



City of Hamilton

PLANNING COMMITTEE REVISED AGENDA

Meeting #: 21-001
Date: January 12, 2021
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall

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

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

Pages

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1. December 8, 2020

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(Withdrawn)

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14. PRIVATE AND CONFIDENTIAL

14.1. Closed Minutes - December 8, 2020

*14.2. Update and Instructions regarding Local Planning Appeal Tribunal Appeals of 600 James St. N. (LS21003) (Ward 2)
Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15. ADJOURNMENT



PLANNING COMMITTEE

MINUTES

20-015

December 8, 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, M. Wilson and J.
Partridge

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Appointment of Committee Chair and Vice Chairs for 2021 (Item 1)**

(Pearson/Partridge)

(a) That Councillor Danko be appointed as Chair for 2021;

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

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

(Johnson/Partridge)

(b) That Councillor Farr be appointed as 1st Vice Chair for 2021; and,

(c) That Councillor Johnson be appointed as 2nd Vice Chair for 2021.

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. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20202) (City Wide) (Item 7.1)

(Collins/Pearson)

That Report PED20202 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

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

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

3. New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175(a)) (Wards 5, 13 and 15) (Item 7.2)

(Partridge/Johnson)

(a) That in addition to recommendations approved under Report PED20175; that Growth Management staff be directed to address the additional Duplicate Street Names and Municipal Address Issues as outlined in this Report PED20175(a) as part of the previous direction under Report PED20175, to develop and implement a program to address the New Generation 9-1-1 requirements and issues; and,

(b) ***That the City of Hamilton be responsible for the costs associated with the address changes for the addresses listed in Reports PED20175 and PED20175(a), with the exception of 1 Hamilton Street South which was resolved.***

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

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

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

4. Hamilton Municipal Heritage Committee Report 20-007 (Item 7.3)

(Collins/Ferguson)

(a) Revisions to the Council Approved Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes and Notice of Intention to Designate for the Designation of 85 King Street East and 4 - 12 John Street North, Hamilton under Part IV of the Ontario Heritage Act (PED17167(a)) (Ward 2) (Item 10.1)

- (i) That the revised Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes of 85 King Street East and 4 - 12 John Street North, Hamilton, attached as Appendix "A" to Report 20-007, be approved; and,
- (ii) That the City Clerk be directed to take appropriate action to designate 85 King Street East and 4 - 12 John Street North, Hamilton under Part IV of the *Ontario Heritage Act*, in accordance with the revised Notice of Intention to Designate, attached as Appendix "B" to Report PED17167(a).

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

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

5. Liveboard (PED18222(c)) (Ward 2) (Item 7.4)

(Pearson/Danko)

That Report PED18222(c), respecting Liveboard, be received.

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

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

YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

6. Agriculture and Rural Affairs Advisory Committee Report 20-001 (Item 7.5)

(Ferguson/Partridge)

(a) Stormwater Rate Program (PW20081) (City Wide) (Item 8.1)

- (i) That Report PW20081, respecting the Stormwater Rate Program, be received.
- (ii) That the Agriculture and Rural Affairs Advisory Committee respectfully request that no stormwater management charges be directed to any areas outside the urban boundary, given that the rural area has no direct impact on the City of Hamilton's storm water management infrastructure.

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

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

7. Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED20201) (City Wide) (Item 8.1)

(Collins/Pearson)

- (a) That City Initiative CI-19-F – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the UHOP and RHOP, correct and clarify policies and mapping, be APPROVED on the following basis:
 - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED20201, be adopted by Council;

- (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” **as amended** to Report PED20201, be adopted by Council; and,
- (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2014 and conform to Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the Greenbelt Plan, 2017.

(b) *That the public submissions were received and considered by the Committee in approving the City Initiative.*

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

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

8. Increase to Permit Fees under the Building By-law (PED20210) (City Wide) (Item 8.3)

(Collins/Wilson)

- (a) That the By-law, attached as Appendix “A” to Report PED20210 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix “A” to Report PED20210, be included in the User Fees and Charges By-law, replacing the fees listed under the heading “Classes of Permits and Fees under the Hamilton Building By-law”; and,
- (c) ***That there were no public submissions received regarding this matter.***

Result: Main Motion, As Amended, CARRIED by a vote of 6 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 NO - Ward 15 Councillor Judi Partridge

NO - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

9. City of Hamilton Draft Urban Forest Strategy (PED20173) (City Wide) (Item 10.1)

(Collins/Danko)

- (a) That the “City of Hamilton Draft Urban Forest Strategy – October 2020”, attached as Appendix “A” and “City of Hamilton Urban Forest Strategy Technical Report”, attached as Appendix “C” to Report PED20173 be received;
- (b) That staff be directed to undertake public and stakeholder engagement on the draft Urban Forest Strategy in Q1, 2021; and,
- (c) That staff report back to Planning Committee, summarizing public input together with the final Urban Forest Strategy in 2021.

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

10. Inactive Taxi Plate Fee (PED20213) (City Wide) (Item 10.2)

(Pearson/Farr)

- (a) That staff be authorized to create a one-year inactive taxi plate(s) temporary relief program along with a user fee in the amount of \$115, to conclude December 23, 2021, as a pandemic response to allow for current inactive taxi plate(s) to be placed on hold and be permitted to return to service at a time determined by the operator;
- (b) That subject to the approval of Recommendation (a) the City Wide User Fees and Charges By-law No. 15-158 be amended accordingly.

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

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

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

11. Expanding Administrative Penalty System By-law 17-225 to include Sections 5, 6, 8, 9 and 21 of the Public Nuisance By-law 20-077 (PED20214) (City Wide) (Item 10.3)

(Ferguson/Partridge)

- (a) That the amendment to the Administrative Penalty System (APS) By-law 17-225 to include the contraventions under Sections 5, 6, 8, 9 and 21 of the Public Nuisance By-law 20-077 described in Report PED20214, detailed in the proposed amending by-law attached as Appendix "A" be approved;
- (b) That the amending by-law attached as Appendix "A" to Report PED20214, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

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

12. 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 10.4)

(Collins/Johnson)

- (a) That Amended Official Plan Amendment Application UHOPA-20-007 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in designation from "Institutional" to "Medium Density Residential 3" and to identify the subject lands as a Site Specific Policy Area in the Old Town Secondary Plan with respect to use, density and building height to permit the development of five, two and a half storey street townhouse dwellings, for lands located at 19 Dawson Avenue, as shown on Appendix "A" to Report PED20195, be **DENIED** on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).
- (b) That Amended Zoning By-law Amendment Application ZAC-20-012 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in zoning from the Small Scale Institutional “IS” Zone to the Multiple Residential “RM2-46” Zone, Modified to permit five, two and a half storey street townhouse dwellings on lands located at 19 Dawson Ave, Stoney Creek, as shown on Appendix “A” to Report PED20195, be ***DENIED*** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (c) ***That the written comments submitted relating to PED20195, including the Public Meeting held November 3, 2020, in this agenda as Item 8.4, and read out by Councillor Collins, were received and considered by the Committee in denying the application.***

Result: Main Motion, As Amended, CARRIED by a vote of 7 to 1, as follows:

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

13. **Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858 (PW20082/LS20032) (Wards 9, 10, 11, 12, 13 and 15) (Item 14.1)**

(Collins/Danko)

That Report PW20082/LS20032 including the Recommendations therein, **as amended**, and Appendix "A" thereto be released to the public following Council approval, except for Recommendation (c) and Appendix "B" attached to Report PW20082/LS20032 which shall remain confidential.

Result: Main Motion, As Amended, CARRIED by a vote of 6 to 2, as follows:

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

14. **Instructions - Appeal for Lack of Decision to the Local Planning Appeal Tribunal for Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-Law Amendment Application ZAC-19-029, for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton (Ward 8) (LS20036/PED20217) (Item 14.2)**

(Danko/Collins)

That the recommendations of Report LS20036/PED20217 be released to the public following Council approval.

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

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

15. **Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-17-006) and a Zoning By-law Amendment Application for the Town of Flamborough Zoning By-law No. 90-145-Z and Zoning By-law No. 05-200 Application (ZAC-17-016) for Lands Located at 909 North Waterdown Drive (Flamborough) (LS20038/PED20218) (Ward 15) (Item 14.3)**

(Partridge/Collins)

That recommendations (a) to (e) in Report LS20038/PED20218, **as amended**, be made public following Council approval with the balance of the report to remain confidential.

Result: Main Motion, As Amended, CARRIED by a vote of 7 to 1, as follows:

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.1 Franca Seul respecting Monster Homes, for today's meeting, and to be heard before Item 7.1.
- 6.2 Nick DeFilippis respecting 19 Dawson Avenue, for today's meeting, and to be heard before Item 10.4.

2. PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 8)

- 8.1 Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED20201) (City Wide)

(b) Added Registered Delegations:

- (i) Joe Simonji

8.2 Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12)

(a) Registered Delegations:

- (v) Jim MacLeod
- (vi) Jaynn Miller

(b) Added Written Submissions:

- (ii) Ian Hanna
- (iii) Doug McLennan
- (iv) Karen Macey
- (v) Honor Hughes
- (vi) Gayle Villeneuve
- (vii) Heather Bull
- (viii) Marc Bader
- (ix) Jennifer Davis
- (x) David Gray
- (xi) Jaynn and Kevin Miller
- (xii) Barb Russell-Morse
- (xiii) David Hindley
- (xiv) David Wallis
- (xv) Diane and Harley Auty
- (xvi) Cynthia Watson
- (xvii) Gail Lazzarato
- (xviii) Elaine Simon
- (xix) Jerry Cole
- (xx) Darren Earl
- (xxi) Erin Davis
- (xxii) Armando Gomez
- (xxiii) Nicolette Stubbe
- (xxiv) Len Verhey
- (xxv) Sandy Omelon
- (xxvi) Isaac Hoogland
- (xxvii) Michael Hill

8.4 19 Dawson Avenue (PED20195) (Item 10.4) - Written Delegations

(a) Added Written Submissions:

- (xii) Stoney Creek Masonic Lodge Letter and Petition
- (xiii) Steve Macdonald
- (xiv) Ida Smith

3. PRIVATE & CONFIDENTIAL (Item 14)

- 14.3 Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-17-006) and a Zoning By-law Amendment Application for the Town of Flamborough Zoning By-law No. 90-145-Z and Zoning By-law No. 05-200 Application (ZAC-17-016) for Lands Located at 909 North Waterdown Drive (Flamborough) (LS20038/PED20218) (Ward 15)

(Collins/Johnson)

That the agenda for the December 8, 2020 meeting be approved, as amended.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 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 3)

Councillor Ferguson declared a conflict with Item 10.2, Inactive Taxi Plate Fee (PED20213) as he is an owner of a taxi cab licence.

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

(i) November 17, 2020 (Item 4.1)

(Partridge/Pearson)

That the Minutes of the November 17, 2020 meeting be approved, as presented.

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

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

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Added Items 6.1)

(Pearson/Johnson)

That the following Delegation Requests be approved for today's meeting:

- (a) Franca Seul respecting Monster Homes, for today's meeting, to be heard before Item 7.1 (Added Item 6.1)
- (b) Nick DeFilippis respecting 19 Dawson Avenue, for today's meeting, to be heard before Item 10.4 (Added Item 6.2)

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

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

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Franca Seul respecting Monster Homes (Added Item 6.1)

Franca Seul addressed the Committee respecting Monster Homes with the aid of a PowerPoint presentation.

(Pearson/Ferguson)

That the delegation from Franca Seul respecting Monster Homes, be received.

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

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

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

- (i) **New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175(a)) (Wards 5, 13 and 15) (Item 7.2)**

(Pearson/Johnson)

That the recommendations in Report PED20175(a) be **amended** to add sub-section (b), to read as follows:

- (b) ***That the City of Hamilton be responsible for the costs associated with the address changes for the addresses listed in Reports PED20175 and PED20175(a), with the exception of 1 Hamilton Street South which was resolved.***

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

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

For disposition of this matter, refer to Item 3.

(g) **PUBLIC HEARINGS / DELEGATIONS (Item 8) - 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) Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED20201) (City Wide) (Item 8.1)

(Partridge/Collins)

That the staff presentation be waived.

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

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

(Collins/Ferguson)

That the following written submission be received:

1. Kevin Dhinsa (Item 8.1 (a)(i))

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

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

Registered Delegations:

1. Joe Simonji expressed concerns with the proposed Housekeeping Amendment regarding 495 Hamilton Drive, Ancaster and the redesignation from open space to low density residential.

(Ferguson/Wilson)

That the Registered Delegation be received.

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

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

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

(Pearson/Johnson)

That the public meeting be closed.

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

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

(Ferguson/Partridge)

That Policy D.2.1.1.4 (e) be removed from the Rural Hamilton Official Plan Amendment, attached as Appendix "B" to Report PED20201.

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

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

(Pearson/Partridge)

- (a) That the correspondence from Mr. Kevin Dhinsa, dated November 19, 2020, submitted in response to the Notice of Public Meeting, be referred to Planning Division staff and Legal Counsel for review and consideration;
- (b) That Planning Division staff be directed to investigate the number and location of properties fronting private roads outside of a Plan of Condominium;
- (c) That Planning Division staff consult with Legal Counsel and staff within Growth Management Division and Public Works Department

on the merits of the existing Official Plan policies concerning the requirement that all newly created lots front on a public road;

- (d) That staff report back to the Planning Committee on staff's findings noted in sub-sections (a), (b), and (c).

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

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

(Pearson/Collins)

- (a) That City Initiative CI-19-F – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the UHOP and RHOP, correct and clarify policies and mapping, be APPROVED on the following basis:
- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED20201, be adopted by Council;
- (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” **as amended** to Report PED20201, be adopted by Council; and,
- (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2014 and conform to Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the Greenbelt Plan, 2017.

(Pearson/Collins)

That the recommendations in Report PED20201 be **amended** by adding the following sub-section (b):

- (b) That the public submissions were received and considered by the Committee in approving the City Initiative.**

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

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

For disposition of this matter, refer to Item 7.

(ii) Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12) (Item 8.2)

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

(Ferguson/Collins)

That the staff presentation be received.

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

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

James Webb with Webb Consulting, and Joseph Veloce, Owner, were in attendance and indicated they were in support of the staff report.

(Ferguson/Johnson)

That the delegation from James Webb with Webb Consulting, be received.

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

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

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

Registered Delegations:

Bob Manton (Item 8.2 (a)(i)); Jaynn Miller (Item 8.2 (a)(vi)); Jim MacLeod (Item 8.2 (a)(v)) and David Hindley (Item 8.2 (a)(iii)) expressed their concerns respecting the Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster).

The following Registered Delegations were not in attendance:

1. Eldon Bull (Item 8.2 (a)(ii))
2. Brad Davis (Item 8.2 (a)(iv))

(Pearson/Farr)

That the following Registered Delegations be received:

1. Bob Manton (Item 8.2 (a)(i))
2. Jaynn Miller (Item 8.2 (a)(vi))
3. Jim MacLeod (Item 8.2 (a)(v))
4. David Hindley (Item 8.2 (a)(iii))

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

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

(Ferguson/Collins)

That the following written submissions be received:

- (i) Irene Dawson
- (ii) Ian Hanna
- (iii) Doug McLennan
- (iv) Karen Macey
- (v) Honor Hughes
- (vi) Gayle Villeneuve
- (vii) Heather Bull
- (viii) Marc Bader

- (ix) Jennifer Davis
- (x) David Gray
- (xi) Jaynn and Kevin Miller
- (xii) Barb Russell-Morse
- (xiii) David Hindley
- (xiv) David Wallis
- (xv) Diane and Harley Auty
- (xvi) Cynthia Watson
- (xvii) Gail Lazzarato
- (xviii) Elaine Simon
- (xix) Jerry Cole
- (xx) Darren Earl
- (xxi) Erin Davis
- (xxii) Armando Gomez
- (xxiii) Nicolette Stubbe
- (xxiv) Len Verhey
- (xxv) Sandy Omelon
- (xxvi) Isaac Hoogland
- (xxvii) Michael Hill

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

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

(Pearson/Collins)

That the public meeting be closed.

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

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

(Ferguson/Collins)

That Report PED20205 be DEFERRED to the January 12, 2021 Planning Committee meeting.

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

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

(iii) Increase to Permit Fees under the Building By-law (PED20210) (City Wide) (Item 8.3)

No members of the public were registered as Delegations or made public submissions.

(Collins/Pearson)

That the public meeting be closed.

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

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

(Collins/Wilson)

- (a) That the By-law, attached as Appendix "A" to Report PED20210 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix "A" to Report PED20210, be included in the User Fees and Charges By-law, replacing the fees listed under the heading "Classes of Permits and Fees under the Hamilton Building By-law".

(Collins/Wilson)

That the recommendations in Report PED20210 be **amended** by adding the following sub-section (c):

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

Result: Amendment CARRIED by a vote of 6 to 2, as follows:

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

For disposition of this matter, refer to Item 8.

- (iv) 19 Dawson Avenue (PED20195) (Item 10.4) – Written Delegations (Item 8.4)**

(Collins/Johnson)

That the following written submissions, be received:

- (i) Jim Edwards
 (ii) Brad Ackles
 (iii) Ben Barnes
 (iv) John Orzel
 (v) Averill Tune
 (vi) David Reid
 (vii) Sam Porco
 (viii) Greg Pavlica
 (ix) Rebecca Passmore
 (x) Pat and Cheryl Leonard
 (xi) Heidi and Dan Chisholm

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

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

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

For disposition of this matter, refer to Item 12.

(Collins/Johnson)

That the Delegation from Nick DeFillippis (Added Item 6.2) and Report PED20195 (Item 10.4) respecting 19 Dawson Avenue, be moved up on the agenda and considered at this time.

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

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

(v) Nick DeFillippis respecting 19 Dawson Avenue (Item 10.4) (Added Item 6.2)

Nick DeFillippis addressed the Committee respecting 19 Dawson Avenue (Item 10.4).

(Collins/Pearson)

That the Delegation from Nick DeFillippis respecting 19 Dawson Avenue (Item 10.4), be received.

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

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

For disposition of this matter, refer to Item 12.

(h) **DISCUSSION ITEMS (Item 10)**

(i) **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 10.4) (Deferred from the November 3, 2020 Planning Committee meeting)**

Councillor Collins read out the following written submissions he received in opposition to the proposal:

- (i) Larry Mitchell, 40 Evergreen Ave.
- (ii) Mary MacDonald, 30 Cartwright Ave
- (iii) James Kerr, 28 Passmore St.
- (iv) Wendy Passmore, 31 Passmore St.
- (v) Bernice Seager, 47 Passmore St.
- (vi) Brian Panchyson, 32 Cartwright Ave.
- (vii) Seka & Miles Perencevic, 32 Evergreen Ave.
- (vi) Linda Cassidy, 36 Cartwright Ave
- (vii) Jim & Annette Connell, 50 Passmore St.
- (viii) Tyler Ackles, 22 Passmore St.
- (ix) William Lockhart, 129 King St. East

(Collins/Johnson)

- (a) That Amended Official Plan Amendment Application UHOPA-20-007 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in designation from “Institutional” to “Medium Density Residential 3” and to identify the subject lands as a Site Specific Policy Area in the Old Town Secondary Plan with respect to use, density and building height to permit the development of five, two and a half storey street townhouse dwellings, for lands located at 19 Dawson Avenue, as shown on Appendix “A” to Report PED20195, be **APPROVED** on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).
- (b) That Amended Zoning By-law Amendment Application ZAC-20-012 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in zoning from the Small Scale Institutional “IS” Zone to the Multiple Residential “RM2-46” Zone, Modified to permit five, two

and a half storey street townhouse dwellings on lands located at 19 Dawson Ave, Stoney Creek, as shown on Appendix "A" to Report PED20195, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

(Collins/Johnson)

That the recommendations in Report PED20195 be **amended** to Deny the application.

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

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

(Collins/Johnson)

That the recommendations in Report PED20195 be **amended** to add sub-section (c) as follows:

- (c) ***That the written comments submitted relating to PED20195, including the Public Meeting held November 3, 2020, in this agenda as Item 8.4, and read out by Councillor Collins, were received and considered by the Committee in denying the application.***

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 12.

(Partridge/Wilson)

That the Committee recess at 1:18 p.m. until 1:50 p.m.

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

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

**(ii) City of Hamilton Draft Urban Forest Strategy (PED20173) (City Wide)
(Item 10.1)**

Cathy Plosz, Natural Heritage Planner, addressed the Committee with the aid of a PowerPoint presentation.

Rike Burkhardt with KBM Consulting, addressed the Committee with the aid of a PowerPoint presentation.

(Danko/Pearson)

That the presentations from Cathy Plosz, Natural Heritage Planner, and Rike Burkhardt with KBM Consulting, 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 9.

(i) NOTICES OF MOTION (Item 12)**(i) ERASE Incentive Programs Amendment (Item 12.1)**

Councillor Collins introduced the following Notice of Motion respecting ERASE Incentive Programs Amendment:

WHEREAS, the City voluntarily provides financial incentives to assist with the remediation and redevelopment of brownfield properties within the urban area under the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan;

WHEREAS, the ERASE CIP authorizes the ERASE Redevelopment Grant (ERG) Program and ERASE Tax Assistance Program (TAP) which provide financial incentives on the basis of new municipal taxes generated as a result of the remediation and redevelopment of a brownfield site;

WHEREAS, brownfield sites may be subject to development proposals requiring planning applications and City Council approval(s) under the *Planning Act*;

WHEREAS, the Local Planning Appeals Tribunal (LPAT) has the ability to overturn City Council decisions on planning applications;

WHEREAS, applications under the ERG and TAP programs are brought for City Council consideration at such time as a site has received, at minimum, conditional Site Plan approval; and,

WHEREAS, the administrative provisions of the ERG and TAP programs do not currently contemplate refusal or reduction of a grant for developments which have been approved by LPAT in a form contrary to City Council decision(s);

THEREFORE, BE IT RESOLVED:

- (a) That Economic Development Division staff be directed to bring forward the following amendments to the ERG and TAP program terms for proposed developments that require *Planning Act* approval(s):
 - (i) a grant application may be denied by Council if the development is not supported by Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that Council's decision on the ERG and TAP applications will not fetter its discretion on an *Planning Act* applications; and

- (ii) Council's approval of an ERG or TAP can provide for a reduced grant amount so that no grant is payable in respect of any portion of the development which Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that Council's decision on the ERG and TAP applications will not fetter its discretion on an *Planning Act* applications.

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

(i) Outstanding Business List (Item 13.1)

(Collilns/Pearson)

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

- (a) Items to be Removed:

19L - Year Round Live-Aboards at West Harbour Marinas
(Addressed as Item 7.4 on this agenda)

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

(ii) General Manager's Update (Added Item 13.2)

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee to congratulate Tony Sergi, Senior Director of Growth Management, for winning the Paul Wright Memorial Award for remarkable contributions to the housing industry.

(Partridge/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

(k) PRIVATE AND CONFIDENTIAL (Item 14)

(Ferguson/Pearson)

That the Committee move into Closed Session for Items 14.1, 14.2 and 14.3 pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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 these matters, refer to Items 13, 14 and 15.

(l) ADJOURNMENT (Item 15)

(Collins/Partridge)

That there being no further business, the Planning Committee be adjourned at 4:46 p.m.

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

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

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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

From: FrankG
Sent: December 9, 2020 9:45 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: RE: 15 Church Street Ancaster - Demolition and Redevelopment

Thank you for asking, Lisa. Yes, however, I want the suggestion changed to:

'This project (at 15 Church St.) needs to be downscaled from six residential units to four Bungalow sized to 2300sq.ft. max.'

I suggest that developer, Mr. Joseph Veloce, be asked to re-concept and present an alternate application that meets this option.

FRANK L. GALLO

Pilon, Janet

Subject: 15 church st - UHOPA-20-006 ZAC-20-011

From: Ryan Canu

Sent: December 8, 2020 6:07 AM

To: jamie.vanrooi@hamilton.ca; clerk@hamilton.ca

Subject: 15 church st - UHOPA-20-006 ZAC-20-011

Hi Jamie,

I hope all is well and it was a pleasure to speak with you today.

I'm sorry I won't be able to attend tomorrow's meeting so I've included this email with some of the points I want to share in opposition to the townhouse application for 15 Church Street in Ancaster.

If Veloce has the community's best interest at heart, he would take that piece of land and make a beautiful single family home - either restoring the historic home that is there or building a custom single family detached house.

Increased Danger to residents during and after construction of multi-unit townhouses compared to building a single family home

Multiple units in development will cause a lengthier construction process compared to one single family home. This causes increased danger in this quiet, residential area that is home to very young children who often walk this street to get to and from school. There is only one sidewalk on this street..it is on the same side of the street as 15 Church. *This sidewalk route is one of the main streets that residents from this Maywood neighbourhood take when taking their dog for a walk, or taking their children to the park or library or to daycare or school.*

Not only do multiple units have a longer construction project timeline with multiple phases and heavy equipment posing hazards and risks for pedestrians, it will be an issue post-construction as well. The proposed townhomes are 2.5 storeys, three-bedroom homes about 2,300 square feet with two parking spaces for each unit - 6 units, each with two-car garages. *That's like putting all of the residents who currently live on Church ..take 24 Church, 25 Church, 30 Church, 36 Church, 37 Church, and 40 Church ...and then jam them into one lot that is only 164.01 ft x 82.50 ft on a street that is only 500 feet long and 25 feet wide.*


The street is already a very narrow street. Multiple units instead of one single family detached home only increases traffic. There are only four streets that provide residents access in and out of this neighbourhood pocket - Church, Lodor, and Academy. Traffic is already an issue, as is speeding. If a utility truck is parked on the street - as is sometimes the case given that the Ancaster Old Town Hall is right here (for instance, when they put up Christmas lights), the street becomes a single lane and cars need to take turns. When the winter comes, snow build up from the plow contributes to even smaller road allowance. Congestion builds up because this is one of the key streets for residents to enter and exit the neighbourhood pocket. There is already increased traffic when the street is used as a "shortcut" for other drivers to cut through when there is congestion on Wilson or Rousseaux.

Townhouses are popular for population density, however, putting townhomes at this site is wrong for a number of reasons


The proposal doesn't fit with the Ancaster village character and there will be a glaring loss of character. Being in such close proximity to the main intersection (a high-traffic area), even if the old brick is used or they use natural stone on the exterior, *the townhouse design itself is an obvious contrast with the character homes in the area, as well as being in contrast with the historic old ancaster, the town hall and police museum which are right across the street.* How will all of these townhouses fit in this small lot without cutting down all of the trees? The mature trees and greenspaces are a vital element to the neighbourhood history as well as being aesthetically, environmentally, and ecologically

important. Without trees and seeing only townhouses, this area's appeal will suffer. This small part of town might seem like any other but it is an area that inspires appreciation for its history - I remember standing in front of what is now the Ancaster Legacy Football Club reading about how Ancaster was one of the first important and influential early British Upper Canada communities established during the late 18th century after it was Founded as a town in 1793. The history in this location is worthy of being preserved - you can see on the map how many historic locations are nearby.


Not secure | historicalhamilton.com/ancaster/




[Ancaster Shaver Homestead](#)




[Jerseyville Baptist Church](#)



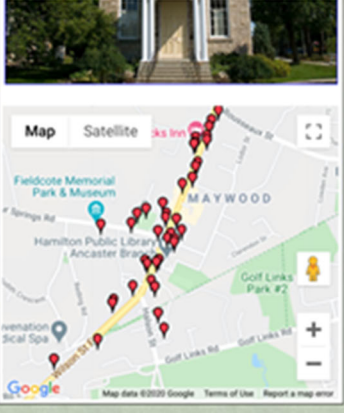
[The Garnett House](#)
This house was built in 1969 for the Garnett Family by architect Anthony Butler.



[1009 Wilson Street West](#)



[1021 Garner Road East](#)



Historical Hamilton


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15 Church Street

[Browse](#) > [Area](#) > [Ancaster](#) > 15 Church Street

Tags: [Ancaster](#), [House](#)

Exterior Images:



Families have lived in Ancaster for generations. Hearing feedback from the people who have invested their lives and their money here is essential. Veloce lives in Ancaster now but it has only been for a few years - around the same time that he started his construction company in 2016. He may not know about the historical significance or even what is important to the people who live here in the Maywood neighbourhood. Given that he hasn't been in business that long, it would make better PR sense to listen to the community and work in harmony with it, building a positive reputation and gaining referral clients, rather than going against community interests solely to make a few more bucks. As a builder, Veloce has 8 months of experience as a project manager for a property management company, Cornerstone Select Properties, and then he started his own company and built one house according to the Tarion registration. It's admirable that he is an Olympian but cycling isn't a skill that is transferable to construction project management and building technology and to make the leap from one custom home to 6 townhome units, while also promising they will be built to achieve net-zero standards, is a big jump. There are already homes that we have seen built locally that are of very poor quality - mould issues, health/safety concerns, shoddy trades, etc - simply because the 'investor/realtor/builder' put profit before building quality homes. To not take the community into consideration will only cost reputation and future business. This quote comes to mind: "It can take 20 years to build a reputation and 5 minutes to ruin it" (Warren Buffett). It's important to do things right and provide quality work when building homes.

Residential infill and densification serves a good purpose and there are many locations in Hamilton that would be ideal. This lot on Church isn't suitable for townhouses. After the fire, it may not be able to be renovated and restored so a new home probably does need to be built. A single family detached home, similar to what Veloce did at 51 Sulphur Springs, would be fitting. That home is 4199 Sq Ft (rather than 6 x 2300 Sq Ft) so it should fit on the lot and still have greenspace and trees.

There are townhouse condominiums in this area of Ancaster (71 Sulphur Springs Road and 371 Wilson Street E), however they aren't located in the heart of Ancaster's village right on a main road. The townhouses in this area are all in their own condominium pocket communities and there is a common drive with shared access to the street. There are no "Front-Loaded Townhouses" (blocks of attached units that are oriented to the street). Entering the complex feels more like entering a private estate drive. The previous townhouses on Academy were demolished and new single family luxury homes were built. It's not logical to go backwards and build townhouses again down the street in an area where the new single-family detached homes were just built in place of townhouses. Detached houses outperform townhouses with higher resale values and appreciation over time and they also boost the value of homes in the neighbourhood.

Ancaster has special zoning restrictions - the ER zoning

Council directed staff to review the Existing Residential "ER" Zone in Ancaster to determine how to manage the building of new residential homes in mature areas.

"Ancaster is one of many communities facing change where larger homes are replacing smaller ones that were built decades before. Mature neighbourhoods are different from new growth areas such as the Meadowlands, not only in the character of the neighbourhood, but also in how development is regulated." (Source: City of Hamilton website). As much as some builders might find it frustrating or limiting to their intended design, it was put in place for a reason and there is benefit to preserving the aesthetic architecture and the historic aspects that is unique to Ancaster - and this area in particular. We've had family and friends visit from Lorne Park in Mississauga, Oakville, and the Rosedale area in Toronto and they all say it feels similar to these areas and it's likely because of the history, the mature trees, lot sizes, and architecture and design of the homes in the area.

There are a lot of reasons not to build townhouses at the 15 Church lot (loss of character, towering over neighbours, increased ecological damage and stress, increased traffic on a small narrow street, risks to children and pedestrian safety, etc.). The only possible reason someone would want to build townhouses rather than a single family detached home suited to the area is ..money/greed? Not everyone can afford a custom built home, including those from that community who may want to stay in that community. (i.e. the young people, sons and daughters of the residents who are starting out, the empty nesters, the families who may split up.). It's not like we can make the case that these will be 'affordable' homes - townhouse condominiums in ancaster sell for almost as much as some detached bungalows and cost over half a million to purchase (recent closed prices for townhouses range from \$550,000 to \$800,000). These townhomes will likely be in the range of \$860,000 - \$1,175,000 based on current comparables. 51 Sulphur Springs sold for \$2,875,000.00 but that property took 508 Days to sell.

A detached single family home priced a bit lower would have a larger market and a faster sale and have a healthy profit, while also keeping the community happy, and the business could even gain new clients because they earned a positive reputation as a local custom home builder in Ancaster. Good reputation, as the saying goes, is more valuable than money.

Again, I am sorry that I can't attend tomorrow's meeting as I have a client meeting myself in Oakville at 930am. Let me know if there is anything else I can do.

Thank you
Ryan Canu

Pilon, Janet

Subject: 15 church St. Townhouse proposal.

From: fran spoelstra
Sent: December 8, 2020 9:33 AM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 church St. Townhouse proposal.

Thanks for your returned phone call James, regarding the proposed development to take place at 15 Church St., Ancaster.

We are very opposed to the demolition of homes in Ancaster for the development of townhouse complexes. This seems, to be becoming a very common occurrence. Gentrification is acceptable and in places, very necessary....but here, this is not acceptable.

It's very difficult to see perfectly good homes, being torn down to be replaced by "monster" new buildings in our town, and to allow CENTURY homes to be demolished, is simply a disgrace to our community!
Moreover, to replace a "Century Home" with the intention of building a 6 townhouse complex, 2 1/2 stories high, on 15 Church St., is unthinkable absurd!

Where is city council to protect our citizens, and our lovely town from such demise?

Do we have a voice at all? We are saddened by the notion that truly "JUST FOLLOW THE MONEY" seems to be the motive.

Sadly, this is one more nail in the coffin, to destroy ANCASTER, the unique flavour, the way we would like to keep it....

Hoping this letter will not fall on deaf ears, we trust you will re consider this action.

Perhaps, the bylaws in Ancaster will need further review to accommodate retaining the ANCASTER charm for which it is known.

Wishing You all a Merry Christmas & Happy New Year!

Remaining optimistic, Fran Spoelstra

Pilon, Janet

Subject: 15 Church St.

From: Maxine Morris

Sent: December 7, 2020 2:25 PM

To: clerk@hamilton.ca

Subject: 15 Church St.

I want to register my family's disapproval of this development. This 2 1/2 storey development will more than double the residences on the street, overlook neighbours' yards, create more traffic on Church Street, create hazards for other residents and vehicles. Parked vehicles in its short driveways longer than 14-15 feet will overhang the sidewalk - and the sidewalks are already one foot narrower than the standard. The developer proposes to use this extra foot to extend use of his property. Pedestrians will have to pass each other on the road.

Please respect the wishes of this community. None of my neighbours want to see this project proceed as submitted.

Maxine and Mario Zecchini

From: Ted Robinson
Sent: January 6, 2021 7:04 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: Re: 15 Church Street, Planning Committee Meeting

Do you have my response recorded as officially supporting the development?
If not how do I get counted in?
Best regards
Ted

Sent from my iPhone

On Dec 24, 2020, at 9:08 PM, Ted Robinson wrote:

Thanks again James.
After reviewing all the material sent, I fully support this proposal
All the best for Xmas and the new year.
Regards,
Ted

Sent from my iPhone

On Dec 23, 2020, at 4:38 PM, Ted Robinson wrote:

Thank you James.
I was also pleased to read in today's Ancaster News that the proposed height has been reduced.
Regards
Ted

Darren Earl
Ancaster

In reference rezoning of 15 Church Street Ancaster (UHOPA-20-006 and ZAC-20-011)

I am writing today to follow up on a previous letter I submitted and after having attended the live committee meeting on Dec 8th 2020 and the follow on community consultation on Dec 17th 2020. Based in these meeting I have several concerns with the reasoning for the planning departments whole heated endorsement of this development.

Point 1:

During the Dec 8th committee meeting there was a concern that if the developer's plans were rejected, the developer would appeal to LPAT. I wanted to point out that if the developer is rejected and appeals to LPAT it would have to be against the ER zoning rules. Furthermore, the ER zoning rules have already been appealed to the LPAT on July 11 2019 (OMB Case No.: PL180522) and the rules were upheld. I encourage the committee members to review the LPAT ruling. But they essentially say that the ER zoning rules comply with both the cities official Plan and UHOP policy.

I will quote an excerpt from the ruling regarding maximum height provisions:

“The Tribunal finds that with respect to issues regarding maximum height provisions, the Zoning By-law Amendments comply with UHOP policy 2.6 in that they address lot fabric, streetscape, built form and character issues. Based on Ms. Fulford’s uncontradicted opinion evidence, the Tribunal finds that the Zoning By-law Amendments’ height provisions are appropriate to implement flexible policies and that they will assist in maintaining the existing character of neighbourhoods.”

<https://www.canlii.org/en/on/onlpat/doc/2019/2019canlii64650/2019canlii64650.html>

The ER zoning laws were brought in to specially address protections for Ancasters mature neighborhoods.

<https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/ancaster-existing-residential-er-zone>

It is very worrying to me that public official would approve something on the sole basis that they fear their decision would be appealed. Just imagine if a superior court judge took a similar approach with a criminal case.

Point 2:

Why is the maximum lot coverage provision so easily being brushed aside?

Per the zoning bylaw for ER and R1 ([ancaster-zoning-by-law-87-57-oct2020.pdf](#))

“Table 10.3.3 – Maximum Lot Coverage

Lots with an area less than or equal to 1,650 square metres = Maximum 35 percent”

Based on the slides presented at the committee meeting on Dec 8th the interior units will have 49% lot coverage and the exterior units 32% coverage and the site averages to 37% (37.66%).

As presented, this means we will either be creating 1 property that violates the so called “monster home” provision or 2 homes that grossly violate the monster home provision.

So how dose the planning department justify breaking the so-called ER monster home by-law for a non-mandatory intensification project. A by-law that has already stood up to an appeal to the LPA tribunal.

Point 3:

The 15 Church street property is zoned ER

Per the zoning bylaw for ER ([ancaster-zoning-by-law-87-57-oct2020.pdf](#)) the maximum height of a building is 9.5 meters and there is no provisions for a 2.5 story building in the ER bylaw.

Table 10.3.7 – Maximum Height

Two-storeys Maximum 9.5 metres (1)

Based on the presentation of the proposed homes “Appendix “F” of Report PED20205 Page 1 of 2” . The drawings are indicating the homes will be 2.5 stories tall with an official height of 10.5m.

The planning department has attempted to justify the additional 1-meter height based on the “Urban Hamilton Official Plan - Ancaster Secondary Plans” page 43 which states:

“Notwithstanding Policy E.3.4.5 of Volume 1, the maximum building height shall be 2.5 storeys.”

I would like to point out that “**2.5 storyes**” is **not an official recognized measurement** standard as the actual height of a storeye can be affected by many factors. If the authors of the official plan had wanted to define a specific numerical maximum, they would have.

The developer should be held to the 9.5 meter maximum. There is no reason that a 2.5 storeye building could not be 9.5meters tall.

Point 4:

I am very concerned with the intensification of the Village Core that this development represents. 15 church street is located within this historic “Village Core” and as confirmed by city staff on page 344 of “PLANNING COMMITTEE AGENDA Meeting #: 20-015” this area of Ancaster already meets

the Intensification targets set by the OMB.

Furthermore, per the “Urban Hamilton Official Plan - Ancaster Secondary Plans” page 41 this type of intensification in Ancaster should be directed to the “Uptown Core”

Within the Ancaster Community Node, larger scale development and redevelopment are encouraged to be directed towards the Uptown Core and western portion of the Gateway Residential area, as shown on Appendix A - Character Areas and Heritage Features.

In conclusion:

The ER zoning laws were brought in to specially address protections for Ancasters mature neighborhoods.

<https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/ancaster-existing-residential-er-zone>

In consultation with the Ancaster community, a pilot project for the “ER” Zone has been developed, consisting of a series of changes to the regulations of the “ER” Zone. Zoning By-law regulations establish an as-of-right building envelope that guides development or redevelopment on individual properties.

The “Urban Hamilton Official Plan - Ancaster Secondary Plans” page 43 indicates that lots designated as “Low Density Residential 1” are permitted to be single detached dwellings and semi-detached dwellings

“Notwithstanding Policy E.3.4.3 of Volume 1, the permitted uses shall be limited to single detached dwellings and semi-detached dwellings.”

With a lot as large as 15 Church street a proposal consisting of Semi-detached dwellings would allow for intensification within the bounds of the Ancaster Secondary Plan and respecting the ER zoning bylaw. I implore the committee not to approve the first mega project that happens to come along.

The Ancaster Secondary Plan and the ER zoning bylaws were passed by City Counsel for a reason they should not so easily be brushed aside.

Regards
Darren Earl

From: Darren Earl
Sent: December 6, 2020 10:20 PM
To: james.vanrooi@hamilton.ca <james.vanrooi@hamilton.ca>
Cc: lloyd.ferguson@hamilton.ca <lloyd.ferguson@hamilton.ca>
Subject: Reference UHOPA-20-006 and ZAC-20-011

in reference rezoning of 15 Church Street Ancaster (UHOPA-20-006 and ZAC-20-011)

Darren Earl
 Ancaster ON

I am writing to express my concern over the planned townhouse development at 15 Church street in Ancaster Ontario. I am an Ancaster resident and frequently walk by this property along Church street as I bring my children to the local daycare center.

I have issues with many of the conclusion drawn by staff as to why this application should be approved.

- 1) I have issue with the "ANALYSIS AND RATIONALE FOR RECOMMENDATION" point 1 sub point 4

"The proposed development represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances and continues the streetscape of the neighbourhood and provides additional housing opportunities in the community.

The proposal of 6 townhouses would in no way continue the streetscape of the local buildings. Directly across from this building is one of the oldest town halls in all of Canada. Comparing modern 2.5 store "urban efficient" town houses to heritage buildings is simple not rational. Not to mention the countless other heritage homes and buildings on neighboring properties.

- 2) I have issue with the "ANALYSIS AND RATIONALE FOR RECOMMENDATION" point 2

"The Official Plan Amendment is for an amendment to the Ancaster Wilson Street Secondary Plan to change the designation from "Low Density Residential 1" to "Low Density Residential 3" to permit six, two and a half storey street townhouses"

By Referencing the zoning map in [Appendix "B" to Report PED20205 Page 5 of 5] one can see that there are currently no "Low density Residential 3" lots on the East side of Wilson street in the core of Ancaster Village. By changing this solitary plot you would be creating an out liner that does not conform to commune uses of the "Low density Residential 3" zoning. Once again referring to the zoning map one can see that all other uses of the "Low density Residential 3" zoning are on much wider and more substantial streets. Such as directly on Wilson, Halson or Fiddlers Green. This section of Church street is very narrow and in no way compares to streets like Wilson and Fiddlers green.

- 3) I have issues with city staff's justification for increasing zoning targets.

As confirmed by city staff on page 344 of "PLANNING COMMITTEE AGENDA Meeting #: 20-015" this area of Ancaster already meetings the Intensification targets set by the OMB. Therefore, there is no mandate for the city and community to increase densification through any and all possible means. By design once targets are meet city staff then have more discretion to approve developments that meet and enhance the local area rather then deform it.

To conclude, I believe that city staff should use the flexibility given to them by the fact that area does not require densification to reject the proposals:

1. Reject the proposal to change the zoning of 15 Church Street (Ancaster). From designation from “Low Density Residential 1” to “Low Density Residential 3”
2. Reject the change in zoning from the Existing Residential “ER” Zone, to Holding Residential Multiple “H-RM2-712”

Ancaster Village is a community older than Canada itself. People from all over Hamilton and the GTHA come to experience and enjoy that heritage. Our community's greatest asset is our physical heritage, it is what draws people in. If we let it slip away, we will not get it back.

Regards

Darren Earl

January 3, 2021

Planning Board and Planning Committee

Re: 15 Church Street Application
Ancaster Zoning By-Law 87-57.

Zoning By-Laws are specific with minimum and maximum set-backs, coverages, heights and more.

Let's call these measurements standards.

The application for town-houses at 15 Church Street specifies the following:

- | | | |
|----|-------------------------------|--|
| 1. | Area for six units | 32.22% sub-standard |
| 2. | Lot coverage | 5.71% in excess of standard (35%) if 37% quoted is fact. |
| 3. | Front set-back to garage door | 20% sub-standard |
| 4. | Front set-back to front door | 26.66% sub-standard |
| 5. | Frontage | 27.1% sub-standard. |
| 6. | Lot depth | 16.18% sub-standard |
| 7. | Rear set-back to deck | 30.9% sub-standard |

How is it remotely conceivable that the planning department could countenance such an obvious flouting of the standards? Now the planning committee has been called upon to bail out the department by approving a plan that should never have been considered, to keep it from going to LPAT.

With the current provincial government's governing by fiat, and no-appeal provisions, who knows what might be permitted.

The City of Hamilton in recent years has had too much bad press due to scandals such as with waste pick-up, building construction with no plans or permits in place, asphalt not being properly used, sewerage, and Red Hill Expressway. There seems to be a serious lack of leadership almost everywhere. Do we have to allow this to continue?

The approval for this project should be rescinded and the applicant charged with providing a new plan to construct "luxury" town-homes instead of "luxury sub-standard" town-homes, if in fact town-homes should even be considered.

Jerry Cole

From: Jim MacLeod
Sent: January 2, 2021 2:19 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Cc: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Subject: Commercial Use--15 Church

I am following up on my question about the relationship between Ancaster Bylaw 87-57 and the Wilson Street Secondary Plan. I did some reading over the holidays and think I have it worked through in my mind.

Thank you for the link to the maps. I note that 15 Church (and all of Maywood) is specifically excluded from the Community Node and the Village Core—I had a different impression from the Staff Report.

However, my point today is one I hope you can point out where I have erred in my logic.

I note in the Wilson Street Secondary Plan Low Density Residential 1 is limited to single family and demi detached. Low Density Residential 3 permits all forms of town homes, but I also note the following (Vol 2, Chapter B, subsection b):

iii) In addition to Policy E.3.4.3 of Volume 1, small scale commercial uses shall be permitted, including business and professional offices, medical office uses or clinics, day nursery, artist studios, funeral homes, and personal services.

There are restrictions to the main floor in mixed use buildings. Parking is pretty much brushed off as being “if feasible”. This use is only permitted in stand alone commercial or mixed-use buildings, and my logic is each unit at 15 Church could be a mixed use building.

Given that these are freehold townhomes, each will have individual title and it appears to me that once these units are built and occupied any one of them would be permitted to have a commercial use in their unit—main floor commercial use, upper floor residential. The fact they are attached by one or two walls would be immaterial—they have separate title. As they are designated Low Density Residential 3 and this is a permitted use it appears they could do this without any further approvals.

I note on the map that virtually all of the Low Density Residential 3 is on Wilson Street, Fiddlers Green and other larger roads so this limited commercial use makes sense. Bringing this into a heritage neighbourhood with a 12 meter road seems problematic.

I truly hope you can tell me that no commercial use could ever happen at 15 Church as a result of the move to Residential 3, and explain why.

Thank you

Jim MacLeod

Ancaster Ward 12 Councillor Lloyd Ferguson,
lloydferguson@hamilton.ca

December 29, 2020

Dear Councillor Ferguson,

I am writing in response to Application UHOPA-20-006 more commonly referred to as No. 15 Church Street. In reviewing report PED2025 planning staff is supporting a “site specific policy to recognize the existing road right-of-way width for the lands located at 15 Church Street”. This is a substantial deviation from the requirements of the City of Hamilton Urban Official Plan and presents serious future implications for the City if adopted. The staff report fails to present any pro's or cons of approving this “new policy” and therefore ignoring the guidelines of the Official Plan altogether.

No width of Church Street is shown on the site plan, but someone is certainly aware that it is undersized in order to insert this seemingly innocuous statement to “recognize the street width” while ignoring the results of implementing it. The result of my inquiry to a local surveyor was that Church Street was shown as 60 1/2 links (or about 40 feet) on an old plan, but could not confirm what it was today. In the normal course of events NO development would be allowed on a street of only 12.19 metres in width, but the City in their wisdom recognized that some streets, in the very, very old parts of the city, could be considered for development, but only if they could be widened to a minimum of 15.24 metres, and further, that it still had to be proven by the proponent that this reduced minimum could support all future servicing requirements.

OFFICIAL PLAN URBAN AREA SECTION C-4.5-2f

“f) Local roads, subject to the following policies: i) The primary function of a local road shall be to provide direct land accesses. The secondary function shall be to enable the movement of low volumes of traffic to collector roads. ii) **The basic maximum right-of-way widths for local roads shall be 26.213 metres in designated Employment Areas and 20.117 metres in all other areas,** unless specifically described otherwise in Schedule C-2 – Future Right-of-Way Dedications; (OPA 109) iii) The City recognizes that in older urban built up areas there are existing road right-of-way widths significantly less than 20.117 metres. **Notwithstanding the other road right-of-way widening policies of this Plan, it is the intent of the City to increase these existing road rights-of-ways to a minimum of 15.24 metres with daylight triangles at intersections instead of the minimum required 20.117 metre road right-of-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced road right-of-way width.** iv) Trucks shall be restricted from local roads, except for local deliveries and in Employment Areas. v) Sidewalks should be provided on both sides of the street. (OPA 109) vi) Horizontal and vertical traffic calming measures, including speed humps, may be implemented where appropriate subject to meeting City Traffic Calming etc etc”

So in normal circumstances the City would require a road widening dedication of 1.525 metres in the development process along Church Street, but in this case it is being waved by the City without any explanation.

With complete lack of foresight, the planning report then goes on to support a reduction in the front yard set-back from 7.5 metres to 5.5 metres. The applicant intends to supply one of the two parking spaces required in the front driveway. The City by-laws require a minimum depth of 5.5 metres for a parking space. If this application goes forward there will be no possibility of ever widening Church Street to the absolute minimum required by the Official Plan without making front yard parking impossible. There is absolutely no reason whatsoever for the City to not take a

road dedication now, in a process that is creating a 6 lot subdivision on an existing single lot. Even with the road dedication and the proposed relief of front yard set-back to 5.5 metres, the building will still be closer to the road than the required minimum of 7.5 metres.

Your observations on why this seems to have been overlooked would be greatly appreciated.

Regards,
Chris Cunningham
Ancaster, On

cc: James Van Rooi, Planner

December 31, 2020

Subject: Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for lands located at 15 Church Street (Ancaster) (PED20205) (Ward 12)

Dear Councillor Ferguson,

I would like to bring your attention to to the following statement on Page 12 of this report.

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Community Node” on Schedule “E” – Urban Structure and designated as “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations. The lands are also designated “Low Density Residential 1” on Map B.2.8.1 – Ancaster Wilson Street Secondary Plan – Land Use Plan.

This statement is **not** correct. The subject lands are **not part of a “Community Node”** and are therefore **not** subject to **“Mixed Use – Medium Density”**.

Detail from Ancaster Wilson Street Secondary Plan - Maps B.2.8-1

Community Node Area- Outlined in Blue



Subject Lands-Low Density Residential 1

The Planning Report for this application then goes on to incorrectly identify the subject lands as 'Community Node', and 'Community Nodes' sixteen (16) times, and each time extracts a use under the 'Community Node' designation to try to justify this planning reports support for the Official Plan Amendment. The 'Community Node' uses, in the Secondary Plan, refer to *Areas of commercial, multi-residential, mixed uses and employment development, redevelopment, infilling and intensification along the Wilson Street Village Corridor*”, and do not apply to this property whatsoever. The Ancaster Wilson Street Secondary Plan was prepared in accordance with Section 'E' of the UHOP, which set-out

guidelines for designating and establishing uses in and along interconnecting urban transportation corridors, village commercial centres, community nodes, rural and urban residential, heritage lands, natural resources etc etc. and it is the primary planning document for the Village of Ancaster. As a secondary plan, it is the application and fine-tuning of the broad outlines of principals and guidelines set out in Section E of the UHOP and has been approved by council and inserted into the UHOP after several years of reports, studies, public meetings, input from stakeholders, and input from multiple departments at local, municipal and provincial levels.

The planning report is free to quote from the wisdom of Section 'E' of the UHOP, but it has to get the designation of the property right, or else its comments make no sense whatsoever. As the UHOP sets out Urban Systems and Designations, it is quite clear that detailed Secondary Plans will be required.

