



# City of Hamilton

## PLANNING COMMITTEE REVISED AGENDA

**Meeting #:** 20-013  
**Date:** November 3, 2020  
**Time:** 9:30 a.m.  
**Location:** Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

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

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

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

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\*7.2.a. Registered Delegations:

- (i) Brad Ackles
- (ii) Tyler Ackles

\*7.2.b. Written Submissions:

- (i) Brad Ackles
- (ii) Miles Budnark
- (iii) Denis and Kim Hamelin
- (iv) David Reid
- (v) Wendy Passmore

- |      |   |     |
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- (i) Yu Hua Yin
- (ii) Jason Van Dongen

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## PLANNING COMMITTEE

### MINUTES

**20-012**

October 20, 2020

9:30 a.m.

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

**Present:** Councillors J.P. Danko (Acting Chair), J. Farr, C. Collins  
M. Pearson, B. Johnson, L. Ferguson, J. Partridge and  
M. Wilson

**Also in Attendance:** Councillors B. Clark and N. Nann

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

**1. To Incorporate City Lands into Arvin Avenue by By-Law (PED20157) (Ward 10) (Item 6.1)**

**(Pearson/Johnson)**

- (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.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge

YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**2. To Incorporate City Lands into North Waterdown Drive by By-Law (PED20166) (Ward 15) (Item 6.2)**

**(Partridge/Johnson)**

- (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.

**Result: Motion CARRIED by a vote of 7 to 1, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**3. 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) (Item 6.3)**

**(Partridge/Pearson)**

That Report PED20171 respecting 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, be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

- 4. 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) (Item 6.4)**

**(Partridge/Pearson)**

That Report PED20167 respecting 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), be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

- 5. New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15) (Item 6.5)**

**(Farr/Collins)**

- (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.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**6. Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9) (Item 7.2)**

**(Johnson/Ferguson)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-011 by Wellings Planning Consultants, Agent, on behalf of Royal Living Developments, Owner, for an amendment to the Rymal Road Secondary Plan to redesignate the lands known as 1912 Rymal Road East from “Low Density Residential 2h” to “Medium Density Residential 2c”, as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment Application ZAC-18-029, by Wellings Planning Consultants, Agent, or behalf of Royal Living Developments, Owner, for a change in zoning for the lands known as 1912 Rymal Road East from the Agricultural “A1” Zone to the Residential Multiple “H-RM4-319” Zone, Modified to permit a five storey, 92 unit multiple dwelling as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED20164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by

introducing the Holding “A” as a prefix to the proposed zoning as shown on Schedule “A” of Appendix “C” to Report PED20164.

The Holding Provision Residential Multiple “H-RM4-319” Zone, Modified applicable to lands shown on Schedule “A” to Appendix “C” to Report PED20164 be removed conditional upon the submission and implementation of a revised Traffic Impact Study to the satisfaction of the Manager of Transportation Planning;

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

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

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

**7. Demolition Permit for 1355, 1359, 1375 Upper James St. and 16, 24, 34, 40, 48 Stone Church Rd. East (Added Item 11.1)**

**(Danko/Partridge)**

WHEREAS, the owner has received zoning approval and is currently working through site plan approvals.

WHEREAS, the owner has boarded up the vacant properties but continues to have untoward activity at the properties that are uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of these building as prescribed by the Property Standards By-law or maintain the properties on the Vacant Building Registry and demolition is appropriate; and,

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road



East, Hamilton, Ontario, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

**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  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - 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. PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 7)**

7.2 Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9)

(a) Written Submissions:

(i) Tony and Shannon Porcaro

7.3 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) Written Submissions:

(ii) Kunal Kanani

(iii) Sonia Pronek

7.4 Urban Hen Backyard Pilot Program – Written Delegations

(ix) Maria Mule

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

- 11.1 Demolition Permit for 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East

**(Collins/Johnson)**

That the agenda for the October 20, 2020 meeting be approved, as amended.

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

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

**(b) DECLARATIONS OF INTEREST (Item 2)**

Councillor Ferguson declared a conflict with Item 4.1, correspondence from Ahmad David respecting Taxi Drivers and Licensing, as he is the owner of a taxi licence.

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

**(i) October 6, 2020 (Item 3.1)**

**(Pearson/Collins)**

That the Minutes of the October 6, 2020 meeting be approved, as presented.

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

**(d) COMMUNICATIONS (Item 4)**

**(i) Ahmad David respecting Taxi Drivers and Licensing (Item 4.1)**

**(Partridge/Pearson)**

That the correspondence from Ahmad David respecting Taxi Drivers and Licensing, be received.

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

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

**(e) DELEGATION REQUESTS (Item 5)**

**(i) Mike Bozzo respecting the Urban Hen Backyard Pilot Program (For today's meeting) (Item 5.1)**

**(Johnson/Collins)**

That the Delegation Request from Mike Bozzo respecting the Urban Hen Backyard Pilot Program be approved for today's meeting, to be heard after Item 7.1.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(f) CONSENT ITEMS (Item 6)**

- (i) 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) (Item 6.3)**

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

**(Collins/Danko)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 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) New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15) (Item 6.5)**

Alvin Chan, Manager of Legislative Approvals / Staging of Development, addressed the Committee with the aid of a PowerPoint presentation.

**(Farr/Wilson)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 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.

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

Due to technical difficulties, Mike Bozzo (Item 5.1) was heard before Heather Bond (Item 7.1).

**(i) Mike Bozzo respecting the Urban Hen Backyard Pilot Program (For today's meeting) (Item 5.1)**

Mike Bozzo addressed the Committee respecting the Urban Hen Backyard Pilot Program.

**(Pearson/Johnson)**

That the Delegation from Mike Bozzo respecting the Urban Hen Backyard Pilot Program, be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 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 (h)(i).

**(ii) Heather Bond respecting Changes to the Urban Hen By-law (Approved at the October 6 meeting) (Item 7.1)**

Heather Bond addressed the Committee respecting Changes to the Urban Hen By-law.

**(Johnson/Pearson)**

That the Delegation from Heather Bond respecting Changes to the Urban Hen By-law, be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko

YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 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 (h)(i).

**(Farr/Johnson)**

That Item 7.4, Urban Hens Backyard Pilot Program – Written Delegations, and Item 10.1, Urban Hen Backyard Pilot Program Motion, be moved up in the agenda to be considered at this time.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 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 (h)(i).

**(iii) Urban Hens Backyard Pilot Program (Item 7.4)**

**(Johnson/Farr)**

That the following written delegations respecting Urban Hens Backyard Pilot Program be received:

- (i) Giselle Burt
- (ii) Aly Livingston
- (iii) Scott McLaughlin
- (iv) Daegan McNeaney
- (v) Lauren Moroz
- (vi) Joanne Fenbow
- (vii) Fred Patterson
- (viii) Vicki Racz
- (ix) Maria Mule

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko

YES - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(h) MOTIONS (Item 10)**

**(i) Urban Hen Backyard Pilot Program (Item 10.1)**

**(Wilson/Farr)**

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.

**Result: Motion DEFEATED by a vote of 3 to 5, 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  
 NO - Ward 15 Councillor Judi Partridge  
 NO - Ward 12 Councillor Lloyd Ferguson  
 NO - Ward 11 Councillor Brenda Johnson  
 NO - Ward 10 Councillor Maria Pearson

**(i) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 7) - Continued**

In accordance with the *Planning Act*, Chair Danko advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment and Official Plan Amendment, applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(i) Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9) (Item 7.2)**

No members of the public were registered as Delegations.



**(Johnson/Pearson)**

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

Glenn Wellings with Wellings Planning Consultants, was in attendance and indicated support for the staff report, and requested two amendments to the staff report (respecting the removal of a Holding provision and underground parking modifications) which were not considered by the Committee.

**(Pearson/Johnson)**

That the delegation from Glenn Wellings with Wellings Planning Consultants, 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  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Pearson/Johnson)**

That the following written submission be received:

1. Tony and Shannon Porcaro (Item 7.2 (a)(i))

**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  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge

YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Johnson/Partridge)**

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

**(Johnson/Wilson)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-011 by Wellings Planning Consultants, Agent, on behalf of Royal Living Developments, Owner, for an amendment to the Rymal Road Secondary Plan to redesignate the lands known as 1912 Rymal Road East from “Low Density Residential 2h” to “Medium Density Residential 2c”, as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment Application ZAC-18-029, by Wellings Planning Consultants, Agent, or behalf of Royal Living Developments, Owner, for a change in zoning for the lands known as 1912 Rymal Road East from the Agricultural “A1” Zone to the Residential Multiple “H-RM4-319” Zone, Modified to permit a five storey, 92 unit multiple dwelling as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED20164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding “A” as a prefix to the proposed zoning as shown on Schedule “A” of Appendix “C” to Report PED20164.

The Holding Provision Residential Multiple “H-RM4-319” Zone, Modified applicable to lands shown on Schedule “A” to Appendix “C” to Report PED20164 be removed conditional upon the submission and implementation of a revised Traffic Impact Study to the satisfaction of the Manager of Transportation Planning;

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

**(Johnson/Wilson)**

That the recommendations in Report PED20164 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  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - 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.

- (ii) 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) (Item 7.3)**

**(Johnson/Danko)**

That Report PED18077 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road East, Glanbrook, be deferred to the November 17, 2020 Planning Committee meeting.

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

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

Councillor Danko relinquished the Chair.

**(i) Demolition Permit for 1355, 1359, 1375 Upper James St. and 16, 24, 34, 40, 48 Stone Church Rd. East (Added Item 11.1)**

**(Danko/Pearson)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Demolition Permit for 1355, 1359, 1375 Upper James St. and 16, 24, 34, 40, 48 Stone Church Rd. East.

**Result: Motion CARRIED by a 2/3's majority 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  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - 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.

Councillor Danko resumed the Chair.

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

**(i) General Manager's Update (Added Item 13.1)**

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee with a general update.

**(Pearson/Wilson)**

That the General Manager's Update, 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  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(I) ADJOURNMENT (Item 14)**

**(Ferguson/Johnson)**

That there being no further business, the Planning Committee be adjourned at 12:15 p.m.

**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  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - 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.P. Danko  
Acting Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator

## Request to Speak to Committee of Council

Submitted on Friday, October 30, 2020 - 11:01 am

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** John Ariens

**Name of Organization:** IBI Group Hamilton

**Contact Number:**

**Email Address:**

**Mailing Address:** Hamilton

**Reason(s) for delegation request:** To address the Minutes of the Heritage Committee regarding 1389 Progreston Road

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

**Will you be submitting a formal presentation?** No



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

<b>TO:</b>	Chair and Members Planning Committee
<b>DATE:</b>	November 3, 2020
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20182) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Joe Gravina (905) 546-2424 Ext. 1284
<b>SUBMITTED BY:</b>	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**Council Direction:**

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

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

**Background:**

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

Commencing February 28, 2017, similar Information Reports were forwarded to the Planning Committee on a monthly basis in accordance with the process outlined in

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20182) (City Wide) - Page 2 of 4**

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Information Report (PED16096). An analysis of the information was also included in the year-end reports of December 5, 2017 (PED17208), September 18, 2018 (PED18192) and December 11, 2018 (PED18231).

**Policy Implications and Legislative Requirements – Pre Bill 108**

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

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

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

**Policy Implications and Legislative Requirements – Post Bill 108**

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

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

**Information:**

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor applications where the applicable statutory timeframes apply. This reporting

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20182) (City Wide) - Page 3 of 4**

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tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

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

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

Attached as Appendix “A” to Report PED20182 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of September 29, 2020, there were:

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

Within 60 to 90 days of November 3, 2020, all 14 development proposals have passed the 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix “B” to Report PED20182 is a table outlining the active applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest application to newest. As of September 29, 2020, there were:

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

Within 60 to 90 days of November 3, 2020, all 31 development proposals have passed the 150, 180 or 300 day statutory timeframes.

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20182) (City Wide) - Page 4 of 4**

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

Attached as Appendix “C” to Report PED20182 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of September 29, 2020, there were:

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

Within 60 to 90 days of November 3, 2020, 6 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Twenty-five development proposals have passed the 90 or 120 day statutory timeframe.

Combined to reflect property addresses, there are 76 active development proposals. Twenty-five proposals are 2020 files, while 23 proposals are 2019 files and 28 proposals are pre-2019 files.

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

**Appendices and Schedules Attached:**

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

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

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

JG:mo

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**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 2</b>									
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	23-Dec-16	n/a	05-Jan-17	22-Apr-17	n/a	n/a	Urban Solutions Planning & Land Development	1411
<b>Ward 7</b>									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1133
<b>Ward 9</b>									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1483
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1483
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17	29-Aug-17	A.J. Clarke & Associates Ltd.	1432
UHOPA-16-21 ZAC-16-057 25T-201608	56 Highland Rd. W., Stoney Creek	31-Aug-16	29-Sep-16	27-Mar-17	29-Dec-16	27-Feb-17	22-Dec-17	Metropolitan Consulting Inc.	1317

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 10</b>									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	1951
UHOPA-17-36 ZAC-17-079	514 Barton St., Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	n/a	24-Jul-18	GSP Group	1103
ZAC-16-016	1313 Baseline Rd., Stoney Creek	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	n/a	A.J. Clarke & Associates Ltd.	1754
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	1411
<b>Ward 12</b>									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	1777

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 12 cont'd</b>									
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	1194
UHOPA-17-32 ZAC-17-072	35 Londonderry Dr., Ancaster	06-Oct-17	n/a	01-Nov-17	03-Feb-18	n/a	03-Jul-18	A.J. Clarke & Associates Ltd.	1124
<b>Ward 13</b>									
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	1182

Active Development Applications

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

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 1</b>									
UHOPA-18-005* ZAC-18-012	235 Main St. W., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	1047
UHOPA-18-015* ZAC-18-035	69 Sanders Blvd. & 1630 Main St. W., Hamilton	18-Jun-18	n/a	13-Jul-18	n/a	n/a	14-Apr-19*	Urban Solutions Planning & Land Development	869
UHOPA-19-004* ZAC-19-009	804-816 King St. W., Hamilton	21-Dec-19	n/a	18-Jan-19	n/a	n/a	17-Oct-19*	Urban Solutions Planning & Land Development	683
UHOPA-19-006* ZAC-19-023	196 George St., Hamilton	20-Mar-19	n/a	16-Apr-19	n/a	n/a	14-Jan-20*	GSP Group	594
<b>Ward 2</b>									
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	1047

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 2 cont'd</b>									
UHOPA-18-017* ZAC-18-041	225 John St. S., Hamilton	13-Jul-18	n/a	16-Aug-18	n/a	n/a	09-May-19*	GSP Group	844
UHOPA-18-023* ZAR-18-057	130 Wellington St. S., Hamilton	07-Nov-18	06-Dec-18	24-Dec-18	n/a	n/a	20-Oct-19*	MBI Development Consulting INC.	680
ZAR-19-008	124 Walnut St. S., Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	683
<b>Ward 6</b>									
ZAC-19-035	694 Pritchard Rd., Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	545
<b>Ward 7</b>									
ZAR-19-026	18 Miles Rd. Hamilton	01-Apr-19	n/a	18-Apr-19	29-Aug-19	n/a	n/a	A.J. Clarke & Associates Ltd.	582
ZAC-19-031	323 Rymal Rd. E., Hamilton	26-Apr-19	n/a	01-May-19	23-Sep-19	n/a	n/a	IBI Group	557
<b>Ward 8</b>									
ZAC-19-017	1020 Upper James St., Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	614

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 8 cont'd</b>									
UHOPA-19-008* ZAC-19-029	83, 89 Stone Church Rd. W. and 1021, 1029 West 5th St., Hamilton	23-Apr-19	n/a	23-May-19	n/a	n/a	17-Feb-19*	Urban Solutions Planning & Land Development	560
<b>Ward 9</b>									
UHOPA-18-011* ZAC-18-029	1912 Rymal Rd. E., Glanbrook	04-May-18	n/a	22-May-18	n/a	n/a	28-Feb-19*	Wellings Planning Consultants Inc.	914
25T-2019003	15 Picardy Dr., Stoney Creek	25-Apr-19	n/a	29-May-19	n/a	22-Oct-19	n/a	IBI Group	558
<b>Ward 10</b>									
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	764
UHOPA-18-025* ZAC-18-059	466-490 Highway No. 8, Stoney Creek	23-Nov-18	n/a	06-Dec-18	n/a	n/a	19-Sep-19*	SvN Architects + Planners	711
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton St., Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	685



**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 10 cont'd</b>									
25T-2019004	1288 Baseline Rd., Stoney Creek	06-May-19	n/a	09-May-19	n/a	02-Nov-19	n/a	IBI Group	547
<b>Ward 11</b>									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	847
<b>Ward 12</b>									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	786
25T-2018006	140 Glancaster Rd., Glanbrook	05-Jul-18	n/a	08-Nov-18	n/a	01-Jan-19	n/a	MHBC Planning Limited	726
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Rd., Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	729
UHOPA-18-024* ZAC-18-058	154 Wilson St. E., Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	706

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 12 cont'd</b>									
UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Rd., Ancaster	03-Dec-18	n/a	01-Dec-18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	701
<b>Ward 14</b>									
ZAR-19-006	1269 Mohawk Rd., Ancaster	14-Dec-18	n/a	11-Jan-19	13-May-19	n/a	n/a	MBI Development Consulting INC.	690
ZAC-19-011	1933 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	692
ZAC-19-021	974, 980 Upper Paradise Rd., Hamilton	18-Mar-19	n/a	22-Mar-19	15-Aug-19	n/a	n/a	T. Johns Consulting Group	596
<b>Ward 15</b>									
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	834
RHOPA-19-102* ZAC-19-044 25T-201905	30, 36 & 42 Dundas St. E. & 522 Highway 6, Flamborough	10-Jun-19	n/a	08-Jul-19	n/a	08-Oct-19	05-Apr-20*	MHBC Planning Limited	512

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 15 cont'd</b>									
UHOPA-19-013* ZAC-19-046	10 Mallard Trail, Flamborough	24-Jun-19	n/a	26-Jun-19	n/a	22-Oct-19	19-Apr-20*	GSP Group	498

Active Development Applications

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

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 1</b>								
ZAS-20-003	9 Westbourne Rd., Hamilton	13-Dec-19	n/a	09-Jan-20	11-Apr-20	n/a	Joseph DiDonato	326
UHOPA-20-003 ZAR-20-008	354 King St. W., Hamilton	20-Dec-19	n/a	21-Jan-20	n/a	18-Apr-20	GSP Group	319
UHOPA-20-012 ZAC-20-016	1107 Main St. W., Hamilton	13-Feb-20	n/a	13-Mar-20	n/a	12-Jun-20	Bousfields Inc.	264
<b>Ward 2</b>								
UHOPA-20-001 ZAR-20-001	383 and 383 1/2 Hughson St. N., Hamilton	29-Nov-19	n/a	29-Dec-19	n/a	28-Mar-20	T. Johns Consulting Group	340
UHOPA-20-008 ZAR-20-013	222-228 Barton St. E., and 255 - 265 Wellington St. N. Hamilton	20-Dec-19	n/a	17-Jan-20	n/a	18-Apr-20	Urban Solutions Planning and Land Development	319
UHOPA-20-015 ZAC-20-027	179 – 189 Catharine St. N., Hamilton	07-Jul-20	n/a	22-Jul-20	n/a	04-Nov-20	IBI Group	119
<b>Ward 3</b>								
ZAR-19-054	95-97 Fairholt Rd. S. Hamilton	30-Oct-19	n/a	29-Nov-19	27-Feb-20	n/a	MHBC Planning	370

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 5</b>								
UHOPA-20-007 ZAC-20-012	19 Dawson Ave., Stoney Creek	24-Dec-19	n/a	24-Feb-20	n/a	22-Apr-20	DeFilippis Design	315
<b>Ward 7</b>								
ZAC-20-033	1411 & 1415 Upper Wellington St. Hamilton	05-Aug-20	n/a	02-Sep-20	03-Nov-20	n/a	T. Johns Consulting Group	90
<b>Ward 8</b>								
ZAC-19-056	11 Springside Cres., Hamilton	26-Nov-19	n/a	06-Dec-19	25-Mar-20	n/a	Urban In Mind Planning Consultants	343
ZAC-20-018	212 and 220 Rymal Rd. W., Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	257
UHOPA-20 -016 ZAC-20-028	15-21 Stone Church Rd. E., Hamilton	16-Jul-20	n/a	30-Jul-20	n/a	13-Nov-20	GSP Group	110
UHOPA-20-017 ZAC-20 029 25T-202003	393 Rymal Rd. W., Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group	106

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 9</b>								
ZAC-20-004	329 Highland Rd. W., Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	319
UHOPA-20-010 ZAC-20-015	2080 Rymal Rd. E., Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	277
ZAC-20-026	250 First Rd. W., Stoney Creek	20-Jul-20	n/a	24-Jul-20	30-Sep-20	n/a	Urban Solutions Planning and Land Development	124
<b>Ward 10</b>								
ZAC-19-036	564 Fifty Rd., Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	232
<b>Ward 11</b>								
RHOPA-19-007 ZAC-19-028	3355 Golf Club Rd., Glanbrook	18-Apr-19	16-May-19	21-Oct-19	n/a	20-Feb-20	Corbett Land Strategies Inc.	379
RHOPA-19-015	2187 Regional Rd. 56, Glanbrook	11-Oct-19	n/a	21-Nov-19	n/a	08-Feb-20	Corbett Land Strategies Inc.	389

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 11 cont'd</b>								
ZAS-20-019	9255 Airport Rd., Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	232
25T-202002	9326 and 9322 Dickenson Rd., Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	208
RHOPA-20-014 ZAC-20-022	2069 Binbrook Rd., Glanbrook	08-Apr-20	n/a	16-Jun-20	n/a	14-Oct-20	Pat Paletta Livestock	140
<b>Ward 12</b>								
25T-200720R (2019 File)	1020 Osprey Dr., Ancaster	15-Apr-19	30-Aug-19	11-Dec-19	n/a	02-Apr-20	Coltara Development / 1892757 ONTARTO INC.	328
UHOPA-20-006 ZAC-20-011	15 Church St., Ancaster	20-Dec-19	n/a	21-Jan-20	n/a	18-Apr-20	WEBB Planning Consultants Inc.	319
UHOPA-20-009 ZAC-20-014	281 Hamilton Dr., Ancaster	20-Dec-19	n/a	22-Jan-20	n/a	18-Apr-20	A.J. Clarke & Associates Ltd.	319
UHOPA-20-013 ZAC-20-017	210 Calvin St., Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	145
ZAC-20-024	140 Wilson St. W., Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	124

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective September 29, 2020)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 3, 2020
<b>Ward 13</b>								
ZAR-20-036	321 Hatt St. Dundas	27-Aug-20	n/a	24-Sep-20	25-Nov-20	n/a	Robert Russell Planning	40
<b>Ward 14</b>								
UHOPA-20-004 ZAC-20-009	555 Sanitorium Rd., Hamilton	20-Dec-20	n/a	22-Jan-20	n/a	21-May-20	T. Johns Consulting Group	319
ZAR-20-032	1031 Hwy. 52 N.	05-Aug-20	n/a	13-Aug-20	03-Nov-20	n/a	S. Llewellyn & Assoc.	90
<b>Ward 15</b>								
ZAC-20-006	518 Dundas St. E., Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	316

Active Development Applications

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





## Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE  
REPORT 20-006  
9:30 a.m.  
October 30, 2020  
Hamilton City Hall  
71 Main Street West**

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

**Absent with  
Regrets:** D. Beland

**Also in  
Attendance:** Councillor L. Ferguson

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**THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 20-006  
AND RESPECTFULLY RECOMMENDS:**

**1. Built Heritage Inventory Strategy Update (PED20133) (Item 9.1)**

That the presentation respecting the Built Heritage Inventory Strategy Update (PED20133) be received.

**2. Inventory & Research Working Group - Recommendations on Various Properties (Item 10.1)**

- (a) That the pre-confederation property located at 187-189 Catharine Street North, Hamilton be included on the Municipal Register of Properties of Cultural Heritage Value or Interest;
- (b) That the property at 24 Blake Street (former "Eastcourt" carriage house), Hamilton, be added to the Municipal Register of Properties Cultural Heritage Value or Interest, and added to staff work plan for designation with a medium high priority based on the cultural heritage evaluation.

- (c) The following properties be added to the Municipal Register of Properties of Cultural Heritage Value or Interest:
- 9751 Twenty Road West, Glanbrook
  - 2081 Upper James, Glanbrook
  - 311 Rymal Road East, Hamilton
  - 7105 Twenty Road West, Glanbrook
  - 623 Miles Road, Glanbrook
  - 9445 Twenty Road West, Glanbrook
- 3. Bill 108, More Homes, More Choice Act, 2019 - Ontario Regulations and Ontario Heritage Act (PED19125(b)) (City Wide) (Added Item 10.2)**
- (a) That Council adopt the submissions and recommendations as provided in Report PED19125(b), attached hereto as Appendix "A", regarding the proposed Regulation under the Ontario Heritage Act, as amended by Bill 108, More Homes, More Choice Act, 2019;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix "B" to Report PED19125(b); and,
- (c) That in advance of the Proclamation of the amendments to the Ontario Heritage Act and associated regulations, the Director of Planning and Chief Planner be authorized to make any changes to internal guidelines and application forms as may be required to implement the changes to the Ontario Heritage Act.
- 4. Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15) (Added Item 10.3)**
- (a) That Council, in accordance with the advice provided by the Hamilton Municipal Heritage Committee, advise the landowner that it has no objection to the demolition of the existing house at 1389 Progreston Rd. (the "Property") and the construction of the new house at 1389 Progreston Rd. in accordance with the architectural plans presented to the Hamilton Municipal Heritage Committee;
- (b) That the revised Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "A" to Report PED20125(a), be approved;
- (c) That the revised Notice of Intention to Designate, attached as Appendix "B" to Report PED20125(a), be approved;

- (d) That, as recommended by the Hamilton Municipal Heritage Committee, Council withdraw the existing Notice of Intent to Designate and issue a new revised Notice of Intent to Designate 1389 Progreston Road;
- (e) That the Clerk be directed to serve a notice of withdrawal of the Notice of Intention to Designate (as approved by Council on April 22, 2020, and issued on April 23, 2020) on the owner of 1389 Progreston Rd. and the Ontario Heritage Trust, and to cause the notice to be published in a newspaper having general circulation in the municipality and provided to the Conservation Review Board (refer to Appendix "C" of PED20125(a));
- (f) That the Clerk be directed to issue a new Notice of Intent to Designate 1389 Progreston Rd., Carlisle (Flamborough) under Part IV of the Ontario Heritage Act as a property of cultural heritage value, in accordance with Report PED20125(a);
- (g) That if there are no objections to the designation in accordance with the Ontario Heritage Act, that staff be directed to place a designation by-law before Council for adoption;
- (h) That if there are objections to the designation in accordance with the Ontario Heritage Act, the Clerk be directed to refer the designation to the Conservation Review Board for review; and,
- (i) That if the designation is referred to the Conservation Review Board, the City Solicitor and appropriate staff be directed to attend any hearing held by the Conservation Review Board in support of Council's decision to designate the property.

**5. Deferral of an Upcoming Report to the Hamilton Municipal Heritage Committee respecting the Ancaster High School Lands (Added Item 11.1)**

WHEREAS, the City of Hamilton is currently conducting virtual meetings for its Council, Standing Committees, Sub-Committees and Advisory Committees;

WHEREAS, a report regarding the Ancaster High School Lands is proposed for the November 30, 2020 Agenda of the Hamilton Municipal Heritage Committee;

WHEREAS, the report respecting the Ancaster High School Lands is garnering a great deal of interest by the constituents of Ancaster;

WHEREAS, a petition of 11,000 residents of Ancaster has been received by the City regarding this issue which could result in 100 or more people requesting delegation status; and

WHEREAS, while delegations are permitted in these virtual meetings, they are not without their technical challenges;

THEREFORE BE IT RESOLVED:

That the Report respecting the Ancaster High School Lands be deferred until such time as an in-person meeting of the Hamilton Municipal Heritage Committee can be conducted, or the beginning of Q3 2021, whichever event occurs first.

**6. Amendments to the Register Beasley Heritage Project Batch 1 (Added 11.2)**

WHEREAS, several property owners have requested further engagement, and some argue that the pandemic is negatively affecting their properties and business and that the still unknown effects of the pandemic is enough of a challenge at this time; and

WHEREAS the historic Central and Beasley Neighbourhoods are identified as short-term priorities in the City's Built Heritage Inventory Strategy Work Plan, and any properties removed from the Register Beasley list will be reviewed at a future date as part of the City-initiated inventory work;

THEREFORE BE IT RESOLVED:

- (a) That the following properties be removed from the Register Beasley Heritage Project: Batch 1 - Recommended Register Listings, October (attached hereto as Appendix "B" to Report 20-006):
- 203-205, 207-211, 213 James Street North
  - 229, 235, 241, 245, 274 James Street North
  - 282 James Street North
  - 294-296 James Street North
  - 309 James Street North; and
- (b) That the remaining properties on the Register Beasley Heritage Project: Batch 1 be added to the Register.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

The Clerk advised the Committee of the following changes:

**5. COMMUNICATIONS**

- 5.2. Correspondence from Gaye Fletcher respecting 2081 Upper James, Mount Hope

Recommendation: Be received and referred to Inventory & Research Working Groups - Recommendations on Various Properties.

- 5.3 Correspondence from Christina Iudica respecting 7105 Twenty Road East, Hannon, Ontario

Recommendation: Be received and referred to Inventory & Research Working Groups - Recommendations on Various Properties.

**6. DELEGATION REQUESTS**

- 6.3 Jack Dennison, respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15)

- 6.4. John Ariens, IBI Group, respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15)

**7. CONSENT ITEMS**

- 7.5. Inventory and Research Working Groups Meeting Notes - September 28, 2020

**10. DISCUSSION ITEMS**

- 10.2. Bill 108, More Homes, More Choice Act, 2019 - Ontario Regulations and Ontario Heritage Act (PED19125(b)) (City Wide)
- 10.3. Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15)

**12. NOTICE OF MOTION**

- 12.1 Deferral of an Upcoming Report to the Hamilton Municipal Heritage Committee respecting the Ancaster High School Lands
- 12.2. Notice of Motion respecting Amendments to the Register Beasley Heritage Project Batch 1

**13. GENERAL INFORMATION/OTHER BUSINESS**

- 13.2 Staff Designation Work Plan

## DELEGATION REQUEST WITHDRAWN

- 6.2. Graham McNally, respecting 229, 235, 241, 245, and 274 James Street North, Hamilton and their inclusion on the Municipal Heritage Register (for today's meeting)

The delegate advised that they wish to withdraw their delegation request as their concerns have been addressed by staff. Subsequent Delegation Requests will be renumbered accordingly.

The Agenda for the October 30, 2020 Hamilton Municipal Heritage Committee was approved, as amended.

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

No declarations of interest were made.

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

#### (i) September 17, 2020 (Item 4.1)

The Minutes of the September 17, 2020 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

### (d) COMMUNICATIONS (Item 5)

The following Correspondence was approved as presented:

- (i) Correspondence from Jack Dennison respecting 1389 Progreston Road, Carlisle (Flamborough) (Item 5.1)  
Recommendation: Be received and referred to Item 10.3, Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15), for consideration.

- (ii) Correspondence from Gaye Fletcher respecting 2081 Upper James, Mount Hope (Added Item 5.2)

Recommendation: Be received and referred to Item 10.1, Inventory & Research Working Group - Recommendations on Various Properties.

- (iii) Correspondence from Christina Iudica respecting 7105 Twenty Road East, Hannon, Ontario (Added Item 5.3)

Recommendation: Be received and referred to Inventory & Research Working Groups - Recommendations on Various Properties.

**(e) DELEGATION REQUESTS (Item 6)**

The following Delegation Requests were approved for today's meeting:

- (i) Carol Priamo, Beasley Neighbourhood Association, respecting the Register Beasley Heritage Project (for today's meeting) (Item 6.1)
- (ii) Jack Dennison, respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15) (Added Item 6.2)
- (iii) John Ariens, IBI Group, respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15) (Added Item 6.3)

**(f) CONSENT ITEMS (Item 7)**

The following items be received:

- (i) Education and Communication Working Group Meeting Notes - September 9, 2020 (Item 7.1)
- (ii) Heritage Permit Applications - Delegated Approvals (Item 7.2)
  - (a) Heritage Permit Application HP2020-25: Proposed alterations to 76 Mill Street North, Waterdown (Ward 15), a property located within the Mill Street Heritage Conservation District (By-law No. 82-81-H) (Item 7.2(a))
  - (b) Heritage Permit Application HP2020-026: Proposed Installation of a Pool and Hot Tub at 63 Sydenham Street, Dundas (Ward 13) located within the Cross-Melville Heritage Conservation District (By-law No. 3899-90) (Item 7.2(b))
  - (c) Heritage Permit Application HP2020-027: Installation of a Security Camera in the Mortar Joint of the West Elevation Stone Wall at 55 Main Street West, Hamilton (Ward 2) (By-law No. 87-250) (Item 7.2(c))
  - (d) Heritage Permit Application HP2020-028 – Renewal of Previously - approved Heritage Permit HP2018-035 for 24-28 King Street East, Hamilton (Ward 2), (By-law No. 18-321) (Item 7.2(d))
- (iii) Policy and Design Working Group Meeting Notes - July 13, 2020 (Item 7.3)

- (iv) Policy and Design Working Group Meeting Notes - August 17, 2020 (Item 7.4)
- (v) Inventory and Research Working Groups Meeting Notes - September 28, 2020 (Added Item 7.5)

The Inventory and Research Working Group Meeting Notes of September 28, 2020 were deferred to the next meeting of the Hamilton Municipal Heritage Committee to allow for the correction of errors in the recommendations.

