



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 22-006  
**Date:** April 25, 2022  
**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

---

**Pages**

1. CEREMONIAL ACTIVITIES
2. APPROVAL OF AGENDA  
(Added Items, if applicable, will be noted with \*)
3. DECLARATIONS OF INTEREST
4. APPROVAL OF MINUTES OF PREVIOUS MEETING
  - 4.1. April 5, 2022
5. COMMUNICATIONS
6. DELEGATION REQUESTS
  - 6.1. Amanda Stewart respecting Day Cares and Zoning By-law Separation Requirements (For the April 25th meeting)

4

## **7. CONSENT ITEMS**

- |      |   |    |
|------|---|----|
| 7.1. | Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22085) (City Wide) | 55 |
| 7.2. | Appointment By-law under the Building Code Act, 1992 (PED22099) (City Wide) - WITHDRAWN                             |    |
| 7.3. | Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee Report 22-001                                   | 76 |
| 7.4. | Agriculture and Rural Affairs Advisory Committee Report 22-001  | 79 |

## **8. STAFF PRESENTATIONS**

## **9. PUBLIC HEARINGS / DELEGATIONS**

- |      |  |     |
|------|--|-----|
| 9.1. | Luca Giuliano respecting the 12 Hour Parking Rule (Approved at the April 5, 2022 meeting)  |     |
| 9.2. | Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) | 82  |
| 9.3. | Application for Approval of a Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12)   | 170 |
| 9.4. | Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14)  | 221 |
| 9.5. | Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8)   | 281 |

## **10. DISCUSSION ITEMS**

- |       |  |     |
|-------|--|-----|
| 10.1. | Status Update for Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037(a)) (Ward 12)<br>(Deferred from the February 23, 2022 Council meeting) | 350 |
| 10.2. | Demolition Control and Heritage (PED22093) (City Wide)   | 363 |
| 10.3. | Taxi Meter Rate Increase (PED22105) (City Wide)  | 394 |

**11. MOTIONS**

11.1. Demolition Permit for 73 and 77 Stone Church Road West and 1029 West 5th Street - Demolition of Three Single Family Dwellings in Preparation for new Development 400

11.2. Demolition Permit for 387, 397, 405 and 409 Hamilton Drive, Ancaster 401

**12. NOTICES OF MOTION**

**13. GENERAL INFORMATION / OTHER BUSINESS**

**14. PRIVATE AND CONFIDENTIAL**

**15. ADJOURNMENT**



**PLANNING COMMITTEE  
MINUTES**

**22-005**

**April 5, 2022**

**9:30 a.m.**

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

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

---

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

**1. Application for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) (Item 9.3)**

**(Danko/Pearson)**

- (a) That Amended Zoning By-law Amendment Application ZAC-22-009, by MHBC Planning on behalf of Stelco Inc., for a further modification to the General Industrial (M5, 433) Zone to the General Industrial (M5, 433, H123) Zone to add a Holding Provision on lands located at 386 Wilcox Street (Hamilton), as shown on Appendix "A" to Report PED22079, be APPROVED on the following basis:
- (a) That the draft By-law, attached as Appendix "B" to Report PED22079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended, and complies with the Urban Hamilton Official Plan;
  - (c) That Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:  
  
"123. Notwithstanding Section 9.5 and Special Exception No. 433 of this By-law, within the lands zoned General Industrial (M5, 433) Zone identified on Map Nos. 749, 750, 751, 789, 790, 791, 830, 831, 832, 872, 873, 874, 915 and 916 of Schedule "A" – Zoning

Maps and described as 386 Wilcox Street, development shall be restricted in accordance with the following:

- (i) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (M5, 433) Zone;
- (ii) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (M5, 433) Zone and the following regulations:

- (1) New development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings shall be permitted to a maximum of 1,000 square metres, in accordance with the provisions of Zoning By-law No. 05-200;
- (2) Issuance of Demolition Permits shall be permitted, to the satisfaction of the Chief Building Official;
- (3) Relocation of existing buildings and structures on site shall be permitted provided there is no increase in Gross Floor Area with the exception to additions and alterations up to a maximum of 1,000 square metres as set out in a) above, to the satisfaction of the Chief Building Official;
- (4) Site remediation and earthworks shall be permitted, to the satisfaction of the Director of Growth Management;
- (iii) Conditions for Holding Provision Removal

The Holding Provision shall, upon Application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision, provided that the following conditions have been satisfied for such portion of the lands:

- (1) The Owner submits and receives approval of a Concept Plan for the lands, to the satisfaction of the Director of Planning and Chief Planner. The Concept Plan shall include the following:

- (aa) Precincts and the distribution of land uses and buildings within each precinct;
  - (bb) Road and rail network;
  - (cc) Phasing;
- (2) The Owner shall provide a Master Servicing Plan, including a Transportation Master Plan, for the retained and severed portion of the lands to the satisfaction of the Director of Growth Management and Director of Transportation and Parking. Furthermore, the Owner shall develop a Terms of Reference to complete the Master Servicing Plan and Transportation Master Plan to the satisfaction of the Director of Growth Management and Director of Transportation and Parking;
- (3) The Owner enter into and register on title a Joint Use Agreement and/or Development Agreement (if required) to implement the Master Servicing Plan, to the satisfaction of the Director of Growth Management;
- (4) The Owner submits and receives approval of an Implementation Strategy to illustrate how the Concept Plan and Master Servicing Plan, including a Transportation Master Plan, may be implemented through additional Planning Act approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or Applications for Site Plan Control all to the satisfaction of the Director of Planning and Chief Planner, Director of Transportation and Parking and Director of Growth Management.

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

**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

**2. Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) (Item 9.4)**

**(Farr/Partridge)**

- (a) That Amended Official Plan Amendment Application UHOPA-20-008 by Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner, to redesignate a portion of the subject lands from “Low Density Residential” and a portion of the subject lands from “Local Commercial” to “Mixed Use” with a Special Policy Area in the City of Hamilton Official Plan, to permit a seven storey mixed use building with commercial uses on the ground floor, professional offices and professional medical offices on the second floor and residential dwelling units on the upper storeys, for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown on Appendix “A” attached to Report PED22062, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22062, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That Amended Zoning By-law Amendment Application ZAC-20-013 by Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner, for a change in zoning from the “JJ/S-378” (Restricted Light Industrial) District, Modified, “H” (Community Shopping and Commercial, Etc.) District, “H/S-1259” (Community Shopping and Commercial, Etc.) District, Modified and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to a site specific Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone to permit a mixed use building with a maximum building height of 25 metres (seven storeys) with 845.64 square metres of ground floor commercial space, 749.52 square metres of office on the second floor, 79 residential dwelling units on the upper floors and a total of 86 parking spaces for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown on Appendix “A” attached to Report PED22062, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED22062, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. \_\_\_\_;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:

H124. Notwithstanding Section 10.5a of this By-law, within lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone on Map No. 952 on Schedule “A” – Zoning Maps, and described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton, no development shall be permitted until such time as:

1. The Owner submit and receive completion of a signed Record of Site Condition being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee;
  2. The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Environmental Noise Feasibility Study dated November 22, 2019 by RWDI and updated July 26, 2021, to the satisfaction of the Director of Planning and Chief Planner;
  3. The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;
- (c) That Council deem the lands at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North (see Appendix “A”



attached to Report PED22062) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that the Class 4 Area designation apply only to the development proposal attached as Appendix “E” to Report PED22062 with the requirement that all noise mitigation and warning clauses be secured through the Holding Provision attached to the implementing Zoning By-law as specified in Section (b)(iii) b, and c. outlined above;

- (d) That upon finalization of the amending By-law, the subject lands be redesignated from “Single and Double” and “Commercial” to “Commercial and Apartments” in the Beasley Neighbourhood Plan.
- (e) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

**Result: Main Motion, As Amended, CARRIED by a vote of 7 to 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. Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) (9.5)**

**(Ferguson/Partridge)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-22-004, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner), to amend the Ancaster Wilson Street Secondary Plan to redesignate the lands located at 15 Lorne Avenue from “Low Density Residential 1” designation to “Mixed Use - Medium Density” designation with a “Pedestrian Focus”; and, to establish a Site Specific Policy to permit an eight storey mixed use development with a maximum density of 220 units per hectare and provide for the relocation of the existing designated heritage building from 398 Wilson Street East to 15 Lorne Avenue, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East, as shown on Appendix “A” attached to Report PED22070, be DENIED on the following basis:

- (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to the following matters: right-of-way dedications, building height, residential density, massing, privacy, overlook, setbacks, and compatibility with and enhancement of the character of the existing neighbourhood.
  - (ii) The mass, height, and bulk of the proposal is not considered to be good planning and is considered an overdevelopment of the site;
- (b) That Zoning By-law Amendment Application ZAC-22-011, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner), to change the zoning from the Existing Residential “ER” Zone, the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, and the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, to permit an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m<sup>2</sup> of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East and to relocate the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue, as shown on Appendix “A” attached to Report PED22070, be DENIED on the following basis:
- (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, setbacks, and massing;
  - (ii) That the proposal does not meet the general intent of the Zoning By-law with regards to allowable building height, setbacks, minimum side yard, planting strip;
  - (iii) That the proposal is not considered to be good planning and is considered an overdevelopment of the site.
- (c) ***That the public submissions regarding this matter were received and considered by the Committee in denying the application.***

**Result: Main Motion, As Amended, CARRIED by a vote of 6 to 1, 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  
 NO - Ward 10 Councillor Maria Pearson

**4. Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No.87-57, Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92. (CI 22-C) (PED22046) (City Wide) (Item 9.6)**

**(Wilson/Danko)**

- (a) That approval be given to City Initiative CI 22-C for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:
- (i) That the Draft By-law, attached as Appendix “A” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Draft Rural Hamilton Official Plan Amendment No.\_\_\_\_ (Appendix “B” attached to Report PED22047);
  - (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (b) That approval be given to City Initiative CI 22-C for modifications to the Town of Ancaster Zoning By-law No. 87-57 on the following basis:
- (i) That the Draft By-law, attached as Appendix “B” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;

- (c) That approval be given to City Initiative CI 22-C for updates to the Town of Flamborough Zoning By-law No. 90-145-Z on the following basis:
  - (i) That the Draft By-law, attached as Appendix “C” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
  
- (d) That approval be given to City Initiative C1 22-C for updates to the City of Hamilton Zoning By-law No. 6593 on the following basis:
  - (i) That the Draft By-law, attached as Appendix “D” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time as By-law No. 21-249 is in force and effect;
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED22046, for enactment by Council, once By-law No. 21-249 is in force and effect;
  - (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iv) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;
  
- (e) That approval be given to City Initiative CI 22-C for updates to the City of Stoney Creek Zoning By-law No. 3692-92 on the following basis:
  - (i) That the Draft By-law, attached as Appendix “E” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place

to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017.

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

**Result: Main Motion, As Amended, CARRIED by a vote of 7 to 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. Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide) (Item 9.7)**

**(Pearson/Ferguson)**

- (a) That City Initiative CI-22-B – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Area Plans of the UHOP and RHOP, correct and clarify policies and mapping, be APPROVED on the following basis:
- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22047, be adopted by Council;
  - (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED22047, be adopted by Council;
  - (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the Greenbelt Plan, 2017.

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

**Result: Main Motion, As Amended, CARRIED by a vote of 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

**6. Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) (Item 9.8)**

**(Farr/Partridge)**

- (a) That approval be given to City Initiative CI 22-D to amend City of Hamilton Zoning By-law No. 05-200 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
- (i) That the Draft By-law, attached as Appendix “A” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.
- (b) That approval be given to City Initiative CI 22-D to amend Town of Ancaster Zoning By-law No. 87-57 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
- (i) That the Draft By-law, attached as Appendix “B” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;

- (c) That approval be given to City Initiative CI 22-D to amend Town of Dundas Zoning By-law No. 3581-86 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
  - (i) That the Draft By-law, attached as Appendix “C” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  
- (d) That approval be given to City Initiative CI 22-D to amend Town of Flamborough Zoning By-law No. 90-145-Z to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
  - (i) That the Draft By-law, attached as Appendix “D” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
  
- (e) That approval be given to City Initiative CI 22-D to amend Town of Glanbrook Zoning By-law No. 464 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
  - (i) That the Draft By-law, attached as Appendix “E” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;

- (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (f) That approval be given to City Initiative CI 22-D to amend former City of Hamilton Zoning By-law No. 6593 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
  - (i) That the Draft By-law, attached as Appendix “F” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (g) That approval be given to City Initiative CI 22-D to amend City of Stoney Creek Zoning By-law No. 3692-92 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
  - (i) That the Draft By-law, attached as Appendix “G” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (h) Subject to the approval of City Initiative CI 22-D, that Licensing and Bylaw Services staff be directed to report back to Planning Committee to amend Licencing By-law No. 07-170 by adding a condition stating business licence holders may not permit noise from commercial entertainment or commercial recreation on Outdoor Commercial Patios; and,
- (i) ***That there were no public submissions received regarding this matter.***

**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. Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) (Item 9.9)**

**(Wilson/Danko)**

- (a) That approval be given to City Initiative-20-F(4) to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until March 31, 2025, to grant relief from and provide for additional locational permissions for Outdoor Commercial Patios for the Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Mixed Use (TOC1) Zone, Local Commercial (TOC2) Zone, and Mixed Use High Density (TOC4) Zone within the City, on the following basis:
- (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(c), be approved by City Council;
  - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan 2019, as amended, and complies with the Urban Hamilton Official Plan;
- (b) That approval be given to City Initiative-20-F(4) to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until March 31, 2025, to provide improved operational flexibility for local businesses and institutional operations (specifically places of worship, hospitals, and educational establishments), by permitting the erection of temporary tents for six consecutive months for certain commercial zones, uses permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, certain institutional uses in institutional zones, and certain commercial uses and accessory commercial uses to a permitted use in certain industrial zones within the City, on the following basis:

- (i) That the draft Temporary Use By-law, attached as Appendix “B” to Report PED20135(c), be approved by City Council;
- (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan;
- (c) That staff be directed to report back, prior to the expiration of the Temporary Use By-laws attached as Appendix “A” and “B” to Report PED20135(c) or at the request of Council, to present staffs’ evaluation of these temporary permissions to determine if any modifications to the regulations for Outdoor Commercial Patios and/or temporary tents in Zoning By-law No. 05-200 is appropriate or whether some or all of the temporary permissions for Outdoor Commercial Patios and/or temporary tents should be established permanently.
- (d) *That there were no public submissions received regarding this matter.***

**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. Rental Housing Licensing Pilot Program and Transition Plan Update (PED21097(b)) (Wards 1, 8 and parts of Ward 14) (Item 10.1)**

**(Wilson/Danko)**

That Report PED21097(b) respecting Rental Housing Licensing Pilot Program and Transition Plan Update, 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  
 YES - Ward 11 Councillor Brenda Johnson  
 CONFLICT - Ward 10 Councillor Maria Pearson

**9. Demolition Permit for the property known as 389, 391, 427 Limeridge Road East (Added Item 11.1)**

**(Danko/Pearson)**

WHEREAS, the owner/consultant of the above-mentioned property would like to demolish the existing dwelling without having to replace it with a new dwelling;  
and

WHEREAS, there have been ongoing issues with the vacant home being repeatedly trespassed and vandalized creating ongoing safety and security concerns for the surrounding neighbours and owner.

THEREFORE, BE IT RESOLVED: That the Chief Building Official be authorized to issue a demolition permit for the single detached dwelling located at the southeast corner of the property known as 389, 391, 427 Limeridge Road East (the municipal address for the dwelling to be demolished being 427 Limeridge Road East), in accordance with By-law 09-208, as amended, pursuant to Section 33 of the Planning Act, without having to comply with the conditions of section 6(a), (b), and (c) of 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

**10. Demolition Permit for the property known as 474 to 476 James Street North (Added Item 11.2)**

**(Farr/Pearson)**

WHEREAS the owner/consultant of the above-mentioned property would like to demolish the existing semi-detached two family dwelling without finalizing the Site Plan Application;

WHEREAS the owner/consultant requires the demolition of the semi-detached two family dwelling in order to complete the testing for the shoring design, ground settlement and vibration studies which are a condition of Site Plan approval.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for the semi-detached two family dwelling known as 474 and 476 James Street North,

prior to Site Plan approval, in accordance with By-law 09-208, as amended, pursuant to Section 33 of the *Planning Act*, without having to comply with the conditions of sections 5, 6(a), (b), and (c) of Demolition Control By-law 09-208.”

**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  
 NOT PRESENT - 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. COMMUNICATIONS (Item 5)**

5.1 Ontario Land Tribunal Decisions

- a. 325 Highway No. 8 - OPA and ZBL Refusal  
 By-laws 22-048 and 22-049  
 Recommendation: Be received.

5.2 Matt Johnston, Urban Solutions, respecting Exemption for Demolition Permit for 427 Limeridge Road (Item 12.1) - WITHDRAWN

**2. DELEGATION REQUESTS (Item 6)**

- 6.1 Luca Giuliano respecting the 12 Hour Parking Rule (For the April 25th meeting)

**3. PUBLIC HEARINGS / DELEGATIONS (Item 9)**

- 9.5 Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12)

- (a) Added Written Submissions:

(xxiv) Jan King

- (xxv) Bonnie Angelini
- (xxvi) Anka Cassar
- (xxvii) Jim MacLeod
- (xxviii) Gayle Villeneuve
- (xxix) Patrick Harrington, Aird & Berlis LLP
- (xxx) Nancy Dingwall
- (xxxi) Dan Faulkner
- (xxxii) Chris Asimoudis
- (xxxiii) David Watkins
- (xxxiv) Robert and Arleen Outlaw
- (xxxv) Patrick Bermingham
- (xxxvi) Amy Cross
- (xxxvii) Patti Leonard
- (xxxviii) William & Marta Vandermarel
- (xxxix) Lucy Bower
- (xl) Marion Spicer and Nell Farmer Spicer
- (xli) Pat and David Venus
- (xlii) Jessica Laposa
- (xliii) Veronica Watkins
- (xliv) Klaas Detmar
- (xlv) Jennifer Asimoudis
- (xlvi) Gail Lazzarato
- (xlvii) Sandra Starr
- (xlviii) Kelly Pearce
- (xlix) Linda Friend and Terry Pearce

(b) Added Registered Delegations:

- (ii) Bob Maton
- (iii) Lilian Druiven

9.6 Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No.87-57, Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92. (CI 22-C) (PED22046) (City Wide)

(a) Added written Submissions

- (i) Sue McMaster, Rockhaven Distillery Ltd.

9.7 Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide)

(a) Added written Submissions

- (i) Sue McMaster, Rockhaven Distillery Ltd.

- 9.10 Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11) – Deferred to a future meeting

**4. NOTICES OF MOTIONS (Item 12)**

- 12.1 Demolition Permit for the property known as 389, 391, 427 Limeridge Road East

**(Wilson/Danko)**

That the agenda for the April 5, 2022 Planning Committee 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)**

Councillor Pearson declared a disqualifying interest to Item 10.1, Rental Housing Licensing Pilot Program and Transition Plan Update (PED21097(b)), as she is a landlord of rental properties.

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

**(i) March 22, 2022 (Item 4.1)**

**(Farr/Partridge)**

That the Minutes of the March 22, 2022 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) COMMUNICATIONS (Item 5)**

**(i) Ontario Land Tribunal Decisions (Added Item 5.1)**

**(a) 325 Highway No. 8 - OPA and ZBL Refusal By-laws 22-048 and 22-049**

**(Pearson/Ferguson)**

That the communication from the Ontario Land Tribunal respecting 325 Highway No. 8 - OPA and ZBL Refusal - By-laws 22-048 and 22-049, 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

**(e) DELEGATION REQUESTS (Item 6)**

**(i) Delegation Requests (Added Item 6.1)**

**(Wilson/Danko)**

That the Delegation Request from Luca Giuliano respecting the 12 Hour Parking Rule, be approved for the April 25, 2022 meeting.

**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

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

**(i) John Matas respecting a Demolition Permit for 474-476 James Street North (Item 9.1)**

John Matas addressed the Committee respecting a Demolition Permit for 474-476 James Street North.

**(Farr/Wilson)**

That the delegation from John Matas addressed the Committee respecting a Demolition Permit for 474-476 James Street North, 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 Items (g)(ii) and 10.

**(ii) Viv Saunders, Lakewood Beach Community Council, respecting Site Plan Approval / Building Permit Issuance (Item 9.2)**

Viv Saunders, Lakewood Beach Community Council, addressed the Committee respecting Site Plan Approval / Building Permit Issuance.

**(Pearson/Ferguson)**

That the delegation from Viv Saunders, Lakewood Beach Community Council, respecting Site Plan Approval / Building Permit Issuance, 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

In accordance with the *Planning Act*, Chair Johnson 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 Johnson 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 proposed By-law Amendments and Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the 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.

**(iii) Application for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) (Item 9.3)**

No members of the public were registered as Delegations.

**(Danko/Pearson)**

That the staff presentation be waived.

**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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

Dana Anderson, from MHBC Planning, Urban Design & Landscape Architecture, was in attendance and indicated support for the staff report.

**(Ferguson/Farr)**

That the delegation from Dana Anderson, from MHBC Planning, Urban Design & Landscape Architecture 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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Farr/Wilson)**

That the public meeting be closed.

**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  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Danko/Pearson)**

(a) That Amended Zoning By-law Amendment Application ZAC-22-009, by MHBC Planning on behalf of Stelco Inc., for a further modification to the General Industrial (M5, 433) Zone to the General Industrial (M5, 433, H123) Zone to add a Holding Provision on lands located at 386 Wilcox Street (Hamilton), as shown on Appendix "A" to Report PED22079, be APPROVED on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED22079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended, and complies with the Urban Hamilton Official Plan;
- (c) That Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:

"123. Notwithstanding Section 9.5 and Special Exception No. 433 of this By-law, within the lands zoned General Industrial (M5, 433) Zone identified on Map Nos. 749, 750, 751, 789, 790, 791, 830, 831, 832, 872, 873, 874, 915 and 916 of Schedule "A" – Zoning Maps and described as 386 Wilcox Street, development shall be restricted in accordance with the following:

- (i) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (M5, 433) Zone;
- (ii) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (M5, 433) Zone and the following regulations:

- (1) New development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings shall be permitted to a maximum of 1,000 square metres, in accordance with the provisions of Zoning By-law No. 05-200;
  - (2) Issuance of Demolition Permits shall be permitted, to the satisfaction of the Chief Building Official;
  - (3) Relocation of existing buildings and structures on site shall be permitted provided there is no increase in Gross Floor Area with the exception to additions and alterations up to a maximum of 1,000 square metres as set out in a) above, to the satisfaction of the Chief Building Official;
  - (4) Site remediation and earthworks shall be permitted, to the satisfaction of the Director of Growth Management;
- (iii) Conditions for Holding Provision Removal

The Holding Provision shall, upon Application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision, provided that the following conditions have been satisfied for such portion of the lands:

- (1) The Owner submits and receives approval of a Concept Plan for the lands, to the satisfaction of the Director of Planning and Chief Planner. The Concept Plan shall include the following:
  - (aa) Precincts and the distribution of land uses and buildings within each precinct;
  - (bb) Road and rail network;
  - (cc) Phasing;
- (2) The Owner shall provide a Master Servicing Plan, including a Transportation Master Plan,

for the retained and severed portion of the lands to the satisfaction of the Director of Growth Management and Director of Transportation and Parking. Furthermore, the Owner shall develop a Terms of Reference to complete the Master Servicing Plan and Transportation Master Plan to the satisfaction of the Director of Growth Management and Director of Transportation and Parking;

- (3) The Owner enter into and register on title a Joint Use Agreement and/or Development Agreement (if required) to implement the Master Servicing Plan, to the satisfaction of the Director of Growth Management;
- (4) The Owner submits and receives approval of an Implementation Strategy to illustrate how the Concept Plan and Master Servicing Plan, including a Transportation Master Plan, may be implemented through additional Planning Act approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or Applications for Site Plan Control all to the satisfaction of the Director of Planning and Chief Planner, Director of Transportation and Parking and Director of Growth Management.

**(Danko/Pearson)**

That the recommendations in Report PED22079 be **amended** by adding the following sub-section (b):

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

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

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

For disposition of this matter, refer to Item 1.

- (iv) **Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) (Item 9.4)**

No members of the public were registered as delegations.

**(Farr/Partridge)**

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

Matt Johnston with Urban Solutions, was in attendance and indicated support for the staff report.

**(Farr/Partridge)**

That the delegation from Matt Johnston with Urban Solutions, 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

**(Farr/Partridge)**

That the written submissions in the staff report, 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

**(Farr/Partridge)**

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

**(Farr/Partridge)**

- (a) That Amended Official Plan Amendment Application UHOPA-20-008 by Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner, to redesignate a portion of the subject lands from “Low Density Residential” and a portion of the subject lands from “Local Commercial” to “Mixed Use” with a Special Policy Area in the City of Hamilton Official Plan, to permit a seven storey mixed use building with commercial uses on the ground floor, professional offices and professional medical offices on the second floor and residential dwelling units on the upper storeys, for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown on Appendix “A” attached to Report PED22062, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22062, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That Amended Zoning By-law Amendment Application ZAC-20-013 by Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner, for a change in zoning from the “JJ/S-378” (Restricted Light Industrial) District, Modified, “H” (Community Shopping and Commercial, Etc.) District, “H/S-1259” (Community Shopping and Commercial, Etc.) District, Modified and “D” (Urban

Protected Residential – One and Two Family Dwellings, Etc.) District to a site specific Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone to permit a mixed use building with a maximum building height of 25 metres (seven storeys) with 845.64 square metres of ground floor commercial space, 749.52 square metres of office on the second floor, 79 residential dwelling units on the upper floors and a total of 86 parking spaces for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown on Appendix “A” attached to Report PED22062, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22062, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. \_\_\_\_;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:

H124. Notwithstanding Section 10.5a of this By-law, within lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone on Map No. 952 on Schedule “A” – Zoning Maps, and described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton, no development shall be permitted until such time as:

1. The Owner submit and receive completion of a signed Record of Site Condition being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee;
2. The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures

identified in the Environmental Noise Feasibility Study dated November 22, 2019 by RWDI and updated July 26, 2021, to the satisfaction of the Director of Planning and Chief Planner;

3. The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;
- (c) That Council deem the lands at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North (see Appendix "A" attached to Report PED22062) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that the Class 4 Area designation apply only to the development proposal attached as Appendix "E" to Report PED22062 with the requirement that all noise mitigation and warning clauses be secured through the Holding Provision attached to the implementing Zoning By-law as specified in Section (b)(iii) b, and c. outlined above;
  - (d) That upon finalization of the amending By-law, the subject lands be redesignated from "Single and Double" and "Commercial" to "Commercial and Apartments" in the Beasley Neighbourhood Plan

**(Farr/Partridge)**

That the recommendations in Report PED22062 be **amended** by adding the following sub-section (e):

- (e) ***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 2.

- (v) Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) (Item 9.5)**

Tim Vrooman, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(Ferguson/Partridge)**

That the staff presentation be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 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

Patrick Harrington, from Aird & Berlis LLP is in attendance as representative for the applicant, was in attendance and indicated he was not in support for the staff report.

**(Ferguson/Partridge)**

That the delegation from Patrick Harrington, from Aird & Berlis LLP, 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

**(Ferguson/Partridge)**

That the following written submissions (Item 9.5(a)), be received:

- (i) Karen and Paul Shields - Opposed to the application

- (ii) Mark Collings – Opposed to the application
- (iii) Barb Russell-Morse – Opposed to the application
- (iv) Debra and Edward Valevicius – Opposed to the application
- (v) R.H. Baker – Opposed to the application
- (vi) David Molnar– Opposed to the application
- (vii) Dr. Christina Grant and Sheldon Norton – Opposed to the application
- (viii) Douglas Amos - Opposed to the application
- (ix) Heather Bull – Opposed to the application
- (x) John and Jan Allan – Concerns with the application
- (xi) Brad Kuhn – Opposed to the application
- (xii) Jane Brown – Opposed to the application
- (xiii) Doug Stephens – Opposed to the application
- (xiv) Gail Moffat – Opposed to the application
- (xv) Enrico and Julie Palmese – Opposed to the application
- (xvi) David Hardcastle – Opposed to the application
- (xvii) Robert Annandale – Opposed to the application
- (xviii) Peter Palmer – Opposed to the application
- (xix) Marc Bader – Opposed to the application
- (xx) Shannon Kyles – Opposed to the application
- (xxi) Brian Dale – Opposed to the application
- (xxii) Dr. Brooke Pearson and Kathleen Pearson – Opposed to the application
- (xxiii) Maxine Morris-Zecchini and Mario Zecchini – Opposed to the application
- (xxiv) Jan King – Concerns with the application
- (xxv) Bonnie Angelini – Opposed to the application
- (xxvi) Anka Cassar – Opposed to the application
- (xxvii) Jim MacLeod – Opposed to the application
- (xxviii) Gayle Villeneuve – Concerns with the application
- (xxix) Patrick Harrington, Aird & Berlis LLP – In support of the application
- (xxx) Nancy Dingwall – Opposed to the application
- (xxxi) Dan Faulkner – Opposed to the application
- (xxxii) Chris Asimoudis – Opposed to the application
- (xxxiii) David Watkins – Opposed to the application
- (xxxiv) Robert and Arleen Outlaw – Opposed to the application
- (xxxv) Patrick Bermingham – Concerns with the application
- (xxxvi) Amy Cross – Opposed to the application
- (xxxvii) Patti Leonard – Opposed to the application
- (xxxviii) William & Marta Vandermarel – Opposed to the application
- (xxxix) Lucy Bower – Opposed to the application
- (xl) Marion Spicer and Nell Farmer Spicer – Opposed to the application
- (xli) Pat and David Venus – Opposed to the application
- (xlii) Jessica Laposa – Opposed to the application
- (xliii) Veronica Watkins – Opposed to the application
- (xliv) Klaas Detmar – Opposed to the application
- (xliv) Jennifer Asimoudis – Opposed to the application

- (xlvi) Gail Lazzarato – Opposed to the application
- (xlvii) Sandra Starr – Concerns with the application
- (xlviii) Kelly Pearce – Opposed to the application
- (xlix) Linda Friend and Terry Pearce – Concerns with the application

**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)):**

The following delegates addressed the Committee respecting Report PED22070 (Item 9.5):

- (i) Margarita De Antunano – Opposed to the proposal.
- (ii) Bob Maton – Opposed to the application
- (iii) Lilian Druiven – Opposed to the application

**(Ferguson/Partridge)**

That the following delegations be received.

- (i) Margarita De Antunano
- (ii) Bob Maton
- (iii) Lilian Druiven

**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

**(Danko/Wilson)**

That Report PED22070 be referred back to staff for further consultation with the applicant, staff and the Ward Councillor.

**Result: Motion DEFEATED by a vote of 4 to 3, as follows:**

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

**(Ferguson/Partridge)**

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 Urban Hamilton Official Plan Amendment Application UHOPA-22-004, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner), to amend the Ancaster Wilson Street Secondary Plan to redesignate the lands located at 15 Lorne Avenue from “Low Density Residential 1” designation to “Mixed Use - Medium Density” designation with a “Pedestrian Focus”; and, to establish a Site Specific Policy to permit an eight storey mixed use development with a maximum density of 220 units per hectare and provide for the relocation of the existing designated heritage building from 398 Wilson Street East to 15 Lorne Avenue, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East, as shown on Appendix “A” attached to Report PED22070, be DENIED on the following basis:
- (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to the following matters: right-of-way dedications, building height, residential density, massing, privacy, overlook, setbacks, and compatibility with and enhancement of the character of the existing neighbourhood.
  - (ii) The mass, height, and bulk of the proposal is not considered to be good planning and is considered an overdevelopment of the site;

- (b) That Zoning By-law Amendment Application ZAC-22-011, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner), to change the zoning from the Existing Residential “ER” Zone, the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, and the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, to permit an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m<sup>2</sup> of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East and to relocate the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue, as shown on Appendix “A” attached to Report PED22070, be DENIED on the following basis:
- (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, setbacks, and massing;
  - (ii) That the proposal does not meet the general intent of the Zoning By-law with regards to allowable building height, setbacks, minimum side yard, planting strip;
  - (iii) That the proposal is not considered to be good planning and is considered an overdevelopment of the site.

**(Ferguson/Partridge)**

That the recommendations in Report PED22070 be **amended** by adding the following sub-section (c):

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

**Result: Amendment CARRIED by a vote of 6 to 1, 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  
 NO - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3.

- (vi) **Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No.87-57, Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92. (CI 22-C) (PED22046) (City Wide) (Item 9.6)**

No members of the public were registered as delegations.

**(Wilson/Danko)**

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

**(Wilson/Danko)**

That the following written submission (Item 9.(6a)), be received:

- (i) Sue McMaster, in Support of the application.

**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

**(Wilson/Danko)**

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

**(Wilson/Danko)**

- (a) That approval be given to City Initiative CI 22-C for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:
- (i) That the Draft By-law, attached as Appendix “A” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Draft Rural Hamilton Official Plan Amendment No. \_\_\_\_ (Appendix “B” attached to Report PED22047);
  - (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (b) That approval be given to City Initiative CI 22-C for modifications to the Town of Ancaster Zoning By-law No. 87-57 on the following basis:
- (i) That the Draft By-law, attached as Appendix “B” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (c) That approval be given to City Initiative CI 22-C for updates to the Town of Flamborough Zoning By-law No. 90-145-Z on the following basis:

- (i) That the Draft By-law, attached as Appendix “C” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (d) That approval be given to City Initiative C1 22-C for updates to the City of Hamilton Zoning By-law No. 6593 on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time as By-law No. 21-249 is in force and effect;
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED22046, for enactment by Council, once By-law No. 21-249 is in force and effect;
  - (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iv) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;
- (e) That approval be given to City Initiative CI 22-C for updates to the City of Stoney Creek Zoning By-law No. 3692-92 on the following basis:
- (i) That the Draft By-law, attached as Appendix “E” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);



- (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017.

**(Wilson/Danko)**

That the recommendations in Report PED22046 be **amended** by adding the following sub-section (f):

- (f) ***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 4.

**(vii) Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide) (Item 9.7)**

No members of the public were registered as delegations.

Delia McPhail, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(Pearson/Ferguson)**

That the staff presentation be received.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 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 following written submission (Item 9.7(a)), be received:

- (i) Sue McMaster, in Support of the application.

**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/Ferguson)**

(a) That City Initiative CI-22-B – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Area Plans of the UHOP and RHOP, correct and clarify policies and mapping, be APPROVED on the following basis:

- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22047, be adopted by Council;
- (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED22047, be adopted by Council;
- (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the Greenbelt Plan, 2017.

**(Pearson/Ferguson)**

That the recommendations in Report PED22047 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 5.

- (viii) Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) (Item 9.8)**

No members of the public were registered as Delegations.

Alana Fulford, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(Farr/Partridge)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 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

**(Farr/Partridge)**

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

**(Farr/Partridge)**

- (a) That approval be given to City Initiative CI 22-D to amend City of Hamilton Zoning By-law No. 05-200 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
- (i) That the Draft By-law, attached as Appendix "A" to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.
- (b) That approval be given to City Initiative CI 22-D to amend Town of Ancaster Zoning By-law No. 87-57 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
- (i) That the Draft By-law, attached as Appendix "B" to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A

Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;

- (c) That approval be given to City Initiative CI 22-D to amend Town of Dundas Zoning By-law No. 3581-86 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
  - (i) That the Draft By-law, attached as Appendix “C” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  
- (d) That approval be given to City Initiative CI 22-D to amend Town of Flamborough Zoning By-law No. 90-145-Z to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
  - (i) That the Draft By-law, attached as Appendix “D” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
  
- (e) That approval be given to City Initiative CI 22-D to amend Town of Glanbrook Zoning By-law No. 464 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
  - (i) That the Draft By-law, attached as Appendix “E” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

- (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (f) That approval be given to City Initiative CI 22-D to amend former City of Hamilton Zoning By-law No. 6593 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
- (i) That the Draft By-law, attached as Appendix “F” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (g) That approval be given to City Initiative CI 22-D to amend City of Stoney Creek Zoning By-law No. 3692-92 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
- (i) That the Draft By-law, attached as Appendix “G” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;

- (h) Subject to the approval of City Initiative CI 22-D, that Licensing and Bylaw Services staff be directed to report back to Planning Committee to amend Licencing By-law No. 07-170 by adding a condition stating business licence holders may not permit noise from commercial entertainment or commercial recreation on Outdoor Commercial Patios.

**(Farr/Partridge)**

That the recommendations in Report PED16155(c) be **amended** by adding the following sub-section (i):

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

**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.

- (ix) **Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) (Item 9.9)**

No members of the public were registered as Delegations.

Alana Fulford, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(Wilson/Danko)**

That the staff presentation be received.

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

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

**(Wilson/Danko)**

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

**(Wilson/Danko)**

- (a) That approval be given to City Initiative-20-F(4) to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until March 31, 2025, to grant relief from and provide for additional locational permissions for Outdoor Commercial Patios for the Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Mixed Use (TOC1) Zone, Local Commercial (TOC2) Zone, and Mixed Use High Density (TOC4) Zone within the City, on the following basis:
- (i) That the draft Temporary Use By-law, attached as Appendix "A" to Report PED20135(c), be approved by City Council;
  - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan 2019, as amended, and complies with the Urban Hamilton Official Plan;
- (b) That approval be given to City Initiative-20-F(4) to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until March 31, 2025, to provide improved operational flexibility for local businesses and institutional operations (specifically places of worship, hospitals, and educational establishments), by permitting the erection of temporary tents for six consecutive months for certain commercial zones, uses permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, certain institutional uses in institutional zones, and certain commercial uses and accessory



commercial uses to a permitted use in certain industrial zones within the City, on the following basis:

- (i) That the draft Temporary Use By-law, attached as Appendix “B” to Report PED20135(c), be approved by City Council;
- (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan;
- (c) That staff be directed to report back, prior to the expiration of the Temporary Use By-laws attached as Appendix “A” and “B” to Report PED20135(c) or at the request of Council, to present staffs’ evaluation of these temporary permissions to determine if any modifications to the regulations for Outdoor Commercial Patios and/or temporary tents in Zoning By-law No. 05-200 is appropriate or whether some or all of the temporary permissions for Outdoor Commercial Patios and/or temporary tents should be established permanently.

**(Wilson/Danko)**

That the recommendations in Report PED20135(c) be **amended** by adding the following sub-section (d):

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

**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.

**(Farr/Pearson)**

That the Committee recess from 12:37 p.m. to 12:50 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

**(g) NOTICES OF MOTIONS (Item 12)**

**(i) Demolition Permit for the property known as 389, 391, 427 Limeridge Road East (Added Item 12.1)**

Councillor Danko introduced a Notice of Motion respecting Demolition Permit for the property known as 389, 391, 427 Limeridge Road East.

**(Danko/Pearson)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Demolition Permit for the property known as 389, 391, 427 Limeridge Road East.

**Result: Motion CARRIED by a 2/3rds 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 9.

**(ii) Demolition Permit for the property known as 474 to 476 James Street North (Added Item 12.2)**

Councillor Farr introduced a Notice of Motion respecting Demolition Permit for the property known as 474 to 476 James Street North.

**(Farr/Pearson)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Demolition Permit for the property known as 474 to 476 James Street North.

**Result: Motion CARRIED by a 2/3rds 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  
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 10.

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

**(i) Outstanding Business List (13.1)**

**(Pearson/Farr)**

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

**(a) Items Requiring New Due Dates:**

18L - Review of C6 and C7 Zoning Regulations  
 Proposed New Due Date: November 29, 2022

19B - Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029)  
 Proposed New Due Date: June 14, 2022

19G - Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091)  
 Proposed New Due Date: May 31, 2022

19Q - Application for Zoning By-law Amendment for Lands Located at 116 and 120  
 Proposed New Due Date: Q4 2022

19X - Use of Surplus Parking Spaces by Third Parties in Downtown Hamilton  
 Proposed New Due Date: June 14, 2022

19BB - Parking Fee Review (PED19238)  
 Proposed New Due Date: May 17, 2022

20L - Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning  
 Proposed New Due Date: September 20, 2022

21X - License Rental Housing (PED21097/LS21022)  
 Proposed New Due Date: July 2022

21Y - Hamilton Municipal Heritage Committee Report 21-007 (Item 7.5)  
Proposed New Due Date: July 2022

(b) Items to be Removed:

18E - 2018 Development Fee Review (Item (d)(i)(b) on the General Issues Committee Report 2018)

19D - 2019 Operating Budget Offsets from Planning and Development Fees (PED19066) (Item 3 on the General Issues Committee Report 19-006)

19J - Zoning By-law Amendment for 1400 Baseline Road (Added Item 12.1 on the April 30, 2019 agenda)

19DD - Anthony Longo respecting 2070 Rymal Road East (Delegation) ( Added Item 6.1 on the November 19, 2019 agenda)

19GG - Implementation and Resources Required re: Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation (\*\* Recommendation that it be removed from PC and referred to H&SC) (Item 4 on the December 4, 2019 General Issues Committee Report)

20-F - Paul Valeri, Valery Homes, requesting Deferral of Decision on the Designation of 828 Sanitorium Road (Added Item 6.4, Hamilton Municipal Heritage Committee Report 20-003, Recommendation #3) (Item 4.6)

21AA - Outdoor Dining Districts Extension (Item 11.1)(Item 11.1 on the November 2, 2021, Planning Committee Report 21-017)

21H - John Ariens, IBI Group, respecting 125-129 Robert Street (UHOP-17- 033 and ZAC-17-073) (Item (g)(v) on the April 20, 2021 Planning Committee Report 21-006)

**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  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

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

Jason Thorne, General Manager of Planning and Economic Development, addressed the Committee respecting an upcoming report to update Committee on the Housing Affordability Task Force; and asked Legal staff to introduce the new Planning Solicitor, Rachel McVean.

**(Partridge/Wilson)**

That the General Manager's Update, 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  
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

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

**(i) Closed Session Minutes – March 22, 2022 (Item 14.1)**

**(Danko/Pearson)**

- (a) That the Closed Session Minutes dated March 22, 2022, be approved as presented; and,
- (b) That the Closed Session Minutes dated March 22, 2022, remain private and confidential.

**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  
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
 YES- Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(j) ADJOURNMENT (Item 15)**

**(Farr/Wilson)**

That there being no further business, the Planning Committee be adjourned at 1:29 p.m.

**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  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES- Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

---

Councillor B. Johnson  
Chair, Planning Committee

---

Lisa Kelsey  
Legislative Coordinator



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

<b>TO:</b>	Chair and Members Planning Committee
<b>DATE:</b>	April 25, 2022
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22085) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Shannah Evans (905) 546-2424 Ext. 1928
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**Council Direction:**

In accordance with the June 16, 2015 Planning Committee direction, this Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals. In addition, this report also includes a list and status of all Applications appealed to the Ontario Land Tribunal for non-decision.

**Background:**

Planning Division prepares and submits 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 statutory timeframe provisions of the *Planning Act* for non-decision appeals. 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

---

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

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

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

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22085) (City Wide) - Page 2 of 4**

---

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 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 Ontario Land Tribunal 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.

---

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

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

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



**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22085) (City Wide) - Page 3 of 4**

---

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

Attached as Appendix “A” to Report PED22085 is a table outlining the active Applications received prior to December 12, 2017 sorted by Ward, from oldest Application to newest. As of March 23, 2022, there were:

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

Within 60 to 90 days of March 23, 2022, 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 PED22085 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 March 23, 2022, there were:

- 5 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;
- 10 active Zoning By-law Amendment Applications; and,
- 4 active Plan of Subdivision Applications.

Within 60 to 90 days of March 23, 2022, all 10 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 PED22085 is a table outlining the active Applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest Application to newest. As of March 23, 2022, there were:

- 31 active Official Plan Amendment Applications;

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22085) (City Wide) - Page 4 of 4**

---

- 60 active Zoning By-law Amendment Applications; and,
- 13 active Plan of Subdivision Applications.

As of March 23, 2022, 14 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Fifty-one (51) development proposals have passed the 90 or 120 day statutory timeframe.

### **Planning Division Active Files**

Combined to reflect property addresses, there are 84 active development proposals. Twenty (20) proposals are 2022 files (24%), 25 proposals are 2021 files (30%), 17 proposals are 2020 files (20%) and 22 proposals are pre-2020 files (26%).

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. 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, and an e-mail system will provide notification of when a new application is received.

### **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 PED22085 is a table outlining Development Applications, along with the applicant/agent, that have been appealed for non-decision to the Ontario Land Tribunal. There are currently 12 active appeals for non-decision. Third party appeals are not included in this information as Council has made a decision to approve the Application.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22085 - List of Active Development Applications (prior to December 12, 2017)

Appendix “B” to Report PED22085 - List of Active Development Applications (after December 12, 2017)

Appendix “C” to Report PED22085 - List of Active Development Applications (after September 3, 2019)

Appendix “D” to Report PED22085 - *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 March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of March 23, 2022
<b>Ward 7</b>									
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.	1665
<b>Ward 9</b>									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 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.	2015
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	n/a	09-Jul-17	T. Johns Consultants Inc.	2015
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.	1964
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.	2483

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of March 23, 2022
<b>Ward 10</b>									
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 and 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	1943
<b>Ward 12</b>									
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	2309
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.	1726
<b>Ward 13</b>									
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.	1754

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective March 23, 2022)**

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 timeframe.

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of March 23, 2022
<b>Ward 2</b>									
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	1215
<b>Ward 6</b>									
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	1077
<b>Ward 8</b>									
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.	1146
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.	1217
<b>Ward 11</b>									
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	1379
<b>Ward 12</b>									
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.	1318

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of March 23, 2022
<b>Ward 12 Continued</b>									
.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.	1261
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	1238
<b>Ward 14</b>									
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	1224
<b>Ward 15</b>									
RHOPA-18-020* ZAC-18-045	173 and 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	1366

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective March 23, 2022)**

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 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 March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 23, 2022
<b>Ward 1</b>								
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.	796
UHOPA-20-027 ZAC-20-042	1629-1655 Main Street West, Hamilton	2-Nov-20	n/a	1-Dec-20	n/a	02-Mar-21	GSP Group	527
UHOPA-22-005 ZAC-22-012	200 Market Street, 55 Queen Street North, Hamilton	19-Jan-22	n/a	19-Jan-22	n/a	19-May-22	GSP Group	62
<b>Ward 2</b>								
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	872
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	851
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	592
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	392

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 23, 2022
<b>Ward 2 Continued</b>								
ZAC-21-020	221 Charlton Avenue East, Hamilton	26-Apr-21	n/a	06-May-21	25-Jul-21	n/a	T. Johns Consulting Ltd.	358
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	275
UHOPA-22-001 ZAC-22-003	65 Guise Street, Hamilton	15-Nov-21	n/a	18-Nov-21	n/a	15-Mar-22	James Webb Consulting Inc.	123
UHOPA-22-014 ZAC-22-014	186 Hunter Street East, Hamilton	19-Jan-22	n/a	21-Jan-22	n/a	19-May-22	Urban Solutions Planning and Land Development	60
<b>Ward 3</b>								
ZAR-22-009	386 Wilcox Street, Hamilton	12-Jan-22	n/a	31-Jan-22	12-April-22	n/a	MHBC Planning	50
ZAC-22-019	16 Steven, and 436 King William Street, Hamilton	4-Feb-22	n/a	15-Feb-22	5-May-22	n/a	T.Johns Consulting Ltd.	36
<b>Ward 4</b>								
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	344

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 23, 2022
<b>Ward 5</b>								
UHOPA-21-019 ZAC-21-041	510 Centennial Parkway, Stoney Creek	22-Sep-21	n/a	22-Sep-21	n/a	20-Jan-22	Smart Centres REIT	209
ZAC-21-043	300 Albright Road, Hamilton	29-Sep-21	n/a	30-Sep-21	04-Jan-22	n/a	MHBC Planning Ltd.	202
ZAC-22-007	1117 Beach Boulevard, Hamilton	01-Dec-21	n/a	01-Dec-21	01-Mar-22	n/a	Design Plan Services Inc.	110
ZAC-22-013	200 Centennial Parkway North, Hamilton	19-Jan-22	n/a	20-Jan-22	19-April-22	n/a	Calloway REIT (Stoney Creek) Inc.	61
UHOPA-22-009 ZAC-22-018	651 Queenston Road, Hamilton	27-Jan-22	n/a	16-Feb-22	n/a	27-May-22	A.J. Clarke & Associates Ltd.	55
UHOPA-22-012 ZAC-22-023	2782 Barton Street East, Hamilton	17-Mar-22	n/a	n/a	n/a	14-July-222	A.J. Clarke & Associates Ltd.	6
<b>Ward 7</b>								
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.	585
ZAC-21-023	1540 Upper Wentworth Street, Hamilton	14-Jun-21	n/a	21-Jun-21	12-Sep-21	n/a	T. Johns Consulting Group	302
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.	267

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 23, 2022
<b>Ward 7 Continued</b>								
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	40
<b>Ward 8</b>								
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	875
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	789
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.	638
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.	286
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	254
ZAC-21-036	866 West 5 <sup>th</sup> Street, Hamilton	11-Aug-21	n/a	03-Sep-21	09-Nov-21	n/a	Urban Solutions Planning and Land Development	227

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	90 day cut off (OPA or Plan of Sub.)	Applicant/Agent	Days Since Received and/or Deemed complete as of March 23, 2022
<b>Ward 9</b>								
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.	851
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.	809
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	656
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.	278
ZAC-22-001	2153, 2155, and 2157 Rymal Road East, Stoney Creek	4-Nov-21	n/a	n/a	2-Feb-22	n/a	Weston Consulting	138
<b>Ward 10</b>								
ZAC-19-036	564 Fifty Road, Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	764
UHOPA-21-018 ZAC-21-039	1400 South Service Road, Stoney Creek	10-Sep-21	n/a	16-Sep-21	n/a	14-Jan-22	MHBC Planning Ltd.	215

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	90 day cut off (OPA or Plan of Sub.)	Applicant/Agent	Days Since Received and/or Deemed complete as of March 23, 2022
<b>Ward 11</b>								
ZAC-20-019	9255 Airport Road, Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	784
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.	767
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.	491
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.	435
ZAC-21-024	3435 Binbrook Road, Glanbrook	21-Jun-21	n/a	06-Jul-21	19-Sep-21	n/a	Armstrong Planning	287
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	264
ZAC-21-045	541 and 545 Fifty Road, Stoney Creek	04-Oct-21	n/a	12-Oct-21	02-Jan-22	n/a	IBI Group	189
ZAA-22-006	9270 Haldibrook Road, Glanbrook	18-Nov-21	n/a	23-Nov-21	16-Feb-22	n/a	Fothergill Planning & Development	118

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	90 day cut off (OPA or Plan of Sub.)	Applicant/Agent	Days Since Received and/or Deemed complete as of March 23, 2022
<b>Ward 11 Continued</b>								
ZAC-22-008 25T-202201	3479 Binbrook Road, Binbrook	10-Jan-22	n/a	24-Jan-22	n/a	10-May-22	Metropolitan Consulting	47
ZAA-22-010	1640 Trinity Church Road, Glanbrook	12-Jan-22	n/a	12-Jan-22	12-Apr-22	n/a	Harvinder Wallace	69
UHOPA-22-007 ZAC-22-015	526 Winona Road, Stoney Creek	21-Jan-22	n/a	1-Feb-22	n/a	5-May-22	Urban Solutions Planning & Land Development	50
UHOPA-22-008 ZAC-22-017	3054 Homestead Drive, Hamilton	27-Jan-22	n/a	10-Feb-22	n/a	25-May-22	Urban Solutions Planning & Land Development	41
UHOPA-22-020 ZAC-22-010 25T-2022003	3250 & 3260 Homestead Drive, Hamilton	17-Feb-22	n/a	8-Mar-22	n/a	17-June-22	Urban Solutions Planning & Land Development	35
<b>Ward 12</b>								
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 Ontario INC.	860
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.	677

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	90 day cut off (OPA or Plan of Sub.)	Applicant/Agent	Days Since Received and/or Deemed complete as of March 23, 2022
<b>Ward 12 Continued</b>								
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.	673
ZAR-20-040	1552 Concession 2 West, Flamborough	15-Oct-20	n/a	29-Oct-20	13-Jan-21	n/a	Urban in Mind	827
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.	487
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	456
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.	278
25T-202110	179 Wilson Street West, Ancaster	28-Sep-21	n/a	07-Oct-21	n/a	26-Jan-22	T. Johns Consulting	194
UHOPA-22-002 ZAC-22-005	487 Shaver Road, Ancaster	2-Nov-21	n/a	17-Nov-21	n/a	2-Mar-22	GSP Group Inc	124
UHOPA-22-004 ZAC-22-011	392-412 Wilson Street East, 15 Lorne Avenue, Ancaster	17-Jan-22	n/a	20-Jan-22	n/a	17-May-22	Wilson St. Ancaster Inc.	62



**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective March 23, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	90 day cut off (OPA or Plan of Sub.)	Applicant/Agent	Days Since Received and/or Deemed complete as of March 23, 2022
<b>Ward 13</b>								
ZAC-21-003	125 Pirie Drive, Dundas	23-Dec-20	n/a	22-Jan-21	23-Mar-21	n/a	Wellings Planning Consultants	455
<b>Ward 14</b>								
ZAR-22-004	12 Louisa Street, Flamborough	15-Nov-21	n/a	23-Nov-21	13-Feb-22	n/a	MB1 Development Consulting Inc.	118
<b>Ward 15</b>								
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	821
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.	455
ZAC-21-017	265 Mill Street South, Flamborough	8-Apr-21	n/a	12-Apr-21	7-Jul-21	n/a	IBI Group	349

**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 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 March 23, 2022)**

<b>Ward</b>	<b>Address</b>	<b>Applicant /Agent</b>	<b>Date Appeal Received</b>
<b>Ward 1</b>			
1	354 King Street West, Hamilton	GSP Group	July 2021
<b>Ward 2</b>			
2	299-307 John Street South, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2021
<b>Ward 9</b>			
3	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
<b>Ward 10</b>			
4	1036, 1038, 1054, 1090 Barton Street, and 262 McNeilly Road, Stoney Creek	Glen Schnarr & Associates Inc.	November 2021
5	860, and 884 Barton Street, Stoney Creek	MHBC Planning Limited	March 2022

**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (OLT)  
(Effective March 23, 2022)**

<b>Ward</b>	<b>Address</b>	<b>Applicant /Agent</b>	<b>Date Appeal Received</b>
<b>Ward 11</b>			
6	3033, 3047, 3055 & 3063 Binbrook Road, Glanbrook (Binbrook)and	GSP Group	August 2017
7	3355 Golf Club Road, Glanbrook	Corbett Land Strategies Inc.	June 2021
<b>Ward 12</b>			
8	140 Garner Road, Ancaster	MHBC Planning Limited	February 2022
<b>Ward 14</b>			
9	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021
<b>Ward 15</b>			
10	609 and 615 Hamilton Street North and 3 Nesbit Boulevard and 129 – 137 Trudell Circle, Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
11	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017
12	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021



**HAMILTON-OSHAWA PORT AUTHORITY -  
CITY OF HAMILTON LIAISON COMMITTEE**

**REPORT 22-001**

**April 11, 2022**

**1:30 p.m.**

**Room 264, 2<sup>nd</sup> Floor**

**Hamilton City Hall**

**71 Main Street West**

---

**Present:** Councillor J. Partridge (Co-Chair) Mayor F. Eisenberger,  
Councillors E. Pauls, R. Powers,  
I. Hamilton (President and CEO of Hamilton-Oshawa Port Authority),  
J. Howlett, A. Waldes (Hamilton-Oshawa Port Authority Board  
Members)

---

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

**1. Election of Co-Chairs for 2022 (Item 1.1)**

- (a) That Councillor J. Partridge be appointed Co-Chair of the Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee for 2022; and
- (b) That A. Waldes be appointed Co-Chair of the Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee for 2022.

**2. Committee Terms of Reference (Item 10.1)**

That the Committee's Terms of Reference be reviewed at a future meeting, to be scheduled in June 2022.

**FOR INFORMATION:**

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

The Committee Clerk advised there were no changes to the agenda.

The agenda for the April 11, 2022 meeting for the Hamilton-Oshawa Port Authority – City of Hamilton Liaison Committee was approved, as presented.

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

No declarations of interest were made.

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

**(i) August 11, 2016 (Item 4.1)**

The Minutes of the August 11, 2016 meeting, were approved.

**(d) CONSENT ITEMS (Item 7.1)**

**(i) Committee Name Change Update**

Co-Chair Partridge advised that the Committee's name was formally updated at the March 30, 2022 Council meeting from Hamilton Port Authority – City of Hamilton Liaison Committee, to Hamilton-Oshawa Port Authority – City of Hamilton Liaison Committee.

**(e) DISCUSSION ITEMS (Item 10)**

**(i) Committee Terms of Reference Review (Item 10.1)**

The Terms of Reference were reviewed and referred to a future meeting in June.

For disposition of this matter, see Item 2.

**(ii) Hamilton – Oshawa Port Authority Update (Item 10.2)**

Ian Hamilton, President and CEO of the Hamilton-Oshawa Port Authority addressed the Committee with a presentation.

The presentation from Ian Hamilton, President and CEO of the Hamilton-Oshawa Port Authority, respecting an update on the Hamilton-Oshawa Port Authority, was received.

**(iii) City and Port Authority Shared Goals and Priorities (Item 10.3)**

The Committee had a general discussion about the shared goals and priorities between the City of Hamilton and the Port Authority; including Randall Reef, and adding a verbal update from staff respecting partnership opportunities with the transportation sector working groups and organization, to the next meeting agenda, to be scheduled for June 2022.

**(f) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee, adjourned at 2:40 p.m.

Respectfully submitted,

Councillor J. Partridge, Co -Chair  
Hamilton-Oshawa Port Authority  
City of Hamilton Liaison  
Committee

Lisa Kelsey  
Legislative Coordinator  
Office of the City Clerk



## Hamilton

### **Agriculture and Rural Affairs Advisory Committee**

#### **REPORT 22-001**

**Tuesday, March 29, 2022**

**7:00 p.m.**

**Due to COVID-19 and the Closure of City Hall, this meeting was held virtually.**

---

**Present:** Councillors B. Clark, L. Ferguson, B. Johnson, A. VanderBeek, A. Spoelstra (Chair), D. Smith (Vice-Chair), C. McMaster, N. Mills, A. Payne, C. Roberts, R. Shuker, G. Smuk, and M. Switzer

**Absent:** J. Mantel

**Also Present:** N. Gill-Aarts, Ontario Federation of Agriculture  
S. Brenn, Chamber of Commerce (Flamborough)

---

### **THE AGRICULTURE & RURAL AFFAIRS ADVISORY COMMITTEE PRESENTS REPORT 22-001 AND RESPECTFULLY RECOMMENDS:**

- 1. Normal Farm Practice Peer Review by the Agricultural and Rural Affairs Advisory Committee (Item 9.1)**
  - (a) That the Planning Committee establish an Agricultural Site Alteration Application Review Working Group of the Agricultural and Rural Affairs Advisory Committee;
  - (b) That the Agricultural Site Alteration Application Review Working Group be comprised of the following Members:
    - (i) Dale Smith
    - (ii) Drew Spoelstra
    - (iii) Cathy McMaster
    - (iv) Mel Switzer
    - (v) Gavin Smuk
  - (c) That the Planning Committee direct staff to investigate implementing a per diem, comparable to that of the Committee of Adjustment, in a future report to the Planning Committee respecting the Site Plan Alteration By-law.

**FOR INFORMATION:****(a) APPROVAL OF AGENDA (Item 2)**

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

**13. GENERAL INFORMATION / OTHER BUSINESS**

13.1 Farm 911 Signs

13.2 Rural Area Rating

The agenda for the March 29, 2022 meeting of the Agriculture and Rural Affairs Advisory Committee was approved, as amended.

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

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)****(i) November 29, 2021 (Item 4.1)**

The Minutes of the March 29, 2021 meeting of the Agriculture and Rural Affairs Advisory Committee were approved, as presented.

**(d) STAFF PRESENTATIONS (Item 9)****(i) Normal Farm Practice Peer Review by the Agricultural and Rural Affairs Advisory Committee (Item 9.1)**

Alvin Chan, Manager Legislative Approvals / Staging of Development, addressed the Committee respecting Normal Farm Practice Peer Review by the Agricultural and Rural Affairs Advisory Committee, with the aid of a presentation.

The presentation from Alvin Chan respecting Normal Farm Practice Peer Review by the Agricultural and Rural Affairs Advisory Committee, was received.

**(ii) Farm Labour Residence Policy Review (Item 9.2)**

Aminu Bello, Planner II, addressed the Committee respecting the Farm Labour Residence Policy Review, with the aid of a presentation.

The presentation from Aminu Bello respecting the Farm Labour Residence Policy Review, was received.



**(e) DISCUSSION ITEMS (Item 10)**

**(i) Salt/Saline Runoff to Agricultural Fields (Item 10.1)**

Peter Sniuolis, Acting Manager of Roadway Maintenance, provided an update about the recently approved Salt Management Plan and answered questions respecting salt/saline runoff to agricultural fields.

The update from Peter Sniuolis respecting the Salt Management Plan and salt/saline runoff to agricultural fields, was received.

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

**(i) Farm 911 Signs (Item 13.1)**

Tyson McMann, Business Development Consultant - Food & Beverage, provided an update respecting Farm 911 signs.

The update from Tyson McMann respecting Farm 911 signs, was received.

**(ii) Rural Area Rating (Item 13.2)**

Members discussed the Area Rating Review by the General Issues Committee that will be considered at the March 30, 2022 meeting of Council.

The discussion respecting Rural Area Rating, was received.

**(h) ADJOURNMENT (Item 15)**

The meeting of the Agriculture and Rural Affairs Advisory Committee adjourned at 9:15 p.m.

Respectfully submitted,

Andrew Spoelstra, Chair  
Agriculture and Rural Affairs  
Advisory Committee

Carrie McIntosh

Legislative Coordinator  
Office of the City Clerk



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 25, 2022
<b>SUBJECT/REPORT NO:</b>	Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Aminu Bello (905) 546-2424 Ext. 5264
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAC-17-064, by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner)**, for a change in zoning from Settlement Residential "R2-14(H)", Modified – Holding Zone to a site specific Settlement Residential "R2" Zone, Modified, and the Conservation / Hazard Land (P5) Zone, for lands located at 655 Cramer Road, as shown on Appendix "A" attached to Report PED22061, be **DENIED** on the following basis:
- (i) That the proposal is not consistent with the Provincial Policy Statement (PPS);
  - (ii) The proposal does not comply with the Provincial D-6 Guidelines: Compatibility Between Industrial Facilities;
  - (iii) The proposal does not comply with the Growth Plan for the Greater Golden Horseshoe (2020);

---

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

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

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

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 2 of 27**

---

- (iv) The proposal does not comply with the Settlement Residential policies under the Greensville Rural Settlement Area Plan of the Rural Hamilton Official Plan;
  - (v) The proposal is not consistent with the Greenbelt Plan (2017).
- (b) That **Draft Plan of Subdivision Application 25T-201710 by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner)**, to establish a Draft Plan of Subdivision in order to permit 18 residential lots, one stormwater management pond and three public roadways (one new proposed road and two extensions of existing public roads) for lands located at 655 Cramer Road, as shown on Appendix “B” attached to Report PED22061, be **DENIED** on the following basis:
- (i) The proposal is not consistent with the Land Use Compatibility Policy under the Provincial Policy Statement (PPS);
  - (ii) The proposal does not comply with the Employment policy under the Growth Plan for the Greater Golden Horseshoe (2020);
  - (iii) The proposal is not consistent with the Greenbelt Plan;
  - (iv) The proposal does not comply with the Settlement Residential policies of the Greensville Rural Settlement Area Plan and the policies for the approval of a Plan of Subdivision in the Rural Hamilton Official Plan;
  - (v) The proposal does comply with criteria relating to matters of health, safety and welfare of the present and future inhabitants as per Section 51(24) of the *Planning Act*.

## EXECUTIVE SUMMARY

The Applicant submitted a Zoning By-law Amendment Application and Draft Plan of Subdivision for the lands located at 655 Cramer Road to permit the development of 18 lots for single detached dwellings, municipal roads and a 0.71 hectare stormwater management pond. The purpose of the Zoning By-law Amendment Application is to modify the existing Settlement Residential “R2-14(H)”, Modified – Holding Zone to reduce the minimum lot area, reduced the minimum lot frontage, remove the Holding Provision and for a change in zoning to the Conservation/Hazard Land (P5) Zone for the proposed stormwater management pond. A Holding Provision currently exists on the subject property but Zoning By-law No. 90-145Z (Town of Flamborough) does not have

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 3 of 27**

---

any specific provisions required prior to removal. The Settlement Residential “R2-14(H)” Zone came into effect on December 21, 1992.

At the Formal Consultation stage, a Noise Study was identified by staff due to the proximity of Highway No. 5 and the adjacent industrial facilities. At the onset of staff’s review of the Zoning By-law Amendment and Draft Plan of Subdivision Applications, the need for an Odour Impact Assessment was identified due to the proximity of the subject lands to an existing meat rendering plant that is located on the abutting lands.

The Applicant submitted an Odour Impact Assessment in an effort to demonstrate that the 300 metre minimum separation distance from the adjacent industrial use (i.e. the existing meat rendering plant owned and operated by Rothsay) required by the D-6 Guidelines could be reduced to 70 metres to permit the residential development. The City retained peer reviewers to assess the proposed reduction in setbacks. The City’s peer reviewers concluded that a meat rendering plant is considered to be a Class III facility under the Ministry of Environment, Conservation and Parks’ D-6 Guidelines: Compatibility Between Industrial Facilities (D-6 Guidelines). The D-6 Guidelines requires a minimum 300 metre separation distance from any sensitive land uses and a Class III industrial operation, measured from lot line to lot line.

