition;
- Provision of a 1.8 metre high wood privacy fencing is included around the perimeter of the property with a 3.2 metre landscape strip with enhanced plant material along the west property line.
- Enhanced landscaping at the southwest corner of the property and along the south property line; and,
- Relocation of the molok garbage system on the west property line in favour of garbage collection system attached to the building (i.e. in combination with loading area). This frees up more room for landscaping along the west property line and moves the garbage containment further from the residential homes.

If you have any additional comments or wish to discuss further, **please let me know by the end of day on February 12<sup>th</sup>**. I can be contacted at (905) 681-1769, ext. 1. If you feel that a further meeting would be beneficial, I would be pleased to meet.

Glenn

Glenn J. Wellings, MCIP, RPP  
Wellings Planning Consultants Inc.  
513 Locust, Unit B  
Burlington, ON L7S 1V3

p. 905.681.1769, ext. 1  
c. 416.988.0310  
w. [www.wellingsplanning.ca](http://www.wellingsplanning.ca)

**Schneider, Melanie**

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**From:** Glenn Wellings <glenn@wellingsplanning.ca>  
**Sent:** February 9, 2020 10:12 AM  
**To:** a  
**Cc:** elena\_leskova@mail.ru; lauratoll@yahoo.ca; jivkovic@cogeco.ca; jxamin@cogeco.ca; lorisgazzola70@gmail.com; Kelly JANSSENS; Clark, Brad; Ribaric, Robert; Rybensky, Yvette; Schneider, Melanie; Fabac, Anita; Alex Arbab; David Premi; Petra Matar; mario (mario@adessodesigninc.ca); Robichaud, Steve; Angelo Cutaia P. Eng.  
**Subject:** Re: Follow-up - 1912 Rymal Road East

Thank you for your e-mail and highlighting your concerns. It appears the drainage issue is the result of the redevelopment of the adjacent daycare property. I have forwarded your concerns to our Project Engineer, Angelo Cutaia for his review. If there is anything we can do to remedy your existing drainage condition through the 1912 Rymal redevelopment, we would be happy to help. Leave it with us to further review.

Glenn

Sent from my iPad

On Feb 8, 2020, at 2:55 PM, L... wrote:

Good afternoon,  
 My name is L... and I own the property located at 91 Bocelli Cr which is Southwest of the development.  
 Unfortunately, I was not able to attend the Public Information meeting in March 2019.  
 Our property shares the fence with both properties on your site plan marked 1 & 2 and along 1910 Rymal property (daycare).  
 The West side of the development shares 50' of property line with the east side of my property. (southwest corner of 1912 Rymal)  
 I have a concern due to the standing water in both my back yard and the entire south side and southwest corner of 1912 Rymal's property (pictures attached).  
 This is a direct cause due to the extremely low elevation compared to the property located at 1910 Rymal, the elevation of the road (relatively high) and the elevation of the berms around the ponds (still lower than the road but higher than the back of the properties).  
 Both properties are landlocked and elevations are quite low preventing rainwater from properly draining or running off to prevent ponding.  
 1910 Rymal road was recently developed and was required to increase the elevation of its property which is approx.. 1m higher than the back of both my property and 1912 Rymal's property on the south side.  
 This can be seen in the attached survey we had performed and pictures.  
 This ponding creates the Potential for West Nile virus.  
 Ponding is present into July depending on the years rainfall.  
 We paid to have a full survey performed on our property which confirmed that increasing the elevation of our property on the Northeast side could be performed in a manner which would alleviate the ponding and still allows rainwater to run off into the Storm Ponds from all surrounding properties.  
 I would like to address this matter with the developer as it would be in the best interest of all parties.  
 We are willing to cover some of the costs to perform this work and may need access from the Rymal property before or during development to perform this work.

We also feel that the 3.2 meter landscape strip may not provide us with the privacy we may need during winter months.

Can a fence or wall higher than 1.2m be installed, (or something thereof) on the west side of the property as the development will have clear site into our back yard.

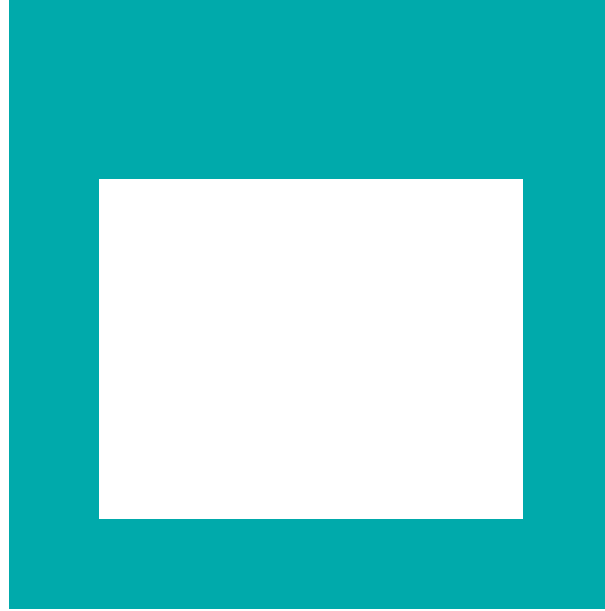
Can a contact from the City of Hamilton please give me a call to discuss our options.

Glenn, feel free in giving me a call early in the week.

I can be reached at 905-571-1111 or my office 905-571-1111.

With Best Regards,





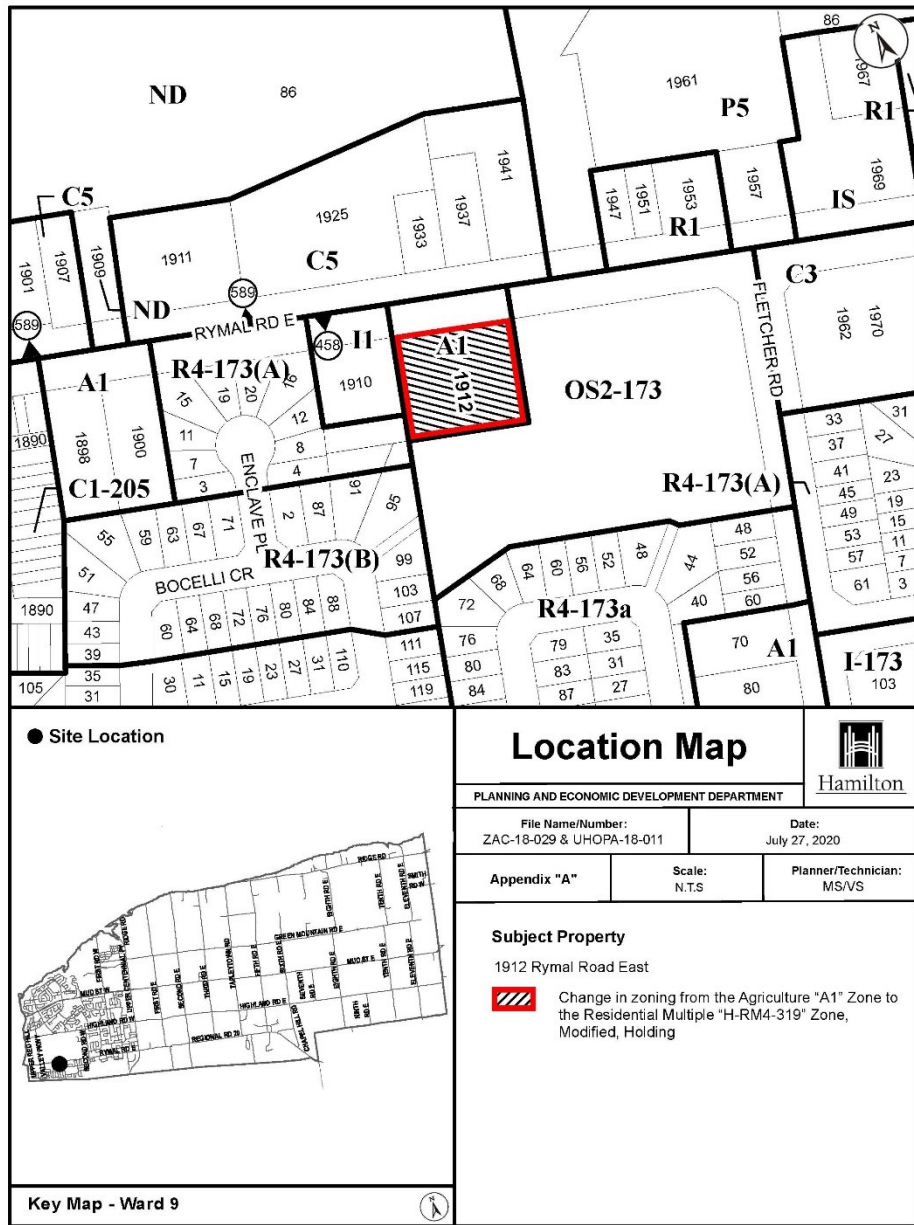
WELCOME TO THE CITY OF HAMILTON  
**PLANNING COMMITTEE**

October 20, 2020

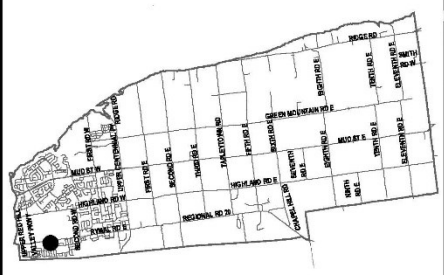
# PED20164 – (ZAC-18-029 / UHOPA-18-011)

Applications to Amend the Urban Hamilton Official Plan and  
Glanbrook Zoning By-law No. 464 for Lands Located at  
1912 Rymal Road East, Glanbrook.

Presented by: Melanie Schneider



● Site Location



Key Map - Ward 9

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-18-029 & UHOPA-18-011	Date: July 27, 2020
Appendix "A"	Planner/Technician: MS/VS

#### Subject Property

1912 Rymal Road East

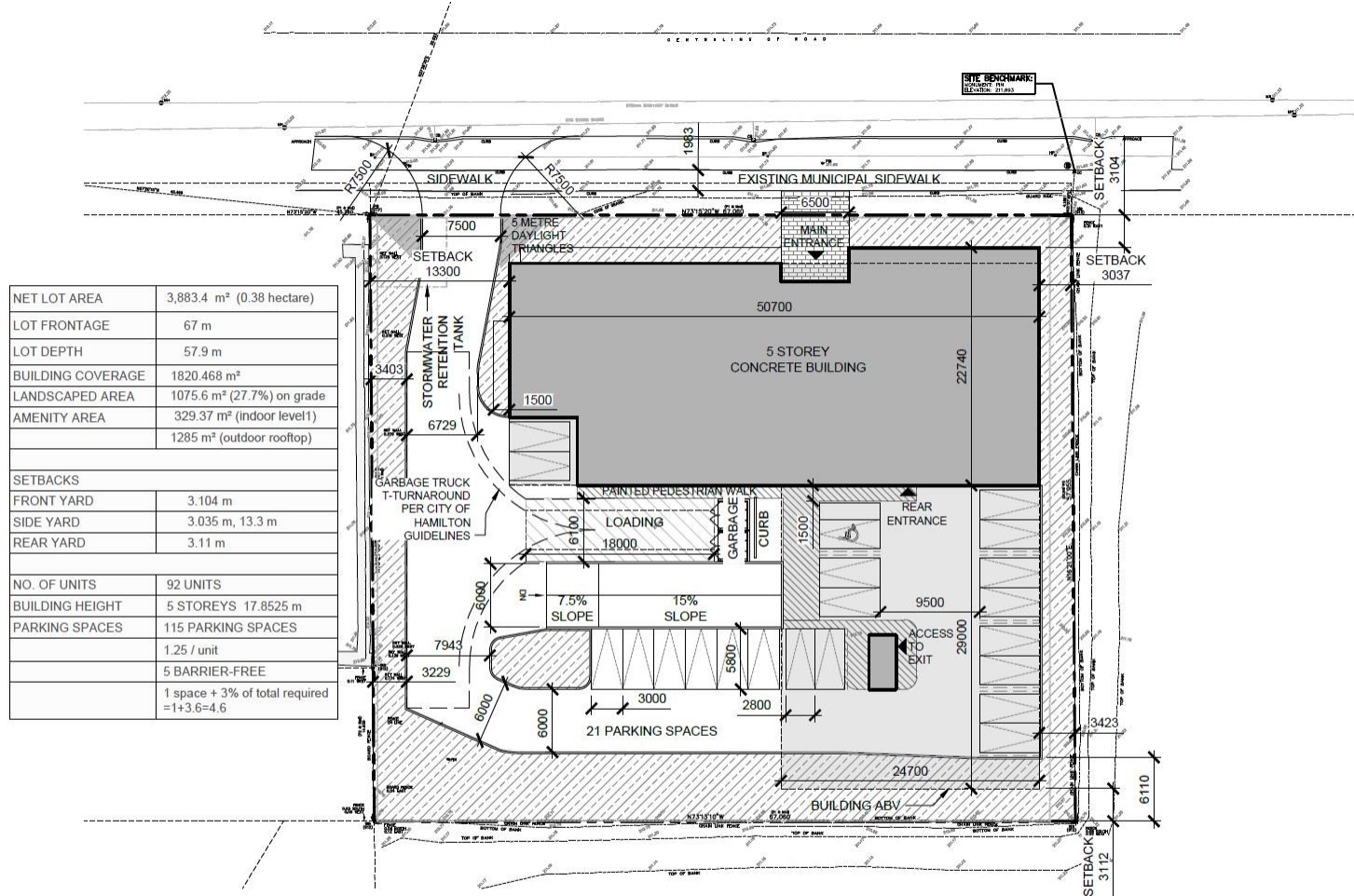
Change in zoning from the Agriculture "A1" Zone to the Residential Multiple "H-RM4-319" Zone, Modified, Holding



SUBJECT PROPERTY



1912 Rymal Road East, Glanbrook



**ROYAL LIVING DEVELOPMENT GROUP**  
**1912 RYMAL RD EAST RESIDENCES**

SITE PLAN

Project No.  
 11724

Scale: 1:500  
 Date: 2020-03-16





Subject Lands



Subject Lands at approximate location of building



Existing residential to the north



Existing uses to the north





Rymal Road looking east



Rymal Road Streetscape looking west



Existing Daycare to the west



Neighbourhood Commercial uses to the east



Subject Lands looking from Fletcher Road



SWM pond to the east



Subject Lands from SWM pond to the south



Access to adjacent SWM pond



**1** ROYAL LIVING DEVELOPMENT GROUP - 1912 RYMAL RD EAST RESIDENCES  
SEPTEMBER/MARCH 21 SUN SHADOW STUDIES  
2018-01-12







