



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 21-005
Date: April 6, 2021
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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

Pages

1. CEREMONIAL ACTIVITIES
2. APPROVAL OF AGENDA
(Added Items, if applicable, will be noted with *)
3. DECLARATIONS OF INTEREST
4. APPROVAL OF MINUTES OF PREVIOUS MEETING
 - 4.1. March 23, 2021
5. COMMUNICATIONS
6. DELEGATION REQUESTS

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6.1. Delegation Requests regarding Hamilton Municipal Heritage Committee Report 21-002 (Item 7.2) - Former St. Giles Church (Item #3) (For today's meeting)

- (i) Sarah Sheehan
- (ii) Tim Blair
- (iii) Rev. Ian Sloan

Added Delegation Requests:

- (iv) Marie Sharp, Friends of St. Giles
- (v) Janet Long
- (vi) Lance Darren Cole
- (vii) Shannon Kyles
- (viii) Elizabeth Eeuwes

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- (ii) Devyn Thomson (Item #3)

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- (iii) Ken and Mae Watson (Item #3)
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- (i) Bryan Webber
- (ii) Marilyn Brown
- (iii) Edward Brown
- (iv) Thomas Klak
- (v) Evelyn LaMarsh
- (vi) Larry VanKuren

*Added Written Submissions:

- (vii) Durand Neighbourhood Association
- (viii) Peter and Eleanor Boeringa
- (ix) Ashley Taylor
- (x) Margaret Plut and Matthew Brown
- (xi) Viv Saunders
- (xii) Mary Lynn Taylor
- (xiii) Laura Katz
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- (xv) Catherine DeLottinville
- (xvi) Justin Hogeterp
- (xvii) Lydell Andree Wiebe
- (xviii) Patty Clydesdale
- (xix) Ashley Moore
- (xx) Sandy McIntosh
- (xxi) Brody Robinmeyer
- (xxii) Mary Love, The Council of Canadians
- (xxiii) Akira Ourique
- (xxiv) Nicole Andruszkiewicz
- (xxv) Bryan Webber
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15. ADJOURNMENT



**PLANNING COMMITTEE
MINUTES**

21-004

March 23, 2021

9:30 a.m.

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

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

Also in Attendance: Councillor E. Pauls

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21040) (City Wide) (Item 7.1)**

(Pearson/Ferguson)

That Report PED21040 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

- 2. Annual Report on Building Permit Fees (PED21051) (City Wide) (Item 7.2)**

(Johnson/Danko)

That Report PED21051 respecting Annual Report on Building Permit Fees, be received.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

3. Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 804-816 King Street West, Hamilton (PED21025) (Ward 1) (Item 9.1)

(Wilson/Farr)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-19-004, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner, to establish a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the development of a six storey mixed use commercial / residential building with a residential density of 176 units per gross hectare, for lands located at 804-816 King Street West, Hamilton as shown on Appendix "A" to Report PED21025, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED21025, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan, 2019, as amended.
- (b) That Zoning By-law Amendment Application ZAC-19-009, as amended, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner, to modify the Mixed Use Medium Density (C5, 570) Zone to the Mixed Use Medium Density (C5, 732) Zone to permit a six storey (19.5 metre) mixed use commercial / residential development with 319.52 square metres of commercial space at grade, 30 residential dwelling units and 20 vehicle parking spaces, for lands located at 804-816 King Street West, Hamilton, as shown on Appendix "A" to Report PED21025, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED21025, 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 will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(c) *That the public submissions on this matter were received and considered by the Committee in approving the application.*

Result: Main Motion, As Amended, CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

4. Property Standards By-Law Review and Municipality Comparison (PED21049) (City Wide) (Item 10.1)

(Farr/Wilson)

That Report PED21049 respecting Property Standards By-Law Review and Municipality Comparison, be received.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 CONFLICT - Ward 10 Councillor Maria Pearson

5. **Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook (PED20146) (Ward 11) (Item 10.2)**

(Johnson/Pearson)

WHEREAS, the following two Planning Act applications were denied by Planning Committee, at its meeting of November 3, 2020; and Council, at its meeting of November 11, 2020 referred the matter back to the Planning Committee:

- (i) Rural Hamilton Official Plan Amendment application RHOPA-20-014, by Paletta Livestock Ltd., (Owner), to add a Site Specific Policy Area to recognize two existing single detached dwellings on a severed lot in order to meet the conditions of the December 20, 2019 Local Planning Appeal Tribunal Decision (Case No. PL180696) (GL/B-17:110) for lands located at 2069 Binbrook Road, as shown on Appendix "A" to Report PED20146, be DENIED.
- (ii) That Zoning By-law Amendment application ZAA-20-022, by Paletta Livestock Ltd. (Owner), for a change in zoning from Agriculture (A1) Zone to Agriculture (A1,118) Zone to prohibit the construction of a single detached dwelling and a residential care facility and to recognize the reduced lot area for the retained agricultural parcel, for lands located at Planning Committee November 3, 2020 Minutes 20-013 Page 6 of 24 2069 Binbrook Road as shown on Appendix "A" to Report PED20146 be DENIED.

WHEREAS, subsequent discussions between the Ward Councillor and Paletta Livestock Limited to resolve some outstanding planning matters were successful

THEREFORE BE IT RESOLVED:

- (a) That a revised Rural Hamilton Official Plan Amendment to delete policy 2.0 from the draft amendment presented to Planning Committee on November 3, 2020 and to add a new policy 2.0 to prohibit the severance of the existing second dwelling on the lot and to change the inset map, attached as Appendix "A" to this Motion, be approved and prepared for Council's approval; and,
- (b) That a revised Zoning By-law to establish a minimum lot area and prohibit a residential care facility, attached as Appendix "B" to this Motion, be approved and prepared for Council's approval; and,
- (c) ***That there were no public submissions received regarding this matter.***

Result: Main Motion, As Amended, CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

6. Special Enforcement Area with Increased Fines – Tiffany Falls and Sherman Falls (Item 11.1)

(Ferguson/Johnson)

WHEREAS, illegal parking by visitors to Tiffany Falls and Sherman Falls is affecting traffic and pedestrian safety along Wilson Street and Lions Club

WHEREAS, the installation of “No Parking” signs, extra staff, proactive by-law enforcement on weekends, and use of existing parking enforcement by-laws/fine structures have not been sufficient to address traffic and parking issues; and,

WHEREAS, staff, in consultation with the Ward 12 Councillor, have recommended adopting the Special Enforcement Area utilizing an increased fine structure and enforcement strategy.

THEREFORE, BE IT RESOLVED:

That By-Law 01-218 (being a By-Law to Regulate On-Street Parking) and By-Law 17-225 (being a By-Law to Establish a System of Administrative Penalties) be amended to include Wilson Street East from Montgomery Drive to Lower Lions Club Road, Montgomery Drive from Old Dundas Road to Wilson Street East and Lions Club Road from Old Dundas Road to Westerly End (HCA Merrick parking lot gate).

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

7. Demolition Permit for 154 Wilson Street East, Ancaster (Item 11.2)**(Ferguson/Partridge)**

WHEREAS, the subject property municipally known as 154 Wilson St. East is owned by T. Valery Construction Limited;

WHEREAS, the developer who has purchased the subject property has an application submitted for a proposed townhouse plan and planning staff are generally supportive of the developer's request to use the existing planning application for a townhouse concept;

WHEREAS, the application (UHOPA-18-024 & ZAC-18-058) requires an approval of an Official Plan Amendment, Zoning By-Law Amendment and Site Plan Control Application that are currently under review by the Planning Department;

WHEREAS, the subject property on the main street in Ancaster with a home and attached garage has been vacant and boarded up for years;

WHEREAS, there is an empty cement pool in the backyard of 154 Wilson St. E. that is dangerous to trespassers; and,

WHEREAS, a demolition permit is being requested to alleviate ongoing trespass and vandalism issues associated with a vacant structure while planning issues are being secured;

THEREFORE BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demotion permit for 154 Wilson St. E., Ancaster, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

8. Winona Point Application Notification (Item 11.3)

(Pearson/Johnson)

WHEREAS, applications for an Official Plan Amendment and Zoning By-law Amendment for Winona Point (1290 South Service Road) were deemed complete on January 21, 2021;

WHEREAS, a virtual Developers Information Meeting has been tentatively scheduled for Thursday March 25, 2021 to engage with the community;

WHEREAS, this community is bounded by the QEW and separated by other intervening land uses such as a City Park; and,

WHEREAS, the Ward Councillor has been working with the applicant to increase the circulation notice for the virtual Developers Information Meeting;

THEREFORE BE IT RESOLVED:

That to ensure consistent notification, staff be directed to increase the circulation of the Notice of Statutory Public meeting beyond the required 120 metres to include the area of Baseline Road and Riviera Ridge to be consistent with the notice provided for the Developers Information Meeting, and to undertake a supplementary mail out to ensure that the additional properties beyond the 120 metres receive Notice of a Complete application.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

9. Local Planning Appeal Tribunal Hearing - Application HM/A-21:07 (109 East 11th St., Minor Variances) (Item 11.4)

(Danko/Johnson)

WHEREAS, the owner of the lands located at 109 East 11th St. applied for Minor Variances (application HM/A-21:07) to enable the conversion of the existing single detached dwelling to contain two dwelling units;

WHEREAS, the Minor Variances were scheduled to be heard on February 18th, 2021, in accordance with the *Planning Act*, section 45(6) which states:

“(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision. R.S.O. 1990, c. P.13, s. 45 (6)”;

WHEREAS, there were members of the public who had registered to speak at the hearing on this application and who had also submitted written objections to the application;

WHEREAS, due to technical issues at the City, the members of the public who had registered to speak at the Hearing were not heard;

WHEREAS, the Minor Variances were approved by the Committee of Adjustment; and,

WHEREAS, an appeal of the Decision of the Committee of Adjustment to the Local Planning Appeal Tribunal (LPAT) was received by the City on March 10, 2021;

THEREFORE BE IT RESOLVED:

- (a) That Council direct staff from Legal Services to attend the Local Planning Appeal Tribunal hearing in opposition to the approval of Application HM/A-21:07 (109 East 11th St., Minor Variances to enable the conversion of the existing single detached dwelling to contain two dwelling units) by the Committee of Adjustment as members of the public who registered to speak were not heard;
- (b) That should an outside planner be required at the hearing that they be funded from the Tax Stabilization Reserve (account 110046); and,
- (c) That the General Manager of Planning and Economic Development be authorized to file a place holder appeal where in the opinion of the General Manager, in consultation with the Ward Councillor and the Chair of Planning Committee, that the Committee of Adjustment did not act in accordance with section 45(6) of the *Planning Act*.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

10. 105 Filman Road – Heritage Register (Added Item 12.1)

(Ferguson/Pearson)

WHEREAS, 105 Filman Road, Ancaster is listed on the City's Municipal Heritage Register as a property of cultural heritage value or interest;

WHEREAS, 105 Filman Road, Ancaster is currently identified as a low priority on the Council-approved designation work plan;

WHEREAS, the owner has expressed an interest in the redevelopment of the property;

THEREFORE BE IT RESOLVED:

That 105 Filman Road, Ancaster be identified as high priority on the Council-approved designation work plan.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

11. Closed Session Minutes – February 16, 2021 (Item 14.1)

(Farr/Partridge)

That the Closed Session Minutes dated February 16, 2021, be approved, as presented, and remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 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 INFORMATION:**(a) APPROVAL OF AGENDA (Item 2)**

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

1. DELEGATION REQUESTS (Item 6)

- 6.1 David Braden respecting Planning issues affecting Affordable Housing, Infrastructure Renewal and Municipal Taxes (For the April 6th meeting)
- 6.2 Delegations respecting the Property Standards By-law (Item 10.1) (For today's meeting)
 - (a) Virtual Delegations
 - (i) Veronica Gonzalez
 - (b) Pre-recorded Delegations:
 - (i) Dayna Sparkes, ACORN
 - (ii) Kathy Johnson
 - (iii) Manuel Balandra
 - (c) Written Delegations
 - (i) Ali Naraghi, Hamilton Community Legal Clinic

2. PUBLIC MEETINGS / DELEGATIONS (Item 9)

- 9.1 Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 804-816 King St West, Hamilton (PED21025)
 - (a) Added Written Submissions:
 - (ix) Lyn Barlow
 - (x) Monica Le
 - (xi) Linda Ellis
 - (xii) John Abrams
 - (xiii) Daniel Pauls
 - (xiv) Ramy Elghoneimi
 - (xv) John Duffy
 - (xvi) Lou V
 - (xvii) Stephen Waterfall and Evelyn Kuschnik
 - (xviii) Chris Maxwell

- (xix) Frank Bragagnolo
- (xx) Rob Bernacci
- (xxi) Marleen Van den Broek

(c) Virtual Delegations:

- (i) Anne Pollard (replacing Kim Fernie)

3. DISCUSSION ITEMS (Item 10)

10.1 Property Standards By-Law Review and Municipality Comparison (PED21049) (City Wide) (Outstanding Business List Item)

- (a) Motion to Amend Property Standards By-law 20-221 to Include Health and Safety Concerns in Rental Houses and Apartments

10.2 Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 2069 Binbrook Road, Glanbrook (PED20146) (Ward 11) (Deferred from the November 3, 2020 meeting)

- (a) Amendment and revised Zoning and Official Plan By-laws

4. NOTICES OF MOTION (Item 12)

12.1 105 Filman Road – Heritage Register

(Partridge/Pearson)

That the agenda for the March 23, 2021 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 8 Councillor John-Paul Danko
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson declared an interest with Item 10.1, Property Standards By-law Review and Municipality Comparison (PED21049), as she is a landlord.

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

(i) February 16, 2021 (Item 4.1)

(Ferguson/Pearson)

That the Minutes of the February 16, 2021 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(d) DELEGATION REQUESTS (Item 6)

(i) David Braden respecting Planning issues affecting Affordable Housing, Infrastructure Renewal and Municipal Taxes (For the April 6th meeting) (Added Item 6.1)

(Wilson/Johnson)

That the Delegation Request from David Braden respecting Planning issues affecting Affordable Housing, Infrastructure Renewal and Municipal Taxes, be approved for the April 6, 2021 meeting.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(ii) Delegations respecting the Property Standards By-law (Item 10.1) (For today's meeting) (Added Item 6.2)

(Johnson/Farr)

That the following Delegation Requests be approved for today's meeting:

- (a) Virtual Delegations
 - (i) Veronica Gonzalez
- (b) Pre-recorded Delegations:
 - (i) Dayna Sparkes, ACORN
 - (ii) Kathy Johnson
 - (iii) Manuel Balandra
- (c) Written Delegations
 - (i) Ali Naraghi, Hamilton Community Legal Clinic

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 CONFLICT - Ward 10 Councillor Maria Pearson

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

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

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

(i) **Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 804-816 King Street West, Hamilton (PED21025) (Ward 1) (Item 9.1)**

Shannon McKie, Senior Project Manager – Urban Team, addressed the Committee with the aid of a PowerPoint presentation.

(Wilson/Danko)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Matt Johnston with Urban Solutions was in attendance and indicated they were in support of the staff report.

(Wilson/Ferguson)

That the delegation from Matt Johnston with Urban Solutions, be received.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Wilson/Danko)

That the following written submissions (Item 9.1(a)), be received:

- (i) John G. Attridge - Opposed
- (ii) Paul RJ Martindale – In Support
- (iii) Paul Spadafora – In Support
- (iv) Greg O'Brien – In Support
- (v) Jesse Tomes - Opposed
- (vi) Michael Zians – In Support

- (vii) Jennifer Shin – In Support
- (viii) Andrew Meas – In Support
- (ix) Lyn Barlow - Opposed
- (x) Monica Le – In Support
- (xi) Linda Ellis - Concerns
- (xii) John Abrams - Concerns
- (xiii) Daniel Pauls – In Support
- (xiv) Ramy Elghoneimi – In Support
- (xv) John Duffy – In Support
- (xvi) Lou V – In Support
- (xvii) Stephen Waterfall and Evelyn Kuschnik - Concerns
- (xviii) Chris Maxwell – In Support
- (xix) Frank Bragagnolo - Opposed
- (xx) Rob Bernacci – In Support
- (xxi) Marleen Van den Broek - Opposed

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

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

(Wilson/Johnson)

That the following pre-recorded submission (Item 9.1(b)) be received:

- (i) Brendan McIntyre - Opposed

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Wilson/Ferguson)

That the following virtual delegation (Item 9.1(c)) be received:

- (i) Anne Pollard - Opposed

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

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

(Wilson/Partridge)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Wilson/Farr)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-19-004, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner, to establish a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the development of a six storey mixed use commercial / residential building with a residential density of 176 units per gross hectare, for lands located at 804-816 King Street West, Hamilton as shown on Appendix "A" to Report PED21025, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED21025, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan, 2019, as amended.

- (b) That Zoning By-law Amendment Application ZAC-19-009, as amended, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner, to modify the Mixed Use Medium Density (C5, 570) Zone to the Mixed Use Medium Density (C5, 732) Zone to permit a six storey (19.5 metre) mixed use commercial / residential development with 319.52 square metres of commercial space at grade, 30 residential dwelling units and 20 vehicle parking spaces, for lands located at 804-816 King Street West, Hamilton, as shown on Appendix “A” to Report PED21025, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21025, 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 will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(Wilson/Farr)

That the recommendations in Report PED21025 be ***amended*** by adding the following sub-section (c):

- (c) ***That the public submissions in the staff report were received and considered by the Committee in approving the application.***

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3.

(ii) Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road, Hamilton (PED21053) (Ward 14) (Item 9.2)

No members of the public were registered as Delegations.

Melanie Schneider, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Ferguson/Farr)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

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

(Ferguson/Farr)

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

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Ferguson/Farr)

That Report PED21053 be DEFERRED to the April 6, 2021 Planning Committee meeting.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

**(iii) Delegations respecting the Property Standards By-law (Item 10.1)
(Added Item 6.1)**

The following delegations addressed the Committee regarding the Property Standards By-law (Item 10.1):

- (a) Virtual Delegations
 - (i) Veronica Gonzalez
- (b) Pre-recorded Delegations:
 - (i) Dayna Sparkes, ACORN
 - (ii) Kathy Johnson
 - (iii) Manuel Balandra
- (c) Written Delegations
 - (i) Ali Naraghi, Hamilton Community Legal Clinic

(Partridge/Johnson)

That the following Delegations respecting the Property Standards By-law (Item 10.1), be received:

- (a) Virtual Delegations
 - (i) Veronica Gonzalez
- (b) Pre-recorded Delegations:
 - (i) Dayna Sparkes, ACORN
 - (ii) Kathy Johnson
 - (iii) Manuel Balandra

(c) Written Delegations

(i) Ali Naraghi, Hamilton Community Legal Clinic

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 CONFLICT - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 4 and (e)(iv).

(iv) (Farr/Danko)

WHEREAS, the Building Code Act, 1992, authorized the City of Hamilton to pass a by-law prescribing standards for the maintenance and occupancy of property;

WHEREAS, By-law 10-221, being a By-law to prescribe standards of the maintenance and occupancy of property, was approved by Council on September 15, 2010;

WHEREAS, since the adoption of the Property Standards By-law, there have been eight (8) amending By-law passed by Council to improve the By-law;

WHEREAS, there have been concerns of the health and safety of rental houses and apartments within the City;

WHEREAS, as part of continuous improvement efforts, staff work to improve enforcement activities, including updating various by-laws to address specific municipal needs identified by Council, committees, staff, public and the courts;

WHEREAS, stakeholders were consulted on known and unknown gaps in the existing Property Standards By-law and comparisons were done with other Municipalities to ascertain if the gaps found were addressed in other Municipalities Property Standards By-laws; and,

WHEREAS, areas of improvement were identified which would enhance the health and safety of rental houses and apartments within the City.

THEREFORE, BE IT RESOLVED:

That Licensing and By-Law Services staff in consultation with Legal Services, be directed to bring forward a By-law to amend the Property Standards By-law 10-221 to reflect the areas for improvement found in the Information Report Property Standards By-Law Review and Municipality Comparison (PED21049) (City Wide).

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 CONFLICT - Ward 10 Councillor Maria Pearson

(f) DISCUSSION ITEMS (Item 10)

- (i) Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook (PED20146) (Ward 11) (Deferred from the November 3, 2020 meeting) (Item 10.2)**

(Johnson/Pearson)

WHEREAS, the following two Planning Act applications were denied by Planning Committee, at its meeting of November 3, 2020; and Council, at its meeting of November 11, 2020 referred the matter back to the Planning Committee:

- (i) Rural Hamilton Official Plan Amendment application RHOPA-20-014, by Paletta Livestock Ltd., (Owner), to add a Site Specific Policy Area to recognize two existing single detached dwellings on a severed lot in order to meet the conditions of the December 20, 2019 Local Planning Appeal Tribunal Decision (Case No. PL180696) (GL/B-17:110) for lands located at 2069 Binbrook Road, as shown on Appendix "A" to Report PED20146, be DENIED.
- (ii) That Zoning By-law Amendment application ZAA-20-022, by Paletta Livestock Ltd. (Owner), for a change in zoning from Agriculture (A1) Zone to Agriculture (A1,118) Zone to prohibit the construction of a single detached dwelling and a residential care facility and to recognize the reduced lot area for the retained agricultural parcel, for lands located at Planning Committee

November 3, 2020 Minutes 20-013 Page 6 of 24 2069 Binbrook Road as shown on Appendix "A" to Report PED20146 be DENIED.

WHEREAS, subsequent discussions between the Ward Councillor and Paletta Livestock Limited to resolve some outstanding planning matters were successful.

THEREFORE BE IT RESOLVED:

- (a) That a revised Rural Hamilton Official Plan Amendment to delete policy 2.0 from the draft amendment presented to Planning Committee on November 3, 2020 and to add a new policy 2.0 to prohibit the severance of the existing second dwelling on the lot and to change the inset map, attached as Appendix "A" to this Motion, be approved and prepared for Council's approval; and,
- (b) That a revised Zoning By-law to establish a minimum lot area and prohibit a residential care facility, attached as Appendix "B" to this Motion, be approved and prepared for Council's approval.

(Johnson/Pearson)

That the recommendations above respecting Report PED21025 be ***amended*** by adding the following sub-section (c):

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

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

(g) MOTIONS (Item 11)

(i) Local Planning Appeal Tribunal Hearing - Application HM/A-21:07 (109 East 11th St., Minor Variances) (Item 11.4)

Councillor Johnson assumed the Chair so that Councillor Danko could move the motion.

Councillor Danko assumed the Chair for the remainder of the meeting.

(h) NOTICES OF MOTION (Item 12)

(i) 105 Filman Road – Heritage Register (Added Item 12.1)

(Ferguson/Pearson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting 105 Filman Road – Heritage Register.

Result: Motion CARRIED by a vote a 2/3's vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For further disposition on this matter, refer to Item 10.

(i) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – February 16, 2021 (Item 14.1)

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

For disposition of this matter, refer to Item 11.

(j) ADJOURNMENT (Item 15)

(Ferguson/Pearson)

That there being no further business, the Planning Committee be adjourned at 12:28 p.m.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 6, 2021
SUBJECT/REPORT NO:	Next Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175(b)) (Wards 12, 13 and 15)
WARD(S) AFFECTED:	Ward 12, 13 and 15
PREPARED BY:	Alvin Chan (905) 546-2424 x 2978
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the procedure, attached as Appendix "A" to Report PED20175(b), be adopted for the potential reimbursement of any costs to property owners associated with address changes necessary to support 9-1-1 Requirements;
- (b) That any costs associated with Recommendation (a) of Report PED20175(b), to a maximum of \$40,000, be funded through the Tax Fee Stabilization Reserve, Account No. 110046.

EXECUTIVE SUMMARY

At the December 8, 2020, Planning Committee, after considering Report PED20175(a), Committee approved the following motion:

- (a) That in addition to recommendations approved under Report PED20175; that Growth Management staff be directed to address the additional Duplicate Street Names and Municipal Address Issues as outlined in Report PED20175(a) as part of the previous direction under Report PED20175, to develop and implement a program to address the New Generation 9-1-1 requirements and issues; and,

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SUBJECT: Next Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175(b)) (Wards 12, 13 and 15) - Page 2 of 6

- (b) That the City of Hamilton be responsible for the costs associated with the address changes for the addresses listed in Reports PED20175 and PED20175(a), with the exception of 1 Hamilton Street South which was resolved.

Report PED20175(b) outlines the recommended procedure for compensating impacted property owners for costs associated with the Next Generation 9-1-1 requirements.

This Report also provides a consolidated list of all potential municipal address and street name changes previously presented in Reports PED20175 and PED20175(a) for ease of reference.

Lastly, it is noted that Report PED20175(b); and, the previous reports identified within, are related to the information presented under Information Report FCS20082 / HSC2004 – page 4, “City Addressing Issues”.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The costs of administering the recommended compensation program, including staff time, mailing cost to notify residents, and related costs for the insertion of newspaper notices, would be absorbed within the existing Growth Management Division operating budget.

Costs for any compensation to impacted landowners would be funded by the Tax Fee Stabilization Reserve, Account No. 110046, to a maximum of \$40,000.

Lastly, it is noted that Report PED20175(b); and, the previous reports identified within, are related to the information presented under Information Report FCS20082 / HSC2004 – page 4, “City Addressing Issues”.

Staffing: There are no associated staffing implications, as the project will be managed by the existing staff compliment.

Legal: Legal staff are available to provide support including the review and negotiation of required agreements.

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SUBJECT: Next Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175(b)) (Wards 12, 13 and 15) - Page 3 of 6

HISTORICAL BACKGROUND

The Canadian Radio-Television and Tele-communication Commission (CRTC), is transitioning to “Next Generation 9-1-1 or NG 9-1-1”, which requires resolution of several duplicate street names and municipal addressing issues.

Staff have prepared Table 1 which summarizes the municipal streets which will require a street name change, along with the number of properties affected by the recommended changes. This information was previously presented in Reports PED20175 and PED20175(a).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Policy B.3.5 of Volume 1 of the Urban and Rural Hamilton Official Plan identifies emergency medical services, fire services, and police services as a community facility/service.

Accordingly, “The City recognizes that the planning and provision of community facilities / services requires partnership, consultation, coordination, and cooperation among all levels of government, public agencies, the non-profit service delivery and voluntary sector, and citizens. It is the role of the City to facilitate and support a process of integrated planning and cooperation.”

As such, per the existing agreement between Bell Canada and the former Region, the City (as successor) has an obligation to provide Bell Canada with accurate addressing information if Bell is to provide the City with reliable response and effectiveness of the NG 9-1-1 system.

It should be noted that the required upgrades to the Bell Network are a direct result of the CRTC and the NG 9-1-1 program. Not resolving the identified issues would result in Bell Canada refusing to re-execute the PERS agreement with the City of Hamilton; and, would therefore leave the City without a Public Emergency Response Service which would impact all Emergency Services across the City.

RELEVANT CONSULTATION

- Infrastructure and Operations, Corporate Services;
- Business Applications, Corporate Services;
- Geomatics and Corridor Management Section of the Public Works Department; and,
- Legal Services, Corporate Services Department.

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SUBJECT: Next Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175(b)) (Wards 12, 13 and 15) - Page 4 of 6

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As previously reported under Reports PED20175 and PED20175(a), the municipal street selected and approved for change was based on the least amount of properties affected, in order to minimize the impacts.

Staff have prepared Table 1 below which summarizes the municipal streets which will require a street name change, along with the number of properties affected by the recommended changes. This information was previously presented to Council in Reports PED20175 and PED20175(a).

Table 1: Proposed Municipal Address and Street Name Changes

Street Name	Address Range	Ward	# of Affected Properties
Woodworth Drive	293 – 395; 296 – 394; 302 – 382; and, 303 – 393	12	49
Margaret Street	7; and, 8 – 30	12	9
Union Street	6 – 24; and, 7 – 23	12	7
William Street	20 – 24; and, 21 – 25	15	5
William Street	8	13	1
Bayview Avenue	3 – 11; and, 12	13	6
Sleepy Hollow Court	17 – 21	13	3
TOTAL:			80

Staff have undertaken a review of the potential costs to residential property owners for the required changes. In particular, staff reviewed the typical impacts that would result from a street name or address change. Staff consulted the applicable websites and / or contacted the relevant agency to determine potential costs.

A list of websites consulted is provided in Appendix “B” attached to Report PED20175(b). Of note, if the service is not identified within the list, staff was either in contact via phone or email to confirm respective costs.

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SUBJECT: Next Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175(b)) (Wards 12, 13 and 15) - Page 5 of 6

The results of this review are presented in Table 2 below. As shown in the table, staff have not identified any confirmed costs to property owners as a result of the proposed changes to street names.

However, it is important to note that this is not an exhaustive list, as requirements may differ for each property owner. For example, some residents may need to update stationary or other materials associated with a home business or personal stationary. Additionally, properties that include the street name in any signage or identifying materials for said property will also require updating.

Table 2: Potential Costs for Municipal Street and Address Changes

Documents/Item	Anticipated Cost
Bell	\$0
Rogers	\$0
Telus	\$0
Cogeco	\$0
Source Cable	\$0
Driver's License and Vehicle Permit	\$0
Health Card	\$0
Ontario Provincial Business / Corporations	\$0
Service Ontario	\$0
Ontario Provincial Elections	\$0
Canada Post	\$0
Deed and Title	\$0
Mortgage	\$0
Horizon/Alectra	\$0
Enbridge/Union Gas	\$0
Hydro One	\$0
Credit Cards/Debit Cards	\$0
City of Hamilton Billing	\$0
Memberships and Subscriptions (Gyms; Magazines; newspaper, etc.)	\$0
Insurance	\$0
Passport	\$0
Canada Revenue Agency – Personal	\$0
Canada Revenue Agency – Business	\$0
Service Canada	\$0
Federal Voting Registration	\$0
Other Federal Services	\$0

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SUBJECT: Next Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175(b)) (Wards 12, 13 and 15) - Page 6 of 6

Staff are recommending that any costs associated with the required address changes be eligible for reimbursement by the City in accordance with the recommended procedure, attached as Appendix “A” to Report PED20175(b).

Lastly, it is noted that Report PED20175(b); and, the previous reports identified within, are related to the information presented under Information Report FCS20082 / HSC2004 – page 4, “City Addressing Issues”.

ALTERNATIVES FOR CONSIDERATION

Council could decide to not adopt the procedure recommended in Appendix “A” to Report PED20175(b) and therefore require impacted residents to cover any costs themselves.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Procedure for Potential Reimbursement of Private Costs Associated with Proposed Street Name Changes

Appendix “B” – List of Websites Consulted

AC/sd

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PROCEDURE FOR REQUEST OF REIMBURSEMENT DUE TO STREET NAME CHANGE:

The respective owner / tenant / resident / business owner is to provide the following for requests for reimbursement by the City of Hamilton, as result of the proposed street name changes recommended under reports PED20175; PED20175(a); and, PED20175(b).

Please note that requests for reimbursement are restricted to a single request per property, which can include multiple items, to a maximum of \$500.00 per property and subject to the following criteria.

Reimbursement shall be for direct costs only that are related to physical item(s) to be replaced as result of the proposed Street Name Change (i.e. the item must include the current street name to be eligible).

Reimbursement shall not include personal time or contractor time / charges, any mileage / delivery fees, administration / overhead fees, enhanced packaging costs, optional warranties / insurance, etc... associated with the item(s), its delivery (including damages in delivery), implementation or installation.

Photographic evidence of the affected item(s) must be provided, clearly identifying the "Current Street Name" that has resulted in a need for change.

Upon receipt, staff will review the submitted material(s) to determine if the cost is eligible. Accordingly, all requests should include as much detail as possible for potential reimbursement, and there is no guarantee of reimbursements.

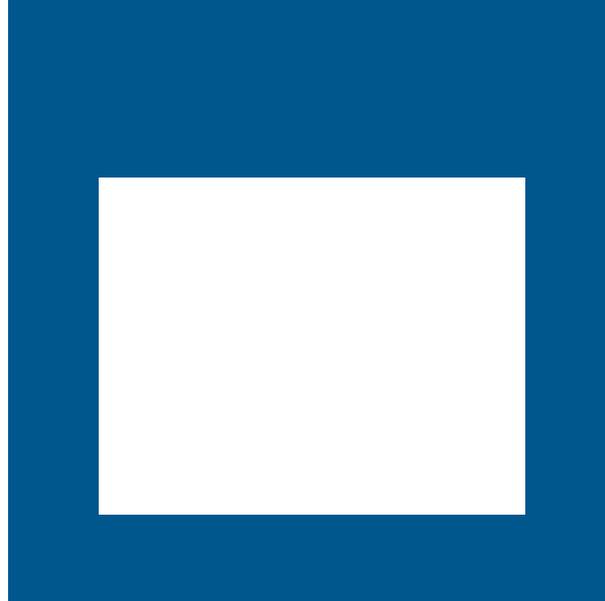
All requests shall be submitted by physical mail or electronic mail to:

David Tsai, Legislative Approvals / Staging of Development
71 Main Street West, 6th Floor
Hamilton, ON, L8P 4Y5
David.tsai@hamilton.ca

-
1. Please provide your name or business details; contact information; and, address of the property affected that is subject to the reimbursement request.
 2. Please provide a copy of proof of ownership / tenancy / business ownership for the above noted property. (Ex. Copy of Driver's license, lease contract, a bill with your address and Name, business registration information)
 3. Please provide a photographic evidence of the item(s) requested for reimbursement clearly identifying the "Current Street Name", up to a maximum of \$500.00 under a single request per property.
 4. Please provide a copy of all receipts for the item(s) where the cost was incurred due to the change in street name?

Appendix "B" to Report PED20175(b)

Service	Source
Bell	https://support.bell.ca/billing-and-accounts/how_to_notify_bell_of_a_change_to_my_mailing_address
Rogers	https://www.rogers.com/customer/support/article/how-to-update-your-myrogers-profile-and-account-settings
Telus	https://www.telus.com/en/ab/support/article/change-your-mobility-billing-address
Cogeco	https://www.cogeco.ca/en/faq/how-do-i-change-my-billing-address-or-let-cogeco-know-im-moving-48521
Source Cable	See Rogers Above
License & Vehicle Permit	https://www.services.gov.on.ca/wps85/portal/s2i!/ut/p/z1/hZDBTsMwDlafhUOPxHbiNu1uAWkbO6CxSbDmUqWoZJXadOoKFW9Pjk5ITPPN9vf5lwwWDmCD-2q9m9ohuC72pc2qfIWZNEzPuNwpfHnarmldbNTqIYNXeLuF2LjGK2Uw-vYWUsYifTVil8L-cqPyDkopSBGxZtSCmEnmrFMWIKFmZpWm94RaodSaI5AWUhVMWl78zgUPZRNg34Tq0cAGrO-G-vcLJtQq92DH5qMZm1F8jnF8nKbTeZFggvM8iyFMbmwH8e4S_E85DucJDn9JOPXLYtv3uWJbf8_m7gc3olba/dz/d5/L2dBIS9nQSEh/
Health Card	https://www.services.gov.on.ca/wps85/portal/s2i!/ut/p/z1/hZDBTsMwDlafhUOPxHbiNu1uAWkbO6CxSbDmUqWoZJXadOoKFW9Pjk5ITPPN9vf5lwwWDmCD-2q9m9ohuC72pc2qfIWZNEzPuNwpfHnarmldbNTqIYNXeLuF2LjGK2Uw-vYWUsYifTVil8L-cqPyDkopSBGxZtSCmEnmrFMWIKFmZpWm94RaodSaI5AWUhVMWl78zgUPZRNg34Tq0cAGrO-G-vcLJtQq92DH5qMZm1F8jnF8nKbTeZFggvM8iyFMbmwH8e4S_E85DucJDn9JOPXLYtv3uWJbf8_m7gc3olba/dz/d5/L2dBIS9nQSEh/
Other Provincial Services	https://www.ontario.ca/page/change-my-address-ontario-services
Ontario Provincial Business / Corporations	https://www.ontario.ca/page/change-my-address-ontario-services#section-5
Ontario Provincial Elections	https://www.elections.on.ca/en/voting-in-ontario/voter-registration.html
Passport	https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-passports/help-centre/general.html
CRA - personal	https://www.canada.ca/en/revenue-agency/services/tax/individuals/topics/about-your-tax-return/change-your-address.html
CRS - Business	https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/changes-your-business/change-address.html
Service Canada	https://www.canada.ca/en/employment-social-development/services/my-account.html
Federal Voting Registration	https://ereg.elections.ca/CWelcome.aspx?lang=e
Other Federal Services	https://www.canada.ca/en/government/change-address.html



Next Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175(b)) (Wards 12, 13 and 15)

April 6, 2020

Recommendations:

- a) That the procedure, attached as Appendix “A” to Report PED20175(b), be adopted for the potential reimbursement of any costs to property owners associated with address changes necessary to support 9-1-1 Requirements;

- b) That any costs associated with Recommendation (a) of Report PED20175(b), to a maximum of \$40,000.00, be funded through the Tax Fee Stabilization Reserve, Account #110046.

Table 1: Proposed Street Name Changes

Street Name	Address Range	Ward	# of Affected Properties
Woodworth Drive	293 – 395; 296 – 394; 302 – 382; and, 303 – 393	12	49
Margaret Street	7; and, 8 – 30	12	9
Union Street	6 – 24; and, 7 – 23	12	7
William Street	20 – 24; and, 21 – 25	15	5
William Street	8	13	1
Bayview Avenue	3 – 11; and, 12	13	6
Sleepy Hollow Court	17 – 21	13	3
TOTAL:			80

Table 2: Potential Costs for Municipal Street and Address Changes

Documents/Item	Anticipated Cost
Bell	\$0
Rogers	\$0
Telus	\$0
Cogeco	\$0
Source Cable	\$0
Driver's License & Vehicle Permit	\$0
Health Card	\$0
Ontario Provincial Business / Corporations	\$0
Service Ontario	\$0
Ontario Provincial Elections	\$0
Canada Post	\$0
Deed and Title	\$0
Mortgage	\$0
Horizon/Alectra	\$0
Enbridge/Union Gas	\$0
Hydro One	\$0
Credit Cards/Debit Cards	\$0
City of Hamilton Billing	\$0
Memberships and Subscriptions (Gyms; Magazines; newspaper, etc.)	\$0
Insurance	\$0
Passport	\$0
Canada Revenue Agency – Personal	\$0
Canada Revenue Agency – Business	\$0
Service Canada	\$0
Federal Voting Registration	\$0
Other Federal Services	\$0

PROCEDURE FOR REQUEST OF REIMBURSEMENT DUE TO STREET NAME CHANGE:

The respective owner / tenant / resident / business owner is to provide the following for requests for reimbursement by the City of Hamilton, as result of the proposed street name changes recommended under reports PED20175; PED20175(a); and, PED20175(b).

Please note that requests for reimbursement are restricted to a single request per property, which can include multiple items, to a maximum of \$500.00 per property and subject to the following criteria.

Reimbursement shall be for direct costs only that are related to physical item(s) to be replaced as result of the proposed Street Name Change (i.e. the item must include the current street name to be eligible).

Reimbursement shall not include personal time or contractor time / charges, any mileage / delivery fees, administration / overhead fees, enhanced packaging costs, optional warranties / insurance, etc... associated with the item(s), its delivery (including damages in delivery), implementation or installation.

Photographic evidence of the affected item(s) must be provided, clearly identifying the "Current Street Name" that has resulted in a need for change.

Upon receipt, staff will review the submitted material(s) to determine if the cost is eligible. Accordingly, all requests should include as much detail as possible for potential reimbursement, and there is no guarantee of reimbursements.

All requests shall be submitted by physical mail or electronic mail to:

David Tsai, Legislative Approvals / Staging of Development
71 Main Street West, 6th Floor
Hamilton, ON, L8P 4Y5
David.tsai@hamilton.ca

1. Please provide your name or business details; contact information; and, address of the property affected that is subject to the reimbursement request.
2. Please provide a copy of proof of ownership / tenancy / business ownership for the above noted property. (Ex. Copy of Driver's license, lease contract, a bill with your address and Name, business registration information)
3. Please provide a photographic evidence of the item(s) requested for reimbursement clearly identifying the "Current Street Name", up to a maximum of \$500.00 under a single request per property.
4. Please provide a copy of all receipts for the item(s) where the cost was incurred due to the change in street name?



thank you!



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

Report 21-002

9:30 a.m.

Friday, March 26, 2021

Hamilton City Hall

71 Main Street West

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

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 21-002 AND RESPECTFULLY RECOMMENDS:

1. Notice of Intention to Demolish Buildings at 200-202 Cannon Street East and 79-81 Cathcart Street, Hamilton (PED21078) (Added Item 9.1)

That 200 – 202 Cannon Street East and 79 – 81 Cathcart Street, be removed from the Register of Property of Cultural Heritage Value or Interest.

2. Inventory and Research Working Group Meeting Notes - February 22, 2021 (Added Item 10.1)

- (a) That the property located at 48 Garner Road West, Ancaster be removed from the Municipal Heritage Register;
- (b) That the recommendation respecting the inclusion of the property located at 322 Mt Albion Road to the Municipal Heritage Register ***be deferred to the next meeting of the Hamilton Municipal Heritage Committee, to allow the property owner's representation to attend; and***
- (c) That the property located at 2299 Troy Road, Mount Carmel United Church be added to the Municipal Heritage Register.

3. Former St. Giles Church, located at 679 Main Street East, and 85 Holton Street South, Hamilton (Added Item 11.1)

WHEREAS, the Former St. Giles Church, located at 679 Main Street East, and 85 Holton Street South, Hamilton (the “Property”) is of Cultural Heritage Value and Interest, and listed on the City’s Inventory of Heritage Buildings;

WHEREAS, a recommendation to designate the Property under the *Ontario Heritage Act* was approved by the Hamilton Municipal Heritage Committee in 2018, but was not approved by Council, in August 2018;

WHEREAS, the previous Building Permit Application to Demolish the Property from 2018 has been cancelled, and there are no active Building Permits on Property;

WHEREAS, a number of identified heritage attributes of the Property were removed in 2018;

WHEREAS, there has been a change in Ward Councillor since the recommendation to designate the Property was considered in 2018,

WHEREAS, there has been change in representative for the Property, and a new proposal has been brought forward for its redevelopment which differs from the original that was for Affordable Housing;

WHEREAS, there has been increased community support from the Friends of St. Giles Church, and a petition has been submitted to Council calling for the preservation and/or adaptive reuse of the Property;

WHEREAS, Council has declared a Climate Emergency, and the adaptive reuse of the Property would align with the City’s policy, and “the greenest building is the one that already exists”;

THEREFORE BE IT RESOLVED:

- (a) That the property known as the Former St. Giles Church, located at 679 Main Street East, and 85 Holton Street South, Hamilton be added to the Municipal Heritage Register as a property of Cultural Heritage Significance;
- (b) That staff be direct to report back to Hamilton Municipal Heritage Committee with options for the preservation of the Former St. Giles Church, located at 679 Main Street East, and 85 Holton Street South, Hamilton including Designation and/or Adaptive Reuse; and
- (c) That staff to liaise with property owner of the Former St. Giles Church, located at 679 Main Street East, and 85 Holton Street South, Hamilton.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee of the following changes:

6. DELEGATION REQUESTS

- 6.1. Delegation Request from Dr. Sarah Sheehan, respecting St. Giles Church, Hamilton(for today's meeting)
- 6.2. Delegation Request from Jacqueline Stagen, respecting St. Giles Church, Hamilton(for today's meeting)
- 6.3. Delegation Request from Sheryl Mackay, respecting St. Giles Church, Hamilton (for today's meeting)
- 6.4. Delegation Request from Marie Sharp, respecting St. Giles Church, Hamilton (for today's meeting)
- 6.5. Delegation Request from Adam Colalillo respecting the Proposed Inclusion of 322 Mt Albion Rd, Hamilton on the Municipal Heritage Register and to the staff work plan for heritage designation (for today's meeting)
- 6.7. Delegation Request from Lance Darren Cole, respecting St. Giles Church, Hamilton(for today's meeting)

DELEGATION REQUEST WITHDRAWN:

- 6.6. Delegation Request from Linda Ott, respecting St. Giles Church (for today's meeting)

7. CONSENT ITEMS

- 7.3. Inventory and Research Working Group Meeting Notes - January 25, 2021

9. STAFF PRESENTATIONS

- 9.1. Notice of Intention to Demolish Buildings at 200-202 Cannon Street East and 79-81 Cathcart Street, Hamilton (PED21078)

10. DISCUSSION ITEMS

- 10.1. Inventory and Research Working Group Meeting Notes - February 22, 2021

13. GENERAL INFORMATION / OTHER BUSINESS

13.4 Doors Open Update (no copy)

13.5 MacNab Street Church Legacy Project (no copy)

The Agenda for the March 26, 2021 Hamilton Municipal Heritage Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

No declarations of interest were made.

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

(i) January 29, 2021 (Item 4.1)

The Minutes of the January 29, 2021 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(d) COMMUNICATIONS ITEMS (Item 5)

(i) Correspondence from Deirdre and Barry Finlay, respecting the Property at 2059 Powerline Road West, Ancaster (Item 5.1)

The Correspondence from Deirdre and Barry Finlay, respecting the Property at 2059 Powerline Road West, Ancaster was received.

(e) DELEGATION REQUESTS (Item 6)

The following Delegation Requests were approved for today's meeting:

- (i) Delegation Request from Dr. Sarah Sheehan, respecting St. Giles Church, Hamilton (Added Item 6.1)
- (ii) Delegation Request from Jacqueline Stagen, respecting St. Giles Church, Hamilton (Added Item 6.2)
- (iii) Delegation Request from Sheryl Mackay, respecting St. Giles Church, Hamilton (Added Item 6.3)
- (iv) Delegation Request from Marie Sharp, respecting St. Giles Church, Hamilton (Added Item 6.4)

- (v) Delegation Request from Adam Colalillo respecting the Proposed Inclusion of 322 Mt Albion Rd, Hamilton on the Municipal Heritage Register and to the staff work plan for heritage designation (Added Item 6.5)
- (vi) Delegation Request from Lance Darren Cole, respecting St. Giles Church, Hamilton (Added Item 6.7)

(f) CONSENT ITEMS (Item 7)

The following items were received:

- (i) Heritage Permit Applications - Delegated Approvals (Item 7.1)
 - (a) Heritage Permit Application HP2020-035: Alterations to the Building Interior and Exterior of 52 Charlton Avenue West, Hamilton (Ward 2) (By-law No. 15-152) (Item 7.1(a))
 - (b) Heritage Permit Application HP2021-001: Proposed alterations to the front pathway, driveway and stairs at 62 Mill Street North, Waterdown (Ward 15), located within the Mill Street Heritage Conservation District (By-law No. 96- 34-H) (Item 7.1(b))
 - (c) Heritage Permit Application HP2021-002: Proposed front door replacement and installation of a rear wall exhaust fan to 5 Mill Street South, Waterdown (Ward 15), located within the Mill Street Heritage Conservation District (By- law No. 96-34-H) (Item 7.1(c))
 - (d) Heritage Permit Application HP2021-003: Proposed restoration of the large presentation stairs at 900 Woodward Avenue, Hamilton (Ward 4) (84-30) (Item 7.1(d))
 - (e) Heritage Permit Application HP2021-004: Proposed instillation of interior security upgrades and exterior entrance modifications at 45 Main Street East (John Sopinka Courthouse), Hamilton (Ward 2) (93-011) (Item 7.1(e))
 - (f) Heritage Permit Application HP2021-005: Proposed Tree Removal and Replacement, Centre Boulevard, St. Clair Blvd HCD (Across From 202 St. Clair Blvd), Hamilton (Ward 3) (92-140) (Item 7.1(f))
 - (g) Heritage Permit Application HP2021-006: Renewal of previously-approved but lapsed Heritage Permit (HP2019-001) Proposed exterior rebuild and restoration work at 77 King Street West, Stoney Creek (Ward 5) (By-law No. 5055-00) (Item 7.1(g))
- (ii) Heritage Permit Review Sub-Committee Minutes - January 19, 2021

(iii) Inventory and Research Working Group Meeting Notes - January 25, 2021

(g) VIRTUAL PUBLIC DELEGATIONS (Item 8)

The following Virtual Public Delegations were received:

(i) Dr. Sarah Sheehan, respecting St. Giles Church, Hamilton (Added Item 8.1)

Dr. Sarah Sheehan addressed the Committee respecting St. Giles Church, Hamilton, with the aid of a PowerPoint presentation. A copy of the presentation has been added to the official record.

For further disposition of the matter, refer to Item 3.

(ii) Jacqueline Stagen, respecting St. Giles Church, Hamilton (Added Item 8.2)

Jacqueline Stagen addressed the Committee respecting St. Giles Church, Hamilton.

For further disposition of the matter, refer to Item 3.

(iii) Sheryl Mackay, respecting St. Giles Church, Hamilton (Added Item 8.3)

Sheryl Mackay addressed the Committee respecting St. Giles Church, Hamilton.

For further disposition of the matter, refer to Item 3.

(iv) Marie Sharp, respecting St. Giles Church, Hamilton (Added Item 8.4)

Marie Sharp addressed the Committee respecting St. Giles Church, Hamilton with the aid of speaking notes. The speaking notes will be added to the official record.