The Applicant has proposed a residential subdivision comprised of 18 single detached residential lots, of which 14 lots are located within the 300 metre separation distance from Rothsay.

A Noise Impact Assessment was submitted by the Applicant, however the Noise Impact Assessment has not adequately demonstrated how noise generated from Highway No. 5 and the adjacent industrial use will be mitigated within the proposed residential subdivision to avoid potential land use conflicts and complaints by the future residents.

It is the opinion of staff that the Applications do not have merit and cannot be supported because they are not consistent with and/or conform to the following:

- Land Use Compatibility policy 1.2.6.1 of the Provincial Policy Statement (2020);
- The D-6 Guidelines: Compatibility Between Industrial Facilities;
- Employment policy 2.2.5.8 of the Growth Plan for the Greater Golden Horseshoe (2020);
- Greenbelt Plan (2017) for lands identified as Hamlets in the Protected Countryside that are subject to the policies of the Growth Plan and governed by an official plan;
- Settlement Residential policy A.3.5.5.10 under the Greensville Rural Settlement Area Plan; and,

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 4 of 27**

---

- Policy F.1.14.1.2 for the approval of a Plan of Subdivision in the Rural Hamilton Official Plan (RHOP).

**Alternatives for Consideration – See Page 26**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	1376412 Ontario Ltd. c/o Zeina Homes
Applicant/Agent:	A.J. Clarke and Associates (c/o Stephen Fraser)
File Number:	ZAC-17-064 25T-201710
Type of Application:	Zoning By-law Amendment Draft Plan of Subdivision
Proposal:	To develop 18 single detached residential lots, one stormwater management pond and three public roads (one new proposed road and two extensions of existing public roads). The proposed residential lots will be serviced by private well and septic tanks.
<b>Property Details</b>	
Municipal Address:	655 Cramer Road, Flamborough (see Location Map attached as Appendix “A” to Report PED22061).
Lot Area:	±15.6 hectares (38.5 acres)
Servicing:	Privately serviced well and septic tanks are proposed.

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 5 of 27**

<b>Property Details</b>	
Existing Use:	Vacant Land
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is not consistent with the PPS (2020).
Greenbelt Plan:	The proposal is not consistent with the Greenbelt Plan.
A Place to Grow:	The proposal does not conform to the Growth Plan, as amended.
Official Plan Existing:	“Hamlets (Rural Settlement Area)” on Schedule “A” – Provincial Plans.  “Rural Settlement Area” on Schedule “D” – Rural Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Secondary Plan Existing:	“Settlement Residential” on Volume 2: Map 8a – Greenville Rural Settlement Area Plan.
Secondary Plan Proposed:	No amendment proposed.
Zoning Existing:	Settlement Residential “R2-14(H)”, Modified – Holding Zone
Zoning Proposed:	Site Specific Settlement Residential “R2” Zone, Modified and Conservation / Hazard Land (P5) Zone
Modifications Proposed:	<ul style="list-style-type: none"> <li>• Notwithstanding Section 7.3.14 (a), a minimum lot area of 7,000 square metres be permitted instead of the required 8,000 square metres; and,</li> <li>• Notwithstanding Section 7.3.14 (b), a minimum lot frontage of 21 metres be permitted instead of the required 35 metres.</li> </ul>
<b>Processing Details</b>	
Received:	August 9, 2017.
Deemed Complete:	August 17, 2017.
Notice of Complete Application:	August 28, 2017.

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 6 of 27**

<b>Processing Details</b>	
Public Notice Sign:	September 5, 2017.
Revised Notice of Complete Application:	December 6, 2017.
Notice of Public Meeting:	Sent to 45 property owners within 120 metres of the subject property on April 7, 2022; and was given by way of newspaper in accordance with the provisions of the <i>Planning Act</i> on April 7, 2022.
Public Comments:	Two letters / emails expressing concern (see Appendix "G" attached to Report PED22061).
Processing Time:	1,720 days from date Application was submitted.

### **EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant	Settlement Residential "R2-14(H)" – Holding Zone
<b>Surrounding Lands:</b>		
<b>North:</b>	Agricultural Use, Residential Dwellings and Residential Care Facility	Agriculture (A1) Zone and Rural (A2) Zone
<b>East:</b>	Residential dwellings and Vacant Parcel	Settlement Residential (S1) Zone and "Settlement Residential "R2-14(H)" – Holding Zone
<b>South:</b>	Residential Dwellings	Settlement Residential (S1) Zone and Settlement Residential (S1, 77, H7) Zone

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 7 of 27**

---

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>West:</b>	Rothsay Industrial Operation and Natural Heritage Feature	Conservation / Hazard Land (P6) Zone and Rural (A2, 124) 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 of the PPS (2020), amongst others, are applicable to the Applications.

“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 Rothsay Dundas Plant (Rothsay) at 870 Highway 5 West, is an existing meat rendering plant located immediately east of the subject property. Rothsay is a 24 hour a day operation that converts animal by products into fats and proteins that are used in the production of animal feed, fuel and fertilizers. The existing industrial facility is considered to generate multiple nuisance factors such as odour, noise and truck traffic, which required an Odour Impact Assessment by staff. The purpose of the Odour Impact Assessment is to demonstrate land use compatibility between the existing industrial facility and the proposed sensitive land uses in accordance with the “Compatibility between Industrial Facilities and Sensitive Land Uses”, published by the MECP as Guideline D-6 (the D-6 Guidelines).

### **Odour - D-6 Guidelines: Compatibility Between Industrial Facilities**

The D-6 Compatibility Guidelines (D-6 Guidelines) are intended to inform land use planning decisions surrounding industrial facilities and sensitive uses. The D-6 Guidelines aim to prevent or minimize future land use conflicts due to the encroachment of sensitive land uses and industrial land uses proposed in proximity to another. The D-6 Guidelines outline a range of separation distances based on a categorization of facilities according to the nature of their emissions, physical size/scale, production



**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 8 of 27**

---

volumes and intensity of operations. Based on the D-6 Guidelines, the existing meat rendering plant is considered to be a Class III industrial operation.

The D-6 Guidelines recommend a minimum separation distance from property line to property line, where no incompatible development should occur within the identified classifications for Class III uses of 300 metres minimum.

An Odour Impact Assessment, as well as response memorandums to the City's peer reviewer, was submitted by the Applicant in an effort to demonstrate that there are no land use compatibility issues between the existing meat rendering plant and the proposed residential subdivision and, therefore the minimum separation distance could be reduced from 300 metres to 70 metres.

There were multiple peer reviews undertaken by the City of the Applicant's Odour Impact Assessment and response memorandums, which are summarized in the following table:

<b>Applicant Submission</b>	<b>City-Retained Peer Reviewer</b>
1. Odour Impact Assessment Report No. 26422 by Ortech Consulting Inc. dated June 12, 2018.	Response Letter by Rubidium Environmental dated December 21, 2018.
2. Commentary of Peer Review by Ortech Consulting Inc., dated January 23, 2019.	Response Letter by Rubidium Environmental dated February 12, 2019.
3. Additional Odour Impact Assessment Report No. 26422-2 by Ortech Consulting Inc., dated February 5, 2020.	Technical Memorandum by Golder Associates dated July 28, 2020.
4. Response Memorandum (Reference No. 26422-3) by Ortech Consulting Inc., dated November 17, 2020.	Technical Memorandum by Golder Associates dated March 8, 2021.
5. Response Memorandum (Reference No. 26422-4) by Ortech Consulting Inc., dated November 17, 2020.	
6. Final Report: Order Impact Assessment Summary Report No. 26790 by Ortech Consulting Inc., dated December 7, 2021.	Peer Review not required as no new information was provided.

The Applicant's retained odour expert, Ortech Consulting (Ortech), indicated through the numerous submissions that the adjacent industrial use (Rothsay) should be

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 9 of 27**

---

identified as a Class II facility due to the installation of a biofilter and that the appropriate separation distance between Rothsay and the proposed development is 180 metres instead of 300 metres.

Ortech also indicated that the subject lands are already zoned for a residential use, therefore the use of D-6 Guidelines to demonstrate land use compatibility is not applicable. In response, planning staff note that Policy 1.2.6.1 is applicable where new development is proposed which the PPS (2020) defines as the “creation of a new lot”. The Ministry of Environment, Conservation and Parks’ Procedure D-1 Land Use and Compatibility states that the guidelines (i.e. D-6 Guidelines) apply when a change in land use may place a sensitive use within the influence area of a facility. In that event, the D-6 Guidelines applies for the review of site-specific development plans (e.g. plans of subdivision, plan of condominium and lot severances) including redevelopment and/or infill proposals.

In response, the City’s peer reviewer, Rubidium Environmental, indicated that there has been some evidence that the biofilter constructed has been ineffective. In addition, Rothsay has received hundreds of odour complaints. Finally, in support of the opinions of both Rubidium Environmental and Golder Associates, the recommendation from the Ministry of Environment, Conservation and Parks states that the adjacent industrial use should be classified as a Class III facility. Email correspondence received from the Ministry of Environment, Conservation and Parks dated February 22, 2022, attached as Appendix “F” to Report PED22061, states that “this facility would be classified as a Class 3 facility, which means that in accordance with the MOECC Guidelines D-6, a minimum 300 metre separation distance should be maintained from the property line of Rothsay, and the nearest residential lot that may be proposed” and “facilities are best positioned to confirm their classifications as they fully understand their operations”. The City’s peer reviewers have concurred that the calculated separation distance within the Applicant’s submitted study was not calculated using the requirements of the D-6 Guidelines. The Applicant’s odour consultant, (Ortech) requested separation distance of 180 metres was measured from the eastern edge of the Rothsay Plant operations to the western boundary of the proposed residential subdivision and not from the property lines of the lands owned by Rothsay, therefore not in compliance with the D-6 Guidelines.

The results of the peer reviews undertaken by the City-retained Odour Consultants are summarized in Appendix “E” attached to Report PED22061.

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 10 of 27**

---

The adjacent owner (Rothsay), submitted their own separate peer review prepared by Ramboll dated September 10, 2020, to review technical accuracy and validity of the Additional Odour Impact Assessment dated February 5, 2020, prepared by Ortech Consulting. The results of the peer review completed by Ramboll is summarized as follows:

- The Rothsay facility is described a Class III facility regardless of the mitigation measures implemented;
- Despite the effective biofilter mitigation, emissions from the main emission stack have been measured to be extremely high and does not account for all odour impact sources at the Rothsay facility;
- Fugitive emission sources at Rothsay are generally released at ground level, are mainly located on the east side of the property (e.g. wastewater treatment aeration basins, clarifiers, ponds), and would have little dilution before the sensitive receptors;
- The Rothsay facility is one of the very few facilities in Ontario with an odour performance limit exceeding 1 odour unit, therefore potential odour impacts from Rothsay are greater than expected from other Class III industries; and,
- Does not see credible evidence to support that a noise barrier and/or line of trees on the proposed residential development will significantly mitigate odour impacts on that property.

It is the opinion of staff that the adjacent industrial use located at 880 Highway No. 5 West (Rothsay) is as a Class III facility. Class III facilities require a 300 metre separation distance from sensitive land uses to mitigate potential adverse effects. The 300 metre separation distance is required where the proposal has not provided substantiating information that potential effects have been otherwise mitigated.

It is the opinion of staff that the proposed development is not consistent with Section 1.2.6.1 of the PPS (2020) and is not consistent with the PPS. The submitted Odour Impact Assessment and response memorandums were not conclusive in demonstrating that the minimum separation distance could be reduced to permit the residential development, therefore the proposed development is not in compliance with the D-6 Guidelines.

**Noise - Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300)**

In response to Policy 1.2.6.1 of the PPS (2020), the Applicant submitted an Environmental Noise Analysis, first submitted on July 14, 2017, revised on August 17, 2018, followed by an addendum dated January 14, 2020 and the Applicant's response

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 11 of 27**

---

to staff's comments dated July 20, 2020. The study was submitted by the Applicant to determine road noise mitigation measures, which recommended a combination of a noise wall/berm, upgraded windows and doors and implementation of warning clauses for residential owners/occupants.

In order to achieve compliance with the Ministry of Environment, Conservation and Parks' Noise Guidelines (NPC-300), the Environmental Noise Analysis states the subject lands would have to be deemed a Class 2 area. Under a Class 2 area, the Draft Plan of Subdivision must include a warning clause registered against the subject lots stipulating that physical noise mitigation measures would be required for the subject lands. The Class 2 status will require the following mitigation measures to the residential lots referenced in the Concept Plan, attached as Appendix "B" to Report PED22061:

- A 5.8 metre high sound barrier along the west portion of Lots 11 to 14;
- A 2.0 metre high sound barrier along the west portion of Lots 10 and 15; and,
- Lots 9 to 16 must be designed to include noise-sensitive windows on second floor facades where excess noise is predicted.

The Applicant has proposed a 5.8 metre high sound barrier for Lots 11 to 14; however, staff are not satisfied that this is a reasonable solution to the noise mitigation. A 5.8 metre high sound barrier wall may result in negative visual impacts such as limiting viewpoints into the existing mature woodlot and an undesirable appearance of a high wall located along the rear of residential lots. Based on this, it is staff's opinion that the proposal is also not consistent with Policy 1.2.6.1 of the PPS (2020) from a noise perspective.

### **Greenbelt Plan (2017)**

The Greenbelt Plan outlines the following policies, amongst others, for hamlets contained within settlement areas.

"3.4.4 For lands within Hamlets in the Protected Countryside, the following policy shall apply:

1. Hamlets are subject to the policies of the Growth Plan and continue to be governed by official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the policies of sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2. Limited growth is permitted through infill and intensification of Hamlets subject to appropriate water and sewage services."

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 12 of 27**

---

The subject lands are located within a Hamlet, which is subject to the Growth Plan policies and continues to be governed by a municipal official plan. Hamlet areas are not subject to the policies of the Greenbelt Plan. In review of the above, staff are of the opinion that the proposal is consistent with the Greenbelt Plan.

**Growth Plan for the Greater Golden Horseshoe (2020, 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,
- (iii) Can support the achievement of *complete communities*;

(c) Within *settlement areas*, growth will be focused in:

- (i) *Delineated built-up areas*;
- (ii) *Strategic growth areas*;
- (iii) Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
- (iv) Areas with existing or planned *public service facilities*.

2.2.5.8 The development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.”

As previously discussed under the Provincial Policy Statement section of this Report, staff are of the opinion that the proposed sensitive land uses are incompatible with the existing industrial use and the proposed mitigation measures do not minimize any potential adverse effects. As such, the Applications do not conform with the Growth Plan for the Greater Golden Horseshoe, 2020.

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 13 of 27**

---

**Rural Hamilton Official Plan (RHOP)**

The subject lands are identified as “Hamlets (Rural Settlement Areas)” on Schedule “A” – Provincial Plans and designated “Rural Settlement Area” on Schedule “D” – Rural Land Use Designations. The property is designated “Settlement Residential” in the Greensville Rural Settlement Area Plan in Volume 2: Map 8a. In addition, the property is identified as Major Development Area A in Volume 2: Map 8b. The following policies, amongst others, apply to the proposal.

Volume 1 – Rural Hamilton Official Plan Policies

“B.3.6.3.19 The City shall ensure that all development or redevelopment with the potential to create conflicts between sensitive land uses and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City may require proponents of such proposals to submit studies prior to or at the time of Application submission, including the following: noise feasibility study; detailed noise study; air quality study; odour, dust and light assessment; and any other information and materials identified in Section F.1.9 – Complete Application Requirements and Formal Consultation.”

As discussed in detail under the Provincial Policy Statement section of this report, the proposal is not consistent with the D-6 Guidelines, does not propose an appropriate minimum separation distance for a Class III facility or provide adequate noise mitigation. As such, the proposal does not comply with policy B.3.6.3.19 of the Rural Hamilton Official Plan.

“F.1.14.1.2 Council shall recommend for approval only those Plans of Subdivision that conform to the following criteria:

- (a) The Plan of Subdivision conforms to the policies and land use designations of this Plan;
- (b) The Plan of Subdivision can be supplied with adequate services and community facilities;
- (c) The Plan of Subdivision shall not adversely impact upon the transportation system and the natural environment;

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 14 of 27**

---

- (d) The Plan of Subdivision can be integrated with adjacent lands and roadways; and,
- (e) The Plan of Subdivision shall not adversely impact municipal finances.”

As discussed in detail under the Provincial Policy Statement section of this report, the proposal does not comply with policy F.1.14.1.2 since the proposal is not consistent with the D-6 Guidelines and does not propose an appropriate minimum separation distance for a Class III facility.

With respect to criteria (b) and (c), the Applicant submitted a Hydrogeological Study for private services for the proposed lots. The study has been reviewed by Source Water Protection staff who are satisfied with the study subject to hydrogeological-related conditions for the Draft Plan of Subdivision. Should the Applications be approved, outstanding comments regarding the ground water conditions would need to be addressed to the satisfaction of the Hamilton Conservation Authority.

The Applicant has submitted a Scoped Environmental Impact Statement and General Vegetation Inventory to the City and the Hamilton Conservation Authority. Natural Heritage staff are satisfied with the proposal subject to the appropriate draft plan conditions.

The Applicant is required to address outstanding Engineering and Transportation Planning concerns regarding safe driveway access locations, as discussed under the Relevant Consultation section of this Report.

The proposal complies with criteria (d) as existing road connections provide future opportunities to extend municipal road access to the abutting easterly lands.

The proposal complies with criteria (e) as there are no additional financial implications to the City and there would be no cost sharing for any works required for the proposed plan of subdivision.

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 15 of 27**

---

Volume 2, Rural Settlement Area Plans

- “1.2.4 Development in Rural Settlement Areas shall proceed in accordance with the specific policies and designations for each Rural Settlement Area and subject to the following conditions:
- (a) Within the Rural Settlement Areas, development shall be of a height, density, area and nature to be compatible with the existing built environment;
  - (b) All development shall be required to obtain approval from the City for servicing. Any development shall be serviced in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services of Volume 1 of this Plan; and,
  - (c) The development shall comply with the Natural Heritage System Policies, Section C.2.0, Volume 1 of this Plan.
- 1.2.6 New residential development which is dependent upon a new public road or extension to an existing public road shall only proceed on the basis of a Plan of Subdivision; and,
- 1.3.1 On lands designated Settlement Residential, residential uses are limited to single detached dwellings and small scale residential care facilities. Small scale institutional uses may also be permitted in accordance with Policy A.1.3.6 of Volume 2.”

The proposal intends to develop the lands for a residential subdivision comprised of 18 lots fronting onto municipal roads and a stormwater management pond. Staff are satisfied that policy A.1.2.4 (c) of Volume 2 has been addressed as the Environmental Study submitted by the Applicant demonstrates no negative impacts to Core Areas. Staff find that the proposal does comply with the applicable noted policies above as the residential subdivision fronts onto municipal roads and adequate wastewater servicing and water supply is demonstrated through the review of the Hydrogeological Study, subject to the required draft plan conditions.

Greensville Rural Settlement Area Plan

- “A.3.5.5.3 The predominant form of residential development shall continue to be the single detached dwelling.



**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 16 of 27**

---

- A.3.5.5.4 Residential development in the Rural Settlement Area Plan area shall predominantly take place by registered Plan of Subdivision. Plans of Subdivision shall comply with the land use designations and policies of this Rural Settlement Area Plan. Infilling by the consent process may be permitted where the size and location of a property precludes it from being developed by Plan of Subdivision or in conjunction with another Plan of Subdivision and where it will not interfere with existing or future development.
- A.3.5.5.10 Where new residential development is proposed in proximity to industry including the existing aggregate heavy industrial use to the north, the proponent of the development shall consult with appropriate public agencies and carry out any necessary studies to determine if the proximity to such industry may be offensive to the enjoyment of property by existing and future residents, or impact on the operations or expansions of existing industrial users, by reason of emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter.
- A.3.5.5.11 In accordance with appropriate provincial regulations and guidelines, distance separations and/or warning clauses and any other measures identified in the reports may be required through the subdivision or consent approval process.
- A.3.5.14.2 Before a second phase of an additional maximum 12 lots shall be draft approved in each of the three Major Development Areas, the Province and the City shall be satisfied that there are no outstanding problems related to the servicing or impacts on surface or ground water created by Phase 1 and, that Phase 2 can proceed without causing any unacceptable impacts on the ground and surface waters. The modification or delay of development on one of the Major Development Areas shall not preclude Phase 2 from proceeding in other Development Areas. Phase 3 of development shall not occur until after the Comprehensive Servicing Study referred to in Sections A.3.5.5.1 and A.3.5.5.2 of Volume 2 of this Plan, has been completed and approved by the City in consultation with the Ministry of the Environment, the Niagara Escarpment Commission, the Ministry of Natural Resources and the Hamilton Conservation Authority.”

As stated above, the proposed residential subdivision comprised of 18 lots complies with Policy A.3.5.5.3. Although the built form is permitted, staff are not satisfied that the proposed subdivision complies with policy A.3.5.5.10 of Volume 2, which states that any new residential land uses will have to submit any studies required to provide

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 17 of 27**

---

confirmation that there will be no impact on the sensitive land uses from the existing industry. As noted previously, staff are not satisfied that the proposed mitigation would permit the reduction of the 300 metre separation distance identified in the D-6 Guidelines. Therefore, the current proposal does not comply with the RHOP.

To ensure that any subsequent development phases may proceed without servicing impacts on the surface or ground water, staff note that Policy A.3.5.14.2 of Volume 2, sets a 12 residential lot maximum between each of the three Major Development Areas. The maximum lot threshold is required. The Applicant proposes to develop 18 single detached dwellings as part of the Draft Plan of Subdivision. In order to meet the policies in the Official Plan, if the Applications were approved, a Holding Provision would be added to a portion of the Draft Plan of Subdivision to limit the amount of dwellings constructed until a Comprehensive Servicing Study has been completed and approved.

The proposal does not comply with all applicable RHOP Policies as the issue of land use compatibility has not been demonstrated.

**Town of Flamborough Zoning By-law No. 90-145-Z**

The subject property is currently zoned Settlement Residential “R2-14(H)” Zone, Modified – Holding. The Settlement Residential “R2-14(H)” Zone came into effect on December 21, 1992.

The “R2-14” Zone permits Single Detached Dwellings. A Zoning By-law Amendment has been requested to modify the existing site-specific zone provisions and remove the Holding Provision for the proposed residential subdivision. The Holding Provision currently existing on the subject property does not have any specific provisions required prior to removal.

The Applicant has requested that a site-specific provision to reduce the required lot frontage from 35 metres to 21 metres and reduce the required lot area from 8,000 square metres to 7,000 square metres for the proposed single detached residential lots.

**Zoning By-law No. 05-200**

The Zoning By-law Amendment Application proposes a change in zoning from the Settlement Residential “R2-14(H)” Zone, Modified – Holding to the Conservation/Hazard Land (P5) Zone to permit the stormwater management pond on the subject lands.

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 18 of 27**

---

## RELEVANT CONSULTATION

The following Departments had no comments or objections to the Applications:

- Public Works Department, Recreation Division, Asset Management Division and Landscape Architectural Services; and,
- Hydro One.

The following Departments and Agencies submitted the following comments:

Departments and Agencies		
Agency	Comment	Staff Response
Forestry and Horticulture, Public Works Department	<ul style="list-style-type: none"> <li>• A Tree Management Plan is required due to municipal assets identified on site;</li> <li>• A Landscape Plan is required in accordance with any subdivision agreement; and,</li> <li>• In accordance with the New Developments Tree Planting Policy, the City collects cash in lieu of trees for residential subdivisions; the Forestry and Horticulture Section will provide clearance of a Street Tree Planting condition upon receipt of a plan depicting new trees and a cash payment as shown in item 2.8 of the completed Subdivision Agreement.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Applications be approved, a Tree Management Plan and Landscape Plan will be required as conditions of Draft Plan of Subdivision.</li> </ul>
Growth Planning, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• That pursuant to Section 51(32) of the <i>Planning Act</i>, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>

---

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

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

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

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 19 of 27**

<b>Departments and Agencies</b>		
<b>Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Hamilton Public Health Services, Public Works Department	<ul style="list-style-type: none"> <li>The Applicant would need to submit a Dust Control Plan and a Pest Control Plan for the subject proposal.</li> </ul>	<ul style="list-style-type: none"> <li>Should the Applications be approved, the noted requirements would be addressed through the Draft Plan of Subdivision conditions.</li> </ul>
Hamilton Conservation Authority (HCA)	<ul style="list-style-type: none"> <li>The HCA provided initial comments on October 25, 2017 and a revised response on October 9, 2018. The HCA stated that additional information was required to update the Hydrogeological Study to address outstanding ground water comments. As well, additional information was required for the Functional Servicing and Stormwater Management Reports.</li> </ul>	<ul style="list-style-type: none"> <li>Should the Applications be approved, the requirements for a Hydrogeological Report, Functional Servicing Report and Stormwater Management Report are required to be addressed through Draft Plan of Subdivision conditions.</li> </ul>
Ministry of Environment, Conservation and Parks (MECP)	<ul style="list-style-type: none"> <li>MECP staff advised that the proponent should conduct a study in accordance with the direction provided in the MECP D-6 Guidelines;</li> <li>The City should require the proponent complete a study in accordance with the D-5 Guidelines to demonstrate the lands are capable of sustaining individual wells and septic systems;</li> <li>The scale and size of the by-product rendering facility would classify the site as a Class III facility under the D-6 Guidelines;</li> <li>A minimum 300 metre separation distance should be maintained from the property line of industrial use and the near residential lot proposed; and,</li> <li>Facilities are best positioned to confirm their classification as they fully understand their operations.</li> </ul>	<ul style="list-style-type: none"> <li>Staff required the proponent to undertake an Odour Impact Assessment for the subject lands, the results of which are discussed on page 7 of this report and attached as Appendix "D", "E" and "F" to Report PED22061.</li> </ul>

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

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

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

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 20 of 27**

<b>Departments and Agencies</b>		
<b>Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Source Water Protection, Public Works Department	<p>Source Water Protection staff are satisfied that the proposal meets the RHOP sustainable servicing principles. The following comments identified below, are recommended as conditions of Draft Plan of Subdivision, should the Applications move forward:</p> <ul style="list-style-type: none"> <li>• Groundwater quality sampling should include mandatory testing of free chlorine prior to the sample collection for bacteria. The concentration of free chlorine should be 0.00 mg/L in the water prior to sampling;</li> <li>• Water quantity testing should include a requirement ensuring that supply wells can sustain a daily water withdrawal of 2,250 L/day. The peak water withdrawal rate should be at least 19 L/min consistently for 120 minutes. The water level in the supply well should consistently recover to at least 95% of static prior to the next water withdrawal period (within 24 hours); and,</li> <li>• A pre- and post- development water balance should be completed to demonstrate that the proposed water re-infiltration measures can balance the water infiltration deficit upon development of the site.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Applications be approved, the groundwater quality and quantity testing would be addressed through Draft Plan of Subdivision conditions.</li> </ul>

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

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

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

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 21 of 27**

<b>Departments and Agencies</b>		
<b>Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Due to safety concerns for users of driveway accesses, staff are not supportive of Lots 9 and 10 proposed within a 90 degree turn and the Street "A" intersection;</li> <li>• The driveways for Lots 5, 6, 7 and 8 are to be located as far as possible from the intersection of Streets "A" and "B" and illustrated on the engineering drawings;</li> <li>• A temporary cul-de-sac for maintenance and emergency vehicles at the easterly terminus of Lower Street "A" (Lots 6 and or 7) is required;</li> <li>• The Applicant is to make the necessary arrangements to lift all 0.3 metres reserves;</li> <li>• Paved shoulders along both sides of the ROW are required to be a minimum of 2.0 metres and sidewalks at a minimum of 1.5 metres; and,</li> <li>• Outstanding revisions required to the Transportation Demand Management (TDM) Plan.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Applications be approved, technical details are required to be addressed through conditions of Draft Plan of Subdivision.</li> </ul>
Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• The proposal is eligible for waste collection service subject to meeting the City's requirement.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> </ul>
Infrastructure Planning, Growth Management Division, Planning and Economic Development Department	<p>The following comments are outstanding regarding the Functional Servicing/Stormwater Management Report:</p> <ul style="list-style-type: none"> <li>• The erosion control criteria should be verified between the Mid Spencer/Greenville Rural Settlement Area Subwatershed Study and Functional Servicing Report.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Applications be approved, engineering requirements would be addressed through the Draft Plan of Subdivision conditions</li> </ul>

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

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

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

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 22 of 27**

<b>Departments and Agencies</b>		
<b>Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Infrastructure Planning, Growth Management Division, Planning and Economic Development Department <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• Clarification is required regarding the storm storage reduction in consideration with the reduction in imperviousness surface;</li> <li>• Clarification is required to ensure post development peak flows are consistent with the hydrologic model parameters;</li> <li>• Clarification is required on how the water balance target for each lot will be satisfied;</li> <li>• The FSR/SWM Report should be revised to include a sensitivity assessment utilizing different storm distributions (Hydrological Model); and,</li> <li>• The Preliminary Grading Plan &amp; Post Development Drainage Plan should include a cross-section of the existing easement south of the pond to demonstrate conveyance of post-development Regional flows.</li> </ul>	
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>The Development Engineering staff provided initial comments on October 25, 2017 and revised comments on December 10, 2018. The following revisions are required:</p> <ul style="list-style-type: none"> <li>• Written Consent and/or internal agreement with the existing development to the south (Spencer Creek Estates) is required to address maintenance/cleaning and sedimentation removal from existing culverts, roadside ditches, road, etc. during construction activities.</li> <li>• A revision to the Draft Reference Plan is required to verify whether the existing Guy Wires/ Radio Towers will be removed or if an easement is proposed for Maintenance Access.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the Applications be approved, engineering requirements would be addressed through the Draft Plan of Subdivision conditions.</li> </ul>

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

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

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

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 23 of 27**

<b>Departments and Agencies</b>		
<b>Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• A revision to the Draft Reference Plan is required to show a temporary turning circle at the east end of Street "A" for servicing truck movements;</li> <li>• A revision to the Draft Reference Plan is required to provide an adequate curve radius for Street "A" along Lots 9, 10, 11, and Block 19, and along Lots 14 and 15. Asphalt width must extend to a minimum of 9.0m at a 90° road bend;</li> <li>• The 1.15m high retaining wall at the east limit of Street "A" should be eliminated; and,</li> <li>• The Geotechnical Report specifies minimum criteria for road pavement design parameters that are not consistent with City standards.</li> </ul>	

<b>Public Consultation</b>		
Rothsay, a Division of Darling International Canada Inc.	<ul style="list-style-type: none"> <li>• In a letter, Rothsay expressed interest in the zoning amendment and subdivision Applications being the owner-operators of a large-scale meat rendering facility located at 880 Highway 5 West.</li> <li>• The owner referenced that the existing industrial operation would classify the Dundas Plant as a Class III facility under the Ministry of Environment, Conservation and Parks' D-6 Guidelines, which requires a 1,000m area of influence and 300m separation distance.</li> <li>• The owner requested that the City consider a minimum 300 metre separation distance to ensure no sensitive uses are permitted within this area.</li> </ul>	<ul style="list-style-type: none"> <li>• As discussed under the Provincial Policy Statement section of this Report, staff find the Odour Impact Assessment and subsequent response memorandums are not conclusive in demonstrating that the minimum separation distance can be reduced. Staff are not in support of the Applications.</li> </ul>

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

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

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



**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 24 of 27**

<b>Public Consultation</b>		
Rothsay, a Division of Darling International Canada Inc. <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• In a letter, Rothsay requested that City staff advise the Applicant to revise their Environmental Noise Analysis to include night hours to address the 24 hour/day operation of the Rothsay facility;</li> <li>• Rothsay recommended the City reconsider Warning Clauses registered on title to inform future residents of odour impacts;</li> <li>• Rothsay retained Ramboll Environmental and Health (Ramboll) to peer review the technical accuracy of the Odour Impact Assessment Reports prepared by Ortech Consulting;</li> <li>• Ramboll advised that the nature and scale of the existing industrial use is considered a Class III facility regardless of the mitigation measures implemented;</li> <li>• Ramboll confirmed that the D-6 Guidelines states separation distances are measured between property lines of the industrial and sensitive uses and not the emission stack of the Rothsay facility; and,</li> <li>• The Applicant's suggested mitigation measures of a noise barrier and tree plantings will not reduce the odour impacts</li> </ul>	

## **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 45 property owners within 120 m of the subject property on August 28, 2017 and a revised circulation was sent out on December 6, 2017. A Public Notice sign was posted on the property on September 11, 2017. A Notice of Public Meeting was mailed to 45 adjacent property owners on April 7, 2022. A Notice of Public Meeting was published in the Hamilton Spectator on April 7, 2022 in accordance with the

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

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

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

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 25 of 27**

---

requirements of the *Planning Act*. Two responses were received as a result of the public consultation circulation that are summarized in the table above and are attached as Appendix “G” to Report PED22061.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

- 1) The proposal does not have merit and cannot be supported for the following reasons:
  - (i) The proposal is not consistent with the Land Use Compatibility policies under the Provincial Policy Statement (2020) and the Ministry of Environment, Conservation and Parks’ D-6 Guidelines and Noise Guidelines (NPC-300). The proposal does not demonstrate that the proposed residential uses would be compatible with the existing Class III facility and the proposed noise mitigation measures were not satisfactory;
  - (ii) The proposal is not consistent with the Growth Plan for the Greater Golden Horseshoe (2020), where the development of sensitive uses must avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial uses;
  - (iii) The proposal is not consistent with the Greenbelt Plan (2017). Lands identified as Hamlets in the Protected Countryside are subject to the policies of the Growth Plan and the official plan of the governing municipality;
  - (iv) The proposal does comply with criteria relating to matters of health, safety and welfare of the present and future inhabitants as per Section 51(24) of the *Planning Act*; and,
  - (v) The proposal does not comply with the Settlement Residential policies under the Greensville Rural Settlement Area Plan as the proposed residential uses would not be compatible with the existing Class III industrial facility.
  
- 2) As discussed in the D-6 Guidelines: Compatibility Between Industrial Facilities and the Rural Hamilton Official Plan sections of the report, staff are not in support of the proposal for the following reasons:
  - (i) The proposed separation distance does not meet the Ministry of Environment, Conservation and Parks’ Guidelines D-6 – Compatibility Between Industrial Use. Based on the review conducted by the City’s peer

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 26 of 27**

---

reviewer, Rothsay is to be classified as a Class III facility that requires a minimum separation distance of 300 metres'

- (ii) The proposed residential subdivision does not provide appropriate noise mitigation measures; and,
  - (iii) The proposed residential subdivision has unresolved safety concerns regarding the proposed driveways of Lots 9 and 10 that limit vehicle and pedestrian sightlines at the intersection of two roadways.
- 3) The residential development is proposed on 15.5 hectares, where the Application of the 300 metre minimum separation distance would result in approximately  $\pm 5.3$  hectares of land available for potential residential development. A general estimate completed by staff has determined that approximately four residential lots could be developed outside of the 300 metre minimum separation distance based on the Applicant's submitted Concept Plan. It is opinion of staff that the minimum separation distance in the D-6 Guidelines should be applied, therefore the portion of the subject lands determined as incompatible with the adjacent industrial should not be developed into residential lots.

### **ALTERNATIVES FOR CONSIDERATION**

- 1) If the proposed Zoning By-law Amendment and Draft Plan of Subdivision are approved, staff should be directed to prepare a Draft Zoning By-law Amendment and Draft Plan of Subdivision conditions that implement the proposed Concept Plan attached as Appendix "B" to Report PED22061.
- 2) Alternatively, a partial Zoning By-law Amendment may be considered for the east portion of the subject lands that is located outside the 300 metre minimum separation distance required under the D-6 Guidelines as shown on Appendix "C" attached to Report PED22061. A revised Draft Plan of Subdivision Application would be required for any revised reconfiguration.

### **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

**SUBJECT: Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) - Page 27 of 27**

---

### **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.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22061 - Location Map

Appendix "B" to Report PED22061 - Proposed Draft Plan of Subdivision

Appendix "C" to Report PED22061 - Minimum Separation Distance

Appendix "D" to Report PED22061 - Odour Impact Assessment Peer Review Technical Memorandums

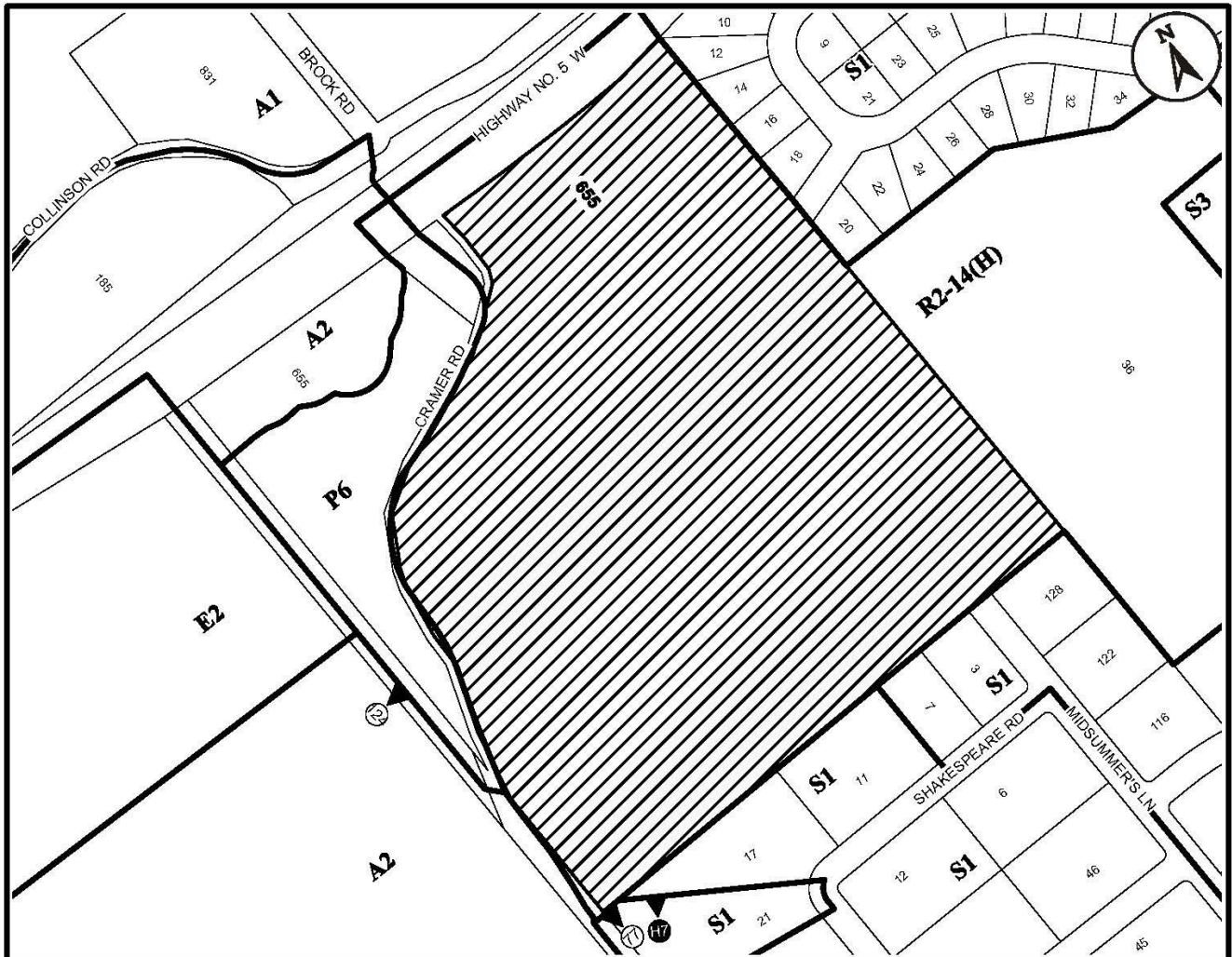
Appendix "E" to Report PED22061 - Summary of Odour Impact Assessment Peer Review

Appendix "F" to Report PED22061 - Correspondence - MOECP staff

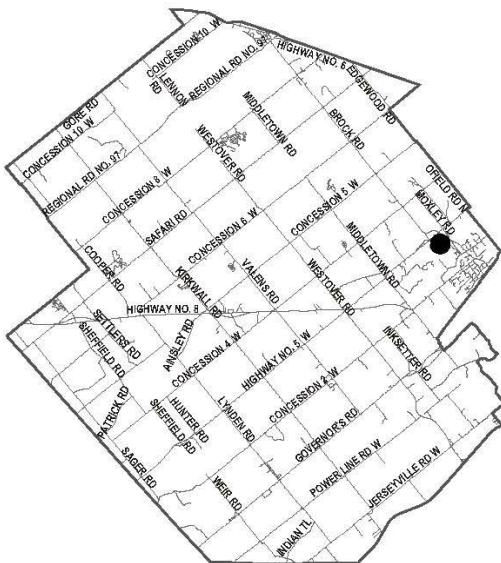
Appendix "G" to Report PED22061 - Public Comments

AB:sd

Appendix "A" to Report PED22061  
Page 1 of 1



● Site Location



Key Map - Ward 14

N.T.S.



## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-064 & 25T-201710

Date:  
August 18, 2017

Appendix "A"

Scale:  
N.T.S.

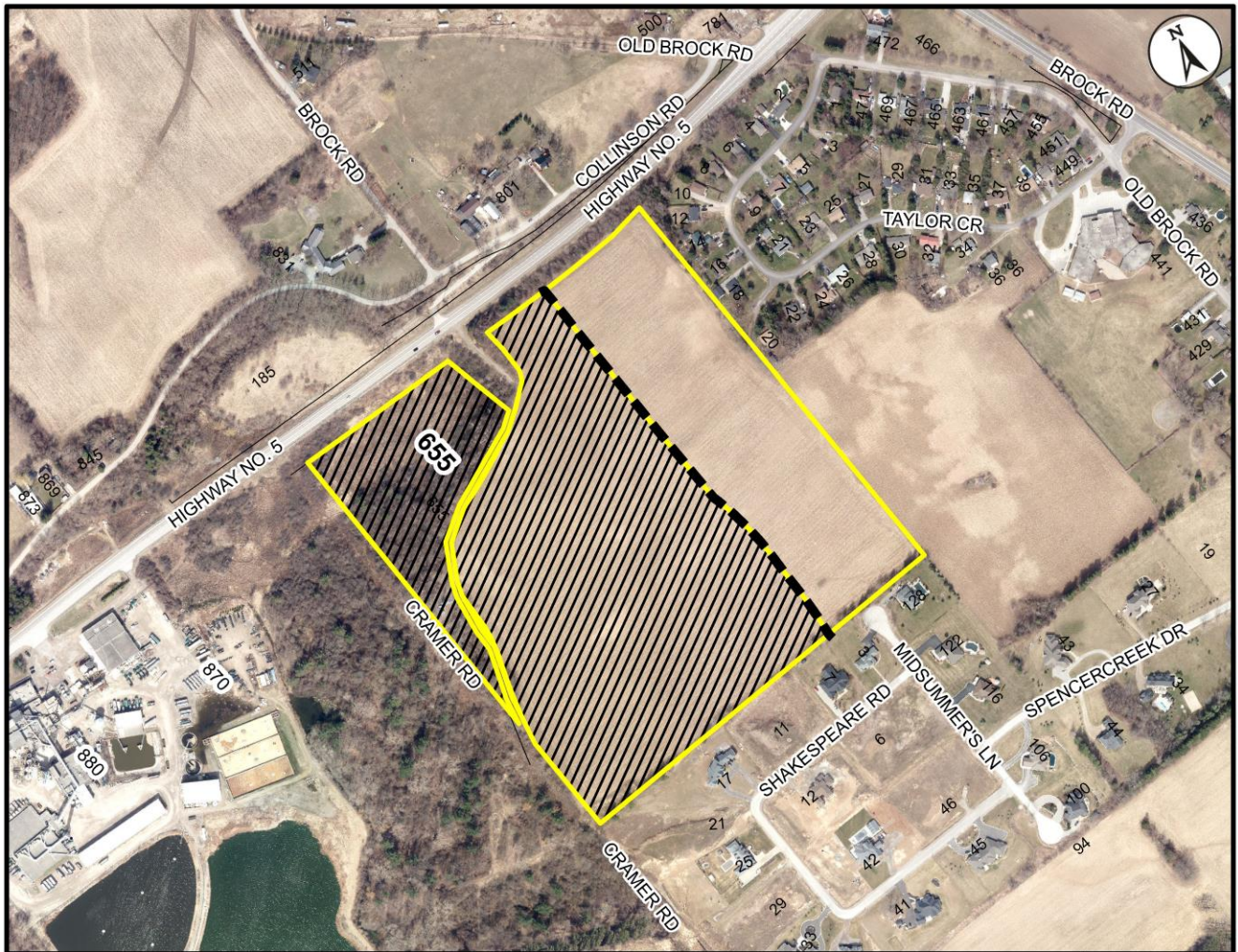
Planner/Technician:  
AB/AL

### Subject Property

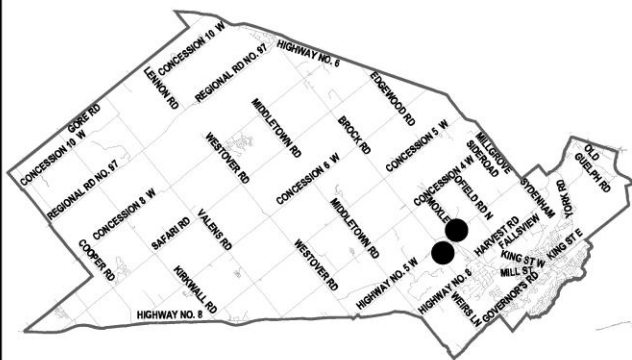


655 Cramer Road





● Site Location



Key Map - Ward 13

Minimum Separation Distance



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-064

Date:  
February 15, 2022

Appendix "D"

Scale:  
N.T.S

Planner/Technician:  
AB/NB

Subject Property

655 Cramer Road, Flamborough, (Ward 13)

No Development Zone

300 m setback



## TECHNICAL MEMORANDUM

**DATE** March 08, 2021 **Project No.** 20145065

**TO** Alaina Baldassarra  
City of Hamilton - Planning and Economic Development Department

**CC** Katherine Armstrong

**FROM** Roy Sabino **EMAIL** roy\_sabino@golder.com

### **GOLDER ASSOCIATES LTD. REPLY TO ORTECH CONSULTING LTD.**

### **RESPONSES TO GOLDER ASSOCIATES LTD. PEER REVIEW OF AIR QUALITY STUDIES – 655 CRAMER ROAD, HAMILTON, ONTARIO**

The City of Hamilton (the City) retained Golder Associates Ltd. (Golder) to conduct a peer review of an Odour Impact Assessment report prepared for a proposed development to be located at 655 Cramer Road, Flamborough, Ontario (the Proposed Development) prepared by ORTECH Consulting Inc. (ORTECH) as part of an application for a zoning by-law amendment to develop current agricultural lands with a proposed residential subdivision consisting of single-family detached houses – zoning by-law application No. ZAC-17-064.

The documents reviewed included the following:

- 1) Odour Impact Assessment, ORTECH Consulting Inc. Report No. 26422 dated June 12, 2018 (2018 OIA);
- 2) Peer review from Rubidium Environmental Inc. dated December 21, 2018 (2018 PR);
- 3) Peer review from Rubidium Environmental Inc. dated and February 12, 2019 (2019 PR);
- 4) Additional Odour Impact Assessment, ORTECH Consulting Inc. Report No. 26422-2 dated February 05, 2020 (2020 OIA).

The peer review was completed on July 28, 2020. ORTECH provided responses to Golder's peer review comments in the following document:

- 5) Letter addressed to City of Hamilton "Re: Response to the Golder Associates Technical Memorandum "Review of Air Quality Assessment – 655 Cramer Road, Hamilton, Ontario" – ORTECH Reference #26422-3 November 17, 2020 (Response to Golder).

As previously mentioned, Golder's peer review was limited to the completeness of the methodology, findings, recommendations and use of applicable standards/guidelines. Golder's review did not include verifying or reproducing any of the detailed calculations and modelling files.

Upon review of ORTECH's most recent responses, Golder concludes that the additional information provided is insufficient to support the conclusions that the Proposed Development is considered compatible with the neighbouring industries and that the proposed mitigation measures are not adequate with respect to controlling odour emissions. In particular, it is identified that the main source of emissions from the facility is the main stack, but the mitigation measures identified are anticipated to be more effective for fugitive and/or low level sources.



As identified in the previous peer reviews, more detailed dispersion modelling is requested to confirm the frequency at which the 1 OU/m<sup>3</sup> guideline is exceeded. If the site-specific dispersion model and/or source testing data is not available from Rothsay, it is understood that a representative model could be developed based on source parameters identified in the Environmental Compliance Approval for the site and emission information from similar operations.

It is Golder's professional opinion, that given the history of odour complaints at existing sensitive receptors, odour observations made during site visits and the location of the Proposed Development, directly downwind of a meat rendering facility, there is insufficient evidence to confirm that that the proposed mitigation efforts would be adequate in mitigating odour impacts to the Proposed Development without additional dispersion modelling to confirm otherwise.

We trust that Golder has met your needs at this time. Please do not hesitate to contact us if you have any questions or require further information.

**Golder Associates Ltd.**



Roy Sabino, B.S.ChE.  
*Air Quality Consultant*



Katherine Armstrong, M.Sc.  
*Air Quality Specialist*

RS/KSA/ng



## TECHNICAL MEMORANDUM

**DATE** July 28, 2020 **Project No.** 20145065

**TO** Alaina Baldassarra  
City of Hamilton - Planning and Economic Development Department

**CC** Katherine Armstrong

**FROM** Roy Sabino **EMAIL** roy\_sabino@golder.com

### REVIEW OF AIR QUALITY ASSESSMENT – 655 CRAMER AVENUE, HAMILTON, ONTARIO

#### EXECUTIVE SUMMARY

The City of Hamilton (the City) retained Golder Associates Ltd. (Golder) to conduct a peer review of an Odour Impact Assessment report prepared for a proposed development to be located at 655 Cramer Road, Flamborough, Ontario (the Proposed Development) prepared by ORTECH Consulting Inc. (ORTECH) as part of an application for a zoning by-law amendment to develop current agricultural lands with a proposed residential subdivision consisting of single-family detached houses – zoning by-law application No. ZAC-17-064.

The peer review approach consisted of the following activities:

- 1) reviewing the methodology of the assessments;
- 2) reviewing proposed mitigation measures;
- 3) providing comments and findings on any identified shortcomings and implications; and
- 4) confirming sufficient work has been conducted and proper protocols have been used.

Golder's review was limited to the completeness of the methodology/findings/recommendations and use of applicable standards/guidelines. Golder's review did not include verifying or reproducing any of the prediction modelling or supporting calculations.

Golder agrees with the general methodologies used to assess environmental air quality and odour impact criteria; however, further information is required to confirm the compatibility of the proposed residential land use with the neighbouring meat rendering facility, the Rothsay Dundas Plant (Rothsay).

## INTRODUCTION

Golder Associates Ltd. (Golder) was retained by the City of Hamilton (the City) to conduct a peer review of an Odour Impact Assessment report prepared for the proposed development at 655 Cramer Road, Flamborough, Ontario (the Proposed Development). The documents reviewed include the following:

- 1) Odour Impact Assessment, Ortech Consulting Inc. Report No. 26422 dated June 12, 2018 (2018 OIA);
- 2) Peer review from Rubidium Environmental Inc. dated December 21, 2018 (2018 PR);
- 3) Peer review from Rubidium Environmental Inc. dated and February 12, 2019 (2019 PR);
- 4) Additional Odour Impact Assessment, Ortech Consulting Inc. Report No. 26422-2 dated February 05, 2020 (2020 OIA).

The documents described above were reviewed by Golder to answer the following questions:

- Are the methodologies used in the investigation sound and are the findings supportable and in compliance with the Ministry of the Environment, Conservation and Parks (MECP) air quality regulations?
- Are there any serious shortcomings with the investigations that were undertaken, and the findings contained in the reports? If so, what are the shortcomings and the rationale of the shortcomings?
- Has sufficient work been conducted to provide assurance that all sources of air emissions have been identified and investigated, proper protocols have been used, and sufficient information has been collected to support the conclusions of the study?
- Will the proposed mitigation measures adequately address the potential air quality/odour impacts and/or are there additional mitigation measures that need to be considered and/or incorporated into the design of the development?

The following sections provide a summary of Golder's responses to the questions above. Golder's review was limited to the completeness of the methodology/findings/recommendations and use of applicable standards/guidelines. Golder's review did not include verifying or reproducing any of the odour monitoring and/or prediction dispersion modelling.

## BACKGROUND

The Proposed Development covers approximately 15.5 hectares (ha) in area and is located just south of Highway No. 5 and to the east of Cramer Road. The land is described as Part of Lot 7, Concession 2 in the Township of West Flamborough, City of Hamilton. The current zoning by-law amendment application seeks permission to redevelop the lands with a proposed residential subdivision consisting of single-family detached houses.

The location of the Proposed Development is shown below in Figure 1. There are three (3) prominent industrial facilities in the vicinity of the Proposed Development land, just south of Highway No. 5. These are the Rothsay Dundas Plant (Rothsay) to the west; and Lafarge Canada and Carmeuse Dundas facilities to the east of the Proposed Development land, as shown in Figure 1. There are also several smaller scale industrial facilities to the north of the Proposed Development land and a closed landfill site to the east. The Proposed Development Site is generally located in an area categorised by agricultural, residential, and recreational land. Existing residential land use is present to the south and east.

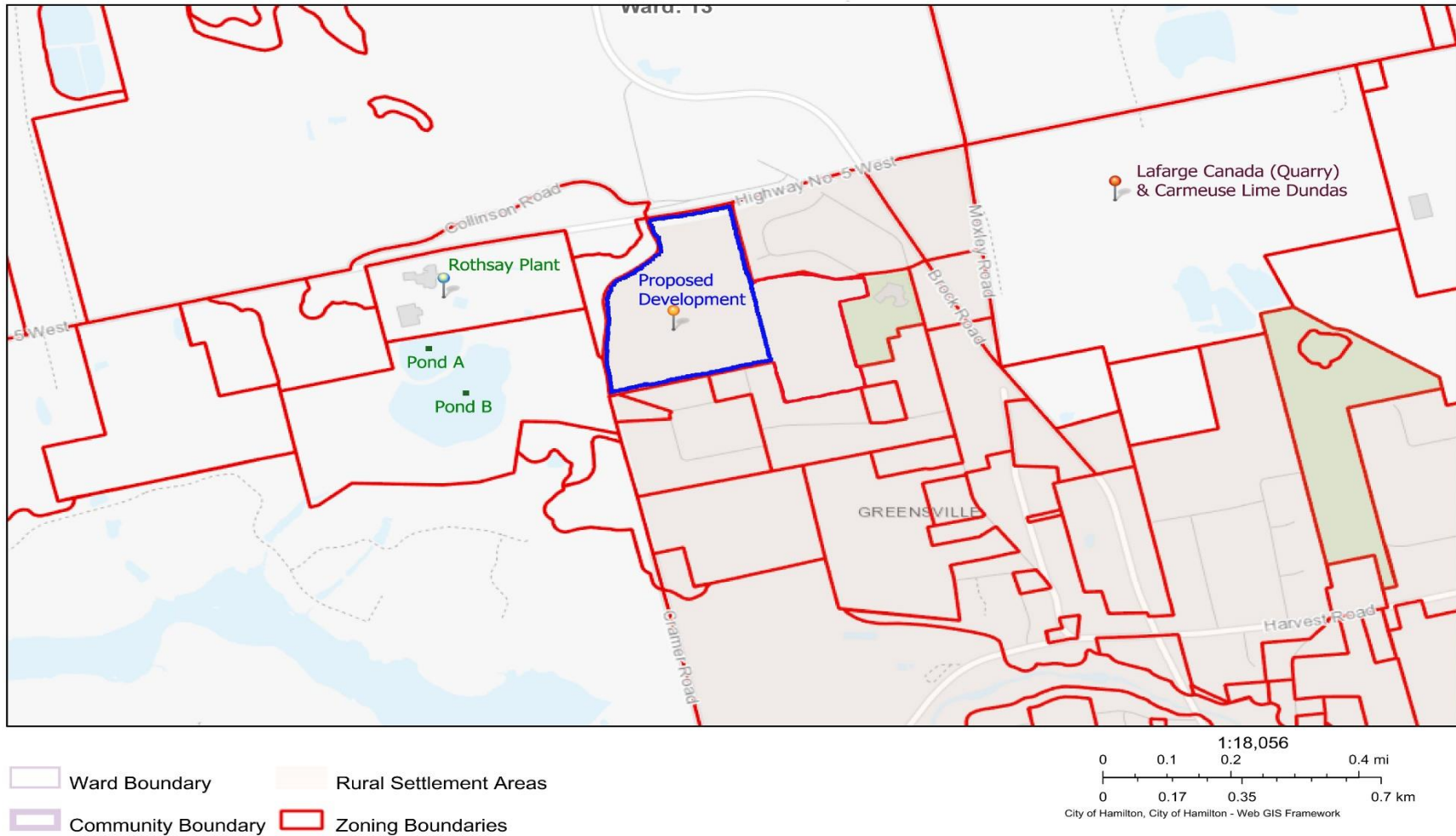


Figure 1: The Proposed Development Area Location

## ODOUR IMPACT ASSESSMENT REVIEW

### Methodology

The 2018 OIA includes the identification of existing industrial land uses within 1 km of the Proposed Development. A total of seven (7) facilities which were classified using Ministry of Environment, Conservation and Parks (MECP) D-series guidelines to determine compatibility between the Proposed Development and nearby land uses. The following guidelines were used to identify "Potential Influence Areas":

- Guideline D-1: "Land Use Compatibility";
- Guideline D-4: "Land Use on or near Landfills and Dumps; and
- Guideline D-6: "Compatibility between Industrial Facilities".

The purpose of the D series guidelines is to provide guidance on the separation distance between a sensitive land use and an industrial facility. Separation distances are defined as the shortest distance between the industrial facility property line and sensitive land property lines. "Potential Influence Areas" are defined in Guideline D-6 as the areas within which adverse effects, such as odour emissions, may be experienced from industrial land uses.

The 2018 OIA identifies that the Proposed Development is outside the "Potential Area of Influence" for six (6) of the seven (7) industrial facilities. These six (6) facilities are considered to be a compatible land use with the Proposed Development and were screened out from further assessment (see summary in Table 1, below). The methodology used to identify neighbouring industrial facilities and their potential influence areas is consistent with the MECP D-series guidelines. Guideline D-4 methodology was used to assess potential odour emissions from a closed small landfill site (Redland Brow), which recommends a minimum separation distance of 30 m from any new land development.

An additional facility was identified by Rubidium who completed an initial Peer review in 2018. Carmeuse Lime Dundas (lime processing) is a facility currently operating within the Lafarge Canada Quarry, which was not identified in 2020 OIA report and could potentially have significant odour impacts as part of their normal operations, however, Golder could not verify if the actual separation distance is greater than the Potential Influence Area from the Proposed Development, due to uncertainty of a defined property line inside the Quarry.

A summary of the screening assessment in the 2018 OIA report is presented below in Table 1.

**Table 1: Summary of Industrial Facilities Identified and comparison of Separation Distance from Proposed Development to Potential Influence Area, as assessed by ORTECH**

Address	Company Name	Guideline	ORTECH Classification	Potential Influence Area [m]	Actual Separation Distance from Proposed Development [m]	Actual Separation Distance Greater than Potential Influence Area?	Further Assessment Required?
880 Highway No.5 West	Rothsay Dundas Plant	D-6	Class III reassigned to Class II	300	180	No	Yes
628 Highway No.5 West	Lafarge Canada	D-6	Class III	1000	590	No	No
600 Highway No.5 West	Carmeuse Lime Dundas	D-6	Class III	1000	To be confirmed	---	---
447 Moxley Road	Heron Instruments	D-6	Class I	70	520	Yes	No
400 Brock Road	Hino of Hamilton	D-6	Class I	70	600	Yes	No
400 Brock Road, Unit 5	Paull Rodrigue Glass Blowing	D-6	Class I	70	600	Yes	No
801 Collinson Road	Morden's Organic Farm Store	D-6	Class I	70	70	Yes	No
447 Moxley Road	Redland Brow Landfill	D-4	N/A	500	530	Yes	No

Note: Carmeuse Lime Dundas was not included in the 2018 or 2020 OIA reports.

The 2018 OIA report states that the six (6) of the seven (7) industrial facilities identified, are expected to be compatible with the Proposed Development, in ORTECHs opinion any significant odorous emissions from these facilities would be low and localized, not likely to cause an odour impact at the Proposed Development. As shown in Table 1 above, only the Lafarge Canada quarry is located within a Potential Influence Area (1km), however, quarry operations are not typically a source of odour.

Golder agrees with ORTECHs conclusion, that the six (6) facilities identified in Table 1 are unlikely to result in significant odour impacts to the Proposed Development, based on their location and the types of odour sources present. However, further information is required for the Carmeuse Lime Dundas facility to confirm the location of the property boundary. This is particularly relevant as this facility has tall stacks over 10 m above grade.

The remaining facility that cannot be screened out using D6 guidelines is the Rothsay Dundas Plant. It is identified by ORTECH as one of the largest animal rendering plants in North America. The plant uses steam to render animal by-products from packing plants butchers, grocers and restaurants into fats and proteins which are used in the production of animal feed, fuel, and fertilizer. Emission sources include a 45 m tall exhaust stack from their biological oxidation system. The facility operates under an amended Environmental Compliance Approval (ECA) Reference No. 6340-8QPTWM, dated February 28, 2012, for air and noise emissions.

Golder understands that the operations at the Rothsay Dundas Plant take place across two (2) adjacent (north/south) properties, located to the west of the Proposed Development (Figure 1). The southern property contains two (2) wastewater settling ponds (Pond A & B) and is adjacent to the Proposed Development. The 2018 OIA report states that the separation distance between Rothsay property and the Proposed Development is 180m. It is unclear how this was calculated as there appears to be zero (0) separation distance at certain locations along the property boundary. This would be significantly less than the minimum separation distance specified in Guideline D-6, for Class II and Class III facilities.

ORTECH states that Rothsay Dundas Plant should be treated as a Class II facility pertaining to odour emissions, as per Guideline D-6, which results in a suggested minimum separation distance of 70 m and a potential influence area of 300 m. ORTECH states that the rationale for classifying the Facility as Class II, rather than Class III is the implementation of mitigation measures at the Rothsay Plant to reduce the odour impacts, including the installation of a wastewater treatment plant and a biofilter odour control system (Main Stack). Golder acknowledges that a facilities classification under Guideline D-6 can be lowered through mitigation, provided the mitigation reduces the probability of odour impacts is reduced to low. However, based on correspondence between City of Hamilton and MECP and copies of correspondence from Rothsay, both advise that the Facility should be considered Class III.

To further assess the compatibility of the Proposed Development and the Rothsay Dundas Plant, two different activities were carried out by ORTECH:

- 1) Odour Monitoring; and
- 2) Review of existing Odour Dispersion Modelling.

Odour Monitoring was completed on five (5) different days in May/June 2018 and at 6 different locations within the Proposed Development lands. Odour measurements were taken on days when the winds were from the WNW and/or NW i.e. when the proposed Development Lands are downwind of the Rothsay Dundas Plant. On each day measurements were taken within less than a 1-hour period. While the measurements may provide an indicator of typical odours from the plant at the time of measurement, no information is known about whether the Rothsay Dundas Plant was operating under normal conditions during these periods. In Golder's experience working for rendering plants, the most odorous activities often occur for short periods, such as during Offal waste pick up. At which times, the odour emissions may be significantly more intense than usual.

As part of this peer review, Golder also completed a site visit on July 3<sup>rd</sup>, 2020 to witness potential odours around the area of Proposed Development. Distinct odours, characterised as "Dead Meat", were detected directly downwind of the Rothsay plant, at Taylor Crescent and Old Brock Road intersection. Slightly less distinct odours were present at the north end of Cramer Road and at the north end of Midsummers Lane.

ORTECH reviewed the existing odour modelling that has been completed for the Rothsay Dundas Plant for 2016-2018 source testing. The reports include contour plots of predicted odour concentrations, which were used to extract maximum predicted concentrations at the Proposed Development. It is assumed that these reports provide ground level concentrations only. If the proposed Development includes buildings greater than a single storey, maximum predicted concentrations at each story should also be calculated to represent openable window locations.

## Impacts and Exceedances

A summary of the predicted odour concentrations at the Proposed Development, extracted from contour plots included in Rothsay's Source test modelling are presented in the 2020 OIA and compared to odour conditions listed in the ECA for the Rothsay Facility.

The ECA for the site identifies two performance conditions associated with predicted odour emissions from the Facility:

- Condition 4 – the maximum predicted odour concentration at the most impacted sensitive receptor, must not exceed 5.0 OU/m<sup>3</sup> (odour units), expressed as a 10-minute average value.
- Condition 5 – as part of the facility Control and Implementation Plan, the maximum objective odour concentration at the most impacted sensitive receptor is 1.0 OU/m<sup>3</sup>, expressed as a 10- minute average value.

The 2020 OIA report states that for the 2016-2018 odour source test modelling, the most impacted sensitive receptor (already in existence) was indicated to be R19, which is located on Shakespeare Road, near the Southern Boundary of the Rothsay Plant. The maximum predicted odour concentration at this location ranged between 0.63 to 2.3 OU/m<sup>3</sup>. While it is acknowledged that this value is below the Condition 4 criteria of 5 OU/m<sup>3</sup>, it is above the target objective of 1 OU/m<sup>3</sup>. The frequency at which the predicted concentration of odour exceeds the target concentration of 1 OU/m<sup>3</sup> is stated to be 0.54% of the time.



