



# City of Hamilton

## PLANNING COMMITTEE REVISED AGENDA

**Meeting #:** 21-010  
**Date:** June 15, 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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Pages

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA

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

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1. June 1, 2021

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5. COMMUNICATIONS

6. DELEGATION REQUESTS

6.1. Tracy Tucker, IBI Group, respecting Request to Designate 323 Rymal Road East as a Class 4 Noise Area (For today's meeting)

\*6.2. Jason Snyder respecting an Outdated Zoning Sign on Neighbouring Property (For today's meeting)

## 7. CONSENT ITEMS

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| 7.2. | Public Engagement Results Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091(a)) (City Wide) | 16 |
| 7.3. | Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21123) (City Wide)  | 30 |
| 7.4. | To Rename a Portion of Mountain Brow Road to King Road, Flamborough (PED21118) (Ward 15)   | 54 |

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## 10. DISCUSSION ITEMS

## 11. MOTIONS

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**13. GENERAL INFORMATION / OTHER BUSINESS**

**14. PRIVATE AND CONFIDENTIAL**

14.1. Closed Session Minutes - June 1, 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 *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, 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**

**21-009**

**June 1, 2021**

**9:30 a.m.**

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

**Present:** Councillors J.P. Danko (Chair)  
B. Johnson (1<sup>st</sup> Vice Chair), C. Collins, M. Pearson, L. Ferguson,  
M. Wilson and J. Partridge

**Absent with Regrets:** Councillor J. Farr (City Business)

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

- 1. Appeal to the Local Planning Appeal Tribunal (LPAT) on Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468-476 James Street North (LS21018) (Ward 2) (Item 14.1)**

**(Partridge/Ferguson)**

- (a) That recommendations (a) (i), (ii) and (iii) contained in Report LS21018 remain confidential, until made public, as the City's position before the LPAT; and,
- (b) That the remainder of Report LS21018 and its appendices remain confidential.

**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

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

**(Partridge/Pearson)**

- (a) That Report LS21003(a) respecting Update regarding Local Planning Appeal Tribunal Appeals of 600 James St. N., be received;
- (b) That Report LS21003(a) and Appendix "A" be released to the public, after Council approval; and,
- (c) That Appendix "B" to Report LS21003(a) remain private and confidential.

**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

**3. Instructions - Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-014) and Zoning By-law Amendment Application for Lands Located at 1630 Main Street West and 69 Sanders Boulevard, Hamilton (LS21007/PED21126) (Ward 1) (ZAC-18-035) (Item 14.3)**

**(Wilson/Johnson)**

That the recommendations of Report LS21007/PED21126 be released to the public, after Council approval.

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

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

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

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

**1. PRIVATE AND CONFIDENTIAL (Item 14)**

- 14.3 Instructions - Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-014) and Zoning By-law Amendment Application for Lands Located at 1630 Main Street West and 69 Sanders Boulevard, Hamilton (LS21007/PED21126) (Ward 1) (ZAC-18-035) – moved up in the agenda to be heard before Item 14.2.

**(Ferguson/Partridge)**

That the agenda for the June 1, 2021 meeting be approved, as amended.

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

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

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

None declared.

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

**(i) May 18, 2021 (Item 4.1)**

**(Pearson/Wilson)**

That the Minutes of the May 18, 2021 meeting be approved, as presented.

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

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

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

**(d) PRIVATE AND CONFIDENTIAL (Item 14)**

**(Pearson/Johnson)**

That Committee move into Closed Session respecting Items 14.1, 14.2 and 14.3, pursuant to Section 9.1, Sub-sections (e), (f), and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Subsections (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 municipality or local board; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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

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

**(i) Appeal to the Local Planning Appeal Tribunal (LPAT) on Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468-476 James Street North (LS21018) (Ward 2) (Item 14.1)**

For disposition of this matter, refer to Item 1.

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

For disposition of this matter, refer to Item 2.

- (iii) **Instructions - Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-014) and Zoning By-law Amendment Application for Lands Located at 1630 Main Street West and 69 Sanders Boulevard, Hamilton (LS21007/PED21126) (Ward 1) (ZAC-18-035) (Item 14.3)**

For disposition of this matter, refer to Item 3.

**(e) ADJOURNMENT (Item 15)**

**(Pearson/Ferguson)**

That there being no further business, the Planning Committee be adjourned at 9:59 a.m.

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

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

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Councillor J.P. Danko  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator



## Hamilton

### **HAMILTON MUNICIPAL HERITAGE COMMITTEE**

**Report 21-004**

**9:30 a.m.**

**Friday, May 27, 2021**

**Hamilton City Hall**

**71 Main Street West**

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

**Absent:** W. Rosart

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#### **THE FOLLOWING ITEMS WERE REFERRED TO THE PLANNING COMMITTEE FOR CONSIDERATION:**

**1. Inventory & Research Working Group Meeting Notes - April 26, 2021  
(Added Item 10.1)**

- (a) That the property located at 54-56 Hess Street South, Hamilton be added to the Staff Work Plan for Heritage Designation Under the *Ontario Heritage Act* as a high priority, and for the property to be added to the Hamilton Municipal Heritage Committee's Endangered Buildings and Landscape List (RED);
- (b) That the property located at 215 King Street West, Dundas be added to the Municipal Heritage Register and to Staff Work Plan for Heritage Designation Under the *Ontario Heritage Act*; and
- (c) That the property located at 219 King Street West, Dundas be added to the Municipal Heritage Register.

**FOR INFORMATION:**

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

The Clerk advised the Committee of the following changes:

**7. CONSENT ITEMS**

7.1 Heritage Permit Designations - Delegated Approvals

7.1.i. Heritage Permit Application HP2021-013: Installation of new windows within existing openings at 828 Sanatorium Road and 870 Scenic Drive, Hamilton, Long and Bisby Building (Ward 14) (By-law Number 21-036)

7.1.j. Heritage Permit Application HP2021-017: Replacement of the front door and replacement the front porch stoop cladding at 117 Wilson Street West, Ancaster (Smith - Goodman House) (Ward 12) (By-law Number 2000-83)

7.1.k. Heritage Permit Application HP2021-021: Interim security measures at 828 Sanatorium Road and 870 Scenic Drive, Hamilton, Long and Bisby Building (Ward 14) (By-law Number 21-036)

7.2 Heritage Permit Review Sub-Committee Minutes - April 20, 2021

**10. DISCUSSION ITEMS**

10.1. Inventory & Research Working Group Meeting Notes - April 26, 2021

**13. GENERAL INFORMATION / OTHER BUSINESS**

13.2 Staff Work Plan as of May 25, 2021

13.3 Doors Open Hamilton Update

13.4 Hamilton Municipal Heritage Committee Heritage Nominations

That the Agenda for the May 27, 2021 Hamilton Municipal Heritage Committee was approved, as amended.

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

No declarations of interest were made.

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

**(i) April 30, 2021 (Item 4.1)**

The Minutes of the April 30, 2021 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

**(d) CONSENT ITEMS (Item 7)**

The following items be received:

- (i) Heritage Permit Designations - Delegated Approvals (Item 7.1)
  - (i) Heritage Permit Application HP2021-011: Recognizing existing wooden pergola on the west elevation of 324 Dundas Street East, Waterdown (Ward 15), located within the Mill Street Heritage Conservation District (By-law No. 96-34-H) (Item 7.1(a))
  - (ii) Heritage Permit Application HP2021-012: Construction of a two-and-one-half storey rear addition and renovations to the existing dwelling at 20 Union Street, Flamborough (Ward 15), located within the Mill Street Heritage Conservation District (By-law No. 96-34-H) (Item 7.1(b))
  - (iii) Heritage Permit Application HP2021-014: Exterior masonry repairs and restoration of stone steps at 262 James Street South, Hamilton (Ward 2) (By-law No. 86-313) (Item 7.1(c))
  - (iv) Heritage Permit Application HP2021-015: Construction of a rear addition to the existing structure at 455 Bay Street North, Hamilton (Ward 2) (By-law No. 86-18) (Item 7.1(d))
  - (v) Heritage Permit Application HP2021-016: Installation of WIFI access points in University Hall at 1280 Main Street West, Hamilton (Ward 1) (By-law No. 08-002) (Item 7.1(e))
  - (vi) Heritage Permit Application HP2021-018: Masonry restoration of front facade at 27 Sydenham Street, Dundas (Ward 13) (By-law No. 3458-84) (Item 7.1(f))
  - (vii) Heritage Permit Application HP2021-019: Replacement of below-ground utility ducts at Mill and Dundas Streets, Waterdown (Ward 15), located within the Mill Street Heritage Conservation District (By-law No. 96-34-H) (Item 7.1(g))

- (viii) Heritage Permit Application HP2021-020: Front Facade and Stair Restoration at 34-36 Hess Street South, Hamilton (Ward 2) (By-law No. 03-211) - Extension of previously approved Heritage Permit HP2020-014 (Item 7.1(h))
  
- (vix) Heritage Permit Application HP2021-013: Installation of new windows within existing openings at 828 Sanatorium Road and 870 Scenic Drive, Hamilton, Long and Bisby Building (Ward 14) (By-law Number 21-036) (Added Item 7.1(i))
  
- (x) Heritage Permit Application HP2021-017: Replacement of the front door and replacement the front porch stoop cladding at 117 Wilson Street West, Ancaster (Smith – Goodmam House) (Ward 12) (By-law Number 2000-83) (Added Item 7.1(j))
  
- (xi) Heritage Permit Application HP2021-021: Interim security measures at 828 Sanatorium Road and 870 Scenic Drive, Hamilton, Long and Bisby Building (Ward 14) (By-law Number 21-036) (Item 7.1(k))
  
- (i) Heritage Permit Review Sub-Committee Minutes - April 20, 2021 (Added Item 7.2)

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

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

The property located at 219 King Street West, Dundas was added to the Endangered Buildings and Landscapes (RED) list and be monitored by K. Burke.

The property located at 216 Hatt Street, Dundas, was added to the Endangered Buildings and Landscapes (RED) list and be monitored by K. Burke.

The following updates were received:

**(a) Endangered Buildings and Landscapes (RED):**

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

- (i) Tivoli, 108 James Street North, Hamilton (D) – T. Ritchie
- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – C. Dimitry
- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – G. Carroll
- (iv) 18-22 King Street East, Hamilton (D) – W. Rosart
- (v) 24-28 King Street East, Hamilton (D) – W. Rosart
- (vi) 2 Hatt Street, Dundas (R) – K. Burke
- (vii) James Street Baptist Church, 98 James Street South, Hamilton (D) – J. Brown
- (viii) Long and Bisby Building, 828 Sanatorium Road (D) – G. Carroll
- (ix) 120 Park Street, North, Hamilton (R) – R. McKee
- (x) 398 Wilson Street East, Ancaster (D) – C. Dimitry
- (xi) Lampman House, 1021 Garner Road East, Ancaster (D) – C. Dimitry
- (xii) Cathedral Boys School, 378 Main Street East, Hamilton (R) – T. Ritchie
- (xiii) Firth Brothers Building, 127 Hughson Street North, Hamilton (NOID) – T. Ritchie
- (xiv) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – R. McKee
- (xv) Former Hanrahan Hotel (former) 80 to 92 Barton Street East (I)– T. Ritchie
- (xvi) Television City, 163 Jackson Street West (D) – J. Brown
- (xvii) 1932 Wing of the Former Mount Hamilton Hospital, 711 Concession Street (R) – G. Carroll
- (xviii) 215 King Street West, Dundas (I) – K. Burke
- (xix) 679 Main Street East, and 85 Holton Street South, Hamilton (Former St. Giles Church) – D. Beland
- (xx) 219 King Street West, Dundas – K. Burke
- (xxi) 216 Hatt Street, Dundas – K. Burke

**(b) Buildings and Landscapes of Interest (YELLOW):**

**(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)**

- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland
- (ii) 2251 Rymal Road East, Stoney Creek (R) – B. Janssen
- (iii) Former Valley City Manufacturing, 64 Hatt Street, Dundas (R) – K. Burke

- (iv) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (ND) – W. Rosart
- (v) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll
- (vi) Dunington-Grubb Gardens, 1000 Main Street East (within Gage Park) (R) – D. Beland
- (vii) St. Clair Blvd. Conservation District (D) – D. Beland
- (viii) 52 Charlton Avenue West, Hamilton (D) – J. Brown
- (ix) 292 Dundas Street East, Waterdown (R) – L. Lunsted
- (x) Chedoke Estate (Balfour House), 1 Balfour Drive, Hamilton (R) – T. Ritchie
- (xi) Binkley property, 50-54 Sanders Blvd., Hamilton (R) - J. Brown
- (xii) 62 6th Concession East, Flamborough (I) - L. Lunsted
- (xiii) Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xiv) Cannon Knitting Mill, 134 Cannon Street East, Hamilton (R) – T. Ritchie
- (xv) 1 Main Street West, Hamilton (D) – W. Rosart
- (xvi) 54 - 56 Hess Street South, Hamilton (R) – J. Brown

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

- (i) Royal Connaught Hotel, 112 King Street East, Hamilton (NOID) – T. Ritchie
- (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – R. McKee
- (iii) Treble Hall, 4-12 John Street North, Hamilton (D) – T. Ritchie
- (iv) Former Post Office, 104 King Street West, Dundas (R) – K. Burke
- (v) Rastrick House, 46 Forest Avenue, Hamilton – G. Carroll
- (vi) 125 King Street East, Hamilton (R) – T. Ritchie

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

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

No properties.

**(ii) Staff Work Plan as of May 25, 2021 (Added Item 13.2)**

The Staff Work Plan as of May 25, 2021, was received.

**(iii) 51 Herkimer Street (The Manse), Hamilton Designation Update  
(Added Item 13.3)**

The information respecting 51 Herkimer Street (The Manse), Hamilton Designation Update, be referred to the Inventory and Research Working Group to investigate older heritage designations (1975 – 2002) with a report back to the Hamilton Municipal Heritage Committee.

**(iv) Doors Open Hamilton Virtual Update (Added Item 13.4)**

J. Brown advised that Doors Open Hamilton Virtual is now available.

The information respecting Doors Open Hamilton Virtual Update, was received.

**(v) Hamilton Municipal Heritage Committee Heritage Nominations  
(Added Item 13.4)**

Nominations for the public will be closed as of June 1, 2021.

The information respecting Hamilton Municipal Heritage Committee Heritage Nominations, be received.

**(g) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton Municipal Heritage Committee, adjourned at 10:28 a.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 15, 2021
<b>SUBJECT/REPORT NO:</b>	Public Engagement Results Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091(a)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Joanne Hickey Evans (905) 546-2424 Ext.1282
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

On April 30, 2019, Planning Division staff presented the “Residential Care Facilities and Group Homes - Human Rights and the Zoning By-Laws within the Urban Area - March 2019” Discussion Paper to Planning Committee. The Discussion Paper included preliminary recommendations for Zoning By-law changes to certain regulations (e.g. radial separation distance, capacity) and the definition relating to residential care facilities (RCF) as part of the on-going Zoning By-law reform project. The April, 2019 staff report also sought authorization for public engagement on this matter.

The following recommendations were approved by the Planning Committee and Council:

- “(a) That Report PED19091 (City Initiative CI-19-B), including the Discussion Paper titled Residential Care Facilities and Group Homes - Human Rights and the Zoning By-Laws within the Urban Area - March 2019, attached as Appendix “D” to Planning Committee Report 19-007, be received;
- (b) That the Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper be posted on the City’s website and invite written submissions on the proposed Zoning By-law regulation and

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

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

**SUBJECT: Public Engagement Results - Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091(a)) (City Wide) – Page 2 of 5**

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definition changes for a period of 30 days, with staff reporting back to the Planning Committee on the written submissions received. In the event that additional public engagement is necessary, it would be included with other housing issues as part of the residential zoning project; and,

- (c) That staff report back to the Planning Committee summarizing public input and identifying the preferred zoning definition and regulations for residential care facilities and group homes to be incorporated into the new residential zones in Zoning By-law No. 05-200.”

## **INFORMATION**

The purpose of this Report is to report back to Planning Committee as directed in recommendation (b) above.

### **1.0 Background**

Prior to the development of the new Residential Zones for Hamilton Zoning By-law No. 05-200, staff identified three distinct issues that are more complex than standard Zoning By-law regulations (i.e. setbacks, height, etc.) that warrant public input prior to completion of the new zones. The issues are:

- Residential Care Facilities;
- Secondary Dwelling Units (completed); and,
- Residential Parking (fall 2021).

The purpose of the April, 2019 Discussion Paper on RCFs was to present a review the Zoning By-law regulations (e.g. radial separation distance, capacity) and definition of residential care facilities (RCF) within the urban area and seek public feedback on options for regulating RCFs in the Zoning By-law. This review was initiated by City Council in response to a specific OMB hearing (Lynwood Charlton) and the Ontario Human Rights Commission (OHRC) concerns respecting Zoning By-law regulations for RCFs. The review will be used as input into the new residential zones for Zoning By-law No. 05-200 and is consistent with the principle of developing harmonized City-wide zoning regulations.

### **2.0 April 30, 2019 Planning Committee Meeting**

At the April 30, 2019, Planning Committee staff presented the RCF Discussion Paper Residential Care Facilities and Group Homes – Human Rights and the Zoning By-laws within the Urban Area Discussion Paper and included a public engagement approach for this topic.

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**SUBJECT: Public Engagement Results - Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091(a)) (City Wide) – Page 3 of 5**

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Public engagement on secondary units was combined with residential care facilities for a more robust and comprehensive public engagement process. The engagement was held throughout the City. A variety of techniques (i.e. open houses, web presence, etc.) were used.

After a discussion at Planning Committee, the public engagement approach approved by Council was:

- “(b) That the Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper be posted on the City’s website and invite written submissions on the proposed Zoning By-law regulation and definition changes for a period of 30 days, with staff reporting back to the Planning Committee on the written submissions received. In the event that additional public engagement is necessary, it would be included with other housing issues as part of the residential zoning project; and,
- (c) That staff report back to the Planning Committee summarizing public input and identifying the preferred zoning definition and regulations for residential care facilities and group homes to be incorporated into the new residential zones in Zoning By-law No. 05-200.”

Appendix “A” to Report PED19091(a) includes a summary of the preliminary recommendations to Zoning By-law No.05-200 respecting changes to the RCF definition, capacity limits (both minimum and maximums), deleting the radial separation distance and moratorium areas (Zoning By-law No. 6593) and allowing a social services establishment (i.e. counselling services) as an additional use within certain zones.

### **3.0 Public Engagement Methods and Results**

#### **3.1 On-line Material:**

The online material included both an Executive Summary – Summary of Preferred Regulations and the full Residential Care Facility/Group Homes in the Urban Area Discussion Paper. These materials were posted on the Residential Zoning Web page on April 19, 2019 and remain there to date. The on-line survey was posted on August 16, 2019.

Staff undertook the on-line and stakeholder public consultation between August 19 and September 27, 2019.

**SUBJECT: Public Engagement Results - Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091(a)) (City Wide) – Page 4 of 5**

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### 3.2 Notification of stakeholders and the Public

Notification to the public and the RCF operators was undertaken as follows:

<b>Date:</b>	<b>Action</b>
July 27, 2019	Email to all Councillors advising of the start of the on-line Engagement, and the date the ad was going into the Spectator
August 16, 2019	½ page ad in the Hamilton Spectator, attached as Appendix “B” to Report PED19091(a)
	Email to 14 institutional organizations and operators, as well as the second level lodging home coordinator advising of the Discussion Paper, on-line survey and stakeholder meeting.
	On-line Survey posted on the Residential Zoning page of the City’s website
September 11, 2019	Stakeholder Meeting – Presentation and Discussion

### 3.3 Engagement results

#### 3.3.1 Stakeholder Meeting

Five representatives of the RCF Operators attended the stakeholder meeting. The operators were generally satisfied with the approach proposed in the Discussion Paper.

#### 3.3.2 Survey and Written Correspondence:

An online survey was conducted. The response rate was low with 4 respondents. Responses to the survey are attached as Appendix “C” to Report PED19091(a).

The responses were generally in support of the recommendations, but the sample size is too small to draw a strong conclusion.

One letter was received from the operators of Lynwood Charlton seeking clarification on the zoning for their facilities as well as some concern about the definition of RCF (see Appendix “D” to Report PED19091(a)). They operate the following facilities:

- 185 Collinson, Flamborough

This facility is within the rural area and is subject to the current Agricultural (A1) Zone. It complies to the Zoning By-law.

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**SUBJECT: Public Engagement Results - Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091(a)) (City Wide) – Page 5 of 5**

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- 526 Upper Paradise and 121 Augusta, Hamilton

Both facilities have site specific zoning which will be retained as part of the residential zones in Zoning By-law No. 05-200.

- 135 Forest, Hamilton

This facility is within the “E-3” (High Density Residential) District in Zoning By-law No. 6593. It appears the facility conforms to the current zoning. A zoning verification would be required to ensure conformity.

Some of the commentary on the proposed definition relates to their operations. Two of their properties have site specific zoning that addresses their concerns. Further, the proposed definition is being clarified and still allows for on-site supports (i.e. classrooms).

**CONCLUSION:**

Based on Council’s recommendations regarding public engagement for RCF’s, staff will be including the RCF proposed regulations and definition within the public engagement materials for community consultation planned for the low density residential zones in the Fall of 2021. It will also be included as part of future engagement for both the medium and high density zones in subsequent phases, as the updated RCF regulations will be implemented through future residential zones.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” - Preliminary Zoning By-law 05-200 Amendments for Residential Care Facilities
- Appendix “B” - The Spectator Newspaper Ad – August 16, 2019
- Appendix “C” - Survey Results
- Appendix “D” - Letter from Lynwood Charlton Centre

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## Preliminary Zoning By-law 05-200 Amendments for Residential Care Facilities

The Discussion Paper included different approaches to address the various Zoning By-law regulations that exist, including the:

- Definition of RCF;
- Capacity (minimum and maximum number of residents) of a facility in different geographic (e.g. low, medium, high density residential, institutional) areas;
- Radial separation distance (the distance between one facility and another) and moratorium area (area that prohibits additional RCFs); and,
- Co-location of counselling services within RCFs.

The preliminary recommendations from Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper are summarized in the table below.

Zoning By-law	Preliminary Recommendation
<b>Definition</b>	
<p><del>Highlight</del>-delete text</p> <p><i>Italics</i> – add text</p>	<p><u>amend the definition as follows in Zoning Bylaw No. No. 05-200:</u></p> <p><b>Residential Care Facility</b> Shall mean a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of supervised residents as permitted by the zone, exclusive of staff, residing on the premises because of social, emotional, mental or physical handicaps or personal distress and which residential setting is developed for the well-being of its residents through <i>the provision of supports/services</i> -of self-help, guidance, professional care and supervision not available within the resident's own family, or in an independent living situation or if:</p> <p>a) The resident was referred to the facility by a hospital, court or government agency; or</p> <p>b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments.</p> <p>A residential care facility <del>shall include a children's residence and group home but</del> shall not include an emergency shelter, lodging house, corrections residence or correctional facility.</p>

Zoning By-law	Preliminary Recommendation
<b>Capacity by Zone</b>	
	<u>regulate both minimum and maximum capacity by zone as follows:</u>
	Low Density Zones (single/semi-detached dwellings) Minimum capacity: 4 residents Maximum capacity: 6 residents
	Medium Density (including the Community Institutional (I2) Zone) Minimum capacity: 4 residents Maximum capacity: 24 residents
	High Density Zone (including the Mixed Use High Density (C4) Zone) Minimum capacity: 15 residents Maximum capacity: none
<b>Radial Separation Distance and Moratorium Area</b>	
	<u>Delete requirement for both</u>
<b>Counselling Services</b>	
	Permit counselling services (i.e. social service establishment) in conjunction with a RCF in a Major Institutional (I3), Transit Oriented Corridor-Mixed Use Medium Zone (TOC1) and the Mixed Use Medium Density (C5) Zones.



# NEW RESIDENTIAL ZONES

ZONING BY-LAW NO. 05-200

## PROPOSED ZONING BY-LAW REGULATIONS: RESIDENTIAL CARE FACILITY OR GROUP HOME

### THE CITY OF HAMILTON WANTS TO HEAR FROM YOU!

Residential care facilities and group homes are permitted in many residential areas in Hamilton. Updated City of Hamilton Zoning By-law regulations are being proposed to ensure these regulations are the same for all residential areas.

### HAVE YOUR SAY!

The City of Hamilton wants to know your opinion on a number of options before implementing the Zoning By-law changes and has launched an online consultation process from August 19, 2019 to September 27, 2019.

The City of Hamilton is looking for your thoughts and opinions on the following regulations:

- The location and capacity of these facilities in residential areas
- The need for a separation distance between facilities in residential areas
- The provision of counselling within these facilities

### REVIEW THE DRAFT DISCUSSION PAPER

The Discussion Paper outlines the different Zoning By-law regulations and options to consider, including a list of the preliminary recommendations. You can send comments to the City by email, mail or use the on-line form.

[www.hamilton.ca/residentialzoning](http://www.hamilton.ca/residentialzoning)  
[residentialzoning@hamilton.ca](mailto:residentialzoning@hamilton.ca)



**FOR MORE INFORMATION  
CONTACT**

Joanne Hickey-Evans  
 Manager, Policy Planning & Zoning By-law Reform  
 Planning & Economic Development Department  
 905-546-2424 Ext. 1282



Hamilton



Hamilton

## RESIDENTIAL ZONES PROPOSED REGULATIONS COMMENT FORM

### What is Residential Care Facility?

A residential care facility (RCF) is a facility which accommodates residents in bedrooms with shared dining and common areas and there is 24 hour on-site support. The minimum capacity can range from 3 or 4 residents to a maximum of 50, depending on the location of the facility and the Zoning By-law in which it is located.

### Preliminary Recommendations

The City of Hamilton wants your comments on the proposed recommendations for the Zoning By-law regulations for residential care facility and group homes including:

- Location and capacity of these facilities in residential areas;
- Need for a separation distance between the facilities in residential areas
- Provision of counselling within these facilities

### Capacity by Zone

Recommendation: To regulate both a minimum and maximum capacity by zone.

Note: Facility has to be within a wholly detached building (i.e. cannot be a unit within an apartment building or in a townhouse dwelling unit)

### Low Density Zones: (Single Detached Dwelling)

CAPACITY: Minimum 4 residents, maximum 6 residents:

<i>Comment Received</i>	<i>From</i>
Cap of 5 residents instead; some wiggle room is better	1 respondent
No comment	3 respondents

### Medium Density Zones: (Building generally between 3-8 storeys)

CAPACITY: Minimum 4 residents, maximum 24 residents. Including the Community Institutional (I2) Zone

<i>Comment Received</i>	<i>From</i>
Currently, Indwell's RCF is located in an I2 zone and houses 25 people. We wonder if it's possible to raise the maximum for this zone to 25. Or, if not that we be able to apply for a minor variance to accommodate the one extra person	Indwell
Emergency vehicles access is a concern. I live near one of these places and I really think they should be fronting arterial roads. Having heavy volume of Emergency vehicles at all times of the day in a residential neighbourhood disrupts the livelihood of those resident on the street not to mention their safety as emergency vehicles swoop through the street. A good example is Kelly's place at 81 Proctor BLvd, the number of emergency calls at this place and road and neighbourhood characteristics are not ideal.	1 respondent
No comment	2 respondents

### High Density Zones: (Building generally higher than 8 storeys)

CAPACITY: Minimum 15 residents, maximum none. Including the Mixed Use High Density (C4) Zone

<i>Comment Received</i>	<i>From</i>
I disagree that housing with supports like this can be efficient for the appropriate care of the residents.	1 respondent
No comment	3 respondents

### Radial Separation Distance and Moratorium Areas

Radial Separation distance is the minimum distance between 2 RCFs. Hamilton Zoning By-law No. 6593 has an additional requirement that prohibits the expansion or establishment of new faculties within two areas (referred to as moratorium areas):

Area 1: Wellington Street South, King Street East, Sherman Avenue South and the railway tracks; and,

Area 2: Queen Street, Hunter Street, James Street and Main Street.

RECOMMENDATION: To delete both

<i>Comment Received</i>	<i>From</i>
Indwell is in full support of removing the RSD and moratorium areas.	Indwell
I live on Stinson Street between Wentworth and Victoria. There are at least 6 group homes that I am aware of just on my street!! That seems extremely excessive. There are often unemployed, aimless, unengaged people just walking up and down the street with nothing to do. There are many children in this neighbourhood, and some of these people can be frightening. Moratorium remain in place, some of the present group homes should be removed.	1 respondent

<i>Comment Received</i>	<i>From</i>
Support	1 respondent
No comment	1 respondent

## Definition (additional Information Provided)

<i>Comment Received</i>	<i>From</i>
We also fully support the change in the definition of an RCF. As I don't see a place to comment on the changing definition, I will use this space to make a suggestion regarding the definition edits. Where it says, "The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments. A residential care facility shall include a children's residence and group home but shall not include an emergency shelter, lodging house, corrections residence or correctional facility.", we suggest that it be added "licensed as an RCF" so that it's clear what license is being referred to. Although it qualifies the license in the last part, it is written in the negative (what it is not) whereas it's often helpful to clarify with the positive (what it is) as well.	Indwell

**Counselling Services**

RECOMMENDATION: To permit counselling services (i.e. social service establishment) in conjunction with a RCF in these zones:

- Major Institutional (I3) Zone
- Transit Oriented Corridor (TOC3) Zone
- Mixed use Medium Density (C5) Zone
- 

<i>Comment Received</i>	<i>From</i>
Indwell has no issue with permitting these counselling services in conjunction with RCFs in these zones.	Indwell
Support	1 respondent
No comment	2 respondents



November 4<sup>th</sup>, 2019

Joanne Hickey Evans, R.P.P, M.C.I.P,  
Manager, Policy Planning and Zoning By-law Reform  
Planning Division  
Planning and Economic Development Department  
City of Hamilton  
71 Main Street West  
Hamilton, Ontario, L8P 4Y5

Dear Ms. Hickey Evans:

**Re: Discussion Paper - Residential Care Facilities and Group Homes  
Human Rights and Zoning By-laws within the Urban Area**

Thank you for the opportunity to respond to this discussion paper. As you are aware, Lynwood Hall operates four facilities within the City of Hamilton including 831 Collinson Road, 135 Forest Avenue, 526 Upper Paradise Road and 121 Augusta Street. In our review of the draft zoning regulations, our first comment is that Lynwood Hall supports the elimination of the minimum distance separation guidelines in the by-law.

We have reviewed the proposed wording of the definition of Residential Care Facility and initially had some concerns as it does not fully describe uses and activities at the Lynwood facilities. While the new definition allows for the provision of supports which we understand would include services provided by those employed by the Residential Care Facility, it would not allow uses that are considered part of the Social Services Establishment which are an integral part of the Lynwood operation and are only permitted within a Residential Care Facility within an I3 or C5 zone.

Lynwood also notes that the definition which describes the Residential Care Facility as being fully detached residential dwelling occupied wholly by supervised residents, which is not the case in all of the Lynwood facilities.

With the exception of the Forest Avenue and Greensville sites, the Lynwood uses are best suited in settings that allow for both residential and other support services. Most LCC facilities accommodate professional service providers which engage in social support services both at the Lynwood facility and throughout the community. In addition, some of the residents within the facility visit educational facilities off site. Conversely, some individuals within the community attend at the Lynwood facilities for support services and educational services jointly operated by Lynwood and the HWDSB.

CHARLTON SITE  
56 Charlton Ave. W.  
Hamilton ON L8P 2C1  
P:(905) 529-7262  
F:(905) 529-5291

FOREST SITE  
135 Forest Ave  
Hamilton ON L8N 1X6  
P:(905) 527-3396  
F:(905) 527-6699

UPPER PARADISE SITE  
526 Upper Paradise Road  
Hamilton ON L9C 5E3  
P:(905) 389-1361  
F:(905) 389-8765

FLAMBOROUGH SITE  
133 King St. W. PO Box 65548  
Dundas ON L9H 6Y6  
P:(905) 627-8475  
F:(905) 627-8482

AUGUSTA SITE  
121 Augusta St.  
Hamilton ON L8N 1R5  
P/ WEST:(905) 577-0543  
P/ EAST:(905) 577-1020  
F:(905) 577-1021

A description of each of the Lynwood facilities can be summarized as follows:

1. **831 Collinson Road - Flamborough**

This facility includes residential accommodation for up to 10 youth aged 12-15. It also provides a jointly operated education classroom accommodating both residents and occasionally students who do not reside at the facility.

We understand this site is zoned A1 which permits a Residential Care Facility. However, we are unsure whether the existing use perfectly fits the new definition. For example, would the presence of the classrooms mean that the site does not fall within the limits of a Residential Care Facility? Your thoughts on this matter would be helpful.

2. **135 Forest Avenue**

This facility provides residential accommodation to dual diagnosed youth between the ages of 12 and 18, providing residential respite service to youth who normally live with their families the vast majority of the time. The program utilizes 6 beds on a rotating basis, allowing for approximately 14-20 families being supported with respite throughout the month for short term stays.

This site is zoned E3 which is a Residential zone and therefore will be affected by the new by-law. We believe this facility meets the definition of a Residential Care Facility but would like confirmation in light of the change to the definition which deletes the words "shall include a children's residence and group home".

3. **526 Upper Paradise Road**

This facility provides accommodation for up to 16 youth in a mixed use building which also includes 2 classrooms for students under 13 years of age jointly operated by LCC and the HWDSB, and provides offices and administrative support for LCC staff who work in the community in family homes and in local schools. LCC also shares office space with Affiliated Services for Children and Youth, a social service agency which provides professional day care support services.

The jointly operated education classrooms provide services to both residents who live on the premises, as well as individuals who attend the school from the broader community. In addition, some of the residents at Lynwood attend schools off site.

Given this site is zoned DE/S1449, the new by-law will affect this property. However, we understand that the intent is to retain the existing zoning provisions that were established on the property by way of By-law 01-097. Your confirmation of that intent would be helpful.

4. **121 Augusta Street**

We note from a review of the OMB decision that the Board considered Charlton Hall as a Residential Care Facility (page 16 of 22). Ultimately, the land was put in an Institutional zone. As noted in the Board decision on page 18, the appellant (Lynwood) did not necessarily agree that the proposed use is an Institutional use, however, it was prepared to accept that identification in the by-law.

As you may recall, there was some discussion at the Board hearing as to whether the building that currently accommodates Lynwood Charlton residents on Augusta Street is a residential building and special zoning provision had to be maintained to add the Social Services Establishment to the use. In addition to the overnight accommodation, jointly operated education classrooms are provided on the ground floor.

The existing zoning on this site accommodates the Lynwood uses on the properties. Given this zoning will remain in place, reflects the existing use, we understand this site will not be affected by the provisions of the By-law.

**Recommendations**

1. 831 Collinson Road

Please confirm the existing use complies with By-law requirements. If not, what must be done to bring the property into conformity.

2. 135 Forest Avenue

Can you please confirm that the proposed use complies with the definition of a Residential Care Facility notwithstanding the deletion of a children's residence as part of a Residential Care Facility if it can be determined or confirmed that the use on the property complies to the definition, Lynwood would have no further concerns with respect to this site.

3. 526 Upper Paradise Road

As long as the existing zoning provisions as per By-law 01-097 are retained, Lynwood has no concerns with this property.

4. 121 Augusta Street

Since this site is not affected by the by-law, Lynwood has no concerns with respect to this facility.

Thank you very much.

Sincerely,



G.P. Alex Thomson  
Executive Director  
Lynwood Charlton Centre

- c.c. Nancy Smith  
Ed Fothergill



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

<b>TO:</b>	Chair and Members Planning Committee
<b>DATE:</b>	June 15, 2021
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21123) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Trudy Kennedy (905) 546-2424 Ext. 7557
<b>SUBMITTED BY:</b>	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**Council Direction:**

In accordance with the June 16, 2015 Planning Committee direction, 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:**

Planning Division staff have been preparing and submitting on a monthly basis 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 day or the 180 day statutory timeframe provisions of the *Planning Act* for non-decision appeals to the Planning Committee. The monthly report includes a table outlining the active applications, sorted by Ward, from oldest application to newest.

**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 to the LPAT an Official Plan Amendment application after 210 days

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21123) (City Wide) - Page 2 of 4**

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(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 time 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 with an Official Plan Amendment application were subject to the 210 day statutory timeframe.

**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 to the LPAT 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 on or after September 3, 2019.

In accordance with the *Planning Act*, an applicant may appeal an Official Plan Amendment application to the LPAT for non-decision 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 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.

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21123) (City Wide) - Page 3 of 4**

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

Attached as Appendix “A” to Report PED21123 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of May 17, 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 June 15, 2021, all 9 development proposals have passed the applicable 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 PED21123 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 May 17, 2021, there were:

- 10 active Official Plan Amendment applications, all of which are subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 19 active Zoning By-law Amendment applications; and,
- 7 active Plan of Subdivision applications.

Within 60 to 90 days of June 15, 2021, all 21 development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

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

Attached as Appendix “C” to Report PED21123 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 May 17, 2021, there were:

- 21 active Official Plan Amendment applications;

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21123) (City Wide) - Page 4 of 4**

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- 35 active Zoning By-law Amendment applications; and,
- 11 active Plan of Subdivision applications.

Within 60 to 90 days of June 15, 2021, 5 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Thirty-five development proposals have passed the 90 or 120 day statutory timeframe.

### **Planning Division Active Files**

Combined to reflect property addresses, there are 70 active development proposals. Thirteen proposals are 2021 files (18%), 22 proposals are 2020 files (31%) and 35 proposals are pre-2020 files (51%).

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database 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 Q4, 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 PED21### 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. Third party appeals are not included in this information as Council has made a decision on the application.

### **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)

TK:

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective May 17, 2021)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of June 15, 2021
<b>Ward 7</b>									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep- 17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1358
<b>Ward 9</b>									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct- 16	n/a	02-Nov- 16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1707
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.	1707
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.	1656
<b>Ward 10</b>									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul- 15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	2175

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective May 17, 2021)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of June 15, 2021
<b>Ward 10 Cont'd</b>									
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	1635
<b>Ward 12</b>									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec- 15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	2001
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.	1418
<b>Ward 13</b>									
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug- 17	n/a	17-Aug- 17	07-Dec- 17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	1406

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective May 17, 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 May 17, 2021)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of June 15, 2021
<b>Ward 2</b>									
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	1271
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	907
<b>Ward 6</b>									
ZAC-19-035	694 Pritchard Rd., Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	769
<b>Ward 7</b>									
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	781

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective May 17, 2021)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of June 15, 2021
<b>Ward 8</b>									
ZAC-19-017	1020 Upper James St., Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	838
<b>Ward 9</b>									
25T-2019003	15 Picardy Dr., Stoney Creek	25-Apr-19	n/a	29-May-19	n/a	22-Oct-19	n/a	IBI Group	782
<b>Ward 10</b>									
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	988
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	935

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective May 17, 2021)**

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<b>Ward 10 cont'd</b>									
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.	909
<b>Ward 11</b>									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug- 18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	1071
<b>Ward 12</b>									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar- 19	n/a	Fothergill Planning & Development Inc.	1010

**Active Development Applications  
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(Effective May 17, 2021)**

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<b>Ward 12 cont'd</b>									
25T-2018006	140 Glancaster Rd., Glanbrook	05-Jul-18	n/a	08-Nov-18	n/a	01-Jan-19	n/a	MHBC Planning Limited	950
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.	953
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	930
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.	925

**Active Development Applications  
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(Effective May 17, 2021)**

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<b>Ward 14</b>									
ZAR-19-006	1269 Mohawk Rd., Ancaster	14-Dec-18	n/a	11-Jan-19	13-May-19	n/a	n/a	MBI Development Consulting INC.	914
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	916
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	820
<b>Ward 15</b>									
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	1058
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	736

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective May 17, 2021)**

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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	722

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 May 17, 2021)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of June 15, 2021
<b>Ward 1</b>								
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	543
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.	488
<b>Ward 2</b>								
UHOPA-20-001 ZAR-20-001	383 and 383 1/2 Hughson St. N., Hamilton	29-Nov-19	n/a	29-Dec-19	n/a	28-Mar-20	T. Johns Consulting Group	564
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	543
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	343
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	284

**Active Development Applications  
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(Effective May 17, 2021)**

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<b>Ward 2 con't</b>								
UHOPA-21-007 ZAC-21-014	101 Hunter St E., Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	84
ZAC-21-020	221 Charlton Ave E., Hamilton	April 26, 2021	n/a	06-May-21	25-Jul-21	n/a	T. Johns Consulting Group	50
<b>Ward 4</b>								
UHOPA-21-009 ZAC-21-021	1842 King St. E., Hamilton	07-May-21	n/z	13-May-21	n/a	04-Sep-21	Urban Solutions Planning and Land Development	39
<b>Ward 7</b>								
ZAC-20-033	1411 & 1415 Upper Wellington St. Hamilton	05-Aug-20	n/a	02-Sep-20	03-Nov-20	n/a	T. Johns Consulting Group	314
25T-202004	4 Vickers Rd., Hamilton	12-Aug-20	n/a	9-Sep-20	n/a	10-Dec-20	The Biglieri Group	307

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 17, 2021)**

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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.	277
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	183
<b>Ward 8</b>								
ZAC-19-056	11 Springside Cres., Hamilton	26-Nov-19	n/a	06-Dec-19	25-Mar-20	n/a	Urban In Mind Planning Consultants	567
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	481
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	334

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 17, 2021)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of June 15, 2021
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	330
<b>Ward 9</b>								
ZAC-20-004	329 Highland Rd. W., Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	543
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.	501
<b>Ward 9 con't</b>								
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	348
<b>Ward 10</b>								
ZAC-19-036	564 Fifty Rd., Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	456

**Active Development Applications  
Deemed Complete After September 3, 2019  
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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	172
<b>Ward 11</b>								
RHOPA-19-007 ZAC-19-028	3355 Golf Club Rd., Glanbrook	18-Apr-19	16-May-19	21-Oct-19	n/a	20-Feb-20	Corbett Land Strategies Inc.	603
<b>Ward 11 cont'd</b>								
ZAS-20-019	9255 Airport Rd., Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	476
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.	459

**Active Development Applications  
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(Effective May 17, 2021)**

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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.	183
UHOPA-21-006 ZAC-21-011	582 & 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	127
<b>Ward 12</b>								
25T-200720R (2019 File)	1020 Osprey Dr., Ancaster	15-Apr-19	30-Aug-19	11-Dec-19	n/a	02-Apr-20	Coltara Development / 1892757 ONTARTO INC.	552
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.	543

**Active Development Applications  
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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.	369
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.	365
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.	179
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	174
<b>Ward 12 con't</b>								
25T-202105	700 Garner Rd. E., Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	148

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 17, 2021)**

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ZAR-21-015	365 Springbrook Drive, Ancaster	25-Mar-21	n/a	9-Apr-21	23-Jun-21	n/a	GSP Group	82
<b>Ward 13</b>								
ZAR-20-036	321 Hatt St. Dundas	27-Aug-20	n/a	24-Sep-20	25-Nov-20	n/a	Robert Russell Planning	292
ZAC-21-003	125 Pirie Dr. Dundas	23-Dec-20	n/a	22-Jan-21	23-Mar-21	n/a	Wellings Planning Consultants	174
<b>Ward 15</b>								
ZAC-20-006	518 Dundas St. E., Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	540

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective May 17, 2021)**

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UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas St. E., Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	174
ZAC-21-017	265 Mill St S., Flamborough	8-Apr-21	n/a	12-Apr-21	7-Jul-21	n/a	IBI Group	68

Active Development Applications

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**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Local Planning Appeal Tribunal (LPAT)  
(Effective May 17, 2021)**

Ward	Address	Applicant /Agent	Date Appeal Received
<b>Ward 1</b>			
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
<b>Ward 2</b>			
2	195 Wellington St. S., Hamilton	Bousfields Inc.	November 2017
<b>Ward 9</b>			
9	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
<b>Ward 10</b>			
10	261 King St. E., Hamilton	GSP Group	November 2017
<b>Ward 11</b>			
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 May 17, 2021)**

Ward	Address	Applicant /Agent	Date Appeal Received
<b>Ward 13</b>			
13	73-89 Stone Church Rd. W. & 1029 West 5 <sup>th</sup> St., Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	July 2020
<b>Ward 15</b>			
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 <sup>th</sup> 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



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 15, 2021
<b>SUBJECT/REPORT NO:</b>	To Rename a Portion of Mountain Brow Road to King Road, Flamborough (PED21118) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Paul Toffoletti (905) 546-2424 Ext. 4348
<b>SUBMITTED BY:</b>	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That a portion of Mountain Brow Road, in the former Town of Flamborough, between Granite Ridge Trail and King Road be renamed to King Road as identified on Appendix “A”, to Report PED21118, in accordance with the draft By-law, attached as Appendix “B” to Report PED21118, which has been prepared in a form satisfactory to the City Solicitor, to be enacted by City Council.