For further disposition of the matter, refer to Item 3.

(v) Adam Colalillo respecting the Proposed Inclusion of 322 Mt Albion Rd, Hamilton on the Municipal Heritage Register and to the staff work plan for heritage designation (Added Item 8.5)

Adam Colalillo addressed the Committee respecting the Proposed Inclusion of 322 Mt Albion Rd, Hamilton on the Municipal Heritage Register and to the staff work plan for heritage designation and asked that

the item be deferred to the next meeting of the Hamilton Municipal Heritage Committee.

For further disposition of the matter, refer to Item 2 and (i)(i) .

(vi) Lance Darren Cole, respecting St. Giles Church, Hamilton (Added Item 6.7)

Lance Darren Cole addressed the Committee respecting St. Giles Church, Hamilton.

For further disposition of the matter, refer to Item 3.

(h) STAFF PRESENTATIONS (Item 9)

(i) Notice of Intention to Demolish Buildings at 200-202 Cannon Street East and 79-81 Cathcart Street, Hamilton (PED21078) (Added Item 9.1)

Alissa Golden, Acting Cultural Heritage Planner, addressed the Committee with an overview of Notice of Intention to Demolish Buildings at 200-202 Cannon Street East and 79-81 Cathcart Street, Hamilton (PED21078), with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

The Presentation respecting the Notice of Intention to Demolish Buildings at 200-202 Cannon Street East and 79-81 Cathcart Street, Hamilton (PED21078) was received.

G. Carroll requested that they be marked as OPPOSED to the recommendation made in the report.

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

(i) DISCUSSION ITEM (Item 10)

(i) Inventory and Research Working Group Meeting Notes - February 22, 2021 (Added Item 10.1)

That sub-section (b) respecting the inclusion of the property at 211 Mt. Albion Road on the Municipal Heritage Register, be deferred to the next meeting of the Hamilton Municipal Heritage Committee, to allow the property owner's representation to attend.

For further disposition of this item, refer to Item 2.

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

(i) Buildings and Landscapes (Item 13.1)

That the property located at 215 King Street West, Dundas, be added to the Endangered Buildings and Landscapes (RED) list and be monitored by K. Burke.

That the property located at 54 Hess Street South, Hamilton, be added to the Buildings and Landscapes of Interest (YELLOW) list and be monitored by J. Brown.

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 – G. Carroll
- (ix) 120 Park Street, Hamilton (R) – R. McKee
- (x) 398 Wilson Street East, Ancaster (D) – C. Dimitry
- (xi) Lampman House, 1021 Garner Road East, Ancaster (NOID) – 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) 80 to 92 Barton Street East (Hanrahan Hotel) – T. Ritchie
- (xvi) Television City, 163 Jackson Street West – J. Brown
- (xvii) 1932 Wing of the Former Mount Hamilton Hospital, 711 Concession Street – G. Carroll
- (xviii) 215 King Street West, Dundas – K. Burke

**(b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)**

- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland
- (ii) 2251 Rymal Road East, Stoney Creek (R) – B. Janssen
- (iii) Former Valley City Manufacturing, 64 Hatt Street, Dundas (R) – K. Burke
- (iv) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (ND) – W. Rosart
- (v) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll
- (vi) Dunington-Grubb Gardens, 1000 Main Street East (within Gage Park) (R) – D. Beland

D. Beland advised that the Ward Councillor has informed constituents that there are plans to pave walkways within Gage Park.
- (vii) St. Clair Blvd. Conservation District (D) – D. Beland
- (viii) 52 Charlton Avenue West, Hamilton (D) – J. Brown
- (ix) 292 Dundas Street East, Waterdown (R) – L. Lunsted
- (x) Chedoke Estate (Balfour House), 1 Balfour Drive, Hamilton (R) – T. Ritchie

- (xi) Binkley property, 50-54 Sanders Blvd., Hamilton (R) - J. Brown
- (xii) 62 6th Concession East, Flamborough (I) - L. Lunsted
- (xiii) Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xiv) Cannon Knitting Mill, 134 Cannon Street East, Hamilton (R) – T. Ritchie
- (xv) 1 Main Street West, Hamilton – W. Rosart
- (xvi) 54 Hess Street South, Hamilton – J. Brown

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

- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie
- (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – R. McKee
- (iii) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie
- (iv) 104 King Street West, Dundas (Former Post Office) (R) – K. Burke
- (v) 45 Forest Avenue, Hamilton – G. Carroll
- (vi) 125 King Street East, Hamilton – T. Ritchie

(d) Heritage Properties Update (black):

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

No properties.

A. Denham-Robinson relinquished the Chair to speak to the two next items.

(ii) Hamilton Municipal Heritage Committee's Heritage Recognition Awards Update (Item 13.2)

A. Denham-Robinson addressed Committee with a Heritage Awards Update. The virtual events were held during Heritage Week, February 15 – 20, 2021.

The information respecting the Hamilton Municipal Heritage Committee's Heritage Recognition Awards Update, was received.

(iii) Call for Hamilton Municipal Heritage Committee's Heritage Nominations (Item 13.3)

A. Denham-Robinson addressed Committee with information regarding the Call for Municipal Heritage Committee's Heritage Nominations. The nomination page on the City's website is now open.

The information respecting the Call for Hamilton Municipal Heritage Committee's Heritage Nominations, was received.

(iv) Doors Open Update (Added Item 13.4)

J. Brown shared information regarding the upcoming Doors Open events for 2021. She is currently working with the Hamilton Region Branch of the Architectural Conservancy of Ontario on a virtual event to be held some time in 2021.

The information respecting a Doors Open Update, was received.

(v) MacNab Street Church Legacy Project (no copy) (Added Item 13.5)

J. Brown shared information respecting a fundraising campaign by the MacNab Street Church Legacy Project and will send links to the fundraising through the Legislative Coordinator.

The information respecting the MacNab Street Church Legacy Project, was received.

(j) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 12:15 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

From: Shelley Kaufman

Sent: March 25, 2021 5:37 PM

To: Golden, Alissa <Alissa.Golden@hamilton.ca>

Cc: Collins, Chad <Chad.Collins@hamilton.ca>; Fabac, Anita <Anita.Fabac@hamilton.ca>; McKie, Shannon <Shannon.McKie@hamilton.ca>; Kolar, Loren <Loren.Kolar@hamilton.ca>;

Subject: RE: RE: 322 Mt Albion Rd - Heritage Register - Delegation at HMHC on Friday, March 26th File 13679

Importance: High

Dear Ms. Golden,

We are writing with respect to the email below regarding 322 Mount Albion Road and the recommendation to list it on the heritage register and add it to staff's designation work plan. We understand this matter will be addressed at the Heritage Committee meeting on Friday, March 26th.

We are asking that this matter be DEFERRED and not considered on March 26th. Mr. Colalillo will be appearing to make this request at the meeting.

Our client purchased this property in the last year but was not provided timely notice of the meeting. In fact it was only after it was coincidentally brought to their attention, when Adam Colalillo followed up with the City directly, that the City provided notice dated March 23, 2021 by email only. Certainly this did not provide sufficient time to consult with any heritage expert or to give the City notice of additional consultants to participate in the meeting. Our office was only available to discuss this matter with our client at the end of the day today.

In order for this matter to be fairly considered in accordance with the City's process, deferral is the appropriate course of action. While Mr. Colalillo will be speaking at the meeting, we trust you will ensure this email is also forwarded for consideration. By way of this email we are also requesting notice of any further consideration by the Heritage Committee, Planning Committees or Council in regards to heritage considerations for 322 Mount Albion Road.

Please confirm receipt. Thank you.

Sincerely,

Shelley Kaufman

From: Devyn Thomson

Sent: March 25, 2021 9:56 PM

To: Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Golden, Alissa <Alissa.Golden@hamilton.ca>; clerk@hamilton.ca; Pearson, Maria <Maria.Pearson@hamilton.ca>

Subject: Heritage Meeting March 26 in regards to St. Giles Church

Good evening,

I am writing with respect to the property at 85 Holton Avenue known as St. Giles Church. The facade of the original 1912 structure should be preserved. There was a meeting held by Ward 3 councillor in February introducing that a proposal was in the works for this site. It was clear from the owner and developer no heritage aspects were in the plans. Majority of the community concerns were loud and clear that heritage was of importance to them and that this church be incorporated somehow. Not a plaque, the church itself.

All Saints' Anglican Church was lost to demolition, James Street Baptist Church, which is a designated building now sits partially demolished and sitting in shambles. When does the demolition of this type stop?

St. Giles met 8 out of 9 criteria for a heritage designation. How are we ensuring something that meets the criteria is being protected and preserved? How can we make heritage and housing work? There have been many successful church conversion projects in Toronto. This church is an iconic focal point in Ward 3 that needs to be preserved. I hope to learn St. Giles can be designated to ensure protection of the 1912 facade.

Regards,

Devyn

To: Planning committee via email loren.Kolnar@hamilton.ca March 31/2021
 c/o Legislative Co-ordinator Lisa Kelsey

From: Ken Watson [REDACTED]

Re: Deliberations on 679 Main St. E. Or 85 Holton Ave. S. (Formerly St. Giles United Church)

The Hamilton Spectator article on March 29/21 about deliberations on St. Giles started my search for how to offer perspective on the plans for this property. It has been a circuitous route but I hope I can offer thoughts that are helpful to your deliberations.

Below, is a copy of the letter I sent to the CEO of United Property Resource Corp who seem to be involved. I received only one call, from Mr. Travella to ask for a personal copy of the letter. I don't think they own the property, but seem to be advising if not being sought as developers by the New Vision congregation who probably own the space. I'm gathering that your committee will be setting some parameters on that development. On that basis, let me continue.

Based further on the email kindly sent by Ms Loren Kolar on March 31 urging reply before mid-day on Apr 1 (presumably not a joke) **I write then to support the efforts of those who seek**

- a) to have the property added to the Municipal Heritage Register as a property of Cultural significance
- b) that staff be tasked with outlining options for the development of the property
- c) That staff liaise with the property owner to impress upon them their responsibilities to maintain and protect the property in the interim. I noted that neighbours complained in the meeting I listened to (Feb 11/21), that the owners had been derelict in mowing lawns and keeping the area presentable.

Personally, I thought the news that the interior items had been auctioned off was shocking. If what I hear is correct, the interior was pillaged. Stewardship took a hard hit that day.

But going on, I think there are possibilities that should be acted upon. Making it a community centre as it once was, would honour that tradition but not with another high rise suggestion like the one that was supported by the architect who spoke at the Feb 11 meeting as being 'best practice', or 'efficient design'. What I heard in those comments was a saddening lack of awareness of the place that congregation held - its heritage.

So what do I see in the hours left to imagine? Well the option to 'do as was recently done' seems dead if this is to be a heritage site. Having high-priced boutique housing might make money but betray any community connection to the place's past. The only option I see worthy of the heritage designation is going to take time and imagination to create.

The 'hundred year building' idea was tossed into the meeting I heard back in February. In that timeline, Hamilton should expect weather events never seen. Everything from windstorms, to heat waves to ice storms is headed our way. We will not be driving cars, even electric ones. This building won't be heated by carbon fuels. Economic disparities are a continuing threat.

The community we're headed into will be the one where most will walk to what they need in about 15 minutes. In that community, I see St.Giles filling local needs beyond housing and commercial requirements - like recreation. So into the building must go at least one gymnasium, playgrounds - plural, places for people to gather co-operatively perform for each other. The different special-interest groups will share common spaces based on some code of conduct and behaviour. I've imagined a housing set-up in which residents 'buy into' helpful and supportive actions. That will require some sort of concierge or social building system beyond keeping halls and walls clean.

You can dismiss such imagining in favour of what happens at present but current behaviours got us here - and into the prospect of bulldozing the building and what it represented. Climate change will impose new rules; people will have to create or recall strategies for coping well.

Whatever ways and means you decide to proceed with, I won't be living there. It would seem that those who would like to, should be setting the rules that benefit them all. All I can do is offer background and tradition with all the caution and inspiration that those perspectives can pass along.

If those are helpful efforts, I'd be pleased to contribute them and bring others from that time and space who could augment that offering. Phone [REDACTED] is the best way to reach me.

To: Tim Blair, CEO

Feb 24/2021

United Property Resource Corporation Presenters

3250 Bloor Street West, 2nd Floor, Etobicoke, ON M8X 2Y4

From: Ken Watson [REDACTED]

Re: Presentation on Feb 11, 2021 concerning 85 Holton Ave. Affordable Housing Development

I listened in by telephone to the presentation on Feb 11 and would like to offer comment and history, if you would like. It has taken me until Feb 24 to find an address to which to send them.

I was baptized in that Church and grew up a block away. In those days, the congregation numbered over 3000, as I recall. There was a local competition with Ryerson United down Main St for bragging rights to biggest congregation and most influential members.

In those days, most of the congregation lived within walking distance of the building. I grew out of the nursery school into regular Sunday School, into the young people's group then the young adults. All were safe and healthy places to be. I went through the Cub Pack then the Scout Troop and then retraced my steps to be the Cub Leader. I was the person the grownups called to run the 16 mm movie projector or slide projector for meetings or services.

When families moved to the 'burbs, many still returned out of loyalty. And then they died. In the intervening years, it is my impression that the community around the church stopped coming to it and whatever 'outreach' happened brought in people who left after the meeting ended. So it was no surprise for me to hear the anxiety in the questions of the neighbours. The United Church has been an absentee landlord for over a generation as far as they are concerned.

The corporate-speak I heard did not allay their fears. "Efficient design", "Best Practice", "Solar power and Geothermal" were terms that missed the mark. I heard frustration that a building that has so long harmonized with homes along the street, would be replaced with a slab-sided concrete or glass box with balconies hung on it - ugly as sin.

The speakers who tried to skate over the demolition thought seemed unaware of the eyesore decorating downtown Hamilton that everyone else knows about. It used to be James Street Baptist Church and it represents everything neighbours fear about your project once you hit the demolition button.

I don't know what the picture was that a previous consultant had produced and the presenters only gradually disowned. The waffling only stoked the angst from what I heard. The stated aim of the meeting was to get comment from the community. I didn't read it that way. What I heard was a developer trying to tell the neighbours what was possibly going to happen. I didn't hear an invitation to join some advisory panel. I had to find your contact through the Councillor who set up the meeting.

What I heard at the root of the exchange was the matter of trust. Does UPRC, or the Architect, or the Developer really trust that others can make suggestions they can, or wish to implement. And on the other side, can you really trust a developer?

Frustrating this attempt is the fact that whatever you decide to do, you won't be there to live with it. You will get in a car and go home. It reminds me of the engineers who design buses - but never take one with shaky feet, cataracts, and a cane. You people have a communication problem that is a test of faith.

The solution would seem obvious. Within the next weeks, you need to be on a first-name basis with every person who called in and then all those between - if you seek the credibility you seem to desire. Well those weeks have passed and I guess you can tell me how it's going.

I wanted to offer concrete thoughts for your consideration. I'm afraid they are all over the map but they will have done what I intended if they stimulate a design that the neighbours, residents and you are happy with.

- 1) Does anyone consider setting up a studio - with a window to watch an artist sketch different designs - and then dialogue with those on the other side about the problems that arise? An on-site dialogue, classroom demo, after school talk? I know that construction sites regularly have 'office trailers'. What would be the effect of putting a window in it and a porch outside for visitors and then having someone to give updates to the curious and concerned?
- 2) I think you heard pretty clearly that the neighbours like the exterior of the building. It has character. I also heard Mr. Peace lament the discouraging state of the foundation in the NE corner and water leakage, I presume over the Chapel, that made it's way to the kitchen. But I think you need to start to seriously entertain **how** to save the bulk of the exterior.
- 3) In a letter of 2013, I wrote to St. Giles suggesting modifications to the Sanctuary. Surely that space deserves to be preserved as performance space. I suggested you might turn both transepts into bachelor apartments. I think there is space to put two units upstairs and two down on both sides. I would put an indoor roof patio above the upper units. There is space below the ceiling to 'sit out' and enjoy concerts below, maybe under a transparent roof.

In the rear balcony space there is room for another 6 units, 3 up and 3 down., again with roof patios. In that design, I imagined a perimeter walkway around that interior space just under the lower edge of the stained glass windows to allow for indoor walking and study of the glass details.

- 4) Music was a huge, like HUGE part of St. Giles presence in the community. If the organ was still in place, it would seem to be a slam dunk. You would honour that tradition by including that in the final design.

The bells were part of that sonic presence. I believe they have been sold. Too bad. Maybe the sound can be resurrected in the design. In distant days, there were chimes on the quarter hour, at both St. Giles and St. Peter's (at St. Clair and Main). Hymns were played as a call to worship. Everyone tuned in to the carillonner practicing for the weekend 'concert'.

A late arrival to the auditory landscape was St. Stephens I think, on Mountain Brow near Upper Sherman. Anyway, these sounds were signatures of the buildings' presence.

The St. Giles carillon was originally a gift of Ms Helen? Holton. Her picture used to hang in the vestibule. I was told she donated the bells for all to enjoy despite the fact that she was deaf. I know of two people, still living, who played those bells if you should want to gather their recollections for your heritage file.

But that has changed greatly. St. Peter's bells don't sound now. I hear St. Stephan's electronic and distant tinkling rarely. There is room again for what bells can bring to a community. Will your building fulfill that invitation to the communal soul? Will you serve that need in more than visible ways?

The space you want to develop once attracted the whole community. They still need such a place to gather though it might be for different reasons. How will you show concern for that legacy?

5) I can imagine that the current exterior walls in which the large stained glass windows are situated, could become interior walls along a promenade. Relieved of their load bearing requirement, would allow them to be stabilized and still appreciated. Their mass could store heat.

Stained glass windows come with a lot of baggage but it seems a mark of reverence, if not just remembrance, to preserve them. When, or if, you do, there is a quirk in the middle one on the *west side* of the sanctuary that has been there since it was installed. I was at the commemorating service with my eagle-eyed mother who spotted the 'oops' feature.

At the top of the window on each side is circular element that is meant to blend with the colour scheme of the narrow panels below. On one side of the window, the colours are red and green; on the other, the colour scheme is blue and gold. The installers were completing the installation in the dark because it had to be done by service time next day. I was told it was almost midnight before they finished. But it was ready for next day. Oops! The circular elements had been switched by mistake and they remain so to this day. So in the new placement, do you fix the problem or leave it? It brings a wonderful liberal reminder to an otherwise conservative image.

What happens to such windows? One speaker seemed to say there are a lot of churches and they have a lot of dedicated windows looking for a place to go. In conversations with a former chair of Presbytery, she was lamenting the loss of those symbols. I suggested there might be a place for them to be assembled and respectfully displayed in a redevelopment like St. Giles, or

Centenary, at that time. A school/museum for the study, preservation, display, and creation of such art could be a part of such a development - at least in my mind. Heritage respected.

- 6) This thinking brings commercial aspects of the redevelopment to my mind. While your presentation focussed on housing, I think of adding to this place, facilities that the community needs - reasons for the community to re-engage; basic needs that the development could supply to re-earn its place. A bakery that makes breads of the world would be worth considering, I think. In the Church's heyday, there was a bakery a couple blocks away, near Sherman. Surely bread is as close to a universal food as you get - even gluten-free kinds. So as a reason for neighbours to come to that space, it would seem a pretty good idea - an aromatic chime - and unifying call to community.

St. Martin-in-the-Fields in Trafalgar Square has a downstairs cafeteria that is a good place for a meal in overpriced London. There is a similar eating space below St. Giles in Edinburgh (the place after which this church was named). They might be another commercial suggestion for this space.

I think that other commercial and business tenants should include Social Services, Health services (a 1-stop Family practice with testing, at least on scheduled days, and a dentist), day care/tutorial services, financial service (Credit Union - not a bank). I think Ms. Nann thinks there is a child care centre at the old St. Peter's (Main & St. Clair). It may have been there pre-covid. That building is locked at present.

In a recent novel that centred on a high-rise refuge for abused women, the women who sought sanctuary there were employed by businesses that rented space on the lowest levels. By teaching them the skills that would make them independent while allowing them to build a financial foundation, the businesses got a reduced rent. The businesses also had a guaranteed labour pool that was helpful to them. I don't know if this is an idea that would be useful to your planning.

- 7) I'm not sure where the 'back yard' idea came from but it was repeated by the presenter and is obviously important, at least, to him. Someone is going to have to put a size on that term.
- 8) What I think such a plan-for-backyarding would dictate is a terraced building with wide spaces at each level to accommodate this need and probably a pod design of apartment units around the space. I shiver at the possibilities here - good and bad - when I imagine what could come out of that. The facade that comes from terracing could be like a seaside village in Europe or with house fronts similar to those which are part of the Crossroads Media site, 1295 N Service Rd. In Burlington. Such a streetscape could be used for movie shoots, if it was planned, and need not enter to living quarters. I've seen terraced streetscapes in numerous English cities.

In the backyard I grew up in, a block away, we had a large yard where any child in the neighbourhood could be found if they were late for dinner. Is this the image you want to restore or allow room to grow?

There is no park space nearby and it was plainly an interest of the Councillor Nann. In a distant day, and before the CE wing was built at St. Giles (in the 1960's?) the parking lot was a community skating rink. I would recommend it as a community focal point in your design. In the other seasons, when you don't skate, I'd hope there would be a playground in the space. I'd start with the playground in the middle, and a ring, loop or serpentine structure upon which ice could be laid, arranged around it. In the off season, a 'ring' could easily be divided into a 'shooting hoops' space, bicycle/skateboard path with removable ramps added as desired.

I'd also link "yards" of different residences by ramps not stairs. Kids can use them as play spaces that way. Going for a walk could be possible without going outside.

- 9) The front stairs up to the entry on Main St. is a killer if accessibility was an objective.
- 10) The use of light wells could be a helpful way to create 'yard space' - front or back. Domes over them could create passive solar heating in cool weather and could offer draught conduits for warm weather. We do not have AC in our house. We cool it by opening lower windows and exhausting heated air through the attic crawl space. I'll bet the idea could be super-sized in a project like this.
- 11) In a novel I wrote, I imagined a home for homeless men that was created by installing modified shipping containers into pre-serviced slots in a high-rise tower. Each resident got a raw container, and then the practical help to turn it into a cottage which was lifted into place when he joined the group. But nobody got in without that commitment to join with others to build his house and home. The 'homes' were splayed, on each level, like petals around the central hoist by which the units were moved to the proper floor. The new 'homes' were accessed from a wide concourse running along the front of the units. Each man also got a 6'x6' bin with a 6' trellis in which to grow a 'garden' as part of their new life. A psychiatrist I know says he has never had a patient who was an active gardener. Don't know if this is an idea you could use.
- 12) I wonder how each unit will be identified. Will they be numbered? Is this the image you want to create? Would naming the suites like estates in Britain be an alternative?
- 13) In every apartment I know, there is a problem with cockroaches, bedbugs, or mice. These pests move from one unit to another through the holes left around conduits and cables, or when someone adds something without thinking of the space they leave unsealed. I would hope that sealing each unit would be a requirement of the builder's contract with a hefty enough penalty for failure to ensure that each unit is sealed.

- 14) The way 'solar' was tossed out at the meeting I listened to, I had the feeling the person was trying it for effect. Yes. Solar sympathy in the design is a necessary idea but there are lots of ways to do it beside those ugly panels on a roof. There are many better things to do with horizontal space. I'd suggest solar cells on vertical surfaces. The Ivanpah Solar Generating System in Pimm, Nevada on a smaller scale, might be another design to considered rather than driving a geothermal system.
- 15) As a spin-off of the solar heating, the sheer mass of the outer walls surely earns them some credit for the passive heat storage they represent. So maintaining them might be a consideration for whatever 'green' heating system you have in mind.
- 16) In the novel I mentioned (#11), the need for security was accomplished by everyone who came into the building being photographed and 'registered'. It might help in the event of a fire and improve pedestrian safety within the building.
- 17) I can't see a building like this operating without a concierge. You can pretend that a 'security lock' on the door would work but look at what really happens. If there was a bakery with a window on the entryway, employees might serve both needs during the day. Night staff could have other duties and monitor remotely.
- 18) I don't know if you've decided to name the building - like St. Giles Place - rather than the address you are currently using. Along the same line, what sort of history is/has been written about the building? What is the point of it? A chronology? Hmmmm. If the point is to integrate the new into the old, someone should start on doing something with the old, using the pieces you've got instead of storing them. I imagine a school project or hobby in which one learns research skills while re-creating the legacy. I would suggest such material might be accessed, in the future, by a QR code sort of device built into a dedicatory plaque.
- 19) One of the items I'm sure you know about is the asbestos insulation around heating pipes in the basement. I know about the material in the south east corner. Just mentioning it here so it doesn't come as a surprise later.
- 20) This used to be a house of worship. Is there any place in the plans for an ecumenical ministry? The mention of social needs brings up another thought. As I grew in that space and interacted with many adults (because I knew how to do AV equipment and they didn't) I faced the usual collection of teen-age and young adult problems. When seeking advice on part time jobs or where to apply to university, or how to fix something, my mother would suggest a name of a person I already knew, or who knew me. I was truly raised by a village united through a social connection. Is this a plan for this development - to model, and culture, a social system of support. What sort of common spaces will they need? Who will minister to that need? How?

21) This objective (#20) may conflict with 'open market' rental. If you are just going to rent to anyone who applies, who might then sub-rent to an Air BNB, how will that mesh with others who are trying to raise families or just survive? If someone wants to tent-over their 'Yard' is that going to be OK? All of these questions suggest you may have a behavioural or economic image of the people to whom you wish to offer housing. I suggest you get that questionnaire or filter figured out soon because it will affect the units in fundamental ways.

The evolution of this line of thinking suggests you may be looking at creating some sort of condo corp in which residents can buy in inexpensively and agree to a code of mutual support.

22) Over the year's I've had conversation with City Hall staff in their attempts to improve the percentage of home garbage that goes to recycling. The rate has stalled because it is just too easy to put everything in a black bag and drop it at the curb or down a chute. Apartments are at the top of their list of reluctant participants. If waste management is going to be another demonstrator of responsible citizenship, I suggest you're going to need to build in a personal pickup at each unit and an immediate reward system for properly sorted trash.

23) The comment that I heard made during the presentation of the intent to make this building a 'hundred year old building' brings up a problem of every church I know of - 'growth like topsy'. It starts out with one plan that has to be changed when the next minister arrives, or expanded to meet new needs. This leads to a labyrinths of corridors and passages through one room to reach another. I don't know if any thought is being given to building with preventing this in mind. Moveable walls in apartments are not something I've heard of in places around here and surely you can't move load-bearing ones. The presence of water, heat or electrical services restrict other walls only because nobody planned for any other configuration that another might seek - a century from now. Is this part of a planning process you wish to consider?

24) Building codes require a certain window/floor area ratio as I recall - but that was a long time ago. I can imagine units in this building where windows might be replaced by mega TV screens that are less expensive and more energy efficient. I would surround the screen with window molding so that it would be hard to tell the difference because those windows would be receiving live feed from outside TV cameras, say on the roof. Every apartment could have the a penthouse view on any side that has a camera! With the flip of a switch, or opening of a faux frame, you might even get outside air as though the window was really open. Such features might make the air exchange control required of non-carbon heating sources more manageable.

If you wish elaboration on any of these points, I'd be pleased to augment my notes here. Phone [REDACTED] is the best way to reach me.

Copies: Since this letter was sent, copies have been forwarded to

1) (Kris Travella [REDACTED] who called on Mar 18)

- 2) Rev. I Sloan, at New Vision United Church, 24 Main St. W., Hamilton, ON, L8P 1H2
- 3) Ms. N Nann, Ward 3 Councillor, Hamilton City Hall, 71 Main St. W., Hamilton ON, L8P4Y5



Laidlaw Memorial United Church

✉ 155 Ottawa Street North at Cannon Street
Hamilton, Ontario L8H 3Z2

☎ 905 544 6536

Rev. Douglas C. Moore, B.Th., B.A., M.Div., Minister

Email: revmoore@bellnet.ca



April 1, 2021

Greetings!

I am writing to appeal for the preservation of St. Giles United Church on Main Street, Hamilton. While I understand the financial dynamics of a church building in need of repair, and the complications of adaptive reuse, I would argue that the preservation and adaptation of the main part of the building is a better plan than the expense and waste of demolition.

My interest in the fate of the St. Giles building is twofold.

First, the building has historic interest as one of two Presbyterian edifices that were transferred to The United Church of Canada in 1925. It is, I believe, both for The United Church of Canada, and for the City of Hamilton, and particularly for the neighbourhood, important to retain this history by retaining the edifice, though adapted to new uses. Adapting the building would certainly be preferred for environmental reasons, but also as an important historic place. Laidlaw and St. Giles have long been 'cousins' in that history, and the original organ from St. Giles was installed at Laidlaw in the 1920s.

Second, but also primarily, there are former members of St. Giles, as well as members of the local community, who consider the building at St. Giles an important local asset that need not be torn down to be adapted for other uses, including affordable housing. As we settlers have begun to learn, ownership is not as clear a concept as we might assume. Consulting with the local and broader community about the use of land and buildings is not a luxury, but a necessity if there is to be justice, peace, and progress. I can remember when St. Giles Church housed innovative and progressive community advocacy groups, and perhaps the future can embrace that past as a library, community hub, and affordable housing location.

It seems that asserting ownership; and attempting to pull down the building in the name of economics, rather than doing the demanding and creative work of adapting the building to new uses, including housing for people and local and municipal services, is short sighted. I would plead for communication and cooperation instead of adversity. There is no benefit to be gained by opposition or maneuvering. The energy and resources of New Vision Church, and the local community members and groups, including former members of St. Giles Church, will be better spent working together to find a solution that embraces cooperation, creativity, and resourcefulness.

In the mean time, until a process for community input and cooperation can be achieved, and a clear decision about the heritage value of the St. Giles building can be made, it would be better to suspend any permission for demolition of the building. There is a real opportunity for creating an adapted space that will benefit our City, and the local community around St. Giles Church. It will certainly be a better outcome if, when a proposal for adaption comes forward, there is cooperation and community support, rather than opposition. That cooperation and support will save a great deal of resources that might otherwise be wasted on opposition. There is a deep tradition in The United Church of Canada for decision making by consensus, rather than by authority or assertion of 'ownership'. I plead for the wisdom to provide time and resources to achieve a broader consensus before taking decisions and actions that cannot be reversed.

Thank you for your attention and consideration.

Rev. Douglas C. Moore, B.Th., B.A., M.Div.
Laidlaw Memorial United Church
155 Ottawa St. N. Hamilton, Ontario L8H 3Z2
905 544 6536

From: dave braden
Sent: April 5, 2021 1:44 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Dave Braden Presentation

Affordable Housing Presentation - Dave Braden

Affordable housing like climate change, has been confirmed by many recent, legitimate polls to be a priority for most Canadians. Presently there is a huge shortage of housing for lower income residents. The conventional approach is to await infrequent, inconsistent and insufficient funding from senior governments to cover the costs of building minimum standard housing. Costs for this housing are determined by the costs of land, materials, permits, administration and usually profit. The “bricks and mortar” costs are not the problem. For example, a 600 square foot unit (connected to another unit) can be built for \$200 per square foot for a total cost of \$120,000. The land component is the driver of high costs.

Consider this: An associate invested in a farm, destined for development, for \$36,000 per acre which has now been appraised at almost \$700,000 per acre even though there have been no capital improvements. This demonstrates that sprawl negates the potential of supplying land for affordable housing without massive, but unlikely subsidies.

There is a window of opportunity. Developers of large towers often negotiate for increasing heights in exchange for the provision of affordable, rental units. This is allowed because municipalities are authorized to exceed present land-use restrictions if approved projects result in “public benefits”.

Similarly, homeowners of low density housing could be allowed and encouraged to provide affordable housing units on their own lots at their own expense in exchange for conditional approvals (e.g. controlled rents for 25 years). Similar to above, these units could be adjacent to or on top of the existing structure thereby exceeding present zoning regulations by one storey. Combined with this approval, the municipality could insist on superior building standards. Unquestionably, a highly, energy efficient, affordable housing unit is an even better public benefit to the community.

In comparison, if senior government levels come through with large grants, much of the money will go to land costs, administration costs, and long-term maintenance. Units are built to present day, minimum standards resulting in potentially high utility bills.

What is needed is a means to motivate and harness the willingness of individual landowners to add an affordable, energy efficient unit on their lot and preferably onto their existing building.

This could be achieved by some or any of the following:

1. Education and advice
2. Expeditious issuing of permits
3. Reduction or elimination of fees
4. HST or other tax deductions
5. Capital and operational subsidies

Anything under about \$250,000 would be a savings to all levels of government. This approach provides the potential to distribute affordable housing throughout the city as opposed to concentrating them in one area or one building project. Adding a dwelling unit to a lot likely increases tax revenue to the municipality in the range of \$1,000 - \$2,000 which is much needed to help fund the critically underfunded infrastructure. Given that conventional efforts are not fulfilling the need, we need to be creative, practical and innovative and begin to solve this problem.

Affordable housing is not the only building topic which is on our minds. Climate change, housing the aged, responding to the restructuring of the retail sector, infrastructure deficits, transitioning to an economy based largely on renewable energy - these all require clear thinking about root causes and connections to other critical issues.

Premier Ford has required municipalities to prepare detailed growth plans for the next 30 years, even though last week he conceded that he could not forecast one fortnight ahead! Consulting with the public during a pandemic is extremely problematic. With any significant planning exercise it is wise to be wide in scope, and engaging for the public.

The Premier further reduced the parameters of the study by insisting that the plan accommodate market demand but exclude any concern about climate further impinging on the credibility of the process.

Presumably the Premier wants to appear to be supportive of an open and engaging process where as in effect he is intentionally interfering in an attempt to reach a desired outcome of his choice, rather than a democratic one. When you are faced with a bully, it is extremely hard to act with integrity given that your job may be at stake.

The City needs to fulfill its role of protecting the interests of local citizens including their right to open and democratic processes. It recognizes that growth is not a one dimensional, land use issue. It needs to launch a multi-disciplinary approach which includes, but is not limited to, relevant issues including public health, the local environment, transportation, public and private transit, land requirements and subsidies and servicing requirements. The infrastructure deficit is directly related to this topic because local staff have not yet confirmed the general assumption that **conventional suburban growth negatively affects all citizens financially**. Given that the infrastructure deficit is increasing exponentially, at a rate greater than ½ million dollars per day, it is not unreasonable to assume that the City will be forced to declare a “financial emergency” before the growth period is up. Lastly, **the City staff needs to confirm that “controlled suburban growth” results in uncontrolled climate consequences.**

Developing an open, informative process, free from intimidation and interference has the potential to complement local conditions and values and to protect our future.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 6, 2021
SUBJECT/REPORT NO:	Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 196 George Street, Hamilton (PED21060) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-19-006, by GSP Group Inc. (c/o Sarah Knoll) on behalf of Pearl Apartments Ltd., Owner**, to redesignate the lands from Low Density Residential 3 to Medium Density Residential 2 and to establish a Site Specific Policy within the Strathcona Secondary Plan to permit a proposed maximum two and a half storey multiple dwelling containing 12 dwelling units with a maximum net residential density of 113 units per hectare, for lands located at 196 George Street, Hamilton as shown on Appendix “A” to Report PED21060, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

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

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

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

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 196 George Street, Hamilton (PED21060) (Ward 1) - Page 2 of 33

- (b) That **Amended Zoning By-law Amendment Application ZAC-19-023, by GSP Group Inc. (c/o Sarah Knoll) on behalf of Pearl Apartments Ltd., Owner**, for a change in zoning from the “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the “DE-2/S-1807” (Multiple Dwellings) District, Modified to permit a two and a half storey multiple dwelling with 12 dwelling units with at grade access for each unit and 12 parking spaces, for lands located at 196 George Street, Hamilton, as shown on Appendix “A” to Report PED21060, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21060, 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 PED21060 be added to District Map W12 of Zoning By-law No. 6593 as “DE-2/S-1807”;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That upon finalization of the amending By-law, that the subject lands be re-designated from “Single and Double” to “Medium Density Apartments” in the Strathcona Neighbourhood Plan.

EXECUTIVE SUMMARY

The Owner, Pearl Apartments Ltd., has applied for an Urban Hamilton Official Plan (UHOP) Amendment and a Zoning By-law Amendment to permit a two and a half storey (13.0 metre) multiple dwelling with 12 dwelling units each having at grade access, and 12 parking spaces on lands located at 196 George Street, Hamilton. The “stacked townhouse” built for is considered a Multiple Dwelling in both the Official Plan and the Zoning By-law. The subject lands are located at the northeast corner of George Street and Pearl Street South in the Strathcona Neighbourhood.

The purpose of the UHOP Amendment is to redesignate the lands from Low Density Residential 3 to Medium Density Residential 2 and to establish a Site Specific Policy within the Strathcona Secondary Plan to permit a maximum building height of two and a half storeys and a maximum net residential density of 113 units per hectare for the proposed 12 unit residential development.

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The purpose of the Zoning By-Law Amendment is for a change in zoning from the “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the “DE-2/S-1807” (Multiple Dwellings) District, Modified. Modifications to the “DE-2” District are required to restrict building height to two and a half storeys (13.0 metres), and permit reduced side yard width, front and rear yard depth, landscaped area and access driveway width, and increased porch and balcony encroachment. The proposed By-law would eliminate requirements related to maximum floor area ratio, visitor parking, loading space, planting strip adjacent to a parking area, and manoeuvring space for two parking spaces accessed from Pearl Street South.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan, 2019, as amended, and will comply with the UHOP upon finalization of the Official Plan Amendment. The proposed multiple dwelling (stacked townhouses) represents an appropriate level intensification at this location, respects and enhances the character of the neighbourhood and diversifies the housing type, form and tenure in the area.

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 amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	GSP Group Inc. (c/o Sarah Knoll) on behalf of Pearl Apartments Ltd.
File Number:	UHOPA-19-006 an ZAC-19-023
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment

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Proposal:	<p>To permit a two and a half storey (13.0 metre) multiple dwelling (stacked townhouses) with 12 dwelling units. Each unit will have a separate access at grade. A total of 12 parking spaces are proposed, including 10 parking spaces within a shared parking area at the rear of the site and two with direct access to Pearl Street South.</p> <p>The proposal was modified from the initial submission to provide increased manoeuvring space within the rear parking area, revisions to the design of the access driveway to accommodate required visibility triangles and to add rear balconies to provide amenity area for each of the upper level units.</p>
Property Details	
Municipal Address:	196 George Street
Lot Area:	0.1072 ha (1,072 sq. m). A 4.57m X 4.57m day-light triangle land dedication will be required which will result in a net lot area of approximately 0.1061 ha (1.061 sq. m.)
Servicing:	Existing municipal services.
Existing Use:	Vacant two storey building formerly occupied by a chiropractor office and a surface parking lot.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms with the Growth Plan.
Official Plan Existing:	<ul style="list-style-type: none"> • Primary Corridors on Schedule “E” – Urban Structure Schedule “E”: Primary Corridor and Neighbourhoods on Schedule “E-1” – Urban Land Use Designations in the UHOP. • Low Density Residential 3 in the Strathcona Secondary Plan.

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Official Plan Proposed:	Medium Density Residential 2 with a Site Specific Policy within the Strathcona Secondary Plan to permit a maximum building height of two and a half storeys and a maximum net residential density of 113 units per hectare.
Zoning Existing:	"D/S-1787" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified
Zoning Proposed:	"DE-2/S-1807" (Multiple Dwellings) District, Modified
Modifications Proposed:	<ul style="list-style-type: none"> • Establish a maximum building height of 13.0 metres; • Deem Pearl Street South the front lot line; • Reduce minimum front yard depth from 4.9 metres to 2.0 metres; • Increase minimum side yard width abutting a street from 3.0 metres to 3.5 metres, except 1.2 metres to the hypotenuse of a daylight triangle; • Reduce interior side yard width from 1.5 metres to 1.1 metres; • Reduce rear yard depth from 7.9 metres to 6.0 metres; • Eliminate maximum floor area ratio requirement; • Reduce minimum landscaped area from 25% to 18% and require amenity space either for each unit either one porch or balcony for each unit; • Modified porch and balcony encroachment from 3.0 metres and 1.0 metres respectively and no closer than 1.5 metres from a street line to 2.2 metres but not closer than 0.75 metres from any lot line; • Eliminate requirement for visitor parking; • Eliminate requirement for a loading space; • Eliminate on-site manoeuvring space requirement for two parking spaces accessible from Pearl Street South; • Eliminate planting strip requirements adjacent to a parking area; and, • Reduce access driveway width to a parking area from 5.5 metres to 3.6 metres. • Permit other hard surfaced material, crushed stone or gravel within the parking area and access driveway in addition to asphalt or concrete (low impact development standard).

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Processing Details	
Received:	March 20, 2019
Deemed Complete:	April 16, 2019
Notice of Complete Application:	Sent to 555 residents within 120 metres of the subject property on May 1, 2019.
Public Notice Sign:	Sign posted: May 9, 2019 Sign updated: March 10, 2021
Notice of Public Meeting:	Sent to 114 property owners within 120 metres of the subject property on March 19, 2021.
Public Consultation:	On June 3, 2019 the applicant held a public open house at Erskine Presbyterian Church near the subject lands. A total of 15 residents, one City Staff member and a representative from the Ward Councillor's Office attended the open house.
Public Comments:	Three submissions were submitted, expressing concern about the applications. The letters are attached as Appendix "F" to Report PED21060 and discussed in further detail on page 27 of this Report.
Processing Time:	748 days from initial application. 266 days from receipt of the revised development proposal.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Vacant two storey commercial building and a surface parking lot	"D/S-1787" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified

Surrounding Land Uses:

North	Two storey commercial building and two and a half storey multiple dwellings	Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone
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East	Eight storey multiple dwelling	“E/S-1787” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified
South	One and two and a half storey detached and semi-detached dwellings	“D/S-1787” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified
West	One and two and a half storey detached and semi-detached dwellings	“D/S-1787” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified and Transit Oriented Corridor Mixed Use Medium Density (TOC1, 290) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) (PPS)

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

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
- a) efficiently use land and resources;
 - b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - e) *support active transportation*;

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- f) are *transit-supportive*, where transit is planned, exists or may be developed;

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

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

The subject property is located within a settlement area as defined by the PPS. The proposed multiple dwelling would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification. The proposal is transit-supportive by providing intensification in proximity to existing bus routes and future higher order transit along King Street West.

Cultural Heritage and Archaeology

Staff note that the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS. The following policies of the PPS also apply:

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

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

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- 1) Within 250 metres of known archaeological sites;
- 2) In the vicinity of distinctive or unusual landforms;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the lands. An acknowledgement note of the archaeological requirements applicable to the site will be required at the Site Plan Control stage.

The subject property is adjacent to the following properties included in the City's Inventory of Building of Architectural and / or Historical Interest:

- 393 King Street West;
- 403 King Street West; and,
- 212 George Street.

Further, the subject property is located in the Mill's Survey Cultural Heritage Landscape identified on Appendix B – Cultural Heritage Resources within the Strathcona Secondary Plan.

A Documentation and Salvage Report for the subject property was completed by Golder Associates Ltd. on November 5, 2018. The Documentation and Salvage Report was reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee at their May 6, 2019 meeting. The Working Group accepted the report as being complete for the clearance of any conditions on any development approvals. Staff have reviewed the report and find it to be comprehensive and complete. Staff will review the proposal further at the Site Plan Control stage to ensure design measures reflect the character of the Mill's Survey Cultural Heritage Landscape in which the property is situated.

Human-Made Hazards

“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.”

The subject lands are recognized as a potentially contaminated site due to their former commercial use and are subject to environmental review to allow the proposed residential dwellings. The environmental review has been completed and a Record of Site Condition was filed with the Ministry of the Environment, Conservation and Parks on September 29, 2020.

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Noise

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

The proposed development would be located approximately 25 metres from King Street West and 125 metres from Main Street West, both of which are major arterial roads and truck routes. The lands are located 320 metres north of the CP / GO railway line.

An Environmental Noise Impact Study dated September 2018 was prepared by dBA Acoustical Consultants Inc. and submitted with the application. The report analysed noise levels in the area and recommended noise control measures including warning clauses, central air conditioning and noise reducing façade construction. Staff are satisfied with the report and the required noise control measures will be implemented at the Site Plan Control stage.

Therefore, the proposal is consistent with the policies of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended (Growth Plan)

The Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. The following policies, amongst others, apply to the proposal.

- “2.2.1.2 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:

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- 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*;
- 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 urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal contributes to a complete community by expanding housing options within the Strathcona neighbourhood, in a location with convenient access to local stores and services (Policy 2.2.1.4 a) and c)). The proposed multiple dwelling has access to a range of transportation options, including existing bus routes and planned higher order transit on King Street West. The proposal represents an appropriate form of residential intensification within the built-up area, consistent with the growth management policies of the Growth Plan.

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

Urban Hamilton Official Plan

The subject property is identified as “Primary Corridors” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the UHOP. The lands are located within the Strathcona Secondary Plan and are designated Low Density Residential 3. The following policies of Volume 1, amongst others, apply to the proposal.

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Neighbourhoods

- “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.”

Policies E.3.2.1 and E.3.2.3 a) reinforce the importance of providing a range of residential dwelling types and densities within a neighbourhood. The immediate neighbourhood features a mixed use commercial / residential corridor along King Street West to the north and a mix of residential dwelling types including single detached, semi-detached and multiple dwellings. The proposed multiple dwelling will add to the range of dwelling types and densities in a form that is consistent with the neighbourhood character.

Policy E.3.2.4 establishes that new development shall be compatible with the existing character of the neighbourhood. According to the UHOP, the term compatible means “land uses and building forms that are mutually tolerant and capable of existing together in harmony within the area.” Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to.” The proposed two and a half storey multiple dwelling respects the scale of the low profile detached and semi detached dwellings to the west and south and will transition in density appropriately to the eight storey multiple dwelling to the east. The proposed building design, including pitched roofs, brick cladding and front entrances facing the Pearl Street are compatible with the character of the neighbourhood.

Medium Density Residential

- “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

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arterial roads, or within the interior of neighbourhoods fronting on collector roads.

- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.4.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
 - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
 - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
 - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
 - e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

The proposed “stacked townhouse” built form is considered a Multiple Dwelling in the UHOP because units are located on top of each other. Consistent with Policy E.3.5.1,

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the proposed multiple dwelling is located on the periphery of the low scale residential neighbourhood located between King Street West and Main Street West, both of which are major arterial roads. As per Policy E.3.4.9 a), the proposal would have direct access to King Street West and Main Street West via Pearl Street, passing a small number of low density residential dwellings. The lands are within walking distance of public transit on King Street West and Main Street West, including HSR Bus Routes 1, 5, 10 and 51 and GO Bus service. Victoria Park is located approximately 200 metres to the west and Strathcona Elementary School is approximately 475 metres to the northwest. The lands are 300 metres west of Downtown Hamilton and are within walking distance (650 metres) of Dundurn Plaza providing access to commercial uses. Therefore, staff are satisfied that Policy E.3.5.5 is met and the site is an appropriate location for a Medium Density Residential use.

Policy E.3.5.7 permits a maximum net residential density of 100 units per hectare for the Medium Density Residential category of the Neighbourhoods designation. Therefore, an Official Plan Amendment is required to permit the proposed net residential density of 113 units per hectare. The proposal meets the criteria outlined in Policy E.3.4.9 for evaluating medium density residential development, including by integrating with the surrounding neighbourhood as required by Policy E.3.4.9 b) by providing for a transition in density between the low scale residential uses to the west and the eight storey multiple dwelling to the east. As per Policy E.3.4.9 c), the site is of a suitable size to provide parking for each unit and adequate amenity space is provided via porches and / or balconies for each unit. The proposed two and a half storey building height is compatible with the one to two and a half storey dwellings on the opposite side of Pearl Street South and setbacks are proposed to all lot lines to provide buffering to adjacent uses. As per Policy E.3.5.9 d), Transportation Planning staff have reviewed the access locations on Pearl Street South and George Street and are satisfied that traffic impacts on adjacent streets are minimal. As the proposed two and a half storey building height is low profile, staff did not require shadow studies as per Policy E.3.5.9 e).

Therefore, based on the foregoing, staff support the amendment to the Medium Density Residential Policies of Volume 1 to permit a maximum net residential density of 113 units per hectare.

Residential Intensification

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;

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

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

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;

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- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.”

The proposed multiple dwelling contributes to the range of dwelling types and tenures by developing an underutilized site with an appropriately scaled residential building, as per Policy B.2.4.1.4 c). The proposal complements the existing function of the neighbourhood, as per Policy B.2.4.2.2 h), by providing a compact, grade oriented residential development in proximity to transit. As per Policy B.2.4.1.4 e), the Primary Corridor policies of the Urban Structure encourage a range of dwelling types and tenures, and development that complements the form and function of the neighbourhood as described above.

