



City of Hamilton

PLANNING COMMITTEE REVISED AGENDA

Meeting #: 21-004
Date: March 23, 2021
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

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

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

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

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14.1.	Closed Session Minutes - February 16, 2021 Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, and Section 239(2), Sub-sections (e), (f) and (k) of the <i>Ontario Municipal Act, 2001</i> , as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.	
15.	ADJOURNMENT	



PLANNING COMMITTEE MINUTES

21-003

February 16, 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. Agriculture and Rural Affairs Advisory Committee Report 21-001 (Item 7.1)

(Johnson/Partridge)

(a) Farm 911 (Item 9.4)

That the Agriculture and Rural Affairs Advisory Committee respectfully requests that appropriate City staff be directed to develop a framework to provide emergency 911 signs to owners of unidentified farm properties in Hamilton, at their request, at no cost to the applicant.

(b) Climate Action Working Group Update (deferred from the November 24, 2020 meeting) (Item 9.5)

That the Climate Action Working Group of the Agriculture & Rural Affairs Advisory Committee be disbanded.

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. Payday Loan Licences (PED21036) (City Wide) (Item 7.2)

(Partridge/Pearson)

That Report PED21036 respecting Payday Loan Licences, 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. Application for Zoning By-law Amendment for lands located at 95 - 97 Fairholt Road South, Hamilton (PED21029) (Ward 3) (Item 8.1)

(Partridge/Farr)

(a) That Amended Zoning By-law Amendment Application ZAR-19-054 by MHBC Planning (c/o Stephanie Mirtitsch), on Behalf of Semion Merzon, for a change in zoning from the "C" (Urban Protected Residential, etc.) District, to "C/S-1805" (Urban Protected Residential, etc.) District, Modified, to permit the conversion of an existing two family dwelling to a six unit multiple dwelling with six parking spaces, for lands located at 95 - 97 Fairholt Road South, Hamilton, as shown on Appendix "A" to Report PED21029, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED21029, 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 PED21029, be added to District Map No. E33 of Zoning By-law No. 6593;
- (iii) 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;
- (iv) That upon finalization of the amending By-law, the subject lands be re-designated from "Single & Double" to "Medium Density Apartments" in the Stiplely Neighbourhood Plan.

- (b) *That the public submissions in the staff report were received and considered by the Committee in approving the application.*

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

NO - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 NO - 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. **Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton (PED21037) (Ward 8) (Item 8.2)**

(Wilson/Danko)

That Report PED21037, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report for direction to be given to the City Solicitor on the appeal to the LPAT for non-decision of an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton.

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 for Zoning By-law Amendment for Lands Located at 206 and 208 King Street West, Hamilton (PED21038) (Ward 2) (Item 8.3)

(Farr/Pearson)

(a) That Amended Zoning By-law Amendment Application ZAC-17-046 by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of King Stuart Development Inc., Owner, for a further modification to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to Downtown Mixed Use – Pedestrian Focus (D2, 731, H17, H19, H116) Zone, to permit an alternative development concept, that being a 13 storey (43.75 metre) mixed use building with 123 residential units, 143.8 square metres of retail gross floor area, and 37 structured parking spaces for lands located at 206 and 208 King Street West, Hamilton, as shown on Appendix “A” to Report PED21038, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21038, 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 PED21038 be added to Map No. 952 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:

H116. Notwithstanding Section 6.2 of this By-law, within lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 731) Zone on Map No. 952 on Schedule “A” – Zoning Maps, and described as 206 and 208 King Street West, Hamilton, no development shall be permitted until such time as:

- (1) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee;
- (2) A Documentation and Salvage Report in accordance with the City’s Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of

the Director of Planning and Chief Planner prior to any demolition and the owner shall demonstrate that a copy of this report shall be submitted by the Owner to the Hamilton Public Library; and,

(3) An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner.

(iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan.

(b) *That the public submissions in the staff report were received and considered by the Committee in approving the application.*

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

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

6. Application for Zoning By-law Amendment for Lands Located at 9 Westbourne Road, Hamilton (PED21039) (Ward 1) (Item 8.4)

(Pearson/Partridge)

(a) That Zoning By-law Amendment Application ZAS-20-003 by Joseph DiDonato and Sven Oppermann, Owner, for a further modification to the "C/S-1335", "C/S-1335a" and "C/S-1788" (Urban Protected Residential, Etc.) District, Modified, to the "C/S-1335", "C/S-1335a" and "C/S-1804" (Urban Protected Residential, Etc.) District, Modified, to permit the expansion and conversion of an existing detached garage into a second dwelling unit at the rear of the lands located at 9 Westbourne Road, Hamilton, as shown on Appendix "A" to Report PED21039, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "B" to Report PED21039, 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 PED21039, be added to District Map No. W45 of Zoning By-law No. 6593; and,
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan.

(b) *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 6 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 NO - 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. Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton (PED21032) (Ward 2) (Item 8.5)

(Farr/Collins)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-18-17, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner, to establish a Site Specific Policy to the Mixed Use – Medium Density designation to permit the development of the subject lands for a mixed use building containing 769 dwelling units comprised of a 27 storey multiple dwelling, and a 14 storey mixed use building attached to an eight storey multiple dwelling, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton as shown on Appendix “A” to Report PED21032, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to

Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

- (b) That Amended Zoning By-law Amendment Application ZAC-18-041, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner, to modify the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 739, H118) Zone to permit a mixed use development consisting of a 27 storey (92.0 metre) multiple dwelling, and a 14 storey (48.5 metre) mixed use building attached to an eight storey (29.0 metre) multiple dwelling, with a total of 769 dwelling units, 929.25 square metres of commercial space and 462 parking spaces, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton, as shown on Appendix "A" to Report PED21032, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED21032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX; and,
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol "H118" to the proposed Mixed Use - Medium Density (C5, 739) Zone.

The Holding Provision "H118" be removed conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
- (2) That the Owner submits and receives approval of a Documentation and Salvage Report for the existing buildings at 211 John Street South and 78 Young Street and implements the strategy of the Documentation and Salvage Report in accordance with the City of Hamilton

Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner.

- (c) ***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 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. **Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) (Deferred from the February 2, 2021 meeting) (Item 10.1)**

(Farr/Collins)

- (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 ***DENIED***; and,

- (b) ***That the public submissions supported the denial of the application.***

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

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

9. Updates to the Terms of the Environmental Remediation and Site Enhancement's (ERASE) Redevelopment Grant and Tax Assistance Programs (PED21034) (City Wide) (Item 10.2)

(Collins/Pearson)

- (a) That the amended program description for the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant (ERG) Program, which forms Appendix B to the ERASE Community Improvement Plan and attached as Appendix "A" to Report PED21034, be approved.
- (b) That the amended program description for the Environmental Remediation and Site Enhancement (ERASE) Tax Assistance Program (TAP), which forms Appendix C to the ERASE Community Improvement Plan and attached as Appendix "B" to Report PED21034, be approved.

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. Bill 197, the COVID-19 Economic Recovery Act, 2020 and Changes to the Planning Act (PED21046) (City Wide) (Item 10.3)

(Pearson/Wilson)

- (a) That Council adopt the submissions and recommendations regarding legislative provisions in the *Planning Act* in force with the enactment of Bill 197, the *COVID-197 Economic Recovery Act*, as provided in Report PED21046;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submission made to the Province attached as Appendix "A" to Report PED21046.

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. Implementation of Permit Parking on the West Side of Wellington Street North, between Barton Street East and Cannon Street East, Hamilton (Ward 2) (Item 11.1)

(Farr/Collins)

WHEREAS, on November 27, 2019 Council approved Report PED19187 On Street Parking Permits – Wellington Street North (Ward 2) which recommended a number of changes to parking restrictions on Wellington Street North including the removal of the NO PARKING restrictions and installation of bump-outs, which have now been implemented;

WHEREAS Report PED19187 did not recommend permit parking due to the fact that permits would not provide an exemption to the No Parking on a Through Street between 2 a.m. and 7 a.m. parking regulation, so would be of limited value;

WHEREAS it has been observed that following the installation of bump-outs, the parking created is not being utilized to its full benefit and the introduction of permit parking would fulfill a long standing desire by residents for permit parking; and,

WHEREAS, Public Works has expressed concerns that added parking will reduce their ability to meet Council approved levels of service during snow clearing and street sweeping operations, given the width and one-way configuration of the streets, and have other potential consequences such as vehicle damage, blocked in vehicles and no storage space for accumulating snow;

THEREFORE, BE IT RESOLVED:

- (a) That staff be authorized and directed to implement full time permit parking on the west side of Wellington Street North, between Barton Street East and Cannon Street East, Hamilton; and,
- (b) That communication be provided in writing to any person requesting a parking permit on the west side of Wellington Street North between Barton Street East and Cannon Street East, that during and following snow events, vehicles may be blocked in for extended periods and the clearing of windows may not be possible in the absence of overnight parking restrictions.

Result: Motion 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

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

12. Update and instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(c)/PED16248(c)) (City Wide) (Added Item 14.1)

(Partridge/Johnson)

- (a) That Report LS16029(c)/PED16248(c), including Appendix “A” to Report LS16029(c)/PED16248(c), be received for information.
- (b) That Report LS16029(c)/PED16248(c) 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)

- 6.2 Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021 (For today's meeting)

2. PUBLIC MEETINGS / DELEGATIONS (Item 8)

- 8.1 Application for Zoning By-law Amendment for lands located at 95 - 97 Fairholt Road South, Hamilton (PED21029) (Ward 3)
 - (a) Agent's presentation
 - (b) Zoning By-law Amendment – Appendix E - Revised

- 8.2 Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton (PED21037) (Ward 8)
- (a) Added Written Submissions:
 - (iii) Marissa Tankoy-Lim
 - (iv) Conrad Walczak
 - (b) Added Registered Delegations:
 - (ii) Robert De Haan
- 8.4 Application for Zoning By-law Amendment for Lands Located at 9 Westbourne Road, Hamilton (PED21039) (Ward 1)
- (a) Added Written Submissions:
 - (iv) Marlene Castura
 - (b) Registered Delegations
 - (i) Rosemary Lukosius – WITHDRAWN
- 8.5 Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton (PED21032) (Ward 2)
- (a) Added Written Submissions:
 - (iii) Terry Brown
 - (iv) Cameron Kroetsch
 - (v) Jamie Philp
 - (vi) Mary Porter
 - (vii) James MacNevin
 - (viii) Jessica Hymers
 - (c) Zoning Amendment By-law Appendix C - Revised

3. DISCUSSION ITEMS (Item 10)

- 10.1 Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) (Deferred from the February 2, 2021 meeting)

(a) Added Written Submissions:

(i) Michael Barton, MB1 Consulting (Agent)

4. PRIVATE AND CONFIDENTIAL (Item 14)

14.1 Update and instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(c)/PED16248(c)) (City Wide)

(Pearson/Johnson)

That the agenda for the February 16, 2021 meeting be approved, as amended.

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

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) February 2, 2021 (Item 4.1)

(Pearson/Ferguson)

That the Minutes of the February 2, 2021 meeting be approved, as presented.

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

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

(d) DELEGATION REQUESTS (Item 6)

(i) Delegations respecting 130 Wellington Street South Zoning By-law Amendment Application (Item 10.1) (For today's meeting) (Item 6.1)

(Farr/Partridge)

That the following Delegation Requests respecting 130 Wellington Street South Zoning By-law Amendment Application, be approved for today's meeting:

- (i) Jesse Razaqpur
- (ii) Sheila Strong

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) Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021 (For today's meeting) (Added Item 6.2)

(Wilson/Farr)

That the Delegation Request from Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021, be approved for today's meeting.

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

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

(e) CONSENT ITEMS (Item 7)

(i) Payday Loan Licences (PED21036) (City Wide) (Item 7.2)

(Farr/Pearson)

That the requirement for staff to report annually to the Planning Committee on Payday Loan Licences be discontinued.

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 further disposition of this matter, refer to Item 2.

(f) 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 Official Plan Amendment and Zoning By-law 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 for Zoning By-law Amendment for lands located at 95 - 97 Fairholt Road South, Hamilton (PED21029) (Ward 3) (Item 8.1)

No members of the public were registered as Delegations.

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

(Johnson/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

Stephanie Mirtitsch and Dave Aston with MHBC Planning were in attendance and indicated they were in support of the staff report.

(Farr/Pearson)

That the delegation from Stephanie Mirtitsch and Dave Aston with MHBC Planning, 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

(Farr/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

(Partridge/Farr)

- (a) That Amended Zoning By-law Amendment Application ZAR-19-054 by MHBC Planning (c/o Stephanie Mirtitsch), on Behalf of Semion Merzon, for a change in zoning from the “C” (Urban Protected Residential, etc.) District, to “C/S-1805” (Urban Protected Residential, etc.) District, Modified, to permit the conversion of an existing two family dwelling to a six unit multiple dwelling with six parking spaces, for lands located at 95 - 97 Fairholt Road South, Hamilton, as shown on Appendix “A” to Report PED21029, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED21029, 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 PED21029, be added to District Map No. E33 of Zoning By-law No. 6593;
 - (iii) 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;
 - (iv) That upon finalization of the amending By-law, the subject lands be re-designated from “Single & Double” to “Medium Density Apartments” in the Stipley Neighbourhood Plan.

(Partridge/Farr)

That the recommendations in Report PED21029 be **amended** by adding the following sub-section (b):

- (b) *That the public submissions in the staff report were received and considered by the Committee in approving the application.***

Result: Amendment CARRIED by a vote of 5 to 3, as follows:

NO - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 NO - 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 3.

- (ii) Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton (PED21037) (Ward 8) (Item 8.2)**

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

(Wilson/Danko)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 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

The Agent, Matt Johnston with Urban Solutions, advised prior to the meeting, that he and the owner, Ted Valeri, would not be in attendance.

(Wilson/Danko)

That the following written submissions (Item 8.2(a)), be received:

- (i) Robyn White, in Opposition to the application
 (ii) Vedant Patel, in Opposition to the application
 (iii) Marissa Tankoy-Lim, in Opposition to the application
 (iv) Conrad Walczak, in Opposition to the application

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

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

Registered Delegations:

8.2(b) (i) Mariam Hanan, in Opposition to the application.

8.2(b) (ii) Robert De Haan was not present when called upon to speak.

(Wilson/Danko)

That the delegation be received.

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

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

(Wilson/Pearson)

That the non-statutory 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

For disposition of this matter, refer to Item 4.

(iii) Application for Zoning By-law Amendment for Lands Located at 206 and 208 King Street West, Hamilton (PED21038) (Ward 2) (Item 8.3)

No members of the public were registered as Delegations.

Daniel Barnett, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Farr/Partridge)

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

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

(Collins/Farr)

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

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

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

(Farr/Collins)

That the public meeting be closed.

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

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

(Farr/Danko)

(a) That Amended Zoning By-law Amendment Application ZAC-17-046 by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of King Stuart Development Inc., Owner, for a further modification to

the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to Downtown Mixed Use – Pedestrian Focus (D2, 731, H17, H19, H116) Zone, to permit an alternative development concept, that being a 13 storey (43.75 metre) mixed use building with 123 residential units, 143.8 square metres of retail gross floor area, and 37 structured parking spaces for lands located at 206 and 208 King Street West, Hamilton, as shown on Appendix “A” to Report PED21038, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21038, 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 PED21038 be added to Map No. 952 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:

H116. Notwithstanding Section 6.2 of this By-law, within lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 731) Zone on Map No. 952 on Schedule “A” – Zoning Maps, and described as 206 and 208 King Street West, Hamilton, no development shall be permitted until such time as:

- (1) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee;
- (2) A Documentation and Salvage Report in accordance with the City’s Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the owner shall demonstrate that a copy of this

report shall be submitted by the Owner to the Hamilton Public Library; and,

- (3) An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan.

(Farr/Danko)

That the recommendations in Report PED21038 be **amended** by adding the following sub-section (b):

- (b) *That the public submissions in the staff report were received and considered by the Committee in approving the application.***

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

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

For disposition of this matter, refer to Item 5.

(iv) Application for Zoning By-law Amendment for Lands Located at 9 Westbourne Road, Hamilton (PED21039) (Ward 1) (Item 8.4)

No members of the public were registered as Delegations.

Daniel Barnett, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Wilson/Danko)

That the staff presentation be received.

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

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

Joseph DiDonato and Sven Oppermann, Owners, were in attendance and indicated support for the staff report.

(Ferguson/Danko)

That the delegation from Joseph DiDonato and Sven Oppermann, Owners, 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

(Wilson/Pearson)

That the following written submissions (Item 8.4 (a)), be received:

- (i) Tordis Coakley, Ainslie Wood Community Association
- (ii) Sheryl and Tom Perrie
- (iii) Paul A. Faure
- (iv) Marlene Castura

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

(Wilson/Pearson)

That the public meeting be closed.

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

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

(Partridge/Wilson)

- (a) That Zoning By-law Amendment Application ZAS-20-003 by Joseph DiDonato and Sven Oppermann, Owner, for a further modification to the "C/S-1335", "C/S-1335a" and "C/S-1788" (Urban Protected Residential, Etc.) District, Modified, to the "C/S-1335", "C/S-1335a" and "C/S-1804" (Urban Protected Residential, Etc.) District, Modified, to permit the expansion and conversion of an existing detached garage into a second dwelling unit at the rear of the lands located at 9 Westbourne Road, Hamilton, as shown on Appendix "A" to Report PED21039, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED21039, 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 PED21039, be added to District Map No. W45 of Zoning By-law No. 6593; and,
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan.

(Partridge/Wilson)

That the recommendations in Report PED21039 be **amended** by adding the following sub-section (b):

- (b) ***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 6 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 NO - 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.

(v) Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton (PED21032) (Ward 2) (Item 8.5)

Mark Kehler, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Farr/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

Stuart Hastings with GSP Group, was in attendance and indicated support for the staff report.

(Ferguson/Farr)

That the delegation from Stuart Hastings with GSP Group, 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

(Farr/Ferguson)

That the following written submissions (Item 8.5(a)), be received:

- (i) Donna Portree
- (ii) Andrew Selbo
- (iii) Terry Brown
- (iv) Cameron Kroetsch
- (v) Jamie Philp
- (vi) Mary Porter
- (vii) James MacNevin
- (viii) Jessica Hymers

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:

- 8.2(b) (i) Lachlan Holmes, Hamilton Forward, was not in attendance when called upon to speak.

(Farr/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

(Farr/Ferguson)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-18-17, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner, to establish a Site Specific Policy to the Mixed Use – Medium Density designation to permit the development of the subject lands for a mixed use building containing 769 dwelling units comprised of a 27 storey multiple dwelling, and a 14 storey mixed use building attached to an eight storey multiple dwelling, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton as shown on Appendix “A” to Report PED21032, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.
- (b) That Amended Zoning By-law Amendment Application ZAC-18-041, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner, to modify the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 739, H118) Zone to permit a mixed use development consisting of a 27 storey (92.0 metre) multiple dwelling, and a 14 storey (48.5 metre) mixed use building attached to an eight storey (29.0 metre) multiple dwelling, with a total of 769 dwelling units, 929.25 square metres of commercial space and 462 parking spaces, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton, as shown on Appendix “A” to Report PED21032, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX; and,

- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol “H118” to the proposed Mixed Use - Medium Density (C5, 739) Zone.

The Holding Provision “H118” be removed conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
- (2) That the Owner submits and receives approval of a Documentation and Salvage Report for the existing buildings at 211 John Street South and 78 Young Street and implements the strategy of the Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner.

(Farr/Ferguson)

That the recommendations in Report PED21032 be ***amended*** by adding the following sub-section (c):

- (c) *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 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.

(vi) Delegations respecting 130 Wellington Street Zoning By-law Amendment Application (Item 10.1) (Item 6.1)

- (i) Jesse Razaqpur addressed the Committee in opposition to the application; and read out an email from Mike MacMillan and Gillian Ferrier in opposition to the application (a copy is available in the revised agenda as Item 6.1(a)).

(Farr/Danko)

That the time be extended to allow Jesse Razaqpur to speak beyond the permitted five minutes.

Result: Motion 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
 NO - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

- (ii) Sheila Strong addressed the Committee in opposition to the application.

(Farr/Johnson)

That the Delegations from Jesse Razaqpur and Sheila Strong, and the correspondence from Mike MacMillan and Gillian Ferrier, 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 Items (g)(i) and 8.

(vii) Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021 (Added Item 6.2)

Barry Coombs addressed the Committee respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021.

(Johnson/Wilson)

That the Delegation from Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021, 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

(g) DISCUSSION ITEMS (Item 10)

(i) Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) (Deferred from the February 2, 2021 meeting) (Item 10.1)

(Farr/Danko)

That the following written submissions (Item 8.2(a)), be received:

- (i) Kelly Fawcett, expressed concerns with the application.
- (ii) Michael Barton, MB1 Consulting (Agent), in Support of the application.

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

(Farr/Collins)

- (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 ***DENIED***.

(Farr/Collins)

That the recommendations in Report PED21024 be further ***amended*** to add the following sub-section (b), as follows:

- (b) *That the public submissions supported the denial of the application.***

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

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

For further disposition on this matter, refer to Item 8.

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

(i) General Manager’s Update (Added Item 13.1)

Jason Thorne, General Manager, Planning and Economic Development, advised the Committee of upcoming staffing changes due to retirements.

(Pearson/Wilson)

That the General Manager’s 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

(i) PRIVATE AND CONFIDENTIAL (Item 14)

(Partridge/Danko)

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

Result: Motion CARRIED by a vote of 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

(i) Update and instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(c)/PED16248(c)) (City Wide) (Added Item 14.1)

For disposition of this matter, refer to Item 12.

(j) ADJOURNMENT (Item 15)

(Ferguson/Partridge)

That there being no further business, the Planning Committee be adjourned at 3:48 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

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

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator

Request to Speak to Committee of Council

Submitted on Tuesday, March 16, 2021 - 10:56 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: David Braden

Name of Organization: Windrush Farm

Contact Number:

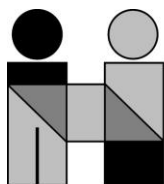
Email Address:

Mailing Address:

Reason(s) for delegation request: To explain the connection between affordable housing, infrastructure renewal funding and lowering municipal taxes.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



Hamilton Community Legal Clinic
Clinique juridique communautaire de Hamilton

100 Main Street East, Suite 203
Hamilton ON L8N 3W4
Phone: (905) 527-4572 Fax: (905) 523-7282
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March 22, 2021

Lisa Kelsey – Legislative Coordinator
Planning Committee
City of Hamilton
71 Main Street West, Hamilton ON
Lisa.Kelsey@hamilton.ca

Sent via email

**RE: Hamilton Community Legal Clinic submission for the Planning Committee re
Property Standards By-Law Review**

The Hamilton Community Legal Clinic (“the Clinic”) supports amendments to the City of Hamilton’s Property Standards By-law to address concerns about the quality and safety of rental accommodations. These amendments should be implemented in a way to provide the City with more effective enforcement tools to tackle key property standards issues such as pest and vermin control, repair standards and cleanliness.

The Clinic supports these amendments because it believes that a robust Property Standards By-law and its effective enforcement can ensure that residential tenants are protected in accommodations that have experienced infestation of pests, chronic disrepair and neglect.

The Clinic echoes the concerns that have been raised by community organizations/tenant groups such as ACORN and strongly believes that amendments to the City’s Property Standards By-law are necessary to increase consistency in housing quality throughout the City.

Sincerely,
Hamilton Community Legal Clinic



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
DATE:	March 23, 2021
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21040) (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. In addition, this report also includes a list and status of all appendices appealed to the LPAT for non-decision.

Background:

Commencing in April, 2016, Planning Division staff have been preparing and submitting an Information Report to the Planning Committee on the 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 monthly report includes a table outlining the active applications, sorted by Ward, from oldest application to newest.

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

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21040) (City Wide) - Page 2 of 5

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 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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21040) (City Wide) - Page 3 of 5

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 PED21040 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of January 29, 2021, there were:

- 5 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;
- 9 active Zoning By-law Amendment applications; and,
- 6 active Plan of Subdivision applications.

Within 60 to 90 days of March 23, 2021, all 9 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 PED21040 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 January 29, 2021, 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.

Within 60 to 90 days of March 23, 2021, all 27 development proposals have passed the 150, 180 or 300 day statutory timeframes.

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21040) (City Wide) - Page 4 of 5

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

Attached as Appendix “C” to Report PED21040 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 January 29, 2021, there were:

- 18 active Official Plan Amendment applications;
- 31 active Zoning By-law Amendment applications; and,
- 10 active Plan of Subdivision applications.

Within 60 to 90 days of March 23, 2021, 6 development proposals are 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 72 active development proposals. Six proposals are 2021 files, while 25 proposals are 2020 files and 41 proposals are pre-2020 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.

Current Non-Decision Appeals to the Local Planning Appeal Tribunal (LPAT)

At the February 2, 2021 Planning Committee meeting, Planning Committee requested that information be reported relating to development applications that have been appealed for non-decision to the LPAT. Attached as Appendix “D” to Report PED21040 is a table outlining development applications, along with the applicant/agent, that have been appealed for non-decision to the LPAT. There are currently 11 active appeals for non-decision.

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan
of Subdivision Applications (PED21040) (City Wide) - Page 5 of 5**

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)

Appendix "D" - Planning Act Applications Currently Appealed to Local Planning Appeal
Tribunal (LPAT)

JG:mo

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Empowered Employees.

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective January 29, 2021)**

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 March 23, 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.	1273
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.	1623
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.	1623
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.	1572
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.	2091

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective January 29, 2021)**

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 March 23, 2021
Ward 10 Cont'd									
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	1551
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	1917
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.	1334
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.	1322

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective January 29, 2021)**

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 January 29, 2021)**

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 March 23, 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	823
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	734
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	1187
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	984
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.	820
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	823

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective January 29, 2021)**

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 March 23, 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	685
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.	722
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	697
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.	754
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	698

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective January 29, 2021)**

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 March 23, 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	904
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	851
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.	825
25T-2019004	1288 Baseline Rd., Stoney Creek	06-May-19	n/a	09-May-19	n/a	02-Nov-19	n/a	IBI Group	687
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	987
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.	926

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective January 29, 2021)**

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 March 23, 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	866
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.	869
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	846
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.	841
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.	830

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective January 29, 2021)**

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 March 23, 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	832
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	736
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	974
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	652
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	638

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective January 29, 2021)**

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 January 29, 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 March 23, 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	466
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	459
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.	404
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	480
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	459
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	259
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	200

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 29, 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 March 23, 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	510
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	230
25T-202004	4 Vickers Rd., Hamilton	12-Aug-20	n/a	9-Sep-20	n/a	10-Dec-20	The Biglieri Group	223
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.	193
UHOPA-21-005 ZAC-21-009 25T-202104	311 and 313 Stone Church Rd. E., Hamilton	14-Dec-20	n/a	22-Jan21	n/a	13-Apr-21	Urban Solutions Planning and Land Development	99
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	483

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 29, 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 March 23, 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	397
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	250
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	246
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.	459
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.	417
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	264

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 29, 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 March 23, 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	372
UHOPA-21-004 ZAC-21-008	1290 South Service Rd. Stoney Creek	25-Dec-20	n/a	21-Jan-21	n/a	24-Apr-21	IBI Group	88
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.	519
ZAS-20-019	9255 Airport Rd., Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	392
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.	375

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 29, 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 March 23, 2021
Ward 11 cont'd								
25T-202007	3311 Homestead Dr., Glanbrook	07-Oct-20	n/a	15-Oct-20	n/a	21-Feb-21	Wellings Planning Consultants	167
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Rd. Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	99
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.	468
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.	459
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.	285

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 29, 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 March 23, 2021
Ward 12 cont'd								
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.	281
25T-202102	370 Garner Rd. E., Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	95
UHOPA-21-002 ZAC-21-002	327 and 335 Wilson St. E., Ancaster	23-Dec-20	n/a	15-Jan-21	n/a	22-Apr-21	T. Johns Consulting Group	90
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	208
ZAC-21-003	125 Pirie Dr. Dundas	23-Dec-20	n/a	22-Jan-21	23-Mar-21	n/a	Wellings Planning Consultants	90
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	459

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective January 29, 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 March 23, 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	456

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.

**Planning Act Applications
Currently Appealed for Non-Decision to the
Local Planning Appeal Tribunal (LPAT)
(Effective February 16, 2021)**


Ward	Address	Applicant /Agent	Date Appeal Received
Ward 1			
1	69 Sanders Blvd. & 1630 Main St. W., Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	October 2020
1	1190 Main St. W., 43, 47, 51 & 55 Forsyth Ave. S., 75, 77, 81, 83, 99, 103, 107, 111, 115 Traymore Ave. & 50 Dalewood Ave., Hamilton	Bousfields Inc.	March 2018
Ward 2			
2	195 Wellington St. S., Hamilton	Bousfields Inc.	November 2017
Ward 9			
9	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
Ward 10			
10	261 King St. E., Hamilton	GSP Group	November 2017
Ward 11			
11	3033, 3047, 3055 & 3063 Binbrook Rd., Glanbrook (Binbrook)	GSP Group	August 2017

**Planning Act Applications
Currently Appealed for Non-Decision to the
Local Planning Appeal Tribunal (LPAT)
(Effective February 16, 2021)**

Ward	Address	Applicant /Agent	Date Appeal Received
Ward 13			
13	73-89 Stone Church Rd. W. & 1029 West 5 th St., Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	July 2020
Ward 15			
15	609 and 615 Hamilton St. N., 3 Nesbit Blvd. & 129 – 137 Trudell Cir., Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
15	157 Parkside Dr. (a.k.a. 909 North Waterdown Rd.), Flamborough (Waterdown)	MHBC Planning	March 2020
15	34 11 th Concession Rd. West and 1800 Highway 6, Flamborough	2417985 Ontario Inc & 2417972 Ontario Inc.	July 2017
15	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 23, 2021
SUBJECT/REPORT NO:	Annual Report on Building Permit Fees (PED21051) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dio Ortiz (905) 546-2424 Ext. 4650
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

The *Building Code Act* (BCA) and the regulations made thereunder (the Ontario Building Code) require that a report be prepared annually on fees collected and costs incurred. Specifically, Article 1.9.1.1 of the regulations state:

- “(1) The report referred to in subsection 7(4) of the Act shall contain the following information in respect to fees authorized under clause 7(1)(c) of the Act:
- (a) total fees collected in the 12-month period ending no earlier than three months before the release of the report;
 - (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the principal authority in the 12-month period referred to in Clause (a);
 - (c) a break down in the costs described in Clause (b) into at least the following categories:
 - (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of *buildings*, and

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- (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
 - (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12-month period referred to in Clause (a).
- (2) The *principal authority* shall give notice of the preparation of a report under subsection 7(4) of the Act to every person and organization that has requested that the *principal authority* provide the person or organization with such notice and has provided an address for the notice.”

Revenue Collected

Building permit fees collected during 2020 totalled \$13,333,965.

Costs Incurred

The net operational costs, both indirect and direct, incurred during 2020 were \$12,839,355.38 as shown in the table below.

**Building Division
Statement of Activities
For 12-Month Period Ending December 31, 2020**

Category	2020 Actual
Building Revenues:	
Permit Fees	\$13,333,965
BCA Fines	\$ 141,396
Less Expenses:	
Direct Cost	\$ 11,667,319
Indirect cost	\$ 1,172,036
Transfer to Building Permit Fee Reserve	\$636,005

*Note: Figures rounded to nearest dollar

2020 Unallocated Reserve Balance	\$20,588,355
Building Permit Fee Reserve Cap	\$25,678,710

Building Permit Fee Reserve

The Building Permit Fee Reserve provides a source of funding to offset extraordinary and unforeseen expenditures; for one-time costs, for permit fee revenue shortfalls, for various contingent and potential future liabilities and to ensure that in years of declined building activity, the required *Building Code Act* required services can continue to be provided without affecting the municipality's finances or staffing.

Money in the reserve fund can only be used for costs of delivering services related to the administration and enforcement of the *Building Code Act*. The reserve fund is, therefore, not accessible for council to use to fund or subsidize other municipal activities.

At the end of 2020, 100% cost-recovery of services for building permit issuance, administration and enforcement of the *Building Code Act* netted a transfer of \$636,005 into the reserve. Additional 2020 transactions in the reserve resulted in a net gain of \$1,194,914 which included an accrued interest of \$558,909. \$4.1 million has been allocated for the Digitization of Microfiche Records multi-year project.

The Building Permit Fee Reserve contained \$24,688,355 with an unallocated balance of \$20,588,355 at the end of 2020.

As per the Building Permit Fee Reserve Policy (Policy No: Obligatory – 104050) the objective of the Building Permit Fee Reserve is an amount of approximately two times the annual operational expenses to a maximum of \$25,678,710 (based on 2020 revenues) to ensure a stable resource for future years.

APPENDICES AND SCHEDULES ATTACHED

Not applicable



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 23, 2021
SUBJECT/REPORT NO:	Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 804-816 King Street West, Hamilton (PED21025) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-19-004, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner**, to establish a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the development of a six storey mixed use commercial / residential building with a residential density of 176 units per gross hectare, for lands located at 804-816 King Street West, Hamilton as shown on Appendix "A" to Report PED21025, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED21025, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan, 2019, as amended.

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SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 804-816 King Street West, Hamilton (PED21025) (Ward 1) - Page 2 of 32

- (b) That **Zoning By-law Amendment Application ZAC-19-009, as amended, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner**, to modify the Mixed Use Medium Density (C5, 570) Zone to the Mixed Use Medium Density (C5, 732) Zone to permit a six storey (19.5 metre) mixed use commercial / residential development with 319.52 square metres of commercial space at grade, 30 residential dwelling units and 20 vehicle parking spaces, for lands located at 804-816 King Street West, Hamilton, as shown on Appendix “A” to Report PED21025, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21025, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The Owner, Gateway Development Group Inc., has applied for an Official Plan Amendment and Zoning By-law Amendment to permit a six storey (19.5 metre) mixed use commercial / residential building with 319.52 square metres of commercial space at grade, 30 dwelling units and 20 parking spaces on lands located at 804-816 King Street West, Hamilton.

The purpose of the Urban Hamilton Official Plan Amendment application is to establish a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the development of a six storey mixed use commercial / residential building with a residential density of 176 units per gross hectare. The Secondary Plan permits a maximum building height of three storeys and a residential density of 30 – 49 units per gross hectare for the subject lands.

The purpose of the Zoning By-law Amendment application is to further modify the Mixed Use – Medium Density (C5, 570) Zone to the Mixed Use – Medium Density (C5, 732) Zone to permit a six storey (19.5 metre) mixed use commercial / residential development with 319.52 square metres of commercial space at grade and 30 residential dwelling units. A total of 20 vehicle parking spaces are proposed, including 18 for the residential dwelling units and two for the commercial unit. The existing Special Exception No. 570 applicable to the site permits a maximum building height of

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for lands located at 804-816 King Street West, Hamilton
(PED21025) (Ward 1) - Page 3 of 32**

11.0 metres. Modifications to the C5 Zone are required to permit an increased building height, increased bicycle parking rate, and reduced rear yard, interior side yard, minimum amenity area, parking rate and planting strip requirements.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to the A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the UHOP upon finalization of the Official Plan Amendment. The proposed development represents a compatible form of intensification at this location, that being along a primary corridor in proximity to transit, services, parks and recreation facilities.

Alternatives for Consideration – See Page 31

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Gateway Development Group Inc.
File Number:	UHOPA-19-004 and ZAC-19-009
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment
Proposal:	To permit a six storey (19.5 metres) mixed use commercial / residential development with 319.52 square metres of commercial space at grade and 30 residential dwelling units. A total of 20 vehicle parking spaces are proposed, including 18 for the residential dwelling units and two for the commercial unit. The proposed amenity area is included at

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for lands located at 804-816 King Street West, Hamilton
(PED21025) (Ward 1) - Page 4 of 32**

	grade with access from King Street West and on individual balconies.
Property Details	
Municipal Address:	804-816 King Street West
Lot Area:	1,709 square metres (0.171 ha)
Servicing:	Existing municipal services.
Existing Use:	Two, one storey commercial buildings and a surface parking lot.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms with the Growth Plan.
Official Plan Existing:	<ul style="list-style-type: none"> • Primary Corridors on Schedule “E” – Urban Structure and Mixed Use – Medium Density on Schedule “E-1” – Urban Land Use Designations in the UHOP. • Mixed Use – Medium Density on Map B.6.2-1 – Land Use Plan in the Ainslie Wood Westdale Secondary Plan.
Official Plan Proposed:	<p>Mixed Use – Medium Density on Map B.6.2-1 – Land Use Plan in the Ainslie Wood Westdale Secondary Plan with a Site Specific Policy to permit:</p> <ul style="list-style-type: none"> • A maximum building height of six storeys; and, • A maximum residential density of 176 units per gross hectare.
Zoning Existing:	Mixed Use – Medium Density (C5, 570) Zone
Zoning Proposed:	Mixed Use – Medium Density (C5, 732) Zone
Modifications Proposed:	<ul style="list-style-type: none"> • Increased building height from 11.0 metres to 19.5 metres;

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for lands located at 804-816 King Street West, Hamilton
(PED21025) (Ward 1) - Page 5 of 32**

	<ul style="list-style-type: none"> • Reduced rear yard from 7.5 metres to 7.3 metres with additional setbacks of 10.2 metres above the fourth storey and 14.8 metres above the fifth storey; • Reduced interior side yard from 7.5 metres to 3.3 metres and further setback to the fourth storey of 4.2 metres; • Reduced planting strip width from 1.5 metres to 1.25 metres abutting a Residential Zone; • Reduced residential parking rate of 0.6 parking spaces per dwelling unit; • Modified commercial parking rate of two vehicle parking spaces for any permitted commercial use with a gross floor area less than 450 square metres; and, • Increased long term bicycle parking rate of 1.25 spaces per unit.
Processing Details	
Received:	December 21, 2018
Deemed Complete:	January 18, 2019
Notice of Complete Application:	Sent to 244 residents within 120 metres of the subject property on January 29, 2019.
Public Notice Sign:	Posted on February 4, 2019 and updated with the public meeting date on February 24, 2021.
Notice of Public Meeting:	Sent to 109 property owners within 120 m of the subject property on March 5, 2021.
Public Consultation:	<ul style="list-style-type: none"> • The applicant held a public open house on March 28, 2019. Approximately 56 people were in attendance. • The applicant established a microsite containing submission materials and contact information for the applicant launched on January 24, 2019.
Public Comments:	47 letters were submitted, 42 in opposition and four letters in support of the application. The letters are attached as Appendix "E" to Report PED21025 and discussed in further detail on page 23 of this Report.

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SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 804-816 King Street West, Hamilton (PED21025) (Ward 1) - Page 6 of 32

Processing Time:	788 days from date of receipt of initial application. 153 days from receipt of revised development proposal. In January, 2021, the applicant requested minor revisions to the proposed Zoning By-law Amendment to clarify the proposed zoning regulations. This resulted in staff not being able to bring this application forward to the February 16, 2021 Planning Committee meeting.
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Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Two, one storey commercial buildings and a surface parking lot	Mixed Use - Medium Density (C5, 570) Zone

Surrounding Lands:

North	Single detached dwellings	“C/S-1364” and “C/S-1788” (Urban Protected Residential, Etc.) District, Modified
East	One storey commercial building	Mixed Use - Medium Density (C5, 570) Zone
South	Vacant land, a two and a half storey residential care facility and a one storey multiple dwelling	“E/S-1446” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, Community Institutional (I2) Zone and Mixed Use - Medium Density (C5, 570) Zone
West	Three and a half storey multiple dwelling	Mixed Use - Medium Density (C5, 570) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for lands located at 804-816 King Street West, Hamilton
(PED21025) (Ward 1) - Page 7 of 32**

Provincial Policy Statement (2020) (PPS)

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 following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

- “1.1.3.1 Settlement areas shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
- a) efficiently use land and resources;
 - b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - e) support active transportation;
 - f) are transit-supportive, where transit is planned, exists or may be developed;

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

The subject property is located within a settlement area as defined by the PPS. The proposed mixed use commercial / residential building would contribute to the mix of land

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for lands located at 804-816 King Street West, Hamilton
(PED21025) (Ward 1) - Page 8 of 32**

uses in the area, would efficiently use land and existing infrastructure, and represents a compatible form of intensification. The proposal is transit-supportive due to its location adjacent to transit routes on King Street West.

Therefore, the proposal is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan)

The Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. The following policies, amongst others, apply to the proposal.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and
 - iii. can support the achievement of *complete communities*;
 - c) within *settlement areas*, growth will be focused in:
 - i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities;
- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
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- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;”

The subject lands are located within the City of Hamilton urban boundary, are within the built boundary as defined by the Growth Plan, and are fully serviced by municipal water and wastewater infrastructure. The proposal complements the community by expanding housing options within the neighbourhood at a location with access to local stores and services (Policy 2.2.1.4 a) and c)).

Based on the foregoing, the proposal conforms with the policies of the Growth Plan.

Urban Hamilton Official Plan

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

Urban Corridors

- “E.2.4.2 Urban Corridors are a separate structural element from the Neighbourhoods, which are set out in Section E.2.6, however in many locations, Urban Corridors function as an integral part of the surrounding Neighbourhood, and serve as a central focal point.
- E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.
- E.2.4.4 Primary Corridors shall serve to link two or more nodes, major activity centres, or employment areas.
- E.2.4.6 Urban Corridors shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to a broader regional market may be also permitted.
- E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The

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Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.”

As per Policies E.2.4.2 and E.2.4.4, the King Street West Primary Corridor is a focal point of the Westdale Neighbourhood and serves as a link between Downtown Hamilton and the McMaster University Major Activity Centre. Consistent with Policies E.2.4.6 and E.2.4.10, the proposal is for a mixed use development with a mid-rise built form that maintains the commercial function of the corridor by providing commercial space at grade. The proposed development is of a scale and form that is compatible with the surrounding neighbourhood and at a density that supports the intent of the Primary Corridor policies by locating higher density development along King Street West, an Urban Corridor (E.2.4.3).

Mixed Use – Medium Density

- “E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- E.4.6.2 The Mixed Use – Medium Density designation shall be applied to traditional ‘main street’ commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm.
- E.4.6.4 It is also the function of areas designated Mixed Use – Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential *development*. Residential *development* enhances the function of these areas as *transit supportive* nodes and corridors.
- E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses such as retail stores, *auto and home centres*, *home improvement supply stores*, offices, medical clinics, personal

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services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities; (OPA 64)

f) *multiple dwellings*;

E.4.6.15 Although residential development is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.

E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.”

The proposed development complies with the permitted uses outlined in Policy E.4.6.5 and provides a mix of uses on site as encouraged by Policy E.4.6.22. As it relates to Policies E.4.6.1, E.4.6.2 and E.4.6.15, the proposal provides for commercial uses on the ground floor. Consistent with Policy E.4.6.4, the proposal introduces residential uses to the site to increase pedestrian activity in the area and supports nearby transit infrastructure.

“E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.

E.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted except for pedestrian focus streets as listed by Policy E.4.3.1.

E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

Consistent with Policy E.4.6.9, the proposal includes a mix of commercial and residential uses within a mid-rise built form. Policy E.4.6.7 permits a range of building heights, to a maximum of six storeys and densities with specific heights and density established through secondary plans. The Ainslie Wood Secondary Plan permits a maximum building height of three storeys for the subject lands and a residential density

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of 30-49 units per gross hectare. Therefore, a UHOP Amendment is required to permit the proposed six storey building height and residential density of 176 units per gross hectare. As required by Policy E.4.6.24, staff are satisfied that the proposed six storey building height is appropriate based on the proposed 7.3 metre rear setback and step backs at the fifth and sixth storey, based on the application of a 45 degree angular plane, that minimize the effect of shadowing and overview on properties in the adjacent neighbourhood.

“E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.

E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.”

Consistent with Policy E.4.6.16, the development incorporates design elements that contribute to a comfortable pedestrian environment. Retail and a residential lobby / amenity area are proposed at grade with entrances facing King Street West. As per Policy E.4.6.17, the proposed six storey built form provides for a compact urban form at a scale that is appropriate for the width of the adjacent King Street West right of way. Consistent with the City-Wide Corridor Planning Principles, the proposed 19.5 metre building height is less than 80% of the future 26.213 metre right of way width of King Street West adjacent to the site.

“E.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be balanced with the need to improve pedestrian access and opportunities for active transportation.

E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.”

Policies E.4.6.26 and E.4.6.27 recognize that automobiles continue to be an important mode of transportation within the Mixed Use – Medium Density designation but that accommodating vehicles should be balanced with the need to improve pedestrian access and encourage active transportation and transit use. For the proposed 30 residential dwelling units, each with a floor area greater than 50 square metres, the Council approved parking requirements for the C5 Zone require 0.7 parking spaces per unit for units 1-14 and 0.85 parking spaces for units 15-30, for a total of 23 parking

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spaces. In addition, Zoning By-law No. 05-200 permits the parking rate to be reduced by one motor vehicle space for every five long term bicycle parking spaces provided up to a maximum 10% of the original parking requirement. The proposal includes a total of 89 long term bicycle parking spaces allowing the required parking to be reduced by 10% from 23, to 21 motor vehicle parking spaces. No parking spaces are required for the proposed retail space with a gross floor area less than 450 square metres. The applicant has proposed a total of 20 parking spaces, with 18 designated for residential use and two for use by the commercial unit. Staff are satisfied that the proposed residential parking reduction of three parking spaces is appropriate based on the availability of transit in the area and the provision of long term bicycle parking on site. The two parking spaces for the commercial unit will reduce impacts on available street parking by providing parking for the retail operator and / or customers. Therefore, in the opinion of staff, Policies E.4.6.26 and E.4.6.27 have been satisfied.

Residential Intensification

“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.”

The proposal contributes to a range of dwelling types and tenures in a compact urban form, as per Policy B.2.4.1.4 c). The proposal complies with policies B.2.4.1.4 b) and d)

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as the proposed six storey (19.5 metre) building provides for a mid-rise built form along the King Street West Primary Corridor and incorporates setbacks and step backs to reduce shadow and overlook and provide for transition to the detached dwellings to the north. The buildings along King Street West, between Highway 403 and the subject lands, range in height from one storey to four storeys and the surrounding area has examples of mid-rise developments ranging from three to six storeys. Compatibility is defined in the UHOP to mean that development should not be the “same as” or even “similar to” but should be considered to fit in with the surrounding area. The development includes the appropriate setbacks and step backs to create transition to the neighbourhood and to establish an active street wall along King Street West.

In compliance with Policy B.2.4.1.4 f), the property is serviced by municipal infrastructure and is accessible by frequent public transit including HSR Route Nos. 1, 5, 10 and 51 on King Street West. As described above, the proposal contributes to achieving the planned Urban Structure (Policy B.2.4.1.4 e)) and, as per Policy B.2.4.1.4 g), will comply with the applicable policies of the UHOP upon finalization of the UHOP Amendment.

Urban Design

- “B.3.3.1.5 Ensure that new *development* is compatible with and enhances the character of the existing environment and locale.

- B.3.3.1.8 Promote *intensification* that makes appropriate and innovative use of buildings and sites and is *compatible* in form and function to the character of existing communities and neighbourhoods.

- B.3.3.3.1 New *development* shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.

- B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:
 - a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.”

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As per Policy B.3.3.3.1, the proposed mid-rise development has been designed at a scale and with design measures such as setbacks and step backs that is compatible with the existing and planned context for the King Street West Primary Corridor and provides for intensification that is compatible with the character of the neighbourhood as required by Policies B.3.3.1.8 and B.3.3.3.1.

Policy B.3.3.3.2 a) requires that the development create transition in scale to neighbouring buildings, including the single detached dwellings to the rear of the site. The Mixed Use Medium Density (C5) Zone requires that a building provide a setback of 7.5 metres and allows a height of 11.0 metres after which point the permitted height increases as additional step backs are provided beyond the 7.5 metres. While not implementing a strict angular plane measurement, the regulation achieves the same objective by creating a stepping back of the building mass to reduce impacts on the abutting properties. The proposed development provides step backs at the fifth and sixth storey to generally achieve a 45 degree angular plane measured from a 7.5 metre rear setback at a height of 11.0 metres. The 11.0 metre height is consistent with the height of a two and a half storey detached dwelling. Minor projections into the angular plane are proposed at the fourth and fifth storey. The proposed rear setback and step backs at the fifth and sixth storeys reduce privacy and shadow impacts on adjacent properties as required by Policy B.3.3.3.2 b).

In response to Policy B.3.3.3.2 c), the applicant submitted a supplementary Sun / Shadow Analysis dated December 20, 2019 and prepared by UrbanSolutions Planning and Land Development Consultants Inc. The Analysis demonstrates that the proposal will comply with the Shadow Impact guidelines from the City-Wide Corridor Planning Principles and Design Guidelines by providing a minimum five hours of sun coverage throughout the day on adjacent sidewalks and private amenity areas as measured on March 21st. The proposed mid-rise building has a height less than 20 metres, and it is not anticipated that the development will have any adverse effects on pedestrian wind conditions adjacent to the site.

