



City of Hamilton

PLANNING COMMITTEE REVISED AGENDA

Meeting #: 22-014
Date: September 6, 2022
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

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	
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	(vii) Dan and Susan Carreau	
	(viii) Amy Goede	
	(ix) Paul Karlhuber	
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	(i) Michele Gunn	
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13.	GENERAL INFORMATION / OTHER BUSINESS	
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	<ul style="list-style-type: none"> a. Items Requiring New Due Dates: <ul style="list-style-type: none"> 19BB - Parking Fee Review (PED19238) Current Due Date: September 6, 2022 Proposed New Due Date: September 20, 2022 19EE - Angela Riley respecting a Request for a Taxi Stand, Current Due Date: September 20, 2022 Proposed New Due Date: Late Q2 2023 22i - Luca Giuliano respecting the 12 Hour Parking Rule (Item 9.1) Current Due Date: September 6, 2022 Proposed New Due Date: November 29, 2022 	
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PLANNING COMMITTEE MINUTES

22-013

August 9, 2022

9:30 a.m.

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

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

Absent with Regrets: Councillor B. Johnson – City Business

Also in Attendance: Councillors E. Pauls, T. Jackson, R. Powers

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. To Extend and Open a Portion of Lands as Public Highway being Sonoma Lane by By-law (PED22049) (Ward 10) (Item 7.1)

(Danko/Pearson)

- (a) That the following Lands designated as Parts 1, 2, and 6, inclusive, on Plan 62R-21744 be established as a public highway to form part of Sonoma Lane;
- (b) That the By-law to incorporate the City lands to form part of Sonoma Lane be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the City Solicitor, or designate, be authorized and directed to register the By- law.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

**2. Residential Drainage Assistance Program (RDAP) (PED22164) (Ward 7)
(Item 7.2)**

(Farr/Danko)

- (a) That with respect to the properties bounded by East 37th Street, Seventh Avenue, East 36th Street and Fennell Avenue, the City implements and funds the construction of two private rear yard catch-basins (Public Portion Only), as recommended in Option 2 of the report prepared by AECOM, dated May 25, 2022, shown in Appendix "B" attached to Report PED22164, at a cost of \$44,500 for works within the Right of Way;
- (b) That with respect to the properties bounded by East 37th Street, Seventh Avenue, East 36th Street and Macassa Avenue, the City funds the costs of all Site Alteration Permits for the implementation of Option 4 as recommended in the report prepared by AECOM, dated May 25, 2022, shown in Appendix "B" attached to Report PED22164, comprised of the installation of individual soakaway pits, at a cost of \$965 per property totalling \$9,650;
- (c) That funding for work on the City Right of Way in Recommendation (a) estimated at \$44,500, as well as City permits be funded from Capital Account No. 518216, in accordance with the Residential Assistance Program (RDAP);
- (d) That funding for the work on private properties bounded by East 37th Street, Seventh Avenue, East 36th Street and Fennell Avenue; and by East 37th Street, Seventh Avenue, East 36th Street and Macassa Avenue, estimated at \$59,000 and \$48,000 respectively be apportioned among the benefiting property owners;
- (e) That prior to proceeding with any work on City property, appropriate agreements with the benefiting property owners in properties bounded by a) East 37th Street, Seventh Avenue, East 36th Street and Fennell Avenue; and b) East 37th Street, Seventh Avenue, East 36th Street and Macassa Avenue, are entered into to the satisfaction of the City Solicitor.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

3. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED22160) (City Wide) (Item 7.3)

(Pearson/Farr)

That Report PED22160 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

4. Application to Deem lands Being Blocks 131-134, Inclusive, of Registered Plan No. 62M-1085 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the Planning Act (Hamilton) (PED22157) (Ward 14) (Item 9.2)

(Pearson/Danko)

(a) That approval be given to deem lands being Blocks 131-134, inclusive, of Registered Plan No. 62M-1085, not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the Planning Act, as shown on Appendix "A" to Report PED22157, on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED22157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposal to deem Blocks 131-134, inclusive, of Registered Plan 62M-1085, not to be part of a registered plan of subdivision is consistent with the Provincial Policy Statement (2020) and complies with the Urban Hamilton Official Plan (UHOP).

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

5. Application for a Zoning By-law Amendment for Lands Located at 154 Wilson Street East, Ancaster (PED22165) (Ward 12) (Item 9.3)

(Farr/Ferguson)

- (a) That Amended Zoning By-law Amendment Application ZAC-18-058, by UrbanSolutions Planning and Land Development (c/o Matt Johnston) on behalf of T. Valeri Construction Ltd. (Owner), for a change in zoning from Existing Residential "ER" Zone to Residential Multiple "RM4-715" Zone, Modified, to permit 10, three storey townhouse dwellings on a private (condominium) road for the lands located at 154 Wilson Street East, as shown on Appendix "A" attached to Report PED22165, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED22165 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan.
 - (iv) ***That the proposal include a grass area along the curb of Wilson Street, for residents to leave garbage on pick-up day.***
 - (v) ***That the Noise Study be implemented through the Site Plan and Condominium approval stages, which includes notice in the Agreement of Purchase and Sale, and in the Condominium agreement, to ensure it's registered on title to advise future property owners of the maintenance facility of the golf club behind the proposed development.***

Result: Main Motion, As Amended, CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

6. 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) (Item 9.4)

(Danko/Pearson)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-21-012, by Wellings Planning Consultants Inc. (c/o Glenn Wellings, Applicant) on behalf of Royal Living Development Group Inc. (Alex Arbab, Owner) to establish an Urban Site Specific Policy to permit a noise barrier adjacent to a Secondary Corridor and to permit a minimum net residential density of 50 units per hectare within a medium density residential area of the Neighbourhoods Designation on lands located at 705 and 713 Rymal Road East, as shown on Appendix "A" to Report PED22171, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED22171, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment Application ZAC-21-026, by Wellings Planning Consultants Inc. (c/o Glenn Wellings, Applicant) on behalf of Royal Living Development Group Inc. (Alex Arbab, Owner) for a change in zoning from the "AA" (Agricultural) District and the "C" (Urban Protected Residential, Etc.) District to the "RT-30/S-1824" (Street - Townhouse) District, Modified, to permit 41 two-storey street townhouse dwellings on a private condominium road with a total of 52 parking spaces (one garage space per unit plus 11 visitor parking spaces) on lands located at 705 and 713 Rymal Road East, as shown on Appendix "A" to Report PED22171, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "C" to Report PED22171, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

- (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) 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 from the subject lands in the Eleanor Neighbourhood Plan.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

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

(Farr/Pearson)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-21-009 by UrbanSolutions Planning & Land Development Consultant Inc. c/o Sergio Manchia, on behalf of 1842 King St E. Inc. c/o New Horizon Development Group, (Owner), to establish a Site Specific Policy Area within the Neighbourhoods designation, to permit a 13 storey, mixed use development, with a residential density of 500 units per hectare, to restrict the maximum height to 13 storeys, and to permit commercial uses below the ground floor, for 1842 King Street East, as shown on Appendix “A” attached to Report PED22139, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22139, be adopted by 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 Revised Zoning By-law Amendment Application ZAC-21-021 by UrbanSolutions Planning & Land Development Consultant Inc. c/o Sergio Manchia, on behalf of 1842 King St E. Inc. c/o New Horizon Development

Group, Owner, for a change in zoning from Major Institutional (I3) Zone to Mixed Use Medium Density (C5, 812, H76, H77) Zone, to permit four, 13 storey multiple dwellings with commercial uses below the ground floor and, four, four storey maisonette for a total of 1,341 dwelling units, and four commercial units, for lands located at 1842 King Street East, as shown on Appendix “A” attached to Report PED22139, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22139, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law attached as Appendix “C” to Report PED22139 be added to Map No. 1139 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Growth: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the City of Hamilton Official Plan upon approval of the Official Plan Amendment No. _____;
- (iv) That the amending By-law apply the Holding Provision of section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ (H76) as a suffix to the proposed zoning for the following:
 - (1) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conversation and Parks (MECP) 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 MECP, and submission of the City of Hamilton’s current RSC administration fee;
 - (2) That the Owner submit a Functional Servicing Report to demonstrate the stormwater management, sanitary flow and water supply demand (Water Hydraulic Analysis) resulting from this development has adequate capacity in the existing municipal infrastructure system in accordance with City standards to accommodate the proposed development, to the satisfaction of the Director of Growth Management;

- (3) That the Owner make satisfactory arrangements with City's Growth Management Division and enter into an external works agreement with the City for the design and construction of any improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report, Traffic Impact Study (TIS) and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Growth Management;
 - (4) A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library;
 - (5) An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;
- (v) That the amending By-law apply the Holding Provision of section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' (H77) as a suffix to the proposed zoning for the following:
- (1) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (C5, 812) Zone except where in conflict with the following:

 - (aa) No development exceeding 1,341 dwelling units;
 - (2) Conditions for Holding Provision Removal

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

 - (aa) That the Owner submit and receive approval of an updated Transportation Impact Study where greater

than 1,341 dwelling units are proposed, to the satisfaction of the Director of Transportation Planning;

- (bb) That the Owner submit and receive approval of an updated Functional Servicing Report and Watermain Hydraulic Analysis Report where greater than 1,341 dwelling units are proposed, to the satisfaction of the Director of Growth Management.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

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

(Pearson/Partridge)

- (a) That the Bill 109 Risk Identification and Recommendations report, prepared by BMA Management Consulting Inc., dated July 2022, attached as Appendix "A" to Report PED22112(c), be approved;
- (b) That the 2023 Tariff of Fees for Planning and Engineering Development Applications, attached as Appendix "B" to Report PED22112(c) be approved and incorporated into the User Fees and Charges By-law, effective January 1, 2023;
- (c) That any fee refunds required to be issued as a result of the new Bill 109 provincial regulations be funded by the Development Fee Stabilization Reserve (Reserve No. 110086) and reported to Council annually through the annual budget process;
- (d) That the creation of two FTEs for a Solicitor and one FTE for a Legal Clerk within the Legal Services Division be referred to the 2023 Operating Budget;
- (e) That an exception be made to the City's Budgeted Complement Control (Policy No: CBP – 1) to provide the General Manager of Planning and Economic Development with the delegated authority to undertake the

following, provided that all costs are fully fee-funded and will have no impact on the levy:

- i) increasing permanent complement or increasing temporary complement beyond 24 months for staff working in development approvals;
 - ii) changing complement type (i) from Temporary to Permanent. (ii) from Temporary (less than 24 month duration) to Temporary (longer than 24 month duration) and/or (iii) deleting one position and adding a new position which would be expected to change the pay band for the new position higher by more than one band, for staff working in development approvals;
- (f) That the General Manager of Corporate Services report to Council three times per year through the regular Tax and Rate Operating Budget Variance Report on any new permanent positions created through the delegated authority;
- (g) That the Urban Hamilton Official Plan Amendment, attached as Appendix “C” to Report PED22112(c), to implement Bill 13 and Bill 109, be approved, in accordance with the requirements of the Planning Act on the following basis:
- i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “C” to Report PED22112(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (h) That the Rural Hamilton Official Plan Amendment, attached as Appendix “D” to Report PED22112(c), to implement Bill 13 and Bill 109, be approved, in accordance with the requirements of the Planning Act on the following basis:
- i) That the draft Rural Hamilton Official Plan Amendment, attached as Appendix “D” to Report PED22112(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (i) That the by-law to delegate approval authority to pass a by-law to remove a Holding symbol, for a temporary use by-law and for other minor zoning by-law amendments to the Director Planning and Chief Planner or their designate, attached as Appendix “E” to Report PED22112(c), be approved and forwarded to Council to be passed upon the draft Rural and Urban Hamilton Official Plan Amendments, attached as Appendix “C” and “D” to Report PED22112(c), becoming final and binding;

- (j) That the Bill 109 Transition Framework, attached as Appendix “I” to Report PED22112(c), be approved.

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

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

**9. Re-enactment of the Parkland Dedication By-law (PED22158) (City-wide)
(Item 9.7)**

(Danko/Farr)

- (a) That existing Parkland Dedication By-law No. 18-126 and amending By law No. 21-078, be repealed;
- (b) That the Parkland Dedication By-law attached as Appendix “A” to Report PED22158, prepared in a form satisfactory to the City Solicitor, be enacted;
- (c) That the General Manager, Planning and Economic Development, or designate, be directed to prepare and implement updated Parkland Dedication and Cash-in-Lieu of Parkland Procedures consistent with the enacted Parkland Dedication By-law.

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

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

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

- (a) That Official Plan Amendment Application UHOPA-21-014 by T. Johns Consulting c/o Katelyn Gillis on Behalf of Jamesville Redevelopment Limited Partnership, Applicant, to redesignate the subject lands from “Medium Density Residential 1” to “Medium Density Residential 2” and establish a Special Policy Area on Schedule “M-2” and to change the building height permissions on Schedule “M-4” in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit a 447 unit residential development with building heights ranging from three to seven storeys, for lands located at 405 James Street North, as shown on Appendix “A” attached to Report PED22155, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22155, 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 Revised Zoning By-law Amendment Application ZAC-21-031 by T. Johns Consulting c/o Katelyn Gillis on Behalf of Jamesville Redevelopment Limited Partnership, Applicant, for a change in zoning from the “DE/S-65” (Low Density Multiple Dwellings) District, Modified to the Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone to permit a 447 unit residential development consisting of 14, three storey (13.0 metre) multiple dwellings (stacked townhouses) and two, seven storey (24.0 metre) multiple dwellings, together with 334 parking spaces for lands located at 405 James Street North, as shown on Appendix “A” attached to Report PED22155, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED22155, 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. XX;

- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the Holding Provisions as follows:

H128. Notwithstanding Section 11.3 of this By-law, within lands zoned Transit Oriented Corridor Multiple Dwelling (TOC3, 811) Zone on Map No. 869 on Schedule “A” – Zoning Maps, and described as 405 James Street North, Hamilton, no development shall be permitted until such time as:

1. The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Environmental Noise Feasibility Study dated March 9, 2022 by Valcoustics Canada Ltd., to the satisfaction of the Director of Planning and Chief Planner;
 2. 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;
 3. The Owner submit and receive approval of a Watermain Hydraulic Analysis to identify the required upgrades to the existing watermain on Ferrie Street West, to the satisfaction of the Manager of Development Engineering Approvals;
 4. The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee;
- (c) That Council deem the lands at 405 James Street North (see Appendix “A” attached to Report PED22155) 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 PED22155 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) outlined above.

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

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

- 11. Update on Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent (Stoney Creek) (PED22150(a)) (Ward 10) (Item 10.1) (Deferred from the July 5, 2022 Planning Committee meeting)**

(Partridge/Pearson)

That Report PED22150(a) respecting Update on Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent (Stoney Creek), be received.

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

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

12. Committee of Adjustment Delegated Authority and Application Fees (PED22167) (City Wide) (Item 10.2)

(Wilson/Partridge)

- (a) That the authority to decide on routine and administrative Consent applications, and Certificates for Cancellation and Validation of Title be delegated to an appointed officer, being the Director of Planning and Chief Planner in accordance with Section 53 and 57 of the Planning Act;
- (b) That the By-law to amend By-law No. 07-300, Delegation of Consent Authority and Constituting a Committee of Adjustment as amended by By-law No. 21-151, to provide an increase for the Committee of Adjustment member honorarium and to enable Recommendation (a), attached as Appendix "A" to Report PED22167 be enacted by Council;
- (c) That the By-law to amend By-law No. 12-282 Tariff of Fees, as amended by By-law No. 19-108, attached as Appendix "B" to Report PED22167, to provide for reduced fees for the processing of routine and administrative consents, and associated process changes, be enacted by Council.

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

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

13. Urban Hamilton Official Plan Amendment (UHOPA-21-019) and Zoning By-law Amendment (ZAC-21-041) Applications for the Lands Located at 510 Centennial Parkway North (PED22129) (Ward 5) (Item 9.3) (Deferred back to Committee by Council at their July 8, 2022 meeting) (Item 10.3)

(Pearson/Partridge)

- (a) That Official Plan Amendment Application UHOPA-21-019 by Confederation Park Shopping Centres Limited and Confederation Park Shopping Centres II Limited, Owner (c/o Adam Anthony Hawkswell) for a further modification to Area Specific Policy - Area "D" in the Centennial Neighbourhoods Secondary Plan to permit the establishment of a four storey warehouse (mini storage facility), to restrict the maximum gross floor area of the mini storage use to 12,900 square metres and to permit a mini storage facility in addition to the existing maximum gross floor area cap of 45,058 square metres for all District Commercial uses, for lands

located at 510 Centennial Parkway North, as shown on Appendix “A” attached to Report PED22129, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22129, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That Zoning By-law Amendment Application ZAC-21-041 by Confederation Park Shopping Centres Limited and Confederation Park Shopping Centres II Limited (c/o Adam Anthony Hawkswell) for a further modification to the “G-1/S-1613” (Designated Shopping Centre) District, Modified, to permit a four storey, 12,482 square metre warehouse (mini storage facility) on the lands located at 510 Centennial Parkway North, as shown on Appendix “A” attached to Report PED22129, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED22129, 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 Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. _____.

Result: Motion CARRIED by a vote of 4 to 2, as follows:

NO - Ward 1 Councillor Maureen Wilson
 NO - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

14. Demolition Permit for 708 Rymal Road East (Added Item 11.1)

(Danko/Wilson)

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.

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

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

15. Organizational Design Changes in the Planning and Economic Development Department (PED22187) (City Wide) (Item 14.1)

(Pearson/Wilson)

- (a) That Report PED22187 respecting Organizational Design Changes in the Planning and Economic Development Department, be received; and
- (b) That Report PED22187 respecting Organization Design Changes in the Planning and Economic Development Department remain confidential.

Result: Motion CARRIED by a vote of 5 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

NOT PRESENT - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

6.2. 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)

2. PUBLIC HEARINGS / DELEGATIONS (Item 9)

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:

- (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) Added Written Submissions:

- (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) Added Written Submissions:

- (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:

- (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:

- (i) Bryan Ritskes, Harbour West Neighbours

3. NOTICES OF MOTION (Item 12)

12.1 Demolition Permit for 708 Rymal Road East

(Pearson/Farr)

That the agenda for the August 9, 2022 Planning Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Ferguson declared an interest with Item 9.1, Aamir Shahzad respecting Dispatch Practices of the City of Hamilton Licensed Taxicab Brokerages – Concerns, Suggestions and Removal of Anomalies, as he is an owner of taxi plate licences.

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

(i) August 3, 2022 (Item 4.1)

(Danko/Farr)

That the Minutes of the August 3, 2022 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(d) DELEGATION REQUESTS (Item 6)

(i) Various Delegations (Item 6.1 and Added Item 6.2)

(Pearson/Farr)

(a) That the following Delegation Requests respecting 510 Centennial Parkway North (Item 10.3), be approved for today's meeting, to be heard before Item 10.3 (Item 6.1):

- (i) Stuart Hasting, GSP Group (virtual)
- (ii) Adam Hawkswell and Allan Scully, SmartCentres (in person)

- (b) That the following Delegation Requests respecting 11-30 Lakeside Drive and 81 Waterford Cres (Item 10.1), be approved for today's meeting, to be heard before Item 10.1 (Added Item 6.2):
- (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)

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

- (i) **Aamir Shahzad respecting Dispatch Practices of the City of Hamilton Licensed Taxicab Brokerages - Concerns, Suggestions and Removal of Anomalies (Approved at the August 3, 2022 Planning Committee Meeting (Item 9.1))**

Aamir Shahzad addressed the Committee respecting Dispatch Practices of the City of Hamilton Licensed Taxicab Brokerages – Concerns, Suggestions and Removal of Anomalies.

(Pearson/Farr)

That the Delegation from Aamir Shahzad respecting Dispatch Practices of the City of Hamilton Licensed Taxicab Brokerages – Concerns, Suggestions and Removal of Anomalies, be received.

Result: Motion CARRIED by a vote of 3 to 0, as follows:

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

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

In accordance with the provisions of the *Planning Act*, Acting Chair Ferguson 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 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.

- (ii) **Application to Deem lands Being Blocks 131-134, Inclusive, of Registered Plan No. 62M-1085 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the Planning Act (Hamilton) (PED22157) (Ward 14) (Item 9.2)**

(Danko/Pearson)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

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

(Danko/Farr)

That the delegation from Katelyn Gillis with T. Johns Consulting, be received.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

The Chair asked whether there were any individuals in attendance who wanted to speak to this matter, and no one came forward.

(Danko/Farr)

- (a) That there were no public submissions received regarding this matter.
- (b) That the Public Meeting be Closed.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 4.

(iii) Application for a Zoning By-law Amendment for Lands Located at 154 Wilson Street East, Ancaster (PED22165) (Ward 12) (Item 9.3)

James Van Rooi, Planner I, with the Planning and Economic Development Department addressed the Committee with the aid of a PowerPoint presentation.

(Farr/Ferguson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

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

(Farr/Ferguson)

That the delegation from Matt Johnston with UrbanSolutions, be received.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

The Chair asked whether there were any individuals in attendance who wanted to speak to this matter, and no one came forward.

The following Registered Delegations addressed the Committee:

- (i) Bob Maton, Ancaster Village Heritage Community (virtual), Concerns with the proposal

(Pearson/Danko)

- (a) That the following written and oral submissions regarding this matter were received and considered by the Committee:

- (i) Registered Delegation (Item 9.3 (a))
 - (i) Bob Maton, Ancaster Village Heritage Community, Concerns with the proposal
- (ii) Written Submission (Item 9.3 (b))
 - (i) Bob Maton, Ancaster Village Heritage Community, Concerns with the proposal

- (b) That the Public Meeting be Closed.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Farr/Ferguson)

- (a) That Amended Zoning By-law Amendment Application ZAC-18-058, by UrbanSolutions Planning and Land Development (c/o Matt Johnston) on behalf of T. Valeri Construction Ltd. (Owner), for a change in zoning from Existing Residential “ER” Zone to Residential Multiple “RM4-715” Zone, Modified, to permit 10, three storey townhouse dwellings on a private (condominium) road for the lands located at 154 Wilson Street East, as shown on Appendix “A” attached to Report PED22165, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED22165 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan.

Councillor Ferguson relinquished the Chair to Councillor Danko.

(Ferguson/Danko)

That the recommendations in Report PED22165 be ***amended***, by adding sub-section (iv), as follows:

- (iv) ***That the proposal include a grass area along the curb of Wilson Street, for residents to leave garbage on pick-up day.***

Result: Amendment CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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

NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Ferguson/Farr)

That the recommendations in Report PED22165 be **amended**, by adding sub-section (v), as follows:

- (v) ***That the Noise Study be implemented through the Site Plan and Condominium approval stages, which includes notice in the Agreement of Purchase and Sale, and in the Condominium agreement, to ensure it's registered on title to advise future property owners of the maintenance facility of the golf club behind the proposed development.***

Result: Amendment CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

Councillor Ferguson assumed the Chair.

- (iv) **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) (Item 9.4)**

(Danko/Pearson)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Glenn Wellings with Wellings Planning Consultants Inc., was in attendance and indicated support for the staff report.

(Danko/Pearson)

That the delegation from Glenn Wellings with Wellings Planning Consultants Inc., be received.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

The Chair asked whether there were any individuals in attendance who wanted to speak to this matter, and no one came forward

(Danko/Pearson)

(a) That the following public submissions regarding this matter were received and considered by the Committee:

(i) Written Submissions (Item 9.4 (a))

- (i) Rob MacFarlane, Zelinka Priamo LTD., Concerns with proposal
- (ii) Nancy Frieda and Joseph M. Liberatore, GSP Group Inc., Concerns with proposal

(b) That the Public Meeting be Closed.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 6.

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

(Danko/Pearson)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Matt Johnston with UrbanSolutions Planning and Land Development Consultants, was in attendance and indicated support for the staff report.

(Danko/Pearson)

That the delegation from Matt Johnston with UrbanSolutions Planning and Land Development Consultants, be received.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

The Chair asked whether there were any individuals in attendance who wanted to speak to this matter, and no one came forward.

The following Registered Delegations (Item 9.5(a)) addressed the Committee:

- (i) Bruce Picken (in person), in Opposition to the proposal
- (ii) Randy McLelland (in person), in Opposition to the proposal
- (iii) Dave Wilson (in person), Concerns with proposal

(Danko/Pearson)

- (a) That the following written and oral submissions regarding this matter were received and considered by the Committee:
- (i) Registered Delegations (Item 9.5 (a))
 - (i) Bruce Picken, in Opposition to the proposal
 - (ii) Randy McLelland, in Opposition to the proposal
 - (iii) Dave Wilson, Concerns with proposal
 - (ii) Written Submissions (Item 9.5 (b))
 - (i) Matthew Grant, Concerns with proposal
 - (ii) Charlette Lockhart, in Opposition to the proposal
 - (iii) Randy McClelland, Concerns with proposal
 - (iv) Robert Fuciarelli, Concerns with proposal
 - (v) Michael Howie and Kate Young, Concerns with proposal
- (b) That the Public Meeting be Closed

Result: Motion CARRIED by a vote of 4 to 0, as follows:

NOT PRESENT - 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
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 7.

(vi) Process, Staffing and Fee Changes to Implement Bill 13 and Bill 109 (PED22112(c)) (City Wide) (Item 9.6)

Tiffany Singh, Planner I, Ken Coit, Manager of Heritage and Urban Design, Anita Fabac, Manager of Development Planning, Heritage & Design, and Jim Bruzzese, BMA Management Consulting Inc. addressed the Committee with the aid of a PowerPoint presentation.

(Pearson/Partridge)

That the staff presentation be received.

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

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

The Chair asked whether there were any individuals in attendance who wanted to speak to this matter, and no one came forward.

(Pearson/Partridge)

(a) That the following public submissions regarding this matter were received and considered by the Committee:

- (i) Written Submissions (Item 9.6 (a))
 - (i) Lakeside Beach Community Council, Concerns with the proposal
 - (ii) West End Home Builders' Association, Comments on the proposal

(b) 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
 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 8.

(Farr/Danko)

That the Committee recess from 12:53 p.m. to 1:30 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
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(vii) Re-enactment of the Parkland Dedication By-law (PED22158) (City-wide) (Item 9.7)

Phil Caldwell, Senior Project Manager, and Ray Kessler, Chief Corporate Real Estate Officer, addressed the Committee with the aid of a PowerPoint presentation.

(Partridge/Pearson)

That the staff presentation be received.

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

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

The Chair asked whether there were any individuals in attendance who wanted to speak to this matter, and no one came forward.

(Danko/Farr)

- (a) That there were no public submissions received regarding this matter; and,
- (b) 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
 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.

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

Mark Kehler, Senior Planner, with the Planning and Economic Development Department addressed the Committee with the aid of a PowerPoint presentation.

(Farr/Danko)

That the staff presentation be received.

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

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

Terri Johns with T. Johns Consulting was in attendance and indicated support for the staff report.

(Farr/Pearson)

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

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

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

The Chair asked whether there were any individuals in attendance who wanted to speak to this matter, and no one came forward.

The following Registered Delegations addressed the Committee:

- (i) Bryan Ritskes, Harbour West Neighbours (in person), Concerns with the proposal
- (ii) Keven Piper (virtual), Concerns with the proposal
- (iii) Andrew Robinson, North End Neighbourhood Association (virtual), Concerns with the proposal
- (iv) Robert Koch (virtual), Concerns with the proposal

(Farr/Pearson)

- (a) That the following written and oral submissions regarding this matter were received and considered by the Committee:
 - (i) Registered Delegations (Item 9.7 (b))
 - (i) Bryan Ritskes, Harbour West Neighbours, Concerns with proposal
 - (ii) Keven Piper, Concerns with proposal
 - (iii) Andrew Robinson, North End Neighbourhood Association, Concerns with the proposal
 - (iv) Robert Koch, Concerns with the proposal
 - (ii) Written Submissions (Item 9.8 (a))
 - (i) Bryan Ritskes, Harbour West Neighbours, Concerns with the proposal
- (b) 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
 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 10.

(f) DISCUSSION ITEMS (Item 10)

- (i) **Update on Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81**

Waterford Crescent (Stoney Creek) (PED22150(a)) (Ward 10) (Item 10.1) (Deferred from the July 5, 2022 Planning Committee meeting)

(Pearson/Partridge)

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
- 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

The following delegations (Added Item 6.2) addressed the Committee:

- (i) Silvana Puddu (in person) – Concerns with the proposal
- (ii) Prem Galagoda (in person) – Concerns with the proposal
- (iii) Ira Idzkowski (in person) – Concerns with the proposal
- (iv) David Neligan (virtual) – in Opposition to the proposal
- (v) Peter van Hazel (in person) – Concerns with the proposal

(Pearson/Partridge)

That the following public submissions regarding this matter were received and considered by the Committee:

(a) Written Submissions:

- (i) Ira Idzkowski, Concerns with the proposal
- (ii) Premalal Galagoda, Lakeside Drive Owners, Concerns with the proposal
- (iii) Alaa Yousif, Concerns with the proposal
- (iv) Glenn and Ulrike Cleland, Concerns with the proposal
- (v) David Neligan, Concerns with the proposal

(b) Oral Submissions:

- (i) Silvana Puddu, Concerns with the proposal
- (ii) Prem Galagoda, Concerns with the proposal
- (iii) Ira Idzkowski, Concerns with the proposal
- (iv) David Neligan, in Opposition to the proposal
- (v) Peter van Hazel, Concerns with the proposal

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

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

(Pearson/Danko)

That Report PED22150 respecting Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek (PED22150) (Ward 10), which was DEFERRED from the July 5, 2022 Planning Committee meeting to the August 9, 2022 Planning Committee meeting, be further DEFERRED to the September 6, 2022 meeting.

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

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

For further disposition of this matter, refer to Item 11.

(ii) Committee of Adjustment Delegated Authority and Application Fees (PED22167) (City Wide) (Item 10.2)

Jamila Sheffield, Secretary-Treasurer of the Committee of Adjustment, addressed the Committee with the aid of a PowerPoint presentation.

(Wilson/Partridge)

That the staff presentation be received.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko

YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 12.

- (iii) Urban Hamilton Official Plan Amendment (UHOPA-21-019) and Zoning By-law Amendment (ZAC-21-041) Applications for the Lands Located at 510 Centennial Parkway North (PED22129) (Ward 5) (Item 9.3) (Item 10.3) (Referred to Planning Committee by Council at their July 8, 2022 meeting)**

(Partridge/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
 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

The following Registered Delegations addressed the Committee:

- (i) Stuart Hastings, GSP Group, in Support of the proposal
- (ii) Adam Hawkswell and Allan Scully, SmartCentres, in support of the proposal

(Danko/Partridge)

That the following public submissions be received:

- (a) Written Submission (Item 10.3(a))
 - (i) Sarah Knoll, GSP Group, in Support of the proposal
- (b) Oral Submissions
 - (i) Stuart Hastings, GSP Group, in Support of the proposal
 - (ii) Adam Hawkswell and Allan Scully, SmartCentres, in Support of the proposal

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

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

For disposition of this matter, refer to Item 13.

(g) NOTICES OF MOTION (Item 12)

(i) Demolition Permit for 708 Rymal Road East (Added Item 12.1)

(Danko/Wilson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Demolition Permits for 708 Rymal Road East.

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

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

For disposition of this matter, refer to Item 14.

(h) PRIVATE AND CONFIDENTIAL (Item 14)

The Committee determined they did not need to move into Closed Session.

(i) Organizational Design Changes in the Planning and Economic Development Department (PED22187) (City Wide) (Item 14.1)

For disposition of this matter refer to Item 15.

(i) ADJOURNMENT (Item 15)

(Pearson/Farr)

That there being no further business, the Planning Committee be adjourned at 5:20 p.m.

Result: Motion CARRIED by a vote of 5 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
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Councillor L. Ferguson
Acting Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator

From: Lakewood Beach Community Council <LakewoodBeachCC@hotmail.com>

Sent: Friday, August 26, 2022 9:08 AM

To: Pearson, Maria <Maria.Pearson@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>

Cc: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: 05.1 LBCC re Development Applications - Capital Works Cost-Sharing Agreements / Fiscal Impacts

Lisa, please add this to an upcoming Planning Committee Agenda,

Good Morning Chair Johnson & Committee Members,

Back in the day, Staff Reports on OPA and ZBA developments applications use to include an appendix with the above agreements.

Those agreements are finalized by senior management team should Council approve the OPA/ZBA and are subject to change of course. However, at a minimum there was some public understanding on which costs might be borne by the taxpayer and which would be paid via other sources of revenue streams. Those agreements, within a Staff Report also provided Council with the opportunity to provide direction to Staff on what costs may/may not be negotiable.

We've noticed that those agreements are no longer made transparent to Committee, Council & the public and are wondering why?

It appears to us that under the Planning Act, a **prime consideration** for any application is development that is sustainable & protects the financial and economic well-being of the City. In other words, the fiscal impacts are to be considered and balanced against the other regulated directives during the decision-making process.

We are bringing this to your attention for your consideration in making the planning process more transparent by amending our planning procedures. Planning procedures that are inclusive of **all public interest matters** outlined in the Planning Act.

Thank you for your consideration,

Viv / Anna / Nancy
Lakewood Beach Community Council

From: Ulrike Cleland
Sent: Monday, August 29, 2022 3:27 PM
To: clerk@hamilton.ca; Pearson, Maria <Maria.Pearson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; jean-paul.danko@hamilton.ca; Farr, Jason <Jason.Farr@hamilton.ca>
Subject: UHOPA-17-005, ZAC-17-015, 25T-201703, Lakeside Drive

Good Afternoon

We are Glenn and Ulrike Cleland and have lived at # Lakeside Drive, Stoney Creek since 1975. We also own lot 47. Please note that our street already has all urban services including fire hydrants, with the exception of sewers.

We have some concerns with respect to the proposed development on Lakeside Drive.

We are aware that some of our concerns may be applicable to other steps in the planning process, but since this will be our only opportunity to present our issues to the Planning Committee, we request that you address them at this time.

1 (a) Sanitary Sewers.

We have been informed that one sewer connection will be provided to the lot line of each existing residence (at the developers expense), with the exception of lots 47, 48 and 50. The reasoning for not providing sewer services to lots 47, 48 and 50, has been suggested to be that we will not front on the proposed new street. Please note that lots 2, 4, 6 and 8 will be supplied with sewer connections even though they do not front on the new street either, and will not be on it for an indefinite period of time. The development of 515 Jones Road could probably take years. Note that a similar so called "temporary" status has also been suggested for the turning circle at the west end. Therefore the same sewer connection situation exists at both ends of Lakeside Drive.

As such, failure of the city to provide sewer service to lots 47, 48 and 50 while providing it to lots 2, 4, 6 and 8 would be discriminatory. Moreover such a failure would be unethical in that it would be contrary to numerous Provincial guidelines which encourage and enable residential sanitary sewer service. It is environmentally essential to complete the sanitary sewer installation to all existing residences.

We request that sanitary sewer connections to lots 47, 48 and 50 be required at the developers expense before approval.

1 (b) Sanitary Sewer Technical Options

If for any technical reason, the sewer trunk line could not be installed to the west end of Lakeside Drive, it would be essential that three sewer line connections be extended to the west from the trunk sewer at the Cul-de-sac. This option would enable lots, 47, 48 and 50 to connect to the sewer, at our own expense if necessary.

2. Existing Urban Services

The new road will have updated services, including hydro, gas, telephone, water, fire hydrants, etc. No provision has been made or even suggested for services to lots 47, 48 and 50 which would remain on the old private Lakeside Drive west end. These are services which we already have!

Please ensure that we will continue to be provided with these services at the developers expense.

3. Maintenance of Remaining West End of Lakeside Drive We have been informed that the existing west end of Lakeside Drive would continue to be privately owned by the developers. Moreover, they would be responsible for the maintenance of the remaining street with regular inspections. Please identify the specifics of the maintenance, determine when the inspections would occur and who would carry out the inspections.

4. Hoarding

Please ensure that existing residences be protected by solid hoarding, especially lot 47.

5. Drainage

Please ensure that lot 47 and also the remaining west stub end of Lakeside Drive be protected from water runoff, etc.

We look forward to meeting you on September 6, 2022.

Thank you in advance.

Sincerely,

Glenn and Ulrike Cleland

Daniel B. Artenosi
Partner
Direct 416-730-0320
Cell 416-669-4366
dartenosi@overlandllp.ca

Overland LLP
5255 Yonge St, Suite 1101
Toronto, ON M2N 6P4
Tel 416-730-0337
overlandllp.ca



August 31, 2022

VIA EMAIL

Mayor Fred Eisenberger and Members of City of Hamilton Council
City of Hamilton
71 Main St. W., 1st Floor
Hamilton, Ontario, Canada L8P 4Y5

Attention: Lisa Kelsey, Clerk, Planning Committee

Your Worship and Members of Council,

**RE: 386 Wilcox Street
Request to Planning Committee and City Council
September 6, 2022 Planning Committee Meeting
Application No. HM/B-21:97
Exemption from By-laws 06-26 & R84-026**

We are legal counsel to Slate HWF L.P. ("**Slate**"), being the owner of the property municipally known as 386 Wilcox Street in the City of Hamilton (the "**Subject Property**"). The Subject Property is more commonly known as the site of the Stelco operations in Hamilton. Slate purchased the Subject Property from Stelco Inc. ("**Stelco**") on June 1, 2022.

On behalf of our client, we are writing to request that City Council enact an amendment to By-law No. 06-26, as amended, and By-law No. R84-026, as amended, to permit an exemption to Section 5(6)-(9) of By-law No. 06-26 and similar applicable sections of By-law R84-026 for the Subject Property.

By way of background, on October 21, 2021, MacNaughton Hermsen Britton Clarkson Planning Limited filed the following two applications for consent under Section 53 of the Planning Act, R.S.O. 1990, c.P.13, as amended (the "**Planning Act**") with the City of Hamilton Committee of Adjustment:

1. an application for consent to create a new parcel within the Subject Lands (hereinafter referred to as the "**Long Term Lease Lands**") to permit a long-term lease in excess of 21 years (the "**Long-Term Lease**") between Slate, as the new owner of the Subject Property, and Stelco, as the future tenant of said parcel; and,
2. an application for consent to permit the severance and conveyance of the Long Term Lease Lands, which would be used for ongoing manufacturing industrial use by Stelco,



and to retain the balance of the Subject Property (the “**Development Lands**”) to be developed for new industrial and other employment uses (the “**Severance**”),

(collectively, the “**Consent Applications**”).

The Consent Applications were considered and approved, subject to conditions, by the Committee of Adjustment on November 25, 2021. Written notices of decision were issued by the Committee of Adjustment on December 2, 2021 (collectively, the “**Decisions**”). In accordance with the Planning Act, final consents are granted once all conditions of approval have been satisfied.

In accordance with Section 53(19) of the Planning Act, the Decisions were subject to an appeal period of 20 days following written notice of the Decisions. In both instances, the appeal period expired on December 23, 2021. There were no appeals filed in respect of the Decisions and the Decisions approving the provisional consents are now final and binding.

Conditions to Severance

The conditions imposed to the consent approving the Long Term Lease have been satisfied and the final consent has been given in accordance with the *Planning Act*.

The Decision approving the Severance imposed 11 conditions that are to be satisfied before final consent to sever is given (the “**Severance Conditions**”). Slate and its consultant team are actively working to complete the matters required to satisfy the Severance Conditions.

Condition No. 2 requires that the owner apply for and receive final approval of a zoning by-law amendment to add an (H) holding provision (the “**Holding Provision**”) on the Development Lands. An application for a zoning by-law amendment to add the Holding Provision on the Development Lands was filed on December 14, 2021. The zoning by-law amendment was approved by City Council at its meeting on April 13, 2022, and a Notice of Decision was issued on April 26, 2022. The appeal period has since expired and the zoning by-law amendment and the Holding Provision as it applies to the Development Parcel is now in full force and effect. The Holding Provision was developed through an iterative process with City Staff, in order to ensure that all aspects of master planning for the Development Lands, including as it pertains to matters of servicing, are satisfied before development proceeds on these Lands.

Condition No. 10 requires the following:

“That the owner enters into and register on title a Development Agreement and/or Joint Use Agreement, if necessary, to the satisfaction of the Manager of Engineering Approvals Section.”

Our client was recently advised by City Staff that a joint use agreement will be required to permit an interim servicing arrangement where the Development Lands and Long-Term Lease Lands are jointly serviced by the same lateral connection to the existing municipal services. These joint connections already exist and currently service the Development Lands and the Long Term Lease Lands. No new connections will be constructed. However, given that the Severance will result in the creation of a new lot, and as a result of historical joint servicing connections approved by the



City for the Subject Lands and neighbouring properties, Staff has advised that an exemption to Section 5(6)-(9) of By-law 06-026, as amended, is required for sanitary servicing and possibly storm servicing, and an exemption to similar provisions in By-law R84-026, as amended, may be required for water.

We note that this interpretation of Condition 10 was only recently raised by Staff. At the direction of Staff, our client is filing the within request for an exemption to the By-laws and provisions noted above. Following our discussions with City Staff, it is our understanding that should the Planning Committee endorse this request, City Staff will work with Slate to develop the proposed by-law amendment, including with reference to specific by-law provisions as may be necessary, for consideration of the Public Works Committee and City Council.

The timing to satisfy the Conditions and effect the Severance is critical to our client. We are requesting that this matter and the implementing By-law amendments be considered by the Planning Committee at its upcoming meeting on September 6, 2022, so that it may ultimately proceed for consideration by City Council in September 2022, before the impending municipal election.

Should you have any questions in respect of this request, please do not hesitate to contact the undersigned, or in his absence, Natalie Ast (nast@overlandllp.ca).

Yours truly,

Overland LLP

A handwritten signature in black ink, appearing to read "Daniel B. Arsenosi", written over a horizontal line.

Per: Daniel B. Arsenosi
Partner

Encl.

c. Patrick MacDonald, City Solicitor



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

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. HM/B-21:97
SUBMISSION NO. B-97/21

APPLICATION NUMBER: HM/B-21:97

SUBJECT PROPERTY: 386 Wilcox St., Hamilton

APPLICANT(S): Owner Stelco Inc. c/o Paul Simon
Applicant MHBC Planning c/o Dana Anderson

PURPOSE OF APPLICATION: To create a new parcel for long-term lease purposes in excess of 21 years. The severed lands will be used for steel manufacturing operations.

Severed lands:
182.94m[±] x 1,007.08m[±] and an area of 31.78 per ha[±]

Retained lands:
840.18m[±] x 2,233.21m[±] and an area of 287.12 per ha[±]

This application will be heard in conjunction with Application No. HM/B-21:98.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

CERTIFIED A TRUE COPY

.../2


SECRETARY - TREASURER

HM/B-21:97

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2. That the owner provides adequate reciprocal access and servicing easements between the severed and retained lands to the satisfaction of the Manager of Engineering Approvals Section, if required.
3. That the owner register on the title of the lands an adequate storm drainage easement in the City of Hamilton's favour centred over the existing 2850mm x 2100mm storm outfall to the satisfaction of, and if required by, the Manager of Engineering Approvals.
4. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
5. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

DATED AT HAMILTON this 25th day of November, 2021.

D. Smith (Chairman)

M. Dudzic

B. Charters

M. Switzer

D. Serwatak

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 2, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 2, 2022) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS December 22, 2021

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

"Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."



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

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. HM/B-21:98
SUBMISSION NO. B-98/21

APPLICATION NUMBER: HM/B-21:98

SUBJECT PROPERTY: 386 Wilcox St., Hamilton

APPLICANT(S): Owner Stelco Inc. c/o Paul Simon
Applicant MHBC Planning c/o Dana Anderson

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for a manufacturing industrial use and to retain a parcel of land for industrial and employment uses.

Severed lands:
189.94m[±] x 1,007.08m[±] and an area of 31.78 per ha[±]

Retained lands:
840.18m[±] x 2,233.21m[±] and an area of 287.12 per ha[±]

This application will be heard in conjunction with Application No. HM/B-21:97.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

1/4

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SECRETARY - TREASURER

HM/B-21:98
Page 2

2. That the Owner/Agent apply for and receive final approval of a Zoning By-law Amendment application to add a Holding Provision on the retained portion of lands to the satisfaction of the Director of Planning and Chief Planner. The Holding Provision should be applied for as follows:
 - a. Notwithstanding Section 11.5 of this By-law, on those lands zoned General Industrial (M5, 433) Zone as shown on maps 749, 750, 751, 789, 790, 791, 792, 830, 831, 832, 872, 873 of Schedule "A" – Zoning Maps and municipally known 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. Additions and alterations to existing buildings may be increased by a maximum of 5%.
 - ii. 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 when the following conditions have been satisfied:
 1. The owner submitting and implement a Concept Plan for the retained lands to the satisfaction of the Director of Planning. The Concept Plan shall include guidance on:
 - a. Precincts and the distribution of land uses and buildings within each precinct;
 - b. Road and rail network; and
 - c. Phasing.
 2. The owner submitting, receiving approval and implementation of a Site Servicing Strategy for the retained lands to the satisfaction of the Senior Director of Growth Management.
 3. The owner submitting, receiving approval and implementation of an Implementation Strategy to illustrate how the Concept Plan and Site Servicing Strategy may be implemented through additional *Planning Act* approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or applications for Site Plan Approval to the satisfaction of the Director of Planning and Chief Planner and Senior Director of Growth Management.
3. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
4. The applicant shall provide confirmation of the existing uses on the lands to be retained in order to determine compliance with the permitted uses of the "M5, E433" Zone or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

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6. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
9. That the owner provides adequate reciprocal access and servicing easements between the severed and retained lands to the satisfaction of the Manager of Engineering Approvals Section, if required.
10. That the owner enters into and register on title a Development Agreement and/or Joint Use Agreement, if necessary, to the satisfaction of the Manager of Engineering Approvals Section.
11. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

Notes:

1. Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **386 Wilcox Street, Hamilton**, and the lands to be conveyed will be assigned the address of **1055 Industrial Drive, Hamilton**.

We ask that the following be noted to the applicants:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

2. "Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

DATED AT HAMILTON this 25th day of November, 2021.

D. Smith (Chairman)

D. Serwatak

M. Switzer

M. Dudzic

B. Charters

HM/B-21:98
Page 4

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 2, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (December 2, 2022) OR THE APPLICATION SHALL BE
DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND
TRIBUNAL (OLT) MAY BE FILED IS December 22, 2021

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

IMPORTANT INFORMATION FOR CONSENTS

THE LAST DATE OF APPEAL IS:

December 22, 2021

THIS DECISION IS NOT FINAL AND BINDING AND MUST NOT BE ACTED UPON UNTIL THE PERIOD OF APPEAL HAS EXPIRED.

THE DECISION DOES NOT RELEASE ANY PERSONS FROM THE NECESSITY OF OBSERVING THE REQUIREMENTS OF BUILDING REGULATIONS, THE LICENSE BY-LAW, OR ANY OTHER BY-LAW OF THE CITY OF HAMILTON.

Appeal

53(19) Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged by the Tribunal. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (6); 2017, c. 23, Sched. 5, ss. 80, 81; 2021, c. 4, Sched. 6, s. 80 (1).

No appeal

53(21) If no appeal is filed under subsection (19) or (27), subject to subsection (23), the decision of the council or the Minister, as the case may be, to give or refuse to give a provisional consent is final. *Planning Act, R.S.O. 1990*

Where delegation

53(44) If a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents, any reference in this section to the clerk of the municipality shall be deemed to be a reference to the secretary-treasurer of the land division committee or committee of adjustment. *Planning Act, R.S.O. 1990*

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY
 - 1.1 Appeal package delivered to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
 - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
 - 1.2 Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.
 - 1.3 Appeal package must include all of the following:
 - Notice of appeal, setting out the objection to the decision and the reasons in support of the objection;
 - Ontario Land Tribunal (OLT) appeal form, this can be found by contacting Committee of Adjustment staff at cofa@hamilton.ca or at the OLT website <https://olt.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>;
 - Filing fee, the fee is currently \$400 (subject to change) and must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance;
 - All other information as required by the Appeal Form.
2. BY EMAIL AND MAIL/COURIER
 - 2.1 Electronic appeal package must be delivered by email to cofa@hamilton.ca.
 - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
 - 2.2 Physical appeal package must be delivered by mail to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
 - 2.3 Electronic appeal package must contain:
 - a copy of the notice of appeal;
 - a copy of the OLT appeal form;
 - a copy of the certified cheque or money order.
 - 2.4 Physical appeal package must contain all information as noted in Section 1.3

Questions or Information:
Contact Committee of Adjustment Staff (cofa@hamilton.ca)



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

REPORT 22-008

9:30 a.m.

Friday, August 11, 2022

Room 264, 2nd Floor, City Hall

Present:	A. Denham-Robinson (Chair), J. Brown, C. Dimitry (Vice-Chair), L. Lunsted, R. McKee, T. Ritchie and W. Rosart
Absent with Regrets:	Councillor M. Pearson – City Business K. Burke, G. Carroll
Also Present:	Megan Hobson, Built Heritage Consultant Ava Barnett, SMPL Design Studio

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 22-008 AND RESPECTFULLY RECOMMENDS:

1. **Notice of Intention to Demolish the Buildings Located at 164-168 King Street East, Hamilton, being Non-designated Properties Included in the Register of Property of Cultural Heritage Value or Interest (PED22178) (Ward 2) (Item 8.1)**
 - (a) That no action be taken in response to the Notice of Intention to Demolish the existing buildings located at 164-168 King Street East, Hamilton, properties included in the City's Register of Property of Cultural Heritage Value or Interest;
 - (b) That an Interpretation Plan and a Documentation and Salvage Report be submitted to the satisfaction and approval of the Manager of Heritage and Urban Design prior to any site plan approval;
 - (b) The properties located at 164-168 King Street East, Hamilton, be removed from the Register following demolition of the existing buildings.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

The agenda for August 11, 2022, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

No declarations of interest were made.

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

(i) July 7, 2022 (Item 4.1)

The Minutes of the July 7, 2022 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(d) CONSENT ITEMS (Item 7)

The following items were received:

- (i) Heritage Permit Review Sub-Committee Minutes - June 21, 2022 (Item 7.1)
- (ii) Education and Communication Working Group Meeting Notes (Item 7.2)
 - (a) January 5, 2022 (Item 7.2(a))
 - (b) January 19, 2022 (Item 7.2(b))
 - (c) February 2, 2022 (Item 7.2(c))
 - (d) March 2, 2022 (Item 7.2(d))
 - (e) April 6, 2022 (Item 7.2(e))
- (iii) Policy and Design Working Group Meeting Notes (Item 7.3)
 - (a) May 16, 2022 (Item 7.3(a))
 - (b) June 20, 2022 (Item 7.3(b))

(e) STAFF PRESENTATION (Item 8)

(i) Notice of Intention to Demolish the Buildings Located at 164-168 King Street East, Hamilton, being Non-designated Properties Included in the Register of Property of Cultural Heritage Value or Interest (PED22178) (Ward 2) (Item 8.1)

Megan Hobson, Built Heritage Consultant, addressed Committee with a presentation respecting Notice of Intention to Demolish the Buildings Located at 164-168 King Street East, Hamilton, being Non-designated Properties Included in the Register of Property of Cultural Heritage Value or Interest (PED22178) (Ward 2).

The Presentation respecting Notice of Intention to Demolish the Buildings Located at 164-168 King Street East, Hamilton, being Non-designated Properties Included in the Register of Property of Cultural Heritage Value or Interest (PED22178) (Ward 2), was received.

For further disposition of this matter, refer to Item 1.

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

(i) Buildings and Landscapes (Item 13.1)

Updates to properties can be viewed in the meeting recording.

The following updates, were received:

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

- (i) Tivoli, 108 James Street North, Hamilton (D) – T. Ritchie
- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – C. Dimitry
- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – G. Carroll
- (iv) 18-22 King Street East, Hamilton (D) – W. Rosart
- (v) 24-28 King Street East, Hamilton (D) – W. Rosart
- (vi) 2 Hatt Street, Dundas (R) – K. Burke
- (vii) James Street Baptist Church, 98 James Street South, Hamilton (D) – J. Brown
- (viii) Long and Bisby Building, 828 Sanatorium Road (D) – G. Carroll
- (ix) 120 Park Street, North, Hamilton (R) – R. McKee
- (x) 398 Wilson Street East, Ancaster (D) – C. Dimitry
- (xi) Lampman House, 1021 Garner Road East, Ancaster (D) – C. Dimitry

- (xii) Cathedral Boys School, 378 Main Street East, Hamilton (R) – T. Ritchie
- (xiii) Firth Brothers Building, 127 Hughson Street North, Hamilton (NOID) – T. Ritchie
- (xiv) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – R. McKee
- (xv) Former Hanrahan Hotel (former) 80 to 92 Barton Street East (I)– T. Ritchie
- (xvi) Television City, 163 Jackson Street West (D) – J. Brown
- (xvii) 1932 Wing of the Former Mount Hamilton Hospital, 711 Concession Street (R) – G. Carroll
- (xviii) 215 King Street West, Dundas (I) – K. Burke
- (xix) 679 Main Street East, and 85 Holton Street South, Hamilton (Former St. Giles Church) – D. Beland
- (xx) 219 King Street West, Dundas – K. Burke
- (xxi) 216 Hatt Street, Dundas – K. Burke
- (xxii) 537 King Street East, Hamilton – G. Carroll
- (xxiii) Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xxiv) 2235 Upper James Street, Hamilton – G. Carroll

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

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

- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland
- (ii) 2251 Rymal Road East, Stoney Creek (R) – C. Dimitry
- (iii) Former Valley City Manufacturing, 64 Hatt Street, Dundas (R) – K. Burke
- (iv) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (ND) – W. Rosart
- (v) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll
- (vi) Dunington-Grubb Gardens, 1000 Main Street East (within Gage Park) (R) – D. Beland
- (vii) St. Clair Blvd. Conservation District (D) – D. Beland
- (viii) 52 Charlton Avenue West, Hamilton (D) – J. Brown
- (ix) 292 Dundas Street East, Waterdown (R) – L. Lunsted
- (x) Chedoke Estate (Balfour House), 1 Balfour Drive, Hamilton (R) – T. Ritchie
- (xi) Binkley Property, 50-54 Sanders Blvd., Hamilton (R) - J. Brown
- (xii) 62 6th Concession East, Flamborough (I) – L. Lunsted
- (xiii) Cannon Knitting Mill, 134 Cannon Street East, Hamilton (R) – T. Ritchie
- (xiv) 1 Main Street West, Hamilton (D) – W. Rosart
- (xv) 54 – 56 Hess Street South, Hamilton (R) – J. Brown
- (xvi) 384 Barton Street East, Hamilton – T. Ritchie

- (xvii) 311 Rymal Road East, Hamilton – C. Dimitry
- (xviii) 42 Dartnell Road, Hamilton (Rymal Road Stations Silos) – G. Carroll
- (xix) Knox Presbyterian Church, 23 Melville Street, Dundas – K. Burke
- (xx) 84 York Blvd. (Philpott Church), Hamilton – G. Carroll
- (xxi) 283 Brock Road, Greensville (West Township Hall) – L. Lunsted
- (xxii) Masonic Lodge, Dundas – K. Burke
- (xxiii) Battlefield National House – R. McKee
- (xxiv) 175 Lawrence Avenue (Brickworks) – G. Carroll

(c) Heritage Properties Update (GREEN):

(Green = Properties whose status is stable)

- (i) Auchmar, 88 Fennell Avenue West, Hamilton (D) – R. McKee
- (ii) Former Post Office, 104 King Street West, Dundas (R) – K. Burke
- (iii) Rastrick House, 46 Forest Avenue, Hamilton – G. Carroll
- (iv) 125 King Street East, Hamilton (R) – T. Ritchie

(d) Heritage Properties Update (black):

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

- (i) 442, 450 and 452 Wilson Street East, Ancaster – C. Dimitry

(g) ADJOURNMENT (Item 15)

(Rosart/Lunsted)

That there being no further business, the Hamilton Municipal Heritage Committee adjourned at 10:17 a.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 6, 2022
SUBJECT/REPORT NO:	Enhancement of Digital Sign Portfolio (CM22004) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Brian MacDonald (905) 973-1527
SUBMITTED BY:	Cyrus Tehrani Chief Digital Officer & Director of Innovation, City Manager's Office
SIGNATURE:	

COUNCIL DIRECTION

In October of 2016 Council approved an Outfront Media operated Digital Billboard initiative Report FCS16082/PED16196 which included locating 10 digital signs in what were deemed suitable City owned land locations. This initiative resulted in a revenue flow of \$6.1 Million in the form of real estate land leases, in addition to over \$450,000 in permit fees over the 15-year term. Part of this engagement included the possibility of adding additional sites if suitable locations were to be identified.

Outfront has presented a proposal extending from the original initiative for one additional site (see Appendix 'A' for detailed location info), the site would be located at Wilson St. and Mason Drive (Ancaster Business Park). The proposed rent for this site has been identified through competitive intelligence review to be on the top end of rent ranges for these locations. The proposed rent for this site is \$36,800/year or \$552,000 over the 15-year contract term (inflation adjusted every 5 years). Please refer to Appendix 'B' for a detailed breakdown of rent and benefits being offered for this site.

The value of this transaction is within the delegated staff authority for real estate transactions, and therefore does not require Council approval. However, given the nature of the locations being proposed for the billboards, staff thought it prudent to bring forward this Information Report for Council's information, prior to executing any agreements. Should Council have concerns with the proposed locations, Council

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SUBJECT: Enhancement of Digital Sign Portfolio (CM22004) (City Wide) - Page 2 of 3

could give direction to not execute the agreements, or to undertake an alternative process for identifying potential partners for the proposed locations.

INFORMATION

The Strategic Partnerships Division has developed a well-established partnership with Outfront Media over the past seven years. Outfront has maintained all its financial obligations to the City despite the significant decline in sign utilization as a result of the COVID 19 pandemic. This reliability has been invaluable and benefitted the City with a significant revenue stream (\$364,000/year). Outfront continues to go above and beyond in accommodating requests from the City, including the incorporation of custom messaging on all the billboards since their installation (~\$150,000/year in-kind value), COVID related community messaging, supporting Amber Alert scenarios, sponsorship of community events and beautification of City properties (i.e. removing defunct City of Hamilton owned Valley Park recreation sign with an estimated costs savings to the city of \$75,000). The Digital Sign Portfolio is also providing the City of Hamilton with approximately \$20,000 in additional permit revenue each year.

In addition, Outfront has accommodated the City's request to remove a significant portion of end-of-life or ill-placed static billboards; to date over 40 static sites have been removed and the land renewed on which they sat. Outfront has also committed to the removal of all lower City static signs and with the addition of this new site, the digital portfolio is at a scale to remove a significant portion of static billboards throughout the lower City.

Outfront has always paid their rent on time (even through the pandemic when revenue flows were significantly impaired), taken great care (maintenance/repair) of assets on City property, and have a proven history of working very well with the City of Hamilton. Additionally, given the partnership Strategic Partnerships has been able to establish with Outfront, the rents being offered are on the high side of the range that would normally be associated with this location.

In addition, as highly detailed in the original report (Report FCS16082/PED16196) with respect to digital signage and road safety there has been no definitive correlation between road safety and the placement of digital signs. White papers conducted by the Department of Transportation, Transport Canada and the Ministry of Transportation have indicated this (as represented through detailed psychomotor and ocular – eye dwell studies). Similarly, a detailed study conducted in Ottawa and by Staff here in Hamilton, also have shown no correlation to an increase in the level of traffic related accidents after a digital sign has been installed. In some cases, there was a decrease.

Another unique aspect of this synergistic partnership is the ability for Council and the City to maintain control of the location of where these signs are located, ensuring a

**SUBJECT: Enhancement of Digital Sign Portfolio (CM22004) (City Wide) - Page 3
of 3**

consistent aesthetic and more importantly, the regulation of stringent safety and operating protocols to maintain full oversight over potential impacts (such as residential view shed).

Strategic Partnerships has consulted with Real Estate, Corridor Management, Legal and Traffic, Operations & Maintenance to ensure suitability and safety evaluation of this site and will continue to work with appropriate City divisions going forward as part of the detailed site review, safety, and installation. In addition, these sites also conform to the previously approved digital sign by-law parameters.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report CM22004 - Proposed Site Location

Appendix "B" to Report CM22004 - Detailed Lease Rent Breakdown

Ancaster Site:



Detailed Lease Rent Breakdown:

Outfront has proposed to erect a digital sign at Wilson St. and Mason Drive (Ancaster Business Park) with a yearly rent of \$36,000/year or \$552,000 over the 15-year term.

The total contract value of this partnership for all 11 signs inclusive of above is \$6.1-million over the full contract term.

Additional benefits:

- 5% of total time to be committed to CoH messaging (Estimated \$60,000/year value)
- Will be added into Amber Alert and emergency services network with other signs
- All required installation, planning and engineering, road safety capital costs and any other deemed required capital and operating costs will be paid for by Outfront Media

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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 6, 2022
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That City of Hamilton **Official Plan Amendment Application UHOPA-20-001 by T. Johns Consulting Group c/o Katelyn Gillis, on behalf of Hughson Street Baptist Church (c/o Paul Havercroft), (Owner)**, for an amendment to the West Harbour (Setting Sail) Secondary Plan to redesignate the lands from Low Density Residential to Medium Density Residential 1 with a site specific policy area, to permit a 12 unit multiple dwelling for lands located at 383 and 383 ½ Hughson Street North, as shown on Appendix “A” attached to Report PED22177, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019), as amended;
- (b) That **Amended Zoning By-law Amendment Application ZAR-20-001 by T. Johns Consulting Group (c/o Katelyn Gillis), on behalf of Hughson Street Baptist Church (c/o Paul Havercroft), (Owner)**, for a change in zoning from

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) - Page 2 of 27

Neighbourhood Institutional (I1) Zone to a Neighbourhood Institutional (I1, 815) Zone, to permit a two and three storey addition for a 12 unit multiple dwelling to the existing heritage building with 10 parking spaces, for lands located at 383 and 383 ½ Hughson Street North, as shown on Appendix “A” attached to Report PED22177, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (iii) That this By-law will comply with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. _____.

EXECUTIVE SUMMARY

The subject lands are municipally known as 383 and 383 ½ Hughson Street North. The Agent T. Johns Consulting Group (c/o Katelyn Gillis) on behalf of the Owner, Hughson Street Baptist Church (c/o Paul Havercroft), applied for a City of Hamilton Urban Official Plan Amendment and Zoning By-law Amendment to permit a multiple dwelling, a two and three storey addition to the existing heritage building on the City’s Registry and 10 parking spaces provided at grade to the rear of the subject lands. At this time, the proposed development is for a rental units.

The purpose of the City of Hamilton Official Plan Amendment Application is to redesignate the subject lands from “Low Density Residential” to “Medium Density Residential 1” with a site specific policy area in the West Harbour (Setting Sail) Secondary Plan to permit a multiple dwelling.

The purpose of the Zoning By-law Amendment Application is for a change in zoning from the Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1, 815) Zone, to permit a two and three storey addition to the existing heritage building and 10 parking spaces to the rear of the subject lands. The proposed development includes retaining the 1856 former school and church building, the removal of the rear portion of the 1925 Sunday School building, the removal of the south side entrance and the removal of the parsonage addition of the 1955 building so to construct a two and three storey addition to the existing building.

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

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) - Page 3 of 27

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- It complies with the general intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan upon adoption of the Official Plan Amendment No.____;
- The proposed development is compatible with the existing land uses in the immediate area, represents good planning by, among other things, providing a compact and efficient urban form, provides an alternative housing form in the area and supports developing a complete community; and,
- The proposal provides for the adaptive reuse of a heritage resource.

Alternatives for Consideration – See Page 27

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 amendments to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Hughson Street Baptist Church (c/o Paul Havercroft)
Applicant:	OrcreHill Development Inc. (c/o Srimonti Karmakar)
Agent:	T. Johns Consulting Group (c/o Katelyn Gillis)
File Number:	UHOPA-20-001 and ZAR-20-001
Type of Application:	City of Hamilton Official Plan Amendment and Zoning By-law Amendment

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) - Page 4 of 27

Application Details	
Proposal:	<p>The original submission was to develop an 18 unit multiple dwelling with 10 parking spaces which would be accessed through the unassumed public laneway to the rear of the property. The proposal was to build a new addition attached to the existing building and demolish a portion of the existing building. The proposal will demolish the rear portion of the 1925 Sunday School building, the removal of the south side entrance and the removal of the parsonage addition of the 1955 building and retain the remained of the existing building.</p> <p><u>Final Proposal</u></p> <p>Through the review process the proposal was modified to reduce the number of units from 18 to 12 and for the 10 parking spaces to the rear of the property to be accessed from Hughson Street North. The proposed setbacks were modified due to the inability to obtain access to the laneway at the rear of the property. The applicant changed the requested site specific modifications related to the Rear Yard Setback and Building Height. The subject site includes a registered heritage building which was reviewed as part of the application. The previous institutional building will be adaptively reused for residential units within the multiple dwelling proposed.</p> <p>(see the Preliminary Site Plan and Building Elevations attached as Appendix "D" to Report PED22177).</p>
Property Details	
Municipal Address:	383 and 383 ½ Hughson Street North, Hamilton
Lot Area:	0.13 ha
Servicing:	The subject land is serviced by municipal services.
Existing Use:	Place of Worship with supporting residential and office use.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended.

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Documents	
Official Plan Existing:	<p>“Residential”: Schedule A to the Official Plan for the City of Hamilton</p> <p>“Low Density Residential” on Schedule M-2 – General Land Use Map of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan</p>
Official Plan Proposed:	<p>“Medium Density Residential 1” with a special policy area on Schedule M-2 – General Land Use Map of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan</p>
Zoning Existing:	Neighbourhood Institutional (I1) Zone
Zoning Proposed:	Neighbourhood Institutional (I1, 815) Zone
Modifications Proposed:	<ul style="list-style-type: none"> • To only permit a multiple dwelling in conjunction with a portion of the existing heritage building on the subject lands and any proposed additions whereas a multiple dwelling is not permitted within the Neighbourhood Institutional (I1) Zone; • To require a minimum rear yard setback of 2.2 m for a multiple dwelling use; • To require a maximum building height of 13 m for a multiple dwelling use; • To allow an accessory structure having a minimum side yard setback and rear yard setback of 0.6 m whereas the minimum rear yard setback is 1.2 m; and, • To allow a fire escape or exterior staircase to encroach into a required side yard or rear yard with no maximum whereas the by-law states may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser; • Amending the definition of existing for the subject lands in order to recognize a portion of the existing heritage building.

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.

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Documents	
Modifications Proposed Continued:	<ul style="list-style-type: none"> To allow a parking space ratio of 0.6 spaces per unit except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces per unit whereas the by-law requires a parking space ratio of one space per unit except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces per unit.
Processing Details	
Received:	November 29, 2019.
Deemed Complete:	December 29, 2019.
Notice of Complete Application:	Sent to 161 property owners within 120 m of the subject lands on January 13, 2020.
Public Notice Sign:	Posted January 13, 2020 and updated on August 10, 2022.
Notice of Public Meeting:	Sent to 102 property owners within 120 m of the subject lands on August 18, 2022.
Public Comments:	No public comments received to date.
Processing Time:	1012 days from the date of receipt of applications. 228 days from the receipt of the amended applications.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Place of Worship	Neighbourhood Institutional (I1) Zone
Surrounding Land Uses:		
North	Residential dwellings	"D" (Urban Protected Residential - One And Two Family Dwellings, Etc.) District
South	Residential dwellings	"D" (Urban Protected Residential - One And Two Family Dwellings, Etc.) District

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Surrounding Land Uses Continued:

East	Bennetto Elementary School	Neighbourhood Institutional (I1) Zone
West	Residential dwellings	“DE-3” (Multiple Dwellings) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The following policies, amongst others, apply to the applications.

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

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

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

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- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The development is located within a settlement area and the development of a multiple dwelling promotes efficient use of land, transit, public services and amenities. The subject lands are serviced by a street network, various transit routes, active transportation uses and municipal infrastructure.

Cultural Heritage and Archaeology

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

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

1. In areas of pioneer Euro Canadian settlement; and,
2. Along historic transportation routes.

Notwithstanding current surface conditions, the criteria define the property as having archaeological potential. Accordingly, Section 2.6.2 of the Provincial Policy Statement applies to the subject Application.

A Stage 1 and 2 archaeological report was submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Provincial interest has yet to be signed off by the Ministry, however staff are of the opinion that the archaeology condition for the subject application has been met.

The subject property comprises a Baptist church constructed in 1856 as a school building. The subject property is included in the City’s Register of Property of Cultural Heritage Value or Interest as a non-designated property.

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A Cultural Heritage Impact Assessment (CHIA) for the subject property was completed by Megan Hobson, dated October 24, 2019 and assessed the impact of the proposed redevelopment of the 1856 church building. The proposed development includes retaining the 1856 former school and church building, the removal of the rear portion of the 1925 Sunday School building, the removal of the south side entrance and the removal of the parsonage addition of the 1955 building to facilitate the construction of an addition. A Heritage Impact Assessment (HIA) Addendum, dated July 21, 2020 was submitted and staff are satisfied that the HIA Addendum has addressed the concerns of Staff and the Policy and Design Working Group in a satisfactory manner.

The Application was considered by the Policy and Design Working Group on January 20, 2020. The Policy and Design Meeting Notes were considered by Hamilton Municipal Heritage Committee (HMHC) on August 20, 2020 as a Consent Item and were received by HMHC. At this time, the property is not on Staff's Designation Work Plan.

Staff are supportive of all the recommendations outlined in the CHIA and note that they should be implemented as part of a future site plan control application. The proposed recommendations include:

- The site's evolution from a one storey school house to a church should be commemorated on-site with a historic plaque; and,
- A Documentation and Salvage report be submitted as a condition to a site plan control application for the Sunday School, the Parsonage and conservation and incorporation of exterior and interior elements of the 'Church'.

Noise

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

The Applicant submitted a Noise Impact Study prepared by dBA Acoustical Consultants Inc., dated June 2019 for 383 Hughson Street North. The Noise Study evaluated road noise impacts from James Street North and John Street North which are major road noise sources for the site and the Canadian National Railway works yard. The Study identified potential noise impacts from vehicular traffic and the Canadian National Railway works yard. Staff have reviewed the study and have no issues for the purposes of the Official Plan and Zoning By-law Amendment applications. At the site plan control

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stage, minor revisions will be required to the applicant's proposal and warning clauses will need to be added to the undertaking.

Site Contamination

The PPS provides the following policy direction:

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

A Phase 1 Environmental Site Assessment (ESA) was submitted prepared by Peto MacCallum Ltd. Consulting Engineers dated September 2019. The Phase 1 ESA recommended that a Phase 2 ESA be required before a Record of Site Condition is completed. A Phase 2 Environmental Assessment by Peto MacCallum Ltd. Consulting Engineers dated March 2020 was submitted and the conclusion states that the chemical quality of the soil samples analysed from the site met the applicable requirements for residential/parkland/institutional uses. The report indicated there is some contaminated soil that is located in two areas of the site and to determine the extent of the contamination in these two areas further delineation and/or replicate sampling and analyses are recommended. A program of replicate sampling and/or delineation followed by site remediation and/or Risk Assessment (RA) will be required before any proposed earthwork activities commenced.

Growth Plan for the Greater Golden Horseshoe 2019, as amended

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

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

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. Have a *delineated built boundary*;
 - ii. Have existing or planned *municipal water and wastewater systems*; and,
 - 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*;

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

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

- a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,
- c) Provide a diverse range and mix of housing options, including additional residential units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are located within the Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure (Policy 2.2.1.2 a) and c)).

The proposed development contributes toward providing a diverse range and mix of housing options and makes use of existing municipal services. The proposal represents a form of residential intensification within the built-up area, in a location serviced by existing transit routes along Barton Street East (Policy 2.2.1.4 a) and c)).

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

Urban Hamilton Official Plan

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

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

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Hamilton-Wentworth Official Plan

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

Urban Area

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

- Compact urban form, including mixed use areas.

C.3.1.1 A compact higher density form, with mixed use development in identified Regional and Municipal centres and along corridors, best meets the environmental, economic principles of sustainable development.

Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development, because:

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

The proposal complies with the direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed development

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preserves and adaptively reuses an existing registered heritage building for a use that is compatible with the surrounding neighbourhood. The proposed multiple dwelling will contribute to a compact built form and represents a form of residential intensification in proximity to existing recreation, shopping and workplaces, and public transit systems.

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

City of Hamilton Official Plan

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

“Subsection A.2.1 – Residential Uses

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

2.1.9 Council will encourage the design of RESIDENTIAL areas which complement the natural features of the area and utilize energy saving measures such as, but not limited to:

- ii) Retention of existing trees and other vegetation;

Subsection A.2.8 - Central Policy Area

A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices;

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hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan; and,

- ii) Residential Uses of various housing types, including, but not limited to, single family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7 of this plan.”

The proposal is for an adaptive reuse of an existing institutional building (Place of Worship) with a proposed addition to a maximum height of three stories. The proposed multiple dwelling is located in close proximity to transit, existing institutional uses (including an elementary school and recreation centre) and downtown Hamilton amenities. The proposed residential use provides an additional form of housing which is permitted in the policies in an existing neighbourhood. The proposal was further reviewed against policy C.7 below.

“Subsection B.2.1 – Water Distribution

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

Subsection B.2.2 – Sewage Disposal

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

Subsection B.2.3 – Storm Drainage

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

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management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City.”

A Grading and Servicing Plan, Stormwater Management Report, Wastewater Generation Assessment dated March 2022 by S. Llewellyn & Associated Limited was submitted. There were no concerns with respect to establishing a multiple dwelling, however a revised Functional Servicing Report will be required at the Site Plan Control stage to address storm water management, water demand and required fire flow.

“Subsection C.7 – Residential Environmental and Housing Policy

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value;
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
 - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton Residents; and,
 - xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient.”

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

The proposal adaptively reuses an existing heritage building which encourages infilling that is complementary to the surrounding neighbourhood. The proposal also includes an addition to the rear and side of the existing building for the proposed residential development. The existing building and proposed addition is two and three storeys in height which is compatible with the adjacent residential area with adequate setbacks to protect adjacent properties from privacy and overview impacts. The two and three storey height is appropriate based on massing, setbacks and lot coverage and will not create adverse shadow impacts on the surrounding area (Policy 7.3 iii) and v)).

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

The City of Hamilton Official Plan states that when redeveloping a site it is to recognize and enhance the scale and character of the existing residential area (Policy 7.3 iii)). Natural Heritage reviewed tree resources early in the process for the subject lands and provided the following comments: Since the retention of trees informs the design, tree protection is to occur early in the process, a Tree Protection Plan (TPP) was identified to be provided at this stage (Formal Consultation FC-19-001; January 30, 2019). A revised Arborist and Tree Protection Plan has been prepared by Terrastory Environmental Consulting Inc. (Tristan Knight; certified arborist) April 2022. A total of 17 trees have been inventoried. Of these, 6 will be removed (1 tree has already been removed due to its health). The decision to retain trees is to be based on vigour, condition, aesthetics, age, and species. It is recognized that several trees on/adjacent to the properties will be retained. A Landscape Plan will be required at the Site Plan Stage to confirm compensation requirements.

Based on the foregoing, the proposal complies with the City of Hamilton Official Plan.

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

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

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

The subject lands are designated “Stable Areas” on Schedule M-1 – Planning Area and Sub-Areas. The subject lands are designated “Low Density Residential” on Schedule M-2 – General Land Use in the West Harbour (Setting Sail) Secondary Plan.

The following policies, among others, apply to the proposal.

- “A.6.3.3.1.2 The City will ensure development and redevelopment in neighbourhoods and lands surrounding West Harbour respect the type, scale and character of development identified in this plan; and,
- A.6.3.3.1.9 To encourage a broad mix of household types at varying income levels, West Harbour shall accommodate a diversity of housing types, including detached and semi-detached dwellings, and multiple dwellings.”

The proposed multiple dwelling represents a development that will maintain the scale and character of the surrounding neighbourhood. The proposed multiple dwelling is effective in providing an appropriate transition in scale to adjacent buildings with materials that respect the adjacent residential streetscape along Hughson Street North (A.6.3.3.1.2). The development promotes a range of housing types in West Harbour (A.6.3.3.1.9). The proposed development will adaptively reuse an existing building of cultural heritage significance for the purposes of residential units.

The subject lands are designated “Low Density Residential” in the West Harbour (Setting Sail) Secondary Plan. The scale and type of the proposed multiple dwelling is not permitted under Policy A.6.3.3.1.12 ii) and iii), therefore, an Official Plan Amendment is required to change the designation of the subject lands from “Low Density Residential” to “Medium Density Residential 1”.

“A.6.3.3.1.13 In Medium Density Residential 1 areas:

- i) Multiple dwellings are permitted;
- ii) The density of development shall be in the range of 60 – 150 units per gross hectare;
- iii) The height of buildings shall range from 3 to 5 storeys;

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- iv) Existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan, shall be respected;
- v) Front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;
- vi) For streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- vii) Parking areas generally shall be provided at the rear of sites or underground, with access from public streets or laneways;
- viii) Direct driveway access to individual units, garages fronting public streets and front yard parking shall not be permitted;
- ix) The main entrances to buildings shall face public streets;
- x) The design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xi) The design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.”

The proposed development is a two and three storey addition along with the adaptive reuse of the church which is permitted in the Medium Density 1 Designation (A.6.3.3.1.13 i, iii)). The proposed designation requires a minimum building height of three stories so an Official Plan Amendment application is required for the proposal. Staff are satisfied with the portion of the building proposed to be two stories in height because it is compatible with the existing two storey building being maintained on the property.

The proposed density is 92 units per hectare which complies (A.6.3.3.1.13 ii)). The parking is located to the rear of the subject lands and will have access through a driveway on Hughson Street North (A.6.3.3.1.13 iv), vi), vii), viii)). The front yard setback is in character with the area because it will maintain the existing setback of the building on-site and have the principle entrance facing Hughson Street North (A.6.3.3.1.13 ix), v)). Staff have reviewed the impacts of the proposed addition to the surrounding area and are satisfied that there are no shadow impacts to the public realm and protects the privacy of the adjacent neighbours (A.6.3.3.1.13 xii), xiii)).

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“A.6.3.3.4 Urban Design

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

- i) Create a comfortable and interesting pedestrian environment;
- ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;
- iii) Generally locate surface parking at the rear or side of buildings;
- iv) Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level; and,
- v) Ensure barrier-free access from grade level in commercial mixed use developments;

A.6.3.3.4.4 The integration of public art into the design of buildings and open spaces is strongly encouraged.”

The proposed development will maintain the existing streetscape fronting onto Hughson Street North with direct pedestrian connections at grade to contribute to a comfortable pedestrian environment (A.6.3.3.4.1 i), iv) and v)). Surface parking for the development will be located to the rear of the building (A.6.3.3.4.1 iii)).

The proposed addition is an appropriate scale for the surrounding area and the addition maintains the two and three storey massing of the existing heritage building. The massing of the building provides an appropriate transition to the one, two and three storey dwellings along Hughson Street North, Ferrie Street East, James Street North and Simcoe Street East. The development provides adequate separation to adjacent buildings and provides appropriate setbacks to the adjacent uses. There are no shadow impacts to the adjacent land uses (A.6.3.3.4.1 ii)).

Based on the foregoing, Staff are of the opinion that the proposal complies with the policies of the West Harbour (Setting Sail) Secondary Plan, subject to the proposed amendment.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) - Page 20 of 27

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Neighbourhood Institutional (I1) Zone, in the Hamilton Zoning By-law No. 05-200. The Application is for a modification to the Neighbourhood Institutional (I1) Zone to permit a 12 unit multiple dwelling with a maximum height of 3 stories and the adaptive re-use of the church. The applicant is requesting site specific modifications and an analysis of the proposed modifications is provided in the Zoning By-law Site Specific Modification Table contained in Appendix "D" attached to Report PED22177.

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
	<ul style="list-style-type: none"> • Public Works Department, Asset Management Division, Capital Budget Project; • Public Works Department, Construction, Capital Budget Projects, • Planning and Economic Development Department, Economic Development Division, Corporate Real Estate Office, and Commercial Districts and Small Business Section; • Canada Post; and, • Alectra Utilities. 	No Comment
Waste Management Operations Section, Environmental Services Division, Public Works Department	This Application has been reviewed for municipal waste collection service. As currently designed the development is not serviceable.	The Applicant will be required through the Site Plan Control application demonstrate that the proposed development will need to provide service by way of a private waste hauler and include a warning clause in all offers of purchase and sale and lease and rental agreements.

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

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) - Page 21 of 27

	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • There are no municipal tree assets on-site; therefore, no Tree Management Plan is required; • A Landscape Plan will be required, showing the placement of trees on internal/external City property; and, • The City of Hamilton's Public Tree Preservation and Sustainability Policy in conjunction with the Tree By-Law No. 15-125 requires new developments to provide payment per tree for road allowance street trees through an approved landscape plan. All street tree plantings shall be planted by the City of Hamilton, as approved through the review of a proposed street tree planting scheme. 	A landscape plan will be reviewed at the Site Plan Control Stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • The existing municipal address of 383 Hughson Street North will be retained for this development, and the municipal address of 383 ½ Hughson Street North will be retired. • Require that the address be affixed to the building and require a list of unit numbers through the letter of undertaking on the site plan. • Questioned whether the subject proposal will be Condominium Tenure? 	<ul style="list-style-type: none"> • The municipal address will be addressed at the Site Plan Control Stage; and, • At the time of the current applications, rental is proposed.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Minimal traffic will be generated on site which can be accommodated within the existing transportation network; • Transportation Planning will accept the proposed curb cut to Hughson St North as has been indicated on their site plan submitted with the Jun 2021 submission package. No driveway radii are required as the driveway will have a curb cut similar to the existing driveway; and, • Transportation Planning will review and provide comments at the future Site Plan Application stage related to a required turning plan for waste collection vehicles. Please note that it is recommended that the waste collection area be shifted easterly to allow for additional turnaround area. 	The turning plan will be reviewed at the Site Plan Control Stage.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) - Page 22 of 27

	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department Continued	<ul style="list-style-type: none"> • A Transportation Impact Study is not required for this development as minimal vehicle traffic will be generated by this development and is unlikely to have a perceptible negative impact on the area road network; and, • Transportation Planning does not require a report be submitted for this application, however the following TDM and TOD measures are required: <ul style="list-style-type: none"> a. Provide short-term and long-term bicycle parking within the property limits in accordance with the City of Hamilton Zoning By-Law No. 05-200. <p>Based on the existing 20.0 metre right-of-way along Hughson Street North no further land dedication is required.</p>	
Metrolinx	<ul style="list-style-type: none"> • The proponent shall engage a qualified consultant to prepare a Noise Study to be submitted for review and satisfaction of Metrolinx; • The owner shall register on title an environmental easement in favour of Metrolinx against the subject residential dwellings; • The owner's Solicitor shall submit a letter of undertaking to Metrolinx stipulating that a warning clause will be inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit associated with the subject application that is located within 300 metres of the railway right-of-way; and, • Please note that the Owner shall be responsible for all costs associated with the preparation and registration of agreements/undertakings/easements/warning clauses, as determined appropriate by Metrolinx, to the satisfaction of Metrolinx. 	The Noise Study will be finalized at the Site Plan Control Stage.
Development Engineering Approvals Section, Planning and Economic Development Department	<ul style="list-style-type: none"> • The proposed sanitary discharge has been calculated in accordance with the City's Development Guidelines and stormwater has been overcontrolled to account for the peak sanitary discharge. Per the revised design, CB1.1 no longer bypasses the quantity controls on site. No further comments. 	The detailed plans and studies will be reviewed at the Site Plan Control Stage.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) - Page 23 of 27

	Comment	Staff Response
Development Engineering Approvals Section, Planning and Economic Development Department Continued	<p><u>SWM report (SLA; dated: March 2022)</u></p> <ul style="list-style-type: none"> • The OGS (HS4) design calculations show user defined particle size distribution (PSD) has been used in the OGS design; however, the OGS should be designed based on ETV PSD. Please review and confirm. • In addition, section 4.2 of the report did not demonstrate how 'Level 1' stormwater quality control will be achieved for the subject site considering 50% TSS removal credit is given to the proposed OGS unit . Section 4.2 paragraph 4 mentions that subject site does not require 'Level 1' quality control; however, in this connection please note that subject site discharges to combined sewer and as per City's current practices, a site discharging to combined sewer requires 'Level 1' stormwater quality control. • Please submit OGS design calculations signed, dated and stamped by a Professional Engineer and update section 4.2 of the report as per above. <p><u>Source Water Protection (Public Works – Hamilton Water)</u></p> <ul style="list-style-type: none"> • The Phase II ESA will be reviewed and record given that the Phase I ESA recommends further investigation/remediation. This will allow for better characterization of groundwater levels onsite and resultant potential dewatering needs. Based on our desktop review, a small basement is being proposed for the development. • In order to comply with City of Hamilton Sewer Use Bylaw standards and Temporary Sewer Discharge Permit requirements, discharge location (manhole ID), peak dewatering rate (L/s), and representative water quality will be required. It is recommended to consult with the Superintendent of Environmental Monitoring and Enforcement Group within Hamilton Water as early as possible in the approval process, given that additional review may be required by Hamilton Water to verify the wastewater system could accept the quantity and/or quality of the discharge. 	

