



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 21-002
Date: February 2, 2021
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

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

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

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

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. January 12, 2021

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5. COMMUNICATIONS
6. DELEGATION REQUESTS
7. CONSENT ITEMS

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12.	NOTICES OF MOTION	
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13.1.	Outstanding Business List	
13.1.a.	Items to be Removed: 19J - Zoning By-law Amendment for 1400 Baseline Road (Addressed as Item 8.2 on the January 12 agenda)	
14.	PRIVATE AND CONFIDENTIAL	

- 14.1. Closed Minutes January 12, 2021
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

21-001

January 12, 2021

9:30 a.m.

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

Present: Councillors J.P. Danko (Chair)
B. Johnson (1st Vice Chair), J. Farr (2nd Vice Chair), C. Collins,
M. Pearson, L. Ferguson, M. Wilson and J. Partridge

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

**1. City Ambassadors on the Waterfront Trail Update (PED21013) (City Wide)
(Item 7.1)**

(Collins/Ferguson)

That Report PED21013 respecting City Ambassadors on the Waterfront Trail Update, 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

**2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of
Subdivision Applications (PED21016) (City Wide) (Item 7.2)**

(Partridge/Wilson)

That Report PED21016 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, 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

3. Green Building Strategy Update (PED20127) (City Wide) (Item 7.3)

(Pearson/Farr)

That Report PED20127 respecting Green Building Strategy Update, be received.

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

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

4. Appeal 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) (Item 7.4)

(Wilson/Farr)

That Report PED21012 respecting 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), be received.

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

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

5. 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) (Item 8.1)

(Partridge/Ferguson)

- (a) 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;
 - (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.

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

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

6. 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) (Item 8.2)

(Pearson/Collins)

- (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 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:

- (1) 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;
- (2) 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,
- (3) 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.

- (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; and,
- (d) ***That the public submissions regarding this matter were received and considered by the Committee in approving 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
 NO - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

7. 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 10.1)

(Pearson/Johnson)

- (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.
- (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, **as amended**, 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:

- (1) 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,
- (2) 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.
- (c) ***That staff be directed to allow the Ward Councillor to review the site plan before it is approved with special consideration on heritage features, height and lot coverage;***
- (d) ***That staff be directed to ensure that a precondition survey of Church Street is completed to ensure any damages to the road caused by***

construction are restored and the appropriate securities are posted to complete the required works to the Senior Directors' satisfaction; and,

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

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

8. Expanding Administrative Penalty System (APS) By-law 17- 225 to include the Snow Removal By-law 03-296 (PED21015) (City Wide) (Item 10.2)

(Pearson/Partridge)

- (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.

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

9. ERASE Incentive Program Amendments (Item 11.1)**(Collins/Farr)**

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.

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

10. Planning Committee 1st Vice Chair and 2nd Vice Chair Appointments (Item 13.1)

(Johnson/Partridge)

That Councillor Johnson be appointed as 1st Vice Chair for 2021 and Councillor Farr be appointed as 2nd Vice Chair for 2021.

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

11. Update and Instructions regarding Local Planning Appeal Tribunal Appeals of 600 James St. N. (LS21003) (Ward 2) (Item 14.2)

(Farr/Wilson)

- (a) That the direction provided to staff in Closed Session, respecting Report LS21003 respecting Update and Instructions regarding Local Planning Appeal Tribunal Appeals of 600 James St. N., be approved; and,
- (b) That Report LS21003 respecting Update and Instructions regarding Local Planning Appeal Tribunal Appeals of 600 James St. N., and its appendices remain confidential.

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 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 John Schuurman respecting Ottawa's Building Better and Smarter Suburbs Action Plan and Opportunities for the City of Hamilton (For today's meeting) – WITHDRAWN
- 6.2 Delegations respecting 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 10.1)

(b) Added Written Submissions:

- (v) Ted Robinson
- (vi) Darren Earl
- (vii) Jerry Cole
- (viii) Jim MacLeod
- (ix) Chris Cunningham
- (x) Sarah Wellman
- (xi) Nancy Hurst
- (xii) Rowen and Mavis Baker
- (xiii) Brad Davis
- (xiv) Bob Maton
- (xv) Sandy Price
- (xvi) Debra Mills
- (xvii) Marian Ewen
- (xviii) Ancaster Village Heritage Community
- (xix) James Webb, WEBB Consulting

(c) Virtual Delegation

- (i) Jim MacLeod, Ancaster Village Heritage Community

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

8.2 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)

(b) Added Written Submissions:

- (iii) Stan and Renee Kurak
- (iv) Sherry Hayes
- (v) Bill Milar
- (vi) Sharon Williams
- (vii) Valerie Gardner
- (viii) Donna Head
- (ix) Gwen Dale
- (x) Georgina Beattie
- (xi) Trena Ennis
- (xii) Deborah Martin
- (xiii) Thomas Bibby
- (xiv) Dawn Simpson

3. GENERAL INFORMATION/OTHER BUSINESS (Item 13)

13.1 Planning Committee **1st Vice Chair** and 2nd Vice Chair Appointments

4. PRIVATE & CONFIDENTIAL (Item 14)

14.2 Update and Instructions regarding Local Planning Appeal Tribunal Appeals of 600 James St. N. (LS21003) (Ward 2)

(Wilson/Pearson)

That the agenda for the January 12, 2021 meeting be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) December 8, 2020 (Item 4.1)

(Ferguson/Collins)

That the Minutes of the December 8, 2020 meeting be approved, as presented.

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

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

(d) DELEGATION REQUESTS (Item 6)

(i) Delegations respecting 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 10.1) (Item 6.2)

(Ferguson/Johnson)

That the written and virtual Delegation Requests respecting Item 10.1 on today's agenda, be approved for today's meeting.

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

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

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

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

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

(i) 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) (Item 8.1)

Michael Davis, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

(Ferguson/Pearson)

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

Eric Salembier with S. Llewellyn and Associates Ltd., and Gary Neven, Owner, were in attendance and indicated they were in support of the staff report.

(Ferguson/Partridge)

That the delegation from Eric Salembier with S. Llewellyn and Associates Ltd., and Gary Neven, 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

(Collins/Ferguson)

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/Johnson)

- (a) 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;
 - (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.

(Ferguson/Johnson)

That the recommendations in Report PED21002 be ***amended*** by adding the following sub-section (b):

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

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 5.

(ii) 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) (Item 8.2)

Alissa Mahood, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

(Pearson/Johnson)

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

(Pearson/Johnson)

That the following written submissions be received:

(i) Terylene McClelland
 (ii) Judith Duncan
 (iii) Stan and Renee Kurak
 (iv) Sherry Hayes
 (v) Bill Milar
 (vi) Sharon Williams
 (vii) Valerie Gardner
 (viii) Donna Head
 (ix) Gwen Dale
 (x) Georgina Beattie
 (xi) Trena Ennis
 (xii) Deborah Martin
 (xiii) Thomas Bibby
 (xiv) Dawn Simpson

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/Partridge)

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

(Pearson/Collins)

- (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 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:

- (1) 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;
- (2) 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,
- (3) 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.

- (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

(Pearson/Collins)

That the recommendations in Report PED20002 be **amended** by adding the following sub-section (d):

(d) *That the public submissions regarding this matter were received and considered by the Committee in approving 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
NO - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 6.

(iii) Delegations respecting 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 10.1) (Added Item 8.3)

(Partridge/Pearson)

That the following written delegations (Items 6.2 (i) to (xix)) be received:

(i) Frank Gallo
(ii) Ryan Canu
(iii) Fran Spoelstra
(iv) Maxine and Mario Zecchini
(v) Ted Robinson
(vi) Darren Earl
(vii) Jerry Cole
(viii) Jim MacLeod

- (ix) Chris Cunningham
- (x) Sarah Wellman
- (xi) Nancy Hurst
- (xii) Rowen and Mavis Baker
- (xiii) Brad Davis
- (xiv) Bob Maton
- (xv) Sandy Price
- (xvi) Debra Mills
- (xvii) Marian Ewen
- (xviii) Ancaster Village Heritage Community
- (xix) James Webb, WEBB Consulting

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 Delegation:

- (i) Jim MacLeod, Ancaster Village Heritage Community, addressed the Committee 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) (PED20205) (Ward 12), and expressed concerns with the application.

(Collins/Danko)

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

For disposition of this matter, refer to Item 7 and (f)(i).

(f) DISCUSSION ITEMS (Item 10)

- (i) 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 10.1) (Deferred from the December 8, 2020 Planning Committee meeting)**

(Pearson/Johnson)

- (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.
- (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:

- (1) 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,
 - (2) 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.

(Ferguson/Farr)

- (a) That the draft By-law attached as Appendix “C” to Report PED20205, be **amended** by amending Sub-section 2(d) and adding Sub-section 2(m) as follows:
 - (d) Maximum Lot Coverage ~~49 percent~~ **37% of total parcel area**
 - (m) **Basement or Cellar** **All street townhouse dwellings shall have a basement or cellar.**
- (b) That the recommendations in Report PED20205 be amended by adding the following Sub-sections (c) and (d):
 - (c) **That staff be directed to allow the Ward Councillor to review the site plan before it is approved with special consideration on heritage features, height and lot coverage; and,**
 - (d) **That staff be directed to ensure that a precondition survey of Church Street is completed to ensure any damages to the road caused by construction are restored and the appropriate securities are posted to**

complete the required works to the Senior Directors' satisfaction.