ROYAL LIVING DEVELOPMENT GROUP - 1912 RYMAL RD EAST RESIDENCES

View from 4th floor balcony

2019-05-21



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 20, 2020
<b>SUBJECT/REPORT NO:</b>	Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road East, Glanbrook (PED18077) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Elyse Meneray (905) 546-2424 Ext. 6360
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Rural Hamilton Official Plan Amendment Application RHOPA-17-039 submitted by Ed Fothergill, agent, on behalf of Willow Valley Holdings Inc. (Owner)**, for an amendment to the Rural Hamilton Official Plan Schedule D - Rural Land Use Designations to re-designate the lands from Open Space to Rural to permit the creation of two new residential lots, for the lands located at 8475 English Church Road East, Glanbrook, as shown on Appendix "A" to Report PED18077, be **DENIED** on the following basis:
- (i) The proposed Application is not consistent with the Provincial Policy Statement (2020) and does not comply with the Provincial Policy Statement airport regulation, agriculture and lot creation policies;
  - (ii) The proposed Application does not comply with the Rural Area and Goods Movement policies A Place to Grow (2019);
  - (iii) The proposed Application does not comply with the policies and intent of the Rural Hamilton Official Plan airport development regulation policies and lot creation policies;

---

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- (iv) The proposed development does not represent good planning as it is proposing a sensitive land use within the 35-40 NEF contour and the creation of two new lots for non-agricultural purposes in the Rural Hamilton Area.
- (b) That **Zoning By-law Amendment Application ZAC-17-082, submitted by Ed Fothergill, agent, on behalf Willow Valley Holdings Inc. (Owner)**, for a change in zoning from the Open Space (P4) Zone to the Rural (A2) Zone in order to permit the development of two new residential lots, for lands known as 8475 English Church Road East (Glanbrook), as shown on Appendix “A” to Report PED18077 be **DENIED** on the following basis:
  - (i) The proposed Application is not consistent with the Provincial Policy Statement (2020);
  - (ii) The proposed Application does not comply with the Rural Area and Goods Movement policies of A Place to Grow (2019);
  - (iii) The proposed Application does not comply with the policies and intent of the Rural Hamilton Official Plan airport regulation policies, lot creation policies and is not an appropriate use for the area; and,
  - (iv) The proposal does not meet the general intent of the City of Hamilton Zoning By-law No 05-200.

## **EXECUTIVE SUMMARY**

The applicant has applied for a Rural Hamilton Official Plan (RHOP) Amendment and a Zoning By-law Amendment for a portion of the lands at the Willow Valley Golf Course located at 8475 English Church Road East. The applicant proposes to re-designate the subject lands from “Open Space” to “Rural” and to change the zoning from the Open Space (P4) Zone to the Rural (A2) Zone in order to permit the development of two new residential lots.

The initial staff report was tabled at the May 1, 2018 Planning Committee meeting (see Appendix “F” to Report PED18077) and further tabled at the July 10, 2018 Planning Committee meeting (see Appendix “G” to Report PED18077) to allow for the Applicant to consult with the Ward Councillor and the Hamilton International Airport. It is staff’s understanding that the Applicant has not met with the Ward Councillor but met with the Hamilton International Airport in 2018. Staff confirmed that the Hamilton International Airport is still not supportive of the application. As a result, the applications have been rescheduled for the October 20, 2020 Planning Committee on the proposed Official Plan

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Amendment and Zoning By-law Amendment as that this matter is on the Planning Committee Outstanding Business List.

The applicant is proposing to create two new residential lots fronting onto English Church Road from the subject lands at the Willow Valley Golf Course, as shown on Appendix "B" to Report PED18077. They are proposed to be created through Consent for Severance Applications GL/B-15:65 and GL/B-15:66 which were tabled at the September 17, 2017 Committee of Adjustment meeting. It should be noted that staff did not support the applications, and the Committee determined that the merits of the application should best be first considered by City Council through an Official Plan and Zoning By-law Amendment with respect to the principle of land use and lot creation.

The first residential lot (shown as Part 1 on Appendix "B" to Report PED18077) is proposed to have a frontage of 62.267 m and an area of .0405 ha and the second proposed residential lot (shown as Part 2 on Appendix "B" to Report PED18077) is an irregular shaped lot with a proposed frontage of 169.8 m and an area of 0.782 ha.

As stated in the Planning Justification Report submitted with the application, the applicant proposes that, as a condition of creating the two lots, two vacant properties zoned Rural (A2) Zone located at 3005 and 3065 Upper James Street (2.01 ha and 2.5 ha in size) would be consolidated with an abutting 30.1 ha property, zoned Rural (A2) Zone at 2907 Upper James Street. The larger property is used as a sod farming operation, and all of the above mentioned properties are owned by the applicant. This proposal is shown on Appendix "C" to Report PED18077.

The applications do not have merit and cannot be supported as they are not consistent with the Provincial Policy Statement (2020), A Place to Grow (2019) and do not conform to the intent of the Rural Hamilton Official Plan (RHOP) specifically the, airport development and lot creation policies.

**Alternatives for Consideration – See Page 23**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

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## HISTORICAL BACKGROUND

<b>Application Details</b>	
Applicant/Owner:	Willow Valley Holdings Inc. (c/o Steve Schiedel)
Agent:	Fothergill Planning & Development Inc. (c/o Ed Fothergill)
File Numbers:	RHOPA-17-039 & ZAC-17-082
Type of Application:	Official Plan Amendment and Zoning By-law Amendment
Proposal:	To create two new residential lots, with the intention of constructing a single detached dwelling on each lot.
<b>Property Details</b>	
Municipal Address:	8475 English Church Road East
Lot Area:	61.2 ha
Lot Frontage:	680 m (along English Church Road East)
Servicing:	No municipal services (well and septic systems)
Existing Use:	Golf Course
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is not consistent with the PPS.
A Place to Grow:	The proposal does not conform to A Place to Grow.
Official Plan Existing:	Designated "Open Space" on Schedule D – Rural Land Use Designations.
Official Plan Proposed:	Rural
Zoning Existing:	Open Space (P4) and 3T Zone
Zoning Proposed:	Rural (A2) Zone
Modifications Proposed:	No modifications proposed.

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<b>Processing Details</b>	
Received:	November 10, 2017
Deemed Complete:	November 17, 2017
Notice of Complete Application:	Sent to 93 property owners within 120 m of the subject property on November 24, 2017.
Public Notice Sign:	December 4, 2017
Statutory Public Notice published in the Hamilton Spectator	April 13, 2018, June 14, 2018 and October 2, 2020.
Notice of Public Meeting:	Sent to 85 property owners within 120 m of the subject property on April 13, 2018, June 14, 2018 and October 2, 2020.
Public Consultation:	<p>The public consultation strategy relies on <i>Planning Act</i> requirements carried out by the City including installation of a Public Notice Sign, circulation of the Notice of Application to all landowners within 120 metres of the site and the holding of a statutory public meeting before the City's Planning Committee. The applicants have indicated they will be present to answer questions at the statutory public meeting before Planning Committee.</p> <p>The applicant held an Open House for area neighbours on May 6, 2015. Notice of the Open House was distributed to 41 properties along English Church Road. Seven neighbours and the local Councillor attended the Open House. The applicant's Planning Justification Report indicated that there were no major concerns with the proposal.</p>
Public Comments:	At the time of writing this Report, no correspondence has been received; however, staff received one phone call from a resident to the north of the subject lands in opposition to the proposal. The caller indicated that the proposal for creating two new residential lots did not comply with the RHOP policies and that a precedent would be set for the area.

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Processing Time:	1068 days
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**Background**

The subject lands at 8475 English Church Road East are part of the Willow Valley Golf Course and located at the south east corner of the intersection at English Church Road, East and Upper James Street. They are also located to the west of the Airport Employment Growth District Secondary Plan and to the southwest of the Mount Hope Secondary Plan. The subject lands are located in the Airport Influence Area, Primary Airport Zoning Regulation Area and between the 35-40 Noise Exposure Forecast Contours.

The subject lands are located within the “White Belt”, (the rural area outside of the Greenbelt Plan area), in the Rural Hamilton Official Plan. Therefore, Greenbelt policies do not apply. Although, the subject lands are not regulated by Greenbelt Plan policies, there are Rural Area policies in A Place to Grow that provide guidance on what should be permitted on rural lands outside of the rural settlement area and as such, the application must conform to A Place to Grow (2019).

**Previous (2005) Consent for Severance Application**

In 2005, the applicant submitted a Regional (ROPA-05-02) and Local Official Plan (OPA-05-08) Amendment and Zoning By-law (ZAC-05-58) Amendment Applications to allow for the severance and creation of three lots for single detached dwellings on the Willow Valley Golf Course. Two of the proposed lots (8271 English Church Road East and 8321 English Church Road East) had existing dwellings on the property which were being used as a clubhouse and a residence for the groundskeeper. The third proposed lot was vacant. The applications were heard at Planning Committee on May 16, 2006.

Planning Committee agreed to approve the severances for Lot 1 (8271 English Church Road) and Lot 2 (8321 English Church Road) conditional upon the owner agreeing to replace the additional dwelling use with the clubhouse. Planning Committee amended the original application to remove the third lot to be created, as there was no existing dwelling on the lot.

On June 28, 2006, Hamilton City Council approved Official Plan Amendment No. 27 to the former Region of Hamilton-Wentworth Official Plan and Official Plan Amendment No. 55 to the former Township of Glanbrook Official Plan and amended Zoning By-law No. 464 (Glanbrook), for lands located at 8271 and 8321 English Church Road East, which permitted the creation of the two lots for the existing single detached dwellings. In 2006, the two lots were severed (GL/B-06:117 & GL/B-06:118) from the Willow Valley Golf Course. See Appendix “D” and Appendix “E” to Report PED18077 for Committee of

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Adjustment applications GL/B-06:117 & GL/B-06:118 meeting minutes and staff comments.

**Application History**

**May 1, 2018 Planning Committee**

The applications were tabled at the May 1, 2018 Planning Committee meeting in order for the Applicant to meet with the Ward Councillor (see Appendix “F” to Report PED18077 for the May 1, 2018 Planning Committee meeting minutes).

**July 10, 2018 Planning Committee**

The applications were rescheduled for the July 10, 2018 Planning Committee meeting. At this meeting, the Applicant requested that the applications be further tabled to allow for the following:

- Meet with the Hamilton International Airport to review the application;
- Discuss the application with staff; and,
- Meet with Ward Councillor on site to discuss the application.

The motion was granted, and the application was tabled (see July 10, 2018 Meeting Minutes attached as Appendix “G” to Report PED18077).

**July 20, 2018 Noise Study Submission**

On July 20, 2018, the Applicant submitted a noise feasibility study titled “*Preliminary Noise Control Study, Creation of Two Residential Lots; Parts 5 and 6 on English Church Road, City of Hamilton*”, prepared by SS Wilson Associated. Staff reviewed the noise study and determined that the noise levels for the two proposed residential lots exceeded the requirements of the RHOP. Therefore, staff could not approve the noise study. The noise study is further discussed in the Policy Implications section of the report.

**Outstanding Business List**

The Rural Hamilton Official Plan Amendment and Zoning By-law Amendment applications have been tabled since July 10, 2018 and have remained on the Outstanding Business List for 833 days. City staff have attempted to reschedule the applications for Planning Committee twice, but the Applicant requested more time to consult with the Ward Councillor and the Hamilton International Airport. It is staff’s understanding that these meetings have not occurred and therefore, the applications have rescheduled for the October 20, 2020 Planning Committee as the Applicant has

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had sufficient time to follow up on these matters the HIA position and advice on the applications has not changed (i.e. that the application should be denied) and therefore staff's recommendation has not changed.

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Open Space (Willow Valley Golf Course)	Open Space (P4) Zone, Special Exception 164 and 3T

**Surrounding Land Uses:**

<b>North</b>	Residential, Agriculture and Open Space (Cameron Speedway and Amusements)	Rural (A2) Zone Open Space (P4) Zone, Special Exception 160
<b>South</b>	Willow Valley Golf Course	Open Space (P4) Zone, Special Exception 164 and 3T
<b>East</b>	Agriculture	Agriculture (A1) Zone
<b>West</b>	Residential and Willow Valley Golf Course	Rural (A2) Zone Open Space (P4) Zone, Special Exception 164 and 3T

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The proposed Rural Hamilton Official Plan Amendment (RHOPA-17-039) and Zoning By-law Amendment (ZAC-17-082) were reviewed against the Provincial Policy Statement (2020), A Place to Grow (2019) and the Rural Hamilton Official Plan.

Two of the most relevant policies in all documents are: land use compatibility of sensitive land uses in proximity to an airport and the residential development in the rural area.

The subject property is located in the rural area in close proximity to the John C. Munro International Airport. The purpose of the application is to create two new residential lots for single-detached dwellings.

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**Provincial Policy Statement (2020)**

The Provincial Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS, 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The applications have been reviewed against the policies of the Provincial Policy Statement (PPS, 2020).

**Land Use Compatibility**

The subject property was identified as being located within the Airport Influence Area, Primary Airport Zoning Regulation Area and the 35-40 Noise Exposure Forecast Contour, as such, the following policies, amongst other, apply to the proposal:

- “1.2.6.1      *Major facilities and sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *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* in accordance with provincial guidelines, standards and procedures.
- 1.6.9.1      Planning for land uses in the *vicinity of airports, rail facilities and marine facilities* shall be undertaken so that:
- a) their long term operation and economic role is protected; and,
  - b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.
- 1.6.9.2      *Airports* shall be protected from incompatible land uses and development by:
- a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
  - b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in area above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long term function of the *airport*, and,

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- c) discouraging land uses which may cause a potential aviation safety hazard.”

The proposal is not consistent with the Airport, Rail and Marine policies of the Provincial Policy Statement. The PPS protects airports from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above the 30 NEF contour. This proposal is to create two new residential lots within the 35-40 NEF contour. John C. Munro International Airport staff have advised that any residential development permitted in the area (i.e. within the 35-40 NEF Contour) will be significantly impacted by aircraft noise. This can result in complaints against routine airport operations and the intent of the NEF contour land use policies is to ensure the long term viability of the airport for 24/7 operations. It is better to avoid a potential land use conflict, rather than to try and mitigate it. Therefore, the proposal does not meet the intent of the PPS as the proposed development is not an appropriate distance from the airport to prevent or mitigate adverse effects from noise.

In addition, by allowing for residential development within this area the long-term operation and economic role of the Airport is not being protected.

#### Residential Development

- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
  - b) resource-based recreational uses (including recreation dwellings);
  - c) residential development, including the lot creation, that is locally appropriate;
  - d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
  - e) home occupations and home industries;
  - f) cemeteries; and,
  - g) other rural land uses.”