Chapter E – Urban Systems and Designations

2.3.3.11 Detailed secondary plans shall be undertaken for Community Nodes to establish boundaries and provide greater direction on mix of uses, heights, densities, built form, and design. Pending the completion of secondary plans for Community Nodes, the land use designations and policies set out in this Chapter shall provide direction for development proposals. (OPA 64)

The resulting secondary plan did not include the subject lands in a 'Community Node'. Comments in this application, using this erroneous assumption, completely invalidate all its recommendations of support and must be corrected, or withdrawn altogether.

Your attention to this matter is greatly appreciated,

Regards,

Chris Cunningham,

Ancaster, ON.

From: Sarah
Sent: December 22, 2020 10:48 PM
To: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Cc: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church street

Hello Councillor Ferguson,

I am writing to object to the development planned at 15 Church Street in Ancaster. It's coincidental actually - I had contacted you back in 2019 expressing the challenges that I was having, as a pedestrian, crossing in front of this property with two young children in tow in a stroller. I would love to hear the suggestions for how a family such as mine is meant to navigate around the cars parked at this proposed development as they overhang onto the sidewalk. Does the City plan to impose limits on the types of cars these (future) residents can own (so that they can actually fit into their driveway)? Likely not.

After viewing the most recent Planning Committee's meeting from December 8th, I am even more appalled. The proposed project will ultimately sacrifice the already limited walkability of this area that I utilize **everyday** - picking up my young son (2 years old) at Little Gems in town, with my 4 year old Kindergartener in tow. I would implore you to imagine the safety concerns I already have when I enter this stretch of road, leading up to the Wilson & Church St. intersection.

On more than one occasion I have expressed to my husband that I should be wearing a body cam so that I can record the near-misses I have experienced in almost being hit by a car (with a double stroller in hand). It's great that Mr. Van Rooi came out on a Sunday morning to snap some photographs of the seemingly quiet streets, however isn't a more reliable source of information the people who walk (and drive) these streets every day?

It is evident that the City *already* has not prioritized pedestrian safety in this area (as a mother, how can I now not think of the Strickland family when considering pedestrian safety?) so is it safe to actually trust their approval of this? What is unfortunate however, is moving forward on a proposal such as this will only worsen the situation - in no way can an argument be made that it will improve it, which is actually where everyone's time and effort should be directed.

The fact that the proposed development appears to require 12 variances from zoning and bylaws should be a red flag in and of itself - what is the point of having such standards if they are simply going to be amended rather than upheld? You can appreciate how community members find it completely absurd that such bylaws can just be changed to meet the needs of someone with deep pockets (and the City clearly wanting to profit off of it!)

I have to admit, watching this process unfold has led to my complete loss of faith in municipal affairs, and City staff - of course the developer is going to look out for his best interests, however my understanding is that our local councillor is supposed to be the representative to look out for our community's best interests and our voice. The only

beneficiary of this proposal appears to be the developer - what other justification is there for cramming in 6 units? Obviously to make the most money.

I was encouraged that you at least took the opportunity to defer the council vote to think on this some more. However it would be very refreshing if this additional time wasn't all for none, and for community members' concerns to not just be brushed off simply because City staff have already indicated their approval of this proposal (oh, and because of your fear that the developer will appeal if the proposal is not approved).

Thank you in advance for your consideration.

Sincerely,

Sarah Wellman

Hello to you all,

I am writing out of concern that the presentation given on Dec 8, 2020 to the planning committee by Mr. James Webb of Webb planning and developer Mr. Joseph Veloce contained some inconsistencies which I wish to address.

1) This home suffered a fire in the attic only in Feb 2018. Mr. Veloce incorrectly stated at the planning meeting that the home "has been vacant for sure since the fire four or five years ago, I believe" In fact the fire was minor and occurred 2 years ago.

<https://www.cbc.ca/news/canada/hamilton/monday-ancaster-house-fire-1.4542302>

He also stated that he acquired the property "substantially after the fire" which he said occurred "4 or 5 years ago" Records show that numbered company 2692544 purchased the property in April 2019 which was one year after the fire. Mr. Veloce led the committee to believe the home has been vacant and rotting for well over five years but in fact this home had been vacant for one year when he bought it and after the fire, this rare Arts and Crafts style home got a new roof and so has been protected from the elements. He bought it last year, one year after the fire. It is stripped to the studs but according to the heritage consultant, is salvageable and given that it could take years to be designated as a heritage building (the backlog is up to 2040 according to Yvette Rybenay from the Heritage department) we obviously don't have that long.

*As set out in section **B.3.4.2.6** of the Urban Hamilton Official Plan (UHOP), Volume 1, the City recognizes that there may be cultural heritage properties worthy of conservation that are not yet included in the Register of Property of Cultural Heritage Value or Interest, nor designated under the Ontario Heritage Act. **This may include properties that have yet to be surveyed or otherwise identified, or where a property's significance and cultural heritage value has not been comprehensively evaluated.***

I believe 15 Church st could be one that has not yet been recognized.

2) At 2:07:30 into the meeting, Mr Webb stated misleadingly that this project: "Is very much in keeping with a lot of the recent approvals for townhouse developments throughout Ancaster".

However his own slide to support this disagrees and shows this:

APPROVED 125 Wilson st E 49.2% coverage - **Condo**

APPROVED 393 Wilson st E 62 %coverage - **Condo**

APPROVED 515 Garner 55 % coverage - Townhomes

PROPOSED 154 Wilson st 40% coverage - Single Family

His slide included one example that was only a proposal and three other examples that weren't even townhouses. If you didn't look carefully you would have heard him say all these townhomes were approved but you may not have noticed that his own slide contradicts that. Furthermore, I believe at least some of these that exceed coverage were granted before the Monster home bylaw came into effect. This is to be confirmed when Permits returns my call.

3) At 2:07:46 in the video Mr Webb states "**The coverage in its entirety if you were to treat it as a condominium or rental project, is 70%**" yet his slide says 37%. He also states there is a minimum 30% available for landscaping which supports the 70%. I have reached out to Mr. Webb to clarify what he meant by 70% coverage.

4) This proposal requires 12 variances - even from the zoning and bylaws that the developer is asking for. This is outrageous. The lot is far too small for this monster home development on this narrow street.

5) Each of these units will be sold individually as freehold units on their own parcel of land. **Once severed, the two interior units of the freehold properties will be 49% lot coverage. Therefore, each of these two freehold properties, when severed, will violate the Monster home bylaw considerably.**

6) Church Street, which has a sidewalk only on one side, is far too narrow to accommodate even its current traffic, without the addition of 12 additional vehicles. Since the two parking spaces are single car garage and driveway, this will result in the "car shuffle" every morning as one person leaves earlier than the other and needs to park one vehicle illegally on Church Street in order to move the other vehicle back onto the drive.

7) Many vehicles will be too long to park on the short driveways. **The most popular truck in Ontario, the Ford F-150 is up to 6.3 meters in length not including a trailer hitch which is an additional one foot at least.** Larger vehicles or those with hitches will overhang the sidewalk by a considerable amount and force pedestrians into the road, where traffic is dangerous.

8) The modern design of this development is not consistent with the neighbourhood by any means and it does not reflect genuine heritage design. It will be white siding with black trim and roof and massive picture windows overlooking the street. Adding red bricks salvaged from the demolished century home as chimneys to these townhouses is a lame and colour-clashing attempt to incorporate "heritage features"

9) This development is similar to the Losani townhomes at John Fredrick and Garner. It has single garages and single driveways and to avoid the car-shuffle problem that comes with two vehicles being forced to park on behind the other in the garage and the drive, people have resorted to simply parking the second vehicle in the visitor parking spaces. With this proposed development, **visitors and services will either park illegally on Church st, or move over to Lodor, Academy, the Medical building or the Fire hall.** I doubt very much that any of these would appreciate extra cars and service vehicles in their spaces and streets.

10) **Net zero ready??** Pwaa. It has a roof that will accomodate a solar panel 'somewhere down the line'. Just like my 1950s house does. Thank you for asking the question **Councillor Wilson.** His answer was not satisfactory and further, he claims he has several locals who wish to move into these townhomes, especially given each unit will have its own elevator. I'm guessing he means millionaires from Toronto when he says 'locals'.

If any of you want to take a little drive to Ancaster village, I would encourage you to swing by the house and envision the monster townhouses that would dominate that small spot. Pictures in the planning application don't tell the full story.

I am honestly not sure who will be involved in this decision so I am initially sending this to the councillors I saw in the meeting as well as Mr. Van Rooi.

Thank you for your time and attention to this pressing matter. With Christmas coming we are racing against the clock to be heard and understood by Jan 12, 2021.

Thank you for your time and concern and thank you for the work you do under these strange Covid circumstances.

Nancy Hurst
Ancaster

From: Rowen Baker
Sent: December 22, 2020 11:24 AM
To: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Cc: Bob Maton; Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church Street

Lloyd,

Although we have already written to the planning department, we want to make doubly sure our concerns about this development are lodged.

Although relative newcomers to the Village we are appalled at the rampant destruction within Ancaster which has occurred recently. Whilst development must be expected, it needs at least to conform to the heritage, planning and zoning requirements of the area.

We wish to register the following objections to this development:

- 1) It requires demolition of an attractive heritage home.
- 2) It requires 12 variances from the zoning and bylaws. The lot is far too small for the monster home development envisaged.
- 3) It violates the monster home bylaw you successfully introduced a couple of years ago and which is widely supported within the community.
- 4) Church Street has a sidewalk only on one side. It is far too narrow to accommodate even the current traffic flow, without considering the addition of potentially 12 more vehicles.
- 5) Many vehicles are too long to park on the proposed short driveways. They will overhang the sidewalk forcing pedestrians into the road, where traffic flow is already dangerous.
- 6) There is absolutely no provision for guest parking. Parking is already at a premium in the village, it will only be exacerbated when the new Arts Centre opens.
- 7) The design of this development is not consistent with the neighbourhood, it does not reflect genuine heritage character.

We hope our objections are considered and that this development application is rejected.

Rowen and Mavis Baker

Ancaster

From: Brad Davis
Sent: December 22, 2020 10:44 AM
To: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Cc: Bob Maton; Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church Street Objection

Good morning Councillor Ferguson and Mr. Veloce,

I live in the Maywood neighbourhood and have participated in the past two Zoom meetings regarding 15 Church.

Last week I questioned Mr. Veloce on what, if any, due diligence was done on the home when you purchased it in April 2019. Mr. Veloce mentioned that a structural engineer was not consulted on the integrity of the home. Therefore, it became clear to me that there was never any intention to try and salvage this home and the sole purpose was to tear it down.

Had any reports been presented from a qualified third party stating that this home is no longer salvageable I would be far more sympathetic to your efforts.

I had also mentioned that I spoke to the previous owners of the home who owned it when the fire occurred. She mentioned that after the fire, the whole house was water-logged and all walls, flooring etc needed to be torn out. Their insurance company compensated them for the cost to renovate the home. They felt they weren't up to the task of a full renovation and sold it to Mr. Veloce. I am not an insurance adjuster but if common sense prevails I would assume that if the home was not salvageable, the insurance company would have torn it down because it is a major liability at that point.

None of this passes the smell test.

Mr. Veloce, you have built some truly remarkable homes in Ancaster. I have read about you and there is every indication that you are the type of person that residents of Ancaster can point to and say that man is a leader: Husband, father, businessman, Olympian and community builder. You have an extraordinary opportunity here to demonstrate your leadership and recognize the community does not want this project and you can restore 15 Church Street to a beacon of the Village again. Money only lasts so long, but goodwill can last forever.

Councillor Ferguson, I have always been an ardent supporter of you and voted for you every single municipal election that I have participated in. Your leadership in the community on projects like the Memorial Arts Center is inspiring. I understand your position that you must pick your battles, but this is certainly one that you should be fighting for. I implore you and your Council colleagues to critically evaluate what message is being sent by allowing this project to move forward.

Best regards,

Brad Davis

From: Bob Maton
Sent: December 19, 2020 9:31 AM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: 15 Church Street

Good morning James,

FYI - below see the awful traffic yesterday on Church Street viewed from a neighbour's kitchen window. As you know, Church Street is a cut-through between Rousseaux and Wilson Streets. The 6- townhouse development proposal for 15 Church Street is 2/3rds of the way along on the right, close to Wilson which is at the far end. We have been told by Councillor Ferguson and the developer that the townhouse development is aimed at a senior population with limited mobility (there will be elevators installed in the units). Imagine a physically challenged elderly person trying to get their car in or out of a driveway along that street, or if an ambulance, service vehicle or delivery van were parked there. Yesterday's traffic may have been unusual during the pandemic, but it is a fairly typical situation at rush hours in normal times.

Best wishes, Bob Maton, President, Ancaster Village Heritage Community



From: Sandy Price
Sent: December 16, 2020 3:05 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Cc: Bob Maton
Subject: 15 Church Street

To Councillor Ferguson and James Vanrooi I have been thinking about the recent Planning Committee meeting of Tuesday December 8 and as I do this, I become increasingly disappointed and more angry at the council members who are supposedly looking out for their constituents.

I attended what I thought was going to be a council meeting to discuss the PLANS for the development of 15 Church Street. I was unaware that you had already decided to support and approve the plans of the developer before you even heard the arguments put forward by various members of the Ancaster Village Heritage Community.

This is an organization which consists of people who live in this area and will therefore be directly impacted by the ultimate decision. Other members of this organization either live in other parts of Ancaster or are former Ancaster residents.

Many of those who live in other parts of Ancaster have already been adversely affected by developers who are only looking to make money. Former Ancaster residents have many happy memories of this area because of the tennis courts, former soccer field, play equipment and the library. The addition of the splash pad increased the attraction of this area to young families.

This is the area where the Ancaster Heritage Day Parade starts and there are many activities in this area that residents are able to walk to and enjoy.

The developers don't live in the immediate area of Church Street so they will not be directly affected by any change. They are not a part of the friendly, peaceful neighbourhood that makes this area conducive to raising a young family or enjoying their retirement years.

This is an area that offers many amenities which makes it a popular destination in the good weather. As you are no doubt well aware Councillor Ferguson this often makes parking spaces disappear quickly.

This neighbourhood is made for walking, not commuters. We have a very high walk ability designation.. You, of all the people at that meeting Councillor Ferguson, have a first hand knowledge of this area. You are an Ancaster resident and your family has a long history of working to improve the lives of those of us who have chosen to live here.

Therefore I find it very puzzling as to why you would support the idea of cramming six dwellings in an area where there are currently only single homes. Why do you feel it is a good idea to tempt fate by increasing the traffic on a street where many families take advantage of the amenities that are within walking distance.

This area leads to green space and many dog walkers take advantage of this feature. It is also an area where families like to ride their bicycles, some of them with little ones either in a bike trailer or on the back of an adult bike. The addition of 6 townhouses crammed into a lot that was once home to a single dwelling will make these activities dangerous. Will it take serious injury or a death for the planning committee to realize that the current plan of 6 townhouses is not only totally inappropriate but also filled with potential danger?

As someone who has lived in this area for over 40 years I have enjoyed seeing the resurgence of families enjoying time together. You do not see this same kind of activity in areas where there is a lot of vehicular activity.

Six houses do not necessarily add up to only 12 vehicles. I am also puzzled to find out that the person who spearheaded the movement to prevent "McMansions" is now the person who is supporting the building of townhouses in a totally inappropriate location. In addition these are townhouses which will

require many zoning and bylaw amendments. I thought these laws were put in place to prevent the very action you appear to be encouraging.

Were all the variances listed and or discussed at the December 8 meeting or will we just learn of them if the current plan gets approved? If we learn of them after is this fair to your constituents. If the current plan is accepted does that mean that any and all variances will then also have to be accepted?

This will definitely set a precedence for other builders.

If this is democracy in action then I need to learn the new meaning of that word.

In closing I would like to say how extremely disappointed I was in your behaviour at this meeting Councillor Ferguson. I can't help but feel that you have sullied the Ferguson name. Even if you do not run in the next election is this really how you want to be remembered?

Sandy Price

Ancaster

From: Debra Mills

Sent: December 22, 2020 9:37 AM

To: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Addington, David <David.Addington@hamilton.ca>;

Cc: 'Bob Maton'

Subject: Proposed Development at 15 Church Street Ancaster

Dear Councilor Ferguson,

I am writing regarding my objections to the development planned at 15 Church Street. There are several reasons this development should not go ahead.

- It requires demolition of a heritage century home
- The lot is far too small for this monster home development
- It violates the monster home bylaw you, Lloyd Ferguson, brought in 2 years ago
- Church Street, which has a sidewalk only on one side, is far too narrow to accommodate even its current traffic, without the addition of possibly 12 more vehicles
- Many vehicles are too long to park on the short driveways; they will overhang the sidewalk and force pedestrians into the road, where traffic is dangerous
- The design of this development is not consistent with the neighbourhood by any means, it does not reflect genuine heritage design

Please consider these concerns and advise the developer that there are many people opposed to this development.

Thank you

Debra Mills

Hamilton, ON

From: Marian <
Sent: December 22, 2020 7:07 AM
To: Addington, David <David.Addington@hamilton.ca>
Subject: 15 Church St ,Ancaster

Please recognize the importance of the preservation of the historical properties in the Village of Ancaster and reject the proposed demolition of 15 Church St . It is wrong on every level ,from history to safety of the existing neighbourhood . The wound from the loss of Brandon House will never heal., please don't continue to scar our village. Thank for your time.

Sincerely
Marian Ewen
Ancaster resident for 60 years



330 Lodor St, Ancaster L9G 2Z2

Submission to Chair and Members of the Planning Committee 12 January 2021

Ancaster Village Heritage Community Inc is a vibrant community organization working to preserve the heritage of one of Canada's oldest communities. We wish to improve quality of life and encourage the positive development of this community to ensure its rich legacy is maintained.

Since the December 8 meeting that considered applications for amendments to the Urban Hamilton Official Plan and Bylaw 87-57, regarding 15 Church Street, we have become aware of some further matters on which we would like to comment.

We respectfully request the Planning Committee to consider these comments in their deliberations.

AVHC hosted a live online community meeting on January 6 to discuss matters relating to 15 Church Street. The 33 participants from Maywood specifically requested that AVHC should speak on their behalf.

Matters for your consideration:

1. **Variations:** There have been various numbers discussed about how many variations from Bylaw 87-57 and the Wilson Street Secondary Plan would be required to let this project proceed. It seemed to be 12 on December 8.

A careful count shows there are 21. We suggest that any project that requires 21 variations is probably not suited for the intended property.

2. **Changes?:** Since December 8 Councillor Ferguson indicated the applicant agreed to confine the height to two and a half storeys, and he will request basements. The applicable bylaw permits 10.5 meters and we understand the applicant intends to utilize the full height. We also note that 15 Church is on a rise in the land 1.5 meters high. That means an apparent 12 meter height viewed from Wilson St. We are also aware of a proposal for basements. AVHC does not see basements as a solution for the parking issues we raised. Many homes with basements still have full garages.

3. **Consider the Possibilities, NOT the Renderings:** In order to build street townhomes a rezoning to RM2, Bylaw 87-57 is applied for. That is the appropriate required zoning. This also necessitates that the property be designated Low Density Residential 3 as the current designation of Low Density Residential 1 only permits single and semi-detached homes.

AVHC has become aware that Low Density Residential 3 permits light commercial use on the main floor of all forms of townhouses and low-rise multiple dwellings.

While commercial use may be limited in the townhomes, as shown in renderings, once this property has been designated Residential 3, this designation remains for a future owner to take advantage of.

Fewer townhomes with wider form factor could facilitate light commercial uses as it is just steps away from Wilson Street.

We have no reason to doubt the intentions of Mr. Veloce, but we ask the Committee to focus on the uses that Low Density Residential 3 could bring to the established ER neighbourhood, rather than on the specific proposal advanced. Residential 3 is permanent regardless of ownership.

We should never underestimate the creativity of a developer. Once a Residential 3 status has been approved, adjacent to Wilson Street, it can bring unexpected plans. Once approval is given, the re-designated land then meets the Official Plan requirements and the City has very limited power to control it.

4. **Neighbour Oversight:** We have since seen renderings for the rear of the property and note there are balconies proposed on the second floor that overlook adjacent properties. Trees are being removed and oversight of adjacent residential properties (to the east and Lodor) may result. These balconies are not permitted in ER zoning. We request that the Committee require their removal should this application be approved.
5. **Construction Issues** are a significant concern. With the limited front setback, it is hard to see how construction can take place without blocking the Church St sidewalk and indeed Church Street itself. Church Street has active pedestrian traffic. It is narrow, so stepping onto the street is not a solution.

If there is any thought of using the City parking lot to the rear that would be another major issue. This is actively used in the daytime and by the new Arts centre. The congestion will be exacerbated as Covid recedes and life and traffic return to normal.

AVHC asks the Committee to require the developer to submit a plan at Site Planning that will ensure that the sidewalk always remains accessible, other than for the installation of services.

6. **Traffic:** The concerns about traffic seem to be overlooked despite the fact it has been a long-standing issue for 20 years or more.

The current pavement is 6 metres wide, just under 20 feet.

Believing a picture is worth a thousand words:



On the left you will note the vehicle is tight against the single sidewalk. **On the right** the view from the driver's seat as traffic approaches.

A courier van, garbage truck, school bus etc. effectively block the road. 6 additional homes in a neighbourhood of 8 will bring significant increases in service traffic.

AVHC rejects the position that traffic is not an issue.

7. **Notwithstanding traffic issues** and that Church St is one of the narrowest roads in Ancaster, this application to amend Section B.2.8 of the Wilson Street Secondary Plan to correct "local roads" under the Plan to 12.19 meters is unacceptable. This would be unnecessary if the lot at 15 Church was the 30 meters deep required by Bylaw 87-57.

Remember that a 12.19 meter right of way yields about a 6-meter road.

There is no pressure from residents to widen this street, although this development might cause that.

The applicant should provide the standard road widening allowance

AVHC asks the Committee to require the normal road widening allowance from this applicant and deny the Official Plan amendment that could negatively affect the literally thousands of residents who use this road. Granting a single developer this amendment at the expense of the community due solely to lot size being too small is unacceptable.

8. **A formal traffic study** for the neighbourhood is requested by AVHC. Church Street is a gateway to the neighbourhood. In more normal times, and they will return, cut through traffic is a major issue.

Before road widening or other future adjustments are curtailed by this development, a formal traffic study could alleviate our concerns, or confirm this development is inappropriate.

9. **Site Planning:** AVHC notes the offer by Councillor Ferguson to supervise the site planning process. With all due respect, AVHC believes this development is unique enough that some formal public oversight should be instituted.

10. **Dawson Avenue:** On December 8 this Committee denied an application on Dawson Avenue that has many similarities to this application. We understand that each proposal stands on its own merits. There was significant public input for Dawson Avenue, much as there is for 15 Church.

In that presentation a view was expressed that Council “**Should listen to its citizens.**”

On behalf of the 56 individuals who have participated in this important process we ask the same for 15 Church.

AVHC thanks you for consideration of our comments. They represent the views of a wide cross section of our community.

Respectfully Submitted

Rowen Baker—Director, on behalf of

Bob Maton—President

Jennifer Davis—Director

David Watkins—Director

Donna Stechey—Director

Andrea Connor—Director

Chris Kruter—Director

Jim MacLeod—Treasurer

33 Neighbourhood Participants at
January 6 Consultation Meeting
(names not disclosed for privacy)



January 10, 2021

City of Hamilton
Planning Committee
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Councillor John-Paul Danko, Chair
Committee Members

Re: Application for Official Plan and Zoning By-law Amendment
15 Church Street, Ancaster, City of Hamilton

WEBB Planning Consultants are retained by Veloce Luxury Homes as their Professional Land Use Planner to process planning applications for the above noted property.

A Public Meeting was held of December 8th, 2020, to consider Staff Report PED20205 respecting applications to amend the Official Plan and Zoning By-law. At the request of the Ward Councillor, the matter was deferred and rescheduled to be considered as Agenda Item 10.1 of the January 12th, 2021, Planning Committee Meeting.

We are writing to confirm our continued support of the Staff Recommendation to approve the planning applications. Further, we are endorsing the proposal to modify the draft Zoning By-law amendment to include a Regulation to cap the overall lot coverage. In response to further consultation, we can also confirm the owners agreement to incorporate basements into the design of the proposed dwelling units and our support for the Ward Councillor to monitor to Site Plan Approval process.

We do not intend to seek permission to provide an oral submission at the January 12th Meeting but can be available to participate should Committee raise any matters that may benefit from our input. Thank you for the opportunity to present this submission, please feel free to contact our office should you have any questions or require additional information.

Yours truly,

WEBB Planning Consultants Inc.

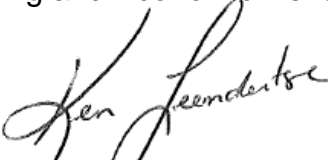
A handwritten signature in black ink, appearing to read "James Webb", is written over a light blue horizontal line.

James Webb, MCIP, RPP

cc: Veloce Luxury Homes



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2021
SUBJECT/REPORT NO:	City Ambassadors on the Waterfront Trail Update (PED21013) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kim Coombs (905) 546-2424 Ext. 1318
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

At the June 24, 2020 Council meeting, Licensing and By-law Services staff were directed to hire two summer students to act as City Ambassadors on the Waterfront Trail for the months of July and August at a cost of approximately \$12,000 to be covered through the Hamilton Beach Reserve Account 108037.

INFORMATION

The use of the Waterfront Trail has become popular with out of town cyclists many of whom are speeding and racing down the trail, creating daily safety concerns for those in the area. Licensing and By-law Services hired summer students to act as City Ambassadors to educate the public and enforce City By-laws.

There were an estimated 123,942 visitors to the park

- 15,673 cyclists;
- 40,816 pedestrians;
- 2259 Skateboard/Rollerbladers; and,
- 65,194 beach goers.

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: City Ambassadors on the Waterfront Trail Update (PED21013) (City Wide) - Page 2 of 2

The summer students gave 796 warnings and issued 10 charges. The student team made a positive impact for the residents of the Beach Community by improving the overall enjoyment of the waterfront.

The final summer student report shows a breakdown of the statistics and is attached as Appendix "A" to this Report.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Waterfront Trail Student Report July – September, 2020

KL:st

July 01 – September 04
2020

Waterfront Trail Summer Report

Officers:

Noah Premru

Joshua Hill



Hamilton

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Introduction

The waterfront cycling team is a new program that was introduced this year as a result of a council incentive by Ward 5 Councillor Chad Collins. We patrolled the Hamilton Beach Waterfront Trail to ensure it was safe and enjoyable for all.

City of Hamilton

BY-LAW NO. 01-219

TO MANAGE AND REGULATE MUNICIPAL PARKS

WHEREAS Section 191(1) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, provides that the council of every corporation may pass by-laws for acquiring land for the purposes of the corporation and for erecting and repairing buildings thereon and for making additions to or alterations of such buildings;

AND WHEREAS Section 191(6) of the Municipal Act provides that the council of every corporation may pass by-laws providing for the use by the public of lands of which the corporation is the owner and for the regulation of such use and the protection of such lands;

AND WHEREAS the City of Hamilton may exercise all or any of the powers that are conferred on Boards of Park Management by the Public Parks Act, R.S.O. 1990, Chapter P.46, as amended, pursuant to Section 207, paragraph 52 of the Municipal Act;

AND WHEREAS Section 207(42) of the Municipal Act, provides for the prohibition of vehicles from sidewalks, pathways or footpaths in Parks;

AND WHEREAS the City of Hamilton Act, 1999, S.O. 1999 Chapter 14, Schedule C did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities, namely: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and the Corporation of the City of Stoney Creek; all hereinafter referred to as the "former area municipalities";

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

AND WHEREAS the Council of the City of Hamilton deems it expedient to enact a single by-law to provide for the maintenance, operation, management and regulation of Municipal Parks, in place of by-laws of the former area municipalities.

Council Direction

7.2

CITY OF HAMILTON NOTICE OF MOTION

Council: June 24, 2020

MOVED BY COUNCILLOR C. COLLINS.....

City Ambassadors on the Waterfront Trail

WHEREAS the use of the Waterfront Trail has become popular with out of town cyclists many of whom are speeding and racing down the trail, creating daily safety concerns for those in the area; and,

WHEREAS Licensing and By-law Services has previously hired summer students to act as City Ambassadors to educate the public and enforce City By-laws.

THEREFORE BE IT RESOLVED:

That Licensing and By-law Services be directed to hire two summer students to act as City Ambassadors on the Waterfront Trail for the months of July and August at a cost of approximately \$12,000 which will be covered through the Hamilton Beach Reserve

██████████

General Goals

The general goals of the waterfront cycling program were to:

1. Improve the overall safety and enjoyment of the Hamilton Waterfront.
2. Educate the public on trail etiquette and parks by-laws.
3. Build relationships with the beach community residents.

Our first goal was the most important out of all three. As Municipal Law Enforcement Officers, safety is always our top priority. We worked towards this goal by ensuring that people were behaving in a manner that is courteous to others regardless of what activity they were participating in. We were able to communicate with people in an effective tone which furthered our ability to improve their safety and enjoyment of Hamilton's Waterfront.

Our second goal was also of great significance as many people who were using the trail were not aware of the rules. We decided to make the month of July an educational campaign and instead of issuing any sort of tickets or fines, we focused on verbal warnings and conversations about etiquette. Some of the education included; using an audible warning when passing others, using the trail at safe speeds, and staying on the appropriate side.

We achieved our last goal by conversing with the residents and asking them about their thoughts and recommendations on how to make the trail a safer and better place for everyone. We enjoyed actively listening to them and always kept them up to date with any of our developments or stories we had to share. It was our priority to frequently engage with the community in order to help us create our recommendations.



Team Goals

As a team we set strict goals that we wanted to accomplish by the end of our temporary assignment. Our general goals were focused on the community and program whereas our team goals were focused on our own personal development and development as a team.

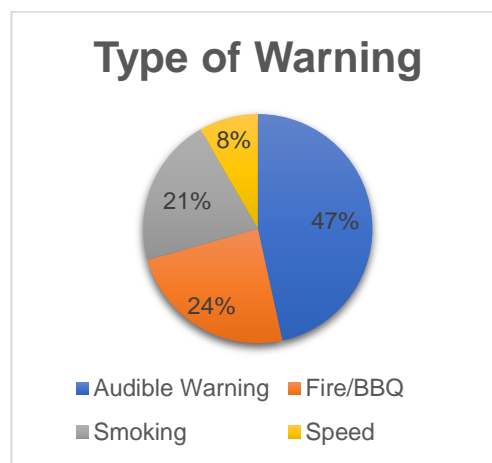
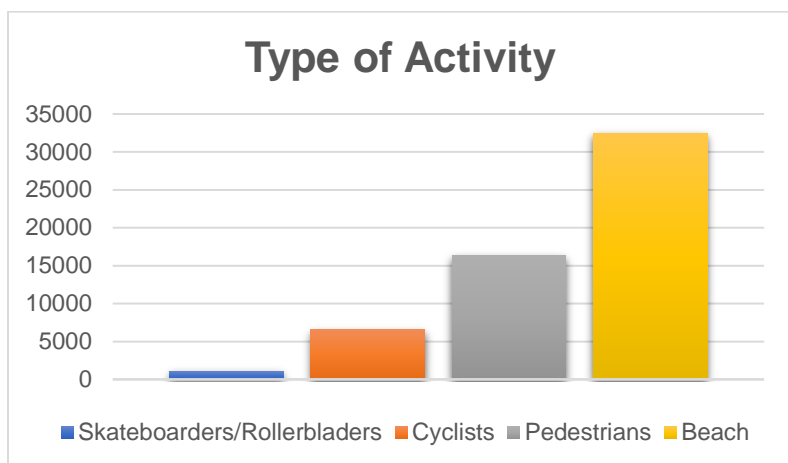
1. To be able to accommodate very flexible work hours alongside our personal schedules.
2. To get to know the area and work with local businesses.
3. Perfect our ability to positively interact with the public.

As students we are used to strict schedules that hardly change, be it work or school. As this program was new this year, we wanted to find out the best times for us to be patrolling the waterfront. We started as early as 4:00AM and as late as 2:00PM. We began to realize what to look out for at certain times. Some examples being: an increased number of packs of cyclists practicing in the early morning; a larger number of barbecues being brought out near lunch time; and fires on the beach usually occurring later in the evening. Throughout the summer, more vendors arrived at the waterfront trail to serve the public. We would always check on the status of their permits and ensure their health and safety inspection was passed. We wanted to work with businesses who came to the waterfront. If someone did not have a permit, we would inform them on what to do to get one and help them get licensed rather than issue a fine if it was the first occurrence. Lastly, as it was our job to interact with the public, we were able to perfect the ways in which we did this as each interaction was different.



Month of July Statistics

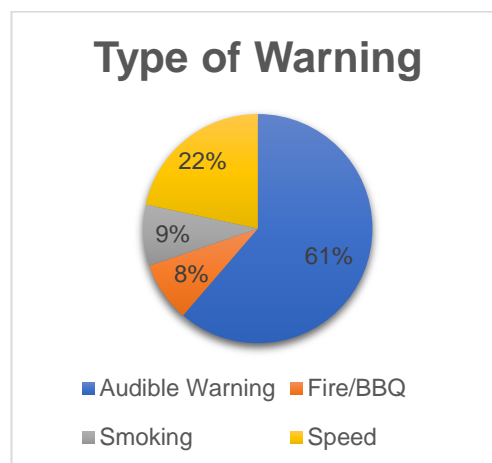
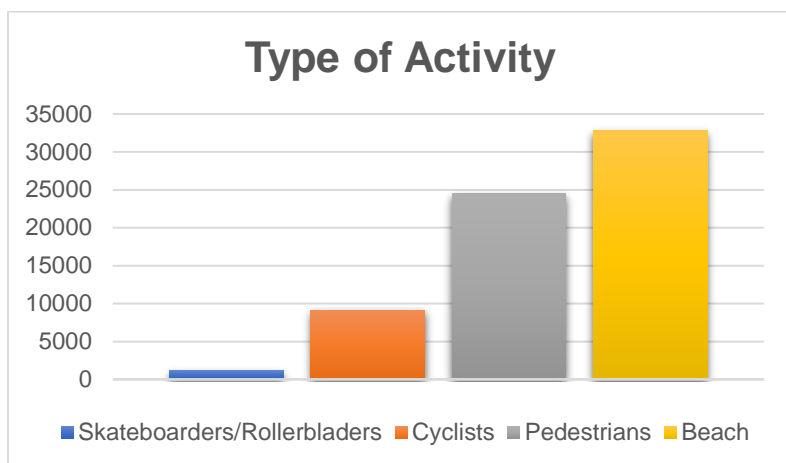
Estimated Total # of Observed Visitors at the Park	56,398
Estimated Total # of Observed Mobility Devices on Path (EScooter, EBike, Etc)	26
Estimated total # of Observed Group Style Riders (5+ more in a pack)	16
Type of Activity:	
Skateboarders/Rollerbladers	1,086
Cyclists	6,563
Pedestrians	16,331
Beach	32,418
TOTAL # OF INTERACTIONS	402
Interactions	198
Warnings	204
Tickets	0
TOTAL # OF WARNINGS	204
Fire/BBQ	49
Audible Warning	95
Smoking (of any kind)	43
Speed	17



*All statistics are very close estimates

Month of August Statistics

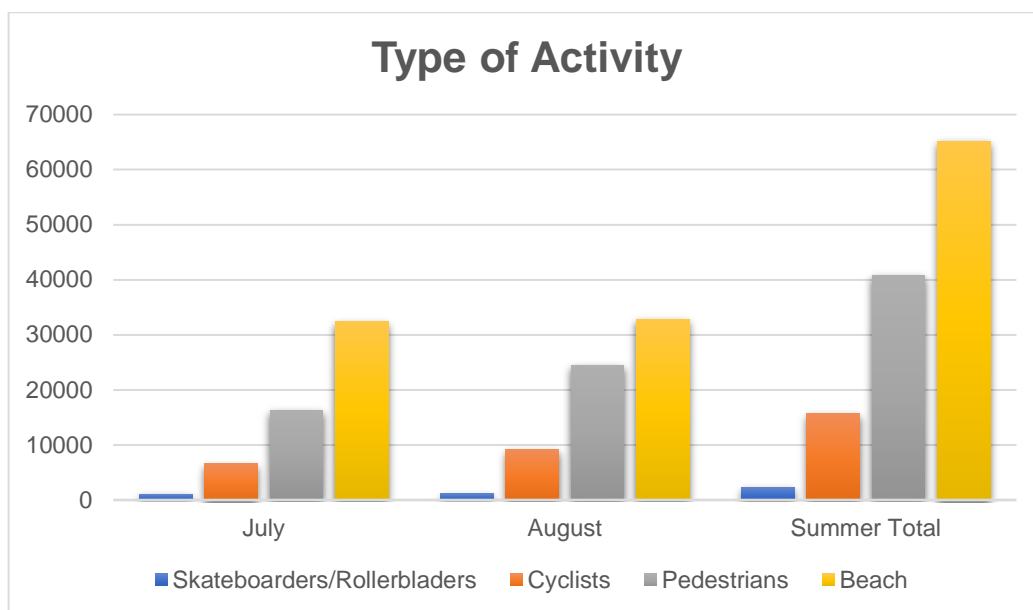
Estimated Total # of Observed Visitors at the Park	67,544
Estimated Total # of Observed Mobility Devices on Path (EScooter, EBike, Etc)	36
Estimated total # of Observed Group Style Riders (5+ more in a pack)	29
Type of Activity:	
Skateboarders/Rollerbladers	1,173
Cyclists	9,110
Pedestrians	24,485
Beach	32,776
TOTAL # OF INTERACTIONS	997
Interactions	395
Warnings	592
Tickets	10
TOTAL # OF WARNINGS	592
Fire/BBQ	50
Audible Warning	363
Smoking (of any kind)	51
Speed	128



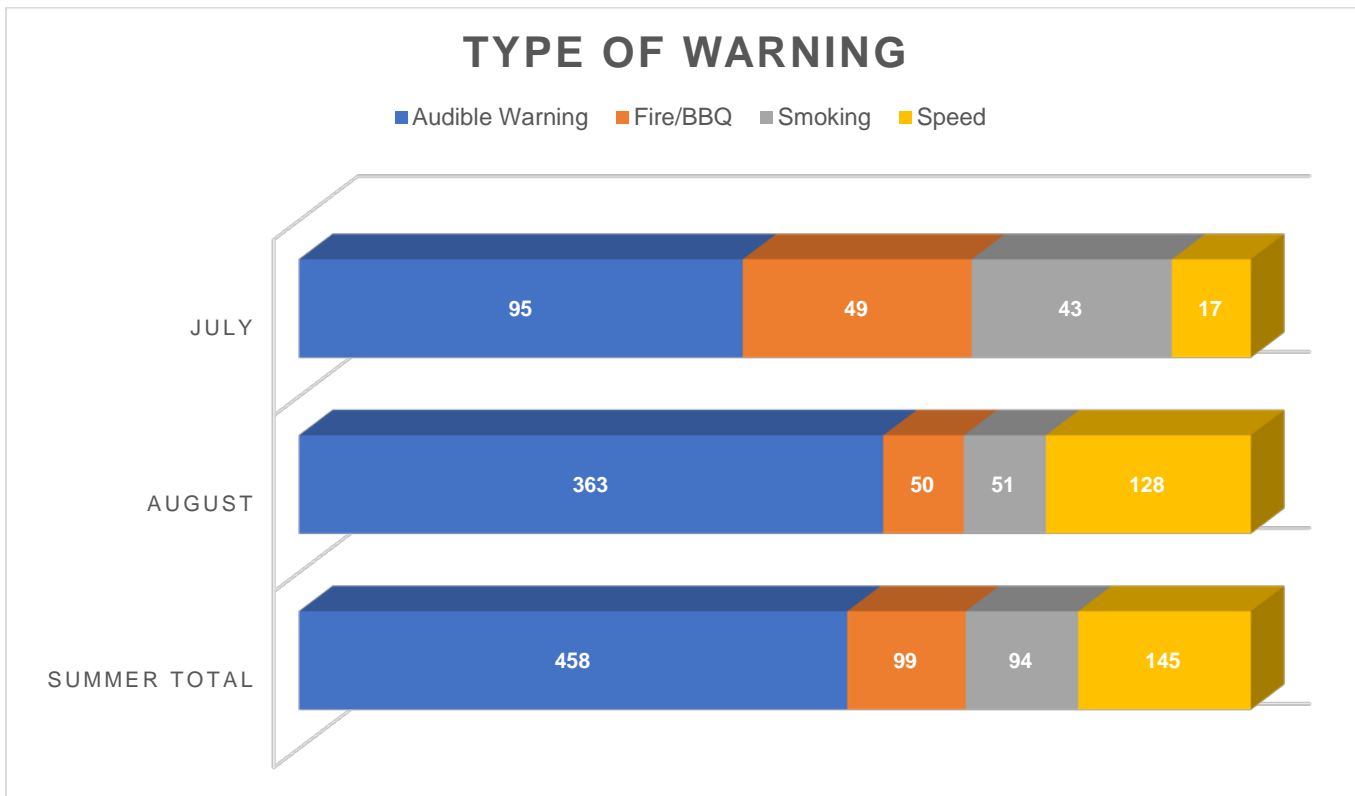
*All statistics are very close estimates

Statistic Comparison & Totals

Estimated Total # of Observed Visitors at the Park	123,942
Estimated Total # of Observed Mobility Devices on Path (EScooter, EBike, Etc)	62
Estimated total # of Observed Group Style Riders (5+ more in a pack)	45
Type of Activity:	
Skateboarders/Rollerbladers	2,259
Cyclists	15,673
Pedestrians	40,816
Beach	65,194
TOTAL # OF INTERACTIONS	1,399
Interactions	593
Warnings	796
Tickets	10
TOTAL # OF WARNINGS	796
Fire/BBQ	99
Audible Warning	458
Smoking (of any kind)	94
Speed	145



*All statistics are very close estimates



All tickets were issued in the month of August as our educational campaign was in July.

- 1 Ticket for 01-219 Sec. 14(a) stoke fire/bonfire in park
- 5 Tickets for 01-219 Sec. 14(b) use charcoal portable BBQ's in park
- 4 Tickets for 01-219 Sec. 14(c) use other than charcoal/briquettes in stationary barbeques

TOTAL ADMINISTRATIVE PENALTY COUNT: 10

Final Day - Mounted Unit

Although we were only out for one day in September, it was an eventful one. Two officers from the Hamilton Police's mounted unit came out on the trail with us. We met Officer Ahmad, Badge #1106 and Officer Ladniak, Badge #312, in the parking lot of Wild Waterworks. They mounted two horses, Officer Griffin and Officer Lincoln. We gave them a copy of our short form wording for the parks by-laws and explained what by-laws we enforce and how we enforce them. They told us about what they do on their usual patrols and we biked beside their horses down the trail. It was a great collaborative effort, people really listen to when you have police on horses with you!



Good News Stories



ABOVE: On July 12, 2020, we noticed that the CLOSED play structure was full of people. With help from the Conservation Authority, we managed to clear the structure.

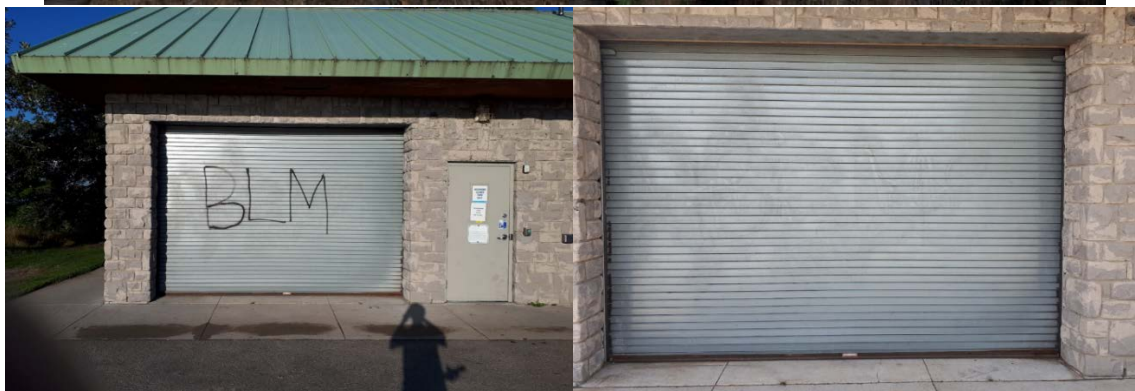


ABOVE: Two significant accidents where EMS were called happened at this location. We asked some students on August 6th, 2020, if the shrubbery obstructing vision on the path could be trimmed. On August 28th, 2020 they cleared it and visibility has been improved.



LEFT: A phone was found on the beach by a pedestrian. He gave it to us, and we held onto it. We answered it when it rang and returned it to the owner. He was very grateful.

On August 7, 2020, we noticed politically motivated graffiti at multiple places along the trail. We took notes and pictures of the specific locations of the graffiti and contacted Hamilton Parks to get it cleaned off. These are some before/after pictures. of the graffiti removal process.



Recommendations

The following recommendations to council are from our observations and from resident's input.

1. People walking on the wrong side of the path is an area of concern, especially in areas where there are blind corners. One resident gave us an idea to put a line down the middle of the path to indicate the flow of traffic always keeping to the right side.
2. Accidents have occurred at the blind corner near the Go-Kart track. We recommended to the students who worked for the Conservation Authority that the shrubbery obstructing the view should be trimmed. They followed our recommendation and cut the shrubs. The visibility on the corner is now much better and we recommend that the corner should be trimmed periodically and that a caution sign be added to this area.
3. Another recommendation that we received from a resident was that the speed limit should be painted on the path itself. Someone riding and looking down or straight may not see the signs posted on the sides of the path that indicate the speed limit of the path. Having the speed limit painted on the path every 500 meters or so would assist with the speed cyclists travel at.
4. In general, more signs need to be placed along the trail. There are no signs that indicate no barbeques or fires on the beach. There are only 5 speed limit signs and 7 "no smoking" signs visible from the trail and there are no signs indicating the rules surrounding e-bikes. There should also be a sign in the area of the corner next to the Go-Kart track that indicates the corner is a high crash site and to tell people to slow down and keep to the right.
5. Multiple people throughout the summer recommended to us that the number of garbage cans in the park and along the trail be increased. This may decrease the amount of litter and debris on the beach and trail.
6. Additional trees should be planted on the north side of the beach strip near the residential area. This would beautify that area, act as a barrier against strong winds, make the trail a shadier, and more environmentally friendly.
7. Promote the use of an audible sound when passing by having a few "bell give away" days. Bells could be purchased by sponsorship prior to the educational bell days.

Conclusion

Throughout the summer of 2020, we learned plenty of new things. We improved the skills we already brought with us and left with great work experience. We learned how to interpret and enforce by-laws, issue penalties, generate detailed notes, use online databases to catalog and store information, and more. It has been an exciting experience developing this brand-new program for the City of Hamilton. We staggered our hours to see what would be best for the program if it continued next year, and found that all times except from 2-4PM are great to be out. Communicating with the public is not an easy task, especially when you are telling them that they cannot do something or issuing them a ticket. We have made a positive impact for the residents of the Beach Community by improving the overall enjoyment of the waterfront. We achieved our general and team goals that we set out at the beginning of our employment therefore we see that this program has been concluded successfully.

We would both truly like to thank the City of Hamilton Licensing and By-Law Services Division, and the Hamilton City Council for choosing us to be the leaders and ambassadors of a brand-new program. We hope to see it continue next year where other officers can follow in our footsteps.





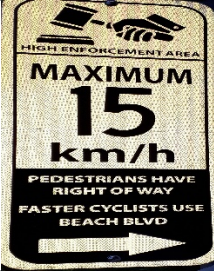





Sincerely,





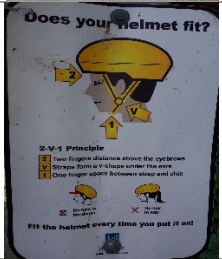

Two handwritten signatures in black ink, one on the left and one on the right, positioned below the word "Sincerely,".

Appendix

There is a variety of signs along the trail. These are all the signs and their count that are visible from the trail.

TYPE	PICTURE	COUNT
Barbeque Prohibited		27
Dog on leash and Dog waste cleanup		13
Safe Water Info Line		9
Trail Etiquette/Park Rules		7
No Smoking		7

<p>Speed Limit</p>		<p>5</p>
<p>No Littering</p>		<p>5</p>
<p>Water Pollution Warning</p>		<p>4</p>
<p>Tree and Shrub Cutting Not Permitted</p>		<p>4</p>
<p>Sand Dune Information</p>		<p>3</p>
<p>Cliff Warning</p>		<p>3</p>

Types of Ticks		3
Poison Ivy		3
Wildlife		2
Washroom Locations		2
Helmet		1
Turtle Nesting Area		1



LEFT: "The beach patrol fellows; Josh and Noah have been awesome! I wish the program was 7 days a week and continued into the fall. The trail is safer for seniors like myself, and still needs a great deal of improvement by removing bike racers and electric devices." – Carol Hughes

"It's good to have people down here monitoring activity. There should also be signs that say, 'no fires at the beach' and better posting of the speed limit on the trail." – Lisa

RIGHT: "Having a line down the centre of the trail would make a world of difference." – Donna

"I was very glad to meet you guys and very happy with the cycling program!" – Kelly Aver





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
DATE:	January 12, 2021
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21016) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

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

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

Background:

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

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

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

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21016) (City Wide) - Page 2 of 4

Information Report (PED16096). An analysis of the information was also included in the year-end reports of December 5, 2017 (PED17208), September 18, 2018 (PED18192), December 11, 2018 (PED18231) and December 8, 2020.

Policy Implications and Legislative Requirements – Pre Bill 108

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

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

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

Policy Implications and Legislative Requirements – Post Bill 108

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

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

Information:

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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21016) (City Wide) - Page 3 of 4

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

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

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

Attached as Appendix “A” to Report PED21016 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of November 26, 2020, there were:

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

Within 60 to 90 days of January 12, 2021, all 10 development proposals have passed the 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix “B” to Report PED21016 is a table outlining the active applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest application to newest. As of November 26, 2020, there were:

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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21016) (City Wide) - Page 4 of 4

Within 60 to 90 days of January 12, 2021, all 27 development proposals have passed the 150, 180 or 300 day statutory timeframes.

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

Attached as Appendix “C” to Report PED21016 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of November 26, 2020, there were:

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

Within 60 to 90 days of January 12, 2021, 1 development proposal is approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Thirty-one development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 69 active development proposals. Twenty-seven proposals are 2020 files, while 21 proposals are 2019 files and 21 proposals are pre-2019 files.

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

Appendices and Schedules Attached:

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

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

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

JG:mo

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective November 26, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of January 12, 2021
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep- 17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1203
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct- 16	n/a	02-Nov- 16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1553
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek	12-Oct- 16	n/a	02-Nov- 16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1553
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec- 16	n/a	16-Dec- 16	01-Apr-17	31-May- 17	29-Aug- 17	A.J. Clarke & Associates Ltd.	1502
Ward 10									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul- 15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	2021

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective November 26, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of January 12, 2021
Ward 10 Cont'd									
UHOPA-17-36 ZAC-17-079	514 Barton St., Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	n/a	24-Jul-18	GSP Group	1173
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	1481
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	1847
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	1264
Ward 13									
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	1252

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective November 26, 2020)**

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 & 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 & 270 day timeframe commences the day the application was received.

- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 180 days to 270 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective November 26, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of January 12, 2021
Ward 1									
UHOPA-19-004* ZAC-19-009	804-816 King St. W., Hamilton	21-Dec-19	n/a	18-Jan-19	n/a	n/a	17-Oct-19*	Urban Solutions Planning & Land Development	753
UHOPA-19-006* ZAC-19-023	196 George St., Hamilton	20-Mar-19	n/a	16-Apr-19	n/a	n/a	14-Jan-20*	GSP Group	664
Ward 2									
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	1117
UHOPA-18-017* ZAC-18-041	225 John St. S., Hamilton	13-Jul-18	n/a	16-Aug-18	n/a	n/a	09-May-19*	GSP Group	914
UHOPA-18-023* ZAR-18-057	130 Wellington St. S., Hamilton	07-Nov-18	06-Dec-18	24-Dec-18	n/a	n/a	20-Oct-19*	MBI Development Consulting INC.	750
ZAR-19-008	124 Walnut St. S., Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	753

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective November 26, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of January 12, 2021
Ward 6									
ZAC-19-035	694 Pritchard Rd., Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	615
Ward 7									
ZAR-19-026	18 Miles Rd. Hamilton	01-Apr-19	n/a	18-Apr-19	29-Aug-19	n/a	n/a	A.J. Clarke & Associates Ltd.	652
ZAC-19-031	323 Rymal Rd. E., Hamilton	26-Apr-19	n/a	01-May-19	23-Sep-19	n/a	n/a	IBI Group	627
Ward 8									
ZAC-19-017	1020 Upper James St., Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	684
Ward 9									
25T-2019003	15 Picardy Dr., Stoney Creek	25-Apr-19	n/a	29-May-19	n/a	22-Oct-19	n/a	IBI Group	628

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective November 26, 2020)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of January 12, 2021
Ward 10									
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	834
UHOPA-18-025* ZAC-18-059	466-490 Highway No. 8, Stoney Creek	23-Nov-18	n/a	06-Dec-18	n/a	n/a	19-Sep-19*	SvN Architects + Planners	781
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton St., Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	755
25T-2019004	1288 Baseline Rd., Stoney Creek	06-May-19	n/a	09-May-19	n/a	02-Nov-19	n/a	IBI Group	617
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	917
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	856

**Active Development Applications
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Ward 12 cont'd									
25T-2018006	140 Glancaster Rd., Glanbrook	05-Jul-18	n/a	08-Nov-18	n/a	01-Jan-19	n/a	MHBC Planning Limited	796
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Rd., Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	799
UHOPA-18-024* ZAC-18-058	154 Wilson St. E., Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	776
UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Rd., Ancaster	03-Dec-18	n/a	01-Dec-18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	771
Ward 14									
ZAR-19-006	1269 Mohawk Rd., Ancaster	14-Dec-18	n/a	11-Jan-19	13-May-19	n/a	n/a	MBI Development Consulting INC.	760

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Ward 14 cont'd									
ZAC-19-011	1933 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	762
ZAC-19-021	974, 980 Upper Paradise Rd., Hamilton	18-Mar-19	n/a	22-Mar-19	15-Aug-19	n/a	n/a	T. Johns Consulting Group	666
Ward 15									
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	904
RHOPA-19-102* ZAC-19-044 25T-201905	30, 36 & 42 Dundas St. E. & 522 Highway 6, Flamborough	10-Jun-19	n/a	08-Jul-19	n/a	08-Oct-19	05-Apr-20*	MHBC Planning Limited	582
UHOPA-19-013* ZAC-19-046	10 Mallard Trail, Flamborough	24-Jun-19	n/a	26-Jun-19	n/a	22-Oct-19	19-Apr-20*	GSP Group	568

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective November 26, 2020)**

Active Development Applications

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

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 26, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of January 12, 2021
Ward 1								
ZAS-20-003	9 Westbourne Rd., Hamilton	13-Dec-19	n/a	09-Jan-20	11-Apr-20	n/a	Joseph DiDonato	396
UHOPA-20-003 ZAR-20-008	354 King St. W., Hamilton	20-Dec-19	n/a	21-Jan-20	n/a	18-Apr-20	GSP Group	389
UHOPA-20-012 ZAC-20-016	1107 Main St. W., Hamilton	13-Feb-20	n/a	13-Mar-20	n/a	12-Jun-20	Bousfields Inc.	334
Ward 2								
UHOPA-20-001 ZAR-20-001	383 and 383 1/2 Hughson St. N., Hamilton	29-Nov-19	n/a	29-Dec-19	n/a	28-Mar-20	T. Johns Consulting Group	410
UHOPA-20-008 ZAR-20-013	222-228 Barton St. E., and 255 - 265 Wellington St. N. Hamilton	20-Dec-19	n/a	17-Jan-20	n/a	18-Apr-20	Urban Solutions Planning and Land Development	389
UHOPA-20-015 ZAC-20-027	179 – 189 Catharine St. N., Hamilton	07-Jul-20	n/a	22-Jul-20	n/a	04-Nov-20	IBI Group	189
UHOPA-20-025 ZAC-20-038	115 George St. & 220-222 Main St. W., Hamilton	04-Sep-20	n/a	28-Sep-20	n/a	02-Jan-21	GSP Group	130

**Active Development Applications
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(Effective November 26, 2021)**

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Ward 3								
ZAR-19-054	95-97 Fairholt Rd. S. Hamilton	30-Oct-19	n/a	29-Nov-19	27-Feb-20	n/a	MHBC Planning	440
Ward 7								
ZAC-20-033	1411 & 1415 Upper Wellington St. Hamilton	05-Aug-20	n/a	02-Sep-20	03-Nov-20	n/a	T. Johns Consulting Group	160
25T-202004	4 Vickers Rd., Hamilton	12-Aug-20	n/a	9-Sep-20	n/a	10-Dec-20	The Biglieri Group	153
UHOPA-20-021 ZAC-20-037 25T-202006	544 & 550 Rymal Rd. E., Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	123
Ward 8								
ZAC-19-056	11 Springside Cres., Hamilton	26-Nov-19	n/a	06-Dec-19	25-Mar-20	n/a	Urban In Mind Planning Consultants	413

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 26, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of January 12, 2021
Ward 8 cont'd								
ZAC-20-018	212 and 220 Rymal Rd. W., Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	327
UHOPA-20 -016 ZAC-20-028	15-21 Stone Church Rd. E., Hamilton	16-Jul-20	n/a	30-Jul-20	n/a	13-Nov-20	GSP Group	180
UHOPA-20-017 ZAC-20 029 25T-202003	393 Rymal Rd. W., Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group	176
Ward 9								
ZAC-20-004	329 Highland Rd. W., Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	389
UHOPA-20-010 ZAC-20-015	2080 Rymal Rd. E., Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	347
ZAC-20-026	250 First Rd. W., Stoney Creek	20-Jul-20	n/a	24-Jul-20	30-Sep-20	n/a	Urban Solutions Planning and Land Development	194

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Ward 10								
ZAC-19-036	564 Fifty Rd., Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	302
Ward 11								
RHOPA-19-007 ZAC-19-028	3355 Golf Club Rd., Glanbrook	18-Apr-19	16-May-19	21-Oct-19	n/a	20-Feb-20	Corbett Land Strategies Inc.	449
ZAS-20-019	9255 Airport Rd., Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	302
25T-202002	9326 and 9322 Dickenson Rd., Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	278
25T-202007	3311 Homestead Dr., Glanbrook	07-Oct-20	n/a	15-Oct-20	n/a	21-Feb-21	Wellings Planning Consultants	89

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Ward 12								
25T-200720R (2019 File)	1020 Osprey Dr., Ancaster	15-Apr-19	30-Aug-19	11-Dec-19	n/a	02-Apr-20	Coltara Development / 1892757 ONTARTO INC.	398
UHOPA-20-006 ZAC-20-011	15 Church St., Ancaster	20-Dec-19	n/a	21-Jan-20	n/a	18-Apr-20	WEBB Planning Consultants Inc.	389
UHOPA-20-009 ZAC-20-014	281 Hamilton Dr., Ancaster	20-Dec-19	n/a	22-Jan-20	n/a	18-Apr-20	A.J. Clarke & Associates Ltd.	389
UHOPA-20-013 ZAC-20-017	210 Calvin St., Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	215
ZAC-20-024	140 Wilson St. W., Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	194
Ward 13								
ZAR-20-036	321 Hatt St. Dundas	27-Aug-20	n/a	24-Sep-20	25-Nov-20	n/a	Robert Russell Planning	110

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 26, 2021)**


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Ward 14								
UHOPA-20-004 ZAC-20-009	555 Sanitorium Rd., Hamilton	20-Dec-20	n/a	22-Jan-20	n/a	21-May-20	T. Johns Consulting Group	389
ZAR-20-032	1031 Hwy. 52 N.	05-Aug-20	n/a	13-Aug-20	03-Nov-20	n/a	S. Llewellyn & Assoc.	160
Ward 15								
ZAC-20-006	518 Dundas St. E., Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	386

Active Development Applications

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INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2021
SUBJECT/REPORT NO:	Green Building Strategy Update (PED20127) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dio Ortiz (905) 546-2424 Ext. 4650
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

This report provides an update on the Building Division action items to the Corporate Climate Change project under the Planning & Economic Development Climate Change Action Plan.

The Building Division was tasked with the following:

1. Providing Training and education for Building Division staff on green building standards and best practices, and
2. Identifying Ontario Building Code requirements for new developments.

Training and Education on Green Building Standards and Best Practices

A mandatory training program has been developed with an aim to establish an internal performance standard in the review of building permit applications of high performing buildings that incorporate alternative energy systems or energy efficiency designs such as LEED rated buildings. The training program will provide building Staff with core

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knowledge on green building standards and energy efficiency best practices. In conjunction with Facilities, the knowledge gained will assist Building Division staff to contribute towards a proposed development of a green standard for city-owned buildings.

The targeted training focuses on the following topic areas:

- Green Buildings
- Renewable Energy Technology
- Distributed Generation Technology
- Building Automation Systems
- Thermo-fluids Systems
- Energy Systems Integration
- Lighting Efficiency
- Indoor Air Quality

The training will not focus on green standards and practices related to property management such as building energy management or system measurement and verification.

Unfortunately, due to the restrictions and constraints under the COVID-19 pandemic, the planned delivery of this training has been postponed until further notice.

Ontario Building Code Requirements

The energy efficiency and green-focused provisions were first introduced in the 2012 edition of the Ontario Building Code (OBC). Energy efficiency requirements are explicitly covered by Part 12, SB-10 (ASHRAE Standard 90, MNECB, and NECB) and SB-12 of the OBC. Since the 2012 edition release, numerous amendments have occurred which have affected some of the earlier green/energy efficiency provisions such as the removal of requiring electrical vehicle charging outlets or increasing construction the allowable height of wood buildings.

Notwithstanding the ongoing updates to the OBC, Building Division staff continue to remain up to date to the current energy efficiency requirements of the OBC.

The Building Division has provided Building staff with core training on the application and enforcement of the OBC energy efficiency regulatory requirements, specifically Part 12 and SB-10 for non-residential and high-density residential buildings, and SB-12 for low-density buildings (houses, townhouses, and modular homes).

APPENDICES AND SCHEDULES ATTACHED

Not applicable

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INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2021
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to the Local Planning Appeal Tribunal for Lack of Decision for Lands Located at 1630 Main Street West and 69 Sanders Boulevard, Hamilton (PED21012) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Andrea Dear (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

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

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

The following information is provided to Planning Committee with regards to Urban Hamilton Official Plan Amendment application UHOPA-18-014 and Zoning By-law Amendment application ZAC-18-035 for lands located at 1630 Main Street West and 69 Sanders Boulevard which have been appealed to the LPAT for lack of decision.

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 1630 Main Street West and 69 Sanders Boulevard, Hamilton (PED21012) (Ward 1) Page 2 of 5

Information:

The subject property is municipally known as 1630 Main Street West and 69 Sanders Boulevard (see Location Map attached as Appendix “A” to Report PED21012).

The subject property is irregular in shape with a lot area of 0.5 ha (1.24 acres) and is located along three frontages, being Main Street West, West Park Avenue and Sanders Boulevard. The northern portion of the site was previously occupied by an elementary school and the southern portion of the site is a one storey commercial building. The property is bounded by three storey multiple dwellings and single detached dwellings to the west, single detached dwellings to the north, three storey multiple dwellings and single detached dwellings to the east and commercial buildings to the south.

Applications UHOPA-18-014 and ZAC-18-035 were submitted on June 14, 2018 by Urban Solutions Planning and Land Development Consultants Inc. on behalf of Sanders Garden Inc. and deemed complete on July 13, 2018. The applications were required to permit:

- a nine storey mixed use building, with commercial uses at grade and 160 residential units above;
- one, three storey stacked townhouse block with 12 units;
- one, three and a half storey stacked townhouse block with 10 units; and,
- 127 parking spaces (11 surface and 116 underground).

The appeal to the LPAT was received by the City Clerk’s Office on October 2, 2020, 841 days after the receipt of the initial application (see Letter of Appeal for both the Official Plan Amendment and the Zoning By-law Amendment applications attached as Appendix “B” to Report PED21012).

PROPOSED DEVELOPMENT

First Submission:

The original proposed development was comprised of a nine storey mixed use building with 154 dwelling units (geared to students) with 472.7 square metres of commercial at grade and 28 maisonette dwelling units (geared to students) in two buildings, with 108 parking spaces to be provided by both surface and underground parking areas (see Concept Plan attached as Appendix “C” to Report PED21012).

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 1630 Main Street West and 69 Sanders Boulevard, Hamilton (PED21012) (Ward 1) Page 3 of 5

The first proposal required revisions to address issues regarding the road widenings, number of parking spaces, angular plane and shadow impacts on abutting low rise residential uses.

Second Submission:

A revised concept plan was received on August 29, 2019 which changed the proposed tenure from student rental to market condominium, shifted the proposed tower back from Main Street West to address the required road widening, revised floor plans to one and two bedroom units and reoriented the maisonette dwelling units. The maisonette dwelling units have also changed from back-to-back to stacked units, and the underground parking structure has been expanded to allow additional parking spaces, now totalling 121 spaces. This plan also added an additional vehicular access from Sanders Boulevard (see Concept Plan attached as Appendix “D” to Report PED21012).

After a review of the revised concept plan and related sun shadow study, concerns regarding the height and massing of the nine storey mixed use building and the resulting shadow impact on the three storey multiple dwelling to the north remained.

Urban Hamilton Official Plan and Zoning By-law 05-200

The subject lands are identified as “Secondary Corridor” and “Neighbourhoods” on Schedule “E” – Urban Structure and are designated “Mixed Use – Medium Density” and “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in Volume 1 of the UHOP. The subject lands are also designated “Mixed Use – Medium Density” on Map B.6.2-1 Land Use Plan of the Ainslie Wood Westdale Secondary Plan.

The subject lands are zoned as follows:

- 69 Sanders Boulevard – Neighbourhood Institutional (I2, H17, H20) Zone; and,
- 1630 Main Street West – Mixed Use – Medium Density (C5, 570) Zone.

Urban Hamilton Official Plan Amendment Application UHOPA-18-014

The purpose of the Official Plan Amendment is to add a special policy area to both the UHOP and the Ainslie Wood Westdale Secondary Plan to permit a maximum height of nine storeys for a mixed use building and a maximum gross residential density of 385 units per hectare for a multiple dwelling whereas the Mixed Use - Medium Density designation of the UHOP permits a maximum building height of six storeys with additional permissions for eight storeys where specific conditions are met (Policies E.4.6.7 and E.4.6.8). The Mixed Use – Medium Density designation in the Ainslie Wood Westdale Secondary Plan further restricts the maximum building height to three storeys

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 1630 Main Street West and 69 Sanders Boulevard, Hamilton (PED21012) (Ward 1) Page 4 of 5

(Policy B.6.2.7.2 b)) with a maximum residential density of 30-49 units per hectare (Policy B.6.2.7.2 e)).

Zoning By-law Amendment Application ZAC-18-035

The purpose of the Zoning By-law Amendment application is to change the zoning from the I2, H17, H20 and Mixed Use – Medium Density (C5, 570) Zone to a site specific Mixed Use - Medium Density (C5) Zone to permit:

- a mixed use building with a maximum building height of 30.0 metres;
- stacked townhouse units with a maximum building height of 11.0 metres;
- an increased setback from Sanders Boulevard;
- a decreased side yard setback;
- no setback to an underground parking structure; and,
- no requirement for planting strips.

Public Consultation:

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 140 property owners within 120 metres of the subject lands on July 26, 2018.

A total of seven letters were received from members of the public. One letter was submitted with 41 signatures. The common concerns included:

- the height, density and shadow impact;
- that the proposal is not in keeping with the neighbourhood and will cause increased traffic and noise;
- lack of parking being proposed;
- location of the proposed vehicular access on West Park Avenue;
- lack of greenspace being proposed combined with the loss of mature trees and the impact this development may have on the environment; and,
- higher densities bleeding into the lower density neighbourhood on the 69 Sanders Boulevard portion of the development.

There was one letter that supports higher density development on Main Street West, in principle, but shared the concerns above.

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 1630 Main Street West and 69 Sanders Boulevard, Hamilton (PED21012) (Ward 1) Page 5 of 5

APPENDICIES AND SCHEDULES ATTACHED

Appendix "A" - Location Map

Appendix "B" - Letter of Appeal for both the Official Plan Amendment application and Zoning By-law Amendment application

Appendix "C" - Original Concept Plan

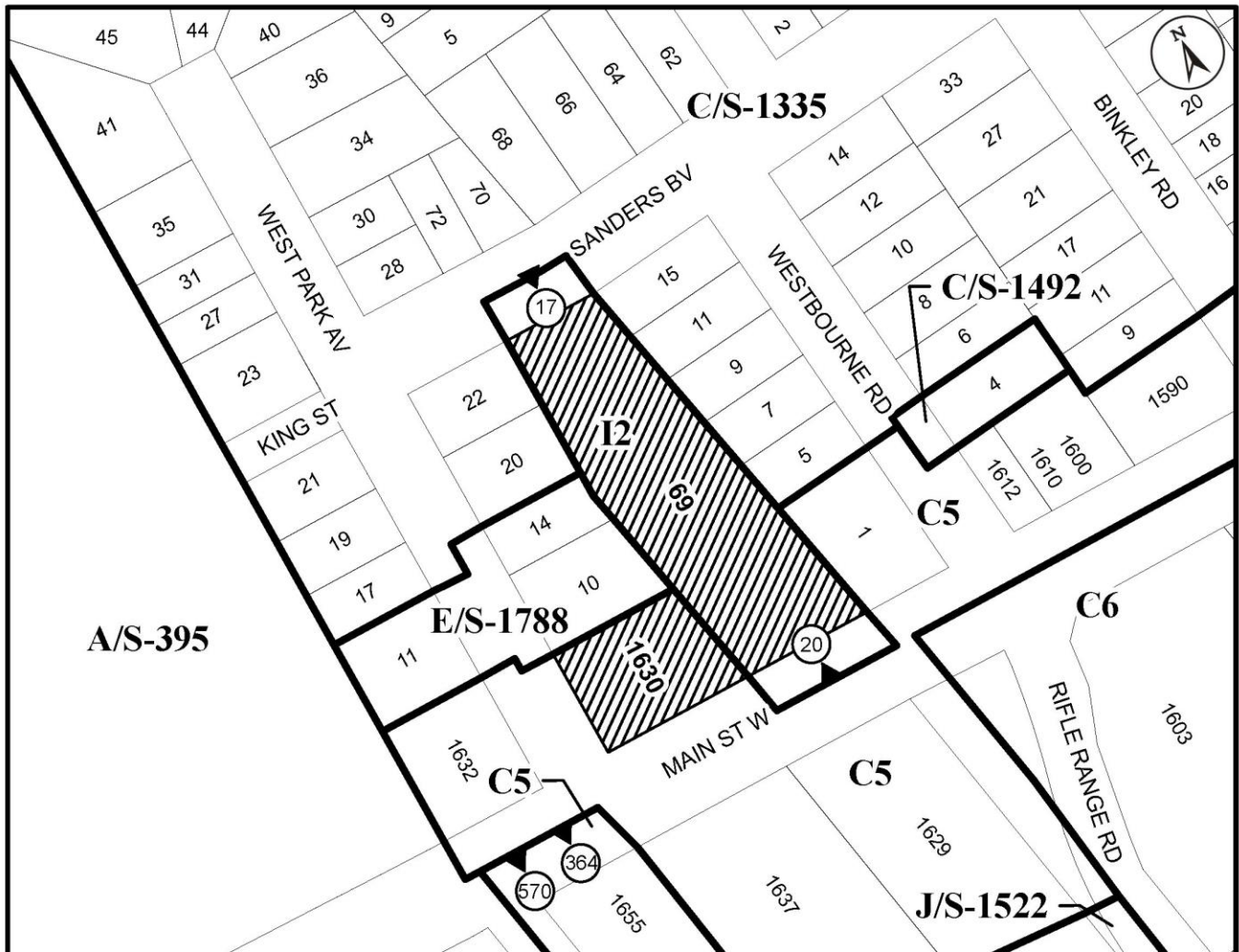
Appendix "D" - Revised Concept Plan

SM:ad

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● Site Location



Key Map - Ward 1

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-18-035

Date:
November 27, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AD/VS

Subject Property



1630 Main Street West & 69 Sanders Boulevard

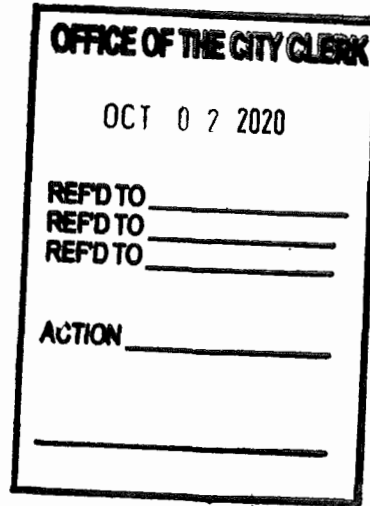
RUSSELL D. CHEESEMAN
~ Barrister & Solicitor ~

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

October 1, 2020

DELIVERED BY COURIER

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



Dear Ms. Holland:

**Re: Notice of Appeals Pursuant to Section 22(7) and 34(11) of the
Planning Act, R.S.O. 1990, c. P. 13, as amended – Sanders Garden Inc.
– 69 Sanders Boulevard and 1630 Main Street West, City of Hamilton
City of Hamilton File Nos. UHOPA-18-014 & ZAC-18-035**

We are counsel for Sanders Garden Inc., the owner of the above referenced lands in the City of Hamilton.

Sanders Garden Inc., through its land use planning consultants, Urban Solutions Planning & Land Development Consultants Inc., filed applications to amend both the Official Plan and the Comprehensive Zoning By-law of the City of Hamilton in respect of the above referenced property on June 13, 2018. The applications were deemed complete by the City of Hamilton on July 26, 2018.

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

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

Please find enclosed our firm's cheque in the amount of \$2200.00, payable to the "Minister of Finance – Ontario", which we understand to be the required combined fee for these types of appeals. Please also find enclosed one set of completed Form "A1" of the Local Planning

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



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

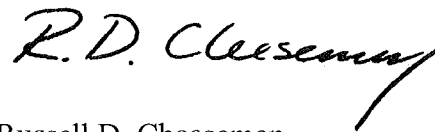
Appeal Tribunal, for inclusion with the documentation you will forward to the Local Planning Appeal Tribunal.

Our client is of the opinion that the applications as submitted are consistent with the Provincial Policy Statement 2020, issued under Section 3 of the *Planning Act*. We also are of the opinion that the applications are in conformity with the Growth Plan for the Greater Golden Horseshoe, which is the Provincial Plan in effect and applicable to these lands. We believe the applications that were submitted constitute good land use planning.

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

Thank you for your cooperation in respect of this matter.

Yours very truly,



Russell D. Cheeseman

cc. Mr. S. Chelliah (via e-mail)



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

Receipt Number (LPAT Office Use Only)
--

Date Stamp Appeal Received by Municipality/Approval Authority
--

To file an appeal, select one or more below

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

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

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

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

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

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

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

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

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

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

Ontario Heritage Act Matters

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

Other Act Matters

Subject of Appeal	Act/Legislation Name	Section Number

2. Location Information

Address and/or Legal Description of property subject to the appeal
 69 Sanders Boulevard and 1630 Main Street West

Municipality
 City of Hamilton

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

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

Last Name Chelliah	First Name Selva
-----------------------	---------------------

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
 Sanders Garden Inc.

Email Address
 selva@bloomfieldhomes.ca

Daytime Telephone Number 416-617-9909	Alternate Telephone Number
--	----------------------------

Mailing Address

Unit Number 203	Street Number 9120	Street Name Leslie Street	PO Box
City/Town Richmond Hill	Province Ontario	Country Canada	Postal Code L4B 3J9

4. Representative Information

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

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

Company Name

Professional Title
Barrister and Solicitor

Email Address
rdcheese@aol.com

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

Mailing Address

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

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

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

5. Appeal Reasons

Municipal Reference Number(s)
City of Hamilton File Nos. UHOPA-018-024 & ZAC-18-058

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

Please see accompanying letter, dated October 1, 2020

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

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

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

And

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

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

If you intend on arguing on one or more of the above throughout a proceeding, please explain:

Please see accompanying letter, dated October 1, 2020

Oral/written submissions to council

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

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

6. Related Matters

Are there other appeals not yet filed with the Municipality?

- Yes
- No

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

- Yes
- No

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

7. Mediation

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

- I have read and understand the above statement.

8. Witness Information

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

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

For all other appeal types :

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


9. Required Fee

Total Fee Submitted \$ 2,200

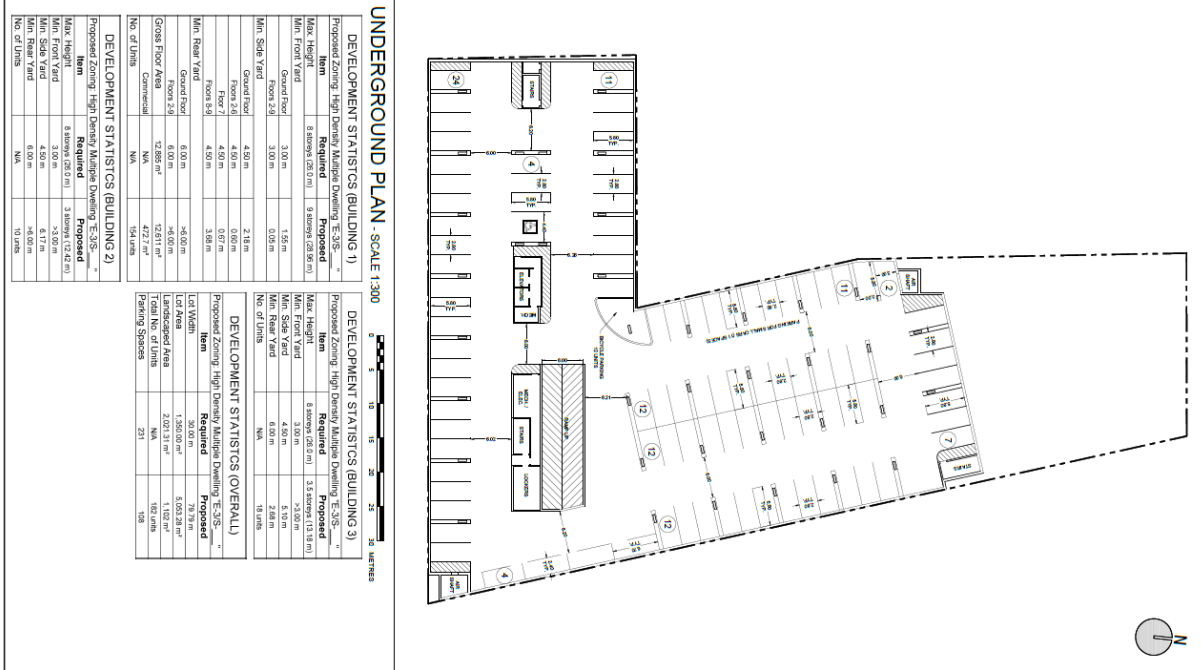
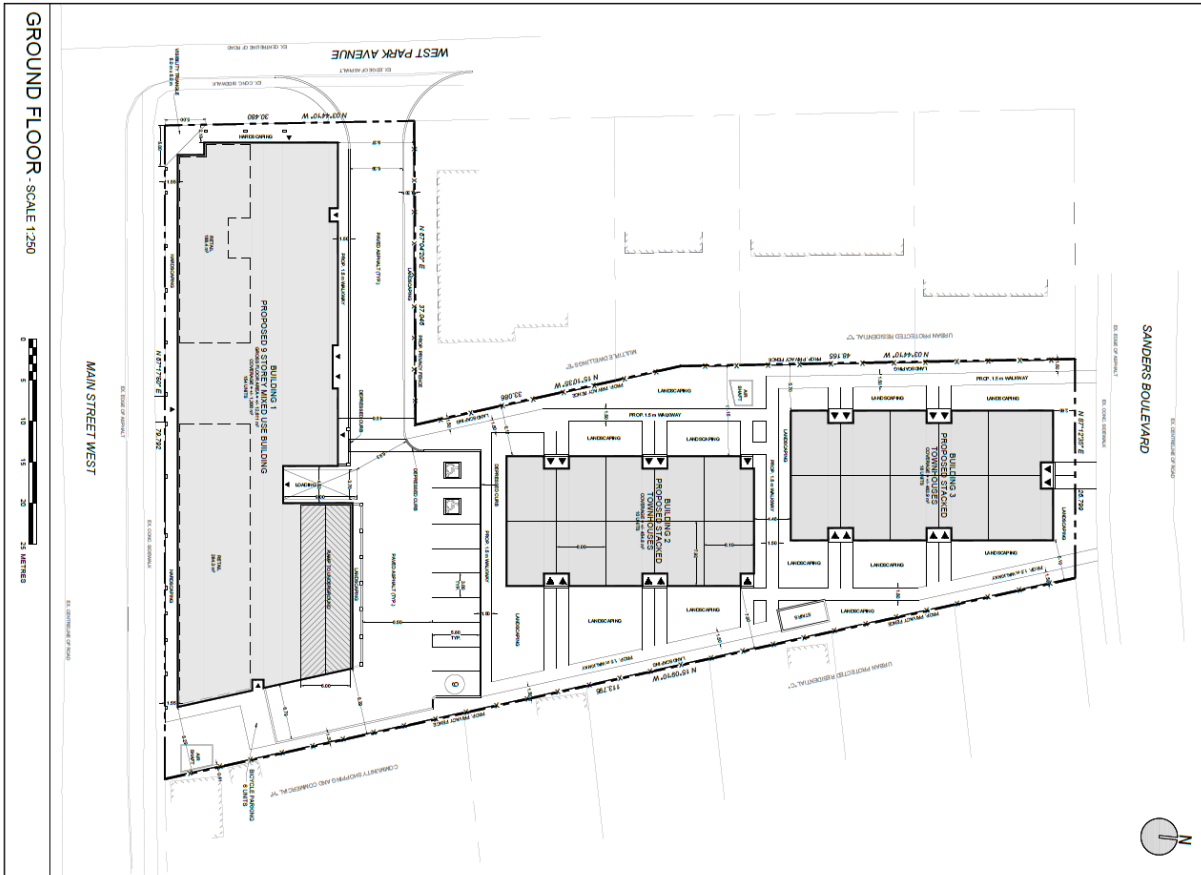
Payment Method ► Certified cheque Money Order Lawyer's general or trust account cheque

10. Declaration

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

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Russell D. Cheeseman		2020/10/01

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



DEVELOPMENT STATISTICS (BUILDING 1)

Proposed Zoning	High Density Multiple Dwellings - E-3S-
Item	Required
Max. Height	8 Storeys (26.0 m)
Min. Floor Yard	1.00 m
Ground Floor	1.50 m
Min. Sub Yard	3.00 m
Ground Floor	4.50 m
Floor 2-6	0.00 m
Floor 7-8	4.50 m
Min. Rear Yard	5.50 m
Ground Floor	6.00 m
Floors 2-8	12.00 m
Gross Floor Area	12,888 m ²
Lot Area	4,271 m ²
No. of Units	154 Units

DEVELOPMENT STATISTICS (BUILDING 2)

Proposed Zoning	High Density Multiple Dwellings - E-3S-
Item	Required
Max. Height	8 Storeys (26.0 m)
Min. Floor Yard	3.00 m
Min. Sub Yard	3.00 m
Ground Floor	4.50 m
Floors 2-8	12.00 m
Gross Floor Area	12,888 m ²
Lot Area	4,271 m ²
No. of Units	154 Units

DEVELOPMENT STATISTICS (BUILDING 3)

Proposed Zoning	High Density Multiple Dwellings - E-3S-
Item	Required
Max. Height	3.5 Storeys (11.3 m)
Min. Floor Yard	3.00 m
Ground Floor	4.50 m
Min. Rear Yard	6.00 m
No. of Units	16 Units

DEVELOPMENT STATISTICS (OVERALL)

Lot Width	50.00 m
Lot Area	1,560.00 m ²
Landscaped Area	2,071.31 m ²
Lot Usable Area	1,188.69 m ²
Setback Distance	2.00 m
No. of Units	150

CONCEPT PLAN
 LOTS 1, 2 AND 3
 REGISTERED PLAN 904
 REGISTERED PLAN 1475
 IN THE CITY OF HALTOW

LEGEND

- SUBJECT LOTS
- EXISTING PROPERTY LINES
- PROPOSED BUILDING
- EXISTING BUILDINGS
- PROPOSED ENTRANCE
- PROPOSED FENCE

CLIENT
SANDERS GARDEN INC.

PROJECT
1020 MAIN STREET WEST OF SANDERS BOULEVARD

PROFESSIONAL
Urban Solutions
Planning & Land Development Consultants Inc.
102 Main Street East, Suite 501
905-466-1887 - UrbanSolutions.info

ARCHITECTURAL DESIGN CO. INC.
 56 Pennsylvania Ave., Unit 1
 Concord, ON L4K 3W9
 905-949-9955 - arch@archdesignco.com

NOT FOR CONSTRUCTION

DATE _____

REVISIONS

NO.	DATE	BY	REVISION



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2021
SUBJECT/REPORT NO:	Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12)
WARD(S) AFFECTED:	Ward 12
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(S)

That **Zoning By-law Amendment Application ZAR-20-032, by Neven Custom Homes Ltd. (Owner)**, for a change in zoning from the Settlement Residential (S1) Zone to the Settlement Residential (S1, 738) Zone and a Settlement Residential (S1, 738, H119) Zone in accordance with the conditions of Consent Application AN/B-B:12, in particular, to limit the maximum finished floor area of single detached dwellings and residential care facilities on future lots (Parts 1 to 3) to a maximum of 306.5 square metres and to prohibit development on a portion of the subject site until it can be demonstrated that long-term water takings are sustainable and that there are no significant negative impacts to ground water resources, on lands located at 1031 Highway 52 North, Ancaster, as shown on Appendix "A" to Report PED21002, be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix "B" to Report PED21002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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 City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) – Page 2 of 15

- (ii) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200;
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to a portion of the subject lands by introducing the Holding symbol ‘H119’ as a suffix to the proposed Settlement Residential (S1, 738) Zone. The Holding Provision “H119” is to be removed to allow for the development of a single detached dwelling or residential care facility, conditional upon:
- (1) The applicant/owner entering into a ground water monitoring agreement with the City of Hamilton to support the construction of a single detached dwelling or residential care facility on the lands identified as Part 3 through Consent application AN/B-18:12; executing the terms of the ground water monitoring agreement, with monitoring occurring on the single detached dwellings or residential care facilities constructed on both Part 1 and Part 2 identified through Consent application AN/B-18:12, with monitoring beginning on the first date of occupancy for the single detached dwelling or residential care facility on the second lot to be developed and continuing for a minimum period of one year; and, providing satisfactory demonstration that long-term water takings are sustainable and that there are no significant impacts to ground water resources to the satisfaction of the Director of Hamilton Water.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS, 2020), conforms to the Greenbelt Plan (2017) and complies with the Rural Hamilton Official Plan.

EXECUTIVE SUMMARY

This report recommends approval of a Zoning By-law Amendment application by Neven Custom Homes Ltd. for a 2.35 hectare property known as 1031 Highway 52 North in the Copetown Rural Settlement Area. The purpose of the proposed Zoning By-law amendment is to:

- add a special exception to the existing Settlement Residential (S1) to limit the finished floor area of three future single detached dwellings or residential care facilities to a maximum of 306.5 square metres (3,300 square feet) each;
- add a definition for “finished floor area” to the proposed site-specific zoning to aid in the implementation of Condition No. 2 of approved Consent application (AN/B-18:12) related to the size “cap” on the proposed future dwellings; and,

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) – Page 3 of 15

- add a Holding Provision to a portion of the subject lands (future Part No. 3) to prohibit development of a single detached dwelling or residential care facility until a water monitoring program has been completed for the single detached dwellings or residential care facilities constructed on future Part 1 and Part 2 and the owner provides satisfactory demonstration that long-term water taking is sustainable and that there will be no significant negative impacts to ground water resources.

The proposed Zoning By-law Amendment is required to satisfy Condition No. 2 of approved Consent application (AN/B-18:12) for the creation of three residential lots served by individual private services (see Appendix “E” to Report PED21002 for Notice of Decision AN/B-18:12). These zoning regulations are being implemented to enhance protection for ground water resources through the planned development.

Based on the above, the proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP).

Alternatives for Consideration – See Page 14

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 applications for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Neven Custom Homes Ltd.
Agent:	S. Llewellyn & Associates Ltd.
File Number:	ZAR-20-032

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 1031 Highway 52 North, Ancaster (PED21002)
(Ward 12) – Page 4 of 15**

Type of Application(s):	Zoning By-law Amendment
Proposal:	<p>The proposed Zoning By-law Amendment is to limit the finished floor area for three future single detached dwellings or residential care facilities to a maximum of 306.5 square metres (3,300 square feet) (see severance sketch attached as Appendix “D” to Report PED21002).</p> <p>The proposed amendment also applies a Holding Provision to a portion of the lands (shown as Part 3 in Consent application AN/B-18:12) to prohibit the construction of a single detached dwelling or a residential care facility until such time as a ground water monitoring program has been completed for the single detached dwellings or residential care facilities constructed on future Part 1 and Part 2 and it has been demonstrated that additional development would not negatively impact ground water resources.</p>
Severance Details – AN/B-18:12	
Part 1 – Lands to be Retained	53 m x 156 m 0.98 ha Vacant
Part 2 – Lands to be Severed	16.5 m x 89.8 m 0.66 ha Vacant
Part 3 – Lands to be Retained	16.5 m x 84.3 m 0.71 ha Vacant
Property Details	
Municipal Address:	1031 Highway 52 North, Ancaster (Copetown)
Lot Area:	2.35 hectares
Servicing:	Private on-site services.
Existing Uses:	Vacant
Proposed Uses:	Single detached dwellings

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 City of Hamilton Zoning By-law No. 05-200
for Lands Located at 1031 Highway 52 North, Ancaster (PED21002)
(Ward 12) – Page 5 of 15**

Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Greenbelt Plan:	The proposal conforms to the Greenbelt Plan (2017).
Official Plan Existing:	<ul style="list-style-type: none"> • Designated “Rural Settlement Area” on Schedule “D” – Rural Land Use Designations. • Designated “Settlement Residential” on Volume 2: Map 2 – Copetown Rural Settlement Area Plan. • Portions designated “Core Areas” on Schedule “B” – Natural Heritage Features.
Official Plan Proposed:	No change.
Zoning Existing:	Settlement Residential (S1) Zone and Conservation/Hazard Land – Rural (P6) Zone.
Zoning Proposed:	Part 1 Settlement Residential (S1, 738) and Conservation/Hazard Land – Rural (P6) Zone.
	Part 2 Settlement Residential (S1, 738) Zone.
	Part 3 Settlement Residential (S1, 738, H119) Zone.
Modifications Proposed:	<ul style="list-style-type: none"> • Maximum finished floor area for single detached dwelling or residential care facility of 306.5 square metres (i.e. 3,300 square feet). • For the purposes of Special Exception 738, finished floor area shall be defined as the aggregate horizontal area measured from the exterior faces of the exterior walls of all floors of a building that are finished with flooring, wall covering (trimmed), and ceiling.
Processing Details	
Received:	August 5, 2020
Deemed Complete:	August 14, 2020

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) – Page 6 of 15

Notice of Complete Application:	Notice sent to 21 property owners within 120 m of the subject property on August 17, 2020.
Public Notice Sign:	Sign Posted: August 23, 2020. Sign Updated: December 9, 2020.
Notice of Public Meeting:	Notice sent to 21 property owners within 120 m of the subject property on December 18, 2020.
Public Consultation:	The public consultation strategy relies on <i>Planning Act</i> requirements carried out by the City including installation of a Public Notice Sign, circulation of the Notice of Application to all landowners within 120 metres of the site and the holding of a statutory public meeting before the City's Planning Committee.
Public Comments:	No written correspondence was received.
Processing Time:	160 days

Consent for Severance Application AN/B-18:12

On November 28, 2019, the Committee of Adjustment granted approval of Consent application AN/B-18:12 by Neven Custom Homes Ltd. for the creation of three residential lots (one severed lot and two retained lots) on 1031 Highway 52 North in the Copetown Rural Settlement Area (see severance sketch attached as Appendix "D" to Reports PED21002).

The consent application was originally considered and tabled by the Committee of Adjustment in 2018. As a result of the tabling, hydrogeological/ground water studies were required because each new lot was proposed to be less than 1.0 ha (i.e. lot sizes: 0.71 ha, 0.66 ha, and 0.98 ha respectively). In accordance with RHOP policy, lots less than 1.0 ha must be assessed regarding their potential short and long-term cumulative impacts on the quality and quantity of groundwater and surface water resources. Further, the southern portion of the property contains a Provincially Significant Wetland regulated by the Grand River Conservation Authority. An EIS was completed and the severance sketches were modified through the review process so that the identified Core Areas and Vegetation Protection Zones are all within the southern lot (future Part 1).

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) – Page 7 of 15

Condition No. 2 of the Consent approval requires the applicant to obtain approval of a Zoning By-law Amendment to limit the finished floor area of new single detached dwellings or residential care facilities to 306.5 square metres (3,300 square feet) and to apply a Holding Provision to Part 3 which would prohibit the construction of a single detached dwelling or residential care facility on Part 3 until completion of a water monitoring program for the single detached dwellings or residential care facilities constructed on future Part 1 and Part 2 and successful demonstration that the long-term water taking is sustainable and that there are no significant negative impacts to ground water resources in the area (see Appendix “E” to Report PED21002 for the Notice of Decision and consent conditions).

Minor Variance Application AN/A-18:68

On November 28, 2019, the Committee of Adjustment approved Minor Variance application AN/A-18:68 for reduced lot widths, a reduced side yard setback and an increased maximum building height on the three lots.

Figure 1: Approved Minor Variances (AN/A-18:68)

Lot #	Regulation	Required	Approved Variance
Part 1	Side Yard Setback (min.)	3.0 metres	2.0 metres
	Building Height (max.)	10.5 metres	12.0 metres
Part 2	Lot Width (min.)	30 metres	16.5 metres
	Building Height (max.)	10.5 metres	12.0 metres
Part 3	Lot Width (min.)	30.0 metres	16.5 metres
	Building Height (max.)	10.5 metres	12.0 metres

Approval of these variances satisfied Condition No. 4 of the Consent conditions (see Appendix “E” to Report PED21002). The approved variances will continue to apply to the site in addition to the new regulations being added by way of the proposed Zoning By-law Amendment.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Vacant.	Settlement Residential (S1) Zone and Conservation/Hazard Land – Rural (P6) Zone.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 1031 Highway 52 North, Ancaster (PED21002)
(Ward 12) – Page 8 of 15**

Surrounding Lands:

North	Single detached dwellings.	Settlement Residential (S2, 51) Zone and Settlement Residential (S1) Zone.
East	Copetown Lions Park and Community Centre.	Community Park (P2) Zone.
South	Single detached dwellings and woodlands.	Agricultural (A2) Zone and Conservation/Hazard Land – Rural (P6) Zone.
West	Single detached dwellings and Eagle Worldwide Retreat and Revival Centre.	Settlement Residential (S1) Zone and Conservation/Hazard Land – Rural (P6) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Greenbelt Plan (2017).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (i.e. sustainable use of water resources) are discussed in the Official Plan analysis that follows.

As the recommended Zoning By-law amendment complies with the Rural Hamilton Official Plan and the relevant policies in the PPS, 2020, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2020); and,
- conforms to the Greenbelt Plan (2017).

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) – Page 9 of 15

Rural Hamilton Official Plan

The subject lands are identified as “Rural Settlement Area” on Schedule “D” – Rural Land Use Designations and designated “Settlement Residential” on Volume 2: Map 2 – Copetown Rural Settlement Area in the Rural Hamilton Official Plan (RHOP).

As noted previously in this report, Zoning By-law No. 05-200 currently applies a Settlement Residential (S1) Zone to the subject site. The S1 Zone provides for a limited range of permitted uses and regulations (minimum lot size, setbacks, maximum height, etc.) that generally implement the Rural Hamilton Official Plan policies for “Settlement Residential” Areas.

The following policies of the RHOP, amongst others, are applicable to the proposed Zoning By-Law Amendment.

Copetown Rural Settlement Area Plan

“A.2.2.6.4 New residential lots shall be of a minimum size of 1 hectare unless there is satisfactory evidence in the form of a hydrogeological study and a soils analysis that smaller lot sizes are feasible, however, they shall not be less than 0.4 hectares. The hydrogeological study and soils analysis shall assess the short and long term cumulative impacts on the quality and quantity of groundwater and surface water resources to the satisfaction of the Province and the City.”

Through the Consent application process, a hydrogeological/ground water study was reviewed and generally approved by Hamilton Water Staff. Based on the conceptual plans for the development, it was found that the proposed lot sizes were generally appropriate and that development of three lots would not introduce negative impacts to local groundwater quantity or quality.

As an additional safeguard, it was recommended through the ground water study and Staff review process that the City implement capacity/occupancy limits on the future single detached dwellings or residential care facilities to ensure that water demands of the proposed development would be consistent with what was reviewed and discussed in the report (i.e. include regulations to prevent the development of large scale 5+ bedroom dwellings).

The existing Settlement Residential (S1) Zone regulations that apply to the site do not contain any maximum dwelling size restrictions. As such, this Zoning By-law amendment is required to restrict the maximum size of any habitable buildings in accordance with the ground water report/review recommendations and provide a further

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) – Page 10 of 15

tool to manage water use. Based on the concept plans submitted by the Applicant, it was agreed with staff and affirmed by the Committee of Adjustment that a maximum finished floor area limit of 306.5 square metres (3,300 square feet) would be appropriate.

As a further safeguard to local ground water resources, Hamilton Water recommended that development of future “Lot 3” (shown as Part 3 of the severance sketch attached as Appendix “D” to Report PED21002) be prohibited until the applicant carried out a water monitoring program for any new residential buildings on Lots 1 and 2. The results of the monitoring program will help to more accurately characterize the anticipated water demands for the Part 3 and the Holding Provision provides a tool to ensure that Part 3 can only be developed if it is successfully demonstrated (by way of a one year monitoring program) that the long-term water taking is sustainable and that there is no significant negative impact to local ground water resources.

Overall, the proposed zoning by-law amendment will implement the recommendations of ground water analysis completed through the Consent application process and further implement the lot creation policies of the Copetown Rural Settlement Area Plan. As such, the proposal complies with the RHOP.

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

The majority of the subject lands are currently zoned Settlement Residential (S1) Zone with the southeast portion being zoned Conservation/Hazard Land – Rural (P6) Zone. The S1 Zone permits agriculture, residential care facilities and single detached dwellings. The P6 Zone permits agriculture, conservation, passive recreation and secondary uses to agriculture. The P6 Zone also permits single detached dwellings subject to submission and approval of an Environmental Impact Statement.

The Settlement Residential (S1) Zone provides regulations for minimum lot size, setbacks and maximum height but does not contain regulations for maximum lot coverage or maximum building size that would control the overall floor area for new residential buildings. As such, it is necessary to add a new special exception to Schedule “C”: Special Exceptions for Specific Lands, to restrict the maximum finished floor to 306.5 square metres for single detached dwellings and residential care facilities.

For the purposes of the proposed Special Exception No. 738, the amending by-law includes a definition of “finished floor area”. For this site, it shall mean the aggregate horizontal area measured from the exterior faces of the exterior walls of all floors of a building that are finished with flooring, wall covering (trimmed), and ceiling. Finished floor area will not include “unfinished” basement or attic space that would be included within the “gross floor area” of the applicable buildings. This addition of this definition

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) – Page 11 of 15

will aid in the interpretation of the by-law provisions and will effectively implement the Committee of Adjustment direction to “cap” the future residential building sizes.

Additionally, the amending by-law will apply a Holding Provision to the lands identified as Part 3 which requires the owner enter into a water use monitoring agreement with the City of Hamilton, execute the terms of the agreement and be required to demonstrate that long-term water takings are sustainable and that there are no significant negative impacts to ground water resources.

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
<ul style="list-style-type: none"> • Grand River Conservation Authority; • Hydro One Networks Inc.; • Parks and Cemeteries, Public Works Department; • Public Health, Healthy and Safe Communities Department; • Landscape Architectural Services, Public Works Department; and, • Transportation Planning and Parking Division, Planning and Economic Development Department. 		No Comments
<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>A successfully executed monitoring agreement will be required to support the application.</p>	<p>The ground water monitoring agreement will be required to be executed as a Condition of Consent approval (Condition # 18) and the proposed holding zone. This Zoning By-law amendment is intended to aid in the implementation of the intent of that agreement, which is to restrict development on Lot 3 until such time as it can be satisfactorily demonstrated there will be no negative impacts to local ground water resources.</p>

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) – Page 12 of 15

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 21 property owners within 120 m of the subject property on August 17, 2020 and a Public Notice sign was posted on the property on August 23, 2020. The Public Notice Sign was updated with the Public Meeting Date on December 9, 2020. Finally, notice of the Public Meeting was given on December 18, 2020 in accordance with the requirements of the *Planning Act*.

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

Public Consultation Strategy

The Public Consultation Strategy prepared by the applicant's agent, S. Llewellyn & Associates Ltd., relies primarily on *Planning Act* requirements carried out by the City of Hamilton. These *Planning Act* requirements include installation of a Public Notice Sign, circulation of the Notice of Application to all landowners within 120 metres of the site and the holding of a statutory public meeting before the City's Planning Committee. The Applicants have indicated they will be present to answer questions at the statutory public meeting before Planning Committee. In addition, notification of nearby residents occurred through the previous Consent and Minor Variance application processes.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The Zoning By-law Amendment has merit and can be supported for the following reasons:
 - (i) The application is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017);
 - (ii) The application complies with the policies of the Rural Hamilton Official Plan; and,
 - (iii) The application provides for greater protection of ground water resources and will address Condition No. 2 of the Consent conditions.
2. Zoning By-law Amendment

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) – Page 13 of 15

Zoning By-law No. 05-200 applies a Settlement Residential (S1) Zone to the subject site. The S1 regulations provide for permitted uses and regulations (minimum lot size, setbacks, maximum height, etc.) that implement the land use policies for Settlement Residential Areas outlined in the RHOP. The permitted uses include agriculture, residential care facilities and single detached dwellings.

With specific regard to this proposal, the S1 Zone does not contain regulations for maximum lot coverage or residential building size regulations that would control the overall floor area for single detached dwellings or residential care facilities. As such, it is necessary to add a new special exception to restrict the maximum finished floor area to 306.5 square metres for a single detached dwelling or residential care facility. It is also necessary to include a definition for “finished floor area” to aid in the implementation of Condition No. 2, ensure consistency with the conceptual plans reviewed through the Consent process and avoid interpretation issues at the building permit stage. Further details regarding the proposed special exceptions are provided in the zoning modification chart attached as Appendix “C” to Report PED21002.

Additionally, the amending by-law will apply a Holding Provision to the lands identified as proposed “Part 3” which requires the owner enter into a water use monitoring agreement with the City of Hamilton for the single detached dwellings or residential care facilities constructed on future Part 1 and Part 2, execute the terms of the agreement by monitoring and be required to demonstrate that long-term water takings are sustainable and that there are no significant negative impacts to ground water resources to the satisfaction of the Director of Hamilton Water prior to removal.