- “B.3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.
- B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;

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- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

As required by Policies B.3.3.1.3 and B.3.3.3.5, the proposed built form and massing contribute to a comfortable pedestrian realm. As per Policies B.3.3.3.5 a) and b) the ground floor of the building includes ample glazing with principle entrances to the commercial space and multiple dwelling parallel to the street. Except for portions of the building setback to provide visibility at the intersection of King Street West and Paradise Road and at the entrance driveway, the building is located at the street edge. As per Policy B.3.3.3.5 c), staff will review the Landscape Plan at Site Plan Control stage to ensure quality landscaping where the building is set back from the street. The proposed parking area is located at the rear of the site and underground, out of view of public sidewalks (Policy B.3.3.3.5 d)).

Consistent with Policy B.3.3.3.3 and the City-Wide Corridor Planning Principles and Design Guidelines, the proposal respects adjacent street proportions by providing a 19.5 metre building height that is less than 80% of the right of way width adjacent to the site. The fifth and sixth floor are stepped back 8.0 metres from the west property line, improving sun access to the Paradise Street North sidewalk as recommended by Policy B.3.3.3.5 e). Due to the orientation of the building, there are no sun / shadow impacts on the King Street West sidewalk.

Environmental Site Conditions

“B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.”

The subject lands are recognized as a potentially contaminated site due to their former commercial use and are subject to environmental review to allow the proposed

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residential dwellings. A Record of Site Condition was filed with the Ministry of the Environment, Conservation and Parks and was accepted on December 12, 2016. Therefore, the applicant has satisfied Policy B.3.6.1.2.

Noise

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
- B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
 - c) 400 metres of a truck route;
 - d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification;”

The proposed residential development is a noise sensitive use that will be located adjacent to King Street West and Paradise Road South, both of which are major arterial roads. The site is also less than 400 metres from Main Street West, a major arterial road, and Highway 403. King Street West, Paradise Road South and Main Street West are also truck routes.

A Noise Impact Study dated December 19, 2018 was prepared by HGC Engineering and submitted with the application. The Study determined that road traffic on King Street West and Highway 403 are the dominant sound sources in the area and recommended noise control measures including warning clauses, central air conditioning and upgraded door, wall and window construction at the south, east and west façades. Staff are satisfied with the report for rezoning purposes and that Policies B.3.6.3.1 and B.6.3.7 have been addressed. Noise warning clauses will be included in all future lease or purchase and sale agreements and noise control measures recommended in the Study will be implemented at the Site Plan Control stage.

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Ainslie Wood Westdale Secondary Plan

The subject property is designated “Mixed Use – Medium Density” on Map B.6.2-1 Land Use Plan of the Ainslie Wood Westdale Secondary Plan. The following policies, amongst others, apply to the proposal

“B.6.2.7.2 Mixed Use - Medium Density and Mixed Use – Medium Density – Pedestrian Predominant Focus (OPA 69) Designation Policies

In addition to Section E.4.0 –Commercial and Mixed Use Designations of Volume 1, the following policies shall apply to the lands designated Mixed Use - Medium Density and Mixed Use – Medium Density – Pedestrian Predominant Focus (OPA 69) on Map B.6.2-1 - Ainslie Wood Westdale - Land Use Plan:

- a) Residential, commercial, or institutional uses shall be permitted either as standalone developments or in a mixed use building.
- b) Notwithstanding Policies E.4.6.7 and E.4.6.8 of Volume 1, for lands designated Mixed Use – Medium Density and Mixed Use – Medium Density – Pedestrian Predominant Focus (OPA 69) and not included in Area Specific Policy E, permitted building heights shall not exceed three storeys. (OPA 65)
- d) Building forms shall be in keeping with the predominant character of the surrounding area with respect to materials, roofline and setbacks.
- e) The residential densities shall generally be about 30 – 49 units per gross hectare.
- f) Mixed Use - Medium Density and Mixed Use – Medium Density – Pedestrian Predominant Focus designated lands shall only front onto the major streets, and shall generally have access only onto these major streets.
- g) Provision of sufficient parking to accommodate all uses shall be required. Shared use parking should be considered where appropriate.”

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The proposed mixed use commercial residential building is a permitted use per Policy B.6.2.7.2 a) and the development fronts King Street West, a major street as per Policy B.6.2.7.2 f). Direct access to King Street West from the parking area is provided via Paradise Road North and staff are satisfied that sufficient parking has been provided as required by Policy B.6.2.7.2 g).

With regards to Policy B.6.2.7.2 d), the building is located close to the street, consistent with the existing character of King Street West. The concept design (attached as Appendix "E" to Report PED21025) includes a horizontal band above the third storey to generally align with the roofline of the adjacent three and a half storey multiple dwelling to the east and a change in material and step backs are provided to reduce the visual impact of the top two storeys. The concept includes brick material for the bottom four floors, consistent with the neighbourhood character.

Policy B.6.2.7.2 b) permits a maximum building height of three storeys and Policy B.6.2.7.2 requires residential densities to generally be in the range of 20-49 units per gross hectare. Therefore, an Official Plan Amendment is required to permit the proposed six storey building with a residential density of 176 units per gross hectare. Staff are satisfied that the proposed six storey building height is appropriate based on the proposed setbacks and step backs that provide transition to adjacent residential uses, limit shadow and overlook impacts, and respond to the width of the adjacent right of way. Further, the intersection of Paradise Road and King Street West is the terminus for the King Street West Primary Corridor as shown on Schedule E – Urban Structure of the UHOP. The extension of the Primary Corridor along King Street West indicates that there is an objective to support higher density development where the existing built form of adjacent neighbourhoods is protected by providing a gradation in building height and minimizing the effects of shadowing and overview (Policy E.2.4.16). The proposed maximum six storey building height has been designed to reduce the impacts on the low density residential neighbourhood to the north by including setbacks and step backs to provide the appropriate transition and reduce the impacts of overlook and shadowing. Staff are satisfied that the proposal provides adequate parking and amenity space for residents and note that the site is located on a Primary Corridor, which is an element of the Urban Structure that supports higher density development. Therefore, staff support the proposed Official Plan Amendment to permit increased height and density.

"B.6.2.13.1 The objectives for urban design in Ainslie Wood Westdale community are as follows:

- a) Built forms and landscaped areas, including residential neighbourhoods, commercial areas, arterial roads, and other areas shall be enhanced through high quality design initiatives.

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- b) New development, including infill and additions to existing buildings, shall complement and enhance the existing character of the surrounding environment, through the use of appropriate building materials and attention to the scale, massing, colour, and special features of the existing built context.
- c) Public urban spaces, including roads, sidewalks, and open spaces, shall also be enhanced to harmonize with the existing built form and to provide community amenities.

B.6.2.13.2 Urban Design Policies

In addition to Section B.3.3 - Urban Design of Volume 1, the following policies shall apply to lands within the Ainslie Wood Westdale community:

- c) To protect the integrity and residential character of established historical neighbourhoods, new residential development including infill and additions to existing buildings shall reflect the scale, form, and other building features of that specific area and street. New development shall reflect the existing built context by conforming to existing setback, building height, roof types and complementary construction material. These established historical neighbourhoods shall include, but not be limited to the following areas:
 - i) Cultural Heritage Landscapes identified on Map B.6.2-2 – Ainslie Wood Westdale – Cultural Heritage Landscapes; and,
 - ii) The “Working Men’s Parcel” in the Westdale North residential area around Longwood Road which is characterized by 1 ½ storey detached bungalows with traditional arts and crafts design.
- f) Views and vistas which are important to the Ainslie Wood Westdale area, including views of the Niagara Escarpment and Cootes Paradise, shall be identified and preserved in development and redevelopment. The review process for development proposals and design briefs shall incorporate the preservation of views and vistas.”

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Policies B.6.2.13.1 b) and B.6.2.13.2 c) require development to complement and enhance the existing character of the surrounding neighbourhood. The lands are not located in a Cultural Heritage Landscape or the “Working Men’s Parcel” as per Policy B.6.2.13.2 b) but are located at the southern edge of an established residential neighbourhood. The buildings along King Street West, between Highway 403 and the subject lands, range in height from one storey to four storeys and the surrounding area has examples of mid-rise developments ranging from three to six storeys. The proposed development has included setbacks and step backs to provide a transition to the neighbourhood to the north and to establish a four storey street wall along King Street West. This four storey street wall allows for a continuation from the three and a half storey building located just east of the subject lands. The upper two storeys are setback, reducing visual impact, shadows and overlook. The concept design (attached as Appendix “E” to Report PED21025) incorporates brick materials for the bottom four floors that complement surrounding uses. The proposed development has been designed to achieve an overall massing that will fit into and complement the existing context.

As required by Policies B.6.2.13.1 a) and c), the development will be reviewed in more detail at the Site Plan Control stage to ensure the building, and landscaping contribute to a high quality environment. A 3.0 metre right of way dedication will be required through the Site Plan application providing opportunities for sidewalk and landscape enhancements within the right of way. Staff are satisfied that the proposed six storey building would not impede views of the Niagara Escarpment or Cootes Paradise as per Policy B.6.2.13.2 f).

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

The subject property is currently zoned Mixed Use Medium Density (C5, 576) Zone which permits mixed use commercial / residential development with a maximum building height of 11.0 metres.

The proposed Zoning By-law Amendment is for a further modification to the Mixed Use Medium Density (C5, 576) Zone to the Mixed Use Medium Density (C5, 732) Zone to permit a mixed use building with a maximum height of 19.5 metres. Site specific modifications to the C5 Zone have been requested to implement the proposal and are summarized in the Report Fact Sheet above and discussed in greater detail in Appendix “D” to Report PED21025.

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RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Asset Management, Strategic Planning, Public Works Department; and, Recreation Division, Healthy and Safe Communities Department. 		No Comment
	Comment	Staff Response
Healthy Environments Division, Public Health Services	<ul style="list-style-type: none"> It is recommended that the development include the opportunity for urban agriculture as part of the outdoor amenity space which could include edible landscaping and/or roof top gardens. It is recommended that the development include a communal kitchen space that residents can access as part of the interior amenity space. It is recommended that the development make it easier to walk, cycle, or use public transit. 	<ul style="list-style-type: none"> The recommendations provided by public health have been provided to the applicant and will be considered at the Site Plan Control stage. Indoor bicycle storage rooms with 78 bicycle parking spaces are proposed for the development.
Ministry of Transportation	<ul style="list-style-type: none"> The property is located within the MTO permit control area and a permit is required prior to the development of new buildings on site. 	<ul style="list-style-type: none"> An MTO permit will be required as a condition of Site Plan approval.
Forestry and Horticulture Section, Public Works Department	<ul style="list-style-type: none"> There are municipal tree assets on site, therefore a Tree Management Plan is required. A Landscape Plan is required depicting street tree plantings adjacent to the site. 	<ul style="list-style-type: none"> A Tree Management Plan and Landscape Plan will be required as conditions of Site Plan approval.

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<p>Recycling & Waste Disposal, Operations Division, Public Works Department</p>	<ul style="list-style-type: none"> • The development is ineligible for municipal waste collection. The collection of waste materials is required through a private waste hauler. • Participation in waste diversion programs including recycling and organic waste collection is encouraged. • Front end bins must always be “tipped” on private property and should not be placed on the roadway or sidewalk for collection. 	<ul style="list-style-type: none"> • Waste collection will be reviewed in detail at the Site Plan Control stage.
<p>Transportation Planning Section, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Transportation Planning approves the submitted Transportation Impact Study dated November 2019, prepared by Paradigm Transportation Solutions Ltd. Approval is granted based on the relatively low number of trips projected to be generated and its minimal affect on the adjacent road network. • Transportation Planning will require a right of way widening to achieve an ultimate right of way width of 26.213 m on King Street West and a 4.57 m by 4.57 m daylight triangle at the intersection of King Street West and Paradise Road. • In order to protect the existing pedestrian realm, cycling infrastructure and road network, Transportation Planning requires: <ul style="list-style-type: none"> ○ A 3.0 m by 3.0 m visibility triangles is required on the 	<ul style="list-style-type: none"> • The applicant has incorporated the required right of way widening and daylight triangle dedication in the proposed concept plan. • Visibility triangles and convex mirrors will be required at the Site Plan Control stage. • Due to concerns with the manoeuvrability of one of the two “small car” parking spaces shown on the concept plan, the applicant has agreed to replace the two spaces with one full sized parking spaces, ensuring all parking spaces have the required manoeuvring space.

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
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	<p>south side and a 2.3 m by 2.3 m visibility triangle is required at the north side of the access driveway;</p> <ul style="list-style-type: none"> ○ Convex mirrors are to be installed near the underground parking ramp; and, ○ Adequate manoeuvrability is required in and out of parking stalls immediately adjacent to structural walls. 	
<p>Development Engineering Approvals, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Watermain and sewage infrastructure exists adjacent to the site below King Street West and Paradise Road North. • Development Engineering staff have reviewed the revised Functional Servicing Report prepared by AJ Clarke and Associates, dated December 2019 and have no concerns with the Official Plan Amendment and Zoning By-law Amendment applications proceeding from a servicing perspective. • During the Site Plan Control process, the applicant will be required to demonstrate that appropriate sewer servicing, water servicing stormwater management, grading, and erosion and sediment control measures are undertaken to the satisfaction of City staff. 	<ul style="list-style-type: none"> • Updated studies will be required as a condition of Site Plan approval.

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Public Consultation	
Comment	Staff Response
Parking	There were concerns, based on the original proposal, for 13 parking spaces that there would not be sufficient parking for the proposed residential / commercial development and that this would result in overflow parking onto adjacent streets. The revised proposal includes 20 parking spaces, including 18 parking spaces for residents and 2 for the commercial unit, and is deficient by three residential parking spaces based on the residential parking rates approved by Council through By-law No. 17-240. Staff are satisfied that the reduction is appropriate based on the location of the site adjacent to transit and the provision of long term bicycle parking on site. The proposed retail parking spaces will alleviate impacts on street parking by providing parking for the retail operator and / or customers.
Building Height and Compatibility with the Adjacent Neighbourhood	There are concerns that the proposed six storey building height is too tall for the site and is out of character for the neighbourhood. The applicant has provided setbacks and step backs to provide transition to adjacent residential uses to the north and east. While buildings along this portion of King Street West range in height between one to four storeys, the surrounding area includes some mid-rise buildings ranging in height from three to six storeys. Compatibility should not be interpreted to require development to be “the same as” or even “similar to” existing development. The proposed 19.5 metre building height responds appropriately to the width of the adjacent right of way along King Street West and establishes a four storey street wall. The proposed stepbacks at the rear of the building have been designed to reduce overlook and privacy issues for the rear yards of the abutting properties. The overall design will contribute to the King Street West streetscape while fitting in with the surrounding neighbourhood.
Traffic	There are concerns with the vehicle traffic generated by the proposal on the street network. Transportation Planning staff have reviewed the Transportation Impact Study submitted with the application and are satisfied that the trips generated by the proposal will have a minimal effect on the adjacent road network.
Daylight Triangle	There is a concern that a 12.19 metre by 12.19 metre daylight triangle dedication is not being taken at the corner of King Street West and Paradise Road North as identified in the UHOP.

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	Transportation Planning staff have reviewed the Right of Way Impact Assessment submitted with the application and determined that the proposed 4.57 metre by 4.57 metre daylight triangle dedication is sufficient for the City's needs at the intersection.
Privacy and Overlook	There are concerns that the development will overlook onto adjacent properties impacting privacy. The proposal provides a 7.3 metre rear setback and step backs at the fifth and sixth storeys to reduce overlook onto adjacent residential properties to the north. To further address issues of overlook, the applicant has eliminated the rooftop amenity space and fifth floor terrace included in the original concept.
Sun / Shadow	There are concerns that the proposal will have shadow impacts on adjacent properties, including solar panels located on the roof of a garage north of the subject lands. The proposal meets the sun / shadow criteria from the City-Wide Corridor Planning Principles and Design Guidelines by providing a minimum 5 hours of sun coverage throughout the day on adjacent private amenity areas as measured on March 21 st . Sun coverage will increase in the summer months when outdoor amenity use may be the highest.
Student Housing	There is a concern that there is an over abundance of student rentals in the neighbourhood. Some residents commented that the site would be more suitable for a development catering to retirees. The end user of the residential component of the development is not regulated by the Zoning By-law. Staff are satisfied that the proposed multiple dwelling is an appropriate use for the site.
Density	There are concerns that the proposed increase in density will put stress on existing green spaces and services such as policing. The UHOP encourages intensification throughout the built-up area, with higher densities located along Primary Corridors. Staff are satisfied that the proposed density is appropriate for the site that has access convenient access to store, services and amenities.
Precedent	There are concerns that approval of the proposal will set a precedent resulting in further applications for increased building height and density in the Westdale Neighbourhood. Staff note that the remainder of King Street West, west of Paradise Road South, is not identified as a Primary Corridor in the UHOP and would therefore be subject to a different policy review as it relates to height and density. Staff will evaluate all future applications on their own merit.

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Property Value	There is a concern that the property values in the neighbourhood directly adjacent to the property will decline. Staff do not have any empirical evidence to suggest that the proposed development would result in either an increase or devaluation of nearby property values.
Noise	There are concerns with the noise generated by residents of the multiple dwelling. Residents of the development will be required to comply with the requirements of the City's Noise Control By-law.
Waste Management	There are concerns with how waste pick up will occur on site. Waste Management staff have confirmed that the development is ineligible for municipal waste pickup and will require a private hauler to remove waste from the property. Waste management will be reviewed in further detail at Site Plan Control stage and the Owner will be required to demonstrate that private waste pick-up is safely accommodated on site.
Record of Site Condition	A concern was raised regarding the requirement for a Record of Site Condition. A Record of Site Condition has been filed and acknowledged by the MOECP for the site and the necessary documentation has been provided to the City.
Wastewater and Stormwater	There are concerns that existing wastewater and stormwater infrastructure cannot accommodate the proposed development. Development Engineering staff have reviewed the Functional Servicing Report submitted with the applications and have no objection to the proposed Official Plan Amendment and Zoning By-law Amendment. Servicing will be reviewed in more detail at the Site Plan Control stage to ensure there are no negative impacts on existing municipal infrastructure.

Design Review Panel (DRP)

The development proposal was presented to the City's Design Review Panel (DRP) on April 11, 2019 after submission of the Official Plan Amendment and Zoning By-law Amendment applications. The mandate of the DRP is to provide design advice to staff and the proponent.

The DRP provided design recommendations to staff and the applicant, including the summarized comments below, amongst others:

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- Most panel members were comfortable with the proposed six storey building height with step backs to the rear property line to reduce negative impacts on the existing neighbourhood. Some panel members were concerned with the precedent of the 45 degree angular plane being applied from a height of 11.0 metres. One panel member noted that the site would more comfortably accommodate a five storey building with mechanical penthouse.
- The panel recommended moving the common amenity space to the ground floor from the mechanical penthouse to reduce the visual mass of the building and reduce shadow impacts.
- The panel recommended slightly increasing the height of the first storey to better accommodate retail uses and achieve a better public realm presence.
- Most panel members recommended removing a proposed two storey rear portion of the building that interrupted transition to surrounding properties.
- The panel recommended removing balconies from the rear of the building to limit overlook onto adjacent properties.
- The panel noted that cycling infrastructure is critical to the proposal and recommended providing amenities at grade including bicycle parking and a bicycle repair room.
- The panel recommended making an effort to preserve existing trees and noted that the 1.5 m wide landscape strip along the north boundary may be insufficient to accommodate trees because of minimal soil volumes and lack of sun access.

The proposed development incorporates step backs that generally achieve a 45 degree angular plane measured from a 7.5 metre setback from the north property line at a height of 11.0 metres. The 11.0 metre height is consistent with the height of a two and a half storey detached dwelling and in this context is considered to establish appropriate transitional step backs for the six storey building and achieves the intent of ensuring the development is compatible with adjacent lands. The proposed built form results in partial projections into the required rear angular plane at the fourth and fifth storeys. The proposed setbacks and step backs are implemented in the interior side yard and rear yard regulations of the site specific By-law, attached as Appendix “C” to Report PED21025 and discussed in detail in Appendix “D” to Report PED21025.

Applicant’s Response to DRP Advice:

The revised proposal maintains the proposed six storey building height with step backs to the rear property line but includes a reduced mechanical level that no longer includes an indoor amenity area. In keeping with the DRP recommendations, an amenity / lobby area, including a gym, has instead been proposed at the ground level. The revised concept includes an increased first storey height of 4.5 metres from 4.0 metres to better accommodate retail uses. The two storey rear portion of the building and rear rooftop terrace at the sixth storey have been removed from the revised proposal. The revised

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proposal includes 78 long term bicycle parking spaces located at the ground level and underground. Tree Management and Landscape Plans will be required at Site Plan Control stage to determine the feasibility of preserving existing trees and to identify potential locations for new trees. Replacement trees in the road allowance may be required to be planted in silva-cells and the applicant will be required to provide securities based on a detailed cost estimate for silva-cells as approved to the standard rate for street trees in a suburban context.

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 244 residents within 120 metres of the subject property on October 9, 2018. A Public Notice sign was posted on the property on October 9, 2018 and updated with the public meeting date on February 24, 2021. Finally, Notice of the Public Meeting was mailed to 109 property owners within 120 metres of the subject lands on March 5, 2021.

To date, 47 letters have been submitted in response to the public circulation (refer to Appendix "C" of Report PED21025). Concerns raised in the correspondence are summarized in the above chart.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant held a public open house on March 27, 2019 at St. Cuthbert's Church in the Westdale Neighbourhood. Invitations to the open house were mailed to residents within 120 metres of the subject lands. Approximately 56 residents attended the meeting. Two Planning Division staff members and a representative from the Ward Councillor's Office attended the open house. The applicant has also maintained a microsite (<https://urbansolutions.info/king-paradise/>) throughout the application process containing application materials available to be reviewed by the public.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

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 Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan; and,

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- (iii) The proposed development is compatible in height and scale with existing land uses in the immediate area and represents good planning by providing for the development of a complete community, making efficient use of existing infrastructure within the urban boundary, supports public transit and represents an appropriate scale of intensification along a Primary Corridor.

2. Official Plan Amendment

The proposed mixed use commercial / residential development is a permitted use in the existing Mixed Use – Medium Density designation in the Ainslie Wood Westdale Secondary Plan. However, the existing designation permits a maximum building height of three storeys and a residential density of 30 – 49 units per gross hectare. A Site Specific Policy amendment within the Ainslie Wood Westdale Secondary Plan is required to permit the proposed six storey building with a residential density of 176 units per gross hectare.

The subject lands are located along a portion of King Street West identified as a Primary Corridor in the UHOP, which is an element of the Urban Structure intended to support higher density development. Staff are satisfied that the proposed six storey building height is appropriate based on the proposed setbacks and step backs that provide transition to adjacent residential uses and reduce shadow and overlook impacts. The proposed six storey building height provides for an appropriate built form adjacent to the King Street West right of way that will have an ultimate width of 26.213 metres.

The proposal is located along transit routes on King Street West and provides long term bicycle parking on site. Staff are satisfied that sufficient parking for residents will be provided. Amenity space, including an indoor lobby / amenity space and gym, will be provided and will be complemented by nearby parks and recreation facilities including Churchill Park and Coronation Arena and Pool.

Based on the forgoing, staff can support the proposed amendments to the Ainslie Wood Westdale Secondary Plan requirements for height and density.

3. Zoning By-law Amendment

The subject lands are currently zoned Mixed Use Medium Density (C5, 570) Zone. Special Exception No. 570 permits a maximum building height of 11.0 metres.

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To permit the proposed mixed use building with a maximum building height of 19.5 metres, the applicant has applied for further modifications to the Mixed Use – Medium Density (C5) Zone. Modifications to the development standards are required to facilitate the proposal and are summarized in the Report Fact Sheet above and discussed in detail in Appendix “D” of Report PED21025.

The proposed development complies with the Urban Hamilton Official Plan and Ainslie Wood Westdale Secondary Plan subject to the OPA being approved. It contributes to a complete community by providing additional housing opportunities for the surrounding established neighbourhood, provides a built form that is compatible with the scale and character of the area, and provides an appropriate scale of intensification on a Primary Corridor. On the basis of the above, staff are supportive of the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment be denied, the lands could be developed in accordance with the existing Mixed Use Medium Density (C5, 570) Zone which permits mixed use commercial / residential development with a maximum building height of 11 metres.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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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

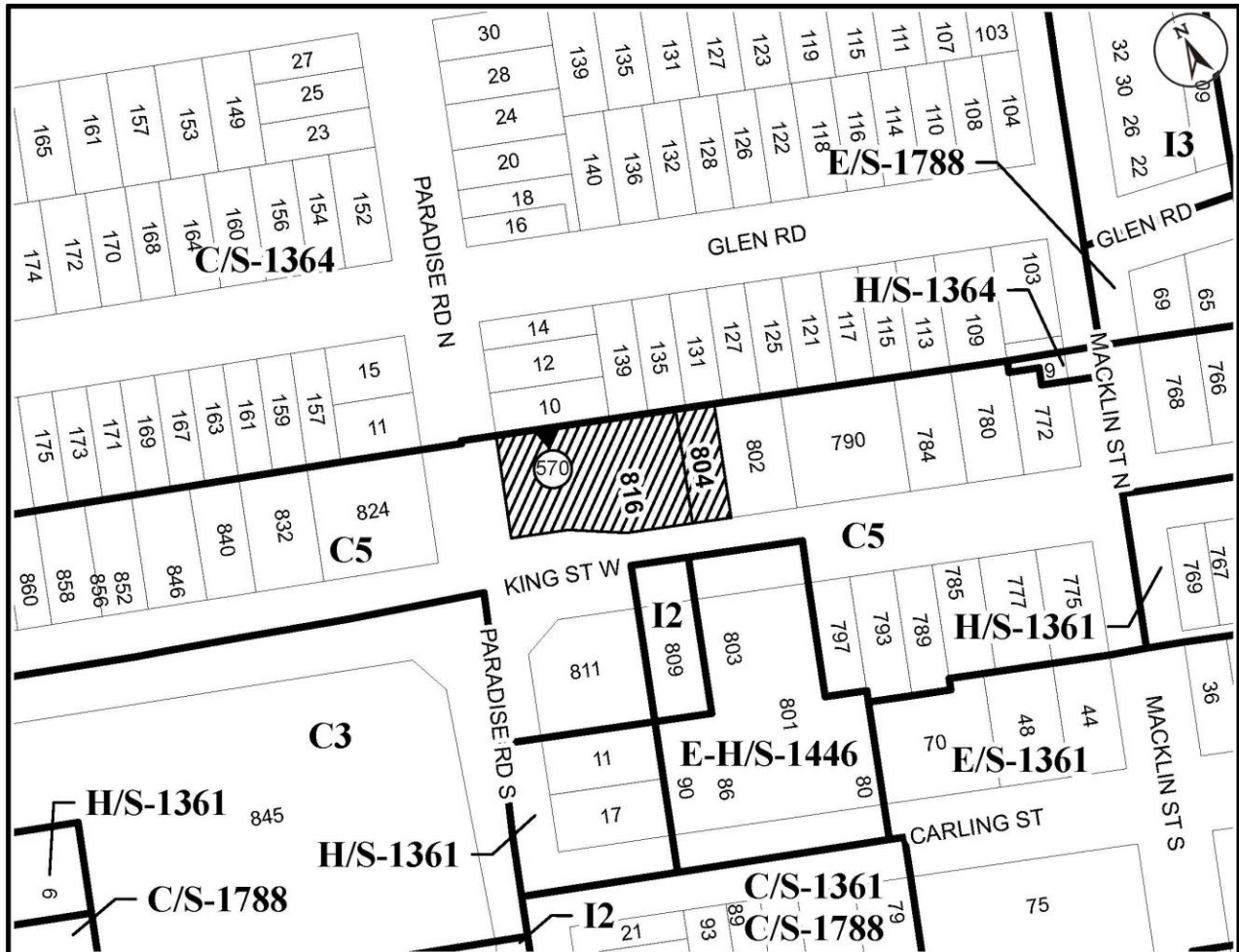
Appendix "B" – Official Plan Amendment

Appendix "C" – Amendment to Zoning By-law No. 05-200

Appendix "D" – Zoning Modification Table

Appendix "E" – Concept Plan

Appendix "F" – Public Submissions



● Site Location



Key Map - Ward 1

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-009

Date:
May 27, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MKJAL

Subject Property

804 - 816 King Street West



Change in zoning from the Mixed Use - Medium Density (C5, 570) Zone to the Mixed Use - Medium Density (C5, 732) Zone

Schedule "1"

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

The following text, together with Appendix "A" – Volume 2, Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. "X" to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to establish a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the development of a six storey mixed use, multiple dwelling with a maximum residential density of 176 units per gross hectare.

2.0 Location:

The lands affected by this Amendment are known municipally as 804-816 King Street West, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment implements the Residential Intensification policies of the Urban Hamilton Official Plan.
- The proposed development is compatible with the existing and planned development in the immediate area.
- The proposed development supports the achievement of a complete community and is in proximity to existing community facilities / services including public transit, schools and recreational facilities.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 **Volume 2 – Secondary Plans**

Text

4.1.1 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.2 – Ainslie Wood Westdale Secondary Plan

- a. That Volume 2, Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.2 – Ainslie Wood Westdale Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area X

B.6.17.X The following policies shall apply to the lands identified as Site Specific Policy – Area X on Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan:

- a) Notwithstanding Policy B.6.2.7.2 b) of Volume 2 and Policy E.4.6.8 of Volume 1, a maximum height of six storeys shall be permitted.
- b) Notwithstanding Policy B.6.2.7.2 e) of Volume 2 the maximum residential density shall be 176 units per gross hectare."

Maps

4.1.2 Map

- a. That Volume 2, Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan be amended by identifying the subject lands as Site Specific Policy Area "X", as shown on Appendix "A", attached to this Amendment.

5.0 **Implementation:**

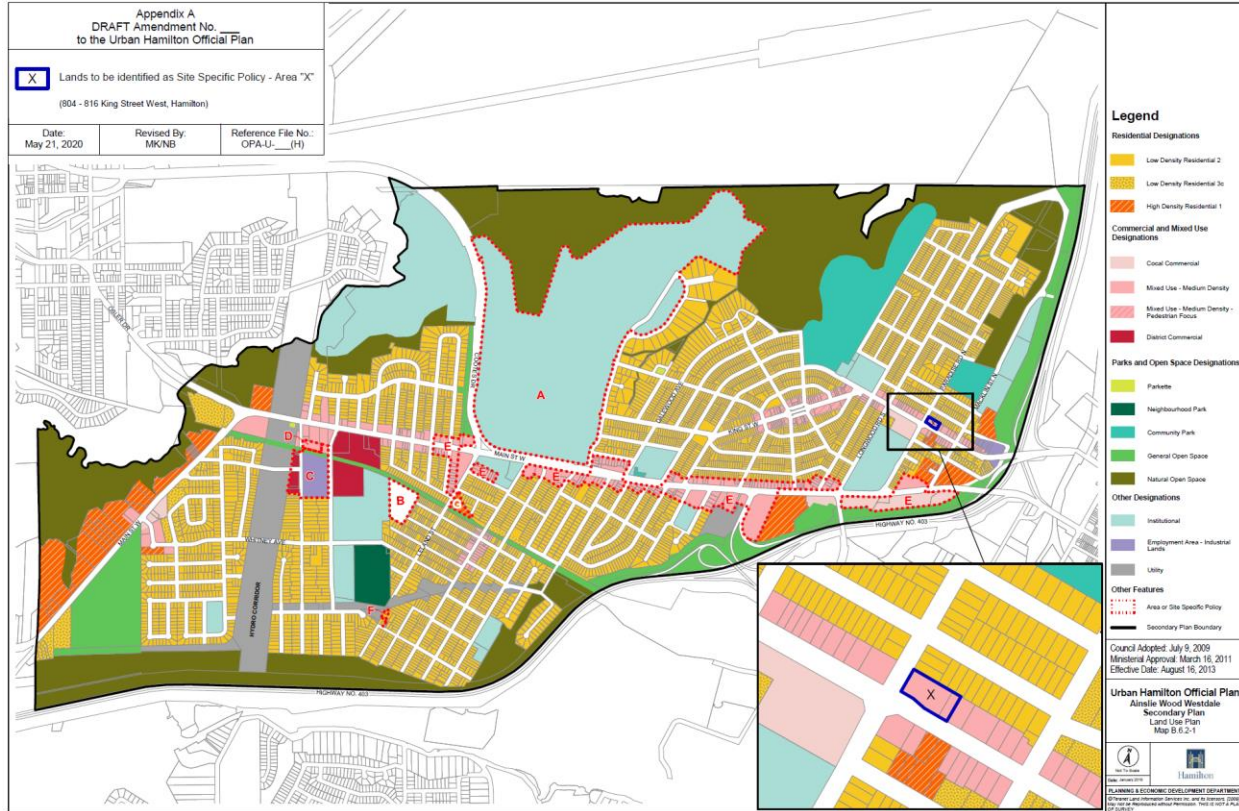
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of ___, 2021.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK



Authority: Item ,
Report (PED21025)
CM:
Ward: 1

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 804-816 King Street West, Hamilton

WHEREAS Council approved Item _____ of Report PED21025 of the Planning Committee at its meeting held on the _____th day of _____, 2021;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. _____.

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

1. That Map No. 908 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from the Mixed Use – Medium Density (C5, 570) Zone to the Mixed Use – Medium Density (C5, 732) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to the By-law.

2. That Schedule "C" – Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"732. Within the lands zoned Mixed Use – Medium Density (C5, 732) Zone, identified on Map No. 908 of Schedule "A" – Zoning Maps and described as 804-816 King Street West, Hamilton, the following special provisions shall apply:

a) Notwithstanding Section 3: Definitions as it relates to the definition of "Front Lot Line", King Street West shall be deemed to be the front lot line.

b) Notwithstanding Sections 5.6 c) and 5.7 g) as it relates to a multiple dwelling and any permitted commercial use with a gross floor area less than 450 square metres, the following shall apply:

i) Parking

1) A minimum 0.6 parking spaces per dwelling unit shall be required.

2) A total of 2 parking spaces shall be provided for any

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 804-816 King Street West, Hamilton**

permitted commercial use with a gross floor area less than 450 square metres.

- ii) Bicycle Parking A minimum 1.25 long term bicycle parking spaces per dwelling unit shall be required.

- c) Notwithstanding Sections 10.5.3 b), c), d) and i) the following shall apply:
 - i) Minimum Rear Yard 7.3 metres, except that a minimum 10.2 metre setback shall be provided above the fourth storey and a minimum 14.8 metre setback shall be provided above the fifth storey.

 - ii) Minimum Interior Side Yard 3.3 metres, except that a 4.2 metre setback shall be provided above the fourth storey.

 - iii) Building Height Maximum 19.5 metres.

 - iv) Planting Strip Requirements Where a property line abuts a property line within a Residential Zone, a minimum 1.25 metre wide Planting Strip shall be provided and maintained.

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

PASSED this _____, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-19-009

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 804-816 King Street West, Hamilton**



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p align="center">----- Mayor ----- Clerk -----</p>
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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 21-_____</p> <p>to Amend By-law No. 05-200 Map 908</p>	<p>Subject Property 804 - 816 King Street West</p> <p> Change in zoning from the Mixed Use - Medium Density (C5, 570) Zone to the Mixed Use - Medium Density (C5, 732) Zone</p>
---	--

Scale: N.T.S	File Name/Number: ZAC-19-009	
Date: February 1, 2021	Planner/Technician: MK/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 804-816 King Street West, Hamilton**

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED21025 Date:

Ward(s) or City Wide: Ward 1 (12/08/2020)

Prepared by: Mark Kehler, Planner I Phone No: 905-546-2424 ext. 4148

For Office Use Only, this doesn't appear in the by-law

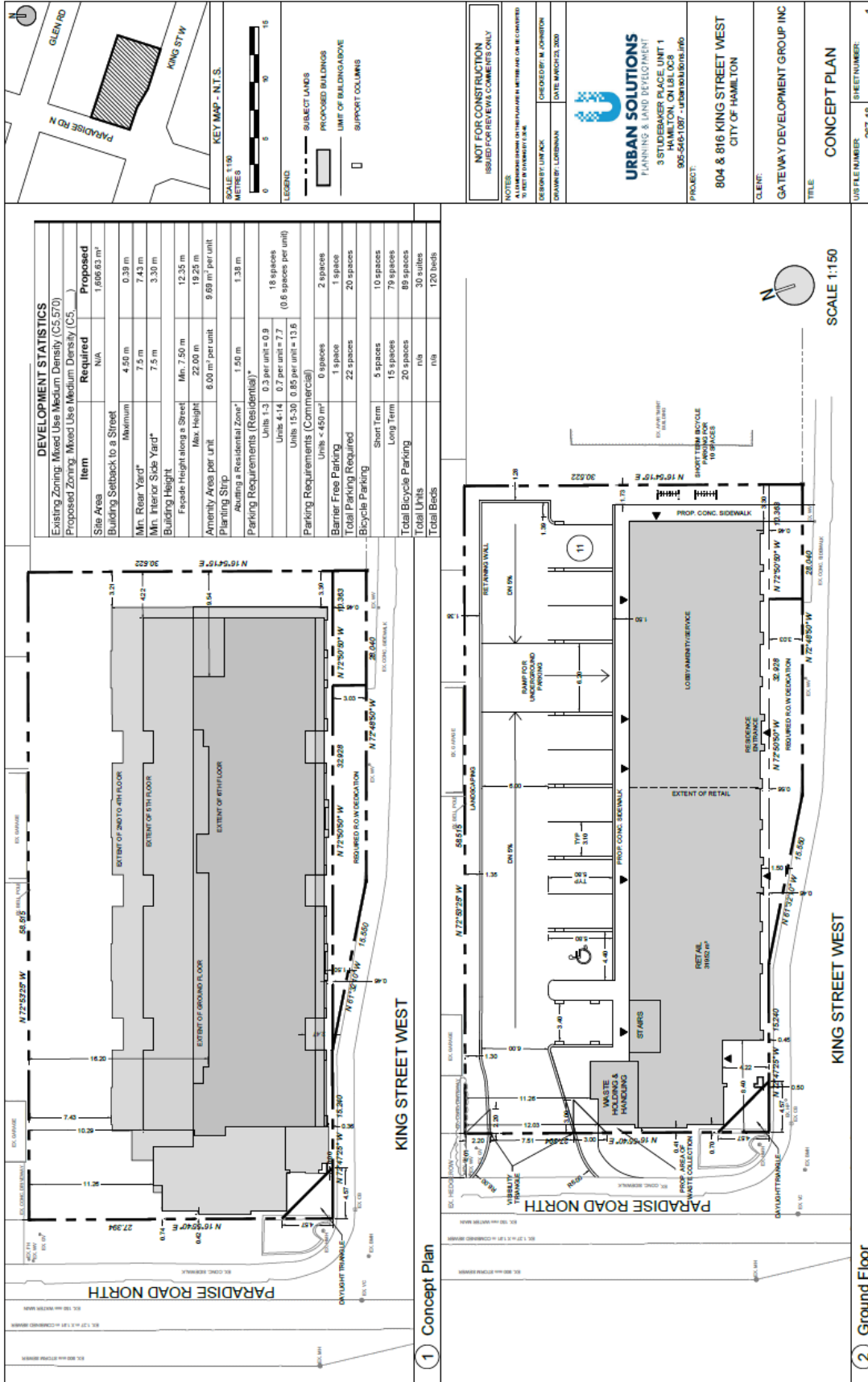
Site Specific Modifications to the Mixed Use – Medium Density (C5, 732)

Regulation	Required	Modification	Analysis
Section 3: Definitions	Front lot line with reference to a corner lot, shall mean the shorter of the lot lines abutting a street.	King Street West shall be deemed the front lot line.	While Paradise Road North is the technical front lot line, the proposed development is oriented towards King Street West, with main entrances facing the street and vehicle parking behind the building. Therefore, the lot line facing King Street West is deemed the front lot line for the purposes of this By-law. Therefore, staff support the proposed modification.
10.5.3 b) Minimum Rear Yard	7.5 metres.	7.3 metres, except that a minimum 10.2 metre setback shall be provided above the fourth storey and a minimum 14.8 metre setback shall be provided above the fifth storey.	The intent the rear yard regulation is to provide adequate space for vehicle circulation and maintenance, to limit shadow and overlook and to provide for transition to adjacent uses. The applicant has requested a 0.2 metre reduction to the required rear yard, with step backs above the fourth and fifth storeys to reduce shadow and overlook. Staff are satisfied that the proposed setbacks and step backs provide for transition and reduce overlook to the detached dwellings to the north and there is adequate space at grade for maintenance and to accommodate the proposed rear access driveway. The Sun / Shadow Study submitted with the application demonstrates that the proposal will provide for the recommended five hours of sun coverage on adjacent rear yard amenity areas as measured on March 21 st . Therefore, staff support the proposed modification.
10.5.3 c) Minimum Interior Side Yard	7.5 metres abutting a lot containing a residential use.	3.3 metres, except that a 4.2 metre setback shall be provided above the	The intent of the interior side yard regulation is to provide adequate space for maintenance and to provide for transition to adjacent uses. Staff are satisfied that the proposed minimum 3.3 metre interior side

Regulation	Required	Modification	Analysis
		fourth storey.	<p>yard setback is appropriate for the site as it will provide for a consistent street wall while providing sufficient room for maintenance access. The proposed step back above the fourth storey provides for transition to the existing three and a half storey multiple dwelling to the east.</p> <p>Therefore, staff support the proposed modification.</p>
10.5.3 d) Maximum building height	22.0 metres. Any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum rear and interior side yards.	19.5 metres.	<p>The applicant has proposed to remove the existing Exception 570 applicable to the site that limits building height to 11.0 metres, whereas 22.0 metres is permitted in the parent C5 Zone. Staff are satisfied that a higher building height and density are appropriate for the site given its location along a Primary Corridor with access to transit. The proposed 19.5 metre building height is less than 80% of the width of the adjacent King Street West right of way as recommended in the City-wide Corridor Planning Principles and Design Guidelines.</p> <p>The C5 Zone permits a maximum 22.0 metre building height provided the building is stepped back above 11.0 metres to achieve a 45 degree angular plane beginning at the required 7.5 metre rear and interior side yard setbacks. The proposed built form results in partial projections into the required rear angular plane at the fourth and fifth storeys. Staff are satisfied that these projections would not result in significant additional overlook impacts. Staff are satisfied that the proposed setbacks and step backs from the easterly interior lot line are appropriate as they provide for a consistent street wall while providing for transition to the adjacent three and a half storey multiple dwelling. The proposed setbacks and step backs are implemented in the interior side yard and rear yard regulations of the site specific By-law.</p> <p>Therefore, staff can support the proposed modification.</p>

Regulation	Required	Modification	Analysis
10.5.3 i) Planting Strip Requirements	Where a property lot line abuts a property line within a Residential Zone, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.	Where a property line abuts a property line within a Residential Zone, a minimum 1.25 metre wide Planting Strip shall be provided and maintained.	<p>The intent of the planting strip regulation is to provide a green buffer between the parking area for the building and adjacent residential uses.</p> <p>The reduced planting strip is required to accommodate a retaining wall associated with the ramp to the underground parking. Staff are satisfied that the proposed 0.25 metre reduction is a minor modification that will allow a planting strip to be provided while accommodating the technical requirements of the parking design.</p> <p>Therefore, staff support the proposed modification.</p>
5.6 c) Parking Rate	<p>0.7 per unit for units 1 – 14 and 0.85 per unit for units 11-30, reduced by 10% for provision of bicycle parking.</p> <p>No parking spaces are required for a retail unit with a gross floor area less than 450 square metres.</p> <p>Total parking requirement – 21 parking spaces.</p>	<p>0.6 parking spaces per dwelling unit, or 18 parking spaces.</p> <p>A total of two parking spaces shall be provided for any permitted commercial use with a gross floor area less than 450 square metres.</p> <p>Total parking requirement – 20 parking spaces.</p>	<p>A total of 20 parking spaces are proposed for the site, of which 18 will be designated for the multiple dwelling. Staff are satisfied that the proposed parking reduction of three residential parking spaces is appropriate based on the availability of transit in the area and the provision of long term bicycle parking on site.</p> <p>Two parking spaces are proposed for the retail providing off street parking for the retail operator and / or customers. The Council approved parking rates for the site do not require parking for the proposed retail unit which has a gross floor area less than 450 square metres, however, the site specific By-law will require two parking spaces for any Commercial use permitted in a C5 Zone. Staff are satisfied that the proposed commercial parking will be adequate given the limited size of the commercial unit and the transit accessibility of the site.</p> <p>Therefore, staff support the proposed modification.</p>

Regulation	Required	Modification	Analysis
5.7 g) Bicycle Parking Rate	The required motor vehicle parking may be reduced by 1 motor vehicle space for every 5 long term bicycle parking spaces up to a maximum of 10% of the original vehicle parking requirement.	1.25 long term bicycle parking spaces per unit.	<p>The C5 Zone does not require long term bicycle parking but provides an incentive allowing vehicle parking to be reduced by 1 motor vehicle for every 5 long term bicycle parking spaces up to a maximum of 10% of the original bicycle parking requirement. The current concept plan includes a total of 78 long term bicycle parking spaces.</p> <p>To ensure long term bicycle parking is provided, and to compensate for the proposed parking reduction, staff recommend a minimum 1.25 long term bicycle parking spaces per unit (37 total) be required for the site. This requirement aligns with the recommendations of the Hamilton Transportation Demand Management Guide for Development for Mixed Use buildings. The applicant is encouraged to provide additional bicycle parking beyond the minimum requirement as demonstrated on the concept plan.</p> <p>Therefore, staff support the proposed modification.</p>



NOT FOR CONSTRUCTION
ISSUED FOR REVIEW COMMENTS ONLY

NOTES

DESIGNED BY: LORRYBAK

CHECKED BY: M. JOHNSON

DATE: MARCH 23, 2020

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STEELBARKER PLACE UNIT 1
HAMILTON, ON L8L 0C8
PROJECT: 805-545-1087 - urban@urbansols.com

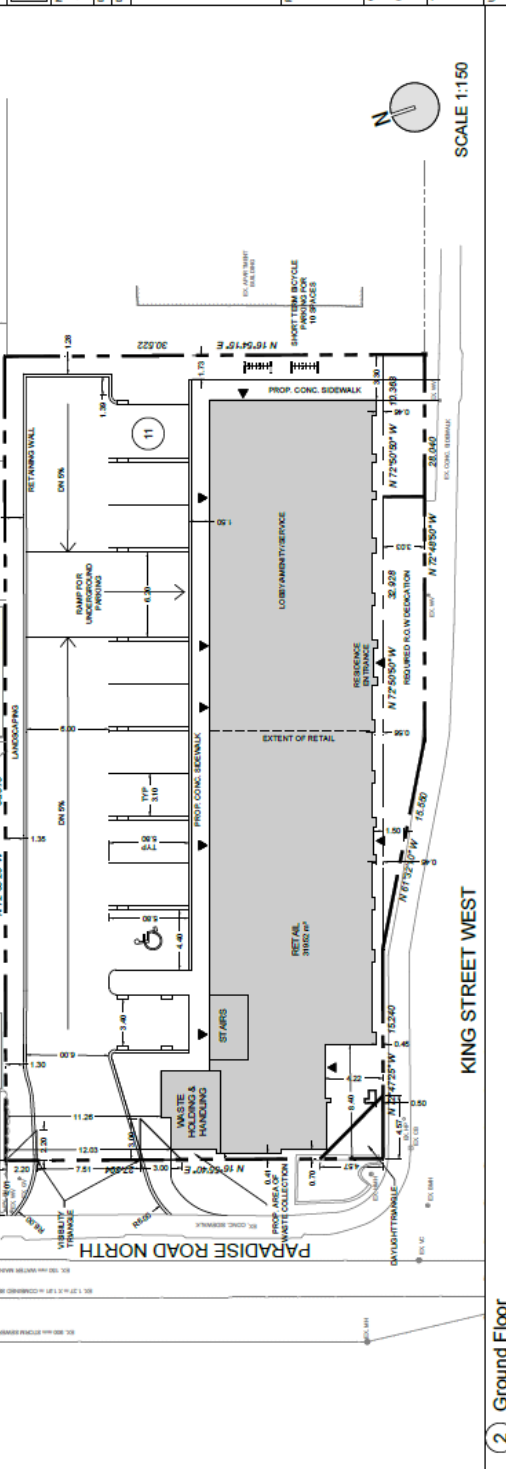
804 & 816 KING STREET WEST
CITY OF HAMILTON

CLIENT:
GATEWAY DEVELOPMENT GROUP INC

TITLE:
CONCEPT PLAN

UML FILE NUMBER: 257-18

SHEET NUMBER: 1







<p>NOT FOR CONSTRUCTION ISSUED FOR REVIEW COMMENTS ONLY</p>	
<p>DESIGN BY: LUTFAK CHECKED BY: M. JOHNSON DATE: MARCH 25, 2020</p>	<p>DESIGNER: LUTFAK DATE: MARCH 25, 2020</p>
<p>URBAN SOLUTIONS PLANNING & LAND DEVELOPMENT 3 STUDEBAKER PLACE, UNIT 1 HAMILTON, ON L8L 0C8 905-545-1087 - urban@solutionsinfo</p>	
<p>PROJECT: 804 & 816 KING STREET WEST CITY OF HAMILTON</p>	
<p>CLIENT: GATEWAY DEVELOPMENT GROUP INC</p>	
<p>TITLE: CONCEPT PLAN</p>	
<p>US FILE NUMBER: 207-18</p>	<p>SHEET NUMBER: 3</p>

⑤ Sixth Floor

⑥ Basement



SOUTH ELEVATION
JOB No. 18,008
DWG. No. A-7

LINTACK ARCHITECTS
INCORPORATED
244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6166 • F: 905.522.2209 • E: info@lntack.com
www.lntack.com

SCALE: NTS
DATE: SEP 2019

PROPOSED:
KING & PARADISE STUDENT RESIDENCE
KING STREET WEST
HAMILTON, ONTARIO

	EAST ELEVATION		JOB No. 18.008	DWG. No. A-8
	LINTACK ARCHITECTS INCORPORATED 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3K3 T: 905.322.6165 • E: information@lntack.com www.lntack.com			
SCALE: NTS		DATE: SEP 2019		
PROPOSED: KING & PARADISE STUDENT RESIDENCE KING STREET WEST HAMILTON, ONTARIO				

	PROPOSED: KING & PARADISE STUDENT RESIDENCE		SCALE: NTS	LINTACK ARCHITECTS	NORTH ELEVATION
	KING STREET WEST HAMILTON, ONTARIO		DATE: SEP 2019	INCORPORATED 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.2165 • F: 905.522.2250 www.lintack.com	JOB No. 18.008 DWG. No. A-9

	WEST ELEVATION	
	JOB No. 18.008	DWG. No. A-10
LINTACK ARCHITECTS		
I N C O R P O R A T E D		
244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.2089 • E: info@lntack.com www.lntack.com		
SCALE: NTS	DATE: SEP 2019	
PROPOSED: KING & PARADISE STUDENT RESIDENCE		
KING STREET WEST HAMILTON, ONTARIO		

Kehler, Mark

From: Peter and Kelly Hargreave [REDACTED]
Sent: January 25, 2020 9:12 AM
To: Kehler, Mark; Wilson, Maureen
Subject: Fwd: Update on King West & Paradise Development

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Mark and Maureen,

We are just writing to indicate that based on the newly released application, the concerns we spoke to you at an earlier meeting persist. The proposed changes appear largely superficial. We would appreciate being able to review the City's comments once they have been provided.