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) - Page 24 of 27

	Comment	Staff Response
Development Engineering Approvals Section, Planning and Economic Development Department Continued	<ul style="list-style-type: none"> • If dewatering is expected to exceed 50,000 L/day, registration with the Environmental Activity Sector Registry or a Permit to Take Water from the Ministry of Environment, Conservation, and Parks may be required; • Due to limited capacity in the municipal sewer system, the applicant shall demonstrate that no long-term dewatering (due to groundwater) will be conveyed to municipal sewer infrastructure. Foundations/subsurface structures shall be designed/waterproofed accordingly if they are anticipated to intercept the groundwater table during peak groundwater level periods (ie. Spring); and, • Detailed design review of the Grading and Servicing Plans will be completed at the Site Plan Control Application stage. 	

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 161 property owners within 120 metres of the subject property on January 13, 2020. A Public Notice sign was posted on the property on January 13, 2020 and updated with the public meeting date on August 10, 2022. Finally, Notice of the Public Meeting was mailed to 102 property owners within 120 metres of the subject lands on August 19, 2022.

Staff have received no written submission regarding the Applications.

Public Consultation Strategy

The Applicants submitted a Public Consultation Strategy with the initial submission of the Application. The Public Consultation Strategy identified public consultation that had already been completed, including the following:

- Open House hosted at Williams' Coffee Pub on Discovery Drive on July 29, 2019. Target audience was the immediate neighbours located on the same City block of the subject lands to introduce the proposed development. One resident located at Ferrie Street East attended; and,

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) - Page 25 of 27

- Open House hosted at the Hughson Street Baptist Church on August 27, 2019. Target audience was residents within 120 metres of the subject lands. Intent of the meeting was to present a preliminary conceptual site plan and elevations to receive public comment and feedback. The ward councillor was in attendance along with approximately 30 residents.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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

2. Official Plan Amendment

The Official Plan Amendment is to designate the subject lands to “Medium Density Residential 1” with a site specific policy area within the Setting Sail (West Harbour) Secondary Plan to permit a multiple dwelling on the subject lands. The proposed site specific policy area is required to permit a building height range of two to five stories instead of a building range of three to five stories and to retain a portion of and the external character of the existing heritage building. The proposed Official Plan Amendment can be supported as follows:

- The proposed development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, and making efficient use of land and existing infrastructure;

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) - Page 26 of 27

- The proposed development utilizes the site efficiently by redeveloping and retaining an existing heritage building on-site and adding residential uses to the neighbourhood;
- The proposed development is in close proximity to public services such as the Bennetto Elementary School and Bennetto Recreation Centre and downtown amenities; and,
- The proposed development is in proximity to transit and active transportation including the West Harbour Go Station.

Based on the foregoing, staff are satisfied that the intent of UHOP has been met and the proposed Official Plan Amendment can be supported.

3. Zoning By-law Amendment

The Zoning By-law Amendment application is for a modification to the Neighbourhood Institutional (I1) Zone in Hamilton Zoning By-law No. 05-200. The zoning by-law will permit a multiple dwelling with a maximum height of three storeys.

The proposal complies with the City of Hamilton Official Plan and general intent of the West Harbour (Setting Sail) Secondary Plan. Given that the proposed development will retain the heritage building through an addition to the building and provides residential uses to the neighbourhood while still maintaining the character of the surrounding area, staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the Neighbourhood Institutional (I1, 815) Zone which are discussed in detail in Appendix “E” to Report PED22177, are suitable for the proposed development and support the revised proposal.

The applicant has successfully demonstrated that the proposed multiple dwelling will be compatible with the surrounding area in terms of scale, form and character. The proposed site specific for the rear yard setback and increase in height for the proposed addition are compatible with the surrounding area. The reduced accessory structure setback is appropriate since the area is for a garbage enclosure. The proposed reduction in parking is supported because of its proximity to downtown and the sites access to City of Hamilton Transit. The proposed site specific related to the definition for the term existing is added in order to specify

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton (PED22177) (Ward 2) - Page 27 of 27

that a portion of the existing buildings on site is required to be maintained and incorporated as part of the development.

Therefore, Staff support the Zoning By-law Amendment application.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands could be used in accordance with the Neighbourhood Institutional (I1) Zone which permits a range of institutional uses and single detached and semi detached dwellings.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22177 – Location Map

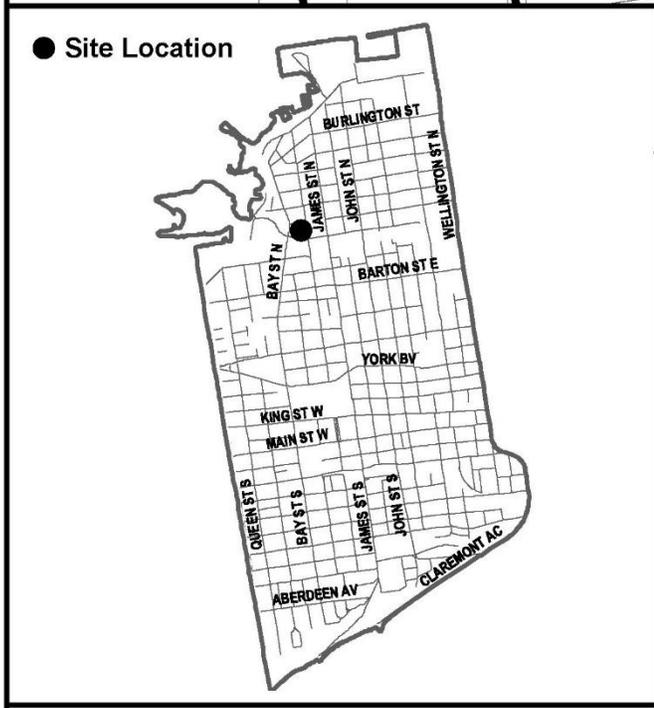
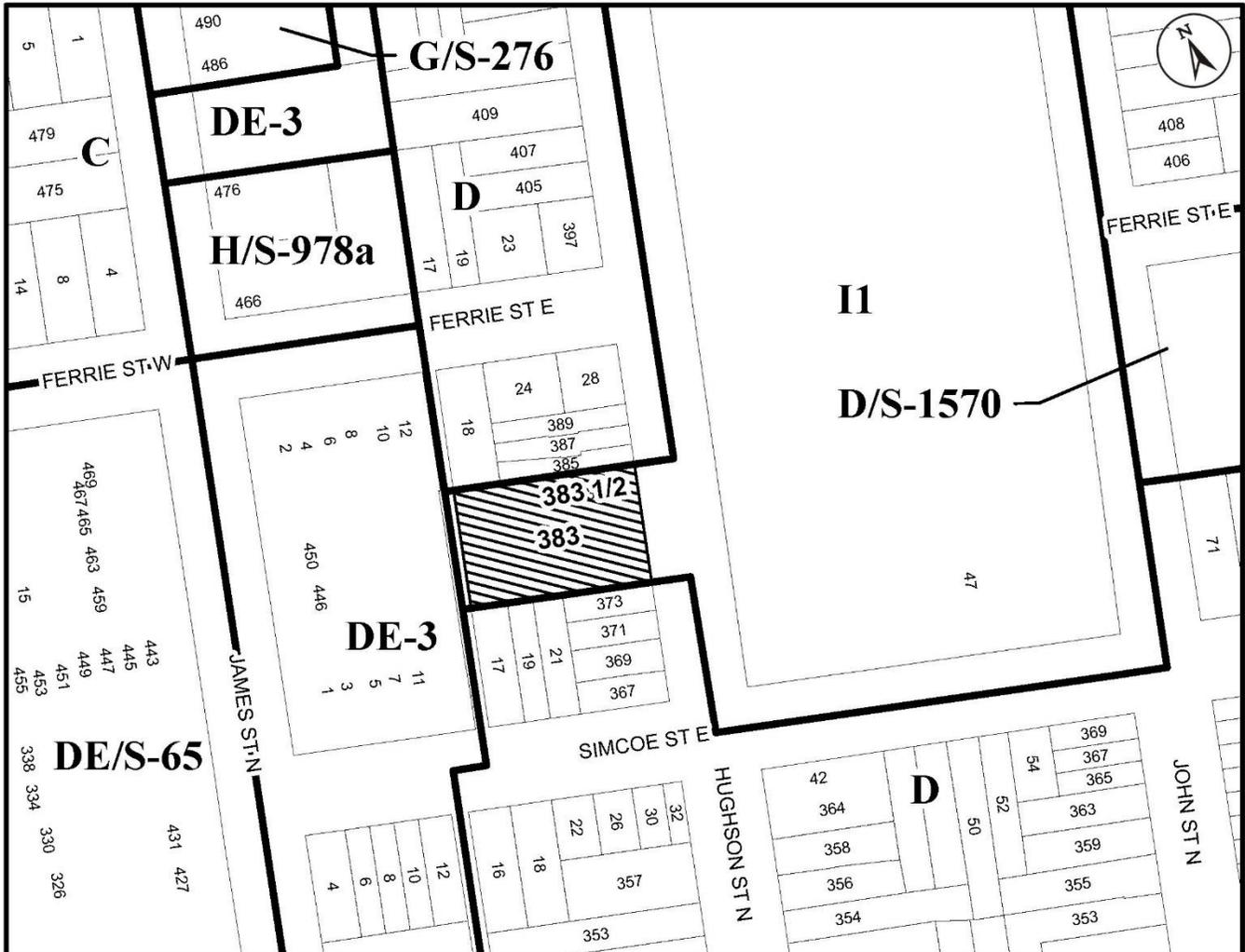
Appendix “B” to Report PED22177 – Draft Official Plan Amendment

Appendix “C” to Report PED22177 – Draft Zoning By-law Amendment to Zoning By-law
05-200

Appendix “D” to report PED22177 – Concept Plan

Appendix “E” to report PED22177 – Zoning By-law Site Specific Modifications

Appendix "A" to Report PED22177
Page 1 of 1



<h2 style="margin: 0;">Location Map</h2>		 Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAR-20-001/UHOPA-20-001	Date: June 28, 2022	
Appendix "A"	Scale: N.T.S	Planner/Technician: AB/NB
<p>Subject Property 383 and 383 1/2 Hughson Street North, Hamilton (Ward 2)</p> <p> Change in zoning from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1, 815) Zone</p>		

Amendment No. XXX
to the
City of Hamilton Official Plan

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

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by changing the designation on the subject lands from “Low Density Residential” to “Medium Density Residential 1” and by establishing a Special Policy Area to facilitate the development of a building height range from 2 to 5 storeys to permit the development of a 12 unit multiple dwelling.

2.0 Location:

The lands affected by this Amendment are located at 383 and 383 ½ Hughson Street North, in the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed development allows for the redevelopment of an underutilized site by efficiently utilizing the existing infrastructure and retains important cultural heritage resources;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan by providing an opportunity for residential intensification through redevelopment that respects and enhances the character of the existing neighbourhood; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2019, as amended.

4.0 Changes:

4.1 Text Changes:

4.1.1 That a new Policy be added to the City of Hamilton Official Plan as Policy No. A.6.3.3.1.13.X:

"A.6.3.3.1.13.X The following shall apply to the lands known municipally as 383 and 383 ½ Hughson Street North, designated Medium Density Residential 1 and identified as Special Policy Area - X on Schedule M-2: General Land Use of West Harbour Secondary Plan:

i) Notwithstanding Policy A.6.3.3.1.13 iii), the height of buildings shall range from 2 to 5 stories.

ii) The external appearance and character of the existing heritage building (previously used as a church) constructed between 1850 and 1860 known as 383 Hughson Street North shall be maintained."

4.2 Map/Schedule Changes:

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

a) redesignating the lands at 383 and 383 ½ Hughson Street North from "Low Density Residential" to "Medium Density Residential 1"; and,

b) by identifying the subject lands as Special Policy Area – X.

as shown on Appendix "A" to this Amendment.

5.0 Implementation:

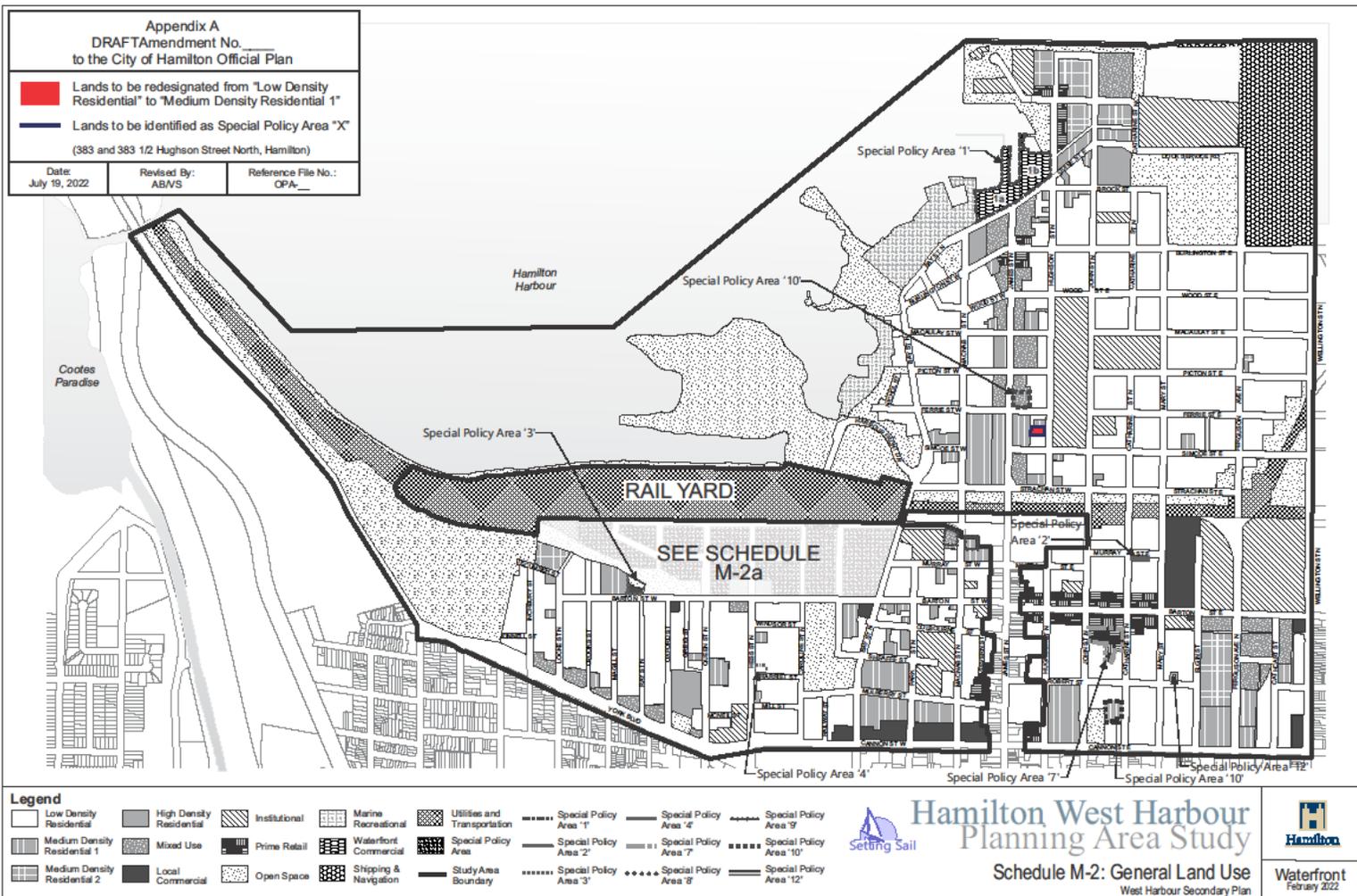
An implementing Zoning By-law Amendment and Site Plan Control application will give effect to this Amendment.

This is Schedule "1" to By-law No. XX-XXX passed on the XX day of month, 202X.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

A. Holland
CITY CLERK



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

Authority: Item ,
Report PED22177
CM:
Ward: 2

Bill No.

**CITY OF HAMILTON
BY-LAW NO. 22-**

**To amend Zoning By-law No. 05-200 Respecting Lands Located at 383 and
383 1/2 Hughson Street North, City of Hamilton**

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item ____ of Report 22-____ of the Planning Committee, at its meeting held on the 6 day of September 2022, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the City of Hamilton Official Plan, upon finalization of Official Plan Amendment No. XXX

NOW THEREFORE the Council amends Zoning By-law No. 05-200 as follows:

1. That Map 869 of Schedule “A” – Zoning Maps is hereby amended by changing the zoning from the Neighbourhood Institutional (I1) Zone to the Neighbourhood Institutional (I1, 815) Zone for the lands shown on Schedule “A” to this By-law.
2. That Schedule “C” - Special Exceptions is amended by adding the following new Special Exception:
 - “815. Within the lands zoned Neighbourhood Institutional (I1) Zone, identified on Map 869 of Schedule “A” – Zoning Maps and described as 383 and 383 ½ Hughson Street North, the following special provisions shall apply:
 - a) Notwithstanding Section 4.6 b) a fire escape or exterior staircase may encroach into a required side yard or rear yard with no maximum distance.
 - b) Notwithstanding Section 4.8.1.3 a) i) and 4.8.1.3 a) ii), the following regulations shall apply:

Appendix "C" to Report
Page 2 of 3

ii) Building Setback from a Rear Lot Line Minimum 0.6 metres

iii) Building Setback from a Side Lot Line Minimum 0.6 metres

c) Notwithstanding 5.6 c), the following regulations shall apply:

i) Parking Schedule for all Zone

Multiple Dwelling	0.6 per unit, except where a dwelling is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit.
-------------------	--

d) Notwithstanding Section 8.1.1, only the following use shall be permitted:

Multiple Dwelling in conjunction with the buildings and structures existing at the date of passing of this By-law.

e) For the purpose of this By-law, Section 8.1.3.1 shall apply to a multiple dwelling.

f) Notwithstanding Section 8.1.3.1 g) and h), the following regulations shall apply:

iii) Minimum Rear Yard 2.2 metres

iii) Maximum Building Height 13 metres

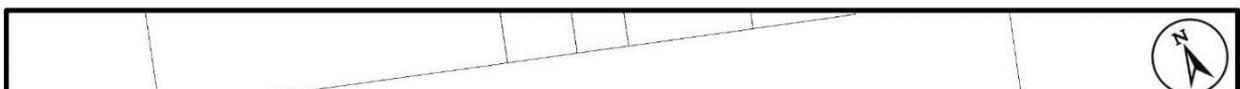
g) Notwithstanding Section 3, for the purpose of this By-law 'Existing' shall mean existing on the date of passing of this By-law for the portion constructed between 1850 and 1860, including the enlargement and extension thereof.

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

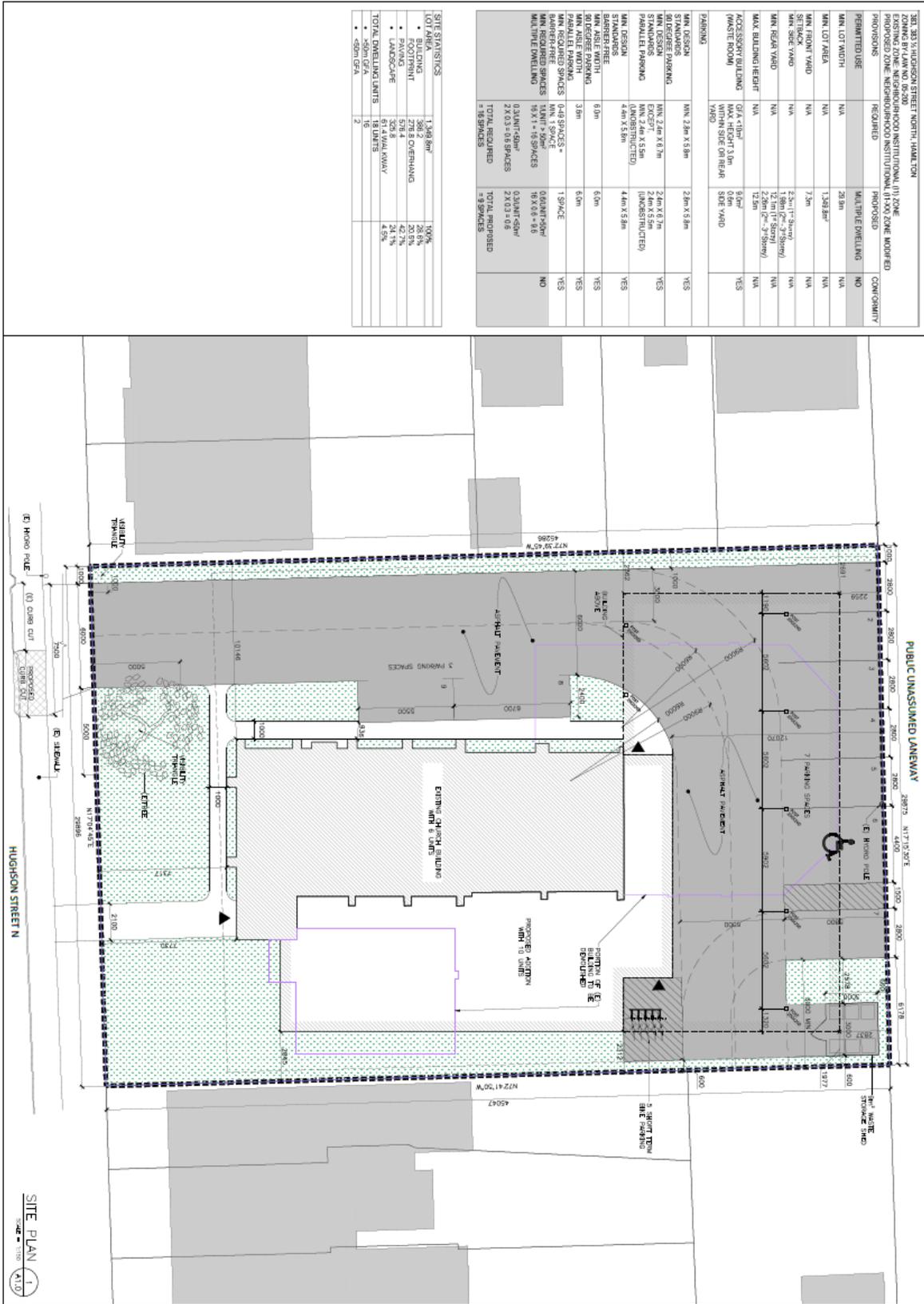
PASSED this _____, _____, _____

F. Eisenberger
Mayor

Andrea Holland
City Clerk



Appendix "D" to Report PED22177
Page 1 of 2



PERMITTED USE	REQUIRED	MULTIPLE DWELLING	NO	COMMUNITY
MIN. LOT WIDTH	N/A	20.9m	N/A	N/A
MIN. LOT AREA	N/A	1,163.80m ²	N/A	N/A
MIN. FRONT YARD	N/A	7.3m	N/A	N/A
SETBACK	N/A	2.5m (1st Storey)	N/A	N/A
MIN. SIDE YARD	N/A	1.2m (1st Storey)	N/A	N/A
MIN. REAR YARD	N/A	2.28m (2 nd Storey)	N/A	N/A
MAX. BUILDING HEIGHT	N/A	12.2m (2 nd Storey)	N/A	N/A
ACCESSORY BUILDING (WASTE ROOM)	MAX HEIGHT 3.1m	6.0m	YES	YES
	MIN. SIDE OF REAR YARD	0.91m		

PARKING	MIN. DESIGN	MIN. 2.4m x 5.8m	2.4m x 5.8m	YES
STANDARDS	MIN. DESIGN	MIN. 2.4m x 6.3m	2.4m x 6.3m	YES
STANDARDS	EXCEPT	MIN. 2.4m x 5.8m	2.4m x 5.8m (UNRESTRICTED)	YES
PARALLEL PARKING	MIN. DESIGN	4.4m x 5.8m	4.4m x 5.8m	YES
STANDARDS	MIN. DESIGN	4.4m x 5.8m	4.4m x 5.8m	YES
MIN. ASBLE WIDTH	MIN. DESIGN	6.0m	6.0m	YES
MIN. ASBLE WIDTH	MIN. DESIGN	3.8m	6.0m	YES
MIN. ASBLE WIDTH	MIN. DESIGN	MIN. 1 SPACE	1 SPACE	YES
MIN. REAR YARD SPACES	MIN. DESIGN	MIN. 1 SPACE	1 SPACE	YES
MULTIPLE DWELLING	MIN. DESIGN	19.3x1 = 18 SPACES	19.3x0.8 = 18 SPACES	NO
	MIN. DESIGN	2 X 0.3 = 0.6 SPACES	0.31x0.8 = 2 X 0.3 = 0.6 SPACES	
TOTAL REQUIRED	TOTAL REQUIRED	18 SPACES	18 SPACES	
TOTAL PROVIDED	TOTAL PROVIDED	18 SPACES	18 SPACES	

SITE STATISTICS		1,168.8m ²	100%
LOT BUILDING	388.2	33.2%	
FOOTPRINT	278.8	23.8%	
PAVEMENT	520.8	44.6%	
LANDSCAPE	61.4	5.3%	
TOTAL DWELLING UNITS	16 UNITS	4.5%	
	2		

Appendix E to Report PED22177

INVIZIO
ARCHITECTS INC.
188 YONGE STREET
SUITE 200
TORONTO, ONTARIO M5C 1S5
TEL: 416-593-8800 | WWW.INVIZIO.COM

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	04/09/23
2	REVISED PER COMMENTS	04/10/23
3	REVISED PER COMMENTS	04/10/23
4	REVISED PER COMMENTS	04/10/23
5	REVISED PER COMMENTS	04/27/23
6	REVISED PER COMMENTS	04/27/23

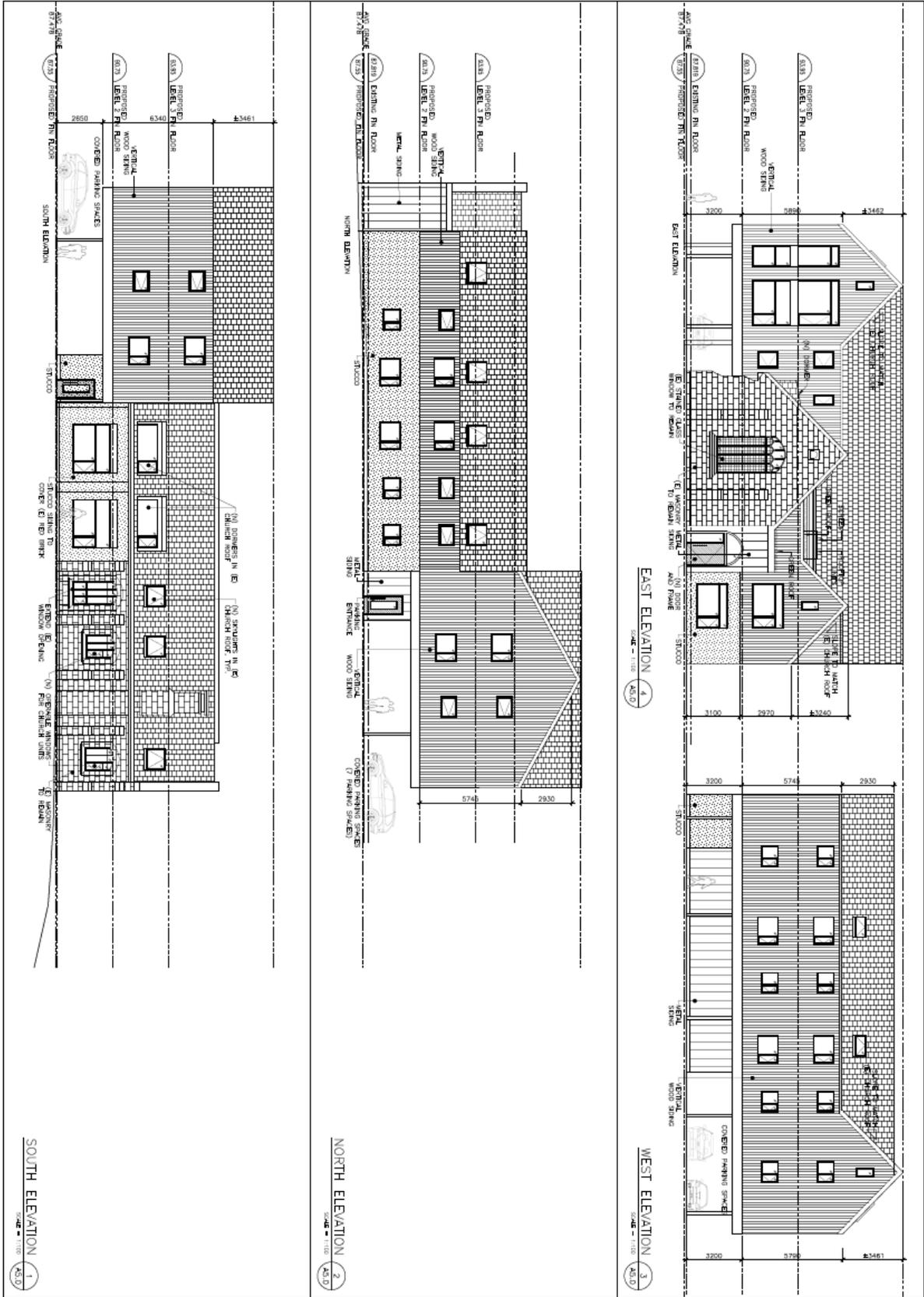


PREPARED BY: **INVIZIO**
DESIGNED BY: **INVIZIO**
CHECKED BY: **INVIZIO**
DATE: 18-03-23

PROJECT: **CONCEPTUAL SITE PLAN**

SCALE: **A1.0**

Appendix "D" to Report PED2177
Page 2 of 2



INVIZIJ
ARCHITECTS INC.
327 GERRARD STREET
EAST, SUITE 200
TORONTO, ON M4E 1B7
TEL: 416-593-9000

CO-HILL DEVELOPMENTS INC.
18-033
303 & 305 1/2
HURON ST. N.
HAMILTON, ONTARIO

DATE: 18-03-2018	PROJECT: 18-033
DRAWN BY: [Name]	CHECKED BY: [Name]
DATE: 18-03-2018	PROJECT: 18-033
DRAWN BY: [Name]	CHECKED BY: [Name]

CO-HILL DEVELOPMENTS INC.
18-033
303 & 305 1/2
HURON ST. N.
HAMILTON, ONTARIO

DATE: 18-03-2018	PROJECT: 18-033
DRAWN BY: [Name]	CHECKED BY: [Name]
DATE: 18-03-2018	PROJECT: 18-033
DRAWN BY: [Name]	CHECKED BY: [Name]

A5.0

Site Specific Modifications to the Neighbourhood Institutional (I1, 815) Zone

Regulation	Required	Modification	Analysis
Permitted Uses: Section 8.1.1	N/A	Add multiple dwelling as a permitted use.	<p>The intent of this regulation is to add a multiple dwelling as a permitted use for the subject lands. The use is added as a place holder since at this time there is no residential zone that permits a multiple dwelling within the Zoning By-law 05-200. Once a residential zone has been created then the property through a City-initiated rezoning to reflect the use of the property.</p> <p>Therefore, staff support this modification.</p>
Minimum Rear Yard: Section 8.1.3.1 g)	N/A	2.2 m	<p>The intent of the regulation is to ensure adequate spacing for the purposes of maintenance and privacy. The proposed modification is for the addition to the existing building and staff are satisfied that the setback (located adjacent to the 3.5 m unassumed municipal laneway) is appropriate to maintain the intent of maintenance and privacy concerns to the existing residential . In terms of maintenance access, the first floor is cantilevered from the ground to allow parking at the rear of the property so the at grade setback for the existing building is larger than 2.2 m. Since the existing building existed prior to the Zoning By-law 05-200 any setbacks for the existing building are captured recognized under the vacuum clause in the zoning by-law.</p> <p>Therefore, staff support this modification.</p>
Maximum Building Height: Section 8.1.3.1 h)	N/A	13 m	<p>The intent of the regulation is to maintain a consistent building height that is in character with the surrounding area and to address shadow and overlook. The modification is required to recognize the height of the heritage building on the subject lands. As part of the proposal the applicants are adding an addition to the existing heritage building and the proposed addition will match the height of the existing building on-site. The proposed building height of 13.0 metres and two to three storeys is compatible with the existing streetscape. Staff do not anticipate any shadow or overlook as a result of the height of the proposed addition on the property.</p> <p>Therefore, staff support this modification.</p>

Regulation	Required	Modification	Analysis
Parking Section 5.6 c)	1 per unit except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit	0.6 per unit except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit	<p>The intent of this regulation is to ensure adequate parking is available to meet the needs of the development. Staff are satisfied that the proposed parking rate of 0.6 parking spaces per unit for any dwelling unit greater than 50 square metres is appropriate based on the location of the site in proximity to public transit, convenient access to public services and to amenities in Downtown Hamilton.</p> <p>The proposed parking rate of 0.3 per unit for any unit that is 50 square metres or less maintains the existing regulation in the Hamilton Zoning By-law No. 05-200.</p> <p>Therefore, staff support this modification.</p>
Accessory Structures: Section 4.8.1.3 a) i) and ii)	1.2 m	0.6 m	<p>The intent of this regulation is to make sure that no accessory structure has a negative impact on neighbouring properties and there is enough room within the property lines for access purposes. The proposed accessory structure is for waste collection. Staff are of the opinion that the reduced side yard setback requested will not have an impact on the property.</p> <p>Therefore, staff support this modification.</p>
Permitted Yard Encroachments: Section 4.6 b)	A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is	A fire escape or exterior staircase may encroach into a required side yard or rear yard with no maximum distance.	<p>The intent of this regulation is for a fire escape is to ensure appropriate spacing while allowing for adequately sized fire escape. The modification will allow a fire escape in the rear yard adjacent to an unassumed public laneway. Staff are satisfied that there fire escape can be accessed through the parking lot at the rear and there is adequate space to modify the location is necessary.</p> <p>Therefore, staff support this modification.</p>

Regulation	Required	Modification	Analysis
Definition of the Term 'Existing'	the lesser Shall mean legally established on the effective date of this By-law or applicable amendments thereto.	"Existing" shall mean existing on the date of passing of this By-law.	<p>In view of the heritage significance of the existing structures at 383 Hughson Street North, a portion of the significant heritage attributes identified through the Cultural Heritage Impact Assessment shall be retained during the redevelopment process.</p> <p>This proposed modification is to ensure the significant heritage attributes are retained/incorporated into the new development for only the portion of the existing heritage structures of significance identified within the Cultural Heritage Impact Assessment submitted and reviewed through the application process. In this regard, the permission for new development on the site is contingent upon the retention of significant heritage attributes.</p> <p>Therefore, staff support the proposed modification.</p>



WELCOME TO THE CITY OF HAMILTON

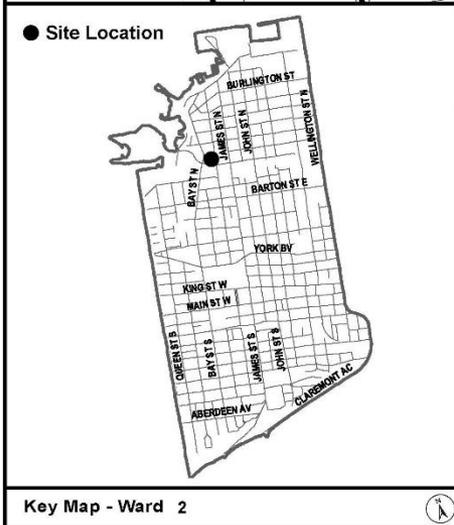
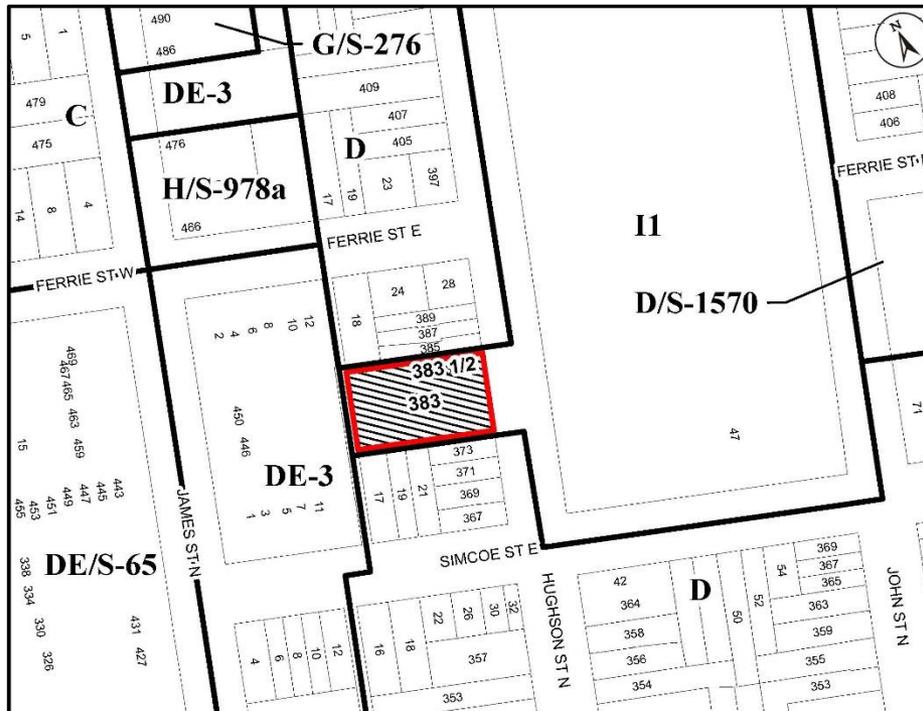
PLANNING COMMITTEE

September 6, 2022

PED22177 – (ZAR-20-001 / UHOPA-20-001)

Applications for an Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 383 and 383½ Hughson Street North, Hamilton.

Presented by: Alaina Baldassarra



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAR-20-001/UHOPA-20-001	Date: June 28, 2022
Appendix "A"	Planner/Technician: AB/NB

Subject Property
 383 and 383 1/2 Hughson Street North, Hamilton (Ward 2)
 Change in zoning from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1, 815) Zone



SUBJECT PROPERTY



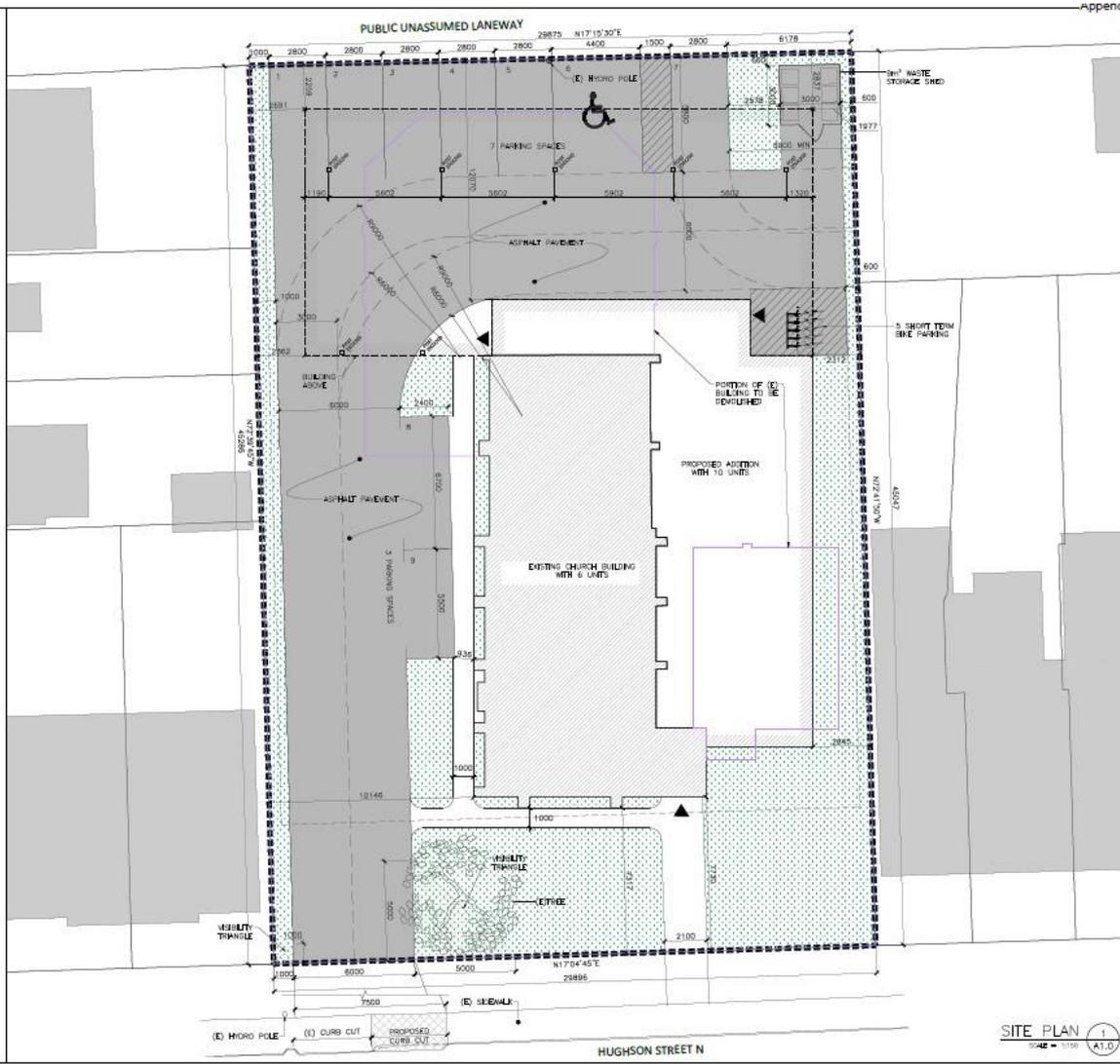
383 & 383 1/2 Hughson Street North, Hamilton



Appendix E to report FEU220000

PROVISIONS	REQUIRED	PROPOSED	CONFORMITY
PERMITTED USE		MULTIPLE DWELLING	NO
MIN. LOT WIDTH	N/A	29.9m	N/A
MIN. LOT AREA	N/A	1,349.8m ²	N/A
MIN. FRONT YARD SETBACK	N/A	7.3m	N/A
MIN. SIDE YARD	N/A	2.3m (1 st Storey) 1.98m (2 nd - 3 rd Storey)	N/A
MIN. REAR YARD	N/A	12.1m (1 st Storey) 2.29m (2 nd - 3 rd Storey)	N/A
MAX. BUILDING HEIGHT	N/A	12.5m	N/A
ACCESSORY BUILDING (WASTE ROOM)	GFA <10m ² MAX. HEIGHT 3.0m WITHIN SIDE OR REAR YARD	9.0m ² 0.8m SIDE YARD	YES
PARKING			
MIN. DESIGN STANDARDS 90 DEGREE PARKING	MIN. 2.8m X 5.8m	2.8m X 5.8m	YES
MIN. DESIGN STANDARDS PARALLEL PARKING	MIN. 2.4m X 6.7m EXCEPT MIN. 2.4m X 5.5m (UNOBSTRUCTED)	2.4m X 6.7m 2.4m X 5.5m (UNOBSTRUCTED)	YES
MIN. DESIGN STANDARDS BARRIER-FREE 90 DEGREE PARKING	4.4m X 5.8m	4.4m X 5.8m	YES
MIN. ASILE WIDTH	6.0m	6.0m	YES
MIN. ASILE WIDTH PARALLEL PARKING	3.8m	6.0m	YES
MIN. REQUIRED SPACES BARRIER-FREE	0-49 SPACES + MIN. 1 SPACE	1 SPACE	YES
MIN. REQUIRED SPACES MULTIPLE DWELLING	1 UNIT > 50m ² 16 X 1 = 16 SPACES	0.5 UNIT > 50m ² 16 X 0.5 = 8.0	NO
	0.3 UNIT < 50m ² 2 X 0.3 = 0.6 SPACES	0.3 UNIT < 50m ² 2 X 0.3 = 0.6	
	TOTAL REQUIRED = 16 SPACES	TOTAL PROPOSED = 8 SPACES	

SITE STATISTICS		
LOT AREA	1,349.8m ²	100%
• BUILDING	396.2	28.6%
• FOOTPRINT	278.8 OVERHANG	20.6%
• PAVING	576.4	42.7%
• LANDSCAPE	325.8	24.1%
• 61.4% WALKWAY		4.5%
TOTAL DWELLING UNITS 18 UNITS		
• >50m ² GFA	16	
• <50m ² GFA	2	



INVIZIJ
 Architects Inc.
 180 YOUNG STREET,
 HAMILTON, ON L8P 1V9
 T: 905 525 9000 | invizij.ca

NO.	REVISION	DATE
3	REVISED FOR	JUN 09/21
2	REVISED FOR	MAR 30/21
1	REVISED FOR	JUL 15/20
0	REVISED FOR	NOV 25/19
E. C. - I.T. - J.R.C.		



PROJECT NAME
 OCHREHILL DEVELOPMENTS INC
 383 HUDGSON REDEVELOPMENT

PROJECT ADDRESS
 383 & 383 1/2
 HUDGSON ST. N,
 HAMILTON, ONTARIO

PROJECT NO.
 18-033

SCALE: 1/8"
 CONCEPTUAL
 SITE PLAN

DATE: 11/21
 DRAWN: KB
 CHECKED: EC
 DATE: NOVEMBER
 SCALE: 1:150
 DRAWN BY: [Signature]

A1.0



Driveway to be maintained and rear of subject lands



Driveway to be maintained and rear of subject



Existing school across the street (East of the Subject Lands)



Adjacent properties to the south



Adjacent properties to the north



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 6, 2022
SUBJECT/REPORT NO:	Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Aminu Bello (905) 546-2424 Ext. 5264
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAR-20-040, by Urban in Mind c/o Terrance Glover on behalf of Wendell Thompson, Raymond Thompson and Brad Hood (Owners)**, for a change in zoning from Settlement Institutional (S3) Zone to Settlement Residential (S1, 818) Zone, in order to permit the adaptive reuse of an vacant place of worship for a single detached dwelling, for the lands known as 1552 Concession 2 West, as shown on Appendix “A” attached to Report PED22179, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED22179, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200;
- (c) The proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017) and Growth Plan for the Greater Golden Horseshoe (2020, as amended), and complies with the Rural Hamilton Official Plan.

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: Zoning By-law Amendment for Lands Located at 1552 Concession 2
West, Flamborough (PED22179) (Ward 12) - Page 2 of 12**

EXECUTIVE SUMMARY

The purpose of this Zoning By-law Amendment application is to change the zoning of the subject lands from the Settlement Residential (S3) Zone to the Settlement Residential (S1, 818) Zone to facilitate the adaptive reuse of the former place of worship into a single detached dwelling.

An existing vacant place of worship, including an accessory residence, built in the 1950s was formerly occupied by the Orkney Church of the Nazarene is located on the subject property. The existing building is listed in the City's Built Heritage Inventory. The proposal intends to conserve the cultural heritage value of the property through adaptive reuse of the existing place of worship building into a single detached dwelling.

The proposed change in zoning has merit and can be supported as it is consistent with the Provincial Policy Statement, conforms to the Greenbelt Plan (2017) and Growth Plan for the Greater Golden Horseshoe (2020). The proposal complies with the Rural Hamilton Official Plan, provides for the long term conservation of a heritage building through adaptive reuse of the building and maintains the existing rural character of the area.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Applicant: Urban in Mind c/o Terrance Glover Owner(s): Wendell Thompson, Raymond Thompson and Brad Hood.
File Number:	ZAR-20-040

SUBJECT: Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) - Page 3 of 12

Application Details	
Type of Application:	Zoning By-law Amendment
Proposal:	Change in zoning from the Settlement Institutional (S3) Zone to the Settlement Residential (S1, 818) Zone, to permit development of a single detached dwelling and to recognize the existing 0.35 hectare minimum lot area.
Property Details	
Municipal Address:	1552 Concession 2 West, Flamborough
Lot Area:	0.37 hectares
Servicing:	The property is serviced by private services (separate well and septic services).
Existing Use:	Institutional
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Greenbelt Plan:	The proposal conforms to the Greenbelt Plan (2017).
A Place to Grow:	The proposal conforms to the Growth Plan (2020, as amended).
Rural Hamilton Official Plan Existing:	“Rural Settlement Areas” in Schedule “D” – Rural Land Use Designations.
Zoning Existing:	Settlement Institutional (S3) Zone.
Zoning Proposed:	Settlement Residential (S1, 818) Zone.
Modifications Proposed:	<p>Applicant Requested Modifications 0.35 hectare minimum lot area where 0.4 hectares is required.</p> <p>Staff Requested Modifications</p> <ul style="list-style-type: none"> The use will be restricted to the building that existed on the date of passing of the amending By-law. A single detached dwelling shall have a maximum of 3 bedrooms.
Processing Details	
Received:	October 7, 2020.
Deemed Complete:	October 29, 2020.

SUBJECT: Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) - Page 4 of 12

Processing Details	
Notice of Complete Application:	Sent to 12 property owners within 120 metres of the subject property on October 29, 2020.
Public Notice Sign:	Posted October 30, 2020 and updated with the Public Meeting date on August 10, 2022.
Notice of Public Meeting:	Sent to 12 property owners within 120 metres of the subject property on August 19, 2022.
Public Consultation:	N/A
Public Comments:	No public comments were received on the proposal.
Processing Time:	699 days from the date of receipt of the application.

BACKGROUND

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Institutional (Vacant)	Settlement Institutional (S3) Zone

Surrounding Land Uses:

North	Agriculture and single detached dwelling	Agriculture (A1) Zone and Agriculture (A1, 118) Zone.
East	Single detached dwelling	Settlement Residential (S1) Zone
West	Agriculture and single detached dwelling	Settlement Residential (S1) Zone
South	Agriculture, single detached dwelling	Agriculture (A1) Zone

SUBJECT: Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) - Page 5 of 12

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The 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) (formerly Local Planning Appeal Tribunal) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the application for a change in zoning complies with the Rural Hamilton Official Plan (RHOP), it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS;
- Conforms to the Greenbelt Plan (2017); and,
- Conforms to the Growth Plan for the Greater Golden Horseshoe (2020, as amended).

Rural Hamilton Official Plan (RHOP)

The subject lands are designated "Hamlets (Rural Settlement Areas)" on Schedule "A" - Provincial Plans and "Rural Settlement Areas" on Schedule D - Rural Land Use Designations of the RHOP. Further, the subject property is designated "Settlement Residential" in the Orkney Rural Settlement Area Plan in Volume 2: Map 12. The following policies, amongst others, apply to the proposal.

Volume 1 – Rural Hamilton Official Plan Policies

General Policies for Rural Housing

- "3.2.2 The existing stock of housing in the rural areas shall be retained wherever possible and kept in a safe and adequate condition through use of the City's Property Standards by-law and incentive programs financed by the City or by senior levels of government. (OPA 26)"

SUBJECT: Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) - Page 6 of 12

The conversion of the existing church and accessory residence into a single detached dwelling is considered an adaptive reuse of the existing vacant former place of worship building and retains the existing rural housing stock (existing attached residence).

Servicing

- “C.5.1.1
- d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot size are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 g);
 - e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact;
 - f) The existing or proposed wastewater system shall not include a sewage disposal holding tank; and,
 - g) The existing or proposed water supply system shall include a well with sufficient quantity of water to sustain the use. A cistern system that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.”

The Applicant submitted a Septic Design Report, Septic System Plan and Well Inspections in effort to demonstrate sufficient daily design sewage flows. Source Water Protection staff are satisfied that private water supply and sewage disposal systems are capable of sustaining the residential uses within acceptable levels of on-site and off-site water quantity and quality impacts. The proposed single detached dwelling will continue to utilize the existing private services where the projected water well and septic loads were determined to be lower than the former institutional use. The subject property is a legal non-complying lot that predates the minimum 0.4 hectare lot size standard in Zoning By-law No. 05-200. Staff find that subject to the proposed Zoning By-law provisions to limit the dwelling to 3 bedrooms, the proposed lot is appropriately sized to accommodate a private servicing and is consistent with the Private Water and Wastewater Services policies in the RHOP.

SUBJECT: Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) - Page 7 of 12

Cultural Heritage

- “B.3.4.1.3 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources; and,
- B.3.4.2.1(h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.”

Volume 2 – General Policies

- “A.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; and,
 - (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 in no case shall a proposed new lot be less than one acre.
- A.1.2.8 To maintain and protect the distinct form and historical character of Rural Settlement Areas designated in this Plan, any application pursuant to the Planning Act or other legislation shall seek to conserve cultural heritage resources, cultural heritage landscapes, areas of archaeological potential, archaeological sites and the overall settlement character; and,
- A.1.2.9 To conserve the settlement character, construction of new buildings or renovation of existing buildings shall be sympathetic to and consistent with the existing heritage attributes of the Rural Settlement Area, including, but not limited to, consideration of traditional minimum lot sizes and setbacks in accordance with Section C.5.1 of Volume 1, building massing and orientation, and preservation of views, open spaces, and landmarks.”

The proposal is compatible with the built environment as the density, height and nature of the rural landscape is unchanged from the existing built form. The conversion of the

SUBJECT: Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) - Page 8 of 12

existing place of worship structure and accessory residence to a single detached dwelling will maintain the established character of the Orkney Rural Settlement Area.

The proposal would meet the Sustainable Servicing Policies in the RHOP as adequate private servicing is demonstrated through the Applicant's submitted Septic Design Report, Septic System Plan and Well Inspections. The 0.35 hectare parcel is an existing lot, and therefore not subject to the one acre minimum lot size requirement in the RHOP.

The subject property is listed in the City's Built Heritage Inventory. The proposed conversion to a single detached dwelling will retain the historic appearance and rural character of the area through interior modifications to the existing building. Staff are satisfied that the cultural heritage value or interest of the property will be conserved as no substantial modifications are proposed to the building exterior and the proposed site specific zoning will restrict the residential use to the existing structure.

Volume 2 – Settlement Residential

"A.1.3.1 On lands designated Settlement Residential, residential uses are limited to single detached dwellings, small scale residential care facilities, and small scale institutional uses shall be permitted subject to the policies of this Plan. (OPA 26)"

The proposal is consistent with the permitted uses under the Settlement Residential designation of the Orkney Rural Settlement Area Plan. Staff find that the proposal is appropriate and is a less intensive use from the small scale institutional land use that formerly occupied the property, and complies with the RHOP.

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

The subject lands are currently zoned Settlement Institutional (S3) Zone in City of Hamilton Zoning By-law No. 05-200. Permitted uses in the Settlement Residential (S3) Zone include Agriculture, Day Nursery, Educational Establishment and Place of Worship. A change in zoning to the Settlement Residential (S1, 818) Zone is required to facilitate conversion of the vacant place of worship and accessory residence to a single detached dwelling.

A site specific zoning exception is necessary to recognize the current 0.35 hectare lot area, retain the existing building and restrict the single detached dwelling to a maximum of three bedrooms. The lot area zone modification recognizes the existing parcel size is slightly less than the minimum 0.4 hectare lot area under the Settlement Residential (S1) Zone. Restricting the proposed single detached dwelling to a maximum of three

SUBJECT: Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) - Page 9 of 12

bedrooms will ensure the anticipated septic load and water demand do not exceed the capacities estimated from the former place of worship use.

It is staff's opinion that proposal would comply with Section 4.22 iii) (Adequate Services) in Zoning By-law No. 05-200 as the Applicant's Septic Design Report and water quality samples demonstrates the sewage load and water demand are anticipated to be less compared to an institutional use.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Public Works Department, Strategic Planning, Asset Management; Canada Post; Grand River Conservation Authority (GRCA); and, Conseil Scolaire Viamonde. 		No comment or objection.
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> No comments. The proposal is serviced by a private well and septic system (no municipal services). 	<ul style="list-style-type: none"> Noted.
Source Water Protection, Public Works Department	<ul style="list-style-type: none"> The proposal is supported provided that no additional bedrooms or fixture units are proposed beyond what is described in the Septic Design Report dated March 1, 2021. 	<ul style="list-style-type: none"> Staff are satisfied that the Applicant's submitted Septic Design Report, Septic System Plan and the water quality sampling demonstrates no on-site or off-site water supply and/or sewage disposal impacts; and, Staff have recommended a site specific zoning provision to require a maximum of 3 bedrooms in a single detached dwelling.

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

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SUBJECT: Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) - Page 10 of 12

	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> The existing municipal addresses will be retained for this development. 	<ul style="list-style-type: none"> Noted.
Transportation Planning Section, Transportation Planning and Park Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Staff support the zone change as it does not have a negative effect on the transportation network; and, A right-of-way a future dedication of approximately 3.2 metres is required to match the property line at 1560 Concession 2 West. 	<ul style="list-style-type: none"> Staff advise that the <i>Planning Act</i> only permits right-of-way dedication as a condition of Consent or Site Plan. A right-of-way dedication shall be imposed upon approval of such application should a future Consent or Site Plan application on the subject property be received by staff.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> Municipal tree assets are not impacted by the proposal, therefore a Tree Management Plan is not required. 	<ul style="list-style-type: none"> Noted.
Waste Management Division, Public Works Department	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Noted.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 12 property owners within 120 m of the subject lands on October 29, 2020. A Public Notice sign was posted on the property on October 30, 2020 and updated with the Public Meeting date on August 10, 2022. Finally, the Notice of the Public Meeting was mailed to 12 property owners within 120 m of the subject lands on August 19, 2022.

SUBJECT: Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12) - Page 11 of 12

The Applicant's Public Consultation Strategy identified standard methods of communication with staff, stakeholders and the public throughout the Zoning By-law Amendment Application process.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
 - i. The proposal is consistent with the PPS (2020), and conforms to the Greenbelt Plan (2017) and the Growth Plan for the Greater Golden Horseshoe (2020);
 - ii. It complies with the general intent and purpose of the Rural Hamilton Official Plan; and,
 - iii. The proposed development is considered to be compatible with the existing rural landscape in the area and protects a cultural heritage resource.
2. Zoning By-law Amendment

The proposal is for a change in zoning from the Settlement Residential (S3) Zone to the Settlement Residential (S1, 818) Zone to permit conversion of the existing vacant place of worship building and accessory residence into a single detached dwelling. The proposed residential use is compatible with the surrounding uses, maintains the existing rural character and will continue the cluster of single detached dwellings within the Orkney Rural Settlement Area. The proposal constitutes good planning through adaptive reuse of an underutilized church building on an existing lot that can sustain private servicing at acceptable levels. Therefore, staff support the proposal Zoning By-law Amendment.

The site-specific zoning modifications proposed for the Settlement Residential (S1, 818) Zone are outlined in the Report Fact Sheet and discussed in detail in Appendix "D" attached to Report PED22179.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment be denied, the use of the property would continue to be regulated by the Settlement Institutional (S3) Zone in Zoning By-law No. 05-200.

**SUBJECT: Zoning By-law Amendment for Lands Located at 1552 Concession 2
West, Flamborough (PED22179) (Ward 12) - Page 12 of 12**

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.

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 PED22179 – Location Map

Appendix “B” to Report PED22179 – Amendment to Zoning By-law No. 05-200

Appendix “C” to Report PED22179 – Concept Plan

Appendix “D” to Report PED22179 – Zoning Modification Table

AB:sd

Appendix “B” to Report PED22179**Page 1 of 3**

Authority: Item ,
Report (PED22179)
CM:
Ward: 12

Bill No.**CITY OF HAMILTON****BY-LAW NO.**

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1552 Concession 2 Road West, Flamborough**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on September 6, 2022;

WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report 22___- ___ of the Planning Committee, at its meeting held on the 6 day of September 2022, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND this By-law conforms with the Rural Hamilton Official Plan.

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

1. That Map No. 933 of Schedule “A” – Zoning Maps appended to and forming part of Zoning By-law No. 05-200 be amended by adding the lands known as 1552 Concession 2 Road West, Flamborough, the boundaries of which are shown on a plan hereto annexed as Schedule “A”, to this By-law.
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:
 - “818. Within the lands zoned Settlement Residential (S1, 818) Zone, identified on Map 113 of Schedule “A” – Zoning Maps and described as 1552 Concession 2 Road West, Flamborough the following special provisions:
 - a) In addition to Section 12.3.1, a single detached dwelling shall only be permitted in the principle building and structure existing on the date of passing of this By-law;
 - b) In addition to Section 12.3.3, a Single Detached Dwelling shall have a maximum of 3 bedrooms.
 - c) Notwithstanding Section 12.3.3 (a), the Minimum Lot Area shall be 0.35 hectares; and,

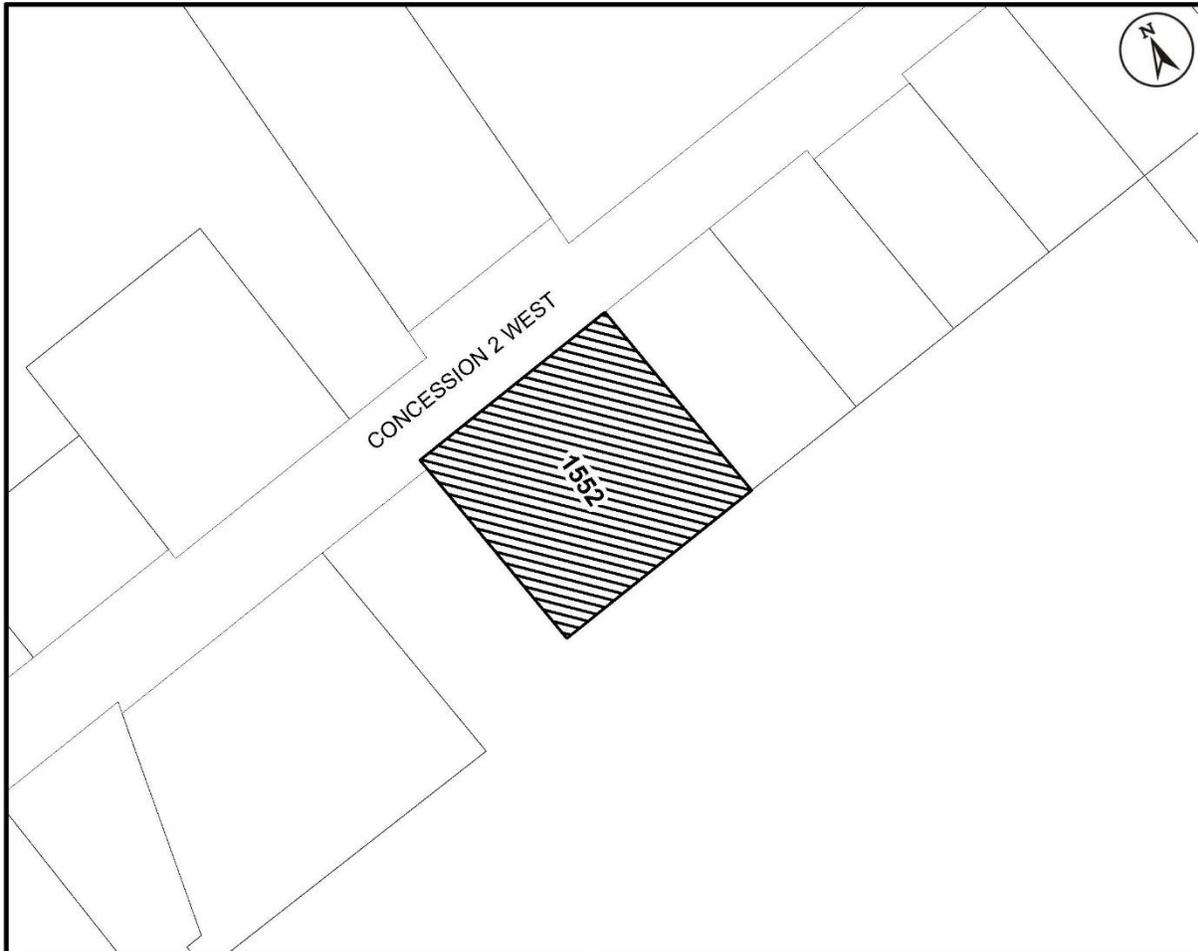
Appendix "B" to Report PED22179
Page 2 of 3

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix "B" to Report PED22179
Page 3 of 3



<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>Schedule "A"</p> <p>Map forming Part of By-law No. 22-_____</p> <p>to Amend By-law No. 05-200 Map 933</p>	<p>Subject Property</p> <p>1552 Concession 2 West, Flamborough</p> <p> Change in Zoning from the Settlement Institutional (S3) Zone to Settlement Residential (S1, 818) Zone</p>		
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAR-20-040</p>		<p>Date: June 24, 2022</p>
<p>Planner/Technician: AB/AL</p>			<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>

2nd CONCESSION ROAD WEST

(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 1 & 2) PIN 17552-0038 (LT)

SITE PLAN

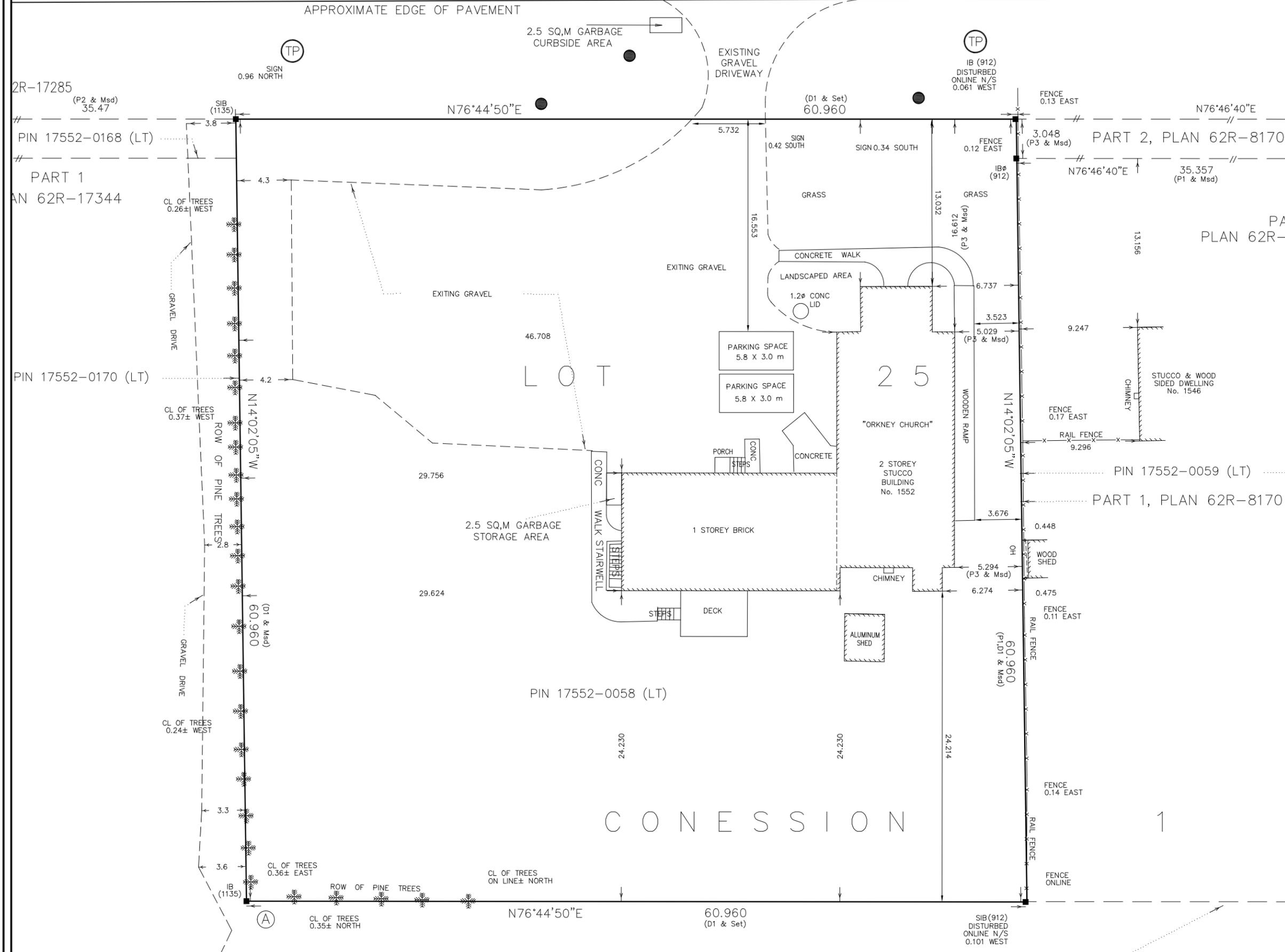
1552 CONCESSION 2 WEST, ORKNEY
IN THE CITY OF HAMILTON, ONTARIO

CURRENT ZONING: S3
PROPOSED ZONING: S1

SITE AREA: 3,716.49 m² (0.92 ac, 0.37 ha)

NEW SITE AREA: 3,716.71 m² (0.87 ac, 0.37 ha)

ZONING: S1	REQUIRED	EXISTING
MIN. LOT AREA	0.4 ha (4,000 m ²)	0.37 ha (3,716.71 m ²)
MIN. LOT WIDTH	30.0 m	60.96 m
MIN. FRONT YARD	7.5 m	13.03 m
MIN. SIDE YARD	3.0 m	5.029 m
MIN. REAR YARD	7.5 m	24.21 m
BUILDING HEIGHT	10.5 m	AS IS



LEGEND

⊙ APPROX. LOCATION OF TELEPHONE POLES

● APPROX. LOCATION OF STREET TREES

SCALE: 1:300
WHEN PRINTED ON 11 X 17

DATE: JULY 15, 2022

SURVEY FROM:
FILE: 36415 SRPR
1552 2ND
CONCESSION RD
W

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 3B9
PHONE (905)527-8559 FAX (905) 527-0032

ZONING BY-LAW AMENDMENT MODIFICATION CHART (Zoning By-law 05-200)			
Provision	Required	Requested Amendment	Analysis
12.3.1	Permitted Uses	Residential uses shall be restricted to only the building and structures existing on the date of passing of the By-law.	<p>Requested by staff.</p> <p>The subject property is inventoried in the City’s Built Heritage Inventory and contains a building and attached residence built in the 1950s that was formerly occupied by Orkney Church of the Nazarene.</p> <p>The intent of this regulation is to ensure the cultural heritage value and interests are preserved by retaining the building’s exterior.</p> <p>Therefore, staff support this modification.</p>
12.3.3 (a)	Minimum Lot Area 0.4 hectares	The Minimum Lot Area shall be 0.35 hectares.	<p>Requested by the applicant.</p> <p>The proposed modification recognizes the existing lot size.</p> <p>Therefore, staff support this modification.</p>
12.3.3	N/A	A Single Detached Dwelling shall have a maximum of 3 bedrooms.	<p>Requested by staff.</p> <p>The intent of this regulation is to sustain the private servicing levels based on the anticipated residential occupancy that is less intensive than the former institutional use that existed on the subject property based on the Applicant’s submitted Septic Design Report.</p> <p>Therefore, staff support this modification.</p>



WELCOME TO THE CITY OF HAMILTON

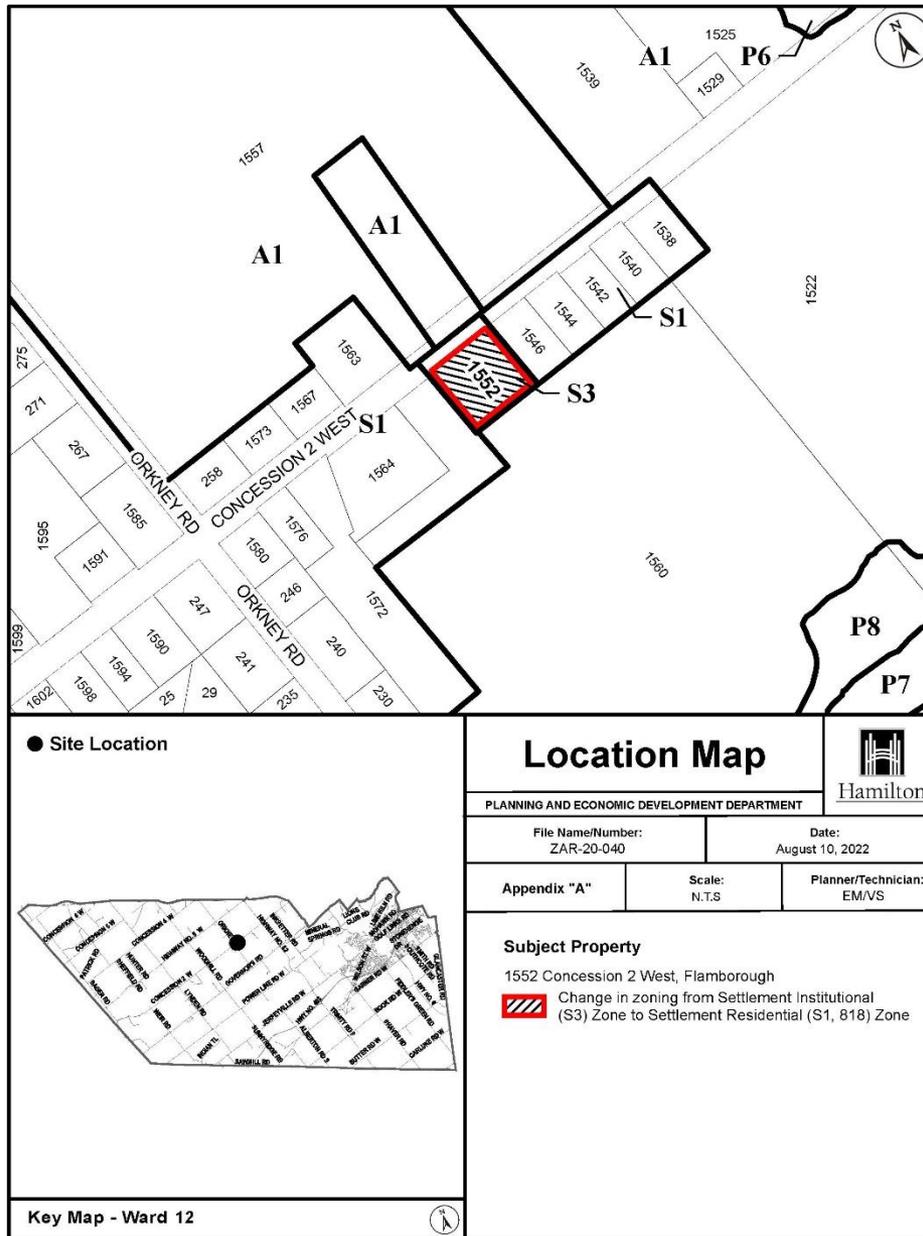
PLANNING COMMITTEE

September 6, 2022

PED22179 – (ZAR-20-040)

Zoning By-law Amendment for Lands Located at
1552 Concession 2 West, Flamborough.

Presented by: Aminu Bello





SUBJECT PROPERTY



1552 Concession 2 West, Flamborough



Appendix "C" to Report PED22179

SITE PLAN

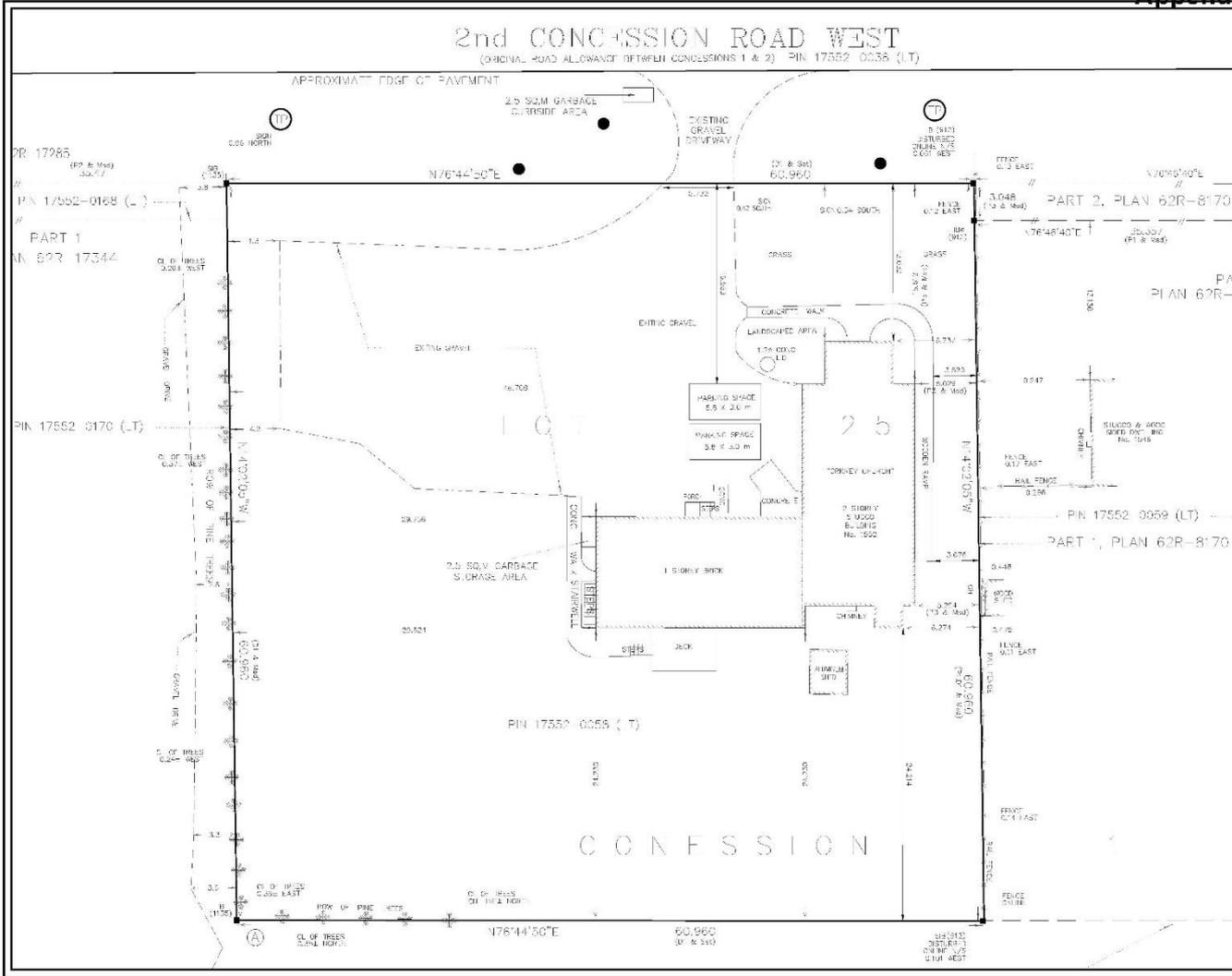
1552 CONCESSION 2 WEST, ORKNEY
 IN THE CITY OF HAMILTON, ONTARIO

CURRENT ZONING: S3
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NEW SITE AREA: 3,716.71 m² (0.87 ac, 0.37 ha)

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MIN. LOT AREA	0.4 ha (1,000 m ²)	0.37 ha (0,716.71 m ²)
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BUILDING HEIGHT	10.5 m	AS IS




LEGEND

- TP APPROX. LOCATION OF TELEPHONE POLES
- APPROX. LOCATION OF STREET TREES

SCALE: 1:300
 WHEN PRINTED ON 11" X 17"

PROJECT FILE NO. 2020_03

DATE: JULY 15, 2022
 DRAWN BY: S. C.
 REVIEWED BY: T. G.

SURVEY FROM:
 FILE: 38415 SRPR
 1552 2ND
 CONCESSION RD

A. T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 69 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L8N 3B9
 PHONE: (905) 527-8558 FAX: (905) 527-0032



South view of the subject lands from Concession 2 Road West



Southwest view of the subject lands from Concession 2 Road West



West view of the subject lands from Concession 2 Road West



Southwest view of the subject lands from Concession 2 Road West



East view of the subject lands from Concession 2 Road West



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 6, 2022
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Aminu Bello (905) 546-2424 Ext. 5264
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-21-003 by Wellings Planning Consultants Inc. on behalf of FGL Pirie Inc., Owner**, for a change in zoning from the Urban Reserve “UR” Zone and Single Detached Residential “R2” Zone in the former Town of Dundas Zoning By-law No. 3581-86, to the Community Institutional (I2, 814, H126) Zone in the City of Hamilton Zoning By-law No. 05-200, and Low to Medium Density Multiple Dwelling Zone “RM1/S-140” Zone, Modified in former Town of Dundas Zoning By-law No. 3581-86, to permit a four-storey retirement residence and sixteen townhouse dwellings for lands located at 125 Pirie Drive (Dundas), as shown on Appendix “A” attached to Report PED22145 be **APPROVED**, on the following basis:

- (a) That the draft By-laws, attached as Appendix “B” and Appendix “C” to Report PED22145, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the holding symbol to “H126” to the proposed Community Institutional (I2, 814) Zone.

That Holding Provision “H126” is to be removed to allow the Retirement Home with 100 residents and 84 dwelling units, conditional upon:

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

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 2 of 21

- (i) The Owner receive conditional site plan approval for the site to the satisfaction of the Manager of Heritage and Design;
 - (ii) The Owner enter into with the City and register on title a development agreement and/or site plan agreement to the satisfaction of the Manager of Heritage and Design;
 - (iii) That the Owner submit and received approval of a Fire Protection Design and Analysis Report to demonstrate that the system complies with the Ontario Building Code and applicable National Fire Protection Association (NFPA) 13 and NFPA 14 standards, all to the satisfaction of the Chief Building Official;
 - (iv) That the Owner submit and receive approval of a Risk Assessment Report to demonstrate how the proposed fire protection system will have no negative impact to the existing municipal system to the satisfaction of Public Works;
 - (v) That the Owner submit and received approval of an Operational and Maintenance Report/Plan that demonstrates how the proposed fire protection system will be maintained and outline the specific inspection details for the system, and that the proposed system complies with the *Building Code Act* and *Fire Protection and Prevention Act, 1997* all to the satisfaction of the Chief Fire Protection Officer and Chief Building Official;
 - (vi) The Owner submit and received approval of a Fire Safety Plan to the satisfaction of the Chief Building Official and Chief Fire Protection Officer;
 - (vii) That the Owner provide increased capital reserve funds in order to cover the costs of yearly maintenance records, all to the satisfaction of the Chief Fire Protection Officer and the Chief Building Official;
- (c) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2020, as amended);
- (d) That the proposed changes in zoning comply with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The subject property is municipally known as 125 Pirie Drive and is located at the north east corner of the Governor's Road and Pirie Drive intersection in Dundas. The property is currently vacant and measures approximately 1.43 hectares.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 3 of 21

The purpose of the Zoning By-law Amendment is to change the zoning from the Urban Reserve “UR” Zone and Single Detached Residential “R2” Zone under the Town of Dundas Zoning By-law No. 3581-86 to the site specific Community Institutional (I2, 814, H126) Zone in Hamilton Zoning By-law No. 05-200 and the Low to Medium Density Multiple Dwelling Zone “RM1/S-140” Zone in Dundas Zoning By-law No. 3581-86 to permit development of a four storey building containing a Retirement Home for a maximum of 100 residents, 84 dwelling units designed for seniors, a rooftop amenity area, 32 parking spaces proposed for the 16 townhouse dwellings, 36 parking spaces for the Retirement Home, 13 visitor parking spaces and 84 parking spaces proposed for the dwelling units designed and oriented towards seniors. A 1025 square metre roof top amenity area is proposed on the central portion of the Retirement Home and the location of the amenity area is oriented towards the proposed bungalow townhouses.

The proposed Retirement Home is considered housing with supports that provides accommodations for residents requiring care and assistance with daily needs but is not a Long Term Care Home. The 84 dwelling units are intended for independent living accommodations, may contain separate kitchen facilities and are classified as a Multiple Dwelling under the Zoning By-law. Sixteen townhouse dwellings are proposed along the north portion of the site that are intended senior residents.

The Applicant has submitted a concept plan and building elevations for the proposed development shown as Appendix “D” attached to Report PED22145.

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 the Growth Plan for the Greater Golden Horseshoe (2020, as amended);
- It complies with the Urban Hamilton Official Plan (UHOP); and,
- It reflects good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, compliments the neighbourhood streetscape and provides supportive housing options to meet the social and health needs of the community.