The proposed development respects and enhances the existing neighbourhood character as required by Policy B.2.4.1.4 b), by providing an appropriately designed building on an underutilized lot in a neighbourhood that features a mix of residential dwelling types, including mixed use development to the north, one to two and a half storey detached and semi detached dwellings to the west and south and an eight storey multiple dwelling to the east. The development is compatible with adjacent uses as the property abuts a parking lot for the multiple dwelling to the east and mixed use commercial / residential buildings fronting King Street West to the north, limiting impacts related to overlook. As per Policies B.2.4.2.2 c) and d), the proposed two and a half storey multiple dwelling provides for transition between the lower scale residential uses to the west and the eight storey multiple dwelling to the east. The development is compatible with the scale and character of the neighbourhood as required by Policy B.2.4.1.4 d).

Adequate outdoor amenity space is proposed in the form of balconies and / or porches for each unit. As per Policy B.2.4.2.2 f), the proposed outdoor amenity will complement the existing public parks within walking distance of the subject site, including Victoria Park located approximately 200 metres to the northwest.

Regarding Policy B.2.4.2.2 e), the lot pattern in the neighbourhood features a mix of smaller lots containing single detached and semi detached dwellings and larger lots containing multiple dwellings. The lot area of the subject lands is existing and represents a size that can accommodate a residential building that achieves an appropriate transition in scale to the surrounding residential uses. As per Policy B.2.4.2.2 g), the proposed building, being close to the street with unit entrances from grade, reflects the character of the neighbourhood and enhances the streetscape. As

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per Policy B.2.4.2.2 b), staff are satisfied that the proposed 13.0 metre building height will not have adverse shadow impacts on adjacent properties. The development does not directly abut residential amenity areas on adjacent properties limiting issues of overlook and other nuisance effects.

With respect to Policies B.2.4.1.4 f) and B.2.4.2.2 j), the subject site is serviced by municipal water, sewer and stormwater infrastructure. Staff did not request a Transportation Impact Study for the proposal as the size of the development does not raise concerns from a transportation capacity perspective.

Policy B.2.4.2.2 i) encourages the conservation of cultural heritage resources. A Documentation and Salvage Report for the subject property was completed by Golder Associates Ltd. on November 5, 2018 and was accepted by staff and the Policy and Design Working Group of the Hamilton Municipal Heritage Committee. Staff will work with the applicant at Site Plan Control stage to ensure the final design reflects the character of the Mill's Survey Cultural Heritage Landscape.

As required by Policy B.2.4.1.4 g) the proposal will comply with all applicable policies upon approval of the proposed Official Plan Amendment. Based on the foregoing, the proposal complies with Policies B.2.4.2.2 a) and B.2.4.1.4 a) by meeting criteria b) through g) of Policy B.2.4.1.4

Urban Design

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

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;

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- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
 - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
 - d) locating surface parking to the sides or rear of sites or buildings, where appropriate;
 - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

As per Policy B.3.3.2.3 a), the proposed two and a half storey multiple dwelling respects the character and development pattern of the area that includes a mix of single detached, semi detached and multiple dwellings. In accordance with Policy B.3.3.2.3 g), the proposal will complement the existing streetscape along Pearl Street South and George Street by redeveloping an underutilized site and locating the front main wall of the building close to the street consistent with other dwellings on Pearl Street South. Design features such as pitched roofs above the second storey (Policy B.3.3.3.5 e)), red brick cladding materials and projecting porches on the front façade further complement the neighbourhood character. In addition to the design elements noted above, staff will continue to work with the applicant through the Site Plan Control process to ensure the final design of the development, including façade materials and landscaping, provides a quality design that is sensitive to the community identity in accordance with Policies B.3.3.2.3 b) and B.3.3.2.3 f).

Consistent with Policies B.3.3.5 a) and b), entrances to each dwelling would be located close to the street and windows are proposed along the Pearl Street South and George Street frontages. Consistent with Policy B.3.3.4 d), on site parking is proposed at the rear of the proposed building.

Right of Way Dedications

- “C.4.5.6 The City shall reserve or obtain right-of-way dedications as described in Schedule C-2 – Future Right-of-Way Dedications. Where a right-of-way is not described in Schedule C-2 – Future Right-of-Way Dedications, the City shall reserve or obtain dedications for right-of-ways as described in Section C.4.5.2. The aforesaid dedications shall be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.

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- 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:
 - i) The primary function of a local road shall be to provide direct land accesses. The secondary function shall be to enable the movement of low volumes of traffic to collector roads.
 - ii) The basic maximum right-of-way widths for local roads shall be 26.213 metres in designated Employment Areas and 20.117 metres in all other areas, unless specifically described otherwise in Schedule C-2 – Future Right-of-Way Dedications; (OPA 109)
 - iii) The City recognizes that in older urban built up areas there are existing road right-of-way widths significantly less than 20.117 metres. Notwithstanding the other road right-of-way widening policies of this Plan, it is the intent of the City to increase these existing road rights-of ways to a minimum of 15.24 metres with daylight triangles at intersections instead of the minimum required 20.117 metre road right-of-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced road right-of-way width.
- 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;”

Pearl Street South and George Street are local roads and are not described in Schedule C-2 of the UHOP. Therefore, as per policies C.4.5.6, C.4.5.2 f) and C.4.5.7, right of way widths of 20.117 metres are required together with a 4.57 metre daylighting triangle or radius at the intersection of Pearl Street South and George Street. As per Policy C.4.5.2 f) iii), minimum 15.24 metre right of way widths with daylighting triangles at intersections may be permitted within older built up areas provided required road facilities, municipal

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sidewalks and utilities can be accommodated. Transportation Planning staff have reviewed the proposal and are satisfied that the existing 15.24 metre right of way widths along Pearl Street South and George Street together with a 4.57 m daylighting triangle are adequate to accommodate required municipal infrastructure.

Neighbourhood Plans

The following policy related to Neighbourhood Plans, amongst others, applies:

“F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan.

F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

The subject property is designated “Single and Double” within the Strathcona Neighbourhood Plan. The “Single and Double” designation does not reflect the proposed multiple dwelling development. Therefore, staff recommend the Neighbourhood Plan be amended to designate the lands “Medium Density Apartments.” The Strathcona Neighbourhood Plan does not contain policies specific to the land use designations shown on the Neighbourhood Plan Map. Staff are satisfied that the proposed use is appropriate based on the goals of the Strathcona Neighbourhood Plan that includes redevelopment and rehabilitation within neighbourhood areas where appropriate. The existing vacant commercial building does not align with the residential use designation for the site in the Neighbourhood Plan.

Strathcona Secondary Plan

The subject lands are designated “Low Density Residential 3” within the Strathcona Secondary Plan in Volume 2 of the UHOP. The following policies, amongst others, apply to the proposal.

General Policies

“B.6.6.4.1 The Strathcona Secondary Plan has been developed to guide development within the Secondary Plan area. The following policies direct land uses and other matters common to all parts of the Strathcona Neighbourhood.

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- c) When considering an application for development, the following matters shall be evaluated:
- i) Compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other nuisance effects;
 - ii) The consideration of transition in height to adjacent and existing residential development; and,
 - iii) The height, massing, scale and arrangement of the buildings and structures are compatible with adjacent development and are sympathetic to the character and heritage of the neighbourhood.”

Staff have evaluated the proposed development against the criteria under Policy B.6.6.4.1 c) and are satisfied that the proposed two and a half storey multiple dwelling is compatible with adjacent uses and is sympathetic to the character of the neighbourhood. The proposed two and a half storey (13.0 metre) building height is consistent with adjacent dwellings and the low-rise multiple dwelling form provides for transition from the one to two and a half storey single detached and semi detached dwellings to the west and the eight storey multiple dwelling to the east. The low scale of the development and location of the site adjacent to a mixed use corridor to the north and parking area for a multiple dwelling to the east limits issues of shadowing and overlook. Setbacks are provided from all lot lines, further reducing overlook. Grading and site lighting will be reviewed at the Site Plan Control stage to ensure there are no impacts on adjacent properties. A Traffic Impact Study was not required for the development as the traffic impacts on adjacent streets is minimal based on the number of units proposed.

“B.6.6.5.2 General Residential Policies

In addition to Section E.3.0 – Neighbourhoods Designation of Volume 1, the following policies shall apply to lands designated Residential:

- a) Residential development and infill development shall reflect and enhance the character of the residential areas through implementation of an architectural style that is sympathetic and complementary to the existing residential areas. Further direction regarding design for development is provided in Section 6.6.10, Urban Design Policies.

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- b) A broad range and mix of housing types shall be encouraged within residential designations.
- c) Development within the Strathcona Secondary Plan area shall provide a mix of housing opportunities in terms of built form, style and tenure that are suitable for residents of different age groups, income levels and household sizes.
- d) Direct vehicle access to new individual dwelling units from arterial roads shall be discouraged and alternative forms of access, such as use of shared or common access points and rear lane arrangements shall be encouraged.
- f) Reverse frontage lotting patterns shall not be permitted, except where existing on the date of approval of this Secondary Plan.
- g) All development proposals shall consider and, wherever possible, address compatibility with adjacent uses in accordance with the Residential Intensification policies of Section B.2.4.2 of Volume 1.
- h) 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 of Volume 1 and other applicable policies of this Plan.
- i) When considering an application for residential intensification, the following shall be evaluated:
 - i) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations; and,
 - ii) 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.”

The proposed development contributes to a broad range and mix of housing types as required by Policies B.6.6.5.2 b) and c). As per Policies B.6.6.5.2 a), g) and h), the proposed two and a half storey multiple dwelling reflects and enhances the

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neighbourhood character and is compatible with adjacent uses by providing for transition from the detached and semi detached dwellings to the west, mixed use corridor to the north and eight storey multiple dwelling to the east. As per Policy B.6.6.5.2 d), common vehicle access for 10 of the 12 parking spaces is from George Street, a local road. Two parking spaces are proposed with direct access from Pearl Street South, consistent with the character of the street that features parking for the buildings fronting King Street West and some detached dwellings with parking directly accessed from the street. The development is oriented towards the street as required by Policy B.6.6.5.2 f). The proposal complies with Policy B.6.6.5.2 i) by redeveloping an existing underutilized lot with a residential building built close to the street reflecting the streetscape character of Pearl Street South and George Street. The proposed north side yard setback provides room for landscaping, providing a buffer to adjacent uses and the rear yard is occupied by a parking area that abuts the parking area of the adjacent multiple dwelling.

“B.6.6.5.4 Medium Density Residential 2 Designation

In addition to Section E.3.5 – Medium Density Residential of Volume 1, for lands designated Medium Density Residential 2 on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.5.2 of Volume 1, Medium Density Residential 2 areas shall permit single-detached, semi-detached, duplex, street townhouse dwellings and multiple dwellings.
- c) The minimum building height shall be 2 storeys and the maximum building height shall be 6 storeys.
- d) New development shall be sympathetic and complementary to the existing character and cultural heritage features of the arrangement of buildings and structures on a site shall be compatible with the existing adjacent residential forms.

The proposed multiple dwelling (in the proposed form of stacked townhouses) is not a permitted use in the existing Low Density Residential 3 designation applicable to the site. Therefore, staff recommend the lands be redesignated Medium Density Residential 2, which permit a multiple dwelling as per Policy B.6.6.5.4. Staff are satisfied that the development is sympathetic and complementary to the existing character of the neighbourhood as required by Policy B.6.6.5.4 d) by maintaining a two and a half storey building height and providing entrances to each unit at grade, consistent with the one to two and a half storey single detached and semi detached

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dwellings along Pearl Street South and George Street. To ensure the low scale character is maintained, staff recommend Policy B.6.6.5.4 c) be amended to limit the maximum building height to two and a half storeys. Therefore, staff support redesignating the lands to Medium Density Residential 2 subject to the proposed special policy area restricting the lands to a maximum building height of two and a half storeys.

“6.6.10.1 Urban Design Policies

In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall also apply to lands within the Strathcona Secondary Plan area:

- a) Development within the Secondary Plan area shall be sympathetic to and reflect the historic character of the existing built form of the neighbourhood.
- b) Design requirements recommended through the Strathcona Secondary Plan Urban Design Guidelines shall apply to commercial and mixed-use areas, institutional uses and multiple dwelling developments. The Guidelines shall not apply to single detached, semi-detached and duplex dwellings.”

As discussed in the UHOP section of this Report, staff are satisfied that the proposed development is sympathetic to the historical character and built form of the neighbourhood as required by Policy B.6.6.10.1 a). As referenced in Policy B.6.6.10.1 b), the Strathcona Secondary Plan Urban Design Guidelines encourage intensification through moderately scaled buildings that respond well to the existing built framework. Staff have reviewed the Guidelines and note that they focus on development along the Main Street West, King Street West, Dundurn Street South, Queen Street and York Boulevard corridors in the Strathcona Neighbourhood and do not provide specific guidance for this site. Staff are satisfied that the proposed multiple dwelling is of an appropriate scale for the neighbourhood and note that it features components encouraged in the Guidelines, including primary entrances and balconies that provide eyes on the street, and parking in the rear yard.

Therefore, based on the foregoing, the proposal will comply with the UHOP upon finalization of the proposed Official Plan Amendment.

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Former City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings, etc.) District which permits single and semi detached dwellings. The special requirements of the “D/S-1787” District relate to temporary use By-law No. 19-307 respecting a pilot project to modify the Residential Conversion requirements for accessory dwelling units within Wards 1, 8 and parts of 14. The applicant has proposed to rezone the lands to a site specific “DE-2” (Multiple Dwellings) District.

A stacked townhouse dwelling is not a defined use in Zoning By-law No. 6593 and the proposal is therefore considered a “Multiple Dwelling” for zoning purposes, which is a permitted use in a “DE-2” District. Site specific modifications to the “DE-2” District have been requested to implement the proposal and are summarized in the Report Fact Sheet above and discussed in greater detail in Appendix “D” to Report PED21060.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Asset Management, Strategic Planning, Public Works Department; and, Recreation Division, Healthy and Safe Communities Department. 		No Comment
	Comment	Staff Response
Forestry and Horticulture Section, Public Works Department	<ul style="list-style-type: none"> Approved the Tree Management Plan dated October 19, 2020 prepared by GSP Group that includes the removal of a 74 cm diameter Honeylocust tree within the George Street right of way (Tree No. 22). A \$6,660 loss of tree canopy fee is required due to the removal of Tree No. 22. A Landscape Plan depicting street tree planting is required. 	<ul style="list-style-type: none"> The applicant has paid the required loss of canopy fee. A Landscape Plan will be required at the Site Plan Control stage.

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<p>Transportation Planning Section, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Transportation Planning staff support waiving the right of way dedication requirements for George Street and Pearl Street South. • A 4.57 metre by 4.57 metre daylight triangle dedication is required at the corner of Pearl Street South and George Street. • The applicant has successfully demonstrated acceptable Transportation Demand Management measures including bike racks within the garage walls of the units and a short-term bicycle rack with two spaces. • The applicant shall design and construct a 2.0 metre wide municipal sidewalk adjacent to the site. • Transportation Planning staff are satisfied with the access driveway and manoeuvring space depicted on the concept plan but note that minor revisions may be required at the Site Plan Control stage. 	<ul style="list-style-type: none"> • The required daylight triangle is depicted on the concept plan and will be dedicated at the Site Plan Control stage. • An external works agreement for the construction of the municipal sidewalk will be required at Site Plan Control stage. • Transportation Demand Management measures, access driveways and manoeuvring space will be further reviewed at the Site Plan Control stage.
<p>Healthy Environments Division, Public Health Services</p>	<ul style="list-style-type: none"> • Note that the development is well situated with access to multiple grocery stores, two community gardens and transit, providing access to food should residents not own a car. • Public Health staff support the inclusion of bicycle parking and the provision of no more than the required number of parking spaces. 	<ul style="list-style-type: none"> • The proposal provides bicycle parking on site and is near transit, reducing the need to own a car.

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CP Rail	<ul style="list-style-type: none"> • Recommends adhering to the Guidelines for New Development in Proximity to Railway Operations prepared for the Federation of Canadian Municipalities and the Railway Association of Canada. 	<ul style="list-style-type: none"> • The applicant is required to adhere to the Guidelines for New Development in Proximity to Railway Operations and this will be further reviewed at the Site Plan Control stage. • Staff note that Guidelines require a Noise Study for sites within 300 metres of a railway line. The subject lands are approximately 330 metres from the CP Railway to the south and the submitted Noise Study concludes that there are no anticipated noise impacts from railway operations.
Development Engineering Section, Growth Management Division	<ul style="list-style-type: none"> • Watermain and sewage infrastructure exists adjacent to the site below George Street and Pearl Street South. • Development Engineering Approvals staff have reviewed the Functional Servicing Report prepared by Lithos Group, dated June 2020, and have no concerns with the Official Plan Amendment and Zoning By-law Amendment applications proceeding from a servicing perspective. 	<ul style="list-style-type: none"> • During the Site Plan Control process, the applicant will be required to demonstrate that appropriate sewer servicing, water servicing, stormwater management, grading, and erosion and sediment control measures are undertaken to the satisfaction of City staff.
Public Consultation		
	Comment	Staff Response
Parking Deficiency	Residents expressed concern about potential negative impacts on street parking due to the proposed project.	The applicant has proposed 1.0 parking spaces per unit which complies with the minimum parking requirements of Zoning By-law No. 6593. The applicant has proposed to designate all

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		<p>parking spaces for residents rather than provide two visitor parking spaces as required by the Zoning By-law. The elimination of the two curb cuts for the existing surface parking lot, to be replaced with one curb cut on Pearl Street, will result additional street parking opportunities available to area residents and visitors to the development. The proposed curb cut on George Street will not impact street parking, which is located on the opposite side of the street. Temporary on street parking is available to visitors, including metred parking on Main Street West and King Street West. Residents of the development with more than one vehicle will not be eligible for on street parking permits or time limit exemptions.</p>
Services	<p>A resident expressed concern that the proposed development will cause negative impacts on water pressure and storm and sanitary system.</p>	<p>Development Engineering Approvals has reviewed the proposal and no concerns from a water and sewage perspective have been identified.</p>
Cultural Heritage Resources	<p>A resident expressed concern that the proposed redevelopment of the subject lands will not adequately preserve the existing cultural heritage resources.</p>	<p>To ensure the heritage elements of the existing building are preserved, a Documentation and Salvage Report for the subject property was submitted and approved by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee and Cultural Heritage Planning staff. The recommendations of the report</p>

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		will be implemented at the Site Plan Control stage.
Neighbourhood Character	A resident expressed concern that the proposed development will not reflect the character of the area.	Staff are satisfied that the proposed two and a half storey (13.0 metre) building height and built form that includes front porches and unit entrances facing the street is compatible with the character of the neighbourhood that features a mix of detached and semi detached dwellings and low to mid-rise multiple dwellings.
Community Services	A resident has expressed concern about the proportion of residential uses and commercial uses within the immediate neighbourhood.	Staff recognize that the existing building previously provided space for office and medical uses within the neighbourhood. Staff are satisfied that residential development is appropriate for the site and residential is permitted in the Secondary Plan. Commercial zoning exists close to the site along the King Street West and Main Street West Primary Corridors.
Rooming House / Student Residence	A resident expressed concern that the development will be used as a rooming house or student residence.	The proposed development consists of 12 dwelling units, each with their own kitchen and bathroom facilities. The proposed building is not a rooming house or student residence.

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 555 residents within 120 metres of the subject property on May 1, 2019. A Public

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Notice sign was posted on the property on May 9, 2019 and updated with the Public Meeting date on March 10, 2021. A Notice of Public Meeting was sent to 114 property owners on March 19, 2021, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant held a public open house on June 3, 2019 at Erskine Presbyterian Church. A total of 16 residents, City staff and a representative from the Councillor's Office attended the Open House.

To date, three public submissions, expressing concerns has been received (see Appendix "F" to Report PED21060). A summary of the comments received is provided in the above chart.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended;
 - (ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the Medium Density Residential 2 designation in the Strathcona Secondary Plan; and,
 - (iii) It provides appropriately designed and scaled residential intensification at an appropriate location within the neighbourhood and will diversify the types of housing available in the area, contributing to a more complete community and supporting redevelopment of an underutilized site.

2. Official Plan Amendment

The proposed multiple dwelling (stacked townhouses) is not a permitted use in the existing Low Density Residential 3 designation in the Strathcona Secondary Plan. Therefore, staff recommend the lands be redesignated to Medium Density Residential 2. A Site Specific amendment to Volume 1 of the UHOP is required to permit a maximum net residential density of 113 units per hectare in the Medium Density Residential category of the Neighbourhoods designation, whereas a maximum 100 units per hectare is permitted. In addition, to ensure the low scale built form of the development is maintained, staff recommend a Site

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Specific policy be included limiting the building height to a maximum two and a half storeys, whereas the Secondary Plan permits up to six storeys.

The proposed two and a half storey multiple dwelling (stacked townhouse) building is compatible with the scale and character of the immediate neighbourhood which includes mixed use development to the north, an eight storey multiple dwelling to the east, and detached and semi detached dwellings to the west and south, contributes to the range of dwelling types and tenures and provides for an appropriate transition in density. The proposed medium density development will have direct access to King Street West and Main Street West via Pearl Street South, passing a small number of low density residential dwellings. The site is an appropriate location for medium density development, having convenient access to transit on King Street West and Main Street West, and being in proximity to Victoria Park, Strathcona Elementary School, Dundurn Plaza and Downtown Hamilton.

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

3. Zoning By-law Amendment

The subject lands are currently zoned “D/S-1787” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified. A change in zoning to a site specific “DE-2/S-1807” (Multiple Dwellings) District, Modified, is required to permit the proposed two and a half storey multiple dwelling (stacked townhouse).

“Stacked townhouse” is not a defined use in Zoning By-law No. 6593 and the proposal is considered a “Multiple Dwelling” for zoning purposes, which is permitted in the “DE-2” (Multiple Dwellings) District. Modifications to the development standards are required to facilitate the proposal and are summarized in the Report Fact Sheet above and discussed in detail in Appendix “D” of Report PED21060.

The proposed development complies with the UHOP and the Strathcona Secondary Plan subject to the OPA being approved. It contributes to a complete community by providing additional housing opportunities for the surrounding established neighbourhood, provides a built form that is compatible with the scale and character of the area, and provides an appropriate scale of intensification. Therefore, staff support the proposed Zoning By-law Amendment.

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ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment applications be denied, the property could be utilized in accordance with the “Low Density Residential 3” designation of the Strathcona Secondary Plan which permits a residential density range of 20 – 60 units per net hectare at a height of two and a half storeys and the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District which permits single 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.

Culture and Diversity

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

Our People and Performance

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

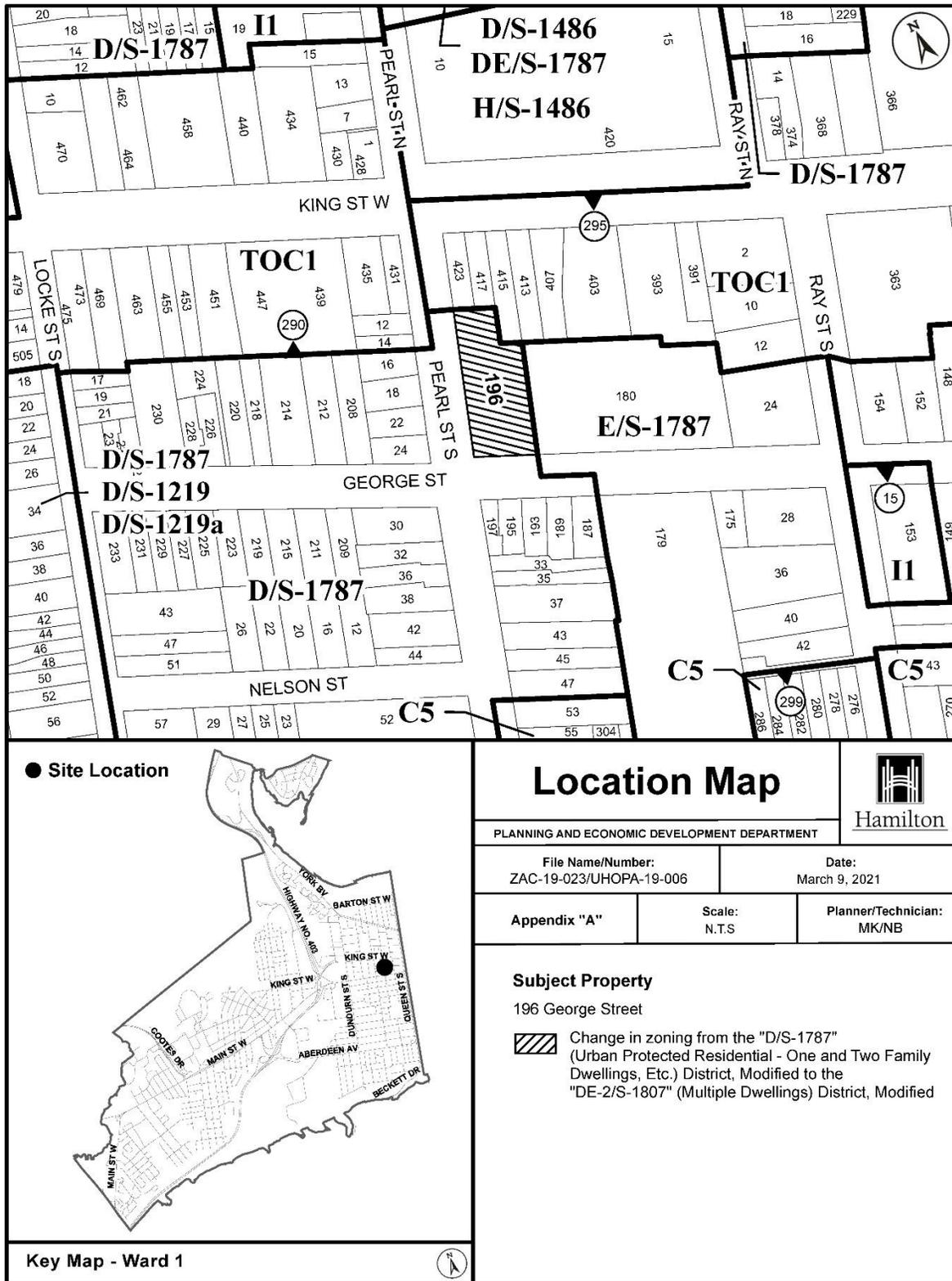
APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Official Plan Amendment

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Appendix "C" – Zoning By-law Amendment
Appendix "D" – Zoning Modification Table
Appendix "E" – Concept Plan and Elevations
Appendix "F" – Public Submissions



● Site Location



Key Map - Ward 1

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-023/UHOPA-19-006

Date:
March 9, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MK/NB

Subject Property

196 George Street

 Change in zoning from the "D/S-1787" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified to the "DE-2/S-1807" (Multiple Dwellings) District, Modified

Schedule "1"

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

The following text, together with Appendix "A" – Volume 2, Map B.6.6-1 – Strathcona Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment ___ to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the lands and to establish a Site Specific Policy to permit a multiple dwelling in the form of stacked townhouse development with a maximum building height of two and a half storeys and a maximum residential density of 113 units per hectare.

2.0 Location:

The lands affected by this Amendment are known municipally as 196 George Street, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan;
- The proposed development is compatible with the existing and planned development in the immediate area;
- The proposed development supports the achievement of a complete community and is in proximity to existing community facilities / services including public transit, schools and recreational facilities; and,
- 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 2 – Secondary Plans**

Text

4.1.1 Chapter B-6 – Hamilton Secondary Plans – Section B.6.6 – Strathcona Secondary Plan

- a. That Volume 2, Chapter B-6 – Hamilton Secondary Plans, Section B.6.6 – Strathcona Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area X"

B.6.6.15.X For the lands located at 196 George Street, designated Medium Density Residential 2 and identified as Site Specific Policy – Area "X" on Map B.6.6-1 – Strathcona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.5.7 of Volume 1, the *net residential density* for a 12 unit multiple dwelling shall be greater than 60 units per hectare and not greater than 113 units per hectare.
- b) Notwithstanding Policy E.3.5.8 of Volume 1 and Policy B.6.6.5.4 c) of Volume 2, the minimum building height shall be 2 storeys and the maximum building height shall be 2.5 storeys for a 12 unit multiple dwelling.

Maps

4.1.2 Map

- a. That Volume 2, Map B.6.6-1 – Strathcona Secondary Plan – Land Use Plan be amended by redesignating the subject lands from Low Density Residential 3 to Medium Density Residential 2 and identifying the subject lands as Site Specific Policy – Area "X" as shown on Schedule "A" to this amendment.

5.0 Implementation:

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

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

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK

Authority:

City Wide

Bill No.**CITY OF HAMILTON****BY-LAW NO.****To Amend Zoning By-law No. 6593 Respecting Lands Located at 196 George Street, Hamilton**

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

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

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws 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. 6593 (Hamilton) was enacted on the 25th day of July 1950, which was approved by the Ontario Municipal Board by Order dated the 7th date of December 1951, (File. No. O.F.C. 3821);

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

AND WHEREAS this By-law is in conformity with the City of Hamilton Official Plan of the City of Hamilton upon finalization of OPA No. XX.

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

1. That Sheet No. W12 of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the "D/S-1787" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified to the "DE-2/S-1807" (Multiple Dwellings) District, Modified; the extent and boundaries of which are shown on a plan here to annexed as Schedule "A".
2. That the "DE-2" (Multiple Dwellings) District provisions, as contained in Section 10B of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following special requirements:

To Amend Zoning By-law No. 6593 Respecting Lands Located at 196 George Street,
Hamilton

- a) That notwithstanding Section 2.(2)J.(xiii), for the purposes of this By-law, Pearl Street South shall be deemed the front lot line.
- b) That notwithstanding Section 10B.(2)(ii), no building or structure shall exceed two and one-half storeys or 13.0 metres in height.
- c) That notwithstanding Section 10B.(3)(i)(b), a front yard depth not less than 2.0 metres.
- d) That notwithstanding Section 10B.(3)(ii)(b):
 - i) A side yard width, abutting a street, of not less than 3.5 metres, except 1.2 metres to the hypotenuse of a daylight triangle; and,
 - ii) An interior side yard width of not less than 1.0 metres.
- e) That notwithstanding Section 10B.(3)(iii)(b), a rear yard depth not less than 6.0 metres.
- f) That Section 10B.(5) shall not apply.
- g) That notwithstanding Section 10B.(6), a minimum 18% of the area of the area of the lot shall be maintained as landscaped area. A minimum of one porch or balcony shall be provided for each dwelling unit.
- h) That notwithstanding Sections 18.(3)(vi)(cc), 18.(3)(vi)(d) and 18.(3)(vi)(e), a balcony or porch may project a maximum 2.2 metres into any yard provided no such projection shall be closer than 0.75 metres from any lot line, except 0.0 metres from the hypotenuse of a daylight triangle. Exterior stairs providing access to a dwelling unit may be located 0.0 metres from a street line.
- i) That Section 18A.(1)(b) shall not apply.
- j) That Section 18A.(1)(c) shall not apply.
- k) That notwithstanding Sections 18A.(1)(f), no manoeuvring space shall be required abutting and accessory to two 90 degree parking spaces accessed from Pearl Street South. For all other parking spaces, manoeuvring space abutting upon and accessory to each required parking space, shall have an aisle width mentioned in Column 2 of Table 6 for each parking space having a parking angle mentioned in Column 1.
- l) That Section 18A.(11) shall not apply.

To Amend Zoning By-law No. 6593 Respecting Lands Located at 196 George Street,
Hamilton

- m) That Section 18A.(12) shall not apply.
 - n) That notwithstanding Section 18A.(24), no mutual access driveway shall be required for two parking spaces accessed from Pearl Street South. For all other parking spaces, every parking area shall have not more than ten parking spaces and shall have not less than one access driveway or mutual access driveway, having a width of at least 3.6 metres.
 - o) That notwithstanding Section 18A.(30), every parking area, manoeuvring space, loading space and access driveway shall be maintained with a stable surface such as asphalt, concrete or other hard-surfaced material, crushed stone or gravel, and shall be maintained in a dust free condition.
- 3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-2" (Multiple Dwellings) District provisions, subject to the special requirements referred to in Sections 1 of this By-law.
 - 4. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1807.
 - 5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this __ day of _____, 2021.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk

To Amend Zoning By-law No. 6593 Respecting Lands Located at 196 George Street,
Hamilton

					
<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>				
<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 21- _____</p> <p>to Amend By-law No. 6593</p>	<p>Subject Property</p> <p>196 George Street</p> <p> Change in zoning from the "D/S-1787" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified to the "DE-2/S-1807" (Multiple Dwellings) District, Modified</p>				
<table border="1"> <tr> <td>Scale: N.T.S</td> <td>File Name/Number: ZAC-19-023/UHOPA-19-006</td> </tr> <tr> <td>Date: March 9, 2021</td> <td>Planner/Technician: MK/NB</td> </tr> </table>	Scale: N.T.S	File Name/Number: ZAC-19-023/UHOPA-19-006	Date: March 9, 2021	Planner/Technician: MK/NB	 Hamilton
Scale: N.T.S	File Name/Number: ZAC-19-023/UHOPA-19-006				
Date: March 9, 2021	Planner/Technician: MK/NB				
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>					

To Amend Zoning By-law No. 6593 Respecting Lands Located at 196 George Street,
Hamilton

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members Report No.: PED21060 Date:
Ward(s) or City Wide: Ward 1 (MM/DD/YYYY)

Prepared by: Mark Kehler, Planner I Phone No: 905-546-2424 ext. 4148

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

Site Specific Modifications to the “DE-2/S-1786” (Multiple Dwellings) District, Modified

Regulation	Required	Modification	Analysis
Section 2.(2)J.(xii) Definition of Front Lot Line	A corner lot shall mean either of the boundary lines along a street at the option of the owner.	For the purposes of this By-law, Pearl Street South shall be deemed the front lot line.	The proposal is designed so that Pearl Street South functions as the front lot line, with the rear yard being at the easternmost portion of the property which is proposed to contain the parking area. The By-law includes a provision that Pearl Street South be deemed the front lot line. Therefore, Staff support the modification.
Section 10B.(2) Building Height	No building or structure shall exceed eight storeys or 26.0 metres in height.	No building or structure shall exceed two and a half storeys or 13.0 metres in height.	The intent of the regulation is to ensure a consistent building height is maintained, that is in character with the neighbourhood and to address issues of shadow and overlook. The proposed building height of 13.0 metres and 2.5 storeys will be established in the Strathcona Secondary Plan and is consistent with the neighbourhood character that features one to two and a half storey dwellings along Pearl Street South and George Street. Staff are satisfied that introducing a maximum 13.0 metre (two and a half storey) building height will mitigate shadow and overlook impacts on adjacent properties. Therefore, staff support this modification.
Section 10B.(3)(i) Front Yard Depth	A front yard depth not less than 4.9 metres.	A front yard depth not less than 2.0 metres.	The intent of this regulation is to ensure a consistent streetscape is being maintained and to allow for sufficient landscaped area in the front yard. The minimum front yard setback of 2.0 metre is consistent with the low profile, ground related single detached and semi detached dwellings along Pearl Street South that are built at or close to the front property line. Staff are satisfied that there is sufficient room for landscaping within the front yard and within the adjacent municipal boulevard. Therefore, staff support this modification.

Regulation	Required	Modification	Analysis
Section 10B.(3)(ii) Side Yard Width	<p>A side yard width abutting a street not less than 3.0 metres.</p> <p>An interior side yard width not less than 1.5 metres.</p>	<p>A side yard width abutting a street not less than 3.5 metres, except 1.2 metres to the hypotenuse of a daylight triangle; and,</p> <p>An interior side yard width not less than 1.0 metres.</p>	<p>The intent of the side yard width regulation is to provide adequate space for maintenance, to maintain a consistent streetscape and to provide for transition to adjacent uses to minimize issues such as overlook.</p> <p>A minimum 1.0 metre side setback is required for a corner of the building adjacent to an irregular side lot line at the northwest corner of the parking area. There is no glazing on the portion of the northerly façade maintaining a 1.0 metre setback and no overlook concerns are anticipated for the side to rear interface.</p> <p>Staff are satisfied that the requirement for 18% landscaping on site will ensure adequate side yard landscaping is provided as a buffer between the proposed building and adjacent properties. The applicant has indicated that they will consider using permeable pavers for the proposed parking area to compensate for loss of permeable area on site due to the reduced landscape requirement. Storm water management will be reviewed further at the Site Plan Control stage. A Landscape Plan will be required at the Site Plan Control stage depicting plantings within the proposed yards and street trees in the municipal boulevard.</p> <p>Therefore, staff support these modifications.</p>
Section 10B.3(iii)(b) Rear Yard Depth	A rear yard depth not less than 7.9 metres.	A rear yard depth not less than 6.0 metres.	<p>The intent of this regulation is to ensure there is sufficient room for private amenity space and on-site parking and to provide for transition to adjacent uses to minimize issues such as overlook.</p> <p>Most of the rear yard for the proposed development is occupied by a parking area, allowing parking to be located behind the building, out of sight of the public realm. Amenity area for each of the proposed</p>

Regulation	Required	Modification	Analysis
			<p>stacked townhouse dwelling units will be provided as a front porch or balcony and / or a rear balcony. The subject property is also in proximity to Victoria Park which the tenants can utilize to supplement the amount of amenity area being provided.</p> <p>The proposed rear yard abuts a parking area for the eight storey multiple dwelling to the east and no overlook concerns are anticipated.</p> <p>Therefore, staff support this modification.</p>
Section 10B.(5) Floor Area Ratio	No building or structure shall have a gross floor area greater than the area of the lot multiplied by a floor area ratio of 0.90.	That no floor area ratio restriction apply.	<p>The intent of the Zoning By-law is to limit the scale and density of development by permitting a maximum gross floor area. The building envelope for the proposed development is limited by the required maximum building height and minimum setbacks and stepbacks. Staff are satisfied that a maximum permitted gross floor area requirement is not required.</p> <p>Therefore, staff support this modification.</p>
Section 10B.(6) Landscaped Area	A minimum 25% of the area of the area of the lot shall be maintained as landscaped area.	A minimum 18% of the area of the area of the lot shall be maintained as landscaped area. A minimum one porch or balcony shall be provided for each dwelling unit.	<p>The intent of the Zoning By-law is to provide a balance between developed area and soft landscaping on site, a buffer to adjacent uses, and at grade amenity space.</p> <p>Staff are satisfied that the built form provides for adequate transition to adjacent uses without additional buffering. There are additional opportunities for soft landscaping, including street trees, within the municipal boulevard adjacent to the site. Outdoor amenity space is proposed on porches and balconies for each unit that are required in the amending by-law and residents would have access to public open spaces, including the nearby Victoria Park.</p>

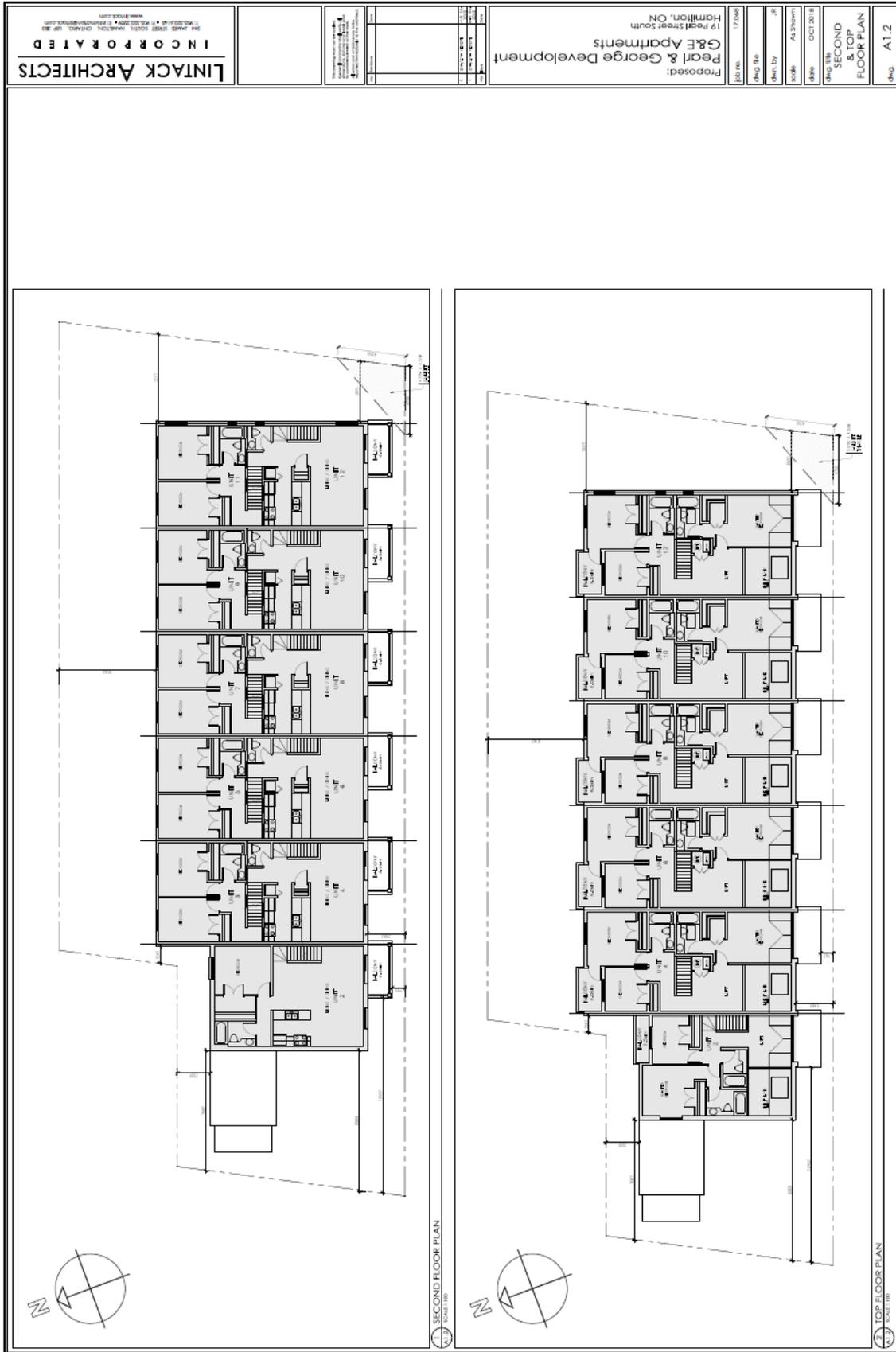
Regulation	Required	Modification	Analysis
			<p>The applicant has indicated that they will consider using permeable pavers for the proposed parking area to compensate for loss of permeable area on site due to the reduced landscape requirement. Storm water management will be reviewed further at the Site Plan Control stage. A Landscape Plan will be required at the Site Plan Control stage depicting plantings within the proposed yards and street trees in the municipal boulevard.</p> <p>Therefore, staff support this modification.</p>
<p>Sections 18.(3)(vi)(cc), 18.(3)(vi)(d) and 18.(3)(vi)(e) Porch and Balcony Projections</p>	<p>A balcony may project not more than 1.0 metres into a front, side or rear yard provided it is no closer to a street line than 1.5 metres;</p> <p>A roofed-over or screened porch may project into a front or rear yard not more than 3.0 metres provided it is no more than 1.5 metres from the front lot line; and,</p>	<p>A balcony or porch may project into any yard a maximum 2.2 metres provided no such projection shall be closer than 0.75 metres from any lot line, except 0.0 metres from the hypotenuse of a daylight triangle. Exterior stairs providing access to a dwelling unit may be located 0.0 metres from a street line.</p>	<p>The intent of these regulations is to ensure an appropriate distance separation between a porch or balcony and the street and/or adjacent uses.</p> <p>The proposed encroachment into the front yard is consistent with the low profile, ground related single detached and semi detached dwellings in the immediate neighbourhood.</p> <p>The proposed encroachment into the interior side yard is required to provide additional amenity area for Unit 1 which cannot be provided in the rear due to the irregular lot shape. The encroachment is related to a porch located on the ground floor and setback from the front property line, minimizing any overlook concerns or impact on the streetscape.</p> <p>Therefore, staff support this modification.</p>

Regulation	Required	Modification	Analysis
	An uncovered porch may project in a required yard provided it is not more than 1.5 metres from a street line.		
Section 18A.(1)(b) Visitor Parking	A minimum 0.2 of a parking space per dwelling unit is required (3 visitor parking spaces).	That no visitor parking be required.	<p>The intent of this regulation is to provide parking for visitors to the proposed development.</p> <p>Temporary visitor parking is available on nearby streets subject to time limit restrictions. The two existing curb cuts along Pearl Street South will be replaced with one curb cut, creating additional space for on street parking.</p> <p>Therefore, staff support this modification.</p>
Section 18A.(1)(c) Loading Space	A minimum 1 loading space with dimensions of 3.7 metres by 9.0 metres is required.	That no loading space be required.	<p>The intent of this regulation is to ensure the loading needs of the tenants are being satisfied.</p> <p>The subject property cannot accommodate a loading space due to the constraints of the site. The proposed stacked townhouse development provides a ground related form of residential development at a scale where the loading needs of the tenants can be accommodated along the street or by utilizing resident parking spaces.</p> <p>Therefore, staff support this modification.</p>
Section 18A.(1)(f)	A minimum maneuvering	No maneuvering space shall be	The intent of this regulation is to ensure all vehicles can access and egress from the required parking spaces safely and with adequate

Regulation	Required	Modification	Analysis
Maneuvering Space	spaces aisle width of 6.0 metres shall be required for 90 degree parking.	required abutting and accessory to two 90 degree parking spaces accessed from Pearl Street South. For all other parking spaces, manoeuvring space abutting upon and accessory to each required parking space, shall have an aisle width of 6.0 metres.	<p>visibility.</p> <p>Two parking spaces are proposed with direct access from Pearl Street South rather than via an access driveway (see Appendix “E” to Report PED21060). Pearl Street South is a local road and no adverse impacts to Pearl Street South are anticipated as a result of two parking spaces having direct access and utilizing the road allowance for manoeuvring space. The two parking spaces will maintain a 3 metre by 3 metre visibility triangle allowing adequate visibility to use Pearl Street South to manoeuvre in and egress from the parking spaces. Front yard parking is common in the surrounding area and is consistent with the neighbourhood character.</p> <p>Therefore, staff support this modification.</p>
Sections 18A.(11) and 18A.(12)	A parking area shall be located not less than 1.5 metres from an adjoining district and the boundary of the parking area and the residential district shall be landscaped with a planting strip.	No setback or planting strip between a parking area and adjacent residential district shall be required.	<p>The proposed modification seeks to allow no setback, planting strip or visual barrier along the boundary of the lot abutting a residential district. This regulation is in place to provide a buffer between parking areas and adjacent properties.</p> <p>There is insufficient space to accommodate a planting strip along the easterly property line abutting the existing eight storey multiple dwelling due to a retaining wall required to accommodate the proposed parking area. The parking area abuts the existing parking area for the existing multiple dwelling, buffering it from any residential units and limiting impacts from vehicle noise.</p> <p>Therefore, staff support this modification.</p>

Regulation	Required	Modification	Analysis
Section 18A.(24) Access Driveway Width	A minimum access driveway width of 5.5 metres.	No mutual access driveway shall be required for two parking spaces accessed from Pearl Street South. For all other parking spaces, every parking area shall have not more than ten parking spaces and shall have not less than one access driveway or mutual access driveway, having a width of at least 3.6 metres.	<p>The proposed modification seeks to decrease the minimum required driveway access width to 3.6 metres. This regulation is in place to ensure all vehicles can access the required parking spaces safely and with adequate manoeuvrability.</p> <p>Transportation Planning staff have reviewed the proposed access driveway width, are satisfied that adequate maneuvering space has been provided given the limited size of the parking area and have no concerns with the Zoning By-law Amendment proceeding.</p> <p>Therefore, staff support this modification.</p>
Section 18A.(30) Surface Treatment of Parking Areas	A permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and	Every parking area, manoeuvring space, loading space and access driveway shall be maintained with a stable surface such as asphalt, concrete or other hard-surfaced material, crushed stone or gravel,	<p>Zoning By-law No. 6593 requires any parking area and access driveway for a multiple dwelling to be paved with either concrete or asphalt. To permit other materials to be utilized, including permeable paving techniques recommended to compensate for the proposed reduction to minimum landscaped area, staff recommend a modification be added to permit other hard surface materials and dustless crushed stone or gravel. The proposed surface treatment permissions are consistent with City-wide Zoning By-law No. 05-200 that represents Council's most recent direction on appropriate paving materials.</p> <p>Therefore, staff support this modification.</p>

Regulation	Required	Modification	Analysis
	maintained for every parking area, manoeuvring space, loading space and access driveway.	and shall be maintained in a dust free condition.	





From: [Anna Kata](#)
To: [Kehler, Mark](#)
Subject: Comment re: 196 George St, file ZAC-19-023
Date: June 4, 2019 6:03:45 PM

To the Planning and Economic Development Department,
As per the letter I received dated May 1 2019, I would like to submit the following comment re: the Plan and Zoning By-Law Amendment for the proposed development at 196 George Street in the Strathcona neighbourhood. I live across the street from this location, and I would like to note my opposition to the proposed new development in its current form.