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The proposed use is not consistent with Policy 1.1.4.2 which focuses of growth within Rural Settlement Areas. However, Policy 1.1.5.2 does allow for some residential development, including lot creation, that is locally appropriate. It is the intent of the PPS to allow municipalities to determine the extent of residential development in the rural area.

Agriculture and Lot Creation

The subject property has been identified as a prime agricultural area as such, the following policies, amongst others, apply to the proposal:

- “2.3.1        *Prime agricultural areas* shall be protected for long-term use for agriculture.
- 2.3.3.1        In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, agriculture-related uses and on-farm diversified uses*.
- 2.3.4.1        Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:
- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
  - b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
  - c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
    - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
    - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and

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- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.3 The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).”

The proposed use is not consistent with Policy 2.3.1 and 2.3.3.1, which protects prime agricultural areas for long-term use for agriculture and permits only agricultural uses, agricultural-related uses and on-farm diversified uses. Furthermore, the proposed development is not consistent with Policy 2.3.4.3, which does not permit the creation of new residential lots in prime agricultural areas except for a residence surplus to a farming operating as a result of a farm consolidation in accordance with policy 2.3.4.1 (c).

**A Place to Grow (2019)**

The following applicable policies, amongst others, apply as it relates to the airport:

“3.2.4.2 The Province and municipalities will work with agencies and transportation service providers to:

- a) co-ordinate, *optimize*, and ensure the long-term viability of *major goods movement facilities and corridors*.

3.2.5.1 In planning for development, optimization, or expansion of existing and *planned corridors* and supporting facilities, the Province, other public agencies and upper- and single-tier municipalities will:

- b) ensure that existing and *planned corridors* are protected to meet current and projected needs in accordance with the transportation and *infrastructure* corridor protection policies in the PPS;

3.2.5.2 The planning, location, and design of *planned corridors* and the land use designations along these corridors will support the policies of this Plan, in particular that development is directed to *settlement areas*.”

The development is not consistent with the Airport policies of the Growth Plan (2019). Therefore, this development conflicts with Policies 3.2.5.1 b) and 3.2.5.2 of the Growth Plan (2019).

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**Rural Hamilton Official Plan (RHOP)**

The two most important RHOP policies are the Noise policies and the severance policies. The policies, not above, apply to any residential development in the rural area, regardless of land use designation.

**Airport Influence Area Policies**

The subject lands are identified as Airport Influence Area on Schedule “F” Airport Influence Area, Primary Airport Zoning Regulation Area and between the 35-40 Noise Exposure Forecast Contours on Appendix “D” – Noise Exposure Forecast Contours and Primary Zoning Regulation Area. The following policies, amongst others, apply to the proposed development:

- “B.3.6.3.2      Development of noise *sensitive land uses*, in the vicinity of provincial highways, parkways, arterial roads, collector roads, truck routes, railway lines, railway yards, airports or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines standards.
- B.3.6.3.8      *Development* within the vicinity of John C. Munro International Airport shall be in accordance with Section C.4.8 – Airport.
- C.4.8.5      The City shall minimize the future conflicts between operation of the Airport and surrounding land uses to ensure:
- There shall be no negative impact on the long-term operations of the Airport;
- a) The opportunities for expansion of airport operations shall not be limited; and,
- b) There are no land uses in the vicinity which may cause a potential aviation hazard; and,
- c) Development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted.
- C.4.8.7      All *development and redevelopment* shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including section B.3.6.3 – Noise, Vibration and Other Emissions.

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C.4.8.8 Proposals for *development*, infill development and *redevelopment* of residential or other *sensitive land use* shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable location criteria. Proposals may meet more than one locational criteria and thereby be subject to more than one set of requirements.”

**Table C.4.8.1: Requirements for Development in the Vicinity of John C. Munro International Airport**

	Locational Criteria	Requirements
1	35 NEF and greater, and/or within the Airport Influence Area	<p>a) All new <i>development</i> of residential and other <i>sensitive land uses</i>, including infill <i>development</i> and <i>redevelopment</i>, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>

The proposal conflicts with Policy B.3.6.3.2 and C.4.8.4 since it is contrary to the PPS and A Place to Grow. In addition, it is also contrary to Policies C.4.8.5 and C.4.8.8. The proposed residential use is located between the 35-40 NEF contours and the Airport Influence Area. As per policy C.4.8.8, all proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with Table C.4.8.1 – Requirements for Development in the Vicinity of John C. Munro International Airport, based on all applicable location criteria.

The locational criteria applicable for the proposal is 35 NEF or greater and / or within the Airport Influence Area. Therefore, all new development of residential and other sensitive land uses, including infill development and redevelopment shall be prohibited. Furthermore, policy C.3.3.2 (d) states that development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted. The proposal is for a sensitive land use and therefore shall be restricted so that there is no adverse effect on the airport or surrounding land uses.

As part of the application, the Applicant submitted an environmental noise impact study titled “*Preliminary Noise Control Study, Creation of Two Residential Lots; Parts 5 and 6 on English Church Road, City of Hamilton*”, prepared by SS Wilson Associated and dated July 20, 2018.

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The study reviewed the acoustic requirements for the development of two single detached dwellings with respect to acoustic noise from the Hamilton International Airport and vehicular traffic along English Church Road East.

The Provincial Policy Statement (PPS) and Ministry of Environment, Conservation and Parks (MOECP) requirements permit residential development within the NEF 30 contour but acknowledge that municipalities have the right to further restrict residential development in these contours. As per Table C.4.8.1 in the RHOP, there is no opportunity to permit newly proposed residential development, redevelopment or infill development above the NEF 28 contour. Therefore, staff are not supportive of the proposed development as it does not conform to the RHOP noise policies.

### Residential Development – Severance Policies

The following lot creation policies, amongst others apply to the proposed development:

“F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:

- a) Severances that create a new lot for the following purposes shall be prohibited:
  - i) Residential uses except in accordance with:
    - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
    - 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.

Based on Policy F.1.14.2.1 the creation of non-surplus dwelling farm lots is prohibited.

### Land Use Designation

The subject lands are currently designated “Open Space” on Schedule “D” – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP). The following policies, amongst others, apply to the proposed development:

“C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or

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function of the land is for recreational activities, conservation management and other open space uses. These include, but are not limited to parks for both active and passive recreational activities including *resource-based* recreational and tourism uses, recreation/community centres, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, *hazard lands* and cemeteries. Ancillary commercial uses may be permitted as defined by section B.3.5.1, Parkland Policies and section C.2, Natural Heritage System policies of this Plan.

C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.1 Parkland Policies of this Plan.

The following ancillary uses shall be permitted subject to the following:

- a) Ancillary commercial uses such as but not limited to food concessions, recreational equipment rentals and water oriented recreational uses that are complimentary to supporting and in conjunction with a *resource-based* recreational and tourism use, or recreational/community centre, may be permitted provided they do not interfere with or have any negative impacts on the open space nature of the land; and,
- b) One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.

C.3.3.3 Where land is designated as Open Space and is under private ownership, it is not intended that this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City.”

The intent of the Open Space designation is to permit Open Space uses. The Open Space designation does not permit residential uses except for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use provided that it does not interfere with or have any negative impacts on the open space nature of the land. As the proposal is not for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use, the proposal does not meet the intent of the Open Space policies of the Rural Hamilton Official Plan.

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Notwithstanding the designation of the subject lands, residential development is contrary to the Noise and Airport Influence policies. These policies directly implement the provincial policy. Furthermore, the RHOP does not allow severances for residential dwelling lots unless they are related to a farming operation.

**City of Hamilton Zoning By-law 05-200**

The subject lands are zoned Open Space (P4) Zone – Special Exception 164 in Zoning By-law No. 05-200. The lands are also subject to Special Exception 3T, a pilot project for entertainment on outdoor commercial patios for areas of Downtown Hamilton and for certain lands zoned Open Space (P4) and Settlement Commercial (S2) Zone in the Rural Area. This temporary use has been extended to May 1, 2022. Special Exception 164 applies only to 8475 English Church Road and permits the following additional provisions:

- a) A clubhouse shall be set back a minimum of 200.0 m from English Church Road East and Upper James Street, and a minimum of 900.0 m from the adjacent livestock building and manure facility on the lands to the east described as 8149 English Church Road East;
- b) Minimum yards for all golf tees, fairways, greens and practice areas shall be 30.0 m from any lot line that abuts a public street or a lot used for residential or institutional purposes;
- c) A landscaped area with a minimum width of 10.0 m shall be provided adjacent to any lot line that abuts a public street or a lot used for residential or institutional purposes.

The P4 Zone permits Botanical Gardens, Cemetery, Community garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, Seasonal Campground and Urban Farms, subject to a set of performance standards. Residential uses are not permitted, and a Zoning By-law Amendment is required to permit the residential use on the subject lands.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>	
<ul style="list-style-type: none"> <li>• Community Planning;</li> <li>• Hydro One;</li> <li>• Recreation Division;</li> <li>• Urban Design;</li> <li>• Hamilton Fire Department;</li> </ul>	No Comment

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<ul style="list-style-type: none"> <li>• Ministry of Transportation;</li> <li>• Union Gas;</li> <li>• Bell Canada; and,</li> <li>• Rogers Cable.</li> </ul>		
	<b>Comment</b>	<b>Staff Response</b>
Growth Planning	<ul style="list-style-type: none"> <li>• Staff notes that there is a lengthy history to this property and previous severances associated with it.</li> <li>• The proposed severances do not conform to the lot creation policies of Policy F.1.14 of Volume 1 of the Rural Hamilton Official Plan.</li> <li>• Staff note that the subject lands fall within the 35 to 40 NEF noise Contour per Appendix “D” – Noise Exposure Forecast Contours and Primary Zoning Regulation Area.</li> <li>• As per Policy B.3.6.3.8 of Volume 1 of the Rural Hamilton Official Plan, development is subject to Policy Section C.4.8 – Airport, which per Table C.4.8.1 prohibits all new residential development in locations within the 35 NEF contour or greater.</li> <li>• Based on the foregoing, staff do not support the proposed amendments and associated severances.</li> </ul>	These issues are further discussed in the Policy Implications and Analysis and Rationale sections of the report.
Development Engineering	<ul style="list-style-type: none"> <li>• A Grading and Drainage Control Plan and a revised Hydrogeological Report showing hydrogeologic cross sections to demonstrate isolation between surface activities and bedrock aquifer wells within 500 meters required at Consent.</li> </ul>	<p>Should the applications be approved, the following will be required at the Consent stage:</p> <ul style="list-style-type: none"> <li>• Grading and Drainage Plan; and,</li> <li>• Revised Hydrogeological Report.</li> </ul> <p>In addition to the above, should the applications be approved, the</p>

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	<ul style="list-style-type: none"> <li>• The Development Engineering section is <b>unable to support</b> this application until a Grading and Drainage Plan and Hydrogeological Report are approved.</li> <li>• Should the subject application proceed to the Severance Application stage the future application may be subject but not limited to the following requirements/conditions: <ul style="list-style-type: none"> <li>• Erosion and Sediment Control Plan</li> <li>• Stormwater Management Design</li> <li>• Security to cover the potential damages to municipal infrastructure</li> <li>• Geotechnical Investigation Report</li> <li>• External works/consent/encroachment agreements</li> <li>• Cost recoveries</li> <li>• Municipal Easement requirements</li> </ul> </li> </ul>	<p>following requirements / conditions may be required at the Consent stage:</p> <ul style="list-style-type: none"> <li>• Erosion and Sediment Control Plan</li> <li>• Stormwater Management Design</li> <li>• Security to cover the potential damages to municipal infrastructure</li> <li>• Geotechnical Investigation Report</li> <li>• External works/consent/encroachment agreements</li> <li>• Cost recoveries</li> <li>• Municipal Easement requirements</li> </ul>
Transportation Planning	<ul style="list-style-type: none"> <li>• Right-of-Way dedications for Upper James Street and English Church Road are required at the Consent stage.</li> <li>• A 15 m by 15 m daylighting triangle at the corner of Upper James Street and English Church Road is required at the Consent stage.</li> <li>• The BLAST Line corridors need to be protected for future rapid transit.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the applications be approved, these requirements will be addressed through the future Consent process.</li> </ul>
Recycling and Waste Disposal (Environmental Services)	<ul style="list-style-type: none"> <li>• Proposal is eligible for municipal waste collection and that the standard note should be added to any future site plan</li> </ul>	<ul style="list-style-type: none"> <li>• Should the applications be approved, this note will be added to any future site plan.</li> </ul>

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (PED18077) (Ward 11) - Page 20 of 23**

Division, Public Works Department)		
Niagara Peninsula Conservation Authority (NPCA)	<ul style="list-style-type: none"> <li>• Advised that current regulations do not permit development (including but not limited to: structures, septic systems, ponds and fill) within floodplain areas. The lands to be severed, shown as Part 1 on the <i>Sketch for Land Severance prepared by A.T.McLaren limited (dated May 1, 2015)</i> is located outside of any features of interest. NPCA</li> <li>• A 3.0 m setback from the bank of the watercourse to the rear lot line of Part 2 is required.</li> <li>• NPCA will require a topographic survey showing the floodplain elevation of 218.81 m GSC and a building envelope for Part 2 that is located outside the regulatory floodplain.</li> <li>• The NPCA has no objection to the applications subject to the circulated sketch being revised to meet the requirements outlined in this letter.</li> <li>• Should any development and/or site alterations (i.e. grading / fill) be proposed in an NPCA regulated area a work permit will be required from our office in accordance with the “Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” (O. Reg. 155/06).</li> </ul>	<ul style="list-style-type: none"> <li>• Should the applications be approved the following will be required at the Consent stage: <ul style="list-style-type: none"> <li>• A 3.0 metre setback from the bank of the watercourse to the rear lot line of Part 2; and,</li> <li>• Topographical Survey showing the floodplain elevation and building envelop for Part 2.</li> <li>• Staff note that although NPCA requested a 3.0 metre setback from the bank of the watercourse to the rear lot line of Part 2. Natural Heritage staff requested a 15 m setback. This is discussed further in the Analysis and Rationale section.</li> </ul> </li> </ul>
John C. Munro International Airport	<ul style="list-style-type: none"> <li>• Advised that as per the City of Hamilton By-law #05-196 no <i>sensitive land uses are permitted to be developed within</i></li> </ul>	<ul style="list-style-type: none"> <li>• These issues are further discussed in the Policy Implications and Analysis and Rationale sections of the report.</li> </ul>

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (PED18077) (Ward 11) - Page 21 of 23**

	<p><i>areas exposed to noise disturbance levels greater than the 28 NEF, except where the lands are currently designated Urban.</i></p> <ul style="list-style-type: none"> <li>The proposed residential severances falls under Noise Exposure Forecast (NEF) contour 40 and the Airport Influence Area therefore; any residential development permitted in the area will be significantly impacted by aircraft noise and will conflict with the Hamilton Airport Zoning Regulations and the City of Hamilton By-law.</li> </ul>	
<b>Public Consultation:</b>		
	Comment	Staff Response
Lot Creation	<ul style="list-style-type: none"> <li>The proposed development does not comply with the RHOP and will set a precedent for the area.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed severances do not conform to the lot creation policies of Policy F.1.14 of Volume 1 of the Rural Hamilton Official Plan, therefore staff are not supportive of the application.</li> </ul>

## **PUBLIC CONSULTATION**

In accordance with the *Planning Act* and Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 93 property owners within 120 m of the subject lands on November 24, 2017. A public notice sign was posted on the property December 4, 2017. The statutory notice of this Public Meeting was published in the Hamilton Spectator and circulated to 93 property owners within 120 m of the subject lands on October 2, 2020.