Alternatives for Consideration – See Page 21

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 4 of 21

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	FGL Pirie Inc.
Applicant:	Wellings Planning Consultants Inc.
File Number:	ZAC-21-003
Type of Application:	Zoning By-law Amendment
Proposal:	The Zoning By-law Amendment is to rezone the lands from the Urban Reserve "UR" Zone and Single Detached Residential Zone "R2" Zone to Low to Medium Density Multiple Dwelling "RM1/S-140" Zone, Modified and add the south portion of the subject lands to Zoning By-law No. 05-200 as Community Institutional (I2, 814, H126) Zone.
Property Details	
Municipal Address:	125 Pirie Drive, Dundas
Lot Area:	14,351 square metres (1.43 hectares)
Servicing:	Existing full municipal services.
Existing Use:	Vacant
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
Niagara Escarpment Plan	Designated as "Urban Area"
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), as amended.
Urban Hamilton Official Plan Existing:	"Neighbourhoods" in the Urban Hamilton Official Plan.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 5 of 21

Documents	
Urban Hamilton Official Plan Proposed:	Not required.
Zoning Existing:	Urban Reserve "UR" Zone and Single Detached Residential "R2" Zone
Zoning Proposed:	Community Institutional (I2, 814, H126) in City of Hamilton Zoning By-law No. 05-200 and Low to Medium Density Multiple Dwelling "RM1/S-140" Zone in Dundas Zoning By-law No. 3581-86.
Modifications Proposed:	<p>Applicant Requested Modifications (Retirement Home)</p> <ul style="list-style-type: none"> • Retirement Home shall not exceed a capacity of 100 residents, whereas 50 is permitted; • Maximum building height of 21.5 metres, whereas 10.5 metres is permitted; • Minimum rear yard of 3.0 metres, whereas is permitted; and, • Minimum parking space size of 2.6 metres in width by 5.5 metres in length, whereas 2.8 metres in width and 5.8 metres in length is permitted. <p>Modifications Identified by Staff</p> <ul style="list-style-type: none"> • Modify the definition of Front Lot Line to mean the portion of Pirie Drive extending 118 metres from the easterly property line; • Permit a minimum front yard of 2.8 metres whereas 6.0 metres is required; • The minimum landscaped area shall be 35% of the site area. • Exempt the minimum 3 metre landscape buffer strip required abutting any residential zone; • Permit a driveway parking space in tandem with a garage parking space; • Permit 0.0 metre manoeuvring space for a front yard driveway parking; and, • Exempt the minimum 0.30 spaces per dwelling for visitor parking for Townhouse Dwellings.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 6 of 21

Processing Details	
Received:	December 11, 2020
Deemed complete:	January 22, 2021
Notice of Complete Application:	Sent to 128 property owners within 120 metres of the subject property on February 5, 2021.
Public Notice Sign:	Posted January 29, 2021 and updated with public meeting date on August 10, 2022.
Notice of Public Meeting:	Sent to 128 property owners within 120 metres of the subject property on August 19, 2022.

BACKGROUND

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant	Urban Reserve "UR" Zone and Single Detached Residential Zone "R2" Zone

Surrounding Land Uses:

North	Single Detached Residential Dwellings	Single Detached Residential "R2" Zone
East	Townhouse Dwellings Single Detached Residential Dwellings	Low to Medium Density Multiple Dwelling "RM1" Zone and Single Detached Residential "R2" Zone
West	Townhouse Dwellings	Low to Medium Density Multiple Dwelling "RM1" Zone
South	Semi Detached Dwellings, and Single Detached Residential Dwelling and Woodlot.	Low Density Residential "R3/S-93" Zone and Urban Reserve "UR" Zone

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 7 of 21

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the application for a change in zoning complies with the Urban Hamilton Official Plan it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS; and,
- Conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe (2020, 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 following policies, among others, apply to the proposal.

Neighbourhoods Designation

- "E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services; and,
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports."

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 8 of 21

Built Form and Compatibility

- “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. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan; and,
- E.3.2.14 *New housing with supports* shall be permitted within the Neighbourhoods designation in accordance with the locational and design criteria of the residential category to which the density and built form best complies.”

Medium Density Residential

Function

- “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.”

In review of the above, the proposal contributes to a complete community by providing retirement residence that is considered housing with supports, which contributes to offering a variety of dwelling types in the area. The 100 resident retirement home component of the proposal is recognized as housing with supports under the UHOP which is a permitted use and the 84 dwelling units are recognized as a multiple dwelling which is also a permitted use under the Neighbourhoods designation.

The proposal is located at the neighbourhood periphery and along a major arterial road that is consistent with medium density residential function and design policies of the UHOP. Comments on the compatibility with the existing residential neighbourhood, density and form are addressed in the following section “residential intensification”.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 9 of 21

Residential Intensification

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation;
- 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;

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 10 of 21

- 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.”

In review of above mentioned policies, the proposal is considered an appropriate land use transition between the existing multiple dwelling forms along a major arterial road (Governor’s Road) at the neighbourhood periphery and single detached dwellings located in the interior neighbourhoods. Further, a retirement residence is considered low traffic generator. The site is served by transit with bus service routes available from stops at Governors Road and Pirie Drive/Newcombe Road.

The Traffic Impact Assessment, Parking and TDM Study submitted by the Applicant forecasts that parking demand for residents, visitors and employees is estimated to require approximately 73 parking spaces. Staff find the proposed 133 parking spaces proposed between the Retirement Home and senior’s apartments is adequate as the parking demand is estimated to be less than the proposed supply. The Applicant has been advised that the need to assign employee parking will be further reviewed at the Site Plan stage and that employee parking is to be provided/accommodated on site.

The proposal considers the surrounding residential uses in its design and building massing. The height impacts are mitigated through building step backs (terracing). The building step back at the east elevation proposed a reduce height to three storeys with the building’s forth storey only consuming a portion of the building envelope and faces Governor’s Road, away from the existing single detached dwellings north of Pirie Drive. A grade change of approximately 6 metres between proposed bungalow townhouse and south façade of the Retirement Home will also mitigate the proposed 19.9 building height. The Applicant submitted a shadow study that demonstrate impacts from shadowing on adjacent properties have been minimized through a combination of

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 11 of 21

building step backs, grade changes and density transitions between with the existing single detached dwellings and proposed bungalow townhouses and four storey Retirement Home.

The proposal for supportive housing for senior's and bungalow townhouse dwellings will achieve a range dwelling types and tenures available in the neighbourhood. The proposal is transit supportive and is an efficient use of existing municipal infrastructure.

The Applicant has proposed a private underground storage tank and pump system to provide fire protection for the Retirement Home. Engineering and Risk Management staff support the proponent's conceptual plan and strategy outlined in the Fire Flow Due Diligence Report prepared by WSP Canada Inc. Staff have recommended that this Zoning By-law Amendment application apply a Holding Provision to require detailed analysis of the fire protection system at the Site Plan stage.

Niagara Escarpment Plan

"C.1.1.1 Any development within the Niagara Escarpment Plan area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan and Section 3.3 of the Greenbelt Plan. Where there is discrepancy between this Plan and the Niagara Escarpment Plan, the most restrictive policies will prevail; and,

C.1.1.6 To minimize the impact and further encroachments in the Escarpment environment, for those lands located within the Niagara Escarpment Plan area identified on Schedule A - Provincial Plans, the following policies shall apply:

- a) The design of the development shall be compatible with the visual and natural environment."

The subject lands are not within the Niagara Escarpment Development Control area but are identified within the "" of the Niagara Escarpment Plan (2017). The Niagara Escarpment Commission has recommended urban design and landscaping considerations, which are outlined in the Relevant Consultation Section of this Report and will be addressed at the Site Plan stage.

Tree and Woodland 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."

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 12 of 21

Staff have identified municipal trees abutting the subject property. A Tree Management Plan and Landscape Plan are required and would address details as part of the Site Plan Control process.

Staff are of the opinion that the proposal complies with the Urban Hamilton Official Plan.

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

The subject lands are currently zoned Urban Reserve “UR” Zone and Single Detached Residential “R2” Zone in the former Town of Dundas Zoning By-law No. 3581-86. Permitted uses in the Residential “R2” Zone include single detached dwellings, accessory buildings and structures. The Urban Reserve “UR” Zone is intended to prevent premature subdivision and development until such time that orderly development may proceed through rezoning of the lands. The subject lands are currently vacant.

The Applicant has proposed to change the Single Detached Residential “R2” Zone to a modified Low to Medium Density Multiple Dwelling “RM1/S-140” Zone in the Town of Dundas Zoning By-law No. 3581-86 to allow sixteen bungalow townhouses. The Applicant proposes to add the southern portion of the subject lands into Zoning By-law No. 05-200 as Community Institutional (I2, 814, H126) Zone to allow development of a four storey Retirement Home with 100 residents and 84 dwelling units.

The site-specific zoning modifications proposed for both zones are outlined in the Report Fact Sheet and discussed in detail in Appendix “E” attached to Report PED22145. Staff note that the Applicant has requested a reduction to the minimum parking stall size to 2.6 metres in width and 5.5 metres in length from the required 2.8 metres in width to 5.8 metres in length as required in Zoning By-law No. 05-200. Staff are not supportive of this modification as the proposed parking stall size has been found to be inadequate in other development sites. Staff recommend that the reduced parking stall size is excluded from the zoning modifications proposed in Appendix “B” attached to Report PED22145.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 13 of 21

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • Municipal Property Assessment Corporation; • Enbridge Gas Inc.; • Bell Canada; • Canada Post Corporation; • Cogeco Cable; • Alectra (Horizon) Utilities; • Hydro One Networks Inc.; • Hamilton-Wentworth District School Board; • Hamilton-Wentworth Separate School Board; and, • French Public School Board. 		No Comment
	Comment	Staff Response
Forestry, Public Works Department	Staff find the Tree Management Plan acceptable. The Landscape Plan must provide larger tree species at 8.0 to 10.0 metre spacing along Governor's Road.	Should the application be approved, a Tree Management Plan and Landscape Plan will be required as conditions of Site Plan.
Waste Management, Public Works Department	The proposed development is ineligible for municipal waste collection and that a private waste hauler will be required.	Noted.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Transportation Planning supports the proposed Zoning By-law Amendment as initial concerns were address by removing one of the proposed townhouse unit with a problematic driveway location and improving the pedestrian/vehicle sight distance at the loading space by integrating with the underground parking area; and, • In order to permit the proposed site entrance from Governor's Road, a dedicated left turn lane is required to ensure public safety is maintained. 	Should the application be approved, Transportation Operations and Maintenance Division will work with Applicant/Owner to finalize the road design at the Site Plan stage.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 14 of 21

	Comment	Staff Response
Transit Planning and Infrastructure, Transit Division, Public Works Department	<ul style="list-style-type: none"> • Staff advise that conflicts between passenger vehicle and transit vehicles should be avoided/minimized in regard to the site entrance from Governor's Road; • The Owner is fully responsible for relocating the landing pad and installing a new pedestrian walkway at the Pirie Drive and Newcombe Road intersection, due to the conflict between the proposed townhouse driveway and existing transit infrastructure; • A 9.0 metre pad length must be achieved to ensure that bus stop accessibility is not impacted; • The Hamilton Street Railway requires that the bus bay on Governor's Road remain open throughout construction of the proposed development; and, • The pedestrian shelter, litter container and bus operator washroom must remain at existing locations on Governor's Road. 	<ul style="list-style-type: none"> • Should the application be approved, the Applicant will be required to provide a design for an exclusive eastbound left-turn lane with a minimum of 15 metres of storage at the Governor's Road site access as a Special Condition of Site Plan Approval; • Should the application be approved, detailed design considerations will be addressed at the Site Plan stage; • Should the application be approved, construction-related items may be addressed through a Construction Management Plan at the Site Plan stage; and, • Staff have advised the Applicant/Owner of these requirements. Should the application be approved, detailed design considerations will be addressed at the Site Plan stage.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Staff require that the proposal demonstrate that the water supply and flows for firefighting are available under the current municipal system or with enhancements. 	<ul style="list-style-type: none"> • A Holding Provision is recommended under this Zoning By-law Amendment to require a detailed Fire Protection Design and Analysis Report, amongst other requirements at the Site Plan stage.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 15 of 21

	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department Continued		<ul style="list-style-type: none"> • In order to provide water supply for fire protection, the Applicant has proposed private holding tank and pump system for the Retirement Home that is acceptable to staff in concept; and, • Should the application be approved, detailed design considerations will be addressed at the Site Plan stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	The owner and agent should be made aware that municipal addresses for the subject development will be determined when a Site Plan application is submitted.	Noted.
Niagara Escarpment Commission	<ul style="list-style-type: none"> • NEC staff do not have concerns with the proposal. The policies of the Niagara Escarpment Plan apply to the subject site; • Landscaping should consist of a mix of large deciduous and evergreen trees and shrubs. All trees should be native; and, • Building colours should be visually compatible with the natural scenery and exterior lighting should be downward directed. 	Should the application be approved, detailed design considerations will be addressed at the Site Plan Stage.
Public Consultation		
Issue	Comment	Staff Response
Traffic – Data Collection	Four public submissions identified concerns that the traffic study was completed in 2020 [during a pandemic year] that are not reflective of typical traffic volumes.	The Applicant submitted Traffic Impact Study incorporated traffic counts post September 2020, when schools returned to operation.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 16 of 21

Issue	Comment	Staff Response
Traffic – Data Collection Continued		City staff conducted a subsequent traffic count at Governor's at Davidson Boulevard on November 2, 2021 that showed similar traffic volumes to the 2020 counts completed, therefore staff conclude this proposal does not generate a substantial amount of traffic during peak periods and ample road capacity is available to accommodate traffic volumes.
Traffic Volumes	Concerns were expressed regarding increased traffic generated by the Retirement Home.	The Traffic Impact Statement confirms the current road network in the area operates within acceptable service levels during the weekday peak hours. The Governor's Road/Pirie Drive intersections are forecasted to operate at similar levels of service post-development.
Height/Density	Concerns were expressed regarding the increased residential density and proposed height being too high for a predominately low density residential neighbourhood.	The proposed building height considered is appropriate by staff being located on the neighbourhood periphery in proximity to a major arterial road (Governor's Road). The proposed bungalow townhouse dwellings provide a suitable land use and density transition between the proposed four storey Retirement Home as complimentary use to the surrounding single detached dwellings.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 17 of 21

Issue	Comment	Staff Response
Neighbourhood Character	Concerns that the proposed 4-storey retirement residence will disturb the existing neighbourhood character comprised of primarily single detached dwellings.	Design techniques such as the application of a 45 degree angular plane and building step-backs are proposed to address the transition between the Retirement Home with the townhouses immediately east, which compliments the existing neighbourhood character.
Location of Use	Comment that the retirement residence is more suitably located within walking distance to shopping, medical services and other amenities.	The housing with supports is a permitted use within the Neighbourhood designations of the UHOP, which is intended to provide additional housing choices and opportunities for aging in place.
Greenspace	Residents have expressed the proposal will result in the loss of greenspace within the neighbourhood.	The subject lands are zoned Urban Reserve, which is intended for future development subject to a Zoning By-law Amendment. The subject plans were not intended to be exclusively used for open space in the long term.
Storm Water Management	Residents of the condominium development located immediately adjacent to the subject lands have expressed concerns about the loss of permeable area from the development and capacity of the overall storm sewer system.	The Applicant's submitted Functional Servicing Report submitted confirms that site grading plans to direct front yard and roof drainage from the proposed bungalow townhouses northward to Pirie Drive while Retirement Home and rear yards of the bungalow townhouses will be collected by the storm sewer infrastructure to drain southerly towards Governor's Road. The remaining site drainage will be managed through a proposed underground stormwater detention system.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 18 of 21

Issue	Comment	Staff Response
Construction	Concerns regarding the temporary impacts of construction were expressed.	Staff note that details such as a Dust Mitigation Plan and an Erosion and Siltation Control Plan may be conditions of Site Plan Approval to ensure that the areas surrounding the development are maintained. A Construction Management Plan may also be submitted through the Site Plan Approval process.
Property Values	Several concerns were submitted indicating that the proposal would negatively impact property values.	Staff are not aware of any supporting real estate information or documentation that would substantiate this concern, or any empirical data with respect to property devaluation.
Privacy	Concerns were submitted regarding the potential for noise and privacy invasion from the proposed roof top amenity area for the adjacent properties at 10 Davidson Boulevard.	The proposed rooftop amenity area is oriented towards the proposed bungalow townhouse dwellings and is located on the central portion of the building to minimize overlooking impacts.
Housing Form	Concerns were expressed about proposed townhouses on Pirie Drive that proposes a residential density increase compared to original nine single detached residential lots previously advertised by the developer.	Planning staff are supportive of the townhouse dwellings, which provide a gradual transition between the Retirement Residence and single detached dwellings on Pirie Drive.
Transit Stop	A number of concerns were expressed regarding the relocation of the existing bus layby on Governor's Road.	Transit Planning staff have advised the Applicant that the existing bus pad, shelter, litter container and bus operator washroom must remain at its current location with no disturbance to transit operations during any construction of the proposed development.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 19 of 21

Issue	Comment	Staff Response
In Support	Two comments were in support for the plan to permit a retirement home.	Staff have noted this.

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 166 property owners within 120 m of the subject property on February 5, 2021 for the application.

A Public Notice Sign was posted on the property on January 29, 2021, and updated on August 10, 2022, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on August 19, 2022.

To date, staff received 93 letters pertaining to the application (attached as Appendix “F” to Report PED22145) and the concerns are summarized in the above table.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the Applicant has prepared a Public Consultation Strategy which includes a neighbourhood meeting held on May 6, 2021 that was virtually hosted by the Applicant. A notice advising of the neighbourhood meeting was sent to all residents within 120 metres of the subject lands. Approximately 100 people, including the Ward 13 Councillor, Applicant and their Agent attended the virtual meeting.

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 Plan (2020);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 20 of 21

- (iv) The proposal represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances and continues the streetscape of the neighbourhood and further provides housing opportunities and housing with supports to meet the social and health needs of the community.

The proposed Retirement Home use is a permitted use, as housing with supports are permitted within the Neighbourhoods designation in the Urban Hamilton Official Plan. The proposal meets the overall scale and density requirements within the Neighbourhoods designation and also meets the Residential Intensification policies of the UHOP. The proposal represents a desirable design outcome for the subject site that compliments the surrounding through appropriate density and height transitions from the existing single detached dwellings, proposed townhouses and the four storey retirement residence.

2. Zoning By-law Amendment

The subject lands are currently zoned Single Detached Residential “R2” Zone and Urban Reserve “UR” Zone in the former Town of Dundas Zoning By-law No. 3581-86.

The Applicant has requested that the subject lands be removed from the Dundas Zoning By-law No. 3581-86 and be rezoned to a site specific Community Institutional (I2, 814, H126) Zone, under Hamilton Zoning By-law No. 05-200 to permit a Retirement Home containing 100 residents and 84 dwelling units catered towards seniors.

The proposed Zoning Amendment to Zoning By-law No. 05-200 can be supported by staff as the proposed built form contributes to a complete community through a compact and efficient urban design. The proposal also supports an additional housing types and forms for the area, in the form of a low-rise building and townhouses. Staff are satisfied that, scale, massing setbacks and landscaping are compatible with the surrounding area. The proponent has submitted a Fire Flow Due Diligence Report prepared by WSP Canada Inc. as an addendum to the Watermain Hydraulic Analysis initially submitted in support of this Zoning By-law Amendment. Staff are supportive of the conceptual system that proposes a private holding tank (underground) and pump system to provide fire protection for the Retirement Home. Staff recommend Holding Provision 126 be implemented to demonstrate that the future development provides adequate fire protection that can supplement the municipal system. Criteria for the private holding tank design, storage volume calculations and required pump system shall be addressed at the Site Plan stage.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 21 of 21

ALTERNATIVES FOR CONSIDERATION

Should the Zoning By-law Amendment application be denied, the north portion of the subject lands could continue to be used in accordance with the Urban Reserve “UR” Zone and Single Detached Residential “R2” Zone, which permits single detached dwellings. The Urban Reserve “UR” Zone is intended to prevent premature subdivision and development until such time that orderly development may proceed through rezoning of the lands.

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.

Culture and Diversity

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22145 – Location Map

Appendix “B” to Report PED22145 – Draft Zoning By-law 3581-86 Amendment

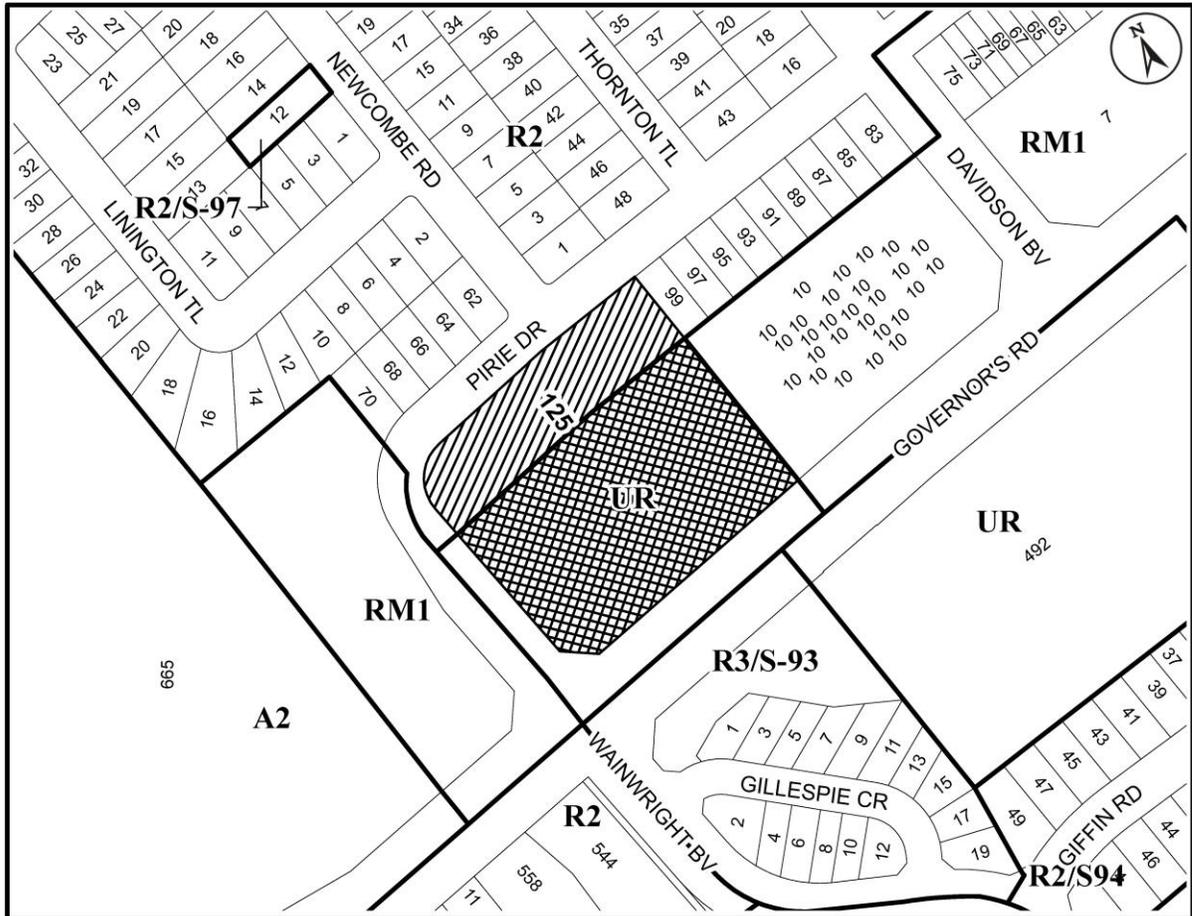
Appendix “C” to Report PED22145 – Draft Zoning By-law 05-200 Amendment

Appendix “D” to Report PED22145 – Concept Plan and Architectural Drawings

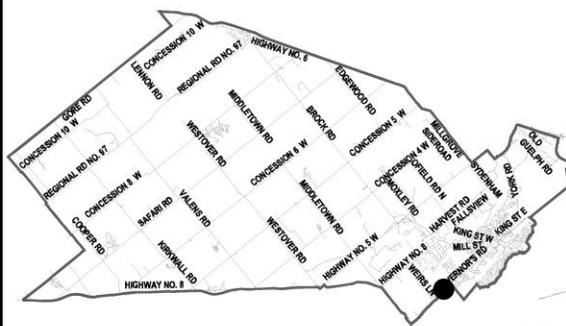
Appendix “E” to Report PED22145 – Zoning Modifications Chart

Appendix “F” to Report PED22145 – Public Submissions

AB:sd



● Site Location



Key Map - Ward 13

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-21-003

Date:
August 10, 2022

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AB/AL

Subject Property

125 Pirie Drive, Dundas (Ward 13)

 Block 1 - Change in Zoning from the Single-Detached Residential Zone (R2) Zone to Low To Medium Density Multiple Dwelling (RM1/S-140) Zone, Modified

 Block 2 - Lands to be added to Zoning By-law 05-200 as Community Institutional (I2, 814, H126) Zone



Appendix “B” to Report PED22145**Page 1 of 3**

Authority: Item ,
Report (PED22145)
CM:
Ward: 13

Bill No.**CITY OF HAMILTON****BY-LAW NO. 3581-86****To Amend Zoning By-law No. 3581-86
Respecting Lands Located at 125 Pirie Drive, Dundas**

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Stoney Creek” 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 of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;
AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan approved by the Ontario Municipal Board on August 16, 2013.

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 6 day of September, 2022, recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided;

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

- 1) That Schedule “A” appended to and forming part of Dundas Zoning By-law No. 3581-86 be amended by deleting the lands known as 125 Pirie Drive, Dundas, the boundaries of which are shown on plans hereto annexed as Schedule “A”, to this By-law;
- 2) That Schedule “A” appended to and forming part of By-law No. 3692-92 (Dundas), be amended is as follows:
 - a) Notwithstanding Section 3 of this By-law, for purposes of the definition of the Front Lot Line shall mean the portion of Pirie Drive extending 118 metres from the easterly property line of the subject lands shall be considered the front lot line;

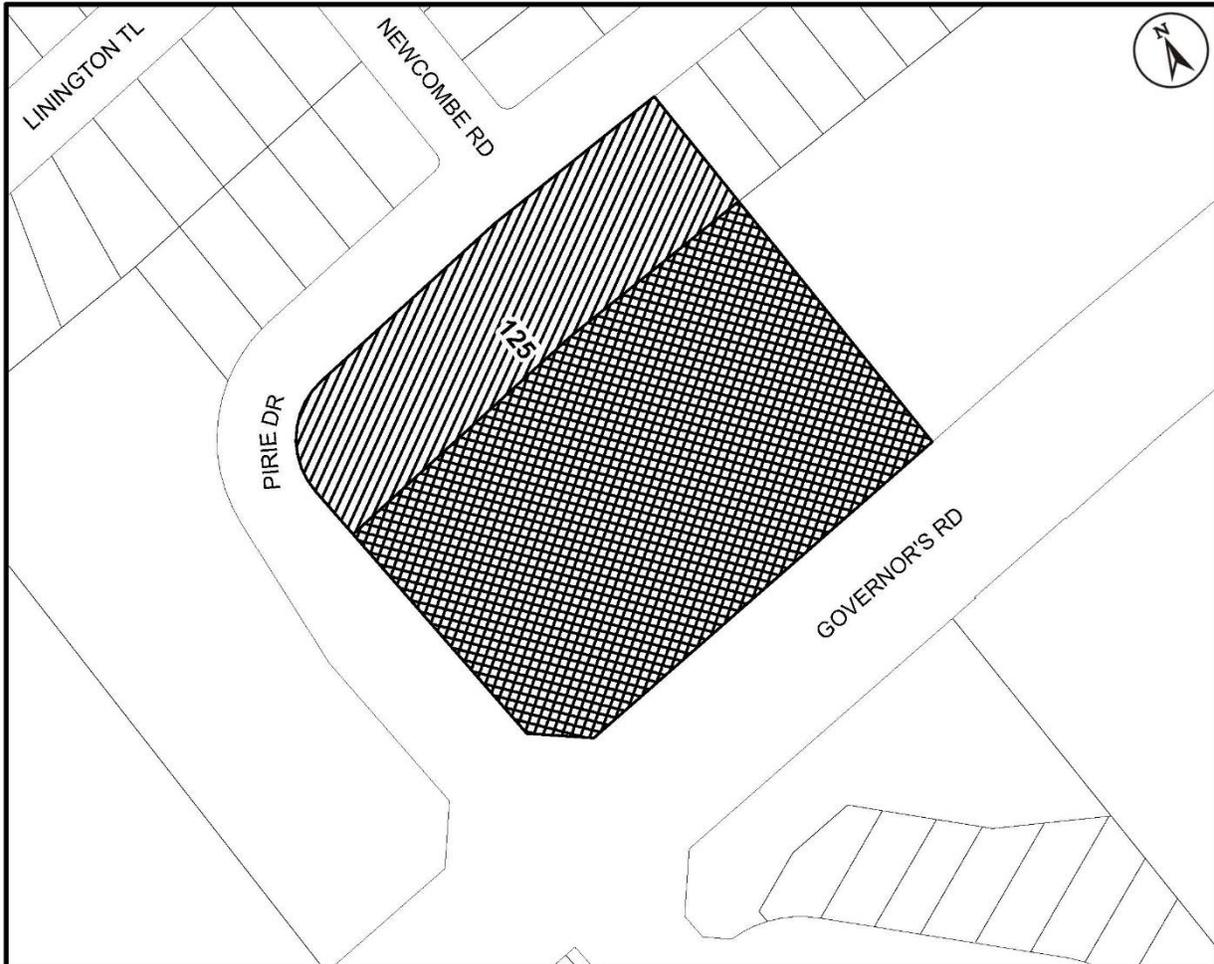
Appendix "B" to Report PED22145**Page 2 of 3**

- b) Notwithstanding Section 12.5.2.1 of this By-law, the minimum front yard shall be 2.8 metres;
 - c) Notwithstanding Section 12.5.6.1 of this By-law, a minimum 35% of the site area shall be landscaped.
 - d) Notwithstanding Section 12.5.6.2 of this By-law, a 3.0 metre wide a buffer strip within the landscape area shall not apply to any portion of a lot line that abuts a residential zone;
 - e) Notwithstanding Section 7.2.1, 7.2.2 and 7.14.1 of this By-law, tandem parking between garage parking space and front yard driveway shall be permitted with a 0.0 metre manoeuvring space for the front yard driveway parking space; and,
 - f) Notwithstanding Section 7.12.1.3 of this By-law, 0.30 spaces per dwelling unit for visitor parking shall not apply.
- 3) That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*, and,
- 4) That this By-law No. 22- shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, either upon the date of passage of this by-law or as otherwise provided by the said Sub-section.

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk



<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>
--	---

<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 22-_____</p> <p>to Amend By-law No. 3581-86</p>	<p>Subject Property</p> <p>125 Pirie Drive, Dundas (Ward 13)</p> <p> Block 1 - Change in Zoning from the Single-Detached Residential Zone (R2) Zone to Low To Medium Density Multiple Dwelling (RM1/S-140) Zone, Modified</p> <p> Block 2 - Lands to be added to Zoning By-law 05-200 as Community Institutional (I2, 800) Zone</p>
---	--

Scale: N.T.S	File Name/Number: ZAC-21-003	
Date: April 22, 2022	Planner/Technician: AB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Appendix “C” to Report PED22145
Page 1 of 4**

Authority: Item , Planning Committee
Report PED22145
CM: September 6, 2022
Ward: 13

Bill No.

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

**To Amend Zoning By-law No. 05-200,
with respect to lands located at 125 Pirie Drive, Dundas**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on September 6, 2022;

WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report 22___- ___ of the Planning Committee, at its meeting held on the 6 day of September 2022, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND this By-law conforms with the Urban Hamilton Official Plan;

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

1. That Map No. 941 and 942 of Schedule “A” – Zoning Maps appended to and forming part of Zoning By-law No. 05-200 be amended by adding the lands known as 125 Pirie Drive, Dundas, the boundaries of which are shown on plans hereto annexed as Schedule “A”, to this By-law.
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:
 - “800. Within the lands zoned Community Institutional (I2, 814, H126) Zone, identified on Maps 941 and 942 of Schedule “A” – Zoning Maps and described as 125 Pirie Drive, the following special provisions:
 - a) Notwithstanding Section 3: Definitions of Front Lot Line, Governor’s Road shall be deemed the Front Lot Line;
 - b) In addition to uses permitted in Section 8.2.1, a Multiple Dwelling with a maximum of 84 dwelling units shall be permitted in conjunction with the development of a Retirement Home;
 - c) Notwithstanding Section 8.2.3.1 e) and g, the following regulations shall apply to a Retirement Home and a Multiple Dwelling:

Appendix “C” to Report PED22145**Page 2 of 4**

- (i) Maximum Height 21.5 metres for a Retirement Home and Multiple Dwelling; and,
- (ii) Maximum Capacity Shall not exceed 100 residents for a Retirement Home.

3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

126. Notwithstanding Section 8.2 of this By-law, within lands zoned Community Institutional (I2, 814) Zone, identified on Maps 941 and 1942 of Schedule “A” – Zoning Maps and described as 125 Pirie Drive, development shall be restricted in accordance with the following:

- a) 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 when the following condition have been satisfied:
 - (i) That the Owner shall receive conditional site plan approval for the site to the satisfaction of the Manager of Heritage and Design;
 - (ii) The Owner shall enter into with the City and register on title a development agreement and/or site plan agreement to the satisfaction of the Manager of Heritage and Design;
 - (iii) That the Owner shall submit and received approval of a Fire Protection Design and Analysis Report to demonstrate that the system complies with the Ontario Building Code and applicable National Fire Protection Association (NFPA) 13 and NFPA 14 standards, all to the satisfaction of the Chief Building Official and Chief Fire Protection Officer;
 - (iv) That the Owner shall submit and receive approval of a Risk Assessment Report to demonstrate how the proposed fire protection system will have no negative impact to the existing municipal system to **the satisfaction of Public Works;**
 - (v) That the Owner shall submit and received approval of an Operational and Maintenance Report/Plan that demonstrates how the proposed fire protection system will be maintained and outline the specific inspection details for the system, and that the proposed system complies with the *Building Code Act* and *Fire Protection and Prevention Act*, 1997 all to the satisfaction of the Chief Fire Protection Officer and Chief Building Official;

Appendix "C" to Report PED22145

Page 3 of 4

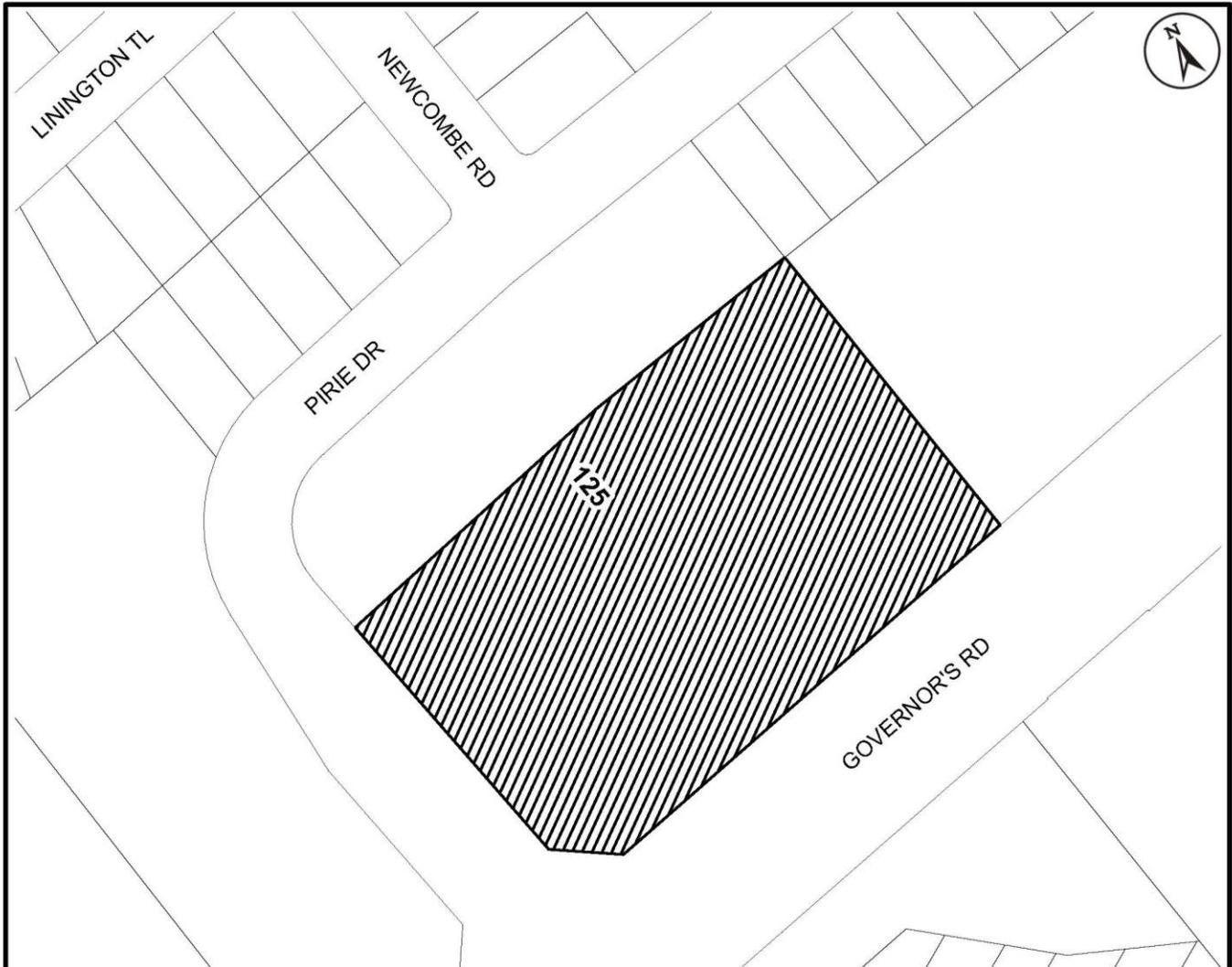
- (vi) The Owner shall submit and received approval of a Fire Safety Plan to the satisfaction of the Chief Building Official and Chief Fire Protection Officer; and,
- (vii) That the Owner shall provide increased capital reserve funds in order to cover the costs of yearly maintenance records, all to the satisfaction of the Chief Fire Protection Officer and the Chief Building Official.

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 _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk



This is Schedule "A" to By-law No. 22-

Passed the day of, 2022

Mayor

Clerk

Schedule "A"

Map forming Part of
By-law No. 22-_____

to Amend By-law No. 05-200
Maps 941 & 942

Subject Property

125 Pirie Drive, Dundas (Ward 13)

 Lands to be added to Zoning By-law No. 05-200 as
Community Institutional (I2, 814, H126) Zone

Scale:
N.T.S

File Name/Number:
ZAC-21-003

Date:
July 8, 2022

Planner/Technician:
AB/AL



Hamilton

Contractor: M. J. ...
 Do Not Scale: ...
 All Drawings, Specifications And Related Documents Are The Copyright Of The Architect And Must Be Returned Upon Request.
 Reproduction Of Drawings, Specifications And Related Documents In Part Or Whole Is Forbidden Without The Architects Written Permission.
 This Drawing Is Not To Be Used For Construction Until Signed By The Architect.
 Date:



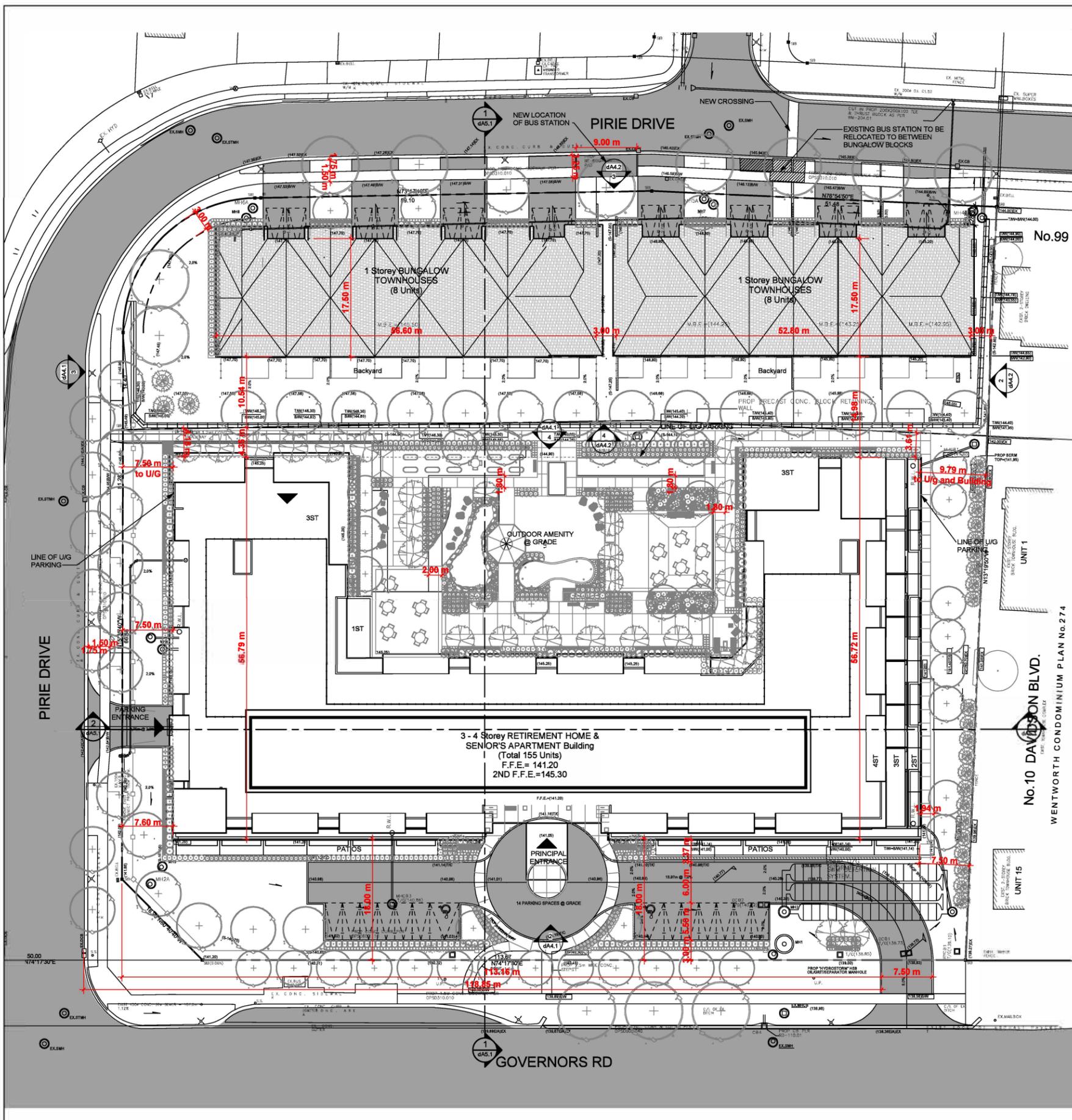
KIRKOR ARCHITECTS + PLANNERS

20 De Boers Dr. # 400 Toronto ON M3J 0H1
 TEL 416 665 6060 kirkorarchitects.com

No.: Revision: Date:



Context Plan 1
 NTS dA1.1



Site Plan 3
 Scale: 1 : 300 dA1.1

125 PIRIE DR RETIREMENT HOME DEVELOPMENT DUNDAS ON

Project Statistics
 December 8, 2021 Project No. 19-081

1.0 SITE INFORMATION

1.1 Total Site Area	sqm	sq ft	acres	hectares
Gross Lot Area	14,351.0	154,473	3.54	1.43

2.0 GFA

Proposed GFA for RETIREMENT HOME AND SENIORS APARTMENT BLDG.				
Levels	floors	sq m	sq ft	sq ft
Level 1	1 x	2536	2536	27301
Level 2	1 x	3780	3780	40685
Level 3	1 x	3972	3972	42755
Level 4	1 x	3787	3787	40759
Level Rooftop	1 x	1025	1025	11033
Total Proposed Residential GFA for RETIREMENT HOME AND SENIORS APARTMENT BLDG				15,100 162,533

Proposed GFA for SENIORS TOWNHOMES				
Level 1 - Townhome	1 x	1848	1848	19804
Total Proposed Residential GFA for SENIORS TOWNHOMES				1,848 19,884

Proposed TOTAL GFA				
Total Proposed Residential GFA				16,948 182,417

FSI			Total Proposed GFA (m ²)	Site Area (m ²)	FSI
FSI			16,948	14,351.0	1.18

3.0 Unit Count

RETIREMENT HOME		1BED	2BED	units/floor
Level 1	1 x	5	0	5
Level 2	1 x	17	4	21
Level 3	1 x	20	4	24
Level 4	1 x	18	5	21
Number of Units in RETIREMENT HOME AREA		58	13	71

SENIORS APARTMENT		1BED	2BED	units/floor
Level 1	1 x	5	1	6
Level 2	1 x	22	1	23
Level 3	1 x	23	4	27
Level 4	1 x	24	4	28
Number of Units in SENIORS APARTMENT AREA		74	10	84

SENIORS TOWNHOMES		Number of Units in SENIORS TOWNHOMES		16
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3.3 TOTAL NUMBER OF UNITS

TOTAL Number of Units	171
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5.0 Parking

Parking Required - Including Accessible Spaces		No. of Units	
Retirement Home	0.50 /Unit	71	36
Seniors apartment Residents	1.00 /Unit	84	84
Seniors apartment Visitors	0.15 /Unit	84	13
Townhouse Units	2.00 /Unit	16	32
Total Parking Required			165
Parking Provided - Including Accessible Spaces			
L1			133
L1 - Townhomes			32
Total Parking Provided			165

Project Statistics 2
 NTS dA1.1

03	Rezoning- Resubmission	DEC 15, 2021
02	Rezoning- Resubmission	JUL 07, 2021
01	Rezoning	DEC 21, 2020
N6	Issued For:	Date:

Site Plan & Statistics

Project:
 Fieldgate Properties Limited

125 PIRIE DR

125 Pirie Dr, Dundas, Ontario

Scale: 1 : 300

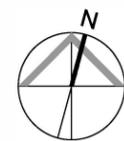
Author Drawn by:

Checker Checked by:

19081 Project No.:

Dec 15, 2021 Date:

Drawing No.:



dA1.1

EXTERIOR FINISH LEGEND

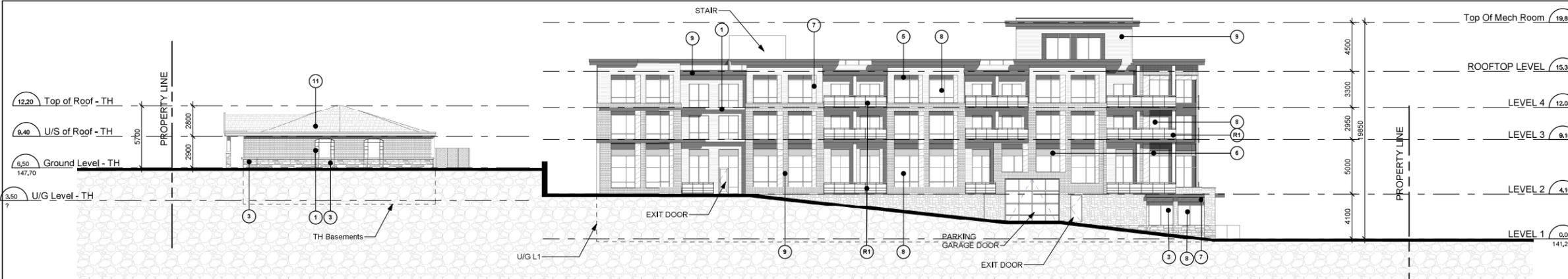
PROJECT NUMBER - PROJECT NAME

- | | | |
|-------------------------|--|---|
| 1 BRICK - Beige | 5 METAL PANEL SYSTEM - Dark Gray | 9 SIDING - Light Gray |
| 2 BRICK - Light - Beige | 6 METAL PANEL SYSTEM - Light Gray | 10 STUCCO - Light Gray |
| 3 STONE - Beige | 7 METAL PANEL SYSTEM - Wood Pattern | 11 ROOF - Asphalt Shingles - Dark Gray |
| 4 STONE - Darker Beige | 8 Vinyl Window - Clear Glazing - Dark Gray Frame | R1 RAILING SYSTEM - Clear Glazing Panel - Dark Gray Railing |

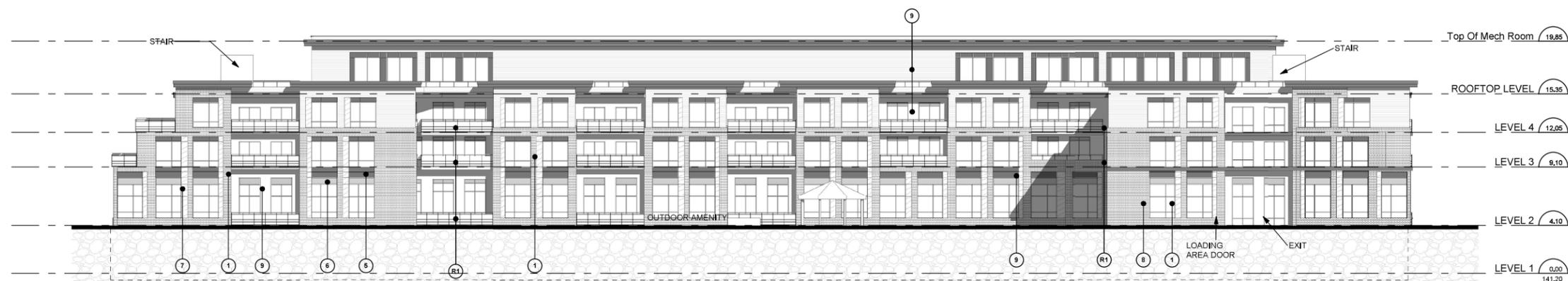
EXTERIOR FINISH LEGEND 1
 NTS dA4.1



South Elevation - Retirement Home & Seniors' Apartment 2
 Scale: 1 : 200 dA4.1



West Elevation 3
 Scale: 1 : 200 dA4.1



North Elevation - Retirement Home & Seniors' Apartment 4
 Scale: 1 : 200 dA4.1



KIRKOR ARCHITECTS + PLANNERS

20 De Boers Dr. # 400 Toronto ON M3J 0H1
 TEL 416 665 6060 kirkorarchitects.com

No.: Revision: Date:

O3	Rezoning- Resubmission	DEC 15, 2021
O2	Rezoning- Resubmission	JUL 07, 2021
O1	Rezoning	DEC 21, 2020
N6	Issued For:	Date:

Drawing Title:

Elevations

Project:

Fieldgate Properties Limited

125 PIRIE DR

125 Pirie Dr, Dundas, Ontario

Scale:

1 : 200

Author Drawn by:

Checker Checked by:

19081 Project No.:

Dec 15, 2021 Date:

Drawing No.:

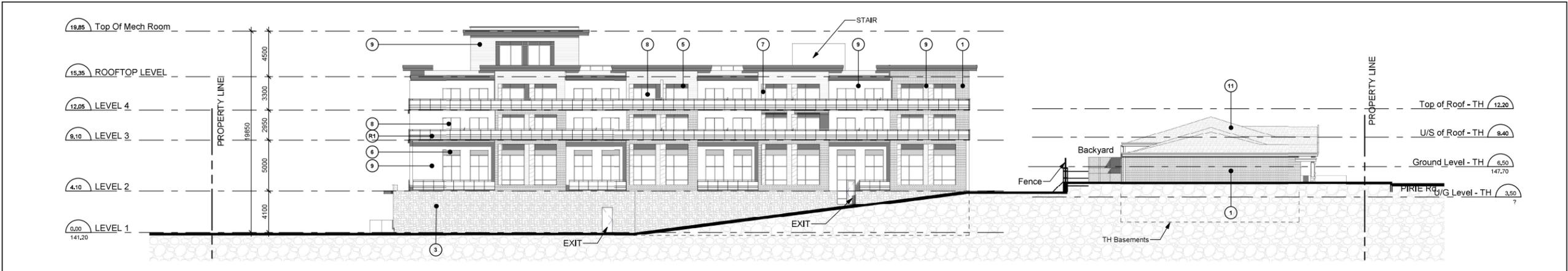
dA4.1

EXTERIOR FINISH LEGEND

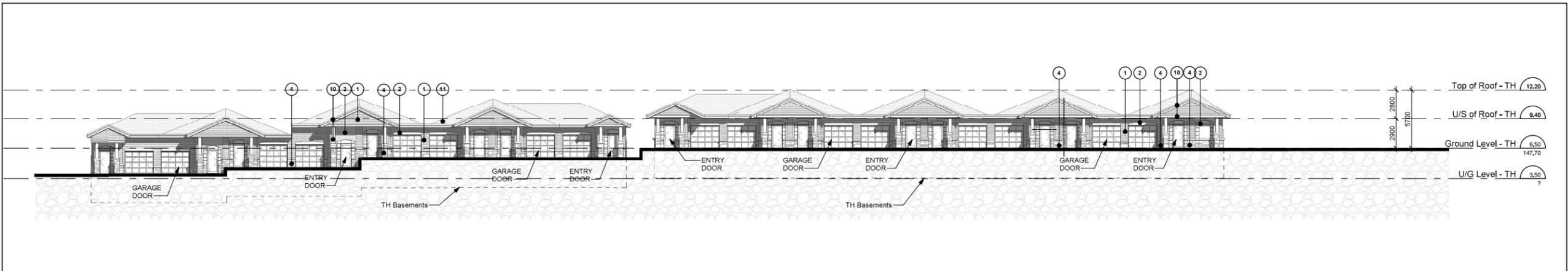
PROJECT NUMBER - PROJECT NAME

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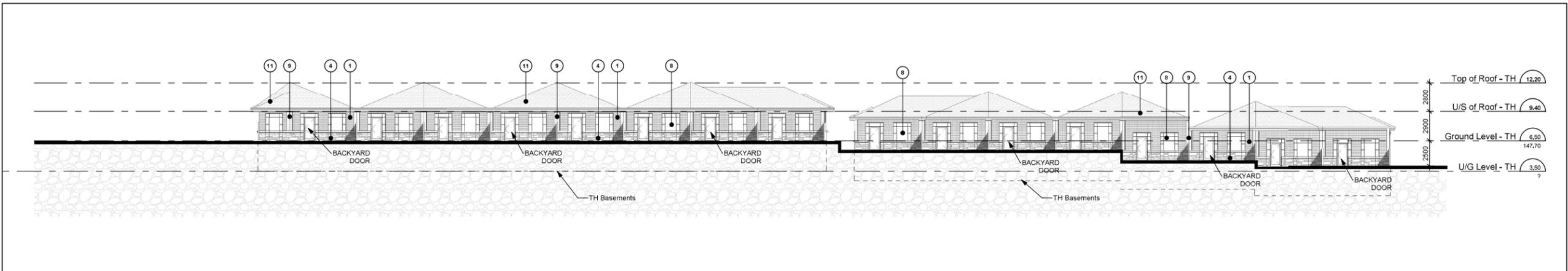
EXTERIOR FINISH LEGEND 1
 NTS dA4.2



East Elevation 2
 Scale: 1 : 200 dA4.2



North Elevation - Townhouses 3
 Scale: 1 : 200 dA4.2



South Elevation - Townhouses 4
 Scale: 1 : 200 dA4.2

Contractor Must Check For Compliance With All Codes
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 TEL 416 665 6060 kirkorarchitects.com

No.: Revision: Date:

03	Rezoning- Resubmission	DEC 15, 2021
02	Rezoning- Resubmission	JUL 07, 2021
01	Rezoning	DEC 21, 2020
N6	Issued For:	Date:

Drawing Title:

Elevations

Project:

Fieldgate Properties Limited

125 PIRIE DR

125 Pirie Dr, Dundas, Ontario

Scale:

1 : 200

Author

Checker

19081

Dec 15, 2021

Date:

Drawing No.:

dA4.2

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 Date:



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 TEL 416 665 6060 kirkorarchitects.com

No.: Revision: Date:



Section 3 1
 Scale: 1 : 200 dA5.1



Section 4 2
 Scale: 1 : 200 dA5.1

03	Rezoning- Resubmission	DEC 15, 2021
02	Rezoning- Resubmission	JUL 07, 2021
01	Rezoning	DEC 21, 2020
N0	Issued For:	Date:

Drawing Title:

Sections

Project:

Fieldgate Properties Limited

125 PIRIE DR

125 Pirie Dr, Dundas, Ontario

Scale:

1 : 200

Author

Checked by:

Checker

Project No.:

19081

Date:

Dec 15, 2021

Drawing No.:

dA5.1

ZONING BY-LAW AMENDMENT MODIFICATION CHART (Zoning By-law 05-200)			
Provision	Required	Requested Amendment	Analysis
Section 3: Definitions Front Lot Line	Shall mean any lot line abutting a street, and: With reference to a corner lot, shall mean the shorter of the lot lines abutting the streets.	Governor's Road shall be deemed the Front Lot Line.	In accordance with the existing definition in this By-law, Pirie Drive frontage is considered to be the front lot line, as it is the shorter of the two property lines. Governor's Road is proposed as the main site entrance and building façade interfaces with Governor's Road. Therefore, staff support the modification.
Section 8.2.1 Permitted Uses	Multiple Dwellings not permitted	Multiple Dwellings in conjunction with the development of a Retirement Home..	The proposal contains senior's apartments and retirement home units that are intended to be of self contained and/or with shared facilities to serve the daily needs of residents, thereby contributing to a full range of housing types with support within the Retirement Home. Therefore, staff support this modification.
8.2.3.1 e) Maximum Height	10.5 metres	21.5 metres	The proposed four storey development may be categorized as a Medium Density Residential built from in the Urban Hamilton Official Plan that permits a maximum height of six storeys. Staff find the proposed height increase is appropriate as multiple dwelling forms are preferably located on the neighbourhood periphery in proximity to a major arterial road (Governor's Road). The proposed bungalow townhouse dwellings provide an suitable land use and density transition between the proposed four storey Retirement Home and the surrounding existing low density residential uses. Therefore, staff support this modification.

ZONING BY-LAW AMENDMENT MODIFICATION CHART (Zoning By-law 05-200)			
Provision	Required	Requested Amendment	Analysis
Section 8.2.3.1 g) Maximum Capacity for Retirement Home	Shall not exceed 50 residents.	Shall not exceed 100 residents.	Staff are satisfied the proposed Retirement Home is appropriately sized in a built form that is compatible with the surrounding neighbourhood. The intent of the maximum capacity requirement is restrict the impacts of the scale and size of a Retirement Home on a neighbourhood.
Section 5.2 b) i)	Unless permitted by another regulation in this By-law, parking space sizes shall be: Minimum 2.8 metres in width and 5.8 metres in length.	2.6 in width and 5.5 in length.	The proposed parking stall size has been found to be inadequate. The standard parking stall size required in the Zoning By-law ensures spaces are accessible and manoeuvrable to allow ease of access to vehicles by passengers (i.e. adequate space for door swings). Staff do not support this modification.

ZONING BY-LAW AMENDMENT MODIFICATION CHART (Dundas Zoning By-law 3581-86)			
Provision	Required	Requested Amendment	Analysis
Section 3: Definitions Front Lot Line	Shall mean any lot line abutting a street, and: With reference to a corner lot, shall mean the shorter of the lot lines abutting the streets.	Front Lot Line shall mean the portion of Pirie Drive extending 118 metres from the easterly property line of the subject lands shall be considered the front lot line.	Based on strict interpretation of the Front Line Line definition, the westerly flankage along Pirie Drive would be considered the frontage of the subject property. The townhouse block proposed front driveways along the northerly property boundary, therefore it is practical define the longer segment of Pirie Drive as the Front Lot Line. Therefore, staff support this modification.
12.5.2.1 Minimum Front Yard	6.0 metres	2.8 metres	The intent of this regulation is to ensure a consistent streetscape is maintained and to allow for sufficient building setbacks. The proposed townhouse development achieves a consistent front setback along the majority of the Pirie Drive frontage.

ZONING BY-LAW AMENDMENT MODIFICATION CHART (Dundas Zoning By-law 3581-86)			
Provision	Required	Requested Amendment	Analysis
12.5.2.1 Minimum Front Yard Continued			<p>The proposed 2.8 metre front setback is recognizes the curve and narrowing of property boundary at the respective west and east portion of the subject lands, where standard setbacks are unable to be achieved for the corners of the townhouse dwellings.</p> <p>Therefore, staff support this modification.</p>
12.5.6.1 Minimum Landscaped Area	50% of the site area shall be landscaped.	35% of the site area shall be landscaped.	<p>The bungalow townhouse development proposes a compact street-oriented layout where it is not practical to provide 50% landscape area of the site.</p> <p>Therefore, staff support this modification.</p>
12.5.6.2 Buffer Strip	The landscaped area requirements contained in subclause 12.5.6.1 shall include a buffer strip of not less than 3.0 metres in width which shall be provided and maintained adjacent to every portion of any lot line that abuts any R1, R2, R3 or R4 Zone.	Exempted	<p>The Applicant's submitted Conceptual Landscape Plan proposes a retaining wall within the 3.0 metre easterly side yard abutting the existing residential lots. Staff find the proposed retaining wall acceptable as it provides a visual barrier or buffer and the bungalow townhouses propose a built form that is compatible with the existing single detached dwellings.</p> <p>Therefore, staff support this modification.</p>
7.2.1	All required parking spaces and loading spaces shall be designed and located such that all vehicles using such spaces can be parked and manoeuvred entirely within the bounds of the parking areas within which such spaces are located, and without moving any other vehicle within such parking area.	The garage parking space and front yard driveway shall be permitted with a 0.0 metre manoeuvring space for the front yard driveway parking space.	<p>The townhouse dwellings propose two parking spaces for each unit with one located in garage and other in the front driveway. The applicable sections of the Zoning By-law requires that all parking space must be unobstructed and provide sufficient vehicle manoeuvring space. Staff support the proposed modifications as the proposed driveway spaces is proposed in excess of the zoning requirements, therefore staff recommend this modified provision to maintain the intent of the manoeuvring space requirements under the By-law.</p>

7.2.2	All manoeuvring space shall be maintained free and clear of all obstructions to permit unobstructed access to and egress from required parking spaces.		
7.14.1	6.0 metre Manoeuvring Space Aisle Width for 90 degree angle parking.		
7.12.1.3 Minimum Parking	1.5 spaces per dwelling unit, of which 0.30 spaces per dwelling unit shall be provided for Visitor Parking.	Exemption of visitor parking requirement.	The bungalow townhouse development proposes a compact street-oriented layout where it is not practical to provide visitor parking on-site.

Friday February 26, 2021

Michael Davis, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Rural Team
71 Main St. West, 5th Floor, Hamilton, ON. L8P 4Y5

By email to: Michael.Davis@Hamilton.ca

Re: ZAC-21-003

Dear Mr. Davis,

Our names are [REDACTED]

[REDACTED] located on the south side of Governor's Rd. to the proposed development on Pirie Dr. in Dundas.

We have significant concerns to this application moving forward.

In referencing, "**Imaging New Communities**", a document published by the Planning and Economic Development Department in the City of Hamilton we believe that the numbers associated with this development will have a significant and negative impact on our community.

"Imaging New Communities"

Eighty-four apartments x 1.76 people=147.84 people
Seventy-five retirement home suites x1.76 people= 132 people
Seventeen townhomes x 1.76 people = 34 people
Total Potential Residents (**at a minimum**) = 314 people

Over the past several years many changes have taken place on Governor's Road between Creighton Rd. and Pirie Dr.

- Addition of 3 sets of pedestrian/traffic lights
- Total of 5 sets of lights between Creighton Rd. and Pirie Dr.
- New end-of-line bus stop, regularly with 2 buses parked
- An increase in the number of schools and rising school population. Currently 1705 students either walk to, or are transported by family vehicles/DARTS/buses to the 2 elementary and 1 secondary school
- Families living to the west of Pirie Dr. walk their children on the shoulder of Governor's Rd. (formerly highway #99) because there are no sidewalks. The sidewalks currently end at Davidson Blvd.
- High traffic patterns already exist on Governor's Rd (#99) as this artery serves all communities west of Dundas.

The City should have pertinent information on traffic patterns before and after COVID 19 through studies completed by Paradigm Ltd. and City of Hamilton Police Services who regularly have radar on Governor's Rd before moving forward.

Residents of a 'retirement village' would be best served by having amenities such as medical centres, shopping and recreational activities within walking distance. That is not the case in the planned location of 125 Pirie Dr.

Traffic patterns for the proposed development would have seniors exiting Pirie Dr. onto Governor's Rd. which would necessitate another traffic light. Currently, during higher traffic hours, it is difficult to make safe turns at this intersection.

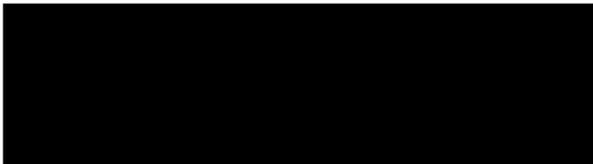
We are sure that there must be reports on file that indicate the very high volume of vehicular traffic trying to enter the Dundas Valley Conservation Area. In fact, this winter, orange traffic cones extended for very significant distances on both sides of the entrance to the conservation area. This created a dangerous situation within the local sub-divisions with pedestrians parking their cars and trying to enter the conservation area by walking on either side of Governor's Rd. without the benefit of sidewalks.

Currently our local community is comprised of single family, semi-detached homes and townhomes. A 4-story apartment building of 159 units and 17 townhomes will increase the density of this area with detrimental consequences.

This proposed development is a 'far cry' from the proposed land use which was designated as church property in the early 2000s and was subsequently sold for the development of 11 luxury homes. Only recently have we learned of this new proposal which flies in the face of reasonable community planning.

We are not opposed to **reasonable** development on this corner of Governor's Rd., and Pirie Dr. When **"Imaging New Communities"** we certainly would not consider a development of this size, configuration and density.

Please keep us informed of the date of the Public Meeting. We also wish to be informed of any decision made by the City of Hamilton on the proposed Zoning By-Law Amendment. We are also sending this letter to the Legislative Coordinator, Planning Committee, City of Hamilton to request notification of decisions.



PLEASE REMOVE ABOVE PERSONAL INFORMATION BEFORE PUBLICATION

Michael Davis
Planning and Economic Development Dept.
Development Planning, Heritage and Design - Rural
City of Hamilton
71 Main Street West, 5th floor,
Hamilton, ON
L8P4Y5

This is our input regarding Zoning By-law Amendment Application ZAC-21-003.

Before the Council makes a decision regarding ZAC-21-003 there are many aspects of this application to consider. **Most of the land is zoned Urban Reserve which is intended to protect the property from development which may "prejudice the future use of the land, or which may have disruptive influence on the community."**

The request is for a zoning amendment in order to build a 4-storey 159 unit (apartments and suites) retirement home/seniors' building as well as 17 townhomes. This plan will have "a disruptive influence on the community".

1. The traffic on Governors Road, as part of FGL's application a traffic study was done by Paradigm Ltd. This study is flawed due to the fact that it was carried out during the pandemic year of 2020. It does not reflect the reality of the volume of traffic on Governors Road. There are three schools (2 Elementary and 1 Secondary School) on Governors Road that were not at full capacity during the study. Therefore there were many fewer school buses and students using the road. In 2020 many area residents were working from home resulting in less traffic volume.

2. There are three schools on Governors Road. It is not a good idea to build a 159 unit building and 17 townhomes thereby increasing traffic volumes and mixing elementary and high school students crossing the road with increased traffic volumes.

3. To the west of this proposed development on Pirie are townhomes next to a horse farm and a conservation area. North, east and south are more townhomes, and single family homes. It's obvious that a 159 unit 4 storey building does not fit with the character of the neighbourhood.

4. Paradigm Inc's traffic report outlines the fact that the main driveway entrance to the development would be from Governors Road and conflicts with the existing HSR lay-by.

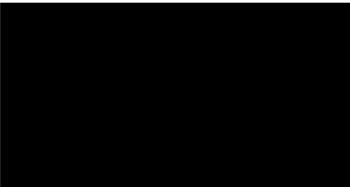
5. This neighbourhood has a low walkability score. Residents require cars to travel for all their errands - groceries, appointments, the library. A large retirement/seniors home should be built within walking distance of shopping and other amenities for seniors. The present proposal does not meet onsite parking requirements.

6. A quick look at the neighbouring city of Burlington reveals that there are many vacancies in senior apartments buildings, despite their proximity to the lake and their preferred walkability scores. Simply put, Dundas does not need more senior apartments and certainly not on the edge of town.

7. A quick calculation of the number of people who would reside in this small area (1.43 hectares) suggests a density of 220 per hectare.. This is a far cry from the eleven families that would live in the proposed development of eleven luxury homes.

8. There are already three retirement residences along Governors Road, all closer to the downtown area of Dundas.

Clearly this proposed bylaw change is a poorly conceived idea and must be rejected.
We join our neighbours in opposition to the proposed By-law Amendment Application ZAC-21-003.



Michael Davis
Planning and Economic Development Department
Development Planning, Heritage and Design - Rural Team
71 Main Street west, 5th Floor, Hamilton, ON, L8P 4Y5

Regarding 125 Pirie Drive Development- File No. ZAC-21-003

Dear Michael

I have several concerns regarding the proposal to develop the 3.5 acre parcel of land on 125 Pirie Drive, which I hope the Planning Committee will take into consideration.

I live nearby, and I am very concerned with the added traffic this densification will bring. Governors road is already a major driving headache. The recent changes made last year like narrowing the road, and adding traffic lights has already slowed traffic significantly, especially at rush hour, but also when buses/garbage trucks stop for pickup and block the road. The proposed development will likely add 2-300 more residents/staff to this location, which will significantly increase the traffic load, and another traffic light at Pirie is inevitable. This is very disturbing. When this occurs, all the residents at this end of town will search for another avenue of exit, and will undoubtedly travel on the residential sidestreets to escape the Governors Road congestion. There likely will be unfortunate accidents caused by this situation. When the construction took place in the last 2 years, this is exactly what happened, people were speeding through the sidestreets to avoid the congestion. Someone is going to get hurt, and given the 3 schools just down the road, that someone may very well be students.

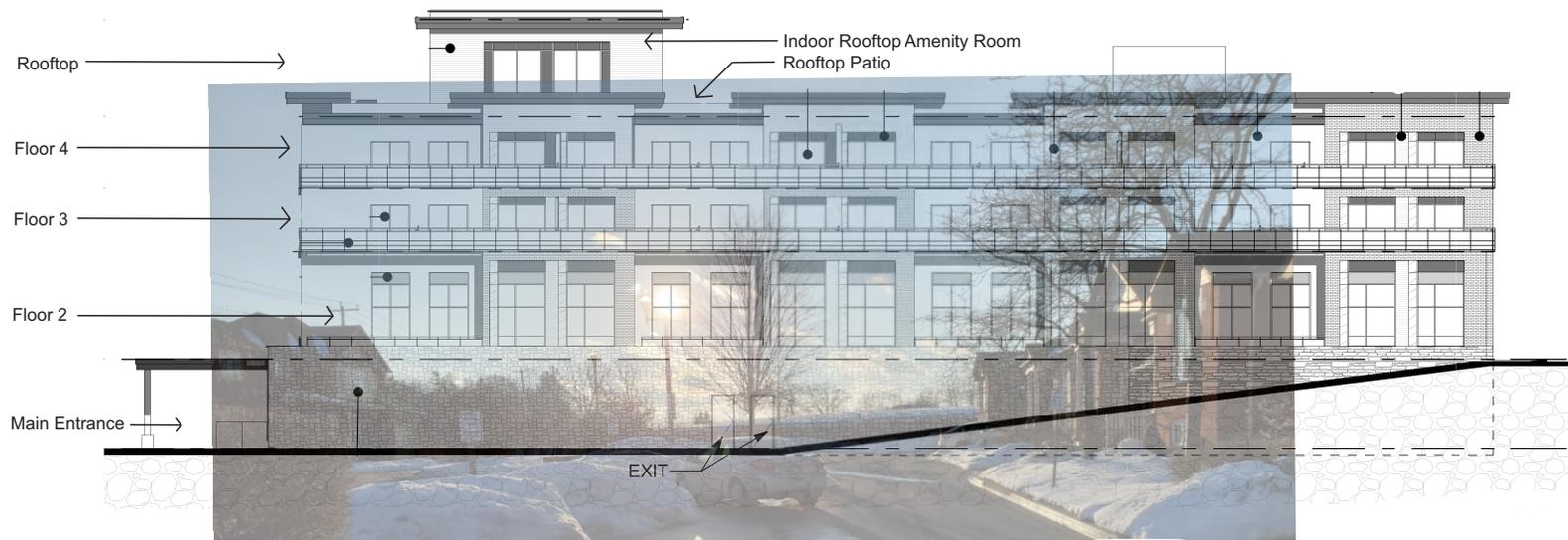
Secondly the proposed development does not fit with the primarily single home practices in this area. As we congest our small town, it will become less attractive to potential new residents who seek living space and access to the great escarpment views we currently enjoy. As well the proposed development will light up the whole area at night, which will disturb all the residents nearby. We came to Dundas to enjoy the escarpment and peaceful setting it provides. The proposed development sits on a hill, so it will be like a beacon of light everyone has to look at. We shouldn't have to accommodate this aggravating situation.

Thirdly, there always is a lot of runoff from snow/rain in this area, as the soil does not drain well. I am very concerned about the impact on storm water drainage in this area, as well as the added load on the sewage system. The densification coming from adding so many new people to the sewage system should raise some concern.

Thank you for your consideration.

[Redacted signature block]

[Redacted signature block]



10 Davidson Boulevard - West View Toward 125 Pirie - February 24

Davis, Michael

From: [REDACTED]
Sent: February 28, 2021 3:50 PM
To: Davis, Michael
Subject: Opposing ZAC-21-003

Dear Mr Michael Davis

I am writing to oppose the amendment file no ZAC-21-003 for zoning by law
My address is [REDACTED]

Dated - 28 Feb 2021

Best regards
[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: February 23, 2021 4:16 PM
To: Davis, Michael
Subject: Fwd: ZAC-21-003 Pirie Drive Zoning Amendment

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

From: [REDACTED]
Date: Tue, Feb 23, 2021 at 4:12 PM
Subject: ZAC-21-003 Pirie Drive Zoning Amendment
To: <arlene.vanderbeek@hamilton.ca>

February 22, 2021

File ZAC-21-003

Folder:2021 100460 00 Plan (1018130)

To: Michael Davis

City of Hamilton Planning and Economic Development Department

Michael.Davis@Hamilton.ca

Dear Michael,

RE: Notice of Complete Application and Preliminary Circulation for Zoning Bylaw Amendment Application by Wellings Planning Consultants on behalf of FGL Pirie Inc. For Lands Located at 125 Pirie Drive, Dundas (Ward 13)

I am writing to object to the application to the changing of the Zoning Bylaw at 125 Pirie Drive for the following reasons.

1. The density of a population of approximately 300 persons will lead to parking problems which are already a problem in this neighbourhood. Also there will be a rearrangement of bus services.
2. There is a lack of amenities and no green space is available for such a population density.

3. The height of the retirement home/senior's apartment building will overlook and cast shade on the homes on 10 Davidson Blvd. The rooftop garden invades the privacy of those units at the top end of 10 Davidson. The location of heating/cooling units on the top of the building will be a noise factor for these units as well.
4. Drainage is a huge concern. As the building lot is situated above the street level of 10 Davidson we are naturally concerned about the run-off and drainage being channelled down our street. We already have had drainage problems with the homes on Pirie Drive which runs on the northside of 10 Davidson Blvd. A great deal of money has been spent trying to deal with this problem. As we all know water runs down hill.

I am not against development of this piece of land but I do feel that above concerns need to be addressed. The height of the apartment building should be reduced or eliminated and the property developed in a way that is compatible with the neighbourhood.

Yours truly,

[REDACTED]

[REDACTED]

[REDACTED]

cc Arlene VanderBeek Councillor Ward13

Davis, Michael

From: [REDACTED]
Sent: February 23, 2021 12:52 PM
To: Davis, Michael
Subject: Re: 125 Pirie Dr. Development

One more thing 😊 if they could put a notification sign on the north side of the property at Newcombe and Pirie there would be a lot more community engagement. The current sign is on governors behind where the buses park. No one can really see it.

On Tue, Feb 23, 2021 at 9:47 AM Davis, Michael <Michael.Davis@hamilton.ca> wrote:

[REDACTED]

From: [REDACTED]
Sent: February 23, 2021 9:25 AM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Re: [125 Pirie Dr.](#) Development

Good Morning Mike,

As mentioned previously I would like my comments to be submitted and displayed anonymously. My comments for the [125 Pirie Dr.](#) development are as follows:

- 1) Please ensure there is adequate parking for residents with additional vehicles. We already have residents of the townhouses at the corner of Davidson and Governors parking on Pirie because their lots only include 1 parking space. It greatly affects traffic flow and visibility because they park on both sides of the road.

- 2) In my opinion 4 stories is too high for the edge of town right next to the conservation area. Aesthetically I think a large 4 storey building will look odd next to the Dundas Valley Conservation Area border. There are no other buildings higher than 2 stories within view. I think 2-3 stories should be the maximum allowed for the lot.

- 3) I wonder if they would consider including a small play structure on the property in the same way that Amica did in downtown Dundas. The community enjoys use of the play structure and the residents love watching the children.

4) During construction please ensure the company is committed to ensuring construction vehicles are not permitted to travel down Pirie Dr. from the Davidson side as this is an area with lots of children walking to and from school. Please ensure they access the site from Governors or Pirie next to the Governors/Pirie intersection.

Thank you,

[REDACTED]

On Thu, Feb 11, 2021 at 1:32 PM Davis, Michael <Michael.Davis@hamilton.ca> wrote:

[REDACTED]

Here's the link...

<http://piriedevelopment.com/>

You can access all of the relevant information under the "Application & Reports" tab.

Feel free to reach out anytime if you have questions. All the best,

Mike Davis, MCIP, RPP

Senior Planner

Planning and Economic Development Department

Development Planning, Heritage and Design

[71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5](#)

Phone: (905) 546-2424 ext.1024

Fax: (905) 546-4202

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Thank you for your anticipated cooperation.

From: [REDACTED]
Sent: February 11, 2021 12:09 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: [125 Pirie Dr.](#) Development

Good Afternoon Michael,

Thank you for returning my call the other day and answering my questions. I would love the website address we discussed.

Kind Regards,

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 5, 2021 10:25 AM
To: Davis, Michael
Subject: Zoning file no. ZAC-21-003 125 Pirie Dr. Dundas

While I do not oppose the inevitable development of the site, I do oppose the size of the proposed development. My complaint is with the height of the main building and the volume of people it will house. I like the one level townhouses on Pirie.

The recent changes and "improvements" to Governor's Rd make congestion a problem at many times during the day and adding that many people to this area will make the traffic much worse. We are already frustrated with the traffic flow.

The bus stop (the end of the loop where the bus sits for extended periods of time) was also moved to Governor's Rd and that has made turning out from Pirie a little tricky. I noticed the main entrance to the new building is on Governor's beside the bus stop and that will make things dangerous for the senior drivers coming out the the development. To see past the bus, you have to pull out further than I am comfortable with.

A traffic circle (NOT STOP LIGHTS) would be ideal at Governor's and Pirie especially with all the seniors driving. This would also slow down the traffic. The last thing we need is more stop lights on this patch of road. It's already awful !

Thank you for reading this.

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 2, 2021 7:04 PM
To: Davis, Michael
Cc: VanderBeek, Arlene; Litzen, Julie
Subject: Zoning By-Law Amendment File No. ZAC-21-003

Dear Mr. Davis,

I am quite surprised when I heard that the City of Hamilton is contemplating to allow a re-zoning for the lands at the Governor's Rd. & Pirie for a 4-storey, 159 unit residential dwelling.

This project has a such negative impact on the entire neighbourhood and I am pretty sure you guys at the city knows how overwhelmed the traffic on Governor's Road currently is. The development will further strain it and consequently jeopardize the safety of the neighbours and specially the kids that walk or bike to & from the schools along this road and surround ones. It will also have a strong impact on the current infrastructure and finally the preservation of the nature of the neighbourhood, the essence that was a key factor that brought every single one of us that currently live here.

I cannot sympathize with this development and its negative impact, and therefore

I STRONGLY OPPOSE THE ABOVE APPLICATION of Zoning By-Law Amendment File No. ZAC-21-003

I hope the city takes all neighbours concerns and considerations into their decision to reject this re-zoning proposal.

[REDACTED]

Respectfully,

[REDACTED]

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Davis, Michael

From: [REDACTED]
Sent: February 22, 2021 8:28 PM
To: Davis, Michael
Cc: VanderBeek, Arlene
Subject: ZAC-21-003 In opposition to the rezoning.

Dear Mr. Davis,

As residents of [REDACTED], we are troubled by the ramifications to our neighbourhood which would be caused by the proposed development of the lot at the corner of Pirie Drive and Governor's Road in Dundas. There are already problems with the traffic and street parking along Pirie, and such a development would augment these issues.

We are also concerned about the possible interference that such a large development would have on our properties. Specifically, we are concerned about drainage and dust from the site during the construction and the diminished sunlight and road access post completion. We are worried that these issues could not only have long-term consequences to our health but also diminish the property values of our units. The eye-sore created by the multi-storied residence, for example, coupled with the sheer number of townhouse units proposed poses a serious threat to our ideal parklike location and the quality of life which make our units highly desirable.

We ask you to consider these concerns.

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 5, 2021 8:38 PM
To: Davis, Michael
Subject: Fw: ZAC-21-003 Dundas, 125 Pirie Dr

Dear Mr. Davis:

I am writing with respect to the proposed 125 Pirie Dr project.

As a resident of this area, i am quite concerned about this development, due to how it will affect an already congested Governors Rd.

There are already 3 schools and a retirement home on a very short stretch of this main road, resulting in significant traffic delays and congestion throughout the day. It is not uncommon for water pipes to experience issues in this area, requiring construction on Governors, adding to the traffic difficulties. For school safety reasons more turning lanes and crosswalks have been added along this road in recent years, further slowing travel. When bicycling lanes were being constructed 2 years ago it could easily take 45min to cross a typical 10min distance.

There are no parallel roads to avoid this road!

Adding the proposed residences at 125 Pirie Dr would undoubtedly worsen the current traffic situation, and as as local resident, I do not support this project.

Kindly remove my name from any public report/website postings if using these comments, thank you.

Sincerely,

[REDACTED]
Resident of Davidson Blvd, Dundas

Davis, Michael

From: [REDACTED]
Sent: March 3, 2021 12:12 PM
To: Davis, Michael
Subject: Fwd: Rezoning at Governors Road and :Pirie Drive.

Mr. David,

In regard to the upcoming application for rezoning at Pirie Drive and Governors Road in Hamilton:

Currently the zoning is Urban Reserve (which is intended to protect a property from the development which may prejudice the future use of the land or may have disruptive influence on the community).

Needless to say the proposed rezoning and use of this land is certainly disruptive to the community:

- It will increase vehicle traffic along Pirie and Governors Road,
- Current green space allows for absorption of storm waters After development water will run off to storm drains and nearby creeks, laden with multiple contaminants such as road salt, automobile oils, etc.

The location for a seniors development is less than ideal. It is at the far reaches of the village of Dundas and residents will be automobile or bus dependent. It is not within walking distance to grocery shopping, medical services or any other service seniors will need. . Being bus-dependent is less than ideal for anyone at any age.

I encourage the municipality to maintain the original zoning, or find a more appropriate purpose for the subject lands.

Davis, Michael

From: [REDACTED]
Sent: March 4, 2021 7:48 PM
To: Davis, Michael
Subject: Fwd: Rezoning at Governors Road and :Pirie Drive.

Thank you for your prompt and detailed response Mike.

[REDACTED]

On Thu., Mar. 4, 2021, 2:34 p.m. Bayla Fishman, <bayla.fishman@gmail.com> wrote:

[REDACTED]

Thank you for reaching out to provide these comments.

In terms of the process, the application has been circulated to all relevant City departments and External Agencies (e.g. Hamilton Conservation Authority) for review. At the same time, the City is requesting comments from nearby residents. All comments received are forwarded to the Applicant, considered by the City Planning Department before forming any recommendations, and are eventually included in the City Staff report to City Council so that they have that information available when making a decision.

A public meeting will also be held in front of the City's Planning Committee at a future date. You'll receive an additional future notice inviting you to attend/participate in that meeting approximately 17 days in advance. City Council is the approval authority for Zoning By-law Amendment applications.

In the meantime, if you wish to learn more about the application you can visit the following website which was established by the Applicant to provide access to information for residents...

<http://piriedevelopment.com/>

Future opportunities for participation in the process will also be made available on the Applicant's project webpage.

I hope this information is helpful. Please let me know if you have more questions! All the best,

Mike Davis, MCIP, RPP

Senior Planner

Planning and Economic Development Department

Development Planning, Heritage and Design

71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5

Phone: (905) 546-2424 ext.1024

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Thank you for your anticipated cooperation.

From: [REDACTED]
Sent: March 3, 2021 12:12 PM

To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Fwd: Rezoning at Governors Road and :Pirie Drive.

Mr. David,

In regard to the upcoming application for rezoning at Pirie Drive and Governors Road in Hamilton:

Currently the zoning is Urban Reserve (which is intended to protect a property from the development which may prejudice the future use of the land or may have disruptive influence on the community).

Needless to say the proposed rezoning and use of this land is certainly disruptive to the community:

-It will increase vehicle traffic along Pirie and Governors Road,

-Current green space allows for absorption of storm waters After development water will run off to storm drains and nearby creeks, laden with multiple contaminants such as road salt, automobile oils, etc.

