



## City of Hamilton PLANNING COMMITTEE ADDENDUM

**Meeting #:** 22-013  
**Date:** August 9, 2022  
**Time:** 9:30 a.m.  
**Location:** Council Chambers  
Council Chambers, Hamilton City Hall  
71 Main Street West

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

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Pages

### 6. DELEGATION REQUESTS

- \*6.2. Delegation Requests for 11-30 Lakeside Drive and 81 Waterford Cres (Item 10.1) (For today's meeting)
- (i) Silvana Puddu (in person)
  - (ii) Prem Galagoda (in person)
  - (iii) Ira Idzkowski (in person)
  - (iv) David Neligan (virtual)
  - (v) Peter van Hazel (in person)

### 9. PUBLIC HEARINGS / DELEGATIONS

- 9.3. Application for a Zoning By-law Amendment for Lands Located at 154 Wilson Street East, Ancaster (PED22165) (Ward 12)
- \*a. Added Registered Delegations:
    - (i) Bob Maton, Ancaster Village Heritage Community (virtual)
  - \*b. Added Written Submissions:
    - (i) Bob Maton, Ancaster Village Heritage Community

- 9.4. Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED22171) (Ward 6)

- \*a. Added Written Submissions: 5
  - (i) Rob MacFarlane, Zelinka Priamo LTD.
  - (ii) Nancy Frieda and Joseph M. Liberatore, GSP Group Inc.

9.5. Application for Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 1842 King Street East, Hamilton (PED22139) (Ward 4)

b. Written Submissions:

- \*a. Added Written Submissions 14
  - (iii) Randy McClelland
  - (iv) Robert Fuciarelli
  - (v) Michael Howie and Kate Young

9.6. Process, Staffing and Fee Changes to Implement Bill 13 and Bill 109 (PED22112(c)) (City Wide) (REVISED TITLE)

a. Written Submissions:

- \*a. Added Written Submissions 18
  - (ii) West End Home Builders' Association

9.8. Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 405 James Street North, Hamilton (PED22155) (Ward 2)

- \*a. Added Registered Delegations: 20
  - (i) Bryan Ritskes, Harbour West Neighbours (in person)
  - (ii) Keven Piper (virtual)
  - (iii) Andrew Robinson, North End Neighbourhood Association (virtual)
  - (iv) Robert Koch (virtual)
- \*b. Added Written Submissions: 28
  - (i) Bryan Ritskes, Harbour West Neighbours

**12. NOTICES OF MOTION**

- \*12.1. Demolition Permit for 708 Rymal Road East 31

Bob Maton, PhD

August 8<sup>th</sup>, 2022

Dear Planning Committee and Council:

Re: Development Proposal for 154 Wilson Street East  
To be presented to Planning Committee August 9<sup>th</sup>, 2022

Since I became President of Ancaster Village Heritage Community, nearly three years ago now, we've been preoccupied with preventing the demolition of our precious Village, its heritage, and its history. We've also been trying to stop its replacement by massive buildings more suitable to the downtown of a city than to a heritage Village established in the late 1700s, much of which remains.

This is our Ancaster, with its heritage architecture and its sense of history, culture, natural landscape and place. What we've been missing is the opportunity to develop a positive vision of Old Ancaster, what should be happening there, what the experience of walking in the Village should be like - whether people are visiting, or for folks living close by in the neighbourhoods.

The Village is fragile. It needs care, for many reasons that have already been pointed out by Councillor Ferguson, and it is important not to undermine Ancaster's sense of community and its sense of being part of the city.

We need to avoid putting too much strain on the natural ecology, the infrastructure, and traffic, which are at or close to capacity. A new vision could be built on Ancaster's strengths of talented people, history, a culture of caring, and our natural landscape. I believe we should work on reviving the local economy in Ancaster by taking advantage of these strengths. Ancaster could be an important source of economic revival to the city if we go about it thoughtfully.

The development before you today might be the beginning of such a vision for Old Ancaster. The lot is difficult to develop. It is extremely long and narrow, running between Wilson Street and the Hamilton Golf and Country Club. The original proposal for the land, presented two years ago, was an apartment condo that would have filled the lot and gone up to 5 storeys at the rear, and would have overlooked neighbours on Golf Links Road and the maintenance facilities of the Golf Club. The golf club often starts up its noisy machinery at 5:00 in the morning, and we're told it had strong objections to the original proposal.

The new proposal of 10 x 3- storey townhouses, accessed by a laneway along the length of the property, is much more suitable. Setbacks protect the neighbours

from overlook, there is adequate parking, and the location is excellent, with access to retail, restaurants, recreation facilities and walking trails close by.

Nevertheless, there are still a number of concerns.

1. First, the height @ 12.6 meters is a significant departure from the Secondary Plan and from the bylaws. This will be a significant imposition on Wilson Street. I ask that the Committee require a 10.5 meter height limit for at least the first three townhomes to soften the impact on the roadway.
2. The first townhouse will be located about 2.5 meters from the new right of way, which is not adequate under the bylaws.
3. The townhouses are architecturally uninteresting and do not conform to the Secondary Plan design guidelines. I ask that the developer conform the design to the heritage context as required by the design guidelines, at least for the townhouses abutting Wilson Street.

I agree with this plan but have concerns.

Thank you,

Bob Maton



**VIA EMAIL**

August 8, 2022

The City of Hamilton  
71 Main St. W  
Hamilton, ON  
L8P 4Y5

Attention: Ms. Andrea Holland, Clerk

Committee, Mayor, and Members of Council

**Re: City Files: UHOPA-21-012 and ZAC-21-026  
Wellings Planning Consultants Inc. on behalf of Royal Living  
Development Group Inc.  
Preliminary Comments for CP REIT Ontario Properties Limited and  
Loblaws Inc.  
705 and 713 Rymal Road East  
Hamilton, ON**

**Our File: CHO/GEN/14-01**

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We are the planning consultants for CP REIT Ontario Properties Limited (CP REIT) and Loblaws Inc. (collectively "client"), who are the owner and tenant of the lands municipally known as 1645 Upper Sherman Avenue, which are currently occupied by a No Frills Retail Food Store (No Frills).

**SUMMARY**

Our client has concerns with the proposed application, including relating to noise and the required mitigation measures in the context of compatibility with the existing CP REIT lands and their operation as a grocery store. As a result, based on a preliminary review by our client's consultants, **consistency with the Provincial Policy Statement and conformity with the Growth Plan and City of Hamilton Official Plan has not been demonstrated.** Accordingly, **we respectfully request that any consideration of the draft Official Plan and Zoning By-law Amendments by Council be deferred to allow for our client and their representatives to have additional discussions with Staff and the applicant.** As currently proposed, **our client objects to the subject applications on the basis that there are concerns related to compatibility with the existing development at the CP REIT lands.** Further, we suggest that a peer review be undertaken as it relates to the Noise Study submitted by the proponent for the applications.

We will continue to review the application in more detail, and subject to any further submissions by the applicant, we may provide additional comments or details with respect to the comments already provided.