### EXECUTIVE SUMMARY

Following the requirements of the Waterdown South Secondary Plan, a portion of Mountain Brow Road from Burke Street to Granite Ridge Trail will be closed and removed, per Report PW17047 / PED17109, adopted by Council on June 28, 2017; and with currently being held in abeyance.

The remaining portion of Mountain Brow Road, between Granite Ridge Road and King Road will need to be renamed to King Road. The reason is to avoid a situation where two separate segments of road are using the identical name of Mountain Brow Road, which would be confusing and detrimental for Emergency Services.

### Alternatives for Consideration – See Page 3

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

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

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

**SUBJECT: To Rename a Portion of Mountain Brow Road to King Road  
(PED21118) (Ward 15) - Page 2 of 4**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The developer of the Waterdown Bay subdivision has submitted the required fee for a street name change. There are costs associated with placing an advertisement in the Flamborough Review newspaper. Street signs indicating Granite Ridge Road and King Road will need to be installed.

**Staffing:** None

**Legal:** The *Municipal Act* does not require any public notification for a municipal public highway name change. However, notice of the proposed street name change has been given in accordance with The City of Hamilton Local Street Naming Policies, Guidelines and Procedures as approved by Council on March 9th, 2005.

**HISTORICAL BACKGROUND**

The Waterdown South Secondary Plan was approved in September 2010. The Secondary Plan requires that a portion of Mountain Brow Road, between the extension of Burke Street and Granite Ridge Trail to be closed and converted to a multi-path trail. Of note, this was completed per Report PW17047 / PED17109, adopted by Council on June 28, 2017, currently being held in abeyance.

On April 24, 2014, the Ontario Municipal Board approved the Waterdown Bay Phase 2 Draft Plan of Subdivision. The Draft Plan follows the requirement of the Secondary Plan by showing Burke Street connecting into Mountain Brow Road and a local road, now known as Granite Ridge Trail, to connect into Mountain Brow Road and King Road at the east end of the Draft Plan.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The proposed street name change is consistent with the Local Street Naming Policies, Guidelines and Procedures and will avoid and remove duplicate street names.

**RELEVANT CONSULTATION**

No private properties will be affected by the name change.

Accordingly, a copy of the draft By-law has been prepared and reviewed by our Legal Division and attached as Appendix “B” to Report PED21118.

Lastly, the Ward 15 Councillor has been made aware of this recommendation and is supportive.

**SUBJECT: To Rename a Portion of Mountain Brow Road to King Road  
(PED21118) (Ward 15) - Page 3 of 4**

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

On February 14, 2020, the third phase of the Waterdown Bay subdivision was registered. This has now legally created the extension of Burke Street to Mountain Brow Road and created the street Granite Ridge Road and its connection to the remaining portion of Mountain Brow Road and King Road.

On June 19, 2017, staff Report PW17047 / PED17109, to close Mountain Brow Road between Burke Street and Granite Ridge Road, was carried by the Public Works Committee. It was later adopted by Council on June 28, 2017. The By-law to close the road has been held in abeyance until the time comes to physically close this portion of road.

Recently, construction has begun on the removal of the portion of road to be closed. It is expected that the By-law, that has been held in abeyance, will come forward for enactment in the near future upon completion. Therefore, staff is of the opinion that the name change for the east portion of Mountain Brow Road between Granite Ridge Trail and King Road to King Road is appropriate and required.

It should be noted that this portion of Mountain Brow Road has a rural cross section that is similar to the existing King Road. Staff determined that changing the name to King Road would be more suitable than naming it Granite Ridge Road which has an urban cross section.

**ALTERNATIVES FOR CONSIDERATION**

The alternative is not to change the name and maintain it as Mountain Brow Road.

Staff do not recommend this alternative, as this will create a duplicate street name at the two ends where the closure is to take place. Private, corporate and governmental databases have become address reliant and exact, whereby directions to the wrong segment of Mountain Brow Road could lead to services not being delivered or potential confusion, especially for Emergency Services. The City could be held responsible and liable for any loss of life or property, if delivery personnel or Emergency Services were unable to locate a property or individual due to duplicate street names.

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

**Economic Prosperity and Growth**

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

**SUBJECT: To Rename a Portion of Mountain Brow Road to King Road  
(PED21118) (Ward 15) - Page 4 of 4**

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**Clean and Green**

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

**Built Environment and Infrastructure**

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

**Culture and Diversity**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED21118 – Location Map of the portion of Mountain Brow Road to be renamed to King Road

Appendix “B” to Report PED21118 – By-law to Rename a Portion of Mountain Brow Road to King Road

PT/sd

Appendix "A" to Report PED21118



● Site Location



City of Hamilton

Municipal Address Map

Subject Property

-  Portion of Mountain Brow Road to be renamed King Road
-  Portion of Mountain Brow Road to be closed

File Name/Number:  
Mountain Brow Rd

Date:  
March 4, 2021

Technician:  
NB

Map Not To Scale

Appendix "A"



Hamilton

**Appendix “B” to Report PED21118**

**Page 1 of 1**

**Authority:** Item ,  
Report  
CM:  
Ward: 15

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**To Rename a Portion of Mountain Brow Road to King Road from Granite Ridge Trail to King Road (Flamborough)**

**Whereas** the Council of the City of Hamilton intends to rename the portion of Mountain Brow Road located between Granite Ridge Trail and King Road, to King Road;

**WHEREAS** Mountain Brow Road between Granite Ridge Trail and King Road vested in the City of Hamilton pursuant to Section 5(3)(b) of the *City of Hamilton Act*, 1999, being Schedule C to the *Fewer Municipal Politicians Act*, 1999, S.O. 1999, Chapter 14;

**WHEREAS** notice of the proposal to pass this By-law was published in the Flamborough Review prior to the passing of this By-law; and,

**WHEREAS** the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this by-law.

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

The name of part of the street known as Mountain Brow Road, being the portion from Granite Ridge Trail to King Road, and being part of PIN 17501-0159(LT) in the City of Hamilton;

**is hereby changed to King Road.**

1. This By-law comes into force and takes effect on the date of its registration in the Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

2.  
**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

\_\_\_\_\_  
F. Eisenberger  
Mayor

\_\_\_\_\_  
A. Holland  
City Clerk



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 15, 2021
<b>SUBJECT/REPORT NO:</b>	Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 179, 181, 183, 185, 187, and 189 Catharine Street North, Hamilton (PED21119) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Amended Official Plan Amendment application UHOPA-20-015 by IBI Group (c/o Mike Crough), Agent, on behalf of Woven Quarter Properties Inc. (c/o Brendan Morley), Applicant, and Kathy and Zdenko Pokupec, Roman Acquisitions, and Alice Fam, Owners**, to redesignate the subject lands from the “Low Density Residential” to “Medium Density Residential 1” with a Site Specific Policy Area on Schedule M-2: General Land Use of the West Harbour (Setting Sail) Secondary Plan in the City of Hamilton Official Plan, to permit three multiple dwellings containing a maximum of 45 units, and the adaptive re-use of the existing semi detached dwelling to contain a maximum of four dwelling units, for a total of 49 units on the subject lands with a maximum residential density of 155 units per gross hectare, for lands located at 179, 181, 183, 185, 187 and 189 Catharine Street North, as shown on Appendix “A” to Report PED21119, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21119, be adopted by City Council;

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 179, 181, 183, 185, 187 and 189 Catharine Street North, Hamilton (PED21119) (Ward 2) - Page 2 of 44**

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- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended.
- (b) That **Amended Zoning By-law Amendment application ZAC-20-027 by IBI Group (c/o Mike Crough), Agent, on behalf of Woven Quarter Properties Inc. (c/o Brendan Morley), Applicant, and Stanley, Kathy and Zdenko Pokupec, Roman Acquisitions, and Alice Fam, Owners**, for a change in zoning from the “L-mr-2” (Planned Development) District to the “E-1/S-1809” – ‘H’ (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding, to permit three multiple dwellings containing a maximum of 45 units, the conversion the existing semi detached dwelling into a 4 unit multiple dwellings for a total of 49 units on the subject lands with 43 underground parking spaces, for lands located at 179, 181, 183, 185, 187 and 189 Catharine Street North, as shown on Appendix “A” to Report PED21119, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21119, 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 “C” to Report PED21119, be added to District Map No. E3 of Zoning By-law No. 6593 as “E-1/S-1809” – ‘H’;
- (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 City of Hamilton Official Plan upon approval of Official Plan Amendment No. \_\_\_\_; and,
- (iv) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:
- a. 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 (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Conditions to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee.

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- b. The Owner agrees in a Site Plan Agreement to implement all required noise mitigation measures identified in the Acoustical Study dated June 30, 2020 by IBI Group and updated December 22, 2020, to the satisfaction of the Director of Planning and Chief Planner.
  - c. The Owner agrees in a Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner.
  - d. That a Conservation Plan for 187 - 189 Catharine Street North, Hamilton be submitted, approved and implemented through a Site Plan Agreement, all to the satisfaction of the Director of Planning and Chief Planner.
- (c) That Council deem the lands at 179, 181, 183, 185, 187 and 189 Catharine Street North (see Appendix “A” attached to Report PED21119) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks’ (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that the Class 4 area designation apply only to the development proposal attached as Appendix “D” attached to Report PED21119 with the requirement that all noise mitigation and warning clauses be secured through the Holding Provision attached to the implementing Zoning By-law as specified in Section iv) b) and c) outlined above.
- (d) That upon finalization of the amending By-law, the subject lands be redesignated from “Single and Double” and “Medium Density Apartments” to “Low Density Housing” in the Beasley Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 179, 181, 183, 185, 187 and 189 Catharine Street North. IBI Group (c/o Mike Crough) on behalf of Woven Quarter Properties Inc., (c/o Brendan Morley), Stanley, Kathy and Zdenko Pokupek, Roman Acquisitions, and Alice Fam, Owners, has applied for amendments to the City of Hamilton Official Plan and Zoning By-law No. 6593 to permit a total of 49 units with 43 underground parking spaces. The applicant is proposing three new multiple dwellings containing 45 units and the conversion of the existing semi-detached dwelling into a four unit multiple dwelling.

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The purpose of the Official Plan Amendment application is to redesignate the lands from “Low Density Residential” to “Medium Density Residential 1” and establish a Site Specific Policy Area within the West Harbour (Setting Sail) Secondary Plan to permit a maximum residential density of 155 units per gross hectare for the proposed 49 unit residential development.

The purpose of the Zoning By-law Amendment is for a change in zoning from the “L-mr-2” (Planned Development) District to the “E-1/S-1809” – ‘H’ (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding. Modifications to the “E-1” District are required to restrict building height to 15.0 metres and permit reduced side yards and front yards and increase the required rear yard depth. Additional modifications are required to reduce the parking requirement and establish minimum bicycle parking requirements, allow for permeable paving, and require the adaptive reuse of the existing semi detached dwelling. The concept plan is attached as Appendix “D” to Report PED21119.

Based on the subject property being located in proximity to stationary noise sources the applicant is seeking to have the subject property classified a Class 4 area pursuant to the MECP Noise Guidelines NPC-300.

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

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- It complies with the general intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan; and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

**Alternatives for Consideration – See Page 42**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

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## HISTORICAL BACKGROUND

### Report Fact Sheet

Application Details	
Applicant/Owner:	IBI Group (c/o Mike Crough), Agent, on behalf of Woven Quarter Properties Inc. (c/o Brendan Morley), Applicant, Stanley, Kathy and Zdenko Pokupec, Roman Acquisitions, and Alice Fam (Owners)
File Number:	UHOPA-20-015 and ZAC-20-027
Type of Application:	City of Hamilton Official Plan Amendment and Zoning By-law Amendment
Proposal (as amended):	<p>A revised design was submitted on November 25, 2020 to address concerns, including but not limited too, overlook impacts on adjacent lands as a result of the initial circulation of the applications..</p> <p>The Official Plan Amendment was amended by the applicant for a change in designation from “Low Density Residential” to “Medium Density Residential 1” with a Site Specific Policy Area to recognize a density of 155 units per gross hectare.</p> <p>The revised Concept Plan is attached as Appendix “D” to Report PED21119 and included the following revisions from the original development concept:</p> <ul style="list-style-type: none"> <li>• Change in the proposed design of Building C, specifically with respect to the setback and height of the southerly most portion of the building and to eliminate windows from the southerly façade;</li> <li>• Relocate the proposed parking ramp to the underground garage to the north side of Building B;</li> <li>• Increase the number of units by one for a total of 49;</li> <li>• Reduction in the amount of landscaped area from 935.2 square metres to 746.7 square metres of which a minimum of 50% will be comprised of natural space (grass, trees, planting beds, etc.);</li> <li>• Relocation of the loading space to the rear of Building A to serve as a flexible hardscape and replaces the centralized</li> </ul>

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	<p>landscape areas that were previously proposed;</p> <ul style="list-style-type: none"> <li>• Decrease in the total parking spaces from 45 to 43 parking spaces (42 standard parking spaces and one barrier free space);</li> <li>• Inclusion of a lift from the underground parking garage to the ground level for residents; and,</li> <li>• Provision of five short term bicycle parking spaces and 28 long term bicycle parking spaces.</li> </ul>
<b>Property Details</b>	
Municipal Address:	179, 181, 183, 185, 187 and 189 Catharine Street North
Lot Area:	2,700 square metres (0.27 hectares)
Servicing:	Existing full municipal services.
Existing Use:	<p>Multiple properties which include the following:</p> <ul style="list-style-type: none"> <li>• 179 Catharine Street North is a vacant lot;</li> <li>• 181 Catharine Street North contains a single detached dwelling (to be demolished);</li> <li>• 183 Catharine Street North contains a commercial vehicle repair and service shop (to be demolished);</li> <li>• 185 Catharine Street North is a vacant lot at the rear of 187 and 189 Catharine Street North; and,</li> <li>• 187 and 189 Catharine Street North contains a semi detached dwelling (to be retained and converted to contain four units).</li> </ul>
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to the Growth Plan.
Official Plan Existing:	<p>“Urban Area” in the Hamilton-Wentworth Official Plan.  “West Harbour” in the City of Hamilton Official Plan.  “Low Density Residential” in the West Harbour (Setting Sail) Secondary Plan.</p>

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Official Plan Proposed:	“Medium Density Residential 1” designation with a Site Specific Policy Area to establish a maximum density of 155 units per gross hectare.
Zoning Existing:	“L-mr-2” (Planned Development) District
Zoning Proposed:	“E-1/S-1809” – ‘H’ (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding
Modifications Proposed:	<p>The following modifications apply to the entire site (Blocks 1, 2, 3 and 4, refer to Appendix A to Report PED21119):</p> <ul style="list-style-type: none"> <li>• To define how grade will be measured for the purpose of calculating building height;</li> <li>• To restrict the maximum number of dwelling units to 49 units;</li> <li>• To reduce the maximum building height from 26.0 metres to 15.0 metres;</li> <li>• To reduce the minimum number of required parking spaces from 1 parking space per dwelling unit (49) to 0.8 parking spaces per dwelling unit (40), and to not require any visitor parking;</li> <li>• To establish a requirement that a minimum of one required parking space be a barrier free parking space;</li> <li>• To reduce the length of a loading space from 18 metres to 9 metres and require that the loading space be comprised of permeable pavers;</li> <li>• To permit a reduced parking stall size, from a minimum size of 2.7 metres by 6.0 metres to 2.7 metres by 5.8 metres;</li> <li>• To establish a minimum parking stall size for a barrier free parking space of 4.4 metres wide by 5.8 metres long;</li> <li>• To permit a maximum of 10% of parking spaces to be for a small car with minimum parking space size dimensions of 2.6 metres by 5.5 metres;</li> <li>• To permit a parking area, manoeuvring space, loading, space and access driveway to be comprised of permeable pavers and brick, in addition to asphalt and concrete;</li> <li>• To require a minimum of five short term bicycle parking spaces; and,</li> <li>• To require a minimum of 0.57 bicycle parking spaces per dwelling unit.</li> </ul>

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	<p>The following modifications apply to specific blocks:</p> <p>Existing Building - Block 1</p> <ul style="list-style-type: none"> <li>• To permit a multiple dwelling only within the building existing on the date of the passing of the By-law;</li> <li>• To recognize the existing front yard setback of 2.7 metres;</li> <li>• To recognize the existing northerly side yard setback of 2.3 metres;</li> <li>• To reduce the minimum side yard setback for an enclosed stairway from 1.5 metres to 1.2 metres;</li> <li>• To reduce the minimum side yard setback for an underground parking ramp from 1.5 metres to 0.7 metres;</li> <li>• To increase the maximum front yard encroachment for a porch and stairs: <ul style="list-style-type: none"> <li>- from a maximum encroachment of 3 metres and minimum setback of 1.5 metres from the front lot line, to a minimum setback of 1.4 metres for a porch from the front lot line; and,</li> <li>- from a maximum encroachment of 3 metres and minimum setback of 1.5 metres from the front lot line, to a minimum setback of 0 metres for stairway from the front lot line.</li> </ul> </li> </ul> <p>Building A – Block 2</p> <ul style="list-style-type: none"> <li>• To reduce to minimum the front yard setback, from 3.0 metres to 2.7 metres;</li> <li>• To reduce the minimum side yard setback from a minimum setback of 3.0 metres for a principal building containing windows facing the side lot line to a minimum 2.3 metre setback from the side lot line for a principal building containing windows facing the side lot line;</li> <li>• To increase the maximum front yard encroachment for stairs: <ul style="list-style-type: none"> <li>- from a maximum encroachment of 3 metres and minimum setback of 1.5 metres from the front lot line, to a minimum setback of 0 metres for a stairway from the front lot line.</li> </ul> </li> </ul>
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	<p>Building B – Block 3</p> <ul style="list-style-type: none"> <li>• To reduce the minimum side yard setback for an underground parking ramp from 1.5 metres to 0.7 metres;</li> <li>• To increase the minimum rear yard setback from 3.5 metres to 5.0 metres, except for the following: <ul style="list-style-type: none"> <li>- 0 metres for the wall of a parking ramp;</li> </ul> </li> <li>• To reduce the minimum setback for stairs from a rear lot line from a minimum 1.0 metres to 0.5 metres;</li> <li>• To increase the maximum rear yard encroachment of a porch and stairway: <ul style="list-style-type: none"> <li>- from a maximum encroachment of 3.0 metres and minimum setback of 1.5 metres from the rear lot line, to a minimum setback of 1.85 metres for a porch and stairway; and,</li> <li>- from a maximum encroachment of 3.0 metres; and, minimum setback of 1.5 metres from the rear lot line, to a minimum setback of 0 metres for an above grade patio.</li> </ul> </li> <li>• To reduce the minimum distance between multiple dwelling buildings from 7.05 metres to 3 metres;</li> </ul> <p>Building C – Block 4</p> <ul style="list-style-type: none"> <li>• To reduce the maximum building height for the southerly portion of Building C from 26.0 metres to 8.75 metres;</li> <li>• To establish a minimum 8.0 metre side yard setback from the easterly side lot line for the southerly portion of Building C;</li> <li>• To increase the minimum rear yard setback from 3.5 metres to 5.0 metres, except for the following: <ul style="list-style-type: none"> <li>- 3.0 metres for the southerly portion of Building C;</li> </ul> </li> <li>• To increase the maximum rear yard encroachment of a porch and stairway: <ul style="list-style-type: none"> <li>- from a maximum encroachment of 3.0 metres and minimum setback of 1.5 metres from the rear lot line, to a minimum setback of 1.85 metres for a porch and stairway; and,</li> <li>- from a maximum encroachment of 3.0 metres and minimum setback of 1.5 metres from the rear lot line, to a minimum setback of 0.9 metres for a below grade walkout patio from the rear lot line;</li> </ul> </li> <li>• To establish a minimum setback of 4.3 metres from the</li> </ul>
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	<p>easterly side lot line for a porch and stairway; and,</p> <ul style="list-style-type: none"> <li>To reduce the minimum distance between multiple dwelling buildings from 7.05 metres to 3 metres.</li> </ul> <p>Staff have also included Holding Provisions in the amending Zoning By-law related to the requirements for a Record of Site Condition, noise mitigation measures, warning clauses and Heritage Conservation Plan. These requirements are discussed in detail in the Analysis and Rationale for Recommendation section of this Report.</p>
<b>Processing Details</b>	
Received:	July 2, 2020
Deemed Complete:	July 22, 2020
Notice of Complete Application:	Sent to 154 property owners within 120 metres of the subject property on July 31, 2020.
Public Notice Sign:	Posted August 7, 2020 and updated with public meeting date on May 5, 2021.
Notice of Public Meeting:	Sent to 154 property owners within 120 metres of the subject property on May 14, 2021.
Public Consultation:	The applicant organized a virtual Neighbourhood Open House on September 24, 2020, with invitations sent to 138 properties within the area. Six interested parties participated in the Neighbourhood Open House, and comments were provided to the applicant by way of the Neighbourhood Open House. The comments received during the Open House are summarized in the Relevant Consultation Section of Report PED21119.
Public Comments:	One letter was received expressing interest in learning more about the project and requested being included in any ongoing updates.
Processing Time:	348 days from date of receipt of initial application. 202 day from receipt of revised development proposal.

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**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Vacant Lot, Single detached dwelling, Vehicle Repair and Service Shop, and Semi Detached Dwelling	“L-mr-2” (Planned Development) District

**Surrounding Land Uses:**

<b>North</b>	Single detached and Semi detached dwellings	“L-mr-2” (Planned Development) District
<b>East</b>	Warehouse	“J/S-378” (Light and Limited Heavy Industrial, Etc.) District, Modified
<b>South</b>	Single detached dwellings	“L-mr-2” (Planned Development) District
<b>West</b>	Municipal Park, three family dwelling and rooming house	Neighbourhood Park (P1) Zone, “L-mr-2” (Planned Development) District, and Neighbourhood Institutional (I1) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (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 proposal.

“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:

a) Efficiently use land and resources;

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- 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 uneconomic expansion;
  - e) Support active transportation; and,
  - f) Are transit-supportive, where transit is planned, exists or may be development; and,
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The proposed development is located within a settlement area and represents a compatible form of intensification that efficiently uses land, existing infrastructure and is supported by existing public transit. The proposed development facilitates intensification and redevelopment and is a compact form of development that is appropriate in scale for the area.

#### Cultural Heritage and Archaeology

The City of Hamilton Official Plan has not been updated with respect to the cultural heritage policies of the PPS. The following policies, amongst others, of the PPS 2020 apply.

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

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

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- 1) In areas of pioneer EuroCanadian Settlement; and,
- 2) Along historic transportation routes.

Notwithstanding current surface conditions the criteria define the property as having archaeological potential. Staff will require that a written caution note be added to the site plan drawings for the future Site Plan Control application.

The subject property is comprised of 181 and 183 Catharine Street North which are included in the City's Inventory of Buildings of Architectural and / or Historical Interest and 187 and 189 Catharine Street North which are included on the City's Register of Property of Cultural Heritage Value or Interest. The building existing at 187 and 189 Catharine Street North is a pre-confederation semi detached dwelling potentially constructed between 1842 and 1853. The inclusion of 187 and 189 Catharine Street North on the City's Register of Property of Cultural Heritage Value or Interest was undertaken as a result of the Cultural Heritage Impact Assessment (CHIA) submitted for these applications.

A CHIA by ASI, dated July 2020 was submitted assessing the impact of the proposed redevelopment on 187 and 189 Catharine Street North and also on the adjacent lands at 179 and 183 Catharine Street North. The CHIA was reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee (HMHC) on August 17, 2020. Based on the review, the Policy and Design Working Group of the HMHC provided the following comments:

- The pre-confederation property at 187 and 189 Catharine Street North should be reviewed at the next Inventory and Research Working Group (IRWG) meeting of the HMHC for further consideration for potential inclusion on the municipal heritage register and/or for potential designation. (These lands were added to the Register in 2020 (see below)).
- Consideration should be given towards providing additional research for the properties at 181 – 183 Catharine Street North to more completely assess their potential heritage value.
- Concern was raised that with the possible mothballing of the pre-confederation property at 187 and 189 Catharine Street North that there could be pressure to demolish the building after the rest of the property is redeveloped. This property should be renovated and reused at the same time that the rest of the property is developed to avoid it being neglected. The group would be opposed to the demolition of this pre-confederation building.
- The Beasley Neighbourhood Association should be consulted on the proposal.

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The CHIA submitted with the application is comprehensive and complete and staff are satisfied. Staff are of the opinion that the proposed adaptive reuse of the semi detached, pre-confederation dwelling at 187 and 189 Catharine Street North is acceptable and requires a conservation strategy for this heritage resource. Consultation with the Beasley Neighbourhood Association was undertaken as part of the applicant's Public Consultation Strategy.

At the August 24, 2020 meeting of the IRWG, the lands located at 187 and 189 Catharine Street North were recommended for inclusion on the Municipal Heritage Register. This recommendation was approved on October 30, 2020 by the HMHC and approved by Planning Committee on November 3, 2020 and Council on November 11, 2020.

The CHIA recommendations included a conservation plan for the property's heritage attributes, and which will also identify areas for repair and maintenance to ensure the long term conservation of the semi detached building. An 'H' Holding Provision will be applied to the Zoning By-law Amendment requiring the completion of a Conservation Plan for 187 and 189 Catharine Street North. In addition, the Zoning By-law Amendment will incorporate the adaptive re-use of the existing building as part of the proposed zoning approvals.

#### Noise

"1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities."

The subject lands are close to existing transportation noise sources and existing stationary noise sources in the area. An Acoustical Study based on MECP requirements was prepared by IBI Group dated June 30, 2020 and updated December 22, 2020 and submitted with the applications.

The Acoustical Study identified four potential transportation noise sources: Catharine Street North, Cannon Street East, John Street North, and Robert Street, and six stationary noise sources (existing commercial and industrial type activities).

The Acoustical Study identified that the daytime and night time noise levels from the transportation noise sources are less than 65 dBA and 60 dBA respectively.

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Therefore, enhanced building materials and methods of constructions are not required but will require noise warning clauses.

The proposed rooftop outdoor living areas that have full exposure to Cannon Street East and John Street North have noise levels between 55 dBA and 60 dBA and therefore physical mitigation in the form of roof top noise barriers or a warning clause is required and will be implemented at the Site Plan Control stage.

The Acoustical Study identifies that the daytime and night time noise levels exceed 50 dBA and 45 dBA criteria for certain portions of the proposed buildings:

- The southern portion of Building A measured at the third floor at the exterior plane of the window; and,
- The southern portion of Building C measured at the first, second and third floors at the exterior wall of the building;

Additionally, the noise levels associated with the following Outdoor Living Areas exceed 50 dBA:

- The Outdoor Living Area on the roof of Building A; and,
- The Outdoor Living Area on the roof of Building C.

The noise mitigation measures that will be implemented for the proposed development respecting both transportation noise sources and stationary noise sources are as follows:

- Standard Building materials, required under the Ontario Building Code for windows and exterior walls;
- Centralized air conditioning will need to be provided in order to allow windows to remain closed and centralized air conditioning will need to be provided;
- A 1.2 metre high parapet wall at the perimeter of the roof top amenity area for the proposed new buildings (Buildings A, B and C);
- A warning clause advising prospective purchasers and tenants that sound levels due to increased road traffic may exceed the MECF requirements;
- A warning clause advising prospective purchasers and tenants that centralized air conditioning is being established in order to allow windows and exterior doors to remain closed;
- A warning clause advising prospective purchasers and tenants that the property has been deemed a Class 4 area; and,
- A warning clause advising prospective purchasers and tenants that the noise levels for the roof top patios may exceed 50 dBA.

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The implementation of noise mitigation measures related to transportation and stationary noise sources will be undertaken through the Site Plan Control application.

While the applicant is proposing to include a number of mitigation measures for the proposed development to address transportation and stationary noise sources the measures will not achieve compliance with respect to a Class 1 area requirements for stationary noise sources. The Study advised that noise mitigation at the source, while preferred is not feasible, as these noise sources are located off-site and would be difficult to implement. To meet the MECP requirements for the exterior façade of the building a noise barrier or window wall equivalent to the height of the proposed building would be required between the proposed building and the stationary sources. The study determined that it is not practical to eliminate the noise from the façade of those buildings which exceed the maximum permitted noise levels, given geometry of the site and the building orientation.

Parapet walls of a height of 1.8 metres to 2 metres in height would be required to mitigate stationary noise sources for the Outdoor Living Area. The provision of parapet walls of this height would increase the visual impact and perceived height of the proposed buildings. The proposed development includes a parapet wall of 1.2 metres in height which will provide some noise attenuation but will not bring noise levels into conformity with the requirements for a Class 1 area, therefore, the change in classification from Class 1 to Class 4 is recommended.

Given the extent of the mitigation measures required to achieve compliance with the MECP based on a Class 1 area for stationary noise sources, staff are in agreement that it is not practical to eliminate the noise from the façade of the building, and also agree that higher parapet walls for the Outdoor Living Area are not appropriate.

Therefore, the Study recommended for those portions of the subject lands where it is not possible to comply with the MECP requirements, the lands be re-classified from a Class 1 area to a Class 4 area in accordance with the Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300) from the MECP.

#### Site Contamination

The PPS provides the following policy direction:

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

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Part of the subject lands were previously used for a vehicle repair and servicing shop and the applicant is proposing to establish a sensitive land use (i.e. residential) on-site. As there is potential for site contamination an assessment through a Record of Site Condition (RSC) needs to be undertaken. An 'H' Holding Provision will be applied to the Zoning By-law Amendment requiring completion of an RSC or for the applicant to enter into a conditional building permit and must be satisfied prior to final Site Plan approval.

Given the foregoing, staff are of the opinion that the applications are consistent with the PPS.

**Growth Plan for the Greater Golden Horseshoe 2019, as amended**

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 a) 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*;

2.2.1.2 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;

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

- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;”

The subject lands are located within the Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal contributes toward providing a diverse range and mix of housing options and makes use of existing municipal services. The proposal represents a form of residential intensification within the built up area, in proximity to existing transit routes along Cannon Street East, John Street North and Barton Street East.

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

### **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan (UHOP) was approved by Council on July 9, 2009 and the Ministry of Municipal Affairs on March 16, 2011.

There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the West Harbour (Setting Sail) Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP, the Secondary Plan was still under appeal. The lands are currently identified as “Lands Subject to Non Decision 113 West Harbour Setting Sail” on Schedule E-1 of the UHOP, therefore the UHOP policies do not apply. As a result, when the UHOP came into effect on August 16, 2013, it did not affect the West Harbour (Setting Sail) Second Plan. Should the applications be approved, staff would request that the proposed Official Plan Amendment be included in the Secondary Plan at the time when the Ministry deals with the non-decision.

### **Hamilton-Wentworth Official Plan**

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan that are applicable to the subject lands remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan and the following policies, amongst other, apply to the proposal.

Urban Area

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“C.3.1 A wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.

C.3.1.1 A compact higher density form, with mixed use development in identified Regional and Municipal centres and along corridors, best meets the environmental, economic principles of sustainable development. Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development, because:

- Growth can be accommodated by building on vacant or redeveloped lands, without taking up agricultural or natural areas;
- Higher density development can reduce per capita servicing costs and makes more efficient use of existing services;
- Efficient and affordable public transit systems can be established;
- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and,
- A compact community makes walking and bicycling viable options for movement.”

The proposal complies with the direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed 45 multiple dwelling units and the adaptive re-use of the existing semi detached dwelling for four dwelling units would provide for an efficient use of existing services, adds residential units close to existing recreation, shopping and workplaces, and contributes to a compact community.

Based on the foregoing, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

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### City of Hamilton Official Plan

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. Schedule A of the City of Hamilton Official Plan designates the subject lands “West Harbour.” The policies of the West Harbour (Setting Sail) Secondary Plan provide more detailed designations and policy framework for this area. The following policies, amongst others, apply to the proposal.

#### “Subsection B.2.1 – Water Distribution

B.2.1.1 In accordance with the Regional Official Plan, Council will encourage the Region to maintain and, where necessary, improve water supply in the City. New development and / or redevelopment will only be permitted where the water supply is deemed to be adequate by the Region.

#### Subsection B.2.2 – Sewage Disposal

B.2.2.1 Council will encourage the Region to ensure that all new development in the City be effectively serviced by the SEWAGE DISPOSAL System. In this regard, Council will encourage the appropriate agencies to ensure that necessary improvements to, or extension of, the SEWAGE DISPOSAL System, expansions to the capacity of the Woodward Avenue Sewage Treatment Plant, and the monitoring of effluents discharged are undertaken.

#### Subsection B.2.3 – Storm Drainage

B.2.3.1 Council will require that all new development and / or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, ‘zero run-off’, and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM sewer System is at sufficient capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City.”

There are existing services adjacent to the subject property including sanitary, storm sewers and watermain on Catharine Street North. A Functional Servicing Report dated July 2, 2020, by IBI Group, was submitted in support of the applications. While

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no concerns were identified with respect to establishing the principal of the land use for the subject property, a revised Functional Servicing Report will be required to be prepared and implemented at the Site Plan Control stage to address the following: storm water management, water demand and required fire flow.

“Subsection B.2.4 - Solid Waste Disposal

B.2.4.5 All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or in the case of certain uses, through individually-contracted collection service.”

The proposed residential use is eligible for municipal waste collection City Services but is subject to meeting the requirements of the City’s Solid Waste Management By-law. The applicant has not demonstrated that the proposed site layout will meet the City’s requirements. Waste collection will be examined in greater detail at the Site Plan Control stage. Should the applicant be unable to meet the City’s requirements for municipal waste collection then waste collection will be required to be provided by way of a private waste hauler. If waste collection will be provided by way of a private waste hauler then prospective purchasers and tenants will be required to be notified through a warning clause included in all purchase and sale or lease and rental agreements and the owner will need to agree to include this warning clause in a signed undertaking as part of the Site Plan Control application.

“Subsection C.4 – Pollution

B.4.9 Council recognizes the Ministry of Environment and Energy’s concerns regarding the potential for contamination of soils and supports its efforts for the decommissioning of such sites. Accordingly, where the development / redevelopment is proposed for lands currently or previously known to be used for industrial, transportation or utility purposes Council will, in the consideration of an amendment application to this Plan and / or the implementing Zoning By-law:

- i) Require the proponent to submit to the Ministry of Environment and Energy, in accordance with the Ministry’s requirements, a professional analysis of soils on the site determining the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health as a prerequisite of development or redevelopment. Determination of contaminants for which analysis will be conducted will be based upon all present and previous uses of the site.

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If the analysis identifies the presence of contaminants at concentrations above background levels, the Ministry will require the proponent to formulate and implement a remedial action plan in accordance with the Ministry's Guidelines for the Decommissioning and Clean-up of Sites in Ontario, (as may be amended). This plan will be submitted to the Ministry for approval."

Based on the previous commercial use (auto repair garage) there is a potential for site contamination of the subject lands. As the proposed development is seeking to establish residential land uses (a sensitive land use) an evaluation of the condition of the site and, if necessary, any required remediation work will need to be completed. In order to ensure that a Record of Site Condition is completed an 'H' Holding Provision will be applied.

"Subsection C.7 – Residential Environmental and Housing Policy

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- ii) Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;
  - iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
  - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

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- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton Residents.
- xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient.”

The proposed residential development, in the form of three multiple dwellings with a height of three and a half storeys and 15.0 metres, establishes a form of development that is consistent with the existing scale of development in the area which consists primarily of a low rise built form that ranges in height from one to three storeys (Policy C.7.3 iii) and v)).

The development proposes to convert the existing semi detached dwelling at 187 and 189 Catharine Street North which is included on the City’s Register of Property of Cultural Heritage Value or Interest. Therefore the proposal will rehabilitate existing housing structures exhibiting Architectural or Historical merit (Policy C.7.3 ii)).

The proposed development represents an intensification of the subject lands that makes more efficient use of both existing building stock and of the existing physical infrastructure, by adaptively reusing the existing semi detached dwelling and establishing a built form that is consistent with the scale and character of the area with respect to building height and massing, orientation and setbacks. The proposal will be consistent with the character of the area based on the proposed height and massing which is consistent with the low rise character of the area, and protect adjacent properties from privacy and overview impacts based on the orientation, height and setbacks of the proposed buildings. The setbacks will establish a built form that is compatible with existing building setbacks in the area and the setbacks and layout of the proposed development will establish a lot coverage, that while higher than properties in the area, can be supported by staff because the proposed development will be consistent with the scale of development in the area, while providing adequate landscaping and amenity space. As part of the proposed development a Vegetative Management and Tree Management Plan were submitted and reviewed, and staff are satisfied that the proposed development respects the character of the area with respect to natural vegetation (Policy C.7.3 iii) and v)).

The proposed development will establish new residential development that will provide a range of tenure options for the area and will contribute to providing a diversity of dwelling forms and housing options (Policy C.7.3 (ix)).

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The proposed development is located in proximity to existing public transit routes and will therefore establish a form of development that will be conducive to the efficient operation of public transit (Policy C.7.3 xii).

Based on the foregoing, the proposal complies with the City of Hamilton Official Plan with respect to the applicable policy direction from Sections B and C.

**West Harbour (Setting Sail) Secondary Plan (OPA No. 198)**

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the Ontario Municipal Board (OMB) (now Local Planning Appeal Tribunal (LPAT)), the Secondary Plan was not deemed to be in effect until the LPAT issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time.

When the UHOP was brought into effect by the LPAT in 2013, the lands within the West Harbour (Setting Sail) Secondary Plan area were noted as being subject to Non-Decision No. 113. Therefore, the operable Secondary Plan policies in effect to review against the proposed development are those policies in the Setting Sail Secondary Plan OPA No. 198, instead of the UHOP (Volume 2).

The subject property is designated “Low Density Residential” on Schedule M-2 – General Land Use in the West Harbour (Setting Sail) Secondary Plan. The following policies, among others, apply to the proposal.

**General Policies**

“A.6.3.3.1.2 The City will ensure development and redevelopment in neighbourhoods and lands surrounding West Harbour respect the type, scale and character of development identified in this plan.

A.6.3.3.1.9 To encourage a broad mix of household types at varying income levels, West Harbour shall accommodate a diversity of housing types, including detached and semi-detached dwellings, and multiple dwellings.”

The proposed development of 45 multiple dwelling units within three buildings each three and a half storeys in height and four dwelling units within an existing one storey building will establish development and redevelopment that is respective of the type, scale and character of development in the surrounding neighbourhood and promotes a diversity of housing types.

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Low Density Residential

“A.6.3.3.1.12 In Low Density Residential areas:

- i) The scale, type and character of new development shall generally reflect existing low density development in the neighbourhood;
- ii) Single detached, semi-detached and street townhouses are permitted;
- iii) The density of development shall range from 25 to 60 units per gross hectare;
- iv) Existing grid patterns of streets, blocks, and open space, and/or those proposed by this plan, shall be respected; and,
- v) Lot dimensions and building setbacks shall be generally consistent with other Low Density Residential properties in the neighbourhood.”

The proposed development does not comply with the range of uses permitted under policy A.6.3.3.1.12 ii) and the proposed 49 dwelling units establishes a residential density of approximately 153 units per gross hectare and therefore exceeds the maximum residential density of 60 units per gross hectare permitted for lands designated “Low Density Residential” (A.6.3.3.1.12 iii). Therefore, an Official Plan Amendment is required to change the designation of the subject lands from “Low Density Residential” to “Medium Density Residential 1” with a Special Policy Area to allow a residential density of 155 units per gross hectare. A residential density of 155 units per gross hectare is proposed rather than 153 unit per gross hectare in order to incorporate a degree of flexibility into the Special Policy Area with respect to maximum density.

The proposed change in designation facilitates a development that is three and a half storeys or 15.0 metres in height which constitutes a building height that is similar to the maximum building height that is typically permitted for various forms of low density development within the City of Hamilton Zoning By-law No. 6593 and which typically range between two and a half to three storeys or 10.5 metres to 14.0 metres in height.

The proposed change in designation from “Low Density Residential” to “Medium Density Residential 1” is appropriate as the subject lands are in proximity to the Downtown and in proximity to a minor arterial road, specifically Cannon Street East and existing transit routes along Cannon Street East, John Street North and Barton

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Street East. The “Medium Density Residential 1” designation will facilitate intensification of the lands consistent with the Provincial policy direction outlined in the PPS and Growth Plan while also ensuring that the form of intensification remains compatible with the existing low rise scale and character of the area. Furthermore, the change in designation is being undertaken on a consolidated parcel of land which will be of sufficient size to accommodate an increase in density that will be of a size and scale that is compatible with the area and which can be designed to mitigate impacts on adjacent properties.

#### Medium Density Residential 1

“A.6.3.3.1.13 In Medium Density Residential 1 areas:

- i) Multiple dwellings are permitted;
- ii) The density of development shall be in the range of 60 – 150 units per gross hectare;
- iii) The height of buildings shall range from 3 to 5 storeys;
- iv) Existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan shall be respected;
- v) Front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;
- vii) Parking areas generally shall be provided at the rear of sites or underground with access from public streets or laneways;
- xii) The design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xiii) The design of new development shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.”