The 2020 OIA states that based on a review of the contour plots, the maximum predicted odour concentration at the Proposed Development lands is estimated to be in the range of 0.8 to 2.2 OU/m<sup>3</sup>. No information is available for the frequency of exceedance above 1 OU/m<sup>3</sup>. Therefore, it is unclear whether the introduction of the new development would pose additional burden on the Rothsay Dundas Plant to achieve the target 1 OU/m<sup>3</sup> at the Proposed Development, in addition to any actions required to achieve the target odour guideline at existing sensitive receptors. Similarly, while it is acknowledged that the complaints have not been received from the R19 receptor recently, this is an established land use where the residents are predisposed to existing odour concentrations. New residents of the Proposed Development would be expected to be more sensitive to odour concentrations, potentially causing the number of odour complaints to increase. The Ontario odour guideline of 1 OU/m<sup>3</sup> is the level at which approximately 50% of the population can detect an odour. It does not take into account perceived offensiveness of the odour. Throughout the on-site observations when odours are observed they are described as "deadstock". As a result, while it is appreciated that the odours may not always be observed, when they are, they are likely to be of an unpleasant nature and considered a nuisance.

As mentioned in the 2020 OIA report, the Rothsay Plant tracks all odour complaints, which are presented in Table 4 - Rothsay Environmental Reports. As per Rubidium's suggestion in the 2019 PR, ORTECH contacted the MECP to enquire about historical odour complaints from the Rothsay plant, which are presented in Table 3 - MECP Incident Reports for Rothsay, the table shows three (3) reported odour incidents in 2018, however Table 4 shows no information regarding the number of odour complaints received by the Facility during the 2018 reporting year. In addition, no information is provided if any odour complaints were received for any other businesses in the area.

## Mitigation Proposed

The proposed mitigation measure for odour emissions include the use of a warning clause on the Title and purchase agreement for the property; and the erection of a barrier between 2 to 5.8 metres high along the western property boundary of the Proposed Development. A figure showing the barrier location is available in Appendix 12 of the 2020 OIA report.

While the barrier may provide some assistance with reducing predicted concentrations of odours resulting from ground based fugitive sources at the Proposed Development, as stated in the ORTECH report, emissions from these sources are negligible when compared with odour emissions from the main stack. The main stack at the Rothsay plant is 45 m above grade and contributes approximately 87% of the total odour emissions from the facility, Golder's professional opinion is that this barrier would be completely ineffective at mitigating odour impacts from the main stack to the Proposed Development.

While these mitigation measures may help reduce the likelihood of a nuisance complaint to some extent, there is still potential for odour to be a nuisance based on the submitted information. Meat processing facilities have a history of attracting complaints from the public due to the offensive odours associated with their operations. For example, the Quality Meat Slaughterhouse in downtown Toronto was recently forced to close due to odour complaints from new residents. While it is appreciated that the scale of operations at the Facility is different, the impact of nuisance complaints on existing industry can be significant.

## Identified Shortcomings and Implications

The assessment of odour is limited to odour observations and measurements that were made during four site visits of under 1 hour and these are only representative of conditions during the measurement period. No information is known about site operations at the time of the measurements.

The 2018 and 2020 OIA state that there are existing residences in closer proximity to Rothsay Dundas Plant as the Proposed Development. Golder agrees with this statement, although it should be noted that the Proposed Development is located to the east of the plant, whereas the existing closest receptors are located to the North. Based on the Windrose provided in the 2018 OIA, The Proposed Development is downwind (NW, WNW and W winds) of the Rothsay plant approximately 35% of the time, whereas the receptors to the north (N winds) are downwind of the plant approximately 5% of the time.

Finally, the analysis of the air dispersion modelling of the Rothsay facility indicates that the maximum predicted odour concentrations at the Proposed Development are less than those at existing sensitive receptors, however they are still indicated to exceed the target odour limit of 1 OU/m<sup>3</sup> and no information is provided about the frequency of exceedance at the Proposed Development. Given that the Proposed Development will be introducing additional sensitive receptors with predicted odour concentrations greater than the target odour guideline of 1 OU/m<sup>3</sup>, and located in a different wind direction than the existing sensitive receptors, the proposed development may be introducing additional environmental burden on the existing industry.

## Proposed Recommendations and Actions

In completing the peer review of the Odour Impact Assessment prepared by ORTECH in relation to the application for a zoning by-law amendment to develop current agricultural lands, with a proposed residential subdivision consisting of single-family detached houses at 655 Cramer Road, Flamborough. Golder concludes that additional information is needed to support the conclusions that the Proposed Development is considered compatible with the neighbouring industries and that the proposed mitigation measures are suitable with respect to controlling odour emissions.

In particular:

- More detailed dispersion modelling to confirm the frequency at which 1 OU/m<sup>3</sup> is exceeded at the Proposed Development, compared to existing receptors.
- Further details are required to confirm the proposed mitigation would be adequate in mitigating odour impacts at the Proposed Development;
- If information is available, 2019 (and 2020) odour source test results should be incorporated into the assessment.

## CONCLUSION

Golder has reviewed ORTECH's Odour Impact Assessment report for the Proposed Development. Overall, Golder agrees with the general methodologies used to assess and odour, however, as per the MECP guidance Rothsay should be classified as a Class III facility, regarding odour emissions. Its Golder's professional opinion, that given the history of odour complaints at existing sensitive receptors, odour observations made during site visits and the location of the Proposed Development, directly downwind of a meat rendering facility, there is insufficient evidence to confirm that that the proposed mitigation would be adequate in mitigating odour impacts to the Proposed Development.

It is recommended that further clarification be provided on the items discussed above.

## LIMITATIONS

As indicated in the technical memorandum, this peer review was based on the two Odour Impact Assessment reports prepared by ORTECH for the proposed development at 655 Cramer Road, Flamborough, ON. and provided to Golder by the City of Hamilton. Golder has prepared this technical memorandum in a manner consistent with that level of care and skill ordinarily exercised by members of the engineering and science professions currently practicing under similar conditions in the jurisdiction in which the services are provided, subject to the time limits and physical constraints applicable to this technical memorandum. No other warranty expressed or implied is made.

Physical sampling of atmospheric emissions was not completed as part of the scope of work.

This technical memorandum was prepared for the exclusive use of the City of Hamilton. Persons other than the City of Hamilton using this technical memorandum or observations, or conclusions stated within, may do so at their own discretion.

Roy Sabino, B.S.ChE.  
*Air Quality Specialist*

Katherine Armstrong, M.Sc.  
*Air Quality Specialist*

RS/KSA/ng

[https://golderassociates.sharepoint.com/sites/128495/project files/6 deliverables/20145065-tm-rev0 hamilton peer review 655 cramer rd 28jul2020.docx](https://golderassociates.sharepoint.com/sites/128495/project%20files/6%20deliverables/20145065-tm-rev0%20hamilton%20peer%20review%20655%20cramer%20rd%2028jul2020.docx)



February 12, 2019

Brynn Nheiley, *MCIP RPP*  
Senior Planner – Development Planning  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario L8P 4Y5  
[Brynn.nheiley@hamilton.ca](mailto:Brynn.nheiley@hamilton.ca)

**Rb File #:** 2927

**Re:** Peer Review – Odour Impact Assessment  
1376412 Ontario Ltd., c/o Zeina Homes  
655 Cramer Road, Flamborough

## 1.0 INTRODUCTION

Rubidium Environmental (“Rubidium”) was retained by the City of Hamilton (Client) to conduct a peer review of an Odour Impact Assessment prepared for the proposed development at 655 Cramer Road. This is our response to the Commentary by Mr. Thorndyke, dated January 23, 2019.

As part of the Peer Review, Rubidium received the following reports:

- Odour Impact Assessment, by Ortech, dated June 12, 2018.
- Commentary of Peer Review, by Ortech, dated January 23, 2019.

## 2.0 OUTSTANDING ISSUES

From the Peer Review dated December 21, 2018, the following major items were identified which required response:

1. Rothsay facility should be treated as a Class III facility
2. A copy of the Rothsay facility Odour Testing Reports, and ECA, specifically as it pertains to Odour.
  - a. A letter should be written to Rothsay asking if they would provide this
3. A list of addresses for the odour complaints, as well as the details of the complaint
4. Atmospheric chemistry dispersion modelling should be done using AERMOD in accordance with the MECP guidelines to establish the impact at the proposed development.

The following comments were not adequately addressed in the reply report.

#### 2.1 Rothsay facility should be treated as a Class III facility

Given the guidance of the MECP, history of noise complaints, including recent complaints, there is insufficient evidence to support that appropriate mitigation is in place. Sufficient weight should be given to the regulator's, MECP's designation. It remains our professional opinion that this facility given its well documented history of complaints be classified as a Class III facility.

#### 2.2 Rothsay's ESDM & Odour Testing Reports

No supporting evidence was provided that the proponent undertook to obtain this information, or that it was withheld from Rothsay, or unavailable by a *FIPPA* request. We are unable to conclude further in the absence of any evidence that the proponent undertook reasonable efforts to obtain said information.

#### 2.3 A List of Addresses associated with the Odour Compliant

While alleged that the proponent made efforts to obtain these records, no supporting documentation was provided in the report. In our experience, this information is readily available within a period of 30 days. This information is vital in determining where odour complaints have originated from, and to what extent they would be relevant for the proposed development. It is our opinion that the proponent should obtain, and review this information before resubmitting a revised impact study.

#### 2.4 Atmospheric Chemistry Dispersion Modelling

Given the low reliability of the odour monitoring performed, and the uncertainty as to how it relates to the current or future proposed production levels, the appropriate approach is to use the format specified by the MECP in the deployment of atmospheric chemistry dispersion modelling. From the knowledge that can be gained from the existing ESDM and Odour Tests of Rothsay, one can determine the anticipated impact at the proposed development. This would dovetail with obtaining the list of addresses associated with the odour complaints in supporting or refuting the potential for odour impacts at this proposed development.

### 3.0 ODOUR SOURCES

Odour sources within a potential influence area (1km) have been identified, although the separation distance and classification of the facilities raised concern. Of particular concern is the Rothsay Dundas Plant ("Rothsay"), as this facility has received substantially elevated levels of odour complaints, specified in Appendix 14 of the Ortech report, and is within the potential influence area of the proposed development.

It is Rubidium's opinion that Rothsay be classified as a Class III facility, especially pertaining to odour emissions, evidenced by the hundreds of odour complaints. Representatives of both the

MECP and Rothsay have also suggested that the facility be deemed Class III, included in the email from Barbara Slattery in Appendix 14, and memo from Greg Cooper in Appendix 10. Rubidium supports this conclusion. The provided Odour Impact Assessment specifies that the facility can be classified as Class II because of the implementation of the biofilter at the facility. However, there is evidence to suggest that the biofilter has been ineffective at reducing adverse impact at nearby receivers, as suggested by the hundreds of odour complaints. These adverse impacts indicate that the separation distance between Rothsay and the complainants is not adequate. The difference in classification results in a difference of recommended separation distance in accordance with the table below.

Class	Recommended Separation Distance (m)
Class II	70
Class III	300

Rothsay’s operations occur on two adjacent properties west of the proposed development. One property is adjacent to the proposed development, while the other is located within 50m of the proposed development, measured in accordance with Guideline D-6. This separation distance is less than that specified in Guideline D-6, for both a Class II and Class III facility. The provided Odour Impact Assessment specifies that the separation distance between Rothsay and the proposed development is 180m. Given the history of complaints, there is no supporting justification for decreasing the minimum recommended separation distance.

Rubidium is in agreement that all other facilities identified are sufficiently separated to minimize potential odour risks.

#### 4.0 CONCLUSIONS

Insufficient evidence has been provided to conduct a complete review. Rubidium recommends the following be resubmitted for further review:

An updated Odour Impact Assessment which includes the following:

- Rothsay facility treated as a Class III facility
- A copy of the Rothsay facility Odour Testing Reports, and ECA, specifically as it pertains to Odour.
  - A letter should be written to Rothsay asking if they would provide this
- A list of addresses for the odour complaints, as well as the details of the complaint
- Atmospheric chemistry dispersion modelling should be done using AERMOD in accordance with the MECP guidelines to establish the impact at the proposed development.

At this time, the Odour Impact Assessment reviewed was not conducted in accordance with the Land Use Compatibility Guidelines. Specifically, the minimum separation distance between the

proposed development and Rothsay was not measured in accordance with Guideline D-6. The correct separation distance is less than the recommended minimum separation distance. The classification of the Rothsay facility is not in line with recommendations from the MECP, Rothsay, or Rubidium, and there is not sufficient evidence to support the claim.

Significant documentation is required from facilities within the potential influence area of the proposed development, specifically Rothsay, that was not included in the report. Odour complaints were requested, but not received at the time that the report was published. ECAs for Rothsay's Industrial Sewage Works and Subject Waste, as well as the ESDM report, should be requested for review of odour impacts. The report should be updated to include this information, as well as the applicability to odour impacts at the proposed development.

It is our opinion that the current Odour Impact Assessment is not complete, and requires the information set out above.

**Rubidium Environmental Inc.**

Prepared by:



Robin Brown, P.Eng, TSRP, QP  
*President*  
rbrown@rb-enviro.com



December 21, 2018

Brynn Nheiley, *MCIP RPP*  
Senior Planner – Development Planning  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario L8P 4Y5  
[Brynn.nheiley@hamilton.ca](mailto:Brynn.nheiley@hamilton.ca)

**Rb File #: 2927**

**Re:** Peer Review – Odour Impact Assessment  
1376412 Ontario Ltd., c/o Zeina Homes  
655 Cramer Road, Flamborough

## 1.0 INTRODUCTION

Rubidium Environmental (“Rubidium”) was retained by the City of Hamilton (Client) to conduct a peer review of an Odour Impact Assessment prepared for the proposed development at 655 Cramer Road. It is our understanding that the Applicant is seeking to introduce a sensitive land use, namely 18 single detached dwellings at that the subject site.

As part of the Peer Review, Rubidium received the following reports:

- Odour Impact Assessment by Ortech dated June 12, 2018.

## 2.0 APPLICATION OF REGULATIONS AND STANDARDS

The regulations that have been applied to determine compatibility between the proposed development and nearby land uses is limited to:

- Ministry of the Environment, Conservation and Parks (MECP) Guideline D-1: Land Use Compatibility
- MECP Guideline D-6: Compatibility between Industrial Facilities
- MECP Guideline D-4: Land Use on or near Landfills and Dumps

These regulations are sufficient to determine the compatibility of the proposed development with nearby industrial land uses. Where necessary, appropriate sections of the *Environmental Protection Act* may also need to be invoked. The appropriateness of the application of these regulations is investigated in the following sections.



### 3.0 ODOUR SOURCES

Odour sources within a potential influence area (1km) have been identified, although the separation distance and classification of the facilities raised concern. Of particular concern is the Rothsay Dundas Plant (“Rothsay”), as this facility has received substantially elevated levels of odour complaints, specified in Appendix 14 of the Ortech report, and is within the potential influence area of the proposed development.

It is Rubidium’s opinion that Rothsay be classified as a Class III facility, especially pertaining to odour emissions, evidenced by the hundreds of odour complaints. Representatives of both the MECP and Rothsay have also suggested that the facility be deemed Class III, included in the email from Barbara Slattery in Appendix 14, and memo from Greg Cooper in Appendix 10. Rubidium supports this conclusion. The provided Odour Impact Assessment specifies that the facility can be classified as Class II because of the implementation of the biofilter at the facility. However, there is not evidence to suggest that the biofilter has been effective at reducing adverse impact at nearby receivers, as suggested by the hundreds of odour complaints. The difference in classification results in a difference of recommended separation distance in accordance with the table below.

Class	Recommended Separation Distance (m)
Class II	70
Class III	300

Rothsay’s operations occur on two adjacent properties west of the proposed development. One property is adjacent to the proposed development, while the other is located within 50m of the proposed development, measured in accordance with Guideline D-6. This separation distance is less than that specified in Guideline D-6, for both a Class II and Class III facility. The provided Odour Impact Assessment specifies that the separation distance between Rothsay and the proposed development is 180m.

Rubidium is in agreement that all other facilities identified are sufficiently separated to minimize potential odour risks. Carmuese Lime is another facility that possesses a significant odour impact risk, however, it is again, sufficiently separated from the subject site.

### 4.0 ODOUR MONITORING & COMPUTER MODELLING

The report mentions 4 days where field odour sampling was conducted around the proposed development site. No information was provided on the qualifications of the assessor or the equipment used. Rubidium takes the position that this information is of low to no value in determining whether odour impacts exist at the site. The MECP specifies that odours should be measured at the source, and the use of atmospheric chemistry dispersion models be used to establish impact at various receptors.

There are several issues with the reasoning used in the odour impact assessment, first, 4 days is insufficient to accurately reflect conditions at the plant. The wind speeds and directions were not consistent with the “worst case” that would have been used as per the MECP guidelines on Dispersion Modelling. Rubidium suggests that the Applicant obtain a copy of the odour stack testing data from the MECP through a *FIPPA* search, and assess potential odour impacts at the development.

Atmospheric dispersion modelling was not included in the provided Odour Impact Assessment. The windrose included in Appendix 13 of the provided report indicates that the prevailing wind is coming from the west, which will result in significant impacts at the proposed development.

## 5.0 DOCUMENTATION REQUESTED

Further documentation that would be required for a proper review of the Odour Impact Assessment includes Odour Complaints and Environmental Compliance Approvals (ECAs) relating to facilities within the potential influence area of the proposed development. It is evident that requests were made for Odour Complaints relating to Rothsay, although there were none included in the report. No copy of an requests made under FIPPA was included in the report, and no information as to the level of follow-up taken by the Applicant to receive this information. As more than 6 months have passed, it is likely that this information is now available. Appendix 14 of the report includes an email chain in which an MECP employee specifies that Rothsay has received three ECAs for Industrial Sewage Works, Air Facility, and Subject Waste Generator. Only the Air Facility ECA was included in the provided report.

## 6.0 CONCLUSIONS

Insufficient evidence has been provided to conduct a complete review. Rubidium recommends the following be resubmitted for further review:

An updated Odour Impact Assessment which includes the following:

- Rothsay facility treated as a Class III facility
- A copy of the Rothsay facility Odour Testing Reports, and ECA, specifically as it pertains to Odour.
  - A letter should be written to Rothsay asking if they would provide this
- A list of addresses for the odour complaints, as well as the details of the complaint
- Atmospheric chemistry dispersion modelling should be done using AERMOD in accordance with the MECP guidelines to establish the impact at the proposed development.

At this time, the Odour Impact Assessment reviewed was not conducted in accordance with the Land Use Compatibility Guidelines. Specifically, the minimum separation distance between the proposed development and Rothsay was not measured in accordance with Guideline D-6. The correct separation distance is less than the recommended minimum separation distance. The

classification of the Rothsay facility is not in line with recommendations from the MECP, Rothsay, or Rubidium, and there is not sufficient evidence to support the claim.

Significant documentation is required from facilities within the potential influence area of the proposed development, specifically Rothsay, that was not included in the report. Odour complaints were requested, but not received at the time that the report was published. ECAs for Rothsay's Industrial Sewage Works and Subject Waste, as well as the ESDM report, should be requested for review of off-site odour impacts. The report should be updated to include this information, as well as the applicability to odour impacts at the proposed development.

It is therefore request that an updated Odour Impact Assessment be prepared.

**Rubidium Environmental Inc.**

Prepared by:



Robin Brown, P.Eng  
*President*  
rbrown@rb-enviro.com



December 21, 2018

Brynn Nheiley, *MCIP RPP*  
Senior Planner – Development Planning  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario L8P 4Y5  
[Brynn.nheiley@hamilton.ca](mailto:Brynn.nheiley@hamilton.ca)

**Rb File #: 2927**

**Re:** Peer Review – Odour Impact Assessment  
1376412 Ontario Ltd., c/o Zeina Homes  
655 Cramer Road, Flamborough

## 1.0 INTRODUCTION

Rubidium Environmental (“Rubidium”) was retained by the City of Hamilton (Client) to conduct a peer review of an Odour Impact Assessment prepared for the proposed development at 655 Cramer Road. It is our understanding that the Applicant is seeking to introduce a sensitive land use, namely 18 single detached dwellings at that the subject site.

As part of the Peer Review, Rubidium received the following reports:

- Odour Impact Assessment by Ortech dated June 12, 2018.

## 2.0 APPLICATION OF REGULATIONS AND STANDARDS

The regulations that have been applied to determine compatibility between the proposed development and nearby land uses is limited to:

- Ministry of the Environment, Conservation and Parks (MECP) Guideline D-1: Land Use Compatibility
- MECP Guideline D-6: Compatibility between Industrial Facilities
- MECP Guideline D-4: Land Use on or near Landfills and Dumps

These regulations are sufficient to determine the compatibility of the proposed development with nearby industrial land uses. Where necessary, appropriate sections of the *Environmental Protection Act* may also need to be invoked. The appropriateness of the application of these regulations is investigated in the following sections.

### 3.0 ODOUR SOURCES

Odour sources within a potential influence area (1km) have been identified, although the separation distance and classification of the facilities raised concern. Of particular concern is the Rothsay Dundas Plant (“Rothsay”), as this facility has received substantially elevated levels of odour complaints, specified in Appendix 14 of the Ortech report, and is within the potential influence area of the proposed development.

It is Rubidium’s opinion that Rothsay be classified as a Class III facility, especially pertaining to odour emissions, evidenced by the hundreds of odour complaints. Representatives of both the MECP and Rothsay have also suggested that the facility be deemed Class III, included in the email from Barbara Slattery in Appendix 14, and memo from Greg Cooper in Appendix 10. Rubidium supports this conclusion. The provided Odour Impact Assessment specifies that the facility can be classified as Class II because of the implementation of the biofilter at the facility. However, there is not evidence to suggest that the biofilter has been effective at reducing adverse impact at nearby receivers, as suggested by the hundreds of odour complaints. The difference in classification results in a difference of recommended separation distance in accordance with the table below.

Class	Recommended Separation Distance (m)
Class II	70
Class III	300

Rothsay’s operations occur on two adjacent properties west of the proposed development. One property is adjacent to the proposed development, while the other is located within 50m of the proposed development, measured in accordance with Guideline D-6. This separation distance is less than that specified in Guideline D-6, for both a Class II and Class III facility. The provided Odour Impact Assessment specifies that the separation distance between Rothsay and the proposed development is 180m.

Rubidium is in agreement that all other facilities identified are sufficiently separated to minimize potential odour risks. Carmuese Lime is another facility that possesses a significant odour impact risk, however, it is again, sufficiently separated from the subject site.

### 4.0 ODOUR MONITORING & COMPUTER MODELLING

The report mentions 4 days where field odour sampling was conducted around the proposed development site. No information was provided on the qualifications of the assessor or the equipment used. Rubidium takes the position that this information is of low to no value in determining whether odour impacts exist at the site. The MECP specifies that odours should be measured at the source, and the use of atmospheric chemistry dispersion models be used to establish impact at various receptors.

There are several issues with the reasoning used in the odour impact assessment, first, 4 days is insufficient to accurately reflect conditions at the plant. The wind speeds and directions were not consistent with the “worst case” that would have been used as per the MECP guidelines on Dispersion Modelling. Rubidium suggests that the Applicant obtain a copy of the odour stack testing data from the MECP through a *FIPPA* search, and assess potential odour impacts at the development.

Atmospheric dispersion modelling was not included in the provided Odour Impact Assessment. The windrose included in Appendix 13 of the provided report indicates that the prevailing wind is coming from the west, which will result in significant impacts at the proposed development.

## 5.0 DOCUMENTATION REQUESTED

Further documentation that would be required for a proper review of the Odour Impact Assessment includes Odour Complaints and Environmental Compliance Approvals (ECAs) relating to facilities within the potential influence area of the proposed development. It is evident that requests were made for Odour Complaints relating to Rothsay, although there were none included in the report. No copy of an requests made under FIPPA was included in the report, and no information as to the level of follow-up taken by the Applicant to receive this information. As more than 6 months have passed, it is likely that this information is now available. Appendix 14 of the report includes an email chain in which an MECP employee specifies that Rothsay has received three ECAs for Industrial Sewage Works, Air Facility, and Subject Waste Generator. Only the Air Facility ECA was included in the provided report.

## 6.0 CONCLUSIONS

Insufficient evidence has been provided to conduct a complete review. Rubidium recommends the following be resubmitted for further review:

An updated Odour Impact Assessment which includes the following:

- Rothsay facility treated as a Class III facility
- A copy of the Rothsay facility Odour Testing Reports, and ECA, specifically as it pertains to Odour.
  - A letter should be written to Rothsay asking if they would provide this
- A list of addresses for the odour complaints, as well as the details of the complaint
- Atmospheric chemistry dispersion modelling should be done using AERMOD in accordance with the MECP guidelines to establish the impact at the proposed development.

At this time, the Odour Impact Assessment reviewed was not conducted in accordance with the Land Use Compatibility Guidelines. Specifically, the minimum separation distance between the proposed development and Rothsay was not measured in accordance with Guideline D-6. The correct separation distance is less than the recommended minimum separation distance. The

classification of the Rothsay facility is not in line with recommendations from the MECP, Rothsay, or Rubidium, and there is not sufficient evidence to support the claim.

Significant documentation is required from facilities within the potential influence area of the proposed development, specifically Rothsay, that was not included in the report. Odour complaints were requested, but not received at the time that the report was published. ECAs for Rothsay's Industrial Sewage Works and Subject Waste, as well as the ESDM report, should be requested for review of off-site odour impacts. The report should be updated to include this information, as well as the applicability to odour impacts at the proposed development.

It is therefore request that an updated Odour Impact Assessment be prepared.

**Rubidium Environmental Inc.**

Prepared by:



Robin Brown, P.Eng  
*President*  
rbrown@rb-enviro.com

**Appendix “E” to Report PED22061**  
**Page 1 of 1**

<b>City-Retained Peer Reviewer Response</b>	<b>Summary</b>
1. Response Letter by Rubidium Environmental dated December 21, 2018.	<ul style="list-style-type: none"> <li>• It is Rubidium’s opinion that the Rothsay facility is a Class III industrial operation;</li> <li>• Rubidium was unable to determine odour impacts with the information provided. The odours should be measured at the source, and atmospheric chemistry dispersion models should be used to establish impact at various receptors; and,</li> <li>• An updated Odour Impact Assessment is required.</li> </ul>
2. Response Letter by Rubidium Environmental dated February 12, 2019.	<ul style="list-style-type: none"> <li>• Rubidium’s opined that the updated Odour Impact Assessment is not complete, and requires the following information:               <ul style="list-style-type: none"> <li>○ Rothsay facility to be treated as a Class III industrial operation;</li> <li>○ The Applicant should obtain Odour Testing Reports and Rothsay’s Environmental Compliance Approval;</li> <li>○ Atmospheric chemistry dispersion modelling should be completed; and,</li> <li>○ Odour complaint history should be obtained.</li> </ul> </li> </ul>
3. Technical Memorandum by Golder Associates dated July 28, 2020.	<ul style="list-style-type: none"> <li>• The proposed odour mitigation measures and history of odour complaints at the sensitive receptors demonstrate that the evidence is insufficient to mitigate odour impacts at the proposed development; and,</li> <li>• More detailed dispersion modelling is required to confirm frequency at the proposed development.</li> </ul>
4. Technical Memorandum by Golder Associates dated March 8, 2021	<ul style="list-style-type: none"> <li>• There is insufficient evidence to confirm that the proposed mitigation is adequate in reducing odour impacts;</li> <li>• Golder’s review did not include verification of any of the detailed calculations and modelling due to the limited completeness of Ortech’s submitted reports; and,</li> <li>• Additional dispersion modelling is required.</li> </ul>



**Bello, Aminu**

---

**From:** [REDACTED]  
**Sent:** February 22, 2022 10:33 AM  
**To:** Bello, Aminu  
**Cc:** Toman, Charlie; Posadowski, Tamara (MECP)  
**Subject:** RE: 655 Cramer Rd - D-6 Guideline Classification

Good morning Aminu,

As per my previous email, the information provided in 2017 by Barbara Slattery regarding Rothsay's operation and her advice regarding classification are still current. However, facilities are best positioned to confirm their classification as they fully understand their operations.

Please note the map does not include labels of the property lines. It is recommended that the City of Hamilton confirm with the applicant that the minimum separation distance has been measured in accordance with MECP D-6 Compatibility between Industrial Facilities (from property line to property line).

Regards,

[REDACTED]


---

**From:** Bello, Aminu <Aminu.Bello@hamilton.ca>  
**Sent:** February 18, 2022 4:25 PM  
**To:** [REDACTED]  
**Cc:** Toman, Charlie <Charlie.Toman@hamilton.ca>; Posadowski, Tamara (MECP) <Tamara.Posadowski@ontario.ca>  
**Subject:** RE: 655 Cramer Rd - D-6 Guideline Classification

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Thank you for the prompt response. We are seeking clarity on the D-6 Guidelines and whether the Rothsay facility is considered a Class II or Class III facility.

**Aminu Bello**, *MCIP RPP*  
Planner II, Development Planning (Rural Team)  
Planning & Economic Development Dept, Planning Division  
(905) 546-2424 ext. 5264

 **Hamilton** The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19 [www.hamilton.ca/coronavirus](http://www.hamilton.ca/coronavirus).

---

[REDACTED]  
**Sent:** February 18, 2022 4:15 PM  
**To:** Bello, Aminu <[Aminu.Bello@hamilton.ca](mailto:Aminu.Bello@hamilton.ca)>

Cc: Toman, Charlie <[Charlie.Toman@hamilton.ca](mailto:Charlie.Toman@hamilton.ca)>; [REDACTED]  
Subject: RE: 655 Cramer Rd - D-6 Guideline Classification

Good afternoon Aminu,

Thank you for your email. The Ministry is not aware of any changes to Rothsay operations since the last update and we are still receiving odour complaints related to this facility.

As per the environmental land use planning guideline *D-6 Compatibility between Industrial Facilities* section 4.4.2 Measurement shall normally be from the closest existing, committed or proposed property/lot line of the industrial and use to the property/lot line of the closest existing, committed or proposed sensitive land use.

Please let me know if you have any further questions.

Regards,

[REDACTED]

---

From: Bello, Aminu <[Aminu.Bello@hamilton.ca](mailto:Aminu.Bello@hamilton.ca)>  
Sent: February 16, 2022 12:26 PM  
To: [REDACTED]  
Cc: Toman, Charlie <[Charlie.Toman@hamilton.ca](mailto:Charlie.Toman@hamilton.ca)>  
Subject: 655 Cramer Rd - D-6 Guideline Classification

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good morning,

This inquiry relates to an active rezoning/subdivision applications at 655 Cramer Road, Flamborough for a estate residential development proposed adjacent to an existing industrial facility. Planning staff have communicated with Barbara Slattery – MECP, who advised that the facility at 870 Highway 5 West (Rothsay Dundas Plant) would be classified as a Class III facility under the D-6 Guidelines (see attached email thread). This e-mail dates from 2017, so we are circling back for updated correspondence.

We are seeking MECP guidance whether the scale, operation/intensity and outputs of the Rothsay Dundas Plant would classify the facility as a **Class II or Class III**.

Additionally, please confirm how the minimum distance is measured? I understand that Section 4.4.2 of the D-6 Guidelines specifies that the separation distance measurement shall normally be from the closest existing, committed or proposed property/lot line of the industrial land use to the property/lot line of the closest existing, committed or proposed sensitive land use. I've attached a sketch showing the "no development zone" – please confirm if this is an acceptable interpretation.

This is a time sensitive issue as the staff report is targeted for a Council meeting very soon. It would be appreciated if a response is returned in short order.

Thank you,

**Aminu Bello**, *MCIP RPP*

Planner II, Development Planning (Rural Team)

Planning & Economic Development Dept, Planning Division

(905) 546-2424 ext. 5264



**Hamilton**

The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19 [www.hamilton.ca/coronavirus](http://www.hamilton.ca/coronavirus).

**Bello, Aminu**

---

**From:** [REDACTED]  
**Sent:** November 29, 2017 4:03 PM  
**To:** Baldassarra, Alaina  
**Cc:** [REDACTED]  
**Subject:** RE: circulation of ZAC 19064 and related T-plan: 1376412 Ontario Ltd.

Alaina,

As you may know, Rothsay Dundas operates an animal byproducts rendering facility at this site. The plant receives approximately 5000 to 6000 tonnes per week of animal byproducts (offal, bone, carcasses, blood), grease from meat processing plants, farms, grocery stores and restaurants, as well as grease trap waste. These raw materials are converted into three types of products; high protein meat and bone meal for animal feeds, tallow and liquid fats used in cosmetics, lubricants, fuels and animal feeds. The primary emission control system for managing odours is a bio-filter (biological oxidation system).

This Company currently employs approximately 175 employees in the office, transportation and production areas. The facility is in production weekly from Monday afternoon to Saturday afternoon and operates 24h/day in three shifts. Maintenance is conducted on Saturday afternoon and Sunday. Accordingly, I would suggest that this facility would be classified as a Class 3 facility which means that in accordance with MOECC Guideline D-6, a minimum 300-metre separation distance should be maintained between the property line of Rothsay, and the nearest residential lot that may be proposed.

The site is located in a rural area with the closest residential receptors approximately 500 m away.

This facility has been issued three approvals from the ministry: Industrial Sewage approval for the on-site works, an Air Facility approval for all of the equipment that is required to address noise and odours and a Subject Waste Generator approval because the facility's operation results in wastes that are captured by the waste regulation which requires manifesting, proper storage and disposal at properly approved sites.

I ran a search through our database and since the electronic database has been used to record all incidents (2002) we have received hundreds of odour complaints where Rothsay has been identified by the complainant, as the source of the odour despite complainants likely being further than the minimum recommended separation distance of 300 metres.

Let me know if you have any further questions.

---

**From:** Baldassarra, Alaina [mailto:Alaina.Baldassarra@hamilton.ca]  
**Sent:** November 29, 2017 10:16 AM  
[REDACTED]  
**Subject:** RE: circulation of ZAC 19064 and related T-plan: 1376412 Ontario Ltd.

Dear Barbara,

If you could send over the information about the complaints that would be appreciated.

I just had one question about the Rothsay site, it looks like there are minimum distances that a sensitive land use has to be setback. Do you guys have a record of whether the Rothsay plant is considered a Class 1, 2 or 3 use.

Regards,

**Alaina Baldassarra, B.E.S.**  
Planner II  
Development Planning, Heritage & Design Section (Rural Team)  
Planning and Economic Development Department  
City of Hamilton

71 Main Street West, 5th Floor  
Hamilton, ON L8P 4Y5  
T: (905) 546-2424 x7421  
F: (905) 546-4202  
E: [Alaina.Baldassarra@hamilton.ca](mailto:Alaina.Baldassarra@hamilton.ca)

---

**Sent:** November-29-17 10:05 AM

**To:** Baldassarra, Alaina

**Subject:** RE: circulation of ZAC 19064 and related T-plan: 1376412 Ontario Ltd.

If you have advised the proponent that they are to do a study in accordance with the direction contained in D-6 to determine compatibility and the need for mitigation measures, it is the responsibility of the City to review the document and determine if you are in agreement with the conclusions. Alternatively, you could have their study/response peer-reviewed, at the cost of the developer. Other jurisdictions use the peer-review method if they feel that they do not have the required expertise "in house".

We can assist by providing you with a summary of incidents (i.e. complaints) which the ministry has received from residents in the area and where available, the distance between the complainants and Rothsay as this gives an indication of how far adverse effects have been identified despite the measures that are in place at Rothsay.

Let me know how I can assist,

Barb Slattery, EA/Planning Coordinator  
**Ministry of the Environment and Climate Change**  
West Central Region

---

**From:** Baldassarra, Alaina [<mailto:Alaina.Baldassarra@hamilton.ca>]

**Sent:** November 29, 2017 9:57 AM

**To:** Slattery, Barbara (MOECC)

**Subject:** RE: circulation of ZAC 19064 and related T-plan: 1376412 Ontario Ltd.

Dear Barbara,

Thank you for the information.



Darling International Canada Inc.  
880 Hwy #5 West  
Dundas, ON L9H 5E2  
T +1 905-628-2258  
F +1 905-628-8577  
[rothsay.ca](http://rothsay.ca)

December 20, 2017

Ms. Alaina Baldassarra, B.E.S.  
Planner II  
Development Planning, Heritage & Design Section (Rural Team)  
Planning and Economic Development Department  
City of Hamilton

71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Delivered via email: [alaina.baldassarra@hamilton.ca](mailto:alaina.baldassarra@hamilton.ca)

**Re: Notice of Complete Applications by A.J. Clarke and Associates for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (Ward 14)**

Dear Ms. Baldassarra,

Thank you for the Notice advising that complete applications have been received by the City of Hamilton's Planning and Economic Development Department ('City of Hamilton') to amend the zoning by-law and to obtain approval of a draft plan of subdivision for lands located at 655 Cramer Road ('Proposed Residential Development'), dated September 1, 2017, and received by Rothsay, a Division of Darling International Canada Inc. ('Rothsay') on September 18, 2017.

As you are aware, Rothsay operates a large-scale rendering facility ('Dundas Plant') located at 880 Highway 5 West, Dundas, Ontario, immediately to the west of the Proposed Residential Development. Given the proximity of the Dundas Plant to the Proposed Residential Development, Rothsay has a significant interest in the above-noted application and we are seeking assurances from the City of Hamilton that sufficient measures and controls will be established to protect the existing industrial uses and the Proposed Residential Development.

Rothsay is requesting the City of Hamilton consider the information presented in this letter when evaluating this application.

### **1. Rothsay Dundas Plant**

Rendering operations have occurred at the Dundas Plant since the 1950s, when it was owned by a local farming family. Over the course of the next 60 years, the Dundas Plant has undergone several expansions and changes of ownership. In 2013, the Dundas Plant was sold by Maple Leaf Foods Inc. to Darling Ingredients Inc.



Currently, the Dundas Plant is one of the largest animal rendering facilities in North America and is a critical service provider to local and regional food processors. The Dundas Plant has more than 150 employees, provides employment for local contractors, services several hundred local businesses and contributes over \$235,000 in annual property taxes. The Dundas Plant operates 24 hours/day, 6 days/week.

## **2. Rendering Process**

Rendering is a process involves using boiler produced steam to evaporate water from by-products like bone, fat, offal, meat trimmings, used cooking oil, blood, and other related by-products. These by-products are typically generated by packing plants, butchers, grocers, and restaurants. Once the water is removed the resulting ingredients produced include fats and proteins, which are sold as commodities in the production of feed, fuel, and fertilizer.

## **3. Odour**

A potential by-product of the rendering process is odour.

The Dundas Plant has made significant financial investments in odour abatement systems including a state-of-the-art wastewater treatment plant and biological filter (Biofilter) system, which treats air emissions from various parts of the production plant prior to discharging into the atmosphere.

Notwithstanding these state-of-the-art odour abatement systems, the Dundas Plant has a potential to have an odour profile. As highlighted in Section 4 of this letter, the Dundas Plant has received odour complaints from residents near the Proposed Residential Development.

## **4. Submission**

After reviewing the Notice of the Proposed Residential Development provided by the City of Hamilton, Rothsay provides the following comments for the City of Hamilton's consideration.

### **a. Land-Use Compatibility**

Given that the above noted application requires a zoning by-law amendment, land-use compatibility must be considered. As previously mentioned, the Dundas Plant operates 24 hours/day, 6 days/week and has the potential to present an odour profile to residents located upwards of 1,000 metres from the facility. Some of these residents are located adjacent to the Proposed Residential Development (e.g. Shakespeare Road, Taylor Crescent).

Based on the operational industrial nature and extent of potential influence area of the Dundas Plant, it would be classified as a Class 3 Industrial facility under Ontario MOE Guideline D-6 ('Guideline D-6'). Guideline D-6 states the following for Class 3 Industrial facilities:

- 1,000m potential influence area; and
- 300m minimum separation distance recommended.

Furthermore, Guideline D-6 states that incompatible development should not normally be permitted within the recommended minimum separation distance (300m).



The Proposed Residential Development is located entirely within 1,000m of the Dundas Plant and a portion of the Proposed Residential Development is also located within 300m of the Dundas Plant.

Given that the Dundas Plant is a Class 3 facility under Guideline D-6 and to maintain land-use compatibility, Rothsay is recommending the following:

- The City of Hamilton require the applicant to revise their application for the Proposed Residential Development to include the establishment of a minimum separation distance (buffer) of at least 300 metres between any part of the Dundas Plant property where industrial-type activities are permitted and the Proposed Residential Development, ensuring that no sensitive land uses are permitted within this area.

**b. Environmental Noise Analysis (Valcoustics Canada Ltd.)**

Rothsay has reviewed the Environmental Noise Analysis report ('Noise Report') prepared by Valcoustics Canada Ltd. ('VCL'), dated July 14, 2007 for the Proposed Residential Development. Even though Rothsay appreciates that the Dundas Plant was specifically addressed within the Noise Report, it is Rothsay's opinion that the Noise Report doesn't adequately assess the Dundas Plant.

In Section 2.1.2 of the Noise Report, the following statement is made regarding the Dundas Plant:

"according to the ECA, the Rothsay Dundas facility must be in compliance with the noise guideline limits at the subject site".

This statement is misleading as it implies that the Dundas Plant's Environmental Compliance Approval (ECA) already demonstrates compliance with the Proposed Residential Development. Rothsay acknowledges that MOE Publication NPC-300 requires that the Dundas Plant is required to meet applicable noise guideline limits at vacant/unoccupied lands that are approved for sensitive land uses. However, the location of Points of Reception (PORs) on vacant/unoccupied lands would not be identical to the Proposed Residential Development.

VCL conducted sounds measurements on August 13, 2015 along the western property of the Proposed Residential Development to assess noise levels from the Dundas Plant. These sounds measurements were conducted for a 1-hour period (9:07 – 10:07) and determined that road traffic along Highway 5 was the dominant noise source.

Given that the Dundas Plant operates 24 hours/day, the noise assessment of the Dundas Plant completed by VLC is not adequate. At a minimum, noise levels from the Dundas Plant should have been assessed during nighttime hours when road traffic noise from Highway 5 would be less compared to daytime hours.

Based on these findings, Rothsay is recommending the following:

- The City of Hamilton require the applicant to revise the Environmental Noise Analysis report for the Proposed Residential Development to include the assessment of the Dundas Plant noise levels during nighttime hours (e.g. minimum of 24/48 hours of noise measurements).





**c. Odour Provisions**

To address the potential odour profile from the Rothsay Dundas Plant, all residential lots associated with the Proposed Residential Development should contain the following:

- Odour Warning Clause, including the specific mention of an adjacent rendering facility, be registered on title to inform all future occupants of potential odour impacts.

**Closing**

If you have any questions regarding this submission, please do not hesitate to contact the undersigned.

Regards,

A handwritten signature in blue ink, appearing to read "G. Cooper" with a date "12/26/17" written below it.

Greg Cooper  
Plant Manager, Rothsay Dundas  
Rothsay, a Division of Darling International Canada Inc.

cc: Jim Long, Senior Vice President, Rothsay, a Division of Darling International Canada Inc.  
Robert Pasuta, Councillor, City of Hamilton, Ward 14



Rothsay, a Division of Darling International Canada Inc.  
880 Highway 5 West  
Dundas, Ontario L9H 5E2

Attention: Mr. James Calame, Rothsay Dundas Plant Manager

**RE: COMMENTS ON ADDITIONAL ODOUR IMPACT ASSESSMENT FOR  
RESIDENTIAL DEVELOPMENT NEAR ROTHSAY'S DUNDAS FACILITY**

**INTRODUCTION**

We understand that the City of Hamilton (the City) has received a proposal to rezone lands adjacent to Rothsay's Dundas facility for residential development. As part of that proposal, an Odour Impact Assessment report (Ortech, Report No. 26422, June 12, 2018 – referred to herein as "the Original Assessment") was submitted relating to odour impacts of the Rothsay operation on the proposed residential development. Rothsay asked Ramboll Canada Inc. (Ramboll) to review and comment on the technical accuracy of the report and the validity of conclusions drawn. Ramboll documented comments and conclusions with respect to the Original Assessment in a report dated October 12, 2018.

Rubidium Environmental was retained by the City to peer review the original Ortech odour impact assessment submitted by the proponent. Rubidium issued a peer review report dated December 21, 2018 indicating deficiencies in the assessment. The proponent provided a letter from Ortech dated January 23, 2019 with comments responding to the peer review. Rubidium issued a second report dated February 12, 2019, indicating that deficiencies remained.

Ortech issued report "1376412 Ontario Ltd., c/o Zeina Homes Additional Odour Impact Assessment for a Proposed Residential Development", Ortech report No. 26422-2, dated February 5, 2020 – referred to herein as "the Additional Assessment". This Additional Assessment included new information in response to the peer reviewer's comments.

Rothsay asked Ramboll to review and comment on the technical accuracy of this Additional Assessment and the validity of conclusions drawn. Our comments and analysis are briefly outlined in the following sections.

**GENERAL**

The Additional Assessment restates some findings of the Original Assessment but also includes new information. The bulk of this new information consists of a summary of data gleaned from numerous reports/documents regarding the Rothsay facility. These documents include:

Rothsay's annual compliance odour source test reports;

Date: September 10, 2020

Ramboll  
2400 Meadowpine Boulevard  
Suite 100  
Mississauga, ON L5N 6S2  
Canada

T +1 289 290 0600  
F + 1 905 821 3711  
www.ramboll.com



Rothsay's annual environmental reports;  
MECP incident reports; and  
MECP record of site visits.

The Additional Assessment uses this new information to support previous conclusions and opinions.

However, we note that key aspects of this new information have been misinterpreted, which has led to erroneous conclusions. Details follow.

## ODOUR SOURCE TEST REPORTS

Ortech obtained copies of the reports that document the annual source testing for odour that is a requirement of the facility's ECA. Data extracted from the reports for 2016 to 2018 are summarized in Table 1 of the assessment.

We note that the wet reference flow rates in the table are incorrect and flow rates have been attributed to fugitive sources that have no associated flow rates, but this error has not affected any conclusions. Odour emission rates appear to be accurately tabulated.

We also note that the table includes the average value for three years of testing, and this average is used in the report. It is important to understand that nuisance issues result from high or peak impacts, not average impacts, and using average values will understate the potential for nuisance.

However, towards the bottom of the table, the odour emission rate of each individual source is presented as a percentage of the total odour emission rate of the facility. It is clear that emissions from the fugitive sources at the plant (i.e. all sources other than main stack or boilers) are a small fraction of total emissions. Ortech states (Page 9, 3<sup>rd</sup> bullet) that, based on this table, emission rates for these fugitive sources are negligible, but this statement is grossly misleading, and it is false to represent these sources as having negligible impact.

The relative impact of a source is dependent not only on emission rate, but also on the atmospheric dispersion from the point of release. Tall stacks are specifically constructed to improve dispersion and reduce impacts from a source. They can direct plumes up and over nearby receptors, and provide far more atmospheric dilution before the plume touches down farther away. As a result, stacks provide a high level of atmospheric dilution in comparison to low level fugitive sources that may have little or no dilution prior to impacting receptors. This means that the relative impact of sources cannot be predicted based on emission rate alone: in many cases a small ground level source can have far greater impact than large sources emitted from tall stacks.

By design, odour sources that can feasibly be captured and treated at Rothsay are discharged from a 45m tall stack, and these emissions are diluted by many orders of magnitude before impacting receptors. On the other hand, fugitive sources at Rothsay are generally released at ground level, are mainly located on the east side of the property (e.g. wastewater treatment aeration basins, clarifiers, ponds), and would have little dilution before impacting receptors. As a result, existing receptors on Shakespeare Road and the proposed development are significantly impacted by these fugitive emissions.

In fact, the dispersion modelling of the compliance test programs for years 2017 to 2019 show that the peak odour concentrations on Shakespeare Road and the proposed development result from fugitive source emissions only, and are unaffected by emissions of the main stack and boilers. **That is, the fugitive sources are the most significant of Rothsay sources when considering odour impacts at the subject property.**



The erroneous conclusion that fugitive sources are negligible, and that only the main stack (i.e. biofilter exhaust) is significant, affects many of the other arguments and conclusions of the report, as described in several of the following sections.

Table 2 of the Additional Assessment summarizes results of the dispersion modelling documented in the source test reports, and presents maximum predicted odour concentration at any receptor, and at the most impacted sensitive receptor. The most impacted receptor is R19, located on Shakespeare Road, immediately adjacent to, and south of the subject development. The peak odour concentration at this location was 2.3 ou.

It should be noted that the table presents the three-year average of results, and these averages are used throughout the report. Nuisance results from maximum or peak values, not average values, and relying on average values will understate the potential for nuisance.

### **MECP INCIDENT REPORTS**

Ortech obtained copies of MECP incident reports for the Rothsay plant, and a summary of the contents was provided in Table 3 of the Additional Assessment. This includes some information on odour complaints received, but we note that the table does not include a description of all complaints received.

In Section 7 of the Additional Assessment, Ortech implies that complaints that describe the odour as deadstock or manure should not be considered to be caused by Rothsay because the plant does not process deadstock and does not have open manure. The report uses this information to minimize the number complaints that are attributable to Rothsay.

Rothsay is approved to process material defined as "deadstock" and at times does process deadstock, though this is not routinely. Nevertheless, the other materials that Rothsay process are similar to deadstock and there is little if any difference in plant odours emitted. Even during periods when deadstock is not being processed the odour from the facility is often described as deadstock, as people associate some of the odours with dead animals. We note that, according to Table 3 there is no complaint with a description of "deadstock" – though there are descriptions that include dead animal and dead meat, which are materials that are processed at Rothsay routinely. We note that even Ortech personnel described the odour detected on the subject property as "deadstock" and attributed it to Rothsay on four of five trips to the site. In their Additional Assessment (Section 13, last paragraph) they suggest this odour may be better described as "boiled meat". The evidence does not show that any of these complaints should not be attributed to Rothsay.

Similarly, on the two days when complaint descriptions included "manure", the full complaint was "dead animal, manure", or "flesh, manure" according to Table 3. Manure/septic like smells can result from inorganic decomposition of organic materials, and when mixed with other rendering type odours can be described like this. Again, the evidence does not show that any of these complaints should not be attributed to Rothsay.

### **ROTHSAY ANNUAL ENVIRONMENTAL REPORTS**

Ortech obtained copies of Rothsay's Annual Environmental Reports that were submitted to MECP, and a summary of the number of odour complaints received each year was provided in Table 4 of the Additional Assessment.



The information given in Table 4 is not consistent with Rothsay's records. According to Rothsay's records, the number of complaints received in recent years is:

Year	No. of Complaints
2015	5
2016	15
2017	0
2018	3
2019	3
<u>2020 YTD</u>	<u>18</u> (year-to-date, 8-month period)
Total	44

That is, Table 4 substantially understates the number of complaints received, and in two of the last five years there have been 15 complaints or more per year, which is not an insignificant number.

### **GUIDELINE D6 COMPATIBILITY BETWEEN INDUSTRIAL FACILITIES**

The original Ortech assessment stated Rothsay is a Class III facility based on definitions in Guideline D6, and we concur. However, the report also states that Rothsay "could be assigned to Class II with regard to odour emissions only" since mitigation measures have been applied at the plant. This is of critical importance, since a Class III facility requires a 300m minimum separation distance, and a Class II facility requires only a 70m minimum separation distance.

The MECP (in communications referenced in the assessment) and the city's peer reviewer are both of the opinion that Rothsay is a Class III facility. The peer reviewer rejected the argument that it could be assigned to Class II due to the implementation of mitigation measures.

The Additional Assessment, Section 12, restates the case that Rothsay should be considered a Class II facility since mitigation measures have been applied, and adds new arguments (under the following headings) as to why this would be appropriate:

#### **Guidance from MECP**

This section again points out that Guideline D-6 states that mitigation at the industrial source may enable an industry to be categorized as a lesser Class, lists some criteria for a Class II facility, and states "it is difficult to understand how it would qualify for a class III designation".

This section fails to consider that:

- a) Mitigation has been applied at Rothsay to odour sources where feasible, but as discussed in previous sections, odour emissions from fugitive sources continue to cause odour impacts. The fugitive sources that cause peak odour impacts on the subject property are not mitigated and cannot be mitigated feasibly.
- b) Complaint history indicates that odour impacts continue to occur in the neighbourhood adjacent to the subject property and farther away, regardless of the mitigation in place;
- c) Observations by Ortech personnel documented in the assessment demonstrate that odour impacts from Rothsay are frequent on the subject property, and are considered unpleasant or slightly unpleasant, regardless of the mitigation in place;
- d) The definition of Class II in Guideline D6 includes "there are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions". At Rothsay, with mitigation in place (i.e. the biofilter), odour emissions from both point sources and most fugitive sources are constant – and cannot possibly be



considered "occasional". Given that most fugitive emissions are constant (24h/day, 7 days/week), and significant (on their own, result in the peak odour levels predicted at the subject property) these fugitive odour emissions cannot in any way be considered "low probability". That is, even with all mitigation in place, the facility does not meet the definition of Class II.

- e) The definition of Class III in Guideline D6 includes "high probability of fugitive emissions". As mentioned above, most fugitive odour emissions are constant at Rothsay and are significant sources of odour that result in the peak odour levels predicted on the subject property. It is not feasible to mitigate these outdoor sources which include wastewater basins, clarifiers and ponds. That is, with feasible mitigation in place, there is a "high probability of fugitive emissions" at Rothsay, and Class III is appropriate.
- f) In cases where mitigation is implemented on all odour sources such that there are no remaining impacts at sensitive receptors, it may be appropriate to recategorize at a lesser Class, but this is not the case at Rothsay. Fugitive sources that can't be feasibly mitigated continue to impact the subject property at concentrations that exceed odour limits that are applied to most facilities.

In fact, we believe that, based on the nature of the facility, the scale of the facility, and the direct evidence of impacts on the proposed residential development property, there is ample evidence to show that recategorizing as Class II is clearly not appropriate in this case.

Rendering is inherently odorous, and the Rothsay facility is the largest rendering plant in Canada and one of the largest in North America, with a wide variety of processes and activities that generate odour. While Rothsay has invested tens of millions of dollars to implement Best Available Technologies (BAT) on environmental controls to mitigate odour impacts, odour impacts do persist. The extreme mitigation measures implemented have reduced, but not eliminated odour impacts. There are several sources of fugitive emissions at the facility that would be very difficult if not impossible to mitigate further.

The Ministry of the Environment, Conservation and Parks (MECP) has indirectly acknowledged that, due to the nature and scale of the facility, odour performance limits typically applied to other large industry are not reasonably achievable for Rothsay. Specifically, Rothsay is one of the very few facilities in Ontario for which the MECP has specified an Odour Performance Limit of 5 odour units, rather than the standard limit of 1 odour unit, even though the facility has implemented BAT to mitigate odour impacts. Annual emission testing has consistently demonstrated that Rothsay operates in compliance with its Odour Performance Limit of 5 odour units, but the more common limit of 1 odour unit is exceeded at sensitive receptors. That is, even with effective mitigation and compliance with facility-specific limits, potential odour impacts from Rothsay are greater than expected from other Class III industries.

### **Appropriate Mitigation is in Place**

This section simply restates the position that Rothsay should be considered a Class II facility since mitigation has been implemented.

Again, this fails to consider that the mitigation has been applied to those sources that can be feasibly captured and treated only, and has not been applied to all sources of odour. As a result, the mitigation is not sufficient to eliminate frequent odour impacts on the subject property. Fugitive odour sources that are not feasible to mitigate are the main cause of the peak impacts.

### **Hundreds of Complaints**

This section makes the point that there have not been "hundreds of complaints" in recent years, and that there have been only 26 reported complaints in the past 7 years, equivalent to 4 complaints per year.

We acknowledge that there have not been hundreds of complaints, but according to Rothsay's records there have been 44 complaints in the last 6 years, and in two of the last five years there have been 15 or more



complaints per year (as tabulated in a previous section). Complaints are dependent on many factors mostly beyond Rothsay's control, and complaint frequency varies significantly year to year – some years none and some years many.

Rothsay receives attention and pressure from residents and the MECP in years when high numbers of complaints are received: i.e. years such as 2016 and 2020 when there were 15 or more complaints per year, and some of these complaints were from Shakespeare Road. The average number of complaints per year is essentially irrelevant to perceived impacts.

This section implies that the number of complaints reported is very low and should actually be lower since many complaints (e.g. described as deadstock or manure) should not have been attributed to Rothsay, because the plant does not process deadstock or manure. This is not true, as explained in a previous section. Odour from the facility is commonly described as such.

Regardless of these statements, and the mitigation in place

- a) Complaint history indicates that odour impacts continue to occur in the neighbourhood adjacent to the subject property and much farther away;
- b) Observations by Ortech personnel documented in the assessment demonstrate that odour impacts from Rothsay are frequent on the subject property, and are considered unpleasant or slightly unpleasant;

### **Biofilter has been Effective**

This section indicates that over the last three years of odour source tests, the maximum odour concentration predicted at a sensitive receptor is 2.3 odour units, and somehow concludes that this is a strong indication that the abatement system (biofilter) is effectively removing odours from the emission sources.

Rothsay agrees that the abatement system is effectively removing odours from the sources connected to it, but we do not see how the concentration at that receptor, on its own, is an indication that the system is effective, or how this is relevant.

In fact, the peak concentration of 2.3 odour units is predicted for the receptor on Shakespeare Road, adjacent to the subject property. The dispersion model used in the source test program shows that the peak concentration at that receptor results from emissions from fugitive sources only, and is unaffected by the emissions of the biofilter which discharges through the main stack (at 45m above grade). That is, the maximum concentration at that receptor results from odour sources that are not mitigated by the biofilter.

In addition, Rothsay is one of the very few facilities in Ontario with an odour performance limit exceeding 1 odour unit. The predicted concentration of 2.3 odour units would be 230% of the 1 odour unit limit applicable to most Class III facilities.

It is also important to understand the magnitude of odour emissions from Rothsay. Even with effective mitigation by the biofilter, emissions from the main stack have been measured as high as 138,000ou/s, which is extremely high.

Based on the above, the fact that the biofilter has been effective is totally irrelevant to the classification of the facility, mainly because emissions are so high to begin with, and it does not mitigate the odour impacts of all sources at the facility.

### **Separation Distance is not Adequate**

This section indicates that the source test results and recent low number of odour complaints show the separation distances are adequate for the existing sensitive receptors. It also indicates the odour



concentration may be slightly higher at the proposed development since it is closer than the existing receptor, but that doesn't account for the use of a barrier to mitigate odour concentrations on the property.

This section makes no sense whatsoever. The salient points referenced are:

- Odour concentration of 2.3 odour units is predicted at the existing receptors near the subject development – this is 230% of what would be considered allowable near other Class III facilities;
- Odour complaints continue to be received from the nearby receptors, and from residents much farther away;
- Receptors on the subject development may be even closer than the existing R19 where the maximum odour concentration is predicted to occur; and
- Modelled receptors don't have a barrier to mitigate odour – In fact barriers or fences have no capability to reduce odour impacts, have not been used as such in Ontario, and the MECP would not accept a barrier as an odour mitigation measure (to be discussed further in following sections).

None of these points support the stated conclusion that separation distance is adequate.

#### **Guideline G-1 (sic)**

This section states that Guideline D-1 does not apply because "the development does not require a zoning amendment". It also restates the opinion that Rothsay would be a Class II facility.

In fact, it is our understanding that a zoning amendment is required, and is the subject of this current planning process. As a result, there is no basis for this argument, and the guidance is appropriate for dealing with the land use incompatibility. The issue of Class II vs. Class III is covered in previous sections.

However, more significantly, this section implies that if the guideline did apply, any separation distance between plant and development should be measured from the main stack because it discharges 87% of plant odours. This is blatantly false.

Section 4.4.2 of Guideline D-6 explicitly specifies that, for Site Specific Plans, separation distance shall be measured from the closest property line of the industrial facility to the closest property line of the sensitive land use. This section states "This approach provides for the full use and enjoyment of both the sensitive land use and the industrial properties." As a result, separation distance (i.e. minimum 300m for Class III facility) should be measured from Rothsay's eastern property line.

Further, Ortech's assertion seems to be based on the assumption that the main stack is the most significant source of odours at Rothsay. However, as has been mentioned numerous times above, this is also false. Peak odour concentrations predicted on the subject development result from fugitive sources only, and aren't affected by the main stack emissions. These fugitive sources include trucks, wastewater treatment basins, clarifiers and ponds, which are mainly on the east side of Rothsay's property, much closer to the subject property than the main stack. Therefore, there is no justification whatsoever for measuring separation distance from the main stack.

#### **Summary of Response on Guideline D-6.**

Based on the above it is clear that, even with mitigation, the facility has the characteristics of a Class III facility as described in Guideline D-6, and in its Appendix A (document D-6-1 Industrial Categorization Criteria), and the guideline specifies a potential influence area extending 1,000m, and minimum separation distance of 300m, measured from the property line. These distances should be measured from Rothsay's eastern property line. There is no reasonable justification for the suggested Class II designation, with minimum separation distance of only 70m.





This finding is consistent with the opinion of the MECP that Rothsay is a Class III facility, as per the email from Barbara Slattery, Environmental Resource Planner & EA Coordinator, West Central Region, MECP, dated November 29, 2017 (see Appendix 9 of the Ortech Additional Assessment).

This finding is consistent with the opinion of the City's peer reviewer that Rothsay is a Class III facility, as per the reports of December 21, 2018 and February 12, 2019.

## **ODOUR MONITORING**

Section 13 of the Additional Assessment describes odour observations on the subject property. This repeats much of the information from the original report, but adds one additional day of observations. The assessment describes odour monitoring consisting of observations by a single employee, on only 5 days during which the wind was blowing from Rothsay towards the proposed residential development. During this very limited assessment, odour was reported to be detected at most observation sites on all 5 days. Odour attributed to Rothsay was reported for 23% of the individual observations. The odour was described as slight, but many of the observations were described as "unpleasant" and "deadstock". That is, Ortech reported frequent odour impacts, apparently recognizable as resulting from Rothsay, and described as unpleasant.

The original Ortech report includes a windrose, that demonstrates that wind blows frequently from generally west to east – or from Rothsay operations to the proposed residential development. Therefore, the observations are expected to represent typical conditions on the proposed residential development.

This is consistent with Rothsay's experience that complaints are received from existing residences in the area (e.g. Taylor Crescent, Shakespeare Road), in the same direction but further away from the facility than the proposed residential development.

The proposed residential development consists of large lots. It is not reasonable to expect buyers of estate homes in an otherwise rural area to be tolerant of frequent, unpleasant odours. It is more reasonable to expect that buyers will choose the properties in anticipation of a relatively clean, natural environment, and that frequent unpleasant odours will not be tolerated by the future residents. Odour complaints to the MECP can be expected. The Ministry can require Rothsay to take abatement actions (and has done so in the past) as a result of complaints or potential adverse effect(s). Such further actions will be very costly, if at all possible.

## **ODOUR IMPACT AND MITIGATION**

Section 14 of the Additional Assessment discusses odour impacts on the subject development, and odour mitigation measures that will be implemented on the subject development. There is little that is new in this section, but we have commented on the statements made in the subsections.

### **Odour Impact.**

Ortech compared the odour level predicted at the Shakespeare Road receptor (R19) to contours covering the subject property in the modelling results of the source test reports. The table in this section indicates that the peak odour concentration on the subject property will be similar to the peak concentration at Shakespeare Road, plus or minus only 0.1 ou.

Ramboll reviewed the dispersion modelling and concurs that peak concentrations on the subject property are similar to peak concentrations at the Shakespeare Road receptor. That is, peak concentrations of about 2.3 ou can be expected on the subject property.



### **Mitigation measures in the Rothsay plant**

This section indicates that odour mitigation measures have been undertaken at Rothsay, and this is expected to continue.

It is true that Rothsay has spent tens of millions of dollars on odour mitigation, but the odour impacts described in the assessment represent operation with these mitigation measures in place. While Rothsay is always striving for improvement, no feasible measures have been identified that are expected to reduce impacts further on the subject property. The development should not be approved based on the false hopes that impacts will continue to be reduced.

### **Mitigation at the Development Land**

This section suggests that odour impacts are mitigated by the fact that Rothsay is in a valley, and there are existing trees between Rothay and receptors to the east. Terrain can impact odour dispersion (though not necessarily as described), but there is no evidence that trees can impact odour levels significantly at this site. Regardless, this is the existing condition, and the odour impacts that have been described throughout these documents have been assessed with Rothsay in a valley and trees between the properties. That is, under these conditions:

- a) Complaint history indicates that odour impacts continue to occur in the neighbourhood adjacent to the subject property and much farther away;
- b) Observations by Ortech personnel documented in the assessment demonstrate that odour impacts from Rothsay are frequent on the subject property, and are considered unpleasant or slightly unpleasant;

This section also repeats the claim that a 5.8m high noise barrier and some additional trees will be installed on the subject property as odour mitigation measures.

As we have stated in previous reports, there is no evidence to support the assertion that a barrier or tree line will significantly reduce odour levels on the subject property. In more than 20 years of consulting related to odour assessment and abatement in Ontario, and interaction with industry, the Ministry and other consultants, we have not heard any similar claims.

In a previous report (May 24, 2019) Ramboll commented in detail on information provided by the proponent related to use of trees and bushes as a means of reducing odour impacts from farms. We concluded there is no research or even suggestions in the literature that such measures are applicable to industrial facilities. In addition, the possible rationales given for how trees give odour reduction are not applicable to the situation at Rothsay.

The simplistic explanation given in the Additional Assessment is that a barrier and tree line will direct wind upwards and improve odour dispersion. The assessment also states that the odour reduction at the development due to the barrier has not been calculated.