The location for a seniors development is less than ideal. It is at the far reaches of the village of Dundas and residents will be automobile or bus dependent. It is not within walking distance to grocery shopping, medical services or any other service seniors will need. . Being bus-dependent is less than ideal for anyone at any age.

I encourage the municipality to maintain the original zoning, or find a more appropriate purpose for the subject lands.

[Redacted signature block]

[Redacted signature block]

[Redacted signature block]

Davis, Michael

From: [REDACTED]
Sent: March 4, 2021 6:08 PM
To: Davis, Michael
Subject: ZAC-21-003 neighbourhood concerns

March 4, 2021

Hello Mr Davis,

This message is submitted to register my concern over the proposed zoning amendment File # ZAC-21-003.

The zoning change and the proposed development may meet the "Neighbourhoods" designation according to the Urban Hamilton Official Plan but a 3-4 storey institutional building is not harmonious or compatible with the current neighbourhood land use.

Please include me in the public consultation when it goes forward:



Sent from my iPad

Davis, Michael

From: Kelsey, Lisa
Sent: March 2, 2021 11:34 AM
To: Bill Vickers
Cc: Davis, Michael
Subject: RE: Zoning By-law Amendment File ZAC-21-003

Hello Bill,

Thank you for your comments. They have been forwarded to the Planner on this matter to include your comments in the upcoming staff report.

Regards,

Lisa Kelsey, Dipl.M.A.
Legislative Coordinator

City of Hamilton, Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5
Ph. (905) 546-2424 ext. 4605
Fax. (905) 546-2095



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Vision:

The Legislative Division is Dedicated to Excellence in the Provision of Service to the Community, Corporation & Council with Integrity, Accuracy and Transparency.

Mission:

The Legislative Division aims to strengthen and promote local government by facilitating the proceedings of City Council and its Committees, fulfilling the requirements of various Provincial statutes and educating the public to make it understandable and accessible.

From: [REDACTED]
Sent: March 1, 2021 5:28 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Zoning By-law Amendment File ZAC-21-003

Dear Ms. Kelsey:

I was writing to you in your capacity sitting on the Planning Committee. As a resident of Pirie Drive in southwest Dundas, I want to express my strong opposition to Pirie Development. This project is totally out of character for our quiet residential neighborhood. It will bring density and intensification that will severely degrade the quality of life we presently enjoy.

In closing, I hope you will do everything in your power to quash this unwanted and unwelcome development.

Sincerely, [REDACTED]
[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 4, 2021 7:44 PM
To: Davis, Michael
Subject: Zoning by law amendment file number ZAC-21-003

Hi

My name is [REDACTED] in Dundas just off Governor's road.

I am strongly opposed to the proposed development for Governors Road and Pirie Drive in the amendment file number ZAC-21-003.

I appreciate the importance of high density housing development but the unique conditions of the Governors Road area make this a terrible idea. There is no alternative route towards Hamilton without making a massive detour and morning weekday traffic (including busy busses on a single lane road) already makes this road nearly impassible some mornings. What is a five minute drive can take me up to 45 minutes to pass along, and I already leave an hour and a half early for work just to be on the safe side.

I also question the wisdom of adding more traffic to a heavily travelled area for young children. The present traffic seems quite dangerous enough already.

I have been deeply worried about this proposal since I saw the notice go up, but I wasn't sure how to communicate my concerns. Just so you understand the depth of my concerns I have faced the possibility I may have to move out of this area if the traffic situation gets much worse, and have started looking at properties although I really don't want to move. But the nature of my job is such that I cannot be late even if it's just some days.

Please do not let this unwise amendment go forward. Governors Road is one of the oldest roads in the province. That means it was laid out without the kind of planning that would surround a road today. The topography also means there are no real alternatives to this thoroughfare so it's not like adding a few houses to a normal road, where traffic can disperse in different directions or "take the long way round" in event of a backup. There really is no viable alternative for residents in this area and the bottleneck cannot get any worse than it already is. Traffic will inevitably build from the addition of new homes and developments further along Governors Road but even that will not have the severe impact of having multiple new vehicles emerging at the absolutely critical bottleneck just past the schools. It's just asking for accidents, resident frustration, and people deciding this is not the area to live in anymore.

Please reject this idea so I can stay in the neighbourhood I love.

[REDACTED]

P.S I understand we are supposed to "sign" this message to make it count. But I don't have a way to sign this freehand. If you cannot accept it with a digital signature let me know and I will find a way to send it with a signature.

Get [Outlook for iOS](#)

March 5, 2021

Michael Davis,
City of Hamilton
71 Main Street West, 5th floor
Hamilton, Ontario
L8P 4Y5

RE: Zoning By-Law Amendment Application
File No. ZAC-21-003

Dear Sir:

My response to comment on the Zoning By-Law Amendment Application
File No. Zac-21-003 follows.

I am opposed to having the zoning by-law changed from nine single homes to accommodate a retirement home for 159 units and 17 townhouses on 3.53 acres of land.

My concerns are in the following areas:

1. DRAINAGE AND RUN OFF

There is not sufficient infrastructure at this time to accommodate the drainage and run off that presently exists. There has been pooling of water in my back yard. Many days lawn cutting equipment cannot be used.

2. NOISE/CONSTRUCTION

There are no barriers, buildings, trees etc. to protect our property from noise or from sediment run off.

3. TRAFFIC

During normal times (pre covid) Governor's Road has bumper to bumper traffic during morning and afternoon rush hours. During the rest of the day when school buses are operating there is stop/start traffic. In the space of three kilometers there are many homes, three schools, three retirement residences, several townhouse complexes and a large apartment building. Governor's Road cannot accommodate any more traffic.

4. ELEVATION

In file - "Architectural Plans" looking North East, View # 2,- what protection is there to prevent the hill from eroding to 10 Davidson? There is some protection needed to prevent water pooling, snow run off, erosion.

This is very poor planning for a property that has so much potential to add to the surrounding Conservation area. Dundas has been known for its open spaces, trails, parks. This is a step to

making it become a place few will want to visit.

Please do not amend the zoning by-law File No. ZAC-21-003 for the green space on Governor's Road and Pirie Avenue.



Davis, Michael

From: [REDACTED]
Sent: March 2, 2021 4:26 PM
To: Davis, Michael

File ZAC-21-003 I am writing to strongly oppose the application for the zoning Amendment Application by Wellings Planning Consultants for the Lands located at 125 Pirie Dr. I live across the road at [REDACTED] and have been here for 11 years now. I can not imagine how a development of this size would handle the amount of traffic that would be generated, not only on Pirie but Governor's Rd. as well. The property is also a habitat for numerous wildlife (deer and coyotes) to name a few. Just the idea of heavy machinery building this large development and the noise and pollution this would cause is appalling. As the song goes 'You don't know what you got till it's gone' so please don't pave over paradise! [REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 1, 2021 9:06 AM
To: Davis, Michael
Subject: 100 unit retirement home -OPPOSE

Dear lord can we leave any green space in Dundas !
Jamming 100 unit retirement home, I fully OPPOSE to this development.

[REDACTED]

[REDACTED]

[REDACTED]

Carol Shogilev
3 – 10 Davidson Blvd.
Dundas, ON
L9H 7N9

March 2nd, 2021

Michael Davis, MCIP, RPP
City of Hamilton

Re: File No. ZAC-21-003 – 125 Pirie Drive

Dear Mr. Davis:

I am adamantly opposed to the rezoning of the land in question. As you can tell my address, I am in close proximity to the eastern edge of the property and a building of the proposed size and density would loom over my property and rob me of a great deal of privacy and much sunshine. Our communal parkette would be affected in the same way.

I have always known there would be some development on this property but was told it would be single family dwellings not a 4-story building housing a dense occupancy. This type of structure surely does not fit into the surrounding neighborhood nor can our roadways handle the increased amount of traffic that will be created.

We have had severe drainage problems behind the north side of the complex (mine included) with an expense incurred attempting to solve it. This development could have a catastrophic effect on the existing sewage and storm water drainage systems.

I have been informed that this proposed structure will adversely affect the present value of my home and subsequently my peace of mind.

For all the aforementioned reasons, I would like to oppose the plan for rezoning.

[REDACTED]

Davis, Michael

From: [REDACTED] <[REDACTED]>
Sent: February 24, 2021 12:47 PM
To: Davis, Michael
Subject: Rezoning ZAC-21-003 125 Pirie Drive, Dundas, ON

Hamilton Planning Department

Michael.Davis@Hamilton.ca ZAC-21-003

Reference: Rezoning of 125 Pirie Drive, Dundas, Ontario

I am a home owner living in very close proximity to the land which has been applied to be rezoned.

I am writing this letter to express my strong opposition to the rezoning of 125 Pirie Drive to allow for a Multi –story housing Development.

As confirmed with a real estate agent in the area of Dundas the property prices in the proximity of 125 Pirie Drive will be adversely affected by the proposed 4 story 155 apartment block together with the 17 unit townhouse development.

This proposal of the large block of apartments is definitely not in keeping with the single family homes in the surrounding area.

Our property has had severe problems with the major drainage and run –off caused by regular heavy rain downpours. The erection of these buildings will definitely exacerbate my problem by causing major flooding and erosion.

The 4 story building block will overshadow the properties on the eastern side of the property which will allow the residents in the apartments to have an unscreened view of these properties which includes my property. We will lose all privacy as a consequence.

The Eastern section of the development will entirely block out the view as well as a major part of the light from the properties in its proximity.

The proposal makes no provision for a practical change of the HSR bus Layby. At this time, the HSR Layby is in a very accessible position for all persons, including the Seniors which they are purportedly building this major development for. Moving the Layby will have a detrimental effect on all of its users. Finding an acceptable alternative will be difficult and impracticable.

The developers mention that very few tenants will have vehicles. How are these pensioners able to travel to downtown Dundas as there is no bus route availability.

The retirement development is not in walking proximity of any necessary services such as a library, pharmacy, doctors, blood testing facilities, a vet, food stores or even a coffee shop. Every resident will need to leave the area for anything they require. This is not practicable.

This development is nothing other than an opportunity for the developer to make a quick buck.

They do not have the needs of the tenants at heart.

Davis, Michael

From: [REDACTED]
Sent: February 25, 2021 11:33 AM
To: Davis, Michael
Subject: Pirie Development

This development proposal for the corner of pirie and governors road is absolutely WRONG! This will bring in a lot of traffic in an already congested area. There is one road going in and out of this area and 3 schools and buses and CONGESTION.

The only consideration should be a very small building for the seniors looking for downsizing in this neighborhood. Dundas is a small town !. Please keep it this way!

It's a POOR plan!!

Sent from my iPad

Davis, Michael

From: [REDACTED]
Sent: February 23, 2021 1:23 PM
To: Davis, Michael
Subject: Re: ZAC-21-003

Thank you for this information Michael. I do look forward to the upcoming meeting.

I do want it noted that I think the proposed development is way too dense for this location! Governors Road is already very busy and congestion occurs regularly within the 3 school zones between Moss and Creighton. When highway 403 is closed, Governor's becomes an alternative route for commuters. Increased traffic just seems ill-advisable.. A 4-story retirement home/senior's apartment building with 84 apartments and 75 retirement home suites...PLUS 17 single storey townhouse dwellings for this location feels way too congested for the location at hand.

These are my comments. I appreciate your attention.

[REDACTED]

On Feb 16, 2021, at 2:34 PM, Davis, Michael <Michael.Davis@hamilton.ca> wrote:

[REDACTED]

Thank you for reaching out to me on this. Regarding the proposed zoning change, the site is currently zoned "Urban Reserve" which is meant to be a future development zone. The Urban Reserve zone is commonly applied to sites when there's a desire to maintain it as undeveloped until a specific plan comes forward for review and consideration by City Council. The application proposes to change the zoning to a site-specific zone that allows for the proposed development concept (i.e. a 4-storey retirement home/senior's apartment building with 84 independent apartment units and 75 retirement home suites on the southern portion of the subject site and 17 single storey townhouse dwellings on the northern portion of the subject site.)

The site is designated "Neighbourhoods" within the City of Hamilton Official Plan.

In terms of the process, the application has been circulated to all relevant City departments and External Agencies (e.g. Hamilton Conservation Authority) for review. At the same time, the City is requesting comments from nearby residents. All comments received are forwarded to the Applicant, considered by the City Planning Department before forming any recommendations, and are eventually included in the City Staff report to City Council so that they have that information available when making a decision.

A public meeting will also be held in front of the City' Planning Committee at a future date. You'll receive an additional notice inviting you to attend/participate in that meeting approximately 17 days in advance. City Council is the approval authority for Zoning By-law Amendment applications.

I hope this information is helpful. Please let me know if you have more questions! All the best,

Mike Davis, MCIP, RPP

Senior Planner

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5
Phone: (905) 546-2424 ext.1024
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Thank you for your anticipated cooperation.

From: [REDACTED]
Sent: February 15, 2021 7:10 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Fwd: ZAC-21-003

Hello Michael

I am a neighbour of Mary Tuttle and also received the information about rezoning and development on the Pirie lot. I have a lot of concern about the density in the proposed plan and therefore would like more information about the change in zoning...from what to what? And I would like to know more about the process going forward with regards to a meeting to discuss concerns. Is this already a done deal? Or will local concerns be addressed?

Thank you! My email address is: [REDACTED]

[REDACTED]

[REDACTED]

Begin forwarded message:

From: [REDACTED]
Date: February 15, 2021 at 2:47:55 PM EST
To: martha fox [REDACTED]
[REDACTED]
Subject: Fwd: ZAC-21-003

[REDACTED]

I received that letter yesterday from Michael Davis @ City of Hamilton the Planning and Economic Development Department.
I sent him an email today asking for further clarification regarding the proposed Zoning By-Law Amendment Application for the lands located at 125 Pirie Drive, Dundas.

I'm including his response with a link for you to peruse.
<http://Pirie.development.com>

Sent from my iPad

Begin forwarded message:

From: "Davis, Michael" <Michael.Davis@hamilton.ca>
Date: February 10, 2021 at 1:36:35 PM EST
To: [REDACTED]
Subject: RE: ZAC-21-003

[REDACTED]

I'm happy to provide more information regarding this Zoning By-law Amendment application that has been submitted to the City. The Applicant has set up this website where you can access all of the conceptual plans, reports and information that was submitted with the application. Details about the present and proposed zoning are also included.

<http://Pirie.development.com/>

Once you get a chance to review the information please feel free to reach back out if you have follow-up questions or wish to provide comments! Definitely, no personal information will be shared based on your request.

Thanks,

Mike Davis, MCIP, RPP
Senior Planner
Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5
Phone: (905) 546-2424 ext.1024
Fax: (905) 546-4202

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Thank you for your anticipated cooperation.

From: Mary Tuttle <merry.tuttle@gmail.com>
Sent: February 10, 2021 10:54 AM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Fwd: ZAC-21-003

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: February 10, 2021 at 10:32:48 AM EST
To: michael.davis@hamilton.ca
Subject: ZAC-21-003

Hello Mr. Davis,
I'm contacting you in the hopes of receiving further clarification regarding the proposed Zoning By-Law Amendment Application for the lands located at 125 Pirie Drive, Dundas.
I have received a letter giving notice that an application has been made to change the zoning for the above mentioned property so as to allow for the building of a 4 storey 159 unit retirement/senior apartment building and also the building of 17 single-storey townhomes.
The information that seems to be lacking and that I'm requesting at this time is:
What is the present zoning of the property and what is the zoning change that is being proposed for the above mentioned property?

I would request that this query and my personal information be kept confidential.
Thank you in advance,
[REDACTED]

Sent from my iPad

[REDACTED]

Michael Davis

City of Hamilton

Planning and Economic Development Department

RE: Zoning By-law Amendment (File no. ZAC-21-003)

Having received the Notice of complete application and preliminary Circulation for Zoning By-law amendment for the development of a 4 storey retirement home/senior's apartment building located at 125 Pirie Drive in Dundas, we have the following questions and concerns:

1. What is the current By-law regarding the property at 125 Pire Drive?
2. What is the current zoning by-law for 10 Davidson Blvd. shown as lot 10 on the location map?
3. What is the maximum occupancy for the retirement facility/apartment building?
4. Will there be commercial occupancy associated with this development?



Major Issue and Concern:

Pirie Drive is at its maximum for parking on the street. This is due to the townhomes/condos located on lot 10 and lot 7. Lot 10 area was rezoned following the same process and the size of the building/occupancy was reduced due to parking limitations. In hindsight it wasn't reduced enough.

Traffic on Pirie Drive is congested. Buses have difficulty maneuvering and snowplows are unable to clear snow effectively. Adding another 17 single storey townhomes will add to that congestion and parking problem. With respect to the retirement facility, will the 4-storey apartment building contain all the necessary parking for all of its occupants and staff? What is the number of available parking spots and where would that be?

A recent Spectator Article dated February 25th, 2021 discussed a request by Hamilton councillors asking residents to move their cars into driveways during blizzards. The article goes on to recognize the fact that newer residential developments tend to “squeeze” more onto lots resulting in smaller driveways. The article also discussed City Councillors’ intent on looking for more ways to make more room for plows and in our case buses. A contributor to this congestion is the condominium rules which restrict condo owners from using visitor parking. This creates an overflow onto Pirie Drive while visitor parking remains empty. This is the case for the condos on Lot 10 and Lot 7 of the location map.

Governor’s road has become a major artery for traffic in and out of town, Traffic has increased tremendously over the years with 3 schools in close proximity and with people moving to more rural living. It is not uncommon to see cars backed up to 125 Pirie and beyond in the morning commute. People need to add 20-30 minutes to their commute towards Hamilton to pass through this section of road. A large facility will exacerbate an already impossible morning commute.

In summary we feel consideration should be given to a reduction in the number of single storey townhomes and we request more information on existing by laws, onsite parking and overflow parking plans and present and future traffic congestion along Governor’s road and Pirie Drive.

Respectively

████████████████████
████████████████████

Michael Davis, City of Hamilton,

Planning and Economic Development Department

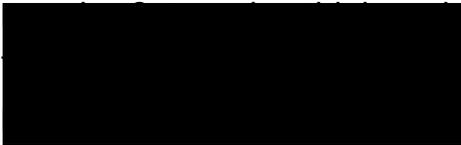
COMMENTS ON ZONING BY-LAW AMENDMENT (FILE No. ZAC-21-003)

As nearby residents of the subject property related to the above amendment, we offer the following comments for your consideration and action.

1. Zoning is a carefully and well thought out process to protect and control the development of property within a municipality. No doubt there may be cases where some minor variance may be required to accommodate something overlooked in preparing the original zoning. This application is by no means minor and apparently seeks to completely change the zoning that has been thoughtfully prepared to control development in this area. It seems to serve only the interests of the developer seeking this major amendment.
2. The proposed development of a 3 – 4 storey building is not at all in keeping with the surrounding residential community which is composed of mainly single family homes with some semi-detached family homes and some townhomes.
3. The density factor for the proposed project containing some 159 units and suites along with 17 townhomes would appear to greatly exceed any density factors established by the City.
4. The voluminous and detailed traffic study supporting this project was done during the pandemic year 2020 when the traffic pattern on the Governors Road corridor was far from normal. With many people working from home and not going out for various other purposes such as shopping; going to restaurants; keeping many other appointments; meeting with family and friends; etc. etc. As well with the three schools located a short distance from the project being closed for a good deal of time, the school traffic was considerably reduced. In addition to school buses many parents drive their children to and from these schools. This traffic was also greatly reduced, or non-existent during the pandemic year. Considering this, any conclusions from the traffic study would have to be questioned.

5. The project calls for the very recently completed HSR lay by on Governors Road to be altered, or possibly removed to accommodate an access roadway to the proposed project. At the same time the availability of nearby HSR service to presented as plus for this project.
6. The need for the development of additional senior retirement units in Dundas has not been demonstrated. As well this particular location is far removed from the services that many of the proposed residents would require. This would further aggravate the traffic situation on the Governors Road corridor, as many of such residents would be required to drive to access any required services. This project appears to be creating a need, not filling a need.

Respectfully submitted for your consideration.



Davis, Michael

From: [REDACTED]
Sent: February 25, 2021 2:05 PM
To: Davis, Michael
Subject: Pirie Development Proposal

Good Afternoon Mike:

I live in the neighbourhood of the proposed Pirie development.

As you can imagine, I am not happy about 159 residential units and 17 townhouses that are being proposed for the development at the top of our street.

We already deal with multiple delays because of foot and vehicle traffic, during the morning rush hour and throughout the day with the three schools in our area.

There is only one way in and out of Dundas from/to Hamilton and this will only add to the delays.

As noted in the Dundas Star our storm sewers and creeks are already overburdened and flood. What is there a design to help deal with this?

Just wondering about how much more our taxes will go off to off-set this this portion of the construction.

I have called and complained to our MPP about the bus stop at Governor's and Pirie. When you are turning left on Governor's you cannot see around the bus if it is sitting idle until you are in the road.

Adding more people to this area is not going to help any of the situations outline above.

I understand, that older people are looking for an area in Dundas to retire. We have a beautiful town.

I would be happy with a single town-homes like the ones on the other side of Pirie.

Thank you for listening to my rant!

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: February 28, 2021 12:35 PM
To: Davis, Michael
Subject: ZAC-21-003

Hi Michael,

I live at [REDACTED] received a letter stating that the zoning for 9 homes at Pirie is up for review. I am a great believer in development and developers making as much \$ as they can. That's simply good business. Townhomes and a retirement home sounds great. I am not knowledgeable enough to comment on the clayed land, air quality or anything in the letter other than the traffic. Currently coming in and out of Dundas during rush hour is maddening. Luckily I am in a position where I was able to change my work schedule to start at 10 and finish later to avoid the bottleneck coming in and out of our area. This is certainly not possible or realistic for everyone. I do feel the road and huge traffic issues need to be addressed before we add any more people to the area than already approved. For this reason I am opposed to the zoning by-law amendment for now.

Thanks for your consideration.

I can be reached at [REDACTED] should you wish to contact me.

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 1, 2021 10:25 AM
To: Davis, Michael
Subject: RE: Pirie Dr. Development

Thanks Mike.

From: Davis, Michael [mailto:Michael.Davis@hamilton.ca]
Sent: March 1, 2021 8:52 AM
To: Don Pether
Subject: RE: Pirie Dr. Development

[REDACTED]

Thank you for reaching out to provide these comments.

In terms of the process, the application has been circulated to all relevant City departments and External Agencies (e.g. Hamilton Conservation Authority) for review. At the same time, the City is requesting comments from nearby residents. All comments received are forwarded to the Applicant, considered by the City Planning Department before forming any recommendations, and are eventually included in the City Staff report to City Council so that they have that information available when making a decision.

A public meeting will also be held in front of the City' Planning Committee at a future date. You'll receive an additional notice inviting you to attend/participate in that meeting approximately 17 days in advance. City Council is the approval authority for Zoning By-law Amendment applications.

In the meantime, if you wish to learn more about the application you can visit the following website which was established by the Applicant to provide access to information for residents...

<http://piriedevelopment.com/>

Future opportunities for participation in the process will also be made available on the Applicant's project webpage.

I hope this information is helpful. Please let me know if you have more questions! All the best,

Mike Davis, MCIP, RPP
Senior Planner

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5
Phone: (905) 546-2424 ext.1024
Fax: (905) 546-4202

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NOTE: As of March 18, all City of Hamilton offices and facilities have been closed to the public with the exception of the First Floor, City Hall, to help prevent the possible spread of the Covid-19 virus.

Planning staff will continue to serve the community over the phone or by email. However, staff are working from home as a precautionary measure to protect both the public and staff and staff will endeavour to reply to your email as soon as possible.

Digital submissions and resubmissions are preferred. Alternatively you may make your submission by courier, mail or by drop off at the First Floor, City Hall.

Please be aware that information on the City's response to Covid-19 and the City of Hamilton Official Plan, Zoning By-laws and submission requirements can be found on the City's website at www.hamilton.ca.

Thank you for your anticipated cooperation.

From: [REDACTED]
Sent: February 28, 2021 2:54 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Pirie Dr. Development

Michael,

We appreciate your attention to this matter.

Regards,
[REDACTED]

Friday February 26, 2021

Michael Davis, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Rural Team
71 Main St. West, 5th Floor, Hamilton, ON. L8P 4Y5

By email to: Michael.Davis@Hamilton.ca

Re: ZAC-21-003

Dear Mr. Davis,

Our names are [REDACTED],
Dundas located on the south side of Governor's Rd. to the proposed development on
Pirie Dr. in Dundas.

We have significant concerns to this application moving forward.

In referencing, "**Imaging New Communities**", a document published by the Planning and Economic Development Department in the City of Hamilton we believe that the numbers associated with this development will have a significant and negative impact on our community.

"Imaging New Communities"

Eighty-four apartments x 1.76 people=147.84 people

Seventy-five retirement home suites x1.76 people= 132 people

Seventeen townhomes x 1.76 people = 34 people

Total Potential Residents (**at a minimum**) = 314 people

The building is to be four stories situated on a hill in the middle of a residential community!

Over the past several years many changes have taken place on Governor's Road between Creighton Rd. and Pirie Dr.

- Addition of 3 sets of pedestrian/traffic lights
- Total of 5 sets of lights between Creighton Rd. and Pirie Dr.
- New end-of-line bus stop, regularly with 2 buses parked
- An increase in the number of schools and rising school population. Currently 1705 students either walk to, or are transported by family vehicles/DARTS/buses to the 2 elementary and 1 secondary school
- Families living to the west of Pirie Dr. walk their children on the shoulder of Governor's Rd. (formerly highway #99) because there are no sidewalks. The sidewalks currently end at Davidson Blvd.
- High traffic patterns already exist on Governor's Rd (#99) as this artery serves all communities west of Dundas.

The City should have pertinent information on traffic patterns before and after COVID 19 through studies completed by Paradigm Ltd. and City of Hamilton Police Services who regularly have radar on Governor's Rd before moving forward.

There should also be consideration of runoff issues at this site as directly across the road is a large drainage pond at the back of a number of residences.

Residents of a 'retirement village' would be best served by having amenities such as medical centres, shopping and recreational activities within walking distance. That is not the case in the planned location of 125 Pirie Dr.

Traffic patterns for the proposed development would have seniors exiting Pirie Dr. onto Governor's Rd. which would necessitate another traffic light. Currently, during higher traffic hours, it is difficult to make safe turns at this intersection.

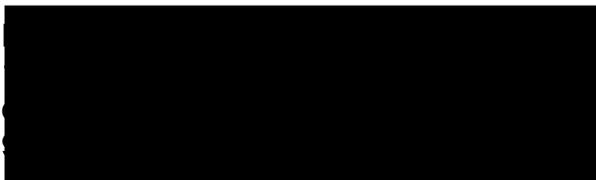
We are sure that there must be reports on file that indicate the very high volume of vehicular traffic trying to enter the Dundas Valley Conservation Area. In fact, this winter, orange traffic cones extended for very significant distances on both sides of the entrance to the conservation area. This created a dangerous situation within the local sub-divisions with pedestrians parking their cars and trying to enter the conservation area by walking on either side of Governor's Rd. without the benefit of sidewalks.

Currently our local community is comprised of single family, semi-detached homes and townhomes. A 4-story apartment building of 159 units and 17 townhomes will increase the density of this area with detrimental consequences.

This proposed development is a 'far cry' from the proposed land use which was designated as church property in the early 2000s and was subsequently sold for the development of 11 luxury homes. Only recently have we learned of this new proposal which flies in the face of reasonable community planning.

We are not opposed to **reasonable** development on this corner of Governor's Rd., and Pirie Dr. When "**Imaging New Communities**" we certainly would not consider a development of this size, configuration and density.

Please keep us informed of the date of the Public Meeting. We also wish to be informed of any decision made by the City of Hamilton on the proposed Zoning By-Law Amendment.



[REDACTED]
[REDACTED]

Dundas, ON

L9H 7N9

February 28th, 2021

Michael Davis

City of Hamilton

Dear Mr. Davis,

Re: Zoning By-law Amendment File No. ZAC-21-003

We are writing you about our concerns and subsequent opposition to the rezoning of 125 Pirie Drive. We are original owners at 10 Davidson Blvd and have always enjoyed the rural feel of our area. Now we are at risk of losing this.

The drainage has always been a problem which our development has attempted to rectify. Water flows downhill and this huge 159 retirement home and 17 townhouses will put a strain on the existing sewage and storm water drainage systems.

The impact of this proposal is an increase in population density, a strain on the existing roadways, noise from the rooftop amenities room, an invasion of our privacy from the east side balconies and the overshadowing of the far end units and our parkette.

This retired residence is in an isolated area with no amenities nearby and will serve no benefit to the residents and only impact the surrounding neighborhood negatively.

Regards

[REDACTED]

Cc: Arlene VanderBeek

March 1, 2021

Michael Davis, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Rural Team
71 Main St. West, 5th Floor, Hamilton, ON. L8P 4Y5

Sent by email to: Michael.Davis@Hamilton.ca

Re: Application for a Zoning By-Law Amendment per File ZAC-21-003

Dear Mr. Davis,

I am writing to express my objection to the proposed zoning by-law amendment cited above. I have reviewed the application and supporting documents submitted by the applicant, as posted on their web site at <http://piriedevelopment.com/applications-reports/>. These documents describe a high density development, more typical of a downtown setting, and entirely incompatible with the surrounding residential community. To support my objections I am including an arial photograph of the site and homes nearby for reference. My specific objections are as follows:

1. The 17 bungalows to be built along Pirie Dr. on the north side of the property face just 6 homes on the other side of Pirie Dr. an almost 3 fold increase in density. Also, continuing from the east-most bungalow along Pirie Dr. to Davidson Blvd on the same side off the street the photo shows just 9 homes in a comparable distance. Again, the 17 bungalows at almost double the density are not a reasonable addition to Pirie Dr. I understand that this property is currently zoned for the construction of 11 homes which is clearly more compatible with the existing neighbourhood.
2. A retirement home, consisting of 155 units, occupies the entirety of the remaining land area, with a main entrance off Governors Rd. with 14 outdoor parking spaces, and a side entrance off Pirie Dr. to 133 underground parking spaces (to be sold separately from the 155 units). The building rises 20m (66ft) to the top of a mechanical room above the 4th floor at the front of the building on Governors road where its length is 112m (367ft). The sides of the building run 50m (164ft) north from Governors Rd. to back onto the 17 bungalows where it is only 3 stories high because of the 7m hill into which the retirement home will be built. In addition to this enormous building being out of place in the surrounding residential neighbourhood please consider the following:
 - a) Governors Rd. (highway 99) is a main east-west artery for Dundas and regions to the west and so is well travelled. The proposed main entrance to the retirement home from this busy single lane highway, is in close proximity to traffic turning at Pirie and Wainwright, which will pose a hazard both to cars and to pedestrians crossing Governors Rd to access the bus stop located along Pirie Dr. adjacent to the retirement home.
 - b) As the retirement home will be blocked on 2 sides, to the north by the proposed bungalows and to the east by existing homes, a fire would have to

be fought either from the south on Governors Rd or the west on Pirie Dr. An assessment by the fire department and consideration of the infrastructure needed to fight a fire at this location should be sought.

- c) The 155 suites are quite small, most suitable for only 1 resident, which I assume is the plan as the retirement home includes many communal amenities: theatre, library, spa, wellness centre, laundry, kitchen, dining room, business office, etc. As such this will be a busy place with many staff required to provide these services. In addition many elderly residents will require visits for nursing and PSW assistance, and I hope would enjoy visits from friends and family. For all of these non-residents the plan includes only 14 unassigned outdoor parking spaces at the front entrance off Governors Rd. This is clearly inadequate.
- d) There is no shopping or other community services within walking distance for the 155+ residents of the retirement home, and the neighbourhood is hilly, making even a stroll down residential streets unappealing to most elderly people.

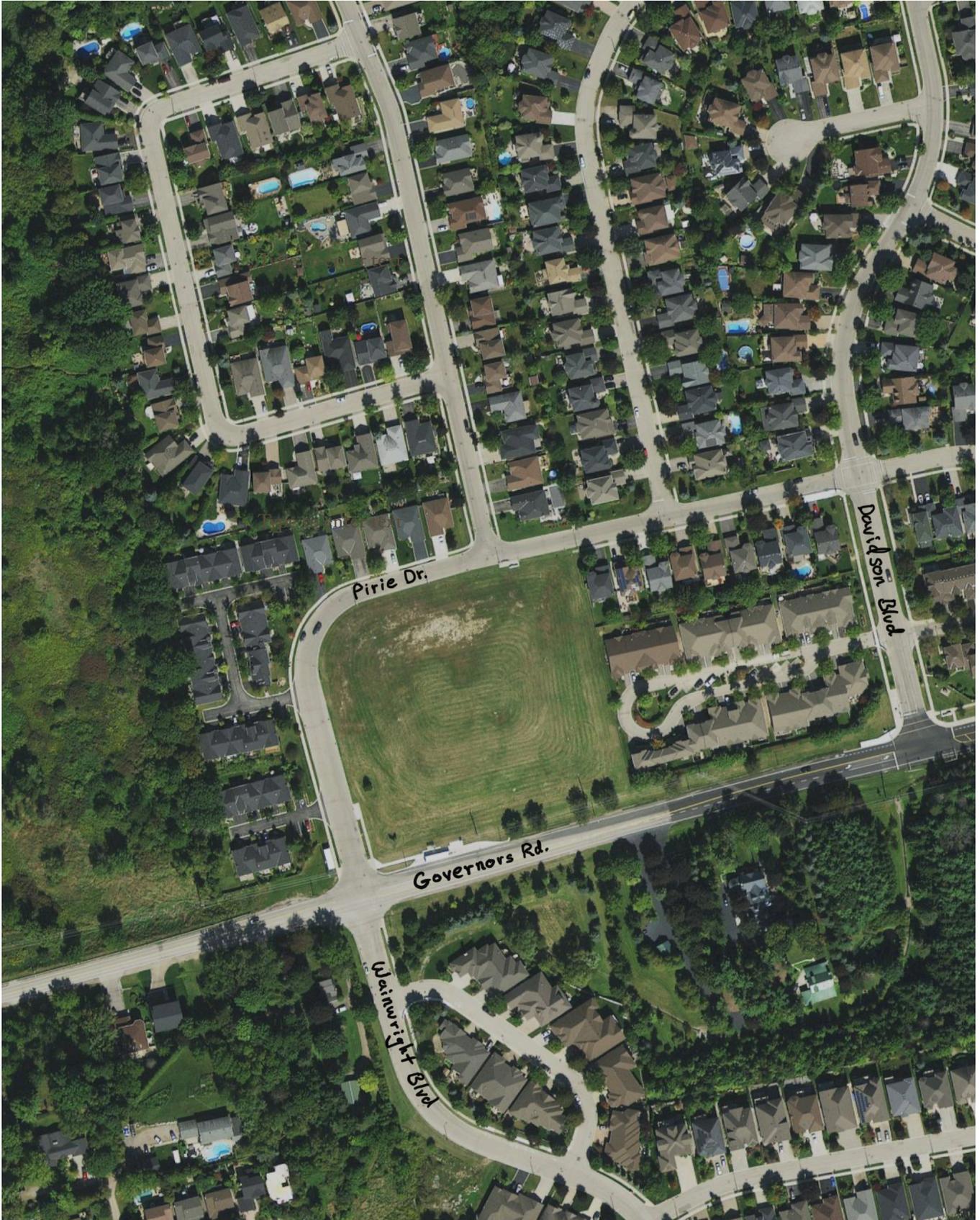
For the above reasons I urge you to reject the proposed use of this land for the construction of 17 bungalows and a retirement home and thus also urge you to reject the requested zoning by-law amendment.

While I can understand the developers desire to realize as much profit as possible by building as many saleable units as possible on this site, his proposal is a clear over-reach which is not appropriate in this residential / rural setting on the western outskirts of Dundas.

If you have any questions or wish to discuss this letter please don't hesitate to contact me.

Sincerely,





Davis, Michael

From: [REDACTED]
Sent: February 22, 2021 3:31 PM
To: Davis, Michael; VanderBeek, Arlene
Subject: ZAC-21-003

Good afternoon Mr Davis, I would like to voice my concern about the Zoning By-Law Amendment File No. ZAC-21-003.

I would like the City of Hamilton to reject/refuse the amendment File No. ZAC-21-003 in relation to the lands located at 125 Pirie Drive in Dundas..

The zoning for this area should not change from a strictly Residential Zone R1, R2, R3, R3A or, at the most, RM1.

This location is not conducive to a higher density than it currently enjoys. I am greatly concerned about the impact higher density or the inclusion of a business (Retirement Home or any other type of business) will have on this location.

I was dismayed that Appendix "A" was not more detailed by showing the extent of the housing currently surrounding the subject lands at 125 Pirie Drive. There are 11 units at 88 Pirie Drive, 15 units at 78 Pirie Drive, 27 units at 10 Davidson Blvd. and 62 units at 7 Davidson Blvd. In my opinion the omission of these units in the document is concerning as the openness of the space is misleading to those who are unfamiliar with the area.

Please include my comments and opinions regarding this rezoning application as part of the public record.

Please do not include my personal details or information.

Thank you,
[REDACTED]
Dundas, Ontario L9H 7A5

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
Dundas, Ontario

L9H 7N9

February 25th, 2021

Michael Davis for June Christy

Senior Project Manager

Re: File No. ZAC-21-003 125 Pirie Drive, Dundas

I have a few concerns in your attempt to rezone the property adjacent to [REDACTED]. There presently is poor drainage from 125 Pirie Drive resulting in pools of water on my driveway and the laneway around the condo property (definitely hazardous in the winter).

I was aware that the property was zoned for single family dwellings and had no concerns with that plan but what is now being proposed is a multi-unit structure creating an extremely dense population. I have a problem with the devaluing of my property due to the dense property development being undertaken in such close proximity.

[REDACTED]
Cc Arlene VanderBeek

S Robichaud

A Fabac

Davis, Michael

From: [REDACTED]
Sent: March 4, 2021 6:50 PM
To: Davis, Michael
Subject: Opposition for Zoning By-Law Amendment
Attachments: cid54737961-4E0A-43EC-BF7F-8085CD45D2E4.png; ATT00001.txt

Hello Michael,

My family and I are opposing the zoning amendment proposal for the construction on the green space on Governor's road.

03/04/21

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 3, 2021 8:04 PM
To: Davis, Michael
Subject: Zoning by-laws amendment file no. ZAC-21-003

Hello Mr. Davis,

I am writing to oppose the development proposal for Pirie Drive and Governor's Road (ZAC-21-003). I feel the proposal will result in increased traffic and obviously reduced green space for the area.

I am at [REDACTED]

Thank you for your consideration,
[REDACTED]

March 4, 2021

Michael Davis, City of Hamilton
Planning & Economic Development Department
Development Planning, Heritage & Design-Rural Team
71 Main St. West, 5th Floor
Hamilton, ON L8P 4Y5

RE: ZAC-21-003

Dear Mr. Davis

This letter is in response to the invitation to comment on the Zoning Bylaw Amendment Application (ZAC-21-003)

[REDACTED]

We have a number of concerns related to the proposed development at 125 Pirie Dr. in Dundas as outlined below.

DRAINAGE & RUNOFF

As this property is at a higher elevation than the condo complex bordering on the development's east boundary, we are concerned about the erosion and runoff that will flow onto the condo property at 10 Davidson during the construction phase of the development, especially during any heavy rains.

If approval is given to develop this property as proposed, what will be done to prevent the excess water from pouring over the large area from draining onto the property at 10 Davidson. It appears from the diagram on page 4, Appendix 8b that water from the common area between the townhomes and the apartment building is being directed north then east toward the property at 10 Davidson. Is this water going to be captured in the storm sewer system or will it be directed to the south west corner of our property?

It would appear that during some of the severe weather we have experienced over the past several years could result in 10 Davidson becoming part of the drainage system for the new development.

PRIVACY

The area along the west property line of 10 Davidson which borders on the property in question is used by many of our unit owners for getting together to socialize and have a coffee. We have installed several benches in this area for that purpose. With the construction of a four-storey

apartment building along this border, it is not only not in keeping with the surrounding neighbourhood, the privacy and enjoyment of our complex will be impaired.

The 4 storey building will also cast shadows and block sunlight from our complex, contrary to what is stated in the Planning Justification Report. Many of the new units will look directly down on many of the yards and patios of 10 Davidson. The Rooftop Concept document shows a sitting area that will also look down on the property at 10 Davidson.

PARKING AND TRAFFIC

Parking and traffic will be a major concern. Right now very few people adhere to the 50 KPH speed limit, many fail to stop at the stop signs in the area, and more than a few don't seem to know what the red light means at Davidson and Governor's. I have come close to being T-Boned there myself several times, and many vehicles accelerate to try and beat the red when it turns caution. Buses have been known to do the same. I have emailed the council person on more than one occasion to complain, but nothing is ever done. The parking on the streets around Pirie is getting to the point it is difficult to drive down. Where will all the visitors at this new development park. Likely in the visitor parking at the other condo complexes in the area.

As for the relocation of the bus layby, why is it necessary to move it at all. We are definitely concerned that it could be moved east along Governors behind our complex and spew diesel fumes over the yards and decks of the units in our complex backing onto Governor's. We get enough of that already with the truck traffic on that stretch of Governors. Relocation of the "Johnny on the spot" is a definite problem. I am sure the buildings proposed are set back further from Governor's Rd than those at 10 Davidson, so I see no reason to move the layby at all.

PROPERTY VALUES

If this development is allowed to go ahead as proposed, it will definitely have a negative impact on the property values at [REDACTED]

Sincerely,

[REDACTED]

February 24, 2021

Michael Davis, City of Hamilton
Planning & Economic Development Department
Development Planning, Heritage & Design - Rural Team
71 Main St. West, 5th Floor
Hamilton, ON L8P 4Y5

Re: ZAC-21-003

Dear Michael

Please accept this letter in response to the invitation to comment on the Zoning Bylaw Amendment Application (ZAC-21-003).



We would like to express a number of concerns about the proposed development at 125 Pirie Dr. in Dundas, Ontario. We are interested in how the developer intends to address these concerns.

Construction:

Drainage & Runoff

As scraping and construction gets underway, we are concerned that there will be significant sediment and erosion that will follow the natural topography, flowing onto our property at 10 Davidson and creating an ongoing 'mud-river' down our court whenever there is rain.

Noise

While we understand that with construction comes noise, we do not see any indication of a berm or noise barrier to protect our property.

Post-Construction:

Drainage & Runoff

Surface water from the back of the north bungalow townhomes and the common area between the townhomes and the apartment building is being directed north and then east toward the property at 10 Davidson. The diagram (Appendix 8b, page 4) shows the water then running south along the property line to Governor's Road. We note that it is not clear if this water is meant to be captured by the Stormtech system or if it is being directed around the south-west corner of our property at 10 Davidson.

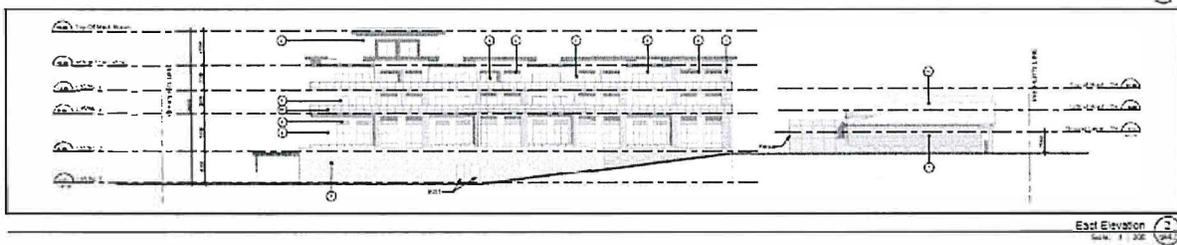
Surface water south of the parking garage driveway and the south-facing front of the building is being directed east toward the corner of our property at 10 Davidson, where the aforementioned other water is running.

The severe weather we've experienced over the past several years has us concerned that 10 Davidson will become part of the drainage system of 125 Pirie.

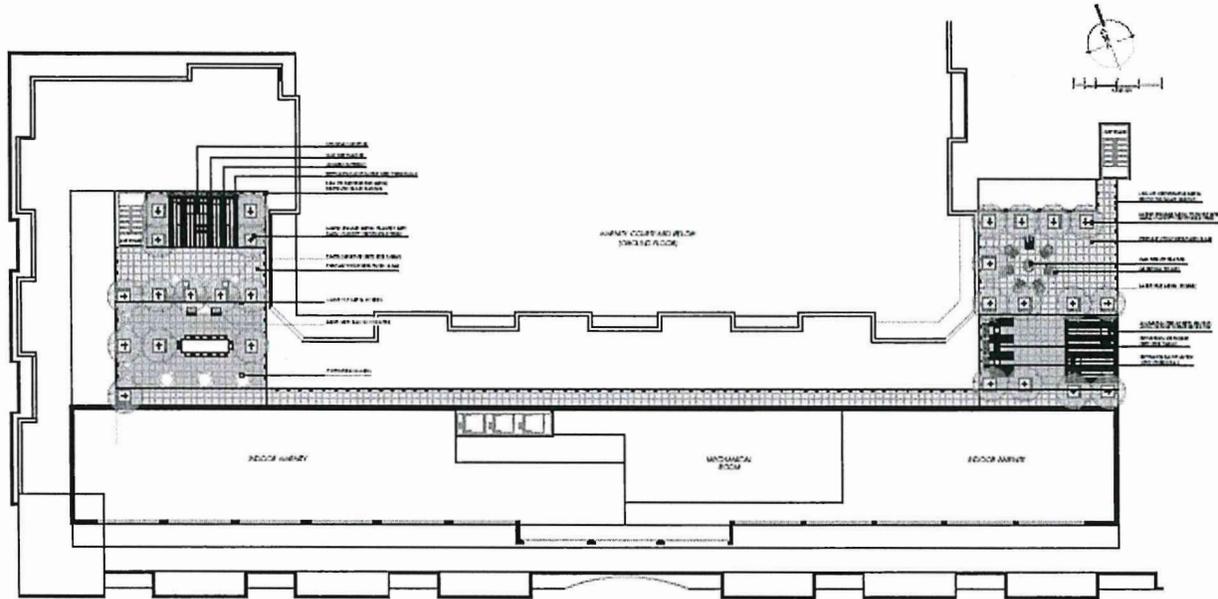
Privacy & Enjoyment of Our Common Property

Many of us enjoy the common property near the property line with 125 Pirie. With the construction of a four-storey apartment building that includes a rooftop terrace, our privacy and enjoyment of the property will be impaired.

In the Planning Justification Report (Wellings), on page 15, (point b - Compatibility with adjacent land...), the report states "The proposed built form and design of the Retirement Home avoids adverse impacts relating to shadows and overlook." The East Elevation (page 10) from the Architectural Report is pasted below. How anyone can claim there will not be any adverse effects from the overlook is astounding. As best we can determine, the north-most 3 units on the first floor are the only ones that will not have a direct view into 10 Davidson. By our count, 22 units look directly onto 10 Davidson. It looks as if a cruise ship has docked at the west end of our property.



In addition to the view from the residences, the Rooftop Concept document shows a sitting area at the eastern edge of the roof, again looking directly down and over the property of 10 Davidson. A screen capture from the document is pasted below:



Will the developer build an appropriate fence or plant appropriate trees to respect the privacy and enjoyment that the residents of 10 Davidson currently enjoy?

Parking & Traffic

We are concerned that there will not be enough parking at 125 Pirie for residents, staff, and visitors and that people associated with 125 Pirie will decide to use the visitor parking spots at 10 Davidson, requiring by-law enforcement.

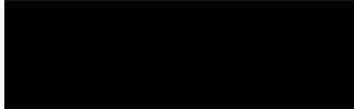
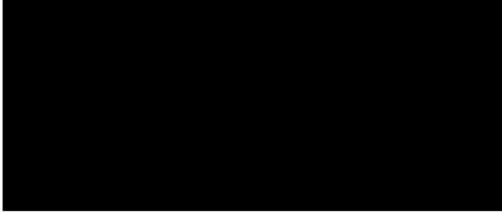
The additional traffic arising from 17 townhomes and 159 units in the apartment building raises significant noise and safety concerns around Pirie Dr., Davidson Blvd., and Governor's Road.

The report indicates that the bus layby will need to be moved and that the developer will "work with the city" to find a suitable replacement location. We are concerned that the layby will be moved east along Governor's Road, directly behind the south block of units at 10 Davidson. We are strongly opposed if that is proposed as an option.

Property Values

Ultimately, we are concerned that our property value will be negatively affected by the construction at 125 Pirie, especially if the legitimate concerns expressed above are not addressed.

Respectfully



To Whom It May Concern:

This is our input regarding Zoning By-law Amendment Application ZAC-21-003.

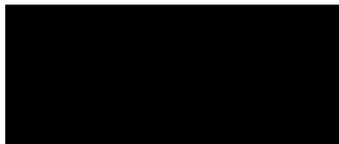
Before the Council makes a decision regarding ZAC-21-003 there are many aspects of this application to consider. **Most of the land is zoned Urban Reserve which is intended to protect the property from development which may “prejudice the future use of the land, or which may have disruptive influence on the community.”**

The request is for a zoning amendment in order to build a 4-storey 159 unit (apartments and suites) retirement home/seniors' building as well as 17 townhomes. This plan will have “a disruptive influence on the community”.

1. The traffic on Governor's Road, as part of FGL's application a traffic study was done by Paradigm Ltd. This study is flawed due to the fact that it was carried out during the pandemic year of 2020. It does not reflect the reality of the volume of traffic on Governor's Road. There are three schools (2 Elementary and 1 Secondary School) on Governor's Road that were not at full capacity during the study therefore there were many fewer school buses and students using the road. In 2020 many area residents were working from home resulting in less traffic volume.
2. There are three schools on Governor's Road. It is not a good idea to build a 159 unit building and 17 townhomes thereby increasing traffic volumes and mixing elementary and high school students crossing the road with increased traffic volumes.
3. To the west of this proposed development on Pirie are townhomes next to a horse farm and a conservation area. North, east and south are more townhomes, and single family homes. It's obvious that a 159 unit 4 storey building does not fit with the character of the neighbourhood.
4. Paradigm Inc's traffic report outlines the fact that the main driveway entrance to the development would be from Governor's Road and conflicts with the existing HSR lay-by.
5. This neighbourhood has a low walkability score. Residents require cars to travel for all their errands - groceries, appointments, the library. A large retirement/seniors home should be built within walking distance of shopping and other amenities for seniors. The present proposal does not meet onsite parking requirements.
6. A quick look at the neighbouring city of Burlington reveals that there are many vacancies in senior apartments buildings, despite their proximity to the lake and their preferred walkability scores. Simply put, Dundas does not need more senior apartments and certainly not on the edge of town.
7. A quick calculation of the number of people who would reside in this small area (1.43 acres) suggests a density of 220 per acre. This is a far cry from the eleven families that would live in the proposed development of eleven luxury homes.

Clearly this proposed bylaw change is a poorly conceived idea and must be rejected.

We join our neighbours in opposition to the proposed By-law Amendment Application ZAC-21-003.



Davis, Michael

From: [REDACTED]
Sent: February 28, 2021 12:41 PM
To: Davis, Michael
Subject: FW: Re: ZAC-21-003

From: [REDACTED]
Sent: Saturday, February 27, 2021 11:50 AM
To: 'Micheal.Davis@Hamilton.ca'
Subject: Re: ZAC-21-003

Mr. Davis:

Our names are [REDACTED] Gillespie Cres. Dundas.

We have concerns to this application and its proposal moving forward. My concern is a four stories building that is not part of the neighborhood landscape at present.

The traffic upload to a very busy street already, and the lack of sidewalks not to mention bicycles.

If this application goes through what are the seniors living there going to do re grocery, and drug, mail, and other necessities?

These are only the highlights of my concerns; please keep us informed of any decisions made by the city in regards to this project.

My proposal is to have a city review so the citizens can state there concerns publically; say here in Dundas at the town armories at Market and Hatt Street.

Regards

[REDACTED]

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 2, 2021 7:24 PM
To: Davis, Michael
Cc: VanderBeek, Arlene
Subject: Concern over the Development Plan for Pirie/Governors in Dundas

Mike Davis, MCIP, RPP

Senior Planner

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main St. W, 5th Floor
Hamilton, Ontario, L8P 4Y5

Dear Mr. Davis,

We live [REDACTED] on the South side of Governors Rd. When we bought our house in 1987, we were told that the 2.5 acre lot at the corner of Pirie Dr and Governors Rd would house a new church or school "down the road". However, a few years back, we were surprised to see a large sign erected on that lot by a new developer advertising that 9 large-lot single family homes were going to be built there (oddly enough, we were not aware or informed of the plan to add 35 additional townhouses at that time; we only found that out recently). While we were concerned about the 9 homes (which according to the sign were all sold!), we weren't too upset since we figured that an additional 9 structures wouldn't result in too much more traffic, or a burden to the sewage system.

After reading a notice attached to our neighbourhood postal box today, we were very surprised and annoyed to discover that the current plan is now for a large 159-unit 4-storey monster residence (housing 75 retirement home units, 84 apartment units, with an underground parking level) and 17 townhouses to be built on that lot! Apparently, notices were sent out to homes within 120 metres of the site, but many of us who would be affected by this development live beyond that perimeter and didn't receive any notice. Thankfully, this notice informed us of this revised plan (note: we do read the Dundas Star, but it hasn't been delivered to our home for the past 2 weeks).

For the past 10 or more years, those of us living in the various neighbourhoods around Governors Rd have had to deal with routine traffic congestion along Governors from Pirie/Wainwright to Creighton Rd (and beyond). We attribute this to a number of factors: the location of 3 schools in close proximity to each other along Governors, the narrow 2-lane road, and the rapid increase in home building, mostly on the North side of Governors. I estimate that this new plan will house another 300 or more residents and add many more vehicles. Clearly, this high-density plan will likely add to our current traffic woes, and, I suspect, it may have an impact on the sewage system in our neighbourhood, and perhaps on our water and hydro supply. We're already having to deal with another 29-unit townhome proposal at 264 Governors Rd, about a kilometre east of the Pirie site. In addition, the only major grocery store in Dundas (Metro) is already too small to accommodate the growing population of Dundas, and this development will add to the problem.

We are asking that the developers reconsider their "grandiose" plan, and consider a much smaller footprint (i.e. lower density) on that lot.

Regards,

Davis, Michael

From: [REDACTED]
Sent: March 2, 2021 5:14 PM
To: Davis, Michael
Cc: VanderBeek, Arlene; Kim Kozak; Christy, June; Fabac, Anita; Robichaud, Steve
Subject: Re: ZAC-21-003 Pirie Development

Hi Mike,

Thanks for the quick response and education on the city process.

My assumption was that the city has some pre-approval step to filter out applications that would never be approved. This was based on the significant amount of effort and cost the property owner and the consultants they hired must have invested thus far to produce the application and supporting documentation.

Why would a builder invest so much if there wasn't some reasonable chance of success..

We do support developing that property in keeping with the existing neighbourhood makeup and not negatively impacting traffic, parking and pedestrian safety.

Thanks again and we will look forward to further opportunities to provide feedback.

On Tue, Mar 2, 2021 at 8:19 AM Davis, Michael <Michael.Davis@hamilton.ca> wrote:

[REDACTED]

Thank you for reaching out to provide these comments.

In regards to your comments below, I do want to clarify that the property owner is permitted by the Ontario Planning Act to submit an application to the City of Hamilton for a Zoning By-law Amendment. The City of Hamilton is required by law to process and review the application in accordance with the process prescribed in the Ontario Planning Act. The City does not have the ability to reject an application like this before carrying out the due process.

As part of that prescribed process, the application has been circulated to all relevant City departments and External Agencies (e.g. Hamilton Conservation Authority) for review. At the same time, the City is requesting comments from nearby residents. All comments received are forwarded to the Applicant, considered by the City Planning Department before forming any recommendations, and are eventually included in the City Staff report to City Council so that they have that information available when making a decision.

A public meeting will also be held in front of the City' Planning Committee at a future date. You'll receive an additional notice inviting you to attend/participate in that meeting approximately 17 days in advance. City Council is the approval authority for Zoning By-law Amendment applications.

In the meantime, if you wish to learn more about the application you can visit the following website which was established by the Applicant to provide access to information for residents...

<http://piriedevelopment.com/>

Future opportunities for participation in the process will also be made available on the Applicant's project webpage.

I hope this information is helpful. Please let me know if you have more questions! All the best,

Mike Davis, MCIP, RPP

Senior Planner

Planning and Economic Development Department

Development Planning, Heritage and Design

71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5

Phone: (905) 546-2424 ext.1024

Fax: (905) 546-4202

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NOTE: As of March 18, all City of Hamilton offices and facilities have been closed to the public with the exception of the First Floor, City Hall, to help prevent the possible spread of the Covid-19 virus.

Planning staff will continue to serve the community over the phone or by email. However, staff are working from home as a precautionary measure to protect both the public and staff and staff will endeavour to reply to your email as soon as possible.

Digital submissions and resubmissions are preferred. Alternatively you may make your submission by courier, mail or by drop off at the First Floor, City Hall.

Please be aware that information on the City's response to Covid-19 and the City of Hamilton Official Plan, Zoning By-laws and submission requirements can be found on the City's website at www.hamilton.ca.

Thank you for your anticipated cooperation.

From: [REDACTED]
Sent: March 1, 2021 11:43 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>
Cc: [REDACTED]
Subject: ZAC-21-003 Pirie Development

Hello,

We are writing to add our voices to your request for community feedback on the proposal to develop the lot on Pirie Drive.

The nature and magnitude of the proposed complex is not fitting within our neighbourhood. There are many reasons why this isn't a good fit.

- 1) We are an all-residential, 2-story medium-density community. Any development of that lot should follow suit.
- 2) Traffic on Governors Rd is already congested. Adding a significant number of units to that lot will make it even worse.
- 3) Adding additional traffic to a neighbourhood with many small children is not safe
- 4) Parking for such a dense complex will undoubtedly spill over onto the neighbouring streets where availability is limited and disruption will ensue
- 5) There is an available lot at Cootes Dr and Dundas St (former Canadian Tire) that would be perfect for this type of development (fitting location, all amenities within walking distance)

For these reasons, we are against the proposal in its current state and we are disappointed that this proposal was not rejected by the City Planners immediately before even progressing to this point.

Davis, Michael

From: [REDACTED]
Sent: February 28, 2021 8:17 PM
To: Davis, Michael
Cc: VanderBeek, Arlene
Subject: PIRIE DRIVE DEVELOPMENT IN DUNDAS

Dear Mr.Davis,

I'm writing you with regards to the housing development project on Pirie drive in Dundas Ontario . I oppose the development and the scale of the purposed development on Pirie drive, the biggest issue is with over 100 residents units worth of added traffic to the area. Much of which will flow through three school zones and cause more congestion along Governors road. Governors road was recently refinished with bike lanes and turning lanes etc last year and was left as single lane road. If a multi unit dwelling was purposed, why was the road not enlarged?. Any additional housing should fit with the design and flow of the current neighbourhood, a multi unit dwellings does NOT! Detached homes would be acceptable (driveway or driveways not directly connected to Governors road), or the absolute best use of the land would be park space.

Thanks,

[REDACTED]

CITIZENS AGAINST PIRIE DEVELOPMENT

Zoning By-law Amendment File No. ZAC-21-003

If you oppose the above development proposal, and have not already done so, would you please join the neighborhood grassroots campaign by sending by March 5 2021 deadline an email to the following address:-

Michael.Davis@Hamilton.ca

or by writing to Michael Davis City of Hamilton

Sth Floor

71 Main Street West

Hamilton ON LSP 4Y5

You can additionally let our Ward 13 Councilor, Arlene VanderBeek, know that you oppose this zoning amendment proposal. If you are writing it is only necessary to say that you oppose the above Application and add the date, your address and signature.

We strongly believe that the proposed development will degrade the quality of life we currently enjoy

If you value and want to preserve this peaceful neighborhood, we urge you to make known your opposition to this unwelcome proposal which is out of keeping with the whole area

THERE IS STRENGTH IN NUMBERS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 1, 2021 1:14 PM
To: Davis, Michael
Subject: Pirie Street, Dundas

Hi
We live at [REDACTED] and have just received a handout from people opposing development of the land at the corner.

We support the proposals and are delighted with the use of the land.
[REDACTED]

Sent from my iPad

Davis, Michael

From: [REDACTED]
Sent: March 5, 2021 11:20 AM
To: Davis, Michael
Subject: Input re File: ZAC-21-003 (Zoning By-law amendment for 125 Pirie Drive, Dundas)

Dear Michael,

I am writing to you to express my support for the application by Welling Planning Consultants (on behalf of the owner FGL Pirie Inc.) for a Zoning By-law Amendment for the lands at 125 Pirie Drive, Dundas.

In my opinion, the proposed development should be approved as it is aligned with the City's Climate Action Plans and GRIDS2 growth plans.

My reasons for support are as follows:

1. The development proposed for the site addresses the requirement to achieve 55% of future growth within the existing urban boundary. Intensification of existing urban land eliminates significant GHG emissions from the construction of new infrastructure to service rural lands.

2. The development proposed for the site will utilize existing urban infrastructure - utilities, roads, transit - eliminating the greenhouse gas (GHG) emissions and costs to build additional services.

3. The development proposed for the site - located on an existing transit route - provides the capability for residents to reduce their individual GHG output by reducing their use of automobiles.

4. The development proposed for the site protects and preserves the natural environment - and its GHG reduction capabilities - by leaving rural lands to continue to provide their food production, water conservation, and recreational benefits.

5. The development proposed for the site creates new employment opportunities in both construction and ongoing operation of the retirement home.

Please do not hesitate to contact me if you have any questions with my comments above.

Regards,

[REDACTED]

March 3, 2021

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Rural Team
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5
Attention: Mr. Michael Davis

Re: File No. ZAC-21-003
Reference: Re-zoning 125 Pirie

When my husband and I purchased our home at [REDACTED], it was for the purpose of beginning our retirement living at a nice quiet place with lots of trees and gardens and just enough houses to become a tight-knit community neighbourhood.

We have lived in Dundas for more than 50 years at different property locations, and have always been surrounded by green space and our wonderful conservation areas.

We knew that at some point, the adjacent vacant land beside us would be built on, but thought as it belonged to the Roman Catholic Diocese of Hamilton, it would be a church related development.

Since the land was sold, we envisioned it to be developed us similar to our property at Davidson with townhouses on either side. We have no problem with the townhouse portion of the proposed development as it is totally in keeping with the other development in the area.

We are however, 100% opposed to the land being re-zoned to allow a multi-storey housing development. We are opposed for the following reasons:

1. The proposed building is not in keeping with the single family development in the surrounding area.
2. We have had drainage problems with some of the properties on the North side of Davidson and our Condo board has spent a great deal of money to resolve this issue. Development of the vacant land could cause future run-off and problems.
3. Our unit location is at the West end of the property line with 125 Pirie. We have a **single** storey unit with a side door, windows and a back and side yard. With the proposed construction of a multi-storey apartment building right next to us, (approximately 10 metres from our side and back yard) this will cause us to be dwarfed and overshadowed by these units. It will also impair our privacy and enjoyment by their windows and balconies looking down on us, as well as we will lose both our light and sunshine.
4. We also have a small community parkette used and enjoyed by residents in the summer months. It is located opposite our unit and it will also lose its privacy and sunlight.
5. We believe that this proposed 4 storey building could adversely affect the value of properties at 10 Davidson Boulevard.

6. If the land is re-zoned and built as planned with accommodation for 159 units plus the townhouses the effect on the general area will be an increase in noise and traffic due to the retirement residence having to be serviced on a regular basis by delivery vans. This will make it a very busy thoroughfare. Also, this will further cause backups and delays on Governors Road.
7. We genuinely feel that this proposed development plan will have detrimental effects on the homeowners at [REDACTED], who do not deserve to have the use and enjoyment of their property and neighbourhood impaired in such a way.

We hope that the zoning committee will take into consideration our views and concerns regarding this proposed development plan and review the project in a fair and just manner.

Yours sincerely,

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 4, 2021 2:13 PM
To: Davis, Michael
Subject: Zoning by law Amendment File No.ZAC-21-003

Hello Michael

The request to rezone the green space at Governors Rd. and Pirie Dr. is not feasible for many reasons but most of all because of the density of the population proposed for this space. The infrastructure necessary to service this space would create a major impact on the environment. The increase of traffic alone would have further effects on the environment. The area has no structures that are similar in nature to the design proposed and so close to the conservation area.

In the 22 years we have lived on Davidson Blvd. we have observed a huge increase in traffic flow on Governors Rd. so this would have a major impact on this traffic.

We are strongly opposed to this development

John and Liz Harkin

[REDACTED]
Dundas On.L9H 7N9

Davis, Michael

From: [REDACTED]
Sent: March 2, 2021 1:51 PM
To: Davis, Michael
Subject: Zoning AmendmentFileNo.Zac-21-003

We are against the proposed Amendment. We feel it will greatly increase traffic volume which at the moment is making it hard to cross the road due to the speed now. [REDACTED].

Davis, Michael

From: [REDACTED]
Sent: February 25, 2021 3:08 PM
To: Davis, Michael
Subject: Application ZAC-21-003

To Michael Davis,

I would like to voice my feelings concerning the proposed zoning by-law amendment for 125 Pirie Drive.

I live at [REDACTED] and adjoin the conservation area which I'm so appreciative of and I would like to see the outer areas of Dundas remain natural and be able to enjoy the fields and trees.

A previous proposal shocked a lot of us here, but in comparison it would have been much more in keeping with this area. It was a few single dwellings and there could be plenty of garden and tree plantings making it feel more rural.

We don't need a lot of brick and cement which is more in keeping with downtown. I would like to keep Dundas expansions limited to dwellings with plenty of land around them and keeping nature still visible. I feel that's what people like about Dundas.

Take care, [REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 5, 2021 12:54 PM
To: Davis, Michael
Subject: Zoning Amendment File #ZAC-21-003 for green space on governor's road and Pirie Drive

March 5, 2021

My husband and I would like you to know we are opposed to the above development proposal.

We live at [REDACTED]. Dundas L9H 6Y7

[REDACTED]

To Whom It May Concern:

Re: File No. ZAC-21-003

Re: Application to amend Dundas Zoning By-law No. 3581-86 and City of Hamilton By-law 05-200 by FGL Pirie Inc. 125 Pirie Drive , City of Hamilton (Dundas)

I am definitely in favour of more affordable housing in Dundas but this large structure of 3, 4 and in some places 5 stories is much too large for the surrounding neighbourhood and covers most of the property leaving very little green space.

My biggest concern is about the large increase in population density and the problems that this will cause:

1. Increased traffic flow with 3 driveways very close to the corner of Governor's Road and Pirie Drive
2. Problems with finding a location for the HSR bus stop that is a very important component of this plan
3. The imposition on the space of a very large main structure and too little green space in keeping with the area

1. Increased Traffic Flow

The traffic study by Paradigm Transportation solutions was undertaken in September 2020 during COVID. Many families were still working from home at this time. The traffic has not returned to its pre-COVID flow yet so this study will dramatically underreport the normal traffic levels.

There will be an increase in the number of cars (visitors and employees), delivery vehicles, ambulances, moving vans coming to the residence along Governor's Road past the 3 schools mentioned in the application.

Driveway A leading to 133 parking spaces is close to the corner of Governor's Road and Pirie Drive and could lead to a back up of cars that have just turned the corner as seniors pause to open the garage.

Driveway C which the traffic report claims will have very little traffic would, I assume, be where all of the moving vehicles unload. There would also be the food delivery, the garbage trucks, repair and maintenance vehicles, phone service vehicles, computer and television service vehicles as seniors move in and out.

There are 9 additional driveways on Pirie Drive from the townhouses with 17 plus cars which all must back out onto a bus route just after the bus turns a corner. This will increase the risk of accidents on this bus route.

The absence of nearby shops and library means that more outings will take place in cars or a shuttlebus thus creating more traffic.

2. Finding a New Bus Stop

The townhouse driveways will preclude a stop on the east-west portion of Pirie Drive

Driveway A and Driveway C will make a bus stop very difficult on the north-south section of Pirie Drive and the former bus stop here was just recently moved to Governor's Road after complaints from the neighbourhood.

Driveway B will make the current bus stop much too close to where cars will need to turn in to this development. This current bus stop often has 2 buses one behind the other. Also ambulances are a common vehicle turning in to seniors' residences so there must be a clear access and clear visibility.

3. Very large structure for this neighbourhood and for creating a welcoming place for seniors to live.

The proposed building has 155 units. This is a large number of seniors in one building. It is very imposing at 3, 4 and in some places 5 stories high. In an area of one and two story homes the height and the size don't fit with the character of the neighbourhood.

The proposed buildings come very close to the allowed limits for the property. In adjacent streets, there is a greater sense of green space around the houses. If the buildings covered less of the property, the residents could benefit from a walking path around the building and there would be a smaller impact on the sense of green space in this neighbourhood.

Several Questions:

1. Who will build this seniors home? What is their building reputation? Who will manage this home? As we learned during COVID, the quality of management make a big difference.
2. The view of the west side shows a dramatic drop south of the town houses. Is there proper drainage here or could water from the higher ground flow down onto Driveway C and out onto Pirie Drive? Also, I understand that properties on Davidson already have run-off and drainage problems, and development on this vacant land next door could add to those issues.

This is not an ideal location for a seniors' residence as they cannot walk to any bank, library, or coffee shops. This is a much better location for bungalow town houses (similar to the 17 proposed) but with driveways backing onto interior roads to avoid the potential traffic problems.

PLEASE REMOVE MY PERSONAL INFORMATION BEFORE PUBLICATION OR FORWARDING THIS DOCUMENT.

Thank you for considering my submission

[REDACTED]

Dundas, Ontario

March 4, 2021

Michael Davis, City of Hamilton
Planning & Economic Development Department Development Planning, Heritage & Design -
Rural Team 71 Main St. West, 5th Floor
Hamilton, ON L8P 4Y5

Application for Zoning By-law Amendment, Governors Road at Pirie Dr., Dundas

Re: ZAC-21-003

Dear Michael Davis,

This letter is submitted to register opposition to the proposed change of zoning and request for a bylaw amendment to allow the building of a 155 unit seniors retirement residence and care facility, as well as 17 townhouses, on a site that was originally approved in 1991 for a small number, 9, of single family homes and a small town house complex and which has remained vacant green space in the interim. I protest any potential rezoning of this property for this purpose.

As the owner/resident of [REDACTED], Dundas my quality of life and living situation will be directly, permanently and adversely affected by this proposed project and zoning amendment. In addition, the property value of my home and the 10 Davidson Blvd townhouse complex will unquestionably be negatively impacted by the proposed development. Beyond the personal, however, I protest this proposed bylaw amendment on a number of broader issues.

The proposed development is of a density and scale totally at odds with the suburban setting and in particular with its proximity to and impingement upon nearby green space, rural and conservation lands. Already endangered wildlife, flora and fauna would also be placed at further risk. In the various documents provided by specialist experts As support for the application, reference is made to the potential varied level of care required by residents of the seniors residence. This implies a corporate or commercial operation which is equally at odds with the existing domestic, suburban neighbourhood.

Identified as a three to four storey structure in the supporting documents, the proposed residence will also have a rooftop terrace which effectively adds one floor, but is also described as having partially underground parking which implies that the structure will sit above ground level. In total therefore, there is a potential 6 storey structure that will overlook the 10 Davidson Blvd complex, as well as the town house complex to the west of Pirie Drive, the town homes on the south side of Governors Rd, as well as the small bungalows along Pirie drive. Such a solid multi-levelled structure would seem to be more like the Amica residence situated on Hatt and Ogilvie Streets in Dundas in scale but of a more unrelieved institutional appearance. Not only will it dwarf the neighbourhood, and block daylight, and impede privacy, but in aesthetic appearance and character it is at odds with the modestly scaled Craftsman style architecture of the neighbourhood. This is the kind of structure that is appropriate for a high density urban core.

In addition, I wish to express concern about the impact on drainage and infrastructure requirements. Contrary to the engineering report submitted with the application there already is run off from the vacant property into the 10 Davidson Blvd site. This area of Dundas also already experiences fairly frequent power outages at times of high winds far more than in other parts of Dundas and so the addition of such a high density complex would seem to be problematic and can only exacerbate the situation.

Moreover, the impact of multiple years of construction in terms of mud , dirt , constant noise and interruption on the 10 Davidson complex in particular but the neighbourhood in general is of significant concern.

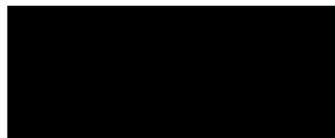
In supporting documents it is noted that both the HSR layby on Governors Road near Pirie Drive, as well as an HSR bus stop on Pirie at Newcomb will need to be relocated due to the proposed residence and town house complex . It has taken some considerable time for both of these HSR services to be completed and would necessitate further expense by taxpayers. It is also recommended in accompanying consultants' accompanying documents that the city should change the painted roadway signals on Davidson Blvd North of Governors Rd and also provide 35 metres of "storage" space for traffic to wait presumably due to an increased backup of traffic from drivers coming from the proposed complex along Pirie Drive to Davidson Blvd in order to access Governors Rd. Not only is this a negative impact in terms of the neighbourhood, as well as city resources, but, it will also have a direct impact on access and egress to both the 7 Davidson Blvd and 10 Davidson Blvd town house complexes.

It is stated in these supporting documents that accompanied the application that there will be minimal effect on traffic flow and congestion but this is difficult to accept . During construction in particular there will be very significant effect on this area and in particular on access into and out of Dundas. In addition, there will unquestionably also be adverse impact on street parking along Pirie Drive in particular, and on neighbourhood parking in general. During construction and also in the long term.

A separate letter dated February 24, 2021 from 10 Davidson Blvd. No 21, property owners John and Sheila Gardner specifically addresses drainage and run off issues and I draw your attention to their letter and support their concerns. It would certainly appear in spite of assurances to the contrary by the consultants that there will be water issues in the 10 Davidson Blvd complex should the proposed project proceed.

Thank you for the opportunity to express my concerns and opposition to this proposed Zoning By-law amendment. I look forward to following the progress of this application. Please do not hesitate to contact me with any questions that you may have.

Yours sincerely,



Traffic will be negatively affected on Governors Rd , on Pirie drive and on Davidson Blvd during construction and in the long term.

Davis, Michael

From: [REDACTED]
Sent: March 3, 2021 6:16 PM
To: Davis, Michael; VanderBeek, Arlene
Subject: 125 Pirie ZAC-21-003

Good afternoon Mr Davis, I would like to voice my concern about the Zoning By-Law Amendment File No. ZAC-21-003.

I would like the City of Hamilton to reject/refuse the amendment File No. ZAC-21-003 in relation to the lands located at 125 Pirie Drive in Dundas..

The zoning for this area should not change from a strictly Residential Zone R1, R2, R3, R3A or, at the most, RM1.

This location is not conducive to a higher density than it currently enjoys. I am greatly concerned about the impact higher density or the inclusion of a business (Retirement Home or any other type of business) will have on this location.

I was dismayed that Appendix "A" was not more detailed by showing the extent of the housing currently surrounding the subject lands at 125 Pirie Drive. There are 11 units at 88 Pirie Drive, 15 units at 78 Pirie Drive, 27 units at 10 Davidson Blvd. and 62 units at 7 Davidson Blvd. In my opinion the omission of these units in the document is concerning as the openness of the space is misleading to those who are unfamiliar with the area.

Please include my comments and opinions regarding this rezoning application as part of the public record.

Please do not include my personal details or information.

Thank you,

[REDACTED]

[REDACTED]

Dear fellow Dundas residents,

It has come to our attention that the hill at the corner of Pirie Drive and Governors Road, which is presently zoned for nine single homes, is up for a zoning by-law amendment to accommodate a retirement home for 159 units and 17 townhouses. That is 176 units on what is 3.53 acres of land. A likely estimate for residents and staff is at least 250 people.

The developer is FGL Pirie Inc, who's address is on Yonge Street, Toronto. The area he wishes to profit from is presently considered RURAL land. It is my opinion, that a developer from Toronto cares nothing for our rural land or the impact on both our community at large and to the environment.

Dundas is a beautiful small town that is one of Ontario's best. It has a strong business base that makes it unique. People love living here and coming here. Changes should be carefully considered.

At the west side of Dundas, we are blessed with conservation land and trails that provide recreation for Dundas residents and many others. As well, the area protects wildlife and the unique ecology of the region. This would include the escarpment, trails, and many waterfalls in the area. Everyone benefits from this conserved land.

Governors road is a poorly designed single lane road that services this area. Traffic has already become a big issue. In the space of 3 kilometres, there are presently many homes, 3 schools, 3 retirement residences, several townhouse complexes and a large apartment building that use the road. As well, the road is a transit route especially during rush hours when it becomes very congested.

The land in question, like the rest of the area is heavily clayed and not permeable to water, resulting in large runoffs to existing drainage ponds. The land behind our house has one of these drainage ponds and a large building such as the one proposed on a hill opposite, would put strain on the existing sewage and storm water drainage systems.

Dundas is a town in a valley. With all the existing housing and businesses, air quality is not always the best in the warmer months in particular. When driving down the escarpment into town, you can often see the pollution hovering over the town. The densification from your proposal can only worsen this. This won't matter to a developer from Toronto, but it will matter to us.

Information regarding this proposal has been sent to a small number of residents who live within 130 metres of the proposed development. I feel it is important for as many Dundas residents as possible to hear about this ill-conceived get-rich-quick scheme. It is our town that is at stake, and once it is ruined, there is no going back. What might come next?

For further information, please see the website <http://piriedevelopment.com/>. You can find all the information under the applications and reports tab on the right side of your screen.

If you are concerned about this proposal, we urge you to tell your neighbours about it and get as many people as possible to write letters to voice their concern. These letters must be received by March 05, and you need to quote file....ZAC-21-003. Letters are always the best method of making yourself heard, but if you are short of time you can also send an email to

Michael.Davis@Hamilton.ca.

OVER


Dundas, Ontario L9H 6Y9

February 11, 2021

Dear Ms. Christy:

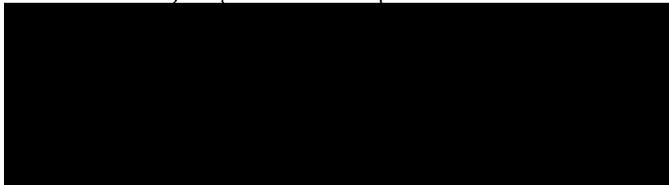
I have enclosed the letter to object to a change of the zoning.
A copy I already emailed to your planning department.

Michael Davis answered the email and I sent a brief comment to
the Development Company as Michael suggested.

I trust in your professionalism by not making the decision to
change the zoning of this lot on 125 Pirie Drive and allow this
Developer to build a Retirement Home on this small lot with no
indication at all for parking provision .

As outlined in my objection letter, this is a total Residential Area
and the lot is far too small for this High Density Building.

Sincerely yours.



Zoning By-Law Amendment No. ZAC-21-003

125 Pirie Drive

We oppose to the above Amendment to the Zoning

A. GENERALLY

1. The proposal is far too high density, inappropriate and not keeping with the adjoining properties.

B. SPECIFICALLY - ZONING - as shown on the location map

- 1 The northern part of the property is zoned R2 - single family residential
- 2 The rest of the property is zoned UR - a holding residential zone
- 3 Properties on both sides of Pirie Drive 62-70 on the north side and 83-99 on the south side are zoned single family residential

C. CONCEPT SITE PLAN

1. This plan shows 17 single story units in blocks, one of nine units and one of eight units, but the notation indicates two blocks of eight.
2. The plan shows PIRIE ROAD not PIRIE DRIVE

In our opinion it would be more appropriate and in keeping with the adjoining properties to:

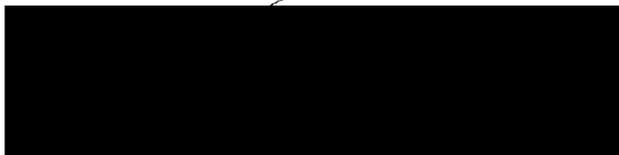
1. Maintain R2 zoning on the northern part of the property

2. Zone the remainder of the site RM1 (1 and 2 floor residential) consistent with the zoning along the Northern side of Governor's Road
3. The proposal of a 4 (four) storey Retirement Home is much too high density, for such a small site and no provision for parking have been shown.
4. 84 Independent apartment units for seniors would require at least 84 parking spaces - plus parking for the Retirement Home.
5. The Canadian Tire Lot Down Town Dundas is a much better place for a Retirement Home. More convenient for the residents and very convenient public transport, Coffee shops everything is in walking distance.

The zoning for 125 Pirie Drive is definitely only for residential family homes.

We oppose very strongly against a four storey Retirement Home and zoning should not be changed. It should stay as originally zoned R2 and RM1.

Sincerely yours,



Davis, Michael

From: [REDACTED]
Sent: February 25, 2021 12:39 PM
To: Davis, Michael
Cc: VanderBeek, Arlene; Litzen, Julie
Subject: Public Comment re: Dundas Governors and Pirie vacant lot proposed for 159-unit residential building and townhouses

Dear City of Hamilton:

We vehemently oppose development at the Dundas Governors and Pirie vacant lot proposed for 159-unit residential building and townhouses.

This will negatively impact property values, storm water flow and the single artery traffic.

The high density development does not complement a single unit residential area.

We pay high taxes to live in a non-dense residential area.

It would be appropriate to have contacted residents by mail of this issue.

As it is a remote field, the 120 meters range of notification does not apply. Development impacts *all* of the immediate area. Going forward, the planning department should amend their bylaw for wider distribution of notifications to 1 km, since any development in the city impacts the greater area.

The signage faces Governors Road in an isolated position. Appropriate signage needs to be installed facing residents' homes to be fair and equitable.

Not many residents know of this issue. Did it appear in the Hamilton Spectator?

Sincerely,

[REDACTED]

Feb. 27, 2021

Dear Michael,

A friend has just given me a copy of the proposal for a possible seniors residence and town house complex at 125 Pirie Drive, Dundas. I have read this proposal, looked up information about it online, and also read what has been written in the newspaper. I am both disappointed and dismayed at this appeal for a zoning by-law amendment. Although I do not live close enough to have been given a copy of the proposal directly, I am nevertheless shocked that such a proposal would be considered at all.

It is my understanding that the hill at the corner of Pirie Drive and Governors Road, which is presently zoned for nine luxury homes, is up for a zoning by-law amendment to accommodate a 3-4 storey retirement home for 159 units and 17 townhouses. That is 176 units on what is 3.53 acres of land. A likely estimate for residents and staff is at least 250 people. That is a shocking number of people on a small piece of residential land. The developer listed in the proposal is FGL Pirie Inc, who's address is on Yonge Street, Toronto. The area he wishes to profit from is presently considered RURAL land. It is my opinion, that a developer from Toronto cares nothing for our rural land, or the impact on both our community at large and to the environment.

Dundas is a beautiful small town with one of Ontario's last remaining vibrant downtowns. It has been an asset to the City of Hamilton. It has a strong business base and a beautiful vista that makes it unique. People love living here, visiting here and shopping here. Any changes should be carefully considered, and what is best for the community and the environment should trump any money from which a private Toronto company and the city of Hamilton would benefit. It is Dundas's location in a valley at the end of the lake and under the escarpment that has kept the big box stores at bay and the town merchants alive. Large, city style buildings, and yet one more retirement home (I can count at least 7 in Dundas already) are not what we need. We need young families to keep our town vibrant and busy, not more senior citizens (and I, by the way, am one of those).

Please consider old Ancaster, our nearby neighbour, who has managed to build, and yet keep the town's beauty and integrity intact, with tasteful low buildings which enhance, rather than ruin the community. My daughter, who lives in old Ancaster built her home 3 years after we did here in Dundas, at exactly the same cost, and already her home has risen in price approximately half a million dollars more than our home. I maintain that it is the careful planning and building in Ancaster that has helped this to happen. Both towns are part of the City of Hamilton. Dundas has the location advantage and the more vibrant downtown, and yet, house values have differed partially because of the poor planning in Dundas. What a shame!

At the west side of Dundas we are blessed with conservation land and trails that provide recreation for Dundas residents and many others. As well, the area protects wildlife and the unique ecology of the region. This would include the escarpment, trails, and many waterfalls in the area. Everyone benefits from this conserved land. Adding yet another ugly, large seniors residence adds nothing to the beauty of the area.

Another big concern is the environment. The land in question, like the rest of the area is heavily clayed and not permeable to water, resulting in large runoffs to existing drainage ponds. The land behind our house on Giffin Rd., for example, has one of these drainage ponds built for run-off from our homes, and a large building such as the one proposed on a hill opposite, would put strain on the existing sewage and storm water drainage systems. Water run off from a large building and its paved-over green land would surely cause problems from a hill that

high. As well, the light pollution from a large building such as the one proposed would be a huge irritant to neighbours who enjoy the beauty of dark nights over our Conservation lands. We didn't move here to have our area look like Milton or Mississauga. What a pity there is such poor city planning!