The proposed new multiple dwellings (Buildings A, B and C) and the existing semi detached dwelling (existing building) which is to be adaptively reused to establish four dwelling units all constitute multiple dwellings and therefore represent a use permitted for lands designated “Medium Density Residential 1” (Policy A.6.3.3.1.13 i)). The proposed three and a half storey building height for Buildings A, B and C is consistent with Policy A.6.3.3.1.13 iii).

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Based on the gross lot area of approximately 3,200 square metres (approximately 2,700 square metres for the subject lands and approximately 500 square metres for half the road allowance) the proposed 49 dwelling units would have a residential density of approximately 153 units per gross hectare. Therefore, the proposed development would exceed the maximum density of 150 units per gross hectare as per policy A.6.3.3.1.13 ii) for lands designated “Medium Density Residential 1”, and a site specific policy area to establish a maximum residential density of 155 units per gross hectare is required.

The massing of the proposed three and a half storey multiple dwellings will maintain a size and scale that is consistent with the existing low rise development existing in the area and the three and a half storey buildings are not expected to have negative shadow or wind impacts on the public realm. The massing, orientation, setbacks and window placements of the proposed three and a half storey multiple dwellings will not negatively impact adjacent lands with respect to shadows or privacy overlook (Policies A.6.3.3.1.13 xii) and xiii)).

The existing grid patterns of the street, blocks and open spaces will not be altered as a result of the proposed development (Policy A.6.3.3.1.13 iv)).

The existing front yard setback for the semi detached dwelling building will be maintained and is consistent with the majority of buildings along Catharine Street North. The front yard setback for Building A will align with the existing semi detached dwelling and therefore a consistent front yard setback will be maintained (Policy A.6.3.3.1.13 v)).

Parking will be provided in the form of underground parking and the proposed loading area will be located to the rear of the Building A (Policy A.6.3.3.1.13 vii)).

“A.6.3.3.3.1 In accordance with the *Ontario Planning Act* and the *Ontario Heritage Act*, West Harbour will promote the conservation of significant built heritage resources and cultural heritage landscapes.”

The development proposes to adaptively re-use the existing building at 187 and 189 Catharine Street North, a building included on the City’s Register of Property of Cultural Heritage Value or Interest.

“A.6.3.3.4.1 New development, redevelopment and alterations to existing buildings in West Harbour shall respect, complement and enhance the best attributes of West Harbour and shall adhere to the following urban design principles:

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- i) Create a comfortable and interesting pedestrian environment;
- ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;
- iii) Generally locate surface parking at the rear of side of buildings;
- iv) Provide main entrances and windows on the street facing wall of buildings, with entrances at grade level;”

The proposed development creates a built form and internal pedestrian walkways that create a comfortable and interesting pedestrian environment (Policy A.6.3.3.4.1 i)).

The height, massing, orientation, and setbacks of the proposed three and a half storey multiple dwellings establishes a built form that is respective of and compatible with the existing and planned scale of development for the area (Policy A.6.3.3.4.1 ii)).

The development is not proposing surface parking but will provide parking underground, and the loading area which is located at the surface is proposed to be located to the rear of Building A (Policy A.6.3.3.4.1 iii)).

Existing and proposed windows are oriented towards Catharine Street North and the entrances for some of the proposed dwelling units are oriented towards Catharine Street North but are not located at grade level (Policy A.6.3.3.4.1 iv)).

Based on the foregoing, the proposal complies with the policies of the West Harbour (Setting Sail) Secondary Plan, subject to the change in designation from “Low Density Residential” to “Medium Density Residential 1” with a Site Specific Special Policy Area to permit an increase in the maximum density.

### **Beasley Neighbourhood Plan**

The front portion of the subject lands and the portion of the land located to the rear of 173 Catharine Street North are designated “Single and Double” and the balance of the rear portion of the lands are designated “Medium Density Apartment” in the Beasley Neighbourhood Plan.

The Beasley Neighbourhood Plan identifies the subject lands as “Single and Double” (referred to as Single Detached and Semi Detached in the policies) and “Medium Density Apartments”. The following policies, among others, apply to the proposal.

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#### “4.3.1 Single Detached and Semi Detached

This designation covers most of the interior of Beasley Neighbourhood. It is intended to re-affirm the lower density character of Beasley Neighbourhood. This designation will promote greater stability by encouraging residential redevelopment on vacant parcels of land within the built-up low density blocks at low residential densities. Areas previously designated for high density residential are now designated Single Detached and Semi Detached. As well, the incompatible industrial and automotive-related uses have been designated Single-Detached and Semi-Detached.

Within the Single Detached and Semi-Detached designation, attached row housing will be permitted provided the lot width is similar to that of single- and semi-detached units, it is in a form compatible to adjacent dwellings and is oriented towards the street. Any new residential construction shall not exceed a height of two and a half storeys.

#### 4.3.3 Low Density Apartments / Stacked Townhouses

This designation has been applied on several parcels adjacent to major roadways in close proximity to the downtown, e.g., Wellington Street, Cannon Street and King William Street. This designation is as well intended to recognize redevelopment potential for residential uses, but at slightly higher densities. In addition, this designation will also assist in achieving higher population levels in the immediate downtown area. Four storeys is the desirable maximum height for apartment buildings in this designation.

#### 4.3.4 Medium Density Apartments

This designation is applied to several parcels of land within Beasley Neighbourhood to recognize the existing residential use and is also applied in two locations near Ferguson Avenue and King William Street to recognize redevelopment potential. The application of this designation is consistent to the land use proposal suggested by the Ferguson Avenue Revitalization Advisory Committee as part of their work to rejuvenate Ferguson Avenue. Six to eight storeys is the desirable maximum height for apartment buildings in this designation.”

The proposed use of a multiple dwelling is not permitted on land designated “Single and Double” in the Beasley Neighbourhood Plan. In addition, a building height of six to eight storeys for lands designated “Medium Density Apartments” is not compatible with the existing scale and character of the area. Therefore,

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the designation for the portions of the subject lands designated “Single and Double” and “Medium Density Apartments” will need to be changed to “Low Density Housing” (Low Density Apartments/Stacked Housing in the Neighbourhood Plan policies).”

The subject lands are located in close proximity to the Downtown and with a maximum building height of 15.0 metres will establish a height that does not exceed four storeys.

The size and scale of the proposed multiple dwellings will be generally consistent to that of a low rise form of development which is common in the area. Intensification of the subject lands in a form that is compatible with the surrounding area is desirable given the proximity of the subject lands to the Downtown and to existing transit routes.

Based on the foregoing, the proposal complies with the policies of the Beasley Neighbourhood Plan, subject to the change in designation from “Single and Double” and “Medium Density Residential” to “Low Density Housing” (Low Density Apartments/Stacked Housing in the Neighbourhood Plan policies) as outlined in the Recommendations section of Report PED21119.

### **City of Hamilton Zoning By-law No. 6593**

The subject property is currently zoned “L-mr-2” (Planned Development) District which does not permit a multiple dwelling. To permit the proposed four units within the existing semi detached dwelling and to permit the construction of three multiple dwellings with a total of 45 units, a Zoning By-law Amendment is required. To implement the proposed development, the applicant is seeking to change the zoning of the subject lands from the “L-mr-2” (Planned Development) District to a site specific “E-1” (Multiple Dwelling, Lodges, Clubs, etc.) District. The site-specific modifications to accommodate the proposal are outlined in the Report Fact Sheet above and are discussed in detail in Appendix “E” of Report PED21119.

### **RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
<ul style="list-style-type: none"> <li>• Strategic Planning Section, Public Works Department;</li> <li>• Alectra Utilities;</li> </ul>	No Comment or concern with the proposal.	

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<ul style="list-style-type: none"> <li>• Canada Post; and,</li> <li>• French Public School Board.</li> </ul>		
<p>Development Engineering Approvals Section, Planning and Economic Development Department</p>	<p>Catharine Street North is classified as a local road which requires a road allowance right-of-way width of 20.1 metres and the existing width of Catharine Street North is approximately 20.1 metres adjacent to the property, therefore a right-of-way dedication is not required for the property.</p> <p>Any and all elements of the proposed shoring system (including but not limited to piles, shoring walls, tiebacks, etc) and excavation shall be contained entirely within private property. If it is demonstrated that it would not be feasible to contain these elements within private property and encroachment(s) onto the municipal right-of-way are unavoidable, any such encroachment will require approval from Development Engineering Approvals and Corridor Management and if approval is granted the owner will be required to enter into an Encroachment Agreement.</p> <p>A Functional Servicing Report and calculations for Water Demand and Required Fire Flow were submitted with the</p>	<p>A road widening dedication is not required for the proposed development.</p> <p>Detailed civil plans, reports and legal agreements, such as an encroachment agreement, will be required as part of the Site Plan Control application.</p>

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	<p>application and demonstrate that adequate services are available to support the proposed development.</p> <p>Detailed civil plans and reports pertaining to Erosion and Siltation Control, Grading and Drainage, Storm Water Management, Servicing, Shoring, Construction Management, Geotechnical and Hydrogeological reporting, amongst others will be required to be completed as part of the Site Plan Control application.</p>	
<p>Growth Planning Section, Planning and Economic Development, Department</p>	<p>The municipal addressing for the proposed development will be finalized as part of the Site Plan Control application.</p> <p>The municipal address will need to be affixed to the building or a sign near the driveway.</p> <p>The owner will need to provide a list of unit numbers for the proposed development.</p>	<p>The municipal addressing and requirement that the municipal address is affixed to the property or that signage is provided near the driveway as well as providing a list of unit numbers for the proposed development will be completed as part of the Site Plan Control application.</p>
<p>Forestry and Horticulture Section, Public Works Department</p>	<p>Forestry and Horticulture staff reviewed the Tree Management Plan and Landscape Plan submitted with the applications and are satisfied. Fees for loss of Tree Canopy, Street Tree Planting and permits are required to be paid.</p>	<p>The Tree Management Plan and Landscape Plan as well as all applicable permits and fees will be required as conditions of approval at the Site Plan Control stage.</p>

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<p>Transportation Planning Section, Planning and Economic Development, Department</p>	<p>Transportation Planning staff are supportive of the Official Plan Amendment and advise that the increased traffic volumes from the proposed development will have minimal negative impact on the area road network.</p> <p>Transportation Planning staff are supportive of the Zoning By-law Amendment but note there may be revisions required at the Site Plan Control stage which may affect the building envelope.</p> <p>A minimum internal sidewalk width of 1.5 metres is required and five short term bicycle parking spaces are to be provided.</p> <p>The 28 long term bicycle parking spaces shown on the plan are acceptable.</p> <p>A 3.0 metre by 3.0 metre visibility triangle for the driveway at the front property line is required with no obstructions exceeding 0.6 metres in height and no buildings and/or stairs can be within the visibility triangle.</p> <p>The driveway access is to be 7.5 metres wide at the property line and the internal road must be a minimum of 6.0 metres on private property.</p>	<p>The requirements for short term and long term bicycle parking have been included in the site specific Zoning By-law and the layout of the parking in accordance with the Site Specific Zoning By-law will be undertaken at the Site Plan Control stage.</p> <p>The visibility triangle identified in the Concept Plan in Appendix "D" to Report PED21119 identifies a 5.0 metre by 5.0 metre visibility triangle. A smaller 3.0 metre by 3.0 metre visibility triangle may be permitted at the Site Plan Control stage. Any obstruction within the visibility triangle including the stairs for the existing building will need to be relocated.</p> <p>At the Site Plan Control stage the applicant will need to ensure that the 3.0 metre by 3.0 metre visibility triangle, the driveway access and required walkways are provided while ensuring that any change in design to accommodate these requirements comply with the Zoning By-law.</p> <p>The applicant has advised that the driveway ramp is intended to be heated with respect to snow removal. A detailed plan for snow removal and locations for snow storage or removal from the site will need to be provided at the Site Plan Control stage.</p>
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	<p>Snow removal and storage for this site needs to be determined by the applicant.</p> <p>A turning plan needs to be illustrated on the site plan for how large trucks will manoeuvre in and out of the site.</p>	<p>A detailed turning plan for trucks utilizing the loading area, garbage collection vehicles collecting garbage from the underground parking level and emergency vehicles will be required at the Site Plan Control stage.</p>
<p>Recycling and Waste Disposal, Operations Division, Public Works Department.</p>	<p>The proposed development has not demonstrated that municipal waste collection vehicles will be able to travel in a safe and continuous forward movement and therefore have been unable to determine whether the property will be serviceable for municipal waste collection.</p> <p>The internal waste storage room will need to be adequately ventilated, rodent-proof and separated from any living space.</p> <p>If the development is not designed according to the specifications, the applicant will be required to arrange for a private waste hauler for removal of all waste materials and clauses advising prospective purchasers that the property will not be serviced with municipal waste collection will be required.</p>	<p>Based on the layout of the proposed underground parking area, continuous forward movement for municipal service vehicles will not be possible and therefore waste collection services will need to be by way of a private waste hauler.</p> <p>At the Site Plan Control stage the exact location and layout of the internal waste storage room will need to be provided and a clause advising prospective purchasers that waste collection will not be by way of municipal waste collection will also be included as part of the Site Plan Control application.</p>
<p>Commercial District</p>	<p>The site is located in the</p>	<p>Should the applicant wish to</p>

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and Small Business Section, Planning and Economic Development Department (CDSB)	<p>Downtown Hamilton Community Improvement Project Area.</p> <p>CDSB is supportive of new residential development which will serve to increase Downtown Hamilton's population and support its continued revitalization. New residents support existing business and create demand and opportunities for additional commercial and retail services that will reinforce the Downtown as a major retail / commercial destination for the City.</p>	<p>explore any incentive programs, they have been advised to contact respective CDSB staff.</p> <p>CDSB are aware of the proposal and have indicated that they are available to assist the applicant as required.</p>
<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Parking	Comments were provided supporting locating the parking underground but concerned that insufficient parking was being provided.	Parking will be provided at a ratio of 0.8 parking spaces per dwelling unit. The subject lands are located within walking distance of multiple transit routes and private parking lots and both short and long term bicycle parking is to be provided on-site, which will provide alternative transportation options for both residents and visitors of the site.
Loss of Mature Trees	Comments were provided expressing a concern with respect to a loss of mature trees.	<p>A Vegetative Management Plan / Tree Management Plan were prepared and submitted with the applications and have been accepted.</p> <p>At the Site Plan Control stage the Owner will be required to provide compensation for the loss of</p>

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		mature trees, for both trees within the City Boulevard and trees located on-site.
Privacy Overlook	Comments were provided respecting a concern over overlook impacts on adjacent properties.	<p>The concern with respect to privacy overlook impacts was shared by staff in respect to the original site layout and design for the proposed development.</p> <p>Revisions to the layout and design of the proposed development were subsequently provided to address, among other matters, the issue of privacy overlook. The revisions include locating Building B further from both the northerly side lot line and rear lot line. Additionally, changes were undertaken in the design for the southerly portion of Building C to increase the setback of the front façade, eliminate windows on the side façade, reduce the overall building height and to not include roof top patios for the southerly portion of the building.</p> <p>The changes in the building layout and the design of the building will mitigate privacy overlook impacts for the adjacent properties.</p>
Provision of Affordable Housing	A question was provided with respect to the proposed development and if it will contribute to the working class neighbourhood and if there will be opportunities for affordable housing.	The applicant has advised that the intention is to provide units that will be rental units.

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## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 154 property owners within 120 m of the subject property on July 31, 2020. A Public Notice sign was posted on the property on August 7, 2020 and updated on May 5, 2021. Finally, Notice of the Public Meeting was given on May 14, 2021 in accordance with the requirements of the *Planning Act*.

To date, one letter has been submitted asking for additional information respecting the proposed development and requesting a copy of the Notice of Complete Application – Preliminary Circulation for the proposed Official Plan Amendment and Zoning By-law Amendment and which is attached as Appendix “F” to Report PED21119.

### **Public Consultation Strategy**

The Public Consultation Strategy included holding a virtual Neighbourhood Open House meeting on September 24, 2020, as discussed on page 10 of Report PED21119, and the questions, comments and concerns raised as part of the virtual Neighbourhood Open House meeting are summarized in the chart on page 35 of Report PED21119.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the policies of the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan, and complies with the general intent of the West Harbour (Setting Sail) Secondary Plan upon approval of the Official Plan Amendment; and,
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

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2. Official Plan Amendment

The proposed Official Plan Amendment seeks to change the designation of the subject lands from “Low Density Residential” to “Medium Density Residential 1”, and to establish a Site Specific Policy Area to increase the maximum residential density from 150 to 155 units per gross hectare (uph).

The applicant initially requested a redesignation to “Medium Density Residential 2” which would not require a Site Specific Policy Area to increase the maximum residential density, however the scale of development envisioned for lands designated “Medium Density Residential 2” includes densities up to 300 units per gross hectare and building heights of four to eight storeys. In the opinion of staff, the “Medium Density Residential 2” designation constitutes a scale of development that is not in keeping with the character of the existing neighbourhood and that a “Medium Density Residential 1” designation with a Site Specific Policy area to allow for a small increase in the maximum density is more appropriate. The applicant has agreed to amend the application to change the designation of the lands to a Medium Density Residential 1” designation with a Site Specific Policy area for a small increase in the maximum density.

As outlined in detail in the Policy Implication and Legislated Requirements section of Report PED21119, the proposed change in designation and associated site specific policy to permit a density of 155 uph facilitates a form of development that is compatible with the scale and character of the area. The proposed change in designation from “Low Density Residential” to “Medium Density Residential 1” is appropriate as the subject lands are in proximity to the Downtown and in proximity to a minor arterial road, specifically Cannon Street East and existing transit routes along Cannon Street East, John Street North and Barton Street East. The change in designation is being undertaken on a consolidated parcel of land which will be of sufficient size to accommodate an increase in density and that will be of a size and scale that is compatible with the area and which can be designed to mitigate impacts on adjacent properties.

Therefore, the proposed Official Plan Amendment has merit can be supported.

3. Zoning By-law Amendment

The application for a Zoning By-law Amendment is for a change in zoning from the “L-mr-2” (Planned Development) District to the “E-1/S-1809” – ‘H’ (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding.

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
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Catharine Street North, Hamilton (PED21119) (Ward 2) - Page 39 of  
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The “L-mr-2” (Planned Development) District does not permit development of the lands until such time as the zoning has been changed. It is noted that Section 17B (1) (c) of the City of Hamilton Zoning By-law No. 6593 specifically notes that “L-mr-2” means Multiple Residential uses, which according to Section 17B (1) (h) (i) defines Multiple Residential to include a multiple dwelling. Furthermore, Section 17B (6) (a) (iii) contemplates changing lands zoned “L-mr-2” to either an “E” (Multiple Dwelling, Lodges, Clubs, etc.) District, “E-1” (Multiple Dwellings, Lodges, Clubs, etc.) District or “E-3” (High Density Multiple Dwelling) District. The proposed change in zoning to an “E-1” (Multiple Dwelling, Lodges, Clubs, etc.) District is consistent with the direction identified in Section 17B respecting lands zoned “L-mr-2” District.

The proposed site specific “E-1/S-1809” – ‘H’ (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding will reduce the maximum building height below what is typically permitted in an “E-1” District and will be consistent with the maximum building height that is permitted for most low density forms of development in the City of Hamilton Zoning By-law No. 6593. The site specific By-law will restrict the maximum number of multiple dwelling units to 49 units, facilitate the retention of the existing heritage building, require the use of permeable pavers, establish appropriate requirements for parking and loading, and ensure that the scale of the development remains compatible with the surrounding area. The site specific by-law provisions will also establish special setback requirements for portions of the development to ensure that the proposed buildings adequately mitigate overlook and massing impacts on adjacent properties. The modifications are identified beginning on page 7 of Report PED21119 and discussed in detail in Appendix “E” to Report PED21119.

The proposed Zoning By-law Amendment implements a form of intensification which is compatible with the scale and character of the area, and which complies with the policies of the Urban Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan, subject to the Official Plan Amendment.

Therefore, staff support the proposed Zoning By-law Amendment.

4. Vehicular parking for the proposed development will be located within one level of underground parking including one barrier free parking space. As shown on Appendix “D” to Report PED21119 access to the underground parking area will be achieved by way of a driveway ramp for vehicle access and by way of two stairwell structures located on the north and south sides of the property between the front two buildings and rear two buildings. It is noted that the layout shown in Appendix “D” to Report PED21119 does not provide barrier free access to the surface. To ensure that barrier free access from the underground parking

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garage to the surface is provided a lift will be provided. The lift will be used by all residents of the proposed development, including parents with young children or residents returning home with groceries or other large purchases.

The applicant has advised staff that they will establish a lift for the development but have not established the exact location and layout of the lift. The requirement for a barrier free parking space has been incorporated into the By-law and will need to be provided even if a lift is not implemented. The details for the lift will be reviewed at the Site Plan Control stage.

5. Class 4 Designation

The applicant is seeking permission from Council to change the classification of the subject lands from a Class 1 area to a Class 4 area in order to address compliance with respect to stationary noise sources located in proximity to the subject lands.

The Acoustical Study prepared and submitted by the applicant concludes that it is not practical to eliminate / mitigate stationary noise from the exterior façade of the proposed Buildings A and C. While mitigation of the noise at the source is preferred, it is not feasible as the stationary sources are located off-site. Therefore, in order to comply with the requirements of the MECP with respect to stationary noise sources, mitigation would need to be provided either between the noise source and the exterior façade of the building or managed off site at the source of the noise. If mitigating the noise from the façade of the building or off site mitigation at the source are not practical or feasible the only alternative to comply with the MECP requirements is to change the classification of the lands from a Class 1 area to a Class 4 area.

The existing commercial / industrial properties containing the stationary noise sources along Cannon Street East are envisioned to be residential in the West Harbour (Setting Sail) Secondary Plan. Therefore, the future implementation of the vision of the Secondary Plan would eliminate the stationary noise sources that are requiring the change in classification from a Class 1 area to a Class 4 area and would improve the acoustical environment for the prospective residents of the proposed development.

Mitigating noise at the source is not feasible and that noise mitigation measures required to mitigate noise from the façade of the buildings is not practical or feasible and therefore staff recommend a change from Class 1 area to Class 4 area. The change from Class 1 area to Class 4 area is to be applied to the entirety of the subject lands in order to apply a consistent standard for the entire

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development, as opposed to applying different noise requirements for different parts of the development along with applying different noise warning clauses and different mitigation measures to different parts of the development.

The proposed identification of the subject lands as a Class 4 area will require to the implementation of required noise mitigation measures and warning clauses, as well as informing all prospective purchasers and tenants that the lands have been classified as Class 4 required at the Site Plan Control stage through a Site Plan Agreement.

To ensure that all noise mitigation measures are implemented at the an 'H' Holding Provision is included in the proposed By-law (attached as Appendix "C" to Report PED21119) which will be removed upon the owner/applicant implementing all require noise mitigation measures identified in the Acoustical Study dated June 30, 2020 by IBI Group and updated December 22, 2020, through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner.

Additionally an 'H' Holding Provision is to be included requiring that the owner agree to advise prospective purchasers and tenants that the dwellings are located in a Class 4 area and to register this notice and any and all noise warning clauses on title and include the notice and noise waring clauses in any purchase and sale and in any lease or rental agreements, to the satisfaction of the Director of Planning and Chief Planner. The applicant will be required to demonstrate that this has been done prior to the removal of the Holding Provision.

6. Holding Provision

An 'H' Holding Provision is recommended to address the following:

- To require the Owner to submit a signed Record of Site Condition (RSC) to the City of Hamilton and MECP for the subject property or to enter into a conditional building permit agreement with respect to completing a Record of Site Condition. This is required to evaluate the impacts of the former commercial use (repair garage) on the property given the proposed change to include residential uses (a sensitive land use). The applicant has undergone a Phase 2 Environmental Site Assessment but has not submitted their findings to the MECP.
- To require the owner/applicant to agree in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Acoustical

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Study dated June 30, 2020 by IBI Group and updated December 22, 2020, to the satisfaction of the Director of Planning and Chief Planner.

Additionally a 'H' Holding Provision is to be included requiring that the owner agree as part of a Site Plan Agreement to advise prospective purchasers and tenants that the dwellings are located in a Class 4 area and to register this notice and any and all noise warning clauses on title and include the notice and noise warning clauses in any purchase and sale and in any lease or rental agreements, to the satisfaction of the Director of Planning and Chief Planner.

- To require the Owner / Applicant to submit and implement through the Site Plan Control application, a Conservation Plan for 187 and 189 Catharine Street North. The building containing the existing semi detached dwelling at 187 and 189 Catharine Street North is included on the City's Register of Property of Cultural Heritage Value or Interest is to be maintained but adaptively reused to contain a total of four dwelling units. A CHIA was submitted and reviewed as part of the application for Official Plan Amendment and Zoning By-law Amendment which recommended that a Conservation Plan be undertaken for the property's heritage attributes as well as identifying areas for repair and maintenance to ensure the long term conservation of the building.
7. A Vegetative Management Plan and Tree Management Plan were submitted and have been reviewed. Based on staff's review of the plans, a note that vegetation removal must comply with the *Migratory Bird Conservation Act* must be added to the plans and will be required to be added to the Site Plan as part of the Site Plan Control application.

As part of the review of the Vegetative Management Plan and Tree Management Plan staff requested that the applicant receive written permission from the adjacent landowner at 84 Robert Street respecting potential impacts on privately owned trees located at 84 Robert Street as a result of the construction of the proposed parking ramp. A letter dated March 10, 2021 and signed by the property owner at 84 Robert Street acknowledges the potential impact to the trees and acknowledges that should any impacts to the trees require the removal of these trees it would be at the expense of the owner of the proposed development at 179-189 Catharine Street North.

## **ALTERNATIVES FOR CONSIDERATION**

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Should the applications be denied, the subject property can be used in accordance with the “L-mr-2” (Planned Development) District, Modified, in the City of Hamilton Zoning By-law No. 6593.

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

### **Community Engagement and Participation**

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

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

### **Clean and Green**

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

### **Built Environment and Infrastructure**

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

### **Culture and Diversity**

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

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Draft Official Plan Amendment

Appendix “C” – Draft Amendment to Zoning By-law No. 6593

Appendix “D” – Revised Concept Plan

Appendix “E” – Zoning By-law Site Specific Modification - Chart

Appendix “F” – Public Submissions

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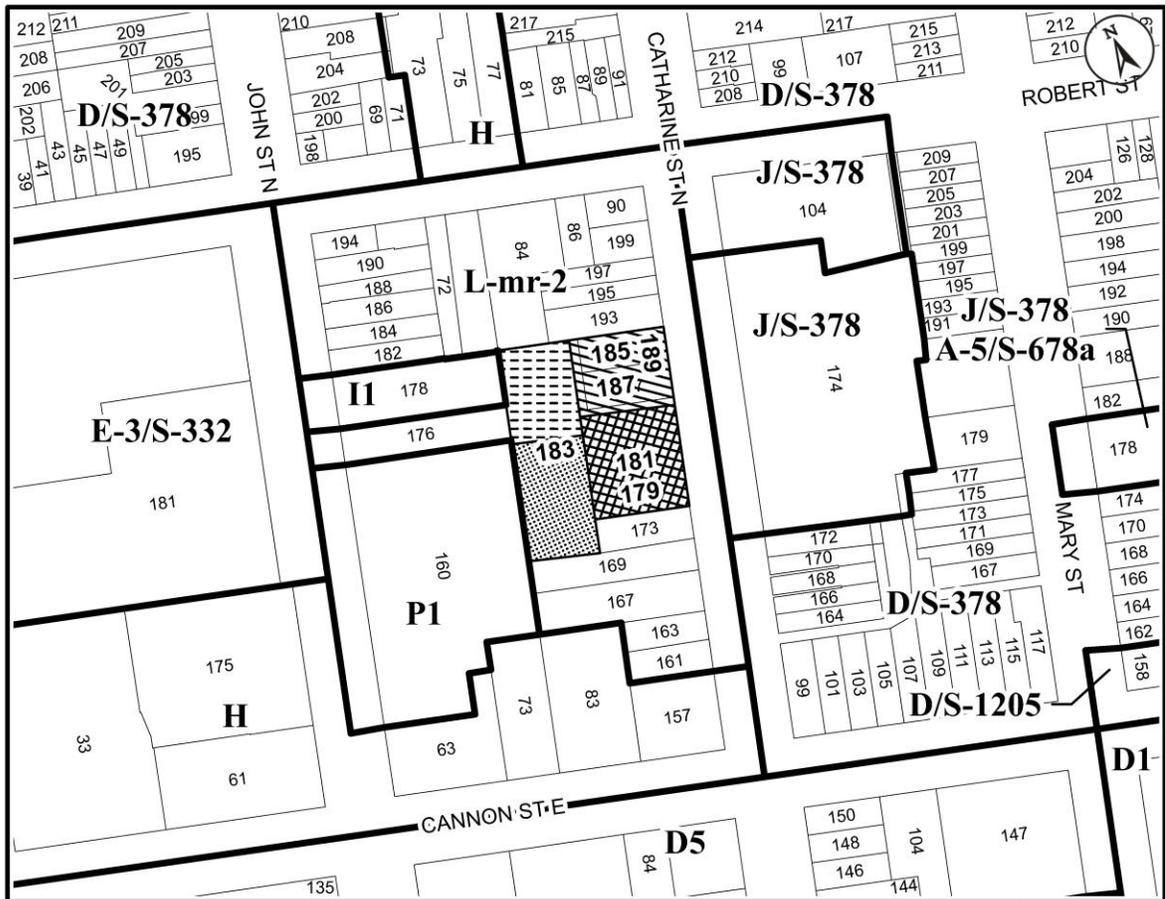
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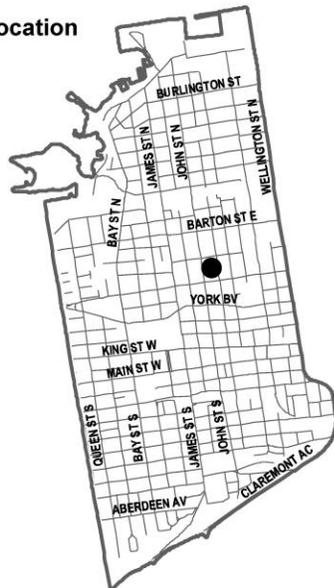
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● Site Location



Key Map - Ward 2

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-20-027 & UHOPA-20-015

Date:  
May 13, 2021

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
DB/NB

### Subject Property

179 - 189 Catharine Street North

-  Block 1 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding
-  Block 2 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding
-  Block 3 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding
-  Block 4 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding



**Schedule "1"**

**Amendment No. XXX**  
**to the**  
**City of Hamilton Official Plan**

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. XXX of the City of Hamilton Official Plan:

attached hereto, constitutes Official Plan Amendment No. XXX to the City of Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by changing the designation of the subject lands from "Low Density Residential" to "Medium Density Residential 1" and by establishing a Site Specific Special Policy area to permit a maximum residential density of 155 units per gross hectare.

**2.0 Location:**

The lands affected by this Amendment are located at 179, 181, 183, 185 187 and 189 Catharine Street North, in the City of Hamilton.

**3.0 Basis:**

The basis for permitting this Amendment is as follows:

- The proposed development efficiently utilizes existing infrastructure, and positively contributes to the streetscape;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan in providing intensification at a form and scale that is in keeping with the character of the surrounding neighbourhood and is in proximity to the Downtown and existing transit; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

#### **4.0 Changes:**

##### **4.1 Text Changes:**

4.1.1 That Section A.6.3.3.1.13 be amended by adding Policy No. A.6.3.3.1.13.X:

"A.6.3.3.1.13.X        The following shall apply to the lands known municipally as 179, 181, 183, 185, 187 and 189 Catharine Street North, designated Medium Density Residential 1 and identified as Site Specific Policy Area - X on Schedule M-2: General Land Use of West Harbour Secondary Plan:

- i)    Notwithstanding Policy A.6.3.3.1.13 ii), a maximum residential density of 155 units per gross hectare shall be permitted; and,
- ii)   The external appearance and character of the existing heritage dwelling known as 187 and 189 Catharine Street North shall be maintained."

##### **4.2 Map/Schedule Changes:**

4.2.1 That Schedule M-2: General Land Use, of the West Harbour (Setting Sail) Secondary Plan is amended by:

- a) re-designating the subject lands at 179, 181, 183, 185, 187 and 189 Catharine Street North from the "Low Density Residential" to "Medium Density Residential 1"; and,
- b) by identifying the subject lands at 179, 181, 183, 185, 187 and 189 Catharine Street North as Site Specific Policy Area – XX.

as shown on Appendix "A" to this Amendment.

#### **5.0 Implementation:**

An implementing Zoning By-law Amendment and Site Plan Control application will give effect to this Amendment.

This is Schedule "1" to By-law No. XX-XXX passed on the XX day of month, 2021.

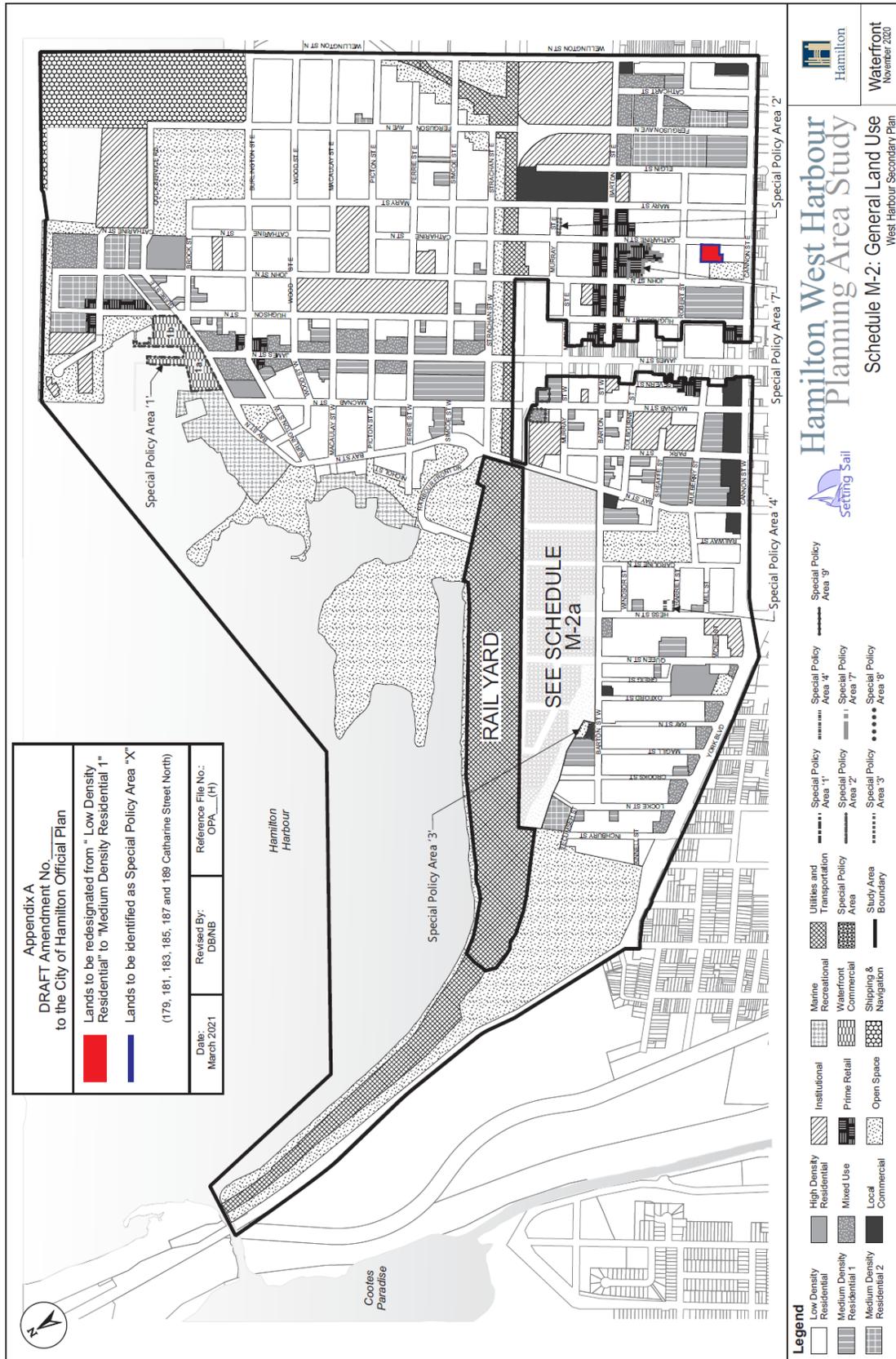
**The  
City of Hamilton**

---

Fred Eisenberger  
MAYOR

---

A. Holland  
CITY CLERK



**Authority:** Item, Planning Committee  
Report  
CM: , 2021  
Ward: 2

**Bill No.**

## CITY OF HAMILTON

## BY-LAW NO.

To Amend Zoning By-law No. 6593 (Hamilton) as amended,  
Respecting Lands Located at 179, 181, 183, 185, 187 and 189 Catharine Street North,  
Hamilton

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

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

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

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

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

WHEREAS this By-law is in conformity with the City of Hamilton Official Plan upon adoption of the Official Plan Amendment No. \_\_\_\_\_.

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

1. That Sheet No. E3 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the "L-mr-2" (Planned Development) District to the "E-1/S-1809" – 'H' (Multiple Dwelling,

Lodges, Clubs, etc.) District, Modified, Holding, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "E-1" (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions as contained in Section 11A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

Blocks 1, 2, 3 and 4

- a) That notwithstanding Section 2.(2)J.(viii), with reference to the height of a building or structure, grade shall be measured at a height of 88.1 metres above sea level.
- b) That notwithstanding Section 11A.(1)(i), a maximum of 49 units shall be permitted.
- c) That notwithstanding Section 11A.(2)(ii) and (iii), no building or structure for any use shall exceed 15.0 metres in height.
- d) That notwithstanding Section 18A.(1)(a) and (b), a minimum 0.8 parking spaces per dwelling unit shall be required and no parking shall be dedicated for visitor parking and a minimum of one required parking space shall be a barrier free parking space. Barrier free parking shall be provided at grade or access to grade by way of a lift.
- e) That notwithstanding Section 18A.(1)(c), a minimum of one loading space with a minimum length of 9.0 metres, a width of 3.7 metres and a height of 4.3 metres shall be required for a 49 unit multiple dwelling and permeable pavers shall be provided and maintained for the loading space.
- f) That notwithstanding Section 18A.(7), a minimum parking space size of 2.7 metres wide by 5.8 metres long shall be required and a minimum parking space size of 4.4 metres wide by 5.8 metres long shall be required for a barrier free parking space.
- g) That notwithstanding Section 18A.(7) and Section 2(f) of this By-law not more than 10% of such required parking spaces shall be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.
- h) That notwithstanding Section 18(30), a permanent durable and dustless surface that is graded, drained and paved with concrete, asphalt, brick or permeable pavers or a combination of concrete, asphalt, brick or permeable pavers shall be provided and maintained for every parking area, manoeuvring space and access driveway.
- i) That a minimum of five short term bicycle parking spaces and a minimum of 0.5 long term secure enclosed bicycle parking spaces per dwelling unit shall be required.

## Block 1

- j) That notwithstanding Section 11A.(1)(i), a multiple dwelling shall only be permitted within the building existing on the date of the passing of the By-law.
- k) That notwithstanding Section 11A.(3)(i)(b), the front yard setback of the building existing on the date of the passing of this By-law shall be permitted.
- l) That notwithstanding Section 11A.(3)(ii)(b), the following special provisions shall apply as it relates to minimum side yards:
  - i. The northerly side yard setback for the building existing on the date of the passing of this By-law shall be permitted.
  - ii. 1.2 metres shall be required for an enclosed stairway to an underground parking structure;
  - iii. 0.7 metres shall be required for the wall of a parking ramp from the northerly side lot line; and,
- m) That notwithstanding Section 18.(3)(vi)(d), the following special provisions shall apply as it relates to minimum front yard setback for a porch and stairway:
  - i. 1.4 metres shall be required for a porch; and,
  - ii. 0 metres shall be required for a stairway.

## Block 2

- n) That notwithstanding Section 11A.(3)(i)(b), a front yard of a depth of 2.7 metres.
- o) That notwithstanding Section 11A.(3)(ii)(b), a side yard of a width of 2.3 metres shall be required for any building with any balcony, sunroom or window of a habitable room that overlooks a side yard.
- p) That notwithstanding Section 18.(3)(vi)(d), the following special provisions shall apply as it relates to minimum front yard setback for a porch and stairway:
  - i. 1.4 metres shall be required for a porch; and,
  - ii. 0 metres shall be required for a stairway.

## Block 3

- q) That notwithstanding Section 11A.(3)(ii)(b), the following special provisions

shall apply as it relates to minimum side yards:

- i. 0.7 metres shall be required for the wall of a parking ramp from the northerly side lot line.
- r) That notwithstanding Section 11A.(3)(iii)(b), 5.0 metres shall be required except for:
  - i. 0 metres shall be required for the wall of a parking ramp.
- s) That notwithstanding Section 18.(3)(vi)(c)(i), for an open stairway to an amenity area located above a parking access ramp, a rear yard of a depth of 0.5 metres shall be required.
- t) That notwithstanding Section 18.(3)(vi)(d), the following special provisions shall apply as it relates to minimum rear yard setback for a porch and stairway:
  - i. 1.85 metres shall be required for a porch;
  - ii. Except for a stairway outlined in Section 2(s) of this By-law, a rear yard of a depth of 1.85 metres for a stairway shall be required; and
  - iii. 0 metres shall be required for an above grade patio.
- u) That notwithstanding Section 18.(8)(c)(1), a minimum separation of 3.0 metres between two multiple dwellings shall be required, where no windows are proposed on the façade of the building that faces the adjacent building, except for windows that are comprised of translucent glazing.

#### Block 4

- v) That in addition to Section 2 c) of this By-law, for any portion of a building or structure located within 7.0 metres of the southerly side lot line measuring 21.06 metres, where no building or structure shall exceed 8.75 metres in height.
- w) That notwithstanding Section 11A.(3)(ii)(b), the following special provisions shall apply as it relates to minimum side yards:
  - i. Notwithstanding i) above, 8.0 metres from the easterly side lot line measuring 9.33 metres shall be provided for any portion of a building located within 7.0 metres of the southerly side lot line measuring 21.06 metres.
- x) That notwithstanding Section 11A.(3)(iii)(b), 5.0 metres shall be required except for:
  - i. 3.0 metres shall be required for any portion of a building or structure

located within 13.5 metres of the southerly side lot line measuring 21.06 metres.