This ignores the fact that any such barrier/tree line would also have a downwash effect on the downwind side of the barrier that would tend to bring contaminants back down to ground level. One could equally argue that elevated plumes (there are numerous elevated emission sources at Rothsay, including the 45m tall stack on the biofilter) could be effectively brought down to ground level in the downwash, actually increasing odour at ground level. This potential odour increase has not been calculated either.

We note that there is an existing woodlot of over 150m wide separating much of the Rothsay operations from the proposed residential development, and bordering the proposed residential development. Therefore, any such treeline/barrier implemented on the perimeter would only serve to extend this woodlot by a few metres onto the proposed residential development property. This means that even the suggestion



that the barrier will direct wind upwards is not defensible. Further, the assessment documents the fact that odours attributed to Rothsay were detected on the proposed residential development property, despite the existing woodlot.

Any assessment of odour impacts on the subject development would need to follow MECP guidance documents, and these documents do not account for any use of barriers or trees to reduce impacts. That is, Rothsay would not be able to demonstrate any benefit of such barriers in an odour assessment, or in odour concentrations reportable to the MECP.

Therefore, we see no credible evidence to support the suggestion that a noise barrier and/or line of trees on the proposed residential development property will significantly mitigate odour impacts on that property.

### **Warning for Purchasers**

The Ortech report recommends that prospective purchasers of residences should be given an environmental warning about the potential impact of odours, and we understand Rothsay is supportive of such a warning being placed on title. However, such a warning prior to purchase does not in any way limit the ability of the initial purchaser or any subsequent purchaser/resident to complain to the MECP. The Ministry typically will not take any such warning into consideration when responding to complaints or potential adverse effect.

Given the frequent and unpleasant odours documented by Ortech, and the likelihood that many new residents will not be tolerant of the odours, we do not believe that any such warnings will substantially reduce the likelihood of odour complaints to the MECP, or the likelihood that the MECP will require Rothsay to abate odour.

### **CONCLUSIONS**

Due to the nature and scale of Rothsay's facility, it must be considered a Class III facility regardless of the fact that mitigation on some sources has been implemented. This is consistent with the view expressed by the MECP and the opinion of the City's peer reviewer. When new information presented in the Additional Assessment is correctly interpreted, it does not support Ortech's assertion that the facility should be considered a Class II facility, and such claims are without merit. As a result, the minimum separation distance is 300m, and the potential influence area extends 1,000 m.

The Additional Assessment suggests any separation distance should be measured from Rothsay's main stack, but this is based on misinterpretation of facility emissions and relative impacts. The new information added to the assessment (source test results) shows that peak concentrations at the subject development result entirely from fugitive sources, located mainly on the east side of the Rothsay facility. Regardless, Guideline D-6 specifies the separation distance shall be measured between the property lines of the industrial and sensitive land uses to allow "full use and enjoyment of both the sensitive land use and the industrial properties."

The Additional Assessment again reported frequent, unpleasant odours on the proposed residential development property that were attributed to Rothsay. Complaints have been received from residences in the same direction, but farther from Rothsay than the proposed residential development. It is not reasonable to believe that purchasers of new homes will be tolerant of potentially frequent unpleasant odours. Odour complaints are likely to result, and the MECP can require Rothsay to take abatement action even though it is complying with the Odour Performance Limit in its ECA.

The suggested mitigation measure of adding a noise barrier or planting trees on the western perimeter of the development will not reduce odour impacts, or the likelihood of odour complaints. Similarly, environmental warnings to potential purchasers will not substantially reduce the likelihood of complaints.



In summary the report has not provided any new information to support the position that the residential development, as proposed, will meet the minimum requirements of Guideline D-6, and has not provided reasonable evidence of compatibility between the land uses. In fact, the information provided in the report continues to support Rothsay's view that the proposed development is incompatible with Rothsay's operation, and if allowed, is likely to adversely impact Rothsay's business.

**Ramboll**

A handwritten signature in black ink, appearing to read "P. Geisberger", written over a light grey rectangular background.

---

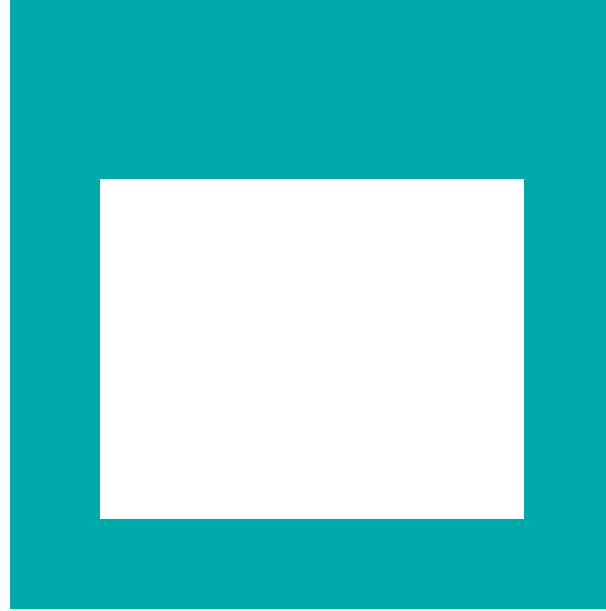
**Paul Geisberger, PEng**

Principal Consultant

D +1 289 290 0613

M +1 647 203 4135

[pgeisberger@ramboll.com](mailto:pgeisberger@ramboll.com)



WELCOME TO THE CITY OF HAMILTON

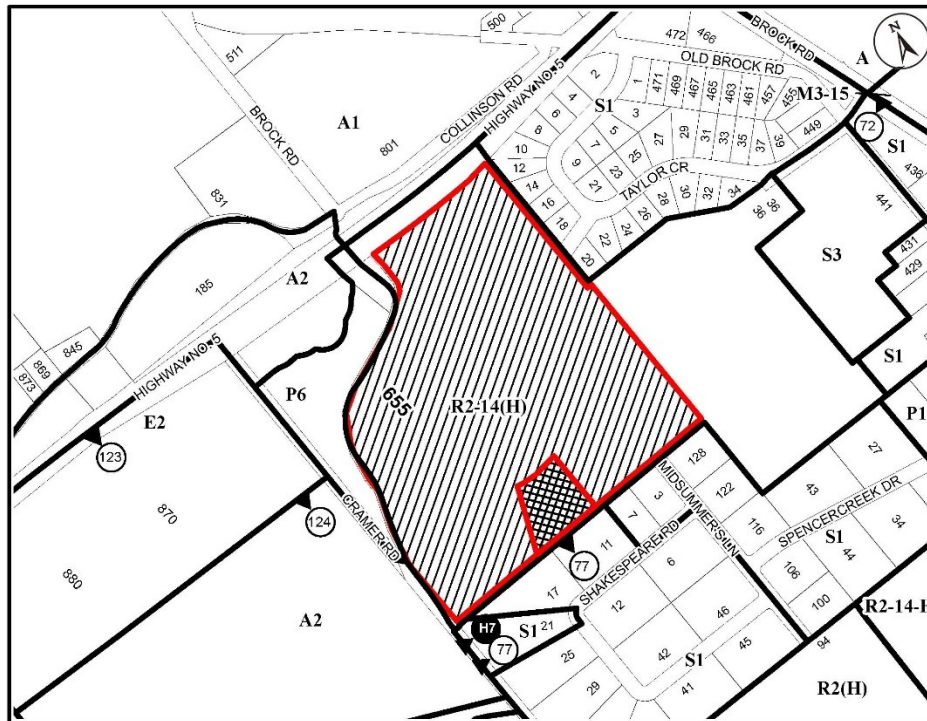
# PLANNING COMMITTEE

April 25, 2022

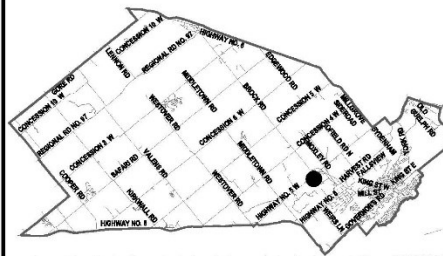
## **PED22061– (ZAC-17-064 / 25T-201710)**

Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough.

Presented by: Aminu Bello



● Site Location



Key Map - Ward 13

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-064

Date:  
April 20, 2022


Appendix "A"


Scale:  
N.T.S.

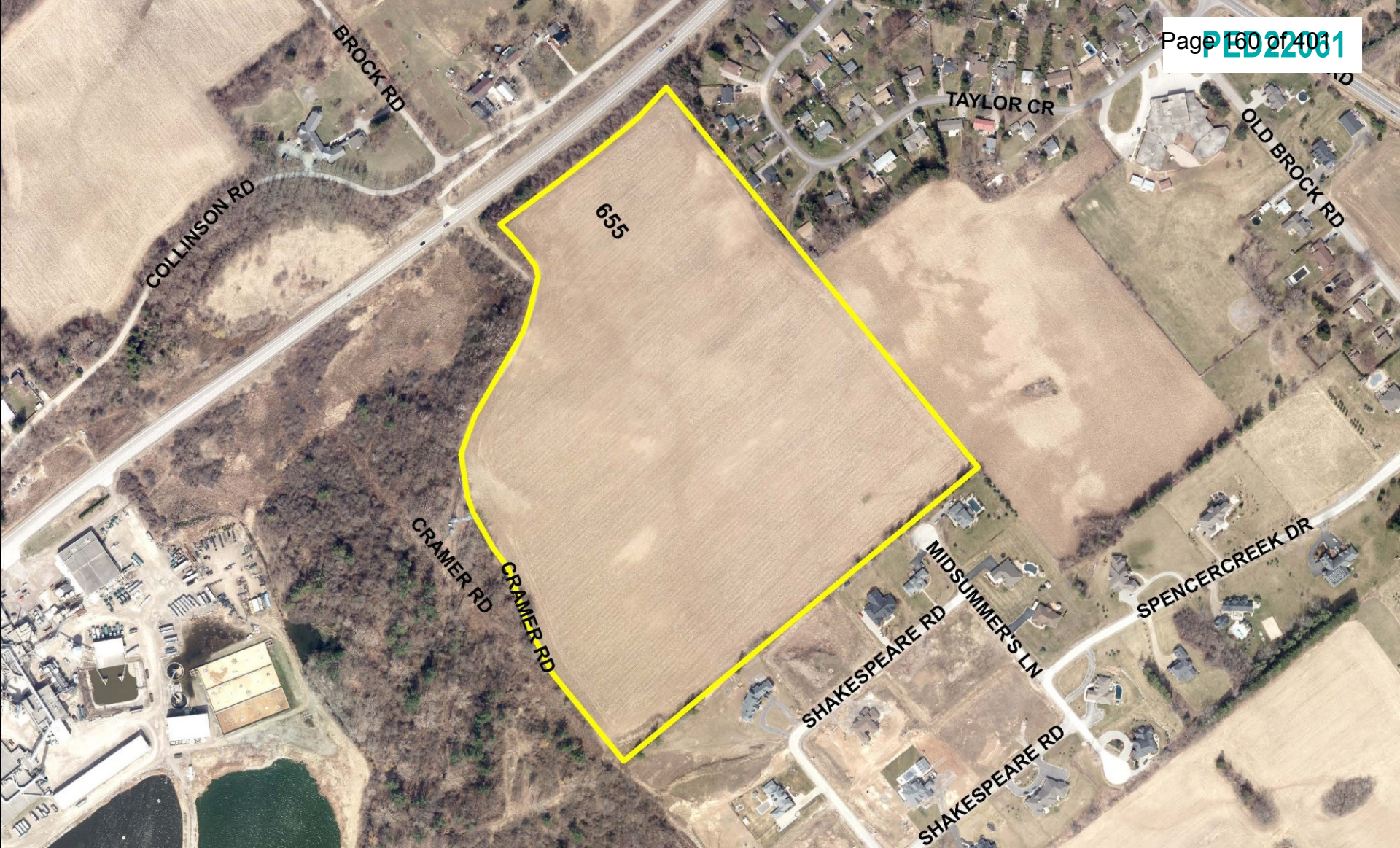
Planner/Technician:  
AB/AL

### Subject Property

655 Cramer Road, Flamborough, (Ward 13)

 From Settlement Residential "R2-14(H),  
Modified – Holding to Site Specific Settlement  
Residential "R2" Zone, Modified

 From Settlement Residential "R2-14(H),  
Modified – Holding to Conservation / Hazard Land  
– Rural (P5) Zone



**SUBJECT PROPERTY**



**655 Cramer Road, Flamborough**



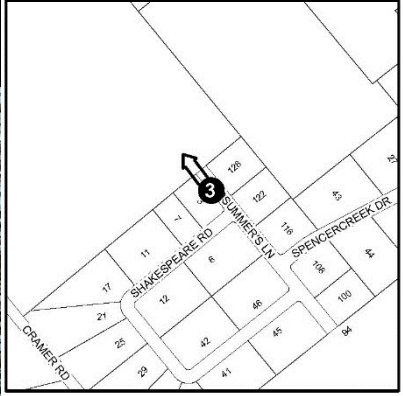




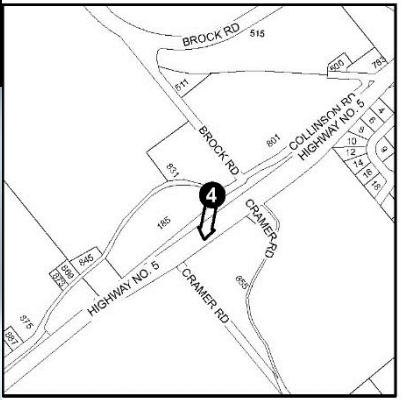
Subject Lands from the southwest at the terminus of Midsummer's Lane



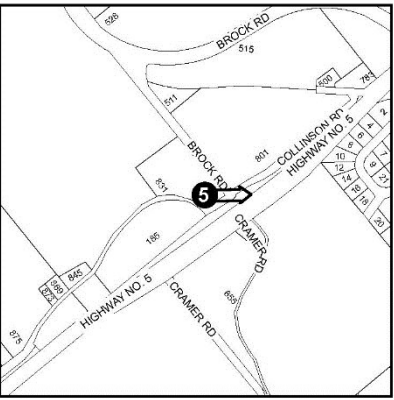
Subject Lands from the northwest at Taylor Crescent



Subject Lands from the southwest at the terminus of Midsummer's Lane



Adjacent property from Highway No. 5 with view to the west



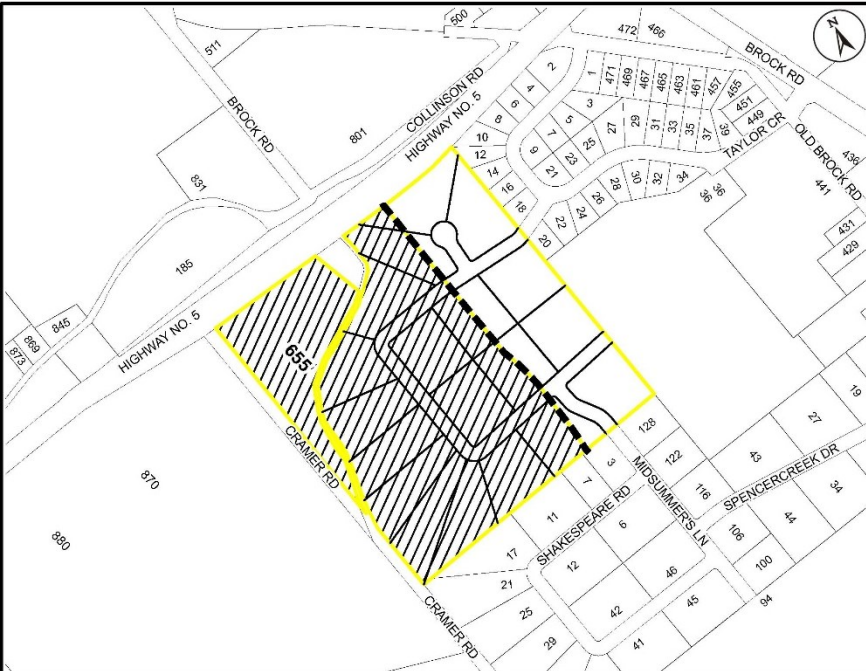
Subject Lands from Highway No. 5 with view to the east

## Land Use Compatibility Considerations

- Land Use Compatibility Policy: Provincial Policy Statement (2020)
- Employment Policy of Growth Plan (2022, as amended)
- Greenville Rural Settlement Area Plan (Rural Hamilton Official Plan)
- Policies for approval of Plan of Subdivision in the Rural Hamilton Official Plan

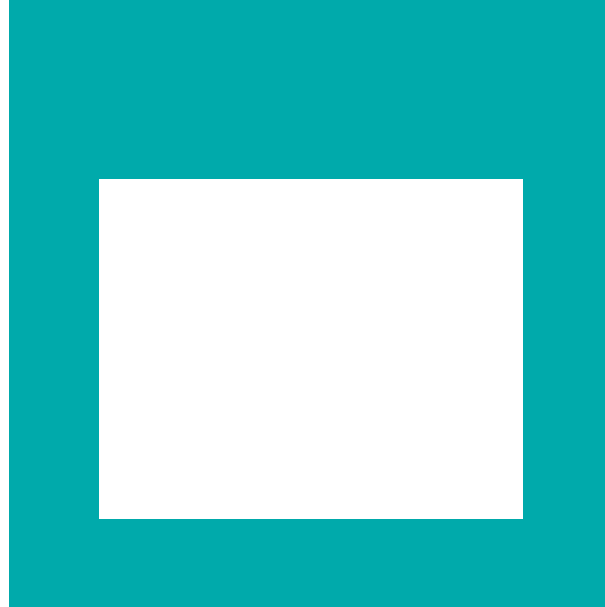
# Land Use Compatibility Considerations

- D-6 Guidelines: Compatibility between Industrial Facilities
- Odour Impact Assessments



<p>● Site Location</p> <p>Key Map - Ward 13</p>		<p><b>Minimum Separation Distance</b></p> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p> <p>File Name/Number: ZAC-17-064      Date: April 20, 2022</p> <p>Appendix "D"      Scale: N.T.S.      Planner/Technician: AB/AL</p> <p><b>Subject Property</b> 655 Cramer Road, Flamborough, (Ward 13)</p> <p> No Development Zone</p> <p> 300 m setback</p>	
---	--	--	--





# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 25, 2022
<b>SUBJECT/REPORT NO:</b>	Application for Approval of a Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	James Van Rooi (905) 546-2424 Ext. 4283
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That **Draft Plan of Subdivision Application 25T-202110, by Wilson West Development Corporation c/o Brandon Campbell, owner**, to establish a Draft Plan of Subdivision on lands located at 179, 183, and 187 Wilson Street West (Ancaster), as shown on Appendix "A" attached to Report PED22081, be **APPROVED** subject to the following conditions:

- (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202110 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 7, 2021, consisting of two blocks (Blocks 1 and 2) subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council attached as Appendix "B" to Report PED22081;
- (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202110, attached as Appendix "C" to Report PED22081, be received and endorsed by City Council;
- (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit,

---

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

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

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

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 2 of 22**

---

and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council;

- (iv) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 179, 183 and 187 Wilson Street West (refer to Appendix "A" attached to Report PED22081). The lands are located on the north-west side of Wilson Street West (opposite of the Seminole Road/Wilson Street intersection), are rectangular in shape and are 0.808 ha in area.

This Application is for a Draft Plan of Subdivision to establish two blocks as shown on Appendix "B" attached to Report PED22081. Block 1 is intended for the development of 35 street townhouses along with a private roadway and visitor parking. The proposed development is subject to Site Plan Control and Draft Plan of Condominium Applications. Block 2 will be for a right of way dedication of 2.20 to 2.21 metres along Wilson Street West. Approval of this application will be subject to the owner entering into a Standard Form Subdivision Agreement, with special conditions.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, and complies with the Urban Hamilton Official Plan (UHOP). The proposed development is compatible with the existing development in the area and will make full use of available municipal services.

## **Alternatives for Consideration – See Page 22**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for a Draft Plan of Subdivision.

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 3 of 22**

---

## HISTORICAL BACKGROUND

### Report Fact Sheet

<b>Application Details</b>	
Applicant/Owner:	Wilson West Development Corporation
Agent:	T. Johns Consulting
File Number:	25T-202110
Type of Applications:	Draft Plan of Subdivision
Proposal:	The Draft Plan of Subdivision proposes to create two blocks. Block 1 will consist of 35 street townhouse dwellings, a private roadway and visitor parking, and Block 2 is a right of way dedication (137.53 m <sup>2</sup> ) to the City.
<b>Property Details</b>	
Municipal Address:	179, 183, and 187 Wilson Street West.
Lot Area:	0.8088 ha.
Servicing:	Full Municipal Services
Existing Use:	179 Wilson Street West - single detached dwelling 183 Wilson Street West - single detached dwelling 197 Wilson Street West - single detached dwelling
Proposed Uses:	35 street townhouse dwellings on a private condominium road with visitor parking.
<b>Documents</b>	
Provincial Policy Statement (PPS)	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019.
Official Plan Existing:	“Neighbourhoods” on Schedule “E” – Urban Structure and on Schedule “E-1” – Urban Land Use Designations in the UHOP.
Official Plan Proposed:	Official Plan amendment is not required.
Secondary Plan Existing:	Ancaster Wilson Street Secondary Plan – “Medium Density Residential 2”.

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 4 of 22**

<b>Documents</b>	
Secondary Plan Proposed:	Amendment to the Secondary Plan is not required.
Zoning Existing:	Community Institutional (I2, 694) Zone.
Zoning Proposed:	Zoning By-law amendment is not required.
<b>Processing Details</b>	
Received:	July 20, 2021
Deemed Complete:	August 19, 2021
Notice of Complete Application:	Sent to 149 property owners within 120 m of the subject property on October 14, 2021.
Public Notice Sign:	October 18, 2020 and updated on March 29, 2022.
Notice of Public Meeting:	April 7, 2022
Public Consultation:	Public meeting notice has been provided in accordance with the requirements of the <i>Planning Act</i> .
Public Comments:	Five comments were received through the preliminary circulation (attached as Appendix "D" to Report PED22081).
Processing Time:	280 days.

### EXISTING LAND USE AND ZONING

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	179, 183 and 187 Wilson Street West – Single Detached Dwellings	Community Institutional (I2, 694) Zone

#### **Surrounding Land Uses:**

North	Single Detached Dwellings	Existing Residential "ER" Zone
East	Townhouse Dwellings	Residential Multiple "RM3-378" Zone, Modified

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 5 of 22**

---

**Surrounding Land Uses (Continued):**

South	Single Detached Dwellings	Existing Residential “ER” Zone and “ER-358” Zone, Modified
West	Single Detached Dwellings (condominium development)	Residential “R2-541” Zone, Modified

The following related applications were also submitted and are being reviewed by the City to facilitate the development of the proposed 35 freehold townhouse dwellings fronting onto a common element condominium road:

**Site Plan Control Application DA-21-043**

A Site Plan Control application has been submitted to facilitate the development of 35 freehold townhouse dwellings on a condominium road including visitor parking, a sidewalk, bicycle parking and community mailboxes. The Application received conditional approval on June 24, 2021.

**Draft Plan of Condominium (Common Element) Application 25CDM-202119**

The Draft Plan of Condominium (Common Element) application is comprised of a private road, visitor parking, sidewalk, bicycle parking and community mailboxes for the 35 freehold townhouse dwellings and was received on July 20, 2021. The Application is currently under review.

**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 *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are discussed in the Official Plan analysis below.

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12) - Page 6 of 22**

---

As the Application for Draft Plan of Subdivision complies with the UHOP, it is staff's opinion that the Application is:

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

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

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the UHOP. The lands are also within the Ancaster Wilson Street Secondary Plan and are designated "Medium Density Residential 2". The lands are also located within an area identified as "Gateway Residential Area", and within the "Community Node Area" on Appendix "A" attached to Report PED22081. The following UHOP policies, amongst others, apply to the proposal.

Neighbourhoods Designation

- "E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and *housing with supports*.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained."

The proposed development for 35 freehold townhouse dwellings will contribute to the provision of complete communities and provide additional housing units within the neighbourhood. The area is supported by a range of uses such as commercial plazas to the north-east, a community park and recreational trails (Little League Park and Spring Valley Trail) to the north, Ancaster High School to the west and Ancaster Public School to the south. The site would also be adjacent to a public transit stop along Wilson Street West. The transit stop located adjacent to the site is serviced by the Hamilton Street Railway (HSR) Route 16, which provides a connection through Ancaster from Meadowlands to Duffs Corners. The proposed development

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 7 of 22**

---

complements the established lot, block pattern and built form of the existing low and medium density residential neighbourhood.

Medium Density Residential - Volume 1

“E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads; and,

E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.

Design

E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road;
- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations;
- c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area; and,
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”



**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 8 of 22**

---

Ancaster Wilson Street Secondary Plan – Volume 2

“B.2.8.7.4 Medium Density Residential 2 Designation

- a) Notwithstanding Policy E.3.5.2 and E.3.5.4 of Volume 1, the permitted uses shall be limited to single detached dwellings, semi-detached dwellings, all form of townhouse dwellings, low-rise multiple dwellings, and live-work units;
- b) Notwithstanding Policy E.3.5.7 of Volume 1, the net residential density range shall be 60 - 75 units per hectare; and,
- c) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum building height shall be three storeys.”

In review of the Volume 1 policies, the subject lands are on the periphery of a neighbourhood located along a major arterial road and within safe and convenient walking distance to commercial plazas, trails and schools. With respect to design, the proposed street townhouse dwellings act as a transition between the lower density uses in the immediate established neighbourhood to the north and would have a height, massing and arrangement of buildings that fit well with the neighbouring properties along Wilson Street West. The proposal supports a range of housing options, has direct access to a major arterial road, and is supported by public transit.

In review of the Volume 2 policies, the proposal for 35 three storey freehold townhouse dwellings complies with the permitted uses in the Secondary Plan, although the proposal would yield a density of 44 units per hectare. The Community Institutional (I2) Zone permits the proposed street townhouse development as of right and therefore are deemed to comply with the UHOP.

Staff are of the opinion that the proposal complies with the UHOP and the Ancaster Wilson Street Secondary Plan.

Residential Intensification

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) A balanced evaluation of the criteria in b) through g), as follows;

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12) - Page 9 of 22**

---

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

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

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12) - Page 10 of 22**

---

- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

The proposed development is an infill development which will contribute to achieving the City’s intensification target for lands within the existing urban boundary. Generally, the subject lands are surrounded by single detached dwellings to the north, south and west and a townhouse development to the east and this development will provide an opportunity to add a range of new dwelling types along Wilson Street West. The proposed development will complement the established lot patterns in the neighbourhood and support the City’s objective to encourage transit supportive development.

The proposed street townhouse dwellings are compatible and complement the existing surrounding neighbourhood by encouraging a range of dwelling types and sizes. The street townhouses are proposed to be a maximum of three storeys in height. This proposal meets the setbacks required by the Community Institutional (I2) Zone. There are not anticipated to be any shadow or overlook issues created by the proposed three storey height. The proposed development makes use of the existing municipal infrastructure and can be serviced by existing water and sanitary services.

#### Tree Protection

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

In order to accommodate the proposed development, 142 trees require compensation (i.e. 1:1): 99 trees will require cash in lieu for compensation and 43 trees will be planted for compensation. Condition Nos. 2 and 3 of Appendix “C” attached to Report PED22081 require a Tree Protection Plan/Preservation Plan and a Landscape Plan, prior to registration of the plan of subdivision and prior to any preliminary grading or servicing occurring on the subject lands.

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 11 of 22**

---

### Cultural Heritage

- “B.3.4.4.2 In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act, R.S.O., 1990 c. P.13:...
- c) Plans of subdivision.”

As part of the previous application, a Stage 1 and 2 (P389-0399-2018) archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). The Province signed off on the report for compliance with licensing requirements in a letter dated May 10, 2019. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

### Plan of Subdivision

- “F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:
- a) The plan of subdivision conforms to the policies and land use designations of this Plan;
- b) The plan of subdivision implements the City’s staging of development program;
- c) The plan of subdivision can be supplied with adequate services and community facilities;
- d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) The plan of subdivision can be integrated with adjacent lands and roadways;
- f) The plan of subdivision shall not adversely impact municipal finances; and,
- g) The plan of subdivision meets all requirements of the *Planning Act*, R.S.O., 1990 c. P.13.”

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12) - Page 12 of 22**

---

The proposed Draft Plan of Subdivision complies with the UHOP and meets all the requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the subject lands can be adequately serviced using existing infrastructure. It can be integrated with the adjacent lands and road network. The proposal will not adversely impact the natural environment, transportation system, and municipal finances.

### **Ancaster Wilson Street Secondary Plan Urban Design Guidelines**

The lands are located within the Gateway Residential Area of the Ancaster Wilson Street Secondary Plan Urban Design Guidelines. The proposed building form on the subject lands is identified as Typology B. The following excerpts of the Guidelines apply.

#### Design Goals

“The intent of these design guidelines is to preserve the residential scale and “green” character of Wilson Street West, while enhancing the “gateway” function the corridor currently fulfils. Primary elements of the guidelines that achieve this include:

- Building design is flexible and accommodates/promotes individual expression;
- Building heights are limited to three storeys with pitched rooflines;
- Building masses are setback from the street with front yard landscaping; and,
- A strong linear parkway for pedestrian and bicycle circulation enhances connections and the green quality of the street.”

The proposal meets the intent of the design goals as the street townhouses are not more than three storeys in height, the buildings are setback from the street and the site incorporates landscaping which enhances the green quality of the street. Other design requirements that have been considered through Site Plan Control include the design and integration of the units that flank onto Wilson Street West by incorporating more articulation for the facades facing the street.

Based on the foregoing, the proposed Draft Plan of Subdivision complies with the UHOP.

### **Hamilton Zoning By-law No. 05-200**

The subject lands are zoned Community Institutional (I2, 694) Zone, in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED22081.

The Community Institutional (I2) Zone permits a range of low intensity institutional and residential uses, such as educational establishments, places of worship, single and

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 13 of 22**

semi-detached dwellings. Special Exception 694 permits a Retirement Home along with site specific modifications. The proposed 35 freehold townhouse dwellings are permitted within the (I2) Zone, and generally conform to the standards of the (I2) Zone, as shown on the concept plan attached as Appendix "E" attached to Report PED22081.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<ul style="list-style-type: none"> <li>Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department;</li> <li>Landscape Architectural Services, Strategic Planning Division, Public Works Department</li> <li>Asset Management, Strategic Planning Division, Public Works Department;</li> <li>Recreation Division, Healthy and Safe Communities Department;</li> <li>HydroOne; and,</li> <li>Niagara Escarpment Commission.</li> </ul>	No Comment
	<b>Comment</b>	<b>Staff Response</b>
Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>Development Engineering advise that the grading, drainage and servicing concerns for the subject lands are being dealt with under Site Plan Application DA-21-043; and,</li> <li>Any/all future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to: private water services, booster pumps, private storm and sanitary sewers, area drains, maintenance holes, sewage pumps, roadways, walkways, rear yard catch basins, stormwater management tank and OGS unit etc. are the sole responsibility of the condominium corporation and as such shall be noted in the condominium declaration.</li> </ul>	<ul style="list-style-type: none"> <li>It is noted that grading and drainage are being dealt with through Site Plan Control application DA-21-043;</li> <li>A capital reserve fund will be established through the Draft Plan of Condominium process to provide for cleaning and maintenance of shared elements (private roadway, sidewalks and landscaped areas); and,</li> <li>Staff note that the condominium declaration will include easements for the rear yards, which will be dealt with through the Draft Plan Condominium Application.</li> </ul>

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

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

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

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 14 of 22**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Development Engineering advise that the grading, drainage and servicing concerns for the subject lands are being dealt with under Site Plan application DA-21-043;</li> <li>• Any/all future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to: private water services, booster pumps, private storm and sanitary sewers, area drains, maintenance holes, sewage pumps, roadways, walkways, rear yard catch basins, stormwater management tank and OGS unit etc. are the sole responsibility of the condominium corporation and as such shall be noted in the condominium declaration;</li> <li>• An easement is required over the rear portion of the units in favour of the future Condo Corporation to ensure they have the right to maintain the approved drainage pattern by our office. The proponent will be required to submit a copy of the draft condo declaration to our office prior to registration of the final Condo Plan; and,</li> <li>• As a condition of the Subdivision Approval, the Applicant must show the dedication of the required road widening.</li> </ul>	<ul style="list-style-type: none"> <li>• The required road widening is shown as Block 2 in Appendix "B" attached to Report PED22081. The required road widening is also addressed through Condition No. 1 of Appendix "C" attached to Report PED22081.</li> </ul>

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

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

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

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 15 of 22**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Transportation Planning support the development;</li> <li>• As a condition of approval prior to servicing, the Owner shall include in the engineering design and cost estimate schedules, provision for the relocation of the concrete pad for the bus stop along Wilson Street West to the satisfaction and approval of the Manager, Transportation Planning. All costs for utility relocation are the sole responsibility of the Owner. It is the Applicant's responsibility to coordinate with the appropriate departments ahead of time; and,</li> <li>• Approximately 3.0 metres are to be dedicated to the right-of-way on Wilson Street West, as per the Council Approved Urban Official Plan: Schedule C-2 – Future Right-of-Way Dedications. Wilson Street West is to be 30.480 metres from Halson Street to Highway 403.</li> </ul>	<ul style="list-style-type: none"> <li>• Condition No. 4 of Report PED22081 requires that the Owner provide a design and cost estimate for the relocation of the concrete pad.</li> <li>• The required road widening is shown as Block 2 in Appendix "B" attached to Report PED22081. The required road widening is also addressed through Condition No. 1 of Appendix "C" attached to Report PED22081.</li> </ul>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• Forestry has no comments or concerns regarding the Draft Plan of Subdivision or Draft Plan of Condominium Application; and,</li> <li>• Note the landscape plan condition remains outstanding for Site Plan Control application DA-21-043 as street tree fees have not been received.</li> </ul>	<ul style="list-style-type: none"> <li>• The landscape plan and street tree fees will be required through Site Plan Control Application DA-21-043.</li> </ul>

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

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

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



**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 16 of 22**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>As required by Section 51(17)(c) of the <i>Planning Act</i>, the key plan is required to be provided at a scale of not less than one centimeter to 100 metres. The key plan shown is not to scale. Also, staff notes the orientation of the key plan does not match the orientation of the draft plan;</li> <li>Require the owner to identify adjacent land uses, soil porosity, and number and type of units in accordance with the <i>Planning Act</i>;</li> <li>The existing municipal address of 187 Wilson Street West will be retained as the common element address for the subject proposal, along with units 1 to 35 for the proposed units; and,</li> <li>Add the standard note: Pursuant to Section 51(32) of the <i>Planning Act</i>, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.</li> </ul>	<ul style="list-style-type: none"> <li>The Draft Plan of Subdivision has been revised accordingly;</li> <li>The Owner/Applicant has been made aware of the assigned address for the site; and,</li> <li>The note has been included as Note #1 in Appendix "C" attached to Report PED22081.</li> </ul>
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>This development cannot be serviced by municipal waste collection;</li> <li>The development does not allow for continuous forward motion;</li> <li>The proposed T-Turnaround exceeds the Specifications in the Solid Waste Collection Design Guidelines for Developments;</li> </ul>	<ul style="list-style-type: none"> <li>Through the Draft Condominium Application, a note will be added to the Draft Plan indicating that the site is ineligible for municipal collection of Garbage, Recycling, Organics, and Leaf and Yard Waste; and,</li> <li>Collection of Garbage, Recycling, Organics, and Leaf and Yard Waste must be provided through a Private Waste Hauler(s).</li> </ul>

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

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

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

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 17 of 22**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• Should the application be approved the following notations must be included on the Draft Plan Approval:               <ul style="list-style-type: none"> <li>○ The developer is responsible for all waste removal up until the time that an “Agreement for On-site Collection of Solid Waste” is finalized, and municipal collection services are initiated; and,</li> <li>○ The developer must provide a signed letter from a professional engineer certifying that the road base along the access route can support at least 35,000 kilograms.</li> </ul> </li> <li>• If the development is not designed according to specifications identified herein, the developer must:               <ul style="list-style-type: none"> <li>○ Arrange a private waste hauler for the removal of all waste materials; and,</li> <li>○ As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection.</li> </ul> </li> </ul>	
Transit Planning and Infrastructure, Transit Division, Public Works Department	<ul style="list-style-type: none"> <li>• There is an HSR bus stop, with 9 m x 2.5 m concrete landing pad, currently situated within the boulevard in front of 179 Wilson Street West. The proponent should take steps to ensure that the bus stop and concrete pad is retained, post-development.</li> </ul>	<ul style="list-style-type: none"> <li>• Condition No. 4 of Appendix “C” attached to Report PED22081 ensures that the developer will relocate the bus stop and be responsible for its reconstruction.</li> </ul>
Canada Post	<ul style="list-style-type: none"> <li>• Identified that the site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per Canada Post standard requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• These requirements have been included as Condition Nos. 5, 6 and 7 in Appendix “C” attached to Report PED22081.</li> </ul>

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

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

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

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 18 of 22**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Bell Canada	<ul style="list-style-type: none"> <li>Requires the owner to provide any easements that may be necessary for communication/telecommunication infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>This is included as Condition No. 8 in Appendix "C" attached to Report PED22081.</li> </ul>
Rogers	<ul style="list-style-type: none"> <li>Requires the owner to provide any easements that may be necessary for communication/telecommunication infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>This is included as Condition No. 9 in Appendix "C" attached to Report PED22081.</li> </ul>
Union Gas (Enbridge)	<ul style="list-style-type: none"> <li>Requires that the applicant provide necessary easements and/or agreements for the provision of gas services.</li> </ul>	<ul style="list-style-type: none"> <li>This is included as Condition No. 10 in Appendix "C" attached to Report PED22081.</li> </ul>
<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Density	A concern was raised that the proposed density for the development is too high.	<ul style="list-style-type: none"> <li>35 freehold townhouse dwellings fronting onto a common element condominium road are proposed at a density of 44 units per hectare which is less than what the UHOP requires for the "Medium Density Residential 2" designation.</li> </ul>
Traffic and Parking	<ul style="list-style-type: none"> <li>Proposed development will cause an increase in traffic on Wilson Street;</li> <li>Concern that there is not enough parking; and,</li> <li>Request that the increased traffic issues be monitored.</li> </ul>	<ul style="list-style-type: none"> <li>Transportation Planning Staff have reviewed the application and have no concerns with the traffic the proposal would generate; and,</li> <li>The proposal provides two spaces per unit and nine visitor spaces. This exceeds the minimum requirement of Zoning By-law No. 05-200, which requires one space per unit.</li> </ul>

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

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

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

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 19 of 22**

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Height	<ul style="list-style-type: none"> <li>There is concern that the height of the proposal will create overshadowing, loss of privacy and less light.</li> </ul>	<ul style="list-style-type: none"> <li>The permitted maximum height within the Community Institutional (I2) Zone is 10.5 metres and the Applicant is proposing a building height of 10.2 metres.</li> </ul>
Construction/ Noise and Light Pollution	<ul style="list-style-type: none"> <li>Concern that the construction on site may compromise the neighbouring properties foundations;</li> <li>Concern that construction and site works will occur on weekends and during early or late hours; and,</li> <li>Wish to have noise and light pollution monitored during the construction.</li> </ul>	<ul style="list-style-type: none"> <li>Should the Applications be approved, plans or procedures for dealing with issues concerning construction management will be reviewed at the Site Plan Control stage to mitigate impacts of construction activities.</li> </ul>
Trees	<ul style="list-style-type: none"> <li>There is concern regarding the loss of mature trees on this property and concern that all trees are being removed; and,</li> <li>Some residents wish to be consulted on tree removal and when it will occur as well as replanting and fencing.</li> </ul>	<ul style="list-style-type: none"> <li>Replanting and cash-in-lieu will be further addressed through Site Plan Control;</li> <li>To date staff have been providing residents whom have requested copies of the TPP and Landscape Plan for review and comment;</li> <li>Staff note that tree removals are to be done outside of nesting season (March 31 to August 31); and,</li> <li>As part of the Site Plan Control new fencing is proposed around the perimeter of the site.</li> </ul>
Drainage	<ul style="list-style-type: none"> <li>Concern that overflow will be prevented and will not impact existing properties.</li> </ul>	<ul style="list-style-type: none"> <li>The Applicant is proposing a catch basin system that leads to a holding tank to ensure that overflow and stormwater runoff levels are maintained.</li> </ul>

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

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

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

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 20 of 22**

---

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 149 property owners within 120 m of the subject property on October 14, 2021, requesting comments on the Draft Plan of Subdivision application.

A Public Notice Sign was posted on the property on October 18, 2021, and updated on March 29, 2022, with the Public Meeting date. Finally, Notice of the Public Meeting was given on April 7, 2022, in accordance with the requirements of the *Planning Act*.

### Public Consultation Strategy

The Applicant met with representatives of abutting properties (173 and 195 Wilson Street West) to discuss the revised proposal on March 22, 2021 and March 23, 2021. A meeting was also held with the abutting land owner at 210 Taylor Road on March 23, 2021.

Five comments have been received on this proposal and are attached as Appendix "D" to Report PED22081.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (a) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (b) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (c) It provides for dwelling units in an area where full municipal services are available, making efficient use of the land and infrastructure.
  
2. In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:
  - (a) It is consistent with the Provincial Policy Statement, A Place to Grow Plan, and complies with the Urban Hamilton Official Plan;
  - (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 21 of 22**

---

- (c) It complies with the applicable policies of the Urban Hamilton Official Plan;
- (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided;
- (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood and can be adequately serviced by the current road network;
- (f) The dimensions and shapes of the proposed lots generally conform to the Zoning By-law and are sufficient to accommodate the proposed development of street townhouse dwellings;
- (g) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;
- (h) Adequate utilities and municipal services are available to service the proposed blocks within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement;
- (i) Adequate land for right of way is being dedicated to the City; and,
- (j) The proposal will not have any negative impacts on the City's finances.

Based on the above, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

3. The subject lands are zoned Community Institutional (I2, 694) Zone, in Hamilton Zoning By-law No. 05-200. The proposed 35 freehold townhouse dwellings are permitted and conform to the standards of the (I2, 694) Zone;
4. A Site Plan Control Application has been submitted to the City to facilitate the development of 35 freehold townhouse dwellings on a condominium road including a sidewalk, visitor parking, community mailbox, bicycle parking, and landscaping. The Site Plan Control Application and the Draft Plan of Condominium (Common Element) to establish tenure for the dwelling units are currently being reviewed in tandem with this Application; and,
5. An exemption from Part Lot Control Application will be required to establish 35 Parcels of Tied Land (POTL's) as well as to establish access and maintenance easements.

**SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands  
Located at 179, 183, and 187 Wilson Street West, Ancaster  
(PED22081) (Ward 12) - Page 22 of 22**

---

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Draft Plan of Subdivision not be approved, only street townhouses fronting on Wilson Street as well as other uses permitted in accordance with the Community Institutional (I2, 694) Zone.

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

### **Community Engagement and Participation**

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

### **Healthy and Safe Communities**

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

### **Built Environment and Infrastructure**

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

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22081 – Location Map

Appendix “B” to Report PED22081 – Draft Plan of Subdivision

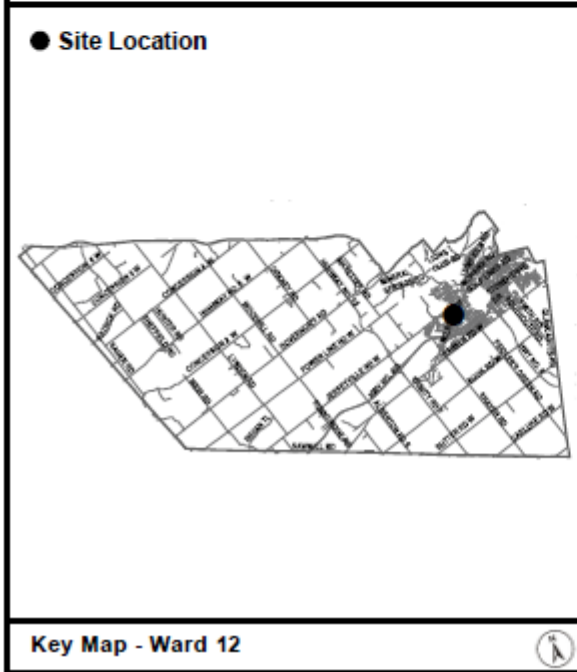
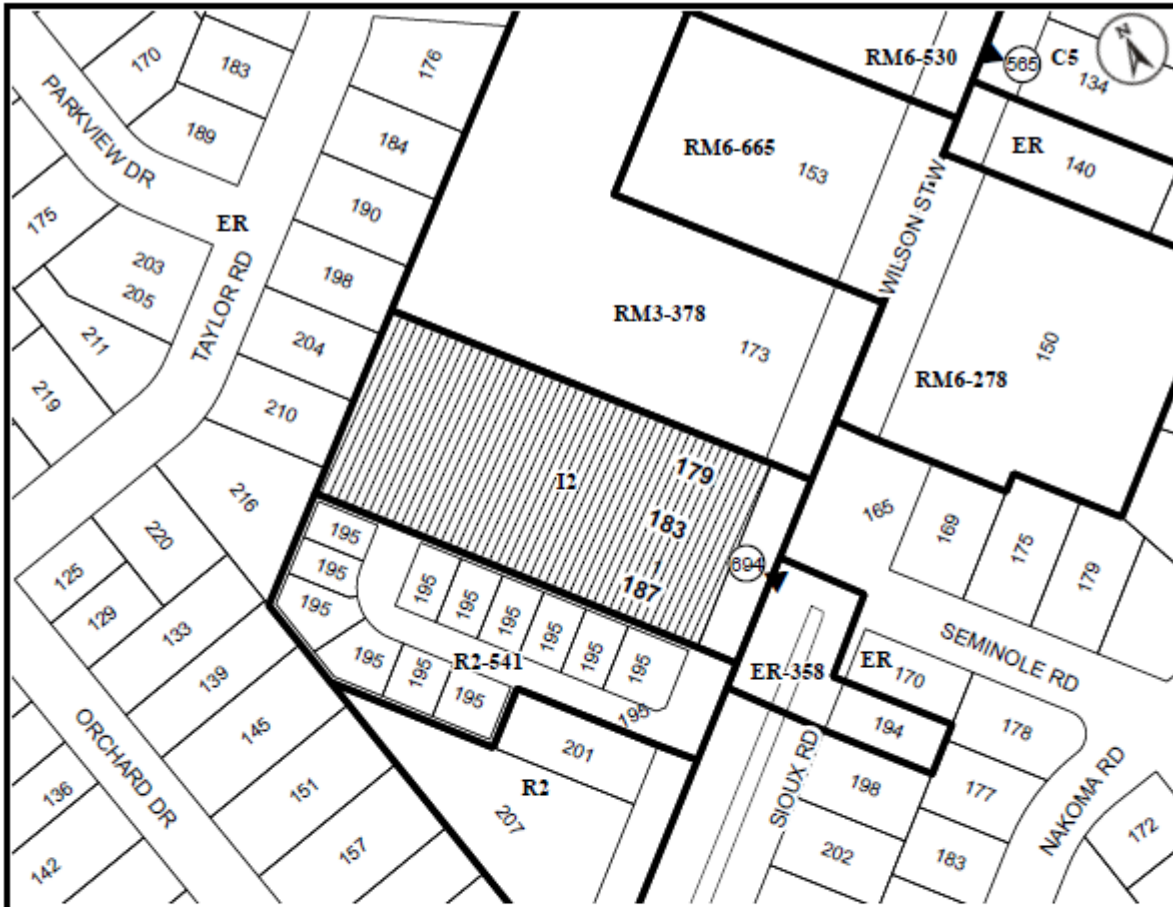
Appendix “C” to Report PED22081 – Special Conditions of Draft Plan of Subdivision

Appendix “D” to Report PED22081 – Public Comments

Appendix “E” to Report PED22081 – Concept Plan

JVR:sd

Appendix "A" to Report PED22081  
Page 1 of 1



### Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-202119 25T-202110

Date:  
March 14, 2022

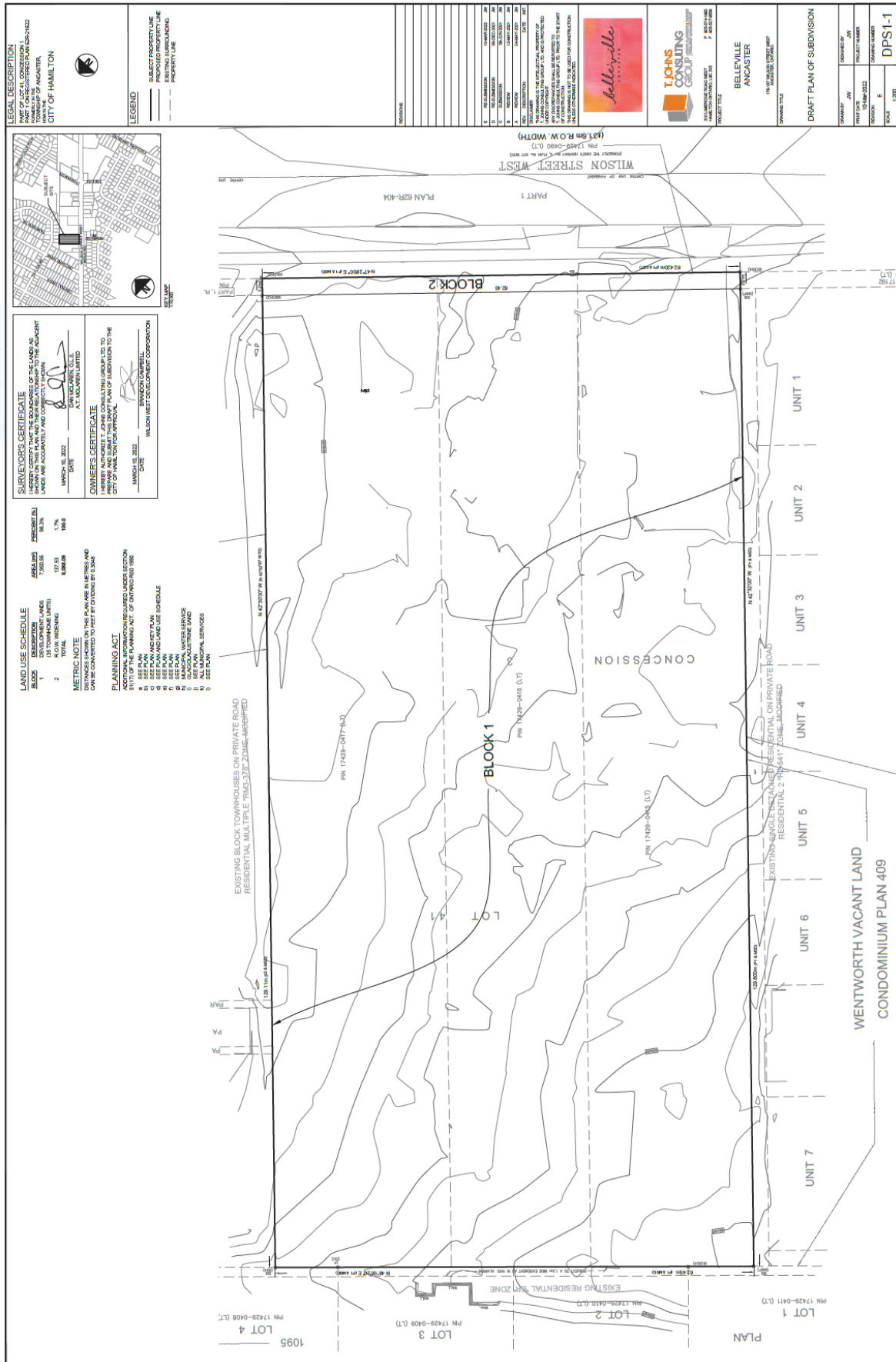
Appendix "A"	Scale: N.T.S	Planner/Technician: JV/NB
--------------	-----------------	------------------------------

**Subject Property**

179 - 187 Wilson Street West



Appendix "B" to Report PED22081  
Page 1 of 1



**Appendix "C" to Report PED22081**  
**Page 1 of 3****Special Conditions for Draft Plan of Subdivision Approval for 25T-202110**

That this approval for the Draft Plan of Subdivision, 25T-202110, prepared by T. Johns Consulting Group and certified by Dan McLaren, O.L.S., dated March 10, 2022 (Revision E, dated March 10, 2022), consisting of one development block for street townhouse dwellings (Block 1 and Block 2) be received and endorsed by City Council with the following special conditions:

**Development Engineering:**

1. That, **prior to registration of the final plan of subdivision**, the Owner agrees that the final plan of the subdivision shall include a 2.21 metre block widening to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to establish the widened limit of Wilson Street at 15.24m (50 feet) from the center line of the original road allowance, to the satisfaction of the Director, Growth Management.

**Development Planning:**

2. That, **prior to preliminary grading and / or servicing**, the Owner shall prepare a Tree Preservation / Enhancement Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; and to implement all approved tree saving measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner; and,
3. That, **prior to registration of the plan of subdivision**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect to the satisfaction of the Director of Planning and Chief Planner. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City's Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees.

**Transportation Planning:**

4. That, **prior to servicing**, the Owner shall include, in the engineering design and cost estimate schedules, provision for the relocation of the concrete pad for the bus stop along Wilson Street West to the satisfaction and approval of the Manager, Transportation Planning. All costs for utility relocation are the sole responsibility of the Owner. It is the Applicant's responsibility to coordinate with the appropriate departments ahead of time.

**Appendix "C" to Report PED22081**  
**Page 2 of 3**

**Canada Post:**

5. That **prior to registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
  - i. That the home / business mail delivery will be from a designated Centralized Mail Box; and,
  - ii. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
  
6. That **prior to registration of the plan of subdivision**, the Owner agrees to:
  - iii. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
  - iv. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
  - v. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
  - vi. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
  - vii. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
  
7. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

**Bell Canada:**

8. That **prior to registration of the plan of subdivision**, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

**Rogers Communication Inc.:**

9. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Rogers Communications Inc. ("Rogers") the necessary easements and / or agreements required by Rogers for the provision of telecommunications services for this project, in a form satisfactory to Rogers.

**Union Gas:**

10. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Enbridge Gas Inc.'s operating as Union Gas, ("Union") the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

**NOTES TO DRAFT PLAN APPROVAL**

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

**Appendix “D” to Report PED22081  
Page 1 of 6**

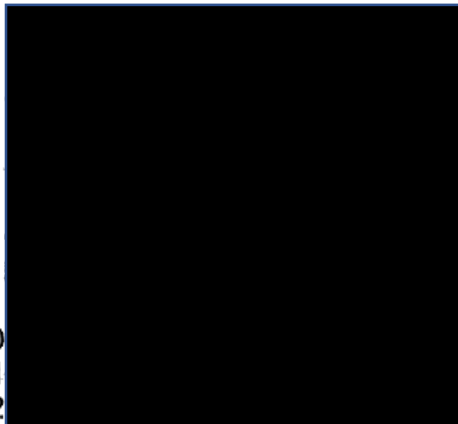
October 28, 2021

**To: City of Hamilton – James Van Rooi – City of Hamilton, Planning and Economic Development Department, Development Planning, Heritage and Design-Suburban Team.**

**Regarding: Files 25T-202110 25CDM-202119. Folder 2021 152186 00  
PLAN (1077285)**

The Wentworth Vacant Land Condominium Corporation No. 409, hereinafter referred to as WVLC NO.409, at 195 Wilson Street West, Ancaster, represents the owners of the following 12 detached, single-family homes:

Unit 1:  
Unit 2:  
Unit 3:  
Unit 4:  
Unit 5:  
Unit 6:  
Unit 7:  
Unit 8:  
Unit 9:  
Unit 10  
Unit 11  
Unit 12



On behalf of the above residents and the Board of Directors of WVLC No. 409, we wish to acknowledge receipt of your letter of October 14, 2021 regarding the Draft Plan of Subdivision and Draft Plan of Condominium for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (Ward 12). After review, we wish to convey our observations, comments and concerns to the City of Hamilton, regarding the draft plan of sub-division File No. 25T-202110.

We acknowledge the Starward Homes Proposal meets existing zoning bylaws as per the Planning Committee decision of December 3, 2019. However, as stated in our letter of March 24, 2020, members of our Condo Corporation continue to express safety and lifestyle concerns as a result of the proposed Condominium project next door to our community. As such, our collective concerns, questions and comments are listed below:

1. The proposed development is too high-density. The expected number of additional vehicles and residents will increase noise and traffic to Wilson Street and

## Appendix "D" to Report PED22081

Page 2 of 6

surrounding area. The added traffic will make an already difficult exit from our private lane onto Wilson even more challenging. Crossing Wilson as a Pedestrian in this area is now almost impossible at peak times of the day, so an additional crosswalk on Wilson at Seminole Road or Orchard Street should be seriously considered.

2. The proposed height of the buildings is too high and will overshadow our back and side yards, resulting in less light, and less privacy.
3. The high-density development will diminish the green space of the area, by the removal of multiple mature trees that further provide privacy and quiet to our residences. Our concern is for saving the large trees on the back perimeter of the property and for replacement of the scrub cedars on the side perimeter, many of which are leaning or split.
4. Our concern is that proper wooden fencing be built between our two properties.
5. Our concern is that heavy construction equipment or the construction process may influence the soundness of our foundations due to the close proximity of our homes to the construction site. Should there be damage to our foundations, we would expect that Starward Homes pay for necessary repairs.
6. We wish to be advised regarding precise timelines for demolition of vacant homes at 179, 183, and 187 Wilson St. W. Ancaster, as well as precise timelines for tree removal due to noise and safety issues for residents and neighbors. Specific construction start-time and completion dates are needed by our residents. We expect to be consulted on tree removal, tree replanting, and fencing on our property line, and be informed of any site planning of our mutual property line.
7. We ask that the City of Hamilton monitor noise and light pollution from the construction of this development.
8. We ask that the City of Hamilton monitor the increased traffic issues associated with development as well as parking by Condo residents on side streets and Wilson Street. The draft plan of this development shows insufficient parking spaces for a potential 35-40 additional cars. There are a potential 70 cars to be parked in this new survey.
9. We ask that the City of Hamilton enforce hours of construction, and that Councilor Ferguson monitor the construction process based upon his extensive experience in the private sector.
10. We, the WVLCC NO.409 represented by the Board of Directors as well as the above-named residents of units 1 through 12, would like these comments, concerns and requests to become a matter of public record with the City of Hamilton.

**General Observations regarding Ancaster Town Planning from the Board of Directors:**

Recent developments in Ancaster over the past 5 years are changing our town from a residential community characterized by single family homes into one with significantly higher density living complexes. These high-density dwellings are creating a profound change in the community, primarily with increased traffic on Wilson Street, higher levels of noise and pollution, less green-space and trees, and less light to nearby homes from excessive building heights.

Only one development, too big, or too high sets a precedent which enables other developers to push for bigger and higher buildings in the future, thus transforming our

**Appendix "D" to Report PED22081**  
**Page 3 of 6**

quiet residential community into a busy, urban one. We, as Ancaster residents wish to preserve this character of a residential, two story-maximum community, to ensure its natural village character thrives and continues well into the future.

Thank you, James, for your cooperation regarding this important project. Please continue to keep us informed in a timely manner of all new developments with this project.

Sincerely,

[REDACTED]  
[REDACTED] WVLCC No. 409 - President  
Wilson Street West, Ancaster, ON.  
[REDACTED]

[REDACTED] – Board Liason  
[REDACTED] Wilson Street West, Ancaster, ON.

**From:** [REDACTED]  
**Sent:** November 4, 2021 11:52 AM  
**To:** Van Rooi, James <James.VanRooi@hamilton.ca>  
**Subject:** Notice from City on Draft Plan of Condominium for lands located at 179, 183, and 187 Wilson St W Ancaster

Good Morning,  
May I please obtain additional information regarding this property?  
I manage a property at 150 Wilson Street West and would like to know the particulars.  
Thank you so much

**From:** [REDACTED]  
**Sent:** February 14, 2022 2:43 PM  
**To:** Van Rooi, James <James.VanRooi@hamilton.ca>  
**Cc:** tjohns@tjohnsconsulting.com; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>  
**Subject:** Condominium Application 25CDM-202119

On behalf of Condominium owners at Wilson Woods, 173 Wilson St. West, Ancaster, we would like to express some concerns pertaining to the proposed Condo development known as Lands 179, 183, and 187 Wilson St. West.

Plans indicate a high density of 35 units, 14 backing onto our 7 one floor units. With this density "All" of the mature trees and foliage will be removed, thus resulting in the loss of privacy that we have enjoyed for the past 25 years. Two large pines that abut Wilson St. also give units 1 and 2 blockage from car lights and noise. As planning continues we would request that a new 6 ft. fence be erected with a 1-2 ft. lattice between the properties along with a buffer of cedar trees. Special attention should be applied to the South/East corner along Wilson St. It is imperative that proper swale be incorporated between the properties to prevent overflow into our property.

Within the property there exists underground water streams that have, and are impacting existing properties.

The internal East/West roadway is "Not" to be joined to our existing roadway.

It is hoped that in final design, construction, and landscaping, that our concerns will be addressed and steps taken to mitigate these issues, especially our need for privacy.



Board President of Wilson Woods  
173 Wilson St. West, Ancaster



**Appendix "D" to Report PED22081**  
**Page 5 of 6**

**From:** [REDACTED]  
**Sent:** November 3, 2021 4:51 PM  
**To:** Van Rooi, James <James.VanRooi@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>  
**Subject:** 179-187 Wilson St West

Hello Gents,

I would like to submit my feedback on this development as per the notice we received in the mail.

A few thoughts:

1 - these 3 lots were previously zoned for 1 single family home each. The new development proposal is for 35 homes. I am not opposed to development here but really only have one issue that I believe needs to be addressed: the large, mature trees.

2 - the Wilson Secondary Plan calls this a residential greenway into Ancaster. Preserving the 6-7 mature trees along Wilson Street, and as many as possible along the side and rear lot line would show compatibility with the Wilson ST plan. It is moments like this where Secondary Plans are designed for.

3 - the front entry driveway could be slightly moved west, and perhaps 2 units at the front of the project may need to be removed in order to fully preserve these beautiful trees. Again, if myself or another neighbour had purchased one of these lots we would have been limited to 1 unit. 33 or 35 units is a fantastic money-maker for the builder. Preserving trees will only enhance their project and allow the new residents to feel as though they are moving into old Ancaster.

4 - Ancaster has lost more tree canopy than any other ward in recent years according to the City's urban canopy study. This trend must be stopped, or slowed. Many large trees will be removed through the centre of this site. Maintaining the 6-7 along Wilson should be mandatory before any development is approved.

I believe this project will be a great one for the builder, and CAN be very compatible and beautiful for the existing neighbours. But only if the front trees remain. There is simply no reason to remove them. Again, if 2 units are to be lost to accomplish this goal, I believe it fits perfectly with the Wilson Secondary Plan, the Tree Canopy guidelines and Ancasters tree preservation bylaw.

Thank you!

[REDACTED]

**Appendix "D" to Report PED22081**  
**Page 6 of 6**

**From:** [REDACTED]  
**Sent:** October 21, 2021 3:36 PM  
**To:** Van Rooi, James <James.VanRooi@hamilton.ca>  
**Subject:** FILE 25 T 202110 - 179 - 183 - 187 WILSON ST WEST

James,

I live at [REDACTED] Taylor and, I would like to know how many trees will be removed and what types and how many trees will be replanted.

I do not see any green space in the plan.

My address [REDACTED] Taylor I currently have 173 Wilson looking into my backyard and soon to be the Apartments at 153. The construction noise from this project is bearable on a weekday however construction runs on Saturdays too, Wilson Street is blocked with a constant flow of construction traffic. This is unacceptable.

While I do not object to densification I do object to tree removal without replanting at least 3 times as many as are removed.

The backyards on Taylor Rd are being left wide open, with many of these properties having decks that are as high or higher than the fence.

I currently can see 5 decks from my yard, and a new Apartment building. I have had to invest in more trees and better privacy fencing, the developers should be carrying these costs.