As well, there is air quality to consider. Dundas is a town in a valley. With all the existing housing and businesses, air quality is not always the best in the warmer months in particular. When driving down the escarpment into town, one can often see the pollution hovering over the town. The densification from your proposal can only worsen this. This won't matter to a developer from Toronto, but it will matter to those of us who live here already.

Governors road is a poorly designed single lane road that services this area. Traffic has already become a big issue since it was redesigned a couple of years ago. In the space of a few kilometres, there are presently many homes, 3 schools totalling more than 500 students, 3 retirement residences, several townhouse complexes, a large apartment building, and a grocery store, all of which must use Governor's Road. As well, Governors Road has become a busy transit route especially during rush hours when it becomes very congested. City and school buses routinely clog up the intersections where stops are poorly located. Students and others walking on the sidewalks are in constant jeopardy, so close are they to the narrow road. Senior citizens living at the west end of Dundas would have no safe place to walk and certainly no shops nearby. It is a very poor location for such a project.

Information regarding this proposal has been sent to only a small number of residents who live within 130 metres of the proposed development. I feel it is important for as many Dundas residents as possible to hear about this ill-conceived, get-rich-quick scheme. It is our town that is at stake, and once it is ruined, there is no going back. What might come next?

Please do not allow this zoning by-law amendment to be approved. It is not in the best interest of our community, nor for the Town of Dundas, or Hamilton itself. If Hamilton ruins the Town of Dundas with ill-conceived building, it too will suffer in the end. Please help Dundas remain beautiful. It is one of the few lovely Canadian small towns left and should be lovingly preserved by The City of Hamilton, its keeper.

Regards,

[Redacted signature block]

Feb 28/21

Dear fellow Dundas residents,

It has come to our attention that the hill at the corner of Pirie Drive and Governors Road, which is presently zoned for nine single homes, is up for a zoning by-law amendment to accommodate a retirement home for 159 units and 17 townhouses. That is 176 units on what is 3.53 acres of land. A likely estimate for residents and staff is at least 250 people.

The developer is FGL Pirie Inc, who's address is on Yonge Street, Toronto. The area he wishes to profit from is presently considered RURAL land. It is my opinion, that a developer from Toronto cares nothing for our rural land or the impact on both our community at large and to the environment.

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At the west side of Dundas, we are blessed with conservation land and trails that provide recreation for Dundas residents and many others. As well, the area protects wildlife and the unique ecology of the region. This would include the escarpment, trails, and many waterfalls in the area. Everyone benefits from this conserved land.

Governors road is a poorly designed single lane road that services this area. Traffic has already become a big issue. In the space of 3 kilometres, there are presently many homes, 3 schools, 3 retirement residences, several townhouse complexes and a large apartment building that use the road. As well, the road is a transit route especially during rush hours when it becomes very congested.

The land in question, like the rest of the area is heavily clayed and not permeable to water, resulting in large runoffs to existing drainage ponds. The land behind our house has one of these drainage ponds and a large building such as the one proposed on a hill opposite, would put strain on the existing sewage and storm water drainage systems.

Dundas is a town in a valley. With all the existing housing and businesses, air quality is not always the best in the warmer months in particular. When driving down the escarpment into town, you can often see the pollution hovering over the town. The densification from your proposal can only worsen this. This won't matter to a developer from Toronto, but it will matter to us.

Information regarding this proposal has been sent to a small number of residents who live within 130 metres of the proposed development. I feel it is important for as many Dundas residents as possible to hear about this ill-conceived get-rich-quick scheme. It is our town that is at stake, and once it is ruined, there is no going back. What might come next?

For further information, please see the website <http://piriedevelopment.com/>. You can find all the information under the applications and reports tab on the right side of your screen.

If you are concerned about this proposal, we urge you to tell your neighbours about it and get as many people as possible to write letters to voice their concern. These letters must be received by March 05, and you need to quote file...ZAC-21-003. Letters are always the best method of making yourself heard, but if you are short of time you can also send an email to

Michael.Davis@Hamilton.ca.

OVER

Michael Davis
City of Hamilton
Planning and Economic Development Dept.
Development Planning, Heritage and Design - Rural
71 Main Street West, 5th floor,
Hamilton, Ontario
L8P 4Y5

Thank you for your support,
Your Fellow Dundas R/
esidents



We concur with this
clarity in not having
this boundary process
going forward.
Neighbours

Davis, Michael

From: [REDACTED]
Sent: March 3, 2021 2:01 PM
To: Davis, Michael
Subject: URGENT: Govenors Road and Pirie Drive Zoning By-Law Amendment File No. ZAC-21-003

Michael Davis,

I am writing to you to say I am **opposed** to this zoning by-law amendment. I believe traffic on Governor's Road will amplify immensely and the quality of life in our neighborhoods will be seriously impacted! Not to mention increased pollution so close to the Dundas Conservation area, which would impact animals and surrounding neighborhoods alike. I do not believe Dundas needs another Retirement home. There are many other uses for this vacant lot.

Sincerely,

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 2, 2021 12:16 PM
To: Davis, Michael; VanderBeek, Arlene
Subject: ZAC-21-003

File No. ZAC-21-003

To Whom It May Concern:

This is my input regarding Zoning By-Law Amendment Application ZAC-21-003.

Before the Council makes a decision regarding ZAC-21-003 there are many aspects of the application to consider.

The request is for a zoning change so that FGL Pirie Inc. can then put forward an application to build a 4 storey 159 unit (apartments and suites) retirement home/seniors' building and 17 townhomes. This plan is not in keeping with the surrounding neighbourhood.

Consider:

Traffic and Safety Issues:

1. As part of FGL's application a traffic study of Governor's Road was done by Paradigm Ltd. This study was flawed due to the fact that it was carried out during the pandemic year of 2020. It does not reflect the reality of the volume of traffic on Governor's Road. There are three schools (2 Elementary and 1 Secondary School) on Governor's that were not at full capacity during the study resulting in fewer school buses and students using the road. Also many area residents were working from home resulting in less traffic volume.

2. As stated above, there are three schools on Governor's Road.

Building a 159 unit seniors' building and 17 townhomes would result in increased traffic volume mixing with existing school bus traffic and elementary and secondary school students crossing that same road.

3. Please do not make a decision before you have all the facts. Paradigm Inc's traffic report outlines the fact that the main driveway entrance to the development would be from Governor's Road. The report goes on to state that this conflicts with the existing HSR lay-by. Often there are two buses in the lay-by. Traffic, buses and a main entrance driveway, it seems that there are possible expensive infrastructure decisions hidden in this application that need to be made clear before a By-Law decision can be made.

Neighbourhood Implications:

4. Across the street (to the west) from this proposed development on Pirie there are townhomes and directly to the west of this row of townhomes is a horse farm and a conservation area. North, east and south are a mix of 2 storey townhomes and single family homes. Plunking down a 159 unit 4 storey building and 17 townhomes is certainly not in keeping with the character of the neighbourhood.

5. The zoning By-Law Amendment is being requested so that the developer can build a large retirement/seniors' home. Seniors would benefit from having this type of facility located within walking distance or nearby medical facilities, shopping and other amenities. This is NOT the case at 125 Pirie Drive.

In summary I am not opposed to **reasonable development** on the corner of Governor's Road and Pirie Drive, however, a development of this size, configuration and density is far beyond the scope of **reasonable development**.

PLEASE REMOVE MY PERSONAL INFORMATION BEFORE PUBLICATION OR FORWARDING THIS DOCUMENT.

Thank you in advance.



Sent from my iPad

Davis, Michael

From: [REDACTED]
Sent: March 2, 2021 3:23 PM
To: Davis, Michael
Cc: Litzen, Julie
Subject: FW: Rezoning at Governors Road and :Pirie [REDACTED]
[REDACTED]

Mike,

I'm going through the emails that came to me.
Forwarding this along because I don't see your email address on the message.

Arlene

Arlene VanderBeek
Hamilton City Councillor – Ward 13
Communities of Dundas and
Central Flamborough
905-546-2714
arlene.vanderbeek@hamilton.ca

Due to COVID-19 concerns, our office is working remotely until further notice. This means there may be a delay in replying to communications, including emails. Should you require immediate assistance, please call the City's Customer Contact Centre at 905-546-2489

From: [REDACTED]
Sent: March 1, 2021 1:13 PM
To: Hickey-Evans, Joanne <Joanne.Hickey-Evans@hamilton.ca>; clerk@hamilton.ca; Office of the Mayor <mayor@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>
Cc: [REDACTED]
Subject: Rezoning at Governors Road and :Pirie Drive.

In regard to the upcoming application for rezoning at Pirie Drive and Governors Road in Hamilton:

Currently the zoning is Urban Reserve (which is intended to protect a property from the development which may prejudice the future use of the land or may have disruptive influence on the community).

Needless to say the proposed rezoning and use of this land is certainly disruptive to the community:

- It will increase vehicle traffic along Pirie and Governors Road,
- Current green space allows for absorption of storm waters After development water will run off to storm drains and nearby creeks, laden with multiple contaminants such as road salt, automobile oils, etc.

The location for a seniors development is less than ideal. It is at the far reaches of the village of Dundas and residents will be automobile or bus dependent. It is not within walking distance to grocery shopping, medical services or any other service seniors will need. . Being bus-dependent is less than ideal for anyone at any age.

I encourage the municipality to maintain the original zoning, or find a more appropriate purpose for the subject lands.



Landscape and Portrait Artist-Educator

<http://www.murrayvanhalemfineart.com>

<https://www.facebook.com/murrayvanhalem/>

<https://www.instagram.com/vanhalem/?hl=en>

The Artist's Life Video: <https://zurl.co/a5zz>



We oppose the developmental proposal [File no. ZAC-21-00

We believe the traffic on Governor's Rd will amplify immensely and the quality of life in our neighborhoods will be seriously impacted. Not to mention more pollution so close to the Dundas conservation area impacting both animals and surrounding neighborhoods.



Friday February 26, 2021

Michael Davis, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Rural Team
71 Main St. West, 5th Floor, Hamilton, ON. L8P 4Y5

By email to: Michael.Davis@Hamilton.ca

Re: ZAC-21-003

Dear Mr. Davis,

Our names are George, Martha and Matthew Fox and we are residents of 13 Gillespie Crescent, Dundas located on the south side of Governor's Rd. to the proposed development on Pirie Dr. in Dundas.

We have significant concerns to this application moving forward.

In referencing, ***"Imaging New Communities"***, a document published by the Planning and Economic Development Department in the City of Hamilton we believe that the numbers associated with this development will have a significant and negative impact on our community.

"Imaging New Communities"

Eighty-four apartments x 1.76 people=147.84 people
Seventy-five retirement home suites x1.76 people= 132 people
Seventeen townhomes x 1.76 people = 34 people
Total Potential Residents (**at a minimum**) = 314 people

Over the past several years many changes have taken place on Governor's Road between Creighton Rd. and Pirie Dr.

- Addition of 3 sets of pedestrian/traffic lights
- Total of 5 sets of lights between Creighton Rd. and Pirie Dr.
- New end-of-line bus stop, regularly with 2 buses parked
- An increase in the number of schools and rising school population. Currently 1705 students either walk to, or are transported by family vehicles/DARTS/buses to the 2 elementary and 1 secondary school
- Families living to the west of Pirie Dr. walk their children on the shoulder of Governor's Rd. (formerly highway #99) because there are no sidewalks. The sidewalks currently end at Davidson Blvd.
- High traffic patterns already exist on Governor's Rd (#99) as this artery serves all communities west of Dundas.

The City should have pertinent information on traffic patterns before and after COVID 19 through studies completed by Paradigm Ltd. and City of Hamilton Police Services who regularly have radar on Governor's Rd before moving forward.

Residents of a 'retirement village' would be best served by having amenities such as medical centres, shopping and recreational activities within walking distance. That is not the case in the planned location of 125 Pirie Dr.

Traffic patterns for the proposed development would have seniors exiting Pirie Dr. onto Governor's Rd. which would necessitate another traffic light. Currently, during higher traffic hours, it is difficult to make safe turns at this intersection.

We are sure that there must be reports on file that indicate the very high volume of vehicular traffic trying to enter the Dundas Valley Conservation Area. In fact, this winter, orange traffic cones extended for very significant distances on both sides of the entrance to the conservation area. This created a dangerous situation within the local sub-divisions with pedestrians parking their cars and trying to enter the conservation area by walking on either side of Governor's Rd. without the benefit of sidewalks.

Currently our local community is comprised of single family, semi-detached homes and townhomes. A 4-story apartment building of 159 units and 17 townhomes will increase the density of this area with detrimental consequences.

This proposed development is a 'far cry' from the proposed land use which was designated as church property in the early 2000s and was subsequently sold for the development of 11 luxury homes. Only recently have we learned of this new proposal which flies in the face of reasonable community planning.

We are not opposed to **reasonable** development on this corner of Governor's Rd., and Pirie Dr. When "***Imaging New Communities***" we certainly would not consider a development of this size, configuration and density.

Please keep us informed of the date of the Public Meeting. We also wish to be informed of any decision made by the City of Hamilton on the proposed Zoning By-Law Amendment. We are also sending this letter to the Legislative Coordinator, Planning Committee, City of Hamilton to request notification of decisions.



PLEASE REMOVE ABOVE PERSONAL INFORMATION BEFORE PUBLICATION

March 4, 2021

Michael Davis
City of Hamilton Planning and Economic Development Department,
Development Planning, Heritage and Design – Rural Team
71 Main Street West, Floor 5
Hamilton, Ontario L8P 4Y5

Delivered via email – Michael.Davos@Hamilton.ca

Re: Zoning By-law Amendment Application ZAC-21-003

Mr. Davis,

I am writing in opposition of the proposed By-law Amendment ZAC-21-003 as presented for the property at 125 Pirie Drive in Dundas, Ontario.

I live at [REDACTED], an immediately adjacent neighbour to the proposed build. I have read and reviewed the proposal application by FGL Pirie Inc., and the other documents and drawings submitted with the application, and more specifically the Planning Justification Report by Wellings Planning Consultants Inc. dated December 20, 2020 and the architectural drawings prepared by Kirkor Architect and Planners.

It was inevitable that some form of development would be built on the adjacent lands. My main concern of this proposal is the scale of the project for the following reasons:

1. The reports all indicate a 3 – 4 storey Retirement Home/Senior’s Apartment Building. This does not take into account the fifth storey created by the two Amenities Rooms at each end of the east-west section of the building on the roof connected by mechanical rooms as shown below on the Architect’s front and east elevations of the building. One of the Amenity Rooms looks onto 10 Davidson Boulevard through the windows at the east end as well as from the adjacent rooftop patio. The 3 – 4 (or 5) storeys is also a bit of a misnomer as the first and second storeys (and the fifth storey) are each much higher than the other two storeys



2. While I am not as concerned about the 17 townhouses facing Pirie Drive, I am concerned about the density in that the number of units increased from nine (9) to 17, with two of the proposed driveways right on the corner where Pirie Drive turns east. I see this as an accident waiting to happen due to decreased visibility by someone driving along Pirie from Governors Road. This also just seems like a money grab to me – as in let's see how many houses we can actually put on the site.

3. There are currently drainage issues we deal with from the adjacent vacant lands. My concern is these issues will intensify if not handled properly.

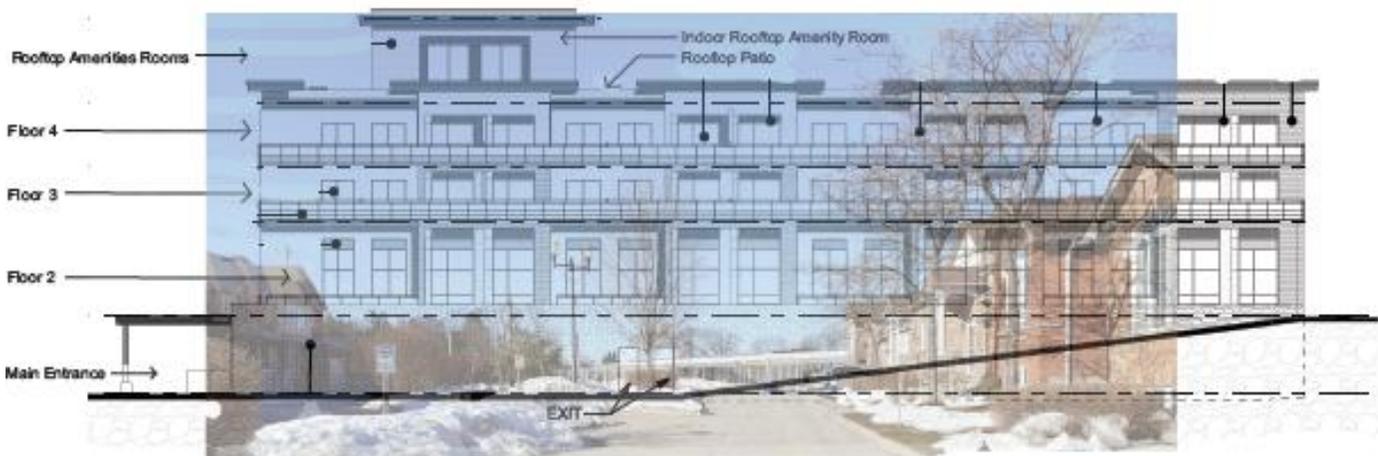
4. In the Wellings document I have the following concerns:

i) In the Intensification Analysis, Chapter B, Section 2.4.1 – “c) *The relationship of the proposal to the existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form; ... The Retirement Home is a different built form as would be the church that was previously proposed for this site. The retirement home would be low rise in nature and appropriately setback and stepped back from the existing surrounding residential.*”

- Yes, the Retirement Home is different from a church but to say the building would be “low rise in nature” compared to the existing surrounding residential” is just not true. Maybe low rise in nature as compared to the centre of town, but not out at this location. And to say the building would be “appropriately setback and stepped back” is also not true as one point of the east end of the building would only be set back 7.5m (24 feet) from the property line at 10 Davidson Boulevard.

ii) In the Intensification Analysis, Chapter B, Section 2.4.1 – “d) *The compatible integration of the development with the surrounding area in terms of use, scale, form and character. Compatible is defined in the UHOP as: land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.*”

- While I do not interpret this development as being the same or similar to anything in the neighbourhood, I do not see how it could possibly be construed as compatible to the scale, form or character of the neighbourhood. As you can see in the compiled sketch I prepared below, the proposed building is grossly overscaled to the site and the adjacent townhouses at 10 Davidson Boulevard. One of my neighbours very aptly likened this to a cruise ship docked at the west end of our property. As you can see, one of our one storey units at the end on the right side is aligned with the first storey of the proposed building. This scale is further enhanced by virtue of the building only being 7.5m (24 feet) from the property line. No other developments on the area are as high or as dense.

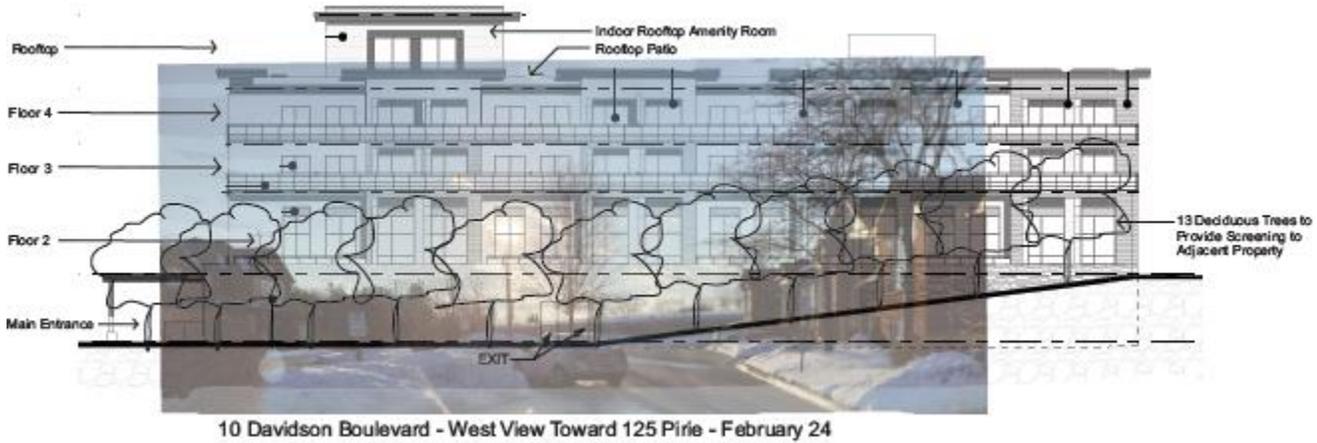


10 Davidson Boulevard - West View Toward 125 Pirie - February 24 9:00 A.M.

iii) In the Intensification Analysis, Chapter B, Section 2.4.2 – b) *Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;... The proposed built form and design of the Retirement Home avoids adverse impacts relating to shadows and overlook.*”

- I do not know how they wrote that with a straight face as there are 23 units along the east end of the building on Floors 2, 3, and 4 that look directly over 10 Davidson Boulevard, even with the modest setbacks on Floors 3 and 4. And while the fourth floor appears to be set back more than the others, the outdoor decks / balconies extend to the edge of the building on that level. The building will always be blocking the sun at the west end of our complex where we have our gathering space, especially in the winter, and in the evenings in the summer.

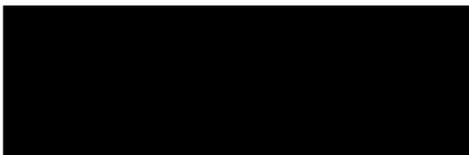
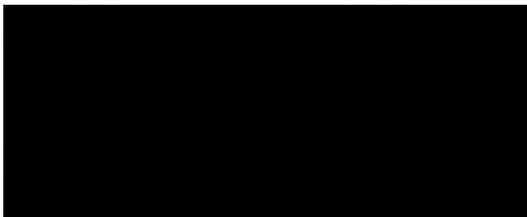
5. The Landscape Concept plan presented by Adesso Design Inc. shows 13 deciduous trees along the east end of the proposed development to "provide screening to adjacent residential properties". First of all, for trees to grow tall enough to provide any screening would take years. And secondly, as seen on my sketch below, the trees might reach up to the top of the second storey when mature, leaving the other two storeys without any privacy screening at all. Thirdly, deciduous trees lose their leaves in October thereby providing little or no privacy screening from October to April/May. Not to mention the added cost to our complex to have the leaves from 13 trees removed from our property in the Fall.



6. The parking for the Retirement Home is listed as being 1 space for 85 apartments, 0.15 spaces / unit for visitors, and .5 spaces for each retirement suite. There is no mention of parking for staff who would work in the building. My concern would be some of the overflow parking may wind up in our very limited Visitor Parking area. And as an aside, for a Retirement Home to only have 6 of the stalls in the tenant parking area designated for handicapped parking seems a bit of an oxymoron.

For these, and many other reasons, such as an adverse effect on our property values with such a huge complex immediately adjacent, I again reiterate that I am opposed to the to the development at 125 Pirie Drive as presented.

Thank you.



Davis, Michael

From: [REDACTED]
Sent: February 28, 2021 9:47 PM
To: Davis, Michael
Subject: Zoning By-Law Amendment File No. ZAC-21-003

Dear Mr. Davis,

I am appalled that the city of Hamilton would even contemplate allowing a re-zoning for the lands at Governor's Rd. & Pirie for a 4-storey, 159 unit residential dwelling. This area is already overwhelmed with traffic along Governor's Rd. Furthermore, such a building isn't consistent with any preservation of the nature of the neighbourhood. As a long-time resident of the Highland Hills community (I grew up on Highland Park Drive) and I've watched and encouraged development. In fact, being a professional within the real estate community I often support, encourage, and sell new developments that benefit the community and the residents within those communities.

I STRONGLY OPPOSE THE ABOVE APPLICATION of Zoning By-Law Amendment File No. ZAC-21-003

The negative impact such a development will have on neighbouring real estate values, the strain on the infrastructure, and the depletion of such a resource is something that most of the residence in the neighbourhood cannot stand for!

[REDACTED]

Respectfully,

[REDACTED]

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 2, 2021 1:33 PM
To: Davis, Michael
Subject: Subject Zoning By-law Amendment File No. ZAC-21-003

I OPPOSE THE ABOVE APPLICATION.

MARCH 2nd 2021

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 4, 2021 3:22 PM
To: Davis, Michael
Subject: ZAC-21-003

Hi Michael,

My wife and I are residents on Pirie Drive in Dundas and would like to let you know we are against the proposed zoning changes to the adjacent property referenced in the subject.

This email is being sent March 4/2021. The deadline stated is March 5/2021

Thank-you

Davis, Michael

From: [REDACTED]
Sent: February 27, 2021 12:01 PM
To: Davis, Michael
Subject: Re: Application ZAC-21-003

On Feb 26, 2021, at 2:56 PM, [REDACTED] wrote:

Dear Sir

I liv just a few houses away from proposed development and would whole heartedly like to object to the zoning by-law

amendment application ZAC-21-003.

As you know there are already three existing retirement homes on Governors rd and three schools which make the narrow one lane

road into a long parking lot in the morning and evenings coming [home](#). The one lane road cannot handle the extra traffic which would

come from such a development.

I m pretty sure are sewer system will not be handle the extra strain this development would cause.

We liv in a consevation like area where there are no structures higher than two storeys.The preposed retirement home

will definitely cast an ugly shadow across a nice quiet family niebourhood.

There are already too many retirement facilities in Dundas,I believe we need to be attracting more young professional families to our little town

than more retired people.

I and my family have lived at [REDACTED] for approx. 27 years and have lived in Dundas for around 54 years.My 91 year old mother

Genevieve Kras lives next door to me and does not want to see such a development constructed too.

In closing I would like to ask how you are going to hold a public meeting to discuss such a project in the middle of a pandemic!?

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

Friday February 26, 2021

Legislative Coordinator, Planning Committee
City of Hamilton
71 Main St. West, 1st Floor
Hamilton, ON. L8P 4Y5

To Whom It May Concern:

We wish to be notified of the decision of the City of Hamilton on the proposed Zoning By-Law Amendment Application by Wellings Planning Consultants on behalf of FGL Pirie Inc. for Lands Located at 125 Pirie Drive, Dundas (Ward 13). (File ZAC-21-003)

Our contact information is as follows:

[REDACTED]

[REDACTED]

Thank you.

[REDACTED]

[REDACTED]

Dundas, Ontario. [REDACTED]

Feb. 19, 2021.

Planning Committee,

City of Hamilton.

71 Main St. W., 1st Floor,

Hamilton. Ontario L8P-4Y5.

To Whom It May Concern:

I'm writing to request that a notification regarding The City of Hamilton's decision on the proposed Zoning By-Law Amendment Application ZAC 21-003 be sent to me.

Thank you in advance.

Mary Little

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: February 18, 2021 5:14 PM
To: Davis, Michael
Subject: Re-zoning amendment 125 Pirie Drive

Hello Michael:

As the owner of a unit at [REDACTED], I am opposed to the Zoning By-law Amendment Application ZAC-21-003 as sought by Fieldgate Properties Limited (PGL Pirie Inc.). The reasons for my objection are many, they include the complete coverage of the site, inadequate parking, huge traffic volume increases and the fact that none of the changes proposed were envisioned by the previous owner.

The area has a mix of single family and townhouse units but the construction of a large retirement/seniors apartment facility is clearly not in keeping with the existing housing mix in the area.

As you know, the corner in question is the first urban intersection for vehicles travelling eastbound on Governors Road from the Copetown and Brantford areas. This intersection had previously been red-flagged for traffic and was the subject of a traffic study that looked at installing traffic lights or a roundabout to help deal with traffic volumes. Either 'fix' was deemed too expensive to implement.

[REDACTED]

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 3, 2021 6:39 PM
To: Davis, Michael
Subject: FW: Re-zoning application for 125 Pirie Dr. Dundas from Norm Alexander

Mike,

I don't see your email address on this, so sending it along in case you haven't received anything from Mr. Alexander.

Arlene

Arlene VanderBeek
Hamilton City Councillor – Ward 13
Communities of Dundas and
Central Flamborough
905-546-2714
arlene.vanderbeek@hamilton.ca

Due to COVID-19 concerns, our office is working remotely until further notice. This means there may be a delay in replying to communications, including emails. Should you require immediate assistance, please call the City's Customer Contact Centre at 905-546-2489

From: NORM ALEXANDER <nalexander@cogeco.ca>
Sent: March 3, 2021 4:40 PM
To: VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>
Subject: Re-zoning application for 125 Pirie Dr. Dundas

Good afternoon Arlene:

As you may know, an application for a zoning amendment for 125 Pirie Drive in Dundas has been submitted to the Planning and Economic Development Department.

If passed, the amendment would allow the construction of 17 single-storey townhouse units and a 4-storey retirement home/seniors apartment building with 84 independent apartment units and 75 retirement home suites on the southern portion of the site located at the corner of Pirie Drive and Governor's Road.

What is your position in this matter?

I object to the amendment and the development plan for several reasons, the most salient being that the rezoning would allow development not in keeping with the area. The site in question was to be used for a Catholic church but the land was deemed surplus and sold. The intersection affected was studied by the City for a possible traffic light or roundabout. Both suggestions were rejected with the latter deemed too expensive to construct.

The development would hugely increase the amount of vehicular traffic in the area, particularly on Governor's Road. You should note that there are two elementary schools and a high school within 1 km. of each other on this stretch of road to Creighton Road and more traffic on this route is problematic. (Another development is planned adjacent to the Separate elementary school which would again exacerbate the traffic and safety concerns.)

I certainly have no objections to the construction of single family homes on the site as currently allowed but this total lot coverage with the commercial facility and townhouse units is not in keeping with the area.

Looking at plans and opinions of objectors to the re-zoning must be taken in context. I would respectfully ask that you visit the site in question to understand the concerns of area residents.

Thanks in advance for your consideration in this matter.

[Redacted]

[Redacted]

Dundas, ON.

[Redacted]

Davis, Michael

From: [REDACTED] >
Sent: March 5, 2021 4:51 PM
To: Davis, Michael
Subject: Re: Comments re: 125 Pirie Dr File No ZAC-21-003

Hi Mike, Thank you for acknowledging my letter. I very much appreciate the information below. Nancy

From: Davis, Michael <Michael.Davis@hamilton.ca>
Sent: March 4, 2021 1:18 PM
To: [REDACTED]
Subject: RE: Comments re: 125 Pirie Dr File No ZAC-21-003

[REDACTED]

Thank you for reaching out to provide these comments.

In terms of the process, the application has been circulated to all relevant City departments and External Agencies (e.g. Hamilton Conservation Authority) for review. At the same time, the City is requesting comments from nearby residents. All comments received are forwarded to the Applicant, considered by the City Planning Department before forming any recommendations, and are eventually included in the City Staff report to City Council so that they have that information available when making a decision.

A public meeting will also be held in front of the City's Planning Committee at a future date. You'll receive an additional future notice inviting you to attend/participate in that meeting approximately 17 days in advance. City Council is the approval authority for Zoning By-law Amendment applications.

In the meantime, if you wish to learn more about the application you can visit the following website which was established by the Applicant to provide access to information for residents...

<http://piriedevelopment.com/>

Future opportunities for participation in the process will also be made available on the Applicant's project webpage.

I hope this information is helpful. Please let me know if you have more questions! All the best,

Mike Davis, MCIP, RPP

Senior Planner

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5
Phone: (905) 546-2424 ext.1024
Fax: (905) 546-4202

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Digital submissions and resubmissions are preferred. Alternatively you may make your submission by courier, mail or by drop off at the First Floor, City Hall.

Please be aware that information on the City's response to Covid-19 and the City of Hamilton Official Plan, Zoning By-laws and submission requirements can be found on the City's website at www.hamilton.ca.

Thank you for your anticipated cooperation.

From: [REDACTED]
Sent: March 4, 2021 12:31 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Comments re: 125 Pirie Dr File No ZAC-21-003

Nancy Bradbury
47-7 Davidson Blvd
Dundas ON L9H 6Y7

Barbara & W Colin Bradbury
28 Giffin Rd
Dundas ON L9H 7N5

March 4, 2021

Re: 125 Pirie Drive Dundas File No. ZAC-21-003

To the City of Hamilton Planning Department,

I would like to comment on the proposed retirement complex to be built at Governors Road and Pirie Drive in Dundas. I am writing on behalf of myself and my parents who live in the neighborhood and we are all opposed to the development/application.

Our first concern is the increased volume of traffic this will bring to Governors Road, which may pose a detrimental effect on the emergency response time of first responders called to this part of Dundas. There are no other alternative routes to reach this area from Dundas, except for Governors Road – which is a single lane in each direction.

Governors Road already experiences large amounts of congestion and delays, particularly between 7 am to 6 pm on weekdays. This is in part, due to the three schools located between Huntingwood Avenue and Moss Boulevard. As well, the delivery of food and other supplies to Chartwell Georgian Retirement Residence (255 Governors Road) causes frequent backlogs as traffic is required to stop both ways, while a large semi-truck makes deliveries multiple times a week. Traffic is impeded furthermore, as the Hamilton Street Railway runs multiple buses every hour each day; and conditions are worsened on Tuesdays and Fridays which are both waste collection days for this part of Dundas.

Living at this end of Dundas, we have no alternative route to go to the grocery store or downtown Dundas. Given the combination of many or all the aforementioned factors (i.e. at 8:00 am on Tuesday), it can take 15-20 minutes to make the 3 km drive from Davidson Boulevard to Metro (15 Governors Road) – this is a drive that should only take 5 minutes!

Upon doing a quick calculation based on the development plans for the 125 Pirie Drive site, it appears that there is parking space allotted for about 200 vehicles. Moreover, there will be considerable truck traffic containing deliveries of food and supplies, required by a facility of this magnitude.

In addition to increased volume of the proposed 125 Pirie Avenue site, the 2020 approval of a 29-unit townhouse complex at 264 Governors Road (near Huntingwood Avenue) will add approximately 60 more vehicles to this stretch of the road.

With only one lane in each direction, 260 additional vehicles will drastically add to already overloaded conditions, and threaten the public health and safety of residents who already live in the area. First responders and emergency vehicles have no alternative to using Governors Road.

In addition to the public safety concerns posed by this proposed site, this project is out of character for the neighbourhood for two reasons: the high density of people it will introduce to the area, and the height of the building.

Although there is no way to determine, from the development plans, how many people will be living and employed at this site, it can be estimated (based on parking space and unit allocation), that this number will be approximately 250 people.

The surrounding residential neighbourhood is low-density, comprised of one and two-storey single-family homes and townhouses. The two pre-existing retirement facilities located on this stretch of Governors Road – Chartwell Georgian Retirement Residence and Blackadar Continuing Care Centre and Retirement Residence (101 Creighton Road at Governors Road) – are small, two storey facilities which blend into the neighbourhood. The height of the proposed building, as alluded to above, is significantly taller and does not fit in with the residential, low-density nature of the neighbourhood.

Since we have lived and driven in this part of Dundas for a considerable number of years, we hope that you will take our above experiences, observations and comments into consideration when making your decision regarding 125 Pirie Avenue.

Sincerely,

████████████████████
████████████████████
████████████████████

March 3, 2021

Michael Davis, City of Hamilton

Planning & Economic Development Department

Development Planning, Heritage & Design - Rural Team

71 Main St. West, 5th Floor

Hamilton, ON L8P 4Y5

Re: ZAC-21-003

Dear Michael,

This letter is a response to the invitation to comment on the Zoning Bylaw Amendment Application (ZAC-21-003).

We own [REDACTED] and have a number of concerns about the proposed development at 125 Pirie Drive in Dundas, ON.

We are interested in how the developer intends to address these important issues.

CONSTRUCTION:

Drainage & Runoff

As construction gets underway, we are concerned that there will be significant erosion that will follow the natural slope, thus flowing onto our complex and creating an ongoing 'mud-river' down our court whenever there is rain.

Noise

While we understand that with construction comes noise, we do not see any indication of a wall, permanent noise barrier or raised embankment to "audio insulate" our property.

Additionally post-construction, this proposed complex will ultimately bring more road noise on Governor's Road with more EMS vehicles, visitors' vehicles and the requisite foodservice and lodging long haul trucks for frequent daily deliveries.

POST-CONSTRUCTION:

Drainage & Runoff

Surface water from the back of the north bungalow townhomes and the common area between the townhomes and the apartment building is being directed north and then east toward the property at 10 Davidson.

The diagram (Appendix 8b, page 4) shows the water then running south along the property line to Governor's Road.

We note that it is not clear if this water is meant to be captured by the Stormtech system or if it is being directed around the south-west corner of our property at 10 Davidson.

Surface water south of the parking garage driveway and the south-facing front of the building is being directed east toward the corner of our property at 10 Davidson, where the aforementioned water is running.

The severe weather we've experienced over the past several years has us concerned that 10 Davidson will become part of the drainage system of 125 Pirie.

This cannot be allowed to happen!

Privacy & Enjoyment of Our Common Property

Many of us enjoy the common property near the property line with 125 Pirie.

With the construction of a four-story apartment building that includes a rooftop terrace, our privacy and enjoyment of the property will be impaired.

In the Planning Justification Report on page 15, (Point B - Compatibility with adjacent land...), the report states "The proposed built form and design of the Retirement Home avoids adverse impacts relating to shadows and overlook."

How anyone can claim there will not be any adverse effects from the overlook is astounding!

As best we can determine, the north-most 3 units on the first floor are the only ones that will not have a direct view into 10 Davidson and a further 22 units look directly onto 10 Davidson.

In addition to the view from the residences, the Rooftop Concept document shows a sitting area at the eastern edge of the roof, again looking directly down and over the property of 10 Davidson.

Will the developer build an appropriate fence or plant appropriate trees to respect the privacy that the residents of 10 Davidson currently enjoy?

Parking & Traffic

We are concerned that there will not be enough parking at 125 Pirie for residents, staff, and visitors and that people associated with 125 Pirie will decide to use the visitor parking spots at 10 Davidson, thus requiring by-law enforcement.

The additional traffic arising from 17 townhomes and 159 units in the apartment building raises significant noise and safety concerns around Pirie Dr., Davidson Blvd., and Governor’s Road.

The report indicates that the bus layby will need to be moved and that the developer will “work with the city” to find a suitable replacement location.

We are concerned that the layby will be moved east along Governor’s Road, directly behind the south block of units at 10 Davidson.

As one of those aforementioned units, we are strongly opposed to that option!

Property Values

We are concerned that our property value will be negatively affected by the construction at 125 Pirie, especially if the legitimate concerns expressed above are not addressed.

Sincerely,

[Redacted signature]

[Redacted signature]

Dundas, ON

[Redacted signature]

[Redacted signature]

Davis, Michael

From: [REDACTED]
Sent: March 7, 2021 8:05 PM
To: Davis, Michael
Subject: [****POSSIBLE SPAM]Pirie Development

Mr. M. Davis MCIP, RPP

Senior Planner

City of Hamilton,

71 Main Street West

Hamilton, ON

L8P 4Y5

RE: Application to amend Dundas Zoning By-law 3581-86

Dear Mr. Davis,

I would like to voice my opposition to this application. The original plan called for nine townhouses on the lot which would have generated 18-27 residents which would not put too much strain on the existing infrastructure.

The new plan calls for a 3 and a 4 story building in addition to the townhouses which will easily generate 250-300 residents which will definitely put a great strain on existing facilities. Governors Road is a one lane road that was not designed as a major artery and is already quite congested and dangerous to negotiate particularly around the 3 schools, 3 long term care homes, two large apartments and the numerous townhouses and commercial businesses that line the street. Adding another 300 commuters invites disaster.

We should have faith in our planning department. I bought my home based on the original survey. I expected some amendments to be made but this plan is a major change that would destroy the trust and integrity of the department if approved.

Yours truly,

Davis, Michael

From: [REDACTED]
Sent: March 3, 2021 3:12 PM
To: Davis, Michael
Subject: 125 Pirie Drive, Dundas

Dear Mr. Davis:

We live at 54 Linington Trail, Dundas, a short distance from 125 Pirie Drive but more than 130 meters away. Our concern is the added congestion on Governors Road that will result from this high density development. Single family homes on the property is to be expected but a retirement home was not. While it is hard to say how many of the occupants of a retirement home will still be driving it will most certainly be more than would come from single family dwellings. Please make sure the traffic on Governors Road is taken into account before this project is allowed to proceed.

[REDACTED]

MARCH 1ST, 2021

FGL Pirie Inc. - ZONING BY-LAW AMENDMENT APPLICATION

RE 125 PIRIE DRIVE, DUNDAS, ONTARIO

COMMENTS & QUESTIONS (FROM)

[REDACTED]

[REDACTED]

Mr. Davis:

As we are “single family” homeowners in the vicinity of the above mentioned, proposed development, we are extremely concerned that current owners of this parcel of land have now requested a change in zoning from the original land use. When this property was initially advertised for sale it was listed as a development of single-family homes. This original plan would have been suitable given the surrounding homes. Homes in the immediate area are either 1 to 2 stories high including single family homes as well as some townhomes. Why would the City of Hamilton not make it clear that when a buyer purchases a property that has a designation for the type of development allowed there already then, the purchaser does not have the ability to change that. Allowing out-of-town interests to influence the direction our established neighborhoods take is ludicrous. There are no multi-storey commercial buildings here. In fact, there are no high-rise buildings west of the intersection at Creighton and Governors Road, including the schools.

Of note, when the applicant indicates 3-4 stories it really means a 4-5 story appearance, due to the height of the property and how it will have to be built because of the hill. In reality the finished view will be a lot higher. The fifth story is described as a rooftop mechanical room and other indoor amenities but it will be no less visible to the neighboring homes. Another issue of concern would be the existing townhomes on the east side of this parcel of land would experience a monolith effect beside their 2 story homes resulting in a loss of privacy and light.

We are aware that there is a need for housing everywhere but one would expect at the very least that the new development would blend and compliment the existing homes. Property taxes paid in this area, especially

south of this lot, are very high similar to that in Ancaster. This sized building we are sure would never be allowed among similar homes in Ancaster.

Due to the recent completion of the new road plan on Governors Road, which included narrowing all car lanes to accommodate the wide bike lanes, we are now experiencing traffic flow problems during certain hours. At times we have had to take a south route along Highland and west to our home as the traffic on Governors Rd. had come to a complete stop due to school buses and parents picking up children. To add another 200+ people would be a problem as they too will have cars.

We have been made aware that the property across from this parcel on Governors Road known as the "Farm" is now up for sale. In all likelihood this too will be developed as multiple housing units. **WE DO NOT WANT A PRECEDENT SET ON THE DECISIONS MADE REGARDING THIS PROPOSED DEVELOPMENT AT 125 Pirie TO BE THE START OF MULTI STOREY BUILDINGS IN OUR SINGLE FAMILY NEIGHBOURHOOD.**

To allow this change in the bylaw to accommodate this builder/developer who has no interest beyond the financial gain nor any regard for the needs of residents in the area is opening the door to let outside interests determine the future look and way of life in Dundas. There is a place for commercial/ institution type buildings in the Dundas Core area, but not here among residential homes.

Questions:

(As we are not aware of any Residents' Oral Information Session, we would like to ask the following questions here!)

1. We have seen much media coverage regarding the property off of South Street in Dundas behind the Wentworth Lodge area that the City of Hamilton owns in fact. Why wouldn't a developer wishing to build a multistorey commercial complex like stated be steered to this type of setting? That location would allow the senior residents the ability to walk to and access all shops in Dundas (food, library, etc.)

2. When a developer indicates a property “use” ie. retirement housing etc. how is the developer held to that? How would anyone dictate who will occupy the buildings? From the documents supplied it is difficult to determine whether these units are in fact to be owned or rented as documents refer to types of housing as “townhouses, retirement suites, and senior’s apartments”. Can you explain this further?

3. Why did the city not send out information on this bylaw change request to a larger span of residents, not just the 120 metres that the builder themselves suggested in their letter? Also, in spite of the COVID rules why was there no oral platform for public questions, information feedback. Could have been done via online? This is a huge request to allow a commercial building to be set amongst what historically has been family homes. This lack of informing all nearby residents of such a project in their backyards appears that the city prefers to hide the information from the taxpayers and favor the applicant’s chances of success in having the zoning bylaw changed? Why such limited distribution of information other than a small media article with only a small window allowing public feedback?

4. Why was the Notice Board, on the property itself, moved from the corner where it was quite visible to this new location, directly behind the bus shelter, where it is now more difficult for passersby to see?

MR DAVIS CAN YOU EXPLAIN WHERE OURS AND ALL RESIDENTS’ FEEDBACK/COMPLAINTS WILL GO FROM HERE? WHAT IS THE PROCESS GOING FORWARD?

WE WOULD LIKE A COPY OF THE FINAL DECISION/PLANNING REPORT

Can you kindly email this to: [REDACTED]

Thanking you for your time.

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: February 26, 2021 2:51 PM
To: Davis, Michael
Subject: RE: 125 Pirie Drive, Dundas

Mike,

Thank you very much for your quick response and additional information.

Have a great weekend.

[REDACTED]

On 02/26/21, "Davis, Michael" <Michael.Davis@hamilton.ca> wrote:

[REDACTED]

Thank you for reaching out to provide these comments.

In terms of the process, the application has been circulated to all relevant City departments and External Agencies (e.g. Hamilton Conservation Authority) for review. At the same time, the City is requesting comments from nearby residents. All comments received are forwarded to the Applicant, considered by the City Planning Department before forming any recommendations, and are eventually included in the City Staff report to City Council so that they have that information available when making a decision.

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I hope this information is helpful. Please let me know if you have more questions! All the best,

Mike Davis, MCIP, RPP

Senior Planner

Planning and Economic Development Department

Development Planning, Heritage and Design

71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5

Phone: (905) 546-2424 ext.1024

Fax: (905) 546-4202

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Thank you for your anticipated cooperation.

From: [REDACTED]
Sent: February 26, 2021 12:11 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>

Cc: VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>

Subject: 125 Pirie Drive, Dundas

Dear Mr. Davis,

I am not sure how to express a concern as I have never attended a public forum and given the covid restrictions, that will likely not change.

I would like to express my concerns and find out what further efforts I can take to oppose this zoning change.

It is my understanding that the Catholic Diocese sold this land with the zoning for 9 or 10 single homes? I have only heard this in discussion and have no real detail of this fact. However, allowing the zoning change to allow 84 retirement suites, 75 retirement homes and 17 single family homes is asinine. First and foremost, Governors Rd is already saturated in the morning between Davidson Rd and Main St. I live on Willowtree Crt and I am unable to make a left hand turn (to head east) at the lights at Castlewood or Huntingwood onto Governors as cars are waiting in the intersection or just beyond the intersection. Covid has provided some relief but it can take 10 mins to travel 1 km from Castlewood east in the morning.

If the city is going to allow any further developments west of Market St. off or Governors road, road widening and shared paths are required. The city made some changes a couple of years ago along Governors, but these have not made improvements to travel time. Left hand turn lanes were put in place but other than making a left hand turn into one of the schools, there has been no improvement in heading east in the morning. The shared path runs from Market St to Moss but if the city is really serious about people cycling and walking in Hamilton, this needs to be extended to Pirie Dr to the West and Main St to the east. Additionally, the telephone poles should be removed from the middle of the path.

Additionally, there is a bus stop at the north east corner of Governors with no sidewalk? Where will the bus stop that currently has a idling pick up location on the north east corner of Governors and Pirie be moved to?

Hamilton talks about becoming a 21st century city but we must first put some forethought into future developments. We already know that retrofitting is more difficult and expensive. If this development is to go forward, I hope that the city will show the residents of the west end of the lower city (Dundas) that they matter. Improve the infrastructure before there are any new developments.

I have not touched on the fact that a 4-storey building will also not fit into the current landscape but my real concern is traffic and cycling / pedestrian safety.

Thank you for your service and attention to this matter.

Yours truly,

[Redacted signature]

[Redacted name]

Dundas

Davis, Michael

From: [REDACTED]
Sent: February 26, 2021 2:16 PM
To: Davis, Michael
Subject: Re: Dundas development on Governor's Road

Thanks Mike

On what date would the decision be made to approve/reject this proposal?

Who ultimately owns the decision on the approval?

Thanks

Sent from my iPad

> On Feb 26, 2021, at 12:53 PM, Davis, Michael <Michael.Davis@hamilton.ca> wrote:

>

> [REDACTED]

>

> I have been to the site and I do appreciate your comments on this matter.

>

> In terms of the process, the application has been circulated to all relevant City departments and External Agencies (e.g. Hamilton Conservation Authority) for review. At the same time, the City is requesting comments from nearby residents. All comments received are forwarded to the Applicant, considered by the City Planning Department before forming any recommendations, and are eventually included in the City Staff report to City Council so that they have that information available when making a decision.

>

> A public meeting will also be held in front of the City' Planning Committee at a future date. You'll receive an additional notice inviting you to attend/participate in that meeting approximately 17 days in advance. City Council is the approval authority for Zoning By-law Amendment applications.

>

> In the meantime, if you wish to learn more about the application you
> can visit the following website which was established by the Applicant
> to provide access to information for residents...

>

> <http://piriedevelopment.com/>

>

> Future opportunities for participation in the process will also be made available on the Applicant's project webpage.

>

> I hope this information is helpful. Please let me know if you have
> more questions! All the best,

>

> Mike Davis, MCIP, RPP

> Senior Planner

> Planning and Economic Development Department Development Planning,

> Heritage and Design

> 71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5

> Phone: (905) 546-2424 ext.1024

> Fax: (905) 546-4202

>  Please consider the environment before printing this email.

> This email is confidential and is intended for the person(s) named above. Its contents may also be protected by privilege, and all rights to privilege are expressly claimed and not waived. If you have received this e-mail in error, please call us immediately and destroy the entire e-mail. If this e-mail is not intended for you, any reading, distribution, copying, or disclosure of this e-mail is strictly prohibited.

> NOTE: As of March 18, all City of Hamilton offices and facilities have been closed to the public with the exception of the First Floor, City Hall, to help prevent the possible spread of the Covid-19 virus.

>

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>

> Digital submissions and resubmissions are preferred. Alternatively you may make your submission by courier, mail or by drop off at the First Floor, City Hall.

>

> Please be aware that information on the City's response to Covid-19 and the City of Hamilton Official Plan, Zoning By-laws and submission requirements can be found on the City's website at www.hamilton.ca.

>

> Thank you for your anticipated cooperation.

>

> -----Original Message-----

> From: 

> Sent: February 25, 2021 10:59 AM

> To: Davis, Michael <Michael.Davis@hamilton.ca>

> Subject: Re: Dundas development on Governor's Road

>

> Thanks Mike, I appreciate your reply, have you seen the site? I

> imagine it would be fine for a series of housing, however multiple

> story high density housing in a rural area adjacent conservation area

> is not a proper fit. I strongly oppose this development as it sits.

> Thank you

>

> Sent from my iPad

>

>> On Feb 25, 2021, at 10:42 AM, Davis, Michael <Michael.Davis@hamilton.ca> wrote:

>>

>> Hi Robert -

>>

>> You can submit comments directly to me via email. These comments will be provided to the Applicant, considered by the City Planning Dept. and eventually will be included in a staff report to City Council on the rezoning application. There will also be a future public meeting, held before the City's Planning Committee, where you can make written or verbal submission directly to the Planning Committee members.

>>

>> Let me know if you have any follow-up questions on that. Cheers,

>>

>> Mike Davis, MCIP, RPP

>> Senior Planner

>> Planning and Economic Development Department Development Planning,

>> Heritage and Design

>> 71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5

>> Phone: (905) 546-2424 ext.1024

>> Fax: (905) 546-4202

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>>

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>>

>> Digital submissions and resubmissions are preferred. Alternatively you may make your submission by courier, mail or by drop off at the First Floor, City Hall.

>>

>> Please be aware that information on the City's response to Covid-19 and the City of Hamilton Official Plan, Zoning By-laws and submission requirements can be found on the City's website at www.hamilton.ca.

>>

>> Thank you for your anticipated cooperation.

>>

>> -----Original Message-----

>> From: Robert Bill <robertjbill@icloud.com>

>> Sent: February 25, 2021 10:20 AM

>> To: Davis, Michael <Michael.Davis@hamilton.ca>

>> Subject: Dundas development on Governor's Road

>>

>> Dear Michael

>>

>> I live on [REDACTED], around the corner from this new proposed development.

>>

>> Can you please advise as to when I would be able to submit comments regarding this proposal?

>>

>> Best

>>

>> [REDACTED]

>>

>> Sent from my iPhone

Davis, Michael

From: [REDACTED]
Sent: March 1, 2021 9:50 AM
To: Davis, Michael
Subject: Zoning bylaw amendment application ZAC-21-003

I oppose this zoning amendment for the lands on 125 Pirie Drive.

The existing Pirie Drive properties are single family residences. The Pirie Drive traffic and curb side parking is appropriate for this street design (1 lane in both directions). Townhouse residences and associated parking on Pirie Drive will create traffic in excess this street design.

It appears the attachment to the February 5, 2021 notice is incorrect in that the "view from Pirie Drive" is the view from Governors Road. A multi residence multi story building entrance on Governors Road will further congest traffic on this busy major throughway.

Due to the existing residential properties and street traffic, this property would best be developed with single family "stand alone" residences.

Sincerely, [REDACTED]

Re: Zoning By-Law Amendment (File No. ZAC – 21 -003)
For Lands Located at 125 Pirie Dr., Dundas (Ward 13)

Michael Davis, City of Hamilton
Planning and Economic Development Dept.
Development Planning, Heritage, & Design – Rural Team
71 Main St. W., 5th Floor, Hamilton Ont., L8P 4Y5
E-mail: Michael.Davis@Hamilton.ca

March 3, 2021

To Whom It May Concern:

As a resident living in close proximity to the Lands being considered for the above Zoning change, I have several concerns regarding the consequences of permitting the proposed development as outlined.

However, I wish to address just one issue: Traffic Flow.

As a retired senior, I would stress that living in the area of “ West Dundas” requires transportation for all your daily needs. There are many retired seniors in this area, attracted by the number of one floor homes built in the latest subdivisions.

Taking into account that there are:

NO GROCERY STORES

NO MEDICAL OFFICES

NO RECREATION CENTRES

NO RELIGIOUS INSTITUTIONS

NO COFFEE SHOPS

located within walking distance of the proposed development, transportation is required to partake in their use. I would suggest that the overwhelming number of seniors use the family car as their transportation of choice. I think that statistics collected by The HSR might confirm this conclusion.

In addition, one must consider the size of the staff, the number of visitors, and the frequency of truck deliveries required by a building of this magnitude.

Therefore to build a facility of 176 units one must take into account the changes this would cause to traffic and subsequently to the lifestyle presently enjoyed in this suburban area.

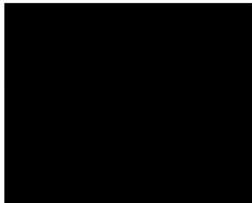
I agree with the Developer that there is a need for one floor senior residences whether they be single family units, townhouses, or apartments. I suggest that the intensification caused by a four storey, 176 unit apartment complex makes 125 Pirie Dr. **NOT** a location of choice.

To change the zoning of this site would go against the plans of the original development and would certainly not be in the best interests of

the Ward of Dundas or the present and future residents of “ West Dundas”.

A development of this density would better serve the senior residents of Dundas and Hamilton if it was located in the town core allowing residents to walk to their desired activities.

Respectfully,



(It is my request not to have my personal information released)

MARCH 1ST, 2021

FGL Pirie Inc. - ZONING BY-LAW AMENDMENT APPLICATION

RE 125 PIRIE DRIVE, DUNDAS, ONTARIO

COMMENTS & QUESTIONS (FROM)

ROBERT & MARILYN GLAZEBROOK

[REDACTED]

Mr. Davis:

As we are “single family” homeowners in the vicinity of the above mentioned, proposed development, we are extremely concerned that current owners of this parcel of land have now requested a change in zoning from the original land use. When this property was initially advertised for sale it was listed as a development of single-family homes. This original plan would have been suitable given the surrounding homes. Homes in the immediate area are either 1 to 2 stories high including single family homes as well as some townhomes. Why would the City of Hamilton not make it clear that when a buyer purchases a property that has a designation for the type of development allowed there already then, the purchaser does not have the ability to change that. Allowing out-of-town interests to influence the direction our established neighborhoods take is ludicrous. There are no multi-storey commercial buildings here. In fact, there are no high-rise buildings west of the intersection at Creighton and Governors Road, including the schools.

Of note, when the applicant indicates 3-4 stories it really means a 4-5 story appearance, due to the height of the property and how it will have to be built because of the hill. In reality the finished view will be a lot higher. The fifth story is described as a rooftop mechanical room and other indoor amenities but it will be no less visible to the neighboring homes. Another issue of concern would be the existing townhomes on the east side of this parcel of land would experience a monolith effect beside their 2 story homes resulting in a loss of privacy and light.

We are aware that there is a need for housing everywhere but one would expect at the very least that the new development would blend and compliment the existing homes. Property taxes paid in this area, especially

south of this lot, are very high similar to that in Ancaster. This sized building we are sure would never be allowed among similar homes in Ancaster.

Due to the recent completion of the new road plan on Governors Road, which included narrowing all car lanes to accommodate the wide bike lanes, we are now experiencing traffic flow problems during certain hours. At times we have had to take a south route along Highland and west to our home as the traffic on Governors Rd. had come to a complete stop due to school buses and parents picking up children. To add another 200+ people would be a problem as they too will have cars.

We have been made aware that the property across from this parcel on Governors Road known as the "Farm" is now up for sale. In all likelihood this too will be developed as multiple housing units. **WE DO NOT WANT A PRECEDENT SET ON THE DECISIONS MADE REGARDING THIS PROPOSED DEVELOPMENT AT 125 Pirie TO BE THE START OF MULTI STOREY BUILDINGS IN OUR SINGLE FAMILY NEIGHBOURHOOD.**

To allow this change in the bylaw to accommodate this builder/developer who has no interest beyond the financial gain nor any regard for the needs of residents in the area is opening the door to let outside interests determine the future look and way of life in Dundas. There is a place for commercial/ institution type buildings in the Dundas Core area, but not here among residential homes.

Questions:

(As we are not aware of any Residents' Oral Information Session, we would like to ask the following questions here!)

1. We have seen much media coverage regarding the property off of South Street in Dundas behind the Wentworth Lodge area that the City of Hamilton owns in fact. Why wouldn't a developer wishing to build a multistorey commercial complex like stated be steered to this type of setting? That location would allow the senior residents the ability to walk to and access all shops in Dundas (food, library, etc.)

2. When a developer indicates a property “use” ie. retirement housing etc. how is the developer held to that? How would anyone dictate who will occupy the buildings? From the documents supplied it is difficult to determine whether these units are in fact to be owned or rented as documents refer to types of housing as “townhouses, retirement suites, and senior’s apartments”. Can you explain this further?

3. Why did the city not send out information on this bylaw change request to a larger span of residents, not just the 120 metres that the builder themselves suggested in their letter? Also, in spite of the COVID rules why was there no oral platform for public questions, information feedback. Could have been done via online? This is a huge request to allow a commercial building to be set amongst what historically has been family homes. This lack of informing all nearby residents of such a project in their backyards appears that the city prefers to hide the information from the taxpayers and favor the applicant’s chances of success in having the zoning bylaw changed? Why such limited distribution of information other than a small media article with only a small window allowing public feedback?

4. Why was the Notice Board, on the property itself, moved from the corner where it was quite visible to this new location, directly behind the bus shelter, where it is now more difficult for passersby to see?

MR DAVIS CAN YOU EXPLAIN WHERE OURS AND ALL RESIDENTS’ FEEDBACK/COMPLAINTS WILL GO FROM HERE? WHAT IS THE PROCESS GOING FORWARD?

WE WOULD LIKE A COPY OF THE FINAL DECISION/PLANNING REPORT

Can you kindly email this to: [REDACTED]@a

Thanking you for your time.

[REDACTED]

walk on Pirie, a difficult encounter because of the hills. Adding a sidewalk on Governor's Road would further reduce the space along this roadway.

7. In addition, there are no medical facilities available in this area to cater to seniors.
8. I am concerned that the proposed development may have an adverse effect not only on storm water disposal but also on an overtaxed sewage treatment facility.

Respectfully submitted,

[Redacted signature line]

[Redacted line]

[Redacted line]

[Redacted line]

Davis, Michael

From: [REDACTED]
Sent: March 2, 2021 6:25 PM
To: Davis, Michael
Subject: Zoning Bylaw Amendment Application ZAC-21-003

Mr. Davis

We are Vickie and Richard Brennan and we live at [REDACTED] and would like to be notified about plans for a large vacant lot at Governors Road and Paris Drive. Our concerns with the proposed development deal with density and traffic.

[REDACTED]

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 5, 2021 11:45 AM
To: Davis, Michael
Subject: Re File No: ZAC-21-003

Dear Mr Davis:

While I am not opposed to well planned development, I do think that with regard to this proposed change for Pirie Dr @ Governor's Road, many concerns have not been adequately or thoroughly addressed in the current Zoning By-Law Amendment Application.

Before council looks at this zoning application, please consider:

Traffic and Safety Implications:

The traffic study was carried out during this time of Covid 19 and does not accurately reflect the volume of traffic on Governor's Road during 'real time.' There are often long backs ups of traffic in the Governor's Road and Creighton area because that heavily trafficked stretch has been converted to single lane each way. This single traffic artery, of course, provides for transport by many City of Hamilton buses. School busses (three schools along Governor's) add to the congestion and safety issues with school bus traffic and family cars at particular times of day. Please note that this is the one thorough fare bringing traffic to and from areas west of the Dundas boundaries into the urban area. This is in addition to the already dense housing west of Creighton Avenue which all feeds into this one artery.

Issues Specific to Seniors' Needs:

I point out this issue first because, this already heavy traffic congestion will be a serious issue when emergency vehicles (ambulances plus fire vehicles) were being (as would be inevitable) dispatched to a large retirement home and were delayed because the congestion's and single artery issues had not been addressed.

It is my understanding the FGL is requesting this Zoning change to allow them to then apply to build a 4 story retirement home for seniors with 159 units, (and in addition 17 townhouses). This density is contradictory to the current planning for this land (originally designated for a church, then sold last summer for development of 11 homes). The proposed 4 storey Retirement residence is not in keeping at all with the neighbourhood semidetached and single homes and will only add to the increasing traffic issues and safety in the area.

Additionally, as a senior myself, I can assure you that this area presents many problems for any senior who loses their licence or is unable to use the city bus. Access to medical centres, groceries stores and other necessary locations such as pharmacies and recreation is a real issue. None of these are available close by.

Please make sure that City Council has up-to-date and pertinent information and takes into consideration the important issues for seniors before this application is considered.

Please keep me informed of the date of the Public Meeting and any decision re the proposed Zoning by-Law Amendment request.

Sincerely

[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 1, 2021 10:08 AM
To: Davis, Michael
Subject: Re: File ZAC-21-003

Hi Mike,

Thanks for getting back to me. Please let me know when the City Staff report is available as I would like to get a copy prior to the public meeting.

Thanks,

[REDACTED]

> On Mar 1, 2021, at 8:58 AM, Davis, Michael <Michael.Davis@hamilton.ca> wrote:
>
> [REDACTED] -
>
> Thank you for reaching out to provide these comments.
>
> In terms of the process, the application has been circulated to all relevant City departments and External Agencies (e.g. Hamilton Conservation Authority) for review. At the same time, the City is requesting comments from nearby residents. All comments received are forwarded to the Applicant, considered by the City Planning Department before forming any recommendations, and are eventually included in the City Staff report to City Council so that they have that information available when making a decision.
>
> A public meeting will also be held in front of the City' Planning Committee at a future date. You'll receive an additional notice inviting you to attend/participate in that meeting approximately 17 days in advance. City Council is the approval authority for Zoning By-law Amendment applications.
>
> In the meantime, if you wish to learn more about the application you
> can visit the following website which was established by the Applicant
> to provide access to information for residents...
>
> <http://piriedevelopment.com/>
>
> Future opportunities for participation in the process will also be made available on the Applicant's project webpage.
>
> I hope this information is helpful. Please let me know if you have
> more questions! All the best,
>
> Mike Davis, MCIP, RPP
> Senior Planner
> Planning and Economic Development Department Development Planning,
> Heritage and Design
> 71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5
> Phone: (905) 546-2424 ext.1024

> Fax: (905) 546-4202

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>

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>

> Thank you for your anticipated cooperation.

>

>

> -----Original Message-----

> From: 

> Sent: February 28, 2021 8:47 PM

> To: Davis, Michael <Michael.Davis@hamilton.ca>

> Subject: File ZAC-21-003

>

> To: Michael Davis,
> City of Hamilton,
> Planning and Economic Development Dept.

>

> RE: Comments with regard to Zoning By Law Amendment File ZAC-21-003

>

>

> 1. Allowing the construction of a four storey building, situated on top of a large rise above Governors Road, the Western exit and entrance to the town of Dundas, will dominate the landscape surrounding the escarpment and rural lands to the West. It will be totally out of place amidst a neighbourhood of single family residences for which this land has been zoned. There are no other large buildings over 2 storeys anywhere close to this site and it will destroy the quiet family oriented atmosphere of the local area.

>

> 2. Governors Road is one lane in each direction and there are already traffic backlogs at certain times of day, contributed

> to by buses and school buses which make frequent stops. The additional traffic that this building would create from

> residents, staff, visitors and service trucks, related to the operation of the facility, would only add to this and potentially

> create long lines of traffic trying to get to and from Dundas on the only route available. The additional traffic could

> also have an impact on the response time of any ambulances and/or emergency vehicles that were called to the retirement home or other homes in the area.

>

> 3. Permitting this building project to go ahead will increase the population of this small area by potentially 300-350 people.
> The existing services (hydro, water, sewer etc.) may not be place to handle this increase. This major increase in density
> is not in keeping with the surrounding area and original zoning and would be poised to have a detrimental effect on
> the environment.
>

> 4. There are no sidewalks on that portion of Govenors Road and adding them for the benefit of the residents would
> reduce space along the roadway even further. There are no services within walking distance for seniors, therefore
> additional traffic would be created for every outing, whether it be by car, taxi or bus, whether it be for groceries, medical
> appointments, pharmacy needs, restaurants or other necessities.
>

> Respectfully submitted,

>
>
>
> [Redacted]
> [Redacted]
>
>
>

Davis, Michael

From: [REDACTED]
Sent: March 2, 2021 7:21 AM
To: Davis, Michael
Subject: Zoning bylaw ammendment ZAC-21-003

Dear Mr. Davis,

I am writing you to express my firm opposition to the large retirement building and town houses being proposed for pierie. Although we may have a need for more retirement living in Dundas, this is not the place for it. Already the traffic along governors road is quite busy with governors being the only vein out of dundas for this community. With three large schools nearby, I have often been concerned for the safety of children as I commonly witness people rushing the yellow to get through the intersection and other demonstrations of road rage. Adding possibly 200 more vehicles daily to this already busy area would increase the safety concerns and frustration experienced by some of the highest tax payers in dundas. With the major work on governors that was completed a couple of years ago, I doubt the city would want to invest in accommodating this increased population again.

Secondly, I believe parking would be a major issue, as parking is already limited in the area and not sufficient for the town houses already. The proposed plans do not appear to have sufficient accommodation for this with such a large plan for the area.

Third, people already living on this street will be significantly affected by such a large building that is not in keeping with the feel of the street. With the proposed plan, some houses will see very little sunlight and the once beautiful green space being substituted for a large apartment complex will devalue their homes.

Finally, I don't know why retirees would want to live in this area. It is far (not walkable distance) from amenities like grocery, gas, and restaurants. Would they not prefer an area closer to the downtown core that is more accessible? Additionally, the amenities we have are already insufficient for the population of our town with one small metro to support an ever expanding area.

I hope that you will seriously reconsider this project and do something with the space that adds value to the homes already in the area and makes sense in terms of the infrastructure already present in the city.

Thank you,

[REDACTED]
[REDACTED]



Development proposal file No. ZAC-21-003



Thu 2021-03-04 10:05 AM

To: [Redacted]

Dear Mr. Davis,

I am a resident at [Redacted] in Dundas and am opposed to the above development proposal. The traffic on Governor's Road which is already very heavy will be intensified and the quality of life in our neighbourhood will be seriously impacted. Not to mention more pollution so close to the Dundas Conservation area impacting both animals and our neighbourhoods.



March 4 2021

4 Mar 2021

Michael Davis, City of Hamilton
Planning & Economic Development Department
Development Planning, Heritage & Design
71 Main St. West, 5th Floor
Hamilton, ON L8P 4Y5

Re: Zoning Bylaw Amendment Application (ZAC-21-003).

Dear Michael,

As the owner of [REDACTED] I am writing in response to the above-named Zoning Bylaw Amendment Application.

I did have a look at the detailed drawings provided for the proposed development at 125 Pirie Drive, but I certainly don't have the expertise to understand the technical aspects of these plans. As such, I will briefly outline my key concerns.

1. Water drainage and runoff

The units on the north side of 10 Davidson currently experience very wet conditions in their yards, which I would assume is in part due to the lower elevation relative to the current vacant lot at 125 Pirie Dr. My concern is that the development will exacerbate the existing problems both during construction and thereafter. I am unclear as to whether the proposed actions by the developer will be sufficient to mitigate further water issues at 10 Davidson.

2. Privacy and enjoyment of property

The construction of a four-storey building with many windows facing 10 Davidson, as well as a rooftop terrace, will undoubtedly have an impact on the privacy of the residents of 10 Davidson, particularly in spring, summer, and fall, when we all enjoy our time outside. We have a small common area at the west end of our property, where residents gather to meet with friends. The experience with the new development will now be akin to living in a fishbowl.

3. Increased traffic and potential parking issues

With the addition of a 159-unit retirement residence as well as 17 townhouses, traffic and adequate parking are concerns, along with safety in the nearby streets, including Davidson Blvd and Pirie Dr.

I understand that the bus layby is to be moved. If it were to be moved behind the units on the south side of 10 Davidson (where my unit is located), I would have major concerns about the increased noise level. I would definitely oppose such a move.

All of these concerns have the potential to negatively affect my property value, and I ask that they be seriously considered when assessing this application for zoning bylaw amendment.

Thank you for the opportunity to comment.



Davis, Michael

From: [REDACTED]
Sent: March 1, 2021 12:54 PM
To: Davis, Michael; VanderBeek, Arlene
Subject: I oppose the Zoning By-Law Amendment file ZAC-21-003 Application

--
Have a Great Day!

[REDACTED]
[REDACTED]

Davis, Michael

From: [REDACTED]
Sent: March 5, 2021 2:38 PM
To: Davis, Michael
Subject: ZAC-21-003 opposition

March 5, 2021

Hello Mr Davis,

This message is submitted to register my concern over the proposed zoning amendment File # ZAC-21-003.

The zoning change and the proposed development may meet the "Neighbourhoods" designation according to the Urban Hamilton Official Plan but a 3-4 storey institutional building is not harmonious or compatible with the current neighbourhood land use.

In particular, I do not want to walk out my front door and the first thing I see are garage doors and truck loading access and a four storey monolith.

Other negatives are: increased road traffic

increased noise from delivery and emergency vehicles

increased shadowing and loss of morning sunlight

Please include me in the public consultation when it goes forward:

[REDACTED]

Sent from my iPad

Davis, Michael

From: [REDACTED]
Sent: March 3, 2021 2:41 PM
To: Davis, Michael
Cc: [REDACTED]
Subject: 125 Pirie Dr Development File No. ZAC-21-003

Michael Davis

Planning and Economic Development Department
Development Planning, Heritage and Design – Rural Team
71 Main Street West, 5th Floor, Hamilton, On, L8P 4Y5

Regarding 125 Pirie Drive Development – File No. ZAC-21-003

[REDACTED]

My wife and I live just down the street from this planned development. We have some very serious concerns regarding this proposal. We moved to Dundas from Burlington 10 years ago because Dundas had that quiet small town feel. Even though Dundas was amalgamated into Hamilton years ago, it still keeps that small town culture and feel. I am surprised that Hamilton is even considering this proposal as a valid proposal.

The original proposal for a few single family homes was acceptable for this property and for the area. This new proposal goes against everything that Dundas stands for.

Our biggest concern is the density of this new proposal which will see the area go from a few new families with the original development plan to 200-300 new families. This is outrageous and not appropriate for this area. This area was never designed for this type of density.

Governor's Rd. is the only main artery for East-West traffic in Dundas. It has always been a bottleneck road in Dundas. Because of the beautiful conservation area that is in this area of town, there already exists a great deal of traffic travelling to and from the conservation area. Also, there aren't sufficient sidewalks in this area of Governor's Road to safely walk it. Increasing the amount of traffic will only put our residents at greater risk when using the road. The reconstruction of Governor's Rd which was recently completed did nothing to alleviate the situation. As a matter of fact the traffic is worse now than ever before. Also, the road is more dangerous due to the narrowing of the road as a result of the new construction. Along this stretch of the road there are 2 elementary schools and 1 high school and a number of long term care facilities. This development proposal will only add significantly to the already congested road putting children from these schools and seniors from the long term care facilities at a much greater risk. Governor's road already has a history of serious traffic accidents including deaths with seniors involved due to the unmanageable congestion on Governor's Rd. It is only a matter of time before someone is again hurt or worse yet killed on this road.

I also fear that with the congestion on this road significantly increasing as a result of the proposed development, more drivers will take to the residential roads in and around the area to avoid Governor's Road congestion. We have already

seen this during the recent construction of Governor's Rd where traffic took to residential roads to avoid delays caused by the construction. This caused serious concerns for the residents in those residential streets due to significantly increased traffic and speed. The residential roads are not equipped to handle this volume of traffic putting our children, students and seniors at greater risk. This very dense development will definitely increase traffic along this route and increase the risk for all residents that now call this area home.

Secondly, another major concern is with respect to the infrastructure. Is the appropriate infrastructure in place to allow this type of development i.e., sewers, hydro, water pressure, water runoff, etc. This property was zoned rural, to now jump to this type of extremely dense development is unthinkable and disturbing

[REDACTED]

[REDACTED]



Virus-free. www.avg.com

Davis, Michael

From: [REDACTED]
Sent: March 1, 2021 3:08 PM
To: Davis, Michael
Subject: File no. ZAC-21-003

Re: Zoning By-Law Amendment File no. ZAC-21-003.

I am writing to let you know that we oppose the above cited Application as we feel this will degrade our residential neighbourhood.

Thank you for your attention,

[REDACTED]

[REDACTED]
[REDACTED]
Dundas, ON
[REDACTED]

25 February, 2021

Ref: Re-Zoning 125 Pirie
ZAC-21-003

When [REDACTED] and I purchased our home at [REDACTED], we did so in the knowledge that at some point the adjacent vacant land would be built on. We have no problem with the townhouse portion of the proposed development as it is totally in keeping with the other development in the area.

We are however **100% opposed** to the land being rezoned to allow a multi-story housing development. We are opposed for the following reasons.

1. The proposed building is not in keeping with the existing single family development in the surrounding area.
2. The properties on the north side of 10 Davidson have problems with run-off and drainage from the properties behind them, the Condo Board has spent in excess of \$10,000 this year to try and resolve this issue. Development of the vacant land could add to this problem.
3. The building as proposed will completely dwarf and overshadow units 1 and 15 at 10 Davidson and to a lesser degree units 2, 3 and 16.
4. These homes will lose both light and privacy.
5. Unit 1 which is a single story unit with a side door, windows and yard will be approx 15m from the proposed multi-story building. It will be totally overlooked by windows and/or balconies in up to 9 of the units rendering its side yard useless. Attached is a plan showing a photo of

10 Davidson done by the owner of unit 4 the photo has been scaled to the size of the developers plan. It clearly illustrates the devastating impact on homes at that end of the cul-de-sac.

6. Unit 15 will also be approx 15m from the building and overlooked by several units.
7. The small communal parkette used by residents in the summer months will be totally overlooked by at least 9 units. It, like units 1 & 15 will lose privacy and at certain times of the day also sunlight.
8. My enquiries with a real estate agent suggest that this multi-story building could adversely affect the resale value of the properties at the top end of the cul-de-sac, and possibly to a lesser degree the values of the rest of 10 Davidson.
9. This retirement residence is in an isolated position. It has no services like shops, library or pharmacy close by. If the land is re-zoned and built as planned the HSR bus stop will have to be moved. This will impact the people on Pirie and those in the retirement residence with no car.
10. If built as planned for 155 people plus the townhouses, the effect on the general area will be an increase in noise and traffic due to the retirement residence having to be serviced on a regular basis by delivery vans.

I hope the zoning committee will take into consideration the very detrimental effects on the homeowners at 10 Davidson who do not deserve to have the use and enjoyment of their property and neighbourhood damaged in such a way.

Regards

[REDACTED]

Davis, Michael

From: VanderBeek, Arlene
Sent: March 2, 2021 1:29 PM
To: Davis, Michael
Cc: Litzen, Julie
Subject: FW: Opposition - William and Sandra Mclelland

Mike,

Just making sure you received this person's opposition (for the record).

Arlene

Arlene VanderBeek
Hamilton City Councillor – Ward 13
Communities of Dundas and
Central Flamborough
905-546-2714
arlene.vanderbeek@hamilton.ca

Due to COVID-19 concerns, our office is working remotely until further notice. This means there may be a delay in replying to communications, including emails. Should you require immediate assistance, please call the City's Customer Contact Centre at 905-546-2489

-----Original Message-----

From: [REDACTED]
Sent: February 28, 2021 6:45 PM
To: VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>
Subject: Opposition

Dear Arlene, I am writing to register our strong opposition to a Zoning By Law Amendment File No ZAC-21-003 on Pirie Drive, Dundas. On

Yours sincerely,

[REDACTED]
February 28 2021

Sent from my iPad

Davis, Michael

From: [REDACTED]
Sent: March 4, 2021 3:50 PM
To: Davis, Michael
Subject: Zoning By law amendment Dundas

There have been many objections that I can see to the proposed development in Dundas.

I am in and will be present for any hearings to discuss our objections with the purpose of retaining council to assist in this matter.

I cannot believe that just one year ago Governors Rd was reconstructed to reduce the lanes to one which was a ridiculous expense to just cause even more congestion on the only road leading into Dundas. Now you would propose a high density development after that...

IT WILL BE INTERESTING.

Thank You

[REDACTED]

Sent from [Mail](#) for Windows 10



WELCOME TO THE CITY OF HAMILTON

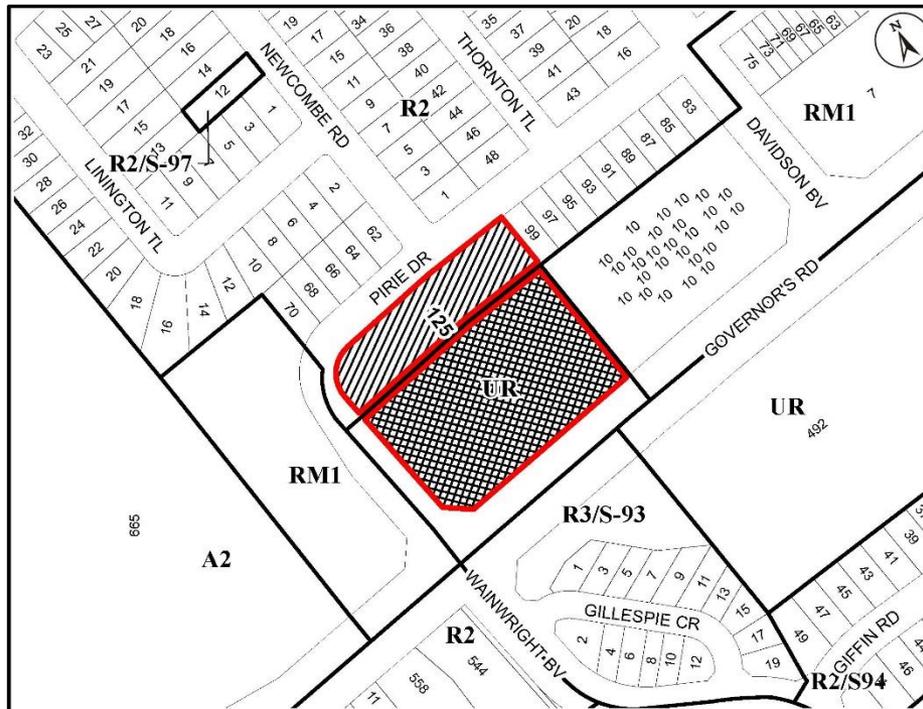
PLANNING COMMITTEE

September 6, 2022

PED22145 – (ZAC-21-003)

Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas.

