



City of Hamilton

PLANNING COMMITTEE REVISED AGENDA

Meeting #: 20-014
Date: November 17, 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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12. GENERAL INFORMATION / OTHER BUSINESS

12.1. Outstanding Business List

- 12.1.a. Items to be Removed:
 - 15A Sherman Inlet MoU
(Item was tabled August 15, 2017 to allow for further consultation between staff and the Councillor, which resolved the issue)
 - 17C - Change to the Subdivision Plan for Vienna Orchard
(Committee direction was to review options to move the sidewalks and construction has been completed)
 - 18G - 8475 English Church Road - Zoning and OPA Amendments
(Addressed as Item 7.3 on this agenda)
 - 18M - Designation of 828 Sanatorium Road, Hamilton
(Addressed as Item 9.1 on this agenda)
 - 18O - Cartier Crescent Extension
(Staff confirmed issue has been resolved)

- 12.1.b. Items Requiring New Due Dates:
- 12A - Regulation of Rental Housing
Current Due Date: Q2 2021
Proposed New Due Date: March 23, 2021

 - 13A - C.I. Zoning By-law Amendment for 118 to 338 Mountain
Brow Blvd.
Current Due Date: July 7, 2020
Proposed New Due Date: July 6, 2021

 - 17B - Designation of the Gore District as a Heritage
Conservation District
Current Due Date: November 17, 2020
Proposed New Due Date: March 23, 2021

 - 18F - Hamilton Airshed Modelling System
Current Due Date: January 2021
Proposed New Due Date: February 2021

 - 19J - Zoning By-law Amendment for 1400 Baseline Road
Current Due Date: November 17, 2020
Proposed New Due Date: December 8, 2020

 - 19L - Year Round Live-Aboards at West Harbour Marinas
Current Due Date: October 20, 2020
Proposed New Due Date: December 7, 2021

 - 19Q - Application for Zoning By-law Amendment for Lands
Located at 116 and 120 Barnesdale Ave. North
Current Due Date: November 17, 2020
Proposed New Due Date: February 16, 2021

 - 19BB - Parking Fee Review
Current Due Date: November 17, 2020
Proposed New Due Date: March 23, 2021

 - 19FF - Support of Private Member's Bill to Reverse Pit Bull
Ban in Ontario
Current Due Date: December 8, 2020
Proposed New Due Date: June 1, 2021

 - 20A - Property Standards By-law - Rental Properties and
Apartments
Current Due Date: November 17, 2020
Proposed New Due Date: March 23, 2021

 - 20B - Review of Problems Associated with Increased Visitors

to Waterfalls

Current Due Date: December 8, 2020

Proposed New Due Date: April 6, 2021

20G - Second Dwelling Units - Options to Increase Housing
Supply in Hamilton's Existing Low Density Housing Stock

Current Due Date: TBD

Proposed New Due Date: Q1 2021

13. PRIVATE AND CONFIDENTIAL

14. ADJOURNMENT



PLANNING COMMITTEE

MINUTES

20-013

November 3, 2020

9:30 a.m.

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

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

**Absent With
Regrets:** Councillor M. Wilson - Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20182) (City Wide) (Item 6.1)**

(Pearson/Collins)

That Report PED20182 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

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

NOT PRESENT - 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. Hamilton Municipal Heritage Committee Report 20-006 (Added Item 6.2)**(Pearson/Partridge)****(a) Built Heritage Inventory Strategy Update (PED20133) (Item 9.1)**

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

(b) Inventory & Research Working Group - Recommendations on Various Properties (Item 10.1)

- (i) 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;
- (ii) 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.
- (iii) 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

(c) Bill 108, More Homes, More Choice Act, 2019 - Ontario Regulations and Ontario Heritage Act (PED19125(b)) (City Wide) (Added Item 10.2)

- (i) 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;
- (ii) 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,
- (iii) 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.

(d) Designation of 1389 Progreston Road, Carlisle (Flamborough), under Part IV of the Ontario Heritage Act (PED20125(a)) (Ward 15) (Added Item 10.3)

- (i) 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;
- (ii) 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;
- (iii) That the revised Notice of Intention to Designate, attached as Appendix "B" to Report PED20125(a), be approved;
- (iv) 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;
- (v) 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));
- (vi) 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);
- (vii) 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;
- (viii) 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,

- (ix) 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.

(e) 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.

(f) 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
 - **240-242 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.

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

NOT PRESENT - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 CONFLICT - 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. 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) (Item 7.1)

(Johnson/Collins)

- (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 DENIED.
- (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 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 DENIED.

Result: Main Motion, As Amended, CARRIED by a vote of 6 to 1, as follows:

NOT PRESENT - 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
 NO - Ward 10 Councillor Maria Pearson

4. Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) (Item 7.3)

(Pearson/Collins)

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

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

NOT PRESENT - 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. Site Plan Fees for Lapsed Applications (Added Item 11.2)

(Johnson/Partridge)

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.

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

NOT PRESENT - 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. Demolition Permit For 552 Jerseyville Road West, Ancaster (Added Item 11.3)

(Ferguson/Partridge)

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.

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

NOT PRESENT - 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 INFORMATION:**(a) APPROVAL OF AGENDA (Item 1)**

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

1. DELEGATION REQUESTIONS (Item 5)

- 5.1 John Ariens, IBI Group, respecting Designation of 1389 Progreston Road (Item 6.2)
- 5.2 Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.2)

2. CONSENT ITEMS (Item 6)

- 6.2 Hamilton Municipal Heritage Committee Report 20-006

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

- 7.2 Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek (PED20195) (Ward 5)
 - (a) Registered Delegations:
 - (i) Brad Ackles
 - (ii) Tyler Ackles
 - (b) Written Submissions:
 - (i) Brad Ackles
 - (ii) Miles Budnark
 - (iii) Denis and Kim Hamelin
 - (iv) David Reid
 - (v) Wendy Passmore

7.3 Applications for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10)

(a) Written Submissions:

(i) Yu Hua Yin

(ii) Jason Van Dongen

(b) Agent's Presentation

4. NOTICES OF MOTION (Item 11)

11.2 Site Plan Fees for Lapsed Applications

11.3 Demolition Permit for 552 Jerseyville Road West, Ancaster

(Collins/Pearson)

That the agenda for the November 3, 2020 meeting be approved, as amended.

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

NOT PRESENT - Ward 1 Councillor Maureen Wilson

YES - Ward 5 Councillor Chad Collins

YES - Ward 8 Councillor John-Paul Danko

YES - Ward 2 Councillor Jason Farr

YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Danko declared a conflict with Item 6.2, Item #5 Deferral of an Upcoming Report to the Hamilton Municipal Heritage Committee respecting the Ancaster High School Lands, and Item 11.1 Connection to Municipal Services for Ecole Elementaire Michaelle Jean School, 2121 Hwy 56, and Former Wills Motors Property, located at 2187 Hwy 56, Binbrook, as his spouse is employed by the Hamilton Wentworth District School Board.

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

(i) October 20, 2020 (Item 3.1)

(Pearson/Collins)

That the Minutes of the October 20, 2020 meeting be approved, as presented.

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

NOT PRESENT - 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

(d) DELEGATION REQUESTS (Item 5)

(i) Delegation Requests (Added Items 5.1 and 5.2)

(Partridge/Johnson)

That the following Delegation Requests be approved for today's meeting, to be heard before Item 6.2:

- (a) John Ariens, IBI Group, respecting Designation of 1389 Progreston Road (Item 6.2) (For today's meeting) (Added Item 5.1)
- (b) Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.2) (For today's meeting) (Added Item 5.2)

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

NOT PRESENT - 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

(e) PUBLIC HEARINGS / DELEGATIONS (Item 7)

(i) John Ariens, IBI Group, respecting Designation of 1389 Progreston Road (Item 6.2) (Added Item 7.4)

John Ariens, IBI Group, addressed the Committee respecting Designation of 1389 Progreston Road (Item 6.2).

(Partridge/Johnson)

That the Delegation from John Ariens, IBI Group, respecting Designation of 1389 Progreston Road (Item 6.2), be received.

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

NOT PRESENT - 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 2(d).

(ii) Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.2) (Added Item 7.5)

Jack Dennison addressed the Committee respecting Designation of 1389 Progreston Road (Item 6.2).

(Partridge/Johnson)

That the Delegation from Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.2), be received.

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

NOT PRESENT - 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 2(d).

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

Councillor Farr relinquished the Chair to Councillor Danko.

(i) **Hamilton Municipal Heritage Committee Report 20-006 (Added Item 6.2)**

(Farr/Partridge)

That Hamilton Municipal Heritage Committee Report 20-006, Item #6, Amendments to the Register Beasley Heritage Project Batch 1, sub-section (a) be **amended** to add the words "**240-242 James Street North**", as follows:

- (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
 - **240-242 James Street North**
 - 282 James Street North
 - 294-296 James Street North
 - 309 James Street North; and

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

NOT PRESENT - 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 2(f).

Councillor Farr assumed the Chair.

(g) PUBLIC HEARINGS / DELEGATIONS (Item 7) - Continued

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

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

(i) 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) (Item 7.1)

No members of the public were registered as Delegations.

Alaina Baldassara, Planner II, addressed the Committee with an overview of the application.

(Collins/Ferguson)

That the staff presentation be received.

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

NOT PRESENT - 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

Dave Pitblado, Agent, was in attendance and indicated support for the staff report.

(Johnson/Collins)

That the delegation from Dave Pitblado, Agent, be received.

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

NOT PRESENT - 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

(Johnson/Collins)

That the public meeting be closed.

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

NOT PRESENT - 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

(Johnson/Collins)

- (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 DENIED.
- (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 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 DENIED.

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

NOT PRESENT - 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) Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek (PED20195) (Ward 5) (Item 7.2)

Sean Stewart, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Collins/Pearson)

That the staff presentation be received.

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

NOT PRESENT - 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

Nick DeFilippis with Defilippis Design, was in attendance and indicated support for the staff report.

(Collins/Pearson)

That the delegation from Nick DeFilippis with DeFilippis Design, be received.

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

NOT PRESENT - 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

Registered Delegations:

- 7.2(a)(i) Brad Ackles addressed the Committee and expressed concerns with the proposal.
- 7.2(a)(ii) Tyler Ackles addressed the Committee and expressed concerns with the proposal.

(Collins/Pearson)

That the delegations be received.

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

NOT PRESENT - 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

(Collins/Johnson)

That the following written submissions, Item 7.2(b), be received:

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

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

NOT PRESENT - 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

(Collins/Partridge)

That the public meeting be closed.

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

NOT PRESENT - 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

(Collins/Johnson)

That Report PED20195 be DEFERRED to the December 8, 2020 Planning Committee meeting.

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

NOT PRESENT - 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

(Pearson/Collins)

That Nick DeFilippis, Agent, be permitted to address the Committee for a second time.

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

NOT PRESENT - 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

Nick DeFilippis, Agent, addressed the Committee regarding the applications.

(Collins/Pearson)

That the second delegation from Nick DeFilippis, Agent, be received.

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

NOT PRESENT - 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

(iii) Application for Zoning By-law Amendment for Lands Located at 1313 Baseline Road (Stoney Creek) (PED20181) (Ward 10) (Item 7.3)

No members of the public were registered as Delegations.

(Ferguson/Pearson)

That the staff presentation be waived.

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

NOT PRESENT - 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

Miles Weekes with AJ Clarke & Associates, was in attendance and indicated support for the staff report.

(Pearson/Partridge)

That the delegation from Miles Weekes with AJ Clarke & Associates be received.

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

NOT PRESENT - 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

(Pearson/Collins)

That the following written submissions, Item 7.3(a) be received:

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

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

NOT PRESENT - 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

(Pearson/Ferguson)

That the public meeting be closed.

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

NOT PRESENT - 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

(Pearson/Collins)

(a) 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.

(Pearson/Collins)

That the recommendations in Report PED20181 be ***amended*** by adding the following sub-section (b):

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

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

NOT PRESENT - 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 4.

(h) NOTICES OF MOTION (Item 11)

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

Councillor Johnson introduced the following REVISED Notice of Motion respecting Connection to Municipal Services for Ecole Elementaire Michaelle Jean School, 2121 Hwy 56, and Former Wills Motors Property, located at 2187 Hwy 56, Binbrook:

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.

(ii) Site Plan Fees for Lapsed Applications (Added Item 11.2)

(Johnson/Partridge)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Site Plan Fees for Lapsed Applications.

Result: Motion CARRIED by a 2/3's majority vote of 7 to 0, as follows:

NOT PRESENT - 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.

(iii) Demolition Permit for 552 Jerseyville Road West, Ancaster (Added Item 11.3)

(Ferguson/Partridge)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Demolition Permit for 552 Jerseyville Road West, Ancaster.

Result: Motion CARRIED by a 2/3's majority vote of 7 to 0, as follows:

NOT PRESENT - 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 6.

(i) 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 regarding the GRIDS Report being presented at the December 14th General Issues Committee meeting, and advised that the Second Dwelling Units consultation had been launched online on the City's website.

(Johnson/Pearson)

That the General Manager's Update, be received.

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

NOT PRESENT - 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

(j) ADJOURNMENT (Item 14)

(Collins/Partridge)

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

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

NOT PRESENT - 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

Councillor J. Farr
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator

Request to Speak to Committee of Council

Submitted on Thursday, November 12, 2020 - 1:12 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Jason Allen

Name of Organization: n/a

Contact Number:

Email Address:

Mailing Address:

Hamilton, ON

Reason(s) for delegation request: To request an amendment to the by-law variance application process (for the COA) to protect existing neighbouring homeowners when property line setbacks are reduced.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Request to Speak to Committee of Council

Submitted on Friday, November 13, 2020 - 12:54 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Matt Johnston, MCIP, RPP

Name of Organization: UrbanSolutions Planning & Land Development Consultants Inc.

Contact Number:

Email Address:

Mailing Address:

3 Studebaker Place, Unit 1
Hamilton, ON L8L 0C8

Reason(s) for delegation request: To address Committee with regards to Item 9.1 on the November 17, 2020 Planning Committee agenda on behalf of the owner, Valery (Chedoke Browlands) Developments Inc.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 17, 2020
SUBJECT/REPORT NO:	Adjustments to School Crossing Guard Locations (PED20192) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James Buffett (905) 546-2424 Ext. 3177
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns, and lunch program changes in Wards 1, 3, 4, 5, 6, 7, 9, 15 and “Spares” outlined as Appendix “A” attached to Report PED20192, be approved;
- (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board (HWDSB) and the Hamilton-Wentworth Catholic District School Board (HWCDSB) for the 2021/2022 school year.

EXECUTIVE SUMMARY

Staff undertakes an annual review of school crossing and potential school crossing locations to ensure the safe crossing of school-aged children on public highways. City Council has delegated authority to staff to assign temporary school crossing guards in emergency situations until such time as Council approvals can be obtained. In addition, in areas where schools were closed/opened or where boundaries or lunch programs have been adjusted, it was necessary to use staff’s delegated authority and to have new guards in place during the beginning of the 2020/2021 school year.

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

SUBJECT: Adjustments to School Crossing Guard Locations (PED20192) (City Wide) - Page 2 of 3

This review has identified the need to:

- Add five New Spare Guards to combat short-term absences;
- Add ten New Crossing Locations;
- Remove Lunch Crossing from five locations; and,
- Remove three Crossing Locations.

Staff monitored the locations contained in Appendix “A” attached to this Report during the last half of the 2019/2020 school year and the beginning of the 2020/2021 school year and consulted with all affected Ward Councillors prior to making the recommended changes under delegated authority. While staff is confident that the recommended changes are appropriate, on-going monitoring will continue.

ALTERNATIVES FOR CONSIDERATION – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial/Staffing: The recommended changes will result in an increase in 2.3 of crossing guard FTE’s and base increase to operating cost of \$76 K.

Legal: N/A

HISTORICAL BACKGROUND

Throughout the 2019/2020 school year and at the beginning of the 2020/2021 school year, a review of school crossing guard locations across the City was undertaken as a result of school closures/re-openings, walking patterns, boundary changes, and lunch program changes initiated by the HWDSB and the HWCDSB. In addition to these routine reviews, in collaboration with the HWCDSB, staff undertook the temporary implementation of guards at 23 locations due to major changes in the transportation service offerings. The purpose of these reviews was to assess the necessity of each of these potential new school crossing locations, taking into account, changes in child walking patterns and to ensure appropriately situated school crossing guards for the safe crossing of children on public highways.

Appendix “A” attached to this Report contains a detailed list of the proposed changes to school crossing guard locations in Wards 1, 3, 4, 5, 6, 7, 9, and 15 recommended for the 2020/2021 school year. Staff analysis, prior to the commencement of, and at the beginning of the 2020/2021 school year, confirms that the revised crossing guard locations adequately service the current child walking patterns. However, staff will continue to monitor during the 2020/2021 school year, in the event that any conditions change.

SUBJECT: Adjustments to School Crossing Guard Locations (PED20192) (City Wide) - Page 3 of 3

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Staff of the HWDSB and the HWCDSB, including various elementary school officials/stakeholders, as well as, each affected Ward Councillor.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Prior to a school crossing location being recommended, staff undertakes a comprehensive review, and in the event that unsafe crossing conditions exist, a school crossing guard may be assigned to a location to provide safe crossing opportunities for elementary school children. Conversely, in utilizing staff in the most effective and fiscally responsible manner, in the event that a comprehensive review determines a guard is no longer warranted, a location may be removed and the guard may be re-assigned to another location.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Healthy and Safe Communities**

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – 2020/2021 Adjustments to School Crossing Guard Locations

JB:cr

**Adjustments to School Crossing Locations
2020 - 2021 School Year**

WARD 1					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Through	1.65	Locke & Stanley	Removal	Constructions completed	Earl Kitchener, Ryerson, St. Joseph

WARD 3					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Through	1.65	Cannon St E & Smith Ave	Lunch Removed	Construction Completed	St. Patrick/Cathy Wever
All Way Stop	2.75	Maplewood & Sherman	Lunch Removed	0 Children Crossing	Adelaide Hoodless
All Way Stop	1.65	Victoria & Stinson	New Location	Request from Principal	Queen Victoria
Full Signal	2.75	Cannon St E & Lottridge	Lunch Removed	0 Children Crossing	Princess of Wales
Full Signal	1.65	Cannon E & Kenilworth Ave N	New Location	Transportation Removed	Holy Name of Jesus

WARD 4					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
APS	1.65	Bettina Ave & Lawrence	Removal	0 Children Crossing	St. Euges and Viscount Montgomery

WARD 5					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Mid Block	2.75	Quigley & TH&B Tracks	Lunch Removed	0 Children Crossing	Sir Wilfrid Laurier/E. Bagshaw
Full Signal	1.65	King St E & New Mountain Rd	New Location	Transportation Removed	St. Martin of Tours
Full Signal	1.65	Kenora Ave & Queenston Rd	New Location	Transportation Removed	St. David

WARD 6					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Full Signal	1.65	Upper Ottawa & Stone Church	New Location	Transportation Removed	St. Kateri Tekakwitha

WARD 7					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Full Signal	1.65	Fennell & Upper James	Removal	0 Children Crossing	St. Peter & Paul
Full Signal	1.65	Upper Wentworth & Mohawk Rd (West Leg)	New Location	Transportation Removed	Our Lady of Lourdes
Full Signal	1.65	Upper Wentworth & Mohawk Rd (South Leg)	New Location	Transportation Removed	Our Lady of Lourdes
Full Signal	1.65	Rymal & Upper Wentworth	New Location	Transportation Removed	St. John Paul II

WARD 9					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Through	2.75	Paramount Dr & Apex Court	Lunch Removed	0 Children Crossing	St. Pauls/Billy Green
Full Signal	1.65	Paramount Dr/Winterberry & Old Mudd	New Location	Transportation Removed	St. Paul

WARD 15					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Full Signal	1.65	Dundas St & Burke St	New Location	Transportation Removed	St. Thomas

CITY WIDE					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
SPARE GUARD	1.65	As needed	New Addition	Absence Coverage	As needed
SPARE GUARD	1.65	As needed	New Addition	Absence Coverage	As needed
SPARE GUARD	1.65	As needed	New Addition	Absence Coverage	As needed
SPARE GUARD	1.65	As needed	New Addition	Absence Coverage	As needed
SPARE GUARD	1.65	As needed	New Addition	Absence Coverage	As needed



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 17, 2020
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Known as 56 Highland Road West (Stoney Creek) (PED20187) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-021 by Metropolitan Consulting Inc. (c/o Peter De Iulio) on behalf of New Hamilton Development Corporation (Owner)**, to amend the West Mountain Area (Heritage Green) Secondary Plan to re-designate a portion of the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” to permit the development of a maximum of 46 block townhouse and maisonette dwellings with a density of 49 units per hectare, for the lands known as 56 Highland Road West, Stoney Creek, as shown on Appendix “A” to Report PED20187, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED20187, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

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

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Known as 56 Highland Road West (Stoney Creek) (PED20187) (Ward 9) – Page 2 of 33

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That **Amended Zoning By-Law Amendment Application ZAC-16-057 by Metropolitan Consulting Inc. (c/o Peter De Iulio) on behalf of New Hamilton Development Corporation (Owner)**, to rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-68(H)” Zone, Modified, Holding (Block 1), and from the Single Residential “R2” Zone to the Multiple Residential “RM3-68(H)” Zone, Modified, Holding (Block 2), under Zoning By-law No. 3692-92 (Stoney Creek), to permit the development of 20 maisonette dwelling units and 26 street townhouse dwelling units on a private road (condominium road) with access to Highland Road West, on the lands known as 56 Highland Road West, Stoney Creek, as shown on Appendix “A” to Report PED20187, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED20187, 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 Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:
- The Holding Provision for the Multiple Residential “RM3-68(H)” Zone, Modified, Holding, shall be removed conditional upon:
- i. The owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 30 dwelling units, to the satisfaction of the Senior Director, Growth Management;
- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That **Draft Plan of Subdivision Application 25T-201608 by Metropolitan Consulting Inc. (c/o Peter De Iulio) on behalf of New Hamilton Development**

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Known as 56 Highland Road West (Stoney Creek) (PED20187) (Ward 9) – Page 3 of 33

Corporation (Owner), to create two blocks within a registered M Plan in order to allow for a future Condominium development having private roads and freehold lots, on the lands known as 56 Highland Road West, Stoney Creek, as shown on Appendix “F” to Report PED20187, be **APPROVED**, subject to the following:

- (i) That this approval apply to the Draft Plan of Subdivision 25T-201608, prepared by Metropolitan Consulting Inc., and certified by B. A. Jacobs, O.L.S., dated January 24, 2020, consisting of one block for street townhouse and maisonette dwellings (Block ‘A’) and one block for road widening (Block ‘B’) for the development of a maximum of 26 street townhouse dwellings and 20 maisonette dwellings fronting common element condominium roads, subject to the Owner entering into a standard form subdivision agreement, as approved by City Council and with Special Conditions, attached as Appendix “G” to Report PED20187;
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision; and,
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council.
- (d) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-16-021 and Zoning By-law Amendment Application ZAC-16-057, the subject lands be re-designated from “Low Density Residential” to “Medium Density Residential” in the Felker Neighbourhood Plan.

EXECUTIVE SUMMARY

The applicant has applied for an Urban Hamilton Official Plan Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision to permit the development of 20 maisonette dwelling units and 26 street townhouse dwelling units on a private road (condominium road) with access to Highland Road West.

The purpose of the Official Plan Amendment application is to amend the West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan to re-designate a portion of the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c”.

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The Zoning By-law Amendment application is to rezone the subject lands from the Neighbourhood Development “ND” Zone and Single Residential “R2” Zone to the Multiple Residential “RM3-68(H)” Zone, Modified, Holding. A number of site specific modifications to the Multiple Residential “RM3” Zone are proposed to accommodate the proposed development, which are discussed in detail in Appendix “D” to Report PED20187. Staff are supportive of the majority of the proposed modifications with the exception of the reduced rear yard setback and minimum landscaped open space for maisonettes. A Holding ‘H’ Provision is recommended in order to ensure the existing sanitary sewer on Lormont Boulevard at Picardy Drive is adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 30 dwelling units.

The proposed Draft Plan of Subdivision will create a single block in order to allow for a part lot control application to implement a future common-element Condominium development having private roads and freehold lots. Approval would be subject to the owner entering into a Standard Form Subdivision Agreement with Special Conditions, as outlined in Appendix “G” to Report PED20187.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended), complies with the general intent and purpose of the Urban Hamilton Official Plan (UHOP), and will comply with and implement the policies of the West Mountain Area (Heritage Green) Secondary Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

The proposal represents good planning by, among other things, providing a compact and efficient urban form. The addition of 46 street townhouse and maisonette dwelling units is supportable, as they provide a built form that is compatible with existing development in the area and enhances the character of the neighbourhood through intensification. The subject site has adequate transportation systems available and existing servicing with sufficient capacity for the first phase of development, with provisions for additional planned capacity to be installed to complete the development. The development ensures efficient use of land and infrastructure and is recommended for approval.

Alternatives for Consideration – See Page 32

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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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 Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	The New Hamilton Development Corporation
Applicant:	Metropolitan Consulting Inc. (c/o Peter De Iulio)
Agent:	Midevco Commercial Realty Corp. (c/o John Paisley)
File Numbers:	UHOPA-16-021 ZAC-16-057 25T-201608
Type of Applications:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment Draft Plan of Subdivision
Proposal:	46 block townhouse and maisonette dwellings on a private road (condominium road) with visitor parking and landscaped areas (see Appendix "E" to Report PED20187).
Property Details	
Municipal Address:	56 Highland Road West, Stoney Creek (see Appendix "A" to Report PED20187)
Lot Area:	± 1.09 ha (Flag-shaped)
Servicing:	Full municipal services
Existing Use:	Vacant land

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Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	Designated “Neighbourhoods” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment to Volume 1 of the UHOP is proposed or required.
Secondary Plan Existing:	West Mountain Area (Heritage Green) Secondary Plan – “Low Density Residential 2b” and “Medium Density Residential 3c” on Map B.7.6-1.
Secondary Plan Proposed:	West Mountain Area (Heritage Green) Secondary Plan – redesignate the portion of the subject lands designated “Low Density Residential 2b” to “Low Density Residential 3c” (see Appendix “B” to Report PED20187).
Neighbourhood Plan:	Felker – Low Density Residential and Medium Density Residential
Zoning Existing:	Neighbourhood Development “ND” Zone and Single Residential “R2” Zone.
Zoning Proposed:	Multiple Residential “RM3-68(H)” Zone, Modified, Holding (see Appendix “C” to Report PED20187).
Modifications Proposed:	<ul style="list-style-type: none"> • Definitions of “Dwelling – Maisonette”, “Dwelling – Street Townhouse”, “Lot”, “Street” and “Highway”; • Dwelling units on a parcel of land; • Unitary equipment; • Minimum Lot Area and Frontage; • Minimum Front, Side, and Rear Yards: <ul style="list-style-type: none"> ○ The applicant requested 6.0 m minimum rear yards for street townhouses; however, staff require 7.5 m minimum rear yards to accommodate grading; • Minimum Distance Between Buildings on the Same Lot;

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	<ul style="list-style-type: none"> • Maximum Building Height; • Maximum Lot Coverage; • Minimum Privacy Area; • Minimum Landscaped Open Space: <ul style="list-style-type: none"> ○ The applicant requested the requirement not apply to maisonette units; however, staff require 10% of the lot area of each unit for landscaping and stormwater infiltration; and, • Minimum Number of Parking Spaces and Regulations for Parking. <p>(See Appendix “D” to Report PED20187)</p>
Processing Details	
Received:	August 31, 2016
Deemed Incomplete:	September 29, 2016
Deemed Complete:	March 27, 2017
Notice of Complete Application:	Sent to 127 property owners within 120 m of the subject lands on April 5, 2017.
Public Notice Sign:	Posted April 11, 2017 and updated with Public Meeting date October 21, 2020.
Notice of Public Meeting:	Sent to 147 property owners within 120 m of the subject lands on October 30, 2020.
Public Comments:	2 letters providing comments (see Appendix “H” to Report PED20187).
Public Consultation Strategy	Not applicable. The application was received prior to July 1, 2016, therefore the applicant was not subject to requirements to provide a Public Consultation Strategy.
Revised Concepts:	<ul style="list-style-type: none"> • June 26, 2018 • July 23, 2019
Processing Time:	1,331 days from original application deemed complete. 483 days from date of receipt of current revised proposal.

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Background

In 2016, the applicant submitted applications for the following:

- **Urban Hamilton Official Plan Amendment:** The purpose of the initial application was to redesignate a portion of the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” in order to permit townhouse dwellings at a density of 30 to 49 units per net residential hectare and to create a Site Specific Policy Area to allow triplex dwellings and semi detached dwellings to be permitted along with the development of street townhouses.
- **Zoning By-law Amendment:** The purpose of the initial application was to rezone the subject lands to the Single Residential “R2-46” Zone, to permit a single detached dwelling fronting on Highland Road West, and to a modified Multiple Residential “RM3” Zone for the remainder of the site to permit the development of 49 street townhouse dwelling units on a private road (condominium road), with access through the lands to the northwest formerly known as 198 First Road West (now 42 and 44 Talence Drive).

In June, 2018, a revised concept was submitted (see Appendix “E” to Report PED20187) for 20 maisonette dwelling units and 26 street townhouse dwelling units on a private road (condominium road), with access to Highland Road West now proposed.

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Neighbourhood Development “ND” Zone and Single Residential “R2” Zone
<u>Surrounding Land Uses:</u>		
North	Vacant	Neighbourhood Development “ND” Zone
South	Single Detached Dwellings	Single Residential “R2” Zone and Single Residential “R2-46” Zone, Modified
East	Commercial Uses	Arterial Commercial (C7, 327) Zone

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West	Street Townhouses, Vacant land, and Single Detached Dwellings	Residential Multiple “RM2-23” Zone, Modified, Multiple Residential “RM3-63-H” Zone, Modified, Holding, and Single Residential “R3-11” Zone, Modified
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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The application has been reviewed with respect to the Provincial Policy Statement (PPS 2020) policies that contribute to the development of healthy, liveable, and safe communities, as contained in Policy 1.1.1. In particular, the application is consistent with Policy 1.1.1. b), by accommodating a range and mix of residential uses to meet long term needs. In addition, the following policies, amongst others, apply to the proposal.

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development.
- 1.2.6.1 *Major facilities and sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.
- 2.6.2 *Development and site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.
- 3.1.7 ... *development and site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:
- a) *development and site alteration* is carried out in accordance with *floodproofing standards, protection works standards, and access standards*;
 - b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

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- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.”

Lands that could be unsafe for development and site alteration due to naturally occurring hazards, including unstable bedrock (karst topography) are deemed to be “hazard lands” in the PPS. Staff reviewed the Geotechnical Investigation dated January 15, 2017, prepared by Soil-Mat Engineers & Consultants Ltd submitted in support of the application. The study noted that the area of the site is known for the presence of karst features within the bedrock. An Addendum – Karst Considerations, dated December 5, 2018 was prepared to provide comments with respect to the potential for karst features along with recommendations if karst features are encountered during construction. The consultant noted that karst features have been encountered with residential development lands to the west. However, those features were typically minor in nature and the consultant was not aware of any major karst features that have been identified in previous studies of the area. It is anticipated that some excavations for the installation of services will extend into the bedrock. The karst assessment reports note that during the course of excavations, the bedrock condition should be monitored for evidence of the presence of karst features. It is not anticipated that the proposed townhouse foundations will encounter bedrock; however, it is recommended that the grading plan be reviewed in order to confirm the foundation elevations with respect to the bedrock elevation. These matters are being addressed through Condition No. 5 of Appendix “G” to Report PED20187.

The applicant requested Condition No. 5 of Appendix “G” to Report PED20187 be modified by changing it from ‘prior to preliminary grading’ to ‘prior to preliminary grading and/or servicing’, asserting that the above referenced Addendum notes karst features would only be discovered at the time of excavation for services. Development Engineering Approvals staff have reviewed this request and advised that the condition can only be either ‘prior to preliminary grading’ or ‘prior to servicing’, and as the matter is related to karst features, it is staff’s position that the condition remain as ‘prior to preliminary grading’ due to the presence of potential hazards. While the applicant does not agree with staff’s position, they have agreed to proceed with this Report to Planning Committee as presented.

Staff have reviewed the Environmental Noise Impact Study, dated February 2015, prepared by dBA Consulting. The aforementioned study reviewed the traffic noise impacts from Upper Centennial Parkway and Highland Road West. Staff concur with the recommendations of the study that no noise mitigation measures would be required for the proposed development.

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

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) Local knowledge associates areas with historic events/activities/occupations; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. A Stage 1-2 archaeological report (P018-0727-2014) has been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries and has received Ministry sign-off letters dated March 7, 2016. Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met.

Based on the foregoing, the proposal is consistent with Section 3 of the *Planning Act* and the PPS (2020).

The Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The policies of the Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any Planning decision.

The proposal conforms to the Guiding Principles, Section 1.2.1 of the Growth Plan for the Greater Golden Horseshoe (2019, as amended), as it provides for a range and mix of housing options to serve varying sizes, incomes, and ages of households. The subject lands constitute a greenfield development as the lands are within the urban boundary but not within the built-up area. The following policies, amongst others, apply to this proposal:

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

- c) development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise.

2.2.4.10 Lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.

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

The subject lands are located within a settlement area where it will provide for a complete community through a compact urban form that includes an additional housing type and form for the area, will be developed with full municipal services, is in close proximity to commercial uses and to a Major Arterial (Upper Centennial Parkway), and has access to transit.

Based on the foregoing, the proposal conforms with the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Neighbourhoods” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations, and shown outside of the Built Boundary on Appendix “G” – Boundaries Map. The subject lands are further designated “Low Density Residential 2b” and “Low Density Residential 3c” on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan. The following policies, amongst others, apply to the proposal.

Neighbourhoods Designation

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

The proposed townhouses and maisonette dwelling units are permitted uses in the Neighbourhoods designation. The policies of the Neighbourhoods designation seek to establish complete communities with a full range of residential types and densities. The

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proposed greenfield development contributes to the establishment of a full range of housing forms, types and densities in the area.

Residential Greenfield Design

- “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* 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.
- E.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
 - d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.

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- e) *Development* shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

- E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character.
- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.
- E.3.7.3 The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods.
- E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:
- a) minimize changes to existing topography;
 - b) preserve existing trees and natural features;”

The subject lands constitute a greenfield development as the lands are within the Urban Boundary but not part of the Provincial Designated Greenfield Area. The subject lands are located in a settlement area where full municipal services are available and will contribute to a complete community through a compact design that includes a diverse range and mix of housing types.

The subject site is located on a Collector road (Highland Road West), as well as in close proximity to a Major Arterial (Upper Centennial Parkway). The existing neighbourhood is comprised of single detached dwellings to the south, townhouses (under construction) along Picardy Drive and Saltfleet High School to the west, vacant land to the north that is proposed for townhouse dwellings and mixed use commercial and residential development, and commercial developments to the east.

The proposed 46 street townhouse and maisonette dwelling units will be of a size, density and scale that respects and is compatible with the existing and proposed scale of development in the area. At a proposed building height of three storeys (11 metres), the proposed development is appropriate with respect to the scale of the neighbouring

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buildings, which range in height from one storey to predominantly two and a half storeys, and massing that respects the existing street proportions and lot patterns. The subject proposal is appropriately designed and constitutes an evolving built form that is in harmony with the existing architectural massing and style of the area.

Visitor parking is proposed within the development and sufficient amenity area by way of private yards and landscaped areas are also proposed. The proposed development will provide landscaping and visual barriers that will buffer neighbouring properties, consistent with the amount of landscaping on other properties in the neighbourhood and eliminate potential privacy concerns for adjoining residents. The proposed development will have direct vehicular and pedestrian routes throughout the site connecting to the existing sidewalk along Upper Centennial Parkway and through the lands to the west connecting to Picardy Drive, establishing direct pedestrian routes to the existing transit services (see the Concept Plan attached as Appendix “E” to Report PED20187).

Based on the proposed 11 metre height of the dwellings, a sun shadow study is not required as no substantial impact is expected. The subject property is not in or adjacent to a Core Area or Environmentally Significant Area.

The preliminary grading plan in the Functional Servicing Report, prepared by Metropolitan Consulting Inc. and dated July 2019, shows a significant drop in grade along the north and east property lines. To facilitate the proposed development by ensuring each street townhouse unit is provided with a usable amenity area due to this significant change in grade and to match the existing topography of the surrounding lands, the applicant relies on permission from adjacent landowners to modify the grading of their lands. Grading along the north property line will be coordinated with the proposed development of those lands and written permission from the landowner to the east to regrade the adjacent lands has been granted. Grading and stormwater management matters are addressed through Condition No. 3 of Appendix “G” to Report PED20187.

Adequate servicing is available with sufficient capacity for 30 units currently, while the remaining 16 units will be serviced when the sanitary sewer is extended along Upper Centennial Parkway, at which time the ‘H’ Holding Provision applied to this site can be lifted. This matter is further addressed as Condition Nos. 1 and 2 of Appendix “G” to Report PED20187.

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Road Widening

- “C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:
- e) Collector roads, subject to the following policies:
 - ii) The basic maximum right-of-way widths for urban collector roads shall be ... 26.213 metres...;”

Highland Road is classified as a Collector with a future right-of-way width of 26.213 m specified in Schedule C-2 of the UHOP. A road widening of approximately 2.96 m to provide a right-of-way width of 13.106 m from the road centreline has been provided on the Draft Plan as Block ‘B’ and will be dedicated to the City (see Appendix “F” to Report PED20187), which has been secured through Condition No. 11 of Appendix “G” to Report PED20187.

Infrastructure and Servicing

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

The development proposes to increase the population density from the previously approved 110 people per hectare (ppha) to 160 ppha used for designing water and wastewater systems. Interim sewer capacity constraints exist downstream, and the development is required to be phased to limit a maximum of 30 dwelling units in the interim until additional capacity is available downstream. All services are to be constructed during the first phase. The constraints are expected to be relieved once the future connection to the trunk sanitary sewer along Upper Centennial Parkway is made via the Lormont Boulevard extension to the east. As a result, the Zoning By-law Amendment will be subject to a Holding Provision until the necessary upgrades are complete, which is further addressed through Condition Nos. 1 and 2 of Appendix “G” to Report PED20187.

Plan of Subdivision

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

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- b) the plan of subdivision implements the City's staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the *Planning Act*."

The proposed Draft Plan of Subdivision is to create a single block within a registered M Plan, in order to allow for the future Condominium development having private roads and freehold lots. The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available in phases while additional capacity comes onstream and becomes available, as discussed above. This proposal supports a healthy growing economy, provides housing opportunities, complies with the general intent of the UHOP, will not adversely impact upon the transportation system, respects the natural environment and will integrate well with the existing development in the area, being the Felker Neighbourhood area.

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

West Mountain Area (Heritage Green) Secondary Plan

The subject lands are designated "Low Density Residential 2b" and "Low Density Residential 3c" on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan. The proposed amendment is to re-designate the portion of the subject lands designated "Low Density Residential 2b" to "Low Density Residential 3c" in the Secondary Plan. The following policies, amongst others, apply to the proposal.

Residential Designations

"B.7.6.2.2 Notwithstanding Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to the lands designated Low Density

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Known as 56 Highland Road West (Stoney Creek) (PED20187) (Ward 9) – Page 18 of 33

Residential 2b and Low Density Residential 3c on Map B.7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan:

- a) Low Density Residential 2b designation:
 - i) the permitted uses shall include single detached dwellings, duplex and semi-detached dwellings; and,
 - ii) the density shall not exceed 29 units per net residential hectare.
- b) Low Density Residential 3c designation:
 - i) the permitted uses shall include townhouse dwellings and low rise apartments; and,
 - ii) the density shall be approximately 30 to 49 units per net residential hectare.”