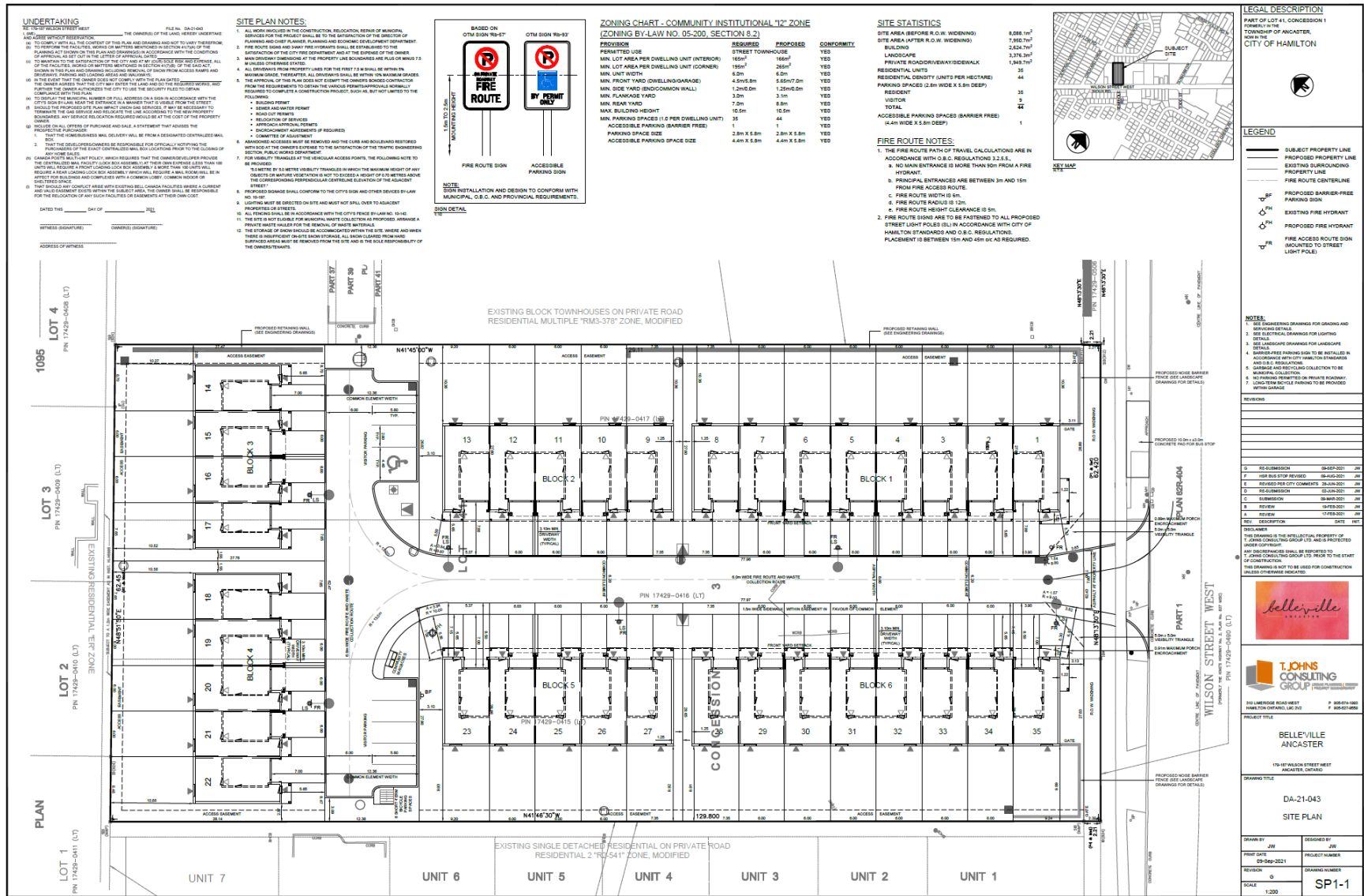
There should be a mandate that all new builds include privacy protection for the neighborhood and a full tree circle hedge around the perimeter.

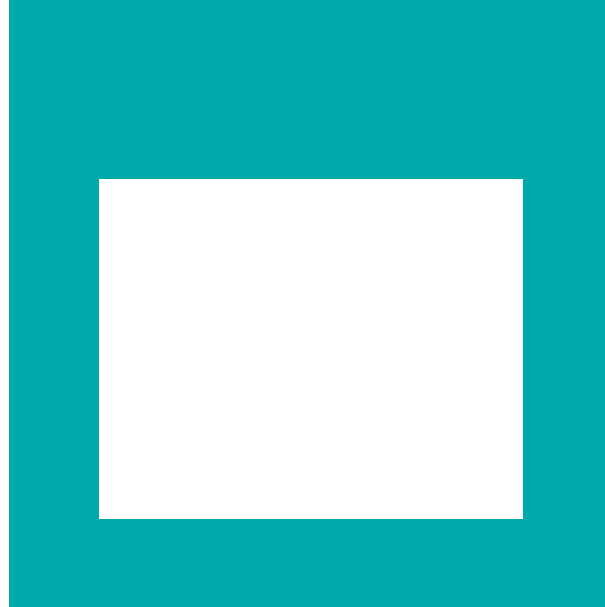
Thank you

[REDACTED]  
Taylor Road

# Appendix "E" to Report PED22081

## Page 1 of 1





WELCOME TO THE CITY OF HAMILTON

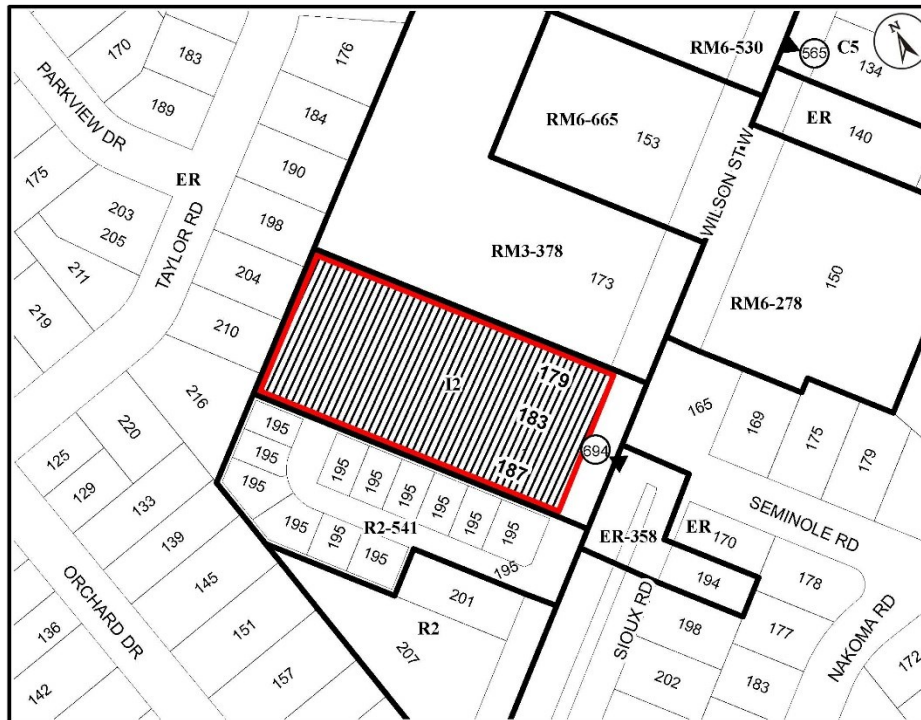
# PLANNING COMMITTEE

April 25, 2022

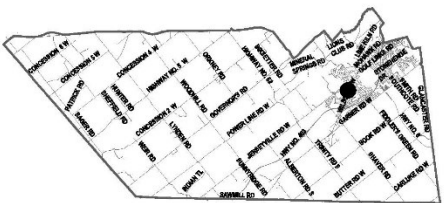
# **PED22081– (25CDM-202119 / 25T-202110)**

Application for Approval of a Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster.

Presented by: James Van Rooi



● Site Location



Key Map - Ward 12

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-202119 25T-202110

Date:  
March 14, 2022

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
JV/NB

**Subject Property**

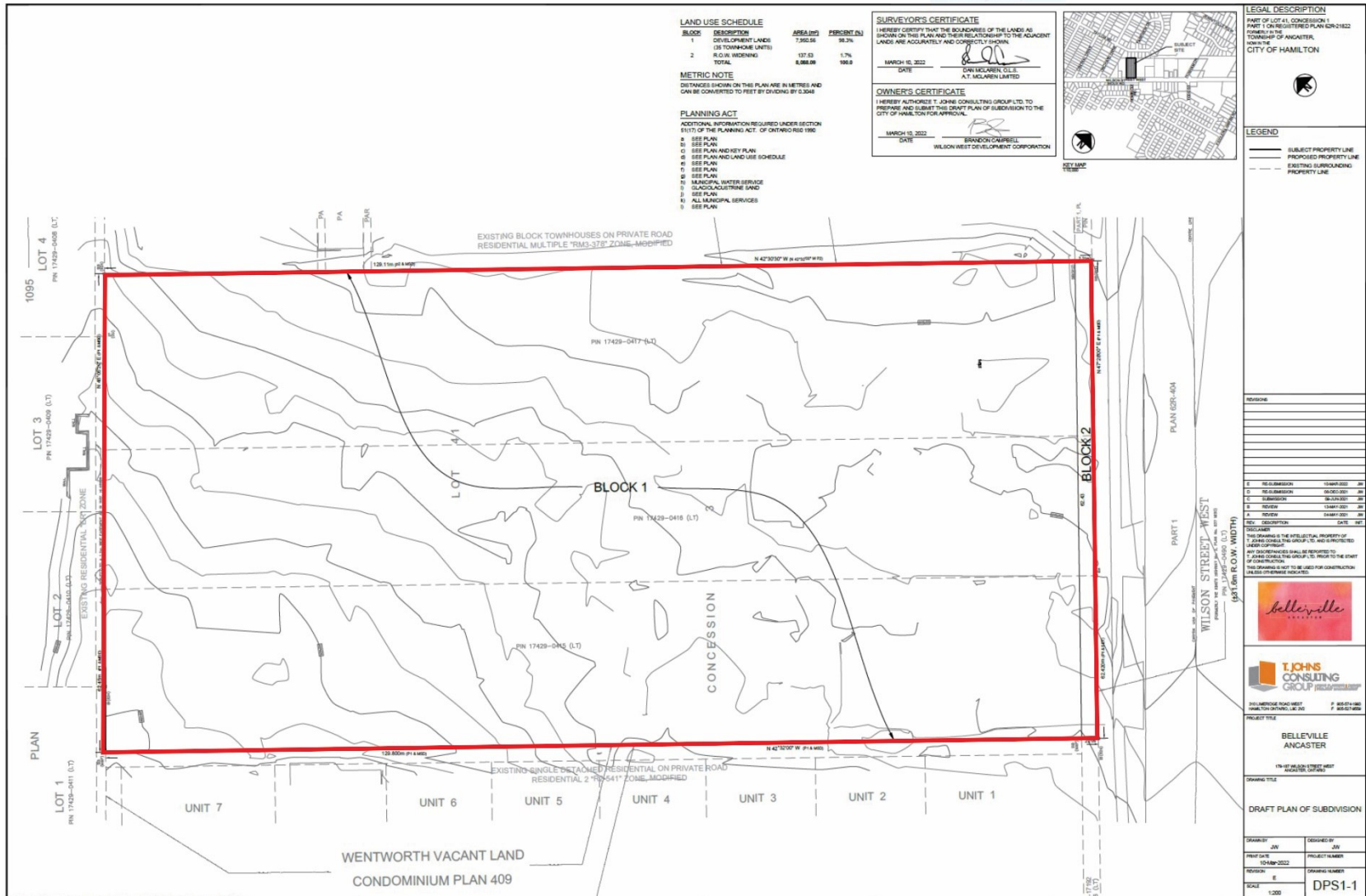
 179 - 187 Wilson Street West



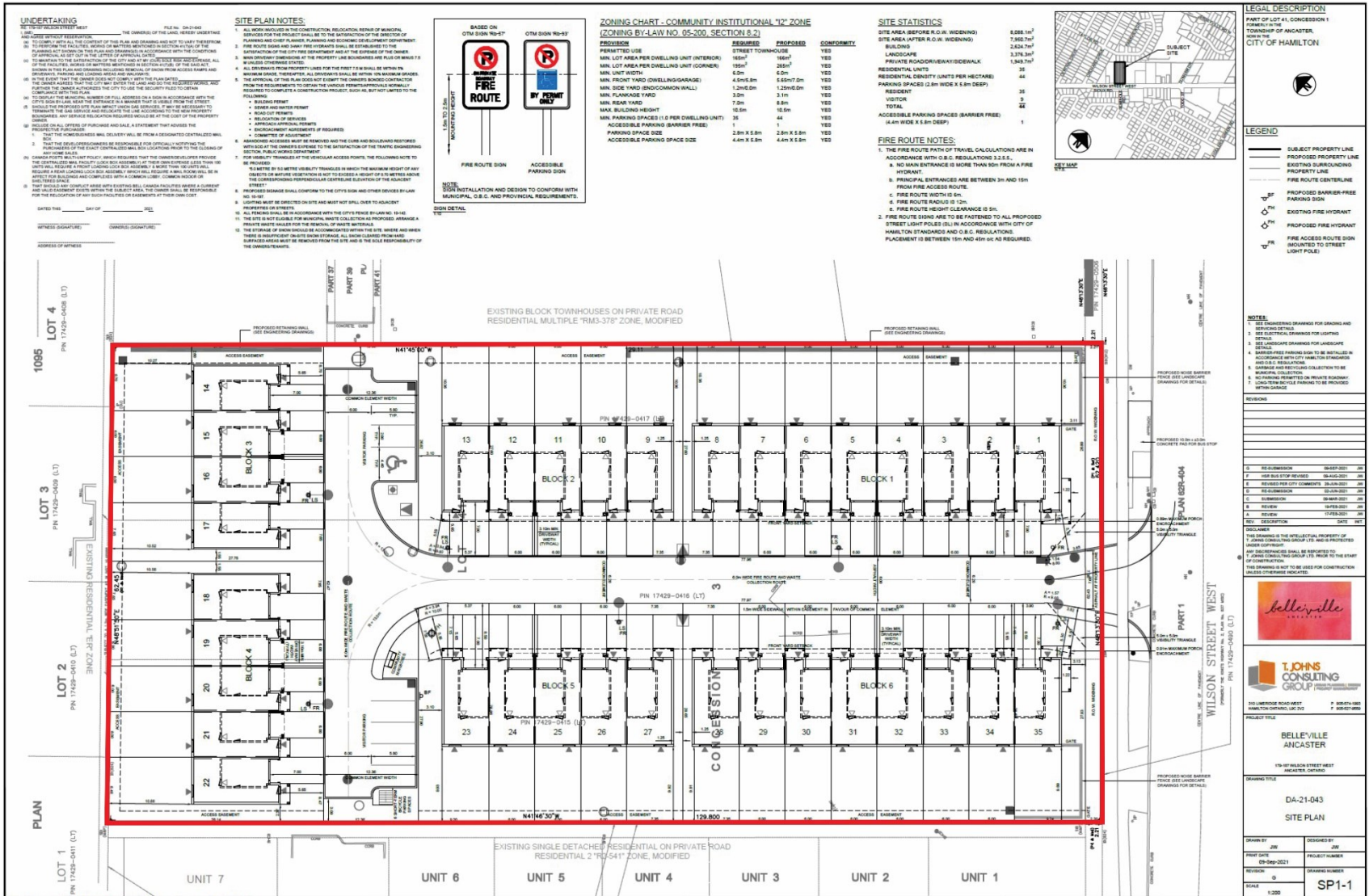
**SUBJECT PROPERTY**



**179 – 187 Wilson Street West, Ancaster**









187 Wilson Street West



183 Wilson Street West



179 Wilson Street West



View looking towards Hamilton proper on Wilson Street West



View looking south west on Wilson Street West



195 Wilson Street West



173 Wilson Street West





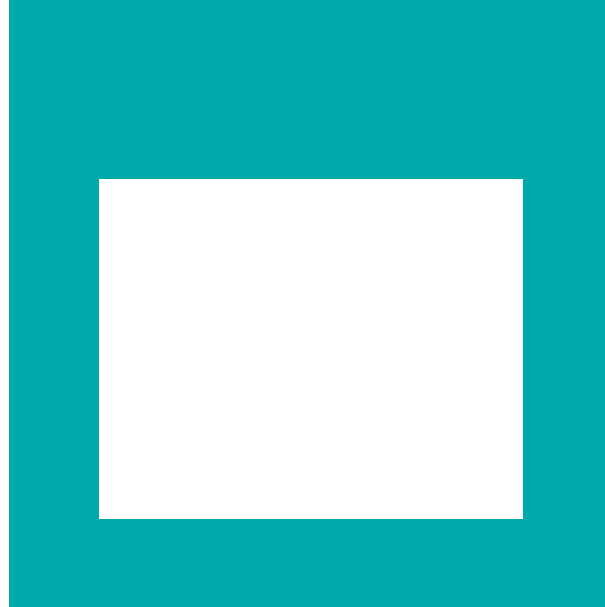
Building under construction at 153 Wilson Street West



150-100 Wilson Street West



View looking to Seminole Road across from site



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 25, 2022
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14)
<b>WARD(S) AFFECTED:</b>	Ward 14
<b>PREPARED BY:</b>	James Van Rooi (905) 546-2424 Ext. 4283
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAC-20-044 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner**, for a change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified (Block 1) and from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, (Block 2), to permit the lands to be developed for six street townhouses and one single detached dwelling, on lands located at 525 Rymal Road West, as shown on Appendix "A" attached to Report PED22083, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" attached to Report PED22083, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) 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 (UHOP);

---

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 2 of 24**

---

- (b) That **Draft Plan of Subdivision Application 25T-202010 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner**, to establish a Draft Plan of Subdivision on lands located at 525 Rymal Road West, as shown on Appendix “E” attached to Report PED22083, be **APPROVED** on the following basis:
- (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202010 prepared by A. J. Clarke and Associates Ltd. and certified by Nicholas P. Muth, O.L.S. dated July 5, 2021, consisting of one block (Block 8), and seven lots (Lots 1-7), subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council, attached as Appendix “E” to Report PED22083;
  - (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202010, attached as Appendix “F” to Report PED22083, be received and endorsed by City Council;
  - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council;
  - (iv) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands;
- (c) That upon finalization of the amending By-law, the subject lands shown as Block “1” on Appendix “A” attached to Report PED22083 be re-designated from “Single and Double” to “Attached Housing” in the Carpenter Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 525 Rymal Road West and is located at the south east corner of Rymal Road West and Davinci Boulevard. The owner has applied for an amendment to City of Hamilton Zoning By-law No. 6593 and for a Draft Plan of Subdivision.

The purpose of the Zoning By-law Amendment is to rezone the lands from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified, and

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 3 of 24**

---

from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, as shown on Appendix "A" attached to Report PED22083 to permit the lands to be developed for six street townhouses and one single detached dwelling.

The purpose of the Draft Plan of Subdivision application is to create seven lots and one block (Lots 1-7, and Block 8 shown on Appendix "E" attached to Report PED22083). Lots 2-7 are intended for six street townhouse dwellings, Lot 1 for a single detached dwelling, and Block 8 is for a Right-of-Way dedication along Rymal Road West.

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

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

**Alternatives for Consideration – See Page 23**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina
Applicant/Owner:	A.J. Clarke and Associates c/o Stephen Fraser
File Number:	ZAC-20-044 and 25T-202010
<b>Application Details</b>	
Type of Application:	Zoning By-law Amendment and Draft Plan of Subdivision

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 4 of 24**

Proposal:	<p>The Zoning By-law Amendment is to rezone the lands from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified and from the "AA" District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, to permit the lands to be developed for six street townhouses and one single detached dwelling.</p> <p>The Draft Plan of Subdivision proposes to create seven lots and one block. Lots 2 to 7 are intended for street townhouses and Lot 1 is intended for a single detached dwelling. A block is also being created and will be dedicated for a Right-of-Way widening along Rymal Road West. The lots will have access from Davinci Boulevard.</p>
<b>Property Details</b>	
Municipal Address:	525 Rymal Road West, Hamilton
Lot Area:	1,576 square metres (0.15 hectares)
Servicing:	Existing full municipal services.
Existing Use:	Two-storey single detached dwelling.

<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	"Neighbourhoods" in the Urban Hamilton Official Plan.
Official Plan Proposed:	N/A
Zoning Existing:	"AA" (Agricultural) District



**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 5 of 24**

<b>Documents</b>	
Zoning Proposed:	"RT-30/S-1817" (Street - Townhouse) District, Modified, (shown as Block 1 in Appendix "A" to Report PED22083) "C/S-1817" (Urban Protected Residential, etc.) District, Modified, (shown as Block 2 in Appendix "A" to Report PED22083)
Modifications Proposed:	The following modification to the "C" (Urban Protected Residential, etc.) District is required for the development: <ul style="list-style-type: none"> <li>To reduce the minimum lot area from 360 square metres to 358 square metres.</li> </ul> <p>The following modifications to the "RT-30" (Street - Townhouse) District are required for the development:</p> <ul style="list-style-type: none"> <li>To reduce the minimum side yard from 2 metres to 1.2 metres; and,</li> <li>To reduce the minimum lot area per unit from 180 square metres to 160 square metres.</li> </ul>
<b>Processing Details</b>	
Received:	October 21, 2020
Deemed incomplete:	November 20, 2020
Deemed complete:	December 3, 2021
Notice of Complete Application:	Sent to 82 property owners within 120 metres of the subject property on December 11, 2020.
Public Notice Sign:	Posted December 12, 2020 and updated with public meeting date on March 29, 2022.
Notice of Public Meeting:	Sent to 82 property owners within 120 metres of the subject property on April 7, 2022.
Public Consultation:	A public information letter from the applicant was mailed to residents within 120 metres of the subject lands and offered the public to provide feedback. The Applicant initially intended on hosting an open house.
Public Comments:	Three emails were received expressing concern for the proposed Zoning By-law Amendment and Draft Plan of Subdivision (attached as Appendix "G" to Report PED22083).
<b>Processing Details</b>	

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 6 of 24**

Processing Time:	550 days from date of receipt of initial Application.
------------------	---

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Single detached dwelling	“AA” (Agricultural) District

**Surrounding Land Uses:**

<b>North</b>	Single detached dwelling	“R-4” (Small Lot Single Family Dwelling) District
<b>East</b>	Single detached dwelling	“AA” (Agricultural) District
<b>South</b>	Single detached dwelling	“C” (Urban Protected Residential, etc.) District
<b>West</b>	Single detached dwelling	“AA” (Agricultural) District

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS, 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS, 2020 and conform to A Place to Grow (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

**Archaeology**

---

OUR Vision: To be the best place to raise a child and age successfully.  
 OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.  
 OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 7 of 24**

---

Staff also note Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS, 2020. The following policy of the PPS, 2020 also applies:

“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 three of ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) 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; and,
- 3) Along historic transportation routes.

As part of this Application, a Stage 1-2 (P389-0479-2020) archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The report concluded that no further archaeological assessment of the subject lands was required. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

## **Noise**

The PPS provides the following policy direction:

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

The subject lands are adjacent to Rymal Road West, which is considered as a “Major Arterial” in the UHOP. An Acoustical Study was prepared by HGC Engineering dated October 13, 2020 and submitted with the Applications.

The noise sources identified in the study that impact the subject lands included Rymal Road West and Davinci Boulevard.

The study found the sound levels from future road traffic will exceed the MECP guidelines. The Noise Study by HGC Engineering has identified the required mitigation

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 8 of 24**

---

measures and noise warning clauses that will need to be implemented in order for the development to comply with MECP guidelines. Required mitigation measures include:

- Installing an acoustical barrier facing Rymal Road West at a minimum of 2.0 metres in height and with a minimum surface density of 20kg/m<sup>2</sup>;
- Warning clauses that will need to be included in all offers of purchase and sale, and property and tenancy agreements;
- Requirement for the dwelling units to be fitted for central air conditioning systems so that windows can be kept closed;
- Requirement for the closest lot to Rymal Road West to be equipped with central air conditioning system so that windows and doors can be kept closed; and,
- Prior to issuance of a building permit, a qualified professional will review the plans to ensure compliance with the Noise Study provided by HGC Engineering.

The conditions related to noise are included as Condition No. 14 of Appendix “F” attached to Report PED22083.

The Applications have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (PPS, 2020);
- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- They comply with the Urban Hamilton Official Plan.

### **Urban Hamilton Official Plan**

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

#### Neighbourhoods

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods;
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi detached, duplex, triplex, and street townhouse dwellings;
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare;

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 9 of 24**

---

- E.3.4.5 For low density residential areas, the maximum height shall be three storeys; and,
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged;
  - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized; and,
  - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The UHOP policy indicates that the preferred location for low density residential uses is in the interior of neighbourhoods. The subject lands are at the periphery of the Carpenter neighbourhood with Rymal Road West being the northern most boundary. The periphery of neighbourhoods is generally where increased densities are encouraged and permitted, and this proposal represents an increase in density at the periphery of a neighbourhood. The proposal would facilitate the development of a single detached dwelling and six street townhouse dwellings on the lands at a density of 47 units per hectare. The proposed zoning does not seek to amend the height requirements of the parent zones, and the proposal would not exceed three storeys.

In accordance with policy E.3.4.6 a), the development proposes access for all the lots onto Davinci Boulevard which is a local road and not a minor or major arterial road. In accordance with policy E.3.4.6 b), the design of the townhouses is generally acceptable as the garages do not protrude and appear to be recessed thereby reducing their street presence. Staff have recommended a condition that elevation drawings should be reviewed as part of the Draft Plan of Subdivision approval process (Condition No. 11 of Appendix “F” attached to Report PED22083) to further review the architectural design of the proposal and to consider its relation in design to surrounding properties along Davinci Boulevard and Rymal Road West. In response to E.3.4.6 c), the proposal introduces a mix of lot widths and sizes compatible with the streetscape character of the area which is made up of low density, low rise built forms. The proposed zoning by-law

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 10 of 24**

---

maintains a minimum 6 metre front yard setback, which is consistent with the dwellings fronting Davinci Boulevard and Spadara Drive.

### **Residential Intensification**

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

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

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

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 11 of 24**

---

- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

The subject property is in an area dominated by a low-rise built form ranging in height from one to two storeys. The proposed development seeks to establish a development that is two storeys in height. The proposal would also implement setbacks for side yards, front yards and rear yards that are reflective of the development standards found along Davinci Boulevard and Spadara Drive. The proposed street townhouses and single detached dwelling height, building setbacks and building massing maintain the pattern and built form of the area. The street townhouses and single detached dwelling will have a standard 7.5 metre setback from the neighbouring property to the east. This setback combined with a two storey height of the proposed street townhouses would provide appropriate spacing to mitigate overlook and privacy concerns. Furthermore, the proposal includes a 1.8 metre board on board fence and there are existing hedge rows along the rear yards that mitigate privacy and overlook.

In accordance with B.2.4.1.4 f) and B.2.4.2.2 j), there are existing municipal services available to service the subject property and adequate transportation capacity available on the abutting municipal roads.

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 12 of 24**

---

## Trees

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

A Tree Protection Plan (TPP) and Landscape Plan were submitted with the Zoning By-law Amendment and Draft Plan of Subdivision applications. A total of 15 trees have been inventoried on the subject properties and adjacent properties. Of these, and to facilitate the proposed development, 11 trees will be removed from the subject lands, one tree will remain on the subject lands and three within the road allowance along Rymal Road West.

If approved, the Applicants will be required to provide adequate compensation in the form of either replanting's or cash-in-lieu (i.e. one to one) for the removal of trees on the lands. Condition Nos. 12 and 13 of Appendix “F” attached to Report PED22083 require that a Tree Protection Plan and a Landscape Plan be approved prior to preliminary grading and the registration of the Plan of Subdivision.

Based on the above analysis, staff are of the opinion that the proposed development complies with the policies of the UHOP.

## **Carpenter Neighbourhood Plan Policies**

The lands are identified as “Single and Double” in the Carpenter Neighbourhood Plan. If approved, staff recommend the neighbourhood plan be updated (recommendation (c) of Report PED22083) so that the lands intended for street townhouses being Block “1” on Appendix “A” attached to Report PED22083 are identified as “Attached Housing.” The following objectives of the Carpenter Neighbourhood Plan are applicable:

- “Objective 1 Residential - The Carpenter Neighbourhood will have a variety of housing types including single family dwellings, semi-detached dwellings, and townhouses;
- Objective 2 Compatibility - Future residential development will be compatible with the existing residential units fronting Rymal; and,
- Objective 3 Variety of Housing Types - A mixture of residential units will be provided.”

Staff have reviewed the policy objectives and are satisfied that the proposed development meets the general intent of adding a mixture of residential units in the form



**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 13 of 24**

---

of a single detached dwelling and street townhouses to the area. The proposal is compatible with the existing residential units fronting onto Rymal Road West as there will be appropriate setbacks incorporated, privacy and overlook concerns have been addressed and enhanced design will be included for facades facing Rymal Road West.

#### Plan of Subdivision

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

- a) The plan of subdivision conforms to the policies and land use designations of this Plan;
- b) The plan of subdivision implements the City’s staging of development program;
- c) The plan of subdivision can be supplied with adequate services and community facilities;
- d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) The plan of subdivision can be integrated with adjacent lands and roadways;
- f) The plan of subdivision shall not adversely impact municipal finances; and,
- g) The plan of subdivision meets all requirements of the *Planning Act*, R.S.O., 1990 c. P.13.”

The proposed Draft Plan of Subdivision complies with the UHOP and meets all the requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the subject lands can be adequately serviced using existing infrastructure. It can be integrated with adjacent lands and road network. The proposal will not adversely impact the natural environment, transportation system, and municipal finances.

Based on the forgoing, the proposal complies with the policies outlined above in the UHOP.

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

---

OUR Vision: To be the best place to raise a child and age successfully.  
 OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.  
 OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 14 of 24**

---

The subject property is currently zoned “AA” (Agricultural) District in Zoning By-law No. 6593. This District permits single detached dwellings as well as agricultural uses. As this District does not permit street townhouses and has different lot sizing standards, an amendment to the Zoning By-law is required.

The proposed Zoning By-law Amendment is for a change in zoning from “AA” (Agricultural) District to “RT-30/S-1817” (Street - Townhouse) District, Modified and from “AA” (Agricultural) District to “C/S-1817” (Urban Protected Residential, etc.) District. The effect of this Zoning By-law Amendment will allow six street townhouses and one single detached dwelling. Modifications to the “RT-30” (Street - Townhouse) District and “C” (Urban Protected Residential, etc.) District are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “C” attached to Report PED22083.

### RELEVANT CONSULTATION

<b>Departments and Agencies</b>	
<ul style="list-style-type: none"> <li>• French Public School Board;</li> <li>• HydroOne;</li> <li>• Landscape Architectural Services, Strategic Planning Division, Public Works Department;</li> <li>• Transit Planning and Infrastructure, Transit Operations Division, Public Works Department; and,</li> <li>• Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department.</li> </ul>	No Comment.

---

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 15 of 24**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>Development Engineering Approvals staff has no issue with the proposed Zoning By-law amendment for the subject lands.</p> <p>Development Engineering Approvals have requested the following conditions for the Draft Plan of Subdivision:</p> <p>The owner shall submit a written request to the Director of Growth Management which includes verification to support the amount of wastewater capacity allocation required for the lands to be serviced and obtain written confirmation that the requested allocation has been secured.</p> <p>9.14 m by 9.14 m daylight triangles be established on the final plan of subdivision at the intersection of the of Davinci Boulevard and Rymal Road West.</p> <p>The final plan of subdivision shall include a 5.18 m block widening to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to establish the widened limit of Rymal Road West at 18.288 m (60 feet) from the center line of the original road allowance.</p> <p>There is a 0.30 m reserve that indicates cost recoveries (City's Best Efforts) along Davinci Boulevard. The proponent shall pay the appropriate proportion for the cost recovery related to storm, sanitary, watermain, service connections, road works, etc.as a condition of the draft plan of subdivision approval.</p>	<p>Noted.</p> <p>A condition has been included as Condition No. 1 of Appendix "F" attached to Report PED22083 regarding waste water capacity allocation.</p> <p>Staff note that the 9.14 m by 9.14 m daylight triangle has already been established. A dedication to the City is not required.</p> <p>A condition has been included as Condition No. 2 of Appendix "F" attached to Report PED22083 for road widening block.</p> <p>A condition has been included as Condition No. 3 of Appendix "F" attached to Report PED22083 for cost recoveries.</p>
<b>Departments and Agencies</b>		

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 16 of 24**

	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department <b>(Continued)</b>	<p>The owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning throughout construction within the subdivision.</p> <p>An on-Street Parking Plan will be required. The required number of parking spaces shall be 40% of the total number of proposed units. Therefore, three parking spaces shall be provided for this development.</p> <p>The owner shall indicate all driveway locations on the engineering drawings so that no driveway shall be located within a daylight triangle.</p> <p>The owner shall investigate the noise levels on the site and determine and implement the noise control measures, that will be satisfactory to the City of Hamilton and meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits.</p> <p>The owner will agree to include a cost estimate schedule for the engineering design.</p>	<p>A condition has been included as Condition No. 4 of Appendix "F" attached to Report PED22083 for a dust control plan.</p> <p>A condition has been included as Condition No. 5 of Appendix "F" attached to Report PED22083 for an On-Street Parking Plan.</p> <p>A condition has been included as Condition No. 6 of Appendix "F" attached to Report PED22083 for indication of driveways on engineering drawings.</p> <p>A condition has been included as Condition No. 9 of Appendix "F" attached to Report PED22083 for noise control measures.</p> <p>A condition has been included as Condition No. 7 of Appendix "F" attached to Report PED22083 for requiring a cost estimate schedule.</p>

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 17 of 24**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department <b>(Continued)</b>	<p>The owner will prepare a Storm Water Management Report to demonstrate how increased storm water run-off will be handled for all ranges of storm events including the 100 year storm.</p> <p>An infiltration system is provided at the rear of each lot and, the owner / developer must advise purchasers that ongoing maintenance of the infiltration systems will be their responsibility.</p>	<p>A condition has been included as Condition No. 8 of Appendix "F" attached to Report PED22083, for a Storm Water Management Report.</p> <p>A condition has been included as Condition No. 10 of Appendix "F" attached to Report PED22083, to ensure purchasers will be informed of infiltration systems on their lot.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning supports the proposed Zoning By-law Amendment since the site will not generate a substantial amount of traffic (7 units).</p> <p>The existing right-of-way on Rymal Road West (Major Arterial Road) adjacent to this site is approximately 31.0 metres. The Applicant has correctly demonstrated a 5.18 road widening (Block 8) on the site plan.</p> <p>Transportation Planning is willing to permit a reduction to a 9.14 m x 9.14 m Daylighting Triangle, since this dedication already exists, which is consistent with the opposite side of Davinci Boulevard. The City does not require additional right-of-way and therefore no modifications to the submitted site plan are required.</p>	<p>Noted.</p> <p>A condition has been included (Condition No. 2 of Appendix "F" attached to Report PED22083) for the right-of-way widening block.</p> <p>Staff note that the 9.14 m by 9.14 m daylight triangle has already been established and dedicated to the City.</p>

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 18 of 24**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>The existing adjacent land uses are not indicated on the plan, as required under Section 51 (17) (e) of the <i>Planning Act</i>.</p> <p>Municipal addressing will be assigned once final Draft Plan approval is granted.</p> <p>That the following be added as a NOTES: Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.</p>	<p>The Applicant has revised the Draft Plan of Subdivision to address adjacent land uses.</p> <p>The note has been added as Note #1 in Appendix "F" attached to Report PED22083.</p>
Waste	<p>This development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 20-221.</p> <p>Waste Planning has no concerns regarding the Zoning By-law Amendment.</p> <p>Waste will be collected curb side on Davinci Boulevard.</p> <p>The developer is responsible for all waste removal up until the time municipal collection service is initiated.</p>	<p>Notes #2 and #3 have been added to Appendix "F" attached to Report PED22083 to address Recycling and Waste Disposal requirements.</p>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry does not have any concerns with the Zoning By-law Amendment for this proposed development. Forestry will require Street Tree Planting fees and Loss of Tree Canopy fees.</p>	<p>A condition has been included as Condition No. 15 of Appendix "F" attached to Report PED22083 for Street Tree Planting fees and Loss of Tree Canopy Fees.</p>

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 19 of 24**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Canada Post	Identified that the site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per Canada Post standard requirements.	These requirements have been included as Condition Nos. 16, 17 and 18, in Appendix "F" attached to Report PED22083.
Alectra	Relocation, modification, or removal of any existing hydro facility shall be at the owner's expense.  Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.  Developers to acquire an easement, if required.	A condition has been included as Condition No. 22 in Appendix "F" attached to Report PED22083 to capture Alectra's Utility requirements.
Bell Canada	Requires the owner to provide any easements that may be necessary for communication/telecommunication infrastructure.	This is included as Condition No. 19 in Appendix "F" attached to Report PED22083.
Rogers	Requires the owner to provide any easements that may be necessary for communication/telecommunication infrastructure.	This is included as Condition No. 20 in Appendix "F" attached to Report PED22083.
Union Gas (Enbridge)	Requires that the Applicant provide necessary easements and/or agreements for the provision of gas services.	This is included as Condition No 21 in Appendix "F" attached to Report PED22083.

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 20 of 24**

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Traffic, parking and safety	<p>Proposed development will cause an increase in traffic. The area already has a high volume of traffic from school drop off. There are safety concerns with the high amount of foot traffic and vehicular traffic</p> <p>There is limited parking and development will aggravate this situation.</p>	<p>Minimal vehicle traffic will be generated by this development and is unlikely to have a perceptible negative impact on the area road network.</p> <p>The proposal provides for two parking spaces per dwelling unit which is the requirement of the Zoning By-law for the single detached dwelling and greater than what is required for a street townhouse dwelling. In addition, the applicant is required to submit an On-Street Parking Plan to provide 40% of parking for the draft plan of subdivision as shown on Appendix "D" attached to Report PED22083.</p>

## **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 residents within 120 metres of the subject lands on January 29, 2020. A Public Notice sign was posted on the property on December 12, 2020 and updated with the Public Meeting date on March 29, 2021. A Notice of Public Meeting was sent to property owners within 120 metres of the site on April 7, 2021, in accordance with the requirements of the *Planning Act*.

### **Public Consultation Strategy**

In addition to the requirements of the *Planning Act*, as part of the Planning Justification Report, the Applicant provided an informational newsletter regarding their Applications to neighbours within 120 metres of the subject lands.

To date, three public submissions in opposition to the proposal have been received in response to the Public Notice. These submissions are summarized in the chart above and included in Appendix "G" attached to Report PED22083.



**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 21 of 24**

---

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development of a single detached dwelling and six street townhouses can be supported as it is compatible with the character of the area and the proposal represents good planning by, among other things, providing a compact and efficient urban form.
  
2. The lands are located along a section of Rymal Road West that is not considered a primary corridor, as such staff are of the opinion that low density, low rise built form is an appropriate development pattern. The design of the façade along Rymal is partially recessed, and includes features such as windows, a porch and materials that help animate the street from the public realm. The proposal also includes a single detached dwelling at the southern end of the site, which will provide for a transition from the more established single detached dwellings to the south. Staff are supportive of the Application and find that it is good urban design.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

3. Zoning By-law Amendment

The subject lands are zoned “AA” (Agricultural) District in Zoning By-law No. 6593, which permits a single detached dwelling and agricultural uses. The Zoning By-law Amendment application proposes to change the zoning from the “AA” (Agricultural) District to the “RT-30/S-1817” (Street - Townhouse) District, Modified and from the “AA” (Agricultural) District to the “C/S-1817” (Urban Protected Residential etc.) District, Modified (shown as Blocks 1 and 2 respectively on Appendix “A” attached to Report PED22083). The following modifications are proposed:

“RT-30/S-1817” (Street - Townhouse) District, Modified:

- To reduce the minimum side yard from 2 metres to 1.2 metres; and,

---

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 22 of 24**

---

- To reduce the minimum lot area per unit from 180 square metres to 160 square metres;

“C/S-1817” (Urban Protected Residential etc,) District, Modified:

- To reduce the minimum lot area from 360 square metres to 358 square meters.

Staff are satisfied that the proposal meets the intent of the low density residential Neighbourhood policies and applicable intensification policies of the Urban Hamilton Official Plan. An analysis of the requested modifications is provided in Appendix “C” attached to Report PED22083.

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

4. The proposed Draft Plan of Subdivision will consist of one road widening block (Block 8); one lot for a single detached dwelling (Lot 1) and six lots for street townhouse dwellings (Lots 2-7).

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan;
- (d) The subdivision of the land for residential uses is suitable;
- (f) The dimensions and shape of the lots and blocks are appropriate;
- (g) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
- (h) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval; and,

---

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) - Page 23 of 24**

---

- (i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement.
5. The lands will also be subject to the exemption from Part Lot Control process to create future maintenance and encroachment easements for the townhouse units.

### **ALTERNATIVES FOR CONSIDERATION**

Should the Zoning By-law Amendment and Draft Plan of Subdivision Applications be denied, development could proceed in accordance with the existing development standards and use permissions of the “AA” (Agricultural) District, which permits a single detached dwelling and agricultural uses.

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

#### **Community Engagement and Participation**

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

#### **Economic Prosperity and Growth**

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

#### **Healthy and Safe Communities**

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

#### **Built Environment and Infrastructure**

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

**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of  
Subdivision for Lands Located at 525 Rymal Road West, Hamilton  
(PED22083) (Ward 14) - Page 24 of 24**

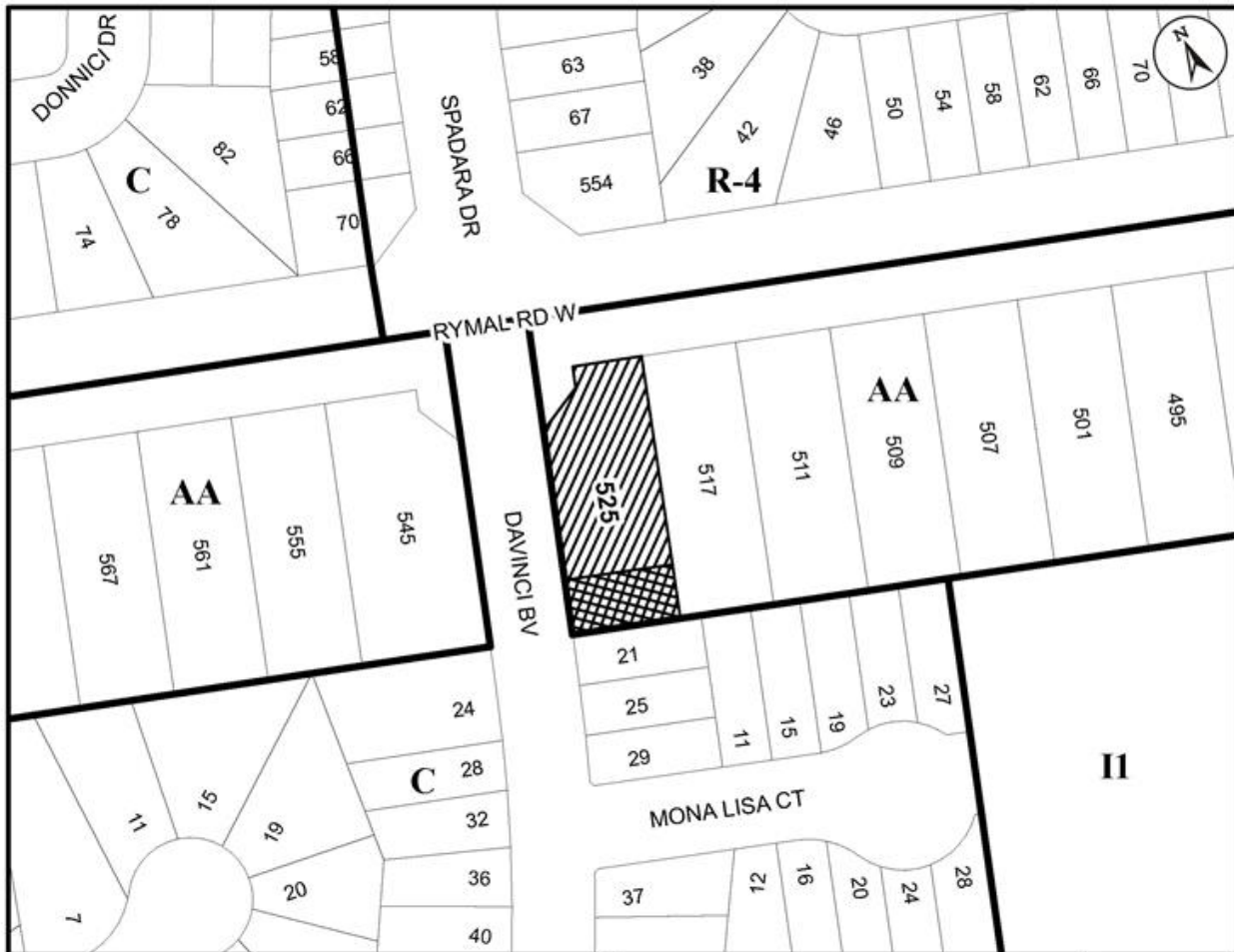
---

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22083 – Location Map  
Appendix "B" to Report PED22083 – Amendment to Zoning By-law No. 6593  
Appendix "C" to Report PED22083 – Zoning Modification Table  
Appendix "D" to Report PED22083 – Concept Plan  
Appendix "E" to Report PED22083 – Draft Plan of Subdivision  
Appendix "F" to Report PED22083 – Conditions of Draft Plan of Subdivision  
Appendix "G" to Report PED22083 – Public Comments

JVR:sd

Appendix "A" to Report PED22083



Key Map - Ward 14

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-20-044 & 25T-202010

Date:  
March 7, 2022



Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
JV/VS

#### Subject Property

525 Rymal Road West

-  Block 1 - Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified
-  Block 2 - Change in zoning from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified

**Appendix “B” to Report PED22083****Page 1 of 4**

**Authority:** Item ,  
Report (PED22XXX)  
CM:  
Ward: 14

**Bill No.****CITY OF HAMILTON****BY-LAW NO.**

**To Amend Zoning By-law No. 6593,  
Respecting Lands Located at 525 Rymal Road West, Hamilton**

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

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

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report 22-\_\_\_\_\_ of the Planning Committee, at its meeting held on the 25<sup>th</sup> day of April 2022, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

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

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

1. That Sheet No. W27e of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from “AA” (Agricultural) District to “RT-30/S-1817” (Street – Townhouse) District, Modified, (Block 1) and “C/S-1817” (Urban Protected Residential, etc.) District, Modified, (Block 2) on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;

**Appendix “B” to Report PED22083**  
**Page 2 of 4**

**To Amend Zoning By-law No. 6593,  
Respecting Lands Located at 525 Rymal Road East, Hamilton**

2. That the “RT-30” (Street Townhouse) District provisions, as contained in Section Ten F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
  - a) That notwithstanding Subsection 10F. (4)(c) the following provisions shall apply for Street Townhouse Dwellings:
    - i. A side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than 1.2 metres not exceeding two storeys in height; and,
    - ii. A side yard abutting a wall that is not a party wall, along a side lot line of a width of not less than 3 metres not exceeding two storeys in height on a Corner Lot;
  - b) That notwithstanding Subsection 10 F. (6)(i), a lot area of not less than 160.0 square metres for each Street Townhouse Dwelling; and,
  - c) That in addition to the provisions of Subsection 10F. (4)(c), a side yard width of not less than 1.5 metres abutting the hypotenuse of a daylight triangle for a Street Townhouse Dwelling, not exceeding two storeys in height;
3. That the “C” (Urban Protected Residential, etc.) District provisions, as contained in Section Nine of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
  - a) Notwithstanding Subsection 9(4), every lot or tract of land shall have a width of at least 12.0 metres and an area of at least 358 square metres within the district;
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the site-specific “C/S-1817” (Urban Protected Residential, etc.) District and the site-specific “RT-30/S-1817” (Street – Townhouse) District provisions; and,
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**Appendix "B" to Report PED22083**  
**Page 3 of 4**

**To Amend Zoning By-law No. 6593,  
Respecting Lands Located at 525 Rymal Road East, Hamilton**

**PASSED** this \_\_\_\_\_, 2022.

---

F. Eisenberger  
Mayor

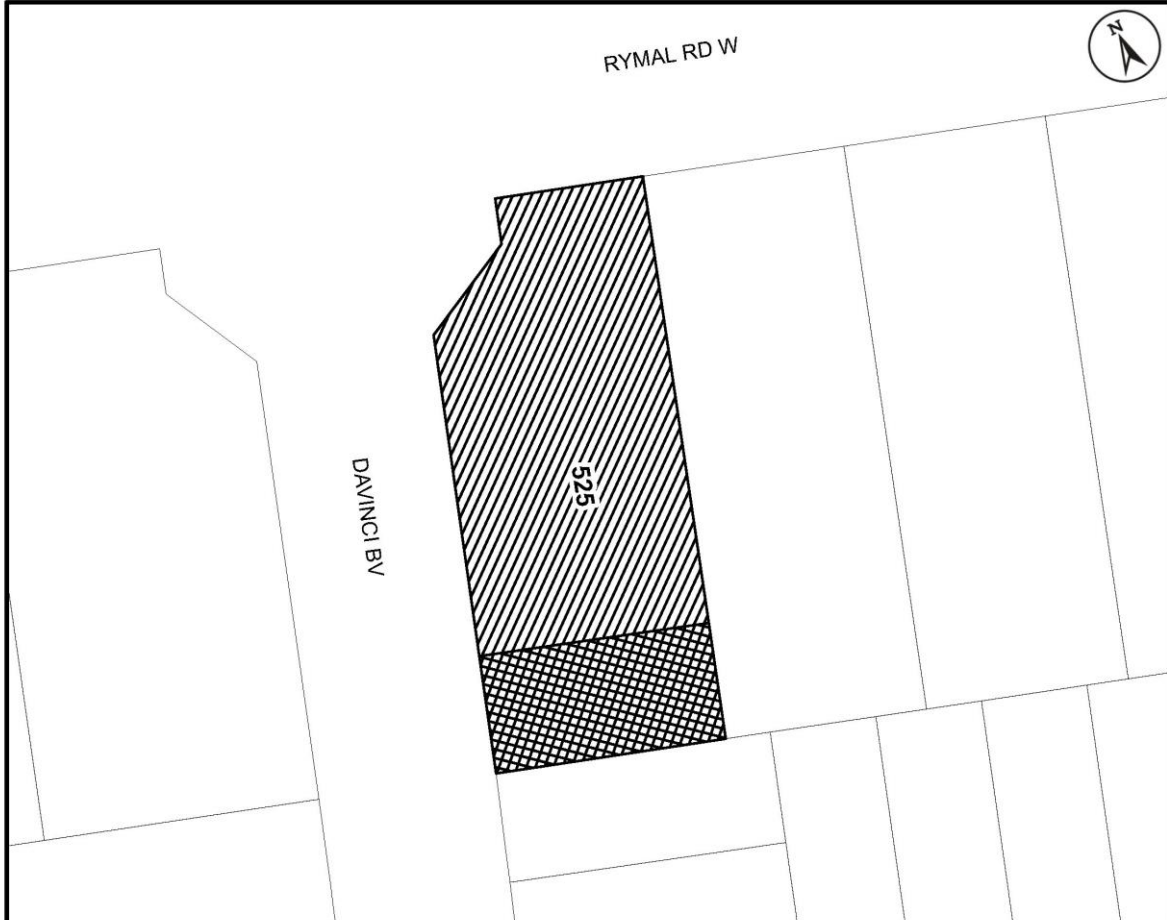
---

A. Holland  
City Clerk



**Appendix "B" to Report PED22083**  
**Page 4 of 4**

**To Amend Zoning By-law No. 6593,**  
**Respecting Lands Located at 525 Rymal Road East, Hamilton**



<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the ..... day of ....., 2022</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b>  <b>By-law No. 22-_____</b></p> <p><b>to Amend By-law No. 6593</b></p>	<p><b>Subject Property</b></p> <p>525 Rymal Road West</p> <ul style="list-style-type: none"> <li> Block 1 - Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817"(Street - Townhouse) District, Modified</li> <li> Block 2 - Change in zoning from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified</li> </ul>
---	--

<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-20-044 &amp; 25T-202010</p>
<p>Date: March 7, 2022</p>	<p>Planner/Technician: JV/VS</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	



**Appendix “C” to Report PED22083**  
**Page 1 of 2**

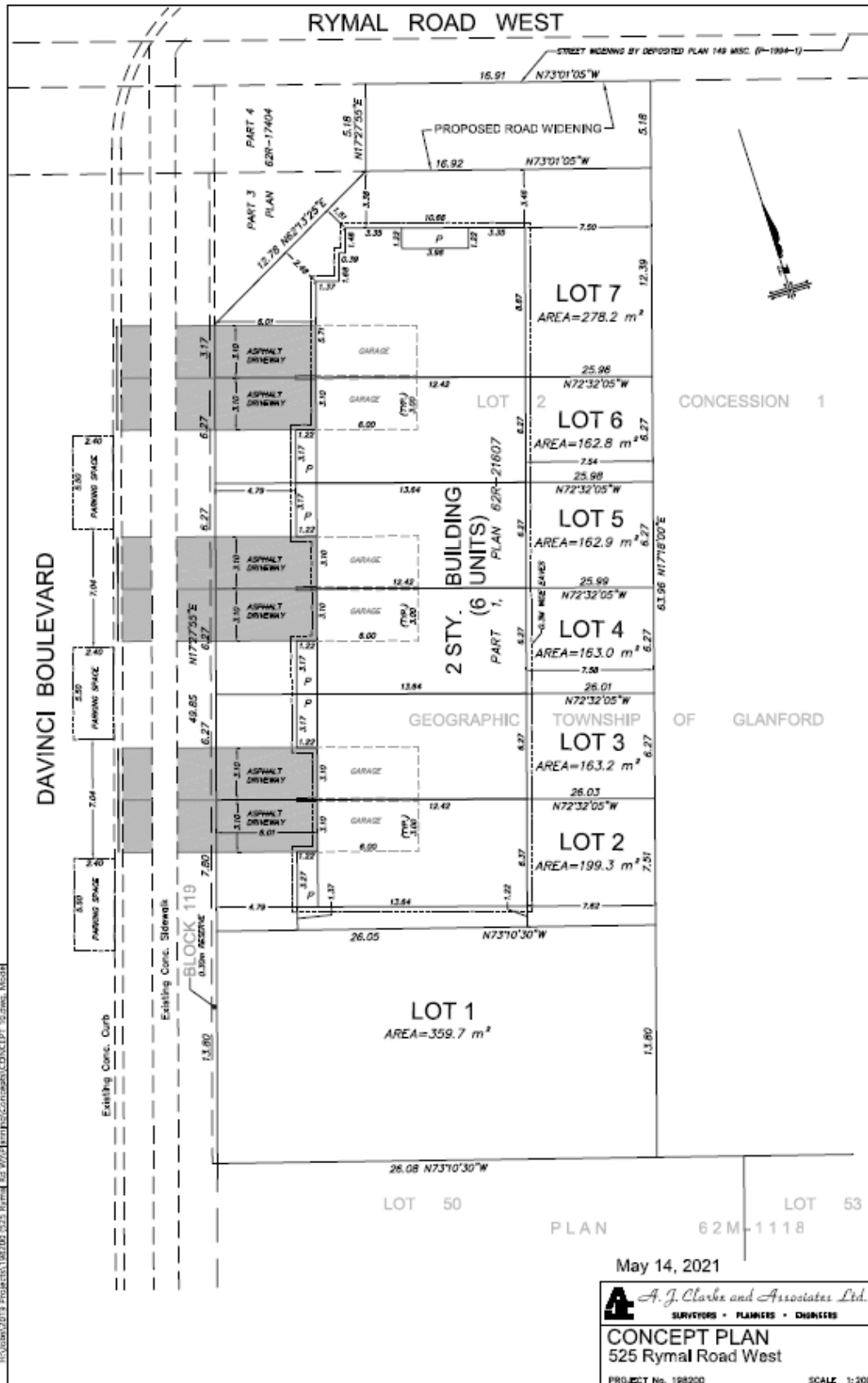
Regulation	Required	Modification	Analysis
Street Townhouses Minimum Side Yard Setback	<p>(c) Except as provided in clause (d), a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than,</p> <p>(i) 1.2 metres (3.94 feet) for a Street Townhouse Dwelling, not exceeding one storey in height;</p> <p>(ii) 2.0 metres (6.56 feet) for a Street Townhouse Dwelling, not exceeding two storeys in height; and,</p> <p>(iii) 2.5 metres (8.20 feet) for a Street Townhouse Dwelling, not exceeding three storeys in height.</p>	<p>Notwithstanding Section 10 F (4)(c) a minimum side yard of 1.2 metres is required.</p> <p>That in addition to the provisions of Subsection 10F. (4)(c), a side yard width of not less than 1.5 metres abutting the hypotenuse of a daylight triangle.</p> <p>Notwithstanding Section 10 F 4(c) a minimum side yard of 3 metres is required for a Corner Lot.</p>	<p>Staff are of the opinion that the setback maintains sufficient separation from the neighbouring property and does not result in loss of privacy or create overlook issues while still providing access and maintaining a compatible streetscape. Therefore, staff support the modification.</p>
Street Townhouses Lot Area	<p>In an "RT-30 District, every lot or tract of land upon which Street Townhouse Dwelling is erected, altered, extended or enlarged, shall have,</p> <p>(i) a lot area not less than 180.0 square metres</p>	<p>Notwithstanding Section 10F (6)(i), a minimum lot area of 160 square metres shall be permitted.</p>	<p>The intent of lot area is to ensure there is adequate space for buildings, parking, amenity area and landscaping. The Applicant is requesting to reduce the lot area of the proposed street townhouses to 160 sq. m whereas 180 sq. m is required. The parent zoning by-law rear yard setback requirement of 7.5 metres is being</p>

## Appendix "C" to Report PED22083

## Page 2 of 2

Regulation	Required	Modification	Analysis
	(1,937.56 square feet) for each single family dwelling unit;		<p>maintained. Staff are of the opinion that the proposal adequately addresses amenity areas and parking. The proposal also allows for buildings in a compact and efficient built form that is compatible with the existing lot fabric in the area.</p> <p>Staff support the proposed modification.</p>
Single Detached Dwelling Lot Area	Every lot or tract of land in a "C" District shall have a width of at least 12.0 metres (39.37 feet) and an area of at least 360.0 square metres (3,875.13 square feet) within the district.	Notwithstanding Section 9 (4) a minimum lot area of 358 square metres shall be permitted.	<p>The intent of lot area is to ensure there is adequate space for buildings, parking, amenity area and landscaping. The Applicant is requesting to reduce the lot area of the proposed single detached dwelling to 358 sq. m whereas 360 sq. m is required. Staff are of the opinion that the proposal adequately addresses amenity areas and parking. The proposal also allows for a building in a compact and efficient built form that is compatible with the existing lot fabric in the area.</p> <p>Staff support the proposed modification.</p>

Appendix "D" to Report PED22083



H:\kiana\2013 Projects\198200\_2021\_Rymal\_525\198200\_Concept\CONCEPT 198200.mxd

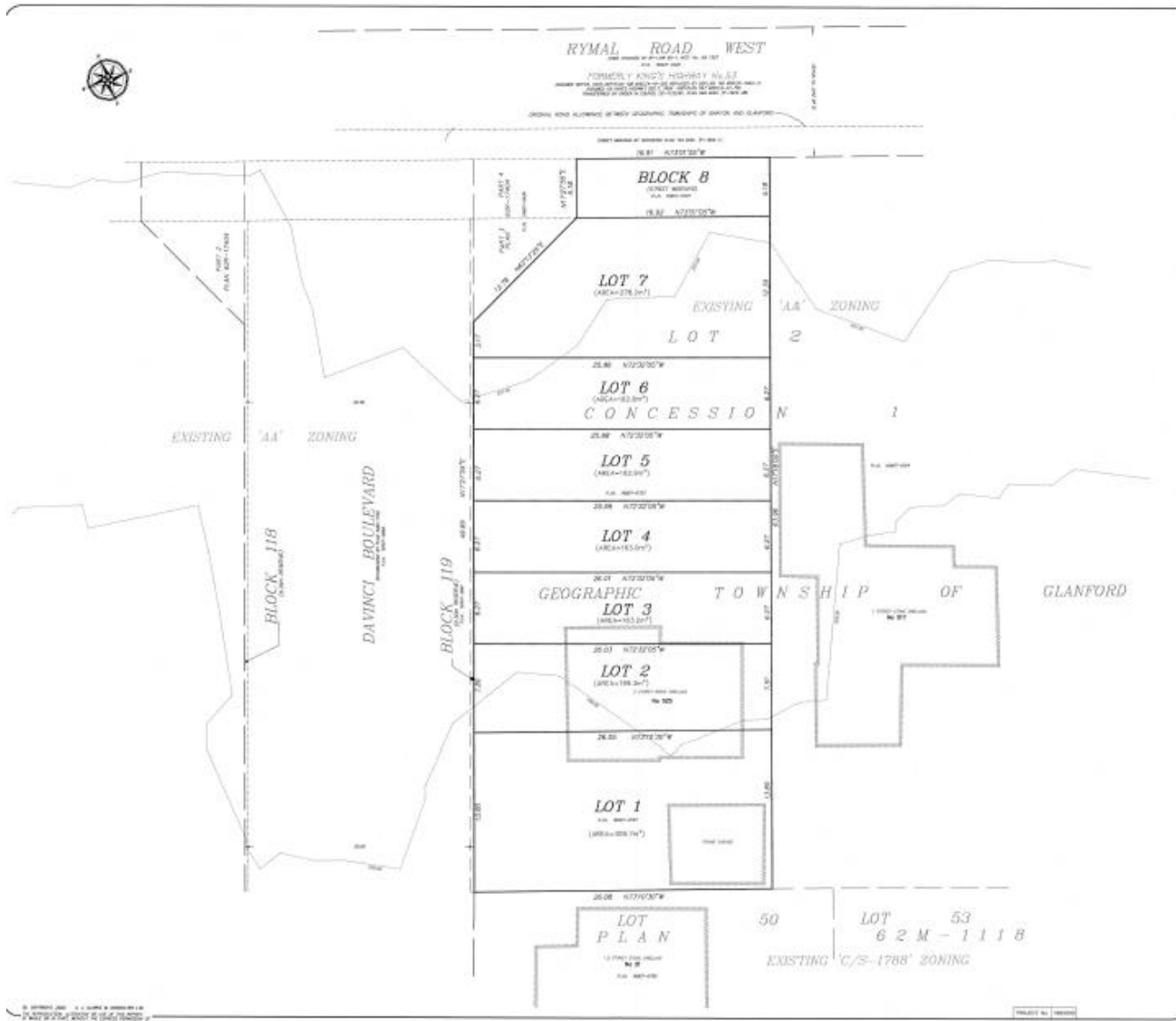
May 14, 2021

**A. J. Clark and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS

**CONCEPT PLAN**  
525 Rymal Road West

PROJECT No. 198200      SCALE 1:300

Appendix "E" to Report PED22083



DRAFT PLAN OF  
**525 RYMAL ROAD WEST**  
 BEING A PROPOSED SUBDIVISION OF  
 PART OF LOT 2  
 CONCESSION 1  
 GEOGRAPHIC TOWNSHIP OF GLANFORD  
 IN THE  
**CITY OF HAMILTON**  
 SCALE 1:100  
 NICHOLAS P. NUTH O.L.S.

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**RE: CHAPTER P.19 R.S.O. 1990 SECTION 51(7) THE PLANNING ACT**

- A. SHOW ON PLAN
- B. SHOW ON PLAN
- C. SHOW ON PLAN
- D. SEE LAND USE SCHEDULE
- E. SHOW ON PLAN
- F. SHOW ON PLAN
- G. SHOW ON PLAN
- H. SHOW ON PLAN
- I. SHOW ON PLAN
- J. SHOW ON PLAN
- K. SHOW ON PLAN
- L. SHOW ON PLAN
- M. SHOW ON PLAN
- N. SHOW ON PLAN
- O. SHOW ON PLAN
- P. SHOW ON PLAN
- Q. SHOW ON PLAN
- R. SHOW ON PLAN
- S. SHOW ON PLAN
- T. SHOW ON PLAN
- U. SHOW ON PLAN
- V. SHOW ON PLAN
- W. SHOW ON PLAN
- X. SHOW ON PLAN
- Y. SHOW ON PLAN
- Z. SHOW ON PLAN

**SURVEYOR'S CERTIFICATE:**  
 I CERTIFY THAT THE BOUNDARIES OF THE LINES TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND COMPLETELY SHOWN.

JULY 8, 2021  
 DATE  
 NICHOLAS P. NUTH  
 ONTARIO LAND SURVEYOR

**OWNER'S CERTIFICATE:**  
 I HEREBY CONSENT TO THE FILING OF THIS PLAN BY A.J. CLARKE & ASSOCIATES LTD. AS DRAFT FORM.  
 DATE  
 JOHN PLUMBING, DRAINAGE (2012)228 (2012) 1 (10)

**LAND USE SCHEDULE:**  
 AREA OF LOT = 7078.9 m<sup>2</sup>  
 LOT 1 - PROPOSED SINGLE FAMILY DWELLING AREA= 258.7 m<sup>2</sup>  
 LOTS 2 TO 7 INCLUSIVE - PROPOSED CONDO/ROWES AREA= 7092.2 m<sup>2</sup>  
 BLOCK # - PROPOSED STREET WORKING AREA= 878 m<sup>2</sup>

**SUBDIVISION DRAFT APPROVAL:**  
 APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, P.L.13, AS AMENDED BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-023.  
 THIS DAY OF \_\_\_\_\_, 2021

GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT  
 CITY OF HAMILTON

**A. J. Clarke and Associates Ltd.**  
 SURVEYORS • PLANNERS • DRAINERS  
 20 KING STREET WEST, SUITE 300  
 HAMILTON, ONTARIO  
 TEL: 905-528-2800 FAX: 905-528-2508  
 WWW.AJCLARKE.COM

### Special Conditions for Draft Plan of Subdivision Approval for 25T-202010

That this approval for the Draft Plan of Subdivision, 25T-202004, prepared by A.J. Clarke and Associates Ltd. and certified by Nicholas. P. Muth, O.L.S., dated July 5, 2021 consisting of seven lots (Lots 1 to 7), of which six (Lots 2-7) are for street townhouse dwellings, and one (Lot 1) is for a single detached dwelling, and one block (Block 8) for a right of way dedication be received and endorsed by City Council with the following special conditions:

#### Development Engineering:

1. That, **prior to registration of the final plan of subdivision or prior to servicing whichever comes first**, and prior to proceeding with detailed engineering or site servicing design review, the Owner shall submit a written request to the Senior Director of Growth Management Division which includes verification to support the amount of wastewater capacity allocation required for the lands to be serviced and obtain written confirmation that the requested allocation has been secured, all to the satisfaction of the Director of Growth Management.
2. That, **prior to registration of the final plan of subdivision**, the Owner agrees that the final plan of the subdivision shall include a 5.18 metre block widening to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to establish the widened limit of Rymal Road West at 18.288m (60 feet) from the center line of the original road allowance, to the satisfaction of the Director of Growth Management.
3. That, **prior to registration of the final plan of subdivision** the Owner shall pay the outstanding servicing cost related to the existing 0.3m reserve along Davinci Boulevard, described as Block 119 on 62M-1118, to the satisfaction of the Director of Growth Management.
4. That, **prior to preliminary grading**, the Owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works to be completed as necessary, to the satisfaction of the Director of Growth Management.
5. That, **prior to registration of the final plan of subdivision**, the Owner shall submit a parking plan to demonstrate that 40 % on-street parking is achieved based on the total number of dwellings and in accordance with the City's Comprehensive Development Guidelines, to the satisfaction of the Director of Growth Management.