Presented by: Aminu Bello



<p>● Site Location</p> <p>Key Map - Ward 13</p>	<h2>Location Map</h2> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	<p>File Name/Number: ZAC-21-003</p>	<p>Date: August 10, 2022</p>
	<p>Appendix "A"</p>	<p>Scale: N.T.S.</p>
	<p>Planner/Technician: AB/AL</p>	
<p>Subject Property</p> <p>125 Pirie Drive, Dundas (Ward 13)</p> <p> Block 1 - Change in Zoning from the Single-Detached Residential Zone (R2) Zone to Low To Medium Density Multiple Dwelling (RM1/S-140) Zone, Modified</p> <p> Block 2 - Lands to be added to Zoning By-law 05-200 as Community Institutional (I2, 814, H126) Zone</p>		



SUBJECT PROPERTY



125 Pirie Drive, Dundas



Appendix "D" to Report PED22145

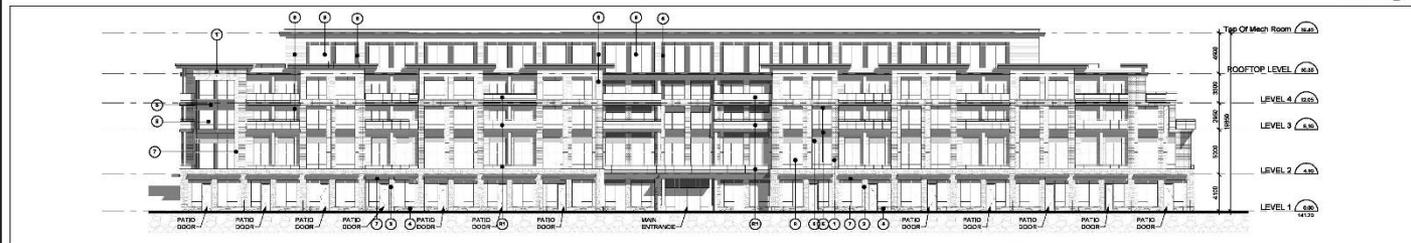
Page 2 of 4

EXTERIOR FINISH LEGEND

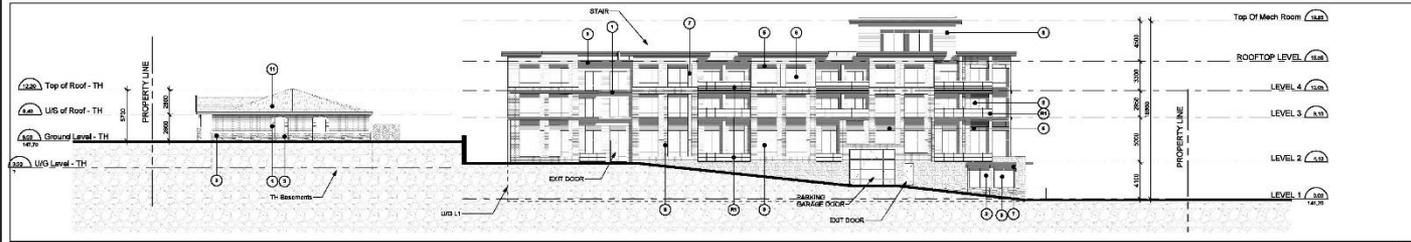
PROJECT NUMBER - PROJECT NAME

- | | | |
|------------------------|---|---|
| 1 BRICK - Stone | 6 METAL PANEL SYSTEM - Dark Grey | 9 BROWN-LAMINATE |
| 2 BRICK-LAMINATE-White | 8 METAL PANEL SYSTEM - Light Grey | 10 STUCCO - Light Grey |
| 3 EXPOSED-Brick | 7 METAL PANEL SYSTEM - Wood/Pinkish | 11 ROOF - Asphalt/Bitumen - Dark Grey |
| 4 EXPOSED-Brick-White | 5 Wood Shingle - Dark Shingles - Dark Blue/Grey | 12 BALCONY SYSTEM - Glass/Aluminum/Steel - Dark Blue/Grey |

EXTERIOR FINISH LEGEND 1
 NTS dA4.1



South Elevation - Retirement Home & Seniors' Apartment 2
 Scale: 1 : 200 dA4.1



West Elevation 3
 Scale: 1 : 200 dA4.1



North Elevation - Retirement Home & Seniors' Apartment 4
 Scale: 1 : 200 dA4.1



KIRKOR ARCHITECTS + PLANNERS

20 De Boer Dr. # 405 Toronto ON, M3J 3M1
 Tel: 416 693 8590 kirkorarchitects.com

No. | Revision | Date

001	Revisiting: Re-submission	DEC 1, 2021
002	Revisiting: Re-submission	MAR 07, 2022
003	Revisiting: Re-submission	DEC 17, 2022
N/A	Issued For:	Date:

Drawing Title:
Elevations

From:
 Piriage Properties Limited

125 PIRIE DR

125 Pirie Dr. Dundas, Ontario

Scale:

1 : 200

Author: Drawn by:

Checked by:

Project No.:

15081

Date:

Dec 15, 2021

Drawing No.:

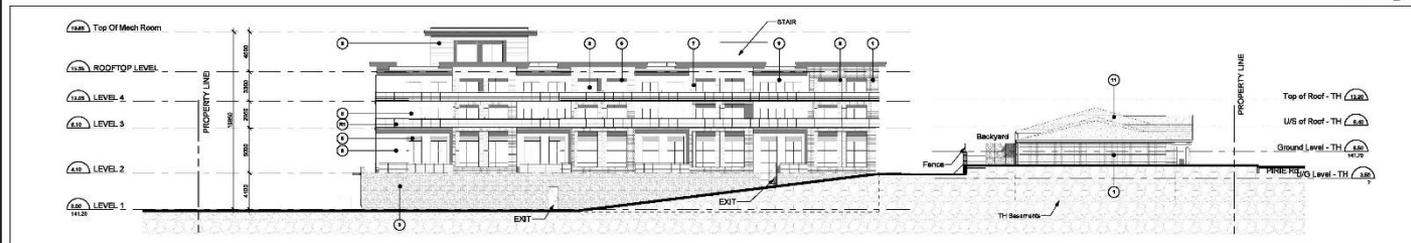
dA4.1

Appendix "D" to Report PED22145

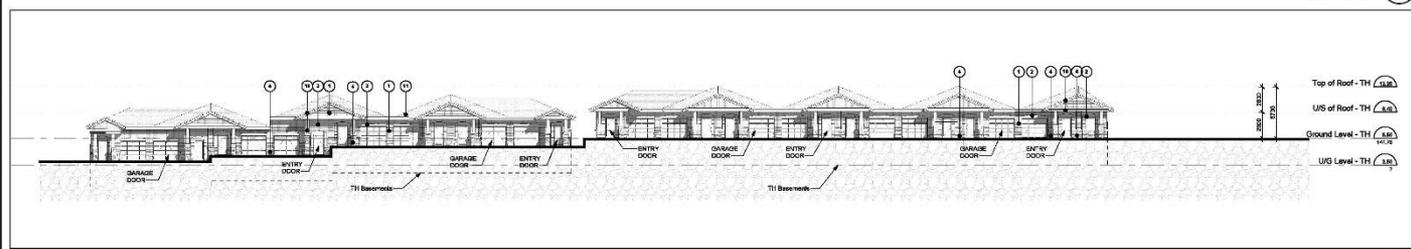
Page 3 of 4

EXTERIOR FINISH LEGEND		
PROJECT NUMBER - PROJECT NAME		
1 BRICK - Stone	6 METAL PANEL SYSTEM - Dark Grey	9 BROWN-LINE Stone
2 BRICK - Light Yellow	8 METAL PANEL SYSTEM - Light Grey	10 STUCCO - Light Grey
3 EXPOSED Stone	7 METAL PANEL SYSTEM - Mixed Pattern	11 ROOF - Asphalt Shingles - Dark Grey
4 EXPOSED Dark Stone	5 Wood Shakes - Dark Shingles - Dark Grey Clones	12 BALCONY SYSTEM - Glass - White Frame - Dark Grey Sillings

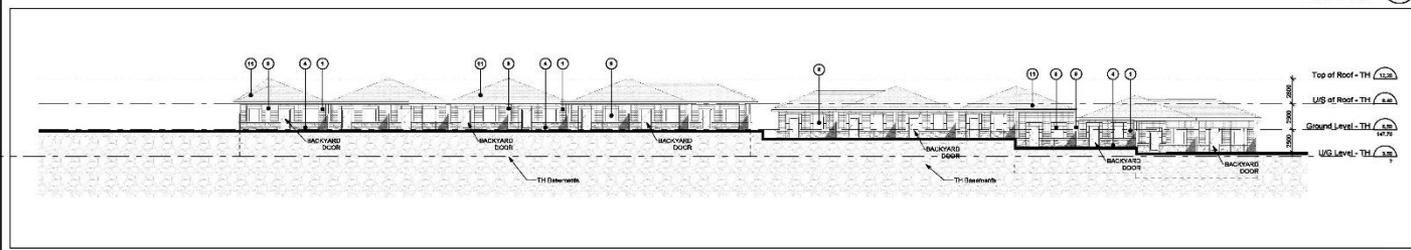
EXTERIOR FINISH LEGEND 1
 NTS dA4.2



East Elevation 2
 Scale: 1 : 200 dA4.2



North Elevation - Townhouses 3
 Scale: 1 : 200 dA4.2



South Elevation - Townhouses 4
 Scale: 1 : 200 dA4.2



KIRKOR ARCHITECTS - PLANNERS

20 De Boer Dr., # 405 Toronto ON, M3J 3H1
 Tel: 416 693 5590 kirkorarchitects.com

No. | Revision | Date

001	Revisions: New Submission	06/13/2021
002	Revisions: New Submission	10/07/2021
003	Revisions: New Submission	06/17/2022
N4	Issued For:	

Drawing Title:
Elevations

From:
 Pivotal Properties Limited

125 PIRIE DR

125 Pirie Dr. Dundas, Ontario
 1 : 200
 Author: Drawn by
 Checker: Checked by
 15081 Project No.
 Dec 15, 2021 Date

Drawing No.:
dA4.2

Appendix "D" to Report PED22145

Page 4 of 4

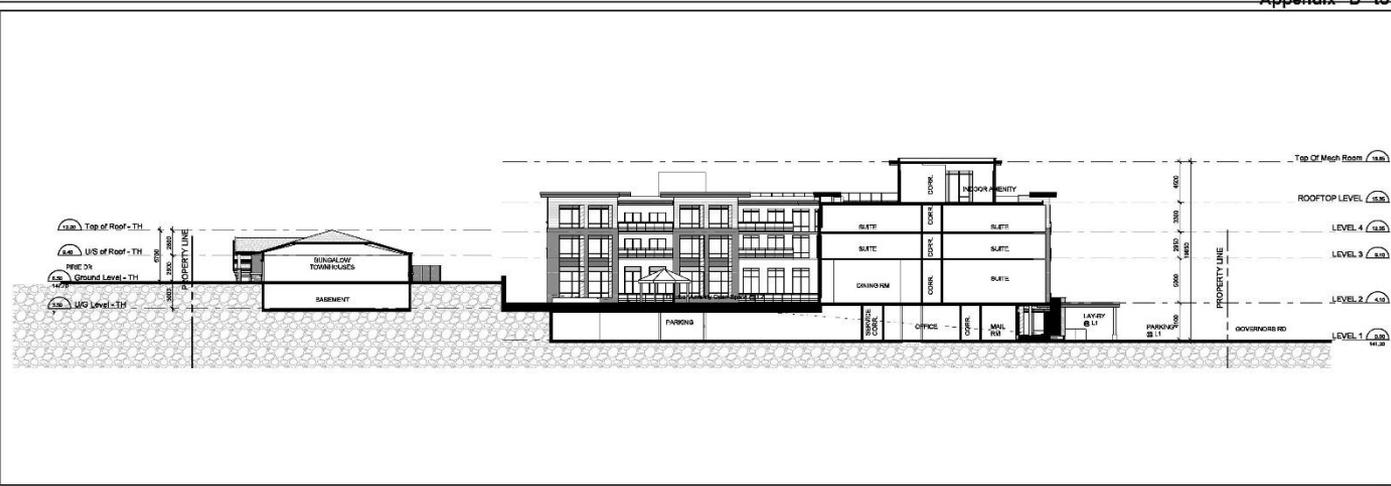
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 All Rights Reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the author.
 This drawing is not to be used for construction until signed by the Architect.
 Date:



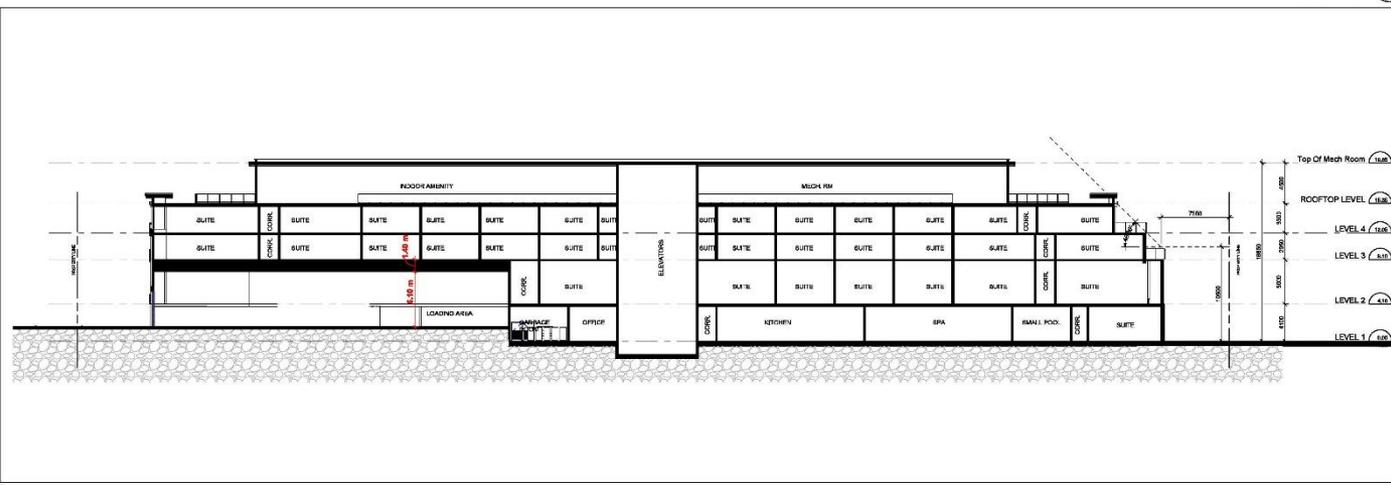
KIRKOR ARCHITECTS + PLANNERS

20 De Boer Dr., #405 Toronto ON, M5J 3M1
 Tel: 416 593 5590 kirkorandplanners.com

No.	Revision	Date



Section 3 1
 Scale: 1 : 200 (A5.1)



Section 4 2
 Scale: 1 : 200 (A5.1)

00	1	Revisions: New/Amendations	06/11/2021
01	1	Revisions: New/Amendations	14/01/2021
02	1	Revisions: New/Amendations	06/11/2021
03	1	Revisions: New/Amendations	06/11/2021

Drawing Title:
Sections

Project:
 Pivotal Properties Limited

125 PIRIE DR
 125 Pirie Dr, Dundas, Ontario
 1 : 200
 Author: Drawn by
 Checker: Checked by
 15081 Project No.
 Dec 15, 2021 Date

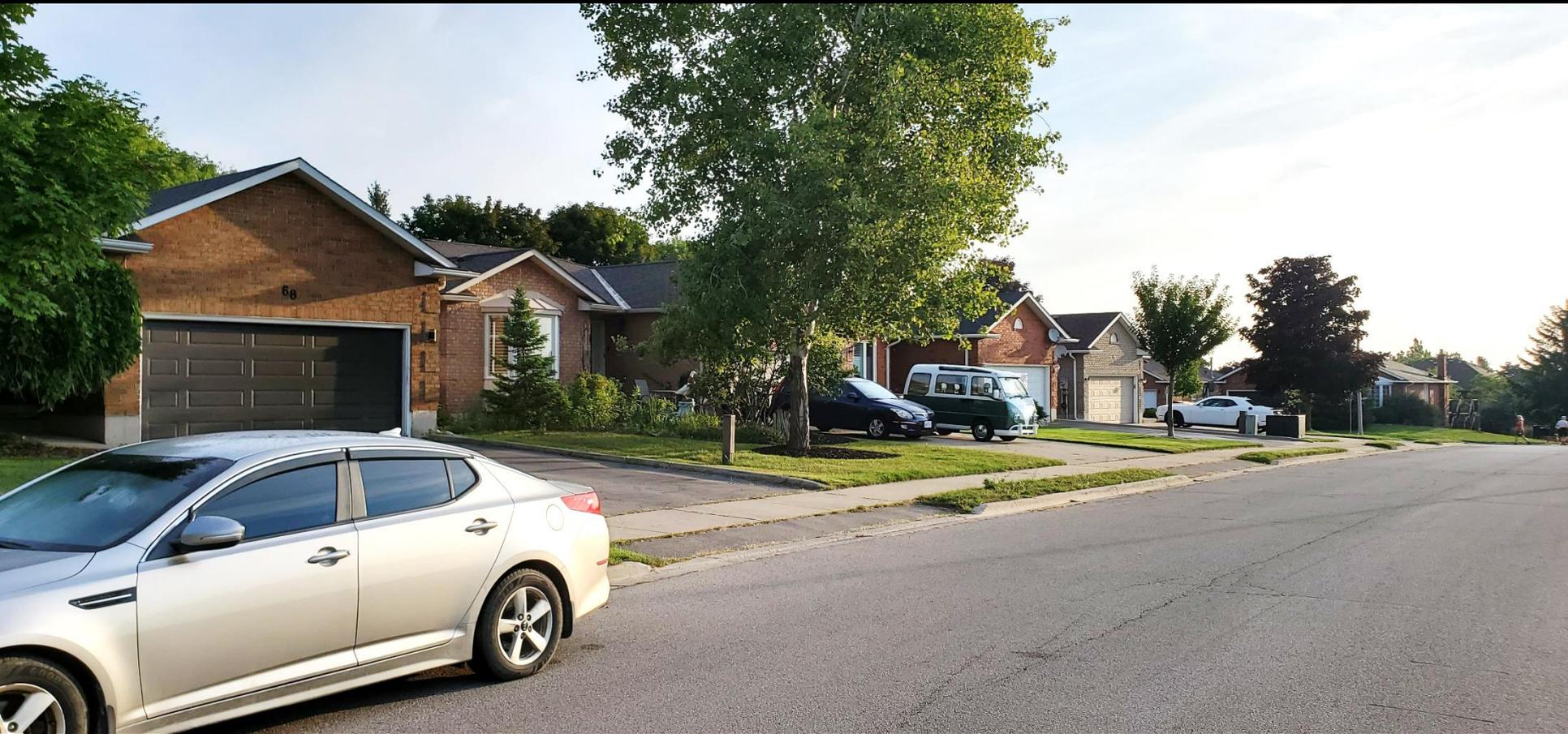
Drawing No.:
dA5.1



Northeast view of the subject lands from the Governor's Road and Wainwright Boulevard intersection



Pirie Drive viewed from the west portion of the subject lands.



Adjacent properties along the north segment Pirie Drive



South view of the subject lands from Pirie Drive



Southeast view of the subject lands from Pirie Drive



Adjacent property east of the subject lands viewed from Davidson Boulevard



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

From: LUCIENNE TUCKER

Sent: Wednesday, August 24, 2022 3:01 PM

To: clerk@hamilton.ca

Subject: [****POSSIBLE SPAM]125 PIRIE DRIVE, DUNDAS FILE No ZAC-21-003

1.

Dear Sir

I object to the above proposal for the following reasons

1. Under the **Urban Hamilton Official Plan** covering the City, new projects must be consistent with the height, massing and arrangement of existing buildings in the surrounding area. **The proposal does none of this**
2. This proposal is completely inappropriate in this location. It comprises a building **FIVE (not four as stated in the proposal)** stories high in a neighbourhood of single family and condominium town houses plus a small commercial plaza and three schools all of which are only **ONE** and **TWO** stories in height, stretching from Huntingwood in the east to the Dundas Valley Conservation Area in the west and from the Conservation Area in the south to Anne Creek in the north.
3. Concerns about **increased traffic** from the proposed 155 residential units and 16 townhouses in addition to staff, visitors, commercial vehicles and garbage trucks.
4. Concerns about **storm water run off** as no provision has been made for storm water retention on site.
5. Concern about the effect on the peace and quiet of neighbouring home owners from the year round 24 hour noise of ambulances with blaring sirens to and for the retirement home

Please submit these observations to the Planning Committee

Alan & Lucienne Tucker

From: John Harkin
Sent: Thursday, August 25, 2022 4:12 AM
To: clerk@hamilton.ca
Cc: VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>
Subject: ZAC-21-003

This design is creates a massive demand on the infrastructure in this community. It is proposing housing for a minimum of 160 residents which dramatically increases traffic flow in an area where there are 3 schools. It is not in keeping with the design of the community especially near a conservation area. This plan must be rejected.

John and Elizabeth Harkin

VERONICA & KEITH ROBSON

25 February, 2021

Ref: Re-Zoning 125 Pirie
ZAC-21-003

When Keith and I purchased our home at ** Davidson Blvd., we did so in the knowledge that at some point the adjacent vacant land would be built on. We have no problem with the townhouse portion of the proposed development as it is totally in keeping with the other development in the area.

We are however **100% opposed** to the land being rezoned to allow a multi-story housing development. We are opposed for the following reasons.

1. The proposed building is not in keeping with the existing single family development in the surrounding area.
2. The properties on the north side of 10 Davidson have problems with run-off and drainage from the properties behind them, the Condo Board has spent in excess of \$10,000 this year to try and resolve this issue. Development of the vacant land could add to this problem.
3. The building as proposed will have 23 units that dwarf and overshadow units 1 and 15 at 10 Davidson and to a lesser degree units 2, 3 and 16.
4. These homes will lose both light and privacy.
5. Unit 1 which is a single story unit with a side door, windows and yard will be approx 15m from the proposed multi-story building. It will be totally overlooked by windows and/or balconies in up to 9 of the units rendering its side yard useless. Attached is a plan showing a photo of

10 Davidson done by the owner of unit 4 the photo has been scaled to the size of the developers plan. It clearly illustrates the devastating impact on homes at that end of the cul-de-sac.

6. Unit 15 will also be approx 15m from the building and overlooked by several units.
7. The small communal parkette used by residents in the summer months will be totally overlooked by at least 20 units. It, like units 1 & 15 will lose privacy and at certain times of the day also sunlight.
8. My enquiries with a real estate agent suggest that this multi-story building could adversely affect the resale value of the properties at the top end of the cul-de-sac, and possibly to a lesser degree the values of the rest of 10 Davidson.
9. This retirement residence is in an isolated position. It has no services like shops, library or pharmacy close by. If the land is re-zoned and built as planned the HSR bus stop will have to be moved. This will impact the people on Pirie and those in the retirement residence with no car.
10. If built as planned for 155 people plus the townhouses, the effect on the general area will be an increase in noise and traffic due to the retirement residence having to be serviced on a regular basis by delivery vans.

I hope the zoning committee will take into consideration the very detrimental effects on the homeowners at 10 Davidson who do not deserve to have the use and enjoyment of their property and neighbourhood damaged in such a way.

Regards

Veronica and Keith Robson

ZAC-21-003 125 Pirie



From: jутten lillie

Sent: Friday, August 26, 2022 11:22 AM

To: clerk@hamilton.ca; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>

Subject: Zoning By-law Amendment (File No. ZAC-21-003) (125 Pirie Drive, Dundas (Ward 13))

To whom it may concern,

I'm writing to you with regards to the housing development project on Pirie drive in Dundas Ontario . I **oppose** bylaw changes required to build the development and the scale of the proposed retirement development. The scale of the project is out of character and will be what is seen entering the town. There should be **no** need to adjust the current bylaws regarding building height in the Dundas area. Buildings such as what is being proposed, should be built in the downtown area, like other apartment buildings. Dundas R2 zoning already permits the use of a retirement home, and should be used accordingly.

Here are some of my reasons why the bylaw should not be changed and left as R2 zoning.

With over 184 residents units, the proposed project will add additional traffic to the area, which will flow through a three school zone and cause more congestion along Governors road. Governors road is already busy enough, especially during the school year, with many children walking to school. The road was not updated to handle additional traffic when it was refurbished three years ago. The centre of Dundas is over 3km away from the proposed development, so the 180+ new residents of this building will need to travel and most likely drive to get to shops and services.

- If the proposed project does go ahead will the developer & the city be willing to update the road to ensure there is proper road safety in place for the school zone and cyclists?

I do not see how the proposed project brings any value to my neighborhood? I feel the building will only lower property values of current homes in the area.

- Can the developer and city comment on how this building would impact values of homes and why homeowners in the area should be ok with that?

Any additional housing should fit with the design and flow of the current neighborhood, a multi-level, multi-unit dwelling does NOT! In the last five year 196-198 Governor road houses have been built and those new detached homes that would not increase traffic and would not decrease current home values.

The west end of Dundas is a quiet family dominated area, with three schools on Governors roads should make this very apparent. I understand there is a need for retirement housing, but there are better locations in Dundas.

Please do **not** change any current by-laws, the neighborhood should remain under "Single Detached Residential "R2" Zone"

Regards,

Jutten Lillie

August 28, 2022

To: Legislative Coordinator,
Planning Committee,
City of Hamilton

Re: Public Meeting of the Planning Committee, September 6, 2022
Re: Zoning By-law Amendment Application ZAC-21-003

Please see below for my comments submitted last year to the City of Hamilton Planning and Economic Development Department, regarding the above referenced Zoning By-law Amendment Application. My opposition to the application still stands for the reasons listed.

Thank you for your consideration.

Michele Gunn

Originally submitted:

March 4, 2021

Michael Davis
City of Hamilton Planning and Economic Development Department,
Development Planning, Heritage and Design – Rural Team
71 Main Street West, Floor 5
Hamilton, Ontario L8P 4Y5

Delivered via email – Michael.Davis@Hamilton.ca

Re: Zoning By-law Amendment Application ZAC-21-003

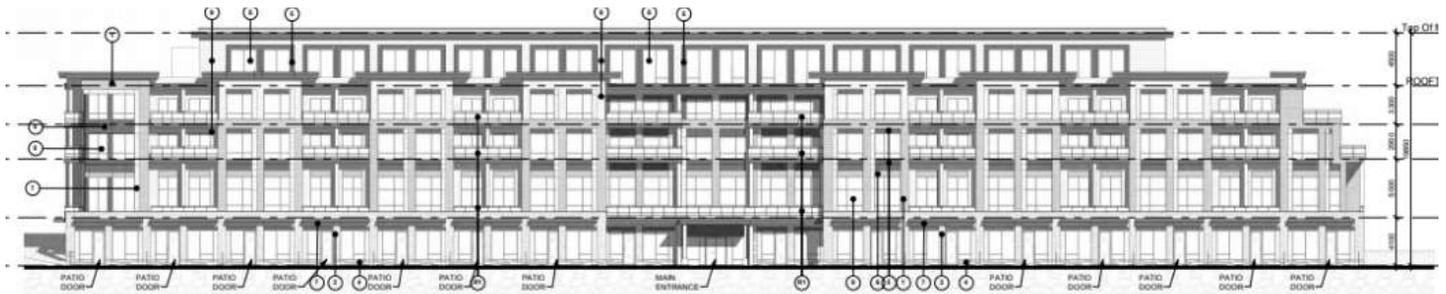
Mr. Davis,

I am writing in opposition of the proposed By-law Amendment ZAC-21-003 as presented for the property at 125 Pirie Drive in Dundas, Ontario.

I live at [REDACTED] Davidson Boulevard, an immediately adjacent neighbour to the proposed build. I have read and reviewed the proposal application by FGL Pirie Inc., and the other documents and drawings submitted with the application, and more specifically the Planning Justification Report by Wellings Planning Consultants Inc. dated December 20, 2020, and the architectural drawings prepared by Kirkor Architect and Planners.

It was inevitable that some form of development would be built on the adjacent lands. My main concern of this proposal is the scale of the project for the following reasons:

1. The reports all indicate a 3 – 4 storey Retirement Home/Senior's Apartment Building. As the property slopes up toward the north, this accounts for the visible storeys at the south and north sides of the property for the main building. This does not take into account the fifth storey created by the two Amenities Rooms at each end of the east-west section of the building on the roof connected by mechanical rooms as shown below on the Architect's front and east elevations of the building. One of the Amenity Rooms looks onto 10 Davidson Boulevard through the windows at the east end as well as from the adjacent rooftop patio. The 3 – 4 (or 5) storeys is also a bit of a misnomer as the first and second storeys (and the fifth storey) are each much higher than the other two typical storeys making the complex even taller.



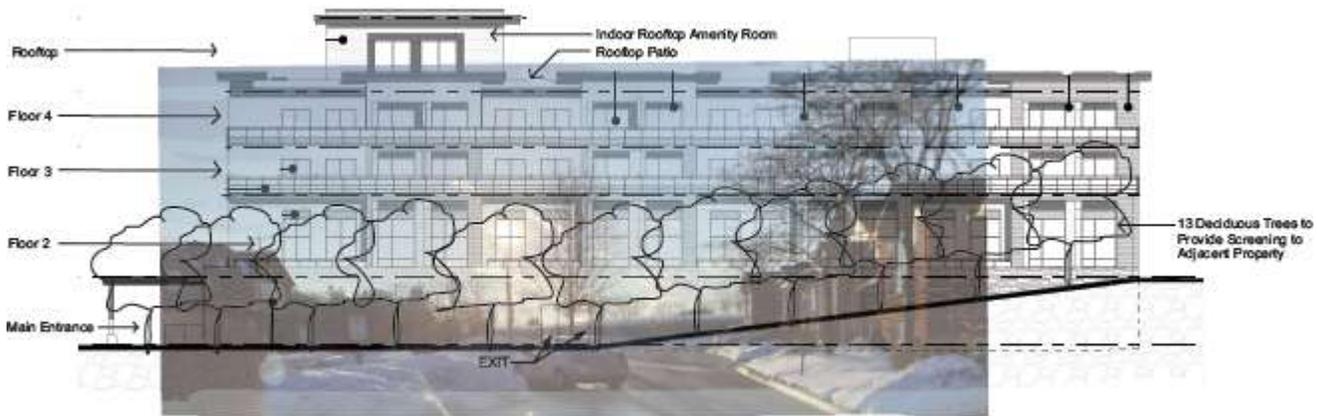


10 Davidson Boulevard - West View Toward 125 Pirie - February 24 9:00 A.M.

iii) In the Intensification Analysis, Chapter B, Section 2.4.2 – b) *Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;... The proposed built form and design of the Retirement Home avoids adverse impacts relating to shadows and overlook.*”

- I do not know how they wrote that with a straight face as there are 23 units along the east end of the building on Floors 2, 3, and 4 that look directly over 10 Davidson Boulevard, even with the modest setbacks on Floors 2 and 3. And while the fourth floor appears to be set back more than the others, the outdoor decks / balconies extend to the edge of the building on that level. The building will always be blocking the sun at the west end of our complex where we have our gathering space, especially in the winter, and in the evenings in the summer.

5. The Landscape Concept plan presented by Adesso Design Inc. shows 13 deciduous trees along the east end of the proposed development to “provide screening to adjacent residential properties”. First of all, for trees to grow tall enough to provide any screening would take years. And secondly, as seen on my sketch below, the trees might reach up to the top of the second storey when mature, leaving the other two storeys without any privacy screening at all. Thirdly, deciduous trees lose their leaves in October thereby providing little or no privacy screening from October to April/May. Not to mention the added cost to our complex to have the leaves from 13 trees removed from our property in the Fall.



10 Davidson Boulevard - West View Toward 125 Pirie - February 24

6. The parking for the Retirement Home is listed as being 1 space for 85 apartments, 0.15 spaces / unit for visitors, and .5 spaces for each retirement suite. There is no mention of parking for staff who would work in the building. My concern would be some of the overflow parking may wind up in our very limited Visitor Parking area. And as an aside, for a Retirement Home to only have 6 of the stalls in the tenant parking area designated for handicapped parking seems a bit of an oxymoron.

For these, and many other reasons, such as an adverse effect on our property values with such a huge complex immediately adjacent, I again reiterate that I am opposed to the development at 125 Pirie Drive as presented.

Thank you.



Michele Gunn,



From: Mary Tuttle
Sent: Wednesday, August 31, 2022 8:50 AM
To: clerk@hamilton.ca
Subject: Zoning By-law Amendment (File No. ZAC-21-003)

To Whom It May Concern:

This is my input regarding **Zoning By-law Amendment Application ZAC-21-003**.

Before the Council makes a decision regarding ZAC-21-003 there are many aspects of this application to consider.

The request is for a zoning change so that FGL Pirie Inc can then put forward an application to build a 4-storey 159 unit (84 apartments and 75 suites) retirement home/seniors' building and 17 townhomes. This plan is not in keeping with the surrounding neighbourhood.

Consider:

1. The traffic on Governor's Road, as part of FGL's application a traffic study was done by Paradigm Ltd. This study is flawed due to the fact that it was carried out during the pandemic year of 2020. It does not reflect the reality of the volume of traffic on Governor's Road. There are three schools (2 Elementary and 1 High School) on Governor's that were not at full capacity during the study therefore there were many fewer school buses and students using the road.

Also many area residents were working from home resulting in less traffic volume.

2. Considering that there three schools on Governor's Road is it really a good idea to build a 159 unit building and 17 townhomes thereby increasing traffic volumes and mixing elementary and high school students crossing the road with increased traffic volumes?

3. Across the street (to the west) from this proposed development on Pirie there are townhomes and directly to the west of this row of townhomes is a horse farm and a conservation area. North, east and south are a mix of townhomes, and single family homes. Plunking down a 159 unit 4 storey building and 17 townhomes would destroy the character of the neighbourhood.

4. Please do not make a decision before you have all the facts. Paradigm Inc's traffic report outlines the fact that a driveway entrance to the development would be from Governor's Road and the report states that this conflicts with the existing HSR layby. Often there are two buses in the layby. Traffic, buses and an entrance driveway, it seems that there are possible big expensive infrastructure decisions hidden in the application that need to be made clear before a decision can be made.

Concerns include the project's density, level of intensification, main building height (4 stories) storm water run-off and increased traffic.

Considering all the issues with the plan as it exists, this is not the right project for this area. Major plan changes are needed.

Submitted by:
Mary Tuttle,

August 31, 2022

Michael Davis

City of Hamilton

Planning and Economic Development Department

RE: Zoning By-law Amendment (File no. ZAC-21-003)

Having received the Notice of complete application and preliminary Circulation for Zoning By-law amendment for the development of a 4 storey retirement home/senior's apartment building located at 125 Pirie Drive in Dundas, we have the following input:

1. With respect to the retirement facility, will the 4-storey apartment building contain all the necessary parking for all of its occupants and staff? This aspect of the plan appears short-sighted.
2. By design, there is no street parking possible in that area labelled Block 1 of the development. Combined with the fact that Pirie Drive is at its maximum for parking on the street, the proposed zoning does not address this shortfall.
3. We feel consideration should be given to a significant reduction in the number of single storey townhomes by at least 50% and allocate necessary parking spaces that will support the proposed 4 storey facility and support the overflow parking required for the townhouses, present and proposed.



Background

There is no street parking available for the length of Pirie Drive. It has been consumed by townhomes on lot 10 and lot 7. The townhomes/condos located on lot 10 and lot 7 were developed 30 years ago and this has evolved into the maximum use of street parking spaces. Sufficient parking was not built into the plans for these two developments back then and now this proposed development is proceeding down the same path assuming street parking will support the overflow parking needs of the area. It should be recognized that Pirie drive is a bus route and that there is absolutely no overflow parking available on the street.

As residents of the area for the past 30 years, it is our belief that a good portion of Block 1 should be allocated for parking for the 100 person 4 storey facility and not townhomes. We are not confident in the current plan to accommodate visitors and residents to this proposed facility. In summary we are opposed to the development of 16 townhouse dwellings.

Respectively

Dan & Susan Carreau



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 5, 2022
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek (PED22150) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-005, by IBI Group (c/o Jared Marcus), on behalf of Losani Homes (c/o Fred Losani) and 1080992 Ontario Inc. (c/o Dan Gabriel), Owners**, to remove the “Linkage” identifications from the subject lands to permit the development of 35 lots for single detached dwellings and the extension of public roads on lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, as shown on Appendix “A” attached to Report PED22150, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED22150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek (PED22150) (Ward 10) – Page 2 of 33

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That **Zoning By-law Amendment Application ZAC-17-015, by IBI Group (c/o Jared Marcus), on behalf of Losani Homes (c/o Fred Losani) and 1080992 Ontario Inc. (c/o Dan Gabriel), Owners**, for a change is zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-46” Zone, Modified (Block 1); from the Single Residential “R2” Zone to the Single Residential “R3-46” Zone, Modified (Block 2); from the Single Residential “R3-4” Zone, Modified to the Single Residential “R3-46” Zone, Modified (Block 3); from the Neighbourhood Development “ND” Zone to the Single Residential “R3-47” Zone, Modified (Block 4); from the Single Residential “R3” Zone to the Single Residential “R3-47” Zone, Modified (Block 5); from the Single Residential “R3-4” Zone, Modified to the Single Residential “R3-47” Zone, Modified (Block 6); from the Neighbourhood Development “ND” Zone to the Single Residential “R3-48” Zone, Modified (Block 7); from the Neighbourhood Development “ND” Zone to the Single Residential “R3-48(H)” Zone, Modified (Block 8); from the Single Residential “R3” Zone to the Single Residential “R3-49” Zone, Modified (Block 9); from the Neighbourhood Development “ND” Zone to the Single Residential “R4-38” Zone, Modified (Block 10); and, from the Single Residential “R3-4” Zone, Modified to the Single Residential “R4-38” Zone, Modified (Block 11), in order to permit the development of 35 lots for single detached dwellings and the extension of public roads on lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, as shown on Appendix “A” attached to Report PED22150, be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED22150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

The Holding (H) symbol for the Single Residential “R3-48(H)” Zone, Modified, Holding, may be removed and thereby give effect to the “R3-48” Zone provisions, upon completion of the following:

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek (PED22150) (Ward 10) – Page 3 of 33

1. That the final grading on Lot 35 has been approved and it can be clearly demonstrated how the turning movements can be successfully managed, to the satisfaction of the Director, Growth Management;
 - (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That **Zoning By-law Amendment Application ZAC-17-015, by IBI Group (c/o Jared Marcus), on behalf of Losani Homes (c/o Fred Losani) and 1080992 Ontario Inc. (c/o Dan Gabriel), Owners**, for a change in zoning from the Single Residential “R2” Zone to the Conservation / Hazard Land (P5) Zone, in order to establish a future linkage block and protect lands located within the flood and erosion hazards associated with the Lake Ontario shoreline, on lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, as shown on Appendix “A” attached to Report PED22150, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “D” to Report PED22150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That **Draft Plan of Subdivision Application 25T-201703, by IBI Group (c/o Jared Marcus), on behalf of Losani Homes (c/o Fred Losani) and 1080992 Ontario Inc. (c/o Dan Gabriel), Owners**, on lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, as shown on Appendix “A” to Report PED22150, be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Newport Yacht Club Phase 4” 25T-201703, prepared by A. Buonamici, and certified by Nicholas P. Muth, O.L.S., dated April 29, 2022, consisting of 35 lots for single

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detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions), attached as Appendix “F” to Report PED22150, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix “G” to Report PED22150;

- (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton responsibility for cost sharing for this subdivision;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

EXECUTIVE SUMMARY

The Applicant has applied for an Urban Hamilton Official Plan (UHOP) Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision to permit the development of 35 lots for single detached dwellings along the extension of public roads and the dedication of a future Linkage block to the City as compensation for removal of existing Linkages.

The purpose of the Official Plan Amendment (OPA) Application is to remove the Linkage identifications from the subject lands and the Zoning By-law Amendment Application is to change the zoning from the Neighbourhood Development “ND” Zone, Single Residential “R2” Zone, Single Residential “R3” Zone, and Single Residential “R3-4” Zone, Modified, to the Single Residential “R3-46” Zone, Modified, Single Residential “R3-47” Zone, Modified, Single Residential “R3-48” Zone, Modified, Single Residential “R3-48(H)” Zone, Modified, Single Residential “R3-49” Zone, Modified, Single Residential “R4-38” Zone, Modified, and the Conservation / Hazard Land (P5) Zone. Staff are supportive of the requested modifications.

An ‘H’ Holding Provision is recommended to require that the final grading on Lot 35 be approved and it can be clearly demonstrated how the turning movements can be successfully managed.

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The proposed Draft Plan of Subdivision will consist of 35 lots for single detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions).

The function of the removed Linkages will be compensated within the subject lands on the lands identified as Future Linkage Block, which will be protected through dedication to the City of Hamilton and is being rezoned to the Conservation / Hazard Land (P5) Zone in the implementing Zoning By-law Amendment.

The proposal has merit and can be supported as it is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), complies with the general intent of the UHOP, in particular, the function, scale and design of the Low Density Residential policies as they relate to residential intensification and complete communities in the Neighbourhoods designation, and represents good planning by, among other considerations, providing a compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned development in the surrounding area. The proposed development provides for residential infill and intensification which achieves the planned public road network envisioned by the Bayview Neighbourhood Plan which ensures land, municipal services, and transportation systems are used efficiently.

Alternatives for Consideration – See Page 32

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 OPA, Zoning By-law Amendment, and Draft Plan of Subdivision.

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HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Losani Homes (c/o Fred Losani) and 1080992 Ontario Inc. (c/o Dan Gabriel)
Applicant/Agent:	IBI Group (c/o Jared Marcus)
File Number:	UHOPA-17-005 ZAC-17-015 25T-201703
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment Draft Plan of Subdivision
Proposal:	35 lots for single detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions), as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150.
Property Details	
Municipal Address:	11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent
Lot Area:	±2.618 ha (Irregular)
Servicing:	Full municipal services.
Existing Use:	Vacant lands. An existing single detached dwelling is located on 11 Lakeside Drive, which is to be demolished.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.

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Documents	
Official Plan Proposed:	To remove the “Linkage” identifications on Volume 1: Schedule B – Natural Heritage System from the subject lands.
Zoning Existing:	Neighbourhood Development “ND” Zone; Single Residential “R2” Zone; Single Residential “R3” Zone; and, Single Residential “R3-4” Zone, Modified.
Zoning Proposed:	<ul style="list-style-type: none"> • Single Residential “R3-46” Zone, Modified (Blocks 1 to 3); • Single Residential “R3-47” Zone, Modified (Blocks 4 to 6); • Single Residential “R3-48” Zone, Modified (Block 7); • Single Residential “R3-48(H)” Zone, Modified (Block 8); • Single Residential “R3-49” Zone, Modified (Block 9); • Single Residential “R4-38” Zone, Modified (Blocks 10 and 11); and, • Conservation / Hazard Land (P5) Zone.
Modifications Proposed:	<p>“R3-46” Zone (Blocks 1 to 3):</p> <ul style="list-style-type: none"> • Minimum Lot Area; • Minimum Front, Side, and Read Yards; • Maximum Lot Coverage. <p>“R3-47” Zone (Blocks 4 to 6):</p> <ul style="list-style-type: none"> • Minimum Lot Area; • Minimum Lot Frontage; • Minimum Front, Side, and Read Yards; and, • Maximum Lot Coverage. <p>“R3-48” Zone (Blocks 7 and 8):</p> <ul style="list-style-type: none"> • Minimum Lot Area; • Minimum Front, Side, and Read Yards; and, • Maximum Lot Coverage. <p>“R3-49” Zone (Block 9):</p> <ul style="list-style-type: none"> • Minimum Front, Side, and Read Yards; and, • Maximum Lot Coverage. <p>“R4-38” Zone (Blocks 10 and 11):</p> <ul style="list-style-type: none"> • Minimum Front, Side, and Read Yards; and, • Maximum Lot Coverage. <p>(See Appendix “E” attached to Report PED22150.)</p>

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Processing Details	
Received:	December 23, 2016
Deemed Complete:	January 17, 2017
Notice of Complete Application:	Sent to 200 property owners within 120 m of the subject lands on January 27, 2017.
Public Notice Sign:	Posted February 23, 2018 and updated with Public Meeting date June 8, 2022.
Notice of Public Meeting:	Sent to 223 property owners within 120 m of the subject lands on June 17, 2022.
Public Comments:	Five letters / emails expressing concern or requesting additional information (see Appendix “H” attached to Report PED22150).
Revised Submissions Received:	<ul style="list-style-type: none"> • March 7, 2018; • July 5, 2018; • March 25, 2020; • May 15, 2020; • August 4, 2020; • September 11, 2020; • July 23, 2021; • February 11, 2022; • March 8, 2022; • April 27, 2022; and, • June 8, 2022.
Processing Time:	2020 days from receipt of initial Application, 27 days from receipt of final Application submission.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single Detached Dwelling Vacant Lands	Neighbourhood Development “ND” Zone; Single Residential “R2” Zone; Single Residential “R3” Zone; and, Single Residential “R3-4” Zone, Modified.

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Surrounding Land Uses:

North	Single Detached Dwellings	Single Residential “R2” Zone; and, Lake Ontario (City Limits).
South	Single Detached Dwellings	Single Residential “R3” Zone; and, Single Residential “R3-4” Zone, Modified.
East	Single Detached Dwellings	Single Residential “R1” Zone.
West	Single Detached Dwellings	Single Residential “R2” Zone; and, Single Residential “R3” Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

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

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and,
 - e) Promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- 1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted;
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

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

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

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

The proposed development is located within a settlement area. The development of single detached dwellings is an efficient use of land and represents an appropriate intensification of the site which will further enable the completion of the surrounding neighbourhood. The subject lands are well serviced by a comprehensive street network with nearby open spaces, which will encourage active transportation and increase the viability for introducing transit service to the area in the future.

Archaeology

- “2.6.2 *Development and site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.”

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

- 1) Within 250 metres of known archaeological sites;

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- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) Local knowledge associates areas with historic events/activities/occupations; and,
- 4) In an area of sandy soil in areas of clay or stone.

These criteria define the property as having archaeological potential. A Stage 1-2 (P013-427-2008) archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the report for compliance with licensing requirements in a letter dated February 19, 2010. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Hazardous Lands

“3.1.1 Development shall generally be directed to areas outside of:

- a. *Hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards.”*

A Shoreline Hazard Assessment, prepared by Shoreplan Engineering Ltd. and dated July 29, 2016 and response letter dated May 29, 2020, has been submitted and reviewed by the Hamilton Conservation Authority. A detailed design regarding the shorewall / retaining wall is required for the review and approval of the Hamilton Conservation Authority, which is addressed as Condition No. 35 of Appendix “G” attached to Report PED22150. Additionally, the implementing Zoning By-law attached as Appendix “D” to Report PED22150 proposes the Conservation/Hazard Land (P5) Zone for the hazard lands. Based on the foregoing, staff are satisfied that the proposal is consistent with Policy 3.1.1.

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

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

The proposal conforms with the Guiding Principles stated in Section 1.2.1 of A Place to Grow (2019), as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

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- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a. The vast majority of growth will be directed to *settlement areas* that:
 - i. Have a *delineated built boundary*;
 - ii. Have existing or planned *municipal water and wastewater systems*; and,
 - iii. Can support the achievement of *complete communities*;
 - c. Within *settlement areas*, growth will be focused in:
 - i. *Delineated built-up areas*;
 - ii. *Strategic growth areas*;
 - iii. Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
 - iv. Areas with existing or planned *public service facilities*;
- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a. Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,
 - c. Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are within the Urban Boundary in a settlement area and the proposal will provide opportunity to further enable the completion of the surrounding neighbourhood and street network with additional single detached dwellings, with existing and planned municipal services. The proposed development provides an efficient use of land with appropriate densities with nearby open spaces, which will

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encourage active transportation and increase the viability for introducing transit service to the area in the future.

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

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. In addition, Linkages have been identified on the subject lands on Schedule B – Natural Heritage System. The following policies, amongst others, apply to the proposal.

Hazard Lands

- “B.3.6.5.4 *Hazard lands* shall be placed in a separate zoning classification in the Zoning Bylaw;
- B.3.6.5.6 *Hazard lands* shall be conserved and land uses or activities which could be affected by prevailing hazardous conditions such as flooding or erosion, or could increase the inherent hazard, shall be prohibited in *hazard lands* and on lands adjacent to hazard lands; and,
- B.3.6.5.11 Development approvals shall not be granted within *hazard lands* or on lands adjacent to *hazard lands* that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority.”

As discussed above, the implementing Zoning By-law attached as Appendix “D” to Report PED22150 proposes the Conservation/Hazard Land (P5) Zone for the hazard lands. Uses permitted in the P5 Zone include conservation, flood and erosion control facilities, and passive recreational uses. The Hamilton Conservation Authority has no objections to this Application, as recommended by staff.

Natural Heritage

- “C.2.7.3 The City shall require the incorporation of Linkages into a design of new development requiring approval by this Plan to retain and enhance the cultural, aesthetic, and environmental qualities of the landscape, wherever possible and deemed feasible to the satisfaction of the City; and,

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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.”

The Linkage Assessment, prepared by LGL Environmental Research Associates, dated December 22, 2016 and updated August 7, 2019 by Myler Ecological Consulting, concluded that no threatened or endangered species were observed, the areas are degraded as they are impacted by a severe Emerald Ash Borer infestation and a dense understorey of exotic invasive Common Buckthorn, representative of a continued decline of the woodland which is predicted to cease to be woodland within a year or two and would result in the loss of the linkage function. The Linkage Assessment also note that there is an abundance of habitat within the landscape. The development concept proposes the removal of both Linkages.

Schedule B – Natural Heritage System of the UHOP identifies two wooded Linkages within the subject lands. The UHOP notes that Linkages are remnant natural areas within the landscape that connect Core Areas. In this regard, these Linkages are comprised of habitat representative of Stoney Creek (canopy dominated by Ash species with an understorey of European Buckthorn). These treed areas do not physically or directly abut or connect any Core Areas; however, provide a function as temporary refuge (cover, resting areas, foraging areas) and are “stepping stones” that facilitate the movement of migratory songbirds to larger stopover areas (i.e. Confederation Beach and Fifty Point Conservation Area).

Staff note that the Bayview Neighbourhood Plan identifies the entirety of the site for residential development and supporting infrastructure including public streets. The function of the removed Linkages will be compensated within the subject lands on the proposed Future Linkage Block (Block 51 as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150), and will be protected through dedication to the City of Hamilton, which is addressed through Condition No. 31 of Appendix “G” attached to Report PED22150, and is being rezoned to the Conservation / Hazard Land (P5) Zone in the implementing Zoning By-law Amendment, as shown on Appendix “D” attached to Report PED22150. Accordingly, staff consider it appropriate to remove the Linkages identification on the subject lands from Schedule B of the UHOP. Compensation plantings within the future linkage block has been addressed through Condition No. 30 of Appendix “G” attached to Report PED22150. The proposed Future Linkage Block is identified as a Core Area (Lake Ontario shoreline) on Schedule B – Natural Heritage System and therefore no further amendment to the UHOP to identify this Future Linkage Block is required.

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Trees have been identified in the subject property. Staff have reviewed the submitted Arborist Report, prepared by The Tree Specialists Inc. (Cletus Gavin, Certified Arborist), dated November 6, 2016 and revised February 6, 2017. A total of 782 trees have been inventoried, of which 749 have been identified for removal; however, due to the age of the inventory this information may not be representative of existing conditions. Of the 749 trees identified for removal, the vast majority are White Ash (in decline as noted above) with some Silver and Manitoba Maples and Black Walnut trees, among a few other species, which are mostly in fair condition with some poor or dead with few in good condition. To ensure existing tree cover is maintained, the City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan. To address these matters, a revised tree protection plan is required through Condition No. 29 of Appendix “G” attached to Report PED22150.

Low Density Residential

- “E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, 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:
- 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 dwelling units are intended to be in conformity with the maximum building height of 11 m allowed in the Single Residential “R3” Zone and Single Residential “R4” Zone. The lot widths and sizes are compatible with the existing streetscape. The proposed development of 35 single detached dwellings on 1.381 hectares has a net residential density of 25.3 units per hectare, which complies with the requirements for low density

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residential in the Neighbourhoods designation. The implementing Zoning By-law, attached as Appendix “C” to Report PED22150, ensures garages are recessed from principal building facades to support a pedestrian friendly streetscape. The proposed municipal roads will be complete with sidewalks and tree planted boulevards on both sides, which will be reviewed at the detailed design stage.

Transportation Network and Right-of-Ways

- “C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:
- f) Local roads, subject to the following policies:
 - ii) The basic maximum right-of-way widths for local roads shall be ... 20.117 metres ...;
- C.4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:
- a) Local to local roads: 4.57 m triangle or radius.”

Lakeside Drive and Cove Crescent are classified as local roads with a right-of-way width of 20.0 metres to match the existing local road right-of-way width of abutting municipal rights-of-way. 4.57 metre x 4.57 metre daylighting triangles are required at the intersection of Lakeside Drive and Cove Crescent, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150. 4.5 m x 4.5 m daylighting triangles will also be required at the future Lakeside Drive and Jones Road intersection, which is addressed as Condition No. 3 of Appendix “G” attached to Report PED22150.

Infrastructure and Servicing

- “C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system; and,
- C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly

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address on site drainage and to ensure that new *development* has no negative impact on off site drainage.”

Development Engineering Approvals staff have reviewed the Functional Servicing and Stormwater Management Report, prepared by A.J. Clarke and Associates Ltd. and revised July 23, 2021, and have identified a number of matters to be addressed at the detailed design stage and through special conditions of draft plan approval, as further detailed in the Relevant Consultation section below. These matters include, but are not limited to, grading, servicing, right-of-way requirements, cost sharing, the temporary turning circle at the west end of Lakeside Drive, land assembly, reconciling with existing and future development surrounding the subject lands, including existing properties on the north side of Lakeside Drive and the removal of the east-west Cove Crescent connection, and the provision of sidewalks, which are addressed as Condition Nos. 1 - 28 of Appendix “G” attached to Report PED22150. In addition, additional west side yard setbacks for Lot 4 and an ‘H’ Holding Provision on Lot 35, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150, have been included to address grading with the adjacent lands and to address driveway location and turning movements.

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,

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g) The plan of subdivision meets all requirements of the *Planning Act*.”

The proposed Draft Plan of Subdivision, attached as Appendix “F” to Report PED22150, consists of 35 lots for single detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions).

The proposal complies with the applicable policies of the UHOP, subject to approval of the proposed Official Plan Amendment. It is consistent with the Criteria for Staging of Development as the site can be serviced using existing and planned infrastructure and will not adversely impact upon the transportation system and the natural environment, subject to the proposed Draft Plan conditions. The proposed development will integrate well with the existing development in the Bayview Neighbourhood, will not adversely impact municipal finances, and meets all requirements of the *Planning Act*.

Based on the foregoing, the proposal complies with the applicable policies of the UHOP.

Bayview Neighbourhood Plan

The subject lands are designated “Low Density Residential” in the Bayview Neighbourhood Plan. The proposed roads are consistent with the planned road network for Lakeside Drive, Cove Crescent, and Sunnyvale Place. The future connection of Lakeside Drive and Sunnyvale Place to the west, as envisioned in the Bayview Neighbourhood Plan, and the removal of the temporary turning circles can be achieved through future development of adjacent lands. The proposal for 35 single detached dwellings on public roads complies with the Bayview Neighbourhood Plan.

Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200

The subject property is currently zoned Neighbourhood Development “ND” Zone, Single Residential “R2” Zone, Single Residential “R3” Zone, and Single Residential “R3-4” Zone, Modified in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” attached to Report PED22150. In order to permit the proposed development, the Zoning By-law Amendment Application proposes to rezone the subject property to the:

- Single Residential “R3-46” Zone, Modified (Blocks 1 to 3);
- Single Residential “R3-47” Zone, Modified (Blocks 4 to 6);
- Single Residential “R3-48” Zone, Modified (Block 7);

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- Single Residential “R3-48(H)” Zone, Modified (Block 8);
- Single Residential “R3-49” Zone, Modified (Block 9);
- Single Residential “R4-38” Zone, Modified (Blocks 10 and 11); and,
- Conservation / Hazard Land (P5) Zone.

The proposed zoning is further discussed in the Analysis and Rationale section of this Report, and an evaluation of the proposed modifications to the Single Residential “R3” and Single Residential “R4” Zones are included in Appendix “E” attached to Report PED22150.

RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> • Hydro One Networks Inc.; and, • Ministry of Transportation. 	No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • There will be no City Share or contribution by the City towards the proposed subdivision works; • The Applicant is required to submit an updated Functional Servicing and Stormwater Management Report (FSR) with their first detailed engineering submission to address any detailed design comments; • A new watermain in the standard location within the future Lakeside Drive is required to replace the existing watermain within the 6.0 m right-of-way (ROW); • The FSR shows a sanitary sewer outlet through lands not owned by the Applicant located at 515 Jones Road. The Applicant will be required to obtain a 10.0 m easement through those lands; and, • The Applicant shall also pay 50% of the servicing costs to complete the future section of Lakeside Drive between the currently proposed full ROW and Jones Road. 	<ul style="list-style-type: none"> • An updated Stormwater Management Report, replacement of existing utilities, watermain replacement, servicing of existing lots, grading, fencing, barricades, geotechnical report, and parking plan, are addressed as Condition Nos. 4, 5, 8, 10, 16, 17, 20, 24, and 27 of Appendix “G” attached to Report PED22150 and will be addressed through detailed design. •

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> • The Applicant is required to provide municipal service line extensions to the property lines of existing lots on the north side of Lakeside Drive; • A cost recovery clause will be inserted into the standard form subdivision agreement for this development for the City to recover costs from the lots on the north side of Lakeside Drive that benefit from the new municipal services and direct access to a full municipal road as a condition of a land severance Application or prior to release of a sewer/water permit for those lots; • A detailed grading plan is required and needs to address boulevard grading, including driveway and municipal sidewalks; • A Geotechnical Report is required to address the shallow cover for the proposed storm sewer; • A 2.2 m west side yard setback is required on Lot 4 to reconcile grading within the adjacent lands; • An 'H' Holding Provision is required for Lot 35, as shown on the Draft Plan of Subdivision attached as Appendix "F" to Report PED22150, to reconcile grading with the adjacent lands and to address driveway location and turning movements; and, • Block 38, as shown on the Draft Plan of Subdivision attached as Appendix "F" to Report PED22150, shall be transferred to the City and dedicated as a temporary turning circle. Further, Block 39 shall remain undevelopable until such time as the lands are assembled with Block 38 and satisfactory grading can be demonstrated. 	<ul style="list-style-type: none"> • Lot 4 grading is addressed as Condition No. 19 of Appendix "G" attached to Report PED22150, and the additional setback is addressed in the amending Zoning By-law attached as Appendix "C" to Report PED22150; and, • Grading and infrastructure located beyond the flood hazard limit is addressed as Condition Nos. 6 and 9 of Appendix "G" attached to Report PED22150. • Easements and cost sharing for the future Lakeside Drive ROW through 515 Jones Road is addressed as Condition Nos. 7, 12, and 28 of Appendix "G" attached to Report PED22150; • The remaining 6.0 m Lakeside Drive ROWs are addressed as Condition Nos. 21 – 23 of Appendix "G" attached to Report PED22150; and, • The 'H' Holding Provision on Lot 35 is addressed in the amending Zoning By-law attached as Appendix "C" to Report PED22150

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> Any grading, structures or infrastructure proposed beyond the flood hazard limit requires approvals of the applicable authorities; The Applicant is required to construct 1.5 wide sidewalks on Lakeside Drive and Cove Crescent; Proposed Lots 18-20 and 32-34 are currently registered as Blocks and a public highway for the existing temporary east-west Cove Crescent connection. The Applicant is required to acquire the lands and remove and restore the existing temporary road connection prior to development as future residential lots, and the public highway would need to be closed by a Road Closure by-law prior to transfer; The driveway apron of 149 Cove Crescent shall be reconstructed and reoriented perpendicular to the proposed road and centred on the existing garage; The Applicant shall regularly inspect and maintain the existing 6.0 m Lakeside Drive ROWs located at the east and west limits of the subject lands in perpetuity. The Applicant shall also agree to transfer to the City and dedicate as municipal ROW the easterly Block 49, as shown on the Draft Plan of Subdivision attached as Appendix "F" to Report PED22150, upon request from the City; and, A barricade is required at the east of Lakeside Drive to restrict through access to Jones Road via Block 49. This barricade is to be located at the west side of 8 Lakeside Drive to maintain driveway access for lands fronting Block 49 via Jones Road. 	<ul style="list-style-type: none"> The temporary turning circle and future development block at the west end of Lakeside Drive (Blocks 38 and 39) are addressed as Condition Nos. 13 and 14 of Appendix "G" attached to Report PED22150; Currently undevelopable Block 50 is addressed as Condition No. 15 of Appendix "G" attached to Report PED22150; The provision of sidewalks is addressed as Condition No. 1 of Appendix "G" attached to Report PED22150; The 149 Cove Crescent driveway is addressed as Condition No. 2 of Appendix "G" attached to Report PED22150; Future daylighting triangles at Jones Road are addressed as Condition No. 3 of Appendix "G" attached to Report PED22150; 0.3 m reserves are addressed as Condition No. 11 of Appendix "G" attached to Report PED22150; and, A Construction Staging Plan is addressed as Condition No. 18 of Appendix "G" attached to Report PED22150.

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> • The proposed on-street parking plan does not demonstrate how the minimum parking requirements of 0.4 spaces per dwelling unit will be provided; • An updated parking plan is required at the detailed design stage identifying sufficient interim and ultimate on-street parking spaces. • 0.3 m reserve blocks are required along the proposed Lakeside Drive right-of-way abutting adjacent parcels to the east and west and along the frontages of future development blocks; • Block 50, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150, shall remain undevelopable until such time as the lands are assembled with adjacent lands and satisfactory grading can be demonstrated; • The Applicant shall demonstrate that they have attempted to obtain lands from the adjacent owner for 4.5 m x 4.5 m daylighting triangles at the future Lakeside Drive and Jones Road intersection; • A Construction Staging Plan is required to identify how safe and continuous access will be provided to all existing properties during all construction stages; and, • All expenses to remove or relocate, as may be required, all affected utility infrastructure shall be at the sole expense of the Applicant. 	<ul style="list-style-type: none"> • The closure, transfer and removal of the east-west Cove Crescent connection is addressed as Condition Nos. 25 and 26 of Appendix “G” attached to Report PED22150.

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> Block 51, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150, shall have a 1.5 m tall black vinyl chain link fence constructed along the side property lines abutting the existing residential properties. 	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> The Arborist Report, prepared by The Tree Specialists Inc. (Cletus Gavin, Certified Arborist) and dated November 6, 2016, has identified that there are no municipal tree assets identified to be affected by the proposed development and therefore no further Tree Management Plan is required; and, A Landscape Plan, prepared and signed by a certified Landscape Architect, is required. 	<ul style="list-style-type: none"> A Landscape Plan is addressed as Condition 2.8 of the City’s Standard Conditions of Subdivision Approval. The condition of Street Tree Planting will be cleared upon receipt of a plan depicting new trees and payment of permit, loss of tree canopy, and street tree planting fees.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> It should be determined how access will be maintained for the existing residential lots which are currently accessed via the existing Lakeside Drive, and through traffic for Cove Crescent via the temporary east-west connector road; Street naming and municipal addressing for the lots and blocks within the proposed subdivision will be determined after Draft Plan approval is granted; and, Requested that a note be included in the draft plan conditions indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted. 	<ul style="list-style-type: none"> A Construction Staging Plan, which clearly identifies how safe and continuous access will be maintained during all construction stages, will be required as part of the Detailed Engineering design and is addressed as Condition No. 18 of Appendix “G” attached to Report PED22150.

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	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department (Continued)		<ul style="list-style-type: none"> Addressing of the lots within this subdivision is addressed as Condition No. 32 of Appendix “G” attached to Report PED22150; Approval limitation has been added as Note No. 1 on the conditions of Draft Plan of Subdivision approval (see Appendix “G” attached to Report
Landscape Architectural Services (LAS), Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> Block 51 (Future Linkage Block) shall not contribute to parkland dedication; and, Requests cash-in-lieu of parkland dedication. 	<ul style="list-style-type: none"> Cash-in-lieu of parkland will be addressed through the standard form Subdivision Agreement and will be required to be paid prior to the issuance of any building permits.
Recreation Division, Healthy and Safe Communities Department	<ul style="list-style-type: none"> The proposed development is within 800 m of Waterford Neighbourhood Park. Ensure sidewalks are provided for this development to encourage pedestrian safety and healthy communities. 	<ul style="list-style-type: none"> 1.5 m separated concrete sidewalks are required on both sides of Lakeside Drive and Cove Crescent, which is addressed as Condition No. 1 of Appendix “G” attached to Report PED22150.
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> This development is eligible for municipal waste collection service subject to meeting the City’s requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City’s waste collection requirements. 	<ul style="list-style-type: none"> Waste collection requirements are addressed as Note No. 2 on the conditions of Draft Plan of Subdivision approval (see Appendix “G” attached to Report PED22150).

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> The surrounding transportation network can support the proposed development, and no further study is required; A traffic signal analysis for the intersections of North Service Road and Jones Road, and North Service Road and Waterford Crescent, prepared by IBI Group and dated February 26, 2020, indicates that traffic signals are not required at these intersections in order to support this development; 20.0 metre ROWs for Lakeside Drive and Cove Crescent are acceptable, subject to functional requirements of the City, and local road daylighting triangles of 4.57 m x 4.57 m have been provided at the intersections of Lakeside Drive and Cove Crescent; and, In order to protect the existing and future pedestrian realm, cycling infrastructure and road network, right-of-way (ROW) dedications along the extensions of Cove Crescent shall be aligned; 1.5 metre sidewalks are required along both sides of the municipal rights-of-way; and, residential driveways for corner lots (Lots 14, 24, 28, and 35 as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150) shall be placed in locations which do not disrupt future potential pedestrian crossing locations. 	<ul style="list-style-type: none"> Daylighting triangle requirements are addressed as Condition No. 3 of Appendix “G” attached to Report PED22150; The proposed Cove Crescent extension ROWs, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150, align to the existing Cove Crescent ROWs; 1.5 m separated concrete sidewalks are required on both sides of Lakeside Drive and Cove Crescent, which is addressed as Condition No. 1 of Appendix “G” attached to Report PED22150; and, A parking plan and a conceptual pavement markings and traffic signage plan are required and are addressed as Condition Nos. 17 and 33 of Appendix “G” attached to Report PED22150.
Canada Post Corporation	<ul style="list-style-type: none"> Owners / developers are required to notify purchasers of Centralized Mailbox locations. Provided their requirements for the Centralized Mailbox locations. 	<ul style="list-style-type: none"> This requirement is a Standard Condition of Draft Approval.

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	Comment	Staff Response
Enbridge Gas Inc.	<ul style="list-style-type: none"> Requested that as a condition of final approval, the owner is required to provide the necessary easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to them. 	<ul style="list-style-type: none"> This requirement is a Standard Condition of Draft Approval.
Hamilton Conservation Authority (HCA)	<ul style="list-style-type: none"> The proposed development will result in a significant increase in impermeable area. As the property drains to Lake Ontario, the Applicant will be required to provide enhanced stormwater quality control; and, HCA staff have reviewed the Functional Servicing and Stormwater Management Report, prepared by A.J. Clarke and Associates and dated July 23, 2021, and continue to have some concerns regarding the proposed stormwater management approach with respect to achieving the required level of storm water treatment, demonstrating that storm water leaving the outlet is not another source of dynamic beach erosion in the vicinity of the outfall, and the proposed construction of another outlet to Lake Ontario on Lot 2 (HCA staff recommend to consider sheet flow over the retaining wall within Lots 1, 2 and 3 provided minimum soil grades are achieved). These outstanding comments can be addressed through draft plan conditions. 	<ul style="list-style-type: none"> Engineering and stormwater management comments requiring a final full stormwater management report, grading plan; Drainage plan and erosion and settlement control plan to HCA's satisfaction are addressed as Condition Nos. 20 and 34 of Appendix "G" attached to Report PED22150; and, The Linkage function for migrating birds is discussed in greater detail in the Policy Implications and Legislated Requirements section of this Report.

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	Comment	Staff Response
Hamilton Conservation Authority (HCA) (Continued)	<ul style="list-style-type: none"> • The Linkage Assessment, prepared by LGL Environmental Research Associates, dated December 22, 2016 and updated August 7, 2019 by Myler Ecological Consulting, show that this area is used by migrating birds and it is a function of the site. However, these comments are advisory to City of Hamilton staff and do not form part of their regulatory approvals. HCA defers this matter to the City of Hamilton; • Lots 1 to 3 and Block 51 abut the Lake Ontario shoreline and are partially located within the flood and erosion hazards associated with the lake. Therefore, portions of these lots are regulated by the HCA pursuant to <i>Ontario Regulation 161/06</i>; • HCA staff have reviewed the Shoreline Hazard Assessment, prepared by Shoreplan Engineering Ltd. and dated July 29, 2016 and response letter dated dated May 29, 2020. Comments regarding the shorewall / retaining wall and dynamic beach hazard have been satisfactorily addressed; however, a detailed design for the wall in accordance with the assessment's recommendations shall be required as a condition of draft plan approval. HCA staff further recommend the lands falling within the shoreline flood and erosion hazards be appropriately designated in UHOP and zoned as the Conservation / Hazard Land (P5) Zone to recognize the extent of the hazards on the parcels and to be consistent with natural hazard policies of the PPS; • An HCA Permit is required prior to any development occurring on the lands. 	<ul style="list-style-type: none"> • The Lake Ontario shoreline is appropriately identified as a Core Area on Schedule B – Natural Heritage System in the Urban Hamilton Official Plan, the hazard lands including the entirety of the future linkage block along the Lake Ontario shoreline is being rezoned to the Conservation / Hazard Land (P5) Zone, and the detailed shorewall / retaining wall design is addressed as Condition No. 35 of Appendix "G" attached to Report PED22150; and, • An HCA Permit is required and is addressed as Condition No. 36 of Appendix "G" attached to Report PED22150.

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	Comment	Staff Response
Horizon Utilities	<ul style="list-style-type: none"> Advised that the Developer needs to contact their Engineering Design Department to facilitate development. The developer shall be responsible for the cost of installation, relocation, modification, or removal of hydro facilities. 	<ul style="list-style-type: none"> This requirement is a Standard Condition of Draft Approval.

Public Consultation		
	Comment	Staff Response
Grading and Drainage	There is a significant change in elevation between the subject lands and adjacent properties, notably at the rear of 11 and 19 Lakeside Drive. There is concern about how this will be graded and a desire to not have a retaining wall installed.	The Functional Grading Plan, prepared by A.J. Clarke and Associates Ltd. and dated July 2021, identifies a retaining wall up to 1.2 metres in height along the rear of proposed Lots 15-17 above the adjacent property to the west (57 Waterford Crescent), to address for the change in grade, provide useable amenity space for the proposed Lots, and to direct overland flows towards Lakeside Drive and ultimately Lake Ontario.
Extension of Cove Crescent	The lots located at the current termini of Cove Crescent, and the closure/removal of the east-west connector road, will impact privacy, existing corner / end lot conditions, and views of Lake Ontario.	The proposed extension of Cove Crescent is consistent with the planned road network within the Bayview Neighbourhood Plan. "The Harbours of Bayview Estates Stage 2" subdivision (Registered Plan 62M-645) intended the east-west connector road to be temporary until Cove Crescent is extended north to a new public road and the future development blocks between the existing lots and the temporary road can be developed with adjacent lands.

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	Comment	Staff Response
Lot Location and Size	There were questions clarifying the lot boundaries of 11 Lakeside Drive, and why three 11.0 m lots are proposed instead of two 16.5 m lots more consistent with the existing lands to the south.	Proposed Lots 15-17 on the Draft Plan of Subdivision, attached as Appendix “F” to Report PED22150, maintain consistent rear lot lines along Cove Crescent inclusive of all of the lands located at 11 Lakeside Drive. The proposed lots comply with Urban Hamilton Official Plan policies for compatible integration with the surrounding area in terms of scale and density.
Construction Impacts	There is concern about noise, debris, and privacy impacts as a result of construction adjacent to existing dwellings.	To mitigate impacts of construction activities during development of the site, procedures for dealing with dust control and street maintenance/cleaning, including measures to prevent mud, debris and materials being tracked onto public streets, is addressed as Condition 3.06 of the City’s Standard Conditions of Subdivision Approval.
Neighbourhood Development “ND” Zone	Inquiry regarding what the current “ND” Zone means.	The “ND” Zone permits urban farms, community gardens, greenhouse development, agricultural uses, and single detached dwellings that were in existence at the time that the Zoning By-law was passed (i.e. in existence prior to 1992).

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 200 property owners within 120 m of the subject lands on January 27, 2017.

A Public Notice Sign was posted on the property on February 23, 2018, and updated on June 8, 2022, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on June 17, 2022.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy which included a neighbourhood open house held on February 17, 2022 and hosted by the Applicant virtually using the Zoom platform. The

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Applicant presented the proposal to members of the public and addressed questions and concerns associated with the Application. A notice advising of the neighbourhood information meeting was sent by the Applicant to all residents within 120 m of the subject lands. Members of the public, staff from the City and the Ward Councillor's office, and the Applicant and their agent, attended the meeting. The Meeting Comments, including applicable responses from the Applicant, are included in Appendix "I" to Report PED22150.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - ii) It complies with the general intent and purpose of the UHOP, in particular, the function, scale and design of the Low Density Residential policies as they relate to residential intensification and complete communities in the Neighbourhoods designation; and,
 - iii) The proposal represents good planning by, among other considerations, providing a compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned land uses and development in the surrounding area. The proposed development provides for residential infill and intensification which achieves the planned public road network envisioned by the Bayview Neighbourhood Plan which ensures land, municipal services, and transportation systems are used efficiently.

2. The proposed UHOP Amendment is required to remove the "Linkage" identifications from the subject lands. As per the UHOP policies identified above, the proposed OPA can be supported given that the Bayview Neighbourhood Plan identifies the entirety of the site for residential development and supporting infrastructure including public streets and that the Linkage Assessment, prepared by LGL Environmental Research Associates, dated December 22, 2016 and updated August 7, 2019 by Myler Ecological Consulting, concluded that no threatened or endangered species were observed, the areas are degraded as they are impacted by Emerald Ash Borer and invasive species, and that there is an abundance of habitat within the landscape. The function of the removed Linkages will be compensated within the subject lands which will be protected through dedication to the City of Hamilton, which is addressed through Condition Nos. 30

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and 32 of Appendix “G” attached to Report PED22150, and the implementing Zoning By-law Amendment. Therefore, staff support the proposed OPA.

3. The proposed Zoning By-law Amendment Application will permit 35 lots for single detached dwellings along the extension of public roads and establish a future linkage block.

Given that the proposed subdivision will complement the existing and planned surrounding neighbourhood envisioned by the Bayview Neighbourhood Plan, will provide a mixture of lot widths and block sizes compatible with existing and planned development in the area, will be consistent with the character of the surrounding area, and will provide long term protection to the future Linkage Block 51 which will be protected through dedication to the City of Hamilton, which is addressed through Condition No. 31 of Appendix “G” attached to Report PED22150, staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the Single Residential “R3” and Single Residential “R4” Zones. These are discussed in Appendix “E” attached to Report PED22150.

4. An ‘H’ Holding Provision is recommended to require that the final grading on Lot 35 has been approved and it can be clearly demonstrated how the turning movements can be successfully managed and is included in the draft Zoning By-law Amendment attached as Appendix “C” attached to Report PED22150.
5. The proposed Draft Plan of Subdivision will consist of 35 lots for single detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions).

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 the 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;

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- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan upon approval of the Urban Hamilton Official Plan Amendment, and implements the Bayview Neighbourhood Plan;
- (d) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;
- (e) The dimensions and shape of the lots and blocks are appropriate;
- (f) 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;
- (g) 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;
- (h) 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; and,
- (i) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

ALTERNATIVES FOR CONSIDERATION

Should the Applications be denied, the lands could be developed in accordance with Neighbourhood Development “ND” Zone, Single Residential “R2” Zone, Single Residential “R3” Zone, and Single Residential “R3-4” Zone, Modified, which permits uses including, but not limited to, agricultural uses, existing uses, and single detached dwellings.

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.

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Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Our People and Performance

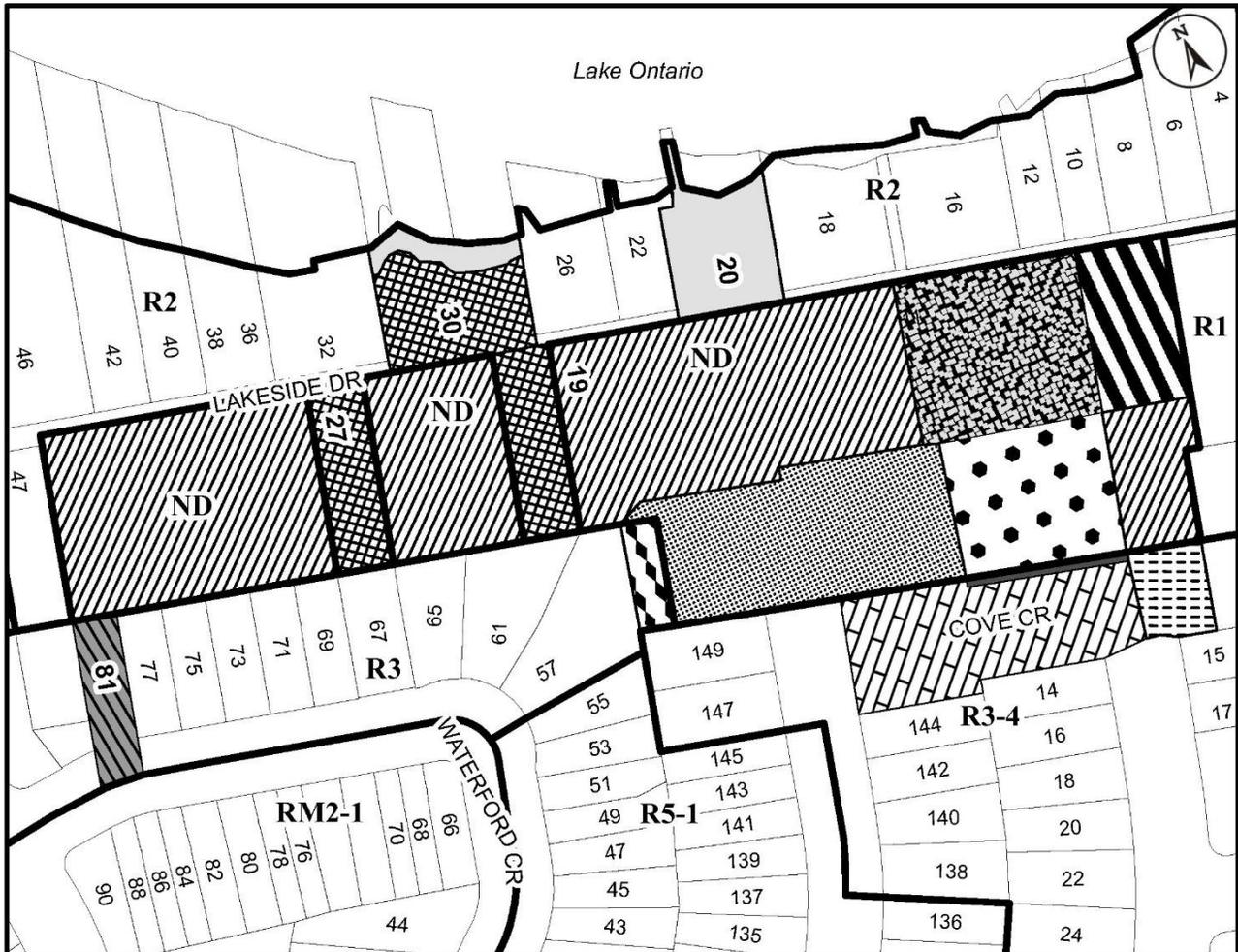
Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

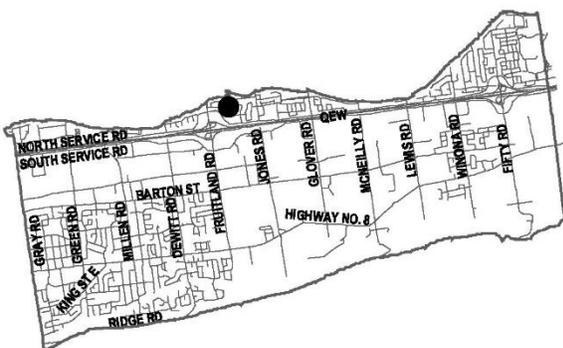
- Appendix “A” to Report PED22150 – Location Map
- Appendix “B” to Report PED22150 – Draft Official Plan Amendment
- Appendix “C” to Report PED22150 – Draft Amendment to Zoning By-law No. 3692-92
- Appendix “D” to Report PED22150 – Draft Amendment to Zoning By-law No. 05-200
- Appendix “E” to Report PED22150 – Zoning Modification Chart
- Appendix “F” to Report PED22150 – Proposed Draft Plan of Subdivision
- Appendix “G” to Report PED22150 – Draft Plan of Subdivision Special Conditions
- Appendix “H” to Report PED22150 – Public Submissions
- Appendix “I” to Report PED22150 – Open House Materials

TV:sd

Appendix "A" to Report PED22150
Page 1 of 2



● Site Location



Key Map - Ward 10

Location Map 1 of 2



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-015 & 25T-201703 & UHOPA-17-005

Date:
June 9, 2022

Appendix "A"

Scale:
N.T.S

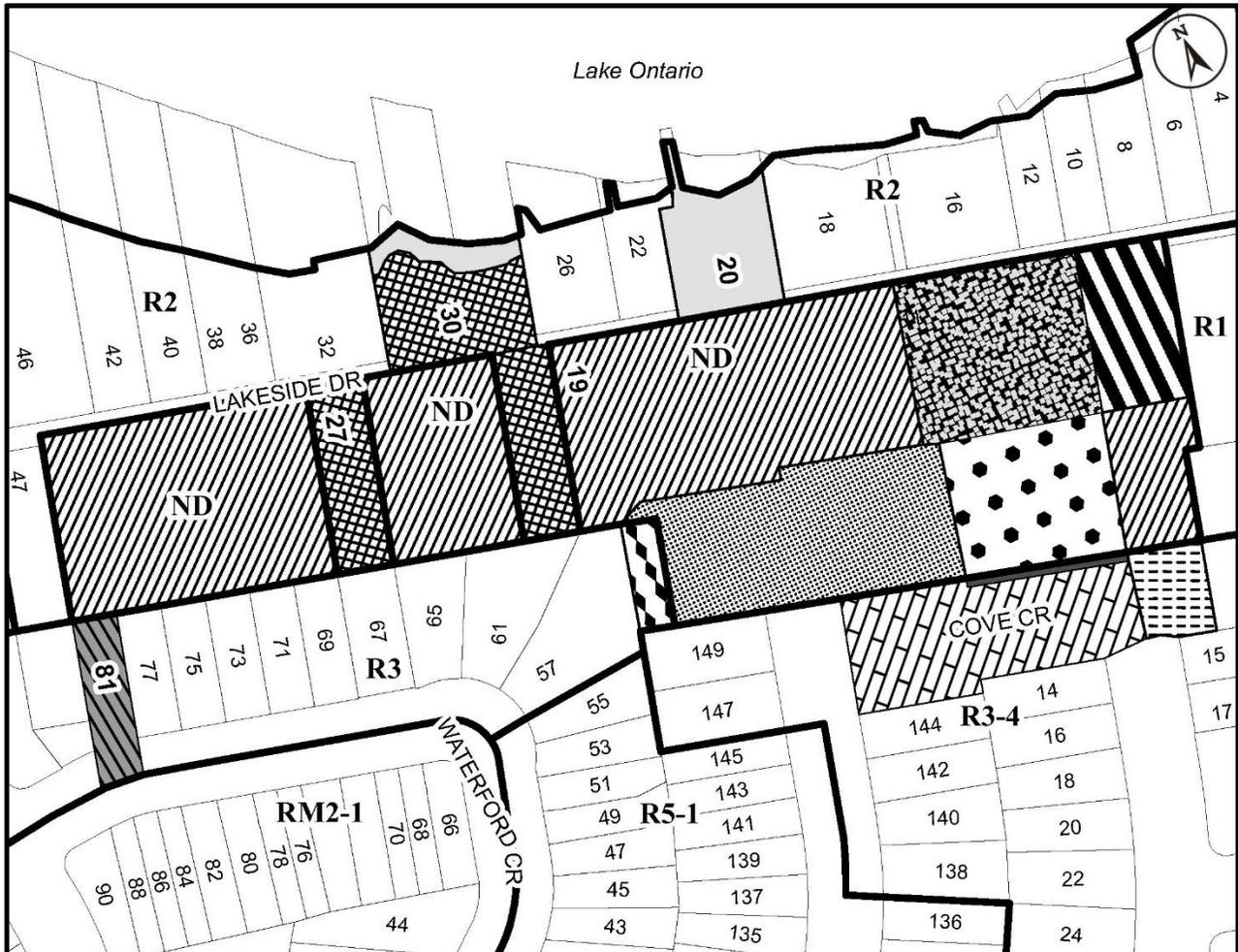
Planner/Technician:
TV/VS

Subject Property

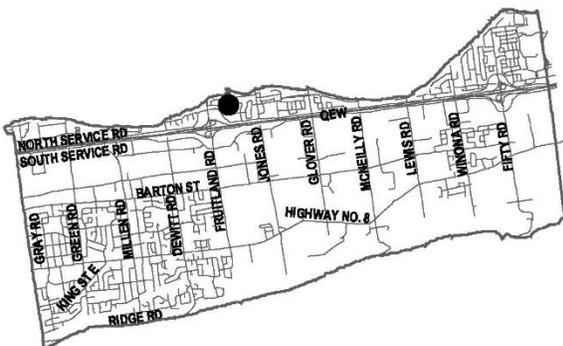
11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent

-  Block 1 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-46" Zone, Modified
-  Block 2 – Change in zoning from the Single Residential "R2" Zone to the Single Residential "R3-46" Zone, Modified
-  Block 3 – Change in zoning from the Single Residential "R3-4" Zone, Modified to the Single Residential "R3-46" Zone, Modified
-  Block 4 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-47" Zone, Modified
-  Block 5 – Change in zoning from the Single Residential "R3" Zone, Modified to the Single Residential "R3-47" Zone, Modified
-  Block 6 – Change in zoning from the Single Residential "R3-4" Zone, Modified to the Single Residential "R3-47" Zone, Modified

Appendix "A" to Report PED22150
Page 2 of 2



● Site Location



Key Map - Ward 10

Location Map 2 of 2



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-015 & 25T-201703 & UHOPA-17-005

Date:
June 9, 2022

Appendix "A"

Scale:
N.T.S

Planner/Technician:
TV/VS

Subject Property

11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent

-  Block 7 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-48" Zone, Modified
-  Block 8 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-48(H)" Zone, Modified
-  Block 9 – Change in zoning from the Single Residential "R3" Zone to the Single Residential "R3-49" Zone, Modified
-  Block 10 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-38" Zone, Modified
-  Block 11 – Change in zoning from the Single Residential "R3-4" Zone, Modified to the Single Residential "R4-38" Zone, Modified
-  Lands to be zoned Conservation / Hazard Land (P5) Zone

Schedule "1"

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with Appendix "A" – Volume 1: Schedule B – Natural Heritage System attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to remove the "Linkage" identifications from the subject lands to permit the development of 35 lots for single detached dwellings.

2.0 **Location:**

The lands affected by this Amendment are known municipally as 11 and 19 Lakeside Drive and 81 Waterford Crescent, in the former City of Stoney Creek.

3.0 **Basis:**

The basis for permitting this Amendment is:

- The proposed development complies with the function, scale and design policies of the Low Density Residential use categories of the Neighbourhoods designation.
- The function of the removed Linkages will be compensated elsewhere within the subject lands which will be protected in perpetuity through the implementing Zoning By-Law Amendment and Draft Plan of Subdivision and through dedication to the City of Hamilton.
- The proposed development will be compatible and complementary with the existing and planned development in the immediate area.
- Adequate servicing and transportation capacity are available for the proposed uses.

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

4.0 **Actual Changes:**

4.1 **Volume 1 – Parent Plan**

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule B – Natural Heritage System be amended by removing the "Linkage" identifications from the subject lands, as shown on Appendix "A", attached to this Amendment.

5.0 **Implementation:**

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

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of __, 2022.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK



**Appendix “C” to Report PED22150
Page 1 of 8**

Authority: Item _____, Planning Committee
Report PED22150
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. 22-_____

**To Amend Zoning By-law No. 3692-92
Respecting Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81
Waterford Crescent, Stoney Creek**

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former 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 of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item X of Report PED22150 of the Planning Committee at its meeting held on the ____ day of _____, 2022, which recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. XX.