A small portion of the site is designated “Low Density Residential 3c.” To provide a comprehensive development, an amendment to the West Mountain Area (Heritage Green) Secondary Plan is required to redesignate the lands from the “Low Density Residential 2b” designation to the “Low Density Residential 3c” designation in order to facilitate the proposed development. As the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding greenfield development and built form, the proposed re-designation can be supported. The Urban Hamilton Official Plan (UHOP) Amendment is discussed in greater detail in the Analysis and Rationale for Recommendation section of this Report.

Felker Neighbourhood Plan

The subject property is designated “Low Density Residential” and “Medium Density Residential” in the Felker Neighbourhood Plan. The “Low Density Residential” designation does not permit street townhouses and maisonettes. The Felker Neighbourhood Plan shows a roadway connection from the lands to the west and north through the subject property. A 6.0 m wide condominium roadway connects the lands to the west through 15 Picardy Drive, providing pedestrian and vehicular connectivity to Picardy Drive to maintain the circulation pattern of the Neighbourhood Plan. This connection is being secured through Condition No. 4 of Appendix “G” to Report PED20187.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Known as 56 Highland Road West (Stoney Creek) (PED20187) (Ward 9) – Page 19 of 33

An amendment to the Felker Neighbourhood Plan is required to change the designation from “Low Density Residential” to “Medium Density Residential”. The proposed amendment can be supported given the following:

1. the proposed multiple residential development will expand the variety of housing types and range of residential densities while maintaining the character of the neighbourhood; and,
2. that the development will comply with the general intent of the Urban Hamilton Official Plan including greenfield development policies.

Stoney Creek Zoning Bylaw No. 3692-92

In order to permit the proposed development, the proposed Zoning By-law Amendment application is to rezone the subject property from the Neighbourhood Development “ND” Zone (Block 1) and the Single Residential “R2” Zone (Block 2) to the Multiple Residential “RM3-68(H)” Zone, Modified, Holding. The proposed zoning is discussed in the Analysis and Rationale for Recommendation section of this Report, and an evaluation of the proposed modifications to the “RM3” Zone is included in Appendix “D” to Report PED20187. The ‘H’ Holding Provision is for servicing related matters as discussed above.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • Construction, Strategic Planning Division, Public Works Department; and, • Hydro One Networks Inc. 		No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<u>Joint Servicing and Easement</u> <ul style="list-style-type: none"> • There is an existing watermain on Highland Road West. • A second water connection, a sanitary sewer connection, and a storm sewer connection is proposed through 15 	<ul style="list-style-type: none"> • A watermain analysis will be required as part of the Site Plan submission. • A Joint Servicing Agreement to provide easements and the installation of private sewer and water connections and

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	<p>Picardy Drive. The Owner will be required to enter into a Joint Service Agreement with the Owner of 15 Picardy Drive.</p> <ul style="list-style-type: none"> The applicant will be required to demonstrate that an adequate access and servicing easement has been obtained through 15 Picardy Drive in favor of 56 Highland Road West. 	<p>a second road access is being addressed as Condition No. 4 of Appendix “G” to Report PED20187.</p>
	<p><u>Sanitary Servicing</u></p> <ul style="list-style-type: none"> The site is proposed to be serviced via 15 Picardy Drive. The required joint servicing is discussed above. The development proposes to increase the population density from the previously approved 110 people per hectare (ppha) to 160 ppha. Interim sewer capacity constraints exist downstream, and the development is required to be phased to limit a maximum of 30 dwelling units in the interim until additional capacity is available downstream. All services are to be constructed during the first phase. The constraints are expected to be relieved once the future connection to the trunk sanitary sewer along Upper Centennial 	<ul style="list-style-type: none"> The phasing plan and cost sharing agreement for downstream sanitary improvements along Upper Centennial Parkway are being addressed as Condition Nos. 1 and 2 of Appendix “G” to Report PED20187. The lands are also subject to a Holding Provision that shall not be lifted until the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 30 dwelling units, which is secured in the implementing Zoning By-law attached as Appendix “C” to Report PED20187.

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	<p>Parkway is made via the Lormont Boulevard extension to the east.</p> <p><u>Storm Servicing and Grading</u></p> <ul style="list-style-type: none"> • The site is proposed to be serviced via 15 Picardy Drive. The required joint servicing is discussed above. Storm drainage for the subject site has been accounted for and on-site quantity and quality controls will be required. • The proposed design shall ensure that an adequate emergency overland flow route has been established to direct the flows either to Highland Road West or Picardy Drive via 15 Picardy Drive. • Grading of the side yard of unit 13 and rear yards of units 34 to 46 relies on permission from adjacent landowners to modify the grading of their lands, which has been granted. • A proposed rear yard catch basin would not work based on existing grades and proposed downstream manhole inverts and storm sewer slope. The applicant shall demonstrate how drainage from existing properties will be accommodated and not be blocked. 	<ul style="list-style-type: none"> • These, amongst other detailed design matters, are being addressed as Condition No. 3 of Appendix “G” to Report PED20187. It is recommended that the rear yard catch basin issue be coordinated with 15 Picardy Drive to investigate whether a lower storm invert at the proposed connection point could be lowered.
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	<p><u>Source Water Protection</u></p> <ul style="list-style-type: none"> • Commenting on karst aspects of the geotechnical investigation addendum, prepared by Soil-Mat Engineers & Consultants Ltd. dated December 5, 2018, are deferred to the Hamilton Conservation Authority. • As the development is on the edge of the urban boundary and a number of nearby properties rely on private water and sewage servicing, a water well survey will be required if dewatering is necessary. 	<ul style="list-style-type: none"> • Karst considerations are being addressed as Condition No. 5 of Appendix “G” to Report PED20187. • Dewatering matters will be addressed at the review of the engineering submissions and future Site Plan Control stage.
	<p><u>General</u></p> <ul style="list-style-type: none"> • The Owner is responsible for reconstruction of the sidewalk to current standard for the entire Highland Road West frontage, for all restoration of existing curb, sidewalk, utility relocations, and boulevard areas on Highland Road West. • In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision. • A dust management plan and a pest control plan will be required to address and 	<ul style="list-style-type: none"> • Sidewalk reconstruction and restoration will be addressed at the future Site Plan Control stage. • A dust management plan and a pest control plan are being addressed as Condition Nos. 6 and 7 of Appendix “G” to Report PED20187.

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	mitigate the impacts of development.	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • There are no municipal tree assets on site, therefore a Tree Management Plan will not be required. • A Landscape Plan, prepared and signed by a certified Landscape Architect, is required. 	<ul style="list-style-type: none"> • A Landscape Plan must be submitted for review by the Forestry & Horticulture Section, which is addressed as Condition 2.8 of the City's Standard Conditions of Subdivision Approval. The condition of Street Tree Planting will be cleared upon receipt of a plan depicting new trees and a cash payment.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Requested that a note be included in the draft plan conditions indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted. 	<ul style="list-style-type: none"> • Approval limitation has been added as Note No. 1 in the condition of Draft Plan of Subdivision approval (see Appendix "G" to Report PED20187).
Hamilton Conservation Authority	<ul style="list-style-type: none"> • Notes the revised Development Concept Plan, prepared by Metropolitan Consulting Inc. dated June 27, 2018, illustrates changes to the interior road pattern, parking layout and the access points to the site, with Lane A now providing direct access from Highland Road through an area previously identified as future residential unit 47. • Reviewed the revised Functional Servicing Report, prepared by Metropolitan 	<ul style="list-style-type: none"> • Stormwater management and related engineering drawing requirements are being addressed as Condition Nos. 8 - 10 of Appendix "G" to Report PED20187. • If karst features are found on the site, a qualified karst specialist will need to investigate for potential karst hazards and HCA staff will need to be notified and the procedures will need to be discussed, including the requirement for a HCA

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	<p>Consulting Inc. dated July 2019, and note that it does not acknowledge their previous recommendation that on-site stormwater infiltration measures be implemented on site to reduce the loading on the downstream quality control system based on the 60% imperviousness.</p> <ul style="list-style-type: none"> • Regarding the potential for karst features within the subject property, the report by Soil-Mat has acknowledged that karst features have been found on lands located to the west and has identified that close-out procedures would need to be followed in the event that karst features were encountered during the excavation activities associated with the installation of the sanitary and storm sewers and manhole structures that will extent into the bedrock. HCA advises that hazardous lands associated with karst features are regulated by HCA pursuant to O. Reg. 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the <i>Conservation Authorities Act, R.S.O. 1990.</i> 	<p>Permit. This is being addressed as Condition No. 5 of Appendix "G" to Report PED20187.</p>
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Landscape Architectural Services, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> Requested cash-in-lieu of parkland dedication. 	<ul style="list-style-type: none"> Cash-in-lieu of parkland will be addressed through the standard form Subdivision Agreement and will be required to be paid prior to the issuance of any building permits.
Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department	<ul style="list-style-type: none"> Advises that any stormwater management facility should be designed, constructed, or modified and maintained to control mosquitos in accordance with the City's Standing Water By-law No. 03-173. Requested a Pest Control Plan and Dust Management Plan during the construction / development phase of the project. 	<ul style="list-style-type: none"> These requirements are being addressed as Condition Nos. 6 and 7 of Appendix "G" to Report PED20187.
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> This development is eligible for municipal waste collection service subject to meeting the City's requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City's waste collection requirements. 	<ul style="list-style-type: none"> This requirement is being addressed as Note No. 2 on the conditions of Draft Plan of Condominium approval (See Appendix "G" to Report PED20187) and will be addressed at the future Site Plan Control stage.
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department	<ul style="list-style-type: none"> Advised that bus Routes #43 Stone Church (west and south of intersection of Highland Road West, Picardy Drive and Highbury Drive to the west of the 	<ul style="list-style-type: none"> The proposed development will have pedestrian routes throughout the site connecting to the existing sidewalk along Upper Centennial Parkway and

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	<p>subject lands) & #44 Rymal (north-south along Upper Centennial Parkway to the east) operate in the area with no planned changes in service.</p> <ul style="list-style-type: none"> • To provide transit supportive communities, pedestrian entrances and direct, short walking distances between buildings and transit service are preferred. • Pedestrian amenities such as lighted walkways encourages reuse and intensification of sites immediately adjacent to transit routes. 	<p>through the lands to the west connecting to Picardy Drive, establishing direct pedestrian routes to the existing transit services. These pedestrian connections will be implemented through the Site Plan Control stage.</p>
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • The Applicant has successfully demonstrated that the transportation impacts associated with this development can be accommodated by the existing transportation network and the Traffic Impact Study is approved. • Interconnections and joint access, individual lot driveway locations, and site circulation are successfully demonstrated. • Approximately 3.0 metres are to be dedicated to the right-of-way on Highland Road West. • Will accept 3.0 metre by 3.0 metre visibility triangles for each driveway access. 	<ul style="list-style-type: none"> • Right-of-way dedication is being addressed as Condition No. 11 of Appendix “G” to Report PED20187. • Sidewalks have been proposed on site (see the Concept Plan attached as Appendix “E” to Report PED20187). The provision of sidewalks and visibility triangles will be addressed at the future Site Plan Control stage.

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	<ul style="list-style-type: none"> In order to protect the existing and future pedestrian realm, cycling infrastructure and road network, a 1.5 metre wide sidewalk connection with a minimum 1.5 metre clear width to Highland Road West and the driveway access to Highland Road West is to be redesigned with tighter curb radii and concrete curbing ending behind the municipal sidewalk are required. 	
Alectra Utilities Corporation	<ul style="list-style-type: none"> Advised that the Developer needs to contact their Engineering Design Department to facilitate development. The developer shall be responsible for the cost of installation, relocation, modification, or removal of hydro facilities. In order to prepare a design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. 	<ul style="list-style-type: none"> This requirement is being addressed as Condition No. 12 of Appendix “G” to Report PED20187.
Canada Post	<ul style="list-style-type: none"> Owners are required to notify purchasers of Centralized Mailbox locations. Provided requirements for the Centralized Mailbox locations. 	<ul style="list-style-type: none"> These requirements are being addressed as Condition Nos. 13 - 15 of Appendix “G” to Report PED20187.

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Canadian Radio & Telecommunication Commission (CRTC) and Bell Canada	<ul style="list-style-type: none"> Have not provided comments at the time of writing this report. 	<ul style="list-style-type: none"> Condition Nos. 16 and 17 of Appendix “G” to Report PED20187 represent standard conditions from CRTC and Bell Canada.
Public Consultation		
	Comment	Staff Response
Stormwater Management, Grading, Elevation, and Drainage	<ul style="list-style-type: none"> Concern that development will impact drainage onto, and that the grade elevation of the subject lands will impact microclimate, business exposure, and servicing of, 151 Upper Centennial Parkway. Where will stormwater be directed to, and if it is draining to stormwater management facilities at 1-43 Bayonne Drive and 1-44 Talence Drive, a proportionate share of construction and maintenance costs is requested. 	<ul style="list-style-type: none"> Storm sewers are proposed via 15 Picardy Drive, and overland flow is to be directed either to Highland Road West or Picardy Drive via 15 Picardy Drive. The detailed grading and design of the site shall ensure there are no negative impacts on adjacent properties. Stormwater matters are addressed as Condition No. 3 of Appendix “G” to Report PED20187, and detailed grading will be addressed at the future Site Plan Control stage.
Open Space “OS” Zone	<ul style="list-style-type: none"> An “OS” Zone is shown at the rear section of 151 Upper Centennial Parkway. What is the intended use of this land, and why is it encroaching onto this property? 	<ul style="list-style-type: none"> At the time of the application, the rear yards of 135-157 Upper Centennial Parkway were zoned Open Space “OS” Zone in Stoney Creek Zoning By-law No. 3692-92. The entirety of 135 and 151 Upper Centennial Parkway are now zoned Arterial Commercial (C7, 327) Zone, approved by By-law 17-240, a City Initiative to

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		add commercial and mixed use zones into the Hamilton Zoning By-law No. 05-200.
Northwest Road Connection	<ul style="list-style-type: none"> In the original submission, a road connection was proposed through “Block 25” (now 42 and 44 Talence Drive). This connection no longer exists and has been replaced by serviced townhouse units. The proposal needs to be revised accordingly. 	<ul style="list-style-type: none"> As shown on the Concept Plan attached as Appendix “E” to Report PED20187, the development concept has been revised to coordinate a proposed road connection through 15 Picardy Drive which is secured through Condition No. 4 of Appendix “G” to Report PED20187.

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 127 property owners within 120 m of the subject lands on April 5, 2017.

A Public Notice Sign was posted on the property on April 11, 2017, and updated on October 21, 2020, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on October 30, 2020.

As this application was prepared prior to July 1, 2016, the applicant was not subject to requirements under the *Planning Act* to prepare and implement a Public Consultation Strategy as part of their application.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the Low Density Residential policies as

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they relate to residential greenfield development and complete communities in the Neighbourhoods designation;

- iii) It will comply with and implement the policies of the West Mountain Area (Heritage Green) Secondary Plan upon approval of the proposed Urban Hamilton Official Plan Amendment; and,
- iv) The proposed 46 street townhouse and maisonette dwelling units are supportable, as they provide a built form that is compatible with the character of the area and the proposed development represents good planning by, among other things, providing a compact and efficient urban form.

2. West Mountain Area (Heritage Green) Secondary Plan Amendment

The proposed Urban Hamilton Official Plan (UHOP) Amendment is required to amend the West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan to permit the development of 46 block townhouse and maisonette Dwellings.

As per the UHOP policies identified above, the proposed re-designation can be supported as the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding greenfield development, respects the scale of the neighbourhood, is consistent with the higher densities contemplated in current Provincial policies, is in an area where full municipal services are available, which ensure the efficient use of land and infrastructure, and is a compatible residential development that contributes to a complete community. The proposed re-designation will result in a consistent designation and permitted dwelling forms across the lands. Therefore, staff support the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The proposed Zoning By-law Amendment is to change the zoning from the Neighbourhood Development “ND” Zone and Single Residential “R2” Zone to the Multiple Residential “RM3-68(H)” Zone, Modified, Holding, to permit the development of 20 maisonette dwelling units and 26 street townhouse dwelling units on a private road (condominium road) with access to Highland Road West. Given that:

- The proposed development complies with the general intent of the Urban Hamilton Official Plan and will comply with the West Mountain Area

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(Heritage Green) Secondary Plan upon approval of the proposed Urban Hamilton Official Plan Amendment;

- Will provide a built form that is compatible with existing development in the area and respects and enhances the character of the neighbourhood;
- Has adequate transportation systems available and existing servicing with capacity sufficient for the first phase of development; and,
- Will have adequate servicing for the complete development once the additional planned capacity is installed, ensuring efficient use of land and infrastructure;

staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the Multiple Residential “RM3” Zone which are discussed in Appendix “D” to Report PED20187. Staff are supportive of the majority of the proposed modifications with the exception of the reduced rear yard setback and minimum landscaped open space for maisonettes, which is discussed further in Appendix “D” to Report PED20187.

4. An Holding ‘H’ Provision is recommended in order to limit a maximum of 30 dwelling units in the interim until additional sanitary sewer capacity is available downstream. The constraints are expected to be relieved once the future connection to the trunk sanitary sewer along Upper Centennial Parkway is made via the Lormont Boulevard extension to the east.
5. Draft Plan of Subdivision

The proposed Draft Plan of Subdivision will consist of one block for street townhouse and maisonette dwellings (Block ‘A’) and one block for road widening (Block ‘B’) for the development of a maximum of 26 street townhouse dwellings and 20 maisonette dwellings fronting common element condominium roads.

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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- (b) Through the phasing of development within the West Mountain Area (Heritage Green) Secondary Plan, the proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (e) The proposed subdivision consists of a single development block for the purposes of a future common element condominium for street townhouse and maisonette dwellings, which will be appropriately zoned, and will be compatible with the existing road network and block pattern of the surrounding neighbourhood;
- (f) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
- (g) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement; and,
- (h) The application will not have any negative impact on the City's finances.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could be developed in accordance with the Neighbourhood Development "ND" Zone, which permits limited agricultural type uses; and, the Single Residential "R2" Zone, which permits single detached dwellings and uses accessory thereto.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

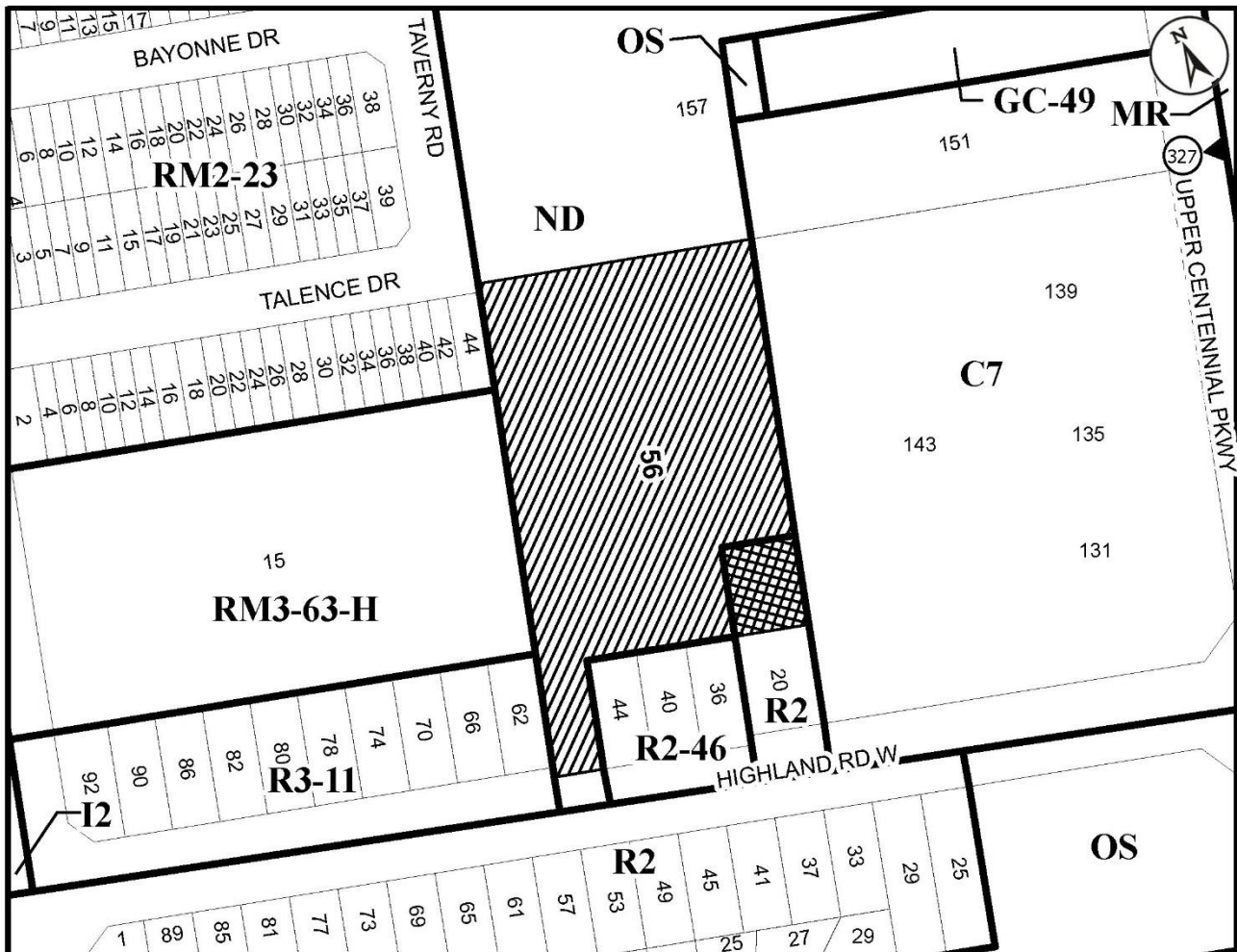
Our People and Performance

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

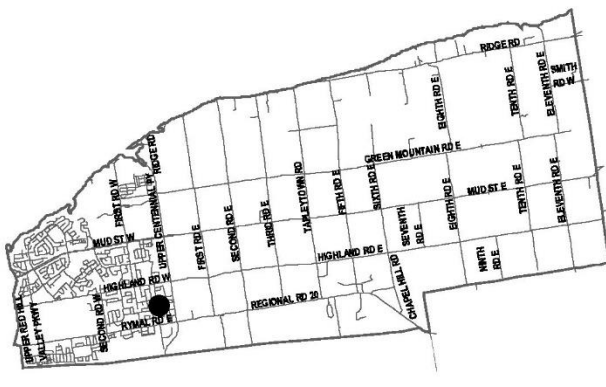
APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – Draft Official Plan Amendment
- Appendix “C” – Draft Zoning By-law Amendment
- Appendix “D” – Zoning Modification Chart
- Appendix “E” – Concept Plan
- Appendix “F” – Draft Plan of Subdivision
- Appendix “G” – Draft Plan of Subdivision Special Conditions
- Appendix “H” – Public Submissions

TV:mo



● Site Location



Key Map - Ward 9

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-16-057 / UHOPA-16-021 / 25T-201608

Date:
October 8, 2020


Appendix "A"


Scale:
N.T.S

Planner/Technician:
TV/VS

Subject Property

56 Highland Road West

 Block 1 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-68(H)" Zone, Modified, Holding

 Block 2 - Change in Zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-68(H)" Zone, Modified, Holding

Schedule "1"

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

The following text, together with Appendix "A" – Volume 2: Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan to permit the development of forty-six (46) Block Townhouse and Maisonette Dwellings on the subject lands.

2.0 Location:

The lands affected by this Amendment are known municipally as 56 Highland Road West, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development will be compatible and complementary with the existing and planned development in the immediate area.
- Adequate servicing and transportation capacity is available for the proposed uses.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Maps

4.1.1 Map

- a. That Volume 2: Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan be amended by redesignating lands from "Low Density Residential 2b" to "Low Density Residential 3c", as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

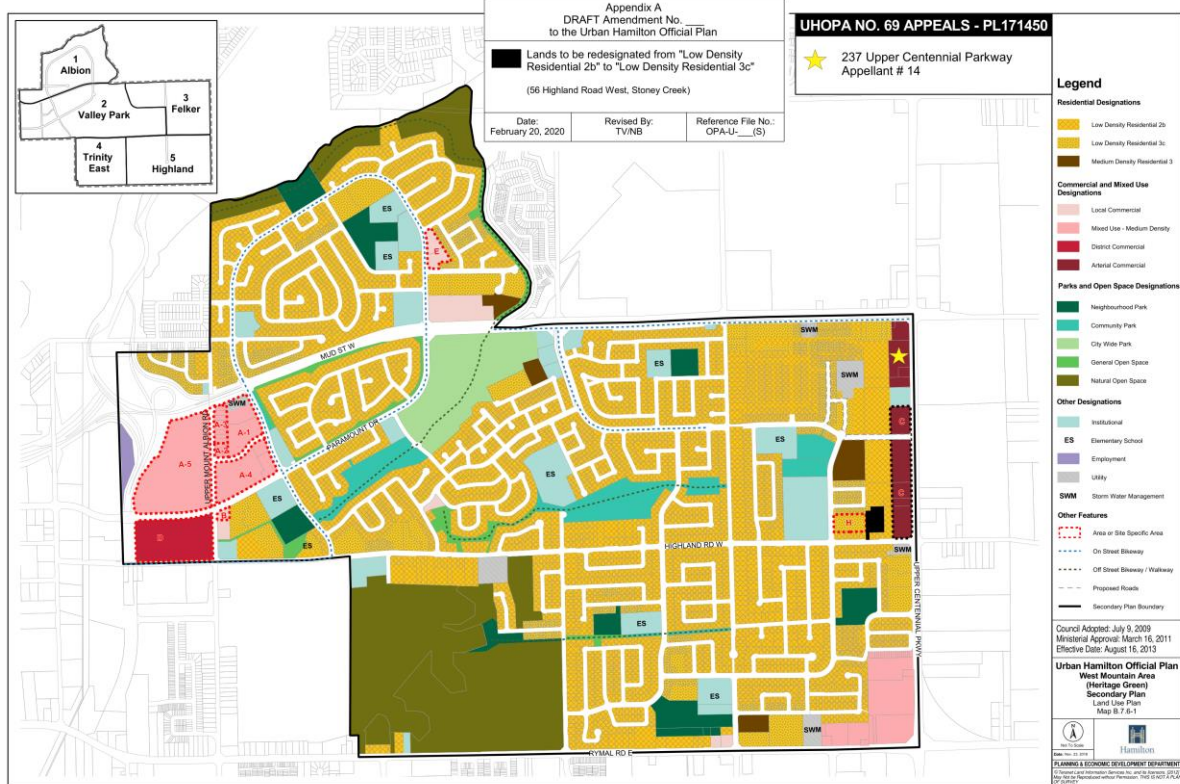
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of __, 2020.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK



Authority: Item _____, Planning Committee
Report PED20187
CM:
Ward: 9

Bill No.

CITY OF HAMILTON

BY-LAW NO. 20-_____

To Amend Zoning By-law No. 3692-92, Respecting Lands Located at 56 Highland Road West, Stoney Creek

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item X of Report 20XXX of the Planning Committee at its meeting held on the ____ day of ____, 2020, which recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided; and,

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

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

1. That Map No. 16 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended is as follows:
 - a. by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-68(H)" Zone, Modified, Holding (Block 1); and,
 - b. by changing the zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-68(H)" Zone, Modified, Holding (Block 2);

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "RM3-68(H)", as follows:

"RM3-68(H)" 56 Highland Road West, Schedule "A" Map No. 16

Notwithstanding the definition of "Dwelling – Maisonette" of Part 2 – Definitions, a "Dwelling – Maisonette" means back-to-back street townhouse dwellings or back-to-back townhouse dwellings containing not more than ten dwelling units within a building which may front on either a public street, a private common element condominium road or both.

Notwithstanding the definition of "Dwelling – Street Townhouse" of Part 2 – Definitions, a "Dwelling – Street Townhouse" means a building containing not less than three and not more than ten dwelling units where each unit is located on a separate lot with frontage on a public street, a private common element condominium road or both and is separated from each adjoining unit by a common or party wall or walls above grade for a minimum height of one storey above grade. Such common or party wall may enclose a heated or unheated part of the dwelling unit or private garage or a combination thereof.

Notwithstanding the definition of "Dwelling – Townhouse" of Part 2 – Definitions, a "Dwelling – Townhouse" means a building containing not less than three and not more than ten dwelling units with each unit separated by a common or party wall or walls, with a separate outside entrance to each unit and which may front on either a public street, a private common element condominium road or both.

Notwithstanding the definition of "Lot", "Street" and "Highway" of "Part 2 – Definitions" and Section 4.6, for the purposes of this By-law, a private common element condominium road shall be deemed a street and that landscaping and visitor parking for the dwelling units fronting onto the private common element condominium road are permitted within the private common element condominium road.

In addition to the provisions/regulations of this By-law, prior to the registration of a plan of subdivision, individual property boundaries of dwelling units created by registration of a condominium plan or created by Part Lot Control, 20 maisonette dwelling units and 26 street townhouse dwelling units, shall be permitted on one parcel of land.

Notwithstanding Subsections 4.16.1 (a) and (b), mechanical and unitary equipment may be located within a required front yard, provided such equipment

shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.5 metres from a side lot line and is screened from the street by an enclosure or landscaping; and, within a required side yard or required rear yard provided such equipment has a minimum setback of 0.5 metres from the side lot line or rear lot line.

Notwithstanding Subsection 6.10.3, or any other regulation of this by-law to the contrary, the following regulations shall apply to street townhouses and maisonettes where each dwelling unit is on a separate lot:

(a) Minimum Lot Area

Interior Unit:	150 square metres for street townhouse and 80 square metres for maisonette.
End Unit:	175 square metres for street townhouse and 95 square metres for maisonette.
Corner Unit:	200 square metres for street townhouse and 110 square metres for maisonette.

(b) Minimum Lot Frontage

Interior Unit:	6 metres
End Unit:	7.2 metres
Corner Unit:	7.5 metres

(c) Minimum Front Yard 4.5 metres except 6.0 metres to a garage.

(d) Minimum Side Yard

(i) Interior Unit: 0 metres

(ii) End Unit:

Street Townhouses: 1.2 metres, except:

1. 0.0 metres for the side yard related to the common side lot line;
 2. 2.33 metres for the street townhouse unit from the east side lot line adjacent to the lands known as 135 Upper Centennial Parkway; and,
 3. 2.95 metres for the street townhouse unit from the south side lot line adjacent to the lands known as 20 and 36 Highland Road West.
- Maisonettes: 1.5 metres, except 0.0 metres for the side yard related to the common side lot line.
- (iii) Corner Unit: 1.5 metres, except 0.0 metres for the side yard related to the common side lot line.
- (f) Minimum Rear Yard 7.5 metres for street townhouses and 0.0 metres for maisonettes.
- (h) Minimum Distance Between Buildings on the Same Lot Shall not apply.
- (i) Maximum Density Shall not apply.
- (j) Maximum Building Height 3 Storeys and 11 metres.
- (k) Maximum Lot Coverage Shall not apply.
- (l) Minimum Privacy Area 36 square metres for each street townhouse unit and 4.0 square metres for each maisonette unit which may include porches, decks, balconies and verandahs.
- (m) Minimum Landscaped Open Space
1. 30 percent of the lot area for each street townhouse unit and 10 percent of the lot area for each maisonette unit.

2. A minimum 1.5 metre wide landscaped strip shall be provided between the lot line abutting another Residential Zone and a private street, except where there are private streets, driveways or sidewalks.
3. A minimum 1.8 metre high solid fence shall be provided along the lot lines abutting another Residential Zone, except where there are private streets, driveways or sidewalks.

Notwithstanding Subsections 6.1.8 (c) and 6.10.5 (a) and (d), the following regulations shall apply:

- | | |
|---|--|
| a) Minimum Number of Parking Spaces | 2 parking spaces and 0.4 visitor parking spaces per dwelling unit. Tandem parking is permitted for non-visitor parking spaces. |
| d) No parking space shall be provided closer than 1.5 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot. | |

Subsections 4.13.1, 6.1.12, and 6.10.4 shall not apply.

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "RM3-68(H)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "RM3-68" Zone provisions, upon completion of the following:

- (a) The owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for

development greater than 30 dwelling units, to the satisfaction of the Senior Director, Growth Management.

- (b) City Council may remove the 'H' symbol and thereby give effect to the "RM3-68" (Multiple Residential) Zone, as amended by the special requirements of this By-law, by enactment of an amending By-law once the above condition has been fulfilled.

- 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 "RM3" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.

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

PASSED and ENACTED this __ day of __, 2020.

Fred Eisenberger
Mayor

A. Holland
City Clerk

ZAC-16-057





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
56 Highland Road West

-  Block 1 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-68(H)" Zone, Modified, Holding
-  Block 2 - Change in Zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-68(H)" Zone, Modified, Holding

Scale: N.T.S	File Name/Number: ZA-16-057/JHOPA-16-021/25T-201608	
Date: October 8, 2020	Planner/Technician: TV/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Site Specific Modifications to the Multiple Residential “RM3” Zone

Regulation	Required	Modification	Analysis
Definitions: “Dwelling – Maisonette”	Means back to back townhouse dwellings.	Means back-to-back street townhouse dwellings or back-to-back townhouse dwellings containing not more than ten dwelling units within a building which may front on either a public street and/or a private common element condominium road.	As the definitions of “Dwelling – Street Townhouse” and “Dwelling – Townhouse” include a regulation respecting a maximum of eight dwelling units and the proposed buildings contain ten dwelling units in each of the Maisonette blocks, the proposed definition allows for this increase in dwelling units. Further, the definitions are being modified for consistency to allow these dwelling units to front on a private condominium road. These revisions are required in order to facilitate the proposed development and are technical in nature.
Definition: “Dwelling – Street Townhouse”	Means a building containing not less than three and not more than eight dwelling units where each unit is located on a separate lot with frontage on a public street and is separated from each adjoining unit by a common or party wall or walls above grade for a minimum height of one storey above grade. Such common or party wall may enclose a heated or unheated part of the dwelling unit or private garage or a combination thereof.	Means a building containing not less than three and not more than ten dwelling units where each unit is located on a separate lot with frontage on a public street and/or a private common element condominium road and is separated from each adjoining unit by a common or party wall or walls above grade for a minimum height of one storey above grade. Such common or party wall may enclose a heated or unheated part of the dwelling unit or private garage or a combination thereof.	Therefore, staff supports these modifications.

Regulation	Required	Modification	Analysis
Definition: “Dwelling – Townhouse”	Means a building containing not less than three and not more than eight dwelling units with each unit separated by a common or party wall or walls, with a separate outside entrance to each unit.	Means a building containing not less than three and not more than ten dwelling units with each unit separated by a common or party wall or walls, with a separate outside entrance to each unit and which may front on either a public street and/or a private common element condominium road.	(See above.)
Definitions: “Lot”, “Street” and “Highway”	<p>Lot means a parcel of land pursuant to the <i>Planning Act</i>.</p> <p>No person shall erect any building or structure on a lot or use any lot in any zone unless such lot has frontage on a street as defined...</p> <p>Street (Highway) means a public highway, street, etc., designed and intended for, or used by, the general public for the passage of motor vehicles and which has been assumed for public use as a public highway.</p>	A private common element condominium road shall be deemed a street and that landscaping and visitor parking for the dwelling units fronting onto the private common element condominium road are permitted within the private common element condominium road.	<p>The private road functions as a public road and fulfills the intent of a public road for this development. It is required to be deemed a street for the purposes of the proposed development as each dwelling unit fronts onto the future private condominium road. Access to each condominium unit shall be via the private condominium road.</p> <p>As staff considers this amendment technical in nature, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
Unitary equipment	<p>Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:</p> <p>(a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,</p> <p>(b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.</p>	<p>Mechanical and unitary equipment may be located within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.5 metres from a side lot line and is screened from the street by an enclosure or landscaping; and, within a required side yard or required rear yard provided such equipment has a minimum setback of 0.5 metres from the side lot line or rear lot line.</p>	<p>The effect of the proposed modification is only changing the side yard setback from 0.6 m to 0.5 m. This change is technical in nature to accommodate the space required by these ancillary units, as the proposed minimum side yard for street townhouse end units is 1.2 m. The side yard setback is reduced from 1.5 m (half of the 3.0 m minimum distance between end units), as discussed below, and will still allow sufficient space for maintenance access.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Lot Area	4,000 square metres	<p>Interior Unit: 150 square metres for street townhouses and 80 square metres for maisonettes.</p> <p>End Unit: 175 square metres for street townhouses and 95 square metres for maisonettes.</p> <p>Corner Unit: 200 square metres for street townhouses and 110 square metres for maisonettes.</p>	<p>The required area reflects the full extent of the parcel of land for which multiple townhouse dwellings would be permitted. As the development is for individual dwelling units fronting onto a private condominium road, the applicant has proposed lot areas for each individual unit to recognize future tenure. The proposed minimum lot areas are sufficient for the proposed development, which permits a compact housing form, as further discussed in Minimum Lot Frontage below.</p> <p>Therefore, staff supports this modification.</p>
Minimum Lot Frontage	50 metres	<p>Interior Unit: 6 m</p> <p>End Unit: 7.2 m</p> <p>Corner Unit: 7.5 m</p>	<p>The required frontage reflects the full extent of the frontage of the parcel on a public road (Highland Road West). As the development is for individual dwelling units fronting onto a private condominium road, the applicant has proposed frontages for each unit fronting onto the private condominium road. The proposed minimum lot frontages are sufficient for the proposed development, which permits a compact housing form in the form of street townhouse and maisonette dwellings. The proposed frontages provide adequate building envelopes for these dwelling forms.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Front Yard	7.5 metres	4.5 metres except 6.0 metres to a garage	<p>The design policies of the Urban Hamilton Official Plan require that new development provide an attractive, safe and pedestrian oriented environment and promote design variety within streetscapes. The proposed modification allows for active frontages along the street line with recessed garages, decreasing the prominence of the garage adjacent to the public realm to achieve these development principles, while maintaining sufficient area for a parking space.</p> <p>Therefore, staff supports this modification.</p>
Minimum Side Yard for Maisonettes, Townhouses and Dwelling Groups	6 metres, except for 7.5 metres for a flankage yard, 7.5 metres abutting a zone for single detached, semi-detached or duplex dwellings and 3 metres where an end unit abuts a lot line of a street townhouse.	<p>Interior Unit: 0 metres</p> <p>End Unit:</p> <p>Street Townhouses: 1.2 metres, except:</p> <ol style="list-style-type: none"> 1. 0.0 metres for the side yard related to the common side lot line; 2. 2.33 metres for the street townhouse unit from the east side lot line adjacent to the lands known as 135 Upper Centennial Parkway; and, 3. 2.95 metres for the street townhouse unit from the south side lot line adjacent to the lands known as 20 and 36 Highland Road West. 	<p>The existing regulations refer to setbacks from the external site boundaries, and not the separation between dwelling units and townhouse blocks internal to the site. The proposed reductions are required to accommodate a compact design and efficient lot configuration. The proposed minimum side yards provide sufficient space to permit natural light to pass through, incorporate landscaping features, and provide adequate amenity space throughout for the dwelling units. Additionally, all construction will be designed in accordance with the Ontario Building Code and the relevant provisions for firefighting.</p> <p>Further, increased side yard setbacks adjacent to units located in the northeast and southeast corners, respectively (see the Concept Plan attached as Appendix "E" to Report PED20187), are required to accommodate the grading necessary to reconcile the grading of the proposed development with the grades of adjacent properties. To accommodate the grading requirements, regrading of the adjacent properties is also required. Permission from adjacent landowners to modify the grading of their lands has been granted.</p>

Regulation	Required	Modification	Analysis
		<p>Maisonettes: 1.5 metres, except 0.0 metres for the side yard related to the common side lot line.</p> <p>Corner Unit: 1.5 metres, except 0.0 metres for the side yard related to the common side lot line.</p>	<p>Grading along the north property line will be coordinated with the proposed development of those lands and written permission from the landowner to the east to regrade the adjacent lands has been granted.</p> <p>Therefore, staff supports this modification.</p>
Minimum Rear Yard for Maisonettes, Townhouses and Dwelling Groups	6 metres, except 7.5 metres abutting a zone for single, semi-detached or duplex dwellings, or a street.	7.5 metres for street townhouses and 0.0 metres for maisonettes	<p>The applicant requested a minimum rear yard of 6.0 m for street townhouses (located along the north and east property lines, as shown on the Concept Plan attached as Appendix “E” to Report PED20187); however, staff amended the application to require a minimum rear yard of 7.5 m. Development Approvals staff do not recommend reducing the rear yards to 6.0 m as the preliminary grading plan in the Functional Servicing Report, prepared by Metropolitan Consulting Inc. and dated July 2019, shows a significant drop along the north and east sides. Despite the applicant receiving written permission from the landowner to the east to regrade the adjacent lands to facilitate the proposed development, the minimum rear yards of 7.5 m is required to ensure each street townhouse unit is provided with a usable amenity area due to the significant change in grade. Further, staff note that permission to regrade lands to the north has not been provided. While the applicant does not agree with staff’s position, they have agreed to proceed with this Report to Planning Committee as presented. Therefore, staff supports this modification to require 7.5 m rear yard setbacks for street townhouses.</p>

Regulation	Required	Modification	Analysis
			The 0.0 metres for maisonettes refers to the common wall located along the shared rear lot line. Therefore, staff supports this modification.
Minimum Distance Between Buildings on the Same Lot	15 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall.	Shall not apply.	As the site specific zoning establishes minimum front, side, and rear yards for each townhouse dwelling unit fronting a private condominium road, minimum distances between buildings are redundant and unnecessary. Therefore, staff supports this modification.
Maximum Density	1. 40 units per hectare 2. 49 units per hectare if 100 percent of required tenant parking is underground or enclosed within the main building.	Shall not apply.	The density of the proposed development is 44.2 dwelling units per hectare, with not all parking provided underground or enclosed in a building. This density complies with the density range of the “Low Density Residential 3c” designation. As the site specific zoning provides for 20 maisonette dwelling units and 26 street townhouse dwelling units, a per hectare maximum density is unnecessary. Therefore, staff supports this modification.
Maximum Building Height	11 metres	3 Storeys and 11 metres.	The applicant requested a modification to include a maximum building height of three storeys but is not requesting any variance to the building height measured from grade. Therefore, staff supports this modification.