- y) That notwithstanding Section 18.(3)(vi)(d), the following special provisions shall apply as it relates to minimum rear yard setback for a porch and stairway:
    - i. 1.85 metres shall be required for a porch; and,
    - ii. 0.9 metres shall be required for a below grade walkout patio.
  - z) That in addition to Section 18.(3)(vi)(d), the following special provisions shall apply as it relates to a minimum side yard setback for a porch and stairway from the easterly side lot line measuring 9.33 metres:
    - i. 4.3 metres shall be required for a porch and stairway.
  - aa) That notwithstanding Section 18.(8)(c)(1), a minimum separation of 3.0 metres between two multiple dwellings shall be required, where no windows are proposed on the façade of the building that faces the adjacent building, except for windows that are comprised of translucent glazing.
3. That the 'H' symbol applicable to the lands referred to in Section 1 shall be removed condition upon;
- i) 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 (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Conditions. 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 MECP, and submission of the City of Hamilton's current RSC administration fee;
  - ii) The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in Acoustical Study dated June 30, 2020 by IBI Group and updated December 22, 2020, through the Site Plan Control Application, to the satisfaction of the Director of Planning and Chief Planner.
  - iii) The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner.
  - iv) That a Conservation Plan for 187 and 189 Catharine Street North, Hamilton be submitted, approved and implemented through a signed Site Plan

Agreement, all to the satisfaction of the Director of Planning and Chief Planner.

4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E-1/S-1809" District provisions, subject to the special requirements in Section 2 of this By-law.
5. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1809.
6. That Sheet No. E3 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1809.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**PASSED and ENACTED** this        day of        , 2021.

---

F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-20-027



<p style="text-align: center;"><b>This is Schedule "A" to By-law No. 21-</b></p> <p>Passed the ..... day of ....., 2021</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;"><b>Map forming Part of By-law No. 21-_____</b></p> <p style="margin: 10px 0 0 0;"><b>to Amend By-law No. 6593</b></p>	<p><b>Subject Property</b> 179 - 189 Catharine Street North</p> <ul style="list-style-type: none"> <li> Block 1 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding</li> <li> Block 2 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding</li> <li> Block 3 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding</li> <li> Block 4 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding</li> </ul>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-20-027 &amp; UHOPA-20-015</p>		<p style="text-align: center;">Hamilton</p>
<p>Date: May 13, 2021</p>	<p>Planner/Technician: DB/NB</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			

*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 and Economic Development Committee

Report No.: PED21119      Date: 06/15/2021

Ward(s) or City Wide: Ward: 2

(MM/DD/YYYY)

Prepared by: Daniel Barnett

Phone No: 905-546-2424 ext. 4445

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

Zoning By-law Site Specific Modifications – “E-1” (Multiple Dwelling, Lodges, Clubs, Etc.) – District

Provision	Required	Requested Amendment	Analysis
<b>Section 2: Interpretation and Definitions</b>			
<p>(2) J. (viii) Grade</p> <p><i>** Applicant Requested Modification</i></p> <p>(Applicable to Blocks 1, 2, 3 and 4)</p>	<p>For the height of a building, grade is measured either from the elevation of curb level opposite the highest point of a building or elevation of the ground adjoining the building on all sides.</p>	<p>Grade shall be measured from a height of 88.1 metres above sea level.</p>	<p>Due to the presence of the proposed walkout patio areas for the basement units and the proposed parking ramp, measuring height from the grade around the adjoining building would result in a calculation of building height that exceeds the proposed 15.0 metres. The proposed modification establishes a consistent elevation to measure building height from for all four buildings and to ensure building height does not exceed 15.0 metres.</p> <p>Therefore, the proposed modification can be supported.</p>
<b>Section 11A: (Multiple Dwelling) District- Requirements</b>			
<p>(1) (i) Restriction to Permit Use</p> <p><i>** Staff Recommended Modification</i></p> <p>(Applicable to Blocks 1, 2, 3 and 4)</p>	<p>A multiple dwelling is permitted in the “E-1” District with no restriction on the maximum number of dwelling units.</p>	<p>To restrict the number of multiple dwelling units to a maximum of 49 units.</p> <p>To restrict the multiple dwelling to be contained within the building existing on the date of the passing of the By-law (Block 1).</p>	<p>The Official Plan Amendment included as Appendix “B” to Report PED21119 establishes a maximum residential density of 155 dwelling units per gross hectare to permit the proposed 49 multiple dwelling units. Any additional dwelling units beyond 49 multiple dwelling units would exceed the maximum residential density of 155 dwelling units per gross hectare and therefore would not comply with the maximum residential density of the Official Plan. The proposed modification to restrict the maximum number of dwelling units to 49 units is to ensure that the Site Specific Zoning By-law complies with the maximum residential density of the Official Plan.</p> <p>The modification to restrict the multiple dwelling to be contained within the building existing on the date of the passing of the By-law is required to ensure that the</p>

			<p>existing heritage building is protected and adaptively reused as part of this development proposal (Block 1).</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(2) (ii) and (iii) Building Height</p> <p><i>** Staff Recommended Modification</i></p> <p>(Applicable to Blocks 1, 2, 3 and 4)</p>	<p>Maximum Building Height of eight storeys or 26.0 metres in height is permitted.</p> <p>If a building is distant more than 30.0 metres from an “AA”, “B”, “B-1”, “B-2”, “C”, “D” or “L-r” District, a maximum Building Height of 12 storeys or 39.0 metres in height is permitted.</p>	<p>To reduce the maximum permitted Building Height, 15.0 metres in height (Blocks 1, 2, 3, and 4).</p> <p>To further reduce the maximum building for that portion of the building located within 7.0 metres of the southerly side lot line abutting 169 Catharine Street North, to 8.75 metres in height (Block 4).</p>	<p>To facilitate the proposed development, a site specific modification is proposed to reduce the maximum permitted building height to 15.0 metres.</p> <p>The modification for maximum building height has been expressed in metres, rather than in metres and in storeys. The rationale for this is to avoid any confusion as to whether the building would exceed the maximum height measured in storeys should either the basement level and/or the access to the roof top amenity area being interpreted as being a storey.</p> <p>The proposed building height of 15.0 metres has been evaluated and is compatible with the surrounding area.</p> <p>The additional modification for a further reduction in building height for the portion of the building within 7.0 metres of the southerly side lot line abutting 169 Catharine Street North is to ensure that the proposed stepback in the building massing is implemented. The reduced building height for this section of the building will assist in providing an appropriate transition in scale from the adjacent properties as well as mitigate privacy overlook impacts.</p> <p>Therefore, the proposed modifications can be supported.</p>

<p>(3) (i) (b) Front Yard Setback</p> <p><b>** Applicant Requested Modification</b></p> <p>(Applicable to Block 1 and 2)</p>	<p>A front yard of a depth of 3.0 metres shall be required.</p>	<p>To recognize the existing 2.7 metre front yard setback of the building existing on the date of the passing of the By-law (Block 1).</p> <p>To permit a minimum front yard of a depth of 2.7 metres for a principal building (Block 2).</p>	<p>The proposed modification for a 2.7 metre front yard setback is to recognize the existing setback of the existing building at 187 and 189 Catharine Street North (Block 1).</p> <p>The buildings along the west side of Catharine Street West are located either at the front lot line or are located in close proximity to the front lot line. Therefore, the proposed modification to permit a 2.7 metre front yard setback for the new multiple dwelling (Building A, Block 2) will be consistent with the existing character of the area and the existing building at 187 and 189 Catharine Street North.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(3) (ii) (b) Side Yard Setback</p> <p><b>** Applicant Requested Modification</b></p> <p>(Applicable to Blocks 1, 2, 3, and 4)</p>	<p>A side yard of a width of 3.0 metres shall be required for any building with a any balcony, sunroom or window of a habitable room overlooking such side yard.</p> <p>A side yard of a width of 1.5 metres shall be required for any building where no balcony, sunroom or any window of a habitable room overlooks the side</p>	<p>To recognize the existing 2.3 metre side yard setback of the building existing on the date of the passing of the By-law (Block 1).</p> <p>To permit a minimum 2.3 metres for a multiple dwelling, Building A which contains windows to habitable rooms (Block 2).</p>	<p>The proposed 2.3 metre northerly side yard setback for the one storey existing building recognizes the existing setback of the building (Block 1) and therefore will not alter the existing situation with respect to streetscape character or privacy overlook.</p> <p>The proposed 2.3 metre southerly side yard setback for Building A (Block 2) constitutes a 0.7 metre reduction in the minimum required side yard setback. Smaller side yards are typical for most of the existing buildings along the west side of Catharine Street North and therefore a small reduction in side yard setback will not be out of character with the built form of the area. It is also noted that the number of proposed windows on the southerly façade of Building A (Block 2) will be limited to the four windows to habitable rooms, two on the first floor and two on the second floor and four small windows to the</p>

	yard.	<p>To permit a minimum side yard setback of 1.2 metres for an enclosed entrance/exit stairway (Block 1), and 0.7 metres for an underground parking ramp (Blocks 1 and 3).</p> <p>To establish a minimum 8.0 metre setback from the easterly side lot line which abuts the rear lot line of 173 Catharine Street North, for that portion of the building located within 7.0 metres of the southerly side lot line abutting 169 Catharine Street North (Block 4).</p>	<p>stairwell on the second and third floors. These windows align with the existing building at 173 Catharine Street North and will not overlook the rear amenity space. Therefore, the proposed 2.3 metre setback for Building A is not anticipated to create adverse privacy overlook impacts.</p> <p>The southerly most portion of Building C (Block 4) is setback 1.5 metres from the side lot line and has no balcony, sunroom or windows within the southerly side façade and therefore no modification is required. Modifications to reduce the side yard setback are required with respect to recognizing the existing northerly side yard setback of the existing building (Block 1), the southerly side yard of Building A (Block 2), the northerly side yard of the proposed northerly stairwell structure (Block 1), and the northerly side yard setback for the proposed underground parking ramp (Blocks 1 and 3).</p> <p>The northerly stairwell (Block 1), is located 1.2 metres from the side lot line. The stairwell structure is small in both massing and height and contains no habitable space. Given the size and scale of the proposed stairwell structure it is not anticipated to create adverse impacts on the adjacent property.</p> <p>The wall for the underground parking ramp is proposed to be located 0.7 metres from the side lot line and will be largely underground (Blocks 1 and 3). The reduced setback is not expected to create adverse impacts with respect to privacy overlook or shadow impacts on adjacent properties.</p>
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			<p>The proposed setback of 8.0 metres for the southerly portion of Building C (Block 4) to the easterly side lot has been included to ensure adequate separation from the property at 173 Catharine Street North. Establishing a large setback for this portion of the building in conjunction with a reduced overall building height will reduce the scale and massing of Building C (Block 4) and mitigate privacy overlook by both reducing the number of windows facing the rear lot line of 173 Catharine Street North as well as increasing the distance between those windows still being provided and the rear yard of 173 Catharine Street North.</p> <p>Therefore, the proposed modifications can be supported.</p>
<p>(3) (iii) (b) Rear Yard Setback</p> <p><i>** Applicant Requested Modification and Further Modified by Staff</i></p> <p>(Applicable to Blocks 3 and 4)</p>	<p>A rear yard of a depth of 3.5 metres shall be required.</p>	<p>To increase the minimum rear yard setback for that portion of the buildings beyond 13.5 metres from the southerly side lot line to 5.0 metres (Blocks 3 and 4).</p> <p>To permit a minimum rear yard of a depth of 3.0 metres for the portion of a multiple dwelling located within 13.5</p>	<p>The proposed modification for a reduction in the rear yard setback applies only to the southerly most portion (approximately 11.3 metres) of Building C or the portion of Building C located 13.5 metres of the southerly most lot line (Block 4). To ensure that the balance of the development maintains an adequate rear yard setback the reduction will be restricted to only the portion of the building within 13.5 metres of the rear lot line, while increasing the minimum rear yard setback for the balance of the development to 5.0 metres.</p> <p>Additionally, it is noted that the 3.0 metre setback applies only to the proposed architectural pilasters with the rest of the rear façade of this portion of Building C (Block 4) being setback 3.3 metres from the rear lot line. Therefore, the majority of the façade will only be deficient 0.2 metres in respect to the required rear yard setback.</p>

		metres of the southerly side lot line (Block 4), 0.0 metres for an underground parking ramp (Block 3).	<p>In addition, the portion of Building C (Block 4) that is proposed to have a setback of less than 3.5 metres, abuts a municipal park. Therefore, the small reduction in rear yard setback will not create negative privacy overlook impacts on any private amenity area.</p> <p>The modification will also increase the required rear yard setback from 3.5 metres to 5.0 metres for the balance of the development, Building B (Block 3) and Building C (Block 4).</p> <p>The proposed 0.0 metre setback for the parking ramp structure is not expected to create adverse impacts with respect to privacy overlook or shadow impacts (Block 3).</p> <p>Therefore, the proposed modifications can be supported.</p>
<b>Section 18: Supplementary Requirements and Modifications</b>			
<p>(3) (vi) (c) (i) Encroachment of an open stairway into a rear yard.</p> <p><i>** Applicant Requested Modification</i></p> <p>(Applicable to Block 3)</p>	Maximum projection of an open stairway 1.0 metres into a required rear yard.	To permit an open stairway to be setback 0.5 metres from the rear lot line.	<p>The proposed modification is to permit an open stairway to be located 0.5 metres from a rear lot line to accommodate the stairway to the raised landing / amenity space at the rear of Building B (Block 3).</p> <p>The existing dwelling on the adjacent lands at 176 John Street North is setback approximately 30 metres from the rear lot line. Additionally, fencing will be required to be provided and maintained along the rear lot line which will provide screening and further buffering between the stairway and the adjacent property. Adequate separation will be maintained between the proposed stairs and the adjacent dwelling.</p> <p>Therefore, the proposed modification can be supported.</p>

<p>(3) (vi) (d) Encroachment of a roofed-over or screened from a front or rear lot line.</p> <p><i>** Applicant Requested Modification</i></p> <p>(Applicable to Blocks 1, 2, 3, and 4)</p>	<p>Maximum projection of a roofed over unenclosed porch of 3.0 metres into a front or rear yard while maintaining a minimum setback of 1.5 metres from a front lot line.</p>	<p>To permit a porch to be setback 1.4 metres from the front lot line and to permit stairs to be setback 0 metres from the front lot line (Blocks 1 and 2).</p> <p>To permit a porch and stairway to be setback 1.85 metres from a rear lot line (Blocks 3 and 4).</p> <p>To permit a below grade walkout patio to be setback 0.9 metres from the rear lot line (Block 4).</p> <p>To permit an above grade porch to be setback 0 metres from the rear lot line (Block 3).</p> <p>To permit a porch and stairway to be</p>	<p>The existing porch at the front of the existing building (Block 1) has an existing setback of 1.4 metres from the front lot line. The proposed modification is to maintain the existing situation with respect to the front porch of the existing building that is to be retained and adaptatively reused.</p> <p>The existing stairs for the existing building (Block 1) project towards the street from the front porch with a setback of 0 metres and the proposed modification for a 0 metre setback will maintain the existing situation.</p> <p>The proposed modification for a 0 metre setback for the front stairs will also apply to the proposed stairs at the front of Building A (Block 2). The proposed modification facilitates a design with respect to the front stairs that is consistent with the existing situation for the existing building and consistent with the existing situation for a number of existing buildings along the west side of Catharine Street North which have porches and front stairs in proximity to the front lot line. Therefore, the proposed 0 metre setback for the proposed front stairs will maintain the character of the area.</p> <p>The modification with respect to permitting a porch and stairs to be within 1.85 metres of a rear lot line is proposed to ensure that the proposed porches and stairs comply with the By-law as a result of the increase in the minimum required rear yard setback from 3.5 metres to 5.0 metres, Building B (Block 3) and Building C (Block 4).</p>
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		<p>setback 4.3 metres from the easterly side lot line which abutting the rear lot line of 173 Catharine Street North, for that portion of the building located within 7.0 metres of the southerly side lot line abutting 169 Catharine Street North (Block 4).</p>	<p>The proposed raised landing / amenity patio located 0.0 metres from the rear lot line is located above the ramp to the underground parking garage noted above Building B (Block 3). The landing principally functions as the means of access to the ground floor units and the rear facing units located on the second and third floors. In respect to the use of the patio as amenity area it is noted that the rear facing units on the second and third floors have their own roof top patio area and therefore the amenity area would principally serve only the two ground floor units who have no other alternate amenity area. Additionally, privacy screening and raised planter beds established along the rear portion of the patio will provide adequate buffering and screening between users of the patio and the adjacent properties to the rear. Therefore, based on the use of the patio being limited and through adequate buffering and screening the proposed reduction in rear yard setback for the raised patio will not create adverse privacy overlook impacts on the adjacent lands.</p> <p>The proposed 0.9 metre setback for Building C (Block 4) is for a below grade patio for a basement level unit and which abuts the municipal park to the rear, and therefore the proposed reduction in setback for the below grade patio is not expected to create adverse impacts with respect to overlook impacts on the adjacent property.</p> <p>The proposed setback of 4.3 metres for an elevated porch and stairs for the southerly portion of Building C (Block 4) to the easterly side lot line that abuts the rear lot line of 173 Catharine Street North is to ensure that the appropriate setback from 173 Catharine Street North</p>
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			<p>is established. Establishing a large setback for the porch and stairway for this portion of the building will reduce the potential privacy overlook impacts on the rear yard of the adjacent property at 173 Catharine Street North.</p> <p>Therefore, the proposed modifications can be supported.</p>
<p>(8) (c) (1) Separation of Multiple Dwellings</p> <p><i>** Applicant Requested Modification and Further Modified by Staff</i></p> <p>(Applicable to Blocks 3 and 4)</p>	<p>Minimum separation for multiple dwellings of at least one half the height, which is based on a building height of 14.1 metres and represents a setback of 7.05 metres.</p>	<p>To permit a minimum separation between two multiple dwellings of 3.0 metres, where no windows are proposed within the façade, except for windows that are translucent.</p>	<p>The proposed separation of 3.0 metres between Buildings B and C (Blocks 3 and 4) represents an appropriate separation distance where a multiple dwelling abuts another multiple dwelling where no windows are to be located in the side façade. The separation distance of 3.0 metres would be the separation provided between two multiple dwellings in the current zoning for buildings with no windows in the side façade where the two buildings are located on separate lots.</p> <p>The southerly side façade of Building B and northerly side façade of Building C include windows that have the potential to create overlook impacts into the units on the opposing building. To mitigate the potential privacy overlook impacts, any windows within the southerly side façade of Building B and the northerly side façade of Building C will have to be comprised of translucent glazing.</p> <p>Therefore, the proposed modification can be supported.</p>
<b>Section 18A: Parking and Loading Requirements</b>			
(1) (a) and (b) Minimum Parking	A minimum of 1 parking space per	A minimum 0.8 parking spaces per	A total of 45 parking spaces are identified within the parking level plans shown in Appendix “D” to Report

<p>Spaces and Minimum Visitor Parking Space</p> <p><i>** Applicant Requested Modification and Further Modified by Staff</i></p> <p>(Applicable to Blocks 1, 2, 3, and 4)</p>	<p>dwelling unit (49 parking spaces).</p>	<p>dwelling unit (40 parking spaces) of which one parking space shall be a barrier free parking space and no spaces shall be for visitor parking.</p>	<p>PED21119. Two of the parking spaces identified lack appropriate manoeuvring and would require users of the space to travel in a reverse manner along a portion of the driveway aisle to either enter or exit the parking space. As such these two parking spaces cannot be included and need to be removed. Based on this a total of 43 parking spaces can be provided.</p> <p>The proposed modification of 0.8 parking spaces per dwelling unit (40 parking spaces) is included to provide flexibility with respect to the design in the event that additional space to accommodate on site storm water storage, additional space to accommodate electrical or other utilities, or other requirements that may be identified as part of the detailed design stage.</p> <p>The subject property is located in proximity to the Downtown with Cannon Street East being located approximately 80 metres to the south. There are existing transit routes located along Cannon Street East (approximately 80 metres to the south, John Street North (walking distance approximately 170 metres) and Barton Street East (approximately 250 metres to the north). A total of 28 long term bicycle parking spaces are to be provided on-site which exceeds a ratio of 0.5 bicycle parking spaces per dwelling unit. Therefore, adequate alternative transportation options will be available for the proposed development.</p> <p>It is further noted that in the context of the parking ratio of 1 parking space per dwelling unit it is anticipated that 20 percent of the parking is to be for visitor parking spaces. The 43 parking spaces proposed are to be</p>
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			<p>parking spaces for the residents and not visitor parking spaces. Therefore, it is noted that in respect to principal resident parking, 40 parking spaces would be anticipated based on the current parking requirements in the By-law and 43 parking spaces are to be provided. Given that it is intended that resident parking is to be secure and have restricted access, and given the layout of the underground parking level it would be difficult to provide unrestricted access to some of the proposed parking spaces for visitors while securing the remaining parking spaces for the residents. The applicant is therefore not proposing to have dedicated visitor parking provided on-site.</p> <p>Three hour on-street parking is currently permitted on both sides of Catharine Street North, and there are multiple paid parking lots located within 500 metres of the subject lands to the south and south west along Wilson Street. Additionally, multiple existing transit routes are in proximity to the site and the owner will be required to establish short term bicycle parking on-site which will provide alternative transportation options for visitors. Therefore, adequate alternative options for visitors both in respect to parking and alternative transportation options will be available to meet the needs of visitors for the proposed development.</p> <p>The City of Hamilton Zoning By-law No. 6593 does not establish a requirement for a minimum number of barrier free parking spaces, therefore the proposed modification is to include a requirement that one of the required parking spaces is to be a barrier free parking space.</p>
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			<p>The barrier free parking space will either need to be located at ground level, or alternatively if the barrier free parking space is ultimately located within the underground parking level will be required to provided access to ground level by way of a lift..</p> <p>Therefore, the proposed modifications can be supported.</p>
<p>(1) (c) Loading Space for Multiple Dwelling</p> <p><i>** Applicant Requested Modification</i></p> <p>(Applicable to Blocks 1, 2, 3, and 4)</p>	<p>For a 49 unit multiple dwelling one loading space with a minimum size of a length of 18.0 metres, a width of 3.7 metres and a height of 4.3 metres.</p>	<p>For a 49 unit multiple dwelling one loading space with a minimum length of 9.0 metres, a width of 3.7 metres and a height of 4.3 metres.</p>	<p>The proposed modification is not to reduce the number of required loading spaces but to reduce the length of the loading space that is required from 18.0 metres to 9.0 metres.</p> <p>A loading space with a length of 9.0 metres is sufficient to accommodate a range of loading vehicles including small and mid size trucks which would typically be utilized for moving in or moving out of dwelling units that are of the size proposed for this development, and will also be of sufficient size to accommodate delivery of large items such as appliances and furniture.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(7) Parking Space Size</p> <p><i>** Applicant Requested Modification</i></p> <p>(Applicable to Blocks 1, 2, 3, and 4)</p>	<p>Minimum parking space size shall have dimensions not less than 2.7 metres wide and 6.0 metres long.</p>	<p>Minimum parking space size shall have dimensions not less than 2.7 metres wide by 5.8 metres long.</p> <p>Minimum parking space size for a barrier free parking</p>	<p>The proposed modification to reduce the minimum length of a parking space from 6.0 metres to 5.8 metres is to adopt the minimum parking space length established in the City of Hamilton Zoning By-law No. 05-200. A parking space of a length of 5.8 metres is sufficient to accommodate parking for a wide range of different sized vehicles. The existing requirement for minimum parking space width of 2.7 metres is to be maintained.</p>

		space shall have dimensions not less than 4.4 metres wide by 5.8 metres long.	<p>The City of Hamilton Zoning By-law No. 6593 does not establish the minimum size required for a barrier free parking space, therefore a modification is required to establish a minimum size for a barrier free parking space. The parking space size of 4.4 metres wide by 5.8 metres long is consistent with the minimum size required for barrier free parking spaces in the City of Hamilton Zoning By-law No. 05-200.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>Parking Space Size for Small Vehicles</p> <p><i>** Applicant Requested Modification</i></p> <p>(Applicable to Blocks 1, 2, 3, and 4)</p>	No existing provision.	The minimum parking space size of not more than 10% of such required parking spaces shall be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.	<p>The proposed modification to permit not more than 10% of parking spaces to be for small cars with a minimum size of 2.6 metres wide by 5.5 metres in length is to apply the provision that currently exists in the City of Hamilton Zoning By-law No. 05-200. Permitting not more than 10% of the required parking spaces to be for small cars only maximizes the number of available on-site parking spaces while providing adequate diversity in parking space size to accommodate parking for a wide range of different sized vehicles.</p> <p>Therefore, the proposed modification can be supported.</p>
(30) Surface Material of a Parking Area, Manoeuvring Space, and Access Driveway	Parking Areas, Manoeuvring Space, and Access Driveways need to be paved with concrete or asphalt or a	To allow for a Parking Area, Manoeuvring Space, and Access Driveway to be paved with	The proposed modification is to provide flexibility in the proposed design with respect to the surface material of the proposed development by allowing permeable pavers and brick to be utilized in addition to concrete and asphalt. Allowing permeable pavers will allow for greater permeable surface to be established on-site and

<p><b>** Staff Recommended Modification</b></p> <p>(Applicable to Blocks 1, 2, 3, and 4)</p>	<p>combination of concrete and asphalt.</p>	<p>concrete, asphalt, brick pavers, or permeable pavers.</p>	<p>reduce storm water run off. The inclusion of brick pavers provides additional design options with respect to the site and in particular with respect to the establishment of those portions of the driveway that are to serve as a shared space for both vehicle traffic and pedestrian connections.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>(30) Surface Material of a Loading Space</p> <p><b>** Staff Recommended Modification</b></p> <p>(Applicable to Blocks 1, 2, 3, and 4)</p>	<p>Loading Space need to be paved with concrete or asphalt or a combination of concrete and asphalt.</p>	<p>To require a Loading Space to be comprised of permeable pavers.</p>	<p>The proposed modification is to require the loading area to be comprised of permeable pavers. The utilization of permeable pavers for the loading area which is to be established at the same grade as the adjacent walkways will allow this space to be flexible and provide a court yard space for the development when the space is not needed for loading and unloading purposes.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>Minimum Number of Bicycle Parking Space Short and Long Term</p> <p><b>** Staff Recommended Modification</b></p> <p>(Applicable to Blocks 1, 2, 3,</p>	<p>No existing provision.</p>	<p>To require a minimum of 5 short term bicycle parking spaces and to require a minimum 0.5 long term secure enclosed bicycle parking spaces per dwelling unit.</p>	<p>The proposed modification is to establish a minimum number of short term bicycle parking spaces for visitors and long term bicycle parking spaces for residents.</p> <p>The requirement of five short term bicycle parking spaces reflects the standard established in the City of Hamilton Zoning By-law No. 05-200 for multiple dwellings in the Downtown (D1), (D2), and (D5) Zones as well as the TOC and Commerical and Mixed Use Zones.</p>

and 4)			<p>The requirement for 0.5 long term secure bicycle parking spaces per dwelling unit reflects bicycle parking requirements in the City of Hamilton Zoning By-law No. 05-200 for multiple dwellings in the Downtown (D1), (D2), and (D5) Zones and the (TOC) Zones for long-term bicycle parking. The 28 long term bicycle parking spaces proposed by the applicant will exceed the 24 bicycle parking spaces required by this modification.</p> <p>Therefore, the proposed modifications can be supported.</p>
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Appendix "F" to Report PED21119  
Page 1 of 1

Tue 8/18/20 9:24 AM

**DB** Barnett, Daniel  
RE: Files: OPA-20-015 and ZAC-20-027

To [REDACTED]

Notice Complete Application - Pre-Circ Bill 139.pdf  
.pdf File

Concept Plan.docx  
.docx File

ZAC-20-027 & UHOPA-20-015\_LocMap.doc  
.doc File

Hi [REDACTED]

Please find attached a copy of the Notice of Complete Application – Preliminary Circulation which was sent to all property owners within 120m of the subject property. I have also attached a copy of the location map and Concept Plan of the proposed development.

The proposal is for establishing 4 units within an existing semi and to construct 44 back to back townhouse units.

The addition of new property owners to the mailing list is not something that the Planning Department does, we do request revised list if the previous one is more than six months old, however it should be noted that any interested party who is either not within the 120m radius or not yet on the mailing list and request notification will be provided notice of the Public Meeting when it is scheduled, at this time a Public Meeting date has not been scheduled for this application.

Daniel

**From:** [REDACTED]  
**Sent:** August 13, 2020 9:22 PM  
**To:** Barnett, Daniel <[Daniel.Barnett@hamilton.ca](mailto:Daniel.Barnett@hamilton.ca)>  
**Subject:** Files: OPA-20-015 and ZAC-20-027

Dear Mr. Barnett,

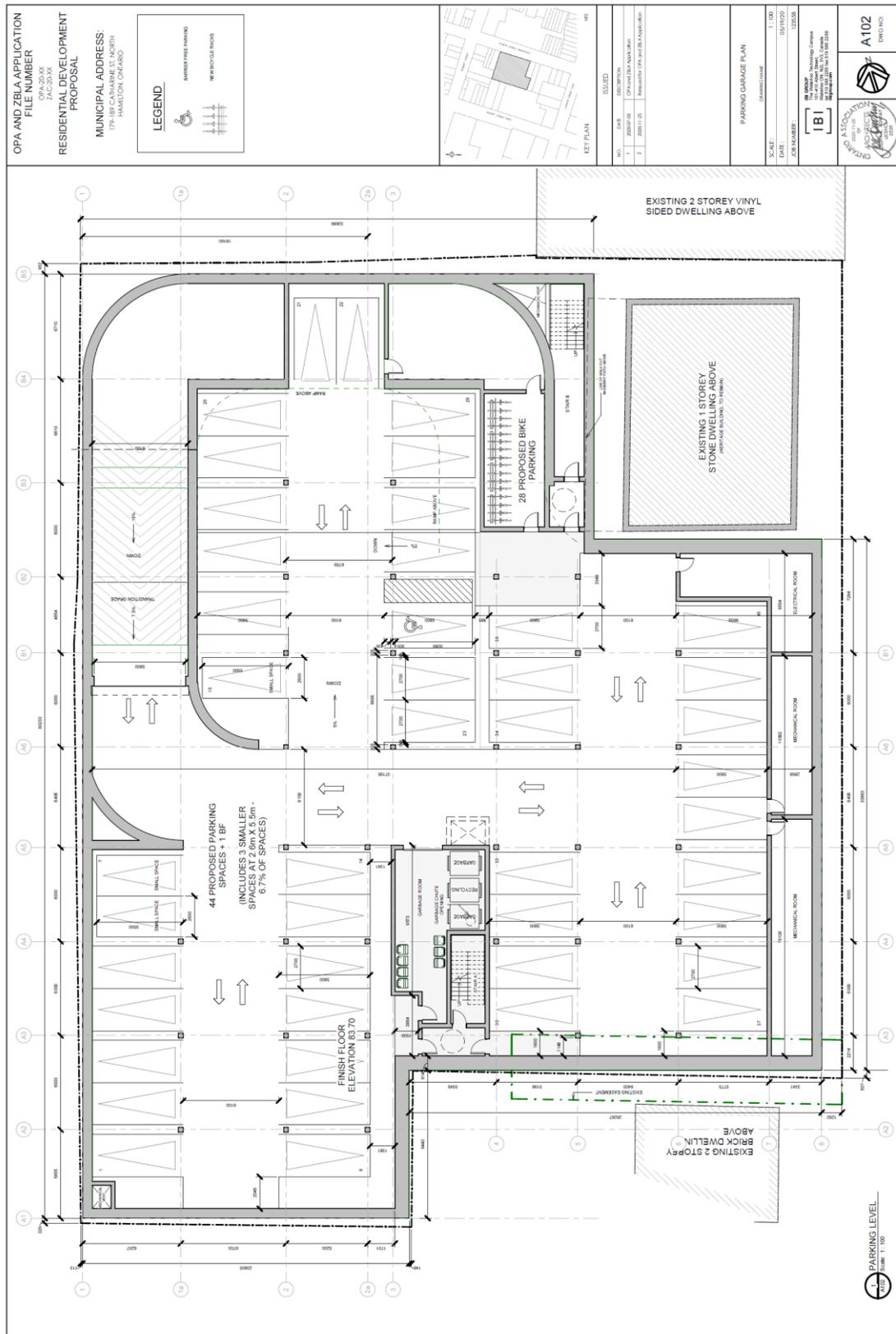
I am moving to the neighbourhood, having just bought a house on Catharine Street North. I noticed a City of Hamilton Public Notice and I'm interested to learn about the proposal for development close to my home.

Please could you send me the link to the planning proposal for OPA-20-015 and ZAC-20-027, and add me to the mailing list for any ongoing updates and information.

Thanks so much,  
[REDACTED]







OPA AND ZBLA APPLICATION  
FILE NUMBER  
7AC-23-00  
RESIDENTIAL DEVELOPMENT  
PROPOSAL

MUNICIPAL ADDRESS:  
1791 18<sup>TH</sup> CABRINET ST. NORTH  
HAMILTON, ONTARIO

DATE: 04/17/20  
DESCRIPTION: 1791 18<sup>TH</sup> CABRINET ST. NORTH  
PROJECT NO: 2020-12-05  
PROJECT TITLE: OPA AND ZBLA APPLICATION

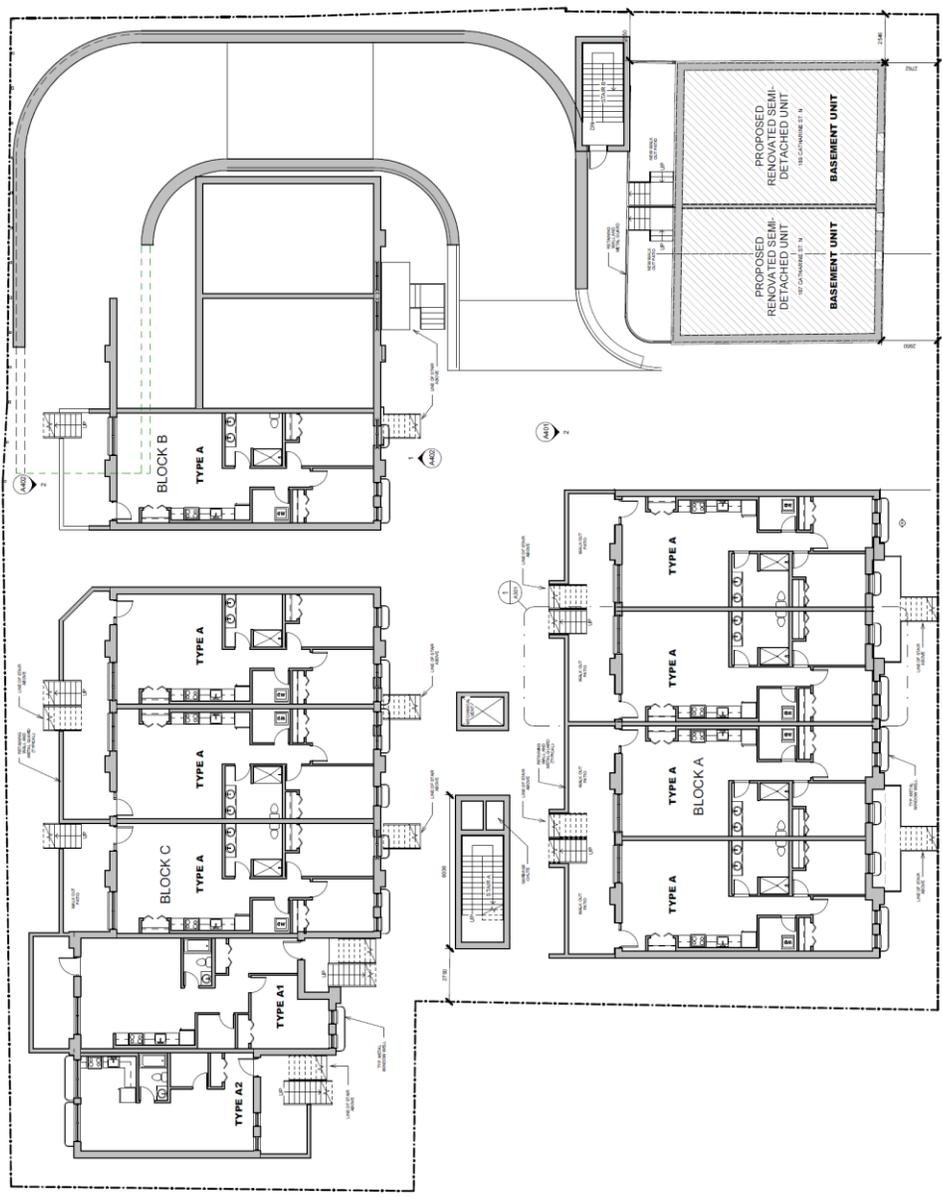
ISSUED

**DRAFT**

BASEMENT LEVEL - TYPICAL FLOOR PLAN

SCALE: 1:100  
DATE: 04/17/20  
DRAWN BY: [IB] [Signature]  
CHECKED BY: [Signature]  
PROJECT NUMBER: 123456

A201  
DWG. NO.



1: BELOW - TYPICAL FLOOR PLAN  
SCALE: 1:100



OPA AND ZELA APPLICATION  
 FILE NUMBER  
 74C-23-XX  
 RESIDENTIAL DEVELOPMENT  
 PROPOSAL

MUNICIPAL ADDRESS:  
 179-187 CABRIERIE ST. NORTH  
 HAMILTON, ONTARIO

KEY PLAN

NO.	DATE	DESCRIPTION	ISSUED
1	2020.12.08	PROPOSAL FOR 179-187 CABRIERIE ST. NORTH	NET
2	2020.12.08	PROPOSAL FOR 179-187 CABRIERIE ST. NORTH	NET

LEVEL 2 - TYPICAL FLOOR PLAN

SCALE: 1:500  
 DATE: 04/17/2020  
 DRAWING NUMBER: 123238

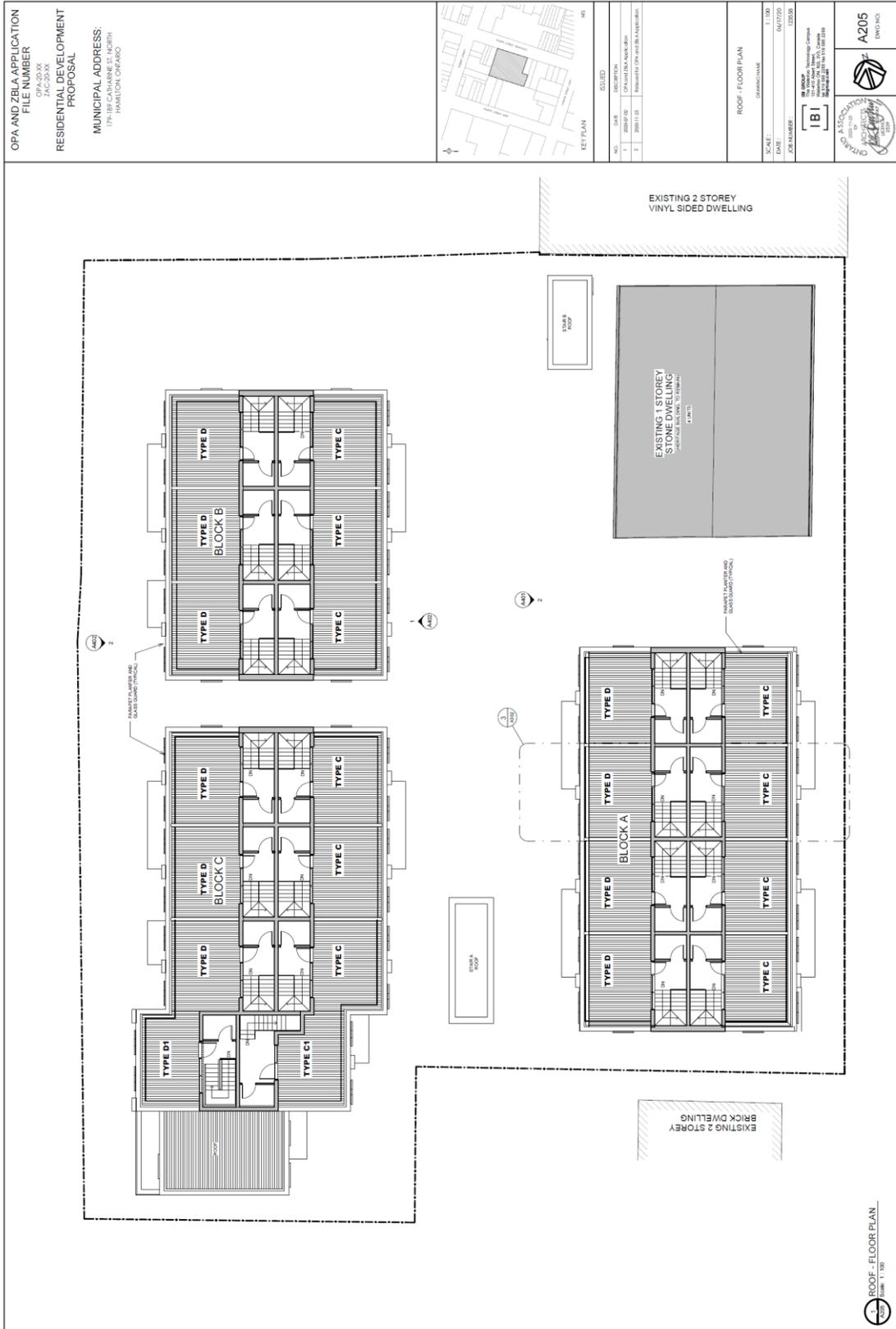
IBI  
 INCORPORATED  
 179-187 CABRIERIE ST. NORTH  
 HAMILTON, ONTARIO L8N 2Y5  
 TEL: 905.571.1111  
 WWW.IBI-CANADA.COM

A203  
 ENGINEER



LEVEL 2 - TYPICAL FLOOR PLAN  
 SCALE: 1:500





**OPA AND ZBLA APPLICATION**  
**FILE NUMBER**  
 74C-23-XX  
**RESIDENTIAL DEVELOPMENT**  
**PROPOSAL**

**MUNICIPAL ADDRESS:**  
 179-187 CABARRIE ST. NORTH  
 HAMILTON, ONTARIO

**KEY PLAN**

**UNIT TYPE A**  
 Scale: 1/32

1 BELOW  
 2 BEDROOM  
 83.0 m<sup>2</sup>  
 893.40 sq. ft.

**UNIT TYPE B**  
 Scale: 1/32

LEVEL 1  
 1 BEDROOM  
 69.9 m<sup>2</sup>  
 752.40 sq. ft.