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

1. That Map No. 2 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - (a) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-46” Zone, Modified, the extent and

Appendix “C” to Report PED22150
Page 2 of 8

- boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 1);
- (b) by changing the zoning from the Single Residential “R2” Zone to the Single Residential “R3-46” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 2);
 - (c) by changing the zoning from the Single Residential “R3-4” Zone, Modified to the Single Residential “R3-46” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 3);
 - (d) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-47” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 4);
 - (e) by changing the zoning from the Single Residential “R3” Zone to the Single Residential “R3-47” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 5);
 - (f) by changing the zoning from the Single Residential “R3-4” Zone, Modified to the Single Residential “R3-47” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 6);
 - (g) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-48” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 7);
 - (h) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-48(H)” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 8);
 - (i) by changing the zoning from the Single Residential “R3” Zone to the Single Residential “R3-49” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 9);
 - (j) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-38” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 10); and,
 - (k) by changing the zoning from the Single Residential “R3-4” Zone, Modified to the Single Residential “R4-38” Zone, Modified, the extent and

Appendix "C" to Report PED22150
Page 3 of 8

boundaries of which are shown on a plan hereto annexed as Schedule "A" (Block 11).

2. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R3-46", as follows:

"R3-46" 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule "A" Map No. 2 (Blocks 1, 2, and 3)

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), and (g) of Subsection 6.4.3 of Section 6.4, Single Residential "R3" Zone, on those lands zoned "R3-46" by this By-law, the following shall apply:

- | | | |
|-----|------------------------|--|
| (a) | Minimum Lot Area | |
| | Interior Lot - | 370 square metres |
| | Corner Lot - | 400 square metres |
| (c) | Minimum Front Yard - | 3.5 metres to the dwelling, except 6.0 metres to an attached garage. |
| (d) | Minimum Side Yard | |
| | Interior Lot - | 1.2 metres on the side with the garage and 0.6 metres on the other side. |
| | Corner Lot - | 1.2 metres on the side with the garage and 2.3 metres on the flankage yard, except that an attached garage or attached carport fronting the flankage lot line shall not be located within 5.5 metres of the flankage lot line. |
| (e) | Minimum Rear Yard - | 6.0 metres |
| (g) | Maximum Lot Coverage - | 62 percent |

3. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R3-47", as follows:

"R3-47" 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule "A" Map No. 2 (Blocks 4, 5, and 6)

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), and (g) of Subsection 6.4.3 of Section 6.4, Single Residential "R3" Zone, on those lands zoned "R3-47" by this By-law, the following shall apply:

- | | | |
|-----|------------------------|-------------------|
| (a) | Minimum Lot Area - | 355 square metres |
| (b) | Minimum Lot Frontage - | 11.0 metres |

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Page 4 of 8

- (c) Minimum Front Yard - 3.5 metres to the dwelling, except 6.0 metres to an attached garage.
- (d) Minimum Side Yard - 1.2 metres on the side with the garage and 0.6 metres on the other side.
- (e) Minimum Rear Yard - 6.0 metres
- (g) Maximum Lot Coverage - 62 percent

In addition to Subsection 6.4.3 of Section 6.4, Single Residential “R3” Zone, those lands zoned “R3-47” by this By-law shall not apply to corner lots.

4. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential “R3” Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption “R3-48”, as follows:

“R3-48” 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule “A” Map No. 2 (Block 7)

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), and (g) of Subsection 6.4.3 of Section 6.4, Single Residential “R3” Zone, on those lands zoned “R3-48” by this By-law, the following shall apply:

- (a) Minimum Lot Area
 - Interior Lot - 330 square metres
 - Corner Lot - 370 square metres
 - (c) Minimum Front Yard - 3.5 metres to the dwelling, except 6.0 metres to an attached garage.
 - (d) Minimum Side Yard
 - Interior Lot - 1.2 metres on the side with the garage and 0.6 metres on the other side.
 - Corner Lot - 1.2 metres on the side with the garage and 2.3 metres on the flankage yard, except that an attached garage or attached carport fronting the flankage lot line shall not be located within 5.5 metres of the flankage lot line.
 - (e) Minimum Rear Yard - 6.0 metres
 - (g) Maximum Lot Coverage - 62 percent
5. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential “R3” Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption “R3-48(H)”, as follows:

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"R3-48(H)" 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule "A" Map No. 2 (Block 8)

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R3-48(H)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "R3-48" Zone provisions in Section 4 above, upon completion of the following:

- (a) That the final grading on Lot 35 has been approved and it can be clearly demonstrated how the turning movements can be successfully managed, to the satisfaction of the Director, Growth Management.
6. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R3-49", as follows:

"R3-49" 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule "A" Map No. 2 (Block 9)

Notwithstanding the provisions of Paragraphs (c), (d), (e), and (g) of Subsection 6.4.3 of Section 6.4, Single Residential "R3" Zone, on those lands zoned "R3-49" by this By-law, the following shall apply:

- (c) Minimum Front Yard - 3.5 metres to the dwelling, except 6.0 metres to an attached garage.
- (d) Minimum Side Yard - 1.2 metres on the east side and 2.2 metres on the west side.
- (e) Minimum Rear Yard - 6.0 metres
- (g) Maximum Lot Coverage - 62 percent

In addition to Subsection 6.4.3 of Section 6.4, Single Residential "R3" Zone, those lands zoned "R3-49" by this By-law shall not apply to corner lots.

7. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R4-38", as follows:

"R4-38" 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule "A" Map No. 2 (Blocks 10 and 11)

Notwithstanding the provisions of Paragraphs (c), (d), (e), and (g) of Subsection 6.5.3 of Section 6.5, Single Residential "R4" Zone, on those lands zoned "R4-38" by this By-law, the following shall apply:

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- (c) Minimum Front Yard - 3.5 metres to the dwelling, except 6.0 metres to an attached garage.
- (d) Minimum Side Yard - 1.2 metres on the side with the garage and 0.6 metres on the other side.
- (e) Minimum Rear Yard - 6.0 metres
- (g) Maximum Lot Coverage - 62 percent

In addition to Subsection 6.5.3 of Section 6.5, Single Residential “R4” Zone, those lands zoned “R4-38” by this By-law shall not apply to corner lots.

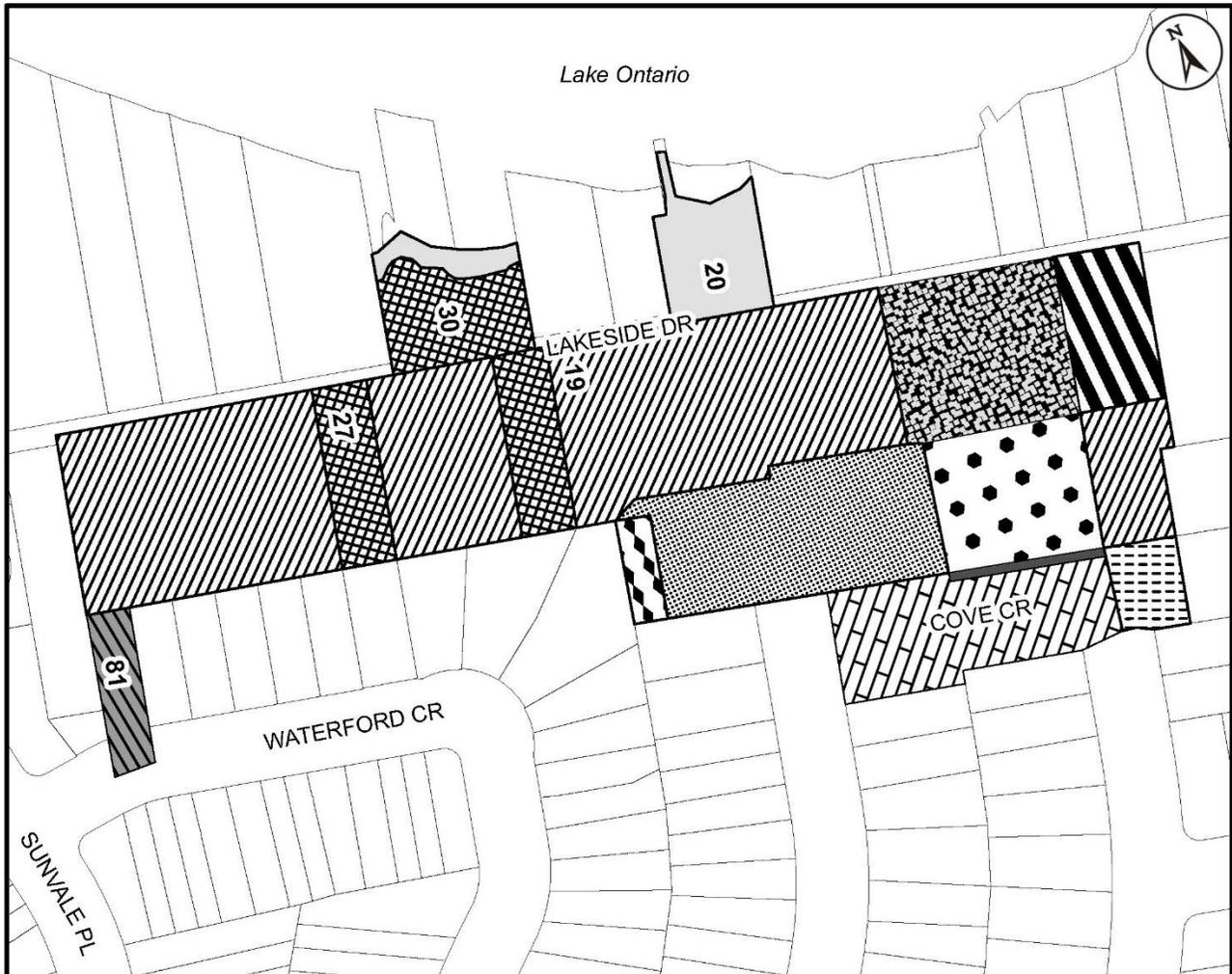
- 8. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential “R3” Zone and the Single Residential “R4” Zone, subject to the special requirements referred to in Sections 2 through 7 of this By-law.
- 9. 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 ___ day of ___, 2022.

Fred Eisenberger
Mayor

A. Holland
City Clerk

ZAC-17-015



This is Schedule "A" to By-law No. 22-
Passed the day of, 2022

Mayor

Clerk

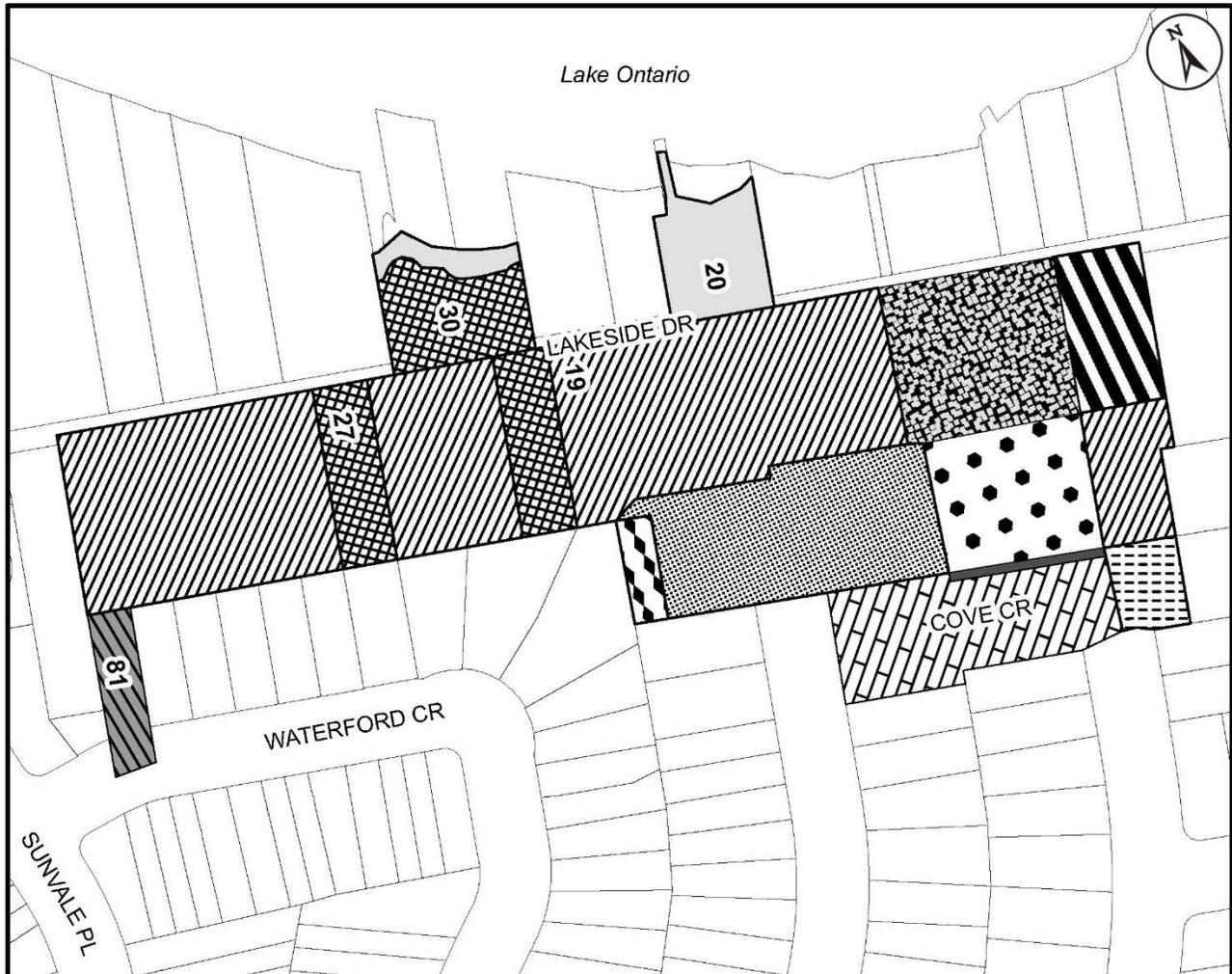
Schedule "A"
Map forming Part of
By-law No. 22- _____
to Amend By-law No. 3692-92
Map 1 of 2

- Subject Property**
11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent
-  Block 1 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-46" Zone, Modified
 -  Block 2 – Change in zoning from the Single Residential "R2" Zone to the Single Residential "R3-46" Zone, Modified
 -  Block 3 – Change in zoning from the Single Residential "R3-4" Zone, Modified to the Single Residential "R3-46" Zone, Modified
 -  Block 4 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-47" Zone, Modified
 -  Block 5 – Change in zoning from the Single Residential "R3" Zone, Modified to the Single Residential "R3-47" Zone, Modified
 -  Block 6 – Change in zoning from the Single Residential "R3-4" Zone, Modified to the Single Residential "R3-47" Zone, Modified

Scale:
N.T.S.
Date:
June 9, 2022

File Name/Number:
ZAC-17-015 & 25T-201703
& UHOPA-17-005
Planner/Technician:
TV/VS





This is Schedule "A" to By-law No. 22-
Passed the day of, 2022

Mayor

Clerk

Schedule "A"
Map forming Part of
By-law No. 22-_____
to Amend By-law No. 3692-92
Map 2 of 2

- Subject Property**
11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent
-  Block 7 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-48" Zone, Modified
 -  Block 8 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-48(H)" Zone, Modified
 -  Block 9 – Change in zoning from the Single Residential "R3" Zone to the Single Residential "R3-49" Zone, Modified
 -  Block 10 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-38" Zone, Modified
 -  Block 11 – Change in zoning from the Single Residential "R3-4" Zone, Modified to the Single Residential "R4-38" Zone, Modified
 -  Refer to By-law 05-200

Scale:
N.T.S.
Date:
June 9, 2022

File Name/Number:
ZAC-17-015 & 25T-201703
& UHOPA-17-005
Planner/Technician:
TV/VS



**Appendix “D” to Report PED22150
Page 1 of 2**

Authority: Item _____, Planning Committee
Report PED22150
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. 22-_____

To Amend Zoning By-law No. 05-200 with respect to lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on _____, 2022;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. XX.

NOW THEREFORE Council of the City of Hamilton enacts Zoning By-law No. 05-200 as follows:

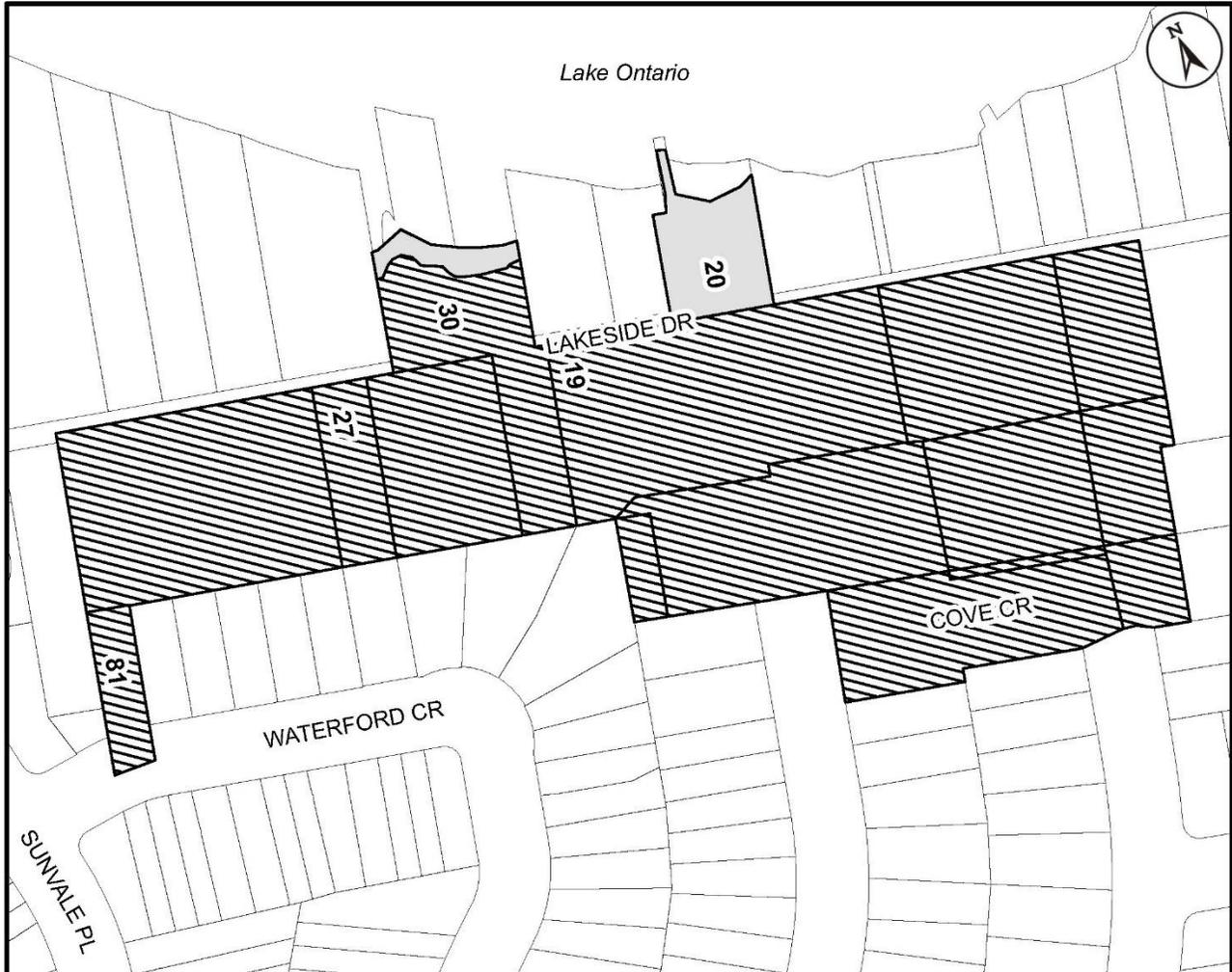
1. That Map Nos. 1101 and 1150 of Schedule “A” – Zoning Maps are amended by adding the Conservation/Hazard Land (P5) Zone to the lands identified in the Location Map attached as Schedule “A” to this By-law.
2. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this ___ day of ___, 2022.

Fred Eisenberger
Mayor

A. Holland
City Clerk

ZAC-17-015



This is Schedule "A" to By-law No. 22-
Passed the day of, 2022

Mayor

Clerk

Schedule "A"

Map forming Part of
By-law No. 22-_____

to Amend By-law No. 05-200
Map 1101 & 1150

Subject Property
11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent

 Lands to be zoned Conservation / Hazard Land (P5) Zone

 Refer to By-law 3692-92

Scale:
N.T.S

Date:
May 19, 2022

File Name/Number:
ZAC-17-015 & 251-201703
& UHOPA-17-005

Planner/Technician:
TV/VS



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Specific Modifications to the Single Residential “R3” Zone and the Single Residential “R4” Zone (Blocks 1-11)

Regulation	Required	Modification	Analysis
Minimum Lot Area	All Blocks: Interior Lot - 370 m ² Corner Lot - 425 m ²	Blocks 1, 2, and 3: Interior Lot - <i>no modification</i> Corner Lot - 400 m ²	<p>The smallest corner lot (Lot 14) is 403.14 m² (as shown on the Draft Plan of Subdivision in Appendix “F” to Report PED22150) which is compatible with the adjacent lots. The proposed modification permits this reduced size, which is a result of a shallower depth, which is appropriate for the subject property as it can accommodate adequate building envelopes and rear yard setbacks and is of sufficient depth to maintain good engineering practices.</p> <p>Therefore, staff supports this modification.</p>
		Blocks 4, 5, and 6: Interior Lot - 355 m ² Corner Lot - shall not apply	<p>The smallest interior lot (Lot 15) is 359.67 m² (as shown on the Draft Plan of Subdivision in Appendix “F” attached to Report PED22150) which is compatible with the adjacent lots. The proposed modification permits this reduced size, which is a result of a corner cut off from the rear corner of the lot for Lot 15, and narrower frontages for the remaining lots, as discussed in Minimum Lot Frontage below. Lot 15 can accommodate adequate building envelopes and setbacks and is of sufficient depth to maintain good engineering practices.</p> <p>Therefore, staff supports these modifications.</p>
		Blocks 7 and 8: Interior Lot - 330 m ² Corner Lot - 370 m ²	<p>The interior lots (Lots 26 and 27) are 333.91 m² and the smaller corner lot (Lot 28) is 374.2 m² (as shown on the Draft Plan of Subdivision in Appendix “F” to Report PED22150) which is compatible with the adjacent lots. The proposed modification permits this reduced size, which is a result of a shallower depth, which is appropriate for the subject property as it can accommodate adequate building envelopes and rear yard setbacks and is of sufficient depth to maintain good engineering practices.</p> <p>Therefore, staff supports these modifications.</p>

Minimum Lot Frontage	All Blocks: Interior Lot - 12 m Corner Lot - 13.75 m	Blocks 4, 5, and 6: Interior Lot - 11 m Corner Lot - shall not apply	In keeping with the existing character of the neighbourhood to the south in the Single Detached “R3-4” Zone, Modified, the applicant has proposed an interior lot width of 11.0 m, which is 1.0 m less than the Single Residential “R3” Zone requires. The proposed frontages are appropriate for the subject property as it can accommodate adequate building envelopes, driveway widths for a parking space, and side yard setbacks, and are considered a sufficient width to maintain good engineering practices. Therefore, staff supports these modifications.
Minimum Front Yard	All Blocks: 6.0 m	All Blocks: To a Dwelling: 3.5 m To a Garage: 6.0 m	The proposed modification to minimum front yards allows for active frontages along the street line with recessed garages, decreasing the prominence of the garage adjacent to the public realm to achieve urban design principles for an attractive, safe and pedestrian oriented environment, while maintaining sufficient area for a parking space. Therefore, staff supports this modification.
Minimum Side Yard	All Blocks: 1.25 metres, except: 1. An attached garage or attached carport may be erected at a distance of not less than 1 metre from a side lot line which does not abut a flankage street; 2. On an interior lot, where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 metres; and, 3. 3.0 metres to the flankage lot line of	Blocks 1, 2, 3, 7, and 8: Interior Lot - 1.2 m on the side with the garage and 0.6 m on the other side Corner Lot - 1.2 m on the side with the garage and 2.3 m on the flankage yard, except that an attached garage or attached carport fronting the flankage lot line shall not be located within 5.5 metres of the flankage lot line Blocks 4, 5, 6, 10, and 11: Interior Lot - 1.2 m on the side with the garage and 0.6 m on the other side Corner Lot - shall not apply Block 9:	The proposed reduced minimum side and flankage yards are minor (a reduction of 5 cm on one side and 7 cm for flankage yards), and allows smaller lots which provides for the construction of dwellings with similarly sized footprints as the existing dwellings to the south, while providing sufficient separation space between dwellings and adequate access for maintenance. Therefore, staff supports these modifications. On Lot 4 (as shown on the Draft Plan of Subdivision in Appendix “F” to Report PED22150) a 2.2 m west side yard setback is required to reconcile grading with the adjacent lands. The

	a corner lot, except that an attached garage or attached carport fronting the flankage lot line shall not be located within 5.5 metres of the flankage lot line.	Interior Lot - 1.2 metres on the east side and 2.2 metres on the west side Corner Lot - shall not apply	proposed reduced minimum east side yard is minor (a reduction of 5 cm), as discussed above. Therefore, staff supports these modifications.
Minimum Rear Yard	All Blocks: 7.5 m	All Blocks: 6.0 m	The proposed reduced rear yards allow for smaller lots which provides for a more compact built form, while providing sufficient amenity area for the dwellings and the yards are of sufficient depth to be adequately graded to maintain good engineering practices. Therefore, staff supports this modification.
Maximum Lot Coverage	All Blocks: 40%	All Blocks: 62%	The intent of the maximum lot coverage regulation is to provide enough area for stormwater infiltration and landscape amenity opportunities. Because of the smaller minimum lot area and larger building envelope (per modifications to the minimum lot frontage and front, side, and rear yards), the proportion of buildable area to lot area is greater, and thus requires an increase to the maximum lot coverage. Stormwater management is being addressed as Condition No. 20 of Appendix "G" to Report PED22150, and the intent of the regulation is maintained. Therefore, staff supports this modification.

**Appendix "G" to Report PED22150
Page 1 of 7**

Special Conditions for Draft Plan of Subdivision Approval for 25T- 201703

That this approval for the Draft Plan of Subdivision, 25T-201703, prepared by A. Buonamici, and certified by Nicholas P. Muth, O.L.S., dated April 29, 2022, consisting of 35 lots for single detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions), be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to servicing**, the Owner shall include in the Engineer's design and cost estimates for the provision of a 1.5 m concrete sidewalk in the following locations:
 - a. North and south sides of Lakeside Drive, including around the cul-de-sac;
 - b. The east side of the east leg of Cove Crescent, including an extension to the existing sidewalk located at 15 Cove Crescent; and,
 - c. The west side of the west leg of Cove Crescent;all to the satisfaction of the Director, Growth Management and the Manager of Transportation Planning.
2. That, **prior to servicing**, the Owner shall include in the Engineer's design and cost estimates for the provision of reconstructing and reorientation of the driveway apron of 149 Cove Crescent, between the sidewalk and curb, and curb depression such that the apron is perpendicular to the proposed road and curb depression is centered on the existing garage, to the satisfaction of the Director, Growth Management.
3. That, **prior to registration of the plan of subdivision**, 4.5 m by 4.5 m daylight triangles shall be establish on the final plan of subdivision at the following locations:
 - a. Lakeside Drive at the northwest corner of the future Lakeside Drive and Jones Road;
 - b. Cove Crescent (east leg) southeast and southwest corners with Lakeside Drive; and,
 - c. Cove Crescent (west leg) southeast and southwest corners with Lakeside Drive;

Appendix "G" to Report PED22150

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all to the satisfaction of the Director, Growth Management.

4. That, **prior to registration of the plan of subdivision**, the Owner agrees, at their sole expense, to remove, relocate, as may be required, all affected utility poles, hydrants, pedestals, hydro vaults, etc., on Lakeside Drive, Cove Crescent, and Jones Road, to the satisfaction of the Director, Growth Management.
5. That, **prior to servicing**, the Owner shall include in the Engineer's design and cost estimates for the provision of a 1.5 m tall black vinyl chain link fencing along the east and west property limits of Block 51, to the satisfaction of the Director, Growth Management.
6. That, **prior to registration of the plan of subdivision**, the Owner agrees to register 6.0 m wide easements between Lots 1 and 2 and along the rear of Lot 2, above the hazard limit, in favour of Lots 1, 2, and 3 to provide access to permit maintenance of the proposed retaining wall/shoreline protection, to the satisfaction of the Director, Growth Management.
7. That, **prior to registration of the plan of subdivision**, the Owner shall obtain a 10.0 m wide servicing easement to permit construction of the municipal underground services, access, and maintenance across lands identified as 515 Jones Road, to the satisfaction of the Director, Growth Management.
8. That, **prior to servicing**, the Owner shall include in the Engineer's design and cost estimates for the provision of municipal services to the existing homes along the north side of proposed Lakeside Drive, to the satisfaction of the Director, Growth Management.
9. That, **prior to servicing**, the Owner shall demonstrate that they have all necessary clearances and approvals that may be required for the proposed encroachment beyond the flood hazard limit by all pertinent agencies (Conservation Authority, Ministry of Natural Resources, etc.), to the satisfaction of the Director, Growth Management.
10. That, **prior to servicing**, The Owner shall submit the Geotechnical Report complete with recommendations regarding the shallow cover over the proposed storm sewer. Furthermore, the Geotechnical Report shall be submitted with first submission of the detailed engineering design, to the satisfaction of the Director, Growth Management.
11. That, **prior to registration of the plan of subdivision**, that the Owner agrees to transfer to the City 0.3 m reserves in the following locations:
 - a. The east and west limits of the proposed Lakeside Drive right-of-way, excluding the existing 6.0m laneway; and;

Appendix “G” to Report PED22150
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b. Blocks 42 to 44 (inclusive) and Block 50;

all to the satisfaction of the Director, Growth Management.

12. That, **prior to servicing**, the Owner shall obtain all required permissions to construct the Lakeside Drive sanitary sewer to Jones Road, to the satisfaction of the Director, Growth Management.
13. That, **prior to registration of the plan of subdivision**, the Owner shall agree to transfer to the City and designate as public highway Block 38 for the purpose of a turning circle at the west end of the proposed Lakeside Drive ROW. If at a future date the Sunvale Place road connection to Lakeside Drive is completed through a future development application and the City deems that the turning circle is no longer required, then upon completion of the road connection, associated removals and restoration, the City would agree to start the process to stop-up, close and transfer Block 38 to the Owner when the lands are no longer required by the City, and the Owner has demonstrated that all costs related to the removal of the turning circle have been paid, to the satisfaction of the Director, Growth Management.
14. That, **prior to registration of the plan of subdivision**, the Owner acknowledges that Block 39 shall remain undevelopable until such a time as the extension of Sunvale Place to Lakeside Drive is completed. Further, should the extension of Lakeside Drive to Sunvale Place not ultimately be completed that Block 39 will continue to be undevelopable, to the satisfaction of the Director, Growth Management.
15. That, **prior to registration of the plan of subdivision**, the Owner shall agree that Block 50 shall be considered undevelopable until such a time as it is merged with an adjacent property and a suitable grading plan is submitted, to the satisfaction of the Director, Growth Management.
16. That, **prior to servicing**, the Owner shall include in the Engineer’s design and cost estimates for the provision of a new watermain in the standard location within the ROW and removal or abandonment of the existing watermain where the existing 6m laneway will be replaced with a full municipal road. The watermain construction, commissioning, all associated removals, abandonment, restoration, etc. shall be at the Developer’s sole cost, to the satisfaction of the Director, Growth Management.
17. That, **prior to registration of the plan of subdivision**, the Owner shall demonstrate how a minimum of 40% on-street parking, based on the number of proposed and existing lots, will be provided for the existing and proposed lots fronting proposed Lakeside Drive and proposed Cove Crescent, while also providing 1:1 compensation for the loss of the eight existing neighbourhood on-

Appendix "G" to Report PED22150

Page 4 of 7

street parking spaces from the portion of Cove Crescent to be removed, to the satisfaction of the Director, Growth Management.

18. That, **prior to servicing**, the Owner's Engineer shall submit for approval a satisfactory Construction Staging and Access Plan. The Plan shall be as part of a complete first submission detailed engineering package and demonstrate how access will be maintained to the existing residents during all stages of construction, to the satisfaction of the Director, Growth Management.
19. That, **prior to registration of the plan of subdivision**, the Owner agrees that Lot 4 shall be undevelopable until such a time as a grading design demonstrates how the proposed grading and drainage will reconcile with the adjacent properties to the east and west, to the satisfaction of the Director, Growth Management.
20. That, **prior to servicing**, the Owner shall submit an updated stormwater management report prepared by a qualified professional engineer to demonstrate how stormwater runoff quantity and quality controls will be handled in accordance with City and MECP standards which shall include the following: a. The Owner shall design and construct the minor and major conveyance system to convey uncontrolled flows from the subject development including all external drainage areas from the south side of the subject development to Lake Ontario at their own cost, to the satisfaction of the Director, Growth Management and the Hamilton Conservation Authority.
21. That, **prior to registration of the plan of subdivision**, the Owner shall agree to regularly inspect and maintain the existing approx. 6 m gravel access between Jones Road and approx. 54 m west of Jones Road in perpetuity, until such a time as the City deems it is no longer required. The Owner's Engineer shall provide a cost estimate to indicate what the anticipated inspection and maintenance cost would be and these costs shall be included in the subdivision securities, to the satisfaction of the Director, Growth Management.
22. That, **prior to registration of the plan of subdivision**, the Owner shall agree to regularly inspect and maintain the existing approx. 6 m gravel access between the west limit of the proposed subdivision and approximately 58 m west of the proposed western subdivision limit in perpetuity, until such a time as the City deems it is no longer required. The Owner's Engineer shall provide a cost estimate to indicate what the anticipated inspection and maintenance costs would be and these costs shall be included in the subdivision securities, to the satisfaction of the Director, Growth Management.
23. That, **prior to registration of the plan of subdivision**, the Owner shall agree in writing to transfer Block 49 to the City and dedicate it as a municipal ROW upon request and within 45 days advanced written notice from the City. The Owner shall be responsible for all associated costs to dedicate and transfer, to the satisfaction of the Director, Growth Management.

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24. That, **prior to preliminary grading**, the Owner shall submit a grading design that adequately addresses the following:
- a. The large boulevard and driveway apron slopes exceeding 7%;
 - b. Shall obtain written permission from the existing residents to reconstruct the existing driveways on private lands such that the reconstructed driveway and apron together do not exceed the maximum permitted slope;
 - c. Shall be responsible for 100% of all costs to obtain the necessary permissions from the adjacent Owners, removals, reconstruction, and restoration; and,
 - d. The Owner shall include a detailed removals and restoration plan in their first detailed submission outlining all of the required works including any associated regrading and landscaping on the private lots that may result from the removals and reconstruction;
- all to the satisfaction of the Director, Growth Management.
25. That, **prior to servicing**, the Owner shall include in the Engineering Design and Cost schedule provision for the removal of the temporary portion of Cove Crescent, as well as any removals, transitional road work and regrading, to the satisfaction of the Director, Growth Management.
26. That, **prior to registration of the plan of subdivision**, the Owner shall prepare a reference plan and obtain from the City, for nominal consideration and at the sole expense of the Owner, the lands to be transferred in accordance with Condition 25 of Schedule "C" of the Harbours of Bayview Estates, Phase 2 subdivision agreement dated July 25, 1989, being the temporary portion of Cove Crescent located in the vicinity of Blocks 103, 104 and 105 on Plan 62M-645 for the development of future Lots 18, 19, 20, 32, 33, and 34, all to the satisfaction of the Director, Growth Management and the City Solicitor.
27. That, **prior to servicing**, the Owner shall include in the Engineer's design and cost estimates provision for the servicing to all existing properties (up to front property line) with frontage onto the proposed ROW as well as 2, 4, and 6 Lakeside Drive, to the satisfaction of the Director, Growth Management.
28. That, **prior to registration of the plan of subdivision**, the Owner shall pay 50% of the servicing costs to complete the future section of Lakeside Drive between the currently proposed full ROW and Jones Road (presently approximately 54 m), to the satisfaction of the Director, Growth Management.

Development Planning:

29. That, **prior to preliminary grading**, the Owner shall submit a revised Tree Protection Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees, including trees within the City owned rights-of-way, and the method to be employed in retaining trees required to be protected; and to implement all approved tree savings 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.
30. That, **prior to preliminary grading**, the Owner shall submit a Landscape Plan prepared by a certified Landscape Architect (OALA) to the satisfaction of the Director of Planning and Chief Planner, which outlines the following:
 - a. The placement of compensation trees required for the removal of any tree (10 cm DBH or greater) as per an approved Tree Protection Plan; and,
 - b. Trees and shrubs shall be planted within Block 51 to replicate the function of the Linkages. The plant material is to be comprised exclusively of native species and is to include deciduous and coniferous trees as well as shrubs. The minimum caliper size for deciduous trees is 50 mm DBH while the minimum height for coniferous trees is 1.5 metres.
31. That, **prior to registration of the plan of subdivision**, the Owner shall agree in writing to dedicate Block 51 to the City of Hamilton, and further agree that Block 51 shall not contribute to parkland dedication, to the satisfaction of the Director of Planning and Chief Planner.

Growth Planning:

32. That **prior to registration of the plan of subdivision**, the Owner shall work with Growth Planning staff to finalize municipal addressing for the individual Lots and Blocks, to the satisfaction of the Director of Growth Management.

Transportation Planning:

33. That **prior to servicing**, the Owner shall submit a conceptual pavement markings and traffic signage plan for the subject lands, to the satisfaction and approval of the Manager of Transportation Planning.

Hamilton Conservation Authority:

34. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare and implement an erosion and sediment control plan, grading plan, and drainage plan for the subject property, all to the satisfaction of the Hamilton Conservation Authority.
35. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare and implement a detailed design of the proposed retaining wall / shoreline protection, to the satisfaction of the Hamilton Conservation Authority.
36. That, **prior to preliminary grading and/or servicing**, the Owner shall obtain a permit from the Hamilton Conservation Authority under Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the Conservation Authorities Act, R.S.O. 1990 prior to any watercourse or shoreline alteration, construction and/or grading activities within HCA's Regulated Area, to the satisfaction of the Hamilton Conservation Authority.

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 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. This property is eligible for municipal waste collection service subject to meeting the City's requirements indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended. The property owner must contact the City by email wastemanagement@hamilton.ca or by telephone 905-546-CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirements.

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From: Domenic Cuda
Sent: February-03-17 12:57 PM
To: Maurizio, Valeria
Subject: Cuda 57 Waterford Cres ZAC-17-015

Hi Valeria

It was a pleasure speaking to you regarding my concerns.

Concerns:

Catch Basin on property- Is it going to be affected in any way i.e. tied into or not

Stormwater management-Location- you stated North Side of Lakeside Dr

Grading - How is the grading going to be addressed in regards to the proposed lots backing and siding onto my property Lots 15 18 19 and 20 It is my understanding that the existing grades will remain the same.

I need confirmation on this as I do not want a retaining wall built on the North Side and East Side of my property- Reasons I don't want my Lot being lower than the proposed ones mentioned in fear of my lot be flooded and holding all that water.

Secondly for appearances I don't want to look at wall all the time.

Can I please know how they(Developer) are going to address this.

Can you let me know. Can you also keep me up to date if any changes arise.

Best Regards,

Domenic Cuda

57 Waterford Cres Stoney Creek



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From: [REDACTED]
Sent: February-18-17 12:44 PM
To: Maurizio, Valeria
Cc: [REDACTED]
Subject: Official Plan Amendment, Zoning Bylaw Amendment, and Draft Plan of Subdivision for Lands Located at 11, 19, 20,21,23,27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek (Ward 11)

Valeria;

I just returned from a 4 week vacation and found this notice in my mailbox – it was too late to respond via regular mail. I left a message for you yesterday, but didn't hear back.....

I am hoping that you can provide an explanation of what the current zoning (ND?) means, and when the public meeting and development information will be available.

Please do not make my personal information public.

Thanks for your time and attention in this matter!

[REDACTED]

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February 16, 2017.

Attention: Yvette Rybensky

City of Hamilton, Planning and Economic Development Department
Development Planning, Heritage and Design – Suburban Team
71 Main St W 5th Floor
Hamilton ON L8P 4Y5

To Whom It May Concern:

In accordance with the letter dated January 27th, 2017 received at our residence, we are writing with our comments and concerns regarding the Zoning By-law Amendment and Draft Plan of Subdivision submitted by 1080992 Ontario Inc. and Losani Homes (ZAC-17-015).

We purchased our family home almost 3 years ago. As you can imagine, many things were considered before we finalized our decision. The location was definitely one of them. We love our lot and were devastated to find out that a proposal has been made to ensure we would no longer be the lot on the “end” of the street as the plan is to extend Cove Crescent. The privacy we have enjoyed for these past years will be taken away. We have a young baby, and we can’t imagine the amount of noise, debris and strangers that will be in such close proximity if construction is approved. This construction is not to take place “across the street” in the vacant lot as one may have imagined, but *right beside* our home and yard. How will our son play safely, and how will we continue to enjoy our home, while all of this is taking place? How will we be assured that *our* lot will not be damaged by construction? We are looking to 1080992 Ontario Inc. and Losani Homes to address our concerns.

Our comments and concerns may be included in your report, and be accessible to the applicant (1080992 Ontario Inc. and Losani Homes), but please remove our personal information from the public record, the City’s website and the general public.

Sincerely,

A large black rectangular redaction box covering the signature area.

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From: Dale Lyman
Sent: February-21-17 12:18 PM
To: Maurizio, Valeria
Cc: Johnson, Brenda
Subject: Files UHOPA-17-005; ZAC-17-015; 25T-201703

Hi Valeria,

We are in receipt of the January 27, 2017 notice of applications with respect to lands located at 11, 19, 20, 21,23, 27, and 30 Lakeside Drive; and 81 Waterford Crescent, Stoney Creek.

We are one of the home owners beside the subject land—we live at 149 Cove Crescent, Stoney Creek. We just have a few questions we are hoping you can answer:

- 1) Between our property and the vacant lot at 11 Lakeside Drive there is a considerable elevation differential. What is the plan to grade the difference in elevation as Cove Crescent is extended towards Lake Ontario and the new homes are built to the north of our property?
- 2) There is a strip of land which extends from the back of our property to the north (encompassed by our property, 11 Lakeside Drive; 55 Waterford; and 19 Lakeside Drive). Does this become part of the backyards of the 3 homes being built to the north of us (Lots 18, 19, 20). It's difficult to decipher from the Location Map included in the correspondence sent.
- 3) Why would the homes being built beside us to the north not be two homes with 16.50 metre wide lots as opposed to three homes with 11 metre wide lots? 16.50 metre wide lots would be more consistent with the lots and home sizes to the south and beside the proposed homes. As well, if they made the two lots 14.50 metres wide then lots 16 & 17 would be the same depth and consistent with the rest of the lots along Lakeside Drive (south side-lots 5 to 15)—and as opposed to having the angled lots 18 and 15.
- 4) What is the estimated date of the start of this project and estimated completion date?

I can be reached through the day at (905) 643-6004.

Thanks,

Dale & Janice Lyman
149 Cove Crescent, Stoney Creek

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From: Lou Franco

Sent: Wednesday, April 26, 2017 3:17 PM

To: Rybensky, Yvette <Yvette.Rybensky@hamilton.ca>; M. Vespa [REDACTED]

Subject: 144 Cove Crescent

As per our conversation this morning at City Hall, I wish to officially object to the proposed development of building lots adjacent my home 144 Cove Crescent and to the closing of the East-West portion of Cove crescent.

My wife and I chose that lot in 1991 which was more expensive to be on the corner and with a view of the lake. The proposal to build lots adjacent our home will eliminate our corner lot and a view of the Lake.

I would also wish to know if that portion of Cove Crescent is a City Road.

I mentioned to you that the parcel of land adjacent our lot was never developed and I have been looking after it for the last 25 years. You stated that adverse possession of property is no longer valid because of the Land Titles Act, could you send me the section of the Act which stipulates that. Thank you.

Mario Vespa

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IBI GROUP
 200 East Wing – 360 James Street North
 Hamilton ON L8L 1H5 Canada
 tel 905 546 1010 fax 905 546 1011
 ibigroup.com

Neighbourhood Open Houses Comments

To/Attention	Mr. Tim Vrooman City of Hamilton	Date	February 18, 2022
From	Jared Marcus	Project No	21063
Subject	Newport Yacht Club Phase 4 Neighbourhood Open House 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek Zoom Virtual Meeting February 17, 2022 @ 6:00pm		

Question	Answer
<p><u>Safety</u></p> <ul style="list-style-type: none"> Concern about travelled speed on local roads and presence of children; Concern about public using private beach; Concern about trespassing on Yacht Club lands and use of development name that might exacerbate that issue; 	<ul style="list-style-type: none"> While existing concerns about travelled speed are not directly related to the development application, we understand that the addition of 35+ new lots could add to the issue; proposed roads can have traffic calming measures, such as speed humps or intersection bump-outs, added at the design approvals stage, however, existing roads would have to be reviewed under a separate process. Block 49 is proposed to be kept in a natural state, as opposed to an active open space, which will not actively encourage residents from using the space to access adjacent privately owned beaches. Signage can also be posted in this location to alert users to restrictions of use. While the development does not directly abut any lands owned by the Yacht Club, the developers can include a warning clause in the APS

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Newport Yacht Club Phase 4 Neighbourhood Open House
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	to alert future owners of the presence of privately owned lands that are not for public use. In addition, signage can be added within the future development blocks on the west limits of the subdivision, and additional lands of the owner, to indicate the presence of privately owned lands.
<u>Construction</u>	
<ul style="list-style-type: none"> • Question about timing of construction; 	<ul style="list-style-type: none"> • Construction will occur within the limits set by the City of Hamilton By-laws; typically, construction will occur from 7am to 7pm.
<u>Development Concerns</u>	
<ul style="list-style-type: none"> • Concern about impact from reconstruction of Lakeside Drive and what happens to front yards and parking areas that are there today; • Concern about access into development; 	<ul style="list-style-type: none"> • Front yard parking areas that exist today will remain in place. The urbanization of Lakeside Drive should result in a net increase to driveway length with the introduction of a municipal boulevard and sidewalk between the paved road and the front property line. • Future access to the subdivision will occur from the extension of the east and west legs of Cove Crescent. When additional lands on the east and west are assembled and developed there will also be fully urbanized road access from Sunvale Place and Jones Road.
<u>Environment</u>	
<ul style="list-style-type: none"> • Concern about non-endangered wildlife. Question of whether an animal relocation plan is required; • Concern about timing of tree removals and notification to residents prior to site works 	<ul style="list-style-type: none"> • The City of Hamilton does not require a plan to remove, relocate, or otherwise accommodate habitat of non-endangered animals. An animal relocation plan is not required. • Tree removals can occur between April 1 and August 31. The developers will endeavour to notify residents when work will commence.

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<p><u>Traffic</u></p> <ul style="list-style-type: none"> • Concern about increased traffic volumes and ability of road network to handle the increase; • Concern about amount of parking provided; • Concern about need for traffic calming; • Question about future state of Lakeside Drive and ability for residents to continued access from Lakeside to Jones Road 	<ul style="list-style-type: none"> • While increased traffic volumes may occur in a noticeable change from what residents currently experience, the addition of 35+ lots will not result in an over-capacity local road network. • New dwellings will have a minimum of a one-car garage and driveway available for parking. Depending on the size. Around half of the lots will be large enough to support two-car garages and driveways, though final dwelling design is not known at this time. In addition, the City of Hamilton requires the provision of on-street parking equivalent to 40% of the number of lots. • As stated previously, traffic calming measures, such as speed humps or intersection bump-outs, can be added at the design approvals stage for the proposed roads, however, existing roads would have to be reviewed under a separate process. • Existing residents currently have legal access to Lakeside Drive and those rights will remain over the remnant sections of Lakeside Drive after the urbanization has occurred. Every effort will be made by the developer to ensure that access is maintained throughout the construction process.
<p><u>General</u></p>	
<ul style="list-style-type: none"> • Concern about claim that residents will have to pay for development related services; 	<ul style="list-style-type: none"> • Existing residences along Lakeside Drive will continue to maintain their services as it exists today. Once the municipal services have been upgraded any residence that wishes to connect and benefit from the enhanced service will have to pay a proportionate cost. This number is not known and will be determined with input from the City of Hamilton during detailed design.

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<ul style="list-style-type: none"> • Question about future use of Future Development lands behind cul-de-sac; • Question about size of garages and ability to park within. • Question about size of Lots 1-3, general comment about desire for 2 instead of 3 lots in that location; • Question about proposed shoring measures and building setbacks on Lots 1-3 Question about whether any land reclamation will take place; • Question about provision for easements on Lots 1-3 for shoreline maintenance; • Question about grading of remnant lands on west side of development; • Question about existing gas and water services and whether pressure will be impacted by new development; • Concern about future property maintenance of lands that are not part of development, particularly west side of development; 	<ul style="list-style-type: none"> • Future development lands located at the west end of the development will remain in a natural state until such time as additional lands are assembled for development. The lands will be subject to property maintenance standards set and enforced by the City of Hamilton. • A single car garages will be a minimum of 3m in width by 6m in length. This is a typical garage size and there are not expected to be any concerns about the ability to park a vehicle. • Lots 1-3 are all larger than 13m, which is similar in size to the rest of the development. Shoreline protection and easement requirements have been reviewed and the lots have sufficient size to achieve a suitable building envelope. • Shoreline protection and easement requirements have been reviewed and no land reclamation is required to support a suitable building envelope. • Easement requirements have been reviewed and no land reclamation is required to support a suitable building envelope. • The remnant lands on the west side of the development will be maintained in their current state. There is no plan to alter the grading at this time. • Water service will be upgraded with the installation of a new watermain within the urbanized Lakeside Drive, which will connect to the existing watermain. This will ensure that sufficient pressure is maintained. Gas pressure is under the purview of Enbridge and has not been reviewed as part of this application. • Future development lands at the west end of the development are subject to property maintenance standards
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<ul style="list-style-type: none"> • Question about future snow clearing on east leg of Lakeside Drive after Cove Crescent is extended; • Question about status of existing access easements once road is dedicated to City; will the east and west leg of Lakeside need new easements; • Question about the total number of development lots if Lakeside Drive is connected to Sunvale Place; • Questions about future use of Block 49 Open Space; Councillor Pearson indicated it will be natural, not active park 	<p>set and enforced by the City of Hamilton.</p> <ul style="list-style-type: none"> • There is no snow clearing plan prepared as part of this application, however, it this was acknowledged as an item of concern by Councillor Pearson and will be raised with staff for review during the final approval of the development. • It has not been determined yet if the existing easement will be extinguished and replaced or modified. Regardless of the decision, the existing rights of residents on Lakeside Drive will be maintained after the development has been completed. • If Lakeside Drive is connected with Sunvale Place there would be a total of 4 new lots and 4 existing dwellings on the west end of the development. This includes the 3 lots that are shown as future development lands on the current Subdivision plan. • Block 49 will remain as passive natural space, not active parkland.
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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 6, 2022
SUBJECT/REPORT NO:	Public Consultation on Sustainable Building and Development Guidelines – Low Density Residential Uses (PED22185) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mallory Smith (905) 546-2424 Ext. 1249
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Report PED22185, (City Initiative CI-22-I) including the report titled Sustainable Building and Development Guidelines Phase 1 – Low Density Residential Uses - Background Research Report, attached as Appendix “A” to Report PED22185, be received;
- (b) That staff be authorized to proceed with public engagement for the proposed Sustainable Building and Development Guidelines for Low Density Residential Checklist attached as Appendix “B” to Report PED22185 and report back to the Planning Committee on the feedback received, including the identification of the preferred approach for the Sustainable Building and Development Guidelines incorporation into the City of Hamilton’s Site Plan Guidelines.

EXECUTIVE SUMMARY

In December 2020, the City retained WSP to establish a set of criteria for the evaluation of Low Density Residential (LDR) development proposals against the objectives of achieving sustainable and resilient communities that reduce greenhouse gas (GHG) and carbon emissions and decrease energy usage and water consumption. The Report is titled ‘Sustainable Building and Development Guidelines Phase 1 – Low Density

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

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Residential Uses - Background Research Report' and is referred to in this Report as the 'Background Report'. The purpose of the work was to develop an assessment tool in the form of a checklist for the City to use in determining the extent to which Sustainable Building and Development Guidelines (SBDG) can be incorporated into new or retrofitted developments. This assessment tool can ultimately be implemented as part of the submission requirements for Planning Applications under the *Planning Act*.

This first phase of the project focuses on Low Density Residential uses, which for the purpose of this report mean single detached dwelling, duplex dwelling, or semi-detached dwelling as defined in Hamilton Zoning By-law No. 05-200. The study area encompasses the entire City of Hamilton. The subsequent phases of the project will include medium and high density residential development, industrial, commercial, and institutional development within the City. As a result of the introduction of two new LDR zones in Zoning By-law No. 05-200, approved by Council on August 12, 2022, additional uses may be explored to be included in the draft LDR Guidelines. The Community Energy Emissions Plan (CEEP) was brought forth to Planning Committee on August 8, 2022 and was approved by Council on August 12, 2022. The CEEP was a prerequisite to bringing the Guidelines forward.

The purpose of Sustainable Building and Development Guidelines is to improve the environmental performance of new industrial, commercial, institutional, and residential development within the City. Phase 1 of the work specifically applies to LDR uses. The Background Report resulted in the development of a draft Sustainable Building and Development Guidelines for Low Density Residential Uses Checklist, referred to in this report as the 'Guidelines'. The first phase of the Background Report has focused on targets and criteria for Low Density Residential Uses. The Guidelines attached to the Background Report will establish minimum and aspirational targets and criteria with respect to building construction and design, natural environment and open space, mobility, infrastructure, etc., a grading or scoring system to evaluate the performance of proposed developments against the targets and criteria, and, minimum information requirements to be submitted with development applications to inform the evaluation of the proposed development against the Guidelines.

The Guidelines may apply to proposed LDR development under the following conditions:

- Where an Application is made under the *Planning Act* for a Draft Plan of Subdivision that proposes five or more low density residential dwellings with access from a public street, and where the Application is subject to the City of Hamilton Site Plan Control By-law; and,
- Proposed Applications that require an amendment to the City's Official Plan or Zoning By-law to satisfy the above.

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The Background Report (attached as Appendix “A” to Report PED22185) includes a summary of the existing documents and similar assessment tools from other municipalities, existing sustainable building standards and land use policies, programs, and best practices, and regional and provincial regulations. The Report provides an overview of emerging trends, as well as a Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis of the application and implementation of Sustainable Building and Design Guidelines within the City.

The Guidelines represent one of the most tangible ways for the City to direct and influence more sustainable community development practices for Low Density Residential uses. While the City’s Urban Hamilton Official Plan establishes broad sustainable policy direction, the Guidelines could be considered an important implementation tool, along with other land use planning instruments, such as the City’s Zoning By-laws. The Guidelines may afford the City an opportunity to address a breadth of emerging challenges associated with development, such as public health, climate change, energy and resource use. By addressing a breadth of impact categories, the first phase of the Guidelines represents an impactful tool contributing to the responsible management of growth and change while improving the overall health and well-being of the community. Future phases of the Guidelines will expand on the LDR uses and develop guidelines for other land uses.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The project aligns with the stated goals of the City’s Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation which was presented in December 2019 to the Corporate Climate Change Task Force in Report CMO19008/HSC19073. Goal 1 of the Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation was to increase the number of new and existing high-performance state-of-the-art buildings that improve energy efficiency and adapt to a changing climate. The high impact action associated with that goal is for the City to work within its jurisdiction and authority to achieve a high level of environmental performance in future private sector construction. The goal identifies six areas of focus for further work, including, to

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produce information materials and best practice guidelines related to green building practices. The document identifies 2020 as the year for initiation.

As a result, a Request for Proposal was sent out to develop a set of Sustainable Building and Development Standards for Low Density Residential uses in December of 2020. WSP was retained by the City to conduct the background research and provide recommendations, attached as Appendices “A” and “B” to Report PED22185.

The Guidelines also help to implement the City’s Climate Action Strategy, which was adopted by Council in August 2022 through Report CM22016/PED22058(a)/HSC22030(a).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Our Future Hamilton

The draft Guidelines align with the City’s Community Vision Statement (Our Future Hamilton), which includes advancing environmental sustainability and stewardship through the Clean and Green community priorities.

The extensive engagement undertaken during the development of *Our Future Hamilton* revealed that top priorities for Hamilton residents included:

- The advancement of environmental responsibility and stewardship;
- Including the reduction of contribution to climate change;
- To strive to be a zero-waste community;
- The protection and improvement of water and air quality;
- The preservation and rehabilitation of the City’s natural ecosystems; and,
- The transition to more sustainable practices.

The Guidelines will assist the City in moving towards achieving these components of the Vision. The nine areas of focus identified in the Background Report align with the *Our Future Hamilton* priorities.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan includes policies that encourage the reduction of GHG and increase of energy efficient development. The following policy, among others apply:

“B.3.7.2 The City shall support energy efficient and environmental designed development through:

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 OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
 OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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- a) Approval of planning applications, including applications for zoning by-law amendments, site plan approval, and plans of subdivision or condominium, as appropriate;
- b) The use of environmental building rating systems such as certification under the Leadership in Energy and Environmental Design (LEED) program or an equivalent rating system for upgrading/retrofitting of existing development and new development;
- c) Designs which use renewable energy systems or alternative energy systems;
- d) Designs which use cogeneration energy systems;
- e) Designs which minimize building heat loss and capture or retain solar heat energy in winter and minimize solar heat penetration in summer. Consideration shall be given to such measures as green roofs or reflective roofs, discouraging excessive surface parking, allowing direct access to sunlight, and effective landscaping;
- f) Building or structure orientations that maximize solar or wind energy;
- g) Designs that encourage sustainable forms of transportation, including active transportation, transit, and energy conserving vehicles;
- h) Designs that facilitate cooperation/joint energy efficiency between developments to optimize the efficient use of resources;
- i) Energy conservation initiatives, including energy demand management;
- j) Water and storm water conservation/management practices such as green roofs, water recycling systems, urban storm water swales, etc.;
- k) Encouraging the use of reclaimed building materials as appropriate;
- l) Pilot projects and community energy plans as appropriate; and,
- m) Other environmental development standards that encourage energy efficiency and environmental design, as contained in the City's approved engineering policies and standards and master planning studies and are supported by the City's financial incentive programs."

The draft Guidelines align with environmental policies in the UHOP as it relates to Low Density Residential development through encouraging energy efficiency and environmental design. Future Guidelines will be developed to set standards and guidelines for other forms of land uses.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan includes policies that encourage the reduction of GHG and increase of energy efficient development. The following policy, among others apply:

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- “3.7.1 The City shall support energy efficient, low impact, and environmental designed development through:
- a) Approval of planning applications, including applications for zoning by-law amendments, site plan approval, and plans of subdivision or condominium, as appropriate;
 - b) The use of environmental building rating systems such as certification under the Leadership in Energy and Environmental Design (LEED) program or an equivalent rating system for upgrading/retrofitting of existing development and new development;
 - c) Designs which use renewable energy systems or alternative energy systems;
 - d) Designs which use cogeneration energy systems;
 - e) Designs which minimize building heat loss and capture or retain solar heat energy in winter and minimize solar heat penetration in summer. Consideration shall be given to such measures as green roofs or reflective roofs, discouraging excessive surface parking, allowing direct access to sunlight, and effective landscaping;
 - f) Building or structure orientations that maximize solar or wind energy;
 - g) Designs that encourage sustainable forms of transportation and facilitate transportation demand management, including active transportation and energy conserving vehicles;
 - h) Designs that facilitate cooperation/joint energy efficiency between developments to optimize the efficient use of resources;
 - i) Energy conservation initiatives, including energy demand management;
 - j) Water and storm water conservation/management practices such as green roofs, water recycling systems, etc.;
 - k) Encouraging the use of reclaimed building materials as appropriate;
 - l) Pilot projects and community energy plans as appropriate; and,
 - m) Other environmental development standards that encourage energy efficiency and environmental design as contained in the City’s approved engineering policies and standards and master planning studies, and are supported by the City’s financial incentive programs.”

The draft Guidelines align with environmental policies in the RHOP as it relates to Low Density Residential development through encouraging energy efficiency and environmental design. Future Guidelines will be developed to set standards and guidelines for other forms of land uses.

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Greenbelt Plan (2017)

An element of the vision of the Greenbelt Plan is to build resilience to and mitigate climate change, including integrating climate change considerations into planning and managing growth that includes incorporating techniques to reduce greenhouse gas emissions, and increasing the resilience of settlement areas and infrastructure within the Greenbelt. The draft Guidelines achieve this by encouraging built form that reduce greenhouse gas emissions and increase resiliency through environmental design.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

One of the Guiding Principles of the Plan is to integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions. A goal set in the Growth Plan is to develop strategies to reduce greenhouse gas emissions and improve resilience through the identification of vulnerabilities to climate change, land use planning, planning for infrastructure, including transit and energy, green infrastructure, and low impact development:

“Section 2.2.1.4

- f) Mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and,
- e) Integrate green infrastructure and appropriate low impact development.

Section 4.2.10.2

In planning to reduce greenhouse gas emissions and address the impacts of a changing climate, municipalities are encouraged to:

- a) Develop strategies to reduce greenhouse gas emissions and improve resilience through the identification of vulnerabilities to climate change, land use planning, planning for infrastructure, including transit and energy, green infrastructure, and low impact development, and the conservation objectives in policy 4.2.9.1.”

The draft Guidelines align with environmental policies within the Growth Plan as it related to Low Density Residential development through encouraging built forms that improve resiliency and increase energy efficiency and environmental design. The

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Guidelines can contribute to the integration of green buildings and low impact development.

Climate Action Strategy

The Guidelines contribute to the City’s Climate Action Strategy and move toward the goals of the CEEP. The CEEP is based on a goal of achieving a community-wide GHG emission reduction target of net-zero by 2050. It establishes a low-carbon pathway, modelling 28 targets for industrial, building, transportation, renewable energy and the natural environment. The CEEP includes an implementation strategy and financial and economic analysis for fully meeting the 28 targets. It also provides an implementation strategy of actions for both the City of Hamilton and the community to take in order to transition to a prosperous net-zero emission community. The Community Energy & Emissions Plan includes five Low-Carbon Transformations based on current city-wide data. Transformation #2 states “Transforming Our Buildings – creating a city-wide building retrofit program that is scalable, establishing Green Development Standards for new buildings, and building our skilled trade labour force.” The Guidelines contribute to achieving Transformation #2 by implementing Green Development Standards for new LDR buildings.

RELEVANT CONSULTATION

The Background Report and accompanying Guidelines have been circulated to staff for comments. Following the comment period, a draft was presented to the Development Industry Liaison Group (DILG) on April 12, 2021. Attendees to the DILG meeting included representatives from various stakeholders’ groups including from the Hamilton Chamber of Commerce, the City of Hamilton Growth Management, and the West End Home Builder’s Association (WEHBA).

As a result of this Report, future consultation will occur with members of the public and community stakeholders to inform the final Guidelines and implementation measures.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Guidelines are intended to elevate the environmental performance of LDR development within the City. It will also be an important tool to facilitate thoughtful and innovative development that helps to achieve healthy, complete, and sustainable communities.

The Guidelines apply to single detached dwellings, duplexes and semi-detached dwellings. With Council’s approval, through Report PED22154, of two new LDR Zones in Zoning By-law No. 05-200 and the expansion of permitted LDR uses and conversion

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permissions, the draft Guidelines may need to be updated to incorporate the additional LDR uses.

The goal of the Guidelines is to establish a set of criteria for the evaluation of development proposals to achieve sustainable and resilient communities that reduce greenhouse gas (GHG) and carbon emissions, decrease energy usage and water consumption. By applying a practical set of green development standards, the City will join other municipalities, the development industry, tenants, and home buyers, in embracing green building technologies and improved building performance that aligns with the City's objectives in addressing climate change. The purpose of this work is to develop an assessment tool, in the form of a checklist, for the City to use in determining the extent to which Guidelines are being incorporated into new or retrofitted LDR developments. This assessment tool may be part of the submission requirements for many privately planning applications under the *Planning Act*.

The scope of work completed thus far includes a background review of other municipalities that have developed checklists to be included as part of Applications under the *Planning Act* for low density uses. The major component of the background review involved the assessment and evaluation of lower tier or single tier municipalities that have developed a similar assessment tool. A SWOT analysis of the application and implementation of Guidelines within the City was also included in this background analysis. The best practices evaluation found that Canadian municipalities that have implemented best practices in sustainable development standards have done so using educational guidelines or with more stringent prescriptive and performance-based requirements. Elements of these standards, guidelines and requirements may inform how the guidelines will be applied, which projects they will apply to, and how compliance will be tracked. Each municipality establishes overarching environment requirements that are grouped according to their targeted goal (e.g. GHG reduction, Indoor Water use).

WSP conducted staff and some industry consultation during the preparation of the Background Report. The next steps of Phase 1 of the SBDG draft Guidelines will be for staff to conduct public consultation and further industry consultation.

For the purposes of the Background Report, environmental themes have been combined into nine Impact Categories. Only requirements that are applicable to the LDR uses have been included:

- Energy and Greenhouse Gas Emissions;
- Water;
- Air;
- Land;

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- Social Wellbeing;
- Waste;
- Education;
- Food; and,
- Community Design.

The Background Report identifies nine environmental themes applicable to Low Density Residential development that have been broken into further sub-categories, as shown in Appendix ‘C’ to Report PED22185. The themes informed the components of the Guidelines:

1. **Energy and GHG Emissions** - The Energy and GHG Emissions Impact Category focuses on buildings and their energy performance during the operational stage. In each of the municipal standards reviewed, energy was invariably found to be a predominant focus area, and while GHG emission targets were not always explicitly separated from energy targets, the two are closely related and were typically addressed;
2. **Water** - The Water category focuses on reducing the use of potable water for indoor and outdoor water uses, as well as rainwater management. Reducing potable water use, harvesting, and re-using stormwater, and managing the quantity and quality of stormwater are all common themes in this Impact Category. Each of the municipal standards reviewed include requirements that address one or more of these themes;
3. **Air** - The Air Impact Category focuses on providing a healthy indoor air quality for building occupants and improving local outdoor air quality by mandating requirements or restrictions on airborne pollutant source control and reductions;
4. **Land** - The Land Impact Category focuses on the preservation, restoration, and enhancement of the site and surrounding areas. The municipal requirements reviewed focus on landscaping strategies to promote biodiversity and enhance the natural spaces surrounding the built environment. The urban heat island phenomenon is also addressed by the municipal standards reviewed by requiring the use of reflective roofing materials and hardscapes, or green roofs;
5. **Social Well-Being** - The Social Well-Being Impact Category focuses on elements of development that may affect human health and satisfaction. Public art, culture, equity and inclusion, and safety are among the factors considered in this category;

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6. Waste - The Waste Impact Category focuses on reducing the waste generation during construction, and during the operational phases of the development, as well as the procurement of building materials that have lower environmental impacts;
7. Education - The Education Impact Category focuses on the promotion and communication of green building features and technologies to help educate the general public on sustainable design. Not all municipalities focus specifically on education in their green development standards, but a few do include specific measures in this Impact Category;
8. Food - The Food Impact Category focuses on access to gardens and encouraging the infrastructure to support the availability of local food. While it is not as commonly adopted as other categories, it is incorporated into a few municipalities' standards and presents a unique opportunity that is growing in interest and utility. Access to gardens and local food also contributes to the community's social well-being, and the resilience of the local economy and supply chains; and,
9. Community Design - The Community Design Impact Category focuses on the massing and orientation of the project. Some aspects of community design can apply to buildings on an individual basis, but this category is typically more applicable to broader site and community plans.

Following further analysis on the environmental themes identified, the Background Report also identifies the City's SWOT in implementing the Guidelines. Strengths identified include reduction in environmental impacts and risk, and a meaningful impact on community development. Weaknesses included the complexity, resourcing, administration, implementation, and monitoring.

Finally, in Appendix "B" attached to Report PED22185, WSP proposed 'City of Hamilton Sustainable Building and Development Guidelines for LDR Checklist'. The Guidelines may apply to proposed Low Density Residential development under the following conditions:

- Where an Application is made under the *Planning Act* for a Draft Plan of Subdivision that proposes five or more low density residential dwellings with access from a public street, and where the Application is subject to the City of Hamilton Site Plan Control By-law; and,
- Proposed Applications that require an amendment to the City's Official Plan or Zoning By-law to satisfy the above.

The proposed guidelines checklist is attached as Appendix "B" to Report PED22185.

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Next Steps

1. With Council approval, public consultation will be initiated on the SBDG Phase 1 – Low Density Residential Uses Background Research Report with residents and stakeholders on sustainable building and development standards; and,
2. The SBDG Phase 1 – Low Density Residential Uses Background Research Report and recommendations provide a platform for public engagement, dialogue and future considerations on zoning regulations based on the nine key themes identified; Energy and GHG Emissions, Water, Air, Land, Social Wellbeing, Waste, Education, Food, Community Design. Feedback from the public will be incorporated into the final Guidelines which will be presented to the Planning Committee at a later date.

ALTERNATIVES FOR CONSIDERATION

Council may choose not to direct staff to engage in public consultation, and not proceed with developing Sustainable Building and Development Guidelines.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

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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 PED22185 - Sustainable Building and Design Guidelines Phase
1 – Low Density Residential Uses Background
Research Report – June 2021

Appendix “B” to Report PED22185 - Sustainable Building Design Guidelines Low
Density Residential Checklist – June 2021

Appendix “C” to Report PED22185 - Identified Environmental Categories and Sub-
Categories

MS:sd

CITY OF HAMILTON

SUSTAINABLE BUILDING AND DEVELOPMENT GUIDELINES PHASE 1 - LOW DENSITY RESIDENTIAL USES BACKGROUND RESEARCH REPORT





SUSTAINABLE BUILDING AND DEVELOPMENT GUIDELINES – BACKGROUND RESEARCH REPORT

CITY OF HAMILTON

REPORT (VERSION 2.0)
CONFIDENTIAL

PROJECT NO.: 211-00415-00
DATE: 24 JUNE 2021

WSP
2300 YONGE STREET
SUITE 2300
TORONTO, ON, CANADA M4P 1E4

T: +1 416 487-5256
F: +1 416 487-9766
WSP.COM



PRODUCTION TEAM

WSP

Project Director	Juhee Oh
Project Manager	Nicole Montgomery
Senior Planning Advisor	Gregory Bender
Technical Support	Jacqueline Da Rocha
Project Analyst	Kimiko Marinacci





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1 BACKGROUND

1.1 INTRODUCTION

The purpose of the Sustainable Building and Development Standards (SBDS) is to improve the environmental performance of new industrial, commercial, institutional and multi-unit residential development within the City.

This scope of work is the first phase, which will focus on targets and criteria for Low-Density Residential Uses in Zoning By-law No. 05-200. The new standard is to focus on land-use rather than building-specific measures for sustainable development.

The SBDS will establish the following items for Low Density Residential Uses:

- Minimum and aspirational targets / criteria with respect to building construction and design, natural environment and open space, mobility, infrastructure, etc.;
- A grading or scoring system to evaluate the performance of proposed developments against the targets / criteria; and,
- Minimum information requirements to be submitted with development applications to inform the evaluation of the proposed development against the SBDS.

This version of the Report reflects the work that the WSP team has completed thus far in conducting a Background Review and Analysis. This draft contains the following sections:

- 1 Review of existing documents and similar assessment tools from other municipalities
- 2 Review of existing sustainable building standards and land use policies, programs and best practices, and regional and provincial regulations that may impact the City of Hamilton
- 3 Overview of emerging trends
- 4 Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis of the application and implementation of the Sustainable Building and Development Standards within the City.

2 SUMMARY OF GREEN DEVELOPMENT STANDARDS

2.1 IMPACT CATEGORIES

Canadian municipalities that have implemented best practices in sustainable development standards have done so using educational guidelines or with more stringent prescriptive and performance-based requirements. Elements of these standards, guidelines and requirements may inform how the guidelines will be applied, which projects they will apply to, and how compliance will be tracked.

Each municipal establishes overarching environment requirements that are grouped according to their targeted goal (e.g. GHG reduction, Indoor Water use). For the purposes of this Background Review Report, these environmental themes have been combined into nine Impact Categories and summarized in the report sections below. This report explores a range of potential categories for the new SDBS within each area of focus outlined in the table below. Only requirements that are applicable to the low-density residential sector have been included.

Table 1: Impact Categories and their related sub-categories

1	2	3	4	5	6	7	8	9
Energy & GHG Emissions	Water	Air	Land	Social Wellbeing	Waste	Education	Food	Community Design
Energy labelling (Energy Star, etc.)	Indoor water use	Indoor air quality	Landscaping and Biodiversity	Public art	Construction waste	Promotion (green options)	Urban agriculture	Street and block patterns / design
Energy conservation	Outdoor water use	Toxic emissions (VOCs)	Tree canopy	Universal design and accessibility	Recycled / reused materials, building reuse	Communication (e.g. info packets)	Community Gardens and local farmers' markets	Proximity to amenities
Renewable energy	Stormwater management	Cool roofs and green roofs	Soil quality and quantity	Affordable housing	Sustainable harvesting practices	Innovation		Pedestrian / cycling networks
Building orientation	Rainwater harvesting	EV charging	Heat island	Safety				Exterior lighting
Building envelope		Bike parking	Erosion and Sediment Controls					Streetscape amenities
District Energy								

The municipal standards typically consist of both mandatory and optional criteria. In the case of some municipalities, higher tiers or performance levels (e.g. Tier 2, Silver level, etc.) can be achieved by demonstrating enhanced sustainable design.

2.1.1 ENERGY & GHG EMISSIONS

The Energy & GHG Emissions Impact Category focuses on buildings and their energy performance during the operational stage. In each of the municipal standards reviewed, energy was invariably found to be a predominant focus area, and while GHG emission targets were not always explicitly separated from energy targets, the two are closely related and were typically addressed.

THIRD-PARTY CERTIFICATIONS

While applicable building codes provide minimum energy efficiency targets, a number of the municipal standards reviewed mandate higher energy performance than are otherwise required. One of the main ways that the municipal standards benchmark building energy efficiency is through third-party standards. For example, Toronto and Whitby both require that all low-rise residential buildings are designed to achieve at least Energy Star for New Homes, version 17 or R-2000 requirements. Similarly, the Town of East Gwillimbury requires that all residential developments 3-storeys or less achieve Energy Star for New Homes certification or a minimum rating of 83 when evaluated in accordance with Natural Resources Canada's EnerGuide Rating: 0-100 Scale. Finally, the City of Langford requires that all one-family dwellings, two-family dwellings and townhouses are certified as Built Green bronze. Energy Star for New Homes requirements, higher EnerGuide ratings or Built Green certification levels as well as alternate high-performance standards such as the Passive House Standard, LEED (meeting Minimum Energy Performance targets), and the Canadian Home Builders' Association (CHBA) Net Zero Home Labelling Program are also presented as optional/higher tier measures in multiple municipal green development standards.

While none of the municipal standards reviewed mandate the inclusion of Energy Star certified appliances, Toronto, Whitby, Edmonton, Halton Hills, and North Vancouver each have optional/higher tier measures regarding high efficiency appliances. Energy Star appliance labelling applies to clothes washers, clothes dryers, dishwashers, refrigerators, light fixtures, and ceiling fans, among others.

PASSIVE STRATEGIES

Improving building energy efficiency can also be achieved via passive strategies that reduce a building's energy consumption. These strategies typically consider the building orientation for optimal solar gain and natural ventilation from local predominant winds, and a high-performing building envelope to reduce heat loss and unnecessary heat gain.

The incorporation of passive design strategies are encouraged through various options or higher tier measures, with the passive solar alignment as the most common. For example, East Gwillimbury's green development standard includes an optional measure to identify opportunities for maximizing solar gain through site layout and building orientation in an Energy Efficiency Report. East Gwillimbury also encourages the east-west orientation of units to maximize passive solar gain but does not provide a specific way to measure the alignment, whereas Langford specifically encourages all buildings to be sited with the longest axis of the building within 15° of geographical east-west.

Richmond Hill, Vaughan, Brampton, and Whitby each encourage strategies that are similar to Langford, but that relate to blocks rather than buildings themselves: 50% (or more) of the blocks have one axis within 15° of geographical east-west and east-west lengths of those blocks are at least as long as the north-south lengths of blocks. Further green development strategies related to the massing and orientation of projects is noted in section 2.1.9 Community Design.

Additional passive building strategies are included in the City of North Vancouver's sustainable development guidelines are high efficiency windows (Energy Star labelled), airtightness (at most 1.5 ACH @ 50 Pa blower door test and appropriate ventilation strategy), and superior insulation (thick wall exclusion in Zoning Bylaw sought for insulation above BC Building Code). Finally, Edmonton also places value airtightness by encouraging buildings to be constructed to meet a low level of air leakage (1.5 ACH @ 50 Pa), including the utilization of qualified insulation contractors.

RENEWABLE ENERGY

The use of renewable sources of energy in lieu of non-renewable sources is encouraged by municipalities in varying degrees. The least stringent of the guidelines is mandated by Whitby, which requires a feasibility study of on-site energy generation from renewable resources. East Gwillimbury requires that buildings are designed to be solar-ready

(accommodate future use of solar technologies), while Edmonton, Langford, Vaughan, Brampton, Richmond Hill, Toronto, and Whitby include this measure as optional/higher tier.

A more proactive approach is to encourage the installation of on-site renewables. East Gwillimbury, Langford, Vaughan, Brampton, Richmond Hill, and Whitby each encourage that projects provide a percentage of on-site renewable energy supplied, based on the building's total energy use. These percentages range from 1% to 30%. The Toronto Green Standard is the only municipal standard reviewed that requires a minimum percentage (5%) of each building's annual energy consumption be supplied by on-site renewable energy; however, this requirement applies only to City-owned, low-rise residential buildings.

OTHER STRATEGIES

Other measures that reduce a building's energy consumption include providing indoor or outdoor clotheslines to discourage the use of electric clothes dryers, providing zonal HVAC heating and cooling controls, and supplying on-demand water heating. These measures are all optional in the Halton Hills Green Development Standard and the on-demand hot water heating is required in East Gwillimbury.

Optional/higher tier district energy requirements are also included in Langford's Green Development Checklist and East Gwillimbury's Development Standards for new Draft Plan of Subdivision and Site Plan applications. These options include providing the necessary infrastructure and a connection to the District Energy System (where District Energy is available for hook-up) or even constructing a District Energy, other communal energy system or combined heat and power system for heating and/or cooling for the development. Finally, Vaughan, Brampton, and Richmond Hill each have an optional measure to carry out a district energy feasibility study if the development is located in an area where district energy has been deemed viable by the municipality.

2.1.2 Water

The Water category focuses on reducing the use of potable water for indoor and outdoor water uses, as well as rainwater management. Reducing potable water use, harvesting, and re-using stormwater, and managing the quantity and quality of stormwater are all common themes in this Impact Category. Each of the municipal standards reviewed include requirements that address one or more of these themes.

INDOOR WATER USE

Reducing potable water use by installing low-flow indoor fixtures, fittings, and appliances is one of the main targets that municipalities have adopted. Vaughan, Brampton, and Richmond Hill mandate specific maximum flow rates for toilets, bathroom faucets, and showerheads (6 LPM, 8.3 LPM, and 9.5 LPM, respectively). Another approach that ensures high-efficiency fixtures are used is via the US EPA WaterSense labelling program. WaterSense labeled products are 20% more water efficient than average products in that category and perform as well or better than their less efficient counterparts. East Gwillimbury requires that all toilets and bathroom faucets are WaterSense labeled and Halton Hills includes WaterSense labeling of water fixtures as an optional measure.

Requiring a specific reduction over baseline water fixtures and appliances (not including irrigation) is a common approach that the municipal standards reviewed take to reducing indoor potable water use. East Gwillimbury, Vaughan, Brampton, Richmond Hill, and Toronto all have optional or higher tier measures that encourage reductions ranging from 10% to 50%. The baselines used to calculate the percent reductions achieved vary depending on the municipality, but the baselines used in the LEED Indoor Water Use Reduction credit are most typical.

OUTDOOR WATER USE

Irrigation is another typical use for potable water in low-rise residential developments. Reducing potable water used for irrigation also has synergies with the Land Impact Category, which is discussed in section 2.1.4.

Both Edmonton and Langford encourage the installation of high-efficiency irrigation systems (i.e. drip or trickle). Similar to the approach taken to indoor water, specifying a percent reduction in potable water used for irrigation is another common measure in municipal green development standards. Vaughan, Brampton, Richmond Hill, and Whitby each have optional measures that encourage reductions ranging from 50% to 100%.

Using non-potable water such as captured stormwater, recycled wastewater, or other non-potable water source, is a strategy that could enable the greatest reductions in potable water use. East Gwillimbury's Thinking Green! Development Standard requires that for all residential developments 3-storied or less, each house includes a separate, non-potable watering system with a minimum capacity of 180L for irrigation purposes. Langford takes a less specific approach with an optional measure that encourages irrigation system to utilize captured rainwater, recycled wastewater, or other non-potable water source. Finally, Halton Hills has an optional requirement that is to provide one rain barrel per 100 square metres of dwelling unit roof area.

Non-potable water can also be used for sewage conveyance, but this was not specifically mandated in any of the municipal standards reviewed.

STORMWATER MANAGEMENT

In addition to water conservation, stormwater management is a key component of the Water Impact Category. Both the quantity and the quality of stormwater runoff are important considerations in proper stormwater management, and both can be addressed in municipal green development standards.

Reducing impermeable surfaces and using low-impact development (LID)/green infrastructure (GI) practices can improve infiltration and reduce stormwater runoff. A number of municipal standards (Halton Hills, North Vancouver, Edmonton, and Langford) encourage the incorporation of on-site stormwater management features, but do not have any specific or mandatory requirements. Other municipalities have more stringent requirements and use varying metrics to measure the quantity of stormwater runoff. For example, East Gwillimbury has a mandatory requirement that that post-development peak flow rates are equal to or do not exceed pre-development peak flow rates for the 2- to 100-year storm events and a minimum volume and that a minimum volume reduction of 5mm is achieved. Further volume reductions (12.5mm and 25mm) are also presented as options but are not mandatory. Whitby also compares pre- and post-development runoff volumes in optional measures that encourage the on-site retention (i.e. infiltration, evapotranspiration, or collection and reuse) of runoff from the developed site. Further, Whitby encourages the reduction of local rainfall event runoff by an additional 5% to 15%, and water balance modeling for the one to ten years post-development.

A different approach that is taken by Toronto, Vaughan, Brampton, and Richmond Hill is to require that the runoff generated from a minimum 5mm depth of rainfall be retained on site. Retaining the runoff volume from the 5mm rainfall event on-site is a mandatory requirement in each of these municipalities, while retaining the runoff volume from the 10mm to 25mm rainfall events is optional.

In addition to managing the quantity of stormwater leaving the site, managing its quality is also important. The municipal green development standards in East Gwillimbury and Toronto both include a mandatory requirement that at least 80% of total suspended solids (TSS) on an annual loading basis be removed from all runoff leaving the site. Vaughan, Brampton, and Richmond Hill's standards also include this mandatory requirement; however, it is notes as not applicable to single family homes.

2.1.3 AIR

The Air Impact Category focuses on providing a healthy indoor air quality for building occupants, and improving local outdoor air quality by mandating requirements or restrictions on airborne pollutant source control and reductions.

INDOOR AIR QUALITY

Indoor air quality affects the health of building occupants and is a consideration that not many of the municipal standards reviewed directly address at the low-rise residential scale. Toxic emissions from Volatile Organic Compounds (VOC) found in building products are common source of indoor air contaminants that can be mitigated or eliminated by selecting interior finishings with low or even zero VOC content. Both Edmonton and Halton Hills have optional measures that encourage the use of low or zero VOC building products (e.g. paints, adhesives, sealants, flooring).

LOCAL AIR QUALITY

The local outdoor air quality can be affected by several elements addressed in other Impact Categories, but the use of cool/green roofs and Electric Vehicles (EV) directly impacts local air quality and will be addressed in the Air category.

Other strategies that relate to local air quality but are primarily concerned with mobility will be addressed in section 2.1.9 Community Design.

Reducing the urban heat island effect through the use of cool (highly reflective building materials) and/or green roofs is encouraged by several municipalities in the context of larger scale developments, but Toronto and Halton Hills both target the low-density residential scale as well. Halton Hills and Toronto employ the same strategy in their optional measures related to cool and green roofs. Both municipalities encourage the implementation of one out of three options for available roof area: install a green roof for at least 50% of the available roof space, use cool roofing materials for 100% of the available roof space, or use a combination of green roof and cool roof materials for a minimum of 75% of the available roof space. Toronto also specifies that roof area used for solar photovoltaics (PV) can count towards the 75% minimum in the latter option. Urban heat island effect can also be reduced with non-roof measures, which will be further discussed in section 2.1.4 Land.

Of the green development standards reviewed, East Gwillimbury is the only municipality that promoted EV charging infrastructure at the low-density residential contexts scale. While these measures are more commonly addressed in larger scale developments, East Gwillimbury requires that grade related (3-storeys or less) residential developments provide a minimum of 1 vehicle parking space per unit in a garage, carport, or driveway that is designed to permit the future installation of EV supply equipment. There is also an optional higher-tier measure which encourages the installation of the EV supply equipment.

