



City of Hamilton

PLANNING COMMITTEE REVISED AGENDA

Meeting #: 21-016
Date: October 19, 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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6.2. Delegation Requests respecting Encampment Enforcement (Item 11.1)
(For the October 19th meeting)

6.2.a. Virtual Delegations:

- (i) Denise Hancock
- (ii) Julie Lief
- (iii) Janice Brown - Moved to 6.2(b)(viii)
- (iv) Lukas Iafrates - Moved to 6.2(b)(iii)
- (v) Dakota Devenyi
- (vi) Marie Valentine - Moved to 6.2(b)(iv)

*Added Virtual Delegations:

- (vii) Paul McDonald
- (viii) Ted Pudney
- (ix) Janice Warner

6.2.b. Pre-recorded Delegations:

- (i) Maria del Carmen Orlandis-Habsburgo

*Added Pre-recorded Delegations:

- (ii) Bruce Speck
- (iii) Lukas Iafrates
- (iv) Marie Valentine
- (v) Gina Kiriakopoulos
- (vi) Erica Cymbuluk
- (vii) Glen Patzalek
- (viii) Janice Brown

*6.3. Matt Johnston respecting Appeal for 44 Hughson Street (Item 10.2) (For today's meeting)

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14.1.	Closed Session Minutes - October 5, 2021 Pursuant to Section 9.1, Sub-section (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (k) of the <i>Ontario Municipal Act</i> , 2001, as amended, as the subject matter pertains to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.	
15.	ADJOURNMENT	



PLANNING COMMITTEE MINUTES

21-015

October 5, 2021

9:30 a.m.

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

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

Also in Attendance: Councillors A. VanderBeek and E. Pauls

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Appeal of Phase 2 of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 354 King Street West, Hamilton (PED21178) (Ward 1) (Item 7.1)**

(Wilson/Johnson)

That Report PED21178 respecting Appeal of Phase 2 of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 354 King Street West, Hamilton (PED21178) (Ward 1), be received.

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

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

**2. To Incorporate City Lands into Leavitt Boulevard by By-law (PED21033)
(Ward 15) (Item 7.2)****(Partridge/Pearson)**

- (a) That the following City Lands designated as Parts 3, 6, 9, 10, 12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39, 40 and 41, on Plan 62R-21643 be established as a public highway to form part of Leavitt Boulevard Right-of-Way;
- (b) That the following City Lands designated as Parts 15, 16 and 19 on Plan 62R-21643 be established as a public highway to form part of the existing Dundas Street East Right-of-Way;
- (c) That the By-law to incorporate the City lands to form part of Leavitt Boulevard and Dundas Street East be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (d) That the By-law will be held in abeyance until the Leavitt Boulevard road construction is completed to the satisfaction of the Senior Director Growth Management;
- (e) That the General Manager of Public Works be authorized and directed to register the By-law;
- (f) That the Senior Director of Growth Management be delegated the Authority to make the necessary arrangements including land transfer(s) and establishment of easement(s) as required;
- (g) That Parts 33 and 42 on Plan 62R-21643 be transferred to the developer for nominal consideration, subject to reserving an easement in favour of the City of Hamilton for the purpose of protecting existing storm sewer and overland flow drainage infrastructure within this parcel.

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

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

3. Demolition Permit - 52 Albany Avenue, Hamilton (PED21172) (Ward 4) (Item 7.3)

(Pearson/Farr)

That the Chief Building Official be authorized to issue a demolition permit for 52 Albany Avenue, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act* as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

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

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

4. To Incorporate City lands into Glanair Drive and Aeropark Boulevard by By-law (PED21165) (Ward 11) (Item 7.4)

(Johnson/Pearson)

- (a) That the following City lands designated as Parts 3, 10, and 11 on Plan 62R-12459 be established as a public highway to form part of Glanair Drive;
- (b) That the following City lands designated as Part 6 on Plan 62R-15449 and Parts 1, 2, 3, and 4 on Plan 62R-21611, save and except Parts 10, and 11 on Plan 62R-12459, Part 5 on Plan 62R-21611, Part 1 on Plan 62R-21136, and Parts 1 and 2 on Plan 62R-18932, be established as a public highway to form part of Aeropark Boulevard;
- (c) That the By-law to incorporate the City lands to form part of Glanair Drive, be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (d) That the By-law to incorporate the City lands to form part of Aeropark Boulevard, be prepared to the satisfaction of the City Solicitor and be enacted by Council; and,
- (e) That the General Manager of Public Works be authorized and directed to register the By-laws.

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

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

5. Hamilton Municipal Heritage Committee Report 21-007 (Item 7.5)

(Farr/Partridge)

(a) Heritage Permit Application HP2021-037, Under Part IV of the Ontario Heritage Act, for Façade Integration into Redevelopment of 18 - 28 King Street East, Hamilton (PED21195) (Ward 2) (Item 8.1)

That Heritage Permit application HP2021-037, for redevelopment of the properties including integrating the designated heritage façades into a new six storey mixed use building, for the lands located at 18-28 King Street East, be approved, subject to the following conditions:

- (a) That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be prepared and submitted by the applicant to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;
- (b) That the Conservation Plan completed by the applicant's heritage consultants address the following to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction:
 - (i) Structural drawings for the facade retention frame;
 - (ii) Demolition and dismantling plan that provides the methodology for labelling, dismantling, re-locating and storing heritage elements;
 - (iii) Inventory of items to be dismantled and stored;
 - (iv) Masonry key plan that shows the original location and condition of individual stones for 28 King Street East;
 - (v) Monitoring plan for regular monitoring of stored elements and structural retention frames;
 - (vi) Repair methodologies and materials for heritage fabric including masonry specifications for suitable repair mortars and replacement stone;
 - (vii) Structural and architectural drawings for integration of the heritage facades into the new structure;

- (viii) Window specifications for replacement windows to be installed in the heritage facades;
 - (ix) Construction management plan that includes protection and monitoring of the façade retention frame and sequencing and co-ordination of conservation work, demolition work and new construction;
 - (x) Project schedule and cost estimates for the proposed conservation work; and,
 - (xi) Identify what remains of the original storefronts and provide recommendations for the final storefront designs;
- (c) That the recommendations from the Conservation Plan submitted to the satisfaction of the Director of Planning and Chief Planner, be implemented to the satisfaction of the Director of Planning and Chief Planner, prior to the issuance of an Occupancy Permit;
- (d) That the following conditions with respect to cost estimates to implement the Conservation Plan and a Letter of Credit shall be satisfied prior to submission of an application for a Building Permit for removal of portions of the building:
- (i) The applicant shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the retained portions, the cost of monitoring and security for a period of three years and the total cost of restoration and protective enclosure of the retained Designated portions. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner;
 - (ii) The applicant shall provide a Letter of Credit to the Director of Planning and Chief Planner for 100% of the total estimated cost as per (i) above in a form satisfactory to the City's Finance Department (Development Officer, Budget, Taxation and Policy) to be held by the City as security for securing, protecting, stabilizing, monitoring and restoring the retained portions as required by this Heritage Permit:
 - (1) The Letter of Credit shall be kept in force, whether or not the ownership of 18-28 King Street East changes at any time, until the completion of the required restoration of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or to otherwise attach the retained portions to a new building in conformity with the approved design and requirements;

- (2) The Letter of Credit may be reduced in accordance with the City's Letter of Credit Policy for site plan applications;
 - (3) If the Letter of Credit is about to expire without renewal thereof and any part of securing, protecting, stabilizing, monitoring or restoring the retained portions has not been completed in conformity with their approved designs, the City may draw all of the Letter of Credit funds and hold them as security to guarantee completion unless the City's Finance Department (Development Officer, Budget, Taxation and Policy) is provided with a renewal of the Letter of Credit forthwith; and,
 - (4) In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required securing, protecting, stabilizing, monitoring or restoring of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or attach to a new building in conformity with its approved design within the time required, then the City, in addition to any other remedies that the City may have, may exercise its authority under section 446 of the Municipal Act to have its employees, agents or contractors enter 18-28 King Street East to complete any one or more of these requirements. The cost of completion of securing, protecting, stabilizing, monitoring or restoring the retained portions shall be paid in full by the Owner from the Letter of Credit. In the event that there is a surplus, the City shall pay the surplus to the Owner upon completion of the requirement(s). In the event that there is a deficit, the City may further exercise its authority under section 446 of the Municipal Act including but not limited to adding the deficit to the tax roll and collecting it in the same manner as property taxes;
- (e) That prior to the issuance of any Building Permit for demolition or new construction, the applicant enters into and registers on title a Heritage Easement Agreement and covenant with the City pursuant to the Ontario Heritage Act for the purposes of maintaining the heritage attributes consistent with the conditionally approved permit to the satisfaction and approval of the Director of Planning and Chief Planner, and that the Mayor and Clerk, or delegate, as the

case may be, are hereby authorized to execute any such agreement;

- (f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to any application for a Building Permit and / or the commencement of any alterations;
- (g) That should a Building Permit for the proposed alterations, in accordance with this approval, not be obtained and acted upon by October 31, 2023 then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (h) That the proposed alterations, in accordance with this approval, shall be completed no later than October 31, 2024. If the alterations are not completed by October 31, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (i) That the Director of Planning and Chief Planner be authorized to approve a request to extend the dates noted in conditions (g) and (h) of this approval if that request is submitted prior to the expiry and if progress is being made.

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

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

(Ferguson/Pearson)

(b) Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)

(a) *That Council approve Heritage Permit HP2021-033 for 398 Wilson Street East, Ancaster, as submitted, with the following conditions:*

- (i) *That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning***

and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;

- (ii) That the installation of the alterations, in accordance with this approval, shall be completed no later than July 31, 2023. If the alterations are not completed by July 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;**
- (iii) That an Archaeological Assessment for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;**
- (iv) That a full Building Condition Assessment by a qualified professional Structural Engineer with experience in heritage buildings be prepared to the satisfaction of the Director of Planning and Chief Planner;**
- (v) That a signed letter from a Professional Engineer with experience in historic stone structures confirming the feasibility of relocation on the site be submitted to the satisfaction of the Director of Planning and Chief Planner;**
- (vi) That a signed letter from an experienced building moving company with experience in relocating historic stone buildings be submitted to the satisfaction of the Director of Planning and Chief Planner;**
- (vii) That a full Phase II ESA for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;**
- (viii) That a revised Cultural Heritage Impact Assessment, assessing the proposal against required criteria and a new Statement of Cultural Heritage Value and Interest be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;**
- (ix) That the designating By-law No. 78-87 be repealed in accordance with the requirements of the Ontario Heritage Act at the expense of the owner;**

- (x) ***That a new designation By-law be prepared in accordance with the requirements of the Ontario Heritage Act for the building's new location at the expense of the owner;***
- (xi) ***That a new Survey be prepared to accompany a new designation By-law indicating the boundaries to which the designation applies;***
- (xii) ***That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;***
- (xii) ***That the applicant enters into a Heritage Easement Agreement with the City to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction, and that this agreement is registered on title;***
- (xiii) ***That a Letter of Credit be provided to be held by the City based on the cost estimates for 100% of the total cost of securing, protecting, stabilizing, relocating, monitoring for a period of three years and the total cost of restoration. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner;***
- (xiv) ***That any technical studies may be subject to Peer Review at the expense of the owner where deemed necessary.***
- (xv) ***That if the building is to be relocated prior to site plan approval for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue, then the owner shall apply for and receive approval of a Minor Site Plan Application (MDA), and any other relevant Planning Act applications for the proposed relocation.***
- (xvi) ***That the owner submit an Official Plan Amendment and Zoning By-law Amendment for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue or alternatively the owner provide written confirmation to the Director of Planning and Chief Planner that they will be proceeding in***

accordance with the existing zoning in effect for these lands.

- (b) *That staff be directed to report back to the Planning Committee before July 2022 on how the above Conditions (a) (i) to (xvi) have been cleared.*

Result: Main Motion, As Amended, CARRIED by a vote of 5 to 2, as follows:

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

6. Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) (Item 9.2)

(Pearson/Danko)

- (a) That Bayview Avenue, in the former Town of Flamborough, Greensville, Ward 13, be renamed “Bayview Court North” as identified on Appendix “A” to Report PED20175(c), and that the draft By-law, attached as Appendix “B” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That Margaret Street, in the former Town of Flamborough, Lynden, Ward 12, be renamed “Cheryl Lynn Lane” as identified on Appendix “C” to Report PED20175(c), and that the draft By-law, attached as Appendix “D” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (c) That William Street, in the former Town of Flamborough, Waterdown, Ward 15, be renamed “Vinegar Hill” as identified on Appendix “E” to Report PED20175(c), and that the draft By-law, attached as Appendix “F” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (d) That William Street, in the former Town of Flamborough, Freulton, Ward 13, be renamed “William Terrace North” as identified on Appendix “G” to Report PED20175(c), and that the draft By-law, attached as Appendix “H” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (e) That Union Street, in the former Town of Flamborough, Lynden, Ward 12, be renamed "Pine Terrace Lane" as identified on Appendix "I" to Report PED20175(c), and that the draft By-law, attached as Appendix "J" to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (f) That a portion of Woodworth Drive, in the former Town of Ancaster, Ward 12, east of Elgin Place, be renamed "Woodworth Drive East" as identified on Appendix "K", **as amended**, to Report PED20175(c), **to remove the portion of Woodworth Drive that is south of Calvin Street**, and that the draft By-laws, attached as Appendix "L" **and a new Appendix "R", to rename the portion of Woodworth Drive that is south of Calvin Street, to be Woodworth Court**, to Report PED20175(c), which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (g) That a portion of Woodworth Drive, in the former Town of Ancaster, Ward 12, west of Elgin Place, be renamed "Woodworth Drive West" as identified on Appendix "M" to Report PED20175(c), and that the draft By-law, attached as Appendix "N" to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (h) That a portion of Sleepy Hollow Court, in the former Town of Dundas, Ward 13, be renamed "Sleepy Hollow Court North" as identified on Appendix "O" to Report PED20175(c), and that the draft By-law, attached as Appendix "P" to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (i) ***That the public submissions regarding this matter were received and considered by the Committee in approving the Report recommendations, as amended.***

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

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

7. Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (PED21187) (Ward 7) (Item 9.3)

(Pearson/Danko)

(a) That amended Zoning By-law Amendment Application ZAC-20-033, by T. Johns Consulting Group Inc. (c/o Diana Morris) on behalf of Shalom Manor and Gardens (Owner) for a change in zoning from the Neighbourhood Institutional (I1) Zone to the Major Institutional (I3, 745, H39) Zone and from the “DE-3/1471” (Multiple Dwellings) District, Modified to the Major Institutional (I3, 745, H39) Zone to permit the development of a seven-storey long term care facility containing 128 beds and 132 retirement suites, for the lands located at 1411 and 1415 Upper Wellington Street, as shown on Appendix “A” to Report PED21187, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED21187, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That Schedule “D” – Holding Provisions of Zoning By-law No. 05-200 be amended by adding an additional Holding Provision as follows:

“39. For the lands zoned Major Institutional (I3, 745, H39) Zone on Maps 1375 and 1376 of Schedule “A” – Zoning Maps and described as 1411 and 1415 Upper Wellington Street, the development shall not proceed until:

(1) The Owner provides a signed agreement with the property owner to the north and east to allow for drainage to outlet to private lands, to the satisfaction of the Manager of Engineering Approvals.

(2) The Owner provides a signed agreement with the property owner to the south allowing for reception of stormwater flows through their site via connection to a private storm sewer system and outlet of emergency overland flow route, to the satisfaction of the Manager of Engineering Approvals.”

(iii) That the proposed changes in zoning 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.

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

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

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

8. Demolition Permit for 1347 Upper Wellington Street (Item 11.1)

(Danko/Ferguson)

WHEREAS, the owner has boarded up the vacant property but continues to have untoward activity at the property that is uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of this building as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 1347 Upper Wellington St., Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

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

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

9. Carluke Cemetery Parking Lot and Carluke Playground Equipment (PED21171) (Ward 12) (Outstanding Business List Item) (Item 14.2)

(Ferguson/Partridge)

(a) That Report PED21171 respecting Carluke Cemetery Parking Lot and Carluke Playground Equipment, be received; and,

- (b) That Report PED21171 respecting Carluke Cemetery Parking Lot and Carluke Playground Equipment, and its Appendix "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 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.3 Patrick Harrington respecting 398 Wilson St. E. (Item 7.5) (For today's meeting)
- 6.4 John Allan respecting 398 Wilson St. E. (Item 7.5) (For today's meeting)
- 6.5 James MacLeod respecting 398 Wilson St. E. (Item 7.5) (For today's meeting)
- 6.6 Adrian Hornich respecting 398 Wilson St. E. (Item 7.5) (For today's meeting)

2. CONSENT ITEMS (Item 7)

- 7.5 Hamilton Municipal Heritage Committee Report 21-007

(a) Written Submissions for Item 2 – 398 Wilson St E:

- (i) David and Donna Molnar
 (ii) Alexandra Bojcevski
 (iii) Barb Russell-Morse
 (iv) Sandra Starr
 (v) Katie Deverson
 (vi) Rowen Baker
 (vii) Sandy Price

- (viii) Mary Vrabel
- (ix) Gail Moffatt
- (x) John Olmsted
- (xi) Graham and Linda Clements
- (xii) Jan King
- (xiii) Don Currie
- (xiv) Patricia Cole-Stever
- (xv) David Starr
- (xvi) Paul White
- (xvii) Simon Hardcastle
- (xviii) Caroline Reid
- (xix) Maxine Morris
- (xx) Andrea MacArthur
- (xxi) Wendi Van Exan

3. PUBLIC HEARINGS / DELEGATIONS (Item 9)

9.3 Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (PED21187) (Ward 7)

(a) Registered Delegation:

- (i) Carlo Silvestri

3. NOTICES OF MOTION (Item 12)

12.1 Municipal Law Enforcement Weekly Updates to Council

(Pearson/Johnson)

That the agenda for the October 5, 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 8 Councillor John-Paul Danko
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) September 21, 2021 (Item 4.1)

(Pearson/Farr)

That the Minutes of the September 21, 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 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(d) DELEGATION REQUESTS (Item 6)

(i) Various Delegation Requests (Item 6.1 – 6.6)

(a) That the following Delegation Requests be approved for today's meeting, and

(b) That they be heard prior to the respective item:

- 6.1 Andriy Dusanowsky respecting 52 Albany Avenue (Item 7.3)
- 6.2 Robert Maton, Ancaster Village Heritage Community, respecting 398 Wilson St. E. (Item 7.5)
- 6.3 Patrick Harrington respecting 398 Wilson St. E. (Item 7.5)
- 6.4 John Allan respecting 398 Wilson St. E. (Item 7.5)
- 6.5 James MacLeod respecting 398 Wilson St. E. (Item 7.5)
- 6.6 Adrian Hornich respecting 398 Wilson St. E. (Item 7.5)

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

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

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

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Andriy Dusanowsky respecting 52 Albany Avenue (Item 7.3) (For today's meeting) (Item 9.4)

Andriy Dusanowsky addressed the Committee respecting 52 Albany Avenue (Item 7.3).

(Farr/Wilson)

That the Delegation from Andriy Dusanowsky respecting 52 Albany Avenue (Item 7.3), be received.

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

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

For disposition of this matter, refer to Item 3 and (f)(i).

(f) CONSENT ITEMS (Item 7)

(i) Demolition Permit – 52 Albany Avenue, Hamilton (PED21172) (Ward 4) (Item 7.3)

(Pearson/Farr)

That the Chief Building Official be authorized to issue a demolition permit for 52 Albany Avenue, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act* as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3.

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9) - Continued

(i) Delegation Requests respecting 398 Wilson St. E. (Item 7.5) (Items 9.5 - 9.9)

The following delegations were not in attendance when called upon to speak:

- 9.7 John Allan
- 9.9 Adrian Hornich

The following delegations addressed the Committee respecting 398 Wilson St. E.:

- 9.5 Robert Maton, Ancaster Village Heritage Community
- 9.6 Patrick Harrington
- 9.8 James MacLeod

(Ferguson/Partridge)

That the above Delegations be received.

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

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

For disposition of this matter, refer to Item 5 and (h)(i).

(h) CONSENT ITEMS (Item 7) - Continued

(i) Hamilton Municipal Heritage Committee Report 21-007 (Item 7.5)

- (b) Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12) (Added Item 8.2)**

(Ferguson/Wilson)

That the following written submissions respecting Item 7.5(a), be received:

- (i) David and Donna Molnar
- (ii) Alexandra Bojcevski
- (iii) Barb Russell-Morse
- (iv) Sandra Starr
- (v) Katie Deverson
- (vi) Rowen Baker
- (vii) Sandy Price
- (viii) Mary Vrabel
- (ix) Gail Moffatt
- (x) John Olmsted
- (xi) Graham and Linda Clements
- (xii) Jan King
- (xiii) Don Currie
- (xiv) Patricia Cole-Stever
- (xv) David Starr
- (xvi) Paul White
- (xvii) Simon Hardcastle
- (xviii) Caroline Reid
- (xix) Maxine Morris
- (xx) Andrea MacArthur
- (xxi) Wendi Van Exan

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

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

(Ferguson/Pearson)

That the recommendations in Item #2 of Hamilton Municipal Heritage Committee Report 21-007, respecting Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of 398 Wilson Street East, Ancaster, be **amended** by deleting sub-sections (a) and (b) in their entirety and replacing them with the **amended** recommendations as follows:

- ~~(a) — That Heritage Permit application HP2021-033, for the relocation of the Part IV designated heritage building at 398 Wilson Street East, Ancaster, attached hereto as Appendix “A” under section 34 of the Ontario Heritage Act, be deemed to be premature and therefore **be denied**;~~

- ~~(b) That appropriate notice of the Council decision be served on the owner of 398 Wilson Street East, Ancaster, and the Ontario Heritage Trust, as required under Section 34 of the Ontario Heritage Act.~~
- (a) That Council approve Heritage Permit HP2021-033 for 398 Wilson Street East, Ancaster, as submitted, with the following conditions:**
- (i) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;**
 - (ii) That the installation of the alterations, in accordance with this approval, shall be completed no later than July 31, 2023. If the alterations are not completed by July 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;**
 - (iii) That an Archaeological Assessment for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;**
 - (iv) That a full Building Condition Assessment by a qualified professional Structural Engineer with experience in heritage buildings be prepared to the satisfaction of the Director of Planning and Chief Planner;**
 - (v) That a signed letter from a Professional Engineer with experience in historic stone structures confirming the feasibility of relocation on the site be submitted to the satisfaction of the Director of Planning and Chief Planner;**
 - (vi) That a signed letter from an experienced building moving company with experience in relocating historic stone buildings be submitted to the satisfaction of the Director of Planning and Chief Planner;**
 - (vii) That a full Phase II ESA for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;**
 - (viii) That a revised Cultural Heritage Impact Assessment, assessing the proposal against required criteria and a new Statement of Cultural Heritage Value and Interest be submitted**

to the satisfaction and approval of the Director of Planning and Chief Planner;

- (ix) That the designating By-law No. 78-87 be repealed in accordance with the requirements of the Ontario Heritage Act at the expense of the owner;*
- (x) That a new designation By-law be prepared in accordance with the requirements of the Ontario Heritage Act for the building's new location at the expense of the owner;*
- (xi) That a new Survey be prepared to accompany a new designation By-law indicating the boundaries to which the designation applies;*
- (xii) That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;*
- (xii) That the applicant enters into a Heritage Easement Agreement with the City to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction, and that this agreement is registered on title;*
- (xiii) That a Letter of Credit be provided to be held by the City based on the cost estimates for 100% of the total cost of securing, protecting, stabilizing, relocating, monitoring for a period of three years and the total cost of restoration. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner;*
- (xiv) That any technical studies may be subject to Peer Review at the expense of the owner where deemed necessary.*
- (xv) That if the building is to be relocated prior to site plan approval for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue, then the owner shall apply for and receive approval of a Minor Site Plan Application (MDA), and any other relevant Planning Act applications for the proposed relocation.*
- (xvi) That the owner submit an Official Plan Amendment and Zoning By-law Amendment for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue or alternatively the owner provide written confirmation to the*

Director of Planning and Chief Planner that they will be proceeding in accordance with the existing zoning in effect for these lands.

- (b) That staff be directed to report back to the Planning Committee before July 2022 on how the above Conditions (a) (i) to (xvi) have been cleared.**

Result: Amendment CARRIED by a vote of 4 to 3, as follows:

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

For disposition of this matter, refer to Item 5.

(i) PUBLIC HEARINGS / DELEGATIONS (Item 9) - Continued

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

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

(i) Eileen Quinn respecting the Renaming of Woodworth Drive East (Approved at the September 21, 2021 meeting) (Item 9.1)

Eileen Quinn addressed the Committee respecting Item 9.2, Renaming of Woodworth Drive East.

(Ferguson/Pearson)

That the Delegation from Eileen Quinn respecting Item 9.2, Renaming of Woodworth Drive East, be received.

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

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

For disposition of this matter, refer to Item 6 and (i)(ii).

- (ii) Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) (Item 9.2)**

(Pearson/Johnson)

That the public meeting be closed.

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

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

(Ferguson/Partridge)

- (a) That Bayview Avenue, in the former Town of Flamborough, Greensville, Ward 13, be renamed “Bayview Court North” as identified on Appendix “A” to Report PED20175(c), and that the draft By-law, attached as Appendix “B” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That Margaret Street, in the former Town of Flamborough, Lynden, Ward 12, be renamed “Cheryl Lynn Lane” as identified on Appendix “C” to Report PED20175(c), and that the draft By-law, attached as Appendix “D” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (c) That William Street, in the former Town of Flamborough, Waterdown, Ward 15, be renamed “Vinegar Hill” as identified on Appendix “E” to Report PED20175(c), and that the draft By-law,

attached as Appendix “F” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (d) That William Street, in the former Town of Flamborough, Freulton, Ward 13, be renamed “William Terrace North” as identified on Appendix “G” to Report PED20175(c), and that the draft By-law, attached as Appendix “H” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (e) That Union Street, in the former Town of Flamborough, Lynden, Ward 12, be renamed “Pine Terrace Lane” as identified on Appendix “I” to Report PED20175(c), and that the draft By-law, attached as Appendix “J” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (f) That a portion of Woodworth Drive, in the former Town of Ancaster, Ward 12, east of Elgin Place, be renamed “Woodworth Drive East” as identified on Appendix “K” to Report PED20175(c), and that the draft By-law, attached as Appendix “L” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (g) That a portion of Woodworth Drive, in the former Town of Ancaster, Ward 12, west of Elgin Place, be renamed “Woodworth Drive West” as identified on Appendix “M” to Report PED20175(c), and that the draft By-law, attached as Appendix “N” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (h) That a portion of Sleepy Hollow Court, in the former Town of Dundas, Ward 13, be renamed “Sleepy Hollow Court North” as identified on Appendix “O” to Report PED20175(c), and that the draft By-law, attached as Appendix “P” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(Ferguson/Pearson)

That sub-section (f) of Report PED20175(c) be ***amended to remove the portion of Woodworth Drive that is south of Calvin Street, in Appendix “K” and “L”, and that a new Appendix “R”, a by-law to rename the portion of Woodworth Drive that is south of Calvin Street, to be Woodworth Court***, be prepared in a form satisfactory to the City Solicitor, and enacted by City Council.

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

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

(Pearson/Johnson)

That the recommendations in Report PED21075(c) be **amended** by adding the following sub-section (i):

- (i) ***That the public submissions regarding this matter were received and considered by the Committee in approving the Report recommendations, as amended.***

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

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

For disposition of this matter, refer to Item 6.

- (iii) **Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (PED21187) (Ward 7) (Item 9.3)**

(Pearson/Farr)

That the staff presentation be waived.

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

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

Diana Morris with T. Johns Consulting, was in attendance and indicated support for the staff report.

(Pearson/Danko)

That the delegation from Diana Morris with T. Johns Consulting, be received.

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

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

Registered Delegations (Item 9.2(b)):

- (i) Carlo Silvestri, addressed the Committee in Opposition to the proposal.

(Pearson/Danko)

That the delegation be received.

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

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

(Pearson/Ferguson)

That the public meeting be closed.

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

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

(Pearson/Partridge)

- (a) That amended Zoning By-law Amendment Application ZAC-20-033, by T. Johns Consulting Group Inc. (c/o Diana Morris) on behalf of Shalom Manor and Gardens (Owner) for a change in zoning from the Neighbourhood Institutional (I1) Zone to the Major Institutional (I3, 745, H39) Zone and from the “DE-3/1471” (Multiple Dwellings) District, Modified to the Major Institutional (I3, 745, H39) Zone to permit the development of a seven-storey long term care facility containing 128 beds and 132 retirement suites, for the lands located at 1411 and 1415 Upper Wellington Street, as shown on Appendix “A” to Report PED21187, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED21187, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That Schedule “D” – Holding Provisions of Zoning By-law No. 05-200 be amended by adding an additional Holding Provision as follows:
 - “39. For the lands zoned Major Institutional (I3, 745, H39) Zone on Maps 1375 and 1376 of Schedule “A” – Zoning Maps and described as 1411 and 1415 Upper Wellington Street, the development shall not proceed until:
 - (1) The Owner provides a signed agreement with the property owner to the north and east to allow for drainage to outlet to private lands, to the satisfaction of the Manager of Engineering Approvals.
 - (2) The Owner provides a signed agreement with the property owner to the south allowing for reception of stormwater flows through their site via connection to a private storm sewer system and outlet of emergency overland flow route, to the satisfaction of the Manager of Engineering Approvals.”
 - (iii) That the proposed changes in zoning 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.

(Pearson/Partridge)

That the recommendations in Report PED21187 be **amended** by adding the following sub-section (b):

- (b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.**

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

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

For disposition of this matter, refer to Item 7.

(j) NOTICES OF MOTION (Item 12)

(i) Municipal Law Enforcement Weekly Updates to Council (Added Item 12.1)

Councillor Farr presented the following Notice of Motion:

WHEREAS, Municipal Law Enforcement provides weekly updates to Council respecting enforcement activities;

WHEREAS, these updates include weekly COVID - 19 enforcement, CCMLE Concerns Received for 19 different Bylaws to date, Current LBS Enforcement Priorities and Hotspots and Parks Penalties list.

THEREFORE BE IT RESOLVED:

That Municipal Law Enforcement staff be requested to include Encampment Enforcement in these weekly updates, to include: tickets issued, calls for enforcement/complaints, and the number of encampment sites (including the number of tents at each site) in each of the six step process and the expedited process that follows the six step process.

(k) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – September 21, 2021 (Item 14.1)

(Pearson/Partridge)

- (a) That the Closed Session Minutes dated September 21, 2021, be approved, as presented; and,
- (b) That the Closed Session Minutes dated September 21, 2021, remain private and confidential.

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

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

(Ferguson/Partridge)

That Committee move into Closed Session to discuss Item 14.2 pursuant to Section 9.1, Sub-section (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-section (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains 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 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(ii) Carluke Cemetery Parking Lot and Carluke Playground Equipment (PED21171) (Ward 12) (Outstanding Business List Item) (Item 14.2)

For disposition of this matter, refer to Item 9.

(I) ADJOURNMENT (Item 15)

(Ferguson/Pearson)

That there being no further business, the Planning Committee be adjourned at 12:39 p.m.

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

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

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator

To the City Clerk and members of the City of Hamilton's Planning Committee,

I am writing regarding an agenda item [profiled in the *Hamilton Mountain News*](#) from an official with the Hamilton Mountain Progressive Conservative Party of Ontario riding association. This agenda item is regarding a proposed ban on election signs.

Local media has reported that the proposed ban is connected to our ongoing climate crisis. Despite this, much of the evidence presented is anecdotal. Basing a policy on the personal experience of a small group of those involved in Hamilton's politics risks ignoring the voices those who would be most impacted by such a ban.

As a researcher focusing on urban political geography, I have studied the impact of election lawn signs, with an emphasis of those used by candidates for municipal office. Lawn signs are crucial tools for local candidates, particularly because scholars of municipal politics in Canada acknowledge that local elections are considered "**low information events**". This means that voters have far less information regarding their municipal candidates than those who run in federal or provincial contests. Thanks to the absence of formal political party involvement and a lack of widespread awareness of the functions of local government, voters are presented with more scattered information, which can cause disengagement and apathy. Similarly, research has found this to be a cause for the few electors who do bother to vote in a municipal race focusing on a candidate's identity, incumbency status, *or even the position of their name on the ballot*, rather than their policies (see: Brockington, 2003; Holman & Lay, 2021; Matson & Fine, 2006; McGregor, Moore, Jackson, Bird, & Stephenson, 2017).

Promotional material used during election campaigns has an identifiable and important impact on a candidate's success. Candidates, particularly those who are challengers or are running in open seats, need to promote their names widely and in an inexpensive way. Lawn signs are an effective way of doing this. While campaign managers, candidates, and other individuals involved in politics may rest on the old axiom "signs don't vote", *they do impact voters* and aid in increasing the electorate's awareness of an election.

Researchers in the United States conducted a series of randomized field experiments using election lawn signs in New York, Virginia, and Pennsylvania. These experiments used a variety of signs for a number of different elections in a range of locations. The findings of these experiments noted that election signs have "**reliable persuasion effects** that tend to be small in magnitude," (Green et al., 2016, p. 149). Other research found similar modest effects of signs for candidates, but noted that a campaign lawn sign can be an **important way for voters to remain engaged** with the electoral process, with a majority (70.3%) of those who placed signs on their lawns working to engage an average of 25 of their friends and neighbours regarding the election (Talbot, 1975). Contemporary scholarship reinforces the idea that campaign lawn signs are a way for engaged residents to connect with elections in their community (Lenoir, 2021). Though their impact is small, the point remains that **election lawn signs have a notable impact on elections**. Used in conjunction with other traditional campaign tactics (canvassing, literature drops, direct voter outreach, etc.), they can aid new candidates in reaching eligible voters.

As many members of the City of Hamilton's Planning Committee well know, running election campaigns is difficult. Local campaigns are particularly challenging for members of historically-marginalized communities. For many – **women, members of the queer community,**

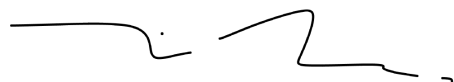
BIPOC candidates and candidates with differing abilities particularly – the hurdles placed before them while seeking elected office are numerous and daunting. Banning election lawn signs, which are a proven and time-honoured campaign tool, would simply add *another hurdle* to an already challenging task for many.

The anecdotal evidence in support of a ban is shallow at best. Claims that lawn signs are immediately disposed of after elections are not supported by fact. Indeed, for every story of a campaign bringing thousands of signs to a landfill, there will be an equally compelling story of campaign workers seeking out storage locations to ensure signs are reused for future elections. Further claims that bylaw complaints regarding signs should be a reason to outlaw them could equally be applied to anything from fireworks and dogs to cars and front lawns. Regarding these claims, it is important to remember that an individual's personal experience does not constitute a general trend or fact.

I stress this point: resting on anecdotal evidence to justify a ban on election lawn signs risks ignoring the voices those who would be most impacted by such a ban. I implore the City of Hamilton's Planning Committee to reject the calls for an election lawn sign ban or, at the very least, engage in a study of the impacts of lawn signs by working collaboratively with researchers and with candidates in the upcoming provincial and municipal elections to collect quantitative and qualitative data that can be employed in a sound manner to make a decision that works for everyone.

Elections are challenging, particularly for new candidates and those from historically-marginalized communities. Banning election lawn signs is needlessly erecting another barrier to entry for those who, like yourselves, are passionate enough about our community to put their names forward for elected office. I encourage the members of the Planning Committee to reject calls to ban the proven, effective campaign tool that is the election lawn sign.

Thank you,



Chris Erl, B.A. (Hon.), M.A., M.Pl.

Doctoral candidate, Urban Political Geography – McGill University

Ward 1 Resident

Citations:

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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
DATE:	October 19, 2021
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21194) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannah Evans (905) 546-2424 Ext. 1928
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

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 Ontario Land Tribunal 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 Ontario Land Tribunal an Official Plan Amendment Application after 210 days (Subsection 17 (40)), Zoning By-law Amendment Application after 150

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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: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21194) (City Wide) - Page 2 of 5

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 Ontario Land Tribunal (OLT) 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 OLT 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 (PED21194) (City Wide) - Page 3 of 5

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

Attached as Appendix “A” to Report PED21194 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest.

As of September 15, 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 October 19, 2021, all nine 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 PED21194 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 September 15, 2021, there were:

- 7 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;
- 12 active Zoning By-law Amendment Applications; and,
- 5 active Plan of Subdivision Applications.

Within 60 to 90 days of October 19, 2021, all 13 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 PED21194 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.

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21194) (City Wide) - Page 4 of 5

As of September 15, 2021, there were:

- 23 active Official Plan Amendment Applications;
- 43 active Zoning By-law Amendment Applications; and,
- 11 active Plan of Subdivision Applications.

Within 60 to 90 days of October 19, 2021, ten development proposals are approaching the 90 or 120-day statutory timeframe and will be eligible for appeal. 37 development proposals have passed the 90 or 120-day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 69 active development proposals. 27 proposals are 2021 files (39%), 17 proposals are 2020 files (25%) and 25 proposals are pre-2020 files (36%).