**UNIT PLANS**

SCALE: 1/32

DATE: 05/27/20

JOB NUMBER: 123456

**IBI**

ASSOCIATION OF PROFESSIONAL ENGINEERS OF ONTARIO

**A301**  
 DWG. NO.

**REVISIONS**

NO.	DATE	DESCRIPTION
1	2020.05.20	PRELIMINARY OPA AND ZBLA APPLICATION

**OPA AND ZBLA APPLICATION**  
FILE NUMBER  
74C-23-XX

**RESIDENTIAL DEVELOPMENT PROPOSAL**

MUNICIPAL ADDRESS:  
179-181 CABRIERIE ST. NORTH  
HAMILTON, ONTARIO

NO.	DATE	DESCRIPTION	ISSUED
1	2003.12.26	PRELIMINARY OPA AND ZBLA APPLICATION	NET
2	2003.12.26	PRELIMINARY OPA AND ZBLA APPLICATION	NET

**UNIT TYPE - D LEVEL 2**  
(2 LEVEL UNIT)  
2 BEDROOM  
78.2 m<sup>2</sup>  
841.74 sq ft

**UNIT TYPE - C LEVEL 2**  
(2 LEVEL UNIT)  
2 BEDROOM  
78.2 m<sup>2</sup>  
841.74 sq ft

**UNIT TYPE - D LEVEL 3**

**UNIT TYPE - C LEVEL 3**

**UNIT TYPE - D ROOF TERRACE**

**UNIT TYPE - C ROOF TERRACE**

**UNIT PLANS**

SCALE: 1:300

DATE: 04/07/20

JOB NUMBER: 123235

**A302**  
ENGINEER





**OPA AND ZBLA APPLICATION**  
FILE NUMBER  
CPA-20-03  
ZAC-20-03

**RESIDENTIAL DEVELOPMENT PROPOSAL**

**MUNICIPAL ADDRESS:**  
170-180 COLUMBIET STREET  
HAMILTON, ONTARIO

**KEY PLAN**

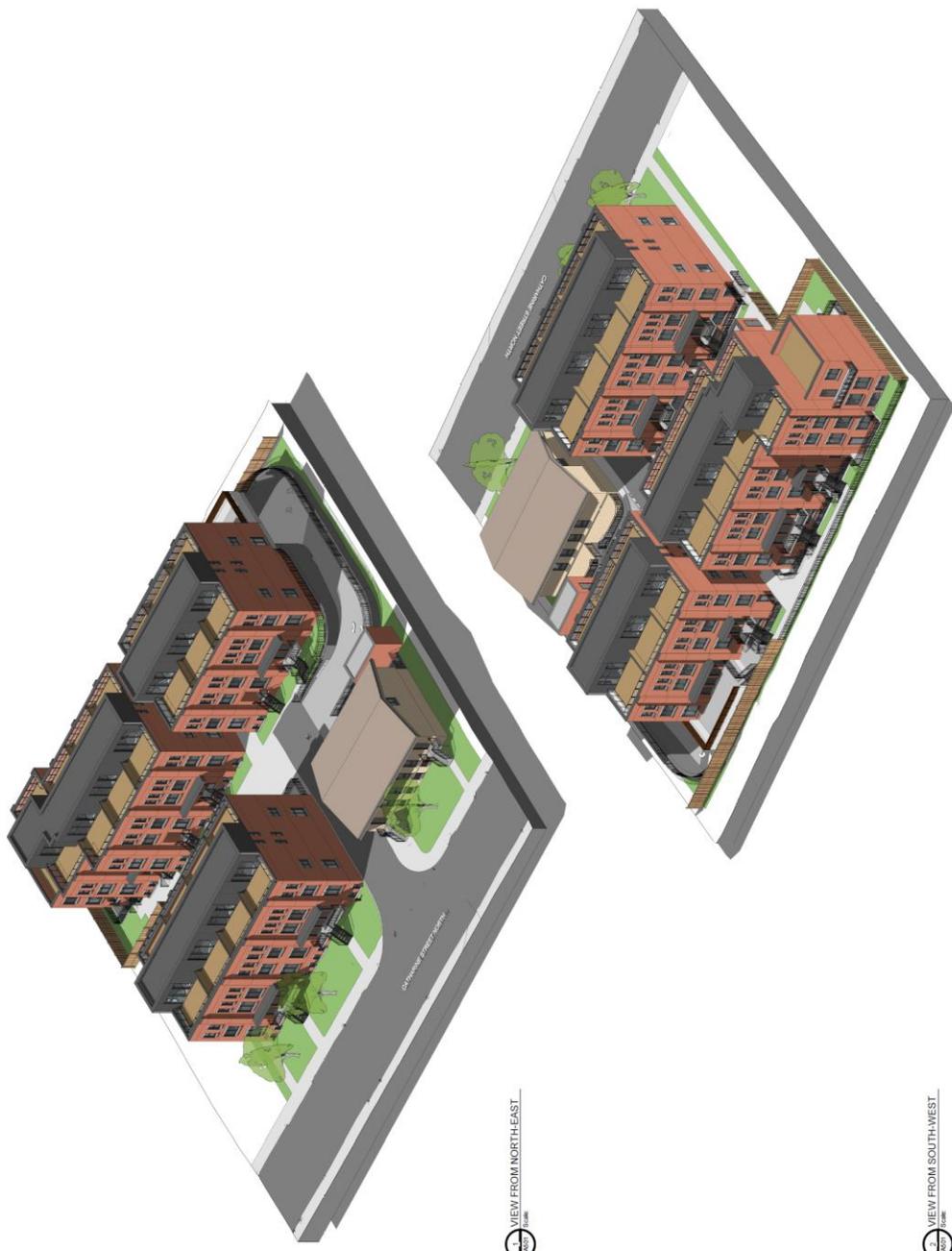
NO.	DATE	REVISED
1	2020-02-02	CPA and ZBLA Application
2	2020-01-29	Revised CPA and ZBLA Application

**3D VIEWS**  
DRAWING NAME

**SCALE:**  
DATE: 04/05/20  
JOB NUMBER: 1232108

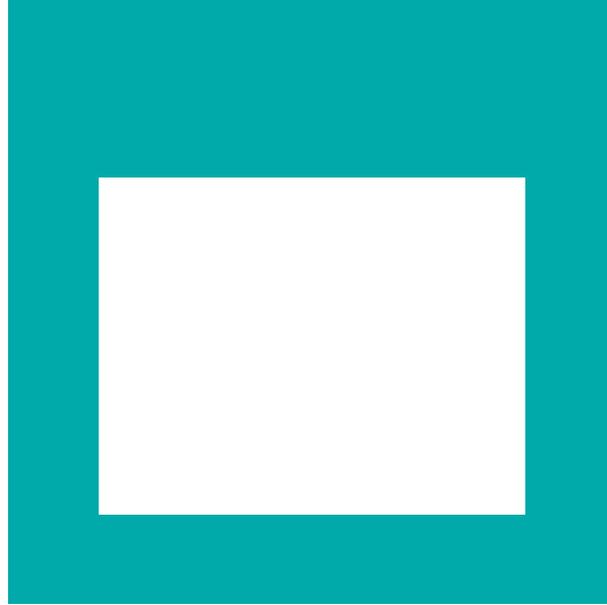
**IBI ASSOCIATION**  
100 Adelaide Street West  
Toronto, Ontario M5H 4B1  
Tel: 416-963-9931  
Fax: 416-963-9932  
www.ibi.ca

**A501**  
(MNC) INC.



VIEW FROM NORTHEAST  
Scale

VIEW FROM SOUTHWEST  
Scale



WELCOME TO THE CITY OF HAMILTON

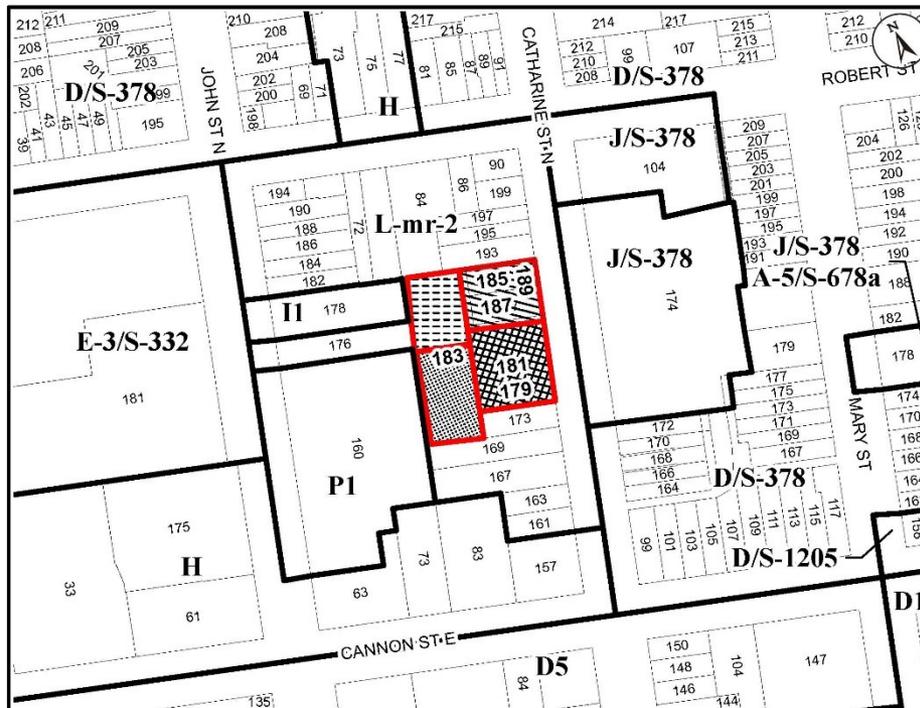
# PLANNING COMMITTEE

June 15, 2021

# PED21119– (ZAC-20-027 & UHOPA-20-015)

Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 179, 181, 183, 185, 187, and 189 Catharine Street North, Hamilton.

Presented by: Daniel Barnett



● Site Location



Key Map - Ward 2

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-20-027 & UHOPA-20-015

Date:  
May 13, 2021

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
DB/NB

### Subject Property

179 - 189 Catharine Street North

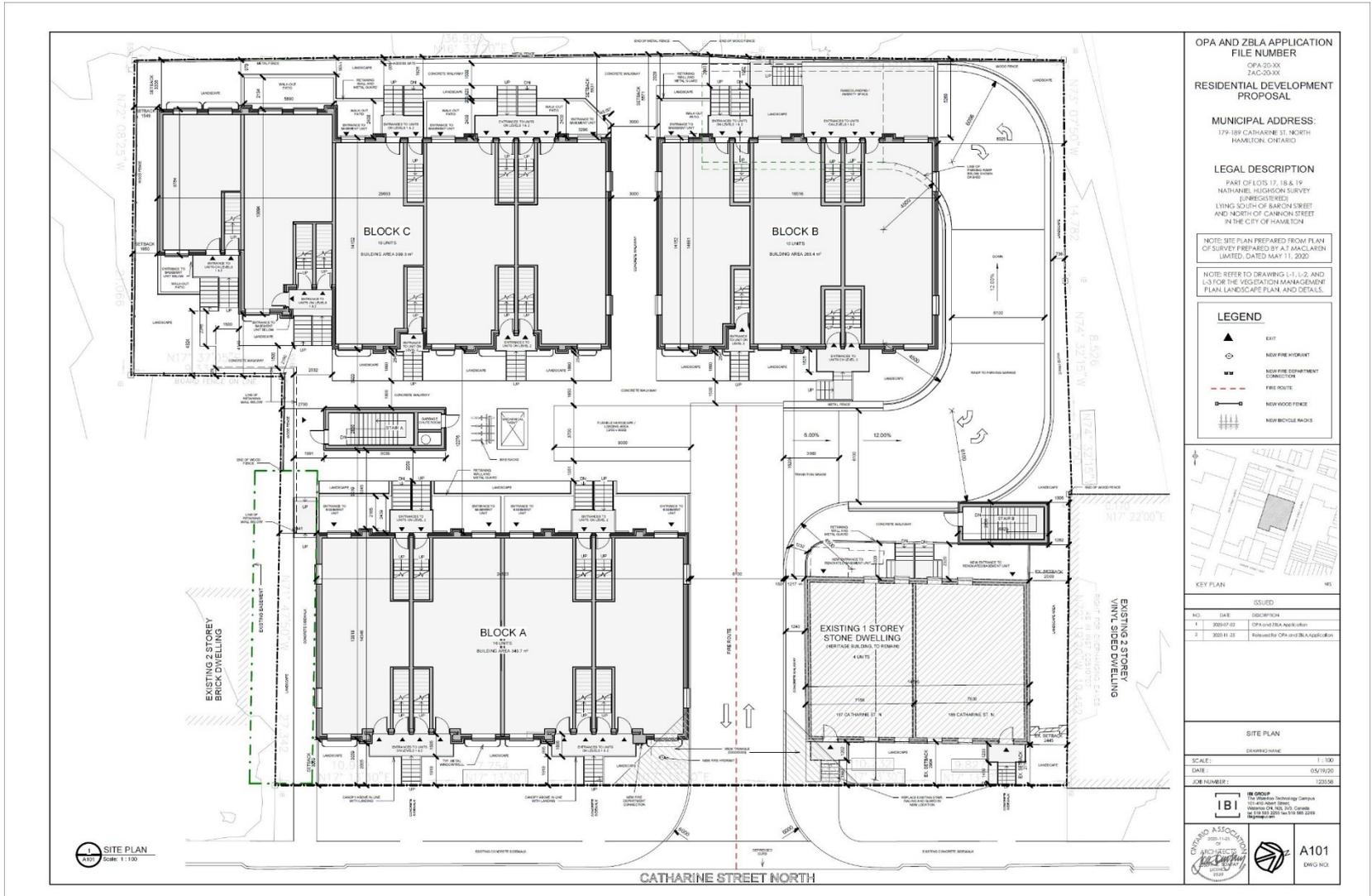
-  Block 1 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - "H" (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding
-  Block 2 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - "H" (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding
-  Block 3 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - "H" (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding
-  Block 4 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - "H" (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding

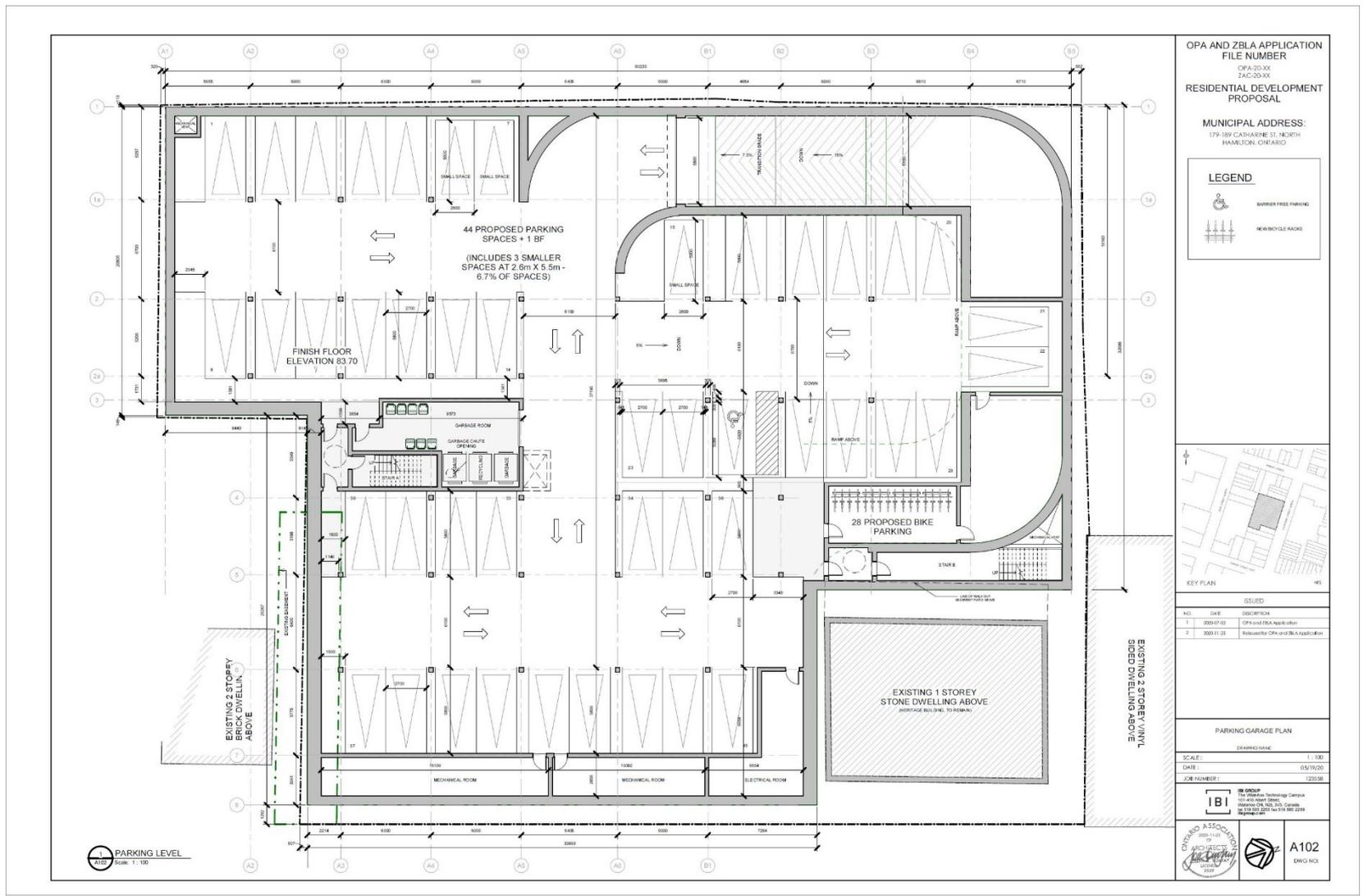


**SUBJECT PROPERTY**



**179 – 189 Catharine Street North, Hamilton**







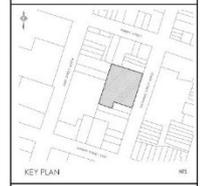
1 EAST ELEVATION - CATHARINE STREET NORTH  
 Scale: 1:100



2 WEST ELEVATION - BLOCK A  
 Scale: 1:100

MATERIAL LEGEND			
M1 BRICK COLOUR RED	M5 CURTAIN WALL FRAME COLOUR CHARCOAL	OTHER MATERIALS:	
M2 PRECAST CONCRETE LINTEL	M6 WINDOW FRAME COLOUR CHARCOAL	METAL COFFRY FLUSHING	CHARCOAL TO MATCH ADJACENT MATERIALS
M3 PRECAST CONCRETE SILL	M7 DOORS AND FRAMES COLOUR CHARCOAL	CAP FLASHINGS	CHARCOAL
M4 CORRUGATED METAL SIDING COLOUR CHARCOAL	M8 CANOPY COLOUR CHARCOAL	GUARDS	GLASS POWDER COATED METAL COLOUR CHARCOAL
		NOTES:	
		FINAL METAL COLOUR TO BE COORDINATED WITH OWNER	
		GLASS TINT TO BE DETERMINED	

OPA AND ZBLA APPLICATION  
 FILE NUMBER  
 OPA-20-XX  
 ZAC-20-XX  
 RESIDENTIAL DEVELOPMENT  
 PROPOSAL  
 MUNICIPAL ADDRESS:  
 175 185 CATHARINE ST. NORTH  
 HAMILTON, ONTARIO



ISSUED	
NO.	DATE
1	2000/02
2	2001/05

ELEVATIONS	
DATE:	04/04/20
SCALE:	1:100
DATE:	04/04/20
JOB NUMBER:	123056

IBI GROUP  
 208-1118  
 100 KING STREET WEST, SUITE 2000  
 TORONTO, ONTARIO M5X 1C5  
 TEL: 416-863-1800 FAX: 416-863-2289  
 WWW.IBI.GROUP.COM

ONTARIO ASSOCIATION OF PROFESSIONAL ENGINEERS  
 100 KING STREET WEST, SUITE 2000  
 TORONTO, ONTARIO M5X 1C5  
 TEL: 416-967-8800 FAX: 416-967-8801  
 WWW.OAPE.OA.PE.CA

A401  
 CIVIC REC.



**1-1 EAST ELEVATION - BLOCK B & C**  
 Scale: 1 : 100



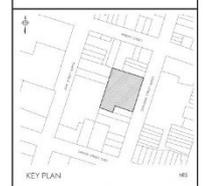
**1-2 WEST ELEVATION BLOCK B & C**  
 Scale: 1 : 100

**MATERIAL LEGEND**

M1 BRICK COLOUR: RED	M2 CURTAIN WALL FRAME COLOUR: CHARCOAL	<b>OTHER MATERIALS</b>	<b>NOTES</b>
M3 FINE-CAST CONCRETE UNITS	M4 WINDOW FRAME COLOUR: CHARCOAL	METAL SCOFF FLASING	CHARCOAL TO MATCH ADJACENT MATERIAL
M5 FINE-CAST CONCRETE SILL	M5 DOOR AND FRAME COLOUR: CHARCOAL	CAF PLASING	CHARCOAL
M6 CORRUGATED METAL SIDING COLOUR: CHARCOAL	M6 CURTAIN COLOUR: CHARCOAL	GLASS	GLASS: POWER COATED METAL; COLOUR: CHARCOAL

GLASS TRY TO BE DETERMINED

OPA AND ZBLA APPLICATION  
 FILE NUMBER  
 OPA-2018-00  
 ZAC-2018-00  
 RESIDENTIAL DEVELOPMENT  
 PROPOSAL  
 MUNICIPAL ADDRESS:  
 175-185 CATHARINE ST. NORTH  
 HAMILTON, ONTARIO



NO.	DATE	DESCRIPTION
1	2020-07-02	OPA and ZBLA Application
2	2020-11-15	Revised for OPA and ZBLA Application

**ELEVATIONS**

DATE: 06/09/2020

SCALE: 1 : 100

DATE: 06/09/2020

JOB NUMBER: 1220158

**IBI GROUP**  
 100 University Technology Campus  
 Hamilton, ON, N8L 5L6, Canada  
 Tel: 905.882.2271 Fax: 905.882.2288  
 www.ibigroup.com

**OPERA ASSOCIATION**  
 OPERA ASSOCIATION  
 100 University Technology Campus  
 Hamilton, ON, N8L 5L6, Canada  
 Tel: 905.882.2271 Fax: 905.882.2288  
 www.opera.com

**A402**  
 DWG NO.



**179-189 CATHARINE ST. NORTH  
 HAMILTON, ONTARIO**

2020-11-25 Reissued for OPA and ZBLA Application

**RESIDENTIAL DEVELOPMENT  
 PROPOSAL**

**OPA AND ZBLA APPLICATION  
 FILE NUMBER**

OPA 20-33  
 ZAC-20-X1

**DETAILS OF DEVELOPMENT**

PROVISION	REQUIRED	PROVIDED
CONCRETE Slab-on-GRADE	4	4
LOT AREA (sqft)	4050	2732/7
LOT WIDTH (m)	15.0	50.16
<b>FRONT YARD (m)</b>		Block A: 3.0
24.5m (length) x 14.1m (width) = 345.45 x 100 = 3.2m		
No bushes have wind shield lower a depth of less than 3.0m. Therefore, required min. 3.0m		
<b>REAR YARD (m)</b>	Block B: 3.0m Block C: 3.0m	Block B: 5.5m Block C: 3.0m
18.5m (length) x 14.1m (width) = 262.95 x 100 = 2.3m + 3.0m = 5.3m		
Block C: 26.8m (length) x 14.1m (width) = 420.28 x 100 = 3.5m + 3.0m = 6.5m		

PROVISION	REQUIRED	PROVIDED
<b>SIDE YARD (m)</b>	Block A: 4.7m Block C: 4.7m	Block A: 2.6m Block B: 8.8 ft Block C: 1.5m
Block A: 14.3m (width) x 14.1m (height) = 203.63 x 100 = 1.7m + 3.0m = 4.7m		
Block B: 14.6m (width) x 14.1m (height) = 206.86 x 100 = 1.7m + 3.0m = 4.7m		
Block C: 16.2m (width) x 14.1m (height) = 228.42 x 100 = 1.9m + 3.0m = 4.9m		
Block A, B, C have minimum of 1.5m setback, overlooking a side yard		
LANDSCAPE AREA (sqft)	6380	7467

PROVISION	REQUIRED	PROVIDED
LANDSCAPE PERCENTAGE (%)	25.0	27.3
PERCENTAGE OF LANDSCAPE AREA MODULAR PLANTING (%)	30.0	48.3
<b>FLOOR AREA RATIO (FAR)</b>	Max 1.20	1.51
<b>BUILDING AREA NEW TOWNHOUSE (sqft)</b>		10004
<b>BUILDING AREA EXISTING SEMI-DETACHED (sqft)</b>		1631
<b>BUILDING AREA TOTAL (sqft)</b>		12634
<b>BUILDING COVERAGE TOTAL (%)</b>		44.2
<b>NEW TOWNHOUSE GROSS FLOOR AREA (sqft)</b>		37849
<b>EXISTING SEMI-DETACHED GROSS FLOOR AREA (sqft)</b>		2893
<b>GROSS FLOOR AREA (sqft TOTAL)</b>	40842	41141
<b>NUMBER OF STOREYS</b>	6	3.5
<b>BUILDING HEIGHT (m)</b>	26.0	14.1

PROVISION	REQUIRED	PROVIDED
<b>NEW UNIT</b>		45
<b>EXISTING RENOVATED SEMI-DETACHED</b>		4
<b>TOTAL</b>		49
<b>PARKING SPACES</b>		49
1 space per Class A dwelling and within area "B", shown on Schedule "H" at 1/8th x 1 space/unit = 49 spaces		49 Parking Spaces + 1 BP
<b>PARKING SPACE DIMENSIONS (m)</b>	2.7m x 6.0m	2.7m x 5.0m, with 3 spaces 2.6m x 5.5m
<b>MANEUVERING SPACE (m)</b> for turning at 90° angle (min)	6.0	
<b>LOADING SPACE</b>	1	1
<b>LOADING SPACE DIMENSIONS (m)</b>	3.7 x 18.0	3.7 x 9.0

**ARCHITECTURAL DRAWING LIST**

- A000 COVER PAGE
- A101 SITE PLAN
- A102 PARKING GARAGE PLAN
- A201 BASEMENT LEVEL - TYPICAL FLOOR PLAN
- A202 LEVEL 1 - TYPICAL FLOOR PLAN
- A203 LEVEL 2 - TYPICAL FLOOR PLAN
- A204 LEVEL 3 - TYPICAL FLOOR PLAN
- A300 ROOF LEVEL
- A301 UNIT PLANS
- A302 UNIT PLANS
- A401 ELEVATIONS
- A402 ELEVATIONS
- A501 3D VIEWS

COVER PAGE **A000**  
 DRAWING NAME **DWG NO.:**





VIEW FROM NORTH-EAST  
 Scale

VIEW FROM SOUTH-WEST  
 Scale

OPA AND ZBLA APPLICATION  
 FILE NUMBER  
 OPA-20-XX  
 ZAC-20-XX

RESIDENTIAL DEVELOPMENT  
 PROPOSAL

MUNICIPAL ADDRESS:  
 175-185 CATHARINE ST. NORTH  
 HAMILTON, ONTARIO

KEY PLAN

NO.	DATE	DESCRIPTION
1	2020-07-02	OPA and ZBLA Application
2	2020-11-25	Revised for OPA and ZBLA Application

3D VIEWS

SCALE: 1/8"=1'-0"

DATE: 04/06/20

JOB NUMBER: 123158

**IBI GROUP**  
 The Waterloo Technology Campus  
 100 Wellington Street  
 Waterloo, ON, N2L 2V6, Canada  
 Tel: 519 885 2271 Fax: 519 885 2288  
 www.ibigroup.com

OPENDO ASSOCIATION  
 ARCHITECT  
*John D. ...*  
 2019

A501  
 DWG NO.



Existing heritage building at 187 and 189 Catharine Street North, which is to be retained and adaptively re-used to contain four dwelling units, as seen from Catharine Street North looking west



181 and 183 Catharine Street North the existing buildings are proposed to be demolished as part of the proposed development, as seen from Catharine Street North looking south west



Between 181 and 183 Catharine Street North showing the existing repair garage located at the rear of the subject property, as seen from Catharine Street North looking west



179 Catharine Street North a vacant parcel of land, as seen from Catharine Street North looking west



161-173 Catharine Street North located to the south of the subject lands, as seen from Catharine Street North looking south west



164-172 Catharine Street North located to the south east of the subject lands, as seen from Catharine Street North looking south east



174 Catharine Street North located immediately across the street from the subject lands, as seen from Catharine Street North looking east



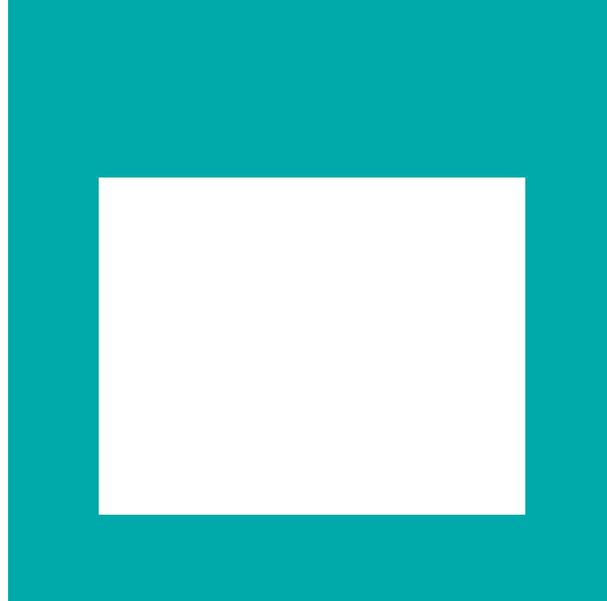
193-199 Catharine Street North located to the north of the subject lands, as seen from Catharine Street North looking north west



Catharine Street North, as seen from Catharine Street North looking north



Catharine Street North, as seen from Catharine Street North looking south



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

# PLANNING COMMITTEE

OPA & ZBLA Applications

179-189 Catharine Street N

UHOPA-20-015

ZAC-20-027

---



**IBI GROUP**

Woven Quarter Properties Inc.

179-189 Catharine Street N

June 15, 2021

**This is a statutory meeting under the Planning Act**

**The applications are for an Official Plan Amendment and Zoning By-law Amendment to permit a 49 unit multiple dwelling development proposal, consisting of 45 units in 3 proposed stacked/back-to-back townhouse blocks and 4 units in renovated semi-detached dwelling**

**Staff support the applications and recommend approval**

**We agree with staff recommendation and respectfully request Committee recommendation and Council approval, subject to a few minor revisions to the By-law**

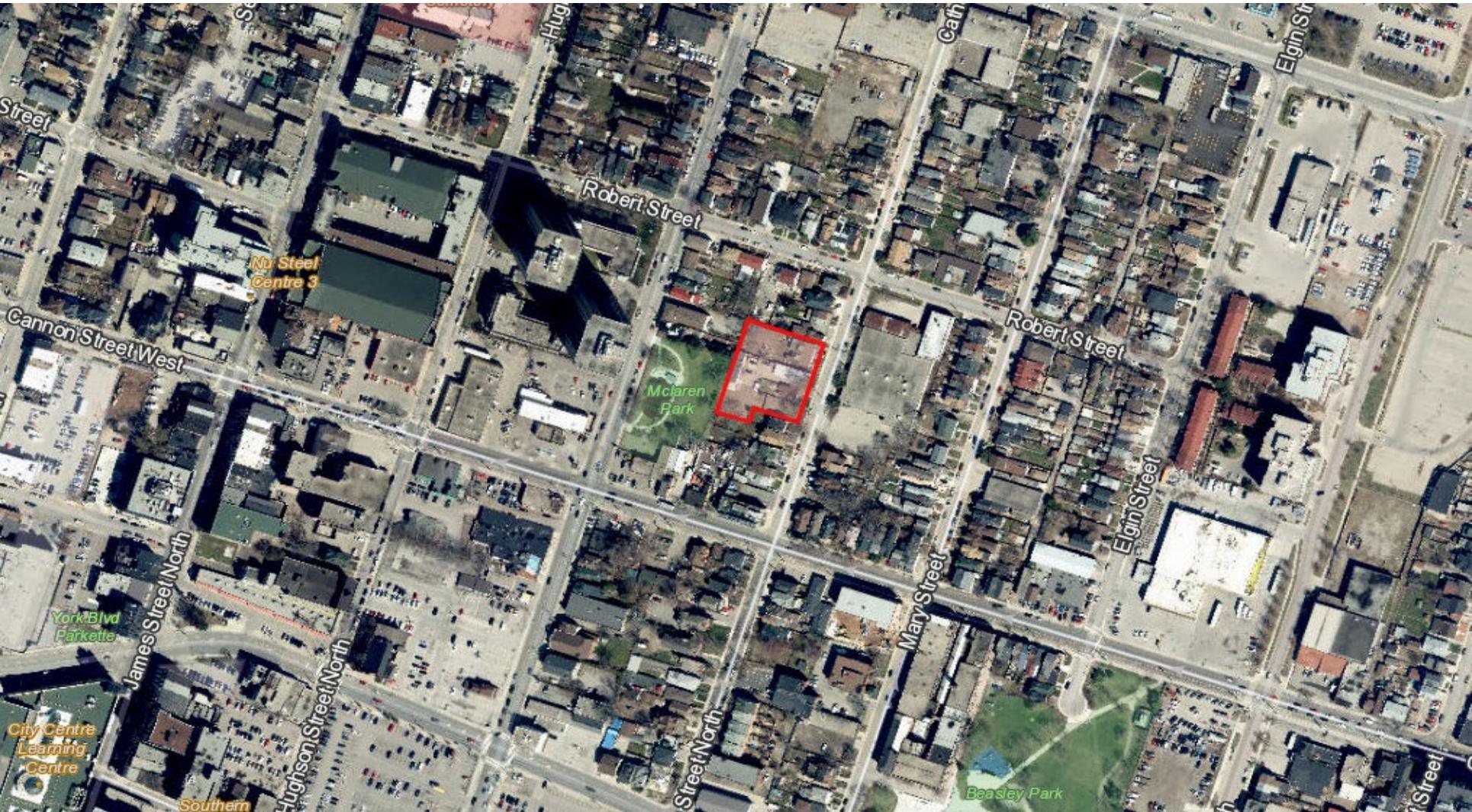
## City-building Benefits of Development Proposal:

- **Low-rise, ground-oriented infill, purpose-built rental housing → Supports demand for the “missing middle”**
- **Retains and adaptively re-uses pre-confederation heritage dwelling**
- **High quality urban design addressing streetscape and public park**
- **Compatible built form with appropriate setbacks and stepbacks**

## City-building Benefits of Development Proposal:

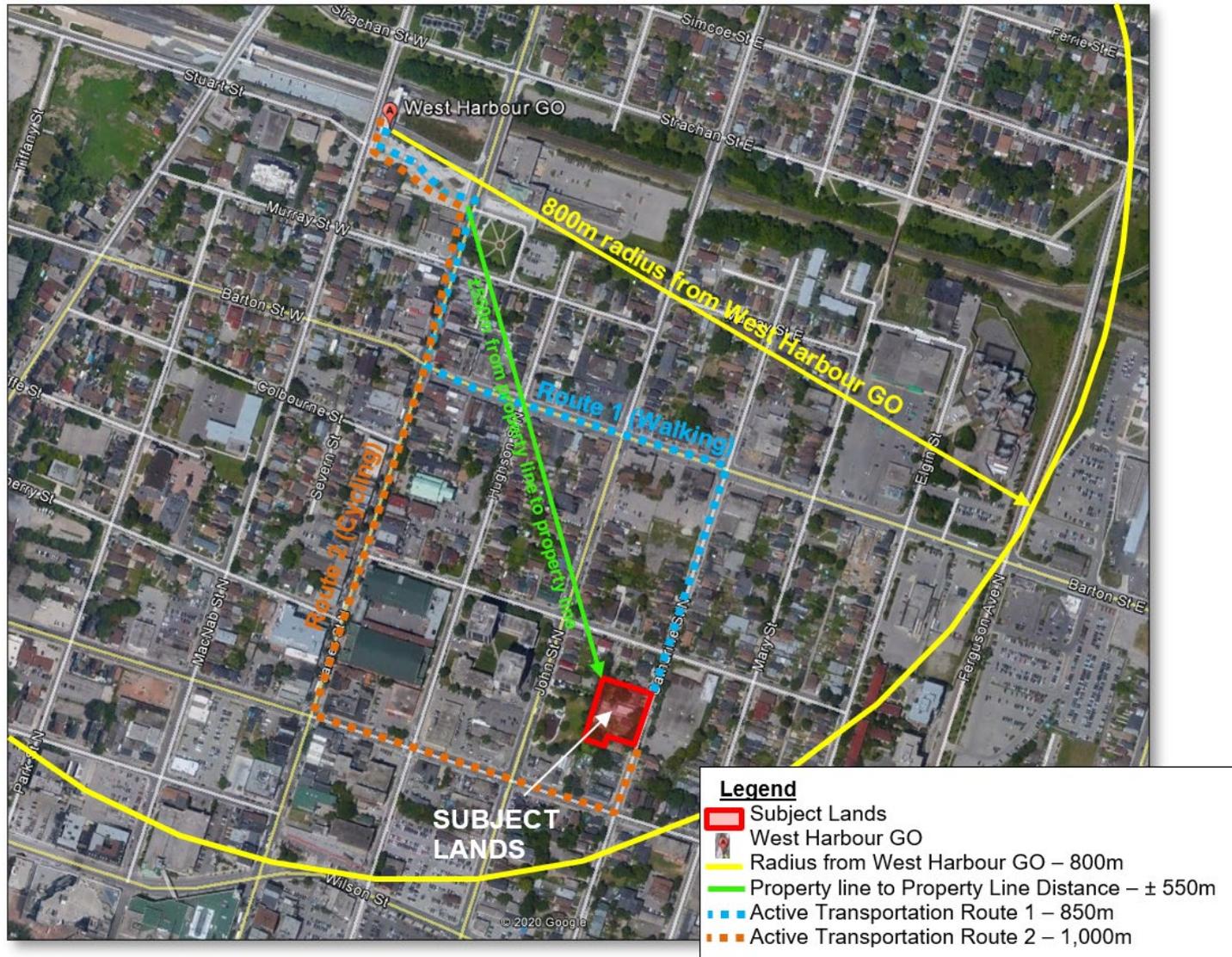
- **Multi-modal location: active transportation routes, public transit access, & 850m walk to West Harbour GO**
- **Provides underground parking with rates supportive of the multi-modal location**
- **High quality housing with diverse unit mix, good living space, and diverse amenity areas**
- **Replaces non-compatible commercial uses and remediates brownfield**

## Subject Lands in context of the neighbourhood

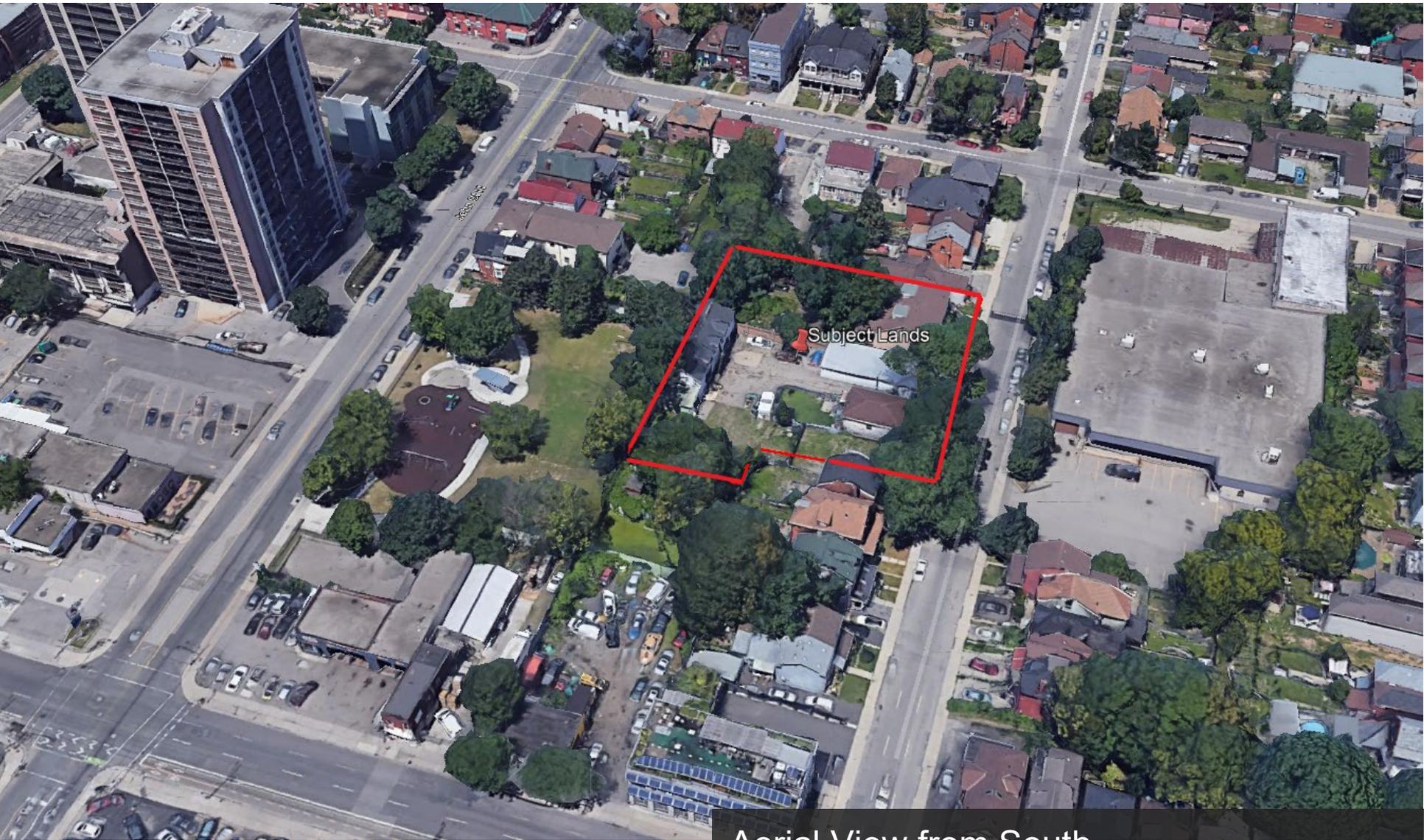


## Subject Lands in context of immediate surroundings





Proximity to West Harbour GO Station



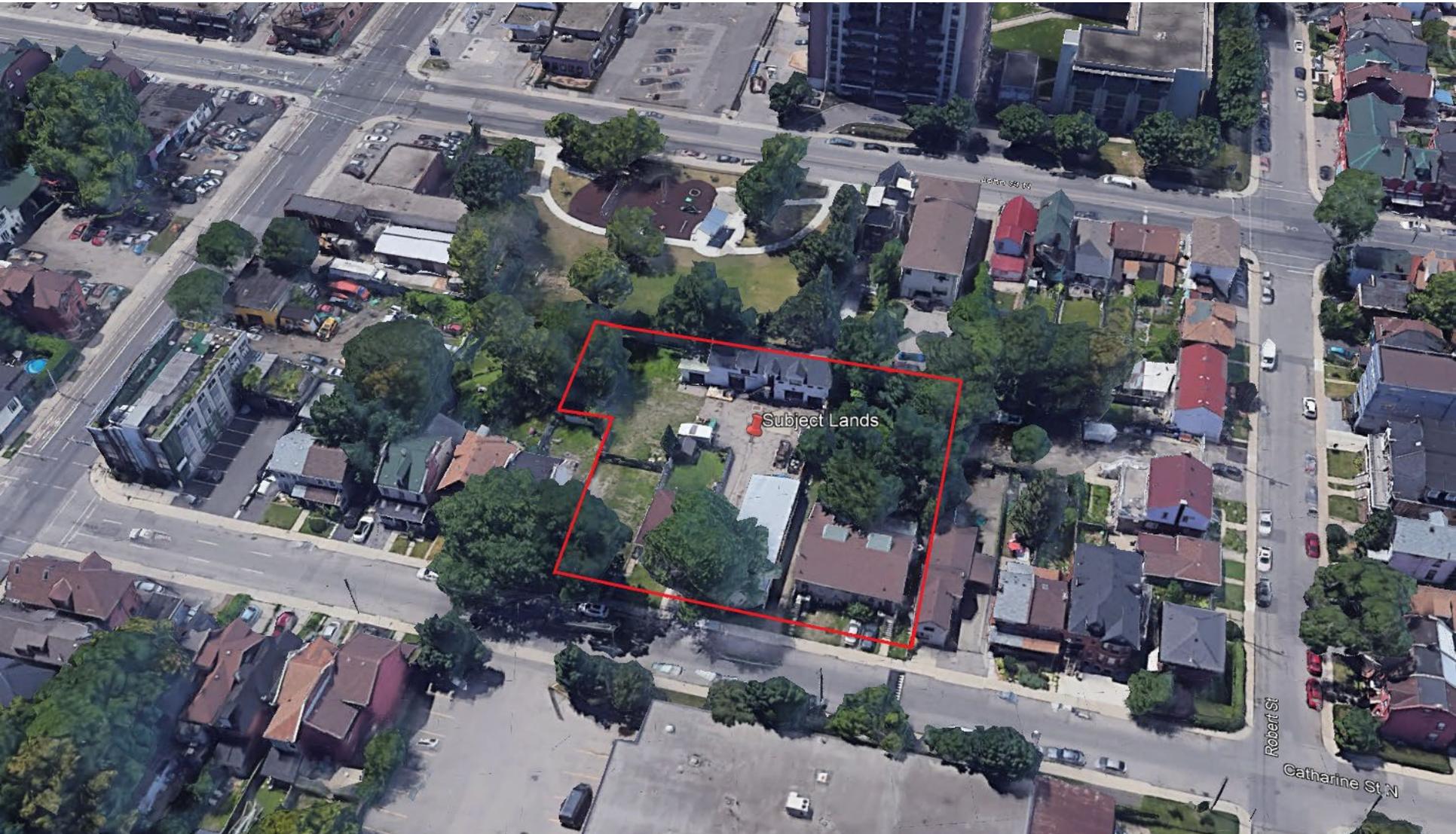
Aerial View from South



Aerial View from West



Aerial View from North



Aerial View From East



Aerial View Towards Downtown



Retained Pre-Confederation Heritage Dwelling



Existing Residential and Commercial Buildings to be Demolished

## Planning Applications:

Amend	Current	Proposed
<b>Official Plan Amendment: UHOPA-20-015</b>		
Amend West Harbour (Setting Sail) Secondary Plan	Low Density 2 Residential	Medium Density Residential 1, Site Specific Policy Area
<b>Zoning By-law Amendment: ZAC-20-027</b>		
Zoning By-law No. 6593	L-mr-2 (Planned Development)	E-1/S-1809-H (Multiple Dwellings, Lodges, Clubs, etc. Modified, Holding)