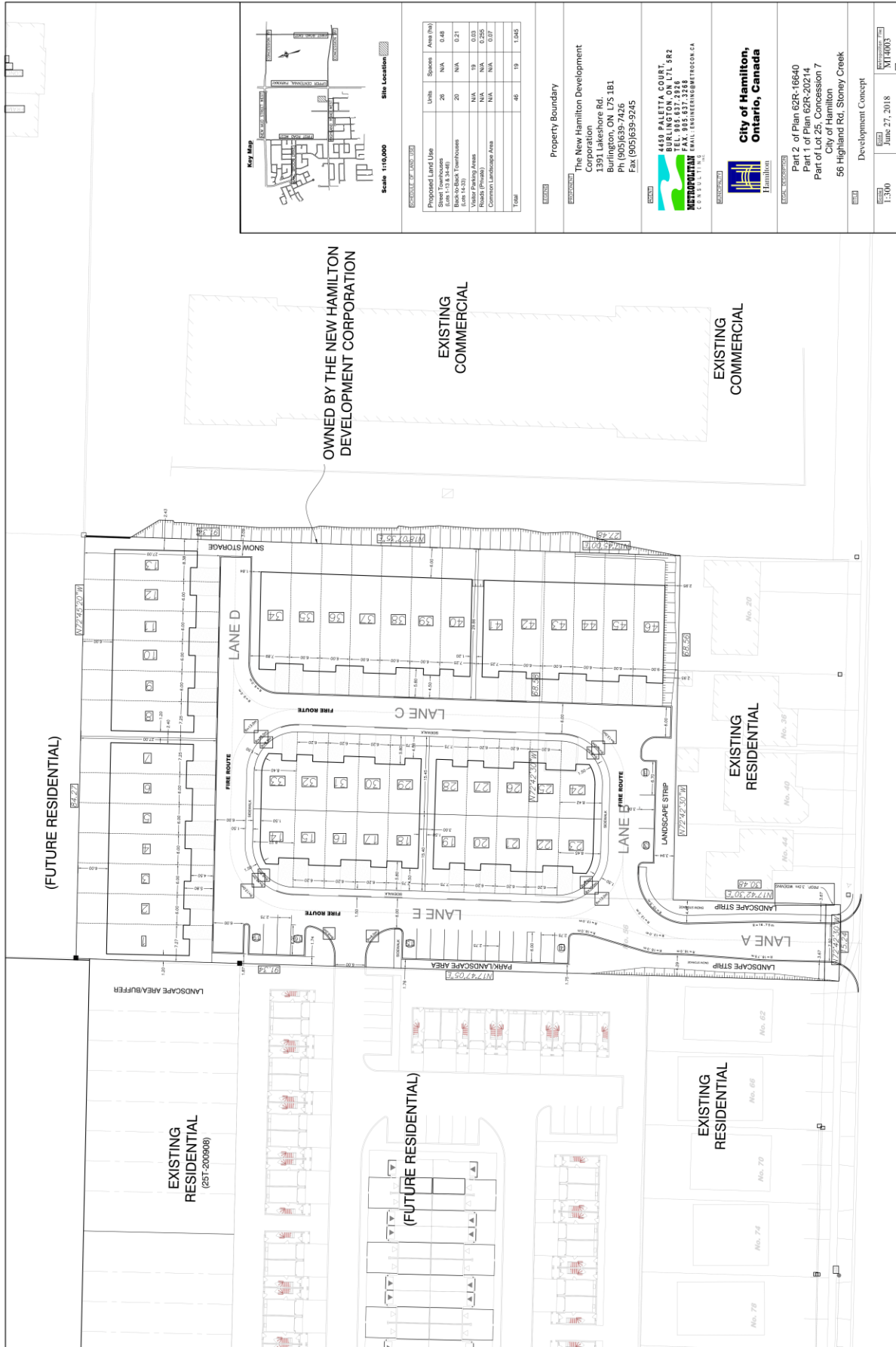
Regulation	Required	Modification	Analysis
Maximum Lot Coverage	35 percent	Shall not apply.	<p>The intent of the maximum lot coverage regulation is to provide enough area for stormwater infiltration and landscape amenity opportunities. As the lot definition is modified from being applicable to the entire development to apply to each individual unit fronting onto the proposed private condominium road, the coverage of each unit is regulated through the proposed minimum yard setbacks, and stormwater management is being addressed as Condition No. 3 of Appendix “G” to Report PED20187, the intent of the regulation is maintained. Opportunities for the use of LID techniques will be further assessed at the Site Plan Stage.</p> <p>Therefore, staff supports this modification.</p>
Minimum Privacy Area	Notwithstanding the yard requirements above, each maisonette and townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 4.5 metres.	36 square metres for each street townhouse unit and 4.0 square metres for each maisonette unit which may include porches, decks, balconies and verandahs.	<p>The proposed modifications are for an area instead of a linear requirement, and the proposed areas requested by the applicant are consistent with the proposed lot frontages and areas for the two townhouse dwelling forms contemplated for this site. This modification is in keeping with the compact urban form of the proposed development and ensures sufficient private outdoor amenity space is provided for each unit.</p> <p>Therefore, staff supports this modification.</p>
Minimum Landscaped Open Space	1. Not less than 50 percent of the lot area for maisonettes, townhouses and dwelling groups shall be landscaped	<p>1. 30 percent of the lot area for each street townhouse unit and 10 percent of the lot area for each maisonette unit.</p> <p>2. A minimum 1.5 metre wide landscaped strip shall be</p>	<p>The intent of the landscaped area is to promote the inclusion of natural features and provide privacy areas that enhance the proposed development, ensuring that there is an adequate balance between built form, hard surface and open space areas on a property. The request to reduce the landscaped area will permit the establishment of a compact housing form while still</p>

Regulation	Required	Modification	Analysis
	<p>including privacy areas.</p> <p>2. Not less than 25 percent of the lot area for apartments shall be landscaped with at least 25 percent of the required area being located in a yard other than the front yard and having a minimum width of 6 metres.</p> <p>3. Not less than 1.5 metres of landscaped strip shall be provided between any privacy area and any lot line.</p> <p>4. A landscaped strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.</p>	<p>provided between the lot line abutting another Residential Zone and a private street, except where there are private streets, driveways or sidewalks.</p> <p>3. A minimum 1.8 metre high solid fence shall be provided along the lot lines abutting another Residential Zone, except where there are private streets, driveways or sidewalks.</p>	<p>providing adequate private amenity areas, common landscaped strips, and permeable areas. Further, fencing is proposed along the property lines abutting adjacent residential uses to enhance privacy and screening between adjacent developments.</p> <p>The applicant requested that the minimum landscaped open space not apply to maisonette units; however, staff amended the application to require a minimum of 10% of the lot area for maisonette units. Planning staff does not recommend exempting maisonette units from providing at least some landscaped open space in the front yard, to ensure permeable areas are provided for soft landscaping amenity and stormwater infiltration. Further, while similar relief was provided for the lands to the west (15 Picardy Drive) zoned Multiple Residential “RM3-63-H” Zone, Modified, Holding, that development provided a small private parkette on the site instead. While the applicant does not agree with staff’s position, they have agreed to proceed with this Report to Planning Committee as presented.</p> <p>A landscape plan will be required at the Site Plan Control stage and reviewed by staff to ensure high quality landscape is provided. At this stage, the applicant will be encouraged to incorporate Low Impact Development (LID) measures within the hardscaped areas to further improve permeability on the site.</p> <p>Therefore, staff supports these modifications for 30 percent of the lot area of each street townhouse unit and 10 percent of the lot area for each maisonette be provided as landscaped open space.</p>

Regulation	Required	Modification	Analysis
Minimum Number of Parking Spaces	2 parking spaces and 0.5 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.	2 parking spaces and 0.4 visitor parking spaces per dwelling unit. Tandem parking is permitted for non-visitor parking spaces.	<p>The intent of required parking regulations is to ensure sufficient parking for residents and visitors. The site provides two parking spaces for each unit and the applicant is seeking a reduction in the visitor parking rate from 0.5 to 0.4 spaces per unit. This reduction is considered minor and is consistent with the visitor parking ratio provided for the development to the west at 15 Picardy Drive.</p> <p>Therefore, staff supports this modification.</p>
Regulations for Parking <i>(Subsections 6.1.8 (c) and 6.10.5 (d))</i>	Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 3 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot, except that the provisions of this clause shall not apply to any parking space located within a private garage, or underground garage.	No parking space shall be provided closer than 1.5 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot.	<p>The intent of these regulations is to create a buffer between communal parking areas and the streetscape and neighbouring developments. This modification would permit the location of visitor parking spaces near the westerly and southerly lot lines abutting the townhouses at 15 Picardy Drive and single detached dwellings along Highland Road West, respectively (see the Concept Plan attached as Appendix “E” to Report PED20187). Solid fencing and landscaping will be required along the property line to provide screening of glare from headlights for adjacent developments, which will be reviewed at the Site Plan Control stage.</p> <p>No parking enclosures or any other structures are proposed closer than 1.5 m to a property line, so this exception is not required.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Daylight Triangles	Any lot located at the intersection of two or more roads or railway rights-of-way will require a minimum yard of 3 metres from the hypotenuse of the daylight triangle.	Shall not apply.	<p>As the minimum front yard, as noted above, is of sufficient depth to permit visibility around corners/curves in this roadway, the daylight triangle provisions are not required for this site specific development.</p> <p>The proposed lots (future condominium units) are along a private condominium road which shows curves at the intersections (see the Concept Plan attached as Appendix “E” to Report PED20187). In order to determine the start and end of the front and side lot lines, the hypotenuse of the daylight triangle shall be identified at the future Site Plan Control stage.</p> <p>Therefore, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
<p>Regulations for Street Townhouses of the "RM2" Zone</p> <p><i>(Subsections 6.1.12 and 6.10.4)</i></p>	<p>Notwithstanding the regulations of the "RM3" Zone, townhouse dwelling units may be developed in accordance with the applicable street townhouse regulations of the "RM2" Zone. For the purposes of these Zones, the private driveway(s) or condominium road(s) are deemed to be a street(s), and parking and landscaping are permitted within the street(s).</p> <p>Street Townhouses shall be permitted in accordance with Section 6.1.10, 6.9.3, 6.9.4 and 6.9.5.</p>	<p>Shall not apply.</p>	<p>As the zoning modifications provide site specific regulations for street townhouse dwellings, the applicable general provisions for all residential zones and provisions of the "RM2" Zone are not required.</p> <p>Therefore, staff supports this modification.</p>



OWNED BY THE NEW HAMILTON DEVELOPMENT CORPORATION

EXISTING COMMERCIAL

EXISTING COMMERCIAL

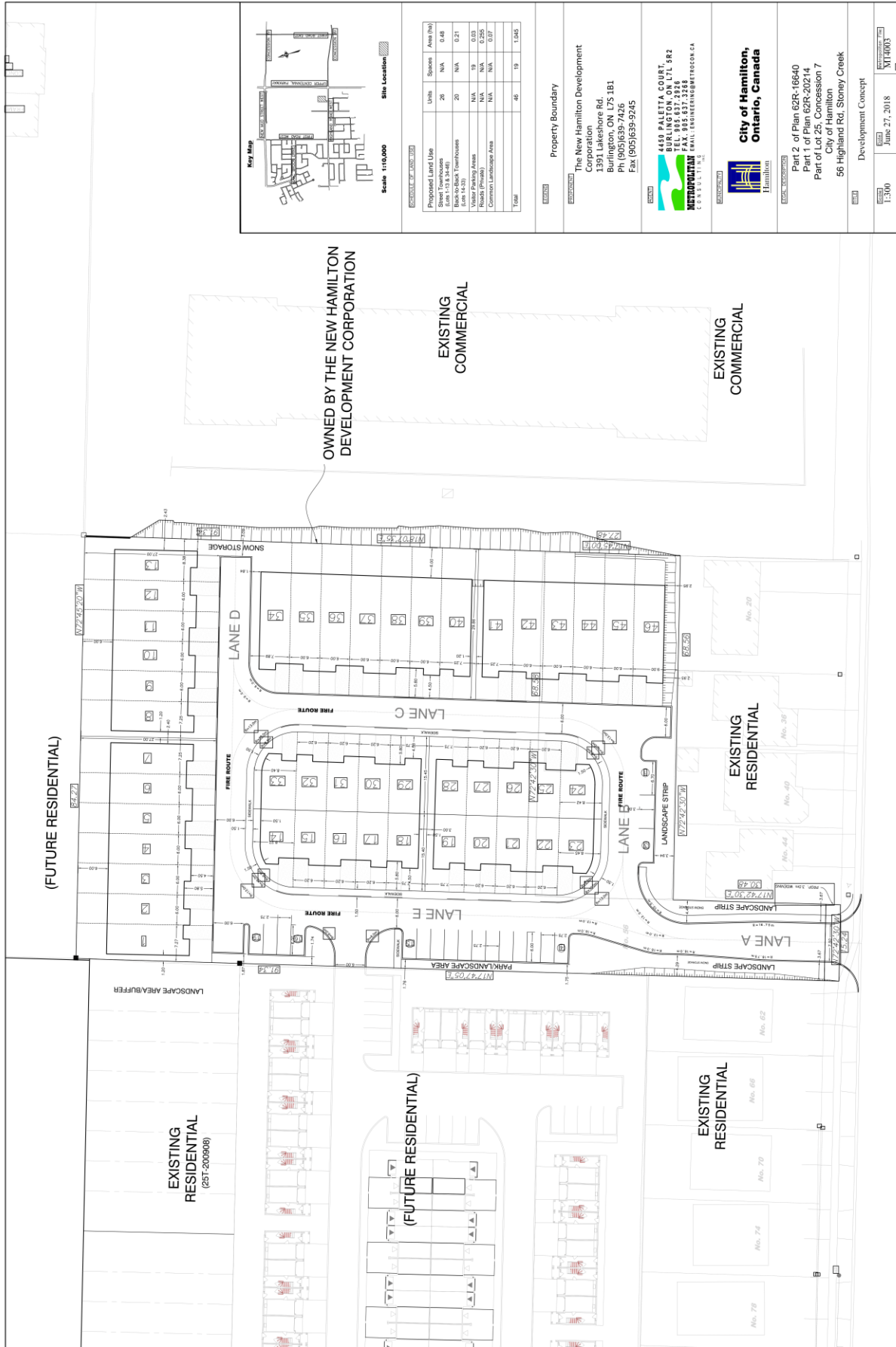
(FUTURE RESIDENTIAL)

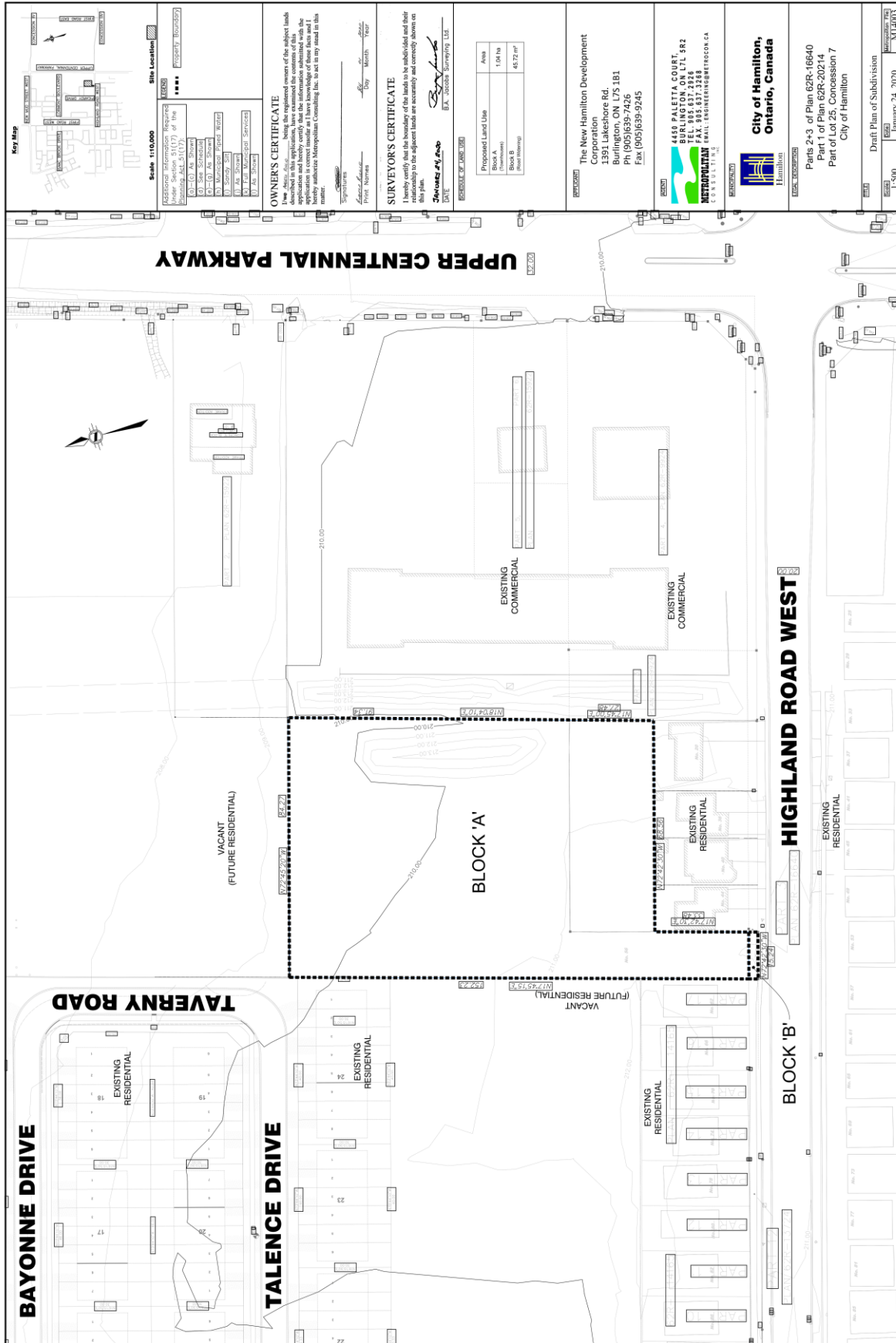
EXISTING RESIDENTIAL (237-200908)

(FUTURE RESIDENTIAL)

EXISTING RESIDENTIAL

EXISTING RESIDENTIAL





Special Conditions for Draft Plan of Subdivision Approval for 25T-201608

That this approval for the Draft Plan of Subdivision, 25T-201608, prepared by Metropolitan Consulting Inc., and certified by B. A. Jacobs, O.L.S., dated January 24, 2020, consisting of one block for street townhouse and maisonette dwellings (Block 'A') and one block for road widening (Block 'B') for the development of a maximum of 26 street townhouse dwellings and 20 maisonette dwellings fronting common element condominium roads, be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration of the plan of subdivision**, the Owner shall prepare and submit a phasing plan for approval. The phasing shall identify a maximum of 30 units to be developed in the first phase. Furthermore, the Owner agrees that the units in the second phase shall not be developed until such a time as the required downstream sanitary sewer upgrades are completed and adequate sanitary sewer capacity is available, all to the satisfaction of the Senior Director, Growth Management.
2. That, **prior to the registration of the plan of subdivision**, the Owner shall enter into a cost sharing agreement with the Developer of 165 Upper Centennial Parkway for the downstream sanitary sewer improvements required due to the proposed increase in density, to the satisfaction of the Senior Director, Growth Management.
3. That, **prior to preliminary grading**, the Owner shall submit a detailed stormwater management (SWM) report prepared by a qualified professional engineer that demonstrates how quality and quantity control will be handled in accordance with City of Hamilton Drainage Policy and Current Comprehensive Development Guideline, original design of Penny Lane subdivision and proposed development at 15 Picardy Drive to the satisfaction of the Senior Director, Growth Management.
4. That, **prior to preliminary grading**, the Owner shall enter into a joint servicing agreement with the Owner of 15 Picardy Drive and demonstrate that the necessary easements to provide private sewer and water connections, and a second road access have been established in favour of the subject lands (known as 56 Highland Road West) over the abutting lands (known as 15 Picardy Drive), all to the satisfaction of the Senior Director, Growth Management.
5. That, **prior to preliminary grading**, the Owner agrees to engage a qualified professional to investigate and determine whether Karst features exist in relation to the subject lands. In the event that a Karst feature or sinkhole is determined to exist or otherwise encountered, appropriate construction techniques to stabilize

the area to avoid negative impacts shall be undertaken, to the satisfaction of the Senior Director, Growth Management and Hamilton Conservation Authority.

6. That, **prior to preliminary grading**, the Owner submits a plan and procedures for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including during house construction, all at their expense, to the satisfaction of the Senior Director, Growth Management Division and the Director of the Health Protection Division, Public Health Services Department.
7. That, **prior to preliminary grading**, the Owner agrees at his sole cost to prepare a pest control plan, focusing on rats and mice, which shall be developed and implemented for any demolition, and for the construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all the development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MECP and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221 and to the satisfaction of the Medical Officer of Health.

Hamilton Conservation Authority:

8. That, **prior to preliminary grading and/or servicing**, the Owner prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Conservation Authority.
9. That, **prior to preliminary grading and/or servicing**, the Owner prepares and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority.
10. That, **prior to preliminary grading and/or servicing**, the Owner prepares and implements a stormwater management plan for the subject property to the satisfaction of the Hamilton Conservation Authority.

Transportation Planning:

11. That, **prior to registration of the plan of subdivision**, the plan shall include Block 'B' showing sufficient lands to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to establish the widened limit of

Highland Road West at 13.106 metres from the center line of the original road allowance, to the satisfaction of the Manager of Transportation Planning.

Alectra Utilities:

12. That **prior to registration of the plan of subdivision**, the Owner shall agree, in words satisfactory to Alectra Utilities Corporation, to grant to Alectra Utilities Corporation any easements that may be required for electrical services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Alectra Utilities Corporation facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

Canada Post:

13. That **prior to registration of the plan of subdivision**, the Owner shall include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - a. That the home / business mail delivery will be from a designated Centralized Mail Box.
 - b. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
14. That **prior to registration of the plan of subdivision**, the Owner agrees to:
 - a. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - b. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - c. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - d. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
 - e. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

15. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Canadian Radio and Telecommunication Commission and Bell Canada

16. That the Owner provide the Manager of Development Approvals with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider approved by the Canadian Radio and Telecommunication Commission (CRTC) that adequate telecommunication service will be provided to the subdivision including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information.
17. That the Owner shall agree in the Subdivision Approval Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.

NOTES TO DRAFT PLAN APPROVAL

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

Recycling and Waste Disposal:

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

M&M TABLES LTD.

151 Highway No. 20 South
Stoney Creek, Ontario
L8J 2T7

Tel: (905) 578-9930

Fax: (905) 578-9422

April 28, 2017

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

Attention: Robert Clackett

Dear Sirs:

Re: **56 Highland Road West, Stoney Creek**
Files UHOPA-16-021, ZAC-16-057 and 25T-201608

We are in receipt of your letter of April 5, 2017 concerning the proposed changes to the property known as 56 Highland Road West, Stoney Creek.

As the owner of the property at 151 Upper Centennial Parkway the main abutting neighbour, M&M Tables **does not have an objection** to the change in redesignation from Low Density Residential 2b to Low Density Residential 3c. M&M Tables does have reservations about the change in land structure and elevation.

M&M Tables would again like to voice my concerns with respect the drainage of the property at 151 Upper Centennial Parkway. Will there be provision made with any new development to ensure proper drainage from the surrounding properties and 151 Upper Centennial Parkway as the natural drainage will be significantly altered.

M&M Tables is also concerned what the elevation height that this Subdivision plan will have and the impact on the property at 151 Upper Centennial Parkway.

M&M Tables has a concern about the "OS" section of property that is shown on the Location Map that is being shown at the rear section of M&M Tables' property. What will be the intended use of this "OS" section of land? Why is it being shown as encroaching on the registered property at 151 Upper Centennial Parkway?

... cont'd Pg. 2

M&M TABLES LTD.151 Highway No. 20 South
Stoney Creek, Ontario
L8J 2T7

Tel: (905) 578-9930

Fax: (905) 578-9422


City of Hamilton
Planning and Economic Development Department
April 28, 2017
Page 2 - Files UHOPA-16-21, ZAC-16-057

As stated in previous submissions to the Planning and Economic Committee dating back to 2007, any change in elevation in the properties surrounding 151 Upper Centennial Parkway will result in it becoming a "hole" in the site plan. As a result of this, there will be serious impact to my business due to lack of exposure. Also if there are serious elevation changes between 151 Upper Centennial Parkway and the surrounding properties the hook-up for city water and sewer will not be allowed due to the property being lower than the sewer and water lines. There will also be a serious impact in the winter due to a change with wind circulation and snow accumulation. This has been evident with the construction of the plaza and a 2.5-meter high block wall built to the south of 151 Upper Centennial Parkway. There will also be issues with flooding from water run-off if there are any changes to site elevations. There had been flooding issues already at 151 Upper Centennial caused by higher elevations with the south neighbour. The City of Hamilton has been at 151 Upper Centennial in the past years to increase the culvert size and clean the ditches (200-feet only) to help alleviate some of the flooding.

M&M Tables was advised by a few staff members of the City of Hamilton that they would minimize the negative impacts caused by the development to the north and west. However there was no explanation as to what was going to be done to minimize those negative impacts. If the negative impacts cannot be minimized or achieved, then a one-time development fee should be applied to the new development to make 151 Upper Centennial Parkway property level up to the new grade and it would have to include raising the property level height and the existing building. M&M Tables would also direct you to review the City of Hamilton Information Report dated March 23, 2010 for Ward 9 under Report No. PED10052 and also any letters on file from M&M Tables dating back to 2007.

M&M Tables requests notification in writing of any and all scheduled public meetings that pertain to this property zoning amendments.

Thank you for the opportunity to register my concerns.

Yours truly,
M&M TablesMike Tellerd
Presidentcc: Councillor Doug Conley, Ward 9
S. Robichaud, Director of Planning and Chief Planner, Planning Division
A. Fabac, Manager, Development Planning, Heritage and Design



Penta Properties Inc., 4480 Paletta Court, Burlington, Ontario L7L 5R2
tel: 905.632.6036 fax: 905.632.0064 www.PentaProperties.ca

May 2, 2017

Robert Clackett
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Mr. Clackett:

**Re: Applications by Midevco Commercial Realty Corp. at 56 Highland Road West
Files UHOPA-16-21; ZAC-16-057; and 25T-201608**

We are in receipt of your Notice of Complete Applications and Preliminary Circulation for the above noted applications, and wish to provide our comments.

We own the land which abuts the northwest corner of the subject property, which is shown on the plan attached to the notice as "Block 25". While we were at one time discussing the possibility of this Block 25 road access with Midevco, it was ultimately decided not to move forward, therefore Block 25 no longer exists and has been replaced by serviced townhouse units within our subdivision. There will be no road connection at this location, therefore the subject plan will need to be modified/updated accordingly.

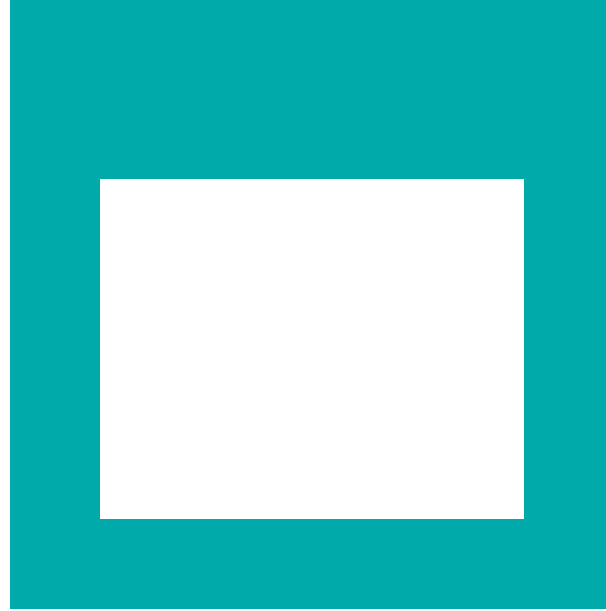
How is stormwater management being dealt with on the subject lands? Is the water going to be draining to the stormwater management pond we will be building on our property? If so, we request a draft plan condition requiring Midevco to pay their proportionate share of the construction and maintenance costs of this pond.

We reserve the right to provide further comments once Midevco provides you with their revised draft plan, and request that we be given a copy to review at that time.

Yours truly,
PENTA PROPERTIES INC.

A handwritten signature in black ink, appearing to read "Dave Pitblado", written over the company name.

Dave Pitblado
Director, Real Estate Development



WELCOME TO THE CITY OF HAMILTON

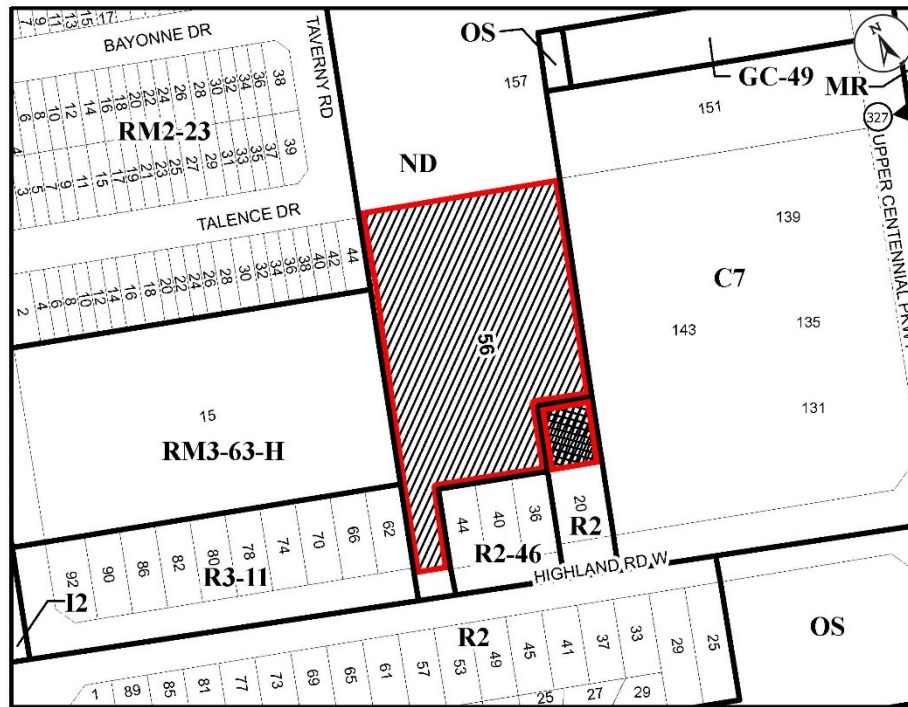
PLANNING COMMITTEE

November 17, 2020

PED20187 – (ZAC-16-057 / UHOPA-16-021 / 25T-201608)

Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Known as 56 Highland Road West, Stoney Creek.