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 Ontario Land Tribunal

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 Ontario Land Tribunal. Attached as Appendix “D” to Report PED21194 is a table outlining development applications, along with the applicant/agent, that have been appealed for non-decision to the OLT. There are currently 13 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” to Report PED21194 - List of Active Development Applications
(prior to December 12, 2017)

Appendix “B” to Report PED21194 - List of Active Development Applications
(after December 12, 2017)

Appendix “C” to Report PED21194 - List of Active Development Applications
(after September 3, 2019)

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan
of Subdivision Applications (PED21194) (City Wide) - Page 5 of 5**

Appendix "D" to Report PED21194 - *Planning Act* Applications Currently Appealed for
Non-Decision to the Ontario Land Tribunal

SE:sd

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Oct.19, 2021
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep- 17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1483
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Road West, Stoney Creek	12-Oct- 16	n/a	02-Nov- 16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1833
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West, Stoney Creek	12-Oct- 16	n/a	02-Nov- 16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1833
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Drive, Stoney Creek	02-Dec- 16	n/a	16-Dec- 16	01-Apr-17	31-May- 17	29-Aug- 17	A.J. Clarke & Associates Ltd.	1782
Ward 10									
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul- 15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	2301

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Oct.19, 2021
Ward 10 Continued									
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek	23-Dec- 16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	1761
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Road, Ancaster	23-Dec- 15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	2127
ZAC-17-062	45 Secinaro Avenue, Ancaster	28-Jul- 17	n/a	01-Aug- 17	25-Nov- 17	n/a	n/a	T. Johns Consultants Inc.	1544
Ward 13									
ZAC-17-064 25T-201710	655 Cramer Road, Flamborough	09-Aug- 17	n/a	17-Aug- 17	07-Dec- 17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	1572

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective September 15, 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 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 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 time frame

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of Oct.19, 2021
Ward 2									
UHOPA-18-004* ZAC-18-009	299 - 307 John Street South, Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	1397
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	1033
Ward 6									
ZAC-19-035	694 Pritchard Road, Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	895
Ward 8									
ZAC-19-017	1020 Upper James Street, Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	964

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of Oct.19, 2021
Ward 10									
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton Street, Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	1035
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	1197

**Active Development Applications
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(Effective September 15, 2021)**

Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar- 19	n/a	Fothergill Planning & Development Inc.	1136
25T-2018006	140 Glancaster Road, Glanbrook	05-Jul-18	n/a	08-Nov- 18	n/a	01-Jan-19	n/a	MHBC Planning Limited	1076
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Road, Ancaster	05-Nov-18	n/a	15-Nov- 18	n/a	04-May- 19	01-Sep-19*	A.J. Clarke & Associates Ltd.	1079
UHOPA-18-024* ZAC-18-058	154 Wilson Street East, Ancaster	28-Nov-18	n/a	10-Dec- 18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	1056

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective September 15, 2021)**

UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Road, Ancaster	03-Dec-18	n/a	01-Dec- 18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	1051
Ward 14									
ZAC-19-011	1933 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May- 19	n/a	n/a	Urban Solutions Planning & Land Development	1042
Ward 15									
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug- 18	n/a	n/a	19-May-19*	MHBC Planning Limited	1184

Active Development Applications

- 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 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 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 September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of October 19, 2021
Ward 1								
UHOPA-20-012 ZAC-20-016	1107 Main Street West, Hamilton	13-Feb-20	n/a	13-Mar-20	n/a	12-Jun-20	Bousfields Inc.	614
Ward 2								
UHOPA-20-001 ZAR-20-001	383 and 383 1/2 Hughson Street North, Hamilton	29-Nov-19	n/a	29-Dec-19	n/a	28-Mar-20	T. Johns Consulting Group	690
UHOPA-20-008 ZAR-20-013	222-228 Barton Street East, and 255 - 265 Wellington Street North, Hamilton	20-Dec-19	n/a	17-Jan-20	n/a	18-Apr-20	Urban Solutions Planning and Land Development	669
UHOPA-20-025 ZAC-20-038	115 George Street and 220- 222 Main Street West, Hamilton	04-Sep-20	n/a	28-Sep-20	n/a	02-Jan-21	GSP Group	410
UHOPA-21-007 ZAC-21-014	101 Hunter Street East, Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	210
ZAC-21-020	221 Charlton Avenue East, Hamilton	26-Apr-21	n/a	06-May-21	25-Jul-21	n/a	T. Johns Consulting Group	176

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of October 19, 2021
UHOPA-21-014 ZAC-21-031	405 James Street North, Hamilton	07-July-21	n/a	19-July-2021	n/a	03-Nov-2021	Jamesville Redevelopment Ltd. CityHousing Hamilton	93
Ward 3								
UHOPA-21-013 ZAC-21-028	315 Robert Street and 219, 225, 247 East Avenue North	05-July-21	n/a	08-Jul-21	n/a	2-Nov-21	T. Johns Consulting Group	99
Ward 4								
UHOPA-21-009 ZAC-21-021	1842 King Street East, Hamilton	07-May-21	n/a	13-May-21	n/a	04-Sep-21	Urban Solutions Planning and Land Development	165
ZAR-21-034	20 Reid Avenue North	03-Aug-21	25-Aug-21	30-Aug-21	03-Nov-21	n/a	Roxborough Park Inc.	50
Ward 7								
ZAC-20-033	1411 and 1415 Upper Wellington Street, Hamilton	05-Aug-20	n/a	02-Sep-20	03-Nov-20	n/a	T. Johns Consulting Group	440

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of October 19, 2021
UHOPA-20-021 ZAC-20-037 25T-202006	544 and 550 Rymal Road East, Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	403
UHOPA-21-005 ZAC-21-009 25T-202104	311 and 313 Stone Church Road East, Hamilton	14-Dec-20	n/a	22-Jan21	n/a	13-Apr-21	Urban Solutions Planning and Land Development	309
ZAC-21-023	1540 Upper Wentworth Street	14-Jun-21	n/a	21-Jun-21	12-Sep-21	n/a	T. Johns Consulting Group	120
UHOPA-21-012 ZAC-21-026	705-713 Rymal Road East, Hamilton	2-July-21	n/a	27-July-21	n/a	30-Oct-21	Wellings Planning Consultants Inc.	85
Ward 8								
ZAC-19-056	11 Springside Crescent, Hamilton	26-Nov-19	n/a	06-Dec-19	25-Mar-20	n/a	Urban In Mind Planning Consultants	693
ZAC-20-018	212 and 220 Rymal Road West, Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	607

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of October 19, 2021
UHOPA-20-017 ZAC-20 029 25T-202003	393 Rymal Road West, Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group Inc.	456
UHOPA-21-011 ZAC-21-025	60 Caledon Avenue, Hamilton	02-Jul-21	n/a	08-Jul-21	n/a	05-Nov-21	GSP Group Inc.	104
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July-21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	72
ZAC-21-036	866 West 5 th Street, Hamilton	11-Aug-21	n/a	03-Sep-21	09-Nov-21	n/a	Urban Solutions Planning and Land Development	45
Ward 9								
ZAC-20-004	329 Highland Road West, Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	669
UHOPA-20-010 ZAC-20-015 25T-200303R	2080 Rymal Road East, Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	627
ZAC-20-026	250 First Road West, Stoney Creek	20-Jul-20	n/a	24-Jul-20	30-Sep-20	n/a	Urban Solutions Planning and Land Development	474

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of October 19, 2021
UHOPA-21-016 ZAC-21-033	136 and 144 Upper Mount Albion Road, Stoney Creek	15-Jul-21	n/a	n/a	n/a	12-Nov-21	Bousfields Inc.	96
Ward 10								
ZAC-19-036	564 Fifty Road, Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	582
UHOPA-21-004 ZAC-21-008	1290 South Service Road, Stoney Creek	25-Dec-20	n/a	21-Jan-21	n/a	24-Apr-21	IBI Group	298
Ward 11								
ZAC-20-019	9255 Airport Road, Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	602
25T-202002	9326 and 9322 Dickenson Road, Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	585
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Road, Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	309

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of October 19, 2021
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	253
ZAC-21-024	3435 Binbrook Road, Glanbrook	21-Jun-21	n/a	06-Jul-21	19-Sep-21	n/a	Armstrong Planning	105
UHOPA-21-015 ZAC-21-032	5020 Tyneside Road, Stoney Creek	05-July-21	n/a	30-July-21	n/a	02-Nov-21	LandPro Planning Solutions	82
Ward 12								
25T-200720R (2019 File)	1020 Osprey Drive, Ancaster	15-Apr-19	30-Aug-19	11-Dec-19	n/a	02-Apr-20	Coltara Development / 1892757 ONTARTO INC.	678
UHOPA-20-009 ZAC-20-014	281 Hamilton Drive, Ancaster	20-Dec-19	n/a	22-Jan-20	n/a	18-Apr-20	A.J. Clarke & Associates Ltd.	669
UHOPA-20-013 ZAC-20-017	210 Calvin Street, Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	495
ZAC-20-024	140 Wilson Street West, Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	491

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of October 19, 2021
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	305
UHOPA-21-002 ZAC-21-002	327 and 335 Wilson Street East, Ancaster	23-Dec-20	n/a	15-Jan-21	n/a	22-Apr-21	T. Johns Consulting Group	300
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	274
ZAR-21-015	365 Springbrook Drive, Ancaster	25-Mar-21	n/a	9-Apr-21	23-Jun-21	n/a	GSP Group	208
ZAC-21-027	140 and 164 Sulphur Springs Road, Ancaster	05-Jul-21	n/a	16-July-21	02-Oct-21	n/a	Fothergill Planning & Development Inc.	96
ZAC-21-030	1040 Garner Road West, Ancaster	05-Jul-21	n/a	29-Jul-21	02-Oct-21	n/a	Urban Solutions Planning & Land Development	83
Ward 13								
ZAC-21-003	125 Pirie Drive, Dundas	23-Dec-20	n/a	22-Jan-21	23-Mar-21	n/a	Wellings Planning Consultants	300

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of October 19, 2021
Ward 15								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	666
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	300
ZAC-21-017	265 Mill Street South, Flamborough	8-Apr-21	n/a	12-Apr-21	7-Jul-21	n/a	IBI Group	194

Active Development Applications

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

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective September 15, 2021)**

Ward	Address	Applicant /Agent	Date Appeal Received
Ward 1			
1	69 Sanders Boulevard and 1630 Main Street West, Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	October 2020
1	1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111, 115 Traymore Avenue and 50 Dalewood Avenue, Hamilton	Bousfields Inc.	March 2018
1	354 King Street West, Hamilton	GSP Group	July 2021
Ward 2			
2	195 Wellington Street South, Hamilton	Bousfields Inc.	November 2017
Ward 8			
8	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021
Ward 9			
9	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective September 15, 2021)**

Ward	Address	Applicant /Agent	Date Appeal Received
Ward 11			
11	3033, 3047, 3055 and 3063 Binbrook Road, Glanbrook (Binbrook)	GSP Group	August 2017
11	3355 Golf Club Road, Glanbrook	Corbett Land Strategies Inc.	June 2021
Ward 13			
13	73-89 Stone Church Road West and 1029 West 5 th Street, Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	July 2020
Ward 15			
15	609 and 615 Hamilton Street North, 3 Nesbit Boulevard and 129 – 137 Trudell Circle, Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
15	157 Parkside Drive (a.k.a. 909 North Waterdown Road), Flamborough (Waterdown)	MHBC Planning	March 2020
15	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017
15	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 19, 2021
SUBJECT/REPORT NO:	Appeal of Rural Hamilton Official Plan Amendment Application RHOPA-19-007 and Zoning By-law Amendment Application ZAC-19-028 for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

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

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

The following information is provided to Planning Committee with regards to Rural Hamilton Official Plan Amendment Application RHOPA-19-007 and Zoning By-law Amendment Application ZAC-19-028, which have been appealed by the proponent for non-decision.

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

**SUBJECT: Appeal of Rural Hamilton Official Plan Amendment Application
RHOPA-19-007, Zoning By-law Amendment Application ZAC-19-028
for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191)
(Ward 11) – Page 2 of 5**

Background:

The subject property is municipally known as 3355 Golf Club Road (refer to Appendix “A” attached to Report PED21191). The applicant, Corbett Land Strategies Inc., c/o John Corbett, on behalf of Mario Roque (Owner), has applied for amendments to the Rural Hamilton Official Plan (RHOPA-19-007) and Zoning By-law (ZAC-19-028).

The subject property is a flag shaped lot, 27.08 hectares in size with 9.12 metres of frontage on Golf Club Road. The property is bisected by a hydro corridor and a watercourse and the abutting lands are used for agricultural and rural residential (i.e. single detached dwelling) uses. The subject property is currently being farmed (known as Paradise Fields) and includes a significant woodland and wetland area. There is a 1,364 square metre greenhouse and other agricultural outbuildings on the property.

The Owner is proposing to develop an ‘Agri-tourism facility’ on the property that would include a two-storey, 2,998 square metre building that would contain accommodation for up to 25 guests, a restaurant, meeting and educational spaces and 46 total parking spaces. The applicant has provided a concept plan (see Appendix “B” attached to Report PED21191).

The applicant submitted the following plans and studies to support the proposal:

- Planning Justification Report;
- Environmental Impact Study;
- Agricultural Economic Impact Study;
- Concept Plan;
- Landscape Plan;
- Grading Plan;
- Functional Servicing Report;
- Hydrogeological Report; and,
- Archaeological Assessment.

The application was circulated to internal departments and external review agencies for comment on October 31, 2019. Based on comments received on the technical submission, the applicant provided the City with a resubmission on November 4, 2020 that updated the:

- Planning Justification Report;
- Environmental Impact Assessment;
- Agricultural Economic Impact Study;
- Hydrogeology Report; and,

**SUBJECT: Appeal of Rural Hamilton Official Plan Amendment Application
RHOPA-19-007, Zoning By-law Amendment Application ZAC-19-028
for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191)
(Ward 11) – Page 3 of 5**

- Conceptual Site Plan.

The applicant has also submitted a Site Plan Amendment Application (SPAR-21-040) on March 15, 2021 to construct two additional greenhouses on the subject property which received conditional approval on May 14, 2021.

Greenbelt Plan (2017)

The subject lands are located within a Protected Countryside area under the Greenbelt Plan. For lands within Prime Agricultural Areas of the Protected Countryside, Section 3.1.3 of the Greenbelt Plan states:

- “1. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected, and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.”

Rural Hamilton Official Plan and Hamilton Zoning By-law No. 05-200

The subject lands are identified as “Agriculture” on Schedule D – Rural Land Use Designations in Volume 1 of the Rural Hamilton Official Plan (RHOP). Schedule B – “Natural Heritage System” in Volume 1 of the RHOP identifies the subject lands as containing Core Area, Greenbelt Protected Countryside and Greenbelt Natural Heritage Systems.

The subject lands are zoned Agriculture (A1) Zone, Conservation/Hazard Land - Rural (P7) Zone and Conservation/Hazard Land - Rural (P8) Zone under City of Hamilton Zoning By-law No. 05-200 (refer to Appendix “A” attached to Report PED21191).

Official Plan Amendment Application

Application RHOPA-19-007 is an Official Plan Amendment application to add a site-specific policy area in order to permit the following uses:

- Bed and breakfast (maximum of 25 guests);
- Restaurant;
- Naturopathic clinic;
- Educational;
- On-farm diversified use; and,

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**SUBJECT: Appeal of Rural Hamilton Official Plan Amendment Application
RHOPA-19-007, Zoning By-law Amendment Application ZAC-19-028
for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191)
(Ward 11) – Page 4 of 5**

- On-farm secondary use.

Zoning By-law Amendment Application

Application ZAC-19-028 is a Zoning By-law Amendment Application to change the zoning from Agriculture (A1) Zone to a modified Agriculture (A1) Zone that:

- Expands the definition of an “Agri-tourism Facility” to allow for a naturopathic clinic, overnight accommodations (e.g. bed and breakfast) for up to 25 guests and recreational uses among others; and,
- Increases the maximum building size for an on-farm diversified use from 500 square metres to 2,998 square metres.

In addition, the Zoning By-law Amendment proposes to adjust the boundaries of the Conservation/Hazard Land - Rural (P7) Zone and Conservation/Hazard Land - Rural (P8) Zone based on the completion of the Environmental Impact Statement (EIS) submitted as part of the applications.

The requested site-specific modifications are shown conceptually on the Concept Plan, in Appendix “B” attached to Report PED21191.

City Staff’s Review and Comments

Planning Staff have concerns with the 25-guest Bed and Breakfast component of the proposed Agri-tourism facility. Specifically, that the total number of guests and size of the facility would mean that it would function as a Hotel and not a Bed and Breakfast. Hotels are not permitted in Agricultural areas under the Provincial Policy Statement, Greenbelt Plan and RHOP.

At the time of appeal, City staff’s technical concerns with the hydrogeology report and Environmental Impact Study have not been resolved.

PUBLIC CONSULTATION

Notice of Complete Application for the Rural Hamilton Official Plan Amendment and Zoning By-law Amendment was circulated to property owners within 120 metres of the subject property on November 5, 2019.

To date staff have received a total of eight written submissions opposed to the development. Issues raised relate to the size of the proposed ‘bed and breakfast’ facility, environmental impact on the surrounding area, increased traffic and lack of conformity with the Greenbelt Plan.

**SUBJECT: Appeal of Rural Hamilton Official Plan Amendment Application
RHOPA-19-007, Zoning By-law Amendment Application ZAC-19-028
for Lands Located at 3355 Golf Club Road (Glanbrook) (PED21191)
(Ward 11) – Page 5 of 5**

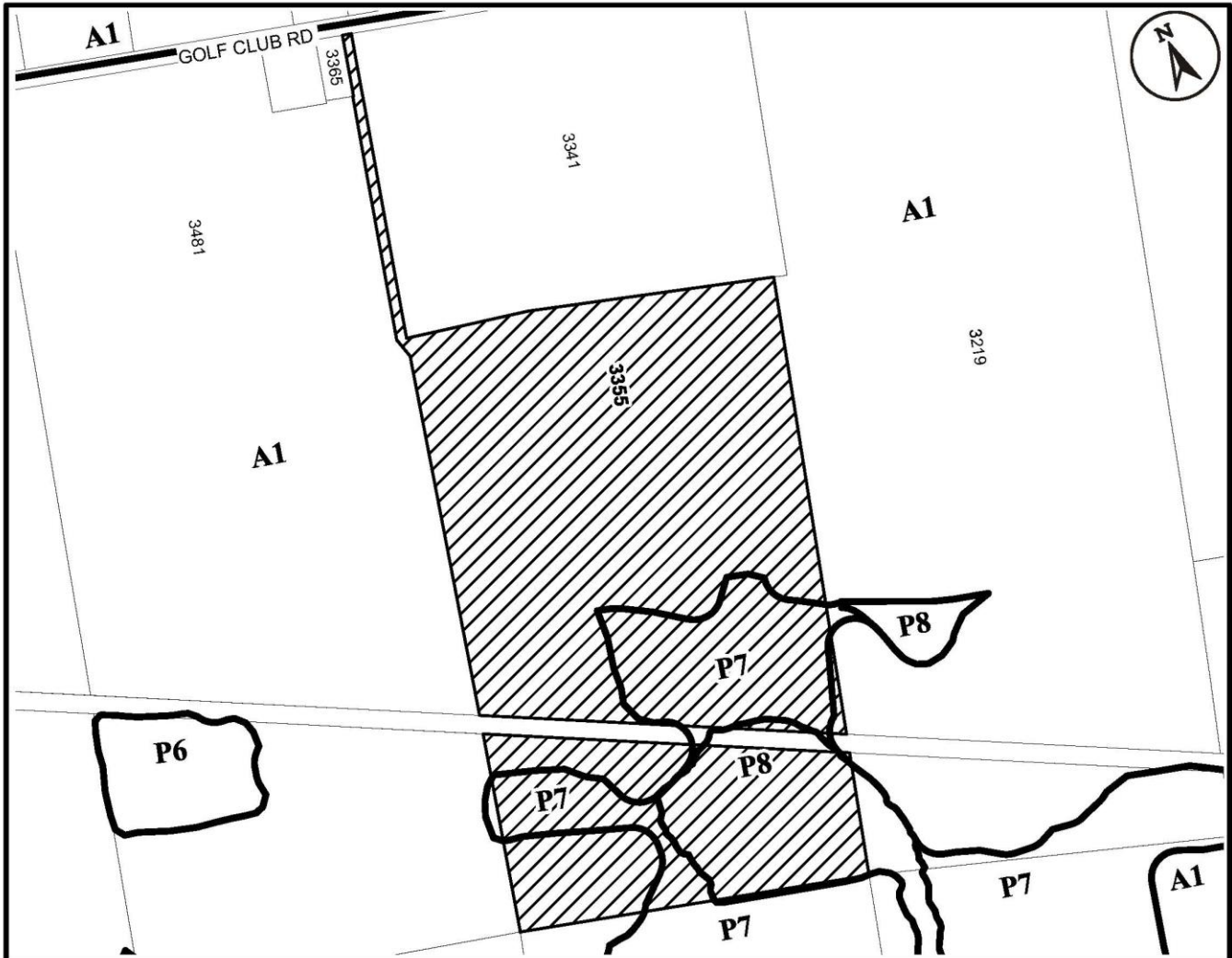
The appeal of the Official Plan Amendment and Zoning By-law Amendment, filed by John Corbett, agent for Mario Roque (Owner), was received by the City Clerk's Office on May 27, 2021, 584 days after the applications were deemed complete.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED21191 - Location Map
Appendix "B" to Report PED21191 - Concept Plan
Appendix "C" to Report PED21191 - Letter of Appeal

CT:sd

Appendix "A" to Report PED21191
Page 1 of 1



● Site Location



Key Map - Ward 11

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-028 & RHOPA-19-007

Date:
August 25, 2021

Appendix "A"

Scale:
N.T.S.

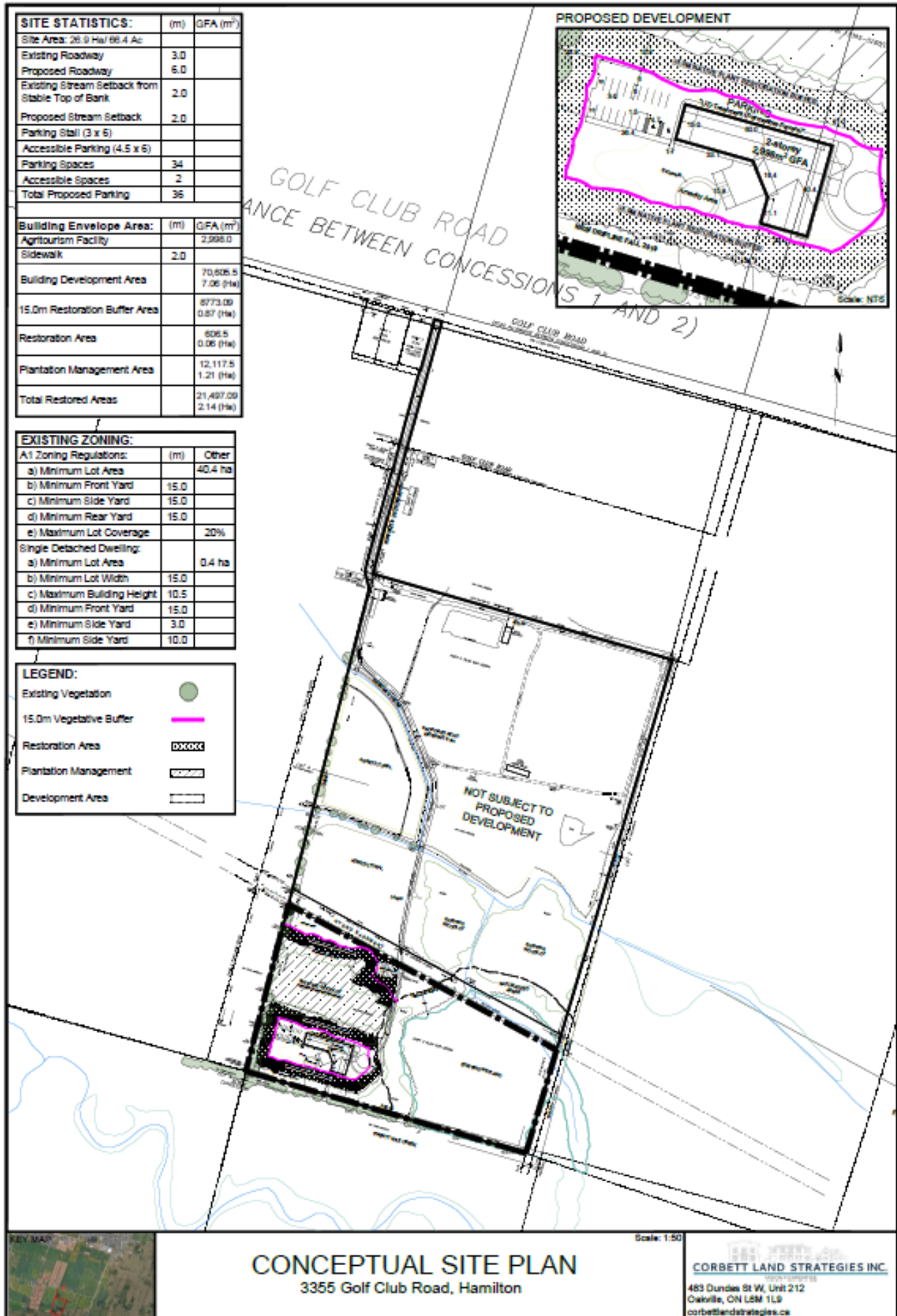
Planner/Technician:
CT/AL

Subject Property



3355 Golf Club Road

Appendix "B" to Report PED21191
Page 1 of 1



Appendix "C" to Report PED21191
Page 1 of 2

RUSSELL D. CHEESEMAN
-Barrister & Solicitor-

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

May 27, 2021

DELIVERED BY COURIER AND E-MAIL

Ms. Andrea Holland
 City Clerk
 Corporation of the City of Hamilton
 71 Main Street West, 15¹ Floor
 Hamilton, Ontario
 L8P 4Y5

Dear Ms. Holland:

**Re: Notice of Appeals Pursuant to Section 22(7) and 34(11) of the
 Planning Act, R.S.O. 1990, c. P. 13, as amended-Mario Roque -3355
 Golf Club Road, Gianbrook, City of Hamilton
 City of Hamilton File Nos. RHOPA-19-007 & ZAC-19-028**

We are counsel for Mr. Mario Roque, the owners of the above referenced lands in the City of Hamilton.

Mr. Roque, through his land use planning consultants, Corbett Land Strategies Inc., filed applications to amend both the Official Plan and the Comprehensive Zoning By-law of the City of Hamilton in respect of the above referenced property on April 18, 2019. The applications were deemed complete by the City of Hamilton on October 21, 2019.

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

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

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

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

MLC
 Municipal Law Chambers

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

TELEPHONE: 416-955-9529 | CELLULAR: 416-520-9854 | EMAIL: rdcheese@aol.com | FACSIMILE: 416-955-9532

www.MunicipalLawChambers.com

Appendix "C" to Report PED21191
Page 2 of 2

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

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

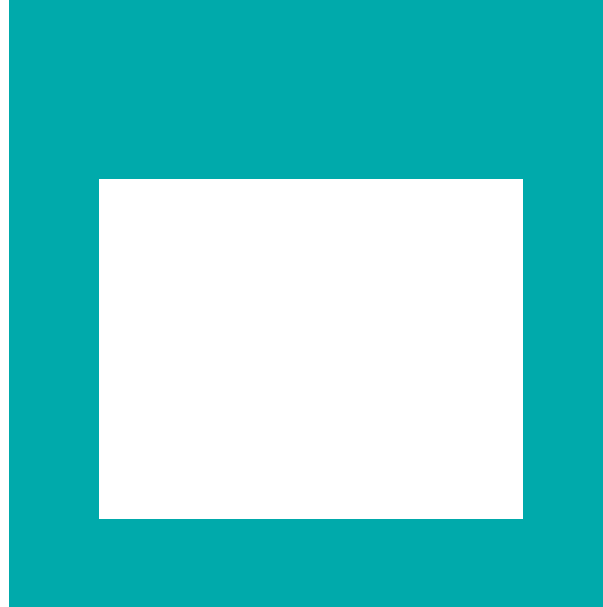
Thank you for your cooperation in respect of this matter.

Yours very truly,

A handwritten signature in black ink that reads "R.D. Cheeseman". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Russell D. Cheeseman

cc. Mr. Mario Roque (via e-mail)
Mr. John Corbett (via e-mail)



WELCOME TO THE CITY OF HAMILTON

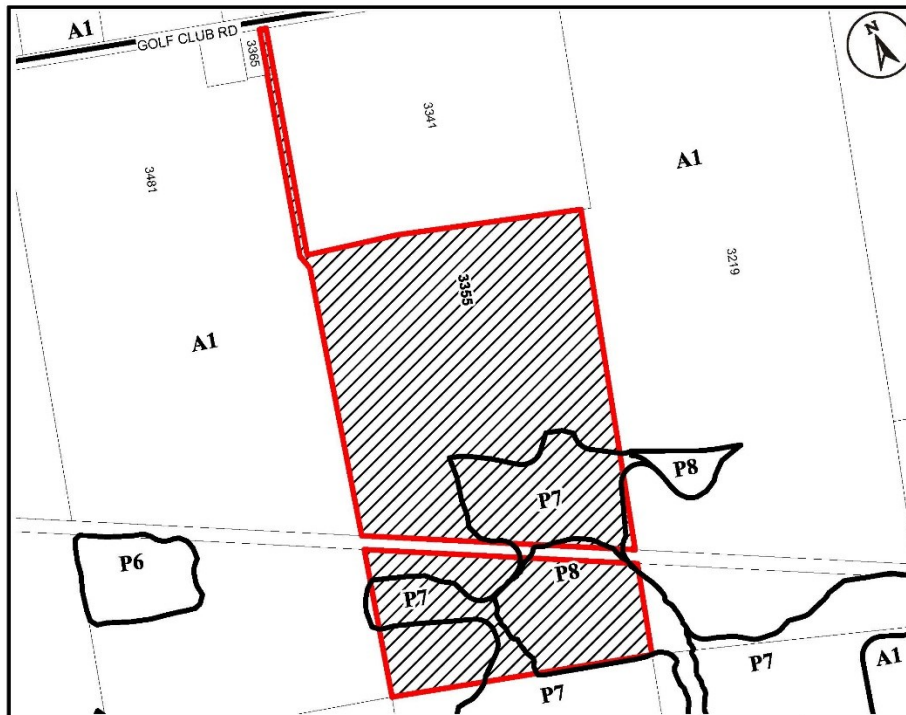
PLANNING COMMITTEE

October 19, 2021

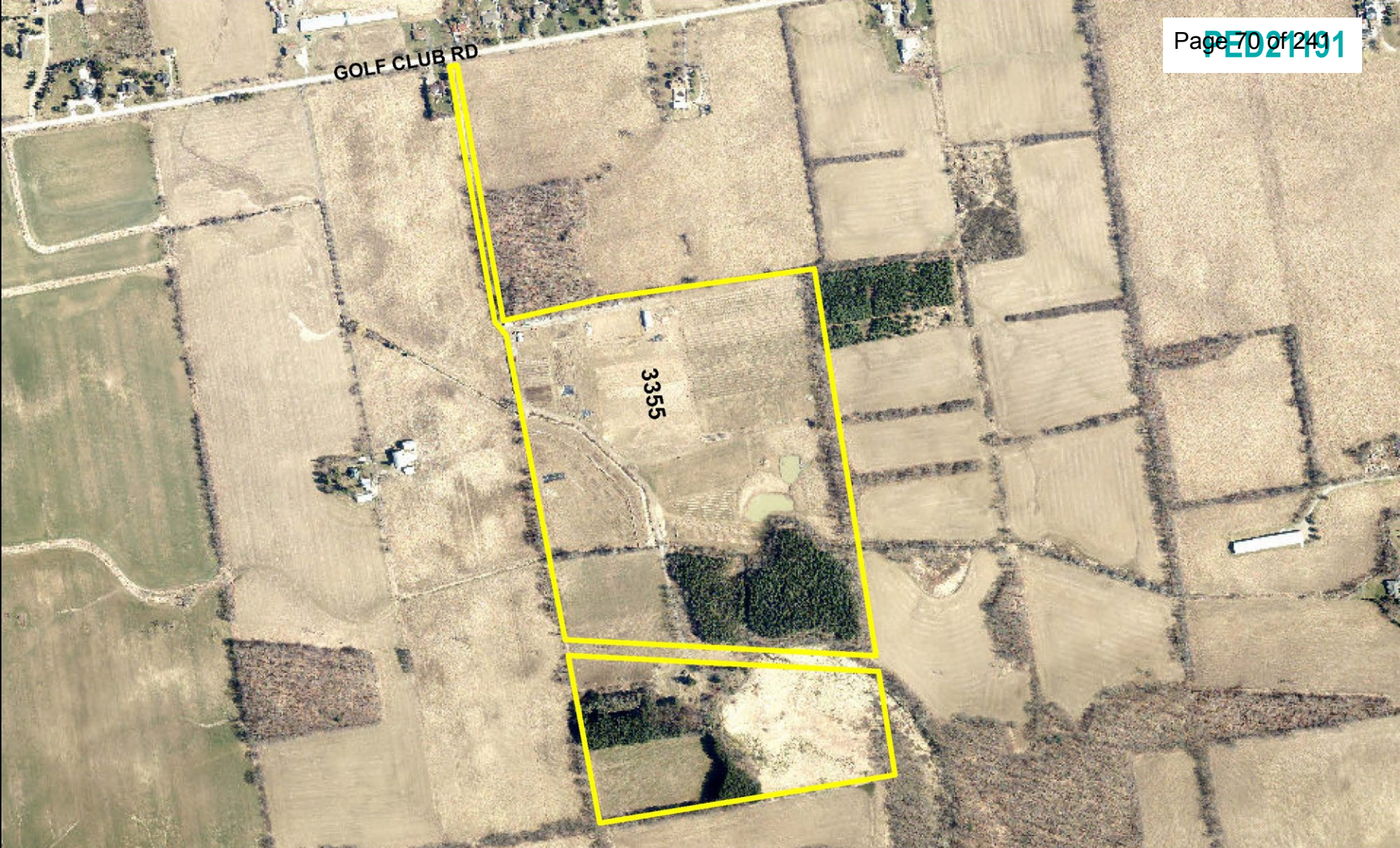
PED21191 – (ZAC-19-28 & RHOPA-19-007)

Appeal of Rural Hamilton Official Plan Amendment Application
RHOPA-19-007 and Zoning By-law Amendment Application ZAC-19-028
for Lands Located at 3355 Golf Club Road, Glanbrook

Presented by: Charlie Toman



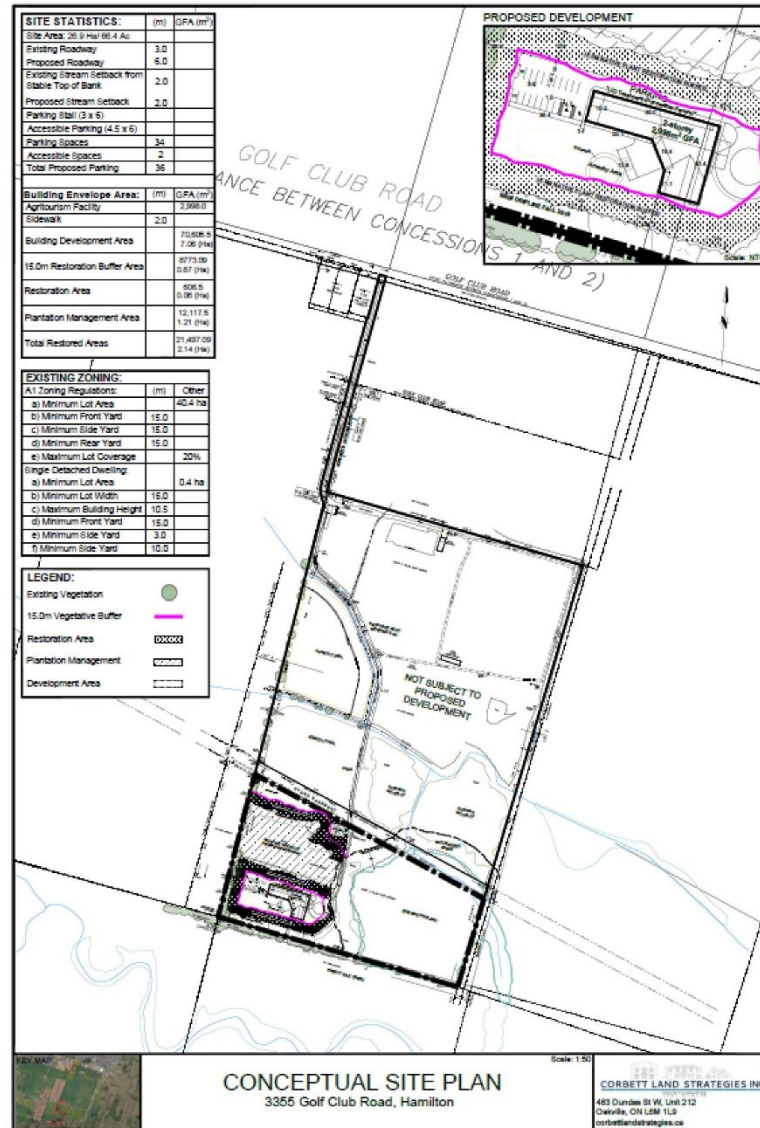
<p>● Site Location</p>	<h3>Location Map</h3>	
	<small>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</small>	
<p>File Name/Number: ZAC-19-028 & RHOPA-19-007</p>		<p>Date: August 25, 2021</p>
<p>Appendix "A"</p>	<p>Scale: N.T.S.</p>	<p>Planner/Technician: CT/AL</p>
<p>Subject Property</p> <p> 3355 Golf Club Road</p>		
<p>Key Map - Ward 11</p>		<p>N.T.S. </p>



SUBJECT PROPERTY



3355 Golf Club Road, Glanbrook





Looking North from Golf Club Road



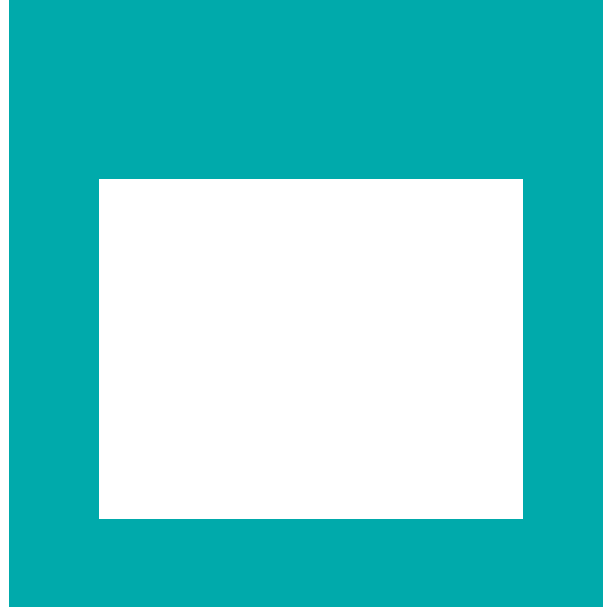
Looking East from Golf Club Road



Looking South from Golf Club Road



Looking West from Golf Club Road



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 19, 2021
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Rino Dal Bello (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

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

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

The following information is provided to Planning Committee with regards to Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044, and Draft Plan of Subdivision Application 25T-2019005 which have been appealed by the proponent for non-decision.