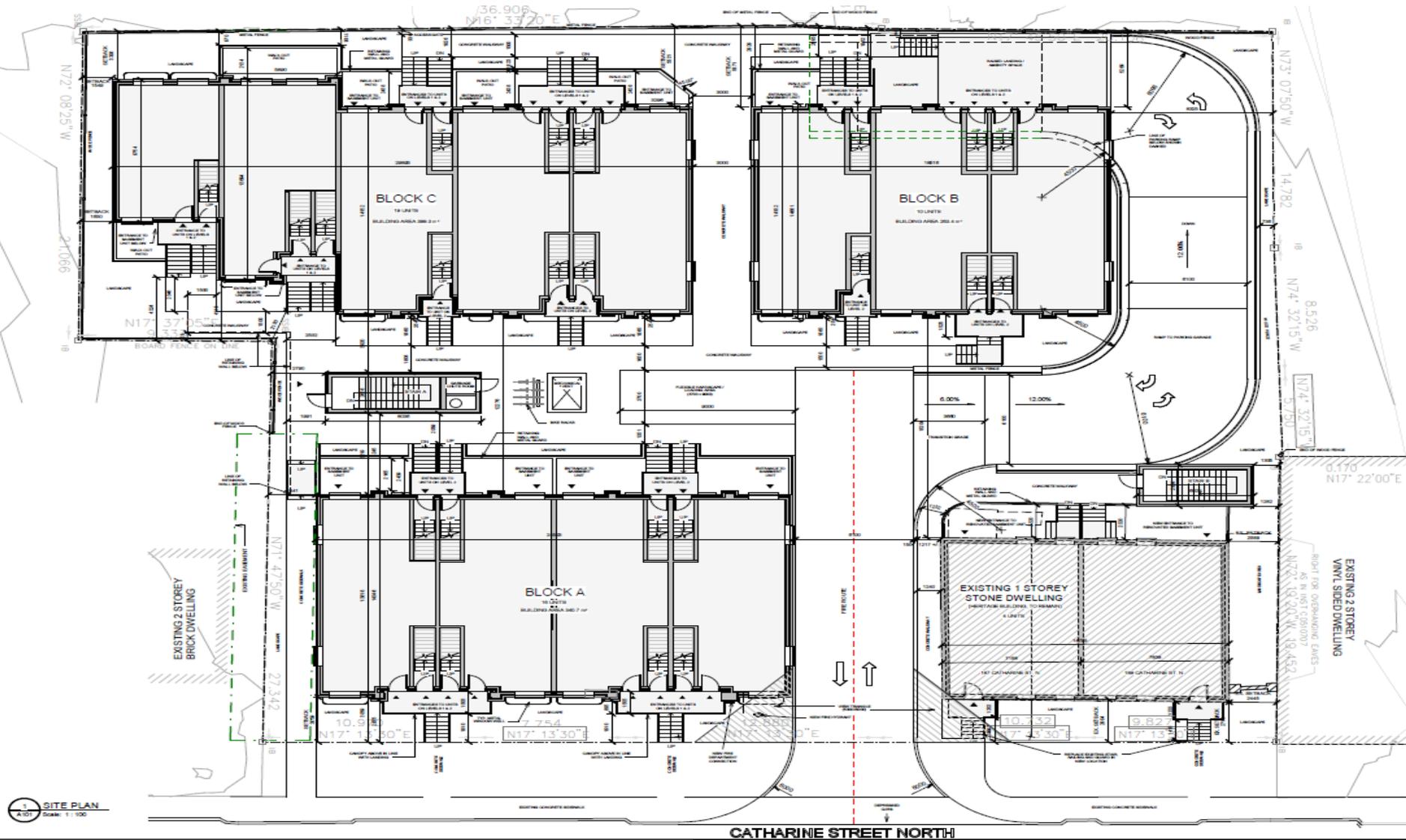
# Proposed Development

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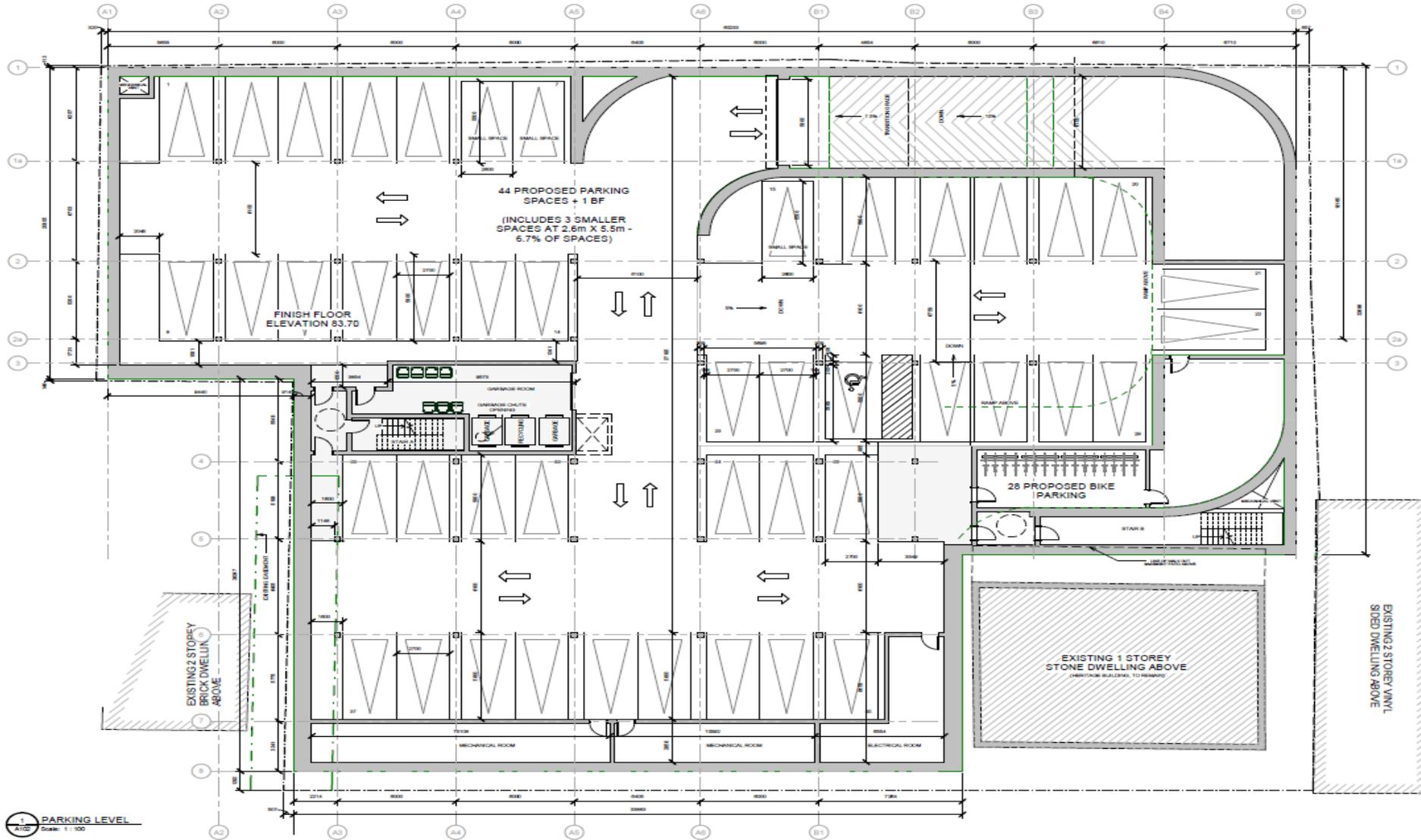


## Site and Development Stats:

- **Total Site Area: Approx. 2732.17 m<sup>2</sup>**
- **Total Frontage: Approx. 52.16 m**
- **Total Unit Count: 45 units in 3 new stacked/back-to-back townhouse blocks, 4 units in renovated semi-detached heritage dwelling**
- **Building Height: 14.1 m**
- **Total Parking: 45 spaces, including 1 Barrier-Free**
- **Unit Types: Mix of 1 and 2 bedroom dwelling units, ranging in size of 78 m<sup>2</sup> – 83 m<sup>2</sup>**



### Site Plan



## Parking Level



View from North-East



## View from South-West

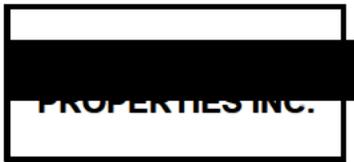
## **Minor Requests for Modifications to Draft By-law:**

- 1. Elimination of requirement for permeable paving in loading area in provision e)**
- 2. Reduction of loading space size to 6 m x 3 m in provision e)**
- 3. Clarification in zoning language for provision z) respecting side yard setback to porch and stairs**

## **Applications Should be Approved on basis of:**

- **Proposal is consistent with and conforms to Provincial policies for intensification, housing supply, housing diversity, and cultural heritage conservation**
- **Proposal conforms to the Official Plan policies for intensification, housing, built form, and cultural heritage conservation**
- **Proposal is compatible with the context based on use, built form, height, density, setbacks, and stepbacks**

# Thank You!



**179-189 CATHARINE ST N  
HAMILTON, ONTARIO**



**NEIGHBOURHOOD OPEN HOUSE MEETING COMMENT SHEET**

Please **PRINT** your name and address.  
Meeting hosted by Woven Quarter Properties Inc. and IBI Group

Held virtually on Thursday, September 24, 2020 via Microsoft Teams.

From: Brenna MacNaughton, [REDACTED] Catharine St N, Hamilton L8L 4S4

Firstly, I want to acknowledge and thank both Mike and Tran being available to discuss the current plans for this property with the nearby community.

As I mentioned during the meeting, there are significant issues with the proposal that have yet to be addressed. These include:

**Insufficient parking availability for the proposed number of units.**

The parking space to unit ratio is less than one. As there are many existing properties in the neighbourhood that lack off-street parking, it is likely that the demands for on-street parking will increase. While the neighbourhood is walkable, it is our observation as residents that most people who live in the area have a vehicle.

First, if some units are rented with parking included, others will not be – meaning those residents will be forced to use street parking for vehicles.

Second, if parking spots are optional additions to people's rental agreements, the pricing may incentivize the use of street parking which has an exceptionally low annual cost (around \$100 per year) compared to a market rate underground parking spot – and if it does not, the first issue remains.

The above assumes that the residents only need parking for a single vehicle, and neither of these options resolves the street parking demand increase.

**Appropriateness of development to the street**

The current streetscape of Catharine St N between Wilson St and Murray St is single family dwellings, duplexes, triplexes, a single level assisted living centre, and several commercial buildings of one or two storeys. None of this aligns with the proposed buildings which will be 13m (around 40ft) tall, consisting of several blocks of fourplexes in a limited area.

The population density proposed is not aligned with the rest of its neighbourhood. Densification is a valid goal for urban areas but should be sympathetic to the environment in which it is

occurring. 44 new units would more than double the units on Catharine between Cannon and Robert.

**Interface with existing properties**

The proposal indicates that the rear blocks of buildings will closely abut the north and south property boundaries. Given that they are set back significantly from the street, they affect the privacy of the pre-existing properties nearby. The distances between those buildings and the existing structures are far less than would be found in other developments, or even across the street in older areas of the city such as this.

Again, thank you for the virtual open house and for providing a venue for feedback from residents.

Brenna MacNaughton



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 15, 2021
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 321 Hatt Street, Dundas (PED21112) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Elyse Meneray (905) 546-2424 Ext. 6360
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Amended Zoning By-law Amendment application ZAR-20-036, by Robert Russell Planning Consultants Inc. on behalf of Ronald Bamford (Owner)**, for a change in zoning from the Single - Detached Residential Zone (R2) to the Low Density Residential Zone (R4/S-140), Modified, in order to permit the development of a semi detached dwelling on the property for the lands located at 321 Hatt Street, as shown on Appendix "A" to Report PED21112, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED21112, 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 the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended, and complies with the Urban Hamilton Official Plan.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
321 Hatt Street, Dundas (PED21112) (Ward 13) - Page 2 of 16**

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**EXECUTIVE SUMMARY**

The subject property is municipally known as 321 Hatt Street, Dundas. The owner, Ronald Bamford, has applied for a Zoning By-law Amendment to Dundas Zoning By-law No. 3581-86 to permit the development of a semi detached dwelling on the property.

The purpose of the Zoning By-law Amendment is to rezone the lands from the Single - Detached Residential Zone (R2) to the Low Density Residential Zone (R4/S-140), Modified. The existing dwelling will be demolished and replaced with a new semi detached dwelling. A future Consent to Sever application will be required to facilitate the development.

The proposed Zoning By-law Amendment can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (PPS, 2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- It complies with the Urban Hamilton Official Plan; and,
- It is compatible with and complementary to the existing development in the immediate area.

**Alternatives for Consideration – See Page 16**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Report Fact Sheet:**

<b>Application Details</b>	
Applicant/Owner:	Ronald Bamford
Agent:	Robert Russel

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
321 Hatt Street, Dundas (PED21112) (Ward 13) - Page 3 of 16**

File Number:	ZAR-20-036
Type of Application:	Zoning By-law Amendment application
Proposal:	To rezone the lands to permit a semi detached dwelling on the property. A future Consent application will be required to facilitate the proposal.
<b>Property Details</b>	
Municipal Address:	321 Hatt Street, Dundas.
Lot Area:	0.08 ha (800 m <sup>2</sup> ) approximately.
Servicing:	Full municipal services.
Existing Use:	Single detached dwelling.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019	The proposal conforms with A Place to Grow 2019, as amended.
Official Plan Existing:	Designated "Neighbourhoods" on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Single - Detached Residential Zone (R2)
Zoning Proposed:	Low Density Residential Zone (R4/S-140), Modified
Modifications Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> <li>To permit a minimum lot frontage of 18.0 m, whereas a minimum lot frontage of 21.0 m is required.</li> </ul>

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
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	<p>(Note: This modification is no longer required as Section 6.22 of the Dundas Zoning By-law No. 3581-86 supersedes the minimum lot frontage requirements for a semi detached dwelling zoned Low Density Residential Zone (R4).)</p> <p>Staff Requested:</p> <ul style="list-style-type: none"> <li>To permit a minimum lot frontage of 9.0 metres for each lot, whereas a minimum lot frontage of 10.5 metres is required.</li> </ul>
<b>Processing Details</b>	
Received:	August 25, 2020.
Deemed Complete:	September 24, 2020.
Notice of Complete Application:	Sent to 115 property owners within 120 m of the subject property on October 8, 2020.
Public Notice Sign:	October 14, 2020 and updated on May 19, 2021.
Notice of Public Meeting:	Sent to 115 property owners within 120 m of the subject property on May 28, 2021.
Public Consultation:	The owner canvassed 11 property owners and provided a copy of the concept plan and elevations. To date, staff and the owner have not received any adverse comments for the proposal as a result of the canvass.
Public Comments:	Two submissions were received for the application expressing concerns about tree removal on the property (attached as Appendix "E" to Report PED21112).
Processing Time:	294 days.

**Existing Land Use and Zoning:**

<b>Subject Lands:</b>	<b>Existing Land Use</b>	<b>Existing Zoning</b>
	Single detached dwelling	Single - Detached Residential Zone (R2)

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
321 Hatt Street, Dundas (PED21112) (Ward 13) - Page 5 of 16**

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**Surrounding Lands:**

<b>North</b>	Single detached dwellings and a semi detached dwelling	Single - Detached Residential Zone (R2) and Low Density Residential Zone (R4)
<b>East</b>	Single detached dwellings	Single - Detached Residential Zone (R2)
<b>South</b>	Single detached dwellings	Single - Detached Residential Zone (R2)
<b>West</b>	Place of Worship	Neighbourhood Institutional (I1) 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 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

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 (LPAT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

One exception to the local implementation of the Provincial planning policy framework is that the UHOP has not been updated with respect to cultural heritage policies of the PPS (2020). The following policies, amongst others, apply to the proposal.

- “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.”

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
321 Hatt Street, Dundas (PED21112) (Ward 13) - Page 6 of 16**

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

- 1) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone; and,
- 3) Along historic transportation routes.

These criteria define the subject property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to this application.

An acknowledgement note on the drawings will be required at the Consent to Sever stage advising the applicant of the City of Hamilton and Ministry of Heritage, Sport, Tourism and Cultural Industries requirements should deeply buried archaeological materials or human remains be encountered during construction / development activities.

Staff note that the subject property is adjacent to 323 Hatt Street, a property included in the City's Inventory of Buildings of Architectural and/or Historical Interest. The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

Staff have reviewed the application and are of the opinion that the heritage value of the adjacent property will be conserved.

Based on staff's review, 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 Plan: Growth Plan for the Greater Golden Horseshoe 2019, as amended.

### **Urban Hamilton Official Plan**

The subject lands are designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The following policies, amongst others, apply to the proposal.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
321 Hatt Street, Dundas (PED21112) (Ward 13) - Page 7 of 16**

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## Neighbourhoods

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- 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.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.
  - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The proposal is consistent with the surrounding low density residential land uses and is located within the interior of the neighbourhood. The proposed semi detached dwelling will have a height of 9.08 metres, which meets the maximum height requirements of the Low Density Residential Zone (R4) Zone (10.5 metres) and the Urban Hamilton Official Plan Neighbourhoods designation (3 storeys). The net density for the proposal is 25 units per hectare which complies with the UHOP.

The total lot area is 833.8 sq. m and the Low Density Residential Zone (R4) regulations require a minimum total lot area of 630 sq. m. Each lot will have an area of 418.1 sq. m and Section 6.22 of the Dundas Zoning By-law requires a minimum lot size of 315 sq. m for each lot. The proposal will maintain a streetscape that is compatible with the existing homes along Hatt Street with similar setbacks, height and form. Each lot will have a minimum lot frontage of 9.0 m, which is consistent with the lot frontages of the semi detached dwellings located adjacent to the subject property on James Street, along Hatt

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 321 Hatt Street, Dundas (PED21112) (Ward 13) - Page 8 of 16**

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Street and within the surrounding neighbourhood. Staff are satisfied that the reduced lot frontage will provide sufficient room to accommodate the proposed semi detached dwelling and that the existing streetscape along Hatt Street will be maintained.

Therefore, the proposal complies with the height, form and density criteria outlined in the Official Plan.

### **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 the existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 - Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

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

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 321 Hatt Street, Dundas (PED21112) (Ward 13) - Page 9 of 16**

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- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- j) infrastructure and transportation capacity and impacts.”

The proposed development will maintain the character of the existing neighbourhood by proposing a compatible housing form observed in the surrounding area and by utilizing existing road networks. The proposal contributes toward providing a diverse range and mix of housing options and makes use of existing municipal services. The proposed Zoning By-law Amendment has the same setbacks and height requirements as the surrounding properties, which will compliment the existing building envelopes and streetscapes of Hatt Street and allow for the proposed semi detached dwellings to be an appropriate neighbourhood fit. The proposal will meet all of the zoning regulations of the Low Density Residential Zone (R4) Zone, except for the minimum lot frontage. The semi detached dwelling will follow a similar lot pattern and housing form to the semi detached dwelling located behind the proposal on James Street. The proposed low-profile built form will not have shadow, overlook or other nuisance effect impacts on adjacent properties.

### **Trees**

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

A Tree Protection Plan (TPP) and Landscape Plan were submitted with the Zoning By-law Amendment application. A total of two trees have been inventoried on the subject property and one tree on the adjacent property at 24 Wellington Street South. One tree will be removed from the subject lands, one tree will be retained, and the tree located at 24 Wellington Street South will require protective fencing during construction.

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Staff have reviewed the proposed TPP in conjunction with the Concept Plan (attached as Appendix “D” to Report PED21112) and note that the removal of one tree and the protection of the neighbouring tree is necessary to facilitate the development. Staff received a signed letter from the property owner of 24 Wellington Street South acknowledging that they were consulted, understand how the development impacts will be mitigated, and are satisfied with the measures being taken to preserve the tree on their property (attached as Appendix “F” to Report PED21112). One to one compensation for the removal of the trees will be addressed as a condition of the future Consent application.

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

**Town of Dundas Zoning By-law No. 3581-86**

The subject lands are currently zoned Single - Detached Residential Zone (R2). The Single - Detached Residential Zone (R2) permits single detached dwellings, a retirement home, bed and breakfast establishments, one accessory apartment, accessory buildings, urban farm and a community garden. The proposal is to rezone the Single - Detached Residential Zone (R2) to the Low Density Residential Zone (R4-S/-140), Modified, to permit the development of a semi detached dwelling.

A modification to permit a minimum lot frontage of 9.0 metres is required to implement the proposal and is discussed further in Appendix “C” to Report PED21112.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>	
<ul style="list-style-type: none"> <li>• Special Projects, Growth Management Section, Planning and Economic Development Department;</li> <li>• Capital Budgets &amp; Development, Corporate Services Department;</li> <li>• Healthy Environments Division, Public Health Services;</li> <li>• Strategic Planning, Public Works Department;</li> <li>• Transit Planning and Infrastructure, Public Works Department;</li> <li>• Recreation Division, Healthy and Safe Communities;</li> <li>• Hamilton Fire Department;</li> </ul>	No Comment

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<ul style="list-style-type: none"> <li>• Parks and Cemeteries;</li> <li>• Hamilton Conservation Authority;</li> <li>• MPAC;</li> <li>• Union Gas;</li> <li>• Bell Canada;</li> <li>• Canada Post;</li> <li>• Cogeco Cable; and,</li> <li>• Hydro One.</li> </ul>		
	<b>Comment</b>	<b>Staff Response</b>
Forestry & Horticulture Section, Public Works Department	Forestry staff advise that there are no municipal tree assets located on site and therefore a Tree Management Plan and Landscape Plan is not required.	Noted.
Growth Planning, Planning and Economic Development Department	Staff wish to confirm that the municipal address of 321 Hatt Street and 321A Hatt Street will be assigned to the subject development.	Municipal addressing will be completed as part of the Consent application.
Transportation Planning Section, Planning and Economic Development	<ul style="list-style-type: none"> <li>• Transportation Planning staff are in support of the proposed Zoning By-law amendment.</li> <li>• If the municipal sidewalk is disturbed during construction, reinstatement is at the Applicant's expense and must conform to current City standards.</li> </ul>	The applicant has been advised of the sidewalk requirements provided by Transportation Planning.
Alectra Utilities	<ul style="list-style-type: none"> <li>• For Residential/ Commercial electrical service requirements, the Developer needs to contact the Customer Connections Department.</li> <li>• Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense.</li> </ul>	The applicant has been advised of the requirements indicated by Alectra Utilities.

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	<ul style="list-style-type: none"> <li>• Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations and all related distribution equipment.</li> </ul>	
Development Engineering Approvals, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Development Engineering Approvals staff have no issues with the proposed Zoning By-law Amendment application from a water and wastewater servicing perspective.</li> <li>• Staff note that there is no municipal storm sewer within the existing right-of-way adjacent to the subject lands at this time. Therefore, the proponent will be required to demonstrate existence of a suitable drainage outlet for the site and no impact on adjacent properties due to the increased runoff from the proposed intensification at the time of re-development of the property.</li> </ul>	The provision of an appropriate storm sewer outlet will be addressed at the Consent and Building Permit stage.
Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• Environmental Services staff advise that the development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law 20-221.</li> <li>• Further, staff note that all household waste streams</li> </ul>	The applicant has been advised of the requirements for municipal waste collection.

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321 Hatt Street, Dundas (PED21112) (Ward 13) - Page 13 of 16**

	will be collected curbside on Hatt Street.	
Municipal Acts Projects, Capital Budgets projects	<ul style="list-style-type: none"> <li>Capital Budgets staff advise that the construction of Hatt Street is scheduled for 2023. The Applicant will need to schedule the proposal to avoid any conflict with Hatt Street construction.</li> </ul>	The applicant has been advised of the Hatt Street construction timelines and that they will need to schedule their construction to avoid any conflict with the Hatt Street construction.
<b>Public Consultation:</b>		
<b>Concern</b>	<b>Comment</b>	<b>Staff Response</b>
Tree Removal	One resident expressed concerns over the removal of trees on the property.	<ul style="list-style-type: none"> <li>A Tree Protection Plan and Landscape Plan were required as part of a complete submission.</li> <li>A total of one tree will be removed to implement the proposal as it falls within the proposed footprint of the semi detached dwelling. Staff will require one to one tree compensation, which will be obtained through the Consent application process.</li> </ul>
Tree Injury	One resident expressed concerns over the development on their tree, which could be injured by the development.	<ul style="list-style-type: none"> <li>As noted above, a Tree Protection Plan and Landscape Plan were required as part of a complete submission.</li> <li>The Tree Protection Plan noted that tree #3, located in the backyard of the neighbouring property at 24 Wellington Street South will likely be injured by construction. The tree</li> </ul>

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		<p>drip line extends over the backyard of the subject lands and excavation will occur within 6% of the drip line at a minimum distance of 5.5 metres from the trunk of the tree. Tree Protection Fencing will be installed around the drip line to protect the roots from cutting and soil compaction during construction.</p> <ul style="list-style-type: none"> <li>• Staff required the applicant to obtain permission to injure the tree from the property owner of 24 Wellington Street South in order to proceed with the development. The signed letter is attached as Appendix “F” to Report PED21112.</li> </ul>
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## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 115 property owners within 120 m of the subject property on October 8, 2020 for the Zoning By-law Amendment application.

A Public Notice sign was posted on the property on October 14, 2020 and updated on or before May 19, 2021 with the Public Meeting date. The Notice of the Public Meeting was given on May 20, 2021 in accordance with the requirements of the *Planning Act*.

To date, two submissions have been received as a result of the circulation and are discussed in further detail in the chart above and attached in Appendix “E” to Report PED21112.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
321 Hatt Street, Dundas (PED21112) (Ward 13) - Page 15 of 16**

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**Public Consultation Strategy**

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy that included a plan to canvass the surrounding property owners and discuss the proposal with them. The owner canvassed 11 property owners and provided a copy of the concept plan and elevations. The owner did not receive any adverse comments for the proposal.

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

1. The Zoning By-law Amendment can be supported for the following reasons:
  - (i) The application 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 policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development is compatible with existing land uses in the surrounding area and represents good planning by providing dwellings that are compatible with and complementary to the existing and planned development in the immediate area.
2. The subject lands zoned are Single - Detached Residential Zone (R2) in the former Town of Dundas Zoning By-law No. 3581-86. An amendment to the Zoning By-law is required to the Low Density Residential Zone (R4/S-140), Modified, to permit the development of a semi detached dwelling. The proposed built form contributes to a complete community, is compatible with existing and proposed uses, adds additional housing opportunities to the area while allowing for efficient use of land, and complies with the Urban Hamilton Official Plan. Therefore, staff support the proposed Zoning By-law amendment.
3. A modification to the minimum lot frontage is required to implement the proposal, which is outlined in Appendix "C" to Report PED21112. The proposal meets all other zoning performance standards. The site specific zoning will create a development which is compatible with the existing neighbourhood patterns, complies with the UHOP and establishes a consistent zoning in terms of lot widths, setbacks and building height. Therefore, staff support the proposed Zoning By-law amendment.
4. A future Consent application will be required to facilitate the development.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
321 Hatt Street, Dundas (PED21112) (Ward 13) - Page 16 of 16**

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## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the subject lands could be utilized in accordance with the existing Single - Detached Residential Zone (R2) within the Dundas Zoning By-law No. 3581-86. A semi detached dwelling is not permitted, but the applicant would be able to develop the property for a retirement home, bed and breakfast establishment, urban farm, community centre or add an accessory apartment to the single detached dwelling.

## **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.

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

### **Built Environment and Infrastructure**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Amendment to Zoning By-law No. 3581-86

Appendix "C" – Modification Chart

Appendix "D" – Concept Plan

Appendix "E" – Public Comments

Appendix "F" – Owner Acknowledgement Letter



● Site Location



Key Map - Ward 13

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAR-20-036

Date:  
May 13, 2021

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
EM/VS

### Subject Property

321 Hatt Street, Dundas



Change in zoning from the Single – Detached Residential Zone (R2) to the Low Density Residential Zone (R4/S-140), Modified

**Authority:** Item ,  
Report (PED)  
CM:  
Ward: 13

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**To Amend Zoning By-law No. 3581-86  
Respecting Lands Located at 321 Hatt Street  
in the former Town of Dundas**

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

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

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

**AND WHEREAS** Zoning By-law No. 3581-86 (Dundas) was enacted on the 22<sup>nd</sup> day of May 1986, and approved by the Ontario Municipal Board on the 10<sup>th</sup> day of May, 1988;

**AND WHEREAS** the Council of the City of Hamilton, in adopting item XX of Report PED21112 of the Planning Committee, at its meeting held on the 15<sup>th</sup> day of June, 2021, recommended that Zoning By-law No. 3581-86 (Dundas) be amended as hereinafter provided; and,

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

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

1. That Schedule "L" (Spencer Creek) appended to and forming part of Zoning By-law No. 3581-86 (Dundas) is amended by changing the zoning from Single - Detached Residential Zone (R2) to the Low Density Residential Zone (R4/S-140), Modified, on the lands to the extent and boundaries of which are shown on Schedule "A" which forms part of this By-law.
2. That Section 32 "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), be amended by adding the following subsection:

"S-140"

- i) Notwithstanding Subsection 6.22 ii) the following special regulations shall apply:

6.22 DIVISION OF SEMI-DETACHED LOTS

Notwithstanding any other provisions in this By-law, the division of any lot on which is erected a semi-detached dwelling into not more than two parts for the purpose of creating two separate lots for each dwelling unit shall be permitted provided:

- ii) that such dwelling was erected on or after the date of passing of this Bylaw, the said lot shall be divided into two parts and if located in a R3 or R4 Zone, each of two such parts shall have a minimum frontage of 9.0 metres and a minimum area of 315 square metres.
3. That the Town of Dundas Zoning By-law No. 3581-86 is amended by adding this By-law to Section 32 as Schedule "S-140".
4. That Schedule "A" of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 2 of this By-law as "R4/S-140".
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

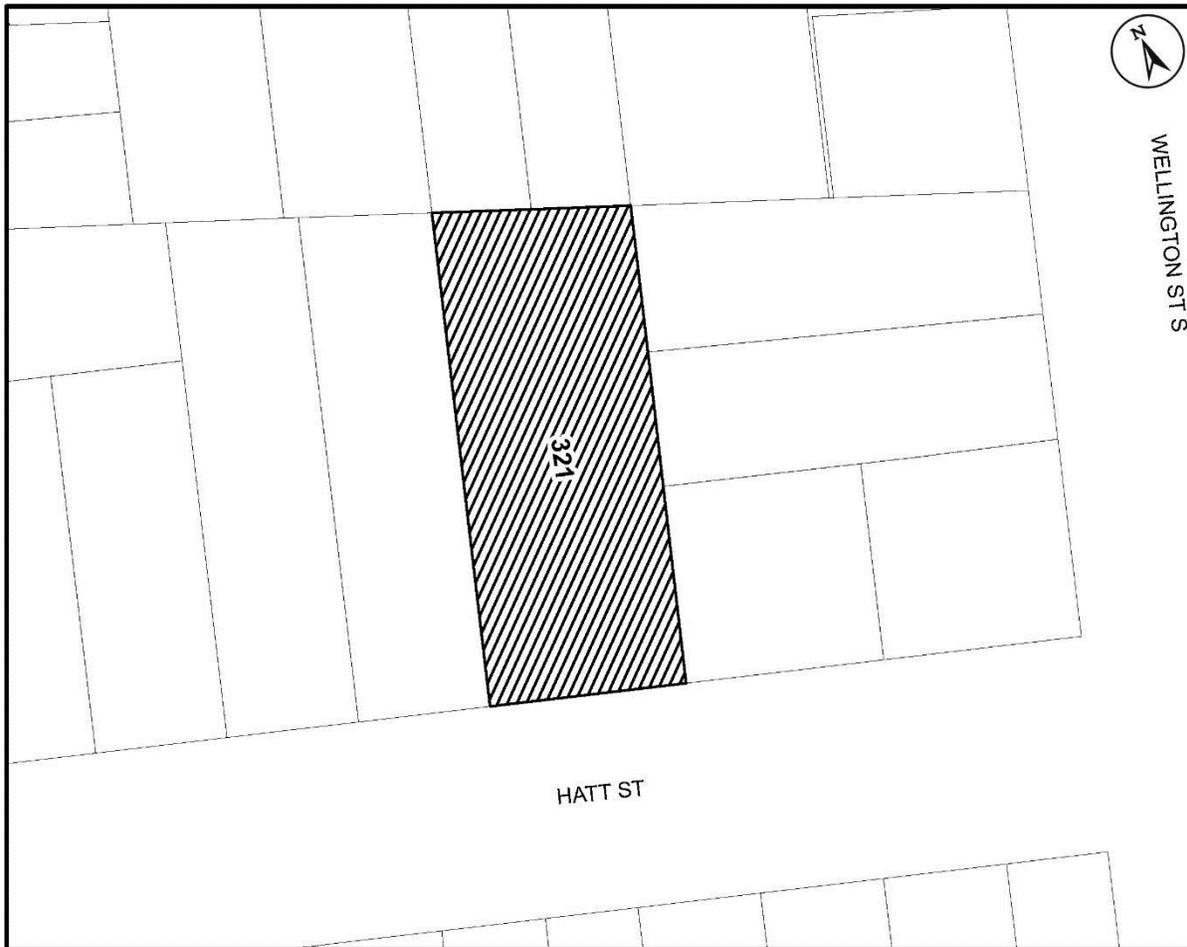
**PASSED** this \_\_\_\_\_, 2021

---

F. Eisenberger  
Mayor

---

A. Holland  
City Clerk



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the ..... day of ....., 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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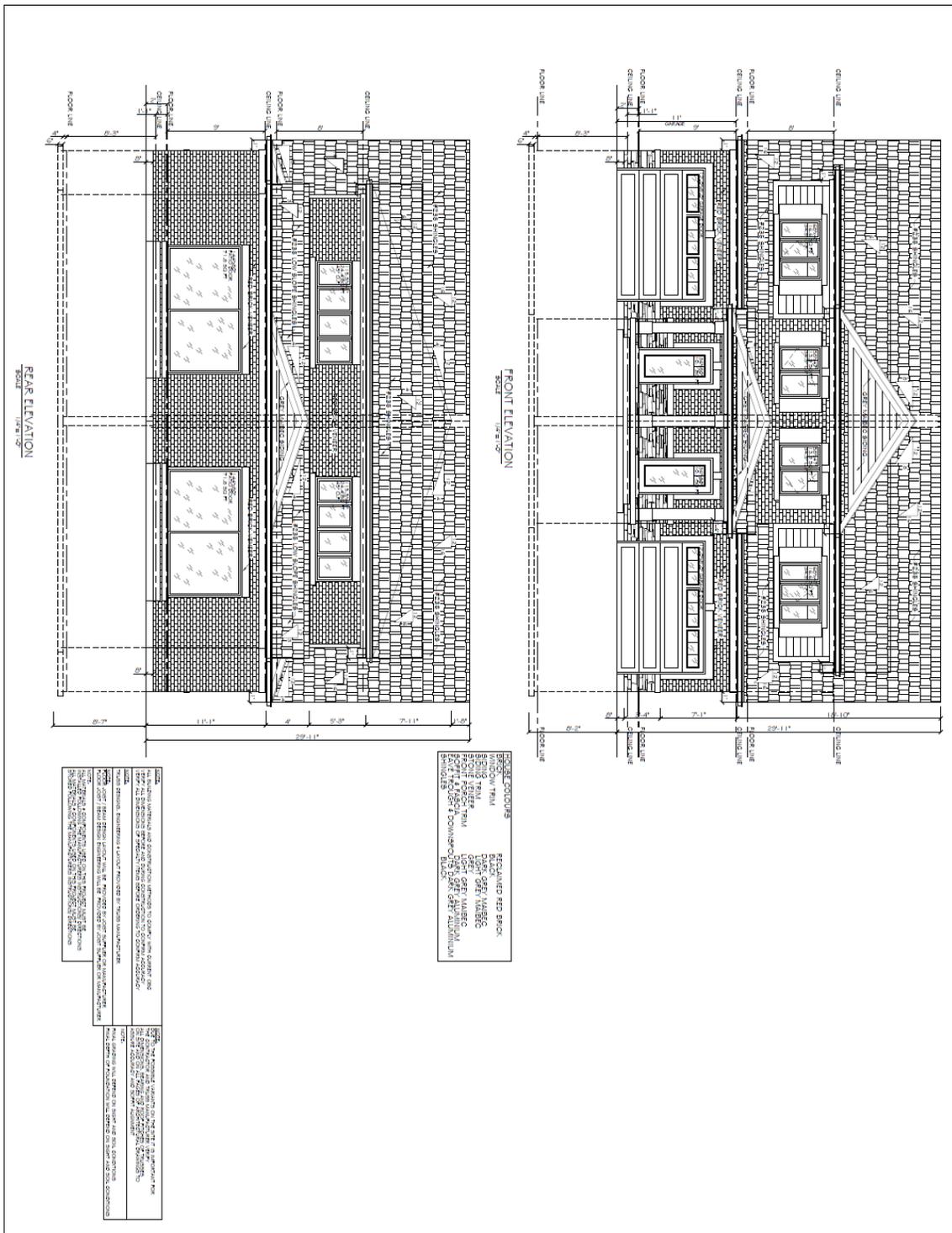
<h2>Schedule "A"</h2> <p><b>Map forming Part of By-law No. 21- _____</b></p> <p><b>to Amend By-law No. 3581-86</b></p>	<p><b>Subject Property</b></p> <p>321 Hatt Street, Dundas</p> <p> Change in zoning from the Single – Detached Residential Zone (R2) to the Low Density Residential Zone (R4/S-140), Modified</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAR-20-036</p>
<p>Date: May 13, 2021</p>	<p>Planner/Technician: EM/VS</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	



<u>Site Specific Modifications to the Low Density Residential Zone (R4)</u>			
<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
6.22 ii) Division of Semi-Detached Lots	That such dwelling was erected on or after the date of passing of this Bylaw, the said lot shall be divided into two parts and if located in a R3 or R4 Zone, each of two such parts shall have a minimum frontage of 10.5 metres and a minimum area of 315 square metres.	Minimum Lot Frontage of 9.0 metres for each lot.	<p>The intent of this regulation is to ensure a consistent streetscape is being maintained and to allow for sufficient building setbacks. The proposed frontage of 9.0 metres is consistent with the frontages of the semi detached dwellings adjacent to the subject property on James Street and along Hatt Street. Staff are satisfied that there is sufficient room to accommodate the proposed semi detached dwelling including maintaining required setbacks and that the existing streetscape will be maintained.</p> <p>Staff support this modification.</p>





**FINISHES:**  
 BRICKWORK: REQUINART RED BRICK  
 ROOFING: ASPH/FLT  
 SIDING: LIGHT GREY VINYL SIDING  
 TRIM: LIGHT GREY VINYL SIDING  
 DOORS: LIGHT GREY ALUMINUM  
 WINDOWS: LIGHT GREY ALUMINUM

<b>NOTES:</b>	1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. REFER TO ALL ELEVATIONS FOR FINISHES AND MATERIALS.	
3. REFER TO ALL ELEVATIONS FOR WINDOW AND DOOR SIZES AND PLACEMENTS.	
4. REFER TO ALL ELEVATIONS FOR ROOF PITCHES AND GUTTER PLACEMENTS.	
5. REFER TO ALL ELEVATIONS FOR FLOOR AND CEILING FINISHES.	
6. REFER TO ALL ELEVATIONS FOR FOUNDATION FINISHES.	
7. REFER TO ALL ELEVATIONS FOR PORCH AND DECK FINISHES.	
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100. REFER TO ALL ELEVATIONS FOR PORCH AND DECK FINISHES.	