The proposed Zoning By-law Amendment will satisfy Condition No. 2 of approved Consent application (AN/B-18:12) for the creation of three residential lots served by individual private services.

3. Ground Water Resources

The hydrogeological/ground water study completed through the consent application process aimed to assess the anticipated short and long term cumulative impacts to local quality and quantity of groundwater in Copetown. Overall, the Committee of Adjustment was satisfied that, subject to the approved conditions, there would be no negative impact on groundwater as a result of the proposed development. The proposed limits of maximum finished floor area for single detached dwellings will provide a general “cap” to the occupancy and bedroom count for the future residential buildings and will thereby assist in controlling daily water use from the properties. The proposed Holding Provision

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) – Page 14 of 15

applies an additional layer of protection in that the City, through the required monitoring program, will have clear data to support an assessment of ground water quantity impacts before moving forward with the development of Part 3. There is no obligation on the City to remove the Holding Provision if satisfactory demonstration cannot be provided. As such, the additional Zoning regulations support local and provincial planning objectives related to sustainable use of ground water resources.

4. Site Plan Control

Given that the proposed lots are within 120 metres of “Core Areas” as identified on Schedule B – Natural Heritage Features of the Official Plan, future development of single detached dwellings or residential care facilities on each lot will be subject to Site Plan Control.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the Applicant would not be able to fulfil the conditions of consent approval (AN/B-18:12). In this case, the property could be utilized in accordance with the existing Settlement Residential (S1) Zone provisions of the City of Hamilton Zoning By-law 05-200. The existing zoning permits single detached dwellings with a minimum lot area of 0.4 hectares.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 1031 Highway 52 North, Ancaster (PED21002)
(Ward 12) – Page 15 of 15**

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

APPENDICES AND SCHEDULES ATTACHED

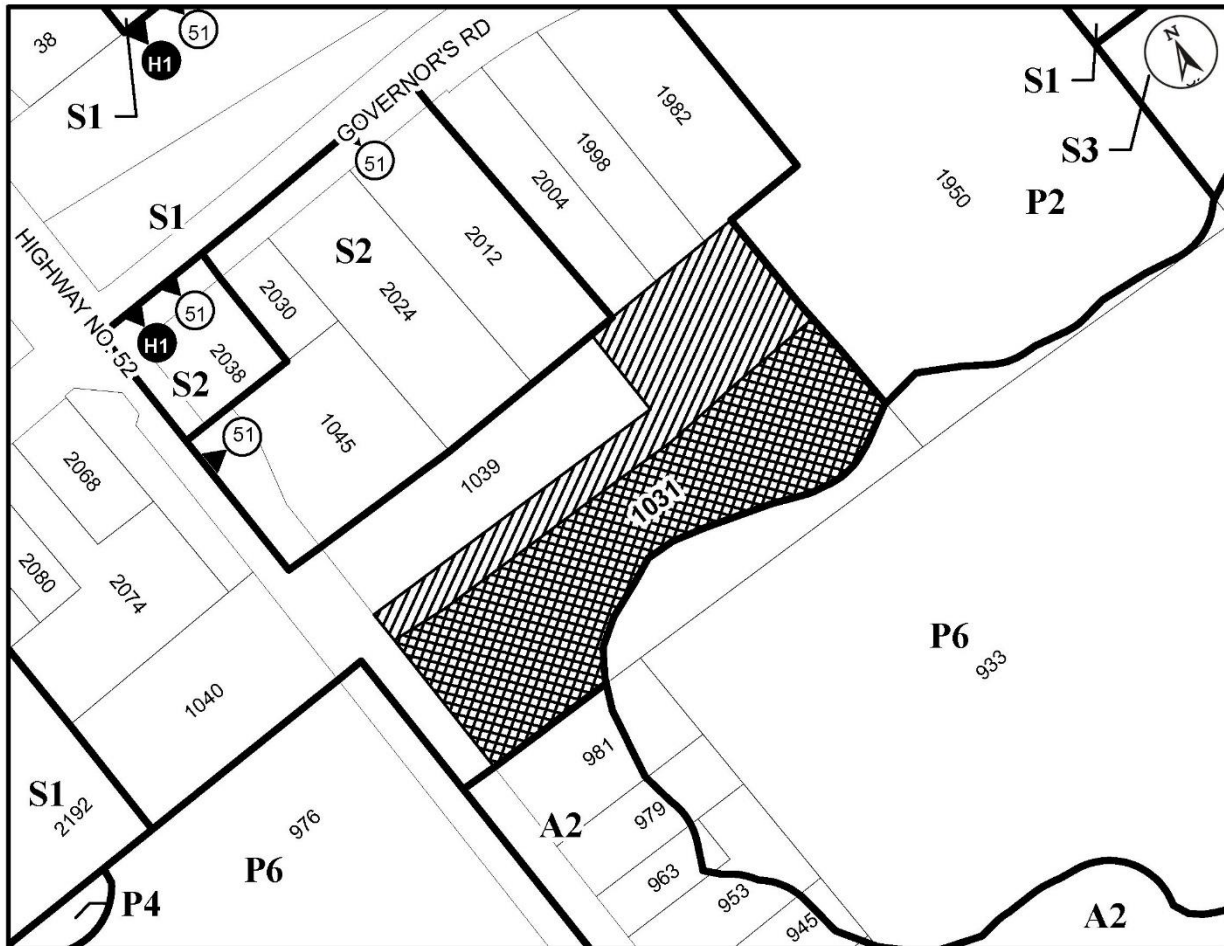
Appendix “A” – Location Map

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

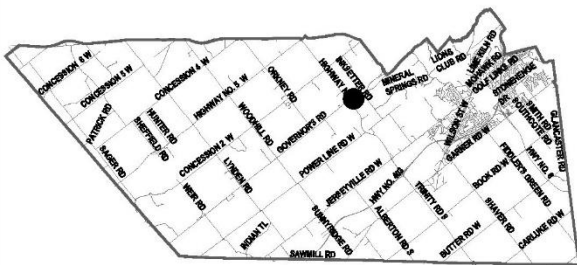
Appendix “C” – Zoning Modification Chart

Appendix “D” – Severance Sketch

Appendix “E” – Notice of Decision/Conditions for AN/B-18-12



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-20-32

Date:
November 25, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AB/VS

Subject Property

1031 Highway No. 52

-  Change in zoning from Settlement Residential (S1) Zone to Settlement Residential (S1, 738, H119) Zone
-  Change in zoning from Settlement Residential (S1) Zone to Settlement Residential (S1, 738) Zone



Authority: Item
Report (PED21002)
CM:
Ward: 12

Bill No.

CITY OF HAMILTON
BY-LAW NO.

**To amend Zoning By-law No. 05-200 with respect to lands located at 1031
Highway No. 52 North, Ancaster**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on 12th day of January, 2021;

AND WHEREAS this By-law conforms to the Rural Hamilton Official Plan;

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

1. That Map Nos. 1022 and 1068 of Schedule "A" – Zoning Maps is amended by changing the zoning from the Settlement Residential (S1) Zone to the Settlement Residential (S1, 738) Zone and the Settlement Residential (S1, 738, H119) Zone, for the lands shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C": Special Exceptions is amended by adding the following new Special Exception:

"738. Within the lands zoned Settlement Residential (S1) Zone, identified on Map Nos. 1022 and 1068 of Schedule "A" – Zoning Maps and described as 1031 Highway No. 52 North, Ancaster, the following special provisions shall apply:

- a) For the purposes of Special Exception No. 738, Finished Floor Area shall mean the aggregate horizontal area measured from the exterior faces of the exterior walls of all floors of a building that are finished with flooring, wall covering (trimmed), and ceiling.
- b) In addition to Section 12.3.3, the following regulation shall apply:
 - i) Maximum Finished Floor Area for Single Detached Dwelling or Residential Care Facility. 306.5 square metres"

3. That Schedule "D" – Holding Provisions be amended by adding the additional Holding Provision as follows:

"119. Notwithstanding Section 12.3 of this By-law, within lands zoned Settlement Residential (S1, 738) Zone, identified on Map Nos. 1022 and 1068 of Schedule A – Zoning Maps and described as 1031 Highway No. 52 North, a Single Detached Dwelling or a Residential Care Facility shall not be permitted until such time as:

- i) The applicant/owner enters into a ground water monitoring agreement with the City of Hamilton to the satisfaction of the Director of Hamilton Water to support the construction of a single detached dwelling or residential care facility on the lands identified as Part 3 through Consent application AN/B-18:12; executes the terms of the ground water monitoring agreement, with monitoring occurring on the single detached dwellings or residential care facilities constructed on both Part 1 and Part 2 identified through Consent application AN/B-18:12, with monitoring beginning on the first date of occupancy for the single detached dwelling or residential care facility on the second lot to be developed and continuing for a minimum period of one year, to the satisfaction of the Director of Hamilton Water; and, provides satisfactory demonstration that long-term water takings are sustainable and that there are no significant impacts to ground water resources to the satisfaction of the Director of Hamilton Water."

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
5. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this _____, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAR-20-32



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p style="text-align: center;">Schedule "A"</p> <p style="text-align: center;">Map forming Part of By-law No. 21- _____</p> <p style="text-align: center;">to Amend By-law No. 05-200 Maps 1022 & 1068</p>	<p>Subject Property</p> <p>1031 Highway No. 52</p> <p> Change in zoning from Settlement Residential (S1) Zone to Settlement Residential (S1, 738, H119) Zone</p> <p> Change in zoning from Settlement Residential (S1) Zone to Settlement Residential (S1, 738) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAR-20-032</p>	
<p>Date: November 24, 2020</p>	<p>Planner/Technician: AB/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

City of Hamilton Zoning By-law No. 05-200**Modifications to the Settlement Residential (S1) Zone**

Regulation	Required	Modification	Analysis
Special Exception No. 738 – Definition of Finished Floor Area	N/A	Shall mean the aggregate horizontal area measured from the exterior faces of the exterior walls of all floors of a building that are finished with flooring, wall covering (trimmed), and ceiling.	The measurement of building sizes is commonly done by Gross Floor Area which is a defined term in Section 3 of Zoning By-law No. 05-200. Gross floor area includes “unfinished” basement and/or attic space where the ceiling is over 2.0 metres in height. Condition No. 2 of approved Consent application (AN/B-18:12) imposed a size “cap” on the proposed future dwellings. The concept plans showed a “finished floor area” of 306.5 square metres but did not show the proposed gross floor area. In this regard, adding a definition for “finished floor area” to the proposed site-specific zoning will aid in the implementation of Condition No. 2, ensuring consistency with what was approved, and avoid interpretation issues at the building permit stage. Therefore, the proposed modification is appropriate and supported by staff.
Finished Floor Area for Single detached Dwellings and Residential Care Facilities (Max.)	N/A	305.5 square metres	The S1 Zone does not contain regulations for maximum lot coverage or residential building size regulations that would control the overall floor area for single detached dwellings or residential care facilities. As such, it is necessary to add a new special exception to restrict the maximum finished floor area to 306.5 square metres for a single detached dwelling or residential care facility in order to implement Condition No. 2 of approved Consent application (AN/B-18:12). Therefore, the proposed modification is appropriate and supported by staff.

Notice of Decision: AN/B-18:12

RECEIVED DEC 9 2018

13035



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

COMMITTEE OF ADJUSTMENT**NOTICE OF DECISION****APPLICATION FOR CONSENTLAND SEVERANCE**

APPLICATION NO. AN/B-18:12
SUBMISSION NO. B-12/18

APPLICATION NUMBER: AN/B-18:12

SUBJECT PROPERTY: 1031 Highway No. 52 (Ancaster) City of Hamilton

APPLICANT(S): Agent S. Llewellyn & Associates Limited on behalf of the owner Neven Custom Homes Limited

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes and to retain two parcels of land for residential purposes.

Severed lands: Part 2
16.5m² and an area of 0.66ha[±]

Retained lands: Part 1
53.0m² and an area of 0.98ha[±]

Retained lands: Part 3
16.5m² and an area of 0.71ha[±]

THE DECISION OF THE COMMITTEE IS:

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

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. That the applicant/owner apply for and receive final approval of a rezoning application to:
 - a. Limit the floor area for each proposed dwelling to a maximum of 306.5 square metres (3,300 square feet); and,
 - b. Require a Holding Provision to be applied to one lot (Part 3 on the Sketch for Land Severance) to prohibit development until a satisfactory

SECRETARY - PRESIDENT

AN/B-18:12
Page 2

demonstration that long-term water takings are sustainable and that there are no significant negative impacts to ground water resources to the satisfaction of the Director of Hamilton Water. Monitoring will be implemented through a Monitoring Agreement that the owner/applicant will enter into with the City of Hamilton and will specify that monitoring will begin from the first date of occupancy of the second lot to be developed and will continue for a minimum of one year.

3. The owner shall prepare and submit a Tree Protection Plan to the satisfaction of the Manager, Development Planning, Heritage & Design.
4. The owner shall receive final and binding approval of Minor Variance Application AN/A-18:68 to the satisfaction of the Manager, Development Planning, Heritage & Design.
5. That prior to any further approvals under the Planning Act, the property owner shall carry out an archaeological assessment of the entire development property 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 and the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and 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.

The subject lands are considered to be of archaeological potential and should deeply buried archaeological remains be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTSC) should be notified immediately (519.675.7742). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MTSC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (416.326.8392).
6. That the applicant prepares a Tree Protection Plan according to the City of Hamilton's Tree Protection Guidelines, to the satisfaction of the Manager of Development Planning, Heritage, and Design.
7. That the applicant installs a boundary fence between Lots 1 and 2 to permanently define the boundary of the protected areas. This fence could be a wooden post and rail horse fence, or other attractive open fence, to preserve the view of the natural features and permit wildlife movement.
8. That the applicant installs a permanent series of evenly-spaced marker posts within Lot 1 along the boundary of the Vegetation Protection Zone to mitigate encroachment into the VPZ and Core Area.
9. That, prior to preliminary grading, the owner is aware of the Migratory Birds Convention Act, 1994 and agrees that removal of any vegetation on the subject lands is to occur outside of the breeding bird season (April 1 to August 15). However, in the event that vegetation removal is proposed during the restricted breeding period, the owner/applicant shall have a qualified biologist conduct a nest search of the vegetated area, prior to any work commencing. Vegetation removal may occur if it is determined that active nests are not present in the removal area. If active nests are present, the landowner should contact the Canadian Wildlife Service.
10. Sediment and erosion controls.
11. Site Plan will be required for all three lots, since they are within 120 metres of Core Areas.

.../3

Appendix "E" to Report PED21002
Page 3 of 4

AN/B-18:12

Page 3

12. The owner shall receive final and binding approval of minor variance application AN/A-18:68.
13. The owner/applicant shall satisfy the requirements of the Public Works Department Operations and Maintenance Division, Forestry & Horticulture Section.
14. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time).
15. That the Owner dedicate to the City of Hamilton by deed an adequately sized strip of land from the lands to be retained for road widening purposes on Highway No. 52.
16. Given a pumping test has already been completed for the initial well, six (6) hour pumping tests shall be completed on the two remaining water supply wells. The well that will service the 3-bedroom dwelling should be tested at a rate of 13.70 L/min. The well that will service the 4-bedroom dwelling should be tested at a rate of 18.75 L/min. If the newly installed supply wells cannot maintain the withdrawal rates described above then the withdrawal rate should be reduced and the length of the test extended, according to MECP Guideline D-5-5, so that the total pump test water withdrawal rate is achieved (the total daily withdrawal rates being 4,932 L/day for a 3-bedroom home and 6,750 L/day for a 4 bedroom home). Considering the low yielding wells observed in the area, and the average daily per person use as provided in Guideline D-5-5 or 450L/person/day, and the fact that it was previously established that Hamilton Water does not have a technical objection to the proposed storage for peak demand; a minimum volume of 1,800 L for a 3 bedroom dwelling and 2,250L for a four bedroom dwelling is satisfactory. The pump test must include recovery to 95% or 24 hours, with the intent of justifying the well can sustain this daily pumping rate while recovering within a 24 hour period. The remaining wells on the adjacent lots should be monitored during the pump test to assess their interference potential. Neighbouring well owners shall be given an opportunity to participate in the monitoring program. Projected cone of influences based on observed drawdown in adjacent wells shall be provided.
17. Given satisfactory groundwater quality data has been submitted on the initial well, water quality testing on the remaining wells to be drilled shall analyze for at minimum, general chemistry, bacteria, major ions, and metals. If any health-related exceedances of raw water quality are found, the applicant shall provide water treatment options to reduce or eliminate these potential exceedances.
18. A satisfactory groundwater monitoring agreement shall be signed and executed that monitors at minimum, daily water takings and local groundwater levels to confirm that local groundwater users are protected as a result of the development.
19. Floor plan drawings that demonstrate that homes will not be in excess of 3300 square feet.
20. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

.../4

AN/B-18:12
Page 4

21. The owner submits to the Committee of Adjustment office an administration fee of \$72.00 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 28th day of November 2019.

D. Smith (Acting Chairman)

B. Charters

D. Serwatak

L. Gaddy

N. Mleczo

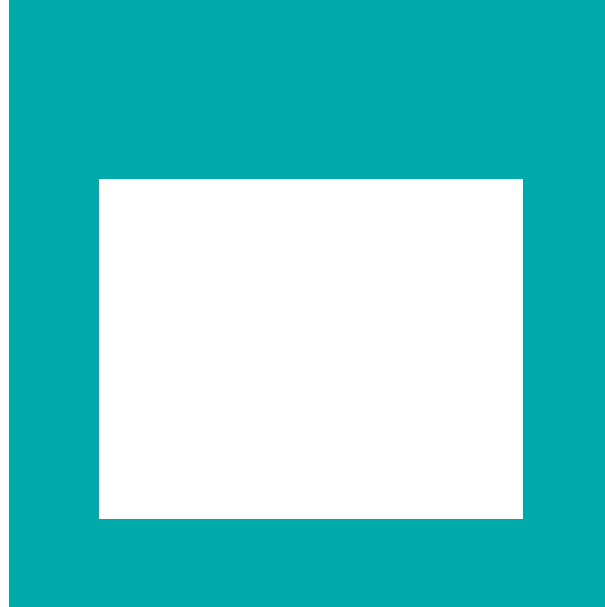
M. Switzer

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 5th, 2019.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 5th, 2020) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **December 25th, 2019.**

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

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained to the north (Part 3) will remain as 1031 Highway No. 52 North, Hamilton (Ancaster), the lands to be conveyed (Part 2) will be assigned the address of 1019 Highway No. 52 North, Hamilton (Ancaster), and the lands to be retained to the south (Part 1) will be assigned the address of 1005 Highway No. 52 North, Hamilton (Ancaster).



WELCOME TO THE CITY OF HAMILTON

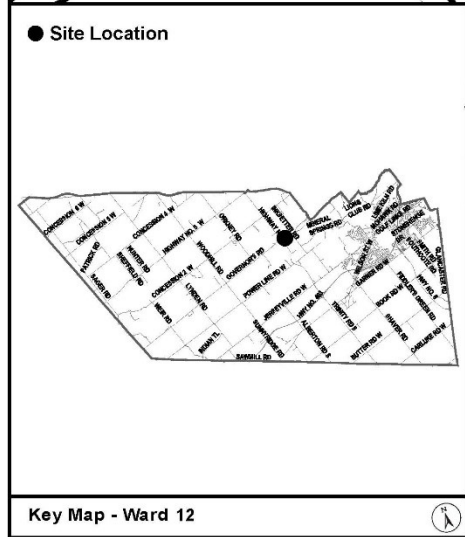
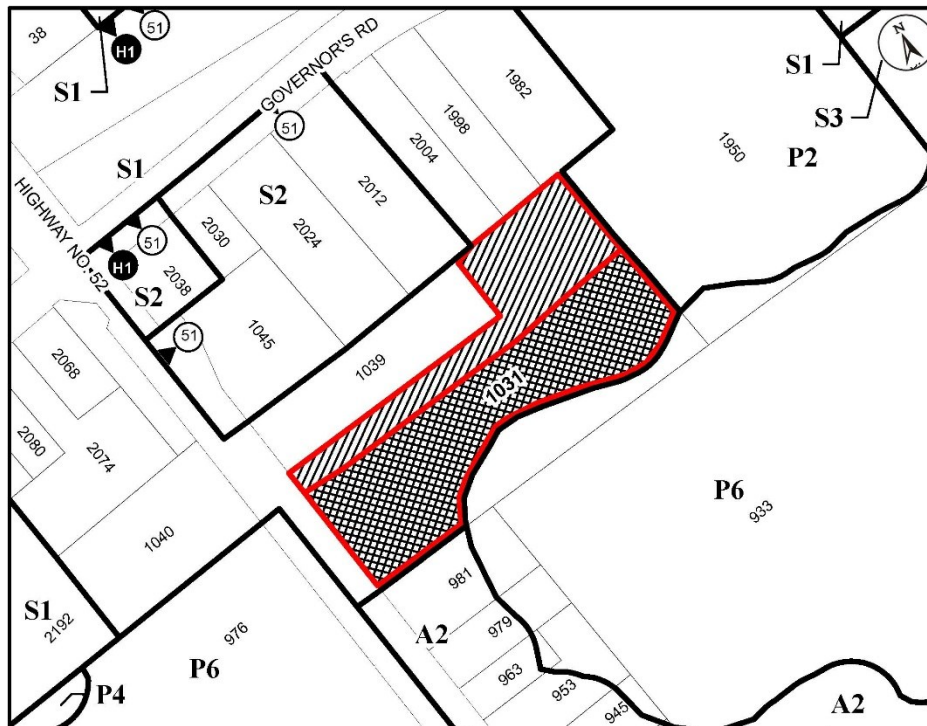
PLANNING COMMITTEE

January 12, 2021

PED21002– (ZAR-20-032)

Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster

Presented by: Michael Davis



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-20-32

Date:
November 25, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AB/VS

Subject Property

1031 Highway No. 52

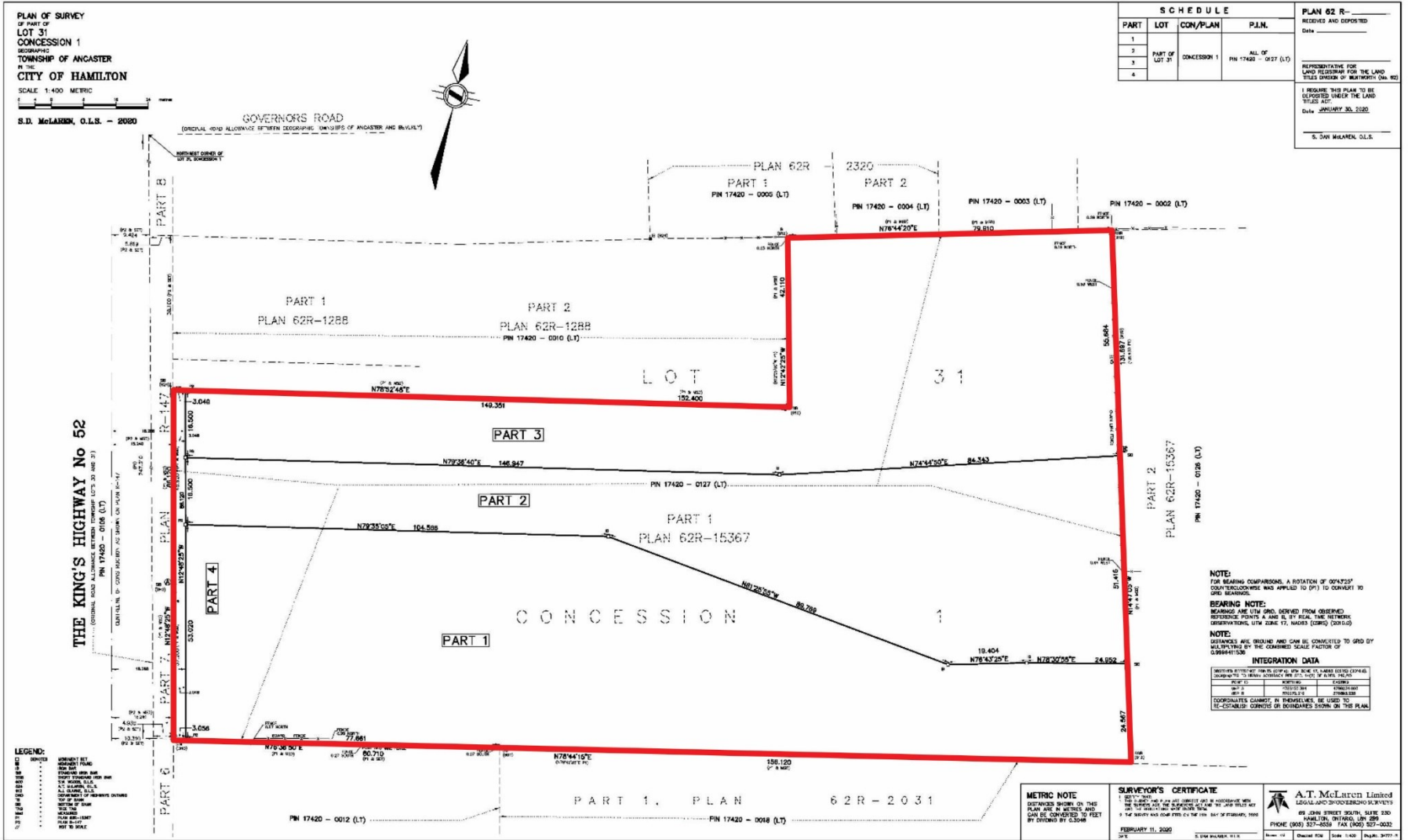
-  Change in zoning from Settlement Residential (S1) Zone to Settlement Residential (S1, 738, H119) Zone
-  Change in zoning from Settlement Residential (S1) Zone to Settlement Residential (S1, 738) Zone



SUBJECT PROPERTY



1031 Highway No. 52 North, Ancaster





Looking east from site entrance along Highway 52 North



Looking northeast from site entrance along Highway 52 North



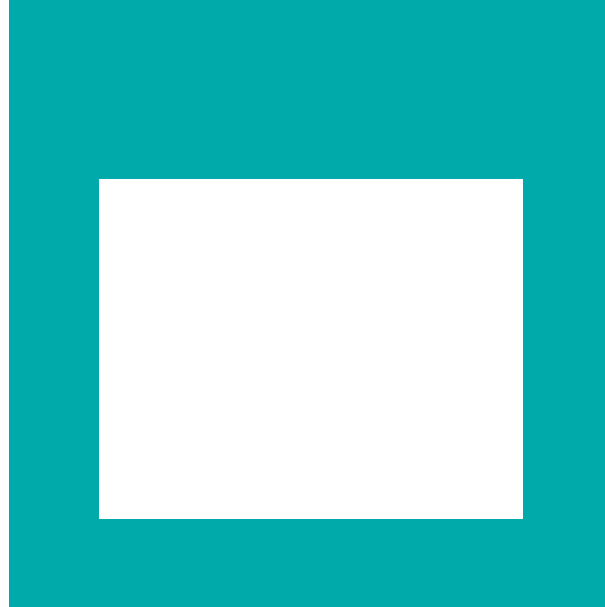
Looking north towards Copetown from site entrance



Rear of site looking east from site entrance



Looking west toward Eagle Worldwide Retreat Centre from Highway 52 North



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2021
SUBJECT/REPORT NO:	City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (PED20002) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Alissa Mahood (905) 546-2424 Ext. 1250
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **City Initiative CI-20-A**, to amend the Urban Hamilton Official Plan to change the designation from “Low Density Residential 2b” to “Medium Density Residential 3” designation, and identified as a Site Specific Policy Area in the Urban Lakeshore Area Secondary Plan for the lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” to report PED20002, be **APPROVED** on the following basis:
- i. That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - ii. That the draft Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That **City Initiative CI-20-A**, to rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, under Zoning By-law No. 3692-92 (Stoney Creek) on the lands known as

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SUBJECT: City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (PED20002) (Ward 10) - Page 2 of 20

1400 Baseline Road, in order to permit Maisonettes, Townhouses, Apartment Dwellings, Dwelling Groups, a Home Occupation and Uses, buildings or structures accessory to a permitted use, for lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” to Report PED20002, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20002, 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 “RM3-69(H)” Zone, Modified, Holding, shall be removed when the following conditions have been met:

- i. That a Functional Servicing Report for water and sanitary servicing has been submitted and implemented to the satisfaction of the Senior Director of Growth Management, City of Hamilton. The report must assess the post-development peak sanitary flows for the City’s downstream sewers and sanitary pumping stations, as well as water flow and pressure availability, and identify any infrastructure upgrade needed to meet applicable design standards and policies;
- ii. That a Traffic Impact Study, submitted and implemented by the applicant, must be submitted to the satisfaction of the Manager of Transportation Planning, City of Hamilton; and,
- iii. That the owner/applicant enters into and registers an applicable development agreement(s), including an External Works Agreement, and posting of appropriate securities to ensure the implementation of any infrastructure upgrade needs identified in the Functional Servicing Report, the Traffic Impact Study, or both, recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton.

City Council may remove the ‘H’ symbol and, thereby give effect to the “RM3-69(H)” Zone, Modified, Holding, by enactment of an amending By-law once the above conditions have been fulfilled.

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- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), 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 finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That Item 19J be removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

On May 14, 2019, City Council passed the following motion:

- a) That staff be directed to investigate amending the Urban Lakeshore Secondary Plan (Urban Hamilton Official Plan) and the City of Stoney Creek Zoning By-law No. 3692-92, for the purpose of updating the planning permissions for the lands and establishing a land use designation and zoning requirements that reflect the highest and best use of the land;
- b) Prepare a report and implementing by-laws for the approval of Planning Committee; and,
- c) That staff be directed to provide adequate public notice pertaining to item (b) above, in accordance with the *Planning Act*.

The subject property is located near the northeast corner of the Queen Elizabeth Way and Fifty Road in Stoney Creek (refer to Location Map Attached as Appendix “A” to Report PED20002). The property has a frontage of approximately 175 metres along Baseline Road and is approximately 80 metres deep for a total land area of 1.17 hectares (or approximately 2.9 acres in size). The site is currently vacant.

The Urban Hamilton Official Plan Amendment (UHOPA) proposes to re-designate the subject lands from “Low Density Residential 2b” to “Medium Density Residential 3” in the Urban Lakeshore Area Secondary Plan. The UHOPA also adds a site specific policy area to the subject lands to permit all forms of multiple dwellings.

The current policy framework designates the lands “Low Density Residential 2b”. This designation permits single detached, semi-detached and duplex dwellings with a residential density range of 1 to 29 units per net residential hectare. The proposed “Medium Density Residential 3” designation on the lands located at 1400 Baseline Road will permit ground related dwellings as well as a multiple dwelling with up to nine storeys in height with a density of 50 to 99 units per net residential hectare.

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SUBJECT: City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (PED20002) (Ward 10) - Page 4 of 20

Currently the Secondary Plan limits the permitted uses in the “Medium Density Residential 3” designation to predominantly apartment dwellings up to nine stories with a density of 50 to 99 units per net residential hectare. This amendment will add a site specific policy area to the lands to permit all forms of multiple dwellings. This site specific policy aligns the permitted uses for the site with the permitted uses of the Medium Density Residential designation of Volume 1 of the UHOP.

There are a variety of multiple dwelling built forms (e.g. block townhouse, maisonette townhouse, stacked townhouse and/or an apartment building) to implement the applicable UHOP policies that could be achieved on this property. A future site plan application will be required and the application will be assessed to ensure that the proposed respects the existing neighbourhood character and built form of the Fifty Point neighbourhood.

The proposed Zoning By-law Amendment will rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding. A number of site specific modifications to the Multiple Residential “RM3” Zone are proposed and discussed in detail in Appendix “D” to Report PED20002. A Holding ‘H’ Provision is recommended in order to ensure that the site can be adequately serviced for water and sanitary and that any potential traffic impacts are mitigated.

The proposed City initiated Official Plan and Zoning By-law amendments have merit and can be supported as the proposed amendments are consistent with the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with and implement the policies of the Urban Lakeshore Secondary Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

Alternatives for Consideration – See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

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SUBJECT: City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (PED20002) (Ward 10) - Page 5 of 20

HISTORICAL BACKGROUND

Report Fact Sheet

City Initiative Details	
Owner:	City of Hamilton
Applicant:	City of Hamilton
File Number:	CI-20-A
Type of Application:	Urban Hamilton Official Plan Amendment City of Stoney Creek Zoning By-law No. 3692-92 Amendment
Proposal:	To remove the subject lands from the “Low Density Residential 2b” designation and to add the subject lands to the “Medium Density Residential 3” designation in the Urban Lakeshore Area Secondary Plan. To add a site specific policy to the subject lands to permit all forms of multiple dwellings. To rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding.
Property Details	
Municipal Address:	1400 Baseline Road, Stoney Creek (Ward 10) (see Location Map attached as Appendix “A” to report PED20002)
Lot Area:	1.17 hectares or 11,736 m ² (rectangular)
Servicing:	Existing municipal services
Existing Use:	Currently vacant
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020)

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Growth Plan (2019 as amended):	The proposal conforms to The Growth Plan for the Greater Golden Horseshoe (2019, as amended)
Official Plan Existing:	Urban Hamilton Official Plan: Identified as Neighbourhoods on Schedule E – Urban Structure and designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations
Secondary Plan Existing:	Urban Lakeshore Area Secondary Plan – Low Density Residential 2b on Urban Lakeshore Area Secondary Plan, Land Use Plan, Map B.7.3-1 Permitted uses: single, semi-detached and duplex dwellings 1 to 29 units per net residential hectare
Secondary Plan Proposed:	Urban Lakeshore Area Secondary Plan – redesignate the lands to Medium Density Residential 3 (see Appendix “B” to Report PED20002) Permitted uses: Predominantly apartment buildings not exceeding nine storeys 50 to 99 units per net residential hectare Site Specific Policy to permit all forms of multiple dwellings
Zoning Existing:	Neighbourhood Development (ND) Zone
Zoning Proposed:	Multiple Residential “RM3-69(H)” Zone, Modified, Holding (see Appendix “C” to Report PED20002).

Description of the Subject Lands

The subject property is known municipally as 1400 Baseline Road in the former municipality of Stoney Creek and is located north of the Queen Elizabeth Way, on the north side of North Service Road and east of Fifty Road. The property is surrounded by residential uses to the north, and a neighbourhood commercial plaza located to the west of the subject lands (named “50 Point Market”). The residential forms adjacent to the site consist of single detached, semi-detached and block townhouses (freehold units on a condominium road). To the northeast of the property is the Fifty Point Conservation Area. The property has a frontage of approximately 175 metres along Baseline Road

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SUBJECT: City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (PED20002) (Ward 10) - Page 7 of 20

and is approximately 80 metres deep for a total land area of 1.17 hectares, or approximately 2.9 acre in size. The site is currently vacant.

Background

The subject lands were identified by the Affordable Housing Site Selection Sub-Committee to be part of a disposition strategy to create more Affordable housing. In November of 2017, the Affordable Housing Site Selection Sub-Committee directed staff to complete due diligence and circulate for comments a portfolio of nineteen (19) properties. Some of these properties were identified as sites for future redevelopment by CityHousing as affordable housing units. Other properties were identified as sites for divestment. Some of the divestment properties would be marketed and sold in their current condition, whereas other properties would undergo a City initiated planning amendments prior to divestment. The subject lands at 1400 Baseline Road were identified by the Real Estate Division as a property that would benefit from updating the planning instruments for the lands. All proceeds from the sale of 1400 Baseline Road would then be used to fund future affordable housing projects.

The subject property was originally intended to be utilized for a Tourism Gateway Centre until the Ministry of Transportation relinquished the property in 2018 thereby allowing the City-owned lands to be made available for development. Since that time, the City has declared the lands as surplus and has been exploring options to divest of the property.

On May 14, 2019, City Council approved a motion directing City staff to investigate updating the land use designation and zoning requirements to reflect the highest and best use of the land. Staff commenced a City initiated amendment to amend the Urban Hamilton Official Plan to implement Council's motion. Staff have carried out a land use review and a series of massing exercises to better understand how different residential densities and forms could be accommodated on the site.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant Land	Neighbourhood Development (ND) Zone
Surrounding Land Uses:		
North	Residential	Multiple Residential Two (RM2) Zone

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South	North Service Road/QEW	Neighbourhood Development (ND) Zone
East	Residential	Multiple Residential Three (RM3) Zone
West	Commercial	Community Commercial (C3) Zone (under Zoning By-law 05-200)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy

Provincial Policy Statement (2020)

The application has been reviewed with respect to the Provincial Policy Statement (PPS) policies that contribute to the development of healthy, liveable and safe communities as contained in Policy 1.1.1. In particular, the application is consistent with the following policies:

“1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and,
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.”

The proposed amendment is also consistent with Policy 1.1.3.1 of the PPS, which focuses on growth in settlement areas. The proposed development is located within a settlement area and will allow for the development of underutilized lands for residential uses.

“1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including

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brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

The proposed amendment is also consistent with Policy 1.1.3.3 of the PPS, which directs municipalities to promote opportunities for intensification and to implement minimum targets for intensification within built-up areas as established by provincial plans. The proposed amendments will allow for development that provides for a broad range of residential forms in a greenfield area that provides efficient land use to accommodate residential needs.

Based on the foregoing, the proposed Urban Hamilton Official Plan Amendment is consistent with Section 3 of the *Planning Act* and the PPS 2020.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The policies of the Growth Plan for the Greater Golden Horseshoe apply to any Planning decision.

Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. This proposed amendment to the Urban Lakeshore Area Secondary Plan conforms to these Guiding Principles in that it supports the achievement of a complete community that is designed to support healthy and active living, meeting people’s needs for daily living throughout an entire lifetime.

The Growth Plan is focused around accommodating forecasted growth in complete communities and provides policies on managing growth. The following policy, amongst others, applies:

- “2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*.”

Similarly, other Growth Plan policies support opportunities for increased densities and exploring opportunities for intensification. For example:

- “2.2.6.1 a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as other policies of this Plan by:

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- i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.”

The proposed amendment to the Urban Lakeshore Area Secondary Plan is in keeping with the Growth Plan’s emphasis on supporting growth towards the achievement of complete communities. Similarly, the proposed Zoning By-law Amendment to change the zoning of the subject lands to a modified Multiple Residential “RM3-69(H)” Zone, Modified, Holding to permit multiple dwellings will provide additional opportunities for residential purposes in a variety of housing forms. By offering a variety of residential forms and unit sizes to a walkable community with parks and nearby local stores and commercial uses, the proposed amendments would contribute to achieving a complete community.

Municipal Planning Policy

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. The following Urban Hamilton Official Plan policies, amongst others, apply:

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*;
 - b) open space and parks;
 - c) local *community facilities / services*; and,
 - d) local commercial uses.

The proposed amendment to the Urban Lakeshore Area Secondary Plan contributes to a complete community by allowing for increased residential density and expansion of

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permitted built forms on the subject lands. By permitting a variety of residential forms and unit sizes, this amendment implements the intent and purpose of the general policies of the Neighbourhoods designation and contributes to the principle complete communities that include a full range of residential dwelling types and densities.

Medium Density Residential

- “E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads;
- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses;
- E.3.5.4 Local commercial uses may be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 – Local Commercial are satisfied;
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses;
- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare; and,
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

Medium density residential areas are to be located on the periphery of neighbourhoods in proximity to major or minor arterial roads. The subject site is located on the periphery of the Fifty Point neighbourhood and North Service Road is designated a minor arterial roadway on Schedule C – Functional Road Classifications of the UHOP.

The proposed amendment to the Urban Lakeshore Area Secondary Plan contributes to a complete community by allowing for increased residential density on the future development of the currently vacant/underutilized property. This amendment to the Secondary Plan will expand the range of permitted residential dwellings to include all forms of multiple dwellings (block townhouses, maisonettes, etc).

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The subject lands are within walking distance to a neighbourhood park (Lake Pointe Park) and Fifty Point Conservation Area which includes lakefront trails, picnic areas and outdoor activities such as boating, fishing and swimming. The subject lands are in close proximity to the bikeway and pedestrian path system identified on Map B.7.3-1 – Urban Lakeshore Area - Land Use Plan. The system provides safe access to these open space areas and other community facilities.

The development of these lands for medium density uses will function as an appropriate transition between the QEW and North Service Road to the south and the neighbourhood to the north. This amendment proposes to expand the range of permitted residential dwellings to include different forms of townhouses as well as buildings that are not to exceed a height of nine stories.

The subject lands are also located next to lands zoned Community Commercial (C3) Zone (under Zoning By-law 05-200 on the westside of Lockport Way consisting of an existing commercial development (named “50 Point Market”). These zoning permissions permit uses that serve residents within the surrounding neighbourhood.

Residential Intensification

Residential Intensification proposals are generally evaluated based on the following criteria provided in Section B.2.4.1.4:

- “B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:
- c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.
- B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:
- a) a balanced evaluation of the criteria in b) through g), as follows;
 - b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable patterns and built forms;
 - c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;

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- d) The *compatible* integration of the development with the surrounding area in terms of use, scale, form, and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) The development's contribution to achieving the planned urban structure, as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies.”

More specifically, proposals in the Neighbourhood's designation are subject to the following evaluation criteria provided in Section B.2.4.2.2:

“B.2.4.2.2

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

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The proposed amendment will allow for residential development at an appropriate location. The intent of the UHOP is to intensify the existing built-up area in appropriate locations, with 40% of the intensification targeted to occur within Neighbourhoods. The proposed amendment to the Secondary Plan will allow for more intense development of the site than what was permitted in the low density designation. The property is located on the periphery of the Fifty Point Neighbourhood with access to a Minor Arterial Road (North Service Road) which is a suitable location for multiple dwelling development.

Urban Design

Urban Design policies apply to all forms of development and are provided in Section B.3.3. The following policies are noted as they are considered to be relevant to the proposed Official Plan and Zoning By-law amendments:

“B.3.3.1 Urban Design Goals:

B.3.3.1.4 Create communities that are transit-supportive and promote active transportation;

B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites, and is compatible in form and function to the character of existing communities and neighbourhoods;

B.3.3.1.9 Encourage innovative community design and technologies;

B.3.3.1.10 Create urban places and spaces that improve air quality and are resistant to the impacts of climate change;

B.3.3.2.3 Urban Design Principles:

B.3.3.2.3 (a) Respecting existing character, development patterns, built form, and landscape;

B.3.3.2.3 (b) Promoting quality design consistent with the locale and the surrounding environment; and,

B.3.3.2.3 (g) Contributing to the character and ambience of the community through appropriate design of streetscapes and amenity areas.”

Staff carried out a massing exercise to test a variety of built forms and heights while considering the need to respect the character of the existing residential areas to the north and east of the property. There are a variety of residential built forms and site plan configurations that could be achieved on this property. The proposed zoning regulations

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will allow for residential development that respect the existing neighbourhood character, development patterns and built form of the Fifty Point neighbourhood.

Urban Lakeshore Area Secondary Plan

The subject lands are currently designated “Low Density Residential 2b” on Map B.7.3-1 - Land Use Plan of the Urban Lakeshore Area Secondary Plan. The policies for the area limit the residential dwelling types to single, semi-detached and duplex dwellings, with a maximum permitted density of 29 units per net residential hectare.

The proposed amendment to the Secondary Plan will re-designate the subject lands to the “Medium Density Residential 3” (MDR3) designation in the Urban Lakeshore Area Secondary Plan. The proposed site specific policy area allows for a broader range of housing forms than what is currently permitted in the Medium Density Residential 3 designation of the Secondary Plan (the existing MDR3 designation permits apartment buildings up to nine stories). The current MDR3 policies permit apartment dwellings but it is proposed to permit all forms of multiple dwellings (e.g. block townhouses, maisonette townhouses, apartment building). The proposed Official Plan Amendment will allow for an increase to the residential density (units per net residential hectare) permitted for the property. In keeping with the Medium Density Residential 3 designation of the Urban Lakeshore Area Secondary Plan, the maximum net residential density of 50 to 99 units per net residential hectare will remain.

The proposed residential densities and housing forms are characteristic of the highest and best use of the land towards future development of the property located at 1400 Baseline Road, Stoney Creek.

Any residential development proposal would be subject to a future Site Plan Control application. Stormwater and grading matters will be further reviewed in detail at the site plan approval stage.

This amendment to the Urban Lakeshore Secondary Plan is in keeping with the intent of the Urban Hamilton Official Plan and the Urban Lakeshore Area Secondary Plan and provides a policy change that reflects the development potential of the property.

RELEVANT CONSULTATION

Departments and Agencies with no concerns	
Parks and Cemeteries, Public Works Department;	No comments/concerns
Recreation, Healthy and Safe Communities Department.	No comments/concerns

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Departments and Agencies with comments		
	Comment	Staff Response
Hamilton Water	<p>That a Functional Servicing Report for water and sanitary servicing will be required. The report must assess the post-development peak sanitary flows and for the City's downstream sewers and sanitary pumping stations, as well as water flow and pressure availability, and identify any infrastructure upgrades needed to meet applicable design standards and policies.</p> <p>Stormwater can be addressed at the site plan approval stage.</p>	<p>Planning Staff note that a holding provision will be placed on the amending by-law until such as a Functional Servicing Report is submitted by the applicant and is to the satisfaction of the of the Senior Director of Growth Management, City of Hamilton.</p>
Transportation Planning, Planning and Economic Development	<p>Advised that any future access to 1400 Baseline Road will not be permitted to North Service Road or Lockport Way; access to the site must be provided to Baseline Road and align with the municipal roads to on the north side of Baseline Road.</p> <p>Advised that a Transportation Impact Study (TIS) will be required by Transportation Planning for any future site plan development application</p>	<p>Planning Staff note that this requirement will be reviewed at the Site Plan Control stage.</p> <p>Planning Staff note that a holding provision will be placed on the amending by-law until such time as a Traffic Impact Study is submitted by the applicant and is to the satisfaction of the of the Manager of Transportation Planning.</p>

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	submitted for 1400 Baseline Road.	
Landscape Architectural Services, Public Works Department	Advised that they do not request cash-in-lieu of parkland dedication at this point in the planning process.	Noted by Planning staff. Cash-in-lieu is required to be paid at the time of issuance of the building permit and will be a condition of site plan.
Urban Forest Health, Public Works Department	Advised that there are no municipal tree assets on the site, and, therefore, no Tree Management Plan is required. A Landscape Plan prepared by a Registered Landscape Architect will be required, depicting the street tree planting scheme for any future development.	Planning Staff note that this requirement will be reviewed at the Site Plan Control stage.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	Staff has no issues supporting the Official Plan Amendment. Advised that it should be determined if a noise study would be required. This section also advised that it should be determined if there is sufficient servicing in the area to support the proposed density scenarios.	A Noise study would be required at the Site Plan Control stage based on a future development proposal.

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Public Consultation

Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on December 18, 2020, by way of a newspaper ad in the Stoney Creek News and the Hamilton Spectator.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Proposed Official Plan Amendment

The proposed Urban Hamilton Official Plan Amendment (UHOPA) will change the designation on the subject lands from the “Low Density Residential 2b” to “Medium Density Residential 3”, in the Urban Lakeshore Area Secondary Plan. The UHOPA will also add a site specific policy area to the subject lands to allow for all forms of multiple dwellings. This policy change reflects the development potential of the property. The density permissions of 50 to 99 units per net residential hectare as per the “Medium Density Residential 3” designation will be applied to the subject lands.

1. The proposed changes have merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to the A Place to Grow Plan (2019, as amended). Both policy documents encourage the development of complete communities within built-up areas;
 - (ii) It complies with the general intent and purpose of the UHOP, with regards to residential intensification and complete communities in the Neighbourhoods designation. In particular, the ideal areas where medium density residential areas are to be located (on the periphery of neighbourhoods in proximity to major or minor arterial roads); and,
 - (i) The proposed amendment would be in keeping with the existing function of the Urban Lakeshore Secondary Plan by maintaining the scale, form, and character of the surrounding area while expanding the range of permitted residential dwellings to include all forms of multiple dwelling buildings. By offering a variety of residential forms and unit sizes to the neighbourhood, this amendment further supports the Urban Lakeshore Area Secondary Plan policy for the establishment of a variety of residential types.

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Proposed Amendment to the City of Stoney Creek Zoning By-law No. 3692-92

The subject property is currently zoned Neighbourhood Development “ND” Zone within the City of Stoney Creek Zoning By-law 3692-92. The “ND” Zone is a zone whereby *“no person shall use any building, structure or land for any purpose other than for which it was used on the date of passing of the Zoning By-law”*. This zone does not currently allow for new uses, only those uses that existed on the date of passing of the By-law.

The proposed Zoning By-law Amendment will rezone the lands located at 1400 Baseline Road from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, in the City of Stoney Creek Zoning By-law No. 3692-92 to implement the Urban Hamilton Official Plan amendment and the Site Specific Policy Area proposed.

1. The proposed changes have merit and can be supported for the following reasons:
 - (i) The proposed amendment complies with the general intent of the Urban Hamilton Official Plan and will comply with the Urban Lakeshore Area Secondary Plan upon approval of the proposed Urban Hamilton Official Plan Amendment;
 - (ii) The proposed amendment would be in keeping with the existing function of the Urban Lakeshore Secondary Plan by maintaining the scale, form, and character of the surrounding area while expanding the range of permitted residential dwellings to include all forms of multiple dwelling buildings;
 - (iii) The implementing by-law proposes modifications to the Multiple Residential “RM3” Zone which are discussed in Appendix “D” to Report PED20002;
 - (iv) A Holding ‘H’ Provision is recommended in order to ensure that the site can be adequately serviced and that traffic impacts are mitigated.