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

(Pearson/Johnson)

That the recommendations in Report PED20205 be ***amended*** to add sub-section (e) as follows:

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

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

YES - Ward 1 Councillor Maureen Wilson
 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
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 7.

(g) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – December 8, 2020 (Item 14.1)

(Ferguson/Collins)

That the Closed Session Minutes – December 8, 2020 be approved, as presented, and remain confidential.

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

(Partridge/Wilson)

That the Committee move into Closed Session for Item 14.2 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.

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) Update and Instructions regarding Local Planning Appeal Tribunal Appeals of 600 James St. N. (LS21003) (Ward 2) (Item 14.2)

For disposition of this matter, refer to Item 11.

(h) ADJOURNMENT (Item 15)

(Pearson/Partridge)

That there being no further business, the Planning Committee be adjourned at 12:43 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

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 2, 2021
SUBJECT/REPORT NO:	To Incorporate City Lands into Greenravine Drive by By-Law (PED21019) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Sally Yong-Lee (905) 546-2424 x1428
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the following City Lands designated as Parts 1 and 2 on Plan 62R-20006 be established as a public highway to form part of Greenravine Drive;
- (b) That the By-Law to incorporate the City lands to form part of Greenravine Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council.

EXECUTIVE SUMMARY

As a condition of Draft Plan approval for 25T-200403 (237 and 271 Lime Kiln Road), the Developer was required to convey sufficient lands to construct a permanent cul-de-sac at the north limit of Greenravine Drive. The Developer transferred Part 1 on Plan 62R-20006 to the City for the purpose of establishing Greenravine Drive as a public highway.

In addition, the Developer completed a land exchange with the City (Parklands), acquiring Part 2 on Plan 62R-20006 to accommodate the permanent cul-de-sac in exchange for Part Block 15 on Plan 62M-380, save and except Part 1 on Plan 62M-20006.

It is necessary to incorporate Parts 1 and 2 on Plan 62R-20006; lands owned by the City of Hamilton into the Greenravine Drive as a public highway.

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**SUBJECT: To Incorporate City Lands into Greenravine Drive by By-Law
(PED21019) (Ward 12) – Page 2 of 3**

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

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

Staffing: There are no associated staffing implications.

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

HISTORICAL BACKGROUND

As a condition of Draft Plan approval for 25T-200403 (237 and 271 Lime Kiln Road), the Developer was required to convey sufficient lands to construct a permanent cul-de-sac at the north limit of Greenravine Drive. The Developer transferred Part 1 on Plan 62R-20006 to the City for the purpose of establishing Greenravine Drive as a public highway.

In addition, the Developer completed a land exchange with the City (Parklands), acquiring Part 2 on Plan 62R-20006 to accommodate the permanent cul-de-sac in exchange for Part Block 15 on Plan 62M-380, save and except Part 1 on Plan 62M-20006.

Greenravine Drive cul-de-sac was constructed by the Developer of the 237 and 271 Lime Kiln Road subdivision, 25T-200403.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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

RELEVANT CONSULTATION

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

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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

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**SUBJECT: To Incorporate City Lands into Greenravine Drive by By-Law
(PED21019) (Ward 12) – Page 3 of 3**

ALTERNATIVES FOR CONSIDERATION

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

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – By-Law No. XX – To incorporate City Lands designated as Parts 1 and 2 on Plan 62R-20006, be established as a Public Highway to form part of Greenravine Drive

SYL/sd

Appendix "A" to Report PED21019
Page 1 of 1



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Greenravine Drive


Date:
December 16, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
SY/VS

Subject Property

 Subject Lands

Appendix "B" to Report PED21019
Page 1 of 1

Authority: Item [redacted], Planning Committee
Report: xx-[redacted] (PED2109)
CM: [redacted]

Bill No. [redacted]

CITY OF HAMILTON

BY-LAW NO. 21-

**To Establish City of Hamilton Land
Described as Parts 1 and 2 on Plan 62R-20006, be established as a Public
Highway to form part of Greenravine Drive.**

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

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

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

1. The land, owned by and located in the City of Hamilton, described as Parts 1 and 2 on Plan 62R-20006, be established as a public highway to form part of Greenravine Drive.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of , 2021.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
DATE:	February 2, 2021
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21023) (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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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21023) (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 (PED21023) (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 PED21023 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of December 16, 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 February 2, 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 PED21023 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 December 16, 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.

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: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21023) (City Wide) - Page 4 of 4

Within 60 to 90 days of February 2, 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 PED21023 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 December 16, 2020, there were:

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

Within 60 to 90 days of February 2, 2021, 1 development proposal is approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Thirty development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 68 active development proposals. Twenty-six 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:

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective December 16, 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 February 2, 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.	1224
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.	1574
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.	1574
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.	1523
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.	2042

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective December 16, 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 February 2, 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	1194
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	1502
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	1868
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.	1285

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective December 16, 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 February 2, 2021
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

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 December 16, 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 February 2, 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	774
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	685
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	1138
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	935
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.	771
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	774

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 16, 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 February 2, 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	636
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.	673
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	648
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.	705
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	649

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 16, 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 February 2, 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	855
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	802
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.	776
25T-2019004	1288 Baseline Rd., Stoney Creek	06-May-19	n/a	09-May-19	n/a	02-Nov-19	n/a	IBI Group	638
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	938
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.	877

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 16, 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 February 2, 2021
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	817
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.	820
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	797
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.	792
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.	781

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 16, 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 February 2, 2021
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	783
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	687
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	925
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	603
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	589

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 16, 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 December 16, 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 February 2, 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	431
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	410
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.	355
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	431
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	410
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	210
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	151

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective December 16, 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 February 2, 2021
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	461
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	181
25T-202004	4 Vickers Rd., Hamilton	12-Aug-20	n/a	9-Sep-20	n/a	10-Dec-20	The Biglieri Group	174
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.	144
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	434

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective December 16, 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 February 2, 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	348
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	210
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	197
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.	410
UHOPA-20-010 ZAC-20-015 25T-200303R	2080 Rymal Rd. E., Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	368
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	215

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective December 16, 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 February 2, 2021
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	323
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.	470
ZAS-20-019	9255 Airport Rd., Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	323
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.	299
25T-202007	3311 Homestead Dr., Glanbrook	07-Oct-20	n/a	15-Oct-20	n/a	21-Feb-21	Wellings Planning Consultants	110

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective December 16, 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 February 2, 2021
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.	419
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.	410
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.	236
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.	215
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	131
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	410
ZAR-20-032	1031 Hwy. 52 N.	05-Aug-20	n/a	13-Aug-20	03-Nov-20	n/a	S. Llewellyn & Assoc.	181

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective December 16, 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 February 2, 2021
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	407

Active Development Applications

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



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 2, 2021
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Sean Stewart (905) 546-2424 Ext. 7163
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- a) That **Zoning By-law Amendment Application ZAR-18-057 by 130 Wellington Investments Inc., Owner**, for a change in zoning from the “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, to “D/S -1806 - ‘H’” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified, Holding, to permit six dwelling units within the existing building and four parking spaces, for lands located at 130 Wellington Street South, Hamilton, as shown on Appendix “A” to Report PED21024, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED21024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law attached as Appendix “B” to Report PED21024, be added to District Map No. E5 of Zoning By-law No. 6593;

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

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) - Page 2 of 19

- (iii) 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. The Holding Provision "D/S -1806 - 'H'" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Holding, Modified, be removed conditional upon:
- 1) That the Owner apply for a Building Permit to legalize a multiple dwelling with a maximum of six units, to the satisfaction of the Chief Building Official, Building Division.
 - 2) That the Owner implements the recommendations of the Noise Impact Study, dated December 7, 2018 in the application for Building Permit, to the satisfaction of the Chief Building Official, Building Division.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the policies and intent of the Urban Hamilton Official Plan.
- b) That upon finalization of the amending By-law, the subject lands be re-designated from "Single & Double" to "Medium Density Apartments" in the Corktown Neighbourhood Plan.

EXECUTIVE SUMMARY

The subject property is municipally known as 130 Wellington Street South, Hamilton. The owner has applied for an amendment to the former City of Hamilton Zoning By-law No. 6593 to legally recognize the illegal conversion of a lodging house with six lodgers to a multiple dwelling. The property has four parking spaces.