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

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15) – Page 2 of 8

Background:

The subject lands are municipally known as 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (shown on Appendix “A” attached to Report PED21199). The applicant is The Krpan Group and The Flamborough Power Centre c/o John Krpan.

The subject lands are approximately 25.5 hectares in total area commonly known as Clappison’s Corners, east of Highway 6, north and south of Dundas Street East (Highway 5), in the community of Waterdown. A portion of the subject lands are located along the east side of Highway 6 and are bisected by Dundas Street East (Highway 5) into an 18.58 hectare parcel referred to as iConnect Residential North (refer to Appendix “A” attached to Report PED21199) and the remaining 6.9 hectare parcel is referred to as iConnect Residential South (refer to Appendix “A” attached to Report PED21199). The subject lands are located south of the Flamborough Business Park and west of the Power Centre.

The applicant has applied for amendments to the Urban Hamilton Official Plan (Application UHOPA-19-012), Zoning By-law (Application ZAC-19-044) and Draft Plan of Subdivision Application 25T-2019005. These applications were deemed complete on July 8, 2019.

The purpose and effect of the applications is to facilitate the development of approximately 2,000 new housing units in a range of forms including townhouses, stacked townhouses and multiple dwellings ranging from two to 22-storeys in height. The concept, referred to as the iConnect Community, also includes over four hectares of new publicly accessible parkland and a range of commercial, community services, and institutional uses as well as a long-term care facility. The applicant has provided a concept plan (see Appendix “B” attached to Report PED21199).

The applicant has submitted the following plans and studies in support of the proposal:

- Draft Plan of Subdivision, prepared by MHBC;
- Plan of Survey and Topography, Part of Lots 12 & 13, prepared by J.D. Barnes;
- Registered Plan 62M-1133 and 62M-1081;
- Concept Plan, prepared by WMHZ Architects;
- Conceptual Master Plan, prepared by WMHZ Architects;
- Planning Justification Report (including draft OPA & draft ZBA), prepared by MHBC;

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15) – Page 3 of 8

- Urban Design Guidelines, prepared by WMHZ Architects;
- Draft Plan of Subdivision;
- Conceptual Master Plan;
- Preliminary Karst Assessment, prepared by Karst Solutions;
- Market Needs Assessment, prepared by Ward Land Economics Inc.;
- Noise Control Pre-Feasibility Study, prepared by SS Wilson Associates;
- Outdoor Recreation / Parks Issues Assessment, prepared by MHBC;
- Stage 1 Visual Impact Assessment, prepared by MHBC;
- General Vegetation Inventory, prepared by Stantec;
- Stage 1 – 2 Archaeological Assessment, prepared by Amick;
- Draft Phase 1 Environmental Site Assessment- Parcel 1;
- Scoped Environmental Impact Statement, prepared by Stantec;
- Phase 1 Environmental Site Assessment – Parcel 2, prepared by Stantec;
- Phase 1 Environmental Site Assessment – Parcel 2 Update, prepared by Stantec;
- Draft Phase 1 Environmental Site Assessment – Parcel 1, prepared by Stantec;
- Functional Servicing and Stormwater Management Report (including preliminary grading plan and preliminary site servicing plan), prepared by S. Llewellyn & Associates;
- Preliminary Grading and Servicing Plan- North;
- Preliminary Grading and Servicing Plan - South;
- Geotechnical Investigation and Preliminary Hydrogeological Assessment, prepared by Soil-Mat Engineers & Consultants Ltd.; and,
- Transportation Impact Study prepared by WSP.

The applications were circulated to internal departments and external review agencies for comment on July 18, 2019. Based on comments received on the technical submission, the applicant provided the City with a resubmission on December 20, 2020 that updated the following:

- Concept Plan rendering - Phase 1;
- Concept Plan rendering – Future;
- Concept Plan;
- Draft Official Plan and Zoning By-law Amendment and Plan of Subdivision;
- Economic Benefit Analysis;
- Environmental Impact Study;
- Functional Servicing Report North;
- Functional Servicing Report South;
- General Vegetation Inventory;

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15) – Page 4 of 8

- Phase 1 Environmental Site Assessment North;
- Phase 2 Environmental Site Assessment LTC;
- Phase 2 Environmental Site Assessment North;
- Planning Justification Report Addendum;
- Stage I Visual Impact Assessment;
- Transportation Impact Study;
- Transportation Impact Study Response Memo;
- Urban Design Guidelines; and,
- Vehicular Access Arrangements Rationale.

The applicant had also requested to phase the Planning Applications and approvals and requested that the City first consider the Official Plan Amendment followed by the Zoning By-law Amendment and Plan of Subdivision.

URBAN HAMILTON OFFICIAL PLAN (UHOP)

The subject lands are designated as “District Commercial” on Schedule E-1 – Urban Land Use Designations and identified as “Neighbourhoods” on Schedule E – Urban Structure in Volume 1 of the Urban Hamilton Official Plan (UHOP). The lands are within a Special Policy Area (OPA 75) and Area Specific Policies UF-1 as shown on Map F-1 of the UHOP. The subject lands are partly outside of the Built Boundary, as delineated on Appendix G - Boundaries Map. A portion of the subject lands are identified as Core Areas on Schedule B-4 - Natural Heritage Feature and Key Hydrologic Feature Wetlands.

CITY OF HAMILTON ZONING BY-LAW NO. 05-200

The subject lands are currently zoned District Commercial (C6, 326, H91) Zone. The District Commercial (C6) Zone permits retail and service commercial uses which cater to the weekly and daily shopping needs of residents in the immediate and surrounding neighbourhoods. Residential uses are permitted but the intent of the zone is predominantly for commercial uses.

The District Commercial (C6) Zone also permits residential uses in mixed use buildings, above commercial uses and contains gross floor area restrictions for residential, commercial and office uses and built form requirements which generally promote street-oriented design. A maximum height of 14 metres is permitted. Special regulations are provided for motor vehicle gas bars and service stations.

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15) – Page 5 of 8

The site specific provision 326 reflects most of the use permissions and regulations established under the old Prestige Industrial “M1-14(H)” Zone in the Town of Flamborough Zoning By-law No. 90-145-Z which implements the commercial node envisioned by Area Specific Policy UF-1.

The Holding Provision H92 prohibits development on the southern portion of the subject lands until a municipal road allowance connecting the lands to Dundas Street East has been dedicated to the City by way of a Plan of Subdivision.

OFFICIAL PLAN AMENDMENT APPLICATION

The Official Plan Amendment application is to add a site-specific policy area in order to permit for a broad range of land uses and building forms including the development of approximately 2,000 new housing units in a range of forms including townhouses, stacked townhouses, street townhouses and multiple dwellings ranging from two to 22-storeys in height. The concept includes over four hectares of new publicly accessible parkland and a range of commercial, community services and institutional uses.

The application proposes to amend the existing “Area Specific Policy UF-1” that applies to the site to permit the uses as noted above in addition to the commercial uses permitted by the existing Area Specific Policy.

The proposed Urban Hamilton Official Plan Amendment will also amend Schedule “B” – Natural Heritage Systems and Schedule “B-4” – Detailed Natural Heritage Features, Key Natural Heritage Features and Key Hydrologic Features Wetlands to update the mapping to remove isolated natural features identified on the subject lands.

ZONING BY-LAW AMENDMENT APPLICATION

The Zoning By-law Amendment application proposes to change the zoning from the District Commercial (C6, 326, H92) Zone to a modified District Commercial (C6) Zone in order to permit a range of residential uses (e.g. multiple dwellings, stacked townhouse dwellings, maisonette dwellings, block and street townhouse dwellings, retirement homes and residential care facilities), educational establishments, places of worship and community gardens in addition to the range of commercial uses permitted by the existing zoning.

The requested modifications are shown conceptually on the Concept Plan, in Appendix “B” attached to Report PED21199.

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15) – Page 6 of 8

DRAFT PLAN OF SUBDIVISION APPLICATION

Application 25T-2019005 is a Draft Plan of Subdivision for the lands north of Dundas Street East (522 Highway 6 and 30 and 50 Horseshoe Crescent) and consists of 16 blocks of lands, the extension of Horseshoe Crescent and five proposed roads (refer to Appendix “C” attached to Report PED21199).

CONSULTATION

At the time of appeal, the following outstanding issues, among others, have been identified:

Development Engineering

- As per City policy, a second vehicle access is required for the iConnect North lands when there is more than 100 units proposed as well as an additional north/south connection onto Dundas Road East;
- An additional road connection from the south lands should be considered since there is only one access; and,
- Submission of a stormwater management and servicing concept that would not preclude the redevelopment of the private properties along Dundas Street East.

Development Planning

- An updated Environmental Impact Study is required that includes detailed habitat restoration plans to replicate the ecological function of the Core Areas to be removed from the subject lands;
- Revisions to the proposed Official Plan Amendment to include appropriate land use, urban design and phasing/implementation policies using Holding Provisions;
- The distribution and location of density amongst the blocks and proposed building forms; and,
- Additional pedestrian connections and an alternative location for the park.

Transportation Planning

- A second vehicle access is required for the iConnect North and South lands;
- Additional analysis through a revised Transportation Impact Study would be required to phase the iConnect North lands to identify the specific timing of when a second access would be required off Dundas Street East; and,
- There is no current timeline for the Highway 5 and Highway 6 interchange to be constructed. As such following MTO direction, additional separate scenarios are

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15) – Page 7 of 8

required under the 5-year and 10-year horizon reviewing Highway 5 (Dundas Street East) and Highway 6 with the interchange improvements in place.

Conservation Halton

- A restoration strategy is required to identify the removal of the regulated wetlands and demonstrate the wetland function will be successfully replicated in a suitable location and will achieve net gain;
- An updated Environmental Impact Study (EIS) is required and if supported will require a permit and will be subject to approval from the CH's Board of Directors;
- The EIS and the Karst Assessment reports require updates to summarize background information, provide justification, demonstrate no negative impacts; discuss potential ecological and hydrological downstream impacts from the drainage diversion, and to incorporate associated mitigation measures including maintenance of base flows. The proposed drainage will be subject to the review and approval of the wetland replication plan;
- Verification of the proposed SWM Strategy (iConnect North lands) using an updated watershed model may be warranted considering substantial development has occurred, which was not assessed by the past drainage study that is currently being relied upon; and,
- A holistic assessment and hydrological models are required for the iConnect South lands to verify the receiving SWM facility will achieve the quantity control requirements previously defined for its contributing drainage area. An evaluation of the Regional storm must also be included.

PUBLIC CONSULTATION

Notice of Complete Application for the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment was circulated to property owners within 120 metres of the subject property on July 8, 2019.

To date staff have received two written submissions by residents opposed to the development. Issues raised by the public relate to the traffic that the development would cause.

The appeal of the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision filed by Wood Bull, agent for The Krpan Group and The Flamborough Power Centre, was received by the City Clerk's Office on August 23, 2021, 776 days after the applications were deemed complete.

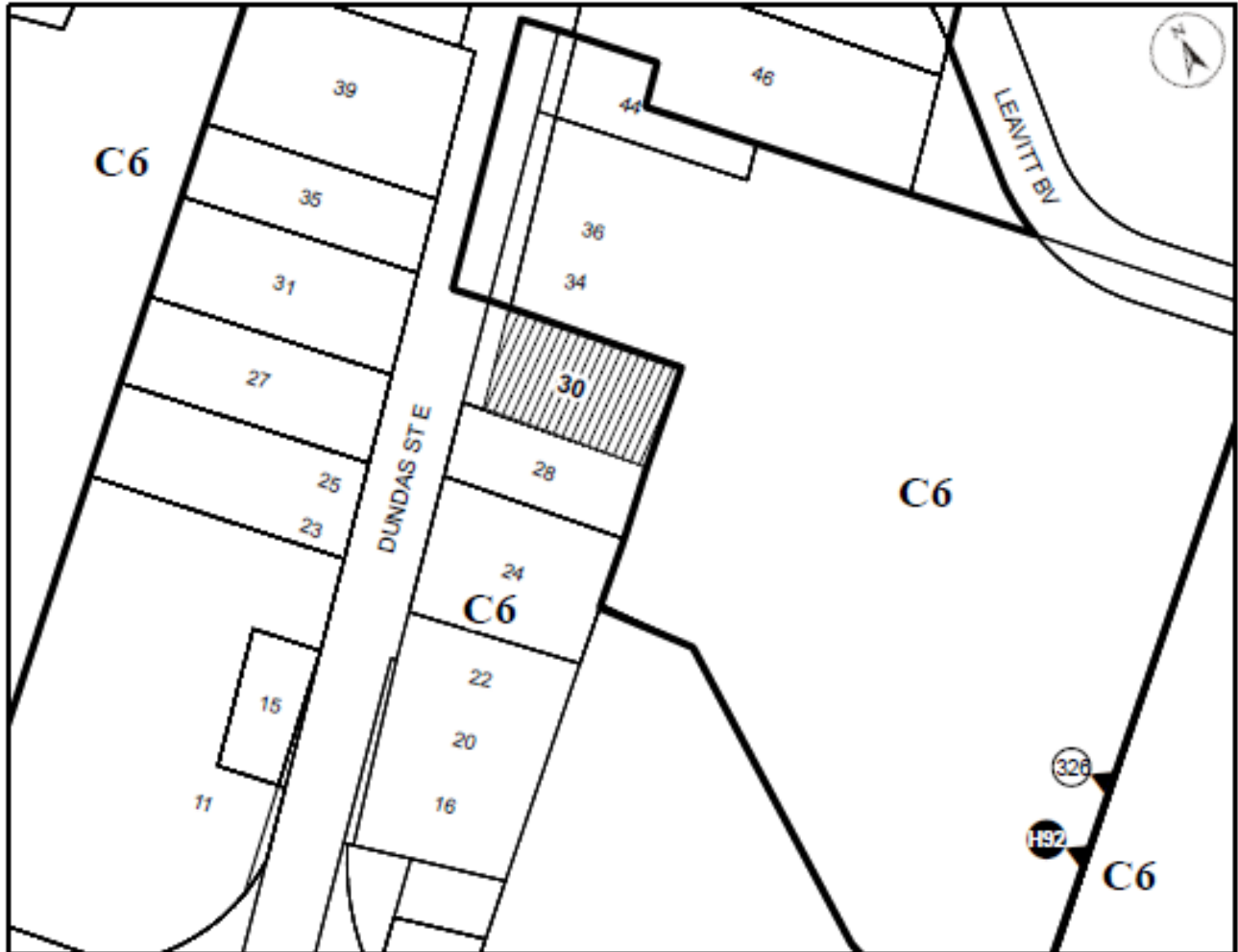
**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application
UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044
and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522
Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas
Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward
15) – Page 8 of 8**

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21199 – Location Map
Appendix “B” to Report PED21199 – Concept Plan
Appendix “C” to Report PED21199 – Draft Plan of Subdivision
Appendix “D” to Report PED21199 – Appeal Letter

RD:sd

Appendix "A" to Report PED21199
Page 1 of 5



● Site Location



Key Map - Ward 15

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-044 & 25T-21900 & UHOPA 19-012


Date:
September 13, 2021

Appendix "A"

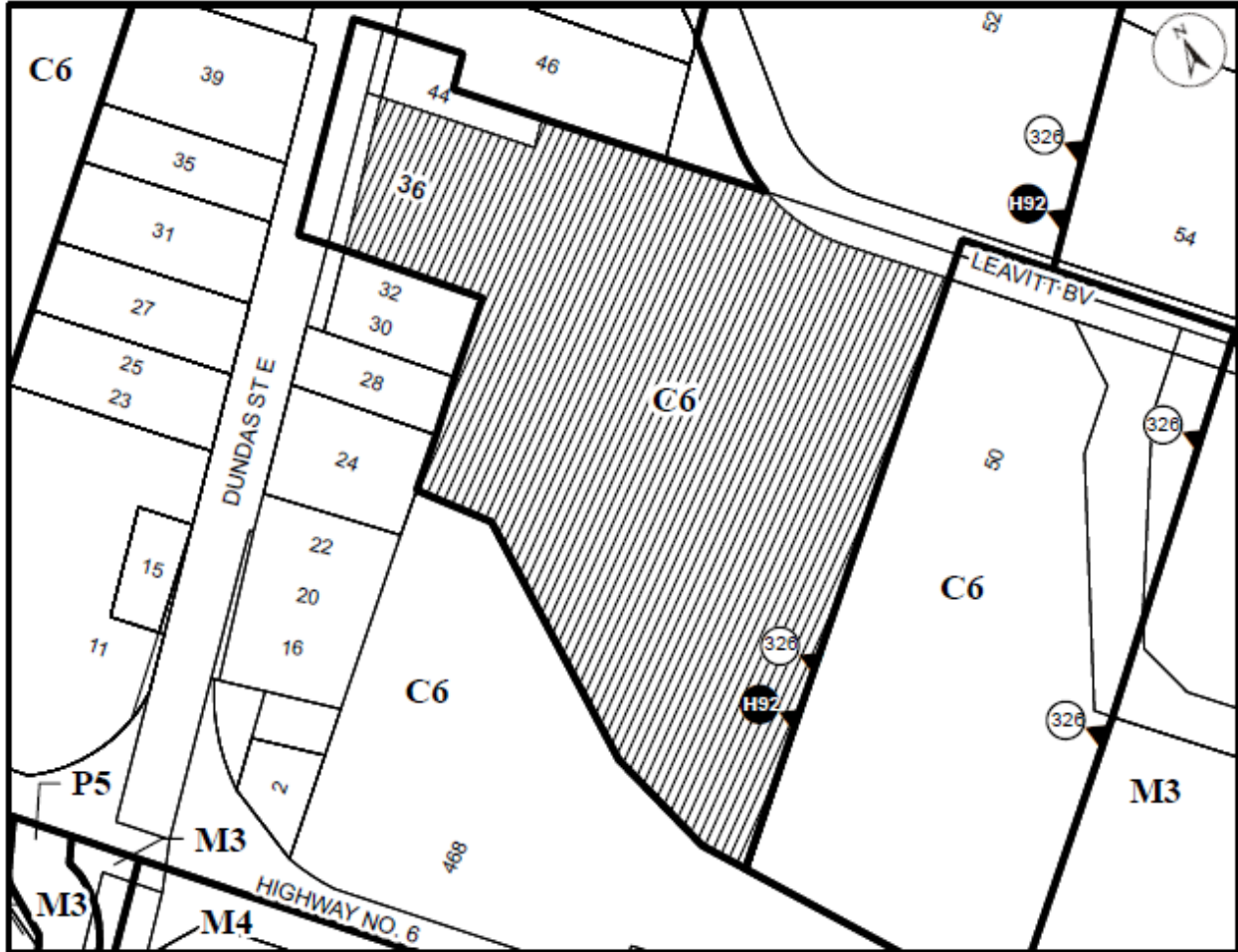
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Planner/Technician:
RB/VS

Subject Property

 30 Dundas Street East, Flamborough

Appendix "A" to Report PED21199
Page 2 of 5



● Site Location



Key Map - Ward 15

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-044 & 25T-21900 & UHOPA 19-012


Date:
September 13, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
RB/VS

Subject Property

 36 Dundas Street East, Flamborough

Appendix "A" to Report PED21199
Page 3 of 5



● Site Location



Key Map - Ward 15

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-044 & 25T-21900 & UHOPA 19-012


Date:
September 13, 2021

Appendix "A"

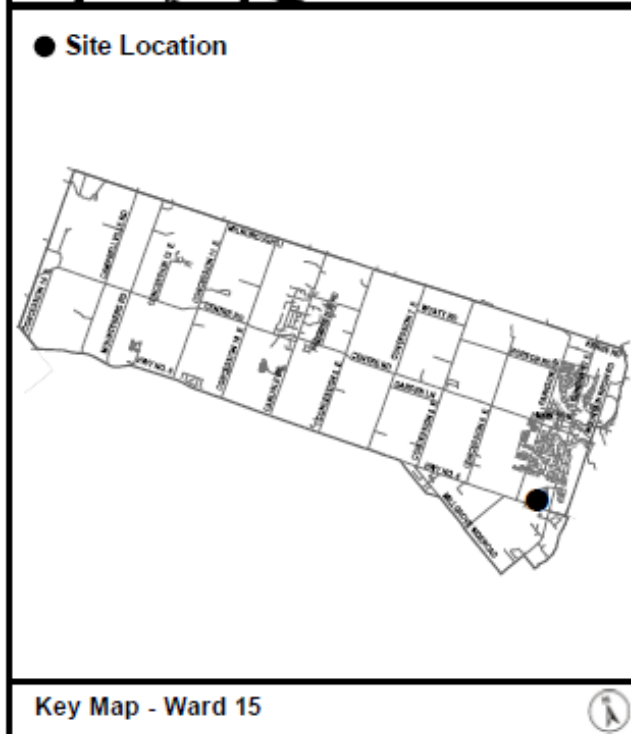
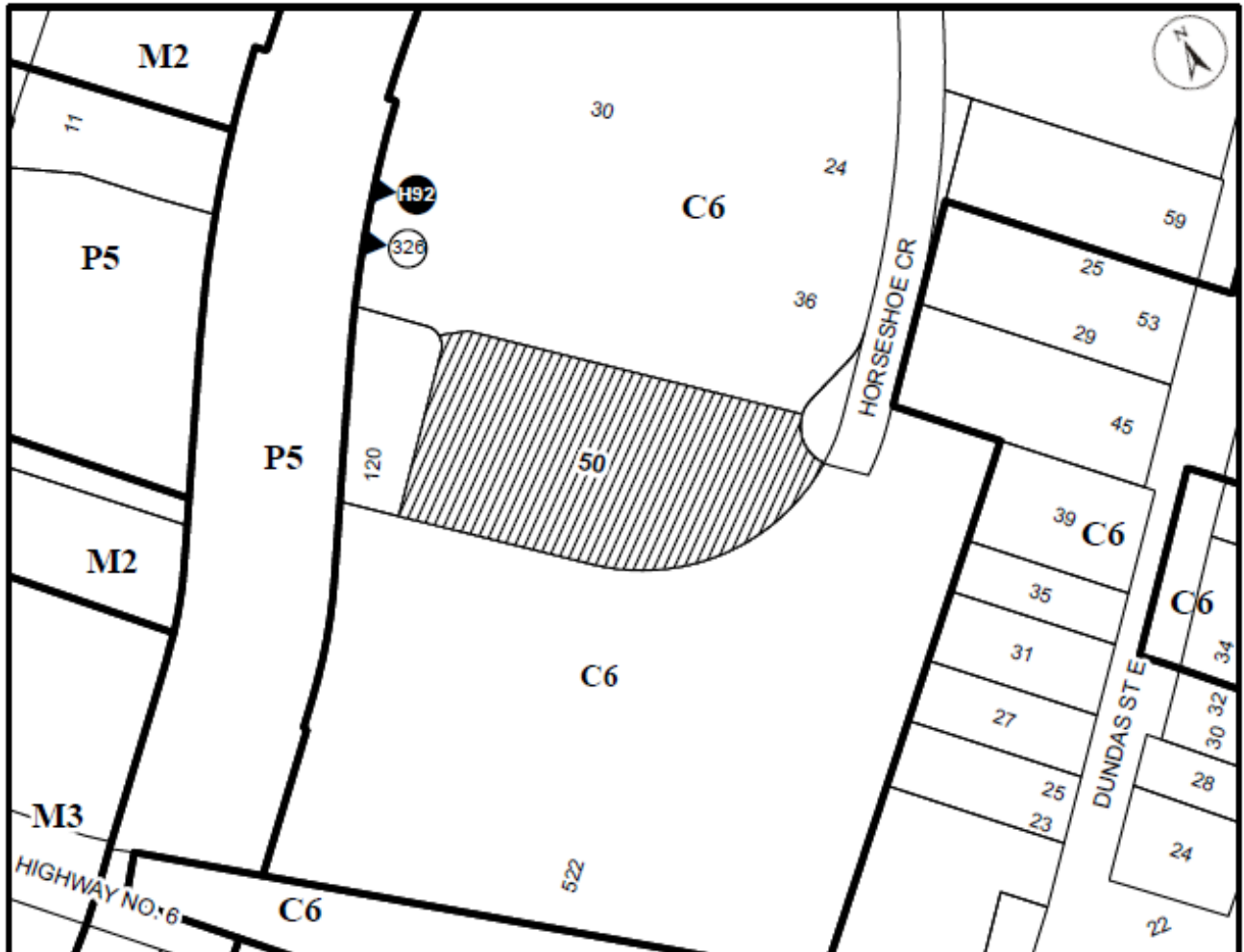
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Planner/Technician:
RB/VJS

Subject Property

 46 Dundas Street East, Flamborough

Appendix "A" to Report PED21199
Page 4 of 5



Key Map - Ward 15

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-044 & 25T-21900 & UHOPA 19-012


Date:
September 13, 2021

Appendix "A"

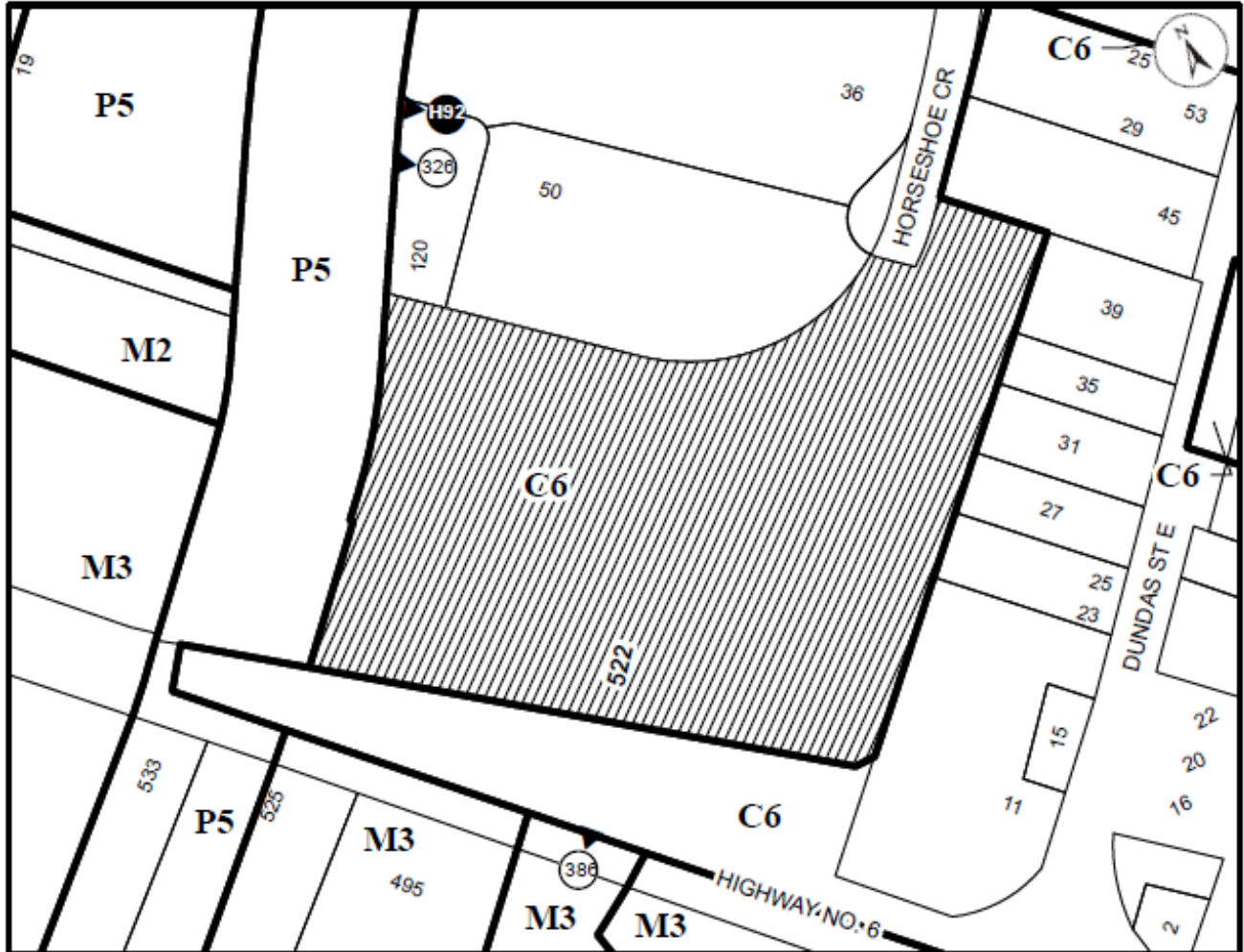
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N.T.S

Planner/Technician:
RB/VJS

Subject Property

 50 Horseshoe Crescent, Flamborough

Appendix "A" to Report PED21199
Page 5 of 5



● Site Location



Key Map - Ward 15

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-044 & 25T-21900 & UHOPA 19-012


Date:
September 13, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
RB/VS

Subject Property

 522 Highway No. 6, Flamborough

Appendix "D" to Report PED21199

Page 1 of 6

MUNICIPAL PLANNING & DEVELOPMENT LAW

23 August 2021

Sent by Courier and Email (clerk@hamilton.ca)

Ms. Andrea Holland, City Clerk
 City of Hamilton
 71 Main St W, 1st Floor
 Hamilton, Ontario
 L8P 4Y5

OFFICE OF THE CITY CLERK	
AUG 23 2021	
RESP'D TO	_____
RESP'D TO	_____
RESP'D TO	_____
ACTION _____	



Dear Ms. Holland:

**Re: Notice of Appeal pursuant to subsection 22(7) of the *Planning Act*
 Request to Amend the Urban Hamilton Official Plan (the "Official Plan")
 iConnect Community - NE and SE corners of Hwy 6 and Dundas St E
 City of Hamilton File: UHOPA-19-012**

We are the lawyers for The Krpan Group and Flamborough Power Centre Inc. (collectively, "Flamborough Power Centre"), the proponents of a mixed use development on lands located on the north and south sides of Dundas Street East, east of Highway 6 (the "iConnect Lands") in the City of Hamilton (the "City"). The iConnect Lands are located in the community of Waterdown and are within the *Neighbourhoods* component of the City's urban structure.

Applications Submitted by Flamborough Power Centre

In June 2019, Flamborough Power Centre submitted applications to the City for Official Plan amendment, Zoning By-law amendment, and draft plan of subdivision to permit the development of a complete community on the iConnect Lands (collectively, the "Applications"). The Applications included all the information and material required by the *Planning Act* and were supported by a comprehensive set of technical studies and reports. The City deemed the applications complete on 8 July 2019.

Since the submission of the Applications to the City, our client and its planning consultant, MHBC Planning, have engaged in discussions with City staff to respond to comments provided by staff and other commenting agencies regarding the Applications. In response to these comments, our client has also revised the Applications and submitted a revised Official Plan amendment, revised Zoning By-law amendment and revised draft plan of subdivision (the "Revised Instruments") along with supplementary background studies and material to support the Applications and Revised Instruments. The proposed

Sharmini Mahadevan Direct: (416) 203-7345 smahadevan@woodbull.ca

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Appendix "D" to Report PED21199
Page 2 of 6

23 August 2021

Official Plan amendment seeks to amend the Urban Hamilton Official Plan to introduce a policy framework for the iConnect Lands including permissions for standalone residential uses.

Although our client and its consultants have been working in a collaborative manner with City staff, this has not resulted in the preparation of a staff recommendation report or the consideration of the Applications by City Council. While our client intends to continue with its collaborative interaction with the City on the Applications, it has decided to exercise its rights under the *Planning Act* to appeal the Applications to the Local Planning Appeal Tribunal (the "Tribunal") as Council has failed to make a decision on the Applications.

Appeal

Pursuant to subsection 22(7) of the *Planning Act*, Flamborough Power Centre hereby appeals City's Council's failure to make a decision on Flamborough Power Centre's Official Plan amendment application within 120 days of the application.

We enclose herewith the completed Appellant Form (A1), a cheque in the amount of \$1,100 representing the Tribunal's appeal filing fee, and a copy of the City's Notice of Complete Applications dated 8 July 2019.

Our client is simultaneously filing appeals of City Council's failure to make a decision on Flamborough Power Centre's Zoning By-law amendment application and plan of subdivision application within the time frames set out in the *Planning Act*.

In order to ensure that all relevant matters may be heard by the Tribunal in the same proceeding, we will be requesting the Tribunal to consolidate this appeal with Flamborough Power Centre's appeals of the Zoning By-law amendment application and draft plan of subdivision application under the same "PL" case number.

If you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Yours very truly,

Wood Bull LLP

A handwritten signature in cursive script, appearing to read "S. Mahadevan", is written above the printed name.

Sharmini Mahadevan

Appendix "D" to Report PED21199
Page 3 of 6

MUNICIPAL PLANNING & DEVELOPMENT LAW

23 August 2021

Sent by Courier and Email (clerk@hamilton.ca)

Ms. Andrea Holland, City Clerk
 City of Hamilton
 71 Main St W, 1st Floor
 Hamilton, Ontario
 L8P 4Y5

OFFICE OF THE CITY CLERK	
AUG 23 2021	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION _____	



Dear Ms. Holland:

**Re: Notice of Appeal pursuant to subsection 34(11) of the *Planning Act*
 Application to Amend City of Hamilton Zoning By-law No. 05-200 (the "Zoning By-law")
 iConnect Community - NE and SE corners of Hwy 6 and Hwy 5 (Dundas St E)
 City of Hamilton File: ZAC-19-044**

We are the lawyers for The Krpan Group and Flamborough Power Centre Inc. (collectively, "Flamborough Power Centre"), the proponents of a mixed use development on lands located on the north and south sides of Dundas Street East, east of Highway 6 (the "iConnect Lands") in the City of Hamilton (the "City"). The iConnect Lands are located in the community of Waterdown and are within the *Neighbourhoods* component of the City's urban structure.

Applications Submitted by Flamborough Power Centre

In June 2019, Flamborough Power Centre submitted applications to the City for Official Plan amendment, Zoning By-law amendment, and draft plan of subdivision to permit the development of a complete community on the iConnect Lands (collectively, the "Applications"). The Applications included all the information and material required by the *Planning Act* and were supported by a comprehensive set of technical studies and reports. The City deemed the applications complete on 8 July 2019.

Since the submission of the Applications to the City, our client and its planning consultant, MHBC Planning, have engaged in discussions with City staff to respond to comments provided by staff and other commenting agencies regarding the Applications. In response to these comments, our client has also revised the Applications and submitted a revised Official Plan amendment, revised Zoning By-law amendment and revised draft plan of subdivision (the "Revised Instruments") along with supplementary background studies and material to support the Applications and Revised Instruments. The proposed Zoning By-law amendment seeks to amend the Zoning By-law to permit a range of standalone

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Appendix "D" to Report PED21199
Page 4 of 6

23 August 2021



residential uses and provide zoning regulations relating to built form as well as holding provisions to address the phasing of development.