### **Public Consultation Strategy**

The applicant held an Open House for area neighbours on May 6, 2015. Notice of the Open House was distributed to 41 properties along English Church Road. Seven neighbours and the local Councillor attended the Open House. The applicant's Planning Justification Report indicated that there were no major concerns with the proposal.

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (PED18077) (Ward 11) - Page 22 of 23**

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal does not have merit and cannot be supported for the following reasons:
  - (i) The proposal is not consistent with the Provincial Policy Statement (2020);
  - (ii) The proposal does not comply with the policies and intent of the Rural Hamilton Official Plan (RHOP) in regards to airport development and lot creation policies;
  - (iii) The proposal does not meet the general intent of Hamilton Zoning By-law No. 05-200; and,
  - (iv) The proposed development does not represent good planning as it is recommending the development of a sensitive land use (residential) within the 35-40 NEF noise contours and the creation of two new lots for residential purposes in the Hamilton rural area.
2. The applicant proposes to consolidate two vacant properties zoned Rural (A2) Zone located at 3005 (2.01 ha) and 3065 Upper James Street (2.5 ha) with an abutting 30.1 ha property, zoned Rural (A2) Zone at 2907 Upper James Street. There are no policies in either the PPS or Growth Plan to permit the development scheme proposed. The proposed lot severances on English Church Road East do not comply with the airport development and lot creation policies of the Rural Hamilton Official Plan.
3. The applicant has requested a change in zoning from the Open Space (P4) Zone to the Rural (A2) Zone. Since staff do not support the Official Plan Amendment application and the proposal, staff do not support the associated Zoning By-law Amendment, which would implement the proposed zoning change. Staff are not supportive of a change in zoning because the applicant is recommending the development of a sensitive land use (residential) within the 35-40 NEF noise contours and the creation of two new lots for residential purposes in the Hamilton rural area.
4. City staff advise that should development occur, and based on the topography and site conditions, no development or site alteration should occur within a minimum Vegetation Protection Zone (VPZ) of 15 m, measured from the stable top of bank of the stream. The rear lot line should be revised to pull it outside of the recommended Vegetation Protection Zone. This would create a longer, narrower lot, but there will be sufficient space for a home, septic, driveway and accessory structure.

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (PED18077) (Ward 11) - Page 23 of 23**

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5. Should development proceed, the applicant shall ensure all future work aligns with the peer review comments and the City's Hydrogeological Guidelines and Technical Standards for Private Services. As per the City's Hydrogeological Guidelines, the applicant shall complete hydrogeologic cross sections to demonstrate isolation between surface activities and bedrock aquifer wells within 500 m. The applicant is also encouraged to review MOECP Guideline D-5-4 to ensure that future work conforms with conditions stated in this Guideline.

### **ALTERNATIVES FOR CONSIDERATION**

1. If the proposed Official Plan Amendment and Zoning By-law Amendments are approved, staff should be directed to prepare a draft Official Plan and draft Zoning By-law Amendments that implement the proposed Concept Plan attached as Appendix "B" to Report PED18077.
2. Alternatively, if the Official Plan Amendment and Zoning By-law Amendments are denied, the subject lands could be developed in accordance with the Open Space (P4) Zone, which permits such uses as a botanical garden, cemetery, community garden, conservation, golf course (excluding mini-golf), nature centres, recreation, seasonal campground and urban farm.

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

#### **Community Engagement & 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**

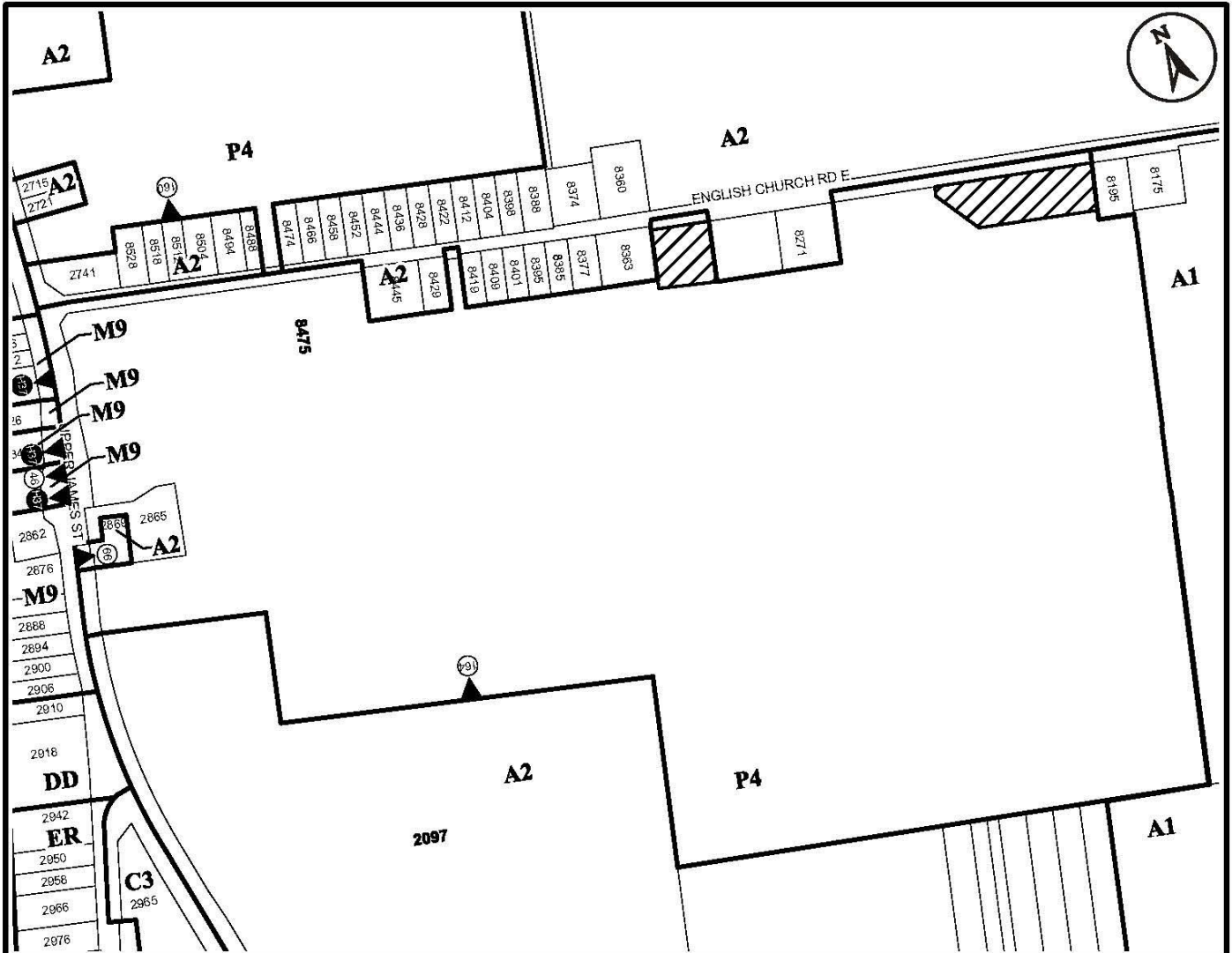
- Appendix "A": Location Map
- Appendix "B": Concept Plan
- Appendix "C": Lot Consolidation Plan
- Appendix "D": September 17, 2015 Committee of Adjustment Meeting Minutes
- Appendix "E": September 17, 2015 Committee of Adjustment Staff Comments
- Appendix "F": May 1, 2018 Planning Committee Meeting Minutes
- Appendix "G": July 10, 2018 Planning Committee Meeting Minutes

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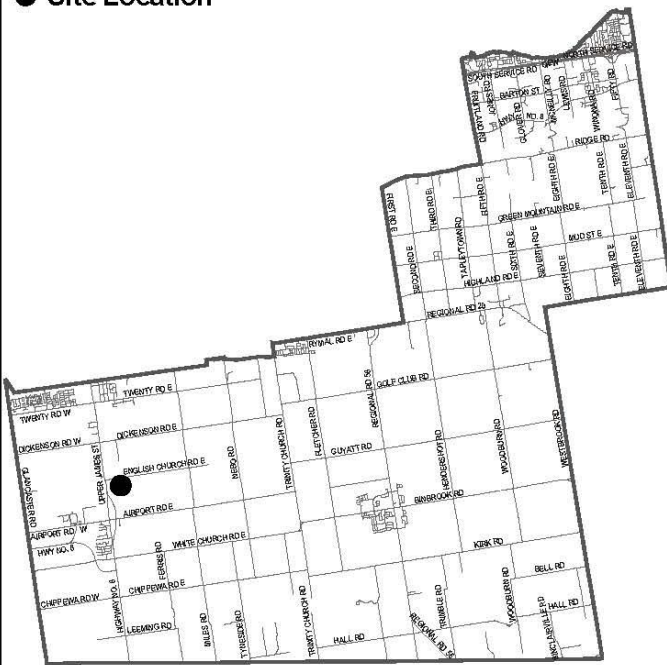
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● Site Location



Key Map - Ward 11

N.T.S. 

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
 ZAC-17-082/RHOPA-17-39

Date:  
 March 12, 2018

Appendix "A"

Scale:  
 N.T.S.

Planner/Technician:  
 EM/NB

### Subject Property

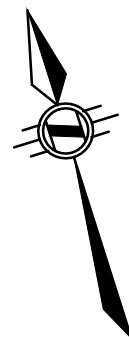
 8475 English Church Road East

**SKETCH FOR LAND SEVERENCE**  
OF PART OF  
**LOT 7**  
**CONCESSION 4**  
GEOGRAPHIC  
**TOWNSHIP OF GLANBROOK**  
IN THE  
**CITY OF HAMILTON**

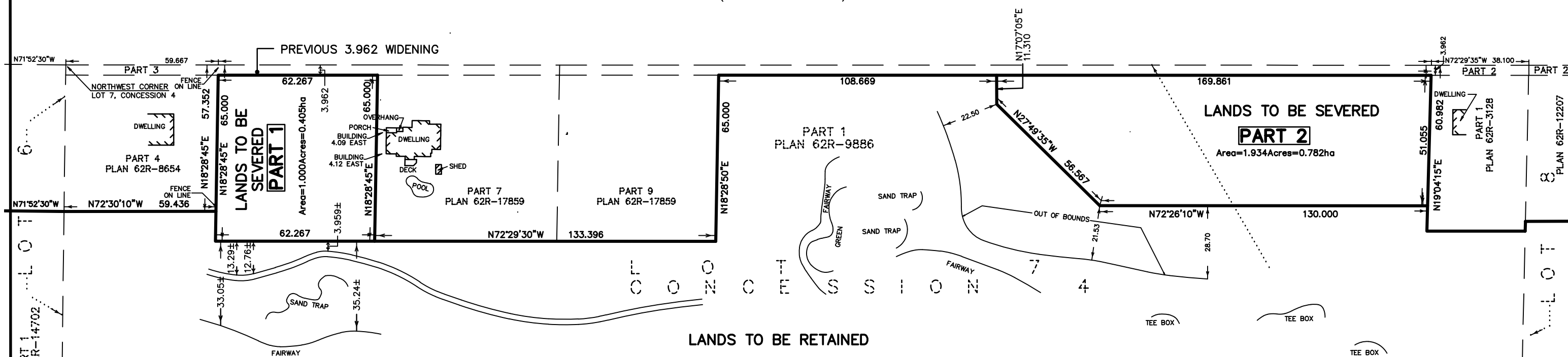
SCALE 1:1500 METRIC



**S.D. McLAREN, O.L.S. - 2015**



**ENGLISH CHURCH ROAD**  
(GIVEN ROAD)



**LEGEND:**

Symbol	DENOTES
□	MONUMENT SET
■	MONUMENT FOUND
IB	IRON BAR
SIB	STANDARD IRON BAR
SSIB	SHORT STANDARD IRON BAR
CC	CUT CROSS
SM	STONE MONUMENT
Msd	MEASURED
824	A.T. McLAREN, O.L.S.
1213	J.D. PETERS, O.L.S.
1511	G.V. CONSOLI, O.L.S.
MMP	MACKAY MACKAY & PETERS
WIT	WITNESS

**METRIC NOTE**

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

MAY 1, 2015

DATE

S.D. McLAREN, O.L.S.