**(g) DELEGATIONS (Item 8)**

The following Delegations were received:

**(i) Carol Priamo, Beasley Neighbourhood Association, respecting the Register Beasley Heritage Project (Added Item 8.1)**

Carol Priamo addressed the Committee respecting the Register Beasley Heritage Project, with the aid of a PowerPoint presentation. A copy has been included in the official record.

For further disposition of this matter, refer to Item 6, (i)(i) and (j)(ii).

**(ii) Jack Dennison, respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15) (Added Item 8.2)**

Jack Dennison addressed the Committee respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15).

For further disposition of this matter, refer to Item 4.

**(iii) John Ariens, IBI Group, respecting Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15) (Added Item 8.3)**

John Ariens, IBI Group, addressed the Committee respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15), with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

For further disposition of this matter, refer to Item 4.

**(h) STAFF PRESENTATION (Item 9)**



**(i) Built Heritage Inventory Strategy Update (PED20133) (Item 9.1)**

Alissa Golden, Heritage Project Specialist, addressed the Committee with an overview of the Built Heritage Inventory Strategy Update (PED20133), with the aid of a PowerPoint Presentation. A copy has been included in the official record.

The presentation respecting the Built Heritage Inventory Strategy Update (PED20133), was received.

For further disposition of this matter, refer to Item 1.

**(i) MOTION (Item 11)**

**(i) Amendments to the Register Beasley Heritage Project: Batch 1**

J. Brown, G. Carroll, and W. Rosart requested that they be marked as OPPOSED to the approval of sub-section (a) of the motion that reads as follows:

(a) That the following properties be removed from the Register Beasley Heritage Project: Batch 1 - Recommended Register Listings, October:

- 203-205, 207-211, 213 James Street North
- 229, 235, 241, 245, 274 James Street North
- 282 James Street North
- 294-296 James Street North
- 309 James Street North

For further disposition of this matter, refer to Item 6.

**(j) NOTICE OF MOTION (Item 12)**

**(i) Deferral of an Upcoming Report to the Hamilton Municipal Heritage Committee respecting the Ancaster High School Lands (Added Item 12.1)**

The Rules of Order be waived to allow for the introduction of a Motion respecting a Deferral of an Upcoming Report to the Hamilton Municipal Heritage Committee respecting the Ancaster High School Lands.

For further disposition of this matter, refer to Item 5.

**(ii) Amendments to the Register Beasley Heritage Project: Batch 1 (Added Item 12.2)**

The Rules of Order be waived to allow for the introduction of a Motion respecting Amendments to the Register Beasley Heritage Project: Batch 1.

For further disposition of this matter, refer to Item 6.

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

**(i) Buildings and Landscapes (Item 13.1)**

The property at 163 Pinehurst, Hamilton was added to the Endangered Buildings and Landscapes List (RED).

The property at 187-189 Street Street North, Hamilton was added to the Buildings and Landscapes of Interest (YELLOW).

The property at 80 and 92 Barton Street East (Hanrahan Hotel) was added to Endangered Buildings and Landscapes List (RED)

The following updates were received:

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

- (i) Tivoli, 108 James Street North, Hamilton (D) – T. Ritchie
- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – C. Dimitry
- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – G. Carroll  

The area surrounding Century Manor has recently been cleaned up by volunteers of the Friends of Century Manor.
- (iv) 18-22 King Street East, Hamilton (D) – W. Rosart
- (v) 24-28 King Street East, Hamilton (D) – W. Rosart
- (vi) 2 Hatt Street, Dundas (R) – K. Burke
- (vii) James Street Baptist Church, 98 James Street South, Hamilton (D) – J. Brown

The Project Manager of the property has hired a muralist to design artwork for the hoarding surrounding the property.

- (viii) Long and Bisby Building, 828 Sanatorium Road – G. Carroll
- (ix) 120 Park Street, Hamilton (R) – R. McKee
- (x) 398 Wilson Street East, Ancaster (D) – C. Dimitry

(xi) Lampman House, 1021 Garner Road East, Ancaster (NOID)  
– C. Dimitry

(xii) Cathedral Boys School, 378 Main Street East, Hamilton (R)  
– T. Ritchie

The building is now being occupied by persons from a nearby care facility.

(xiii) Firth Brothers Building, 127 Hughson Street North, Hamilton (NOID) – T. Ritchie

(xiv) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – R. McKee

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

(i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland

(ii) 2251 Rymal Road East, Stoney Creek (R) – B. Janssen

(iii) Former Valley City Manufacturing, 64 Hatt Street, Dundas (R)  
– K. Burke

(iv) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (ND) – W. Rosart

(v) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll

(vi) Dunnington-Grubb Gardens, 1000 Main Street East (within Gage Park) (R) – D. Beland

(vii) St. Clair Blvd. Conservation District (D) – D. Beland

(viii) 52 Charlton Avenue West, Hamilton (D) – J. Brown

(ix) 292 Dundas Street East, Waterdown (R) – L. Lunsted

(x) Chedoke Estate (Balfour House), 1 Balfour Drive, Hamilton (R) – T. Ritchie

(xi) Binkley property, 50-54 Sanders Blvd., Hamilton (R) - J. Brown

- (xii) 62 6<sup>th</sup> Concession East, Flamborough (I) - L. Lunsted
- (xiii) Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xiv) Cannon Knitting Mill, 134 Cannon Street East, Hamilton (R) – T. Ritchie

There appears to be significant damage to the property's windows.

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

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

**(d) Heritage Properties Update (black):**

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

No properties.

**(ii) Staff Designation Work Plan (Item 13.2)**

The Staff Designation Work Plan, was received.

**(I) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton Municipal Heritage Committee, adjourned at 12:05 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



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

<b>TO:</b>	Chair and Members Hamilton Municipal Heritage Committee
<b>COMMITTEE DATE:</b>	October 30, 2020
<b>SUBJECT/REPORT NO:</b>	<i>Bill 108, More Homes, More Choice Act, 2019 - Ontario Regulations and Ontario Heritage Act (PED19125(b)) (City Wide)</i>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Jennifer Roth (905) 546-2424 Ext. 2058
<b>SUBMITTED BY:</b>	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Council adopt the submissions and recommendations as provided in Report PED19125b regarding the proposed Regulation under the *Ontario Heritage Act*, as amended by *Bill 108, More Homes, More Choice Act, 2019*;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix “B” to Report PED19125(b); and,
- (c) That in advance of the Proclamation of the amendments to the *Ontario Heritage Act* and associated regulations, the Director of Planning and Chief Planner be authorized to make any changes to internal guidelines and application forms as may be required to implement the changes to the *Ontario Heritage Act*.

**EXECUTIVE SUMMARY**

**SUBJECT: *Bill 108, More Homes, More Choice Act, 2019 - Ontario Regulations and Ontario Heritage Act (PED19125(b)) (City Wide) - Page 2 of 10***

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On May 2, 2019, *Bill 108, More Homes, More Choice Act, 2019*, was introduced at the Ontario Legislature and subsequently received Royal Assent on June 6, 2019. The Bill amended 13 different statutes, including the *Ontario Heritage Act*. On September 21, 2020 the Province released draft Regulation under the *Ontario Heritage Act* for public comment.

The draft Regulation, attached as Appendix “A” to Report PED19125(b), provides additional detail on how the changes to the *Ontario Heritage Act* resulting from Bill 108 are to be implemented. The anticipated proclamation date for the changes to the *Ontario Heritage Act* and the associated Regulation is January 1, 2021. Further information is expected to be released from the Province in the form of an updated Ontario Heritage Tool Kit to provide guidance materials on implementation of the changes to the *Ontario Heritage Act*. No firm date has been provided on the expected release of the updated Tool-Kit.

The deadline for comments on the draft Regulations is November 5, 2020. As such and given the timing, comments will be submitted to the Province in advance of Council’s consideration of this matter. The comments submitted by staff are included as Appendix “B” to Report PED19125(b). If the recommendations of this Report are approved by Council, the Director of Planning and Chief Planner will notify the Province that the submissions have been adopted by City Council and any modifications will also be noted.

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

**Financial:** The *Ontario Heritage Act* as amended by Bill 108 and the Proposed Regulations will have financial implications on the City in terms of staff resources, and possibly fees for processing matters under the *Ontario Heritage Act*. However the degree and magnitude are unknown at this time.

It should be noted that while the City does not currently charge fees for applications under the *Ontario Heritage Act*, Staff will review internal processes and the potential need to apply application fees to future heritage applications to ensure cost recovery. The result of this review will be presented to Committee and Council for consideration.

**Staffing:** Staffing resource implications remain unknown at this time, however it is anticipated that additional staff resources will be needed to meet the requirements of the new *Ontario Heritage Act* and the prescribed Regulations.

**Legal:** While it is not currently anticipated that additional legal staff will be required, additional legal resources will be required to:

- provide support interpreting and implementing these changes;

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**SUBJECT: *Bill 108, More Homes, More Choice Act, 2019 - Ontario Regulations and Ontario Heritage Act (PED19125(b)) (City Wide) - Page 3 of 10***

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- provide support for amendments to Delegated Authority By-law No. 05-364;
- provide support in the creation of a new by-law, resolution, or Official Plan Amendments;
- assist in structuring by-laws, reports, and resolutions to comply with new requirements;
- assist with changes needed to the current process for placing properties on the heritage register; and,
- represent the City at the LPAT as staff anticipate higher number of LPAT appeals now that final decision-making power on designations rests with the LPAT.

## **HISTORICAL BACKGROUND**

Report LS19020/PED19125 which introduced the legislative changes contained in Bill 108 and which was approved by Council on June 12, 2019, indicated that staff would report back on the details of the Bill should it be enacted. As a result of the Bill receiving Royal Assent, the anticipated Proclamation date of January 1, 2021 for the Schedule 11 changes impacting the *Ontario Heritage Act*, and the release of the proposed Regulation by the Province, this report has been prepared to provide further information on the proposed Regulation.

The following are key dates related to Bill 108, *More Homes, More Choice Act, 2019*;

May 2, 2019: Bill 108, *More Homes, More Choice Act, 2019*, was introduced at the Ontario Legislature.

June 6, 2019: Royal Assent given to Bill 108.

September 21, 2020: ERO Posting 019-1348 - Proposed Regulation under the *Ontario Heritage Act* (Bill 108) released for public comment.

November 5, 2020: Commenting deadline for the ERO posting.

Staff will be forwarding a letter to the Province, attached as Appendix “B” to Report PED19125b, outlining staff’s comments on the ERO posting in advance of the commenting deadline. This staff report, including any changes or additions proposed by Council will be forwarded to the Province as additional comments on the ERO posting.

## **RELEVANT CONSULTATION**

This report has been prepared by Planning Division staff with input from Legal staff and Tourism and Culture staff. Internal staff comments have been incorporated into the recommendations of this report and included in the letter to be sent to the Province, attached as Appendix “B” to Report PED19125(b).

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## Legal

The new *Ontario Heritage Act* will require ongoing support from Legal staff respecting the interpretation and implementation of it and the associated Regulation. Legal staff anticipate an increase in requests for legal advice following the proclamation of the new *Ontario Heritage Act* and the new Regulation coming into effect.

Assistance may be required from Legal staff on new forms (such as notice of complete or incomplete application) and on structure of Council resolutions, reports, and designating by-laws in compliance with the new requirements of the *Ontario Heritage Act*.

Legal staff will provide support to Planning staff in amending the Delegated Authority By-law No. 05-364, as amended by Bylaw No. 07-322, to ensure compliance with the new *Ontario Heritage Act* as it relates what constitutes a demolition or alteration and as a result, may impact what Council can delegate to staff. Staff are currently seeking clarification from the Province regarding what constitutes an alteration. A by-law, resolution, or even Official Plan Amendments may also be needed to clarify what documents and information is required to accompany heritage applications.

The proposed Regulation provides several exceptions to timelines set out in the new *Ontario Heritage Act* that may require assistance from Legal staff. Legal staff may also provide assistance in determining whether Council's ability to provide extensions can be delegated to staff and drafting any required by-law with respect to such delegation.

When the new *Ontario Heritage Act* comes into effect on January 1, 2020, there will be a formal objection process for property owners whose property has been placed on the Heritage Register. The City will need to examine its current process for placing properties on the register and make changes to comply with the new requirements. Legal staff may be required to assist in creating and implementing this new process.

Staff anticipate that there will be an increase in appeals to the LPAT as the final decision-making authority has shifted from Council to the LPAT. Legal staff will be required to assist with these LPAT appeals which may have a significant resource impact.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

As stated in Report LS19020/PED19125, staff were not supportive of the proposed changes to the *Ontario Heritage Act* because of concerns that the regulatory changes will have on the City's ability to effectively manage heritage resources, potential impacts to internal resources and the ability to meet the proposed timelines. Despite these concerns being expressed to the Province, Bill 108 received Royal Assent on June 6, 2019, and the enacted regulation remained largely unchanged as it related to the *Ontario Heritage Act*. Much of the proposed Regulation implements changes that have

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already received royal assent and will be part of the new *Ontario Heritage Act*. In the comments provided to the Province, staff are seeking clarification on several aspects of the proposed Regulation.

The proposed Regulation released on September 21, 2020 for review has been organized by the Province into nine themes:

- 1) Principles that a municipal council shall consider when making decisions under specific parts of the OHA;
- 2) Mandatory content for designation by-laws;
- 3) Events which would trigger the new 90 day timeline for issuing a NOID and exceptions to when the timeline would apply;
- 4) Exceptions to the new 120 day timeline to pass a designation by-law after a NOID has been issued;
- 5) Minimum requirements for complete applications for alteration or demolition of heritage properties;
- 6) Steps that must be taken when council has consented to the demolition or removal of a building or structure, or a heritage attribute;
- 7) Information and material to be provided to LPAT when there is an appeal of a municipal decision to help ensure that it has all relevant information necessary to make an appropriate decision;
- 8) Housekeeping amendments related to amending a designation by-law and an owner's reapplication for the repeal of a designation by-law; and,
- 9) Transition provisions.

Staff are supportive of several of the themes in the proposed Regulation but remain concerned with the 90 day timeline to issue a NOID after a prescribed event when combined with an Official Plan Amendment, Zoning By-law Amendment or Plan of Subdivision. A detailed analysis of the proposed regulation, including implications and recommendations made to the Province, is included as Appendix "C" to Report PED19125(b). An overview of the nine themes and potential implications is provided below.

### Theme 1 – Prescribed Principles

The first theme discusses the new 'prescribed principles' which staff are supportive of as the proposed principles are intended to help decision-makers. Staff note that the City's current Official Plan already requires the retention of properties with cultural heritage value or interest as well as requires extensive research and evidence to support the conservation of heritage resources. The current process which includes consultation with the Hamilton Municipal Heritage Committee, and decisions by Planning Committee and Council, demonstrates openness and transparency.

Staff are seeking clarification on aligning the language between the prescribed principles and the Provincial Policy Statement 2020 (PPS). Staff believe using 'shall' in

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the prescribed principles instead of 'should' provides appropriate strength and will be consistent with the PPS.

Theme 2 – Mandatory Contents of Designation By-laws

Staff are in support of the mandatory content for designation by-laws and note that staff's current practices generally follow the requirements. Staff will need to complete a review of internal processes to ensure all requirements are included in application forms, policies, and guidelines. A review of the Cultural Heritage Evaluation Criteria found in Policy B.3.4.2.9 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan to ensure that Hamilton's requirements are aligned with the requirements of the new *Ontario Heritage Act* will be required and will be undertaken as part of the required Official Plan Review.

Theme 3 – Notice of Intention to Designate 90 Day Timeline and Exceptions

Provisions of the new *Ontario Heritage Act* will establish a new 90 day timeline for issuing a NOID when the property is subject to prescribed events.

Within the proposed Regulation prescribed events have been defined as applications submitted to and deemed complete by the municipality for an Official Plan Amendment, Zoning By-law Amendment or a Plan of Subdivision. The new 90 day timeline is intended to encourage discussions about potential designations with development proponents at an early stage to avoid designation decisions being made late in the land use planning process.

Staff's opinion is that the 90 days is not adequate to support the Ministry's 'Prescribed Principle' in 1(3)2.ii of the Regulations that requires that decisions affecting the cultural heritage value/interest be based on research, appropriate studies and documentary evidence. As well, staff review time, consultation with Policy and Design Working Group and the preparation of a staff report takes longer than 90 days.

Staff acknowledge that the Province has provided several opportunities to extend the 90 day timeframe by an additional 90 days, creating an 180 day timeframe, which include mutual agreement between applicant and the City, administrative extension in periods of declared emergency and the receipt of new and relevant information. Staff also note that there is the opportunity to have the timeframe removed through mutual agreement. Staff are supportive of the opportunities to extend the timeframe, however several items of clarification have been asked of the Province including which exceptions can be delegated to staff to ensure timely processing and reduction of administrative burdens. The identification and review of the implications of the development proposed is dependant of the quality of the information submitted with the application.

A three week period is given to review materials as part of a *Planning Act* application, which include the review of CHIAs. If there are questions or edits to the CHIA, then additional review is necessary. Further, CHIAs are reviewed by the Policy and Design

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Working Group who meets monthly. Typically between one and three reviews occurs, resulting in a minimum of one to three months required for a CHIA review. Therefore, coupled that with the review of the *Planning Act* application, consultation with the community and application and the internal report writing cycle, the 90 or 180 day timeline is not sufficient for a comprehensive review to be completed.

As such, it will be necessary to review the current application submission requirements to ensure that heritage resources are identified early in the process and that the implications of the proposed on the heritage resources is fully documented.

Staff also note that designations that are not subject to a development application will continue to follow the current practice. Staff are concerned that this shortened timeframe may have impacts on the designation workplan as resources will be redirected to process designations associated with development applications.

#### Theme 4 – Designation By-law 120 Day Timeline and Exceptions

Provisions of the new *Ontario Heritage Act* establish a new requirement for designation by-laws to be passed within 120 days of issuing a NOID. The proposed Regulation also allows for exceptions to this timeframe including mutual agreement between applicant and the City, periods of declared emergency and receipt of new and relevant information submitted. Staff are supportive of this timeframe and the proposed exceptions as the City's current process typically has designation by-laws passed right after the 30 day appeal period for the NOID is complete. Staff have requested the Province to clarify what happens to the 120 day timeline in situations where there is an appeal to a NOID.

#### Theme 5 – Notice of Complete Applications for Alteration or Demolition Applications

Provisions of the new *Ontario Heritage Act* establish a new timeline of 60 days for a municipality to inform a property owner of the completeness of their application for alteration to or demolition of a designated heritage property. Minimum requirements for complete applications are established in the proposed Regulation. The purpose of these minimum standards is to ensure transparency so that property owners are aware of what information is required when making an application and provides consistency across the province. Municipalities can establish additional requirements to the ones set out in the Regulation. Where municipalities choose to add additional requirements, the Regulation requires them to use one of the following official instruments: municipal by-law, council resolution or official plan policy.

Staff are supportive of the minimum requirements; however, it has been noted that these minimum requirements only apply to Part IV, or individually designated properties and staff have advised the Province that these requirements should also apply to Part V that are designated as part of a Heritage Conservation District to provide for the ongoing protection of those properties as well.

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Internal processes and application forms will need to be updated to ensure that these new requirements are included. Specifically, staff note that coordination with the Building Division who receives these permits will be needed. Staff note that there may be a greater scope and time spent on each application which may need to be addressed through the addition of a processing fee for cost recovery, especially in those situations where it is proposed to demolish the designated building/structure.

Theme 6 - Council consent requirement for the demolition or removal of a building or structure, or a heritage attribute

Provisions of the new *Ontario Heritage Act* will require municipal council consent for the demolition or removal of any heritage attributes, in addition to the demolition or removal of a building or structure. Staff are seeking clarification from the Province on the difference between alterations that impact a heritage attribute and a demolition. For example, is the removal of a designated feature such as a window or façade, a demolition or alteration? This distinction may have an impact on what can be delegated to staff versus what will require Council approval as this may result in the need for additional staff resources.

Provisions of the proposed Regulations also provide a process for amending designation by-laws as alterations or demolitions occur. This draft Regulation establishes that any amendments to designation by-laws resulting from an alteration or demolition are not appealable, which is supported by staff.

The proposed Regulation provides that, where council has agreed to the removal of a building or structure from a designated property to be relocated to a new property, council may follow an abbreviated process for designating the receiving property. Staff are supportive of this proposed Regulation given that the subsequent designation by-law made under this proposed Regulation would not be appealable to LPAT.

Updates to internal processes and additional staff resources will need to be considered to address the Regulation.

Theme 7 - Information and material to be provided to Local Planning Appeal Tribunal

The proposed Regulation outlines which materials and information must be forwarded for every LPAT appeal process in the Act by the clerk within 15 calendar days of the date the municipality receives an appeal. Staff are generally supportive of the type of materials and the timeframe in which the material must be submitted; however, staff are seeking additional clarification from the Province on what constitutes the required 'employee statement'.

Collaboration with Legal and Clerks staff when updating internal processes will be required.

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Theme 8 - Housekeeping amendments related to amending a designation by-law and an owner's reapplication for the repeal of a designation by-law

The proposed Regulation sets out a modified process for situations where a municipality wishes to make substantial amendments to an existing designation by-law. The proposed Regulation makes it clear that there is no 90 day restriction on issuing a notice of proposed amendment to a by-law and provides that council has 365 days from issuing the notice of proposed amendment to pass the final amending by-law and that this timeframe can only be extended through mutual agreement. Staff are supportive of the modified process and will need to ensure that internal processes reflect this scenario.

The proposed regulation also outlines restrictions on a property owner's ability to reapply to have a designation by-law repealed where the application was previously unsuccessful, unless council consents otherwise. The 365 day restriction on an owner's reapplication maintains what had been included in the current *Ontario Heritage Act*. Staff have advised the Province that a longer timeframe would be beneficial to avoid having to annually address an owner's application for a designation repeal.

Theme 9 - Transition provisions

The proposed transition rules provide clarity on matters that are already in progress at the time the amendments come into force. The draft Regulation states that all processes that commenced on a date prior to proclamation would follow the process and requirements set out in the Act as it read the day before proclamation, which is currently anticipated to be January 1, 2021.

Where council has outstanding notices of intention to designate but has not yet withdrawn the notice or passed the by-law at the time of proclamation, the municipality will have 365 days from proclamation to pass the by-law, otherwise the notice will be deemed withdrawn. Where a NOID has been referred to the Conservation Review Board, the 365 days would be paused until the Board either issues its report or until the objection has been withdrawn, whichever occurs earlier.

Staff note that the City of Hamilton has four outstanding NOIDs which could be dealt with within the 365 transition period but may require additional City resources to complete. Should these four outstanding NOIDs not have a designation by-law passed with 365 days of Proclamation, a new NOID will need to be issued which will be subject to the new processes established under the new *Ontario Heritage Act*. Staff have requested a regulation from the Province in situations where the issued NOID does not follow the current OHA designation standard, but the municipality would like to pass a designation by-law that is in keeping with that standard without having to re-issue a NOID.

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Staff are concerned with the short timeframe to prepare for the implementation of the changes to the *Ontario Heritage Act* and request that the changes to the *Ontario Heritage Act* not come into force until July 1, 2021 instead of the anticipated date of January 1, 2021 to give staff appropriate time to review and update internal processes.

### **Procedural Next Steps**

The public consultation for the proposed Regulation will remain open until November 5, 2020 with an anticipated proclamation date of January 1, 2021.

A future report discussing implementation measures and staff resources, will be prepared by Planning staff for Council's consideration after the Proclamation date.

### **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.

#### **Built Environment and Infrastructure**

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

#### **Culture and Diversity**

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

#### **Our People and Performance**

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

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Draft Regulations

Appendix "B" – Letter submitted to the Province with Comments

Appendix "C" – Impact Evaluation of Draft Regulations





Hamilton

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Planning and Economic Development Department  
Planning Division  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton ON L8P 4Y5  
Phone: 905-546-2424, Ext. 1221 Fax: 905-540-5611

October 30, 2020

**Lorraine Dooley**

Ministry of Heritage, Sport, Tourism and Culture Industries - Culture Policy Unit  
401 Bay Street  
Suite 1800  
Toronto, ON  
M7A 0A7  
Canada

**RE: Bill 108 Draft Regulations to the *Ontario Heritage Act***

Dear Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as City of Hamilton's submission on the draft Regulations regarding Schedule 11 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the *Ontario Heritage Act*. City staff will be taking a report to Planning Committee on November 3, 2020 and to Council on November 11, 2020 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on the draft Regulations. City staff would be pleased to meet with you to discuss these comments in greater detail.

Regards,

Steve Robichaud, *MCIP, RPP*  
Director of Planning and Chief Planner, Planning Division  
Planning and Economic Development Department  
City of Hamilton

SR:jr  
Attachment

cc: Anita Fabac, Manager of Development Planning, Heritage and Design

### **City of Hamilton Submissions on Bill 108 - Changes to the Ontario Heritage Act**

Staff were not supportive of the proposed Bill 108 changes to the *Ontario Heritage Act* as they will have an impact on how the City administers the *Act* and its current processes. Staff are generally supportive of the Proposed Regulations, however remain concerned with some changes to the new Ontario Heritage Act despite the prescribed information providing clarity. Some of the items in the proposed Regulations do provide additional clarity that staff are satisfied with, however staff have additional questions and points of clarification.

The following are the City's comments and recommendations:

- Staff are supportive of the prescribed principle. Staff advise the Province that many of the prescribed principles use 'should' rather than 'shall' and that the use of 'should' instead of 'shall' contradicts the Provincial Policy Statement 2020, which states "Significant built heritage resources and significant cultural heritage landscapes shall be conserved". Staff advise that the language between the prescribed principles and the Provincial Policy Statement be aligned.
- Staff are seeking clarification from the Province on how to balance the minimum requirements for designation by-laws that requires that the list of heritage attributes be concise, but also requires that each attribute be adequately linked to the cultural heritage value of the cultural heritage resource.
- Staff are seeking clarification that plans, drawings, photos and other images that are required to be part of a designation by-law are to be provided by the applicant who triggered a prescribed event or if in fact they should be supplied by the municipality.
- Staff advise the Province that the 90 day timeline to issue a NOID after a prescribed event aligns with the timeframe to review Zoning By-law Amendments but does not meet the statutory timeframes for review of Official Plan Amendments and Plans of Subdivision, which is 120 days.
- Staff advise the Province that the Planning Act Regulations for Official Plan Amendments (O. Reg 543/06), Plans of Subdivision (O. Reg 544/06) and Zoning By-law Amendments (O. Reg 545/06) should be amended to have heritage resource information included on the required information and material to review.
- Staff are supportive of ensuring development applications and heritage designations are reviewed comprehensively but seek clarification from the Province on what designation process other Planning Act applications with properties that have cultural heritage value or interest would go through.

- Staff are seeking clarity on the length of time that can be entered into through mutual agreement and if mutual agreements can be delegated to staff from Council for both the 90 day timeline to issue a NOID and the 120 day timeline to pass a designation by-law. Further clarification is requested on the formality of the agreement.
- Staff are seeking clarification on the number of times that the 90 day timeline to issue a NOID can be extended as new and relevant information is submitted.
- Further clarification from the Ministry is sought to confirm if new and relevant information can be submitted from any source. Additional clarification is requested on what is considered new and relevant information.
- Staff would like to confirm if only one extension can occur or if multiple extensions can be applied when seeking an extension to the 90 day timeline to issue a NOID.
- Clarification from the Ministry is sought to confirm if Council must pass a resolution after each time a 90 day timeframe to issue a NOID expires or if Council can pass a blanket resolution to extend all 90 day periods. Staff would like to emphasize the increased administrative burden to have resolutions by Council for extended timeframes passed.
- Clarification from the Province is sought to define further what is mean by when Planning Act applications are disposed of. Specifically, staff are seeking clarification on whether after an application has been approved or a decision from the Local Planning Appeal Tribunal has been provided and there is still cultural heritage value on the property, that staff can then proceed with designation should they not have issued a NOID within the 90 day timeframe.
- Staff are seeking clarification as to what happens in situations where there are appeals to NOIDs. Staff would like confirmation of whether the 120 day timeframe to pass a designation by-law is paused for the duration of an appeal.
- Staff note that the requirements for a complete application only apply to subsections 33 (2) and 34 (2) of the *Ontario Heritage Act*, meaning that there are no requirements for a complete application for properties designated under Part V (heritage conservation districts). Staff advise the Province that the requirements for complete application also be applied to district properties to ensure comprehensive submissions for those applications and consistent treatment of all designations.
- Staff require clarification on the ability for Council to delegate their approval authority to staff for demolition applications of designated properties as a result of the definition of demolition being the "removal of any heritage attribute".

- Staff are seeking clarification on the timeframe that amended or repealed by-laws resulting from a demolition or alteration, be processed.
- Staff advise the Province that the timeframe for an owner to reapply for repeal of a designation by-law should be longer than 12 months so that staff do not have to deal with the same issue at the LPAT every 12 months.
- Staff request from the Province additional clarity on the content and structure of the employee statement as part of a LPAT appeal submission.
- Staff are seeking clarification on whether a newspaper having general circulation must be print or can be in digital format.
- Staff are concerned with the short timeframe to prepare for the implementation of the changes to the OHA and request that proclamation be extended from January 1, 2021 to July 1, 2021 to give staff appropriate time to review internal processes.

Staff advise that these comments and points of clarification received endorsement by the Hamilton Municipal Heritage Committee on October 30, 2020.

## Register Beasley Heritage Project

## Batch 1 - Recommended Register Listings, October 2020 (As Amended by HMHC Report 20-006)

Name	Address	Community	Classification
Eager Row	161 JAMES ST N	Hamilton	Significant Built Resource (SBR)
Eager Row	163 JAMES ST N	Hamilton	Significant Built Resource (SBR)
Eager Row	165 JAMES ST N	Hamilton	Significant Built Resource (SBR)
Eager Row	167 169 JAMES ST N	Hamilton	Significant Built Resource (SBR)
	170 174 JAMES ST N	Hamilton	Significant Built Resource (SBR)
	173 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Orange Hall	175 JAMES ST N	Hamilton	Significant Built Resource (SBR)
Mullen House; Wentworth Cycle Works	176 180 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
Shekter Building	191 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
Former Armoury Hotel; Drake Hotel	193 197 JAMES ST N	Hamilton	Significant Built Resource (SBR)
	199 JAMES ST N	Hamilton	Significant Built Resource (SBR)
John Weir Foote VC Armoury	200 JAMES ST N	Hamilton	Significant Built Resource (SBR)
	201 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Former Union Hall	224 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	225 227 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Sansone Apartments	226 228 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Walker Apartments	230 234 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	231 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	233 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Littner Apartments	236 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	237 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	238 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	239 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Gould's Apartments and Auditorium; Hungarian Hall	240 242 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	243 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Gould's Apartments	244 246 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	253 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	278 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	280 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	288 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	290 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	292 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	295 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Former Weil's Bakery	296 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Former Sing's Laundry	299 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	300 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	301 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	302 JAMES ST N	Hamilton	Character-Defining Resource (CDR)

<b>Name</b>	<b>Address</b>	<b>Community</b>	<b>Classification</b>
Former Molsons Bank; Bank of Montreal	303 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Former Canadian Imperial Bank of Commerce Building	305 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	306 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	308 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	310 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	314 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	316 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	318 320 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	322 324 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
Former Harbour Mission	325 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	326 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	328 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	329 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	330 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	331 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	332 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	333 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	334 JAMES ST N	Hamilton	Character-Supporting Resource (CSR)
	337 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
This Ain't Hollywood; Former Turbina Hotel	341 345 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	342 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	344 JAMES ST N	Hamilton	Character-Defining Resource (CDR)
	346 JAMES ST N	Hamilton	Character-Defining Resource (CDR)



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 3, 2020
<b>SUBJECT/REPORT NO:</b>	Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook (PED20146) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- (a) That **Rural Hamilton Official Plan Amendment application RHOPA-20-014, by Paletta Livestock Ltd., (Owner)**, to add a Site Specific Policy Area to recognize two existing single detached dwellings on a severed lot in order to meet the conditions of the December 20, 2019 Local Planning Appeal Tribunal Decision (Case No. PL180696) (GL/B-17:110) for lands located at 2069 Binbrook Road, as shown on Appendix “A” to Report PED20146, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20146, be enacted by City Council; and,
  - (ii) That the proposed Official Plan Amendment will implement the Local Planning Appeal Tribunal Decision in Case No. PL180696 to permit two existing single detached dwellings on a severed residential lot.
- (b) That **Zoning By-law Amendment application ZAA-20-022, by Paletta Livestock Ltd. (Owner)**, for a change in zoning from Agriculture (A1) Zone to Agriculture (A1,118) Zone to prohibit the construction of a single detached

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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: Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road (Glanbrook) (PED20146) (Ward 11) - Page 2 of 11**

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dwelling and a residential care facility and to recognize the reduced lot area for the retained agricultural parcel, for lands located at 2069 Binbrook Road as shown on Appendix “A” to Report PED20146, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20146, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Schedule “C” – Special Exceptions of Zoning By-law No. 05-200; and,
- (iii) That the proposed change in zoning will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment NO. XX.