All the best,
Peter and Kelly

Sent from my iPhone

Begin forwarded message:

From: Preserve Westdale [REDACTED]
Date: January 15, 2020 at 9:34:48 AM EST
To: Preserve Westdale [REDACTED]
Subject: Update on King West & Paradise Development

Good morning,

We are writing to let you know that there has been a resubmission to the City of Hamilton for the proposed development at 804-816 King Street West (corner of Paradise Rd & King West). The developer is not required to inform the neighbourhood so we did hear from City staff upon inquiry. According to staff, the developer made the resubmission on December 20th and comments by the City are due on January 23rd.

The details of the reapplication are available at <https://urbansolutions.info/king-paradise/>. It does appear some amendments have been made to the proposal but nothing that addressed the core concerns of the neighbourhood (see the presentation at the bottom of the website - <https://preservewestdale.ca>).

We would appreciate any feedback you might have and again would encourage you to as well voice your concerns to our councillor (maureen.wilson@hamilton.ca) and City staff (mark.kehler@hamilton.ca)

If you have any questions please do not hesitate to contact us.

Thanks,
Peter & Kelly

Kehler, Mark

From: Ellis, Linda [REDACTED]
Sent: January 20, 2020 11:37 AM
To: Wilson, Maureen; Kehler, Mark
Subject: Paradise and King St. West

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Maureen and Mark,

I emailed Maureen on March 28, 2019 after the meeting with the builders of the proposed student apartment at King St. West and Paradise Rd North. Maureen indicated she would be passing my email on to you Mark. It basically expressed my opinion that a 6-storey building was outrageous for this location. I just received an email update on the plans for this proposed build and it appears that the builders have made some adjustments but not to the number of storeys. A similar purpose built student condo was proposed back in 2013 at 71, 75 & 77 Leland Avenue and has since been approved. This site is twice the size of the Paradise and King St. location yet it has only 5 storeys and parking for 50 vehicles plus visitor parking. How can a proposed 6-storey building with commercial space on the bottom and only a handful of parking spots be considered? My street (Dufferin) is already packed with student cars as they leave them for the day (or longer) as there is no time limit on my street. I believe the residents in this area feel that the issue is not with the student condo itself but rather with the size of this proposed building and lack of parking spots.

Linda Ellis

Chemical Engineering
[REDACTED]

BRIGHTER WORLD



Kehler, Mark

From: Roy Conway [REDACTED]
Sent: January 17, 2020 4:49 PM
To: Preserve Westdale
Cc: Wilson, Maureen; Kehler, Mark; Roy Conway
Subject: RE: Update on King West & Paradise Development
Attachments: Shadow Effect Cooler Months.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Peter, Kelly

I want to thank you for the update. I took a peruse through the changes that were made and it would appear that they've taken our comments from the community meeting and tried to incorporate them into their plan without changing at least two primary concerns the community has; the height of building and parking. Both of which greatly contradict the current City By-laws and as such require Councils consideration before a shovel can be put in the ground. It is absolutely vital that these concerns are presented before Council so they may comprehend the full scope of the neighborhoods' concerns.

One main concern is the height of the structure because the proposed building lot is on the residential side of King Street and peers directly into all back yards of the surrounding area. I'm sure this is why the bylaw was considered/written in this manner (to maintain an 11 meter maximum for this type of structure) because of all the LOW rise buildings in the Westdale area. There seems to be some contradiction throughout the Plan in regards to the final structure height. The "NORTH-SOUTH Section" (attached as Shadow Effect Cooler Months) clearly indicates a 6th floor height of a structure to be 19.5 meters and a total height of 22 meters including the "MECH." but when you read the "Urban Design Brief" page 22 it indicates a height limit, at the 6th floor, of 17 meters and a total height of up to 20 meters including Mechanical on the roof. This is a large discrepancy to anyone reading the brief to the actual building plan. As a point, if Council approves this plan, we all know what's going to happen along this section of King Street West! It was discussed at the neighbourhood information meeting back on March 27, 2019. There will be applications for increased building heights all along the C5,570 - C5a,570 zoning corridor.

Another main concern is parking. I have read through many of the City by-laws and have only ever come across one mentioning student parking for this type of buildings parking regulation. Specifically, By-Law No. 05-200, dated August 14, 2019, Section 3: Definitions, page 3-25 which clearly defines this as a "Lodging House" by City Definition. (Lodging House Shall mean a dwelling containing one or more lodging units designed to accommodate four or more residents. The residents may share common areas of the dwelling other than the lodging units, and do not appear to function as a household. This shall not include a long term care facility,

hospital, hotel or any residential care facility licensed; approved or supervised under any general or specific Act. **This shall include but not be limited to, student residences and convents.**)

With this being said, By-Law No. 05-200 dated August 14, 2019, Section 5: Parking, Subsection: 6c) Parking Schedule for all Zones, except the Downtown Zones, i. Residential Uses state "Lodging House: 1 for each 3 persons accommodated or designed for accommodation." This stipulates a much more desirable parking arrangement from the proposed 12 + 1 parking spots allotted for the 120 Bed Lodging (student residence) as shown on the plan drawing and mentioned in the "Transportation Impact Study & Parking Rationale", page ii, "Parking Overview", which grossly underachieves the number of required spaces. Even with the reduced Parking for the permanent Bike parking the By-Law still stipulates that a total of 36 parking spaces shall be provided. Not the 0.08 spaces per bedroom or 10 + 3-Visitor as indicated by proxy here in section 6.2! It should be stressed that the date that was chosen for this proxy, "7:00 PM Tuesday, October 15 Through 7:00 AM Wednesday, October 16, 2019" was during READING WEEK, ALL CLASSES CANCELLED and most students tend to disappear during this time! Or the 23 indicated spaces as per TABLE 6.1: Zoning By-law parking requirements on page 31!

The main floor drawing shows the Garbage Room situated in the center back portion of the complex. This would clearly hinder at least one parking spot for the removal of garbage at any given time therefore reducing the number of spots to 11 + 1. It was noted in the study that parking would be charged to the tenant occupying a particular spot. This clearly would not alleviate the problem but more so push the vehicles out into the neighbourhood where parking is free therefore placing a larger strain on the already stressed parking on Glen Road, Paradise Road South and the surrounding streets.

Page 13, 19.6 of the "Application for an Official Plan Amendment under section 22 of the Planning Act" indicate that the land use will be Residential and Commercial. Page 21 of COMMERCIAL AND MIXED USE ZONES, Zoning By-law 05-200, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT PLANNING DIVISION clearly indicates that "Dwelling Units in conjunction with a Commercial Use" is not permitted in Zone C5. I'm not sure why the City Council implemented this but they clearly did not want this mixture here.

Another concern would be section 23.3 on page 15 of the "Application for an Official Plan Amendment under section 22 of the Planning Act". The question asked was: "Does the proposed amendment involve a subdivision or condominium application? The answer was: YES, A future Condominium Application will be submitted." Would you know what is implied by this? Are they planning to build Condominium?

As for the "Supplementary Sun/Shadow Analysis". Again they only emphasize the warmer months from March to September when the sun is at its higher zenith angle. September to March or the cooler months when the Solar Impact that helps heat our homes and sun rooms would be greatly reduced at peak times. I also noticed that the Dec 20th re-submission, indicates just the housing for the elevator shaft, there is no mechanical on the rooftop or any

type of mandated barrier to encompass it. This barrier would widen the structure height along the sun's day arc and should have been included as it would directly impact the "Supplementary Sun/Shadow Analysis".

The Rear or North side of the structure still has balconies on floors 2 through 5. This was a main concern of the residents that share this side for increased noise levels and the lack of privacy. The fifth floor balconies are of particular concern as students can climb up or over the railing and wander the roof top of the fourth floor.

I've cc'd our ward councillor: Maureen Wilson and Planning Department: Mark Kehler as well. Maybe they can add some insight to these concerns we have.

Regards
Roy Conway



From: Preserve Westdale [REDACTED]
Sent: Wednesday, January 15, 2020 9:35 AM
To: Preserve Westdale [REDACTED]
Subject: Update on King West & Paradise Development

Good morning,

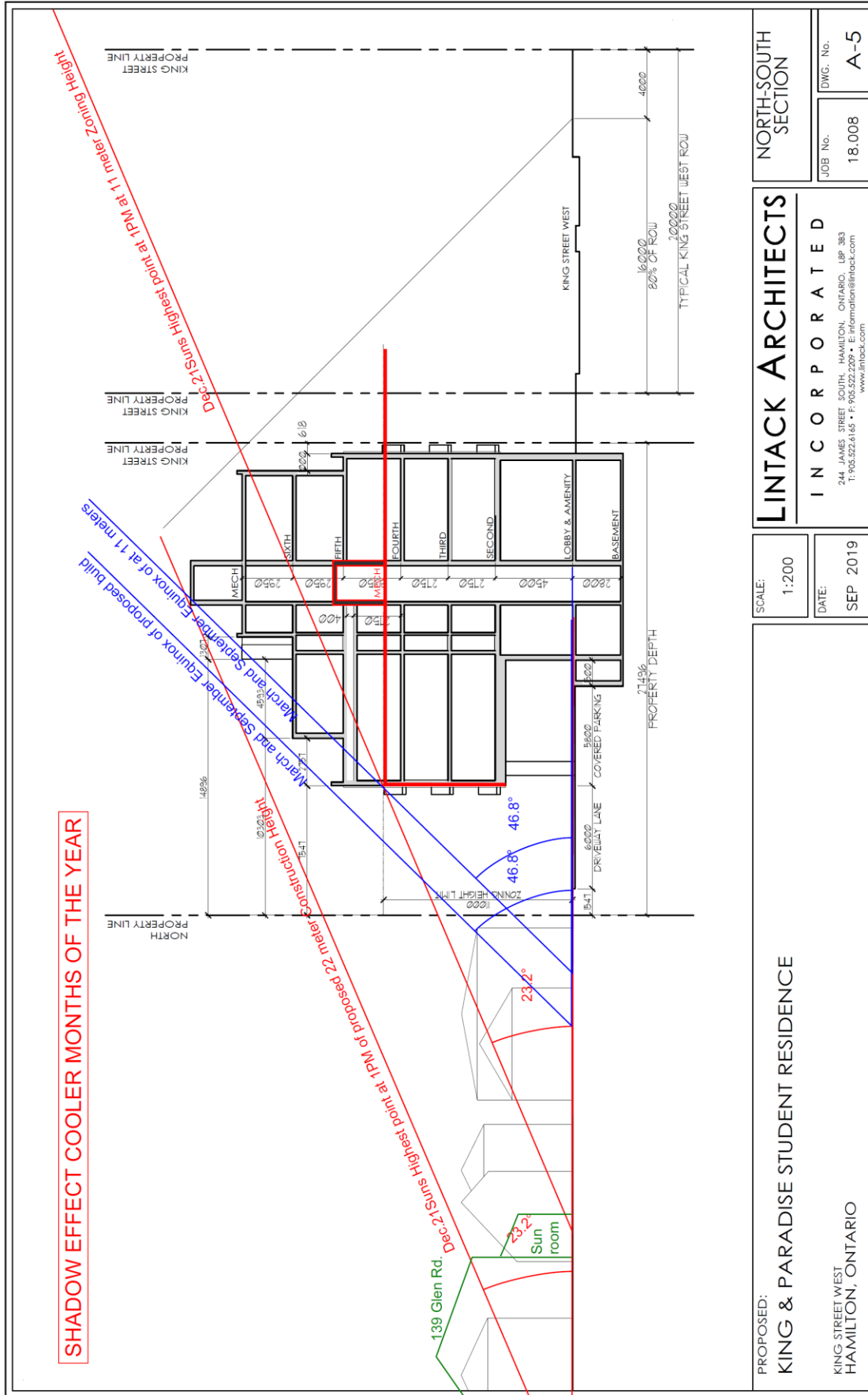
We are writing to let you know that there has been a resubmission to the City of Hamilton for the proposed development at 804-816 King Street West (corner of Paradise Rd & King West). The developer is not required to inform the neighbourhood so we did hear from City staff upon inquiry. According to staff, the developer made the resubmission on December 20th and comments by the City are due on January 23rd.

The details of the reapplication are available at <https://urbansolutions.info/king-paradise/>. It does appear some amendments have been made to the proposal but nothing that addressed the core concerns of the neighbourhood (see the presentation at the bottom of the website - <https://preservewestdale.ca>).

We would appreciate any feedback you might have and again would encourage you to as well voice your concerns to our councillor (maureen.wilson@hamilton.ca) and City staff (mark.kehler@hamilton.ca).

If you have any questions please do not hesitate to contact us.

Thanks,
Peter & Kelly



NORTH-SOUTH SECTION

JOB No. 18.008

DWG. No. A-5

LINTACK ARCHITECTS

I N C O R P O R A T E D

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
 T: 905.522.6165 • F: 905.522.2209 • E: Information@lntack.com
 www.lntack.com

SCALE: 1:200

DATE: SEP 2019

PROPOSED:

KING & PARADISE STUDENT RESIDENCE

KING STREET WEST
 HAMILTON, ONTARIO

Kehler, Mark

From: [REDACTED]
Sent: September 9, 2019 9:48 PM
To: Kehler, Mark
Cc: Wilson, Maureen
Subject: Re: Proposed development at King and Paradise
Attachments: image1.jpeg; ATT00001.txt

Follow Up Flag: Follow up
Flag Status: Flagged

Hello again,

I do not know where the process of this development stands since I sent this note to you back in June but I am just writing tonight to let you know that my last statement below about families moving because of this proposed development has already begun. Since the project was proposed, four families have sold or are selling their homes as a direct result on this development. Is your vision for the Westdale community to have the majority of homes to be student rentals? Please think about the long term consequences to this community if you both support this development as is. At least respect the Bylaws as they are currently written.

I was out for a walk tonight and passed by this student rental at 197 Glen Rd. We are seeing this neglect spreading throughout Westdale.



Kehler, Mark

From: Ed G [REDACTED]
Sent: August 25, 2019 7:33 PM
To: Kehler, Mark; Kehler, Mark
Subject: Preserve Westdale

Follow Up Flag: Follow up
Flag Status: Flagged

I just wanted to add my voice to this. I like the current character of Westdale. I dont think buildings over 3 storeys fit thew neighbourhood.

thx
Ed Gorenak

Kehler, Mark

From: Jorge Irazuzta [REDACTED]
Sent: July 15, 2019 7:44 AM
To: Wilson, Maureen
Cc: preservewestdale@gmail.com; Kehler, Mark
Subject: Westdale Development

Follow Up Flag: Follow up
Flag Status: Flagged

Hi:

You might not remember but we met while you were campaigning. Mark and Vivian de Bruyn-Smith introduced us. And if you were to remember I asked you about two issues : 1- the problems the neighbors at our street (Dalewood Cres.) are having with the water supply - turbid with significant particles in suspension, clay- 2- the lack of parking space designated to disable people and the pressure created around the Westdale's neighborhood, particularly in the streets close to McMaster University because of parking issues.

And if I recall correctly you promised you were going to look into it and get back to me.

I remember that I mentioned also the problem the new building project at Main West at Forsyth Ave S. will create (housing for 1000+ students as I understand) with almost no parking space - 26 spots!-) and now a new development planned for King West at Paradise road , 30 suits with a mere 13 parking slots.

I can not follow the logic that will allow such an increase on the density of the population without consideration as to where those individuals were to leave their vehicles parked unless there was to be a clause that prevent people renting the units from running a car, which is absurd to even think about it.

Lets just assume that in the best case scenario, say one third of the occupants of this two places were to have a car but nothing to assure that would not be significantly more (Remember we live in a free society where having my individual mean of transportation -mostly a car- is a goal easy to accede)

So for the shake of argument let say 400 cars are going to be added, thus competing for parking space. Could you imaging what it is going to happen? I do not know how many cars can park around the core Westdale / McMaster core area but If you were to walk around the neighbor you can already tell that there is almost no free slots to park at the area. Never mind designated disable person's parking. Two at the library, one at the pharmacy, Baker's shop, one at the Scotia Bank and one at Dalewood Recreation Centre. I found six 6 in total but I apologize if I've missed one or two).

It is clear that there is a problem of housing for university students. So it is that this students's housing have already created a problem in the neighborhood by developers overcrowding of houses and all the spill over effects that this has created (parking, increased vehicles' circulation, noise, unattended garbage etc.). And yes it is a problem that need to be addressed and solved. But the proposed projects are not the answer. Not at the cost of overcrowding.

Looking forward in hearing from you

Regards

Dr. Jorge O. Irazuzta Md. FCFP. LM
[REDACTED]

Kehler, Mark

From: Ira Rosen [REDACTED]
Sent: July 9, 2019 3:52 PM
To: Kehler, Mark; Wilson, Maureen
Cc: AWWCA Board; Peter and Kelly Hargreave
Subject: Re: 804-816 King St W development
Attachments: BN - Proposed Development at 804-816 King Street West - June 10, 2019.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mark,

I am contacting you on behalf of the Ainslie-Wood/Westdale Community Association (AWWCA). On June 10th we received the attached document; and after reviewing it with our board, as well as hearing from a large group of our members who live, work and own business in the immediate area, we are taking the position of formally opposing this development. We agree with the overall assessment as written in the attached document. The proposed development it is far too large and does not meet the conditions of the master plans for Westdale.

We currently are experiencing a lot of parking issues in the immediate area, and this proposed development would only make a bad situation worse. Additionally, we have grave concerns regarding both vehicle and pedestrian traffic; this is already an issue due to the current layout of the intersection, which has the roadway being the main artery from the downtown core to the west end of the city, a bus stop and the road dividing to go through Westdale Village or towards Main Street. The construction of such a large development at this intersection is an accident waiting to happen. Please also note, that at no time has the developer made any attempt to contact us to discuss this proposed venture.

If you require any additional information or would like to discuss this matter we are available to do so. I can be contacted at [REDACTED]

Regards,

Ira Rosen
President, AWWCA
[REDACTED]

Proposed Development at 804–816 King Street West

June 10, 2019

Request

- Support from the Ainslie-Wood / Westdale Community Association (AWWCA) to represent the concerns of community related to this development.
- Support from the AWWCA about the potential precedent it sets directly for the community of Westdale.

Background

- Growing concern within the community about the precedent this new development sets and some of the direct impacts on some of the surrounding residential homes
- Raised the concern with the AWWCA in April and the response was the AWWCA would not oppose as it was it keeping with the Westdale Secondary Master Plan
- As a result, we have worked with other community members to:
 - established our own website (www.preservewestdale.ca)
 - established a petition (<https://www.ipetitions.com/petition/preserve-westdale>)
 - Dropped off information to 500 homes in the neighbourhood (more pamphlets being ordered)
 - 50 lawn signs have been set up in the community (over 20 more requests)
- Met with Maureen Wilson and her office and with the City of Hamilton's planner Mark Kehler
- In the process of obtaining comments from each of the City's departments

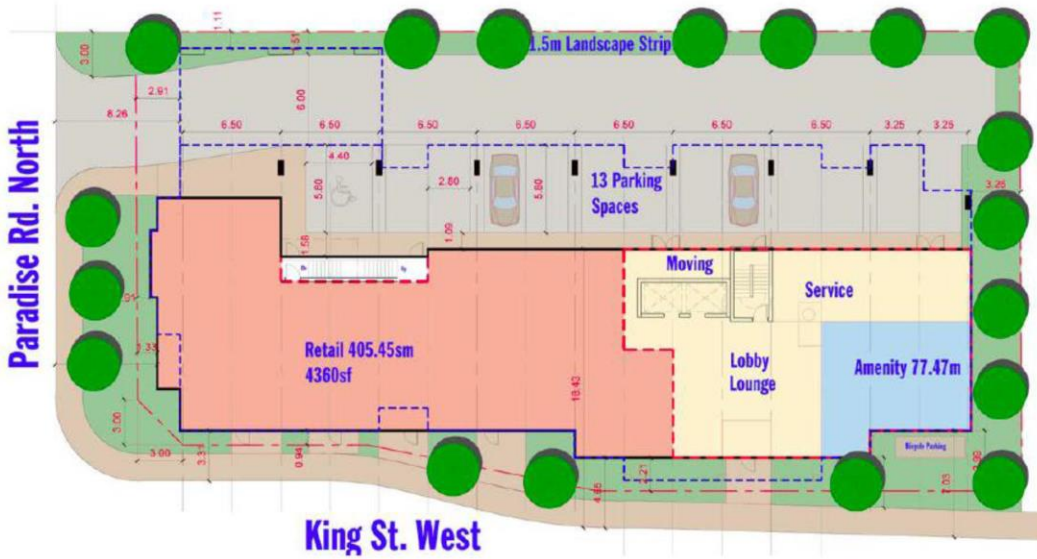
Concerns

- Reflect, as best we can, what we have heard from the various conversations we have heard as the core set of concerns.
1. Height
 - Not in keeping with the character of the community – at 7 storey (6 plus mechanical penthouse) it towers above existing landscape which is mostly mature single family dwellings with commercial properties along King St W, no higher than 3 storey
 - Current zoning requirements are 3 storey with ability for exception up to 6 storey
 - City of Hamilton's Corridor Planning Principles and Design Guidelines require a 45-degree angular plane (project has chosen an alternative approach)
 - Proponent uses a proposed 9 storey building across the street as an example which is a much different context and appears defunct
 - Sets a troubling precedent with property owner in the adjacent western block has already indicated they will follow suit
 - Shadow impacts on east side of Paradise Rd N and the south side of Glen Rd for an unacceptable amount of time from October through February
 - Cultural Heritage landscape
 2. Setbacks Variances
 - Substantial requests for setback variances not in keeping with the neighbourhood

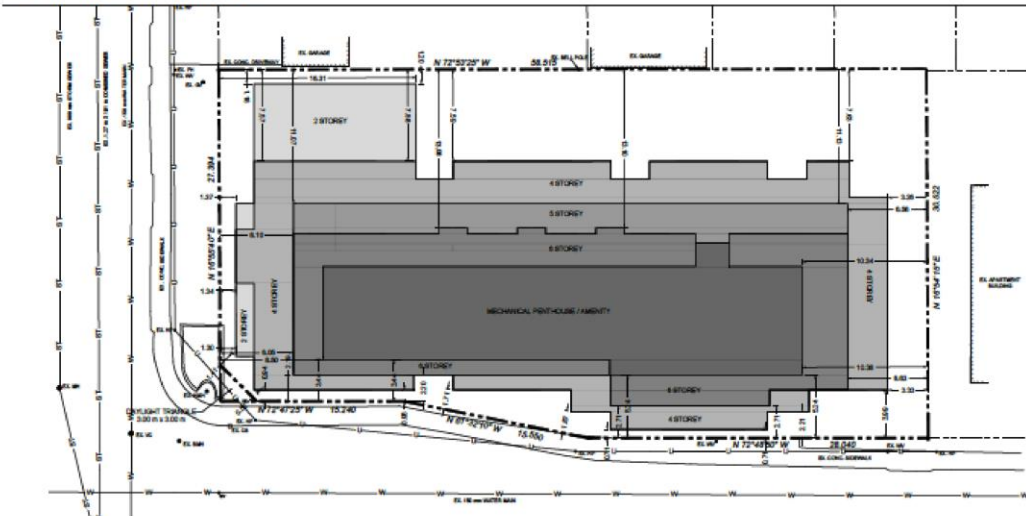
- Impacts to entrance to Westdale (historic significance), direct servicing of the building, potential for landscaping and safety and privacy
3. Daylight Triangle
- King St W is classified as a major arterial road and the development will sit on a corner where it intersects with a local road.
 - Visibility at the corner is already compromised.
 - 12.19m x 12.19m is the required daylight triangle for major arterial roads, 4.5m x 4.5m is minimum required for local to local.
 - This development proposes a 3m x 3m daylight triangle with little justification and no analysis
 - Already community safety concerns with the corner
 - Understand the Design Review Panel discussed removal of the turning lane but no discussion with community on impacts or analysis
4. Traffic & Safety
- Complicated corner with many variables at play (one way to 2-way, bike lanes, pedestrian crossing, major arterial to local road)
 - Part of main route for young children walking to our many schools
 - Significant increase in traffic on Paradise Rd N and surrounding streets with residents, visitors, delivery vehicles, service vehicles, taxi/Uber,
 - Does not appear to be an adequate traffic study undertaken (Why was this not required?)
5. Density & Purpose
- Almost six times over the allowable density for the area as per Ainslie-Wood Westdale Secondary Plan
 - Nothing of similar density in the area
 - Creates substantial secondary impacts to the surrounding community.
 - Building is also purpose-built for students which has little flexibility to be used by other demographics
 - Analysis should be completed of the capacity still required given other developments moving forward
 - This type of development does not appear to be contributing to the diversity of housing stock in the community
6. Parking
- Requirement is 23 (long term bike parking – 21) – proposal is 13 spots (and undersized)
 - Should it be considered a Lodging which requires 1 for every 3 persons?
 - No parking available for retail (no street parking unlike businesses in the western block)
 - Neighbourhood already challenged (bus stop – university parking)
 - No evidence in reduced parking spaces (developers opinion)
 - Examples used are not comparable – James St N has pay lots, Columbia college is for international high school students
 - Apartment with 4 students should require more parking than an apartment for a family of 4
 - Bike parking is not a substitute for vehicle parking
 - No accounting for deliveries and other services requested from residents.
7. Waste Management & Other Services

- Required to have source separation programs in place for recycling and organics (i.e., O. Reg 103/94 and Food & Organic Waste Policy Statement)
 - Does not appear any of this has been accommodated for
 - No ability to manage bulky waste
 - No ability for waste vehicles to safely service (i.e. forward motion)
 - Little ability for waste set outs with out obstructions or for ownership to be established
 - Traffic related to waste vehicles and other deliveries all pushed to Paradise Rd. N.
 - No plan for snow removal
8. Noise & Privacy
- Overview - balconies should not be allowed on the north, west or east of the building given privacy related issues
 - Rooftop terrace should if anywhere only be acceptable on the south side (e.g., King St. W.)
 - Noise impact study done for residents of the building, but not the surrounding community (air conditioners, rooftop deck, etc)
 - Second floor overhang is ~1 metre away from a residence on the North side and extends over 16 metres.
9. Record of Site Condition
- Unable to locate RSC on Province's website
 - Unclear the degree to contamination on the site
 - How do the proposed changes to Excess Soil Management impact the development





BUILDING SETBACKS



Kehler, Mark

From: Kendra [REDACTED]
Sent: July 4, 2019 9:28 PM
To: Wilson, Maureen; Kehler, Mark
Subject: YES to increased density in Westdale

Follow Up Flag: Follow up
Flag Status: Flagged

Hello!

I have seen some signs in my neighbourhood opposed to "overdevelopment" and looked at the Preserve Westdale website. I thought I would reach out to let you know that there are people in Westdale who are very much in favour of development, especially housing!

I am concerned about a shortage of purpose built rental housing in Westdale that forces student renters to look for accommodation in houses that were designed to be single family homes (sometimes run by very unethical landlords). I am concerned that putting onerous parking requirements on developments prevents us from designing communities for a future where more people are living car-free and producing less emissions. I think having higher density housing, especially on arterial streets and close to transit, is great!

One other thing- some people have sited concerns that Westdale has heritage value because it was Canada's first planned community. I wonder if these people realize that when it was planned, a major impetus was to be exclusive and only have certain people, mostly WASPS, living in this community. I don't think it is appropriate to reinforce a legacy of exclusion.

Thanks!

Kendra Foord
[REDACTED]

Kehler, Mark

From: Pam [REDACTED]
Sent: May 28, 2019 3:26 PM
To: Kehler, Mark
Subject: 804-816 King W Urban solutions new Build

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon. I live on Paradise Road north. I requested you follow the original city guidelines for this particular property; three stories. 13 parking spaces is ridiculous. Thank you in advance for your assistance and support with this matter.

Pam
[REDACTED]

Sent from my iPhone

Kehler, Mark

From: Andrew Staples [REDACTED]
Sent: June 21, 2019 11:26 AM
To: Kehler, Mark
Cc: Wilson, Maureen
Subject: Concerns about development proposal 816 King Street West & Paradise Rd N

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mark,

I am writing to you about the proposed building at King West and Paradise North. As the proposed site is adjacent to my property, I feel compelled to raise my concerns about how approval of this project will have a significant impact on not only my property but also the neighborhood.

When I purchased 10 Paradise Rd N, there was always the risk of the proposed location being developed, however it never occurred to me that the city would override and exceed the residential density limits, the 3-storey height variance, or overlook the parking requirements for a building of this size. When I found out that the City might actually consider ignoring these variances it came as a shock. The ramifications for those of us who have invested our time, money and energy to create a home in the area is life-altering. Will we be able to sleep or will it be too noisy? What [potential damages](#) may occur during celebrations such as home-coming or St Patrick's day? Where will I be able to park? Who do I call when there are people loitering in the proposed parking lot at night? We already have an issue of intoxicated students unsafely hanging out in the median on King & Paradise at night, what happens when the number of residents increase? Will the building have 24/7 security in case there are issues or concerns?

One of my main concerns is with traffic, and how a residential building of this density will disrupt the traffic flow and safety in the area. Services such as Uber Eats and Skip the Dishes have shifted the way many young people get food. Similarly, many people are also relying on online shopping to acquire products. This has created a major shift in the frequency of cars stopping in front of residential buildings. On our block, we have 1 student house, and they regularly have cars stopped and blocking the safe flow of traffic at all hours of the day. This not only causes a disruption in traffic, but results in a number of idling vehicles blocking driveways and sometimes the road, causing difficulties and safety concerns along Paradise Road North. The student house on our block has 4 students living in it. I cannot imagine the disruption that will be caused along Paradise (or even worse, King Street's bike lanes or turning lane) as you increase the density of residents in the area. Even if there is dedicated drop-off space behind the building (which would result in even fewer parking spots), this means we will have more cars idling and sending car fumes into our backyard. Adding to this, Glen Rd is the main axis point for so many children going to school everyday.

Another concern is that the proposal has several resident-accessible patio, terraces and what appears to be small balconies (or at least sliding doors/windows). I am extremely concerned about the noise ramifications that this will cause. Late nights and partying is something that students do, whether the noise-by-laws allow it or not, and I am very concerned of how disruptive a condensed group of students will be living beside such a residential neighbourhood. We already hear frequent loud music and noise from small residential units that cater to students such as 811 King Street West,

or from parties from student rental houses in the area. Other student rentals such as the West Village Suites are further from residential areas, and students do not have the ability to party or hang out at the exterior of the building. This planned proposal will encourage residents to gather outside in the immediate vicinity of our home. It is not acceptable.

I am also greatly concerned that approval of this proposed plan will give the green light for future development along King West between Paradise and Longwood. Many in the neighbourhood are already considering moving due to this proposal, which will result in more family homes being converted into (unsafe) student rentals and more absentee landlords. Do we really want Glen Road to turn into South Oval or Arkell? Approval of this project will force us from our home. We have already talked with realtors who all agree that the value of our home has decreased because of this proposal. I can't imagine the financial impact it will have on us if the currently proposed plan is approved.

I hope that you take these concerns into consideration during your decision making process. I urge you to respect the density, height and parking variances that have allowed the Westdale community to thrive.

Respectfully,

Andrew Staples

A solid black rectangular redaction box covering the signature area.

Kehler, Mark

From: paolo G [REDACTED]
Sent: June 15, 2019 9:48 PM
To: Kehler, Mark
Cc: paolo G
Subject: No over development please

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mark,

My wife and my triplet daughter's would appreciate if the city of Hamilton sticks to It's official plan on development in Westdale. Although we understand progress is a natural course of action our issue is over development. We like the community in which we live. We understand that McMaster students need a place to live. We also understand that giving the students a safe place to live makes more sense than having them live in basements or in houses that were not intended for that purpose. Our issue is over development. I urge you to make the right decision and stick to the official plan. We the people who live here don't want this style development. We don't want a six or seven storey building. Please stick to 3 storey development and ensure the parking requirements are met. Thank you Paolo

Paolo Galli
[REDACTED]

Kehler, Mark

From: [REDACTED]
Sent: June 16, 2019 4:42 PM
To: Kehler, Mark
Cc: Wilson, Maureen
Subject: Proposed development at King and Paradise

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I just wanted to convey to you my thoughts and concerns about the proposed development at the corner of King Street West and Paradise.

I am a long term home owner in the Westdale neighbourhood, having bought this house where we live now in 1991 (28 years). Over that time I have seen many changes, some good and some not so good. One thing that seems to be a constant is the ever increasing level of student housing to fill the demand of McMaster University's ever expanding enrolment and expansion plans. I don't have an issue with student housing but unfortunately it usually comes with little enforcement of standards that leave the community having to live under less than ideal conditions while absentee landlords collect rent and do little else. I think McMaster should look elsewhere for further expansions so that the housing demand in Westdale remains at a tolerable level and is in balance with those wanting to make a home here. I don't think expansion should be on the backs of those of us choosing to live our lives in this area.

Returning now to the specific development at the corner of King and Paradise. I understand that the developer has certain rights with regard to that property but I would hope that it would be in harmony with those of us who will be impacted by the choices made. When I speak to others who have chosen this area to call home (12 months a year and more than four consecutive years) there are a number of concerns we have with the current proposal :

1. The height of the building at 6 stories is well above the 3 story municipal bylaw and would be out of place in our neighbourhood. As a city planner, it should be your role to protect a certain aesthetic within each part of the city. I think we all would welcome a development that works with the current bylaw. If this moves ahead as proposed it will tower over the houses next to it and cast them in shade for much of the day. It is also a privacy concern for any backyard functions at these homes. Just think about how you would like this in your back yard, try to put the community concerns at least on par or in front of the developer. As I have said above, the height is the communities biggest concern.
2. Parking is already a problem on Glen Rd between Paradise and Macklin and allowing this development to go ahead as planned will make the problem much worse. At a bare minimum, the city should consider making the street permit only for houses located here and have the developer pay the city the annual fees for these permits. If not, the bylaw should be upheld and the developer should provide adequate parking.
3. This residence is planned as a quad type of arrangement, that is to say multiple bedrooms sharing kitchen and dining quarters. I have a problem with the arrangement in that it is quite restrictive and will only appeal to 1st or 2nd year students. I can not imagine anyone other than this demographic being interested in this arrangement for rental housing. Shouldn't we be encouraging rental spaces that are open and inclusive? I think the local community would welcome more opportunities for seniors to rent in the area but this does not allow or encourage this. I understand that the current proposed layout reduces construction costs per resident and maximizes profit for the developer. Should this be the top concern?

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I will be retiring soon and had planned on staying in my house for the foreseeable future, making considerable upgrades and investments along the way. We are a strong supporter of the Westdale community and will continue to be. If this development reaches approval without my three points outlines above being addressed we will seriously consider moving away from this community we call home and not proceeding with planned upgrades. Others have also expressed similar views on our street. Please take our concerns seriously.

Kind Regards
Stephen Waterfall & Evelyn Kuschnik



Sent from my iPad

Kehler, Mark

From: Katherine Mackenzie Oliver [REDACTED]
Sent: June 6, 2019 1:40 PM
To: Wilson, Maureen
Cc: Hilson, Stephanie; Kehler, Mark
Subject: Re: Support for Westdale densification

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you Maureen :)

I also forgot to mention in my email that since the city has declared a climate emergency (which is a great step! Congratulations and thank you), densification should be part of responding to that emergency. Wealthy people are likely going to be more sheltered from climate changes worst impacts - city climate policies need to include social justice for all communities, including people who live in Westdale, or want to, but aren't homeowners.

Thanks again! Good luck with all your work

Katherine

On Thu, Jun 6, 2019 at 1:08 PM Wilson, Maureen <Maureen.Wilson@hamilton.ca> wrote:

Hello Katherine. Thank you for your email and sharing your opinion with me. I will be forwarding your correspondence to Mark Kehler who is the city planner overseeing this particular development file. I believe Mark is still in the process of gathering input from all relevant city departments and agencies whose responsibility is to review the proposal. For example, our traffic engineers will be assessing the proposal and its potential impact on local traffic. Once the proposal has been circulated then city planning can provide a full assessment. I will be guided by the principles of good planning and will be working with the city planners to that end.

Thank you again

Kindly

Maureen

Maureen Wilson

She/Her

Ward 1 Councillor

Ainslie Wood | Kirkendall | Strathcona | Westdale

E: maureen.wilson@hamilton.ca | T: 905-546-2416

From: Katherine Mackenzie Oliver [REDACTED]
Sent: June 5, 2019 9:39 PM

To: Wilson, Maureen <Maureen.Wilson@hamilton.ca>

Subject: Support for Westdale densification

Hi Maureen

My husband and I would like to voice our support for densification in Westdale. We live with our kids in a court off Paradise Road North and think the neighbourhood, Hamilton and planet at large would benefit from increased density and more neighbours. A six storey building along King is entirely appropriate and good urban planning with environmental and social sustainability in mind. It is visionary to limit parking as the world's greatest cities move to people oriented transit options.

My neighbours who advocate for limiting development to three stories are being selfish. Westdale has plenty of tall buildings and they are totally part of Westdale's character and are important for people who couldn't otherwise afford a decent place to live in the area. Westdale's beauty and wonderful amenities should be shared with more people.

Warm regards

Katherine Oliver



Kehler, Mark

From: Peter Hargreave [REDACTED]
Sent: June 7, 2019 9:45 AM
To: Wilson, Maureen
Cc: Kehler, Mark; Peter and Kelly hargreave
Subject: Update
Attachments: Presentation King & Paradise Development - June 6, 2019.pptx

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Maureen & Stephanie,

As requested, I just wanted to keep you updated as know you were caught in Council. We, with a few other residents in the community, met with Mark Kehler yesterday about the King W. and Paradise N. development. Mark was more than gracious with his time and we had a very productive conversation. Hopefully we as official armchair planners we weren't too difficult to deal with.

I have attached a copy of the presentation we used in the meeting. We have also requested to get a copy of the various department submissions over the next week or so which Mark agreed to arrange

Thanks for pointing us in the right direction and let us know if you have any questions.

All the best,
Peter

--

Peter Hargreave
President
Policy Integrity Inc.



Meeting with City of Hamilton

Regarding the development at King St. & Paradise Rd N.
(804-816 King Street West)
June 6, 2019

Background

- ▶ Growing concern within the community about the precedent this new development sets and some of the direct impacts on some of the surrounding residential homes
- ▶ Dropped information off at about 500 homes in the neighborhood, have sign requests for over 70 homes and over 80 names that have signed a petition
- ▶ Presentation reflects as best we could what we have heard from the various conversations we have heard as the core set of concerns

Height of the Building

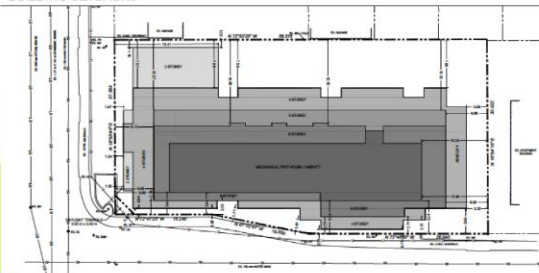


- ▶ Not in keeping with the character of the community - at 7 storey (6 plus mechanical penthouse) it towers above existing landscape which is mostly mature single family dwellings with commercial properties along King St W, no higher than 3 storey
- ▶ Current zoning requirements are 3 storey with ability for exception up to 6 storey
- ▶ City of Hamilton's Corridor Planning Principles and Design Guidelines require a 45-degree angular plane (project has chosen an alternative approach)
- ▶ Proponent uses a proposed 9 storey building across the street as an example which is a much different context and appears defunct
- ▶ Sets a troubling precedent with property owner in the adjacent western block has already indicated they will follow suit
- ▶ Shadow impacts on east side of Paradise Rd N and the south side of Glen Rd for an unacceptable amount of time from October through February
- ▶ Cultural Heritage landscape

Setbacks Variances

- ▶ Substantial requests for set back variances not in keeping with the neighbourhood
- ▶ Impacts to entrance to Westdale (historic significance), direct servicing of the building, potential for landscaping and safety and privacy

BUILDING SETBACKS



Item	Required	Proposed
Site Area	N/A	1,709 m ²
Building Setback to a Street		
Maximum	4.50 m	0.52 m - 3.99 m
Min. Rear Yard*		
Floors 1-4	7.50 m	3.26 m
Floors 5-6	7.50 m	6.56 m
Min. Interior Side Yard*		
Floors 1-2	7.50 m	1.18 m
Floors 3-6	7.50 m	7.57 m

Daylight Triangle

- ▶ King St W is classified as a major arterial road and the development will sit on a corner where it intersects with a local road.
- ▶ Visibility at the corner is already compromised.
- ▶ 12.19m x 12.19m is the required daylight triangle for major arterial roads, 4.5m x 4.5m is minimum required for local to local.
- ▶ This development proposes a 3m x 3m daylight triangle with little justification and no analysis
- ▶ Already community safety concerns with the corner
- ▶ Understand the Design Review Panel discussed removal of the turning lane but no discussion with community on impacts or analysis

Traffic & Safety

- ▶ Complicated corner with many variables at play (one way to 2 way, bike lanes, pedestrian crossing, major arterial to local road)
- ▶ Part of main route for young children walking to our many schools
- ▶ Significant increase in traffic on Paradise Rd N and surrounding streets with residents, visitors, delivery vehicles, service vehicles, taxi/Uber,
- ▶ Does not appear to be an adequate traffic study undertaken (Why was this not required?)

Density & Purpose

- ▶ Almost six times over the allowable density for the area as per Ainslie Wood Westdale Secondary Plan
- ▶ Nothing of similar density in the area
- ▶ Creates substantial secondary impacts to the surrounding community.
- ▶ Building is also purpose-built for students which has little flexibility to be used by other demographics
- ▶ Analysis should be completed of the capacity still required given other developments moving forward
- ▶ This type of development does not appear to be contributing to the diversity of housing stock in the community

Parking

- ▶ Requirement is 23 (long term bike parking - 21) - proposal is 13 spots (and undersized)
- ▶ Should it be considered a Lodging which requires 1 for every 3 persons?
- ▶ No parking available for retail (no street parking unlike businesses in the western block)
- ▶ Neighbourhood already challenged (bus stop - university parking)
- ▶ No evidence in reduced parking spaces (developers opinion)
- ▶ Examples used are not comparable - James St N has pay lots, Columbia college is for international high school students
- ▶ Apartment with 4 students should require more parking than an apartment for a family of 4
- ▶ Bike parking is not a substitute for vehicle parking
- ▶ No accounting for deliveries and other services requested from residents.

Parking Requirements (Units > 50 m ²)*		
Units 1-3	0.3 per unit = 0.9	0.43 per unit = 1.29
Units 4-14	0.7 per unit = 7.7	0.43 per unit = 4.73
Units 15-30	0.85 per unit = 13.6	0.43 per unit = 6.88
Parking Requirements (Commercial)		
Units < 450 m ²	0 spaces	0 spaces
Total Parking Required*	23 spaces	13 spaces
Bicycle Parking		
Short Term	5 spaces	5 spaces
Long Term	N/A	26 spaces

Waste Management

- ▶ Required to have source separation programs in place for recycling and organics (i.e., O. Reg 103/94 and Food & Organic Waste Policy Statement)
- ▶ Does not appear any of this has been accommodated for
- ▶ No ability to manage bulky waste
- ▶ No ability for waste vehicles to safely service (i.e. forward motion)
- ▶ Little ability for waste set outs with out obstructions or for ownership to be established
- ▶ Traffic related to waste vehicles and other deliveries all pushed to Paradise Rd. N.
- ▶ No plan for snow removal



Noise & Privacy

- ▶ Overview - balconies should not be allowed on the north, west or east of the building given privacy related issues
- ▶ Rooftop terrace should if anywhere only be acceptable on the south side (e.g., King St. W.)
- ▶ Noise impact study done for residents of the building, but not the surrounding community (air conditioners, rooftop deck, etc)
- ▶ Second floor overhang is ~1 metre away from a residence on the North side and extends over 16 metres.

Record of Site Condition

- ▶ Unable to locate RSC on Province's website
- ▶ Unclear the degree to contamination on the site
- ▶ How do the proposed changes to Excess Soil Management impact the development

Thank you & Discussion

www.preservewestdale.ca

<https://www.ipetitions.com/petition/preserve-westdale>



Kehler, Mark

From: Wilson, Maureen
Sent: May 30, 2019 10:18 PM
To: Kehler, Mark
Cc: Hilson, Stephanie
Subject: Fwd: 804 King St W development

Follow Up Flag: Follow up
Flag Status: Flagged

For your information and file Thank you

Sent from my iPhone

Begin forwarded message:

From: tyeburg [REDACTED]
Date: May 30, 2019 at 10:01:59 PM EDT
To: <maureen.wilson@hamilton.ca>
Subject: 804 King St W development

Hello Councillor Wilson:

I would like to take a moment to express my thoughts regarding the proposed development at 804-816 King St West. I am a supporter of infill in urban areas. My concern (and previous experience with this issue in Dundas) is that there is generally no effort made to balance needs of the existing community with needs of the developer. (I was tempted to say "rights of the community" but I don't think we have any!) I am asking you to set a new standard for the city by championing the notion of balance. In terms of height, six storeys is out of character with the existing neighbourhood; 3 storeys with the ground floor used for residential units is more harmonious with the existing neighbourhood. The impact of 6 a storey building will be to cast shade on existing homes; this is an unacceptable consequence for neighbours. Balconies and common areas facing the existing neighbourhood are also unacceptable for maintaining the character and quality of life for the established neighbourhood. Would you want this building facing your backyard? Neither the developer nor his agent could answer yes when they were asked this question at their recent public meeting!

Additionally, there should be one parking space per unit. This should be a given. The developer should only be granted permission to build the number of units for which he can provide parking. Without this stipulation, the spillover of cars onto surrounding streets will be highly detrimental to the existing neighbourhood.

As the councillor for this ward, I believe you have a great deal of influence on the type of development that will occur at this corner, and subsequent development that will follow this model in our community. Please be a visionary for balanced development in Westdale. Please set a standard that we will all be proud of; one that will become a model for other communities to follow.