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## **BACKGROUND**

Only recently was our client made aware of the proposed development applications proposed by Royal Living Development Group Inc. on the north side of Rymal Road, being applications City Files: UHOPA-21-012 and ZAC-21-026, to which our clients are the immediate neighbour.

For context, CP REIT is the landowner of 1645 Upper Sherman Avenue in Hamilton, which are immediately adjacent (to the west) of the lands subject to the applications. The lands are currently occupied by a grocery store, leased and operated by Loblaws Inc. The No Frills is oriented such that back of house operations, including loading, are concentrated towards the north/east of the site, facing in an easterly direction.

We understand that the existing No Frills store generates possible noise emissions as a part of ongoing operations. The CP REIT Lands directly interface with the proposed development by the proponent.

## **THE PROPOSED DEVELOPMENT**

According to the Staff Report PED22171, the applicant is proposing to amend the Official Plan and Zoning by-law, which would permit the development of 41 three-storey street townhouse dwellings. The concept plans depict the rear yard of the townhouses as being adjacent to the CP REIT lands, where an approximately 6.0 m setback to the building is to be provided.

## **COMPATIBILITY AND NOISE CONCERNS**

As part of the technical reports submitted in support of the proposed OPA and ZBA, a Noise & Vibration Assessment ("Noise Study") was prepared by the proponent's consultants.

Our client retained the services of a professional noise consultant, Aercoustics, to undertake a preliminary review of the Noise Study prepared by the proponent. Based on the preliminary review, Aercoustics has advised CP REIT that the existing operations of the CP REIT Lands may not be sufficiently captured by the proponent's analysis. As noted above, the existing No Frills store generates noise as a part of routine operations.

Due to the timing of our client becoming aware of the application and the requested comment deadline for the Public Meeting, our review is preliminary. However based on this review, CP REIT and Loblaws request that the application be deferred until such time as a sufficient review of the potential compatibility concerns is undertaken by the proponent, with appropriate regard for the CP REIT land's existing operations. Our suggestion is that a peer review of the Noise Study be undertaken prior to consideration of the application.

Based on the noise consultant's review of the proposed applications our preliminary comments are as follows:

1. The development proposes 3-storey dwellings as outlined by Staff Report PED22171. However, the Noise Impact Study for the proposed development depicts the proposed development as only 2-storeys. It should be clarified whether 2 or 3 storeys are proposed to be permitted and the noise report updated accordingly;
2. The Noise Impact Study for the proposed development does not appear to assess the commercial noise impact from the No Frills. Section 2.0 of the report

notes the commercial lot including No Frills as *“This commercial development was required by the City of Hamilton and MOE Publication NPC-300 entitled “Stationary & Transportation Sources-Approval & Planning guidelines, that prior to site plan approval the commercial property met specific noise mitigation criteria relevant to the existing residential zoning of the area including the proposed site development.”*

- As Aeroustics understand it, the Noise Impact Study for the proposed development is arguing that stationary noise from the commercial development is not a concern because the commercial store permitting would have required an acoustic assessment for the surrounding area, including the proposed development. We note that the No Frills store received site plan approval in 2018, prior to the proposed OPA and ZBA applications, and so consideration of the proposed residential development would not have been required for the No Frills as no application for the proponent’s lands had been made. While residential permissions in the zoning may exist, the noise assessment for the No Frills development would not specifically cover the proposed residential development plans. Accordingly, the proponent’s Noise Impact Study should have provided that detailed assessment and any recommendations for mitigation in support of the applications. In our opinion, any required noise mitigation measures from the existing commercial operations, including the existing food store, on the CP REIT lands is the responsibility of the Applicant.
3. The Noise Impact Study references the existing 4 m high noise barrier on the commercial property line as mitigating any delivery truck noise. However, there is concern regarding the proposed proximity of the proposed townhouses against the No Frills loading area and orientation of the loading bay facing the rear yard of the proposed townhouses. Given the proposed layout, certain townhouse units are likely to have direct line of sight into the No Frills loading area from their second storey windows, above the existing 4 m acoustic barrier.

## **PLANNING CONTEXT AND FRAMEWORK**

The issue of compatibility between land use is a consideration at all levels of planning policy. The Province and City of Hamilton provide direction for compatible development, including the following at a preliminary basis:

### **Provincial Policy Statement (PPS)**

The 2020 Provincial Policy Statement (PPS), issued under the authority of Section 3 of the *Planning Act*, “provides policy direction on matters of provincial interest related to land use planning and development” in order to ensure efficient, cost-effective development and the protection of resources. All decisions affecting planning matters “shall be consistent with” the PPS. Relevant policies from PPS include:

- Policy 1.1.1 states “Healthy, liveable and safe communities are sustained by: ... c) avoiding development and land use patterns which may cause environmental or public health and safety concerns”;
- Policy 1.1.3.4 states “Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety”;
- Policy 1.2.6.1 states “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”; and
- Policy 1.2.6.2 states “Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:
    - there is an identified need for the proposed use;
    - alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
    - adverse effects to the proposed sensitive land use are minimized and mitigated; and
    - potential impacts to industrial, manufacturing or other uses are minimized and mitigated.”

**As there remain outstanding concerns dealing with noise and the required mitigation measures in the context of compatibility with the existing commercial development, consistency with the PPS has not been demonstrated.**

#### **Growth Plan (2019)**

The Growth Plan was approved by the Province, with the most recent consolidation being August 2020. All decisions that affect a planning matter “will conform” to the Growth Plan. Relevant Growth Plan policies include:

- Policy 2.2.1.4 states: “Applying the policies of this Plan will support the achievement of complete communities that: ... b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes”;
- Policy 2.2.5.8 states “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”;
- Policy 2.2.5.15 states “The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities”.

**As there remain outstanding concerns dealing with noise and the required mitigation measures in the context of compatibility with the existing commercial development, conformity with the Growth Plan has not been demonstrated.**

#### **City of Hamilton Official Plan**

The City of Hamilton Official Plan addresses matters of land use compatibility through its policy. This includes F1.19.6, which identifies the requirement for the submission of studies to evaluate for compatibility, including noise studies:

- Residential intensification developments shall be evaluated based on the following criteria: the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the



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- 
- City encourages the use of innovative and creative urban design techniques (Policy B2.4.1.4d); and
- When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated: compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects (Policy B2.4.2.2b).