### **EXECUTIVE SUMMARY**

The purpose of the Rural Hamilton Official Plan Amendment and Zoning By-law Amendment applications are to:

- Recognize two existing single detached dwellings on the severed lot;
- Prohibit the construction of a single detached dwelling or a residential care facility on the retained agricultural portion of the subject lands; and,
- Recognize the reduced lot area of the retained agricultural portion of the subject lands.

The property was subject to a Consent for Severance application for a Surplus Farm Dwelling (GL/B-17:110). The Consent for Severance application was not supported by staff and was denied by the Committee of Adjustment on July 5, 2018. It was subsequently appealed to the Local Planning Appeal Tribunal (LPAT) on August 11, 2018. The December 20, 2019 Decision and Order gave consent to sever a 2 ha parcel from the existing 36 ha farm, subject to conditions.

The proposed Official Plan and Zoning By-law amendments will implement the Decision and Order of the Local Planning Appeal Tribunal, dated December 20, 2019 (Case No. PL180696).

### **Alternatives for Consideration – See Page 10**



**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road (Glanbrook) (PED20146) (Ward 11) - Page 3 of 11**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Report Fact Sheet:**

<b>Application Details</b>	
Owner:	Pat Paletta Ltd.
Applicant/Agent	Dave Pitblado
File Number:	RHOPA-20-014 and ZAC-20-022
Type of Application:	Rural Hamilton Official Plan Amendment and Zoning By-law Amendment
Proposal:	<ul style="list-style-type: none"> <li>• Official Plan Amendment to recognize two single detached dwellings on the surplus farm dwelling portion of the subject lands;</li> <li>• Zoning By-law Amendment to prohibit the construction of a single detached dwelling or a residential care facility on the retained agricultural portion of the subject lands; and,</li> <li>• Zoning By-law Amendment to recognize a reduced lot area of the retained agricultural portion of the subject lands.</li> </ul>
<b>Property Details</b>	
Lot Area:	<p>±36.4 ha (Existing Lot Area)</p> <p>Proposed Severed Residential Lot: 2.0 ha (108 m x 186 m)  Proposed Retained Agricultural Lot: 34.5 ha (174 m x 804 m)  A road widening is required to be provided as a condition of the consent for both frontages along Binbrook Road and Hendershot Road for the severed and retained lots.</p>

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road (Glanbrook) (PED20146) (Ward 11) - Page 4 of 11**

Servicing:	Private water (well) and waste water (septic) services.
Existing Use:	Agricultural uses and two single detached dwellings (one of the single detached dwellings was constructed as a farm labour residence).
<b>Documents</b>	
Provincial Policy Statement (PPS):	LPAT determined the proposal was consistent with the PPS (refer to LPAT's December 20, 2019 Decision and Order attached as Appendix "E" to Report PED20146).
Greenbelt Plan:	LPAT determined the proposal conformed to the Greenbelt Plan (refer to LPAT's December 20, 2019 Decision and Order attached as Appendix "E" to Report PED20146).
Official Plan Existing:	Designated as "Agriculture" on Schedule "D" – Rural Hamilton Official Plan.
Official Plan proposed:	Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies: Add a Site Specific Policy Area to recognize two existing single detached dwellings on the severed portion of the subject lands in accordance with LPAT's December 20, 2019 Decision and Order attached as Appendix "E" to Report PED20146.
Zoning Existing:	Agriculture (A1) Zone
Zoning Proposed:	Agriculture (A1, 118) Zone
Modifications Proposed:	Prohibit a single detached dwelling and Residential Care Facility and recognize the undersized size of the retained agricultural lands in accordance with LPAT's December 20, 2019 Decision and Order attached as Appendix "E" to Report PED20146.
<b>Processing Details</b>	
Received:	April 8, 2020
Deemed Incomplete:	May 4, 2020

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road (Glanbrook) (PED20146) (Ward 11) - Page 5 of 11**

Deemed Complete:	June 5, 2020
Notice of Complete Application:	Sent to 16 property owners within 120 m of the subject property on June 8, 2020.
Public Notice Sign:	Posted June 18, 2020 and updated with Public Meeting date on October 7, 2020.
Notice of Public Meeting:	Sent to 16 property owners within 120 m of the subject property on October 16, 2020.
Public Consultation:	The application went through an initial public circulation process
Public Comments:	There were no public comments received for the proposal.
Processing Time:	209 days

**Consent for Severance Application GL/B-17:110**

On July 5, 2018, Consent for Severance application GL/B-17:110 was heard by the Committee of Adjustment. The application was to permit the conveyance of a 2 ha parcel of land containing two single detached dwellings, and to retain a 36 ha agricultural parcel as part of a Surplus Farm Dwelling severance.

Staff did not support the application because the proposed severance did not comply with RHOP policy C.3.1.4 which only permits one residential dwelling per lot. The severance would create a new residential lot with two residential dwellings on the property. Staff note that the second dwelling, constructed in 1989 was originally used as a farm labour residence, but ceased being used in that manner in the early 2000s and was then used as a second residence by a family member of the owner of the property. As per RHOP policy 1.14.2.1 (a) (iii), a severance of a farm labour residence or an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm labour residence, farm help house, or help house is prohibited.

The Committee of Adjustment denied the application on July 5, 2018 (see Appendix “D” to Report PED20146), and the Committee of Adjustment decision was appealed to the LPAT on August 1, 2018.

**December 20, 2019 Local Planning Appeal Tribunal (LPAT) Decision Order**

The LPAT’s December 20, 2019 Decision and Order approved the Consent application to sever a 2 ha residential parcel containing two single detached dwellings from the

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road (Glanbrook) (PED20146) (Ward 11) - Page 6 of 11**

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existing 36 ha farm subject to fulfilment of the conditions identified in Attachment 1 of the December 20, 2019 Decision and Order (see Appendix “E” to Report PED20146) which identifies the requirement to obtain an Official Plan Amendment and Zoning By-law Amendment, amongst other conditions.

In its decision, the LPAT determined that the Consent was consistent with the PPS and conformed to the Greenbelt Plan policies. However, the LPAT found that creating a new lot with the two existing dwellings on it contravenes RHOP policy C.3.1.4, regardless of whether the structures are legal non-complying structures, or their uses are legal non-conforming on the subject property. The Tribunal found that the subject property, without proposing any development, does not contravene this policy, but the creation of a new lot with two dwellings on it would. Regarding compliance with the Zoning By-law, the Tribunal found that there is no dwelling proposed to be erected and therefore does not contravene section 4.5(a) of Zoning By-law No. 05-200.

The LPAT found that the proposed consent did not conform with the RHOP policies F.1.14.2.1(a)(iii) and C.3.1.4 but found that they could be addressed through the inclusion of conditions requiring that the Applicant apply for and obtain an official plan amendment exempting the proposed severed lot from the restrictions in those specific RHOP policies. The wording of the LPAT condition is:

“The applicant shall receive final and binding approval of Official Plan Amendments in order to 1) permit two single detached dwellings on the severed parcel; and 2) to allow the severance of an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm help house”.

The LPAT found that the conditions set out in Attachment 1 of the December 20, 2019 Decision and Order (see Appendix “E” attached to Report PED20146) are reasonable and capable of fulfilment. It notes that the second single detached dwelling already exists on the property and has been used as a single detached dwelling for many years.

The Provisional Consent and the Conditions will come in full force and effect when the Tribunal issues its Final Order after the Official Plan Amendment is approved. The conditions must be satisfied by the owner within one year of the Tribunal’s Final Order. According to the Provincial Declaration of Emergency (O, Reg. 50/20) dated March 17, 2020, and the Order under Section 7.1 (2) of the Emergency Management and Protection Act, the Tribunal’s Order regarding the July 1, 2020 deadline is suspended for the period of the emergency.

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road (Glanbrook) (PED20146) (Ward 11) - Page 7 of 11**

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**EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b><u>Subject Lands:</u></b>	Two Single Detached Dwellings and Agriculture	Agriculture (A1) Zone
<b><u>Surrounding Lands:</u></b>		
North	Single Detached Dwellings and Agriculture	Agriculture (A1) Zone
East	Single Detached Dwelling and Agriculture	Agriculture (A1, 118) Zone
South	Single Detached Dwelling and Agriculture	Agriculture (A1) Zone
West	Single Detached Dwelling and Agriculture	Agriculture (A1) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Rural Hamilton Official Plan

In order to implement the LPAT Decision and Order of December 20, 2019 (attached as Appendix "E" to Report PED20146), the applicant has applied for an Official Plan Amendment in order to recognize two existing residential dwellings on the severed residential lot. As per the LPAT Decision of December 20, 2019, the LPAT was of the opinion that the consent meets the current policies because the second single detached dwelling, originally constructed as a farm labour residence, had been used as a single detached dwelling for many years in the past and there are two single detached dwellings that presently exist on the property. The LPAT found that the proposed consent does not result in the erection of further residential dwellings in the area, it will protect the existing housing stock, and it will not increase housing density in the agricultural area. Therefore, the LPAT found that the requirement for an Official Plan Amendment is both reasonable and capable of fulfilment.

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road (Glanbrook) (PED20146) (Ward 11) - Page 8 of 11**

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

The subject lands are zoned Agriculture (A1) Zone in Zoning By-law No. 05-200. The Agriculture Zone permits Agriculture, a Single Detached Dwelling, a Residential Care Facility, Secondary Uses to Agriculture and Veterinary Service – Farm Animals.

In order to facilitate the Consent application approved by the LPAT Decision and Order of December 20, 2019, attached as Appendix “E” to Report PED20146, the applicant has applied for a zoning by-law amendment in order to recognize the reduced lot size and prohibit the construction of a single detached dwelling and residential care facility on the retained lands (see Appendix “C” of Report PED20146).

**RELEVANT CONSULTATION**

<b>Departments and Agencies:</b>		
<ul style="list-style-type: none"> <li>• Canada Post;</li> <li>• Niagara Peninsula Conservation Authority; and,</li> <li>• Forestry &amp; Horticulture, Public Works Department.</li> </ul>		<ul style="list-style-type: none"> <li>• No Comment</li> </ul>
	<b>Comment</b>	<b>Staff Response</b>
Recycling & Waste Disposal, Environmental Services Division	Staff note that this proposal assumes that these will be two single detached dwellings fronting onto a municipal roadway, as such waste collection should not be an issue.	Noted
Development Approvals	A road widening dedication is required as per the Notice of Decision and the LPAT decision.	The applicant would be required to work with the appropriate Department in order to provide proof that the condition has been satisfied and provide clearance to the Committee of Adjustment.
<b>Public Consultation:</b>		
No Comments Received		

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road (Glanbrook) (PED20146) (Ward 11) - Page 9 of 11**

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Public Consultation

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 16 property owners within 120 metres of the subject property on June 8, 2020.

A Public Notice sign was posted on the property on June 18, 2020 and updated on October 7, 2020 with the Public Meeting date. Finally, Notice of the Public Meeting was given on October 16, 2020 in accordance with the requirements of the *Planning Act*.

To date, no submissions were received for the subject applications.

**Public Consultation Strategy**

The applicant's Public Consultation Strategy identified that a circulation to the surrounding property owners was previously sent through the Committee of Adjustment Consent application. At that time, there were no comments received regarding the proposed surplus farm dwelling Consent application.

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

1. The proposed Rural Hamilton Official Plan Amendment and Zoning By-law Amendment have merit and can be supported for the following reasons:
  - (i) The applications implement the Local Planning Appeal Tribunal Decision in Case No. PL180696 to approve a severance of two surplus farm dwellings, as a result of a farm consolidation and, to permit the continued use of two existing single detached dwellings on a residential lot.

2. Official Plan Amendment

The subject lands are designated Agriculture in the Rural Hamilton Official Plan. The purpose of the Official Plan Amendment is to implement the approved decision of the Local Planning Appeal Tribunal to permit two existing single detached dwellings on one lot (one of the single detached dwellings was constructed as a farm labour residence), as a result of a surplus farm dwelling severance.

The Tribunal decision noted that the amendment was required because the Consent application does not comply with RHOP policies F.1.14.2.1(a)(iii) and C.3.1.4. Therefore, a condition was included as part of the Tribunal's decision for the applicant to obtain an Official Plan Amendment (identified in the Decision and

**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road (Glanbrook) (PED20146) (Ward 11) - Page 10 of 11**

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Order attached as Appendix “E” to Report PED20146). As such, the purpose of the Official Plan Amendment is to implement the Tribunal’s decision.

3. Zoning By-law Amendment

The lands are currently zoned Agriculture (A1) Zone in Zoning By-law No. 05-200. The purpose of the application is to implement the condition of the Tribunal’s decision which requires a rezoning to restrict a new residential dwelling or residential care facility and to recognize the reduced lot area on the retained agricultural lands (identified in the Decision and Order attached as Appendix “E” to Report PED20146).

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Rural Hamilton Official Plan and Zoning By-law Amendment applications be denied, the subject lands will continue to be utilized in accordance with the existing Agriculture (A1) Zone within the Zoning By-law No. 05-200. As the applicant would not meet the conditions set out in the Local Planning Appeal Tribunal’s decision relating to GL/B-17:110, the lands could not be severed.

**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.

**Clean and Green**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Draft Rural Hamilton Official Plan Amendment

Appendix “C” – Draft Amendment to Zoning By-law No. 05-200



**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road (Glanbrook) (PED20146) (Ward 11) - Page 11 of 11**

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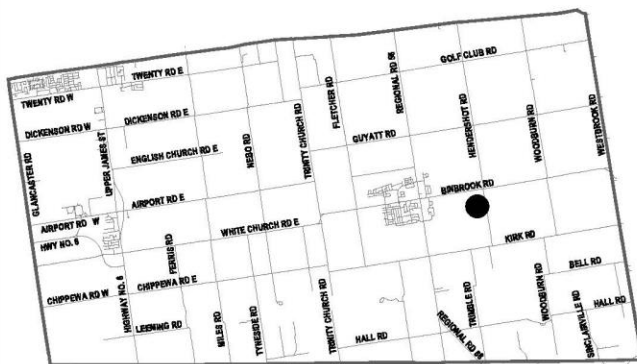
Appendix "D" - Committee of Adjustment Decision for GL/B-17:110

Appendix "E" - LPAT Decision

Appendix "F" – Proposed Land Severance Sketch



● Site Location



Key Map - Ward 11

# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAA-20-022 & RHOPA-20-014

Date:  
September 23, 2020


Appendix "A"


Scale:  
N.T.S

Planner/Technician:  
AB/NB

### Subject Property

2069 Binbrook Road, Glanbrook

 Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 118) Zone

 Change in zoning from Agriculture (A1) Zone to Agriculture (A2, 643) Zone

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

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

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

The purpose and effect of this Amendment is to implement the Local Planning Appeals Tribunal Decision in Case No. PL180696 to approve a severance of two surplus farm dwellings, as a result of a *farm consolidation*, by creating a Rural Site Specific Area to permit the continued use of two *existing* single detached dwellings on a residential lot.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 2069 Binbrook Road, in the former Township of Glanbrook.

### **3.0 Basis:**

The basis for permitting this Amendment is the proposed Amendment will implement the Decision of the Local Planning Appeal Tribunal Decision in Case No. PL180696.

### **4.0 Actual Changes:**

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

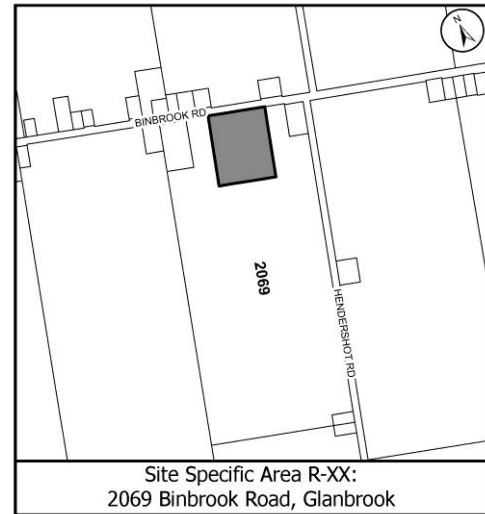
##### **Text**

##### **4.3.1 Chapter B – Rural Site Specific Policies**

That Volume 3, Chapter B – Rural Site Specific Areas be amended by adding a new Site Specific Area, as follows:

**“R-XX Lands Located at 2069 Binbrook Road, former Township of Glanbrook**

- 1.0 Notwithstanding Policy C.3.1.4 of Volume 1, the *existing* second dwelling previously recognized as a farm help house shall be permitted on the subject lands.
- 2.0 Notwithstanding Policy F.1.14.2.1 iv) of Volume 1, the *existing* second dwelling previously recognized as a farm help house shall be permitted on lands to be severed as part of a surplus farm dwelling severance.”



***Schedules and Appendices***

4.3.2 Appendix

- a. That Volume 3, Chapter B – Site Specific Key Map be amended by identifying the subject lands as Site Specific Area R-XX, as shown on Appendix “A”, attached to this Amendment.

**5.0 Implementation:**

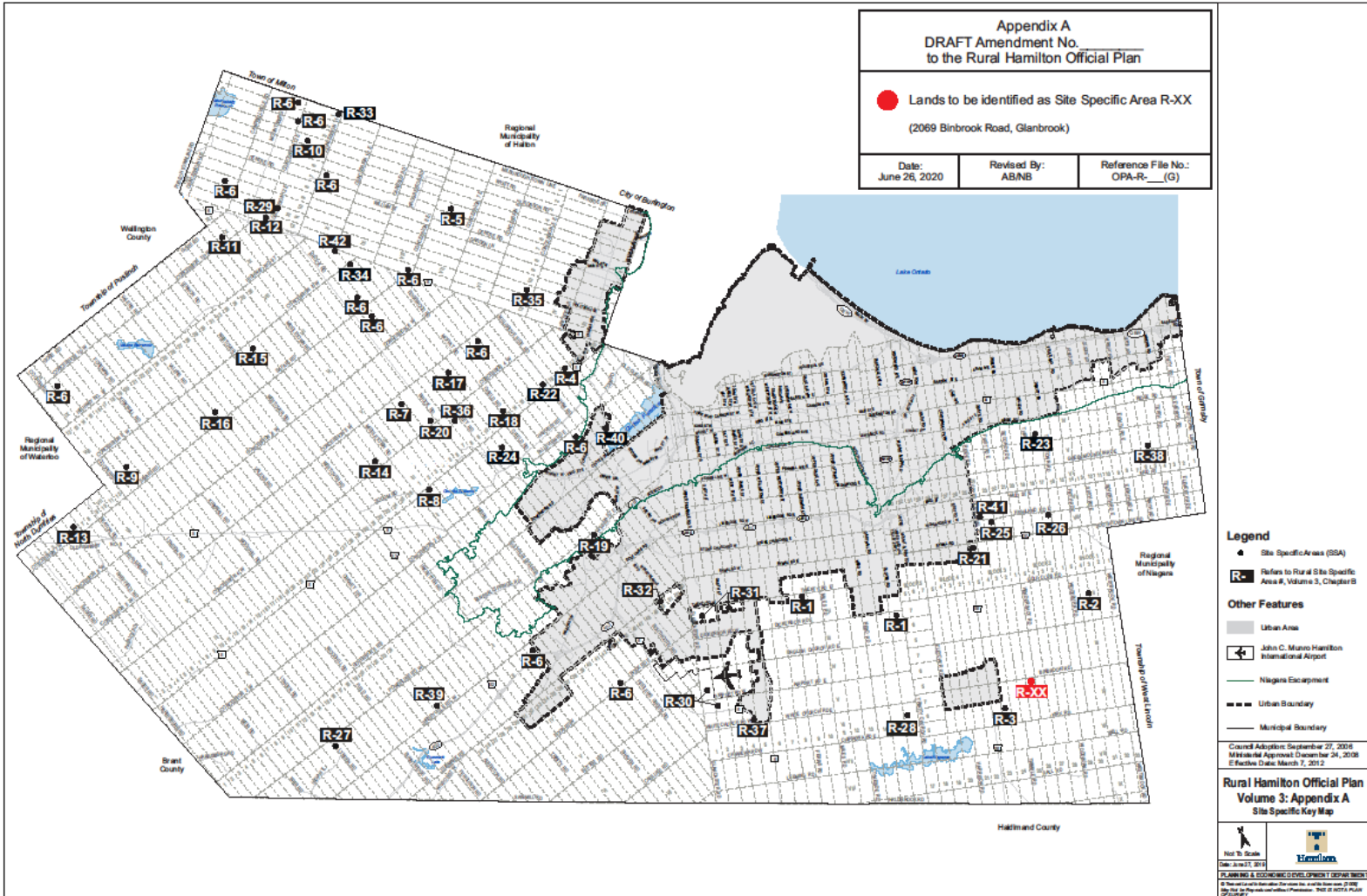
An implementing Zoning By-Law Amendment and Severance will give effect to the intended uses on the subject lands.

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

**The  
City of Hamilton**

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

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



Appendix A  
 DRAFT Amendment No. \_\_\_\_\_  
 to the Rural Hamilton Official Plan

● Lands to be identified as Site Specific Area R-XX  
 (2069 Binbrook Road, Glanbrook)

Date: June 26, 2020	Revised By: AB/NB	Reference File No.: OPA-R-____(G)
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**Legend**

- Site Specific Areas (SSA)
- R-XX Refers to Rural Site Specific Area #, Volume 3, Chapter B

**Other Features**

- Urban Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adoption: September 27, 2006  
 Ministerial Approval: December 24, 2008  
 Effective Date: March 7, 2012

**Rural Hamilton Official Plan**  
**Volume 3: Appendix A**  
**Site Specific Key Map**

Not To Scale  
  
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
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**Authority:** Item,  
Report (PED19XXX)  
CM:  
Ward: X

**Bill No.**

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

**To amend Zoning By-law No. 05-200 with respect to lands located at 2069  
Binbrook Road, Glanbrook**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on MONTH DAY, 201X;

**AND WHEREAS** this By-law conforms with the Rural Hamilton Official Plan, upon adoption of Rural Hamilton Official Plan Amendment No. XXX

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

1. That Map 214 of Schedule "A" – Zoning Maps is amended by changing the zoning from the Agriculture (A1) Zone to the Agriculture (A1, 118) Zone and Agriculture (A1, 643) Zone for the lands attached as Schedule "A" to this By-law.
2. That Schedule "C" - Special Exceptions is amended by modifying special exception 118 with the following:
  - a) Adding reference to "2069 Binbrook Road" and "Map 214" to the Property Address and Map Numbers table as follows:

Property Address	Map Numbers
2069 Binbrook Road	214

- b) Adding subsection d) as follows:
      - "d) The following regulations shall also apply for the property located at 2069 Binbrook Road:
        - i) Notwithstanding Subsection 12.1.1, a Residential Care Facility shall be prohibited on the subject lands.
        - ii) Notwithstanding Subsection 12.1.3.1 a), for the lands located at 2069 Binbrook Road, the minimum lot area shall be 34.0 hectares.
3. 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*.

To amend Zoning By-law No. 05-200 with respect to lands located at 2069 Binbrook Road,  
Glanbrook

**PASSED** this \_\_\_\_\_ , 2020

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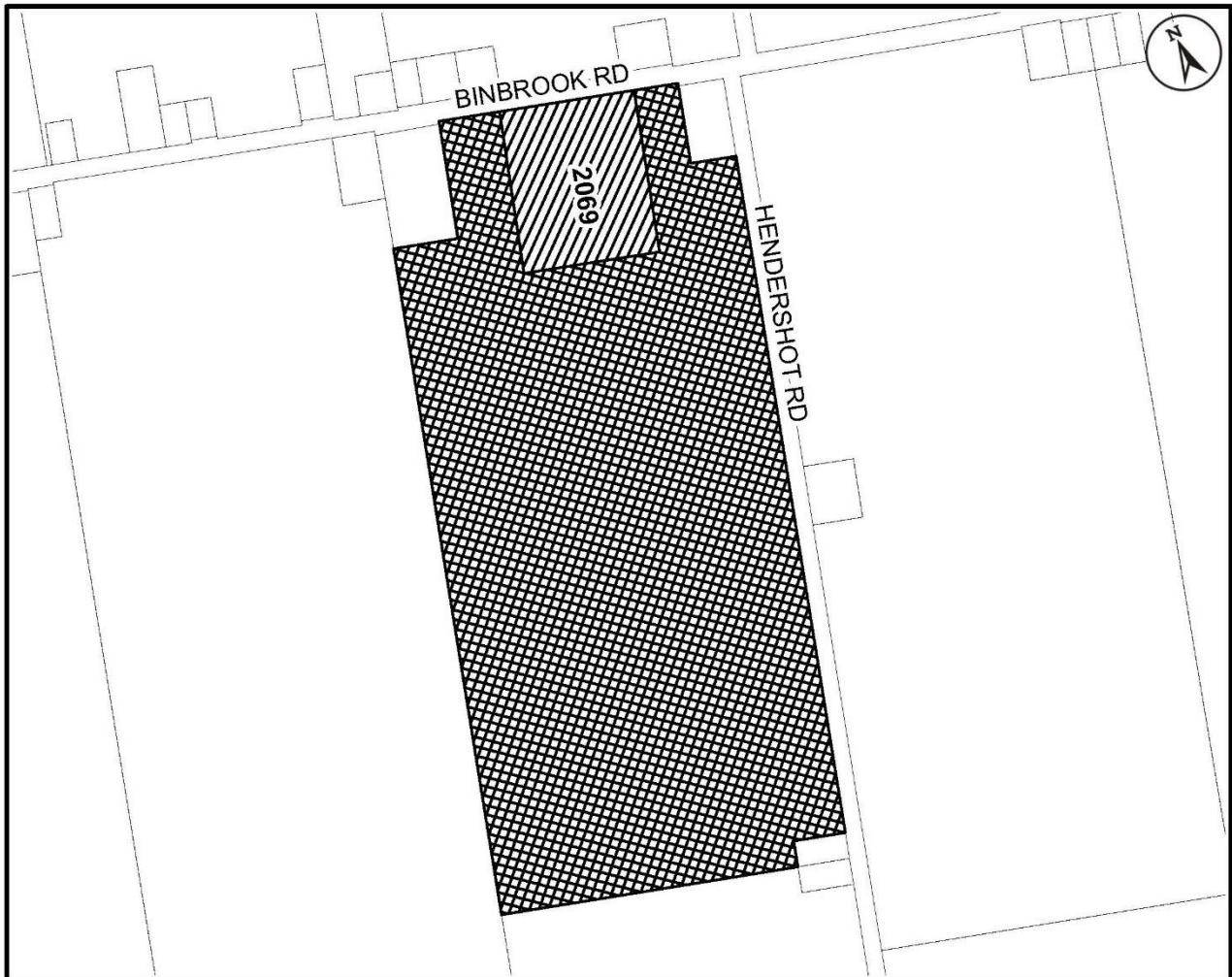
F. Eisenberger  
Mayor

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A. Holland  
City Clerk

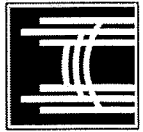
ZAA-20-022 and RHOPA-20-014

To amend Zoning By-law No. 05-200 with respect to lands located at 2069 Binbrook Road,  
Glanbrook



<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the ..... day of ....., 2020</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>		
<p><b>Schedule "A"</b></p> <p>Map forming Part of By-law No. 20-_____</p> <p>to Amend By-law No. 05-200 Map RU214</p>	<p><b>Subject Property</b> 2069 Binbrook Road</p> <p> Change in Zoning from Agriculture (A1) Zone to Agriculture (A2, 643) Zone</p> <p> Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 118) Zone</p>		
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-20-022 &amp; RHOPA-20-014</p>	<p>Hamilton</p>	
<p>Date: September 24, 2020</p>	<p>Planner/Technician: AB/AL</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			





Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221  
Fax (905) 546-4202

Hamilton

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENT/LAND SEVERANCE**

**APPLICATION NO. GL/B-17-110**  
**SUBMISSION NO. B-110/17**

**SUBJECT PROPERTY:** 2069 Binbrook Road (Glanbrook), City of Hamilton

**APPLICANT(S):** Applicant Dave Pitblado on behalf of the owner Pat Paletta Livestock

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land measuring 108m± x 76m± and having an area of 2 acres± containing two (2) detached dwellings to remain for residential purposes and to retain a parcel of land measuring 174m± x 922m± and having an area of 88.23 acres± containing three (3) agricultural storage barns/shed to remain for agricultural purposes.

**Severed lands:**  
108m± x 76m± and with an area of 8208m<sup>2</sup>±

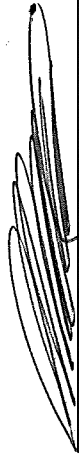
**Retained lands:**  
174m± x 922m± and with an area of 35.7ha±

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out in paragraph three above, **IS DENIED**, for the following reasons:

1. The proposal does not comply with the Severance Policies of the Rural Hamilton Official Plan.
2. The proposal does not appear to be in the interest of proper planning and development for the area.
3. The proposal does not comply with Section 51(24) of The Planning Act.
4. The proposal does not comply with the requirements of the Zoning By-law.
5. The proposal does not meet the intent of the Provincial Plans (Greenbelt and Provincial Policy Statement)

DATED AT HAMILTON this 5th day of July, 2018.

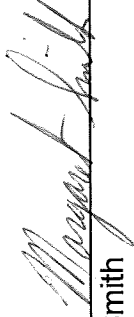
  
M. Dudzic (Chairman)

  
W. Pearce

GL/B-17:110  
Page 2



N. Mleczko



M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 12<sup>th</sup> 2018.

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS August 1<sup>st</sup> 2018.

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** December 20, 2019

**CASE NO(S):** PL180696

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Pat Paletta Livestock
Subject:	Consent
Property Address/Description:	2069 Binbrook Road
Municipality:	City of Hamilton
Municipal File No.:	GL/B-17:110
LPAT Case No.:	PL180696
LPAT File No.:	PL180696
LPAT Case Name:	Pat Paletta Livestock v. Hamilton (City)

**Heard:** April 17 and June 12, 2019 in Hamilton, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

Pat Paletta Livestock

S. Snider

City of Hamilton

P. MacDonald

**DECISION DELIVERED BY HUGH S. WILKINS AND ORDER OF THE TRIBUNAL**

---

[1] Pat Paletta Livestock ("Appellant") applied for a Consent to sever agricultural lands in the City of Hamilton ("City") located at 2069 Binbrook Road ("subject property"). The City's Committee of Adjustment refused the Consent application and the Appellant

appealed the decision to the Tribunal.

[2] The Appellant purchased the subject property in October 2017. It owns and farms over 900 hectares (“ha”) of land in the City, including neighbouring farmlands to the east of the subject property, and plans to consolidate the subject property into these larger farming operations. Its application for the proposed Consent was filed in November 2017.

[3] The subject property consists of a 36.58 ha farm. It has two primary buildings on it: a farmhouse built in the 1940s; and a second residential building built in 1989. Both buildings are in good habitable condition. The Appellant does not wish to act as a landlord and rent the buildings. It views them as surplus to its farming operation and wishes to sever and sell them. The Appellant states that the proposed Consent would be a farm surplus severance as part of a farm consolidation. The severed lot would be roughly 2 ha. The City objects to it.

[4] The subject property is designated “Agriculture” under the City’s Rural Hamilton Official Plan (“RHOP”) and is zoned “Agricultural A-1” under the City’s Zoning By-law No. 05-200 (“Zoning By-law”). The subject property is located in a prime agricultural area. It is designated “Protected Countryside” under the Greenbelt Plan.

## **ISSUES**

[5] On a consent appeal, the Tribunal must determine whether the proposed Consent is consistent with the Provincial Policy Statement, 2014 (“PPS”), conforms with provincial plans, including the Greenbelt Plan, and conforms with the applicable official plans. The Tribunal must also consider whether the proposed Consent has regard to the criteria set out in s. 51(24) of the *Planning Act*.

## **EVIDENCE AND SUBMISSIONS**

*Appellant’s Evidence and Submissions*

[6] Mark Dorfman was qualified to provide opinion evidence as a professional land use planner on behalf of the Appellant.

[7] Mr. Dorfman stated that single detached dwellings are permitted under RHOP and the zoning for the subject property. He said the second residential building on the subject property was originally used to accommodate farm workers, but that at some point of time in the 2000s, the need for it as a residence for farm help ceased. After that time, the building was used as a residence for a member of the family that owned the property. It is now vacant. Mr. Dorfman said that although it was initially a “farm help house”, it transitioned into a second farm residence on the property.