Sincerely,
Julianne Burgess

[REDACTED]

Kehler, Mark

From: Laurie Reece [REDACTED]
Sent: May 29, 2019 10:56 AM
To: Kehler, Mark; Wilson, Maureen
Cc: Preserve Westdale
Subject: Paradise/King development

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Wilson and Mr. Kehler;

I live in the neighbourhood where the Paradise/King development is proposed. I have a number of questions, some observations, and some concerns that I would like you to hear and consider. Please share my concerns with other members of Council.

Precedent

I'm concerned about the City setting a precedent in this case, thus making it harder to enforce vision and standards for future projects in this and other neighbourhoods across the city and gradually being backed into a proverbial corner to the detriment of the City and its citizens.

Can't be viewed in isolation

The Paradise/King development can't be viewed in isolation. There are two other developments in the general area, the one on Carling being very close to this one.

Parking

Urban Solutions cites a study done for Rebecca St. to justify having less than the required parking. We need to see the actual study, including methods & sample size. I have questions about whether that study is applicable to this project proposal.

Urban Solutions says that bicycles can be used for students to get to school and that the area has a good walk-ability score. Bicycles are fine in nice weather, but the majority of the school year is in the winter. Walk-ability does not mean people give up their cars.

The proposed parking is insufficient for this neighbourhood. Parking is already scarce here.

Is the intention for the landlord to charge tenants a monthly fee for a parking spot? If the answer is "yes", then part of what they are doing is *creating demand* so they can increase their profits. If they limit the building to three storeys instead of pushing for the privilege of six storeys, parking will be less of an issue.

"Complete community"

Urban Solutions claim this development will contribute to creating a complete community. The evidence they provide is that it will bring students to the area. There are already students in the area. This is not to say that students can't live here. It's to point out the flaw in the argument and to show there is not a need for a six storey complex, especially in light of other developments in the area.

What percentage of those units will be geared to income/affordable housing? Affordable housing is an issue city-wide. Affordable housing can mean the difference between being able to go to school or not. Affordable housing for students would contribute to a "complete community". Affordable housing for families would contribute to a "complete community". Both the Provincial Policy Statement and the Growth Plan of Greater Golden Horseshoe emphasize *affordable* housing. It appears this development doesn't include "affordable" for anyone.

How many of the units are fully wheelchair accessible, including bathrooms and kitchens? Increased availability of accessible housing for those with disabilities is part of a complete community.

The development as proposed would bring in a substantial transient population who are not invested in the community.

Their claim that the development would contribute to a complete community is without merit.

Wastewater & Stormwater

The report presented says that issues of stormwater and wastewater can be dealt with. They want to tie in to the sewer on Paradise North. According to the report, the sewer should have the capacity to handle the extra load. I'm a bit confused and am thinking I must be missing some information. The people on Paradise N have had problems with flooding and back-ups. Has the underlying problem there been fixed?

How does the wastewater/stormwater plan take into consideration climate change?

Garbage, Odor, Pests

179 people will create a lot of garbage. There are already issues in the community with people throwing garbage onto lawns and garbage being blown around. What is the landlord's plan for dealing with garbage and recycling? Will it be sitting on terraces for the wind to blow it around? Will it be piled out back behind the backyards of Glen St homeowners? What about cigarette butts? If someone tosses a live cigarette butt off their terrace, is it going to land on someone's roof? Six storeys and 179 people is too much.

Sun/Shade

They said there is a sun/shade report. Where is it?

Privacy

The higher the building, the bigger the privacy concerns for surrounding residents. Six storeys is too high for the neighbourhood. Is there a report available on this?

Noise

The Noise Impact report only dealt with the noise experienced by people inside the building. While this is important, it leaves out everyone who lives around the building. A single neighbour's air conditioning can become irritating enough to send someone indoors for a break from that noise. This development will require a hefty air conditioner unit with the *purpose* of making noise. That will impact all of the properties behind the building. Some people can tune this out, while other can not. People with certain disabilities are very sensitive to this type of noise to the extent it actually causes physical pain for some.

What is the noise impact of 179 people living next door? What is the impact of 179 people walking around a once quiet residential neighbourhood?

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Between a large transient population, noise, garbage, and increased traffic, what happens to property values? Is there any data available on the impact of such a high density on insurance claims and rates?

Green-space and Wildlife

This is another area in which this development cannot be viewed in isolation and where density matters. Between this proposal and others in the area, there will be a huge influx of people. How is this going to impact the health of existing green-spaces? I'm specifically concerned about Churchill Park and RBG property where there are areas of unique biodiversity and ecosystems that are important to protect. With increased use there will be increased need to maintain and protect these areas and increased risk.

Urban Solutions says "appropriate contributions to public spaces and parks will be secured" once they get the approvals they want from the City. This is a vague promise. What's "appropriate"? Who defines that? "Secured" from whom? What exactly is being secured? How? When exactly? If they don't follow through or if what they do is not adequate, then what? How will this be enforced?

Traffic and R.O.W.

The corner of King and Paradise is already dangerous and a concern for residents. This development will mean more traffic (pedestrian, cyclists, motorized vehicles) even without an exemption for height and density. The proposed density makes it even worse. The addition of this complex requires the road be widened. In spite of the existing dangers to people and the additional dangers that will come with development, Urban Solutions doesn't want the road to be widened. The reason they give is that it's not suitable for *them*. Their concern is their profit margin, not the safety of people.

Yard Setbacks

The City has reasons for requiring yard setbacks of at least a certain distance. The developer wants an exception, not for a little distance, but a lot. What, if any, reasons have they given that address the City's reasons for the rule in the first place?

Why on the plans is there the comment that the neighbours' fences appear to be over ten years old?

Omissions

Urban Solutions claims their proposal is "consistent" with the Provincial Policy Statement, but they are omitting things, not the least of which the proposal as it goes against the City's vision and planning for these neighbourhoods. Already iterated omissions include affordability and accessibility. Another omission is in the area of climate change. In what ways precisely is this development resilient to climate change? In what ways do the construction, materials, design, and operation of this development reduce carbon emissions? How does green infrastructure tie in? Climate change is not addressed at all.

Policing Impacts and Density

Westdale already has problems with crime, the most serious being from people coming into the neighbourhood to target students. Safety and security of student tenants and surrounding residents must be considered seriously. Between this development and the one on Carling, there will be a large concentration of students in a small area. This creates a target rich environment and provides a new hunting ground for criminals whose preferred victims are young people. There will be an impact on and cost to policing.

Also, with the influx of a transient population and all of the challenges that come with that there will be impacts on the surrounding neighbourhood and on policing.

The proposed density for this development is too high.

Density and overall rationalizations of proposal

The City allows for a maximum density but Urban Solutions wants the City to make an exception, not to allow for a few more people, but for 3.7 to 5.9 *times* the maximum density and to let them build twice the height. We citizens pay for the City planners and trust them. I think the City planners do a good job. Now someone comes along wanting an exception that is not necessary, not respectful of the City's needs, plans, and the work already done to make those plans. It is my opinion that, although there is a thin facade on the part of this developer of being "sensitive", the reality is a disregard for the community for the sake of a higher profit. By adhering to the existing zoning and guidelines and building three stories instead of six, the City and Province can still meet their development goals and the developer can make his profit without the extra and unnecessary harms and risks to the community and without setting a precedent.

There are people who wouldn't want *any* student housing there, but no one can have everything, there are reasons for rules, and we (society) collectively agree to abide by them. So why do a few people think they should be exempt simply because they want more profit? What if the situation were reversed? What if the existing residents demanded the City make an exception for them and not allow anything to be built there, or insist it be an after-school club or a daycare? What if the existing residents wanted to be exempt from important rules and guidelines at the cost of that property owner? I doubt the City would allow that. (The residents aren't asking the City for that, for the record.) So why is it okay for someone else to ask for and expect exceptions for the purpose of profit?

People aren't saying there should be no housing there. They're saying it's too high, too big, and too dense. That level of density, especially considering other local developments cannot be adequately and safely supported by that community.

Despite Urban Solutions' claims, the proposal is not sensitive to the low rise context even with the graded design approach. The proposed building is both too high and too densely populated. The City's Urban Official Plan makes far more sense than what the developer is proposing. Ensuring that the developer complies with this is the reasonable answer here. The proposed development by itself would significantly change the whole neighbourhood as well as have health and safety impacts.

Urban Solutions asserts that the City's plans are in "conflict" with the Province. I think this is an inaccurate, unfair, and manipulative characterization. For the City to have plans specific to neighbourhoods to preserve them and manage change does not mean that intensification and use of existing infrastructure can't happen. It can. A three storey housing complex does just that. It doesn't have to be six storeys with 179 people and limited parking on a dangerous corner. This is the same company who tried to defend clear-cutting without a permit as not clear-cutting but "tree management".

There are times when there is good reason to make an exception to rules. This is not one of them. Profit for the few is not a compelling reason to inflict stress, grief, risk, and cost on the many.

Yours Truly,

Laurie Reece

Kehler, Mark

From: Greg O'Brien [REDACTED]
Sent: May 28, 2019 3:41 PM
To: Kehler, Mark
Cc: Maureen Wilson; Wilson, Maureen; contact@urbansolutions.info
Subject: Re: In support of the King St. W. development proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks for the response. I've also come to realize the development plan may be for a new student housing building. If so, it makes even more sense to me. That may well leave (or should I say preserve?) some single family homes in Westdale for families who want to maintain and upgrade them, rather than seeing them sold to absent landlords who jam 8 bedrooms into one rundown house.

Thanks again,
Greg

On Tue, May 28, 2019 at 9:12 AM Kehler, Mark <Mark.Kehler@hamilton.ca> wrote:

Dear Mr. O'Brien,

Thank you for your comments.

Your input will be considered by staff and incorporated into a future staff report provided to Planning Committee. Once the report has been finalized and a date has been scheduled for the public meeting / Planning Committee, you will be notified.

If you have any further questions or comments about this application, please let me know.

Mark Kehler, MCIP, RPP

Planner I

Development Planning, Heritage and Design, Urban Team

Planning Division

Planning and Economic Development Department

City of Hamilton

71 Main Street West, 5th floor

Hamilton, ON

L8P 4Y5

t. 905.546.2424 ext. 4148

f. 905.546.4202

e. mark.kehler@hamilton.ca

From: Greg O'Brien [REDACTED]
Sent: May-27-19 5:06 PM
To: Maureen Wilson; Wilson, Maureen; Kehler, Mark; comments@urbansolutions.ca
Subject: In support of the King St. W. development proposal

Dear councilor Wilson, Mr. Kehler and Urban Solutions,

Until today, when I saw a lawn sign decrying the development plan for 804-816 King St. W., I had no idea such a development was planned and I want to say, it's about time! I truly hope it proceeds.

I would imagine you're going to receive letters and emails and online petitions from my lovely and well-meaning neighbours (I really love the wonderful family upon whose lawn I saw the sign!) asking you to "preserve Westdale", or "preserve paradise," as the sign said. I actually went to the preservewestdale.ca web site to get the email addresses to which I am sending my support.

Their sentiment is understandable, but misguided.

What we need is to invite *more* people into paradise – and the only way to do that is to build more housing. Since there aren't any more Westdale lots to sever off for single family homes, the mixed use building proposed would seem perfect to me.

I support development like this and would support others like it on appropriate thoroughfare streets such as Main, King, Longwood and perhaps even one or two other streets. It will bring additional life to our neighbourhood, space for perhaps some folks who can't afford the price of a Westdale home. Heck, I'm pretty sure I couldn't afford to buy a home in Westdale if I had to buy now, at the current prices.

More people – within reason, of course as no one wants to see 30-plus-story condos built here – means more foot traffic to Westdale businesses, a more diverse, attractive neighbourhood whose cultural life will then also expand and grow. If such development also mandated certain public underground parking spaces, as well, that might alleviate some of the parking issues in Westdale, too.

Will there be growing pains? Perhaps, but from my point of view, the positives far outweigh the negatives. We Westdalers can't live life in a bubble. Change is hard, but it is happening all around us and yes, our neighbourhood is one of the best places to live in the world. Ninety-nine percent of the people here are welcoming, smart, open-hearted and the setting is idyllic.

That's why we should make room for more of us and these sorts of developments should go ahead.

Thanks for reading, and for what it's worth, I have no ties to anyone or anything involved in this proposed development, other than I live in Westdale.

Sincerely,

Greg O'Brien
[REDACTED]

Kehler, Mark

From: Angela Alexander-Roper [REDACTED]
Sent: May 28, 2019 4:22 PM
To: Kehler, Mark
Subject: Preserve Westdale

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mark,

As a long time resident of Westdale I would like to express my concern about the proposed 6 story apartment building on the corner of King & Paradise.

My husband and I raised our family on Paradise North. Our four children and thirteen grandchildren did/do/will attend the excellent schools in our neighbourhood; GR Allan, now Cootes Paradise, Dalewood MS and Westdale SS.

Many of our kids friends have returned to Westdale to raise their families. Why? Because Westdale has always been a diverse and supportive community. Our proximity to McMaster University and Children's Hospital, has meant our community is made up of singles, couples, families, students, faculty, staff, visitors...

Nearly everything we need is within walking distance.

There are always hands to help with community events, helping neighbours, supporting each other...

We all care about our community and want to maintain its rich history and charm.

Please listen to us, the people who live in and love this community.
No six story buildings in Westdale!

Please and Thank You!

Respectfully,
Angela Alexander-Roper
#preservewestdale
Sent from my iPhone

Kehler, Mark

From: Wilson, Maureen
Sent: May 27, 2019 3:20 PM
To: Kehler, Mark
Cc: Hilson, Stephanie
Subject: resident views - 804 King West

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mark. Please see below for resident feedback. Thank you
PS. I deleted the resident's first item as it had no relation to the planning department and the development in question.

Maureen Wilson*She/Her*

Ward 1 Councillor

*Ainslie Wood | Kirkendall | Strathcona | Westdale*E: maureen.wilson@hamilton.ca | T: 905-546-2416

From: Tricia and Anthony
Sent: May 23, 2019 1:21 PM
To: Wilson, Maureen
Subject: feedback

Hi Maureen,

As one of your constituents I have been impressed so far with the initiatives you have taken. I wanted to share my thoughts on a couple of issues.

1. Regarding the proposed development on Paradise/King, I want to start off by saying that I am not opposed to development on this site. My concern is that it will establish a precedent of allowing developers zoning amendments to height restrictions. This building is totally out of scale with its surroundings, not to mention insufficient parking spaces being provided. This neighbourhood is a wonderful mixture of seniors, families and students and I would like to see development that sustains this atmosphere. Is there a reason this building is only geared towards students?

Thanks,
Patricia Shortt

Sent from [Mail](#) for Windows 10

Kehler, Mark

From: Wilson, Maureen
Sent: May 22, 2019 3:25 PM
To: Kehler, Mark
Subject: FW: For your consideration

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mark. Please see resident's comments below regarding 804 King West development proposal. Thank you

Maureen Wilson

She/Her

Ward 1 Councillor

Ainslie Wood | Kirkendall | Strathcona | Westdale

E: maureen.wilson@hamilton.ca | T: 905-546-2416

From: Wilson, Maureen
Sent: May 22, 2019 1:56 PM
To: 'Judy Petrie'; Bertolo, Stephanie
Cc: Hilson, Stephanie
Subject: RE: For your consideration

Hello Judy. Thank you for your email.

1. 804 King St. West Development
 - a) The city's planning department is still receiving comments about the proposal. The city planner's name is Mark Kehler and his direct email is: Mark.Kehler@hamilton.ca. I can certainly forward your email to Mark's attention; however, if you wanted to expand on any aspect of your email you can write to Mark directly. Please advise
 - b) At present, the development is now undergoing a formal review by all active city departments with city planning as the lead. For example, the transportation department will review the development submission to assess the impact of on local traffic and transportation infrastructure
 - c) My role in this process is to listen and forward all resident feedback to city planning staff and champion good planning principles. I await another meeting with planning staff once the final review process is completed. I cannot, under law, "intervene" per say and direct planning staff. I can only insist on good planning outcomes and put forward resident feedback.
2. In terms of Edgevale Road and parking, I will certainly connect with city parking for the purpose of bringing forward your experience and concern with any options that we can pursue to address your concern. I will certainly get back to you on this matter.

If you would like to discuss the development proposal in more detail, I would be happy to meet with you in person or to continue discussing this by email.

Thank you kindly
 Maureen

Maureen Wilson

She/Her

Ward 1 Councillor

Ainslie Wood | Kirkendall | Strathcona | Westdale
E: maureen.wilson@hamilton.ca | T: 905-546-2416

From: Judy Petrie [REDACTED]
Sent: May 21, 2019 5:30 PM
To: Wilson, Maureen <Maureen.Wilson@hamilton.ca>
Subject: For your consideration

Hello Councillor Wilson

Two items for you to consider

1. The proposed development at 804-816 King St West

The scope of the proposal is totally too large for the site. The variances that have been applied for are not in line with the current character of Westdale. The building is too high and the number of residents is going to negatively impact traffic, noise, parking and safety. I hope you will intervene and scale this project back. 2. It is becoming increasingly difficult to drive down Edgevale Road due to parking being allowed on both sides of the street. As every house has a driveway is it possible to change parking to alternate sides.

Thank you for your time.

Judy Petrie
[REDACTED]

Kehler, Mark

From: SUSAN SHANNON [REDACTED]
Sent: May 23, 2019 7:46 AM
To: Kehler, Mark
Subject: 804-816 King St. W. Urban Solutions new build

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Mr. Kehler.

I live on Paradise Rd., North. I request that you follow the original city guidelines for this particular property: three stories and much more parking please. 13 parking spaces is unacceptable!
Thank you in advance for your assistance with this matter.

Susan Shannon
[REDACTED]

Kehler, Mark

From: Shawn [REDACTED]
Sent: May 21, 2019 7:01 AM
To: Kehler, Mark
Subject: Fwd: 804-816 King St W

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Kehler,

I meant to copy you on this email to Councillor Wilson.

Shawn

----- Forwarded message -----

From: Shawn [REDACTED]
Date: Tue, 21 May 2019 at 07:00
Subject: 804-816 King St W
To: <maureen.wilson@hamilton.ca>

Councillor Wilson,

I have recently become aware of a significant development at the end of my street. I have already been negatively affected by city variances permitting a neighbour's home to be increased in size beyond what is allowed without a variance.

This development at the corner of King St W and Paradise is not in keeping with what is allowed and a variance is being sought. The variance should not be permitted. Although this site is being touted as "Student Rental" with a dozen or so parking spaces there will undoubtedly be at least one motor vehicle associated with each unit.

One just has to drive near Westdale High School (Longwood Rd, Bond St, and other side streets) to see the prevalence of cars parked by students. Down near my residence there are some student rental properties and multiple cars. These "student" cars park on the street for days and sometimes weeks at a time, never moving as there is insufficient on-site parking at the rental house. This deprives the full-time residents of street parking for themselves and for visiting friends and family.

I am opposed to any variance for the property. If the builders/developers want to build something that meets the city zoning bylaw that is fine however a variance to what is permitted should not be allowed.

Thank you for your time.

Shawn O'Connor
[REDACTED]

Kehler, Mark

From: Joe McLaughlin [REDACTED]
Sent: May 19, 2019 10:34 AM
To: Wilson, Maureen; Kehler, Mark
Subject: 804-816 King St W

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Maureen and Mark,

I'm writing to you because I am opposed to the building of developments such as 804-816 King St W in Westdale that if built to the current plans will exceed the current height limit for buildings within Westdale. City council should enforce the current height limit. The proposed building would bring too many new residents into a small geographical area, increase traffic, bring too many cars into an area where parking is already limited and the safety of streets adjacent to the proposed project would be decreased due to increased traffic. Therefore the building should be limited to the current height limit of 3 storeys.

Kehler, Mark

From: Brendan McIntyre [REDACTED]
Sent: May 18, 2019 11:00 AM
To: Kehler, Mark
Subject: Concerns Regarding Variance at 804-816 King Street West, Hamilton

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mark,

As a concerned citizen of Hamilton, it has been brought to me attention that the Gateway Development Group plans to redevelop the land at 804-816 King St W and is seeking a variance to double the allowable building height from 3 to 6 stories.

This seems completely unacceptable in my opinion as it has does not fit the surrounding landscape and will completely change the character of this neighborhood. I request that this developer be hold to account and build, if they so choose, to the currently allowable height. If you are weighing in on this matter, I'd really appreciate making the voice of the community heard on this.

Sincerely,

Brendan McIntyre
[REDACTED]

Kehler, Mark

From: S Woodside [REDACTED]
Sent: May 12, 2019 10:57 PM
To: Kehler, Mark
Cc: Councillor Maureen Wilson
Subject: Comments regarding 804-816 King Street West
Attachments: signature.asc

Follow Up Flag: Follow up
Flag Status: Flagged

I have read the website and resource documents available at [804-816 King Street West](#). I am very impressed with the development proposal. The design and setbacks on the upper floors look like they will fit in well in the surrounding buildings and make a significant improvement to the street. My only concern would be if the developer tried to increase the height beyond 6 stories, any higher would not fit in well. I assume that the first floor along King St will be all retail, it was hard to find this information in the documents.

Overall I am very happy and look forward to this being built.

Simon Woodside
[REDACTED]

Susan Allen



May 12th , 2019

Mr. Mark Kehler
Planning & Economic Development Dept
City of Hamilton,
71 Main Street West, 5th Floor
Hamilton, On L8P 4Y5

Dear Mr. Kehler;

Re; Zoning By-law Amendment UHOPA-19-004, ZAC -19-009

I live at 802 King Street West and seen the changes and developments in our area and value our neighbourhood.

This correspondence is response to the meeting on March 27th, 2019 when Urban Solutions presented the proposal of with the Urban Solutions a six-story commercial/residential building at 804-816 King Street West and 13 parking places.

i am aware of the parking issues on Paradise and Glenn Roads with the many businesses, student and residential homes. I propose that a 30 unit building with only 13 parking spaces **will cause significant parking, safety and environmental issues for drivers and pedestrians.**

I consider that amending the ' Zoning By-law Amendment UHOPA-19-004, ZAC -19-009' is a major attempt by the Planning & Economic Development Department to impose a drastic change on the community zoning in our area **and a major concern for parking, safety for drivers and pedestrians. .**

In conclusion, I consider that the height of the building is another attempt to violate our building 802 King Street West as the 'Right to light' and will block sun and light to our building.

I would appreciate a response and of the date of the statutory meeting at the City of Hamilton.

Yours truly,

Susan Allen

Kehler, Mark

From: Ellis, Russ [REDACTED]
Sent: April 29, 2019 1:26 PM
To: Kehler, Mark
Subject: AINSLIE WOOD AND WESTDALE DEVELOPMENT COMMENTS

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I would like to provide my personal opinion concerning the proposed development at 804-816 King Street West (Westdale). As you know, Westdale is a planned community with shops, restaurants, a library, and the recently renovated Westdale theatre. I choose to live there for many reasons, and plan to retire in this neighbourhood.

The proposed 6-storey building for this location is too high for the current zoning. It will negatively impact the homes on the adjacent Glen Road, perhaps resulting in families moving away and replaced by negligent landlords of student homes. No one wants the proposed balconies looking into their backyards, and the patio area will just become a source of noise. A student residence in this area is just too intrusive for the existing homeowners in this area.

Of course, the long-term impact could be drastic as well. Allowing one contractor to circumvent the existing zoning will provide precedent for future developers to construct similar 6-storey (or taller) buildings. Eventually, Westdale will be transformed from a family-friendly community into a commercial student-centric zone, and will no longer be desirable for retirees or new families.

Please consider your decision to not allow this project to move forward in its current form.

Regards,
Russ Ellis

Russ Ellis, MSc



Kehler, Mark

From: Dr. John Attridge [REDACTED]
Sent: April 26, 2019 6:01 PM
To: alindsay@urbansolutions.info
Cc: Stehanie.Hilson@hamilton.ca; McKie, Shannon; Kehler, Mark; mjohnston@urbansolutions.info; charles.wah@gatewaygroup.ca
Subject: parking concerns re development at Paradise and King W.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam,

My optometric practice at 846 King St. W. is just around the corner from your proposed development. At the present time it is quite difficult for me and my staff to find day-long parking spaces within two blocks of the office. If the proposed development goes ahead as planned, there will be even less parking within a reasonable distance of the office – a situation which is both annoying and inconvenient. Our patients will also be affected, especially those who have difficulty walking. Being a senior myself, many of my patients are also seniors.

Kindly consider a smaller building that would provide underground parking for every unit in the development.

Yours truly,

John G. Attridge O. D.

Kehler, Mark

From: Ellis, Linda [REDACTED]
Sent: April 29, 2019 10:08 AM
To: Kehler, Mark
Subject: 804-816 King Street West

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mark,

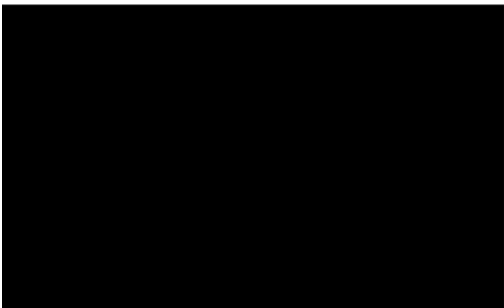
To have a 6 story building on this piece of property is completely unrealistic. A 6 story building doesn't fit with the current surrounding landscape. If this is approved then there is nothing to stop all the existing 3 story buildings to be turned into 6 story buildings in the future. Our Westdale/Ainslie Wood neighbourhoods fought hard to bring in the Monster Home bylaw and this is no different than a Monster Home build.

This building cannot be more than what it's currently zoned for, which is 3 stories. Remove the commercial space currently on the first floor and turn that first floor into rental units. There is not enough parking for commercial space (either for the workers or customers) along with resident parking. I am tired of coming home to no parking on my street as student's park on my street and then take the bus to McMaster. This will only become worse with this proposed building.

A huge concern for me was the fact that the company presenting the plans have balconies and a fifth floor outdoor patio area. This is student housing! The noise from the balconies and terraces would be a huge issue.

The residents in this area overwhelmingly do not want this 6 story monster condo built on that piece of property but it also seemed that the residents were not completely opposed to this build as long as it's kept to 3 stories.

Linda Ellis



Kehler, Mark

From: Roy conway [REDACTED]
Sent: February 24, 2019 3:10 PM
To: Kehler, Mark; Ward 1 Office; Roy conway
Cc: McKie, Shannon
Subject: Zoning By-Law Amendment (File No. ZAC-19-009) and Official Plan Amendment Application (UHOPA-19-004)
Attachments: 804-816 King Street West 1.pdf; Public Notice.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Good day Mr. M. Kehler and Councillor-Elect Maureen Wilson

I'm writing to you regarding the Zoning By-Law Amendment (File No. ZAC-19-009) and Official Plan Amendment Application (UHOPA-19-004) for 804-816 King Street West. Please see our concerns attached, to be included with the public records about the proposed amendments.

Also, can someone advise me how the Public Notice posted at the corner of King Street West and Paradise Road North be considered serving public notice? It is facing in the opposite direction to the main flow of westbound King Street West traffic; Eastbound traffic is too busy going around the corner onto Paradise Road South to take notice and it is out of perception to anyone making the right hand turn onto Paradise Road North. See Pictures attached.

I will drop off a hard copy Monday morning, February 25, 2019.

Regards
Roy Conway
[REDACTED]

Appendix "F" to Report PED21025
Page 53 of 87

LETTER TO COUNCIL

LETTER TO RESIDENTS
File:UHOPA-19-004
ZAC-19-009

PLANNUNG JUSTIFICATION REPORT

TO AMEND ZONING BY-LAW NO.05-200

ZONING BY-LAW NO.05-200
SECTION 3: DEFINITIONS

ZONING BY-LAW NO.05-200
SECTION 5: PARKING

ZONING BY-LAW NO.05-200
COMMERCIAL AND MIXED USE ZONES

ZONING BY-LAW NO.05-200
Schedule "C": SPECIAL EXCEPTIONS

SHADOW MAPPING FROM PROPOSED BUILD
AT 804-816 KING STREET WEST

WILLIAM THOMAS STUDENT RESIDENCE
PARKING STUDY

HSR FARES

CBC REPORT ON PARKING SPACES

Good day Ladies and Gentlemen of Hamilton's City Council

With respect to the application for variances and the submitted plans for the proposed mix-use development at 804-816 King Street West in the City of Hamilton, Ontario. Files: UHOPA-19-004, ZAC-19-009; we have several concerns about the scope of the proposed structure and information provided.

The proposed 19.6 meter building height and because the building transverses the full length of the building lots in question, allowing the construction at 804-816 King Street West would impede the sun's path and rob the neighbours to the north, northeast (the homes along the east side of Paradise Street North and the south side of Glen Road) of direct sunshine for an unacceptable amount of time during the cooler months of October through February (see section 9). The planning board and City Council restricted the height on these (C6), (C5) and (C5a) zones under SCHEDULE "C": SPECIAL EXCEPTIONS clause 570 to "Notwithstanding Subsections 10.6.3 d), 10.5.3 d) ii) and iii) and 10.5a.3 d) ii) and iii), a maximum building height of 11.0 meters for C6, C5 and a maximum building height of 9.0 meters for C5a". This special exception was implemented so new structures would complement the existing surrounding buildings and stable low density residential neighbourhoods. By approving the proposed plan and variances, the City would set precedence that would compromise the surrounding lands within these special zones, while affecting property values in the area. Also by not maintaining the 7.5 meter minimum interior rear/side yard setback and exceeding the 11 meter height allowance the structure becomes intrusive to the properties to the North.

Concerning Section 2.

Subsection 2.2 "Required Approvals". The proposed zoning By-Law amendment from C5-570 "Mixed Use and Medium Density Zone" to C5 Zone under By-Law 05-200 "Commercial and Mixed Use Zones" June 2018, the planning division does not permit for Dwelling Units in conjunction with a Commercial Use for Mixed Use – Medium Density (C5) Zoning. (See section 7 page 20 "Dwelling Units in conjunction with a Commercial Use"). Also, the proposed building at 804-816 King Street West by definition in By-Law No. 05-200 is a "Lodging House" (see section 5).

Proceeding to Sections 3.

Subsection 3.2 "Record of Site Conditions". Although soil samples were taken from the existing parking lot amenity of 804-816 King Street West, the report does not indicate samples were taken from under or around the front south-east lot line of the existing building structures that will be demolished for the proposed build. The soil samples that were taken from the parking lot furthest from 801-803 King Street West showed extremely high levels of contamination present as indicated in the Record of Site Condition Report Number 222828. Should the soil under these buildings not be subjected to the same tests given the very close proximity to the grossly contaminated 801-803 King Street West & 80, 86 and 90 Carling Street lands?

Subsection 3.5 "Parking Analysis". The current City of Hamilton Zoning By-Law No. 05-200 clearly defines this type of building as a "Lodging House" by definition and NOT a "Residential Use Dwelling Unit" as suggested by Urban Solutions Planning & Land Development Consultants Inc., and as such By-Law No. 05-200 - SECTION 5: PARKING Regulations and (NOT FINAL AND BINDING) By-Law No. 17-240, November 8, 2017) stipulates that a "Lodging House" must have "1 (parking) for each 3 persons accommodated or designed for accommodation". The proposed

accommodation design consists of 112 beds which would equate to a minimum total of 38 required parking spots. Additionally the proposed 2.80 meter by 5.80 meter parking space is not feasible for this design of parking structure. There are columns between every two cars parked that have less than the minimum 0.3 meter required clearance and all parking spots are at 90° to the driveway. We are also driving larger vehicles as indicated by CBC News, posted: May 01, 2017 (See section 12).

There are four student residences in this area, and observation indicates that students who live off campus tend to have personal vehicles. We live in a society that has demonstrated the need for personal transportation. I will agree that students tend to use public transportation to and from their campus as it's cheaper than parking on site (see section 11 for HSR and Parking rates) and most fairs are included within the tuition, as a result they leave their vehicle parked for days. There are several students that live elsewhere that have parked on Glen Road and Paradise Road North and take the HSR to classes for this same reason.

Regarding the recent precedents mentioned in the "Planning Justification Report" under "3.5 Parking Analysis".

46-52 James Street North – William Thomas Residence. This location is not a reasonable comparison to the build proposed at 804-816 King Street West as it is located in the down town core and has private and municipal parking available for any overflow, all within an acceptable walking distance. (See section 10).

925 Main Street West and 150 Longwood Road South – Columbia International College Students Residence. This is not a valid comparison to the build proposed at 804-816 King Street West. Columbia International College Students Residence is designed for students from abroad to prepare for further education. It is a "Boarding School" that has a multitude of facilities designed for student comfort; including but not limited to food services open 365 days a year, work out facilities, study halls, gym, sports fields, shopping and housekeeping. This site is within 300 meters from Columbia International College and has the available resources to expand parking if necessary.

There are no paid public or private parking lots in the area of 804-816 King Street West. Parking is at a premium in this location because of the free street parking within various residential areas of the neighbourhood with easy access to public transportation. The Food Basics Store located at 845 King Street West has put up signage that the parking is for shoppers only. Glen Road between Paradise Road North and Longwood Road North has implemented permit parking for this reason.

The Proposed "CITY OF HAMILTON BY-LAW NO-___ To Amend Zoning By-law No. 05-200, Respecting Lands Located at 804 and 816 King Street West, in the City of Hamilton" has some troublesome statements. The front of the building would be along King Street West therefore the Min. Rear Yard dimensional layout "2. c." does not correspond with the "CONCEPT PLAN" drawing dimensional layout. This is also true for "2. d." the east side yard that is abutting Kingsway Apartments, 802 King Street West (see section 4).

Lastly, we do not see any means implemented for trash disposal, nor any mention of recycling options in place. The proposed structure would appear to have one main entrance facing King Street West from the lobby and five auxiliary entrances along the rear north side. The proposed parking plan doesn't allow a dumpster to exit the building without compromising one of the parking space. Is there

CITY OF HAMILTON

BY-LAW NO - ____

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 804 and 816 King Street West, in the City of Hamilton

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the *City of Hamilton Act*, 1999, S.O. 1999 Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ____ of Report 19-____ of the Planning Committee at its meeting held on the ____ day of _____, 2019, which recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon final approval of Official Plan Amendment No. ____, approved by the Minister under the *Planning Act* on March 16, 2011;

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

1. That Map No. ____ of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 is amended by changing from the Mixed Use – Medium Density (C5, 57) Zone, to the Mixed Use – Medium Density (C5, ____) Zone, on the lands described in Schedule "A";
2. That Schedule "C" – Special Exceptions of Zoning By-law No. 05-200, as amended, is hereby further amended by adding the following:
 - ____ Within the lands zoned Mixed Use Medium Density (C5, ____) Zone, identified on Map No. ____ of Schedule "A" and described as 804 and 816 King Street West, the following additional special provisions shall apply:
 - a. Notwithstanding Section 5.2 b) i), parking space sizes shall be minimum 2.8 metres in width and 5.8 metres in length.
 - b. Notwithstanding Section 5.6 c), 0.4 parking spaces per dwelling unit shall be provided and maintained for a multiple dwelling.
 - c. Notwithstanding Section 10.5.3 b), a minimum rear yard of 3.0 metres shall be provided and maintained from the base of the building to the top of the 4th floor, and a minimum rear yard of 6.5 metres shall be provided and maintained from the bottom of the 5th floor to the top of the 6th floor.

- d. In addition to Section 10.5.3 c), a minimum interior side yard of 1.0 metre shall be provided and maintained for the first 16.31 metres of the lot from the front property line.
- e. Notwithstanding Section 10.5.3 i), where a property line abuts a property line within a Residential Zone, a minimum 1.0 metre wide Planting Strip shall be provided and maintained.

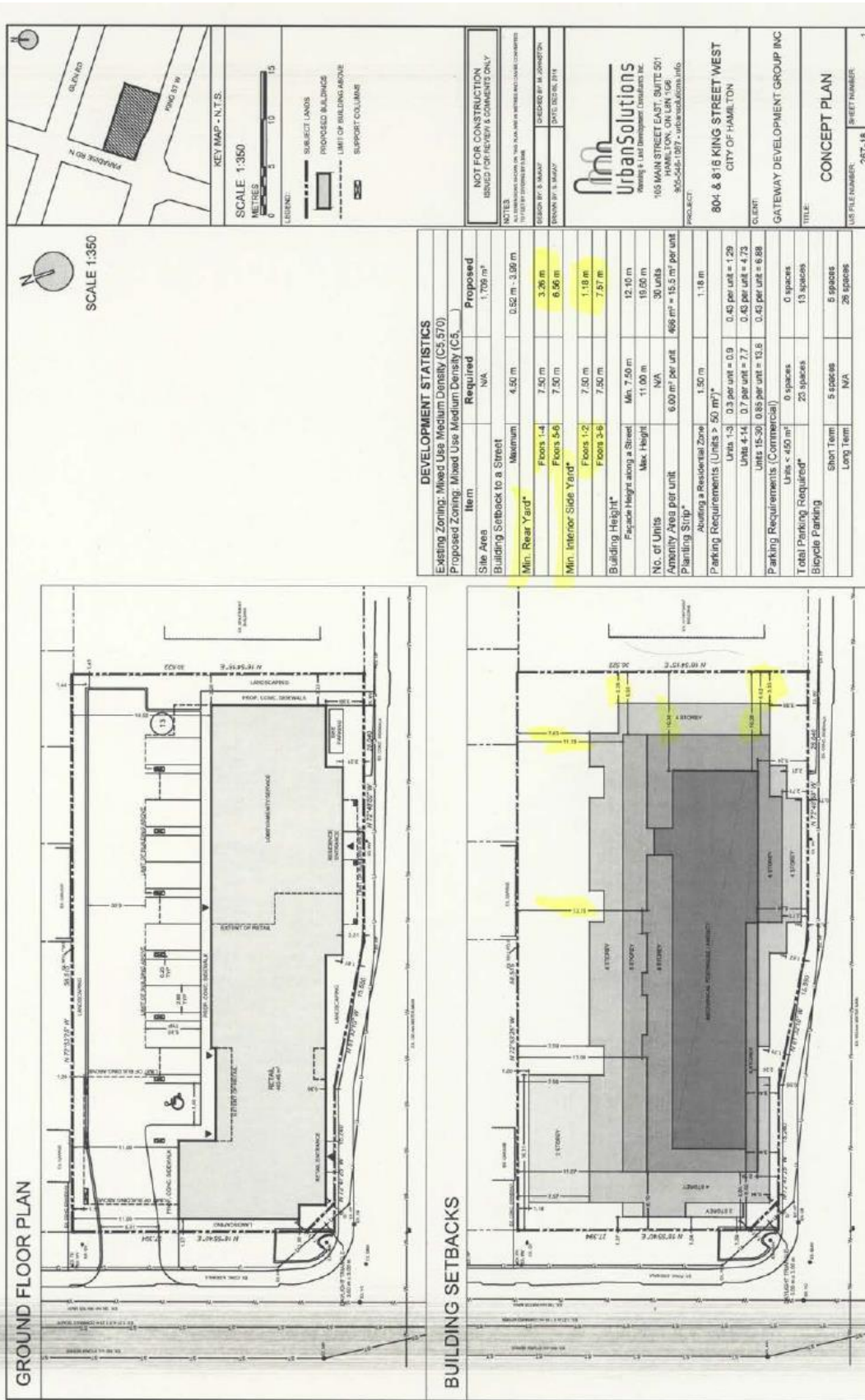
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law, in accordance with the *Planning Act*.

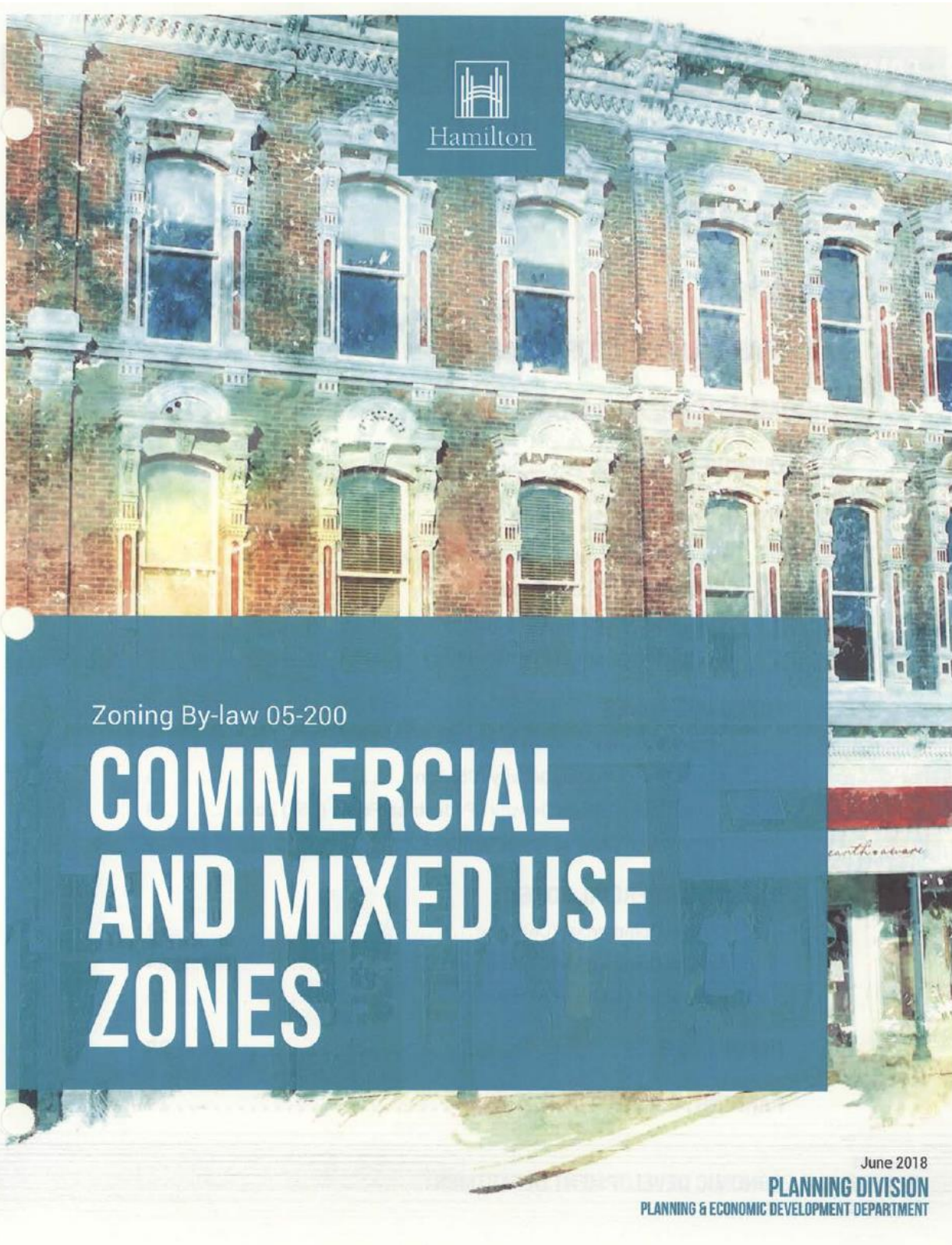
PASSED this ____ day of _____, 2019.

Mayor

Clerk

ZAC-18-____





Zoning By-law 05-200

COMMERCIAL AND MIXED USE ZONES

June 2018

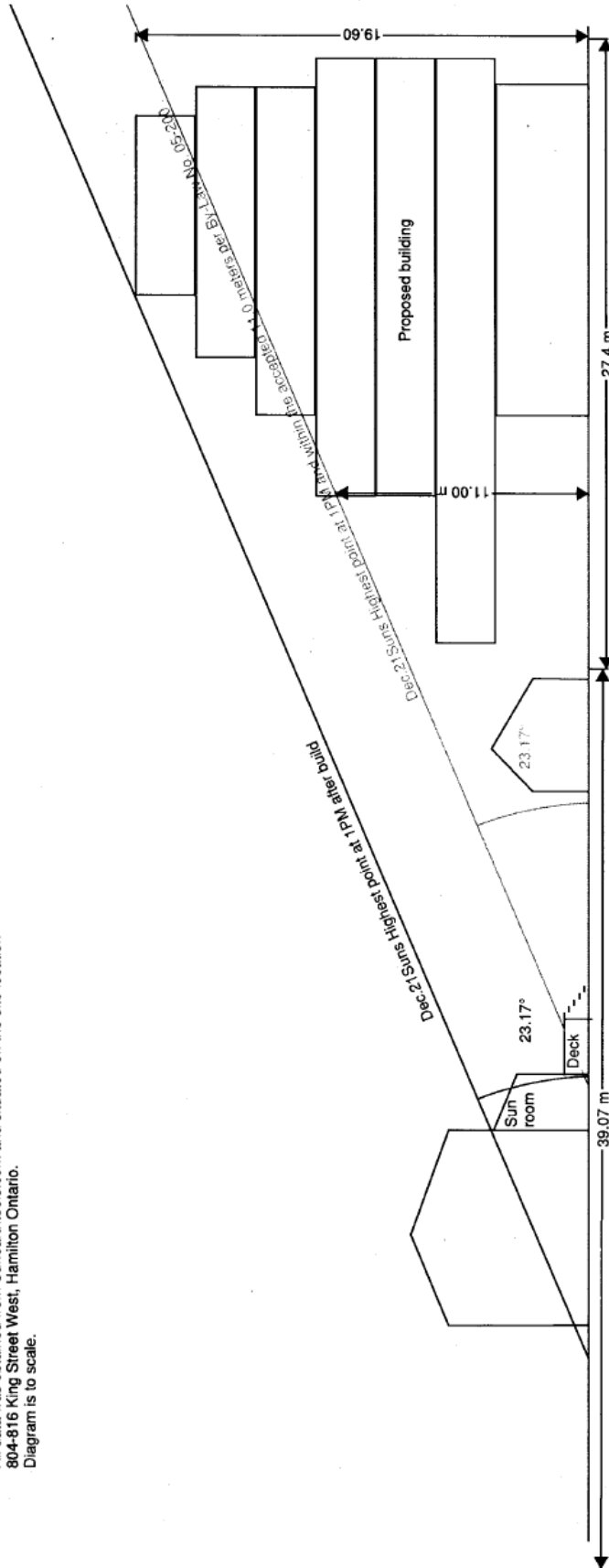
PLANNING DIVISION
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

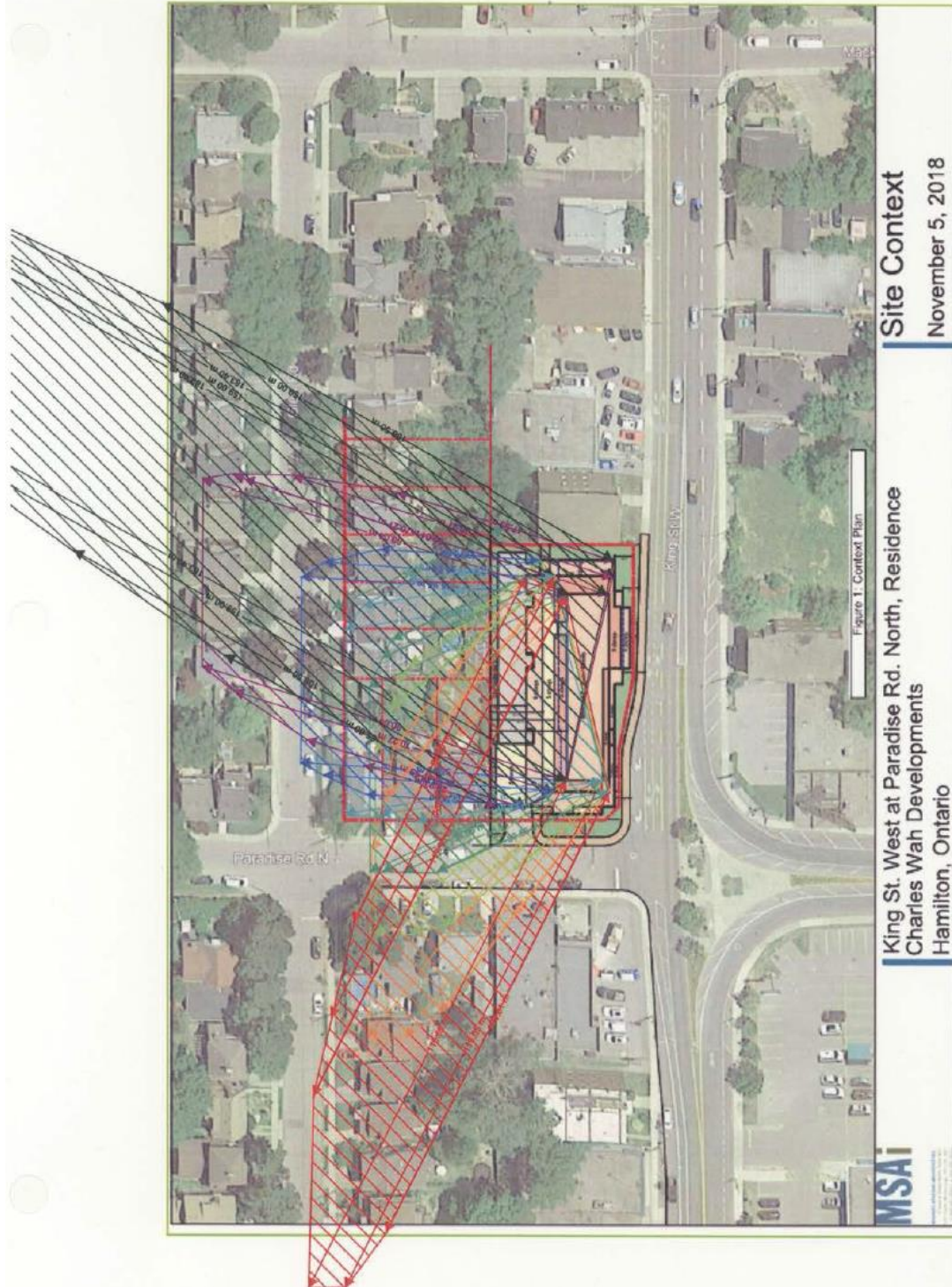
COMMERCIAL AND MIXED USE ZONES

	MIXED USE - HIGH DENSITY (C4) ZONE	MIXED USE - MEDIUM DENSITY (C5) ZONE	MIXED USE - MEDIUM DENSITY - PEDESTRIAN FOCUS (C5a) ZONE
COMMERCIAL USES			
Tradesperson's Shop		✓	
Transportation Depot	✓	✓	
Urban Farm			
Urban Farmer's Market	✓	✓	✓
Veterinary Service	✓	✓	✓
RESIDENTIAL USES			
Dwelling Unit(s)	✓	✓	
Dwelling Units in conjunction with a Commercial Use			✓*
Emergency Shelter	✓	✓	
Lodging House	✓	✓	
Multiple Dwelling	✓	✓	
Residential Care Facility	✓	✓	
Retirement Home	✓	✓	
INSTITUTIONAL USES			
Place of Worship	✓	✓	✓*
Social Services Establishment	✓	✓	✓
Day Nursery	✓	✓	✓

*Location of Use within Building Restricted

Sun at its highest point on December 21 at 19.60 meters.
Sun at its highest point on December 21 at 11.00 meters.
All data was obtained from Sunearthtools.com and situated on the site location
804-816 King Street West, Hamilton Ontario.
Diagram is to scale.