**As there remain outstanding concerns dealing with noise and the required mitigation measures in the context of compatibility with the existing commercial development, conformity with the City of Hamilton Official Plan has not been demonstrated.**

We would appreciate if this letter and the expression of interest from our client are put on record at the Public Meeting on August 9, 2022 and that our office be provided with notice of any and all future considerations of the application and/or decisions related thereto.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Rob MacFarlane, MPL, MCIP, RPP  
Senior Planner

- cc. CP REIT Ontario Properties Limited (via email)  
Borden Ladner Gervais LLP (via email)  
Loblaws Inc. (via email)



August 8, 2022

SHAPING GREAT COMMUNITIES

File No: 21161

City of Hamilton  
Office of the City Clerk  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

Attn: Members of Planning Committee & Council  
c/o Lisa Kelsey (Chamberlain), Dip.M.A.  
Legislative Coordinator

Re: **705 & 713 Rymal Road East, City of Hamilton  
Official Plan Amendment (UHOPA-21-012) and  
Zoning By-law Amendment Applications (ZAC-21-026)  
Meeting 22-013, Item 9.4, PED 22171**

Our client, owns 727 Rymal Road East, located approximately 27 metres east of 705 and 713 Rymal Road East. As part of the staff report and recommendations for 705 and 713 Rymal Road East, it is recommended that *“the westerly extension of Eaglewood Drive be deleted from the subject lands in the Eleanor Neighbourhood Plan.”*

Our request, on behalf of our client, is that the remainder of the ‘proposed Eaglewood Drive extension’ (±49 metres) also be deleted. This decision by Planning Committee and Council will assist with providing a decision regarding our client’s Application for Consent (HM/B-21:079) currently tabled by the Committee of Adjustment, pending a decision on the proposed road extension.

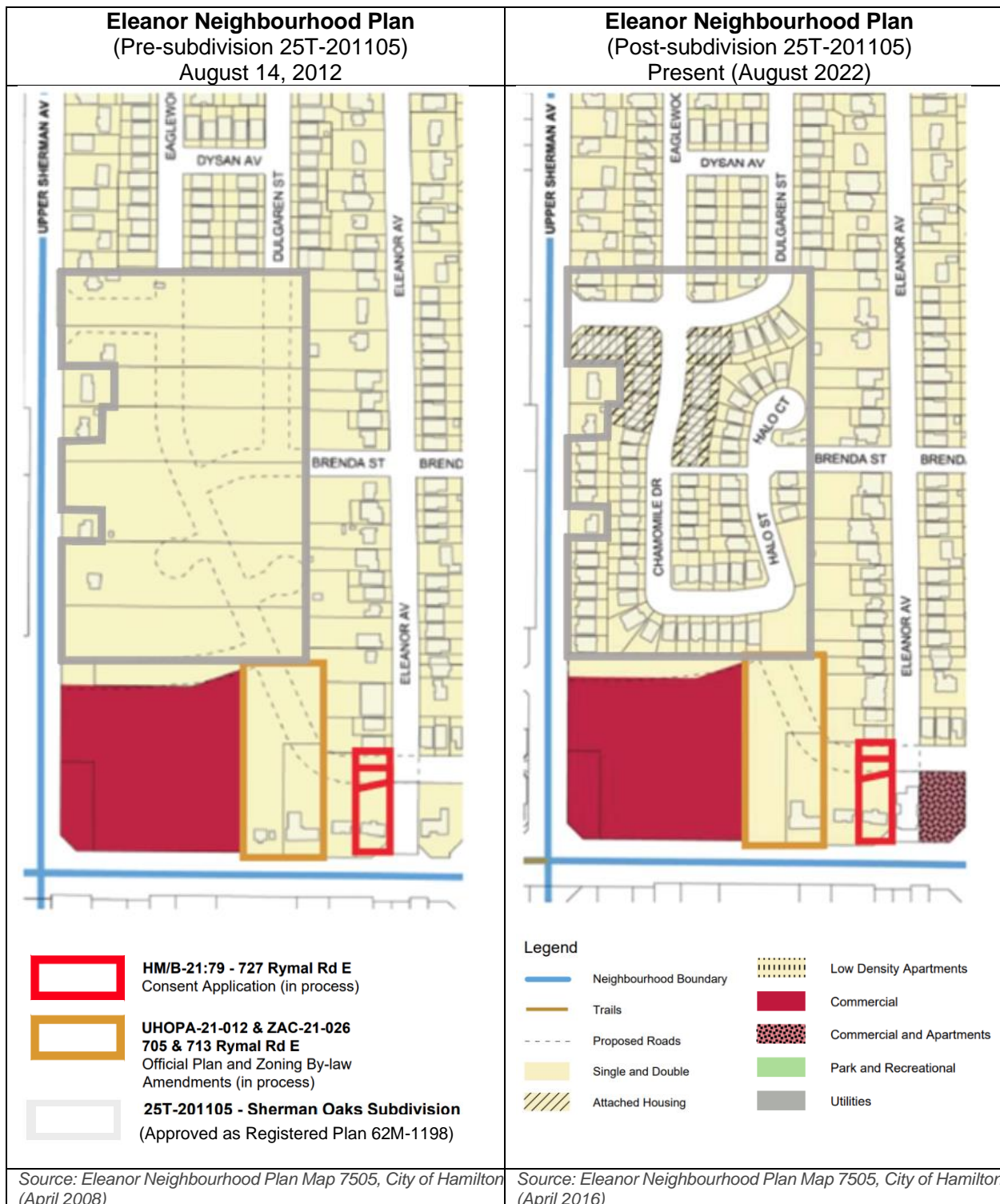
Staff have stated that redevelopment can take place with or without the last remaining portion of the proposed Eaglewood Drive extension. The construction of a cul-de-sac extension from Eleanor Avenue, in lieu of the entire Eaglewood Drive extension is an inefficient use of land, that is costly to construct and not desirable under today’s compact growth/intensification provincial and local goals.

By way of background information, in 2012, the Eleanor Neighbourhood Plan showed the extension of the existing Eaglewood Drive through the south half of the Eleanor Neighbourhood to connect with Eleanor Avenue. The Eaglewood Drive extension was eliminated on the lands tied to the approval of Plan of Subdivision 25T-201105 (62M-1198) and construction, highlighted in grey below. That left the Eleanor Neighbourhood Plan showing an unconnected road through 705 and 713 Rymal Road East and a small portion to the east, connecting to Eleanor Avenue.

At this point in time, we have been advised that a separate application is required to amend the Eleanor Neighbourhood Plan for 727 Rymal Road East. This will require a fee, a Planning Justification Brief regarding the merits of removing the proposed road extension and a separate staff report written for consideration by Planning Committee. The rationale for the deleting the last small portion of the road from the last two lots is simply that the road extension did not take place as planned and has been entirely deleted to the north. The initial proposed road alignment and planned function of the road are

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no longer relevant. Our client does not wish to build a portion of road on their lands. It does not benefit redevelopment of their lands or the lands to the west.



The Neighbourhood Plan is not part of the Urban Hamilton Official Plan and not subject to the same amendment provisions under the *Planning Act* as an Official Plan Amendment. The road can be removed from the mapping at Council’s discretion.


We agree with staff’s assessment that the proposed extension of Eaglewood Drive serves little benefit to the local road network of the Eleanor Neighbourhood.