Presented by: Tim Vrooman



● Site Location



Key Map - Ward 9

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
 ZAC-16-057 / UHOPA-16-021 / 25T-201608

Date:
 October 8, 2020



Appendix "A"

Scale:
 N.T.S

Planner/Technician:
 TV/VS

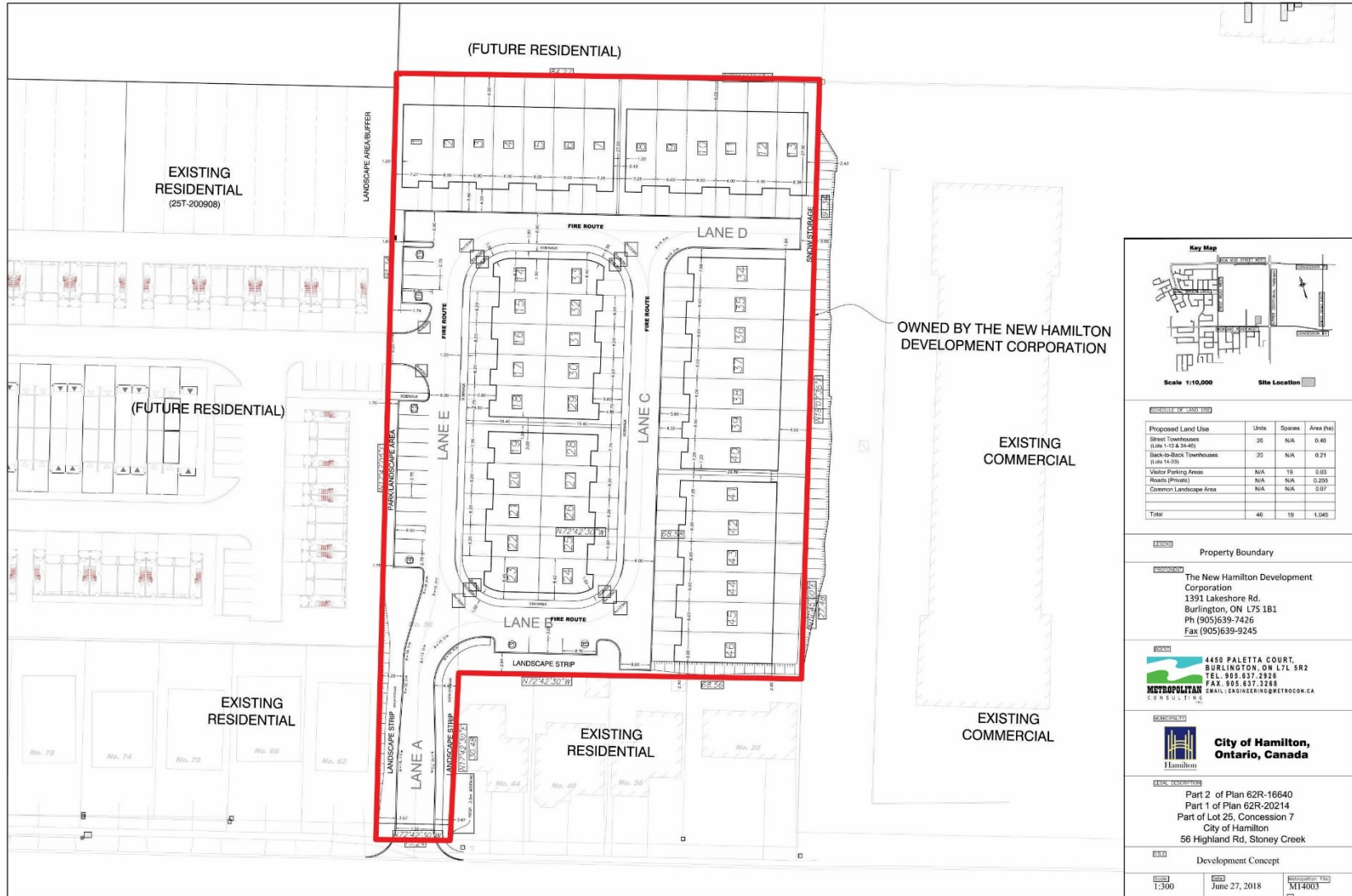
Subject Property

56 Highland Road West

-  Block 1 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-68(H)" Zone, Modified, Holding
-  Block 2 - Change in Zoning from the Single Residential "R2" Zone to the Multiple Residential "RM3-68(H)" Zone, Modified, Holding



SUBJECT PROPERTY **56 Highland Road West, Stoney Creek**



Key Map

Scale: 1:10,000 Site Location

SCHEDULE OF LAND USE

Proposed Land Use	Units	Spaces	Area (ha)
Street Townhouses (Units 17 & 24-40)	26	N/A	0.48
Back-to-Back Townhouses (Units 14-16)	20	N/A	0.21
Visitor Parking Areas	N/A	19	0.03
Roads (Private)	N/A	N/A	0.250
Common Landscape Area	N/A	N/A	0.07
Total	46	19	1.045

PROPERTY BOUNDARY

PREPARED BY
 The New Hamilton Development Corporation
 1391 Lakeshore Rd.
 Burlington, ON L7S 1B1
 Ph (905)639-7426
 Fax (905)639-9245

DESIGNED BY

 4450 PALETTE COURT,
 BURLINGTON, ON L7L 5R2
 TEL: 905.637.2926
 FAX: 905.637.2248
 EMAIL: ENGINEERING@METROCON.CA

APPROVED BY

**City of Hamilton,
 Ontario, Canada**

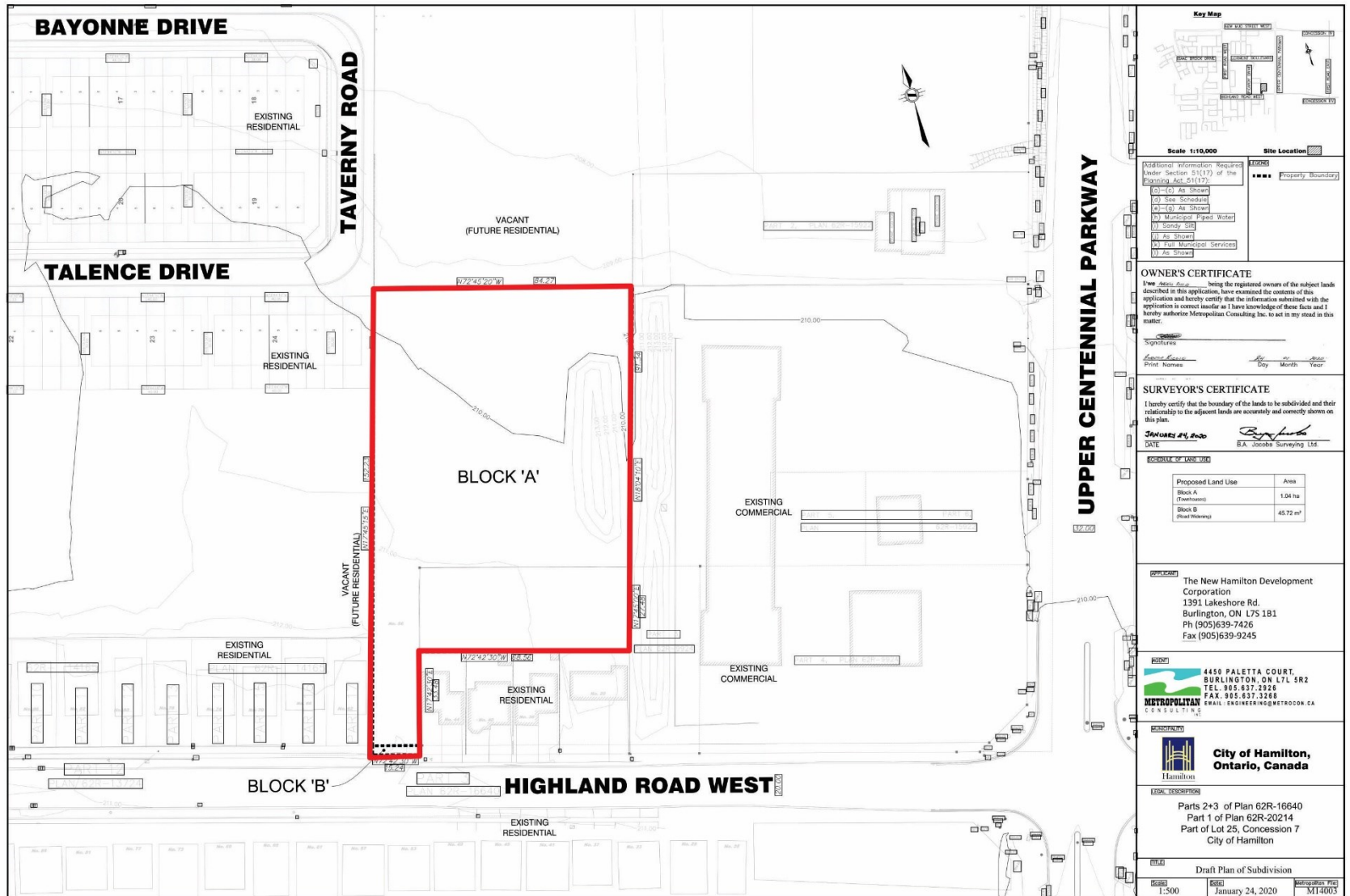
LEGAL DESCRIPTION
 Part 2 of Plan 62R-16640
 Part 1 of Plan 62R-20214
 Part of Lot 25, Concession 7
 City of Hamilton
 56 Highland Rd, Stoney Creek

DATE
 Development Concept

SCALE
 1:300

DATE
 June 27, 2018

APPROVED BY
 M14003





Subject site from south along Highland Road West



Subject site from 15 Picardy Drive to west



Subject site from 15 Picardy Drive to west



View across subject site to west



View across subject site to northwest



View across subject site to north



Significant grade change to lands to north/northeast



View along Highland Road West to the east



Single detached dwellings along Highland Road West to the east



Existing berm along east side of subject site



Existing commercial uses to the east



Existing SWM Pond to southeast



Single detached dwellings along Highland Road West to the south



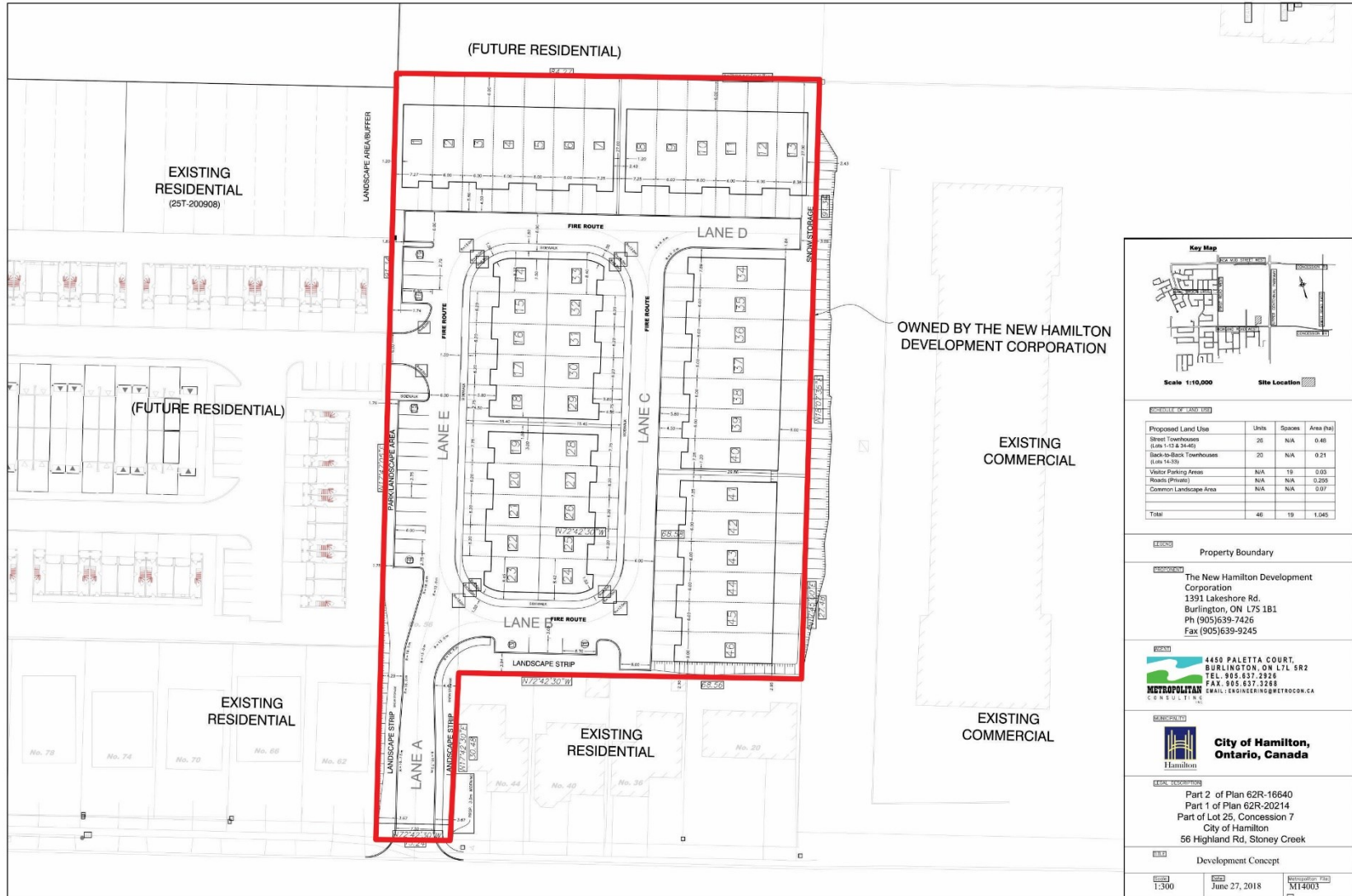
Single detached dwellings along Highland Road West to the south



View along Highland Road West to the west



Single detached dwellings along Highland Road West to the west



Key Map
 Scale: 1:10,000
 Site Location

PROPERTY OF CITY OF

Proposed Land Use	Units	Spaces	Area (ha)
Street Townhouses (Units 17 & 24-40)	26	N/A	0.48
Back-to-Back Townhouses (Units 14-33)	20	N/A	0.21
Visitor Parking Areas	N/A	19	0.03
Roads (Private)	N/A	N/A	0.250
Common Landscape Area	N/A	N/A	0.07
Total	46	19	1.045

PROPERTY BOUNDARY

PREPARED BY
 The New Hamilton Development Corporation
 1391 Lakeshore Rd.
 Burlington, ON L7S 1B1
 Ph (905)639-7426
 Fax (905)639-9245

DESIGNED BY
 4450 PALETTE COURT,
 BURLINGTON, ON L7L 5R2
 TEL: 905.637.2926
 FAX: 905.637.3248
 EMAIL: ENGINEERING@PETROCCO.CA

APPROVED BY
 City of Hamilton, Ontario, Canada

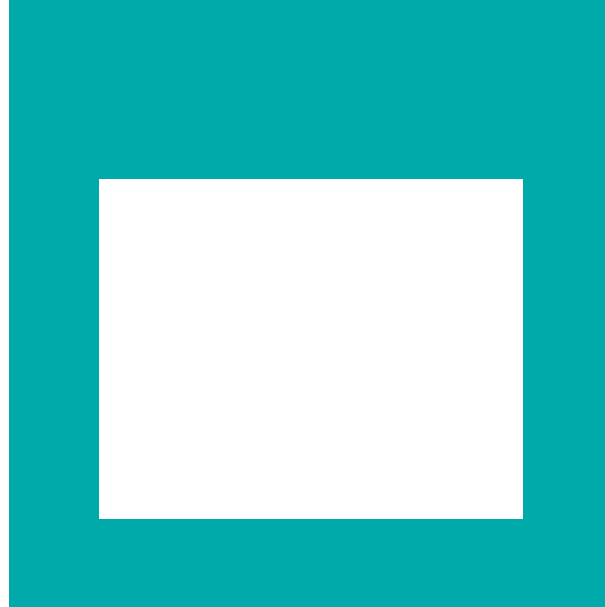
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 Part 2 of Plan 62R-16640
 Part 1 of Plan 62R-20214
 Part of Lot 25, Concession 7
 City of Hamilton
 56 Highland Rd, Stoney Creek

DATE
 Development Concept

SCALE
 1:300

DATE
 June 27, 2018

APPROVED BY
 M14003



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

56 Highland Road West

UHOPA-16-021

ZAC-16-057

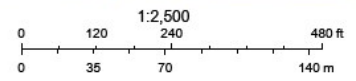
25T-201608

56 Highland Road West



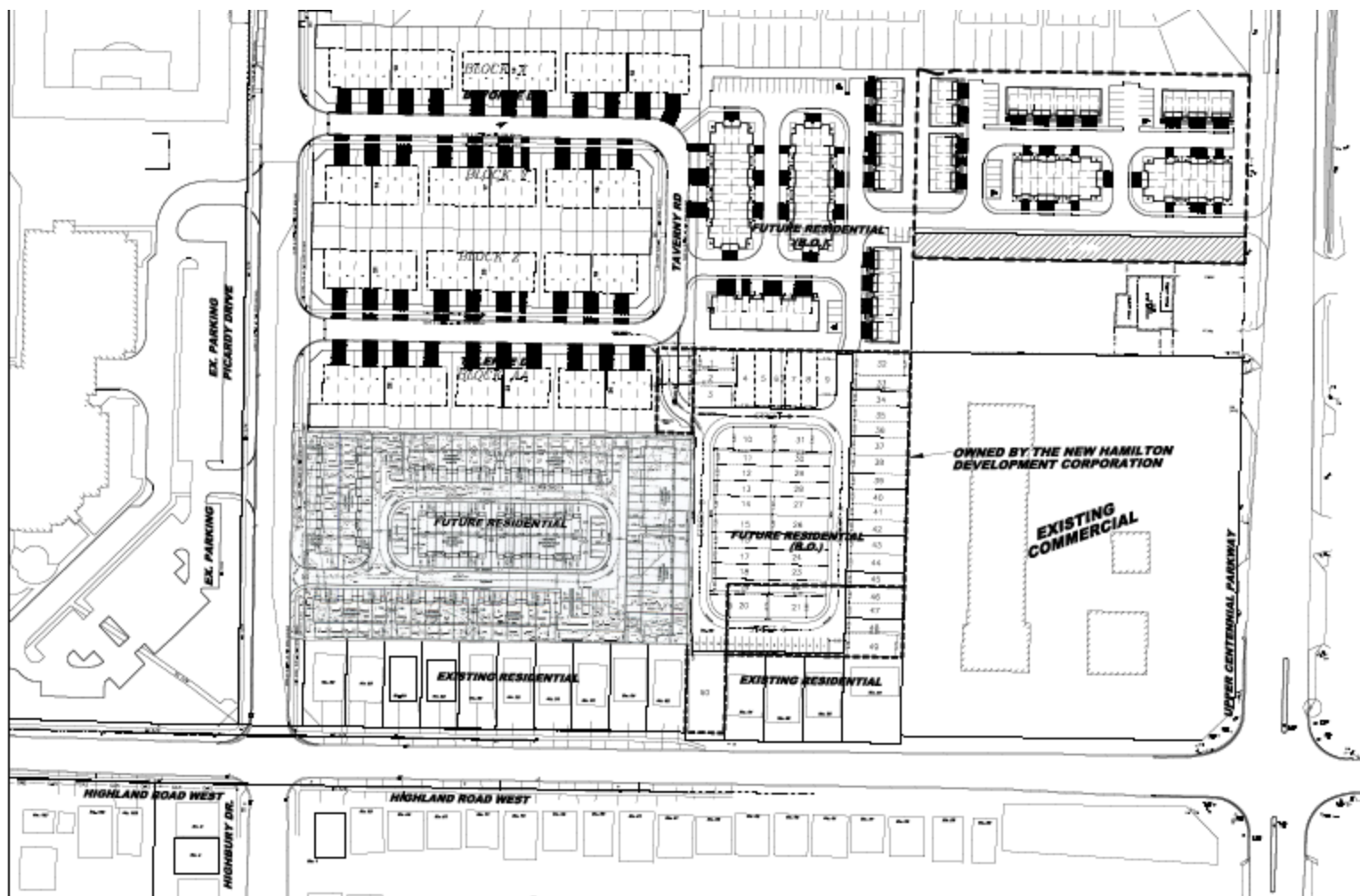
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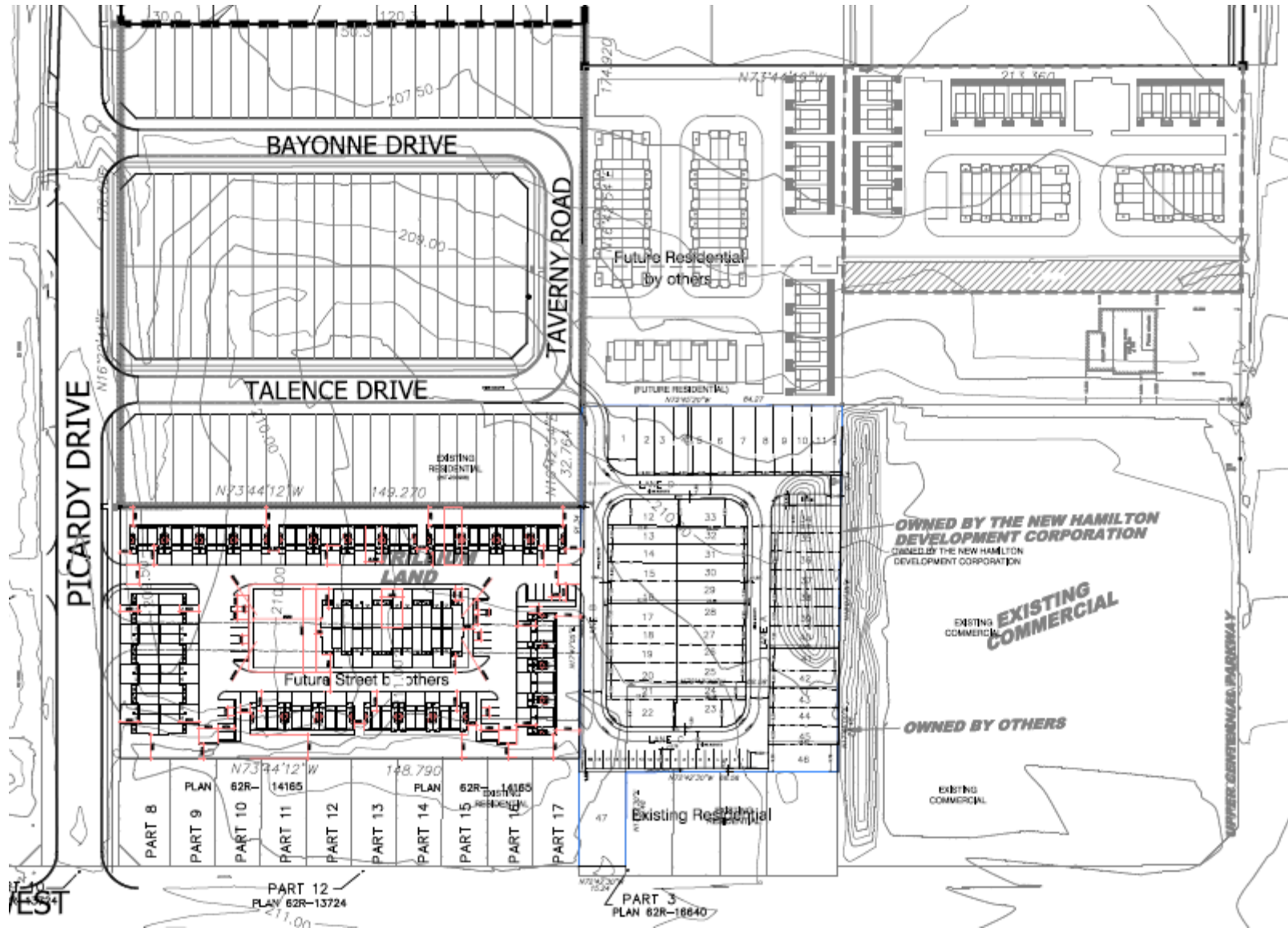
- Roads
- Property Parcels



GeoEfe, Maxar, Microsoft, City of Hamilton

The City of Hamilton is not liable for any damages resulting from the use of this product. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes.







Minimum Rear Yard Setback

Required: 7.5m

Requested: 6.0m

- Permission to grade into berm (east) & similar to proposed development (north)
- Permitted at 15 Picardy (west)
- 19 Dawson Avenue proposal considered at November 3, 2020 Planning Committee recommending 5.33m for an infill development

Minimum landscaped open space for maisonettes

Recommended: 10%

Requested: N/A

- Same as 15 Picardy (west)
- Provision of walkway to front entrance could result in non-compliance therefore requiring minor variance

Special Draft Plan Condition 5

Karst investigation “prior to preliminary grading”

- Timing is difficult since it depends on excavation for servicing and foundations
- Geotechnical investigation recommended that “a soils engineer be retained from this office to provide geotechnical engineering services during the excavation and construction phases of the project”
- Request deletion of condition and add as a special condition at Site Plan Approval stage

CONCLUSIONS

- Minimum rear yard of 6.0m
- No minimum landscaped open space for maisonettes
- Defer Karst condition to Site Plan Approval Stage

- If not supported, include recommendation to allow submission of a Minor Variance application within the 2 years of the approval of the amending By-law if reduced rear yard is accepted and landscape open space is found to be deficient during the Site Plan Approval stage

Thank you!

I would be happy to answer
any questions.

M&M TABLES LTD.

151 Highway No. 20 South
Stoney Creek, Ontario
L8J 2T7

Tel: (905) 578-9930

Fax: (905) 578-9422

November 15, 2020

Legislative Coordinator
Planning Committee
City of Hamilton
71 Main Street West
1st Floor
Hamilton, Ontario
L8P 4Y5

Dear Sirs:

Re: **56 Highland Road West, Stoney Creek**
Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision

M&M Tables is in receipt of the Application Report (received via mail on November 11, 2020) concerning the proposed amendment of the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for 56 Highland Road West, Stoney Creek.

M&M Tables is concerned with respect to the proposed elevation of the property at 56 Highland Road West, the extension of the step back retaining wall that is installed on the abutting property at 135 Upper Centennial Parkway and 151 Upper Centennial Parkway and the abutting corner of 56 Highland Road West and the extension of the existing fencing to separate the properties of 151 Upper Centennial Parkway and 135 Upper Centennial Parkway. There is also a concern as to what type of fencing will be installed to separate the residential properties at 56 Highland Road West, 135 Upper Centennial Parkway and 151 Upper Centennial Parkway. Currently there is a berm proposed and is existing between the abutting properties to 151 Centennial Parkway but no mention of a fence between the residential and commercial properties to prevent residents from traversing the berm in order to get to the plaza at 135 Upper Centennial Parkway and crossing over into 151 Upper Centennial Parkway.

M&M Tables is also concerned about the storm water management from the existing developed abutting property at 135 Upper Centennial Parkway and the future residential developments at 157 Upper Centennial Parkway and 56 Highland Road West. Due to the differences in height elevations storm water will find its way to 151 Upper Centennial Parkway and cause flooding at times of heavy rain. There is also a concern with heavily drifting snow and the resulting melt down in connection with the height elevations and the fact that 151 Upper Centennial Parkway will be eventually be in a "hole".

... cont'd Pg. 2

M&M TABLES LTD.

151 Highway No. 20 South
Stoney Creek, Ontario
L8J 2T7

Tel: (905) 578-9930

Fax: (905) 578-9422

Planning Committee, City of Hamilton
November 15, 2020
Page 2
56 Highland Road West – Zoning Changes

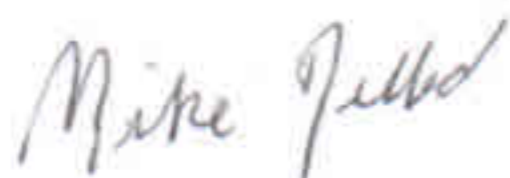
In the paperwork that was sent from the City of Hamilton, Penta Properties mentions their concerns about storm water management and the drainage into a storm water management pond. M&M Tables also has concerns about this storm water management pond and its location in relationship to the property at 151 Upper Centennial and its impact on 151 Upper Centennial. Again, this is a height elevation issue between 151 Upper Centennial and all the abutting properties.

M&M Tables is also concerned about the potential for ongoing garbage dumping onto the current existing vacant lands and onto the property at 151 Upper Centennial Parkway. At the present time, garbage from the mall property at 135 Upper Centennial Parkway or residents dumping over the fencing between 135 Upper Centennial and 151 upper Centennial exists. Garbage of all kinds is being dumped onto the proposed residential vacant lands and onto the rear property of 151 Upper Centennial which causes the owner of 151 Upper Centennial time and money to clear up the mess that others dump onto that property. This concern is an additional reason that a fence between the proposed residential properties, 135 Upper Centennial and 151 Upper Centennial is required.

The above are ongoing concerns of M&M Tables which have been issues that have not properly been addressed by the City of Hamilton since approximately 2002 when the abutting properties to 151 Upper Centennial were developed starting with 135 Upper Centennial.

Thank you for reviewing of this letter and its concerns.

Yours truly,
M&M Tables



Mike Tellerd
President

MT/jm



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 17, 2020
SUBJECT/REPORT NO:	Application to Amend the Rural Hamilton Official Plan for Lands Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027) (Ward 11)
WARD AFFECTED:	Ward 11
PREPARED BY:	Mike Davis (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Rural Hamilton Official Plan Amendment Application RHOPA-19-015 submitted by IBI Group (c/o John Ariens) on behalf of Marshall Real Estate Holdings Ltd. and Hamilton-Wentworth District School Board (Owners)** to add a Site Specific Policy Area to permit a 300 metre extension of “lake-based” municipal water services from the Binbrook Urban Area to the subject lands and a connection to the sanitary line that exists along the west side of Regional Road 56 to service existing and proposed uses outside of the urban area on the lands located at 2121 and 2187 Regional Road 56, Glanbrook, as shown on Appendix “A” to Report PED20027, be **DENIED** on the following basis:

- (i) That the proposal does not conform with the Sewage and Water Infrastructure Policies of the Greenbelt Plan (2017); and,
- (ii) That the proposal does not comply with the general intent of the Rural Hamilton Official Plan with regard to the extension or expansion of lake-based services outside of urban areas.

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

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

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

**SUBJECT: Application to Amend the Rural Hamilton Official Plan for Lands
Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027)
(Ward 11) - Page 2 of 19**

EXECUTIVE SUMMARY

The applicants have applied to amend the Rural Hamilton Official Plan for a site-specific amendment (exception) to the policies of Section C.5.3 – Lake-Based Municipal Water and Wastewater Systems.

The application is to permit the extension of “lake-based” municipal water services and connections to municipal wastewater services for two rural properties know as 2121 and 2187 Regional Road 56, located approximately 575 metres and 300 metres north of the Binbrook urban area boundary respectively, as follows:

Water

To allow for the construction of a new 250 mm water service line beginning from the pressure reducing water station located at 2265 Regional Road 56 and terminating at 2121 Regional Road 56 (approx. 300 m in length).

The proposed water main extension would be constructed along the east side of the Regional Road 56 right-of-way with individual lateral connections constructed to service 2121 and 2187 Regional Road 56.

Wastewater

To allow for the construction of individual lateral connections to the existing 900 mm sanitary service line that exists along the west side of Regional Road 56 to service 2121 and 2187 Regional Road 56.

The proposed municipal servicing extension/connections would provide an alternative servicing option for:

- the existing Hamilton-Wentworth District School Board (HWDSB) Elementary School (Ecole Elementaire Michaelle Jean) at 2121 Regional Road 56; and,
- a proposed commercial development at 2187 Regional Road 56 that includes a motor vehicle service station (i.e. gas station, car wash & lube service shop), a drive-through restaurant and a 10-bay mechanic shop.

The proposed commercial development at 2187 Regional Road 56 received conditional Site Plan Control approval for application SPA-19-080 on September 27, 2019. The application was conditionally approved based on the premise that the lands would be developed on private services (see proposed site plan attached as Appendix “B” to Report PED20027).

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The application cannot be supported as it does not conform to the Greenbelt Plan (2017) and does not comply with the general intent of the Rural Hamilton Official Plan with regard to the extension or expansion of lake-based services outside of urban areas.

Alternatives for Consideration – See Page 18

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting prior to considering an application for an amendment to the Official Plan.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details		
Applicant(s)/Owner(s):	2121 Regional Road 56	Hamilton-Wentworth District School Board
	2187 Regional Road 56	Marshall Real Estate Holdings Ltd.
Agent:	IBI Group (c/o John Ariens)	
File Number:	RHOPA-19-015	
Type of Application:	Rural Hamilton Official Plan Amendment	
Proposal:	To add a site-specific policy to Volume 3, Chapter B – Rural Site Specific Areas to allow for the extension of “lake-based” municipal water services and a connection to municipal wastewater services for two rural properties located approximately 575 metres and 300 metres north of the Binbrook urban area boundary.	

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Property Details		
Municipal Addresses:	2121 Regional Road 56 (Ecole Elementaire Michaelle Jean)	2187 Regional Road 56 (Proposed Commercial Redevelopment)
Lot Area:	3.09 hectares	4.39 hectares
Distance from Urban Area:	575 metres	300 metres
Distance from pressure reducing water station at 2265 Regional Road 56 (i.e. length of proposed municipal water main extension):	300 metres (approx.)	50-200 metres (approx.)
Servicing:	Private on-site well and septic system.	Private on-site well and wastewater holding tanks to service existing uses. Site Plan Control application (SPA-19-080) proposed an on- site septic system for the planned redevelopment.
Existing Uses:	Since 1955, the site has been used as an elementary school (Ecole Elementaire Michaelle Jean). The original building is a one-storey structure (approximately 2,135 square metres of gross floor area) with 12 classrooms. Over time, six "portables" have been constructed on the site to accommodate increasing	This site currently contains an existing "bus depot" and commercial motor vehicle storage for Badder Bus Lines. A seasonal garden centre is also operated from this location. There are three existing structures on the site that support these activities. The eastern portion of the site includes a woodland and watercourse (creek) which is collectively identified as an

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	enrolment. Information provided by the applicant indicates that the total enrolment in 2019 was 328 students.	environmentally significant area and included on provincial natural heritage mapping.
Proposed Uses:	No change.	Motor vehicle service station (i.e. gas station, car wash & lube service shop), a drive-through restaurant and a 10-bay mechanic shop with 63 parking spaces proposed (36 spaces required) (SPA-19-080) (see Appendix "B" to Report PED20027).
Documents		
Provincial Policy Statement (PPS):	The proposal is not consistent with the PPS.	
Greenbelt Plan:	The proposal does not conform to the Greenbelt Plan.	
Official Plan Existing:	<ul style="list-style-type: none"> Identified as "Rural" on Schedule E – Urban Structure. Designated "Agricultural" on Schedule E-1 – Rural Land Use Designations. Portions identified as "Core Areas" on Schedule B – Natural Heritage System. 	
Official Plan Proposed:	To add a site-specific policy to Volume 3, Chapter B – Rural Site Specific Areas to allow for the extension of "lake-based" municipal water services and a connection to municipal wastewater services for two rural properties located approximately 300 metres and 575 metres north of the Binbrook urban area boundary respectively.	
Zoning Existing:	2121 Regional Road 56	2187 Regional Road 56
	Agricultural (A1, 100) Zone <u>100</u> : An Educational Establishment is permitted in	Existing Rural Commercial (E1, 151) Zone and Conservation/Hazard Land – Rural (P6) Zone

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	accordance with Section 12.1.3.1 b) through g) (items b) to g) relate to yard setbacks, lot coverage, outdoor storage and accessory buildings).	<u>151:</u> In addition to Section 12.6.1, on those lands zoned Existing Rural Commercial (E1) Zone, identified on Map 205 of Schedule "A" – Zoning Maps and described as part of 2187 Regional Road 56, a motor vehicle storage, sales and repair operation, Motor Vehicle Service Station and an office for a travel agency are also permitted.
Zoning Proposed:	No amendment proposed.	
Processing Details		
Received:	October 16, 2019	
Deemed Complete:	November 13, 2019	
Notice of Complete Application:	Notice sent to 12 property owners within 120 m of the subject property on November 21, 2019.	
Public Notice Sign:	Sign Posted: November 26, 2019 Sign Updated: October 21, 2020	
Notice of Public Meeting:	Notice sent to 12 property owners within 120 m of the subject property and three (3) additional persons on October 30, 2020.	
Public Consultation:	<p>The public consultation strategy prepared and submitted by the agent (i.e. IBI Group) relies on <i>Planning Act</i> requirements carried out by the City including installation of a Public Notice Sign, circulation of the Notice of Application to all landowners within 120 metres of the sites and the holding of a statutory public meeting before the City's Planning Committee.</p> <p>The agent and applicants have indicated they will be present to answer questions at the statutory public meeting of the Planning Committee.</p>	

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Public Comments:	None.
Processing Time:	398 days

Site Plan Control Application (SPA-19-080) – 2187 Regional Road 56:

A Site Plan Control Application for the proposed commercial development at 2187 Regional Road 56 was received on March 29, 2019. The plan includes a motor vehicle service station (i.e. gas station, car wash & lube service shop), a drive-through restaurant and a 10-bay mechanic shop with 63 parking spaces in total (see proposed site plan in Appendix “B” to Report PED20027). The application received Conditional Site Plan Control approval on September 27, 2019. One of the conditions of approval requires that the owner obtain approval from the City’s Director of Building Services or Ministry of the Environment and Climate Change (MOECC) (if over 10,000L/day) for all private sewage systems and approval from MOECC for water taking systems over 50,000L/day.

Existing Land Use and Zoning

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>2121 Regional Road 56</u>	Michaëlle Jean Elementary School (approx. 274 students)	Agricultural (A1, 100) Zone
<u>2187 Regional Road 56:</u>	Commercial motor vehicle (bus) storage facility and seasonal garden centre	Existing Rural Commercial (E1, 151) Zone Conservation/Hazard Land – Rural (P6) Zone

Surrounding Lands:

North	Agricultural Land	Agricultural (A1) Zone and Conservation/Hazard Land – Rural (P6) Zone
South	Agricultural and Single Detached Dwellings	Agricultural (A1) Zone
West	Agricultural and Single Detached Dwellings	Agricultural (A1) Zone

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East

Woodlands and
Agricultural

Conservation/Hazard Land – Rural
(P6) Zone and Agricultural (A1)
Zone

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 application.

Rural Lands in Municipalities

“1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.”

Section 1.1.5 of the Provincial Policy Statement (PPS) provides policy direction for development in Rural Areas. Specifically relating to this application, Section 1.1.5.5 directs that development shall be appropriate for the *infrastructure* which is planned and available and avoid the need for the unjustified and/or uneconomical expansion of the *infrastructure*.

In this regard, the application is requesting an exception to the applicable Greenbelt Plan and Rural Hamilton Official Plan policies regarding the expansion of lake-based municipal water and wastewater services. The proposed exception is intended to allow for the construction of a new 250mm municipal water service line beginning from the pressure reducing water station located at 2265 Regional Road 56, extending northward along the frontage of 2187 Regional Road 56 and terminating at 2121 Regional Road 56 (approx. 300 metres in length). The application also involves construction of individual private lateral connections to the existing 900mm municipal sanitary line that exists along the west side of Regional Road 56.

It is staff’s opinion that the proposed servicing expansion is unjustified. The existing school located at 2121 Regional Road 56 has been in operation since 1955 with the provision of private on-site water and wastewater services. There are no known failures

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or public health issues associated with the ground water supply nor are there any known physical constraints that are impacting the site's capacity to continue to provide for a suitable septic system. Similarly, there are no known failures or public health issues with the ground water supply nor are there any known physical constraints impacting the ability of 2187 Regional Road 56 to be serviced by way of private on-site services.

The creation of the proposed 250 mm municipal water service main extending northward from the pressure reducing water station located at 2265 Regional Road 56, spanning the frontage of 2187 Regional Road 56 and terminating at 2121 Regional Road 56 (approx. 300 metres in length) is an uneconomical option as it would serve only two sites in the rural area with no additional future development potential. Notwithstanding the requirement for the Applicant to fund the costs of initial construction, the City of Hamilton would be responsible for the on-going operational and maintenance costs. The full lifecycle costs of this approach have not been fully vetted and resolved with staff.

The proposed expansion of lake-based municipal services is not consistent with the intent of Section 1.1.5.5 of the PPS, 2020 as it involves an unjustified expansion of municipal water and wastewater services into Rural Lands where development can be sustained by rural service options (i.e. private on-site water and wastewater services).

Greenbelt Plan (2017)

The *Greenbelt Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Greenbelt Plan (2017). The Greenbelt Plan designates the subject lands as "Protected Countryside".

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

4.2.2 Sewage and Water Infrastructure Policies

In addition to the policies of section 4.2.1, for sewage and water infrastructure in the Protected Countryside the following policies shall apply:

1. Planning, design and construction of sewage and water *infrastructure* shall be carried out in accordance with the policies in subsection 3.2.6 of the Growth Plan.
2. The extension of *municipal* or *private communal sewage* or *water services* outside of a *settlement area* boundary shall only be permitted in the case of health issues or to service existing uses and the expansion thereof adjacent to the *settlement area*. Notwithstanding the above, where *municipal water services* exist outside of

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settlement areas, existing uses within the service area boundary as defined by the environmental assessment may be connected to such a service.”

Firstly, the overall planning and design of sewage and water infrastructure is to be carried out in accordance with section 3.2.6 of A Place to Grow Plan (2019). Section 3.2.6 c) of the Growth Plan requires a comprehensive water and wastewater master plan be prepared to identify the preferred option for servicing growth and development, subject to policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 of the PPS, 2020. These policies outline a hierarchy of servicing options starting with full municipal servicing as the preferred solution for settlement areas to individual private on-site services as the preferred option for rural areas. The City of Hamilton has satisfied this policy through its Integrated Water and Wastewater Master Plan for the Lake-Based Systems. The subject sites are not identified for municipal services by way of this plan.

The Greenbelt Plan provides specific directives for the consideration of extensions and connections to municipal water and sewers outside of urban areas. Extensions of municipal water or sewers are only permitted in the case of health issues or to service existing uses and the expansion thereof on sites located adjacent to a settlement area.

With regard to the proposed extension of municipal water, the applicants have acknowledged that there are no health issues in relation to existing private water supply for the HWDSB school site or the commercial site. Existing systems and potable water supply meet all applicable public health standards.

In the context of this policy (Section 4.2.2.2), only the Ecole Elementaire Michaele Jean at 2121 Regional Road 56 would qualify as an existing use. The proposed commercial development at 2187 Regional Road 56 is not existing. Regardless of the “existing” status of the school, the PPS, which provides overall direction on matters of provincial interest in planning, defines *adjacent* as “contiguous”. Both of the subject sites are located more than 300 metres north of the northern extent of the Binbrook urban area boundary with a series of intervening parcels existing between the sites and the boundary and therefore would not be considered “adjacent”, as defined in the PPS.

Notwithstanding the clear provincial direction regarding municipal servicing extensions, the Greenbelt Plan does provide that where *municipal water services* exist outside of *settlement areas, existing uses* within the service area boundary as defined by the environmental assessment may be “connected” to such a service. In this case, there is an existing 400 mm diameter transmission main located along Regional Road 56. However, the subject sites are not within the service area boundary defined through an environmental assessment (i.e. the Integrated Water and Wastewater Master Plan for the Lake-Based Systems). These sites were not contemplated for local connections through the environmental assessment and the main itself was not physically designed

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to accommodate local service connections. Transmission watermains are critical pieces of infrastructure for the delivery of water services to thousands of customers (6,400,000 litres per day capacity) and their structural integrity is reduced with service connections. Also, transmission watermains have varying hydraulic states (pressure variations) not suitable for direct service to customers. As such, connections to the existing municipal water line is not appropriate.

As the subject lands are not considered to be adjacent to a settlement area, nor has a health issue been identified to warrant an extension of municipal services, the proposal does not conform to the Greenbelt Plan (2017).

Rural Hamilton Official Plan (RHOP)

The subject property is identified as “Rural Area” on Schedule E – Urban Structure and designated “Agriculture” on Schedule D – Rural Land Use Designations of the RHOP.

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

Lake-Based Municipal Water and Wastewater Systems

- “C.5.3 It is the objective of this Plan to prohibit the extension or expansion of all lake-based, municipal water and wastewater services outside the urban area boundary.
- C.5.3.1 The Province requires municipalities to prohibit the extension or expansion of lake-based municipal services outside of urban area boundaries for properties within the City limits, except in response to public health emergencies. No extensions of the municipal lake-based water and wastewater systems shall be permitted into rural area lands detailed in this Plan unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of municipal water and/or wastewater systems to the affected population.
- C.5.3.2 The City may allow *existing* lots and existing uses that front on a rural/urban boundary road, to connect to existing municipal water and wastewater systems, provided all the following conditions are met:
- a) the area shall remain outside the *urban area* and shall be designated Agriculture, Specialty Crop or Rural in the Rural Hamilton Official Plan; and,

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- b) sufficient supply and capacity are available to service the existing development.