Hamilton looks at making parking spaces bigger to accommodate our large vehicles



Samantha Craggs · CBC News · Posted: May 01, 2017 2:44 PM ET | Last Updated: May 1, 2017



People are driving more trucks, SUVs and large vehicles, city planning staff say. So the city should make its parking spaces larger to accommodate them. (Submitted photo)

Hamiltonians are driving bigger vehicles, including more trucks and SUVs, city planning staff say. And they are proposing the city make its parking spaces bigger to accommodate them.

A city planning memo recommends increasing parking stall sizes and implementing minimum widths for driving aisles. The proposed changes would impact new commercial, industrial and multi-residential developments throughout the city.

Right now, parking spaces vary depending on which area of Hamilton you're in. Sizes range from 2.6 metres wide by 5.5 metres long in Ancaster, to 2.7 metres by six metres in Stoney Creek.

There is a "general trend" toward larger vehicles, trucks and SUVs, says the memo, which planner Madeleine Giroux wrote. Look at the top 12 most purchased vehicles in 2016, she says, that leads to more scratches, dents, damaged doors and minor collisions when people try to park.

The Ford F-150, for example, is 2.46 metres wide by 6.19 metres long. The Dodge Ram, Honda Civic, Dodge Grand Caravan and GMC Sierra aren't much smaller. The smallest vehicle in the top 12 is the Toyota Corolla at 1.78 metres wide, not including side mirrors.

On May 16, city council's planning committee will debate whether to make parking spaces at least three by 5.8 metres. If approved, the change will be incorporated into new commercial and mixed use zoning in June.

"Staff find that most vehicles can be comfortably accommodated within a parking stall width of three metres," Giroux says in the memo.

The issue dates back to 2015, when councillors asked staff to look into making parking spaces bigger. Sizes are the same as they were in each municipality pre-amalgamation in 2000, which is why they vary across Hamilton.

As for minimum drive aisle sizes, staff recommend anywhere from 3.7 to six metres wide depending on the angle of the parking spaces.


City staff is also looking at new rules around how many visitor parking spaces are required at townhouses and apartment buildings.

samantha.craggs@cbc.ca | [@SamCraggsCBC](https://twitter.com/SamCraggsCBC)

Parking spaces sizes

- Old City of Hamilton (downtown, institutional and industrial): 2.6 wide by 5.5 long.
- The rest of the old City of Hamilton: 2.7 by 6.
- Stoney Creek: 2.75 wide by 5.8 long.





20 February 2019

Mr. Mark Kehler
Planning & Economic Development Dept.
City of Hamilton
71 Main Street West, 5th Floor
Hamilton ON L8P 4Y5

Dear Mr. Kehler,

Re: Zoning By-Law Amendment UHOPA-19-004, ZAC-19-009

Regarding the proposed erection of a six-storey commercial/residential building at 804-816 King Street West, I wish to make the following points:

- (1) The current plan proposes a building with 30 residential units, plus substantial commercial space, but with only 13 parking spaces.

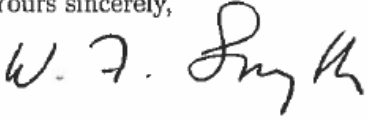
Our neighbourhood has for years suffered from a severe shortage of street parking. My building, next door to the proposed development, has eight apartmentss but only one off-street parking space. It is already very difficult for our residents to find parking on the side streets in the neighbourhood: the introduction of the new building will certainly greatly exacerbate this problem — not only because of the shortfall in resident parking facilities, but also due to the requirement to provide parking for customers of the commercial enterprises.

Unquestionably, the proposed new building should provide sufficient associated parking to accommodate *all* of the additional residential and commercial requirements that they introduce into our neighbourhood.

- (2) The proposed six-storey height of the building is excessive. There are currently no buildings of this size in the Westdale area along King Street West. Such a building would grealy change the character of a comfortable traditional neighbourhood. We register our alarm that the city's "Planning & Economic Development Department" should be attempting to impose on our neighbourhood such an unwanted disruption. For a century, Westdale has been a tranquil, pleasant enclave in which ordinary people can live and raise families — why is the Hamilton bureaucracy trying to force change on what works and what has worked for a hundred years? There is nothing in your "Notice" that answers this question.
- (3) Finally, it appears that the new building would inevitably violate the "right to light" of the residents on the west side of our well-established building by blocking their windows' access to the sun.

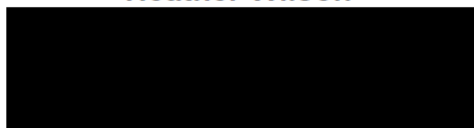
I look forward to your careful consideration of the points raised above.

Yours sincerely,

A handwritten signature in black ink, appearing to read "W. F. Smyth". The signature is written in a cursive style with a large, looped initial "S".

(Prof.) W. F. Smyth

Heather Wilson



April 2nd, 2019

Mr. Mark Kehler
Planning & Economic Development Dept
City of Hamilton,
71 Main Street West, 5th Floor
Hamilton, On L8P 4Y5

Dear Mr. Kehler;

Re; Zoning By-law Amendment UHOPA-19-004, ZAC -19-009

This correspondence is response to the meeting on March 27th, 2019 when Urban Solutions presented the proposal of with the Urban Solutions a six-story commercial/residential building at 804-816 King Street West and 13 parking places.

I live at 802 King Street West and seen the changes and developments in our area and value our neighbourhood.

i am aware of the parking issues on Paradise and Glenn Roads with the many businesses, student and residential homes. I propose that a 30 unit building with only 13 parking spaces will cause significant parking, safety and environmental issues.

I consider that amending the ' Zoning By-law Amendment UHOPA-19-004, ZAC -19-009' is a major attempt by the Planning & Economic Development Department to impose a drastic change on the community zoning in our area and a major concern for parking and safety . .

In conclusion, I consider that the height of the building is another attempt to violate our building 802 King Street West as the 'Right to light' and will block sun and light to our building.

I would appreciate a response and of the date of the statutory meeting at the City of Hamilton.

Yours truly,

Heather Wilson

Kehler, Mark

From: Steve McNiven-Scott [REDACTED]
Sent: April 2, 2019 5:00 PM
To: Kehler, Mark
Subject: [SUSPICIOUS MESSAGE] Re: King & Paradise

Follow Up Flag: Follow up
Flag Status: Flagged

Please thanks, we need to keep some student-free zones somewhere... And those poor people with like \$100k in solar right behind it.

Steve Scott
[REDACTED]

On Tue., Apr. 2, 2019, 4:57 p.m. Kehler, Mark, <Mark.Kehler@hamilton.ca> wrote:

Hi Steve,

This application is currently being reviewed by staff and a decision has not been made by City Council.

If you have concerns you would like considered by staff and Council, you can forward them to me.

Also, if you provide your mailing address I can add you to the list of residents to be informed of the statutory public meeting.

If you have any further questions, please let me know.

Mark Kehler

Planner II

Development Planning, Heritage and Design, Urban Team

Planning Division

Planning and Economic Development Department

City of Hamilton

71 Main Street West, 5th floor

Hamilton, ON

L8P 4Y5

t. 905.546.2424 ext. 4148

f. 905.546.4202

e. mark.kehler@hamilton.ca

From: Steve McNiven-Scott [REDACTED]
Sent: March-27-19 12:30 PM
To: Kehler, Mark
Subject: King & Paradise

Hi Mark, I got your email from: [BLOCKEDkingandparadise\[.\]urbanshare\[.\]info/contact-us/BLOCKED](#)

So at this point how hosed are we (families in that neighborhood). Is this defiantly going forward regardless, or could it still be prevented? We're lucky north of king to be free from the student ghettos, it'd be a shame to ruin the entire area... THIRTY units is an insane amount of students!

Is it possible that everything behind it could be zoned so nothing could become student rentals?

Steve

Kehler, Mark

From: Peter Morin [REDACTED]
Sent: March 28, 2019 1:55 PM
To: Kehler, Mark
Subject: 804 -816 Kibg St. W Public Meeting Re: Zoning Changes

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Mark:

I would like to thank you and your colleague for coming out to Urban Solutions Public Meeting last night. While I assume that it was all very routine for you, I found the proposed density changes to be quite alarming, considering the development will back onto single family homes on Paradise, and Glenn Road and the height and number of stories will approximately double that allowed by current zoning.

Please add my name to the list of email notifications regarding this project, as I live in the area, but not in the immediate area. My address is [REDACTED] I would appreciate any more information available about the meeting on April 11 as I would like to attend. I did go to the project website provided by Urban Solutions, under the tab "Project Updates" but the information was curiously absent.

They did manage, as of this morning, to update the website to include last night's meeting, so it is odd that they could not announce the April meeting in a timely manner.

Also I would be interested in getting a summary of the comments from last night. There seemed to be considerable opposition to the project, and only two supporters. It would be unfortunate if the information from last night did not make its way to City Hall in a timely manner.

Thank you in advance for your time and support, Peter Morin

Kehler, Mark

From: Prior, Todd [REDACTED]
Sent: March 28, 2019 4:12 PM
To: Kehler, Mark; mjohnston@urbansolutions.info
Subject: FW: Thanks for the news letter....

Follow Up Flag: Follow up
Flag Status: Flagged

Mark/Matt

As suggested I am forwarding my email thread with Stephanie. I was wonder why we are always looking for student based housing solutions ...beyond perhaps profit models...not my area. Why not something for Seniors to provide spaces for them in a community with such great links to transportation and services. This might also provide some diversity and balance to the neighborhood. If not this then any solution that does not further enhance student density in these surrounding neighbourhood that are already well past the tipping point would be welcomed.

Thanks Stephanie,

I appreciate the follow-up....It's funny I work for the Dean of Science and I keep hearing that enrollment is now capped going forward due to current funding models from the gov't....Yet there seems to be a massive need for student housing?? Seems a bit at odds. I will forward my comments as you suggest. I like many others are not against the students. I work with them everyday and I enjoy having them in the neighborhood...to a point. I do miss the strength and character that is provided by a diverse population of residents thought....I think this should be protected in all Hamilton neighbourhoods to keep the city thriving and inclusive...

Thanks again

Todd

From: Ward 1 Office <ward1@hamilton.ca>
Sent: March 28, 2019 3:00 PM
To: Ward 1 Office <ward1@hamilton.ca>; Prior, Todd [REDACTED]
Cc: contact@awwca.ca
Subject: RE: Thanks for the news letter....

Sorry about that. I was a little quick on the enter key.

Last night we attended a public meeting for another purpose built student building. The residents shared similar ideas with the developer.

I am going to share your thoughts with Maureen and I would encourage to send your comments to the both the developer and to the city planner who will review the file.

City Planner, Mark Kehler mark.kehler@hamilton.ca
 Developer representative, Matt Johnston mjohnston@urbansolutions.info

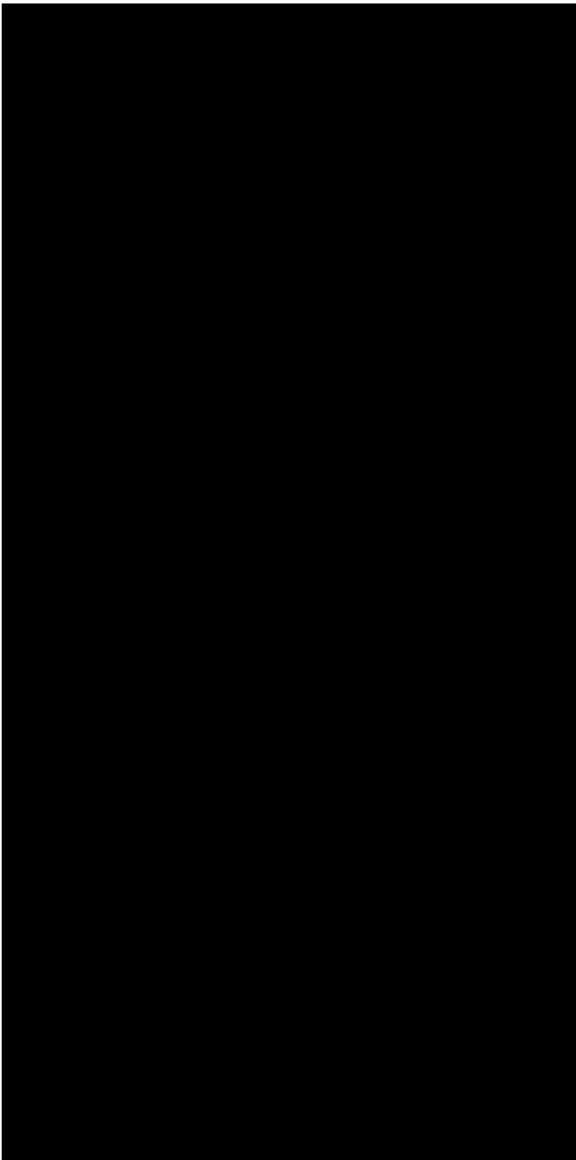
Hi Maureen,

Thanks for the newsletter. Great resource for us. Thanks for attending the meeting a few weeks back at Binkley United re the project proposed adjacent to West Park. I was wondering with all the construction for Student residences would it not be wise to look at supporting some diversity in the community. Why do we never look to build properties for seniors. The location in the West end is particular great with access to transportation and groceries etc.... I just think we are on this runaway path to support more and more student housing and the neighborhood is getting overwhelmed when we could be acting to promote balance...

Just a thought.

Todd

Todd Prior, Lab Manager



Kehler, Mark

From: Hilson, Stephanie
Sent: April 1, 2019 9:22 AM
To: Kehler, Mark
Subject: FW: Last night's meeting Paradise Rd N and King St. W

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mark,

Ms. Ellis has asked us to pass her comments on to you.

Best regards,

Stephanie Hilson

She/Her

Community Engagement & Strategic Initiatives Advisor

Ward 1 | Ainslie Wood | Kirkendall | Strathcona | Westdale

E: stephanie.hilson@hamilton.ca | T: 905-546-4528

On Mar 28, 2019, at 2:33 PM, Ellis, Linda [REDACTED] wrote:

Dear Maureen,

It's unfortunate you were not able to attend last night's meeting regarding the proposed 6 story purpose built student housing at Paradise and King St. West. I sincerely hope that you have no plans on supporting the change of the current zoning restrictions from 3 stories to 6 stories. To have a 6 story building on this piece of property is completely unrealistic. The families living on Paradise North and then Glen Road will have absolutely no privacy in their own backyards. A 6 story building doesn't fit with the current surrounding landscape. If this is approved then there is nothing to stop all the existing 3 story buildings to be turned into 6 story buildings in the future. Our Westdale/Ainslie Wood neighbourhoods fought hard to bring in the Monster Home bylaw and this is no different than a Monster Home build.

This building cannot be more than what it's currently zoned for, which is 3 stories. Remove the commercial space currently on the first floor and turn that first floor into rental units. There is not enough parking for commercial space (either for the workers or customers) along with resident parking. I am tired of coming home to no parking on my street as student's park on my street and then

take the bus to McMaster. This will only become worse with this proposed building.

A huge concern for me was the fact that the company presenting the plans last night seem to have no idea why there shouldn't be balconies and a fifth floor outdoor patio area. This is student housing! The noise from the balconies and terraces would be a huge issue.

Why is this small piece of land in Westdale in a residential area even being sought for student housing? What we need are condos for seniors. Student housing should be built on Main Street and out of a Westdale neighbourhood.

I was reluctant to vote for you when your platform stated nothing about student housing issues. I wrote to you and you responded assuring me this was part of your focus in Ward 1. The residents in this area overwhelmingly do not want this 6 story monster condo built on that piece of property but it also seemed that the residents were not completely opposed to this build as long as it's kept to 3 stories. I plan on fighting for the reduction of 3 floors and keeping the existing zoning bylaw along with the rest of my neighbours. I really hope you plan on fighting for what we, your constituency, want.

Linda Ellis



Kehler, Mark

From: Stranak, Cindy
Sent: April 1, 2019 11:01 AM
To: Kehler, Mark
Subject: FW: King & Paradise proposed development

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mark,

Hope you are well. Would you kindly include the comment below in your file? Thank you.

Warm regards,
Cindy Stranak

She/Her
 Ward 1 Constituency Assistant
 Ainslie Wood | Kirkendall | Strathcona | Westdale
 E: cindy.stranak@hamilton.ca | T: 905-546-2226

From: jay burgess
Sent: March 31, 2019 6:15 PM
To: Ward 1 Office
Subject: King & Paradise proposed development

Hello Councillor Wilson:

I was sorry that you were not able to attend last week's important community meeting to hear your constituents' concerns regarding the 804-816 King St W development. I live on Dufferin Street, not far from the proposed development. There were many important points raised at the meeting and I wish to echo the following concerns:

- I support the policy of infill development and I am not opposed to a residential building on this corner, provided it abides by the existing 3-storey limit.
 - the proposed height and density are unacceptable and out of character with the existing neighbourhood, and will adversely impact the neighbourhood in the many ways discussed at the meeting. If the existing Plan states 3-storeys, this development should not be exempt.
 - There should be adequate parking for each unit and no units built in excess of parking availability.
- I know from experience what it is like to have a new infill development rob you of the sunlight in your backyard. That's why our family moved to Westdale. I don't believe residents should have their quality of life compromised so drastically to accommodate an infill project.
- if this height (6 storeys) and density (112 students) is approved, it will most certainly lead to additional similar developments, creating a high rise corridor along King West, changing the character of the existing neighbourhood. I am also worried about a "bait and switch" technique - that this meeting was just a tactic that will ultimately lead to an even taller

building, in the same way the proposed Main Street West development has morphed into an 18-storey tower.

-We have two children who are university students; we have a good opinion of students and appreciate the ways they enhance the neighbourhood. We are also realistic about the difficulties they sometimes bring when living in student houses and wish for McMaster to be pressured to take responsibility for housing their students - especially vulnerable first year students - on campus. They should - and can - do more.

-creating a 3 storey building with the main floor used for residential rather than retail space would be a better scale and density for the neighbourhood.


-there is a huge need for the development of housing to allow seniors to age in place and to remain in this beautiful neighbourhood. Please convince the developer that a seniors' development would be as, or more lucrative and desirable, for this neighbourhood.

Please keep me informed of the next public meeting regarding this development. I have no illusions about how this process will likely unfold. It would be so refreshing if the local community could work alongside our councillor and the developer to reach a compromise that is truly beneficial for all stakeholders.

Thank you



Joan R. Lumsden



February 27th, 2019.

Mr. Mark Kehler
Planning & Economic Development Dept
City of Hamilton,
71 Main Street West, 5th Floor
Hamilton, On L8p 4Y5

Dear Mr. Kehler: **Re; Zoning By-law Amendment UHOPA-19-004, ZAC -19-009**

This correspondence is in reference to the proposed building of a six-story commercial/residential building at 804-816 King Street West re; **Parking, Building height and 'Right to Light'**.

The plan proposes a building with 30 Residential units, commercial space and **only 13 parking spaces**.

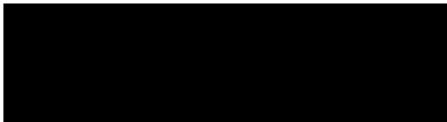
It has been my experience that parking on Paradise and Glenn Roads has been minimal and difficult considering the multiple student/ residential housing and commercial businesses. The consideration of a new 30 unit building with such limited parking of 13 parking spaces will certainly create added and significant problems with the potential of further aggravation and safety concerns in the neighbourhood for vehicular, bicycles and pedestrians.

The proposed six-story building height is significant and it is my understanding that the additional 3 storeys is more than any building in Westdale or along King Street. I wish to express that this proposed plan is a major attempt by the Planning & Economic Development Department to impose a drastic change on the community zoning and/or historical bylaws. Westdale has been identified and valued for its community sense with families integrated with residential, commercial and educational settings. Westdale has maintained this uniqueness over the years and I am totally against this attempt to challenge and change this community with the amendment to the zoning By-Law UHOPA-19-004M ZAC-19-009.

Additionally, the height of the building is a significant violation of the 'Right to light'. As an owner of unit 7, at 802 King Street this building would violate the right to light on the west side of the building by blocking the windows access to light and sun. Again, I am totally against the proposed six story building.

I look forward to a response and of the date of the hearing.

Yours truly,
Joan R. Lumsden

The MacFarlanes


February 26th, 2019.

Mr. Mark Kehler
Planning & Economic Development Dept
City of Hamilton,
71 Main Street West, 5th Floor
Hamilton, On L8P 4Y5

Dear Mr. Kehler;

Re; Zoning By-law Amendment UHOPA-19-004, ZAC -19-009

This correspondence is regarding the proposed six-story commercial/residential building at 804-816 King Street West and 13 parking places.

We have lived at 802 King Street West over the past 20 years and seen the changes and developments in our area and value our neighbourhood.

We are aware of the parking issues on Paradise and Glenn Roads with the many student and residential homes and businesses. We see that a 30 unit building with only 13 parking spaces will cause additional problems to our neighbourhood and cause increased safety and parking issues.

We understand that six-story buildings are not in this area. We consider that amending the 'Zoning By-law Amendment UHOPA-19-004, ZAC -19-009' is a major attempt by the Planning & Economic Development Department to impose a drastic change on the community zoning in our area.

In conclusion, we propose that the height of the building is another attempt to violate our building 802 King Street West as the 'Right to light' and will block sun and light to our building.

We would appreciate a response and of the date of the hearing.

Yours truly,

Donald MacFarlane Margaret MacFarlane .

Kehler, Mark

From: Mercier, Michael [REDACTED]
Sent: February 22, 2019 11:16 AM
To: Kehler, Mark
Subject: UHOPA-19-004 and ZAC-19-009

Follow Up Flag: Follow up
Flag Status: Flagged

Mark,

I received in the mail a notice regarding a request for input regarding a proposed development on the properties of 804-816 King St. West, and I'm just curious if you have any further information about this project that you could provide – I live on Dufferin St. I'm a little concerned about the scale of the increased density at the site, but recognize that increasing density along King St is generally desired. I am also a little concerned about the lack of parking allocated to the development, as there is already a significant shortage of parking in the immediate neighbourhood. Do you have the developers plans for the site that you could share?

Many thanks.

Mike.

Michael Mercier, Ph.D.

[REDACTED]

Kehler, Mark

From: Aldina Matos [REDACTED]
Sent: February 25, 2019 8:07 PM
To: Kehler, Mark
Subject: Regarding UHOPA-19-004 ZAC-19-009

Follow Up Flag: Follow up
Flag Status: Flagged

C/O Mark Kehler

I am writing to express my concern over the development project on Paradise Rd. North. My name is Aldina Hansen and I have lived on Paradise Rd. North for 31 years. Paradise Rd North is a quiet street with parking only permitted on one side of the street. Parking has always been very difficult.

The proposal for the development of 30 residential dwelling units and 13 parking spaces is unacceptable and impractical.

This plan is flawed and short sighted. It will turn this quiet neighbourhood into chaos. The 13 parking spots are insufficient to accommodate the large number of new residents. There simply won't be enough parking spaces since parking is already a huge problem. The area will become extremely unsafe.

Sincerely,
Aldina Hansen

Kehler, Mark

From: Len Troost [REDACTED]
Sent: February 26, 2019 1:57 PM
To: Kehler, Mark
Subject: UHOPA-19-004, ZAC-19009

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mark Kehler,

I am the owner of a commercial building on King St W, although I am not in disagreement of development on the street, the proposed building does not support enough parking. Each unit should have one parking spot available, as parking is already at a premium in the area due to the location near McMaster University. This my opinion and hope you will take this view into consideration.

Best Regards,

Len Troost.

Sent from my iPad

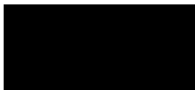
Kehler, Mark

From: Gabriele Klimstra [REDACTED]
Sent: February 20, 2019 1:41 PM
To: Kehler, Mark
Cc: Ward 1 Office
Subject: Re: Application for Urban Hamilton Official Plan Amendment, and Zoning By-law Amendment at 804-816 King St West.

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing to formally express my concerns about the proposed building of a 6 story building which is to house 176 units with commercial spaces on the main floor. Specifically, the height of this proposed building is not consistent with the height of existing residential and commercial buildings already there, and will definitely impact the residential values nearby. However, the most important issue is the lack of dedicated parking for the number of proposed tenants of this building. The existing commercial enterprises between Paradise and Longwood already do not have adequate parking for their collective staff, and definitely not enough for customers who must park on Paradise Rd N, and Glen Rd. There are already a substantial number of cars parked on these streets due to inadequate parking at Shalom, and the apartments to the east of Macklin. University Students who commute, park their cars on these side streets, and use the bus to get to McMaster resulting in a very high density already. Where would the students from the proposed building park? It becomes especially difficult to find on street parking when winter weather creates issues for both potential cars parked on these side streets, and also for City Staff who try to clear the roads. This proposal will create a very dangerous and congested area, and probably subsequent issues for the proposed tenants of this building. I understand that this email will be forwarded to the appropriate planning committee,

Thank you,
Gabriele Klimstra



Kehler, Mark

From: jesse tomes [REDACTED]
Sent: December 29, 2020 4:03 PM
To: Kehler, Mark
Subject: Re: King & Paradise development

Follow Up Flag: Flag for follow up
Flag Status: Flagged

UHOPA-19-004/ZAC-10-009

[Sent from Yahoo Mail on Android](#)

On Tue., 29 Dec. 2020 at 3:22 p.m., jesse tomes

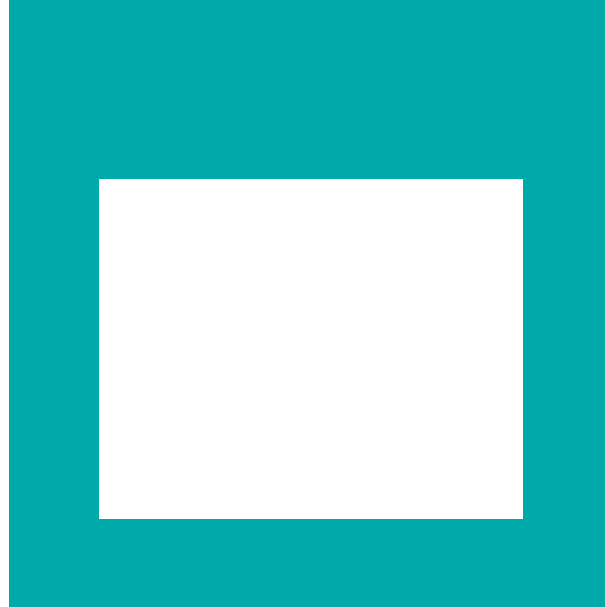
[REDACTED] wrote:

Hi Mark,

My name is Jesse, I live on Glen Rd. directly behind the proposed development at King and Paradise. The proposed height of 6 floors would be detrimental to our privacy, noise level and subsequent property value undoubtedly. I would like to preserve my right to appeal the proposal and know the date of the public meeting along with any other info you can provide regarding time-line etcetera.

Thanks

-Jesse Tomes.



WELCOME TO THE CITY OF HAMILTON

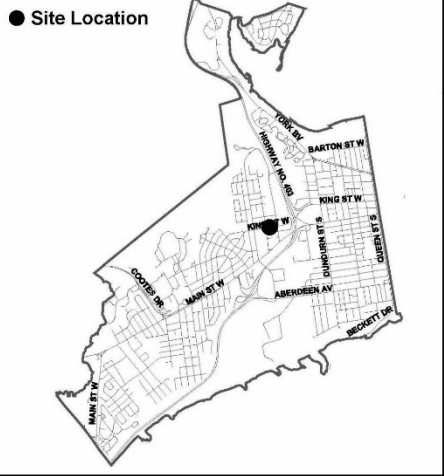
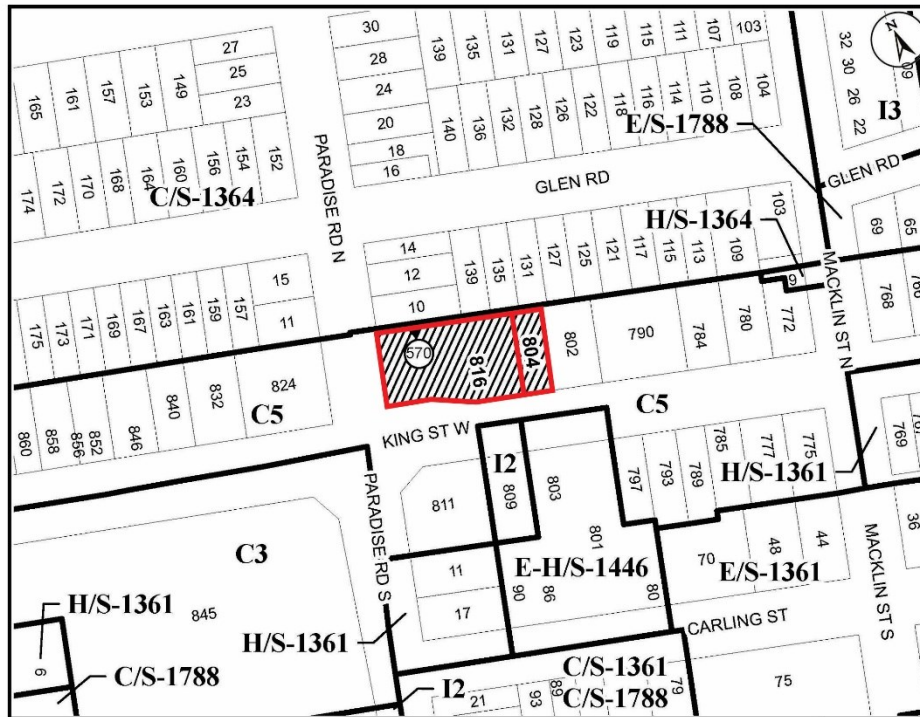
PLANNING COMMITTEE

March 23, 2021

PED21025– (ZAC-19-009)

Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 804 - 816 King Street West, Hamilton

Presented by: Mark Kehler



Key Map - Ward 1

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-19-009 Date: May 27, 2020

Appendix "A" Scale: N.T.S. Planner/Technician: MK/AL

Subject Property
 804 - 816 King Street West

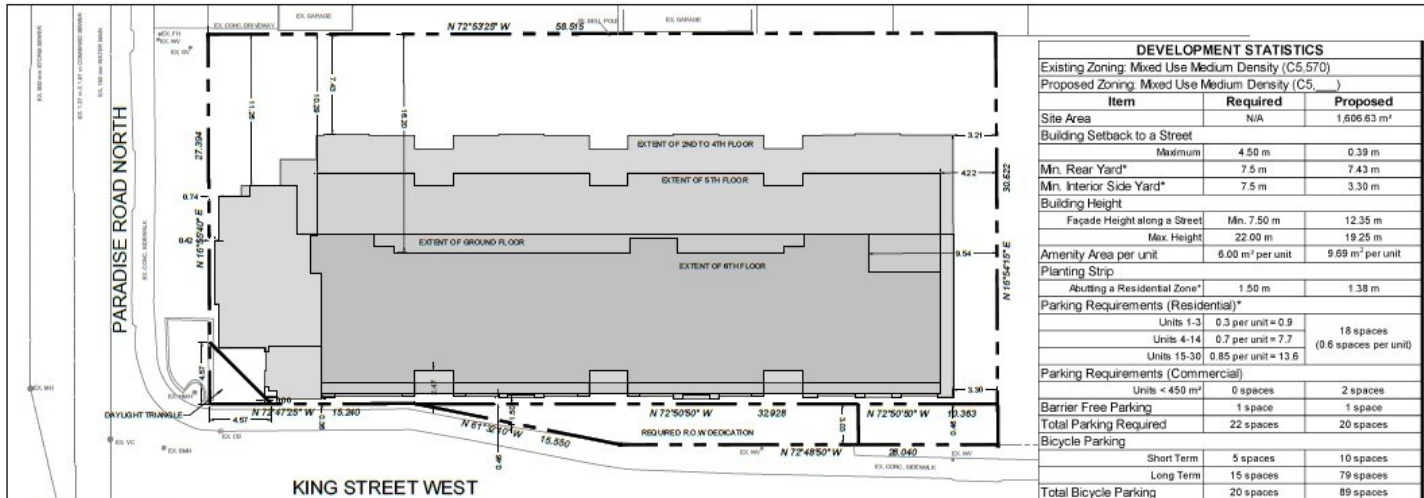
Change in zoning from the Mixed Use - Medium Density (C5, 570) Zone to the Mixed Use - Medium Density (C5, 732) Zone



SUBJECT PROPERTY

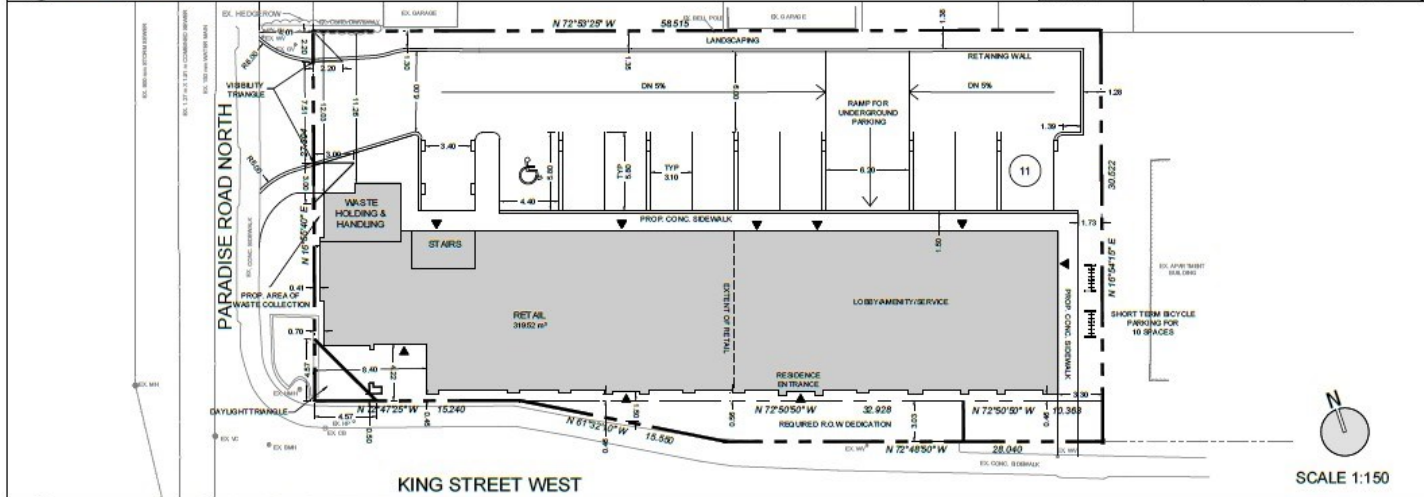
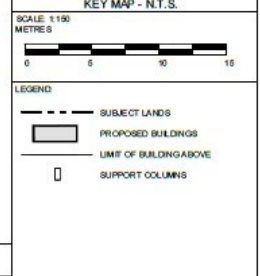


804 & 816 King Street West, Hamilton



1 Concept Plan

DEVELOPMENT STATISTICS		
Existing Zoning: Mixed Use Medium Density (C5.570)		
Proposed Zoning: Mixed Use Medium Density (C5.)		
Item	Required	Proposed
Site Area	N/A	1,606.63 m ²
Building Setback to a Street		
Maximum	4.50 m	0.39 m
Mn. Rear Yard*	7.5 m	7.43 m
Mn. Interior Side Yard*	7.5 m	3.30 m
Building Height		
Facade Height along a Street	Mn. 7.50 m	12.35 m
Max Height	22.00 m	19.25 m
Amenity Area per unit	6.00 m ² per unit	9.69 m ² per unit
Planting Strip		
Abutting a Residential Zone*	1.50 m	1.38 m
Parking Requirements (Residential)*		
Units 1-3	0.3 per unit = 0.9	18 spaces (0.6 spaces per unit)
Units 4-14	0.7 per unit = 7.7	
Units 15-30	0.85 per unit = 13.6	
Parking Requirements (Commercial)		
Units < 450 m ²	0 spaces	2 spaces
Barrier Free Parking	1 space	1 space
Total Parking Required	22 spaces	20 spaces
Bicycle Parking		
Short Term	5 spaces	10 spaces
Long Term	15 spaces	79 spaces
Total Bicycle Parking	20 spaces	89 spaces
Total Units	n/a	30 suites
Total Beds	n/a	120 beds



2 Ground Floor

NOT FOR CONSTRUCTION
 ISSUED FOR REVIEWS & COMMENTS ONLY

NOTES:
 1. ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGNED BY: LINDA KIRK CHECKED BY: M. JOHNSON
 DRAWN BY: LORENNAN DATE: MARCH 23, 2020

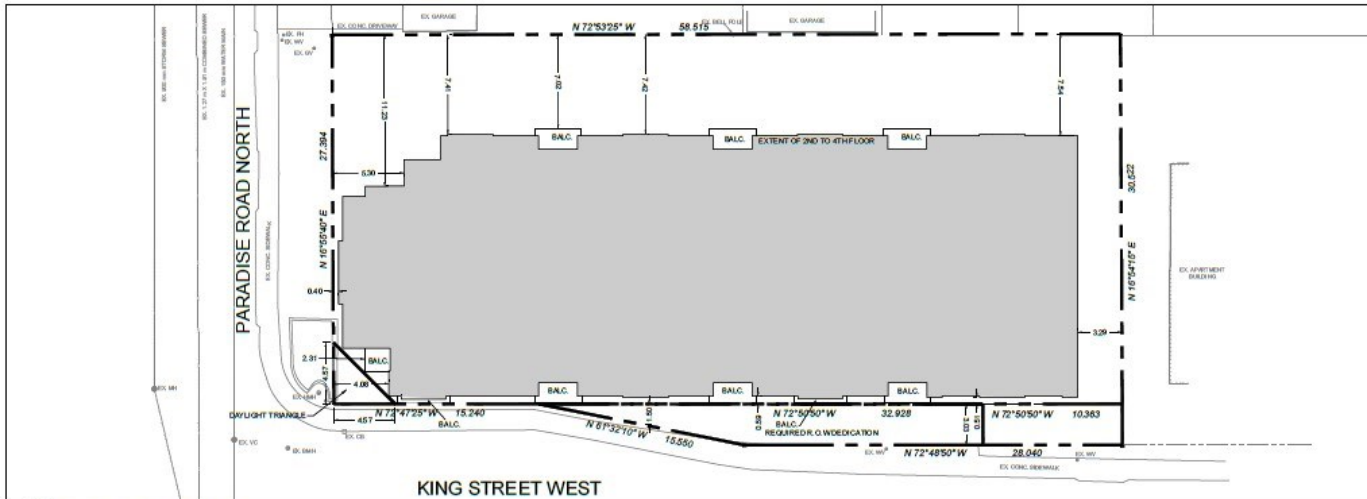
URBAN SOLUTIONS
 PLANNING & LAND DEVELOPMENT
 3 STUDEBAKER PLACE, UNIT 1
 HAMILTON, ON L8L 0G5
 905-545-1087 - urbansolutions.info

PROJECT:
804 & 816 KING STREET WEST
 CITY OF HAMILTON

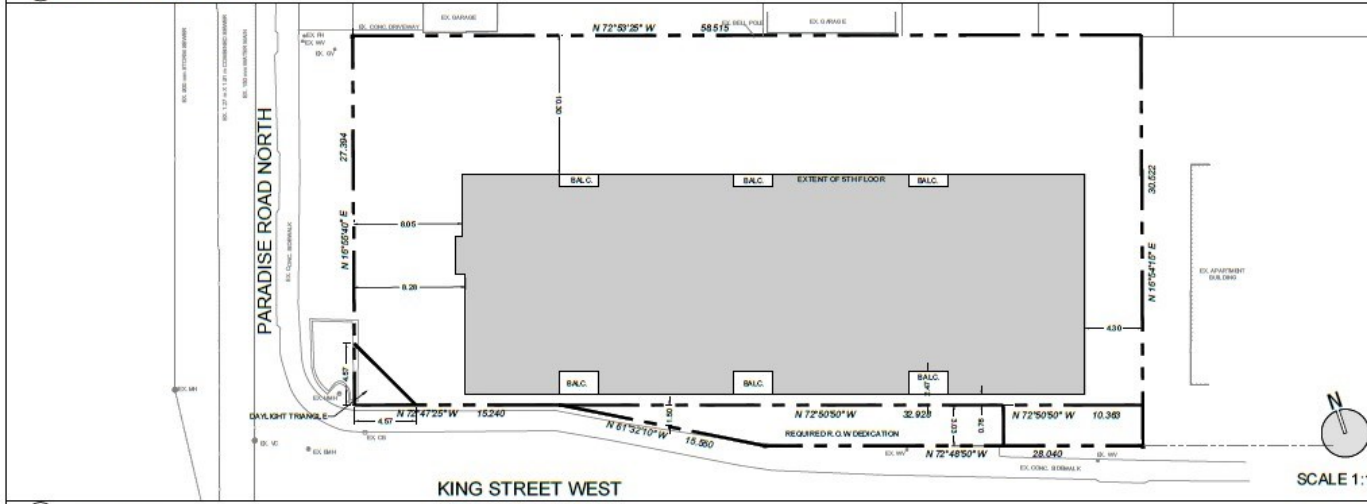
CLIENT:
 GATEWAY DEVELOPMENT GROUP INC

TITLE:
CONCEPT PLAN

US FILE NUMBER: 267-18 SHEET NUMBER: 1



3 Second - Fourth Floor



4 Fifth Floor



KEY MAP - N.T.S.