We request that Planning Committee revise the **Recommendation (C)** of Report PED22171 as follows:

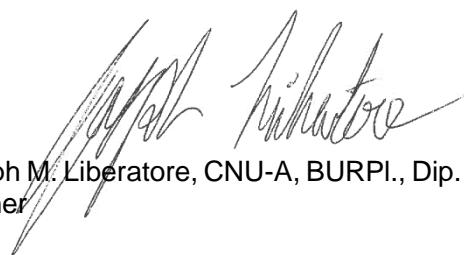
Existing Recommendation	Proposed Recommendation
<p><del>Grey highlighted strikethrough text = text to be deleted</del></p>	<p><b>Bolded text = text to be added</b></p>
<p>That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-21-012 and Zoning By-law Amendment Application ZAC-21-026, the subject lands be re-designated from “Single and Double” to “Attached Housing” and the Proposed Roads being the westerly extension of Eaglewood Drive be deleted <del>from the subject lands</del> in the Eleanor Neighbourhood Plan.</p>	<p>That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-21-012 and Zoning By-law Amendment Application ZAC-21-026, the subject lands be re-designated from “Single and Double” to “Attached Housing” and the Proposed Roads being the westerly extension of Eaglewood Drive be deleted in the Eleanor Neighbourhood Plan.</p>

We would appreciate being included on the notice list for this matter.

**GSP Group Inc.**



Nancy Friday, MCIP, RPP  
Senior Planner



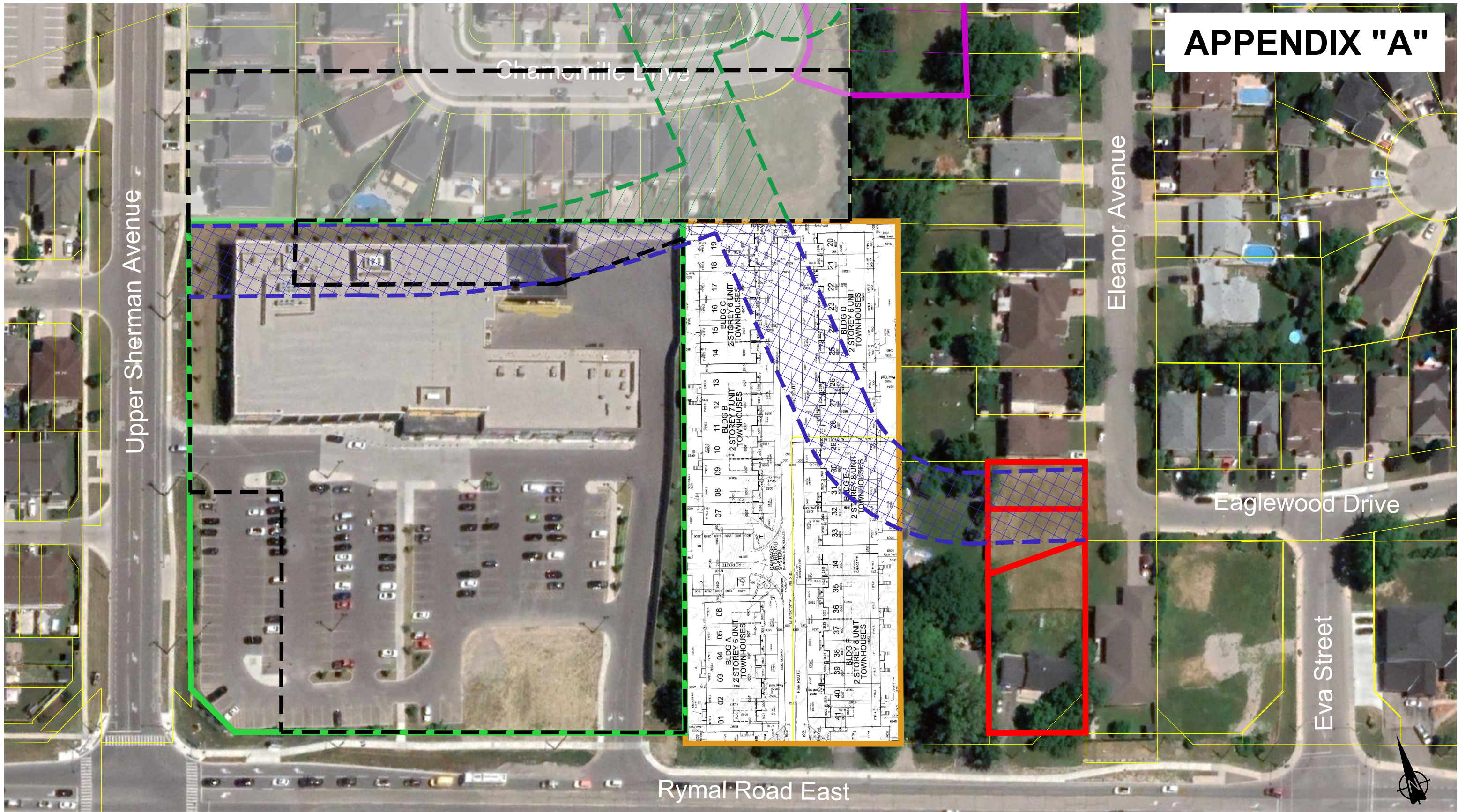
Joseph M. Liberatore, CNU-A, BURPI., Dip. GIS & Pl.  
Planner

- cc:
- Client*
  - Councillor Tom Jackson, Ward 8, City of Hamilton*
  - Mr. Glenn Wellings, Authorized Agent for Applicant, Wellings Planning*
  - Mr. Charlie Toman, Senior Project Manager, Development Planning, City of Hamilton*
  - Mr. Tim Vrooman, Senior Planner, Development Planning, City of Hamilton*
  - Ms. Christine Newbold, Manager of Community Planning, Sustainable Communities, City of Hamilton*
  - Ms. Melanie Pham, Senior Planner, Sustainable Communities, City of Hamilton*
  - Mr. Ashraf Hanna, Director of Growth Management, City of Hamilton*

Attachments: *Appendix A – Site Composite Plan*



# APPENDIX "A"



## COMPOSITE PLAN 727 RYMAL ROAD EAST, HAMILTON

- HM/B-21:79 - 727 Rymal Rd E Consent Application (in process)
- UHOPA-21-012 & ZAC-21-026 705 & 713 Rymal Rd E Official Plan and Zoning By-law Amendments (in process)
- DA-10-079 & SPA-14-118 695 & 675 Rymal Rd E Site Plan Application (Approved)
- HM/B-21:09 & HM/B-21-10 Losani Homes - Sherman Oaks Consent Application (Conditionally Approved)
- HM/B-09:32 1605 Upper Sherman Ave, 695 & 675 Rymal Rd E Consent Application (Final Approval)
- 25T-201105 - Sherman Oaks Subdivision Plan of Subdivision (Approved)

- Road Extensions extracted from 2022 Eleanor Neighbourhood Plan
- Road Extensions deleted from 2012 Eleanor Neighbourhood Plan





**Randy McLelland to speak against the application for re-zoning of 1842 King St E. (August 9, 2022)**

-I understand that the zoning by-law will be changed from institutional to residential as the city of Hamilton has made it known it requires more residential space in all of the neighbourhoods within the city limits. According to “Imagining New Communities” located on the city of Hamilton website: the Low Density Up to 60 units per hectare, Medium Density: Between 60- 100 and High Density: Between 100 and 200 (higher in key areas). The proposed 500 units more than doubles the top figure. I believe that we are not being unreasonable by asking for the limit of residential units per hectare be kept at the current maximum of 200 for all properties.