C.5.3.3 Prior to the adoption of this Plan, the City has installed, approved specific Official Plan policies, entered into legal agreements and approved engineering plans in accordance with its former Official Plan policies to extend lake-based municipal water and wastewater services to certain properties in the rural area. This Plan recognizes and permits these existing and approved public works to be maintained or completed in accordance with previous policies, agreements and plans approved on or before December 16, 2004. No future lake-based municipal service extensions or expansions, agreements, plans or amendments to same shall be permitted by this Plan.”

The Official Plan must be consistent with the Provincial Policy Statement and conform to the Greenbelt Plan. However, the municipality can be more restrictive than the provincial directions. The RHOP servicing policies are designed to articulate provincial policy and plan requirements in terms, and with a level of detail, that make sense in Hamilton’s context.

The application presents two distinct requests for consideration:

- 1) To “connect” existing and future land uses to an existing 900mm sanitary trunk located along the frontage of these properties on Regional Road 56; and,
- 2) To “extend” municipal water service by way of a new domestic watermain to be constructed parallel to the existing transmission watermain on the east side of Regional Road 56 to service existing and future land uses.

With respect to the proposed extension of municipal water service, the RHOP only allows for lake-based municipal servicing extensions in the case of public health emergencies declared by the Medical Officer of Health. The applicants acknowledge that the subject application is not in response to a public health issue or emergency.

With respect to the proposed connections to municipal wastewater services, the RHOP only allows for such connections for existing lots and existing uses that front on a rural/urban boundary road where there is sufficient capacity available to service the development. In the context of this policy (Section C.5.3.2), the term existing 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. In the case of this application, only the Ecole Elementaire Michaelle Jean at 2121 Regional Road 56 would qualify as an existing use. The proposed commercial development at 2187

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Regional Road 56 is not existing. Notwithstanding each sites' existing vs. not-existing status, it is acknowledged that neither of these sites front onto an urban/rural boundary road and therefore they do not meet the criteria for a connection.

Beyond these policy conflicts, the applicants have not provided information about other compelling and/or extenuating circumstances that warrant the extension of lake-based servicing. The request for the proposed servicing connections and extension is tied to the Applicants' conclusion that municipal services would provide greater operational certainty and/or reliability to support existing and future uses on their respective sites.

Any extensions or expansions of lake-based municipal services beyond current urban boundaries should be considered in conjunction with broader municipal planning objectives and a fulsome review of settlement area boundaries through comprehensive review. A comprehensive review exercise would include a full evaluation of options and alternatives that would ensure an outcome based on the public interest as opposed to the limited scope of analysis that's been presented with this site-specific application. The proposed site-specific amendment does not comply with the intent and policies of the Rural Hamilton Official Plan.

City of Hamilton Zoning By-law No. 05-200

2121 Regional Road 56

The subject site is zoned Agricultural (A1, 100) Zone in the City of Hamilton Zoning By-law No. 05-200. The base Agricultural (A1) Zone allows for agricultural uses, uses secondary to agriculture and single detached dwellings. The special exception (100) that applies to this site provides that "an Educational Establishment shall also be permitted and shall be in accordance with Section 12.1.3.1 b) through g)". Section 12.1.3.1 refers to regulations contained within the base Agricultural (A1) Zone. Items b) to g) relate to yard setbacks, lot coverage, outdoor storage and accessory buildings.

2187 Regional Road 56

The subject site is zoned Existing Rural Commercial (E1, 151) Zone in the City of Hamilton Zoning By-law No. 05-200. A portion of the site is also zoned Conservation/Hazard Land – Rural (P6) Zone to reflect an environmentally significant woodland feature at the eastern portion of the subject site.

The Existing Rural Commercial (E1) Zone applies to rural properties that contain legally existing commercial uses. This Zone recognizes and permits those uses that have been legally established prior to the enactment of this By-law. The special exception (151) that applies to this site provides that "a motor vehicle storage, sales and repair

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operation, Motor Vehicle Service Station and an office for a travel agency shall also be permitted”.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • Transportation Planning and Parking Division, Planning and Economic Development Department; • Healthy Environments Division Public Health Services, Healthy and Safe Communities Department; • Forestry and Horticulture Section, Environmental Services Division, Public Works Department; and, • Niagara Peninsula Conservation Authority. 		No Comments
	Comment	Staff Response
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department</p> <p>-and-</p> <p>Water & Wastewater Planning, Hamilton Water Division, Public Works Department</p>	<p>Development Engineering is not in support of the approval of this Official Plan Amendment Application.</p> <p>Water service Connection to the 400 mm diameter transmission main for servicing of the subject lands is not allowable. Transmission watermains are critical for the delivery of water services to thousands of customers (6,400,000 litres per day capacity) and their structural integrity is reduced with service connections. Also, transmission watermains have varying hydraulic states (pressure variations)</p>	<p>Water service Should the OPA be approved, the applicants are proposing a new domestic watermain to be constructed parallel to the existing transmission watermain on the east side of Regional Road 56. The new watermain would be connected to the existing watermain just west of the existing pumping station. It is acknowledged that the construction of this local service main would be at the expense of the applicant. However, the long-term maintenance and liabilities associated with the new line would be assumed by the City. These costs and operating risks have not been</p>

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	<p>not suitable for direct service to customers. Local service watermains are needed for customers. In addition, it is sometimes necessary to take transmission mains offline for various reasons. Having customers directly reliant on the main for servicing would require giving 48-hours' notice for water stoppages, inconveniencing both the City and the customer(s).</p> <p>Sanitary service The existing 900 mm sanitary trunk was not designed with the intent of servicing properties outside of the Binbrook Settlement Area.</p> <p>Storm sewer service Not applicable; urbanized storm sewer servicing is not available for these properties.</p>	<p>specifically defined through this application.</p> <p>Sanitary service It has been acknowledged by Public Works that the two subject properties could be serviced by way of individual connections to the 900 mm trunk sewer located along Regional Road 56. However, this does not address the broader question of whether it is appropriate to service lands outside of the urban area on an ad hoc basis or how this could impact overall capacity to service future planned urban development and redevelopment within the Binbrook urban area.</p> <p>Storm service It is recognized by staff and the applicant that storm sewers are not available.</p>
<p>Growth Planning Section, Growth Management Division, Planning and Economic Development Department</p>	<p>As the intent of this application is to facilitate a municipal servicing connection to the existing school site at 2121 Regional Road 56 and 2187 Regional Road 56 which is subject to SPA-19-080, confirmation of whether a joint servicing agreement would be</p>	<p>The intent of this application is to facilitate the construction of a new municipal service watermain that would run parallel to the existing 400 mm transmission watermain within the Regional Road 56 right of way. The construction of the water main extension would be at the expense of the</p>

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	needed for the servicing of 2121 and 2187 Regional Road 56 is required.	applicant and individual servicing connections would then be provided from the local extension. The long-term maintenance of the main extension would be the responsibility of the City in this scenario.
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Public Consultation:

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 12 property owners within 120 m of the subject property on November 21, 2019 requesting public input on the application. A Public Notice sign was also posted on the property on November 26, 2019 and updated on October 21, 2020 with the date of the Public Meeting. Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on October 30, 2020.

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

Public Consultation Strategy:

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a public consultation strategy. The strategy prepared by the consulting planners (IBI Group) relies on *Planning Act* requirements carried out by the City including installation of a Public Notice Sign, circulation of the Notice of Application to all landowners within 120 metres of the sites and the holding of a statutory public meeting before the City's Planning Committee.

The agent and applicants have indicated they will be present to answer questions at the statutory public meeting of the Planning Committee.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan Amendment application cannot be supported for the following reasons:
 - (i) The application does not conform to the Greenbelt Plan (2017);

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- (ii) It does not comply with the policies and intent of the Rural Hamilton Official Plan as it is not the result of a public health emergency and the sites do not front on an urban/rural boundary road; and,
 - (iii) The applicable RHOP policies support the strategic directions formulated through comprehensive municipal planning exercises such as the GRIDS and the Water and Wastewater Master Plan for Lake-Based Systems and therefore a site-specific amendment, as proposed, does not represent good planning.
2. Section 4.2.2 of the Greenbelt Plan states that “the extension of municipal or private communal sewage or water services outside of a settlement area boundary shall only be permitted in the case of health issues or to service existing uses and the expansion thereof adjacent to the settlement area”. The applicants acknowledge that there are no health issues requiring resolution at the present time. These sites are not located adjacent to the settlement area boundary. The Provincial Policy Statement, which provides the overall direction and framework for the Greenbelt Plan, defines “adjacent” as contiguous. The sites are approximately 300 metres (2187 Regional Road 56) and 575 metres (2121 Regional Road 56) north of the Urban Area Boundary respectively and are both separated from the boundary by a series of intervening parcels. The proposed amendment and associated extension of municipal water services does not conform to the Greenbelt Plan.
3. The RHOP allows for lake-based municipal servicing extensions in the case of public health emergencies declared by the Medical Officer of Health. The applicants acknowledge that the subject application is not in response to a public health issue or emergency as it relates to existing uses.

Further, the RHOP allows for connections to existing municipal servicing for existing lots and existing uses that front on a rural/urban boundary road where there is sufficient capacity available to service the development. It is further acknowledged that, notwithstanding the existing sanitary line adjacent to the sites, these sites do not front onto an urban/rural boundary road. Section C.5.3.3 of the RHOP recognizes that the City allowed for extension of lake-based municipal services to certain properties in the Rural Area prior to the adoption of the plan but specifically directs that no municipal service extensions or expansions should be permitted moving forward. The Applicant’s planning rationale does not speak to other compelling and/or extenuating circumstances that would warrant the extension of or connection to lake-based servicing in consideration of this policy direction. Therefore, staff do not support the proposed Official Plan Amendment.

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4. Though preliminary estimates have been provided by the Applicant, the long-term costs and liabilities associated with the proposed municipal water main extension have not been subjected to any municipal forecasts as would be generally expected to occur through a comprehensive planning review process needed to support an urban boundary expansion.

ALTERNATIVES FOR CONSIDERATION

1. Should the application be denied, the subject lands could be developed for uses permitted by the existing Agricultural (A1, 100) Zone and Existing Rural Commercial (E1, 151) Zones that apply to the subject properties. The applicants can continue with the on-going operation and growth of the school in accordance with the sustainable servicing policies of the Rural Hamilton Official Plan. Additionally, the proposed commercial development could utilize private on-site servicing in accordance with the RHOP and conditions of site plan approval for SPA-19-080.
2. Council could refer the matter back to staff, request the applicant to provide additional information to better understand any potential capacity impacts and long-term maintenance costs and direct that staff report back to Council on the results and further recommendations, if necessary.
3. Should the application be approved, staff should be directed to prepare a draft Official Plan Amendment to establish a Site-Specific Policy area in Volume 3, Chapter B – Rural Site Specific Areas of the Rural Hamilton Official Plan to permit the extension of “lake-based” municipal water services and a connection to municipal wastewater services outside of the urban boundary to service lands located at 2121 and 2187 Regional Road 56, Glanbrook. Further, staff should be directed to issue the associated sewer and water permit to allow for connection to municipal wastewater services and extension of municipal water services at the owner’s expense.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

**SUBJECT: Application to Amend the Rural Hamilton Official Plan for Lands
Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027)
(Ward 11) - Page 19 of 19**

Clean and Green

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

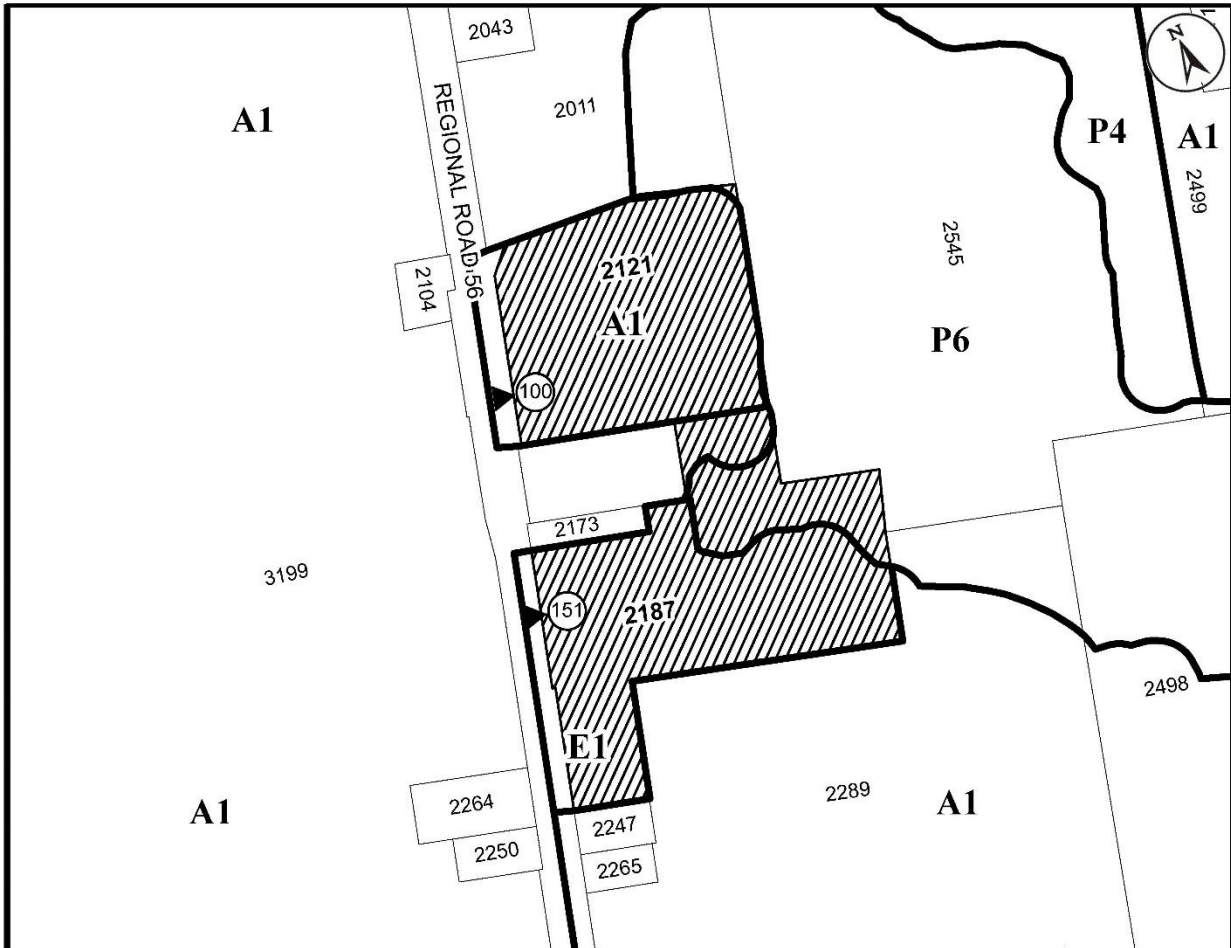
Built Environment and Infrastructure

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

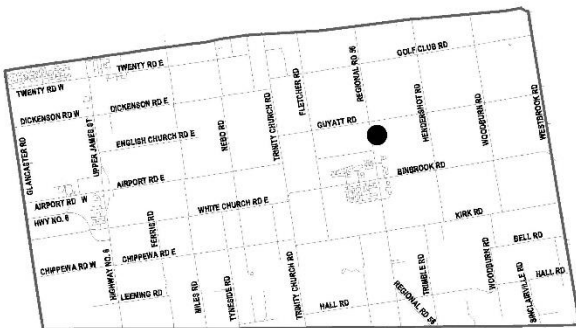
APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Location Map

Appendix "B": Site Plan – 2187 Regional Road 56



● Site Location



Key Map - Ward 11

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
RHOPA-19-015

Date:
November 14, 2019

Appendix "A"

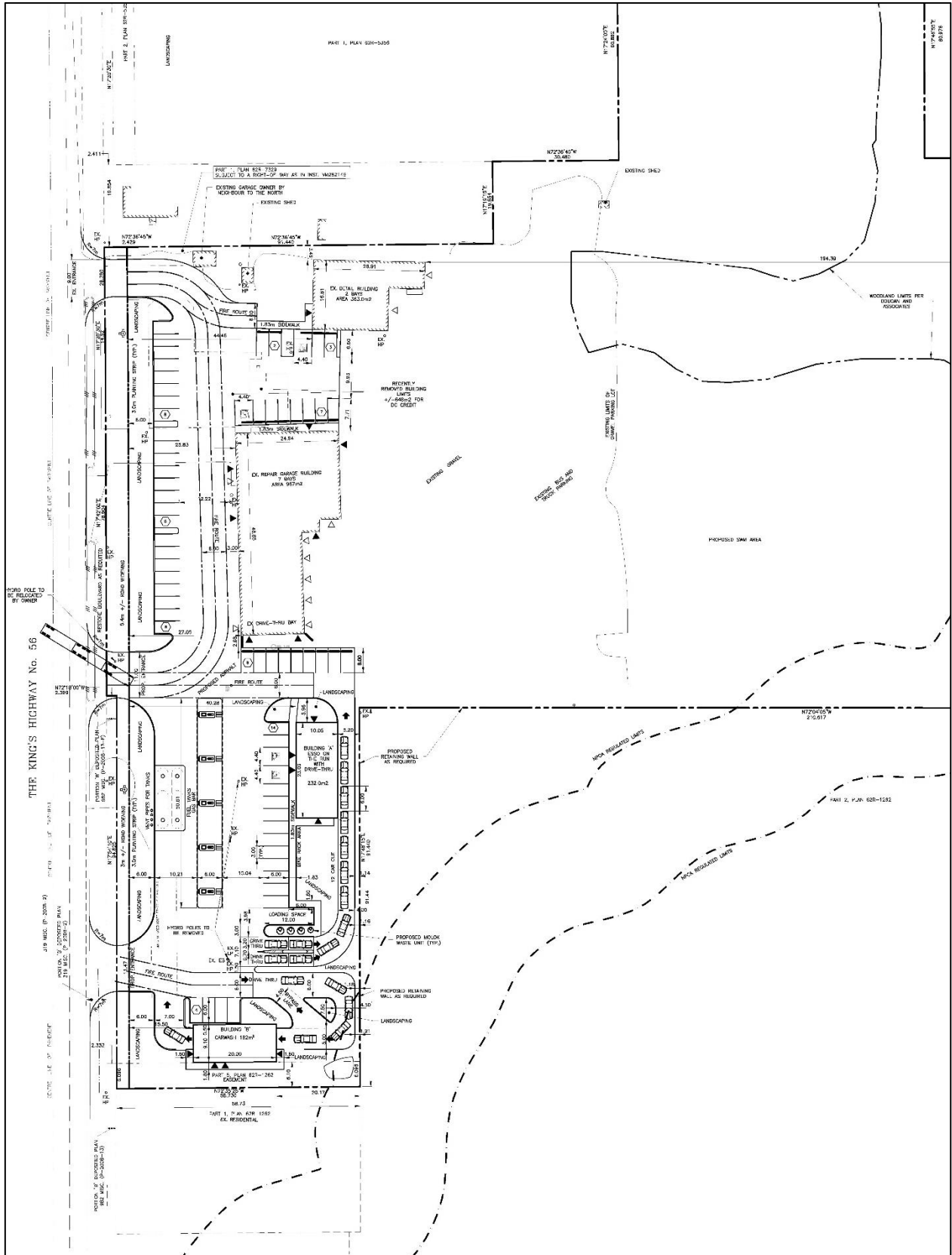
Scale:
N.T.S

Planner/Technician:
MD/AL

Subject Property

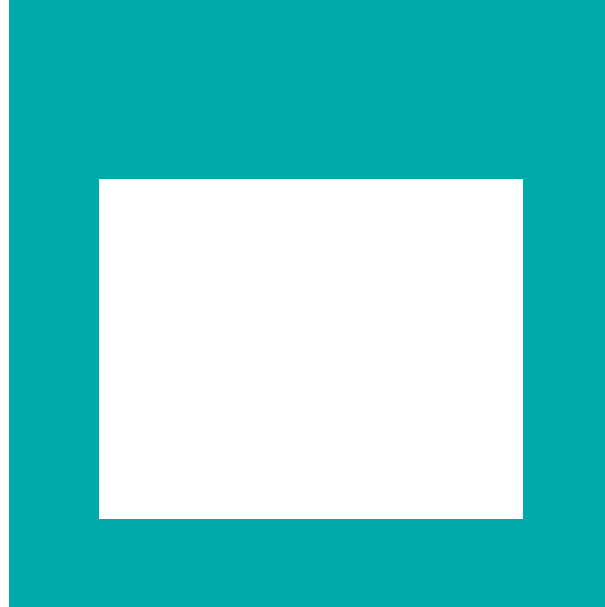
 2121 & 2187 Regional Road 56

Proposed Site Plan: 2187 Regional Road 56



Perspective Images: 2187 Regional Road 56





WELCOME TO THE CITY OF HAMILTON

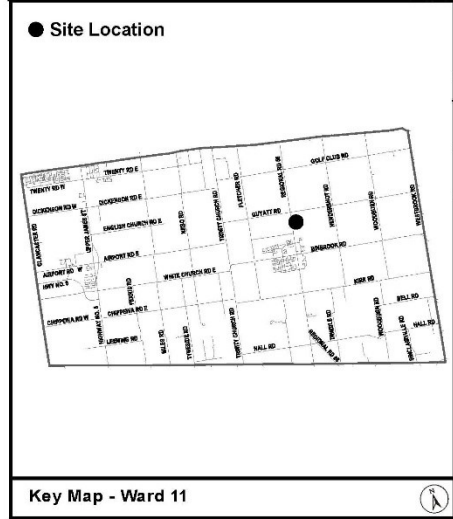
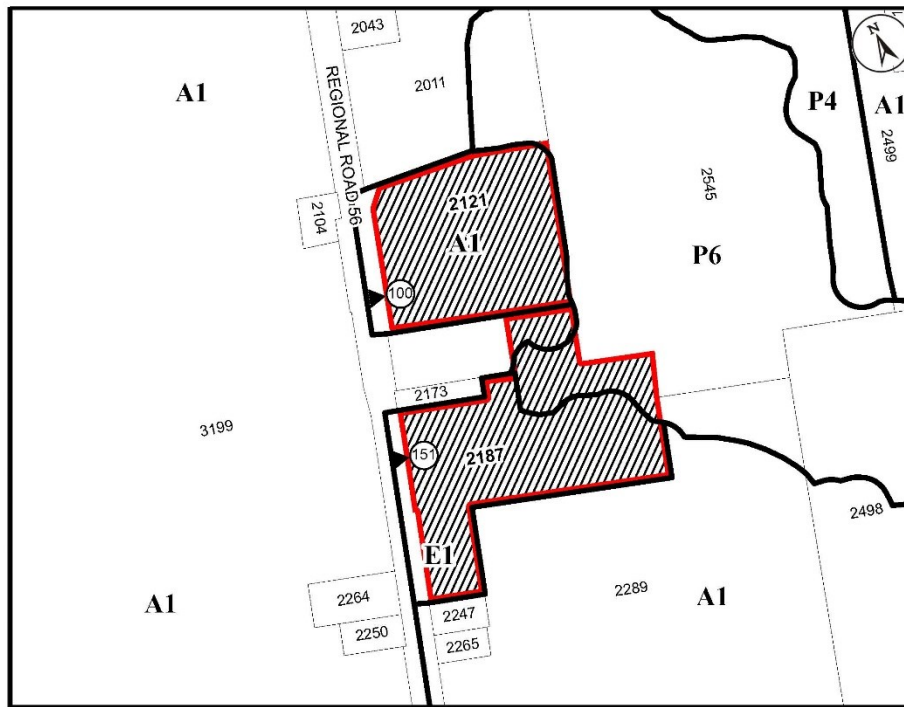
PLANNING COMMITTEE

November 17, 2020

PED20027 – (RHOPA-19-015)

Application to Amend the Rural Hamilton Official Plan for Lands Located at 2121 and 2187 Regional Road 56, Glanbrook

Presented by: Michael Davis



Location Map

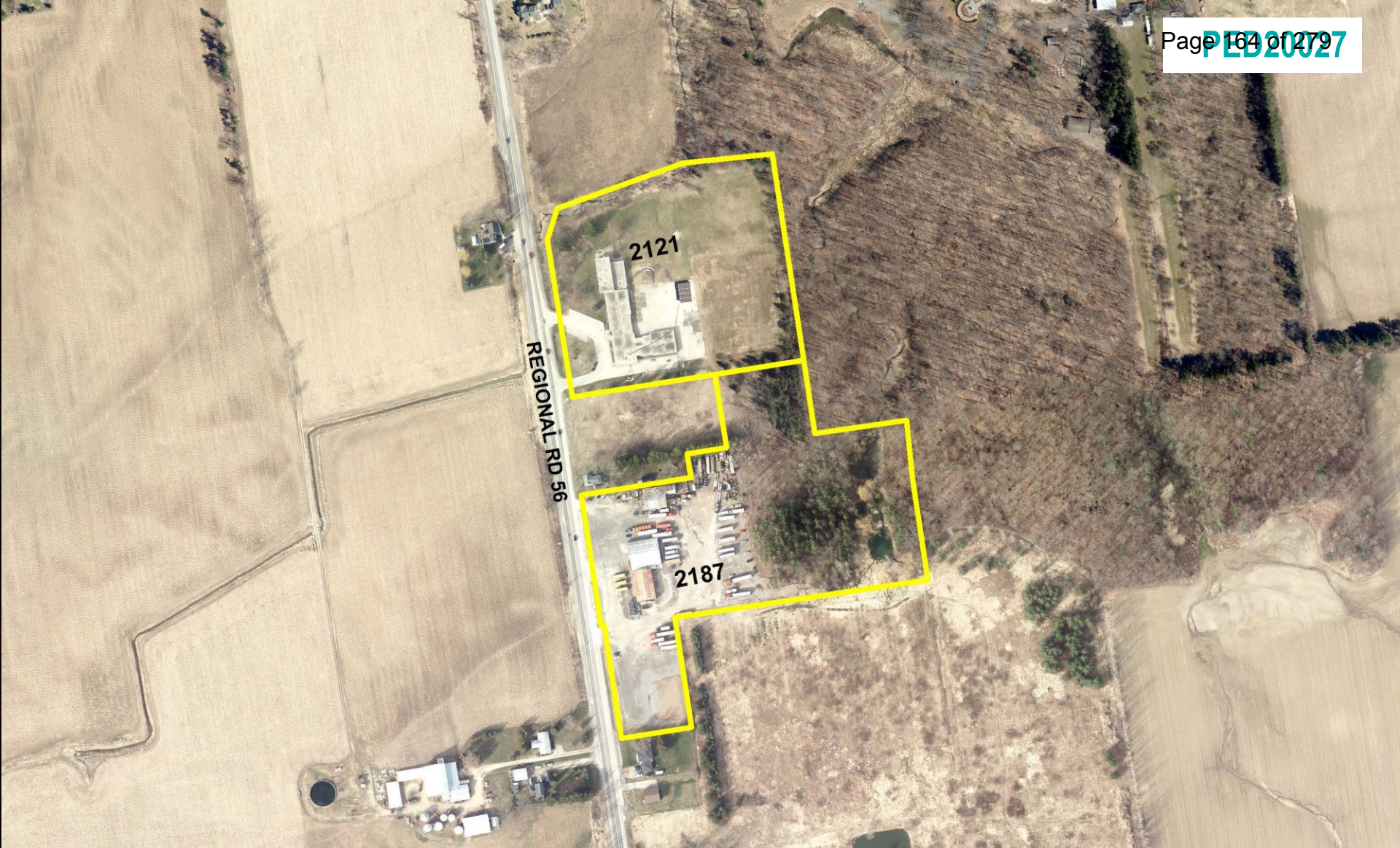
Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: RHOPA-19-015	Date: November 14, 2019
Appendix "A"	Scale: N.T.S.
Planner/Technician: MD/AL	

Subject Property

2121 & 2187 Regional Road 56



SUBJECT PROPERTY



2121 & 2187 Regional Road 56, Glanbrook





View looking north along Regional Road 56 from Ecole Elementaire Michaelle Jea



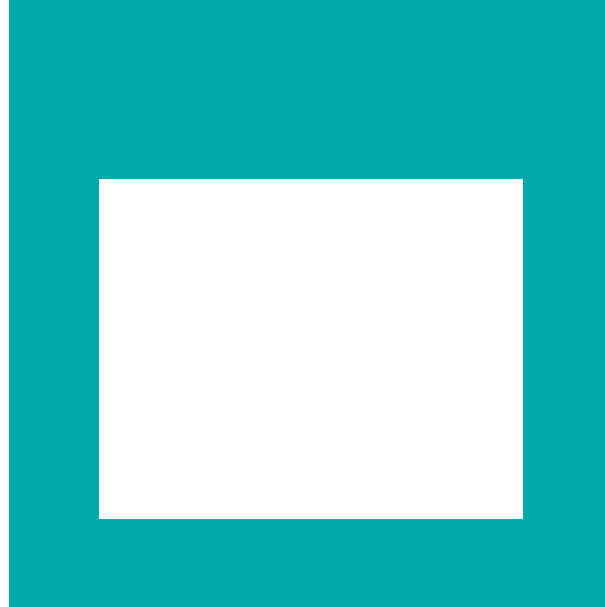
View looking east toward Ecole Elementaire Michaele Jean from Regional Road 56



View looking east toward 2187 Regional Road 56 from Regional Road 56



View looking south toward Binbrook from Regional Road 56



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

2121 & 2187 Regional Road 56, Binbrook



IBI GROUP

Michaëlle Jean Elementary School & Marshall Real Estate

November 17th, 2020



École Élémentaire
Michaëlle Jean...

Badder Bus Service

56

Air Photo of Subject Lands

Subject Lands

- 2121 Regional Road 56
 - Michaëlle Jean Elementary School
 - Private on-site groundwater well and septic tile beds
- 2187 Regional Road 56
 - Motor Vehicle Storage
 - Private on-site well and two sanitary holding tanks



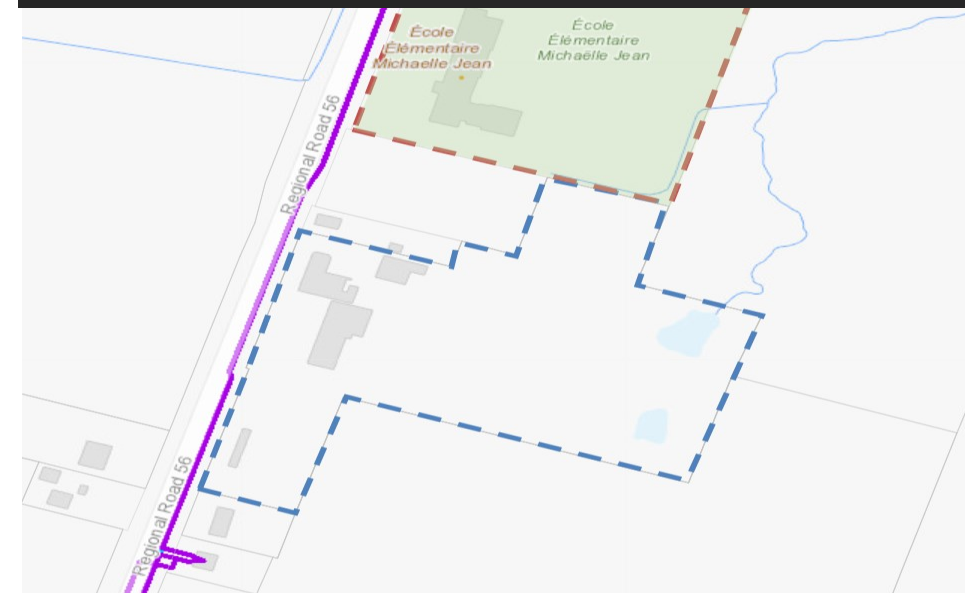
What is being requested?

A Rural Hamilton Official Plan to allow connections to municipal servicing beyond settlement boundaries along Regional Road 56

- To provide school with sufficient and safe supply of servicing
- Facilitate the proposed redevelopment of 2187 Regional Road 56



Wastewater Servicing Map



Water Servicing Map

Policy Framework – Greenbelt Plan 2017

- **Policy 4.2.2.2** *The extension of municipal or private communal sewage or water services outside of a settlement area boundary shall only be **permitted in the case of health issues or to service existing uses and the expansion thereof adjacent to the settlement area.** Notwithstanding the above, where municipal water services exist outside of settlement areas, existing uses within the service area boundary as defined by the environmental assessment may be connected to such a service (emphasis added)*

Policy Framework – Rural Hamilton Official Plan

- **Policy 5.3.1** *The Province requires municipalities to prohibit the extension or expansion of lakebased municipal services outside of urban area boundaries for properties within the City limits, except in response to public health emergencies. **No extensions of the municipal lake-based water and wastewater systems shall be permitted into rural area lands detailed in this Plan unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of municipal water and/or wastewater systems to the affected population.***



Settlement Area Boundary Map

Conclusion

- The Rural Hamilton Official Plan is stricter than Provincial Plans
- Hamilton has the flexibility to approve this Official Plan Amendment
- Recommendation: Staff Report be received and Staff be directed to prepare an Official Plan Amendment to permit 2121 & 2187 Regional Road 56 to connect to municipal water and wastewater services outside of the urban boundary

Binbrook Village Competitor

- Proposed John Bruce Robinson Gas Bar/ Car-Wash and Coffee Shop
- Initiated legal challenge
- Without merit
- Has no bearing on the Servicing Proposal

Thank you!



November 11, 2020

Mr. Michael Davis
City of Hamilton
Legislative Coordinator, Planning Committee
71 Main Street West, 1st Floor
Hamilton, Ontario
L8P 4Y5

*** Submitted via email to: michael.davis@hamilton.ca ***

Dear Mr. Davis:

**Re: 2121 and 2187 Regional Road 56, Glanbrook
Rural Hamilton Official Plan Amendment (File No. RHOPA-19-015)**

We are in receipt of the Notice of Public Meeting of the Planning Committee dated October 30, 2020, and wish to provide the following comments for Committee's consideration at the November 17th meeting.

If we understand this application correctly, the purpose is to add a Site Specific Policy Area to permit a 300 metre extension of the municipal water services from the Binbrook Urban Area to the subject lands in the Rural Area, and add a connection to the sanitary line that exists along the west side of Regional Road 56 to service the existing and proposed future uses on these two rural properties.

We are the owner of 2289 Regional Road 56, located directly in between the Binbrook Urban Area and the subject properties, within this proposed 300 metre extension area. If this application is approved, the water service and sanitary line being referenced would extend from the Urban Area, run directly in front of our property, before ultimately reaching the subject properties.

Should Council be supportive of this application, we also request the same permission to connect our property to the urban services in order to allow for future development of our property. We would be pleased to discuss this opportunity further at your convenience.

Please include us on the distribution list for notification of the decision of the City of Hamilton on this proposed Official Plan Amendment.

Yours truly,
PENTA PROPERTIES INC.


Dave Pitblado
Director, Real Estate Development

Cc: clerk@hamilton.ca



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

November 12, 2020

The City of Hamilton
Clerks Department
71 Main Street West, 1st Floor
Hamilton, Ontario
L8P 4Y5

Sent via email to: clerk@hamilton.ca

Attn: Chair and Members of Planning Committee

**Re: 2121 & 2187 Regional Road 56, Glanbrook
Rural Hamilton Official Plan Amendment (“Proposed OPA”)
City File: RHOPA-19-015
Letter of Objection**

Dear Chair and Members of Planning Committee,

On behalf of our Client, John Bruce Robinson Construction Limited, we are submitting this letter to formally object to the Proposed OPA at 2121 & 2187 Regional Road 56, Glanbrook. The lands located at 2187 Regional Road 56 in particular (“Subject Lands”), are currently used for commercial purposes, containing two one-storey buildings used for bus depot and motor vehicle storage uses (“Existing Uses”). The Subject Lands have also been used as a seasonal garden centre. The Subject Lands are not currently used, nor have they ever been used, as a Motor Vehicle Service Station, and/or Motor Vehicle Gas Bar, Restaurant, and/or a Car Wash as proposed through City’s Site Plan File: SPA-19-080 (“Future Uses”). The buildings are located in the front portion of the Subject Lands, which is generally paved with gravel. The rear portion is vacant, consisting of a densely vegetated area.

The Greenbelt Plan (2005 and 2017)

The Subject Lands are outside of the urban boundary, approximately 300 metres from the northerly limit of the Binbrook Village Secondary Plan, which coincides with the north limit of the urban area boundary of Binbrook and are currently serviced by private water and wastewater services. The Subject Lands are designated as Protected Countryside and fall within prime agricultural areas of the Protected Countryside in the Greenbelt Plan (2005) and the Greenbelt Plan (2017).

The purpose of the Proposed OPA is to permit Existing Uses and Future Uses to connect to lake-based municipal water and wastewater services. As the following policy review indicates, such connections are only permitted outside of the urban area boundary under very rare circumstances. These circumstances do not exist in this case.

Provincial planning policy, specifically the Greenbelt Plan (2005 and 2017), generally prohibits the extension of municipal or private communal sewage or water services outside of a settlement boundary except in the following circumstances:



- in the case of health issues;
- to service existing uses; or
- to service the expansion of existing uses adjacent to the settlement.

None of these circumstances exist in this case. There is no evidence of any health issues in relation to existing private water supply for the subject lands. Notwithstanding the above, where municipal water services exist outside of settlements areas, existing uses within the service area boundary as defined by an environmental assessment may be connected to such a service. In this case, municipal water services do not exist outside the settlement area, and as mentioned previously, the Future Uses do not exist as such, they are not existing uses. The Subject Lands have never been used for Motor Vehicle Service Station, and/or Motor Vehicle Gas Bar, Restaurant, and/or a Car Wash.

In order to conform and not conflict with the Greenbelt Plan, the Existing Uses and Future Uses should continue to be serviced by private systems.

The Rural Hamilton Official Plan

The Rural Hamilton Official Plan implements the policy regime established by the Greenbelt Plan.

The Subject Lands are designated both Greenbelt Protected Countryside and Key Natural Heritage Feature Significant Woodlands in Schedule B-2 of the Rural Hamilton Official Plan (RHOP). The Subject Lands are also designated as Agriculture in Schedule D of the RHOP. The City's local policy framework within RHOP sets out substantial technical criteria and requirements for development on private services; however, the Proposed OPA by-passes that policy framework in order to connect to lake-based municipal services that need to be extended well outside the urban area boundary. Pol. C.5.1 of RHOP – Private Water and Wastewater Services (OPA 5) – confirms that the objective of this Plan is to ensure all rural development establishes, and maintains in perpetuity, sustainable private services in accordance with the policies set out in section 5.1.1. The Proposed OPA does not maintain in perpetuity, sustainable private services, and such, does not conform with this objective of the RHOP.

The RHOP also provides policy direction for existing uses within the plan and is consistent with the relevant provincial policy direction of the Greenbelt Plan.

Pol. F.1.12.2 An existing use, identified as Protected Countryside area on Schedule A – Provincial Plans, that does not comply to or conform with the land use designations and policies of this Plan and/or the Zoning By-law, that existed prior to December 16, 2004 or any amendments may continue (emphasis added) provided that:

- a) The non-complying use did not conflict with the Official Plan and Zoning Bylaw in effect at the time the use was established; and
- b) The non-complying use has not been interrupted subsequent to the approval of this Plan.
- c) The non-complying use was lawfully existing on or before December 15, 2004.



The Future Uses within the corresponding site plan application (City File: SPA-19-080) are new uses proposed and therefore cannot be evaluated against the above-noted policies to determine that their use(s) may continue.