ALTERNATIVES FOR CONSIDERATION

City Council could choose to not adopt the proposed amendments and the lands would remain designated as “Low Density Residential 2b” in the Urban Lakeshore Area Secondary Plan and as Neighbourhood Development (ND) Zone in the Stoney Creek Zoning By-law No. 3692-92. This option is not preferred. By changing the designation to allow for medium density residential development and changing the zoning to implement the designation, this site can take advantage of its suitable location next to a

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minor arterial road on the periphery of the neighbourhood. In addition, Staff were directed to undertake this City initiated amendment by a Council motion from May 14, 2019. The proposed Official Plan and Zoning By-law Amendments represent the highest and best use of the land towards the future development of the subject property.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - Location Map

Appendix “B” - Draft Urban Hamilton Official Plan Amendment

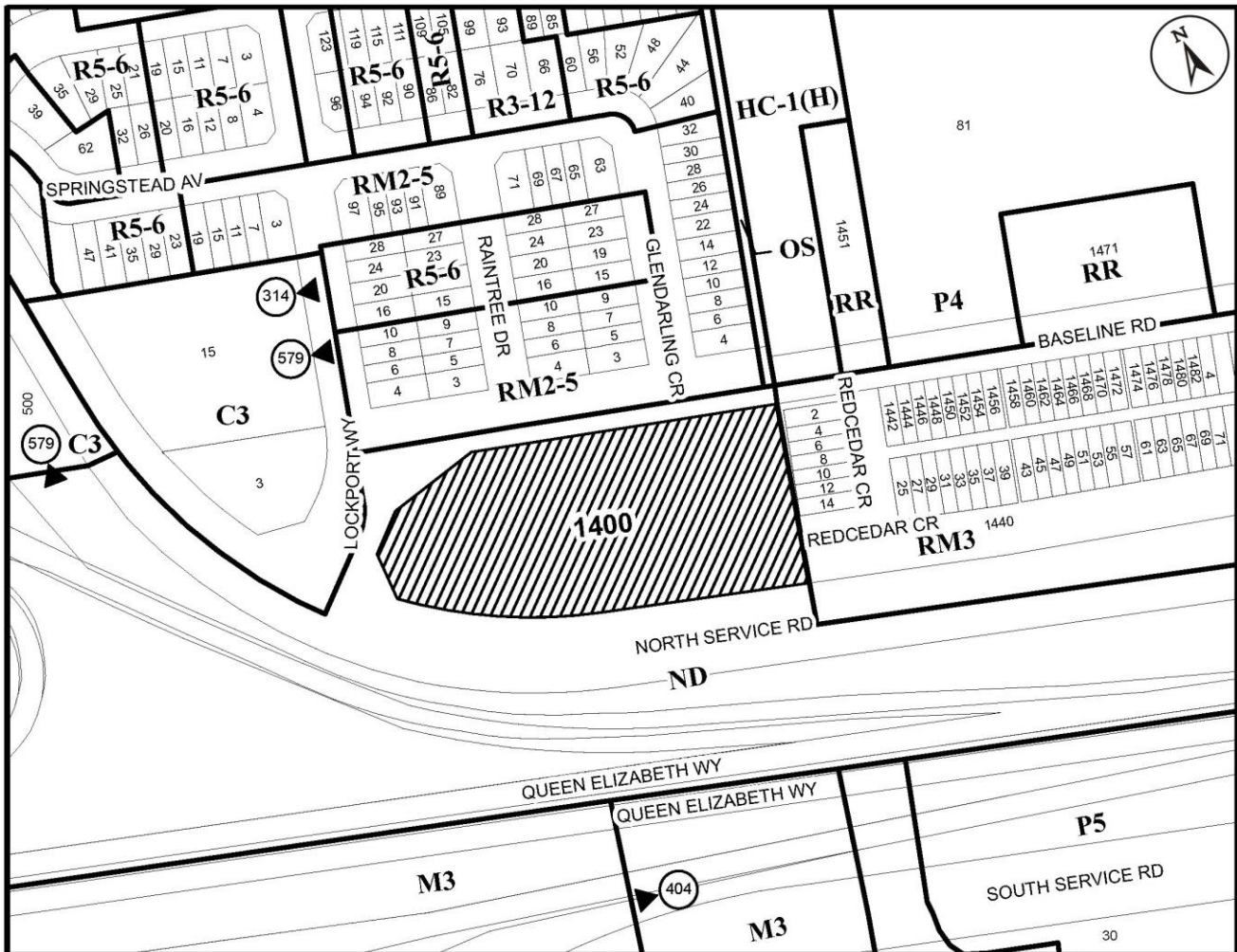
Appendix “C” - Draft Zoning By-law No. 3692-92 Amendment

Appendix “D” - Zoning Modification Chart

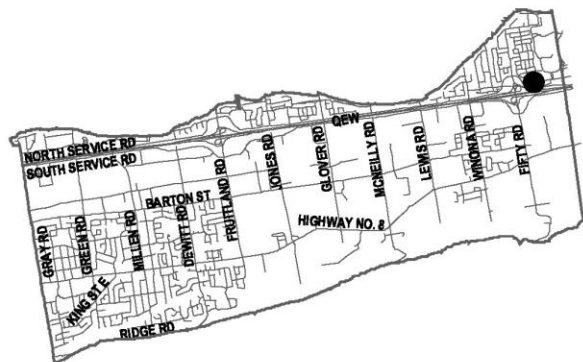
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● Site Location



Key Map - Ward 10

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
CI-20-A

Date:
November 17, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MH/VS

Subject Property



1400 Baseline Road, Stoney Creek
(Ward 10)

Schedule "1"

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

The following text, together with Appendix "A" – Volume 2: Map B.7.3-1 – Urban Lakeshore Area 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 Urban Lakeshore Area Secondary Plan by redesignating the subject lands and establishing a site specific policy to permit the development of multiple dwellings up to a maximum height of nine storeys.

2.0 Location:

The lands affected by this Amendment are known municipally as 1400 Baseline Road, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment is consistent with the policies of the Urban Hamilton Official Plan for facilitating residential intensification;
- The Amendment will support future development of the lands that is respectful of the established function and scale of the residential designations of the Urban Lakeshore Area Secondary Plan and is compatible with the existing development in the immediate area; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plan

Text

4.1.1 Chapter B.7 – Stoney Creek Secondary Plans – Section B.7.3, Urban Lakeshore Area Secondary Plan

- a. That Volume 2: Chapter B.7 – Stoney Creek Secondary Plans, Section B.7.3 – Urban Lakeshore Area Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area "X"

B.7.3.6.X In addition to Policy B.7.3.1.7 a) of Volume 2, for lands designated "Medium Density Residential 3" and identified as Site Specific Policy – Area "X" on Map B.7.3-1 Urban Lakeshore Area Secondary Plan – Land Use Plan, the following policies shall apply:

- a) *multiple dwellings* shall be permitted;
- b) the maximum height shall be nine storeys.

Maps

4.1.2 Map

- a. That Volume 2: Map B.7.3-1 Urban Lakeshore Area Secondary Plan – Land Use Plan, be amended by:
- i) redesignating the lands from "Low Density Residential 2b" to "Medium Density Residential 3"; and,
 - ii) identifying the subject lands as Site Specific Policy – Area "X",
- as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

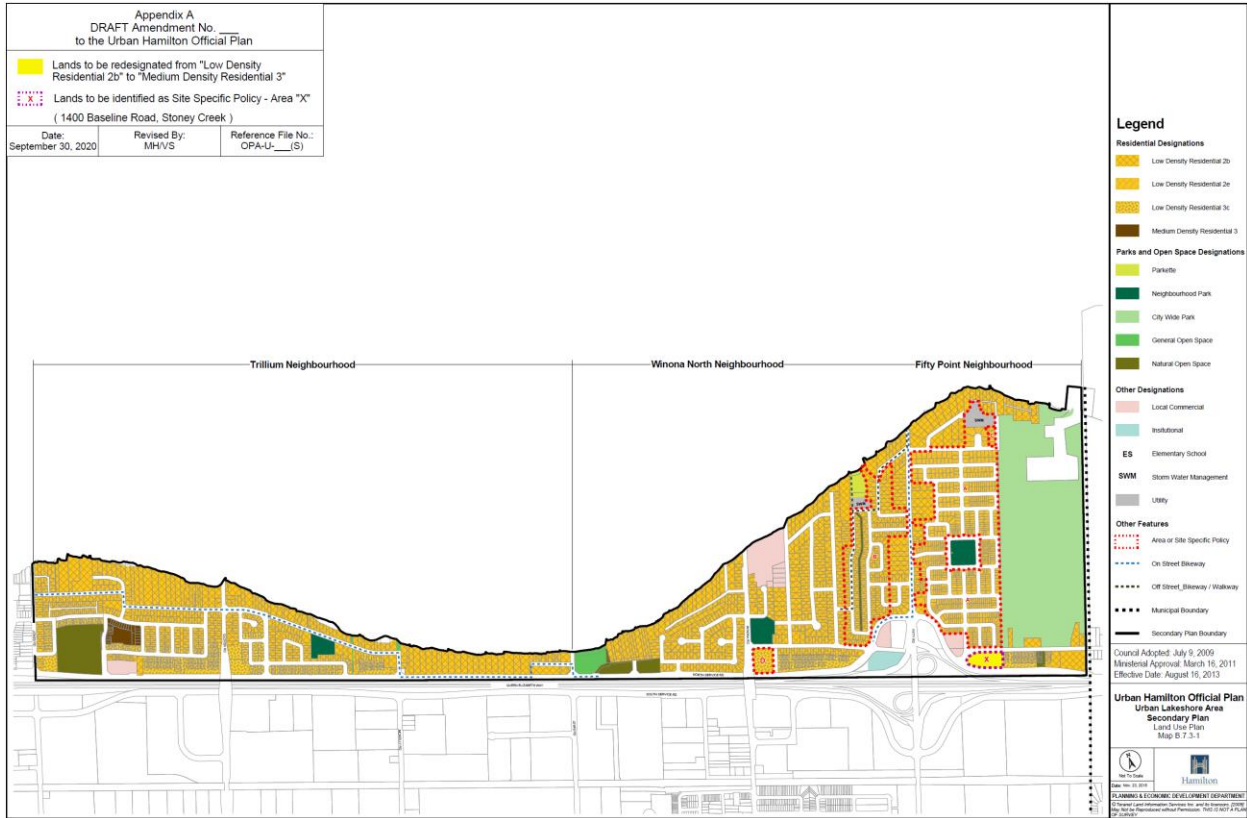
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of __, 2021.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK



Authority: Item _____, Planning Committee
Report: PED20002
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-_____

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at 1400 Baseline Road (Stoney Creek)

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

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

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws 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 13 of Meeting #19-008 of the Planning Committee at its meeting held on the 14th day of May, 2019, which recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided; and,

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

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

1. That Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-69(H)" Zone, Modified, Holding on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

1. That Subsection 6.10.7 "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law 3692-92, be amended by adding a new Special Exemption, "RM3-69(H)" Zone, Modified, Holding, as follows:

"RM3-69(H)" Zone, Modified, Holding, 1400 Baseline Road, Schedule "A", Map No. 4

For the purposes of this By-law, the property line abutting Baseline Road shall be deemed to be a front lot line; all property lines abutting Lockport Way shall be deemed to be a flankage yard; the southerly property line abutting North Service Road shall be deemed to be a rear yard; and the easterly property line shall be deemed to be a side yard.

Notwithstanding the permitted uses of Subsection 6.10.2 of the Multiple Residential "RM3" Zone, those lands zoned "RM3-69(H)" Zone, Modified, Holding by this By-law, may only be used for Maisonettes, Townhouses, Apartment Dwellings, Dwelling Groups, a Home Occupation and Uses, buildings or structures accessory to a permitted use.

Notwithstanding the provisions of Paragraphs (d), (e), (g), (i) and (j) of Section 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-69(H)" Zone, Modified, Holding by this By-law, the following shall apply:

- (a) Minimum Side Yard – 7.5 metres
- (b) Setback from a Provincial Highway Right-of-Way – All buildings, structures, required parking areas and storm water management facilities located on a property shall be setback a minimum of 14.0 metres from a Provincial Highway Right-of-Way.
- (c) Maximum Residential Density - 99 dwelling units per hectare
- (d) Maximum Building Height –
 - For Townhouses – 11 metres
 - For Apartment Dwellings –

1. Maximum 7.5 metres for any portion of the building along a front or side lot line; and,
2. equivalently increased as yard increases beyond the minimum front or side yard requirements established in subsection d) of this By-law, to a maximum of 33.0 metres.

In addition to the provisions of Section 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-69(H)" Zone, Modified, Holding by this By-law, the following shall apply:

1. The minimum total of all the amenity areas shall be as set forth in the following table:

Type of Dwelling Unit	Minimum Amenity Area
Bachelor Unit	1.5 square metres per unit
One Bedroom Unit	2 square metres per unit
Two Bedroom Unit	3 square metres per unit
Three Bedroom Unit	4 square metres per unit
Four Bedroom Unit	4 square metres per unit

Not less than 10 percent of the total of the amenity areas shall be provided inside the applicable apartment building, and such inside area shall not be less than 93 square metres.

2. Section 6.10.4 shall not apply.
3. Notwithstanding the provisions of Paragraph (a) of Section 6.10.5 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-69(H)" Zone, Modified, Holding by this By-law, the following shall apply:

The Minimum Number of Parking Spaces shall be:

- a. 2 parking spaces and 0.25 visitor parking spaces for each townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces;
- b. 1.0 parking spaces and 0.25 visitor parking spaces for each bachelor, one bedroom, or two bedroom apartment dwelling unit.
- c. 1.5 parking spaces and 0.25 visitor parking spaces for each apartment dwelling unit having three or more bedrooms.

4. On those lands zoned "RM3-69(H)" Zone, Modified, Holding by this By-law, the "H" symbol may be removed by way of an amending Zoning By-law, from all of the lands subject to this provision when the following conditions have been satisfied:
 - a. That a Functional Servicing Report for water and sanitary servicing has been submitted and implemented to the satisfaction of the Senior Director of Growth Management, City of Hamilton. The report must assess the post-development peak sanitary flows and for the City's downstream sewers and sanitary pumping stations, as well as water flow and pressure availability, and identify any infrastructure upgrade needed to meet applicable design standards and policies;
 - b. That a Traffic Impact Study has been submitted and implemented to the satisfaction of the of the Manager of Transportation Planning, City of Hamilton; and,
 - c. That the owner/applicant enters into and registers on title all applicable development agreement(s), including an External Works Agreement, and posting of appropriate securities to ensure the implementation of any infrastructure upgrade needs identified in the Functional Servicing Report and Traffic Impact Study recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton.

City Council may remove the 'H' symbol and, thereby give effect to the "RM3-69(H)" Zone, Modified, Holding, by enactment of an amending By-law once the above conditions have been fulfilled.

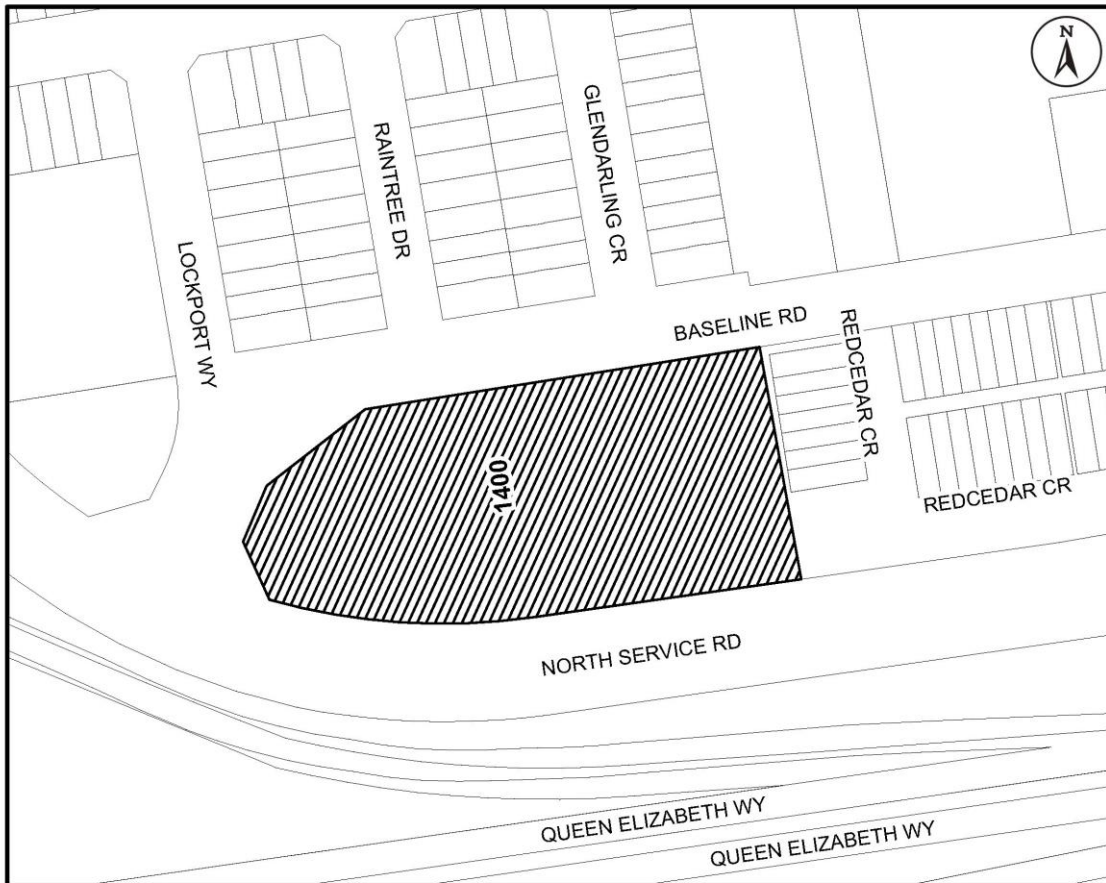
5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3-69(H)" Zone, Modified, Holding provisions, subject to the special requirements referred to in Section 2 of this By-law;
6. 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 _____, 2021.

F. Eisenberger
MAYOR

A. Holland
CLERK

CI-20-A



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map forming Part of By-law No. 21- _____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 3692-92</p>	<p>Subject Property</p> <p>1400 Baseline Road, Stoney Creek</p> <p> Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-69(H)" Zone, Modified, Holding</p>
--	--

Scale: N.T.S	File Name/Number: CI-20-A	
Date: November 17, 2020	Planner/Technician: MH/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

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

Is this by-law derived from the approval of a Committee Report? Yes

Committee: PC

Report No.: CI-20-A

Date: 01/12/2021

Ward(s) or City Wide: Ward 10

Prepared by: Alissa Mahood

Phone No: 1251

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

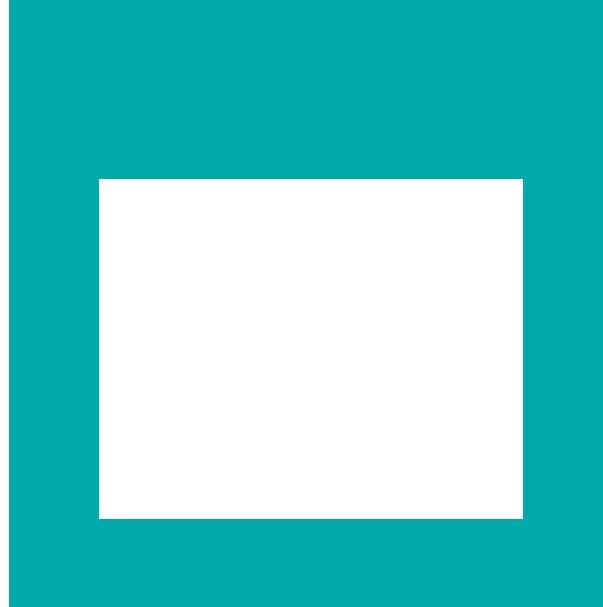
Site Specific Modifications to the Multiple Residential “RM3” Zone

Regulation	Required	Modification	Analysis
<p>Minimum Side Yard for Maisonettes, Townhouses and Dwelling Groups</p> <p>Subsection 6.10.3 (d)</p>	<p>Minimum Side Yard for Maisonettes, Townhouses and Dwelling Groups:</p> <p>- 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>	Minimum Side Yard – 7.5 metres	The proposed modification is to standardize the required side yards for Maisonettes, Townhouses and Dwelling Groups while ensuring that there is sufficient room to accommodate the dwelling groups, amenity spaces, and to ensure adequate buffering between adjacent residential properties.
<p>Minimum Side Yard for Apartment Buildings</p> <p>Subsection 6.10.3 (e)</p>	<p>Minimum Side Yard for Apartment Buildings:</p> <p>1/2 the height of the building but in no case less than 6 metres, except 7.5 metres for a flankage yard, and 9 metres abutting a zone for single detached or semi-detached dwellings</p>	Minimum Side Yard – 7.5 metres	The proposed modification is to streamline the required side yards for Apartment Buildings while ensuring that there is sufficient room to accommodate an Apartment Building(s), amenity spaces, and to ensure adequate buffering between adjacent residential properties.
<p>Minimum Rear Yard for</p>	<p>Minimum Rear Yard – 15.0 metres</p>	<p>Minimum Rear Yard – 14.0 metres</p>	<p>The proposed modification is for a minor reduction in the required rear yard setback. This regulation is intended to</p>

Regulation	Required	Modification	Analysis
Apartment Buildings Subsection 6.10.3 (g)			reflect the setback requirement from a Provincial Highway Right-of-Way – All buildings, structures, required parking areas and storm water management facilities located on a property shall be setback a minimum of 14.0 metres from a Provincial Highway Right-of-Way.
Maximum Density Subsection 6.10.3 (i)	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.	Maximum Residential Density - 99 dwelling units per hectare	The proposed modification is for an increase to the Maximum Density. The proposed amendment is intended to implement the proposed change to the Official Plan. Compared to the existing Low Density Residential 2b designation, the proposed amendment will allow for an increase to the residential density (units per net residential hectare) permitted for the property. In keeping with the Medium Density Residential 3 designation of the Urban Lakeshore Area Secondary Plan, the maximum net residential density shall remain at 50 to 99 units per net residential hectare.
Maximum Building Height Subsection 6.10.3 (j)	11 metres	For Townhouses – 11 metres For Apartment Dwellings – 1. Maximum 7.5 metres for any portion of the building along a front or side lot line; and, 2. equivalently increased as yard increases beyond the minimum front or side yard requirements established	The proposed modification is for an increase to the Maximum Building Height for Apartment Buildings and Townhouses. This regulation is intended to reflect the ability of subject site to support medium density residential (including multiple dwellings and townhouses) because of the location on the periphery of neighbourhoods in proximity to major or minor arterial roads. A future residential development could be carefully designed to a height of nine (9) storeys while respecting the relationship of the proposed buildings with the height, massing, and scale of nearby residential buildings.

Regulation	Required	Modification	Analysis
		in subsection d) of this By-law, to a maximum of 33.0 metres.	
Regulations for Street Townhouses Subsection 6.10.4	Street Townhouses shall be permitted in accordance with Section 6.1.10, 6.9.3, 6.9.4, and 6.9.5.	Section 6.10.4 shall not apply.	Street Townhouses are not a permitted use in the Medium Density 3 designation of the Urban Lakeshore Area Secondary Plan.
Regulations for Parking Subsection 6.10.5	<p>1. 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.</p> <p>2. 1.25 parking spaces and 0.35 visitor parking spaces for each bachelor or one-bedroom dwelling unit other than a townhouse or maisonette.</p> <p>3. 1.5 parking spaces and 0.35 visitor parking spaces for each two bedroom dwelling unit other than a townhouse or maisonette.</p>	<p>The Minimum Number of Parking Spaces shall be:</p> <p>a. 2 parking spaces and 0.25 visitor parking spaces for each townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces;</p> <p>b. 1.0 parking spaces and 0.25 visitor parking spaces for each bachelor or one bedroom apartment dwelling unit;</p> <p>c. 1.0 parking spaces and 0.25 visitor parking spaces for each two bedroom apartment dwelling unit;</p> <p>d. 1.5 parking spaces and 0.25 visitor parking</p>	The proposed modification is to decrease to the Minimum Number of Parking Spaces for both townhouses and Apartment Buildings. This reduction is common in recently approved developments. This proposed modification has been reviewed by the Supervisor of Zoning who approves of these reductions.

Regulation	Required	Modification	Analysis
	4. 1.75 parking spaces and 0.35 visitor parking spaces for each dwelling unit other than a townhouse or maisonette.	spaces for each apartment dwelling unit having three or more bedrooms.	



WELCOME TO THE CITY OF HAMILTON

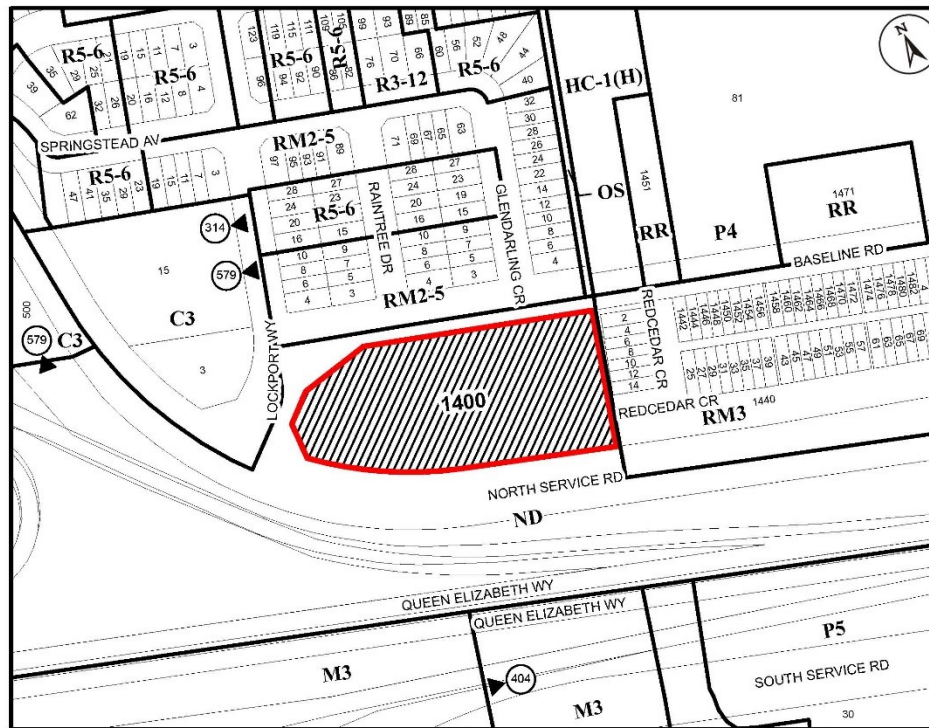
PLANNING COMMITTEE

January 12, 2021

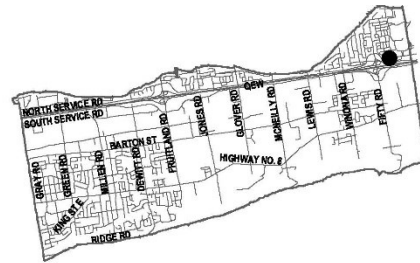
PED20002– (CI-20-A)

City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (Ward 10)

Presented by: Alissa Mahood



● Site Location



Key Map - Ward 10

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
CI-20-A

Date:
November 17, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MH/VS

Subject Property



1400 Baseline Road, Stoney Creek
(Ward 10)

HISTORY

- City owned lands intended for a Tourism Gateway Centre (MTO)
- 2017 – Affordable Housing Site Selection Sub-Committee identified the lands as part of a disposition strategy to create more affordable housing.
 - All proceeds from the sale to be used to fund future affordable housing projects.
- 2018 - MTO relinquished the property making the City owned lands available for development.
- May 14, 2019 – City Council Motion – directs staff to update the land use and zoning for the property to reflect the highest and best use of the lands.
- Staff commenced a City initiated OPA/ZBA process.



Fifty Point Market (Commercial Plaza)

Stoney Creek Child Care Centre

SUBJECT PROPERTY



1400 Baseline Road, Stoney Creek



Subject Property photo taken from Baseline Road looking south

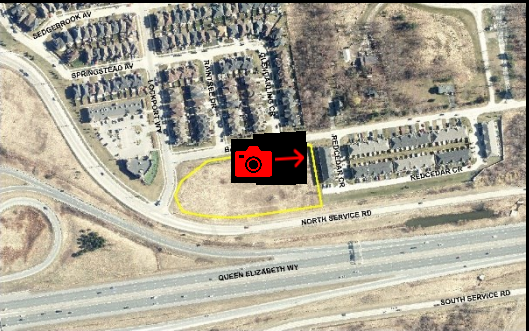
Subject Property photo taken from corner of Lockport Way and Baseline Road



Baseline Road Looking North



Baseline Road Looking North



Property to the east



Commercial plaza to the west

PROPOSED OFFICIAL PLAN AMENDMENT

Urban Lakeshore Area Secondary Plan

EXISTING OFFICIAL PLAN DESIGNATION

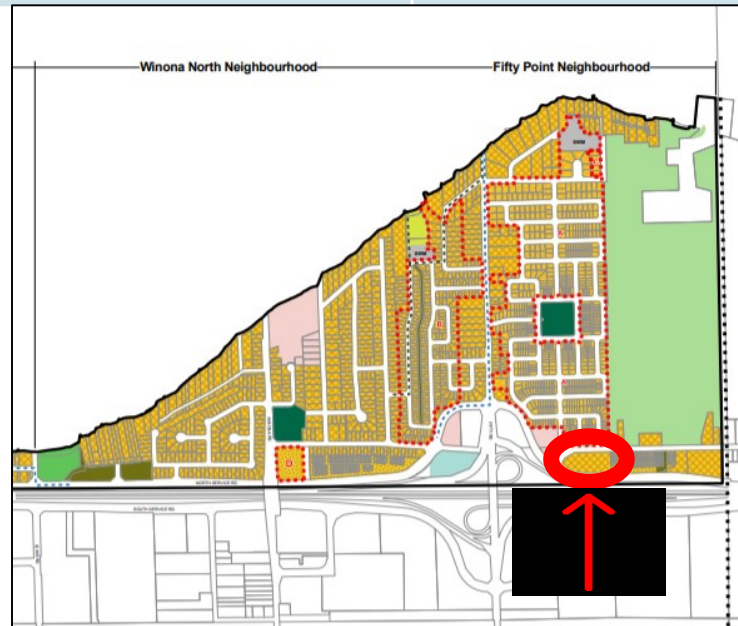
Low Density Residential 2b

- Single, semi-detached, duplex dwellings
- 1 to 29 units per net residential hectare
- 3 storeys in height

PROPOSED OFFICIAL PLAN AMENDMENT

Medium Density Residential 3

- Apartment dwellings up to 9 storeys in height
 - 50 to 99 units per net residential hectare
- #### Site Specific Policy Area "X"
- All forms of multiple dwellings



PROPOSED ZONING BY-LAW AMENDMENT

Stoney Creek Zoning By-law No. 3692-92

EXISTING ZONING

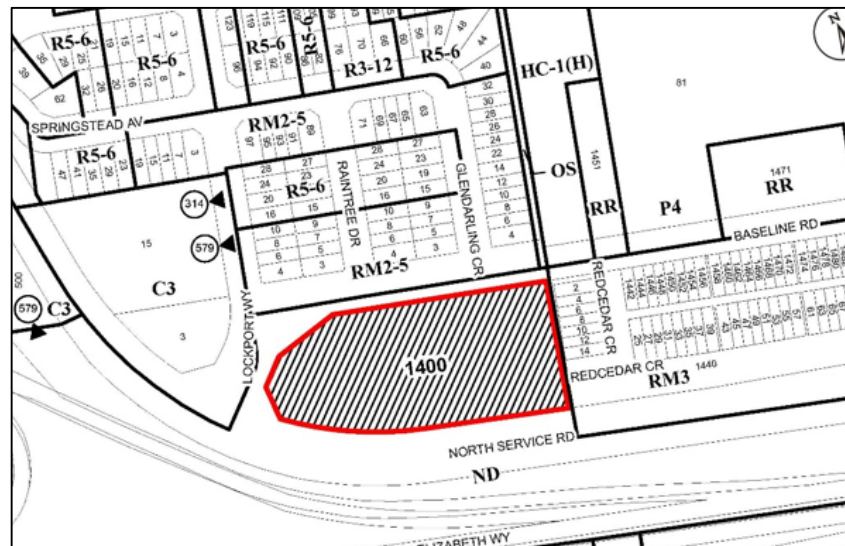
Neighbourhood Development (ND) Zone

- Uses that existed on the date of passing of the Zoning By-law

PROPOSED ZONING BY-LAW AMENDMENT

Multiple Residential “RM3-69(H)” Zone Modified

- Maisonettes, Townhouses, Apartment Dwellings, Dwelling Groups, Home Occupation, Accessory Uses



ZONE MODIFICATIONS (Appendix “D” to Report PED20002)

Modifications	Analysis
Setbacks (Side and Rear Yards)	To standardize the required setbacks to ensure there is sufficient room to accommodate the use, amenity areas, and to ensure adequate separation distances from adjacent uses.
Maximum Building Heights	Increase height for apartment buildings to implement the MDR3 designation (includes parameters that require the building to be setback, stepped back or terraced in order to achieve the full 33 meters height permission)
Maximum Density	Increase in density permissions to align with the density permissions of the MDR3 proposed designation.
Parking Regulations	Decrease in the minimum parking requirements. Aligns with parking requirements of By-law 05-200.

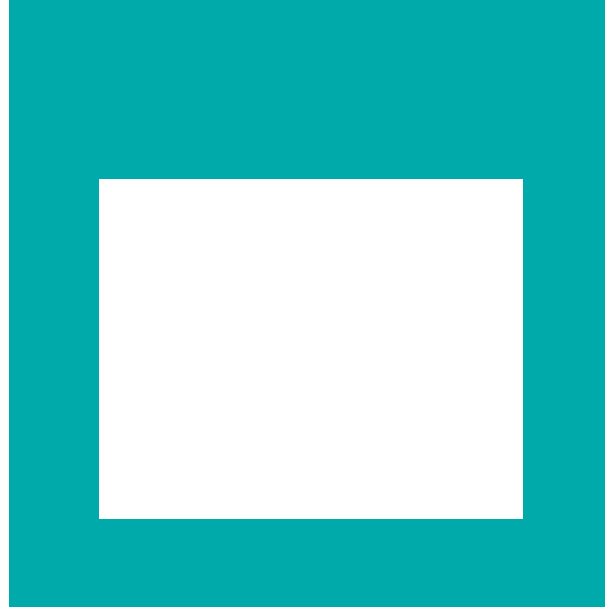
HOLDING PROVISION

- Functional Servicing Report (FSR) – for water and sanitary
- Traffic Impact Study (TIS)
- Development agreements to be registered on title (external works agreements, and securities) to ensure the implementation of required infrastructure upgrades identified by the FSR and TIS

RECOMMENDATION

That the proposed Official Plan and Zoning by-law Amendments have merit and can be supported for the following reasons:

- The amendments are consistent with the PPS (2020) and conform to the Growth Plan (2019, as amended);
- They comply with the general intent of the UHOP with regards to residential intensification and complete communities policies;
- The amendments are in keeping with the existing function of the Urban Lakeshore Secondary Plan;
- The Holding Provision and modifications to the Zoning By-law will ensure the provision of adequate infrastructure upgrades that may be required for servicing and traffic to facilitate development.



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

From: TMcClelland

Sent: Monday, December 21, 2020 9:11 AM

To: clerk@hamilton.ca

Subject: Opposed to the changes to the proposed Zoning & by-law Amendment for the Baseline Road Stoney Creek Lakeside Area

To City Clerk

Regarding the Public Meeting to be held Tues Jan 12 /2021 @ 9:30am.

I am pleased to be a resident in Stoney Creek however, I am very concerned with the focus of Over intensification for the Stoney Creek Lakeshore area.

I am Opposed to the urban planning proposed amendment that was printed in the Hamilton Spectator Friday, December 18/2020.

The urban Hamilton official plan amendment and A zoning by-law amendment 1400 Baseline Rd Stoney Creek (Ward 10) City Initiated Application C1-20-A, for the urban Lakeshore area secondary plan and zoning by-law amendment to the Stoney Creek zoning by-law No. 3692.92 Needs to be stopped

Article Copied below.

This is another assault to turn the current zoning of low density into high rise intensification.

If this takes place it will add to the ongoing crisis of traffic congestion and safety to the Residents of the North Service Road area!

Zoning needs to protect the lakefront area & safety of it's residents too!

Our valued lakeside community neighbourhood, local wildlife habitat, conservation integrity & traffic safety need to be a priority to be preserved!

I understand that there will be some development in our area including green space,

But Not high-rise intensification!

Overcrowding for greed/financial gain should not overpower a small community neighbourhood area that cannot humanely support such high density.

Sadly our lakefront area has been targeted to become a high density, congested rats nest maze and this needs to be stopped!

Sincerely

Terylene McClelland

Stoney Creek, ON

NOTICE OF PUBLIC MEETING OF THE PLANNING COMMITTEE FOR AN URBAN HAMILTON OFFICIAL PLAN AMENDMENT AND A ZONING BY-LAW AMENDMENT

1400 Baseline Road, STONEY CREEK (Ward 10)
CITY INITIATED APPLICATION, CI-20-A

WHAT?

The Planning Committee is holding a Public Meeting under the *Planning Act*, to consider an Urban Hamilton Official Plan Amendment for the Urban Lakeshore Area Secondary Plan and a Zoning By-law Amendment to Stoney Creek Zoning By-law No. 3692-92.

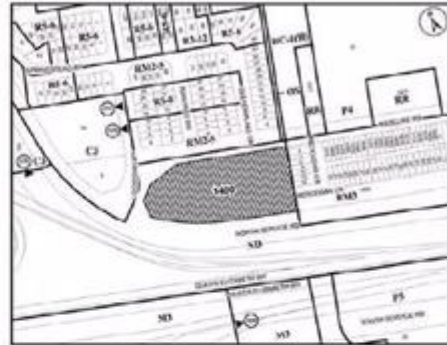
WHEN? Tuesday, January 12, 2021, 9:30 a.m.

WHERE?

Due to the COVID-19 and the closure of City Hall all Virtual 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>



WHY?

Urban Hamilton Official Plan Amendment

The purpose and effect of this proposed Urban Hamilton Official Plan Amendment is to change the designation of the subject lands from "Low Density Residential 2b" to "Medium Density Residential 3" and to add a Site Specific Policy Area for the lands, in the Urban Lakeshore Area Secondary Plan. The proposed amendment will permit multiple dwellings up to a maximum height of nine storeys and at a density of 50 to 99 units/net hectare.

Zoning By-law Amendment

The purpose and effect of this proposed Zoning By-law Amendment is to rezone the subject lands from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-69(H)" Zone, Modified, Holding to permit the site to be developed for multiple dwellings.

How?

Accessing the Proposed Official Plan Amendment, Zoning By-law Amendment and Report

The information and material related to the proposal will be available in the staff report for public inspection, which will be available to the public on or after Wednesday, January 6, 2021 and may be obtained from the City's website <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas> or contact Mark Hefferton at [905.546.2424](tel:905.546.2424) ext. 1251 or by e-mail at Mark.Hefferton@hamilton.ca for a copy of the staff report.

Planning Committee Agenda

Copies of the Planning Committee agenda, including staff reports, will be available on or after Wednesday, January 6, 2021 and may be obtained from the City's website <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas> or contact the City Clerks Office by email at clerk@hamilton.ca.

Public Input

Members of the public who would like to participate in a statutory public meeting are able to provide comments in writing via mail or email in advance of the meeting. Comments can be submitted by emailing clerk@hamilton.ca or by mailing the Legislative Coordinator, Planning Committee, City of Hamilton, 71 Main Street West, 1st Floor, Hamilton, Ontario, L8P 4Y5. Comments must be received by noon Monday, January 11, 2021. Any written comments received after the deadline will be included on the Wednesday, January 20, 2021 Council agenda.

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West.

From: TMcClelland

Sent: January 11, 2021 11:17 AM

To: clerk@hamilton.ca

Subject: Re: Addition to Opposed to the changes to the proposed Zoning & by-law Amendment for the Baseline Road Stoney Creek Lakeside Area

Hello

I would like to add to my first Letter of Opposition:

Protecting our safe residential area with low density development-Needs to be the priority!!!

It has also been brought to my attention that in this zoning change proposal there is no Maximum Height, a specific cap on the number of floors of the proposed potential buildings is a Must!

If this moves forward, It is a gross error to overlook this crucial detail!

The notice in the paper stated a maximum of 9 stories! When 4-6 is plenty!!

I am still in opposition of this proposed zoning change for Medium density amendment and request the area to remain low density.

I am requesting moving forward with any future proposed amendments that a Maximum Height be stated in the proposal to be clear & transparent for all to review!

Sincerely

Terylene McClelland

From: Judith Duncan

Sent: January 5, 2021 3:25 PM

To: clerk@hamilton.ca

Subject: Notice of Zoning Bylaw 3692-93-1400 Baseline Rd stoney Creek ward 10 City Initiated Application CI-20-A

I ask that this letter be included in meeting on January 12th 2021 of the Planning Committee.

I strongly object to this change in zoning. Recent new development in this area has already resulted in many changes:

- 1) 1) 1) 1) increased traffic congestion especially on North Service Road.
- 2) increased amounts of roadside garbage
- 3) unoccupied dwellings or used as short-term rentals resulting in lack of "pride of ownership" and untended gardens
- 4) Decreased levels of natural habitat
- 5) The lack of public transportation, local stores and other services requires residents to own cars. Most of the new builds in the area provide parking for 1 vehicle but necessity to own more results in constant on street parking which in turn creates additional problems.

Respectfully submitted

Judith Duncan
Stoney Creek, ON

From: Stan Kurak

Sent: January 7, 2021 2:52 PM

To: clerk@hamilton.ca

Subject: Notice of Zoning By-Law Amendment to Stoney Creek By-Law No. 3692-92 - 1400 Baseline Road, Stoney Creek (Ward 10)

Regarding: Changing low density residential to medium density residential for multiple storey high-rise dwellings

We strongly object to the proposed amendment. There should be a HEIGHT restriction imposed.

Also we object to any zoning changes to this area. Keeping in mind that there is no sufficient infrastructure in place or any room adequate to improve such.

AND I WOULD ALSO ASK TO HAVE OUR LETTER INCLUDED IN THE AGENDA OF THE JANUARY 12TH, 2021 PLANNING COMMITTEE MEETING.

THANK YOU,

Stan & Renee Kurak

From: Sherry Hayes

Sent: January 7, 2021 3:15 PM

To: clerk@hamilton.ca

Subject: Notice of Zoning By-Law Amendment to Stoney Creek By-Law No. 3692-92 - 1400 Baseline Road, Stoney Creek (Ward10)City Initiated Application CI-20-A

clerk@hamilton.ca

Notice of Zoning By-Law Amendment to Stoney Creek By-Law No. 3692-92 - 1400 Baseline Road, Stoney Creek (Ward 10)
City Initiated Application CI-20-A

**PLEASE INCLUDE OUR LETTER IN THE AGENDA OF THE JANUARY 12TH, 2021
PLANNING COMMITTEE MEETING**

Regarding: Changing low density residential to medium density residential for multiple storey high-rise dwellings

To the Mayor, City Planners, City Council, Planning Committee,

Regarding the proposed zoning amendment for 1400 Baseline Road, Stoney Creek, as residents of the lakeside community in Stoney Creek, we are vehemently opposing these proposed changes for our many concerns that follow within this letter.

Including our noted objections - With regard to the proposed zoning changes, the following questionable information has been noted and taken from within this zoning amendment proposal. In particular:

Excerpt...

BY-LAW NO. 21-____ To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at 1400 Baseline Road (Stoney Creek) Page 149 of 275 Appendix "C" to Report PED20002 Page 2 of 7 NOW THEREFORE the Council of the City of Hamilton enacts as follows

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

1. That Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-69(H)" Zone, Modified, Holding on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

1. That Subsection 6.10.7 "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law 3692-92, be amended by adding a new Special

Exemption, “RM3-69(H)” Zone, Modified, Holding, as follows:

“RM3-69(H)” Zone, Modified, Holding, 1400 Baseline Road, Schedule “A”, Map No. 4
For the purposes of this By-law,...

Notwithstanding the provisions of Paragraphs (d), (e), (g), (i) and (j) of Section 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3- 69(H)” Zone, Modified, Holding by this By-law, the following shall apply:

(c) Maximum Residential Density - 99 dwelling units per hectare

(d) Maximum Building Height –
For Townhouses – 11 metres
For Apartment Dwellings –

End of excerpt.

Referring to the line noted above in **bold** print:

We ask at this time - Why is there NO MAXIMUM BUILDING HEIGHT noted for the Apartment Dwellings in this Zoning By-Law Amendment under (d) Maximum Building Height of Subsection 6.10.7 “Special Exemption”? It was clearly stated in the public notices that were cited in the newspaper that - The proposed amendment will permit multiple dwellings up to a MAXIMUM HEIGHT OF NINE STOREYS.

We find this lack of information very concerning and in direct opposition with the public notice. Will this lack of maximum building metre height that is missing from this document proposal be yet another opportunity to use the ‘no height restrictions’ zoning on another specific parcel of land such as we are now experiencing and opposing on Frances Avenue? Will this now allow the city and developers the opportunity to capitalize on this ‘missing’ maximum building metre height restriction within this proposed zoning change?

Sadly, it appears that single family homes are no longer being encouraged in this area. Rather crowded townhouses and apartment style buildings, each with small square footage per unit, are being encouraged and approved as this city continues to re-zone to suit this over-intensification explosion in Stoney Creek’s lakeside community.

Residents of this area community have sited on countless occasions that the serious and negative ramifications are currently and will continue to be extreme regarding severe traffic issues, safety, infrastructure concerns and environmental impacts. The minimal or lack of green space and trees that come with this style of development is destructive in nature for several of the reasons noted within. We reiterate those same

concerns for the 1400 Baseline Road site.

This entire area of land from Grays Road and easterly bound -including 1400 Baseline Road - that sits north of the QEW and the North Service Road has taken and continues to take the brunt of over-intensification just within the past few years, with continued applications for extreme levels of high-density residential buildings.

To continue to take one site at a time and deem it 'Site Specific' for 'Special Exemptions' and rezoning is interpreted here as taking every site, one by one, and changing it to suit the city's mandate of population expansion, while using the lakeside area as the perfect spot to create desirable and quick property/residential sales that no longer represent 'family living' due to the minimal square footage of the units. Therefore, these property/unit purchases appear to be driven by speculators rather than purchasers planning to live on-site in a community.

We ask that you reconsider and not move forward with this zoning change for this site and maintain the current Neighbourhood Development "ND" Zone.

Sherry Hayes & Dennis Facia
Stoney Creek, ON

From: Bill Millar

Sent: January 7, 2021 4:05 PM

To: clerk@hamilton.ca

Subject: Notice of Zoning By-Law No. 3692-92-1400 Baseline Road, Stoney Creek, Ward 10, City Initiated Application CI-20-A

City Initiated Application CI-20-A.

As a resident of the Stoney Creek Lakeshore area, I am concerned that, while provisions for density are worthy of consideration to reduce urban sprawl, the access roads in our area are in danger of being overwhelmed with significant increases in population density. There appear to be few solutions to this situation with expansion of the road network limited by the QEW and the lake. I am also concerned about the difficulty of the needed expansion of other services such as sewer and water for the same reasons.

I note as well, that section (d) of the proposed amendment also numbered 1 states no restrictions to building heights for apartments, either by number of storeys or height in metres, even though the published public notice for the by-law change indicated a proposed maximum height of nine storeys. Given proposals for extremely tall buildings at the corner of Green Road and the North Service Road, which are strongly objected to by local residents, this omission is a serious concern.

Staff reports on the density issue make reference to the need to pay attention to the nature and realities of the existing affected neighbourhoods. I am concerned that this may be ignored in the development rush.

W. T. Millar,
Stoney Creek, ON

From: Sharon Williams <

Sent: January 7, 2021 6:53 PM

To: clerk@hamilton.ca

Subject: Notice of Zoning By-Law Amendment to Stoney Creek By-Law

**Notice of Zoning By-Law Amendment to Stoney Creek By-Law No. 3692-92 - 1400
Baseline Road, Stoney Creek (Ward 10)
City Initiated Application CI-20-A**

Regarding: Changing low density residential to medium density residential for multiple storey high-rise dwelling

I most strongly reject change in Zoning in order to amend the stories heights to be increased in our Community Beach from the existing Max heights.

Please count me as rejecting this proposal to our Zoning in this area.

Sharon Williams

Resident on Green Road Stoney Creek.

Please stop the over population this very small community.

From: Valerie Gardner

Sent: January 8, 2021 11:49 AM

To: clerk@hamilton.ca

Subject: Notice of Zoning By-Law Amendment to Stoney Creek By-Law No. 3692-92 – 1400 Baseline Road, Stoney Creek, (Ward 10) City Initiated Application CI-20-A

To: The Office of the City Clerk, City of Hamilton

Regarding: Changing low density residential to medium density residential for multiple storey high-rise dwellings

In reference to the Subject of this e-mail, we are writing to voice our concern over a potentially serious omission in Subsection 6.10.7 pertaining to Paragraph (d) in Subsection 6.10.3 of the Multiple Residential "RM3" Zone of Zoning By-law 3692-92.

While there is an 11 metre Maximum Building Height noted in section (d) for Townhouses, the By-Law amendment fails to denote the Maximum Building Height in metres for Apartment Dwellings. We are assuming that Apartment could also imply Condo Dwellings.

We are very concerned that without a specific building height being written into this By-Law, it might erroneously imply that there is NO MAXIMUM HEIGHT. This oversight cannot be allowed to go uncorrected. An unfortunate precedent has already been set just down the North Service Road from this proposed site.

We are speaking of the proposed three tower high-density, high-rise development at 310 Frances Avenue. Because of a past By Law "slip up", two towers reaching in the 50 storey range, and a third in the 40 storey range, are to be built on one site over the vociferous objections of the surrounding community.

It would be a travesty to see this current By-Law oversight go uncorrected and result in another such high density, high rise development along this already busy and well populated corridor.

In conclusion, and in light of the concerns raised here, we would like to bring your attention, and that of the City Council, to something that left us both dazed and baffled. It concerns something attributed to Jason Thorn, GM, Planning & Economic Development for the City of Hamilton. In the October TVO episode of "**The-Life Sized City**", which featured Hamilton, the host, Mikael Colville-Andersen, interviewed Mr. Thorn on camera at some length. Following the interview, Mr. Colville-Andersen, the host, said, and I quote, "**Jason and his team are working closely with developers, pushing them to integrate Hamilton's legacy into future construction and limiting the height of condo towers.**" The positive impression one gets from this message is that efforts will be made by the city to restrict building height. If this By-Law Amendment goes without designating the height of Apartment dwellings, we will be left with the reality that indeed it is the developers who have the upper hand.

Sincerely,

Valerie Gardner and Peter Miller
Stoney Creek, ON

From: Donna Head
Sent: January 11, 2021 8:48 AM
To: clerk@hamilton.ca
Subject: City Initiative CI-20-A 1400 Baseline Rd., Stoney Creek

Good morning,

I understand that the Hamilton Planning Committee is proposing the building of maisonette apartments, townhouses, etc at 1400 Baseline Rd., Stoney Creek. Our family is objecting to this plan.

Baseline Rd that flows into Winston Rd, Grimsby has become a busy traffic and pedestrian thoroughfare over the past several years due to the high density development both at Fifty Rd, Casablanca Blvd and in between. Baseline Rd does not accommodate vehicle and pedestrian traffic at all well.

To add more high density development, more vehicles, more foot traffic to an area that is already burdened is not safe for all the families that have now moved into this corridor.

How will all this extra traffic be managed to ensure safe passage for all the walkers, bikers and especially children who all currently live and play in this area?

Families have moved out to this area, away from high density development so their children have a safe environment to live in. This plan does not fit in our area.

Sincerely.

From: S Dale
Sent: January 11, 2021 8:58 AM
To: clerk@hamilton.ca
Subject: 1400 baseline road development

Good day

Please no more development! Why can't we have some green space. Hamilton is so filled with litter and garbage lining every road you pass so why bring more people in to add to it. Seriously! Drive down any side road and service road. Not every space should be built on.

Dale

From: thebeatties thebeatties
Sent: January 10, 2021 11:30 PM
To: clerk@hamilton.ca
Subject: 1400 Baseline Road, Winona, Ontario (Ward 10) Jan. 10, 2021

To members of the Planning Committee, City of Hamilton

January 10, 2021 11:30 p.m.

Re: 1400 Baseline Road, Winona (Ward 10)

City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (PED20002) (Ward 10) -

*1400 Baseline Road, in order to **permit** Maisonettes, Townhouses, **Apartment Dwellings**, Dwelling Groups, a Home Occupation and Uses, buildings or structures accessory to a permitted use, for lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix "A" to **Report PED20002**, be APPROVED*

The possibility of a NINE storey Apartment Building at this site is not in keeping with the homes surrounding this site. Also the Fifty Point Conservation Area, only a few steps from this site, should not be overshadowed by such a proposal. **Please do not vote to approve this amendment.** Maintain the current Low Density Residential Designation!

Please also make a site visit to see the neighbourhood!

Is there a way to watch this public meeting without participation?

As per the public notice of Dec. 24, 2020 in the Stoney Creek News, stated under 'Collection of Information', I request that you please remove my personal information before publishing my comments.

Thanking you in advance,

Georgina Beattie

From: Trena
Sent: January 10, 2021 10:52 PM
To: clerk@hamilton.ca
Subject: Winona & Baseline Rd

Hello,

I was made aware this evening that the development at this location may be expanded to 9 stories and would like more information please.

This community is not the right place for this density. I live at Benziger and Winona and there is enough unchecked traffic in the area as it is.