<p>DATE: 1/11/2021                  TIME: 10:00 AM                  DRAWN BY: [Signature]                  CHECKED BY: [Signature]</p>	
<p><b>CRICKMORE DESIGN</b>                  251 HUNT STREET                  ONTARIO</p>	
<p><b>ROSS BANNATYNE                  SEMI DETACHED HOMES</b>                  251 HUNT STREET                  ONTARIO</p>	
<p>DATE: 1/11/2021                  TIME: 10:00 AM                  DRAWN BY: [Signature]                  CHECKED BY: [Signature]</p>	<p>DATE: 1/11/2021                  TIME: 10:00 AM                  DRAWN BY: [Signature]                  CHECKED BY: [Signature]</p>
<p><b>A5</b></p>	



**Meneray, Elyse**

---

**From:** [REDACTED]  
**Sent:** October 14, 2020 3:41 PM  
**To:** Meneray, Elyse  
**Subject:** 321 Hatt Street

[REDACTED] [REDACTED]  
Hi Elyse,

I am the home owner at 24 Wellington Street South, Dundas. I received a zoning by law amendment notice in the mail yesterday that has a tree on my lot identified to be removed to allow my neighbour to put in a semi-detached house on his lot. The tree on my lot is 210 years old, not to mention that he has a beautiful black walnut tree on his lot that is approximately 140 years old that will also be completely removed for this project.

I am all for the betterment of our community and have no problems with this neighbour putting a new house on his own lot but not at the cost of our environment. I do not understand how Hamilton by-laws could allow this to be proposed.

Please advise,  
[REDACTED]

**From:** [REDACTED]  
**Sent:** February 19, 2021 11:22 AM  
**To:** Meneray, Elyse  
**Subject:** 321 Hatt Street Dundas

Hi Elyse,  
I have left you a phone message regarding this property.

I am a resident with an adjoining back yard - 26 James Street Dundas my name is [REDACTED]  
[REDACTED]

I understand that there is an application for a zoning amendment on the property at 321 Hatt Street.

My understanding is that if allowed to proceed, then it will be necessary for the applicant (s) to cut down 1 or more mature trees from on the property.

I am Strongly Opposed to the removal of these beautiful old trees that are habitat for the many birds in our area. Therefore im strongly opposed to the amendment

Please put my concerns on record, and keep my on any list if meetings or further calls for public consultation.

Thank You,  
[REDACTED]

February 5<sup>th</sup>, 2021

24 Wellington St S

Dundas ON L9H 3G1

City of Hamilton

Re: Zoning Bylaw Amendment, 321 Hatt St, Dundas ON

City file # ZAR-20-036

To whom it may concern:

I am the owner of 24 Wellington St S in Dundas and am aware of the above application made by Ronald Bamford.

I have read the Pre-Construction Tree Assessment Report authored by Davey Resource Group & dated July 29<sup>th</sup>, 2020.

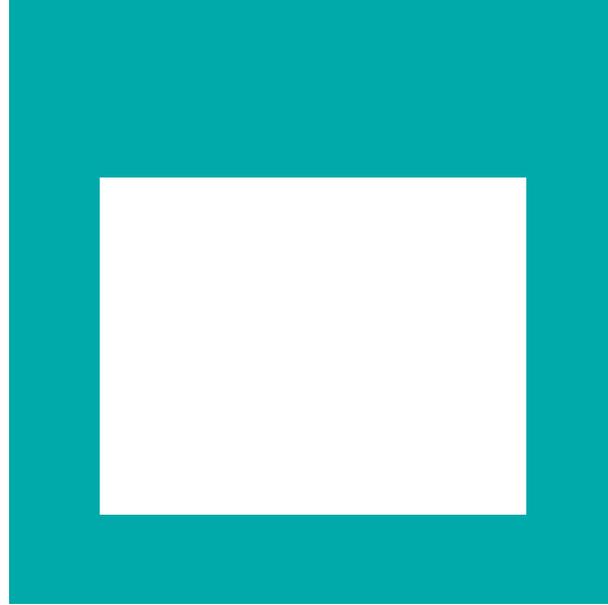
I am the owner of Tree # 3 and am satisfied with the conclusions reached by Davey as well as the recommendations proposed to minimize the damage to my tree.

Yours truly,



Santiago Costa

TREE #3



WELCOME TO THE CITY OF HAMILTON

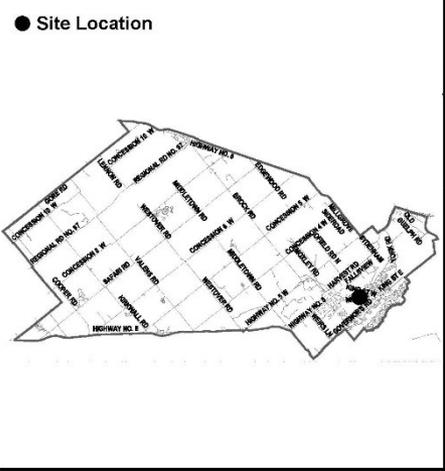
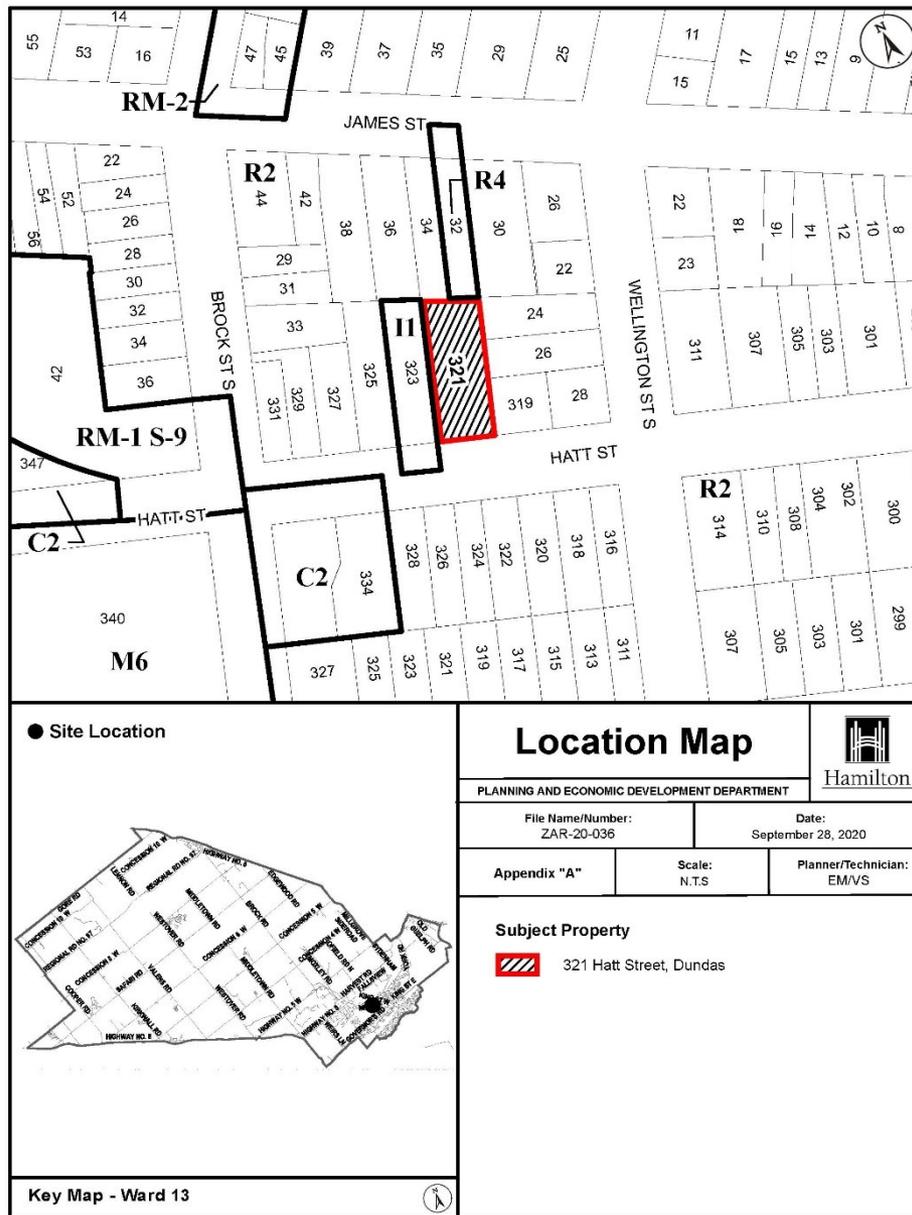
# PLANNING COMMITTEE

June 15, 2021

# PED21112– (ZAR-20-036)

Application for a Zoning By-law Amendment for Lands Located at 321 Hatt Street, Dundas.

Presented by: Elyse Meneray



### Location Map

Hamilton  
 PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-20-036	Date: September 28, 2020
Appendix "A"	Scale: N.T.S
Planner/Technician: EM/VS	

**Subject Property**

321 Hatt Street, Dundas

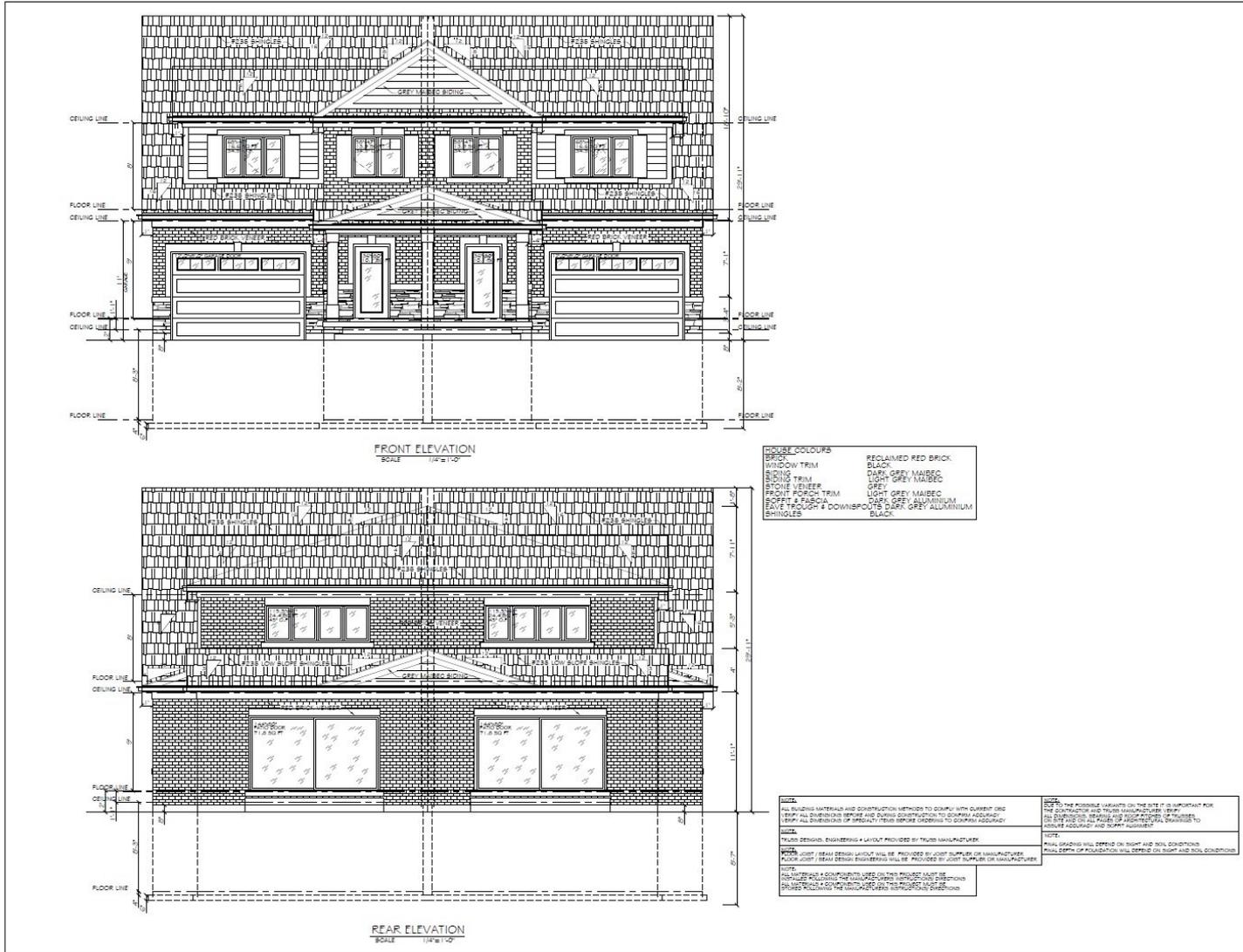


**SUBJECT PROPERTY**



**321 Hatt Street, Dundas**





Project Name:	Title Name:		
<p>THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION.</p>			
<p>DESIGNATION: ARCHITECT</p> <p><i>John Dickson</i></p>			
No.	Date	Drawn/Checked	By
<p>Notes:</p> <p>1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 2. ALL DIMENSIONS ARE TO CORNER ACCURACY. 3. FROM ALL DIMENSIONS OF PRECEDENT THESE BEFORE CORRECTING TO CORNER ACCURACY. 4. THE AVAILABLE LAYOUTS ON THE SITE IS OF SIGNIFICANT VALUE. THE CONTRACTOR AND TRADE MANUFACTURER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE SITE AND OF ALL DIMENSIONS OF PRECEDENT TO INSURE ACCURACY AND SUITABLE ALIGNMENT. 5. FINAL GRADING WILL DEPEND ON SOFT AND SOIL CONDITIONS. FULL DEPTH OF FOUNDATION WILL DEPEND ON SOFT AND SOIL CONDITIONS.</p>			
<p><b>CRICKMORE DESIGN</b></p>			
<p>Project:</p> <p><b>ROSS BANNATYNE SEMI DETACHED HOMES</b></p> <p>321 HYATT STREET              DUNDAS ONTARIO</p>			
<p>Sheet Title:</p> <p><b>FRONT ELEVATION              REAR ELEVATION</b></p>			
Drawn By:	Issue By:	Approved By:	
RJC	RJC	RJC	
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1:1/2"	FEB 2021	13021	
Drawing No.:	<b>A5</b>		
Drawing Sheet:			





**CITY OF HAMILTON  
PUBLIC NOTICE**

OF COMPLETE APPLICATION FOR A ZONING BY-LAW AMENDMENT AND  
A PUBLIC MEETING OF THE PLANNING COMMITTEE

**OWNER:** Robert Ash, Barham  
**AGENT:** Robert Russell Planning Consultants Inc.  
**SUBJECT LAND:** 321 Hatt Street, Dundas  
**EFFECTIVE DATE:** The proposed and effect of the proposed Zoning By-law Amendment is to change the zoning of the subject land from Residential Single-Family (RS1) Zone to the Low Density Residential Single-Family (LD1) Zone to permit the development of a medium-density residential building.

**DATE & TIME:**  
**LOCATION:**

321 Hatt Street, Dundas - Subject Property



Semi Detached Dwelling and Single Detached Dwelling to the north



Single Detached Dwelling to the east



Single Detached Dwellings to the south

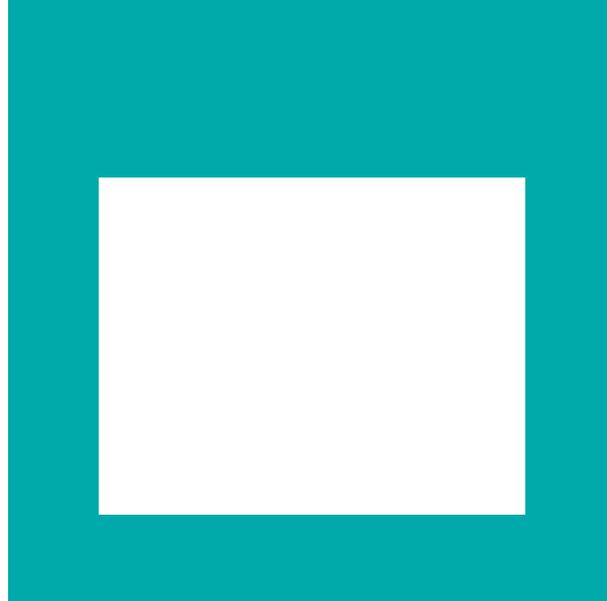


Former Place of Worship to the west



Commercial Uses to the Southwest

Commercial Uses to the southwest



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

**From:** Sheri Moss

**Sent:** June 14, 2021 11:33 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** File: ZAR-20-036

Hello,

My name is Sheri Moss and I am the owner of ## Wellington street south. I received a notice of public meeting of the planning committee for the zoning bylaw amendment for 321 Hatt Street, dundas. As previously discussed with the city my only concern is for the very old trees one on my property (approx. 210 year old black walnut tree) and the 135 year old black walnut on 321 Hatt Street. It is my understanding that steps have and will be taken to protect my tree from damage including having an arborist on site during excavation. My secondary concern is cutting down a 135 year old tree on Mr. Bamford's property. Is this tree not protected?

I want to make it clear that I fully support Mr. Bamford building a semi detached dwelling on his property, I would just like to protect these old and beautiful trees the best we can.

Thank you,

Sheri Moss



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 15, 2021
<b>SUBJECT/REPORT NO:</b>	Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9)
<b>WARD(S) AFFECTED:</b>	Ward 9
<b>PREPARED BY:</b>	Charlie Toman (905) 546-2424 Ext. 5863
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That **Draft Plan of Subdivision application 25T-201903, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner** to establish a Draft Plan of Subdivision on lands located at 15 Picardy Drive (Stoney Creek), as shown on Appendix "A", attached to Report PED21121, be **APPROVED** subject to the following conditions:
- (i) That this approval applies to the Draft Plan of Subdivision application 25T-201903 prepared by A.T. McLaren Ltd., and certified by S.D. McLaren, O.L.S., dated March 8, 2019, consisting of two development blocks (Blocks 1 and 2) and one block (Block 3) that will be used for the future condominium road, visitor parking, landscaped areas and will be subject to an easement in favour of the lands to the east at 56 Highland Road West for shared sanitary, storm and water services in addition to shared vehicular and pedestrian access, attached as Appendix "B" to Report PED21121;

---

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

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

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

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 2 of 22**

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- (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-201903, attached as Appendix “C” to Report PED21121, be received and endorsed by City Council;
  - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council; and,
  - (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix “C” to Report PED21121.
- (b) That **Draft Plan of Condominium application 25CDM-201903, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner** to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped area, outdoor amenity areas, and centralized mailboxes, on lands located at 15 Picardy Drive (Stoney Creek), as shown on Appendix “A”, attached to Report PED21121, be **APPROVED** subject to the following conditions:
- (i) That this approval applies to the Draft Plan of Condominium application 25CDM-201903 prepared by A.T. McLaren Ltd., certified by S.D. McLaren, O.L.S., dated June 18, 2020, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes in favour of 28 maisonette dwellings and 43 townhouse dwellings, attached as Appendix “D” to Report PED21121; and,
  - (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-201903, attached as Appendix “E” to Report PED21121, be received and endorsed by City Council.
- (c) That upon approval of the Draft Plan of Subdivision and the Draft Plan of Condominium, the subject lands be re-designated from “Low Density Residential” to “Medium Density Residential” in the Felker Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 15 Picardy Drive, Stoney Creek.

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

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

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

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 3 of 22**

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The purpose of the Draft Plan of Subdivision application (25T-201903) is to create two development blocks (Blocks 1 and 2) that will consist of 28, three storey maisonette dwellings and 43, three storey townhouse dwellings and one block (Block 3) that will be used for the future condominium road, visitor parking, landscaped areas and will be subject to an easement in favour of the lands to the east at 56 Highland Road West for shared sanitary, storm and water services in addition to shared vehicular and pedestrian access.

The purpose of the Draft Plan of Condominium application (25CDM-201903) is to create the following common elements: a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes in favour of 71 Parcels of Tied Land (POTL), as final approved under Site Plan Control application DA-18-181. Subsequent to the registration of the Plan of Subdivision, the POTL's will be created through Part Lot Control Applications.

The proposed Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) have merit and can be supported as they are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan (UHOP).

**Alternatives for Consideration – See Page 21**

**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 a Draft Plan of Subdivision and a Draft Plan of Condominium (Common Element).

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Applicant/Owner:	Trillium Housing Highbury Non-Profit Corporation
Agent:	IBI Group (c/o Tracy Tucker)

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**SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 4 of 22**

File Number:	25T-201903/25CDM-201903
Type of Applications:	Draft Plan of Subdivision and Draft Plan of Condominium (Common Element)
Proposal:	<p>The Draft Plan of Subdivision proposes to create three development blocks. Blocks 1 and 2 will consist of 43 townhouse dwellings and 28 back to back townhouse dwellings for a total of 71 units. Block 3 will consist of a future condominium road, visitor parking, landscaped areas and will be subject to an easement in favour of the lands to the east at 56 Highland Road West for shared sanitary, storm and water services in addition to shared vehicular and pedestrian access.</p> <p>The Draft Plan of Condominium (Common Element) will establish a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes in favour of 71 POTL's.</p>
<b>Property Details</b>	
Municipal Address:	15 Picardy Drive
Lot Area:	1.21 ha.
Servicing:	Full Municipal Services.
Existing Use:	Vacant Land (under construction).
Proposed Uses:	28 maisonettes and 43 street townhouse dwelling units with 26 visitor parking spaces and a 618 sq m parkette.
<b>Documents</b>	
Provincial Policy Statement (PPS)	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow.
Official Plan Existing:	<ul style="list-style-type: none"> <li>Neighbourhoods on Schedule "E" – Urban Structure and on Schedule "E-1" – Urban Land Use Designations in the UHOP.</li> </ul>

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	<ul style="list-style-type: none"> <li>• “Low Density Residential 3c” within the West Mountain Area (Heritage Green) Secondary Plan</li> </ul>
Official Plan Proposed:	No proposed amendment.
Zoning Existing:	Multiple Residential (Holding) “RM3-68-H” Zone, Modified
Zoning Proposed:	No proposed amendment.
<b>Processing Details</b>	
Received:	May 6, 2019
Deemed Complete:	June 6, 2019
Notice of Complete Application:	Sent to 68 property owners within 120 m of the subject property on May 29, 2019.
Public Notice Sign:	June 10, 2019, sign updated on May 19, 2021.
Notice of Public Meeting:	May 28, 2021
Public Consultation:	Public meeting notice provided in accordance with the requirements of the <i>Planning Act</i> .
Public Comments:	No comments were received.
Processing Time:	785 Days

**EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Townhouse Dwellings (under construction)	Multiple Residential (Holding) “RM-63-H” Zone, Modified
<b>Surrounding Lands:</b>		
<b>North</b>	Townhouse Dwellings	Multiple Residential Two “RM2-23” Zone, Modified

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<b>South</b>	Single Detached Dwellings	Multiple Residential “R3-11” Zone, Modified
<b>East</b>	Vacant	Multiple Residential (Holding) “RM3-68-H” Zone, Modified
<b>West</b>	Saltfleet High School	Community Institutional (“I2”) Zone

## **BACKGROUND**

### **Official Plan Amendment (OPA NO. 105, By-law No. 18-166) and Zoning By-law Amendment (By-law No. 18-167) Applications**

In 2016, applications for an Official Plan Amendment and Zoning By-law Amendment were made to the City of Hamilton. The purpose of the applications was to permit a 71 unit residential development consisting of 28, three-storey maisonette units and 43, three-storey street townhouse dwelling units on a private (condominium) road and 26 visitor parking spaces. Seven of the maisonettes will front onto Picardy Drive, while the remaining units will be on a private condominium road.

The applications also requested specific modifications for permitted uses, lot area, lot frontage, side yard, front yard, rear yard, minimum privacy area, visitor parking, dimensions of parking spaces, minimum distance of a parking space to a dwelling unit, location of unitary equipment, maximum lot coverage, maximum density and maximum building height and landscaped open space to reflect the freehold tenure on a private condominium road.

A Holding Provision was included to require the owner to demonstrate that the existing sanitary sewer of Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 dwelling units, to the satisfaction of the Senior Director, Growth Management. The Zoning By-law Amendment allowed for the development of 31 units while the Holding Provision is in place. Accordingly, the final approved Site Plan has been phased with Phase 1 receiving final approval for 31 units on July 3, 2020.

The subject development is to be affordable units in accordance with the City of Hamilton’s Municipal Housing Facilities By-law No. 18-233, in that the proposed units are to be at least 10% below the median resale price for a similar unit in the City. The City of Hamilton will enter into a municipal housing project facility agreement with the applicant and the agreement may provide assistance as provided for in subsection

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**SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 7 of 22**

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110(3) of the *Municipal Act*, 2001 or tax exemptions as provided for in subsection 110(6) of the *Municipal Act*, 2001.

The applications were approved at the June 5, 2018 Planning Committee. By-law No. 18-167 implemented the site specific Multiple Residential (Holding) “RM3-63-H” Zone, Modified, which was passed by Council on June 27, 2018.

**Site Plan Control Application DA-18-181**

On July 3, 2020, Site Plan Control application DA-18-181 received final approval for the development of 28 maisonette, 12 block townhouse dwellings, 26 visitor parking spaces and a 618 square metre parkette with a future phase for 31 block townhouse dwellings.

The proposed Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision applications conform to Zoning By-law No. 3692-92, as amended by By-law No. 18-167 and conform to the final approved Site Plan Control application DA-18-181.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020) (PPS):**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 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 (LPAT) 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.

The following policies are applicable as they relate to archaeological and cultural heritage resources:

Archaeology

“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.”

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In accordance with the above policy, the applicant submitted an Archaeological Assessment, entitled, Stage 1 & 2 Archaeological Assessment (P018-071), dated November 4, 2004 and the Ministry of Heritage, Sport, Tourism, and Culture Industries clearance letter was provided August 29, 2005. Staff are the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

#### Noise

“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, railways lines, railway yards, airports, or other uses considered to be noise generators, shall comply with all applicable provincial and municipal guidelines and standards.”

At the Site Plan Control review stage, a noise study, entitled “Environmental Noise Impact Study”, by Melissa Mclean, dated November 2018 concluded that no additional noise attenuation measures were required.

As the application for a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) comply with the UHOP, which implements Provincial policy and planning direction, it is staff’s opinion that the applications are:

- consistent with Section 3 of the *Planning Act*;
- consistent with the PPS (2020); and,
- conform to the Growth Plan.

#### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP, and, “Low Density Residential 3c” within the West Mountain Area (Heritage Green) Secondary Plan. The following Secondary Plan policies, amongst others, are applicable to the subject applications.

“B.7.3.1.6 Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3c on Map B.7.6-1 – West Mountain Area – Land Use Plan:

- a) Low Density Residential 3c designation:
  - i) the permitted uses shall include townhouse dwellings and low rise apartments; and,

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- ii) the density shall be approximately 30 to 49 units per net residential hectare.

Site Specific Policy – Area H (OPA 105)

7.6.8.24

Notwithstanding Policy 7.6.2.2 b) ii) of Volume 2, for the lands located at 15 Picardy Drive, designated “Low Density Residential 3c”, and identified as Site Specific Policy – Area “H” on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan, the density shall range from 30 to 59 units per net residential hectare.”

Through By-law No. 18-166, an amendment to the West Mountain Area (Heritage Green) Secondary Plan was required to change the designation from the “Low Density Residential 2b” to the “Low Density Residential 3c” designation to permit the proposed development, as well as the proposed net density of 59 units per hectare.

The subject proposal complies with the above UHOP policies as townhouse dwellings and maisonettes (back to back townhouses) are permitted uses within the Secondary Plan. The propose density of 59 units per hectare also complies with the net residential density range of 30 to 59 units per net residential hectare, as per Site Specific Policy – Area H (OPA 105).

Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City’s staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;

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- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the *Planning Act*, R.S.O., 1990 c. P.13.”

The proposed Draft Plan of Subdivision complies with the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan and meets all the requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the subject lands can be adequately serviced using existing infrastructure, subject to the proposed Draft Plan conditions. This proposal will not adversely impact the natural environment or transportation system and will be integrated with the adjacent lands and roads and does not impact municipal finances. Based on the above, the proposed Draft Plan of Subdivision and Draft Plan of Condominium comply with the UHOP.

#### Felker Neighbourhood Plan

The subject lands are currently designated “Low Density Residential” in the Felker Neighbourhood Plan. A redesignation to “Medium Density Residential” is required to reflect the proposal. As the proposal complies with the Urban Hamilton Official Plan, staff are supportive of the redesignation to “Medium Density Residential”.

#### **Stoney Creek Zoning By-law No. 3692-92**

The subject lands are zoned Multiple Residential (Holding) “RM3-68-H” Zone, Modified, in the Stoney Creek Zoning By-law No. 3693-92, as amended by By-law No. 18-167. This Zone permits the proposed form of development, being 71 townhouse units (43 townhouse units and 28 back to back townhouses also known as maisonettes). The proposal conforms to the Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 18-167. Condition No.1 of Appendix “E” to Report PED21121 has been included to ensure the proposal will be developed in accordance with the Zoning By-law.

The Zoning By-law Amendment allowed for the development of 31 units while the Holding Provision is in place. Accordingly, the final approved Site Plan has been phased with Phase 1 receiving final approval for 31 units on July 3, 2020. The Holding Provision remains in place for Phase 2 of the development which is for the remaining 40 units. The Holding Provision can be removed conditional upon the owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 dwelling units.

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**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<ul style="list-style-type: none"> <li>• Hydro One Networks Inc;</li> <li>• Recreation Division, Healthy and Safe Communities Department; and,</li> <li>• Hamilton Conservation Authority.</li> </ul>	No Comment
	<b>Comment</b>	<b>Staff Response</b>
Canada Post	Identified that the site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per Canada Post standard requirements.	Associated warning clauses regarding this requirement have been included as Condition Nos. 7 and 8 in Appendix "C" to Report PED21121 and Condition Nos. 8 (v) and 9 to 13 in Appendix "E" to Report PED21121.
Union Gas	Requires that the applicant provide necessary easements and/or agreements for the provision of gas services, in a form satisfactory to Union Gas.	This has been included as Condition No. 9 in Appendix "C" to Report PED21121 and Condition No. 14 in Appendix "E" to Report PED21121.
Bell Canada	Requires the owner to provide any easements that may be necessary for communication/telecommunication infrastructure.	This is included as Condition No. 6 in Appendix "C" and Condition No. 15 in Appendix "E" to Report PED21121.
Recycling and Waste Disposal, Public Works Department	The site is eligible for municipal waste collection subject to meeting the City's requirements.	An Agreement for On-Site Collection of Municipal Solid Waste will be required in order to begin waste collection on private property. Note No. 2 in Appendix "C" of Report PED21121 informs the owner that waste collection is subject to the City's Solid Waste Management By-law No. 09-067, and Condition No. 8 i) in

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		Appendix "E" to Report PED21121 warns purchasers that City Waste Management may not be available to residents.
Forestry & Horticulture Section, Environmental Services Division, Public Works Department	<p>A landscape plan is required depicting the street tree planting scheme for the proposed development.</p> <p>Tree By-Law No. 15-125 requires new developments to provide payment of \$644.89 plus HST per tree for road allowance street trees.</p>	<p>A Landscape Plan was submitted, reviewed and approved through Site Plan Control application DA-18-181.</p> <p>The payment for street trees is a standard requirement of the City's Subdivision Agreement.</p>
Hamilton Water, Public Works Department	There are no sanitary or storm sewer servicing concerns.	The requirement of a watermain design and approval was addressed through Site Plan Control application DA-18-181.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>Have indicated that if the road widening block and the public road will be transferred by registered subdivision, both will need to be identified as blocks and part of the "Subject Lands" on the Draft Plan of Subdivision.</p> <p>The Draft Plan of Subdivision and Draft Plan of Condominium will require signing by the surveyor.</p> <p>The adjacent land uses to the east of the subject lands are required to be indicated per Section 51(17)(e) of the <i>Planning Act</i>.</p> <p>Require a note to be included in the Draft Approval Conditions:</p>	<p>The Draft Plan of Subdivision has been revised, to satisfy Growth Planning requirements.</p> <p>The right-of-way widening was dedicated by R-Plan through Site Plan Control application DA-18-181.</p> <p>Note No. 1 of Appendices "C" and "E" of Report PED21121 addresses the requirement for a note with respect to lapsing within three years.</p> <p>Staff add that standard conditions addressing land titles registration, mailing address unit numbers, and registration of condominium agreements are included as Conditions Nos. 2 to</p>

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	<p>NOTES: Pursuant to Section 51(32) of the <i>Planning Act</i>, 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.</p>	<p>4 of Appendix "E" to Report PED21121.</p>
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>As a Condition of Servicing, sidewalks are to be constructed as per Council approved Pedestrian Mobility Plan which calls for sidewalks to be minimum 2.0 m.</p> <p>The municipal sidewalk must be continuous through the driveway approach and any driveway curbing must end behind the municipal sidewalk.</p> <p>For two-way operation onto municipal roads, the driveway access width(s) must be a minimum 7.5 m at the ultimate property line and curve radii minimum 6.0 m. All are to be identified and dimensioned on the plan.</p> <p>A private internal road/driveway width of 6.0 m (minimum) and 12.0 m (minimum) radii must be maintained throughout the site to permit a two-way operation.</p> <p>The applicant is to verify if an internal fire route is required.</p> <p>The applicant should determine snow removal and storage for this site. There may not be sufficient room for snow storage within the limited</p>	<p>The Transportation Planning requirements were addressed through Site Plan Control application DA-18-181.</p>

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	space; using parking spaces for snow storage is not acceptable.	
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>The applicant will be required to enter into a Subdivision Agreement with the City.</p> <p>The Draft Plan consists of an easement in favour of lands to the east.</p> <p>The proposed development will be phased as follows:</p> <p>Phase 1: the development of 28 maisonette units, 12 block townhouse dwellings, 26 visitor parking spaces, internal road network, and a 618 sq metre parkette.</p> <p>Phase 2: the development of 31 block townhouse dwellings fronting onto the internal road network.</p> <p>The Owner will be responsible for the reconstruction of Picardy Drive for the entire width of the road for approximately 60 m for the proposed site access towards the south (Highland Road West).</p> <p>The Owner will be responsible for restoration of existing curb, sidewalk and boulevard areas on Picardy Drive.</p> <p>Sanitary Servicing</p> <p>There is an existing 450 mm diameter sanitary sewer on Picardy Drive.</p> <p>The Site Plan design proposes to construct a sanitary sewer within the</p>	<p>The External Works Agreement was addressed through Site Plan Control application DA-18-181.</p> <p>Reconstruction of Picardy Drive was required as part of Site Plan Control application DA-18-181 through the External Works Agreement.</p> <p>A joint use agreement was required through Site Plan Control application DA-18-181 so as to ensure that all services (sanitary, storm and water) in addition to shared vehicular and pedestrian access are shared with the residential development to the east (56 Highland Road West). Staff have included a standard condition being Condition No. 8 (iii) of Appendix "E" to Report PED21121. This condition informs purchasers/tenants/leases that there is an easement in place.</p> <p>Staff have included a standard condition being Condition No. 8 (ii) of Appendix "E". This condition informs purchasers/tenants/leasees that there is an approved grading plan and that the purchaser/tenant/leasee agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no</p>

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	<p>proposed easement up to the east property line to service 56 Highland Road West. The proposed sanitary sewer shall be designed to convey the appropriate sanitary discharge from 56 Highland Road West in accordance with the 198 First Road West Phase 1 Sanitary Drainage Area Plan, prepared by Metropolitan Consulting Inc. and correspondence with the City of Hamilton.</p> <p>There are existing sanitary capacity constraints limiting the allowable sanitary discharge from the site. As 'such, the applicant will phase the development to allow "Phase 1" development to proceed until such time that capacity for "Phase 2" development is available downstream.</p> <p>As per the Picardy Drive Townhouse Development – Functional Servicing and Stormwater Management Report, "the sanitary sewer capacity constraint is expected to be alleviated in the near future once the truck sanitary sewer along Upper Centennial Parkway is completed and the sanitary flows from the existing development adjacent to the Rymal Road East corridor are diverted from the existing system".</p> <p>The Site Plan design proposes to remove the existing 250 mm diameter sanitary service to the subject lands.</p>	<p>grade alteration within 0.45 m of the property line will be permitted including retaining walls, walkways, curbs, etc.</p> <p>The applicant has demonstrated a suitable outlet for the sanitary sewer which was addressed as part of Site Plan Control application DA-18-181 through the External Works Agreement.</p> <p>The costs associated with the external works was addressed as part of Site Plan Control application DA-18-151 through the External Works Agreement.</p> <p>Block 3 in the Draft Plan of Subdivision will consist of a future condominium road, visitor parking, landscaped areas and will be subject to an easement in favour of the lands to the east at 56 Highland Road West for shared sanitary, storm and water services in addition to shared vehicular and pedestrian access.</p> <p>Condition No. 5 of Appendix "C" to Report PED21121 states that the applicant is required to demonstrate that an adequate easement in favour of the property at 56 Highland Road West, to provide for installation of sewers and watermain as well as for vehicular and pedestrian access to Picardy Drive, is established.</p>
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	<p>Storm Servicing</p> <p>There is an existing 1050 mm diameter storm sewer on Picardy Drive. As per the 198 First Road West Phase 1 Storm Drainage Area Plan, prepared by Metropolitan Consulting Inc., storm drainage for the subject site has been accounted for at a runoff coefficient (C-value) of 0.60. The Site Plan design has indicated that on-site quantity and quality controls will be required. The Site Plan design proposes to construct a storm sewer within the proposed easement up to the east property line to service 56 Highland Road West. The proposed storm sewer shall be designed to convey the appropriate storm discharge from 56 Highland Road West in accordance with the 198 First Road West Phase 1 Storm Drainage Area Plan, prepared by Metropolitan Consulting Inc., and correspondence with the City of Hamilton.</p> <p>The Site Plan design proposes to remove the existing 525 mm diameter storm service to the subject lands.</p> <p>The applicant shall provide additional information on the engineering plans to demonstrate the existing drainage patterns within the rear yards of adjacent properties to the south.</p> <p>The proposed design shall ensure that an adequate emergency overland flow route has been established for storm drainage from 56 Highland Road West.</p>	
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**SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 17 of 22**

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	<p><b>Water Servicing</b></p> <p>There is an existing 400 mm diameter watermain on Picardy Drive. Watermain hydraulic analysis has been provided under the Site Plan application process.</p> <p>The applicant will be required to demonstrate that the watermain hydraulic analysis for the development has accounted for an adequate assumption for the water demands of 56 Highland Road West. The Site Plan design proposes to remove the existing 200 mm diameter water service to the subject lands.</p> <p><b>Joint Service Agreement</b></p> <p>The Owner will be required to enter into a Joint Service Agreement with the Owner of 56 Highland Road West.</p> <p><b>Easement</b></p> <p>The owner will be required to demonstrate that an adequate access easement has been provided through the subject lands in favour of 56 Highland Road West.</p> <p><b>External Works</b></p> <p>The applicant has commenced the process of preparing an External Works Agreement with the City of Hamilton. The applicant shall indicate if they wish to proceed with the preparation of the External Works Agreement. Please note that the</p>	
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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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**SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 18 of 22**

	<p>Subdivision Agreement will replace the External Works Agreement.</p> <p>The applicant is responsible for 100% of the costs associated with the external works, reconstruction and restoration on Picardy Drive.</p> <p>Any external grading works will require the permission of the affected adjacent landowners.</p> <p>Cost Sharing</p> <p>There is no City share for this development.</p>	
Public Consultation		
	<b>Comment</b>	<b>Staff Response</b>
		No public comments were received for this application.

## PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 68 property owners within 120 m of the subject property on June 6, 2019, requesting comments on the Draft Plan of Subdivision and the Draft Plan of Condominium (Common Element) applications.

A Public Notice Sign was posted on the property on June 10, 2019, and updated on May 19, 2021, with the Public Meeting date. Finally, Notice of the Public Meeting was given on May 28, 2021, in accordance with the requirements of the *Planning Act*.

At the time of preparing this report, no comments have been received.

## ANALYSIS AND RATIONALE FOR RECOMMENDATION

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

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- (i) It is consistent with the PPS (2020) and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan;
  - (iii) It provides for dwelling units in an area where full municipal services are available, making efficient use of the land and infrastructure; and,
  - (iv) The proposal establishes condominium tenure for a form of development permitted under the City of Stoney Creek Zoning By-law No. 3692-92 as amended by By-law No. 18-167 and it will implement the approved Site Plan Control application DA-18-181, which provides for a form of development that is compatible with surrounding land uses.
2. In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:
- (a) It is consistent with the Provincial Policy Statement, A Place to Grow Plan, and complies with the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan;
  - (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
  - (c) It complies with the applicable policies of the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan;
  - (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features;
  - (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood;
  - (f) The proposed subdivision can be adequately serviced by the current road network;
  - (g) The dimensions and shapes of the proposed lots conform to the Zoning By-law and are sufficient to accommodate the proposed development of townhouse dwellings and maisonette townhouse dwellings;

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**SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 20 of 22**

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- (h) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;
  - (i) Adequate utilities and municipal services are available to service the proposed blocks within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,
  - (j) The application will not have any negative impact on the City's finances. Based on the above, staff are supportive of the Draft Plan of Subdivision and recommend its approval.
3. The proposed Draft Plan of Condominium (Common Element) is comprised of the following common elements: a condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, and centralized mailboxes, as shown on the attached plan, marked as Appendix "D" to Report PED21121. The private condominium road will provide access to a public right of way (Picardy Drive) which will connect with Highland Road West. All 71 dwelling units will hold an interest in the Condominium Corporation to benefit from the common visitor parking spaces, landscaped area and outdoor amenity areas and all units will have access from the private condominium road network. The applicant will be required to demonstrate zoning conformity prior to registration of the Draft Plan of Condominium (Common Element) as provided by Condition No. 1 of Appendix "E" to Report PED21121. Staff are supportive of the Draft Plan of Condominium (Common Element) and recommend its approval.
- The Site Plan Control application has been phased with Phase 1 receiving final approval for 31 units on July 3, 2020. The Holding Provision remains in place for the remaining 40 units, being Phase 2 of the development. The Holding Provision can be removed conditional upon the owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 dwelling units.
- 4. The Plan of Condominium shall be developed in accordance with the final approved Site Plan Control application DA-18-181 (Condition No. 5 of Appendix "E" to Report PED21121).
  - 5. The land proposed for the common element condominium and the lots for all of the townhouse dwelling units will be created through a Part Lot Control application. In this regard, final approval and registration of the Common Element

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**SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 21 of 22**

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Condominium cannot occur until such time as the future Part Lot Control application is approved and the By-law removing the lands from Part Lot Control has been passed by Council (Condition No. 6 of Appendix “E” to Report PED21121). To date a Part Lot Control application has not been submitted.

6. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of Draft Plan of Condominium (Common Element) approval. This Agreement will ensure that the tenure of the proposed common elements (as shown on the Draft Plan of Condominium (Common Element) included in Appendix “D” to Report PED21121) becomes “tied” to the proposed Draft Plan of Condominium. This will have the effect of ensuring that individual townhouse lots are not sold until the condominium has been registered as a Common Element Condominium under the Condominium Act (Condition No. 4 of Appendix “E” to PED21121).
7. The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant must include warning clauses in all purchase and sale agreements and rental or lease agreements to advise perspective purchasers that the City of Hamilton will not provide maintenance or snow removal and that the provided garages are for parking, which have been included as Condition No. 8 i) and iv) of Appendix “E” to Report PED21121.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Draft Plan of Condominium (Common Element) not be approved, the applicant / owner could develop the lands as a standard block condominium development or as a rental development. Should the Draft Plan of Subdivision not be approved, the applicant / owner could not apply for a Part Lot Control application and would require Consent applications to create the individual lots.