Pol. F.1.12.3 Where appropriate, the City may amend the Zoning By-law to recognize the non-complying use as an existing use provided that all the following criteria shall be met:

- a) The Zoning By-law shall permit only the existing use and the associated performance standards;
- b) The use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and
- c) The use does not pollute the air or water and is in compliance with appropriate provincial and municipal regulations.

Pol. F.1.12.4 The expansion or enlargement or change in non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan, in particular Sections C.5.1, Sustainable Private Water and Wastewater Services and C.2.0, Natural Heritage System and any other requirements of the Planning Act. Pol. F.1.12.5 Where an existing use does not comply with the criteria in Section F.1.12.2 and is incompatible with surrounding land uses or other policies in this Plan, it shall not be zoned and shall be deemed to be a non-conforming use for the purposes of the Zoning By-law.

Existing: 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.

Again, the Future Uses proposed within the Site Plan File: SPA-19-080 for the Subject Lands are not existing uses and are not permitted uses within the Zoning By-law.

City of Hamilton's Comprehensive Zoning By-law 05-200

In 2015, the City's Comprehensive Zoning By-law 05-200, as amended by site-specific Zoning By-law No. 15-173 ("Parent ZBL") regulated the Subject Lands. The Subject Lands were zoned as "E1-151" – Existing Rural Commercial Zone and "P6" – Conservation/Hazard Lands Rural Zone. The Parent ZBL permitted the following uses:

- a. agriculture
- b. agricultural processing establishments – stand alone
- c. agricultural storage establishments
- d. farm product supply dealers
- e. kennels
- f. motor vehicle storage, sales, and repair operation
- g. office for a travel agency.
- h. uses existing at the date of the passing of the Parent ZBL



Before the Parent ZBL came into force and effect, the Subject Lands were regulated by the former Township of Glanbrook Zoning By-law No. 464 ("Former ZBL"). Under the Former ZBL, the Subject Lands were zoned as site-specific General Commercial "C3-031". The permitted uses were:

- a. The permitted uses on these lands shall be restricted to a motor vehicle storage, sales and repair operation, and an office for a travel agency, and accessory uses, buildings, and structures.

A Motor Vehicle Service Station is a defined use in the Former ZBL and the Parent ZBL. It was not a permitted use on the Subject Lands in 2015. Furthermore, the additional uses proposed through Site Plan File: SPA-19-080, specifically a Motor Vehicle Gas Bar, Restaurant, and/or a Car Wash are not permitted within the RHOP or the Zoning By-law.

Conclusion

The Proposed OPA to permit Existing Uses and Future Uses that are currently not permitted within the RHOP and/or Zoning By-law and allow them to connect to lake-based municipal water and wastewater services by extending those municipal services well outside the urban area boundary should not be approved. The Proposed OPA is the antithesis of the policy regime established by the Greenbelt Plan as implemented in the Rural Hamilton Official Plan. That policy regime aims to protect rural and agricultural lands through appropriate servicing practices and ensuring appropriate land uses are implemented to meet the objectives and goals of the RHOP. The Proposed OPA does not conform to the applicable policy regime, does not represent good planning, and should be denied.

I trust this is satisfactory for your purposes and thank you for the Planning Committee's consideration in this matter. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'S. Fraser'.

Stephen Fraser, MCIP, RPP
A. J. Clarke and Associates Ltd.

Encl.

Copy via email only: John Bruce Robinson Construction Limited, Attn: Coleman Robinson
Turkstra Mazza Associates, Lawyers, Attn: Nancy Smith



November 15, 2020

RE: Item 7.2 – Application to Amend the Rural Hamilton Official Plan for Lands Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027) (Ward 11)

To the Chairperson & Members of the City of Hamilton’s Planning Committee,

I am writing to you on behalf of Environment Hamilton to express strong support for the recommendation from city planning staff to **DENY** the application to amend the Rural Hamilton Official Plan for lands located at 2121 and 2187 Regional Road 56 in Glanbrook.

We share staff concerns that this application **does not uphold** the policies set out in the city’s own Rural Hamilton Official Plan, and that it does not comply with important policies set out in Ontario’s Greenbelt Plan and in the Provincial Policy Statement.

This proposal represents an attempt to secure ‘leapfrog servicing’ given that it is seeking to extend municipal water/wastewater servicing beyond the Binbrook settlement area to rural locations well outside of that area. Our fear is that if this application receives approval from the city, **it will simply pave the way for the northward expansion of Binbrook into the protected Greenbelt in the future.** If provided, expanded servicing will be used by other landowners to justify their requests for future settlement area expansion. The Binbrook settlement area is one of the worst examples of ‘leapfrog development in Ontario’; it is not good planning to create new, expansive areas of mostly residential development so far outside of an urban area. When considered through a climate lens, development in this outlying area is harmful because it has created a community that is completely auto-dependent (no transit service and no active transportation links to urban Hamilton), and it has resulted in the loss of agricultural land and rural natural areas.

This form of development is also fiscally irresponsible and to continue to extend municipal services - as planning staff point out in their report - only creates additional costs for the city. We note, too, that the commercial development that is seeking servicing already received a conditional site plan approval from this committee on September 27, 2019 – **on the ‘premise that the lands would be developed on private services’**. It seems rather disingenuous that this proponent is now back before you just over a year later asking for you to approve the extension of city services to this property. The municipality must not make more bad decisions where this area and the rural lands around it are concerned; it is essential that the city uphold the policies put in place to protect the rural lands surrounding the Binbrook settlement area.

Finally, we view this application to extend city services as a very direct attack on the provincial Greenbelt particularly when city planning staff confirm that there is no justification, from a human health point of view, to extend these services to the proposed locations. Environment Hamilton is a proud member of the Ontario Greenbelt Alliance. We serve on the organization's Steering Committee and as a Regional Lead in the Niagara/Hamilton/Halton area. Along with the growing number of organizational members of the OGA, we believe it is essential that Ontario's Greenbelt is protected and, ideally, expanded over time.

In conclusion, we urge you to support the recommendation from city planning staff that this application be **DENIED**. Even when viewed at a very high level through a climate lens, this application cannot be justified and must not be supported.

Yours truly,

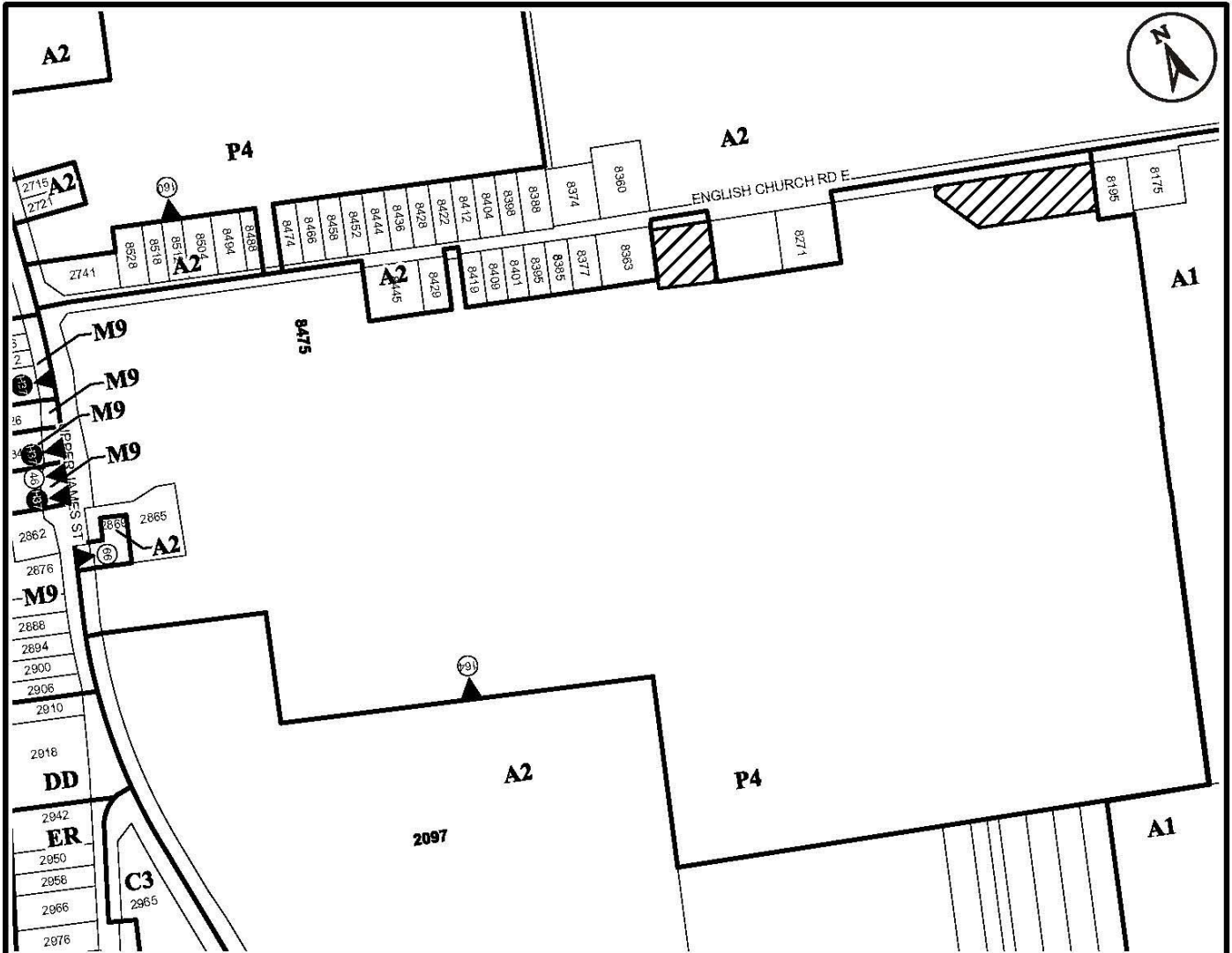
A handwritten signature in black ink, appearing to read "L. M. Lukasik". The signature is fluid and cursive, written in a professional style.

Lynda M. Lukasik, PhD
Executive Director

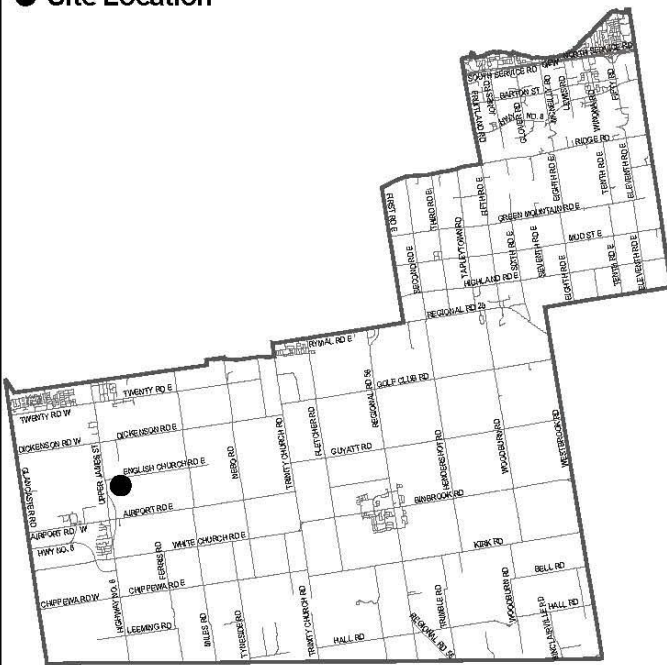
Environment Hamilton
22 Wilson Street, Suite 4
Hamilton, ON L8R 1C5

www.environmenthamilton.org

TEL: (905) 549-0900



● Site Location



Key Map - Ward 11

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-082/RHOPA-17-39

Date:
March 12, 2018

Appendix "A"

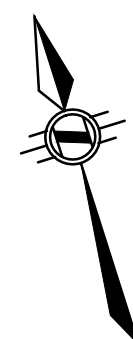
Scale:
N.T.S.

Planner/Technician:
EM/NB

Subject Property

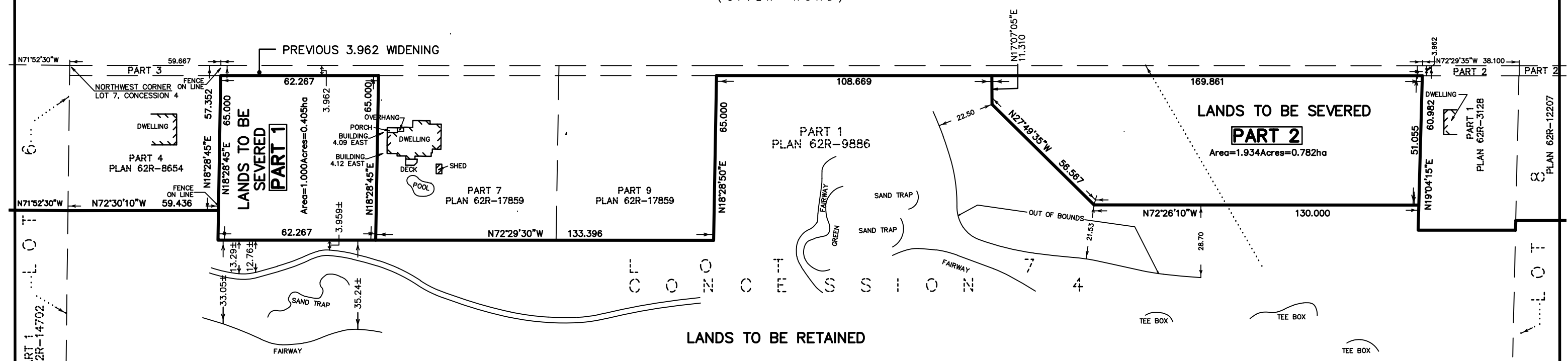
8475 English Church Road East

SKETCH FOR LAND SEVERENCE
OF PART OF
LOT 7
CONCESSION 4
GEOGRAPHIC
TOWNSHIP OF GLANBROOK
IN THE
CITY OF HAMILTON
SCALE 1:1500 METRIC



S.D. McLAREN, O.L.S. - 2015

ENGLISH CHURCH ROAD
(GIVEN ROAD)



LEGEND:

Symbol	DENOTES
□	MONUMENT SET
■	MONUMENT FOUND
IB	IRON BAR
SIB	STANDARD IRON BAR
SSIB	SHORT STANDARD IRON BAR
CC	CUT CROSS
SM	STONE MONUMENT
Msd	MEASURED
824	A.T. McLAREN, O.L.S.
1213	J.D. PETERS, O.L.S.
1511	G.V. CONSOLI, O.L.S.
MMP	MACKAY MACKAY & PETERS
WIT	WITNESS

METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

MAY 1, 2015
DATE _____
S.D. McLAREN, O.L.S.




A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn DG	Checked SDM	Scale 1:1500	Dwg.No. 34654
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Legend

 2097, 3005 & 3065 Upper James Street

Appendix "C"

Date:
March 7, 2018



Hamilton

September 17th, 2015

GL/B-15:65
GL/B-15:66

Willow Valley Holdings
8475 English Church Rd. E., Glanbrook

Appearances were: Steve Schiedel, owner. Interested parties were: nil

Those members present for the hearing of this application were: M. Dudzic (Chairman), W. Pearce, M. Smith, L. Gaddy, P. Mallard.

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: nil

- S. Schiedel
- read from a prepared statement and submitted it for the record
- L. Gaddy
(Committee member)
- staff's comments do not explain the background information only talking about a severance
- W. Pearce
(Committee member)
- does not know about the creative tradeoffs, but has staff reviewed this prior to this application
- M. Fiorino
(Staff)
- property was subject to a pre-consultation review in 2014 which outlined all concerns and policies
- S. Schiedel
- lesser of the two evils thought it would be more beneficial to live off of English Church Road rather than Upper James
 - thought that this Committee could deal with these types of decisions
 - what would the ramifications be to Committee to deal with the application; thought that realistically it would be more appropriate if the lots were off of English Church Road rather than Upper James
- W. Pearce
(Committee member)
- Committee can deal with the applications but proper process needs to be followed; Official Plan and rezoning needs to be done first
 - Committee is bound by policies
 - minor variance can be reviewed but severance difficult to

in esse if it does not comply with any policies

.../2

GL/B-15:65 & GL/B-15:66
Page 2

P. Mallard
(Committee member)

- creative approach, but reality is no grey area with the PPS or City's Official Plan
- policies do not allow for lot creation at all
- can go seek approvals from Council

L. Gaddy
(Committee member)

- maintaining the character of the neighbourhood
- plenty of space to accommodate septic systems
- infill situation and cleaning up the area
- everything is being done to eliminate access from Upper James
- looked at other properties on English Church Road and they are smaller than what is being proposed
- did speak with the Councillor of the Ward and she was not opposed but could not support the application

Following discussion it was moved by Mr. Pearce and seconded by Mr. Mallard that the application be **TABLED** Sine Die.

CARRIED.

September 17th, 2015

GL/B-15:65 & GL/B-15:66 (8475 English Church Road East, Glanbrook)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:****GL/B-15:65**

The purpose of this application is to permit the conveyance of an irregular-shaped vacant parcel of land (having a frontage of approximately 169 metres and an area of approximately 0.78 hectares) for residential purposes, and to retain an irregular-shaped parcel of land (having a frontage 273 metres and an area of approximately 59 hectares) containing an existing golf course, club house, and service buildings.

This application is scheduled to be heard in conjunction with Consent application GL/B-15:66.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff note that there are no policies which speak to lot creation within Open Space designations; however, the following policy relating to lot creation applies:

- 1.1.4.2 In *rural* areas, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Given that this proposal is to create a new parcel for residential purposes in the rural area, and given that the creation of the proposed lot is not directed to a rural settlement area, the subject proposal is not consistent with the policies of the PPS.

Additionally, Staff note Policy 1.2.6.1 and 1.6.9.2 of the Provincial Policy Statement (PPS), as the proposed lot (Part 2 on the attached survey) is intended to be developed for residential purposes and is located within the Noise Exposure Forecast (NEF) of the John C. Munro Hamilton International Airport. Specifically, Part 2 on the attached survey is within the 35-39 NEF. Staff note that Policy 1.6.9.1 a) states that "airports shall be protected from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP." Accordingly, staff advise that the proposed severance is not consistent with the PPS.

Greenbelt Plan

The subject property is located outside of the Protected Countryside of the Greenbelt Plan. As such, there are no lot creation policies that pertain to this area.

.../2

GL/B-15:65

GL/B-15:66

Page 2

Rural Hamilton Official Plan

The subject property is located within the “Open Space” designation on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP).

Chapter C, Policy 3.3 outlines that Planning policies ensure sufficient and viable open spaces are retained, enhanced, expanded, and appropriately acquired. Lands designated as “Open Space” are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management, and other open space uses.

Staff note that residential dwellings are not permitted within this designation, except where one ancillary residential dwelling may be permitted in conjunction with a resource-based recreational and tourism use, provided that it does not interfere with or have any negative impacts on the open space nature of the land (as per Policy C.3.3.2 b)). Staff also note that any proposed dwellings would not be ancillary to the existing open space uses.

The following policies apply with respect to lot creation in the “Open Space” designation:

F.1.14.2.1 a) Severances that create a new lot for the following purposes shall be prohibited:

i) Residential uses except in accordance with:

1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,

2) Policies F.1.14.2.1.b iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.

As this proposal is to create a parcel for a new residential dwelling, it does not meet the intent of the Rural Hamilton Official Plan.

Staff also note that given that the “Open Space” designation does not permit the construction of a residential dwelling, a successful Official Plan Amendment would be required in order to proceed.

The Rural Hamilton Official Plan’s archaeology Policy B.3.4.4.3 states that “in areas of *archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:

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a) May be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act* when they involve *soil disturbance* or *site alteration*:

i) site plan applications; and,

ii) plans of condominium.

b) May be required for the following planning matters under the *Planning Act* when they involve soil disturbance or site alteration:

i) minor variances; and,

ii) consents / severances.

c) Shall only be required for the lands on which soil will be disturbed or *site alteration* will be conducted as a direct result of the proposal.

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,

2) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment of Caution #1.

Township of Glanbrook Zoning By-law No. 464

The New Rural Zoning By-law was passed by Council on July 10, 2015, but is not yet final and binding. Until such time that it is final and binding, both the Township of Glanbrook Zoning By-law 464 and the rural zones of the City of Hamilton Zoning By-law 05-200 are in force and effect, with the most restrictive provisions of the two By-laws applying to the property.

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The subject property is split-zoned Private Open Space "OS1-131" Zone, Modified and Open Space Conservation "OS3-132" Zone, Modified in the Township of Glanbrook. These zones restrict uses to the following:

OS1-131 Zone: a golf course, practice range, clubhouse including one (1) accessory dwelling unit for a manager/greenskeeper, parking area, and accessory uses, buildings and structures.

OS3-132 Zone: a golf course and accessory uses. No buildings or structures shall be permitted on the lands zoned OS3-132.

The portion of the property labelled as Part 2 on the attached survey appears to be located within the OS3-132 Zone. As such, a successful Zoning By-law Amendment would be required to permit structures on the property, residential uses, and any site-specific performance standards.

City of Hamilton Zoning By-law 05-200

The subject property is zoned Open Space "P4-164" Zone, Modified in the new Rural Zoning By-law, as part of City of Hamilton Zoning By-law 05-200.

The zone permits the following uses: Botanical Gardens, Cemetery, Community Garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, and Urban Farms, subject to a set of performance standards. Staff note that residential uses are not permitted.

Special Exception 164 has the effect of regulating the location of golf course-related structures on the property.

Staff note that a successful Zoning By-law Amendment would be required to implement residential uses and any site-specific performance standards.

Recommendation

It is the opinion of Staff that the proposed severance is not consistent with the Provincial Policy Statement, does not comply with the Rural Hamilton Official Plan, and does not conform to the Township of Glanbrook Zoning By-law 464 and City of Hamilton Zoning By-law 05-200. As such, Staff recommend that this application be denied.

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CAUTION:

1. Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

CONDITIONS (If Approved):

1. That the proponent successfully obtain an Official Plan Amendment to permit the proposed use.
2. That the proponent successfully obtain a Zoning By-law Amendment to permit the proposed use and performance standards.

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The purpose of this application is to permit the conveyance of an irregular-shaped vacant parcel of land (measuring approximately 62 metres by 65 metres, and having an area of 0.4 hectares) for residential purposes, and to retain an irregular-shaped parcel of land (having a frontage 380 metres and an area of approximately 59 hectares) containing an existing golf course, club house, and service buildings.

This application is scheduled to be heard in conjunction with Consent application GL/B-15:65.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff note that there are no policies which speak to lot creation within Open Space designations; however, the following policy relating to lot creation applies:

- 1.1.4.2 In *rural* areas, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Given that this proposal is to create a new parcel for residential purposes in the rural

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area, and given that the creation of the proposed lot is not directed to a rural settlement area, the subject proposal is not consistent with the policies of the PPS.

Additionally, Staff note Policy 1.2.6.1 and 1.6.9.2 of the Provincial Policy Statement (PPS), as the proposed lot (Part 1 on the attached survey) is intended to be developed for residential purposes and is located within the Noise Exposure Forecast (NEF) of the John C. Munro Hamilton International Airport. Specifically, Part 1 on the attached survey is within the 40+ NEF. Staff note that Policy 1.6.9.1 a) states that "airports shall be protected from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP." Accordingly, staff advise that the proposed severance is not consistent with the PPS.

Greenbelt Plan

The subject property is located outside of the Protected Countryside of the Greenbelt Plan. As such, there are no lot creation policies that pertain to this area.

Rural Hamilton Official Plan

The subject property is located within the "Open Space" designation on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP).

Chapter C, Policy 3.3 outlines that Planning policies ensure sufficient and viable open spaces are retained, enhanced, expanded, and appropriately acquired. Lands designated as "Open Space" are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management, and other open space uses.

Staff note that residential dwellings are not permitted within this designation, except where one ancillary residential dwelling may be permitted in conjunction with a resource-based recreational and tourism use, provided that it does not interfere with or have any negative impacts on the open space nature of the land (as per Policy C.3.3.2 b)). Staff also note that any proposed dwellings would not be ancillary to the existing open space uses.

The following policies apply with respect to lot creation in the "Open Space" designation:

F.1.14.2.1 a) Severances that create a new lot for the following purposes shall be prohibited:

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- i) Residential uses except in accordance with:
 - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
 - 2) Policies F.1.14.2.1.b iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.

As this proposal is to create a parcel for a new residential dwelling, it does not meet the intent of the Rural Hamilton Official Plan.

Staff also note that given that the "Open Space" designation does not permit the construction of a residential dwelling, a successful Official Plan Amendment would be required in order to proceed.

The Rural Hamilton Official Plan's archaeology Policy B.3.4.4.3 states that "in *areas of archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:

- a) May be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*:
 - i) site plan applications; and,
 - ii) plans of condominium.
- b) May be required for the following planning matters under the *Planning Act* when they involve *soil disturbance* or *site alteration*:
 - i) minor variances; and,
 - ii) consents / severances.
- c) Shall only be required for the lands on which soil will be disturbed or *site alteration* will be conducted as a direct result of the proposal.

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

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- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach Condition #1 to the application.

Township of Glanbrook Zoning By-law No.464

The New Rural Zoning By-law was passed by Council on July 10, 2015, but is not yet final and binding. Until such time that it is final and binding, both the Township of Glanbrook Zoning By-law 464 and the rural zones of the City of Hamilton Zoning By-law 05-200 are in force and effect, with the most restrictive provisions of the two By-laws applying to the property.

The subject property is split-zoned Private Open Space "OS1-131" Zone, Modified and Open Space Conservation "OS3-132" Zone, Modified in the Township of Glanbrook. These zones restrict uses to the following:

OS1-131 Zone: a golf course, practice range, clubhouse including one (1) accessory dwelling unit for a manager/greenskeeper, parking area, and accessory uses, buildings and structures.

OS3-132 Zone: a golf course and accessory uses. No buildings or structures shall be permitted on the lands zoned OS3-132.

The portion of the property labelled as Part 1 on the attached survey appears to be located within the OS1-131 Zone. As such, a successful Zoning By-law Amendment would be required to permit residential uses and any site-specific performance standards.

City of Hamilton Zoning By-law 05-200

The subject property is zoned Open Space "P4-164" Zone, Modified in the new Rural Zoning By-law, as part of City of Hamilton Zoning By-law 05-200.

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The zone permits the following uses: Botanical Gardens, Cemetery, Community Garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, and Urban Farms, subject to a set of performance standards. Staff note that residential uses are not permitted.

Special Exception 164 has the effect of regulating the location of golf course-related structures on the property.

Staff note that a successful Zoning By-law Amendment would be required to implement residential uses and any site-specific performance standards.

Recommendation

It is the opinion of Staff that the proposed severance is not consistent with the Provincial Policy Statement, does not comply with the Rural Hamilton Official Plan, and does not conform to the Township of Glanbrook Zoning By-law 464 and City of Hamilton Zoning By-law 05-200. As such, Staff recommend that this application be denied.

CONDITIONS (If Approved):

1. That the proponent successfully obtain an Official Plan Amendment to permit the proposed use.
2. That the proponent successfully obtain a Zoning By-law Amendment to permit the proposed use and performance standards.
3. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed (shown as **Part 1** on the submitted plans) and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event

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that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

Growth Management:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be Retained will remain as 8475 English Church Road East, and the lands to be conveyed (Part 1) will be assigned the municipal address of 8345 English Church Road East; and the lands to be conveyed (Part 2) will be assigned the municipal address of 8211 English Church Road East .

Building Division:

1. The subject lands are presently zoned "OS3-131" and "OS3-132" according to Glanbrook Zoning By-law 464. Be advised that By-law 15-173 was passed on July 10, 2015 which changed the zoning of this property from the "OS3-131" and "OS3-132" zones to the "P4, Special Exception 164" zone under Hamilton Zoning By-law 05-200. However, By-law 15-173 has been appealed to the Ontario Municipal Board and is therefore not yet final. At present, all proposed development is reviewed under both the existing and the proposed Zoning By-laws with the more restrictive zoning regulations of both Zoning By-laws being applied. If By-law 15-173 is approved at the Ontario Municipal Board, the zoning under this By-law will be applicable.
2. Both the "OS3-131 and OS3-132" and the "P4, Special Exception 164" do not permit the proposed use of single detached dwellings. As such, as a condition of approval, final approval of a zoning amendment shall be required.
3. The applicant should obtain an appropriate municipal address for the proposed parcels from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
4. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

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5. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance review and pay the relevant fees.
6. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
7. Details regarding the proposed single detached dwellings have not been provided. As such zoning compliance cannot be determined for the proposed future residential buildings.

CONDITIONS:

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
2. The applicant shall apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division - Zoning Section).
3. The owner shall submit survey evidence that the lands to be retained, including any existing structures, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).

Source Water Protection:

For the proposed applications to permit the conveyance of 2 parcels of land with 0.78ha (Part2) and 0.4ha (Part 1) for residential purposes and to retain a parcel of land with an area of 59ha containing an existing golf course, club house and service buildings,

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Source Protection Planning (SPP) offers the following comments:

- The proposed severances will rely on private water and sewage services; the preliminary soil characterization indicates the presence of clayey soils in this area;
- SPP will require a Site Plan with location of the new septic systems and wells for both severed lots and existing well and septic system for retained lot including distances from neighbouring wells and septic systems to demonstrate compliance with clearance requirements of Part 8 of the Ontario Building Code; the septic systems shall be located downgradient of the proposed wells on site and the wells on the adjoining properties;
- SPP will require a Design Brief and a complete Hydrogeological Study, prepared by a qualified professional. The Design Brief shall identify the expected water source, expected water usage/flows and any treatment required in consideration of raw water quality and intended water use for the severed lots. The Design brief should also describe the expected wastewater flows, identify any unusual effluent contaminants outside of typical sanitary flows and the intended location, nature and general design of the proposed wastewater treatment system and tile bed.
- A complete Hydrogeological Study shall identify from a water source perspective:
 - o the preferred water source for the severed lots including location of the new wells and reference the design brief with respect to their ability to provide the capacities and quality of water required to service the proposed development;
 - o the proponent shall provide a copy of the well record(s) for the new wells servicing the lots to be severed;
 - o in order to assess the raw groundwater quality of the proposed new wells, the proponent shall provide water quality data from the new wells to be installed on the lots to be severed; the Groundwater Quality Parameters to be tested shall follow the parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MOECC 2003) including Tables 1, 2 and 4, the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta;
 - o if the sampling results demonstrate that there are exceedances the report shall include recommendations for water treatment, SPP and Public Health will review the recommendations;
 - o pump testing is advised to demonstrate that adequate supply is available without unreasonably interfering with the well supplies of existing users in the area; in this case, a selection of area wells should be monitored during the pump testing, the investigation should follow MOE Guideline D-5-5 Technical Guideline for Private wells: Water Supply Assessment.

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- A complete Hydrogeological Study shall identify from sewage treatment perspective:
 - o clarify the suitability of soils on-site for septic and tile (Class 4 system) treatment and disposal, in reference to the flows and expected quality as identified by the Design Brief;
 - o the study should include a nitrate boundary calculation (MOE Guideline D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment) to ensure that the effluent flowing off-site meets Reasonable Use Guidelines (MOE Guideline B-7) and that the lot sizes are adequate to ensure natural infiltration is sufficient to attenuate contaminant concentrations at the lot boundaries.

A copy of the *Guidelines for Hydrogeological Studies and Technical Standards for Private Services (Final, Nov 2013)* can be made available to the proponent to ensure that the Hydrogeological Study contains appropriate investigation and calculations.

Development Engineering – East:

The subject properties are located on the south side of English Church Road lying east of Upper James Street.

The applicants are requesting consents for the purpose of conveying the two vacant parcels of land (Parts 1 and 2) for future single detached residential development both fronting on English Church Road. A 59.64 ha. +/- parcel of land is to be retained for continued golf course use (Willow Landing).

There are no municipal services along this section of English Church Road. The proposed new lots are to be serviced by privately owned and operated wells and individual septic systems.

Schedule "C" – Rural Functional Road Classification of the City of Hamilton Rural Official Plan designates English Church Road as a collector road and is to have an ultimate road allowance width of 36.58m (120 feet). A previous road widening was taken in 2008 along the frontage of the lands [Part 5 and 10, 62R-17859] in order to widen the roadway to 20.1m [66 feet]. English Church Road was previously identified in Schedule "E" of the former Township of Glanbrook Official Plan and classified only as a local road. A further road widening dedication will be required as a condition of consent

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approval. The proposed remnant lands also fronts on to the east limit of Upper James Street. This roadway is to have an ultimate roadway width of 45.0m (150 feet). A road widening dedication will also be required from the original centreline of this roadway as a condition of consent approval.

The Owner/applicant will be required to enter into a Consent Agreement with the City in order to ensure that the future residential development on the new lots proceeds in a proper and orderly manner. This Agreement is required to ensure that drainage from this parcel will be contained and directed to the appropriate outlet without affecting adjacent properties. Please note that the Owner will be responsible for the relocation of any street furniture (i.e. fire hydrant, utility poles etc.) that may be required as a result of this development.

Should this application be approved we recommend that it be subject to the following conditions:

1. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction.
2. That sufficient land is dedicated to the City along English Church Road along the entire frontage of the new lots to be created and the remnant lands in order to establish the property line 18.28 metres (60 feet) from the centreline of the original English Church Road allowance and 22.86m (75 feet) from the original centreline of Upper James Street.

Hamilton Municipal Parking System (Parking Services):

No Comment

PUBLIC WORKS DEPARTMENT

Traffic, Engineering and Operations Division:

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The Applicant, or future builder, will be responsible for confirming that appropriate sightlines will be provided at any proposed driveway in a future development proposal.

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Any new or change in access requires an Access Permit from the Municipal Parking Office. Details on the permit process can be obtained from Dave Lavalley at ext. 4578.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

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

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

Amendment CARRIED

For disposition of this matter refer to Item 3.

- (iii) **Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) (Item 6.3)**

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

Written Comments

6.3(a) Steve and Rose Dean, 8404 English Church Road, Mount Hope

(Pearson/Partridge)

That the written comments, Item 6.3(a), be received.

CARRIED

No members of the public came forward.

(Pasuta/Skelly)

That the public meeting be closed.

CARRIED

(Partridge/Pearson)

That Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) be TABLED to a future meeting to allow the Ward Councillor to meet with the applicant.

CARRIED

(Green/Partridge)

That the Statutory Public Meeting be reopened when Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) is included on a future Planning Committee agenda.

CARRIED

5. ADDED NOTICE OF MOTION

- 10.1 Commemorative Designation of the 400 Block of Wentworth Street North
- 10.2 Ancaster High School, 374 Jerseyville Road West, Ancaster, to be considered for Heritage Designation.

6. OUTSTANDING BUSINESS LIST DUE DATES:

11.1 Outstanding Business List

(a) Items requiring new due dates (update):

Item "D" - Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the Ontario Heritage Act (PED12166)

Due date: July 10, 2018

New due date: September 18, 2018

Item "E" - Staff to consult with property owners & Councillor re: HMHC Report 14-009 recommendations to include 206, 208 and 210 King Street East in the Register of Property of Cultural Heritage Value or Interest and staff's designation work program and report back

Due date: July 10, 2018

New due date: January 15, 2019

(B. Johnson/Green)

That Item 10.1 be withdrawn.

CARRIED

(B. Johnson/Pearson)

(a) That Item 6.6, Report PED18007, respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) which was TABLED on May 1, 2018 remain TABLED to allow for discussion between the applicant and staff;

(b) That the Statutory Public Meeting be reopened when Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) is included on a future Planning Committee agenda.

CARRIED

(Pearson/Conley)

That the agenda for the July 10, 2018 meeting be approved, as amended.

CARRIED

- (b) *That the Draft By-law, attached as Appendix "B-1" to Report PED18147 be amended to further refine the mapping to reflect the Natural Heritage Feature.*

CARRIED

Pearson/Conley)

That the recommendations of Item 6.4 be further amended by adding the following subsection (e):

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

CARRIED

For disposition of this matter refer to Item 11

(Pearson/Conley)

That the recommendations of Item 6.5 be further amended by adding the following subsection (d):

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

CARRIED

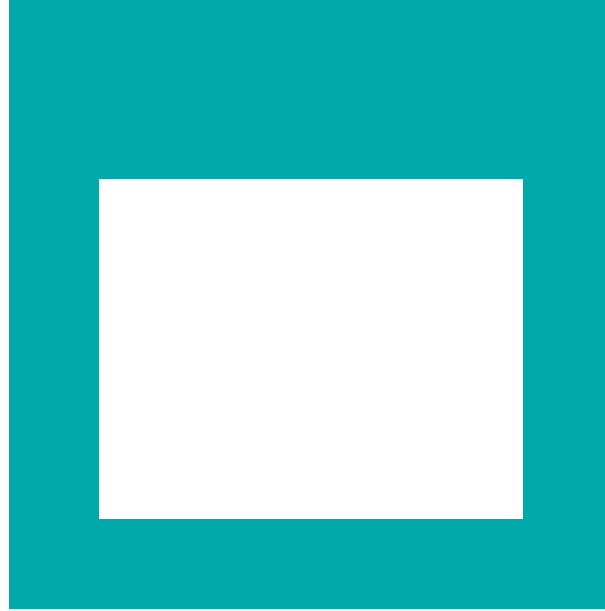
For disposition of this matter refer to Item 12

- (vi) **Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) (TABLED May 1, 2018) (Item 6.6)**

This Item was TABLED under Changes to the Agenda.