Although our client and its consultants have been working in a collaborative manner with City staff, this has not resulted in the preparation of a staff recommendation report or the consideration of the Applications by City Council. While our client intends to continue with its collaborative interaction with the City on the Applications, it has decided to exercise its rights under the *Planning Act* to appeal the Applications to the Local Planning Appeal Tribunal (the "Tribunal") as Council has failed to make a decision on the Applications.

Appeal

Pursuant to subsection 34(11) of the *Planning Act*, Flamborough Power Centre hereby appeals City's Council's failure to make a decision on Flamborough Power Centre's Zoning By-law amendment application within 120 days of the Applications.

We enclose herewith the completed Appellant Form (A1), a cheque in the amount of \$1,100 representing the Tribunal's appeal filing fee, and a copy of the City's Notice of Complete Applications dated 8 July 2019.

Our client is simultaneously filing appeals of City Council's failure to make a decision on Flamborough Power Centre's Official Plan amendment application and plan of subdivision application within the time frames set out in the *Planning Act*.

In order to ensure that all relevant matters may be heard by the Tribunal in the same proceeding, we will be requesting the Tribunal to consolidate this appeal with Flamborough Power Centre's appeals of the Official Plan amendment application and draft plan of subdivision application under the same "PL" case number.

If you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Yours very truly,

Wood Bull LLP

A handwritten signature in black ink, appearing to read "S. Mahadevan".

Sharmini Mahadevan

Appendix "D" to Report PED21199
Page 5 of 6

MUNICIPAL, PLANNING & DEVELOPMENT LAW

23 August 2021

Sent by Courier and Email (clerk@hamilton.ca)

Ms. Andrea Holland, City Clerk
 City of Hamilton
 71 Main St W, 1st Floor
 Hamilton, Ontario
 L8P 4Y5

Dear Ms. Holland:

Re: Notice of Appeal pursuant to subsection 51(34) of the *Planning Act*
Application for plan of subdivision approval
iConnect Community - NE and SE corners of Hwy 6 and Hwy 5 (Dundas St E)
City of Hamilton File: 25T-2019005

We are the lawyers for The Krpan Group and Flamborough Power Centre Inc. (collectively, "Flamborough Power Centre"), the proponents of a mixed use development on lands located on the north and south sides of Dundas Street East, east of Highway 6 (the "iConnect Lands") in the City of Hamilton (the "City"). The iConnect Lands are located in the community of Waterdown and are within the *Neighbourhoods* component of the City's urban structure.

Applications Submitted by Flamborough Power Centre

In June 2019, Flamborough Power Centre submitted applications to the City for Official Plan amendment, Zoning By-law amendment, and draft plan of subdivision to permit the development of a complete community on the iConnect Lands (collectively, the "Applications"). The Applications included all the information and material required by the *Planning Act* and were supported by a comprehensive set of technical studies and reports. The City deemed the applications complete on 8 July 2019.

Since the submission of the Applications to the City, our client and its planning consultant, MHBC Planning, have engaged in discussions with City staff to respond to comments provided by staff and other commenting agencies regarding the Applications. In response to these comments, our client has also revised the Applications and prepared a revised Official Plan amendment, revised Zoning By-law amendment and revised draft plan of subdivision (the "Revised Instruments") along with supplementary background studies and material to support the Applications and Revised Instruments. The proposed

<p align="center">OFFICE OF THE CITY CLERK</p> <p align="center">AUG 23 2021</p> <p>REF'D TO _____</p> <p>REF'D TO _____</p> <p>REF'D TO _____</p> <p>ACTION _____</p> <p>_____</p>
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Shorini Mahadevan Direct: (416) 203-7345 smahadevan@woodbull.ca

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Appendix "D" to Report PED21199
Page 6 of 6



23 August 2021

plan of subdivision will create legally conveyable developable blocks, municipal roads and blocks for parks and stormwater management infrastructure.

Although our client and its consultants have been working in a collaborative manner with City staff, this has not resulted in the preparation of a staff recommendation report or the consideration of the Applications by City Council. While our client intends to continue with its collaborative interaction with the City on the Applications, it has decided to exercise its rights under the *Planning Act* to appeal the Applications to the Local Planning Appeal Tribunal (the "Tribunal") as Council has failed to make a decision on the Applications.

Appeal

Pursuant to subsection 51(34) of the *Planning Act*, Flamborough Power Centre hereby appeals City's Council's failure to make a decision on Flamborough Power Centre's application for approval of a plan of subdivision within 120 days of the application.

We enclose herewith the completed Appellant Form (A1), a cheque in the amount of \$1,100 representing the Tribunal's appeal filing fee, and a copy of the City's Notice of Complete Applications dated 8 July 2019.

Our client is simultaneously filing appeals of City Council's failure to make a decision on Flamborough Power Centre's Official Plan amendment application and Zoning By-law amendment application within the time frames set out in the *Planning Act*.

In order to ensure that all relevant matters may be heard by the Tribunal in the same proceeding, we will be requesting the Tribunal to consolidate this appeal with Flamborough Power Centre's appeals of the Official Plan amendment application and Zoning By-law amendment application under the same "PL" case number.

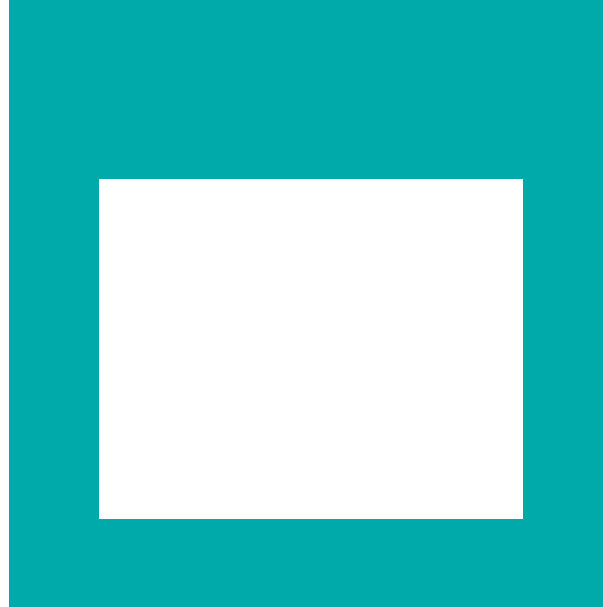
If you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Yours very truly,

Wood Bull LLP

A handwritten signature in black ink, appearing to read "S. Mahadevan", is written over the typed name.

Sharmini Mahadevan



WELCOME TO THE CITY OF HAMILTON

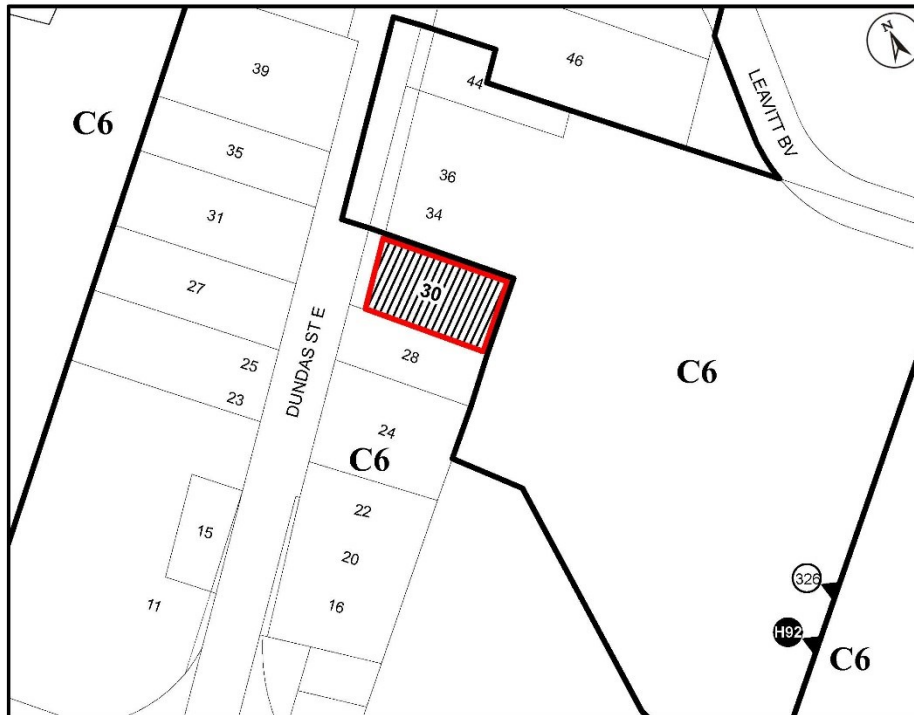
PLANNING COMMITTEE

October 19, 2021

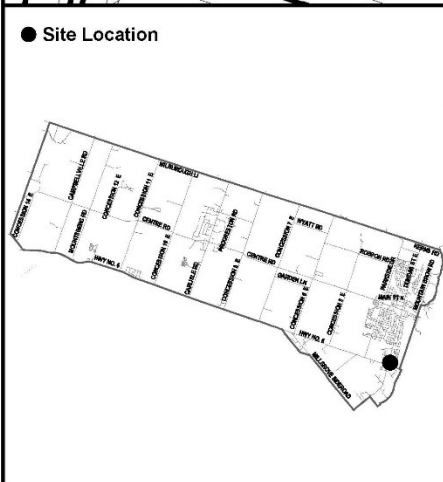
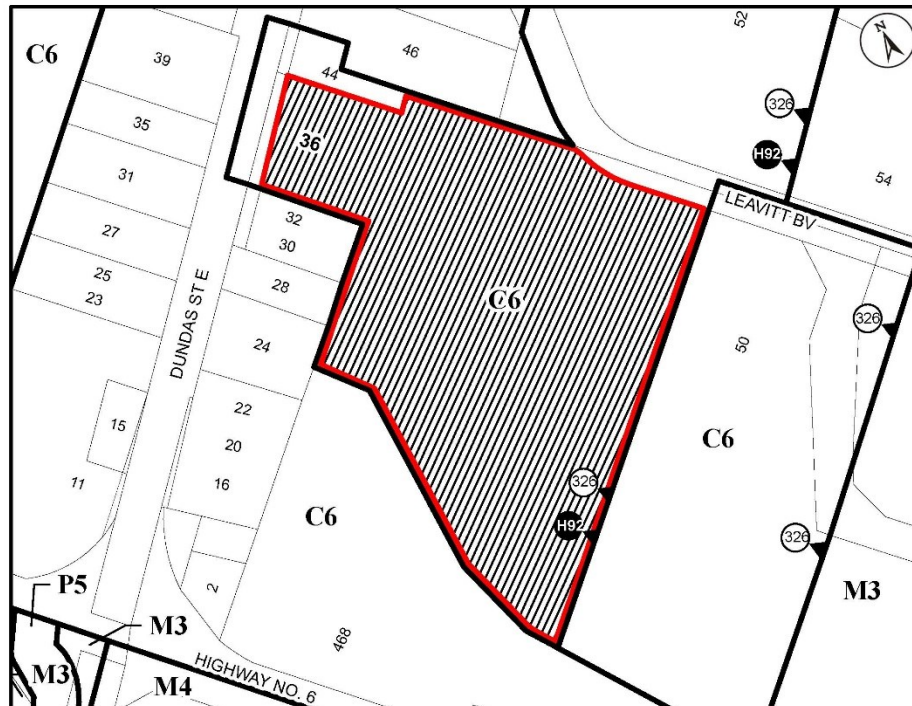
PED21199 – (ZAC-19-044 & UHOPA-19-012 & 25T-2019005)

Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East , Flamborough

Presented by: Rino Dal Bello



<p>● Site Location</p> <p>Key Map - Ward 15</p>	<h3>Location Map</h3> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	<p>File Name/Number: ZAC-19-044 & 25T-21900 & UHOPA 19-012</p>	<p>Date: September 13, 2021</p>
<p>Appendix "A"</p>	<p>Scale: N.T.S</p>	<p>Planner/Technician: RB/VS</p>
<p>Subject Property</p> <p> 30 Dundas Street East, Flamborough</p>		



Key Map - Ward 15

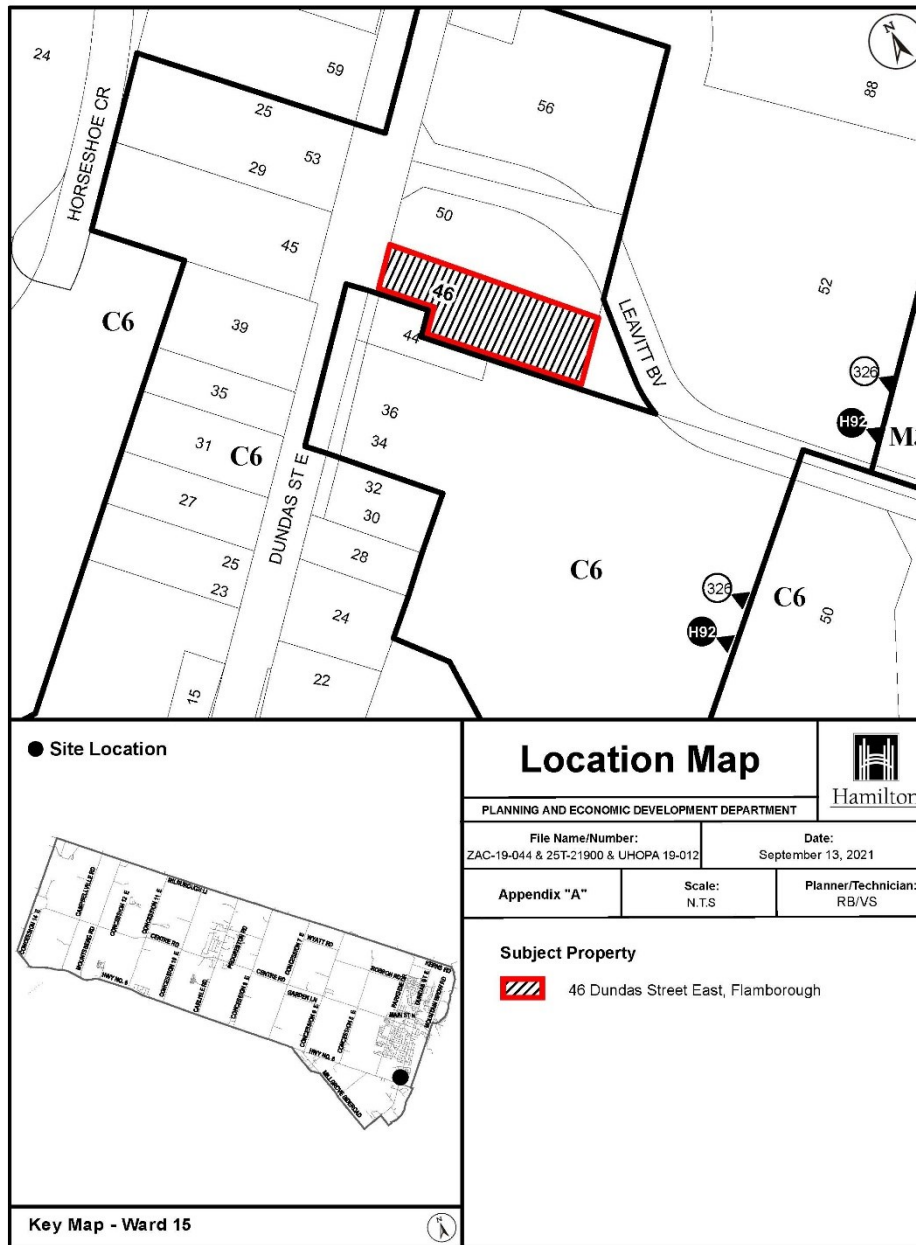
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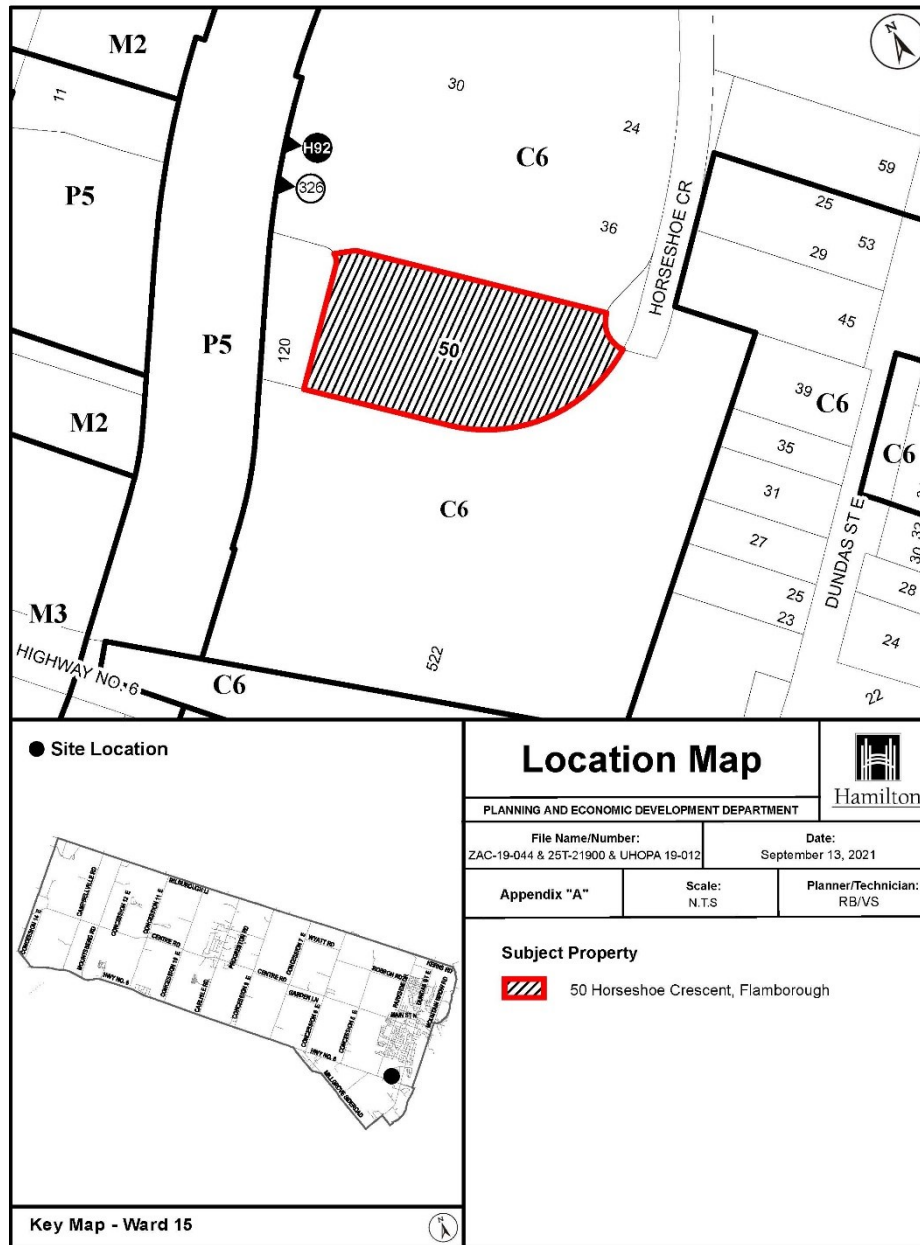


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAC-19-044 & 25T-21900 & UHOPA 19-012	Date: September 13, 2021	
Appendix "A"	Scale: N.T.S.	Planner/Technician: RB/VS

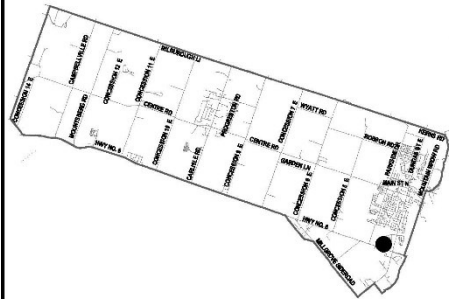
Subject Property

 36 Dundas Street East, Flamborough





● Site Location




Key Map - Ward 15

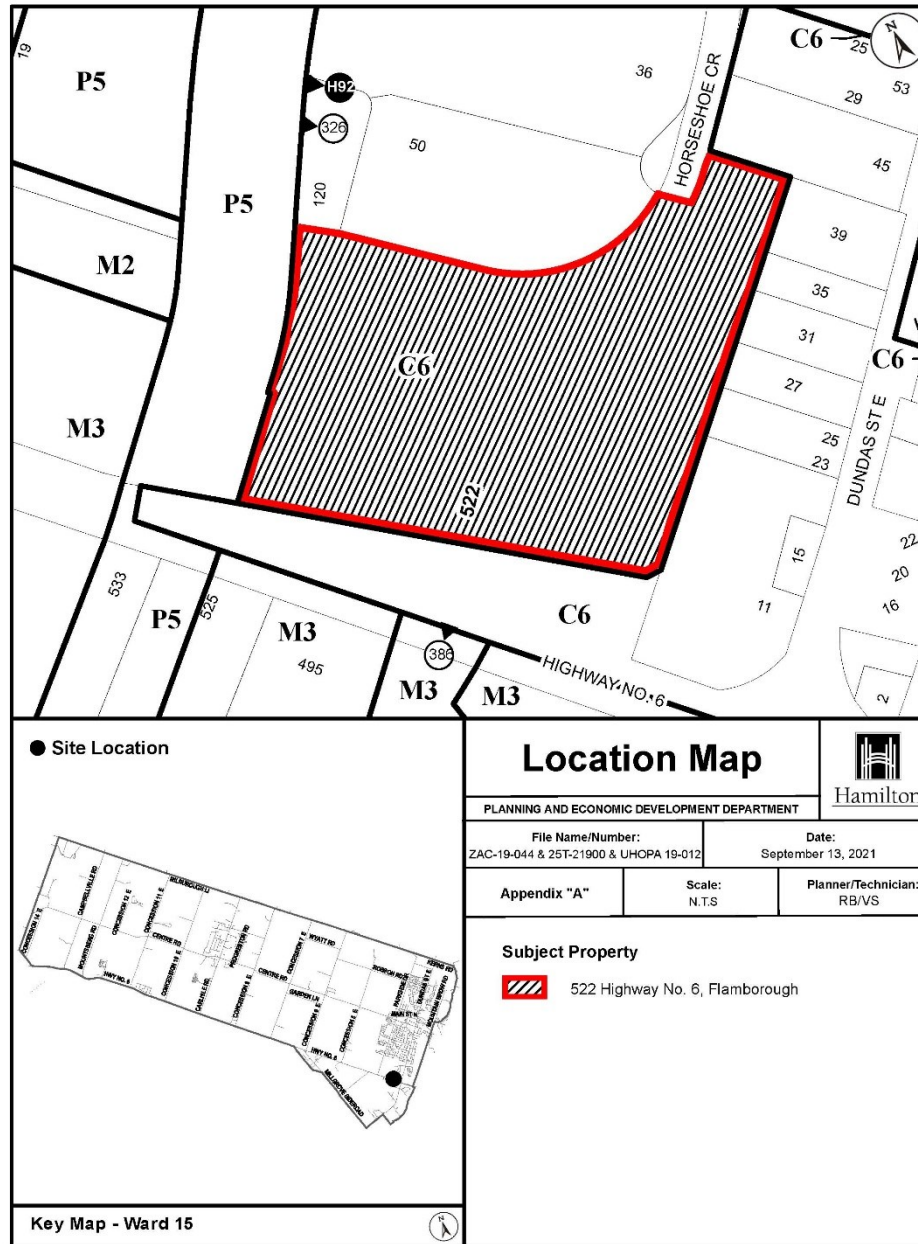
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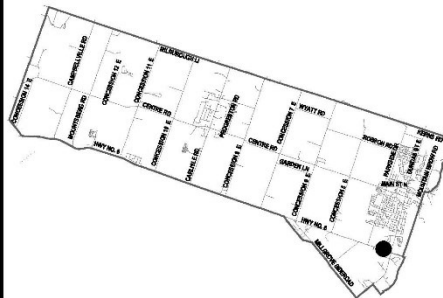
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAC-19-044 & 25T-21900 & UHOPA 19-012	Date: September 13, 2021	
Appendix "A"	Scale: N.T.S	Planner/Technician: RB/VS

Subject Property

 50 Horseshoe Crescent, Flamborough



● Site Location



Key Map - Ward 15

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
 ZAC-19-044 & 25T-21900 & UHOPA 19-012


Date:
 September 13, 2021

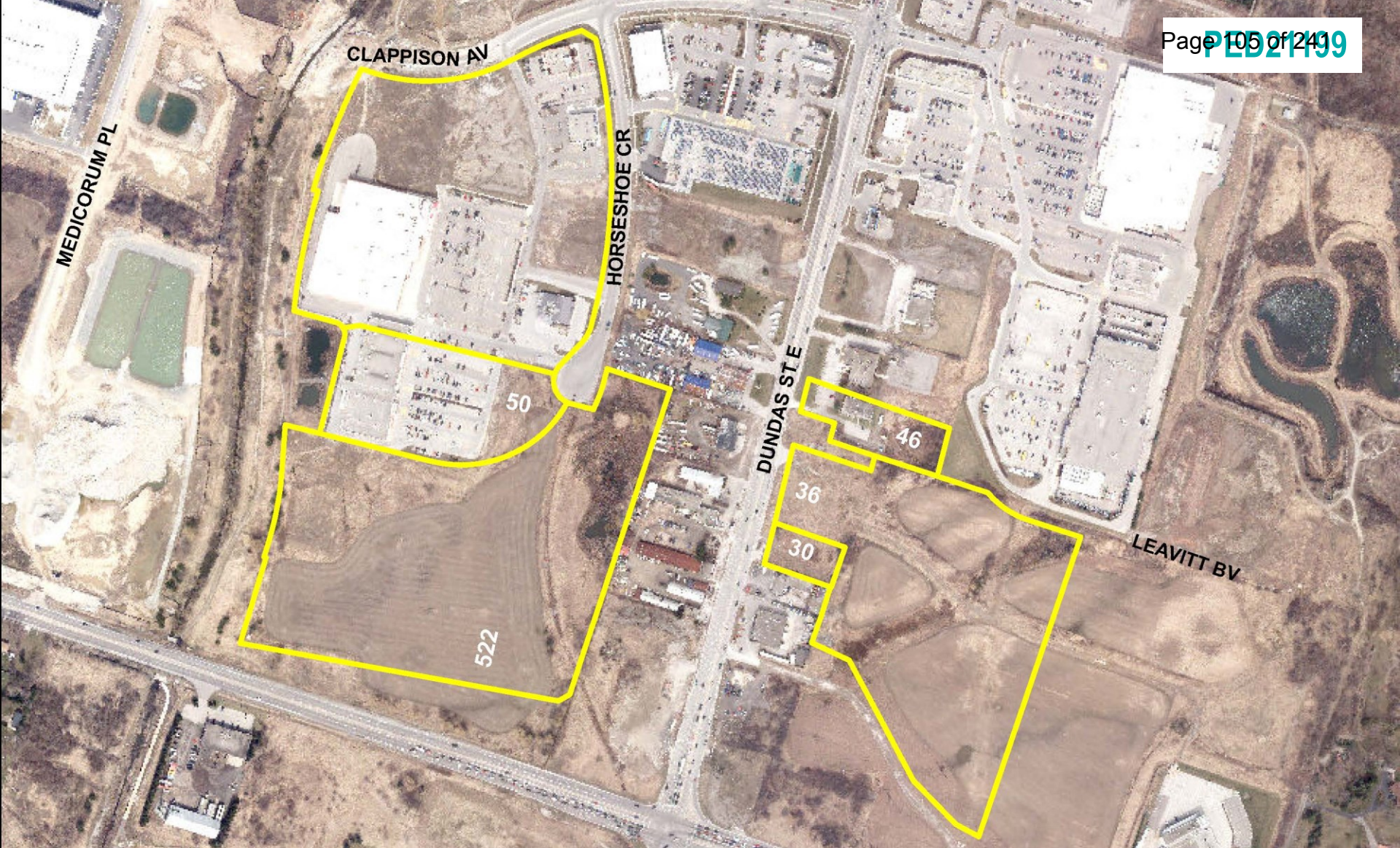
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Planner/Technician:
 RB/VS

Subject Property

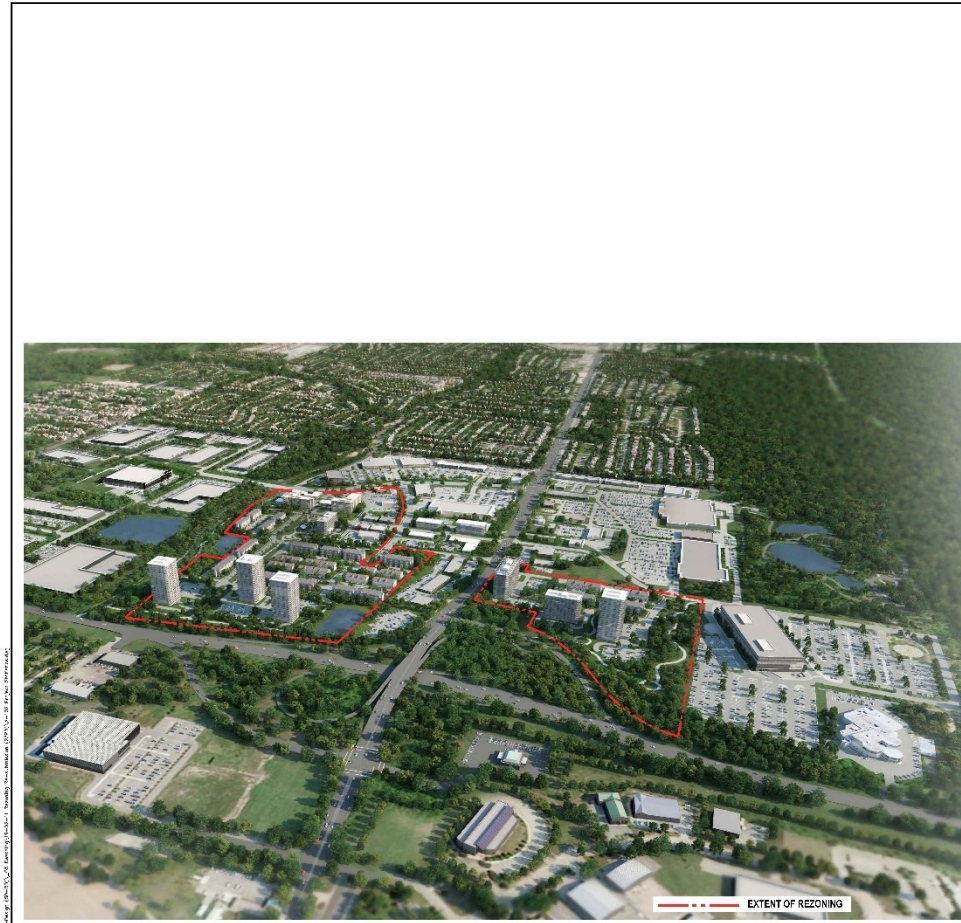
 522 Highway No. 6, Flamborough



SUBJECT PROPERTY



522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East , Flamborough



3D VIEW OF PROPOSED DEVELOPMENT

Connect Residential North												
(185,748 SMI / 1,499,911 SF / 45.91 ACRES)												
NORTH	AREA	AREA	ACRES	Units	Backed	Single	Senior	Mid-Rise	High-Rise	RMI (GFA)		
SITE	sq ft	sf		Count	Townhouse	Townhouse	Residence			sq ft	sf	
Area A	9383	63591	1.82	20					280			78 (city level)
Area B	8169	32221	2.01	2								park
Area B1	12789	138968	3.04						450			M 3 Senior + High
Area C	4073	13448	3.45	420								2 (senior)
Area D	7223	63290	1.91	80								walked to
Area E	2359	27919	2.69	2								park
Area F	8372	20213	4.03	108	130	32						senior high
Area G	8117	35794	1.91	2								park
Area H	12383	113217	7.54	2								mid rise
Area J	12500	113003	2.69	88								parked lot
Area K	3381	11208	2.62	2								park
Area L	30230	717234	5.03	188								park
Area M	5323	87269	1.92	2								senior/comple
Area N	15225	172999	2.61	80				88		737	11270	2 (high density) park
Area O	13323	66520	3.34	102	83	22				992	7278	high rise + mid
Area P	5187	73541	3.54	2								mid rise
Area Q	12421	117768	2.70	2								mid rise + high
Public	27519	233669	5.28	2								public (senior)
Public	185748	1589911	45.91	1321	392	54	165	80	630	3193	33723	public (senior)
Backed Townhouse 500 units (30%)												
Single Family Townhouse 85 units (10%)												
Public 1300 units (10%)												

Notes:
 1. Backed Townhouse 500 units (30%)
 2. Single Family Townhouse 85 units (10%)
 3. Public 1300 units (10%)

Area B 100% High-Rise

Connect Residential South												
(69,888 SMI / 738,839 SF / 13.67 ACRES)												
SOUTH	AREA	AREA	ACRES	Units	Backed	Single	Senior	Mid-Rise	High-Rise	RMI (GFA)		
SITE	sq ft	sf		Count	Townhouse	Townhouse	Residence			sq ft	sf	
Area U	8330	103326	2.36	191					195			mid rise
Area V	8783	195790	7.42	80		96	18					mid rise + high rise
Area W	4730	158603	1.95	102				100				mid rise
Area X	8573	91621	2.11	202				12	100			mid rise + high rise
Area Y	2058	222811	5.11	2								park
Area Y1	3303	38478	3.94	2								MTD (senior)
Public	12371	128031	2.90	2								Public (senior)
Public	69888	738839	17.07	488	64	18	8	300	228			
Backed Townhouse 191 units (30%)												
Single Family Townhouse 195 units (30%)												
Public 1300 units (10%)												

Area U 100% High-Rise

PROJECT STATISTICS



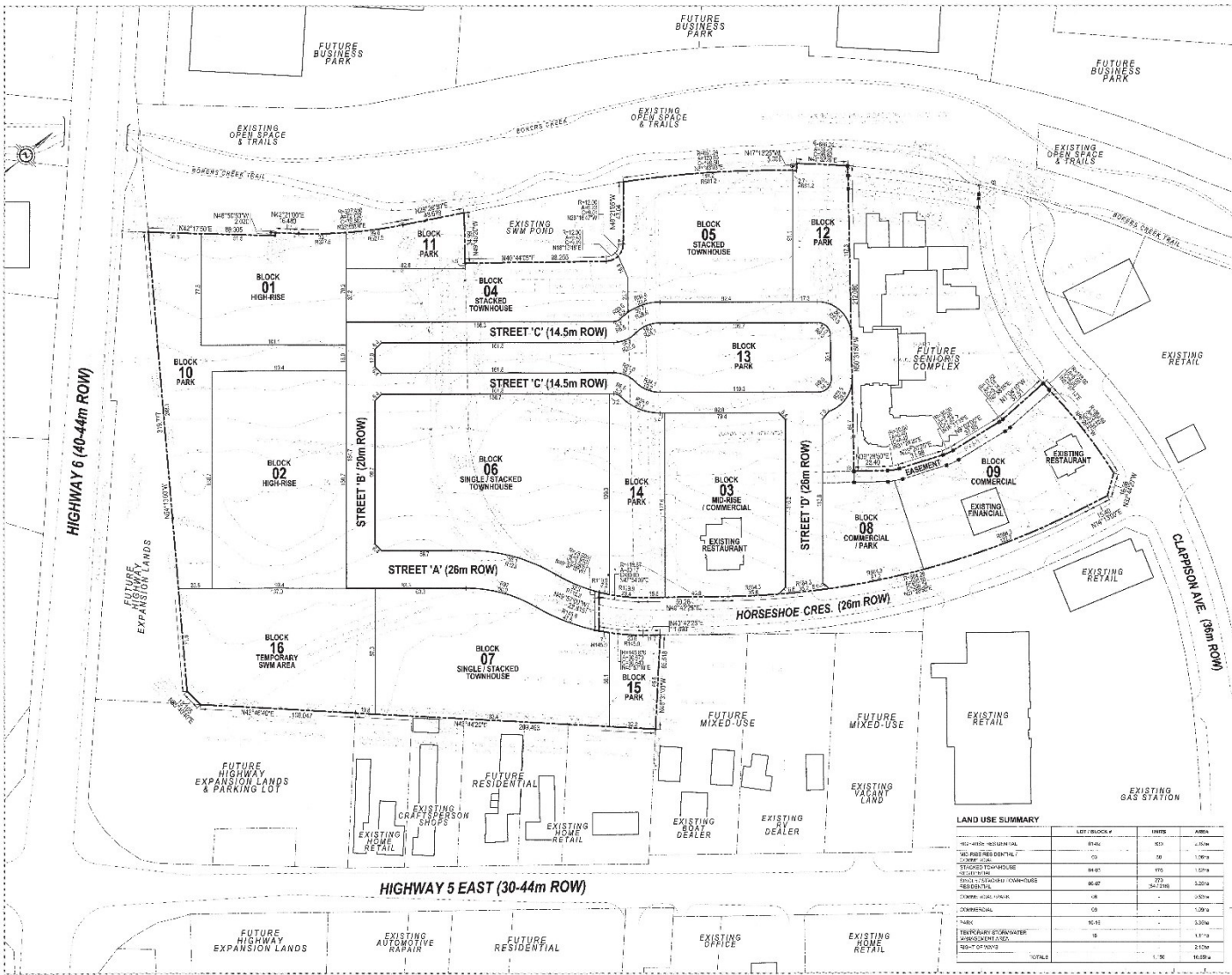
WZMH ARCHITECTS

PROPOSED CONNECT RESIDENTIAL SITE PLAN

DATE: []

SCALE: []





LEGAL DESCRIPTION
 PART OF LOT 18, CONFESSION 3 (GEOGRAPHIC TOWNSHIP OF FLAMBOURG)
 BLOCK 11, NEIGHBOR PLAN 62M-133
 PART OF BLOCK 4
 PART OF BLOCK 4
 REF: STEREO PLAN 62M-10R
 CITY OF HAMILTON

OWNER'S CERTIFICATE
 HEREBY AUTHORIZE MACHING (ONTARIO) HERVEY BRITTON CLARSON PLANNERS LISTED TO SIGN THIS PLAN OF APPROVAL.
 DATE: June 21, 2019
 John A. Kirpan

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ON THIS PLAN AND THEREIN, AS SHOWN UP TO THE ADJACENT LANDS ARE ACCORDING TO THE BEST AVAILABLE RECORDS.
 DATE: June 21, 2019
 M. J. GIBSON, O.C.S.