SCALE: 1:100 METRES

LEGEND:

- SUBJECT LANDS
- PROPOSED BUILDINGS
- LIMIT OF BUILDING ABOVE
- SUPPORT COLUMNS

NOT FOR CONSTRUCTION
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: LINTACK CHECKED BY: M. JOHNSON
 DRAWN BY: L. ORENNAN DATE: MARCH 23, 2020

URBAN SOLUTIONS
 PLANNING & LAND DEVELOPMENT
 3 STUDEBAKER PLACE, UNIT 1
 HAMILTON, ON L8L 0C8
 905-545-1037 - urban@solutions.info

PROJECT:
804 & 816 KING STREET WEST
 CITY OF HAMILTON

CLIENT:
 GATEWAY DEVELOPMENT GROUP INC

TITLE:
CONCEPT PLAN

US FILE NUMBER: 267-18 SHEET NUMBER: 2



5 Sixth Floor

6 Basement

NOT FOR CONSTRUCTION
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DESIGN BY: LINDA ACK CHECKED BY: M. JOHNSON
 DRAWN BY: LORENNAN DATE: MARCH 23, 2020

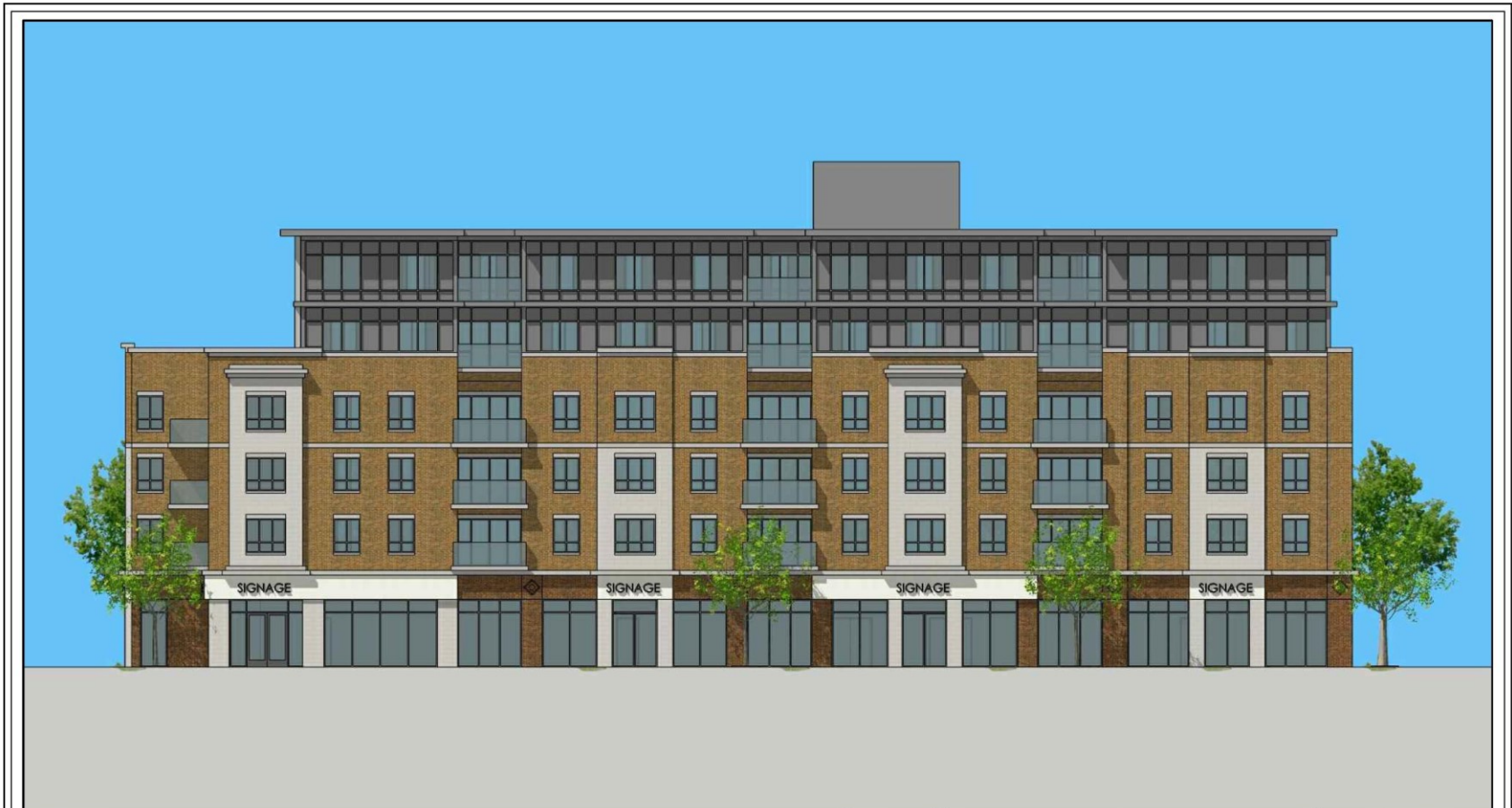
URBAN SOLUTIONS
 PLANNING & LAND DEVELOPMENT
 3 STUDEBAKER PLACE, UNIT 1
 HAMILTON, ON L8L 0C8
 905-546-1087 - urbansolutions.info

PROJECT:
804 & 816 KING STREET WEST
 CITY OF HAMILTON

CLIENT:
 GATEWAY DEVELOPMENT GROUP INC

TITLE:
CONCEPT PLAN

US FILE NUMBER: 267-18 SHEET NUMBER: 3



PROPOSED: KING & PARADISE STUDENT RESIDENCE KING STREET WEST HAMILTON, ONTARIO	SCALE: NTS	LINTACK ARCHITECTS INCORPORATED <small>244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.6165 • F: 905.522.2209 • E: information@lntack.com www.lntack.com</small>	SOUTH ELEVATION	
	DATE: SEP 2019		JOB No. 18.008	DWG. No. A-7



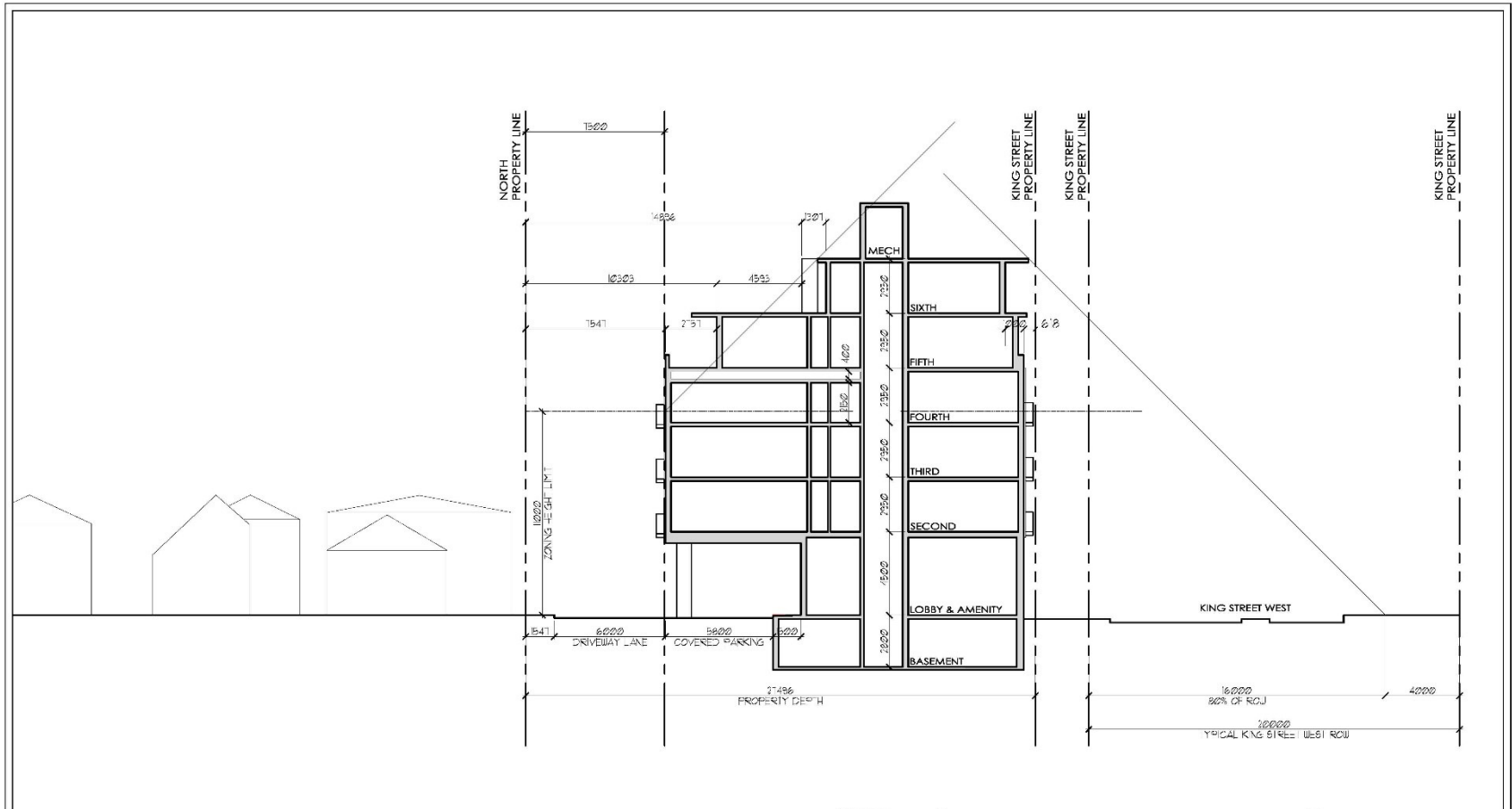
PROPOSED: KING & PARADISE STUDENT RESIDENCE KING STREET WEST HAMILTON, ONTARIO	SCALE: NTS	LINTACK ARCHITECTS INCORPORATED <small>244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.6165 • F: 905.522.2209 • E: information@lntack.com www.lntack.com</small>	EAST ELEVATION	
	DATE: SEP 2019		JOB No. 18.008	DWG. No. A-8



PROPOSED: KING & PARADISE STUDENT RESIDENCE	SCALE: NTS	LINTACK ARCHITECTS INCORPORATED	NORTH ELEVATION				
KING STREET WEST HAMILTON, ONTARIO	DATE: SEP 2019	<small>244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.6165 • F: 905.522.2209 • E: information@lintack.com www.lintack.com</small>	<table border="1"> <tr> <td data-bbox="1593 1178 1690 1206">JOB No.</td> <td data-bbox="1700 1178 1787 1206">DWG. No.</td> </tr> <tr> <td data-bbox="1593 1206 1690 1235">18.008</td> <td data-bbox="1700 1206 1787 1235">A-9</td> </tr> </table>	JOB No.	DWG. No.	18.008	A-9
JOB No.	DWG. No.						
18.008	A-9						



PROPOSED: KING & PARADISE STUDENT RESIDENCE KING STREET WEST HAMILTON, ONTARIO	SCALE: NTS	LINTACK ARCHITECTS INCORPORATED <small>244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.6165 • F: 905.522.2209 • E: information@lntack.com www.lntack.com</small>	WEST ELEVATION	
	DATE: SEP 2019		JOB No. 18.008	DWG. No. A-10



PROPOSED: KING & PARADISE STUDENT RESIDENCE KING STREET WEST HAMILTON, ONTARIO	SCALE: 1:200	LINTACK ARCHITECTS INCORPORATED <small>244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3K3 T: 905.522.6165 • F: 905.522.2209 • E: information@lntack.com www.lntack.com</small>	NORTH-SOUTH SECTION	
	DATE: SEP 2019		JOB No. 18.008	DWG. No. A-5a



Subject property, as seen from King Street West looking northwest



Subject property, as seen from Paradise Road North, looking east



Existing development to the southeast, as seen from King Street West



Existing development to the southwest, as seen from King Street West



Existing development to the east, as seen from King Street West



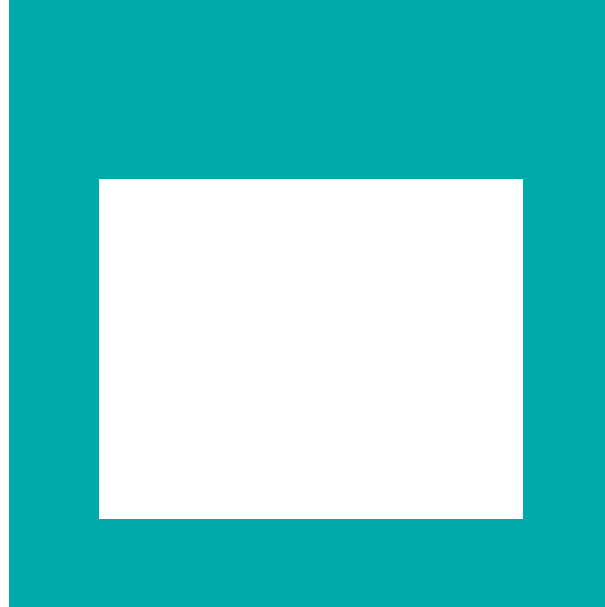
Existing development to the west, as seen from King Street West



Existing development to the north, as seen from Paradise Road North



Existing development to the north, as seen from Paradise Road North



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

From: Dr. John Attridge
Sent: March 5, 2021 4:46 PM
To: clerk@hamilton.ca
Subject: application re subject property 804 - 816 King St. W.

Dear Sir/Madam,

20 parking spaces are insufficient for 30 residential units.

No spaces would be left for commercial tenants.

Without parking the commercial spaces would remain unrented.

With insufficient parking for the building, cars would be parked on the local streets or in the Food Basics lot, which would adversely affect current businesses.

The applicant has not thought through the realities of parking issues for this development.

Yours truly,

John G. Attridge O.D.
Hamilton, ON

From: Wink Properties Office

Sent: March 8, 2021 2:28 PM

To: clerk@hamilton.ca

Subject: Support - 804-816 King Street West - Development (City File UHOPA-19-004 ZAC 19-009)

Good afternoon Members of Planning Committee;

Regarding the above development application for amendment to the official plan - our management group wishes to unequivocally support and encourage this and more such developments in the area. As the King Street West corridor is a vital transportation link from east to Westdale evidenced by once being part of the LRT route, it should be incumbent upon our councilors to encourage, not oppose such rejuvenation, while creating more housing, greater density and re-development along the route, especially to achieve highest and best use of land while re-purposing aging buildings at the end of their useful economic life.

Please DO NOT succumb to typical NIMBYISM mindsets which often occur with proposed changes in neighbourhoods - the above project will be a catalyst for additional re-development along this route and will contribute to expanding the curb appeal and vibrancy of the Westdale area eastward. We would ask you to support this application as well as any future projects that have the potential to create more housing while enhancing an area's curb appeal.

Regards,

Mr. Paul R.J Martindale

To whom it may concern,

My name is Paul Spadafora, my family and I own and operate Valentino's Restaurant at 824 King Street West. I am reaching out to you in regards to the proposed building plan at 804-816 King Street West.

Now although I am not too keen on having student residence at this property, I am in full support of any new development in this area, for years the city, especially the downtown core has blown up and we have seen so much development around the city. However, for some reason Westdale neighborhood has seen little to no consideration for any new projects or development for the last 20 plus years it seems. I am sure that there are businesses like ours that would benefit from higher density and development in the area, especially after this pandemic.

We as a family and business welcome any new developers into the area, to bring on new condos, new businesses, more people and more foot traffic. I believe that Westdale village is a wonderful place to live, work and enjoy. We just need more development to attract more people into the area, more families, and more young people.

Thank you for your time



Paul Spadafora

Owner/General Manager

From: Greg O'Brien

Sent: March 10, 2021 8:29 PM

To: clerk@hamilton.ca

Subject: Files UHOPA-19-004; ZAC 19-009

This is a simple email in support of the proposed development at 804-816 King St. W. I have no ties to this project beyond the fact I live in Westdale.

Westdale is a great place to live and needs more people and less expensive housing. Honestly, the proposed building should be taller. Limiting buildings to three stories is an anachronism anyway.

This new six-story building should just be the beginning. There's an empty lot across the street that could and should be made into something like this, too.

Thanks,

Greg O'Brien

Hamilton, Ont.

From: jesse tomes
Sent: March 10, 2021 8:41 PM
To: clerk@hamilton.ca
Subject: Letter to The Planning Committee

Please confirm receipt of this submission.

The following is my written input for review by The Planning Committee regarding files No. UHOPA-19-004 & No. ZAC-19-009 for the meeting taking place on March 23rd, 2021 at 9:30am.

I would like to reserve my right to appeal, as well as request to be notified upon any decision made by the City of Hamilton on these two files.

As a member of the Westdale community and a primary resident property owner situated directly adjacent to the proposed development (804-816 King Street West), I am vigerously apposed to the proposed zoning and plan amendments. The height (19.5m) six storey building being proposed is too tall of a height for backing onto a single family house based residential neighbourhood. Myself being directly north of the site would suffer an immense loss of sunlight and property value. It would also effectively eliminate our properties and surrounding neighbours privacy. I urge the committee to reject these amendments for the good of the surrounding community and the new development be limited to the maximum height of no more than the surrounding buildings.

In conclusion, I firmly believe it is in the best interest of the committee and the Westdale community to limit the proposed development to a more reasonable height, better suited for it's surroundings.

Thank you

-Jesse Tomes

From: Hamilton Kosher - Michael

Sent: March 12, 2021 8:59 AM

To: clerk@hamilton.ca

Subject: 804-816 King Street West (UHOPA-19-004 and ZAC-19-009)

To Whom It May Concern,

As a neighbor, we look forward to the proposed new residential building at the above mentioned property.

The property has been underutilized since TT Liquids moved. It is a very niche property in that it only has access from the east and I think residential multi unit housing would be the best use for it.

The proposed building will bring more people and customers to the Westdale core.

We hope that approval is achieved for this project for the sake of the neighborhood and the surrounding businesses.

Sincerely,

Michael Zians

Hamilton Kosher

Hamilton

From: Jen Shin

Sent: March 16, 2021 9:36 PM

To: clerk@hamilton.ca

Subject: 804-816 King Street West (UHOPA-19-004 and ZAC-19-009)

To whom it may concern

My name is Jennifer Shin and am writing this email to support the proposal of King & Paradise Student Residence.

As a local resident since 2008 and a McMaster Alumni, I believe additional student residence will have numerous benefits to the community.

Since 3rd year at McMaster, I have really enjoyed living in Westdale. I have seen and experienced how much increased student population brings so much liveliness and boost local economy tremendously, especially restaurant industry. Bean bar, Snooty Fox, Delirious Burgers and more will heavily agree with busier quarters during school season and when students are around. Having multiple schools in the vicinity, not only the residence would fit well into the neighbourhood, but also revitalize the section of the King St area that are very vacant at the moment. Once the residence starts to get filled, more businesses will open up to supply the demand of increased population. In return it will promote walkability and have positive impact on the value of surrounding residential area.

Sincerely,

Jennifer Shin

From: Andrew Meas

Sent: March 16, 2021 9:25 PM

To: clerk@hamilton.ca

Subject: 804-816 King Street West (UHOPA-19-004 and ZAC-19-009)

Dear Representatives,

My name is Andrew Meas and I currently own and run Phin Coffee Bar in Westdale. I believe the new proposal for King & Paradise will be a great addition to the area. This proposal would promote and revitalize the Eastern side of Westdale by modernizing the corner and creating more opportunities for businesses to grow and better housing solutions for students to live.

Please take this letter as my approval for the rezoning and official plan amendment applications.

Regards,
Andrew

From: Westside Stories

Sent: March 19, 2021 11:26 AM

To: clerk@hamilton.ca

Subject: Re: 804-816 King Street West (UHOPA-19-004 and ZAC-19-009)

Re: 804-816 King Street West (UHOPA-19-004 and ZAC-19-009)

to whom it may concern:

I am opposed to this development as proposed. A 6 story multi use residential building will completely dominate the local vista and destroy the village environment of Westdale. This village comprises mainly two story and low rise buildings that are mostly residential. A 6 story building with insufficient onsite parking will completely impact this environment. With numerous student rentals, there is already insufficient parking for local residents and retail trade in this area. Therefore, a 6 story building with retail outlets will compound this problem.

A building at the junction of Paradise and King (a one way street with westerly traffic only) will create further traffic volumes on local residential streets that are ill equipped to carry current volumes, especially during rush hours. Access to any parking that the proposed building has designated can only be off King St or off Paradise, which with the one way system necessitates tenants to enter or exit the building via residential side streets.

I operate a local retail business and have lived and worked in this area for nearly 20 years. Parking for customers is already a significant problem and we already suffer the snarl up of truck traffic trying to deliver goods to the local supermarket (Food Basics), which wait in line on King Street West blocking access to parking meters and retail outlets.

I can only see that this development will not enhance the area, but cause significantly more problems.

I oppose this development as proposed.

Regards

Lyn Barlow

Westside Stories

March 17, 2021

Business Owner [M Salon by MonStyleFile]

Dear City of Hamilton,

My name is Monica Le and I am a business owner of an independent salon at 804 King Street West in Westdale. I attended McMaster University from 2005-2009, I've lived in Hamilton for those years, I've patronized Westdale Village as a student and as a working adult, and I've returned to the city to build a business here because I believe in Hamilton.

After viewing the development plans of the site, I can see that it will be a project that will revitalize Westdale and the main artery that is King Street West.

Since becoming a local business that came in with a singular mission to serve the Westdale and McMaster community, I can wholeheartedly say that it is a wonderful place to work and the people in the community are what make the neighbourhood very special. My clients are a strong mix of McMaster students and residents in the neighbourhood.

What I can attest to from speaking with some of my clients who live in the area (renters & owners), is that they had little awareness of this King & Paradise site despite living here for years. Some described it as dull and ugly while some have said they've walked or commuted by so many times and never took notice at all. We have since painted the building an obnoxious turquoise blue to attract more attention.

Outside the window of my little salon, many things are changing in the area within a short amount of time. There are the long-standing business owners hanging up their hats making way for the next generation to take over, there are the untimely closures of beloved Westdale fixtures, there is the mass migration of Torontonians coming in to call Hamilton home, and there is the giant hole directly across the street that is the 7-storey condo to-be. The one thing that I can say for certain is that change is inevitable. We can either resist or we can make the most of it.

When I was in school, Westdale was not dense with bubble tea shops and coffee competitors, I could not have imagined that a vape store of all things would take up prime retail space in the heart of The Village, and I never could have dreamed that one day I would be here serving the community. That was only a decade ago. Since being here, I have been able to grow – and more recently, survive through COVID-19 - through the support of the community. I was given full transparency of the landlord's plans to redevelop this site when I signed on and I would hope that Westdale keeps growing and taking advantage of the densification that IS happening in the city. The businesses that invest in the community depend on continued interest and activity in the area. There are so many buildings in Hamilton, even a few blocks away, that have been neglected and abandoned. That is not the plan for this site. As bittersweet as it will be to relocate my business when the time comes, I am encouraged that this corner will not be passed by, it will not be forgotten, it will be neither dull nor ugly, and it will be a feature that stimulates economic growth into the community for years to come.

Sincerely,
Monica Le

From: Ellis, Linda

Sent: March 19, 2021 1:48 PM

To: clerk@hamilton.ca

Cc: Wilson, Maureen <Maureen.Wilson@hamilton.ca>

Subject: 804-816 King St W at Paradise Road North UHOPA-19-004 ZAC-19-009

Dear Planning Committee:

RE: 804-816 King St. W and Paradise Road North – Files UHOPA-19-004

Let me begin by saying that I have no issue with building a student residence however my concern is with the size of this proposed residence:

- A 6-storey building in this location is a dramatic change in what is currently zoned for this area. A 6-storey building will overpower the area and will affect many family homes surrounding this development.
- It will cause shading for all the residents living on the south side of Glen Road and Paradise Road North, major parking issues, privacy issues for many homes and noise issues in a family neighbourhood due to the number of occupants.
- If the plan still includes an outdoor patio REMOVE IT as this will cause many noise issues. These are students, not senior citizens, remove the outdoor patio space.
- The height of this building will set precedence for future development in the Westdale community. Further developers will want to build 6-storey structures or greater and this will take away the charm of Westdale. I believe McMonster has already destroyed enough family homes so please leave our community/village at a height it is currently zoned for.
- Parking for permanent residents is already an issue and this will become more of a problem. As a taxpayer I already experience lack of parking for any visitors to my home. More 3 hour parking for the surrounding areas will be required. We already have students that park on my street, Dufferin, and then take the bus in. My street is filled with student parking as there is no time limit parking on my street. I have neighbours that can't park near their own houses due to students parking on Dufferin.
- Add a pedestrian crosswalk with lights at this corner as it's very dangerous to cross over King Street to get to Food Basics with the traffic driving quickly coming from the bridge.
- No construction on weekends and stat holidays to give permanent residents a break from the noise.
- Continuous street cleaning for dirt and dust from construction.

Basically build an attractive looking residence but scale this back to a 3 or 4-storey height. Remove the commercial space from the first floor to decrease the height and use that first floor as student rental units.

Thank you for your consideration.

Linda Ellis

From: John Abrams

Sent: March 19, 2021 3:32 PM

To: clerk@hamilton.ca

Subject: UHOPA-19-004; ZAC-19-009 - 804-816 King St. W. - Hearing date March 23

Hello, I would like to make some comments on this application. I am a home owner about half a block away.

Noise concerns: it's my understanding that this building will be aimed mainly at student housing. I don't have an issue per se with that, we have 3 or 4 student houses on the block already, and for the most part there are few issues. I am concerned however if there are open common areas, like patios, or even large balconies, they will inevitably be used for parties and other gatherings, likely later at night. Especially if these areas are raised off the ground, the noise in the area will be a real nuisance. I can almost guarantee that your By-law officers will be there on a weekly basis, at least.

Street parking: I understand there will be only 20 parking spaces for 30 units, presumably because it's felt that Mac students are close enough to the school that they won't have cars. But especially when you consider that most units will house multiple students, a spillover into the surrounding streets is inevitable, and street parking is already at a premium in the area. A possible solution would be to limit street parking on Glen, Dufferin, and Paradise to cars registered to addresses on those streets.

Thank you for the opportunity to contribute,

John Abrams

Hamilton

From: Runners Den

Sent: March 22, 2021 8:32 AM

To: clerk@hamilton.ca

Subject: 804-816 King Street West (UHOPA-19-004 and ZAC-19-009)

To whom it may concern,

We are a local business in the Westdale area at 860 king street west. Runner Den, and support the development of the new 30 unit residential building at [804-816 King Street West](#).

The current parking lot has been underutilized and the new building will be an appealing landmark on the corner of King and Paradise.

The building is appropriate for the area, and will provide a positive contribution to the residents and local businesses in the Westdale neighbourhood.

Thank you for your consideration.

Sincerely

Daniel Pauls

Runners Den

From: Dr Ramy Elghoneimi

Sent: March 20, 2021 11:31 AM

To: clerk@hamilton.ca

Subject: 804-816 King Street West (UHOPA-19-004 and ZAC-19-009)

To whom it may concern,

We are MIKEL COFFEE a local business in the Westdale area, and look forward to the approval of the new project at 804-816 King Street West.

We feel the building is appropriate for the area, and will bring the much needed density to provide a positive contribution to the residents and businesses in the local area.

This building will be a good use of the existing surface parking that has been in place for many years.

Thank you,

Sincerely,

Dr Ramy Elghoneimi

Chairman and CEO
Pharos Group Ltd

From: John Duffy
Sent: March 20, 2021 2:43 PM
To: clerk@hamilton.ca
Subject: 804-816 King street west , Hamilton

As an recent owner of 791-793 King street west , Hamilton of over 40 years I would like to put my support behind Mr. Wah's proposed student / commercial building. The current buildings at 804-816 are an eyesore and the new building would enhance the area . I think the surrounding businesses would greatly benefit from the increased population. We are also trying to get students out of the residential homes in Westdale and this is helping to do exactly that . Please support Mr. Wah in his efforts to improve this area and the Westdale neighborhood.

John Duffy

From: lou v

Sent: March 20, 2021 7:18 PM

To: clerk@hamilton.ca

Subject: 804-816 king st west(uhopa-19-004 and zac-19-009

This building will improve the appearance of our area.

A good start for the old area leading into Westdale.

Lou V

Pieriks Cycle

Sent: March 21, 2021 10:01 PM

To: clerk@hamilton.ca

Subject: Zoning Bylaw Amendment Comments for Consideration

Hello,

We would like to convey to you our thoughts and concerns about the proposed development at the corner of King Street West and Paradise (Application by Urban Solutions Planning and Land Development Consultants Inc. for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands Located at 804-816 King Street West, Hamilton - Ward 1).

We are long term home owners in the Westdale neighbourhood, having bought this house where we live now in 1991 (30 years ago). Over that time I have seen many changes in Westdale, some good but many not so good. One thing that seems to be a constant is the ever increasing level of student housing in the area to fill the demand of McMaster University's ever expanding enrolment and expansion plans. We don't have an issue with student housing but unfortunately it usually comes with little enforcement of standards that leave the community having to live under less than ideal conditions while absentee landlords collect rent and do little else. We think McMaster should look elsewhere for further expansions so that the housing demand in Westdale remains at a tolerable level and is in balance with those wanting to make a home here. Those benefitting from this current vision (if you can call it that) seem to be McMaster, developers, landlords and local politicians and all at the expense of the community that chooses to make this our home for more than 8 months a year. We understand that these concerns are outside of the comments you are looking for regarding this proposal but they are ultimately the driving force behind the project. As a long term residents of the area we would like to understand if the city has a future plan for balanced development or are we just leaving it to developers to plot our future in their best financial interest?

Returning now to the specific development at the corner of King and Paradise. We understand that the developer has certain rights with regard to that property but would hope that it would be in harmony with those of us who will be impacted by the choices made. When we speak to others who have chosen this area to call home (12 months a year and more than four consecutive years) there are a number of concerns we all have with the current proposal. Many of these issues were raised almost two years ago when Urban Solutions held an information session with the community to outline the proposed project. The fact that non of these concerns were addressed with the submission now at hand leads us to think that our opinions do not matter to the city or to our local Counsellor Ms. Wilson.

The following objections were made to the city planner and Counsellor Wilson almost 18 months ago:

1. The height of the building at 6 stories is well above the 3 story municipal bylaw and would be out of place in our neighbourhood. As city planners, it should be your role to protect a certain aesthetic within each part of the city. We would all welcome a development that works with the current bylaw. If this moves ahead as proposed it will tower over the houses next to it and cast them in shade for much of the day. It is also a privacy concern for any backyard functions at these homes. Just think about how you would like this in your back yard, try to put the community concerns at least on par or in front of the developer. The overall height and is the communities biggest concern. If this goes ahead as planned it will set a precedent that will be copied going forward, ultimately changing the nature of Westdale. If that is the intent of the city and a direction you intend to take this community you should be bold

enough to admit it and let your voters decide if they agree.

2. Parking is already a problem on Glen Rd between Paradise and Macklin and allowing this development to go ahead as planned with inadequate parking will make the problem much worse. As a bare minimum, the city should consider making street parking along this stretch permit only for houses located here and have the developer pay the city the annual fees for these permits. If not, the bylaw should be upheld and the developer should provide enough parking.

3. This residence is planned as a quad type of arrangement, that is to say multiple bedrooms sharing kitchen and dining quarters. We have a problem with the arrangement in that it is quite restrictive and will only appeal to 1st or 2nd year students. We can not imagine anyone other than this demographic being interested in this arrangement for rental housing. Shouldn't we be encouraging rental spaces that are open and inclusive? We think the local community would welcome more opportunities for seniors to rent in the area but this does not allow or encourage this. We understand that the current proposed layout reduces construction costs per resident and maximizes profit for the developer. Should this be the top concern?

As recent retirees we had planned on staying in this community for the foreseeable future. We have made it our home for more than 30 years. If however, this development reaches approval without any of our concerns being addressed we will seriously consider other options away from Hamilton. Others have also expressed similar views on our street. All we are asking is that you take a balanced view when considering this project and hear what we have to say.

Kind Regards

Stephen Waterfall & Evelyn Kuschnik

From: Chris Maxwell

Sent: June 26, 2019 5:54 PM

To: Comments Mailbox

Subject: King & Paradise, Hamilton dev status

Good evening team,

Just writing to ask whether anyone has any word concerning the timing of the city planning meeting - last time I checked the sign the date was still "to be announced". I'm vaguely in favour of the development, and the number of lawn signs sprung up around the neighbourhood in opposition is a little alarming. I'd like to get more info and lend my voice in support if I can.

Thanks a lot!

Chris

From: Ninco Developments
Sent: March 22, 2021 11:38 AM
To: clerk@hamilton.ca
Cc: Daniel Bragagnolo
Subject: UHOPA-19-004 and ZAC-19-009 Notice of Public Meeting, Public Input

To: City Clerk, clerk@hamilton.ca

RE: UHOPA-19-004 and ZAC-19-009

In regards to the proposed building at 804-816 King Street West. I would like to express objections to aspects of building design with regards to set back/road widening and right-of-way (R.O.W.), Front Yard Depth and Loading and Unloading.

As developers across the street at 801 King Street West, 1649626 Ontario Inc, we previously made a request to the city to have the R.O.W. dedication reduced as per our original building design. The request was made through our architect, Sam Esposto on behalf of 1649626, please see the attached letter dated, March 24, 2020. In this letter we requested relief from the R.O.W dedication citing hardship based on the need to redesign our original design and the expected reduced revenue it would cause.

Below is the response from the city on February 3, 2020:

Notwithstanding the right-of-way widening requirements as outlined under the Council Approval Urban Official Plan: Chapter C- City Wide Systems and Designations (requiring up to 45.720 metres right of way for Major Arterial Roads), and a previous precedent requiring a reduced 26.213 metre right-of-way for a nearby property at 804-816 King Street West, Transportation Planning will support a reduced right-of-way of 26.213 metres along King Street West. This will require approximately 3.0 metres right-of-way widening along the south side of King Street West.

A. *It should be noted that the existing right-of-way along King Street West is approximately 20 metres.*

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

Based on drawings obtained from the Urban Solutions website, project: 804 and 816 King Street West, drawing Sheet #1, King Street Facing, our objects are as follows:

- 1)The required ROW dedication is not on the full site, it is only on approximately 1/2 of the site. When 1649626 put in a request for relief, the city did not give or offer an option as shown on these drawings.
- 2)Per the required minimum Front Yard Depth per the city Zoning By-law No. 6593, this is not reflected in the drawings.
- 3)Per the Loading and Unloading requirements per the city Zoning By-law No. 6593 stating 9.0m x 3.7m, it is not reflected in the drawings.

Respectfully, per the three major items stated above and to any other minor items that arise for this development at 804-816, that they be held to the same standards as our project was held to and, as well, they be given the same relief throughout their building that was given to our project.

Sincerely,

Frank Bragagnolo

SAM ESPOSTO ARCHITECT INC.

548 UPPER JAMES ST. HAMILTON, ONTARIO, L9C 2Y4
T.905.383.7500 F.905.383.5700 SAM@SEARCHITECT.COM

March 24, 2020

Mr. Edward John
Director of Housing
Health and Safe Communities, City of Hamilton
350 King Street East
Hamilton, Ontario
L8N 3Y3

**Re: 90 Carling Street – Proposed New Apartment Building
Road Widening**

Dear Mr. John;

As you are aware the owners of the future 90 Carling street apartment development have been asked to dedicate land towards a future road widening along the King Street property line. This request is new for this most recent version of the site plan application, and was not asked for during the previous approval process.

We have made every effort designing this building to adapt to a floor plan layout which works within the previously approved building envelope, it was a tedious exercise making the units work to yield a net square footage critical to the financial success of the building. The following items would be lost for the project and the community with this potential setback.

- Larger 3 bedroom units - This extra square footage is crucial in a mixed income building because this extra space in a market unit helps drive extra revenue that pays for the reduction in rent in the other 20 affordable units. Currently we are subsidizing 20 units as affordable by roughly \$300-500 per unit per month. By losing the extra square footage on the market units our revenue is reduced by a further \$90 per unit per month for 14 additional units.
- Family Units - The units that would be shrinking are 3 bedroom units, this would make the family sized suites even smaller. In a market where larger units are in high demand and is projected to increase as the affordability worsens, having bigger family sized suites would be a benefit to the community.
- Parking- Majority of the units within the north-south wing of the building have had to be reduced in square footage, yielding smaller units. Additionally and perhaps most importantly, the below grade parking area has been negatively affected resulting in a reduction of 4 parking spaces.

Overall the larger suites and additional revenue that can be realized by having these units at the larger proposed size a) provide more viability to the project and b) provides community benefits in affordable housing and larger family sized suites that are not currently in the market and are not being built.

I've attached an aerial view of King Street showing the number of buildings that would be affected by the road widening, and it seems inconceivable that the municipality would expropriate lands for this entire corridor particularly with the cancelation of the LRT project.

March 24, 2020

I believe this road widening is causing unnecessary hardship to the project. We feel the expected process described to us to obtain our site plan is not what we are experiencing now. Based on these previous conversations with planning, our prior conditional approval and the quicker planning process which was promised from the outset, we believed this would allow a swift and smooth process to get construction started ASAP. This was a driving factor in our decision to move ahead with affordable units and facilitate your approval for financing through CMHC's RCFI program. As this process drags on and the further we push back our completion date we increase the uncertainty and risk of this project.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Esposito". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sam M. Esposito. M.Arch, O.A.A

From: **Rob Bernacci**

Date: Mon, 22 Mar 2021 at 11:37

Subject: 804-816 King Street West (UHOPA-19-004 ZAC 19-009)

Hello Members of Planning Committee,

My name is Robert Bernacci and I own the automotive shop at 790 King Street West, two properties down from the subject lands at 804-816 King Street West.

I support the proposal for a 6 storey mixed-use building as it will help to revitalize the corridor with much needed redevelopment especially at the corner of King and Paradise which is currently underutilized with a parking lot and two commercial buildings.

Please support this application that will benefit the Westdale community.

Regards,

Robert Bernacci

From: Marleen Van den Broek
Sent: March 22, 2021 1:27 PM
To: clerk@hamilton.ca
Subject: UHOPA-19-004, ZAC-19-009 comments

Dear Planning committee,

Please find me comments on the Zoning By-Law Amendment for Property 804-816 King Street West from Mixed Use Density (C5, 570) to Mixed Use Medium Density (C5-732) below:

I am opposed to the development of a 6 storey building at the corner of Paradise Street and King Street West because:

A building of 6 storeys will take the daylight and sunshine away from the neighboring family homes. Having sufficient daylight in the house is important for the health of the home and its occupants.

A 6 storey building with windows (as in the previously proposed design) will take away all privacy of the neighboring residences. Families will not have any privacy in their backyards as the inhabitants of the 6 storey building will be looking down in to it.

20 parking spots is not nearly enough for this amount of proposed inhabitants.

The current trend for online learning, which seems to be continuing into the next university academic years implies that there will be no need for more student housing in Westdale. Currently many student homes are for sale and there is already a residence planned along Traymore. Families in that street have moved out of their homes as they are not interested in having to deal with a high concentration of students. Same will happen in along Paradise and Glen road.

Thank you for receiving my comments.

Sincerely yours,

Marleen Van den Broek

Glen Road resident

From: Brendan McIntyre

Sent: March 9, 2021 11:01 AM

To: clerk@hamilton.ca; Committee of Adjustment <CofA@hamilton.ca>

Subject: Development on King (804-816) [File Numbers: UHOPA-19-004 and ZAC-19-009]

Dear Planning Committee,

I would like my input part of the public record to **oppose** Urban Hamilton Official Plan of Amendment (File No. UHOPA-19-004) and Zoning By-law Amendment (File No. ZAC-19-009)

Name: Brendan McIntyre. I am a resident of Ward 1. Postal Code: L8S3N2

Reasons for opposition:

- Main reason: there are perfectly functional businesses there presently (Odeon Cross Fit and Phin Coffee bar) to destroy this building does not make sense. There is a huge environmental impact to destroy functional buildings and then rebuild (the environmental cost of building (demo, raw materials and construction) exceeds the energy costs a building consumes in its lifetime – documented by multiple sources)

In addition to this:

- Proposed building/development is too high and does not fit the character of the neighborhood at all
- Development lacks vision. More cheap student housing is not a priority for Hamilton. Affordable family housing would be much more forward thinking
- Commuter students drive cars. There are a proposed 20 parking spots for 30 units and what about visitors? This aspect also lack vision.
- Will deteriorate the nature of the neighborhood and precipitate efflux of residents.
- There are other corridors in the neighborhood in much more need of development – think Main and Longwood area / corridor

PRE-RECORDED VIDEO ATTACHMENT (SEE LINK BELOW):

[Download Attachment](#)

[Available until Apr 8, 2021](#)

This email is in reference to:

Urban Hamilton Official Plan of Amendment (File No. UHOPA-19-004)

Zoning By-law Amendment (File No. ZAC-19-009)

I wish to be notified of the decisions of both of these amendments from the Legislative Coordinator.

From: Fernie, Kim (EC)

Sent: March 9, 2021 10:10 AM

To: Kehler, Mark <Mark.Kehler@hamilton.ca>

Subject: 804-816 King St W (File # UHOPA-19-004): Planning Committee Meeting 23 March 2021

Hi Mark,

I first spoke with you in 2019 about my original concerns regarding the development of 804-816 King St West. Now, two years later in 2021, I have new concerns about the same property having received a letter in the mail yesterday about the Planning Committee Meeting (23 March 2021) regarding a zoning by-law amendment to accommodate development of this site as proposed in 2019. I own and live at 18 Paradise Rd North, so the intended development of the property as planned (6-stories, ground-floor commercial, 30 residential units with 20 parking spots) immediately impacts me, my property and its property value.

In 2019, there was strong public opinion expressed at the public community meeting hosted by the City, ***against*** the intended site development plans for several reasons:

the developer indicated that this building would be a student residence in our residential neighbourhood – one of many high-rise student residents being built by the same developer throughout Westdale;

1. the 6-storey height of the building in a neighbourhood of 1.5 to 2-storey houses, with existing commercial buildings capped at 3 stories but most only exist at 2 stories;
2. the lack of sufficient parking planned for residents of this building resulting in an overflow of parking on residential streets already with insufficient capacity due to day-time commuters parking on our streets;
3. the proposed balconies and roof-top social places facing north would generate in excessive noise projecting over residential houses to the north and west of 804-816 King Street West.

Based on the limited details in yesterday's letter from the City of Hamilton re the Planning Committee Meeting on March 23, 2021, the developer does not appear to have addressed any of the neighbourhood's concerns (outlined above) that were expressed at the public meeting in 2019. That is greatly concerning to me for various reasons.

I have the following questions that I'd appreciate your answers to:

1. Has the developer made any changes to their original proposal from 2019?
2. Following the community meeting in 2019, is the 23 March 2021 meeting of the Planning Committee to reconsider the proposed Zoning By-law Amendment, the next step in the planning and development process? The two-year interim period suggests that other steps occurred.
3. Will the concerns expressed by neighbourhood/community members in 2019 at the public meeting be taken into account by the Planning Committee during their March 23 meeting?
4. Do neighbours need to re-express their concerns at the March 23 meeting, that they had communicated to the City at the 2019 meeting?
5. Have new neighbours that moved into the immediate housing since 2019 been notified? Do they have an opportunity to join this meeting on 23 March 2021?

I would appreciate talking with you about this situation to better understand the planning process and its various steps. It is unclear to me how the process works and it is directly affecting me as I originally stated.

I would also appreciate more information on how to join and possibly participate at the March 23 meeting. I would appreciate being notified of the outcome of the Planning Committee meeting on 23 March.

Thanks in advance for your call and/or email.

Kim

From: Anne Pollard

Sent: March 22, 2021 11:24 AM

To: clerk@hamilton.ca

Subject: comments regarding proposed development at 804-816 King St. West (March 23rd meeting)

Hello,

I am writing to restate the position I expressed at the 2019 community meeting with regards to the development of 804-816 King St. West for the purposes of student housing. I am in opposition to this development. I will list my objections as follows:

- The height of the building will overshadow current residential homes, especially those on Glen Road which it will abut.
- There is insufficient parking planned for residents of this building.
- Without sufficient space reserved for student cars, there will be a resultant overflow of parking onto already packed residential streets.
- There is a high potential for excessive noise from proposed balconies and roof-top social places.
- The likelihood of higher traffic volume along King St. West, Paradise Road, Longwood Road, Glen Road, and Dufferin Street could lead to a reduction in safety for pedestrians, particularly the children who attend Cootes Paradise Elementary and Dalewood Middle School and who walk back and forth to school, many of them twice a day.

Like many other attendees at the 2019 meeting, I was not completely opposed to development in

Westdale in general. Unfortunately, after having lived in this neighbourhood for almost thirty years, I do have first-hand experience some of the negative effects that living next to unsupervised student accommodation can bring: excess noise (often on a bi-weekly basis) and unkempt property (including the disposal of old furniture and beer bottles on front lawns). These issues, of course, lead to an increase in calls to bylaw officers and requests for police presence. At the 2019 meeting we suggested that condos or general use apartments would be more welcome, bringing in new residents to the area who would be invested in the long-term welfare of the community and who would also support local businesses. It seems this suggestion was not taken seriously and that the overall purpose here is to allow someone to make as much money as possible from the development of 804-816 King St. West.

With that in mind, here are my requests should this student-focused development take place:

- no open patios or outdoor common areas,
- increased parking for the building, at least one spot per unit
- ,
- parking on the street only allowed to cars registered to addresses on those streets,
- further traffic calming measures such as speed bumps,
- an increase in the number of cross streets where crossing guards are in place, ie at the intersection of Paradise and Glen Roads.

Lastly, I would like to remind the planning committee that the family-friendly aspects of Westdale, including the schools which HWDSB has recently poured so much money into, and the walkability of the neighbourhood (which includes its attractiveness), are two of the main reasons why young families are drawn to purchase homes here. However, increased traffic, residents who do not care about the properties around them, a decrease in visibility due to too many parked cars, an inability to find parking, are all deterrents for long-term family investment here. If you doubt that there is any precedent to my concerns, please have a look at the Sterling Street corridor as it leads to McMaster. Families have moved off of Sterling. What used to be family homes have become almost student houses. The once beautiful area is now covered in litter. The houses on Sterling need paint jobs and repairs. Yards are not being kept up. Is this the future you see for my end of Westdale as well?

Thank-you for your attention,

Anne Pollard



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 23, 2021
SUBJECT/REPORT NO:	Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road, Hamilton (PED21053) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Draft Plan of Condominium Application 25CDM-202013, by T. Johns Consulting Group Ltd. on behalf of Chedoke Redevelopment Corp., owner** to establish a Draft Plan of Condominium (Common Element) comprised of a private road network, sidewalks, landscaped amenity areas, and visitor parking for 107 street townhouse dwellings on lands located at 20 Southridge Court (Hamilton), as shown on Appendix “A”, attached to Report PED21053, be **APPROVED** subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-202013 applies to the plan prepared by A.J. Clarke & Associates, certified by Nicholas P. Muth OLC, and dated March 1, 2021, comprised of a private road network, sidewalks, landscaped amenity areas and visitor parking for 107 street townhouse dwellings, attached as Appendix “B” to Report PED21053;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-202013, attached as Appendix “D” to Report PED21053, be received and endorsed by City Council.

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SUBJECT: Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road (PED21053) (Ward 14) - Page 2 of 14

- (b) That **Draft Plan of Condominium Application 25CDM-202014, by T. Johns Consulting Group Ltd. on behalf of Chedoke Redevelopment Corp., owner** to establish a Draft Plan of Condominium (Common Element) comprised of a private road network, sidewalks, landscaped amenity areas, and visitor parking for 104 street townhouse dwellings on lands located at 533 Sanatorium Road (Hamilton), as shown on Appendix “A”, attached to Report PED21053, be **APPROVED** subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-202014 applies to the plan prepared by A.J. Clarke & Associates, certified by Nicholas P. Muth OLC, and dated March 1, 2021, comprised of a private road network, sidewalks, landscaped amenity areas and visitor parking for 104 street townhouse dwellings, attached as Appendix “C” to Report PED21053;
- (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-202014, attached as Appendix “E” to Report PED21053, be received and endorsed by City Council.

EXECUTIVE SUMMARY

The subject properties are municipally known as 20 Southridge Court and 533 Sanatorium Road. The Owner has applied for approval of two Draft Plans of Condominium (Common Element) to create a private road network, sidewalks, landscaped amenity areas and visitor parking for a total of 211 street townhouse dwellings. Reciprocal easements and rights of way over the two proposed condominiums will be provided to deal with access and servicing considerations.

The proposed development is conditionally approved under Site Plan Control application DA-17-170. The private road network will access onto Southridge Court and Sanatorium Road. The proposed Draft Plans of Condominium will conform to the Hamilton Zoning By-law No. 05-200, as amended by Minor Variance Application No. HM/A-18:408 and HM/A-21:54.

The proposed Draft Plans of Condominium have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020) (PPS);
- They conform to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) (Growth Plan); and,
- They comply with the Urban Hamilton Official Plan (UHOP) and Chedmac Secondary Plan.

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SUBJECT: Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road (PED21053) (Ward 14) - Page 3 of 14

Alternatives for Consideration – See Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for a Draft Plan of Condominium (Common Element).

HISTORICAL BACKGROUND

Proposal:

The purpose of the applications are to establish two Draft Plans of Condominium (Common Element) to create a shared private road network, sidewalks, landscaped amenity areas and visitor parking for a total of 211 street townhouse dwellings to be developed on the subject lands in accordance with conditionally approved Site Plan Control application DA-17-170, attached as Appendix “F” to Report PED21053. The private road will provide access to Sanatorium Road and Southridge Court.

Site Plan Control Application DA-17-170

On September 17, 2018, Site Plan Control application DA-17-170 was conditionally approved. The Site Plan Control application implements the site layout and design for the proposed 211 street townhouses, including design for the landscaped amenity areas and a total of 267 parking spaces, 57 of which are for visitor parking. The Site Plan also notes that the existing Southam Building at the north-easterly portion of the site be retained and redeveloped for residential purposes but this does not form part of the Site Plan Application DA-17-170 as an Official Plan Amendment and Zoning By-law Amendment is required and is currently under review.

Minor Variance Applications HM/A-18:408 and HM/A-21:54

The Committee of Adjustment approved Minor Variance application HM/A-18:408 on February 7, 2019 which permitted adjustments to minimum required lot areas, rear yard setbacks, the maximum building height, and adjustment to the minimum required parking on site to facilitate Site Plan Control application DA-17-170.

Minor Variance application HM/A-21:54 is scheduled for the March 4, 2021 Committee of Adjustment Hearing. The purpose of the application is to permit a reduced front yard

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SUBJECT: Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road (PED21053) (Ward 14) - Page 4 of 14

setback for lots fronting on a curve. At the time of preparation of this report, a decision on the Minor Variance application has not been made. Zoning conformity is a standard condition of draft plan approval for all condominium applications in the City of Hamilton.

Part Lot Control Application PLC-20-012

The applicants have submitted a Part Lot Control application (PLC-20-012) to create parcels of tied land for the proposed street townhouse dwellings and to create parcels comprised of the Common Element Condominium, including the street network and recreation blocks. At the time of preparation of the report, the application is currently under review.

Report Fact Sheet

Application Details	
Applicant/Owner:	Chedoke Redevelopment Corp.
File Number:	25CDM-202013 and 25CDM-2014
Type of Application:	Draft Plans of Condominium (Common Element)
Proposal:	To create a private road network, sidewalks, landscaped amenity areas and visitor parking for 211 street townhouse dwellings.
Property Details	
Municipal Address:	20 Southridge Court and 533 Sanatorium Road
Lot Area:	7.28 ha
Servicing:	Full Municipal Services.
Existing Use	Former Chedoke Hospital-currently unoccupied.
Documents	
Provincial Policy Statement (PPS)	Proposal is consistent with the PPS.
A Place to Grow:	Proposal conforms to A Place to Grow.

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SUBJECT: Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road (PED21053) (Ward 14) - Page 5 of 14

Official Plan Existing:	<ul style="list-style-type: none"> • Neighbourhoods on Schedule “E” – Urban Structure; • Institutional on Schedule “E-1” – Urban Land Use Designations in the UHOP; and, • “Institutional” in the Chedmac Secondary Plan.
Official Plan Proposed:	No proposed amendment.
Zoning Existing:	Major Institutional (I3) Zone.
Zoning Proposed:	No proposed amendment.
Modifications Proposed:	N/A
Processing Details	
Received:	October 28, 2020
Deemed Complete:	November 12, 2020
Notice of Complete Application:	Sent to 117 property owners within 120 m of the subject property on December 2, 2020.
Public Notice Sign:	December 15, 2020 and updated on February 24, 2021.
Notice of Public Meeting:	March 5, 2021
Public Consultation:	N/A
Public Comments:	To date, staff have not received any public submissions through this circulation.
Processing Time:	146 days

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SUBJECT: Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road (PED21053) (Ward 14) - Page 6 of 14

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Former Chedoke Hospital	Major Institutional (I3) Zone
Surrounding Lands:		
North	Former Chedoke Hospital, block townhouses	Major Institutional (I3) Zone and “RT-20/S-1654” (Townhouse – Maisonette) District, Modified
South	Medical Services, block townhouses	Major Institutional (I3) Zone and “DE/S-1357a” (Low Density Multiple Dwellings) District, Modified
East	Holbrook Park, Columbia College	Neighbourhood Park (P1) Zone and Major Institutional (I3) Zone
West	Chedoke Twin Pad Arena, Long Term Care Facility, Former Chedoke Hospital	City Wide Park (P3) Zone and Major Institutional (I3) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS 2020):

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019, as amended).

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 framework for the implementation of the Provincial planning policy framework.

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The following policy relating to potential noise impacts is applicable:

- “1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures.”