1. PARKING: The issue of parking is perhaps the most concerning to me and my neighbours, and will have the greatest impact on the neighbourhood residents. We currently have *very* limited parking in our neighbourhood. Most houses do not have driveways, and those of us parking on the street are not only in competition with each other, but also with visitors to Locke Street, those who work nearby and park in our area, those parking to walk downtown for special events, and even those who park in order to commute out of town via the nearby Go Bus stop. We do not have the advantage of permitted parking areas to help ease this burden. The challenge is even greater in the winter, with accumulated snow on the sides of the street and snow banks deposited by plows.

The current development proposal states they will be providing one parking space per unit (12 spaces for 12 units). This is simply insufficient. Tenants with two cars will overflow onto the streets, as well as any visitors (noting that the developer is requesting an exception to avoid the requirement of having 3 spots allocated to visitors). Furthermore, based on the proposed plans, it appears that the placement of the driveway for one of the units will actually be reducing the existing street parking by at *least* one spot.

And while the parking issue will certainly be a problem upon completion of this project, I shudder to think of the difficulties we will experience while construction is ongoing - where will the countless laborers, contractors, and tradespeople park while they will be working on this development?

Currently the building at 196 George has a 16 car parking lot attached. Many of the neighbourhood residents end up parking there when spots are unavailable on the streets. Although this is obviously not an ideal situation, it demonstrates the lack of spaces available to the neighbourhood residents; the fact that it has to be used speaks directly to this area not having enough parking available already. If this "last resort" parking will no longer exist and a greater number of people will be

competing for fewer spots, this situation is only going to get worse. Where will these cars end up?

2. WATER & SEWERS: With the addition of a number of new residents, what effect will this have on the area's water and sewer services? The Strathcona Neighbourhood is serviced by some of the oldest sewers in the City, exceeding 150 years. The majority of the sewers on the interior streets were constructed between 1880 and 1925. How will a new development tie into this old infrastructure, and what sort of impact will it have on the neighbouring residents?

(There is apparently a servicing and stormwater report that has been commissioned (noted on a list of studies/documents at the developer's community open house), but this was not available to attendees at this event. We were told that the documents are available at City Hall - though this is certainly not the most convenient for those of us who work during the weekday 9-5 hours, and offers us little time to access this supplemental information prior to the time you have requested public comment by. I have to say that this certainly makes me feel quite uninformed as to the studies supporting this proposed development, and seems like a rather nontransparent process.)

3. CHARACTER: To quote from the conclusions of the Strathcona Secondary Plan background report, "Strathcona is a well-established neighbourhood, with significant views and buildings worth preserving and/or enhancing. Housing in the Strathcona Neighbourhood primarily consists of single detached or other low density housing built approximately 100 years ago. The housing stock is generally well-maintained and varied in architectural character, making for an attractive residential neighbourhood." I *strongly* oppose the idea of a new development in this location when the existing structure could be restored and maintained. 196 George first appears on the Hamilton Street Directory of 1890-91, making it at least 128 years old; however, I suspect it may have actually existed under a previous number before the residences on George St were renumbered in 1890. This building may have previously been #86 George, which is first mentioned in the 1877-1878 directory, making it 141 years old. Regardless of a difference of 13 years, it would be a shame to tear down a century home.

The homes surrounding it are of the Victorian era, and I believe it would be nearly impossible for a new development to match or reflect the neighbourhood's current built form. (Indeed, the renderings of the proposed development are rather... uninspired.) Again, quoting from the Strathcona Secondary Plan background report, "The age of the housing stock [in Strathcona] is much older than the City average. This represents a resource to be *preserved*, in the form of heritage housing areas

with cultural heritage value." Recently heritage buildings in Hamilton are being restored/preserved to revitalize their use (e.g. Lister Block, Cotton Factory, Westinghouse HQ), so the time seems right to continue this trend rather than to reduce the character of this neighbourhood. While there may not be official heritage designation/protection in play here, I believe the history of such building is always worth preserving, as it is simply incomparable to new builds.

The current building at 196 George appears to have gone through many iterations as a medical office. A medical office was its last recognized use, and the [last real estate listing](#) even noted that architectural drawings for a dental office were available. It is currently zoned D (One and two Family Dwellings) and H (Community Shopping and Commercial), and continuing this use - reinvigorating/renovating it as a commercial unit - would be the ideal situation for the neighbourhood. Not only would this maintain the current residential density and capacity of the neighbourhood, but it could also provide a valuable community service. Again, the Strathcona Secondary Plan background report notes, "There is a much higher than average proportion of apartment dwellers and fewer than average low density households compared with Hamilton as a whole. Due to this high proportion of apartment dwellers, services and amenities should be provided in Strathcona to meet the needs of this population." With one High-Density Residential dwelling directly next to this lot already, and another across the street, a commercial use/service would be of value to the neighbourhood rather than continuing to increase the population density. Moreover, this would also maintain the status quo in terms of parking, character, etc.

In an area with a well-defined historical character, I feel this character can be maintained - improving the building's structure and function, and thereby also improving the neighbourhood overall. In speaking with many of my neighbours I know that I am not the only one in the area to feel this way, and so I very much hope that you consider these points, and I strongly urge you not to approve the current plan and zoning amendment.

Thank you for your time.

Sincerely,

Anna Kata

From: [Jerome dg](#)
To: [Kehler, Mark](#)
Subject: 196 George Street South
Date: October 3, 2020 5:49:29 PM

Dear Mr. Kehler;

I am a former business owner and also a current resident of the Strathcona neighbourhood and live in 12-24-block of Pearl Street South with a passion & interest for local history, architecture and urban planning.

- When I first moved back here over 10yrs ago, I could always find a parking Space adjacent to where I live. In fact I would have the same exact spot 5 or more nights per week as we all seemed to favour "our spots".
- However, now the entire street and all those adjacent are rammed full of cars looking of parking, daytime and especially 5pm-8am. I can rarely if ever find a spot across from my house
- I am 1 of only 2 Homes on the street that do not have designated parking on our property by no fault of ours.
- I am a person living with Disabilities and require my car for Dr. Appt's, and for getting to my parents house daily as I am their primary support worker (PSW), saving local and provincial governments \$\$\$ by affording to keep them in their own home cared by me.

Now with a proposed 'Rooming-House and/or Student Residence to be built disguised at 6 stackable town houses that will have 3 bedrooms per unit which totals over 30 bedrooms, yet only requires 12 parking spaces.

Please make sure that his proposed plan does not go through as shown.

Thank you for your time regarding this very important matter/issue.

Kind regards,

Jerome P. de Graaf

14 Pearl Street South
Hamilton Ontario, L8P 3W5

FROM FORUMN POSTING, as found in SKYSCRAPER online

Perhaps both of these 2 gentlemen have lived in Hamilton too long, and/or all of their lives and are just used to bad architecture, or poor planning.

If you were too look closely you would see that the materials used are cheap big box store items (i.e: the porch railings) and that the proposed 12 "townhomes" are not sensitive to the history of the neighbourhood and/or cutting edge modern and/ or interesting, rather the developer has opted for a cheap looking generic suburban style townhome design.

The townhouse design is also merely hiding the fact that this is nothing more than a rooming house as within the 6-stackable townhomes are 30 bedrooms with a mere 12

parking spaces on a street/in a neighbourhood where there is already no parking to be found for those of us who already live and work here.

Hamilton Planning Dept/City Hall needs to get someone in charge who knows City/Urban Planning that is current and not based on what they did in the 1980's and or the desperate blight of the 90's here.

Perhaps our new WARD 1 City Counsellor, Maureen Wilson will step up to ensure that his development, as planned, will NOT get approval from City Hall.

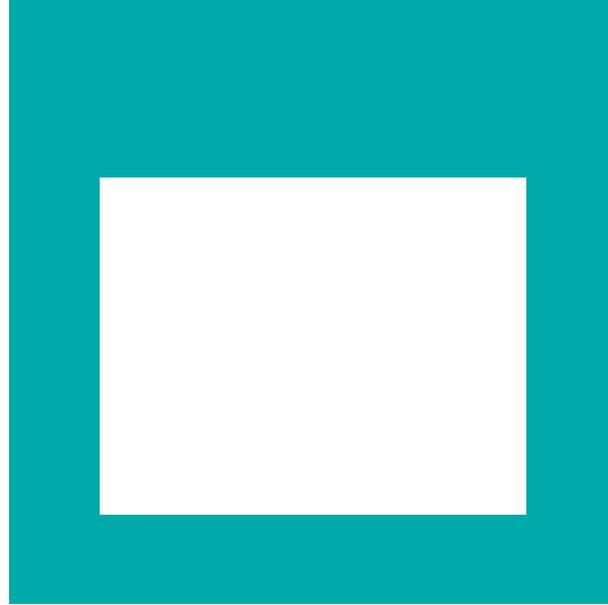
The total lack of Parking Spaces vs the # of bedrooms on a street zoned both Commercial & Residential that require "X-amount" of Parking to reflect the needs of that street/area/residents/businesses should makes this an easy, 'NOT APPROVED'...try again/do better!

RE: ZAC-19-023
APPLICATIONS BY QSP GROUP INC. ...

THIS APPLICATION WILL IMPACT THE PARKING IN A NEIGHBOURHOOD WHERE PARKING IS ALREADY AT ITS SATURATION POINT. FROM THE INFORMATION I'VE SEEN TO DATE IT'S NOT CLEAR WHETHER THE PROJECT WILL HAVE 12 SPACES OR 24 SPACES - HALF OUTSIDE AND HALF INSIDE (GARAGES). AT THE VERY LEAST, THE PROJECT WILL ELIMINATE THE 7 SPACES CURRENTLY AVAILABLE ON PEARL ST. S. BETWEEN KING AND GEORGE.

A POSSIBLE SOLUTION WOULD BE TO EXPAND THE 2 HR RESTRICTION TO GEORGE ST. BETWEEN RAY AND LOCKE AND TO PEARL ST FROM GEORGE TO MAIN. THIS WOULD GET RID OF WHAT I CALL THE "FREELoadERS" - PEOPLE WHO PARK ON GEORGE AND PEARL - WALK TO WORK DOWNTOWN - THEN LEAVE AT THE END OF THE DAY. PROJECT OR NO PROJECT, INCREASING THE PARKING RESTRICTION WOULD BE WELCOME

ELEN MASON 16 PEARL ST. S. L8P3W5 



WELCOME TO THE CITY OF HAMILTON

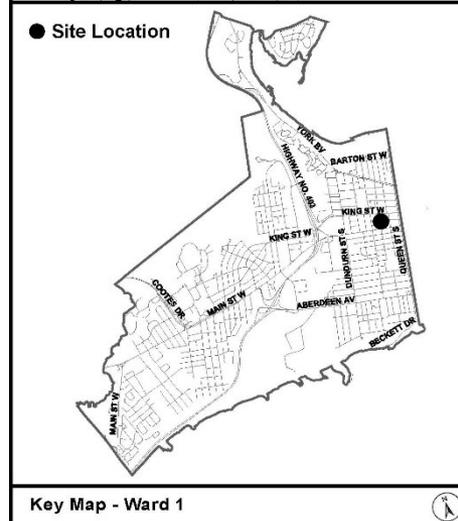
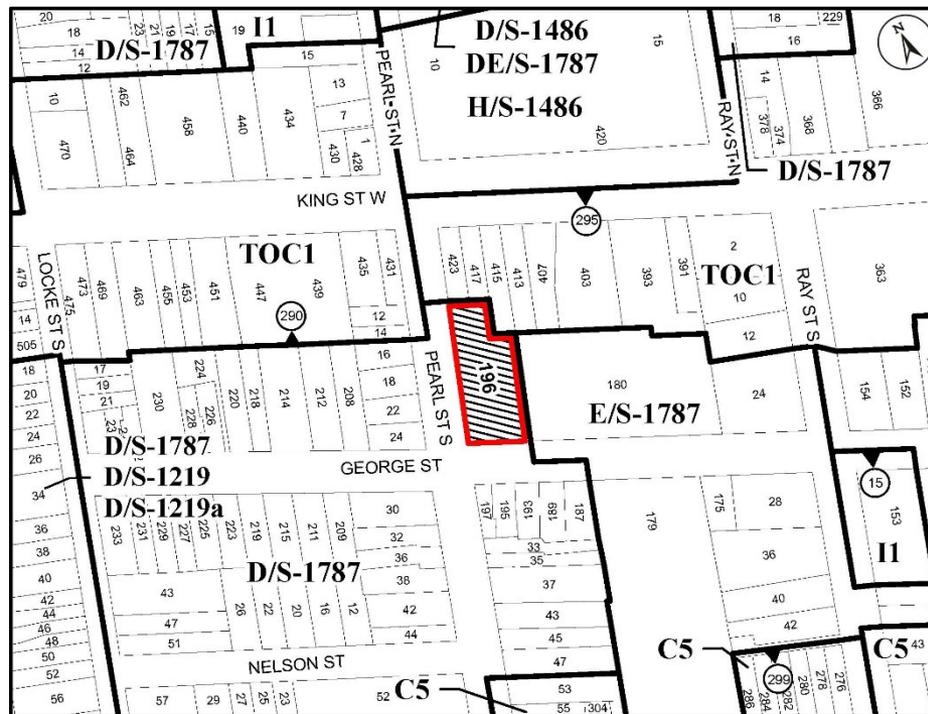
PLANNING COMMITTEE

April 6, 2021

PED21060– (ZAC-19-023 & UHOPA-19-006)

Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 196 George Street, Hamilton

Presented by: Mark Kehler



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

File Name/Number: ZAC-19-023/UHOPA-19-006	Date: March 9, 2021
Appendix "A"	Scale: N.T.S.
Planner/Technician: MK/NB	

Subject Property
 196 George Street

Change in zoning from the "D/S-1787"
 (Urban Protected Residential - One and Two Family
 Dwellings, Etc.) District, Modified to the
 "DE-2/S-1807" (Multiple Dwellings) District, Modified



SUBJECT PROPERTY



196 George Street, Hamilton



SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



TOP FLOOR PLAN
 SCALE: 1/8" = 1'-0"

**LINTACK ARCHITECTS
 INCORPORATED**
 100 W. 10th Street, Suite 1000, Hamilton, OH 45011
 Tel: 513.241.1100 Fax: 513.241.1101
 www.lintack.com

Proposed:
**Pearl & George Development
 G&E Apartments**
 19 West Street South
 Hamilton, OH

Job no.	17-098
Drawn by	JL
Scale	As Shown
Date	OCT 2018
Drawn by	SECOND & TOP FLOOR PLAN
Drawn by	AT.2

AS2 ELEVATIONS

AVERAGE BUILDING HEIGHT			
Unit	Grade to Curb	Grade FFL	Building Height
1/2	206.52	110.00	12.404
1/4	206.52	110.00	12.413
1/6	206.25	110.4	12.464
1/8	206.16	110.285	12.429
2/8	207.09	111.34	12.416
11/30	207.94	110.035	12.399
Average Building Height			12.4315



WEST AND SOUTH ELEVATIONS
 SCALE: 1/8" = 1'-0"



EAST AND NORTH ELEVATIONS
 SCALE: 1/8" = 1'-0"

LINTACK ARCHITECTS
 INCORPORATED
140 EAST 12TH STREET, SUITE 200
 HAMILTON, ONTARIO L8N 2R2
 TEL: 905.571.1111

Proposed: Pearl & George Development
 G&E Apartments
 10 Pearl Street South
 Hamilton, ON

Project: 17-068
 Stage: 1a
 Date: 19
 Author: An Shown
 Date: 01/12/18
 Stage: 1a
ELEVATIONS
 Stage: A3.0



Subject property, as seen from the intersection of George Street and Pearl Street South looking northeast



Subject property as seen from Pearl Street South looking southeast



Existing development to the north, as seen from Pearl Street South looking northeast



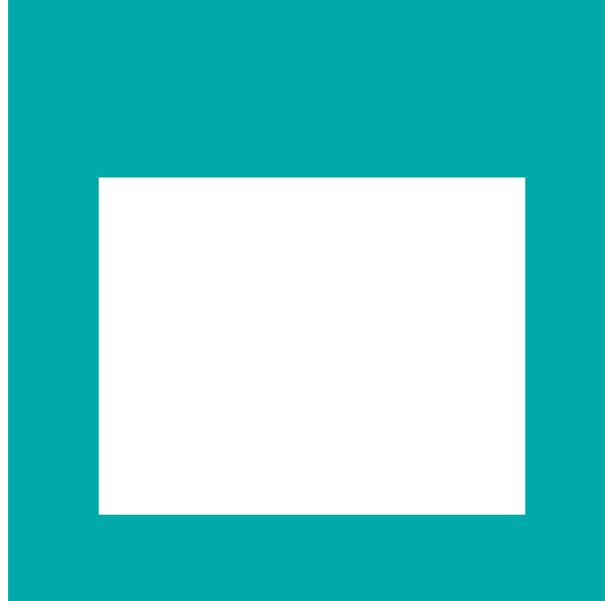
Existing development to the west, as seen from the intersection of George Street and Pearl Street South looking northwest



Existing development to the east, as seen from George Street looking northeast



Existing development to the south, as seen from the intersection of George Street and Pearl Street South looking southeast



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

From: Carolyn Trickey-Bapty
Sent: March 25, 2021 11:34 AM
To: clerk@hamilton.ca
Subject: Public Meeting re 196 George Street

Please accept this email as my submission for Public Input regarding the application to modify Zoning by-laws for 196 George Street.

- While it is appreciated that the builder proposes to have 12 parking spaces, one for each unit, this does not take into consideration that many urban dwellers still have one vehicle per person, nor does it consider any parking for visitors to the property.
- The streets around the property are already congested with parking, and in the case of our street, Nelson, it is so narrow that only one car can traverse the street at any time.

Recommendations:

- Ensure that each dwelling unit has two parking spaces assigned to the dwelling with an additional parking spot per unit dedicated to visitor parking.
- The City of Hamilton investigate the use of the Conseil Scolaire de District's parking lot that sits empty in the evenings and weekends, for public parking during those times.

Respectfully yours,

Carolyn Trickey-Bapty

Hamilton

TO: MARK KEHLER FROM: HELEN MASON
RE: MHOPA -19-006
ZAC-19-023
196 GEORGE STREET

THE BIGGEST ISSUE I HAVE IS THE LESS THAN ADEQUATE ON-SITE PARKING. RUMOR HAS IT THAT THE DEVELOPER WILL DESIGNATE 2 SPACES FOR VISITORS. IN ALL PROBABILITY, 12 UNITS WILL GENERATE MORE THAN 12 VEHICLES. AS IT IS, PARKING ON PEARL & GEORGE IS ALREADY AT A PREMIUM. I KNOW THIS BECAUSE I DON'T HAVE A DRIVEWAY. THE SECOND ISSUE, THOUGH NOT SPECIFIED, WOULD BE ANY REQUEST TO RELAX SET BACK REQUIREMENTS. SET BACKS ARE THERE FOR A REASON AND SHOULD BE RESPECTED.

FINALLY, AND THIS MAY SOUND ODD, I DON'T REMEMBER ANY OF THE UNITS HAVING A BEDROOM LARGE ENOUGH TO BE A MASTER. THESE DAYS NOBODY SETTLES FOR LESS THAN A QUEEN SIZE BED. ONE OF THE FIRST THINGS BUYERS OF CENTURY HOMES DO IS REARRANGE PARTITION WALLS TO MAKE BEDROOMS LARGER. FOR A NEW BUILD TO HAVE SUCH SMALL BEDROOMS SEEMS COUNTER PRODUCTIVE





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 6, 2021
SUBJECT/REPORT NO:	Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Amended **Urban Hamilton Official Plan Amendment Application UHOPA-20-04, by T. Johns Consulting Ltd, agent, on behalf of Chedoke Redevelopment Corp., Owner**, to redesignate the lands from “Institutional” to “Neighbourhoods” in Volume 1 of the Urban Hamilton Official Plan and for an amendment to the Chedmac Secondary Plan to redesignate lands from “Institutional” to “Medium Density Residential 3” and to add a site specific policy to permit a minimum residential density of 50 units per hectare to permit adaptive reuse of the existing building to a 23 unit multiple dwelling, for the lands located at 555 Sanatorium Road, as shown on Appendix “A” to Report PED21061 be **APPROVED** on the following basis:
- i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21061, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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

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

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

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 2 of 24

- 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-20-009, by T. Johns Consulting Ltd, agent, on behalf of Chedoke Redevelopment Corp., Owner**, for a change in zoning from the Major Institutional (I3) Zone to the Major Institutional (I3, 740, H35) Zone, to permit the adaptive reuse of the existing vacant building to a 23 unit multiple dwelling for the lands located at 555 Sanatorium Road, as shown on Appendix “A” to Report PED21061, be **APPROVED** on the following basis:
- i) That the draft By-law, attached as Appendix “C” to Report PED21061, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - ii) That schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding a Holding Provision as follows:

For the lands zoned Major Institutional (I3, 740, H35) Zone, on Map 1080 of Schedule “A” – Zoning Maps and described as 555 Sanatorium Road, the development shall not proceed until:

 - (a) The owner completes and implements an updated Functional Servicing Report and Sanitary Sewer Capacity Analysis to the satisfaction of the Manager of Development Engineering Approvals.
 - iii) That this By-law is in conformity with the Urban Hamilton Official Plan upon approval of the Urban Hamilton Official Plan Amendment No. XX and that the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (c) That upon finalization of the amending By-law, the subject lands be redesignated from “Civic & Institutional” to “Low Density Apartments” in the Mountview Neighbourhood Plan.

EXECUTIVE SUMMARY

The applicant is proposing to convert the existing three storey medical building known as the “Southam Building” to a 23 unit, multiple dwelling, as part of the comprehensive redevelopment of the former Chedoke Hospital lands located at 555 Sanatorium Road.

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 3 of 24

The Urban Hamilton Official Plan Amendment is to redesignate the lands from “Institutional” to “Neighbourhoods” in Volume 1 of the Urban Hamilton Official Plan and to redesignate from “Institutional” to “Medium Density Residential 3” and to establish a site specific policy in the Chedmac Secondary Plan to permit a multiple dwelling having a minimum density of 50 units per hectare within the existing building.

The Zoning By-law Amendment is for a change in zoning from the Major Institutional (I3) Zone to the Major Institutional (I3, 740, H35) Zone to permit a multiple dwelling in the existing building. Staff have also included a Holding Provision to ensure that development does not proceed until a revised Functional Servicing Report and a revised Sanitary Sewer Analysis have been completed and implemented to ensure that adequate services are available to support the proposed multiple dwelling.

The proposal is an adaptive reuse of the existing Southam Building, which is on the City’s Inventory of Buildings of Architectural and/or Historical Interest. Development activity consists of an external parking area, internal renovations, and minor additions for an elevator shaft and foyer entrance, all of which will be reviewed in detail at the future Site Plan Control stage.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2020) (PPS), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan, subject to the proposed amendment.

Alternatives for Consideration – See Page 23

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 4 of 24

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Chedoke Redevelopment Corp.
Agent:	T. Johns Consulting Group Ltd. c/o Diana Morris
File Numbers:	UHOPA-20-04 ZAC-20-009
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment
Proposal:	Conversion of the existing three storey, former institutional building to a 23 unit multiple dwelling with a total of 35 parking spaces, accessed from Sanatorium Road.
Property Details	
Municipal Address:	555 Sanatorium Road, Hamilton
Lot Area:	7.28 ha
Development Area:	0.46 ha
Servicing:	Full municipal services.
Existing Use	Part of the former Chedoke Hospital campus, unoccupied.
Documents	
Provincial Policy Statement (PPS)	Proposal is consistent with the PPS (2020).
A Place to Grow:	Proposal conforms to A Place to Grow (2019, as amended).
Official Plan Existing:	"Neighbourhoods" on Schedule E – Urban Structure and "Institutional" on Schedule E-1 – Urban Land Use Designations.

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 5 of 24

Official Plan Proposed:	“Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.
Secondary Plan Existing:	“Institutional” on Map B.6.3-1 – Chedmac Secondary Plan Land Use Plan.
Secondary Plan Proposed:	“Medium Density Residential 3, Site Specific Policy – Area X” on Map B.6.3-1 – Chedmac Secondary Plan Land Use Plan to permit a multiple dwelling in the existing building with a minimum density of 50 units per hectare.
Zoning Existing:	Major Institutional (I3) Zone
Zoning Proposed:	Major Institutional (I3, 740, H35) Zone
Modifications Proposed:	To permit a standalone multiple dwelling, whereas multiple dwellings must be on the same lot as an Educational Establishment, Retirement Home, or Long Term Care Facility.
Processing Details	
Received:	December 20, 2019
Deemed Complete:	January 22, 2020
Notice of Complete Application:	Sent to 118 property owners within 120 m of the subject property on February 5, 2020.
Public Notice Sign:	Posted February 21, 2020 and updated on March 10, 2021.
Notice of Public Meeting:	Sent to 118 property owners within 120 m of the subject lands on March 19, 2021.
Public Consultation:	On February 18, 2020, a letter circular was sent by T. Johns Consulting Group to all property owners within 120 m of the subject lands. No feedback was received by the City or the applicants as a result.
Public Comments:	No submissions received.
Processing Time:	434 days.

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 6 of 24

Previous Applications

Site Plan Control application DA-17-170 received Conditional Approval on September 17, 2018 for the development of 211 street townhouses having frontage on a private road network, and the redevelopment of the Southam Building. Since the redevelopment of the Southam Building was for a multiple dwelling not associated with an operating institutional use, the use was not permitted. As such, this portion of the Site Plan was identified as a future phase and will be subject to its own future Site Plan application.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant three storey medical building	Major Institutional (I3) Zone
Surrounding Land Uses:		
North:	Educational Establishment	Major Institutional (I3) Zone
East:	Columbia College	Major Institutional (I3) Zone
South:	Chedoke McMaster Hospital	Major Institutional (I3) Zone
West:	Former Chedoke Hospital (unoccupied), block townhouses	Major Institutional (I3) Zone and "RT-20/S-1654" (Townhouse – Maisonette) District, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The application has been reviewed with respect to the Provincial Policy Statement (PPS), which came into force and effect on May 1, 2020. The following policies, amongst others, apply to the proposal.

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 7 of 24

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

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- 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;
- 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.”

The proposal is to adaptively reuse an existing building using existing infrastructure and public services. In addition, by using the existing building, the proposal limits land consumption and provides for a cost-effective development pattern while increasing housing opportunities in the community.

The following policy relating to potential noise impacts is applicable:

“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.”

A Noise Impact Study prepared by HGC Engineering Ltd., dated August 14, 2019 prepared in support of Site Plan Control Application DA-17-170 assessed noise impacts on the Southam Building for residential uses and indicated that upgraded windows and warning clauses may be required to protect the new sensitive land use from traffic noise generated on Chedmac Drive and Sanatorium Road. Further review of noise mitigation will be required during the Site Plan Control stage for the conversion of this building and

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 8 of 24

development of the associated parking area and building additions (elevator shaft and foyer entrance).

In addition, the following policies are also applicable as they relate to cultural heritage resources:

- “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 lands meet four of ten criteria for defining archaeological potential as follows:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. As a proactive measure, an archaeological assessment (P018-215-2007) was submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. In a letter dated January 2009, the Ministry requested more information before concurring with the report. The Province signed off on the reports for compliance, subject to licensing requirements, in a letter dated May 12, 2011. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

The existing building is also on the lands formerly used as the Chedoke Hospital and before that, the Mountain Sanatorium which was used to treat tuberculosis patients. All buildings on the subject lands except the Southam Building are scheduled to be demolished to facilitate the development of 211 street townhouse dwellings on a private road network (Site Plan Control application DA-17-170). Since the lands are on the

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 9 of 24

City's Inventory of Buildings of Architectural and / or Historical Interest, a Cultural Heritage Impact Assessment (CHIA) was prepared in support of the Site Plan Control application and was reviewed by the Hamilton Municipal Heritage Committee's Policy and Design Working Group on August 2, 2019. An evaluation of the Southam Building was included, which identified a range of heritage attributes to be retained, including the Southam Building itself, if feasible.

To facilitate the adaptive reuse of the building, a future Site Plan Control application will be required to ensure that the attributes identified in the CHIA are protected and retained. An Addendum to the CHIA, dated February 19, 2020, was submitted in support of these applications and acknowledges that the overall proposal demonstrates best practices in terms of heritage preservation.

Designation under the *Ontario Heritage Act* is a tool available to protect and maintain heritage resources. The applicant is proposing adaptive reuse of the building. The proposed zoning amendment is specific to the adaptive reuse of the existing building. As such, designation under the *Ontario Heritage Act* is not recommended at this time since the designation would apply to all buildings on site, including those scheduled for demolition. Elements of these buildings will be reused on site per the approved Cultural Heritage Impact Assessment instead. Designation may be warranted once development activity is complete.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars invested. The proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- It supports a range and mix of housing options in the community; and,
- It conserves and promotes *cultural heritage resources*.

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 10 of 24

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply to the applications.

“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*;
- 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;
- e) provide for a more *compact built form* and a vibrant *public realm*, including public open spaces”

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 11 of 24

The lands are located within the built-up area and have access to existing municipal services, are in an area with existing public service facilities and located along HSR Route #41.

These applications propose the adaptive reuse of an existing building to be converted to rental units, which is coordinated with the redevelopment of the balance of the lands for 211 block townhouse dwellings (under Site Plan Control Application DA-17-170). The overall development will introduce a new housing type on lands that are currently vacant and underutilized. The lands are located within close proximity to the Chedoke Community Centre, Mountainview Park, and adjacent to a range of institutional uses, including medical and educational establishments, to ensure the proposal contributes to a complete community. In addition, using existing building stock for new dwelling units ensures that the development occurs in a compact form.

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

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Institutional” on Schedule “E-1” – Urban Land Use Designations and “Institutional” in the Chedmac Secondary Plan.

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

Institutional Designation

“E.6.2.2 The following uses shall be permitted on lands designated Institutional on Schedule E-1 – Urban Land Use Designations:

d) health care facilities;

E.6.2.6 Notwithstanding Policy E.6.2.2, where institutional uses cease on lands designated Institutional, low density residential uses, parks and open space uses, or community facilities/services uses may be permitted without an amendment to this Plan, provided the uses are compatible with the surrounding area and are in keeping with the policies of this Plan.

E.6.3.1 When considering development proposals for new institutional uses or expansions to existing institutional uses within existing Institutional designations, the following criteria shall be evaluated:

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 12 of 24

- a) availability of sufficient off-street parking to meet projected demand, to minimize spill-over parking on adjacent local streets;
- b) provision of adequate and appropriate landscaping and buffering to effectively screen parking, loading and service areas from adjacent residential uses;
- d) the capability of the site for providing convenient access to public transit with all buildings located within a reasonable walking distance; and,
- e) use of underground parking or parking structures.”

The proposal seeks to convert the existing building, previously used as a health care facility, to a 23 unit multiple dwelling. While the proposal no longer seeks to use the lands for institutional purposes, the proposal will be subject to the minimum parking requirements within Zoning By-law No. 05-200 in order to provide sufficient off-street parking. The site will also be required to provide planting strips and landscaped areas surrounding the 35 space parking area for buffering and screening purposes, as detailed through the Site Plan Control stage. Since the proposal seeks to use the existing structure, underground parking is not feasible without risking damage to the structure. Staff are satisfied that the proposed surface parking area is the most appropriate parking arrangement for the use of the lands.

An amendment to the Official Plan is required to reflect the proposed Medium Density built form and shall be evaluated against the Neighbourhoods and Medium Density Residential policies.

Neighbourhoods

- “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.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 13 of 24

safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- d) Development shall improve existing landscape features and overall landscape character of the surrounding area.”

The proposal seeks to establish new dwelling units within the existing building. The parking area will be located to the side and rear of the building to ensure that its location is minimized in front of the building. The building is connected to an existing public pedestrian network and the surrounding existing community facilities and services. Existing landscape features and character will be reviewed in further detail at the Site Plan Control stage for enhancement opportunities.

Urban Design

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

- a) respecting existing character, development patterns, built form, and landscape;
- d) conserving and respecting the existing built heritage features of the City and its communities;

B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways;

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 14 of 24

- e) providing appropriate way-finding signage considering size, placement, and material that clearly identifies landmarks, pathways, intersections, cycling and transit routes, and significant natural and cultural heritage features;

B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context;”

By using the existing building, the proposal will respect the existing character and development patterns and conserve the existing heritage features on site. The existing street edge will not be altered other than to ensure adequate pedestrian connections are provided. The proposal will include minor additions for a sheltered entrance way, visible from the street, and an elevator shaft to the existing building which will use façade materials that are consistent and compatible with the existing structure. The additions will be reviewed further at the Site Plan Control stage to ensure the design complements the massing patterns, character and colour of the existing heritage features.

Medium Density Residential

“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.

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 15 of 24

- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
 - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
 - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
 - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The proposal is located with direct access to Sanatorium Road which is identified as a Collector Road on Schedule “C” – Functional Road Classification and has been designed to be integrated with the street townhouse development immediately south and west of the subject lands. By using the existing three storey building, the proposal allows for a height, massing and arrangement of buildings that is in keeping with the surrounding neighbourhood and the maximum height requirement of six storeys. The proposal will also use the existing access point on Sanatorium Road to minimize traffic and pedestrian conflicts with the surrounding area.

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 16 of 24

Residential Intensification

- “B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
- a) a balanced evaluation of the criteria in b) through g) as follows;
 - b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
 - c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
 - d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
 - e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
 - f) infrastructure and transportation capacity; and,
 - g) the ability of the development to comply with all applicable policies.”

The proposal seeks to convert the existing building to residential uses which maintains the established built form and expands the range of dwelling types. Since the existing built form will be maintained and only minor additions to the building are proposed, the scale, form and character will remain unchanged and represents an innovative urban design technique. A Holding Provision has been recommended by staff to ensure that an updated Functional Servicing Report and Sanitary Sewer Analysis are completed before development activity occurs, per Policy B.2.4.1.4 f).

“B.6.3.2.4 Medium Density Residential 3 Designation

The following polices shall apply to the lands designated Medium Density Residential 3 on Map B.6.3 -1 – Chedmac - Land Use Plan:

- a) In addition to Policies E.2.5.2 of Volume 1, lands designated Medium Density Residential 3 shall consist of block townhouses, stacked townhouses, and multiple dwellings.

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 17 of 24

- b) Notwithstanding Policy E.3.5.7 of Volume 1, the net residential density shall be greater than 75 units per hectare and shall not exceed 100 units per hectare.”

The proposal seeks to adaptively reuse the existing building for a 23 unit multiple dwelling, having a density of 50 units per hectare, which is below the minimum required density. An amendment to the Secondary Plan is required and is discussed further in the Analysis and Rationale for Recommendation Section of Report PED21061.

Mountview Neighbourhood Plan

The lands are designated “Civic and Institutional” in the Mountview Neighbourhood Plan which does not include policies or permitted uses associated with the Plan. An amendment to the Neighbourhood Plan is required to change the designation to “Medium Density Apartments” which would best reflect the proposed redevelopment based on the proposed height and scale. Since the institutional use is no longer operating on site, it is no longer appropriate to designate the lands as “Civic and Institutional” in the Neighbourhood Plan. Staff are therefore supportive of the change in designation to “Low Density Apartments” to allow for the adaptive reuse of the building.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Major Institutional (I3) Zone in the Hamilton Zoning By-law No. 05-200 which only permits a multiple dwelling in conjunction with an institutional use such as a long term care facility or educational establishment. A Zoning By-law Amendment is required to permit a standalone multiple dwelling and is discussed in Appendix “D” to Report PED21061.

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
<ul style="list-style-type: none"> • Landscape Architectural Services, Public Works Department; • Recreation Division, Healthy and Safe Communities Department; 	No Comment	

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 18 of 24

<ul style="list-style-type: none"> • Transit Planning and Infrastructure, Public Works Department; • Roads and Traffic, Public Works Department; • Hamilton Fire, Healthy and Safe Communities Department; • Parks and Cemeteries, Public Works Department; • Capital Budgets & Finance, Corporate Services Department; • Union Gas; • Canada Post Corporation; • Cogeco Cable Canada Inc.; • Hamilton-Wentworth District School Board; • Hamilton-Wentworth Separate School Board; • French Public School Board; • French Catholic School Board; • Horizon Utilities; and, • Hydro One Networks Inc. 		
<p>Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department</p>	<ul style="list-style-type: none"> • Provide opportunities for urban agriculture, such as community gardens, rooftop gardens, or edible landscaping, if possible. 	<ul style="list-style-type: none"> • Landscaping, including gardening opportunities is to be designed in accordance with the Site Plan Guidelines and proposed by the applicant and will be

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SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 19 of 24

		reviewed at the Site Plan Control stage.
Recycling and Waste Disposal, Waste Management Operations Division, Public Works Department	<ul style="list-style-type: none"> • Details regarding internal waste storage room needs to be shown on the Site Plan. • Specific design requirements regarding full forward truck movement and truck turning plates shall be shown on the Site Plan. 	<ul style="list-style-type: none"> • Waste collection will be further reviewed at the Site Plan Control stage to confirm if the site can be serviced for municipal waste collection.
Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Full municipal services are available to service the lands. • The sanitary sewer outlet is proposed to run through lands subject to Site Plan Control Application DA-17-170 which may require a future easement. • A revised Sanitary Sewer Capacity Analysis and Functional Servicing Report is required in order for Public Works to confirm that infrastructure can support the development proposal. • Level 1 (Enhanced) water quality treatment will be required for stormwater 	<ul style="list-style-type: none"> • A Holding Provision has been included in the Draft By-law (see Appendix "C" to Report PED21061) to ensure the Sanitary Sewer Capacity Analysis and updated Functional Servicing Report will be completed and implemented. • Remainder of the comments will be addressed at the Site Plan Control Stage through standard conditions of approval.

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SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 20 of 24

	<p>management purposes.</p> <ul style="list-style-type: none"> • A Joint Use Agreement may be required between the subject lands and those subject to DA-17-170. 	
Hamilton Conservation Authority	<ul style="list-style-type: none"> • Detailed stormwater management comments are being completed through Site Plan Control Application DA-17-170. 	<ul style="list-style-type: none"> • These comments will be addressed at the Site Plan Control Stage.
Public Consultation		
No comments received.		

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 118 property owners within 120 metres of the subject property on February 5, 2020.

A Public Notice sign was posted on the property on February 21, 2020 and updated on March 10, 2021 with the Public Meeting date. Finally, Notice of Public Meeting was given on March 19, 2021 in accordance with the requirements of the *Planning Act*.

To date, no submissions have been received for the subject applications.

Public Consultation Strategy

The applicant's Public Consultation Strategy identified that a letter circulation, prepared by the applicant and providing details of the proposal and contact information for the applicants was to be distributed to the surrounding neighbourhood within a 120m radius of the site. The letter was circulated on February 18, 2020 and was also sent to City staff. No responses were received as a result of the agent's circulation.

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 21 of 24

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019, as amended);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan, subject to the recommended Official Plan Amendment;
 - (iii) The proposed development is compatible with the existing and planned development in the immediate area; and,
 - (iv) The proposed development represents good planning. The proposal is an infill residential land use that will make effective use of existing infrastructure and public services while increasing the number of people that will patronize the existing commercial services in the area. Furthermore, the use of this location for residential development will limit the need for new lands outside the established community for residential growth in keeping with the goal to develop complete communities.

2. The purpose of the proposed Official Plan Amendment is to change the designation from “Institutional” to “Neighbourhoods” in Volume 1 of the UHOP, and to redesignate the lands from “Institutional” to “Medium Density Residential 3” and permit a minimum density of 50 units per hectare in the Chedmac Secondary Plan for the existing building.

The proposal seeks to use the existing Southam Building, which was previously used as a medical facility and is currently vacant, for the development of 23 dwelling units. Minor additions are required to facilitate the conversion including the construction of a new foyer entrance at the front of the building and an elevator shaft at the rear. A 35 space parking area is also proposed to facilitate the conversion to meet the parking needs of the proposed residential uses.

The Chedoke Hospital, which used to occupy the site, was consolidated with the Hamilton Civic Hospitals (now known as Hamilton Health Sciences) and the Chedoke Hospital ceased operation on site in 2015. The conversion of the Southam Building would result in a three storey multiple dwelling, which is not a permitted housing form in the Institutional Designation. Since the lands will longer be used for Institutional purposes, a change to the “Neighbourhoods” Designation is appropriate and complies with the intent of the Official Plan.

SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 22 of 24

A redesignation to “Medium Density Residential 3” in the Chedmac Secondary Plan will best reflect the built form of the multiple dwelling, balanced with the proposed decrease in density of this designation. In addition, the proposed designation reflects the appropriate location for a multiple dwelling being accessed from a Collector Road and on the periphery of a neighbourhood.

To facilitate the proposal, a site specific policy is required to permit a minimum density of 50 units per hectare, whereas the Chedmac Secondary Plan requires a minimum density of 75 units per hectare, to a maximum of 100 units per hectare for the Medium Density Residential 3 designation. This proposal would allow for an appropriate built form on the lands, given the cultural heritage context and surrounding low density residential uses. Staff have included a provision in the proposed amendment to ensure that the existing building is retained (see Appendix “B” to Report PED21061).

Allowing for the adaptive reuse of the Southam Building will protect a cultural heritage resource, as outlined in the Cultural Heritage Impact Assessment, dated May 2019, and the addendum, dated February 19, 2020, and also ensures an efficient use of existing municipal services while providing for a transition of planned development from institutional to residential uses to maintain the established character of the neighbourhood, as directed by the Official Plan. By not increasing the height of the existing three storey building, the proposal provides an appropriate scale in keeping with the planned development that is immediately adjacent and maintains the intent of the transition policies of the Official Plan. Therefore, a site specific policy to reduce the minimum density requirement to 50 units per hectare for the existing building will provide an appropriate transition to the surrounding uses and will facilitate the retention of a cultural heritage resource.

Based on the foregoing, the proposed Official Plan Amendment is supported by staff.

3. The proposed Zoning By-law Amendment seeks to modify the Major Institutional (I3) Zone on a portion of the lands to permit a multiple dwelling as a standalone use, whereas multiple dwellings are only permitted in conjunction with an educational establishment, retirement home, or long term care facility on the same lands. The proposal will facilitate the adaptive reuse of the existing building, which maintains the established character of the neighbourhood and implements the recommendations of the Cultural Heritage Impact Assessment, dated May 2019, in support of Site Plan Control Application DA-17-170. A Holding provision is also recommended to ensure that the sanitary sewer

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SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 23 of 24

analysis and a revised Functional Servicing Report are completed, confirming that adequate services are available to support the redevelopment.

As part of the comprehensive residential zoning project for Zoning By-law No. 05-200, new residential zones will be created which will be applied in conformity with the Official Plan designations. As these lands will be designated Medium Density Residential 3, the I3 Zone will be applied in the interim until an appropriate residential zone is applied through the residential zoning work.

The proposed modification is further discussed in Appendix “D” to Report PED21061.

Based on the foregoing, staff support the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands would remain in the Major Institutional (I3) Zone which permits a range of institutional uses, street townhouse dwellings and a multiple dwelling in conjunction with an educational establishment, retirement home, or long term care facility.

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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**SUBJECT: Applications for Urban Hamilton Official Plan Amendment and
Hamilton Zoning By-law Amendment for lands located at 555
Sanatorium Drive (Hamilton) (PED21061) (Ward 14) - Page 24 of 24**

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

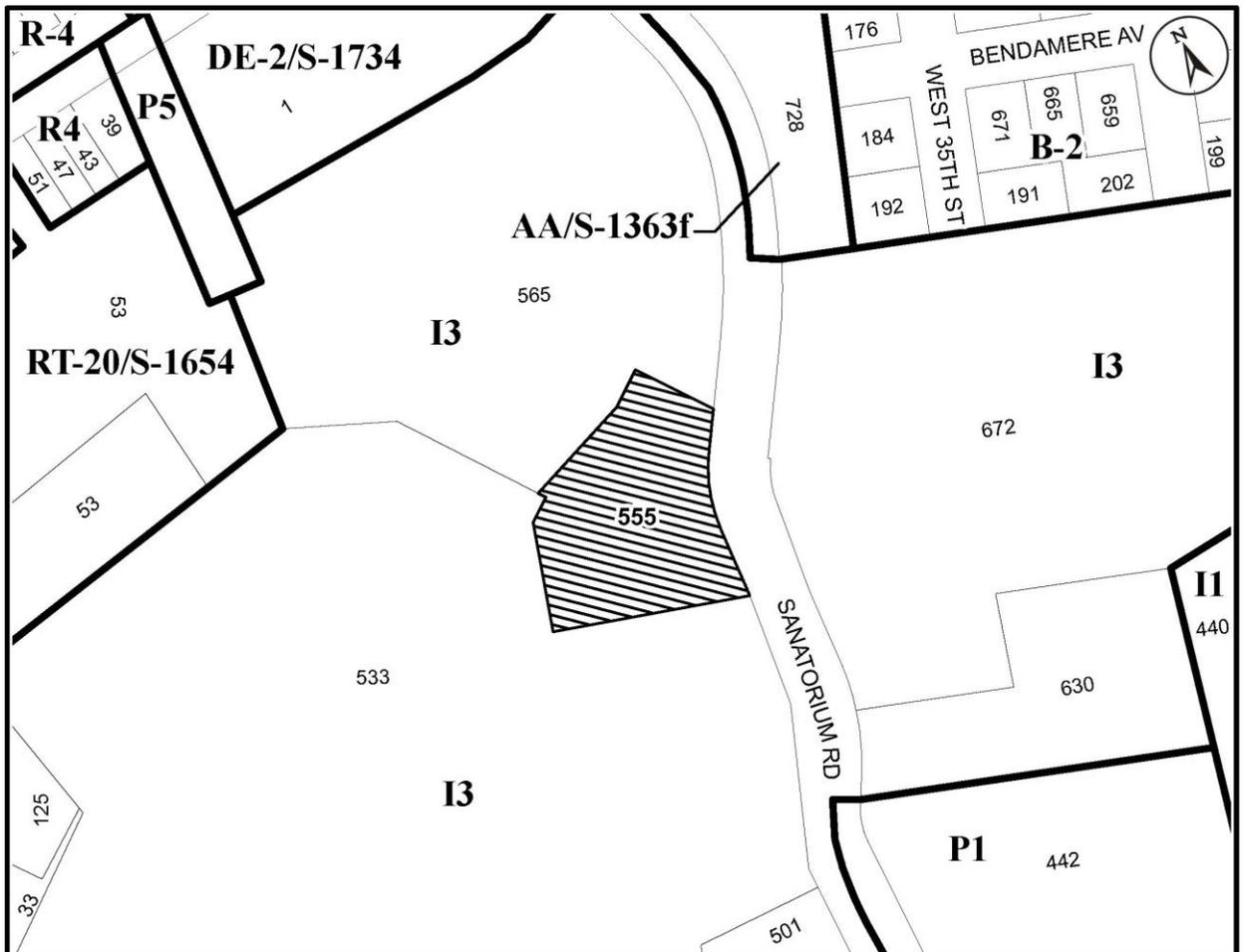
Appendix “A” – Location Map

Appendix “B” – Draft Official Plan Amendment

Appendix “C” – Draft Zoning By-law

Appendix “D” – Zoning Modification Chart

Appendix “E” – Concept Plan



Key Map - Ward 14

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-20-009 & UHOPA-20-004	Date: December 18, 2020
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Appendix "A"	Scale: N.T.S	Planner/Technician: MS/AL
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Subject Property

555 Sanatorium Road

Change in zoning from the Major Institutional (I3) Zone to the Major Institutional (I3, 740, H35) Zone

Schedule "1"

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with:

Appendix "A"	Volume 1: Schedule "E-1" Urban Land Use Designations
Appendix "B"	Volume 2: Map B.6.3-1 – Land Use Plan, Chedmac Secondary Plan

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 redesignate the subject lands and to establish a Site Specific Policy Area within the Chedmac Secondary Plan to permit a multiple dwelling within an existing building.

2.0 Location:

The lands affected by this Amendment are known municipally as 555 Sanatorium Road, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposal allows the preservation and adaptive reuse of a *built heritage resource*.
- The proposal contributes to the provision of a range of dwelling units within the Chedmac Secondary Plan Area.
- 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 "E-1" – Urban Land Use Designations be amended by redesignating the subject lands from "Institutional" to "Neighbourhoods", as shown on Appendix "A", attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.3 – Chedmac Secondary Plan

- a. That Volume 2: Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.3 – Chedmac Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area "X"

B.6.3.7.X Notwithstanding Policy E.3.5.7 of Volume 1 and Policy B.6.3.2.4 b), for the lands located at 555 Sanatorium Road, and identified as Site Specific Policy – Area "X" on Map B.6.3.1 – Chedmac Secondary Plan – Land Use Plan, the *net residential density* shall be greater than 49 units per hectare and shall not exceed 100 units per hectare, within the existing *built heritage resource* known as the "Southam" Building."