Trena Ennis

From: Deborah Martin

Sent: January 10, 2021 5:33 PM

To: clerk@hamilton.ca

Subject: Notice of zoning by-law amendment to Stoney Creek by-law No. 3692-92 --- 1400 Baseline Road, Stoney Creek (Ward 10)

To members of the Planning Committee

I am writing in regards to the Planning Committee to be held Tuesday, January 12, 2021 at 9:30am. This meeting is being called to discuss changing low-density residential to medium density residential for multiple storey high-rise dwellings.

In my residential area this zoning change proposed has become another attack on the Lakeside properties. If current zoning of low density is changed to areas of high-rise density it will only add to the ongoing crisis of traffic congestion in our community and overwhelmingly on the North Service Road. Other neighbourhood issues have previously been mentioned regarding the overdevelopment of certain areas with the concomitant challenges of parking, safety for residents and the protections for the environment. We are strongly opposed to this over intensification in development.

In the amendment, Part D, there is no height stated. In the Spectator article the maximum height of multiple dwellings was stated to be 9 storeys. No height was stated in the zoning by-law report on the city of Hamilton's website available on January 7, 2021 under (d.) Maximum building height of subsection 6.10.7. We understand development is important and needs to occur. Our residents have put forth what some planners have called the middle ground structures. This category includes three and four storey buildings, duplexes, semi-detached homes and low to mid-rise apartments.

The people living in this neighbourhood would like to have input with our councillor regarding the size and nature of the areas in future development. We are the people who've lived here and continue to because we appreciate the delicate balance of what our neighbourhood contains.

There is no need for more multiple storey, high-rise dwellings as our neighbourhood has already accepted 2 new developments of multiple storeys within a 4 block distance. Since Hamilton is expected to grow within the coming years, surely space remains between the downtown core and our outlying area. One area, like ours, does not have to be inundated with development when so many parts of Hamilton are empty.

Therefore, I am opposed to an amendment to the present zoning by-law in Stoney Creek By-law No. 3692-92. I do not endorse changing low-density residential to medium density residential for multiple storey high-rise dwellings.

Thank you,
Debbie Martin

From: Tom Bibby
Sent: January 10, 2021 5:03 PM
To: clerk@hamilton.ca
Subject: Notice of Zoning By-Law Amendment #3692-92

To Whom it may concern:

My name is Tom Bibby and I am sending this email on behalf of my wife, Catharine and myself. We reside at Green Rd, Stoney Creek, ON .

With regard to the above mentioned amendment, there is no maximum height noted in the zoning by-law for the apartment dwelling (d) Maximum Building Height of Subsection 6.10.7. It was clearly stated in the public notice sited in the newspaper that-the proposed amendment will permit multiple dwellings up to a MAXIMUM HEIGHT OF NINE STOREYS.

WITH THIS METRE/BUILDING HEIGHT NOT BEING INDICATED/INCLUDED IN THE ACTUAL AMENDMENT, IS THIS ANOTHER OPPORTUNITY FOR THE CITY AND LOCAL COUNCIL TO USE THE "NO HEIGHT RESTRICTIONS" ON A SPECIFIC PARCEL OF LAND SUCH AS WE ARE NOW EXPERIENCING AND OPPOSING AT 310 FRANCIS AVENUE?

THIS IS A SERIOUS OMISSION. PLEASE SEE THAT THERE IS A MAXIMUM HEIGHT STATED AND IT IS MADE PUBLIC.

Please confirm to us that this email message was received before the meeting.

Yours truly,
Thomas Bibby

From: Dawn Simpson
Sent: January 11, 2021 11:46 AM
To: clerk@hamilton.ca
Subject: 1400 Baseline - proposed development concerns

Hi there! My name is Dawn Simpson and I am a resident of Winona and a real estate agent in touch with the needs of my community. I grew up here and I now live at ## Winona Road, close to the proposed development at 1400 Baseline Road. I understand there is a public meeting being held this week with regards to the future of this development.

I have heard that a 9-storey development with up to 99 units may be on the table. If this is true, then I do have some concerns, firstly with the potential for increased crime in the area. Condo units are more affordable than housing units, so it's a given that this kind of development would attract lower incomes. Let me make it clear that I have no problem with affordable housing, however, when low-income housing is highly concentrated, it creates problems with crime and a declining quality of the neighbourhood. Low-income units should be dispersed here and there instead, not concentrated in large developments where problems with crime can develop. Following several community pages, I see reports of residents upset with the frequency of neighbourhood crime quite frequently already, especially in the Lake Pointe and Fifty Point West areas. A large development here attracting lower-income residents would only further degrade the quality of the community

A low-income, concentrated development can also serve to devalue the properties in the immediate area, driving local residents away, changing the community demographics. This is not the vision that I think most Winona residents have of their lives as they have flocked here from other areas, settling in to raise their families in a safe and beautiful community.

Additionally, a large building with up to 9 storeys would be out of keeping with the rest of the area. It wouldn't fit in visually, and the increase in traffic would create additional complications with safety, noise, and congestion. While more concentrated developments have sprung up at the end of Casablanca, that doesn't mean that residents here would welcome the change in community direction with open arms. These are major concerns, as this type of development is not what attracted most of Winona's residents to this area initially. It would change the feel of community, and not for the better.

What this area lacks is housing for seniors. There is very little available in units that are one-floor, or accessible, for seniors to live independently. If there was an exclusive place for some of our seniors to live so they could remain in their community, i.e. accessible condos or bungalow townhomes, that might be one way to increase density somewhat, without bringing concerns of increased crime in the area. But 9 storeys, that would be out of keeping with the rest of the community, and I don't believe it would be welcomed by most residents, who moved here for the quiet, the quaintness, and of course, the safety.

Please consider the impact on the community before being wooed by the prospect of the city making a lot of money on a huge development that I know this community would not want.

Regards,
Dawn Simpson



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 8, 2020
SUBJECT/REPORT NO:	Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-20-006 by Webb Planning Consultants on behalf of Veloce Luxury Homes, Owner,** to redesignate the subject lands from “Low Density Residential 1” to “Low Density Residential 3” within the Ancaster Wilson Street Secondary Plan in order to permit the development of six street townhouses, and to establish a site specific policy to recognize the existing road right-of-way width, for lands located at 15 Church Street, as shown on Appendix “A” to Report PED20205, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20205, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, as amended.

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- (b) That **Zoning By-law Amendment Application ZAC-20-011 by Webb Planning Consultants on behalf of Veloce Luxury Homes, Owner**, for a change in zoning from the Existing Residential “ER” Zone, to Holding Residential Multiple “H-RM2-712” Zone, Modified, in Zoning By-law No. 87-57 (Ancaster), to permit six street townhouses for lands located at 15 Church Street (Ancaster), as shown on Appendix “A” to Report PED20205 be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED20205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O 1990 to the subject lands by introducing the Holding “H” as a prefix to the proposed zoning as shown on Schedule “A” of Appendix C to Report PED20205;

The Holding Provision “H-RM2-712” be removed conditional upon:

- i. Submission and approval of a Stage 4 Archaeological Assessment for site AhGx-786 to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries; and,
 - ii. Submission approval and implementation of a Documentation and Salvage report to the satisfaction of the Director of Planning and Chief Planner.
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iv) That this By-law will comply with the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The Owner has applied for an amendment to the Ancaster Wilson Street Secondary Plan and the Ancaster Zoning By-law No. 87-57 to permit the redevelopment of the subject lands for six street townhouse dwelling units fronting onto Church Street. The townhouse units will be conveyed into two blocks with each block comprised of three units. The townhouse dwellings will be two and a half storeys in height and have two parking spaces for each street townhouse dwelling unit. The proposed street townhouse dwelling units range in total ground floor area from 213 square metres to 221 square

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metres. The townhouse units will be freehold and consent applications will be required to create the separate parcels of land. To implement the development proposal, the following amendments are required:

- An Official Plan Amendment to amend the designation from the “Low Density Residential 1” to the “Low Density Residential 3” designation and to establish a Site Specific Policy to recognize the existing road right-of-way width within the Ancaster Wilson Street Secondary Plan; and,
- A Zoning By-law Amendment to rezone the subject lands from the Existing Residential “ER” Zone to Holding Residential Multiple “H-RM2-712” Zone, with site specific modifications to implement the proposed development.

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

- it is consistent with the Provincial Policy Statement (2020) (PPS);
- it conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- it complies with the intent of Urban Hamilton Official Plan (UHOP) and will comply with the Ancaster Wilson Street Secondary Plan, subject to the proposed Official Plan amendment;
- it is compatible with and complementary to the existing surrounding neighbourhood; and,
- it represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances the streetscape and provides for additional housing opportunities in the community.

Alternatives for Consideration – See Page 32

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for lands located at 15 Church Street (Ancaster) (PED20205) (Ward 12) - Page 4 of 33

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Veloce Luxury Homes
Applicant/Agent:	Webb Planning Consultants
File Number:	UHOPA-20-006 ZAC-20-011
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment
Proposal:	Six street townhouse dwelling units at two and a half storeys in height, each with two parking spaces. (See Appendix "E" to Report PED20205).
Property Details	
Municipal Address:	15 Church Street (see Location Map attached as Appendix "A" to Report PED20205)
Lot Area:	0.1266 ha (rectangular)
Lot Frontage:	50.31 metres
Servicing:	Full Municipal Services
Existing Use:	A single detached dwelling (vacant) proposed to be demolished.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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Official Plan Existing:	<ul style="list-style-type: none"> • “Community” on Schedule E – Urban Structure and “Mixed Use Medium Density” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	<ul style="list-style-type: none"> • No amendment proposed to Volume 1 Land Use Designations.
Secondary Plan Existing:	<ul style="list-style-type: none"> • Ancaster Wilson Street Secondary Plan – “Low Density Residential 1”
Secondary Plan Proposed:	<ul style="list-style-type: none"> • Ancaster Wilson Street Secondary Plan – “Low Density Residential 3”
Zoning Existing:	Existing Residential “ER” Zone
Zoning Proposed:	Holding Residential Multiple “H-RM2-712” Zone
Modifications Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> • Minimum Lot Area of 1260 square metres of total parcel area and 164 square metres per dwelling unit; • Minimum Lot Frontage of 6.5 metres per dwelling unit and 9.8 metres for a dwelling end unit which does not abut a flanking street; • Minimum Lot Depth of 25 metres; • Maximum Lot Coverage of 49 percent; • Minimum Front Yard of 5.5 metres to façade and 6 metres to a garage; • Minimum Side Yard of 3 metres for a unit abutting current lot boundary, 1.9 metres to a proposed interior lot line; • Minimum Rear Yard setback of 7.2 metres, and 5.1 metres for posts, beams and/or covered deck, and 5.1 metres for the second and upper most storey; • Planting strip of a minimum of 3 metres shall be provided adjoining lands zoned “ER” and “R3”, and a chimney may project into the planting strip a distance of not more than 0.6 metres; and, • Modifications for Encroachment, Privacy Screens, and Planting Strips. <p>(See Appendix “D” to Report PED20205)</p>

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Processing Details	
Received:	December 17, 2019
Deemed Complete:	Notice of Complete Application given on January 21, 2020
Notice of Complete Application:	Sent to 39 property owners within 120 metres of the subject property on January 29, 2020.
Public Notice Sign:	February 3, 2020 and updated on November 11, 2020.
Notice of Public Meeting:	Sent to 39 property owners within 120 m of the subject property on October 30, 2020.
Public Consultation:	On February 3, 2020 a meeting was hosted by the Ancaster Community Council. The applicant presented the proposal to members of the public and addressed questions and concerns associated with the application. City staff, the Ward Councillor, members of the Ancaster Advisory Committee, the applicant and the agent as well as a member from the public attended the meeting.
Public Comments:	34 letters / emails, all expressing opposition or concerns (see Appendix "F" to Report PED20205).
Processing Time:	323 days

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling	Existing Residential "ER" Zone
<u>Surrounding Land Uses:</u>		
North:	Commercial Entertainment	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for lands located at 15 Church Street (Ancaster) (PED20205) (Ward 12) - Page 7 of 33

East:	Single Detached Dwellings	Existing Residential “ER” Zone and Residential “R3” Zone
South:	Offices and Single Detached Residential	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone and Existing Residential “ER” Zone
West:	Office	Mixed Use Medium Density - Pedestrian Focus (C5a, 570) 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 (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS 2020. The application has been reviewed with respect to the PPS policies that contribute to the development of healthy, liveable and safe communities.

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

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
- b) efficiently use land and resources;
 - c) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - d) minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - e) prepare for the impacts of a *changing climate*;
 - f) support active transportation;

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- g) are *transit-supportive*, where transit is planned, exists or may be developed; and
- h) are *freight-supportive*.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

The PPS encourages intensification of land within urban areas, promotes efficient use of existing infrastructure and the support of public transit. The provision of an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents is also an important target. The proposed development seeks to add to the range of housing types in the neighbourhood and the proposed increase in density represents an efficient use of land and existing infrastructure. This will ensure an efficient use of land and services by using existing and planned infrastructure to avoid unjustified and uneconomical expansion.

Archaeology

Staff note the Archaeology policies have not been updated within the UHOP in accordance with the PPS. The following policies of the PPS also apply:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 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.”
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been

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demonstrated that the heritage attributes of the protected heritage property will be conserved.”

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

- 1) Within 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) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes;

These criteria define the property as having archaeological potential. A Stage 1, 2 and 3 archaeological assessment (reports #P379-0265-2019, P379-0266-2019, P379-0271-2019) for the subject property were submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries.

The results of the Stage 3 archaeological site indicated the presence of a Wagon Shop (circa 1820-1871) and noted the site may also represent other adjacent commercial activities such as that of a blacksmith as well as contemporary and later domestic habitation of the site. As a result, the report recommends that further archaeological work be conducted to address the archaeological potential of the subject property. Heritage Staff concur with this recommendation and require that the applicant conduct a Stage 4 archaeological assessment. This report must be submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries and the City of Hamilton prior to any further approvals. As such, a Holding Provision is recommended and will not be lifted until the applicant receives Ministry clearance.

A Cultural Heritage Impact Assessment (CHIA) dated December 2019 was completed for the subject property by Megan Hobson and Associates. The subject lands are adjacent to several cultural heritage resources including three designated heritage properties (Hammill House, Tisdale House, and Ancaster Town Hall) and three Inventoried heritage properties (25 Church Street, and 342 and 346 Wilson Street East). In addition, the subject lands are adjacent to the Ancaster Village Core Cultural Heritage Landscape (CHL). The CHIA recommends a number of design measures to ensure the design is compatible with adjacent cultural heritage resources. Planning staff have reviewed the Cultural Heritage Impact Assessment (CHIA) and have found it to be comprehensive and complete. Staff are recommending that any historic fabric to be removed from the existing dwelling, including windows and doors, be salvaged for re-use where feasible. Documentation regarding the salvage of these features (a Salvage

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Report) is required to be submitted. The Holding Provision included in the amending Zoning By-law (attached as Appendix “C” to Report PED20205), in addition to the abovementioned requirement, completion of the Archaeological Assessment, also requires the applicant to prepare and implement a Documentation and Salvage Report to the satisfaction of the Director of Planning.

Noise

Regarding noise, the PPS provides the following:

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

As the application is for a sensitive land use that is within 400 metres of a major arterial road, a detailed noise study is required in order to identify any noise mitigation measures / construction techniques that may be required. Necessary warning clauses identified through the study can be included on the Site Plan drawing along with any further recommendations identified in the Noise Study and implemented through the Site Plan approval process.

The applicant submitted a Noise Feasibility Study prepared by HGC Engineering Limited, dated December 17, 2019, in support of the proposed development. The study reviewed the acoustic requirements for this development with respect to noise anticipated from Wilson Street East and Church Street.

Based on the results of the study, noise warning clauses will be required to be included on the future Site Plan undertaking and in all agreements of purchase and sale or lease and all rental agreements.

In the opinion of staff, the proposed Official Plan Amendment and implementing Zoning By-law Amendment are consistent with the policies of the PPS (2020) and consistent with Section 3 of the *Planning Act*;

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

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

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

The subject lands are located within the Urban Boundary and Built-up Area in a settlement area, as shown on Appendix “G” – Boundaries Map of the UHOP. The proposal to redevelop the subject lands for a total of six street townhouse dwellings provide for a more efficient use of land. The proposal contributes to a more compact built form on full municipal services, is efficient and cost effective and is at an appropriate density.

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

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Community Node” on Schedule “E” – Urban Structure and designated as “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations. The lands are also designated “Low Density Residential 1” on Map B.2.8.1 – Ancaster Wilson Street Secondary Plan – Land Use Plan.

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

Community Nodes

- “E.2.3.3.2 Within each Community Node a range of uses shall be provided that allow for access to housing, employment, services, and recreation in close proximity to each other and transit. The Community Nodes shall provide services to residents within the former area municipalities and surrounding neighbourhoods in a mixed use environment.
- E.2.3.3.5 Community Nodes shall function as vibrant, mixed use areas containing a range of housing opportunities, including *affordable* housing and *housing with supports*. The unique characteristics of the individual Community Nodes lend themselves to a range of built forms.

Mixed Use - Medium Density Designation

- “E.4.6.2 The Mixed Use - Medium Density designation shall be applied to traditional ‘main street’ commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm.
- E.2.6.4 It is also the function of areas designated Mixed Use - Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential development. Residential development enhances the function of these areas as transit supportive nodes and corridors.”

The subject lands are within a Community Node as identified on Schedule E – Urban Structure. Community Nodes are intended to be a focus of activity for the surrounding

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community and also intended to provide for a wide range of housing opportunities. The proposal adds to the range of housing opportunities. Comments on the permitted uses, compatibility with the existing residential neighbourhood, density and form are discussed in further detail under the section dealing with the “Ancaster Wilson Street Secondary Plan”.

The proposed built form regulations for the street townhouses in the implementing Zoning By-law will ensure compatibility between the existing and proposed residential uses in the area.

Climate Change

“B.3.6.2 Several goals and policies of this Plan, both directly and indirectly contribute to the improvement of air quality and reduce greenhouse gases:

- a) promoting compact, mixed use urban communities;
- c) promoting walking, cycling, and use of public transit;
- g) reducing the heat island effect through the use of reflective roofs, green roofs, natural landscaping, and increasing the tree canopy.”

The proposal promotes a compact form that is in proximity to the Ancaster Village Core, which will promote other transportation options such as walking and public transit for its residents. While the proposal does include green roofs which would add to reducing the urban heat island effect, the use of a infiltration trench to better serve the storm water run-off impacts will also be required. This will be further reviewed at the Site Plan Control stage and will be incorporated into a future consent agreement to provide for the maintenance of any and all required on-site SWM controls.

Natural Heritage

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

Trees have been identified on the subject property, and staff have reviewed the submitted Tree Protection Plan prepared by Adesso Design Inc, dated December 18, 2019. The City requires 1 for 1 compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan which will be required at the future Site Plan Control stage. The site has 16 trees with 10 cm DBH and nine trees are

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proposed to be incorporated on the site, leaving a total of seven trees for which cash-in-lieu will be required at the Site Plan Control stage.

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:
- f) Local roads, subject to the following policies:
 - iii) The City recognizes that in older urban built up areas there are existing road right-of-way widths significantly less than 20.117 metres. Notwithstanding the other road right-of-way widening policies of this Plan, it is the intent of the City to increase these existing road rights-of-ways to a minimum of 15.24 metres with daylight triangles at intersections instead of the minimum required 20.117 metre road right-of-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced road right-of-way width.”

Church Street is classified as a Local road and has an existing width of approximately 12.2 metres. The applicant has illustrated on the Concept Plan (Appendix “E” to Report PED20205) that municipal sidewalks and utilities can be accommodated within the existing right-of-way width. Transportation Planning and Engineering in discussions with the applicant are in agreement that the existing right-of-way width is of sufficient space for sidewalks and driveways proposed. As such, a right-of-way widening will not be required. As the existing right-of-way width is less than 15.24 metres as per the above policy, an amendment to the UHOP is required. This has been addressed through the Official Plan Amendment attached as Appendix “B” to Report PED20205 and is further discussed in the Analysis and Rationale for Recommendation section of this Report.

Ancaster Wilson Street Secondary Plan

The Ancaster Wilson Street Secondary Plan objectives are described in Volume 2, Section B.2.8.5. The Secondary Plan recognizes the historic value of the Ancaster Village Core and encourages development that provides for a range of housing, employment, services, and recreation options in a form that is appropriately integrated with the existing historic buildings and landscapes, and promotes a liveable, walkable community.

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The lands are designated “Low Density Residential 1” on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan - Land Use Plan. The current designation permits single and semi-detached housing forms at a height of two and a half storeys and a net residential density range between 1 to 20 units per hectare. The applicant has requested an amendment to the Ancaster Wilson Street Secondary Plan is required to redesignate the lands from “Low Density Residential 1” to “Low Density Residential 3” to permit the proposed development. The requested Official Plan Amendment and Zoning By-law Amendment have been evaluated against the policies of the “Low Density Residential 3” designation, and the following policies, amongst others, apply.

“B.2.8.7.2 In addition to Sections B.3.2 - Housing Policies, C.3.2 - Urban Area General Provisions, and E.3.0 - Neighbourhood Designations of Volume 1, the following policies apply to all residential land use designations identified on Map B.2.8-1 - Ancaster Wilson Street Secondary Plan: Land Use Plan:

- a) Residential development or redevelopment and infill development shall maintain and enhance the character of the residential areas through architectural style that is sympathetic and complementary with the existing adjacent residential areas, heritage buildings, and uses. Further direction regarding design shall be provided in the Urban Design policies, detailed in Policy 2.8.12 of this Plan.
- c) Reverse frontage lotting patterns shall not be permitted, except where existing on the date of approval of this Secondary Plan.”

The proposal results in a design that will incorporate the same or similar materials found throughout the area such as wood panelling and red brick. The wood panelling is found on many of the existing built heritage resources and the red brick will be salvaged for chimney features for the proposed street townhouses. The design being two and a half storeys, is intended to facilitate transition from the stable residential neighbourhood to the Community Node area along Wilson Street East and the use of materials that are similar to that of the surrounding heritage buildings will further complement the area. The proposed design is compatible with adjacent cultural heritage resources and is sympathetic to the existing style of low-rise residential and commercial uses. The proposed buildings are facing and will have direct access to Church Street, and therefore implements the direction of the Secondary Plan.

“B.2.8.7.3 b) In addition to Section E.3.4 – Low Density Residential of Volume 1, for lands designated “Low Density Residential 3” on Map B.2.8-1 - Ancaster Wilson Street Secondary Plan: Land Use Plan, the following policies shall apply:

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- i) In addition to Policy E.3.4.3 of Volume 1, all forms of townhouses and low-rise multiple dwellings shall be permitted.
- ii) Notwithstanding Policy E.3.4.4 of Volume 1, the net residential density range shall be 20 - 60 units per hectare.
- vi) New development or redevelopment shall ensure the height, massing, scale, and arrangement of the buildings and structures are compatible with the abutting uses.”

The proposal is for street townhouses which are a permitted use within the “Low Density Residential 3” designation. The proposal also provides a net residential density of approximately 48 units per hectare, with proposed zoning regulations to ensure the height, massing and scale as well as setbacks and orientation of buildings are complementary and sympathetic to the surrounding area. The property is a transitional area between Wilson Street East and the adjoining residential neighbourhood. The existing built form includes a mix of land uses including commercial and institutional buildings, surface parking and low density residential uses. Staff note that the surrounding residential uses are predominantly one and a half to two and a half storeys in height. The design is appropriately setback from Church Street, has appropriate side yards for access and maintenance and has appropriate private outdoor amenity area. As such, the proposal will not detract from the use and function of surrounding uses. The proposal will add to the range of dwelling types at a location that supports public transportation and fosters active transportation, and staff find the proposal compatible with surrounding land uses.

Staff note that the Secondary Plan does not indicate a height requirement, as such, policy E.3.4.5 of Volume 1 of the Official Plan applies which permits a maximum height of three storeys.

“B.2.8.6.1 Ancaster Community Node Policies

In addition to Section E.2.3.3 - Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features:

- a) The Ancaster Community Node shall be a focus area for growth, development, and intensification within the Ancaster Wilson Street Secondary Plan.

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- b) The Ancaster Community Node shall include a range of housing forms and tenures, and a mix of employment, institutional, recreational, and commercial uses subject to the land use designation policies of this Secondary Plan and Volume 1 of this Plan.
- c) Intensification and infill development shall be balanced with the heritage and historic character of Ancaster. Further guidance for incorporating heritage features, design, and overall character through infill and intensification is provided in the supporting Ancaster Wilson Street Urban Design Guidelines.”

The proposed development is in keeping with Policies 2.8.6.1 a), b), and c) as it will contribute to growth and development within the Ancaster Community Node. It also introduces an additional housing form to the area and will be incorporating heritage features, design and a form that are guided by the Ancaster Wilson Street Urban Design Guidelines, which are discussed later in this Report PED20205.

B.2.8.12.1 Urban Design Policies

- “a) Development and redevelopment shall be consistent with the Ancaster Wilson Street Secondary Plan Urban Design Guidelines, and shall be sympathetic to adjacent building styles, features, and materials when adjacent to a designated or listed heritage building.
- c) For the purposes of maintaining community character and cohesive design, five Character Areas have been identified, as shown on Appendix A - Character Areas and Heritage Features. The five Character Areas shall include:
 - ii. Village Core, located from Rousseaux Street to Dalley Drive, which is the traditional downtown of Ancaster consisting of retail, commercial, and mixed residential uses
- e) New development or redevelopment shall complement the distinct character, design, style, building materials, and characteristics, which define each Character Area.
- f) Design requirements shall only apply to commercial and mixed use areas, institutional, and multi-residential developments. The Guidelines shall not apply to single detached and semi-detached dwellings.

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- j) Two primary commercial mixed use areas have been identified within the Ancaster Wilson Street Secondary Plan and are part of the Community Node: the Uptown Core and Village Core, as shown on Appendix A - Character Areas and Heritage Features. The following policies shall apply to the Uptown Core and Village Core:
- ii. The Village Core area, shown on Appendix A - Character Areas and Heritage Features, shall be consistent with the following design considerations:
 - 2. Buildings within the Village Core should incorporate historical building features and styles in order to encourage a village atmosphere and pleasant pedestrian experience, where feasible;
 - 3. Additional considerations to encourage the historic characteristics of the Village Core, including heritage styled signage and building façades, as described in the Urban Design Guidelines, should be given for any development or redevelopment;
 - 4. The Village Core area should express a strong heritage design character that invites pedestrians and encourages interaction; and,
 - 5. The heritage characteristic of the Village Core area can be strengthened through the use of a public walkway linking buildings and other land uses.”

The Village Core area contains historic buildings that are typically block forms of one and two storeys in height which feature balanced/symmetrical facades and roof lines with gables and dormers. Staff note that the new development proposes block form development with roof lines that include gable and dormer combinations and includes balanced/symmetrical facades. The Village Core policies provide direction regarding wall materials, door materials and roof design in specific areas. In this area, materials and design techniques such as grey-buff coloured stone, red brick or wood cladding, glazed doors, pitched roofs, overhangs, and horizontal lines are encouraged. The proposed development intends to use reclaimed brick and wood cladding in its design, and also uses a varied roof profile with gables and dormers that are present in nearby existing buildings.

The proposed setbacks match that of the neighbouring property to the east, which provides a consistent streetscape while reinforcing the built character and providing a vibrant and comfortable pedestrian environment. The proponent will also be widening

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the narrow 1.29 metre wide sidewalk to a 1.79 metre width to enhance the pedestrian experience.

Ancaster Wilson Street Urban Design Guidelines

The lands are located within the Village Core Area of the Ancaster Wilson Street Urban Design Guidelines. The proposed building form on the subject lands is identified as Typology A. The following excerpts of the Guidelines apply.

Design Goals

“The intent of these design guidelines for the Village Core Design District is to enhance and promote its existing character to preserve the identity of the community and maintain the pedestrian scale of the corridor. Primary elements of the guidelines that achieve this include:

- Building masses are compact and sited on individual lots with defined front and side yards;
- Building heights are limited to 2-½ storeys with pitched rooflines;
- Building materials and details are simplified;
- Walkability, pedestrian access and comfort is prioritized; and,
- Vehicle parking is located in connected rear lots.”

The proposed storey street townhouses will have pitched roofs and will have exterior cladding materials such as brick and wood cladding. These materials are reflective of the surrounding area. Staff note that the street townhouses are separated into two blocks of street townhouse dwelling with each block containing three units. Appropriate side yards and the front yard setback are proposed that are consistent of the adjacent property to the east. The guideline requiring vehicular parking in the rear yard is intended to target office, commercial and larger scale residential uses. Other design requirements that will be considered through Site Plan Control include windows, accesses, and landscaping requirements.

Based on the above analysis, staff are of the opinion that the proposed development complies with the policies of the UHOP, the general intent of the Ancaster Wilson Street Secondary Plan, and is consistent with the Ancaster Wilson Street Urban Design Guidelines.

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

The subject lands are currently zoned Existing Residential “ER” Zone in the former Town of Ancaster Zoning By-law No. 87-57. The Existing Residential “ER” Zone permits one detached dwelling on one lot and uses, buildings and structures accessory thereto. The subject lands are occupied by a single detached dwelling.

In order to implement the proposed development of six, two and a half storey street townhouses, the applicant has applied to rezone the lands to a modified “RM2” Zone.

An analysis of the proposed modifications for the subject lands are contained in Appendix “D” to Report PED20205.

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
Alectra Utilities	Require that any relocation, modification, or removal of any existing hydro facilities are the developer’s responsibility and shall be at their expense. Will obtain an easement for utilities if required.	Staff note that these are standard conditions from Alectra Utilities and that the applicant has been made aware of Alectra Utilities comments. These requirements will also be reviewed through the Site Plan Control process.
Growth Planning	Have requested individual addresses be assigned. It should be established if an easement is required to be established for access, and maintenance within the rear yards and interior side yards of the subject development.	Individual addresses will be established through the Site Plan Control process.
Recycling and Waste Collection, Public Works Department	Noted that the development would receive curbside collection.	The requirements for serviceability will also be reviewed through the Site Plan Control process.

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	This development is eligible for municipal waste collection service subject to meeting the City's requirements for serviceability.	
Public Health Services, Healthy and Safe Communities	Support the development that increases density and provides for a pedestrian oriented streetscape.	Staff note Public Health Services support of the applications.
Transportation Planning	<p>Support the Official Plan Amendment and Zoning By-law Amendment. A Right of Way dedication is not required.</p> <p>Note that a Transportation Impact Study is not required. Minimal vehicle traffic will be generated by this development and is unlikely to have a perceptible negative impact on the area road network.</p> <p>The proponent is required to make revisions to the site plan to include 3 metre by 3 metre visibility triangles for individual driveways.</p> <p>The municipal sidewalk must be illustrated, and the width dimensioned on the site plan. It must be reconstructed to current City standards at the Applicant's expense.</p>	Details regarding municipal sidewalk and visibility triangles to be addressed through the Site Plan Control process.
Engineering Approvals	Reviewed the Functional Servicing Report, Preliminary Grading and Erosion Control	The applicant is required to obtain acknowledgement in writing from the neighbouring north property

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	<p>Plan, Preliminary Site Servicing Plan and Survey Plan submitted with this application.</p> <p>Final road dedication comments to be at the discretion of Transportation Planning.</p> <p><u>Grading and Erosion Plan</u></p> <p>Green roof details if proposed, should be provided at the detailed design phase.</p> <p>Overall, no major concerns with the preliminary Grading and Erosion Plan, and a detailed review of Grading will occur at the Site Plan Control stage.</p> <p><u>Site Servicing Plan</u></p> <p>The extension of the storm sewer will require an External Works Agreement.</p> <p>There are conflicting records on the storm sewer configuration and sizing along Church Street; there are no existing as-built drawings. The proponent shall coordinate with the City to inspect the actual installed conditions and base their design/calculations accordingly.</p>	<p>owner that flows will be accepted from the subject lands.</p> <p>Through the Site Plan Control process the applicant will be required to enter into an External Works Agreement for the extension of the storm sewer.</p> <p>Through the Site Plan Control process the applicant will be required to submit:</p> <ol style="list-style-type: none"> 1. A Geotechnical Report as underground parking is proposed. 2. An updated Functional Servicing and Stormwater Management Report. 3. Detailed engineering drawings including: <ul style="list-style-type: none"> • Grading Plan; • Servicing Plan; and, • Erosion and Sedimentation Control Plan. <p>Engineering Approvals staff have identified that generally there are no concerns with the proposal, and the necessary details identified and reviewed above shall be implemented through the future Site Plan Control application.</p> <p>Engineering Approvals recommends replacing the green roofs with a larger infiltration trench. Staff note that the</p>
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	<p><u>Water Servicing</u></p> <p>The peak domestic water usage for the site, based on population-based approach for the development, has been calculated as 0.264 L/s. This calculation is acceptable.</p> <p><u>Required Fire Flow</u></p> <p>The required fire flow (RFF) has been calculated as 3600 L/min (60 L/s) using the Ontario Building Code (OBC) Water Supply Flow Rate Method.</p> <p>The City's target available fire flow (AFF) for medium density residential land uses (three units or less per building) is 125 L/s.</p> <p>The City's hydrant testing at the closest municipal hydrant (AM13H029, dated June 25, 2019 and AM13H051, dated July 2, 2019) resulted in theoretical available flows of 2528 IGPM (192 L/s) and 2143 IGPM (162 L/s), respectively, at 20psi.</p> <p>As such, the municipal water system has the capacity to provide the required domestic and fire demands for the development, as described above.</p>	<p>applicant is still reviewing an approach that may allow for a green roof as part of the detailed design process. This will be further reviewed at the Site Plan Control stage.</p>
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	<p><u>Sanitary / Storm Sewer Servicing</u></p> <p>The capacity provision for the sanitary sewer along Church Street was designed for 60ppHa. It appears that the proposed density on the site has increased to 167ppHa (based on 3.5 ppu at 6 proposed townhouse units). Development Engineering has reviewed the sanitary capacity analysis provided for the downstream sanitary sewer (downstream of Hill Crest and Clarendon Drive) and does not expect any issues regarding the sanitary sewer capacity at the 200mmØ sanitary sewer on Hill Crest.</p> <p><u>Stormwater Management</u></p> <p>It is proposed to retain the 25mm runoff volume by the green roof on the townhouse units. Please note that green roof is not a standard practice for townhouses and as per the CVC/TRCA guidelines, green roofs are mostly recommended for high rise buildings or commercial development, due to the extensive maintenance requirements. We recommend removing the green roof and evaluating the option of upsizing the proposed rear infiltration basin to contain the entire</p>	
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	<p>100-year post-development runoff. If green roof is proposed, an opinion from a structural engineer will be required and some form of agreement will be required to ensure maintenance of the green roofs.</p> <p>The proposed rear infiltration basin should be designed based on in-situ infiltration testing and as noted in the report, the geotechnical analysis should be provided during the detailed design stage. The site plan will contain an undertaking note to ensure the proposed infiltration basin will be maintained as per the approved grading plan at all times.</p>	
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Departments and Agencies with no concerns

- MPAC;
- Union Gas;
- Bell Canada;
- Canada Post;
- Hamilton Wentworth District School Board;
- Hamilton Wentworth Separate School Board;
- French Public School Board;
- French Catholic School Board;
- Cogeco Cable;
- Hydro One;
- Hamilton Conservation Authority;
- Recreation Division; and,
- Forestry, Public Works Department

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Public Consultation		
Comment		Staff Response
Traffic/Parking	<p>Public submissions identified concerns with respect to traffic including increased congestion, speeding, and parking.</p> <p>There are existing undesirable traffic conditions along Church/Lodor/Academy.</p> <p>Concerns that there are no additional traffic calming measures such as speed humps or speed cushions.</p> <p>Safety is a concern as there is only one sidewalk on either side of Church Street and Lodor Street.</p> <p>Drivers are not making complete stops at intersections that accommodate cut through traffic.</p> <p>Church Street along with Lodor Street and Academy Street and the Library/Town Hall are currently used as a cut through between Wilson Street and Rousseau, especially during rush hours.</p> <p>The proposal lacks parking as there is no parking for visitors except on Lodor Street. The limited Lodor Street parking, from the top of Lodor to</p>	<p>Minimal vehicle traffic will be generated by this development and is unlikely to have a perceptible negative impact on the area road network.</p> <p>The neighbourhood could petition the City for traffic calming solutions and other road improvements, however, these matters are beyond the scope of this development application.</p> <p>The proposal provides for two parking spaces per dwelling unit. This is consistent with the current Ancaster Zoning By-law No. 87-57 standard for singles, semis and street townhouses, which requires two spaces for each dwelling unit.</p>

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	Academy, is actively used to accommodate the daily overflow parking of the Ancaster Square which includes the Library, splash pad and park, lawn bowling and tennis courts.	
Existing Neighbourhood Character / Building Materials	<p>There is a concern that the development is not architecturally consistent with the surrounding area.</p> <p>Concern that the built form being townhouses and the height being two and a half storeys does not fit into the context of the surrounding area.</p> <p>Concern that the selected building material is not consistent with the area such as red brick vs white siding.</p>	<p>The proposal includes materials that are complementary and consistent with the area such as red brick and wood panelling.</p> <p>Setbacks are also introduced to reinforce the existing built form within the area.</p> <p>To the west of the subject lands a maximum height of three storeys is permitted, and to the east of the subject lands a maximum height of two storeys is permitted. The proposed two and a half storeys would be an appropriate transition between the residential neighbourhood and the commercial/office uses on Wilson Street East.</p> <p>Staff note that the materials currently proposed are consistent with the design guidelines. Staff will have further opportunity to review materials to be used in the design and construction of the proposed buildings in detail at the Site Plan Control stage.</p>
Sewer capacity	A concern identified was that the existing sewer system has been known not to be able to handle additional capacity.	Engineering Approvals has reviewed the proposal and has no concerns with the sanitary sewer capacity.

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Water run-off	A concern identified was that the groundwater absorption rate will change as the proposal would create additional run-off.	A detailed stormwater management design will be required through the future Site Plan Control process. Staff note that additional measures such as the infiltration trench and green roofs are intended to address water run-off impact.
Safety and Crime	A concern that higher density means higher crime.	It is important that development be properly designed to create safe conditions, and to note that increases in population density does not directly correlate to an increase in crime. Effectively reducing opportunities for crime is achieved through implementing Crime Prevention Through Environmental Design (CPTED) principles. Staff believes the proposed development achieves these principles by providing opportunities for natural surveillance and visible means of access as well as defined distinctive public and private property.
Construction	<p>Concerns regarding the temporary impacts of construction were expressed.</p> <p>Roads cannot tolerate further deterioration caused by trucks and equipment to and from the site.</p>	Staff note that details such as a Dust Mitigation Plan and an Erosion and Siltation Control Plan will be conditions of Site Plan Approval to ensure that the areas surrounding the development are maintained.
Tree Removal	The development will result in the removal of trees.	Staff have reviewed and are satisfied with the Tree Protection Plan prepared by Adesso Design Inc, dated December 18, 2019. All existing trees to remain on site, or

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		on adjacent properties, shall be tagged and fully protected with fencing beyond their dripline complete with notice signs advising of the tree protection zones. Compensation in the form of replanting on site or cash in lieu will be required for 16 trees, nine trees are proposed to be incorporated on the site, and cash-in-lieu is expected for seven trees. The replanting and fees for compensation will be further addressed through the Site Plan Control process.
Establishing Precedent	Concerns that the development would establish precedent for other rezoning's.	Any future application(s) would be reviewed on their merits of the proposal.
Tenure	Concern with respect to ownership. Will the townhouses be free hold or some form of condominium?	The agent has advised that the units will be freehold.
Existing Residential "ER" Zone Site Plan Control By-law	Concerns that the proposal does not comply with the Site Plan Control By-law for homes in Ancaster.	Staff note that this development is required to go through the Site Plan Control as the proposal is for street townhouses that are not within a registered plan of subdivision.
Intensification targets	A concern identified was that the area already meets the provincial goals for intensification.	Staff note that the province establishes minimum targets and that development beyond the minimum targets can be considered.
Sidewalk	A concern regarding the existing width of the sidewalk being 1.2 metres in width was identified.	The proponent is looking at increasing the width of the sidewalk to 1.79 metres.

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Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 39 property owners within 120 metres of the subject property on January 29, 2020 for the application.

A Public Notice Sign was posted on the property on February 03, 2020, and updated on November, 11th 2020, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on November 20th, 2020.

To date, staff received 34 response emails and letters pertaining to the application (attached as Appendix “E” to Report PED20022) and the concerns are summarized in the table above.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and will comply with the Ancaster Wilson Street Secondary Plan, subject to the proposed Official Plan amendment;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
 - (iv) The proposed development represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances and continues the streetscape of the neighbourhood and provides additional housing opportunities in the community.

2. The Official Plan Amendment is for an amendment to the Ancaster Wilson Street Secondary Plan to change the designation from “Low Density Residential 1” to “Low Density Residential 3” to permit six, two and a half storey street townhouses, and to establish a Site Specific Policy to recognize the existing road right-of-way width.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for lands located at 15 Church Street (Ancaster) (PED20205) (Ward 12) - Page 31 of 33

As per the UHOP policies, the Ancaster Wilson Street Secondary Plan and the Ancaster Wilson Street Urban Design Guidelines, the Official Plan Amendment can be supported as the proposal maintains and builds upon the existing patterns and built form of the area. The proposal represents residential intensification in an appropriate location that is compatible with the surrounding area in terms of use, scale, form and character and is compatible with adjacent cultural heritage resources.

UHOP policy C.4.5.2 f) iii) states that the City recognizes that in older urban built up areas there are existing road right-of-way widths significantly less than 20.117 metres, and that they may be reduced to a minimum of 15.24 metres with daylight triangles at intersections, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced road right-of-way width. As noted above, Church Street is classified as a Local road and has an existing width of approximately 12.2 metres. In consultation with Transportation Planning and Development Engineering, it has been determined that municipal sidewalks, driveways, and utilities can be accommodated within the existing right-of-way width. As such, a right-of-way widening will not be required.

Therefore, staff supports the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment is to change the zoning from the Existing Residential "ER" Zone to the Holding Residential Multiple "H-RM2-712" Zone, Modified. The purpose of the proposed amendment is to permit six, two and a half storey street townhouses with two parking spaces per dwelling.

The implementing by-law proposes modifications to the parent Residential Multiple "RM2" Zone which are discussed in Appendix "D" to Report PED20205. The proposed development complies with the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan subject to the OPA being approved. It contributes to a complete community by providing additional housing opportunities for the surrounding established neighbourhood, provides a built form that is compatible with the scale and character of the area, and builds upon the established lot and block pattern and built form of the existing residential neighbourhood. On the basis of the above, staff are supportive of the proposed Zoning By-law Amendment.

4. A Holding provision will be placed on the subject lands to ensure that any historic fabric to be removed will be appropriately documented and, if necessary, salvaged. As such a Documentation and Salvage report, to the satisfaction of the Director of Planning and Chief Planner, will be required prior to development of

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for lands located at 15 Church Street (Ancaster) (PED20205) (Ward 12) - Page 32 of 33

the lands. The existing dwelling is proposed to be demolished but the applicant has committed to salvaging and incorporating some of the existing materials into the proposal where appropriate.

There is archaeological potential on the subject property. The Holding provision will also ensure that further archaeological review is conducted prior to development of the lands, to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.

5. The proposal is for street townhouses that are not within a Registered Plan of Subdivision; as such Site Plan Control is required. This process is intended to further facilitate the overall design including landscaping, placement of buildings, grading and storm water management and parking. Future consent applications will be required to create the individual lots.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could continue to be used in accordance with the Existing Residential “ER” Zone, which permits a single detached dwelling.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

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.

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.

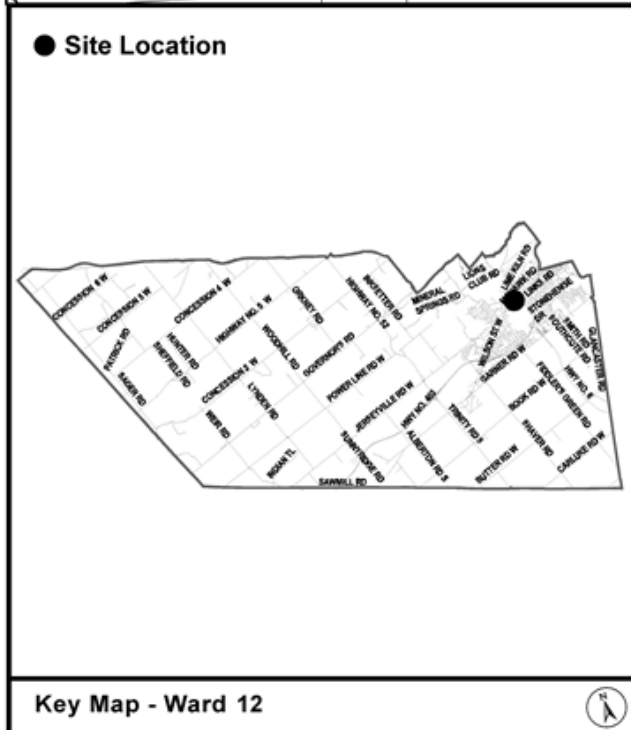
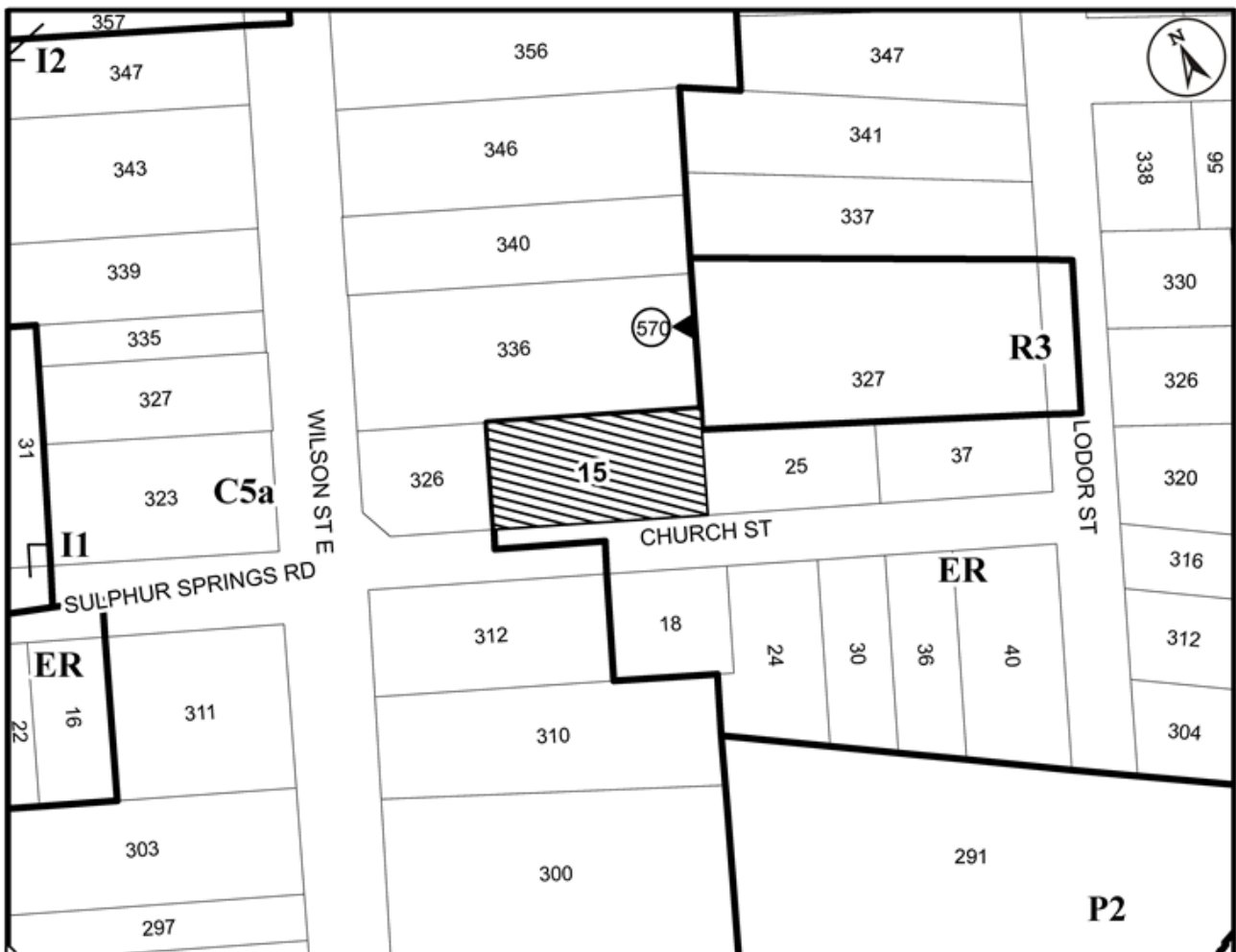
SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for lands located at 15 Church Street (Ancaster) (PED20205) (Ward 12) - Page 33 of 33

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” – Public Comments
- Appendix “F” – Site Plan and Elevations



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-20-011 & UHOPA-20-006

Date:
October 15, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
JV/NB

Subject Property
15 Church Street, Ancaster

Change in zoning from the Existing Residential "ER" Zone to the Holding Residential Multiple "H-RM2-712" Zone, Modified

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with Appendix “A” – Volume 2: Map B.2.8-1 Ancaster Wilson Street 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 Ancaster Wilson Street Secondary Plan by redesignating the subject lands to permit the development of a maximum of six Street Townhouse Dwellings and by establishing a Site Specific Policy to recognize the existing road right-of-way width.

2.0 Location:

The lands affected by this Amendment are known municipally as 15 Church Street, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment is in keeping with the policies of the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan to provide a diversity of housing opportunities that are suitable for different segments of the population in order to make the best use of urban lands at a desired low density form and scale.
- The proposed development is consistent with, and complimentary to, the planned and existing development in the immediate area and contextually appropriate and compatible with the built form of the adjacent cultural heritage resources.
- 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.

4.0 Actual Changes:**4.1 Volume 2 – Secondary Plans*****Text*****4.1.1 Chapter B.2.0 – Ancaster Secondary Plans – Section B.2.8 – Ancaster Wilson Street Secondary Plan**

- a. That Volume 2, Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.8 – Ancaster Wilson Street Secondary Plan be amended by adding a new Site-Specific Policy, as follows:

“Site Specific Policy – Area “X”

- B.2.8.16.X Notwithstanding Policy C.4.5.2 f) iii) of Volume 1, the right-of-way width of Local Roads shall be 12.19 metres, instead of the minimum required 20.117 metre road right-of-way width, provided through the site plan review it is demonstrated that all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced road right-of-way width.”