- The builder is stating this complex will fit in with the current look of the neighbourhood and I disagree. They state that 4 - 13 storey buildings would fit in since there is a 12 storey building nearby but the proposed complex will be multi level from 8 to 13 stories with no space between them and 3 levels of underground parking. This equates to 16 buildings (not just 4). I think a complex of this size would fit more in downtown Hamilton. –

- I moved here 10 years ago because this neighbourhood was very low density in nature and didn't look like downtown areas with large apartment complexes. Yes there were tall buildings but they were separate and had green space between them. These larger buildings although out of place amongst the houses and smaller buildings did not intrude upon the quaintness of the area.

- I agree with the many letters and comments made to the builder (at the zoom meeting last fall) that the construction and new residents of this complex will increase the level of: Noise, Air pollution and Traffic to an unbearable level for the current residents of Rosedale and all of Ward 4. As well the buildings will reduce sunlight to many homes, businesses and wildlife that require them. The amount of new residents to the area would also put a strain on all of the businesses, to offer adequate and necessary services to them.

- I live at # Rosedale directly adjacent to 1842 King St E and my life will change drastically if this complex is built! I will lose the majority of the enjoyment of my backyard during and after construction due to loss of sunlight, privacy, noise, dust and wildlife. When I moved here I wanted to retire and live the rest of my life here, I now doubt very much this will happen. As well it is naive to believe that the foundation of my house will not be ill affected due to the digging of the 3 storey underground parking area less than 100 ft from it. I believe my property will be greatly de-valued during construction of the complex.

-Our lives have been on hold for the last year and a half due to the uncertain outcome of this build. We were given a 30 day deadline of June 14, 2021 to submit a notarized affidavit in regard to a 2 feet land dispute at the rear of our property, it has been over a year and we have received no response even though we have followed up to their lawyers. We were contacted on September 22, 2021 (via registered mail) in regards to interest in purchasing our property by the developer of the proposed complex, we have received nothing else since. Do we own the 2 feet or not? Will they purchase our property or not? Will selling our property be at a loss or not?

- One last point my current Ward Councillor stated in a zoom meeting last fall, that this project was “going to happen so we should just learn to live with it” so is this meeting really necessary?

**From:** Bob Fuciarelli  
**Sent:** Thursday, July 28, 2022 8:48 PM  
**To:** Barnett, Daniel <[Daniel.Barnett@hamilton.ca](mailto:Daniel.Barnett@hamilton.ca)>  
**Subject:** Re: Report - 1842 King Street East

Mr. Barnett, I have reviewed what has been set to home owners in this community. Just as the previous time I wrote to Sam Merulla about everyone's concerns in this development and all I received was pages and pages that one would have to be an engineer and lawyer to figure out. My concerns are as follows: Is sewerage and water capable to accommodate such a project given the infrastructure in this area has aged. Has there been a traffic study of cars etc. entering/exiting King and Lawrence rd.? Has anyone considered to suggest for such a large population density create crime issues like home/car vandalism etc. All home owners and car insurances will escalate because insurance rates of home and your parked vehicle are determined by the area you live in. In most cases every family has two cars and believe me they will park on the streets in the area. Also, this project is nowhere near accommodating visitors parking for the magnitude of so many units. I live on Tragara South and for many yrs. Brock Students parked for free on my street and all the other streets like Barons Ave etc. It was hell on my street especially in the winter time where the City could not get up my street and plow. Every yr. I was on to the city about this matter since the beginning of Brock University. Can one imagine what hell everyone in my community will be in for. Also, the building structures are far too cramped in without any park recreation for those who occupy the dwellings let alone the buildings are far too tall. Rest assured all these concerns are not only mine but rather 95% of the residences living in the area. We all hit on the same concerns and probably many more.

Yours Truly, Robert Fuciarelli

Chair and Members of the Planning Committee

Re: Lands located at 1842 King Street East, Hamilton (PED22139)

We are residents of the Bartonville community that will be directly impacted by the development of 1842 King Street East. While intensification and development of this lot is inevitable, there are numerous infrastructure and community-level concerns not addressed appropriately within the staff report presented.

### **Concerns**

There is limited access to the proposed site from arterial roads, which will see 1,300+ new residents in this community utilizing secondary and residential roadways. For example, Kenilworth northbound is not accessible from the proposed site without going through Bartonville and utilizing residential streets. As such, accessing Main Street from the proposed site would require going to Ottawa Street or Parkdale Avenue; drivers are more likely to utilize side streets to do this. King Street is also inaccessible from Kenilworth Avenue by car while travelling southbound. Kenilworth Avenue is undergoing traffic calming measures (street parking and extended pedestrian curbs/access).

While the LRT will eventually service this area, it will still require transit users to traverse residential neighbourhoods for access from the proposed development site.

Staff reports may indicate that, statistically, the area can absorb this increased pedestrian and vehicular traffic. Realistically, without significant increases to infrastructure into the community, side streets will take the overflow. The reports indicate that the North side of King Street (across from the proposed site) is Places of Worship and Mixed Commercial. While this is true, immediately beside those places of worship and mixed commercial lots are residential streets. Prior to accepting amendments, infrastructure should be implemented to properly sustain growth and to reduce the possibility of negative outcomes for pedestrians and existing residents.

Reduction of ease of traffic can reduce the volume of traffic with time; however, until that occurs (and it has not succeeded in areas like Ward 3), residential side streets will bear the brunt of the impact.

Bicycle parking is required on site, but the bike share program relied upon by many in Hamilton does not extend east past Ottawa Street. The City's support to extend this program eastward to include areas of intensification is a reasonable expectation in response.

It can be expected that parking on site will not be adequate (as per most condo and rental buildings in Hamilton) and will overflow into the surrounding neighbourhoods. No mitigation of this is included in the amendment application. While it is appreciated that the developer will work with the City for improvements to municipal infrastructure, these upgrades should be considered and planned at this stage of the project, which can assist in offsetting the construction impacts to the local community as well.

Additionally, removal of significant green space – even if underutilized by the site owner – will have an impact on the movement of wildlife throughout the area through displacement of resources. It is reasonable to expect increased negative encounters with wildlife from area residents due to this development and steps to mitigate or educate should be implemented long before shovels go in the



ground. Required canopy coverage on the lot should be considered as well, as a mitigation effort against rising urban temperatures (heat domes), climate change, and providing for displaced wildlife.

We trust that the members of the planning committee will balance the need for growth with the protection of existing communities, to ultimately lead to sustainable, green communities that are welcoming for all residents.