The proposed Zoning By-law Amendment is for a further modification to the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to permit a six unit multiple dwelling, address existing building setbacks, and parking deficiencies. A Holding Provision has been added by staff to ensure that the owner applies for a Building Permit and the noise study recommendations are implemented.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- It complies with the Urban Hamilton Official Plan (UHOP); and,

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- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing additional rental housing options, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

Alternatives for Consideration – See Page 18

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	130 Wellington Investments Inc.
Applicant:	MB1 Development Consulting Inc. c/o Michael Barton
File Number:	ZAR-18-057
Type of Application:	Zoning By-law Amendment
Proposal:	To legally recognize the illegal conversion to a six unit multiple dwelling within the single detached dwelling with four parking spaces. The original application did not contain any parking spaces. The applicant has revised the application to include four parking spaces in the rear yard.
Property Details	
Municipal Address:	130 Wellington Street South, Hamilton

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Lot Area:	631.3 square metres (.0613 hectares)
Servicing:	Existing full municipal services.
Existing Use:	Lodging house with six lodgers.
Documents	
Provincial Policy Statement (PPS):	The proposed development is consistent with the PPS.
A Place to Grow:	The proposed development conforms to the Growth Plan.
Official Plan Existing:	Neighbourhoods Designation.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.
Zoning Proposed:	"D/S-1806 - 'H'" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, Holding.
Modifications Proposed:	<ul style="list-style-type: none"> • Permit multiple dwelling; • Recognize existing front yard depth of 5.28 metres, whereas 6.0 metres required; • Recognize existing side yard depth of 0.44 metres (north side) and 0.64 metres (south side), whereas 1.2m is required; • Recognize existing lot width of 9.75 metres, whereas 12.0 metres is required; • Recognize existing encroachments into yards; • Reduce required parking ratio from 0.8 (5 spaces) to 0.66 (4 spaces) per Class A dwelling unit; • Eliminate required visitor parking space (1 space required); • Eliminate required loading space and loading manoeuvring space;

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	<ul style="list-style-type: none"> • Eliminate requirement that loading, parking and manoeuvring be located only on the lot where the principle dwelling is located; • Modify requirement to have access to roadway from parking area and to utilize existing right-of-way; • Allow access driveway to be located 0.0 metres from the common boundary between the “D” (Urban Protected Residential – One and Two Family Dwellings, etc) District in which the multiple dwelling is located and the district which does not permit such uses, whereas 3.0 metres is required; • Permit the passage of vehicles from the subject property to the roadway whereas the zone does not permit vehicles travelling from a property zoned for multiple dwellings to pass through an area not zoned (“D” District) for multiple dwellings; • Permit a non-paved (gravel) parking surface, whereas a paved surface is required; and, • Eliminate requirement for commercial motor vehicles to move readily between the loading spaces and an access driveway.
Processing Details	
Application Received:	November 7, 2018
Deemed Incomplete:	December 6, 2018
Deemed Complete:	December 24, 2018
Notice of Complete Application:	Sent to 448 addresses within 120 metres of the subject property on January 8, 2019.
Public Notice Sign:	Sign posted: January 14, 2019 Sign updated: January 6, 2021
Notice of Public Meeting:	Sent to 140 property owners within 120 metres of the subject property on January 15, 2021.
Public Consultation:	The applicant’s planning consultant hand delivered a public information letter to 95 properties within 120 metres of the subject lands on September 23, 2020.

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Public Comments:	None received.
Processing Time:	794 days.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Six unit lodging house	“D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District

Surrounding Land Uses:

North	Single detached dwellings	“D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District
East	Single detached dwellings	“E” (Multiple Dwellings, Lodges, Clubs, etc.) District
South	Two, eight storey multiple dwellings	“E/S - 192” (Multiple Dwellings Lodges, Clubs, etc.) District, Modified
West	Single detached dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. 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 Plans, the City of Hamilton has established the local policy

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framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use and balanced growth) are reviewed and discussed in the Official Plan analysis that follows.

Cultural Heritage and Archaeology

Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS. The following policies of the PPS also applies:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be 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 demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The existing dwelling is believed to be constructed circa 1895 and is included on the City’s Inventory of Buildings of Architectural and/or Historical Interest. The proposal does not impact the exterior of the building and will conserve the heritage resource as no exterior modifications are proposed. Staff are of the opinion that the proposed development is consistent with the PPS.

As the application for a change in zoning complies with the UHOP, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the Provincial Policy Statement (PPS) (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

Urban Hamilton Official Plan

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

Neighbourhoods

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“E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.”

Neighbourhoods Designation

“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.

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

E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.”

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.

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- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
 - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
 - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
 - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The proposed multiple dwelling is contemplated by Policies E.3.2.3 and E.3.5.2. In accordance with Policy E.2.6.4, the proposal adds to the provision of a full range of housing types and tenure in the Neighbourhoods designation by providing additional housing opportunities. The proposal is compatible with, and will maintain the existing character and function of the neighbourhood, and there is no conflict with the transition to the abutting low density residential properties to the north, as the existing building will remain and no exterior alterations to the existing building are proposed (Policies E.2.6.7, E.3.2.4, E.3.3.2 and E.3.5.9 b)).

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The proposed multiple dwelling has a net residential density of 98 units per hectare. This is within the density range for medium density residential uses (Policy E.3.5.7). In accordance with Policy E.3.3.1, the subject lands are located on Wellington Street South which is identified as a major arterial road on Schedule C – Functional Road Classification of the UHOP. The subject property is located just south of the Hunter Street East and Wellington Street South intersection and is located at the “T” intersection where Stinson Street (a collector road) meets Wellington Street South (Policy E.3.5.1 and E.3.5.9 a)). The subject property is within proximity to Corktown Park and Carter Park. Further, it is located on HSR bus route 5, is within 400 metres of a frequently serviced transit corridor (Main Street East) and is 900 metres from the Hunter Street GO Station (Policy E.3.5.5).

The proposal is integrated with the surrounding neighbourhood with respect to density, design, physical and functional considerations. The neighbourhood has properties with densities ranging from low to high. As no physical changes are proposed to the existing building, form and massing remain consistent with the neighbouring properties to the north and east.

The applicant is seeking a reduction in required parking spaces from six spaces to four spaces. The reduction is for one required visitor parking space and one required resident space. Staff are of the opinion that this reduction can be supported as the property is directly located on HSR bus route 5, is within 400 metres of a frequently serviced transit corridor (Main Street East), within 900 metres of the Hunter Street GO Station, is located on a signed on-street bicycle route which leads to designated bike lanes on Hunter Street East and Ferguson Avenue South, and is within walking distance of downtown Hamilton employment opportunities (E.3.5.9 c)). While street parking is available in the neighbourhood, it should be noted that if permit parking was instituted, the residents of the proposed multiple dwelling would not be eligible to obtain street parking permits as more than three units are proposed.

The property offers residents amenity space in the form of two front verandas and rear patio space. The property is adequately landscaped and includes a mature tree in the front yard. The rear yard consists of patio space, a garage, and parking area. As the parking will remain as currently used and given the low number of vehicles using the space, no additional buffering methods are proposed. Access to the property minimizes conflict between traffic and pedestrians. Pedestrians can access the property from the front sidewalk along Wellington Street South, while vehicles can park on Wellington Street South or access the rear parking area via an existing right of way access over the rear lots of 128 and 126 Wellington Street South and 1 Ford Street, which leads to a City alley running between Wellington Street South and Ford Street (Policy E.3.5.9 c) and d)).

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Residential Intensification

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.
- B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:
- a) a balanced evaluation of the criteria in b) through g), as follows;
 - b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
 - c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
 - d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
 - e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
 - f) infrastructure and transportation capacity; and,
 - g) the ability of the development to comply with all applicable policies.
- B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:
- a) the matters listed in Policy B.2.4.1.4;
 - b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
 - c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

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- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns 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 and impacts.”

This proposal represents a form of intensification within the existing neighbourhood. As there is no external construction proposed, there will not be a change to the existing character of the neighbourhood in terms of built form. The neighbourhood has a variety of housing types, ranging from single detached dwellings, to multiple dwellings, occurring in many different scales and forms. There will be no change to the existing character of the neighbourhood as a result of this proposal. In addition, the proposal builds on the existing housing options in the area through the inclusion of additional rental units (Policy B.2.4.1.4 b) c) and d)).

The subject property is serviced by municipal sewer and water infrastructure and can adequately service the proposed development. The existing road network can accommodate the minimal increase in vehicular traffic. Additionally, the subject property is situated on an HSR bus route and is in proximity to other local and regional transit options and designated bike routes (Policy B.2.4.1.4 f) and B.2.4.2.2 j)).

In addition to Policy B.2.4.1.4, Policy B.2.4.2.2 must be evaluated when considering an application for residential intensification in the Neighbourhoods designation. In terms of compatibility with adjacent land uses, the proposal is compatible with adjacent land uses. As no new construction is proposed, there will be no impacts on shadowing and overlook, and no new exterior lighting is proposed. A noise study was commissioned by the applicants which identified that the main source of noise was from vehicular traffic on Wellington Street South with secondary sources from Young Street and the CP/Metrolinx railway line to the south of the subject lands. The study recommended warning clauses pertaining to noise be included on rental agreements and that the

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owner incorporate forced air ducts for central air-conditioning in addition to ensuring double glazed windows meet the requirements of the Ontario Building Code. A memo has been sent to the Building Division advising them of the requirements for final building plans and approval (Policy B.2.4.2.2 b)). A Holding Provision has been included which will ensure that a Building Permit is applied for and that the noise study recommendations are implemented.

The rear of the property is currently used informally for parking. The proposed parking will add one additional parking space to the property which will have a minimal effect on traffic in the right-of-way easement and alley. The right-of-way is a historic agreement between the property owners of 130, 128 and 126 Wellington Street South and 1 Ford Street which allows for free and uninterrupted pedestrian and vehicular access through and over the rear portions of the properties to access the City alley running between Ford Street and Wellington Street South (Policy B.2.4.2.2 b)).