KEY PLAN
 Subject Site

LEGEND
 - - - PROJECT BOUNDARY LINE
 - - - AVIATION WAY LINE
 - - - BLOCK LINE
 - - - PARCEL LINE

REVISION

NO.	DATE	ISSUED / REVISION	BY
A	AS SHOWN	AS SHOWN	
B	AS SHOWN	AS SHOWN	
C	AS SHOWN	AS SHOWN	
D	AS SHOWN	AS SHOWN	
E	AS SHOWN	AS SHOWN	
F	AS SHOWN	AS SHOWN	
G	AS SHOWN	AS SHOWN	
H	AS SHOWN	AS SHOWN	
I	AS SHOWN	AS SHOWN	
J	AS SHOWN	AS SHOWN	
K	AS SHOWN	AS SHOWN	
L	AS SHOWN	AS SHOWN	
M	AS SHOWN	AS SHOWN	
N	AS SHOWN	AS SHOWN	
O	AS SHOWN	AS SHOWN	
P	AS SHOWN	AS SHOWN	
Q	AS SHOWN	AS SHOWN	
R	AS SHOWN	AS SHOWN	
S	AS SHOWN	AS SHOWN	
T	AS SHOWN	AS SHOWN	
U	AS SHOWN	AS SHOWN	
V	AS SHOWN	AS SHOWN	
W	AS SHOWN	AS SHOWN	
X	AS SHOWN	AS SHOWN	
Y	AS SHOWN	AS SHOWN	
Z	AS SHOWN	AS SHOWN	

LAND USE SUMMARY

LOT/BLOCK #	LIMITS	AREA
154-155	RESIDENTIAL	1.10
156	RESIDENTIAL	1.10
157	RESIDENTIAL	1.10
158	RESIDENTIAL	1.10
159	RESIDENTIAL	1.10
160	RESIDENTIAL	1.10
161	RESIDENTIAL	1.10
162	RESIDENTIAL	1.10
163	RESIDENTIAL	1.10
164	RESIDENTIAL	1.10
165	RESIDENTIAL	1.10
166	RESIDENTIAL	1.10
167	RESIDENTIAL	1.10
168	RESIDENTIAL	1.10
169	RESIDENTIAL	1.10
170	RESIDENTIAL	1.10
171	RESIDENTIAL	1.10
172	RESIDENTIAL	1.10
173	RESIDENTIAL	1.10
174	RESIDENTIAL	1.10
175	RESIDENTIAL	1.10
176	RESIDENTIAL	1.10
177	RESIDENTIAL	1.10
178	RESIDENTIAL	1.10
179	RESIDENTIAL	1.10
180	RESIDENTIAL	1.10
181	RESIDENTIAL	1.10
182	RESIDENTIAL	1.10
183	RESIDENTIAL	1.10
184	RESIDENTIAL	1.10
185	RESIDENTIAL	1.10
186	RESIDENTIAL	1.10
187	RESIDENTIAL	1.10
188	RESIDENTIAL	1.10
189	RESIDENTIAL	1.10
190	RESIDENTIAL	1.10
191	RESIDENTIAL	1.10
192	RESIDENTIAL	1.10
193	RESIDENTIAL	1.10
194	RESIDENTIAL	1.10
195	RESIDENTIAL	1.10
196	RESIDENTIAL	1.10
197	RESIDENTIAL	1.10
198	RESIDENTIAL	1.10
199	RESIDENTIAL	1.10
200	RESIDENTIAL	1.10
TOTAL		1.10

PROJECT
CONNECT COMMUNITY
 THE IRVING GROUP
 2000 APRIL DRIVE, SUITE 100
 GUELPH, ONTARIO
 PHONE: 519-835-1111
 EMAIL: JIRVING@IRVINGGROUP.COM

FILE NAME
 DRAFT
 PLAN OF SUBDIVISION

SCALE BAR
 0 10 20 30 40 50 60 70 80 90 100



Looking towards South Lands from Hwy #5



Looking towards South lands that Front Hwy #5



South Lands from Hwy #5



Future Road "Street C" from Hwy #5



South Lands from Hwy #5, L3Harris in the background



North lands fronting onto Hwy #5



North lands fronting Hwy #5



Interior of North lands from Hwy #5



Interior of North lands from Hwy #5



North lands from the corner of Hwy #5 and Hwy #6



North lands at the corner of Hwy #5 and Hwy #6



Lands to the North from the end of Clappison Ave



North lands, Future Seniors Complex



North lands at the end of the Horseshoe Crescent



Lands to the north viewing from Horseshoe Crescent



View looking north from Horseshoe Cres of future open space block



North lands, looking at approximate location of future open space block



North lands, looking toward the most northern section of the site



North Lands looking North South of the site



North lands looking towards future multiple dwelling building up to 20 storeys, Hwy # 6 in the background



North lands looking at future multiple dwelling building up to 20 storeys, Hwy # 6 in the background



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 19, 2021
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1173 and 1203 Old Golf Links Road (PED21197) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment application UHOPA-19-02, by 2008042 Ontario Inc., Owner**, to amend Schedule “B” – Natural Heritage System to remove a Linkage and recognize the location of the existing watercourse, to amend Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Features to recognize the location of the existing watercourse, to amend Schedule “E-1” – Urban Land Use Designations to re-designate a portion of the lands from “Mixed Use – Medium Density” to “Open Space”, to amend the Meadowlands Mixed Use Secondary Plan to re-designate a portion of the lands from “Mixed Use – Medium Density” to “Natural Open Space” and to modify the Site Specific Policy – Area A to permit a multiple dwelling with a maximum density of 93 units per hectare, for the lands located at 1173 and 1203 Old Golf Links Road, as shown on Appendix “A” attached to Report PED21197, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21197, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 2 of 20

- (b) That **Zoning By-law Amendment application ZAC-19-002, by 2008042 Ontario Inc., Owner**, to further modify the Mixed Use Medium Density (C5, 329, H86) Zone and for a change in zoning on a portion of the lands from the Mixed Use Medium Density (C5, 329, H86) Zone to the Conservation / Hazard Lands (P5) Zone to permit a six storey, 101 unit multiple dwelling and to recognize the location of an existing watercourse, for the lands located at 1173 and 1203 Old Golf Links Road, as shown on Appendix “A” attached to Report PED21197, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21197, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and will comply with the Urban Hamilton Official Plan upon finalization of the Urban Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The applicant has applied for amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 to permit a six storey, 101-unit multiple dwelling with 60 surface parking spaces and 14 underground parking spaces, 76 long term indoor bicycle parking spaces and five short term outdoor bicycle parking spaces. An existing watercourse regulated by the Hamilton Conservation Authority (HCA) will be recognized, protected, and integrated with the design of the proposed development.

The Official Plan Amendment proposes to designate a portion of the lands as “Natural Open Space” and modify Site Specific Policy – Area A of the Meadowlands Mixed Use Secondary Plan to permit a maximum density of 93 units per hectare instead of a maximum density of 70 units per hectare for residential uses, to remove a portion of the lands identified as “Linkage” on Schedule “B” – Natural Heritage Systems, recognize the existing location of the watercourse on Schedules “B” – Natural Heritage System and “B-8” – Detailed Natural Heritage Features Key Hydrologic Features and to redesignate the natural heritages features as “Open Space” on Schedule “E-1” – Urban Land Use Designations. The proposed Zoning By-law Amendment proposes to modify the Mixed-Use Medium Density (C5, 329, H86) Zone to permit a six storey, 101-unit multiple dwelling. In addition, it is recommended that a Conservation / Hazard Land (P5) Zone be established on site to recognize the location of the existing watercourse and its vegetation protection zone.

The applications have merit and can be supported as the proposal 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 general intent

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 3 of 20

and purpose of the Urban Hamilton Official Plan (UHOP). In particular, the proposed development implements the built form envisioned by the Meadowlands Mixed Use Secondary Plan and ensures that natural resources are appropriately protected.

Alternatives for Consideration – See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Application Details	
Owner:	2008042 Ontario Inc. (c/o Denis Vranich).
Applicant/Agent:	AJ Clarke & Associates (c/o Franz Kloibhofer).
File Number:	UHOPA-19-02 ZAC-19-002
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment.
Proposal:	A six storey, 101-unit multiple dwelling with a density of 93 units per hectare, 74 parking spaces of which 14 parking spaces are located underground, and 76 long term bicycle parking spaces and five short term bicycle parking spaces.
Property Details	
Municipal Address:	1173 and 1203 Old Golf Links Road.
Lot Area:	±11,196 square metres (irregular).
Servicing:	Existing watermain and sanitary sewers.
Existing Use:	Vacant.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 4 of 20

Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	<ul style="list-style-type: none"> • “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations; • “Streams” and “Linkage” on Schedule “B” – Natural Heritage Systems; and, • “Stream” on Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Features.
Official Plan Proposed:	<ul style="list-style-type: none"> • Remove “Linkage” and realign location of “Stream” on Schedule “B” – Natural Heritage Systems on the westerly portion of the site; • Realign location of “Stream” on Schedule “B-8” – Detailed Natural Heritage Features – Key Hydrologic Features; and, • Re-designate a portion of the lands from “Mixed Use – Medium Density” to “Open Space” on Schedule “E-1” – Urban Land Use Designations.
Secondary Plan Existing:	“Mixed Use Medium Density, Site Specific Policy – Area A” on Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan.
Secondary Plan Proposed:	<ul style="list-style-type: none"> • Re-designate the easterly portion of the lands from “Mixed Use – Medium Density” to “Natural Open Space” to recognize the existing watercourse. • Modification proposed to permit a maximum density of 93 units per hectare within Site Specific Policy – Area A.
Zoning Existing:	Mixed Use Medium Density (C5, 329, H86) Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 329, H86) Zone and Conservation / Hazard Land (P5) Zone.
Modifications Proposed:	<ul style="list-style-type: none"> • Deem Old Golf Links Road to be the front lot line; • Permit a maximum building setback from a street line of 12.6 metres instead of a maximum building setback of 15.0 metres; • Permit stacking lanes between the building and front lot line whereas no parking is permitted in the front yard; and, • Permit a 0.0 metre setback to a (P5) Zone whereas a minimum 7.5 metre setback is required.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 5 of 20

Processing Details	
Received:	December 3, 2018.
Deemed Complete:	December 7, 2018.
Notice of Complete Application:	Sent to five property owners within 120 m of the subject lands on December 21, 2018.
Public Notice Sign:	Posted December 12, 2018 and updated with Public Meeting date September 22, 2021.
Notice of Public Meeting:	Sent to five property owners within 120 m of the subject lands on October 1, 2021.
Public Comments:	None received.
Processing Time:	1,051 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant	Mixed Use Medium Density (C5, 329, H86) Zone
Surrounding Land Uses:		
North	Lincoln M. Alexander Parkway	Public "P-242" Zone
South	Hydro One Utility Station	Public "P-242" Zone
East	Vacant City owned lands	Public "P-242" Zone
West	Commercial offices	Mixed Use Medium Density (C5) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020). The following policies, amongst others, apply to the proposed development:

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 6 of 20

“1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and,
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
- e) support *active transportation*; and,
- f) are *transit-supportive*, where transit is planned, exists or may be developed.

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

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

The proposed development is located within a settlement area. The proposed residential development is considered to be an intensification project on underutilized lands adjacent to single use commercial buildings thereby providing opportunity for

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 7 of 20

additional housing. The proposed residential development, with convenient access to the existing road and transit network, will support the surrounding commercial area.

Noise

“1.2.6.1 *Major facilities and sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.”

The lands directly about the Lincoln M. Alexander Parkway (LINC), the Mohawk Road LINC ramp, and are within 100 metres of Stone Church Road. These roads are identified as a Parkway, Major Arterial, and Minor Arterial roads, respectively, on Schedule C – Functional Road Classification in the UHOP. Accordingly, a detailed noise study will be required to be submitted and implemented as part of a future Site Plan Control application to determine any required noise mitigation measures.

Natural Heritage

“2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features.*”

The proposed development is located adjacent to an existing warm watercourse and its erosion hazard area, which is considered a surface water feature. In addition, lands surrounding the watercourse are identified as a Linkage in the Urban Hamilton Official Plan. The applicants have submitted an Environmental Impact Study (EIS), prepared by R.J. Burnside & Associates Ltd., dated July of 2019 and an Addendum dated December 20, 2019 which demonstrates that the Linkage and watercourse will be maintained and improved. At the Site Plan Control stage, the applicant will be required to implement the recommendations of the EIS, including preparing a detailed restoration plan and monitoring plan during development activity. Further, the proposed Official Plan Amendment and Zoning By-law Amendment seek to recognize the features and place them under appropriate land use designations and zoning (see Appendices “B” and “C” attached to Report PED21197). The proposed amendments will prohibit development from occurring within the Linkage, watercourse, or associated erosion hazards.

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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.*”

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

- (1) Within 250 metres of known archaeological sites;
- (2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- (3) In the vicinity of distinctive or unusual landforms; and,
- (4) Along historic transportation routes.

These criteria define the property as having archaeological potential. A Stage 1-2 archaeological report P017-0652-2018 has been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries. While the Provincial interest has yet to be signed off by the Ministry, staff concur with the recommendations made in the report, the archaeology condition for the subject application has been met to the satisfaction of staff.

Based on the foregoing, the proposal is consistent with the PPS (2020).

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

The following policies, amongst others, apply to this proposal.

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

- (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,
 - (ii) can support the achievement of *complete communities*.
- (c) within *settlement areas*, growth will be focused in:
 - (i) *delineated built-up areas*;
 - (ii) *strategic growth areas*;

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 9 of 20

- (iii) locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
- (iv) areas with existing or planned *public service facilities*.

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

- (a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,
- (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 within the Urban Boundary and Built-up Area, with existing and planned municipal services available. The proposed development will contribute to a complete community as it introduces new residential uses within an existing commercial area, ensures efficient and cost-effective use of municipal services, and supports existing commercial uses. The lands are within walking distance of the Hamilton Street Railway (HSR) Bus routes 41 and 43, ensuring that residential development is located within existing transit facilities to promote ridership.

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

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations. Further, a “Linkage” and “Core Area” are identified on the lands on Schedule “B” – Natural Heritage System and a “Stream” identified on Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Features. The lands are also designated “Mixed Use – Medium Density, Special Policy – Area A” on Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan. The following policies, amongst others, apply to the proposal.

Urban Design

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- (a) Respecting existing character, development patterns, built form, and landscape;
- (b) Promoting quality design consistent with the locale and surrounding environment; and,

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 10 of 20

- (e) Conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities.

B.3.3.2.8 Urban design should promote environmental sustainability by:

- (a) Achieving compact development and resulting built forms;
- (b) Integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design; and,
- (c) Encouraging on-site storm water management and infiltration through the use of techniques and technologies, including storm water management ponds, green roofs, and vegetated swales.”

The proposed development seeks to introduce a new land use in an area primarily comprised of utility and commercial uses. The design of the building complements the existing built form while siting the building away from the existing watercourse on the easterly portion of the site. As part of the redevelopment, the applicant has introduced vegetation buffers that will protect the existing natural heritage features on site. The multiple dwelling represents a compact built form that will protect existing environmental features using passive stormwater management designs, including bioswales on site.

Natural Heritage

“C.2.2.7 Where properties contain two or more overlapping natural features of differing significance which overlap in the Natural Heritage System, the more restrictive policies pertaining to those natural features shall apply. If more than one policy applies to a natural feature the more restrictive policy shall apply.

C.2.5.1 Permitted uses within Core Areas as identified on Schedule B – Natural Heritage System are established through the designations and policies of Chapter E – Urban Systems and Designations and Volume 3 of this Plan. Boundaries of Core Areas and associated vegetation protection zones may be further refined by the completion of an Environmental Impact Statement. Generally, permitted uses in Core Areas shall include:

- (h) Conservation, and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered.

C.2.5.5 New development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the ecological function of the adjacent lands has

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 11 of 20

been evaluated and it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.

C.2.5.8 New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:

- (a) There shall be no negative impacts on the Core Area's natural features or their ecological functions; and,
- (b) Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.

C.2.5.9 An Environmental Impact Statement shall propose a vegetation protection zone which:

- (a) Has sufficient width to protect the Core Area and its ecological functions from impacts of the proposed land use or site alteration occurring during and after construction, and where possible and deemed feasible to the satisfaction of the City, restores or enhances the Core Area and/or its ecological functions.

C.2.5.10 Where vegetation protection zone widths have not been specified by watershed and sub-watershed plans, secondary, Environmental assessments and other studies, the following vegetation protection zone widths shall be evaluated and addressed by Environmental Impact Statements. Other agencies, such as Conservation Authorities, may have different vegetation protection zone requirements.

- (b) Warmwater Watercourse and Important and Marginal Habitat – 15 metre vegetation protection zone on each side of the watercourse, measured from the bankfull channel.

C.2.5.11 Vegetation protection zone widths greater or less than those specified in (a) to (i) above may be required if ecological features and functions warrant it, as determined through an approved Environmental Impact Statement. Widths shall be determined on a site-specific basis, by considering factors such as the sensitivity of the habitat, the potential impacts of the proposed land use, the intended function of the vegetation protection zone, and the physiography of the site.”

The subject lands include several natural heritage features such as a Core Area, which is a watercourse regulated by the HCA and a Linkage which is a naturalized area supporting the Core Area. In addition, there is a Core Area on the adjacent lands,

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 12 of 20

which includes a significant woodland and watercourses, as shown on Schedule “B” – Natural Heritage System of the UHOP.

The applicants have submitted an EIS, prepared by R.J. Burnside & Associates Ltd., dated July of 2019 and an Addendum dated December 20, 2019 which demonstrate that the development will have no negative impact on the Core Area and connectivity will be maintained with adjacent Core Areas. The EIS also demonstrates that a 12.6m vegetation protection zone is warranted given the function of the channel which has previously been altered through appropriate approvals. At the Site Plan Control stage, the applicant will be required to implement several mitigation measures to support the reduced VPZ, including plans for the management of invasive species, the naturalization of the easterly portion of the site, incorporation of bird friendly design into the building and site lighting plans, plans showing the naturalized landscaping within the development area, and the location of snow storage away from the Core Area. The watercourse, Linkage, and VPZ are proposed to be located within the Conservation / Hazard Lands (P5) Zone to recognize their functions and to mitigate negative impacts of the proposed development on the features. The change in zoning is discussed in the Analysis and Rationale for Recommendation Section of Report PED21197.

- “C.2.7.3 The City shall require the incorporation of Linkages into a design of new development requiring approval by this Plan to retain and enhance the cultural, aesthetic, and environmental qualities of the landscape, wherever possible and deemed feasible to the satisfaction of the City.
- C.2.7.5 Where new development or site alteration is proposed within a Linkage in the Natural Heritage System as identified in Schedule B – Natural Heritage System, the applicant shall prepare a Linkage Assessment. On sites where an EIS is being prepared, the Linkage Assessment can be included as part of the EIS report. Any required Linkage Assessment shall be completed in accordance with Policy F.3.2.1.11 - Linkage Assessments.”

The EIS submitted by the applicant has evaluated all Linkage features on the subject lands and has confirmed that the easterly portion of the lands continue to maintain this function. The location of the developable area, being the westerly portion of the site, does not function as a Linkage and should be removed from Schedule “B” – Natural Heritage Systems of the UHOP. Amendments to Schedules “B” – Natural Heritage Systems and “B-8” – Detailed Natural Heritage Systems Key Hydrologic Features, and Schedule “E-1” – Urban Land Use Designations are required to recognize the existing location of the watercourse, to remove the “Linkage” from the developable portion of the lands, and to designate the remaining Linkage as “Open Space”. These amendments are further discussed in the Analysis and Rationale for Recommendation Section of Report PED21197.

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Infrastructure

“C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.”

The existing watermain within the Old Golf Links Road right of way currently does not have adequate capacity to support the proposed development. The applicant will be required to upgrade the watermain through an External Works Agreement at the Site Plan Control stage. The existing site-specific zoning (H86) applicable to the lands requires that this Agreement be completed prior to development occurring.

Meadowlands Mixed Use Secondary Plan

The subject lands are designated Mixed Use – Medium Density, Site Specific Policy – Area A” in the Meadowlands Mixed Use Secondary Plan. The following policies, amongst others, apply to the proposal.

“B.2.4.5.1 Mixed Use - Medium Density Designation

- (c) In addition to Section E.4.6 – Mixed Use – Medium Density Designation of Volume 1, the following policies shall apply to the lands designated Mixed Use – Medium Density on Map B.2.4-1 – Meadowlands Mixed Use – Land Use Plan and located south of the Lincoln Alexander Parkway and Golf Links Road interchange, and east Stone Church Road:
 - (ii) Residential uses may also be permitted subject to the following policies:
 - (1) Multiple attached residential units, including apartments, shall be permitted to a maximum density of 70 units per hectare and six storeys in height;
 - (2) Adequate grading, noise attenuation, buffering and landscaping shall be required to provide an amenable and adequate living environment for residents;
 - (3) Development may be subject to site specific servicing arrangements potentially including a private pumping station; and,
 - (4) The dwellings are developed for condominium ownership given the potential for private servicing and access arrangements.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 14 of 20

- (iv) Access shall be provided from Old Golf Links Road, except that the City may consider permitting limited access from Stone Church Road in the case of innovative land use arrangements, and subject to roadway improvements carried out at the proponent's expense;
- (v) Buildings shall be oriented to Stone Church Road or the Golf Links Road - Mohawk overpass. Building design shall address the view from the intersection at Golf Links Road and Stone Church Road;
- (vi) A network of paths shall be provided between buildings and parking areas so as to provide convenient, safe and amenable pedestrian circulation; and,
- (vii) The City may require proponents of development to install sidewalks on Old Golf Links Road.

B.2.4.12.1 Notwithstanding Policy B.2.4.3, the maximum permitted building height shall be six storeys and 22 metres for lands located 1173 and 1203 Old Golf Links Road, and identified on Map B.2.4-1 – Meadowlands Mixed Use – Land Use Plan, as Site Specific Policy - Area A.”

The applicant is proposing a density of 93 units per hectare for a six-storey multiple dwelling within the maximum height of 22 metres. An amendment to the Secondary Plan would be required for the proposed density. This is discussed further in the Analysis and Rationale for Recommendation Section of Report PED21197.

The applicant has submitted a Noise Impact Study prepared by Valcoustics Canada Ltd., dated November 8, 2018 in support of the development which has generally demonstrated that noise can be mitigated on site. A Detailed Noise Study will be required at the Site Plan Control stage to ensure that appropriate mitigation measures are implemented. Grading, buffering, and landscaping will also be reviewed in detail at the Site Plan Control stage to ensure compliance with Policy B.2.4.5.1c)ii)2.

Staff have also confirmed that the lands can be successfully serviced per Policy B.2.4.5.1cii)3 without a pumping station.

Access to the site will be provided from Old Golf Links Road with pedestrian connections to the roadway. The applicant will also be required to reconstruct Old Golf Links Road, including the installation of municipal sidewalks, to ensure the road can support the development. The building has also been designed to provide the same presence toward the LINC overpass as Old Golf Links Road to maintain the intent of Policy B.2.4.5.1c)v).

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Based on the foregoing, the proposal complies with the general intent of the UHOP and Meadowlands Mixed Use Secondary Plan.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Use Medium Density (C5, 329, H86) Zone in the Hamilton Zoning By-law No. 05-200 which permits a range of mixed uses, including multiple dwellings, and includes site specific provisions for a hotel having a maximum height of six storeys and 307 parking spaces. The removal of the existing Holding Provision designation requires the approval of a Functional Servicing Report, Stormwater Management Report, a servicing study and associated securities, and the reconstruction of Old Golf Links Road. Modifications to the existing zone are required to permit site specific development standards for a multiple dwelling and to place the existing Core Area and Linkage features into the appropriate zoning. The change in zoning and proposed modifications are further discussed in the Analysis and Rationale for Recommendation Section and Appendix “D” of Report PED21197.

RELEVANT CONSULTATION

Departments and Agencies		
Agency	Comment	Staff Response
Planning and Economic Development Department, Transportation Planning Division	<ul style="list-style-type: none"> The submitted TIS has been approved by staff with no concerns regarding the Official Plan Amendment or Zoning By-law Amendment Applications; and, At the Site Plan Control stage, the applicant will be required to show the sidewalks along Old Golf Links Road and to provide additional details on the Site Plan to ensure the maneuverability and way finding is clear for all users. 	<ul style="list-style-type: none"> This information has been forwarded to the applicant and will be reviewed at the Site Plan Control stage.

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Agency	Comment	Staff Response
Planning and Economic Development Department, Development Engineering Approvals	<ul style="list-style-type: none"> • The existing watermain is currently not sized to accommodate the development. The sanitary system has ample capacity to support the development; • Old Golf Links Road is currently a rural cross section with a gravel surface; and, • Further detail will be required at the Site Plan Control stage regarding the stormwater management design. 	<ul style="list-style-type: none"> • Staff have recommended that the existing Holding Provision (H86) be maintained on the subject lands to ensure that Old Golf Links Road and any necessary municipal upgrades have been completed prior to development occurring; and, • An External Works Agreement will be required at the Site Plan Control stage to confirm the detailed design of Old Golf Links Road and servicing upgrades.
Public Works Department, Forestry and Horticulture Division	<ul style="list-style-type: none"> • Previous tree removal activity within the public right of way has occurred without the necessary approvals; • A Tree Management Plan will be required at the Site Plan Control stage to document this previous activity; and, • A Landscape Plan is required to be submitted to detail the location of any new street trees. 	<ul style="list-style-type: none"> • A revised Tree Management Plan and Landscape Plan will be required at the Site Plan Control stage.
Hamilton Conservation Authority	<ul style="list-style-type: none"> • The existing watercourse channel and associated erosion hazard limits shall be placed in appropriate zoning; and, • Detailed stormwater management and landscape comments have been provided and can be finalized through the Site Plan Control stage. 	<ul style="list-style-type: none"> • Staff concur with placing the natural heritage features in appropriate zoning and have recommended utilizing the Conservation Hazard Lands (P5) Zone for all features to be protected; and, • A revised Stormwater Management Report and detailed Landscape Plan will be required at the Site Plan Control stage.

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Agency	Comment	Staff Response
Public Works Department, Transit Division	<ul style="list-style-type: none"> • Meadowlands terminal and routes #5 and #16 should not be included in any future wayfinding for the residents as they are not within reasonable walking distance. 	<ul style="list-style-type: none"> • Noted.

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 five property owners within 120m of the subject lands on December 21, 2018. A Public Notice Sign was posted on the property on December 17, 2018 and updated on September 22, 2021 with the Public Meeting date. A Notice of Public Meeting was given in accordance with the requirements of the *Planning Act* to five property owners within 120m of the subject lands on October 1, 2021. No responses have been received as a result of these circulations.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, the applicants prepared a letter mail out to all property owners within 160m of the subject lands on March 19, 2019. The mail out described the development proposal and provided the contact information for the applicant and City staff. No responses were received as a result of this letter mail out to property owners.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

- (1) The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (ii) It complies with the general intent of the Urban Hamilton Official Plan and the Meadowlands Mixed Use Secondary Plan; and,
 - (iii) It ensures appropriate protections of existing natural heritage features while supporting the efficient use of land.
- (2) Urban Hamilton Official Plan Amendment

The proposed Official Plan Amendment seeks to remove the developable area of the site from being identified as a “Linkage” on Schedule “B” – Natural Heritage Systems and to recognize the location of the watercourse. The EIS submitted has evaluated all the natural heritage features on the site and confirmed that the westerly portion of the

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site does not function as a Linkage. Therefore, it is not appropriate to maintain this identification on this portion of the subject lands. Staff are satisfied that the watercourse, identified as a “Stream” and subject to the Core Area policies, and easterly Linkage will be appropriately protected and maintained on the site. The existing Linkage on the easterly portion of the site will also ensure that the watercourse will continue to be connected to surrounding Core Areas on adjacent lands. In addition, the watercourse has been previously realigned with the permission of the HCA. The location of the Stream identified on Schedule “B” – Natural Heritage Systems is no longer accurate and should be updated. A Site Plan Control Application to be submitted for review by the applicant will provide opportunity to implement protection measures, such as a restoration plan.

The Meadowlands Mixed Use Secondary Plan currently does not recognize the watercourse and Linkage on Map B.2.4-1. The proposed re-designation will ensure that the Secondary Plan is amended so that it is aligned with Volume 1 of the Urban Hamilton Official Plan and the implementing Zoning By-law. The proposed Site-Specific Area Policy acknowledges that the Natural Open Space provisions in the Secondary Plan are specific to other areas of the Secondary Plan and are not applicable to this property.

The Official Plan Amendment also seeks to permit a maximum density of 93 units per hectare instead of 70 units per hectare for a multiple dwelling in the Meadowlands Mixed Use Secondary Plan. The maximum height permitted by the Secondary Plan will be maintained. In addition, the applicant has demonstrated that adequate amenity space, parking, and sanitary sewer capacity are available for the increased number of units. The increased number of units will also contribute to supporting the surrounding commercial uses in the immediate area while supporting UHOP’s policy promoting the intensification of land use.

Based on the foregoing, staff support the proposed amendments to the Official Plan as they represent good planning and the goal to develop complete communities.

(3) Zoning By-law Amendment

The proposed Zoning By-law Amendment seeks to modify the existing Mixed Use Medium Density (C5, 329, H86) Zone and to rezone a portion of the lands to the Conservation / Hazard Lands (P5) Zone to permit a six storey, 101 unit multiple dwelling while protecting the existing watercourse channel, the erosion hazard area, and linkage feature.

The proposed modifications to the (C5, 329, H86) Zone can be supported as they allow for a built form that considers the existing natural heritage feature on the site and allows for an efficient use of lands to implement the policies of the UHOP and Meadowlands Mixed Use Secondary Plan. The proposed modifications, including a 12.6 metre

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setback to a street and to deem Old Golf Links Road as the front yard, are further discussed in Appendix “D” attached to Report PED21197.

The proposed Conservation / Hazard Lands (P5) Zone will provide appropriate protections to the watercourse channel including an appropriate vegetation protection zone, regulated by the Hamilton Conservation Authority, and the overall functions of the natural heritage features on the property. These features are currently not recognized by the Zoning By-law and do not align with Schedules “B” – Natural Heritage Systems and “B-8” Detailed Natural Heritage Features Key Hydrologic Features of the UHOP. The change in zoning will ensure that all applicable planning instruments match. The limits of the (P5) Zone include the limits of the VPZ in accordance with the Natural Heritage policies in Chapter C of the UHOP to ensure that the protection zone will remain untouched and function as an appropriate buffer for the channel.

The existing Holding Provision (H86) requires the completion of several detailed studies and the reconstruction of Old Golf Links Road. Staff confirm that the Holding Provisions should continue to apply and have therefore recommended that the Holding Provision remain in effect.

Based on the foregoing, the proposal represents good planning and is supported by staff.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could be developed in accordance with the Mixed Use Medium Density (C5, 329, H86) Zone, which permits a six storey multiple dwelling with different setback requirements. However, the watercourse and vegetation protection zone would not be zoned appropriately.

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.

Clean and Green

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

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1773 and 1203 Old Golf Links Road (PED21197) (Ward 12) - Page 20 of 20

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED21197 – Location Map

Appendix "B" to Report PED21197 – Draft OPA

Appendix "C" to Report PED21197 – Draft ZBA

Appendix "D" to Report PED21197 – Zoning Modification Chart

Appendix "E" to Report PED21197 – Concept Plan

MS:sd

Schedule “1”

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

The following text, together with:

Appendix “A”	Volume 1: Schedule B – Natural Heritage Systems
Appendix “B”	Volume 1: Schedule B-8 - Detailed Natural Heritage Features - Key Hydrologic Feature - Streams
Appendix “C”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “D”	Volume 2: Map B.2.4-1 – Meadowlands Mixed Use – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. “X” to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is to update mapping to reflect the re-alignment of the stream and to permit natural open space uses on the subject lands, and to amend the existing site specific policy to allow an increase in residential density on the subject lands. The effect of the Amendment is to permit the development of a six storey, 101-unit multiple dwelling with a density of 93 units per hectare on the site, and delineate the area for natural open space uses on the subject lands.

2.0 Location:

The lands affected by this Amendment are known municipally as 1173 and 1203 Old Golf Links Road, in the form Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- To recognize the existing form, function, and location of all natural heritage features on site.
- To permit development in a form that efficiently uses available services and supports the development of a complete community.

- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule B – Natural Heritage System be amended by removing the "Linkage" identification from the westerly portion of the lands and revising the location of the "Streams" identification, as shown on Appendix "A", attached to this Amendment.
- b. That Volume 1: Schedule B-8 – Detailed Natural Heritage Features - Key Hydrologic Feature – Streams be amended by revising the location of the "Key Hydrologic Feature Streams" identification, as shown on Appendix "B", attached to this Amendment.
- c. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the easterly portion of the subject lands from the "Mixed Use - Medium Density" designation to the "Open Space" designation, as shown on Appendix "C", attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.2.0 – Ancaster Secondary Plans – Section B.2.4 – Mixed Use Meadowlands Secondary Plan

- a. That Volume 2: Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.4 – Meadowlands Mixed Use Secondary Plan be amended by deleting the text for Site Specific Policy – Area A in its entirety, and replacing it, as follows:

"Site Specific Policy – Area A

B.2.4.12.1 For lands located at 1173 and 1203 Golf Links Road, designated Mixed Use – Medium Density and Natural Open Space and identified as Site Specific Policy – Area A on Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan, the following policies shall apply:

- a) Notwithstanding Policy B.2.4.3 of Volume 2, the maximum building height shall be six storeys and 22 metres for a *multiple dwelling*;
- b) Notwithstanding Policy B.2.4.5.1 c) ii) 1. of Volume 2, The maximum residential density for the entire site shall be 93 units per hectare; and,
- c) Policy B.2.4.6.2 shall not apply to the area of the lands designated Natural Open Space."

Maps

4.2.2 Map

- a. That Volume 2: Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan – Land Use Plan be amended by:
 - i) Redesignating the easterly portion of the subject lands from "Mixed Use – Medium Density" to "Natural Open Space";

as shown on Appendix "D", attached to this Amendment.