Michael Howie and Kate Young

Bartonville residents

## West End Home Builders' Association

1112 Rymal Road East, Hamilton

Serving members in Hamilton and Halton Region

August 8, 2022

To:

Members of Planning Committee

**City of Hamilton**

71 Main Street West

## WE HBA Comments on Bill 109 Draft Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan to Implement Bill 13 and Bill 109 (PED22112(c))

The West End Home Builders' Association (WE HBA) is pleased to be engaged in discussions on the City of Hamilton's Official Plan Amendments to Implement Bill 13 and Bill 109. As key stakeholders and partners to the City of Hamilton, the means through which Hamilton implements this key provincial legislation has a significant impact on how our members deliver new housing supply. In a time where the CMHC,<sup>1</sup> the Federal government,<sup>2</sup> and the provincial government<sup>3</sup> have all agreed there is a need for significantly more new housing supply to resolve Ontario's housing crisis, the City of Hamilton must seize the opportunity brought forward by these two legislative pieces to streamline planning approvals, setting the framework to enable our members to bring new housing supply of all types and tenures online in an expedited fashion. Open communication and transparency are of crucial importance as we work together to resolve the crisis we find ourselves in.

While we understand the timelines specified by Bill 109 leave Council with limited time for implementation prior to the municipal election, it is our hope that the City intends to conduct fulsome industry consultation to avoid outcomes from these policy changes that would actually slow down the process. Of note, there is a clear need for continued dialogue with potential further tweaks to the proposed policies. The WE HBA has significant concerns about how the Site Plan Application process will be impacted by these changes, especially it appears there are many technical matters that remain unresolved. Full industry participation in the development of the proposed *Formal Consultation* and *Terms of Reference* structures is recommended, and WE HBA will continue to reach out to City Staff for more information as it becomes available. We would be pleased to participate in a working meeting with a few of our members to have a deep dive discussion on how to improve processes.

Finally, the private market is responsible for providing homes for 80% of all Canadians,<sup>4</sup> and by extension Hamiltonians. Right now, there are significant housing market distortions in Hamilton where young families, newcomers and young people are driving further and further outside our urban centre to find a home that meets their needs due to a lack of available housing supply. This problem is one of

<sup>1</sup> "Housing Shortages in Canada: Solving the Affordability Crisis" Cmhc-schl.gc.ca, June 23, 2022. <https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/housing-research/research-reports/accelerate-supply/housing-shortages-canada-solving-affordability-crisis>.

<sup>2</sup> "Making Housing More Affordable" Government of Canada Budget 2022, April 7, 2022. <https://budget.gc.ca/2022/report-rapport/chap1-en.html>.

<sup>3</sup> "Report of the Ontario Housing Affordability Task Force" Ministry of Municipal Affairs and Housing, February 8, 2022. <https://files.ontario.ca/mmah-housing-affordability-task-force-report-en-2022-02-07-v2.pdf>.

<sup>4</sup> "About-Affordable-Housing-In-Canada." Cmhc-schl.gc.ca, March 31, 2018. <https://www.cmhc-schl.gc.ca/en/professionals/industry-innovation-and-leadership/industry-expertise/affordable-housing/about-affordable-housing/affordable-housing-in-canada>.

the key reasons the Provincial Government saw a need for urgent provincial intervention in the municipal approvals process, and brought forward Bill 109, the *More Homes for Everyone Act*. As the City of Hamilton works towards implementation of these changes it is important to acknowledge the role the municipality can play in making their own internal process more efficient to address the housing supply crisis we find ourselves in. Decisions made today have cumulative long-term effects on the supply and cost to deliver new homes. WE HBA appreciates our working relationship with the City as collaboration between the industry and the City of Hamilton is of the utmost importance.

Kind Regards,

Michelle Diplock, [M.P.L.](#), RPP  
**Manager of Planning & Government Relations**  
West End Home Builders' Association  
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Jamesville Redevelopment:

Good afternoon. My name is Keven Piper. I live with my family in the North End Neighbourhood. I also operate my business in the neighbourhood. My background is that I have my Master's Degree in Environmental Science.

I would like to make one point to the Committee today:

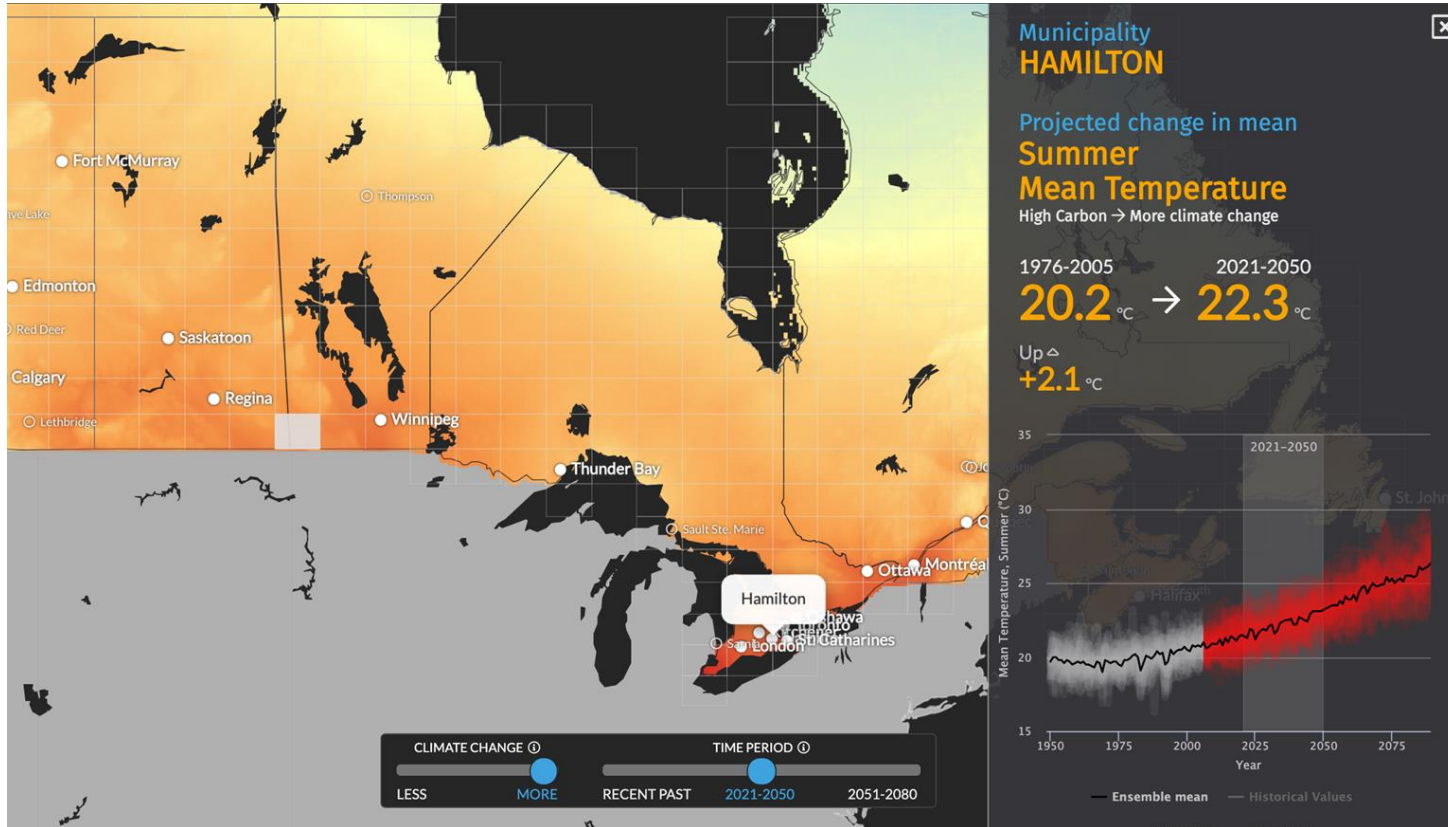
**If developments on City owned property cannot be planned to take climate change into account, no private sector developments will do that.**

Jamesville is City land. The City controls the development. As set out in the following slides, there are sound reasons to conduct a climate change audit of the proposal.