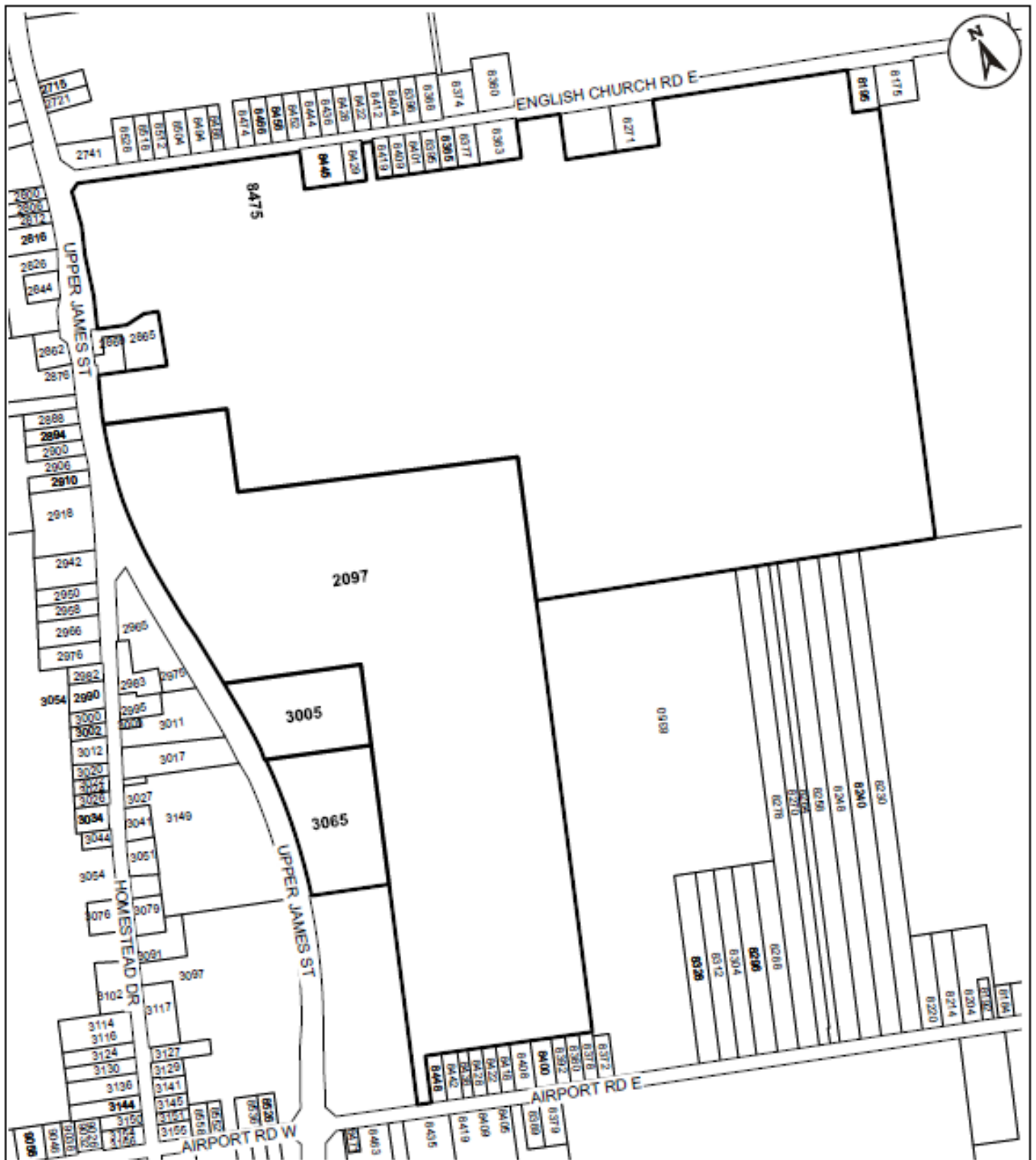


**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS


69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9

PHONE (905) 527-8559 FAX (905) 527-0032

Drawn DG	Checked SDM	Scale 1:1500	Dwg.No. 34654
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**Legend**

 2097, 3005 & 3065 Upper James Street

**Appendix "C"**

Date:  
 March 7, 2018



**Hamilton**

September 17th, 2015

GL/B-15:65  
GL/B-15:66

Willow Valley Holdings  
8475 English Church Rd. E., Glanbrook

Appearances were: Steve Schiedel, owner. Interested parties were: nil

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

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

Letters were entered into the record from: nil

S. Schiedel - read from a prepared statement and submitted it for the record

L. Gaddy  
(Committee member) - staff's comments do not explain the background information only talking about a severance

W. Pearce  
(Committee member) - does not know about the creative tradeoffs, but has staff reviewed this prior to this application

M. Fiorino  
(Staff) - property was subject to a pre-consultation review in 2014 which outlined all concerns and policies

S. Schiedel - lesser of the two evils thought it would be more beneficial to live off of English Church Road rather than Upper James  
- thought that this Committee could deal with these types of decisions  
- what would the ramifications be to Committee to deal with the application; thought that realistically it would be more appropriate if the lots were off of English Church Road rather than Upper James

W. Pearce  
(Committee member) - Committee can deal with the applications but proper process needs to be followed; Official Plan and rezoning needs to be done first  
- Committee is bound by policies  
- minor variance can be reviewed but severance difficult to

inasse if it does not comply with any policies

.../2

GL/B-15:65 & GL/B-15:66  
Page 2

P. Mallard  
(Committee member)

- creative approach, but reality is no grey area with the PPS or City's Official Plan
- policies do not allow for lot creation at all
- can go seek approvals from Council

L. Gaddy  
(Committee member)

- maintaining the character of the neighbourhood
- plenty of space to accommodate septic systems
- infill situation and cleaning up the area
- everything is being done to eliminate access from Upper James
- looked at other properties on English Church Road and they are smaller than what is being proposed
- did speak with the Councillor of the Ward and she was not opposed but could not support the application

Following discussion it was moved by Mr. Pearce and seconded by Mr. Mallard that the application be **TABLED** Sine Die.

**CARRIED.**

September 17th, 2015

**GL/B-15:65 & GL/B-15:66 (8475 English Church Road East, Glanbrook)****PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:****GL/B-15:65**

The purpose of this application is to permit the conveyance of an irregular-shaped vacant parcel of land (having a frontage of approximately 169 metres and an area of approximately 0.78 hectares) for residential purposes, and to retain an irregular-shaped parcel of land (having a frontage 273 metres and an area of approximately 59 hectares) containing an existing golf course, club house, and service buildings.

This application is scheduled to be heard in conjunction with Consent application GL/B-15:66.

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff note that there are no policies which speak to lot creation within Open Space designations; however, the following policy relating to lot creation applies:

- 1.1.4.2 In *rural* areas, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Given that this proposal is to create a new parcel for residential purposes in the rural area, and given that the creation of the proposed lot is not directed to a rural settlement area, the subject proposal is not consistent with the policies of the PPS.

Additionally, Staff note Policy 1.2.6.1 and 1.6.9.2 of the Provincial Policy Statement (PPS), as the proposed lot (Part 2 on the attached survey) is intended to be developed for residential purposes and is located within the Noise Exposure Forecast (NEF) of the John C. Munro Hamilton International Airport. Specifically, Part 2 on the attached survey is within the 35-39 NEF. Staff note that Policy 1.6.9.1 a) states that "airports shall be protected from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP." Accordingly, staff advise that the proposed severance is not consistent with the PPS.

**Greenbelt Plan**

The subject property is located outside of the Protected Countryside of the Greenbelt Plan. As such, there are no lot creation policies that pertain to this area.

.../2

GL/B-15:65

GL/B-15:66

Page 2

Rural Hamilton Official Plan

The subject property is located within the "Open Space" designation on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP).

Chapter C, Policy 3.3 outlines that Planning policies ensure sufficient and viable open spaces are retained, enhanced, expanded, and appropriately acquired. Lands designated as "Open Space" are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management, and other open space uses.

Staff note that residential dwellings are not permitted within this designation, except where one ancillary residential dwelling may be permitted in conjunction with a resource-based recreational and tourism use, provided that it does not interfere with or have any negative impacts on the open space nature of the land (as per Policy C.3.3.2 b)). Staff also note that any proposed dwellings would not be ancillary to the existing open space uses.

The following policies apply with respect to lot creation in the "Open Space" designation:

F.1.14.2.1 a) Severances that create a new lot for the following purposes shall be prohibited:

i) Residential uses except in accordance with:

1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,

2) Policies F.1.14.2.1.b iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.

As this proposal is to create a parcel for a new residential dwelling, it does not meet the intent of the Rural Hamilton Official Plan.

Staff also note that given that the "Open Space" designation does not permit the construction of a residential dwelling, a successful Official Plan Amendment would be required in order to proceed.

The Rural Hamilton Official Plan's archaeology Policy B.3.4.4.3 states that "in areas of *archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:



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a) May be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act* when they involve *soil disturbance* or *site alteration*:

i) site plan applications; and,

ii) plans of condominium.

b) May be required for the following planning matters under the *Planning Act* when they involve soil disturbance or site alteration:

i) minor variances; and,

ii) consents / severances.

c) Shall only be required for the lands on which soil will be disturbed or *site alteration* will be conducted as a direct result of the proposal.

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,

2) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment of Caution #1.

#### Township of Glanbrook Zoning By-law No. 464

The New Rural Zoning By-law was passed by Council on July 10, 2015, but is not yet final and binding. Until such time that it is final and binding, both the Township of Glanbrook Zoning By-law 464 and the rural zones of the City of Hamilton Zoning By-law 05-200 are in force and effect, with the most restrictive provisions of the two By-laws applying to the property.

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The subject property is split-zoned Private Open Space "OS1-131" Zone, Modified and Open Space Conservation "OS3-132" Zone, Modified in the Township of Glanbrook. These zones restrict uses to the following:

OS1-131 Zone: a golf course, practice range, clubhouse including one (1) accessory dwelling unit for a manager/greenskeeper, parking area, and accessory uses, buildings and structures.

OS3-132 Zone: a golf course and accessory uses. No buildings or structures shall be permitted on the lands zoned OS3-132.

The portion of the property labelled as Part 2 on the attached survey appears to be located within the OS3-132 Zone. As such, a successful Zoning By-law Amendment would be required to permit structures on the property, residential uses, and any site-specific performance standards.

#### City of Hamilton Zoning By-law 05-200

The subject property is zoned Open Space "P4-164" Zone, Modified in the new Rural Zoning By-law, as part of City of Hamilton Zoning By-law 05-200.

The zone permits the following uses: Botanical Gardens, Cemetery, Community Garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, and Urban Farms, subject to a set of performance standards. Staff note that residential uses are not permitted.

Special Exception 164 has the effect of regulating the location of golf course-related structures on the property.

Staff note that a successful Zoning By-law Amendment would be required to implement residential uses and any site-specific performance standards.

#### Recommendation

It is the opinion of Staff that the proposed severance is not consistent with the Provincial Policy Statement, does not comply with the Rural Hamilton Official Plan, and does not conform to the Township of Glanbrook Zoning By-law 464 and City of Hamilton Zoning By-law 05-200. As such, Staff recommend that this application be denied.

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**CAUTION:**

1. Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

**CONDITIONS (If Approved):**

1. That the proponent successfully obtain an Official Plan Amendment to permit the proposed use.
2. That the proponent successfully obtain a Zoning By-law Amendment to permit the proposed use and performance standards.

**GL/B-15:66**

The purpose of this application is to permit the conveyance of an irregular-shaped vacant parcel of land (measuring approximately 62 metres by 65 metres, and having an area of 0.4 hectares) for residential purposes, and to retain an irregular-shaped parcel of land (having a frontage 380 metres and an area of approximately 59 hectares) containing an existing golf course, club house, and service buildings.

This application is scheduled to be heard in conjunction with Consent application GL/B-15:65.

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff note that there are no policies which speak to lot creation within Open Space designations; however, the following policy relating to lot creation applies:

- 1.1.4.2 In *rural* areas, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Given that this proposal is to create a new parcel for residential purposes in the rural

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area, and given that the creation of the proposed lot is not directed to a rural settlement area, the subject proposal is not consistent with the policies of the PPS.

Additionally, Staff note Policy 1.2.6.1 and 1.6.9.2 of the Provincial Policy Statement (PPS), as the proposed lot (Part 1 on the attached survey) is intended to be developed for residential purposes and is located within the Noise Exposure Forecast (NEF) of the John C. Munro Hamilton International Airport. Specifically, Part 1 on the attached survey is within the 40+ NEF. Staff note that Policy 1.6.9.1 a) states that “airports shall be protected from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP.” Accordingly, staff advise that the proposed severance is not consistent with the PPS.

#### Greenbelt Plan

The subject property is located outside of the Protected Countryside of the Greenbelt Plan. As such, there are no lot creation policies that pertain to this area.

#### Rural Hamilton Official Plan

The subject property is located within the “Open Space” designation on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP).

Chapter C, Policy 3.3 outlines that Planning policies ensure sufficient and viable open spaces are retained, enhanced, expanded, and appropriately acquired. Lands designated as “Open Space” are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management, and other open space uses.

Staff note that residential dwellings are not permitted within this designation, except where one ancillary residential dwelling may be permitted in conjunction with a resource-based recreational and tourism use, provided that it does not interfere with or have any negative impacts on the open space nature of the land (as per Policy C.3.3.2 b)). Staff also note that any proposed dwellings would not be ancillary to the existing open space uses.

The following policies apply with respect to lot creation in the “Open Space” designation:

F.1.14.2.1 a) Severances that create a new lot for the following purposes shall be prohibited:

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- i) Residential uses except in accordance with:
  - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
  - 2) Policies F.1.14.2.1.b iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.

As this proposal is to create a parcel for a new residential dwelling, it does not meet the intent of the Rural Hamilton Official Plan.

Staff also note that given that the "Open Space" designation does not permit the construction of a residential dwelling, a successful Official Plan Amendment would be required in order to proceed.

The Rural Hamilton Official Plan's archaeology Policy B.3.4.4.3 states that "in *areas of archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:

a) May be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*:

- i) site plan applications; and,
- ii) plans of condominium.

b) May be required for the following planning matters under the *Planning Act* when they involve *soil disturbance* or *site alteration*:

- i) minor variances; and,
- ii) consents / severances.

c) Shall only be required for the lands on which soil will be disturbed or *site alteration* will be conducted as a direct result of the proposal.

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

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- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach Condition #1 to the application.

#### Township of Glanbrook Zoning By-law No.464

The New Rural Zoning By-law was passed by Council on July 10, 2015, but is not yet final and binding. Until such time that it is final and binding, both the Township of Glanbrook Zoning By-law 464 and the rural zones of the City of Hamilton Zoning By-law 05-200 are in force and effect, with the most restrictive provisions of the two By-laws applying to the property.

The subject property is split-zoned Private Open Space "OS1-131" Zone, Modified and Open Space Conservation "OS3-132" Zone, Modified in the Township of Glanbrook. These zones restrict uses to the following:

OS1-131 Zone: a golf course, practice range, clubhouse including one (1) accessory dwelling unit for a manager/greenskeeper, parking area, and accessory uses, buildings and structures.

OS3-132 Zone: a golf course and accessory uses. No buildings or structures shall be permitted on the lands zoned OS3-132.

The portion of the property labelled as Part 1 on the attached survey appears to be located within the OS1-131 Zone. As such, a successful Zoning By-law Amendment would be required to permit residential uses and any site-specific performance standards.

#### City of Hamilton Zoning By-law 05-200

The subject property is zoned Open Space "P4-164" Zone, Modified in the new Rural Zoning By-law, as part of City of Hamilton Zoning By-law 05-200.

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The zone permits the following uses: Botanical Gardens, Cemetery, Community Garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, and Urban Farms, subject to a set of performance standards. Staff note that residential uses are not permitted.

Special Exception 164 has the effect of regulating the location of golf course-related structures on the property.

Staff note that a successful Zoning By-law Amendment would be required to implement residential uses and any site-specific performance standards.