**Appendix "F" to Report PED22083**  
**Page 2 of 7**

6. That, **prior to registration of the final plan of subdivision**, the Owner shall indicate all driveway locations on the engineering drawings so that no driveway shall be located within a daylight triangle, all to the satisfaction of the Director of Growth Management.
7. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provision for full reconstruction of Davinci Boulevard from Rymal Road to the south limit of the draft plan of subdivision including the abandonment/installation of services, removal of the existing driveway, installation of a concrete sidewalk, curb and boulevard, relocation of all above ground or underground utilities, all at the Owner's expense, to the satisfaction of the Director of Growth Management.
8. That, **prior preliminary grading**, the Owner shall submit a Storm Water Management report prepared by a qualified Professional Engineer and to the satisfaction of the Director of Growth Management, to demonstrate how the increased storm water runoff from the subject development will be handled for all ranges of storm events including the 100 year storm through the infiltration system proposed along the rear yards of Lots 1 to 7 inclusive using in-suite infiltration test results in accordance with the City of Hamilton standards and MECP guidelines. In addition, the Owner shall consider the following:
  - a. The proposed infiltration system must be designed independently on each lot to accommodate the storm water run off volume from each lot. The infiltration system on each lot must be registered on title.
  - b. The top of grate elevation for the rear yard catch basin shall be set a minimum of 0.3m above the 100- year HGL of the storm sewer on Davinci Boulevard.
  - c. A blanket reciprocal easement in favour of the all landowners for Lots 1-7 must be registered against each lot to ensure maintenance and operation of the storm infiltration system within the rear yards
9. That, **prior to pre-grading**, the Owner shall investigate the noise levels on the site and determine and implement the noise control measures, that will be satisfactory to the City of Hamilton and meeting the Ministry of Environment, Conservation and Parks recommended sound level limits, to the satisfaction of the of the Senior Director, Growth Management.

**Appendix "F" to Report PED22083**  
**Page 3 of 7**

10. That, the following special condition shall be inserted in Part 1 of the Subdivision Agreement:

That, the Owner shall agree in the Subdivision Agreement, to include the following clause in all Purchase and Sale Agreements and/or rental or lease agreements to the satisfaction of the Director of Growth Management:

A rear yard storm water infiltration system exists at the rear yard of this lot. The Owner of this lot shall not on, in or over the land, excavate, drill, install, erect or build, plant any tree, pavement, building or structure. Further, the Owner takes full responsibility for the maintenance and operation of the Infiltration system.

**Development Planning:**

11. That, **prior to registration of the plan of subdivision**, the Owner shall provide and agree in entirety with the Subdivision Agreement to implement elevation drawings by a qualified architect or urban designer, to the satisfaction of the Director of Planning and Chief Planner.
12. That, **prior to preliminary grading and / or servicing**, the Owner shall prepare a Tree Preservation / Enhancement Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; and to implement all approved tree saving measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner.
13. That, **prior to registration of the plan of subdivision**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect to the satisfaction of the Director of Planning and Chief Planner. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City's Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees.



**Noise**

14. That, **prior to registration**, the following warning clauses shall be included within all offers and agreements of purchase and sale or lease and noted within the Subdivision Agreement to the satisfaction of the Director of Planning and Chief Planner:

**Lots 1 - 6**

## Noise Warning Clauses:

- a) Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria; and,
- b) This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with the criteria of MOE publication NPC-216 Residential Air Conditioning Devices).

**Lot 7**

- c) Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building unit, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton's and the Ministry of Environment, Conservation and Parks' noise criteria. The acoustical barrier as installed shall be maintained, repaired or replaced by the owner. Any maintenance, repair or replacement shall be with the same material, to the same standards and having the same colour and appearance of the original; and,
- d) This dwelling unit has been supplied with a central air conditioning system which allows windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the noise criteria of the City of Hamilton and the Ministry of Environment, Conservation and Parks.

**Appendix "F" to Report PED22083**  
**Page 5 of 7**

**Forestry and Horticulture Section, Public Works Department:**

15. That, **prior to preliminary grading and / or servicing**, the Owner shall submit a Tree Management Plan and the payment of all applicable fees, all to the satisfaction of the Forestry and Horticulture Section, Public Works Department.

**Canada Post:**

16. That **prior to registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
- i. That the home / business mail delivery will be from a designated Centralized Mail Box; and,
  - ii. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
17. That **prior to registration of the plan of subdivision**, the Owner agrees to:
- i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
  - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
  - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
  - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
  - v. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
18. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will

**Appendix “F” to Report PED22083  
Page 6 of 7**

be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

**Bell Canada:**

19. That **prior to registration of the plan of subdivision**, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

**Rogers Communication Inc.:**

20. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Rogers Communications Inc. (“Rogers”) the necessary easements and / or agreements required by Rogers for the provision of telecommunications services for this project, in a form satisfactory to Rogers.

**Union Gas:**

21. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Enbridge Gas Inc.’s operating as Union Gas, (“Union”) the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

**Alectra:**

22. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Alectra, (“Alectra Utilities”) the necessary easements and / or agreements required by Alectra for the provision of hydro services for this project, in a form satisfactory to Alectra.

**NOTES TO DRAFT PLAN APPROVAL**

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

**Recycling and Waste Disposal:**

2. This development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 20-221. The development can set out their waste along the curbside in front of their

dwelling units. The developer is responsible for all waste removal up until the time municipal collection service is initiated.

3. Information concerning the City’s requirements for waste management services for new developments is available in the “City of Hamilton Waste Collection Design Standards for New Developments and Redevelopments”. This document is available as Appendix 21 at the following link: <https://www.hamilton.ca/develop-property/policies-guidelines/site-plan-guidelines>.

**Appendix "G" to Report PED22083**  
**Page 1 of 3**

-----Original Message-----

From:

Sent: December 19, 2020 12:24 PM

To: Van Rooi, James <James.VanRooi@hamilton.ca>

Subject: Regarding 25T-202010, ZAC-20-044

I oppose this site proposition because of the volume of traffic here already due to this being a drop off area for the school in the area. Traffic and parked cars are already a huge problem and safety concern. Putting a multiple home plan in the area will just make it impossible to drive in this area- also huge safety risks for hundreds of children being dropped off and picked up throughout the day with virtually no parking. We live in the area and see this is a dangerous area to drive in, children and parents everywhere all times of the day to walk the short path to the school.

We feel there should not be a multi dwelling site to make this situation even worse than it already is!

Sent from my iPad

**From:**

**Sent:** December 15, 2020 10:07 AM

**To:** Van Rooi, James <James.VanRooi@hamilton.ca>

**Subject:** Re: 25T-202010, ZAC-20-044

Hello James,

In regard to the property at 525 Rymal Road W, we recently received notification in the mail of a draft plan.

I am well aware that the property was being planned for development as I live 2 doors away.

Looking at the Concept plan of the property which has a proposal for a detached house (Lot 1) and 6 street townhouses, there is an additional Block 8 which I am concerned with.

The drawing does not give much detail on Block B other than is part of a proposed road widening.

**Appendix "G" to Report PED22083  
Page 2 of 3**

What is the purpose of a road widening in this area? Is Block B to be a designated visitor parking area? What is the access to this area? Would it be access to Rymal road to a proper parking lot where vehicles can turn around and enter Rymal road nose first?

Any thought of having vehicles back onto Rymal road would be a disaster due to the speed and many times excessive speed.

An entry off Davinci Blvd to a parking area if that is what Block 8 is designated would be too close to the intersection if you ask me.

The details are not clear on the Concept plan for me to understand what is happening at the Rymal road are with the proposed widening.

I am not objecting to the actual development of the property (other than I am sure some mature trees will be coming down) as the property has been neglected since it was sold.

If there is a clarification regarding Block 8 that can be forwarded to me, that would be appreciated.

Thanks for your consideration in this matter. Please do not include my personal information in any possible public records.

**From:**

**Sent:** December 28, 2020 4:22 PM

**To:** Van Rooi, James <James.VanRooi@hamilton.ca>

**Subject:** 525 Rymal road west

**Importance:** Low

Re: Notice of Complete Application and Preliminary Circulation for Draft Plan of Subdivision and Zoning By-Law Amendment Application by A.J. Clark & Associates Ltd.  
C/OS. Fraser for lands at 525 Rymal rd. West.

Dear Sir and members of the Planning and Economic Development Department,

**Appendix "G" to Report PED22083**  
**Page 3 of 3**

Please take into consideration my concerns on this matter.

The stretch of road on Da Vinci Blvd South of Rymal rd. Is very busy and congested,  
With heavy traffic periods due to parents dropping off and picking up children from school  
And high volume of foot traffic from neighbouring children walking to and from the nearby  
School.

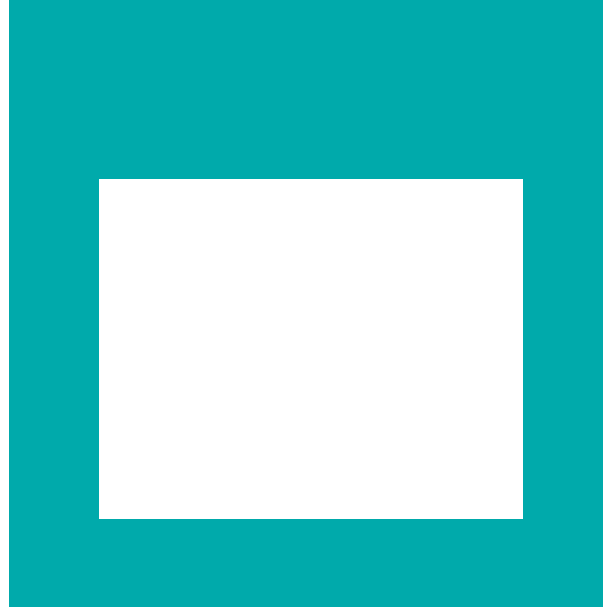
The proposal to add 7 more dwelling at this location will reduce curb side parking, increase  
Congestion, and create a dangerous situation with an accident waiting to happen.

If the property has to be rezoned it would be prudent to limit it to single family dwellings,  
to minimize the number of units density, and negative impact to the neighbourhood.

We will appreciate your support on this matter.

Thank you

Sent from [Mail](#) for Windows 10



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

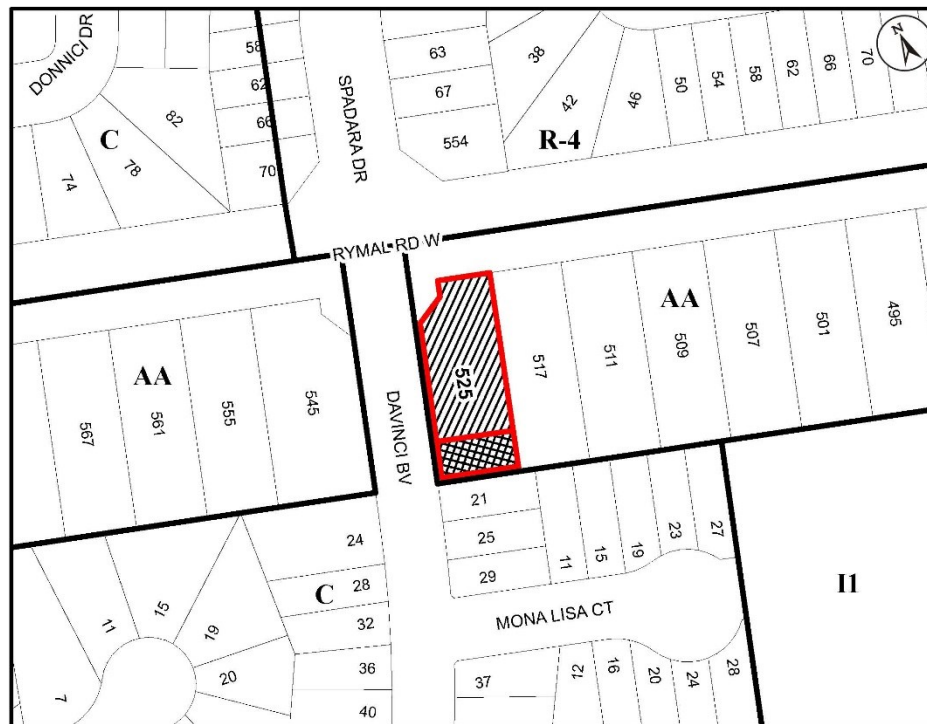
April 25, 2022



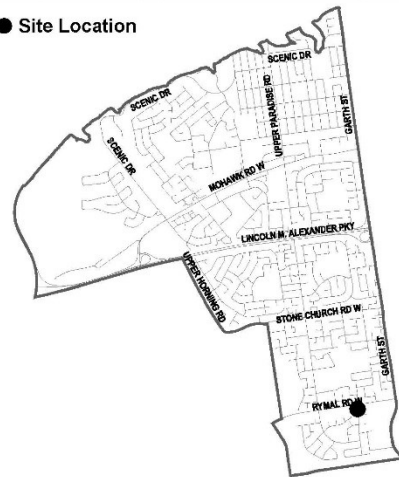
# PED22083– (ZAC-20-044 / 25T-202010)

Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands  
Located at 525 Rymal Road West, Hamilton

Presented by: James Van Rooi



● Site Location



Key Map - Ward 14



### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-20-044 & 25T-202010	Date: March 7, 2022
Appendix "A"	Planner/Technician: JV/VS

#### Subject Property

525 Rymal Road West

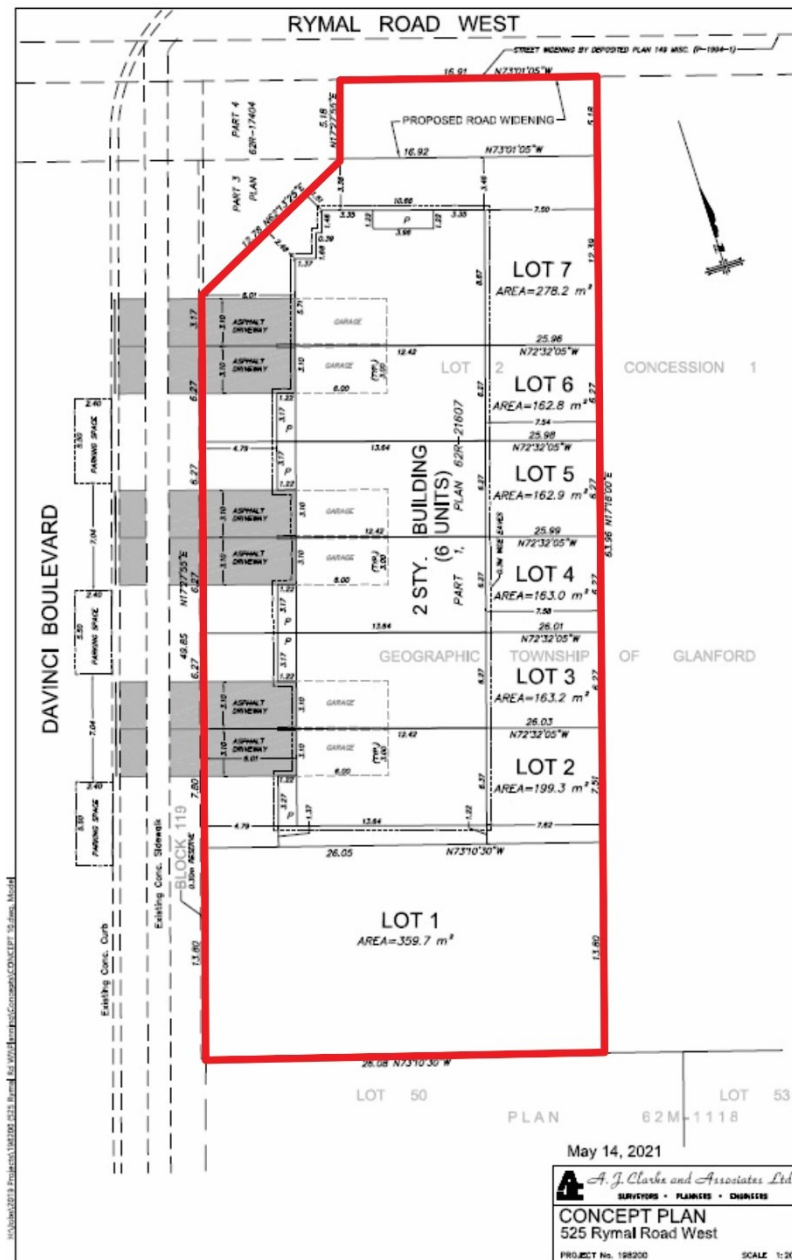
-  Block 1 - Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified
-  Block 2 - Change in zoning from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified

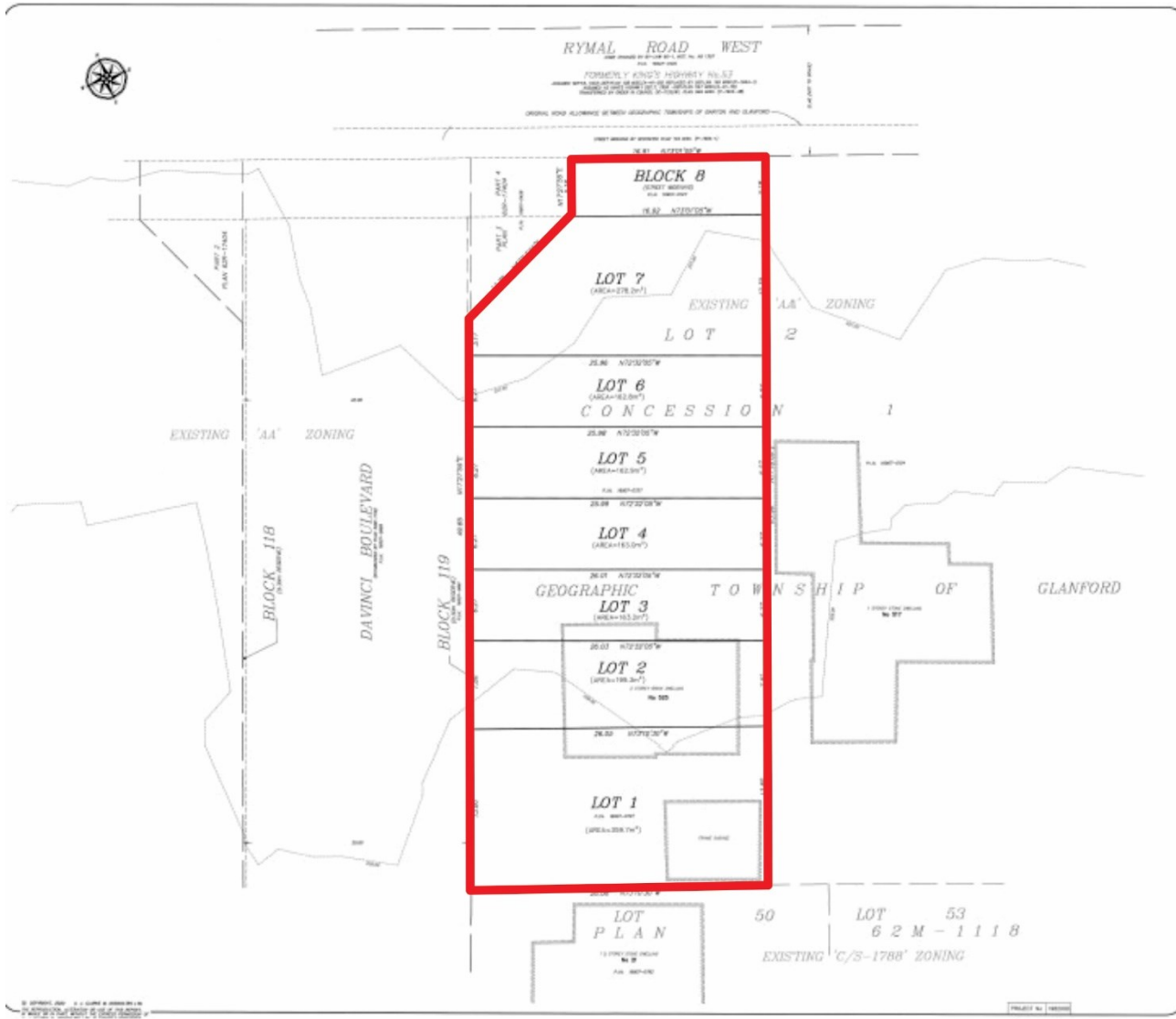


SUBJECT PROPERTY



525 Rymal Road West, Hamilton





**DRAFT PLAN OF**  
**525 RYMAL ROAD WEST**  
 BEING A PROPOSED SUBDIVISION OF  
 PART OF LOT 2  
 CONCESSION 1  
 GEOGRAPHIC TOWNSHIP OF GLANFORD  
 IN THE  
**CITY OF HAMILTON**  
 SCALE 1:100  
 NICHOLAS P. MUTH O.L.S.

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**RE: CHAPTER P.13 R.S.O. 1990 SECTION 51(9) (THE PLANNING ACT)**

A. SHOWS ON PLAN      G. SHOWS ON PLAN  
 B. SHOWS ON PLAN      H. MANUPAL PIPED WATER AVAILABLE IN DRAINED BASIN  
 C. SHOWS ON PLAN      I. DRAINED BASIN  
 D. SEE LAND USE SCHEDULE      J. SHOWS ON PLAN  
 E. SHOWS ON PLAN      K. MANUPAL STORM AND SANITARY SERVICES AVAILABLE  
 F. SHOWS ON PLAN      L. SHOWS ON PLAN

**SURVEYOR'S CERTIFICATE:**  
 I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATE: JULY 8, 2011  
 NICHOLAS P. MUTH  
 O.L.S.  
 OUTLAND LAND SURVEYOR

**OWNER'S CERTIFICATE:**  
 I HEREBY CONSENT TO THE FILING OF THIS PLAN BY ALLICANCE & ASSOCIATES LTD. IN DRAFT FORM.

SIGNED: JOHN PLUMBING, OWNER (273.5228 EXTENDED L.S.S.)

**LAND USE SCHEDULE:**

AREA OF SITE = 7576.8 m<sup>2</sup>

LOT 1 - PROPOSED SINGLE FAMILY DWELLING      AREA= 356.7 m<sup>2</sup>

LOT 2 TO 7 RESIDENTIAL - PROPOSED TOWNHOUSES      AREA= 1729.3 m<sup>2</sup>

BLOCK B - PROPOSED STREET BOUNDARY      AREA= 876.8 m<sup>2</sup>

**SUBDIVISION DRAFT APPROVAL:**  
 APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, L.P. 13 AS AMENDED BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-023.

DATE: \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011

GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT  
 CITY OF HAMILTON

**A. J. Clarke and Associates Ltd.**  
 SURVEYORS - PLANNERS - ENGINEERS  
 25 BRAY STREET WEST, SUITE 200  
 HAMILTON, ONTARIO L8N 3K7  
 TEL: 905-528-2367 FAX: 905-528-2388  
 WWW.AJCLARKE.COM



View of Subject Lands from north side of Rymal Road West



View of Subject Lands from south side of Rymal Road West



View looking east on Rymal Road West





View looking west on Rymal Road West



View looking north of Subject Lands



517 Rymal Road West



545 Rymal Road West



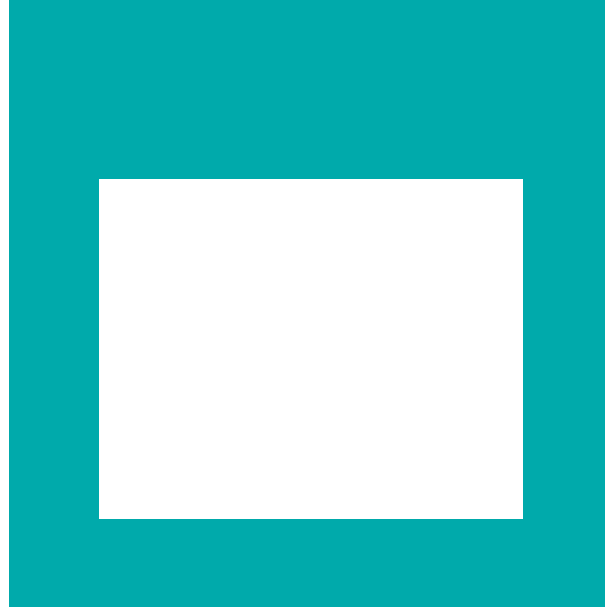
View looking south on Davinci Boulevard



View looking north on Davinci Boulevard



Properties to the south of Subject Lands on Davinci Boulevard



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE





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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 25, 2022
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	James Van Rooi (905) 546-2424 Ext. 4283
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That Amended **Zoning By-law Amendment Application ZAC-21-036 by UrbanSolutions Planning and Land Development Consultants Inc. c/o Matt Johnston on behalf of Angros Enterprises Ltd. c/o Victor Fontana, owner**, for a change in zoning from the "AA" (Agricultural) District and from the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified, to permit the lands to be developed for nine street townhouses on lands located at 866 West 5<sup>th</sup> Street, as shown as Blocks 1 and 2 on Appendix "A" attached to Report PED22090, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" attached to Report PED22090, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) 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 (UHOP);

---

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 2 of 19**

---

- (b) That upon finalization of the amending By-law, the subject lands be re-designated from “Single and Double” to “Attached Housing” in the Gourley Neighbourhood Plan.

**EXECUTIVE SUMMARY**

The subject property is municipally known as 866 West 5<sup>th</sup> Street and is located at the north west corner of West 5<sup>th</sup> Street and Rosehill Avenue. The owner has applied for an amendment to the City of Hamilton Zoning By-law No. 6593.

The purpose of the Zoning By-law Amendment is to rezone the lands from the "AA" (Agricultural) District and the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified, to permit the lands to be developed for nine street townhouses.

The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:

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

**Alternatives for Consideration – See Page 17**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 3 of 19**

---

## HISTORICAL BACKGROUND

### Report Fact Sheet

<b>Application Details</b>	
Owner:	Angros Enterprises Ltd. c/o Victor Fontana
Applicant:	UrbanSolutions Planning and Land Development Consultants Inc. c/o Matt Johnston
File Number:	ZAC-21-036
Type of Application:	Zoning By-law Amendment
Proposal:	The Zoning By-law Amendment is to rezone the lands from the "AA" (Agricultural) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified (Block 1) and from the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified (Block 2), to permit the lands to be developed for nine, two storey street townhouses with access from Rosehill Avenue.
<b>Property Details</b>	
Municipal Address:	866 West 5 <sup>th</sup> Street, Hamilton
Lot Area:	1,832 square metres (0.18 hectares)
Servicing:	Existing full municipal services.
Existing Use:	One storey single detached dwelling.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	"Neighbourhoods" in the Urban Hamilton Official Plan.
Official Plan Proposed:	N/A
Zoning Existing:	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
Zoning Proposed:	"RT-30/S-1818" (Street - Townhouse) District, Modified (Blocks 1 and 2)

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 4 of 19**

<b>Documents</b>	
Modifications Proposed:	<p>The Applicant has applied the following modifications to the “RT-30” (Street - Townhouse) District:</p> <ul style="list-style-type: none"> <li>• To reduce the minimum front yard setback to the building face from 6 metres to 3 metres, and to include an exception for the distance from unenclosed porches and a building face to the hypotenuse of a daylight triangle;</li> <li>• To reduce the minimum rear yard setback from 7.5 metres to 6 metres;</li> <li>• To reduce the minimum side yard setback from 2 metres to 1.5 metres;</li> <li>• To reduce the minimum distance between buildings from 3.5 metres to 3.0 metres;</li> <li>• To reduce the minimum lot area per unit from 180 square metres to 165 square metres; and,</li> <li>• To exempt the manoeuvring space requirement for parking;</li> <li>• To exempt the requirement for an encroachment into a front yard less than 1.5 metres.</li> </ul> <p>Staff have included the following modification for clarification:</p> <ul style="list-style-type: none"> <li>• To require a minimum front yard setback of 6 metres to a garage.</li> </ul>
<b>Processing Details</b>	
Received:	July 9, 2021
Deemed complete:	August 8, 2021
Notice of Complete Application:	Sent to 103 property owners within 120 metres of the subject property on September 10, 2021.
Public Notice Sign:	Posted September 17, 2021 and updated with public meeting date on March 29, 2022.
Notice of Public Meeting:	Sent to 103 property owners within 120 metres of the subject property on April 7, 2022.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 5 of 19**

<b>Processing Details</b>	
Public Consultation:	In addition to the <i>Planning Act</i> notification requirements the Applicant posted a sign detailing their contact information for members of the public to call or email for enquiries. The Applicant initially advised that in the event the Ward Councillor requests a neighbourhood information meeting, the applicant would attend and present the development proposal and answer questions of the public.
Public Comments:	23 emails were received expressing concern about the proposed Zoning By-law Amendment (attached as Appendix "E" to Report PED22090).
Processing Time:	290 days from date of receipt of initial Application.

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Single detached dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

**Surrounding Land Uses:**

<b>North</b>	Single detached dwelling	"C/S-1367" (Urban Protected Residential, etc.) District, Modified and "C" (Urban Protected Residential, etc.) District
<b>East</b>	Single detached dwelling	"C" (Urban Protected Residential, etc.) District
<b>South</b>	Single detached dwelling	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
<b>West</b>	Single detached dwelling	"C/S-1524" (Urban Protected Residential, etc.) District, Modified

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 6 of 19**

---

---

OUR Vision: To be the best place to raise a child and age successfully.  
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy,  
safe and prosperous community, in a sustainable manner.  
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service,  
Engaged Empowered Employees.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 7 of 19**

---

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS, 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS, 2020 and conform to A Place to Grow (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

### **Noise**

The PPS provides the following policy direction:

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

The subject lands are close to an existing noise source being West 5<sup>th</sup> Street, which is a “Minor Arterial” road in the UHOP. An Acoustical Study by dBA Acoustical Consultants Inc. dated June, 2021, has been submitted in support of the application.

The Noise Study identified the required mitigation measures and noise warning clauses that will need to be implemented in order for the development to comply with MECP guidelines. Required mitigation measures include:

- Installing an acoustical barrier facing West 5<sup>th</sup> Street at a minimum of 2.0 metres in height and with a minimum surface density of 20kg/m<sup>2</sup>;
- Warning clauses that will need to be included in offers of purchase and sale, and property and tenancy agreements for the two units closest to West 5<sup>th</sup> Street;
- Requirement for the two units closest to West 5<sup>th</sup> Street to be fitted with central air conditioning systems so that windows can be kept closed; and,
- Prior to issuance of a building permit, a qualified professional will review the plans to ensure compliance with the Noise Study provided by dBA Acoustical Consultants Inc.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 8 of 19**

---

The conditions related to noise mitigation measures will also need to be implemented at the Site Plan Control stage and the Consent stage for the street townhouse dwellings.

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

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

### **Urban Hamilton Official Plan**

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

#### Neighbourhoods

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods;
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi detached, duplex, triplex, and street townhouse dwellings;
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare;
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys; and,
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged;
  - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized; and,
  - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design,



**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 9 of 19**

---

including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The UHOP promotes the location of low density residential uses towards the interior of neighbourhoods. The subject lands are at the periphery of the Gourley neighbourhood with West 5<sup>th</sup> Street being the eastern most boundary. The proposal if approved, would facilitate the development of nine street townhouse dwellings on the lands at a density of 50 units per hectare, which complies with the UHOP density of a maximum of 60 units per hectare. The proposal is for two storey street townhouses and does not exceed the UHOP’s three storey maximum height requirement. Based on the proposed grading plan, there will be no adverse overlook or privacy issues with the proposed street townhouses.

In reviewing policy E.3.4.6 a), the proposal provides access for all lots to Rosehill Avenue which is a local road. In accordance with policy E.3.4.6 b), the design of the townhouses extends the porch feature into the front yard and thereby reduces the presence of garages along the street. Elevation drawings will be further reviewed through the Site Plan Control process to ensure appropriate design. The front yard setback is similar to the setback of the adjacent property at the northeast corner of Annabelle Street and Rosehill Avenue (municipally known as 107 Annabelle Street). The proposed development will create a streetscape that is consistent along the north side of Rosehill Avenue. The streetscape along West 5<sup>th</sup> Street would also be generally consistent as the proposed setback of 4.3 metres coupled with the right of way dedication would result in buildings that are setback farther from the street.

### **Residential Intensification**

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) A balanced evaluation of the criteria in b) through g), as follows;
- b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 10 of 19**

---

- d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies;

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

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

The subject property is in an area with a low rise built form with building heights between one to two storeys. The proposal seeks to establish a development that is two

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 11 of 19**

---

storeys in height in keeping with the surrounding area. The proposal provides setbacks for side yards, front yards and rear yards that are also reflective of the existing development found along Rosehill Avenue. The lots proposed are wider than a typical infill townhouse lot and coupled with the rear yard setback would allow for an appropriate private amenity space. With respect to Policy 2.4.2.2 e), the lots proposed are compatible with the existing lot fabric in the area. The proposed street townhouses, building setbacks and building massing maintain the pattern and built form to complement the existing neighbourhood. No overlook or shadow impacts are anticipated due to the two storey height proposed.

In accordance with B.2.4.1.4 f) and B.2.4.2.2 j), there are existing municipal services available to service the subject property and adequate transportation services available on the abutting municipal roads.

### Trees

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

A Tree Protection Plan (TPP) and Landscape Plan were submitted with the Zoning By-law Amendment application. A total of ten trees have been inventoried on the subject properties and adjacent properties. Six trees are proposed to be removed from the subject lands and 11 are proposed to be planted.

If approved, the Applicants will be required to provide adequate compensation (i.e. one to one) for the removal of the trees on the lands. The Tree Protection Plan and a Landscape Plan will be further reviewed through the Site Plan Control stage.

### Neighbourhood Plan

The following policy related to Neighbourhood Plans, amongst others, applies:

“F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan; and,

F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 12 of 19**

---

**Gourley Neighbourhood Plan Policies**

The lands are identified as “Single and Double” in the Gourley Neighbourhood Plan. If approved, staff recommend the Neighbourhood Plan be amended so that the lands intended for street townhouses are identified as “Attached Housing”. The Gourley Neighbourhood Plan recommends the provision of a wide variety of dwelling types such as one and two family dwellings, attached dwellings and medium density multiple dwellings. This is intended to encourage a range of housing types in the neighbourhood. The Gourley Neighbourhood Plan also recommends that townhouses and maisonettes as well as low density apartments be directed to the arterials and collectors.

Staff have reviewed the Gourley Neighbourhood Plan and are satisfied that the proposed development meets the general intent of the plan by adding a mix of residential units in the form of street townhouses to the area. The proposal is compatible with the existing residential units within the interior of the neighbourhood and proposes intensification adjacent to West 5<sup>th</sup> Street, an arterial road.

Based on the forgoing, the proposal complies with the UHOP.

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

The subject property is currently zoned “AA” (Agricultural) District and “C” (Urban Protected Residential, etc.) District in Zoning By-law No. 6593. The “AA” (Agricultural) District permits single detached dwellings as well as agricultural uses, and the “C” (Urban Protected Residential, etc.) District permits single detached dwellings. As these zones do not permit street townhouses, an amendment to the Zoning By-law is required.

The proposed Zoning By-law Amendment is for a change in zoning from the "AA" (Agricultural) District and the “C” (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified. The effect of this Zoning By-law Amendment will permit nine, two storey street townhouses. Modifications to the “RT-30” (Street - Townhouse) District are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “C” attached to Report PED22090.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 13 of 19**

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
<ul style="list-style-type: none"> <li>• French Public School Board;</li> <li>• Alectra;</li> <li>• Landscape Architectural Services, Strategic Planning Division, Public Works Department;</li> <li>• Transit Planning and Infrastructure, Transit Operations Division, Public Works Department;</li> <li>• Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department;</li> <li>• Canada Post; and,</li> <li>• Hamilton Conservation Authority.</li> </ul>		No Comment.
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	The Development Engineering Approvals Section can support this application. The proponent has adequately demonstrated that the sanitary flow generated by the development will have no significant impact on the capacity of the municipal system. The proponent has also verified that stormwater flow rates from the proposed stormwater outlets do not exceed the allowable discharge rate for the site. The proponent has further demonstrated that the existing municipal watermains are able to supply the required fire flow (RFF) and domestic flow to support the development.	Noted.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	Transportation Planning supports the proposed Zoning By-law Amendment as the proposed development will not generate significant vehicular traffic volume and can be accommodated by the surrounding road network.	Through Site Plan Control Application, the required right of way will be required to be dedicated to the City.

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 14 of 19**

	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>(Continued)</b>	The existing right-of-way along West 5th Street at the subject property is approximately 20.0 metres. Approximately, 5.0 metres are to be dedicated to the right-of-way on West 5th Street as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. West 5th Street is to be 30.480 metres from Mohawk Road to 90 metres south of Stone Church Road. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).	
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	<p>It should be determined if there are any implications arising from the adjacent Registered Plans of Subdivision, 62M-1024 (25T-88016) and 62M-1102 (25T-88016), e.g. cost recoveries relating to the registered plans or any reserves to be lifted.</p> <p>It should be determined if rear yard and / or side yard easements are required for access and maintenance purposes.</p> <p>Should a Draft Plan of Subdivision be proposed, it should be determined if the future Draft Plan of Subdivision will be phased.</p> <p>The owner and agent should be made aware that the address for this proposal will be determined after conditional Site Plan approval is granted.</p>	<p>It has been confirmed that there are no cost recoveries identified nor are any reserves required to be lifted.</p> <p>Rear yard and / or side yard easements are required for access and maintenance purposes will be required through the Consent process.</p> <p>The proponent will be subdividing the land through the Consent process.</p> <p>Further review regarding the addressing of the proposal will occur through the Site Plan Control process.</p>

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 15 of 19**

	<b>Comment</b>	<b>Staff Response</b>
Waste	<p>This development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 20-221.</p> <p>Waste Planning has no concerns regarding the Zoning By-law Amendment.</p> <p>Waste will be collected at curbside on Rosehill Avenue.</p> <p>The developer is responsible for all waste removal up until the time municipal collection service is initiated.</p>	Noted.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry does not have any concerns with the Zoning By-law Amendment for this proposed development. Forestry will require Street Tree Planting fees and Loss of Tree Canopy fees.</p>	Through Site Plan Control the street tree planting fee and loss of canopy fees will be provided to the City.
<b>Public Consultation</b>		
Traffic, parking, safety	<p>Proposed development will cause an increase in traffic on Rosehill Avenue.</p> <p>The area already has a high volume of traffic from the Springvalley Condominiums.</p> <p>Concerns that the traffic on West 5th will also be increasing as the condominium and the townhouses south of Stone Church Road West become occupied making access from Rosehill Avenue onto West 5th Street even more challenging.</p>	<p>Minimal vehicle traffic will be generated by this development and is unlikely to have a perceptible negative impact on the area road network.</p> <p>The proposal will provide parking in accordance with the Zoning By-law.</p>

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

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

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

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 16 of 19**

<b>Public Consultation</b>		
Traffic, parking, safety <b>(continued)</b>	There is concern that additional spill over parking will occur on Rosehill Avenue.  Comment that Rosehill Avenue sees various activities such as community mail box activity, and school bus pick up and drop off activity.	
Construction	Concern that there will be construction and road closures while the townhouses are under construction.	Through the Site Plan Control application, a Construction Management Plan may be requested as a condition of approval.
Privacy	Concern regarding a reduction in privacy for those that back on to the townhouses.	The limited height of the building along with the orientation and setback of the buildings, along with the provision of visual barriers will minimize privacy overlook impacts on the adjacent properties.
Decrease Property Values	Concern regarding a reduction in property value.	Staff are not aware of any empirical evidence to suggest property values will decrease.
Aesthetics	Concern that the townhouses are out of character with the rest of the neighbourhood.	The townhouses are proposed at two storeys in height and with setbacks that are similar to surrounding land uses to ensure compatibility.
Snow Removal	Concern that snow removal will worsen congestion along Rosehill Avenue.	The City of Hamilton's Snow and Ice By-law No. 03-296, requires residents to maintain and clear snow and provide an unobstructed travelled portion of highway.
Timelines for Construction	Comment requesting whether the developer can provide assured timelines for construction.	The timing of the construction for the proposed development is at the discretion of the developer.

## **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



**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 17 of 19**

---

sent to residents within 120 metres of the subject lands on September 10, 2021. A Public Notice sign was posted on the property on September 18, 2021 and updated with the Public Meeting date on March 29, 2022. A Notice of Public Meeting was sent to property owners within 120 metres of the site on April 7, 2022, in accordance with the requirements of the *Planning Act*.

### **Public Consultation Strategy**

In addition to the requirements of the *Planning Act*, and as part of the Planning Justification Report, the Applicant's offered to contact the members of the public to address any concerns related to the application if notified.

In response to the preliminary Public Notice, 23 public submissions in opposition to the proposal and one submission in support of the proposal have been received to date. These submissions are summarized in the chart above and included in Appendix "E" attached to Report PED22090.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development of nine street townhouses is supportable as the built form is compatible with the character of the area and the proposal represents good planning by, among other things, providing a compact and efficient urban form that will help to diversify the housing types in the neighbourhood.
  
2. Zoning By-law Amendment

The subject lands are zoned "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District in Zoning By-law No. 6593. The Zoning By-law Amendment application proposes to change the zoning to the "RT-30/S-1818" (Street - Townhouse) District, Modified with the following modifications:

- To reduce the minimum front yard setback to the building face from 6 metres to 3 metres and to include an exception for the distance from unenclosed porches and a building face to the hypotenuse of a daylight triangle;

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 18 of 19**

---

- To reduce the minimum rear yard setback from 7.5 metres to 6 metres;
- To reduce the minimum side yard setback from 2 metres to 1.5 metres;
- To reduce the minimum distance between buildings from 3.5 metres to 3.0 metres;
- To reduce the minimum lot area per unit from 180 square metres to 165 square metres;
- To waive the manoeuvring space requirement for parking;
- To waive the requirement for an encroachment into a front yard less than 1.5 metres; and,
- To require a minimum front yard setback of 6 metres to a garage.

Staff are satisfied that the proposal meets the intent of the Low Density Residential “Neighbourhoods” policies and applicable intensification policies of the Urban Hamilton Official Plan. In addition, the proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix “C” attached to Report PED22090.

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

3. The proposal is for street townhouses that are not within a Registered Plan of Subdivision and a Site Plan Control application will be required. This process is intended to further facilitate the overall design including landscaping, placement of buildings, grading and storm water management and parking. Future Consent applications will be required to create the individual lots.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property can be used in accordance with the “AA” (Agricultural) District and the “C” (Urban Protected Residential, etc.) District in City of Hamilton Zoning By-law No. 6593.

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

### **Community Engagement and Participation**

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

### **Economic Prosperity and Growth**

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

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
866 West 5th Street, Hamilton (PED22090) (Ward 8) - Page 19 of 19**

---

**Healthy and Safe Communities**

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

**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22090 – Location Map

Appendix "B" to Report PED22090 – Amendment to Zoning By-law No. 6593

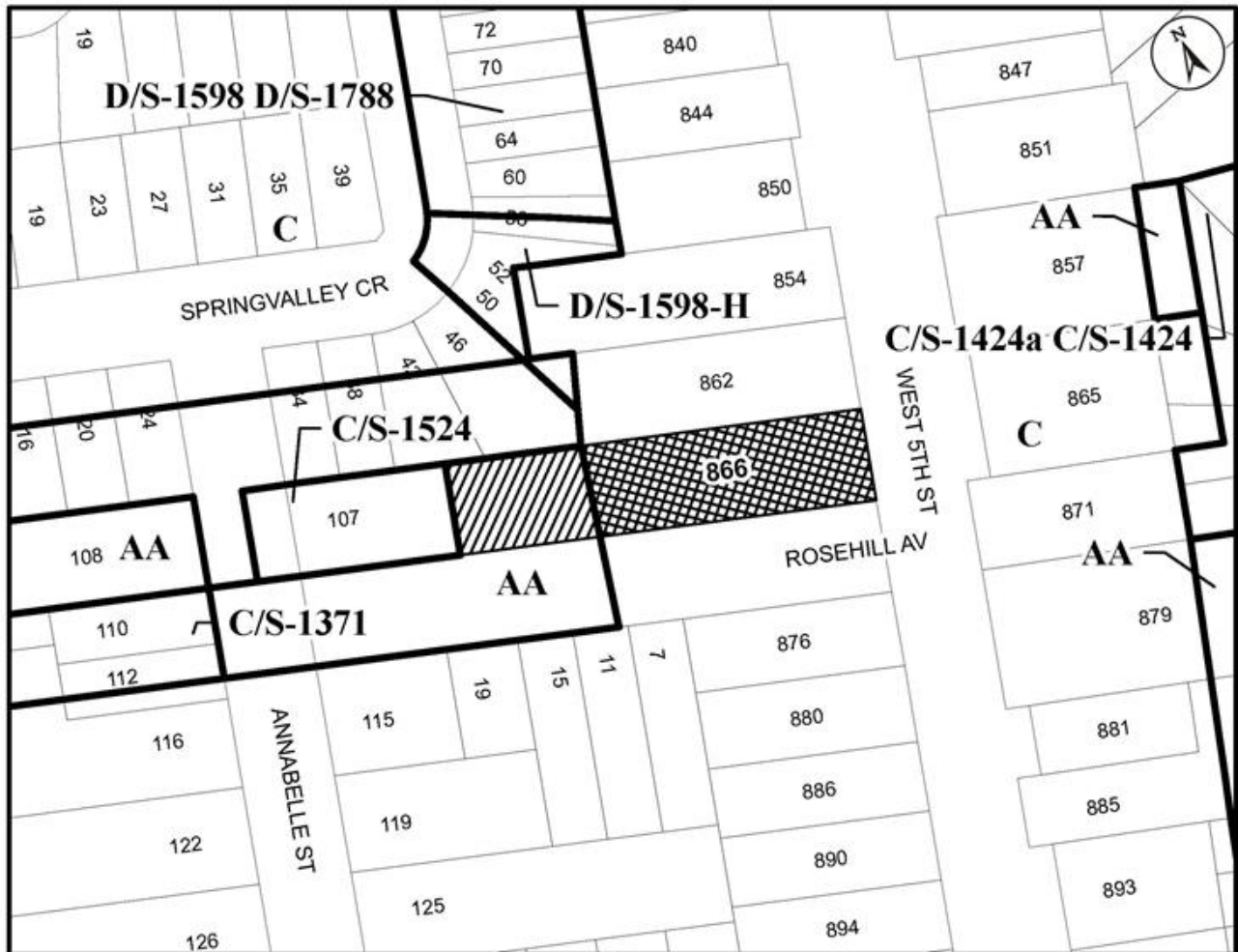
Appendix "C" to Report PED22090 – Zoning Modification Table

Appendix "D" to Report PED22090 – Concept Plan

Appendix "E" to Report PED22090 – Public Comments

JVR:sd

Appendix "A" to Report PED22090



● Site Location



Key Map - Ward 8

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-21-036

Date:  
March 11, 2022


Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
JR/AL

### Subject Property

866 West 5th Street

 Block 1 - Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1818" (Street Townhouse) District, Modified

 Block 2 - Change in Zoning from the "C" (Urban Protected Residential Etc.) District, to the "RT-30/S-1818" (Street Townhouse) District, Modified



**Appendix “B” to Report PED22090  
Page 1 of 3**

**Authority:** Item ,  
Report (PED22090)  
CM:  
Ward: 8

**Bill No.**

**CITY OF HAMILTON****BY-LAW NO.****To Amend Zoning By-law No. 6593,  
Respecting Lands Located at 866 West 5<sup>th</sup> Street, Hamilton**

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

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

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report 22-\_\_\_\_\_ of the Planning Committee, at its meeting held on the 25<sup>th</sup> day of April 2022, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

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

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

1. That Sheet Nos. W9b and W17c of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended by changing the zoning from “AA” (Agricultural) District (Block 1) and the “C” (Urban Protected Residential etc.) District (Block 2) to the “RT-30/S-1818” (Street – Townhouse) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;

## Appendix “B” to Report PED22090

Page 2 of 3

**To Amend Zoning By-law No. 6593,  
Respecting Lands Located at 866 West 5<sup>th</sup> Street, Hamilton**

2. That the “RT-30” (Street - Townhouse) District provisions, as contained in Section Ten F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
  - a) That notwithstanding Subsection 10F(4) (a), (b), and (c), (5) (b), and (6) (i), the following provisions shall apply for Street Townhouse Dwellings:
    - i. A front yard depth of not less than 3 metres to a building face and 6 metres to a garage, except 1.15 metres to an unenclosed porch and 0.15 metres to a daylight triangle;
    - ii. A rear yard depth of not less than 6 metres;
    - iii. A side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than 1.5 metres for a Street Townhouse Dwelling, not exceeding two storeys in height, except 0.15 metres to a daylight triangle;
    - iv. A distance between buildings not exceeding two storeys in height, of not less than 3.0 metres; and,
    - v. A lot area of not less than 165.0 square metres for each Street Townhouse Dwelling.
  - b) Subsection 18 (3)(vi)(d) shall not apply.
  - c) Subsection 18A, Table 6 shall not apply.
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “RT-30/S-1818” (Street – Townhouse) District, Modified provisions; and,
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 \_\_\_\_\_, 2022.

---

F. Eisenberger  
Mayor

---

A. Holland  
City Clerk

**Appendix "B" to Report PED22090**  
**Page 3 of 3**

To Amend Zoning By-law No. 6593,  
 Respecting Lands Located at 866 West 5<sup>th</sup> Street, Hamilton



This is Schedule "A" to By-law No. 22-  Passed the ..... day of ....., 2022	----- Mayor  ----- Clerk
---	--------------------------------------

<h2>Schedule "A"</h2>  <h3>Map forming Part of By-law No. 22-_____</h3>  <h3>to Amend By-law No. 6593</h3>	<b>Subject Property</b>  866 West 5th Street  <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;"> </div> <div>                     Block 1 - Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1818" (Street Townhouse) District, Modified                 </div> </div> <div style="margin-top: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;"> </div> <div>                     Block 2 - Change in Zoning from the "C" (Urban Protected Residential Etc.) District, to the "RT-30/S-1818" (Street Townhouse) District, Modified                 </div> </div> </div>
--	--

Scale: N.T.S	File Name/Number: ZAC-21-036	
Date: March 11, 2022	Planner/Technician: JV/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

## Appendix "C" to Report PED22090

## Page 1 of 3

Regulation	Required	Modification	Analysis
Street Townhouses Minimum Front Yard Depth	A front yard of a depth of not less than 6.0 metres.	A minimum front yard depth of 3.0 metres to the building face, except 1.15 metres to an unenclosed porch and 0.15 metres to a daylight triangle.	<p>The purpose of the front yard setback is to ensure adequate separation from the street and to provide a consistent streetscape. The minimum front yard setback is similar to the single detached dwelling to the west and presence of the garages is reduced by allowing for unenclosed porches to protrude.</p> <p>Staff support the modification.</p>
Street Townhouses Minimum Rear Yard Depth	A rear yard of a depth of not less than 7.5 metres.	A minimum rear yard depth of 6 metres.	<p>The intent of this regulation is to ensure there is sufficient room for private amenity space and to minimize issues such as overlook. The proposed two storey height coupled with the proposed 6 metre rear yards mitigate overlook concerns onto neighbouring properties. Although the rear yard is reduced, the townhouse widths are wider than normal and provide an appropriate space for rear yard amenity area.</p> <p>Staff support the modification.</p>
Street Townhouses Minimum Side Yard Setback	<p>A side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than,</p> <p>(i) 1.2 metres (3.94 feet) for a Street Townhouse</p>	A minimum side yard of 1.5 metres, except 0.15 metres to a daylight triangle.	<p>The intent of the side yard width regulation is to provide adequate space for maintenance, to maintain a consistent streetscape, to provide for transition to adjacent uses, and to minimize issues such as overlook. A minimum 1.5 metre side setback is provided for two end units of both blocks, there is also an angled lot line on the west side of the site</p>



## Appendix "C" to Report PED22090

## Page 2 of 3

Regulation	Required	Modification	Analysis
	<p>Dwelling, not exceeding one storey in height;</p> <p>(ii) 2.0 metres (6.56 feet) for a Street Townhouse Dwelling, not exceeding two storeys in height;</p> <p>(iii) 2.5 metres (8.20 feet) for a Street Townhouse Dwelling, not exceeding three storeys in height;</p>		<p>that results in a 2.24 metre setback that tapers to a 1.95 metre setback. The setbacks provided between buildings are similar to those existing in the area. A daylight triangle is also required and will result in a pinch point between the property line and the eastern/southern most point of the building, as such a 0.15 metre setback is being requested.</p> <p>Staff support the modification.</p>
Street Townhouses Distance Between Buildings	A distance between Buildings not exceeding two storeys in height, of not less than 3.5 metres.	A minimum building distance separation of 3 metres.	<p>The intent of the building distance separation regulation is to ensure the protection of privacy and access to sunlight in interior portions of the site. The modified spacing requirements maintain the same intended purpose while permitting a slightly more compact form of development.</p> <p>Staff support the modification.</p>
Street Townhouses Lot Area	A lot area not less than 180.0 square metres (1,937.56 square feet) for each single family dwelling unit.	A minimum lot area of 165 square metres for each Street Townhouse Dwelling.	The applicant is requesting to reduce the lot area of the proposed street townhouses to 165 sq. m whereas 180 sq. m is required. The proposal will allow for buildings in a

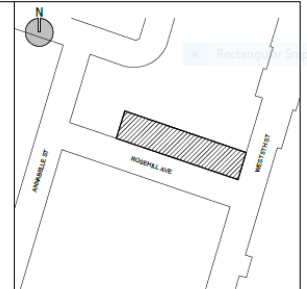
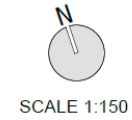
**Appendix “C” to Report PED22090**  
**Page 3 of 3**

Regulation	Required	Modification	Analysis
			<p>compact and efficient built form that are compatible with the existing lot fabric in the area while ensuring adequate parking and amenity area.</p> <p>Staff support the proposed modification.</p>
Street Townhouses Minimum Front Yard Depth to a Garage	N/A	A minimum front yard depth of not less than 6.0 metres to a garage.	<p>Staff have included a provision for a front yard setback to a garage to ensure a parking space of at least 6 metres in length in the driveways.</p> <p>Staff support the modification.</p>

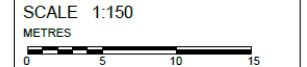
Appendix "D" to Report PED22090

Development Statistics		
Proposed Zoning "RT-30S" (Street Townhouses) Modified		
Item	Required	Proposed
Gross Lot Area	N/A	1,832.70 m <sup>2</sup>
RO W & Daylight Triangle	N/A	132.26 m <sup>2</sup>
Dedications		
Net Lot Area	N/A	1,700.44 m <sup>2</sup>
Min. Lot Area *	180 m <sup>2</sup>	189.58 m <sup>2</sup>
Min. Lot Width	6.0 m	8.43 m
Total Units	N/A	9 units
Max. Building Height	11.0 m	2 storeys
Min. Front Yard *	6.0 m	3.0 m
Min. Rear Yard *	7.5 m	6.06 m
Min. Side Yard *	2.0 m	1.95 m
Min. Side Yard to Daylight Triangle	N/A	0.18 m
Min. Front Yard Landscaping	50%	60%
Between Buildings *	3.5 m	3.0 m
Max. Continuous Dwellings	8 dwellings	5 dwellings
Parking	1 space per Class A dwelling unit = 9 spaces	9 spaces

\* Does not conform to RT-30 District



KEY MAP - N.T.S.



- LEGEND:
- SUBJECT LANDS
  - ▭ PROPOSED BUILDINGS
  - - - EXISTING PROPERTY LINES
  - X EXISTING FENCE
  - ▲ DOOR
  - - - PROPOSED PROPERTY LINE
  - - - EXTENT OF FLOOR ABOVE

NOT FOR CONSTRUCTION  
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: KNYMH      CHECKED BY: M. JOHNSTON  
DRAWN BY: L. ORENNAN      DATE: JULY 8, 2021

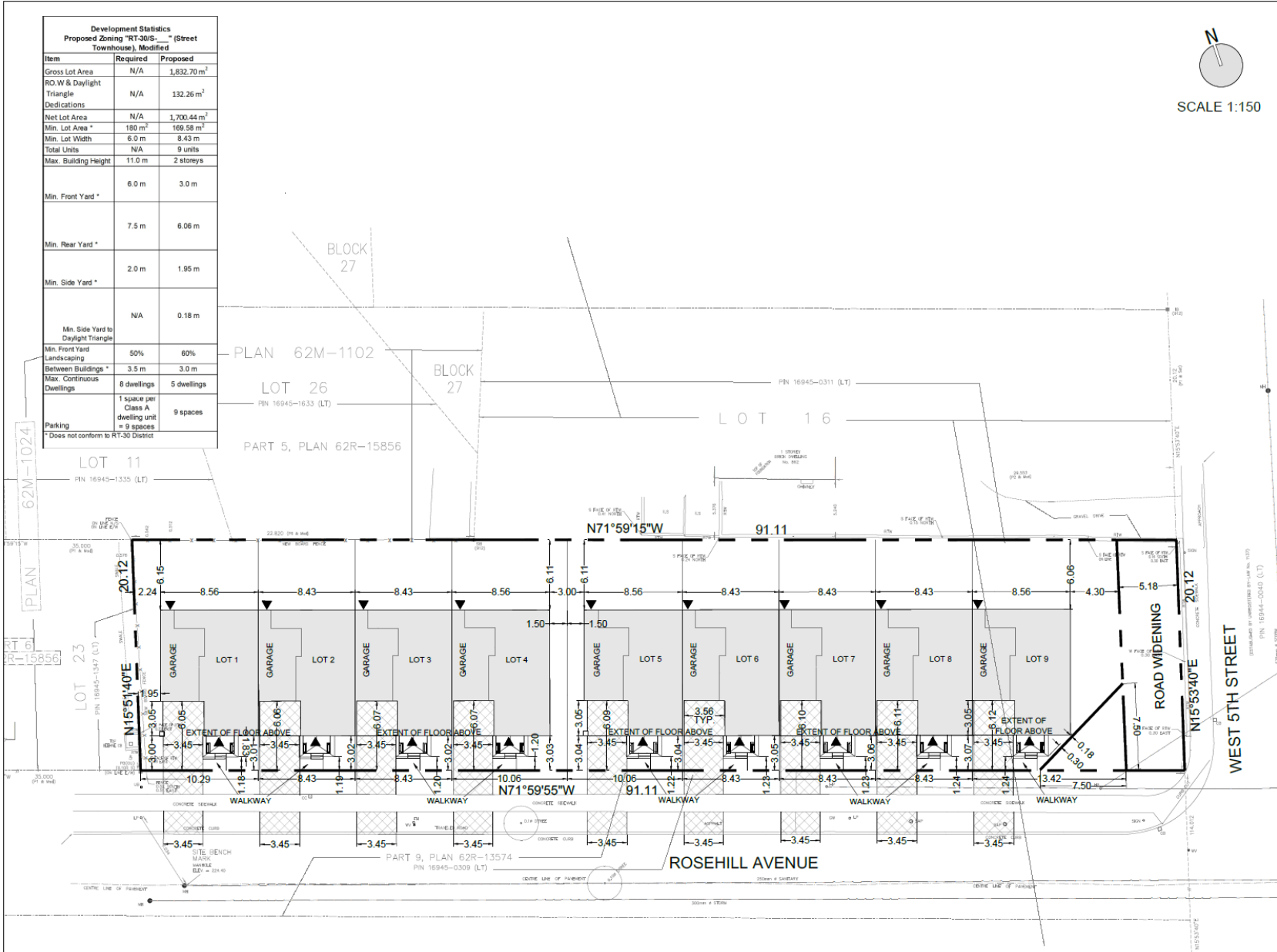
**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT  
3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

PROJECT:  
866 West 5th Street  
CITY OF HAMILTON

CLIENT:  
Angros Enterprises Limited

TITLE:  
CONCEPT PLAN

US FILE NUMBER: 354-20      SHEET NUMBER: 1



**Appendix "E" to Report PED22090**  
**Page 1 of 24****From:****Sent:** September 26, 2021 4:58 PM**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>; [john\\_paul.danko@hamilton.ca](mailto:john_paul.danko@hamilton.ca)**Subject:** ZAC-21-036Hamilton, 

Dear Mr. VanRooi and Mr. Danko

Listed below are opinions concerns regarding the above-mentioned zoning change to our neighbourhood.

The proposed townhouses will create chaos to this neighbourhood:

1. The bulk of neighbourhood traffic uses Rosehill Avenue as the main access point to West 5th to avoid the stoplight at Chester and West 5th. Currently it is atrocious trying to get down this street due to the vehicles parked on the street and the current traffic.
2. The proposed 9 townhouses will have one car driveways and garage!! We all know most families park the second or third car on the street, even if there is additional parking. Visitors will primarily park on the street as well. Rosehill Avenue is a very short street, and you can imagine the extra traffic congestion the townhouse will generate. Once the winter season commences and if there is snow removal - this area will become a true nightmare.
3. Currently, we are not seeing the full volume of traffic on Rosehill Avenue, as the Springvalley Condominiums units are not occupied as of yet. The Springvalley Condos will add 98 more vehicles, not including service and visitors, to the current traffic volumes on Rosehill Avenue.
4. Rosehill hosts two school bus stops at either end of Rosehill Avenue that already generate blockages and delays during the rush hour.
5. The traffic on West 5th will also be increasing as the condominium and the townhouses south of Stone Church Road West become occupied making access from Rosehill onto West 5th Street even more challenging.
6. People living on West 5th Street cannot park on that street and, as a result, 2/3 cars from West 5th Street houses regularly park on Rose Hill Ave.
7. There are three community mailboxes on Rose Hill Avenue so there is traffic flow of the community also stopping to get their mail.
8. The Alderman's Office has shared that we have already reached maximum urban density for the specific neighbourhood.
9. In short, Rose Hill Avenue will become more of a bottle neck/parking lot than it already is.

**In addition to the traffic concerns, there are some supplemental issues that will be created by the construction of the townhomes**

**Appendix "E" to Report PED22090**  
**Page 2 of 24**

1. Two years of construction, road closures and noise, while the townhomes are under construction.
2. The reduction of privacy for those who back on to the townhouses.
3. The aesthetics of the neighbourhood will be lost forever, when you or your friend drive into the neighbourhood, the high density townhomes will be the first thing you see.
4. This will certainly drop property values, as opposed to having the developer build two beautiful \$1 million homes on the lot, thus maintaining the original charm of the neighbourhood, and its value (this point is not a priority for the City, but it is important to those in the community).
5. The community has accepted its share of high density intensification 200 feet away away from Rose Hill Ave as the bird flies, or just around the corner that includes the 48 unit condominium, 11 sets of semi-detached homes (22 semi detached units), and two rows of 8 townhouses (16 townhouse units), all built over the last 5 years on Springvalley Crescent.
6. There is a home daycare at Annabelle and Rose Hill Avenue.
7. Winter will only worsen the congestion for snow being put on the road reducing lane availability.

These townhomes simply cannot commence and we want to put a stop to this being approved! Please advise receipt of this email and we thank you for your time.

**From:**

**Subject: re zoning by-law File ZAC-21-036**

**Date:** September 15, 2021 at 12:28:48 PM EDT

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

Hello,

I wish to express my contestation/appeal of Zoning By-Law amendment File No. ZAC-21-036. As a resident and home owner on Rosehill Ave I do not wish to have a large multi unit town house complex built across the street from my house as it is a quiet and high value street. Having a row town house built directly across the street from my house will decrease my property value significantly and increase traffic as well as noise both by construction and after due to significant multi unit dwelling. I am adamantly opposed to the building of town houses on Rosehill Ave.

Thank you

  
Hamilton 

\* please do not include/remove my personal information from this statement/communication

**Appendix "E" to Report PED22090**  
**Page 3 of 24****From:****Sent:** September 30, 2021 1:55 AM**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>**Cc:** [John.paul.Danko@Hamilton.ca](mailto:John.paul.Danko@Hamilton.ca);**Subject:** ZAC-21-036 866 West 5th Zoning Application

Hi James,

RE: **ZAC-21-036**

I am writing you to express my deep opposition to allowing the zoning change from AA (Agricultural) District to a RT-30/S (Street Townhouse) District, Modified and rezoned from the "C" Urban protected Residential District to "RT-30-" Street Townhouses.

I grew up on 125 Annabelle Street. I have lived in this neighborhood since 1970, and I have witnessed a great many changes. I moved back to the neighborhood twelve years ago, to support my parents as they were getting on in years. Currently, 125 Annabelle Street and 866 West 5<sup>th</sup> are two of the last remaining unaltered, full sized lots.

I now reside at [REDACTED] Avenue whereby my property forms an L-shape with my parent's property. I am also directly across from 866 West 5<sup>th</sup>. I knew Mrs. Brown, the owner of the property, for fifty years, before she sold it to the current developer.

As bit of history, I knew Mrs. Rosemary Hill, who was my best friend's mom, for whom Rosehill Avenue is named. It's funny, but when I was a boy, and sitting with Hyland Hill, my best friend, in his back yard, I never thought I would end up living in his backyard. (I digress...)

I realize that the builder has applied for the zone changes, and as such, I understand that you must apply diligence and due process to review the request and determine whether it is something that will fit the neighborhood. The simple fact that the developer must go through two zoning changes, both from "AA" and "Protected C" would immediately suggest it does not fit the neighborhood. As I understand it, "Protected C" means primarily single-family dwellings and service buildings such as, care facilities, similar to the one on the corner of West 5<sup>th</sup> Street and Chester Avenue, which is a single family home.