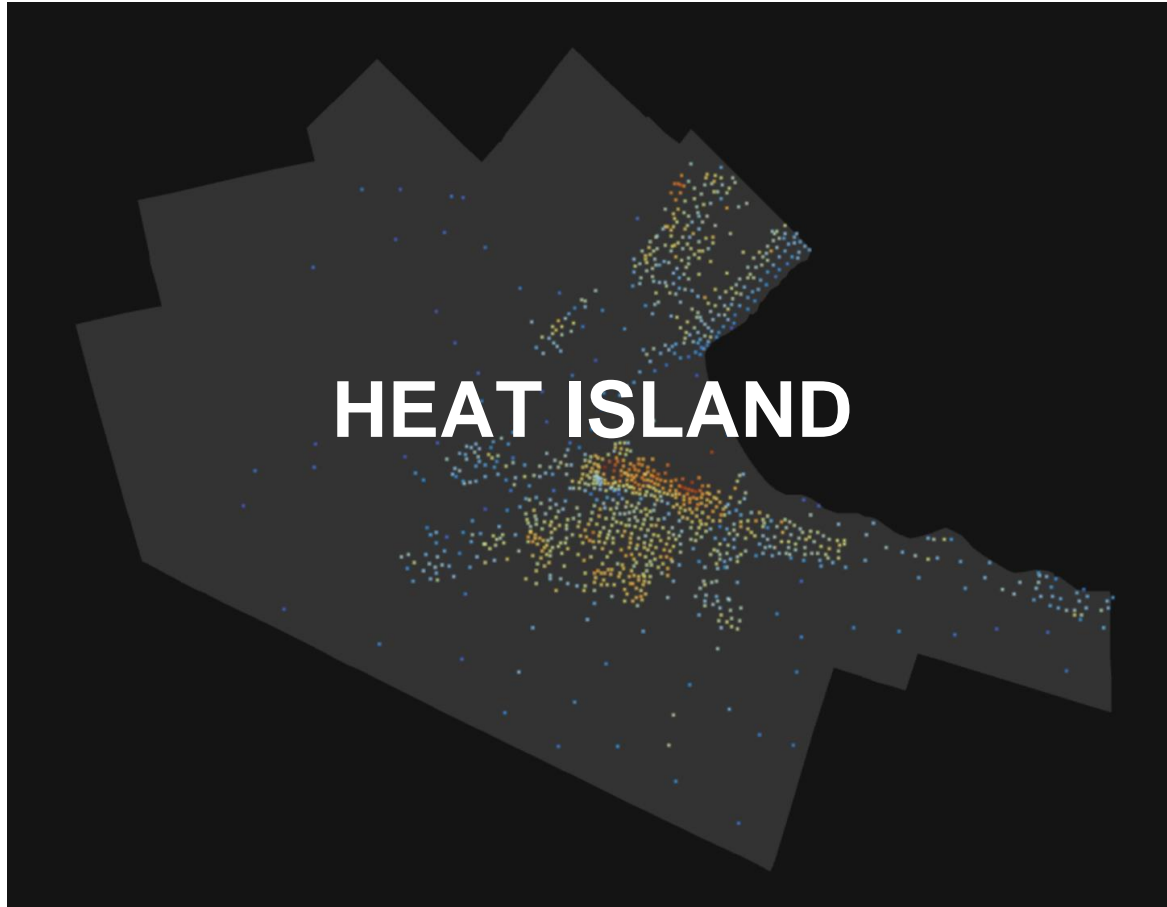
Thank you for your attention.

Keven Piper.

# Summer Temperatures



Scientists have warned for decades that if CO<sub>2</sub> emissions aren't curtailed we should expect a steady trend of hotter temperatures.



# Ancaster

Your neighbourhood is in the metropolitan area of Hamilton.

It's cooler than 72% of your metropolitan area's neighbourhoods...



... and it has more vegetation than 79% of your metropolitan area's neighbourhoods.

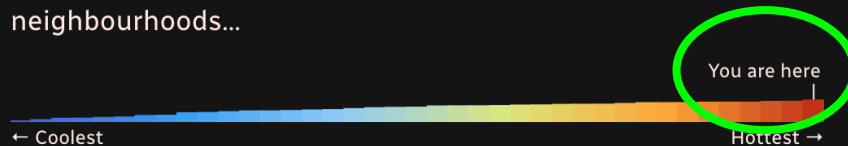


According to the latest available census data (2016), the median income in your neighbourhood (\$49,649) is higher than in 100% of your metropolitan area's neighbourhoods ...



Your neighbourhood is in the metropolitan area of Hamilton.

It's hotter than 100% of your metropolitan area's neighbourhoods...



... and it has less vegetation than 100% of your metropolitan area's neighbourhoods.



According to the latest available census data (2016), the median income in your neighbourhood (\$23,552) is lower than in 97% of your metropolitan area's neighbourhoods ...



# CITIES NEED TO EMBRACE GREEN INNOVATION NOW TO CUT HEAT DEATHS IN THE FUTURE

Published on Jul. 26, 2022, 10:02 AM

## The Conversation

Trees provide shade, [reducing temperatures by as much as 11 C to 25 C](#). They allow rain to penetrate into soil and retain water. As temperatures rise, liquid water in leaves and soils devours heat, transforming it into vapour. This transpiration and evaporation dramatically cools surrounding areas. One large tree can transpire 380 litres of water daily – the cooling equivalent of five standard air conditioners running 20 hours.





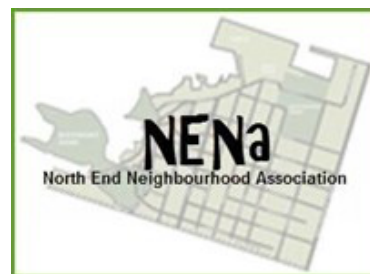
While tree canopies suffer from thousands of individual cuts, their greatest blows today are dealt during building construction when sites are razed. Costs and benefits must be effectively calculated. “Zero net loss” policies that permit a large, 50-year-old tree to be replaced by one or two seedlings are a gross loss.