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

### **Community Engagement and Participation**

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

### **Healthy and Safe Communities**

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

### **Our People and Performance**

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

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**SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 22 of 22**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Draft Plan of Subdivision

Appendix "C" – Special Conditions of Draft Plan of Subdivision

Appendix "D" – Draft Plan of Condominium (Common Element)

Appendix "E" – Recommended Conditions of Draft Plan of Condominium

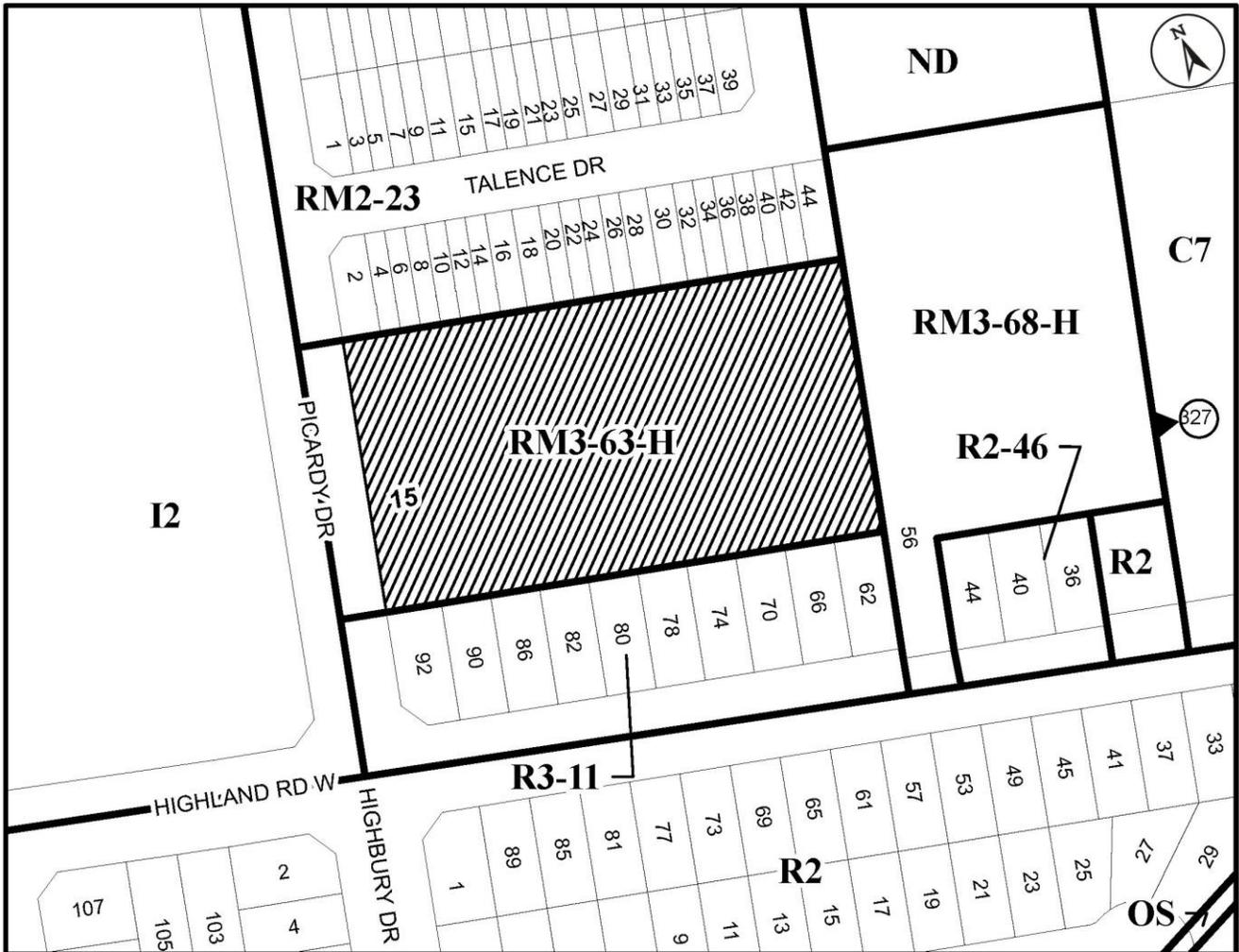
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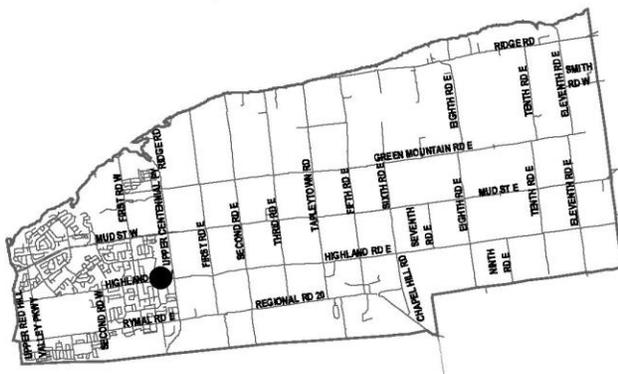
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● Site Location



Key Map - Ward 9

# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-201903 & 25T-201903

Date:  
May 12, 2021

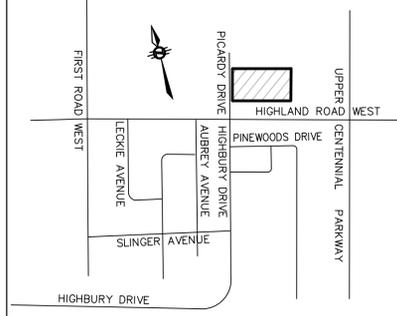
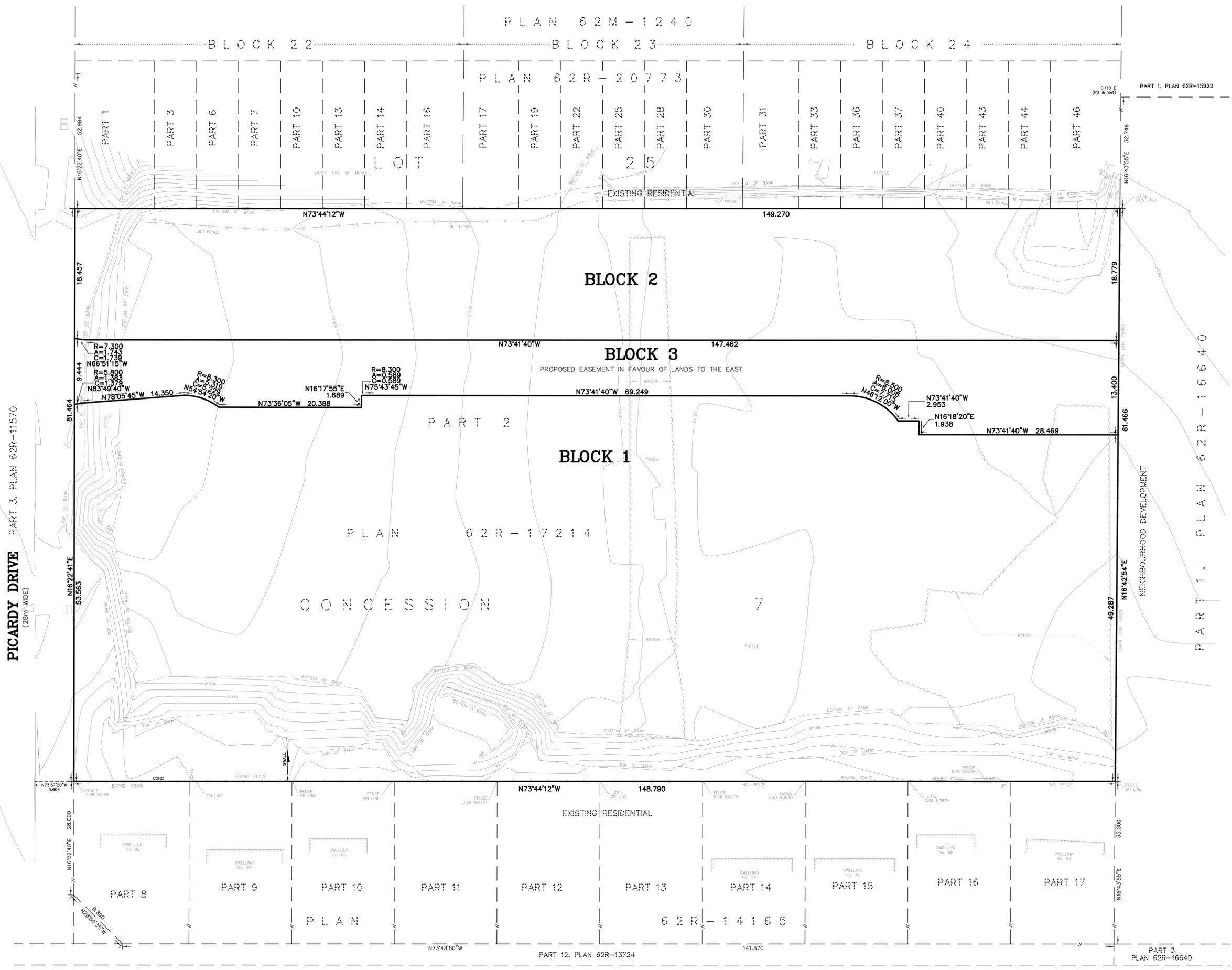
Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
JC/VS

### Subject Property

15 Picardy Drive



KEY PLAN NOT TO SCALE

**DRAFT PLAN OF SUBDIVISION**  
OF PART OF  
**LOT 25**  
**CONCESSION 7**  
GEOGRAPHIC TOWNSHIP OF SALTFLY  
IN THE  
**CITY OF HAMILTON**

SCALE 1:250 METRIC  
S.D. McLAREN, O.L.S. - 2020

**LAND USE SCHEDULE**

DESCRIPTION	LOTS/BLOCKS	AREA(ha)
RESIDENTIAL	BLOCKS 1 & 2	1.07 ha
PROPOSED EASEMENT	BLOCK 3	0.14 ha
<b>TOTAL</b>		<b>1.21 ha</b>

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

- SECTION 51 (17) PLANNING ACT AS REVISED**
- (A) SHOWN ON PLAN
  - (B) SHOWN ON PLAN
  - (C) SHOWN ON PLAN
  - (D) SEE SCHEDULE
  - (E) SHOWN ON PLAN
  - (F) SHOWN ON PLAN
  - (G) SHOWN ON PLAN
  - (H) MUNICIPAL PIPED WATER AVAILABLE
  - (I) CLAY LOAM
  - (J) SHOWN ON PLAN
  - (K) MUNICIPAL STORM, SANITARY AND WATER SERVICES EXISTING
  - (L) SHOWN ON PLAN

**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT:  
THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.  
JUNE 18, 2020  
DATE

*S.D. McLaren*  
S.Dan McLaren, O.L.S.

No.	DESCRIPTION	DATE	BY
1	ADD PROPOSED EASEMENT	JUNE 6/20	LC
	ORIGINAL	MAR. 8/19	LC
<b>REVISIONS</b>			

**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032  
Drawn LC Checked DG Scale 1:250 Dep.No. 34932-05

### **Special Conditions for Draft Plan of Subdivision Approval for 25T-201903**

That this approval for the Draft Plan of Subdivision, 25T-201903, prepared by A.T. McLaren Ltd., and certified by S.D. McLaren, O.L.S., dated March 8, 2019, consisting of two development blocks (Blocks 1 and 2) and one block (Block 3) for a future condominium road, visitor parking, landscaped areas and subject to an easement in favour of the lands to the east at 56 Highland Road West for shared sanitary, storm and water services in addition to shared vehicular and pedestrian access be received and endorsed by City Council with the following special conditions:

#### **Development Planning:**

1. That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, including applicable zoning by-law provisions and warning provisions of the City of Hamilton prior to development of any portion of these lands.
2. That the owner agrees to the inclusion, in the Subdivision Agreement, the following warning clause to the satisfaction of the Director of Planning and Chief Planner:

Purchasers / tenants are advised that there is an easement (within Block 3) in favour of the lands to the east at 56 Highland Road West for shared sanitary, storm and water services in addition to shared vehicular and pedestrian access.

3. That prior to final approval of the Plan of Subdivision, the number and the shape of the Blocks in the Plan of Subdivision may be revised by the City to ensure that orderly development occurs, to the satisfaction of the Director of Planning and Chief Planner.
4. That the applicant is advised that a Part Lot Control application will be required in order to give effect to the Plan of Condominium, to the satisfaction of the Director of Planning and Chief Planner.

#### **Development Engineering:**

5. That **prior to registration of the plan of subdivision**, the applicant demonstrate that an adequate easement in favour of the property at 56 Highland Road West, to provide for installation of sewers and watermain as well as for vehicular and pedestrian access to Picardy Drive, is established, to the satisfaction of the Senior Director, Growth Management Division.

**Bell Canada:**

6. That **prior to registration of the plan of subdivision**, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easement 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.

**Canada Post:**

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

**Union Gas:**

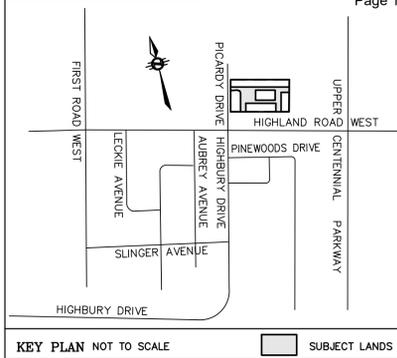
9. That **prior to the registration of the plan of subdivision**, the owner/developer provide to Enbridge Gas Inc.'s operation as Union Gas ("Union") the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

**NOTES TO DRAFT PLAN APPROVAL**

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

**Recycling and Waste Disposal:**

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



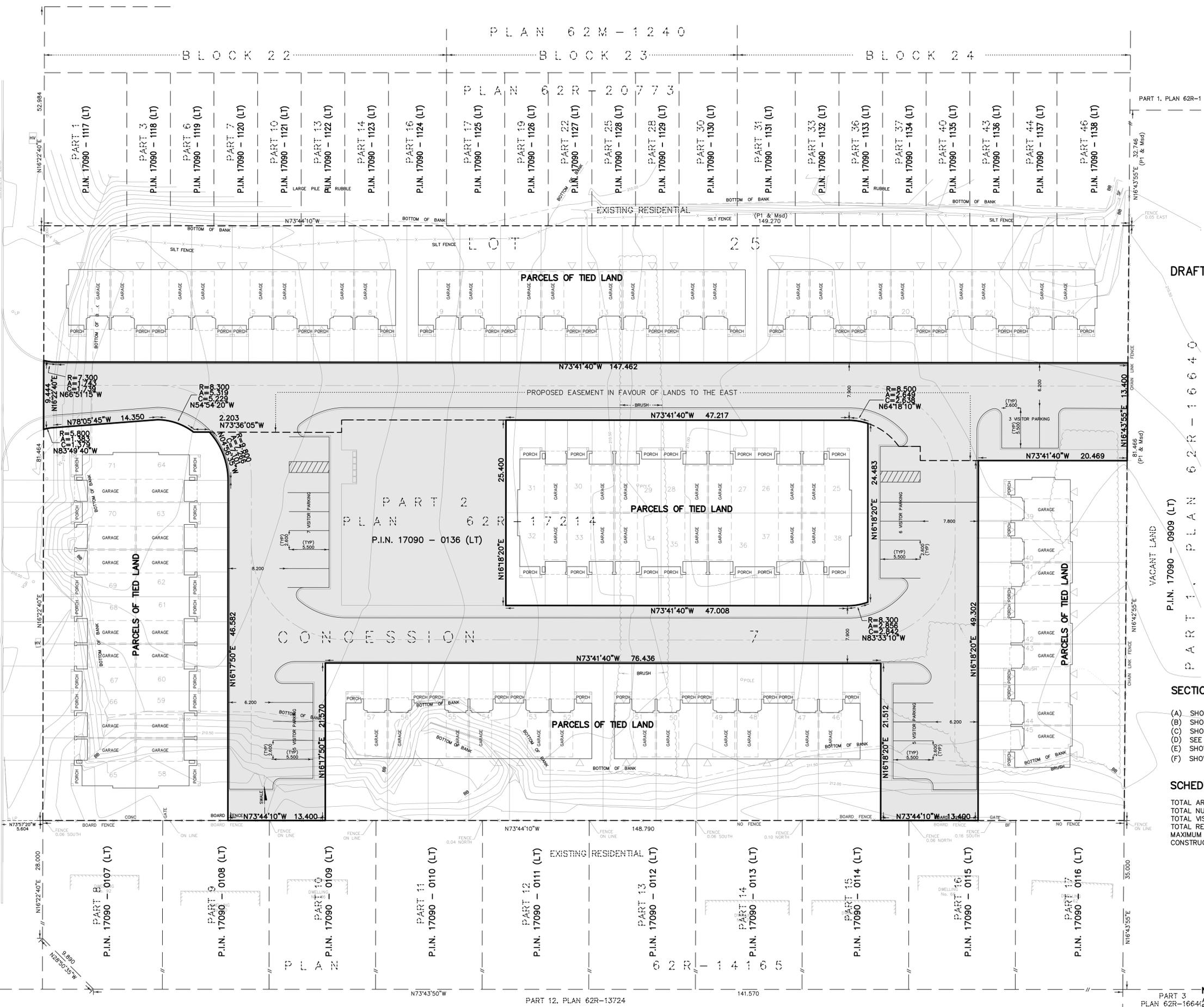
PLAN 62M-1240

BLOCK 22

BLOCK 23

BLOCK 24

PICARDY DRIVE  
PART 3, PLAN 62R-11570  
P.I.N. 17090 - 0102 (LT)  
(28m wide)



**DRAFT PLAN OF COMMON ELEMENT CONDOMINIUM**  
OF PART OF  
**LOT 25**  
**CONCESSION 7**  
GEOGRAPHIC TOWNSHIP OF SALT FLEET  
IN THE  
**CITY OF HAMILTON**

SCALE 1:250 METRIC  
0 5 10 15 metres

S.D. McLAREN, O.L.S. - 2019

P.I.N. 17090 - 0909 (LT)  
PART 1, PLAN 62R-116640

**SECTION 51 (17) PLANNING ACT - AS REVISED**

- (A) SHOWN ON PLAN
- (B) SHOWN ON PLAN
- (C) SHOWN ON PLAN
- (D) SEE SCHEDULE
- (E) SHOWN ON PLAN
- (F) SHOWN ON PLAN
- (G) SHOWN ON PLAN
- (H) MUNICIPAL PIPED WATER AVAILABLE
- (I) CLAY LOAM
- (J) SHOWN ON PLAN
- (K) MUNICIPAL STORM, SANITARY AND WATER SERVICES EXISTING
- (L) SHOWN ON PLAN

**SCHEDULE**

TOTAL AREA OF SITE	=	4067.5m <sup>2</sup>
TOTAL NUMBER OF RESIDENTIAL UNITS	=	0 (71 ON PARCEL OF TIED LAND)
TOTAL VISITORS PARKING SPACES	=	26
TOTAL RESIDENTS PARKING SPACES	=	0 (142 ON PARCEL OF TIED LAND)
MAXIMUM BUILDING HEIGHT	=	12.25m (TOWNHOUSES) 12.50m (BACK-TO-BACK)
CONSTRUCTION TO COMMENCE IN	=	2019

**SURVEYOR'S CERTIFICATE:**

I CERTIFY THAT:  
THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

JUNE 18, 2020  
DATE   
S.D. McLAREN, O.L.S.

**NOTE:**  
AREAS NOT DESIGNATED AS UNITS ARE PART OF THE COMMON ELEMENTS

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

**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032  
Drawn: LC Checked: DG Scale: 1:250 Dwg No: 34932-DP

HIGHLAND ROAD WEST

PART 12, PLAN 62R-13724

141.570

PART 3, PLAN 62R-16640

### **Recommended Conditions of Draft Plan of Condominium Approval**

That this approval for the **Draft Plan of Condominium Application 25CDM-201903, by IBI Group, on behalf of Trillium Housing Non-Profit Corp., Owner,** to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at located at 15 Picardy Drive (Stoney Creek), be received and endorsed by City Council with the following special conditions:

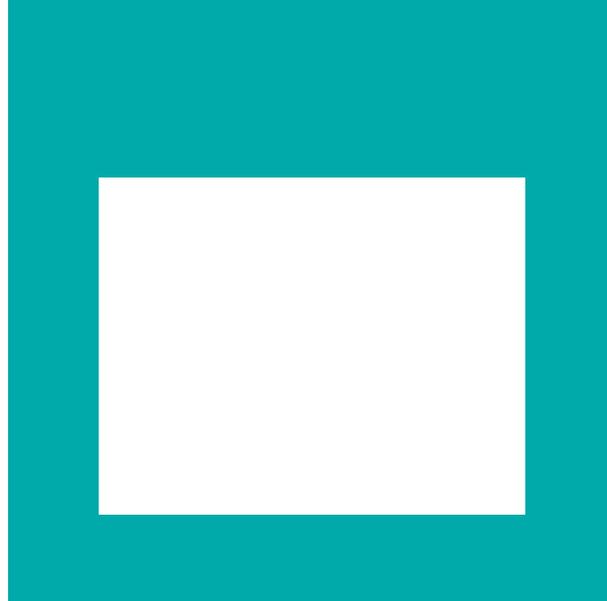
1. That the final Plan of Condominium shall comply with all of the applicable provisions of the City of Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 18-167, or in the event the City of Hamilton has repealed and replaced the City of Stoney Creek Zoning By-law No. 3692-92 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium, including the removal of the Holding Provision, to the satisfaction of the Director of Planning and Chief Planner.
2. That the M-Plan for Subdivision 25T-201903 be registered on title of the subject lands prior to the final approval of the Plan of Condominium, to the satisfaction of the Senior Director of Growth Management.
3. That prior to registration, the owner submit a list to the Growth Planning Section, indicating the mailing address unit number of each residential unit, to the satisfaction of the Senior Director of Growth Management.
4. That the Owner enters into and registers on title the condominium agreement incorporating the approved plan of condominium and related conditions to the satisfaction of the Senior Director of Growth Management.
5. That the subject lands be developed in accordance with approved Site Plan Application DA-18-181 and that the final Plan of Condominium complies with the approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
6. That the owner shall receive final approval of a Part Lot Control application 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.
7. That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed townhouse dwellings having frontage on the condominium road has legal interest, in common, to the common element condominium, to the satisfaction of the City Solicitor.

8. That the owner 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. In addition, City Waste Management services may not be available to residents and that the provision of such services may require agreements with private contractors.
  - (ii) Purchasers are advised that that there is an approved grading plan and that the purchaser agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no grade alteration within 0.45 metres of the property line will be permitted including retaining walls, walkways, curbs, etc.
  - (iii) Purchasers are advised that there is an easement (within Block 3) in favour of the lands to the east at 56 Highland Road West for shared sanitary, storm and water services in addition to shared vehicular and pedestrian access.
  - (iv) Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
  - (v) The home mail delivery will be from a Community Mail Box.
9. That the owner 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.
10. That the owner 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.
11. That the owner 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.
12. That the owner 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.

13. That the owner 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.
14. 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.
15. That the owner 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.
16. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

#### NOTES TO DRAFT PLAN APPROVAL

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



WELCOME TO THE CITY OF HAMILTON

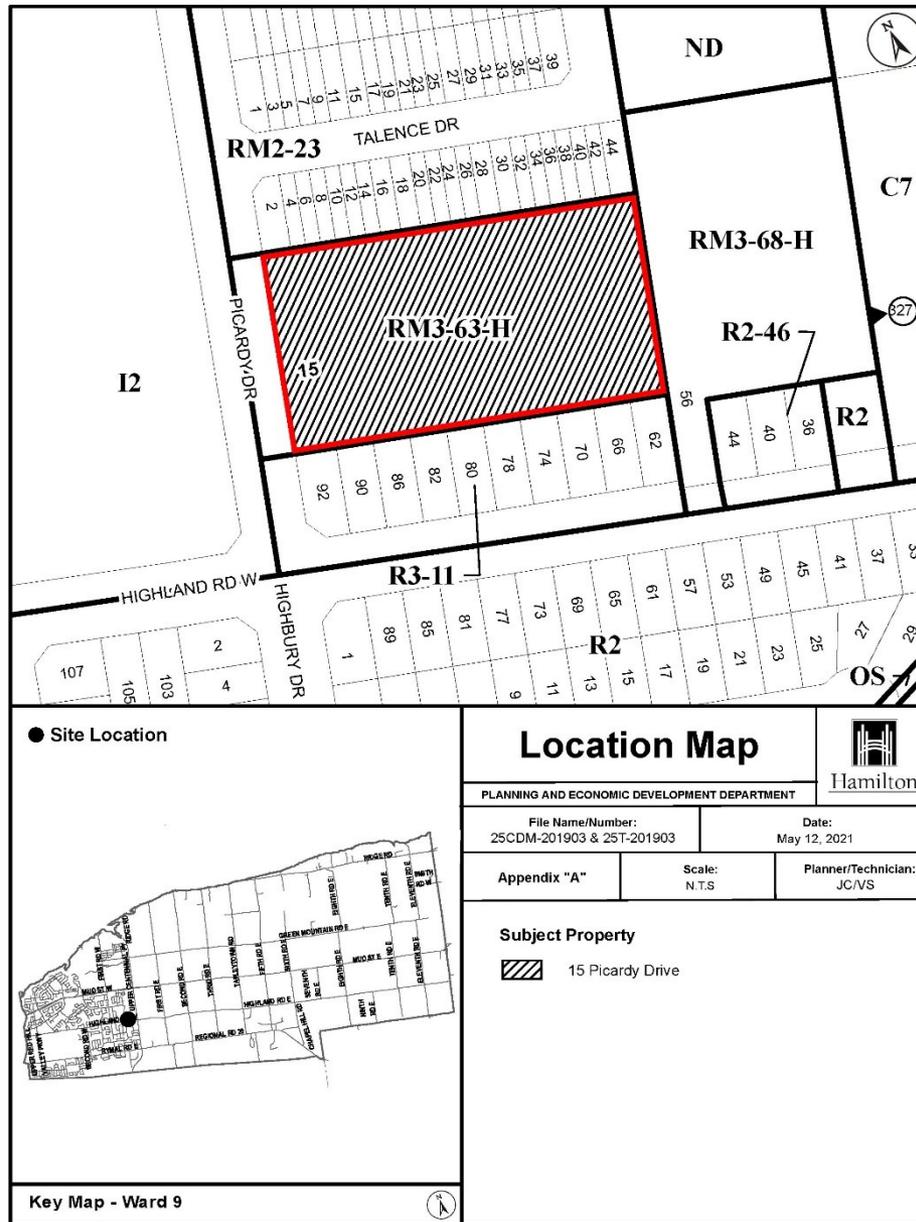
# PLANNING COMMITTEE

June 15, 2021

# **PED21121– (25CDM-201903 & 25T-201903)**

Applications a Draft Plan of Subdivision and Draft Plan of Condominium  
(Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek.

Presented by: Charlie Toman



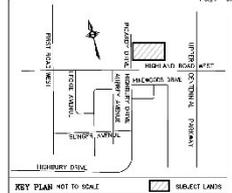
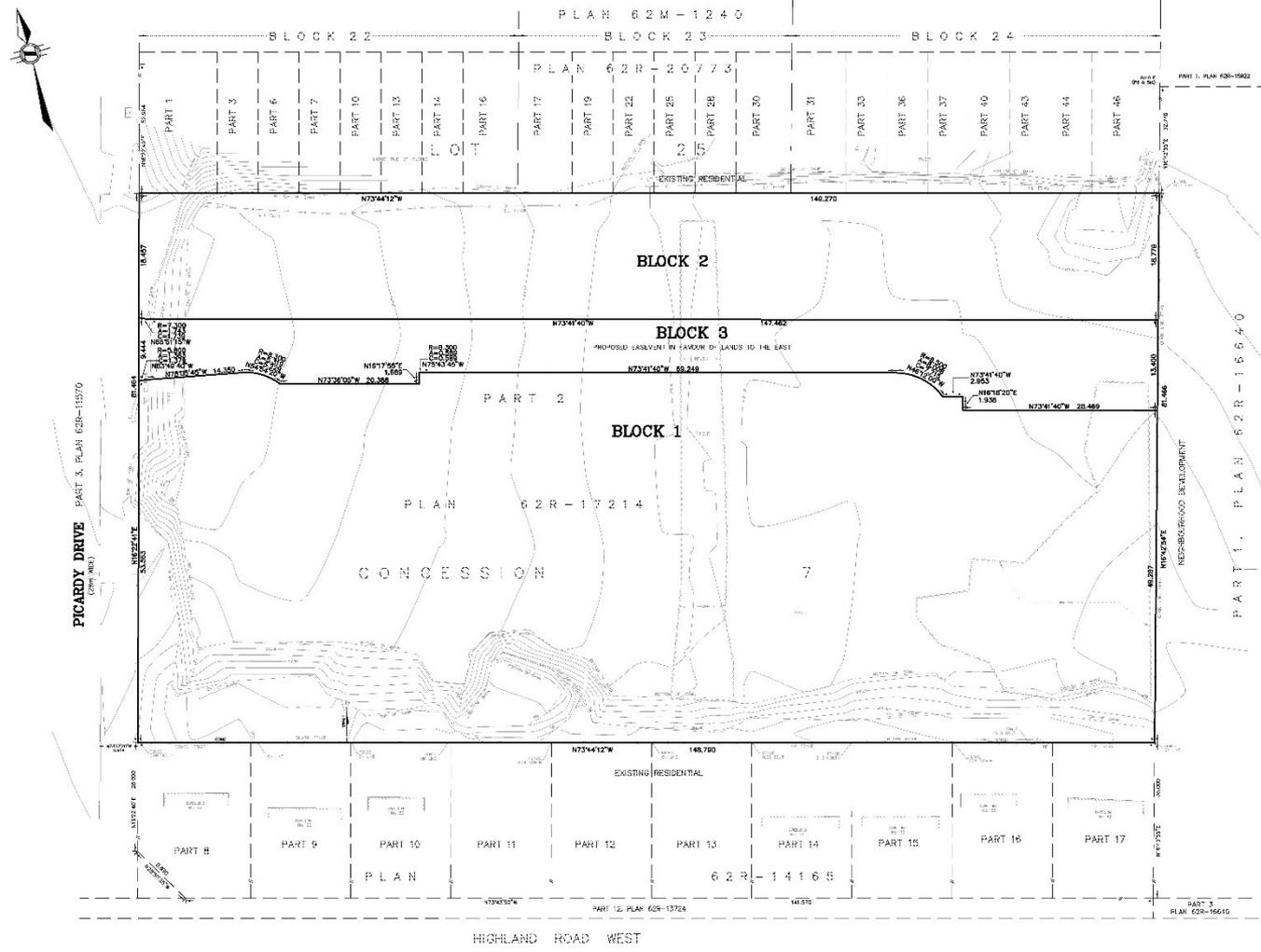


**SUBJECT PROPERTY**



**15 Picardy Drive, Stoney Creek**

Appendix B to Report HLE21121  
 Page 1 of 1



**DRAFT PLAN OF SUBDIVISION**  
 OF PART OF  
**LOT 25**  
**CONCESSION 7**  
 GEOGRAPHIC TOWNSHIP OF SALTFLILET  
 IN THE  
**CITY OF HAMILTON**  
 SCALE 1:250 METRIC  
 S.D. McLAREN, O.L.S. - 2020

**LAND USE SCHEDULE**

DISPOSITION	LIFE/USE(S)	AREA(SQ)
RESIDENTIAL	BLOCKS 1 & 2	1.01 TO
PROPOSED EXHIBIT	BLOCK 3	0.14 TO
<b>TOTAL</b>		<b>1.15 TO</b>

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

- SECTION 51 (17) PLANNING ACT AS REVISED**
- (A) SHOWN ON PLAN
  - (B) SHOWN ON PLAN
  - (C) SHOWN ON PLAN
  - (D) SEE SCHEDULE
  - (E) SHOWN ON PLAN
  - (F) SHOWN ON PLAN
  - (G) SHOWN ON PLAN
  - (H) MUNICIPAL-PIPED WATER AVAILABLE
  - (I) SLAY LEAK
  - (J) SHOWN ON PLAN
  - (K) MUNICIPAL STORM, SANITARY AND WATER SERVICES EXISTING
  - (L) SHOWN ON PLAN

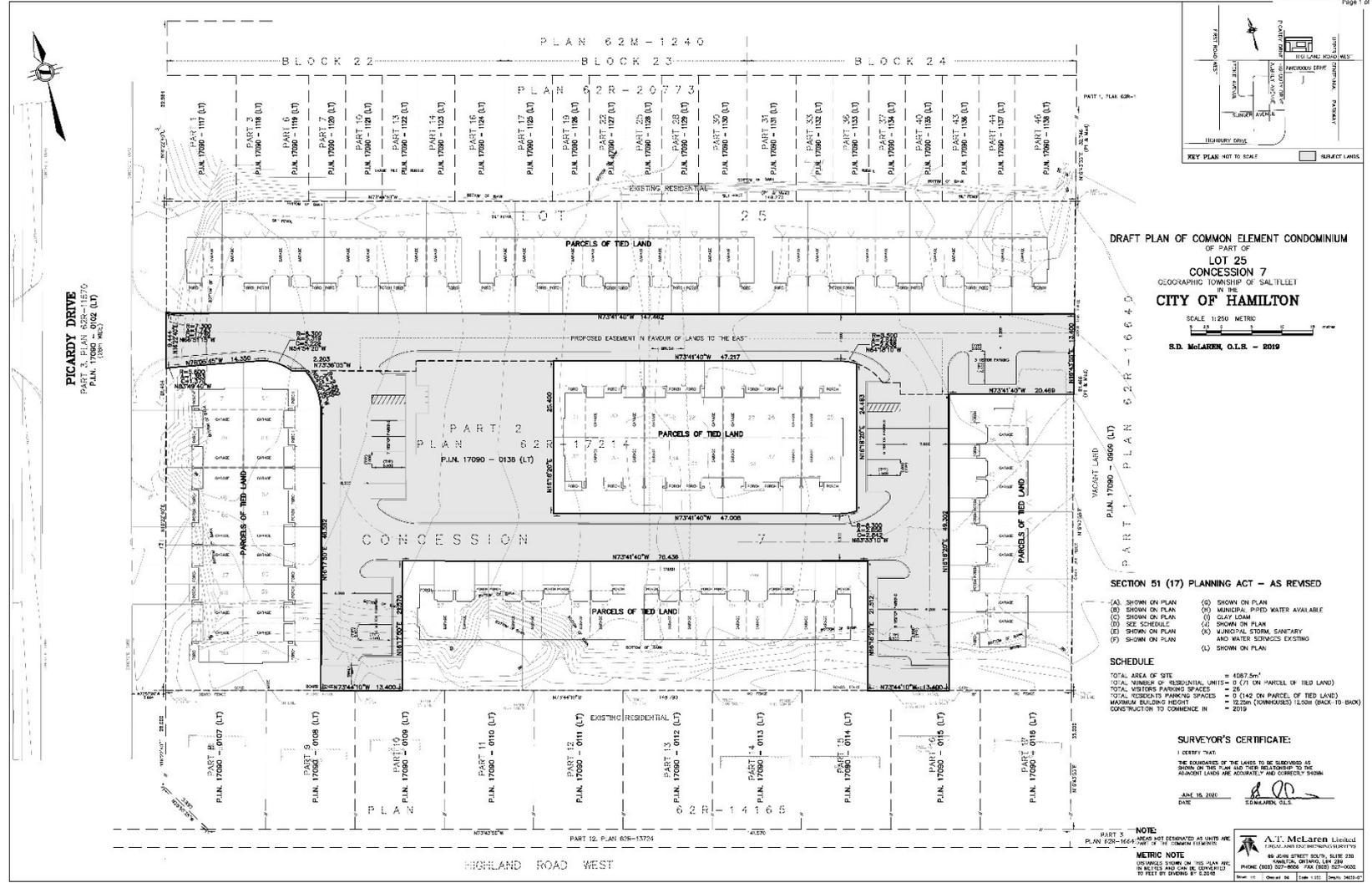
**SURVEYOR'S CERTIFICATE:**  
 I CERTIFY THAT  
 THE DIMENSIONS OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN ARE TRUE ACCORDING TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.  
 JUNE 16, 2020  
 DATE: S.D. McLAREN, O.L.S.

NO.	DESCRIPTION	DATE	BY
1	AS DRAFTED EXHIBIT	JUNE 16, 2020	S.D. McLAREN

**REVISIONS**

**A.T. McLAREN Limited**  
 112-114 COLLEGE AVENUE, WINDSOR, ONT.  
 68 JOHN STREET SOUTH, SUITE 202  
 WINDSOR, ONTARIO, L9A 4S9  
 PHONE (519) 257-8339 FAX (519) 257-0032  
 www.atmclaren.com

Appendix D to Report PE21121  
 Page 1 of 1





15 Picardy Drive – Subject Lands



Townhouses to the north



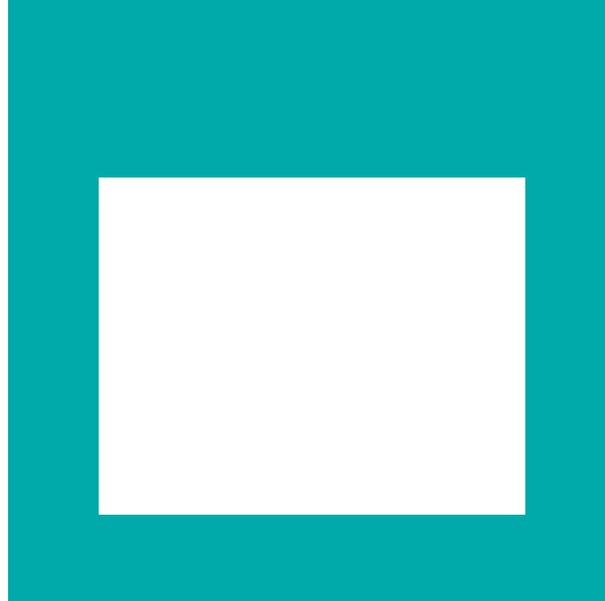
Vacant lands to the east



Single Detached Dwellings to the south



Saltfleet District High School



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

My name is Jose Armando Medeiros and I reside at ## Highland Road West, Stoney Creek. The rear yard of my property abuts the proposed development.

I'm emailing you today with respect to the notice I received in the mail, which outlines the proposed development at 15 Picardy Dr. Application (25T-201903 / 25CDM-201903)

I have listed my concerns and suggestions with respect to the subject development below:

1) The current site plan proposes 3 storey townhomes directly adjacent to the existing single-family dwellings on Highland Road. Will the overall height of these townhomes exceed the existing height of residential homes along Highland Road? If so, this will surely jeopardize privacy for all the existing home owners along Highland Road, and eliminate our level of comfort when utilizing our backyards.

2) Would there be any consideration in modifying the 3 storey townhomes to 2 storey townhomes for the block(s) of development which abut the existing residential homes along Highland Road? Therefore, addressing concerns with privacy, and providing a proper transition between existing heights (singles on highland road) and the new development. Compatibility plays an integral part when developing lands next to existing uses and I feel my recommendation would assist in achieving this.

3) Clearly, the developer is attempting to squeeze as many units as possible on this property and in doing so, is left with a smaller building footprint and units with unattractive indoor living space (sq ft). The need to go 3 storey's high obviously answers the developers marketing concern. Which in turn affects the existing residents along Highland Road? This is poor design in my mind.

4)The developer is attempting to squeeze the units so much, that on the proposal drawings is asking to make the distance from the building to the propriety line to be smaller by over 1 meter. When I built my house, my house drawings didn't get approved by the city, because the distance from the house to the propriety line was 12" to small. I had to redraw my drawings making my house shorter in length by a foot.

5) Ultimately my preference would be to have single family homes abutting our property, but can understand the City's objectives. I just hope the objectives take compatibility, privacy, and great overall design into consideration.

Thank you for your time and consideration.

Sincerely,

Jose A. Medeiros

# CITY OF HAMILTON

## NOTICE OF MOTION

**Planning Committee: June 15, 2021**

**MOVED BY COUNCILLOR J. FARR .....**

**SECONDED BY COUNCILLOR .....**

### **Extension of Support for Businesses Operating Outdoors**

WHEREAS, the City of Hamilton is committed to supporting our local businesses as they try to navigate and respond to the challenges of the COVID pandemic;

WHEREAS, the Mayor’s Task Force on Economic Recovery has recommended the City consider options to support local businesses through actions that facilitate placemaking, outdoor activities, and animation of commercial streets;

WHEREAS, on August 21, 2020 City Council through Report PED20135 approved Temporary Use By-law 20-181 to modify zoning standards with respect to where outdoor patios for restaurants, cafes, and similar uses could be located in order to facilitate the Outdoor Dining Districts Program;

WHEREAS, on October 14, 2020 City Council through Report PED20135(a) approved Temporary Use By-law 20-214 to allow temporary tents (not to be used for human habitation) for restaurants, places of worship, hospitals and schools for up to 6 consecutive months instead of the otherwise permitted five consecutive days;

WHEREAS, all of the Temporary Use By-laws, and therefore the special provisions for patios and for temporary tents, are currently set to expire on October 31, 2021;

WHEREAS, on June 7, 2021, the Province announced that Ontario will move into Step One of the Roadmap to Reopen as of Friday, June 11, which includes permission for outdoor fitness classes, outdoor personal training, and the opening of concert venues, theatres and cinemas outdoors for the purpose of rehearsing or performing a recorded or broadcasted concert, artistic event, theatrical performance or other performance with no more than 10 performers;

WHEREAS, these outdoor uses may seek to erect temporary tent structures, which may require Building Permits, and which will therefore need to meet all applicable zoning; and,

WHEREAS the current Temporary Use By-laws for the erection of temporary tents do not apply to these other outdoor uses;

THEREFORE BE IT RESOLVED

- (a) That staff be directed to prepare the appropriate Public Meeting notice under the *Planning Act* and associated report for Planning Committee to consider the following Zoning By-law 05-200 amendments at a future statutory public meeting:
  - (i) The necessary amendments to Temporary Use By-law 20-214 and other temporary use by-laws as necessary to include temporary tents associated with outdoor retail, commercial, entertainment, arts, and recreational uses as well as ancillary uses to existing permitted uses for up to 6 consecutive months and within required parking spaces; and,
  - (ii) The necessary amendments to the existing Temporary Use By-laws to extend the permissions for patios and temporary tents through to December 31, 2021;
- (b) That Council direct staff to immediately suspend the enforcement of the current zoning by-law provisions that were modified by the existing Temporary Use By-laws as they relate to outdoor retail, commercial, entertainment, arts, and recreational uses as well as ancillary uses to existing permitted uses, and that the suspension of enforcement continue until such time as Council has considered the requested amendments to the Temporary Use By-laws.