Just a few years back, I fought to stop a builder, who intended to build four houses on Chester Avenue, between West 5<sup>th</sup> Street and Annabelle Street. We were able to have the number of houses reduced to three to keep the feel of the neighborhood, which I feel might set precedence. Mrs. Brown's old house, 866 West 5<sup>th</sup> Street, is located on the opposite side of that same block, and it seems ridiculous that we are even considering putting a row of nine townhouses on Rosehill Avenue.

Esthetically, allowing the townhome build would be a nightmare, drastically changing the look and feel of the original neighborhood. 866 West 5<sup>th</sup>, is the first property people would see when they enter our community. It would certainly not reflect the charm and heritage of single-family homes that our community is known for.

**Appendix "E" to Report PED22090  
Page 4 of 24**

Over the past few years, we have seen a great many changes, such as the additions of the SpringValley Crescent condominiums, the semi-detached homes and townhouses located in the north/east corner of our community. These homes, while some distance away from the original neighborhood that includes 866 West 5<sup>th</sup> Street and Rosehill Avenue, have already driven up our contribution to increasing urban density. In fact, the community is now packed with the large homes, squeezed onto the smallest possible lot size. This truly becomes apparent as you move further away from the original neighborhood and into the back of the development. The homes that back onto each other on Bridgadoon and Springvalley share one yard, split in two, giving each house half of backyard. Enough is enough.

Fortunately, Rosehill Avenue still reflects the original feel of the neighborhood. The lots sizes fit the homes, and we do not quite have the jammed in feeling. However... this will most certainly change for the absolute worst if we allow the builder to build townhouses on Rosehill Ave. The Townhomes will destroy the esthetics of the neighborhood!!

The six homes that back directly onto the proposed townhouses will have a massive loss of privacy.

There are also the issues that are derived from the build itself, a row of nine townhouses would be a major under taking, as compared to the scope of work necessary to build a couple of single family homes. There would need to be improvements made to the infra structure, and the street would certainly need to be ripped up and redone. The street is quite narrow, and as such, should be widened to allow for the parking, and the through traffic. The noise and the blockages to the neighborhood's main artery would be a nightmare.

Further to the destruction of the stately nature of our neighborhood, the townhomes will add to the already massive bottle neck our community is about to face, once the 48 units, of the Springvalley Crescent condo's become occupied. The current congestion in combination with the projected traffic, as generated by the additional 98 cars belonging to the residents of the condo (assuming two cars per household) will be too much for Rosehill Avenue. On top of this, the area by the new condo is still under construction with more homes slated to be built.

My wife Kim MacLean, had applied to the city to have an access street added at the Springvalley condos directly onto West 5<sup>th</sup> Street. However, due to the topography of the roadway, it was deemed too dangerous to implement. It was thought that the bridge over the link, on West 5<sup>th</sup> Street would create a visual obstruction making the proposed access street unsafe. It's poetic that the traffic resulting from the SpringValley Condo's, may prevent the very same contractor from building the townhouses on Rosehill Avenue. Note: Rosehill Avenue will be Condo residents closest access point to West 5<sup>th</sup>.

Rosehill Avenue is a short and narrow little street, approximately 400ft. long, which is length of just two of the original property lots. It is hard to fathom replacing the original single family home with nine townhomes. It just would not fit the look of the street.

Rosehill Avenue serves as is the main access point for all of the neighborhood traffic heading west from West 5<sup>th</sup> Street. The entire block from the Apple Orchards estates, through to Brigadoon & Garrow, right up to Springvalley all share this access point, to avoid the light at West 5<sup>th</sup> Street and Chester Avenue.

**Appendix "E" to Report PED22090  
Page 5 of 24**

Rosehill Avenue hosts three school bus stops, which generate blockages in the morning and the afternoon.

There are also three community mail boxes on Rosehill, and another set of boxes right on the corner of Rosehill Avenue and Annabelle Street. These boxes cause people to park their cars, while they pick up their mail, which again generates more obstacles, and thus even more traffic congestion.

People living locally on West 5<sup>th</sup> Street use Rosehill Avenue for parking their extra vehicles, or even visitor parking right at West 5<sup>th</sup> Street. Again creating blockages.

Another issue that must be considered is the additional future traffic resulting from the townhouses yet to be built and the Condo building just south of Stone Church Rd W, on West 5<sup>th</sup> Street. These units once occupied will invariably increase the volume of traffic on West 5<sup>th</sup> Street, thus making it harder for the vehicles on Rosehill Avenue to get onto West 5<sup>th</sup> Street, and will, in turn, generate even longer lines of cars on Rosehill Avenue, particularly during rush hour.

Now, if we add the nine townhouses, and the eighteen cars, they will add (at two cars per household), knowing that there will be a single car garage, and a single car driveway it is very safe to assume that at least one car from each of the townhouse will end up on the street. It is human nature, and if you want an example right out of our neighborhood, you need only look as far as Brigadoon. Brigadoon is cluttered with cars on both sides of the street. A nightmare in the summer and a disaster in the winter. This will most certainly be the fate slated for Rosehill Avenue, if the townhomes are allowed.

Another factor that creates congestion and danger is the large day care which operates at the corner of Rosehill Avenue and Annabelle Street. Cars constantly stop at peak hours to drop off or pick up their children.

The community has already had its share of high density intensification in the back corner of our neighborhood, which includes the 48 unit condominium, 11 sets of semi-detached homes (22 semi-detached units), and 2 rows of 8 townhouses (16 townhouse units), all built over the last 5 years on Springvalley Cr. Even the large single family homes back there are sitting on the smallest allowable lots. As said, a number of the homes even share a backyard.

In closing, 866 West 5<sup>th</sup> Street is one of the last single family homes built on an original large lot in our neighborhood, and the charm and heritage of our community must be protected, just as the zoning states, Protected "C". How can this neighborhood be considered to be "protected" if the first person that simply applies for a zoning change is allowed?

We welcome the developer to build 2-3 single family homes on the land. We reject his desire to ruin the neighborhood by making townhomes the first thing you see when you enter our community and making an already congested bottleneck much worse.

Thank for taking the time to hear my thoughts!



**Appendix "E" to Report PED22090**  
**Page 6 of 24**

Please help us protect our Protected "C" neighborhood.

I would appreciate it if you could acknowledge that you received this email.

Warmest regards,

[REDACTED]

**From:****Sent:** September 26, 2021 10:02 PM**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>**Subject:** ZAC-21-036 Proposed 9 unit townhouses on Rosehill Ave.

Dear James,

My name is [REDACTED] and I live at [REDACTED] Hamilton [REDACTED] around the corner of the proposed 9 town house project.

I do not agree with the proposal as it will impact the West 5th road access! I have no issue with 2 single family dwellings being built in that same area!

Thank You

[REDACTED]

**From:****Sent:** September 29, 2021 11:55 PM**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>**Subject:** This is in reference to ZAC-21-036

Hello

My name is [REDACTED], I live on [REDACTED] with my parents and sibling and I am writing to you as a member of this community about a possible dilemma of the building of 9 townhouses on rosehill/west 5th street. I am aware that the builder has only thus far made an application and it has not yet been approved nor denied pending on a hearing.

Please take a moment to listen to my concerns for the future of this neighbourhood. I understand that the city is becoming quite a popular region for families of different structures and values and the development of homes of any kind is vital for the growth of this community. Unfortunately this specific neighbourhood has grown exponentially and there seems to be an increase in density and traffic congestion in an area already full with single homes, townhouses, semi-detached homes and condominiums with 48 units (which has yet to be occupied).

There are several issues that have risen due to development and I would like for you to take a moment and reflect on these indicators and how it would further escalate the issue at hand. Rosehill is the

**Appendix "E" to Report PED22090  
Page 7 of 24**

closest main street to get into Springvalley and the main point to get on West 5th in order to avoid the traffic light on Chester avenue. These are major traffic points not only for people who utilize this route for everyday agendas such as errands, work, or to get to a doctor's appointment but also for hosting TWO bus stops for children to utilize to safely return home/go to school. West 5th is already congested with traffic during rush hour as people use this route as a detour to avoid a major main road like Upper James that is heavily impacted by traffic.

Furthermore, there has been a notable increase in vehicles parked on the street of Springvalley despite these homes having garage(s) and driveway space but they are fully occupied. These spaces are even intensified on holidays and weekends when neighbours have extended families and friends over for a visit so could you imagine what it would be like once the 48 unit Condominium on Springvalley is move-in ready? Consider the amount of foot traffic that has already exceeded due to this growing community, a nearby public school with a park attached and several community mail boxes

In conclusion, I would like to see the city take action and deny the developer from building in an overcrowded neighbourhood with a small lot and avoid inflaming the issues stated above. It would be appreciated to see a revamp reduction from 9 townhouses to either single homes with adequate spacing just like the ones on Rosehill or a reduced number of townhouses.

Thank you for your time in reading this e-mail from a concerned neighbour of Springvalley

██████

████████████████████

██████████████████

Hamilton, ON, ██████

September 27, 2021

To: James Van Rooi  
Planning and Economic Development  
City Of Hamilton  
Re: ZAC-21-036

Dear Mr. Van Rooi,

My wife and I would like to list our concerns about the above mentioned application to re-zone.

1. By building the proposed 9 Town Houses, this will add even more congestion on Rosehill Avenue which is the main access point to West 5<sup>th</sup> Street. In short, Rosehill Avenue will become more of a bottle neck / parking lot than it already is.
2. There will be a reduction of privacy for those who back on to the townhouses.

**Appendix "E" to Report PED22090  
Page 8 of 24**

3. The aesthetics of the neighborhood will be lost when one drives into the neighborhood and sees the high density town homes at first sight.
4. I believe the property values would drop by having 9 town houses there as opposed to 1 or 2 detached dwellings.
5. The community has accepted its share of high density intensification just 200 feet away from Rosehill Avenue. This has all taken place in the last five years on Springvalley Cr.

Sincerely,

[REDACTED]

From:  
Sent: September 27, 2021 8:33 AM  
To: Van Rooi, James; john\_paul.danko@hamilton.ca  
Subject: Opposition to Zoning application ZAC-21-036

Good Morning,

I am writing to stop application ZAC-21-036; the building of 9 townhomes on Rosehill Avenue. I live at [REDACTED], which is just around the corner from this site. In terms of traffic congestion and parking issues, this area is already quite busy. It is very difficult to travel on Rosehill with cars parked on the side of the street, and it will only get worse with adding 9 additional houses. This will mean people will be forced to park on nearby streets adding to congestion there as well. Our home constantly has cars parked in front of it, leaving us to find additional space further down the road when needed.

We have also yet to see the full impact of the Spring Valley condominium units that are currently being built. I am already quite concerned about the increase in traffic in front of my house due to these units. Many cars do not stop at the stop sign at Anabelle and Springvalley. This frightens me as a mother of young children. Adding 9 more units to the area will only exacerbate this problem. Please stop the zoning change application (ZAC-21-036.)

Sincerely,

[REDACTED]

Hamilton ON

**Appendix "E" to Report PED22090**  
**Page 9 of 24****From:****Sent:** September 30, 2021 12:55 PM**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>; [John\\_paul.Danko@hamilton.ca](mailto:John_paul.Danko@hamilton.ca)**Subject:** ZAC-21-036 zoning amendment

Hello Mr. Van Rooi and Mr. Danko,

I write to you as a concerned resident of the Gourley neighbourhood. I live half a block from the corner of West 5th St. and Rosehill Ave., site of the proposed zoning change that would allow a staggering 9 homes to be built on a property that currently hosts a single small-home structure. I object to this zoning change.

We see the traffic each day. There are at least 2 school buses serving high school and elementary that stop at that exact corner, and others that stop at West 5th within a half-block from there. We have to pick up our mail from the Community Mail Boxes directly adjacent to the property. Those mailboxes serve 36 different households. People frequently stop their cars there, which already creates congestion because other people park their cars on the street directly across from there. It turns the traffic flow into a one-direction-at-a-time, my-turn-your-turn narrow and dangerous tunnel where some people speed while others attempt three-point turns or U-turns. I can't imagine what this will be like when we have the burden of traffic congestion from an additional 48 condo units around the corner that are near completion.

Other parents use Rosehill daily to take their children to James MacDonald elementary. Children and dog-walkers frequently use this street on bike or on foot to access Gourley Park and Gourley Forest. Also, throughout the summer, many parents use it to take their children to play baseball and softball at Gourley Park's 4 diamonds.

Squeezing 9 units onto a property that size would violate the character of the neighbourhood. I'm confident that the builder could make plenty of profit from building, perhaps, 2 single dwellings that are consistent with the history and current lifestyle of the neighbourhood. Beyond that, building 9 units would create a "Toronto-style" parking situation on the street that would be both an eyesore and a hazard.

I wish the builder success with their enterprise, but please help them choose quality over quantity,

**From:****Sent:** September 30, 2021 6:24 PM**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>**Subject:** Concerns regarding a proposed zoning change

Good evening,

We are writing to express our concern with the zoning change proposed for Rosehill Avenue off of West 5<sup>th</sup> avenue on the West Mountain (ZAC-21-036). This zoning change is related to a

**Appendix "E" to Report PED22090**  
**Page 10 of 24**

builder's application that would see a single-family lot turned into nine (9) two-storey street townhouse dwellings. These townhouses will have a single car garage and one driveway parking spot.

We have several concerns, but the most essential concern is the congestion of traffic and street safety. We live a block away from the proposed zoning change, and we have already contacted the city regarding the amount of traffic in the area and the lack of speed bumps to reduce speed. The city has recently removed the posted 40km signs in the area, and traffic has increased and is getting out of hand. With a young child, we are concerned with the increase in traffic that will be accessing the neighbourhood off of West 5<sup>th</sup>. There is already a small condominium complex that has been added in the middle of a single-family home area which will only have access from inside the neighbourhood (not off of West 5<sup>th</sup> where an access point could easily be added). Adding an additional nine houses in the place where only one house exists now will only increase the amount of traffic coming in and out of the neighbourhood. As it stands, Rosehill Avenue is a small street with minimal street parking. There are mailboxes along the street as well as school bus stops. During rush hour, this street is extremely congested already. Not to mention that in the winter it is sometimes unpassable for two cars at a time. With the additional vehicles from the proposed townhouses, this street will not only become further congested, but extremely dangerous for drivers and pedestrians.

We have other concerns such as the aesthetics of the neighbourhood, property values, and the construction and upheaval from the one road off of West 5<sup>th</sup> to get into the neighbourhood, just to name a few. However, at this point, the safety of our family getting to and from our house is paramount. I hope that the city will strongly consider the concerns of the neighbours before making a final decision on this zoning change. I request that our concerns get shared, but that our names and address remain anonymous and not be published in the final report to staff.

Thank you,

[REDACTED]

**From:****Sent:** September 27, 2021 4:27 PM**To:** Danko, John-Paul <[John-Paul.Danko@hamilton.ca](mailto:John-Paul.Danko@hamilton.ca)>**Subject:** TOWNHOUSE ON ROSEHILL AVE. ZAC-21-036

hi Mr. Danko: my Name is [REDACTED], I live on [REDACTED] by Rosehill Ave. My phone [REDACTED]

**Reference:** ZAC-21-036

**ENOUGH IS ENOUGH!** Since I moved into this area, the builders added townhouses, semi-detached houses and new condominiums. This area is supposed to be single family homes!

Adding 9 townhouses on a short street will drastically increase traffic congestion in my community. I have already complained about the traffic flow on Springvalley Cres. and West 5th Street. Adding more

**Appendix "E" to Report PED22090**  
**Page 11 of 24**

townhouses on Rosehill Ave. (a very short street) will push an already congested street passed its limit. COME BY & HAVE A LOOK!

School buses stop at Rosehill twice a day & parents park their cars close by to pick up. People from Brigadoon (a long street) area use Rosehill Ave. to access West 5th too.

I STRONGLY OPPOSE BUILDING 9 TOWNHOUSES ON ROSEHILL AVENUE!!!

Thank you for your attention!

**From:****Sent:** September 30, 2021 10:25 PM**To:** Van Rooi, James <James.VanRooi@hamilton.ca>**Subject:** ZAC-21-036

Hi James,

I would like to comment on townhouses proposed for West 5th street - I EXPRESSLY REQUEST THAT THE CITY REMOVE MY PERSONAL INFORMATION THAT WOULD PUBLISHED ON THE CITY WEBSITE.

I am concerned that this increased housing will increase even more traffic in a very busy area and make it even more difficult to turn onto West 5th and for cars to pass as it is one of the main ways in and out of the neighborhood. I also think cars cannot be parked on Rosehill if this development proceeds. Thanks for your time,

**From:****Sent:** September 26, 2021 5:25 PM**To:** [john\\_paul.danko@hamilton.ca](mailto:john_paul.danko@hamilton.ca)**Cc:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>**Subject:** ZAC-21-036

I DO **NOT APPROVE** of this townhouse complex application on Rosehill Avenue. I have various concerns including traffic, road closures, noise and the aesthetics of the neighborhood changing (over 30 years of changes starting with sewers and greenery being destroyed to build an ongoing survey). This will also drop our property values and I am positive we have already reached our maximum urban density for this area.

Please help our neighborhood - we are counting on you as our alderman to back us on this very important issue.



**Appendix "E" to Report PED22090**  
**Page 12 of 24****From:****Sent:** September 15, 2021 10:29 AM**To:** Van Rooi, James <James.VanRooi@hamilton.ca>**Subject:** ZAC-21-036

James Van Rooi,

I am responding to Zoning By-law amendment Application ZAC-21-036. I have been a resident in this area since 1985 when septic was only available to this community. Since then, I have seen a "country atmosphere" where there were abundant trees and 1/2 acre properties change to a "city atmosphere" that has properties severed and houses and townhouses built now for approximately the last 20 years. Although I realize that this was inevitable, it is still very unsettling and a huge life change for me and my neighbours. Now that it finally seems to almost come to an end we are again hit with another development of townhouses that will devalue our properties and again increase the traffic and noise in this area. As it is, we do not have enough roadways leading to the main intersections that I think was overlooked when the housing developments began and as a result traffic in the surveys has increased immensely.

We would very much like to keep this a residential area and hope that Council will agree with us. Could you please submit this as a written comment to the Department as part of the report made available to the general public. Please remove my personal information.

Thank you.

**From:****Date:** September 27, 2021 at 1:50:04 PM EDT**To:** james.varooi@hamilton.ca**Cc:** john.danko@hamilton.ca**Subject:** ZAC-21-036 zoning application Rosehill Avenue

Adding 9 townhouses on this already short street will cause more traffic congestion. It's hard enough gaining access to west 5th at rush hour times, plus there will be additional street parking in the area to cause a one way traffic at times like it is on Brigadoon Drive with parking on both sides

We have enough congestion in the area already, and that is not even taking the extra congestion when the 4 rise condo is completed

Come here at 8:30 am or 4:00 pm and see it for yourselves .

  
Sent from my iPad**From:****Sent:** September 29, 2021 9:39 PM

**Appendix "E" to Report PED22090**  
**Page 13 of 24**

**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>  
**Subject:** Re: Concerns Regarding Application : ZAC-21-036

Dear Mr. James Van Rooi

I am writing to you to share my concern about a letter I received from the City of Hamilton regarding zoning amendment application ZAC-21-036

My family and I strongly object the zoning change. The following are only some of our thoughts and concerns:

- On our street, Springvalley Crescent, soon construction will be completed of over 40 units. We have not yet experienced the traffic , noise and congestion in this area. We all use the same street, Rosehill, to get to west 5th.
- During the past 4 years or so, too many townhouses were built in our street, Springvalley Crescent, which is already a busy and congested street.
- Nine townhouses on Rosehill are way too many for this small street to handle. In winter time my family and I have really difficult time going to west 5th via Rosehill.

Please STOP the zoning Amendment. Your consideration to my request is highly appreciated.

Kind Request: Please keep my name and address confidential , i.e. remove my personal information.

Sincerely Yours





**Appendix “E” to Report PED22090**  
**Page 14 of 24****From:****Sent:** September 30, 2021 12:20 PM**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>; [john\\_paul.danko@hamilton.ca](mailto:john_paul.danko@hamilton.ca)**Subject:** 866 West 5th Project: ZAC-21-036

Hello,

My name is [REDACTED] and I have been the owner of the house located at [REDACTED] since 2006.

I am writing in regard to the new building project located at 866 West 5<sup>th</sup> St. As a long-time resident, I've seen how the continuing development has shaped the neighbourhood over the years. While I openly welcome new neighbours, it has reached a point where problems have arisen, making it difficult to live as comfortably as my family has before.

The increased traffic on our small avenue is the greatest concern. The bedrooms at the front of the house (which face Rosehill Ave) have the most noise pollution from cars, trucks and school buses driving through daily. My family has to park their cars on the street, as do our neighbours, which doesn't help the bottleneaking that occurs during rush hour and school pickups.

Furthermore, car break-ins are frequent. The cars that had the misfortune of parking on the street because the driveway was full have been broken into, causing hundreds of dollars of damage. I even looked into converting my lawn into another parking space, just to have one less car on the street, but a city by-law prevents me from doing so.

We are in an unprecedented housing crisis on top of a global pandemic. Not only is density increasing within the city, but it is also increasing within our homes. Our children cannot afford to buy their own homes or pay rent to their own places. They are staying with us longer or moving back in. I can only imagine the havoc that NINE townhouses and their cars will add to the present problem.

If this letter holds no importance to your decision regarding the building permit, please consider ways to alleviate the traffic off Rosehill Ave so that all residents – present and future – can live safely and comfortably in this neighbourhood.

Thank you.

**From:****Sent:** September 30, 2021 8:29 PM**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>; [john\\_paul.danko@hamilton.ca](mailto:john_paul.danko@hamilton.ca)**Subject:** Re: File No. ZAC-21-036

Dear Mr. Van Rooi & Councillor Danko,

My name is [REDACTED], currently residing at [REDACTED] in Hamilton. I am writing to provide input for File No. ZAC-21-036, and I would request that my personal details not be made public at this time.

**Appendix "E" to Report PED22090**  
**Page 15 of 24**

Unfortunately I must express my concern with the proposal to re-zone the property at 866 West 5th st, as outlined in the aforementioned file, and specifically my opposition to the stated plan to build 9 townhouses on this property.

Among my concerns:

1. The traffic on Rosehill Avenue continues to increase. There was a new subdivision built on Springvalley Cr recently, and the fastest way for the new residents to access West 5th is down Rosehill. Further, there is 50-unit condo building on Sprinvalley which is not yet occupied. I assume the occupants of this building will also use Rosehill Avenue to access West 5th. We do not know what impact this will have. Given this, I am unable to support the possibility of adding 10-20 more cars to this street (plus visitor parking). I implore you to give this issue consideration, it seems like we will probably need a relief route even without the proposed 9 townhouses.
2. I'm curious if the developer has any proof that the property size is suitable for 9 homes? It is hard for me to visualize, and I suspect they are likely trying to squeeze as much money as possible out of the property, with no consideration for good urban planning, and without consideration of the other residents in the area, which I can't support.
3. Can the developer or city provide any assurances as to construction timelines, impact on road access, or impact on property value? Will there be any responsibility taken or any recourse for neighbouring residents if the assurances aren't upheld? Without answers to these questions, I can't support the proposal.

I will conclude by saying that if this development does get approved, there's no doubt in my mind that my family and I will need to relocate, and we've already started looking at property in other cities.

I understand that we have a housing crunch in this city, and I do sympathize. But, I don't think the best solution is to just jam houses in as tight as they can fit wherever you can afford some land. If the proposal were for 2-3 houses, I would welcome it.

Best,



**From:**

**Sent:** September 30, 2021 11:27 AM

**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>

**Subject:** Zoning By-law Amendment Application ZAC-21-036

We are writing to strongly oppose Zoning By-law Amendment Application ZAC-21-036.

Rosehill Avenue is approximately 130 metres long and the gateway to the community. With 6 driveway approaches, Rosehill Avenue supports 16 vehicles, 2 trailers, overflow parking from West 5th Street and

**Appendix "E" to Report PED22090  
Page 16 of 24**

Canada Post Community Mailboxes. The addition of 9 units with 18 parking spots will overrun the street. There will be no street parking availability on the North side of Rosehill. Winter snow clearing will add to the chaos.

This newer community is already oversaturated with "zipper" styled lots, 22 semi-detached units, 16 townhome units and a still to be completed 48 unit condominium and their new resident's vehicles. There are only 4 reasonable exit routes to service the hundreds of homes and many more hundreds of vehicles.

The proposed 9 unit project will be a 3 year construction zone. Street closures for services installation, loss of access to our secure garage, noise and personal health and safety issues contribute to our opposition to the application. Property values will deteriorate without a corresponding reduction to our Property Tax Assessment...

Please consider our opposition to this Zoning Amendment.



We request that the City of Hamilton remove our personal information.

**From:****Sent:** September 30, 2021 1:23 PM**To:** Van Rooi, James <James.VanRooi@hamilton.ca>; Izirein, Ohi <Ohi.Izirein@hamilton.ca>**Cc:** Ward 8 Office <ward8@hamilton.ca>; Wojewoda, Nikola <Nikola.Wojewoda@hamilton.ca>; Prince, Kristin <Kristin.Prince@hamilton.ca>; Monique Taylor Hamilton Office <mtaylor-co@ndp.on.ca>**Subject:** Opposition to Application ZAC-21-036 Folder: 2021 143424 00 PLAN (1067331)**Importance:** High

Dear Mr. Van Rooi & Mr. Ohi Izirein of the Planning and Economic Development Department,  
Further to your letter of September 10<sup>th</sup>, 2021 please find attached my comments and opinions as to why this application should be quashed. Given that I am directly adjacent to the said property and would have 6 to 7 units backing onto my property I trust that you will take these comments sincerely.

Yours in the Community  
Randy Chapple  
Gourley Park President  
& Youth Baseball Convenor

cc J.P. Danko Councillor Ward 8  
cc Nikola Wojewoda, Ward 8 Administrative Assistant  
cc Terry Whitehead via Kristin Prince, Former Councillor Ward 8 (2003-2018)  
cc Monique Taylor, Hamilton Mountain, MPP.



## WHY THE APPLICATION FOR ZONING BY-LAW AMENDMENT SHOULD BE DECLINED

File : ZAC-21-036

Folder : 2021 143424 00 PLAN (1067331)

Dear Sir(s);

Please accept this as my comments and opinions on the proposal to change 866 West 5<sup>th</sup> Street from "AA" Agricultural to RT-30/S-\_\_\_\_. I have been able to access the cities list of by-laws that define RT-30 but I have been trying for a week to get clarification on the differences inherent between RT-30 and RT-30/S-\_\_\_\_. To this point I have sent Mr James Van Rooi 2 e-mails, the first on Sept. 23<sup>rd</sup> with an error that was corrected in the 2<sup>nd</sup> e-mail. This corrected 2<sup>nd</sup> e-mail was also cc'd to the Senior Project Manager Ohi Izirein who as of Wed 11:15 am deleted the message without having read it. I also had myself transferred to the Planning & Development office and no message was returned.

Since I am only able to comment on what is listed under by-laws for RT-30 I have listed these at the bottom of this letter which include my unanswered questions. It seems sad that the application clearly states that if you have questions concerning the application contact a member of the planning dept. (James Van Rooi) and no-one responds. Where is the accountability?

### **PERSONAL PERSPECTIVE**

Enjoyment of property - having a townhouse complex abutting the southern side of our property would incur

- Loss of enjoyment of our property
- Loss of privacy
- Block off the sun to a portion of our property
- Add the backyard noise of 6-7 of 9 of the proposed units
- The value of our and surrounding properties would decrease
- Who would be responsible for the shared maintenance of a fence separating our properties ?

### **NEIGHBOURHOOD PERSPECTIVE**

- A townhouse complex is totally out of character for this "OUR" neighbourhood
- This portion of the Gourley Community has been single family dwellings since at least the early 1940's when our home and 866 West 5<sup>th</sup> were built.
- Any and all infill amongst existing homes along the West 5<sup>th</sup> corridor have been single family homes to this point in time.
- When the area on the east side of Springvalley Crescent (opposite Fontana Court) was

developed application was made for town houses. This was turned down and duplexes were allowed to be built. Similar to this situation but in this case single family dwellings would be appropriate to blend in with our area.

## **IF COMPLETED AS PROPOSED - Long term issues**

- As much as the proposal outlines a 2 vehicle parking solution for the past numerous years the garages in new homes are small enough that owners use them for storage rather than parking leading to numerous parking on the street. A prime example is the new section of Brigadoon between Waterbury and Gourley Park. On street parking, on both sides, is so intense in the evenings and weekends that it is in effect a 1 lane road. This would happen as well on Rosehill Avenue which has become a major gateway for the 226 new homes that were built in the Community some 15-20 years ago and have in the last few years been added to. Specifically the duplexes and town homes running along the Linc had those numbers added to.
- Even though the length of proposed driveways are not mentioned, the main issue that my son (City of Oshawa By-Law Officer) runs into is that new builds do not allow enough length for a full sized truck to be parked which then extends into the sidewalk area. Calling by-law to enforce parking standards would cause much friction with any new residents.
- Children with no place to play if a backyard Minor Variance is granted. In the event that these townhouses are built there may be little room for any potential youth to play.
- There is a series of 3 mailbox units along Rosehill Avenue that would further congest traffic
- Both ends of Rosehill Avenue are used in the morning and afternoon for 2 separate school bus pick-up and drop-offs which already cause traffic to come to a standstill
- Once the Lux complex by Fontana comes on-line with tenants multiple dozens of more vehicles will be looking at utilizing Rosehill as a gateway.
- Added congestion and parking during the winter would make Snow Plowing a nightmare for the City contractors.
- One solution for parking on Rosehill would be to make it a “NO PARKING” zone on both sides. This would then infringe upon the residents of Annabelle Street with overflow parking and would also deny the residents who live on Rosehill the ability to park in front of their homes as they occasionally do..

## **COMMENTS RE RTS-30 ZONING BY-LAWS**

In the following there is some redundancy with the above as I was trying to get a clarification as to what the /S-\_\_\_ involves but I have still never received a response.

In reviewing Section 10F I have noted the following;

- 1) The application satisfies this.
- 2a) The application satisfies this.
- 3) A 2 story proposal is allowed.

**#4 is where I have concerns given that the subject property is 66’ wide along West 5<sup>th</sup> x298.92’ long along Rosehill Avenue.**

- 4a) a front yard/driveway of not less than 19.69’.
- 4b) a backyard of not less than 24.61’.

These two stipulations bring down the actual depth of the townhouse complex down to 21.7 feet. That would be less than 688' per floor less wall widths. Pretty small living area.

**Question** : Are they able to apply for a variance to lessen the backyard or front yard depth to increase the depth of each unit which would impact my property even more ???

4cii) stipulates that there must be a side yard from the property line of 6.56 feet at each end. Total 13.12'.

**This would mean that the builder has 298.92'-13.12 = 285.8' to divide amongst the proposed 9 units. Or 31.75' less the dividing walls between units. This measurement would mean that 6-7 units would back onto our 196' property.**

5) This does not seem to be applicable.

6i) Given the length there does seem to be the allowable space to meet the criterion of this item at 1937.56 square feet. If the units/property widths are 31.75' in width and the property is 66' deep then the total square footage per unit is 2095.5. The applications satisfies this.

6ii) At 31.75' less walls the application exceeds the minimum of 19.69'.

7) Parking Requirements ??? whichever, this was it has been repealed.

**In the application it stipulates for parking a garage and a driveway. However in most new builds the garage is so small you would have to shoehorn a small car in so most people use it for storage and park one vehicle on the street. Please see attached picture of the new portion of Brigadoon which is single family. It shows almost wall to wall parking on both sides.**

8) Under Exemptions – I am unable to locate this in looking for subsection 2, clause (iv) of subsection 4 of Section 18. Could you please refer me to the specific page that I should be looking at.

**I am also unable to find any definition for (72-239) (76-277) (77-17) (77-269) (48-45) Can you please elaborate.**

9) This clearly stipulates that "no more than eight single family dwellings shall be attached in a continuous row.

**Their application is for 9 units.**

Yours in the Community

[Redacted signature]

[Redacted signature]

**Appendix "E" to Report PED22090**  
**Page 20 of 24**



From:

Sent: September 27, 2021 6:50 PM

To: Van Rooi, James; john\_paul.danko@hamilton.ca

Subject: Proposed Zoning Change Reference: ZAC-21-036

Dear Mr. Van Rooi and Mr. Danko,

I am e-mailing to request that the above noted Zoning Change be stopped. The acceptance of this zoning change will drastically increase traffic congestion in a community that has already accepted townhouses, semi-detached homes and a condominium building around the corner. This will push an already congested street passed its limit. This short street is already a bottleneck for hundreds of homes accessing busy West 5<sup>th</sup> Street. As a mother of young children in this neighborhood, it is already difficult to navigate traffic around my home with several vehicles barely slowly down to acknowledge the stop signs placed on Annabelle. Attempting to get to the community mailbox in current conditions is already a nightmare. The addition of more homes and the related traffic they will create will make these issues much worse.

Therefore, I am requesting that you deny the zoning change requested for the overall

**Appendix "E" to Report PED22090**  
**Page 21 of 24**

safety of this neighborhood.

Please do not hesitate to reach out to me if you would like to speak to me further regarding this matter.

Regards,



**From:**

**Sent:** October 1, 2021 4:30 PM

**To:** Van Rooi, James <James.VanRooi@hamilton.ca>

**Subject:** Application ZAC-21-036

Greetings.

Re: ZAC-21-036 (Rosehill Ave.)

I am a property owner in this neighbourhood, although outside the circularization zone. I would be interested in getting information on this matter, including when the meeting is to be held. I have seen some notices being placed by resident(s) in the area objecting to the application. (Pasted on the sides of mailboxes). In my opinion I see this as a desirable development and is certainly in keeping with the City's policy to have more intensification within the existing urban boundary.

Below is my personal contact details or you can send information to this e-mail address.

Thank you.



**From:**

**Sent:** September 27, 2021 6:04 PM

**To:** john\_paul.danko@hamilton.ca; Van Rooi, James



**Appendix "E" to Report PED22090**  
**Page 22 of 24**

Subject: Urgent: Zoning Application 21-036

Dear Mr. Paul-Danko and Mr. Van Rooi,

My name is [REDACTED] and I have lived in [REDACTED] for 14 years with my parents, [REDACTED] and [REDACTED]. Throughout our time here, we have seen a lot of growth in the neighborhood and surrounding areas which has been great, and at times not great, for the City. A downside to the growth in our neighbourhood is the increase in speeding traffic from drivers using our local roads.

It came as a shock to the community that there would be a condominium building erected at 120 Springvalley Crescent with its only access route on Springvalley, and not West 5th. How does a condominium building fit into the appeal of a quiet, primarily single-family dwelling occupied, neighbourhood? Nonetheless, we have begrudgingly accepted this.

But, there has to be a line drawn somewhere. With ZAC-21-036 now in place to build 9 townhouses on a lot which currently only holds 1 single-family dwelling, I have to speak up. All of the members in my household strongly oppose this application. Our community is aware that we have already reached the allowable maximum urban density in the neighbourhood. Thus it is very difficult for us to accept that 9 new dwellings won't end up causing significant issues with the traffic, aesthetic, and comfort value of our area.

Rosehill Avenue is the primary access point (a lot of through and local traffic avoids Chester due to the signal added a few years ago) for the entire eastern half of the neighbourhood, which I'd like to point out is where all of the density is already. We would be worsening the street's appeal and usability by adding even more density onto it. Other factors which contribute to our opposition of this application are:

1. A reduction in safety to residents attempting to access the 3 community mailboxes on Rosehill Avenue with the increased traffic volume on the short street;
2. The developer's traffic consultants potentially failing to factor in an accurate estimation in the increase of traffic in the neighbourhood, due to the 120 Springvalley condo not having been occupied yet. The true feel of the traffic speeding, congestion, and potential backlog is not apparent yet without this condo unoccupied. But we are aware it's coming;
3. The already-present impact of the added congestion on Rosehill Avenue during peak hours attempting to turn left (northbound) onto West 5th due to the new, and continually building, townhouses north of Stone Church, with their traffic primarily directed northbound as well;
4. The proposed townhouses, in which it is anticipated families with multiple vehicles will occupy, will be using Rosehill for on-street parking for their extra vehicles as well as for visitors. Some residents living on West 5<sup>th</sup> currently use Rosehill for on-street parking, so we can imagine what the townhouse parking situation would do to the already very short street;
5. The school bus stops on Rosehill Avenue which serve the community and provide young children with a safe walking experience to their homes;
6. Many vehicles already do not properly stop at the Rosehill/Springvalley intersection. It is general knowledge that a lot of these drivers are younger people who do not pay much mind to traffic rules. It is also general knowledge that occupants of dwellings such as condominiums and townhouses are in fact, younger people. We already anticipate a lot of the occupants of the 120 Springvalley condo building will

**Appendix "E" to Report PED22090**  
**Page 23 of 24**

be younger people who will already have 2 stop signs to pay attention to, within a very short distance, on their way home from West 5th.

We know that a lot of the vehicles moving to this community will not be following the rules and stopping or slowing down where they are meant to. We cannot accept adding more to this already upcoming problem.

With all of this being said, we as a community strongly urge you to not accept ZAC-21-036 as it is. Please amend it to develop no more than 2, large, single-family detached dwellings to maintain the flow and character of the neighbourhood. Rosehill Avenue is where we welcome our residents and visitors, and we cannot imagine how 9 townhouses can improve the community in any way at all, with all factors considered.

We thank you kindly for your time and consideration.  
Sincerely,

[REDACTED]

From:

Sent: September 27, 2021 6:50 PM

To: Wojewoda, Nikola; Van Rooi, James

Subject: Re: [REDACTED] RE Objection 866 West 5th Zoning Application 21-036 RE: [REDACTED]

[REDACTED] / GOURLEY

Follow Up Flag: Follow up

Flag Status: Completed

Thank you Nikola, I appreciate your prompt response. I'd also like to note a typing error in my original email.

In point # 3 I meant to say "...townhouses south of Stone Church", not "north". I just wanted to clarify.

Thank you again.

Kind regards,

[REDACTED]

**From:**

**Sent:** September 30, 2021 12:52 PM

**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>; [john\\_paul.danko@hamilton.ca](mailto:john_paul.danko@hamilton.ca)

**Subject:** ZAC-21-036

Good Afternoon,

I am contacting you this afternoon regarding the permit application ZAC-21-036. My name is **Stever Scott** and my address is **130 Annabelle st.** Myself and many of our neighbours would be drastically effected by the approval of this permit. There are serious concerns adding this amount of homes to an already busy community full of children and families. Please consider rejecting this permit based on the amount of families this would effect negatively.

**Appendix “E” to Report PED22090**  
**Page 24 of 24**

Thank you

Steven scott

Get [Outlook for Android](#)

**From:**

**Sent:** September 26, 2021 5:59 PM

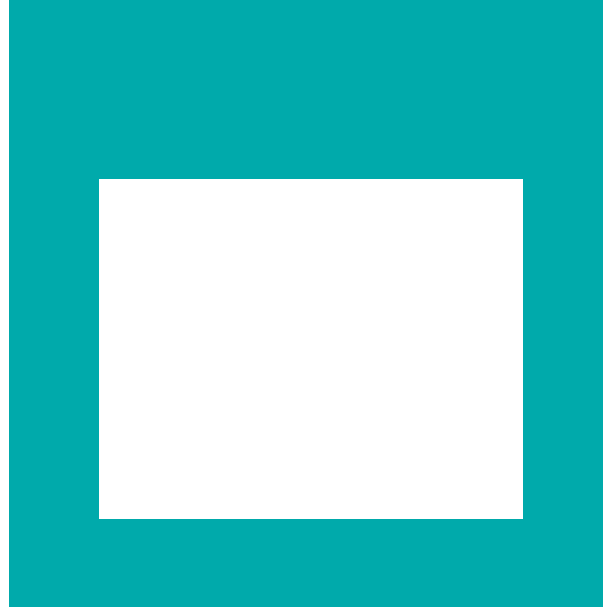
**To:** Van Rooi, James <[James.VanRooi@hamilton.ca](mailto:James.VanRooi@hamilton.ca)>

**Subject:** Zoning Change on Rosehill Avenue - ZAC-21-036

The proposed changes of ZAC-021-036 to the Lot at the corner of West 5<sup>th</sup> and Rosehill to allow 9 townhouses to be built would be detrimental to the community that uses Rosehill Avenue to access West 5<sup>th</sup>. With the almost completed condominium building on Springvalley Cres. and the Townhouses already on Spingvalley Cres., the already heavy morning and afternoon traffic is set to increase drastically. That doesn't even consider the number of parents that use Rosehill to access the pick up and drop-off zone of James Macdonald Elementary School.

Nine more houses on Rosehill, with the increase in street parking that will occur will cause havoc with the daily drives of the existing community members, as well as making the school bus stops on and near Rosehill more dangerous with the increased congestion that this change will cause.

[REDACTED]



WELCOME TO THE CITY OF HAMILTON

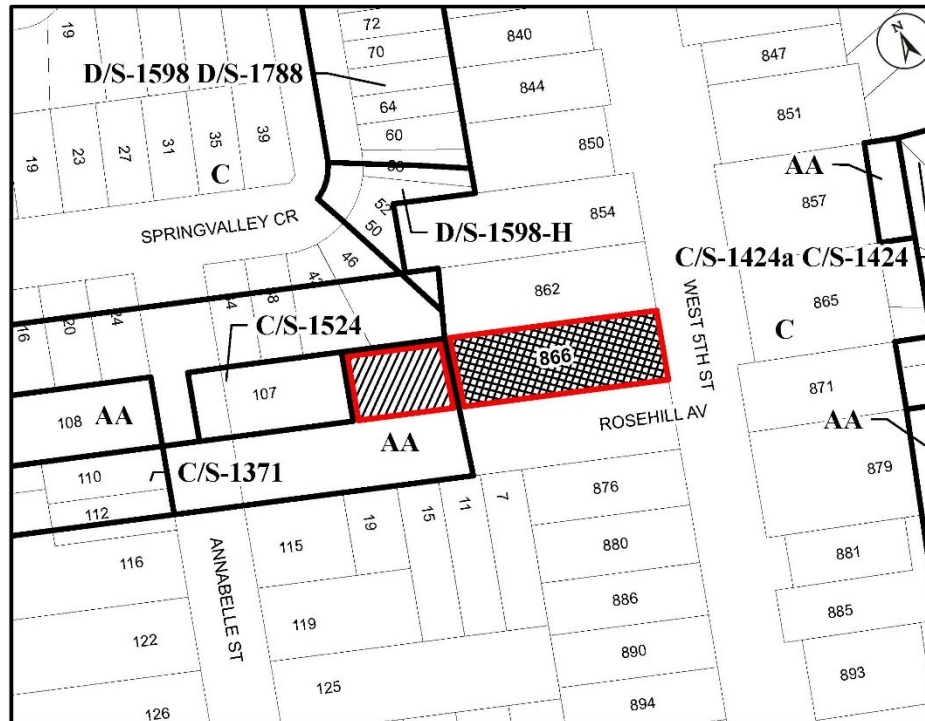
# PLANNING COMMITTEE

April 25, 2022

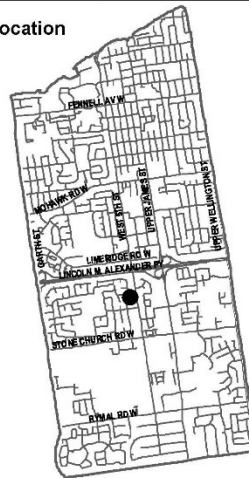
# PED22090– (ZAC-21-036)

Application for a Zoning By-law Amendment for Lands Located at  
866 West 5th Street, Hamilton

Presented by: James Van Rooi



● Site Location



Key Map - Ward 8

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-21-036

Date:  
March 11, 2022



Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
JR/AL

### Subject Property

866 West 5th Street

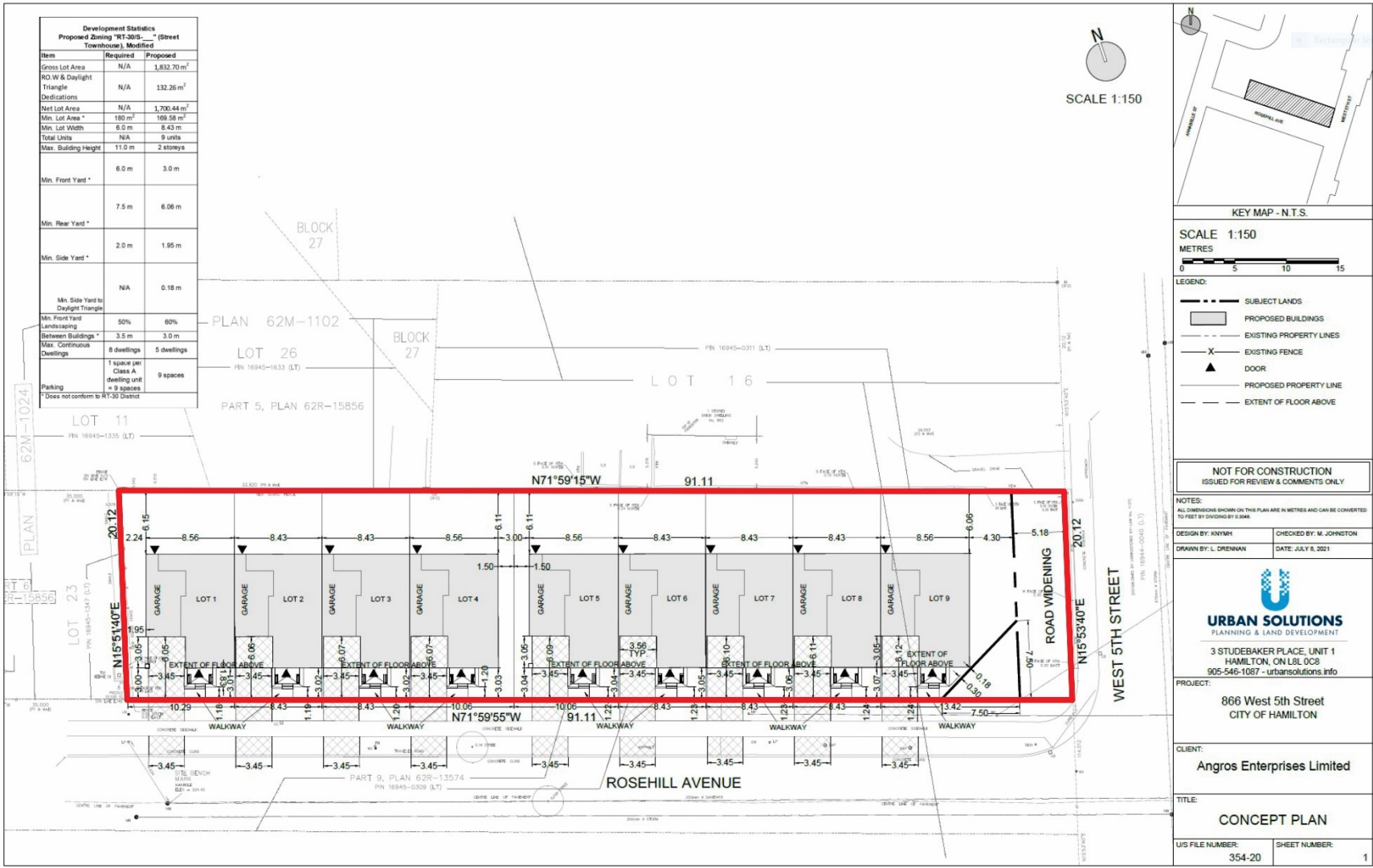
-  Block 1 - Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1818" (Street Townhouse) District, Modified
-  Block 2 - Change in Zoning from the "C" (Urban Protected Residential Etc.) District, to the "RT-30/S-1818" (Street Townhouse) District, Modified



**SUBJECT PROPERTY**

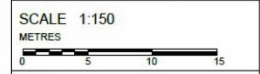
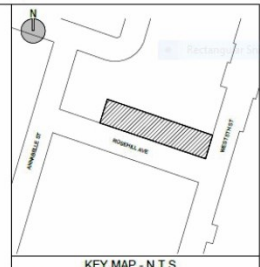


**866 West 5<sup>th</sup> Street, Hamilton**



Development Statistics		
Proposed zoning "R1-30B" - " (Street Townhouse), Modified		
Item	Required	Proposed
Gross Lot Area	N/A	1,832.70 m <sup>2</sup>
RO W & Daylight Triangle Dedications	N/A	132.26 m <sup>2</sup>
Net Lot Area	N/A	1,700.44 m <sup>2</sup>
Min. Lot Area *	180 m <sup>2</sup>	169.58 m <sup>2</sup>
Min. Lot Width	6.0 m	8.43 m
Total Lots	N/A	9 units
Max. Building Height	11.0 m	2 storeys
Min. Front Yard *	6.0 m	3.0 m
Min. Rear Yard *	7.5 m	6.06 m
Min. Side Yard *	2.0 m	1.95 m
Min. Side Yard to Daylight Triangle	NA	0.18 m
Min. Front Yard Landscaping	50%	60%
Between Buildings *	3.5 m	3.0 m
Max. Continuous Dwellings	8 dwellings	5 dwellings
Parking	1 space per Class A dwelling unit = 9 spaces	9 spaces

\*Does not conform to R1-30 District



- LEGEND:
- SUBJECT LANDS
  - ▭ PROPOSED BUILDINGS
  - - - EXISTING PROPERTY LINES
  - X- EXISTING FENCE
  - ▲ DOOR
  - - - PROPOSED PROPERTY LINE
  - - - EXTENT OF FLOOR ABOVE

**NOT FOR CONSTRUCTION**  
 ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: KNYMH      CHECKED BY: M. JOHNSTON  
 DRAWN BY: L. DRENWAN      DATE: JULY 6, 2021

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

PROJECT:  
 866 West 5th Street  
 CITY OF HAMILTON

CLIENT:  
 Angros Enterprises Limited

TITLE:  
 CONCEPT PLAN

US FILE NUMBER: 354-20      SHEET NUMBER: 1





View of property from West 5th Street



862 West 5th Street



Opposite side of West 5th Street



View looking north on West 5th Street



View looking south on West 5th Street



View looking west on Rosehill Ave



View of property from Rosehill Ave



Properties south of site on Rosehill Ave





View of flankage yard 107 Annabelle Street



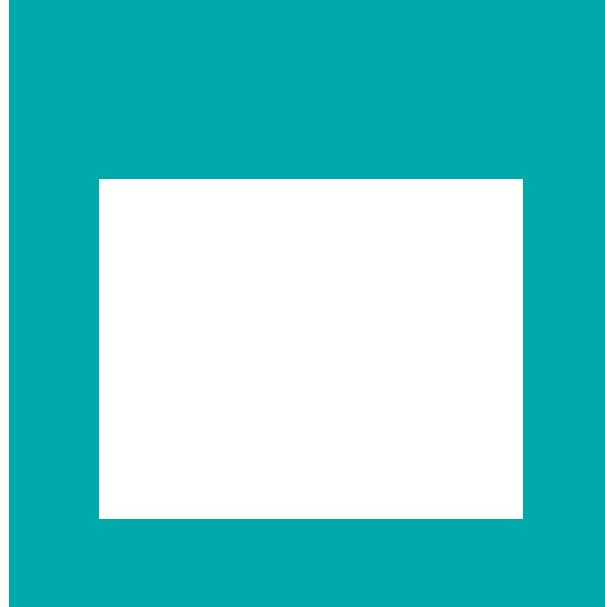
View looking east on Rosehill Ave



View of Springvalley Drive looking south



Properties across Annabelle Street and Springvalley Crescent T-intersection



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



Hamilton

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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 25, 2022
<b>SUBJECT/REPORT NO:</b>	Status Update for Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East, Ancaster (PED22037(a)) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	James Van Rooi (905) 546-2424 Ext. 4283
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

On February 23, 2022, Council adopted the following motion:

- “(a) That Report PED22037, respecting the Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (Ward 12), be referred back to staff for further discussions with the Applicant;
- (b) That staff report back to April 25, 2022 Planning Committee meeting on this matter.”

### Background

Staff presented Report PED22037 to the Planning Committee on February 15, 2022 recommending denial for Applications to amend both the Urban Hamilton Official Plan (UHOP) (UHOPA-21-023) and Zoning By-law No. 05-200 (ZAC-21-049), by GSP Group Inc. (c/o Brenda Khes, Applicant) on behalf of 2691893 Ontario Inc. (c/o IronPoint Capital Management Inc., Owner). At the Planning Committee meeting the Applicant

---

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

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

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

**SUBJECT: Status Update for Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East, Ancaster (PED22037(a)) (Ward 12) - Page 2 of 4**

---

requested a deferral of the staff report and presented a revised concept plan which had not been submitted for staff review for further consideration.

## **BACKGROUND INFORMATION**

### **Initial Submission**

The initial submission for consideration before the Planning Committee included the following two options:

Option 1 - A seven storey retirement home with 211 beds and four commercial units totalling 263 square metres along with one level of underground parking with a total of 74 parking spaces.

Option 2 - A six storey, 161 unit mixed use building with seven commercial units with a total of 836 square metres of commercial space along with two levels of underground parking with a total of 133 parking spaces.

In both options the Applicant proposed to retain and adaptively reuse the heritage buildings located at 450 and 442 Wilson Street East.

Based on staff's analysis and review staff recommended denial as the Applications did not meet the general intent of the UHOP and the Ancaster Wilson Street Secondary Plan with respect to matters including but not limited to:

- Building height;
- Residential density;
- Massing;
- Privacy;
- Overlook;
- Setbacks; and,
- Compatibility with and enhancement of the character of the existing neighbourhood.

**SUBJECT: Status Update for Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East, Ancaster (PED22037(a)) (Ward 12) - Page 3 of 4**

---

**Second Submission (February 15, 2022 Concept)**

At the February 15, 2022 Planning Committee meeting, the Applicant presented a revised concept plan for a mixed use building concept that is five to six storeys in height. The Applicant indicated that the revised concept addressed some concerns raised by staff including:

- Animating the Wilson Street streetscape with more direct access to proposed retail use and spaces;
- Increasing the amount of publicly accessible outdoor amenity areas along Wilson Street with the inclusion of more bike racks and seating areas;
- Adhering to a 45 degree angular plane along all street frontages and the adjacent neighbouring property;
- Redesigning the public space at Rousseaux and Wilson Street intersection; and,
- Providing sustainable design improvements such as the inclusion of a green roof, geothermal heating/cooling systems and rain water capture/reuse for landscaping.

On March 1, 2022 the revised concept plan and elevations that was presented by the applicant at the February 15, 2022 Planning Committee meeting were submitted to staff. The revised concept plan has been circulated for review.

The revised concept plan and elevations that were presented by the Applicant at the February 15, 2022 Planning Committee meeting are attached as Appendix “C” to Report PED22037(a).

**NEXT STEPS**

On March 14 and March 29, 2022, the Applicant and City staff met to allow the Applicant to present the revised concept plan to staff and discuss the City’s expectations for process going forward. It was agreed that two community information meetings would be held as well as a meeting with the Ancaster Community Council. The Applicant further agreed to provide copies of the revised concept plan to any residents requesting the plans and/or drawings.

On March 31, 2022 notices for the first Community Information Meeting, to be held on April 20, 2022, were distributed to residents within 160 metres of the subject lands as well as to key community stakeholders. The Community Information Meeting Notice is attached as Appendix “D” to Report PED22037(a). The meeting with the Ancaster Community Council will occur on May 2 and the second Community Information Meeting will be held in mid-May.



**SUBJECT: Status Update for Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East, Ancaster (PED22037(a)) (Ward 12) - Page 4 of 4**

---

Following these community consultation meetings, staff will report back to Planning Committee on the results of the consultation and any revised submissions from the Applicant.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22037(a) – Location Map

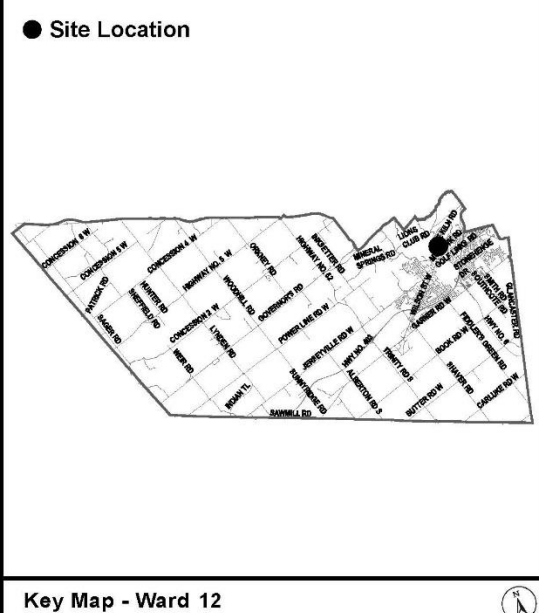
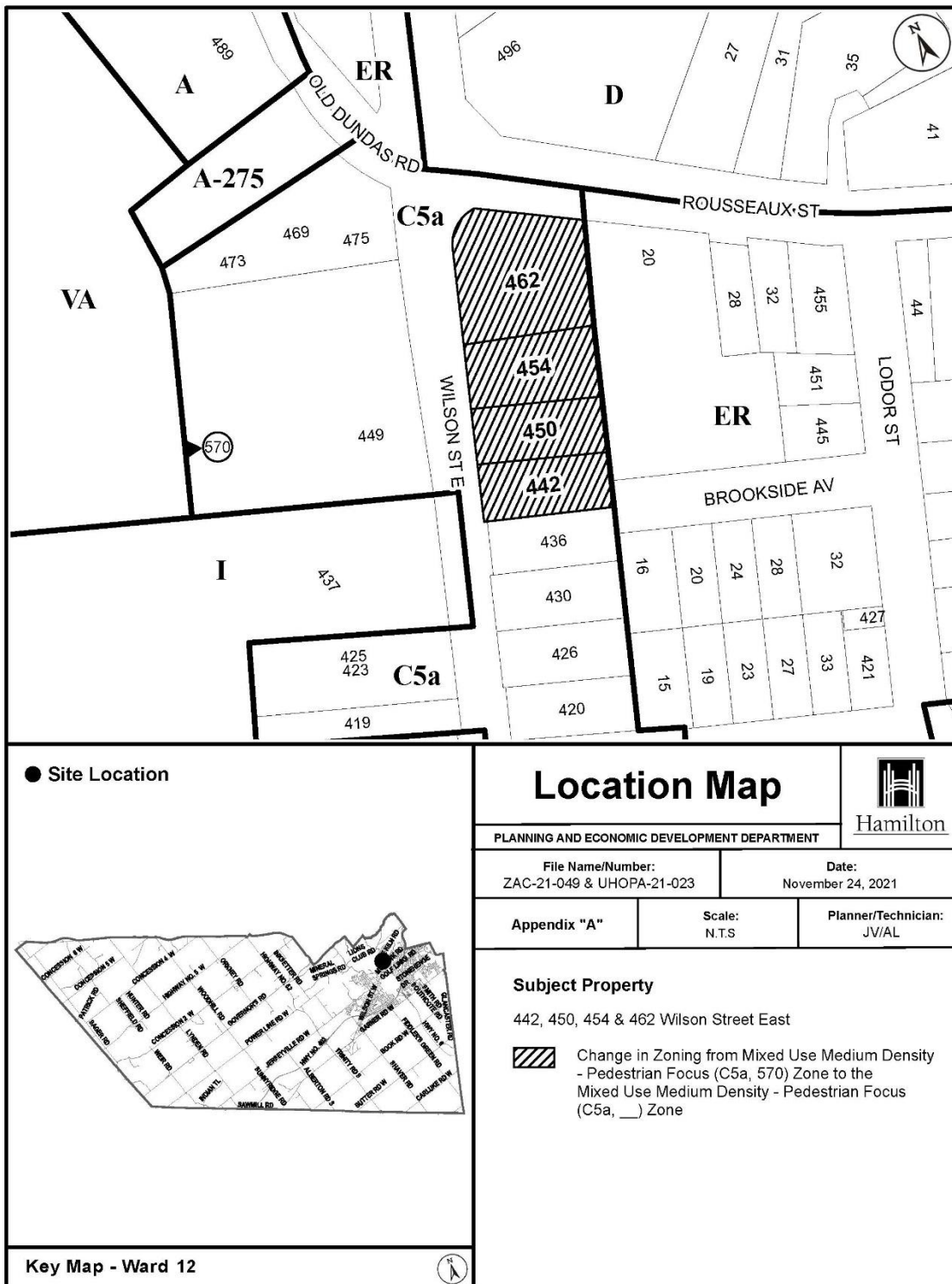
Appendix "B" to Report PED22037(a) – First Concept Plan

Appendix "C" to Report PED22037(a) – February 15, 2022 Concept Plan

Appendix "D" to Report PED22037(a) – Community Information Meeting Notice

JVR:sd

Appendix "A" to Report PED22037(a)



### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-21-049 & UHOPA-21-023

Date:  
November 24, 2021

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
JV/AL

#### Subject Property

442, 450, 454 & 462 Wilson Street East

Change in Zoning from Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone to the Mixed Use Medium Density - Pedestrian Focus (C5a, \_\_) Zone

Appendix "B" to Report PED22037(a)  
Page 1 of 3



1 Site Plan - Mixed Use Concept  
Scale: 1:500

Ancaster - Mixed Use Development - Building Summary

Floor	Gross Construction Area (sq.m)		Statistics		Efficiency (Detachable Area/CCA)	
	Net	Gross	Net	Gross	Net	Gross
Floor 04 (Level 04)	2,965	3,107	32,314	33,174	427	427
Floor 05 (Level 05)	2,965	3,107	32,314	33,174	2,205	2,205
Floor 06 (Level 06)	2,965	3,107	32,314	33,174	1,272	1,272
Floor 07 (Level 07)	2,965	3,107	32,314	33,174	0	0
Floor 08 (Level 08)	2,965	3,107	32,314	33,174	1,112	1,112
Floor 09 (Level 09)	2,965	3,107	32,314	33,174	0	0
Total	15,325	16,535	162,570	168,800	6,816	6,816

Floor Level	Unit Summary	
	Units	Total
Floor 04 (Level 04)	15	15
Floor 05 (Level 05)	15	15
Floor 06 (Level 06)	15	15
Floor 07 (Level 07)	15	15
Floor 08 (Level 08)	15	15
Floor 09 (Level 09)	15	15
Total	90	90



MSAI  
Municipal Services Association of Ontario  
Professional Engineers and Architects  
100 King Street West, Suite 1000  
Toronto, Ontario M5X 1C5  
Tel: 416-593-9300  
Fax: 416-593-9301  
www.msaio.com

CLIENT:  
2691893 Ontario Inc.  
c/o IronPoint Capital  
Management Inc.  
186 James Street South  
Hamilton ON, L8R 2L2

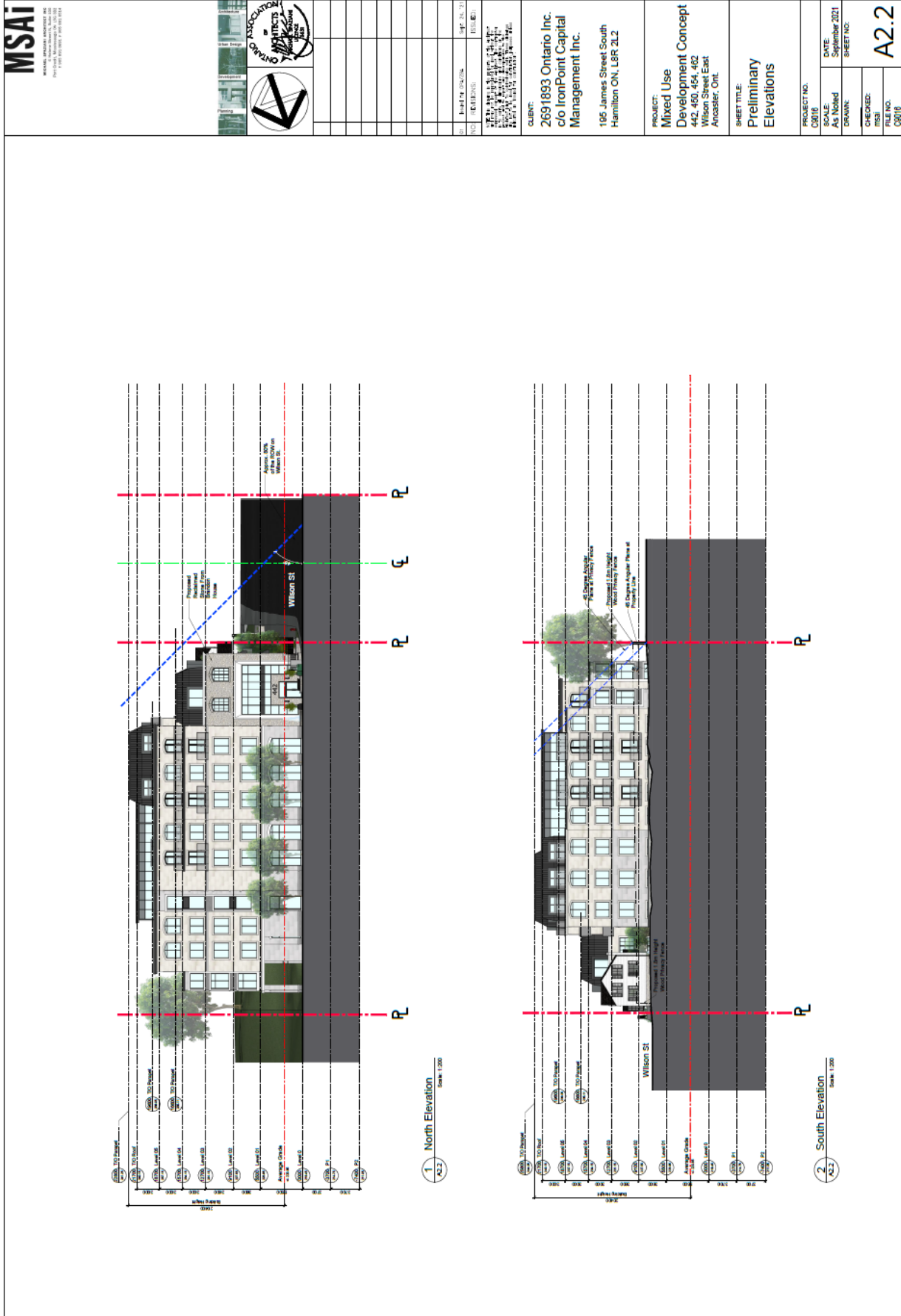
PROJECT:  
Mixed Use  
Development Concept  
442, 450, 454, 462  
Wilson Street East  
Ancaster, ONL