5.0 Implementation:

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

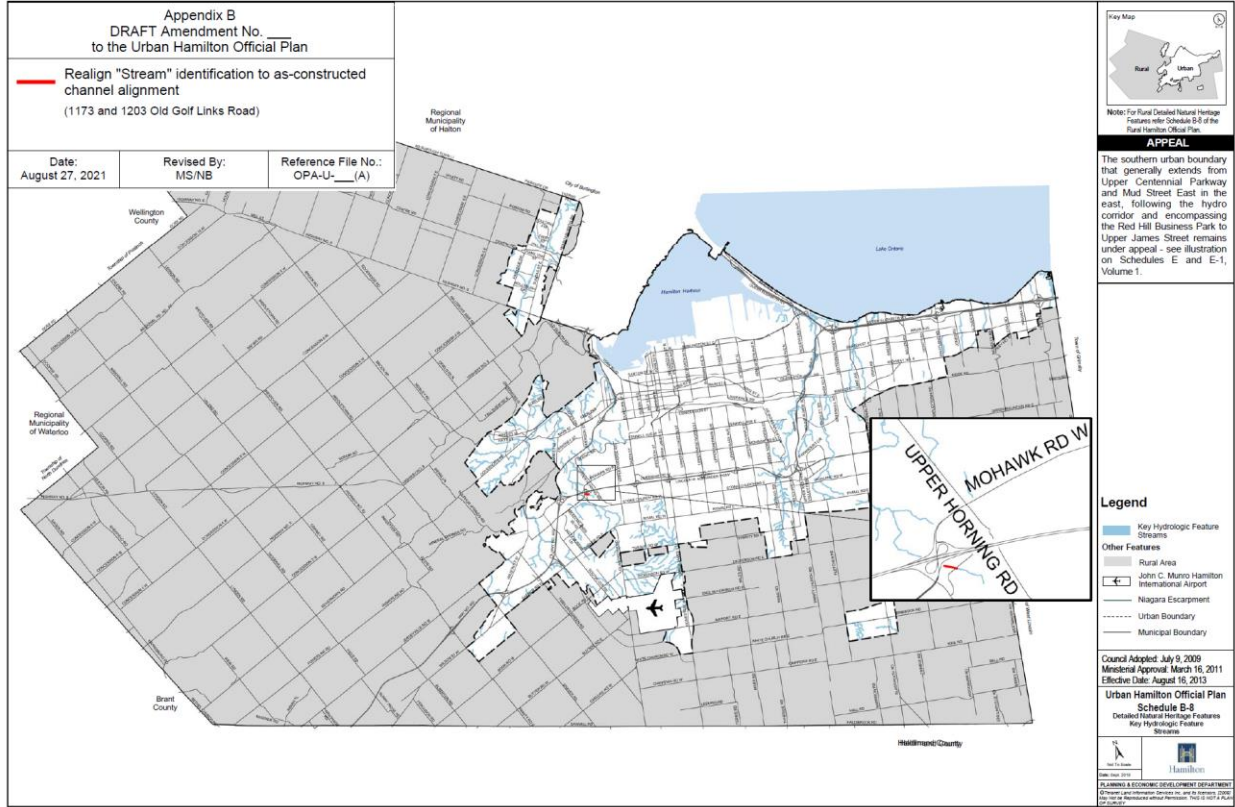
This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of __, 2021.

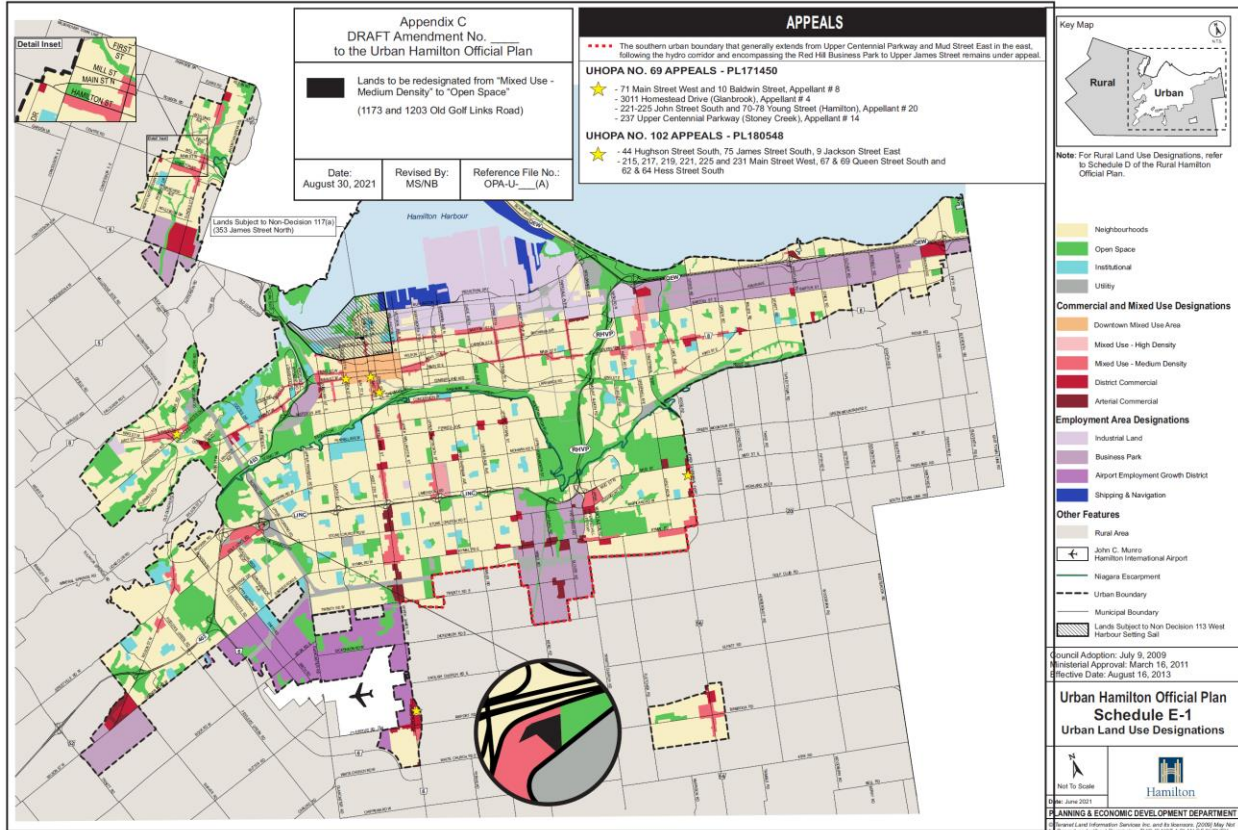
**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK







**Appendix “C” to Report PED21197
Page 1 of 3**

Authority: Item ,
Report (PED21XXX)
CM:
Ward: 12

Bill No.

CITY OF HAMILTON**BY-LAW NO.****To amend Zoning By-law No. 05-200
Respecting Lands Located at 1173 and 1203 Old Golf Links Road**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on MONTH DAY, 2021;

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

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

1. That Maps 1178 and 1179 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200 are amended by changing the zoning from Mixed Use Medium Density (C5, 329, H86) Zone to the Conservation / Hazard Lands (P5) Zone.
2. That Schedule “C” – Special Exemptions is amended by deleting and replacing Subsection a)ii) of Special Exception No. 329 with the following amended regulation:
 - a) Changing the phrase “15.0 metres, except 5.0 metres to a canopy, 1.5 metres to a below-grade parking structure, and 1.5 metres to an above-grade parking structure” to “12.6 metres” so that the wording is as follows:
 - i) Minimum Front Yard 12.6 metres
Setback
3. That Schedule “C” – Special Exemptions is amended by adding the following Subsections to Special Exception No. 329:
 - b) In addition to Section 3: Definitions, the definition of a Front Lot Line and Section 10.5.3, the following regulation shall also apply:
 - i) Old Golf Links Road shall be deemed the front lot line.
 - c) Notwithstanding Subsection 10.5.3g)vi), the following regulation shall apply:

Appendix "C" to Report PED21197
Page 2 of 3

- ii) Stacking lanes or aisles shall be permitted to be located between the required building façade and the front lot line.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

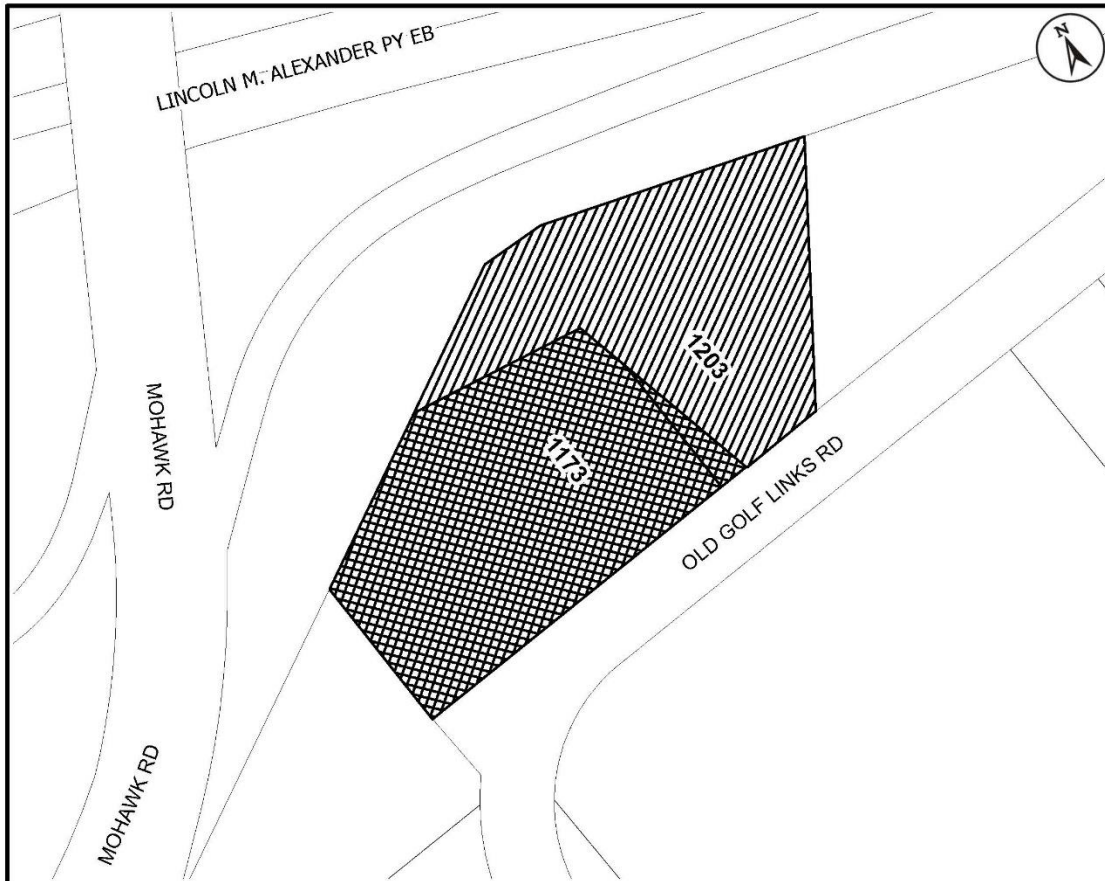
PASSED this _____ , 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-19-002
UHOPA-19-02

Appendix "C" to Report PED21197
Page 3 of 3



This is Schedule "A" to By-law No. 21- Passed the day of, 2021	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 5px 0 0 0;">Map forming Part of By-law No. 21-_____</p> <p style="margin: 5px 0 0 0;">to Amend By-law No. 05-200 Maps 1178 & 1179</p>	<p>Subject Property</p> <p>1173 & 1203 Old Golf Links Road</p> <ul style="list-style-type: none"> <li style="margin-bottom: 10px;"> Change in zoning from the Mixed Use Medium Density (C5, 329, H86) Zone to Conservation / Hazard Lands (P5) Zone Lands to remain in Mixed Used Medium Density (C5, 329, H86) Zone
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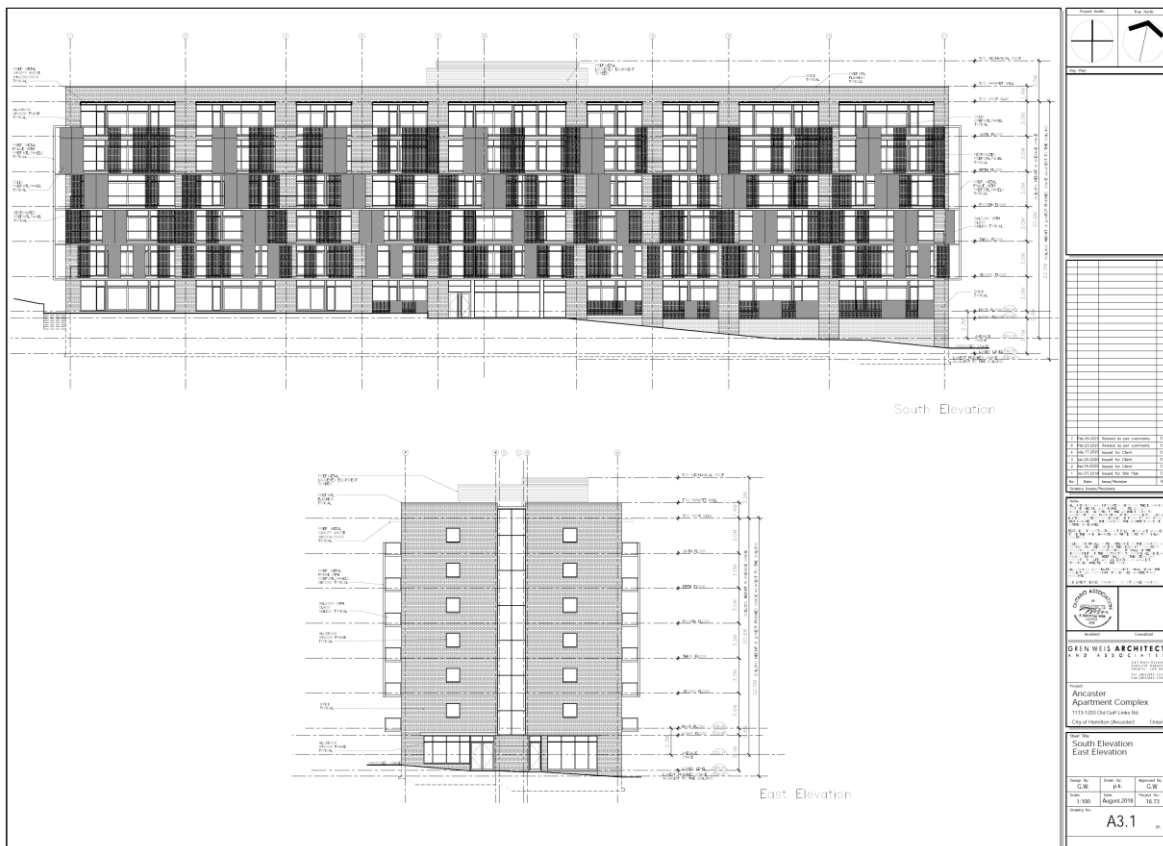
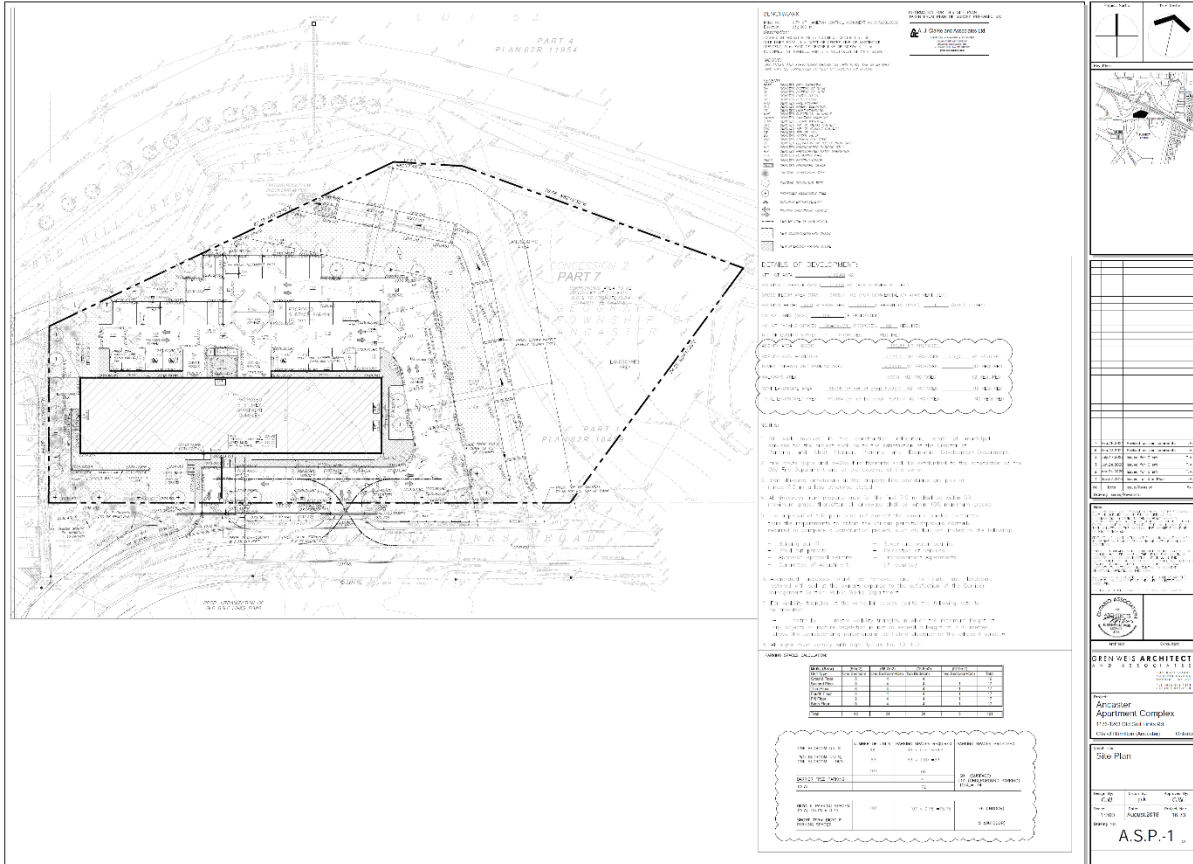
Scale: N.T.S	File Name/Number: ZAC-19-002 & UHOPA-19-002
Date: September 22, 2021	Planner/Technician: MS/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

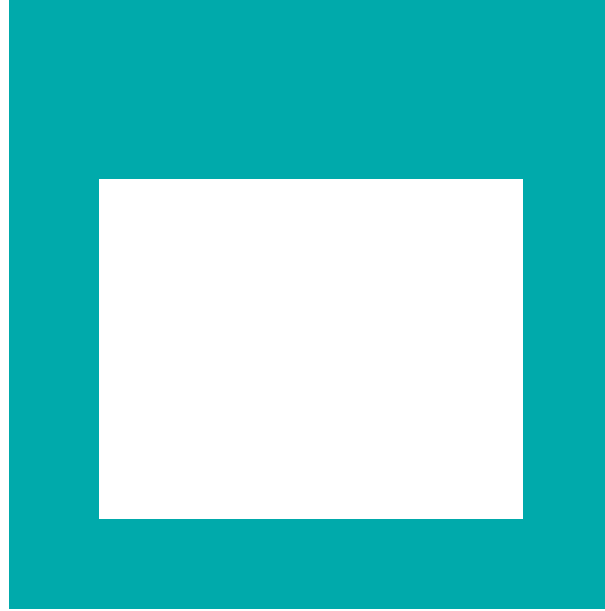


Site Specific Modifications to the Mixed Use Medium Density (C5, 329, H86) Zone

Regulation	Required	Modification	Analysis
Location of Front Lot Line	With reference to a through lot, shall mean, at the option of the owner, either of the lot lines abutting a public street.	Old Golf Links Road shall be deemed the front lot line.	The proposed modification is technical in nature. While Policy B.2.4.5.1c)v) of the Secondary Plan requires buildings to be oriented towards the Golf Links Road interchange, the configuration of the lot does not readily accommodate street presence along Old Golf Links Road without the proposed modification. In addition, the modification implements the intent of the definition of a through lot where the owner may choose which street to consider as the frontage. Staff are satisfied that deeming Old Golf Links Road to be the front lot line will not preclude the building design from providing presence towards the interchange. Based on the foregoing, the modification is reasonable and supported by staff.
Maximum Building Setback from a Street Line 10.5.3a)ii)	4.5 metres	12.6 metres	The increased yard setback will allow surface parking to be located at the rear of the site and screened from general view due to the steep slope between the subject lands and the interchange. Based on the foregoing, the modification is reasonable and supported by staff.
Built Form for new Development 10.5.3g)vi)	No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and the flankage lot line.	Stacking lanes or aisles shall be permitted to be located between the required building façade and the front lot line.	The proposed modification acknowledges the configuration of the lot and constraints from the existing watercourse bisecting the property. There is limited opportunity to locate the driveway access while maintaining safe maneuverability. Parking will continue to be prohibited between the building façade and the front lot line, and the modification will only permit a drive aisle between the building and Old Golf Links Road. Based on the foregoing the modification can be supported by staff.

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Page 1 of 1





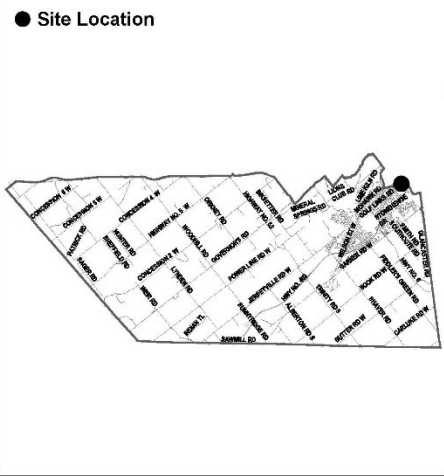
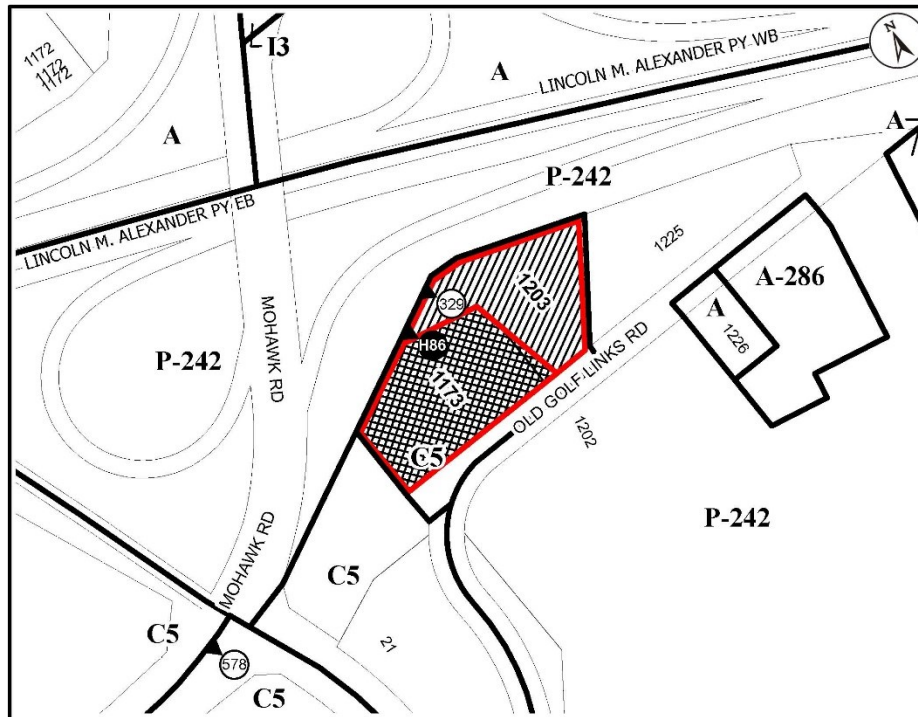
WELCOME TO THE CITY OF HAMILTON
PLANNING COMMITTEE

October 19, 2021

PED21197 – (ZAC-19-002 & UHOPA-19-002)

Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1173 & 1203 Old Golf Links Road, Ancaster

Presented by: Melanie Schneider



Key Map - Ward 12

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-19-002 & UHOPA-19-002	Date: September 22, 2021
Appendix "A"	Scale: N.T.S.
Planner/Technician: MS/AL	

Subject Property

1173 & 1203 Old Golf Links Road

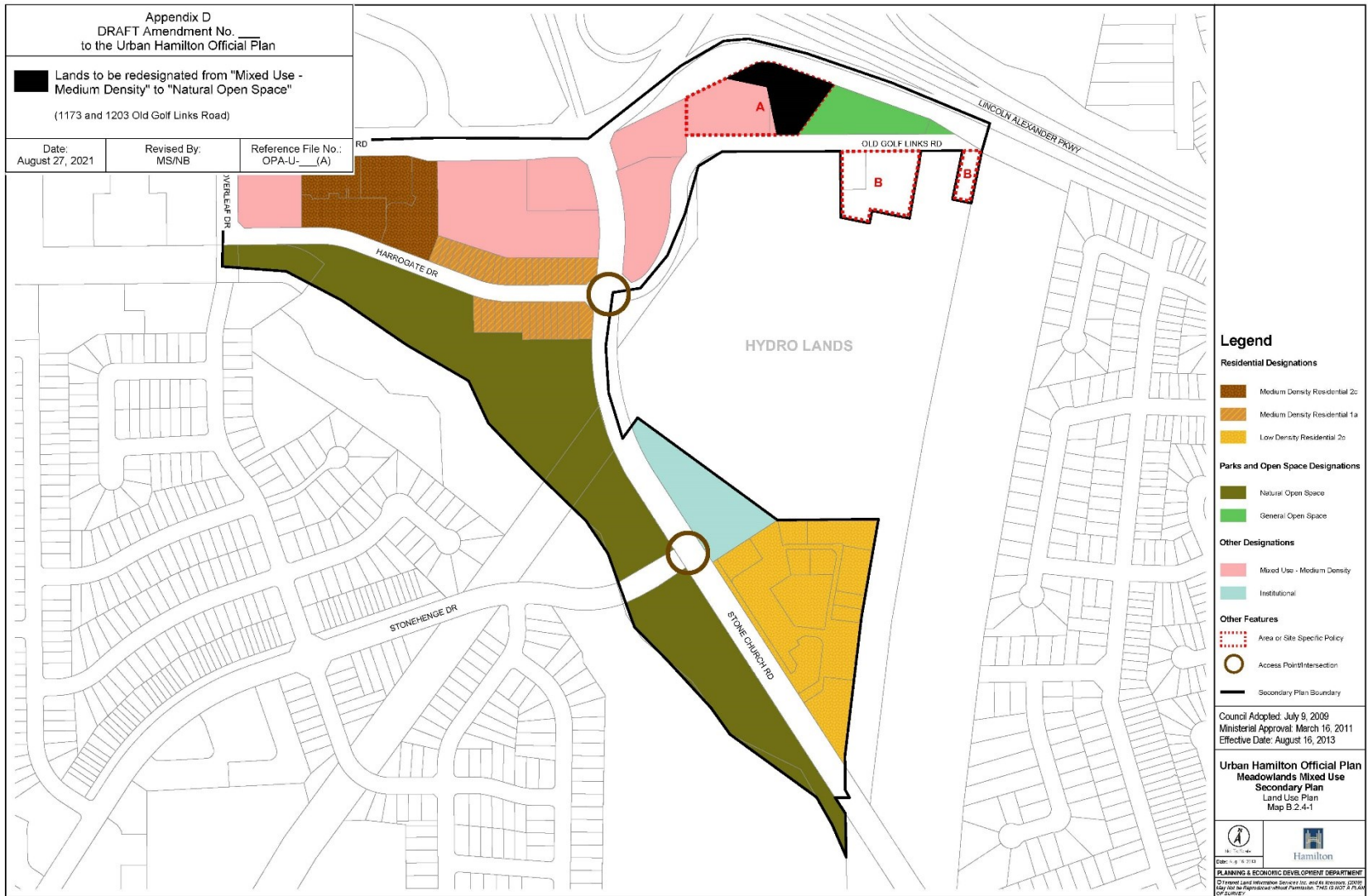
- Change in zoning from the Mixed Use Medium Density (C5, 329, H86) Zone to Conservation / Hazard Lands (P5) Zone
- Lands to remain in Mixed Used Medium Density (C5, 329, H86) Zone

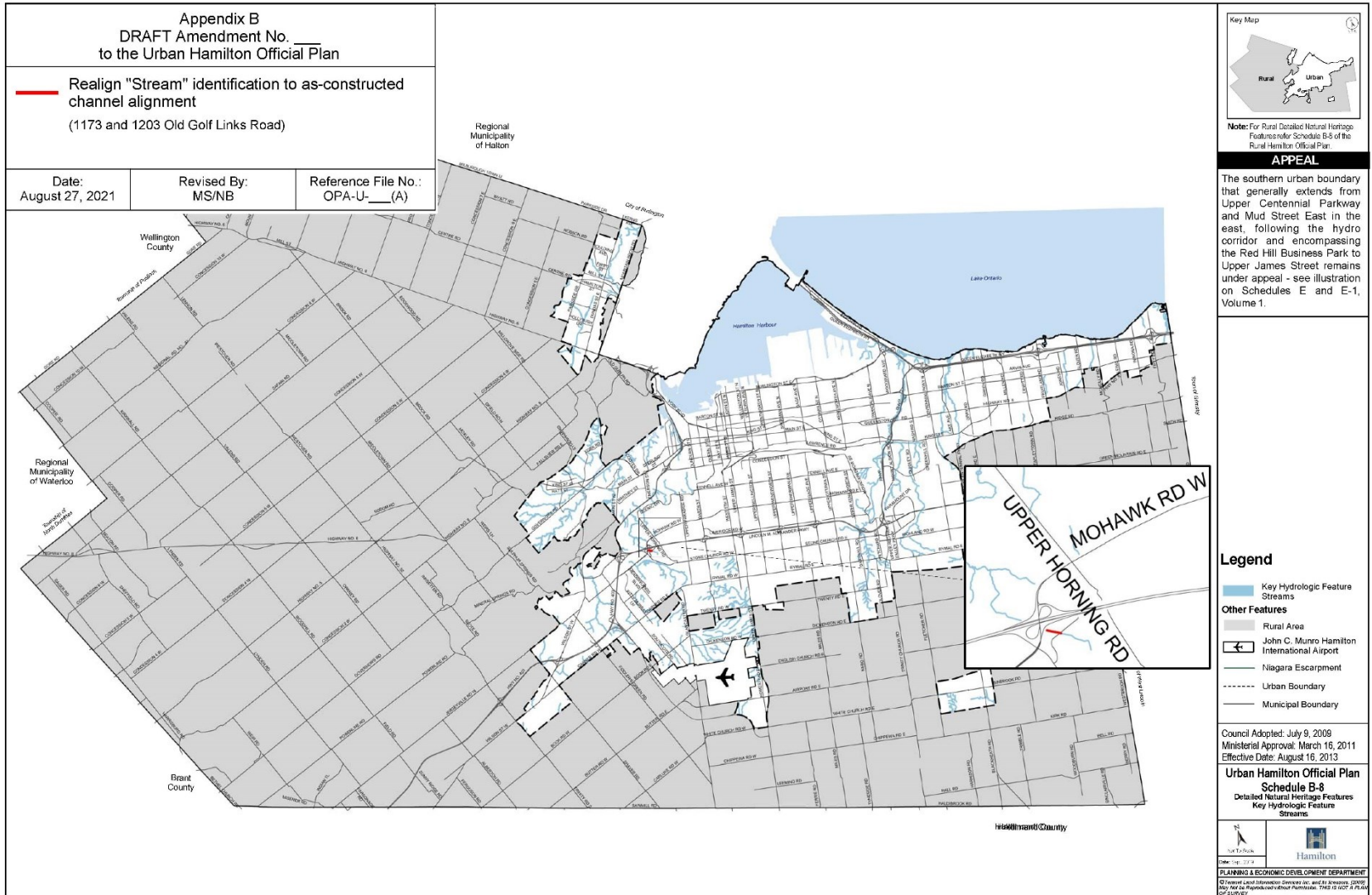


SUBJECT PROPERTY

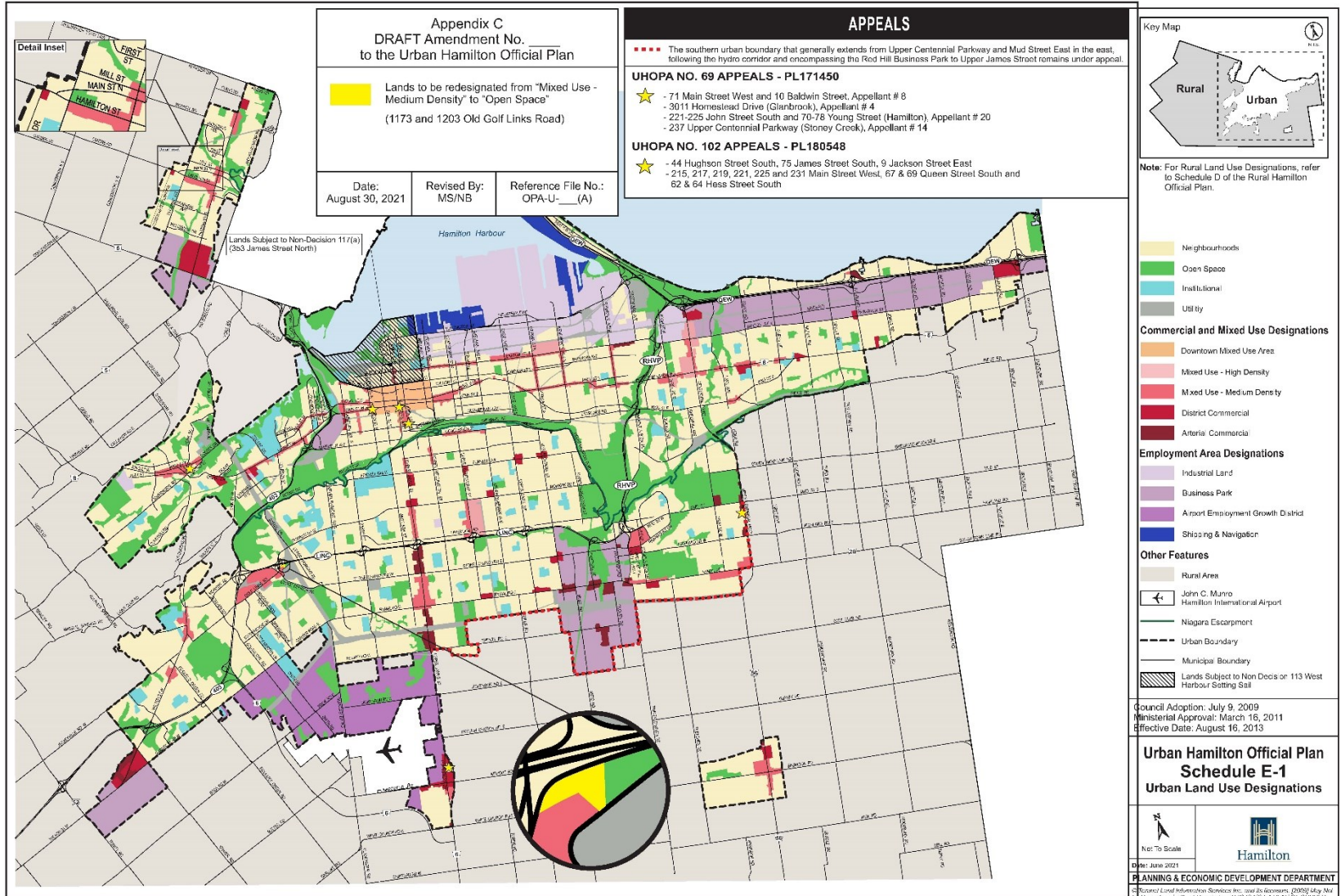


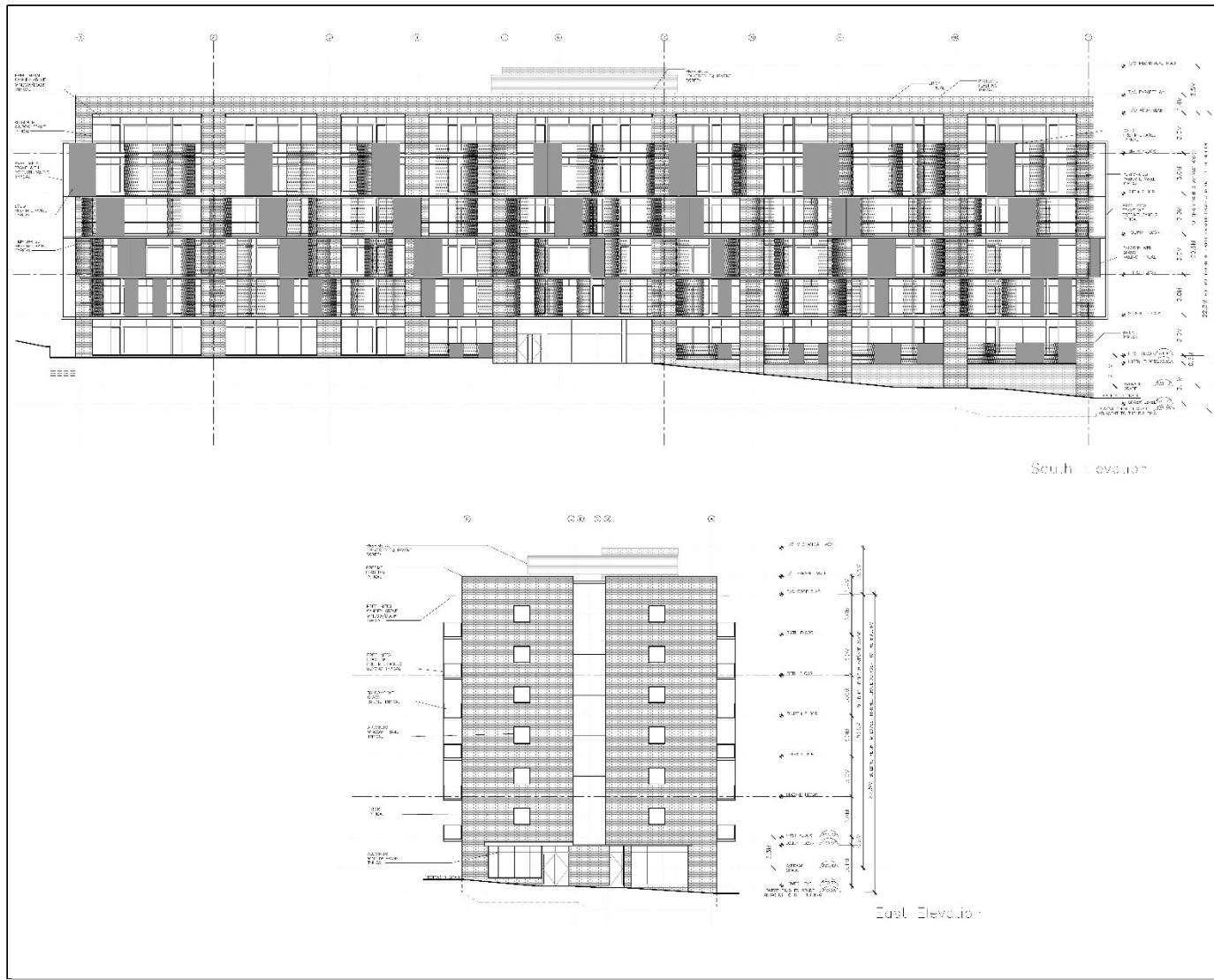
1173 & 1203 Old Golf Links Road, Ancaster











No. 101 Date: 11/11/2016	
1. 11/11/2016: Revised for 30% 2. 11/11/2016: Revised for 30% 3. 11/11/2016: Revised for 30% 4. 11/11/2016: Revised for 30%	
No. 101 Date: 11/11/2016	
Project Name: Ancaster Apartment Complex Project Address: 1175-1200 Old Don Line Rd. City of Hamilton (Hamilton) Ontario	
Project No: South Elevation East Elevation	
Drawn By: JVS Date: 11/11/2016	Checked By: EJP Date: 11/11/2016
A3.1	



Subject Lands



Undeveloped streetscape of Old Golf Links Road



Lands to the east showing Old Golf Links and Mohawk Rd LINC Ramp



Subject lands from the north



Streetscape of Stone Church



Streetscape of Stone Church showing westerly lands on the left



Urbanized streetscape of Old Golf Links Rd



Commercial uses to the west



Hydro One Lands to the south



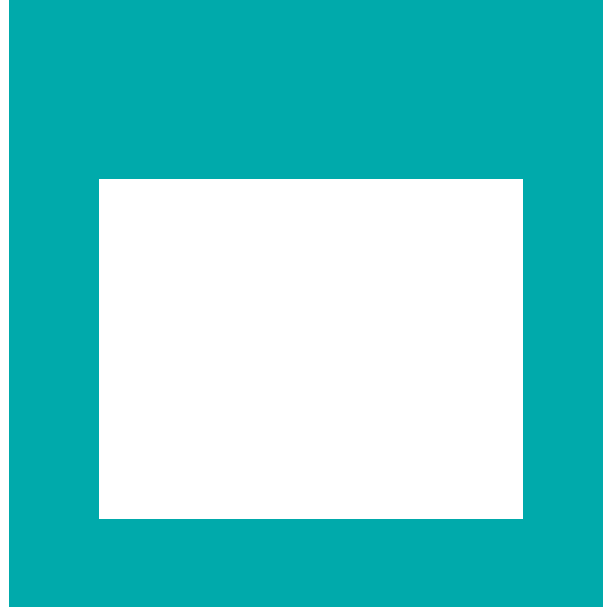
Existing watercourse



Subject lands looking to lands to the South



Old Golf Links Road looking towards Stone Church




THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 19, 2021
SUBJECT/REPORT NO:	Noise Control By-law Update (PED21166) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Monica Ciriello (905) 546-2424 Ext. 5809
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the legislative changes to the City of Hamilton Noise Control By-law 11-285 regarding the prohibition of noise in connection with the delivery of goods described in Report PED21166, detailed in the proposed amending By-law, attached as Appendix "A" to Report PED21166, be approved;
- (b) That the amending By-law to regulate noise and to amend Noise Control By-law 11-285, attached as Appendix "A" to Report PED21166, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

By-law amendments are occasionally required to align with changes to legislation. On November 30, 2020, the government of Ontario passed Bill 215, *Main Street Recovery Act, 2020* to amend the *Municipal Act, 2001* which now prohibits municipalities from regulating noise in connection with the delivery of goods. These provisions were proclaimed in force on September 19, 2021. Staff recommend amending the current Noise Control By-law 11-285 (Noise Control By-law) to align with the new legislation.