#### Recommendation

It is the opinion of Staff that the proposed severance is not consistent with the Provincial Policy Statement, does not comply with the Rural Hamilton Official Plan, and does not conform to the Township of Glanbrook Zoning By-law 464 and City of Hamilton Zoning By-law 05-200. As such, Staff recommend that this application be denied.

#### **CONDITIONS (If Approved):**

1. That the proponent successfully obtain an Official Plan Amendment to permit the proposed use.
2. That the proponent successfully obtain a Zoning By-law Amendment to permit the proposed use and performance standards.
3. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed (shown as **Part 1** on the submitted plans) and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event

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that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

### **Growth Management:**

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be Retained will remain as 8475 English Church Road East, and the lands to be conveyed (Part 1) will be assigned the municipal address of 8345 English Church Road East; and the lands to be conveyed (Part 2) will be assigned the municipal address of 8211 English Church Road East .

### **Building Division:**

1. The subject lands are presently zoned "OS3-131" and "OS3-132" according to Glanbrook Zoning By-law 464. Be advised that By-law 15-173 was passed on July 10, 2015 which changed the zoning of this property from the "OS3-131" and "OS3-132" zones to the "P4, Special Exception 164" zone under Hamilton Zoning By-law 05-200. However, By-law 15-173 has been appealed to the Ontario Municipal Board and is therefore not yet final. At present, all proposed development is reviewed under both the existing and the proposed Zoning By-laws with the more restrictive zoning regulations of both Zoning By-laws being applied. If By-law 15-173 is approved at the Ontario Municipal Board, the zoning under this By-law will be applicable.
2. Both the "OS3-131 and OS3-132" and the "P4, Special Exception 164" do not permit the proposed use of single detached dwellings. As such, as a condition of approval, final approval of a zoning amendment shall be required.
3. The applicant should obtain an appropriate municipal address for the proposed parcels from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
4. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.



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5. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance review and pay the relevant fees.
6. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
7. Details regarding the proposed single detached dwellings have not been provided. As such zoning compliance cannot be determined for the proposed future residential buildings.

**CONDITIONS:**

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
2. The applicant shall apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division - Zoning Section).
3. The owner shall submit survey evidence that the lands to be retained, including any existing structures, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).

**Source Water Protection:**

For the proposed applications to permit the conveyance of 2 parcels of land with 0.78ha (Part2) and 0.4ha (Part 1) for residential purposes and to retain a parcel of land with an area of 59ha containing an existing golf course, club house and service buildings,

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Source Protection Planning (SPP) offers the following comments:

- The proposed severances will rely on private water and sewage services; the preliminary soil characterization indicates the presence of clayey soils in this area;
- SPP will require a Site Plan with location of the new septic systems and wells for both severed lots and existing well and septic system for retained lot including distances from neighbouring wells and septic systems to demonstrate compliance with clearance requirements of Part 8 of the Ontario Building Code; the septic systems shall be located downgradient of the proposed wells on site and the wells on the adjoining properties;
- SPP will require a Design Brief and a complete Hydrogeological Study, prepared by a qualified professional. The Design Brief shall identify the expected water source, expected water usage/flows and any treatment required in consideration of raw water quality and intended water use for the severed lots. The Design brief should also describe the expected wastewater flows, identify any unusual effluent contaminants outside of typical sanitary flows and the intended location, nature and general design of the proposed wastewater treatment system and tile bed.
- A complete Hydrogeological Study shall identify from a water source perspective:
  - o the preferred water source for the severed lots including location of the new wells and reference the design brief with respect to their ability to provide the capacities and quality of water required to service the proposed development;
  - o the proponent shall provide a copy of the well record(s) for the new wells servicing the lots to be severed;
  - o in order to assess the raw groundwater quality of the proposed new wells, the proponent shall provide water quality data from the new wells to be installed on the lots to be severed; the Groundwater Quality Parameters to be tested shall follow the parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MOECC 2003) including Tables 1, 2 and 4, the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta;
  - o if the sampling results demonstrate that there are exceedances the report shall include recommendations for water treatment, SPP and Public Health will review the recommendations;
  - o pump testing is advised to demonstrate that adequate supply is available without unreasonably interfering with the well supplies of existing users in the area; in this case, a selection of area wells should be monitored during the pump testing, the investigation should follow MOE Guideline D-5-5 Technical Guideline for Private wells: Water Supply Assessment.

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- A complete Hydrogeological Study shall identify from sewage treatment perspective:
  - o clarify the suitability of soils on-site for septic and tile (Class 4 system) treatment and disposal, in reference to the flows and expected quality as identified by the Design Brief;
  - o the study should include a nitrate boundary calculation (MOE Guideline D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment) to ensure that the effluent flowing off-site meets Reasonable Use Guidelines (MOE Guideline B-7) and that the lot sizes are adequate to ensure natural infiltration is sufficient to attenuate contaminant concentrations at the lot boundaries.

A copy of the *Guidelines for Hydrogeological Studies and Technical Standards for Private Services (Final, Nov 2013)* can be made available to the proponent to ensure that the Hydrogeological Study contains appropriate investigation and calculations.

### **Development Engineering – East:**

The subject properties are located on the south side of English Church Road lying east of Upper James Street.

The applicants are requesting consents for the purpose of conveying the two vacant parcels of land (Parts 1 and 2) for future single detached residential development both fronting on English Church Road. A 59.64 ha. +/- parcel of land is to be retained for continued golf course use (Willow Landing).

There are no municipal services along this section of English Church Road. The proposed new lots are to be serviced by privately owned and operated wells and individual septic systems.

Schedule "C" – Rural Functional Road Classification of the City of Hamilton Rural Official Plan designates English Church Road as a collector road and is to have an ultimate road allowance width of 36.58m (120 feet). A previous road widening was taken in 2008 along the frontage of the lands [Part 5 and 10, 62R-17859] in order to widen the roadway to 20.1m [66 feet]. English Church Road was previously identified in Schedule "E" of the former Township of Glanbrook Official Plan and classified only as a local road. A further road widening dedication will be required as a condition of consent

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approval. The proposed remnant lands also fronts on to the east limit of Upper James Street. This roadway is to have an ultimate roadway width of 45.0m (150 feet). A road widening dedication will also be required from the original centreline of this roadway as a condition of consent approval.

The Owner/applicant will be required to enter into a Consent Agreement with the City in order to ensure that the future residential development on the new lots proceeds in a proper and orderly manner. This Agreement is required to ensure that drainage from this parcel will be contained and directed to the appropriate outlet without affecting adjacent properties. Please note that the Owner will be responsible for the relocation of any street furniture (i.e. fire hydrant, utility poles etc.) that may be required as a result of this development.

**Should this application be approved we recommend that it be subject to the following conditions:**

1. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction.
2. That sufficient land is dedicated to the City along English Church Road along the entire frontage of the new lots to be created and the remnant lands in order to establish the property line 18.28 metres (60 feet) from the centreline of the original English Church Road allowance and 22.86m (75 feet) from the original centreline of Upper James Street.

**Hamilton Municipal Parking System (Parking Services):**

No Comment

**PUBLIC WORKS DEPARTMENT**

**Traffic, Engineering and Operations Division:**

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The Applicant, or future builder, will be responsible for confirming that appropriate sightlines will be provided at any proposed driveway in a future development proposal.

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Any new or change in access requires an Access Permit from the Municipal Parking Office. Details on the permit process can be obtained from Dave Lavalley at ext. 4578.

**CORPORATE SERVICES:**

**Budgets, Taxation & Policy (outstanding taxes):**

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

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

**Amendment CARRIED**

For disposition of this matter refer to Item 3.

- (iii) **Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) (Item 6.3)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance 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 Official Plan and Zoning By-law Amendments, 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.

**Written Comments**

6.3(a) Steve and Rose Dean, 8404 English Church Road, Mount Hope

**(Pearson/Partridge)**

That the written comments, Item 6.3(a), be received.

**CARRIED**

No members of the public came forward.

**(Pasuta/Skelly)**

That the public meeting be closed.

**CARRIED**

**(Partridge/Pearson)**

That Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) be TABLED to a future meeting to allow the Ward Councillor to meet with the applicant.

**CARRIED**

**(Green/Partridge)**

That the Statutory Public Meeting be reopened when Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) is included on a future Planning Committee agenda.

**CARRIED**

**5. ADDED NOTICE OF MOTION**

- 10.1 Commemorative Designation of the 400 Block of Wentworth Street North
- 10.2 Ancaster High School, 374 Jerseyville Road West, Ancaster, to be considered for Heritage Designation.

**6. OUTSTANDING BUSINESS LIST DUE DATES:**

11.1 Outstanding Business List

(a) Items requiring new due dates (update):

Item "D" - Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the Ontario Heritage Act (PED12166)

Due date: July 10, 2018

New due date: September 18, 2018

Item "E" - Staff to consult with property owners & Councillor re: HMHC Report 14-009 recommendations to include 206, 208 and 210 King Street East in the Register of Property of Cultural Heritage Value or Interest and staff's designation work program and report back

Due date: July 10, 2018

New due date: January 15, 2019

**(B. Johnson/Green)**

That Item 10.1 be withdrawn.

**CARRIED**

**(B. Johnson/Pearson)**

- (a) That Item 6.6, Report PED18007, respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) which was TABLED on May 1, 2018 remain TABLED to allow for discussion between the applicant and staff;
- (b) That the Statutory Public Meeting be reopened when Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) is included on a future Planning Committee agenda.

**CARRIED**

**(Pearson/Conley)**

That the agenda for the July 10, 2018 meeting be approved, as amended.

**CARRIED**

- (b) *That the Draft By-law, attached as Appendix "B-1" to Report PED18147 be amended to further refine the mapping to reflect the Natural Heritage Feature.*

**CARRIED**

**Pearson/Conley)**

*That the recommendations of Item 6.4 be further amended by adding the following subsection (e):*

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

**CARRIED**

For disposition of this matter refer to Item 11

**(Pearson/Conley)**

That the recommendations of Item 6.5 be further amended by adding the following subsection (d):

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

**CARRIED**

For disposition of this matter refer to Item 12

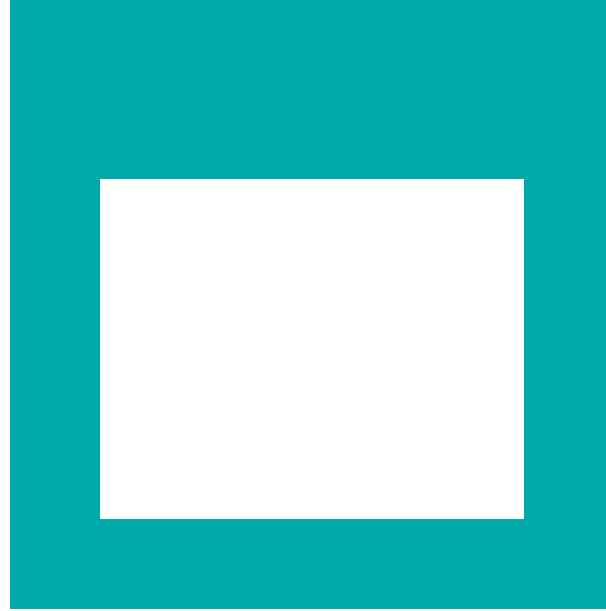
- (vi) **Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) (TABLED May 1, 2018) (Item 6.6)**

This Item was TABLED under Changes to the Agenda.

- (vii) **Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) (Deferred June 5, 2018) (Item 6.7)**

In accordance with the provisions of the *Planning Act*, Vice Chair Farr advised those in attendance 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 Official Plan and Zoning By-law Amendments 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





WELCOME TO THE CITY OF HAMILTON

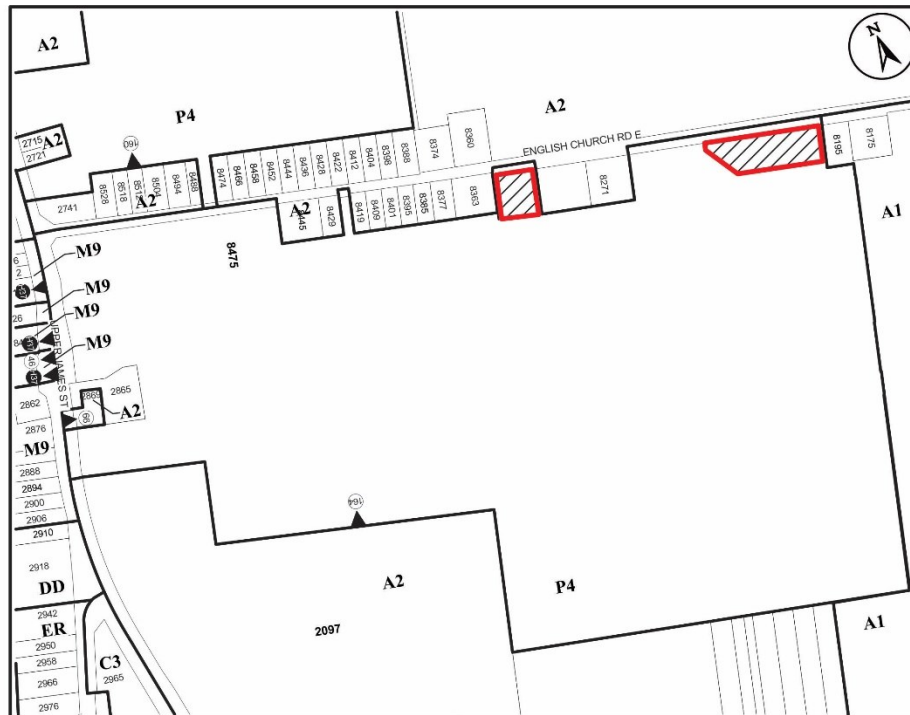
# PLANNING COMMITTEE

October 20, 2020

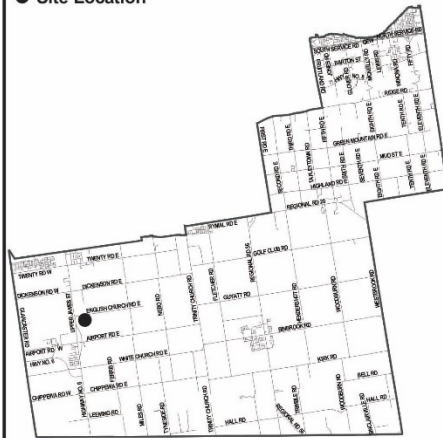
# PED18077 – (ZAC-17-082 / RHOPA-17-39)

Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook

Presented by: Elyse Meneray



● Site Location



### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**File Name/Number:** ZAC-17-082/RHOPA-17-39  
**Date:** March 12, 2018