SHEET TITLE:  
Site Plan

PROJECT NO.  
2018  
SCALE  
AS NOTED  
DATE  
September 2021  
SHEET NO.  
SP1

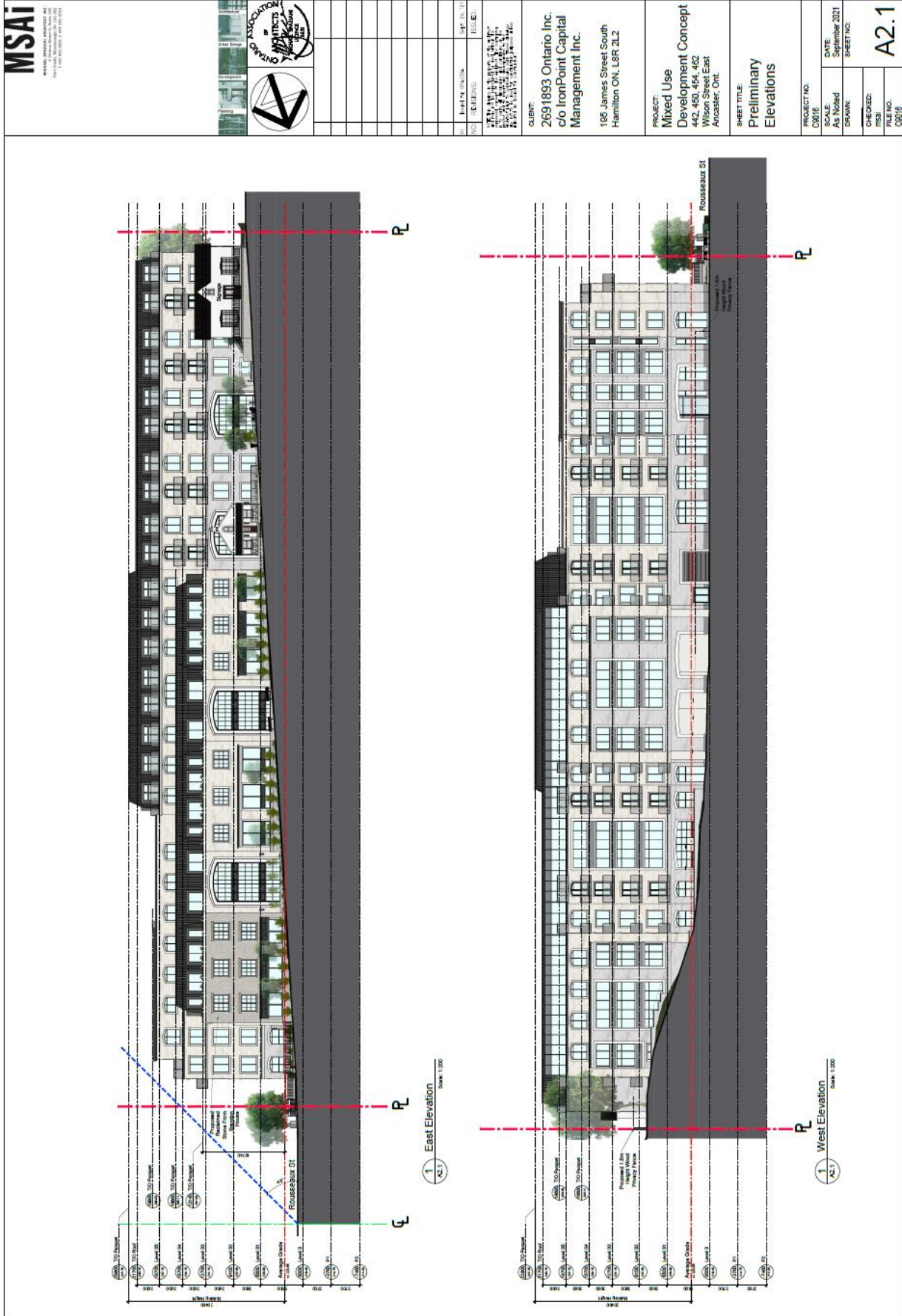
CHECKED:  
FILE NO.  
DATE

Appendix "B" to Report PED22037(a)  
Page 2 of 3

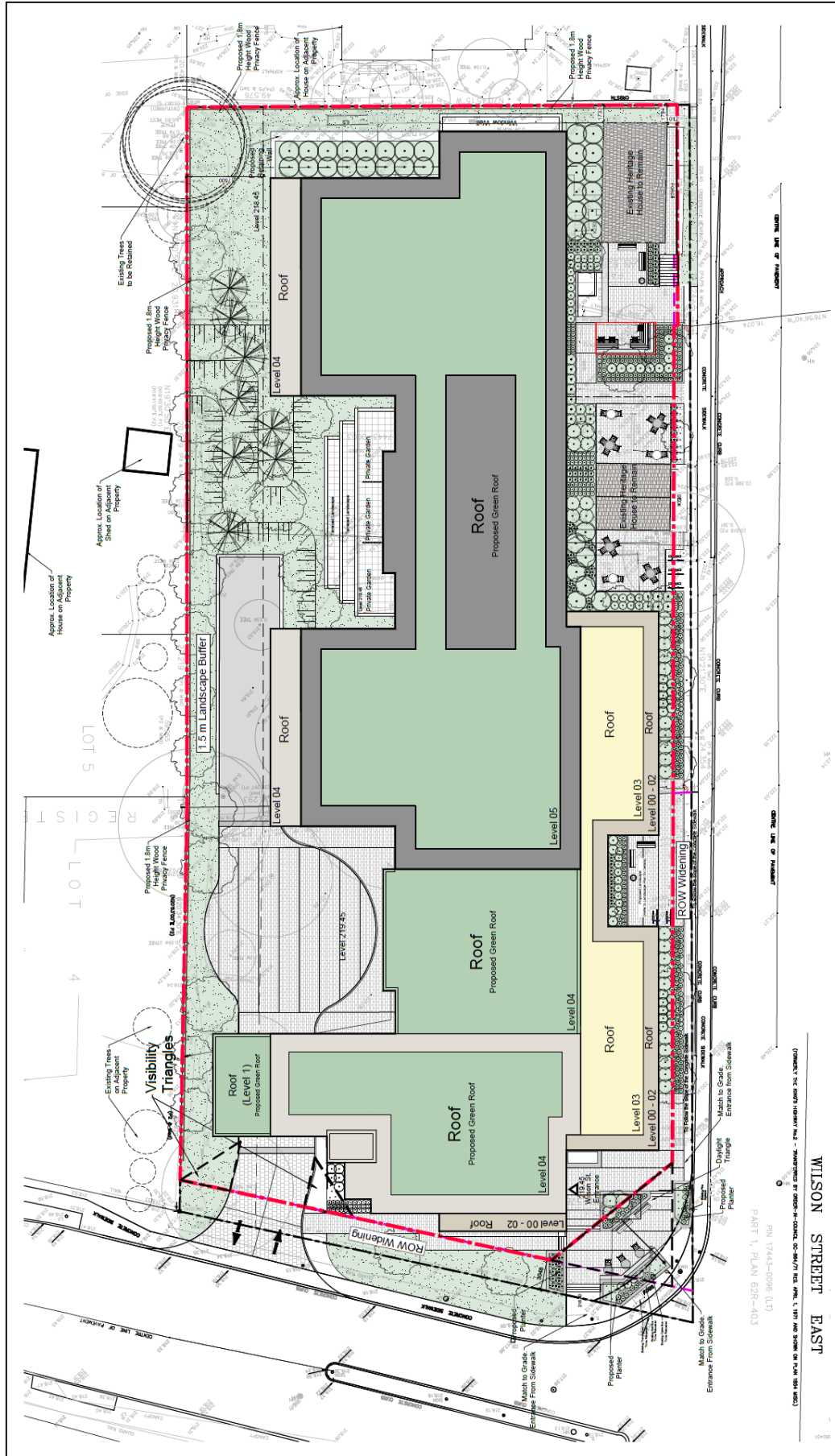


<p><b>MSAI</b> MUNICIPAL SERVICES ASSOCIATION INC. 1100 SHEPPARD AVENUE EAST SUITE 1000 SCARBOROUGH, ONTARIO M1B 4Y1 TEL: (416) 291-1200</p>		<p><b>CLIENT:</b> 269 1893 Ontario Inc. c/o IronPoint Capital Management Inc. 166 James Street South Hamilton ON, L8R 2L2</p>	
<p><b>PROJECT:</b> Mixed Use Development Concept 442-450, 454, 462 Wilson Street East Ancaster, Ont.</p>		<p><b>SHEET TITLE:</b> Preliminary Elevations</p>	
<p><b>PROJECT NO.:</b> 0816</p>		<p><b>DATE:</b> September 2021</p>	
<p><b>DRAWN:</b> As Noted</p>		<p><b>SHEET NO.:</b> A2.2</p>	
<p><b>CHECKED:</b> RFB</p>		<p><b>FILE NO.:</b> 0816</p>	

Appendix "B" to Report PED22037(a)  
Page 3 of 3



Appendix "C" to Report PED22037(a)  
Page 1 of 4



**Mixed Use Development Concept**  
442, 450, 454, 462 Wilson Street East  
Ancaster, Ontario

**Site Plan Concept**  
Feb. 11, '22

**MSAI**  
NOTE: All site plan, building, drive access and street setbacks are shown as approximate. A detailed site survey must be provided prior to finalizing all conditions. Dimensions used are all based on reference plans and are not intended as final. All dimensions are approximate and may vary due to changes that may occur due to verification of zoning, boundary conditions, OP, or other regulations. The enclosed drawing is for reference and information purposes only.

WILSON STREET EAST  
PART 1, PLAN 62R-403

Appendix "C" to Report PED22037(a)  
Page 2 of 4



Wilson Street Elevation



Rousseau Street Elevation

**MSA**  
 NOTE:  
 Property line, buildings, drive access and street setbacks are all shown as approximate. A detailed site survey must be provided prior to finalizing all conditions. Dimensions used are all based on reference plans and are not intended as legally binding. Architect is not responsible for any changes that may occur due to verification of zoning, boundary conditions, O.P. or other regulations. The enclosed drawing is for reference and information purposes only.

Mixed Use Development Concept  
 442, 450, 454, 462 Wilson Street East  
 Ancaster, Ontario

Revised Elevations  
 Feb. 11, '22



Rear Elevation (West)



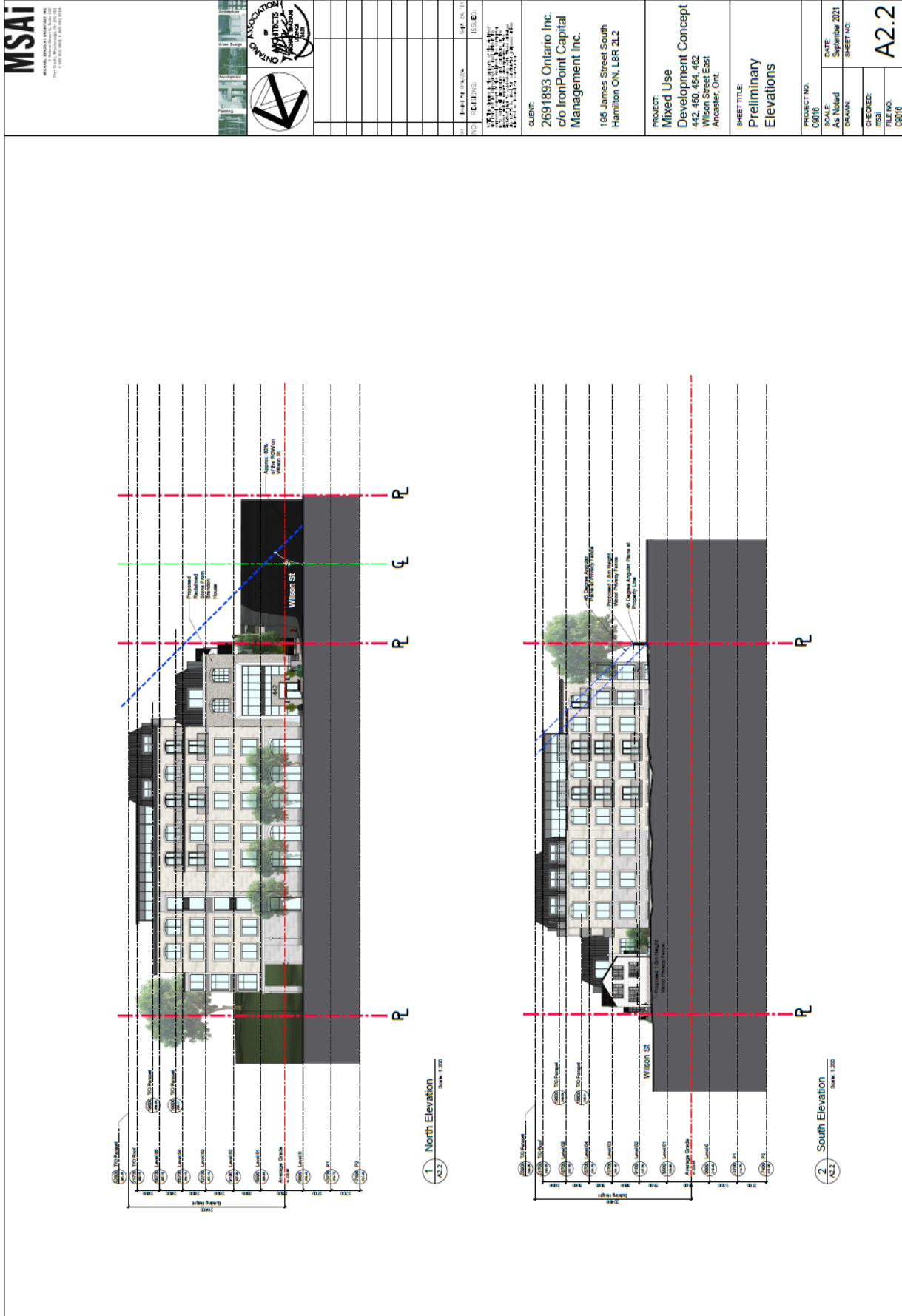
Side Elevation (South)

**MSA**  
 NOTE:  
 Property line, buildings, drive access and street setbacks are all shown as approximate. A detailed site survey must be provided prior to finalizing all conditions. Dimensions used are all based on reference plans and are not intended as legally binding. Architect is not responsible for any changes that may occur due to verification of zoning, boundary conditions, O.P. or other regulations. The enclosed drawing is for reference and information purposes only.

Mixed Use Development Concept  
 442, 450, 454, 462 Wilson Street East  
 Ancaster, Ontario

Revised Elevations  
 Feb. 11, '22

Appendix "C" to Report PED22037(a)  
Page 3 of 4



**MSAI**  
MUNICIPAL SERVICES ASSOCIATION INC.  
1100 SHEPPARD AVENUE EAST  
SUITE 100  
SCARBOROUGH, ONTARIO M1B 3Y9  
TEL: (416) 291-1111 FAX: (416) 291-1112



NO.	DATE	DESCRIPTION	BY	CHKD.

**CUSTOMER:**  
269 1893 Ontario Inc.  
c/o IronPoint Capital  
Management Inc.  
186 James Street South  
Hamilton ON, L8R 2L2

**PROJECT:**  
Mixed Use  
Development Concept  
442-450, 454, 462  
Wilson Street East  
Ancaster, Ont.

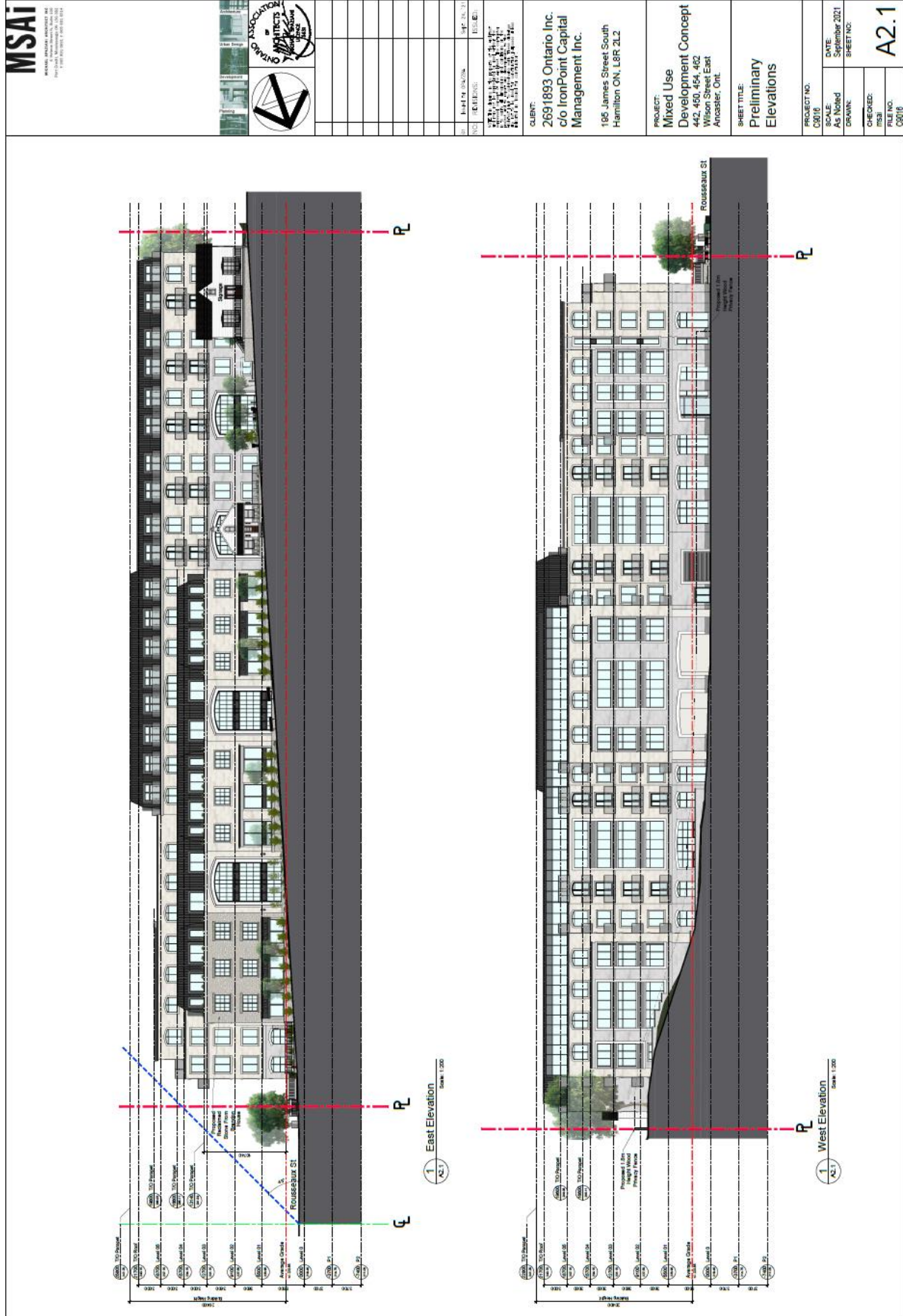
**SHEET TITLE:**  
Preliminary  
Elevations

PROJECT NO.	DATE
	September 2021
DRAWN BY	
CHECKED BY	
FILE NO.	
CAD FILE	

**SHEET NO.**  
A2.2



Appendix "C" to Report PED22037(a)  
 Page 4 of 4



**MSAI**  
 MISSISSAUGA ARCHITECTURAL ASSOCIATION  
 1000 SHEPPARD AVENUE EAST  
 MISSISSAUGA, ONTARIO L4X 1L7  
 TEL: 905.874.6464 FAX: 905.874.6464

ONTARIO ARCHITECTS ASSOCIATION  
 100 KING STREET WEST  
 TORONTO, ONTARIO M5X 1C5  
 TEL: 416.964.2271 FAX: 416.964.2272

NO.	DATE	DESCRIPTION	BY	CHK'D

**CLIENT:**  
 269 1893 Ontario Inc.  
 c/o IronPoint Capital  
 Management Inc.  
 186 James Street South  
 Hamilton ON, L8R 2L2

**PROJECT:**  
 Mixed Use  
 Development Concept  
 442-450, 454, 462  
 Wilson Street East  
 Ancaster, Ont.

**SHEET TITLE:**  
 Preliminary  
 Elevations

PROJECT NO.	DATE

**A2.1**



# Community Information Meeting

Please join us for an in-person community information meeting to learn about changes to the proposed development at **442, 450, 454, 462 Wilson Street East** in Ancaster.

We are hosting this session to provide information and receive input related to the revised development vision for the site. Below are the details for the Community Meeting.

**DATE:** Wednesday April 20th, 2022; 6:30 to 8:30 PM

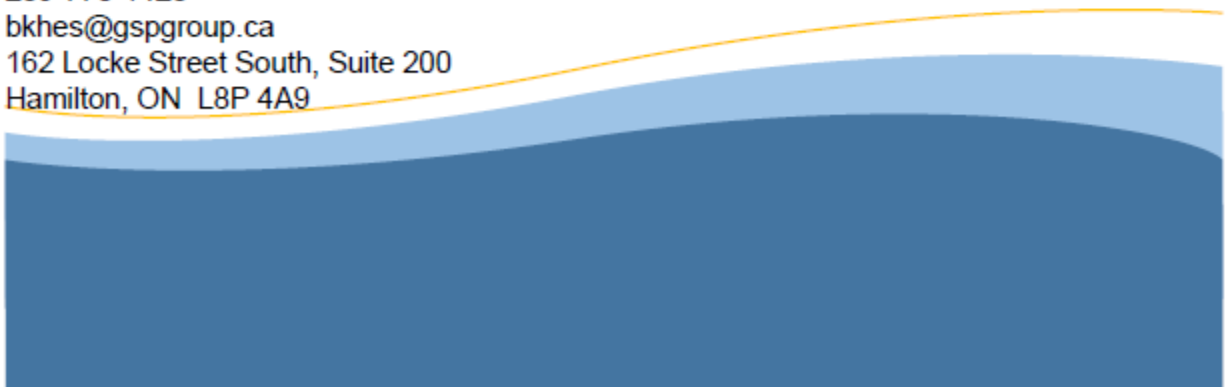
**LOCATION:** Ancaster Old Town Hall, 310 Wilson St. E., Ancaster

**FORMAT:** The project team will present the updated development that was provided to Planning Committee on February 15, 2022 followed by a question and answer period. Masks will be required to be worn.

**DEVELOPMENT VISION:** The proposed revised development consists of a mixed use building including ground floor commercial uses and enhanced publicly accessible community space along Wilson Street, and residential units above.

## FOR MORE INFORMATION, PLEASE CONTACT:

Brenda Khes, MCIP, RPP  
Senior Planner  
GSP Group Inc.  
289-778-1428  
bkhes@gspgroup.ca  
162 Locke Street South, Suite 200  
Hamilton, ON L8P 4A9





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Tourism and Culture Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 25, 2022
<b>SUBJECT/REPORT NO:</b>	Demolition Control and Heritage (PED22093) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Alissa Golden (905) 546-2424 Ext. 4654
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That the Demolition Control Area By-Law attached as Appendix “A” to Report PED22093, which repeals and replaces the existing Demolition Control Area By-Law No. 09-208 and its amending By-Law No. 13-185, be **APPROVED**.

## EXECUTIVE SUMMARY

This Report addresses the delegation of the Ancaster Village Heritage Community (AVHC) requesting that Council review the City-wide Demolition Control Area By-Law to address concerns about premature demolition and the loss of significant heritage buildings. Staff recommend that the City’s Demolition Control Area By-Law be repealed and replaced to improve the administration of permits to demolish residential property. Staff will continue to include public participation in heritage conservation as part of the City’s proactive Built Heritage Inventory Strategy (BHI).

### Alternatives for Consideration - Not Applicable

### FINANCIAL - STAFFING - LEGAL IMPLICATIONS

Financial: There are no financial implications associated with the staff recommendation.

Staffing: There are no staffing implications associated with the staff recommendation.

Legal: None.

---

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

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

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

**SUBJECT: Demolition Control and Heritage (PED22093) (City Wide) - Page 2 of 10**

---

**HISTORICAL BACKGROUND**

The existing Demolition Control Area By-Law No. 09-208 (Demolition Control By-Law) was enacted in 2009 to streamline the process for issuing residential demolition permits by providing the delegation of Council's authority to issue permits for certain "routine applications". The goal being to reduce the number of applications having to be considered by Planning Committee and Council and to expedite the issuance of residential demolition permits that were believed to be routine in nature.

In July 2020, the Ancaster Village Heritage Community submitted a delegation package to the Planning Committee titled "Demolition Control as a Positive Force, Protecting our Heritage...Welcoming Positive Development". The delegation asked Council to revisit the City of Hamilton's Demolition Control By-Law to address what they perceived as the negative effects of demolition on their community. The AVHC delegation was the result of a number of demolitions in the community, including the historic Brandon House, a pre-Confederation stone building that was located at 462 Wilson Street East, Ancaster, which was listed on the City's Inventory of Heritage Properties (Inventory) but did not have any formal status under the *Ontario Heritage Act* providing it protection from demolition.

In the delegation package, the AVHC expressed their concern for the perceived lack of transparency in the demolition process, the premature demolition of historic buildings not yet protected under the *Ontario Heritage Act* and associated creation of vacant lots leading to a perceived devaluing of property and other property standards issues. The Planning Committee referred the AVHC delegation to the Hamilton Municipal Heritage Committee (HMHC). The HMHC received the AVHC's delegation package at their September 16, 2020 and referred it to the General Manager of Planning and Economic Development (PED) for a report back at a future meeting of the HMHC.

Staff met with members of the AVHC on October 9, 2020 to discuss their delegation package and request of the City. An inter-division staff working group was formed to address the AVHC delegation package and advise the General Manager of PED of recommendations for improvement to City processes, including: Building Division; Planning Division; and Tourism and Culture Division. Legal Services staff were also engaged as part of these discussions, provided advice on the interpretation of Provincial legislation and reviewed the proposed changes to the Demolition Control By-Law. Staff met with AVHC again on November 30, 2020 to provide them with a summary of staff's analysis and key themes for improvement to City processes in response to their delegation. Staff reported back to the HMHC at their meeting on April 1, 2022 and presented the recommendations of this Report.

**SUBJECT: Demolition Control and Heritage (PED22093) (City Wide) - Page 3 of 10**

---

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The recommendation of this Report is consistent with Provincial and Municipal policy. The *Planning Act* permits the City to enact a By-Law that designates a Demolition Control Area to regulate the demolition in whole or part of any residential property. The *Municipal Act* permits the delegation of Council's authority to issue demolition control permits to the Chief Building Official or designate.

The *Planning Act* identifies the conservation of cultural heritage resources, including built heritage resources and cultural heritage landscapes, as a matter of Provincial interest. The *Ontario Heritage Act* enables municipalities to recognize and protect cultural heritage resources through registration and designation. The City of Hamilton's *Cultural Plan* and *Urban and Rural Hamilton Official Plans* call for the wise management of cultural heritage resources through a continuing process of inventory, survey and evaluation, which is implemented through the City's Built Heritage Inventory Strategy (PED20133).

**RELEVANT CONSULTATION**

**Internal**

- Supervisor, Plan Examination Section, Building Division, Planning and Economic Development Department
- Manager, Plan Examination Section, Building Division, Planning and Economic Development Department
- Senior Project Manager, Municipal Law Enforcement Section, Building Division, Planning and Economic Development Department
- Manager, Municipal Law Enforcement Section, Building Division, Planning and Economic Development Department
- Manager, Building Inspections Section, Building Division, Planning and Economic Development Department
- Chief Building Official and Director of the Building Division, Planning and Economic Development Department
- Manager, Development Planning Section, Planning Division, Planning and Economic Development Department
- Manager, Heritage and Urban Design Section, Planning Division, Planning and

**SUBJECT: Demolition Control and Heritage (PED22093) (City Wide) - Page 4 of 10**

---

Economic Development Department

- Director of Planning and Chief Planner of the Planning Division, Planning and Economic Development Department
- Manager, Legislative Approvals/Staging of Development, Infrastructure Planning Section, Growth Management Division, Planning and Economic Development Department
- Manager, Engineering Approvals, Engineering Design and Construction Section, Growth Management Division, Planning and Economic Development Department
- Solicitors, Legal Services, Legal and Risk Management Services Division, Corporate Services Department
- Manager, Finance and Administration Section, Financial Planning, Administration and Policy Division, Corporate Services Department

**External**

- Ancaster Village Heritage Community (October 9, 2020; November 30, 2020, February 22, 2022)
- Development Industry Liaison Group (January 11, 2021, March 14, 2022)

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Staff conducted a review of internal procedures and policy frameworks related to demolition control. The key takeaways are as follows:

- Demolition control, as enabled by Section 33 of the *Planning Act*, prevents demolition without applying to Council and receiving approval;
- Demolition control only relates to “residential property”, as defined in the *Planning Act*, which refers to a building that contains one or more “dwelling units” that are used, or designed for use, as such;
- The inferred intent of demolition control is the retention of housing stock or dwelling units;
- Council has 30 days to make a decision on a demolition control application;

**SUBJECT: Demolition Control and Heritage (PED22093) (City Wide) - Page 5 of 10**

---

- Demolition control is not a public process and only the owner can appeal a decision of Council;
- Council can only delegate its authority to issue demolition control permits to staff, not to refuse them; and
- Undelegated or not, a demolition control application cannot be denied when a building permit for a new replacement building has been approved and where all requirements have been met.

Staff also conducted a review of best practices related to demolition control and heritage conservation from comparable municipalities across Ontario, including Brantford, Kitchener, London, Ottawa and Waterloo. Based on this analysis, staff conclude that:

- The *Ontario Heritage Act* is the primary tool for managing and conserving heritage resources, by listing properties of heritage interest on the Municipal Heritage Register (Register) and protecting significant heritage properties through designation;
- Demolition control is not a heritage conservation tool and is not regulated by the *Ontario Heritage Act*. However, the *Ontario Heritage Act* is applicable law for building permits to demolish buildings listed on the Register or designated under the *Ontario Heritage Act* and the demolition control process should align with other City policy and process;
- Public participation in heritage conservation is most appropriately accomplished through the Built Heritage Inventory Strategy, not demolition control;
- Demolition control can have related benefits of maintaining the integrity of residential neighbourhoods, preventing the premature loss of dwelling units and the creation of vacant land, retaining existing dwelling units until new uses have been considered, and preventing the premature loss of municipal assessment;
- Transparency in the demolition process can be improved by redefining the scope of demolition control applications that can be approved through delegated authority;
- Premature demolition of residential property (heritage or not) can be prevented by ensuring that new uses are considered through *Planning Act* applications before a demolition control permit is issued;
- The review of *Planning Act* applications also allows for the assessment of the

---

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

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

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

**SUBJECT: Demolition Control and Heritage (PED22093) (City Wide) - Page 6 of 10**

---

potential heritage value or interest of a property, and impact to the identified value, as part of that process; and

- Consultation with HMHC on the demolition of properties listed on the Municipal Heritage Register should be accomplished through a standardized Register demolition process, not through demolition control.

To address the concerns raised by the AVHC and to improve the City's demolition control and heritage conservation processes, staff recommend four key actions:

**1. Continue the Proactive Identification of Heritage Properties**

The City of Hamilton's Built Heritage Inventory Strategy is an initiative to proactively list properties of heritage interest on the Municipal Heritage Register and to designate significant heritage properties under the *Ontario Heritage Act*. Designated properties are subject to Heritage Permits, which is applicable law for all building permits to demolish. Council decision is required on all applications to demolish designated properties. Properties listed on the Register have interim 60-day protection from demolition, intended to allow staff and Council time to discuss alternatives to demolition with an owner and, where warranted, issue a notice of intention to designate a significant heritage property to void all active permits and prevent its demolition.

Staff recently updated the Hamilton Municipal Heritage Committee on the BHI Strategy, including short, medium and longer-term priorities for future inventory work (PED20133). In addition to City-led BHI work, the BHI Strategy also encourages collaboration with, and the empowerment of, community groups to conduct their own proactive inventory work and identification of heritage buildings. In 2020, members of the AVHC coordinated with the Hamilton Branch of the Architectural Conservancy of Ontario to conduct an inventory of pre-Confederation buildings in Ancaster.

**2. Update the Demolition Control Area By-Law**

Staff recommend that the Demolition Control By-Law be updated in a manner that would both retain the efficiencies of delegated authority and provide appropriate consideration for "residential property" prior to demolition. The updated Demolition Control Area By-Law attached as Appendix "A" to Report PED22093 would:

(a) Clarify that the intent of the By-Law is to not only retain dwelling units, but to also:

- Maintain the integrity of residential neighbourhoods;
- Prevent the premature loss of dwelling units and the creation of vacant land;



**SUBJECT: Demolition Control and Heritage (PED22093) (City Wide) - Page 7 of 10**

---

- Retain existing dwelling units until new uses have been considered; and
  - Prevent the premature loss of municipal assessment.
- (b) Redefine the scope of demolition control applications that the Chief Building Official can issue approval for under the delegated authority of Council. Delegated approvals will be limited to situations where:
- Redevelopment of the residential property is imminent, including where:
    - The erection of a new building is proposed on the site of the residential property to be demolished and where the standard rebuild conditions of the By-Law apply;
    - Final Site Plan Control approval has been granted;
    - Draft Plan of Subdivision approval has been granted, the associated Subdivision Agreement has been registered and the preliminary grading and servicing conditions have been satisfied;
    - Demolition is required as a condition of approval of an application for Consent to Sever;
  - A residential property has been severely damaged by fire or natural disaster and a professional engineer has recommended demolition.

The redefined scope of delegated authority includes the removal of four types of formerly “routine” applications to demolish a residential building, including: in a zone that does not permit a residential use; when another non-residential use is permitted; to facilitate land assembly for future development; and in a rural area when abutting lands would not be impacted. The intended impact of these changes is to prevent premature demolition of residential property by ensuring that replacement buildings have been approved or that applicants obtain the appropriate development approvals in cases where new uses are being considered. Demolition control applications where no redevelopment is proposed in the short-term, or where the applicant is not in agreement with the standard approval conditions, would be considered at Council and provide a greater degree of transparency to the process.

The Building Division administers the demolition control process. The Chief Building Official does not have the delegated authority to refuse a demolition control application. Redefining the scope of delegated authority may increase the number of applications that require a staff report to Council for undelegated approval by 22 per year, or an average of one to two reports per month. The estimated number is based on 2019 to

**SUBJECT: Demolition Control and Heritage (PED22093) (City Wide) - Page 8 of 10**

---

2020 Building Permit statistics for the types of applications to be removed from delegated authority of the Chief Building Official, as identified above. The potential impact of these changes will be evaluated after the first year of the new By-Law coming into effect, at which time staff may propose adjusting the demolition control application fee to offset any added processing costs, as appropriate.

As a note, buildings that are deemed to be unsafe and are subject to an order to demolish under the *Building Code Act* are not subject to the Demolition Control Area By-Law. The updated By-Law also includes an exemption for the demolition of residential property where an order to demolish has been issued under the Property Standards By-Law. This exemption addresses the recent continuous improvement amendments to the Property Standards By-Law approved as part of Staff Report PED20032, which allows Property Standards orders to be issued to demolish all or parts of incomplete buildings or structures, or those that are unrepairable due to damage by accident, storm, fire, neglect or otherwise, and not necessarily deemed unsafe.

For ease of use, and to avoid any confusion, staff recommended that the current Demolition Control Area By-Law No. 09-208, and its amending By-Law No. 13-185, be repealed and replaced by the new Demolition Control Area By-Law attached as Appendix "A" to Report PED22093.

### **3. Standardize the Register Demolition Process**

The *Ontario Heritage Act* requires that the owners of non-designated properties listed on the Municipal Heritage Register under Section 27 of the Act provide 60-days notice to Council of their intention to demolish or remove any building or structure on the property. The City of Hamilton does not currently have a standard process for receiving these notices. However, staff will be developing a standard process for receiving an owner's notice of intention to demolish as part of the Heritage Process Review underway by the Planning Division including, but not limited to, the following:

- Creating a form for submitting notice of intention to demolish;
- Delegating Council's authority for staff to receive an owner's notice;
- Prescribing minimum requirements for the plans and information required to be submitted with an owner's notice; and
- Defining the process by which HMHC and Council are made aware of notices of intention to demolish listed properties.

The final recommendations of the Heritage Process Review are forthcoming.

**SUBJECT: Demolition Control and Heritage (PED22093) (City Wide) - Page 9 of 10**

---

#### **4. Improve Internal Processes**

The coordination and communication between Building Division and Planning Division staff can be improved to address legislative timelines in an efficient and effective manner. Cultural Heritage Planning staff in the Planning Division should be notified by Building Division staff upon receipt of any demolition application to confirm legislated requirements under the *Ontario Heritage Act* and any applicable law for the application, such as providing 60-days notice of an owner's intention to demolish a listed property and Heritage Permit requirements for designated properties. Similarly, Cultural Heritage Planning staff should be contacted by Municipal Law Enforcement staff to confirm the heritage status and/or interest in a property prior to issuance of any Property Standards order, including orders to demolish. This process improvement will be formalized as part of the next round of housekeeping revisions to Municipal Law Enforcement's internal policies and procedures.

Early notification will also ensure that Cultural Heritage Planning staff have as much time as possible to provide recommendations with respect to the demolition of a significant heritage property. Planned changes to the City's AMANDA system, tentatively scheduled to begin in 2023, include the introduction of heritage property information and heritage planning processes, which would allow these notifications to happen automatically when a new Building Permit application is submitted or when a Property Standards complaint is filed by the Building Division.

Staff note that, for demolition control applications processed under delegated authority, the onus will continue to be on the applicant to submit documentation confirming that they meet the requirements under the By-Law, including where Final Site Plan Control approval has been granted, Draft Plan of Subdivision approval has been granted and conditions satisfied, or where demolition is required as a condition of approval of an application for Consent to Sever. No internal process improvements are required in this regard and Building Division staff will continue to circulate to the appropriate Growth Management or Planning Division staff for verification, when necessary.

#### **ALTERNATIVES FOR CONSIDERATION**

N/A

#### **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.

**SUBJECT: Demolition Control and Heritage (PED22093) (City Wide) - Page 10 of 10**

---

**Healthy and Safe Communities**

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

**Culture and Diversity**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22093 - Demolition Control Area By-Law

AG:ac

Authority: Item X, Planning Committee Report  
22-XXX  
CM: [date]  
Ward: X

**Bill No. XXX**

**CITY OF HAMILTON  
BY-LAW NO. 22-XXX**

A by-law to repeal and replace By-Laws No. 09-208 and 13-185 being the Demolition Control Area By-Law

**WHEREAS** section 33 of the *Planning Act*, R.S.O. 1990, c. P.13, provides that Council may, by by-law, designate any area within the City as a demolition control area when a property standards by-law under section 15.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23, is in force and applies to the area within the municipality;

**AND WHEREAS** Property Standards By-law No. 10-221, as amended, prescribes standards of maintenance and occupancy for properties and is in force in the City;

**AND WHEREAS** no person shall demolish the whole or any part of any residential property in a demolition control area designated by Council pursuant to section 33 of the *Planning Act*, R.S.O. 1990, c. P .13, unless the person has been issued a demolition permit by Council;

**AND WHEREAS** under subsections 33(3) and 33(6) of the *Planning Act*, R.S.O. 1990, c. P .13, Council is the decision-maker with respect to consenting to the demolition of a residential property in an area of demolition control;

**AND WHEREAS** under sections 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, in accordance with section 23.1 of the *Municipal Act, 2001*, the powers of a municipality under that or any other Act may be delegated to a person or a body, subject to the restrictions set in sections 23.1 to 23.5, inclusive, of the *Municipal Act, 2001*;

**AND WHEREAS** Council wishes to: maintain the integrity of residential neighbourhoods; prevent the premature loss of dwelling units and the creation of vacant land; retain existing dwelling units until new uses have been considered; and, prevent the premature loss of municipal assessment;

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

1. In this By-Law:

"**Chief Building Official**" means the City's Chief Building Official and includes their designate;

"**City**" means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

"**Council**" means the City's Council;

"**Demolition Control Approval**" means approval to demolish Residential Property pursuant to this By-Law;

"**Dwelling Unit**" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;

"**Ontario Heritage Act**" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18;

"**Planning Act**" means the *Planning Act*, R.S.O. 1990, c. P. 13;

"**Residential Property**" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

### Demolition Control Area

2. All of the lands within the boundaries of the City are designated as a demolition control area.
3. No person shall demolish or otherwise remove the whole or any portion of a Residential Property in the demolition control area unless the person has been issued Demolition Control Approval by the City.
4. This By-Law does not apply when:
  - (a) the demolition of a part of the Residential Property does not reduce the number of Dwelling Units;
  - (b) the Residential Property is owned by the City and the demolition is required for the implementation of a City capital works project previously approved by Council, except if the Residential Property is designated under the *Ontario Heritage Act* or subject to an agreement, covenant, or easement for the conservation, protection or preservation of property of cultural heritage value or interest;
  - (c) the Residential Property is a mobile home;
  - (d) the owner of the Residential Property has entered into a demolition agreement with City;
  - (e) the Residential Property is exempted under any federal or provincial statute or regulation;
  - (f) the Residential Property has been found to be unsafe under section 15.9 of the *Building Code Act*, 1992 and an order to demolish has been issued under that section without any option to repair; or,

- (g) an order has been issued under section 15.2 of the *Building Code Act*, 1992 that the Residential Property be demolished without any option to repair.
5. Every applicant seeking Demolition Control Approval shall submit a completed demolition application to the City in the form and with such content as required by the Chief Building Official in their sole discretion. Incomplete applications shall not be accepted by the City and shall not constitute an application for Demolition Control Approval for the purposes of section 33 of the *Planning Act* or this Demolition Control Area By-law.

### Delegation of Authority

6. Council delegates to the Chief Building Official its authority to issue Demolition Control Approval pursuant to subsections 33(3) and 33(6) of the *Planning Act* for applications to demolish Residential Property where:
- (a) the erection of a new building is proposed on the site of the Residential Property to be demolished and where the following standard conditions apply:
    - i. that the applicant seeking Demolition Control Approval has applied for and received a building permit for a replacement building on the property;
    - ii. that the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 for each Dwelling Unit contained in the Residential Property which sum:
      - 1. the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
      - 2. is a lien or charge on the property until paid; and
    - iii. that the applicant seeking Demolition Control Approval has registered on title to the property notice of conditions (i) and (ii) in a form satisfactory to the Chief Building Official and the City Solicitor.
  - (b) Final Site Plan Control approval has been granted for redevelopment of the Residential Property to be demolished;
  - (c) Draft Plan of Subdivision approval has been granted for redevelopment of the Residential Property to be demolished, for which the Subdivision Agreement has been registered and the preliminary grading and servicing conditions have been satisfied;
  - (d) demolition of the Residential Property is a condition of an approved Consent to Sever and all other conditions of the approved Consent to Sever have been met; or,

- (e) the Residential Property has been severely damaged by a fire or natural disaster and the demolition has been recommended by a Professional Engineer licensed to practice in Ontario.
7. The delegation of authority set out in this Demolition Control Area By-Law does not include the authority to:
- (a) refuse to issue Demolition Control Approval, and where the Chief Building Official would refuse to issue Demolition Control Approval, they shall so advise Council which retains all power with respect to issuing or refusing to issue Demolition Control Approval;
  - (b) attach conditions to Demolition Control Approval with which an owner of Residential Property is not in agreement and where this is the case, the Chief Building Official shall so advise Council which retains all power with respect to issuing or refusing to issue Demolition Control Approval; or,
  - (c) issue or refuse to issue Demolition Control Approval for a Residential Property that is:
    - (i) designated pursuant to Part IV or V of the *Ontario Heritage Act*; or,
    - (ii) subject to an agreement, covenant, or easement for the conservation, protection or preservation of property of cultural heritage value or interest.
8. The Chief Building Official is authorized to undertake all acts necessary to carry out the delegated power under this Demolition Control Area By-Law, including the authority to sign any required documents.

### **Administration and Enforcement**

9. Nothing in this By-Law shall exempt any person from complying with the requirement of any other applicable by-law, or from obtaining any licence, permission, permit, authority or approval required by this or any other by-law of the City or by any other law in force at the time.
10. Every person who demolishes a Residential Property or any portion thereof, without obtaining Demolition Control Approval under this By-law is guilty of an offence under section 33(16) of the *Planning Act* and is liable to a penalty or penalties as set out in section 33(16) of that Act.

### **Title, Repeal and Effective Date**

11. This By-Law may be cited as the "Demolition Control Area By-Law".
12. By-Law No. 09-208 and amending By-Law No. 13-185 are repealed as of the day on which this By-Law comes into force.
13. This By-Law comes into force on the date of its passing.



14. In the event of a conflict between any provision of this By-Law and the *Planning Act*, the *Planning Act* prevails.
15. If a court of competent jurisdiction declares any provision, or any part of a provision, of the By-Law to be invalid, or to be of not force and effect, it is Council's intention in enacting this By-Law, that each and every other provision of this By-Law be applied and enforced in accordance with its terms to the extent possible according to law.

### Transition

16. The repeal of By-Laws 09-208 and 13-185 does not:
  - (a) affect the previous operation of those By-Laws;
  - (b) affect a right, privilege, obligation or liability that came into existence under those By-Laws;
  - (c) affect an offence committed under those By-Laws, or any penalty, forfeiture or punishment incurred in connection with the offence; or,
  - (d) affect an investigation, proceeding or remedy in respect of a right, privilege, obligation or liability described in section 16(b), or a penalty, forfeiture or punishment described in section 16(c).
17. An investigation, proceeding or remedy described in section 16(d) may be commenced, continued and enforced as if By-Laws 09-208 and 13-185 had not been repealed or revoked.
18. A penalty, forfeiture or punishment described in section 16(c) may be imposed as if By-Laws 09-208 and 13-185 had not been repealed or revoked.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

---

Fred Eisenberger  
Mayor

---

Andrea Holland  
City Clerk



Hamilton

# Demolition Control and Heritage Report PED22093 (Item 10.2)

Planning Committee (WebEx)  
April 25, 2022

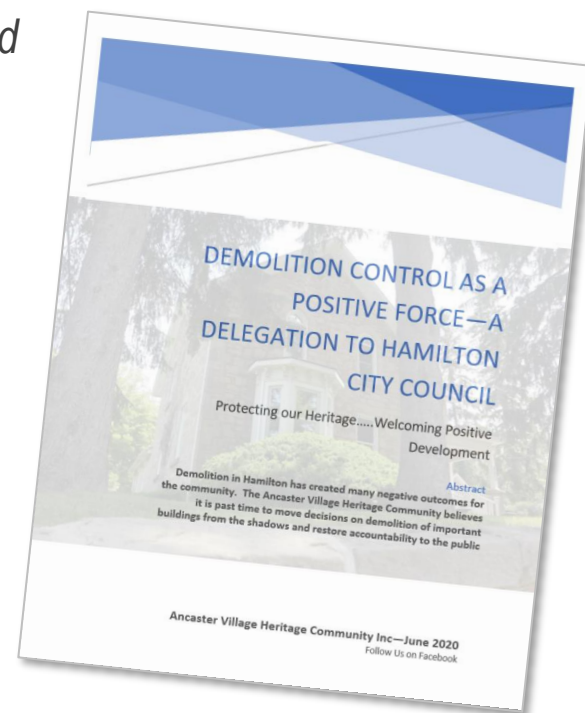
# Background – AVHC Delegation

## AVHC Delegation Request (July 2020)

*Revise Demolition Control By-law to require all Building Permits to Demolish buildings more than 90 years old to be considered by Council and allow for public consideration, and improve language around “routine applications”.*

Additional feedback from AVHC at Fall 2020 meeting:

- 90-year old buildings just a suggestion – open to other options to ensure unprotected properties of heritage interest are reviewed
- Get the ones that matter to Council – not looking to overload staff and Council
- Remove subjectivity (interpreting “routine applications”)



# Background - Process

- Inter-divisional PED working group
- Internal review of procedure and policy
- Best practice review
- Observations
- Themes for improvement
- Update to AVHC for feedback

# Clarifications on Demolition Control

- Prevents demolition without a permit – *section 33(2)*
- Only applies to “residential property”
- Not a public process (only owner can appeal)
- Council has 30-days to make a decision - *section 33(4)*
- Council must issue a permit to demolish where a building permit has been issued for new construction – *section 33(6)*
- Inferred intent: retention of housing stock / residential units

# Summary of Observations

- Public participation in heritage conservation via **BHI Strategy**
- Demolition Control is not a heritage conservation tool – but should align with City policy and process
- Premature demolition of “residential property” (heritage or not) can be prevented by ensuring new uses are considered through **development application** process
- Improved transparency with undelegated applications

## Key Actions

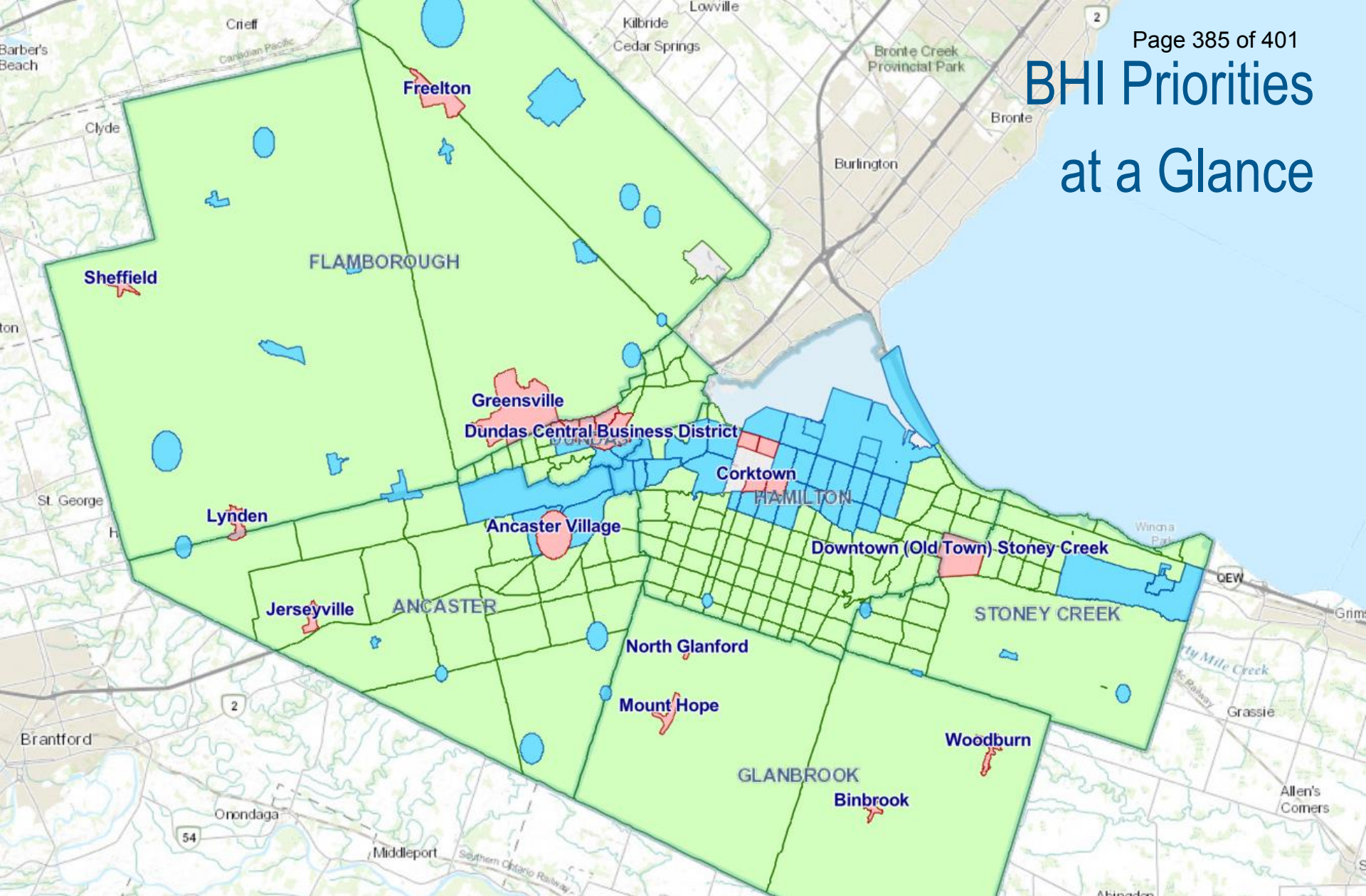
1. Continue Proactive Identification of Heritage Properties
2. Update the Demolition Control Area By-law
3. Standardize the Register Demolition Process
4. Improve Internal Processes

# Proactive Identification of Heritage Properties

- Built Heritage Inventory Strategy
- Public engagement and participation in identification of heritage buildings
- **Listing:** interim 60-day protection from demolition
- **Designation:** Heritage Permit process



# BHI Priorities at a Glance



# Community-Led Inventories



ARCHITECTURAL  
CONSERVANCY  
ONTARIO

HAMILTON  
REGION

# Update the Demolition Control Area By-law

- See draft by-law - **Appendix “A”** to Report
- Clarify the intent of By-law
- Redefine scope of delegated authority
  - Delegate where permissions for replacement buildings and / or uses have been granted
  - Undelegated applications considered at Council (transparency)

# Existing Delegated Authority Scope in By-law

*[...] "routine applications" include, but are not limited to, an application to demolish a residential building:*

- in an established neighbourhood when the standard conditions in section 6 would apply;*
- to facilitate a development under an approved site plan or approved draft plan of subdivision;*
- in a zone that does not permit a residential use;*
- when another non-residential use is permitted;*
- to facilitate land assembly for future development;*
- in the Rural Area when abutting lands would not be impacted.*

# Proposed Delegated Authority Scope in New By-law

- Redevelopment of the residential property is **imminent**, including where:
  - The **erection of a new building** is proposed on the site of the residential property to be demolished and where the standard rebuild conditions of the By-Law apply;
  - **Final Site Plan Control** approval has been granted;
  - **Draft Plan of Subdivision** approval has been granted, the associated Subdivision Agreement has been registered and the preliminary grading and servicing conditions have been satisfied;
  - Demolition is required as a condition of approval of an application for **Consent to Sever**;
- A residential property has been **severely damaged** by fire or natural disaster and a professional engineer has recommended demolition.

# Standardizing the Register Demolition Process

- Heritage Process Review
- Bill 108 Changes to OHA
- Standardize process for Register demolition notices
  - Create a form for submitting notice of intention to demolish;
  - Delegate Council's authority for staff to receive an owner's notice;
  - Prescribe minimum requirements for the plans and information required to be submitted with an owner's notice; and,
  - Define a process by which HMHC and Council are made aware of notices of intention to demolish listed properties.

# Improve Internal Processes

- Improved communication between Divisions
- Internal notifications

- Report recommendation:

That the Demolition Control Area By-Law attached as Appendix “A” to Report PED22093, which repeals and replaces the existing Demolition Control Area By-Law No. 09-208 and its amending By-Law No. 13-185, be **APPROVED.**




Thank you!

Questions?



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 25, 2022
<b>SUBJECT/REPORT NO:</b>	Taxi Meter Rate Increase (PED22105) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Dan Smith (905) 546-2424 Ext. 6435
<b>SUBMITTED BY:</b>	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That Appendix 1 (Taxicab Tariff/Fares) of Schedule 25 (Taxi Cabs) of the Licensing By-law 07-170 be amended to identify that *the first 71.4 meters or part thereof* be set to \$4.90; and,
- (b) That the draft By-law attached as Appendix "A" to Report PED22105 to amend the City of Hamilton's By-Law 07-170 which has been prepared in a form satisfactory to the City Solicitor, be enacted.

### EXECUTIVE SUMMARY

At the March 22, 2022 Planning Committee, a motion was brought forward by Councillor Pearson which asked Staff to review a change in the Taxi meter drop rate from \$3.90 to \$4.90.

Staff reviewed multiple other municipalities to gauge the current Taxi meter rates. Additionally, Staff reviewed fuel prices over eight years from the date of the last meter rate increase.

Both Taxi brokerages within the City have identified a negative impact on the industry and their operations due to the increase in the cost of fuel.

---

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

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

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

**SUBJECT: Taxi Meter Rate Increase (PED22105) (City Wide) - Page 2 of 5**

---

With the increase in fuel prices over the past eight years, Staff are recommending the Taxi meter drop rate be raised from \$3.90 to \$4.90 for the first 71.4 meters or part thereof.

**Alternatives for Consideration – See Page 5****FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

The taxi industry has not had an increase in the Taxi meter drop rate since 2014.

In the eight years since the previous amendment, fuel prices have steadily increased creating a pressure on the Taxi industry.

Staff met with both Taxi brokers in the early months of 2022 to discuss multiple aspects of the Taxi industry. It was shared that the recent fuel price increases are having a negative impact on their operations. It was suggested that a \$1.00 increase in the meter drop rate would greatly assist the industry in its recovery from the COVID-19 pandemic as well as allow necessary operation improvements due to inflated fuel prices.

At the March 22, 2022 Planning Committee, a motion was brought forward by Councillor Pearson which asked Staff to review a change in the Taxi meter drop rate from \$3.90 to \$4.90.

The motion was passed, and Staff were to report back to Planning Committee with a recommendation on the motion.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

- Licensing By-law 07-170 (Schedule 25)
- Fees and Charges By-law 20-168

**RELEVANT CONSULTATION**

- Meeting with Taxi brokerages
  - Hamilton Cab

**SUBJECT: Taxi Meter Rate Increase (PED22105) (City Wide) - Page 3 of 5**

---

- Blue Line Taxi

- Consultation with multiple municipalities - Details are identified in the Analysis and Rationale section of this report.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**Municipality comparisons on Drop Rates and Action Plans:

## Brampton

- \$4.25 fare
- No review / plan in place for drop rates, but Staff are looking into the matter.

## Mississauga

- \$4.25 fare
- Fare review scheduled for June 21<sup>st</sup> Public Advisory Committee meeting .

## Oakville

- \$4.50 fare \*if Taxi company does not set their own rate.
- Permits Taxi companies to set their own rates.

## Ottawa

- \$3.45 fare
- Looking into an increase for Taxi fares and will bring a report forward in May.

## Toronto

- \$3.25 fare
- Staff report on potential increase to go before the General Government and Licensing Committee on April 29<sup>th</sup>.

## Markham

- \$4.25 fare
- Currently under review with other Taxi regulations.

## Sarnia

- \$4.59 fare

## Windsor

- \$3.80 fare
- Currently under review with other Taxi regulations.

## **SUBJECT: Taxi Meter Rate Increase (PED22105) (City Wide) - Page 4 of 5**

Some municipalities including Chatham-Kent, Barrie, Sudbury and North Bay do not regulate Taxi rates or have a flexible meter rate based on zones, while the City of London sets a minimum trip of \$3.50 but no maximum.

Should Council accept the recommendation to increase the drop rate, it would be the highest current drop rate based on the municipalities Staff reviewed. However, each municipality is either looking into the situation or has planned reports returning to their Councils with an expected increase to be recommended.

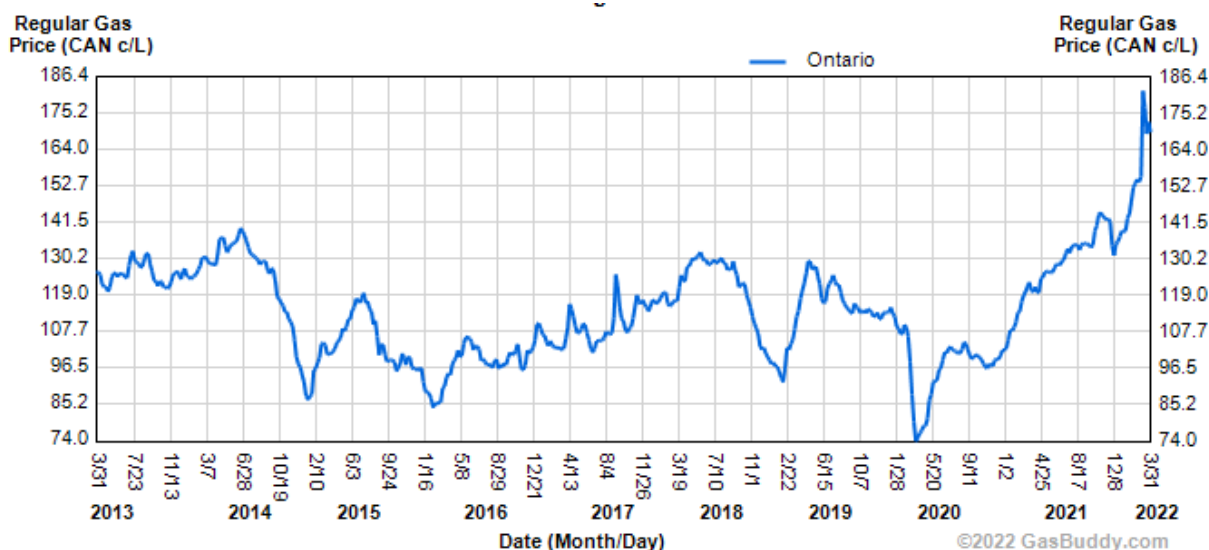
### Fuel price trends (through ontariogasprices.com):

At the end of March 2022, the average fuel price for regular unleaded fuel was identified as 169.8 cost per litre (c/L).

The previous review and increase to the taxi meter drop rate occurred in 2014. In a report published by *Natural Resources Canada* titled, *Fuel Focus – Understanding Gasoline Markets in Canada and Economic Drivers Influencing Prices* in 2014, the identified average fuel cost was 128 c/L. This equates to an approximate 33% increase in fuel prices over that period of time.

Increasing the meter drop rate from \$3.90 to \$4.90 is a 26% increase from the previously set mark in 2014.

This chart shows the average fuel c/L over the previous nine years in Ontario as provided by ontariogasprices.com:



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

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

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

**SUBJECT: Taxi Meter Rate Increase (PED22105) (City Wide) - Page 5 of 5**

---

**ALTERNATIVES FOR CONSIDERATION**

- (a) That Council decide to maintain the current taxi meter drop rate at \$3.90
- (b) That Council refer back to Staff to consider a flexible taxi meter rate to be included in the Q2 Taxi Report as seen in other municipalities.

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

**Economic Prosperity and Growth**

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

**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 PED22105 - Draft By-law to amend the City of Hamilton’s By-Law 07-170

DS:eo

**Appendix "A" to Report PED22105**

**Page 1 of 1**

**Authority:** Item ,  
Report (PED22105)  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO. 22-XXX**

**To Amend By-law No. 07-170, Being a By-law to Licence and Regulate Various Businesses**

**WHEREAS** Council enacted By-law 07-170, Being a By-law to Licence and Regulate Various Businesses;

**AND WHEREAS** Council for the City of Hamilton recognizes the importance of providing opportunities for the taxi industry to maintain operational efficiency due to fuel pricing inflation by increasing the Taxi Meter Rate under By-law 07-170

**AND WHEREAS;** this By-law amends By-law No. 07-170.

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

1. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.

Appendix 1, Schedule 25 of By-law No. 07-170 is hereby amended by deleting the amount of "\$3.90" in the first listed item and replacing it with "\$4.90"

2. That in all other respects, By-law No. 07-170 is confirmed.
3. That the provisions of this By-law shall take full force and effect on its day of passing.

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

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

\_\_\_\_\_  
J. Pilon  
City Clerk

# CITY OF HAMILTON MOTION

Planning Committee: April 25th, 2022

**MOVED BY COUNCILLOR J.P DANKO.....**

**SECONDED BY COUNCILLOR .....**

**Demolition Permit for 73 and 77 Stone Church Road West and 1029 West 5<sup>th</sup> Street - Demolition of Three Single Family Dwellings in Preparation for new Development**

WHEREAS the owner has received conditional site plan approval and is currently working through site plan approvals;

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 73 and 77 Stone Church Road West and 1029 West 5<sup>th</sup> Street, 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 the conditions of section 6(a), (b), and (c) of the Demolition Control By-law 09-208.



# CITY OF HAMILTON MOTION

Planning Committee: April 25, 2022

**MOVED BY COUNCILLOR L. FERGUSON.....**

**SECONDED BY COUNCILLOR .....**

**Demolition Permit for 387, 397, 405 and 409 Hamilton Drive, Ancaster**

WHEREAS, the developer of the subject property has assumed a previously submitted application for a Zoning By-law Amendment and Draft Plan of Subdivision (File Nos. ZAC-18-048 / 25T-201809) to permit the development of a residential plan of subdivision for 17 single detached residential lots and a stormwater management pond;

WHEREAS the subject properties on Hamilton Drive in Ancaster have homes and garages that have been vacant and boarded up for years;

WHEREAS demolition permits are being requested to alleviate ongoing trespass and vandalism issues associated with these vacant structures while planning issues are being resolved;

THEREFORE BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demotion permits for 387, 397, 405 and 409 Hamilton Drive, Ancaster, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.