A Noise Impact Study prepared by HGC Engineering Ltd., dated August 14, 2019 prepared in support of Site Plan Control application DA-17-170 evaluated noise impacts on the proposed dwelling units. Several small noise walls adjacent to Sanatorium Road, upgraded building components, and noise warning clauses will be required to be incorporated into the development. The warning clauses must be included in all future purchase and sale or lease agreements, per Condition No. 18 of Appendix “D” and Condition No. 17 of Appendix “E” to Report PED21053.

In addition, the following policies are applicable as they relate to archaeological and cultural heritage resources:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The subject lands meet four of ten criteria for defining archaeological potential as follows:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

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These criteria define the property as having archaeological potential. As a proactive measure, an archaeological assessment (P018-215-2007) was submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. In a letter dated January 2009, the Ministry requested more information before being in a position to concur with the report. The Province signed off on the reports for compliance with licensing requirements in a letter dated May 12, 2011. Staff are in concurrence with the archaeological assessment and are satisfied that the municipal interest in the archaeology of this portion of the site has been addressed.

The site currently contains existing buildings formerly used as the Chedoke Hospital and before that, the Mountain Sanatorium which was used to treat tuberculosis patients. All buildings on the subject lands except the Southam Building are scheduled to be demolished to facilitate the development of 211 street townhouse dwellings on a private road network, as shown on Site Plan Control application DA-17-170, attached as Appendix "F" to Report PED21053. A Cultural Heritage Impact Assessment (CHIA) / Documentation and Salvage Report was prepared in support of the Site Plan Control application and was reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee on July 16, 2019. Further, an addendum was submitted on August 2, 2019 to address feedback from the Policy and Design Working Group which was approved by staff.

As the application for a Draft Plan of Condominium 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 (2020); and,
- conforms to A Place to Grow (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure, designated as "Institutional" on Schedule "E-1" – Urban Land Use Designations in the UHOP, and, "Institutional" in the Chedmac Secondary Plan in Volume 2. The following Secondary Plan policies, amongst others, are applicable to the subject application.

Chedmac Secondary Plan

"B.6.3.4.1 In addition to Sections E.3.10 – Community Facilities and Services Policies and E.6.0 – Institutional Designation of Volume 1, the following policies shall apply to the lands designated Institutional on Map B.6.3 -1 - Chedmac - Land Use Plan:

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- a) New Institutional or recreational facilities shall be designed in a comprehensive manner with existing recreations facilities.
- b) The development of any new institutional facilities, including those associated with Chedoke-McMaster Hospitals, shall be designed to mitigate any negative impact on adjacent residential development.”

Since the proposal seeks to redevelop the lands for residential purposes within the Institutional designation of the Secondary Plan, Section E.6.0 of Volume 1 shall be evaluated.

Institutional Designation

“E.6.2.2 The following uses shall be permitted on lands designated Institutional on Schedule E-1 – Urban Land Use Designations:

- c) health care facilities;

E.6.2.6 Notwithstanding Policy E.6.2.2, where institutional uses cease on lands designated Institutional, low density residential uses, parks and open space uses, or community facilities/services uses may be permitted without an amendment to this Plan, provided the uses are compatible with the surrounding area and are in keeping with the policies of this Plan.

Low Density Residential

E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.

E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.

E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The proposal seeks to establish a common element condominium in favour of 211 street townhouse dwellings having a density of 30.9 units per hectare. The dwelling units have a height ranging from one and a half to three storeys, in accordance with Policy E.3.4.5 of the UHOP. The Draft Plan of Condominium application is required to establish tenure for the road network and a Part Lot Control application is required to create the individual lots having frontage on the street, ensuring that the proposal complies with the UHOP in terms of permitted uses. Condition No. 3 of Appendices “D”

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and “E” have been included to ensure that the individual street townhouse lots are created.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Major Institutional (I3) Zone in Hamilton Zoning By-law No. 05-200 which permits street townhouse dwellings.

Minor Variance application HM/A-18:408 was approved by the Committee of Adjustment on February 7, 2019, which made adjustments to the minimum rear yard setback requirements, minimum lot area, building height, and minimum parking requirements of the Major Institutional (I3) Zone.

Minor Variance application HM/A-21:54 will be heard by the Committee of Adjustment on March 4, 2021 and requests a reduced minimum front yard setback for lots fronting onto a curved road.

The proposal conforms to Hamilton Zoning By-law No. 05-200, as approved by Minor Variance Applications HM/A-18:408 and subject to approval of HM/A-21:54. Section 4.3b) of the Zoning By-law permits street townhouses to have frontage on a private condominium road. Condition No. 1 of Appendices “D” and “E” to Report PED21053 has been included to ensure the proposal is developed in accordance with the Zoning By-law.

Site Plan Control Application DA-17-170

Site Plan Control application DA-17-170 received conditional approval on September 17, 2018. The proposed Draft Plan of Condominium will be required to comply with the final approved Site Plan (see Condition No. 2 of Appendices “D” and “E” to Report PED21053).

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
Forestry and Horticulture	No Comment	N/A
Recycling and Waste Disposal	The site is eligible for municipal waste collection, subject to meeting design requirements.	Details regarding eligibility for municipal waste collection is being

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Section, Public Works Department		addressed through Site Plan Control Application DA-17-170.
Engineering Approvals Section	<p>Site grading, drainage and servicing design shall be in accordance with Site Plan Control Application DA-17-170. Part of this design includes a private underground stormwater oil/grit separator which needs to be maintained by the future Condominium Corporations. The Corporations shall also be responsible for maintenance of catch basins, maintenance holes, parking areas, roadways, sidewalks and retaining walls.</p> <p>Recommended the inclusion of conditions for the on-going maintenance and / or replacement costs for any structures within the condominium lands and a drainage easement within the backyards of property owners adjacent to public lands to ensure that drainage patterns established in the approved grading plan are maintained. Warning clauses are recommended for some units within the proposed Draft Plan of Condominium at 20 Southridge Court.</p> <p>The development consists of two Condominium corporations sharing one road network and servicing design. Joint Use Agreements and Reciprocal Easements will be required to establish easements for</p>	These requirements are addressed through Condition Nos. 5, 6, 13, 14, and 15 of Appendix "D" and Condition Nos. 5, 6, 13 and 14 of Appendix "E" to Report PED21053.

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	vehicular and pedestrian access.	
Legislative Approvals Section	The standard note should be added to the Draft Plan of Condominium Conditions as Note 1.	The note has been included in Appendices "D" and "E" to Report PED21053.
Canada Post Corporation	The site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per standard requirements.	Associated warning clauses regarding this requirement have been included as Condition Nos. 7(ii) and 8 to 12 in Appendices "D" and "E" to Report PED21053.
Bell Canada	Necessary easements and / or agreements for the provision of communication / telecommunication infrastructure for this project is required.	This has been included as Condition No. 17 in Appendix "D" and Condition No. 16 in Appendix "E" to Report PED21053.
Union Gas Ltd.	Requires that the applicant provide necessary easements and/or agreements for the provision of gas services for this project.	This has been included as Condition No. 16 in Appendix "D" and Condition No. 15 of Appendix "E" to Report PED21053.
Public Consultation		
	Comment	Staff Response
	To date, staff have not received any public submissions through this circulation.	N/A - No submissions received.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to A Place to Grow Plan for the Greater Golden Horseshoe;
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,

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- (iii) The proposal establishes condominium tenure for a form of development permitted under the Hamilton Zoning By-law No. 05-200. It will implement the conditionally approved Site Plan Control application DA-17-170, which provides for a form of development that is compatible with surrounding land uses.
2. The proposed Draft Plans of Condominium (Common Element) are comprised of the following common elements: private road network, sidewalks, landscaped amenity areas and visitor parking for 211 street townhouse dwellings, as shown on the attached plans, marked as Appendices “B” and “C” to Report PED21053. The private condominium road will provide two accesses-one to Southridge Court and one access to Sanatorium Road. All units will be accessed from the private condominium road.
 3. Future Owners and residents of this development shall be advised through Condition No. 7 of Appendices “D” and “E” to Report PED21053 that their garages are provided for the purposes of parking a vehicle and not for storage purposes. In addition, they will be advised that the Condominium Corporations will be responsible for maintenance and snow removal for the private road network.
 4. Prior to these Common Element Condominiums being registered, Site Plan Control application DA-17-170, Minor Variance application HM/A-21:54, and Part Lot Control application PLC-20-012 shall receive final approval per Condition Nos. 1, 2 and 3 of Appendices “D” and “E” to Report PED21053. Both condominiums must be created in order to allow the lots created through Part Lot Control Application PLC-20-012 to have frontage on a road.
 5. A Development Agreement is required to ensure that the street townhouse dwellings have legal rights tied to the Common Element Condominium and has been included as Condition No. 4 in Appendices “D” and “E” to Report PED21053.
 6. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition No. 19 in Appendix “D” and Condition No. 18 in Appendix “E” to Report PED21053).
 7. The applicant has applied for Official Plan Amendment and Zoning By-law Amendment applications UHOPA-20-04 and ZAC-20-009 to allow for the adaptive reuse of the existing Southam Building as a 23-unit multiple dwelling. The proposal will require that sanitary, storm and water services and vehicular and pedestrian accesses be shared between the proposed street townhouse dwellings and the multiple dwelling.

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ALTERNATIVES FOR CONSIDERATION

Should the proposed Plan of Condominium (Common Element) not be approved, the proposal would be considered a block townhouse development, which is not permitted in the Urban Hamilton Official Plan or the Major Institutional (I3) Zone. Successful Official Plan Amendment and Zoning By-law Amendment applications would be required to implement the proposal.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

Our 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 Plan of Condominium for 20 Southridge Court

Appendix “C” – Draft Plan of Condominium for 533 Sanatorium Road

Appendix “D” – Draft Plan Conditions of Approval for 20 Southridge Court

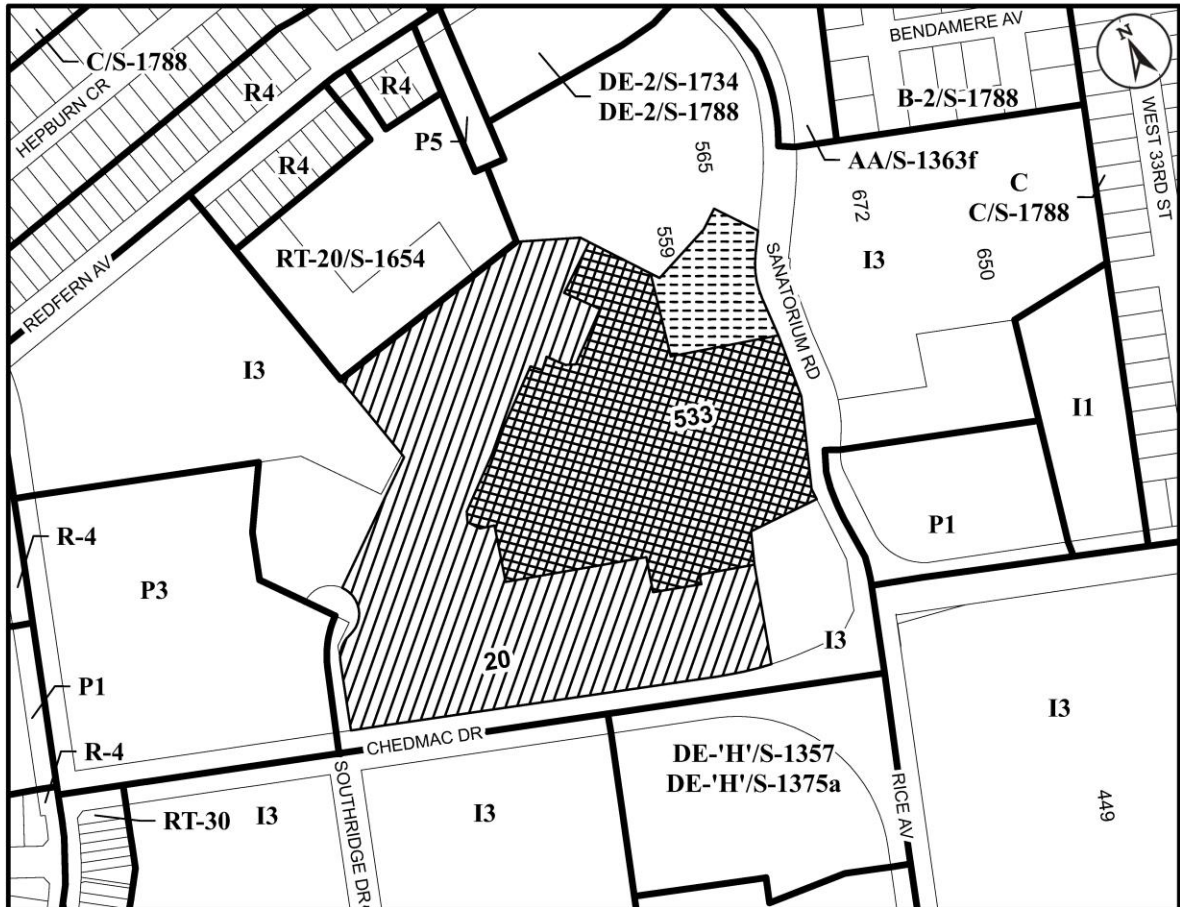
Appendix “E” – Draft Plan Conditions of Approval for 533 Sanatorium Road

Appendix “F” – Site Plan

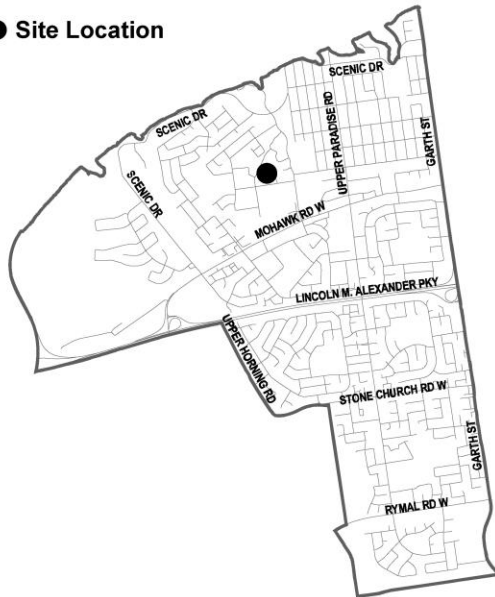
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● Site Location



Key Map - Ward 14

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25CDM-202013 & 25CDM-202014

Date:
March 2, 2021

Appendix "A"

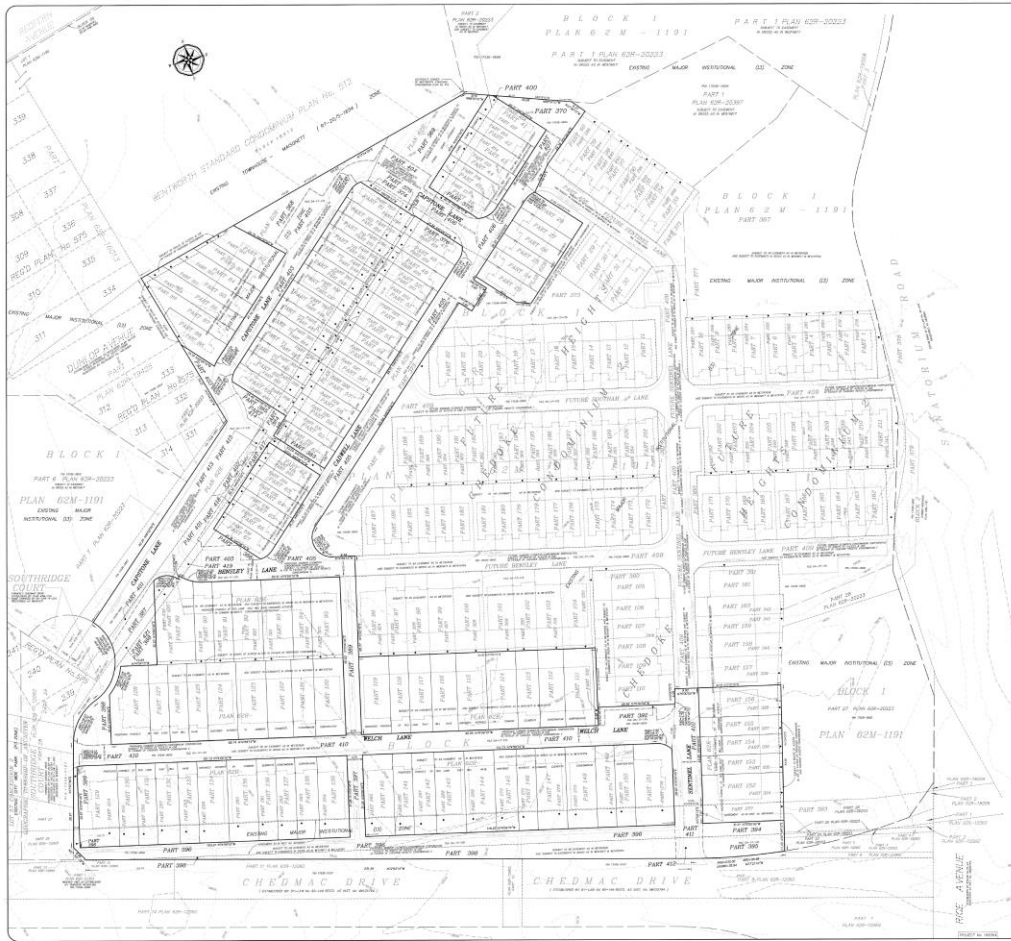
Scale:
N.T.S

Planner/Technician:
MS/NB

Subject Property

-  20 Southridge Court
-  533 Sanatorium Road
-  Additional Lands owned by Applicant





**DRAFT PLAN OF
CHEDOKE HEIGHTS
CONDOMINIUM 1**

BEING A PROPOSED CHEDOKE HEIGHTS CONDOMINIUM DEVELOPMENT OF
**PART OF BLOCK 1
PLAN 62M-1191
CITY OF HAMILTON**

DATE: 2011
DRAWN BY: [Name]
CHECKED BY: [Name]

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVIEW AND APPROVAL.

WARNING: EXISTING DATA ON THIS PLAN ARE AS SHOWN AND THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DATA.

**RE: CHAPTER 413 R.S.O. 1990 SECTION 51(1) OF THE
PLANNING ACT AND SECTION 9 OF THE CONDOMINIUM ACT (1998)**

1. DRAFT OF PLAN
2. DRAFT OF PLAN
3. DRAFT OF PLAN
4. DRAFT OF PLAN

CONDOMINIUM CERTIFICATE

DATE: 2011
DRAWN BY: [Name]
CHECKED BY: [Name]

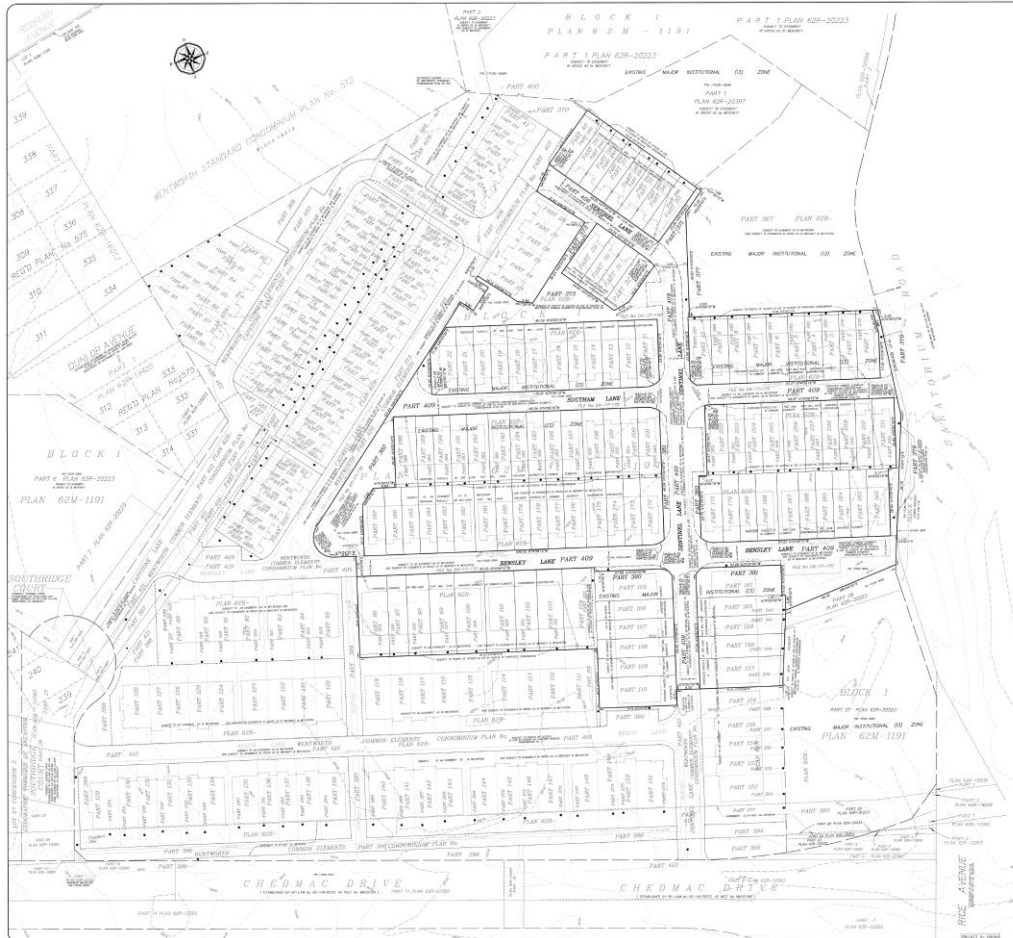
LAND USE SUBMITTAL

DATE: 2011
DRAWN BY: [Name]
CHECKED BY: [Name]

CONDOMINIUM DRAFT AFFIDAVIT

DATE: 2011
DRAWN BY: [Name]
CHECKED BY: [Name]

A. J. Clarke and Associates Ltd.
Professional Engineers
100 King Street West, Suite 2000
Hamilton, Ontario L8R 3A1
Tel: 905.571.1111
Fax: 905.571.1112



**DRAFT PLAN OF
CHEDOKE HEIGHTS
CONDOMINIUM 2**

MADE A PROPOSED CHANGE SUBJECT TO THE CONDOMINIUM ACT OF
**PART OF BLOCK 1
PLAN 62M-1191
CITY OF HAMILTON**

DATE: 2022
SCALE: AS SHOWN
NORTH AS NORTH IS

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND APPROVAL.

KEY: EXISTING CONDITIONS AS SHOWN UNLESS OTHERWISE NOTED.
NEW OR TO BE CONSTRUCTED TO BE SHOWN IN BLACK.

**RE: CHAPTER P-12 R.S.O. 1990 SECTION 31(17) OF THE
PLANNING ACT AND SECTION 3 OF THE CONDOMINIUM ACT (1998)**

1. THIS PLAN IS A DRAFT PLAN.
2. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION.
3. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
4. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
5. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

SURVEYOR'S CERTIFICATE

I, the undersigned, being duly sworn, depose and say that I am a duly qualified and licensed Surveyor in the Province of Ontario, and that I am the Surveyor of the above described land, and that the above described land is the same as the land shown on the plan hereto attached, and that the same is the same as the land shown on the plan hereto attached, and that the same is the same as the land shown on the plan hereto attached.

MADE AT _____ ON _____ 2022

Surveyor

LAND USE SCHEDULE

RESIDENTIAL - SINGLE DETACHED DWELLING (R1)

CONDOMINIUM DRAFT APPROVAL

THIS PLAN IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND APPROVAL.

DATE: 2022

Planning Department

A. J. Clark and Associates Ltd.

1000 SHEPPARD AVENUE EAST, SUITE 100
SCARBOROUGH, ONTARIO M1S 1T7
TEL: 416-291-1111 FAX: 416-291-1112
WWW.AJCLARK.COM

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-202013, by T. Johns Consulting Group on behalf of Chedoke Redevelopment Corp., Owner**, to establish a Draft Plan of Condominium (Common Element) comprised of a private road network, sidewalks, landscaped amenity areas and visitor parking for 107 street townhouse dwellings, on lands located at 20 Southridge Court (Hamilton), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the Hamilton Zoning By-law No. 05-200, and Minor Variance application HM/A-18:408 and HM/A-21:54, at the time of registration of the Draft Plan of Condominium, to the satisfaction of the Director of Planning and Chief Planner.
2. That Site Plan Application DA-17-170 receive final approval and that the final Plan of Condominium complies with the final approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. The Owner / Developer shall receive final approval of Part Lot Control application PLC-20-012, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
4. The Owner / Developer shall enter into a Development Agreement to ensure that the tenure of each of the proposed street townhouse dwellings have frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.
5. The Owner/ Developer shall enter and register on title of the lands, a Joint Use Agreement with the City in order to permit the use of shared sewer and water services across future property lines and to establish a private sewer and water servicing easement over the adjacent common element private condominium road in addition to easements for vehicular and pedestrian access to the Senior Director of Growth Management. The Owner / Developer shall also pay the associated Joint Use Agreement fee of the year it is registered.
6. That the Owner / Developer enter into and register on title of the lands a reciprocal easement with the adjacent condominium corporation to address mutual access and maintenance of the private roads between the condominium corporations, to the satisfaction of the City's Manager of Development Approvals.

7. That the Owner / Developer shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements, to the satisfaction of the Senior Director of Growth Management:
 - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
 - (ii) The home mail delivery will be from a Community Mail Box.
 - (iii) Garages and visitor parking areas are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
8. That the Owner / Developer will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
9. That the Owner / Developer work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
10. That the Owner / Developer install a concrete pad in accordance with the requirements of, and in locations to be approved by, the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
11. That the Owner / Developer identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
12. That the Owner / Developer determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
13. That the Owner / Developer shall include in the Declaration and Description pursuant to Section 93 of the *Condominium Act*, 1998, a provision to establish a Capital Reserve fund to provide for regular on-going cleaning and maintenance or possible eventual replacement of the underground stormwater Oil/Grit Separator

(OGS) unit by a qualified service provider as per the manufacturers' requirements to ensure compliance with the approved stormwater management plan by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management. The Owner is advised to follow the manufacturers' maintenance recommendations for the above stated items.

14. That the Owner / Developer shall include a clause in all Purchase and Sale Agreements and/or rental or lease agreements for Parts 41 – 81, 212 – 238, 240 – 253, 89, 239, 129 – 152 and 254 – 277 (inclusive) to the satisfaction of the Manager of Development Approvals:
 - i) that no fences or landscaping will be permitted within the existing municipal storm and sanitary sewer easements. The existing Owner and/or Condominium Corporation will be responsible for 100% of the costs associated with the removal of fences or landscaping within the easement during repair or maintenance of the existing storm and/or sanitary sewers. The City of Hamilton will not be responsible for the repair or reinstatement of fences or landscaping within the municipal storm and sanitary sewer easements. In addition, restoration by the City of Hamilton shall be limited to minor grading, topsoil and sod regardless of pre-existing condition.
 - ii) that no permanent structures will be permitted within the existing municipal storm and sanitary sewer easements. The existing Owner will be responsible for 100% of the costs associated with the removal of any structure within the easement during repair or maintenance of the existing storm and/or sanitary sewers. The City of Hamilton will not be responsible for the repair or reinstatement of private structures within the municipal storm and sanitary sewer easements. In addition, restoration by the City of Hamilton shall be limited to minor grading, topsoil and sod regardless of pre-existing condition.
15. That the Owner / Developer create upon registration of this Declaration and Description pursuant to Section 20 of the *Condominium Act*, 1998: Reserving unto the Condominium Corporation, its assigns, successors, servants, agents and employees, the right in the nature of an easement, to enter without charge in, over and along all of the Units and the Common Elements of the Condominium, from time to time, for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in accordance with the Detailed Grading Plan and the overall Grading Plan approved by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management.
16. That the Owner / Developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.

17. That the Owner / Developer shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement for communication / telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements, in a form satisfactory to Bell Canada.
18. That the Owner / Developer shall agree to include the following warning clauses in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, to the satisfaction of the Director of Planning and Chief Planner:

Units 129-151, 153 – 156

- a) Purchasers / Tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria.

Unit 152

- b) Purchasers / Tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment, Conservation and Parks.

Units 129 – 156

- c) This dwelling unit has been fitted with forced air heating system and ducting etc, was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the criteria of the Municipality and the Ministry of Environment, Conservation and Parks.

All Units

- e) Purchasers / tenants are advised that due to the proximity of the adjacent industrial, commercial and institutional facilities, noise from these facilities may at times be audible.
19. That the Owner / Developer shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

NOTES TO DRAFT PLAN APPROVAL

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

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-202014, by T. Johns Consulting Group on behalf of Chedoke Redevelopment Corp., Owner**, to establish a Draft Plan of Condominium (Common Element) comprised of a private road network, sidewalks, landscaped amenity areas and visitor parking for 104 street townhouse dwellings, on lands located at 533 Sanatorium Road (Hamilton), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the Hamilton Zoning By-law No. 05-200, and Minor Variance applications HM/A-18:408 and HM/A-21:54, at the time of registration of the Draft Plan of Condominium, to the satisfaction of the Director of Planning and Chief Planner.
2. That Site Plan Application DA-17-170 receive final approval and that the final Plan of Condominium complies with the final approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. The Owner / Developer shall receive final approval of Part Lot Control application PLC-20-012, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
4. The Owner / Developer shall enter into a Development Agreement to ensure that the tenure of each of the proposed street townhouse dwellings have frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.
5. The Owner/ Developer shall enter and register on title of the lands, a Joint Use Agreement with the City in order to permit the use of shared sewer and water services across future property lines and to establish a private sewer and water servicing easement over the adjacent common element private condominium road in addition to easements for vehicular and pedestrian access to the Senior Director of Growth Management. The Owner / Developer shall also pay the associated Joint Use Agreement fee of the year it is registered.
6. That the Owner / Developer enter into and register on title of the lands a reciprocal easement with the adjacent condominium corporation to address mutual access and maintenance of the private roads between the condominium corporations, to the satisfaction of the City's Manager of Development Approvals.

7. That the Owner / Developer shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements, to the satisfaction of the Senior Director of Growth Management:
 - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
 - (ii) The home mail delivery will be from a Community Mail Box.
 - (iii) Garages and visitor parking areas are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
8. That the Owner / Developer will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
9. That the Owner / Developer work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
10. That the Owner / Developer install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
11. That the Owner / Developer identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
12. That the Owner / Developer determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
13. That the Owner / Developer shall include in the Declaration and Description pursuant to Section 93 of the *Condominium Act*, 1998, a provision to establish a Capital Reserve fund to provide for regular on-going cleaning and maintenance or possible eventual replacement of the underground stormwater Oil/Grit Separator

(OGS) unit by a qualified service provider as per the manufacturers' requirements to ensure compliance with the approved stormwater management plan by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management. The Owner is advised to follow the manufacturers' maintenance recommendations for the above stated items.

14. That the Owner / Developer create upon registration of this Declaration and Description pursuant to Section 20 of the *Condominium Act*, 1998: Reserving unto the Condominium Corporation, its assigns, successors, servants, agents and employees, the right in the nature of an easement, to enter without charge in, over and along all of the Units and the Common Elements of the Condominium, from time to time, for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in accordance with the Detailed Grading Plan and the overall Grading Plan approved by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management.
15. That the Owner / Developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.
16. That the Owner / Developer shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement for communication / telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements, in a form satisfactory to Bell Canada.
17. That the Owner / Developer shall agree to include the following warning clauses in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, to the satisfaction of the Director of Planning and Chief Planner:

Units 2 – 4, 157 – 161, 163 – 165, 209 and 210

- a) Purchasers / Tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria.

Units 1, 162, and 211

- b) Purchasers / Tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the

dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment, Conservation and Parks.

Units 1 – 4, 157 – 161, 209 – 211

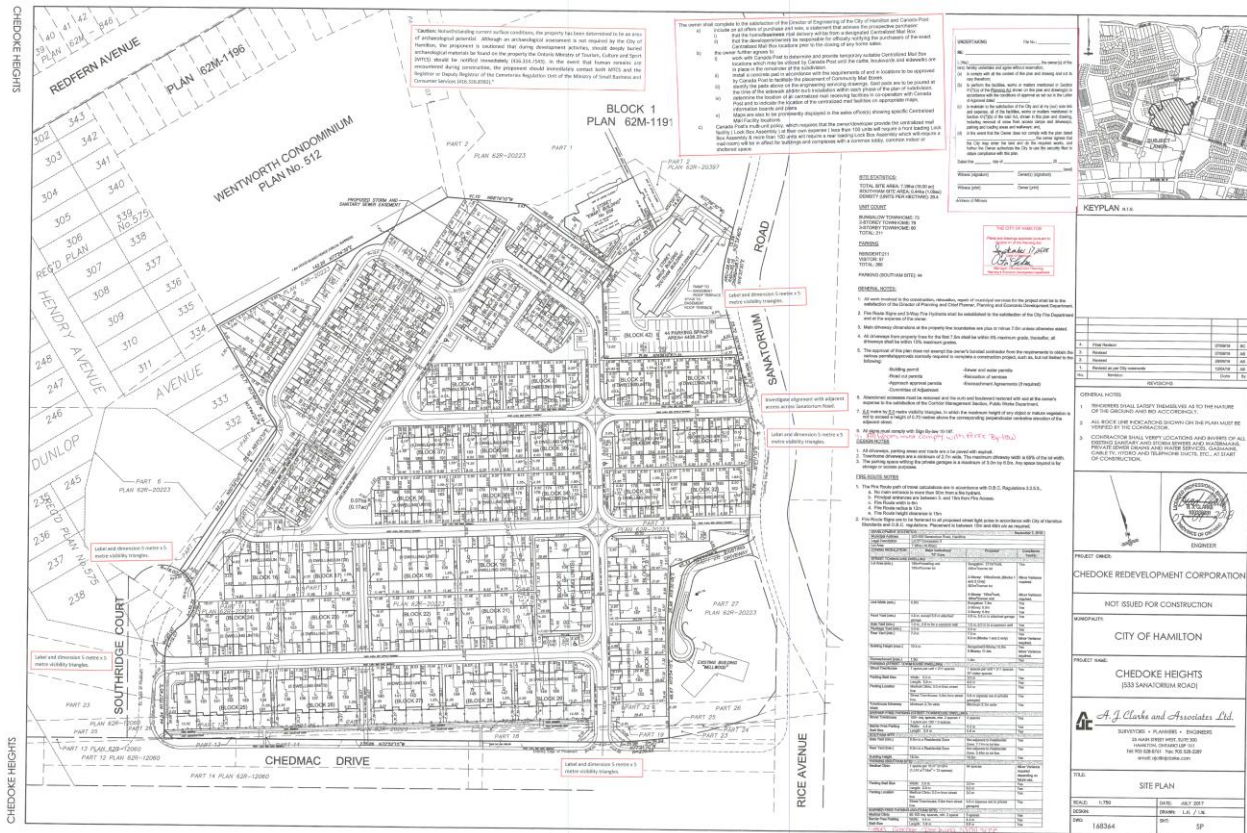
- c) This dwelling unit has been fitted with forced air heating system and ducting etc, was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the criteria of the Municipality and the Ministry of Environment, Conservation and Parks.

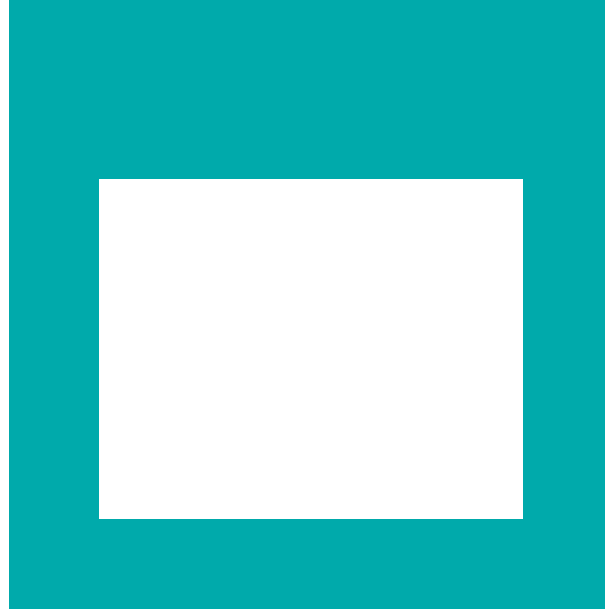
All Units

- e) Purchasers / tenants are advised that due to the proximity of the adjacent industrial, commercial and institutional facilities, noise from these facilities may at times be audible.
18. That the Owner / Developer shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

NOTES TO DRAFT PLAN APPROVAL

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





WELCOME TO THE CITY OF HAMILTON

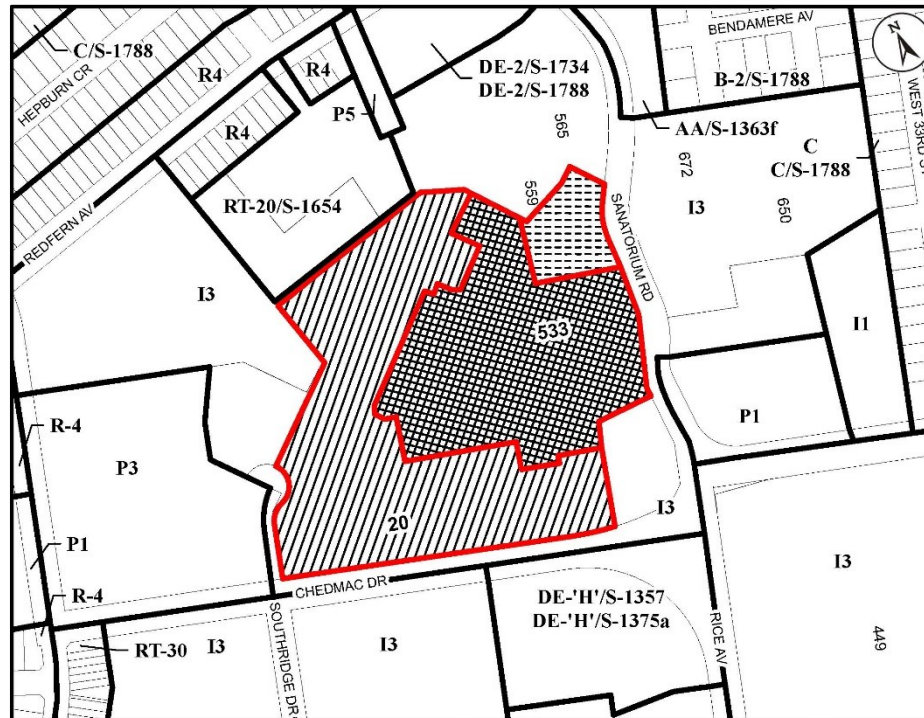
PLANNING COMMITTEE

March 23, 2021

PED21053– (25CDM-202013 & 25CDM-202014)

Application for Approval of Draft Plans of Condominium (Common Element) for
Lands Located at 20 Southridge Court and 533 Sanatorium Road, Hamilton

Presented by: Melanie Schneider



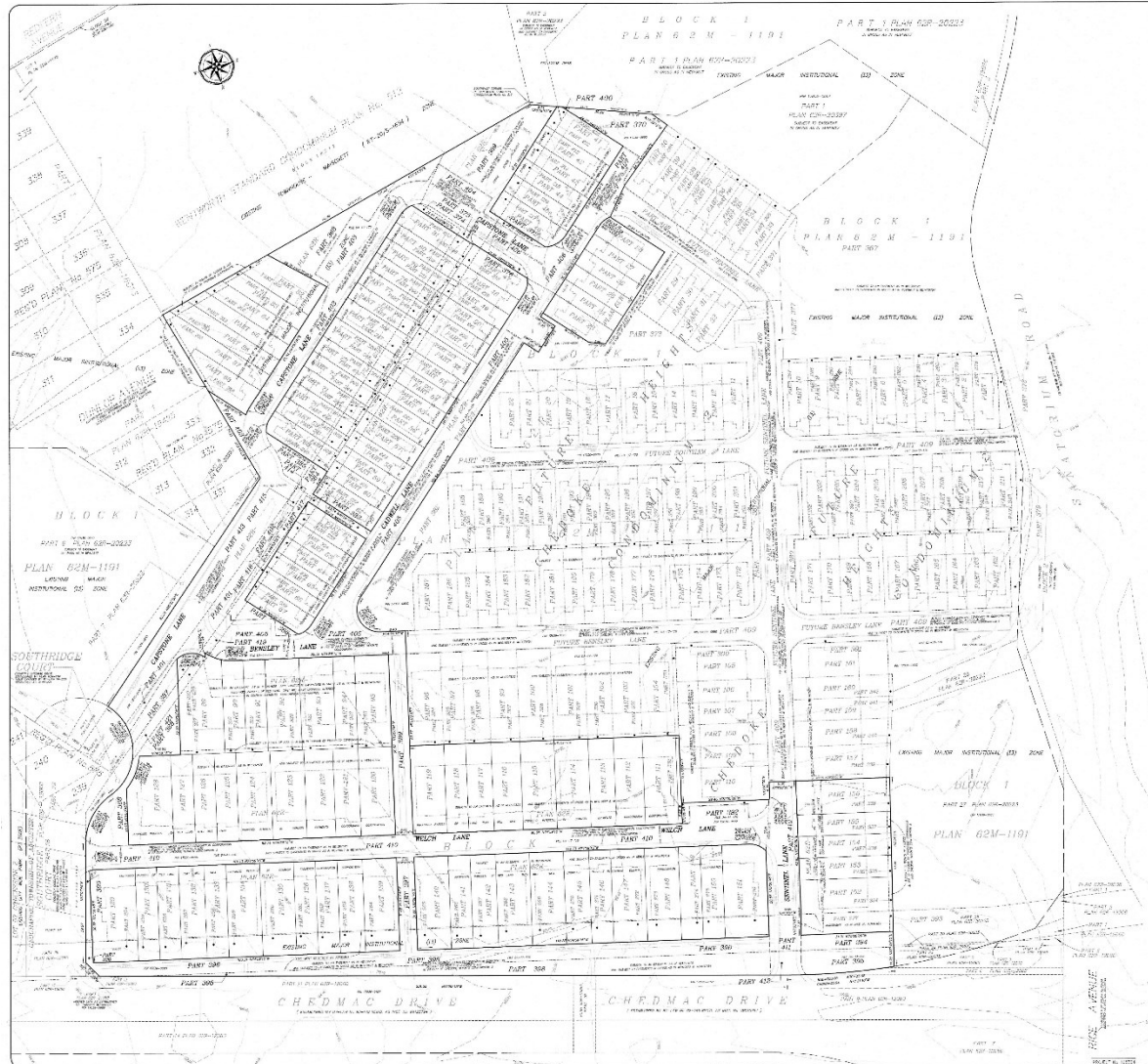
Location Map		 Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: 25CDM-202013 & 25CDM-202014		Date: March 2, 2021
Appendix "A"	Scale: N.T.S.	Planner/Technician: MS/NB
Subject Property <ul style="list-style-type: none"> 20 Southridge Court 533 Sanatorium Road Additional Lands owned by Applicant 		



SUBJECT PROPERTY



20 Southridge Court & 533 Sanatorium Road, Hamilton



**DRAFT PLAN OF
 CHEDEKO HEIGHTS
 CONDOMINIUM 1**

HEREBY PROPOSED UNDER THE CONDOMINIUM ACT (R.S.O. 1990)
**PART OF BLOCK 1
 PLAN 62M-1191
 CITY OF HAMILTON**

DATE: 1-1-2021
 DRAWN BY: M. MURPHY

NOTE: THIS IS A DRAFT PLAN AND IS SUBJECT TO DESIGN AND REGULATORY REVIEW.

MATERIAL: DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND MILLIMETRES UNLESS OTHERWISE STATED.

RE: CHAPTER 615 R.S.O. 1990 SECTION 61(17) OF THE PLANNING ACT AND SECTION 6 OF THE CONDOMINIUM ACT (1990)

1. THIS PLAN IS A DRAFT PLAN.
 2. THIS PLAN IS A DRAFT PLAN.
 3. THIS PLAN IS A DRAFT PLAN.
 4. THIS PLAN IS A DRAFT PLAN.
 5. THIS PLAN IS A DRAFT PLAN.
 6. THIS PLAN IS A DRAFT PLAN.
 7. THIS PLAN IS A DRAFT PLAN.

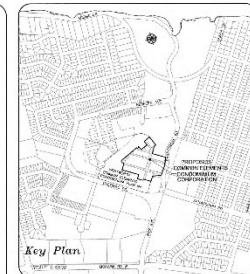
SEWERAGE CERTIFICATE:
 I CERTIFY THAT THE SEWERAGE OF THE LOTS IS BEING SERVED BY SEWER TO THE SEWER MAIN OR SEWERAGE OF AN ADJACENT LOT OR BY SEWER TO THE SEWER MAIN OR SEWERAGE OF AN ADJACENT LOT.

DATE: 1-1-2021
 SIGNED: M. MURPHY

LAND USE CERTIFICATE:
 I CERTIFY THAT THE LAND USE OF THE LOTS IS BEING SERVED BY SEWER TO THE SEWER MAIN OR SEWERAGE OF AN ADJACENT LOT OR BY SEWER TO THE SEWER MAIN OR SEWERAGE OF AN ADJACENT LOT.

CONDOMINIUM DRAFT APPROVAL:
 I CERTIFY THAT THE SEWERAGE OF THE LOTS IS BEING SERVED BY SEWER TO THE SEWER MAIN OR SEWERAGE OF AN ADJACENT LOT OR BY SEWER TO THE SEWER MAIN OR SEWERAGE OF AN ADJACENT LOT.

A. J. Clark and Associates Ltd.
 1000 SHEPPARD AVENUE EAST, SUITE 1000
 SCARBOROUGH, ONTARIO M1S 1T7
 TEL: (416) 291-1111
 FAX: (416) 291-1112
 WWW: AJCLARK.COM



**DRAFT PLAN OF
 CHEDOKE HEIGHTS
 CONDOMINIUM 2**
 WITH A MUTUAL COMMON ELEMENTS CONVEYANCE COMPONENT OF
 PART OF BLOCK 1
 PLAN 62M-1191
 CITY OF HAMILTON
 SCALE 1:500
 MONIKAS P. WYON O.S.A.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DIMENSIONS SHOWN ON THIS PLAN ARE IN METRIC UNITS AND SHALL BE GOVERNED BY THE METRIC SYSTEM OF MEASUREMENT.

**RE: CHAPTER 7.13 R.S.O. 1990 SECTION 51(1) OF THE
 PLANNING ACT AND SECTION 2 OF THE CONDOMINIUM ACT (1998)**
 I, MONIKAS P. WYON, O.S.A., THE DESIGNER OF THIS PLAN, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND ARCHITECT IN THE PROVINCE OF ONTARIO AND AM A MEMBER OF THE ENGINEERING COUNCIL OF ONTARIO AND THE ARCHITECTS ASSOCIATION OF ONTARIO.

DESIGNER'S CERTIFICATION:
 I HEREBY CERTIFY THAT THE DESIGNER OF THIS PLAN IS A REGISTERED ARCHITECT AND ARCHITECTURAL ENGINEER IN THE PROVINCE OF ONTARIO AND IS A MEMBER OF THE ARCHITECTS ASSOCIATION OF ONTARIO.

LAND USE SCHEDULE:
 THIS PLAN IS IN ACCORDANCE WITH THE ZONING BY-LAW OF THE CITY OF HAMILTON, ONTARIO, AND THE LAND USE SCHEDULE THEREIN.

CONDOMINIUM DRAFT APPROVAL:
 THIS PLAN IS IN ACCORDANCE WITH THE CONDOMINIUM ACT (1998) OF THE PROVINCE OF ONTARIO AND THE CONDOMINIUM REGULATIONS (1998) OF THE PROVINCE OF ONTARIO.

A. J. Clark and Associates Ltd.
 ARCHITECTS AND PLANNERS
 30 SHEPPARD AVENUE EAST, SUITE 200
 SCARBOROUGH, ONTARIO M1S 1T7
 TEL: (416) 291-1100
 FAX: (416) 291-1101
 WWW.AJCLARK.COM



CITY OF HAMILTON
PUBLIC NOTICE
OF COMPLETE APPLICATIONS FOR A PROPOSED DRAFT PLAN OF CONDOMINIUM AND PUBLIC MEETING OF THE PLANNING COMMITTEE

OWNER: Chedoke Redevelopment Corp.
APPLICANT: T. Johns Consulting Group C/O Diana Morris
SUBJECT LANDS: 20 Southridge Court and 533 Sanatorium Road

PURPOSE AND EFFECT OF THE PROPOSED DRAFT PLAN OF CONDOMINIUM
The purpose of these applications is to establish two common element condominiums, which include a private road network, visitor parking areas, rear yard maintenance paths, and open landscaped areas. The condominiums will support a total of 211 townhouses.