**Appendix "A"**      **Scale:** N.T.S.      **Planner/Technician:** EM/NB

**Subject Property**

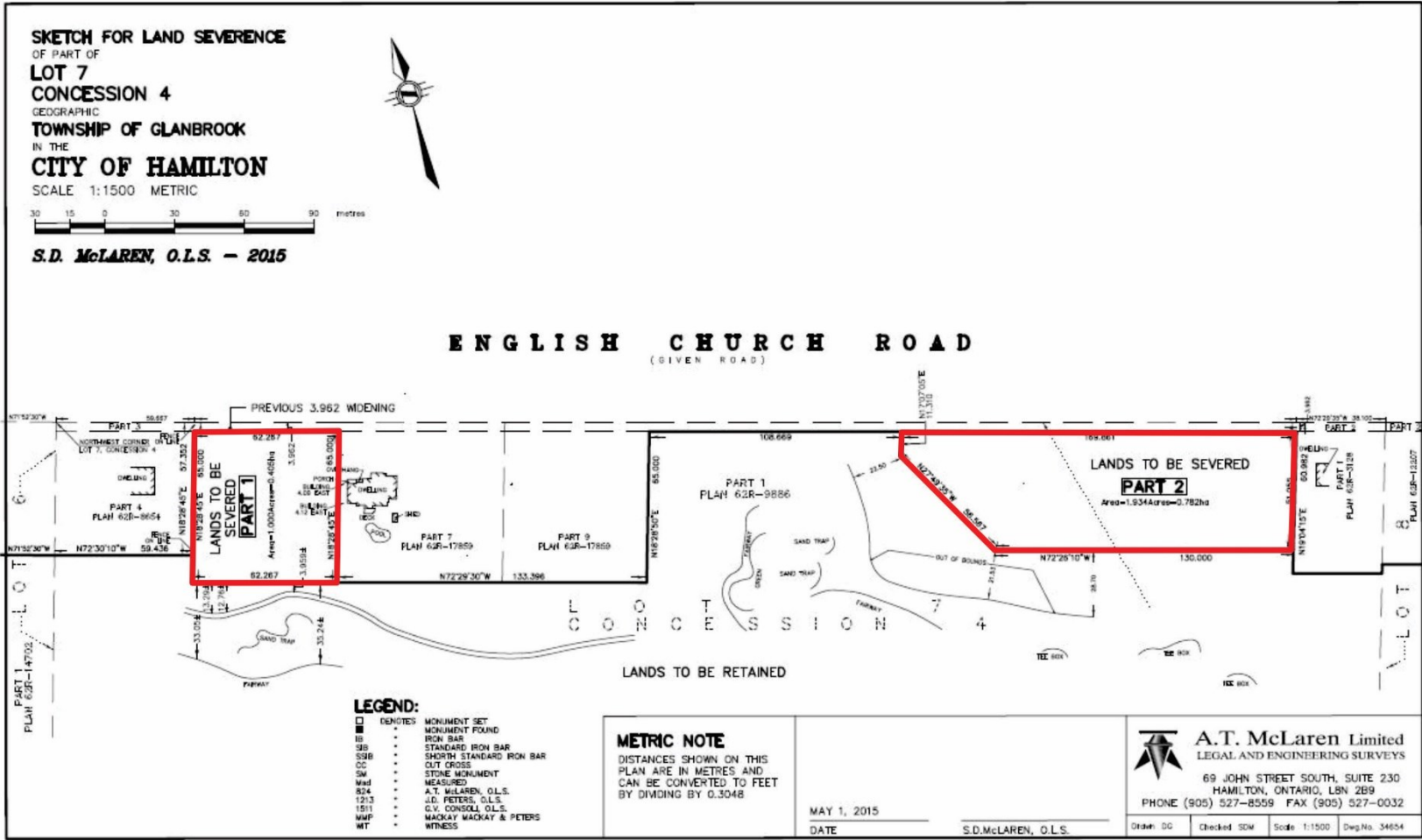
8475 English Church Road East



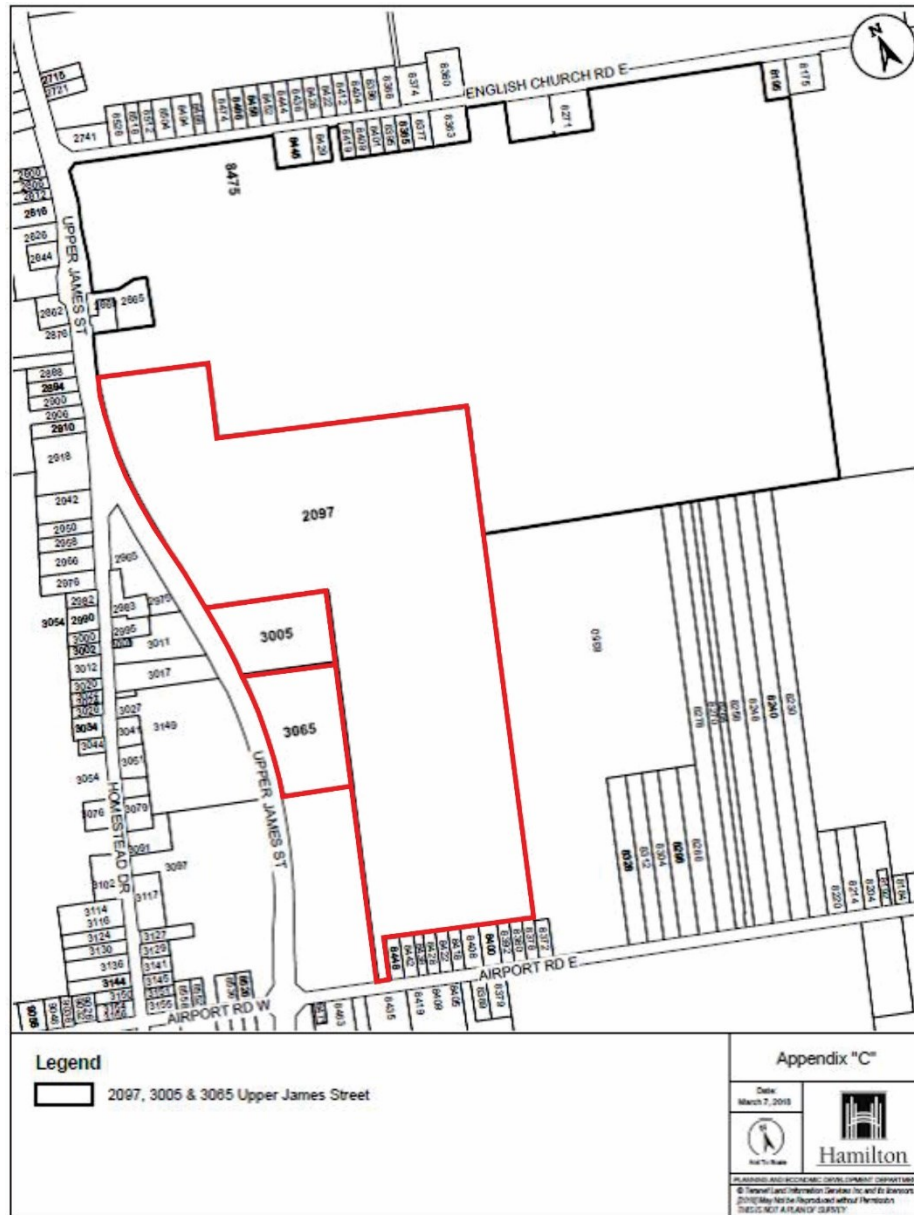
**SUBJECT PROPERTY**



**8475 English Church Road East, Glanbrook**



Z:\346d\wg\34654 LDC Sketch English Church Rd - Fothergill\34654 SKETCH English Church Rd.dwg, Model, 01/05/2015 12:02:46 PM









**Table C.4.8.1: Requirements for Development in the Vicinity of John C. Munro International Airport**

	<b>Locational Criteria</b>	<b>Requirements</b>
<b>1</b>	35 NEF and greater, and/or within the Airport Influence Area	<p>a) All new <i>development</i> of residential and other <i>sensitive land uses</i>, including <i>infill development</i> and <i>redevelopment</i>, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>
<b>2</b>	28 NEF and greater, but less than 35 NEF	<p>a) All new <i>development</i> of residential and other <i>sensitive land uses</i>, including <i>infill development</i> and <i>redevelopment</i>, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p> <p>c) All <i>development</i> applications approved prior to approval of this Plan may proceed.</p>
<b>3</b>	25 NEF and greater, but less than 28 NEF	<p>a) All <i>development</i> and <i>redevelopment</i> proposals for residential and other <i>sensitive land uses</i>, including <i>infill development</i> and <i>redevelopment</i>, shall be required to submit a <i>detailed noise study</i>, employ noise mitigation measures and include appropriate warning clauses in accordance with Section B.3.6.3 - Noise, Vibration and Other Emissions, and Policy C.4.8.6.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>



First proposed lot along English Church Road East



First proposed lot along English Church Road East



Looking east of the Subject Lands along English Church Road East



Looking west of the Subject Lands along English Church Road East



Looking north of the Subject Lands along English Church Road East



Looking south of the Subject Lands along English Church Road East



Second proposed lot on English Church Road East





**CITY OF HAMILTON**  
**PUBLIC NOTICE**  
of the City of Hamilton Planning and Economic Development Department  
for the proposed rezoning of the following property, and for the proposed  
amendment to the City of Hamilton Zoning By-law, 2012, as amended.

**ADDRESS:** 1000 English Church Road East, Hamilton, Ontario  
**APPLICANT:** Hamilton Planning and Economic Development  
**PROPOSED ZONING:** R10 (Single-Family Residential)

**PROPOSED USE:** The applicant has proposed to use the property for a  
single-family residential use, which is currently zoned R10 (Single-Family  
Residential). The applicant is requesting a rezoning to R10 (Single-Family  
Residential) to allow for the proposed use.

**PUBLIC MEETING**  
**DATE:** 10/10/2018  
**TIME:** 6:00 PM  
**LOCATION:** COUNCIL CHAMBERS, 100 KING STREET WEST, HAMILTON, ONTARIO

Second proposed lot on English Church Road East



Looking east of the Subject Lands along English Church Road East



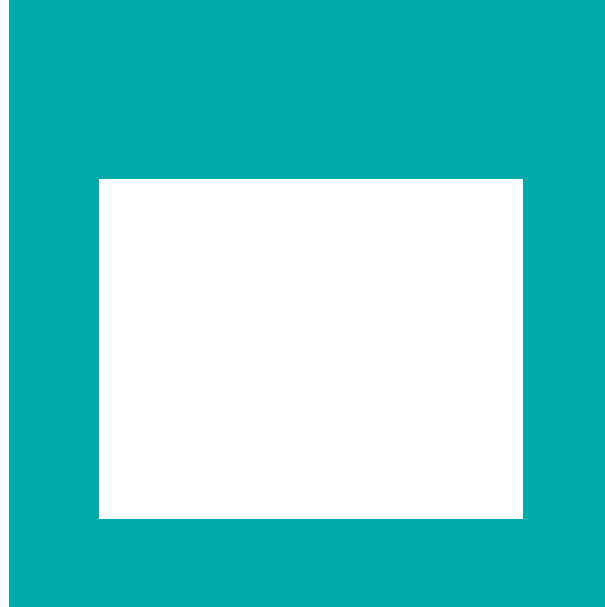
Looking west of the Subject Lands along English Church Road East



Looking north of the Subject Lands along English Church Road East



Looking south of the Subject Lands along English Church Road East



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

**From:** Stephen Dean  
**Sent:** October 5, 2020 2:10 PM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Public Input Letter Files RHOPA-17-039 / ZAC-17-082

Please find attached a document with our Input to the following:

**RE: Applications by Fothergill Planning & Development Inc. On behalf of Willow Valley Holdings Inc. for an Official Plan Amendment and Zoning By-Law Amendment for lands located at 8475 English Church Road East, Glanbrook (Ward 11)**  
**Files: RHOPA-17-039 & ZAC-17-082**

Please note there are four question noted in the attached document that I'm requesting a response to. We would also like a responses regarding all decisions made to the above Amendments.

Thank You  
Steve / Rose Dean  
Mount Hope, Ont.

**Attached Correspondence:**

October 5<sup>th</sup> 2020

Co-ordinator, Planning Committee  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario, L8P-4Y5  
[clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**RE: Applications by Fothergill Planning & Development Inc. On behalf of Willow Valley Holdings Inc. for an Official Plan Amendment and Zoning By-Law Amendment for lands located at 8475 English Church Road East, Glanbrook (Ward 11)**  
**Files: RHOPA-17-039 & ZAC-17-082**

Co-ordinator:

Rose and I have enjoyed being residents here on English Church Road since 1980 and over the years have enjoyed seeing most of the many changes happening around us. Although we welcome more residential development on English Church Road we worry about the capacity of the current aquifer system we all draw our water from. Therefore we have a few questions.

**A response to these four questions will be greatly appreciated:**

- Will a city water line be planned and installed on English Church Road East to support the additional residential properties.
- Has a study been done to ensure the current aquifer system can sustain additional residential wells?

- If no city water line will be considered for English Church Road East will there then be restrictions on allowing irrigation systems installed on residential properties which draw off the current aquifer system.
- Will a restriction be placed on new residential property owners to only allow one working well per property and not allow a second well for irrigation purposes.

In closing while we would encourage the development of new homes on English Church Road both Rose, I and other residents have noticed a decrease in the amount of available water to us over the past few years and we all get concerned during times of drought to see residents with irrigation systems used to water lawns then watch the excess water running off into a ditch while other property owners wells run dry. We just want to ensure that all residents on English Church Road East Road can be assured that any new developments on this road will not put our current aquifer system at risk. We would welcome the installation of a city water line down English Church Road East. Installing a city water line would ensure a reliable water source to all current and future residential properties for now and years to come.

Thank You

Rose / Steve Dean



**From:** Giselle Burt

**Sent:** Monday, September 21, 2020 6:06 PM

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

**Subject:** Re allowing chickens in urban areas

I would love this subject to be read during committee on the subject of allowing the people of Hamilton to own chickens.

Thank u!

Plz change the bylaw for allowing chickens ...many ppl use chickens as pets and they are much quieter than parrots and dogs...plus they are awesome anxiety support for ppl as well...to tell someone they have to remove their 4 pets is upsetting to say the least...think of the anxiety that alone would create...too many ppl are housebound atm and I think allowing chickens which are also great for recycling of food waste and fertilizing soil can only be a good thing! Of course u could limit the amount of chickens per household or property size...and roosters could be an option to limit...so I think this would be an excellent time to change the bylaw ! thanking u for your time=)

Giselle Burt

**From:** Aly Livingston  
**Sent:** Tuesday, October 6, 2020 7:29 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** A letter in support of a backyard hens pilot project

Good day.