Alternatives for Consideration – Not Applicable

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SUBJECT: Noise Control By-law Update (PED21166) (City Wide) - Page 2 of 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

N/A

HISTORICAL BACKGROUND

On November 30, 2011, City Council enacted the City of Hamilton (City) Noise Control By-law to prohibit and regulate noise within the municipality and repeal By-law 03-020. Since its enactment, three amendments to the Noise Control By-law were passed as a matter of housekeeping or to address specific municipal needs.

As part of the response to COVID-19, the Province of Ontario enacted amendments to the *Municipal Act, 2001*, and its regulations prohibiting municipalities from regulating loading and unloading noise made in connection with the delivery of goods.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Municipal Act, 2001* allows municipalities to pass a By-law to prohibit and regulate noise.

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report and the draft amending By-law attached as Appendix “A” to Report PED21166.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City’s Noise Control By-law prohibits noise associated with loading activities from 7 p.m. to 7 a.m. of the following day. As part of the response to COVID-19, the Province of Ontario enacted Ontario Regulation 71/20, prohibiting municipalities from regulating loading and unloading noise made in connection with the delivery of goods until September 19, 2021.

On November 30, 2020, the government of Ontario passed Bill 215, *Main Street Recovery Act, 2020* which in part introduced temporary amendments to the *Municipal Act, 2001* proclaimed into force when Ontario Regulation 71/20 expired on September 19, 2021. These amendments now prohibit the City from regulating or prohibiting noise in connection with the delivery of goods in four categories:

- Retail business establishments;
- Restaurants, including cafes and bars;
- Hotels and motels; and,
- Goods distribution facilities.

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SUBJECT: Noise Control By-law Update (PED21166) (City Wide) - Page 3 of 3

Staff review of the current Noise Control By-law recommends amending the Noise Control By-law to reflect the necessary changes to align with the new legislation. The draft amending By-law attached as Appendix “A” to Report PED21166 maintains the same overnight 7 a.m. to 7 p.m. prohibition for loading and unloading noise, and merely introduces the mentioned four categories as an exception to this rule.

It is important to note, that as part of the response to the pandemic, the government of Ontario also passed Ontario Regulation 131/20 allowing for extended construction hours for projects associated with the healthcare sector to 24 hours a day and any other construction activity in a municipality between the hours of 6 a.m. and 10 p.m. This regulation supersedes the City’s Noise Control By-law and remains in effect until October 7, 2021. In the preparation of this Report, there is no indication this Order will be extended beyond its sunset date.

ALTERNATIVES FOR CONSIDERATION

N/A

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

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

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 PED21166 – Draft By-law to regulate Noise and to amend Noise Control By-law 11-285.

MC:eo

**Appendix “A” to Report PED21166
Page 1 of 2**

Authority: Item,
Report:
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON**BY-LAW NO. 21-xxx****To Amend Noise Control By-law No. 11-285, a By-law to Regulate Noise**

WHEREAS section 129 of the *Municipal Act, 2001* authorizes the City of Hamilton to prohibit and regulate with respect to noise;

WHEREAS Council enacted a by-law to prohibit and regulate noise, being the City of Hamilton By-law No.11-285; and,

WHEREAS section 130 of the *Municipal Act, 2001* was amended and proclaimed in force on September 19, 2021 that a municipality does not have the power to prohibit and regulate with respect to noise made in connection with the delivery of goods to retail business establishments, restaurants, cafes, bars, hotels, motels, and goods distribution facilities.

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

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That By-law No. 11-285 be amended by adding the following section under Short Title:

APPLICATION OF BY-LAW

1a. This By-law does not apply with respect to noise made in connection with the delivery of goods to any of the following, except as otherwise authorized by regulation under the *Municipal Act, 2001*:

- (a) Retail business establishments;
- (b) Restaurants, including cafes and bars;
- (c) Hotels and motels; and,
- (d) Goods distribution facilities.

3. That in all other respects, By-law No. 11-285 is confirmed.
4. That the provisions of this by-law shall take full force and effect on its day of passing.

Appendix "A" to Report PED21166
Page 2 of 2

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
Acting City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 19, 2021
SUBJECT/REPORT NO:	Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198) (Ward 2)
WARD AFFECTED:	Ward 2
PREPARED BY:	Joe Buordolone (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Council gives approval to the following actions, as detailed in Report PED21198, respecting Committee of Adjustment Minor Variance Application (HM/A-21:221) by UrbanSolutions Planning and Land Development Consultants Inc. c/o Matt Johnston, on behalf of Fengate Hamilton Land GP Inc. (Owner), for the lands located at 44 Hughson Street South, Hamilton, as shown on Appendix "A" attached to Report PED21198, granted by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

- (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Land Tribunal (OLT) against the decision of the Committee of Adjustment to approve Minor Variance application HM/A-21:221;
- (b) That Council directs appropriate Legal Services and Planning staff to attend the future Ontario Land Tribunal hearing in opposition to the decision of the Committee of Adjustment to approve Minor Variance application HM/A-21:221.

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SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198) (Ward 2) – Page 2 of 11

EXECUTIVE SUMMARY

The applicant submitted Minor Variance Application HM/A-21:221 to permit the construction of a 34 storey (108.0 metre) mixed use building containing 635 units and 1290.0 square metres of commercial space.

Minor Variance application HM/A-21:221 was considered by the Committee of Adjustment on August 12, 2021. Planning staff recommended the variance to permit a building height maximum of 111.0 metres, later revised to permit a maximum building height of 108.0 metres, be denied, as the proposal did not meet the four tests of a Minor Variance under Section 45(1) of the *Planning Act* (see Appendix “B” attached to Report PED21198). The Committee of Adjustment granted the application (see Appendices “C” and “E” attached to Report PED21198).

Under the *Planning Act*, appeals must be filed within 20 days of the decision. As such, Planning staff submitted an appeal letter, and the required fee to the Secretary-Treasurer of the Committee of Adjustment to initiate the appeal process on September 1, 2021, subject to Council’s approval/ratification. Staff recommend proceeding with the appeal. A hearing date has been not yet been set.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Planning has submitted the required fee of \$400 to the Minister of Finance to begin the appeal process. Other than this one-time fee, the costs for the Hearing are covered by the respective Departmental Work Programs/Budgets.

Staffing: One representative from Legal Services and one representative from the Planning Division would be required for preparation and attendance at the Ontario Land Tribunal (OLT) hearing.

Legal: No legal implications are expected.

HISTORICAL BACKGROUND

In December of 2002, City Council endorsed a report related to the Roles and Responsibilities of the Committee of Adjustment. The recommendations included the following:

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“That where the *Planning Act* appeal periods can be met, the Planning and Development Department be directed to report to the Committee of the Whole whenever, in the opinion of staff, a Committee of Adjustment decision has the effect of adding to the uses permitted under the Zoning By-law. In response to such a report, the City may determine its position on the Committee of Adjustment decision and instruct staff accordingly.”

The subject property is located at 44 Hughson Street South in Hamilton, at the north west corner of Hughson Street South and Jackson Street West (see Appendix “A” attached to PED21198).

Downtown Hamilton Secondary Plan and Zoning By-law No. 05-200

On May 9, 2018 Council approved the Downtown Hamilton Secondary Plan and implementing Zoning By-law No. 05-200 amendments for Downtown Hamilton. The subject lands formed part of the Council approval. Fengate Hamilton Lands GP Inc. appealed OPA No. 102 and Zoning By-law No. 18-114 as it related to the subject lands (OLT File PL180548). On April 21, 2020, the OLT issued a Notice of Oral Decision summarizing the settlement between Fengate Hamilton Lands GP Inc. and the City by changing the height category in the Downtown Hamilton Secondary Plan (Map B.6.1.-2 Maximum Building Heights) for a portion of the subject lands fronting on James Street South to High-Rise 1 and limiting the maximum building height to 94.2 metres in Figure 1 of Schedule “F” – Special Figures of Zoning By-law No. 05-200.

Site Plan Control Application

Site Plan Control application (DA-19-174) was submitted on October 29, 2019 and was conditionally approved on April 16, 2020. The conditionally approved Site Plan Control Application contemplated a 91.4 metre (30 storey) building and included a special condition for one variance to allow a reduced setback to the alleyway for any portion of the building that is greater than 44 metres in height, notwithstanding the 9.5 metre requirement. A revised Site Plan was submitted to the City on April 28, 2021, which included revisions to the proposed building height, shown to be 111.0 metres, and massing.

In addition to the submitted Site Plan Control Application, Zoning By-law Amendment Application (ZAD-21-035), for the removal of Holding Provisions that are currently on the subject site, has been submitted and is currently under review. The following studies were submitted in support of the Holding Provision removal:

- Shadow Impact Study;
- Pedestrian Level Wind Study;

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- Visual Impact Assessment;
- Traffic Impact Assessment: and,
- Functional Servicing Report.

Minor Variance Application

In May of 2021, the applicant submitted a Minor Variance Application to permit construction of a 34 storey (111.0 metre) mixed use building containing 635 units and 1290.0 square metres of commercial space. While conditional approval of Site Plan Application DA-19-174 only identified one minor variance, the Minor Variance Application (HM/A-21:221) contained 12 variances, of which staff were in support of variances 1, 2, 3, 4, 6, 7, 8, and 9, with some variances being removed entirely.

The applicant revised Variance 5 from a 111.0 metre building height to 108.0 metres at the Committee of Adjustment hearing on August 12, 2021. The variance looked to permit a maximum building height of 108.0 metres, notwithstanding the maximum building height of 94.2 metres approved by the OLT.

Staff comments recommended the application be denied as the proposal did not meet the four tests of a Minor Variance under Section 45(1) of the *Planning Act* (see Appendix “B” attached to Report PED21198). The Committee of Adjustment granted Minor Variance Application HM/A-21:221 on August 12, 2021 with no conditions.

Staff are of the opinion the Committee of Adjustment’s decision should be appealed because:

- An Official Plan Amendment Application and Zoning By-law Amendment Application is the appropriate mechanism to review the impacts of increasing the maximum building height; and,
- The increase in maximum permitted building height is neither minor in nature nor desirable for the development as negative impacts, including obstructed views of the Niagara Escarpment and Lake Ontario and a built form not desirable for the subject site will arise from the additional height.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENT

Planning Act

The application has been reviewed with respect to the criteria of the *Planning Act*.

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Powers of Committee

- “44(1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable. R.S.O. 1990, c. P.13, s. 44 (1).
- 45(1) The Committee of Adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other *Act*, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).
- 45(3) A council that has constituted committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered subsection (1) applies with necessary modifications. R.S.O. 1990, c. P.13, s. 45 (3).”

Staff are of the opinion the effect of the application is to increase the maximum permitted building height which does not maintain the general intent of the Urban Hamilton Official Plan, the Downtown Hamilton Secondary Plan or Zoning By-law No. 05-200, is not desirable or appropriate for the use of the land and is not considered minor in nature. Therefore, the Minor Variance Application does not meet the four tests of a Minor Variance under the *Planning Act*.

Provincial 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 mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent OLT approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy

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SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198) (Ward 2) – Page 6 of 11

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

Urban Hamilton Official Plan (UHOP)

The subject site is identified as Downtown Urban Growth Centre on Schedule E Urban Structure and designated Downtown Mixed Use Area on Schedule E-1 Urban Land Use Designations within the Urban Hamilton Official Plan (UHOP). The following policies, amongst others, apply to the proposal.

- “E.4.4.4 The following uses shall be permitted on lands designated Downtown Mixed Use on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices including major offices, personal services, live work units, artist studios, financial establishments, restaurants, and medical clinics (OPA 64); and,
 - e) residential uses.
- E.4.4.7 Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use.
- E.4.4.11 Building mass shall consider the pedestrian nature of the area designated Downtown Mixed Use. Massing techniques such as stepped back or terraced floors may be required.”

The proposed mixed use building is contemplated by Policy E.4.4.4 and the proposed development incorporates stepbacks and terraces to improve the building mass (Policy E.4.4.7). However, the proposed building height does not meet the maximum building heights permitted in the Downtown Hamilton Secondary Plan. The proposal does not meet the intent of Policy E.4.4.7.

Volume 2 - Downtown Hamilton Secondary Plan

The subject site is designated as “Downtown Mixed Use” in the Downtown Hamilton Secondary Plan and the western portion is identified as Pedestrian Focused on Map B.6.1-1 of the Secondary Plan. The eastern portion of the subject site is further identified as High-Rise 1 while the western portion of the subject site is identified as High-Rise 2 on Map B.6.1-2 of the Secondary Plan. The following policies, amongst others, apply to the proposal.

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SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198) (Ward 2) – Page 7 of 11

- “B.6.1.2(h) The Niagara Escarpment is an essential part of the character and appearance of the City; views to the Escarpment are important assets to protect. The Niagara Escarpment meanders through the City of Hamilton providing a natural backdrop to the Downtown, access to a unique natural environment, and a home to a diverse ecosystem of international significance – a UNESCO World Biosphere Reserve. The Downtown Hamilton Secondary Plan recognizes the importance of the relationship between topography and building height and the impacts on significant views to and of the Niagara Escarpment.
- B.6.1.4.12 Building heights are identified on Map B.6.1.2 – Downtown Hamilton Building Heights and the maximum heights for each area shall fall into the following categories:
- e) High-Rise 2 – up to 30 storeys.
- B. 6.1.4.14 Notwithstanding Policy B.6.1.4.12 and Map B.6.1-2 Building Heights, maximum building height within the Downtown Hamilton Secondary Plan area shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue, identified on Appendix “D” – Niagara Escarpment Heights. The maximum permitted height, in accordance with Policy B.6.1.4.14 has been determined to be 94.2 metres.
- B.6.1.4.18 The following policies shall apply to high-rise (tall) buildings (among others):
- a) a tall building is any building that is greater than 12 storeys’ in height; and,
- b) new tall buildings shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue.
- B.6.1.4.23e) The following studies may be required, in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, for tall building development to demonstrate that the proposal meets the applicable design criteria of the Downtown Hamilton Tall Building Guidelines:
- i) Shadow Impact Study;
- ii) Pedestrian Wind Impact Study;

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- iii) Visual Impact Assessment;
- iv) Transportation Studies, including, but not limited to:
 - i. Transportation Impact Study;
 - ii. Cycling Route Analysis;
 - iii. Pedestrian Route and Sidewalk Analysis;
 - iv. Neighbourhood Traffic Calming Options Report;
 - v. Transit Assessment; and,
 - vi. Transportation Demand Management Options Report.
- v) Infrastructure and Servicing Study;
- vi) Cultural Heritage Impact Assessment;
- vii) Urban Design Brief; and,
- viii) Planning Justification Report.

B.6.1.4.37 Downtown Hamilton contains a number of primary gathering spaces where civic life occurs. The quality, image, and amenity of these spaces strongly affect how people perceive the Downtown. Notwithstanding Policy B.6.1.4.35 and Policy B.6.1.4.36, development shall not cast any net new shadow between 10:00 a.m. and 4:00 p.m. as measured from March 21 to September 21 on the following parks, squares, plazas and open spaces areas that serve as Downtown’s key civic gathering spaces:

- b) Prince’s Square (50 Main Street East).”

The intent of the UHOP is to limit building height to the top of the Niagara Escarpment. As per policy B.6.1.2(h) of the Downtown Hamilton Secondary Plan, the Niagara Escarpment is an essential part of the character and the appearance of the City of Hamilton, and views to the Niagara Escarpment are important assets to protect to ensure the intent of the Official Plan is being maintained.

Volume 1, Policy E.4.4.7 states that permitted density and heights shall be set out in the Secondary Plan for the lands designated Downtown Mixed Use. Policies B.6.1.4.12 and B.6.1.4.14 of the Downtown Hamilton Secondary Plan state that the portion of land that is subject to the proposed 108 metre (34 storey) tower is identified as High-Rise 2 and limited to “up to 30 storeys”. The policy further states that notwithstanding height permissions, the maximum building height within the Downtown Hamilton Secondary Plan area shall be no greater than the height of the top of the Niagara Escarpment as measured between Queen Street and Victoria Avenue as identified on Appendix “D” – Niagara Escarpment Heights attached to Report PED21198. The maximum permitted height for the subject lands in accordance with this Policy is 94.2 metres.

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SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198) (Ward 2) – Page 9 of 11

The proposal to permit a maximum building height of 108.0 metres does not meet the general intent and purpose of the UHOP as the height is not permitted by the existing policy framework. An Official Plan Amendment is required to facilitate the proposed maximum building height.

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

The subject lands are zoned Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone and Downtown Central Business District (D1, H17, H20) Zone. The applicant requested a variance, in addition to other variances, to permit a maximum building height of 108.0 metres, for the portion of the lands fronting on James Street North (see Appendix “A” attached to Report PED21198) notwithstanding that a maximum building height of 94.2 metres is permitted on Figure 1 of Schedule “F” – Special Figures of Zoning By-law No. 05-200.

Holding Provision 17 requires the submission of several studies including a Shadow Impact Study, Visual Impact Study (VIA), Pedestrian Level Wind Study, Traffic Impact Study and Functional Servicing Report to demonstrate that the proposed development meets the intent of the Downtown Hamilton Secondary Plan policies. These studies have been submitted in support of an application to remove the Holding Provisions and were used to assess the impact of the proposed building height minor variance. Additionally, the Holding Provision requires that the applicant demonstrate that the proposed building height does not exceed the height of the Niagara Escarpment.

Policies B.6.1.4.23, B.6.1.4.37, B.6.1.4.38 and B.6.1.4.39 of the UHOP require the submission of a Shadow Impact Study and Pedestrian Level Wind Study to demonstrate that the proposed development has been sited, massed and designed to reduce and mitigate wind impacts and shadow impacts on the surrounding public realm, including the civic gathering space at 50 Main Street East (Prince’s Square).

The Shadow Impact Study, by Graziani + Corazza Architects Inc. dated August 5, 2021, submitted in support of Zoning By-law Amendment application ZAD-21- 035 (Holding Provision removal) was not completed in accordance with the Terms of Reference for Shadow Impact Studies and did not include a written assessment of the shadow map to clarify findings. Based on the mapping included in the Study, the shadows from the new development are starting to edge the Prince’s Square at 3:18 p.m. and the 4:18 p.m. shadows indicate encroachment of the new development shadows into the square, beyond the outline of the former 30-storey concept shadow, as approved through a previous OLT appeal. The encroachment indicates the creation of new net shadows on a Downtown civic gathering space which does not comply with Policy B.6.1.4.37 of the Downtown Hamilton Secondary Plan.

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The Pedestrian Level Wind Study by RWDI, dated December 4, 2020, identified unsafe wind conditions generated by the proposed development. The unsafe conditions are shown to appear at the north west corner of the building, the north west corner of the James Street South and Jackson Street East intersection and on the building's 31-storey terrace. Given the results of the Study, the proposed development does not comply with Policy B.6.1.4.39 as unsafe wind levels are created as a result of the proposed development and the additional height proposed through the Minor Variance Application.

Policies B.6.1.4.23 and B.6.1.10.6 also require that a VIA be completed to evaluate the impact of development on significant views and views to the Niagara Escarpment. Policies B.6.1.10.3 and B.6.1.10.4 support the significance of the Niagara Escarpment as a visual feature that separates upper and lower Hamilton and as a striking landscape terminating many views from Downtown Hamilton and recognizes the need to protect significant views to the Niagara Escarpment.

The applicant submitted a VIA by MBTW dated June of 2021, which demonstrated that views from the urban area to this site, to the Niagara Escarpment and the harbour are not impacted in a negative way by the new development, which fits into the street wall established along James Street. However, the VIA did identify that views from the Niagara Escarpment, near Sam Lawrence Park, will obscure views to the opposite side of the Niagara Escarpment and lake by the proposed development as a result of the increased height. Staff are of the opinion that the proposed development does not comply with Policies B.6.1.10.4 and B.6.1.10.8.

Furthermore, staff note that the subject site is subject to an OLT appeal (Case No. PL180548), which through the Minutes of Settlement, stated that the proposal cannot exceed 94.2 metres in height.

The variance to permit a maximum building height of 108.0 metres does not meet the general intent and purpose of the Zoning By-law as the effect of the decision allows for a building height that leads to an inappropriate built form and massing and is a height that exceeds the height of the Niagara Escarpment. A Zoning By-law Amendment Application is required to assess the impacts of the proposed height.

RELEVANT CONSULTATION

- Corporate Services Department, Legal Services Division.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

The proposed variance to permit a maximum building height of 108.0 metres does not meet the four tests of a Minor Variance as stipulated in Section 45(1) of the *Planning Act* on the basis that it does not meet the general intent and purpose of the UHOP and Downtown Hamilton Secondary Plan and Zoning By-law No. 05-200, is not minor in nature, nor is it desirable for the development of the subject lands. Therefore, it is appropriate for the City to appeal the Minor Variance to the OLT.

ALTERNATIVES FOR CONSIDERATION

Council may direct staff to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the OLT. Provided that no further appeals are filed this option would allow the Committee of Adjustment's decision to permit a maximum building height of 108.0 metres on the subject site.

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.

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED21198 – Location Map

Appendix "B" to Report PED21198 – Staff Comments for HM/A-21:221

Appendix "C" to Report PED21198 – HM/A-21:221 Committee of Adjustment Decision

Appendix "D" to Report PED21198 – HM/A-21:221 Committee of Adjustment Application

Appendix "E" to Report PED21198 – Minutes of Public Meeting

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

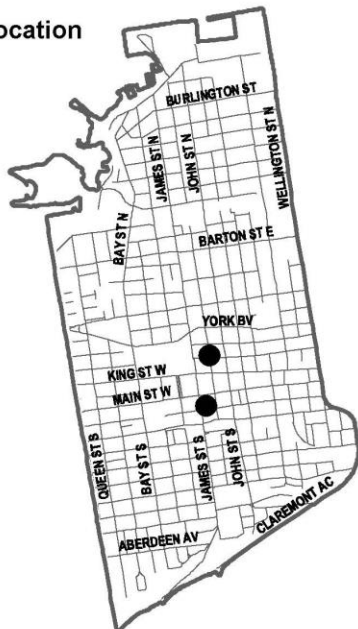
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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Appendix "A" to Report PED21198
Page 1 of 1



● Site Location



Key Map - Ward 2

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
44 Hughson Appeal Report

Date:
September 20, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
JB/AL

Subject Property

 44 Hughson Street North



Hamilton

Planning and Economic
Development Department

Memorandum

To: Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment
From: Joe Buordolone, Planning Technician I
Phone: 905-546-2424 Ext. 7856
Date: August 11, 2021
Subject: Committee of Adjustment Meeting – August 12, 2021

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on August 12, 2021.

HM/A-21:221

44 Hughson Street South, Hamilton

The purpose of this application is to permit the construction of a thirty-four storey (111.0 metre) mixed use building containing a 635 unit multiple dwelling and 1290.0 square metres of commercial space notwithstanding the variances below.

The proposal was processed and reviewed through Site Plan Control Application DA-19-174 which was conditionally approved on April 16, 2020. The conditionally approved site plan contemplated a 91.4 metre (30 storey) building and included a special condition for one variance to allow a reduced setback to the alleyway for any portion of the building that is greater than 44 metres in height, notwithstanding the 9.5 metre requirement.

Staff note that the Building Division has confirmed that Variances 9, 11, and 12 are no longer required. The proposed variances have not been reviewed comprehensively through the Site Plan Control process and should not be perceived to grant approval to the plans associated with the Site Plan Control application.

Urban Hamilton Official Plan

The subject site is identified as Downtown Urban Growth Centre within Schedule E and designated Mixed-Use Area within Schedule E-1 within the Urban Hamilton Official Plan (UHOP). Policies E.4.4.4, E.4.4.7, E.4.4.9, and E.4.4.11, amongst others, are applicable and permit a mixed use building. Urban Design policies B.3.3.3.1, B.3.3.3.2, B.3.3.3.3, B.3.3.3.4, and B.3.3.3.5, among others, are applicable and require the proposal to be properly massed, designed to minimize impacts on neighbouring buildings, and to provide a comfortable pedestrian environment by including ample glazing on ground floors, amongst other policies.

Downtown Hamilton Secondary Plan

The subject site is designated as Downtown Mixed Use in the Downtown Hamilton Secondary Plan and the western portion is identified as Pedestrian Focused within Map B.6.1-1 of the Secondary Plan. The eastern portion of the subject site is further identified as High-rise 1 while the western portion of the subject site is identified as High-rise 2 on Map B.6.1-2 of the Secondary Plan. Policies B.6.1.4.18, B.6.1.4.19, B.6.1.4.21, B.6.1.4.23, B.6.1.4.27, B.6.1.4.30, and B.6.1.6.2, among others are applicable and permit a mixed use building.

Staff note that the subject site is subject to an Ontario Land Tribunal (OLT) appeal (Case No. PL180548), which through the Minutes of Settlement, stated that the proposal cannot exceed 94.2 metres in height. Staff are of the opinion that the proposed height does not maintain the general intent of the Official Plan.

In conclusion, staff are of the opinion that the general intent of the Official Plan is not being maintained regarding Variance 5 and that an Official Plan Amendment application be submitted to evaluate additional height beyond the permissions established in the Downtown Hamilton Secondary Plan.

Cultural Heritage

The subject property comprises a two-storey red brick building constructed in 1890 (former Bell Telephone Company Building) and is included in the City's Register of Property of Cultural Heritage Value or Interest as a non-designated property. The property is additionally located within the Corktown Established Historic Neighbourhood.

The property is located adjacent to the following properties included in the City's Register of Property of Cultural Heritage Value or Interest:

- 6 Main Street East, Hamilton (Hamilton Club);
- 8 Main Street East, Hamilton (Bell Telephone Exchange Building); and,
- 50 Main Street East, Hamilton (Hamilton Court House and Prince's Square).

Additionally, the subject property is adjacent to the following properties included on the City's Inventory of Buildings of Architectural and/or Historical Interest.

- 79 James Street, Hamilton (YMCA).

As part of the submission requirements for DA-19-174, cultural heritage staff required the submission of the reports and plans noted below.

That the applicant submit and implement a Cultural Heritage Impact Assessment (CHIA) to the satisfaction and approval of the Manager of Development Planning, Heritage and Design prior to any site plan approval.

- Any recommendations for alternatives or mitigative measures coming out of the Cultural Heritage Impact Assessment shall be included as conditions of future development applications;

- The applicant provide a Construction Management Plan prepared by a qualified Professional Engineer which addresses the mitigation of potential construction and vibration impacts to the adjacent and on-site cultural heritage resources (64 James Street South, 98 James Street South and 44 Hughson Street South), including periodic monitoring of the buildings throughout construction, to be prepared at the cost of the owner and submitted to the satisfaction and approval of the Director of Planner and Chief Planner. Should a peer review of the Construction Management Plan be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.

Submission of the required documents has been received as part of a resubmission package for DA-19-174 and is currently being circulated for review. Should the proposed variances be approved staff recommend a condition be added that requires that the Elevations receive final approval through Site Plan application DA-19-174.

Archaeology

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

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this site plan is approved, Staff require that an acknowledgement be added to the Site Plan as follows:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the

proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Hamilton Zoning By-law 05-200

The subject site is zoned Downtown Central Business (D1, H17, H19, H20) Zone and Downtown Prime Retail Streets (D2, H17, H19, and H20) Zone, which permits a mixed-use residential building. The portion of the proposed development fronting onto Hughson Street South is identified on Figure 2 of Schedule F – Special Figures as being within the Heritage Character Zone.

Figure 1 of Schedule F – Special Figures was revised through the OLT appeal to allow for 94.2 metres of height on the portion of the property fronting onto James Street South and 71 metres of height on the portion of the property fronting onto Hughson Street South. The proposed development exceeds the approved height established by the OLT.

Additionally, the lands are subject to Holding provision 17 which requires that the applicant demonstrate that the proposed building meets the intent of the Downtown Hamilton Secondary Plan through the submission of a Visual Impact Study, Pedestrian Wind Level Study, Shadow Impact Study, Transportation Impact Study and Functional Servicing Report. Staff note that studies have been submitted to satisfy the Holding provision however comments have not been submitted to provide clearances. Should the variances be approved, and further modifications are required through the Site Plan approval and Holding Provision removal process additional variances may be required.

Variance 1, 2 and 3

While Variances 1, 2 and 3 appear to conform to the regulations of the Zoning By-law, staff are supportive of the proposed modifications. Based on the submitted Site Plan, it appears that Variances 1, 2 and 3 conform to the Zoning By-law and are not required for the proposal.

Variance 4

The applicant is requesting a variance to allow for a maximum lot coverage of 90% to be permitted, notwithstanding the required maximum lot coverage of 85%. The general intent of this provision is to ensure adequate space is being provided for stormwater management on site. Staff defer any drainage issues to Development Engineering Approvals.

Staff are of the opinion that the variance to allow for a maximum lot coverage of 90% is maintaining the general intent of the By-law as sufficient space for stormwater management is being maintained on site. Development Engineering Approvals comments, dated May 26, 2021, note that no further comments are required for the Stormwater Management on site. Staff are of the opinion that the variance is desirable for the development and minor in nature as no negative impacts are anticipated for the subject site or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature, therefore, staff support the variance.

Variance 5

The applicant is requesting a variance to allow for a maximum building height of 108.0 metres to be provided, notwithstanding the maximum building height of 94.2 metres in a D2 Zone. The intent of this provision is to ensure a proper built form and massing and to limit building heights to not exceed the height of the Escarpment.

Staff are of the opinion that the variance to allow for a maximum building height that exceeds the height of the Niagara Escarpment, being 189.4 metres above sea level as indicated on Appendix D – Niagara Escarpment Height of the Downtown Hamilton Secondary Plan to Report PED21198 does not meet the intent and purpose of the Official Plan. Policy B.6.1.4.14 limits all building height within the Downtown Hamilton Secondary Plan area to the height of the Niagara Escarpment as shown on Appendix “D”.

Furthermore, Staff note that the subject site is subject to an OLT appeal (Case No. PL180548), which through the Minutes of Settlement, stated that the proposal cannot exceed 94.2 metres in height. Staff are of the opinion that the variance does not meet the general intent of the Zoning By-law as the proposed building height exceeds the height of the Niagara Escarpment. Staff are of the opinion that the variance is not minor in nature and the appropriate method of evaluating the proposed height is through an Official Plan Amendment and Zoning By-law Amendment.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is not being maintained, the variance is neither desirable for the development nor minor in nature, therefore, staff do not support the variance.

Variance 6 and 7

Staff note that the Elevation drawings (dated April 20, 2021) submitted in support of the Minor Variance application differ from the Elevation drawings (dated June 25, 2021) submitted for review for the Site Plan Control application. The applicant should confirm that the modifications proposed reflect the most up to date Elevation drawings to avoid further modifications.

The applicant is requesting a variance to allow for a minimum of 44% of the ground floor façade along Jackson Street East to be comprised of glazing, notwithstanding the minimum required 60% ground floor façade glazing, and a variance to allow for a maximum 48% of the second and third floor façade along Jackson Street East to be comprised of glazing, notwithstanding the maximum permitted 40% façade glazing at the second and third storeys. The variance recognizes an existing condition as the requirement is only applicable for the portion of the development fronting on Hughson Street South which is largely occupied by the existing historic building.

While the variances can be supported, staff note that the Elevations associated with Site Plan Application DA-19-174 have not received final approval and further modifications to the Elevations may be required to address staff comments, including Urban Design and Cultural Heritage Planning. Staff recommend a condition be added that requires that the Elevations receive final approval through Site Plan application DA-19-174.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature, therefore, staff support the variance on condition.

Variance 8

The applicant is requesting a variance to allow the exterior building cladding at the first three storeys of a building within a Heritage Character zone shall not be required to be comprised of either one or a combination of not more than two of the following materials: Brick, concrete panels, stone, stucco or metal/metal panels. The variance recognizes the existing condition as the proposed development incorporates the existing historic building which falls within the Heritage Character Zone as shown on Figure 2 of Schedule F – Special Figures of Zoning By-law 05-200.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature, therefore, staff support the variance.

Variance 9, 11, and 12

Variances are no longer required in accordance with Building Division comments.

Variance 10

The applicant is requesting a variance to allow a parking space designed for small vehicles is provided abutting a wall or column, the width of the parking space shall not be required to provide an additional width of 0.3m whereas the by-law requires all parking spaces within a parking structure which abuts a wall or column to provide an increased width of 0.3m. The intent of this provision is to ensure adequate space is being provided to enter and exit a vehicle.

That applicant has verified that the variance is meant to apply to all parking spaces. Staff are of the opinion the variance does not maintain the general intent of the By-law as no additional space is being provided where a parking space abuts a wall or column. Staff are of the opinion the variance is neither minor nor desirable for the development as negative impacts are anticipated for the vehicle spaces.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is not being maintained, the variance is neither desirable for the development nor minor in nature, therefore, staff do not support the variance.