Maps

4.2.2 Map

- a. That Volume 2: Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan be amended by:
 - i) redesignating lands from "Institutional" to "Medium Density Residential 3"; and,
 - ii) identifying the subject lands as Site Specific Policy - Area "X",

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

5.0 Implementation:

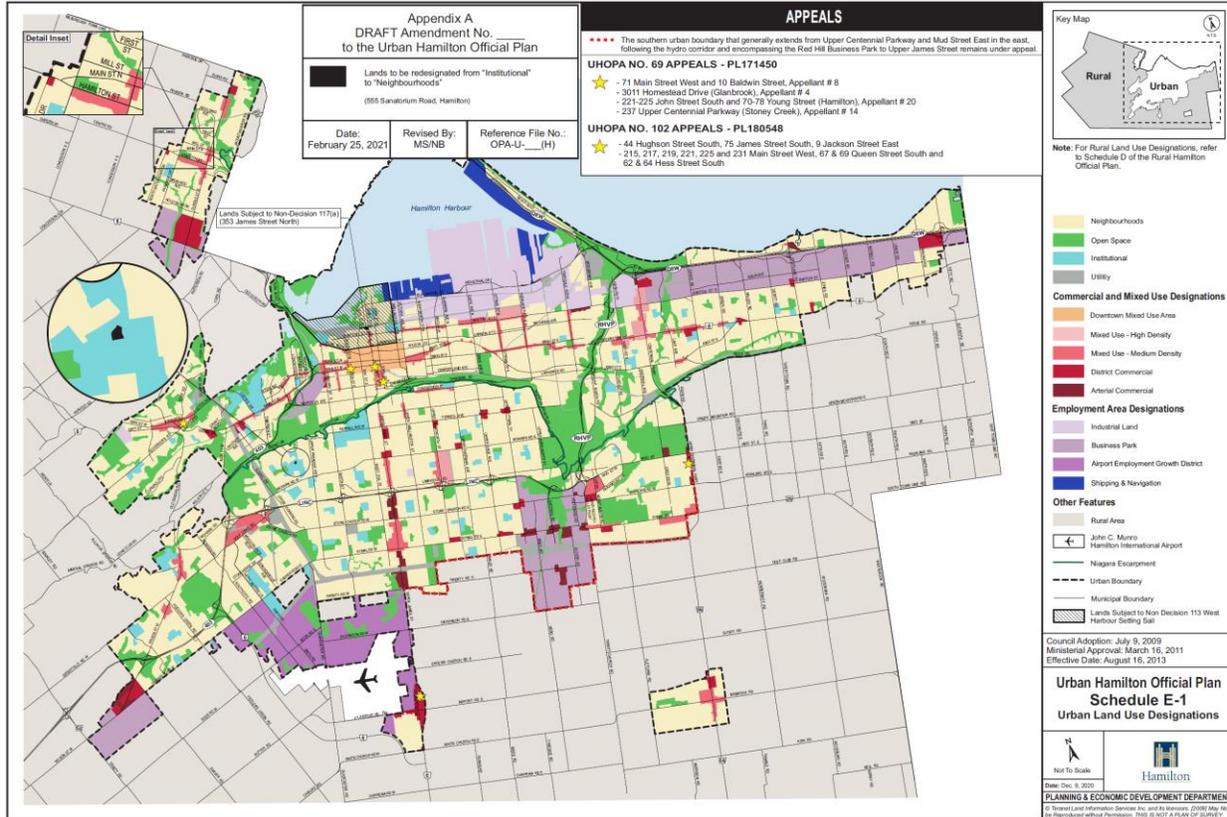
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

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

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK





Authority: Item,
Report (PED21XXX)
CM:
Ward: 14

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To amend Zoning By-law No. 05-200 with respect to lands located at 555 Sanatorium Road, Hamilton

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on April 6th, 2021;

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

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

1. That Map 1080 of Schedule "A" – Zoning Maps is amended by changing the zoning from the Major Institutional (I3) Zone to the Major Institutional (I3, 740, H35) Zone, for the lands attached as Schedule "A" to this By-law.
2. That Schedule "C": Special Exceptions is amended by adding the following new Special Exception:

"740. Within the lands zoned Major Institutional (I3) Zone, identified on Map 1080 of Schedule "A" – Zoning Maps and described as 555 Sanatorium Road, Subsection 8.3.2.2 c) shall not apply to the building existing on the date of the passing of this By-law.
3. That Schedule "D" – Holding Provisions be amended by adding the additional Holding Provision as follows:

"35 Notwithstanding Section 8.3 of this By-law, within lands zoned Major Institutional (I3, H35) Zone, identified on Maps 1080 and 1129 of Schedule A – Zoning Maps and described as 555 Sanatorium, no development shall be permitted until such time as:

 - i) The applicant completes and implements an updated Functional Servicing Report (FSR) and sanitary sewer capacity analysis, to the satisfaction of the Manager of Development Approvals."
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*.

**To amend Zoning By-law No. 05-200 with respect to lands located at 555 Sanatorium Road,
Hamilton**

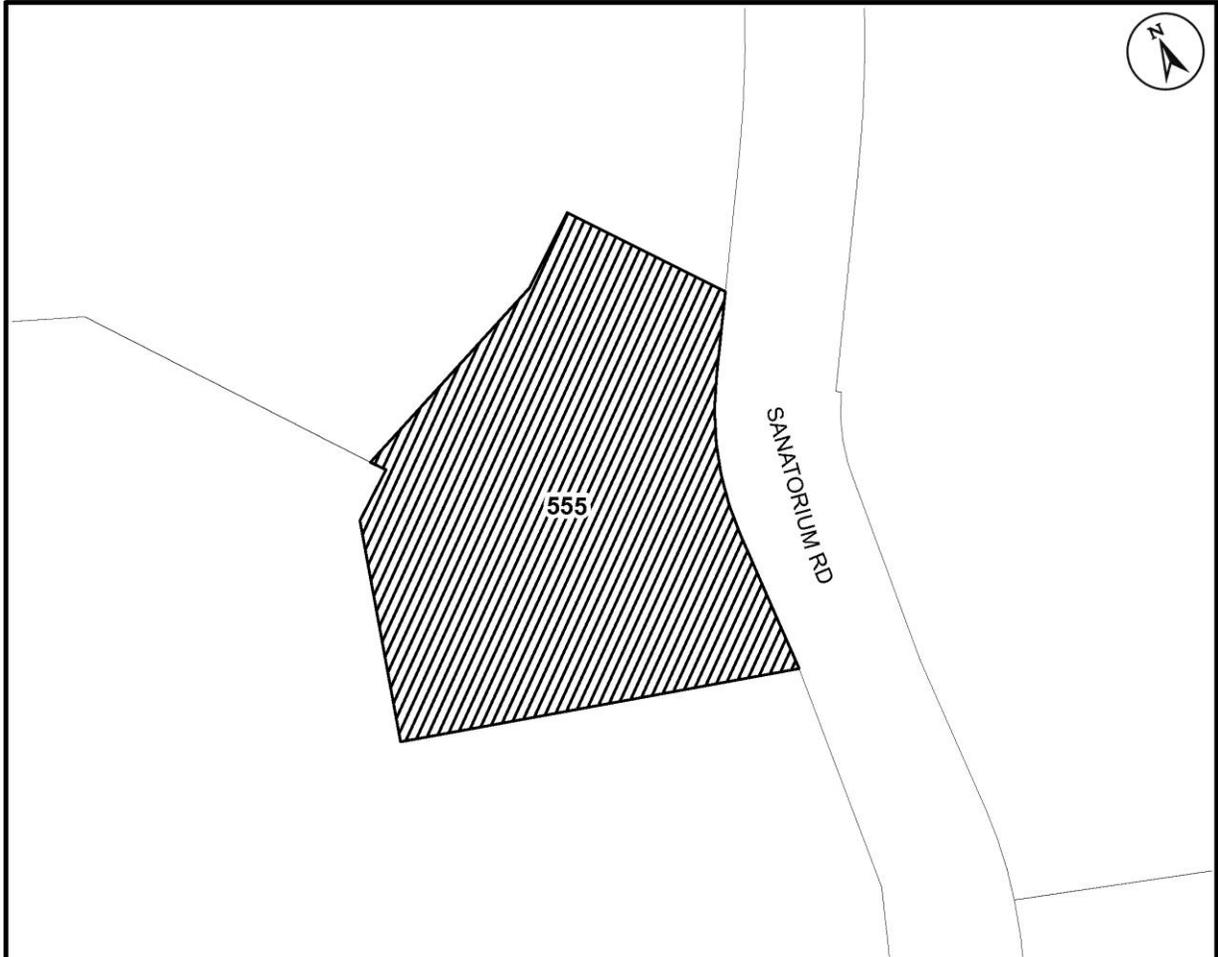
PASSED this _____ , 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-20-009
UHOPA-20-04

To amend Zoning By-law No. 05-200 with respect to lands located at 555 Sanatorium Road,
Hamilton



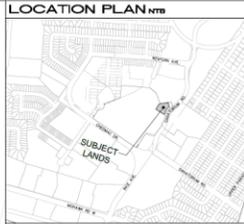
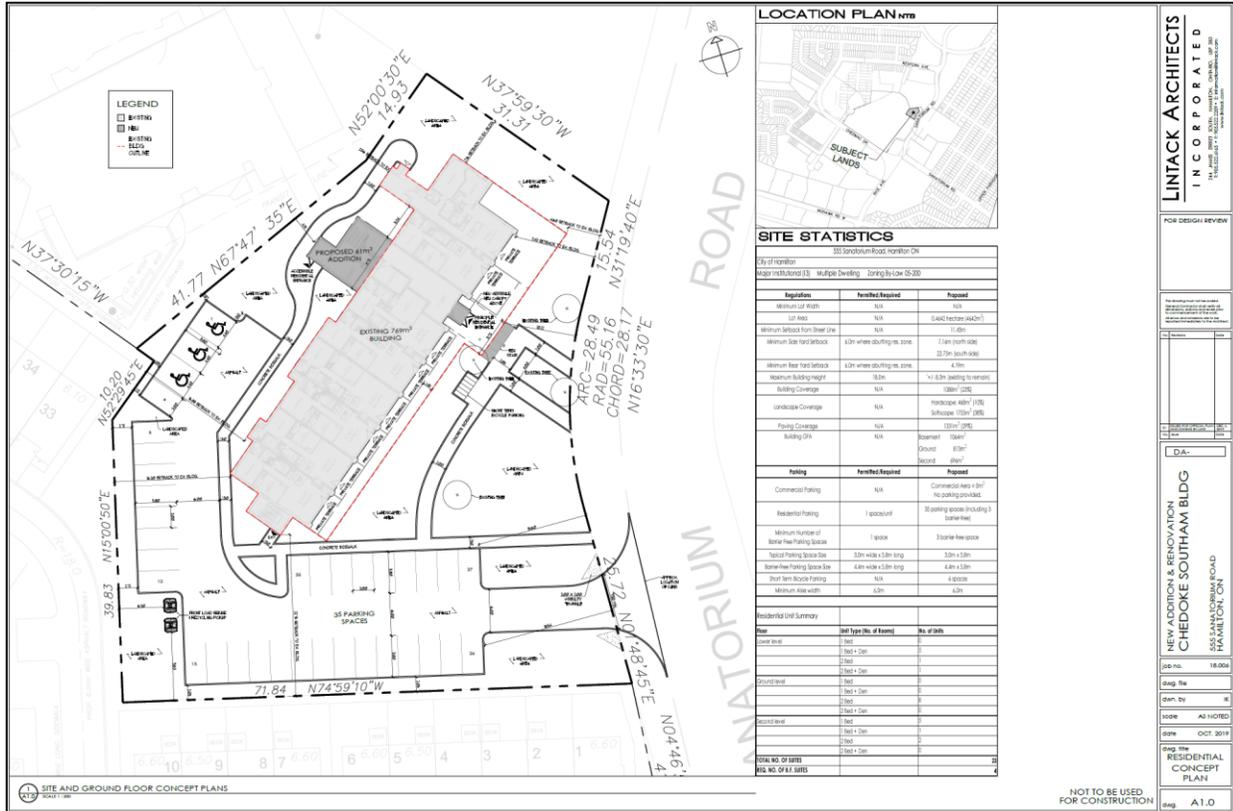
This is Schedule "A" to By-law No. 21- Passed the day of, 2021	----- Mayor ----- Clerk
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<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 21-_____</p> <p>to Amend By-law No. 05-200 Map 1080</p>	<p>Subject Property</p> <p>555 Sanatorium Road</p> <p> Change in zoning from the Major Institutional (I3) Zone to the Major Institutional (I3, 740, H35) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-20-009 & UHOPA-20-004	 Hamilton
Date: December 18, 2020	Planner/Technician: MS/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Site Specific Modifications to the Major Institutional (I3) Zone

Regulation	Required	Modification	Analysis
Location of Multiple Dwelling and Lodging House	Shall only be permitted on the same lot as an Educational Establishment, Retirement Home, or Long Term Care Facility	Shall not apply to the existing building for a three storey multiple dwelling	The proposed modification seeks to permit the adaptive reuse of the existing building for a multiple dwelling and will ensure that the existing heritage resource is protected in the future. All provisions relating to minimum parking, landscape buffers and planting strips will be provided on site with no other modifications proposed. The proposed modification to the I3 Zone will be temporary until the residential zoning work is completed and an appropriate residential zone is applied. Based on the foregoing, the modification can be supported by staff.



SITE STATISTICS

City of Hamilton
Major Institutional (I) Multiple Dwelling Zoning By-law (2020)

Regulation	Permitted/Required	Proposed
Minimum Lot Width	N/A	N/A
Lot Area	N/A	6,600 (permitted) 11,000 (proposed)
Minimum Setback from Street Line	N/A	7.1m (south side) 22.7m (north side)
Minimum Rear Yard Setback	6.0m where double-line zones	4.8m
Minimum Rear Yard Setback	6.0m where double-line zones	4.8m
Maximum Building Height	18.0m	~11.5m (existing to remain)
Building Coverage	N/A	100% (20%)
Landscaping Coverage	N/A	Hardscaping 100% (10%) Softscaping 100% (10%)
Parking Coverage	N/A	100% (20%)
Building GFA	N/A	10,000 m ² (existing) 11,000 m ² (proposed)

Parking	Permitted/Required	Proposed
Commercial Parking	N/A	Commercial Area = 20' No parking provided.
Residential Parking	1 space/unit	20 parking spaces (including 2 barrier-free)
Minimum Number of Barrier-Free Parking Spaces	1 space	3 barrier-free spaces
Special Parking Space Size	3.0m wide x 5.0m long	3.0m x 5.0m
Barrier-Free Parking Space Size	4.4m wide x 5.0m long	4.4m x 5.0m
Short-Term Bicycle Parking	N/A	4 spaces
Minimum Area Width	6.0m	6.0m

Residential Unit Summary	Unit Type	No. of Units	No. of Beds
Level 1	2 Bed	2	2
	3 Bed + Den	1	3
	3 Bed	1	3
Ground Level	2 Bed	2	2
	3 Bed + Den	1	3
	3 Bed	1	3
Second Level	2 Bed	2	2
	3 Bed + Den	1	3
	3 Bed	1	3
TOTAL NO. OF UNITS		12	12
REQ. NO. OF B. SPACES		12	12

LINTACK ARCHITECTS INCORPORATED
 141 WEST 10TH STREET, CAMBRIDGE, ONTARIO
 TEL: 519-835-1111 FAX: 519-835-1112
 WWW.LINTACKARCHITECTS.COM

FOR DESIGN REVIEW

DATE: 10/20/2017

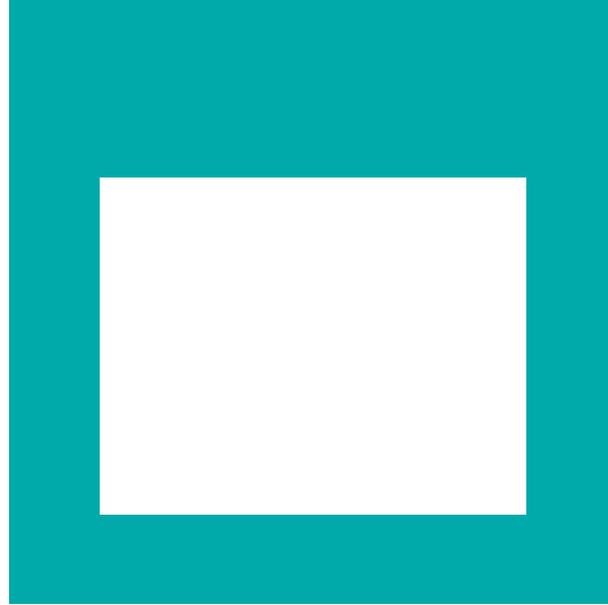
PROJECT: NEW ADDITION & RENOVATION CHECOKE SOUTHAM BLDG 655 SANCTUARY ROAD, HAMMILLTON, ON

DATE: OCT 2017

SCALE: 1:100

NOT TO BE USED FOR CONSTRUCTION

REV: A1.0



WELCOME TO THE CITY OF HAMILTON

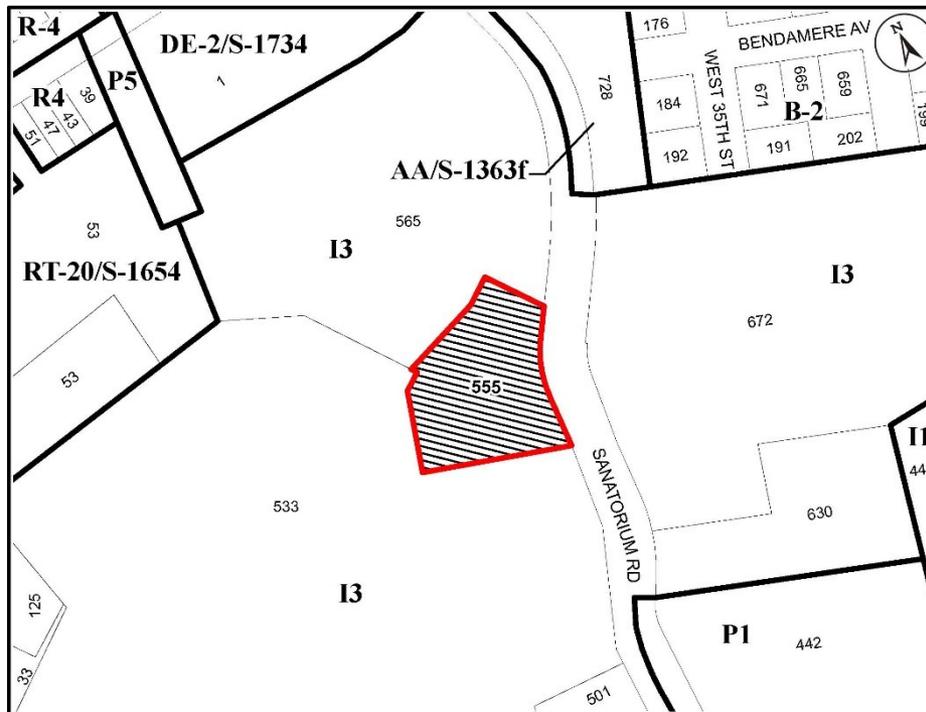
PLANNING COMMITTEE

April 6, 2021

PED21061– (ZAC-20-009 & UHOPA-20-004)

Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Road, Hamilton

Presented by: Melanie Schneider



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-20-009 & UHOPA-20-004		Date: January 24, 2020
Appendix "A"	Scale: N.T.S.	Planner/Technician: MS/AL

Subject Property

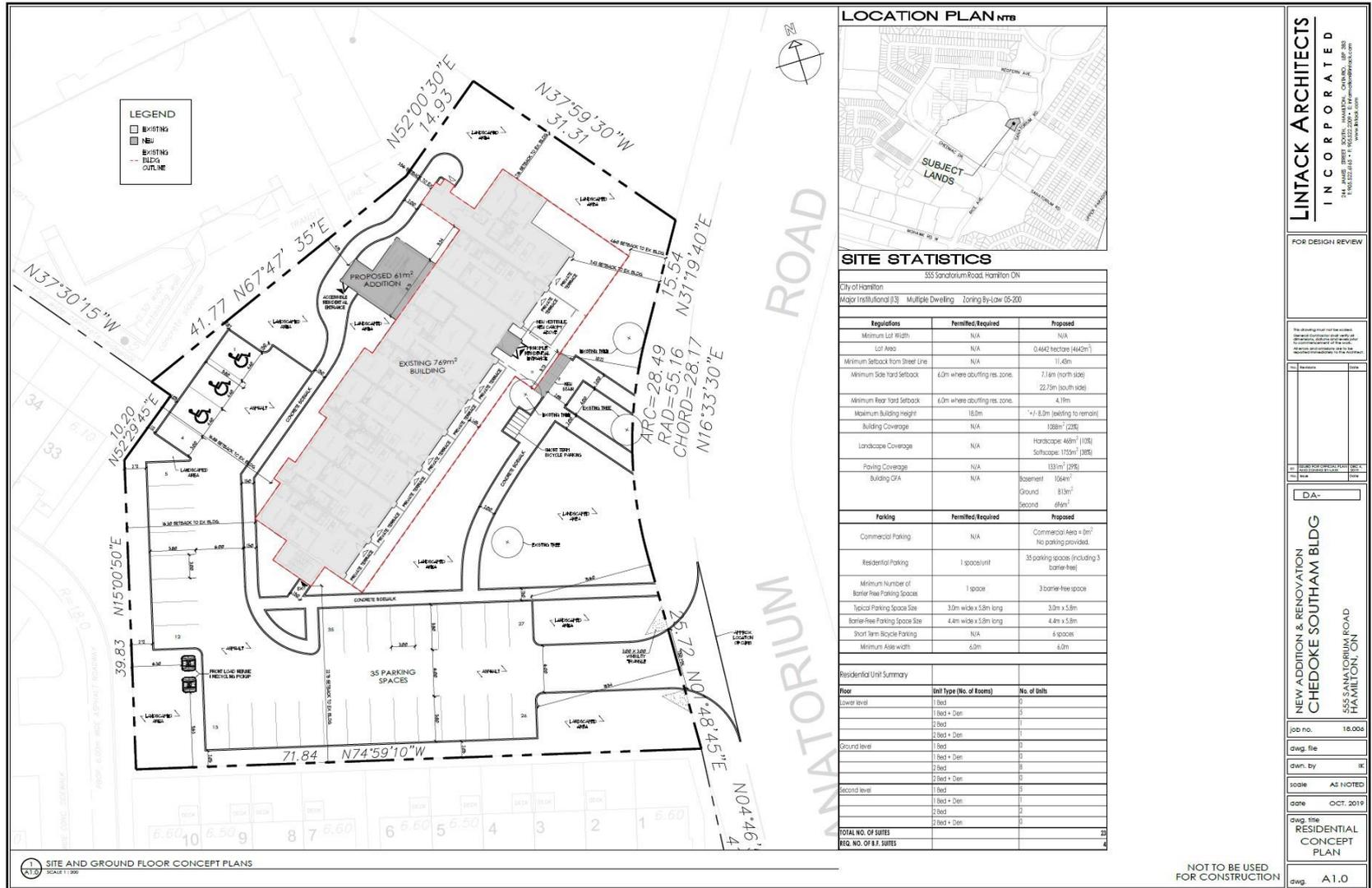
555 Sanatorium Road



SUBJECT PROPERTY



555 Sanatorium Road, Hamilton





**CITY OF HAMILTON
 PUBLIC NOTICE**

OF COMPLETE APPLICATIONS FOR AN OFFICIAL PLAN AMENDMENT / ZONING BY-LAW AMENDMENT AND PUBLIC MEETING OF THE PLANNING COMMITTEE

OWNER: Chedoke Redevelopment Corporation
APPLICANT: T. Johns Consulting Group Ltd.
SUBJECT LANDS: 555 Sanatorium Road, Hamilton

PURPOSE AND EFFECT OF THE PROPOSED OFFICIAL PLAN AMENDMENT / ZONING BY-LAW AMENDMENT
 The purpose of the proposed Urban Hamilton Official Plan Amendment is to redesignate a portion of the lands from "Institutional" to "Neighbourhoods".
 The purpose of the Zoning By-law Amendment is for a change in zoning from the Major Institutional (I3) Zone to a modified "DE-2" (Multiple Dwelling) District.
 The effect of these applications is to permit the adaptive reuse of the existing three storey medical building, designated under Part IV of the Heritage Act, for 23 residential units.

DATE: April 6, 2021
TIME: 9:30 a.m.
LOCATION: City of Hamilton, 1000 George St. 1st Floor, Hamilton, ON L8N 4R7

City of Hamilton
 Planning & Economic Development Department
 1000 George St. 1st Floor
 Hamilton, ON L8N 4R7
 Tel: 905.546.3100 ext. 3333
 Fax: 905.546.3100 ext. 3334
 Email: ped@cityofhamilton.ca

Inquires Refer to Files: ZAC-20-309 and UHOPA-20-024

For where and when a copy of the proposed Official Plan Amendment and information and material related to it additional information and material about the proposed By-law to amend the Zoning By-law additional information regarding the proposed plan of subdivision will be available for public inspection or for a copy of the Notice of Complete Applications, which is available to all land owners within 120 metres of the subject lands, please contact Melanie Schneider at 905.546.2424 ext. 1224 or by e-mail at Melanie.Schneider@hamilton.ca.

For more information about this matter, including information about preserving your appeal rights, contact Melanie Schneider.

Collection of Information
 Information regarding this application is being collected under the authority of the Planning Act, R.S.O. 1990, c.7.11. All comments and opinions submitted to the City of Hamilton in connection with the hearing and/or written submissions received by the City will become part of the public record and will be made available to the Applicant and the general public and will appear on the City's website unless you expressly request within your submission that City remove your personal information.

Public Notice sign in front of Southam



Subject lands from the east



Lands to the east



Subject lands from the southeast



Lands to the south



Looking west from the south



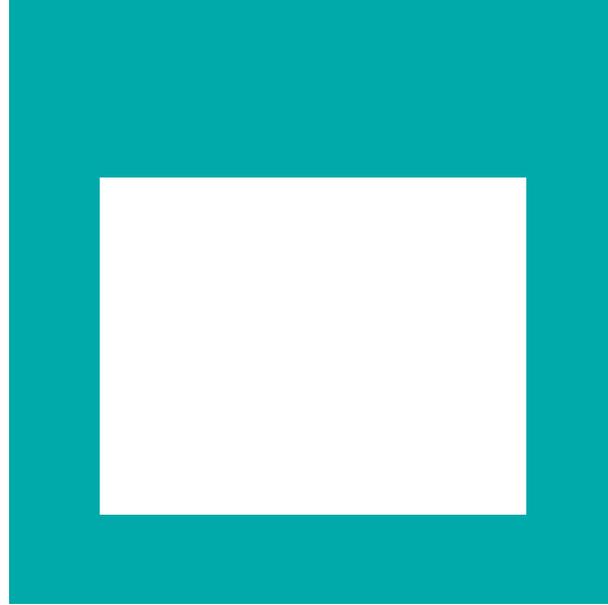
Westerly facade of subject lands



West elevation bridge connecting to Ewel removed



565 Sanatorium - building north of Southam



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:	April 6, 2021
SUBJECT/REPORT NO:	Secondary Dwelling Units in the Urban and Rural Areas - Zoning By-law and associated implementation amendments to the Parkland Dedication By-law and Tariff of Fees By-law for Minor Variance Applications (Committee of Adjustment Application Fee) (CI 20-E and CI 21-A) (PED20093(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Timothy Lee (905) 546-2424 Ext. 1249 Joanne Hickey-Evans (905) 546-2424 Ext. 1282
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That City Initiative 21-A respecting amendments to Zoning By-law No. 05-200 to add new regulations respecting interpretations of the Zoning By-law and to delete and replace the accessory building and structures regulations that have been identified to require revisions as a result of introducing Secondary Dwelling Unit Regulations and gaps within the regulations, be approved on the following basis:
- (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix "A1" to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.

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- (b) That **City Initiative 20-E** respecting amendments to Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek Zoning By-laws, to amend the zoning by-law regulations for single detached dwellings, semi-detached dwellings and townhouse dwellings, to permit secondary dwelling units, either as an accessory unit within the dwelling, within a detached structure accessory to the principle dwelling unit, or both, be approved on the following basis:
- (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix “A2” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the draft By-law to amend the Town of Ancaster Zoning By-law No. 87-57, attached as Appendix “B” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the draft By-law to amend the Town of Dundas Zoning By-law No. 3581-86, attached as Appendix “C” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iv) That the draft By-law to amend Town of Flamborough Zoning By-law No. 90-145-Z, attached as Appendix “D” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (v) That the draft By-law to amend Township of Glanbrook Zoning By-law No. 464, attached as Appendix “E” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vi) That the draft By-law to amend City of Hamilton Zoning By-law No. 6593, attached as Appendix “F” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vii) That the draft By-law to amend City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “G” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (viii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.
- (c) That the following By-laws respecting amendments to Zoning By-law No. 6593 be repealed in their entirety once the proposed By-law, attached as Appendix “F” to Report PED20093(a), are final and binding:
 - (i) By-law No.19-307, the Temporary Use By-law respecting second Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton Municipal boundary, and the former Hamilton/Glanbrook Municipal boundary;
 - (ii) By-law No. 18-299 respecting Second Dwelling Units (Laneway Houses) for Certain Lands Bounded by Highway 403, Burlington Street, Red Hill Valley and the Escarpment.
- (d) That the draft By-law to amend the Parkland Dedication By-law No. 18-126, attached as Appendix “H1” to Report PED20093(a), be enacted by City Council.
- (e) That the draft By-law to amend the Tariff of Fees By-law No. 12-282, as amended by By-law No. 19-108, to introduce a reduced fee for Committee of Adjustment applications for secondary dwelling units, attached as Appendix “H2” to Report PED20093(a), be enacted by City Council.
- (f) That the matter respecting Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Low Density Existing Housing Stock be considered complete and removed from the Planning Committee’s Outstanding Business List.

EXECUTIVE SUMMARY

On June 6, 2019, the Province passed Bill 108 Bill (*More Homes, More Choice Act, 2019*) requiring municipalities to permit Secondary Dwelling Units in their Official Plans and Zoning By-laws to increase housing options province wide.

To implement the new provincial requirement, in December, 2020, Planning Committee and Council approved Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan to permit Secondary Dwelling Units city-wide in all single detached, semi-detached, and street townhouse dwellings. The implementing Official

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Plan Amendments (RHOP OPA No. 26 and UHOP OPA No. 142) were adopted by Council on January 27, 2021 and are in effect.

The purpose of this report is to establish, within the relevant Zoning By-laws, the standards SDUs will have to meet (e.g. heights, setbacks, servicing, parking, etc.). This report includes a package of proposed Zoning By-law regulations as well as related amendments to the Parkland Dedication By-law and Tariff of Fees By-law relating to Secondary Dwelling Units.

The proposed Zoning By-laws for the six former municipalities and Hamilton Zoning By-law No. 05-200, are attached as Appendices “A2” to “G” to Report PED20093(a). A summary of the specific regulations is detailed in Appendix “M-1” to Report PED20093(a).

Specifically, the proposed changes include the following:

- 1) Amended regulations for accessory buildings in Zoning By-law 05-200. The existing regulations have been expanded on several occasions since the 2005 Zoning By-law was passed but they do not include up-to-date regulations for low density residential uses. As a result of the introduction of SDUs in Zoning By-law No. 05-200, it is an appropriate time to update the accessory building regulations so they could be applied as supplementary regulations for SDUs and avoid conflicts/discrepancies between the two sets of regulations;
- 2) New regulations to be added to Zoning By-law No. 05-200 that would allow for the introduction of regulation diagrams as information guides and the use of tables for regulations and permitted uses. These new regulations are intended to make Zoning By-law 05-200 easier to read and interpret;
- 3) New regulations for Secondary Dwelling Units (SDUs) to be added to Zoning By-law No.05-200 and the six former municipal Zoning By-laws. This report is a follow up to the Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Urban Area Discussion Paper that was approved by Planning Committee on September 20, 2020 and City Council on September 28, 2020; and,
- 4) Two new fee structures to support the establishment of SDUs. They include changes to the Parkland Dedication Fee and a reduced fee for Committee of Adjustment applications for SDUs.

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Proposed Secondary Dwelling Unit Regulations

A Secondary Dwelling Unit (SDU) is a self-contained accessory dwelling unit (a.k.a. “an accessory apartment”) either within a single detached, semi-detached or townhouse/rowhouse dwelling or within a detached structure, either purpose built or through conversion of an existing structure (a.k.a. a “laneway house”).

This report is recommending a set of comprehensive amendments to the Zoning By-laws in effect for the urban and rural areas to harmonize and update the zoning regulations relating to SDUs as follows:

General Regulations for Urban and Rural Areas

- Add four new Definitions
 - Secondary Dwelling Unit means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - Secondary Dwelling Unit- Detached means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - Swale; and,
 - Ditch.
- Parking requirements
 - 1 parking space per SDU except in a portion of the lower City roughly bounded by Highway 403 in the west, south of the industrial area to the north, the Niagara Escarpment to the south, and Ottawa Street to the east. where the existing built form does not allow for on-site parking;
 - 50% of the required front yards to be landscaped.
 - one driveway per lot except on a corner lot where one driveway per street.
- Design Regulations
 - Add minimum requirements for landscaped area for each dwelling unit on the site and provide for fencing and/or screening on 2 sides of the landscaped area for a detached SDU.
- Technical changes to by-law definitions and regulations to ensure consistency and interpretation of SDU requirements.

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Urban Area Specific Regulations

SDU within a principal dwelling

- One front door facing the street as required in the Urban Area only, except in a portion of the lower City where additional entrances are permitted to face the street, see Appendix “M-2” to Report PED20093(a).
- Exterior stairs above the first floor, unless it is for an emergency exit, will not be permitted.

Detached SDU (new construction)

- Locational requirements
 - permitted in the rear and side yards with setbacks from neighbouring properties and the existing house required;
 - maximum lot coverage (varies depends on the Zoning By-law); and,
 - establish setbacks from adjacent properties and swales to maintain existing grading and drainage.
- Health and safety requirements
 - setback requirements for free and clear access to the detached SDU in the rear/side yard.
- Design requirements
 - maximum height (6 metres) and size (75 m²), window location (both storeys), balconies/patios (at grade).

Detached SDU (conversion of existing accessory structure)

- Permitted within existing building provided it meets the health and safety requirements in accordance with the Ontario Building Code.
- Additions over 10% of the floor area of the existing building must meet the size and height requirements of a detached SDU.

Rural Area Specific Regulations

SDU within a principal dwelling only

- One front door; and,

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- Requirement to prove adequate private services exist to ensure the long term sustainability of the private servicing (i.e. well and septic system) regime.

Phasing of Zoning Changes

The SDU review is being undertaken in phases as follows:

Phase 1 - In advance of the completion of the new residential zones in Hamilton Zoning By-law No. 05-200, it is proposed that staff create a set of Zoning regulations for the six former municipal Zoning By-laws and Hamilton Zoning By-law No. 05-200 to permit SDUs Citywide. SDUs within a single detached and semi-detached dwelling would be permitted in the Rural Area. These regulations will remain in effect until the Residential Zone Project has been incorporated into Hamilton Zoning By-law No. 05-200 and all former municipal Zoning By-laws are repealed and are no longer in effect.

Phase 2 – This phase focuses on permitting detached SDUs in the Rural Area. Additional work is required to identify and address potential sustainable servicing impacts that detached SDUs might have in the Rural Area such as ground water protection, adequate services (wastewater and sewage disposal) and lot size requirements.

Public Engagement

Public engagement occurred through the Engage Hamilton portal. A variety of online and virtual methods were used to engage residents and obtain feedback of the issues and themes identified in the SDU Discussion Paper. The engagement tools used included Urban and Rural Area online surveys, an online Q&A forum, small group and individual discussions by telephone, and a project email address.

Stakeholder Meetings were held with stakeholders such as architects, planners, the West End Homebuilders Association, Neighbourhood Associations and Environment Hamilton. The purpose of these workshops was to seek feedback from the attendee's respective lenses on potential SDU zoning regulations.

Two Virtual Town Hall Meetings were held for the general public. Similar to the stakeholder meetings, the purpose of these meetings was two-fold: one, to seek feedback on the future regulations for SDUs; and two, to educate the public about the importance of increasing housing opportunities through this form of residential development.

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There was a presentation by staff on the SDUs specifically in the Rural Area to the Agricultural and Rural Affairs Committee.

A summary of all comments received are contained in Appendices “K-1” to “K-6”, and the survey results can be found in Appendices “L-1” and “L-2” attached to Report PED20093(a).

Development Fees

The City currently offers a reduced parkland dedication rate for SDUs, but this reduced rate only applies to one SDU in a single detached dwelling. In order to harmonize this reduced rate with the new proposed zoning permissions for SDUs, staff is recommending that Section 5(5) of the Parkland Dedication By-law 18-126 be amended to extend the reduced parkland dedication rate for SDUs from one secondary dwelling unit in a single detached dwelling to include up to two secondary dwelling units in a single detached, semi-detached, or townhouse dwelling and on a lot containing such dwellings.

The reduced parkland dedication rate for the addition of one secondary dwelling unit in an existing single detached dwelling was first introduced in 2015 to encourage small scale intensification and reconfirmed as part of the 2018 parkland dedication by-law review. At its meeting of May 23, 2018, Council approved Parkland Dedication By-law 18-126 that sets a fixed rate. The current (indexed) rate as of April 1, 2021 is \$1,131 per unit. Based on the 2031 time horizon of the current Official Plans, and the estimated uptake on the construction of new SDUs, this reduced rate would equate to approximately \$1.0 – \$1.4 million in foregone revenue over the next decade. The proposed By-law is attached at Appendix “H1” to Report PED20093(a).

In addition, staff is recommending that any applications for Minor Variances with respect to establishing an SDU be charged the “Routine Minor Variance” fee of \$600 as opposed to the “Full Minor Variance” fee that ranges from \$3,320 to \$4,145. This would treat SDUs the same as accessory structures and legal non-con-forming uses. The proposed Fee By-law amendment is attached at Appendix “H2” to Report PED20093(a).

The current DC By-law permits a residential intensification exemption from DCs for up to two additional dwelling units within an existing Single Detached Dwelling or for one additional dwelling unit in any Semi-detached Dwelling, a Townhouse Dwelling or any other existing Residential Dwelling. Laneway Houses and Garden Suites also receive an exemption from DCs in the City’s current DC By-law. Staff will be presenting a Report on an Amendment to the 2019 Development Charges Background Study and Development Charges By-law (FCS21025) at the March 25, 2021 Audit and Finance

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Committee meeting. The proposed staff report recommends that language be incorporated into the DC By-law to expand the residential intensification exemption above what the DC Act requires so that it is in line with *Planning Act* changes and the proposed SDU regulations.

Alternatives for Consideration – See Page 34

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: *Parkland Dedication By-law* - Applying the current reduced rate of \$1,131 per unit to the addition of up to two secondary dwelling units, instead of the standard rate for a new dwelling of 5% of existing land value (approximately \$6,708 to \$8,944 per unit, depending on the area of the City) would result in estimated foregone revenues over then next 10 years of \$997,000 to \$1.39 million.

Tariff of Fees By-law – Staff is recommending that any applications for Minor Variances with respect to establishing an SDU be charged the “Routine Minor Variance” fee of \$600 as opposed to the “Full Minor Variance” fee of that ranges from \$3,320 to \$4,145. This would treat SDUs the same as accessory structures and legal non-con-forming uses. The proposed Fee By-law amendment is attached at Appendix “H2” to Report PED20093(a).

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider amendments to the Zoning By-laws.

Notice of the Public Meeting was placed in the *Hamilton Spectator* and the Community Newspaper on March 19, 2021. A copy of the notice is attached as Appendix “N” to Report PED20093(a).

Subsection 34(19.1) of the *Planning Act* stipulates there is no appeal to parts (including the regulations) of the SDU by-laws that give effect to the UHOP and RHOP policies on SDUs.

The Rural Hamilton Official Plan and the Urban Hamilton Official Plan contain polices to permit SDUs in accordance with the provisions of Bill 108. Therefore, in accordance with Section 34(19.1) of the *Planning Act*, third party appeals of the proposed Zoning By-law Amendments, attached as

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Appendices “A2” to “G”, are not permitted because the City’s Official Plan contains policies permitting secondary dwelling units.

The Accessory buildings by-law, attached as Appendix “A1”, is subject to *Planning Act* appeals.

A separate Notice, required by the City’s Procedural by-laws, was published on March 19, 2021 in the *Spectator* advertising the new Committee of Adjustment fee and the new Parkland Dedication fee.

HISTORICAL BACKGROUND

The concept of accessory dwellings is not new. Accessory units have been permitted in the former City of Hamilton since the 1970s. The Official Plan and Zoning By-laws of the former municipalities also included enabling policies in their Official Plans and/or regulations in the respective Zoning By-law regarding SDUs. Since 2018, Council has approved two pilot/demonstration projects relating to SDUs, as described below.

Laneway Housing (2018)

Council approved a pilot project in 2018 for lands roughly bounded by Lake Ontario, Red Hill Valley Parkway, the Niagara Escarpment, and Hwy 403 to permit Laneway Housing associated with Single Detached Dwellings.

By-law No. 18-299 amended Zoning By-law No. 6593 to permit a detached SDU accessory to a single detached dwelling on a lot that adjoins a laneway for certain areas of the lower City. The zoning regulations were drafted to ensure the relationship between the principal unit and the secondary suite regulations is maintained over time with respect to servicing, access and maintenance thereby responding to concerns that the creation of laneway housing would result in future severance applications to create “flag-shaped” lots to allow for the conveyance of the laneway dwelling unit.

In addition, the 2018 By-law:

- Limits the laneway dwelling to 6m in height and 50 m² in area;
- Restricts the location of windows and doors above 1st floor; and,
- Exempts the laneway dwelling unit from the requirement to require additional parking.

To date, two “laneway” dwellings units have been created within the pilot project area.

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As the proposed City-wide amendments incorporate and update the zoning regulations relating laneway housing / detached SDU's, Planning staff are recommending that Zoning By-law No. 18-299 be repealed in its entirety.

Temporary Use By-law for Accessory Dwelling Units In Wards 1, 8 and 14 (in part) (2019)

In December 2018, Council approved Planning and Economic Development Department staff exploring a Rental Housing Licensing Pilot Project for Wards 1 and 8 (a portion of which is now located within Ward 14). The scope of the Pilot Licensing Project would require owners/landlords of residential properties with less than five residential rental units to obtain a Rental Business Owner Licence. The license would be issued based on review and conformity with the applicable zoning by-law regulations, the Ontario Building Code (OBC) and the Fire Code of Ontario. The review would occur through the Building Permit process.

As a result of stakeholder consultation on a Licensing Pilot Project, stakeholders advised that a possible unintended consequence of the Licencing regime would be the removal of rental market housing units that have been created but that did not comply with the current zoning. In particular, the minimum unit size (65 m²) and the minimum lot area (270 m²) requirements in Zoning By-law No. 6593 were identified as significant barriers to the legalization and/or creation of accessory rental units.

In response to the feedback received, staff brought forward a Temporary Use By-law for lands within Wards 1, 8 and a portion of Ward 14 to revise the requirements of the Zoning By-law in terms of removing the minimum unit size and reducing the required lot area from 270 m² to 200 m². The requirement to provide additional parking associated with the accessory unit was also suspended for lands east of Hwy. 403 in Ward 1. By-law No. 19-307 was passed by Council in December 2019 and will expire in December 2022.

As the proposed City-wide amendments incorporate and update the zoning regulations relating to SDU's within a principle dwelling, Planning staff are recommending that Zoning By-law No. 19-307 be repealed in its entirety.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Legislation and Policy Framework

Bill 108 (*More Homes, More Choice Act, 2019*) received Royal Assent on June 6, 2019 for a broad change to various pieces of legislation such as the *Planning Act*, *Ontario Heritage Act*, and the *Development Charges Act*, amongst others.

Under the provisions of the Planning Act (as amended by Bill 108), municipal official plans are now required to contain policies to permit Secondary Dwelling Unit(s) (SDUs). The official plan policies are required to permit:

- two residential units in a detached house, semi-detached house or rowhouse; and,
- to allow a residential unit in a building or structure (either purpose built or conversion of an existing structure) accessory to a detached house, semi-detached house or rowhouse.

To facilitate the implementation of Bill 108, the Province released the Housing Supply Action Plan (HSAP). HSAP is aimed at increasing housing supply in the Province. Permitting SDUs is one of many tools to implement the HSAP.

The proposed Zoning By-law amendments conform to and are consistent with Provincial legislation and policy. A summary of the conformity and consistency with applicable Provincial Plans (A Place to Grow Plan 2019, as amended and Greenbelt Plan, 2017) as well as the Provincial Policy Statement (PPS) 2020 is explained in detail in Report PED20093 which was presented to Planning Committee in September 2020.

2.0 City of Hamilton Official Plan

In December 2020, Planning Committee and Council approved City Initiative CI-19-F – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan which included proposed policy changes to implement Bill 108 (*More Homes, More Choice Act, 2019*), concerning the requirement for municipalities to establish Official Plan policies to permit Second Dwelling Unit(s) (SDUs). The implementing Official Plan Amendment (RHOP OPA No. 26 and UHOP OPA No. 142) were adopted by Council on January 27, 2021 and are now in effect.

Those amendments to the Official Plans are summarized below:

- Introduced a definition of a Secondary Dwelling Unit (SDU) (UHOP and RHOP);

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- Permitted detached SDUs on lots containing a single detached, semi-detached or townhouse dwelling (UHOP only);
- Renamed “Second Dwelling Unit” to “Secondary Dwelling Unit” (UHOP and RHOP); and,
- In the Rural Area, permitted SDUs containing a single detached dwelling on lots utilizing private services greater than 0.4 hectares in size (RHOP only).

The zoning review for SDU’s in the Rural Area is occurring in two phases. The first phase (which is addressed in this report) is to permit SDU’s within the principle dwelling as an accessory unit. As it relates to detached SDUs, further review is required to address potential issues pertaining to sustainable private servicing and character of the rural landscape.

3.0 Zoning By-laws

There are inconsistencies in terms of both permissions (e.g. allowed or not allowed) and regulations (i.e. age of dwelling, locational requirements and lot/dwelling characteristics) for SDU’s across the existing in force zoning by-laws in the City of Hamilton.

The former City of Hamilton and the Town of Dundas currently permit one additional unit in a principal dwelling, regardless of when the principal dwelling was built. The City of Stoney Creek permits one additional unit for dwellings built before 1941 and the Town of Flamborough has similar permissions for dwellings built before 1990. The Town of Ancaster and the Township of Glanbrook Zoning By-laws do not permit SDUs. The workplan for the new Comprehensive Zoning By-law No. 05-200 anticipated that regulations for SDU’s would be developed at the time of preparation of the Low-Density Residential Zones. However, because single detached, semi-detached and rowhouse units are currently permitted in some zones (i.e. Downtown, Institutional and Rural Zones) and the proposed regulations will apply once the future Residential Zones are added to Zoning By-law No. 05-200, it is proposed to bring forward amendments to Zoning By-law No. 05-200 now for consistency. In addition, regulations for SDUs within a principle dwelling have been included for the applicable Rural zones.

RELEVANT CONSULTATION

1.0 City of Hamilton Departments

The following Divisions and Departments were consulted in the development of the proposed Zoning By-law amendments:

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- Community Safety and Planning Department – Fire Prevention;
- Corporate Services Department – Legal services;
- Healthy and Safe Communities Department – Investment In Affordable Housing Section; and,
- Planning and Economic Development Department – Transportation Planning, Building Division, Growth Management.

Consultation on amendments to the Parkland Dedication By-law include:

- Public Works – Landscape Architectural Services; and,
- Planning and Economic Development Department - Real Estate Section.

2.0 External Public Engagement – Engage Hamilton

Virtually public engagement was undertaken for this project. All project information related to SDUs was made available on both the project page website (<https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/residential-zones-project>) and the Engage Hamilton Project Page (<https://engage.hamilton.ca>).

The Engage Hamilton project page serves as a “one-stop shop” to learn about SDUs and proposed regulations. The website and portal contained the following information and content:

- SDU Discussion Paper, Brochure, and Options Summary Chart.
 - The Brochure was illustrated and contained infographics and summary charts of the proposed regulations by SDU type for quick access to information; and,
 - A summary chart of the proposed Regulations, colour coded and broken down by SDU type, was included as a quick reference guide.
- An online video providing “easy to understand” information. The video included audio and closed caption for the visually impaired and hearing impaired. Further, the video is available as public access on YouTube.
- Surveys to reflect the Urban and Rural Area were created to seek feedback on the proposed regulations that were context specific.
- A “Q&A” segment of the portal included frequently asked questions as well as it allowed participants to ask questions about the project. This method is similar to

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attendees of the PIC asking questions to staff. Responses to each question are available on the Engage Hamilton portal.

- In addition to phone inquiries, individual emails and digital versions of letters were received via the project email address (ResidentialZoning@Hamilton.ca).

Printed versions of the materials and the surveys were also made available upon request.

Appendices “K-1 – K-6” (inclusive), “L-1” and “L-2” to Report PED20093(a) include the comments received through the various forms of public engagement. A response to the comments and feedback received is also provided.