The proposal is compatible with adjacent land uses and lot patterns in terms of height, massing and lot configuration. The existing building is two and a half storeys in height and is beside two, eight storey multiple dwellings and a two and a half storey dwelling. The proposed density offers a transition from the high density multiple dwelling to the lower density residential uses to the north of the property (Policy B.2.4.2.2 c), d), and e)).

The property offers residents amenity space in the front yard with two verandas. There is also private amenity space in the rear of the property with a patio space at ground level. The provision of amenity space at the front and rear of the property is consistent with the character of the neighbourhood where many dwellings have front porches and private rear yard amenity space. The proposal also maintains the existing streetscape patterns including building separations and setbacks (Policy B.2.4.2.2 f) and g)).

With the provision of additional rental units, this proposal will complement the existing functions of the neighbourhood. The additional units will provide additional housing opportunity for residents, in proximity to downtown Hamilton employment opportunities. Additional residents will also help to support local businesses. Having additional housing opportunities in the neighbourhood is also transit supportive which benefits area residents (Policy B.2.4.2.2 h)).

The existing dwelling is believed to be constructed circa 1895 and is included on the City's Inventory of Buildings of Architectural and/or Historical Interest. The proposed intensification does not impact the exterior of the building and will conserve the heritage resource (Policy B.2.4.2.2 i)).

Urban Design Policies

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- “B.3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable.
- B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) respecting existing character, development patterns, built form, and landscape;
 - b) promoting quality design consistent with the locale and surrounding environment;
 - c) recognizing and protecting the cultural history of the City and its communities;
 - f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
 - h) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- B.3.3.2.8 Urban design should promote environmental sustainability by:
- c) encouraging on-site storm water management and infiltration through the use of techniques and technologies, including storm water management ponds, green roofs, and vegetated swales;”

The proposal respects the existing character of the neighbourhood by preserving the building and existing landscaping, with no proposal for any physical changes. The existing building is included on the City’s Inventory of Buildings of Architectural and/or Historical Interest and the internal conversion supports the importance of preserving the community’s identity and the existing character and streetscape (Policy B.3.3.2.3).

Through the intensification of an existing building and use of a permeable surface in the parking area, this proposal achieves a level of environmental sustainability through the use of existing building materials and allowing stormwater to permeate into the ground rather than contribute to the stormwater system (Policy B.3.3.2.8 c)).

Therefore, the proposal complies with the Urban Hamilton Official Plan.

Corktown Neighbourhood Plan

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The subject property is designated “Single and Double” within the Corktown Neighbourhood Plan. The “Single and Double” designation does not reflect the proposed multiple dwelling. Therefore, staff recommend the Neighbourhood Plan be amended to designate the lands “Medium Density Apartments” to reflect the proposal.

The policies of the Corktown Neighbourhood Plan contemplate infilling within the Neighbourhood Residential Area. Policies also direct housing heights in the eastern part of the neighbourhood to reflect the traditional low rise character.

The proposed multiple dwelling will be facilitated within the existing structure and will preserve the historic character of the existing building and neighbourhood overall. Therefore, the proposed amendment to the Corktown Neighbourhood Plan is appropriate and is supported by staff.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District. To implement the proposed development, the applicants have applied for a change in zoning to modify the existing “D” District.

The applicant has requested 16 site specific modifications to accommodate the proposal which are summarized on page 4 of Report PED21024. Some of the requested modifications recognize the existing building on the property, while the remaining modifications address parking and access matters. A detailed discussion of the merits of the proposed modifications is provided in the Zoning By-law Site Specific Modifications Table contained in Appendix “D” to Report PED21024.

RELEVANT CONSULTATION

Departments and Agencies		
Department	Comment	Staff Response
Growth Planning Section, Planning and Economic Development Department	No comment	None
Forestry and Horticulture Section, Public	No comment	None

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Works Department		
Recycling and Waste Disposal Section, Public Works Department	<ul style="list-style-type: none"> • The property is eligible for municipal collection service. • Property owner must contact the Environmental Service Division to request service. 	None
Transportation Planning Section, Planning and Economic Development Department	<ul style="list-style-type: none"> • Support Zoning By-law amendment. • Minimal increase in vehicular traffic is expected and be accommodated by the current road network. 	None
Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • No Right-of-Way dedication is required. • No objection to the Zoning By-law Amendment. • Existing municipal services can support the proposal. • No objection to the use of gravel for parking purposes. • It is the owner's responsibility to ensure that the existing private sewer and water services are able to support the proposed development. Required Servicing permits will be required if existing services are inadequate. 	None

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 448 property owners within 120 metres of the subject property on January 8, 2019. A public notice sign was posted on the property on January 14, 2019 and updated on January 6, 2021. Notice of the Public Meeting was given on January 15, 2021 in accordance with the requirements of the *Planning Act*.

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Public Consultation Strategy

The applicant's Public Consultation Strategy included hand delivering a public information letter to 95 properties within 120 metres on September 23, 2020. Letters were also provided to property managers of nearby multiple dwellings to post in common areas for residents' information. The letter included information about the proposal and provided the contact number of the planning consultant on file for residents to contact if they had questions.

To date, City staff have received two general inquiries and no written correspondence.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended;
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) It is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing additional rental housing options, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.
2. The application for Zoning By-law Amendment is for a further modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.

The proposed zoning modification will permit a form of residential intensification within the built-up area. As there are no changes proposed to the building, there will be no change to the form and character of the area. The proposal will maintain adequate on-site parking in the rear of the property and provide amenity space for the residents in the front and rear yard. The proposal meets the medium density residential density requirements.

The proposed Zoning By-law Amendment meets the intent of the "Neighbourhoods" designation of the UHOP and the residential intensification policies, with some modifications required to recognize the existing built form. The modifications are identified on page 4 of Report PED21024 and discussed in detail in Appendix "D" to Report PED21024.

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Therefore, staff support the change in zoning.

3. Holding Provision

The existing building has been illegally converted to a six unit multiple dwelling without the necessary Building Permits. An 'H' Holding Provision is being proposed on the subject lands to ensure that a Building Permit is applied for to the satisfaction of the Chief Building Official, Building Division, thereby legally establishing the six unit multiple dwelling.

In addition, staff are placing an 'H' Holding Provision on the subject lands to ensure that the recommendations contained in the Noise Impact Study, dated December 7, 2018 are implemented to the satisfaction of the Chief Building Official, Building Division through the Building Permit application.

The Holding Provisions are included in Appendix "B" to Report PED21024.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would remain zoned "D" (Urban Protected Residential – One and Two Family Dwellings, Etc) District, in the City of Hamilton Zoning By-law No. 6593. Furthermore, the applicant would be required to discontinue the use of the existing building as a six unit multiple 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.

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Built Environment and Infrastructure