[8] Mr. Dorfman stated that the existing structures on the subject property, including the farmhouse and the second residential building, are legally non-complying structures as the subject property does not comply with the minimum lot area provisions in the Zoning By-law, which require agricultural lots to be 40 ha. It is 36.58 ha. He said that when the second residential building was built, the City entered into a site plan agreement with the property owner permitting its construction. The agreement does not require that the second residential building be demolished if it ceased to be used as a farm help house. He said the second residential building is a permanent structure.

[9] In response to the City’s concerns that the Zoning By-law only allows one dwelling on each lot, Mr. Dorfman stated that the Zoning By-law only states that one dwelling may be erected on each lot. It does address existing structures. He said the subject property is undersized, but the existing structures are legal. Mr. Dorfman opined that the proposed Consent would not remove a significant amount of farmland from agricultural production and noted that the land to be severed has been used most recently as an outdoor storage area and not for growing crops.

[10] Mr. Dorfman opined that the proposed Consent is consistent with the PPS. He stated that PPS policy 2.3.4 allows for lot creation in prime agricultural areas where a residence is surplus to a farm operation as a result of a farm consolidation. He said there are two ways for a farm consolidation to be undertaken: the merging of adjacent

farms on title; or the consolidation of various farm lands without merging in title. He said although the land to the east of the subject property is part of the Appellant's operations, it is separated from the subject property by a road. Therefore, the lots are not adjacent. As a result, the second scenario applies here. He said PPS policy 2.3.4.1(c)(2) prohibits dwellings on retained parcels, which he said would be complied with in the present case. He said both buildings in question are habitable and are in good condition and each has value.

[11] Mr. Dorfman opined that the proposed Consent conforms with the Greenbelt Plan. Regarding Greenbelt Plan s. 4.6, which addresses lot creation, he said that like the PPS, it allows for severances for surplus residences resulting from farm consolidations. He said the Growth Plan for the Greater Golden Horseshoe, 2017 does not apply to the subject property.

[12] Mr. Dorfman opined that the proposed Consents conform with the RHOP. He stated that RHOP policy F1.14.2.8 sets out conditions for the severance of surplus farm dwellings as a result of a farm consolidation. He said these include that the dwellings must only be made surplus due to the consolidation, the buildings must have been built before 2004, and they must be habitable. He said severed lots must be at least 0.4 ha, have private water and septic services, have shapes and dimensions that do not impinge on agricultural operations, and must not include farm infrastructure such as barns. He stated that for consolidations where lands will not be merged on title, such as in the present case, RHOP policy F1.14.2.8 requires that the lots be of sufficient size and that proper zoning be applied. He opined that the proposed Consents satisfy these requirements.

[13] Mr. Dorfman said RHOP policy F1.14.2.1 prohibits the severance of "farm labour residence" lots. He said "farm labour residences" are defined as accessory detached buildings of temporary construction. He said the second residential building is not a temporary building and therefore not a farm labour residence. He said RHOP policy F1.14.2.1(a)(iii) prohibits the severance of an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm labour residence, farm help house, or

help house. He said the use of the second residential building as a farm residence was a legal non-conforming use and this provision, therefore, does not apply. He said RHOP policy F.1.14.2.1(a)(iv) prohibits severing an existing second dwelling, unless it is the result of a farm consolidation. He said the second residential building is an existing second dwelling on the subject property, and, therefore, its severance is permissible provided that the farm surplus severance requirements in policy F.1.14.2.8 are satisfied.

[14] In regard to the criteria in s. 51(24) of the *Planning Act*, Mr. Dorfman stated that the proposed Consent is consistent with provincial interests, is in the public interest and is not premature. He said the proposed Consent provides for sufficient land on the proposed severed lot for water and wastewater services and it would not impact roadway widths.

[15] Mr. Dorfman stated that the proposed conditions to the Consent that were recommended by the City's planning staff are appropriate and reasonable, apart from the recommendation that zoning by-law amendments would need to be secured. The proposed conditions include that the Appellant is to receive approval of a zoning by-law amendment to restrict the development of a single detached dwelling on the proposed retained lot and provisions to facilitate a road allowance widening on Binbrook Road through the dedication of land by the Appellant to add to the right-of-way along the frontage of the proposed severed lot.

[16] Mr. Dorfman reviewed the matters of provincial interest set out in s. 2 of the *Planning Act* and opined that the proposed Consent has regard for them. He said the proposed Consent protects agricultural resources, provides affordable housing, and will not have environmental impacts.

[17] David Pitblado is the Appellant's Director of Real Estate Development. He provided fact evidence. Mr. Pitblado stated that the subject property was purchased and then consolidated as part of the Appellant's overall farming operations. He said the Appellant wishes to sever the surplus dwellings which are not needed for the consolidated farming operations. The Appellant has an existing farm dwelling on its

existing consolidated farm holdings. Mr. Pitblado reiterated that the Appellant is not interested in becoming a landlord. He raised issues regarding the challenges with having vacant buildings on farmlands and the difficulties for the Appellant to act as a landlord. He said that from a financial perspective, it is a problem for the Appellant to purchase homes with value and to leave them empty or be required to have them demolished. He said there is a market for the dwellings on the subject property and that it would be wasteful not to sever and sell them.

### *City's Evidence and Submissions*

[18] Alaina Baldassarra was qualified to provide opinion evidence in the area of land use planning on behalf of the City.

[19] Ms. Baldassarra stated that the proposed Consent should be denied because:

- RHOP states that a farm help house cannot be severed as part of a farm surplus severance;
- if the second residential building is to be used as a farm residence, an official plan amendment and a zoning by-law amendment would first need to be obtained to allow two dwellings on one lot;
- there is insufficient land in the proposed lots for servicing; and
- the RHOP farm surplus severance provisions do not permit a farm help house to be severed and no farm buildings are allowed to remain on a severed lot.

[20] Ms. Baldassarra opined that the proposed Consent is not consistent with the PPS. She said PPS policy 1.2.1 requires the protection against the loss and fragmentation of the agricultural land base and it supports agriculture as the predominant land use in rural areas. She said PPS policy 4.6.1 restricts farm surplus severances limiting them to a minimum size. She said the proposed severed lot would not be a minimum size because of the need for sufficient land for sewage and water



services for each dwelling. She also said multiple farm residences on one lot are not permitted under the PPS.

[21] Ms. Baldassarra opined that the proposed Consent does not conform with the Greenbelt Plan. She stated that the Greenbelt Plan policy 4.6 limits lot creation to surplus farm dwellings. She said the second residential building is not a dwelling.

[22] Ms. Baldassarra opined that the proposed Consent does not conform with RHOP. She stated that RHOP policy F.1.14.2.1(a)(iii) does not allow the severance of farm buildings for non-agricultural uses and RHOP policy F.1.14.2.1(a)(iv) prohibits the severance of existing second dwellings. She said RHOP policy C.3.1.4 and the Zoning By-law s. 4.5 allow a maximum of one dwelling on a lot and the proposed Consent is premature until official plan and zoning by-law amendments are passed to permit multiple dwellings on the proposed severed lot. She said the intent of the RHOP is to limit the amount of lot creation in rural areas.

[23] Ms. Baldassarra opined that the proposed Consent does not have regard for the criteria in s. 51(24) of the *Planning Act*, including the criterion that the proposed Consent conform with the applicable official plan. She also opined that the proposed Consent is premature as official plan and zoning by-law amendments should be obtained before the proposed Consent is sought.

[24] Ms. Baldassarra stated that if the proposed Consent is approved, it must be made subject to conditions, including:

- any barns on the proposed severed lot be removed;
- a zoning by-law amendment to restrict the use of the retained lot from being used as a residential care facility, which is currently allowed on the subject property; and
- an official plan and a zoning by-law amendment to recognise the second

dwelling on the severed lot.

[25] In reference to the RHOP definition of a “farm labour residence”, she acknowledged that these are temporary structures, while the buildings on the subject property are permanent. She said farm help houses are to accommodate farm labour and if that use changes, official plan and zoning by-law amendments should be obtained to make the building a standalone dwelling. She acknowledged that it is not good planning to demolish a habitable single detached dwelling as part of a farm surplus severance.

## **ANALYSIS AND FINDINGS**

[26] On this appeal, the Tribunal must determine whether the proposed Consent is consistent with the PPS and conforms with the Greenbelt Plan and RHOP. The Tribunal also must consider whether the proposed Consent has regard to the criteria set out in s. 51(24) of the *Planning Act*.

### *PPS and Greenbelt Plan*

[27] The Tribunal must determine whether the proposed Consent is consistent with the PPS and conforms with the Greenbelt Plan. The applicable lot creation provisions in the PPS are found in PPS policy 2.3.4.1(c). It states:

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

[...]

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; [...]

[28] Similarly, s. 4.6 of the Greenbelt Plan states:

4.6 For lands falling within the Protected Countryside, the following policies shall apply:

1. Lot creation is discouraged and may only be permitted for:

[...]

c. The severance of a *residence surplus to a farming operation* as a result of a farm consolidation, on which a habitable residence was an *existing use*, provided that:

i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and

ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.

[29] The term “residence surplus to a farming operation” is defined in Greenbelt Plan s. 7 as:

an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

[30] The term “existing use” is defined in Greenbelt Plan s. 7 as:

(a) uses legally established prior to the date that the Greenbelt Plan came into force on December 16, 2004; or

(b) for the purposes of lands added to the Greenbelt Plan after December 16, 2004, uses legally established prior to the date the Greenbelt Plan came into force in respect of the land on which the uses are established.

[31] Based on the evidence before it, the Tribunal finds that both the farmhouse and the second residential building are habitable residences on a farm that are rendered surplus as a result of a farm consolidation. It also finds that the farmhouse and the second residential building were used as habitable residences, which was a legally established use on the subject property prior to the entry into force of the Greenbelt

Plan.

[32] The Tribunal also finds that the proposed Consent is limited to the minimum size of 2 ha which is needed to accommodate the use and appropriate sewage and water services. The Appellant has also agreed to include as a condition to the proposed Consent that it obtain a zoning by-law amendment to ensure that a residential dwelling is not permitted on the retained lot. As such, the Tribunal finds that the proposed Consent is consistent with PPS policy 2.3.4.1(c) and conforms with Greenbelt s. 4.6.

[33] The Tribunal finds that the proposed Consent will provide housing in a rural area, which is consistent with PPS policy 1.4 and helps to ensure that prime agricultural areas are protected for long-term use for agriculture under PPS policy 2.3.1.

[34] The Tribunal finds that the proposed Consent is consistent with the PPS and conforms with the Greenbelt Plan.

### *RHOP*

[35] The intent of the RHOP lot creation policies in agricultural areas is to limit the severance of agricultural lands, to maintain those lands in agricultural production, and to limit land fragmentation. The relevant RHOP policies for farm surplus severances are policies F.1.14.2.1 and F.1.14.2.8.

[36] RHOP policy F.1.14.2.1 states:

F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty 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,

[...]

iii) Severance of a lot for a farm labour residence or an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm labour residence, farm help house, or help house;

iv) Severance of any existing second dwelling on a lot, irrespective of the origin of the second dwelling, except in accordance with Section F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation.

b) Severances that create a new lot(s) may be permitted for only the following purposes:

[...]

iii) Severance of a surplus farm dwelling made surplus as a result of a farm consolidation in accordance with Policies F.1.14.2.1 and F.1.14.2.8;

[37] Policy F.1.14.2.1(a)(i) prohibits severances for residential uses except where the requirements in policy F.1.14.2.8 are met (which will be analyzed further below).

[38] Policy F.1.14.2.1(a)(iii) prohibits the severance of a lot for a farm labour residence or an existing dwelling that was permitted in a previous official plan and zoning by-law as a (1) farm labour residence, (2) farm help house, or (3) help house (which are analyzed here). RHOP policy G defines a “farm labour residence” as:

[...] secondary accommodations provided for full-time farm labour where the size and nature of the farm operation requires additional employment in the form of either of the following:

a) an accessory apartment attached to and forming part of the principal farm residence; or

b) an accessory detached dwelling of temporary construction, such as a mobile home or bunk house, located in close proximity to the farm cluster.

This definition states that a farm labour residence is an “accessory apartment” or a “detached dwelling of temporary construction”. The second residential building is a detached dwelling of permanent construction. The Tribunal finds that is not a farm labour residence.

[39] RHOP policy F.1.14.2.1(a)(iii) also addresses severances of existing dwellings that were permitted in a previous official plan and zoning by-law as a farm labour

residence, farm help house, or help house. RHOP defines “existing” in the following manner:

When used in reference to a use, lot, building or structure, means any use, lot, building or structure legally established or created prior to the day of final approval and coming into effect of the relevant sections of this Official Plan or at some earlier date as may be specified in the policies such as December 16, 2004 for the Greenbelt Plan policies.

RHOP does not define “dwelling”. However, the Zoning By-law states that a dwelling:

Shall mean a building used or intended to be used for human habitation but shall not include a recreational vehicle or tent, or Farm Labour Residence.

The evidence before the Tribunal is that the second residential building is a permanent structure that has been used as accommodation for members of the family that previously owned and farmed the subject property. It was legally established prior to the coming into effect of RHOP and is “existing”. It has been used for human habitation, and continues to be habitable, and is not a recreational vehicle or tent, or farm labour residence. Therefore, based on the definitions in RHOP and the Zoning By-law, the Tribunal finds that the second residential building is an “existing dwelling” for the purposes of policy F.1.14.2.1(a)(iii). The Parties agree that when the second residential building was built, it was intended to be used as a farm help house and was permitted to be such under the official plan and zoning by-law in force at that time. The Tribunal therefore finds that the second residential building is an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm help house. Based on these findings, its severance is prohibited under RHOP policy F.1.14.2.1(a)(iii). The Tribunal notes that even if the second residential building is a legal non-complying structure, it is still an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm help house. The Tribunal notes the reasoning of the Ontario Municipal Board in *Hamilton (City) v. Hamilton (City)*, [2014] O.M.B.D. No. 706 that a farm help house that is no longer occupied by farm employees is a legally existing use; however, the Tribunal notes that RHOP policy F.1.14.2.1(a)(iii) was not addressed in that decision and this use does not affect the application of policy F.1.14.2.1(a)(iii).

[40] RHOP policy F.1.14.2.1(a)(iv) states that the severance of any existing second dwelling on a lot is prohibited, irrespective of the origin of the second dwelling, except where the dwelling is to be severed as a result of a farm consolidation and the requirements in policy F.1.14.2.8 are met. Based on the findings detailed above, the Tribunal finds that the second residential building is a second dwelling and its severance is permissible provided that the requirements in RHOP policy F.1.14.2.8 are satisfied.

[41] For the purposes of conformity with RHOP policies F.1.14.2.1(a)(i) and (iv), the proposed Consent must satisfy the requirements in RHOP policy F.1.14.2.8. That policy states:

F.1.14.2.8 An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

a) In all cases where surplus farm dwellings are to be severed the following shall apply:

i) The farm consolidation shall have been completed prior to the time of application.

ii) The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.

iii) The proposed surplus farm dwelling:

1) shall have been built on or before December 16, 2004; and,

2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.

iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;

v) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;

vi) The shape and dimensions of the surplus farm dwelling lot shall:

1. not impair agricultural operations on the retained land; and
2. generally not exceed a depth of 122 metres (400 feet);

vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes.

viii) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.

[...]

c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:

- i) The owner and operator of the farm maintains an existing dwelling on land that is also part of the consolidated farm operation;
- ii) The parcels of land comprising the consolidated farm operation shall generally be a minimum of 38.4 hectares (95 acres) in total in the Agriculture designation and 14.2 hectares (35 acres) in the Rural and Specialty Crop designations;
- iii) The parcel of land from which the surplus dwelling is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D – Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D – Rural Land Use Designations;
- iv) Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:
  1. The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or
  2. The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit.

If the land owner grants a restrictive covenant in favour of the City, the City shall rezone the farm parcel to prohibit the construction of any



dwelling unit.

[42] Regarding the requirements in RHOP policy F.1.14.2.8(a), the Tribunal finds that based on the evidence before it:

- the farm consolidation was completed in October 2017 and the application for the proposed Consent was filed on November 2017; therefore, the farm consolidation was completed prior to the time of application;
- the Appellant purchased the subject property for its agricultural operations and has no interest in using the residences; they are surplus to its operations;
- the surplus buildings were constructed in the 1940s and in 1989, and, therefore, before 2004;
- both residences are habitable;
- the proposed severed lot is the minimum size for accommodating the existing well and two existing septic systems for the two residences and there is little productive agricultural land on the proposed severed lot. Although, a severance of only one residential dwelling would reduce the necessary size of the proposed severed lot, the fact that there are two residential buildings on the proposed lot necessitates the larger size;
- there is a well and two septic systems on the proposed severed lot;
- the proposed severed lot is rectangular in shape, it does not include existing farmed land, and the proposed Consent would not impair agricultural operations; and
- existing barns and non-residential agriculture related buildings on the proposed severed lot are in poor condition and will be demolished.

[43] Regarding the requirements in RHOP policy F.1.14.2.8(c), the Tribunal finds that:

- the Appellant has an existing farm dwelling on its consolidated farm holdings;
- the Appellant owns and operates over 900 ha of farmland in the City;
- the subject property is more than 16.2 ha;
- the Appellant has agreed to a condition to the proposed Consent that it obtain a zoning by-law amendment prohibiting residential dwellings on the proposed retained lot.

[44] Based on these findings, the Tribunal finds that the proposed Consent conforms with RHOP policy F.1.14.2.8(a) and (c) and with RHOP policies F.1.14.2.1(a)(i) and (iv).

[45] The City argues that the proposed Consent would result in the creation of a lot with two dwellings on it which would contravene RHOP policy C.3.1.4 and the Zoning By-law s. 4.5. The relevant part of RHOP policy C.3.14 states:

C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met:

- a) Except as permitted in Sections D.2.1.1.4 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted; [...]

[46] The relevant part of the Zoning By-law is s. 4.5(a). It states:

4.5(a) unless otherwise provided for in this By-law, in any zone where a single detached dwelling, semi-detached dwelling or duplex dwelling is permitted, no more than one such dwelling shall be erected on a lot.

[47] The Appellant argues that the second residential building is a legal non-complying structure and therefore is permitted under RHOP policy C.3.14 and that the Zoning By-law s. 4.5(a) only applies to the erection of dwellings on a lot. In the present

case, where a new lot is proposed to be created with two existing dwellings on it, the Tribunal finds that this contravenes RHOP policy C.3.1.4, regardless of whether the dwellings are legal non-complying structures or their uses are legally non-conforming on the subject property. The subject property does not contravene this policy; but the creation of a new lot with two dwellings on it would. Regarding compliance with the Zoning By-law s. 4.5(a), the Tribunal finds that there is no dwelling proposed to be erected. The two existing residential structures on the proposed severed lot would not contravene this section of the Zoning By-law.

*Section 51(24) of the Planning Act*

[48] Taking into account its findings above, the Tribunal finds that the proposed Consent conforms with RHOP, except with respect to conformity with RHOP policies F.1.14.2.1(a)(iii) and C.3.1.4. Based on the evidence of Mr. Dorfman in this regard, the Tribunal finds that the proposed Consent has regard to the other criteria in s. 51(24) of the *Planning Act* and to the matters of provincial interest set out in s. 2 of the *Planning Act*.

*Proposed Conditions to the Consent*

[49] Both Mr. Dorfman and Ms. Baldassarra reviewed proposed conditions to the Consent. They agree to conditions including those that the Appellant is to receive approval of a zoning by-law amendment to restrict the development of a single detached dwelling on the proposed retained lot and provisions to facilitate the road allowance widening on Binbrook Road through the dedication of land by the Appellant to add to a right-of-way along the frontage of the proposed severed lot. The Parties also agree to conditions that any barns on the proposed severed lot be removed and that a zoning by-law amendment be obtained to restrict the use of the retained lot.

[50] The Parties disagree over a condition proposed by the City that the Appellant receive approval of an official plan amendment in order to permit two detached dwellings on the severed parcel.

[51] The Tribunal finds that the conditions proposed by the City are reasonable. Based on the Tribunal's findings that the proposed Consent does not conform with RHOP policies F.1.14.2.1(a)(iii) and C.3.1.4, the Tribunal finds that conditions are necessary that the Appellant receive approval of site-specific official plan amendments to: (1) allow the severance of an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm help house; and (2) allow for two dwellings on the severed lot.

### **Conclusions**

[52] Based on the evidence before it, the Tribunal finds that the proposed Consent does not conform with RHOP policies F.1.14.2.1(a)(iii) and C.3.1.4. However, it finds that this can be addressed through the inclusion of conditions to the proposed Consent requiring that the Appellant apply for and obtain site-specific official plan amendments exempting the proposed severed lot from the restrictions in those specific RHOP policies and (1) allow the severance of an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm help house, and (2) allow for two dwellings on the severed lot. The Tribunal finds that such conditions are reasonable and capable of fulfillment. It notes that the second residential building has been used as a single detached dwelling (and not as a farm help house) for multiple years in the past. It also notes that the condition requiring an official plan amendment to permit two single detached dwellings on the severed parcel was proposed by the City and two single detached dwellings presently exist on the subject property.

[53] The Tribunal finds that the proposed Consent with the conditions in Attachment 1 to this Decision is consistent with the PPS, conforms with RHOP and the Greenbelt Plan, and has regard to the criteria set out in s. 51(24) of the *Planning Act*. It facilitates a farm surplus severance and farm consolidation that sustains farming operations in the area and protects both agricultural resources and the rural character of the area. It will not result in the erection of further residential dwellings in the area, it will protect existing housing stock, and it will not increase housing density in this agricultural area.

[54] To ensure that the Appellant has sufficient time to apply for and obtain approval of the official plan amendments required in the conditions to this Order, the Tribunal withholds its Order until July 1, 2020, at which time it will come into full force and effect.

## **ORDER**

[55] The appeals are allowed and the proposed Consent is given subject to the conditions set out in Attachment 1 attached to this Decision.

[56] This Order is withheld until July 1, 2020 at which time it will come into full force and effect.

*"Hugh S. Wilkins"*

HUGH S. WILKINS  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

### **Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

## ATTACHMENT 1

### CONSENT CONDITIONS

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the City's Manager, Development Planning, Heritage and Design, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall receive final and binding approval of a Zoning By-law Amendment in order to restrict the development of a single detached dwelling and/or residential care facility on the retained farm parcel to the satisfaction of the City's Manager, Development Planning, Heritage and Design.
3. The applicant shall receive final and binding approval of Official Plan Amendments in order to (1) permit two single detached dwellings on the severed parcel; and (2) allow the severance of an existing dwelling that was permitted in a previous official plan and zoning by-law as a farm help house.
4. The applicant shall provide proof that all farm-related structures have been demolished from the severed lot to the satisfaction of the City's Manager of Development Planning, Heritage and Design.
5. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the City's Planning and Economic Development Department (Building Division - Plan Examination Section.)
6. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the City's Planning and Economic Development Department (Building Division - Zoning Section),
7. The owner shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the location of any existing structure(s), 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 City's Planning and Economic Development Department (Building Division – Zoning Section).
8. The owner/applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic systems comply with the clearance requirements of Part 8 of the Ontario Building Code for the

lands to be severed, to the satisfaction of the City's Planning and Economic Development Department (Building Division - Plan Examination Section) and Hamilton Water.

9. An appropriate road allowance widening shall be conveyed to the City as per the Urban Official Plan; Schedule C-2 - Future Right-of-Way Dedications (Binbrook Road between Regional Road 56 and East limits of settlement Area, 26.213 metres). The owner shall dedicate approximately 3 metres to add to the right-of-way along the frontage of the severed lot. A survey conducted by an Ontario Land Surveyor and at the applicant's expense will determine the dimensions of the right-of-way widening to meet the ultimate road allowance requirements.

10. If necessary, the owner shall dedicate to the City sufficient land adjacent to Binbrook Road East in order to establish the property line 18.579 m (60 feet) from the original centreline of this roadway.

11. If necessary, the owner shall dedicate to the City sufficient land adjacent to Hendershot Road in order to establish the property line as 18.576 m (60 feet) from the original centreline of this roadway.

12. The owner shall satisfy the requirements of the City's Public Works Department, Operations and Maintenance Division - Forestry and Horticulture Section.

13. The owner shall submit to the City an administration fee of \$17.70, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.

14. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

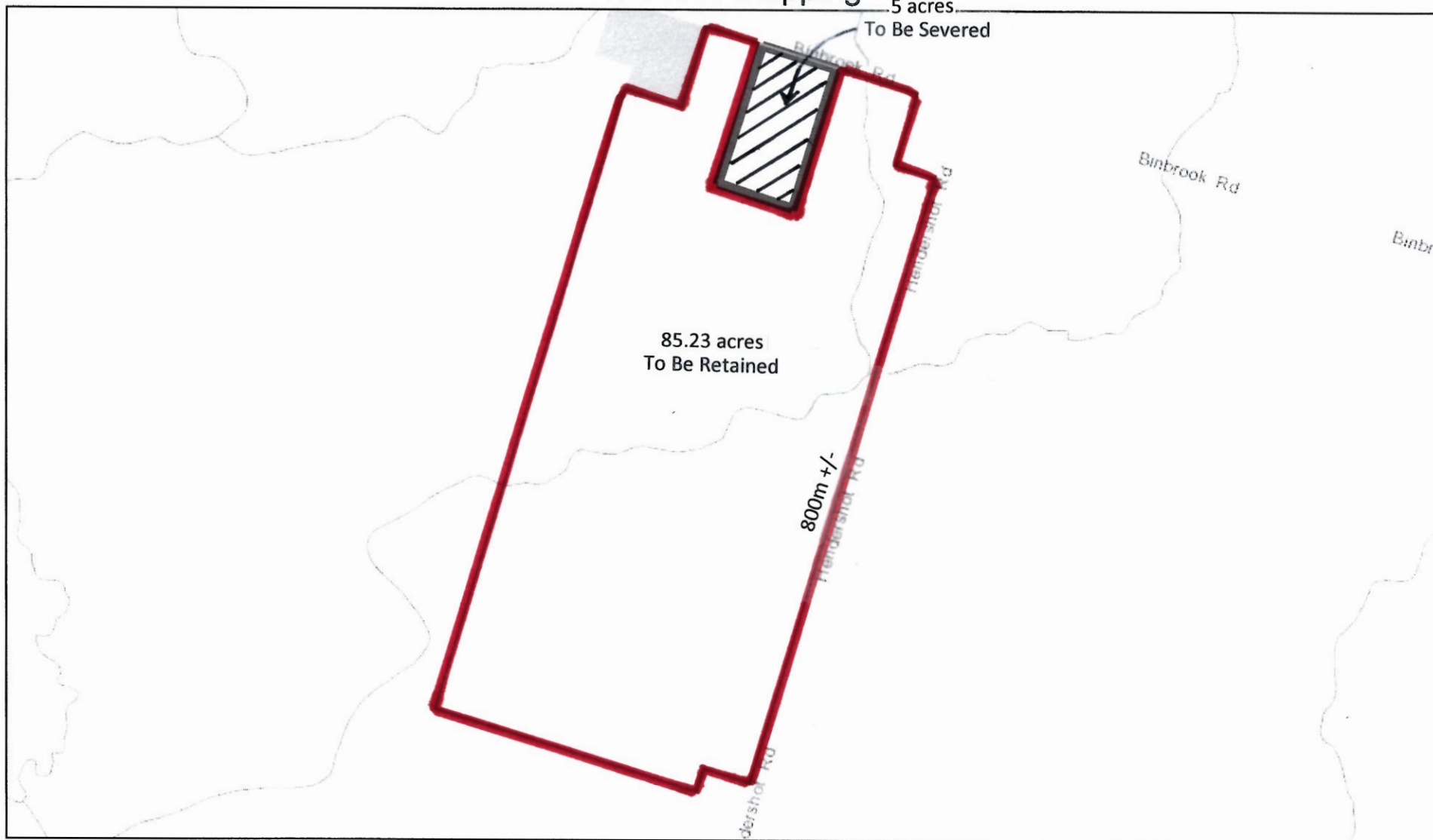
**Acknowledgement:** The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries. All archaeological reports shall be submitted to the City

of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism, and Culture Industries.

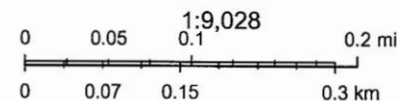
Should deeply buried archaeological materials be found on the property during any of the above development activities the Ministry of Heritage, Sport, Tourism, and Culture Industries should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both Ministry of Heritage, Sport, Tourism, and Culture Industries and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).



# Interactive Mapping

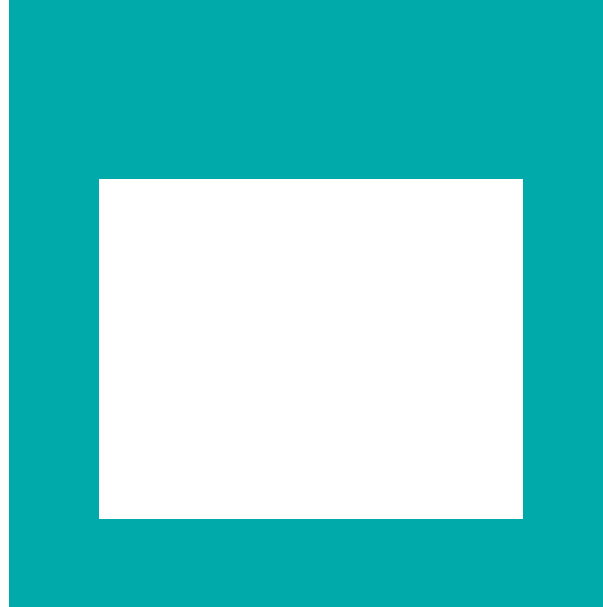


May 11, 2018



City of Hamilton, City of Hamilton - Web GIS Framework, City of Hamilton, Haldimand County, Province of Ontario, Ontario MNR, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA, AAFC, NRCan

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WELCOME TO THE CITY OF HAMILTON

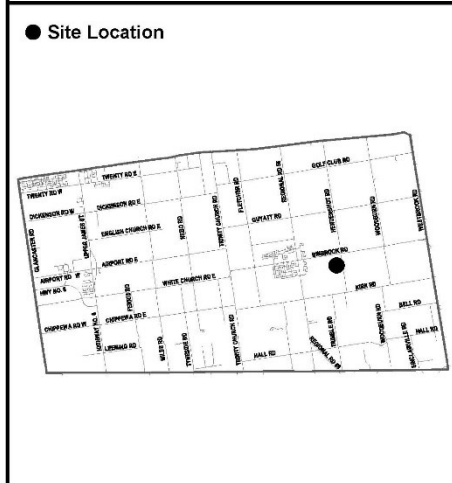
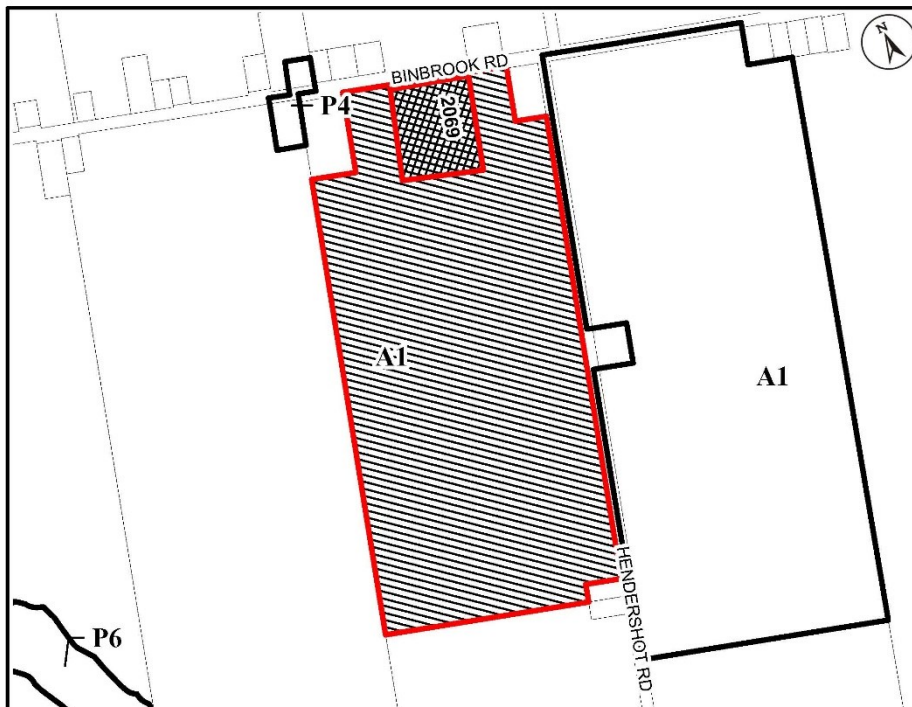
# PLANNING COMMITTEE

November 3, 2020

## **PED20146 – (ZAA-20-022 / RHOPA-20-014)**

Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook.