2.1 External Public Engagement – Virtual Stakeholder/Town Hall meetings

Planning staff organized and attended virtual meetings as follows:

- Two separate meetings were held with Neighbourhood Associations and industry representatives for a total of 22 attendees;
- Two separate virtual town hall meetings were held for a total of 60 attendees. Each virtual meeting included a question and answer session; and,
- A presentation was made to the Agricultural and Rural Affairs Committee.

Details of the public engagement techniques and process (workshop dates, times, number of participants) are included in Appendix “J” to Report PED20093(a).

2.2 Key Highlights from Public Engagement

A summary of the feedback and comments on the themes and options contained in the September, 2020 Discussion paper applicable to the urban and rural areas SDU regulations is described below.

In addition, several comments were received pertaining to issues such as property standards, parking enforcement, garbage disposal and snow removal.

2.2.1 Urban Area Regulations

The September 2020 SDU Discussion Paper outlined options for consideration and discussion. Overall, the public feedback received was supportive of SDUs.

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Neighbourhood built form character, unit size, lot coverage and parking were the primary themes/topics that the public provided feedback and comments on as follows

Parking (SDU within the principle residence and/or in a detached structure)

In the Urban Area survey, 22% of respondents supported establishing a City-wide parking standard whereas 62% of respondents said parking exemptions (no parking requirement) is preferred.

A total of 15% of respondents supported having parking exemptions in certain areas of the City.

Through the Town Hall discussions, there was general support to permit tandem parking. Although participants generally recognize that tandem parking might not work from an operational standpoint, the option should still be there to allow it. Tandem parking will only be permitted once required parking (if applicable) have been met onsite.

SDU within the principle dwelling – Access to SDU

Entrances to the SDUs are limited to the side, rear, or internal within the building. Certain areas such as in the Lower City are permitted to have the entrance to face the street (having “two front doors”).

The survey results showed that 66% of the respondents had no preference regarding where and how access to the SDU was provided. Thirty percent (30%) expressed a preference for the access to the SDU be provided from an entrance on the side or rear of the dwelling. Written comments and town hall comments preferred one front door. Based on the feedback, the proposed regulations have not been amended.

SDU within the principle dwelling – Unit Size

Seventy percent (70%) of the survey respondents did not support a maximum dwelling size and 45% of respondents supported a minimum dwelling size. If a minimum size were to be established, half of respondents thought a minimum size of 50 square metres was appropriate. However, it was determined that requirements under the Ontario Building Code was sufficient and allows for flexibility in how small or large the SDU could be.

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Detached SDU – Maximum Lot Coverage

A total of 3 comments were received through email submissions suggesting the proposed 25% lot coverage for all accessory buildings (but not including the principal dwelling) should be higher, as accessory buildings such as detached garages and shed may take up a portion of the lot.

Detached SDU – Maximum Gross Floor Area of 50.0 square metres

Comments received through the virtual town hall meeting and email submissions indicated that 50 square metres was too small and close to 80% of survey respondents indicated the size should be based on lot size. The maximum GFA of 50.0 sq m was based on the Laneway Housing Pilot Project and considered a starting point in the Discussion Paper but after actual proposals were made by architects, it was determined to be insufficient and a larger maximum was needed. As noted below, staff concurred with public feedback and a larger size is proposed. However, the GFA of the detached SDU cannot be larger than the principal dwelling to maintain its accessory nature, and therefore, the concept of unit size for a detached SDU is different from an internal unit.

Detached SDU – Setback and Built Form Requirements

Comments regarding required setbacks from a side or rear lot line were mixed. Some of the comments from the Survey (4 respondents) and via email suggested the setback is not necessary and may create a barrier to narrower lots to accommodate a detached SDU. Alternatively, it was suggested that the City should allow the homeowner to establish their own setback from the property line.

All comments received suggested windows should be allowed with no restrictions. Respondents indicated a preference to allow balconies and rooftop patios above the first floor for design flexibility.

The preference by the majority of respondents is to allow the detached SDU to have the same height as the main house.

3.2 Rural Area

Based on the feedback received, there is overall broad support for permitting SDUs in the Rural Area.

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The most frequent concerns and feedback expressed about the SDU regulations in the Rural Area are:

- Support for not requiring a maximum unit size (68%) or a minimum unit size (62%) for SDUs within a principle dwelling; and,
- Significant interest in allowing detached SDUs. 49% of the respondents would like to build a SDU.

In the rural area, concerns, feedback and questions about the importance of protecting and maintaining the health of the groundwater is a common theme.

Concerns about the potential for a severance of the detached SDUs was raised by the members of the Agricultural and Rural Affairs Committee and the concern that a severance would result in the further fragmentation of the agricultural land base and result in potential land use conflicts between agricultural practises and non-farm rural residential dwellings.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1.0 Introduction

A Secondary Dwelling Unit (SDU) is a self contained accessory dwelling unit (aka “an accessory apartment”) either within a single detached, semi-detached or townhouse/rowhouse dwelling, or a SDU may be located within a detached structure, either purpose built or through conversion of an existing structure (aka a “laneway house”), or both.

Under the provisions of the *Planning Act* (as amended by Bill 108), municipal official plans are required to contain policies to permit Secondary Dwelling Unit(s) (SDUs). Local Official Plan policies are required to permit:

- two residential units in a detached house, semi-detached house or rowhouse; and,
- a residential unit in a building or structure (either purpose built or conversion of an existing structure) accessory to a detached house, semi-detached house or rowhouse.

The *Planning Act* requires that municipalities implement their official plan policies by maintaining up to date zoning by-laws.

The Bill 108 SDU provisions align with Amendment No. 1 to the Growth Plan that came into effect in August 2020. The growth forecasts in Amendment No. 1 are based on

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population, employment and household forecasts prepared by Hemson Consulting for the Province. The Hemson forecasts anticipate that for the 2016 – 2051 time period, 5,200 accessory units will be created in Hamilton, or approximately 150 units annually.

In December, 2020, Planning Committee and Council approved City Initiative CI-19-F – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan which included policy changes to implement Bill 108 (*More Homes, More Choice Act, 2019*), concerning the requirement for municipalities to establish Official Plan policies to permit Second Dwelling Unit(s) (SDUs). The implementing Official Plan Amendment (RHOP OPA No. 26 and UHOP OPA No. 142) were adopted by Council on January 27, 2021.

This Report is a follow up to the Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Urban Area Discussion Paper, Brochure, and Second Dwelling Unit Process Map (PED20093) that was approved by Planning Committee on September 20, 2020 and City Council on September 28, 2020.

2.0 Revisions Required to the Zoning By-laws

In response to comments received through the public engagement process and further technical review by staff of the proposed regulations, some of the proposed regulations contained within the Discussion Paper have been modified. The major changes include:

- adding four new definitions: one for a SDU and a separate one for a detached SDU, as well as definitions for a ditch and for a swale;
- increasing the maximum allowable size for a detached SDU, including a regulation where the detached SDU cannot be larger than the principal dwelling;
- locational requirement of a detached SDU wholly located in the interior side yard;
- adding landscape area requirements for each dwelling unit and require the landscaped area for detached SDU’s to be screened;
- requiring a minimum setback for a detached SDU from any swale; and,
- using existing maximum lot coverage regulations, where they exist.

For the six former municipal Zoning By-laws, the proposed regulations either replace existing residential conversion regulations or create a new set of regulations to permit Secondary Dwelling Units throughout the urban area. The effect of the proposed regulations is to harmonize and provide consistency across the entire City of Hamilton.

Secondary Dwelling Unit regulations are proposed for Zoning By-law No. 05-200 because single detached, semi-detached and townhouse dwelling units are permitted in some zones (i.e. Downtown, Institutional, Commercial and Mixed Use, Transit Oriented

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Corridor and Rural Zones). When the residential zones are added to Zoning By-law No. 05-200, these proposed regulations will apply.

In accordance with the Official Plan, it should be noted that SDUs will not be permitted in any deferred development (“DD”) or neighbourhood development (“ND”) zone in any By-law as the intended use/development of lands in a “DD” or “ND” zone is subject to future amendments to Zoning By-law No. 05-200 and the Official Plan designation is often for commercial, industrial or higher density residential uses.

The proposed zoning regulations are structured into Secondary Dwelling Unit general provisions (e.g. definitions and parking standards) and regulations specific to the three SDU typologies:

- Internal to the Principal Dwelling;
- Newly constructed Secondary Dwelling Unit; and,
- Conversion of an existing accessory building to a Secondary Dwelling Unit.

The proposed zoning by-law regulations include technical changes to add new provisions and/or amend existing provisions (e.g. adequate servicing provision in the rural area) and to remove any inconsistencies or conflicts with existing zoning by-law provisions.

The proposed Zoning By-laws for the six former municipalities and Hamilton Zoning By-law No. 05-200, are attached as Appendices “A” to “G” to Report PED20093(a). A summary of the specific regulations is detailed in Appendix “M-1” to Report PED20093(a).

The zoning regulations work together and are inter-related. The proposed zoning regulations implement the following land use planning and corporate / community goals and objectives:

- Responding to Climate Change impacts and managing storm water;
- Respecting neighbourhood character;
- Minimizing privacy and other impacts on neighbours;
- Recognizing constraints of existing lot and building configurations; and,
- Protecting the health and safety of residents and the community.

Appendix “I” to Report PED20093(a) illustrates how these regulations, by SDU typology, contribute to achieving the goals/objectives above.

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It should be noted that the Zoning By-law regulations recommended in this report would establish the as-of-right zoning permissions. These as-of-right permissions have been prepared to meet the majority of lot types and circumstances. However, it is important to note that the as-of-right permissions cannot anticipate all the differences and unique circumstances that may exist (e.g. lot patterns and configuration, location of existing buildings on a lot, etc.). Therefore, variations to these standards may be appropriate in some circumstances. These would be considered and addressed through the Minor Variance process. This report is recommending that such variances be considered as Routine Variances, which pay a lesser fee than a Full Variance application.

Over the next 18 months, these regulations will be monitored. In the event there are regulations that require consistent modifications by way of minor variance applications, staff will report back to Planning Committee with a recommended course of action which may include further amendments to the Zoning By-law.

2.1 Secondary Dwelling Unit Zoning By-law Regulations – Urban Area

Based on the public engagement results, overall, there is generally support for all forms of SDUs in the urban area. Further, the preference, by many respondents, is that as few regulations as possible should be included in the Zoning By-laws even if such regulations are intended to ensure community and neighbourhood integration, support streetscape character and provide for privacy and safety of residents. With that in mind, staff have identified the recommended regulations below, which provide a balance between the need for additional housing opportunities and meeting the objectives stated in Section 2.0 above.

2.2 Regulations for Secondary Dwelling Units Interior to a Principal Dwelling

Any SDU located inside the main dwelling, or as part of an addition to the building, must conform to the parent zone regulations. As a result, there are no new setback or height requirements necessary for this form of SDU. Therefore, the following are the recommended regulations for this form of SDU:

- **Main Entrance to SDU** – In most areas of the city, the main entrance will be required to be through a common lobby, atrium or from the interior side or rear of the principal dwelling. The intent is to maintain the overall appearance from the street where each dwelling unit typically has one entrance that face the street.

However, it is recognized that in certain areas, there is a more diverse range of dwelling types on the same block, such as single detached, semi-detached, duplex, triplex and street townhouse dwellings. As a result, it is possible to have

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two front doors facing the street. A proposed regulation to allow the main entrance to the SDU to face the street has been included in Zoning By-law No. 6593 and 05-200 for the lands identified in Appendix “M-2” to Report PED20093(a)).

- Exterior Stairs above a first floor – Exterior stairways excluding a fire escape above the first floor will not be allowed.
- Maximum or Minimum Size of a SDU - The recommended approach is to not require minimum or maximum sizes of the SDU, either as a percentage of total gross floor area or a hard square footage cap, as part of the Zoning By-law, but rather to rely upon the Ontario Building Code. The Ontario Building Code establishes minimum standards for room sizes, and the OMB/LPAT has typically deferred to these standards when approving minor variance applications for relief from the minimum dwelling and/or unit size provisions currently in Zoning By-law No. 6593.

As part of the Provincial Housing Action Plan, the Province released a guide on accessory units which outlines minimum room sizes, based on the Ontario Building Code. A table summarizing these minimum room sizes is provided below. Note that, in addition to a bathroom and a master bedroom, a dwelling unit must have all of the following rooms: living area, dining area and kitchen (except where a sleeping area is combined with living/dining/kitchen, i.e. ‘bachelor apartment’).

Room/Space	Minimum Required Floor Area
Living Area	13.5 m ² (145 ft ²)
Dining Area	7 m ² (75 ft ²)
Kitchen	4.2 m ² (45.2 ft ²)
Combined living, dining and kitchen areas in a one-bedroom unit	11 m ² (118.4 ft ²)
Master bedroom (without built-in closet)	9.8 m ² (95 ft ²)
Other bedrooms (without built-in closets)	7 m ² (75 ft ²)
Bathroom	Sufficient space for sink, toilet and shower stall or bath
Combined sleeping, living and dining areas and kitchen space	13.5 m ² (145 ft ²)

(Relevant Building Code provisions - Division B, Subsections 9.5.4. to 9.5.9.)

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There was strong support through the public consultation for not including a minimum or maximum size of an internal SDU within the Zoning By-law itself, and therefore none is being recommended. Relying on the minimum standards of the Ontario Building Code allows the property owner the flexibility to determine the size of the SDU based on the extent of the existing dwelling or addition to the principal dwelling. The SDU can be established based on existing or planned floor plans (such as taking up the entire basement as opposed to a portion) and to the needs of the SDU resident.

2.3 Newly Constructed Detached Secondary Dwelling Units

Regulations for newly constructed detached SDUs are summarized below. These regulations are intended to achieve sensitive community integration and to address matters such as privacy, overlook, stormwater management, grading and drainage, landscaping, and the preservation of private backyard space.

- **Minimum Setbacks** - a minimum 1.2 m interior side yard and rear yard setback will be required and must be free and clear of obstructions and storage to address stormwater management and grading and drainage, and to allow the property owner to make repairs and maintenance to the detached SDU without needing to enter the abutting property. Further, gutters and eaves can be installed without encroaching into the abutting lot. This setback is consistent with existing Zoning By-law requirements for other types of accessory buildings.

The minimum flankage yard (corner lot) setback would be based on the regulations of the applicable residential zone. The purpose is to maintain a street edge on a corner lot based on the requirements of the zone the building is in.

- **Lot Coverage** - Most of the former municipal Zoning By-laws have maximum lot coverage regulations for residential zones. To avoid overbuilding and to allow for landscaping and parking, the recommended approach is to retain the existing lot coverage regulations in these by-laws on an interim basis. For the area of the City covered by Zoning By-law 05-200, a maximum 25% lot coverage for accessory buildings is recommended as an interim measure. These interim lot coverages will be further reviewed as part of the ongoing work relating to the comprehensive update to the City's residential Zoning By-law standards.
- **Distance between the back of the principle dwelling and the SDU** – The Discussion Paper proposed a 7.5 m setback between the principle dwelling and the SDU. While some of the public comments suggested that this setback may be too large, the proposed regulation has been retained to ensure separation between the

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principle dwelling and the attached SDU as well as to retain the existing amenity area/open space area of the principle dwelling. The separation also meets climate change goal where the required open space provides opportunities for landscaping of the rear yard and ensuring adequate drainage is provided.

- Maximum Gross Floor Area (GFA) for the Detached SDU – Establishing a maximum gross floor area (GFA) for a detached SDU has several implications. An appropriate maximum GFA can help ensure the detached SDU does not result in overbuilding on the lot. Further, establishing a maximum size helps address climate change by minimizing the loss of landscaped area in side and rear yards, and ensuring that grading and drainage concerns are minimized. However, a maximum GFA needs to be large enough such that SDUs can accommodate various household types and needs.

Much of the public feedback on the Discussion Paper suggested that the proposed 50.0 sq. m. maximum GFA was too low, and that a larger maximum size would be appropriate. As a result of this feedback, the amended proposed regulation (not including mechanical rooms and staircases) is 75.0 sq m.

An additional regulation has been added that restricts the maximum size of the detached SDU to not exceed the total floor area of the principal dwelling to avoid having a detached SDU that is bigger than the principal dwelling.

- Height – The Discussion Paper proposed a maximum height of 6.0 m, which is equivalent to two floors with a flat roof, or one floor with a sloped roof. Some of the public feedback suggested a higher height limit, such as setting the maximum height for the SDU at the height of the principal dwelling. Despite these comments, the recommended approach is to maintain the maximum height limit at 6.0 m. This height would ensure the SDU does not impact abutting lots with respect to shadowing, overlook, and privacy. A 6.0 m height limit is also consistent with the height limit that was established through the Laneway Housing Pilot Project (Bylaw- No. 18-299).
- Safety regulations - The Ontario Building Code and the Ontario Fire Code contain regulations that ensure emergency personnel can reach the scene of an emergency by providing a clear and unobstructed path on the lot, and a maximum distance from the street for fire hoses to reach the entrance of a dwelling unit. The regulations proposed in the Discussion Paper to satisfy these considerations were:
 - A maximum linear distance from the lot lines abutting the street to the entrance of the detached SDU of 40 m; and,

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- A minimum 1.0 m wide unobstructed path with a minimum height clearance of 2.6 m from the street to the entrance of the detached SDU.

Some of the public feedback suggested a reduction in the minimum 1.0 m wide unobstructed path to 0.9 m as has been done in Toronto; however staff is not recommending any change to this standard, and that the 1.0 m be retained. With respect to the minimum height clearance, while the Discussion paper proposed a 2.6 m height, the OBC requires only 2.1 m. Therefore, staff is recommending that this standard be set at the OBC requirement of 2.1 m.

- Design regulations - Design regulations within the Zoning By-law would apply above the first floor and are intended to ensure windows, balconies, and rooftop patios do not impact abutting properties from impacts due to noise, overlook, and privacy. The Discussion Paper proposed that windows be permitted with a 1.5 m setback and balconies, porches and roof top patios be prohibited above the first storey.

Based on the public feedback received as well as a review of the OBC requirements, a modification is being proposed to align with the OBC which would permit windows on any building façade on the SDU as long as the building is setback a minimum of 1.2 metres from the lot line. The prohibition on balconies, porches and roof top patios has not been changed.

In addition, a new regulation has been added to require a minimum landscaped area of between 8-12 m² for each dwelling unit (the amount of landscaped area increases as the units get larger) This landscaped area allows for open space amenity area for the detached unit. In addition, to provide a demarcation of the amenity space for the detached SDUs, there is a requirement for the landscaped area associated with the detached SDU to have a visual barrier of between 0.3 m and 1.0 m in height on two sides of the amenity area. This barrier could be in the form of shrubs or plantings and not just a fence wall.

- Stormwater Management Grading and Drainage Considerations – In addition to the landscaped area requirement noted above, a setback of 1.0 m from a swale is required to ensure the flow of stormwater. In most cases, the swale is on the lot line; however, should the swale be located off set from the lot line, then this regulation will protect it. As detached SDUs might have a foundation or even a basement or cellar, the intent is to minimize disturbance to the swale by not building too closely.

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2.4 Conversion of an Existing Accessory Building to Detached Secondary Dwelling Units

An existing, legally established accessory building in the Urban Area may be converted to a detached SDU. The following regulations would apply to such a conversion:

- A “Vacuum Clause” regulation has been introduced to address any non-complying matters associated with the conversion of a legally established accessory building into a detached SDU. The proposed regulation deems the converted detached SDU to comply with the regulations for setback requirements, height, gross floor area, lot coverage, and distances from the principal dwelling. However, the conversion must still meet Ontario Building Code requirements and is subject to a Building Permit application.

The Vacuum Clause regulation will not apply to additions greater than 10% of the size of the accessory building being converted, and any additions must be built in accordance with the proposed regulations for a newly constructed detached SDU.

- Any required parking space that is lost due to the conversion of the accessory building (e.g. if it is a garage that contains a required parking space) then the required parking space must be replaced on site. In some cases, it might be accommodated on the existing driveway, or through a widening of the existing driveway as long as the 50% landscape requirement is met.
- A regulation has been added requiring converted detached SDUs also meet safety regulations with respect to setbacks and fire equipment access to the SDU, notwithstanding the Vacuum Clause. It is a requirement for converted detached SDUs meet the Ontario Building Code and Fire Code regulations with respect to creating a free and clear 1.0 metre path from the street to the entrance of the detached SDU, and a maximum 40 metres for the fire hose to be able to reach the front entrance to the detached SDU.

2.5 Parking Standards for all Types of Secondary Dwelling Units

In September 2019, the Province issued Ontario Regulation 229/19 which regulates how municipalities can set and apply zoning by-law standards for secondary dwelling units. With respect to parking, O/Reg 229/19 sets out the following:

- Establishes a base standard of not more than one required parking space for each SDU, which may be provided through tandem parking as defined.

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- If a municipal zoning by-law requires no parking spaces for the primary residential unit, then no parking space can be required for the SDU; and,
- If a municipal zoning by-law is passed that sets a parking standard lower than a standard of one parking space for each SDU, then to avoid any potential conflict between the Regulation and the zoning by-law, the municipal zoning by-law parking standard would prevail.

The following parking standards for SDUs are proposed in this report:

- A city-wide minimum parking standard of 1.0 spaces per SDU is proposed and would apply to both the Urban and Rural Areas. However, it is recognized that in certain parts of the City, many existing lots cannot accommodate parking on-site due to the location of the dwelling or the lot configuration. In recognition of this circumstance, a proposed regulation has been introduced that applies to certain lands in the lower City of Hamilton, roughly bounded by Highway 403 in the west, south of the industrial area to the north, the Niagara Escarpment to the south, and Ottawa Street to the east. (See Appendix “M-2” to Report PED20093(a)).

Within this broad area, no additional parking for the SDUs will be required for lawfully established single detached, semi-detached, street townhouse, or block townhouse dwellings. This regulation is proposed in Hamilton Zoning By-law Nos. 6593 and 05-200 (see Appendices “A1” and “F” to Report PED20093(a)). This regulation is consistent with the regulation in the Temporary Use By-law (By-law 19-307) that amended Section 19 of Hamilton Zoning By-law No. 6593, where parking was no longer required in certain parts of Wards 1 (east of Highway 403) and 2.

- Adding additional parking spaces has the potential to reduce landscaped areas in the front yard. Currently, a regulation exists in both Zoning By-law No. 6593 and 05-200 that requires a minimum 50% of the front yard to be landscaped, consisting of sod, trees and shrubs, decorations and walkway, but that does not include a driveway or manoeuvring or access lanes. The intent of this regulation is to preserve permeable area and maintain the appearance from the street. No change is proposed to this existing regulation, and therefore any added parking would have to continue to maintain 50% landscaped area in the front yard.
- Tandem Parking is two vehicles parked one in front of the other. Although tandem parking is effective when all vehicles belong to one household, there can be operational constraints when vehicles are owned by different households. The concern is where the inner car must wait for the outer to drive out of the driveway

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first before it can exit. It is proposed that for SDUs, tandem parking would not be permitted for any required parking spaces, but would be permitted for any non-required parking spaces.

- The proposed SDU regulations prohibit additional driveways to be established for an SDU, except in the case of a corner lot where one driveway would be permitted per street frontage. The intent of this regulation is to prevent lots from having multiple driveways on the same street frontage and alter the general appearance from the street and reduce curb cuts thereby reducing on street parking. This regulation is consistent with Zoning By-law No. 05-200.

2.6 Other Technical Regulations to Secondary Dwelling Units

In addition to the above-mentioned regulations, the Discussion Paper proposed technical regulations and definitions that would give support to the SDU regulations. The public consultation did not identify any concerns with these technical regulations, and therefore there are no changes being proposed. These regulations include:

- A regulation within Hamilton Zoning By-law No. 05-200 to allow a SDU within a legally established single detached, semi-detached dwelling street or block townhouse located within the General Industrial (M5) and the Light Industrial (M6) zones in the Bayfront area (existing special exception 375).
- A regulation to ensure the establishment of an SDU(s) in one (unsevered) lot is not considered as a triplex, multiple dwelling, or other form of medium density dwelling type.
- A regulation prohibiting the location of a detached SDU from the front and flankage (exterior side) yard, which is a consistent regulation to accessory buildings in all Zoning By-laws.

2.7 Secondary Dwelling Unit and Related Zoning By-Law Regulations – Rural Area

Planning Committee and City Council, at their meetings of September 22, 2020 and September 30, 2020, directed that regulations related to SDUs within the principal dwelling in the Rural Area be included as part of this phase of the SDU project. The second phase of this project will determine the potential to allow detached SDUs in the Rural Area along with any regulations required to allow this use. This second phase is expected to be completed by the end of 2021.

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The proposed Zoning By-law regulations for SDU's in the Rural Area will allow one SDU to be contained within the principal dwelling. There was broad support during the public consultation to permit SDUs in the Rural Area. Further, there was a strong interest in constructing these units. The regulations to support this use include:

- Requiring a minimum lot area of 0.6 ha for a single-detached or semi-detached dwelling lot to ensure an adequate lot size for the accommodation of a well and septic tank;
- Adding a new requirement to ensure adequate servicing on the site; and,
- Requiring the entrance to the SDU to be located be on the side or at the rear of the building.

Appendix "M-1" to Report PED20093(a) contains the detailed regulations.

2.8 Technical Changes to Farm Labour Residence Definition and Regulations

As a result of adding the definition of SDU to Zoning By-law 05-200, overlaps in the Farm Labour Residence definition and regulations have occurred. In addition, there are inconsistencies within the Zoning By-law structure; more specifically, the definition of Farm Labour Residence which inappropriately contains regulations.

Currently, the existing Zoning By-law 05-200 regulations allow one Farm Labour Residence per lot based on one of three forms:

- An accessory apartment attached to and forming part of the principal farm dwelling (attached SDU); or,
- A bunkhouse with shared eating and bathroom facilities; or,
- A detached dwelling of temporary construction, such as a mobile home.

The changes to eliminate the overlap and restructure the Farm Labour Residence regulations and definition include:

- Deleting accessory apartment as a form of Farm Labour residence, since attached SDU's have their own set of regulations and there is no restriction as to who can live in this SDU;
- Relocating the regulations related to the form of the Farm Labour residence to the Agriculture (A1) and Rural (A2) zone regulation sections;

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- Removing redundant wording in the regulations; and,
- Amending the definition to delete the reference to the form of the Farm Labour residence.

2.9 Adequate Services (Water and Sewage Disposal)

A new clause is proposed to be added to Zoning By-law 05-200 to address the need to ensure adequate services are provided and maintained for rural uses. This new regulation is similar to an existing regulation which has the same requirement for urban uses,

“iii) For lands in a Rural zone,

1. An approved waste disposal and water supply systems to sustain the use of land for buildings shall be provided and maintained to the satisfaction of the Chief Building Official; and,
2. All regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate.”

3.0 Other Related Matters

3.1 Site Plan Control for Secondary Dwelling Units

Currently, Site Plan Control for single detached and semi-detached residential dwelling units applies in only limited locations in the City, such as the Beach Strip, by Zone such as the ER Zone in Ancaster, and if the lot is located within an Environmental Significant Area. Many of these areas are under Site Plan Control to address specific unique matters such as grading and drainage and stormwater management.

With the exception of the Beach Strip and parts of Ancaster, which are under Site Plan Control already for single detached and semi-detached dwellings, staff are recommending that Site Plan Control not be applied to SDUs, as regulations have been put in place through the recommended Zoning to address concerns such as a free and clear minimum 1.0 metre setback from the property line to ensure proper drainage to the side of the SDU, maximum lot coverage requirements, and minimum distance between the principal dwelling and the SDU in the interior side and rear yards.

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At the time of the Building Permit application submission, based on the size and location of the detached Secondary Dwelling Unit, the applicant will be required to submit a detailed grading and drainage plan, prepared, stamped and signed by an Ontario Land Surveyor, Architect, Landscape Architect or a Professional Engineer competent in this field, to confirm that no grading issues are being caused on the property including but not limited to the grades along the property lines. Please note this grading plan will also be used to determine if a site alteration permit is required in accordance with the Site Alteration By-law.

3.2 Amendments to the Parkland Dedication By-law

Staff is recommending that Section 5(5) of the Parkland Dedication By-law 18-126 be amended to extend the reduced parkland dedication rate from one secondary dwelling unit in a single detached dwelling to include up to two secondary dwelling units in a single detached, semi-detached, or townhouse dwelling and on a lot containing such dwellings.

The reduced rate for the addition of one secondary dwelling unit in an existing single detached dwelling was first introduced in 2015 to encourage small scale intensification. At its meeting of September 9, 2015, Council passed a Motion that introduced a temporary flat fee of \$500 where a second dwelling unit was added in an existing single detached dwelling. At its meeting of March 8, 2017, Council approved Amending By-law 17-039 which included an amendment to continue the application of this reduced rate as part of Phase I of a Parkland Dedication By-law Review. Amending By-law 17-039 specified a flat fee of \$750 to the addition of one dwelling unit in an existing single detached dwelling, subject to annual indexing.

As part of Phase 2 of the Parkland Dedication By-law Review, the flat fee was updated to align with the indexed rate in effect at the time. At its meeting of May 23, 2018, Council approved Parkland Dedication By-law 18-126 which is still in effect. By-law 18-126 specifies that the fixed rate for the addition of one dwelling unit is \$869, subject to annual indexing. The current (indexed) rate in effect on April 1, 2021 is \$1,131 per unit. The current (indexed) rate as of April 1, 2021 is \$1,131 per unit.

3.3 Committee of Adjustment Fee

A new fee is proposed to be added to the Tariff of Fee By-law No. 12-282, as amended by By-law No. 19-108, to introduce a fee of \$600 for Committee of Adjustment applications respecting secondary dwelling units, attached as Appendix "H2" to Report PED20093(a). This fee is the same as the fee for accessory structures. This reduced fee is being proposed in order to minimize financial barriers to the creation of SDUs in

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situations where minor modifications to the regulations set out in this report are deemed to be appropriate.

As work on the residential Zoning By-law reform progresses, staff will monitor Committee of Adjustment application to determine if any of the proposed regulations are repeatedly being identified as a barrier to the creation of SDUs. While not every property can accommodate both an SDU and a detached SDU, staff will access and recommend any adjustments to the regulations, if required.

3.4 Other Housing Related Planning and Development Department Reports

The following housing topics will be the subject of separate reports to Planning Committee and Council:

- Property Standards By-law;
- Rental Housing Licencing Pilot Program for Wards 1, 8, 14;
- Condo Conversion UHOP policies and associated Municipal Act By-law;
- Family Friendly Housing Guidelines; and,
- Short term rentals.

3.5 Other Financial Incentives

A separate report to address Development Charges and SDUs will be presented to the Audit and Finance Committee.

Further, an update to the Housing and Homelessness Action Plan by the Healthy and Safe Communities Department may provide additional direction on other financial incentives or approaches to encourage SDUs to be built.

4.0 Matters outside the Scope of the Zoning By-law

4.1 Building without Permits

Although residential conversions have been permitted through Hamilton Zoning By-law No. 6593 since the early 1990s, there continues to be dwelling units that have been constructed without Building Permits or where the use is not permitted. Although illegal units are a form of affordable housing, residing in a dwelling unit can result in health and safety concerns. Introducing new regulations into the Zoning by-laws is one proactive step in increasing housing opportunities, but it does not obviate the need for a building permit.

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4.2 Property Standards and Parking Matters

Through public engagement, several comments were received respecting concerns that Secondary Dwelling Units could result in property standards issues, if tenants or landlords do not take care of their properties. Property standards issues such as uncut grass and weeds, waste bins not collected after garbage pickup, sidewalks not being shovelled, or garbage and debris are some of the concerns that were expressed. Illegal parking was another concern that was commonly expressed.

Property standards and parking matters are subject to municipal law enforcement through various municipal By-laws, such as the Property Standards By-law (By-law No. 10-221), the Snow off Sidewalk By-law (By-law No. 03-296), and the Yard Maintenance By-law (By-law No. 10-118). Parking enforcement is regulated through the On-Street Parking By-law (By-law No. 01-218). These by-laws and regulations will continue to be in force and effect with respect to SDUs, as they are in all parts of the City. Staff will continue to monitor and report to Council on enforcement activities related to these by-laws, and should any matters arise as a result of SDUs that warrant amendments to these by-laws, staff will bring forward future reports recommending such changes.

4.3 Occupancy Requirement for an SDU

Historically, it has been assumed that SDUs will be created in owner occupied dwellings and as such municipalities should require owner occupancy as a precondition to permitting SDUs.

Zoning regulates the use of the land and not the user of the land. Through Ontario Regulation 229/19, the Province has provided clarification that municipal zoning by-laws cannot require owner occupancy requirements for SDUs. Specifically, the regulation states that where a SDU is permitted in a zoning by-law, the SDU may be occupied by any person regardless of whether the primary residential unit is occupied by the owner of the property.

In addition, Regulation 299/19 also includes provisions that a zoning by-law must permit a SDU without regard to the date of construction of the primary or ancillary building.

5.0 Accessory Dwelling Units Regulations

This section of the Zoning By-law originated in 2005 and has been amended several times as each new zone category was added to the by-law. This Section has regulations in that are part of the SDU regulations, specifically restricting to a detached SDU in a front yard, driveway setbacks and eave encroachment. As a result, this

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Section is being deleted and replaced with a more comprehensive set of regulations, attached as Appendix “A1” to Report PED20093(a), that are up to date and easier to read.

6.0 Zoning By-law Interpretations

Most contemporary Zoning By-laws include diagrams and tables that make it easier for the public to read them and for staff to implement them. New regulations are being proposed to identify how diagrams and tables are to be used in Hamilton’s Zoning By-laws, either as information tools, or to illustrate regulations.

ALTERNATIVES FOR CONSIDERATION

SDU Zoning By-law Regulations

While the principal of allowing the use of SDUs is established in both the Planning Act as well as in the City’s Official Plan and Zoning By-laws, Council could decide to modify one or more of the individual regulations recommended in this report as they relate to that use.

Parkland Dedication and Committee of Adjustment Applications

Council could choose to apply the full rate for parkland dedication and/or Committee of Adjustment applications as they relate to applications for SDUs.

Site Plan Control

Council could choose to require Site Plan Control applications for detached SDU’s. This approach would add significant cost to the establishment of an SDU, as well as require additional resources for the review and processing of applications.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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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-1": Draft Zoning By-law for Hamilton Zoning By-law No. 05-200 – Accessory Buildings
- Appendix "A-2": Draft Zoning By-law for Hamilton Zoning By-law No. 05-200 – Secondary Dwelling Units
- Appendix "B": Draft Zoning By-law for the former Ancaster Zoning By-law 87-57
- Appendix "C": Draft Zoning By-law for the former Dundas Zoning By-law 3581-86
- Appendix "D": Draft Zoning By-law for the former Flamborough Zoning By-law 90-145-Z
- Appendix "E": Draft Zoning By-law for the former Glanbrook Zoning By-law 464
- Appendix "F": Draft Zoning By-law for the former Hamilton Zoning By-law 6593
- Appendix "G": Draft Zoning By-law for the former Stoney Creek Zoning By-law 3692-92
- Appendix "H-1": Draft Parkland Dedication By-law
- Appendix "H-2": Draft Tariff of Fee By-law – Committee of Adjustment fee
- Appendix "I": Rationale of SDU Regulations
- Appendix "J": Public Engagement Techniques in Engage Hamilton Portal
- Appendix "K-1": Public Engagement Feedback Summary – General Comments
- Appendix "K-2": Public Engagement Feedback Summary – Urban Internal SDU Comments
- Appendix "K-3": Public Engagement Feedback Summary – Urban Detached SDU Comments
- Appendix "K-4": Public Engagement Feedback Summary –Rural Comments
- Appendix "K-5": Public Engagement Feedback Summary – Parking Regulations for SDU Comments
- Appendix "K-6": General Town Hall Meeting Comments
- Appendix "L-1": Urban Area Survey Summary
- Appendix "L-2": Rural Area Survey Summary
- Appendix "M-1": Summary of Regulations by SDU typology
- Appendix "M-2": Area of reduced Parking and Second Entrance facing the Street would be allowed (applies to Zoning By-law 05-200 and 6593 only)
- Appendix "N": Public Notice of the Planning Committee

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Authority: Item _____, Planning
Committee
Report PED20093(a)
CM:
Ward: Citywide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-_____

**To Amend Zoning By-law No. 05-200, Respecting Interpretation and new
Accessory Building Regulations (Citywide)**

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

AND WHEREAS this By-law is in conformity with the Urban and Rural Hamilton Official Plans.

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

1. That SECTION 2: INTERPRETATION be amended as follows:
 - 1.1 That Subsection 2.5 Interpretation of Zone Boundaries be renumbered to Subsection 2.6.
 - 1.2 That the following two new Subsections be added:
 - 2.5 Incorporation of Appendices

The following appendices do not form part of this By-law but are included for information purposes only. Any additions to, deletions of, or alterations to Appendices do not require a zoning by-law amendment.

 - a) Appendix A - Illustrations
 - 2.7 Interpretation of the By-law
 - 2.7.1 Use of Tables
 - a) Tables form part of the By-law
 - b) Notations

- i) Permitted Use Table
 - 1. √ – The use is permitted
 - 2. Blank cell – The use is not permitted

- ii) Regulations Table
 - 1. Blank cell – No regulation applies
 - 2. Number in brackets – One or more additional regulations apply and are listed at the bottom of the Table.
 - 3. m – Metre
 - 4. m² – Square Metres
 - 5. % – Percent
 - 6. n/a – Not Applicable

2.7.2 Reference Aids

- a) Reference aids as tables of contents, marginal notes, headers, footers, headings, and illustrations are included in this By-law for convenience and reference only and do not form part of this By-law.
 - b) For greater certainty, illustrations are used as examples to show the application of a regulation and shall not be construed to have general application beyond their context.
2. That SECTION 4: GENERAL PROVISIONS of By-law No. 05-200 is amended as follows:
- 2.1 That Subsection 4.8 ACCESSORY BUILDINGS IN ALL ZONES be deleted and replaced with the following new section:

"4.8 ACCESSORY BUILDINGS

No accessory building may only be erected or used in accordance with the following:

- a) Unless otherwise provided for in this By-law, Accessory Buildings shall not be used for human habitation.
- b) Accessory Buildings shall not be permitted within a front or flankage yard.
- c) Notwithstanding Subsection 4.8 b), a building used as a station for parking attendants or security personnel shall be permitted within a front or flankage yard.

- d) Notwithstanding any other provisions in this By-law, where a zone contains a maximum setback requirement from a street line, the maximum setback requirement shall not apply to Accessory Buildings.
- e) In the event of a conflict between regulations where an Accessory Building is provided for a mixed use building, the most restrictive regulations shall apply.
- f) Except as permitted in Subsection 4.18 a), an Accessory Building shall not be erected prior to the erection of the principal building or structure on the lot.
- g) All Accessory Buildings shall have a maximum height of 4.5 metres.
- h) Notwithstanding Subsection 4.6a), an eave or gutter of any Accessory Building may encroach into any required yard to a maximum of 0.45 metres.
- i) Rooftop amenity area shall be prohibited on all Accessory Buildings.
- j) Gazebos, pergolas, and carports shall be considered as Accessory Buildings, but shall not be subject to the Lot Coverage or Gross Floor Area requirements of the applicable zones in which they are located.
- k) Children's play structures and sports bleachers shall not be considered Accessory Buildings and shall not be subject to the regulations of Subsections 4.8.1, 4.8.2, 4.8.3, 4.8.4 and 4.8.5 or the regulations of the zones in which they are located.

4.8.1 BUILDINGS ACCESSORY TO RESIDENTIAL USES

4.8.1.1 BUILDINGS ACCESSORY TO SINGLE DETACHED DWELLINGS, SEMI-DETACHED DWELLINGS, DUPLEX DWELLINGS, TRIPLEX DWELLINGS, STREET TOWNHOUSE DWELLINGS, BLOCK TOWNHOUSE DWELLINGS, STACKED TOWNHOUSE DWELLINGS, AND BACK-TO-BACK TOWNHOUSE DWELLINGS IN ALL ZONES (EXCEPT A1 AND A2 ZONES)

- a) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 45 square metres or 7.5% total lot coverage, whichever is the lesser.
- b) A Secondary Dwelling Unit – Detached shall not be considered as an Accessory Building.

c) All Accessory Buildings having a Gross Floor Area less than 18 square metres shall conform to the following regulations:

- | | | |
|------|---|---|
| i) | Building Setback from a Rear Lot Line | Minimum 1.0 metre |
| ii) | Building Setback from a Side Lot Line | Minimum 1.0 metre |
| iii) | Building Setback from a Flankage Lot Line | <ol style="list-style-type: none"> 1. Accessory Buildings shall conform to the regulations for the principal use. 2. Notwithstanding Subsection 4.8.1.1 c) iii), where a zone does not contain a Flankage Lot Line requirement, the minimum building setback shall be 1.2 metres. |

d) All accessory buildings with a Gross Floor Area greater than or equal to 18 square metres shall conform to the following regulations:

- | | | |
|------|---|--|
| i) | Building Setback from a Rear Lot Line | Minimum 1.2 metres |
| ii) | Building Setback from a Side Lot Line | Minimum 1.2 metres |
| iii) | Building Setback from Flankage Lot Line | <ol style="list-style-type: none"> 1. Except as required in a Subsection 4.8.1.1 e), Accessory Buildings shall conform to the regulations for the principal use. 2. Notwithstanding Subsection 4.8.1.1 d) iii), where a zone does not contain a Flankage Lot Line requirement, the minimum building setback shall be 1.2 metres. |

- e) Where a vehicular entrance to an Accessory Building faces a street line, the vehicular entrance shall be setback a minimum of 6.0 metres from the street line.

4.8.1.2 BUILDINGS ACCESSORY TO SINGLE DETACHED DWELLINGS AND RESIDENTIAL CARE FACILITIES IN A1 AND A2 ZONES

- a) Notwithstanding Subsection 4.8 g), all Accessory Buildings shall have a maximum height of 6.0 metres.
- b) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 200 square metres, or 5% lot coverage, whichever is the lesser.
- c) All buildings accessory to a Single Detached Dwelling shall have a minimum setback of 1.0 metre from a rear or side lot line.
- d) In addition to Subsection 4.8 b) and notwithstanding Subsection 4.8.1.2 c), where a vehicular entrance to an Accessory Building faces a street line or where an access driveway leads to an Accessory Building which faces a street line, the Accessory Building shall be setback a minimum of 6.0 metres from the street line.

4.8.1.3 BUILDINGS ACCESSORY TO MULTIPLE DWELLINGS, DWELLING UNITS, RETIREMENT HOMES, LODGING HOUSES, AND RESIDENTIAL CARE FACILITIES IN ALL ZONES

- a) All Accessory Buildings having a Gross Floor Area less than 18 square metres shall conform to the following regulations:
 - i) Building Setback from a Rear Lot Line Minimum 1.2 metres
 - ii) Building Setback from a Side Lot Line Minimum 1.2 metres
 - iii) Building Setback from Flankage Lot Line Accessory Buildings shall conform to the regulations for the principal use.
- b) In addition to Subsection 4.8 f), all Accessory Buildings having a Gross Floor Area greater than or equal to 18 square metres shall conform to the regulations for the principal use.

4.8.2 BUILDINGS ACCESSORY TO INSTITUTIONAL USES IN ALL ZONES

- a) All Accessory Buildings having a Gross Floor Area less than or equal to 18 square metres shall conform to the following regulations:
- | | | |
|------|---|---|
| i) | Building Setback from a Rear Lot Line | <ol style="list-style-type: none"> 1. Minimum 0.0 metres where a rear lot line abuts a Laneway. 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway. |
| ii) | Building Setback from a Side Lot Line | <ol style="list-style-type: none"> 1. Minimum 0.0 metres where a rear lot line does not abut a Laneway. 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway. |
| iii) | Building Setback from a Flankage Lot Line | Accessory Buildings shall conform to the regulations for the principal use. |
- b) In addition to Subsection 4.8 f) and 4.8.2 a), all Accessory Buildings having a Gross Floor Area greater than 18 square metres shall conform to the regulations for the principal use.

4.8.3 BUILDINGS ACCESSORY TO COMMERCIAL USES IN ALL ZONES

- a) All Accessory Buildings having a Gross Floor Area less than or equal to 18 square metres shall conform to the following regulations:
- | | | |
|-----|---------------------------------------|---|
| i) | Building Setback from a Rear Lot Line | <ol style="list-style-type: none"> 1. Minimum 0.0 metres where a rear lot line abuts a Laneway. 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway. |
| ii) | Building Setback from a Side Lot Line | <ol style="list-style-type: none"> 1. Minimum 0.0 metres where a rear lot line does not abut a Laneway. |

- 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.
 - iii) Building Setback from a Flankage Lot Line
 - Accessory Buildings shall conform to the regulations for the principal use.
- b) In addition to Subsection 4.8 f), all Accessory Buildings having a Gross Floor Area greater than 18 square metres shall conform to the regulations for the principal use.

4.8.4 BUILDINGS ACCESSORY TO INDUSTRIAL AND UTILITY USES IN ALL ZONES

- a) All Accessory Buildings having a Gross Floor Area less than or equal to 18 square metres shall conform to the following regulations:
 - i) Building Setback from a Rear Lot Line
 - 1. Minimum 0.0 metres where a rear lot line abuts a Laneway.
 - 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.
 - ii) Building Setback from a Side Lot Line
 - 1. Minimum 0.0 metres where a rear lot line does not abut a Laneway.
 - 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.
 - iii) Building Setback from a Flankage Lot Line
 - Accessory Buildings shall conform to the regulations for the principal use.
- b) In addition to Subsection 4.8 f), all Accessory Buildings having a Gross Floor Area greater than 18 square metres shall conform to the regulations for the principal use.

4.8.5 BUILDINGS ACCESSORY TO AGRICULTURE, RURAL, EXISTING RURAL COMMERCIAL, AND EXISTING RURAL INDUSTRIAL USES

- a) Buildings accessory to all uses except a Single Detached Dwelling and Residential Care Facility in an A1 or A2 Zone shall conform to the regulations for the principal use of the applicable A1 or A2 Zones.
- b) Buildings accessory to all uses in an E1 or E2 Zone shall conform to the applicable principal zone regulations."

3.0 That SECTION 6: DOWNTOWN ZONES be amended by deleting the number "4.8.1" and replacing it with "4.8" in the following clauses:

- i) 6.6.2.1n)
- ii) 6.6.2.2i)

4.0 That SECTION 7: OPEN SPACE AND PARK ZONES be amended by deleting the number "4.8.2" and replacing it with "4.8" in the following clauses:

- i) 7.6.2.3a)
- ii) 7.6.2.3b)
- iii) 7.7.2.2b)ii)

5.0 That SECTION 9: INDUSTRIAL ZONE and SECTION 12: RURAL ZONES be amended

i) by deleting the words "and 4.8.2" from the following clauses:

- 1) 9.12.3.1g)
- 2) 12.1.3.1g)
- 3) 12.1.3.3.i)
- 4) 12.2.3.7i)
- 5) 12.6.3g)
- 6) 12.6.4f)
- 67 12.7.3k)

ii) by deleting the words "and 4.8.1" from the following clauses:

- 1) 12.3.3i)
- 2) 12.4.3j)
- 3) 12.5.3h)

6.0 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*.

7.0 That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this __ day of __, 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

CI-21-A

Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED200093(a)

Date: 04/06/2021

Ward(s) or City Wide: Ward: City wide

(MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424, ext. 1249

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

Authority: Item _____, Planning
Committee
Report PED20093(a)
CM:
Ward: Citywide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-_____

To Amend Zoning By-law No. 05-200, Respecting Secondary Dwelling Unit Regulations (Citywide)

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

AND WHEREAS this By-law is in conformity with the Urban and Rural Hamilton Official Plans.

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

1.0 That SECTION 3: DEFINITIONS of By-law No. 05-200 be amended by adding the following new definitions:

Ditch	Shall mean a small to moderate excavation created to channel water.
Secondary Dwelling Unit	Shall mean a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling and shall not include a Farm Labour Residence.
Secondary Dwelling Unit – Detached	Shall mean a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling but shall not include a Farm Labour Residence.
Swale	Shall mean a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.

- 1.1. That SECTION 3: DEFINITIONS of By-law No. 05-200 be amended by revising the following definition:

Farm Labour Residence	Shall mean accommodation for full-time farm labour where the size and nature of the farm operation requires additional employment.
------------------------------	--

- 2.0 That SECTION 4: GENERAL PROVISIONS of Zoning By-law No.05-200 be amended as follows:

- 2.1. That SECTION 4.22: ADEQUATE SERVICES of Zoning By-law No.05-200 is amended by:

- i) deleting the word 'and' at the end of clause ii); and,
- ii) renumbering clause iii) to iv);
- iii) adding a new clause iii) as follows:
 - "iii) For lands in a Rural zone,
 - 1. An approved waste disposal and water supply systems to sustain the use of land for buildings shall be provided and maintained to the satisfaction of the Chief Building Official; and,
 - 2. All regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate."