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

Culture and Diversity

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

Our People and Performance

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

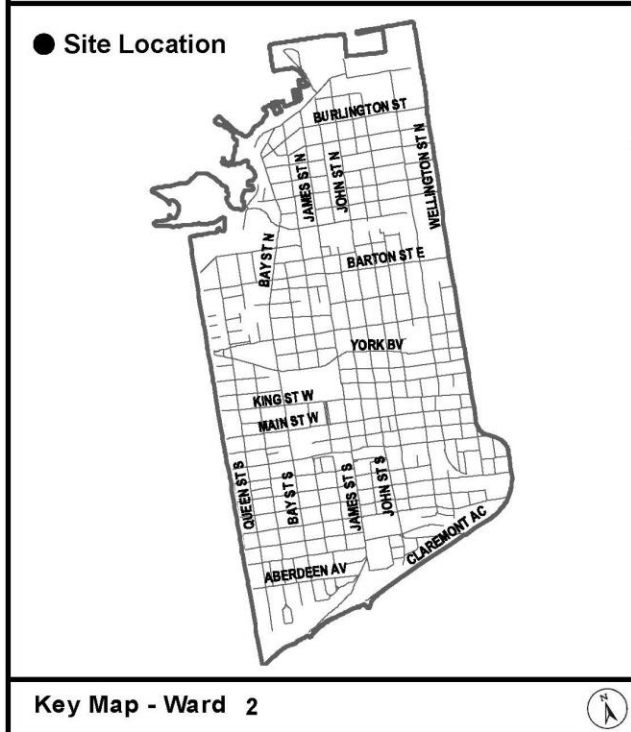
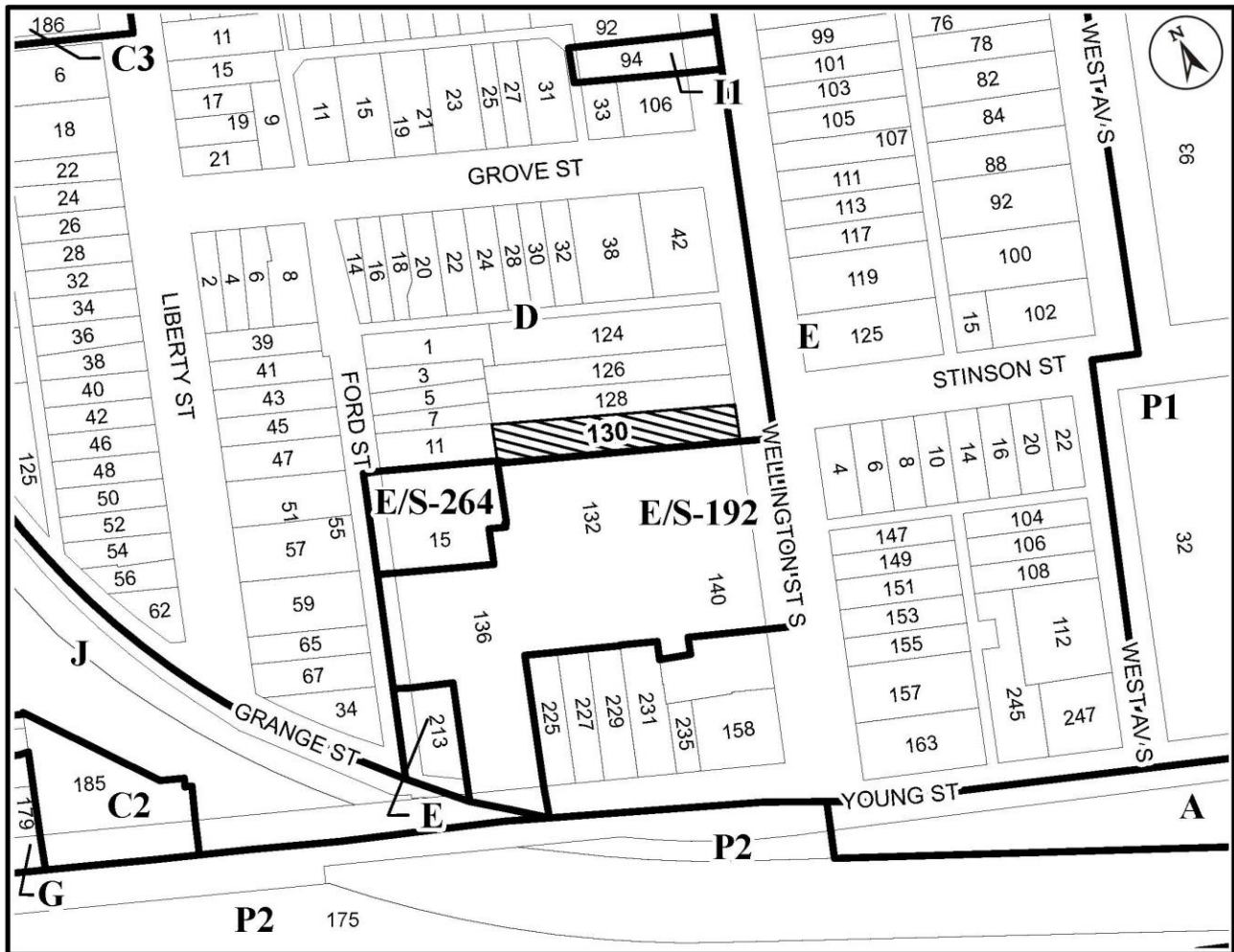
APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Location Map

Appendix "B" - Draft Amendment to Zoning By-Law No. 6593


Appendix "C" - Concept Plan

Appendix "D" - Zoning By-law Site Specific Modification – Chart



Location Map


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Hamilton

File Name/Number: ZAR-18-057	Date: November 26, 2020
Appendix "A"	Scale: N.T.S
Planner/Technician: SS/AL	

Subject Property

130 Wellington Street South

 Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "D/S-1806-'H" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified, Holding

Authority: Item _____, Planning
Committee Report
CM:
Ward: 2

Bill No.

CITY OF HAMILTON

BY-LAW NO. XXXX

**To Amend Zoning By-Law No. 6593 (City of Hamilton)
Respecting Lands Located at 130 Wellington Street South, Hamilton**

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. 6593 (Hamilton) was enacted on the 25th day of July 1950, which was approved by the Ontario Municipal Board by Order dated the 7th date of December 1951, (File. No. O.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item ____ of Report 21-____ of the Planning Committee at its meeting held on the 2nd day of February 2021, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

WHEREAS this By-Law is in conformity with the Urban Hamilton Official Plan.

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

1. That Sheet No. E5 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the "D/S-1806 - 'H'" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, Holding; the extent and boundaries of which are shown on a plan here to annexed as Schedule "A".

2. That the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions as contained in Section 10 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following special requirements:
 - a) That in addition to Section 10 (1), a multiple dwelling with a maximum of six units shall be permitted within the building existing on the date of the passing of this By-law.
 - b) That notwithstanding Section 10 (3) (i), a front yard depth of 5.28 metres shall be permitted for the building existing on the date of the passing of this By-law.
 - c) That notwithstanding Section 10 (3) (ii), a side yard having a width of 0.44 metres on the north side of the building, and 0.64 metres on the south side of the building shall be permitted for the building existing on the date of passing of this By-law.
 - d) That notwithstanding Section 10 (4), a lot width of 9.75 metres and lot area of 631.0 square metres.
 - e) That notwithstanding Section 18 (3) (vi) (a), the encroachment of any chimney, sill, belt course, leader, pilaster, lintel or ornamental projections of the building existing on the date of the passing of this By-law shall be permitted.
 - f) That notwithstanding Section 18 (3) (vi) (b), the encroachment of any eaves or gutters of the building existing on the date of the passing of this By-law shall be permitted.
 - g) That notwithstanding Section 18A (1) (a) and Section 1 (g) of Table 1, the Minimum Parking Requirement for a Multiple Dwelling shall be 0.66 spaces per Class A Dwelling Unit.
 - h) Section 18A (1) (b) and Column 1 of Table 2, shall not apply.
 - i) Section 18A (1) (c) and Column 1 of Table 3, shall not apply.
 - j) Section 18A (9) shall not apply.
 - k) That notwithstanding Section 18A (23), the driveway access shall be provided via the existing right-of-way to the alleyway.

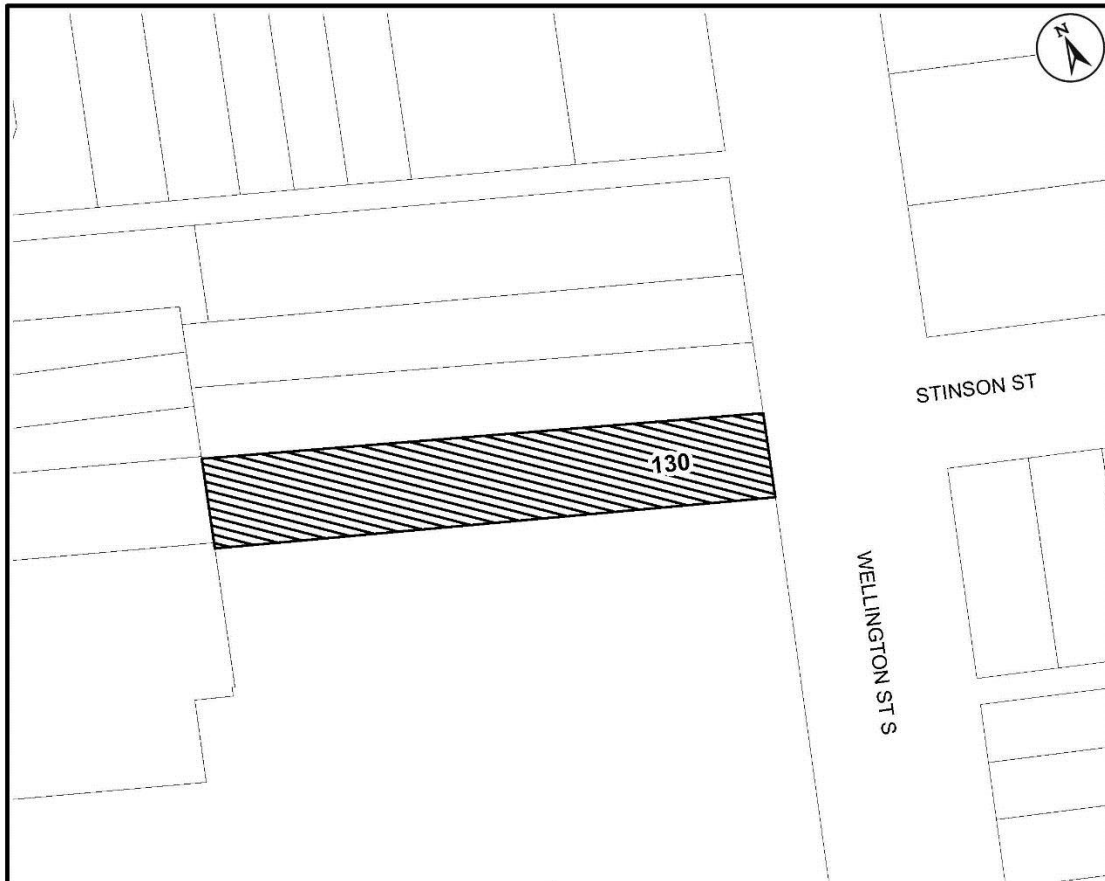
- l) Section 18A (25), shall not apply.
 - m) That notwithstanding Section 18A (28), lands in the adjacent "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, which does not permit multiple dwellings, shall be used for the purpose of vehicular access to the existing multiple dwelling on the lands shown on Schedule "A" by way of the right-of-way currently providing access to the rear yard of these lands from the alleyway and roadway.
 - n) That Notwithstanding Section 18A (30), a permanent surface that is graded, drained and paved with concrete or asphalt, or a combination of concrete and asphalt, or gravel or similar surface shall be provided and maintained for every parking area, maneuvering space and access driveway.
 - o) Section 18A (32) shall not apply.
 - p) Section 18A (33) shall not apply.
3. That the 'H' symbol applicable to the lands referred to in Section 1 shall be removed conditional upon:
- i. That the Owner apply for a Building Permit to legalize a multiple dwelling with a maximum of six units, to the satisfaction of the Chief Building Official, Building Division.
 - ii. That the Owner implements the recommendations of the Noise Impact Study, dated December 7, 2018 in the application for Building Permit, to the satisfaction of the Chief Building Official, Building Division.
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District provisions, subject to the special provisions referred to in Section 2.
5. That the Clerk is hereby authorized and directed to proceed with giving of notice of the passing of this By-Law in accordance with the *Planning Act*.