Presented by: Alaina Baldassarra



Key Map - Ward 11

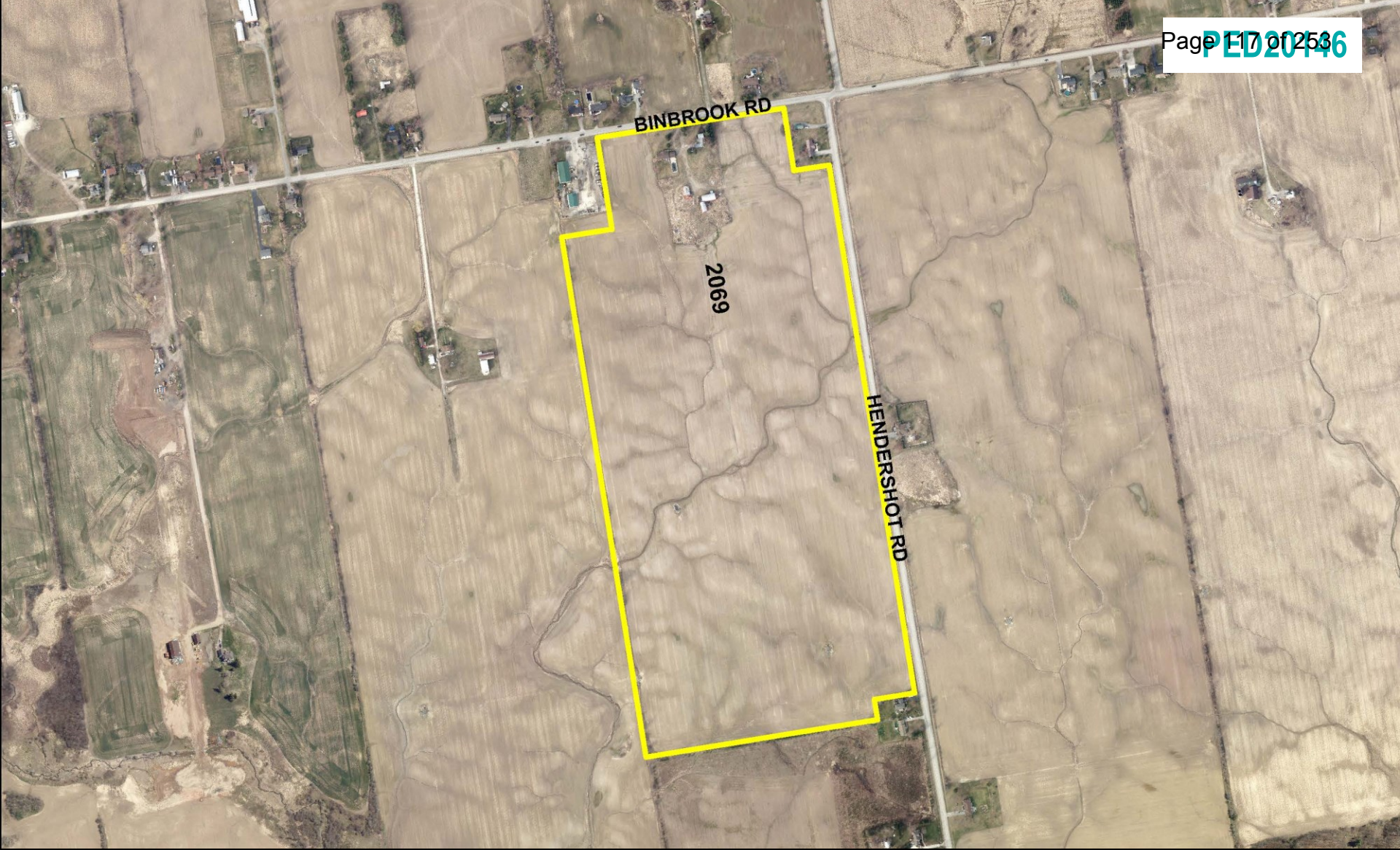
### Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAA-20-022 & RHOPA-20-014	Date: October 5, 2020
Appendix "A"	Scale: N.T.S.
Planner/Technician: AB/NB	

**Subject Property**  
 2069 Binbrook Road, Glanbrook

- Change in zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone
- Other lands owned by applicant

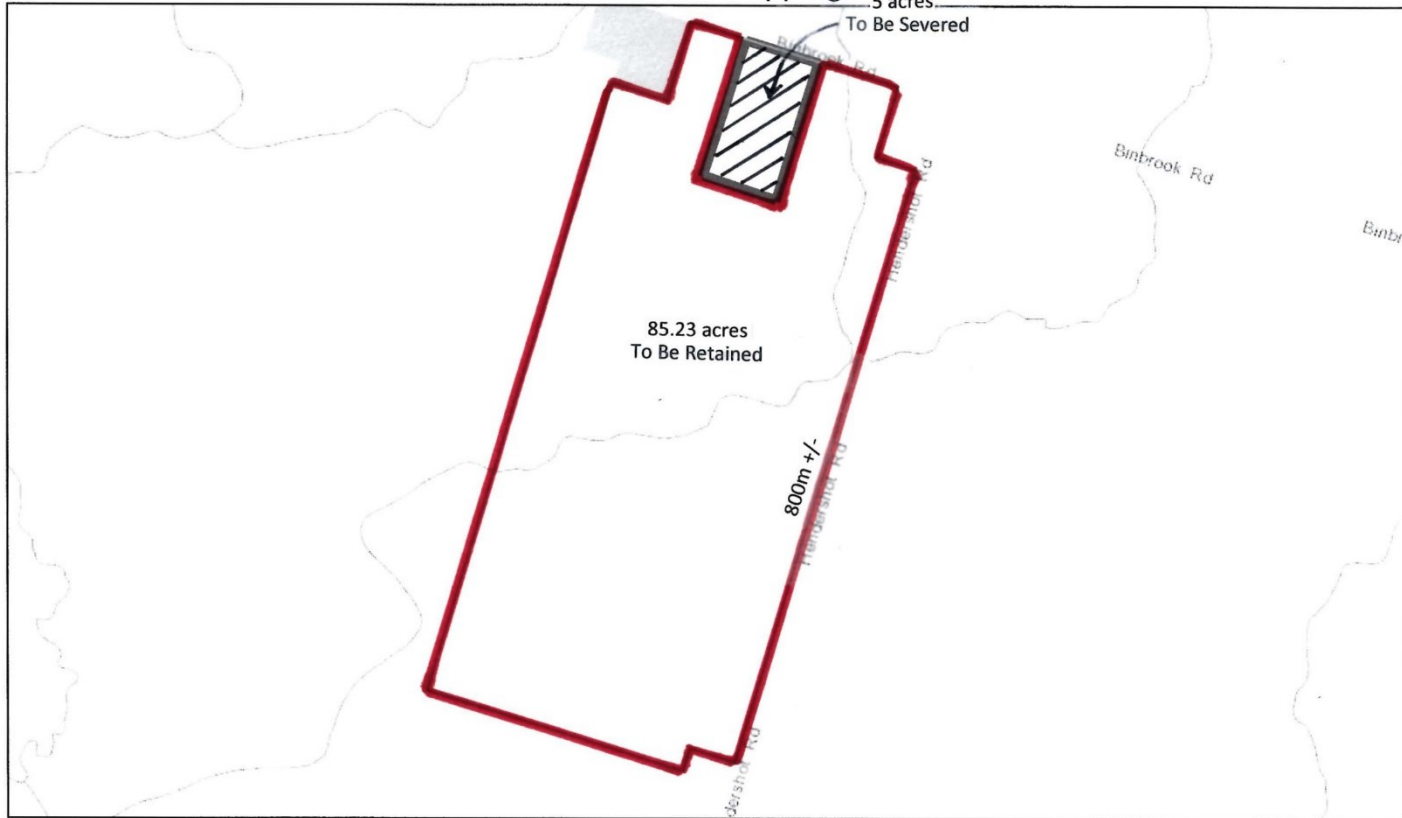


**SUBJECT PROPERTY**

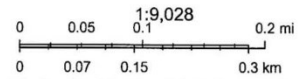


**2069 Binbrook Road, Glanbrook**

Interactive Mapping



May 11, 2018



City of Hamilton, City of Hamilton - Web GIS Framework, City of Hamilton, Haldimand County, Province of Ontario, Ontario MNR, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA, AAFC, NRCan

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Appendix "G" to Report PED20146  
 Page 1 of 1



One of the houses two houses on the lot (east side of the property)



One of the houses two houses on the lot (west side of the property)

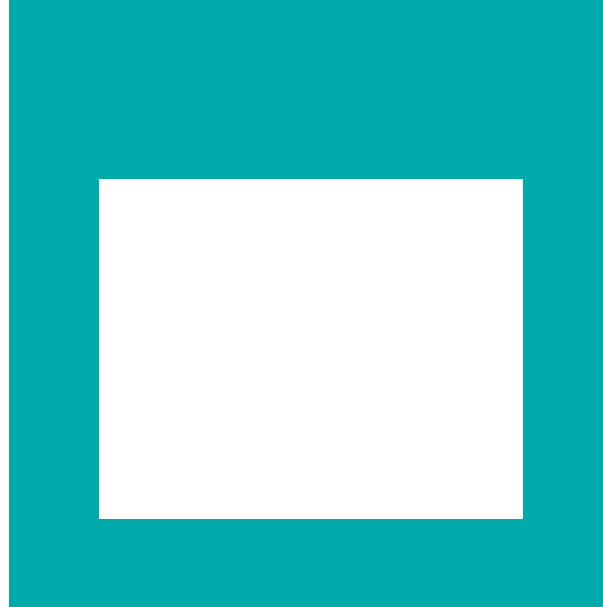




One of the barns that will be demolished as part of the approved severance application



Looking at the retained parcel for agricultural purposes (from Hendershot Road)



# 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>	November 3, 2020
<b>SUBJECT/REPORT NO:</b>	Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek (PED20195) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Sean Stewart (905) 546-2424 Ext. 7163
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Amended Official Plan Amendment Application UHOPA-20-007 by DeFilippis Design, on Behalf of Marco Centofanti, Owner,** for a change in designation from “Institutional” to “Medium Density Residential 3” and to identify the subject lands as a Site Specific Policy Area in the Old Town Secondary Plan with respect to use, density and building height to permit the development of five, two and a half storey street townhouse dwellings, for lands located at 19 Dawson Avenue, as shown on Appendix “A” to Report PED20195, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

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**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law  
Amendment for the lands located at 19 Dawson Ave, Stoney Creek  
(PED20195) (Ward 5) - Page 2 of 25**

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- (b) That **Amended Zoning By-law Amendment Application ZAC-20-012 by DeFilippis Design, on Behalf of Marco Centofanti, Owner,** for a change in zoning from the Small Scale Institutional “IS” Zone to the Multiple Residential “RM2-46” Zone, Modified to permit five, two and a half storey street townhouse dwellings on lands located at 19 Dawson Ave, Stoney Creek, as shown on Appendix “A” to Report PED20195, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

## EXECUTIVE SUMMARY

The Owner has applied for an Official Plan Amendment and Zoning By-law Amendment to permit the development of five, three storey street townhouse dwellings on the lands located at 19 Dawson Avenue, Stoney Creek. The applicant had originally applied for six street townhouse dwellings but as a result of feedback on the proposal has reduced the proposal to five dwellings. To facilitate the amended application the following amendments have been requested by the applicant:

- An Official Plan Amendment to redesignate the subject lands from “Institutional” to “Medium Density Residential 3” on Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan, and to identify the subject lands as a Site Specific Policy Area to permit the development of five, three storey street townhouse dwellings; and,
- A Zoning By-law Amendment to rezone the lands from the Small Scale Institutional “IS” Zone to a site specific Multiple Residential “RM2” Zone to permit five, three storey street townhouse dwellings.

The applicant has requested, and staff are recommending approval of, the following modifications to the “RM2” Zone:

- Reduced minimum front yard depth to the front porch;
- Reduced side yard setback;
- Reduced rear yard depth;
- Reduced frontage (corner unit);
- Reduced lot area; and,

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law  
Amendment for the lands located at 19 Dawson Ave, Stoney Creek  
(PED20195) (Ward 5) - Page 3 of 25**

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- Reduced setback to a daylight triangle.

The applicant has proposed a maximum building height of three storeys, and a minimum side yard setback for an end unit of 1.50 metres whereas 2.0 metres is required.

Staff are concerned that the proposed building height of three storeys and the reduced side yard setback is not consistent with the existing character of the neighbourhood, where the majority of the homes are one to one and a half storeys in height. The reduced end unit side yard setback will negatively impact the transition in height from the proposed street townhouse dwellings to the neighbouring one and a half storey single detached dwelling.

Therefore, staff are not recommending approval of the modification for the side yard setback to an end unit and the proposed building height has been limited to two and a half storeys. The applicant's proposed modification to the side yard setback to an end unit and three storey height, have not been included in the implementing Zoning By-law (see Appendix "C" to Report PED20195) as staff do not support the proposed building height and side yard setback to an end unit.

The applicant does not support the amendments proposed by staff.

The applications, as recommended by staff, are consistent with the Provincial Policy Statement (2020) (PPS) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan) and will comply with the Urban Hamilton Official Plan (UHOP) upon finalization of the Official Plan Amendment. The proposed development and implementing zoning By-law as recommended by staff, represents an appropriate development which will enhance the character of the neighbourhood by redeveloping a vacant site with residential uses, providing a new form of housing in the neighbourhood, contributing to the economic viability of Downtown Stoney Creek, and represents good planning.

### **Alternatives for Consideration – See Page 24**

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

Financial: N/A

Staffing: N/A

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law  
Amendment for the lands located at 19 Dawson Ave, Stoney Creek  
(PED20195) (Ward 5) - Page 4 of 25**

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

### HISTORICAL BACKGROUND

<b>Application Details</b>	Applicant/Owner:	Marco Centofanti
	Agent:	DeFilippis Designs (c/o Nick DeFillippis)
	File Number(s):	UHOPA-20-007 and ZAC-20-012
	Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment
	Proposal:	To permit the development of five, three storey street townhouse dwellings (originally six units, then modified to five).
<b>Property Details</b>	Municipal Address:	19 Dawson Avenue
	Lot Area:	.069 ha (686.65 square metres)
	Servicing:	Existing full municipal services.
	Existing Use:	Institutional (Former Masonic Hall)
<b>Documents</b>	Provincial Policy Statement (PPS):	The proposed development is consistent with the PPS.
	A Place to Grow:	The proposed development conforms to the Growth Plan.
	Official Plan Existing:	UHOP: Neighbourhoods designation  Old Town Secondary Plan: Institutional designation
	Official Plan Proposed:	Medium Density Residential 3 with a Site Specific Policy to permit street townhouse dwellings.

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**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law  
Amendment for the lands located at 19 Dawson Ave, Stoney Creek  
(PED20195) (Ward 5) - Page 5 of 25**

	Zoning Existing:	Small Scale Institutional "IS" Zone
	Zoning Proposed:	Multiple Residential "RM2-46" Zone, Modified
	Modifications Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> <li>• Reduced minimum lot area from: <ul style="list-style-type: none"> <li>○ 180 square metres to 123 square metres (interior unit);</li> <li>○ 240 square metres to 150 square metres (end unit); and,</li> <li>○ 270 square metres to 158 square metres (corner unit).</li> </ul> </li> <li>• Reduced minimum lot frontage from 9.0 metres to 8.9 metres (corner unit);</li> <li>• Three storey height;</li> <li>• Reduced minimum front yard setback from 6.0 metres to 3.0 metres (to front porch);</li> <li>• Reduced minimum rear yard setback from 7.5 metres to 5.33 metres;</li> <li>• Reduced minimum side yard setback from: <ul style="list-style-type: none"> <li>○ 2.0 metres to 1.50 metres (end unit);</li> <li>○ 3.0 metres to 2.28 metres (corner unit); and,</li> </ul> </li> <li>• Reduced required daylight triangle setback from 3.0 metres to 1.3 metres.</li> </ul> <p>Staff proposed:</p> <ul style="list-style-type: none"> <li>• Limit height to two and a half storeys; and,</li> <li>• Require side yard setback (end unit) to meet zone requirement (2.0m).</li> </ul>
	Application Received:	December 24, 2019
<b>Processing Details</b>	Deemed Incomplete:	January 22, 2020
	Deemed Complete:	February 13, 2020
	Notice of Complete Application:	Sent to 26 property owners within 120 metres of the subject property on February 24, 2020.

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**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law  
Amendment for the lands located at 19 Dawson Ave, Stoney Creek  
(PED20195) (Ward 5) - Page 6 of 25**

	Public Notice Sign:	Sign posted: February 28, 2020 Sign updated: October 7, 2020
	Notice of Public Meeting:	Sent to 53 property owners within 120 metres of the subject property on October 16, 2020.
	Public Consultation:	On March 20, 2020 the applicant hand delivered information letters to 26 properties within 120 metres of the subject lands.
	Public Comments:	One petition signed by 34 neighbours opposing the proposal received by City staff on March 19, 2020 (attached as Appendix "F" to Report PED20195).
	Processing Time:	315 days from initial application. 84 days from date of amended application.

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	Institutional (former Masonic Hall)	Small Scale Institutional "IS" Zone

**Surrounding Land Uses:**

<b>North</b>	Single detached dwellings	Single Residential "R1" Zone
<b>East</b>	200 unit retirement home and accessory commercial uses	Major Institutional (I3) Zone
<b>South</b>	Single detached dwellings	Single Residential "R1" Zone
<b>West</b>	Single detached dwellings	Single Residential "R1" Zone

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law  
Amendment for the lands located at 19 Dawson Ave, Stoney Creek  
(PED20195) (Ward 5) - Page 7 of 25**

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**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020)**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the applications.

**Settlement Areas**

“1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and,
- g) are freight supportive.”

The subject property is located within a settlement area as defined by the PPS. The proposal would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification.

Therefore, the proposal is consistent with the policies of the PPS.

**A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe (2020)**

The following policies, amongst others, apply to the proposal.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law  
Amendment for the lands located at 19 Dawson Ave, Stoney Creek  
(PED20195) (Ward 5) - Page 8 of 25**

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

- a. most of the growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;
  - ii. have existing or planned *municipal water and wastewater systems*; and,
  - iii. can support the achievement of *complete communities*;
- c. within *settlement areas*, growth will be focused in:
  - i. *delineated built-up areas*;
  - ii. *strategic growth areas*;
  - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
  - iv. areas with existing or planned *public service facilities*;
- d. development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise;

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

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- e) provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;

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- f) mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability;”

The subject property is located within the settlement area and is fully serviced by municipal water and wastewater infrastructure. The proposal will contribute to achieving a complete community by expanding housing options within the Old Town Secondary Plan area and adding a new form of housing to the neighbourhood. The proposed street townhouse dwellings have access to a range of transportation options, including transit, the use of which contributes to a reduction in greenhouse gas emissions.

Based on the foregoing, the proposal is consistent with the Growth Plan.

### **Urban Hamilton Official Plan**

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structures and designated “Neighbourhoods” on Schedule “E-1” Urban Land Use Designations in the UHOP. The subject property is designated “Institutional”, on Map B.7.2-1 – Old Town Secondary Plan Land Use Plan.

The following policies, amongst others, apply to the proposal.

#### **Neighbourhoods Designation**

- “E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.
- E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses.
- E.3.5.3 Notwithstanding Policy E.3.5.2, street townhouses shall be permitted:
- c) by secondary plan designations and policies existing at the date of adoption of this Plan.

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- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
  - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
  - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
  - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

Policy E.3.5.2 does not permit street townhouses in medium density residential areas. Based on the Official Plan, the use is a low density residential use. Based on the existing lot size, the proposed density is approximately 73 units per net hectare. The medium density range as outlined in E.3.5.7 is 60 to 100 units per hectare. As the property is within the Old Town Secondary Plan, Policy 7.2.2.3 of the Old Town Secondary Plan, discussed later in this Report, sets the applicable density range for medium density between 30 and 99 units per net hectare. The Secondary Plan density policy prevails where there is a conflict with parent policies.

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At three storeys, the proposed development does not provide transition to the adjacent low density residential areas in the surrounding area comprised of one and one and a half storey single detached dwellings.

The amended staff recommendation for a two and a half storey height with no modification to the end unit setback, in addition to other design changes, will ensure that the final design is consistent with Policy E.3.3.2 as the units will have a lower profile and will provide a transition to adjacent uses. Further, the proposed staff amendments help to ensure that the proposal is consistent with Policy E.3.5.9 b) and c) which state that development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations. The proposed amendments will help the development integrate into the surrounding neighbourhood by reducing the appearance of the building mass.

At the Site Plan Control stage, the proposed design will be further reviewed to ensure the corner unit is oriented towards Passmore Street to better address the streetscape along Passmore Street. The limited scale of the proposal is compatible with the neighbourhood.

The proposed development is consistent with Policy E.3.5.1 as it is within one block of King Street, which is a minor arterial road. The proposed development is within walking distance to public transit, an elementary school, and downtown Stoney Creek (Policy E.3.5.5).

#### Residential Intensification Policies

- “B.2.4.1.4 Residential intensification development shall be evaluated based on the following criteria:
- a) A balanced evaluation of the criteria in b) through g), as follows;
  - b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
  - c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
  - d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

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- e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies.

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

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns of private and public amenity space;
- h) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- i) The ability to complement the existing functions of the neighbourhood;
- k) Infrastructure and transportation capacity and impacts.

**E.3.1.5** Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

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E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.”

As outlined in Policy B.2.4.1.1, residential intensification is encouraged throughout the entire built-up area. As outlined in Policy E.3.1.5, residential intensification can be supported when it is of an appropriate scale and in an appropriate location. Further, Policy E.3.2.4 states that the existing character of established Neighbourhood designated areas shall be maintained.

The amended proposal is for five street townhouse dwellings. The existing neighbourhood is largely made up of single detached residential dwelling, however there are existing townhouse dwelling units directly across the street from the proposed dwelling. The proposed development contributes to the range of dwelling types in the area (Policy B.2.4.1.4 c)). The proposed development will not negatively impact transportation capacity or water and sewage infrastructure, and as such, the proposal is consistent with Policy B.2.4.1.4 f).

The applicant’s proposal for three storey street townhouse dwellings is not considered to be consistent with the existing character of the neighbourhood. Most of the surrounding single detached dwellings are one to one and a half storeys in height. The townhomes to the east (across Dawson Avenue) are two storeys in height. Staff are recommending that the proposed development be approved at a reduced height of two and a half storeys. The modified building height will help to ensure that the proposal is closer in height to the existing buildings. The proposed street townhouse dwellings, although closer to the street than the existing building, will be pulled back from the rear property line and will provide private amenity space for each unit. The parking will also meet the requirements of the Zoning By-law. The proposal will also introduce a residential use on the property, which is more consistent with the prevailing land use of the neighbourhood than the previous service club. Therefore, the proposed development is consistent with B.2.4.1.4 b).

The proposed reduction of the side yard setback for the end unit is not supported by staff as this will reduce the opportunity to provide a transition to the abutting single detached dwellings on Dawson Avenue. Staff are of the opinion that the proposed development, with no reduction in side yard setback (end unit) and a reduced building height, in addition to modest design changes to orient the corner unit entrance to Passmore Street, will ensure that it meets the intent of the UHOP with regard to how the proposal integrates with the surrounding area in terms of scale and character as outlined in Policy B.2.4.1.4 d) and B.2.4.2.2 b) and d).

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The proposed street townhouse dwelling lots are smaller than the single detached dwelling lots in the neighbourhood, accounting for the form of residential development proposed. Like most of the other dwelling types in the neighbourhood, the proposed units will all face the street and have direct driveway access with garages. Like the existing residential dwellings in the neighbourhood, the proposed street townhouse dwellings will have a front yard and private rear yards (Policies B.2.4.2.2 e), f) and g)).

The proposed development will compliment the existing functions of the neighbourhood by removing a vacant building and providing new residential dwellings. The development will also provide street trees to buffer the interface between the public realm and built form. Although the front yard setback is less than the setback for the existing single detached dwellings, the setback is more than what is provided by the townhouses across the street. The rear yard setback will be increased from what currently exists which will benefit the neighbouring properties. Additionally, street tree plantings and landscaping along the frontage will help to soften the view from the street. Dawson Avenue is able to accommodate the minor increase in traffic, and Development Engineering Approvals has confirmed that the existing utility infrastructure can accommodate the proposal (Policies B.2.4.2.2 h), i) and k)).

#### Urban Design Policies

- “B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale;
- B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods;
- B.3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable;
- B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
  - a) respecting existing character, development patterns, built form, and landscape;
  - b) promoting quality design consistent with the locale and surrounding environment;
- B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development

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and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

**B.3.3.3.2** New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.”

Policies B.3.3.1.5 and B.3.3.1.8 promote appropriate and innovative infill development, which is compatible with and enhances the existing environment. The proposed development, as amended by staff, will help to enhance the character of the neighbourhood by removing a vacant institutional building and replacing it with a residential use which is more in keeping with the prevailing use of the neighbourhood. The reduction of a half storey and implementation of the required side yard setback will also ensure that the building makes appropriate use of the site to ensure transition to the adjacent uses.

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Policy B.3.3.3.2 states that new development shall be designed to minimize impact on neighbouring buildings by creating transitions in scale and ensuring adequate privacy to neighbouring properties. The proposed three storey height does not create a transition in scale to the neighbouring properties, which range between one and one and a half storeys in height. The large-scale institutional site across the street from the subject property provides an example of how a larger scale development can transition to low rise residential uses surrounding the site. This has partially been achieved by constructing two storey block townhouses between the five storey residential tower and the existing single detached dwellings to the west. The most recent elevations provided by the applicant have largely addressed previous overlook concerns by removing the rear second storey patios and reducing the number of proposed units from six to five. The elevation revisions also provide a transition in height on the end unit, however the corner unit does not transition, and the overall building height remains too tall. Along with the reduction in building height and adherence to the required side yard setbacks for an end unit, transition and adequate privacy are achieved.

This proposal will enhance the character of the existing environment by transitioning the current land use from a non-residential use to residential uses. The existing building is vacant with a blank exterior, and introducing residential uses, with windows and balconies facing the street, will enhance the sense of security in the neighbourhood by having eyes on the street. The reduction in height and the recommendation not to approve the requested reduction to the end unit side yard setback will help to ensure that the massing better reflects the existing neighbourhood context. Further design changes, such as orienting the corner unit towards Passmore Street, can be addressed at the Site Plan Control stage and will help the final building design blend in with the existing context (Policy B.3.3.2.6).

### Old Town Secondary Plan

The subject property is designated “Institutional” on Map B.7.2-1 – Old Town Secondary Plan Land Use Plan. The proposal is to change the designation to the “Medium Density Residential 3” designation to permit the proposed development. The proposal also seeks to add a Site Specific Policy to permit Street Townhouses. The following policies apply:

- “7.2.1.1 All development within the Old Town shall protect and maintain the economic viability of Stoney Creek’s downtown and support its revitalization through conversion, infilling and redevelopment.
- 7.2.1.2 Site plan approval shall be required for all redevelopment. Site plans shall address matters such as but not limited to building form and appearance, building siting, landscaping and amenity areas, parking and loading,

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cultural heritage, and the physical relationship of the proposal to local amenities such as shopping facilities, schools, parks, recreational facilities and public transit.

7.2.1.3 The following architectural and landscaping elements shall be encouraged:

- a) landscaped front yards;
- b) prevention of front yard parking;
- c) underground parking, screening; and,
- d) buffering of conflicting uses through overall building and landscaping articulation, roof-lines, building materials, detailing, window and entrance features.

7.2.2.2 Low Density Residential 2a Designation

In addition to Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2a on Map B.7.2-1 – Old Town – Land Use Plan:

- a) Notwithstanding Policy E.3.4.4 of Volume 1 the density range shall be from 1 to 29 units per net residential hectare.
- b) In addition to Policy E.3.4.3 of Volume 1, a wide range of “house-form” dwelling types, housing for specialized purposes such as housing with supports and lodging houses, and other small scale non-residential uses shall be permitted.

7.2.2.3 Medium Density Residential 3 Designation

In addition to Section E.3.5 – Medium Density Residential of Volume 1, the following policies shall apply to the lands designated Medium Density Residential 3 on Map B.7.2-1 – Old Town – Land Use Plan:

- a) Notwithstanding Policy E.3.5.7 of Volume 1, the density range for development shall be from 30 to 99 units per net residential hectare.
- b) Notwithstanding Policies E.3.5.2 and E.3.5.3 of Volume 1, permitted uses shall include a wide range of multiple dwelling structures.

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7.2.6.1 The policies of Sections B.3.5 – Community Facilities/Services Policies, E.3.10- Community Facilities/Services and E.6.0 - Institutional Designation shall apply to the lands designated Institutional on Map B.7.2-1 – Old Town – Land Use Plan.”

The subject property is approximately 450 metres from the Stoney Creek Downtown commercial district. Redevelopment of the site for residential uses would help to enhance the economic viability of Stoney Creek’s downtown (Policy B.7.2.1.1).

The proposed development, as amended with a lower height, and with some architectural enhancements and the requirement for landscaping during the Site Plan Control process, will ensure that the development is buffered from adjacent land uses. The applicant has revised the proposal to include the balconies at the front of the building, rather than the rear, which will address overlook issues (Policies B.7.2.1.2, and B.7.2.1.3).

The applicant is proposing to change the designation of the subject property from “Institutional” to “Medium Density 3” to permit the proposed development. A Site-Specific Policy is also proposed to permit street townhouse dwellings, which are not permitted in the Medium Density Residential 3 designation. Street townhouse dwellings are permitted in the Low Density Residential 2a designation in the Old Town Secondary Plan as outlined in Policies 7.2.2.2 and E.3.4.3. The density range for the Low Density Residential 2a designation is 1 to 29 units per hectare. Due to the number of units proposed and the lot size, the proposed density is approximately 73 units per net residential hectare and is within the permitted range of densities in the Medium Density Residential 3 designation as outlined in Policy 7.2.2.3. Staff are recommending that the permitted density for this property be a maximum of 73 units per net residential hectare and that the building height be a maximum of two and a half storeys. This will ensure that the development is an appropriate scale. The amendment is discussed in greater detail in the Analysis and Rationale for Recommendation section of this report.

The Old Town Secondary Plan encourages infill development, to help enhance the economic viability of Stoney Creek’s downtown. The proposal, as amended by staff, will provide a form of intensification and provide a housing opportunity in the community. Further design enhancements will be considered at the Site Plan Control stage which will help to ensure that the development respects the existing character of the neighbourhood.

**City of Stoney Creek Zoning By-law No. 3692-92**

The subject property is currently zoned Small Scale Institutional “IS” Zone. The proposed street townhouse dwellings are not permitted in the “IS” Zone. The applicant

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is proposing a change in zoning to a site specific Multiple Residential “RM2” Zone. The proposed development requires further relief from the requirements of the RM2 Zone, as it does not conform with requirements such as minimum lot area, and minimum front, rear, and side yard setbacks. The modifications are identified in the Report Fact Sheet found on page 5 and are discussed in detail in Appendix “D” to Report PED20195.

Staff do not support, and have omitted from the amending Zoning By-law, the requested modification to the side yard setback (end unit) and have specified that the maximum building height shall be two and a half storeys as it relates to street townhouse dwellings. The applicant does not support the modifications proposed by staff.

### **RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
<b>Department</b>	<b>Comment</b>	<b>Staff Response</b>
Growth Management	<ul style="list-style-type: none"> <li>Clarification sought on side yard access requirements for maintenance, rear yard easements and LID warning clause inclusions.</li> </ul>	<ul style="list-style-type: none"> <li>Should this application be approved, these matters will be addressed at Site Plan Control stage.</li> </ul>
Forestry	<ul style="list-style-type: none"> <li>No municipal tree assets onsite and therefore no Tree Management Plan required. A Landscape Plan will be required at future planning applications.</li> </ul>	<ul style="list-style-type: none"> <li>Should this application be approved, this matter will be dealt with at Site Plan Control stage.</li> </ul>
Transportation Planning	<ul style="list-style-type: none"> <li>A 4.57 metre by 4.57 metre daylight triangle is required at the corner of Passmore Street and Dawson Avenue.</li> <li>1.5 metre clear width sidewalk to be provided along the full length of the property adjacent to the public right-of-way.</li> <li>The surrounding road network can accommodate the proposed development without concerns.</li> </ul>	<ul style="list-style-type: none"> <li>Should this application be approved, these matters will be dealt with at the Site Plan Control stage.</li> <li>The daylight triangle has been incorporated into the concept plan.</li> </ul>

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Development Engineering	<ul style="list-style-type: none"> <li>• Applicant to dedicate a 4.57 metre by 4.57 metre daylight triangle to the City of Hamilton at the intersection of Passmore Street and Dawson Avenue.</li> <li>• Grading Plan, stormwater management, and required fire flow calculations to be provided at future applications.</li> <li>• No concerns from a water servicing perspective or sewage perspective.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the application be approved, these items will be address at Site Plan Control stage.</li> <li>• The daylight triangle has been incorporated into the concept plan.</li> </ul>
Waste	<ul style="list-style-type: none"> <li>• Eligible for municipal pick-up</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> </ul>
<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Compatibility	Residents are concerned that the proposed development does not align with the character of the neighbourhood. Specifically, residents are concerned that the proposed building is too tall and has no relationship with the predominant one and two storey homes in the area. Further concerns were expressed about privacy and overlook issues.	<p>The comments were based on the original six units proposal, which has since been reduced to five units.</p> <p>Staff have proposed reducing the building height from three storeys to two and a half storeys to more closely reflect the neighbourhood context.</p> <p>The applicant has addressed concerns regarding privacy and overlook by relocating the proposed balconies to the front of the building from the rear.</p>
Parking Issues	Residents are concerned about potential negative impacts on street parking due to the proposed project as well as impacts to vehicle sightlines at the corner of Dawson Avenue and Passmore Street.	The proposed development meets the zoning requirements for on-site parking. There may be additional street parking impacts, however there are

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		no parking restrictions on the street. Transportation Planning has reviewed the proposal and does not have a concern from a traffic perspective. A daylight triangle will be provided at the corner of Passmore Street and Dawson Ave to address sightline concerns.
Water Pressure	Residents have a concern that the proposed development will cause negative impacts on water pressure and storm and sanitary system.	Development Engineering Approvals has reviewed the proposal and no concerns from a water and sewage perspective have been identified.
Park	A resident expressed concern that the property was not turned into a park.	The property was not designated as parks or open space in the Secondary Plan and was not intended for park purposes.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 26 property owners within 120 metres of the subject property on February 24, 2020. A Public Notice sign was posted on the property on February 24, 2020, and updated on October 7, 2020, and a Notice of Public Meeting was sent to 53 property owners on October 16, 2020, in accordance with the requirements of the *Planning Act*.

### Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant provided mail correspondence to 26 property owners within 120 metres of the subject lands on March 20, 2020.



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To date, one public submission, signed by 34 residents, expressing concerns has been received (see Appendix “F” to Report PED20195) and a summary of the comments received are on page 20 and 21 of Report PED20195.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:

- (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020);
- (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan; and,
- (iii) That the proposed development will enhance the character of the neighbourhood by redeveloping a vacant site with residential uses, providing a new form of housing in the neighbourhood, helping to support the economic viability of Downtown Stoney Creek, and represents good planning.

2. Official Plan Amendment

The subject property is designated “Institutional” on Map B.7.2-1 – Old Town Secondary Plan Land Use Plan. The proposal is to change the designation to Medium Density Residential 3 to permit the proposed development. The proposal also seeks to add a Site Specific Policy to permit Street Townhouses. The amendment is required as the proposed number of units and the existing lot size results in a density that is above the maximum residential density permitted in the “Low Density” designation. The Old Town Secondary Plan encourages infilling to enhance the economic viability of Downtown Stoney Creek. The proposed development will help to achieve this goal and also enhance the character of the neighbourhood by introducing residential uses on a former institutional site with a vacant building. There is appropriate traffic and servicing infrastructure in place, the design includes appropriate transition, is compatible with the neighbourhood and overlook has been addressed.

Staff are requesting further amendments to the proposed Site Specific Policy Area to limit the permitted density to 73 units per net residential hectare and limit the height to two and a half storeys. This is to ensure that the development is a scale and design that respects the existing character of the neighbourhood.

Based on the foregoing, staff are satisfied that the intent of the UHOP has been met and the proposed Official Plan Amendment can be supported.

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### 3. Zoning By-law Amendment

To permit the proposed five street townhouse dwellings a change in zoning from the Small Scale Institutional “IS” Zone to a site specific Multiple Residential “RM2” Zone is required.

The existing zone does not permit street townhouses at the density proposed. Street Townhouses are permitted in the Multiple Residential “RM2” Zone, and the zone provisions are designed for freehold properties on public roadways.

The requested modifications to the “RM2” zone are for lot area, frontage and setbacks. The rear yard setback will provide a larger setback than the existing building provides and will allow for privacy space consistent with the zoning regulations. The front yard setback is consistent with the block townhouses across the street and street landscaping will help provide screening between the building and roadway. While the per unit lot area is less than the required (e.g. 123 m<sup>2</sup> versus the required 180 m<sup>2</sup> for an interior unit), private amenity space is provided in the rear yard and balconies are proposed on the front façade. Staff are satisfied that the proposed modifications for the rear yard setback, frontage and lot area can be supported and are recommending approval of these modifications. The Modification Chart (attached as Appendix “D” to Report PED20195) provides an analysis and merits for the proposed modifications.

Staff are not supportive of the requested side yard setback for an end unit as it will not provide appropriate transition from the abutting single detached dwelling. The requested modification has not been included in the amending By-law (attached as Appendix “C” to Report PED20195). Additionally, the maximum building height has been amended by staff to limit the proposed development to two and a half storeys. The additional modification has been added to ensure that the proposed five unit street townhouse dwelling provides adequate transition and reflects the character of the adjacent lands. As previously indicated, the applicant is not in support of the staff proposed modifications.

### 4. Site Plan Approval

Street townhouse dwellings are subject to Site Plan Control, unless they are in a recently approved Plan of Subdivision in accordance with recent City standards. Accordingly, the proposal is subject to Site Plan Control. This process will allow for a detailed review of the development including matters such as conformity to the approved zoning, grading, stormwater management, landscaping and building design.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law  
Amendment for the lands located at 19 Dawson Ave, Stoney Creek  
(PED20195) (Ward 5) - Page 24 of 25**

---

Following Site Plan Approval, the applicant will be required to apply to the Committee of Adjustment for Consent applications to allow for the creation of the individual street townhouse lots.

### **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject property would remain in the Small Scale Institutional "IS" Zone and the Institutional designation in the UHOP.

The applicant has applied for permission to build three storey townhouse units. Council could amend the implementing Official Plan Amendment and Zoning By-law Amendment to permit a reduced interior side yard setback and a three storey building height.

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

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

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

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

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

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

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

#### **Clean and Green**

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

#### **Built Environment and Infrastructure**

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

#### **Culture and Diversity**

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

#### **Our People and Performance**

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

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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: Urban Hamilton Official Plan Amendment and Zoning By-law  
Amendment for the lands located at 19 Dawson Ave, Stoney Creek  
(PED20195) (Ward 5) - Page 25 of 25**

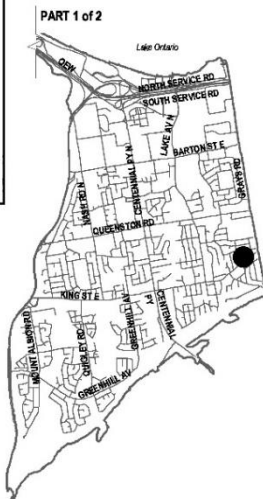
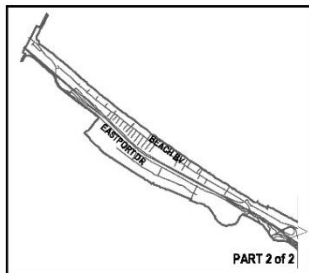
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**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A" – Location Map
- Appendix "B" – Official Plan Amendment
- Appendix "C" – Zoning By-law Amendment
- Appendix "D" – Zoning Modification Table
- Appendix "E" – Concept Plan and Elevations
- Appendix "F" – Public Submissions



● Site Location



Key Map - Ward 5

# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-20-012/UHOPA-20-007

Date:  
October 1, 2020

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
SS/NB

**Subject Property**

19 Dawson Avenue, Stoney Creek

Change in zoning from the Small Scale Institutional "IS" Zone to the Multiple Residential "RM2-46" Zone, Modified

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

The following text, together with Appendix "A" – Volume 2, Map B.7.2.1 – Old Town Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. xxx to the Urban Hamilton Official Plan.

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

The purpose and effect of this Amendment is to redesignate lands and establish a Site Specific Policy within the Old Town Secondary Plan to permit the development of five street townhouses.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 19 Dawson Ave, in the former City of Stoney Creek.

### **3.0 Basis:**

The basis for permitting this Amendment is as follows:

- The proposed development supports the residential intensification policies of the Urban Hamilton Official Plan and assists in the creation of an active and vibrant pedestrian realm;
- The proposed development is compatible with the existing and planned development in the area; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2020, as Amended.

### **4.0 Actual Changes:**

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

##### ***Text***

- 4.1.1 Chapter B.7 – Stoney Creek Secondary Plans – Section B.7.2 – Old Town Secondary Plan

- a. That Volume 2, Chapter B.7 – Stoney Creek Secondary Plans, Section B.7.2 – Old Town Secondary Plan be amended by adding a new Site Specific Policy, as follows:

**"Site Specific Policy – Area "X"**

B.7.2.8.X For the lands located at 19 Dawson Avenue, Stoney Creek, designated Medium Density Residential 3, and identified as Site Specific Policy – Area "X" on Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.5.2 and E.3.5.3 of Volume 1 and Policy B.7.2.2.3 b) of Volume 2, only street townhouses shall be permitted;
- b) Notwithstanding Policy E.3.5.7 of Volume 1, and Policy B.7.2.2.3 a) of Volume 2, the density range shall be from 30 to 73 units per net residential hectare; and,
- c) Notwithstanding Policy E.3.5.8 of Volume 1, building height shall not exceed two and a half storeys."

**Maps**

4.2.2 Map

- a. That Volume 2, Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan be amended by:
- i. Redesignating the subject lands from "Institutional" to "Medium Density Residential 3"; and,
  - ii. identifying the subject lands as Site Specific Policy – Area "X"

as shown on Schedule "A" 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.

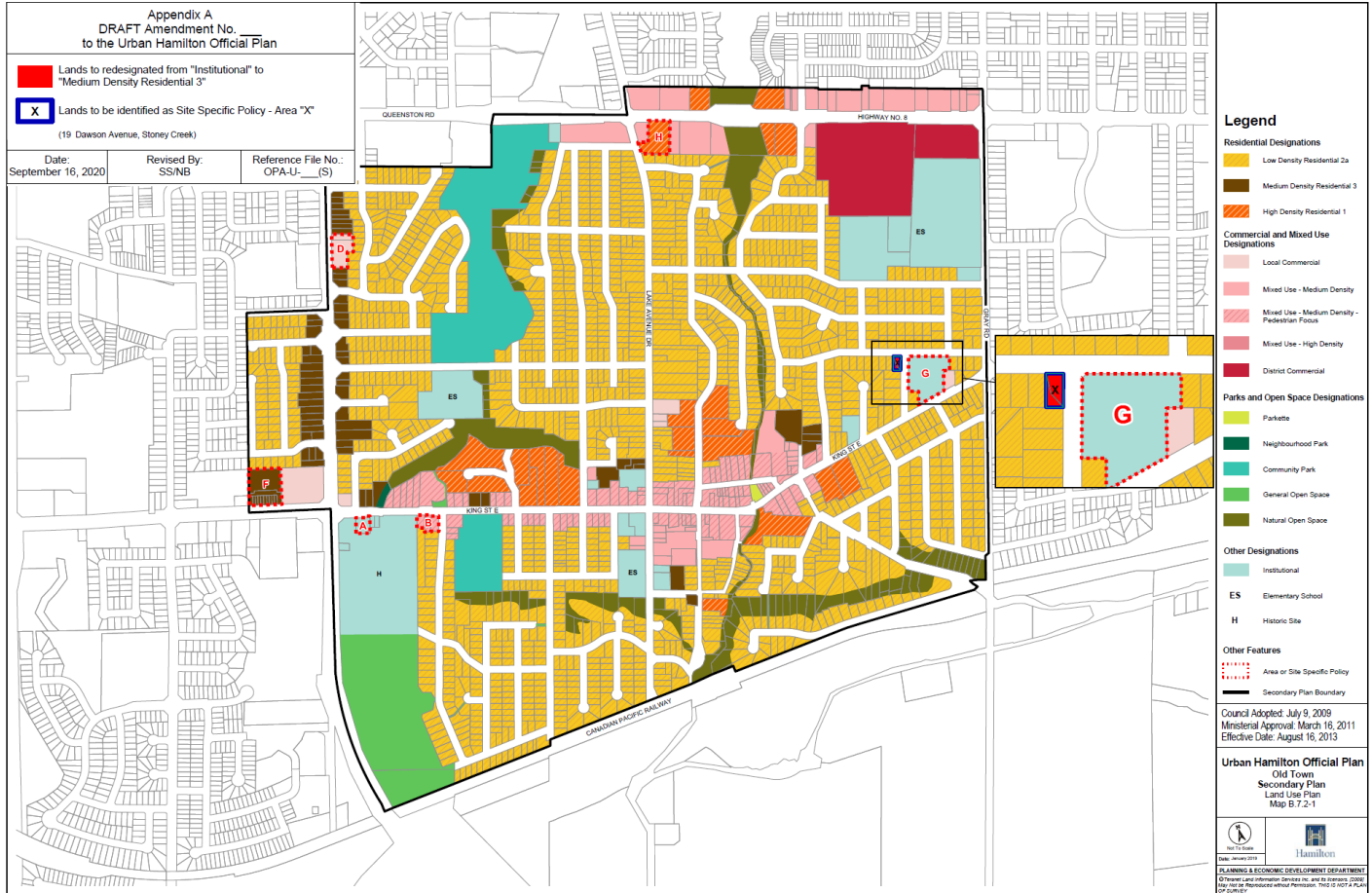
This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the  
of \_\_\_\_\_, 2020.

**The  
City of Hamilton**

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

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





**Authority:** Item , Planning Committee  
Report  
CM:  
Ward: 5

**Bill No.**

**CITY OF HAMILTON**

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

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)**

Respecting Lands located at 19 Dawson Avenue, Stoney Creek

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

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

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item of Report 20-195 of the Planning Committee, at its meeting held on the 3<sup>rd</sup> day of November 2020, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. .

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

1. That Map No. 5 of Schedule "A", appended to and forming part of Zoning By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from Small Scale Institutional "IS" Zone to Multiple Residential "RM2-46" Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 6.9.6 Special Exemptions of Section 6.9, Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek) be amended by adding Special Exemption "RM2-46", as follows:

**"RM2-46" 19 Dawson Avenue, Schedule "A" Map No. 5**

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), and (e) of Subsection 6.9.3 of Section 6.9, Multiple Residential "RM2" Zone, on those lands zoned "RM2-46" by this By-law, the following shall apply:

- (a) Minimum Lot Area:

Interior Unit	123 square metres
End Unit	150 square metres
Corner Unit	158 square metres

- (b) Minimum Lot Frontage:

Interior Unit	6.0 metres
End Unit	8.0 metres
Corner Unit	8.9 metres

- (c) Minimum Front Yard: 3.0 metres to the main wall of building or a porch and 6.0 metres to an attached garage.

- (d) Minimum Side Yard:

End Unit	2.0 metres
Corner Unit	2.28 metres

- (e) Minimum Rear Yard: 5.33 metres

- (h) Maximum Building Height 11 metres and 2½ storeys

Notwithstanding Section 4.13.1, a minimum setback of 1.3 metres from the hypotenuse of the daylight triangle shall be permitted.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM2" Zone

provisions, subject to the special requirements referred to in Section 2 of this By-law.

4. 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                    , 2020.

---

Fred Eisenberger  
Mayor

---

A. Holland  
City Clerk

ZAC-20-012



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

<p><b>Schedule "A"</b></p> <p><b>Map forming Part of By-law No. 20-_____</b></p> <p><b>to Amend By-law No. 3692-92</b></p>	<p><b>Subject Property</b> 19 Dawson Avenue, Stoney Creek</p> <p> Change in zoning from the Small Scale Institutional "IS" Zone to the Multiple Residential "RM2-46" Zone, Modified</p>
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Scale: N.T.S	File Name/Number: ZAC-20-012/UHOPA-20-007	
Date: October 1, 2020	Planner/Technician: SS/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		Hamilton

<u>Site Specific Modifications to the Multiple Residential “RM2” Zone</u>			
<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Subsection 6.9.3 (a) Minimum Lot Area	Minimum Lot Area  Interior - 180 sq m End Unit - 240 sq m Corner Unit - 270 sq m	Minimum Lot Area  Interior - 123 sq m End Unit - 150 sq m Corner Unit - 158 sq m	The proposed modification is to reduce the required lot size. The regulation is in place to ensure that there is sufficient room to accommodate the dwelling, amenity space, and to ensure adequate buffering between adjacent properties. The proposed modifications provide adequate privacy space for the units and the proposed rear setback is an increase from the existing condition. The required parking can also be accommodated on site.  Therefore, staff support this modification.
Subsection 6.9.3.9 (b) Minimum Lot Frontage	Minimum Lot Frontage  Interior Lot - 6 m End Unit - 8 m Corner Unit - 9 m	Minimum Lot Frontage  Interior Lot - 6 m End Unit - 8 m Corner Unit – 8.9 m	The proposed modification is for a minor reduction in the required frontage of the end unit. The regulation is in place to ensure that lots have adequate room for driveways and landscaped areas. The proposed lot width allows for adequate landscaped areas, setbacks, and driveway access.  Therefore, staff support this modification.
Subsection 6.9.3.9 (c) Minimum Front Yard	A front yard setback of 6.0 m.	3.01 m to the main wall of the dwelling or a porch and 6.0m to an attached garage.	The proposed modification seeks to reduce the required front yard setback for the main wall of a dwelling or a porch. The regulation is in place to ensure that there is adequate separation between the dwelling and the

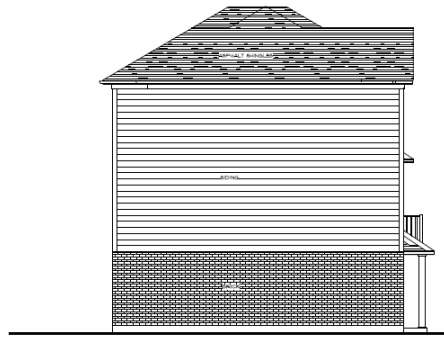
Regulation	Required	Modification	Analysis
			<p>street. The proposal does include sodding and tree planting, and the garage will be required to be setback to 6.0 m. The setback is consistent with the townhouses across the street.</p> <p>Therefore, staff support this modification.</p>
<p>Subsection 6.9.3.9 (d) Minimum Side Yard</p>	<p>Minimum Side Yard  End Unit - 2.0 m Corner Unit - 3 m</p>	<p>Minimum Side Yard  End Unit – 2.0 m Corner Unit - 2.28 m</p>	<p>Staff do not support the requested interior 1.50 m side yard setback. The regulation exists to ensure adequate separation between buildings. Staff are supportive of the reduction to a corner unit setback, as the corner unit faces the street and is not immediately adjacent to another building.</p> <p>Therefore, staff have omitted the reduced side yard setback as it relates to an end unit. The modification to side yard setback as it relates to a corner unit can be supported.</p>
<p>Subsection 6.9.3.9 (e) Rear Yard Setback</p>	<p>A minimum rear yard setback of 7.5 m</p>	<p>A minimum rear yard setback of 5.33 m</p>	<p>This proposed modification seeks to reduce the rear yard setback. The regulation is in place to ensure that there is sufficient room for private amenity space and to provide adequate separation from adjacent uses, to reduce such issues as overlook. The proposed setback is greater than that which currently exists with the vacant building. The applicant has also removed the rear second storey balconies and relocated them to the</p>

Regulation	Required	Modification	Analysis
			<p>front of the building which reduces overlook concerns.</p> <p>Therefore, staff support this modification.</p>
<p>Subsection 6.9.3.9 (h) Maximum Building Height</p>	<p>11 m</p>	<p>11 m and 2 ½ storeys</p>	<p>This modification is proposed by staff. The intent of the regulation is to ensure a consistent building height. Staff are recommending a modification to the regulation to limit the height to two and a half storeys. This will help to ensure that the roof slopes and overall appearance of the building will better reflect the existing context of the neighbourhood.</p> <p>Therefore, staff support this modification.</p>
<p>Section 4.13.1 Special Setbacks – Daylight Triangles</p>	<p>Any lot located at the intersection of two or more roads or railway rights-of-way will require a minimum yard of 3 m from the hypotenuse of the daylight triangle.</p>	<p>Any lot located at the intersection of two or more roads or railway rights-of-way will require a minimum yard of 1.3 m from the hypotenuse of the daylight triangle.</p>	<p>This regulation is in place to ensure that there is adequate sightline for vehicles approaching an intersection. The applicant is providing a daylight triangle at the corner lot which will provide visibility for vehicles passing by or through the intersection of Dawson Avenue and Passmore Street.</p> <p>Therefore, staff support this modification.</p>









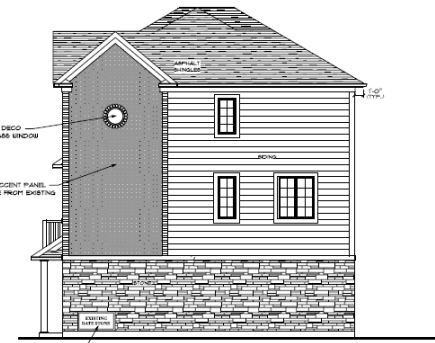
SOUTH ELEVATION



PARTIAL EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

NOTE:  
OWNER/CONTRACTOR TO VERIFY SITE CONDITIONS AND MAKE ANY NECESSARY ADJUSTMENTS TO FOUNDATION HEIGHT, STEPPING AND VENEERING TO SUIT GRADE.

These drawings are the property of DuFILIPPIS DESIGN and are not to be copied, reproduced or used without the express written consent of the designer.

1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.
2. ANY DEVIATIONS, DEFICIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

DO NOT SCALE

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REV.	DATE
JOB NO.	
CREATED BY	
DATE	DEC. 2019
SCALE	3/16" = 1'-0"
DWG NO.	SHEET 1



**D. FILIPPIS DESIGN**  
481 BARTON STREET, SUITE 201  
STONEY CREEK, ONTARIO L4E 5L6  
(905) 443-2282 FAX (905) 443-1088

PROPOSED MULTIFAMILY RESIDENTIAL DEVELOPMENT FOR  
**CENTO HOMES**  
19 DAVISON AVENUE  
STONEY CREEK, ONTARIO

**ELEVATIONS**

March 18, 2020

Sean Stewart  
City of Hamilton  
Planning & Economic Development Department  
Development Planning, Heritage & Design – Urban Team  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

Re: Official Plan Amendment File No. UHOPA-20-007 & Zoning By-law Amendment  
File No. ZAC-20-012

Dear Mr. Stewart;

We have formed a community group of neighbours in the area of the subject property that will be impacted by any activity on 19 Dawson. Residents were asked to voice their concerns in writing and the following document is a compilation of everyone's emails.

As a general statement, we think the owner's plan as submitted does not respect the residents in this neighbourhood. The plan does not protect the existing neighbourhood and has no regard for existing built form, established streetscapes and neighbourhood character nor does it address any overlook or privacy issues. It will be disruptive to nearby neighbouring homes and does not respect the scale and character of the existing neighbourhood.

We see a correlation between this project and the Ancaster situation that resulted in a new By-Law for "ER" zoned residences. Instead of tearing down 1 residence to build a larger one, this proposal will tear down 1 building and replace it with 6 that will most probably occupy a larger percentage of the lot than what's permitted under the Ancaster By-Law and will probably still require multiple variances. We see no reason why we wouldn't be afforded the same consideration.

If you have to make a zoning amendment, change it back to the original zoning designation of single family residential, R1/ Low density residential 2a. The original "Bland Gardens" subdivision was registered in the early 1950's as single family including 19 Dawson. It was rezoned in 1957 to accommodate the Mason's through a gift transfer. This lot was never intended to be anything other than single family. It's surrounded by single family homes and at 62.5 x 120, 19 Dawson has the same or smaller footprint than any other lot in the neighbourhood.

The following concerns are excerpts from some resident's emails. You'll notice some common themes;

*"3 stories will block the escarpment view and do not blend with the existing residential area"*

*"...still creates a problem with visitor parking as is already apparent with Amica visitors & staff."*

*"...what the impact will be on the neighbourhood i.e. water pressure, population density, increase in traffic, street parking etc..."*

*"...we have seen so many speeding cars already as well as the backlog of parked cars on both sides of Dawson .... over to Passmore."*

*"The zoning amendment would completely change the character of the neighbourhood i.e. increase traffic, footprint, safety, lack of resources due to school closures, privacy, noise."*

*"How are these 6 units going to affect our water pressure? We are already losing water pressure from Amica but now we will have 6 more units to put more pressure on our water loss."*

*"So I see the property has now been sold. That's unfortunate, because it would have been an ideal location for a park or parkette ..... seeing that we don't have a park in our neighbourhood"*

Most importantly, we don't think that it meets the technical requirements under the Urban Hamilton Official Plan or the intended spirit of the plan when it comes to building & enhancing "communities".

Under the Urban Hamilton Official Plan, 2.4 talks about "communities" and how Residential Intensification is a key component of the growth strategy. Using the criteria to evaluate developments under "residential intensification", the amendments & owners' plans fail miserably in numerous ways.

2.4.1.4 (b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form.

**A 6 unit/3 story townhouse project adds nothing to the character of a single family neighbourhood. Aesthetically, it doesn't fit in.**

(d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character...

**It's not compatible. All are single family detached, most are 1 storey, the odd 2 story. There isn't a 3 story dwelling anywhere in the neighbourhood. The streetscape would not remain the same.**

(f) infrastructure and transportation capacity...

**The water pressure is barely within the acceptable range & has deteriorated with Amica. The supply lines for Amica were connected to Passmore instead of the high pressure line on King Street. Our fear is a further pressure on the water supply and increased load on the storm & sanitary system.**

2.4.2.2 (b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic and other nuisance effects.

**Plan for onsite parking is a fantasy, not reality. When we voiced our concerns over Amica, we were told the plan had enough spaces allocated. As per the attached photos, you'll see the spillover onto adjoining streets from Amica. The same thing will happen with this project.**

**Nearby properties will lose privacy. A 3 story structure will be able to overlook a number of adjacent and nearby properties.**

**Traffic & safety concerns – there is an open traffic file CSR15008105 started October/2018 which outlines our concerns. This still needs to be addressed. Further, a 6 unit/3 story project has the potential to impair vehicle sightlines at the corner of Dawson & Passmore creating more vehicle & pedestrian safety concerns.**

(c) the relationship of the proposed building(s) with the height, massing and scale of nearby residential buildings

(d) the consideration of transitions in height and density to adjacent residential buildings

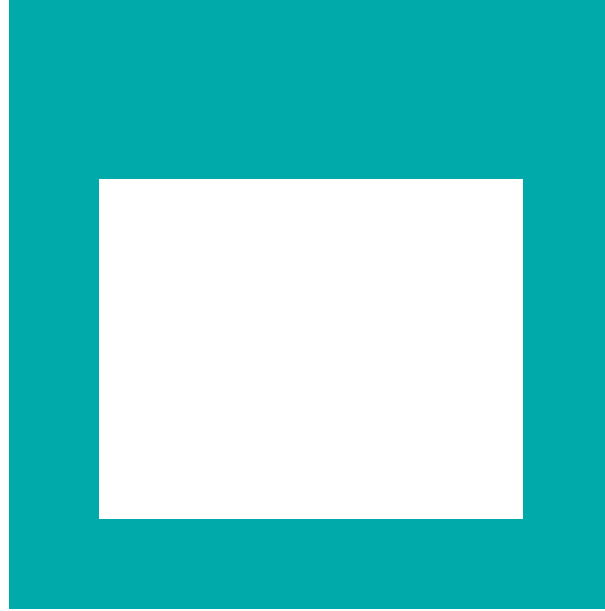
**3 story/6 unit townhouses gives no consideration to the adjacent properties which are 1 story, single family**

(g) the ability to respect & maintain or enhance the streetscape patterns including block lengths, setbacks and building separations

**Plan does not enhance current streetscape patterns, it would negatively impact it. While still under zoning review, we believe that multiple variances will be required if this plan is approved which wouldn't respect setbacks and building separations.**

Obviously, we are against both these amendments and the owners' plans, as submitted. We await details on the public meeting & wish to be notified of any decision with respect to either of these amendment files.

Respectfully submitted:



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

November 3, 2020

# PED20195 – (ZAC-20-012 / UHOPA-20-007)

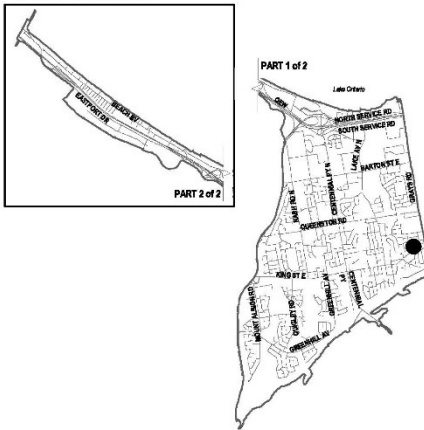
Applications for Urban Hamilton Official Plan Amendment and  
Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek.

Presented by: Sean Stewart





● Site Location



Key Map - Ward 5

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-20-012/UHOPA-20-007


Date:  
October 1, 2020

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
SS/NB

### Subject Property

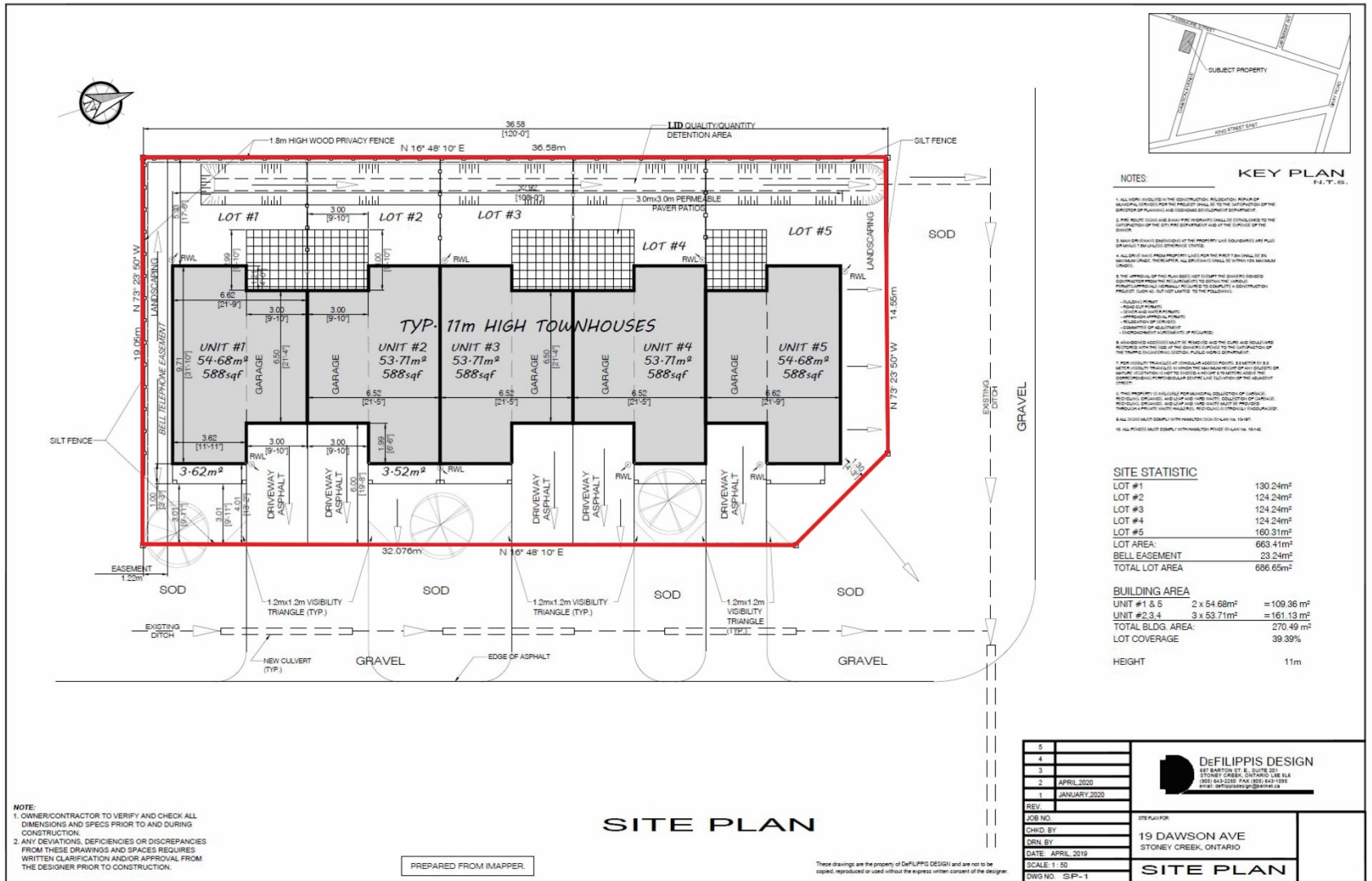
19 Dawson Avenue, Stoney Creek  
 Change in zoning from the Small Scale Institutional "IS" Zone to the Multiple Residential "RM2-46" Zone, Modified



**SUBJECT PROPERTY**



**19 Dawson Avenue, Stoney Creek**









Subject property from across Dawson Avenue



Looking north on Dawson Avenue



Subject property from the northeast corner of Dawson Avenue and Passmore Street

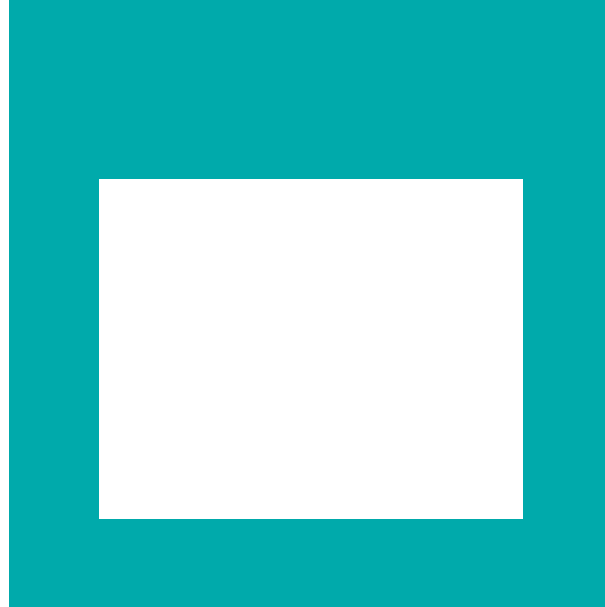




Looking west along Passmore Street



Looking east along Passmore Street



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

Re: Official Plan Amendment File No. UHOPA-20-007 & Zoning By-law Amendment File No. ZAC-20-012

Good Day. Appreciate you providing the time for me to speak to the application received for Official Plan & Zoning By-Law amendments and comment on the applicant's plans.