# Jamesville Development Report

## NENA Planning & Traffic Committee

July 27, 2022



### Context:

The re-development of Jamesville will have a large impact on the North End, particularly on the streetscape and feel of our main street. While we appreciate the many benefits of this development, as residents of the North End our hope is to use our unique and important perspective to provide practical and meaningful feedback during the design process. Our goal is to protect the safety and liveability of our streets and advocate for the integration of our neighbourhood's unique family friendly character into new developments.

### Supported Design Elements:

1. Family sized (2+ bedroom) units are strongly supported
2. Sustainable transportation elements such as consideration for car & bike share spaces, EV charging infrastructure & secure bicycle storage on site
3. Passive building efficiency standards for the two mid-rise buildings
4. Park space at the corner of James and Strachan to provide public space & contribute to a welcoming open entrance to the neighbourhood
5. Consideration of permeable and reflective surfaces to mitigate the negative environmental effects of surface parking
6. Indication of replanting a substantial number of trees to replace the valuable canopy being lost during development of the site

### Key Concerns:

1. CHH & Indwell mid-rise buildings exceed the maximum building height of 6 stories set out in Setting Sail which contributes to issues regarding angle of plane for one of the buildings and may set a precedent for future developments along James St. North
2. The CHH building appears to cross the allowed angle of plane from the far side of James Street
3. Total surface parking and building coverage has reduced child-friendly outdoor spaces within the site (the park at the corner of James & Strachan would be too close to traffic on James)
4. Overall aesthetic design of the townhouse units has limited variation and architectural appeal lending to a more institutional than industrial feel and does not reflect the surrounding neighbourhood or streetscape
5. Garbage handling and the location of short-term parking for service vehicles isn't clear in the architectural drawings

### Other Suggestions:

1. Increase sheltered (child-friendly) greenspace within the development to improve liveability for families who will be attracted to the family sized town houses
2. Given the proximity to the GO station, perhaps a portion of the surface parking could be reduced to allow for more family friendly green space in the interior of the development
3. Green roof elements could be expanded to more of the Indwell & CHH buildings
4. A tree protection plan should be implemented for the city-owned trees that will remain along Macnab street (which should include appropriate physical barriers like fences)
5. Transparent pest control, pollution mitigation, and demolition/construction traffic route plans should be provided to neighbouring residents as soon as possible
6. Consideration should be given to the integration of ground floor commercial space in the midrise buildings along James and near the corner park (such as a coffee shop etc)





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**To: Chair and Members  
 City of Hamilton Planning Committee**

**Applications for Official Plan Amendment and Zoning By-law  
 Amendment for Lands Located at 405 James Street North,  
 Hamilton (PED22155) (Ward 2) – Statutory Public Meeting**

Harbour West Neighbours Inc. members have been involved since 2002 in a variety of planning issues relating to the North End Neighbourhood. We helped build Setting Sail, campaigned for more family housing on Pier 8, supported the City's position on James and Burlington and appealed the original approval of a 9 storey building at 476 James Street North.

The Committee will recall that HWN, working with the residents living next to 476 James Street North, negotiated a settlement with the developers resulting in a building that complied with the approved Urban Design policy approved by Hamilton Council. The settlement was for a building with a six storey height. Council approved of that settlement and the Ontario Land Tribunal also approved it as good planning.

The six storey height is very important to the future character of the North End Neighbourhood. We participated in the process that lead to Council approval of the Urban Design policy and supported it.

In connection with the Burlington James appeal, which was lost largely because City planning staff disagreed with Council and the Tribunal accepted the City planning staff



analysis. Our group funded the engagement of a planner and an urban design expert to support the City Council's position. We were represented by legal counsel throughout the hearing in support of City Council.

At that hearing, Anne McIlroy, a qualified urban design expert testified under oath that Setting Sail, interpreted through the Mobility Hub Study called for a six storey height limit on James Street.

It is simply a fact of life that if one building on James is approved at 7 stories, the next application will be for 8 or 9, and as in the case of the Burlington/James appeal, City planning staff present evidence supported a nine storey building. The neighbourhood needs this Committee to send a strong message that the height limit on James Street North of the CNR tracks is six stories. Period. Anything other than a clear simple message reinforcing that position will cause confusion and inevitable growth in the height of buildings.

Height is important along this stretch of James Street. The buildings are being built on the property line with virtually no set back. The height determines the amount of visible sky and the character of the neighbourhood. In other parts of James Street the height will be a critical issue for the houses on McNab and Hughson who's backyards will be impacted by the height of the James Street buildings.

Council approved the six storey limit when it approved the Urban Design policy for Jamesville, when it approved the settlement for 476 James Street North, and when it opposed the 9 storey building recommended by City planners.

This a simple consistent track record of Council support of the six storey limit.

What is of profound concern on the current project is that the City is both the owner and the rule maker for the site. If you agree that six stories is the proper height, then it is simply a matter of your staff advising the developer that the City will accept 6 stories.

This is not a case of a developer trying to squeeze an extra story out of a vague planning process. The proposed seven storey buildings are either publicly owner or publicly financed. Both buildings are important to the project. Both buildings can easily be six stories. There is no pressing need for the seventh storey. If approved it will set a precedent. The City as the owners of the CHH building can easily make the right decision on height. It would be surprising if Indwell did not follow your example.



A quick final word about our group. We are all members of NENa but NENa is not incorporated and does not have a right of appeal. We have worked on planning matters in the neighbourhood since 2002.

My own example is typical: Our group started working on planning for our neighbourhood in around 2002. Most of us had small children then. My son was 5. We had invested in buying a home in the north end and planned to stay here to raise our families. The work we did on Setting Sail and the traffic plan was all part of that. Our goal was to make sure that our neighbourhood stayed as a place where families with children could live. I think we accomplished that. The HWN 2002 babies are now in high school or university or at work. It has been a pretty stable place to live, particularly after we got most of the traffic calmed.

It looks like our work has paid off because there are now new family houses under construction in the neighbourhood and you see parents with baby carriages on the sidewalks again.

The neighbourhood needs your vigorous support to maintain that momentum. We endorse the position of North End Neighbourhood Association (NENa) and treat its submission to you today as part of this submission. We also agree with the Design Review Panel's concern that "the development is quite condensed with narrow spaces between TownHouses"

Please help.

Thank you.



Bryan Ritskes  
President



# CITY OF HAMILTON MOTION

Planning Committee: August 9, 2022

**MOVED BY COUNCILLOR .....**

**SECONDED BY COUNCILLOR .....**

**Demolition Permit for 708 Rymal Road East, Hamilton**

WHEREAS, the property at 708 Rymal Road East, Hamilton, has been abandoned and dilapidated for many years;

WHEREAS, the vacant property attracts untoward activity;

WHEREAS, the vacant property poses a significant threat to safety;

WHEREAS, the vacant property poses a significant liability;

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 708 Rymal Road East, Hamilton, Ontario, L8W 1B3 pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.