PASSED this xx day of xx, 2021.

F. Eisenberger
Mayor

A. Holland
Clerk

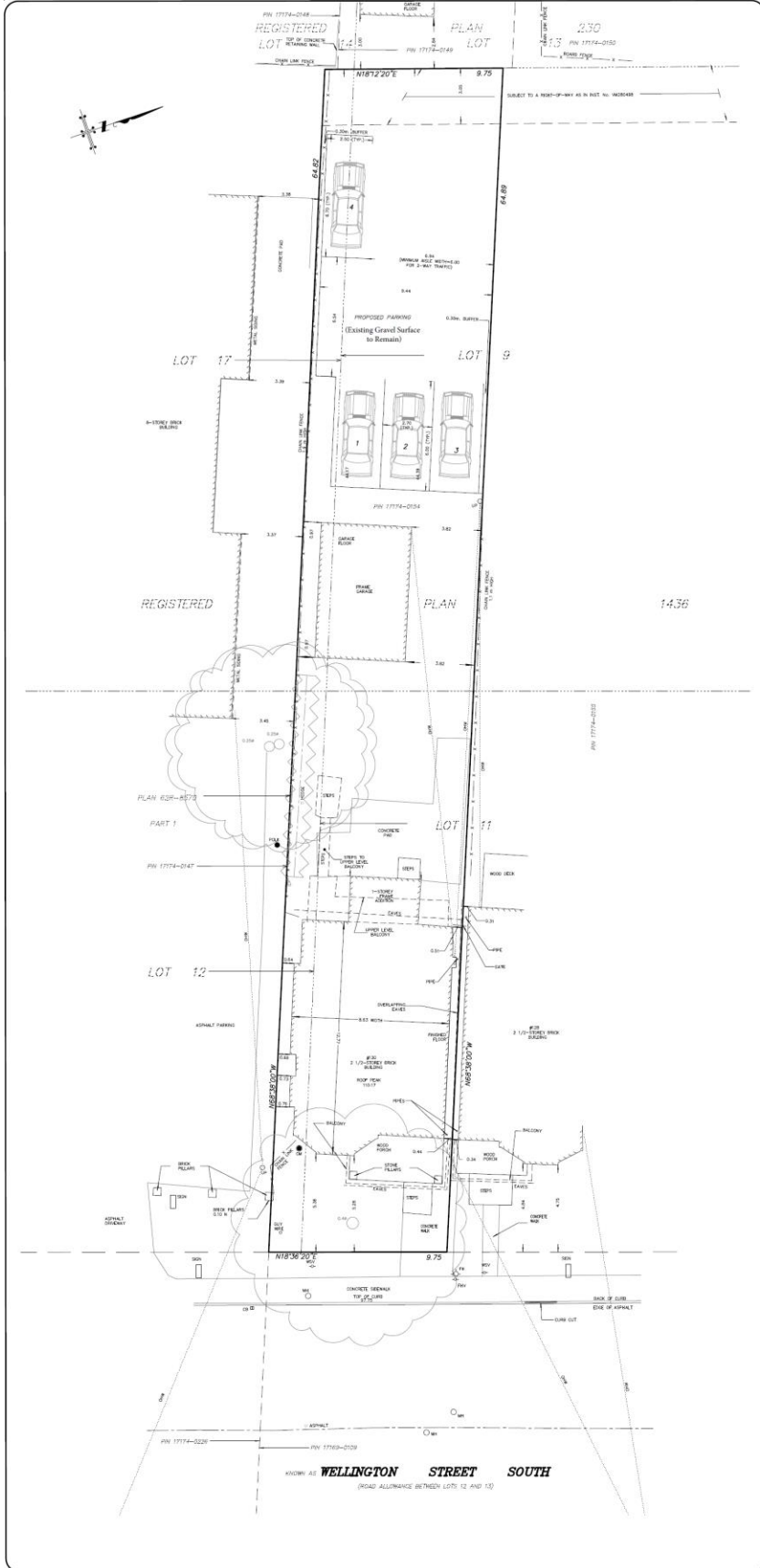
ZAR-18-057



<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>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 21-_____</p> <p>to Amend By-law No. 6593</p>	<p>Subject Property</p> <p>130 Wellington Street South</p> <p> Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "D/S-1806-H" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified, Holding</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAR-18-057</p>	
<p>Date: November 26, 2020</p>	<p>Planner/Technician: SS/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



ALL UNDERGROUND SERVICES MUST BE LOCATED BY CONTRACTOR PRIOR TO ANY CONSTRUCTION. CONTRACTOR MUST OBTAIN AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.

SITE PLAN FOR PARKING FOR SUBMIT 2133881 ONTARIO INC
130 WELLINGTON STREET SOUTH C/O FORGE & FOSTER

GEOGRAPHIC LOCATION INFORMATION
PART OF LOTS 9, 11, 12 AND 17
REGISTERED PLAN 1436
 CITY OF HAMILTON

SCALE 1 : 100

MackAY, MackAY & PETERS LIMITED - ONTARIO LAND SURVEYORS
 © 2020
 "METRIC" DIMENSIONS UNLESS OTHERWISE SPECIFIED
 CAN BE CONSIDERED TO BE IN METERS BY 2.54x

KEYPLAN NOT TO SCALE

NOTES:

- Existing gravel surface to remain in rear parking area.
- No new site lighting to be installed in rear parking area.

REQUIRED BY ZONING: - 0 PROPOSED: 0
 PROPOSED PARKING: 2 SPACES 2 SPACES
 PARKING DIMENSIONS: 3.0m (W) x 5.0m (L) 3.0m x 5.0m
 PARKING STRIP: 3.0m (W) x 5.0m (L) 3.0m x 5.0m

CITY OF HAMILTON ZONING BY-LAW 6593
ZONING REGULATION - DE-2

ZONE	REQUIRED	PROPOSED
LOT WIDTH	12.0 (IMP)	9.75
LOT AREA	36.0 (IMP)	9.53
FRONT YARD	3.0 (IMP)	3.38
REAR YARD	4.0 (IMP)	48.17
SIDE YARD	1.50 (IMP)	0.44
		0.18
LANDSCAPE AREA	2.00 (IMP)	31.28
BUILDING AREA	2.00 (IMP)	112.0 (IMP) (SEEING BALANCE)
		126.5 (IMP) (SEEING CHANGE)
LOT COVERAGE	N/A	23.58
BUILDING HEIGHT	0.0m	16.42
FLOOR AREA RATIO	0.0m	1.544
MAXIMUM DEPTH	18.00 (IMP)	18.77

Legend:

- NO SYMBOL: PROPERTY IDENTIFICATION NUMBER
- 1: SYMBOL: LOT LINE
- 2: SYMBOL: LOT CORNER
- 3: SYMBOL: LOT AREA
- 4: SYMBOL: LOT PERIMETER
- 5: SYMBOL: LOT AREA
- 6: SYMBOL: LOT PERIMETER
- 7: SYMBOL: LOT AREA
- 8: SYMBOL: LOT PERIMETER
- 9: SYMBOL: LOT AREA
- 10: SYMBOL: LOT PERIMETER
- 11: SYMBOL: LOT AREA
- 12: SYMBOL: LOT PERIMETER
- 13: SYMBOL: LOT AREA
- 14: SYMBOL: LOT PERIMETER
- 15: SYMBOL: LOT AREA
- 16: SYMBOL: LOT PERIMETER
- 17: SYMBOL: LOT AREA
- 18: SYMBOL: LOT PERIMETER
- 19: SYMBOL: LOT AREA
- 20: SYMBOL: LOT PERIMETER

BOUNDARY DATA SHOWN HEREIN WAS TAKEN FROM SURVEYORS REAL PROPERTY REPORT ONE BY MACKAY, MACKAY & PETERS, DATED APRIL 20, 2016, FILE NO. 18-1552.