Recommendation:

Variations 1, 2, 3, 4, 6, 7, and 8 meet the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law No. 05-200. The variations are considered minor in nature and desirable for the appropriate use of the property.

Variations 5 and 10 do not maintain the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law No. 05-200. The variations are also considered not to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, **Staff recommends that the application be denied.**

CONDITIONS: (If Approved)

- (1) That the owner received final approval of the Elevation drawings associated with Site Plan application DA-19-174 to the satisfaction of the Manager of Development Planning, Heritage and Design.



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-21:221
SUBMISSION NO. A-221/21

APPLICATION NO.: HM/A-21:221

APPLICANTS: Agent Urban Solutions
Owner Fengate Hamilton Land GP Inc.

SUBJECT PROPERTY: Municipal address **44 Hughson St. S., Hamilton**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "D1, H17, H19, H20 & D2, H17, H19 and H20" (Downtown Central Business and Downtown Prime Retail Streets) district

PROPOSAL: To permit the construction of a new thirty-four (34) storey mixed use building containing 635 unit multiple dwelling and 1290.0m² of commercial space notwithstanding that:

1. A maximum setback of 6.5m shall be provided along the Jackson Street East lot line for the portion of the building below 11.0m in height whereas the D1 zone permits a maximum setback of 4.5 from a street line for any portion of a building below 11.0m in height.
2. A maximum setback of 4.5m shall be provided along the Jackson Street East lot line for the portion of the building below 11.0m in height and within the D2 zone and whereas the D2 zone permits a maximum setback of 2.0 from a street line for any portion of a building below 11.0m in height.
3. A maximum setback of 3.2m shall be provided along the James Street South lot line for the portion of the building below 11.0m in height whereas the D2 zone permits a maximum setback of 2.0 from a street line for any portion of a building below 11.0m in height.
4. A maximum lot coverage of 90% shall be provided instead of the maximum permitted lot coverage of 85%.
5. A maximum building height of 108.0m shall be provided for the portion of the building located within the D2 zone, instead of the maximum permitted building height of 94.2m.
6. A minimum of 44% of the ground floor façade along Jackson Street East shall be comprised of glazing instead of the minimum required 60% ground floor façade glazing.
7. A maximum of 48% of the second and third floor façade along Jackson Street East shall be comprised of glazing instead of the maximum permitted 40% façade glazing at the second and third floor levels.
8. The exterior building cladding at the first three storeys of a building within a Heritage Character zone may be comprised of a combination of not more than three (3) of the following materials: Brick, concrete panels, stone, stucco or metal/metal panels whereas the By-law permits a combination of not more than two (2) cladding materials.

HM/A-21: 221
Page 2

9. Where a parking space is provided within parking structure and is abutting a wall or column, the width of the parking space shall not be required to provide an additional width of 0.3m whereas the by-law requires parking spaces within an above grade or underground parking structure to provide an increased width of 0.3m (3.1m) when abutting a wall or column.

10. A minimum setback of 0.5m shall be provided from a daylight triangle instead of the minimum 2.0m setback required from a street line.

NOTES:

1. These variances are necessary to facilitate Site Plan Control Application DA-19-174.
2. Please be advised that this development is situated across zone separate zoning designations. The westerly portion known as 75 James Street South is subject to the requirements of the 'D2' zone, with the easterly portion known as 44 Hughson Street South being subject to the requirements of the 'D1' zone.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are **GRANTED AS AMENDED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

That the said application is granted subject to the following condition:

1. That the owner receives final approval of the Elevation drawings associated with Site Plan application DA-19-174 to the satisfaction of the Manager of Development Planning, Heritage and Design.

DATED AT HAMILTON this 12th day of August, 2021.

D. Smith (Chairman)

D. Serwatak

M. Dudzic

L. Gaddy

B. Charters

HM/A-21: 221
Page 3

M. Switzer

N. Mieczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 1, 2021**.

NOTE: This decision is not final and binding unless otherwise noted.



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	Fengate Hamilton Lands GP Inc. et al	44 Hughson Street South Hamilton, Ontario	Phone: 905-529-1116
			E-mail:
Applicant(s)*	Same as owner		Phone:
			E-mail:
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc.	3 Studebaker Place, Unit 1, Hamilton, Ontario L8L 0C8	Phone: 905-546-1087
			E-mail: smanchia@urbansolutions.info

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Please refer to cover letter and enclosed Minor Variance Sketch for list of required variances.

5. Why it is not possible to comply with the provisions of the By-law?

Please refer to cover letter.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Lots 41, 42, 43 & 44 Registered Plan 1431 in the City of Hamilton
 44 Hughson Street South, 75 James Street South and 9 Jackson Street East, Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use Tandia Cooperative banking & LiUNA Labourers Local 837

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Consultation with owner.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

N/A

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

May 19 2021
Date


Signature Property Owner

Fengate Hamilton Lands GP Inc. et al
Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 41.83 metres (James Street South)
Depth +/- 95.01 metres
Area +/- 3,802.86 square metres
Width of street +/- 23.5 metres (James Street South)

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing:_
Please refer to enclosed Topographic Survey.

Proposed
Please refer to enclosed Minor Variance Sketch.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:
Please refer to enclosed Topographic Survey.

Proposed:
Please refer to enclosed Minor Variance Sketch.

PART 25 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, Sergio Manchia of the Province of Ontario
in the City of Hamilton solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the
at the City of Hamilton)
in the Province)
of Ontario)
this 19 day of May A.D. 2021)

Allison Binns
A Commissioner, etc.

[Signature]
~~Applicant~~)
Agent

Allison Lee Binns, a Commissioner, etc.,
Province of Ontario, for UrbanSolutions
Planning & Land Development
Consultants Inc.
Expires October 11, 2021.

PART 26 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) Fengate Hamilton Lands GP Inc. et al am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

Sergio Manchia of UrbanSolutions Planning & Land Development Consultants Inc.

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE May 19 2021 SIGNED [Signature]

PART 27 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Fengate Hamilton Lands GP Inc. et al, the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

May 19 2021 Date [Signature] Signature of Owner

PART 28 PERMISSION TO ENTER

Date: May 19 2021

Secretary/Treasurer
Committee of Adjustment
City of Hamilton,
City Hall

Dear Secretary/Treasurer;

Re: Application to Committee of Adjustment
75 James Street South, 44 Hughson Street
Location of Land: South & 9 Jackson Street East
(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner or Authorized agent

Please print name

Note: The Committee of Adjustment requires that all properties be identified with the municipal address clearly visible from the street. Where there is no municipal address or the property is vacant then the property shall be identified in accordance with the Committee's policy included on the back of the Application Form. Failure to properly identify the subject property may result in the deferral of the application.

PART 29 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.



Hamilton

Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this 19th day of May, 20 21.

BETWEEN:

Fengate Hamilton Lands Gp Inc.
Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:

- (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
- (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses


2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.

3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the

Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at Hamilton this 19th day of May, 2021.


WITNESS


Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ___ day of _____, 20___.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

**Appendix “E” to Report PED21198
Page 1 of 3**

August 12, 2021
HM/A-21:221

Owner Fengate Hamilton Lands GP Inc.
44 Hughson St. S., Hamilton

Appearances were: M. Johnson (Urban Solutions)

Interested parties were: Councillor J. Farr

Those members present for the hearing of the application were D. Smith (Chairman), M. Dudzic, B. Charters, M. Smith, D. Serwatuk, T. Lofchik, N. Mleczko, L. Gaddy, M. Switzer.

Staff: Shannon McKie (Manager Development Planning, Heritage & Design)

This application was previously tabled from the July 22nd, 2021 Committee of Adjustment Hearing.

Letters were entered into the record by: none.

S. McKie

Working with the applicant

Presented comments orally, read from prepared statement

Staff supportive but remain concerned about 5

1, 2 & 3 supportive

#4 storm water management is being addressed onsite so are supportive

#6, 7, 8 existing condition (glazing percentages and materials being used) staff are supportive

On condition that the applicant get final approval of elevation drawing through Site Plan Control Application

#5, staff are still concerned and do not support #5 (explained) should be assessed through zoning and OP applications

#10 0.3m parking stalls and based on plans submitted staff can usually support abutting a column but limit the accessibility because abutting a wall

Variance 9, 11, 12 variances are not required

M. Johnston

Provided an overview of the application and shared his screen with the presentation

Councillor J. Farr

Called a meeting with the agent and owner onsite and with staff

Staff have to follow policy, but the height really has no issue with view of the escarpment (vast view and intact)

Imminent for the core (UHOP) confirmation is needed to do better

Confirmed to be at 20% growth

HM/A-21:221

Page 2

Minutes

Many people are asking to grow up and not out, so with this in mind important to make adjustments for the improvement of the downtown

Talked about the Council meeting on some OPA and CPA amendments

Urban design is a priority and have no concerns with this proposal; exceptional situation and fully supportive

Committee have made decisions on high rise before and after all done not one complaint has come in

T. Lofchik

What is the height of the corner of Main and Catharine?

Height restriction by-law is the holy grail for development in Hamilton and maybe should be dealt with Council

N. Mleczko

42 storeys and had no problem seeing the escarpment

M. Johnston

No impact on the view building is taller than the escarpment

B. Charters

Asked clarification on if approved would the City Planning Department have an opportunity to appeal

But he would be willing to put forth a motion

M. Smith

Council and staff are deliberate when caps are put on and if changes should be made by staff/council and not made through MV

M. Dudzic

If council changes then anyone can put anything up because it's an open policy, but this way everything is looked at more careful

M. Johnston

108m instead of 111m Variance #5

Variance #10 remove the word small

J. Sheffield

Read from comments showing the amendments

Following discussion, B. Charters moved as amended and with condition seconded for approval as amended and with condition N. Mleczko.

HM/A-21:221
Page 3
Minutes

The relief requested be **GRANTED AS AMENDED** for the following reasons:

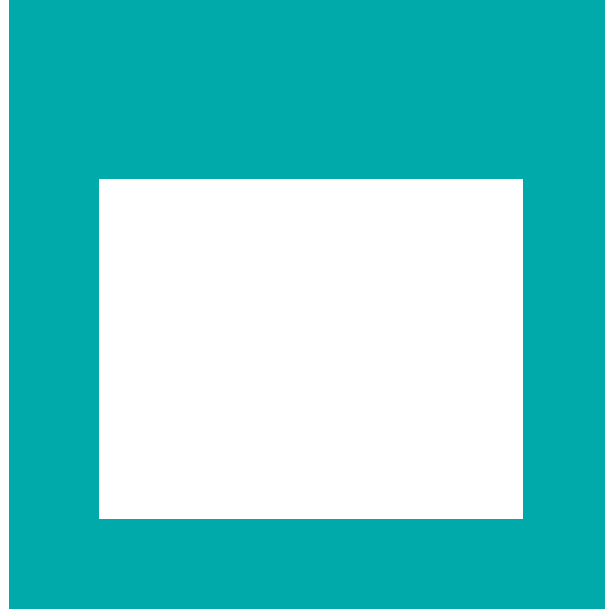
1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

That the said application is granted subject to the following condition:

1. That the owner receives final approval of the Elevation drawings associated with Site Plan application DA-19-174 to the satisfaction of the Manager of Development Planning, Heritage and Design.

M. Smith & T. Lofchik were opposed to the approval of this application

CARRIED.



WELCOME TO THE CITY OF HAMILTON

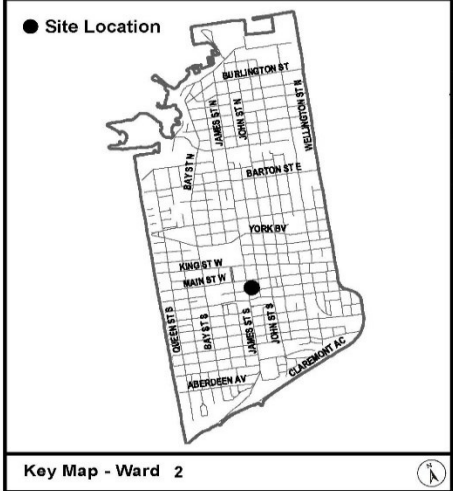
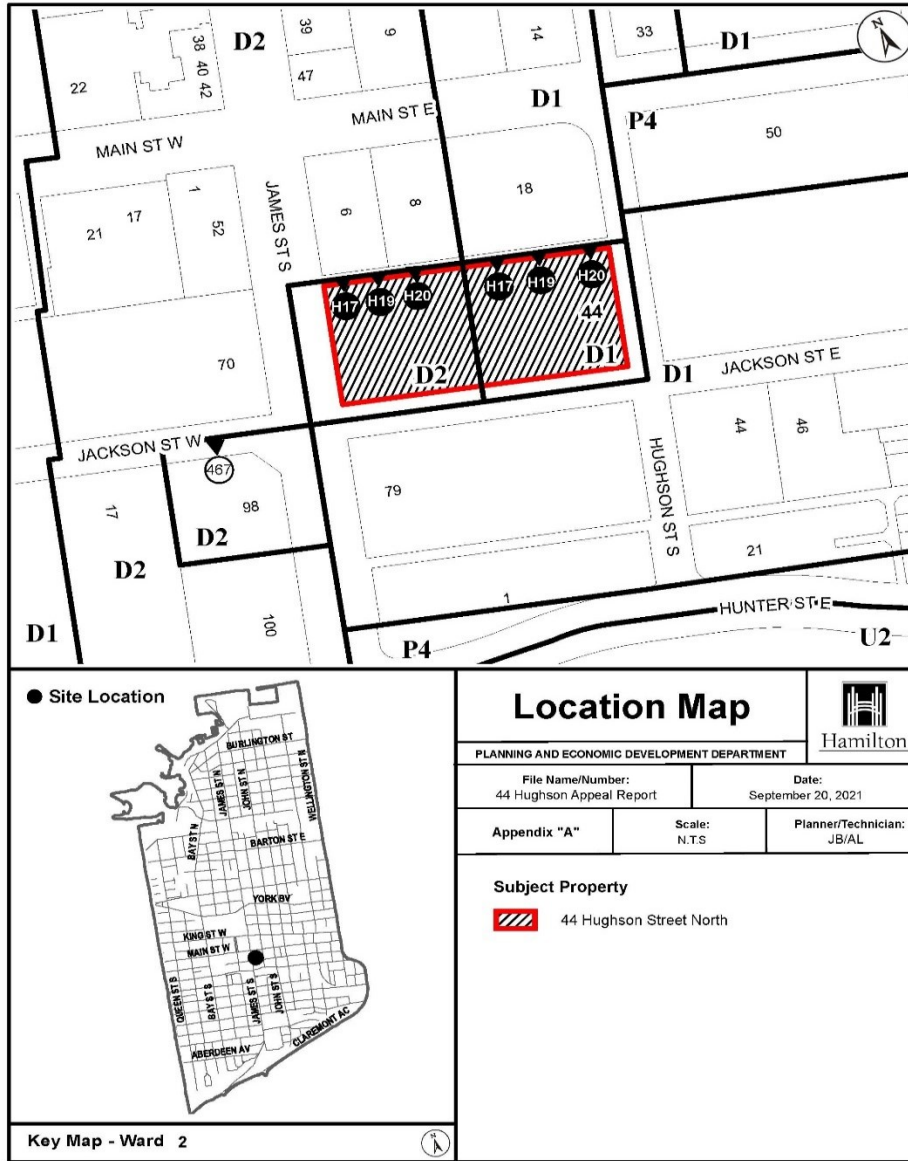
PLANNING COMMITTEE

October 19, 2021

PED21198 – (HM/A-21:221)

Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-21:221, for Lands Located at 44 Hughson Street South, Hamilton (PED21198) (Ward 2), Hamilton

Presented by: Joe Buordolone



Location Map

Hamilton


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

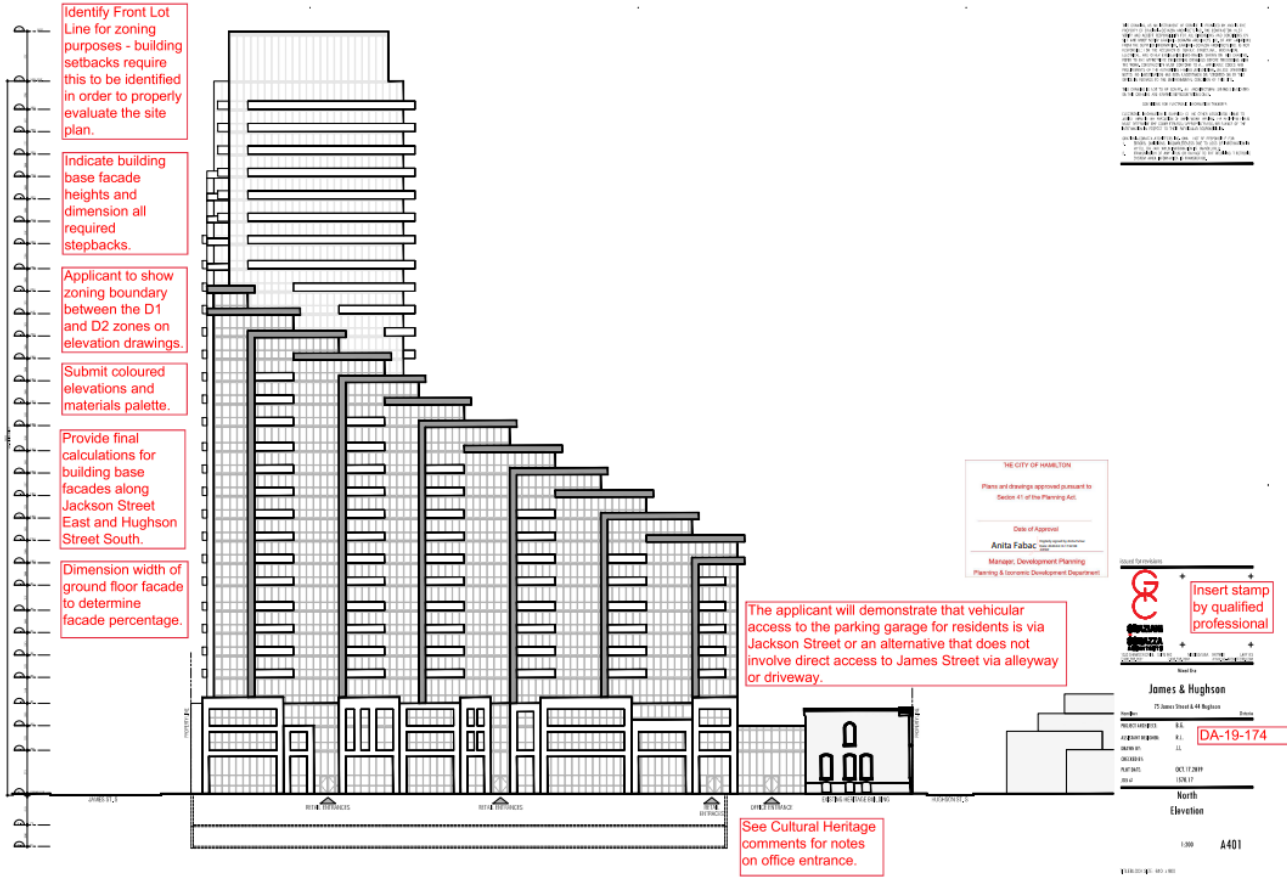
File Name/Number: 44 Hughson Appeal Report	Date: September 20, 2021
Appendix "A"	Scale: N.T.S.
Planner/Technician: JB/AL	

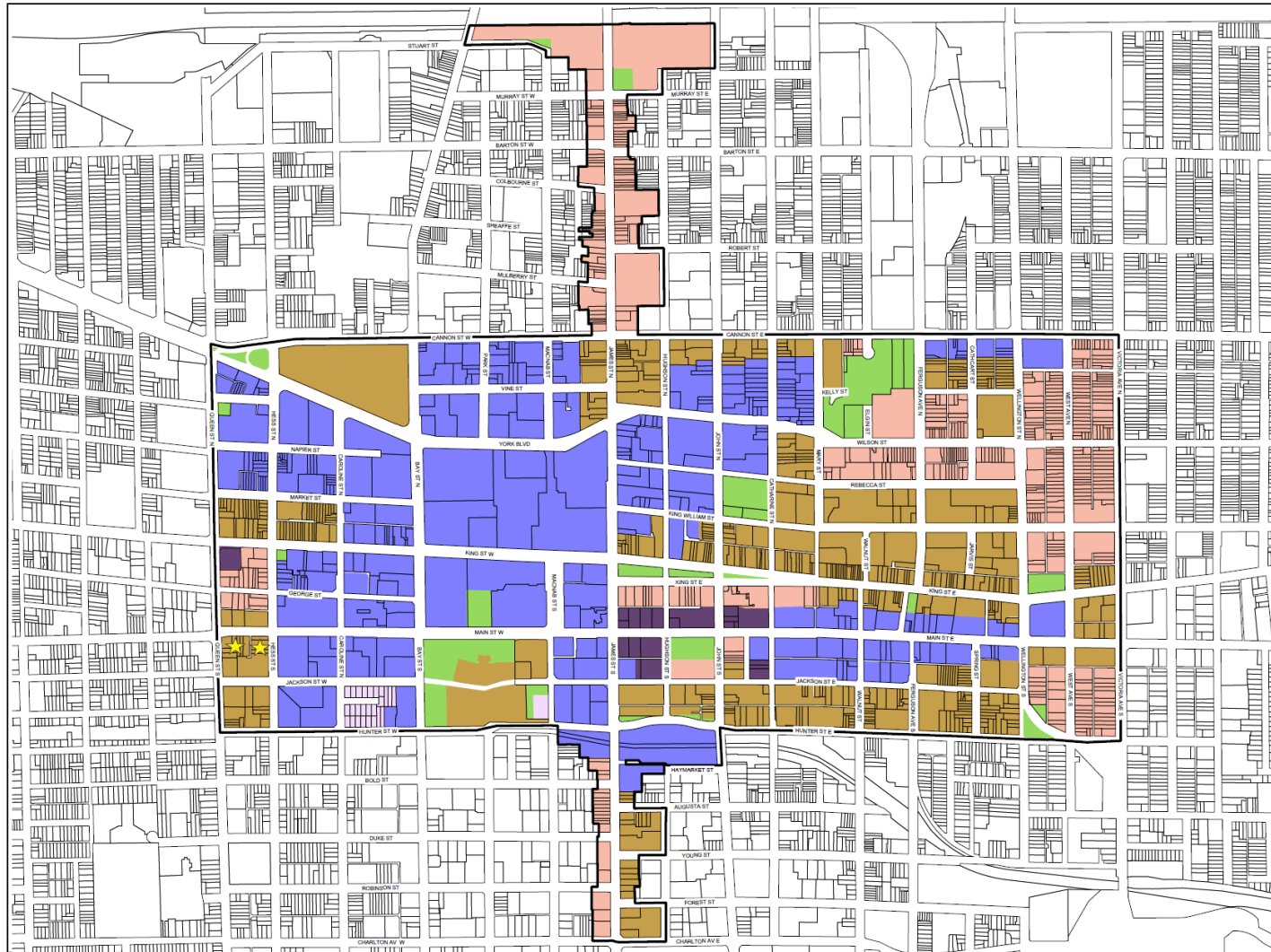
Subject Property

44 Hughson Street North



SUBJECT PROPERTY  44 Hughson Street South, Hamilton





NOTE: Maximum Building Heights within the Downtown shall be no greater than the height of the top of the Escarpment in accordance with Policy B.6.1.4.9.

NOTE: This Map is implemented through specific zoning provisions and Figure 1, Schedule F - Special Figures of Zoning By-law 05-200

★ Lands Under Appeal
 - 215, 217, 219, 221, 225 and 231 Main Street West,
 67 & 69 Queen Street South,
 and 62 & 64 Hess Street South

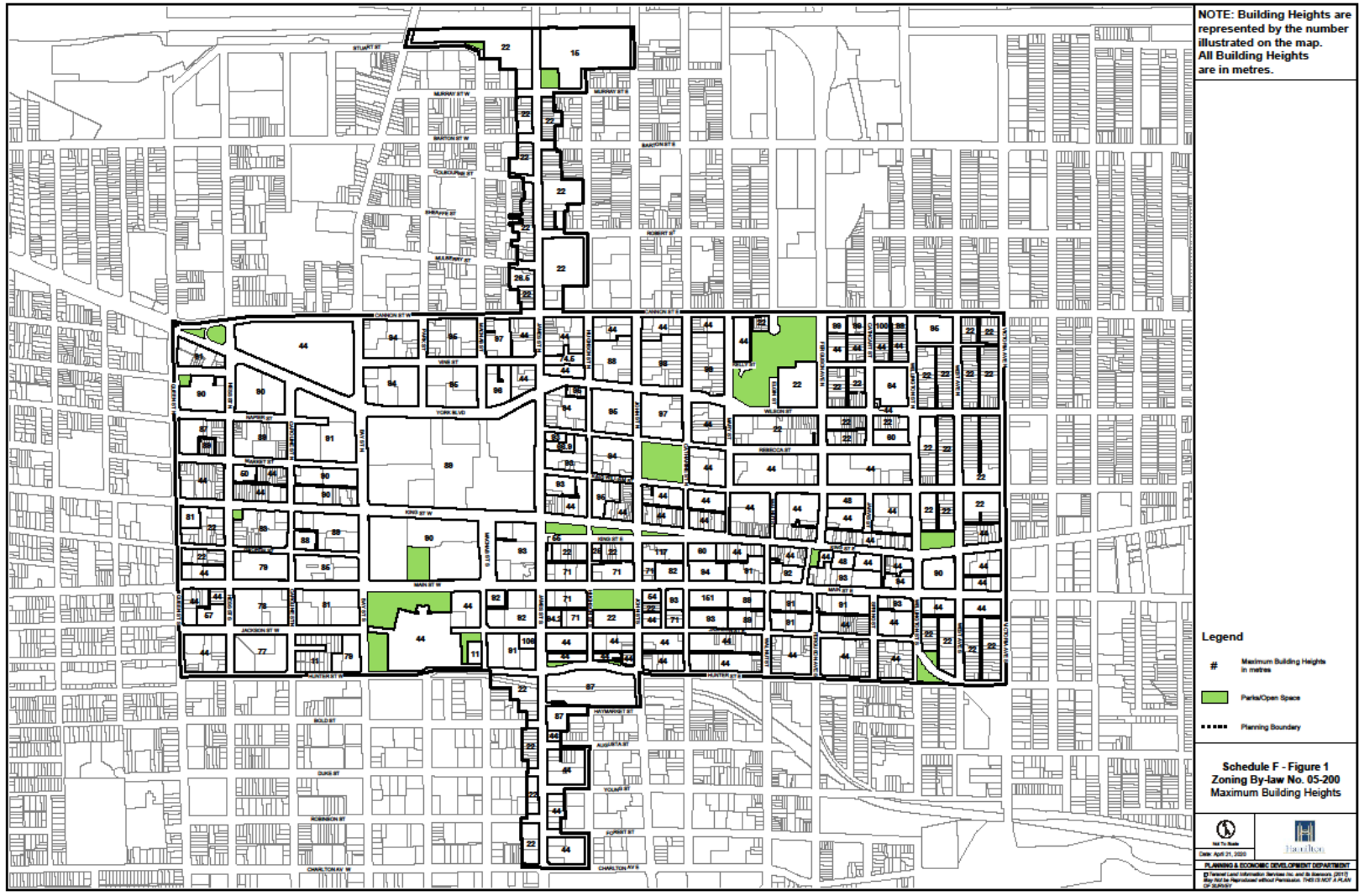
- Legend**
- Low-rise 1
 - Low-rise 2
 - Mid-rise
 - High-rise 1
 - High-rise 2
 - Parks/Open Space
 - Secondary Plan Boundary

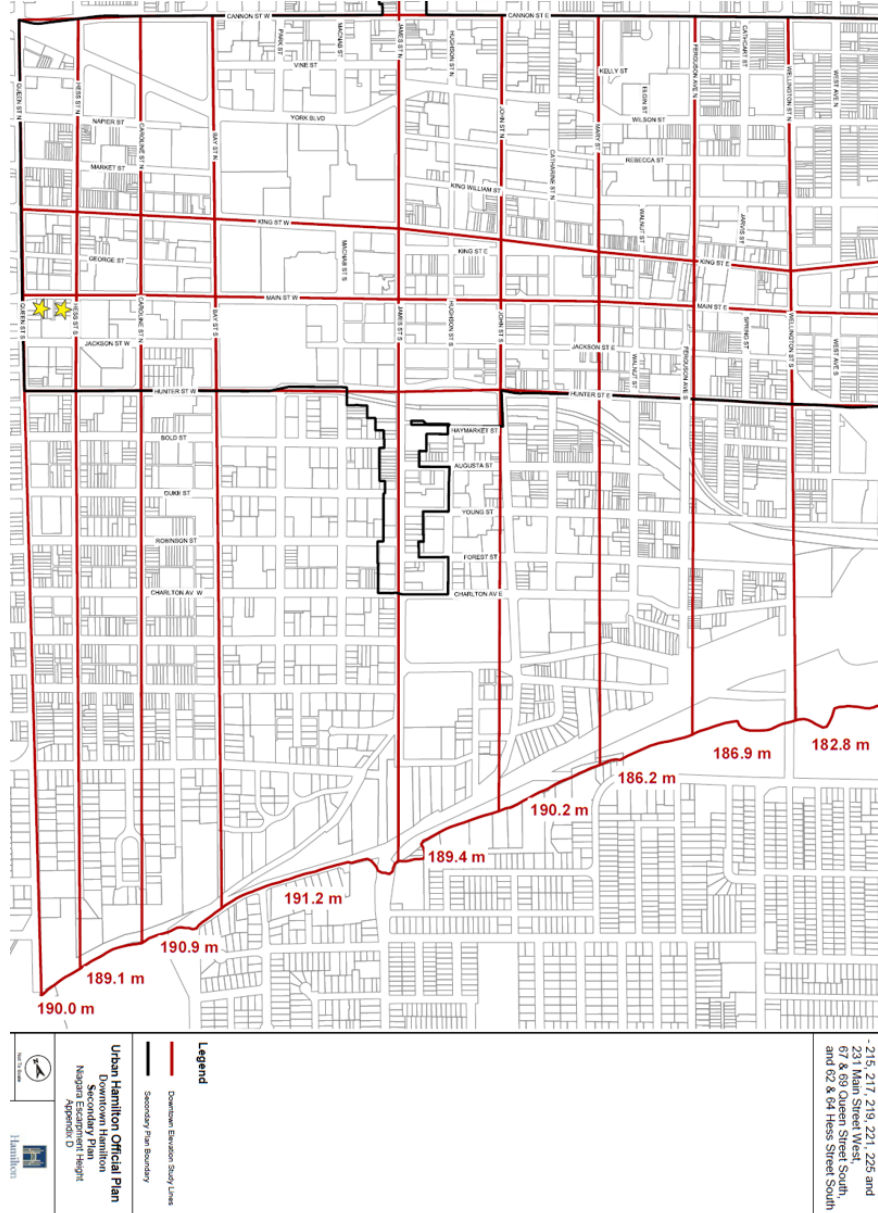
Urban Hamilton Official Plan
 Downtown Hamilton
 Secondary Plan
 Maximum Building Heights
 Map B.6.1-2

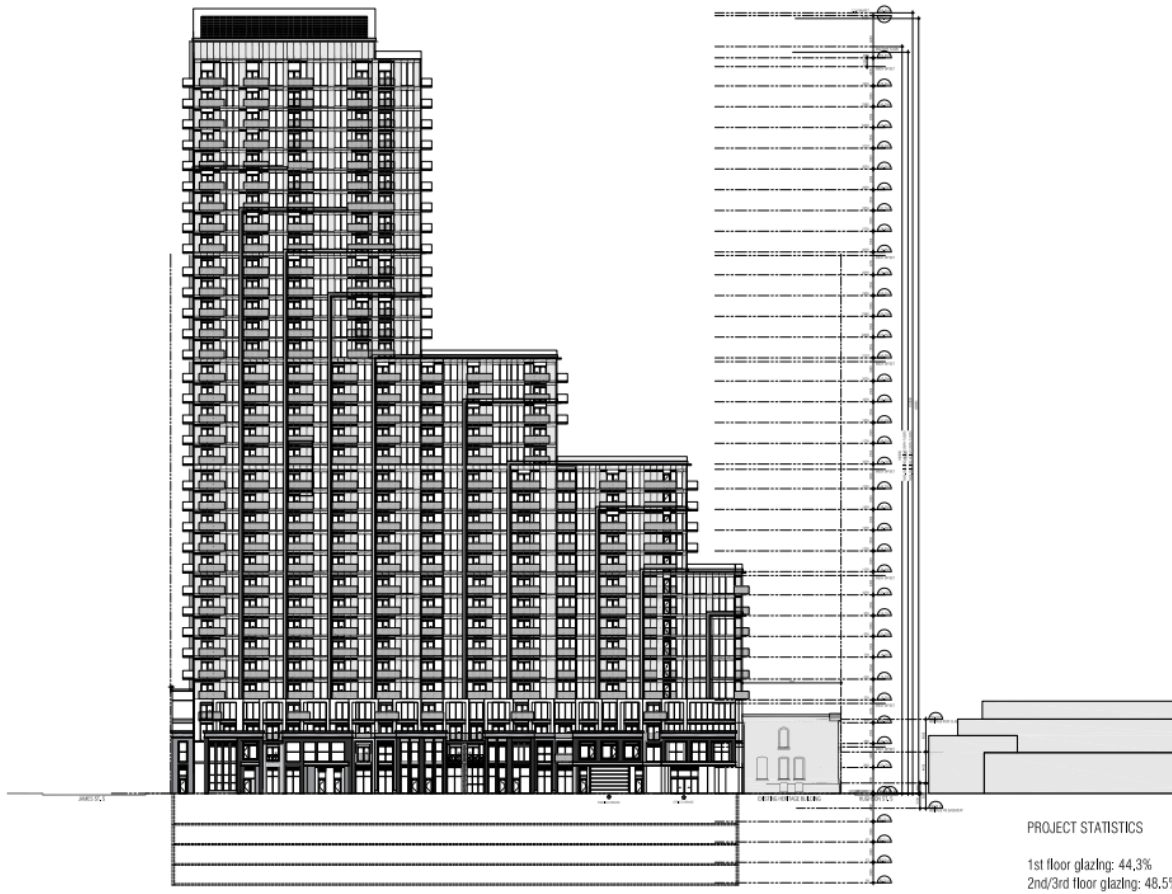
Date: April 21, 2020

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
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 OF ZONING AND DEVELOPMENT BY-LAW









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DESIGNED BY: [Firm Name]

ARCHITECT: [Firm Name]

DATE: [Date]



75 JAMES STREET

75 James St. and 44th Rowles St.

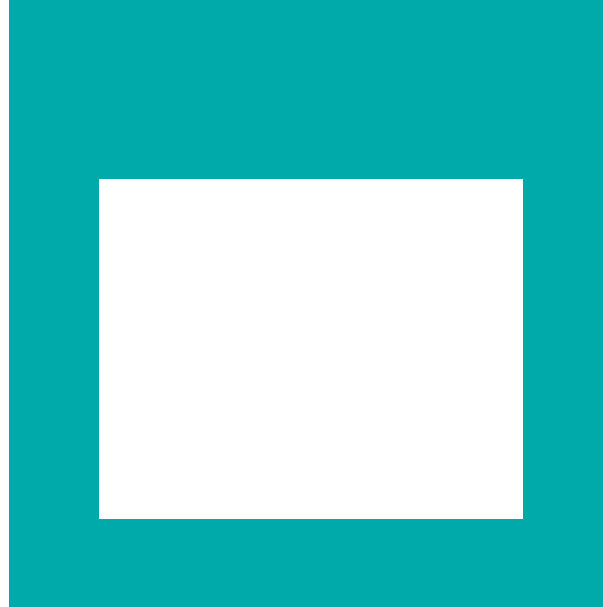
PROJECT NO: [Number]
 PROJECT LOCATION: [Address]
 ARCHITECT: [Firm Name]
 DESIGNER: [Firm Name]
 PREPARED: [Date]
 DATE: [Date]

PROJECT STATISTICS

1st floor glazing: 44.3%
 2nd/3rd floor glazing: 48.5%

SOUTH ELEVATION

1:50 A403



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

CITY OF HAMILTON

MOTION

Planning Committee: October 19, 2021

MOVED BY COUNCILLOR J. FARR.....

Municipal Law Enforcement Weekly Updates to Council

WHEREAS, Municipal Law Enforcement provides weekly updates to Council respecting enforcement activities; and

WHEREAS, These updates include weekly Covid - 19 enforcement, CCMLE Concerns Received for 19 different Bylaws to date, Current LBS Enforcement Priorities and Hotspots and Parks Penalties list.

THEREFORE BE IT RESOLVED:

That Municipal Law Enforcement staff be requested to include Encampment Enforcement in these weekly updates, to include: tickets issued, calls for enforcement/complaints, and the number of encampment sites (including the number of tents at each site) in each of the six step process and the expedited process that follows the six step process.