- (vii) **Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) (Deferred June 5, 2018) (Item 6.7)**

In accordance with the provisions of the *Planning Act*, Vice Chair Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the



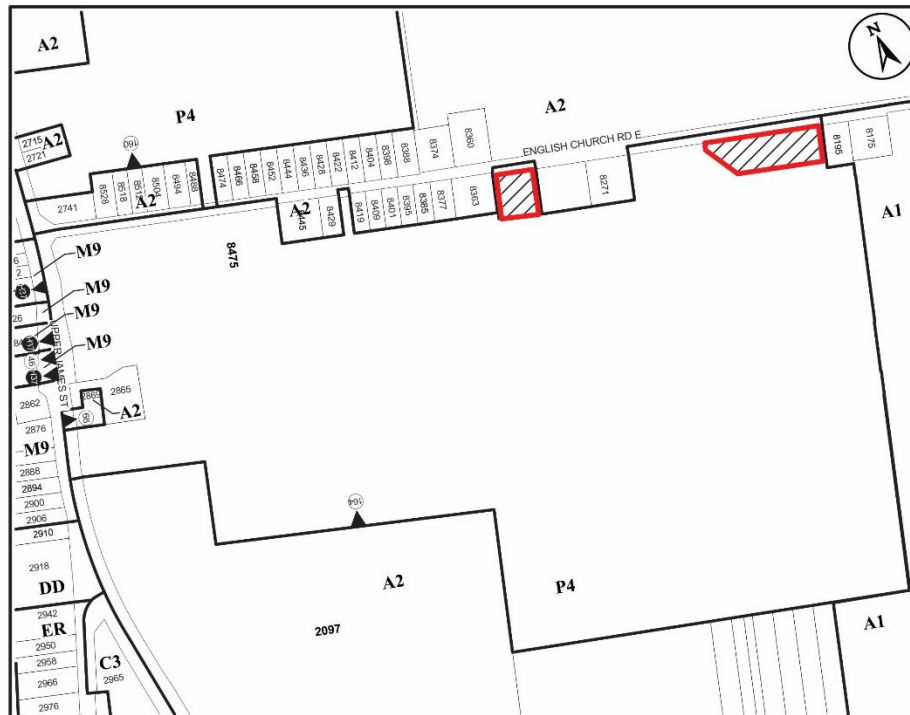
WELCOME TO THE CITY OF HAMILTON
PLANNING COMMITTEE

October 20, 2020

PED18077 – (ZAC-17-082 / RHOPA-17-39)

Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook

Presented by: Elyse Meneray



● Site Location



Key Map - Ward 11

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-082/RHOPA-17-39

Date:
March 12, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
EM/NB

Subject Property

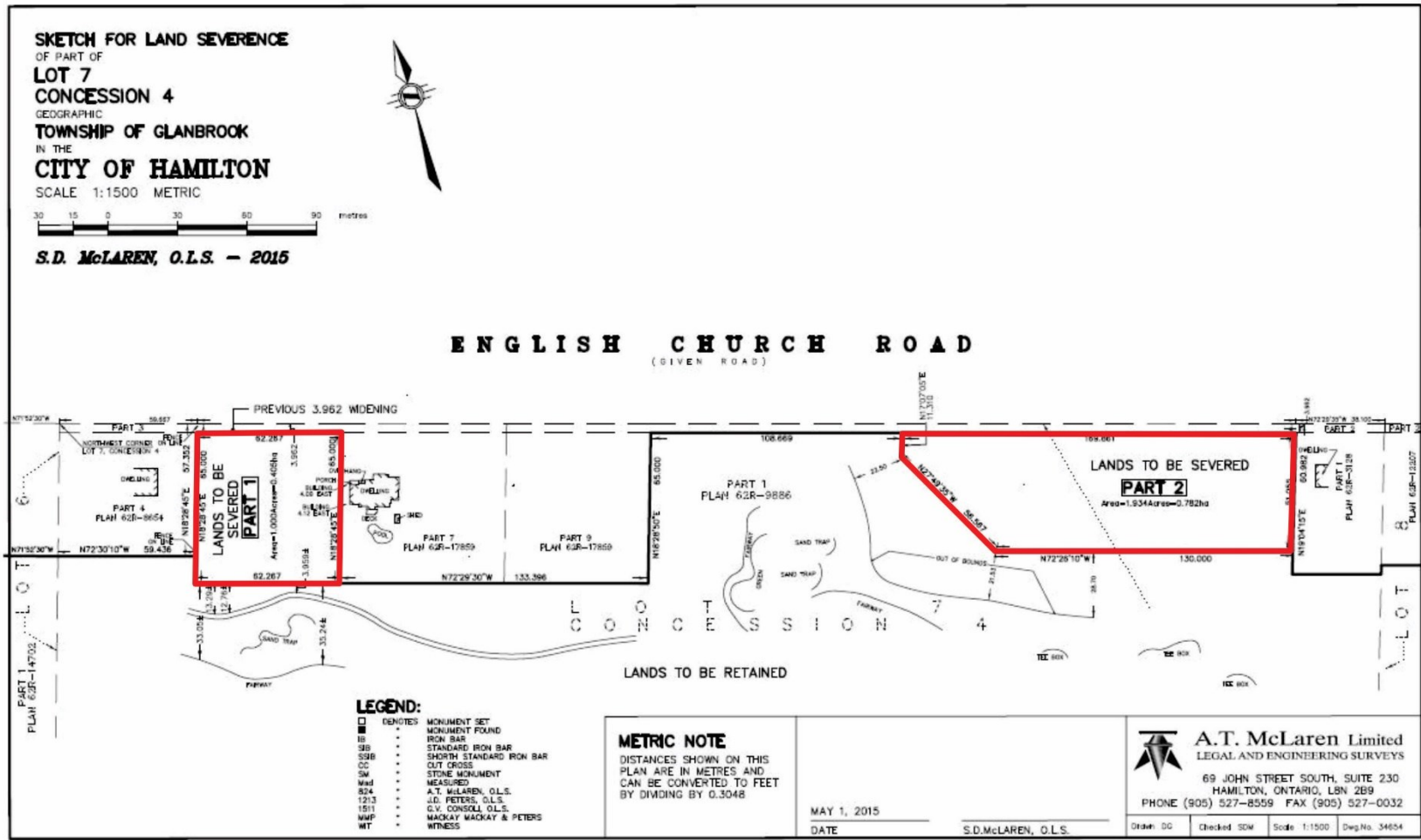
8475 English Church Road East



SUBJECT PROPERTY



8475 English Church Road East, Glanbrook



Z:\346d\wg\34654 LDC Sketch English Church Rd - Fothergill\34654 SKETCH English Church Rd.dwg, Model, 01/05/2015 12:02:46 PM

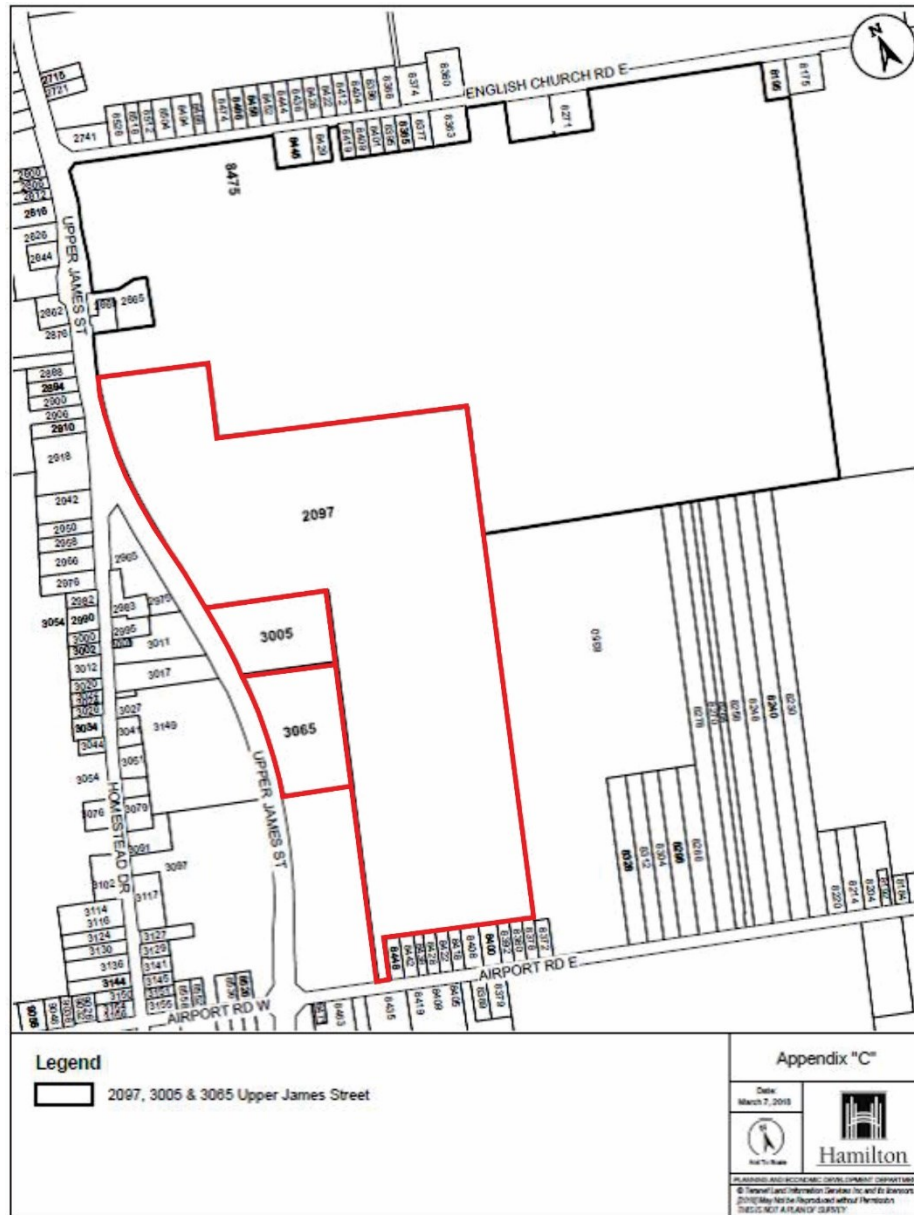






Table C.4.8.1: Requirements for Development in the Vicinity of John C. Munro International Airport

	Locational Criteria	Requirements
1	35 NEF and greater, and/or within the Airport Influence Area	<p>a) All new <i>development</i> of residential and other <i>sensitive land uses</i>, including <i>infill development</i> and <i>redevelopment</i>, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>
2	28 NEF and greater, but less than 35 NEF	<p>a) All new <i>development</i> of residential and other <i>sensitive land uses</i>, including <i>infill development</i> and <i>redevelopment</i>, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p> <p>c) All <i>development</i> applications approved prior to approval of this Plan may proceed.</p>
3	25 NEF and greater, but less than 28 NEF	<p>a) All <i>development</i> and <i>redevelopment</i> proposals for residential and other <i>sensitive land uses</i>, including <i>infill development</i> and <i>redevelopment</i>, shall be required to submit a <i>detailed noise study</i>, employ noise mitigation measures and include appropriate warning clauses in accordance with Section B.3.6.3 - Noise, Vibration and Other Emissions, and Policy C.4.8.6.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>



First proposed lot along English Church Road East



First proposed lot along English Church Road East



Looking east of the Subject Lands along English Church Road East



Looking west of the Subject Lands along English Church Road East



Looking north of the Subject Lands along English Church Road East



Looking south of the Subject Lands along English Church Road East



CITY OF HAMILTON
PUBLIC NOTICE
ON CONSIDERATION OF A ZONING BY-LAW AMENDMENT TO AMEND THE ZONING BY-LAW AND TO AMEND THE ZONING MAP TO REZONE CERTAIN LANDS IN THE CITY OF HAMILTON TO A RESIDENTIAL ZONING DISTRICT.
The City of Hamilton Planning and Development Department is currently reviewing the following application for a Zoning By-Law Amendment (ZBLA) and a Zoning Map Amendment (ZMA) to rezone certain lands in the City of Hamilton to a Residential Zoning District. The rezoning is being proposed to allow for the development of a residential lot on English Church Road East. The rezoning is being proposed to allow for the development of a residential lot on English Church Road East. The rezoning is being proposed to allow for the development of a residential lot on English Church Road East.

PUBLIC MEETING
DATE: TO BE DETERMINED
TIME: 6:00 PM
LOCATION: COUNCIL CHAMBERS, 100 KING STREET WEST, HAMILTON, ONTARIO
FOR MORE INFORMATION, CONTACT THE CITY OF HAMILTON PLANNING AND DEVELOPMENT DEPARTMENT AT 905.571.2200.

Second proposed lot on English Church Road East



CITY OF HAMILTON
PUBLIC NOTICE
of the City of Hamilton Planning and Economic Development Department
regarding the proposed rezoning of the following parcel:
PARCEL: 10000 English Church Road East, Hamilton, Ontario
ADDRESS: 10000 English Church Road East, Hamilton, Ontario
APPLICANT: [Name Redacted]
PROPOSED ZONING: R10 (Residential Single-Family, Single-Dwelling)
PROPOSED USE: Single-Family Residential
DATE: [Date Redacted]
TIME: 6:00 PM - 8:00 PM
LOCATION: City of Hamilton, 10000 English Church Road East, Hamilton, Ontario
PUBLIC MEETING: The application and the staff report will be available for public review at the following public meeting:
DATE: [Date Redacted]
TIME: 6:00 PM - 8:00 PM
LOCATION: City of Hamilton, 10000 English Church Road East, Hamilton, Ontario
FOR MORE INFORMATION: Please contact the Planning and Economic Development Department at (905) 546-1000, ext. 2300 or visit our website at www.hamilton.ca/planning.

Second proposed lot on English Church Road East



Looking east of the Subject Lands along English Church Road East



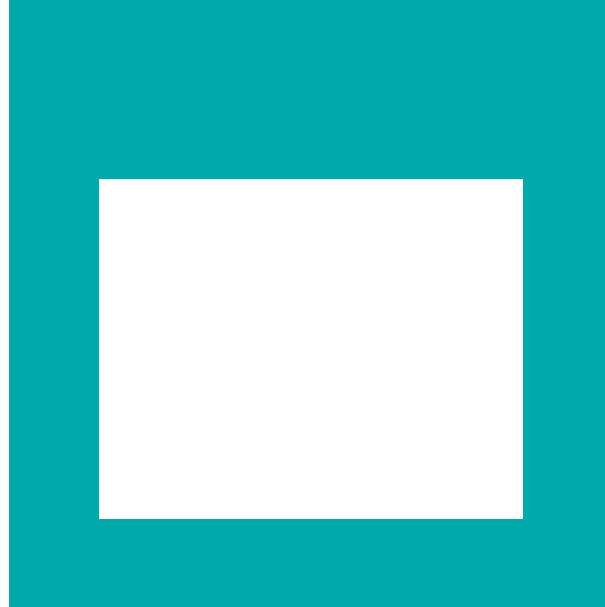
Looking west of the Subject Lands along English Church Road East



Looking north of the Subject Lands along English Church Road East



Looking south of the Subject Lands along English Church Road East



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

From: Stephen Dean
Sent: October 5, 2020 2:10 PM
To: clerk@hamilton.ca
Subject: Public Input Letter Files RHOPA-17-039 / ZAC-17-082

Please find attached a document with our Input to the following:

RE: Applications by Fothergill Planning & Development Inc. On behalf of Willow Valley Holdings Inc. for an Official Plan Amendment and Zoning By-Law Amendment for lands located at 8475 English Church Road East, Glanbrook (Ward 11)
Files: RHOPA-17-039 & ZAC-17-082

Please note there are four question noted in the attached document that I'm requesting a response to. We would also like a responses regarding all decisions made to the above Amendments.

Thank You
Steve / Rose Dean
Mount Hope, Ont.

Attached Correspondence:

October 5th 2020

Co-ordinator, Planning Committee
71 Main Street West, 1st Floor
Hamilton, Ontario, L8P-4Y5
clerk@hamilton.ca

RE: Applications by Fothergill Planning & Development Inc. On behalf of Willow Valley Holdings Inc. for an Official Plan Amendment and Zoning By-Law Amendment for lands located at 8475 English Church Road East, Glanbrook (Ward 11)
Files: RHOPA-17-039 & ZAC-17-082

Co-ordinator:

Rose and I have enjoyed being residents here on English Church Road since 1980 and over the years have enjoyed seeing most of the many changes happening around us. Although we welcome more residential development on English Church Road we worry about the capacity of the current aquifer system we all draw our water from. Therefore we have a few questions.

A response to these four questions will be greatly appreciated:

- Will a city water line be planned and installed on English Church Road East to support the additional residential properties.
- Has a study been done to ensure the current aquifer system can sustain additional residential wells?

- If no city water line will be considered for English Church Road East will there then be restrictions on allowing irrigation systems installed on residential properties which draw off the current aquifer system.
- Will a restriction be placed on new residential property owners to only allow one working well per property and not allow a second well for irrigation purposes.

In closing while we would encourage the development of new homes on English Church Road both Rose, I and other residents have noticed a decrease in the amount of available water to us over the past few years and we all get concerned during times of drought to see residents with irrigation systems used to water lawns then watch the excess water running off into a ditch while other property owners wells run dry. We just want to ensure that all residents on English Church Road East Road can be assured that any new developments on this road will not put our current aquifer system at risk. We would welcome the installation of a city water line down English Church Road East. Installing a city water line would ensure a reliable water source to all current and future residential properties for now and years to come.

Thank You

Rose / Steve Dean

From: KUNAL KANANI
Sent: October 14, 2020 9:17 AM
To: clerk@hamilton.ca
Subject: Files RHOPA-17-039 and ZAC-17-082

To whom it may concern:

This comment is in response to the Notice of Public Meeting of the Planning Committee regarding the plan amendment and zoning by-law amendment of the subject property 8475 English Church Road East, Glanbrook.

As a resident of English Church Road, I am opposed to such a plan to create 2 new residential lots. I value the quiet open space and country living on English Church Road, and don't want to have that ruined by further development. I have spoken to the owner of the land across the street from the proposed lots (currently farmland), and they have expressed that if these amendments are passed, they will also try to sever much of their land for residential development. I don't want to see a residential subdivision across the street! To me, further development will only degrade the quality of life on this beautiful quiet road, so I am strongly opposed to these changes.

Thank You.

From: Sonia Pronek
Sent: October 19, 2020 6:06 AM
To: clerk@hamilton.ca
Subject: Notice of public meeting 8475 English church rd mt hope

Legislative coordinator
Planning Committee
71 Main Street west 1sr fl
Hamilton, Ont L8P4Y5
Clerk@hamilton.ca

I have just received this notice in my P.O. Box over the weekend. I do not believe I can be a part of this on Oct 20 2020 due to my line of work and schedule.

I do not agree with this amendment. I am not in any agreement to build more houses and change the zoning on land in this neighborhood and out in the country.

This neighbourhood is becoming congested and the volume of traffic has increased due to the business smacked out in the country and the amount of change that is happening on the street and especially the nearby roads and residential has taken away from the country.

If these amendments don't stop this will continue to set presidency for other people and builders. I am afraid that the golf course who has other vacant land will keep building more properties.

In front of 8422 English church there is vacant land this has now caused fear for me as this is in front of my property.

We Do not need more development in the country we need green space, forest and need to keep the land in the country safe for wildlife.

I am not agreeing anymore changes on English Church regarding building on vacant land. The country must be and look like the country not a residential neighborhood in the city.

I would like to be included and notified when a decision is made on this meeting, please send email correspondence.

Sincerely,
Sonia Pronek

From: david BROWN
Sent: November 16, 2020 10:07 AM
To: elyse.mendray@hamilton.ca
Cc: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: lot 8475 english church rd. file zac-17-082, rhopa-17-039

Hi Elyse-I live at ## English Church rd. I have no objecting to Steve Schiendel switching the designation of the lot on Upper James to the lot on English Church rd. I think it would add to the neighborhood, plus to build on Upper James, it is probably the most dangerous hwy. around Hamilton.

Thank you for your consideration

David Brown

**F O T H E R G I L L P L A N N I N G & D E V E L O P M E N T I N C .**

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

November 11, 2020

Chair and Members of Planning Committee
City of Hamilton
71 Main St. W.
Hamilton ON

Dear Chair and Committee Members:

Re: Application for Land Assembly and Severance
Mr. Steve Schiedel - 8475 English Church Road

It is important that the review of this proposal takes into account the significant benefits arising out of an exercise which helps to implement important Provincial and local planning policies which seek to promote and protect agricultural resources. This application achieves this objective in two ways. First, it proposes to add two residential development parcels to the inventory of agricultural lands within the community shown as parts 1 and 2 on the attached sketch. The proposal also helps achieve a second important agricultural objective, to consolidate smaller properties into a larger consolidated farm operation (Part 3). This application has merit and can be supported for This reason alone.

However, there is another extremely important benefit of this proposal in that it allows for the removal of the potential for two residential driveways on an active municipal road which generates a significant amount of noise, in a location which poses safety concerns with potential traffic conflicts. The proposal will essentially relocate the potential for construction of two new dwellings to a more desirable location on English Church Road backing onto an existing golf course shown as Parts 5 and 6. As such, this proposal does not generate any new potential residential development in the area and therefore should not be considered as "new development" within the context of assessing provincial and local Official Plan policies.

In addition to the intuitively positive outcomes of having this application approved, versus denial of the proposal, the proponent has undertaken technical studies to provide support for the application. This has included an Agricultural Study which has detailed the agricultural benefits of implementing this proposal. A copy of the report is not in the staff report, but is attached.

The proponent retained a noise consultant to assess the noise impacts from both air and road sources on both locations. The findings of that report confirm that notwithstanding that the two potential residential lots on English Church Road are within a higher Airport NEF noise contour, when the noise contour level for the existing lots on Upper James were assessed in combination with noise generated by traffic on Upper James Street, the two sites were acoustically similar. The report thus confirmed that noise is a neutral factor in weighting the benefits of each location.

The consultant undertook a Hydrogeological and Geotechnical Study which confirmed the ability of each of the proposed two new lots to be able to accommodate a single family dwelling. These reports were peer reviewed by a consultant retained by the City who accepted the findings of the technical studies, thus confirming the feasibility of each of the two lots being provided with private services.

In considering the merits of the application, there are both policy and practical considerations.

From a policy perspective, the proposal is consistent with and helps to achieve a number of policy objectives of the Provincial Policy Statement including:

- (a) contributing to establishment of a healthy community (1.1.1);
- (b) helping to avoid a land use pattern which may cause public health and safety concerns (1.1.1(c)); and
- (c) helping to ensure transportation systems which are safe and facilitate the movement of people (1.6.7.1).

The proposal is consistent with agricultural policies in Section 2.3.1 which are intended to protect agricultural areas for long term agricultural use. This is achieved not only by increasing agricultural supply of land, but also promoting farm consolidation which helps to sustain long term viability of agricultural operations.

The proposal also helps to achieve similar planning objectives in the Rural Official Plan which include policies related to protection of agricultural land. Policy B.3.6.3 also notes that the assessment of noise includes more than Airport related noise, but also includes noise from roadways.

From a practical perspective, the bottom line question is: "What is the best outcome for those who will reside in dwellings on these two lots?" Is it preferable to have two new homes with driveways constructed on Upper James Street on lands that could otherwise be used for agricultural purposes, or is it a better outcome to have two new dwellings constructed on a less travelled roadway in a very attractive setting abutting a golf course?

The second part of the practical perspective is to question whether it is preferable to keep the two residential lots on Upper James Street together with the surrounding agricultural lands as three separate parcels while allowing agriculture and non-agricultural uses, or is it preferable to convert development lands to agricultural uses and allow for the establishment of a larger farm property.

A question has arisen in the past as to whether approval of This application would set a precedent. In my opinion, it would set a very desirable precedent. Any proposal to convert development lands to agricultural uses and allow for the creation of farm properties should be considered in a favourable light.

Secondly, any proposal that would reduce, minimize or eliminate driveway accesses on Upper James Street should be supported as a positive precedent. This proposal does not have any negative impacts from a public perspective. It is consistent with the development pattern in the area. It will provide a very attractive living environment as opposed to living in a highway. It does not take land out of agricultural production and will not have any adverse impact on surrounding agricultural operations.

The staff report in front of you does not fully assess all of the implications of the proposal. It only focuses on the severance applications and does not assess the benefits of the full proposal. Staff felt that they could only consider the severance application and noted that there is nothing in the Provincial Policy Statement to permit what is being proposed.

I agree with staff that an assessment of the severance applications on their own should lead to a planning opinion that the severances do not conform to Provincial policy and do not represent good planning. If that were all to be considered within this context, the applications should be denied. In this case, however, there are other critical factors involved in the decision as to whether or not to approve the application and to determine how it should be implemented.

I disagree with that position that there is nothing in the PPS to address the proposal and feel that it is important to assess all aspects of the proposal just as it is mandatory to examine all of the policies in the Provincial Policy Statement which are irrelevant to this proposal.

While I will continue to agree to disagree with staff on this matter, certainly the Committee is free to consider all aspects of this proposal.

It is not surprising that the Provincial Policy Statement would not specifically speak to an application such as this given that it is a broad Provincial document intended to set out general policies within which individual applications can be assessed. It is not like a Zoning By-law where if a proposed development is not specifically permitted, it is considered prohibited. It is focused on achieving positive outcomes within the framework presented. When considering all aspects of this proposal and all policies in the Provincial Policy Statement it is my opinion that the proposal is not only consistent with, but helps achieve important policy objectives.

While this proposal involves two applications to create lots on English Church Road, this is an outcome to help achieve desirable objective of relocating development potential from a busy highway to a preferred location backing onto a golf course. When that consideration is the result of an outcome to achieve other benefits and the proposal taken as a whole does not generate any new development, the assessment of this proposal becomes completely different.

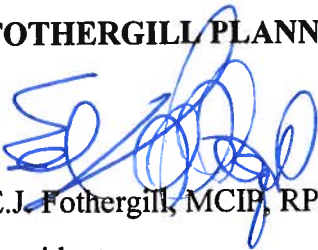
Ultimately, our questions to the Committee are therefore threefold. One, do you support converting development lands to agricultural purposes? Two, do you support the consolidation of properties to allow for the creation of a larger agricultural parcel? Three, do you prefer to see two new dwellings constructed on an attractive golf course setting as opposed to Upper James Street? If the answer to these questions is yes, the application should be supported.

A denial of the application will not further advance any public interests. It will only frustrate the positive outcomes associated with this endeavor.

We look forward to these matters being considered at the upcoming Planning Committee meeting of November 17.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

cc. Steve Schiedel

Stovel and Associates Inc.
Planners, Agrologists and Environmental Consultants

July 27, 2018

Mr. Ed Fothergill
Fothergill Planning & Development Inc.
62 Daffodil Cres.
Ancaster, ON
L9K 1E1

Email: edf@nas.net

Dear Ed:

**RE: Agricultural Study
 Addition of Two Lots to an Existing Farm Parcel
 2907 Upper James Street
 Greenhorizons Group of Farms Inc.
 AND
 The Creation of Two Residential Lots
 English Church Road
 City of Hamilton**

Stovel and Associates Inc. was retained by your firm, on behalf of Mr. Steve Schiedel of Greenhorizons Group of Farms Ltd. to prepare an Agricultural Study in relation to the proposal to amalgamate two existing rural residential lots to an active farm parcel and to sever two (2) rural residential lots. Map 1 illustrates the lands in question.

The proponent owns two vacant rural residential lots on Upper James Street in Hamilton which are now vacant but could each accommodate a single-family residence (i.e. Parts 1 and 2). As part of the proposal, the proponent is proposing to add these two vacant lots to the abutting agricultural property (Part 3). The result would be to create a larger agricultural property. The two proposed rural residential lots (identified as Part 5 and Part 6 on Map 1) will be severed from an existing, active Golf Course (i.e. Part 4).

BACKGROUND

Greenhorizons Group of Farms Ltd. ("Greenhorizons") is an integrated farming business based in the City of Hamilton and operating in other parts of the Province including the Regional Municipality of Waterloo and the County of Wellington. The principals of the company are the Schiedel Family. Sod production is the primary agricultural product grown by the farm, but other common field crops (such as corn, soy beans and small grains) are rotated to ensure proper field management of the company's farms. In total, Greenhorizons farms over 2400 ha in Southern Ontario.

The main business center for Greenhorizons is located in the City of Hamilton. The company employs over 60 full-time and 160 part-time employees on a seasonal basis. Currently, the company is in need of additional farmland in the City of Hamilton. Lands that were formerly rented by Greenhorizons have been acquired by non-local owners with the primary purpose of land speculation.

The addition of 4.6 ha of additional farmland will assist the company.

In 2000, the Schiedel family developed the Willow Valley Golf Course (see Map 1; Parcel 4). The Golf Course was located on poor farm land. The soils were stripped and then reapplied to conform to the current contours of the fairways, greens, tee blocks and pathways. Subsequently, these lands have been removed from the agricultural system and Parcels 4, 5 and 6 have no agricultural potential and are not considered agricultural lands. These lands are designated Open Space and zoned similarly. Agricultural use of these lands is not permitted. These lands are well-separated from active livestock operations.

Given that Parcels 4, 5 and 6 are not considered agricultural lands and there is no conflict potential with adjacent farm operations, the following assessment has focused on the consideration of impacts related to the addition of Parcels 1 and 2 to Parcel 3.

AGRICULTURAL STUDY

The purpose of this report is to evaluate the potential agricultural impacts of adding Parcels 1 and 2 to the existing farm, i.e. Parcel 3. This assessment is based on the consideration of four key components: capability, suitability, flexibility and conflict potential.

Capability

The Capability assessment refers to Canada Land Inventory (CLI) - Soil Capability for Agriculture. Map 2 illustrates the CLI ratings for the local area surrounding Parcel 3 – Greenhorizons farm property. The two rural residential parcels (Parcels 1 and 2) are mapped as Class 1 land and are considered to be prime agricultural land.

Therefore, the proposed application will result in the addition of over 4.6 ha of Class 1 land to an existing farm parcel.

Suitability

The Suitability assessment refers to the lands being considered suitable for Specialty Crops. A review of background mapping indicates that the Province has not mapped the subject properties as being suitable for Specialty Crop production.

Therefore, the proposed application will have no effect with respect to land suitability.

Flexibility

The Flexibility criterion refers to factors that will affect the long-term options with respect to the types of farming practices that could occur on a farm parcel. Key to flexibility are the following factors:

-
- Farm size,
 - Onsite Soil Characteristics, and
 - Surrounding Land Uses.

These factors are examined in the following paragraphs.

The subject farm is estimated to be approximately 30.1 ha in size. The subject farm is owner-operated. The addition of 4.6 ha of good farmland will provide benefits related to:

- A larger land base for the home farm makes farming more efficient. Efficiency is improved by improving crop yields, reducing operating times for machinery and reducing fuel costs for transporting machinery on busy urban roads;
- A larger land base for the home farm reduces the need to operate on rental or leased lands. Over the long term, this will improve soil health as decisions for cropping practices, fertilization rates and pesticide applications are made for the benefit of future generations; and
- A larger land base for the farm allows for Best Management Practices and proper Nutrient Management practices should future generations of farmers on Parcel 3 wish to change operations and livestock farm.

The soil characteristics of the lands to be added to the subject farm parcel have no inherent limitations. The soils associated with Parcels 1 and 2 are amongst the best in the former County of Wentworth. This means that, subject to normal farming practices, a variety of crops can be rotated on the subject lands over the long term.

Conflict Potential

Through the approval of the proposed application, two non-farm residential lots will be removed. The removal of two potential non-farm residences on Parcels 1 and 2 will reduce the potential for nuisance complaints from nearby residences. This means that normal farming practices will be able to occur on a long-term basis.

SUMMARY AND CONCLUSION

Stovel and Associates Inc. was retained to complete an Agricultural Study of a severance application in the City of Hamilton. The development proposal is twofold: first, two existing non-farm residential lots will be added to an existing farm parcel; and second, two non-farm residential lots are proposed to be created from an existing golf course.

The addition of two non-farm residential lots to an existing farm parcel will result in an overall net benefit in terms of agriculture. Parcels 1 and 2 are comprised of good farmland, i.e. Class 1 soils. Agricultural uses are permitted on these lands, by virtue of the Permitted Uses set out in the zoning by-law. The addition of 4.6 ha of good farmland to an existing farm parcel will improve the flexibility of the lands in question from an agricultural perspective and will reduce the potential for land use conflicts associated with operating a farm.

The creation of two non-farm residential lots will have no impact on agriculture. The lands in question are designated and zoned for Open Space uses. Agricultural uses are not permitted on the lands in question. No farmland will be lost. There will be no conflict potential with the existing livestock operations.

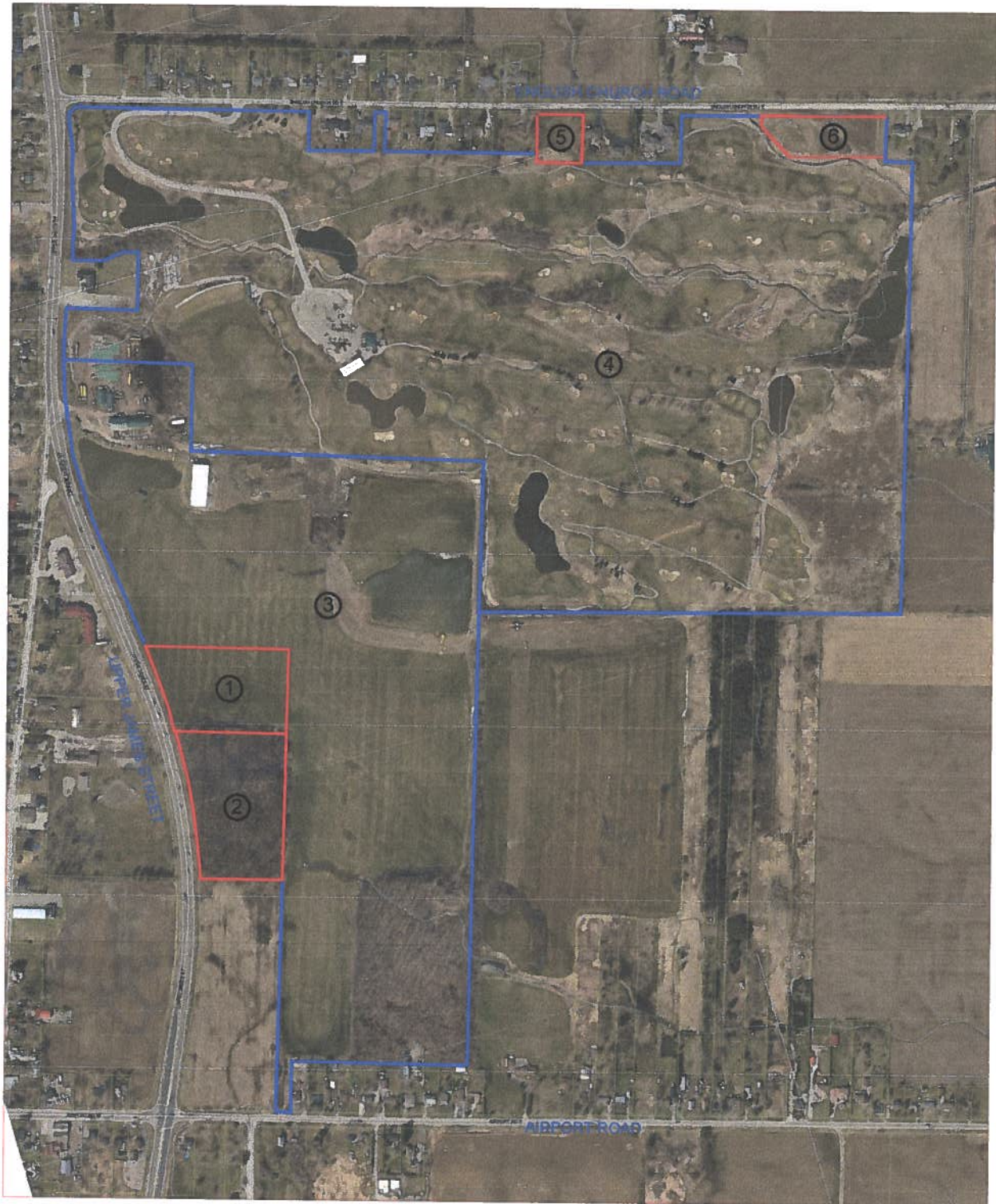
In conclusion, it is my opinion that the proposed development application will be of benefit to agriculture.

I trust that this assessment is of sufficient detail. Please do not hesitate to contact me should you have any concerns or questions.

Yours truly,

Robert P. Stovel, M.Sc., M.C.I.P., R.P.P., P.Ag.

Proposed Land Assembly and Severance Applications - Steve Schiedel





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 17, 2020
SUBJECT/REPORT NO:	Reconfirmation of Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the <i>Ontario Heritage Act</i> (PED18214(a)) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Miranda Brunton (905) 546-2424 Ext. 1202
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the designation of 828 Sanatorium Road, Hamilton, attached as Appendix “A” to Report PED18214(a) as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to PED18214(a), be approved;
- (c) That the City Clerk be directed to take appropriate action to designate 828 Sanatorium Road, Hamilton under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED18214(a); and,
- (d) That the matter respecting Designation of the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building), be considered complete and removed from the Planning Committee’s Outstanding Business List.

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: Reconfirmation of Recommendation to Designate of the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214(a)) (Ward 8) - Page 2 of 9

EXECUTIVE SUMMARY

The subject property, municipally known as 828 Sanatorium Road, Hamilton, includes the northern portion of the former Mountain Sanatorium, known as the Brow Campus (refer to Appendix 'A' to Report PED18214(a)). The subject property is privately owned by Valery (Chedoke Browlands) Developments Inc. (Valery Homes) and is currently included on the City of Hamilton's Register of Property of Cultural Heritage Value or Interest (the 'Register'). The initial recommendation to designate the property under Part IV of the *Ontario Heritage Act* (Report PED18214) was considered by the Hamilton Municipal Heritage Committee (HMHC) during their meeting on September 13, 2018. The identified heritage attributes of the subject property include the Long and Bisby Building and multiple landscape and natural features, including the Cross of Lorraine. Report PED18214 provides additional details and the full evaluation of the identified heritage attributes.

The HMHC supported the recommendation for designation of the subject property and forwarded the recommendation to Planning Committee for consideration. As part of its recommendation, the HMHC asked for clarification about the location and ownership of the Cross of Lorraine. Staff brought forward Report PED20141 to the HMHC meeting on August 20, 2020 on this matter. The report confirmed that the Cross of Lorraine is on private property as it is located within the boundaries of the subject property.

During Planning Committee's review of the HMHC's recommendation to designate the subject property on September 18, 2018, Ted Valeri, of Valery Homes, submitted a letter (attached as Appendix "D" to Report PED18214(a)) to defer this matter until such time as applications under the *Planning Act* have been submitted. The application was targeted for submission in November, 2018. City staff received and reviewed a revised proposed concept plan in July, 2020, which included the retention of the Long and Bisby Building. A Minor Site Plan application for the adaptive reuse of the Long and Bisby Building was received, deemed completed and circulated for comment on October 23, 2020. The comments are due on November 13, 2020. Attached as Appendix "J to Report PED18124(a) are the building elevation plans submitted as part of the minor site plan application. Additionally, an application for an Official Plan Amendment, Zoning By-law Amendment and Revised Draft Plan of Subdivision for this property have been received and was reviewed on October 26, 2020 and at the time of preparation of this report, the applications were being reviewed for completeness in accordance with the applicable City policies and requirements.

Following a fire on May 25, 2020, that significantly damaged a wooden addition on the rear of the Long and Bisby Building as well as general concerns for the safety of the building, the HMHC put forward a second request to designate the subject property

SUBJECT: Reconfirmation of Recommendation to Designate of the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214(a)) (Ward 8) - Page 3 of 9

during their meeting of July 3, 2020. After review by Planning Committee and Council, Council referred the matter to Planning Committee for consideration.

As outlined in Report PED18214, Staff continue to support the recommendation to designate 828 Sanatorium Road, Hamilton, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*.

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Designation under Part IV of the *Ontario Heritage Act* allows municipalities to recognize a property's cultural heritage value or interest, and to conserve and manage the property through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the Act. Section 30 of the Act affirms that if a notice of intention to designate (NOID) a property is issued by Council then the Demolition Permit in review would be voided as of the day the NOID is given.

The designation process will follow the requirements of the *Ontario Heritage Act*, and provide for adequate notice of Council's intention to designate the property. Formal objections may be made under the *Ontario Heritage Act*, and heard before the Conservation Review Board, prior to further consideration by Council of the designation By-law.

HISTORICAL BACKGROUND

A summary of events leading up to and following the original Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the *Ontario Heritage Act* (refer to Report PED18214) is provided below:

Date	Committee	Summary of Events
January 2018	-	Formal Consultation Application (FC-18-004) was submitted to the City. Proposal did not include the retention or integration of the Long and Bisby Building within the site layout.