I'd like to thank Sean Stewart from Planning. He was very cooperative & helpful, always provided the information & answers to my questions in a timely manner. It's a difficult task when you're trying to juggle the interests of multiple parties; the City, the applicant & the affected residents.

That said, I've read the staff report and it's pretty clear that we have a different view. **"Residential Intensification shall enhance and be compatible with the scale & character of the existing residential neighbourhood"** and we just don't see that with this project. We can debate all day long whether the intent of a zoning requirement has been met but our interpretation is quite different when it comes to scale, character, height, massing and density to name just a few.

Parking - So because there's no restriction to on-street parking, it's ok? We voiced the same concern with the Amica property and what we've got is significant daily street parking, sometimes on both sides of Dawson. We've submitted pictures and would reference Miles Budnark's recent letter as an example. (taken on a recent Thursday morning) So the parking standard has been met but unless everyone is driving a Smart car, we know where the vehicles will be parked.

Traffic - The staff report does not identify any traffic or road concerns but we have a 2 year open traffic calming file (CSR15008105) which has not been addressed.

How can a decision be taken on this application when the starting line isn't accurate? I don't agree with the current zoning as being "IS". That's an old town Stoney Creek Zoning. The property should be zoned "I1, Neighbourhood Institutional" as defined under the parent By-Law 05-200. Every other institutional property (Amica, Stoney Creek Baptist Church, Cardinal Newman High School, Collegiate Ave Public School, Church of Christ Stoney Creek) has been re-zoned according to the new by-law except 19 Dawson. When questioned, Zoning wasn't able to provide an explanation or any rationale for the property not being included. Curious! Why do I feel this is important? The "IS" zoning does not permit any residential use, either single or multi dwelling. However, "I1" zoning allows for single, semi-detached or duplex dwellings. So there was a residential option already available if it was zoned correctly.

I further refer to the "City Initiative – New Institutional Zoning By-Law document PED06405(a) that the city task force created as the framework for 05-200 that recommended 3 Institutional Zones that have been legislated & phased in. Under "I1", Neighbourhood Institutional, it states "Lastly, any residential redevelopment that may

occur on an existing institutional property would be permitted ***“in a form consistent with the surrounding area (e.g.)single detached, semi-detached, duplex dwellings”*** and goes on to state that it **“allows lands that are no longer required for institutional uses to be developed without an Official Plan Amendment.”** This all seems to align with the permitted uses under Section 8.1.1 and was designed to protect established neighbourhoods against plans like the one proposed. What’s changed with the rationale?

In Ancaster, an “ER” zone was created to protect the character & integrity of mature neighbourhoods by regulating the redevelopment process (“Monster” homes replacing smaller ones). Every argument put forward in objection to the Oakley Court development that resulted in the successful “ER” zoning would apply here. The proposed multi-unit development does not change the fact that the building footprint will be as large or larger than many of the homes the City found objectionable when considering the By-Law.

Why wouldn’t our neighbourhood be afforded the same consideration?

To what lengths do you go in the name of “residential intensification? Regardless of what’s on the property now, at 62.5 x 120, it’s a single family lot. That’s why 7 modifications to the RM2-46 are required to stuff this project on the site. Why would 2 designations be allowed to accommodate the scale of this project that produces a higher density? Our independent consultant review calls it excessive and an attempt to “shoehorn” the project onto the site. It’s just too big!

The reduction in units from 6 to 5 “as a result of feedback” to the proposal should not be viewed or interpreted as a sign of goodwill from the applicant. The original plan was for 6 units @ 5.56 m wide or 33.36m north to south, the revised 5 units are 2 @ 6.62 & 3 @ 6.52 for 32.8 m. So, the footprint is virtually the same which should explain why all the modifications are still required. There’s a simple reason why the applicant doesn’t support Planning’s recommendation for 2 ½ story & no end unit sideyard modifications.

The original plan did not include a sidewalk proposal but one is now part of the staff report. Why? Is this a requirement of the zoning or is this a precursor to some future plan for the neighbourhood?

Multiple references have been made in the report about a “vacant” building being an improvement to the neighbourhood. Nobody is arguing that. We’re not against redevelopment, it’s about the scale of the proposed plan.

We appreciate the recommendation of 2 ½ stories & not supporting the sideyard setback (end unit) but we don’t think it goes far enough. We’re asking you for more consideration of the proposed plan and, at the very least, have the applicant comply with the requirements for the zoning applied for with no variances/modifications.

Brad & Barb Ackles, Stoney Creek

October 25, 2020

Legislative Coordinator,  
Planning Committee,  
City of Hamilton,  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Re: File No. UHOPA-20-007

I am writing to voice my objection to the proposed plan amendment to change the designation of the lands located at 19 Dawson Avenue in Stoney Creek from Institutional to Medium Density Residential 3 to permit the construction of five, three storey townhouse dwellings.

In mid-March, 2020, a letter was distributed to neighbourhood homes outlining a plan to build six, three storey townhouses on the property at 19 Dawson Avenue by DeFilippis Design on behalf of Marco Centofanti. I believe the plan has since been revised to five, three storey townhouse dwellings. Many of my remarks, comments and objections relate to that letter. Many details in that letter are either false or misleading as it relates to the neighbourhood. A copy of that letter can be supplied upon request.

The letter states that the townhouse complex is a “downgrade in use intensity.” I strongly disagree. During its previous use, the Masonic Hall was used only 2-3 times per week for only a few hours at a time. The traffic from the hall was definitely less than 5 households. Today, most households have 2 vehicles which equates to 10 vehicles every day. Most people use their garage as storage space and never park a vehicle in the garage. I suspect that one vehicle will be parked in the small driveway and the other will be on the street. As I write this letter on a Sunday afternoon, there are currently 9 vehicles parked on Dawson Avenue and 4 vehicles on Passmore Street from visitors and staff to Amica, the retirement residence across the street. It is clear to me that assuming adequate parking in the driveway of each townhouse is not viable. It is not uncommon to have visitors to Amica parked on Dawson Avenue and Passmore Street every day because there is not enough visitors parking at the residence. The letter also states that there would have been “additional noise, traffic safety concerns, etc” with the original use of the Masonic Hall. That is just wrong as five families (10 cars every day) using the streets would increase the noise and traffic considerably.

Elderly residences from Amica walk along Dawson Avenue daily instead of using busy and noisy King Street. Also, residents in wheel chairs are wheeled throughout the neighbourhood daily. Vehicles parked along Dawson are already making a narrow street even narrower and a potential safety hazard as there is no sidewalk and people must walk on the road. Visitors to the townhouse complex would have to park on the street also. It is improbable, or more likely impossible that visitors to the townhouses will park in the driveways. That just adds to the number of cars on the street. In the very near future, the renovations to Collegiate Avenue School will be complete. That will increase school bus, family vehicles and foot traffic in this area. We don't need more vehicles parked on the streets to add to the safety concerns.

The letter also states that the existing institutional use would “demand more from utilities (services).” As the hall was empty over 75% of the time, I don't believe that adding 5 units using utilities **daily** would be less stress on an already weakened utility system. From the day that Amica was built, the

neighbourhood has had water pressure issues that the city has refused to address. The water pressure is extremely low and well below city standards and tolerances. The water pressure in our house and many houses on the street is less than half of the City's recommended pressure. I don't believe that the contractor or the city would be willing to finance the cost of digging up Dawson Avenue all the way to King Street to tap into that water supply. I suspect that our neighbourhood water pressure will only get worse with 5 units using the water daily compared to the hall using it a few times a week for only a few hours at a time.

A colour rendering of the proposed building was included in the original letter which shows three storeys plus a peaked roof. The contractor details that the buildings will be kept to a maximum of 11 m. I cannot believe that three storeys plus a peaked roof will be 11 m or less.

It is stated that the Provincial Growth Plan is to intensify existing neighbourhoods with compatible (residential) uses. This neighbourhood is about 60-70 years old with single family homes. Nowhere within this neighbourhood is anything but single family homes with the exception of the long term care facility. Placing a multi-level, multi-unit townhouse in this neighbourhood does not compliment nor is it compatible with the existing homes.

In summary, I honestly believe that allowing this complex to proceed in this neighbourhood is a mistake. It is not compatible with the existing neighbourhood. It will add to the traffic congestion on local streets as they were not built or designed to have vehicles parked on both sides of these narrow streets. A tree canopy is better for the environment than a three storey building that blocks out the eastern and southern sun for neighbouring homes. I understand that many variances will need to be changed and approved before this project can proceed. That should not be considered until the existing neighbourhood is consulted on the impact of infrastructure and aesthetics of the project.

I have attached 2 pictures taken a short time ago of cars parked along Dawson Avenue and Passmore Street which is typical of daily parking along the streets.

I wish this to be added to the record for the File No. UHOPA-20-007 at the public meeting of the planning committee on November 3, 2020.

Please consider this an official request to be notified of the decision of the City on the proposed Zoning By-Law Amendment

If you have any questions or comments, please contact me at the information below.

Regards,  
Miles Budnark  
Stoney Creek, Ontario





**From:** Denis Hamelin  
**Sent:** October 28, 2020 7:14 PM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Fwd: 19 Dawson File no. UHOPA-20-007

*Legislative coordinator, Planning committee October 28, 2020  
City of Hamilton, 71 Main Street West, 1st floor  
Hamilton, Ontario, L8P 4Y5  
(File No. UHOPA-20-007)  
Re: 19 Dawson Avenue*

*Dear Council,*

*I am writing to express my strong opposition to the plan amendment from Institutional to Medium Density Residential for the property at 19 Dawson Avenue, Stoney Creek. While the local community may be unable to prevent development, that in itself would be detrimental to the area, nearly all residents in the neighbourhood are completely opposed to the addition of multi-family housing that will cause traffic and safety problems, and potentially lower the property values of the existing community.*

*Traffic and safety of pedestrians are major areas of concern. There are no sidewalks on the narrow streets, the increased traffic surge during morning rush would negatively impact safety for children, since students walk to school in the mornings. The seniors are also using the neighbourhood streets surrounding Amica as an alternative to the busier King Street or Grey Road. There also is the issue of cars parking on the street, especially during the winter months where it may impact proper snow clearing.*

*We are also concerned with how this would affect infrastructure particularly water pressure. Our water is already under pressure, adding 5 units would negatively alter these services.*

*Property values are likely to go down in the area if a multi-family townhouse unit is built. A Multi family dwelling is inconsistent with the neighbourhood homes in the area which are mainly single family bungalows. These three story units would tower over the adjacent properties, one of which is ours and therefore negatively affect our privacy. We are not saying there is no place for multi-family townhouse units but they should be built in new subdivisions where buyers are aware of what they are getting with no surprises. One of the reasons we bought in the area was because of the esthetic of single family homes in the neighbourhood, our expectation was that this enduring charm*

would remain. If this Zoning change is allowed to go ahead, what is to stop future builders from knocking down more bungalows and converting them to multi-family townhouses and condos?

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbours, I know my opinions are shared by many who may not be able to attend the Zoom meeting or send **letters and emails.**

Thank you for your continued service and support of our communities.

Denis and Kim Hamelin,  
Stoney Creek

October 30, 2020

Re: Official Plan Amendment File No. UHOPA-20-007 & Zoning By-law Amendment File No. ZAC-20-012

Written Submission regarding the redevelopment of 19 Dawson Avenue, Stoney Creek.



Here we go again!!

Ancaster Coun. Lloyd Ferguson says "monster" home bylaw will preserve existing neighbourhoods. Streetscape will remain, says councillor

I am a long-term resident of this neighborhood and specifically moved here because of the established streetscapes, and the scale and character of the existing neighbourhood. I also took into consideration the R1 zoning which provided some assurance that future development in this established area would not negatively impact the existing residences.

I would like to register my objection to the proposed development for the following reasons.....

1. The proposed construction does not respect the adjacent single-family homes character and scale. It is essentially a "Monster Home" in every respect and should be treated in the same fashion as the city chose to support the residents in the Ancaster community. Every argument put forward in objection to the Oakley Court development, that resulted in the successful development of the "ER" zoning amendment, would apply to this situation. The fact that this will be a multi-unit home does not change the fact the building footprint will be as large or larger than many of the homes the City found objectionable when considering the By-law. The proposed 3 storey height will tower over any of the homes in the neighbourhood as well. It is just too big for the lot.
2. I also have an issue with the mysteries surrounding the zoning of this property. The lot size of 19 Dawson Ave indicates that the original zoning was most likely intended to be the same as the adjacent properties. There was certainly no consideration for on-site parking, which would have been a requirement for an Institutional usage. The city officially adopted the "IS" zoning to allow the usage thanks in part to the Dairy allowing them to use their parking lot. My concern is how the City cannot explain how the City recommendation letter of 2007 (that was enacted August 14, 2019) amended the by-law to standardize the permitted uses by changing the "IS" zones

to “I1” zones **EXCEPT** for 19 Dawson Ave! The “I1” zoning recognized a trend of small-scale Institutional facilities failing and provided an alternative use without having to apply for a zoning change. Had this been applied to 19 Dawson Ave., there would have been a provision to convert the property back to a residential use but limited to a single-family dwelling or one duplex or semi-detached home. I realize that the Provincial Government is promoting intensification of land use but to allow a duplex between two single family dwellings is intensification enough without changing the character of the neighbourhood.

3. Why bother to change the zoning to RM2 if the proposed construction will not even be able to meet the revised requirements such as building height, side yard and rear yard setbacks, lot frontage and lot coverage. Why not just send the whole thing to the Committee of Adjustment? The proposed construction will not meet zoning requirements even if changed to RM2. This proposed building just will not fit on this lot regardless of the zoning!

I realize that it is desirable to the City to encourage development, especially on properties that are no longer viable for their intended use. Intensification is the Provinces mandate and it does make sense to develop in areas that are already being provided city services and infrastructure. That being said, I do believe that any development respect the existing residents and taxpayers. After an initial consultation with a local planning firm, they suggested that you would need a shoe horn to get the proposed building on this lot.

I would like to conclude by quoting LPAT Tribunal chair Hugh Wilkins’ comments from the Ancaster appeal.....

**He stated the bylaw “is sympathetic to existing built form, established streetscapes and neighbourhood character (that) respect the scale and character of existing neighbourhoods (and) address overlook and privacy issues ...”**

I hope the City will extend the same commitment to the residents of Stoney Creek as they did to those in Ancaster.

Thank you for your consideration.

David Reid  
Stoney Creek, ON

Wendy Passmore,  
Stoney Creek

In regards to 19 Dawson Av, Stoney Creek, application to build a multi-unit, multi-storey dwelling.

Our neighbourhood is an established community of single storey, single family dwellings. We are a quiet family neighbourhood in OldeTown Stoney Creek. My grandparents' farm, Rosedale Farms, was a large part of this area since 1933.

This area is seeing a large increase in traffic flow and infractions, with the addition of Amica Senior Residence, and the abundance of traffic travelling on our streets to by pass traffic lights and traffic congestion. Multi-dwelling building will increase this danger. We are a community of parking in the residential driveways and garages. Families now have multiple vehicles per household. So it is imperative that sufficient parking on site is included for each residence, including guests.

The driveways would all exit onto Dawson Avenue, as it is a Dawson Avenue address. Parking in the driveways and carports allows for safe refuse removal each week and snow removal during the winter months.

Amica's townhouses were to be 2 storey buildings, but the addition of the high peaked roof, added to site line and sun/shade line reductions for residents in the area. A multi-unit, multi-storey dwelling request for 3 stories will deplete the site line and sun/shade lines for current residents, even more so when a peaked roof is added. The ceiling heights must have a maximum height allowance of 8', which would further prevent any multi-storey building from further impeding on the neighbourhood and neighbouring residence privacy. The building(s) must have flat roofs to reduce any additional height issues.

The lots in our established neighbourhood are large. If the request for a multi-unit multi-storey dwelling is allowed, this will open the avenue of other property owners in the area building similar structures. The infrastructure in our area is

older and at a peak of usage. Area residents had flooding and water pressure reduction after the construction of Amica. There has also been a noticed impact on power fluctuations. Environmental differences have also effected the area, changing wind currents.

I object to the application for a 5 unit, 3 storey dwelling to be constructed at 19 Dawson Ave, Stoney Creek.

This submission is open for additional comments and opinions.



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 3, 2020
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Mark Andrews (905) 546-2424 Ext. 1384
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

That **Zoning By-law Amendment Application ZAC-16-016 by A. J. Clarke and Associates Ltd. on behalf of Malatesta Brothers Construction, Owner**, for a change in zoning from the Single Residential “R1” Zone to the Single Residential “R3-44” Zone, Modified in the City of Stoney Creek Zoning By-law No. 3692-92 to facilitate the development of five residential lots for single detached dwellings on lands located at 1313 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED20181, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED20181, 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) and conforms to A Place to Grow (2019); and,
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Urban Lakeshore Area Secondary Plan.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 2 of 20**

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**EXECUTIVE SUMMARY**

The proposed Zoning By-law Amendment is for a change in zoning from the Single Residential “R1” Zone to the Single Residential “R3-44” Zone, Modified to facilitate the development of five residential lots for five single detached dwellings. Two of the proposed lots will have frontage along East Street while the other three proposed lots will have frontage along Baseline Road. Future consent applications will be required to create the lots. A modification to the minimum lot area (corner lot) is proposed to facilitate the development.

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

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019);
- It complies with the Urban Lakeshore Area Secondary Plan; and,
- It is compatible with and complementary to the existing surrounding neighbourhood.

**Alternatives for Consideration – See Page 19**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**BACKGROUND**

The subject property is located on the northeast corner of the Baseline Road and East Street and is currently one parcel. The property is currently vacant, and formerly contained an older, single detached dwelling and a single storey accessory structure (garage), constructed on or around 1908. Although the existing home is not designated under the *Ontario Heritage Act*, or listed on the Municipal Heritage Register, it has been identified and inventoried as having potential cultural heritage value or interest.

The original garage fell into disrepair in the 1990s and was replaced on or around the year 2000. The dwelling was further renovated in 1920 with salvaged material from another family home and despite being altered, the home retains contextual value as the only structure from its period and style that remains standing in the neighbourhood. The Documentation and Salvage Report prepared by Detritus Consulting Limited and

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 3 of 20**

dated December, 2019 has indicated that a number of architectural components which are original to the home and retain cultural interest can be conserved and reused in the construction or donated to another project. Some of these components include, but are not limited to doors, stair components, fireplace components, water radiators, windows and structural lumber and flooring. The dwelling was exempted from demolition control through a Council motion on February 12, 2020. A demolition permit was issued on February 18, 2020.

**Report Fact Sheet:**

<b>Application Details</b>	
Applicant/Owner:	A. J. Clarke and Associates Ltd. (agent c/o Miles Weekes) on behalf of Malatesta Brothers Construction (owner)
File Number:	ZAC-16-016
Type of Application:	Zoning By-law Amendment
Proposal:	Five residential lots for the construction of five single detached dwellings having access and frontage on East Street and Baseline Road (see Appendix 'C' to Report PED20181).
<b>Property Details</b>	
Municipal Address:	1313 Baseline Road (see Location Map attached as Appendix 'A' of Report PED20181)
Lot Area:	± 2,322 m <sup>2</sup> (0.23 ha)
Lot Frontage:	38.10 m (along Baseline Road)
Servicing:	Full municipal services (water, sanitary and storm).
Existing Use:	Vacant – formerly developed with a single detached dwelling and accessory structure (garage) which have since been demolished.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow (2019).

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 4 of 20**

Official Plan Existing:	<ul style="list-style-type: none"> <li>• Neighbourhoods</li> <li>• <u>Urban Lakeshore Area Secondary Plan</u> <ul style="list-style-type: none"> <li>• Low Density Residential 2b.</li> <li>• Permitted uses shall be limited to single detached, semi-detached and duplex dwellings.</li> <li>• Density range from 1 to 29 units per net residential hectare.</li> </ul> </li> </ul>
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Single Residential "R1" Zone
Zoning Proposed:	Single Residential "R3-44" Zone, Modified
Modifications Proposed:	Applicant Requested: <ul style="list-style-type: none"> <li>• Minimum lot area for a corner lot – 390 m<sup>2</sup></li> </ul>
<b>Processing Details</b>	
Received:	January 15, 2016
Deemed Complete:	April 12, 2016
Notice of Complete Application:	Sent to 124 property owners within 120 m of the subject property on April 12, 2016.
Public Notice Sign:	April 28, 2016 and updated October 7, 2020.
Notice of Public Meeting:	Sent to 118 property owners within 120 m of the subject property on October 16, 2020.
Public Consultation:	Not applicable (prior to July 1, 2016)
Public Comments:	3 emails and 1 letter all opposed to the proposed development.
Processing Time:	1,666 days and 265 days from Council's motion for exemption from demolition control.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 5 of 20**

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**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant – formerly single detached dwelling and accessory building (garage) – demolished	Single Residential “R1” Zone
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single detached dwellings	Single Residential “R2-12” Zone, Modified
<b>East</b>	Single detached dwellings	Single Residential “R1” and “R2” Zones
<b>South</b>	Single detached dwellings	Single Residential “R3” Zone
<b>West</b>	Single detached dwellings	Single Residential “R1” Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use and environmental protection) are reviewed and discussed in the Official Plan analysis that follows.

Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2020). The following policy of the PPS (2020) also applies:

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 6 of 20**

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

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

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

A Stage 1, 2 archaeological report prepared by Detritus Consulting Ltd. (P017-0407-2015) has been submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). While the Provincial interest has yet to be signed off by the Ministry, Staff are satisfied that all archaeological potential on the subject lands has been assessed appropriately. Staff request a copy of the letter from the Ministry when available.

Furthermore, although not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the building and are contextually appropriate.

A Cultural Heritage Impact Assessment for the subject property was completed by Detritus Consulting, dated September, 2015. The report assessed the impact of the proposed development on the built heritage and cultural heritage resources. Staff initially deemed the report to be incomplete and requested further details pertaining to the architectural features, including photographs and historical context of the property.

Accordingly, the Documentation and Salvage Report prepared by Detritus Consulting Limited and dated December, 2019 provided the requested information, which was deemed satisfactory to City staff as various components were to be retained and preserved for future reuse prior to demolition of the structures.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2020, it is staff's opinion that the application is:

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

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 7 of 20**

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**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations, in the Urban Hamilton Official Plan. They are also designated “Low Density Residential 2b” in the Urban Lakeshore Area Secondary Plan. The following policies, amongst others, apply to the proposal.

**Neighbourhoods Designation**

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The subject lands are designated Neighbourhoods. The proposed housing form, being single detached dwellings, as well as the development criteria for lot areas, frontages, coverage and front yard are consistent with surrounding land uses which are dominated by low density residential uses (i.e., single detached dwellings). In addition, as the surrounding neighbourhood contains a mix of “R1”, “R2” and “R3 Zones with a variety of lot sizes and lot areas along East Street and Baseline Road, the building footprints will be compatible with the existing single detached dwellings in the surrounding neighbourhood in terms of scale and massing and parking will be provided on site. The subject lands are within the interior of the neighbourhood and will be accessed from both Baseline Road and East Street, both identified as Local Roads.

**Natural Heritage**

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

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 8 of 20**

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Staff reviewed a Vegetation Management Plan prepared by Adesso Design Inc., dated November 18, 2015. The recommendations in the plan are to be carried forward in the future Consent applications. A Verification of Tree Protection Letter is to be provided at the future Consent application stage and tree protection fencing is to be installed prior to any construction on the site.

Based on the foregoing, the proposal complies with the policies of the UHOP.

**Urban Lakeshore Area Secondary Plan**

The subject lands are designated “Low Density Residential 2b” within the Urban Lakeshore Area Secondary Plan. The following policies, amongst others, apply to the proposal.

**Low Density Residential 2b Designation**

“B.7.3.1.3 Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b on Map B.7.3-1 – Urban Lakeshore Area - Land Use Plan:

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

The proposal consists of three lots for single detached dwellings fronting onto Baseline Road and two lots for single detached dwellings fronting onto East Street. The overall density of the proposal is approximately 21.5 units per net residential hectare.

Based on the foregoing, the proposal complies with the policies of the Urban Lakeshore Area Secondary Plan.

**City of Stoney Creek Zoning By-law No. 3692-92**

The subject lands are currently zoned Single Residential “R1” Zone in the former City of Stoney Creek Zoning By-law No. 3692-92. The Single Residential “R1” Zone permits single detached dwellings, including uses, buildings or structures accessory to the permitted use, but requires larger lot areas and lot frontages than being proposed. The applicant has proposed a rezoning to a modified Single Residential “R3” Zone. With the exception of lot area and lot frontage, the provisions of the Single Residential “R1” Zone remain identical to the Single Residential “R3” Zone with regards to front, rear and side yard setbacks, as well as maximum lot coverage (40%) and maximum building height of 11 metres.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 9 of 20**

An evaluation of the one proposed modification to the lot area for a corner lot is included in Appendix "D" to Report PED20181.

**RELEVANT CONSULTATION**

Departments and Agencies		
	Comment	Staff Response
<ul style="list-style-type: none"> <li>• Hydro One;</li> <li>• CRTO;</li> <li>• Transit Planning (HSR);</li> <li>• Recreation Division;</li> <li>• Hamilton Fire Department;</li> <li>• Union Gas;</li> <li>• Bell Canada;</li> <li>• Cogeco Cable;</li> <li>• Healthy and Safe Communities;</li> <li>• Open Space Development; and,</li> <li>• School Boards (all).</li> </ul>	No comment.	No comment.
Corporate Services, Budget and Finance	The applicant/owner is required to pay the <i>Municipal Act</i> sanitary sewer charge fronting baseline Road of \$16,173.45 under by-law 01-116.	This will be required and addressed through the future Consent process.
Ministry of Transportation of Ontario (MTO)	<p>The MTO does not have any concerns with the zoning by-law amendment, however, the property owner will be required to apply for the Ministry's Building and Land Use Permit prior to commencing with construction.</p> <p>As part of the permit requirements, the property owner will be required to submit:</p>	This will be required and addressed through the future Consent process.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 10 of 20**

	<ul style="list-style-type: none"> <li>- Grading and Drainage Plans;</li> <li>- Storm Water Management Report;</li> <li>- Site Plan; and,</li> <li>- Traffic Impact Study (TIS) is normally required by the Ministry. In this case, as long as the proposal doesn't change, the Ministry will omit the requirement for a TIS.</li> </ul>	
Public Works, Waste Collection	<p>This development is eligible for waste collection service. Any future drawings submitted to the City of Hamilton shall include a standard note indicating eligibility of municipal waste collection.</p> <p>For each unit receiving Curbside Collection, an area of 2.5 m<sup>2</sup> (minimum) is required for the storage of two Blue Boxes, a Green Cart, a Garbage Container and unlimited Leaf and Yard Waste Containers. Sidewalks shall remain clear for pedestrian accessibility at all times and Waste Containers shall remain within the property line.</p>	This will be required and addressed through the future Consent process.
Public Health	<p>A pest control plan, focusing on rats and mice, shall be developed and implemented for the construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all of development/construction and</p>	This will be required and addressed through the future Consent process.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 11 of 20**

	must employ integrated pest management practices.	
Transportation	<p>Transportation staff have advised that a future road widening of Baseline Road has been determined to be 26.213 m.</p> <p>Daylight triangle of 9.14 m by 9.14 m at the corner of East Street and Baseline Road to be dedicated. Transportation staff have further reviewed this and have advised that a reduced daylighting triangle of 7 m by 7 m is acceptable.</p> <p>Staff note that the design of the access must be reviewed by the Municipal Parking Office. Any new or change in access requires the applicant / owner to apply for and receive an Access Permit from Municipal Parking Office. Forestry and Horticulture staff should be contacted for comments regarding trees within the same proximity as the proposed driveway, and for any potential tree removal on City property.</p> <p>The removal of existing redundant driveways on East Street will require reconstruction of the existing concrete sidewalk on East Street to remove the approach ramp and provide a barrier type curb. That work and cost will be the responsibility of the applicant.</p>	This will be required and addressed through the future Consent application.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 12 of 20**

<p>Urban Forestry and Horticulture</p>	<p>The Tree Management Plan submitted with the application is approved with no additional comments or revisions. Since the trees identified for removal are in poor condition and / or are not preferred species, no compensation is requested. Staff have requested a Landscape Plan which outlines the location of any proposed Street Trees and cash payment for City installation.</p>	<p>This will be required and addressed through the future Consent process.</p>
<p>Development Engineering and Infrastructure Planning</p>	<p>In accordance with the Urban Hamilton Official Plan the designated road allowance width of the subject section of Baseline Road is 26.213 m.</p> <p>Therefore, as a condition of future severance approval the applicant/owner will be required to dedicate sufficient land along the entire frontage of the property on Baseline Road to establish the “as-widened” property line 13.1065 m from the original centerline of construction of Baseline Road. According to our records Baseline Road is currently 20.12 m and as such the approximate amount of widening, actual amount to be determined by survey, is 3.047 m.</p> <p>A 9.14 m by 9.14 m daylight triangle dedication to the City of Hamilton will be required at the intersection of Baseline Road and East Street.</p>	<p>This will be required and addressed through the future Consent process.</p> <p>Submission of grading plans, drainage plans, servicing and erosion and sediment control plans will be Conditions of the future Consent applications.</p>

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 13 of 20**

	<p>Transportation staff have further reviewed this and have advised that a reduced daylighting triangle of 7 m by 7 m is acceptable.</p> <p>As a condition of Consent the Owner will be required to enter into a "Consent Agreement" with the City of Hamilton, which will be registered on title to the subject lands to deal with and address issues including, but not limited to: grading and drainage; cash payment requirements for items such as trees, urbanization of the adjacent roads, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, new or re-location of sidewalks adjacent to the subject lands and any damages to the existing City infrastructure or public property during construction. Cost recoveries for the Municipal Sanitary Sewer are also required for the frontage on Baseline Road.</p> <p>Erosion and sedimentation control details must be provided and utilized during the construction phases of the project and maintained until the site is fully developed i.e. ground cover established. Details must include location and type of silt fencing (OPSD 219.130), catch basin protection (silt sacs) etc., along</p>	
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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 14 of 20**

	<p>with notes respecting maintenance and inspection of the control devices. All erosion and siltation control devices should be as per the “Greater Golden Horseshoe Area Conservation Authorities”, “Erosion and Sediment Control Guideline for Urban Construction”.</p> <p>Servicing Permits will be required prior to any servicing works to the subject lands. A servicing plan is necessary to show all existing services to the property, which will no longer be required and must be removed along with any proposed rear yard catch basins for the purposes of draining the lands. Service Permits for these works, including any necessary road cut Permits will be issued by our Office. All other service laterals to the proposed buildings will be issued by the City of Hamilton Building Division.</p> <p><b>Water Servicing</b></p> <ul style="list-style-type: none"> <li>• The subject property has access to water servicing from the municipal water mains on Baseline Road (300 mm dia.) and East Street (200 mm dia.)</li> </ul> <p><b>Sanitary Sewer Servicing</b></p> <p>An adequate separated system is available on Baseline Road</p>	
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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 15 of 20**

	<p>and East Street for collection of waste water from the proposed 5 lots fronting on Baseline Road and East Street, replacing one lot.</p> <p><b>Infrastructure Planning</b></p> <ul style="list-style-type: none"> <li>• The overland flow should not be directed toward private property.</li> <li>• Rear lot catch basins in the rear of the properties will be required.</li> <li>• The percent impervious is higher than originally designed.</li> </ul>	
Public Consultation		
	Comment	Staff Response
Consistency with Character of the Surrounding Neighbourhood	The proposal is not consistent with the character of the surrounding neighbourhood, specifically those on East Street and does not comply with the Single Residential “R1” and “R2” Zones to the north and east of the subject property.	The proposed change in zoning is compatible with the existing lot pattern, and character in terms of lot width and use proposed (single detached dwellings) and is compatible with the built form of the lands to the south along Baseline Road. The subject lands will comply with the “R3” Zone provisions, with the only modification being a reduction in the minimum lot area for a corner lot. The zoning is consistent with the “R3” Zone along the south side of Baseline Road to ensure compatibility in terms of built form / massing, height, setbacks from the street and building separation.
Effects of Proposed Setbacks and Height on Adjacent Properties	The proposed 1 m setback for the interior lot line will negatively affect property	The maximum building height permitted in the Single Residential “R1”, “R2” and

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 16 of 20**

	owners along Richmond Crescent in terms of building height and affect enjoyment from the sun and existing gardens.	“R3” Zones in the surrounding neighbourhood is restricted to 11 m. Staff are of the opinion that the proposed single detached dwellings will comply with the height provision of the “R3” Zone and will be of similar scale and massing of the existing dwellings adjacent to the dwellings on Richmond Crescent. Finally, with regards to the proposed 1 m setback from an interior lot line (on one side), the provisions of the “R3” Zone allow for a 1 m setback if there is an attached garage or carport. The provision for a reduced setback if there is an attached garage or carport also applies in the “R1” and “R2” Zones. Staff do not believe that there will be any negative impacts regarding shadowing.
Impact on Neighbouring Property Values	The proposal to construct five new homes will negatively impact the property values of the neighbouring and adjacent lots.	Staff are not aware of any supporting information or empirical data with regards to property devaluation.
Density	There is concern regarding the density and crowding in the neighbourhood.	The subject lands are designated “Low Density Residential 2b” within the Urban Lakeshore Area Secondary Plan and permit a density range of 1 to 29 units per net residential hectare. The proposal will result in a density of 21.5 units per net residential hectare which complies with the Low Density Residential 2b designation.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 17 of 20**

Lot Drainage and Ponding	There is a concern regarding lot drainage and ponding on the adjacent lot.	As a Condition of approval for the future Consent applications, the applicant/owner will be required to submit grading, servicing and drainage plans to ensure that stormwater will be appropriately managed on site and will not have any negative impacts both to the adjacent lots and the City's infrastructure.
Impacts on On-Street Parking	The proposal to develop five residential lots will result in a loss of on-street parking.	Driveways and garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
Fencing and Retention of Existing Trees	There are concerns regarding the existing trees along the eastern (Baseline Road) property line and whether they will be retained and if a fence will be erected along the property line.	A Vegetation Management Plan was submitted and reviewed by City staff. It was noted that the existing trees along the eastern property line will be retained. A Tree Protection Plan will be required to be submitted for review and approved by City staff through the future consent application process. Fencing is not required between single detached dwellings. Accordingly, any proposed fencing will be at the discretion of the property owner(s) and would need to comply with the City's Fence By-law No. 10-142.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 18 of 20**

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**PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the proposal was sent to 124 property owners within 120 m of the subject lands on April 12, 2016.