DATE: MAY 10, 2020
 DRAWN BY: ROY C. MAYO, O.L.S.
 FOR: MACKAY, MACKAY & PETERS LIMITED

CAUTION: THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL.
CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTIONS OR MORTGAGE PURPOSES.
 © 2020 MACKAY, MACKAY & PETERS LIMITED

Stamp:

DATE	REVISIONS
MAY 14, 2020	REVISED AS PER CITY COMMENTS
MAY 15, 2020	DATE FROM TOWN AS PER CITY
MAY 15, 2020	REVISED AS PER CITY COMMENTS
MAY 15, 2020	REVISED PER PLAN

MACKAY MACKAY & PETERS
 ONTARIO LAND SURVEYORS
 1300 SOUTH PARKWAY
 WILLOWDALE, ONTARIO L2Y 3L5
 PHONE: (905) 639-1275
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 MCKAY, MCKAY & PETERS
 1000 SHEPPARD AVENUE EAST
 UNIT 101
 SCARBOROUGH, ONTARIO M1S 1W7
 PHONE: (416) 291-1275
 FAX: (416) 291-1276
 EMAIL: hamp@mmkp.ca

DRAWN BY: PARTY CHIEF CHECKED BY: PROJECT NO. DRG. NO.
 M.S. N/A A.S. 18-055-01 1

<u>Site Specific Modifications to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District</u>			
Regulation	Required	Modification	Analysis
Section 10 (1) Requirements as to Use	Multiple dwellings not permitted use.	To permit a multiple dwelling with a maximum of six dwelling units within the building existing on the date of passing of the By-law.	<p>The proposed modification permits the proposed multiple dwelling but restricts the number of units to six. The modification will maintain the existing character of the neighbourhood and preserve a building of Cultural Heritage value, while limiting the overall density of the subject lands to a compatible scale.</p> <p>Therefore, the proposed modification can be supported.</p>
Section 10 (3) (i) Front Yard Depth	6.0 metres.	To permit a front yard depth of 5.28 metres for the building existing on the date of passing of the By-law.	<p>The proposed modification permits the reduction in front yard depth to recognize the existing condition. The modification will maintain the existing character of the neighbourhood as the existing setback is consistent with what is found in the neighbourhood.</p> <p>Therefore, the proposal can be supported.</p>

Regulation	Required	Modification	Analysis
Section 10 (3)(ii) Side Yard Width	1.2 metres.	To permit a side yard of 0.44 metres (north) and 0.64 metres (south) for the building existing on the date of passing of the By-law.	The proposed modification recognizes the existing condition of the dwelling. There are no changes proposed to the building and as such the proposed building will maintain the established building setbacks and character of the immediate neighbourhood. Therefore, staff support this modification.
Section 10 (4) Lot Width and Lot Area	No requirement for multiple dwelling as the use is not permitted.	To permit a 9.75 metre lot width and 631.0 square metre lot area.	The proposed modification recognizes the existing lot width and area. As multiple dwellings are not a permitted use, there is not a specific regulation for the lot area. The proposed modification reflects the existing condition which is consistent with the neighbouring lands and also provides on-site parking and amenity space. Therefore, staff support this modification.
Section 18 (3) (vi) (a) Encroachment of Projections	A chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project not more than 0.5 metres (1.64 feet) into a required side yard, and not more than 1.0 metre (3.28 feet) into any other required yard.	To recognize the chimney, sill, and ornamental projections of the building existing on the date of the passing of the By-law.	The proposed modification recognizes the existing chimney, sill, and ornamental projections for the existing building. Therefore, staff support the modification.
Section 18 (3) (vi) (b)	Eaves and gutters may project into a required front	To recognize the eaves and gutters of	The proposed modification recognizes the existing eaves and gutters for the existing

Regulation	Required	Modification	Analysis
Encroachment of Eaves and Gutters	<p>yard not more than 1.5 metres provided that no such projection shall be closer to a street line than 1.5 metres.</p> <p>May project into a required rear yard not more than 1.5 metres.</p> <p>May project into a required side yard not more than one-half of its width, or 1.0m whichever is the lesser.</p>	the building existing on the date of the passing of the By-law.	<p>building.</p> <p>Therefore, the proposed modification can be supported.</p>
Section 18A (1) (a) and (b) - Table 1 (g) Minimum Required Parking	Multiple dwelling requires 0.8 spaces per Class A dwelling unit (five parking spaces). The visitor parking requirement is 0.16 spaces per unit (one visitor parking space).	To permit a parking ration of 0.66 parking spaces per Class A dwelling unit (four parking spaces) and no visitor parking spaces.	The proposed modification permits the reduction of the amount of required parking spaces from six spaces to four spaces. The regulation seeks to ensure that there is sufficient parking for residents and visitors. The recognized use of six lodging units would have the same effect on parking as the proposed six unit multiple dwelling. There are opportunities in the neighbourhood for on-street parking for visitors, however street parking permits will not be available to residents. In addition, there are cycling routes in close proximity, with direct access to dedicated bike lanes as well as frequent and reliable public transit (bus and GO train) within walking distance of the property. The property is within walking and biking distance of downtown commercial services and employment opportunities which reduces the

Regulation	Required	Modification	Analysis
			<p>need for each resident to have access to on site parking spaces.</p> <p>Therefore, staff support this modification.</p>
Section 18A (1) (c) Minimum Required Loading Space for Multiple Dwellings	One loading space for multiple dwellings between five and thirty units.	Shall not apply.	<p>The proposed modification permits the elimination of a loading space requirement. The regulation seeks to ensure that there is an area to load and unload items such as furniture. The requirement for a loading space is one space for multiple dwellings between five and 30 units (zero below five units). The proposal contains six units (and is only marginally above the threshold requirement for a loading space), and there are opportunities in the rear parking area and street to load and unload.</p> <p>Therefore, staff support the proposed modification.</p>
Section 18A (9) Location of Parking, Loading and Maneuvering Spaces	The required parking, loading and maneuvering spaces shall be provided and maintained only on the lot on which the principle building is located.	Shall not apply.	<p>The proposed modification eliminates the requirement for parking, loading and maneuvering spaces to be provided on the lot. The regulation exists to ensure that the lot can contain all uses so that there is not spillover to adjacent lots. The parking will be located on the lot and the maneuvering space will permit forward exit of vehicles. However, there is no loading space on the lot.</p> <p>Given the small number of units and the ability for delivery vehicles to park in the rear parking</p>

Regulation	Required	Modification	Analysis
			<p>area or street, staff are of the opinion that this proposed modification can be supported.</p>
<p>Section 18A (23) Access Driveway</p>	<p>Every access driveway shall provide easy access from a highway to the parking area to which the access driveway is accessory.</p>	<p>To permit the passage over the existing right-of-way through to the alleyway to the street from the parking area.</p>	<p>The proposed modification clarifies that the existing right-of-way can be used to access the rear parking area. The regulation exists to ensure that there is easy access for vehicles from the parking areas to the street. The property owner has removed a tree which was a barrier to accessing the parking area from the right-of-way. Given the minor scale of the proposed parking area, staff are supportive of the proposed vehicular access route using the right-of-way and alleyway to reach the street.</p> <p>Therefore staff support this modification.</p>
<p>Section 18A (25) Access driveway abutting residential</p>	<p>Access driveway shall be located not less than 3.0 metres from the common boundary between the district in which the multiple dwelling is located and the district which does not permit such uses (D District).</p>	<p>Shall not apply.</p>	<p>The proposed modification recognizes the existing condition of the driveway which runs along the neighbouring property line. The intent of the regulation is to ensure that there is a buffer between multiple dwelling uses and low-rise residential uses. Although the proposal seeks to establish six dwelling units, there are only four parking spaces proposed, and as such, there will be nominal traffic impacts which would require additional buffering.</p> <p>Therefore, staff support this modification.</p>

Regulation	Required	Modification	Analysis
Section 18A. (28) Vehicular access to and from any land used for a multiple dwelling	No land in a residential district in which a multiple dwelling is not permitted shall be used for the purpose of vehicular access to or egress from any land used for a multiple dwelling.	The lands in the adjacent “D” District shall be used for the purpose of vehicular access to the existing multiple dwelling on the lands shown on ‘Schedule A’ by way of the right-of-way currently providing access to the rear yard of these lands from the alleyway and roadway.	The proposed modification will permit the passage of vehicles from the subject property, through the rear of adjacent properties in the “D” District by way of the existing right-of-way access. The purpose of the regulation is to ensure that adjacent areas of higher density forms do not produce conflict with lower-density land uses. The proposal is of a minor scale and can safely utilize the existing right-of-way or alleyway. Therefore, staff support this modification.
Section 18A (30) Surface Parking	A permanent durable and dustless surface that is graded, drained and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, maneuvering space, loading space and access driveway.	To ensure that a graded and drained gravel or concrete or asphalt surface be maintained for each parking space.	The exiting gravel surface is to remain as the existing parking area is appropriate for the proposed use and will help to avoid potential drainage issues on adjacent properties. The property owner will need to maintain the gravel and ensure it covers the parking area. Given the small size of the parking area, staff are of the opinion that the modification can be supported.
Section 18A (32) Sufficient space additional to required loading	Sufficient space additional to the required loading space shall be provided and maintained on the same lot on which the loading space is located, in such a manner as to enable each and every	Shall not apply.	The proposed modification removes the requirement to provide sufficient space additional to the required loading space. The regulation is in place to ensure that loading activities won’t interfere with parking or vehicle movement. As the proposal seeks to eliminate loading areas this provision is not required.

Regulation	Required	Modification	Analysis
	loading space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on a designated parking or loading space.		Therefore, staff support this modification.
Section 18A (33) Loading Space and access driveway	Every loading space shall be provided and maintained to permit commercial motor vehicles to move readily and without hindrance between the loading spaces and an access driveway.	Shall not apply.	The proposal will not provide a loading space, so the regulation is not required. The regulation exists to ensure free movement of commercial vehicles between the roadway and loading areas. Staff support this modification.