- 2.2. That SECTION 4: GENERAL PROVISIONS of Zoning By-law No.05-200 be amended by adding the following new subsection:

"4.33 SECONDARY DWELLING UNIT AND SECONDARY DWELLING UNIT - DETACHED

Where a Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling is permitted in this by-law, the following regulations apply:

- a) For lands within a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone, Transit Oriented Corridor (TOC3) Zone, Agriculture (A1), Rural (A2) or Settlement Residential (S1) Zone, a maximum of one Secondary Dwelling Unit shall be

permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.

- b) For lands within a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
- c) Section 4.5a) shall not apply to a Secondary Dwelling Unit – Detached.
- d) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
- e) A single detached dwelling on one lot containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
- f) A semi-detached dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or multiple dwelling.
- g) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or multiple dwelling.
- h) Parking shall be provided in accordance with Section 5 of this by-law.
- i) Notwithstanding Sections 5.1b)i) and 5.1b)ii), parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be provided in the required front yard in accordance with Section 5 of this by-law.
- j) Notwithstanding Section 5.2e)i)a), permeable pavers may also be permitted.
- k) Notwithstanding Section 5.6a) and c), for a lot containing a Secondary Dwelling Unit, a Secondary Dwelling Unit - Detached, or both, identified in Special Figure 23 to Schedule "F", no additional parking space or spaces shall be required, provided the number of legally established parking spaces, which existed as of [DATE], shall continue to be provided and maintained.
- l) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary

Dwelling Unit – Detached shall not be permitted in any yard abutting a street.

- m) Except as provided in Subsection 4.33p), the exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- n) There shall be no outside stairway above the first floor other than an required exterior exit.
- o) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line
- p) Notwithstanding 4.33o), an additional entrance may be located on the front façade of the building for lands identified on Special Figure 23 to Schedule "F".
- q) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - i) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
 - ii) An landscaped area of 12.0 metres for each dwelling unit 50.0 square metres or more.

4.33.1. REGULATIONS FOR SECONDARY DWELLING UNIT - DETACHED

- a) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - 1. The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
 - 2. Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with

Subsections 4.33 a), c) to l), n), and q) and Subsections 4.33.1 (b) of this Zoning By-law;

- b) A Secondary Dwelling Unit – Detached in a Downtown (D5) Zone, Institutional (I1) Zone, Institutional (I2) Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone shall be subject to the following provisions:
1. Notwithstanding Section 4.8, only Subsections 4.8 b), 4.8.h), and 4.8.1.1 e) shall apply.
 2. A minimum 1.2 metres interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 3. A minimum 1.2 metres Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 4. A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
 5. A maximum height of 6.0 metres shall be permitted.
 6. The maximum Gross Floor Area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - a) For the purpose of this regulation, a Gross Floor Area shall not exclude a mechanical area.
 7. A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
 8. Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - i) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,

- ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
9. The maximum lot coverage of all Accessory Buildings and a Secondary Dwelling Unit - Detached shall be 25% of the total lot area.
 10. A maximum distance of 40.0 metres from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – Detached.
 11. An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
 12. Balconies and rooftop patios are prohibited above the first storey.
 13. Each of the landscaped areas in Subsection 4.33q) shall be screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metre.
 14. A Secondary Dwelling – Detached shall not be permitted within a *swale* or *ditch*.

4.33.2 SECONDARY DWELLING UNITS IN AGRICULTURE (A1), RURAL (A2) AND SETTLEMENT RESIDENTIAL (S1) ZONES

- a) A Secondary Dwelling Unit shall only be permitted on lands within a Agriculture (A1), Rural (A2) or Settlement Residential (S1) Zone shall only be permitted on a lot that is greater than 0.60 ha in size
 - b) The waste disposal and water supply systems shall be in accordance with Section 4.22 iii).
3. That SECTION 5: PARKING REGULATIONS of By-law 05-200 is amended as follows:
 - 3.1 That Subsection 5.6a) PARKING SCHEDULES be amended by adding the following new clause:

"a) Parking Schedule for all Downtown Zones

Column 1	Column 2
i. Residential Uses	
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 per unit

3.2 That Subsection 5.6c) PARKING SCHEDULES be amended by adding the following new clause:

"c) Parking Schedule for all Zones, except the Downtown Zones

Column 1	Column 2
i. Residential Uses	
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 per unit
vii. Uses in A1 and A2 Zones	
Secondary Dwelling Unit	1 per unit

3.3 That Subsection 5.1b)x) be deleted in its entirety.

4.0 That SECTION 6.5: DOWNTOWN RESIDENTIAL (D5) ZONE be amended by adding a new Subsection as follows:

"6.5.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

5.0 That SECTION 8.1: NEIGHBOURHOOD INSTITUTIONAL (I1) ZONE be amended by adding a new Subsection as follows:

"8.1.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

6.0 That SECTION 8.2: COMMUNITY INSTITUTIONAL (I2) ZONE be amended by adding a new Subsection as follows:

"8.2.3.9 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

7.0 That SECTION 9.12: EXTRACTIVE INDUSTRIAL (M12) ZONE be amended as follows:

7.1 That Subsection 9.12.3.1 AGRICULTURE REGULATIONS be amended by:

i) Adding a new clause j) i) as follows and renumbering the existing clauses j) i) and j) ii) to j) ii) and j) iii):

i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal farm, may be permitted in the following forms:

a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,

b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.

ii) Amending existing clause j) ii) to delete the words "Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house," in the first paragraph.

iii) Deleting clause j) iii) in its entirety.

8.0 That SECTION 10.1: RESIDENTIAL CHARACTER COMMERCIAL (C1) ZONE be amended by adding a new Subsection as follows:

"10.1.7 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

9.0 That SECTION 12.1: AGRICULTURE (A1) ZONE be amended as follows:

9.1 That Subsection 12.1.3.1 AGRICULTURE AND VETERINARY SERVICE – FARM ANIMAL REGULATIONS be amended by:

i) Adding a new clause j) i) as follows and renumbering the existing clauses j) i) and j) ii) to j) ii) and j) iii) :

- i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal Farm Dwelling, may be permitted in the following forms:
 - a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
 - b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.
- ii) Amending existing clause j) ii) to delete the words "Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house," in the first paragraph.
- iii) Deleting clause j) iii) in its entirety.

9.2 Adding a new Subsection as follows:

"12.1.3.4 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

10.0 That SECTION 12.2: RURAL (A2) ZONE be amended as follows:

10.1 That Subsection 12.2.3.1 AGRICULTURE AND VETERINARY SERVICE – FARM ANIMAL REGULATIONS be amended by:

- i) Adding a new clause j) i) as follows and renumbering the existing clauses j) i) and j) ii) to j) ii) and j) iii) :
 - i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal Farm Dwelling, may be permitted in the following forms:
 - a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
 - b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.
 - ii) Amending existing clause j) ii) to delete the words "Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house," in the first paragraph.
 - iii) Deleting clause j) iii) in its entirety.

10.2 Adding a new Subsection as follows:

"12.2.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

11.0 That SECTION 12.3: SETTLEMENT RESIDENTIAL (S1) ZONE be amended by adding a new Subsection as follows:

"12.3.4 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

12.0 That SECTION 13.3: TRANSIT ORIENTED CORRIDOR – MULTIPLE RESIDENTIAL (TOC3) ZONE be amended by adding a new Subsection as follows:

"11.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

13.0 That Special Exception 375 in SCHEDULE "C" – Special Exceptions be amended as follows.

- i) Existing clause b) be renumbered as c);
- ii) a new clause b) be added as follows:
 - b) In addition to clause a), a Secondary Dwelling Unit may be permitted within a legally established single detached dwelling, semi-detached dwelling, street townhouse, or block townhouse dwelling existing as of May 26, 2010.

14.0 That Schedule "F" to Zoning By-law No. 05-200 be amended by including a new Special Figure 23, attached as Schedule "A" to this By-Law.

15.0 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*.

16.0 That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.

17.0 That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this ___ day of ___, 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED200093(a)

Date: 03/23/2021

Ward(s) or City Wide: Ward: City wide

(MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424, ext. 1249

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

CITY OF HAMILTON

BY-LAW NO. 21-XXX

To Amend Zoning By-law No. 87-57 (Ancaster) Respecting Secondary Dwelling Unit Regulations

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

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Section 7.14 - Parking and Loading be adding the following new clause to Section 7.14 b) i) – Minimum Required

(F) Secondary Dwelling Unit 1 space per unit
Secondary Dwelling Unit –
Detached

2. That Section 9: **GENERAL PROVISIONS FOR RESIDENTIAL ZONES** be amended to include the following new subsection:

"9.14 Secondary Dwelling Units and Secondary Dwelling Units - Detached

(a) For the purposes of **Section 9.14 - Secondary Dwelling Units and Secondary Dwelling Units - Detached**, the following definitions shall apply:

(i) **Ditch** means a small to moderate excavation created to channel water.

(ii) **Lot Line, Flankage** means a lot line other than a Front Lot Line that abuts a street.

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

- (iii) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - (iv) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - (v) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
 - (vi) **Yard, Flankage** means a yard extending from the front yard to the Rear Yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.
- (b) Notwithstanding Section 7.18, a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of Lot Coverage.
 - (c) For lands within a Residential Zones or Deferred Development "D" Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
 - (d) For lands within a Residential Zones, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
 - (e) Notwithstanding Section 9.6, a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be permitted in a basement.
 - (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
 - (g) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
 - (h) A semi-detached dwelling containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex, apartment building, or multi-plex dwelling.

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

- (i) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex, apartment building, or multi-plex dwelling.
- (j) Notwithstanding Section 7.14a)xiii), permeable pavers may also be permitted.
- (k) Not less than 50% of the gross area of the Front and Flankage Yards shall be used for a landscaped area and shall not include concrete, asphalt, gravel, pavers, or other similar material, and where required parking may be located in a required Front or Exterior Side Yard;
 - (i) Encroachments in the Front and Flankage Yards identified in Section 9.14k) shall be subject to Section 7.12.
 - (ii) Notwithstanding Section 9.14k), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
 - (A) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 m for each door of a one, two or three car garage or 5.5 m for a double door of a two car garage; and,
 - (B) A walkway between the front entrance of the principle dwelling and the Front Lot Line or driveway with a maximum width of 0.6 m;
 - (iii) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit or Secondary Dwelling Unit - Detached; and,
 - (iv) Notwithstanding Section 9.14k) iii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (l) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

- (m) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (n) There shall be no outside stairway above the first floor other than an required exterior exit.
- (o) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
- (p) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - i) A landscaped area of 8.0 sq m for each dwelling unit less than 50 sq m; and,
 - ii) An landscaped area of 12.0 m for each dwelling unit 50 sq m or more.

9.14.1 Regulations for Secondary Dwelling Units – Detached

- (a) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
 - ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 4.33 (b), (d), (e), (g) to (l), n), and p) and Subsections 9.14.1 (b) of this Zoning By-law;
- b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
 - (i) Notwithstanding Section 7.18, only Subsections 7.18(a)(i), 7.18(a)(viii) shall apply.

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

- (ii) A minimum 1.2 m Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
- (iii) A minimum 1.2 m Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
- (iv) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 m shall be provided and maintained.
- (v) A maximum height of 6.0 m shall be permitted.
- (vi) The maximum Gross Floor Area shall not exceed the lesser of 75.0 sq m or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
- (vii) A minimum distance of 7.5 m shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
- (viii) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - (A) A minimum distance of 4.0 m shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - (B) A Secondary Dwelling Unit shall be set back a minimum 5.0 m from the front façade of the principal dwelling.
- (ix) A maximum distance of 40.0 m from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – Detached.
- (x) An unobstructed path with a minimum 1.0 m width and minimum 2.1 m height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
- (xi) Balconies and rooftop patios are prohibited above the first storey.

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

(xii) Each of the landscaped areas in Subsection 9.14(p) shall be screened on two sides by a visual barrier that has a minimum height of 0.3 m, and to a maximum height of 1.0 m.

(xiii) A Secondary Dwelling Unit – detached shall not be permitted in a swale or ditch.

3. That **SECTION 10: EXISTING RESIDENTIAL "ER" ZONE** be amended by adding the following new Subsection as follows:

"10.3 Regulations

10.3.7 Secondary Dwelling Units	The provisions of Subsection 9.14 shall apply."
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4. That **SECTION 11.1: RESIDENTIAL "R1" ZONE** be amended by adding the following new Subsection as follows:

"11.1.2 Regulations

(i) Secondary Dwelling Units	The provisions of Subsection 9.14 shall apply."
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5. That **SECTION 12: RESIDENTIAL "R4" ZONE** be amended by adding the following new Subsection as follows:

"12.2 Regulations

(j) Secondary Dwelling Units	The provisions of Subsection 9.14 shall apply."
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6. That **SECTION 13: RESIDENTIAL "R5" ZONE** be amended by adding the following new Subsection as follows:

"13.2 Regulations

(j) Secondary Dwelling Units	The provisions of Subsection 9.14 shall apply."
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7. That **SECTION 14: RESIDENTIAL MULTIPLE "RM1" ZONE** be amended by adding the following new Subsection as follows:

"14.2 Regulations

(k) Secondary Dwelling Units	The provisions of Subsection 9.14 shall apply."
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**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes		
Committee: Planning Committee	Report No.: PED200093(a)	Date: 03/23/2021
Ward(s) or City Wide: Ward 12		(MM/DD/YYYY)

Prepared by: Tim Lee	Phone No: 905-546-2424, ext. 1249
<i>For Office Use Only, this doesn't appear in the by-law</i>	

Authority: Item ,
Report (PED20093(a))
CM:
Ward: 13

Bill No.

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

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations in Dundas

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

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That **SECTION 3: DEFINITIONS** be amended by deleting the following Subsections:
 - i) Subsection 3.2.1 – Accessory Apartment
 - ii) Subsection 3.2.21 – Dwelling, Converted
2. That **SECTION 6: GENERAL REGULATIONS** be amended to include the following new subsection:

“6.31 SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS - DETACHED

 - i) Notwithstanding Subsections 3.2.1 and 3.2.21 and for the purposes of **SECTION 6.31 - SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS - DETACHED**, the following definitions shall apply:
 - a) **Ditch** means a small to moderate excavation created to channel water.
 - b) **Lot Line, Flankage** means a lot line other than a Front Lot Line that abuts a street.

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

- c) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - d) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - e) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
 - f) **Yard, Flankage** means a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.
- ii) Notwithstanding Sections 6.2, 8.1.4.1, 9.1.4, 10.1.6, 10A1.2, 11.1.9.1, 11A.1.3, 12.1.6, a Secondary Dwelling Unit – Detached shall not be considered as an accessory building or structure.
 - iii) Section 6.16 shall not apply to a Secondary Dwelling Unit – Detached.
 - iv) For lands within a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
 - v) For lands within a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
 - vi) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
 - vii) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.
 - viii) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

- ix) A semi-detached dwelling containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or apartment building.
- x) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one o Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or apartment building.
- xi) Parking shall be provided in accordance with Section 7 of this by-law.
- xii) Notwithstanding Section 7.1.1, parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached, may be provided in the required front yard in accordance with Section 7 of this by-law.
- xiii) Notwithstanding Section 7.9.2, permeable pavers may also be permitted and maintained.
- xiv) Landscaping in the front yard shall be provided in accordance with Section 6.11.3.
 - (a) Notwithstanding 6.31xv), landscaping shall also be provided in the Flankage Yard.
- xv) Encroachments in the Front and Flankage Yards identified in Section 6.31 xv) shall be subject to Section 6.6.
- xvi) Notwithstanding Section 6.31xv), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
 - (a) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 m for each door of a one, two or three car garage or 5.5 m for a double door of a two car garage; and,
 - (b) A walkway between the front entrance of the principle dwelling and the Front Lot Line or driveway with a maximum width of 0.6 m;
- xvii) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

- xviii) Notwithstanding Section 6.31 xiii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- xix) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- xx) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- xxi) There shall be no outside stairway above the first floor other than an required exterior exit.
- xxii) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line
- xxiii) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - a) A landscaped area of 8.0 sq m for each dwelling unit less than 50 sq m; and,
 - b) An landscaped area of 12.0 m for each dwelling unit 50 sq m or more.
- xxiv) A Secondary Dwelling Unit shall not be permitted in a ditch or swale.

6.31.1 Regulations for Secondary Dwelling Unit – Detached

- i) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - a) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

- b) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 6.31 ii), v), vii) to xix), xxi), and xxiii) and Subsections 6.31.1 ii) of this Zoning By-law;
- ii) A Secondary Dwelling Unit – Detached in a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone shall be subject to the following provisions:
 - a) An eave or gutter of any Secondary Dwelling Unit – Detached may encroach into any required yard to a maximum of 0.45 metres.
 - b) A minimum 1.2 m interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - c) A minimum 1.2 m Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - d) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 m shall be provided and maintained.
 - e) A maximum height of 6.0 m shall be permitted.
 - f) The maximum gross floor area shall not exceed the lesser of 75 sq m or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - i) For the purpose of this regulation, a Gross Floor Area shall not exclude cellar or subcellar and car parking areas.
 - g) A minimum distance of 7.5 m shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
 - h) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard,

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

- i) a minimum distance of 4.0 m shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 m from the front façade of the principal dwelling.
- i) The maximum lot coverage of all Accessory Buildings and Secondary Dwelling Unit - detached shall be 25% of the total lot area.
 - j) A maximum distance of 40.0 m from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – detached.
 - k) An unobstructed path with a minimum 1.0 m width and minimum 2.1 metres m clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
 - l) Balconies and rooftop patios are prohibited above the first storey.
 - m) Each of the landscaped areas in Subsection 6.31xxiii) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metre.
3. That **Section 7: OFF – STREET PARKING AND LOADING** be amended by deleting Subsection 7.12.1.10 – Dwelling, Converted and replaced with the following new clause:

Secondary Dwelling Unit 1 space per unit

4. That **SECTION 8: SINGLE-DETACHED RESIDENTIAL ZONE (R1)** be amended as follows:
- 4.1 By deleting Subsection 8.1.5 – One ACCESSORY APARTMENT.
- 4.2 Adding a new Subsection as follows:

“REGULATIONS
FOR SECONDARY
DWELLING UNITS

8.8

REGULATIONS FOR SECONDARY DWELLING UNITS

8.8.1 The use shall comply with the provisions of Section 4.33.”

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

5. That **SECTION 9: SINGLE-DETACHED RESIDENTIAL ZONE (R2)** be amended as follows:
- 5.1 By deleting Subsection 9.1.5 – One ACCESSORY APARTMENT.
- 5.2 Adding a new Subsection as follows:
- | | | |
|---|-----|--|
| “REGULATIONS
FOR SECONDARY
DWELLING UNITS | 9.8 | <u>REGULATIONS FOR SECONDARY DWELLING UNITS</u> |
| | | 9.8.1 The use shall comply with the provisions of Section 4.33.” |
6. That **SECTION 10: LOW DENSITY RESIDENTIAL ZONE (R3)** be amended as follows:
- 6.1 By deleting Subsection 10.1.7 – One ACCESSORY APARTMENT.
- 6.2 Adding a new Subsection as follows:
- | | | |
|---|-------|--|
| “REGULATIONS
FOR SECONDARY
DWELLING UNITS | 10.10 | <u>REGULATIONS FOR SECONDARY DWELLING UNITS</u> |
| | | 10.10.1 The use shall comply with the provisions of Section 4.33.” |
7. That **SECTION 10A: LOW DENSITY RESIDENTIAL ZONE (R3A)** be amended by adding a new Subsection as follows:
- | | | |
|---|-------|--|
| “REGULATIONS
FOR SECONDARY
DWELLING UNITS | 10A.6 | <u>REGULATIONS FOR SECONDARY DWELLING UNITS</u> |
| | | 10A.6.1 The use shall comply with the provisions of Section 4.33.” |
8. That **SECTION 11: LOW DENSITY RESIDENTIAL ZONE (R4)** be amended as follows:
- 8.1 By deleting Subsection 11.1.10 – One ACCESSORY APARTMENT.
- 8.2 Adding a new Subsection as follows:

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

“REGULATIONS FOR SECONDARY DWELLING UNITS 11.12 **REGULATIONS FOR SECONDARY DWELLING UNITS**

11.12.1 The use shall comply with the provisions of Section 4.33.”

9. That **SECTION 11A: LOW DENSITY RESIDENTIAL ZONE (R6)** be amended by adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS 11A.7 **REGULATIONS FOR SECONDARY DWELLING UNITS**

11A.7.1 The use shall comply with the provisions of Section 4.33.”

10. That **SECTION 12: LOW TO MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM1)** be amended by adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS 12.9 **REGULATIONS FOR SECONDARY DWELLING UNITS**

12.9.1 The use shall comply with the provisions of Section 4.33.”

11. That **SECTION 15A: RESIDENTIAL AND COMMERCIAL CONVERSION ZONE (R.C.C.)** be amended as

11.1 By deleting Subsection 15A.1.8 – One ACCESSORY APARTMENT.

11.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS 15A.11 **REGULATIONS FOR SECONDARY DWELLING UNITS**

15A.11.1 The use shall comply with the provisions of Section 4.33.”

12. That **SECTION 15B: SINGLE DETACHED RESIDENTIAL ZONE: CROSS-MELVILLE HERITAGE DISTRICT (RH-1)** be amended as follows:

12.1 By deleting Subsection 15B.1.3 – One ACCESSORY APARTMENT.

12.2 Adding a new Subsection as follows:

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

“REGULATIONS
FOR SECONDARY
DWELLING UNITS

15B.5 **REGULATIONS FOR SECONDARY DWELLING UNITS**

15B.5.1 The use shall comply with the provisions of Section 4.33.”

- 13. 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*.
- 14. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
- 15. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED20093(a) Date: 03/23/2021

Ward(s) or City Wide: Ward: 13 (MM/DD/YYYY)

Prepared by: Tim Lee Phone No: 905-546-2424 ext. 1249

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

Authority: Item
 Planning Committee
 Report: 21- PED20093(a)
 CM:
 Ward: 15

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting the Introduction of Secondary Dwelling Unit Regulations

WHEREAS Council approved Item ___ of Report ___ of the Planning Committee, at the meeting held on ____, 2021;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Section 5.21.1 – Parking Space Requirements of **SECTION 5: GENERAL PROVISIONS** be amended by adding the following new subsection:

Type of Use	Minimum Number of Parking Spaces Required
(aaa) Secondary Dwelling Unit Secondary Dwelling Unit – Detached	1 space per unit

2. That **SECTION 5: GENERAL PROVISIONS** be amended by adding the following new subsection:

"5.43 SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

5.43.1 General Regulations

- (a) For the purposes of Section 5.43 – Secondary Dwelling Units and Secondary Dwelling Unit – Detached, the following definitions shall apply:

- (i) **Ditch** means a small to moderate excavation created to channel water.
 - (ii) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - (iii) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - (iv) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
- (b) Notwithstanding Section 5.2, a detached Secondary Dwelling Unit shall only be considered as an accessory building for the purposes of lot coverage.
 - (c) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
 - (d) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
 - (e) Section 5.4.1 shall not apply to a Secondary Dwelling Unit – Detached.
 - (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
 - (g) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
 - (h) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a triplex, apartment building, or quadplex.

- (i) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a triplex, apartment building, or quadplex.
- (j) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.
- (k) Parking shall be provided in accordance with Section 5.21 of this by-law.
- (l) Notwithstanding Section 5.21.5, parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be provided in the required front yard in accordance with Section 5.21 of this by-law.
- (m) Parking shall be provided to all lots containing a Secondary Dwelling Unit in accordance with Section 5.12.1(d) and shall also apply to flankage yards, and shall not include concrete, asphalt, gravel, pavers, or other similar material;
 - (i) Encroachments in the Front and Flankage Yards identified in Section 5.43.1(m) shall also be subject to Section 5.30.
 - (ii) Notwithstanding Section 5.43.1(m), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
 - (1) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 metres for each door of a one, two or three car garage or 5.5m for a double door of a two car garage; and,
 - (2) A walkway between the front entrance of the principle dwelling and the Front Lot Line or driveway with a maximum width of 0.6m;

- (iii) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,
- (iv) Notwithstanding Section 5.43.1(m)(iii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (n) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- (o) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (p) There shall be no outside stairway above the first floor other than a required exterior exit.
- (q) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
- (r) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - i) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
 - ii) An landscaped area of 12.0 metres for each dwelling unit 50.0 square metres or more.
- (s) A Secondary Dwelling Unit – Detached is not permitted within a swale or ditch.

5.43.3 Secondary Dwelling Unit - Detached

- a) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling shall be subject to the following provisions:

- i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
 - ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 5.43.1 b), d), e), g) to n) inclusive, p), and r) and Subsections 5.43.3 (b) of this Zoning By-law;
- b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
- i) Section 5.30 – Yard Encroachments for Sills, belt courses, cornices, chimney breasts, bay windows, pilasters, eaves or gutters shall apply.
 - ii) A minimum 1.2 metres interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - iii) A minimum 1.2 metres Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - iv) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
 - v) A maximum height of 6.0 metres shall be permitted.
 - vi) The maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - a) For the purpose of this regulation, a Gross Floor Area shall not exclude the horizontal area of any cellar, attic, enclosed parking area, enclosed loading area, or any unenclosed porch, verandah, balcony, or similar structure.

- vii) A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
 - viii) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - i) a minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
 - ix) A maximum distance of 40.0 metres from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – detached.
 - x) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
 - xi) Balconies and rooftop patios are prohibited above the first storey.
 - xii) Each of the landscaped areas in Subsection 5.43.2r) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metre."
3. That **SECTION 6 – URBAN RESIDENTIAL (SINGLE DETACHED) ZONE (R1)** be amended by adding the following new Subsection:
- "6.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- (a) The use shall comply with the provisions of Section 5.43."
4. That **SECTION 9 – URBAN RESIDENTIAL (SEMI-DETACHED AND LINK) ZONE (R4)** be amended by adding the following new Subsection:
- "9.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

- (a) The use shall comply with the provisions of Section 5.43."
5. That **SECTION 10 – CORE AREA RESIDENTIAL ZONE (R5)** be amended as follows:
- 5.1 By deleting Subsection 10.1(e) – Converted Dwelling (maximum 3 dwelling units).
- 5.2 By adding a new Subsection as follows:
- "10.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- (a) The use shall comply with the provisions of Section 5.43."
6. That **SECTION 11 – MEDIUM DENSITY RESIDENTIAL ZONE (R6)** be amended by adding the following new Subsection:
- "11.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- (a) The use shall comply with the provisions of Section 5.43."
7. That **SECTION 17 – URBAN COMMERCIAL ZONE (UC)** be amended by amending the following Subsection as follows:
- 7.1 Permitted Uses:
- e) Secondary Dwelling Units and Secondary Dwelling Units – Detached, subject to the provisions of Subsection 5.43."
8. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.
9. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
10. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED and ENACTED this day of , 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED20093(a)

Date: 03/23/2021

Ward(s) or City Wide: Ward: 15

(MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424 ext. 1249

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

Authority: Item _____, Planning Committee
 Report PED20093(a)
 CM: XXXXXX, 2021
 Wards: 9, 11

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Secondary Dwelling Unit Regulations

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

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Section 7.35(b) - Off-Street Parking Space Requirements of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES** be amended by adding the following new clause:

Use	Minimum Required Parking Spaces
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 space per unit

2. That **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** be amended to include the following new subsection:

“11.13 **SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS - DETACHED**

- (a) For the purposes of Section 11.13 – Secondary Dwelling Units and Secondary Dwelling Unit – Detached, the following definitions shall apply:
 - (i) **Ditch** means a small to moderate excavation created to channel water.

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

- (ii) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - (iii) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - (iv) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
- (b) Notwithstanding Section 7.13, a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of Lot Coverage.
 - (c) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
 - (d) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
 - (e) Section 11.2a) shall not apply to a Secondary Dwelling Unit – Detached.
 - (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
 - (g) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
 - (h) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a triplex or apartment building.
 - (i) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units –

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

Detached, or both, shall not be considered a triplex or apartment building.

- (j) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Exterior Side Yard.
- (k) Parking shall be provided in accordance with Section 7.35a) of this by-law.
- (l) Not less than 50% of the gross area of the Front and Flankage Yards shall be used for a landscaped area and shall not include concrete, asphalt, gravel, pavers, or other similar material, and where required parking may be located in a required Front or Exterior Side Yard:
 - (i) Encroachments in the Front and Exterior Side Yards identified in Section 11.13m) shall also be subject to Section 7.26:
 - (iii) Notwithstanding Section 11.13m), where at least half the Front Lot Line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
 - (1) A driveway between the front entrance of the garage and the front lot line with maximum width of 3.0 m for each door of a one, two or three car garage or 5.5 m for a double door of a two car garage; and,
 - (2) A walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6 m;
 - (vi) A maximum of one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,
 - (vii) Notwithstanding Subsection 11.13f)(vi), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (m) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

Dwelling Unit – Detached shall not be permitted in any yard abutting a street.

- (n) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (o) There shall be no outside stairway above the first floor other than an required exterior exit.
- (p) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
- (q) A minimum landscaped area shall be provided and maintained in the rear yard for each dwelling unit on the lot, in accordance with the following provisions:
 - (i) A landscaped area of 8.0 square metres for each dwelling unit less than 50 square metres; and,
 - (ii) An landscaped area of 12.0 metres for each dwelling unit 50 square metres or more.
- (r) A Secondary Dwelling Unit – Detached is not permitted in a ditch or a swale.

11.13.1 REGULATIONS FOR SECONDARY DWELLING UNIT - DETACHED

- a) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - (i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
 - (ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

11.13.1 b), d), e), g) to m), o), and q) and Subsections 11.13.1(b) of this Zoning By-law;

- b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
- (i) Notwithstanding Section 7.13, only Subsections 7.13b)vi) shall apply.
 - (ii) A minimum 1.2 metre interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - (iii) A minimum 1.2 metre Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - (iv) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
 - (v) A maximum height of 6.0 metres shall be permitted.
 - (vi) The maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - (1) For the purpose of this regulation, a Gross Floor Area shall not exclude car parking area.
 - (vii) A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
 - (viii) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - (1) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

- (2) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
- (ix) A maximum distance of 40.0 metres from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – Detached.
- (x) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
- (xi) Balconies and rooftop patios are prohibited above the first storey.
- (xii) Each of the landscaped areas in Subsection 11.13q) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metres.”
3. That SECTION 12: EXISTING RESIDENTIAL “ER” ZONE be amended by adding the following new Subsection as follows:
- “12.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- Pursuant to the provisions of Subsection 11.13 of this By-law.”
4. That SECTION 13: RESIDENTIAL “R1” ZONE be amended by adding the following new Subsection as follows:
- “13.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- Pursuant to the provisions of Subsection 11.13 of this By-law.”
5. That SECTION 14: RESIDENTIAL “R2” ZONE be amended by adding the following new Subsection as follows:
- “14.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- Pursuant to the provisions of Subsection 11.13 of this By-law.”

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

6. That SECTION 15: RESIDENTIAL "R3" ZONE be amended by adding the following new Subsection:

"15.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law."
7. That SECTION 16: RESIDENTIAL "R4" ZONE be amended by adding the following new Subsection:

"16.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law."
8. That SECTION 17: RESIDENTIAL MULTIPLE "RM1" ZONE be amended by adding the following new Subsection:

"17.8 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law."
9. That SECTION 18: RESIDENTIAL MULTIPLE "RM2" ZONE be amended by adding the following new Subsection:

"18.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law."
10. 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*.
11. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
12. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

PASSED and ENACTED this day of , 21 .

Fred Eisenberger
Mayor

CI-20-E

A. Holland
City Clerk

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED20093(a) Date: 03/23/2021

Ward(s) or City Wide: Ward: 9, 11 (MM/DD/YYYY)

Prepared by: Tim Lee Phone No: 905-546-2424 ext. 1249

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

Authority: Item , Planning & Economic
Development Committee
Report (PED20093(a))
CM: XXXX
Wards: 1, 2, 3, 4, 5, 6, 7, 8, 14

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593 (Hamilton) Respecting Secondary Dwelling Unit Regulations

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

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Subsection 18(A).(1)(a)(i) Table 1 – Minimum Required Parking for Residential, Institutional, Public and Commercial Uses of SECTION 18A: PARKING AND LOADING REQUIREMENTS be amended by adding the following new clause:

1. Residential Uses	
(n) Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 space per unit

2. That Subsection 19.(1) of SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS be deleted in its entirety and replaced with the following regulations:

19.(1) **Single detached, semi-detached, and street townhouse in all Residential Districts and "H" (Community Shopping and Commercial, etc.) District**

Notwithstanding anything contained in this By-law, any legally established single detached, semi-detached, and street townhouse dwelling in all Residential Districts, and "H" (Community Shopping and

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

Commercial, etc.) District may be converted to contain not more than a total of three dwelling units on one lot, provided all of the following requirements are complied with:

- (i) For the purposes of Section 19.1(1), the following definitions shall apply:
 - 1) **Ditch** means a small to moderate excavation created to channel water.
 - 2) **Lot Line, Flankage** means a lot line other than a front lot line that abuts a street.
 - 3) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - 4) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - 5) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
 - 6) **Yard, Flankage** means a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.
- (ii) Notwithstanding Subsection 18.(4)(iv), a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of Lot Coverage as required in Section 18(4)(iv).
- (iii) For lands within a Residential District or "H" (Community Shopping and Commercial, etc.) District, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
- (iv) For lands within a Residential District or "H" (Community Shopping and Commercial, etc.) District, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
- (v) A Secondary Dwelling Unit shall not be permitted in a cellar.

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

- (vi) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.
- (vii) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
- (viii) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
- (ix) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a three-family dwelling or multiple dwelling.
- (x) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a three-family dwelling or multiple dwelling.
- (xi) Parking shall be provided in accordance with Section 18(A) of this by-law.
- (xii) Notwithstanding Section 19.(1)(vi), for a lot containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached identified in Schedule "P" of Section 22, no additional parking space shall be required for any dwelling unit on a lot, provided the number of legally established parking spaces, which existed on the [DATE], shall continue to be provided and maintained;
 - 1) Sections 19.(1)(xii) 2), 3) and 4) shall apply.
 - 2) Parking shall be provided to all lots containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached in accordance with Sections 18(14), 18A(7), 18A(7a), 18A(9), 18A(14a) to 18A(14g), 18A (23) and 18A(31).
 - 3) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached; and,
 - 4) Notwithstanding Section 19.1(xii)(3), for a corner lot, a maximum of one driveway may be permitted from each street frontage.

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

- (xiii) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- (xiv) Except as provided in Subsection 19.(1)(xvi)1), the exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (xv) There shall be no outside stairway above the first floor other than an required exterior exit.
- (xvi) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
 - 1) Notwithstanding 19.(1)(xvi) an additional entrance may be located on the front façade of the building for properties identified in Schedule "P" of Section 22.
- (xvii) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - 1) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
 - 2) An landscaped area of 12.0 metres for each dwelling unit 50.0 square metres or more.
- (xviii) A Secondary Dwelling Unit – Detached is not permitted in a ditch or a swale.

19.(1).1 Regulations for Secondary Dwelling Unit - Detached

- (i) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential District or "H" (Community Shopping and Commercial, etc.) District may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - 1. The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

2. Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 19.(1) ii), iv), vi), viii) to xiii), xv), and xvii), and Subsections 19.(1).1 (ii) of this Zoning By-law;
- (ii) A Secondary Dwelling Unit – Detached in a Residential District or "H" (Community Shopping and Commercial, etc.) District shall be subject to the following provisions:
1. Notwithstanding Section 18.3(vi), an eave or gutter of a Secondary Dwelling Unit – Detached may encroach into any required yard to a maximum of 0.45 metres.
 2. A minimum 1.2 metre interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 3. A minimum 1.2 metre Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 4. A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
 5. A maximum height of 6.0 metres shall be permitted.
 6. The maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - a) For the purpose of this regulation, a Gross Floor Area shall not exclude the floor area occupied by boiler rooms and air conditioning equipment rooms except laundry and storage rooms, chimney shafts, parking spaces, access driveways, manoeuvring space, and all floor areas of halls, corridors, and stairwells beyond the minimum required by law.

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

7. A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
 8. Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - i) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
 9. The maximum lot coverage of all Accessory Buildings and a Secondary Dwelling Unit - Detached shall be 25% of the total lot area.
 10. A maximum distance of 40.0 metres from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – detached.
 11. An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
 12. Balconies and rooftop patios are prohibited above the first storey.
 13. Each of the landscaped areas in Subsection 19.(1)(xvii) shall be screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metre.
3. That Subsection 19.(4) of SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS be deleted in its entirety.
 4. That Subsection 19.(5) of SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS be deleted in its entirety.
 5. That Section 22: Restricted Areas By-laws Repealed is amended by repealing and replacing Schedule P identified in Schedule "A" to this By-law.
 6. That the following by-laws be repealed in their entirety once the regulations, as set out in Subsections 1 to 5 of this By-law, come into full force and effect.

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

- (i) By-law 19-307, the Temporary Use By-law respecting Secondary Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton Municipal boundary, and the former Hamilton/Glanbrook Municipal boundary; and,
 - (ii) By-law 18-299 respecting Secondary Dwelling Units (Laneway Houses) for Certain Lands Bounded by Highway 403, Burlington Street, Red Hill Valley and the Escarpment.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.
8. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
9. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED and ENACTED this day of , 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED20093(a) Date: 03/23/2021

Ward(s) or City Wide: Ward: 1-8, 14 (MM/DD/YYYY)

Prepared by: Tim Lee Phone No: 905-546-2424 ext. 1249

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

Authority: Item ,
Report 21-XXX (PED20093(a))
CM:
Wards: 5, 9, 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend Zoning By-law 3692-92 (Stoney Creek) Respecting Secondary Dwelling Unit Regulations

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

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

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

1. That Section 4.10.9 – Schedule of Minimum Parking Requirements of SECTION 4: GENERAL PROVISIONS FOR ALL ZONES be amended by adding the following new clause:

Use	Minimum Parking Spaces Required
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 space per unit

2. That SECTION 6.1: **GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** be amended by deleting Subsection 6.1.7 and replacing it with the following new subsection:

“6.1.7 Secondary Dwelling Units and Secondary Dwelling Units – Detached

- (a) For the purposes of **Section 6.1.7 – Secondary Dwelling Units and Secondary Dwelling Units – Detached**, the following definition shall apply:
 1. **Ditch** means a small to moderate excavation created to channel water.
 2. **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

3. **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 4. **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
- (b) Notwithstanding Part 2: Definitions – Accessory Building or Structure, and Sections 4.5 and 6.1.4(b), a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of lot coverage.
 - (c) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
 - (d) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
 - (e) Section 4.18.2 shall not apply to a Secondary Dwelling Unit – Detached.
 - (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
 - (g) Notwithstanding Section 6.1.4(a), a Secondary Dwelling Unit - Detached shall not be permitted in a Front Yard or a Flankage Yard.
 - (h) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
 - (i) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a dwelling – triplex, dwelling – fourplex, dwelling – fiveplex, dwelling, dwelling – sixplex, or dwelling – stacked townhouse.
 - (j) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a dwelling – triplex, dwelling – fourplex, dwelling – fiveplex, dwelling, dwelling – sixplex, or dwelling – stacked townhouse.

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

- (k) Parking shall be provided in accordance with Section 4.10 of this by-law.
- (l) Not less than 50% of the gross area of the Front and Flankage Yards shall be used for a landscaped area and shall not include concrete, asphalt, gravel, pavers, or other similar material, and where required parking may be located in a required Front or Exterior Side Yard:
 - 1. Encroachments in the Front and Flankage Yards identified in Section 6.1.7l) shall also be subject to Section 4.19.
 - 2. Notwithstanding Section 6.1.7l), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
 - (i) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 metres for each door of a one, two or three car garage or 5.5m for a double door of a two car garage; and,
 - (ii) A walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6m;
 - 3. A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,
 - 4. Notwithstanding 6.1.7l)3), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (m) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- (n) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (o) There shall be no outside stairway above the first floor other than an required exterior exit.

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

- (p) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line
- (q) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - (i) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
 - (ii) An landscaped area of 12.0 metres for each dwelling unit 50.0.
- (r) A Secondary Dwelling Unit – Detached is not permitted in a ditch or a swale.

6.1.7.2 Regulations for Secondary Dwelling Units – Detached

- a) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - (i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
 - (ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 6.1.7.1 b), d), e), g) to m), o), and q) and Subsections 6.1.7.2 b) of this Zoning By-law;
- b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
 - (i) Section 4.19.1(c) shall apply.
 - (ii) A minimum 1.2 metres interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

- (iii) A minimum 1.2 metres Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
- (v) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
- (vi) A maximum height of 6.0 metres shall be permitted.
- (vii) The maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - (1) For the purpose of this regulation, a Gross Floor Area shall not exclude a garage, breezeway, porch, veranda, balcony, attic, basement, cellar, elevator shaft area or boiler room.
- (viii) A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
- (ix) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - (1) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - (2) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
- (x) A maximum distance of 40.0 metres from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – Detached.
- (xi) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
- (xii) Balconies and rooftop patios are prohibited above the first storey.

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

(xiii) Each of the landscaped areas in Subsection 11.13q) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metre."

3. That SECTION 6.1: **GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** be amended by deleting Subsection 6.1.9.

4. That SECTION 6.2 – SINGLE RESIDENTIAL "R1" ZONE be amended by adding the following new Subsection:

"6.2.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

5. That SECTION 6.3 – SINGLE RESIDENTIAL "R2" ZONE be amended by adding the following new Subsection:

"6.3.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

6. That SECTION 6.4 – SINGLE RESIDENTIAL "R3" ZONE be amended by adding the following new Subsection:

"6.4.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

7. That SECTION 6.5 – SINGLE RESIDENTIAL "R4" ZONE be amended by adding the following new Subsection:

"6.5.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

8. That SECTION 6.6 – RESIDENTIAL "R5" ZONE be amended by adding the following new Subsection:

"6.6.5.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

9. That SECTION 6.7 – RESIDENTIAL "R6" ZONE be amended by adding the following new Subsection:

"6.7.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

10. That SECTION 6.8 – MULTIPLE RESIDENTIAL "RM1" ZONE be amended by adding the following new Subsection:

"6.8.3i) Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

11. That SECTION 6.9 – MULTIPLE RESIDENTIAL "RM2" ZONE be amended by adding the following new Subsection:

"6.9.5.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

12. That SECTION 6.10 – MULTIPLE RESIDENTIAL "RM3" ZONE be amended by adding the following new Subsection:

"6.10.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

13. 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*.
14. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
15. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED and ENACTED this _____ day of _____, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED20093(a) Date: 03/23/2021

Ward(s) or City Wide: Ward: 5, 9, 10 (MM/DD/YYYY)

Prepared by: Tim Lee Phone No: 905-546-2424 ext. 1249

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

Authority: Item , Planning Committee
Report 21- (PED20093(a))
CM: March 31, 2021

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

Amendment to By-law 18-126

A By-law to Require the Conveyance of Land for Park or Other Public Recreational Purposes as a Condition of Development or Redevelopment or the Subdivision of Land (Parkland Dedication By-law).

WHEREAS sections 42 and 51.1 of the *Planning Act* provide that the Council of a local municipality may by by-law require that land be conveyed to the municipality for park or other public recreational purposes as a condition of development or redevelopment or the subdivision of lands;

AND WHEREAS subsections 42(3) and 51.1(2) of the *Planning Act* provide for an alternate land conveyance rate of one hectare for each three hundred dwelling units proposed for development provided the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes at such rate;

AND WHEREAS the Council of the City of Hamilton wishes to use these provisions to acquire land and cash to be used for park or other public recreational purposes;

AND WHEREAS the Council of the City of Hamilton wishes to increase the supply of housing opportunities by permitting Secondary Dwelling Units within certain residential uses and on certain residential lots;

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

1. That By-law 18-126 be amended on the following basis:

1.1 That Section 1 DEFINITIONS be amended by adding the following new definition:

"Secondary Dwelling Unit as defined in Zoning By-law No. 05-200, the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek Zoning By-laws.

1.2 That Section 5.5 be deleted and replaced as follows:

- (5) Notwithstanding section 4, where one or two Secondary Dwelling Units are added to a single detached, semi-detached or block or street townhouse dwelling or lot, a cash-in-lieu fixed rate of \$1,131 (effective April 1, 2021) applies for each Secondary Dwelling Unit, subject to annual indexing described in subsection 5(7).

PASSED this day of , 2021.

F. Eisenberger
Mayor

Andrea Holland
City Clerk

Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED200093(a) Date: 03/23/2021
Ward(s) or City Wide: Ward: City wide	(MM/DD/YYYY)

Prepared by: Joanne Hickey Evans	Phone No: 905-546-2424, ext. 1282
<i>For Office Use Only, this doesn't appear in the by-law</i>	

Authority: Item
Report (PED)
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend By-law No. 12-282, as amended by By-law No. 19-108, Respecting
Tariff of Fees**

WHEREAS Section 69 of the *Planning Act*, R.S.O 1990, Chapter 13, as amended, authorizes municipalities to enact a by-law to prescribe a Tariff of Fees for the processing of applications made in respect of planning matters;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O.2001, c. 25, as amended, authorizes municipalities to enact by-laws to impose fees on any class of person for services or activities provided or done by or on behalf of the municipality;

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

1. That By-law No. 12-282, as amended by By-law No. 19-108, be updated to include the following new fee in Schedule "A" for 2021:

Routine Minor Variance for Secondary Dwelling Units	\$600.00
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2. The new fee for Routine Minor Variance for Secondary Dwelling Units is hereby approved and adopted.
3. The fee shall be paid at the time of and with the making of Committee of Adjustment application for Secondary Dwelling Units.
4. No Committee of Adjustment application for Secondary Dwelling Units shall be deemed to have been made, provided or completed, and no application shall be received, unless the appropriate fee is paid in accordance with this By-law.
5. The amount of the fee for a Committee of Adjustment application for Secondary Dwelling Units shall be adjusted annually by the percentage change during the

To Amend By-law No. 12-282, as amended by By-law No. 19-108, Respecting Tariff of Fees

preceding year of the Consumer Price Index (CPI) for Toronto, and the resulting figures shall be rounded off to the nearest five (\$5.00) dollar interval.

6. This By-law shall be deemed to have come into force on, 2021.

PASSED and ENACTED this day of , 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

CI 20-E

Appendix "H-2" to Report PED20093(a)
Page 3 of 3**To Amend By-law No. 12-282, as amended by By-law No. 19-108, Respecting Tariff of Fees**

Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED200093(a)

Date: 04/06/2021

Ward(s) or City Wide: Ward: City wide

(MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424, ext. 1249

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

How do the SDU Regulations respond to the City's Land Use Goals and Objectives

SDU within the Principle Dwelling	Climate change	Existing Lot Configuration	Health and Safety	Neighbourhood Character	Neighbourhood Privacy and Impacts
Design					
Additional Entrances permitted on front of principle building in certain areas of the city				✓	
No external staircases above the 1 st floor, except for emergency exits				✓	✓
Minimum landscaped area per dwelling unit	✓			✓	✓
Other					
Main Dwelling – minimum height from ground to 1 st floor			✓		
Number of Parking spots per unit		✓			✓
50% front yard landscaping	✓			✓	✓
Allow parking area to use permeable pavers	✓				

Conversion of an accessory building to a SDU	Climate change	Existing Lot Configuration	Health and Safety	Neighbourhood Character	Neighbourhood Privacy and Impacts
Location					
One free and clear side yard setbacks	✓		✓		✓
Maximum setback from street			✓		
Minimum setback from a swale for additions	✓				
Design					
Size	✓			✓	✓
Height				✓	✓
Balconies/rooftop amenity area prohibited on 2nd floor				✓	✓
Minimum screened landscaped area per dwelling unit	✓			✓	✓
Other					
Maximum Lot coverage	✓	✓		✓	✓
Main Dwelling – minimum height from ground to 1 st floor			✓		
Number of Parking spots per unit		✓		✓	✓
50% front yard landscaping	✓			✓	✓
Allow parking area to use permeable pavers	✓				

Newly constructed detached SDU	Climate change	Existing Lot Configuration	Health and Safety	Neighbourhood Character	Neighbourhood Privacy and Impacts
Location					
Not permitted in front yard	✓			✓	✓
One free and clear side yard setback	✓		✓		✓
Rear yard setback	✓				✓
Separation between main house and SDU	✓				✓
Maximum setback from street			✓		
Minimum setback from a swale for additions	✓				
Design					
Size	✓			✓	✓
Height				✓	✓
Balconies/rooftop amenity area prohibited on 2nd floor				✓	✓
Maximum size relative to the size of the existing Dwelling Unit				✓	✓
Minimum screened landscaped area per dwelling unit	✓			✓	✓
Other					
Maximum lot coverage	✓	✓		✓	✓
Main Dwelling – minimum height from ground to 1 st floor			✓		
Number of Parking spots per unit		✓			✓
50% front yard landscaping	✓	✓		✓	✓
Allow parking area to use permeable pavers	✓				

Public Engagement Techniques

In response to Covid-19, required public engagement had to be moved to a virtual format, whereas in the past Public Information Centres (PICs) were one of the main tools of engaging the public and seeking feedback.

The Engage Hamilton (<https://engage.hamilton.ca/>) portal was the central platform used. It is a community engagement platform that went "live" in Summer 2020 and allowed staff to present materials and information for participants to access. Further, there are numerous components of the portal that can be used to enhance user experience and provide feedback.