Maps**4.1.2 Map**

- a. That Volume 2, Map B.2.8-1 – Ancaster Wilson Street Secondary Plan – Land Use Plan be amended by:
- i) redesignating the subject lands from “Low Density Residential 1” to “Low Density Residential 3”; and,
 - ii) identifying the subject lands as Site Specific Policy – Area “X”;

as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

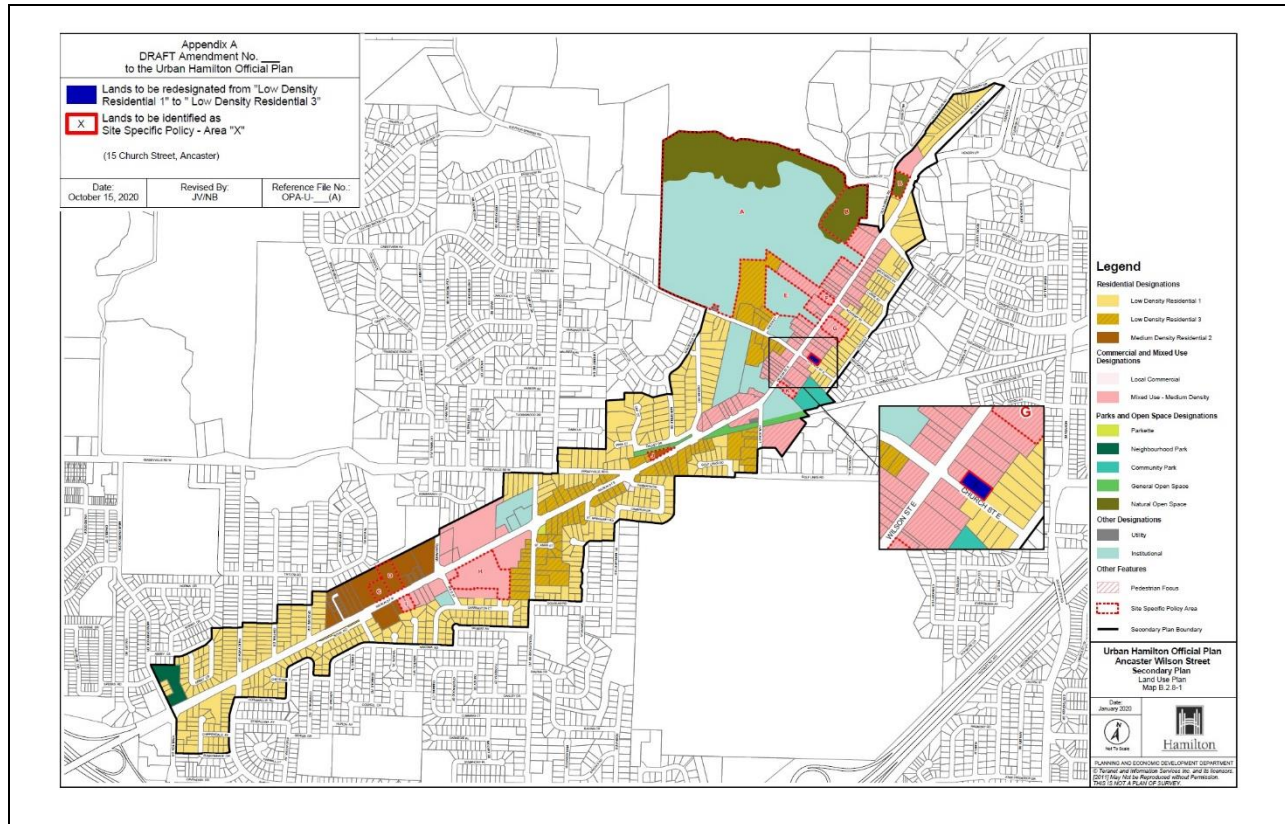
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

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

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK



Authority: Item XX, Planning Committee
Report 20-XXX
CM: XXXX
Ward: 12
Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 21-XXX

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 15 Church Street

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Section _____ of Report 20-_____ of the Planning Committee at its meeting held on the 12th day of January 2021, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

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

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

1. That Map No. 1175 of Schedule "A", appended to and forming part of Zoning By-law No. 87-57 (Ancaster) be amended by changing the zoning from the Existing Residential "ER" Zone to Holding Residential Multiple "H-RM2-712" Zone, Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

To Amend Zoning By-law No. 87-57
Respecting Lands Located at 15 Church Street (Ancaster)

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

"H-RM2-712"

That notwithstanding the provisions of Section 15.2, (a), (b), (c), (d), (e), (f), (g), and (j), Section 9.3 (a), Section 9.5 (d), the following special provisions shall apply to the lands zoned "RM2-712":

REGULATIONS

- | | | |
|-----|---------------------------------------|---|
| (a) | Minimum Lot Area | 1,260 square metres of total parcel area per dwelling and 164 square metres per dwelling unit. |
| (b) | Minimum Lot Frontage | 6.5 metres per dwelling unit, 8.7 metres for a dwelling end unit which does not abut a flanking street and 9.7 metres for a dwelling end unit abutting the current lot boundary. |
| (c) | Minimum Lot Depth | 25.0 metres. |
| (d) | Maximum Lot Coverage | 37 percent of total parcel area. |
| (e) | Minimum Front Yard | 5.5 metres to façade and 6 metres to garage. |
| (f) | Minimum Side Yard | 3.0 metres for dwelling end units abutting current lot boundary, 1.9 metres for dwelling end unit which does not abut a flanking street and 0 metres for dwelling units separated by a common wall. |
| (g) | Minimum Rear Yard | 7.2 metres, and 5.1 metres for posts, beams and/or a covered deck and 5.1 metres for the second and upper most storey. |
| (j) | Planting Strip | A planting strip of a minimum 3.0 metres shall be provided adjoining lands zoned "ER" and "R3", a chimney may project into the planting strip a distance of not more than 0.6 metres. |
| (k) | Air Conditioning Units and Heat Pumps | Encroachment of Air Conditioning Units and Heat Pumps: the provisions of Paragraph (a), Sub-section 9.3, "Air Conditioning Units and Heat Pumps", shall not apply. |

To Amend Zoning By-law No. 87-57
Respecting Lands Located at 15 Church Street (Ancaster)

- (l) Privacy Screens Shall not apply.
- (m) Basement or Cellar All street townhouse dwellings shall have a basement or cellar.
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple "RM2" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
4. The 'H' Holding prefix shall be lifted from the "H-RM2-712" Zone once the following conditions have been completed:
- (i) Submission and approval of a Stage 4 Archaeological Assessment for site AhGx-786, to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
- (ii) The submission, approval and implementation of a Documentation and Salvage report, to the satisfaction of the Director of Planning and Chief Planner.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

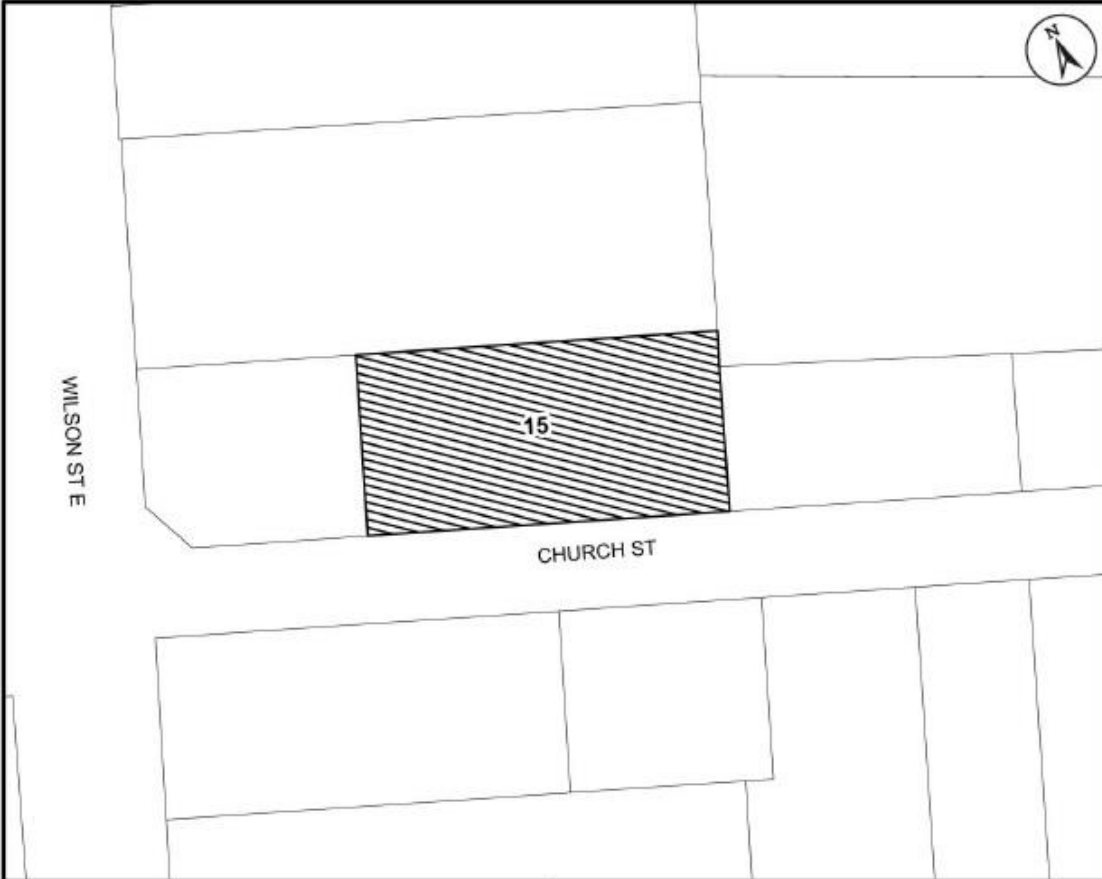

PASSED this ____ day of _____, 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

ZAC-20-011/UHOPA-20-006

To Amend Zoning By-law No. 87-57
Respecting Lands Located at 15 Church Street (Ancaster)

			
<p style="text-align: center;">This is Schedule "A" to By-law No. 21 -</p> <p style="text-align: center;">Passed the day of, 2021</p>	<p style="text-align: center;">----- Mayor -----</p> <p style="text-align: center;">----- Clerk -----</p>		
<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map forming Part of By-law No. 21-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 87-57</p>	<p>Subject Property 15 Church Street, Ancaster</p> <p> Change in zoning from the Existing Residential "ER" Zone to the Holding Residential Multiple "H-RM2-712" Zone, Modified</p>		
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-20-011 & UHOPA-20-006</p>		
<p>Date: October 15, 2020</p>	<p>Planner/Technician: JV/NB</p>	<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	

**To Amend Zoning By-law No. 87-57
Respecting Lands Located at 15 Church Street, Ancaster**

Site Specific Modifications to the Residential Multiple “RM2” Zone

Regulation	Required	Modification	Analysis
<p>Minimum Lot Area</p> <p>Section 15.2(a) of Zoning By-law 87-57</p>	<p>1,850 square metres of total parcel area per dwelling and 280 square metres per dwelling unit.</p>	<p>1,260 square metres of total parcel area per dwelling and 164 square metres per dwelling unit.</p>	<p>The intent of the minimum lot area is to ensure the appropriate density and housing form can be accommodated. Staff note the intent of reducing the required area is to facilitate the development on the existing parcel. The modification also reduces the size for dwelling units ensuring appropriate density for the existing lot. Staff are of the opinion that the existing lot area and proposed unit area maintain adequate space on site to permit the establishment of appropriately sized dwelling units and provide amenity space and parking. Based on the foregoing staff support the modification.</p>
<p>Minimum Lot Frontage</p> <p>Section 15.2(b)(ii) of Zoning By-law 87-57</p>	<p>50 metres of total parcel frontage per dwelling and 9 metres per dwelling unit except:</p> <p>(i) On a corner lot the minimum lot frontage for a dwelling end unit adjacent to the flanking street shall be 17 metres.</p>	<p>6.5 metres per dwelling unit, 8.7 metres for a dwelling end unit which does not abut a flanking street and 9.7 metres for a dwelling end unit abutting the current lot boundary.</p>	<p>The intent of the Minimum Lot Frontage is to maintain adequate spacing and width for built form. The proposed modification will allow for a compact development that will provide an appropriate transition between the existing low density single detached dwellings and the office/commercial uses along Wilson Street E. The collective frontage and individual frontages would provide adequate spacing between dwelling units on site and</p>

**To Amend Zoning By-law No. 87-57
Respecting Lands Located at 15 Church Street, Ancaster**

Regulation	Required	Modification	Analysis
	(ii) For a dwelling end unit which does not abut a flanking street the minimum lot frontage shall be 11.5 metres.		between dwelling end units and neighbouring properties. Based on the foregoing, the modification can be supported by staff.
Minimum Lot Depth Section 15.2(c) of Zoning By-law 87-57	30 metres.	25.1 metres	The intent of the Minimum Lot Depth is to maintain adequate spacing and depth for built form. The proposed modification will allow for a compact development, and is consistent with an existing situation. Based on the foregoing, staff support the modification.
Maximum Lot Coverage Section 15.2(d) of Zoning By-law 87-57	35 percent.	49 percent	The intent of the maximum lot coverage regulation is to provide enough area for stormwater infiltration and landscape amenity opportunities. Staff are of the opinion that the intention of the regulation can be satisfied as the proponent is addressing SWM control through innovative design such as an infiltration trench. The proposal also meets the minimum requirement for landscaping, allowing for appropriate landscape amenity opportunities. Based on the foregoing, staff support the modification.

**To Amend Zoning By-law No. 87-57
Respecting Lands Located at 15 Church Street, Ancaster**

Regulation	Required	Modification	Analysis
<p>Minimum Front Yard</p> <p>Section 15.2(e) of Zoning By-law 87-57</p>	<p>7.5 metres plus any applicable distance as specified in Schedule "C".</p>	<p>5.5 metres to façade and 6 metres to garage.</p>	<p>The intent of the modification will allow for a built form closer to the street and provide a front yard setback that is generally consistent within the immediate surrounding area such as 25 and 18 Church Street. The 6 metre setback to the garage ensures that an adequate distance will be maintained for parking. Based on the foregoing, staff support the modification.</p>
<p>Minimum Side Yard</p> <p>Section 15.2(f) of Zoning By-law 87-57</p>	<p>2.5 metres for a dwelling end unit which does not abut a flanking street and for a dwelling end unit abutting a flanking street the minimum side yard shall be 7.5 metres plus any applicable distance as specified in Schedule "C".</p>	<p>3.0 metres for dwelling end units abutting current lot boundary, 1.9 metres for dwelling end unit which does not abut a flanking street and 0 metres for units separated by a common wall.</p>	<p>The intent of the Minimum Side Yard is to ensure adequate spacing between neighbouring land uses and to ensure appropriate spacing for maintenance between neighbouring property owners, Staff are of the opinion that adequate spacing is maintained with existing neighbouring uses on the west and east of the subject lands, and that there will be enough space for maintaining existing and proposed buildings. Based on the foregoing, staff support the modification.</p>
<p>Minimum Rear Yard</p> <p>Section 15.2(g) of Zoning By-law 87-57</p>	<p>7.5 metres.</p>	<p>7.2 metres, and 5.1 metres for posts, beams and/or a covered deck and 5.1 metres for the second and upper most storey.</p>	<p>Staff note that the intent of the minimum rear yard is to provide for an appropriate outdoor living area and setback from neighbouring land uses. Staff support the reduced setback as there will be sufficient outdoor private amenity area. The distance from the rear property line to the nearest wall or facade of</p>

**To Amend Zoning By-law No. 87-57
Respecting Lands Located at 15 Church Street, Ancaster**

Regulation	Required	Modification	Analysis
			<p>the first and second storeys is 7.2 metres. The rear yard, coupled with the width of the units will provide sufficient private outdoor amenity area. Staff note that the 5.1 metre setback is intended for the posts and beams of the roof of the 2nd storey covered deck as these features encroach into the 7.2 metre rear yard, however staff note the features do not further decrease the outdoor amenity area. Based on the foregoing, staff support the modification.</p>
<p>Planting Strip Section 15.2(j) of Zoning By-law 87-57</p>	<p>Notwithstanding the other provisions of this Subsection, where the boundary of a Residential Multiple “RM2” Zone adjoins lands zoned Existing Residential “ER” or Residential “R1”, “R2”, or “R3”, a planting strip of minimum 3 metres width adjoining such boundary shall be provided.</p>	<p>A planting strip of a minimum 3.0 metres shall be provided adjoining lands zoned “ER” and “R3”, a chimney may project into the planting strip a distance of not more than 0.6 metres.</p>	<p>The intent of the Planting Strip is to provide screening between incompatible uses. A Planting Strip is provided along the west and east property lines. The modification allows for a chimney to project into the Planting Strip. Staff are supportive of the modification as the intent for adequate screening is maintained.</p>
<p>Air Conditioning Units and Heat Pumps</p>	<p>(a) Within a required front yard, provided such equipment shall have a</p>	<p>Encroachment of Air Conditioning Units and Heat Pumps: the provisions of Paragraph (a), Sub-section 9.3, "Air Conditioning Units</p>	<p>The intent of this provision is to ensure that the placement of heat pumps or air conditioning units are appropriately setback from the street, and do not have a visual impact. The applicant is requesting flexibility</p>

**To Amend Zoning By-law No. 87-57
Respecting Lands Located at 15 Church Street, Ancaster**

Regulation	Required	Modification	Analysis
Section 9.3(a) of Zoning By-law 87-57	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 Heat Pumps", shall not apply;	for placement of their mechanical and unitary equipment. The visual screening and the placement of said equipment will be further reviewed through the Site Plan Control process. If equipment is proposed within the front yard staff will ensure equipment is screened from public views. Staff support this modification.
Privacy Screens Section 9.5 of Zoning By-law 87-57	(d) the minimum distance from any screen to a rear lot line shall be 4 metres.	Privacy Screens: the provisions of Paragraph (d), Sub-section 9.5, "Privacy Screens" shall not apply.	The applicant requests flexibility with privacy screens to ensure outdoor privacy is maintained for the outdoor amenity areas at the rear of the ground floor and second floor. The privacy screening will also limit overlook concerns for neighbouring properties. The use of privacy screens will be further reviewed at the Site Plan Control stage. Based on the foregoing, Staff are in support of this modification.

From: [REDACTED]

Sent: 28 July 2020 15:48

To: Ferguson, Lloyd; Addington, [REDACTED]

Subject: zoning amendment

I am in opposition to a zoning amendment to allow multiple residential units on the property at 15 Church St. in Ancaster, Ontario.

I am also opposed to the demolition of 223 Wilson St. Ancaster, ON.

Can you please provide me with information on where I go to get clear information on these new zoning and building changes and where to go clearly make an opposition.

Thank you

[REDACTED]



Mon 2/03/20 11:33 AM

[REDACTED]

UHOPA-20-006 and ZAC-20-011

To: Van Rooi, James

Follow up. Completed on February 3, 2020.

You replied to this message on 2/03/20 5:07 PM.

Good morning Mr. Van Rooi,

My name is [REDACTED] and I live at [REDACTED] Clarendon Drive, Ancaster.

I am emailing you regarding the proposed rezoning and development of 15 Church Street, Ancaster.

I was hoping to receive a copies of the Official Plan Amendment and Notice of Complete Application and any other materials you are able to share at this time.

Thank you.

[REDACTED]

Appendix "E" to Report PED20205
Page 2 of 31

BM [REDACTED]
 UHOPA-20-006 ZAC-20-011
 To: Van Rooi, James
 You replied to this message on 2/20/20 11:50 AM.

Good morning, Mr. Van Rooi,

Unfortunately we did not receive acknowledgment of our previous submission on this development, and submit the following instead, as its replacement. We would appreciate acknowledgment of this email and submission. Thank you, Bob Maton

[REDACTED]
 Lodor Street
 Ancaster, ON [REDACTED]

James Van Rooi
 City of Hamilton
 Planning and Economic Development Department

February 20, 2020

Dear Mr. Van Rooi:

Re your files:

UHOPA-20-006
 ZAC-20-011

We write in response to the application for amendments to the Official Plan and Zoning By-Laws as above, regarding the proposed townhouses at 15 Church Street, Ancaster (Ward 12).

My wife and I have lived nearby the proposed development for the past 18 years, and we know the neighbourhood well.

We are in opposition to the proposed development at 15 Church Street, and the bye-law changes necessary for its construction, for the following reasons:

- 1) Vehicles associated with the new development on Church Street will add to the already congested, inappropriate traffic load on our narrow neighbourhood streets. Further, given the often congested street conditions and the inappropriate high speeds of current traffic along the Church/Lodor/Academy corridor, vehicles parked in the driveways of the new development will be unable to anticipate oncoming vehicles in order to safely access Church Street. A proposal for another development at that location was defeated a few years ago, in part for the same reason.
- 2) The entire length of Church Street, including the location of the proposed development, is currently used as part of a traffic cut-through between Wilson Street on the west and Rousseau Street on the north. Especially at rush hours, heavy traffic often flows at inappropriately high speeds along Church Street, Lodor Street and Academy Streets, in order to avoid traffic on Rousseau and Wilson Streets. This is both dangerous and ruinous of the neighbourhood. The proposed development will add to these unsafe and unhealthy conditions.
- 3) The proposed development on Church Street cannot be considered safe for vehicles entering and exiting its driveways.
- 4) Further, there is a serious lack of parking for the proposed development. The new townhouses will have parking for two vehicles, but there is no local parking for any visitors they may have except on Lodor Street. Church Street itself is too narrow for parking, and is a no parking zone. Ancaster Square is for patrons of the various facilities located there, and is often full in any case. Other parking close by is all privately owned. Lodor Street is very narrow (@19 feet) yet is used as an overflow parking location for patrons of the often-full Ancaster Square parking lot. Lodor Street has sidewalks on only one side. Yet Lodor Street is also used as a cut-through for traffic from Wilson and Rousseau. The conflict between the use of Lodor Street as a parking location for overflow from the new development, for Ancaster Square (especially for families with children and seniors), and its use as a cut-through for rush hour traffic creates a serious hazard, especially when additional traffic and parking from the new development is added in.
- 5) Our neighbours residing close by the proposed development, and Ancaster Square patrons, report many close calls with speeding traffic on the narrow streets; and on Lodor Street a number of cars have reportedly had their side mirrors ripped off by vehicles passing at speed.
- 6) In addition, despite developer claims that the new development is architecturally consistent with local residences, visuals of the development indicate that this is clearly not the case. For these reasons the proposed development is inappropriate, creates unwarranted risks and hazards for both its own residents and the neighbourhood, and should be replaced by a single-family dwelling.

Submitted respectfully,

[REDACTED]

Van Rooi, James

From: [REDACTED]
Sent: April 23, 2020 11:58 AM
To: Van Rooi, James
Subject: Responses to planning applications

Follow Up Flag: Follow up
Flag Status: Completed

Hi James, I hope you are staying safe at this difficult time...could you forward to me the City web address for the record of planning applications from property owners and responses from the community, I am particularly interested in the responses to the application for adjustments to zoning etc. for 15 Church Street, but would welcome a more general web address too for others in the neighbourhood....fyi I see on the rezoning application map there is no record of 15 Church Street having been the subject of an application for adjustments....thanks very much,

[REDACTED], Ancaster [REDACTED]



Tue 2/04/20 11:34 AM

[REDACTED]

15 Church Street Proposal

To: Van Rooi, James

You replied to this message on 2/04/20 11:39 AM.

Hi James:

Re your files: UHOPA-20-006 and ZAC-20-011

Please forward to me by email a digital copy of the notification of January 29, 2020 regarding the proposed development of townhouses at 15 Church Street in Ancaster; i.e., applications for zoning and by-law adjustments by Webb Consulting on behalf of Veloce Luxury Homes.

Thank you and have a good day,

[REDACTED]



Mon 7/27/20 1:37 PM

[Redacted]

15 church Ancaster

To Van Rooi, James

Cc 'Bob Maton'

Follow up. Start by July 27, 2020. Due by July 27, 2020.

Dear Mr. van Rooi ,

15 Church Street Ancaster

Subject UHOPA00-006ZXAC-20-01 1

Changing of zoning bylaws

Please leave the downtown core of Ancaster with in the present zoning bylaw , changing the zoning bylaw will have a very negative affect to the rest of Ancaster beautiful downtown core .

Let the developer built within the present bylaws, not the proposed money grab, only his bank account will benefit not the area .

Why not, here some reasons : Dr. Smiley dentist didn't get permission to use 15 Church Street as his dental office.

Church St is very narrow and dangerous. We found this out when we did a job across the road of 15 Church St

Motorized traffic use Church St. as a short cut to Mohawk Rd all hours of the day. The street is not build for the amount of traffic

Will be very dangerous for people walking especially the children

Traffic buildup will be very dangerous you might say disaster in the making , I am afraid there will be many accidents.

Please leave our beautiful area alone, our family has been enjoying this area for 55 years the way it is .

There are many areas in Ancaster where this development could take place

Thank you for willing to read my letter ,

With high regards ,

[Redacted]
Lodor Street
Ancaster

[REDACTED]
Lodor Street
Ancaster, ON [REDACTED]

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

February 10, 2020

Dear sir/madam:

Re your files:

UHOPA-20-006
ZAC-20-011

I write in response to the application for amendments to the Official Plan and Zoning By-Laws as above, regarding the proposed townhouses at 15 Church Street, Ancaster (Ward 12).

My husband and I have lived just around the corner from the proposed development for the past 10 years, and we know and love this neighborhood. Your development of these town homes are going to make a bad situation worse. My husband and I cannot afford to move when things start going bad and we will be left with a stress ridden life.

1. It is a fact that higher density means higher crime. We are in our 60s and will be defenseless against this as will many of our neighbors. We bought here to live out our last years in a safe place. Further development threatens that.
2. The roads in the neighborhood are already busier than they should be. This development will make it even busier and more dangerous. I myself have almost been hit by people speeding through our streets as have many others. School children have almost been hit by people running the stop signs.
3. Parking is not allowed on Church St. so they, or visitors, will park on Lodor St. When cars are parked on Lodor St. the impatient motorist will try to pass by driving up on the sidewalk. I have a hydro pole in front of my house as well as a walnut tree. Both, if hit, could fall right on my bedroom roof, damaging my property. The configuration of my bedroom does not allow my bed to go any place other than it is, right in line of where these things could fall.
4. Nice weather makes all of these conditions worse. With events and leagues at the park, young children with their parents are on the street more. This heightens the danger of someone getting hurt or injured.

5. More traffic means more air pollution. More fumes for us to have breath especially when people are mistakenly warming up their cars. Modern cars only need to "be warmed up" about a minute or two. We know the fumes are unhealthy.
6. Several years ago a developer tried to have 6 – 8 semis built on Academy and Lodor. At the time an engineering survey was supposed to have been done on the sewer system and whatever else. It was determined that the area could not handle that amount of building. What has changed now in our aging infrastructure that the area can handle this amount of building?

In conclusion, this development will be affecting the quality of life for all of us that have chosen this area to live out our retirement. I have depression and severe anxiety and this is only making it worse. I worry daily what this development is going to mean for our quality of life in this still quaint area once it is ruined. I also worry about how bad the traffic incidents have to get before something is done. I still fear it is a death.

Sincerely,

A large black rectangular redaction box covers the signature area.

Appendix "E" to Report PED20205
Page 7 of 31

Mon 7/27/20 11:17 AM
D [****POSSIBLE SPAM]15 Church Street, Ancaster - redevelopment
To: james.vanrooi@hamilton.ca
Follow up. Completed on July 28, 2020.
You replied to this message on 7/27/20 3:59 PM.
We removed extra line breaks from this message.

```
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--></style></head><body lang=3DEN-CA><div class=3DWordSection1><p
--><class=3DM=
soNormal><span lang=3DEN-US>Good morning.<o:p></o:p></span></p><p
soNormal><class=3DM= <span lang=3DEN-US><o:p>&nbsp;</o:p></span></p><p
soNormal><class=3DMsoNorma=
><span lang=3DEN-US>I am writing to express my concern about plans to
>rede=
velop this subject property, installing multiple townhomes at that location=
=C2=A0 I normally don=E2=80=99t make the effort to formally express my con= cerns about planning and redevelopment, but the absurdity of the plans for = this particular address have driven me to
comment.=C2=A0 <o:p></o:p></span>= </p><p class=3DMsoNormal><span lang=3DEN-US><o:p>&nbsp;</o:p></span></p><p = class=3DMsoNormal><span lang=3DEN-US>I have lived in Ancaster since 1960; I=
live only a couple of blocks from the 15 Church Street location; I have wa= tched the Church/Lodur/Academy streets become =E2=80=9Cbypass highways=E2= =80=9D for irresponsible and careless drivers.=C2=A0 15
Church Street is a nar= row, single-unit residential side street.=C2=A0 Changing the density of tha= t street, cramming 6 houses onto the property simply cannot be justified.=
=C2=A0 I would also add =E2=80=9Cdangerous=E2=80=9D to the list of negative= descriptors.<o:p></o:p></span></p><p class=3DMsoNormal><span lang=3DEN-US>= <o:p>&nbsp;</o:p></span></p><p
class=3DMsoNormal><span lang=3DEN-US>The wat= ershed moment for many Ancaster residents regarding incongruent redevelopment= nt was the rapid demolition of Brandon House by a developer.=C2=A0 The
deve= loper=E2=80=99s actions left many residents wondering if this were done sur= reptitiously in order to =E2=80=9Cslide one by=E2=80=9D and perhaps bypass = regulatory steps that would have permitted
appropriate scrutiny and public =
comment.=C2=A0 Worse still, the developer=E2=80=99s actions were apparently= executed with prior knowledge of the Planning Dept.=C2=A0 The old adage, = =E2=80=9Cwhere there is smoke, there is
fire=E2=80=9D is mentioned frequent= ly by many Ancaster residents about perceived ulterior motives associated w= ith this demolition.<o:p></o:p></span></p><p class=3DMsoNormal><span lang=3DEN=
US><o:p>&nbsp;</o:p></span></p><p class=3DMsoNormal><span lang=3DEN-U=
S>Whether this is an accurate assessment or not, any city
S>department=E2=80=
=99s decision-making must balance regulatory compliance with the broader be= st interests of all of its constituent players.=C2=A0 The Planning Dept app= ears to be out of sync and either unaware or
unconcerned with the best inte= rests of Ancaster residents.=C2=A0 The optics are just plain bad.<o:p></o:p>
></span></p><p class=3DMsoNormal><span
>lang=3DEN-US><o:p>&nbsp;</o:p></span>
></p><p class=3DMsoNormal><span lang=3DEN-US>Reducing a beautiful and
>perha=
ps historic house to rubble, replacing it with a high-density configuration= of townhouses, is just plain wrong.=C2=A0 I vigorously oppose the 15 Churc= h Street redevelopment.<o:p></o:p></span></p><p
class=3DMsoNormal><o:p>&nbsp;</o:p></span></p><p class=3DMsoNormal><b><i><span style=3D'color:#4472C4'>Doug M= cLennan<o:p></o:p></span></i></b></p><p class=3DMsoNormal><b><i><span style=
=3D'color:#4472C4'>289-659-3523<o:p></o:p></span></i></b></p><p class=3DMso=
Normal><o:p>&nbsp;</o:p></span></div></body></html>=
```

Thu 2/27/20 1:31 PM
ES [REDACTED]
UHOPA-20-006 ZAC-20-011
To: Van Rooi, James
Follow up. Start by February 28, 2020. Due by February 28, 2020.

Dear Mr. Van Rooi -

As a resident at [REDACTED] Church Street, I write to oppose the proposed development at 15 Church unless and until the traffic problems in the Church/Academy/Lodur neighbourhood have been appropriately addressed. These problems have been brought to the attention of Councillor Lloyd Ferguson.

Church Street is being used as a cut-through for Wilson/Rousseau traffic and I have observed, on a nearly daily basis, vehicles speeding down my street. It is unsafe and unacceptable. And I echo the concerns of neighbours on Lodur of the volume and speed of traffic on that street as vehicles try to avoid the Wilson Street congestion and/or attempt to access the Ancaster Square facilities. How are all the residents, walkers, dogwalkers, and the elementary school children who are frequently led through the neighbourhood in nice weather, to be kept safe?

Parking is already an issue in the neighbourhood. How is the addition of six new homes and the increase in visitor parking proposed to be handled? What arrangements will be made to manage the construction vehicles in an already congested area?

These serious problems need to be addressed before consideration is given to the addition of six new homes to this narrow, once-quiet street.

Sincerely,
[REDACTED]

[REDACTED]
Lodur Street
Ancaster, ON [REDACTED]

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

February 4, 2020

Dear Mr. Van Rooi

UHOPA-20-006
ZAC-20-011

I write in response to the application for amendments to the Official Plan and Zoning By-Laws as above, regarding the proposal of 6 townhouses at 15 Church Street, Ancaster (Ward 12).

Our property abuts the above property on the South side. We have been residents at [REDACTED] Lodor street for 35 years and my wife has lived in Ancaster for 55 years.

There are several issues related to this development which concern us:

Much to our disappointment, Church Street, is being used as part of a traffic cut-through between Wilson Street on the west and Rousseau Street on the north. Especially at rush hours, heavy traffic flows; sometimes at high speeds; ignoring Stop Signs along Church, Lodor Street and Academy Street. This traffic is avoiding the busy intersection at Rousseau and Wilson streets.

We have been working with Councillor Ferguson to try and solve the volume/speeding in our neighbourhood. Adding more residents with more vehicles will debilitate this progress.

The proposed development at 15 Church Street was superseded by a proposal for a dentist's office several years ago. Residents then, were concerned about the impending increase in traffic on Church Street and were especially concerned about traffic entering onto Church Street from the dentist's office; potentially having to back out of the property, due to the size of the driveway/property. This cannot be considered safe for residents walking in this area or vehicles travelling on Church Street, due to the increased traffic this development will entail.

With the proposed allotment of 2 parking spaces per unit; this leaves no parking for visitors/guests at the location. Church street is so narrow that it is completely a 'no parking zone.' This means the closest parking for guests/visitors will have to be on Lodor Street where there are already parking issues due to the Splash Pad/Tennis Courts/Lawn Bowling/ Town Hall/Library/Municipal Offices activities one block from 15 Church Street.

As Lodor street only has sidewalks on one side, parking vehicles on Lodor Street will narrow this corridor even further, as it does during the summer activities at the end of Lodor Street..

The builder says, "The proposed development will help the neighbourhood grow as a complete community." We believe our community would be just as complete, (and less busy with traffic) if it was kept as a single family home.

He also sited that the property was once proposed as a dental practice, but the plan was abandoned amid widespread opposition from neighbourhood residents. Increased traffic and especially traffic entering onto Church Street was the main reason the resident opposed the dental office.

For all these reasons, we believe the above property as 15 Church Street should be left as a single family dwelling, in keeping with the unique Heritage of the Village Core.

Sincerely,

A solid black rectangular redaction box covering the signature area.

Appendix "E" to Report PED20205
Page 10 of 31

Sun 2/09/20 4:29 PM

HB [REDACTED]
15 Church Street

To Van Rooi, James
Cc Bishop, Kathy
Follow up. Completed on February 10, 2020.

15 Church Street.docx
.docx File

[REDACTED]
[REDACTED] Lodor Street
Ancaster, ON [REDACTED]

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

February 4, 2020

Dear Mr. Van Rooi

UHOPA-20-006
ZAC-20-011

I write in response to the application for amendments to the Official Plan and Zoning By-Laws as above, regarding the proposal of 6 townhouses at 15 Church Street, Ancaster (Ward 12).

Our property abuts the above property on the South side. We have been residents a [REDACTED] Lodor street for 35 years and my wife has lived in Ancaster for 55 years.

There are several issues related to this development which concern us:

Much to our disappointment, Church Street, is being used as part of a traffic cut-through between Wilson Street on the west and Rousseau Street on the north. Especially at rush hours, heavy traffic flows; sometimes at high speeds; ignoring Stop Signs along Church, Lodor Street and Academy Street. This traffic is avoiding the busy intersection at Rousseau and Wilson streets.

We have been working with Councillor Ferguson to try and solve the volume/speeding in our neighbourhood. Adding more residents with more vehicles will debilitate this progress.

The proposed development at 15 Church Street was superseded by a proposal for a dentist's office several years ago. Residents then, were concerned about the impending increase in traffic on Church Street and were especially concerned about traffic entering onto Church Street from the dentist's office; potentially having to back out of the property, due to the size of the driveway/property. This cannot be considered safe for residents walking in this area or vehicles travelling on Church Street, due to the increased traffic this development will entail. With the proposed allotment of 2 parking spaces per unit; this leaves no parking for visitors/guests at the location. Church street is so narrow that it is completely a 'no parking zone.' This means the closest parking for guests/visitors will have to be on Lodor Street where there are already parking issues due to the Splash Pad/Tennis Courts/Lawn Bowling/ Town Hall/Library/Municipal Offices activities one block from 15 Church Street.

As Lodor street only has sidewalks on one side, parking vehicles on Lodor Street will narrow this corridor even further, as it does during the summer activities at the end of Lodor Street.

The builder says, "The proposed development will help the neighbourhood grow as a complete community." We believe our community would be just as complete, (and less busy with traffic) if it was kept as a single-family home.

He also sited that the property was once proposed as a dental practice, but the plan was abandoned amid widespread opposition from neighbourhood residents. Increased traffic and especially traffic entering onto Church Street was the main reason the resident opposed the dental office.

For all these reasons, we believe the above property as 15 Church Street should be left as a single-family dwelling, in keeping with the unique Heritage of the Village Core.

Sincerely,

[REDACTED]

Thu 8/06/20 2:13 PM

JM [REDACTED]
Files UHOPA-20-006, ZAC-20-011 (15 Church St Ancaster)

To Van Rooi, James
Follow up. Completed on August 10, 2020.
You replied to this message on 8/10/20 10:05 AM.

I plan to offer some comments on this matter and would appreciate some information to ensure any comments are relevant:

1. The existing ER lot is 50 meters wide by 25 meters deep. Assuming there is no building on the lot would a severance to create two lots 25 meters by 25 meters be permitted in this zoning?
2. What lot coverage % is permitted in the ER zone and what are the minimum setbacks?
3. Are semi detached homes a permitted use in ER?
4. What lot coverage % is permitted in the multi-family zone the applicant is applying for and what setbacks apply?



There is a complication in that a building of heritage interest is on the lot, albeit with some interior fire damage. Am I right in assuming that approval of this application to rezone the lot would automatically result in the issuance of a demolition permit?

If it is easier to speak I am available at 905 308-6800.


Thank you

[REDACTED]

Appendix "E" to Report PED20205
Page 11 of 31

 Thu 8/06/20 3:04 PM
 [REDACTED]
 One more quick question...15 Church
 To:  Van Rooi, James
 Follow up. Completed on August 10, 2020.
 You replied to this message on 8/10/20 10:07 AM.

The request is to rezone from ER to RM2-XXX. Do the requirements in bylaw 87-57 for RM2 apply or doe the "XXX" have some significance that alters coverage and setbacks and so on?

 Mon 8/10/20 10:15 AM
 [REDACTED]
 Re: Files UHOPA-20-006, ZAC-20-011 (15 Church St Ancaster)
 To:  Van Rooi, James

Thanks. I am planning on commenting on this as the variances from regulations for RM2 are so large I find it amazing....by my read of page 57 of the application Development Statistics the only standards that would not need variance are to do with landscaping.

Do I send comments to you for the meeting?

Thanks

[REDACTED]

From: "Van Rooi, James" <James.VanRooi@hamilton.ca>
Date: Monday, August 10, 2020 at 10:05 AM
To: Jim MacLeod <jmacleod@radiocorp.ca>
Subject: RE: Files UHOPA-20-006, ZAC-20-011 (15 Church St Ancaster)

Good morning [REDACTED] my apologies on the delay here, I've been meaning to get back to you.

I've responded to your questions below in blue.

Regards,

James Van Rooi, *MCIP, RPP*
Planner I

Development Planning, Heritage & Design, Suburban Team
 Planning & Economic Development Department
 City of Hamilton
 71 Main Street West, 5th Floor
 Hamilton ON L8P 4Y5
 p. 905.546.2424 ext. 4283
 f. 905.546.4202
 e. James.VanRooi@hamilton.ca

From: [REDACTED]
Sent: August 6, 2020 2:13 PM
To: Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: Files UHOPA-20-006, ZAC-20-011 (15 Church St Ancaster)

I plan to offer some comments on this matter and would appreciate some information to ensure any comments are relevant:

1. The existing ER lot is 50 meters wide by 25 meters deep. Assuming there is no building on the lot would a severance to create two lots 25 meters by 25 meters be permitted in this zoning?

The current zoning would not allow for this lot to be split as the minimum lot area requirement for each lot would have to be 695 square metres. If this lot were split the resulting lots would be 627.6 square metres. If someone were to want to split the property, they would have to rezone it or apply for a minor variance.

2. What lot coverage % is permitted in the ER zone and what are the minimum setbacks? 35%
3. Are semi detached homes a permitted use in ER? No, only single detached.
4. What lot coverage % is permitted in the multi-family zone the applicant is applying for and what setbacks apply? The Residential Multiple "RM2" Zone permits 35% lot coverage.

There is a complication in that a building of heritage interest is on the lot, albeit with some interior fire damage. Am I right in assuming that approval of this application to rezone the lot would automatically result in the issuance of a demolition permit? The property owner would not be able to demolish right after they obtain the zoning, they would be able to after getting Final Approval on a Site Plan Application.

If it is easier to speak I am available at 905 308-6800.

Thank you

[REDACTED]

Appendix "E" to Report PED20205
Page 12 of 31

Wed 8/12/20 11:10 AM
JM
Submission of Comments
To Van Rooi, James
Follow up. Start by August 13, 2020. Due by August 13, 2020.

PDF 20200812_1. Some Background What Is It Like Now Existing Reside.pdf .pdf File
PDF 15 Church Intervention.pdf .pdf File

Attached are comments with regard to Files UHOPA-20-008 and ZAC-20-011. There are two attachments. One is scanned with a signature and the other is a .pdf which might be of better quality.

I understand that this document will be part of the public file with regard to this proceeding and will be provided to the applicant.

My contact information is 905 304-1295, or this email jkmacleod@radiocorp.ca. If there is any followup needed I am happy to speak with you.

Will you advise me when a date for the public meeting is set?

Thank you

[Redacted Signature]

Appendix “E” to Report PED20205
Page 13 of 31

██████████ Rousseaux St
Ancaster, ON ██████████
6 August 2020

City of Hamilton
Planning Committee

Re: Files UHOPA-20-008, ZAC-20-011

I am **OPPOSED** to the application by Veloce Luxury Homes for 15 Church St, Ancaster to change the zoning from the “ER” Zone to “RM2-XXX” Zone, Modified to permit up to 6 street townhouse units, and change the designation in the Ancaster Wilson Street Secondary Plan from Low Density Residential 1 to Low Density Residential 3.

The primary reasons for my opposition are:

- The multiple departures from the Regulations in Bylaw 87-57 for RM2 Zoning are NOT minor.
- After almost every regulation is modified is the resulting “Modified” zoning is still a viable planning tool?
- The result of this development is a massive densification of one of most vulnerable streets in the ER zone.
- The height, mass, and proximity to the street of this building is inappropriate for the neighbourhood
- Traffic is a major issue for this neighbourhood, and this increases and complicates it.
- Approval of significant variances from most Regulations in Bylaw 87-57 for RM2 Zoning encourages other inappropriate applications and threatens the integrity of the planning system.

I live 2 blocks away from 15 Church Street and may not be directly affected, but I have concern for the future of the Ancaster heritage core. For example, developers have demolished multiple properties on Wilson Street East with no development plan filed with the City. This is now much larger than a neighbourhood issue.

While I take issue with this proposed development it is limited to this application. Veloce Luxury Homes is an Ancaster company and I admire the remarkable homes they have created elsewhere in town. The design of these townhomes reflects their talent. The issue, and it is a big one, is simply they do not fit the land.

We Need Development: Renewing properties is important for a community. In established neighbourhoods this renewal needs to be done with sensitivity to the existing ambiance and infrastructure. Limitations like narrow streets, ditches, limited or no sidewalks and so on cannot be remedied in most cases and are part of the ambiance of these neighbourhoods. The seeming lack of recognition of the limitations of this site is really the issue.

I believe this is the most important point: If the City believes it is in the interests of the community - despite the recent review and 2018 revisions - to significantly increase the density of the ER zone, that issue should be decided by a further public process, not by a series of spot re-zonings.

1. Some Background

What Is It Like Now? Existing Residential (ER) Zoning in Ancaster is overwhelmingly single family, many older and heritage homes, a good representation of mid-century homes, and narrow streets - many without sidewalks or storm drains. Church Street itself consists of 8 largely heritage-era single family dwellings. The narrow street has significant traffic issues due to cut through traffic and it is access to the many amenities of Ancaster Square.

Zoning Standards Just 2 Years Old: In September 2018 the City undertook a comprehensive review of issues ER Zone negatively affecting development (see Hamilton Planning and Economic Development Discussion Paper— Modifications to the Existing Residential ER Zone). Residents expressed concerns about new dwellings of a mass and scale far in excess of existing homes. Some called this a “monster homes” bylaw. City Council listened.

Appendix “E” to Report PED20205
Page 14 of 31

Veloce Homes is asking this Committee to pretty much throw out the changes just 2 years later.

The Land: The 15 Church Street lot is 50 m wide by 25 m deep with a lot area stated in the Veloce Homes application of 1264 m². The City 2018 study shows the average ER zone lot is 1139 m². In other words, 15 Church is about the size of the average ER single family lot but 6 homes are proposed.

The 15 Church Street lot is **wider** than the 23-28 m average frontage in the ER zone, but significantly **shallower** than the 43 to 48 m average depth. This lot is unique: fewer than 5% of the lots in the ER zoning are less than 30 m deep. It is largely the lack of depth that makes this property so unsuitable for this large-scale development.

This Home Needs Renewal: The home has been sitting for several years and there is deterioration.

2. Reading the Application

Veloce Homes sets out variances from RM2 requirements in a table, Development Statistics, on page 57 of the application. These are not variances from minimum Regulations for the current ER zoning, but variances from the Regulations for Street Townhomes covered in RM2. **A summary of the major variations sought:**

- RM2 requires a **minimum lot size** of 1850 m². The proposal is 1263 m², or 68% compliance
- RM2 sets **minimum lot depth** at 30m. The 15 Church St lot is 25 m sidewalk to rear lot line.
- RM2 requires **280 m² per dwelling** unit to avoid crowding. The proposal is 165 m², 59% compliance.
- RM2 requires **9m frontage per unit**. The proposal is for 6.56m interior, or 73% compliance. End units get additional side yard width, but each unit will be only 6.56m in width, a very narrow dwelling compared to others in ER and those nearby.
- RM2 sets a **maximum lot coverage** of 35%. The plan shows 47.5% coverage, or 136% of the maximum.
- RM2 sets the **minimum front yard at 7.5m**. The proposal is 5.5m (6 m to the garage door), or 73% of the standard. The lot line abuts the sidewalk—there is no easement. Thus 5.5m is true maximum usable depth. **Comments on This:** Any parked vehicle larger than a mid-size car will be over the sidewalk (a Honda Accord is about 5 m in length). Where would a half ton truck—typically 6m long— park? Even if the owner had 1 or no car, the driveway is needed—service vehicles for maintenance, for example, will not fit (Church Street is No Parking both sides, there is no visitor parking).
- The **minimum rear yard** is 7.5m and the proposal shows near compliance at 7.2m. However, that is the distance from the building, while a deck is planned that will reduce this to 5.18m.
- RM2 Regulations require a **3m Planting Strip** between the property and an adjacent ER zoned lot. The 3m Planting Strip at 15 Church is the entire side yard of the end unit. As this is not a condominium will there be an obligation registered on title on the end unit lot to properly maintain this Planting Strip?

This is a Big Ask: The City 2018 report on ER zoning changes states that between 2012 and 2017 only 1 variance was granted in the study period for lot coverage in excess of 35%, and that was for 42%. Veloce Homes proposes 47.5% lot coverage.

3. Effect of Approval of The Changes

Over-Powering. The development will overpower the lot and abut the sidewalk. The street view will be a line of garage doors fronting lofty and narrow buildings with cars right at the sidewalk—a sharp difference from the ambience of the street and the nearby buildings on both Church and Wilson.

It Does Not Fit in. The heritage home next door to the east is about 11.4 m wide (from the drawing, page 57 of the application) and about 6.5 m high (my estimate). The 43 m width of two 3-unit townhouses and its height about 4 m higher than the home will dwarf the heritage home. The town homes structure simply does not fit the neighbourhood even though it complies to the 10.5m maximum height in RM2 (1 m higher than ER zoning).

This Type of Development is Exactly What Residents and City Council Said They Did Not Want in 2018: The proposal brings the mass and scale the 2018 bylaw amendments were purporting to limit.

How It Could Be: The appearance and feel of a recently constructed townhome development on Wilson Street at Jerseyville Road contrast sharply with 15 Church Street. These homes have an internal road, visitor parking, and green space. When the Residential Multiple bylaw standards were developed this seems to be what was intended. The 15 Church Street proposal fails entirely in comparison.

4. Heritage is a Hallmark of the Ancaster Townsite

A Challenge: There is a large 1920 arts and crafts style home on the property with internal fire damage and repairs done to the point it is bare studs. Many in the Ancaster community believe the building should be repaired and renovated. The photos in the application suggest that this is possible. There is a real depth of information about this historic land in the application and I believe there must be some effort to respect what has gone before us before the wrecking claw is brought in. I believe it is incumbent on Veloce Homes to demonstrate that renovation of the existing building is not economically feasible through a third-party independent engineering assessment. There is no application to designate the building under Ontario legislation so a sympathetic addition or other changes are possible to make it economically feasible. **I ask Veloce Homes to think creatively with an objective assessment for the community before yet another important heritage building disappears.**

5. Is There is Another Option?

Does Veloce Homes have a potentially profitable alternative, if the current building cannot be repaired, without imposing a massive imposition on the neighbourhood? I submit the answer is yes.

A high-end single-family home - would conform to the ER zoning. This is a great location. All over Ancaster developers demolish older, smaller homes on larger lots - for about the investment Veloce Homes has in 15 Church - and build new homes with a larger footprint. Since it happens repeatedly, assumedly it is profitable.

Veloce Luxury Homes has crafted beautiful homes on Sulphur Springs Road and Lovers Lane that are positive additions to the community. I believe Veloce Homes obvious design talent and luxury building techniques could create a single home that fits exactly the difficult 15 Church St lot and would be welcomed by the neighbours.

6. The bottom line:

Veloce Homes has options for this land that do not impose a 6-fold increase in density on a small street in a heritage neighbourhood. There may be higher profits in maximizing density and lot coverage, while minimizing setbacks that violate both the spirit and the conditions of the bylaws, but with a totally inappropriate development in their midst it is the neighbours who pay the price.

I ask the Committee to uphold respect for carefully thought through zoning requirements by determining that this application is not a request for some minor variances but is in fact an effort to obtain approval for the very type of development that the 2018 ER Review sought to end.

Please DENY this rezoning application.

Thank you for consideration of these comments.



Tue 8/18/20 3:12 PM
JM [Redacted]
15 Church
To Van Rooi, James
Follow up. Start by August 18, 2020. Due by August 18, 2020.
You replied to this message on 8/19/20 2:36 PM.

I was told this morning about some adjustments made when Church Street was widened to accommodate the hedges at 15 Church where the sidewalk was narrowed from 1.5 meters to 1.19m. It was apparently an appeal but not sure who to or if this pre-dated amalgamation. Interesting that I walk my dog by there a few days a month and you do notice some difference that I had never thought about.

The hedges will disappear in the proposed redevelopment, so the question is if the sidewalk will be made to full width, or if the .31m will be used by the development to mitigate the under-regulation front set back (and thus driveway length)? .31m is not material in most cases but with the development very close to the sidewalk and 6 driveways abutting it may in this case.

So the question is if this is dealt with in the applications? As I look carefully at the plan on page 57 it does show the sidewalk narrowing—it is subtle, but you can see it.

Would appreciate knowing if this is dealt with in the normal course or not.

Thanks

[Redacted]

Tue 2/25/20 4:42 PM
JM [Redacted]
In-Put Zoning By-Law Amendment (File No. UHOPA-20-006)
To Van Rooi, James
Cc [Redacted]
Follow up. Start by February 25, 2020. Due by February 25, 2020.
You replied to this message on 2/26/20 1:28 PM.

[Word Document Icon] [Redacted]_Amend to OP and ZBL_City File UHOPA 20 006_Request for Input Rev 2.docx
.docx File

Dear James VanRooi.

We have attached our in-input to the proposed re-zoning mentioned above.

Thank you for this opportunity.

We look forward to hearing more communication regarding the proposed amendments.