A Public Notice Sign was posted on the property on April 28, 2016 and updated with the Public Meeting date on October 7, 2020. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act*.

**Public Consultation Strategy**

As the application was received prior to July 1, 2016, the proponent was not required to fulfil these obligations pursuant to the City's Public Consultation Strategy Guidelines.

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

1. The proposal can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) (PPS);
  - (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019);
  - (iii) It complies with the Urban Lakeshore Area Secondary Plan; and,
  - (iv) It is compatible with and complementary to the existing surrounding neighbourhood.
2. Zoning By-law Amendment

The subject lands are currently zoned Single Residential "R1" in the Stoney Creek Zoning By-law No. 3692-92.

The applicant has requested that the subject lands be rezoned to a site-specific Single Residential "R3" Zone to facilitate the development of five residential lots for the purpose of constructing single detached dwellings. Single detached dwellings are permitted within the "Neighbourhoods" designation of the UHOP and within the "Low Density Residential 2b" designation of the Urban Lakeshore Area Secondary Plan. Staff are in support of this change of zoning as the proposal complies with the Urban Hamilton Official Plan policies and the Urban Lakeshore Area Secondary Plan.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 19 of 20**

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The subject lands will provide similar zoning as adjacent lands (“R3” Zone) to the south along Baseline Road to ensure compatibility in terms of built form / massing, height, setbacks from the street and building separation. The lands to the north and west are comprised of Single Residential “R1” and “R2” Zones which provide similar built form criteria (such as setbacks and building height) but on larger lots than being proposed.

The subject application will further modify the Single Residential “R3” Zone to permit a minimum lot area for a corner lot of 390 m<sup>2</sup> whereas the minimum lot area for a corner lot is 425 m<sup>2</sup>. This modification is further discussed in Appendix “D” to Report PED20181. Staff support the proposed change in zoning.

3. Future consent applications will be required to create the five lots.

### **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the Single Residential “R-1” Zone, which would permit one single detached dwelling on the lot in its current form.

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

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

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

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

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

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

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

#### **Clean and Green**

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

#### **Built Environment and Infrastructure**

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 1313  
Baseline Road (Stoney Creek) (PED20181) (Ward 10) - Page 20 of 20**

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**Culture and Diversity**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A" – Location Map
- Appendix "B" – Draft Zoning By-law
- Appendix "C" – Concept Plan
- Appendix "D" – Zoning Modification Chart
- Appendix "E" – Public Comments

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

-----  
 Mayor  
 -----  
 Clerk

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

**Subject Property**  
 1313 Baseline Road  
 Change in zoning from the Single Residential "R1" Zone to the Single Residential "R3-44" Zone, Modified

Scale:  
 N.T.S.

File Name/Number:  
 ZAC-16-016

Date:  
 March 4, 2020

Planner/Technician:  
 MA/AL



Authority: Item XX, Planning Committee  
Report 20-XXX  
CM: XXXX  
Ward: 10  
**Bill No. XXX**

## **CITY OF HAMILTON**

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

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 1313 Baseline Road (Stoney Creek)**

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

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

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

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

**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 3<sup>rd</sup> day of November, 2020, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
  - (a) by changing the zoning from the Single Residential "R1" Zone, to the Single Residential "R3-44" Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

To Amend Zoning By-law No. 3692-92  
Respecting Lands Located at 1313 Baseline Road (Stoney Creek)

2. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, be amended by adding Special Exemption "R3-44" as follows:

**"R3-44" 1313 Baseline Road, Schedule "A" Map No. 4**

Notwithstanding the provisions of Paragraph (a) of Section 6.4.3 "Zone Regulations" of the Single Residential "R3" Zone, on those lands zoned "R3-44", by this By-law, the following shall apply:

(a) Minimum Lot Area

Corner Lot

390 square metres

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

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

---

Fred Eisenberger  
Mayor

---

A. Holland  
City Clerk

ZAC-16-016

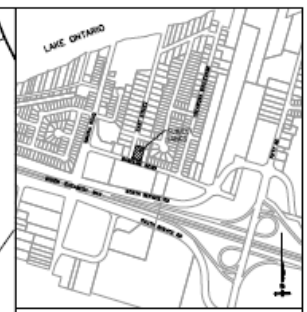
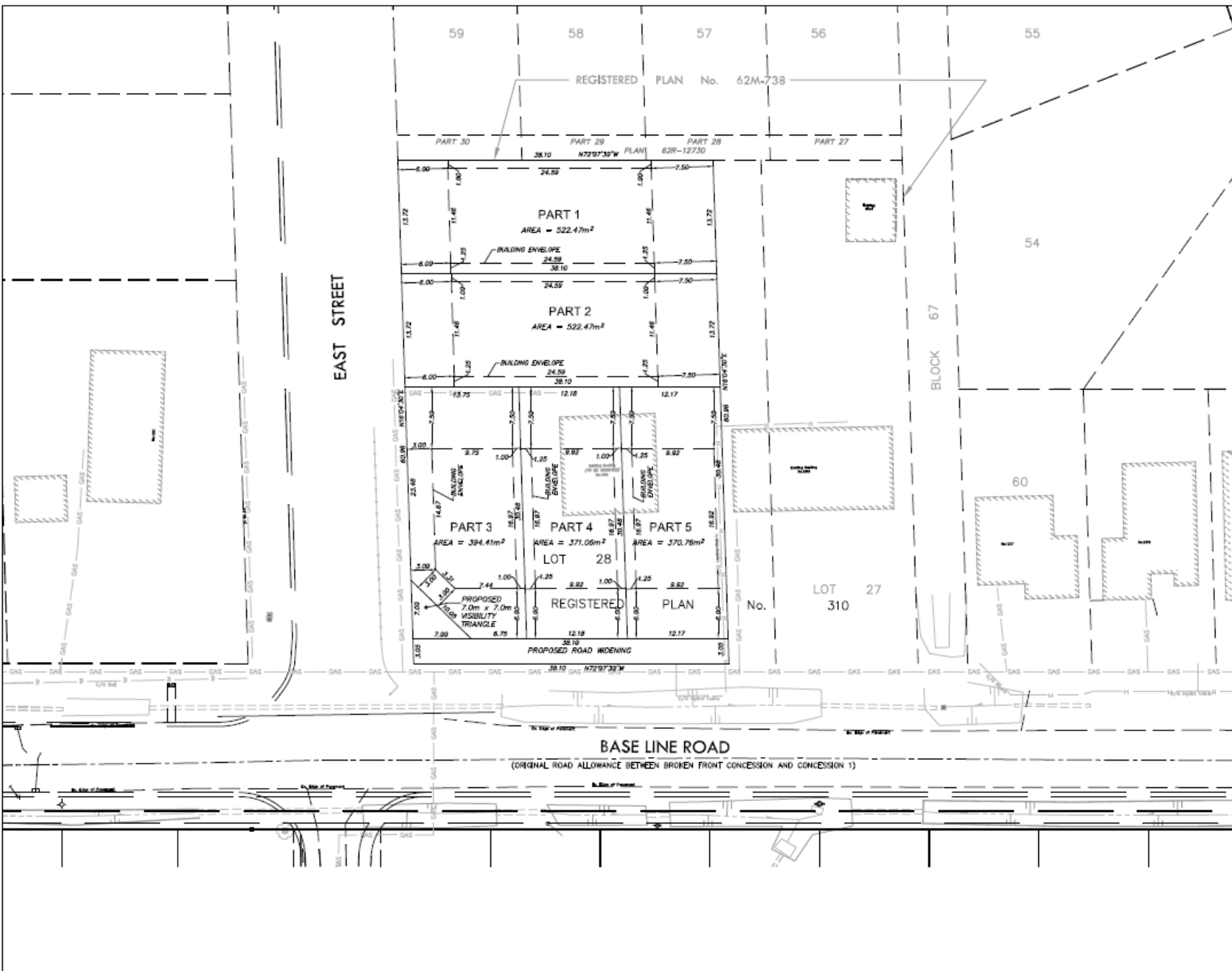
To Amend Zoning By-law No. 3692-92  
Respecting Lands Located at 1313 Baseline Road (Stoney Creek)



<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>		
<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 20-_____</b></p> <p><b>to Amend By-law No. 3692-92</b></p>	<p><b>Subject Property</b></p> <p>1313 Baseline Road</p> <p> Change in zoning from the Single Residential "R1" Zone to the Single Residential "R3-44" Zone, Modified</p>		
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-16-016</p>		<p>Date: March 4, 2020</p>
<p>Planner/Technician: MA/AL</p>			<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>

1313 BASE LINE ROAD

1313 BASE LINE ROAD



KEY PLAN n.t.s.

No.	REVISIONS	By	Date

GENERAL NOTES

1. TENDERS SHALL SAFELY THEMSELVES AS TO THE NATURE OF THE GROUND AND BED ACCORDINGLY.
2. ALL ROCK INDICATIONS SHOWN ON THE PLAN MUST BE VERIFIED BY THE CONTRACTOR.
3. CONTRACTOR SHALL VERIFY LOCATIONS AND DEPTHS OF ALL EXISTING SANITARY AND SEWER MAINS AND WATER MAINS, FRESH WATER MAINS AND WATER SERVICES (GAS MAINS, CABLE TV, HYDRO AND TELEPHONE DUCTS, ETC.) AT START OF CONSTRUCTION.

ENGINEER

PROJECT (REQ): MALATESTA BROTHERS CONSTRUCTION COMPANY LTD.

NOT ISSUED FOR CONSTRUCTION

MUNICIPALITY: CITY OF HAMILTON

PROJECT NAME: 1313 BASE LINE ROAD

**A. J. Clarke and Associates Ltd.**  
 SURVEYORS • PLANNERS • ENGINEERS  
 25 HURON STREET, SUITE 200  
 HAMILTON, ONTARIO L8P 1K1  
 905-528-0740 Fax: 905-528-0747  
 www.ajclarke.com

TITLE: CONCEPT LOTTING PLAN

SCALE: 1:200	DATE: NOVEMBER 2018
DESIGN: A.C.	DRAWN: L.H.
DWG: K-14-029	REV:

**Site Specific Modification to the Single Residential “R3” Zone**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Minimum Lot Area - Corner Lot	425 m <sup>2</sup>	390 m <sup>2</sup>	<p>The intent of this provision is to allow for adequate area to accommodate a dwelling with the necessary side yards, landscaped area, amenity area and parking.</p> <p>The proposed modification maintains the intent of the Zoning By-law as the applicant has demonstrated the ability to provide a sufficient building envelope while meeting the side yard, rear yard, landscaped area, amenity area and parking requirements of the “R3” Zone. Staff support the modification.</p>



## Zoning By-law Amendment Proposal File No. ZAC-16-016

Attention Melanie Schneider, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Suburban Team  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, On L8P 4Y5  
E-Mail: [Melanie.Schneider@hamilton.ca](mailto:Melanie.Schneider@hamilton.ca)

Re: ZAC-16-016

To whom it may concern:

The undersigned individuals are existing owners and occupants of properties adjacent to the identified property listed in the Application for Zoning By-Law Amendment (File No. ZAC-16-016). We are looking forward to a thoughtful development of 1313 Base Line Road in character with the existing properties of East Street and the North Side of Baseline Road.

The proposed request for Zoning By-law Amendment is not in character with existing properties in the fully developed and established neighborhood. The recently purchased property on 1313 Base Line Road does not pose a unique or unusual hardship to the new Developer of the land; it is not of irregular shape, the size of it and the proximity of structures to existing property lines conform to existing R1 Single Residential Zoning. The reason for the application for rezoning is not a result of newly purchase land and properties becoming non-conforming when purchased, but rather, it is a result of the planning choice and what the Developer would like to do with the land (severance of 1 parcel into 5 parcels).

We understand why the Developer would like to sever off the one parcel of land into smaller parcels. We are not against severing off a portion of the land but; when the existing property is able to be severed into smaller portions of land which will fall into "Normal" zoning designations without the need for a Zoning By-Law Amendment, and without causing a negative impact on existing owners this is the route that shall be taken. There is no need to exercise a variation to a By-Law when thoughtful planning and development will fall within the existing By-Law.

**The undersigned existing property owners wish to make a formal Appeal of the proposed Zoning By-Law Amendment (File No. ZAC-16-016) and drawing K-14-029.**

To expedite the process and aid the Developer with the creation of a new proposal the following points which would have negatively impacted existing homeowners had Amendment (File No. ZAC-16-016 and drawing K-14-029) been accepted are:

**PART 1 and PART 2**

- Do not conform to R1 Single Residential Dwelling
- Require to be R1 with at least 23m frontage not 13.72 to East Street – out of character with existing R1 properties on East Street.
- PART 1 – would negatively affect homeowners on # 2, # 4 Richmond Crescent. The proposed lot is not in character with the typical norm of adjacent backyards between lots. The proposed 1m between a future structure and the existing property line (the existing fence which runs east to

West and North of Part 1) would not allow existing Richmond Crescent homeowners which have vegetable and flower gardens to enjoy the sun from the South. Height of the proposed building and or land use shall be taken into account to determine set-back relative to the existing fence and property line. Distance from dwelling structure should consider 5.6 metres minimum to the property line or set-back equal to or greater than the height of the dwelling. This is achievable with R1 lot zoning.

- Current proposal will have a negative economic impact to the values of the neighbouring / adjacent lots

**PART 3, PART 4 and PART 5**

- R3 does not conform to R2 lots on North Side of Baseline Road (same side)
- PART 3 designation R3 does not conform with R1 lots on adjacent East Street
- Current proposal will have a negative economic impact to the values of neighbouring / adjacent lots

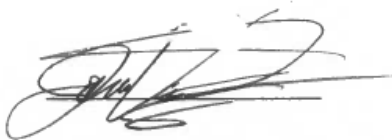
**Undersigned Owners and Occupants**



Date: May 1, 2016



Date: May 1 2016



Date: 2016 05 01



Date: 2016 . 05 . 01

**Andrews, Mark**

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**From:**  
**Sent:** May 4, 2016 11:29 AM  
**To:** Schneider, Melanie  
**Subject:** Re Zoning by-law Amendment Application (ZAC-16-016)

Hello,

I hereby would like to give my opinion on the new ghetto the city wants to allow to be built. First and foremost we are already a crowded neighbourhood. Second of all, existing homes built here in our neighbourhood located on top of creeks, streams running to Lake Ontario. I want to point out my concern regarding water issues. I would like to invite you to check out our new Lake Winona..located at Baseline rd and North Service Rd. Perfectly timed for mosquito season. Also I live on Marina Point Crescent, single driveway, extra parking unavailable on our private street due to city bylaw....visitors parking available only. So 80 unit owners from my street are trying to park on Baseline and East St. Corners. Some households have three vehicles. Once those five buildings will be built about 30 cars parking spot will be lost! I am sure cityhall doesn't really care because five new buildings will profit approx.\$15,000 in taxes and levies. We should have had a townhall meeting re Malatesta brothers building permit. Not just receiving your snail mail three weeks prior to "mayday".

I for one oppose to allowing building permits for the new buildings!

PS. PLEASE DON'T DISCLOSE MY PERSONAL INFORMATION

**From:**  
**Sent:** May-10-16 9:41 PM  
**To:** Schneider, Melanie  
**Subject:** ZAC-16-016

To the Development Planning Suburban Team,

I received the notice of a zoning change application for the property bordering mine. I had a few questions regarding the amendment, which were answered by you, Melanie, when I called on Tuesday, May 3rd.

I would like to be notified of the adoption or refusal of the proposed zoning by-law.

I also request that my personal information be removed from any and all published reports.

My first concern was with the existing trees on the property line, and what impact the proposed development would have.

I would like to know if a fence would be erected, and where it would begin and end.

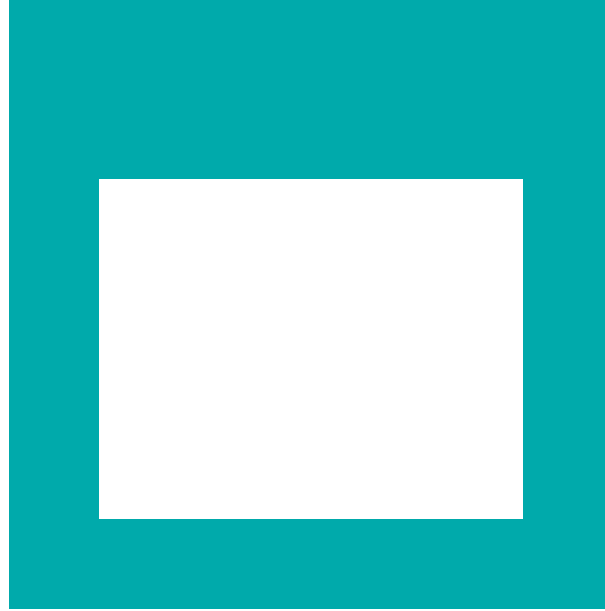
I had a question regarding the proposed road widening, which was explained.

2

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These are my concerns and questions at the moment.

Thank you,



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

November 3, 2020

# PED20181 – (ZAC-16-016)

Application for Zoning By-law Amendment for Lands Located at 1313  
Baseline Road, Stoney Creek.

Presented by: Mark Andrews



<p style="text-align: center;">This is Schedule "A" to By-law No. 20-</p> <p style="text-align: center;">Passed the ..... day of ....., 2020</p>	<p style="text-align: center;">-----          Mayor          -----</p> <p style="text-align: center;">-----          Clerk          -----</p>	
<h2>Schedule "A"</h2> <p><b>Map forming Part of          By-law No. 20-_____</b></p> <p><b>to Amend By-law No. 3692-92</b></p>	<p><b>Subject Property</b>          1313 Baseline Road</p> <p> Change in zoning from the Single Residential "R1" Zone to the Single Residential "R3-44" Zone, Modified</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-16-016</p>	 Hamilton
<p>Date: March 4, 2020</p>	<p>Planner/Technician: MA/JAL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



**SUBJECT PROPERTY**



**1313 Baseline Road, Stoney Creek**







Subject Property looking north from Baseline Road



Baseline Road looking east from Subject Property



Looking south from Subject Property (Baseline Road)



Southeast from Subject Property along Baseline Road



Southwest of Subject Property along Baseline Road



Baseline Road looking west from Subject Property



East Street looking north directly west of Subject Property





Subject Property looking east from East Street



Subject Property looking northeast from the intersection of East Street and Baseline Road



Looking west towards East Street from Subject Property



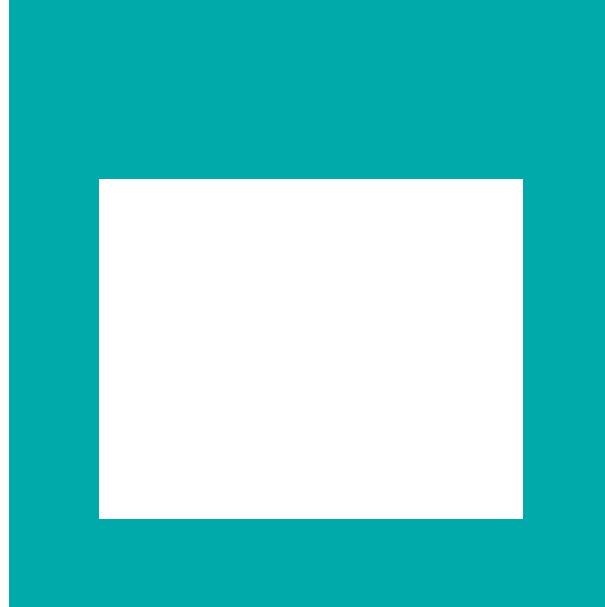
East property line of Subject Property (treeline)



Looking south towards Baseline Road from the north side of Subject Property



Southwest corner of Baseline Road from Subject Property



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

**From:** Jenny Yin

**Sent:** October 28, 2020 2:58 PM

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

**Subject:** ZAC-16-016

I am writing in concern as to the recent application for a zoning by-law amendment application (ZAC-16-016). I am the owner and occupant of a property that will be directly affected (Stoney Creek) as it will back onto the proposed plot of land identified as 'PART 1' of the concept plotting plan.

My concerns being four-fold;

- 1) What is to be the exact distance between the proposed structure and my back fence line?
- 2) What is to be the height of the structure to be built on this plot of land that will be directly behind my property? My concern is to the shadow that might now be imposed on the back of my home specifically over my yard area.
- 3) I am concerned as to the aesthetic of a structure being built directly behind my own property specifically as to how it will affect the overall value of my own home.
- 4) I will need to see a plan of the specific proposed structure to be built directly behind my home in order to determine the specifications of height and distance.
- 5) What space will be allotted for fire access to the back of my property?

Best regards,

YU HUA YIN

STONE CREEK



**From:** Jason Van Dongen  
**Sent:** Monday, November 2, 2020 11:50 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Fwd: File No ZAC-16-016 Zoning By-Law Amendment

File: Zac-16-016 Regarding November 3, 2020 Meeting at 9:30am  
Owner Malatesta Brothers Construction  
Subject Property Baseline Road, Stoney Creek

Dear Legislative Coordinator, Planning Committee, City of Hamilton  
**Please confirm receipt of this E-Mail.**

As established owners and occupants which will be affected by zoning or re-zoning of the property on 1313 Baseline Road we wish to be notified and have input to the decisions regarding this matter.

Previously we had responded on May 1, 2016 regarding the same land that the Developer wished to have re-zoned. At that time a sketch detailing the intent to severance of 1 parcel into 5 parcels which included non standard frontages on East Street.

The affected land-owners provided details of why they would be negatively impacted by the proposal. To the date of the recent letter of October 16, 2020 we had not had a response from the City of Hamilton. Additionally without warning the house that occupied 1313 Base Line Road was taken down completely on one weekend without providing notice or warning to local residents that were affected by the dust cloud during excavator demolition; was the house verified to be free of asbestos prior to demolition?

Four years later we received the October 16, 2020 letter regarding the Zoning change request there was sent only a location map with no details of a suggested plan. As we have not heard differently since 2016 we are under the assumption that the proposed intent of the Developer and the request for zoning change is the same as well. As mentioned previously we are not against thoughtful development that does not negatively impact existing homeowners and is keeping with the character of the properties on East Street. The frontages as proposed in the 2016 proposal is not consistent within the character of the residences and properties on the street; and the zoning variance is not limited to a small change, and the Owner/Developer was aware of the existing zoning in effect at time of purchase.

Please note: We understand the need for social distancing during Covid19 but some of the homeowners that are directly impacted by this zoning change request meeting; do not have the technology and/or the ability to take part in the VIRTUAL MEETING and myself will not be able to take part in Virtual meeting. Due to this; we request that our opinions are voiced and that we each receive a response of any zoning change requests or proposed preliminary building plans.

Thank you

# 1313 BASELINE ROAD

## Zoning By-Law Amendment

Statutory Public Meeting

November 3<sup>rd</sup>, 2020

9:30am



# Subject Site





# Proposed Development



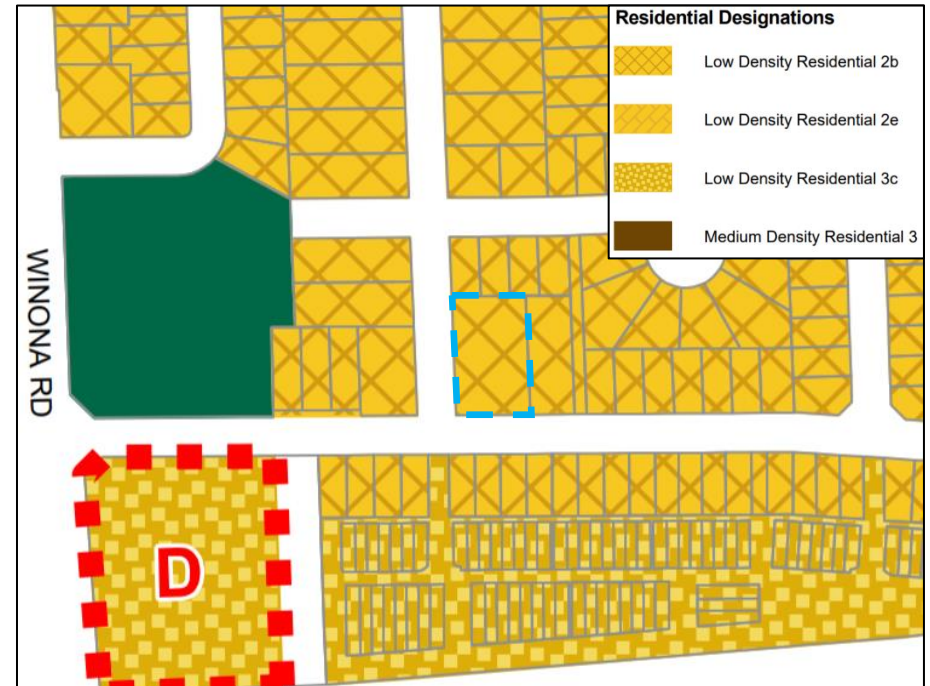
# Urban Lakeshore Secondary Plan

## Permitted Uses

- ✓ Single-detached
- ☐ Duplex dwellings

## Density

- ✓ 1 to 29 units per net hectare



# Proposed Rezoning

- Rezone the subject lands from the “R1” Zone to a site-specific “R3-44” Zone
  - Reduce min Corner Lot Area from 425m<sup>2</sup> to 390m<sup>2</sup>



# Conclusions

- ✓ Consistent with the policy direction outlined in the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019).
- ✓ Compliant with policies of the Urban Hamilton Official Plan, and the Urban Lakeshore Area Secondary Plan.
- ✓ Proposed development represents an efficient use of land, and will be compatible with the surrounding neighbourhood.
- ✓ Proposal represents a continuation of the established development pattern within the neighbourhood.
- ✓ Supports the creation of complete communities through compact development and contributing to greater availability of housing.

**Proposal represents good land use planning.**





QUESTIONS?



# Proposed Rezoning

Provision	R1 Zone <i>(current)</i>	R2 Zone	R3 Zone	R3-44 Zone
<b>Permitted Uses</b>	Single-detached	Single-detached	Single-detached	Single-detached
<b>Min Lot Area (interior)</b>	600 m <sup>2</sup>	460 m <sup>2</sup>	370 m <sup>2</sup>	370 m <sup>2</sup>
<b>Min Lot Area (corner)</b>	650 m <sup>2</sup>	505 m <sup>2</sup>	425 m <sup>2</sup>	<b>390 m<sup>2</sup></b>
<b>Min Lot Frontage (interior)</b>	18 m	15 m	12 m	12 m
<b>Min Lot Frontage (corner)</b>	19.5 m	16.5 m	13.75 m	13.75 m
<b>Min Front Yard</b>	6 m	6 m	6 m	6 m
<b>Min Side Yard</b>	1.25 m, except 1 m for an attached garage	1.25 m, except 1 m for an attached garage	1.25 m, except 1 m for an attached garage	1.25 m, except 1 m for an attached garage
<b>Min. Side Yard (flankage)</b>	3 m	3 m	3 m	3 m
<b>Min Rear Yard</b>	7.5 m	7.5 m	7.5 m	7.5 m
<b>Max Building Height</b>	11 m	11 m	11 m	11 m
<b>Max Lot Coverage</b>	40%	40%	40%	40%

# CITY OF HAMILTON

## NOTICE OF MOTION (Revised)

Planning Committee Date: November 3, 2020

**MOVED BY COUNCILLOR B. JOHNSON.....**

**SECONDED BY.....**

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

WHEREAS, Ecole Elementaire Michaelle Jean (2121 Hwy #56) falls under the jurisdiction of the Hamilton Wentworth District School Board,

WHEREAS, this public school has both a private water supply and private sanitary waste disposal,

WHEREAS, Ecole Elementaire Michaelle Jean (2121 Hwy #56) is located 600 meters (0.6 kilometers) outside the north urban boundary of the Binbrook Settlement Area and therefore does not qualify for municipal sewer and water connection,

WHEREAS, the property historically known as Wills Motors (2187 Hwy #56) has received Site Plan Approval for a large commercial expansion to provide a number of desirable services to the community in accordance with its existing zoning,

WHEREAS, 2187 Hwy #56 is also served by private water supply and sanitary waste disposal,

WHEREAS, 2187 Hwy #56 is located 300 meters (.3kilometers) outside the north urban boundary of the Binbrook Settlement Area and is located between the urban boundary and Ecole Elementaire Michaelle Jean, and therefore also does not qualify for municipal sewer and water connection,

WHEREAS, a precedent has been set with Oakrun Bakery, which is located outside the urban boundary and was permitted to connect to municipal services at their cost,

AND WHEREAS: a municipal sanitary sewer and municipal waterline currently run across the frontage of both properties and have adequate capacity to accommodate both properties:

NOW THEREFORE BE IT RESOLVED:

That 2121 Hwy 56 and 2187 Hwy 56, Binbrook, be permitted to connect to the City Municipal Sewer and Water at the property owner's cost, in a manner acceptable to the City of Hamilton.

# CITY OF HAMILTON

## NOTICE OF MOTION

Planning Committee Date: November 3, 2020

**MOVED BY COUNCILLOR B. JOHNSON.....**

**SECONDED BY.....**

### Site Plan Fees for Lapsed Applications

WHEREAS, the current Tariff of Fees for Planning and Engineering Development Applications provides for a Site Plan application fee for new applications, and application extensions, but does not provide for situations in which a Site Plan has lapsed;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to review the Tariff of Fees for Planning and Engineering Development Applications with respect to Site Plan applications, to introduce a new fee for the renewal of lapsed Site Plans, and report back to Planning Committee; and,
- (b) That until such time as staff has reported back and Council has provided direction with respect to a fee for renewal of lapsed Site Plans, that staff apply the Site Plan Extension fee of \$1,605.00 to any application that lapsed on or after May 1, 2020, based on the following:
  - (i) that the Site Plan lapsed for no more than 90 days and the Director of Planning and Chief Planner, or their designate, has determined that the applicant has been actively working towards obtaining Site Plan approval;
  - (ii) that where re-submissions of any supporting studies are required, these be charged the existing re-submission fee where applicable; and,
  - (iii) that for administrative purposes, a new Site Plan file be opened for the purpose of calculating Development Charges

# CITY OF HAMILTON

## NOTICE OF MOTION

Planning Committee

Date: November 3, 2020

**MOVED BY COUNCILLOR L. FERGUSON.....**

**SECONDED BY.....**

### **DEMOLITION PERMIT FOR 552 JERSEYVILLE ROAD WEST, ANCASTER**

WHEREAS, the owner has boarded up the vacant properties but continues to have untoward activity at the properties that are uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of these building as prescribed by the Property Standards By-law or maintain the properties on the Vacant Building Registry and demolition is appropriate; and,

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 552 Jerseyville Road West, Ancaster, Ontario, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.