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: Reconfirmation of Recommendation to Designate of the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214(a)) (Ward 8) - Page 4 of 9

June 21, 2018	Hamilton Municipal Heritage Committee (HMHC)	Staff Report (PED18142) recommending the subject property be added to the City of Hamilton's Register of Property of Cultural Heritage Value or Interest (the 'Register') presented to HMHC. HMHC supported staff recommendation.
July 10, 2018	Planning Committee (PC)	Planning Committee approved HMHC's recommendation to add the subject property to the Register.
July 13, 2018	Council	City Council approved the recommendation to add the subject property to the Register.
August 7, 2018	-	A Notice of Intention to Demolish the Long and Bisby Building was submitted to the Building Division, initiating a legislated 60-day hold on the issuance of the Building Permit in order to allow staff and Council an opportunity to review the property's heritage value.
September 13, 2018	HMHC	In response to the Notice of Intention to Demolish, staff report to designate the property (refer to Report PED18214) presented to HMHC. HMHC reviewed and supported the staff recommendation, forwarding the recommendation to Planning Committee. HMHC requested that staff provide additional information regarding the location of the Cross of the Lorraine (attached as Appendix "E" to Report PED18214(a)).
September 18, 2018	PC	Planning Committee approved HMHC's recommendation to designate the subject property but referred to Council to allow the Ward Councillor the opportunity to discuss the proposed designation with staff (attached as Appendix "F" to Report PED18214(a)). Mr. Ted Valery submitted a letter, attached as Appendix "D" to Report PED18214(a), to Planning Committee respecting HMHC's request to designate. The letter stated that "the necessary supporting documents for a complete application is targeted for submission in November 2018."
September 26, 2018	Council	Council reviewed the request to designate and referred the HMHC report recommending the designation of the subject property and the letter from Ted Valery to a future Planning

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		<p>Committee meeting, allowing the developer to work with staff to prepare an updated Statement of Cultural Heritage Value or Interest. Property owner provided correspondence advising that they had withdrawn the demolition permit for the Long and Bisby Building (refer to Appendix “G” to Report PED18214(a)).</p> <p>The request to designate the subject property (as outlined in Report PED18214) added to Planning Committee’s Outstanding Business List.</p>
July 3, 2020	HMHC	<p>Following a fire on May 25, 2020, that severely damaged a wooden addition at the rear to the Long and Bisby Building as well as the overall concern for the safety of the building, the HMHC put forward a follow-up recommendation to Planning Committee to request the designation of the subject property (attached as Appendix “H” to PED18214(a)).</p>
July 7, 2020	PC	<p>Planning Committee reviewed the HMHC recommendation and put forward a recommendation that the item be referred back to the Hamilton Municipal Heritage Committee for consideration.</p> <p>Paul Valeri, Valery Homes, submitted a request to Planning Committee requesting deferral of the decision to designate the subject property.</p>
July 17, 2020	Council	<p>Council reviewed the Planning Committee’s request to refer the designation of 828 Sanatorium back to HMHC. Council revised the recommendation, referring the designation request back to Planning Committee (attached as Appendix “I” to PED18214(a)). Additionally, Council approved a security plan as an interim protection measure prior to the future redevelopment of the Long and Bisby Building.</p>

Identified Heritage Attributes of the 828 Sanatorium Road

The subject property is approximately 12 hectares in size and is bounded by the Niagara Escarpment to the north and Scenic Drive curving to the south, forming a semi-circular layout. As the former Mountain Sanatorium Brow Campus (later Chedoke Browlands), the property contains multiple built and natural elements that were integral to the design and function of the campus as a Tuberculosis treatment hospital. In review of the property for designation, it has been determined that the Long and Bisby Building and multiple landscape features and natural heritage features contributed to the overall

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cultural heritage landscape and cultural heritage value of the property. For a full description of the attributes, please refer to Report PED18214. The heritage attributes of the property at 828 Sanatorium Road, Hamilton that display its cultural heritage value are listed in the Statement of Cultural Heritage Value or Interest, attached as Appendix “B” to PED18214(a).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Refer to PED18214 for the detailed policy analysis.

SEPCIFIC EVENTS REVIEW

2018 Correspondence from Valery Homes/Prosperities

Ted Valery of Valery Homes/Properties (Valery Homes), owner of the 828 Sanatorium Road lands, sent a letter (attached as Appendix “D” to Report PED18214(a)) to Planning Committee respecting the HMHC’s initial request to designate the subject property in 2018. The letter references Cultural Heritage Staff’s requirement for a Cultural Heritage Assessment and states that “Since this formal consultation meeting, Valery Homes has retained the necessary project team to complete the necessary supporting documents for a complete application that is targeted for submission in November, 2018”. To date, staff have not received any Cultural Heritage Assessments and no development applications pertaining to this site have been submitted.

In July, 2020, staff received an updated proposal for the lands located at 828 Sanatorium Road and conducted a follow-up evaluation of the updated proposal. As part of the updated proposal, the applicant is now proposing to retain the Long and Bisby Building as part of the future development. Although supportive of the proposed retention of the Long and Bisby Building, Cultural Heritage Staff still require a Cultural Heritage Impact Assessment be submitted with a future formal application.

In addition to the development plans on the subject lands, Valery Homes has indicated their interest in adaptively reusing the Long and Bisby Building for their own office space.

Adaptive Reuse of the Long and Bisby Building – Minor Site Plan Application

The City has received a Minor Site Plan Application (MDA-20-106) for the proposed adaptive reuse of the Long and Bisby Building. The applicant proposes to convert the Long and Bisby Building into office space, to be used by Valery Homes. The Minor Site Plan Application was deemed complete and put into circulation for comments on

SUBJECT: Reconfirmation of Recommendation to Designate of the Property Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214(a)) (Ward 8) - Page 7 of 9

October 23, 2020. Comments are due on November 13, 2020. The proposed redevelopment is intended to be within “The Browlands” Subdivision and is proposed to be integrated with the future subdivision through concurrent applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plans of Subdivision and Condominium, and Site Plan Control.

To facilitate the adaptive reuse of the building, the applicant has proposed internal and external alterations. The preliminary scope of the exterior alterations includes the replacement of all doors and windows, restoration of the front portico, a new glass enclosure on the rear of the building replacing the fire damaged wooden addition, and new access doors from the second level to the new terrace on top of the glass enclosure (refer to elevations attached as Appendix “J” to Report PED18214(a)). Specific details regarding the full scope of the interior and exterior work be provided as part of the ongoing review of this application.

Security Plan for Long and Bisby Building

As a result of multiple break-ins, incidents of vandalism, and fires at the Long and Bisby Building, Valery Homes worked with City staff to create a Security Plan. The Security Plan was approved by Council on July 17, 2020, (refer to Appendix “I” in Report PED18214(a)) and includes increased security parameters, such as: 8 foot security fencing, sensor lighting and an alarm system, securing the building by covering all openings and increased surveillance of the property. As part of the efforts to protect and secure the building from unauthorized entry, the rear wooden, significantly fire damaged addition was removed and all newly exposed openings to the building were secured with plywood coverings. A demolition permit for the removal of the wooden, fire damaged addition was issued by the City on September 30, 2020, and the demolition was completed on Thursday October 8, 2020. The demolition was periodically reviewed by Building Inspection staff and Planning staff. Prior to the demolition, the HMHC was provided with a verbal update of the plan to remove the wooden, fired damaged rear addition at their August 20, 2020 meeting.

Planning Division staff were aware of and supported the removal wooden, fired damaged rear addition, but required that any window and door openings that may be exposed as part of the removal of the fire damaged rear addition be covered in accordance with the City of Hamilton’s Property Standards By-law #10-221. Specifically, subsection 6(3)(a) states: “doors, windows, hatches and other openings through which entry may be obtained are to be secured and maintained to prevent unauthorized entry by closing and securely fastening the opening with: (a) wood sheathing of at least 12.7 mm plywood which is weather resistant, completely covers the opening, is securely fastened to the building, and is painted in a manner conforming with paragraphs 7(3)(b),

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(c) or (d).”

The removal of this wooden addition does not impact, nor require revisions of the Statement of Cultural Heritage Value or Interest or the identified heritage attributes (refer to Appendix B attached to Report PED18214(a)).

Conclusion

Staff support the reasons and rationale for the proposed designation of the subject property as outlined in Report PED18214. Additionally, Staff continue to support the recommendation to designate the subject property as the identified heritage attributes of the property (refer to Appendix B of Report PED18214(a)), which include the Long and Bisby Building, landscape and natural features, have not been irreparably changed since the initial recommendation Report PED18214, nor has any documentation been presented that demonstrates that the subject property either does not or no longer meets any of the criteria outlined in Ontario Regulation 9/06.

ALTERNATIVES FOR CONSIDERATION

Under Part IV of the *Ontario Heritage Act*, the designation of property is a discretionary activity on the part of Council. Council, as advised by its Municipal Heritage Committee, may consider two alternatives: agree to designate or decline to designate the property.

Decline to Designate:

By declining to designate, the municipality would be unable to ensure long-term, legal protection to this cultural heritage resource (designation provides protection against inappropriate alterations, new construction and demolition). As outlined in Report PED18214, if Council declines to designate, the City of Hamilton would not be acting in congruence with recommendations made in the Ontario Municipal Board decision for PL100691 (now known as the LPAT) , the Chedoke Hospital Cultural Heritage Assessment, or the Chedoke Browlands Sub-Neighbourhood Urban Design Guidelines.

Without designation, the property would not be eligible for the City’s heritage grant and loan programs. Designation does not restrict the use of property, prohibit alterations and additions, nor does it restrict the sale of a property, or affect its resale value. Rather, designation provides a tool for Council to manage the heritage resource and ensure that any alterations to the building respect the heritage attributes of the building through the heritage permit process.

**SUBJECT: Reconfirmation of Recommendation to Designate of the Property
Located at 828 Sanatorium Road, Hamilton (Long and Bisby Building)
Under Part IV of the *Ontario Heritage Act* (PED18214(a)) (Ward 8) -
Page 9 of 9**

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

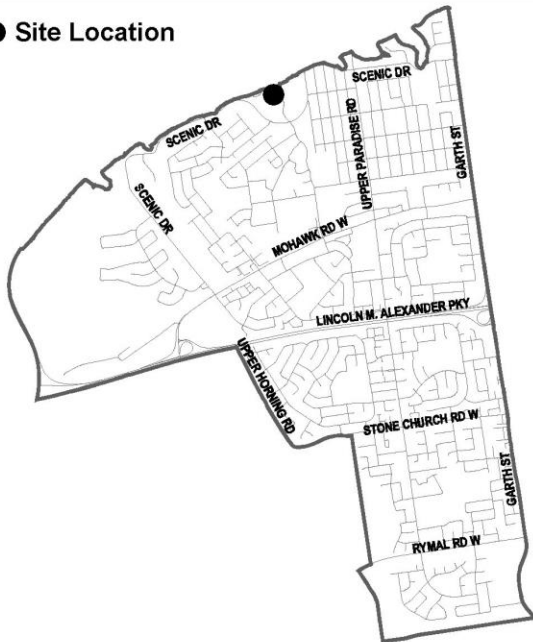
Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”	Location Map
Appendix “B”	Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes
Appendix “C”	Notice of Intention to Designate
Appendix “D”	Mr. Ted Valery’s (owner) letter to Planning Committee regarding the Recommendation to Designate lands located at 828 Sanatorium Road, Hamilton
Appendix “E”	Excerpts from HMHC 18-009
Appendix “F”	Excerpt from Planning Committee Report 18-014
Appendix “G”	Excerpt from Council Minutes 18-018
Appendix “H”	Excerpt from Hamilton Municipal Heritage Committee Report 20-003
Appendix “I”	Excerpt from Planning Committee Report 20-005, as amended by Council on July 17, 2020
Appendix “J”	Long & Bisby Building Renovations – Proposed Building Elevations



● Site Location



Key Map - Ward 14

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
PED18214

Date:
July 23, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MB/VS

Subject Property

- 828 Sanatorium Road
- Long & Bisby Building



Statement of Cultural Heritage Value or Interest

828 Sanatorium Road, Hamilton (Mountain Sanatorium Brow Site)

Description of Historic Place

The former Mountain Sanatorium Brow Campus (later Chedoke Browlands) is located at the northern terminus of Sanatorium Road which bisects the property along Chedoke Creek. The property is bounded by the Niagara Escarpment to the north and Scenic Drive curving to the south, forming semi-circular layout. The property includes open space, a woodlot, creek bed, a curvilinear street arrangement, and a number of remnants of the former institution including the Long & Bisby Building and the Cross of Lorraine. The property is addressed 828 Sanatorium Road, Hamilton (alternatively 870 Scenic Drive).

Statement of Cultural Heritage Value or Interest

The property located at 828 Sanatorium Road, Hamilton has cultural heritage value as one of the campuses of the original Mountain Sanatorium ("the San"), Hamilton's tuberculosis hospital which originally opened in 1906. The San was Canada's fourth sanatorium and, by 1932, one of the largest in the British Empire.

The Brow site was primarily purposed towards the treatment of First World War veterans who contracted tuberculosis while serving overseas. The property formerly contained six major buildings and a number of ancillary structures, most of which have been demolished. The only building that remains on site is the Long & Bisby Building (1920) which was built as a residence for nurses. Built with funds bestowed by the original donors of the Sanatorium lands, W.D. Long and G.H. Bisby, the Long & Bisby Building is a representative example of Edwardian Classical architecture. The site later evolved to become part of Chedoke Hospital and was known locally as the "Chedoke Browlands".

The property also has value as a cultural heritage landscape designed for the treatment of tuberculosis. These browlands were laid out as a purpose-built facility that capitalized on the natural landscape of the site for therapeutic purposes. The property contains a number of remnant features from its history as a hospital, including the Cross of Lorraine: a local landmark built in 1953 by well-known designer and advertiser E.L. Ruddy.

Heritage Attributes

The heritage attributes of the property at 828 Sanatorium Road, Hamilton that display its cultural heritage value include:

The Long & Bisby Building:

- Its location in an open, park-like setting and adjacent to a woodlot;

- All exterior elevations and additions;
- Roof profile and roofline;
- Entrance portico including:
 - Paired, Corinthian-inspired columns;
 - Simple cornice brackets; and,
 - Low metal railing.
- Decorative entrance including:
 - Doorway;
 - Webbed fanlight;
 - Sidelights; and,
 - Brick voussoir.
- Eight-bay buff brick façade with projecting ends;
- Brick parapet including:
 - Lower frieze board;
 - Stone finial accent; and,
 - Inset stone block.
- All windows, window openings, stone sills, and side trim brick headers.

Landscape Features:

- The park-like setting as a cultural heritage landscape with curvilinear street pattern and open spaces designed for therapeutic purposes;
- Significant views to, through, and from the former Mountain Sanatorium Brow Campus as well as significant views to and from the Niagara Escarpment;
- The Cross of Lorraine located along the edge of the Niagara Escarpment;
- The pedestrian bridge over the Chedoke Creek;
- The concrete stairs along the edge of the Niagara Escarpment; and,
- The stone vehicular bridge and associated stone wall/pillars located west of the Long & Bisby Building.

Notice of Intention to Designate 828 Sanatorium Road, Hamilton (Mountain Sanatorium Brow Site)

The City of Hamilton intends to designate 828 Sanatorium Road, Hamilton, under Section 29 of the *Ontario Heritage Act*, as being a property of cultural heritage value.

Statement of Cultural Heritage Value or Interest

The property located at 828 Sanatorium Road, Hamilton has cultural heritage value as one of the campuses of the original Mountain Sanatorium ("the San"), Hamilton's tuberculosis hospital which originally opened in 1906. The San was Canada's fourth sanatorium and, by 1932, one of the largest in the British Empire.

The Brow site was primarily purposed towards the treatment of First World War veterans who contracted tuberculosis while serving overseas. The property formerly contained six major buildings and a number of ancillary structures, most of which have been demolished. The only building that remains on site is the Long & Bisby Building (1920) which was built a residence for nurses. Built with funds bestowed by the original donors of the Sanatorium lands, W.D. Long and G.H. Bisby, the Long & Bisby Building is a representative example of Edwardian Classical architecture. The site later evolved to become part of Chedoke Hospital and was known locally as the "Chedoke Browlands".

The property also has value as a cultural heritage landscape designed for the treatment of tuberculosis. These browlands were laid out as a purpose-built facility that capitalized on the natural landscape of the site for therapeutic puposes. The property contains a number of remnant features from its history as a hospital, including the Cross of Lorraine: a local landmark built in 1953 by well-known designer and advertiser E.L. Ruddy.

The full Statement of Cultural Heritage Value or Interest, Description of Heritage Attributes may be found online via www.hamilton.ca or viewed at the Office of the City Clerk, 71 Main Street West, 1st Floor, Hamilton, Ontario, L8P 4Y5, during regular business hours.

Written Notice of Objection

Any person may, within 30 days after the date of the publication of the Notice, serve written notice of their objections to the proposed designation, together with a statement for the objection and relevant facts.

Dated at Hamilton, this xxth day of xx, 2020.

Janet Pilon
Acting City Clerk
Hamilton, Ontario

CONTACT: Miranda Brunton, Cultural Heritage Planner, Phone: (905) 546-2424 ext. 1202, E-mail: Miranda.Brunton@hamilton.ca

Valery Homes Properties' letter to Planning Committee regarding the Recommendation to Designate lands located at 828 Sanatorium Road, Hamilton. The letter was included as item 8.8 (a) on the September 18, 2018, Planning Committee agenda.

8.8(a)



1140 King Street East
Hamilton, ON
L8K 1W6
t: 905.544.1200 f: 905.547.5083

September 14, 2018

Via Email & Delivered

Honorable Mayor Fred Esienberger;
Ward Councillor Terry Whitehead; and,
Members of City Council

Via Ms. Ida Bedioui,
Legislative Coordinator

City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Greetings,

**RE: September 18, 2018 Planning Committee
Hamilton Municipal Heritage Committee Report No. HMHC 18-009
Hamilton Municipal Heritage Committee Staff Report No. PED18214
828 Sanatorium Road, Hamilton**

Valery (Chedoke Browlands) Developments Inc. (Valery Homes) is the owner of the subject lands. On September 13, 2018, the Hamilton Municipal Heritage Committee considered Staff Report No. PED18214 that recommended to designate the subject property under Part IV of the *Ontario Heritage Act*. The Heritage Committee endorsed this recommendation and it now appears as Item 7.1HMHC18-009, of the September 18, 2018 Planning Committee agenda.

On June 22, 2012, the Ontario Municipal Board (OMB) issued decision No. PL100691 approving 529 residential units on the subject lands via 25T-200712. While built-heritage matters were considered in the OMB decision, there was no requirement to designate the subject property under Part IV of the *Ontario Heritage Act*.

On February 14, 2018, Valery Homes participated in a Formal Consultation meeting with City of Hamilton staff wherein Formal Consultation Document for FC-18-004 was issued on March 1, 2018. A Cultural Heritage Impact Assessment was identified as a required supporting study for a complete application. Since this formal consultation meeting, Valery Homes has retained the necessary project team to compile the necessary supporting documents for a complete application that is targeted for submission in November, 2018.



2140 King Street East
Hamilton, ON
L8K 1W6
t: 905.544.1200 f: 905.547.5083

This *Planning Act* review process will offer a thorough and comprehensive opportunity to further consider the cultural heritage matters pertaining to the subject lands. Further, the Planning Act process will provide the opportunity to incorporate any appropriate conditions of approval with regards to cultural heritage. Accordingly, Valery Homes respectfully requests the Planning Committee and Council defer its designation decision until after the application is complete.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink, appearing to read 'Ted Valeri', is written over a horizontal line.

Ted Valeri
President

cc: Mr. Jason Thorne, MCIP, RPP General Manager, Planning & Economic Development
Mr. Steve Robichaud, MCIP, RPP, Chief Planner, Director of Planning
Anita Fabac, MCIP, RPP, Manager, Development Planning, Heritage & Design
Jeremy Parsons, Planner II, Cultural Heritage
UrbanSolutions Planning & Land Development Consultants Inc.

Excerpts from Hamilton Municipal Heritage Committee meeting report 18-009



Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE
MINUTES 18-009
12:00 p.m.
September 13, 2018
Room 264, 2nd Floor
Hamilton City Hall
71 Main Street West**

Present:	Councillor M. Pearson and J. Partridge A. Denham-Robinson (Chair), D. Beland, C. Dmitry, K. Garay, M. McGaw, T. Ritchie, K. Stacey
Absent with Regrets:	Councillor A. Johnson – Personal, W. Arndt, G. Carroll, R. Sinclair and T. Wallis

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

1. **Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214) (Ward 8) (Item 7.1)**
(Pearson/Garay)
 - (a) That the designation of 828 Sanatorium Road, Hamilton, shown in Appendix "A" to Report PED18214, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
 - (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "C" to PED18214, be approved;
 - (c) That the City Clerk be directed to take appropriate action to designate 828 Sanatorium Road, Hamilton under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "D" to Report PED18214

CARRIED

(g) STAFF PRESENTATIONS (Item 7)**(i) Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214) (Ward 8) (Item 7.1)**

Jeremy Parsons, Cultural Heritage Planner, addressed the Committee respecting the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214) (Ward 8), with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

(Pearson/Garay)

That the presentation respecting the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214) (Ward 8), be received.

CARRIED

Councillor Pearson wished to be recorded as OPPOSED to the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214) (Ward 8).

(Dmitry/Partridge)

- (a) That staff be directed to determine if the Cross of Lorraine is situated on private property or escarpment lands, with a report back to the Hamilton Municipal Heritage Committee; and
- (b) That if the Cross of Lorraine is determined to be situated on private property, it should be removed from the Statement of Cultural Heritage Value of Interest, attached as Appendix "C" to Report PED18214 respecting the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the *Ontario Heritage Act*.

CARRIED

Excerpt from Planning Committee Report 18-014 related to Hamilton Municipal Heritage Committee recommendation to designate 828 Sanatorium Rd, Hamilton

28 Hamilton Municipal Heritage Committee Report 18-009 (Item 8.8)

That the Hamilton Municipal Heritage Committee Report 18-009 be referred to Council to allow the Ward Councillor the opportunity to discuss recommendation 1 of the Hamilton Municipal Heritage Committee Report with staff.

Excerpt from Council Minutes 18-018

Council Minutes 18-018

September 26, 2018

Page 23 of 34

7.6 Hamilton Municipal Heritage Committee Report 18-009 (Referred from Planning Committee September 18, 2018 to Council)

(Farr/Green)

1. Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the *Ontario Heritage Act* (PED18214) (Ward 8) (Item 7.1)

- (a) That the designation of 828 Sanatorium Road, Hamilton, shown in Appendix "A" to Report PED18214, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "A" to 18-009, be approved;
- (c) That the City Clerk be directed to take appropriate action to designate 828 Sanatorium Road, Hamilton under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "D" to Report PED18214

(Whitehead/Green)

- (a) *That Item 7.6, respecting the Hamilton Municipal Heritage Committee Report 18-009, Item 1, be referred to the December 11, 2018 Planning Committee meeting, with the letter from the Developer, to allow staff to prepare an updated Statement of Cultural Heritage Value or Interest;*
- (b) *That the Information Section of the the Hamilton Municipal Heritage Committee Report 18-009, be received; and,*
- (c) *That it be recognized that the Developer has withdrawn his demolition permit.*

**AMENDMENT CARRIED
MAIN MOTION, AS AMENDED, CARRIED**

Excerpt from Hamilton Municipal Heritage Committee Report 20-003:

3. Designation of 828 Sanatorium Road (Long & Bisby Building) (Added Item 11.2)

WHEREAS, the Hamilton Municipal Heritage Committee recommended the designation the property located at 828 Sanatorium Road, Hamilton (Long and Bisby Building), outlined in detail in PED18214, the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the *Ontario Heritage Act*, at the September 12, 2018 meeting;

WHEREAS, Planning Committee supported the recommendation to designate 828 Sanatorium Road, Hamilton (Long and Bisby Building) during their September 18, 2018 meeting;

WHEREAS, during their September 26, 2018 meeting Council referred the designation request back to Planning Committee for further consideration; and,

WHEREAS, following the recent fire at the Long and Bisby Building, the Hamilton Municipal Heritage Committee is concerned with the protection and preservation of the Long and Bisby Building;

THEREFORE BE IT RESOLVED:

- (a) That the designation of 828 Sanatorium Road, Hamilton as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved; and
- (b) That the City Clerk be directed to take appropriate action to designate 828 Sanatorium Road, Hamilton under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate

Excerpt from Planning Committee Report 20-005, as amended by Council on July 17, 2020:

Planning Committee
Report 20-005

July 7, 2020
Page 4 of 18

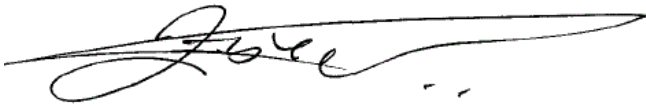
The following item was amended as follows:

**3. Designation of 828 Sanatorium Road (Long & Bisby Building)
(Added Item 11.2)**

- (a)** That this item be REFERRED back to the **Planning Committee** Hamilton Municipal Heritage Committee for consideration; and,
- (b)** ***That the Valery Group implement a building security plan for the Long and Bisby building, including the provision of security fencing 8 feet in height and any other required measures to secure the building from unauthorized entry, including, at minimum, motion sensor lighting and alarm system. That the property owner send a letter to the Hamilton Police Service providing entry to the property to permit enforcement of trespass.***



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 17, 2020
SUBJECT/REPORT NO:	Radon Gas Mitigation Requirements (PED20200) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not applicable.

INFORMATION

Hamilton Public Health Services recently conducted a study of radon gas levels in residential homes in the City of Hamilton. Preliminary data from this study found that 14.4% of the homes tested exceeded Health Canada's recommended radon level guideline of 200 becquerels per cubic metre (Bq/m³).

Based on these results the Building Division will be requiring radon gas mitigation construction requirements in accordance with the Ontario Building Code for all new, and additions to, low-rise residential buildings effective November 17, 2020. This Information Report is intended to provide background information on why the Building Division is implementing these radon gas mitigation requirements.

Radon

Radon is a colourless, odourless and tasteless gas that is formed naturally by the radioactive breakdown of uranium contained in soil and rock. Normally radon escapes from the ground into the air where it mixes with fresh air resulting in concentrations too

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SUBJECT: Radon Gas Mitigation Requirements (PED20200) (City Wide) - Page 2 of 3

low to be a health concern. However, when radon enters an enclosed space through cracks or openings in floors in contact with the ground, or through foundations, it can accumulate to higher concentrations.

According to Health Canada, long-term exposure to radon is linked to approximately 16% of lung cancer deaths in Canada and is the second leading cause of lung cancer after smoking. Canada's radon guideline is currently 200 Bq/m³.

The only way to determine if radon levels are within the guideline of 200 Bq/m³ is to carry out a test. However, this test can only be carried out after construction is completed and the dwelling is occupied. Health Canada recommends that radon testing should be conducted for a minimum of 91 days during the heating season (October to April) to ensure an accurate reading of radon levels.

Hamilton Public Health Services Study

The Hamilton Public Health Services conducted a study last year within the City of Hamilton. As part of this study, free radon test kits were provided to volunteer residential home owners to collect data on radon levels within the City of Hamilton.

The study found that 14.4% of the tested homes within the City of Hamilton were found to exceed Health Canada's radon level guideline of 200 Bq/m³. This was well above the 5% found by Health Canada for the City of Hamilton in a previous smaller sample study carried out between 2009 and 2011.

Ontario Building Code

Where radon gas is known to be a problem, the Ontario Building Code requires construction to comply with the requirements for soil gas control contained in the Ministry of Municipal Affairs and Housing's Supplementary Standard SB-9 ("Requirements for Soil Gas Control") so that the radon concentration inside a building does not exceed 200 Bq/m³.

Accordingly, based on the findings from Hamilton Public Health Services, effective November 17, 2020, the Building Division will require all building permit applications for all new construction, and additions to, low-rise residential building in the City of Hamilton to incorporate radon gas mitigation construction requirements in compliance with the Ontario Building Code. These requirements are detailed in the attached Appendix "A".

APPENDICES AND SCHEDULES ATTACHED

**SUBJECT: Radon Gas Mitigation Requirements (PED20200) (City Wide) - Page 3
of 3**

Appendix "A" – Radon Gas Mitigation Requirements

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.



Radon Gas Mitigation Requirements

Due to recent findings from a study conducted by Hamilton's Public Health Services, the City of Hamilton's Building Division is implementing radon gas control measures in new construction and additions of low-rise residential buildings. This program applies to new building permits applied for after November 16, 2020.

Construction Requirements

Building permit drawings shall clearly indicate details associated with one of the following three radon gas mitigation options in accordance with Article 9.13.4.1, of Division B, and Supplementary Standard SB-9 ("Requirements for Soil Gas Control") of the Ontario Building Code:

OPTION 1: SUBFLOOR DEPRESSURIZATION ROUGH-IN

- 1) A 100mm diameter grey PVC pipe rough-in through the floor slab near the centre of the slab (Figure 1) or adjacent to an exterior wall and extending under the slab and terminating at or near the center (Figure 2) in conformance with Subsection 3.2, Sentences (1) through (5) of Supplementary Standard SB-9,
- 2) Minimum 150mm granular material for a radius not less than 300mm centered on the pipe, with the bottom of the pipe open to the granular,
- 3) The upper end of the pipe shall be provided with a removable seal and labeled to indicate for "Radon Gas Removal Only", and
- 4) Mandatory radon gas testing in conformance with Subsection 3.2, Sentence (6) of Supplementary Standard SB-9.

Figure 1: OPTION 1 with exhaust pipe at centre of floor slab

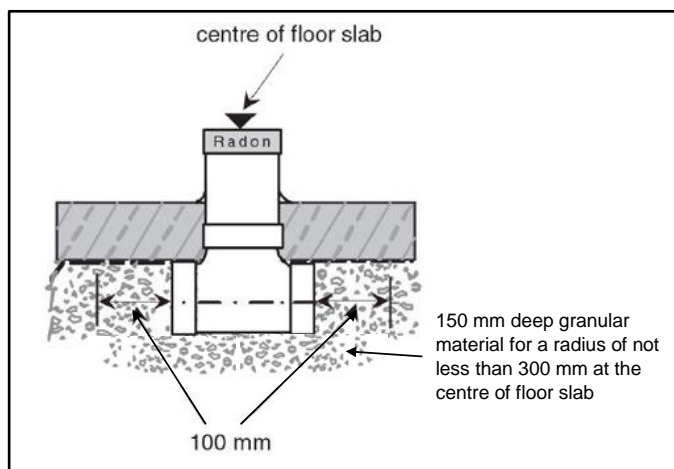
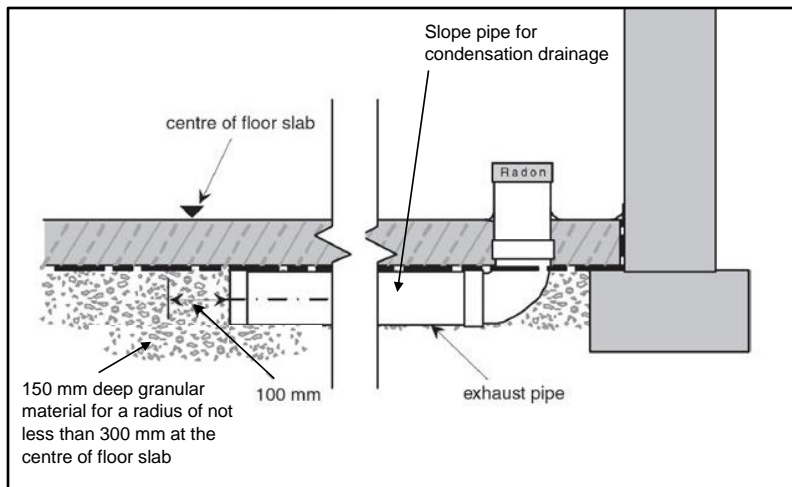
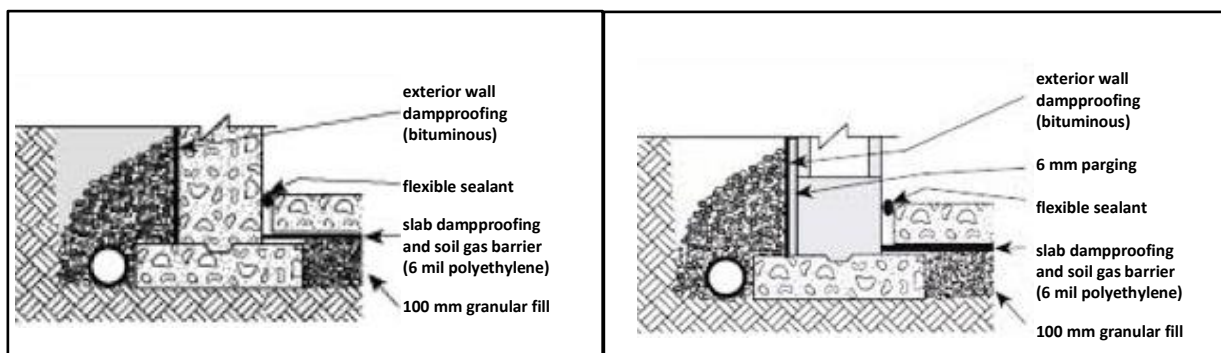


Figure 2: OPTION 1 with exhaust pipe adjacent to foundation wall**OPTION 2: RADON GAS BARRIER**

- 1) A soil gas barrier on the foundation walls (bituminous damproofing) in conformance with Sentence 9.13.4.2 (3), of Division B, and
- 2) under the basement floor slab using 6 mil polyethylene lapped not less than 300mm in conformance with Figures SB-9A or SB-9B of Supplementary Standard SB-9, and
- 3) sealing along the perimeter of the basement floor slab and at all penetrations using flexible sealant (polyurethane caulking) in conformance with Clause 9.13.4.2.(4)(a), of Division B, and Supplementary Standard SB-9 (figure 3).

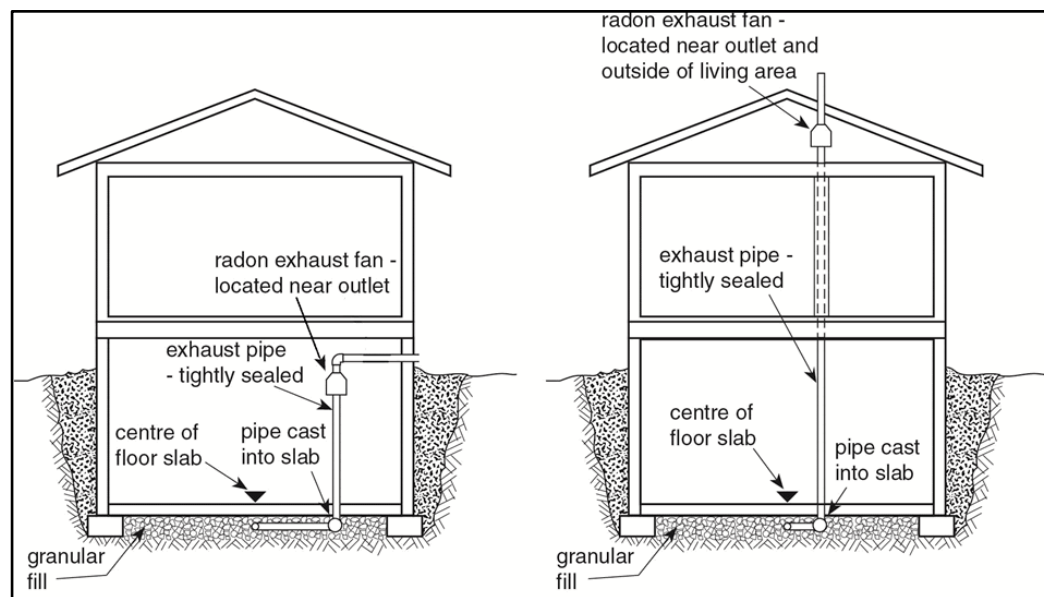
Please Note: Care must be taken when installing 6 mil polyethylene since it is prone to puncture. Please ensure the 6 mil polyethylene is adequately protected.

Figure 3: Option 2 – Damproofing and soil gas control at floor and wall junction**Solid Foundation Wall****Hollow Foundation Wall**

OPTION 3: ACTIVE SUBFLOOR DEPRESSURIZATION SYSTEM

- 1) A soil gas barrier on the foundation walls (bituminous dampproofing) in conformance with Sentence 9.13.4.2 (3), of Division B, and Figure SB-9A or SB-9B of Supplementary Standard SB-9.
- 2) Installation of a sub slab depressurization system installed in accordance with Health Canada guideline "Reducing Radon Levels in Existing Homes: A Canadian Guide for Professional Contractors".
- 3) A properly labelled 100mm grey PVC pipe shall be installed through the floor slab adjacent an exterior wall extending under the slab into a centrally located 150mm thick bed of granular material. In accordance with Subsection 3.2, sentences (1) through (5) of Supplementary Standard SB-9, and
- 4) Above the slab, 100mm grey PVC piping shall be installed, extending either through the roof or the rim joist, and shall have a continuous duty centrifugal inline radon fan (figure 4).

Figure 4: Option 3 – Active Subfloor Depressurization System



Required Inspections

The owner of a property on which construction takes place or their authorized agent shall arrange for the following inspections:

- 1) The installation of the rough-in soil gas pipe, and granular material prior to pouring the basement slab.

Appendix “A” to Report PED20200
Page 4 of 5

- 2) The installation of soil gas barrier on foundation wall (bituminous dampproofing) and under floor slab (6 mil polyethylene) prior to covering or pouring the basement slab.
- 3) Sealing of the perimeter of the slab adjacent to the foundation wall and any slab penetrations (polyurethane caulking) prior to covering.
- 4) Pipe cap and labelling, and inline fan (where required) prior to occupancy.

Testing

Depending on the radon gas mitigation option chosen by the builder, the building may be subject to mandatory radon gas testing.

It is the Owners responsibility to conduct the radon test to determine the radon concentration in the building and submit the results to the City of Hamilton at building@hamilton.ca.

All radon testing will consist of long-term tests (minimum 91 days) completed during the winter season (October to April), when windows and doors are generally closed, and are recommended to be carried out by a Canadian National Radon Proficiency Program (C-NRPP) certified professional.

Testing Results and Mitigation

The following is required where mandatory radon gas testing results come back over 200 becquerels per cubic metre (Bq/m³):

- 1) The Owner is responsible for mitigation and installation of an active subsoil depressurization system in conformance with Subsection 3.2, sentence (9) of Supplementary Standard SB-9.
- 2) Measures shall be taken to ensure that any resultant decrease in soil temperature will not adversely affect the foundation, and documentation to this affect is to be provided by a qualified person.
- 3) After installation, the Owner is to submit testing results indicating levels below 200 Bq/m³ to the City of Hamilton at building@hamilton.ca.

Health Canada recommends that you hire a professional certified under the Canadian National Radon Proficiency Program (C-NRPP) as lowering radon levels in a home requires specific technical knowledge and skills to ensure the job is done properly. To find a list of certified professionals contact the Canadian National Radon Proficiency Program (C-NRPP) at 1-855-722-6777, go to www.c-nrpp.ca or email radon@hc-sc.gc.ca.

Tarion Warranty

New homes in Ontario come with a new home warranty that is provided by your builder and backed by Tarion. This warranty also covers radon gas levels exceeding 200 Bq/m³ in new homes for seven years from the date of occupancy.

CITY OF HAMILTON

MOTION

Planning Committee Date: November, 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 17, 2020

MOVED BY COUNCILLOR L. FERGUSON.....

SECONDED BY.....

70 Garner Road East Zoning By-law Amendment Fee Reduction

WHEREAS, Ancaster Christian Reform Church is non-profit;

WHEREAS, the lands located at 70 Garner Road East contain the existing Ancaster Christian Reform Church and are zoned I3 (39, H37) Zone in Zoning By-law No. 05-200;

WHEREAS, the property owner made an application for a Zoning By-law Amendment (ZAH-20-039) in June 2020 to lift the Holding Provision as municipal services are available to the property and connected to the church;

WHEREAS, the application for Holding Removal has been made by the Ancaster Christian Reform Church, a non-profit group;

THEREFORE BE IT RESOLVED:

That staff be directed to refund the fee for the required Zoning By-law Amendment application (Holding Removal).