Kind regards,

[Redacted]

[Redacted]
[Redacted] Lodor Street
Ancaster, ON [Redacted]

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Suburban Team

71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

February 24, 2020

Dear James Van Rooi

Re your files:
UHOPA-20-006
ZAC-20-011

We are writing in response to the application for amendments to the Official Plan and Zoning By-Laws

noted above, for the proposed townhouses at 15 Church Street, Ancaster (Ward 12).

We, [REDACTED], have actively lived just around the corner from the proposed Church Street development for the past 29 years, and are very familiar with the neighbourhood.

We would like to provide you with a number of insights regarding the Church/Lodor down to Academy neighbourhood; and, issues related to this proposed development. These issues may be the same or in addition to issues raised by other neighbourhood residents of the Lodor/Church/Academy community.

All issues outlined below are of equal concern.

- 1) No Options for Visitor Parking built into the proposed development plans – Church and Lodor cannot absorb more permanent or visitor parking. The Church/Lodor Streets support the overflow parking and traffic needs of the intensified Village Square recreation area.

Parking is not permitted on Church Street (sight of the proposed development): Church (approximately 20 feet) and the adjoining street, Lodor (approximately 19 feet) Streets are narrow with two-way traffic . With very limited parking on Lodor .

This, commonly referred to, heritage neighbourhood of Church and Lodor and down to Academy borders onto the wonderful and widely used Village Square recreational facilities. Supporting the Ancaster Secondary Plan, the neighbourhood opens its arms to what is called the Village Square Intensification recreational use.

The limited Lodor Street parking, from the top of Lodor to Academy, is actively used to accommodate the daily overflow parking of the Ancaster Square which includes the Library, splash pad and park, lawn bowling and tennis courts. There is also wonderful participation during the Town held special events such as Remembrance Day, July 1st, Tree Lighting, Heritage Days which also actively draw on the limited Lodor Street parking. The Tennis Club has been approved to 'bubble' the courts to support active club use 12 months of the year. This overflow swells April-October.

In addition, traffic related to the events held in the popular Old Town Hall is routed through Church and Lodor for the parking behind the Town Hall by signs posted on the corner of Church and Wilson, Church and Lodor and the top of Lodor. The Lawn Bowling club house is also available for event use.

- 2) High level of Traffic Cut-Through coupled with traffic and parking associated with widely used intensified recreation in the Village Square – creating traffic and safety issues in the Church/Lodor/Academy streets

Church Street, including the location of the proposed development, is used as part of a traffic cut-through between Wilson Street on the west and Rousseau Street on the north. This cut-through traffic has been on a steady increase to accommodate the ongoing development of the residential areas surrounding the Ancaster Village and the upswing of Dundas cars travelling the 'back way' into Ancaster via Hwy 99 to Sulfer Springs Road to Church to Lodor to Rousseaux.

Especially during rush hours, heavy traffic often flows at inappropriately high speeds, in both directions, along Church, Lodor Street and Academy Street between the two major arterials (Wilson and Rousseaux), to avoid traffic along Wilson St. and bypassing the busy intersection at Rousseau and Wilson. The morning traffic on Wilson is slowed, often to a standstill, by those cars waiting on Wilson to gain access to the Tim Horton's drive-thru which also creates additional Church to Lodor Streets cut through traffic to avoid the Wilson Street slow down.

We have first-hand experience with the cut-through traffic not coming to a full stop at the corner of Lodor and Church streets, speeding cars along Lodor and the Academy three way stop as we often leave at 8am.

The proposed development on Church Street cannot be considered safe for vehicles entering and exiting its driveways; nor when anticipating hazards to the residents given the increase in the current traffic patterns.

**We currently experience these hazards backing in and out of our driveway.

The neighbourhood cannot absorb the potential (research supports two for every residence) additional 12 traffic cut-through vehicles created by the proposed Church Street development. These vehicles are not going to choose the Wilson Street traffic over the Church/Lodor cut-through option.

Two additional heritage buildings: The Ancaster Sports Association the Ancaster Police Museum are adjacent to the Church/Lodor heritage neighbourhood with their small parking lot across from the proposed townhouse development. These facilities bring additional traffic to the area, and is often the site of community, Soccer, and Minor Hockey meetings.

- 3) Walking and Bike Traffic and concern for safety brought about by the increasing cut-through traffic and over flow parking to support the intensified Village Square previously described. The proposed development will add more traffic and the increased need to accommodate visitor parking on the already taxed, limited parking along Lodor as previously described.

Families with children, and seniors, walk along Lodor and also along Church Street to the recreational facilities, town held events, or simply to enjoy the "rural", "heritage", "tree lined feel" of the neighbourhood.

The groups of small children from the Wilson Street Day Care also use the Church/Lodor/Academy area for daily walks and on route to the park and Splash Pad. The Park and Splash Pad houses a Hamilton Children's Summer Park Program bringing with it additional car and foot traffic for pickup and drop off. This often includes siblings in tow with strollers and small bikes and wagons.

Church, Lodor and Academy are all very narrow, two-way streets with few traffic controls. Church and Lodor have sidewalks on only one side.

- 4) The Church Street development proposal calls for the removal of all trees currently alive, well and living on the site.

- 5) The developer stated at the Ancaster Community Council Meeting, held February 3rd, attended by [REDACTED], that they knocked on doors within the Church/Lodor neighbourhood and received positive response to the project.

Please note that we have not been contacted by the developer in person or by written form.

- 6) Church/Lodor to Academy neighbourhood is Fully zoned as Single Family Residential Area, supporting the Ancaster Secondary Plan by supporting the traffic and parking needs of the intensified use of Ancaster Square.

The proposed re-zoning changes on Church will set the precedence for further re-zoning changes in the Church/Lodor/Academy neighbourhood. Re-zoning will bring an increase in permanent traffic and parking issues to the already burdened Church/Lodor to Academy area which already services the significant traffic and parking needs of the intensified Ancaster Square facilities. There will also be greater safety concern for the walking and bike recreational use of the area.

- 8) Current Road Conditions – cannot tolerate further deterioration caused by trucks and equipment working at the proposed development site.

There is an aging road surface on Lodor, Church and Academy Streets currently with many potholes, random road patching and bumps brought on by the increased cut-through traffic flow, trucks and machinery brought in for recent house builds on Lodor and Academy Streets.

- 10) Counsellor Lloyd Ferguson has passed the 'no monster home' policy for residential areas.

This proposed townhouse development is in violation of the 'no monster home' policy applicable to the Church/Lodor/Academy neighbourhood as we understand it.

- 11) Counsellor Lloyd Ferguson made a comment at the February 3rd, 2020 Ancaster Community Council meeting similar to 'it's my opinion that it will be the provincial goal that will drive the approval of this project'. It is assumed this statement relates to provincial goal for intensification and that the final decision will be made the OMB .

****IT SHOULD BE NOTED THAT THE INTENSIFIED RECREATION FACILITIES OF THE ANCASTER SQUARE AND IT'S NEED FOR INTENSIFIED PARKING AND TRAFFIC SUPPORT FROM THE ADJOINING CHURCH/LODOR STREETS, ALREADY MEET THE PROVINCIAL GOAL FOR INTENSIFICATION IN THE CHURCH/LODOR TO ACADEMY STREET NEIGHBOURHOOD.**

Thank you for your consideration and response to our concerns regarding the safety and well-being of our community.


Regards,


[REDACTED]


[REDACTED]


[REDACTED] Lodor Street,
Ancaster, Ontario

L9G 2Z5

 Thu 2/27/20 6:03 PM
[REDACTED]
Townhouses on Church Street, Ancaster

To  Van Rooi, James

 [Click here to download pictures.](#) To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

 [REDACTED] a - Townhouse concerns.docx
.docx File

Please see attached note about the proposed development on Church Street.

Many thanks,
[REDACTED]

[REDACTED]

James Van Rooi
City of Hamilton
Planning and Economic Development Department

February 27, 2020

Dear Mr. Van Rooi:

Re your files:

UHOPA-20-006
ZAC-20-011

We are writing in response to the application for amendments to the Official Plan and Zoning By-Laws as above, regarding the proposed townhouses at 15 Church Street, Ancaster (Ward 12).

We recently moved to Ancaster and have been dismayed by the number of drivers using our street as a cut through. We have to take much caution to back out of our driveway and when turning into it when returning. We have witnessed and experienced many near misses when driving and walking on the sidewalk.

The locals seem to drive quite slowly down the street but other are on the move and already making a choice to save time which they add to by speeding, swerving and passing on a very narrow street.

Adding the typical two cars per household plus those of visitors for 6 new homes where one previously stood will only add to the issue.

Many thanks,

[Redacted signature]

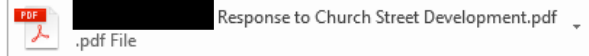


Thu 2/27/20 11:51 AM

[Redacted name]

Re your file UHOPA-20-006 ZAC-20-011 for proposed townhouses at 15 Church Street, Ancaster (Ward 12).

To Van Rooi, James



Dear Mr. VanRooi,

Please confirm of receipt for this email & attached letter.

Sincere thanks,

[Redacted signature]

[REDACTED]
[REDACTED] Academy St
Ancaster, ON [REDACTED]
[REDACTED]

James Van Rooi
City of Hamilton
Planning and Economic Development Department

February 25/2020

Dear Mr. Van Rooi:

Re your files:

UHOPA-20-006
ZAC-20-011

We write in response to the application for amendments to the Official Plan and Zoning By-Laws as above, regarding the proposed townhouses at 15 Church Street, Ancaster (Ward 12).

My husband & I live nearby the proposed development and we know the neighborhood well. We share Dr Maton & his wife Sandy's concerns regarding the proposed development as outlined below. Further, we have personally called Lloyd Ferguson's office in the past to voice our concerns pertaining to cut through traffic in our neighborhood (about 1.5yrs ago, before we knew of the neighborhood concerns in this regard), with no resolution to our concerns proposed to date.

We are in opposition to the proposed development at 15 Church Street, and the bye-law changes necessary for its construction, for the following reasons:

- 1) Vehicles associated with the new development on Church Street will add to the already congested, inappropriate traffic load on our narrow neighborhood streets. Further, given the often congested street conditions and the inappropriate high speeds of current traffic along the Church/Lodor/Academy corridor, vehicles parked in the driveways of the new development will be unable to anticipate oncoming vehicles in order to safely access Church Street. A proposal for another development at that location was defeated a few years ago, in part for the same reason.
- 2) The entire length of Church Street, including the location of the proposed development, is currently used as part of a traffic cut-through between Wilson Street on the west and Rousseau Street on the north. Especially at rush hours, heavy traffic often flows at inappropriately high speeds along Church Street, Lodor Street and Academy Streets, in order to avoid traffic on Rousseau and Wilson Streets. This is both dangerous and ruinous of the neighbourhood. The proposed development will add to these unsafe and unhealthy conditions.

- 3) The proposed development on Church Street cannot be considered safe for vehicles entering and exiting its driveways.
- 4) Further, there is a serious lack of parking for the proposed development. The new townhouses will have parking for two vehicles, but there is no local parking for any visitors they may have except on Lodor Street. Church Street itself is too narrow for parking, and is a no parking zone. Ancaster Square is for patrons of the various facilities located there, and is often full in any case. Other parking close by is all privately owned. Lodor Street is very narrow (@19 feet) yet is used as an overflow parking location for patrons of the often-full Ancaster Square parking lot. Lodor Street has sidewalks on only one side. Yet Lodor Street is also used as a cut-through for traffic from Wilson and Rousseau. The conflict between the use of Lodor Street as a parking location for overflow from the new development, for Ancaster Square (especially for families with children and seniors), and its use as a cut-through for rush hour traffic creates a serious hazard, especially when additional traffic and parking from the new development is added in.
- 5) Our neighbours residing close by the proposed development, and Ancaster Square patrons, report many close calls with speeding traffic on the narrow streets; and on Lodor Street a number of cars have reportedly had their side mirrors ripped off by vehicles passing at speed.
- 6) In addition, despite developer claims that the new development is architecturally consistent with local residences, visuals of the development indicate that this is clearly not the case.

For these reasons the proposed development is inappropriate, creates unwarranted risks and hazards for both its own residents and the neighborhood, and should be replaced by a single-family dwelling. We also have a lack of confidence that the city will respect our concerns surrounding this development proposal in any meaningful way based on our experience to date re lack of meaningful resolution to our existing concerns surrounding increased (& frequently speeding) cut-through traffic in our neighborhood.

Submitted respectfully,

██████████

Appendix "E" to Report PED20205
Page 24 of 31

Wed 2/19/20 7:02 PM
MH
Re Applications UHOPA-20-006 & ZAC-20-011
To Van Rooi, James

Dear Mr. Van Rooi

As a recipient of a rezoning request for the lands located at 15 Church St, Ancaster I would like to submit the following comments with regard to being against the request as it is submitted.

The conceptual drawing that was submitted with the application (while being very difficult to read as it is confined to one page and the numbers where written should be bigger) show that while 2 spaces are available for parking cars for each unit, they expect one car to be in the garage. I am not sure how this counts as two, to me it is one.

We all know that the majority of people use their garage as storage space as developers have not come up with easy access to other storage solutions as they are interested in getting as much ground floor living space as possible. As most families in Ancaster have at least 1 1/2 to 2 children per household, it begs the question in this current application as to where the other car might be parked. Probably on the street. Side by side parking is more beneficial as no one expects someone to move their car if someone wants out. Most homes on Church St. and Lodor St. have long driveways so additional cars and visitors park in the driveway where as this application for homes at 15 Church St. shows no space for additional or visitor parking.

Again, as most people will park in their driveway, it begs the question as to where visitors to these 6 units will park. Again, probably on the street. Who will be very angry and at whom if "No Parking" signs are erected on Church St?

These homes are not designed for the elderly but the very young with children or with children in mind and that in itself will raise a safety question regarding the potential increase in traffic, room to play, visitors and room to park additional cars. Concerning points that should not be overlooked by the developer, the Councillor or the City of Hamilton when reviewing this application.

It is not reasonable to expect that the residences will not have visitors as there are many holidays and birthdays throughout the years that will bring extra visitors along with just normal occasions such as house sales, parental and friends visits, etc. It would be reasonable to reduce the number of units to accommodate not only visitors but additional family cars as well, as do other complexes, as street parking is not an option on Church St. It is too narrow and emergency vehicles would have much difficulty in getting by.

6 units not only adds an additional 12 or more cars to the area but additional visitors and traffic that potentially creates a future headache, that ultimately, could have severe consequences on not only the new residents but existing ones as well, something a local Councillor of the day and the Traffic Department would not want.

Not only is the increased density a problem, but I do believe the City of Hamilton did a traffic study a few years ago when development of these lands was studied and I believe because of the stop light and the Doctors offices next door fronting on Wilson St. with the parking accessed off Church St., that it was considered to be just too busy for the intersection of Wilson St and Church St. as the traffic might be held up on Wilson St., as there is only one lane of through traffic on Wilson St., and emergency vehicles would not only be held up on Wilson St but possibly on Church St too if their call required them to access Church St.

It is important that we not only look at the present but the future too. Roads will not get wider, there will be more traffic, the intersection of Wilson St. and Rouseaux St will be many, many years in the future before anything is possibly done with it and the widening of Wilson St. is impossible due to current frontages and I am sure previous studies by the City of Hamilton Traffic Department will support this.

Traffic in Ancaster is currently a nightmare and it is not going to get any better soon. When traffic is backed up on Highway 403, sometimes well past the Wilson St interchange, drivers use Wilson St as an alternate route. Ancaster only has two major thoroughfares being Highway 403 and #2 Highway (Wilson St.). Rymal Rd is currently only two lanes in width and it will be many, many years before that gets widened and it is already close to capacity at rush hours. Just look at the time it took to widen it to three lanes east of Upper Wellington St. and it is still not finished.

With the continual increase of new homes, whether single family, multi family, business, business' with residential above or increased density such as condominiums and townhouses, Ancaster will soon, if not already there, be similar to Dundas where at rush hours traffic is at a standstill because of a continuous widening of The Official Plan and a push to increase density without consideration being given to the current and future infrastructure plans. Like sewers and water, this infrastructure is installed before development begins and the same needs to happen with road infrastructure, To suggest that public transit is the answer is like asking when the sky will fall. It is just not in the cards at this time.

Let's not allow the Ancaster situation get to that stage.

One home being replaced by 6 puts a large impact on the sewer, water and local drainage of the Old Village area. Has the impact of this been considered? Currently, the existing home has a lot of ground water absorption including several trees, a hedge and plenty of grassy areas. The current applications cover most of the lot with buildings and driveways. With 6 homes applied for will this create a run off onto neighbouring properties and local streets that can be handled without any effects? I would expect that various City departments will comment on this. Are the units going to be sold as "Freehold" so each owner will be responsible for his/her upkeep as is done in the rest of the community? Will this development be a Condominium Corporation? And if so, will the property manager be designated to care for the grounds and to what level?

Last but not least is the impact this application might have on the general neighbourhood. The potential for Committee of Adjustment variances for the site and the buildings. Is this the beginning of "creep" such that all large properties will suffer this fate? If not, what is being done to stop this? Ancaster is fortunate to have many homes on large lots, especially in the Old Village area, comparatively speaking. It would certainly spell the end of a mature area with trees an space. This is an area to be preserved, not one to be involved with "creep".

The residents of Church St. and Lodor St. have recently met with the local Councillor about the already increased traffic volumes at rush hours and the speed of these vehicles, again mostly at rush hours, and the City of Hamilton Traffic Department in association with the local Councillor is looking into what methods can be employed to curb this traffic increase during rush hours such as the installation of "Speed Cushions" and "No Left Turn" westbound during specified times on Rouseaux St. Any consideration given by any Departments should be aware of the current traffic problems and their impact on future development.

One last point. While the developer and their planning group has indicated the majority of homes in the area have white siding, I would respectfully suggest that most houses in the Church St. corridor are brick construction and that the Webb Planning Consultation group must have been looking at some properties on Wilson St. Many properties on Wilson St. have been either rebuilt with stone or new development has used stone. To suggest that the new buildings would blend in with surrounding properties is a big stretch. I really think there are many factors which need to be researched and covered before these applications are approved.

Currently, I am against the Application UHOP-20-006 for Urban Official Plan Amendment and the Application ZAC-20-011 for Zoning By-law Amendment.

As this was sent by email, please acknowledge receipt before the deadline date of Feb 26/20.

Respectfully submitted,

Lodor St.
Ancaster, ON
Cell Phone

Thu 2/27/20 2:23 PM
M
15 Church Street

To Van Rooi, James

You replied to this message on 2/28/20 5:45 PM.
This message was sent with High importance.

Response to Church Street Development.docx
.docx File

Please see attached.

[Redacted]

[Redacted]
Academy St.
Ancaster, ON [Redacted]

James Van Rooi James.VanRooi@hamilton.ca
City of Hamilton
Planning and Economic Development Department

February 26, 2020

Dear Mr. Van Rooi:

Re your files:

UHOPA-20-006
ZAC-20-011

We write in response to the application for amendments to the Official Plan and Zoning By-Laws as above, regarding the proposed townhouses at 15 Church Street, Ancaster (Ward 12).

We are in opposition to the proposed development at 15 Church Street, and the by-law changes necessary for its construction, for the following reasons:

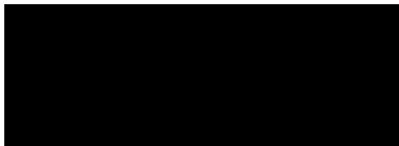
- 1) Vehicles associated with the new development on Church Street will add to the already congested, inappropriate traffic load on our narrow neighbourhood streets. Further, given the often congested street conditions and the inappropriate high speeds of current traffic along the Church/Lodor/Academy corridor, vehicles parked in the driveways of the new development will be unable to anticipate oncoming vehicles in order to safely access Church Street. A proposal for another development at that location was defeated a few years ago, in part for the same reason.
- 2) The entire length of Church Street, including the location of the proposed development, is currently used as part of a traffic cut-through between Wilson Street on the west and Rousseau Street on the north. Especially at rush hours, heavy traffic often flows at inappropriately high speeds along Church Street, Lodor Street and Academy Streets, in order to avoid traffic on Rousseau and Wilson Streets. This is both dangerous and ruinous of the neighbourhood. The proposed development will add to these unsafe and unhealthy conditions.
- 3) The proposed development on Church Street cannot be considered safe for vehicles entering and exiting its driveways.
- 4) Further, there is a serious lack of parking for the proposed development. The new townhouses will have parking for two vehicles, but there is no local parking for any visitors they may have except on Lodor Street. Church Street itself is too narrow for parking, and is a no parking zone. Ancaster Square is for patrons of the various facilities located there, and is often full in any case. Other parking close by is all privately owned. Lodor Street is very narrow (@19 feet) yet is used as an overflow parking location for patrons of the often-full Ancaster Square parking lot. Lodor Street has sidewalks on only one side. Yet Lodor Street is also used as a cut-through for traffic from Wilson and Rousseau. The conflict between the use of Lodor Street as a parking location for overflow from the new development, for Ancaster Square (especially for

families with children and seniors), and its use as a cut-through for rush hour traffic creates a serious hazard, especially when additional traffic and parking from the new development is added in.



- 5) Our neighbours residing close by the proposed development, and Ancaster Square patrons, report many close calls with speeding traffic on the narrow streets; and on Lodor Street a number of cars have reportedly had their side mirrors ripped off by vehicles passing at speed.
- 6) In addition, despite developer claims that the new development is architecturally consistent with local residences, visuals of the development indicate that this is clearly not the case.

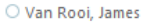
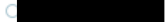
For these reasons the proposed development is inappropriate, creates unwarranted risks and hazards for both its own residents and the neighbourhood, and should be replaced by a single-family dwelling or perhaps a duplex.


Submitted respectfully,




Tue 2/25/20 5:57 PM

 
 Re: Response to 15 Church Street Proposal

To 
 Cc 

 Follow up. Completed on February 26, 2020.
 You replied to this message on 2/26/20 1:44 PM.

 Response to Church Street Development.pdf
 .pdf File

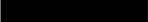
Good afternoon James.

Please find attached, the response from my husband and myself, to the proposal for townhouses at 15 Church Street in Ancaster.

My understanding is that this response must be submitted to you prior to February 26th, 2020 (tomorrow).

I am sending digital letter by email today and will drop off a copy with both of our signatures, to Councillor Ferguson's office tomorrow.

I hope that you'll find this satisfactory.

Thanks very much  and Al Dell.

[REDACTED]
[REDACTED] Lodor Street
Ancaster, ON [REDACTED]

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

February 25th, 2020

Dear sir/madam:

Re your files:
UHOPA-20-006
ZAC-20-011

I am writing in response to the application for amendments to the Official Plan and Zoning By-Laws as above, regarding the proposed townhouses at 15 Church Street, Ancaster (Ward 12).

My husband and I have lived on Lodor Street for more than ten years and will be able to see the proposed townhouse development on Church Street clearly as we look out of our kitchen window.

With regard to the increased traffic that this development and other proposed new builds in Ancaster will bring, I hope that you will take the time to read the issues as described below, and consider the actions that we as residents (along with the consensus of our neighbourhood) desire.

Please note, the purpose of this letter is not necessarily to voice opposition to the planned townhouse development on Church St. Instead, the purpose of this letter is to raise alarm over the lack of action by our City Councillor, Lloyd Ferguson with regard to traffic in an already congested town centre (two lanes) and the ensuing cut through traffic that the residential neighbourhood of Lodor , Church, and Academy Streets must bear.

Issues:

- **The entire length of Church Street, including the location of the proposed development, is currently used as part of a traffic cut-through between Wilson Street on the west and Rousseau Street on the north. Especially at rush hours, heavy traffic often flows at inappropriately high speeds along Church, Lodor Street and Academy Street between the two major arterials, avoiding traffic and bypassing the busy intersection at Rousseau and Wilson. After doing an informal count of cars stopping at the stop sign at Church and Lodor, we would estimate that maybe 2 out**

of 10 cars actual stop. The number of near misses (screeching brakes, honking horns) is several a day – mostly at rush hours.

- **Additionally and of late, we have found a 'secondary' cut through is being used by cars travelling from the west on Wilson. Instead of waiting to make the right hand turn at Church Street (to cut through to Rousseau), instead cars turn right into the Hamilton Public Library and Town Hall, cut through the parking lot and turn left onto Lodor to continue to Rousseau. This is troubling from a speed perspective as cars move faster without any stopsign (or speed bump) to slow them down, from the Lawn Bowling to the stopsign at Academy and, the more congested Wilson Street becomes, the more likely that this 'secondary' cut through will be utilized.**
- **Church, Lodor and Academy are all very narrow, two-way streets with few traffic controls and no traffic calming devices such as speed cushions. Church and Lodor have sidewalks on only one side. Even with a 40km speed limit, cars often speed on the stretch from the Lawn Bowling parking lot, down Lodor, to Academy and also on Church Street. I regularly walk these roads and feel unsafe as trucks and cars pass me while I'm walking on the sidewalk. I would imagine that feeling would be magnified if I was pushing a baby carriage or using an assisted device to walk.**

Lodor, Academy, and Church Street residents delivered their safety concerns to Councillor Ferguson at two separate meetings, specifically regarding traffic/infrastructure that currently is inadequate and unsafe, and to which increased density (townhouses) with two car parking, will soon be applied. My husband and I attended both neighbourhood meetings with Councillor Lloyd Ferguson. We left both meetings very frustrated with the lack of action in response to the concerns voiced by neighbourhood residents. Speed and volume 'statistics' presented were weak at best. There was no context offered (i.e. statistically, what are the criteria that must be met for speed bumps/cushions to be installed?).

The residents of Lodor feel that our stories, anecdotes and experiences on these streets are as or more meaningful than weak numbers.



What we are requesting is that our City Councillor simply listen to these concerns of constituents and take some action to address them. We have asked for speed cushions/bumps on Lodor and Academy. A reasonable request. What we have heard in response from Councillor Ferguson really can be summed up with the notion that he 'doesn't like them' and I believe the first response I heard from him directly (which stuck with me) was 'if we put them on your street, everyone in Ancaster is going to want them'. Obviously a less than satisfactory response.


We are writing to urge Councillor Ferguson to consent to applying this small but important action. There is a simple logic in it - if speed bumps/cushions on Lodor/Academy and/or Church Street are installed, they will slow traffic down and will also deter some of the current cut through traffic before density in the form of people and cars (townhouse development) are added to our residential streets.

Thanks for listening.
Submitted respectfully,



Mon 7/27/20 5:03 PM

  15 Church St., Ancaster (Ward 12). Files UHOPA-20-006, Re". Applications by Webb Planning Consultants on behalf of Page 3 of 3 Amendment and Zoning By-Law Amendment for Lands Located

To 

Mr VanRooi


I wish to submit my strong opposition to the changing of the zoning by-laws of the 15 Church St., Ancaster property.

15 Church Street was a viable signature heritage property in 2019. The new owners show no regard for the neighbourhood & have left the property neglected & derelict. Heritage properties, once gone, can never be replaced especially by completely different forms of housing type, such as this insensitive multi-family proposal.

The proposal for a 6 unit townhouse, each with 3 bedrooms & 2 parking spots is hard to believe as something that would be an asset or necessity to the street. Church Street has 9 single family properties (including #15). The building of these proposed townhouses would increase the population density of Church Street by 75%. As 3 bedroom units, I assume there would be children but no yards to speak of, just 12 parking spots. I am sure the property would also be cleared of all trees & greenery. Aesthetically the townhouses would present as a strip mall plunked into a beautiful heritage street surrounded by single family houses with large spacious lots. These townhouses would be totally out of character for the neighbourhood in all aspects of size, scale and density and would be an affront to the existing heritage properties. What possible reason could the city have in allowing the proposed zoning & by-law amendments.

The increased population would also increase vehicle traffic. Church Street is narrow and the city already acknowledges this by having posted no parking signs on both sides of the street. The proposed row house project does not, and cannot provide parking for visitors and we would further note that the parking spots will interfere with the pedestrian walkway which exists on that side of the street.

Please do not let this developer proceed with this project. Do not allow changes to the zoning amendment or to an amendment to the Ancaster Wilson Street Secondary Plan.


Appleby Road
Ancaster

Sent from my iPad

August 2nd, 2020

James Van Rooi
City of Hamilton
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Re: Files: UHOPAOO-006 & ZAC-20-011

Dear Mr. Van Rooi,

We are writing to you regarding the application for development at 15 Church Street, Ancaster, ON. Our family moved to this neighbourhood just over a year ago as we were attracted by the mature neighbourhood, large properties with lush yards and the proximity to the Ancaster Village.

We strongly oppose both the application for amending the property from "Low Density Residential 1 to Low Density Residential 3 in order to permit street townhouses" and the application to "change the zoning from Existing Residential 'ER' Zone to Residential Multiple 'RM2-XXX'".

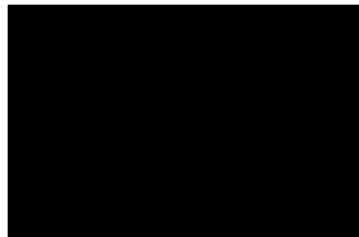
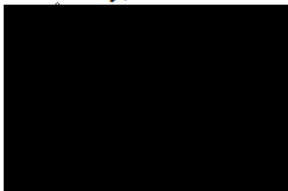
The application for development of 6 townhomes is completely out of character for the neighbourhood and will increase traffic along Church, Academy and Lodor streets, which are not designed to be high traffic. The already increased traffic in the area has led to significant safety concerns for our young children and calls for traffic control measures. Adding so many additional homes will exacerbate the traffic concerns and have a negative impact on the quality of life for those residing here.

If allowed to proceed this development will open up the floodgates for other developers to purchase large properties and submit similar applications for multiple townhomes. This would not only detract from the quality of life of those living in the area, but also discourage visitors from coming to enjoy the charming nature and walkability of the Ancaster village.

We understand the need for development and can appreciate that Veloce Luxury Homes needs to create a viable business for itself. This company has built some truly outstanding homes in Ancaster, but development ought to be in keeping with the nature of the surrounding neighbourhood, and complement, rather than detract from it. In this case, they are detracting from the historic nature of the village and intentionally allowing a piece of this history to fall into disrepair. Upsettingly, this seems to be an intentional tactic by the builder to create the illusion that the home is not salvageable and therefore should likely be condemned and torn down. In 2017 the previous owner listed the property for rent. We have attached some pictures of that listing. This was a gorgeous house in which we could only be so fortunate to live and Veloce Luxury Homes is intent on destroying this piece of Ancaster's history.

Ancaster is a historic town and every effort should be made to preserve as much of it as possible. This sort of development is better suited for an area designed for such density, where it does not come at the cost of the destruction of history, and the enjoyment of the village for Ancaster, for both residents and visitors.

Sincerely,



Photos from 2017 Rental Listing





- MATERIAL**
- 1 - ACM panel
 - 2 - Gypsum Shear Wall roof
 - 3 - Reclaimed Brick
 - 4 - Reclaimed Wood Siding Painted
 - 5 - Vertical wood Siding Painted
 - 6 - Asphalt
 - 7 - Stone Brick
 - 8 - Painted Wood
 - 9 - Gable Cladding
 - 10 - Painted Cladding
 - 11 - Stone
 - 12 - EPS

Rev.	Description	Date



N-CUBED
ARCHITECTURE + ENGINEERING + INTERIORS

897 King St W - Hamilton ON - 905-865-5355

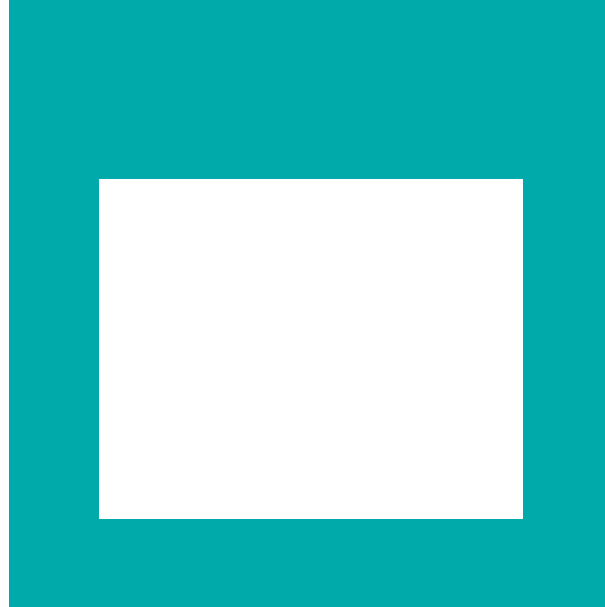
Veloce Luxury Homes
Church St Towns

Side Elevations

Project Number	Project Name
8558-7550	Church St

A2.2

Scale: 1/75



WELCOME TO THE CITY OF HAMILTON

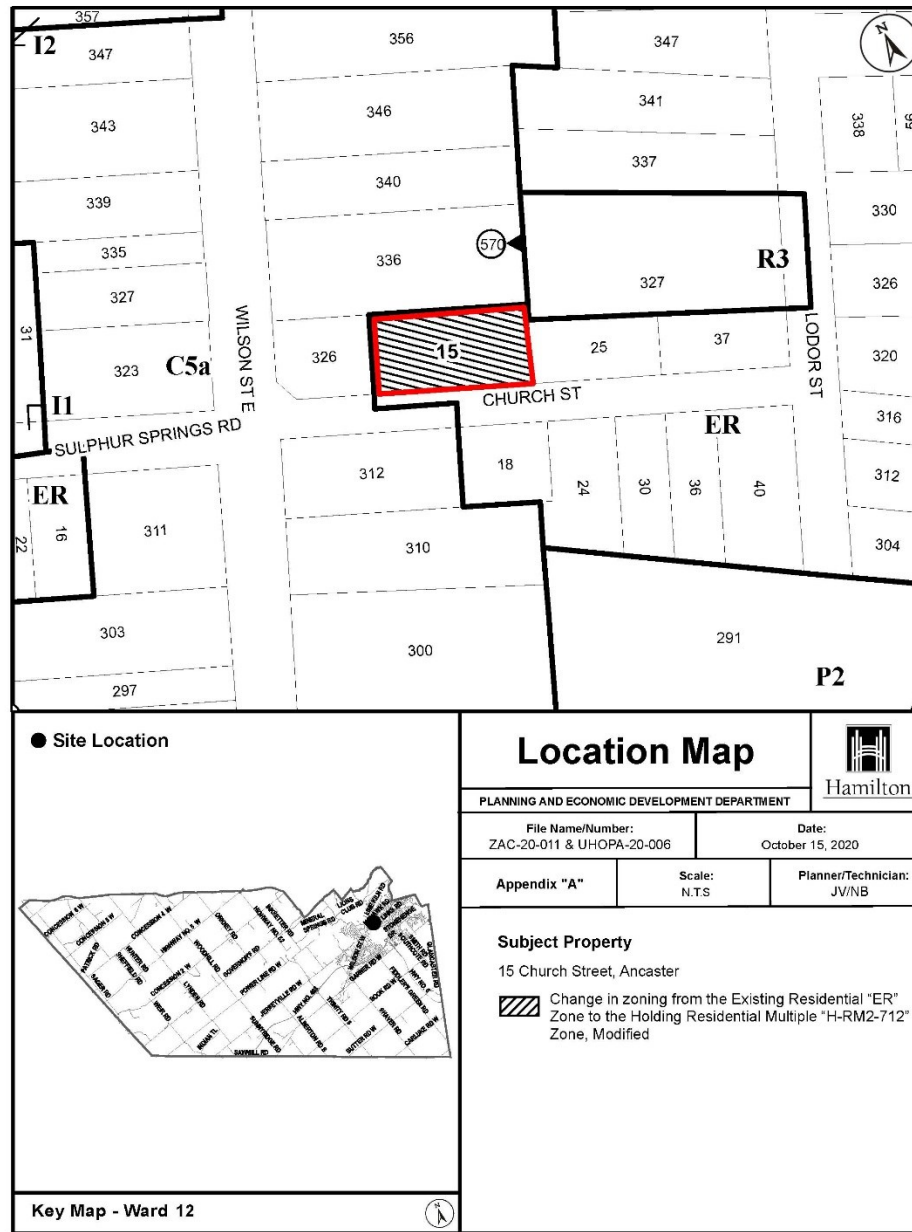
PLANNING COMMITTEE

December 8, 2020

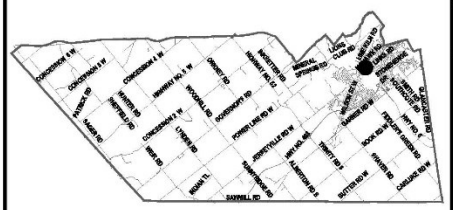
PED20205 – (ZAC-20-011 & UHOPA-20-006)

Application for Amendments to the Urban Hamilton Official Plan and
Ancaster Zoning By-law No. 87-57 for Lands Located at
15 Church Street, Ancaster

Presented by: James Van Rooi



● Site Location



Key Map - Ward 12

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAC-20-011 & UHOPA-20-006	Date: October 15, 2020	
Appendix "A"	Scale: N.T.S.	Planner/Technician: JV/NB

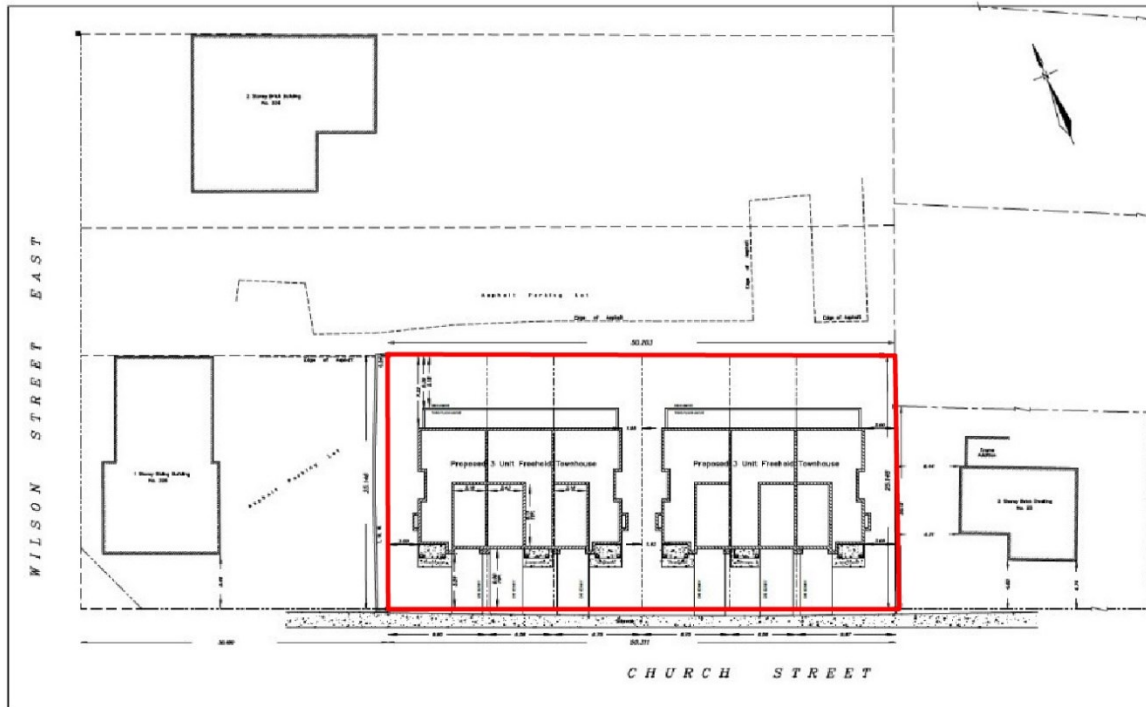
Subject Property

15 Church Street, Ancaster

- Change in zoning from the Existing Residential "ER" Zone to the Holding Residential Multiple "H-RM2-712" Zone, Modified



SUBJECT PROPERTY  15 Church Street, Ancaster



DEVELOPMENT STATISTICS			DEVELOPMENT STATISTICS		
Current Zone: ER			Current Official Plan Designation:		
Proposed Zone: RM2-_____			Low Density Residential 1		
ITEM	REQ'D	PROPOSED	ITEM	REQ'D	PROPOSED
MIN. LOT AREA (total)	1850m ²	1263.8m ²	BUILT FORM	Singles/Semis	Street Townhomes
MIN. LOT AREA (dwelling)	280m ²	165.0m ²	HEIGHT	2.5 Storeys	2.5 Storeys
MIN. LOT FRONTAGE	50m	50.31	DENSITY	20 UPH	48 UPH
MIN. LOT FRONTAGE (dwelling)	9m	6.56m			
MIN. LOT FRONTAGE (End Unit)	11.5	9.8			
MIN. LOT DEPTH	30m	25.1			
MAX. LOT COVERAGE	35%	47.5% (interior lot)			
MIN. FRONT YARD	7.5m	5.5m			
MIN. SIDE YARD (existing lot boundary)	2.5m	3.0			
MIN. SIDE YARD (new internal boundary)	2.5m	1.9			
MIN. REAR YARD	7.5m	7.2			
MAX HEIGHT	10.5m	10.5m			
MIN. LANDSCAPING AREA	30%	40.5% (interior lot)			
PLANTING STRIP	3m	3m			
MIN. PARKING SPOTS (dwelling)	2	2			

KEY MAP
M.T.A.

PART OF LOT 45
CONCESSION 2
TOWNSHIP OF ANCASTER
CITY OF HAMILTON

SCALE 1:200

NOTE: DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

1	ZBA/OPA Submission	DATE
No.	Revision/Issue	Date

THE MAYWOOD
15 Church St
Freestd. Townhouse Proposal

CONCEPT PLAN

Project	19-02	Sheet	1
Date	13/12/19		



1 - S - Front
 1:75




2 - R - Rear
 1:75

MATERIAL

- 1 - ACM panel
- 2 - Standing Seam Metal roof
- 3 - Reclaimed Brick
- 4 - Horizontal Wood Siding Painted
- 5 - Vertical wood Siding Painted
- 6 - Aluminum
- 7 - White Brick
- 8 - Plained Wood
- 9 - Glass Glazing
- 10 - Frosted Glazing
- 11 - Steel
- 12 - EIFS

No.	Description	Date

CLIENT



VELOCE
LUXURY HOMES

N-CUBED
ARCHITECTURE • ENGINEERING • INTERIOR DESIGN

807 King St W - Hamilton ON - 905-885-5305

Veloc Luxury Homes
 Church St Towns

Front & Rear Elevation

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A2.1

Scale 1:75



West Side
 1:75




East Side
 1:75

- MATERIAL**
- 1 - ACM panels
 - 2 - Standing Seam Metal roof
 - 3 - Reclaimed Brick
 - 4 - Horizontal Wood Gring Painted
 - 5 - Vertical wood Gring Painted
 - 6 - Aluminum
 - 7 - White Brick
 - 8 - Painted Wood
 - 9 - Glass Glazing
 - 10 - Frosted Glazing
 - 11 - Stone
 - 12 - GFC

No.	Description	Date

CLIENT



N-CUBED
A ARCHITECTURE • ENGINEERING • DESIGN SOLUTION

897 King St W - Hamilton ON - 505-865-5355

Veloce Luxury Homes
 Church St Towns

Side Elevations

Project Number	Project Number
Date	Scale
Drawn by	Author
Checked by	Checked

A2.2

Scale 1:75



15 Church Street



Church Street looking to Lodor Street



25 Church Street



18 Church Street



24 Church Street



30 and 36 Church Street



37 Church Street



Lodor Street looking towards Rousseaux Street



Lodor Street looking towards tennis club



Church Street looking towards Wilson Street East



314 Wilson Street East



326 Wilson Street East



Wilson Street East , Church and Sulphur Springs Intersection



Looking north on Wilson Street East



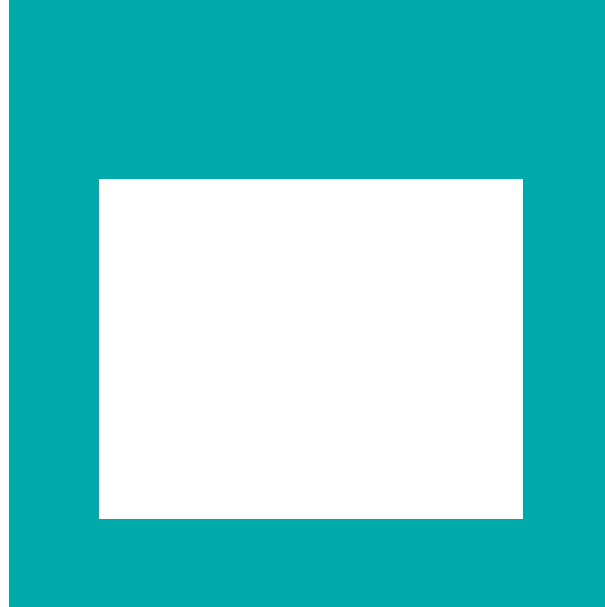
Looking south on Wilson Street East



Old Firehall behind subject lands



Directly behind Subject Lands

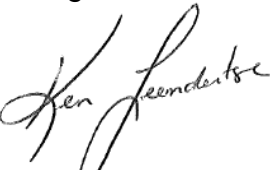



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2021
SUBJECT/REPORT NO:	Expanding Administrative Penalty System (APS) By-law 17-225 to include the Snow Removal By-law 03-296 (PED21015) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the amendment to the Administrative Penalty System (APS) By-law 17-225 to include various regulations contained within the Snow Removal By-law 03-296 described in Report PED21015, detailed in the proposed amending by-law attached as Appendix "A" be approved;
- (b) That the amending by-law attached as Appendix "A" to Report PED21015, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

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: Expanding Administrative Penalty System (APS) By-law 17-225 to include the Snow Removal By-law 03-296 (PED21015) (City Wide) – Page 2 of 4

EXECUTIVE SUMMARY

By-law amendments are occasionally required to improve enforcement activities and update various by-laws. This is part of the Licensing and By-law Services continuous improvement efforts to ensure that the City has the most efficient and effective by-laws.

At its meeting of September 27, 2017 Council approved Item 3 of Planning Committee Report 17-015 to enact the City of Hamilton Administrative Penalty System (APS) By-law, directing staff to implement an Administrative Penalty System for the City's regulatory by-laws. Staff is seeking approval to include the Snow Removal By-law 03-296 to the APS By-law for property owners failing to remove and clear all snow and ice from sidewalks, roofs and eaves abutting highways, and depositing snow and ice onto highways.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

HISTORICAL BACKGROUND

On October 15, 2003 Council enacted the Snow Removal By-law No. 03-296 to provide for the removal of snow and ice from roofs and sidewalks within the City of Hamilton.

At its meeting of September 27, 2017 Council approved Item 3 of Planning Committee Report 17-015 to enact the City of Hamilton APS By-law, directing staff to implement an Administrative Penalty System for the City's regulatory by-laws. Many of the City's regulatory by-laws has been included in the APS By-law as an effective and efficient method to enforce minor contraventions.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Municipal Act, 2001* authorizes the use of APS for designated by-laws. Bringing the minor by-law contraventions into APS provides an alternative to the formal court trial setting to deal with minor by-law infractions in a manner that is fair, effective and efficient requiring far less resources.

RELEVANT CONSULTATION

N/A

SUBJECT: Expanding Administrative Penalty System (APS) By-law 17-225 to include the Snow Removal By-law 03-296 (PED21015) (City Wide) – Page 3 of 4

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

In 2018 the Municipal Law Enforcement Section (MLE) received 1,874 snow and ice calls of which 698 investigations were for contraventions on sidewalks, 100 on private walkways and 26 for depositing snow and ice onto roadways. In most cases, voluntary compliance was achieved with no further action taken after the initial inspection of the Municipal Law Enforcement Officer (MLEO).

In 2019 MLE received 3,622 calls of which 1,803 Violation Orders were issued. If the property owner fails the voluntary compliance Orders, fees for service applied, followed by City contractors clearing the snow with costs added to the property tax roll. Legal action is commenced when the property owner continues to re-offend.

The current process under *the Provincial Offences Act* involves a formal court procedure involving significant public resources. Whereas, the issuance of Administrative Penalty Notices (APNs) provides a fair, effective and efficient process that is proportionate to encourage compliance to City of Hamilton By-laws.

Issuing APNs under the APS By-law does not include the lengthy formal process found in the Provincial Offences Court. Tickets are reviewed by a Screening Officer over the phone, via email, regular mail or in person without an appointment. Less formal Hearings are conducted providing offenders the opportunity to dispute their APNs in a non-adversarial manner. The enhanced resolution process within APS is an expedient and efficient method that provides excellent customer service for individuals who wish to exercise this option in lieu of a formal trial.

The use of APNs has produced positive impacts to administer and enforce other minor contraventions under the City's regulatory by-laws currently designated in the APS By-law. It has proven to be an important step in the Progressive Enforcement Policy established by Licensing and By-law Services, reserving the formal trial process for egregious or significant events. Staff propose amending the APS By-law to include those minor contraventions of the Snow Removal By-law.

ALTERNATIVES FOR CONSIDERATION

N/A

SUBJECT: Expanding Administrative Penalty System (APS) By-law 17-225 to include the Snow Removal By-law 03-296 (PED21015) (City Wide) – Page 4 of 4

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: By-law adding Table 26 to Schedule A of the APS By-law 17-225

KL:BH:st

Appendix "A" to Report PED21015**Page 1 of 1**

Authority: Item ,
Report PED21015
CM:
Ward: City Wide

Bill No.**CITY OF HAMILTON****BY-LAW NO. 21-xxx**

To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Schedule A of By-law No.17-225 is amended by adding a new Table 26 titled Snow and Ice By-law No. 03-296.

TABLE 26: BY-LAW 03-296 SNOW REMOVAL BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	03-296	5	fail to remove/clear snow and ice from sidewalks	\$65.00
2	03-296	6	fail to remove/clear snow and ice from roof/eaves overhanging a highway/sidewalk	\$65.00
3	03-296	7(a)	throw/place/bring or deposit snow and ice obstructing fire hydrant	\$100.00
4	03-296	7(b)	throw/place/bring or deposit snow and ice onto highway	\$65.00
5	03-296	7(c)	throw/place/bring or deposit snow and ice onto highway obstructing drainage	\$65.00

PASSED this _____, _____, _____

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

MOTION

Planning Committee Date: January 12, 2021

MOVED BY COUNCILLOR COLLINS.....

SECONDED BY COUNCILLOR.....

Environmental Remediation and Site Enhancement (ERASE) Incentive Programs Amendment

WHEREAS, the City voluntarily provides financial incentives to assist with the remediation and redevelopment of brownfield properties within the urban area under the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan;

WHEREAS, the ERASE CIP authorizes the ERASE Redevelopment Grant (ERG) Program and ERASE Tax Assistance Program (TAP) which provide financial incentives on the basis of new municipal taxes generated as a result of the remediation and redevelopment of a brownfield site;

WHEREAS, brownfield sites may be subject to development proposals requiring planning applications and City Council approval(s) under the *Planning Act*;

WHEREAS, the Local Planning Appeals Tribunal (LPAT) has the ability to overturn City Council decisions on planning applications;

WHEREAS, applications under the ERG and TAP programs are brought for City Council consideration at such time as a site has received, at minimum, conditional Site Plan approval; and,

WHEREAS, the administrative provisions of the ERG and TAP programs do not currently contemplate refusal or reduction of a grant for developments which have been approved by LPAT in a form contrary to City Council decision(s);

THEREFORE, BE IT RESOLVED:

- (a) That Economic Development Division staff be directed to bring forward the following amendments to the ERG and TAP program terms for proposed developments that require *Planning Act* approval(s):

- (i) a grant application may be denied by Council if the development is not supported by Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that Council's decision on the ERG and TAP applications will not fetter its discretion on an *Planning Act* applications; and
- (ii) Council's approval of an ERG or TAP can provide for a reduced grant amount so that no grant is payable in respect of any portion of the development which Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that Council's decision on the ERG and TAP applications will not fetter its discretion on an *Planning Act* applications.