PUBLIC MEETING
DATE: March 23, 2021
TIME: 9:30 a.m.
LOCATION: www.hamilton.ca/MeetingAgendas

Inquiries Refer to File#s: 25CCM-20-013 and 25CCM-20-014
For where and when a copy of the additional information regarding the proposed plan of condominiums will be available for public inspection, or for a copy of the Notice of Complete Applications which was mailed to all land owners within 120 meters of the subject lands, please contact Melanie Schneider at 905.546.2424 ext. 1224 or by email at melanie.schneider@hamilton.ca
For more information about this matter, including information about preserving your appeal rights, contact Melanie Schneider
Collection of Information
Information responding to this application is being collected under the authority of the Planning Act, R.S.O. 1990, c. P13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public and will appear on the City's website unless you expressly request within your communication that City remove your personal information.

Public Notice Sign



Lands from the south showing northerly residential land uses



Lands to the south



Subject Lands from the south



Phase 1 entrance to subject lands from the west



Lands to the west showing community centre



Sales office on site at the south east



Lands east of subject lands



Lands to the east



Subject lands from the east looking north



Lands to the southeast



Lands to the northeast



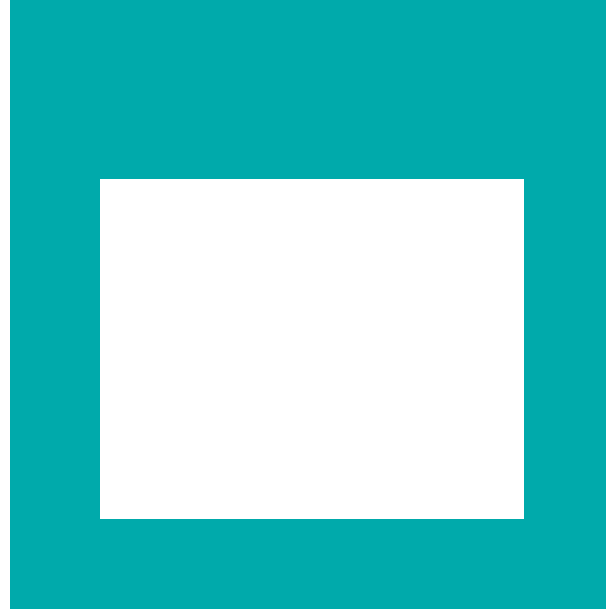
Additional lands owned by the applicant to the north



Northerly extent of subject lands St Peters Building showing Southam



Lands to the north




THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 23, 2021
SUBJECT/REPORT NO:	Property Standards By-Law Review and Municipality Comparison (PED21049) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jim Gordon (905) 546-2424 Ext. 1317
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

On January 22, 2020, Council approved Item 12 of Planning Committee Report 20-001 directing Licensing and By-Law Services staff to meet with internal and external stakeholders concerning possible improvements to the Property Standards By-law 10-221 involving rental properties and apartments; and to review and compare our current Property Standards By-law against other municipalities to determine best practices and improvement to our current legislation.

INFORMATION

The purpose of this Report is to advise the Planning Committee that staff has now completed meeting with industry and public stakeholders and has completed a jurisdictional scan and comparison of other municipalities' Property Standards By-laws.

The standards established in the Property Standards By-law should represent minimum standards for maintenance and occupancy because they seek a balance between addressing concerns relating to health, safety and suitable habitation and concerns relating to burdensome repair costs for property owners.

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: Property Standards By-Law Review and Municipality Comparison (PED21049) (City Wide) - Page 2 of 3

Consultation processes took place with engaged stakeholders discussing specific Property Standards By-law issues, mostly in conjunction with multiple dwelling settings. Some examples included duplexes, triplexes, condominiums and apartment buildings.

In depth comparisons were made with five other municipalities in Ontario with somewhat similar population bases and a post-secondary institution presence, 24 common Property Standard elements were compared to assess if Hamilton's Property Standards By-law was similar in nature.

Staff assessment of the comparison between municipalities has determined that the current By-law for the most part is solid and suitable to address the majority of all current maintenance and occupancy concerns. Despite this, staff have identified opportunities to enhance the Property Standards By-law to account for areas that do not align with other municipalities.

Through consultation with various groups such as tenant advisory groups; neighbourhood associations; members of the legal community; building owners and apartment associations, it was determined the City of Hamilton's Property Standards By-law has gaps when compared to other municipalities.

Concerns were expressed by community organizations/associations and members of the public about the quality and safety of rental accommodations and how the City addresses key property standards issues such as pest and vermin control, repair standards and cleanliness. Tenant groups in particular are asking that amendments to the City's Property Standards By-law be made to increase consistency in housing quality throughout the City. Some areas identified by the tenant groups that can be addressed by the City of Hamilton, include:

- Intercoms and Security Locking;
- Appliances Kept in Good Repair;
- Mail Collection Areas;
- Common Area /Hallways Cleanliness;
- Garbage Chutes - Washed and Disinfected;
- Ventilation Systems Cleaned;
- Floors/Walls Similar Finishes Upon Repair;
- Cupboards/Fixtures/Faucets in Good Repair; and,
- Pest and Vermin Control.

Appendix "A" attached to this Report, shows instances where four municipalities in Ontario include measures in their Property Standards By-laws to deal with the top items of concern from the consulted groups. Tenant groups also asked that the City of Hamilton ensures that any enforcement procedures by Municipal Law Enforcement Officers only be deemed concluded by an in-person observation.

**SUBJECT: Property Standards By-Law Review and Municipality Comparison
(PED21049) (City Wide) - Page 3 of 3**

During the consultation period, groups and individuals asked that programs similar to Toronto's RentsafeTO, and Ottawa's Rental Housing Property Management By-law be incorporated into this review. These programs can each be more classified as a Registry with Property Standards elements, not Property Standards By-laws.

CONCLUSION

Staff has determined that Property Standards By-Law amendments could be implemented quickly for the more minor identified issues. An internal review involving multiple City departments and outside agencies would be required to facilitate effective strategies to deal with pest and vermin control amendments. Impact on City operations and the community at large would need to be investigated. This issue would most certainly have staffing considerations attached to it as well as cost implications.

As a result of the analysis described in this Report, Council may wish to direct staff to prepare a report, in consultation with Legal Services, that amends the Property Standards By-law to address the following areas, including the staffing and financial impacts of adding these areas to the By-law:

- Intercoms and Security Locking;
- Appliances Kept in Good Repair;
- Mail Collection Areas;
- Common Area /Hallways Cleanliness;
- Garbage Chutes - Washed and Disinfected;
- Ventilation Systems Cleaned;
- Floors/Walls Similar Finishes Upon Repair;
- Cupboards/Fixtures/Faucets in Good Repair

As this Report addresses possible improvements to the Property Standards By-law involving rental properties and apartments; and a comparison of the City's current Property Standards By-law against other municipalities to determine best practices and improvement to our current legislation, it is appropriate to be identified as complete and removed from the Planning Committee Outstanding Business List.

APPENDICES AND SCHEDULES ATTACHED

APPENDIX "A"- Review of Property Standards By-law and Consultation Requests

KL:st

Appendix "A" to Report PED21049

Page 1 of 3

REVIEW OF PROPERTY STANDARDS BY-LAW AND CONSULTATION REQUESTS

Intercoms and Security Locking	
Oshawa	An Owner shall maintain any services and facilities supplied in respect of a Property by that same Owner and shall maintain common areas intended for the use of Occupants. Such services and facilities may include, but are not limited to: <ul style="list-style-type: none"> a) intercom systems and equipment b) security services, facilities and equipment
Ottawa	In multiple dwellings where a voice communications system between each dwelling unit and the front lobby and a security locking and release facilities for the entrance have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair.
Toronto	In multiple dwellings where a voice communications system between each dwelling unit and the front lobby and a security locking and release facilities for the entrance have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair.
London	In multiple dwellings where a voice communications system between each dwelling unit and the front lobby and security locking and release facilities for the entrance, have been provided and are controlled from each dwelling unit, such facilities shall be maintained.

Appliances	
Add a definition – e.g. "appliances" include a fridge, stove, dishwasher, clothing washer or dryer	
Ottawa	Where appliances are provided, they must be maintained in good repair and in a safe condition.
Kingston	All appliances, equipment, accessories and installations provided by the Owner shall be installed and maintained in good repair and working order and used for their intended purposes.
Toronto	Each kitchen in a dwelling unit shall have an approved, connected and operating gas or electrical supply for cooking and refrigeration appliances.
Oshawa	Appliances in a Dwelling Unit shall be maintained in good Repair and in a safe, operable condition.

Mail Collection Areas	
Mississauga	All mail collection areas, including mail boxes, where supplied in any building, shall be maintained in good repair.
Burlington	All mail collection areas, including mail boxes, where supplied in any building, shall be maintained in a good state of repair.
Oshawa	All mail collection areas, including mailboxes (where supplied in any Building) shall be maintained in good repair.
Ottawa	Where mailboxes or mail slots are provided in multiple dwellings, they shall be, maintained in good repair; <ul style="list-style-type: none"> a) secured with a locking device; and b) one shall be provided for each dwelling unit.

**Appendix “A” to Report PED21049
Page 2 of 3**

Common Area /Hallways Cleanliness	
Kingston	All hallways, laundry rooms and common areas shall be maintained in a clean, sanitary condition.
Oshawa	Common areas in Apartment Buildings, including laundry rooms, recreation rooms, storage rooms, hallways, elevator cages and other shared facilities shall be maintained in good Repair and kept clean and free from health, fire and accident hazards.
Waterloo	The landlord shall maintain, in a state of good repair and in a clean, safe condition, any facilities supplied by the landlord and all common areas intended for the use of the tenants.
Ottawa	<ul style="list-style-type: none"> a) Every floor, wall, ceiling, fixture and equipment in a building shall be maintained in a clean and sanitary condition as is appropriate to the use which is being made of the building. b) Every building shall be kept free from rubbish, debris or any condition which constitutes an accident or health hazard.

Garbage Chutes- Washed and Disinfected	
Kitchener	Garbage chutes, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as is necessary to be clean, odour free and in good working order and good repair.
Oshawa	In Apartment Buildings, every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be: <ul style="list-style-type: none"> a) washed and disinfected as often as is necessary to maintain a clean and odour free condition; and b) maintained in good Repair.
Ottawa	In multiple dwellings, every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be, washed and disinfected as often as is necessary to maintain a clean and odour free condition; and maintained in good repair.
Toronto	Every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour-free condition.

Ventilation Systems Cleaned	
Toronto	Every ventilation system or unit must be regularly cleaned, kept in good repair and maintained in good working condition.
Kitchener	Ventilation systems shall be cleaned regularly and installed, used and maintained: <ul style="list-style-type: none"> a) in conformance with the requirements of the Building and Fire Codes; b) in good working condition and good repair; and c) in a safe condition.
Brantford	Ventilation systems shall be cleaned regularly and installed, and maintained: <ul style="list-style-type: none"> a) in conformance with the requirements of the Building Code; b) in good working condition and good repair; and c) in a safe condition.
Ottawa	Where a system of mechanical ventilation is used, it shall be maintained in good working condition, regularly cleaned and kept in good repair;

**Appendix "A" to Report PED21049
Page 3 of 3**

Floors/Walls Similar Finishes Upon Repair	
Ottawa	When walls and ceilings are repaired, they shall be surfaced with a finish compatible with the surrounding finishes. Any repair or replacement required by subsection (3) shall be such that the material used shall have a finish similar to that of the original covering.
Burlington	Excessively worn, broken, warped or loose boards, floors and floor coverings must be replaced or repaired in a good workmanlike manner; (finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials). Repairs made to interior walls and ceilings shall be completed in a good workmanlike manner and each repair shall be finished to match the existing wall or ceiling.
Toronto	Finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials.
Oshawa	A finish shall be applied to all walls and ceilings where same have been repaired.

Cupboards/Fixtures/Faucets in Good Repair	
Burlington	Every cupboard, kitchen fixture, fitting and supplied appliance shall be maintained in a good state of repair and working order.
Toronto	Every cupboard, kitchen fixture, fitting and supplied appliance shall be maintained in good repair and good working order.
Ottawa	The following items in a kitchen shall be maintained in good repair or replaced: cupboards; cupboard doors; missing cupboard door hardware; defective cupboard door hardware; drawers; missing drawer hardware; defective drawer hardware; and counter tops.
Windsor	Every cabinet, cupboard, shelf and counter top in a dwelling unit shall be maintained in a structurally sound condition, free from cracks and deterioration.

CITY OF HAMILTON

MOTION

Committee Date: March 23, 2021

MOVED BY COUNCILLOR FARR.....

SECONDED BY COUNCILLOR DANKO

Amend Property Standards By-law 20-221 to Include Health and Safety Concerns in Rental Houses and Apartments

WHEREAS, the Building Code Act, 1992, authorized the City of Hamilton to pass a by-law prescribing standards for the maintenance and occupancy of property;

WHEREAS, By-law 10-221, being a By-law to prescribe standards of the maintenance and occupancy of property, was approved by Council on September 15, 2010;

WHEREAS, since the adoption of the Property Standards By-law, there have been eight (8) amending By-law passed by Council to improve the By-law;

WHEREAS, there have been concerns of the health and safety of rental houses and apartments within the City;

WHEREAS, as part of continuous improvement efforts, staff work to improve enforcement activities, including updating various by-laws to address specific municipal needs identified by Council, committees, staff, public and the courts;

WHEREAS, stakeholders were consulted on known and unknown gaps in the existing Property Standards By-law and comparisons were done with other Municipalities to ascertain if the gaps found were addressed in other Municipalities Property Standards By-laws; and,

WHEREAS, areas of improvement were identified which would enhance the health and safety of rental houses and apartments within the City.

THEREFORE, BE IT RESOLVED:

That Licensing and By-Law Services staff in consultation with Legal Services, be directed to bring forward a By-law to amend the Property Standards By-law 10-221 to reflect the areas for improvement found in the Information Report Property Standards By-Law Review and Municipality Comparison (PED21049) (City Wide).



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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

RECOMMENDATION(S)

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

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

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

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

EXECUTIVE SUMMARY

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

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

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

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

Alternatives for Consideration – See Page 10

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

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet:

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

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

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

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

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

Consent for Severance Application GL/B-17:110

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

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

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

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

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

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

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

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

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

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

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

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

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

EXISTING LAND USE AND ZONING

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

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Rural Hamilton Official Plan

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

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

Zoning By-law No. 05-200

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

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

RELEVANT CONSULTATION

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

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

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

Public Consultation

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

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

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

Public Consultation Strategy

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

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

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

2. Official Plan Amendment

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

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

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

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

3. Zoning By-law Amendment

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

ALTERNATIVES FOR CONSIDERATION

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

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Healthy and Safe Communities

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

Clean and Green

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Rural Hamilton Official Plan Amendment

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

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

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

Appendix "E" - LPAT Decision

Appendix "F" – Proposed Land Severance Sketch

DRAFT Rural Hamilton Official Plan Amendment No. X

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

1.0 Purpose and Effect:

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

2.0 Location:

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

3.0 Basis:

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

4.0 Actual Changes:

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

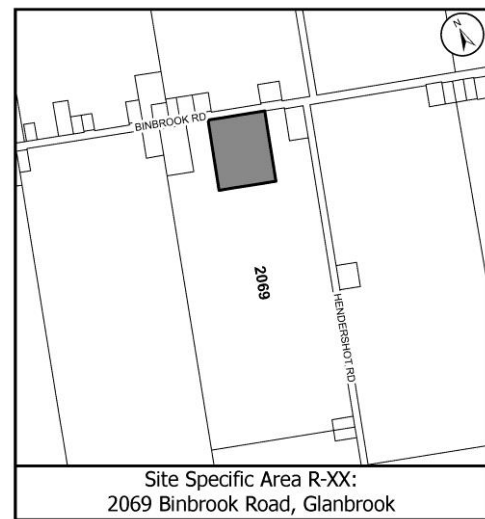
Text

4.3.1 Chapter B – Rural Site Specific Policies

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

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

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



Schedules and Appendices

4.3.2 Appendix

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

5.0 Implementation:

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

This Official Plan Amendment is Schedule “1” to By-law No. ____ passed on the _____th of _____, 2020.

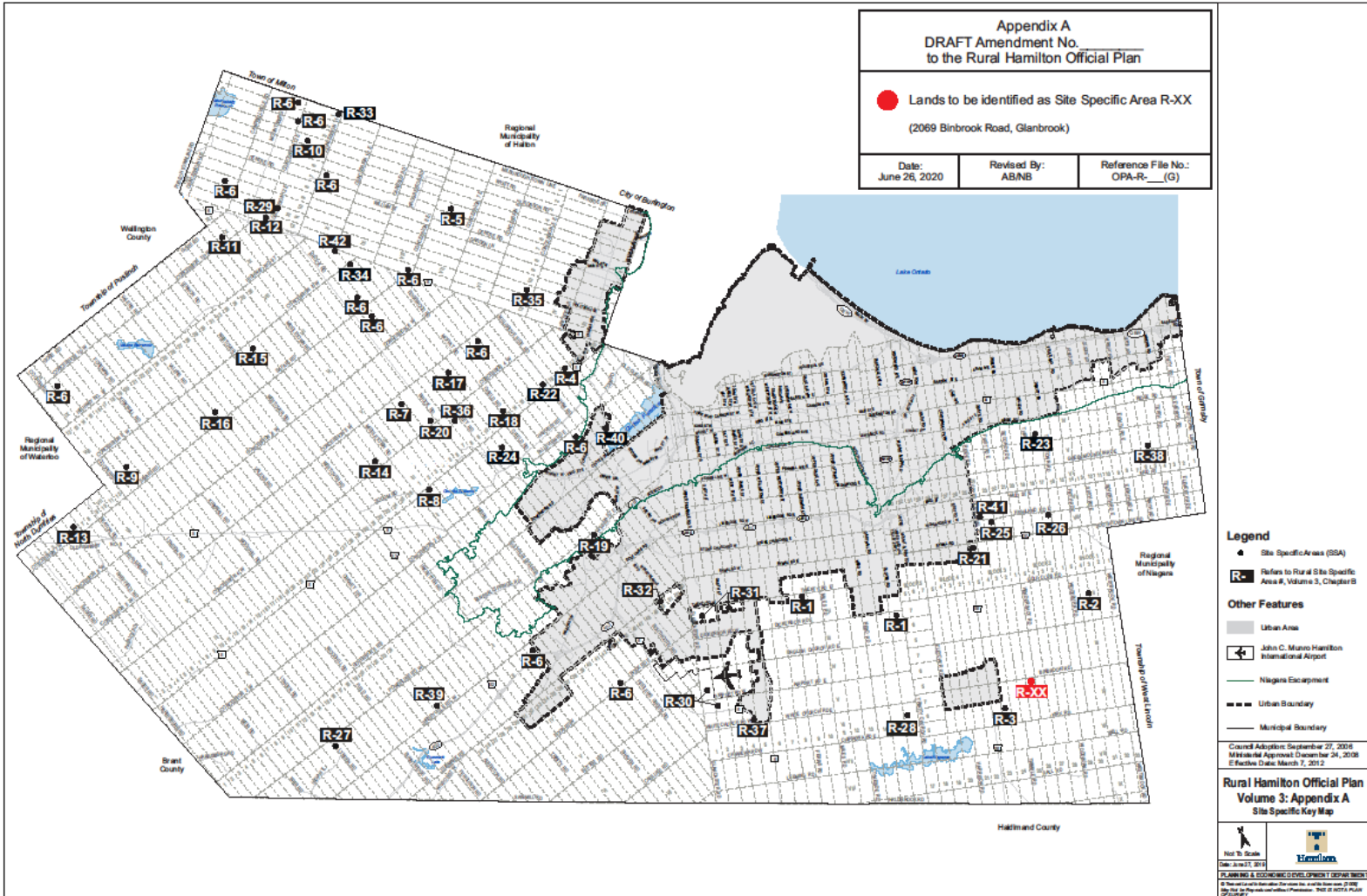
**The
City of Hamilton**

F. Eisenberger

A. Holland

MAYOR

CITY CLERK



Authority: Item,
Report (PED19XXX)
CM:
Ward: X

Bill No.

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

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

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

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

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

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

Property Address	Map Numbers
2069 Binbrook Road	214

- b) Adding subsection d) as follows:
 - "d) The following regulations shall also apply for the property located at 2069 Binbrook Road:
 - i) Notwithstanding Subsection 12.1.1, a Residential Care Facility shall be prohibited on the subject lands.
 - ii) Notwithstanding Subsection 12.1.3.1 a), for the lands located at 2069 Binbrook Road, the minimum lot area shall be 34.0 hectares.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

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

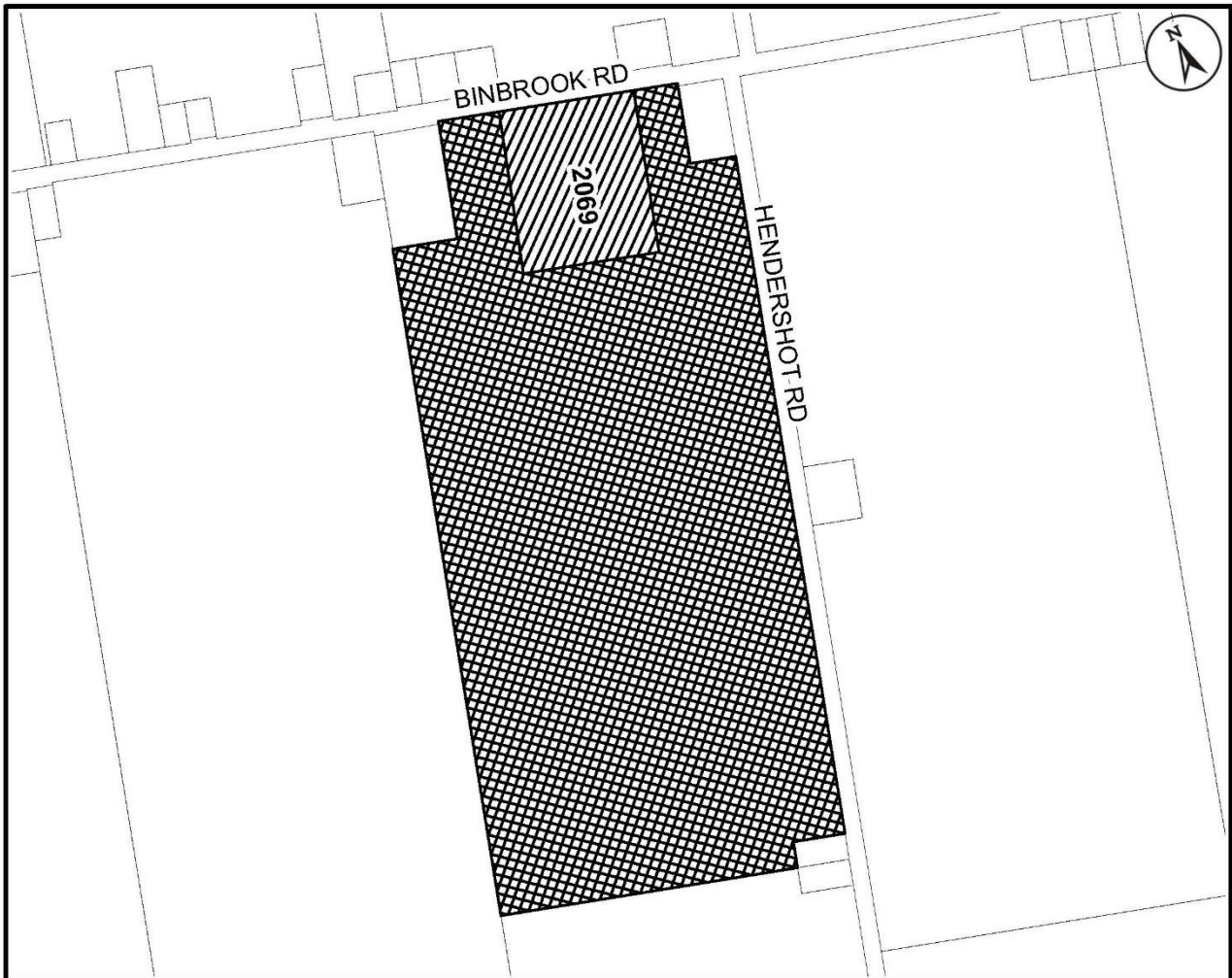
PASSED this _____ , 2020

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAA-20-022 and RHOPA-20-014

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



<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the day of, 2020</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<p>Schedule "A"</p> <p>Map forming Part of By-law No. 20-_____</p> <p>to Amend By-law No. 05-200 Map RU214</p>	<p>Subject Property 2069 Binbrook Road</p> <p> Change in Zoning from Agriculture (A1) Zone to Agriculture (A2, 643) Zone</p> <p> Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 118) Zone</p>
---	---

Scale: N.T.S	File Name/Number: ZAC-20-022 & RHOPA-20-014	<p>Hamilton</p>
Date: September 24, 2020	Planner/Technician: AB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



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

Hamilton

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

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

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

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

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

Severed lands:
108m± x 76m± and with an area of 8208m²±

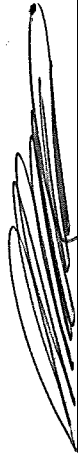
Retained lands:
174m± x 922m± and with an area of 35.7ha±

THE DECISION OF THE COMMITTEE IS:

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

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

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

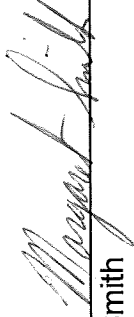

M. Dudzic (Chairman)


W. Pearce

GL/B-17:110
Page 2



N. Mieczko



M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 12th 2018.

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

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

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



ISSUE DATE: December 20, 2019

CASE NO(S): PL180696

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

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

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

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

APPEARANCES:

Parties

Counsel

Pat Paletta Livestock

S. Snider

City of Hamilton

P. MacDonald

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

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

appealed the decision to the Tribunal.

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

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

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

ISSUES

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

EVIDENCE AND SUBMISSIONS

Appellant’s Evidence and Submissions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

City's Evidence and Submissions

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

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

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

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

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

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

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

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

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

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

dwelling on the severed lot.

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

ANALYSIS AND FINDINGS

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

PPS and Greenbelt Plan

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

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

[...]

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; [...]

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

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

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

[...]

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

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

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

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

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

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

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

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

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

Plan.

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

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

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

RHOP

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

[36] RHOP policy F.1.14.2.1 states:

F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:

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

i) Residential uses except in accordance with:

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

[...]

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

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

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

[...]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- i) The farm consolidation shall have been completed prior to the time of application.
- ii) The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.
- iii) The proposed surplus farm dwelling:
 - 1) shall have been built on or before December 16, 2004; and,
 - 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.
- iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;

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

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

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

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

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

[...]

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

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

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

dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

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

Section 51(24) of the Planning Act

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

Proposed Conditions to the Consent

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

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

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

Conclusions

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

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

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

ORDER

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

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

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

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

ATTACHMENT 1

CONSENT CONDITIONS

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

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

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

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

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

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

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

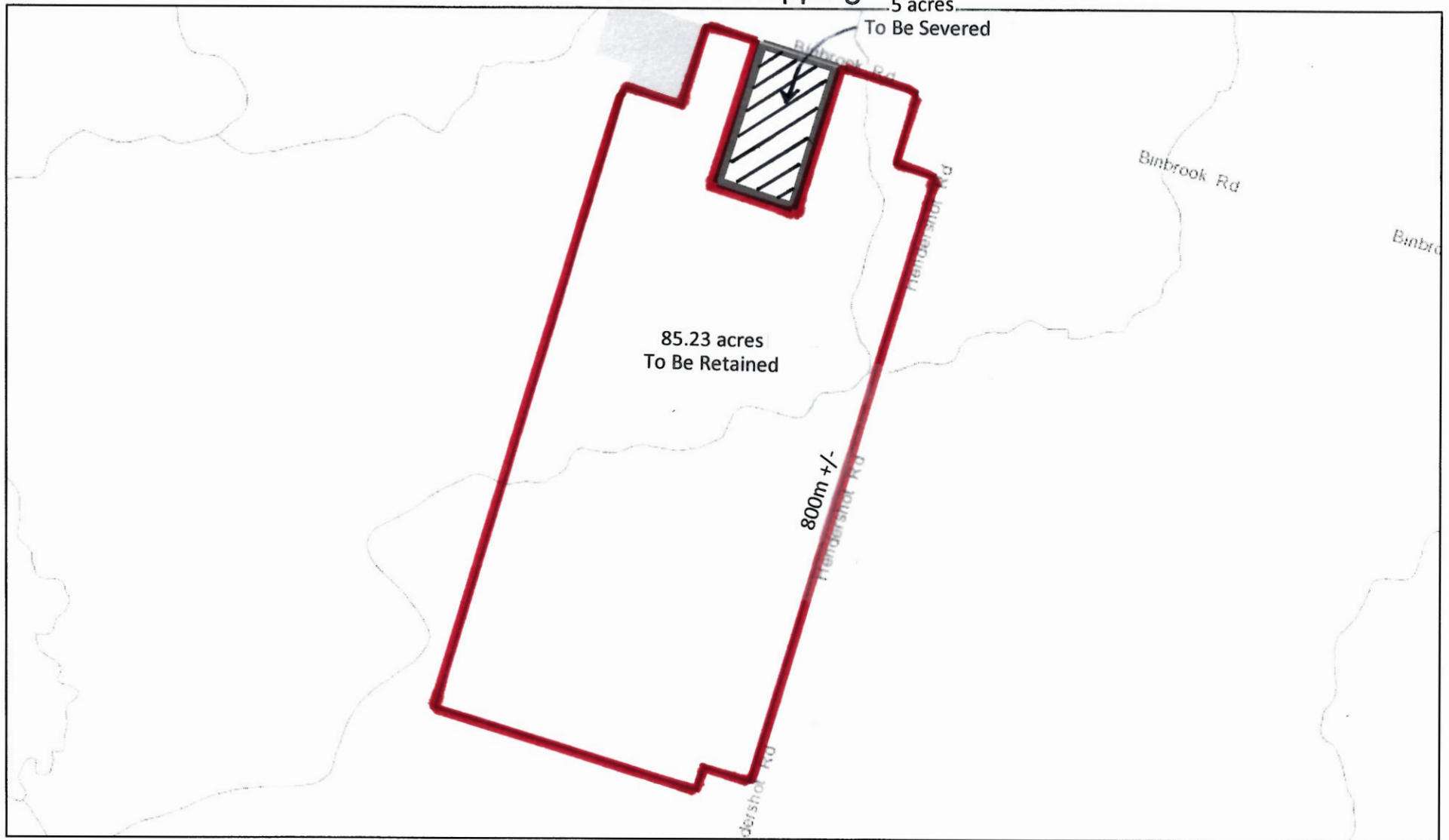
14. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

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

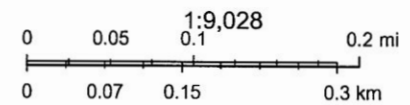
of Hamilton for approval concurrent with their submission to the Ministry of Heritage, Sport, Tourism, and Culture Industries.

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

Interactive Mapping



May 11, 2018



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

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

CITY OF HAMILTON M O T I O N

Committee Date: March 23, 2021

MOVED BY COUNCILLOR JOHNSON.....

SECONDED BY COUNCILLOR

2069 Binbrook Road – Denied at November 3, 2020 Planning Committee

WHEREAS, the following two Planning Act applications were denied by Planning Committee, at its meeting of November 3, 2020 and were deferred back to Planning Committee by Council, at its meeting of November 11, 2020:

- (a) Rural Hamilton Official Plan Amendment application RHOPA-20-014, by Paletta Livestock Ltd., (Owner), to add a Site Specific Policy Area to recognize two existing single detached dwellings on a severed lot in order to meet the conditions of the December 20, 2019 Local Planning Appeal Tribunal Decision (Case No. PL180696) (GL/B-17:110) for lands located at 2069 Binbrook Road, as shown on Appendix “A” to Report PED20146, be DENIED.
- (b) That Zoning By-law Amendment application ZAA-20-022, by Paletta Livestock Ltd. (Owner), for a change in zoning from Agriculture (A1) Zone to Agriculture (A1,118) Zone to prohibit the construction of a single detached dwelling and a residential care facility and to recognize the reduced lot area for the retained agricultural parcel, for lands located at Planning Committee November 3, 2020 Minutes 20-013 Page 6 of 24 2069 Binbrook Road as shown on Appendix “A” to Report PED20146, be DENIED.

WHEREAS, subsequent discussions between the Ward Councillor and Paletta Livestock Limited to resolve some outstanding planning matters were successful

THEREFORE BE IT RESOLVED:

That the following amended planning instruments be approved by the Planning Committee:

- (a) a revised Rural Hamilton Official Plan Amendment to delete policy 2.0 from the draft amendment presented to Planning Committee on November 3, 2020 and to

add a new policy 2.0 to prohibit the severance of the existing second dwelling on the lot and to change the inset map, attached as Appendix "A" to this Motion; and,

- (b) a revised Zoning By-law to establish a minimum lot area and prohibit a residential care facility, attached as Appendix "B" to this Motion.

DRAFT Rural Hamilton Official Plan Amendment No. X

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

1.0 Purpose and Effect:

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

2.0 Location:

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

3.0 Basis:

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

4.0 Actual Changes:

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

Text

4.3.1 Chapter B – Rural Site Specific Policies

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

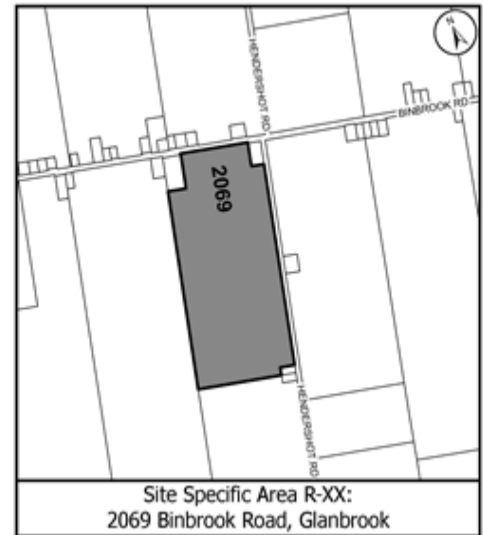
"R-XX Lands Located at 2069 Binbrook Road, former Township of Glanbrook

1.0 Notwithstanding Policy C.3.1.4 of Volume 1, the *existing* second dwelling previously recognized as a farm help house shall be permitted on the subject lands

2.0 The *existing* second dwelling shall not be severed.

4.3.2 Appendix

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



5.0 Implementation:

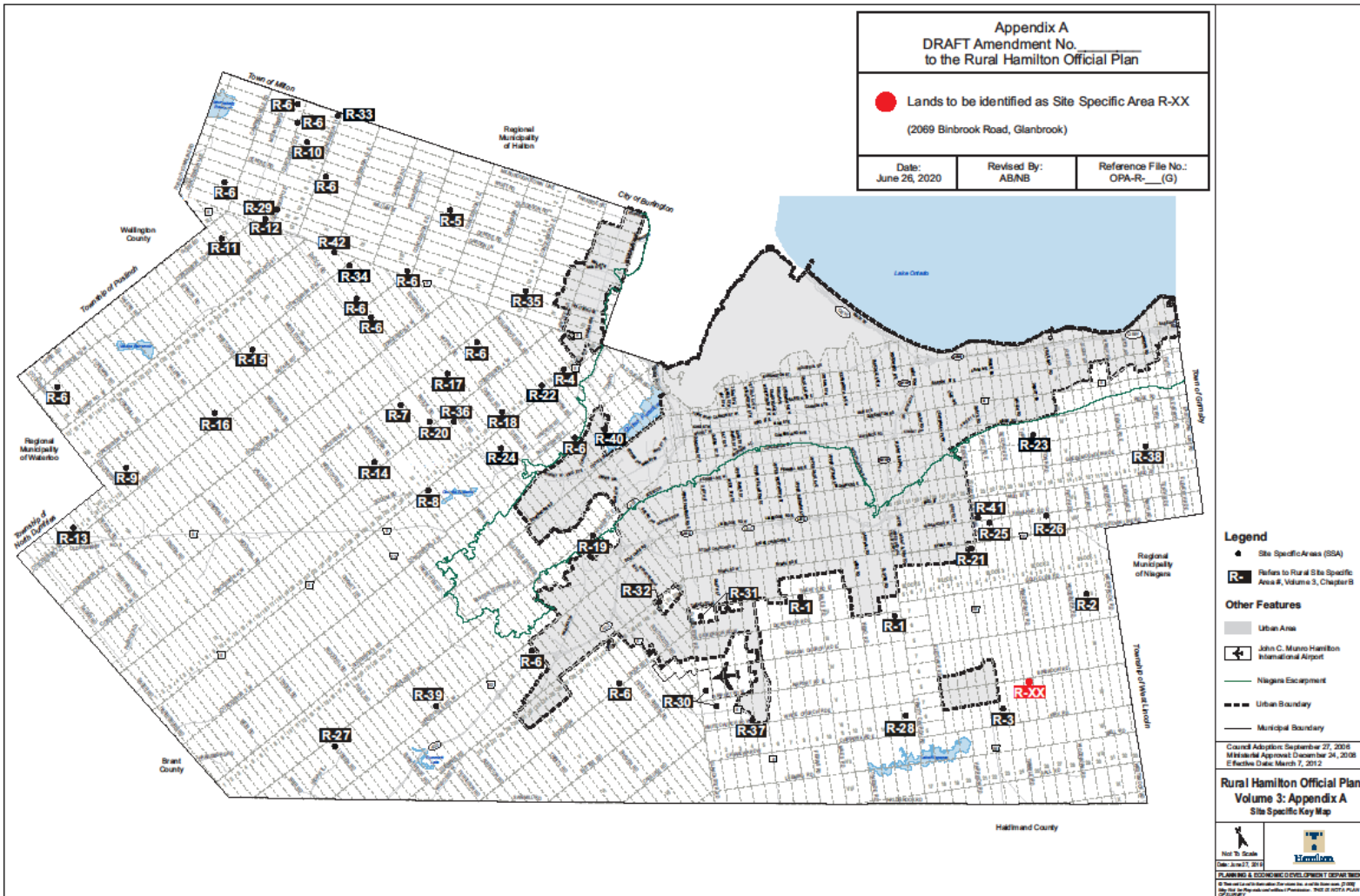
An implementing Zoning By-Law Amendment and Severance will give effect to the intended uses on the subject lands.

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

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK



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

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

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

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

Other Features

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

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

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

Not To Scale
 Date: JUNE 27, 2020
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
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Authority: Item,
Report
CM:
Ward: 11

Bill No.

CITY OF HAMILTON

BY-LAW NO.

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

WHEREAS Council approved Item __ of Report _____ of the Planning Committee, at its meeting held on MONTH DAY, 2021;of

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

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

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

Property Address	Map Numbers
2069 Binbrook Road	214

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

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

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

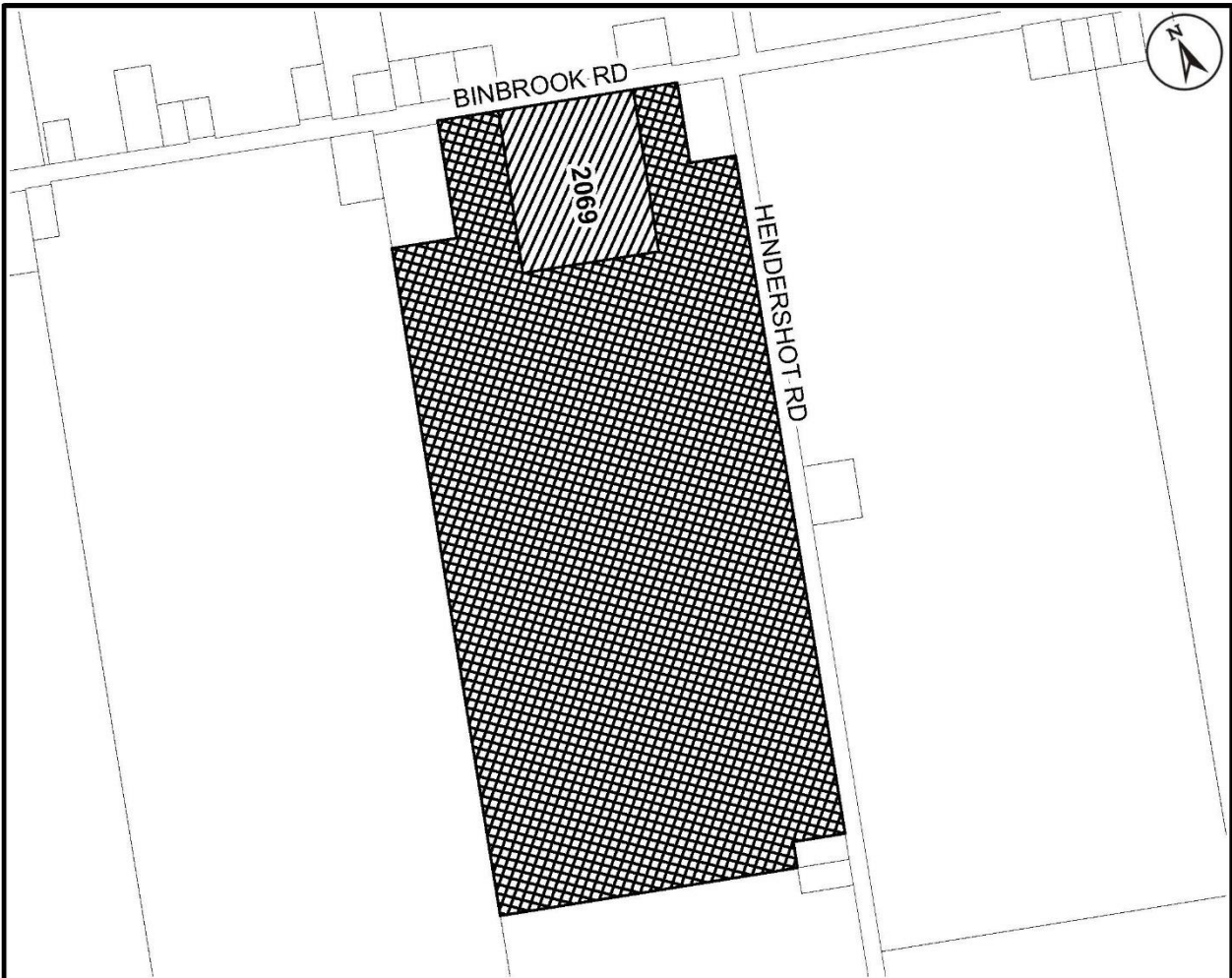
PASSED this _____ , 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAA-20-022 and RHOPA-20-014
(Planning Committee Motion – March 23 21)

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



<p>This is Schedule "A" to By-law No. 20- Passed the day of, 2020</p>	<p>----- Mayor ----- Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 20-_____</p> <p>to Amend By-law No. 05-200 Map RU214</p>	<p>Subject Property 2069 Binbrook Road</p> <p> Other lands owned by applicant</p> <p> Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 118) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-20-022 & RHOPA-20-014	
Date: October 5, 2020	Planner/Technician: AB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

CITY OF HAMILTON

MOTION

Planning Committee: March 23, 2021

MOVED BY COUNCILLOR L. FERGUSON

SECONDED BY COUNCILLOR

Special Enforcement Area with Increased Fines – Tiffany Falls and Sherman Falls

WHEREAS, illegal parking by visitors to Tiffany Falls and Sherman Falls is affecting traffic and pedestrian safety along Wilson Street and Lions Club

WHEREAS, the installation of “No Parking” signs, extra staff, proactive by-law enforcement on weekends, and use of existing parking enforcement by-laws/fine structures have not been sufficient to address traffic and parking issues; and,

WHEREAS, staff, in consultation with the Ward 12 Councillor, have recommended adopting the Special Enforcement Area utilizing an increased fine structure and enforcement strategy.

THEREFORE, BE IT RESOLVED:

That By-Law 01-218 (being a By-Law to Regulate On-Street Parking) and By-Law 17-225 (being a By-Law to Establish a System of Administrative Penalties) be amended to include Wilson Street East from Montgomery Drive to Lower Lions Club Road, Montgomery Drive from Old Dundas Road to Wilson Street East and Lions Club Road from Old Dundas Road to Westerly End (HCA Merrick parking lot gate).

CITY OF HAMILTON

MOTION

Planning Committee: March 23, 2021

MOVED BY COUNCILLOR L. FERGUSON

SECONDED BY COUNCILLOR

Demolition Permit for 154 Wilson Street East, Ancaster

WHEREAS, the subject property municipally known as 154 Wilson St. East is owned by T. Valery Construction Limited;

WHEREAS, the developer who has purchased the subject property has an application submitted for a proposed townhouse plan and planning staff are generally supportive of the developer’s request to use the existing planning application for a townhouse concept;

WHEREAS, the application (UHOPA-18-024 & ZAC-18-058) requires an approval of an Official Plan Amendment, Zoning By-Law Amendment and Site Plan Control Application that are currently under review by the Planning Department;

WHEREAS, the subject property on the main street in Ancaster with a home and attached garage has been vacant and boarded up for years;

WHEREAS, there is an empty cement pool in the backyard of 154 Wilson St. E. that is dangerous to trespassers; and,

WHEREAS, a demolition permit is being requested to alleviate ongoing trespass and vandalism issues associated with a vacant structure while planning issues are being secured;

THEREFORE BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demotion permit for 154 Wilson St. E., Ancaster, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

CITY OF HAMILTON

MOTION

Planning Committee: March 23, 2021

MOVED BY COUNCILLOR M. PEARSON

SECONDED BY COUNCILLOR

Winona Point Application Notification

WHEREAS, applications for an Official Plan Amendment and Zoning By-law Amendment for Winona Point (1290 South Service Road) were deemed complete on January 21, 2021;

WHEREAS, a virtual Developers Information Meeting has been tentatively scheduled for Thursday March 25, 2021 to engage with the community;

WHEREAS, this community is bounded by the QEW and separated by other intervening land uses such as a City Park; and,

WHEREAS, the Ward Councillor has been working with the applicant to increase the circulation notice for the virtual Developers Information Meeting;

THEREFORE BE IT RESOLVED:

That to ensure consistent notification, staff be directed to increase the circulation of the Notice of Statutory Public meeting beyond the required 120 metres to include the area of Baseline Road and Riviera Ridge to be consistent with the notice provided for the Developers Information Meeting, and to undertake a supplementary mail out to ensure that the additional properties beyond the 120 metres receive Notice of a Complete application.

CITY OF HAMILTON

MOTION

Planning Committee: March 23, 2021

MOVED BY COUNCILLOR DANKO.....

SECONDED BY COUNCILLOR

Local Planning Appeal Tribunal Hearing - Application HM/A-21:07 (109 East 11th St., Minor Variances)

WHEREAS, the owner of the lands located at 109 East 11th St. applied for Minor Variances (application HM/A-21:07) to enable the conversion of the existing single detached dwelling to contain two dwelling units;

WHEREAS, the Minor Variances were scheduled to be heard on February 18th, 2021, in accordance with the *Planning Act*, section 45(6) which states:

“(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision. R.S.O. 1990, c. P.13, s. 45 (6)”;

WHEREAS, there were members of the public who had registered to speak at the hearing on this application and who had also submitted written objections to the application;

WHEREAS, due to technical issues at the City, the members of the public who had registered to speak at the Hearing were not heard;

WHEREAS, the Minor Variances were approved by the Committee of Adjustment; and

WHEREAS, an appeal of the Decision of the Committee of Adjustment to the Local Planning Appeal Tribunal (LPAT) was received by the City on March 10, 2021;

THEREFORE BE IT RESOLVED:

- (a) That Council direct staff from Legal Services to attend the Local Planning Appeal Tribunal hearing in opposition to the approval of Application HM/A-21:07 (109 East 11th St., Minor Variances to enable the conversion of the existing single detached dwelling to contain two dwelling units) by the Committee of Adjustment as members of the public who registered to speak were not heard;
- (b) That should an outside planner be required at the hearing that they be funded from the Tax Stabilization Reserve (account 110046); and,
- (c) That the General Manager of Planning and Economic Development be authorized to file a place holder appeal where in the opinion of the General Manager, in consultation with the Ward Councillor and the Chair of Planning Committee, that the Committee of Adjustment did not act in accordance with section 45(6) of the *Planning Act*.

CITY OF HAMILTON

NOTICE OF MOTION

Planning Committee: March 23, 2021

MOVED BY COUNCILLOR L. FERGUSON

SECONDED BY COUNCILLOR

105 Filman Road - Heritage Register

WHEREAS, 105 Filman Road, Ancaster is listed on the City's Municipal Heritage Register as a property of cultural heritage value or interest;

WHEREAS, 105 Filman Road, Ancaster is currently identified as a low priority on the Council-approved designation work plan;

WHEREAS, the owner has expressed an interest in the redevelopment of the property;

THEREFORE BE IT RESOLVED:

That 105 Filman Road, Ancaster be identified as high priority on the Council-approved designation work plan.