2.1.4 LAND

The Land Impact Category focuses on the preservation, restoration, and enhancement of the site and surrounding areas. The municipal requirements reviewed focus on landscaping strategies to promote biodiversity and enhance the natural spaces surrounding the built environment. The urban heat island phenomenon is also addressed by the municipal standards reviewed by requiring the use of reflective roofing materials and hardscapes, or green roofs.

LANDSCAPING AND BIODIVERSITY

Landscaping and biodiversity are typically the main factors included in impact categories related to land. Halton Hills, East Gwillimbury, Edmonton, North Vancouver, Toronto, and Whitby each have requirements for a minimum percentage of site landscaping that must be native/adaptive or drought tolerant. Toronto has a mandatory requirement that at least 50% of the landscaped site area be planted using native plants (including trees, shrubs and herbaceous plants). East Gwillimbury has a similar mandatory requirement, but requires that 100% of new vegetation, including sodded and landscaped areas, are planted with native plant species. Halton Hills, Edmonton, North Vancouver, and Whitby each have similar optional requirements with encouraged percentages ranging from 50% to 80%.

Biodiverse and native species are support pollinators, which Toronto recognizes in an optional measure that recommends that a minimum of 30% (including the building footprint) of all portions of the site identified as previously disturbed be restored or protected with native vegetation that includes at least two native flowering species that bloom at all periods over the growing season.

TREES AND TREE CANOPY

Trees and tree canopy were key considerations of the Land Impact Category in all municipal green development standards reviewed. Requirements typically centered around preserving or replacing existing trees by offsetting the loss of existing trees, maintain trees of certain trunk diameter, or maintain all healthy trees.

East Gwillimbury's green development standard includes a mandatory requirement that for low-rise residential developments, street trees are provided on both sides of new and existing streets within the development adjacent to the vehicle travel lane at a rate of 1 tree per unit. Toronto's green development standard also includes a mandatory measure to create tree planting areas within the site and in the adjacent public boulevard that meet minimum required soil volume to provide tree canopy. Vaughan, Brampton, and Richmond Hill take a different approach and require all developments to provide an Arborist Report identifies and evaluates where on-site healthy mature trees will be protected (in-situ or moved) or removed.

Multiple optional measures are also included in many municipalities. For example, Langford encourages that large diameter trees or significant environmental features be maintained and/or enhanced within common or private amenity areas. Where existing trees must be removed, Edmonton recommends offsetting the loss of existing trees at a 2:1 ratio, while Vaughan, Brampton, and Richmond Hill simply encourage new trees (excluding street trees) be provided on site (or as determined by the municipality) to mitigate the lost canopy coverage of the trees removed.

URBAN HEAT ISLAND EFFECT

As discussed in previous sections, various strategies that are used to minimize the urban heat island effect can also work together with strategies in the Air and Water Impact Categories.

Vaughan, Brampton, Richmond Hill, and Whitby's green development standards include optional measures that aim to reduce the heat island effect from the built form; however, it is noted in each of the standards that the measures do not apply to low-rise residential buildings. Conversely, East Gwillimbury and Toronto have both mandatory and optional measures relating to heat island reduction that are applicable at the low-rise residential scale. The mandatory requirements in either municipality are to use a combination of strategies such as high-albedo paving materials, permeable paving, and shade from trees, to treat a minimum amount of the site's non-roof hardscapes (driveways, walkways, etc.). Toronto is more stringent with the minimum requirement being 50% of the site hardscaping, while East Gwillimbury requires only 25%. In addition to the minimum requirement, both municipalities further encourage the treatment of up to 75% of site hardscaping to reduce the heat island effect.

EROSION AND SEDIMENTATION CONTROL

While Erosion and Sedimentation Control during construction can be addressed in other guidelines or by-laws, Toronto and Whitby also specifically address it in their municipal green development guidelines. Toronto specifies that all low-rise residential developments must follow the Erosion and Sediment Control Guideline for Urban Construction during construction and demolition activities (per the Greater Golden Horseshoe Area Conservation Authorities Erosion and Sediment Control Guideline for Urban Construction). In contrast, Whitby has an optional measure to create and implement an erosion and sedimentation control plan for all new construction activities associated with the project. It is also specified that the plan must incorporate best management practices (BMPs) to control erosion and sedimentation in runoff from the entire project site during construction.

2.1.5 SOCIAL WELL-BEING

The Social Well-Being Impact Category focuses on elements of development that may affect human health and satisfaction. Public art, culture, equity and inclusion, and safety are among the factors considered in this category.

PUBLIC ART

East Gwillimbury, Langford, North Vancouver, and Whitby all have measures dedicated to providing public art. The measures are not highly specific and are optional each municipality, except for Whitby, which requires the incorporation of art into publicly accessible and visible spaces and into building designs as an architectural element. North Vancouver also specifies that public art should reflect local culture.

EQUITY AND INCLUSION

Universal design to promote physical accessibility is a feature that is already accounted for in local building codes and by-laws, but many of the municipal standards reviewed go beyond the minimum that is otherwise required. For example, North Vancouver encourages developments to include design features (beyond zoning by-law requirements) for people with disabilities, and encourages the inclusion of amenities for senior users.

East Gwillimbury, Langford, Brampton, Vaughan, and Richmond Hill also address physical accessibility in a variety of optional measures ranging from providing 30% of units with barrier-free paths of travel from street, to providing 20% of residential units that incorporate various adaptable design standards from the building code, to providing 20%-30% of units in accordance with International Code Council (ICC)/American National Standards Institute (ANSI) Universal Design Standards.

Economic accessibility is also addressed by all municipalities that have a social well-being or equivalent category. East Gwillimbury, Langford, North Vancouver, Whitby, Vaughan, Brampton, and Richmond Hill promote affordable housing, rentals units, and a variety of housing types via optional measures that encourage the inclusion of these types of residences. For example, all developments in Whitby must meet the affordable housing target of the Town's Official Plan, but the Whitby Green Standard also includes a voluntary measure to provide at least 30% of all new residential units produced as affordable to households of low and moderate income.

PUBLIC SAFETY

East Gwillimbury, North Vancouver, and Whitby each have a measure centred around Crime Prevention Through Environmental Design (CPTED). While the measure is optional in North Vancouver, it is mandatory in East Gwillimbury and Whitby. CPTED is a multi-disciplinary design philosophy that uses urban and architectural design along with effective use of the built environment to reduce the fear and occurrence of crime. CPTED strategies also aim to reduce victimization and build a sense of community among inhabitants.

2.1.6 WASTE

The Waste Impact Category focuses on reducing the waste generation during construction, and during the operational phases of the development, as well as the procurement of building materials that have lower environmental impacts.

CONSTRUCTION WASTE REDUCTION AND MANAGEMENT

Applicable standards and regulations related to construction waste management are in place and must always be met, but the further reduction of construction waste is a best practice that Edmonton, Langford, and Toronto specifically address in their municipal green development standards. These municipalities have optional criteria for diverting 50%-95% of waste from landfill during construction.

Whitby takes a less prescriptive and more educational approach to construction waste reduction by encouraging the development and implementation of a waste stream management narrative and plan focusing on waste diversion demonstrating the hierarchy of waste or source reduction (including prevention, minimization and reuse), recycling and materials recovery, and then disposal. This waste stream management plan, along with the specific waste reduction and diversion criteria above create a robust approach to construction waste mitigation.

SUSTAINABLE PROCUREMENT

Using sustainable materials is another typical way to mitigate solid waste from construction activities. Toronto, Edmonton, Vaughan, Brampton, and Richmond Hill all have criteria for using reclaimed materials or materials with recycled content. Toronto's optional measure references the LEED sourcing of raw materials credit for specific criteria and recommends that at least 25%, by cost, of the total value of permanently installed building products in the project meet these criteria.

Edmonton encourages the use of renewable or recycled materials or materials with recycled content in construction, but does not provide specific details, except for on-site hard surfaces, in which they recommend a minimum of 25% recycled content be incorporated. Vaughan, Brampton and Richmond Hill are more specific in their recommendations that a minimum of 25%-30% recycled/reclaimed materials should be used for new infrastructure (including roadways, parking lots, sidewalks, unit paving, etc.). These municipalities also encourage developers to provide that at least 5%-10% reused content and 10%-15% recycled content in building materials and/or landscaping materials.

The sustainable and responsible production and harvesting is another consideration that can be addressed in municipal green development standards. For example, Halton Hills encourages the use of at least 25% of wood-based materials and products that are certified in accordance with the Forest Stewardship Council's (FSC) principles and criteria for wood building components.

OPERATIONAL WASTE REDUCTION AND MANAGEMENT

Waste in the operational phase is not typically addressed at the low-density residential scale; however, Toronto does address this topic via mandatory and optional measures. In terms of mandatory requirements, Toronto provide specific minimum floor space requirements that must be dedicated to waste and recycling collection (2 m² for every 5 units for garbage, 2 m² for every 4 units for recycling/bulky items, 2 m² for every 4 units for organics). Toronto also requires a

ventilated internal space, external to the living area and on private property, for the storage of separated recycling, organics, and garbage generated between collections. To achieve the higher tier optional measure, separated cabinet space in all kitchen suites for segregated collection of recyclables, organics, and garbage must be provided. While these measures are included in the Toronto Green Standard for low-rise residential developments, it should be noted that they only apply to development less than 4 storeys with a minimum of 5 dwelling units.

2.1.7 EDUCATION

The Education Impact Category focuses on the promotion and communication of green building features and technologies to help educate the general public on sustainable design. Not all municipalities focus specifically on education in their green development standards, but a few do include specific measures in this Impact Category.

The only two mandatory requirements in the Halton Hills standard are both focused on education and communication. The requirements are to Familiarize the homeowner(s) with the entire dwelling's green building features as part of the Pre-Delivery Inspection and to provide a Homeowner's Information Package outlining all of the dwelling's green building features, neighbourhood conveniences and information that promotes green lifestyle choices. The Package must also provide information on the proper use and maintenance of the home's green features and will include a copy of the Town's Green Plan and Community Sustainability Strategy. In addition, to the two mandatory education measures, the Halton Hills green development standard also includes an optional measure that works to promote and educate on green technologies. The measure requires each home purchaser(s) to be provided with the opportunity to select at least one additional green building option such as solar water and space heating; 100% native, non-invasive and/or drought-resistant xerophytic landscaping; advanced energy saving features; or universal accessibility packages.

East Gwillimbury also requires that all new building owners/tenants be provided with a Town-approved sustainability handout outlining sustainability features, such as green building materials, waste management programs, transit stop locations and encouraging other activities. The sustainability handout shall also include an itemized list of all green technologies and programs that the applicant has committed to undertake within the green development standard.

Finally, while Whitby does not require the development and distribution of a sustainability handout to new residents to understand green/sustainable elements in homes/buildings, it is included in the standard as an optional measure.

The Education Impact Category can also tie into innovation strategies, which are accounted for in Halton Hills, Langford, North Vancouver, and Whitby's green development standard. In each of these municipalities, innovative or unique green features not included in the respective standard can be used to contribute towards compliance.

2.1.8 FOOD

The Food Impact Category focuses on access to gardens and encouraging the infrastructure to support the availability of local food. While it is not as commonly adopted as other categories, it is incorporated into a few municipalities' standards and presents a unique opportunity that is growing in interest and utility. Access to gardens and local food also contributes to the community's social well-being, and the resilience of the local economy and supply chains. This is discussed further in section 2.2 Emerging Trends.

Vaughan, Brampton, and Richmond Hill do not have any mandatory targets related to food, but they do have an optional measure to provide 80 ft² per dwelling unit of garden space dedicated to urban agriculture. Whitby also has an optional measure related to food; however, it does not specify minimum requirements, but rather indicates that where possible, community gardens, rooftop gardens, and spaces that support farmers' markets should be incorporated in appropriate locations to contribute to the accessibility of locally grown produce in urban areas. Finally, North Vancouver also has an optional food related measure which at least 50% edible landscaping for common space is encouraged.

2.1.9 COMMUNITY DESIGN

The Community Design Impact Category focuses on the massing and orientation of the project. Some aspects of community design can apply to buildings on an individual basis, but this category is typically more applicable to broader site and community plans. Since this is a broad topic, we have limited our findings to those that have impacts on the overall sustainability of the community.

STREET AND BLOCK DESIGN

As discussed in section 2.1.1 Energy & GHG Emissions, street and block design can contribute to reductions in building energy consumption. By ensuring that blocks are oriented to achieve passive solar gain, energy used for heating and cooling can be reduced.

Street and block design also impact the use of diverse forms of mobility and the promotion of active transportation. For example, creating street and block patterns using grid or modified grid patterns, discouraging the use of cul-de-sacs, and designing streets with medium to short block lengths (400 m to less than 250 m) and perimeters (550 m to 400 m) encourages active transportation and reduces automotive trip lengths. Additionally, providing mid-block pedestrian connections and other continuous pedestrian infrastructure throughout further promotes active transportation. The implementation of these strategies is recommended in Halton Hills, East Gwillimbury, and Whitby's respective green development standards.

Providing streetscape amenities such as benches, street trees, waste receptacles, pedestrian scaled lighting, bicycle racks, and water bottle fill stations can also create a more attractive pedestrian environment and further encourage active transportation. Providing streetscape amenities is a mandatory target in East Gwillimbury and a recommended measure in Halton Hills, Langford, Vaughan, Brampton, Richmond Hill, and Whitby. None of these municipalities define specific thresholds that must be met in order to achieve this measure, but simply provide general guidance and require a yes or no answer.

PROXIMITY TO AMENITIES

Proximity to amenities such as transit stops, schools, parks, grocery stores, or other retail/services is a measure that East Gwillimbury, Vaughan, Brampton, and Richmond Hill include in their green development standards. East Gwillimbury requires that all new residential lots and blocks to be within an approximate 800 m walking distance to at least 3 existing amenities (either internal or external to the development) or planned amenities (internal to the development). A shorter walking distance of 400 m is also provided as an additional optional measure. Vaughan, Brampton, and Richmond Hill do not have any mandatory targets related to proximity to amenities, but they do have a number of optional targets. For example, they each have recommended minimum targets that 50% of dwelling units are within an 800 m walking distance to existing or planned amenities. Further, they also each have aspirational targets that 75% of dwelling units are within a 400m walking distance to existing or planned amenities.

EXTERIOR LIGHTING

Reducing the energy consumption and light pollution caused by exterior lighting are community design measures that are both addressed by East Gwillimbury by mandating that 100% of exterior light fixtures are LED and are shielded or downfacing to reduce the amount of glare and light trespass experienced by neighbouring properties. Similarly, Toronto requires pedestrian-scale lighting be provided to illuminate sidewalks, paths, and outdoor public spaces, while also being downlit and Dark Sky Compliant to reduce light pollution. There is also an optional target of installing timers or motion sensors to turn exterior lights off when not in use in both the East Gwillimbury and Halton Hills standards.

Vaughan, Brampton, and Richmond Hill also recommend the use of LEDs and/or photocells on all exterior (exposed) lighting fixtures (applies to streetlights, park lights, pedestrian walkways) to reduce energy use.

2.2 EMERGING TRENDS

Impact Categories and/or sustainability criteria for consideration for the Hamilton Low Density Residential Standard. The following are examples of growing trends that are being slowly implemented in other municipalities and present an opportunity for the City of Hamilton to become a leader in these new areas of sustainable development.

- **Greenhouse Gas Emission Reduction:** As described in section 2.1.1 Energy & GHG Emissions, municipal currently focus on energy efficiency and passive design principles, however higher tier requirements indicate the aspiration of reaching 2050 Climate targets. The federal government has recently updated its previous commitment to achieve an 80% reduction of 2005 carbon emissions by 2050 to a target of net zero carbon by 2050. Provincially, the Ontario Environmental Plan targets a 30% reduction below 2005 levels by 2030. Many municipalities are also establishing local reduction targets in line with, or beyond these federal and provincial goals. City of Toronto is targeting near zero

emissions in all new buildings by 2030. This means high-performance low-carbon pathway will be required for low-density residential sector as well. The City of Hamilton has not yet formalized a carbon reduction target or strategy but is currently working to develop City-Wide Design Standards.

- **Food:** As described in section 2.1.8 Food, a few Municipalities have incorporated local food production, but this Impact Category is not considered in most other Sustainability Standards. The City of Hamilton has included Urban Agriculture, Community Gardens and Farmers Markets in the Official Plan Zoning By-Law and is well positioned to include this emerging trend in the Sustainability Standard. An example of how urban farming can thrive when permitted by local by-laws is in Vancouver, where an organization converts regular yards into vegetable plots and maintains the crop with a team of urban farmers. Homeowners exchange part of their front or back yards for a share of the vegetables grown in the local plots. While this is not specifically encouraged in any of the municipal standards reviewed, removing potential barriers such as planting requirements for lawns are key to allowing for innovative solutions like the example noted above.
- **Resilience:** Climate Change, and the resulting changes to temperature, shifting precipitation patterns and more frequent and severe weather events will have an increasingly significant influence on our infrastructure. Durham Region is focused on improving disaster resilience of low-rise residential buildings and has structured their Standard to focus on Basement Flooding, Extreme Heat and Extreme Wind Protection to mitigate the impact climate change has on homeowners. Other Municipalities are starting to incorporate these criteria into their Standards by implementing more stringent stormwater management as described in section 2.1.2 Water, or the heat island effect per section 2.1.4 Land.
- **Air Tightness:** This criterion measures the uncontrolled inward or outward leakage of air in a building. Buildings can perform testing to identify any leakage points or areas of weakness in the building envelope. Once identified the air barrier can be sealed to reduce air leakage and heat transfer. Superior air tightness can improve a building's energy performance, occupant comfort and durability¹. As mentioned in section 2.1.1 Energy & GHG Emissions under Passive Strategies, North Vancouver and Edmonton are the only municipalities to encourage buildings to conduct air tightness testing and report the rate of air leakage. No other municipalities have considered building air tightness in their Low-Density Residential Standards.

2.3 STRENGTHS, WEAKNESSES, OPPORTUNITIES, AND THREATS (SWOT) ANALYSIS

2.3.1 STRENGTHS

- **Reduction in Environmental Impacts and Risk:** The SBDS represents an important opportunity for the City to reduce environmental impacts that may occur as an outcome of development. The SBDS provides the City with an ability to measure potential environmental impacts from development and implement a solution-oriented framework to reduce undesirable outcomes in this regard. Where possible, reducing environmental impacts may also reduce risk that the City could be exposed to. Reducing the negative environmental impacts from development could affect the City's resiliency and its capacity to survive, adapt and thrive when confronting the stresses and shocks caused by environmental impacts. Stresses weaken a district on a chronic basis; examples are housing affordability or transportation issues. Shocks are sudden, single-event disruptions that threaten a district, such as a flood or power outage.
- **Meaningful Impact on Community Development:** The SBDS may represent one of the most tangible ways for the City to direct and influence more sustainable community development practices. While the City's official plan establishes broad sustainable policy direction, the SBDS could be considered an important implementation tool, along with other land use planning instruments, such as the City's zoning by-law. The SBDS may afford the City an

¹ It is important to note that an air-tight building may cause mould or humidity issues if the materials selected for the envelope assembly promote condensation. As such, measures to ensure that this does not occur (e.g. Engaging a building science professional) may be beneficial.

opportunity to address a breadth of emerging challenges associated with land use and development, such as public health, climate change, energy and resource use. By addressing a breadth of impact categories, the SBDS represents an impactful tool contributing to the responsible management of growth and change while improving the overall health and well-being of the community.

- **Precedence:** There is an emerging precedence among Canadian municipalities to advance and promote sustainable development standards for site and building design. In particular, sustainable design standards provide municipalities with an opportunity to implement both mandatory and/or optional standards through the planning process to evaluate the performance of proposed development in this regard, thereby advancing a community's vision for a more sustainable future.
- **Targeting a High-Impact Group :** Low-density housing continues to be one of the largest consumers of water and energy, while generating waste, and contributing to air pollution and greenhouse gas emissions. By focusing the SBDS on low-density housing, the City may realize improvements to construction practices, site design and building performance that results in the more efficient use of municipal infrastructure, better conserves water and energy, enhances the natural environment, and builds more complete communities.
- **Marketability:** Implementing the SBDS through the land use planning applications and approval process may create an incentive to potential home buyers who are increasingly aware and cognisant of sustainable development, while also offering an innovative, tailored and realistic framework for developers. In this regard, the SBDS may contribute to economic development while advancing the City's sustainability goals and objectives.

2.3.2 WEAKNESSES

- **Complexity:** Green development standards typically evaluate a full range of impact categories through various technical metrics. While this may be necessary to meaningfully evaluate specific impact categories, the technicality of green development standards may pose a challenge in implementation by the City and uptake by the development industry. Effort should be made to use accessible, clear and simple language and metrics to produce a document that is easily understandable and that mitigates uncertainty or mis-interpretation.
- **Resourcing, administration, implementation and monitoring:** Ongoing marketing, communication and administration of the SBDS will be required to ensure its continued implementation and success. This may require heightened resourcing considerations from the City for ongoing administration and implementation.
The SBDS will require a heightened administrative effort from City staff during the planning application and approval process. Consideration will also need to be given to what, if any, impact the administration of the SBDS will have on the overall planning application and approvals timeline. These considerations may impact review timelines, require heightened inter-department collaboration for implementation and review, and may also require a robust process for coordination and follow-up with applicants that are subject to the SBDS.
The SBDS will likely need to be updated from time-to-time as changes to the Provincial and local land use planning framework emerge, or as sustainability best practices or initiatives evolve. This will require ongoing monitoring from City staff, with changes or updates to the SBDS benefiting from Council, stakeholder and community participation.
- **Definable Impact Categories:** Certain impact categories will require careful consideration to how they are defined and measured through the SBDS. These definitions will need to be measurable to ensure that an applicable impact category can be meaningfully evaluated through the SBDS. For example, in the absence well defined metrics, impact categories such as connectivity may be difficult to measure. However, this could be addressed by considering specific metrics such as such as proximity to local amenities or transit with regard to connectivity.
- **Lot and Building Requirements:** If through the development of the SBDS it is determined that certain impact categories will give specific consideration to zoning performance, such as lot and building requirements, the City will need to be satisfied that Zoning By-law 05-200 is representative of the goals and objectives of the SBDS, while still conforming to the City's Official Plan. The SBDS is not permitted to be more restrictive than Zoning By-law 05-200, and therefore the metrics will need to be consistent with the ZBL. On this basis, the City may consider ensuring Zoning By-law 05-200 implements a framework for managing land use and future development that conforms to the Official Plan, while reflecting the City's broader sustainability goals and objectives and the various implementation tools, such as the SBDS.

- **Future Development:** Application of the SBDS may need to be carefully monitored within the context of low-density residential development. Under the Provincial land use planning framework, minimum intensification and density targets increasingly require municipalities to consider medium to higher-density developments over the planning horizon. Within this context, the City may ultimately determine that the impact categories and associated metrics of the SBDS may be more applicable to higher density developments and that this may require different metrics.

2.3.3 OPPORTUNITIES

- **Effectiveness:** Green development standards are demonstrated to be an affective opportunity for municipalities to meaningfully realize more sustainable development practices and resilient communities. Many municipalities throughout Ontario and across Canada have adopted a similar approach that is implemented through the land use planning application and approvals process.
- **Breadth:** The breadth of potential metrics included in the SBDS enables the City to evaluate a full range of metrics that contemplate various sustainability considerations. The SBDS therefore represents an opportunity to implement a holistic and comprehensive approach to advancing the City's sustainability goals, objectives and mitigate risks brought about climate change and environmental damage from development.
- **Advance Municipal Priorities and Policies:** The SBDS represents an opportunity for the City to advance various local sustainability initiatives and policies. This principally includes the City's Official Plan, as well as the City-wide Corridor Planning Principles and Design, Site Plan Guidelines, and the Secondary Plan Urban Design Guidelines, for example. The SBDS also advances the City's Strategic Plan, including priorities such as being environmentally sustainable, a built environment and infrastructure that focuses on quality of life and community well-being, and healthy and safe communities, among others.
- **Other City Plans:** The SBDS may consider other City plans that share common or related goals and objectives. For example, this may include Hamilton's Age Friendly Plan that considers housing, mobility, and social participation, among others.

2.3.4 THREATS

- **Education and Communication:** The success of the SBDS will necessarily ongoing public education, awareness and communication from the City. The absence of a robust public education and awareness campaign, that includes direction on how to apply the SBDS through the planning application and approvals process, may hinder the long-term success of the SBDS.
- **Capital Costs:** Certain impact categories and associated metrics may result in heightened capital costs as a result of increased development and building costs required to satisfy the SBDS. These are not likely to be borne by developers, but rather downloaded to home buyers, thus potentially increasing housing costs in a real estate market that is undergoing significant appreciation. While the SBDS may advance the City's sustainability goals and objectives, consideration should be given to how the SBDS framework, including any supporting initiatives, can offset the unintended consequence of increased housing costs.
- **Planning Instruments:** The efficacy of the SBDS may also require the City to evaluate and/or consider if the in-effect land use planning instruments establishes the necessary framework for meaningful implementation of the SBDS. This may include the City's Site Plan Control By-law which does not apply to single detached dwellings, duplex dwellings or semi-detached dwelling in some cases, for example. Overall, consideration will need to be given to which categories of planning applications trigger application of the SBDS to ensure the City's land use planning framework gives appropriate effect and supports its implementation.
- **Operational Costs:** Long-term viability of the SBDS may need to consider operational costs, in addition to the potential for increased capital costs, as discussed previously. For example, certain impact categories may require building or design considerations that contribute to heightened operating costs over the life-cycle of the building. This could result in compounding increased costs associated with home ownership where the SBDS has been applied, with both heightened capital costs and operating costs being ultimately borne by a homeowner.

City of Hamilton Sustainable Building and Development Guidelines

Phase 1 - Low Density Residential Uses

The City of Hamilton Sustainable Building and Development Guidelines shall apply to proposed low-density residential developments under the following conditions. For the purpose of interpretation, a low-density dwelling shall mean a single detached dwelling, duplex dwelling or semi-detached dwelling as defined in the City of Hamilton Zoning By-law:

- Where an application is made under the *Planning Act* for a Draft Plan of Subdivision that proposes five (5) or more low density residential dwellings with access from a public street, and where the application is subject to the City of Hamilton Site Plan Control By-law; and
- Proposed applications that require an amendment to the City's Official Plan or Zoning By-law to satisfy Item 1 above, shall also be required to satisfy these Guidelines.

For clarity, the Low Density Sustainability Building and Development Guidelines shall not apply to developments that are deemed to be medium density or high density.

Requirement	Intent	Description	Yes	No	N/A	Comments: Description of compliance, reference documentation, etc.	Subdivisions	Single Homes
Healthy Trees	Support vegetation in urban areas and ensure maintenance of trees.	Protect existing healthy trees (in-situ or removed) in accordance with an approved Tree Preservation Plan or Arborist Report. These Plans/reports are to be prepared in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).					Mandatory	Mandatory
Street Tree Planting	Reduce the urban heat island effect, reduce water runoff, improve air quality, and enhance the streetscape for human activity by providing street trees.	Provide street trees on both sides of new and existing streets within the development adjacent to the vehicle travel lane at a rate of 1 tree per unit. Provide additional street trees at least 10% above minimum required.					Mandatory	Mandatory
Native and Adapted Species	Enhance resilience and biodiversity by restoring native and climate-adapted vegetation found within the City and eliminating invasive species.	Do not use invasive species or artificial grass. Use native or adapted species (including trees, shrubs and herbaceous plants) for at least 50% of the new landscaping, if any.					Mandatory	Mandatory
							Mandatory	N/A
							Mandatory	Mandatory
							Mandatory	Optional

Requirement	Intent	Description	Yes	No	N/A	Comments: Description of compliance, reference documentation, etc.	Subdivisions	Single Homes
Heat Island Effect - Non-Roof	<p>Reduce the heat island effect to minimize the impact on human comfort and health.</p> <p>The urban heat island effect happens when development and human activity (such as paved surfaces, reduced vegetation, heat from vehicles) causes the urban area to become warmer than nearby rural spaces.</p>	<p>Use a combination of heat island reduction measures for at least 50% of site hardscapes.</p> <p>Non-roof measures include:</p> <ul style="list-style-type: none"> - Hardscape shading (such as tree shading) - Surface materials that reflect instead of absorb heat (Solar Reflectance Index >29; <i>black asphalt has an SRI of 0, whereas white surfaces can have an SRI up to 100</i>) - Open grid pavers (perviousness > 50%) 					Mandatory	N/A
Drought-Tolerant Landscaping	<p>Clean drinking water is a precious resource globally that is often used for irrigation. Additionally, the increased water demand can put unnecessary strain on potable water systems in the summer. Design landscaping to reduce potable water demand for outdoor use.</p>	<p>Use drought-tolerant plant species and low-maintenance landscaping (e.g. mulch) for at least 50% of the landscaped area, if any.</p>					Mandatory	Optional
Soil Quality and Quality	<p>Increase and support healthy vegetation to ensure diverse and sustainable habitats.</p>	<p>Conform with the soil volumes found within the City of Hamilton Tree Preservation and Sustainability Policy.</p> <p>For all individually planted trees in new residential sidewalks installations, include 21m³ of soil. For a grouping of 2 or more trees in a soil bed, include 16m³ of soil per tree.</p> <p>Note that only depths of up to 1.5m shall be used for the calculation of soil volume.</p>					Mandatory	Optional

Requirement	Intent	Description	Yes	No	N/A	Comments: Description of compliance, reference documentation, etc.	Subdivisions	Single Homes
Air								
Electric Vehicle Charging	Promote the use of electric cars by providing electric vehicle (EV) charging stations. This will improve local air quality and reduce greenhouse gas emissions.	Provide a minimum of one (1) vehicle parking space per unit or per parking space (whichever is greater) in a garage, carport, or driveway with electric vehicle supply equipment OR physical provisions for the future installation of electric vehicle supply equipment (i.e. roughed-in).					Optional	Optional
Enhanced Heat Island Effect	Reduce the heat island effect to minimize the impact on human comfort and health. The urban heat island effect happens when development and human activity (such as paved surfaces, reduced vegetation, heat from vehicles) causes the urban area to become warmer than nearby rural spaces.	Use heat island reduction measures for at least 50% of the roof area. Roofs measures include: - Roofing materials that reflect instead of absorb heat (Solar Reflectance Index >82 if low-sloped; Solar Reflectance Index >39 if steep-sloped) - Solar PV					Optional	Optional
Traffic Calming Strategies	Reduce vehicle speeds and volumes with traffic calming strategies. This will reduce environmental impacts such as traffic congestion, noise, air pollution etc.	Use a combination of heat island reduction measures for at least 75% of site hardscapes. Non-roof measures include: - Hardscape shading (such as tree shading) - Surface materials that reflect instead of absorb heat (Solar Reflectance Index >29; <i>black asphalt has an SRI of 0, whereas white surfaces can have an SRI up to 100</i>) - Open grid pavers (perviousness > 50%)					Optional	N/A
		Design 50% of new non-residential and/or mixed-use streets with traffic calming strategies					Optional	N/A

Requirement	Intent	Description	Yes	No	N/A	Comments: Description of compliance, reference documentation, etc.	Subdivisions	Single Homes
Energy & GHG Emissions								
Onsite Renewable Energy	Encourage and recognize increasing levels of on-site renewable energy self-supply to reduce environmental and economic impacts associated with fossil fuel energy use.	Determine the feasibility of energy generation from renewable resources (e.g. solar PV, solar thermal, wind, geo-exchange). Design on-site renewable energy systems to supply a minimum of 5% of the building's total energy load consumption from solar PV, solar thermal or wind, or 20% from geo-exchange.					Optional	Optional
Green Grid-Sourced Energy	Encourage use of grid-sourced "green power" (e.g. Bullfrog Power) to reduce environmental and economic impacts associated with fossil fuel energy use.	The development purchases grid-source green energy.					Optional	Optional
District Energy	Encourage district energy to reduce environmental and economic impacts associated with fossil fuel energy use. District energy systems supply heating and/or cooling to individual buildings from a centralized plant. District energy systems are more energy efficient than typical equipment and can reduce greenhouse gas emission.	Where district energy is available for hook-up, provide the necessary infrastructure and a connection to the district energy plant and system. Where district energy is not yet available for hook-up, provide the necessary infrastructure for future connection to the district energy plant and system.					Optional	N/A
Solar Readiness	Encourage and recognize increasing levels of on-site renewable energy self-supply to reduce environmental and economic impacts associated with fossil fuel energy use.	Design 100% of all new building for solar readiness (i.e. conduit installed from roof to mechanical room/electrical box and appropriate electrical systems installed, identify roof location of suitable size, pitch and orientation).					Optional	N/A

Requirement	Intent	Description	Yes	No	N/A	Comments: Description of compliance, reference documentation, etc.	Subdivisions	Single Homes
Passive Solar	<p>Reduce heating and cooling energy consumption by integrating utilizing solar energy.</p> <p>Passive solar design takes advantage of solar thermal energy through strategies such as window orientation, thermal mass, convective cooling, etc.</p>	<p>Include a report describing how passive solar gain has been accommodated in the plan/design considering factors such as street/lot orientation and fenestration on units. Passive strategies should be optimized to reduce total building energy consumption, and designs should not create unwanted solar heat gains.</p>					Optional	N/A
Building Envelope	<p>A high performance building envelope increases the heating and cooling efficiency of buildings, thereby increasing the building's overall energy efficiency and resilience.</p> <p>The performance of the building envelope can be measured by using a high performance standard and/or by measuring air leakage.</p>	<p>Design and construct the building envelope to an alternate high performance standard (Passivhaus or R-2000).</p> <p>Construct the building envelope to meet a low level of air leakage (1.5 ACH @ 50 Pa), including utilization of qualified insulation contractors.</p>					Optional	Optional

Requirement	Intent	Description	Yes	No	N/A	Comments: Description of compliance, reference documentation, etc.	Subdivisions	Single Homes
Land								
Bird Friendly Design	Minimize impact of buildings on migratory birds by employing design strategies to reduce in-flight bird collisions with buildings.	Use Bird Friendly Design strategies to treat at least 85% of the exterior glazing located within the first 12m of the building above-grade (including interior courtyards). Bird Friendly Design strategies include: - visual markers on glass with a spacing no greater than 10cm x 10cm. - low reflectance opaque materials - shade					Optional	Optional
Enhanced Healthy Trees	Support vegetation in urban areas and ensure maintenance of trees.	Retain all healthy trees on site that are not immediately impacted by the proposed building / parking area or removed for solar access AND offset the loss of any existing trees at a 2:1 ratio					Optional	Optional
Enhanced Native and Adapted Species	Enhance resilience and biodiversity by restoring native and climate-adapted vegetation found within the City and eliminating invasive species. Native flowering species support pollinators, which are vital to creating and maintaining habitats and ecosystems that many animals rely on for food or shelter.	Support the City's "Bee City" designation by restoring or protecting a minimum of 30% of the site identified as previously disturbed, with native vegetation that includes at least two native flowering species that bloom at all periods over the growing season.					Optional	N/A

Requirement	Intent	Description	Yes	No	N/A	Comments: Description of compliance, reference documentation, etc.	Subdivisions	Single Homes
Waste								
FSC Wood	Encourage the use of Forest Stewardship Council (FSC) certified wood.	Utilize a minimum of 25% of wood based materials and products that are certified in accordance with the FSC principles and criteria for wood building components.					Optional	N/A
	FSC wood promotes environmentally responsible forest management and the production of sustainable lumber and wood products.							
Durable Buildings	Minimize materials use and construction waste over a building's life resulting from inappropriate material selection or premature failure of the building or components.	Incorporate durable and quality building / accent materials which are compatible with the materials found on dwellings within the neighbourhood. Incorporating recycled-content materials, recycled materials and local sustainable renewable resources is also encouraged.					Optional	N/A
Water								
Enhanced Drought-Tolerant Landscaping	Clean drinking water is a precious resource globally that is often used for irrigation. Additionally, the increased water demand can put unnecessary strain on potable water systems in the summer. Drought-tolerant planting and efficient irrigation systems efficiency can reduce the potable water demand for outdoor use.	Use drought-tolerant, low-maintenance landscaping for 75% of the landscaped area.					Optional	Optional
	Outdoor Water Use	For all non-grass planted areas, use high efficiency irrigation systems (i.e. drip or trickle) only, or use no irrigation system due to use of only drought tolerant plants.					Optional	N/A

Requirement	Intent	Description	Yes	No	N/A	Comments: Description of compliance, reference documentation, etc.	Subdivisions	Single Homes
Community Design								
Street Networks	Design street networks that promote walkability and active transportation thereby reducing GHG emissions, noise, traffic congestion, and other environmental impacts related to car use.	Street and block patterns emphasize interconnection and walkability through a grid or modified grid design.					Optional	N/A
		All arterial and collector roads have sidewalks on both sides of the right-of-way					Optional	N/A
		All local roads are encouraged to have sidewalks on both sides of streets, particularly for connections to schools, recreational facilities, transit stops and trails.					Optional	N/A
Education								
Community Sustainability Outreach	<p>Raise awareness and educate developers and residents.</p> <p>Community sustainability outreach promotes sustainability measures and ensures their effective implementation and maintenance.</p>	Developers shall distribute a City-approved (or building specific) sustainability handout to all new homeowners/tenants, outlining sustainability features, such as green building materials, waste management programs, transit stop locations & encouraging other activities (low-water gardening, green cleaning materials, alternate pest control measures, purchasing green power).					Optional	N/A
		Familiarize homeowners with all of the dwelling's green building features as part of the Pre-Delivery Inspection					Optional	N/A
		Provide a Homeowner's Information Package outlining all of the dwelling's green building features, neighbourhood conveniences and information that promotes green lifestyle choices.					Optional	N/A



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

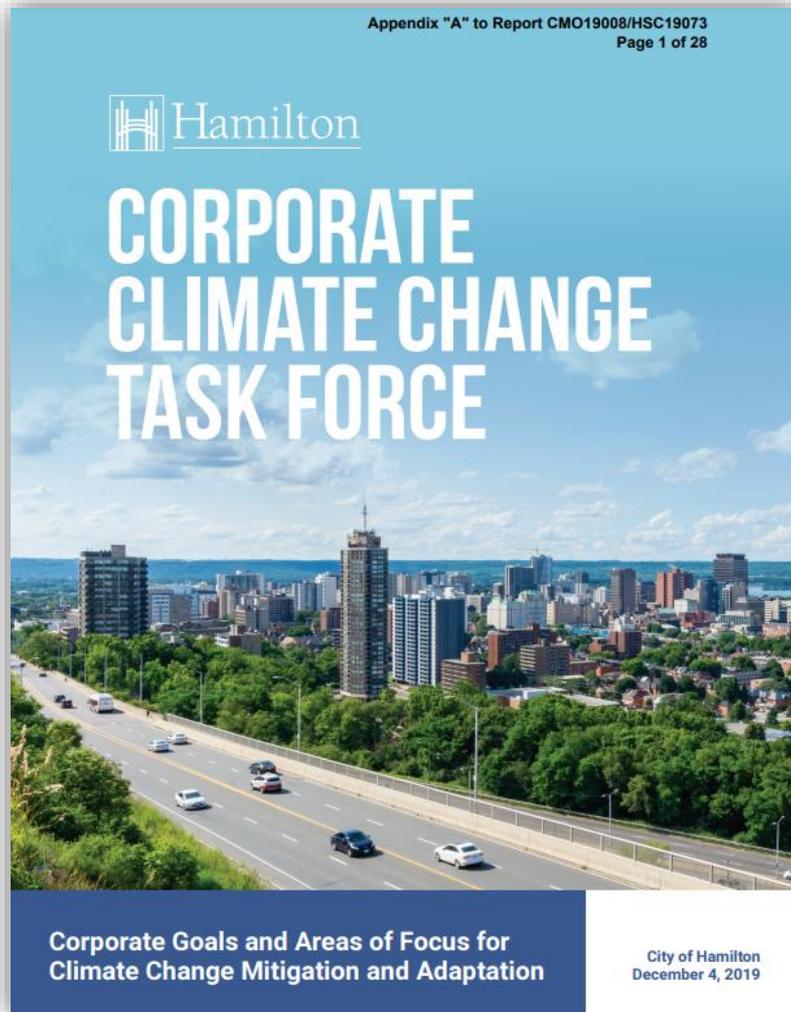
September 6, 2022

PED22185 –

Public Consultation on Sustainable Building and Development Guidelines – Low Density Residential Uses (City Wide)

Presented by: Mallory Smith

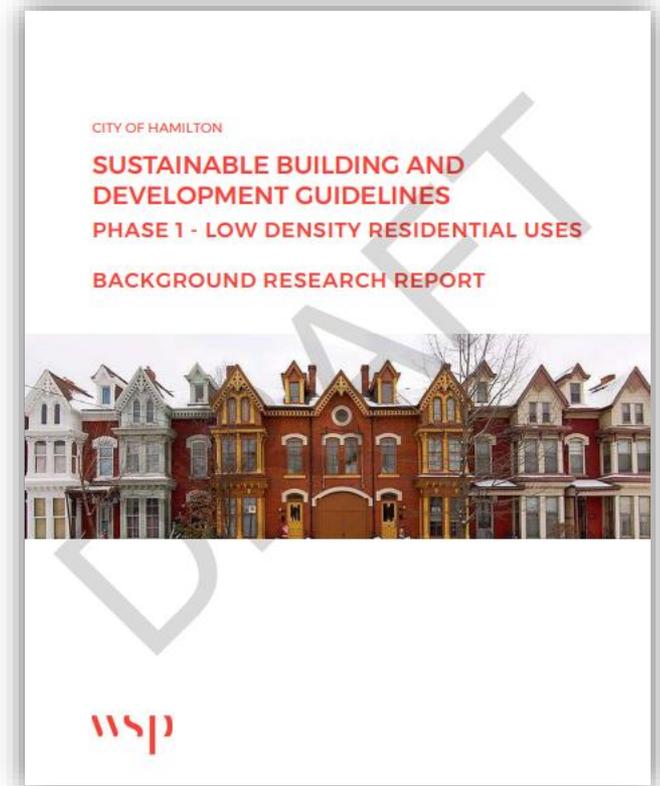
Background



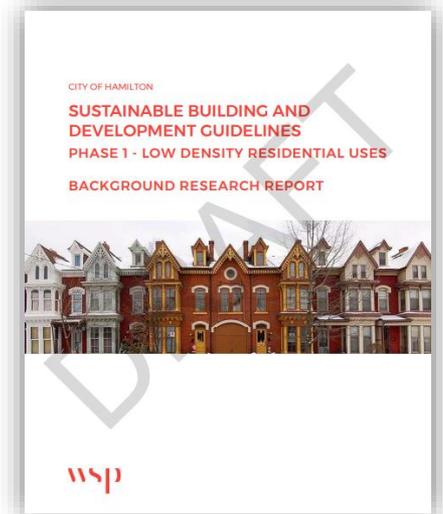
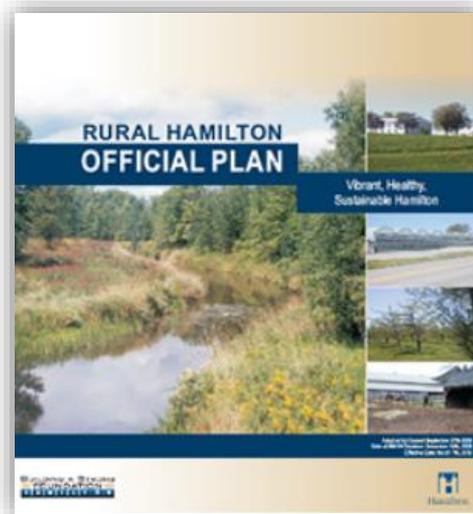
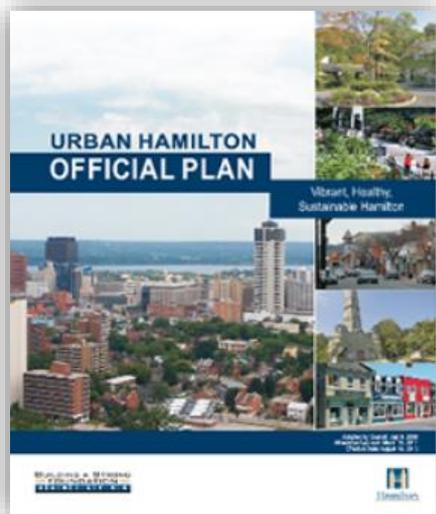
High Impact Actions	Areas of Focus for Further Work	Department Lead	Reporting Timeline
The City will ensure future land use and development supports climate change mitigation and resiliency.	Climate change evaluation framework/ lens as part of GRIDS2 and the Municipal Comprehensive Review.	Planning and Economic Development	Initiate: 2020 Report: Annually
	Energy and Environmental Assessment Report requirement for new development proposals.	Planning and Economic Development	Initiate: 2020 Report: Annually
	Adoption of Community Energy Plan.	Planning and Economic Development	Initiate: 2020 Report: Annually
	Low Impact Development guidelines within the City's Comprehensive Engineering Guidelines, Site Plan guidelines and zoning standards.	Planning and Economic Development	Initiate: 2020 Report: Annually
	Climate change evaluation framework/ lens for future infrastructure master plans.	Public Works	Initiate: 2020 Report: Annually

Background

- Establish a set of criteria for the evaluation of Low Density Residential (LDR) development proposals against the objectives of achieving sustainable and resilient communities.
- Assessment tool in the form of a checklist for the City to use in determining the extent to which Sustainable Building and Development Guidelines (SBDG) can be incorporated into new or retrofitted developments.



Background



Sustainable Building Design Guidelines

- The purpose of the Guidelines is to improve the environmental performance of new industrial, commercial, institutional, and residential development within the City.
- This first phase of the project focuses on Low Density Residential uses, the subsequent phases of the project will include medium and high density residential development, industrial, commercial, and institutional development within the City.



Sustainable Building Design Guidelines

- Will establish minimum and aspirational targets
- A grading or scoring system to evaluate the performance of proposed developments against the targets and criteria, and,
- Minimum information requirements to be submitted with development applications to inform the evaluation of the proposed development against the Guidelines.



City of Hamilton Sustainable Building and Development Guidelines
Phase 1 - Low Density Residential Uses

The City of Hamilton Sustainable Building and Development Guidelines shall apply to proposed low-density residential developments under the following conditions. For the purpose of interpretation, a low-density dwelling shall mean a single detached dwelling, duplex dwelling or semi-detached dwelling as defined in the City of Hamilton Zoning By-law:

1. Where an application is made under the *Planning Act* for a Draft Plan of Subdivision that proposes five (5) or more low density residential dwellings with access from a public street, and where the application is subject to the City of Hamilton Site Plan Control By-law; and
2. Proposed applications that require an amendment to the City's Official Plan or Zoning By-law to satisfy Item 1 above, shall also be required to satisfy these Guidelines.

For clarity, the Low Density Sustainability Building and Development Guidelines shall not apply to developments that are deemed to be medium density or high density.

Requirement	Intent	Description	Compliance			Comments: Description of compliance, reference documentation, etc.	Subdivisions	Single Homes
			Yes	No	N/A			
Healthy Trees	Support vegetation in urban areas and ensure maintenance of trees.	Protect existing healthy trees (in-situ or removed) in accordance with an approved Tree Preservation Plan or Arborist Report.					Mandatory	Mandatory
		These Plans/reports are to be prepared in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).						
Street Tree Planting	Reduce the urban heat island effect, reduce water runoff, improve air quality, and enhance the streetscape for human activity by providing street trees.	Provide street trees on both sides of new and existing streets within the development adjacent to the vehicle travel lane at a rate of 1 tree per unit.					Mandatory	Mandatory
		Provide additional street trees at least 10% above minimum required.					Mandatory	N/A
Native and Adapted Species	Enhance resilience and biodiversity by restoring native and climate-adapted vegetation found within the City and eliminating invasive species.	Do not use invasive species or artificial grass.					Mandatory	Mandatory
		Use native or adapted species (including trees, shrubs and herbaceous plants) for at least 50% of the new landscaping, if any.					Mandatory	Optional

Scope of Work Completed

- Background review of best practices
- Assessment of similar tools
- SWOT analysis of Guideline implementation
- Development of draft Guidelines in checklist form



Sustainable Building Design Guidelines

1	2	3	4	5	6	7	8	9
Energy & GHG Emissions	Water	Air	Land	Social Wellbeing	Waste	Education	Food	Community Design
Energy labelling (Energy Star, etc.)	Indoor water use	Indoor air quality	Landscaping and biodiversity	Public art	Construction waste	Promotion (green options)	Urban agriculture	Street and block patterns / design
Energy conservation	Outdoor water use	Toxic emissions (VOCs)	Tree canopy	Universal design and accessibility	Recycled / reused materials, building reuse	Communication (e.g. info packets)	Community gardens and local farmers' markets	Proximity to amenities
Renewable energy	Stormwater management	Cool roofs and green roofs	Soil quality and quantity	Affordable housing	Sustainable harvesting practices	Innovation		Pedestrian / cycling networks
Building orientation	Rainwater harvesting	EV charging	Heat island	Safety				Exterior lighting
Building envelope		Bike parking	Erosion and sediment controls					Streetscape amenities
District energy								

Consultation

- Staff from various Departments were circulated for comment.
- Following the comment period, a draft was presented to the Development Industry Liaison Group (DILG) on April 12, 2021.
- As a result of this Report, future consultation will occur with members of the public and community stakeholders to inform the final Guidelines and implementation measures.



Next Steps...

1. Public consultation will be initiated with residents and stakeholders on sustainable building and development standards; and,
2. Feedback from the public and stakeholders will be incorporated into the final Guidelines and inform implementation measures, which will be presented to the Planning Committee at a later date.
3. Subsequent phases: Medium and High Density Residential, Industrial, Commercial, and Institutional development.





THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Licensing and By-Law Services Division
 and
 Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 6, 2022
SUBJECT/REPORT NO:	Nuisance Party By-Law (PED22156) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ben Spychaj (905) 546-2424 Ext. 7706
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-Law Services Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the draft Nuisance Party By-Law to regulate nuisance parties, attached as Appendix "A" to Report PED22156 which has been prepared in a form satisfactory to the City Solicitor, be received;
- (b) That 0.5 FTE for a Supervisor position and funding for the necessary training of By-Law staff within the Licensing and By-Law Services Division to administer the Nuisance Party By-Law be referred to the 2023 Operating Budget;
- (c) That, following the adoption of the 2023 Operating Budget, the draft Nuisance Party By-Law to regulate nuisance parties attached as Appendix "A" to Report PED22156 be brought to Council for adoption.
- (d) That the matter respecting this item, Item 22F from the Planning Committee Meeting on February 15, 2022, be identified as complete and removed from the Outstanding Business List.

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SUBJECT: Nuisance Party By-Law (PED22156) (City Wide) - Page 2 of 11

EXECUTIVE SUMMARY

The purpose of this report is to respond to the motion passed at the February 15, 2022 Planning Committee which stated:

That Licensing and By-Law Services be requested to consult with Hamilton Police Service and other community stakeholders, to identify best practices from other Ontario municipalities, and report back in the second quarter of 2022 next steps for the development and implementation of a Nuisance Party By-Law in the City of Hamilton.

Hamilton has experienced large gatherings/parties on premises throughout the City. Some of these gatherings/parties have involved nuisance behaviours of persons present including the excessive consumption of alcohol, very high noise levels, overcrowding of premises, urinating in public, congregation of large number of persons on public property resulting in the blockage of pedestrian and vehicular traffic, destruction of property and other violations of federal, provincial and municipal regulations.

In Ontario, a number of municipalities have enacted Nuisance Party By-Laws to provide additional enforcement options beyond those available under existing By-Laws and statutes (e.g. noise or property standards) and beyond those that are already available to police services (e.g. cannabis, liquor or unlawful assembly). The regulatory purpose of these Nuisance Party By-Laws is to create a duty upon those hosting a social event or party to control the participants.

Alternatives for Consideration – See Page 10**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial/Staffing: Currently, Municipal Law Enforcement (MLE) officers attend gatherings that could constitute a nuisance party in a limited and supportive capacity, with Hamilton Police Services acting as the lead enforcement agency. This role is undertaken by existing MLE staff. Staff anticipate that the additional responsibilities contained within the Nuisance Party By-Law would have additional staffing impacts for the supervision and coordination of By-Law staff's response to nuisance parties, as well as for the training of officers. Staff are recommending that consideration of a 0.5 Supervisor FTE and resources for officer training be referred to the 2023 Operating Budget.

Legal: N/A

SUBJECT: Nuisance Party By-Law (PED22156) (City Wide) - Page 3 of 11

HISTORICAL BACKGROUND

Large unsanctioned gatherings in communities that have post-secondary institutions are a growing area of concern across Ontario. Municipalities and their services; including Police, Fire, Paramedics, Municipal Law Enforcement and Public Works departments are responding to these events, which have continued to increase in scope and scale.

The communities that comprise “off-campus” neighbourhoods are directly impacted by these events, damaging their sense of community safety.

As one example, on October 2, 2021, during Homecoming weekend for McMaster University, a large unsanctioned street party (“Fake Homecoming”) occurred off-campus in the Dalewood Avenue and Westwood Avenue area and expanded to nearly 5,000 attendees. This resulted in significant property damage, accumulation of waste and debris and the closure of city streets.

The results of this large unsanctioned gathering impacted the entirety of the City, leading to a significant diversion of first responders and other City resources to the event, the overturning of a vehicle, street closures, public and private property damage, public urination and defecation and damage to the community’s overall sense of safety.

With regards to costs:

- Hamilton Paramedic Service reported an expenditure of \$19,605.76 on October 2, 2021 for staff labour and response.
- Roadway Maintenance reported an increased expenditure of \$1,731.37 between October 2, 2021 and October 3, 2021 to carry out sweeping, accident clean-up and placing traffic signs (not including vandalized and/or stolen traffic signs).

Note: HPS and MLE did not collect cost metrics for this event.

In response to the “Fake Homecoming” event in 2021, a multi-disciplinary Public Safety Working Group was formed, which comprised representatives from:

- Hamilton Police Services;
- Hamilton Fire Department;
- Hamilton Paramedic Service;
- Licensing & By-Law Services;
- Public Health; and,
- McMaster University.

This newly formed working group addresses the risks and issues associated with large social gatherings/parties that may grow to become nuisance parties in Hamilton. In

SUBJECT: Nuisance Party By-Law (PED22156) (City Wide) - Page 4 of 11

preparation of St. Patrick's Day events on March 17, 2022 and an advertised unsanctioned gathering on March 19, 2022, the multi-department work group planned and coordinated operations to address potential nuisance parties.

Overall, municipal services reported a combined total expenditure of \$243,944.33 and 482 labor hours to address and mitigate the risks of the St. Patrick's Day street gatherings in the Dalewood and Westwood area (see Appendix "E" to Report PED22156).

Although the operation over the three days was successful, going forward; the Nuisance Party By-Law would provide an additional tool that would help send a strong message to residents in Hamilton that these types of parties will not be tolerated. Not only will fines be issued, but remedial charges related to the nuisance party may also be imposed, acting as a further deterrent to individuals responsible for these nuisance parties.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipality may pass By-Laws to prohibit and regulate certain public nuisances respecting the economic, social and environmental well-being of the community, and the health, safety and the protection of persons and property.

RELEVANT CONSULTATION

Staff from the following areas were consulted in the preparation of this report:

- City of Kingston
- City of Waterloo
- Hamilton Fire Department
- Hamilton Paramedic Service
- Hamilton Police Services
- Legal Services
- Planning & Economic Development
 - Licensing & By-Law Services
- Public Works
 - Roadway Maintenance
 - Waste Collection
- McMaster University
 - McMaster Students' Union
- Mohawk College
 - Mohawk Students' Association

SUBJECT: Nuisance Party By-Law (PED22156) (City Wide) - Page 5 of 11

ANALYSIS AND RATIONALE FOR RECOMMENDATION

In reviewing the best practices of other Ontario municipalities to regulating large social gatherings and parties that become nuisances, some municipalities have enacted standalone By-Laws to regulate and prohibit the behaviours associated with nuisance parties, whereas other municipalities have elected to amend their public nuisance By-Laws in response to the issue. While each By-Law is unique in its approach, the By-Laws are similar in defining the common features and characteristics of a “Nuisance Party”, specifically, a social gathering on public or private property that results in some of the following activities to constitute a public nuisance:

- disorderly conduct;
- public drunkenness or public intoxication;
- the unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
- the deposit of refuse on public or private property;
- damage to or destruction of public or private property;
- pedestrian traffic, vehicular traffic, or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services;
- unreasonable noise, including loud music or shouting;
- unlawful open burning or fireworks;
- public disturbances, including public brawls or public fights;
- outdoor public urination or defecation; or
- use of or entry upon a roof not intended for such occupancy.

Nuisance Party By-Laws apply to unsanctioned gatherings that meet this definition in any public place, private property, including any yard accessory to a building or dwelling or vacant lands. Typically, Nuisance Party By-Laws do not apply to parties fully contained within building or dwellings; however, depending on the circumstances, a Nuisance Party By-Law may apply, as well as other By-Laws or provincial regulations. It is important to note that the introduction of a Nuisance Party By-Law should not be interpreted as exempting any person from the requirement to comply with any other City By-Law. In the event of any overlap between the provision of the Nuisance Party By-Law and any other City By-Law, the provisions which are the more protective of the public assets of the City, the economic, social and environmental well-being of the City, and the health, safety and well-being of persons in the City shall apply.

JURISDICTIONAL SCAN OF ONTARIO MUNICIPALITIES

City staff consulted with By-Law enforcement in other municipalities regarding their respective Nuisance Party By-Laws and Public Nuisance By-Laws. Each representative was supportive of nuisance party provisions, indicating it was beneficial to officers as an additional enforcement tool.

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SUBJECT: Nuisance Party By-Law (PED22156) (City Wide) - Page 6 of 11

City of Waterloo (By-Law No. 2011-125)

In 2011, the City of Waterloo enacted its Nuisance By-Law to include nuisance provisions, including:

- General prohibitions for behaviours in a public place;
- Authority for officers to issue an order to discontinue activity if the Director of By-Law Enforcement has reasonable grounds that a contravention of the By-Law has occurred and the specifics of the order;
- Authority for the Director of By-Law Enforcement to issue a work order if there are reasonable grounds that a contravention of the By-Law has occurred; and
- If a property owner fails to comply with an order, the authority to engage in remedial action and impose fees on the property owner's taxes.
- In 2019, the City of Waterloo amended the Public Nuisance By-Law to include definitions of "Designated Time" and "Nuisance Noise" and provision prohibiting any person from causing or permitting Nuisance Noise at any Designated Time (i.e. March 16, 17 and 18 between 12:00 AM and 11:59 PM).

City of London (By-Law No. PH-18)

In 2012, the City of London amended its Public Nuisance By-Law to include nuisance party provisions, including:

- A comprehensive definition of "nuisance party";
- The authority to order all persons at a nuisance party who do not reside on the premises to vacate;
- The authority to restrict any person (including, but not limited to, a tenant or landlord) from sponsoring, conducting, continuing, hosting, creating, allowing, causing, permitting or attending a "nuisance party"; and
- The authority for officers to close a highway, and once closed, the authority to restrict the common law right of passage by any persons to that highway and the common law right of access to those whose residence abuts the highway.

City of Guelph (By-Law No. 2013-19557)

In 2013, the City of Guelph enacted a Party Nuisance By-Law and prohibitive provisions, including:

- The authority, in addition to charging any persons, to impose a fee upon any person involved in a "nuisance party", including a property owner, to cover

SUBJECT: Nuisance Party By-Law (PED22156) (City Wide) - Page 7 of 11

- any administrative and enforcement costs incurred by the City due to responding and addressing the “nuisance party”. Additionally, imposed fees that remain unpaid may be added to the property owner’s taxes;
- An interpretation section outlining how the By-Law is meant to function in relation to other City By-Laws; and
- A more focused view of addressing “nuisance parties”.

City of Brampton (By-Law 136-2018)

In 2018, the City of Brampton enacted a standalone Public Nuisance By-Law with prohibitive provisions, including:

- A simplified definition of “nuisance party”;
- The authority for officers to issue an order to the person who contravened the By-Law, or the owner of the land on which the contravention occurred, to discontinue the public nuisance and nuisance party; and
- In 2019, the Public Nuisance By-Law was amended by By-Law 219-2019 to be subject to the Administrative Penalties By-Law 218-2019.

City of Kingston (By-Law No. 2018-53)

In 2018, the City of Kingston enacted By-Law No. 2018-53, a standalone By-Law to regulate nuisance parties, including:

- A comprehensive definition of “nuisance party”;
- An interpretation section outlining the purpose and intent of the By-Law in relation to other City By-Laws;
- The authority for officers to charge any persons involved in a “nuisance party”;
- The authority for the Chief of Police, or his or her designate, to declare a social gathering a “nuisance party”; and
- An outline of the contents of the warning notice which can be issued by officers to property owners.

Municipality	Set Fine Amount
City of Brampton (General Public Nuisances)	\$500.00
City of Guelph (Standalone By-Law)	\$750.00
City of Kingston (Standalone By-Law)	\$500.00
City of London (Standalone By-Law)	\$750.00
City of Waterloo (General Public Nuisances)	\$450.00

Overall, the set fines associated with Public Nuisance and Nuisance Party By-Laws in other comparable Ontario municipalities can range from \$450.00 to \$750.00 for

SUBJECT: Nuisance Party By-Law (PED22156) (City Wide) - Page 8 of 11

“sponsoring, conducting, continuing, hosting, creating, causing, allowing or permitting a Nuisance Party” with lower fines being typical for “attending”. A higher fine is seen as a necessity to achieve general deterrence to those who are aware of the financial consequences, while alternatively; a higher fine acts as a specific deterrent to those from repeating these explicit nuisance behaviours.

PROPOSED CITY OF HAMILTON BY-LAW

Similar to the regulations in the above-mentioned municipalities, the proposed By-Law in Appendix “A” to Report PED22156 would make it an offence for any person who sponsors, conducts, continues, hosts, creates, causes, allows, permits or attends a nuisance party. Under the proposed By-Law, an officer may issue a charge to any person, who is an owner, occupant, tenant, or who otherwise has rightful possession of a premises, who permits a nuisance party. To be consistent with neighbouring municipalities, the proposed By-Law offers a definition of “Nuisance Party” which is in line with other Nuisance Party By-Laws.

With regards to enforcement, similar to other Ontario municipalities, approval for fines and short-form wording will be sought with the Ministry of the Attorney General as seen in Appendix “C” to Report PED22156. In addition to fines, staff also propose to create administrative penalties as seen in Appendix “B” to Report PED22156.

It is important to note that while the proposed By-Law would provide an additional tool for municipal By-Law officers to fine those who host or participate in a nuisance party, the primary response would remain with the Hamilton Police Service to lead enforcement efforts and the dispersal of nuisance parties, with priority placed on public safety.

The proposed enforcement process for the Nuisance Party By-Law is as follows:

1. Nuisance party declared by Chief of Police or their designate (threshold requires four characteristics of a nuisance party detailed in the proposed Bylaw is met).
2. Verbal order issued by Hamilton Police Service officers to person(s) sponsoring, conducting, continuing, hosting, creating, causing, permitting or attending nuisance party;
3. Physical order issued by MLE or HPS officers to property owner(s) or tenants(s). Orders shall contain:
 - i. location of premises;
 - ii. particulars of the contravention of By-Law; and
 - iii. date and time to comply with order.

SUBJECT: Nuisance Party By-Law (PED22156) (City Wide) - Page 9 of 11

4. If order not complied with, nuisance party shall be dispersed by Hamilton Police Services officers;
5. MLE officers issue charges and/or summons for By-Law contraventions.

In addition to the potential for fines, the proposed By-Law will assist in providing a means of cost recovery through remedial costs.

Remedial costs: (under section 446 of the *Municipal Act, 2001*) would require persons who “sponsor, conduct, continue, host, create, cause, allow or permit” a nuisance party to pay for a portion of the City’s costs of ending the nuisance party. Examples of costs to end a nuisance party could include the costs to disperse a crowd, including special equipment (e.g. for removing persons off roofs).

Through the remedial cost provisions, the proposed By-Law would be an effective means of recovering some costs associated with addressing nuisance parties occurring on private property through the City’s ability to place remedial costs on the tax roll. However, this would be limited to occurrences where the nuisance party occurred on private property. In relation to large unsanctioned gatherings, it is worth highlighting that it is not anticipated that the proposed By-Law would recover a substantial percentage of City operational costs. First, due to the nature of large unsanctioned gatherings, police are required to attend these events and will always have an associated cost. Second, it may not be feasible to determine which persons are responsible for “sponsoring, conducting, continuing, hosting, creating, causing, allowing or permitting” a nuisance party, as these events predominately take place on public streets. Third, large unsanctioned gatherings are predominately advertised over social media, making it difficult to determine who organized the event. Fourth, due to the size of large unsanctioned gatherings, the volume of attendees may be in the thousands, who trespass onto private property, thus even though a private property may be used during a nuisance party, it does not necessarily involve the property owner or occupants.

Despite these limitations, the inclusion of remedial costs allows for partial cost recovery for City services, may act as a deterrent for those considering hosting or creating a Nuisance Party, and may encourage property owners/landlords to amend rental lease conditions for tenants to preclude these types of nuisance behaviours on the property.

ENFORCEMENT STRATEGY

Based on consultation with Ontario municipalities with Nuisance Party By-Laws in effect, it was reported that operational best practices consist of:

1. the enactment of an area-specific “University District Safety Initiative”; and,
2. a comprehensive communication plan involving all community stakeholders.

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

SUBJECT: Nuisance Party By-Law (PED22156) (City Wide) - Page 10 of 11

A “University District Safety Initiative” in relation to a Nuisance Party By-Law involves areas where large unsanctioned gatherings are recurrent. During specific time periods during the year; specifically, St. Patrick’s Day, Homecoming and “Fake Homecoming”, the “University District Safety Initiative” would be in effect and nuisance parties within them would be subject to a zero-tolerance approach, acting to minimize the negative effects of an ongoing nuisance party and ensuring those involved are held accountable.

Following best practices and feedback from community partners, the proposed University District Safety Initiative for the City of Hamilton would encompass the western section of the Westdale neighborhood and the Dalewood neighborhood (see Appendix “D” to Report PED22156).

To inform and educate the public of the enforcement options provided by the proposed Nuisance Party By-Law and the designation of areas as part of a “University District Safety Initiative”, it is recommended that a comprehensive communication plan be developed and implemented in cooperation with the following community stakeholders:

- Hamilton Fire Department
- Hamilton Paramedic Service
- Hamilton Police Services
- Licensing & By-Law Services
- McMaster University
 - McMaster Students Union

Based on the best practices of municipalities with similar Nuisance Party By-Laws in place, each community partner utilizes their available communication platforms (i.e. official website, social media, media releases) to provide information related to their respective areas as part of an overarching educational period leading into Homecoming 2022 events, with the following overall objectives:

1. educate residents, property owners, tenants and the post-secondary student body of the regulations and prohibitions of the proposed By-Law;
2. inform of the available enforcement options available to officers; and,
3. notify which communities will be designated under the “University District Safety Initiative” during specific time periods; and outline the associated safety and health risks common with large unsanctioned gatherings (e.g. signs of alcohol poisoning, signs of drug overdose, etc.).

ALTERNATIVES FOR CONSIDERATION**Alternative #1 – Do Not Adopt the By-Law**

Council may consider not adopting the By-Law, and enforcement staff may rely on the regulatory mechanisms available with existing statutes and By-Laws. Criminal charges

SUBJECT: Nuisance Party By-Law (PED22156) (City Wide) - Page 11 of 11

may be issued by Hamilton Police under provincial statutes (i.e. *Cannabis Control Act*, *Liquor Licence Control Act*, *Highway Traffic Act*) and By-Law charges for noise, public nuisances and parking can continue to be enforced where officers deem it appropriate.

Alternative #2 – Adopt the By-Law Effective Immediately

Council may consider enacting the proposed Nuisance Party By-Law effective immediately as follows:

- (a) That the draft Nuisance Party By-Law to regulate nuisance parties, attached as Appendix “A” to Report PED22156 which has been prepared in a form satisfactory to the City Solicitor, be adopted; and
- (b) That 0.5 FTE for a supervisor position and funding for the necessary training of By-Law staff within the Licensing and By-Law Services Division to administer the Nuisance Party By-Law be referred to the 2023 Operating Budget.

Should the By-Law be adopted, and the staffing resources not ultimately be approved through the 2023 Operating Budget, staff would need to re-prioritize enforcement activities to ensure current priorities are met and consistent service levels are maintained.

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

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22156 – Draft Nuisance Party By-Law
 Appendix “B” to Report PED22156 – Draft Amendments to By-Law 17-225
 Appendix “C” to Report PED22156 – Draft Short-form Wording
 Appendix “D” to Report PED22156 – Proposed University District Safety Initiative
 Appendix “E” to Report PED22156 – Costs of St. Patrick’s Day, 2022

Appendix "A" to Report PED22156
Page 1 of 7

Authority: Item ,
Report (PED22156)
CM:
Ward: City Wide
Bill No.

CITY OF HAMILTON

BY-LAW NO. 22-XXX

Being a By-law to Regulate Nuisance Parties in the City of Hamilton

WHEREAS section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the "*Municipal Act, 2001*") as amended provides that a Municipality may pass by-laws respecting: economic, social and environmental well- being of the Municipality; health, safety and well-being of persons; and the protection of persons and property;

AND WHEREAS the Council of the City of Hamilton deems it appropriate to enact a by-law to prohibit and regulate certain public nuisances within the City of Hamilton pursuant to sections 128 and 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25, ("*Municipal Act, 2001*") as amended;

AND WHEREAS in the opinion of the Council for the City of Hamilton, certain large gatherings, as defined in this By-law, are or could become, or cause public nuisances;

AND WHEREAS section 444 of the *Municipal Act, 2001* authorizes municipalities to make orders requiring the person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS sections 445 and 446 of the *Municipal Act, 2001* authorize municipalities to issue work orders and in default of a work order being completed by the person directed or required to do it, the work shall be done by the City at the person's expense by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

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

PART I - INTERPRETATION

Definitions

1. In this By-law:

Appendix "A" to Report PED22156

Page 2 of 7

"Administrative Penalty" means an administrative penalty administered pursuant to By-law 17-225 of the Corporation of the City of Hamilton, being a By-law to Establish a System of Administrative Penalties;

"By-law" means this by-law to prohibit and regulate Nuisance Parties within the City of Hamilton;

"City" means the municipal corporation of the City of Hamilton;

"Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, part of which is intended for use or used, by the general public for the passage of vehicles or persons, and includes the area between the lateral property lines thereof, including sidewalks and boulevards;

"Nuisance Party" means a gathering on Premises which, by reason of the conduct of the persons in attendance, results in any one or more of the following activities occurring:

- (a) public disorderly conduct;
- (b) public drunkenness or public intoxication;
- (c) the unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
- (d) the deposit of refuse on public or private property;
- (e) damage to or destruction of public or private property;
- (f) pedestrian traffic, vehicular traffic, or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services;
- (g) unreasonable noise, including loud music or shouting that is of such a volume or nature that it is likely to disturb the inhabitants of the City;
- (h) unlawful open burning or fireworks;
- (i) public disturbances, including public brawls or public fights;
- (j) outdoor public urination or defecation;
- (k) use of or entry upon a roof not intended for such occupancy;

"Officer" means a police officer or a Municipal Law Enforcement Officer appointed under any federal or provincial statute or regulation or City by-law or any other person assigned

Appendix “A” to Report PED22156
Page 3 of 7

or appointed by Council of the City to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law;

“Owner” means the registered owner of a property and includes a property manager, occupant, tenant, or any Person who otherwise has rightful possession of or possessory control of any property;

“Penalty Notice” means a notice given pursuant to By-law 17-225 of the Corporation of the City of Hamilton, being a By-law to Establish a System of Administrative Penalties;

“Person” shall mean an individual, firm, corporation, association or partnership and includes an Owner; *and*

“Premises” means any public or private place in the city of Hamilton, including but not limited to Highways, parks, parking lots, yards appurtenant to a building or dwelling or vacant lands.

Application

2. This By-law applies to all Persons, lands and properties in the City of Hamilton.

Interpretation

3. This By-law shall not be interpreted as exempting any Person from the requirement to comply with any other City by-law. In the event of a conflict between the provisions of this by-law and any other City by-law, the provisions which are more protective of the public assets of the City, the economic, social and environmental well-being of the City, the health, safety and well-being of persons in the City, and persons and property in the City, shall apply.

PART II - RESTRICTIONS

Nuisance Parties

4. No Person shall sponsor, conduct, continue, host, create, allow, cause or permit a Nuisance Party.
5. No Person shall attend a Nuisance Party.
6. No Person who, individually or jointly with others, is an Owner, occupant, tenant or otherwise has rightful possession of or is in possessory control of any Premises, shall allow, cause or permit a Nuisance Party on said Premises.
7. Every Person who sponsors, conducts, continues, hosts, creates, allows, causes or permits a Nuisance Party shall take all reasonable and lawful actions to end a Nuisance Party.

PART III - ENFORCEMENT

Closure of Roads

8. A police officer may temporarily close any Highway or portion thereof to public travel where a Nuisance Party is occurring on or adjacent to the Highway, by placing a notice on the Highway to be closed in accordance with the *Municipal Act, 2001*.
9. Where a Highway or portion of a Highway has been closed under this By-law, the common law right of passage by the public and the common law right of access by an owner of land abutting the Highway or portion of the Highway are restricted.
10. No Person shall use a Highway, or portion of a Highway that has been temporarily closed under this By-law except with lawful authority or in accordance with the direction of an Officer.
11. No Person shall, without lawful authority, remove or deface any barricade, device, detour sign or notice placed on a Highway pursuant to this By-law.

Orders

12. Upon the order of an Officer, every Person who is sponsoring, conducting, continuing, hosting, creating, causing, permitting or attending a Nuisance Party on specified Premises shall cease immediately.
13. Every Person not residing on such Premises shall leave such Premises after having been directed to leave by an order pursuant to this By-law.
14. An order under this By-law shall identify:
 - a) The location of the Premises on which the contravention is occurring;
 - b) The reasonable particulars of the contravention of this By-law; and
 - c) The date and time by which there must be compliance with the order.
15. An order under this section may be served personally on the Person to whom it is directed. If the order is given by regular mail to the last known address of that Person, and if given by registered mail, it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.

Remedial Costs

16. Where anything required to be done in accordance with this By-law is not done, the City may do such thing at the expense of the Person required to do it, and such expense may be recovered by action or by adding the costs to the tax roll

Appendix "A" to Report PED22156
Page 5 of 7

and collecting them in the same manner as property taxes. For the purposes of this section, the City may enter upon land at any reasonable time.

Enforcement

17. The provisions of this By-law may be enforced by an Officer.
18. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an order made under this By-law is being complied with.
19. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any Person concerning a matter related to the inspection; and
 - d) alone, or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
20. Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by a Person, the Officer may require the name, address, and proof of identity of that Person.
21. No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this By-law.

Offence and Penalty

22. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
23. Any person other than a corporation who contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a minimum fine of \$500 and a maximum fine of \$10,000 for a first offence, and a maximum fine of \$25,000 for a subsequent offence.

**Appendix "A" to Report PED22156
Page 6 of 7****Same re Corporations**

24. Any corporation which contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

Other Remedies

25. If a person or corporation is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the Person convicted.

Continuing Offence

26. Each day or a part of a day that a contravention of this By-law continues is deemed to be a separate offence.

Administrative Penalties

27. In the alternative to a charge for the offences described in this By-law every Person who contravenes any provision of this By-law shall, upon issuance of a Penalty Notice in accordance with By-law 17-225, be liable to pay to the City an Administrative Penalty in accordance with Schedule A of By-law 17-225 for each day on which the contravention occurs.

28. If a person is required by the City to pay an administrative penalty under this by-law in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention.

PART IV – MISCELLANEOUS**Severability**

29. Where a court of competent jurisdiction declares any provision of this By-law invalid, or to be of no force or effect, the provision shall be deemed conclusively to be severable from the By-law and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

Short Title

30. The short title of this By-law is the "Nuisance Party By-law".

Enactment

31. This By-law comes into force and effect on the day it is passed.

PASSED this _____ day of _____, _____

F. Eisenberger
Mayor

A. Holland
City Clerk

**Appendix “B” to Report PED22156
Page 1 of 2**

Authority: Item ,
Report (PED22156)
CM:
Ward: City Wide
Bill No.

CITY OF HAMILTON

BY-LAW NO. 22-xxx

**To Amend By-law 17-225, a By-law to Establish a System of
Administrative Penalties**

WHEREAS; Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225.

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That the following table, Table 29 titled By-law xx-xxx Nuisance Party By-law, be added to Schedule A of By-law No.17-225:

Table 29: BY-LAW NO. XX-XXX NUISANCE PARTY BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1.	xx-xxx	4	Sponsoring, conducting, continuing, hosting, creating, causing, allowing or permitting a Nuisance Party	\$500.00
2.	xx-xxx	5	Attending a Nuisance Party	\$300.00
3.	xx-xxx	6	Owner/occupant allowing, causing or permitting a Nuisance Party	\$300.00
4.	xx-xxx	10	Using a Highway that has been closed without authority	\$300.00
5.	xx-xxx	11	Removing or defacing any barricade or Highway sign without authority	\$300.00
6.	xx-xxx	12	Failing to comply with order to cease Nuisance Party	\$400.00
7.	xx-xxx	13	Failing to comply with order to leave Premise	\$300.00
8.	xx-xxx	21	Obstructing an Officer	\$400.00

Appendix "B" to Report PED22156
Page 2 of 2

3. That in all other respects, By-law 17-225 is confirmed; and
4. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk

**Appendix "C" to Report PED22156
Page 1 of 1**

CITY OF HAMILTON

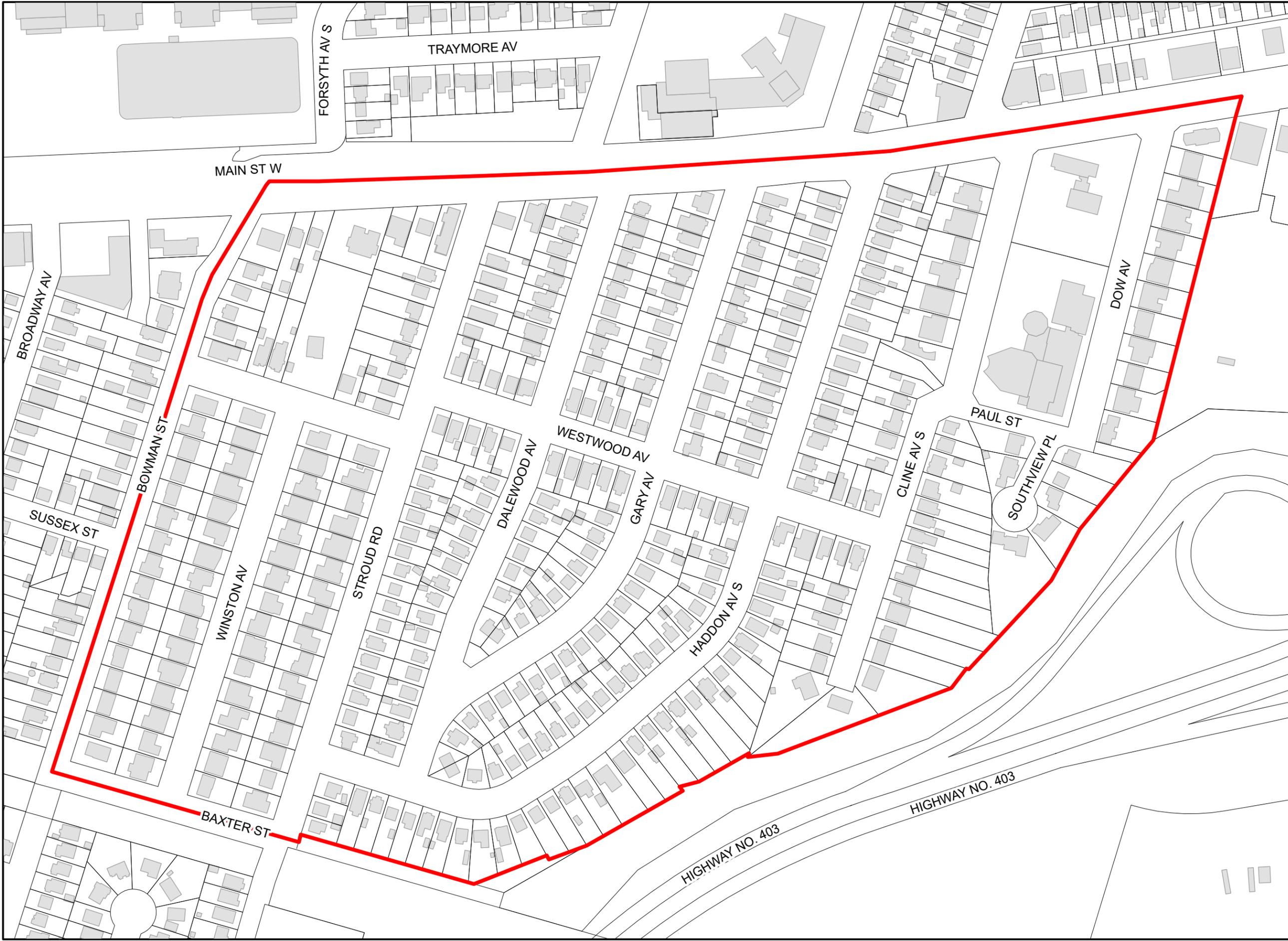
PART I Provincial Offences Act

By-law XXX: By-law to Regulate Nuisance Parties in the City of Hamilton

Page 1 of 1

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Sponsoring, conducting, continuing, hosting, creating, causing, allowing or permitting a Nuisance Party	4	\$600.00
2.	Attending a Nuisance Party	5	\$500.00
3.	Owner/occupant allowing, causing or permitting a Nuisance Party	6	\$500.00
4.	Using a Highway that has been closed without authority	10	\$500.00
5.	Removing or defacing any barricade or Highway sign without authority	11	\$500.00
6.	Failing to comply with an order to cease Nuisance Party	12	\$500.00
7.	Failing to comply with order to leave Premise	13	\$500.00
8.	Obstructing an Officer	21	\$600.00

Note: The general penalty section for the offences created above is Section 22 of the City of Hamilton Nuisance Party By-law XXX as Amended and Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33.



Legend

 Nuisance Party By-law Boundary

University District Safety Initiative - Map 2

Date: September 1, 2022



Not To Scale



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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**Appendix “E” to Report PED22156
Page 1 of 1**

Costs of St. Patrick’s Day for the year 2022

TABLE A				
Department	Dates	Labour Hours	Services	Total Costs
Hamilton Paramedic Service	March 17 March 19	172	Staff preparation Staff labour	\$27,343.53
Hamilton Fire Department	March 17	20	Staff preparation Staff labour	\$7,126.75
Hamilton Police Services	March 17 March 18 March 19	157	Staff preparation Staff labour Hall rental Meals	\$202,858.05
Municipal Law Enforcement	March 17 March 19	133	Staff preparation Staff labour	\$6,616.00
		482 hours		\$243,944.33
<i>Note: Public Works reported <u>no additional costs</u> for St. Patrick’s Day, 2022.</i>				

CITY OF HAMILTON

MOTION

Planning Committee Date: September 6, 2022

MOVED BY COUNCILLOR L. FERGUSON

SECONDED BY COUNCILLOR

Request and Issuance of a Demolition Permit for the property municipally known as 195 Fallingbrook Drive, Ancaster

WHEREAS the subject property at 195 Fallingbrook Drive in Ancaster is owned by Diane and Robert Billi;

WHEREAS the owners are prepared to build immediately upon receipt of the building permit approval;

WHEREAS the owners are currently in a rental home that is being demolished in six months;

WHEREAS site plan approval has taken longer than expected creating timing issues to build prior to the winter season.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demotion permit for 195 Fallingbrook Drive in Ancaster, pursuant to Section 33 of the Planning Act as amended, without having to comply with conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.

CITY OF HAMILTON NOTICE OF MOTION

Planning Committee: September 6, 2022

MOVED BY COUNCILLOR M. PEARSON

SECONDED BY COUNCILLOR

Demolition Permit for the property known as 530 Winona Road

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 demotion permit for 530 Winona Rd, Stoney Creek, 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.

CITY OF HAMILTON

MOTION

Planning Committee Date: September 6, 2022

MOVED BY COUNCILLOR L. FERGUSON

SECONDED BY COUNCILLOR

Request and Issuance of a Demolition Permit for the property municipally known as 195 Fallingbrook Drive, Ancaster

WHEREAS, the owner/developer of the above-mentioned property would like to demolish the existing dwelling that is boarded up without having to replace it with a new dwelling at this time as this lot along with several other properties are incorporated in an overall redevelopment proposal being completed currently; and

WHEREAS, two previous demolition permits were issued for two other properties in this development proposal and have been demolished.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 44 Lakeshore Drive, Stoney Creek, pursuant to Section 33 of the Planning Act as amended, without having to comply with conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.