CITY OF HAMILTON

MOTION

PLANNING COMMITTEE

DATE: February 2, 2021

MOVED BY COUNCILLOR

SECONDED BY COUNCILLOR

Integrating Health & Environmental Requirements to Demolition Permits

WHEREAS, the City of Hamilton has declared a climate emergency and all matters related to the quality of the air we breathe ought to be prioritized;

WHEREAS, neither a demolition permit applicant, nor the Ministry of the Environment, Conservation and Parks (MECP), nor any Municipal Authority are required to notify neighbouring residents or businesses of a demolition before it occurs nor provide a forum to ask questions about potential impacts;

WHEREAS, the current practice for the City of Hamilton’s demolition permit notices is that they are auto-generated and forwarded by email to Councillors and do not contain substantive information about demolitions, requiring instead that Councillors contact demolition permit applicants directly should they have concerns about impacts to neighbouring residents and businesses;

WHEREAS, demolition permit applicants are not obligated to respond to requests for information, such as date of demolition, scale of demolition, method of demolition, potential for contaminant emissions, potential of fugitive dust impacts and relevant dust mitigation plans, excessive noise impacts, emergency preparedness and disaster contingencies, etc.;

WHEREAS, demolition activities, and subsequent clean-up efforts, may impact not just air quality but can lead to pollutants being released to the stormwater system or demolition debris left in surface soil;

WHEREAS, the current demolition permit application does not require an applicant to do more than check a box indicating that they have followed MECP guidelines regarding contaminants;

WHEREAS, the current demolition permit application does not provide detailed information about potential pollutants or other harmful substances that may be released to air, land or water systems;

WHEREAS, in other Ontario Cities, such as the City of London, it is a requirement that Public Health be contacted to determine whether a Health Hazards Evaluation is required prior to demolition, depending on prior use of a structure to be demolished;

WHEREAS, the current permit application procedure does not require that the applicant's adherence to MECP guidelines regarding contaminant control be verified prior to issuance by the City of Hamilton's Building Division;

WHEREAS, it is irresponsible to assume that every demolition will be done well and in good faith;

WHEREAS, there is currently no way for the City of Hamilton to hold a company accountable when a demolition does go wrong: there is no requirement for post-demolition clean up, compensation to neighbours who experience property damage or loss, etc.;

WHEREAS, on September 30th 2019, an errant demolition by Delsan, a division of American Iron and Metal (AIM), at 319 Sherman Ave. N, negatively impacted the neighbouring residential, commercial and industrial neighbours and properties;

WHEREAS, in the interest of providing an organized and informed community response to the Delsan-AIM demolition, the Ward 3 Councillor and staff established contact with the company in order to determine the cause of the particulate dust plume and improper demolition and their remedial action plan;

WHEREAS, in the absence of documentation detailing potentially harmful substances contained in the building that was demolished, the Ward 3 Councillor and staff had to work with MECP representatives and City of

Hamilton's Public Health team to uncover this information and expedite disseminating this information to concerned residents.

THEREFORE BE IT RESOLVED:

- (a) That the General Manager of Planning and Economic Development draft a letter to the Ministry of Municipal Affairs and Housing requesting demolition requirements, under the Ontario Building Code be expanded to include a mandatory notification to all neighbouring properties, in writing, of the date and time that a demolition is to take place which includes:
 - (i) the previous use of the site to be demolished;
 - (ii) a list of any potential contaminants which could become airborne or enter Hamilton's waterways or soil;
 - (iii) the potential human health impacts of contamination; and,
 - (iv) a detailed action plan to mitigate all potential impacts to human health, air quality and waterways or soil.

- (b) That Public Health Services work with the Building Division to:
 - (i) determine the size, scope, building-types of demolitions that present the highest risk to human health;
 - (ii) determine application requirements for permit approval for any higher risk demolitions that qualify, such as:
 - (1) ensure that a designated substances survey (DSS), as defined within the Occupational Health And Safety Act, has been completed prior to demolition;
 - (2) an appropriate dust management plan will be implemented during demolition; and,
 - (3) inform mitigation requirements of human health impacts
 - (iii) review the dust mitigation plan with the Building Division before final approval;

- (c) That the Building Division be directed to:
 - (i) review the current demolition permitting process of other Ontario Municipalities which account for human health and environmental impacts and make relevant adjustments in accordance with the Ontario Building Code including but not limited to the above; and,
 - (ii) report back with final recommended revisions to the City of Hamilton Building & Demolition Permit.

CITY OF HAMILTON

MOTION

PLANNING COMMITTEE

DATE: February 2, 2021

MOVED BY COUNCILLOR C. COLLINS.....

SECONDED BY COUNCILLOR

Potential Donation to Hamilton Habitat for Humanity – 3 North Park Avenue, Hamilton

WHEREAS, the Municipal Act requires municipalities to enact a by-law pursuant to and in accordance with the requirements of the Act, to establish procedures for the sale of real property owned by the municipality;

WHEREAS, before selling any land, the Council of the City of Hamilton shall, by by-law or resolution, declare the lands to be surplus;

WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land;

WHEREAS before selling any land, the Council of the City of Hamilton shall give notice to the public of the intended sale of the real property;

WHEREAS City Council on March 6, 2002 in adopting Item 21 of Report 02-008 of the Committee of the Whole, declared Lot 34 on Registered Plan 376, in the City of Hamilton surplus to the needs of the City of Hamilton;

WHEREAS Hamilton Habitat for Humanity, a non-profit organization, has requested the acquisition of Lot 34, Registered Plan 376, municipally known as 3 North Park Avenue for nominal consideration of \$2.00;

WHEREAS Habitat for Humanity Hamilton is a vital partner with the City of Hamilton and will continue to play a large role in helping to build more affordable housing within the City for years to come;

WHEREAS the deemed offer price of \$2.00 for the subject property is below the range of the fair market value as determined through an in-house appraisal of the subject's fair market value estimated at \$220,000; and,

WHEREAS the proceeds that were to be realized for the sale of Lot 34, Registered Plan 376, in the City of Hamilton, were to be credited to the City's Reserve – Hamilton Beach account and that the monetary loss from the sale be reflected with the City's Reserve-Hamilton Beach account.

THEREFORE BE IT RESOLVED:

- (a) That the Real Estate Section be directed to dispose of Lot 34 on Registered Plan 376, municipally known as 3 North Park Avenue, on an "as is, where is" basis, for a nominal fee of \$2;
- (b) That the Real Estate Section be directed to prepare an Offer to Purchase for the sale of Lot 34 on Registered Plan 376, being all of PIN 17569-0598(LT), in the City of Hamilton, municipally known as 3 North Park Avenue, on an "as is, where is" basis for a nominal fee of \$2; and,
- (c) That the City Solicitor be directed to complete this real estate transaction on the terms and conditions set out herein.



We build strength, stability and self-reliance.

City of Hamilton Council
71 Main Street West
Hamilton, ON
L8P 4Y5

January 22, 2021

Dear Hamilton City Council,

I hope this letter finds you well.

Here at Habitat Hamilton, we believe that safe and decent housing creates safe and healthy communities. Today, we're expressing our support for the donation of land and extending our thanks to the City of Hamilton for its consideration. Together, we can build a healthier tomorrow by providing increased access to affordable housing to the citizens of Hamilton.

For years, Habitat Hamilton and the City of Hamilton have partnered together to build our affordable housing stock. We're thankful for the continued support we've received from the municipality and we look forward to increasing our support to the city in achieving its affordable housing goals.

Our Board of Directors is currently reviewing our long-term strategic plan, seeking to drastically increase our capacity to deliver affordable housing to more people in Hamilton. More specifically, we're planning to ramp up our affordable housing production, supporting families and individuals in need of safe and decent shelter across our city. We have plans to scale our builds in the future and would like to continue our active partnership with the City, while staying in close communication, to do so.

With all of that being said, we kindly request the City of Hamilton to consider other land donations and means of supporting our work.

As always, if you have any questions or inquiries, please do not hesitate to reach out.

On behalf of all of us here at Habitat Hamilton, thank you for helping us build strength, stability, and self-reliance through shelter, here in our local communities.

With care & many thanks,

A handwritten signature in blue ink that reads "Sean Ferris".

Sean Ferris
Executive Director
sean@habitatthamilton.ca
905 560 6706 x 108

CITY OF HAMILTON

MOTION

PLANNING COMMITTEE

DATE: February 2, 2021

MOVED BY COUNCILLOR C. COLLINS.....

SECONDED BY COUNCILLOR

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 travelling at unsafe speeds, creating daily safety concerns for other trail users; and,

WHEREAS, the use of e-bikes, e-scooters and other electric powered devices are increasingly used on the waterfront trail, contrary to the City’s by-law, and,

WHEREAS, Licensing and By-law Services has previously hired summer students to act as Waterfront Trail Ambassadors as part of a pilot program in 2020 to educate the public and enforce City By-laws; and,

WHEREAS, the Waterfront Trail Ambassador program was considered a success and well received by trail users and Beach Neighbourhood residents,

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 May through August at a cost of approximately \$27,522 to be funded by the Hamilton Beach Reserve Account 108037.