I understand that councillor Nairn will be bringing forward a motion in support of a backyard hens trial. I have written councillors before in support of this idea. I'd like to take the opportunity to reiterate my reasons, in hopes of currying favour among council for this idea as well. Let's get started, shall we.?

- Chickens make eggs. Much like a tree bearing fruit. They can be an extension of the garden and allow food production and security to be self managed.
- We are still In A global Pandemic. Self reliance ensures safety. Why would anyone argue that point.? The quality of eggs provided by a happy backyard hen surpasses that of a factory farmed egg.
- 4 Chickens in a yard is not a nuisance to anyone provided they are cared for and securely housed
- chicken poop and coop shavings are compostable and good for the garden. We don't do this with dog or cat feces .
- Hens do not make a lot of noise - compared to my *neighbour's Harley Davidson*  
*And certainly, less than a barking dog*
- We allow all sorts of pets that make smells, noises, and are at risk of becoming prey. Rabbits, lizards, pigeons snakes. - none of which provide eggs and all of which would make tasty fodder for a hawk, coon or cat
- 4 hens is a nice number. They create a community for themselves and are fun to watch and interact with
- It is human nature to want to care for something. That's why there are pet stores. Chickens make excellent pets
- To learn about egg production and chicken biology is fascinating for a person of any age. Especially now, when a lot of learning has gone on line- to be able to create another facet of learning within the home is a very real and valuable asset.
- I have had some negative responses from my letters of advocacy from a few councillors, who will probably never change their minds until voters change theirs  
 But I think it is fair to say that the pros outweigh the cons.

Please vote in support of the pilot project people!

Best.

Aly

**From:** Scott McLaughlin  
**Sent:** Tuesday, October 6, 2020 8:53 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Backyard hen project

Hello

I'm writing as an advocate for the benefits of backyard hens. In today's day and age Hamilton home owners and or occupants of a home should be able to own few birds for goodness sake.

I'm a 43 year old firefighter with many responsibilities and find it disheartening if the Hamilton council can't have enough faith in me and my fellow citizens to responsibly create our own food. Other municipalities have laid (no pun intended) out the framework. It would be an easy implementation for the city and could also generate revenue in time where the city needs it.

As I'm sure other supports have said -some reasons include :

Food security - chickens provide an egg daily at a cost of pennies.... four chickens can provide a family with most of the protein they require in a day.

Fairness - if my neighbors can own barking dogs and outdoor cats I don't see why I can't have a couple chickens.

Companionship - it is well know that birds make great pets, they can teach children responsibilities and offer an egg in reward !

Multiple townships and cities surrounding Hamilton (and across North America) have ammended their bylaws and allowed their citizens to raise backyard hens with great success. There is no reason why Hamilton can't extend the same privilege to its own citizens. It would be a positive in a world full of negatives lately.

A small amount of research will show that many of the misinformation regarding having backyard birds is unfounded, represents only a small amount of bird owners or are myths completely.

Garbage and bird feeders and restaurant dumpsters attract raccoons and mice and skunks. Not chickens. Chickens raised in a coop in a yard do not manifest disease. Five thousand chickens in commercial setting do.

With no roosters present. Chickens do not multiply.

I've read some of the condescending and down right rude and unbecoming responses councillors have replied to others in support of a hen project recently. My advice to them - is get over yourselves... remember who you are or aren't representing (rural councillors should have little opinion on this) try embrace change and more importantly do your homework to ensure your 'opinion' is just not that.

Thank you for your representation.

Scott McLaughlin  
Ward 3 - Stiplely

**From:** Daegan McNeaney  
**Sent:** Tuesday, October 6, 2020 11:04 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Letter for Council - Support for Urban Hens

Hi there,

I would like the following letter to be included in the July 17 council meeting in support of the Urban Hens pilot proposal.

Dear Council,

First, thank you for the work you have done for our community. I write to you today regarding the Urban Hens Pilot Proposal. To us residents, especially in these uncertain times, it is important to have the freedom of choice within our own backyard.

There are many benefits to adopting this pilot program in the City of Hamilton:

- first, based on the Toronto pilot proposal, NONE of the predicted concerns have materialized: <https://www.thestar.com/news/gta/2020/02/18/backyard-hens-not-the-scourge-some-predicted.html>
- comprehensive requirements to ensure safety and cleanliness of both residents and hens
  - reasonable restrictions such as limit of 4 hens
  - mandatory regular cleaning of coops
- enables residents to have the liberty of self-sufficiency
  - helps tackle food insecurity within our City by providing a low-cost source of eggs
- chickens divert waste from landfills as they consume much of household compost
- hens are quieter than dogs
  - a dog's bark is 90 decibels, whereas a hen's song is only 60 decibels

I hope that you do not choose to perpetuate the status quo in these unprecedented times. I urge you to support this pilot proposal as there are overwhelming positives to owning hens. This is not just a matter of food security, it is a matter of freedom of choice in our own backyards.

Thank you very much,

Daegan McNeaney  
Ward 7

**From:** Lauren Moroz  
**Sent:** Tuesday, October 6, 2020 11:26 AM  
**To:** Wilson, Maureen; [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Pilot Hen Project

Dear Council,

First, thank you for the work you have done for our community. I write to you today regarding the Urban Hens Pilot Proposal. To us residents, especially in these uncertain times, it is important to have the freedom of choice within our own backyard.

There are many benefits to adopting this pilot program in the City of Hamilton:

- first, based on the Toronto pilot proposal, NONE of the predicted concerns have materialized: <https://www.thestar.com/news/gta/2020/02/18/backyard-hens-not-the-scourge-some-predicted.html>
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- a dog's bark is 90 decibels, whereas a hen's song is only 60 decibels

I hope that you do not choose to perpetuate the status quo in these unprecedented times. I urge you to support this pilot proposal as there are overwhelming positives to owning hens. This is not just a matter of food security, it is a matter of freedom of choice in our own backyards.

Thank you very much,

Ms. Lauren Moroz  
Ward 1 resident

**From:** joanne fenbow  
**Sent:** Tuesday, October 6, 2020 2:21 PM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Urban hens pilot program

Dear counsellors,

I would like to take this opportunity to thank counsellor Nann for listening to our concerns regarding the urban hens in Hamilton. I feel the only way you will understand the difference between Mega chicken farms and backyard chickens is if you visit both of them. I compare it to puppy mills and certified dog breeders. I would not buy from a puppy mill but I am forced to buy from a chicken Mill.

There is so much misinformation about backyard chickens and I will try to address as many as I can.

1) noise. - Dogs barking 90 decibels

- Human conversation 60 to 70 decibels

- chickens 60 to 70 decibels  
 Unlike dogs they only make  
 Noise when laying an egg or  
 If they are being attacked

2) rats and mice - my neighbor's has about 10 bird feeders that attract birds, raccoons, Chipmunks, squirrels, rats, mice and possums! Yet she is still allowed to have bird feeders.

Chicken coops should be wrapped in fabric mesh so mice and rats can't get in and it protects the chickens it also protects the food and any food is put in a metal can as a safeguard.

3) smell. - chicken coops should have a poop hammock mounted under the roosting bar. Chickens do most of their pooping at night so you could clean the poop hammock daily should you need to.

My neighbour has five barking dogs on my left, two barking dogs on my right, 1 barking dog across the street and five or six barking dogs backing onto my property yet you are worried about the noise a few chickens would make that seems like a double standard to me.

I feel it is essential to have a Humane and safe food source. There is a lot of chicken groups that help all the newbies out if they have any issues so there is a whole support system in place. I would like to think a lot of those people are voters, I know I am and will vote accordingly next time around after all the people that we put in office are there to represent us not vote your own personal beliefs. Brenda Johnson told me before this matter was voted on that it will never pass, at one point I was told the planning committee was going to vote on it and then I pointed out that I know the vote was stacked. My last count on votes and I have been keeping track is as follows.

7 yes

5 no

3 unconfirmed

I would ask all of you to reconsider a vote where all the councillors have to vote on a chicken pilot program, if Toronto can have chickens I can't understand why Hamilton Can't there is much larger properties here! Thank you for your time and please vote for backyard chickens because this issue is not going to go away! If it doesn't pass I will keep bringing this issue forward. I look forward to hearing from all of you thank you for your time.

**From:** Fred Patterson

**Sent:** Wednesday, October 7, 2020 11:26 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca); Farr, Jason; Nann, Nrinder; Merulla, Sam; [chad.collins@hanilton.ca](mailto:chad.collins@hanilton.ca); Jackson, Tom; Ward 8 Office; Pauls, Esther; Clark, Brad; Pearson, Maria; Johnson, Brenda; Ferguson, Lloyd; VanderBeek, Arlene; Whitehead, Terry; Partridge, Judi; Office of the Mayor; Wilson, Maureen

**Subject:** Backyard chickens

Dear councillors,

I have become aware that there is an upcoming motion by the planning committee to address backyard chickens. I would like to point out if the planning committee votes on this I already know how everyone will vote. Stacking the vote with people that don't support this seems very self serving, I was under the impression you were there to represent us not yourself. I will remember this when it is time to vote. I believe you have a right not to have chickens in your yard but I don't believe you have a right to tell me that I can't have them on my property. If that's the case we need to open a discussion about neighbours having too many dogs, cats roaming around killing wildlife and people having bird feeders attracting raccoons, mice and rats.

Fred Patterson

Sent from my iPad



**From:** Vicki Racz  
**Sent:** October 8, 2020 11:28 PM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Proposal for Urban Hens Pilot Project Hamilton

Dear Councillors,

First, thank you for the work you have done for our wards and our communities. I write to you today regarding the upcoming Urban Hens Pilot Project. To us residents, especially in these uncertain times, it is important to have the freedom of choice within our own backyard.

**There are many benefits to adopting this pilot program in the City of Hamilton:**

- comprehensive requirements to ensure safety and cleanliness of both residents and hens
- reasonable restrictions such as limit of 4 hens
- mandatory regular cleaning of coops
- enables residents to have the liberty of self-sufficiency
- helps tackle food insecurity within our City by providing a low-cost source of eggs
- chickens divert waste from landfills as they consume much of household compost
- hens are quieter than dogs- a dog's bark is 90 decibels, whereas a hen's egg laying song is only 60 decibels

Please consider some important factors, this will not take away from the massive chicken farms that exist to feed the general population. Keeping your own hens not only provides a clean and fresh free range food source for personal consumption but many people suffer from food allergies that deters them from eating eggs as the chickens from feed lot farms are fed grains which are the issue for people with gluten intolerance and or celiac disease.

Coops can be kept clean and maintained weekly clearing out their waste. Chickens mainly poop when they roost at night. When kept clean they don't smell as bad as the neighbour with the constant barking dogs and the poop they never clean because they let their dogs do whatever they want.

Coops are also enclosed and when set up properly from predators the "pests" have no way in. There are many neighbours that keep bird feeders that attract rats, mice, opossums. These pests also bring along the fleas and ticks that live in their fur. Chickens love to forage and will seek out ticks as they are one of their favourite snacks. Responsible chicken owners will also provide the necessary requirements to allow their chickens to free range in their yards. Best practices to ensure chickens don't "run at large" are cutting flight feathers. Which grow back much like the wings of budgies people buy at pet stores that are clipped. This doesn't hurt the bird at all as will ensure they cannot fly high enough to escape.

Some other points I would like to add;

- by using self sustainable practices, cutting back on household waste, and composting Chicken waste in appropriate compost containers, this will reduce garbage in landfills, reduce cost to city for waste, while also providing backyard gardens with rich soil for their vegetable and herb plots. Plus, this will make less reliance on our already fragile commercial food system, allowing others who can't grow gardens or raise chickens easier access to the food from commercial services.

- There have been other councillors in other wards that have received similar emails to this one. I hope that this will be considered as there have been shortages of certain foods and prices have increased.

There are

also other pilots that are ongoing in the city of Toronto and has been successful as many of my friends that live there have backyard hens.

- I also encourage you to take a look at a few urban hen coop designs that many people have set up that are clean and successful. Many backyard hens that are kept are also what's called a bantam breed, meaning they are much much smaller than your average farm or meat production chicken,

which is what many people think of when the word chicken comes to mind. Hens are the only birds needed to produce eggs. Some examples of bantam chicken breeds are: Silkies, bantam Cochin, Rhode Island reds, Orpingtons as well as many others that are just beautiful, and many even keep them as pets as oppose to a food source.

I urge you to support this pilot proposal, as there are overwhelming positives to owning hens. This not just a matter of food security, it is a matter of freedom of choice in our own backyards. Can I count on your support?

Thank you very much,

Victoria

# CITY OF HAMILTON

## MOTION

Planning Committee

Date: October 20, 2020

**MOVED BY COUNCILLOR M. WILSON.....**

**SECONDED BY.....**

### **HAMILTON PILOT URBAN HENS PROGRAM**

WHEREAS, through the COVID-19 pandemic, it will continue to be crucial for cities to enable food resilience and improve access to inexpensive and nutritious foods close to home;

WHEREAS, to reduce negative impacts on the climate, Canadians and Hamiltonians are encouraged to reduce consumption of high carbon & processed foods;

WHEREAS, since 2018, at least 8 other Canadian Cities, many neighbouring Hamilton, have released restrictions on Urban Hens in favour of Urban Hen programs, reporting successes;

WHEREAS, pilots across the country have resulted in best practices which can be adapted to meet the needs of Hamiltonians interested in raising hens and to address public health and safety concerns, including registration of 4 hens maximum, non-commercial use only, to not be housed in front yards, age of hens, odour and noise assumptions, etc.;

WHEREAS, the most effective way to mitigate negative effects of urban hen-keeping is to regulate it according to best practices in other municipalities;

WHEREAS, ticks and associated illnesses continue to be a major health concern and can be mitigated by keeping hens in urban areas;

WHEREAS, it is suggested that chickens create rich fertilizer which may be composted with yard waste or used to enrich soil;

**THEREFORE, BE IT RESOLVED:**

- (a) That the appropriate staff be directed to provide the Planning Committee with a Pilot Urban Hens Program report that integrates:
  - (i) A food resilience framework;

- (ii) A review and analysis of best practices and by-laws from the additional municipalities which have permitted urban hens since the initial report Keeping of Chickens in Urban Areas (PED12247/BOH12039) was considered by Council in 2012;
  - (iii) Regulatory considerations which could permit up to a maximum of 10 hen keepers in each Wards 1, 2 & 3 as urban Wards with a plan for licensing and evaluation that address previously identified issues including, but are not limited to, health, odour, nuisance, etc.; and,
- (b) That fines associated with the current bylaw prohibiting the keeping of urban hens be suspended until this report is received.