One of the goals was to produce material that would educate the public and explain the importance of increasing the supply of housing by allowing secondary dwelling units city wide. Further, it included information on what Zoning By-law regulations were proposed to ensure a seamless integration of SDU's into neighbourhoods while at the same time protecting the health, safety and environment for all residents. These materials and engagement techniques were developed in a number of formats that ranged from a quick summary guide to an in-depth Discussion Paper; it also included videos for people to listen to as well as live events where interaction with staff occurred.

Material and tools that were used during in the engagement included:

- Digital versions of the Discussion Paper, Information Brochure, and Summary Chart;
- Project Video summarizing the Secondary Dwelling Unit Project, including the proposed regulations;
- Urban and Rural Area online surveys;
- Dedicated email address;
- Question and Answer widget;
- Virtual Town Hall meetings held over two days.

This Appendix outlines some of the technical components and tools used in the Secondary Dwelling Unit project page, and a discussion on how staff were able to address matters such as accessibility.

1.0 Council Direction for Public Engagement

On September 30, 2020, Council directed staff to conduct public engagement with respect to the Secondary Dwelling Unit project in order to allow public to be informed and the ability to submit feedback, with the intent to bring a recommendation to Council by Q1 2021.

With the assistance of the Engage Hamilton public engagement staff through the City Manager's Office, the project specific portal was created and went "live" on October 17, 2020 and remained open until December 13, 2020.

Using this new public engagement platform allowed participants to submit feedback. To assist with communication between staff and participants, a dedicated email address (ResidentialZoning@Hamilton.ca) was created prior to the project page, and has been instrumental for participants to submit comments. A summary of the comments received via other methods is contained in Appendices "K-1" to "K-5" of Report PED20093(a).

2.0 Accessibility of Online Platforms

Not everyone is able to access the Engage Hamilton website (reasons include: access to technologies (such as a computer, tablet, or smart phone), the lack of knowledge on how the technology could be used or are not comfortable with using the technology, or individuals who may have impairments such as losses in visual or audio abilities).

Advertisements to the Engage Hamilton Portal was conducted through several means such as through e-blasts, the Hamilton Spectator, social media platforms (Twitter), YouTube video posts, banners on the City's website, and newsletters. Therefore there were many avenues that an individual could have been informed of the public engagement process.

Staff endeavor to address as many accessibility matters as possible and have done so through the following additional approaches:

- Videos included closed captioning to ensure that the audio impaired were able to watch the video while also reading the information. Conversely, having video content allows the visually impaired to access content without the need to read material. Contents in the video contains graphics with minimal text to ensure the information is easy to understand; and,
- Segments of the population may still prefer printed material rather than view content on the screen. Hard copies of the materials were made available for distribution.

3.0 Engage Hamilton Portal Contents and Outcomes

3.1 Discussion Paper, Brochure, and Summary Chart

All documents such as the Discussion Paper, Brochure, and Summary Chart were presented to Council in October 2020 and have been made available through the Engage Hamilton project page in a pdf format. These documents can also be downloaded for reading offline. Based on the analytics, these documents were downloaded a total of 552 times. The documents will remain on-line for the duration of the Residential Zone Project as archived material so anyone can access the documents even after the project's conclusion.

3.2 Video Presentation of the Secondary Dwelling Units

An important component of a traditional Public Information Centre are panel displays, which present information through a series of boards. Panel displays also accompanied the staff presentation. However, as public engagement has been moved to an online format, new tools were used to present the information. A video presentation was prepared by staff which included graphics and minimal text to provide a visual presentation. As noted in the accessibility section below, closed captioning was embedded in the video to ensure those with audio impairment could follow along. Through YouTube, the video was viewed about 100 times.

3.3 Urban and Rural Area Online Survey

One feedback tool was the use of Urban Area and Rural Area surveys. A survey was created for each area due to questions specific to either areas of the City. Survey results can be found in Appendix "L-1" to Report PED20091(a) for the Urban Area Survey and Appendix "L-2" to Report PED20091(a) for the Rural Area Survey.

3.4 Question and Answer Widget

One of the features of the Engage Hamilton portal is to allow participants to ask staff questions pertaining to the project. This widget would be similar to attendees to the Public Information Centres asking questions directly to staff. Throughout the public engagement period, a total of seven questions were submitted to staff. The widget remains archived and is available for viewing.

3.5 Virtual town Halls

One component of the public engagement process is a staff presentation which outlines the scope of the project, proposed regulations, and next steps. Two Town Hall-style online meetings were conducted via WebEx Events:

- November 12, 2020 7:00pm – 8:30pm
- November 16, 2020 1:00pm – 2:30pm

The meetings were hosted with the assistance of an independent facilitator and included the opportunity for participants to submit feedback and ask questions. Participants were required to register for the event and an opportunity to ask questions ahead of time. The 1.5 hour meeting consisted of a 30-minute staff presentation summarizing the project and present information on the proposed regulations. The remainder of the meeting was a discussion period where attendees provided feedback and ask questions to staff. A total of 30 attendees attended for each of the meeting. One of the virtual town hall meetings was uploaded to the portal if someone was not able to attend. A feedback report of the virtual town halls by the facilitator is available in the Engage Hamilton Project page (<https://engage.hamilton.ca/>). Comments received

during the Town Hall meetings are available in Appendices “K-1” to “K-5” to Report PED20093(a).

3.6 Stakeholder Meetings – Industry Leaders, Neighbourhood Association, and Special Interest Groups.

In addition to the two Town Hall meetings, two facilitator-led stakeholder meetings were held in the afternoon and evening of November 9, 2020. The afternoon meeting was held for the Industry Leaders and were represented by architects, planners, the West End Home Builders Association where 12 attended. The evening meeting was specific to the Neighbourhood Associations and were represented by nine associations and Environment Hamilton. For each of the meetings, a staff presentation provided a general overview of the project and information on the proposed regulations, followed by a Question and Answer Session. Comments received during the meetings are available in Appendices “K1” to “K-5” to Report PED20093(a).

Notifications for both meetings included a “save the date” eblast to each of the industry leaders and the Neighbourhood Association main contact person, both sent immediately following the commencement of the public engagement on the Engage Hamilton portal two weeks before the stakeholder meetings, followed by additional reminder emails to those people who did not RSVP or declined the invitation. Invitations were sent to 12 industry leaders and 50 Neighbourhood Associations listed. Invitees who were not able to attend the stakeholder meetings could also attend the November 12 and 16, 2020 Town Hall meetings and staff were available for off-line discussions with stakeholders as required.

Staff presented to the Agricultural and Rural Affairs Committee on November 27, 2020. The minutes of this meeting was contained in the February 2, 2021 Planning Committee agenda.

Comments received during the meetings are available in Appendices “K-1” to “K-5” to Report PED20093(a).

The facilitator’s report of the Townhall and Stakeholder meetings is available on the portal.

**Summary of Written General Comments Received for
Secondary Dwelling Units**

Submitted by	Written Comments	Staff Response
Andrew Hannaford	Overall support for SDUs	<ul style="list-style-type: none"> • Noted and acknowledged.
Larry Vankuren	<p>Against changing the small bungalow homes into two family dwellings as the families can be as large as two adults and several children in each unit and as the children grow older they want their own car and now the streets become clogged with vehicles and these streets are not that wide. This becomes a hazard as the little children run out onto the street and the cars and trucks, including garbage trucks and school buses speed down these streets, the delivery trucks are delivering packages are big culprits.</p>	<ul style="list-style-type: none"> • Explanation: An update is required to the Official Plan and Zoning By-law to permit SDUs on lots containing single detached, semi-detached, and street townhouse dwellings through the Province's Bill 108. The intent of the legislation is to provide greater housing options for a diverse household types and of all ages. However, it is not anticipated that every lot will be able to accommodate an SDU either because the lot is too small, construction costs, or personal preference.
	<p>Another concern I have with people living in the basements of these homes is that there is only one way out if there was a fire. Most of the bedrooms are at the farthest end of the basement. They are not designed for dual family living safely.</p>	<ul style="list-style-type: none"> • Explanation: Construction of a detached SDU or an SDU internal to the main dwelling requires Building Permit approval and is illegal when a homeowner establishes an SDU without Permits. During the Building Permit process, staff reviews the plans against the Ontario Building Code (OBC) and Fire Code, which addresses matters such as fire prevention and ability to escape in the event of a fire. SDUs built without Building Permits may not meet OBC and Fire Codes.
Jason Pichler	<p>Currently SDUs are not permitted as the regulations are unclear. Homeowners would like to contribute but appears to be permitted by professionals.</p>	<ul style="list-style-type: none"> • Explanation: The purpose of introducing new regulations is to provide clarity and remove regulations that are unnecessary. Staff will be developing "plain language" implementation manuals that will explain the zoning regulations and requirements should a homeowner wish to proceed with creating one or more SDUs on their property.

**Summary of Written General Comments Received for
Secondary Dwelling Units**

Submitted by	Written Comments	Staff Response
Ken Tilden	Does the City of Hamilton have an Architect on Staff advising on Architectural Design expectations?	<ul style="list-style-type: none"> • Explanation: Under the Planning Act, the City cannot control the architectural design of SDU's; however, we can control the size, height and the location of the building on the site.
Rose Lukosis	Extremely disappointed that the neighbourhoods adjacent to McMaster University and Mohawk College did not attend the stakeholder meeting. We have seen what happens when absentee landlords convert homes into multi unit dwellings. We live with our streets filled with cars parking all day and night even when signs do not permit it and enforcement is only based on complaints. We see the lack of property standards, garbage, lawn maintenance, etc., although the City has attempted to add student bylaw enforcement officers pre-Covid.	<ul style="list-style-type: none"> • Explanation: As part of the Neighbourhood Association Stakeholder Meeting, all neighbourhood associations were invited to the stakeholder association, including ones located near the McMaster University and Mohawk College. • Prior to the establishment of an SDU (whether internal to the principal dwelling or a detached SDU), a Building Permit will be required prior to the construction of an SDU, and the Ontario Building Code sets out minimum requirements relating to the preparation and submission of plans and drawings. An architect may not be required but a licensed designer (OBN registered) is required. • Many of the concerns are related to property standards such as illegal parking, garbage, lawn maintenance, etc. Municipal law enforcement should be notified.
Andrew Hannaford	Generally need more multiple choice options in the survey. Such as “do not intend to build an SDU but supportive”.	<ul style="list-style-type: none"> • Noted and acknowledged.
Waverly Birch		<ul style="list-style-type: none"> • Feedback of the results will be considered in the development of future surveys.

**Summary of Written General Comments Received for
Secondary Dwelling Units**

Submitted by	Written Comments	Staff Response
Andy Tran	The concerns with respect to parking and maximum GFA of a detached SDU would increase the need to go to Committee of Adjustment for Minor Variance approval.	<ul style="list-style-type: none"> • Explanation: The SDU regulations (including ones mentioned in the comment) were created understanding it will not address every lot or every scenario, and variances may be inevitable in some situations.
Yuriy Nesvit	I am curious if it would be possible to put a secondary unit on a "commercially" zoned single house property?	<ul style="list-style-type: none"> • Explanation: Currently, other than Residential Zones, there are limited zones that permit single detached dwellings, such as the Downtown Residential (D5) Zone in Hamilton Zoning By-law No. 05-200. An SDU can be established on a lot which the existing zone permits, and the lot contains a single detached, semi-detached dwelling, or street townhouse dwelling.
Michelle Marcotte	I am quite concerned that the regulations do not meet the needs of seniors or persons with disabilities. I have contacted Professors at McMaster Center for Optional Aging and asked for their involvement to make sure these regulations are more suitable for seniors.	<ul style="list-style-type: none"> • Explanation: SDUs increase housing options in Hamilton that will be suitable to many household types, including seniors. Permitting SDUs does not address housing to only one age group or household type, but is a one of many solutions to housing options. • The Ontario Building Code sets out required building standards in which all buildings and structures must comply, including SDUs. Zoning can be more permissive and enabling than the Ontario Building Code, and is up to the landlord and designer to ensure the SDU is appropriate for senior living.

**Summary of Written General Comments Received for
Secondary Dwelling Units**

Submitted by	Written Comments	Staff Response
West End Home Builders Association (WEHBA) c/o Kirstin Jensen	Make the process of creating new detached secondary units, or the conversion process to produce internal accessory units, an option in as many housing forms and properties across the City, and in a straightforward and efficient manner that does not result in an overload of planning applications.	<ul style="list-style-type: none"> • Explanation: The proposed regulations have been minimized to balance the need of increasing housing options with other corporate and community objectives (e.g. privacy, climate change, community integration.)
Garth Brown	Dire need for additional affordable housing in Hamilton is a matter of human health and human right. Despite the high cost of construction of SDUs, they are being constructed throughout the GTA. Need an integrated approach to address housing issues.	<ul style="list-style-type: none"> • Explanation: Permitting SDUs is one only piece of the housing puzzle where the intent is to increase housing options in the City, and housing diversity for different demographics. Although some SDUs may have lower rents, SDUs by themselves may not be affordable. Staff have been working with other Departments to develop an overall Housing Strategy for the City.
Tracy Pearce-Kelly	I am considering a secondary unit to offer low income housing and want to give back as the community which is struggling with homelessness and mental health. am looking to create a low income unit to give back, and to help someone have a safe autonomous space where they can build self worth and a new life.	<ul style="list-style-type: none"> • Explanation: Noted. Proposed regulations would assist in the initiative.
Chris Bryan	Many homes being converted in the neighbourhood, now the homes are not maintained. No gardening being done, garbage cans and recycling boxes being left on the street weeks after pickup.	<ul style="list-style-type: none"> • Explanation: Municipal law enforcement would be responsible to ensure the landlord is notified and corrected.

**Summary of Written General Comments Received for
Secondary Dwelling Units**

Submitted by	Written Comments	Staff Response
Don and Patti Cook	Tenants living in the rental properties do not maintain their properties. No snow shovelling or lawn mowing. Inconvenience to those with barrier-free needs.	<ul style="list-style-type: none"> • Explanation: The concern of not keeping the property to a minimum standard is a property standards matter. Municipal law enforcement would be responsible to ensure the landlord is notified and corrected.
	Landlord created four units in the house and inspectors have tried to enter the property but refuses entry.	<ul style="list-style-type: none"> • Explanation: The new regulations would only permit one SDU within an existing dwelling. Creating three additional dwelling units is not permitted.
	Request of the City to create rules on the ability to monitor rental properties and not have homeowners to snitch on the rental properties.	<ul style="list-style-type: none"> • Explanation: City Council may consider a rental licencing program. Such a program would require landlords to obtain a license.
Diane Woehl	Against Secondary dwellings. Especially on this small street.	<ul style="list-style-type: none"> • Explanation: Bill 108 requires all municipalities in Ontario to permit SDUs in the Official Plans and Zoning By-laws. The question is not if the City should permit SDUs, but the question is what regulations should be included to ensure community integration.
	I have complained about the parking, blocking our driveway when there are two cars parked on both sides of the driveway, hard to see cars on the street.	<ul style="list-style-type: none"> • Explanation: The matter is a parking enforcement issue. Generally, each SDU is required 1 parking space per dwelling

**Summary of Written General Comments Received for
Secondary Dwelling Units**

Submitted by	Written Comments	Staff Response
Christine Crooks	The main concern is the landlord construct the units without a permit. Concern about the safety of these units.	<ul style="list-style-type: none"> • Explanation: Building Permits are required for the construction of converted dwellings. Constructing without a Permit is illegal and is not safe for the tenants and abutting neighbours.
	Property maintenance companies do not keep up with grounds keeping and tenants lack "pride of ownership". The neighbourhood suffers when there is overgrown grass and weeds and/or snow not taken seriously.	<ul style="list-style-type: none"> • Explanation: Property standards matter. Municipal law enforcement would be responsible to ensure the landlord rectifies the matter.
	Over time in the neighbourhood, the number of cars that are parked on the driveway is now three. Some don't even park on the driveway anymore and park on the street.	<ul style="list-style-type: none"> • Explanation: Parking enforcement issue. Each SDU is required 1 parking space per dwelling.
Tony Bruyn	Against Secondary dwellings. The main concern is the landlord construct the units without a permit. Concern about the safety of these units.	<ul style="list-style-type: none"> • Explanation: Building Permits are required for the construction of converted dwellings. Constructing without a Permit is illegal and is not safe for the tenants and abutting neighbours.
	There is a lot of junk in the driveway, interior, and backyard.	<ul style="list-style-type: none"> • Explanation: The comment is a property standards matter. Municipal law enforcement would be responsible to ensure the landlord rectifies the matter.

**Summary of Written General Comments Received for
Secondary Dwelling Units**

Submitted by	Written Comments	Staff Response
Lorraine Vaillancourt	Disagree with converting single detached dwellings to two family homes.	<ul style="list-style-type: none"> • Explanation: Bill 108 requires all municipalities in Ontario to permit SDUs in the Official Plans and Zoning By-laws. The question is not if the City should permit SDUs, but the question is what regulations should be included to ensure community integration.
	My street now has so many vehicles most places you have to go in a single file. Most homes have 3 vehicles with no parking on the property.	<ul style="list-style-type: none"> • Explanation: Parking enforcement issue. Each SDU is required 1 parking space per dwelling.
Karen and Jerry	Survey was extremely limited in regards to the secondary dwelling unit that is a separate building and maximum size. The size should be based on the available space on a particular sized lot.	<ul style="list-style-type: none"> • Explanation: To size of the detached SDU is a combination of maximum gross floor area, maximum lot coverage, setbacks from the property line, and the minimum distance between the main dwelling and the detached SDU. All of the abovementioned regulations must be complied with.
	Have concerns with rental developers and changing a family friendly neighbourhood to rental duplexes.	<ul style="list-style-type: none"> • Explanation: Bill 108 requires all municipalities in Ontario to permit SDUs in the Official Plans and Zoning By-laws. Further, Bill 108 does not allow municipalities to control who resides on the property. For example, the Zoning By-law cannot regulate that the homeowner must live on the same property as the rental unit.
	Concerned about maintenance and upkeep like snow clearing or grass cutting.	<ul style="list-style-type: none"> • Explanation: Property standards matter. Municipal law enforcement would be responsible to ensure the landlord rectifies the matter.

**Summary of Written Comments Received for
Internal Secondary Dwelling Units in the Urban Area**

Submitted by	Written Comments	Response from Proposed Regulations October 2020
Garth Brown	Remove minimum size restrictions to allow the creation of smaller units. Supports the recommendation of maximum size of 50%.	<ul style="list-style-type: none"> • Explanation <p>The proposed regulations for SDUs internal to principal dwellings and detached SDUs do not include minimum size requirements for the SDU or the principal dwellings.</p> <p>Intent is to limit minimum size requirements for both types of SDUs, and leave it through the OBC. Maximum size for internal SDUs would be unrestricted. There would be flexibility on which dwelling unit becomes the "principal" unit.</p>
	Support allowing entrance for the SDU for detached and semi-detached (to face the street) in the Lower City, and street townhouses throughout the city where they can be esthetically and functionally acceptable.	<ul style="list-style-type: none"> • Explanation <p>Uniform entrance regulations by geographic area and not by dwelling type is what is being proposed. The intent is to maintain an existing general appearance from the street, especially in suburban areas where there is only one front door facing the street.</p>
Indwell c/o David Vanderwindt	Do not support minimum size requirements.	<ul style="list-style-type: none"> • Explanation <p>The proposed regulations for SDUs internal to principal dwellings and detached SDUs do not include minimum size requirements for the SDU or the principal dwellings.</p>
Mary Lynn and Scott Taylor	Main concern is that there are many homes on the street that have been converted from a single-detached dwelling to a dwelling containing many smaller dwelling units such as a basement apartment. Also ones that have been converted to a lodging house.	<ul style="list-style-type: none"> • Explanation <p>SDUs are dwelling units that contain living areas, kitchen, and dining area, and are subordinate to the principal dwelling. SDUs are not considered lodging houses by definition. Any conversions to permit an additional dwelling unit requires a Building Permit.</p>

**Summary of Written Comments Received for
Internal Secondary Dwelling Units in the Urban Area**

Submitted by	Written Comments	Response from Proposed Regulations October 2020
	<p>Concern how single-detached dwellings be allowed to be converted with a permit. Many of them have no permits issued. And if there was a Building Permit issued to the dwelling, what is actually constructed and what was permitted to be constructed is different.</p>	<ul style="list-style-type: none"> • Explanation <p>A Building Permit is required to construct an SDU. The Building Division inspects the premises based on the Building permit.</p>
	<p>Concerned about the minimum dwelling size requirement for both dwelling units under Section 19.1(1) of Hamilton Zoning By-law No. 6593.</p>	<ul style="list-style-type: none"> • Explanation <p>The minimum dwelling size requirement will be removed as part of the SDU project. Minimum dwelling size requirements are subject to OBC requirements.</p>
<p>Comments from Town Hall Meetings</p>	<p>In some areas of the lower city especially in the north end, it may not be as important because there are already areas that have two street fronting entrances.</p> <p>Depending on where they are in the city, participants either strongly support maintaining one street facing entrance or do not feel that it is important.</p>	<ul style="list-style-type: none"> • Explanation <p>Comments are noted. Maintaining the streetscape and general appearance from the street is important in certain areas only one front door is the main characteristic of the streetscape</p>
<p>Comments from Town Hall Meetings</p>	<p>Protecting neighbourhood character based on what exists was noted as an important reason to maintain one front door. Some residents feel that maintaining one front door is very important.</p>	

Detached Secondary Dwelling Units
Comments in the Urban Area

Submitted by	Written Comments	Staff Response
Geoff Palmer	Maximum height restrictions is too limiting, as it forces non-traditional style of roofing for a two-storey SDU. Likely only flat roof styles will accommodate the 6m proposed restriction. Should be restricted to a height relative to the existing home/neighbouring homes.	<ul style="list-style-type: none"> • No change in the regulation <p>No changes are proposed. City of Toronto's laneway house has a maximum height of 6.0 metres as well. The proposed height still allows for a 2-storey detached SDU.</p>
Garth Brown	Permitting SDUs in detached, semi-detached, and townhouse dwellings. Let the homeowner determine the layout of the SDU to determine overall compliance.	<ul style="list-style-type: none"> • Acknowledged <p>The intent of the SDU project is to permit the use in a variety of dwelling types. Further, there is flexibility in allowing the homeowner to determine the layout of the SDU.</p>
Ken Tilden	My existing 2 story wood frame garage . It would seem ideal and we would be interested in renovating suiting City requirements , the OBC and any required Municipality Standards.	<ul style="list-style-type: none"> • Explanation <p>Resident may be able to establish a detached SDU, subject to zoning by-law regulations, OBC, and Fire Code requirements.</p>
Ken Bekendam	Minimum distance from front lot line - wording is confusing	<ul style="list-style-type: none"> • Revision to the Regulation <p>The wording of the proposed regulation in the Discussion paper has been revised to simplify the language and a contained in the regulation has been reviewed by staff and the wording has remained.</p> <p>Further, rather than calculating how far the detached SDU should be sited based on the principal dwelling, the regulation requires a minimum 5.0 metres distance from the front façade of the principal dwelling and therefore the intent of the regulations remains.</p>

Detached Secondary Dwelling Units
Comments in the Urban Area

Submitted by	Written Comments	Staff Response
Leigh Reid	More SDUs would be built in Ward 1 if the 1 metres emergency access was between houses and not between house and property line. Reduction to 0.9 metres would increase the number of laneway houses being built.	<ul style="list-style-type: none"> • No change to the regulation. <p>In jurisdictions such as Toronto, the access path has been reduced to 0.9 metres. However, discussions with the Chief Building Official and Fire Services have concluded the reduction will not be considered at this time.</p> <p>In addition, this regulation is consistent with other regulations in the Zoning By-law, both existing and under future consideration, related to side yard setbacks.</p> <p>The setback has also been included for the purposes of storm water management.</p>
	Crime in laneways have been a concern, with cars being vandalized over the years. Discussion Paper did not mention how laneway houses will impact crime.	<ul style="list-style-type: none"> • Explanation <p>Detached SDUs in the rear yard will help in overall surveillance where in the past, residents residing in the principal dwelling and in front of the property may not be aware of disturbances in the back.</p>
	Mobile homes is becoming more of a solution to affordable house. Creating areas that support mobile housing (parking pad, shore power, water, facilities, lighting, etc.) should be addressed in the secondary dwelling updates.	<ul style="list-style-type: none"> • Explanation <p>Mobile homes (homes that are movable with wheels attached) are not permitted in the urban area. All homes must be secured onto a foundation, wheels removed and, hooked up to municipal services.</p>
	Residential sprinklers have been a mandate of the IAFF and fire prevention teams throughout the world, it seems there could be an opportunity to allow some variances to allow a secondary unit to be built with the provision of being sprinklered	<ul style="list-style-type: none"> • No change in the Regulation. <p>Mandating the use of sprinklers is determined by the Ontario Building and Fire Codes. Further, requiring sprinklers will greatly increase construction costs.</p>

Detached Secondary Dwelling Units
Comments in the Urban Area

Maximum Lot Coverage for Detached SDU

Submitted by	Written Comments	Staff Response
Philip Toms	Maximum 25% lot coverage is too low a number. A project we did on Aberdeen Ave in Ward 1 and built back in 2018. Lot Area of 580 square metres with a combined coverage (principal dwelling plus SDU) of 200 square metres which gives a Lot Coverage of 34.5%.	<ul style="list-style-type: none"> • No change in the regulation <p>Currently, most Zoning By-laws have maximum lot coverages of all buildings on a lot, including accessory buildings. The recommendation is to retain the existing lot coverage requirements rather than amend the percentages, which would require more research.</p> <p>However, where maximum lot coverage regulations are not present, a maximum 25% lot coverage for all accessory buildings apply and to the entire lot, and does not include the principal dwelling.</p>
Ken Beckendam	Maximum Lot Coverage - Is this for the detached structure or including the principal?	<ul style="list-style-type: none"> • No change in the regulation <p>The proposed regulation applies only to the detached SDU and all accessory buildings. It does not include the principal dwelling.</p>

Detached Secondary Dwelling Units
Comments in the Urban Area

Maximum Floor Area for Detached SDU

Submitted by	Written Comments	Response from Proposed Regulations October 2020
Geoff Palmer	50 square metres too small, overly limits the demographic spectrum	Revision to the Regulation
Andy Tran	Maximum size of 50 square metres is too small. The cost of construction would be expensive for a dwelling unit that is too small (on a per square metre). Limit a portion of the demographics due to the smaller size.	<ul style="list-style-type: none"> • Following consultations, it was determined the proposed maximum GFA of 50.0 square metres was too small. Detached SDUs that have been, or currently undergoing design and construction, exceeds that amount.
Garth Brown	Allow the lot size and size of the principle residence determine the size of the new unit. Proposed maximum size is too small.	<ul style="list-style-type: none"> • As a result of the public feedback, the amended regulation increases the maximum GFA for a detached SDU from 50.0 to 75.0 square metres to allow for a greater degree of flexibility in design while also meeting needs of household types and living situations.
Emma Cubitt	Maximum size for a detached SDU is too small. Many of her client's projects far exceeds 50 square metres, some close to 100 square metres. Consider increasing the maximum size requirements.	
West End Home Builders Association (WEHBA) c/o Kirstin Jensen	The maximum unit size of 50 sq. m. proposed is prohibitively small and is going to severely limit the ability of a large portion of the City to be able to cost-effectively construct a detached dwelling unit on their properties.	<ul style="list-style-type: none"> • Detached SDUs cannot be larger than the principal dwelling as it is considered accessory. Therefore, not all detached SDUs can be built to the maximum size.
Ken Bekendam	Maximum Unit Size - Increase to 65 square metres. Make sure basement may be used.	<ul style="list-style-type: none"> • The originally proposed regulation (maximum Gross Floor Area (GFA) of 50.0 square metres, or 538 square feet) was inspired by the Laneway Housing Pilot Project (By-law No. 18-299).

Detached Secondary Dwelling Units
Comments in the Urban Area

Minimum Side and Rear Yard Setbacks

Submitted by	Written Comments	Response from Proposed Regulations October 2020
Ken Bekendam	Minimum distance from the main dwelling of 7.5 metres - Requirement will send many applications to Committee of Adjustment. Reduce to 3.0 metres.	<ul style="list-style-type: none"> • No change in the regulation <p>The purpose of a minimum distance between the principal dwelling and the detached SDU is to allow an uninterrupted backyard space and for landscaping and grading and drainage, and space for other accessory uses such as a shed.</p>
Ken Bekendam	Setback from lot line - Reduce to 0.6 metres	<ul style="list-style-type: none"> • Revision to the regulation
Leigh Reid	Setback from the side lot line unnecessary and creates unused greenspace. Proper drainage plan should overcome grading and drainage concerns.	<p>The purpose of having an appropriate minimum setback from a property line is:</p> <ul style="list-style-type: none"> ○ Ensure grading and drainage without impacts on abutting properties; ○ The ability for the homeowner to maintain and repair the SDU building; ○ Ability for windows to be installed on the side of the detached SDU (due to OBC regulations). <p>Following the public engagement, it was determined through consultations with staff that a the initial proposed minimum setback of 1.0 metre has been increased to 1.2 metres. Parts of city where there are drainage and flooding concerns, and parts of the city where combine sewers exists, the need to address drainage is particularly important to avoid stormwater runoff into neighbouring properties during extreme weather events.</p>

Detached Secondary Dwelling Units
Comments in the Urban Area

Design Requirements for Detached SDU

Submitted by	Written Comments	Response from Proposed Regulations October 2020
Waverly Birch	Survey asked about if windows should be restricted to facing the "side yard, backyard, or street (if I recall correctly)" and it seemed I was forced to choose one of these. I ultimately chose backyard, but this data is not representative of my actual opinion, which would be that it could be any of the above.	<ul style="list-style-type: none"> • Acknowledged <p style="margin-left: 20px;">Side yard, backyard, and street are preferred options.</p>
	Any of the above for the question regarding the orientation of rooftop patios.	
Ken Bekendam	Allow balconies, people need to put garbage cans when they live in second floor units.	<ul style="list-style-type: none"> • No change in the regulation <p style="margin-left: 20px;">The purpose of prohibiting balconies on the second floor is to minimize potential impacts such as noise, privacy and overlook. For Detached SDU, residents have access to the ground floor and garbage can be placed in the receptacle.</p>
Andrew Hannaford	In the survey, there should be "no restriction" option for window on second floor.	<ul style="list-style-type: none"> • Revision to the regulation <p style="margin-left: 20px;">The proposed regulation allowing windows on the second floor has been removed due to the proposed minimum 1.2 metres setback of the detached SDU from the property line. The OBC requires a minimum 1.2 metres from any property line is required to ensure prevention of fire spreading to and from abutting properties.</p>

**Summary of Written Comments Received for
Secondary Dwelling Units in the Rural Area**

Submitted by	Written Comments	Response from Proposed Regulations October 2020
James Goodram	<p>Will SDUs be permitted on farm properties that have single detached dwelling?</p> <p>Should be permitted to allow aging/retiring farmers stay "at home" while allowing the next generation to raise their family and provide for both at the same time</p>	<ul style="list-style-type: none"> • Proposed regulation added to allow accessory SDUs <p>Secondary Dwelling Units (SDUs) would be permitted on lots, including farm properties that containing a single detached and semi-detached dwelling.</p> <ul style="list-style-type: none"> • Based on Council direction, only SDUs internal to the principal dwelling are being considered at this time,
Thomas Klak	<p>Have a Building Permit to put in an SDU, permit rejected and need to go through ZBLA. Homeowner interested because of their intention to build a unit.</p>	<ul style="list-style-type: none"> • Explanation <p>Prior to the approval of Zoning By-laws by Council, the owner will still need to go through ZBLA as the SDU regulations have not been brought forward to Council at this time.</p> <p>Detached Units will require an Official Plan Amendment along with a Zoning By-law Amendment.</p>
Pat Donald	<p>There are no immediate plans for change of bylaws for SDU's in rural areas, the first phase applies only to urban designations Only existing rural option is to apply for a zoning change for individual properties to build a free standing garden suite to be dismantled within 20 years. The above choice seems counterproductive if free standing SDU's are to be permitted under proposed changes - that is these structures would not have to be dismantled.</p>	<ul style="list-style-type: none"> • Proposed regulation added to allow accessory SDUs <p>As a clarification, the scope of the SDU project is to also permit SDUs in the rural area. However, the focus is SDUs internal to single-detached and semi-detached buildings. Garden suites remain an option for a detached dwelling, but are only permitted with a maximum 20 year limit, as legislated in the <i>Planning Act</i>.</p>

Parking Regulation Comments for Secondary Dwelling Units

Parking Standards

Submitted by	Comments	Staff Response
Garth Brown	Although there is a need to encourage public transit, the reality is people drive. However, supports eliminating parking requirement where transit is readily available (as Toronto did in 2019).	<ul style="list-style-type: none"> • Amended Regulation to allow no parking space requirement for certain areas of the lower city.
Indwell c/o David Vanderwindt	Rules that require 1 parking spot per unit are also typically counter-productive.	<p>A citywide parking standard is 1 space per SDU. In Lower Hamilton, no parking space is required for SDUs on lots containing a legally established single detached, semi-detached, street townhouse, and townhouse dwelling. The rationale is there are other transportation options such as cycling, walking, and public transit. Further, existing dwellings might not have sufficient space to accommodate an extra parking spot.</p>

Parking Regulation Comments for Secondary Dwelling Units

Minimum Landscaping Requirements

Submitted by	Comments	Staff Response
Garth Brown	Consider parking in the front yard, especially for lots do not have room for tandem parking, and still meets the 50% landscaping requirements.	<ul style="list-style-type: none"> • Revisions to the regulations <p>Certain Zoning By-laws prohibit parking in the required front yard to reduce a clutter of cars from the street. However, these regulations reduce the opportunity to allow for additional parking for SDUs.</p> <p>New regulations have been added since the October 2020 public engagement to allow parking in the required front and flankage yard. However,</p>

Parking Regulation Comments for Secondary Dwelling Units

Tandem Parking

Submitted by	Comments	Staff Response
Andy Tran	Concern about not permitting tandem parking. With up to three dwelling units on a single lot, may need up to 8.1 metres in driveway width, or variances needed.	<ul style="list-style-type: none"> • No Change to the Proposed Regulation <p>Existing Zoning By-laws such as Hamilton Zoning By-law No. 6593 does not permit tandem parking on lots containing a converted dwelling (principal dwelling and SDU). The proposed regulation will maintain the regulation and not permit tandem parking.</p> <p>The proposed regulation requires 1 parking space per SDU. However, tandem parking is permitted for non-required parking spaces.</p>
West End Home Builders Association (WEHBA) c/o Kirstin Jensen	Prohibiting tandem parking will result in an increase of minor variance applications, for both parking requirements and minimum landscaping requirements. This could lead to an over-paving of several properties across the City and an overall reduction in front yard landscaping on properties.	
Ken Beckendam	Parking - Allow Tandem Parking	

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
<p>In some areas of the lower city especially in the north end, it may not be as important because there are already areas that have two street fronting entrances.</p> <p>Depending on where they are in the city, participants either strongly support maintaining one street facing entrance or do not feel that it is important.</p>	<ul style="list-style-type: none"> • Explanation <p>Comments are noted. Maintaining the streetscape and general appearance from the street is important in certain areas only one front door is the main characteristic of the streetscape</p>
<p>Protecting neighbourhood character based on what exists was noted as an important reason to maintain one front door. Some residents feel that maintaining one front door is very important.</p>	
<p>There will be significant pushback if allow SDU in backyard. This was noted to potentially be a significant issue in some areas of the city particularly in Ancaster where SDUs in backyards would create new overlook with new units looking into the backyards of abutting residences. Would like to see more regulations to address overlook and privacy.</p>	<ul style="list-style-type: none"> • Explanation <p>Bill 108 requires municipalities in Ontario to permit SDUs in the Zoning By-law. Further, the regulations implement existing policies in the Urban Hamilton Official Plan to permit SDUs within the Neighbourhoods designation. The purpose of the regulations is to ensure impacts are minimized such as overlook, privacy, and noise.</p>
<p>For detached SDUs unassociated with a laneway – concerns were raised about overlook and how these can be accommodated on different lots sizes protecting privacy and use of yards.</p>	
<p>It was noted that the fire escape projection of 1 metre is very difficult to comply with when design to the Ontario Building Code especially for 2nd and 3rd floor fire escapes. Any effort to increase this projection noting that this is not relating to the clear path for fire personnel.</p>	<ul style="list-style-type: none"> • No change in the regulation. <p>There are no plans to amend maximum projections for Fire Escapes as the OBC regulates such exits.</p>
<p>Will the city be allowing sprinkler protection in lieu of 40 metres fire access? (reference to BCC ruling about fire access for LH in Toronto: ruling 19-31-1551.</p>	<ul style="list-style-type: none"> • No change in the regulation. <p>Mandating the use of sprinklers is determined by the Ontario Building and Fire Codes. Further, requiring sprinklers will greatly increase construction costs</p>

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
<p>The proposed maximum lot coverage of 25% was noted to be workable for scale in some areas of the city where there are 40 to 50 foot frontages. For other areas, especially in the lower city, 25% is seen to be too restrictive and 35% is seen as more realistic.</p>	<ul style="list-style-type: none"> • Explanation <p>Currently, most Zoning By-laws have maximum lot coverages of all buildings on a lot, including accessory buildings. The recommendation is to retain the existing lot coverage requirements rather than amend the percentages, which would require more research.</p> <p>However, where maximum lot coverage regulations are not present, a maximum 25% lot coverage for all accessory buildings apply and to the entire lot, and does not include the principal dwelling.</p>
<p>Industry representatives commented that the "one number fits all approach" doesn't work and that a matrix table with frontage, lot depth, and percentage of coverage should fall out of the specifics of the lot that you are dealing with.</p>	<ul style="list-style-type: none"> • Explanation <p>The new Zoning By-law is intended to be easier to apply and understand. Further, it is very difficult to develop set of regulations that will address every lot size and configuration.</p>
<p>It was noted that there needs to be flexibility to adapt to different situations in different wards which may have smaller lots, laneways and different conditions for garages and back gardens.</p>	
<p>The maximum GFA of 50 square metres is seen as too small and is expected to result in minor variance applications for most of the units.</p> <p>The city should consider a maximum of 70 to 80 square metres which is seen as being more consistent with requirements established in other municipalities and allows for more than a one room or one bedroom unit. A higher number that allows for modest 2 bedroom units would likely allow for more "as of right" applications.</p>	<ul style="list-style-type: none"> • Revision to the Regulation • Following consultations, it was determined the proposed maximum GFA of 50.0 square metres was too small. The regulation has been amended to increased the maximum GFA for a detached SDU from 50.0 to 75.0 square metres to allow for a greater degree of flexibility in design while also meeting needs of household types and living situations. • Detached SDUs cannot be larger than the principal dwelling as it is considered accessory. Therefore, not all detached SDUs can be built to the maximum size.

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
Clarification was sought on how 50 square metres would apply within the unit.	<ul style="list-style-type: none"> • Explanation <p>The Gross Floor Area is the maximum size of the area of the building which could be organized over two floors (with a maximum building height of 6.0 metres), and would not include non-habitable spaces such as mechanical room.</p>
The distance from the principle dwelling of 7.5 metres to the detached SDU is too large. There are many backyards that will not be able to maintain this distance and will lead to COA applications. It would be great to come up with a more reasonable distance.	<ul style="list-style-type: none"> • No change in the regulation <p>The purpose of a minimum distance between the principal dwelling and the detached SDU is to allow an uninterrupted backyard space and for landscaping and grading and drainage, and space for other accessory uses such as a shed.</p>
Would like to see side yard setbacks eliminated on one side noting that there are other ways to address visual overlook and spatial separation for fire. Eliminate one of side yard setbacks – aside from spatial setback – side yard setback for decks are forgotten space make one zero and allow for access between the garden and shed.	<ul style="list-style-type: none"> • Revision to the regulation <p>The purpose of having an appropriate minimum setback from a property line is:</p> <ul style="list-style-type: none"> ○ Ensure grading and drainage without impacts on abutting properties; ○ The ability for the homeowner to maintain and repair the SDU building; ○ Ability for windows to be installed on the side of the detached SDU (due to OBC regulations).
Questions about what the minimum side yard requirement will be and how it will affect potential laneway housing as lots that typically have access to laneways may not be able to meet this minimum due to narrow lot size	<p>Following the public engagement, it was determined through consultations with staff that a the initial proposed minimum setback of 1.0 metre has been increased to 1.2 metres. Parts of city where there are drainage and flooding concerns, and parts of the city where combine sewers exists, the need to address drainage is particularly important to avoid stormwater runoff into neighbouring properties during extreme weather events.</p>

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
<p>Some noted that they agree with the regulations for balconies and existing stairs. There needs to be something built in for flexibility in design. The example of having second floor balconies on a laneway could be a good design solution that puts life on the laneway.</p>	<ul style="list-style-type: none"> • Revision to the regulation <p>The proposed regulation allowing windows on the second floor has been removed due to the proposed minimum 1.2 metres setback of the detached SDU from the property line. The OBC requires a minimum 1.2 metres from any property line is required to ensure prevention of fire spreading to and from abutting properties.</p>
<p>A reconsideration of minimum setbacks suggested to address overlook from second floor windows that overlook adjacent backyards instead of having the requirement for no windows on three of the four facades. It was noted that having no windows is not practical or reasonable to request for most projects. If necessary, perhaps having a translucent film on the lower portion of the second floor windows to mitigate overlook would be reasonable.</p>	

Minimum Landscaping Requirements

Comments	Staff Response
<p>For areas in the inner city and north end where there are small driveways, it was noted that it is not possible to add a parking spot unless you remove the front lawn, which is against the bylaw.</p>	<ul style="list-style-type: none"> • Revisions to the regulations <p>Certain Zoning By-laws prohibit parking in the required front yard to reduce a clutter of cars from the street. However, these regulations reduce the opportunity to allow for additional parking for SDUs.</p> <p>New regulations have been added since the October 2020 public engagement to allow parking in the required front and flankage yard. However,</p>
<p>Concerns were noted about the impact of the requirement for parking on front yard landscaping. Hardscaping was noted to be an issue that could affect character with front yards being used for parking. More consideration of greenscaping and less impervious surfaces are recommended.</p>	
<p>Hardscaping was noted to be an issue that could affect character with front yard being used for parking.</p>	

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Comments	Staff Response
<p>It was noted that the definition and permission for what is allowed for front yard landscaping includes hardscaping (paving stones) and this should be reconsidered to ensure that a certain percentage is maintained green.</p>	<ul style="list-style-type: none"> • No change to the regulation <p>The existing definitions of landscaping in all Zoning By-laws allows hardscaped materials such as concrete walkways and use of paving stones. At this time, the definitions will not be amended as analysis would be required to determine what percentage is appropriate.</p>
<p>More consideration of greenscaping and less impervious surfaces are recommended to address urban heat islands, more severe weather events and climate change considerations.</p>	

Parking Standards and Regulations

Written Comments	Response from Proposed Regulations October 2020
<p>There are different opinions on the requirement of one parking space for SDUs based on where in the city the SDU would be located.</p> <p>One parking space per unit is supported and seen as necessary and sufficient in many areas.</p>	<ul style="list-style-type: none"> • Explanation • Amended Regulation to allow no parking space requirement for certain areas of the lower city. <p>A citywide parking standard is 1 space per SDU. In Lower Hamilton, no parking space is required for SDUs on lots containing a legally established single detached, semi-detached, street townhouse, and townhouse dwelling. The rationale is there are other transportation options such as cycling, walking, and public transit. Further, existing dwellings might not have sufficient space to accommodate an extra parking spot.</p>
<p>Residents at the virtual town halls noted that requiring 1 parking spot for an SDU could disqualify a lot of properties in the older area and in the lower city e.g. north end and neighbourhoods on Hamilton Mountain. They expressed concern that the 1.0 parking rule per SDU is going to be the biggest hindrance to encouraging homeowners to building SDUs on the Mountain. It may encourage homeowners to build SDUs without involving the city at all.</p>	
<p>Others note that many areas have a real problem with parking currently and the contemplation for no parking for SDUs in lower Hamilton would be problematic e.g. the East Central City.</p>	

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
Residents ask - if parking is required city wide, can a parking reduction through a minor variance be considered on a case by case basis so that parking can be evaluated as SDUs are constructed.	<ul style="list-style-type: none"> • Explanation <p>Each Minor Variance application are reviewed on a case-by-case basis, even for identical variances on the same street.</p>
If there is laneway access to a lot can the parking for the SDU be in the backyard.	<ul style="list-style-type: none"> • Explanation <p>Yes, if the laneway serves as an access to parking that are located in the rear of the lot, then parking for SDUs can also be accessed the same way.</p>
Will the city waive parking requirements for the following where a where a SDU is being created for a senior/family member/in law suite who does not drive?	<ul style="list-style-type: none"> • Explanation <p>No, staff cannot waive any regulations in the Zoning By-law. A Minor Variance application must be submitted if no parking is requested.</p>
Will the city waive parking requirements where the principal house is on a transit route which would encourage density in a good place for it along transit routes and in places where cars would be less needed?	
With respect to encouraging aging in place, seniors housing and granny units, questions were noted as to whether these would be considered SDUs and therefore require 1 parking space.	
Parking is an ongoing issue in many areas of the city. In areas where there are a number of illegal apartments and student housing it was noted that parking is a problem with some houses have multiple cars using on street parking.	<ul style="list-style-type: none"> • Explanation <p>There are no plans for parking maximums at this time, as such a regulation may reduce the number of parked vehicles on a lot. A regulation limiting a maximum 50% of the front yard to parking would maintain landscaping and streetscape.</p>
While many understand that tandem parking is not ideal for an attached SDU, there is concern that by not allowing tandem parking, this will negate the opportunity for many SDUs and trigger minor variance application for parking.	<ul style="list-style-type: none"> • No Change to the Proposed Regulation <p>Existing Zoning By-laws such as Hamilton Zoning By-law No. 6593 does not permit tandem parking</p>

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
<p>Disallowing tandem parking should be reconsidered as it will limit the amount of homes that can create secondary dwellings in the city. Many homes in Hamilton, detached and otherwise, only have an option for tandem parking currently as parking is fit between two homes or the driveway is shared with another home. The question was raised as to what the options would be for these homes regarding parking requirements.</p>	<p>on lots containing a converted dwelling (principal dwelling and SDU). The proposed regulation will maintain the regulation and not permit tandem parking.</p> <p>The proposed regulation requires 1 parking space per SDU. However, tandem parking is permitted for non-required parking spaces.</p>

Engage Hamilton Portal Urban Online Survey Results

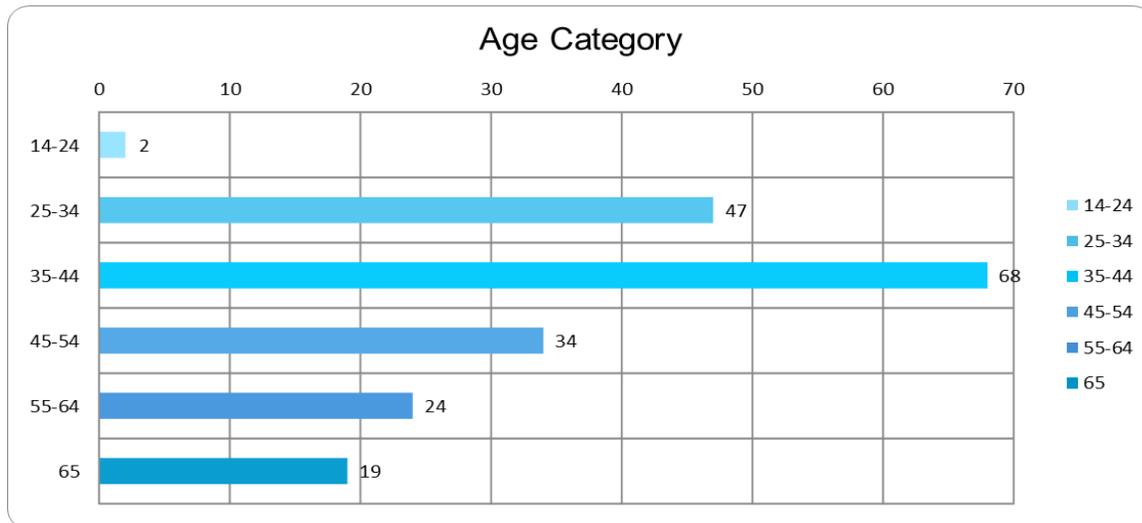
As part of the public engagement process for the Secondary Dwelling Unit (SDU) project, an Urban Area online survey was conducted via the Engage Hamilton Portal. The purpose of the survey was to seek feedback from the general public on key themes and regulations for SDUs in the Urban Area. It was based on three typologies: internal to the principal dwelling; newly constructed detached SDU; and, converted SDU. The following paragraphs include a discussion of general observations of the survey, and Urban Area survey results. The Rural Area Online Survey results are found in Appendix “L-2” to Report PED20093(a).

1.0 Demographics of Urban Area Survey Participants

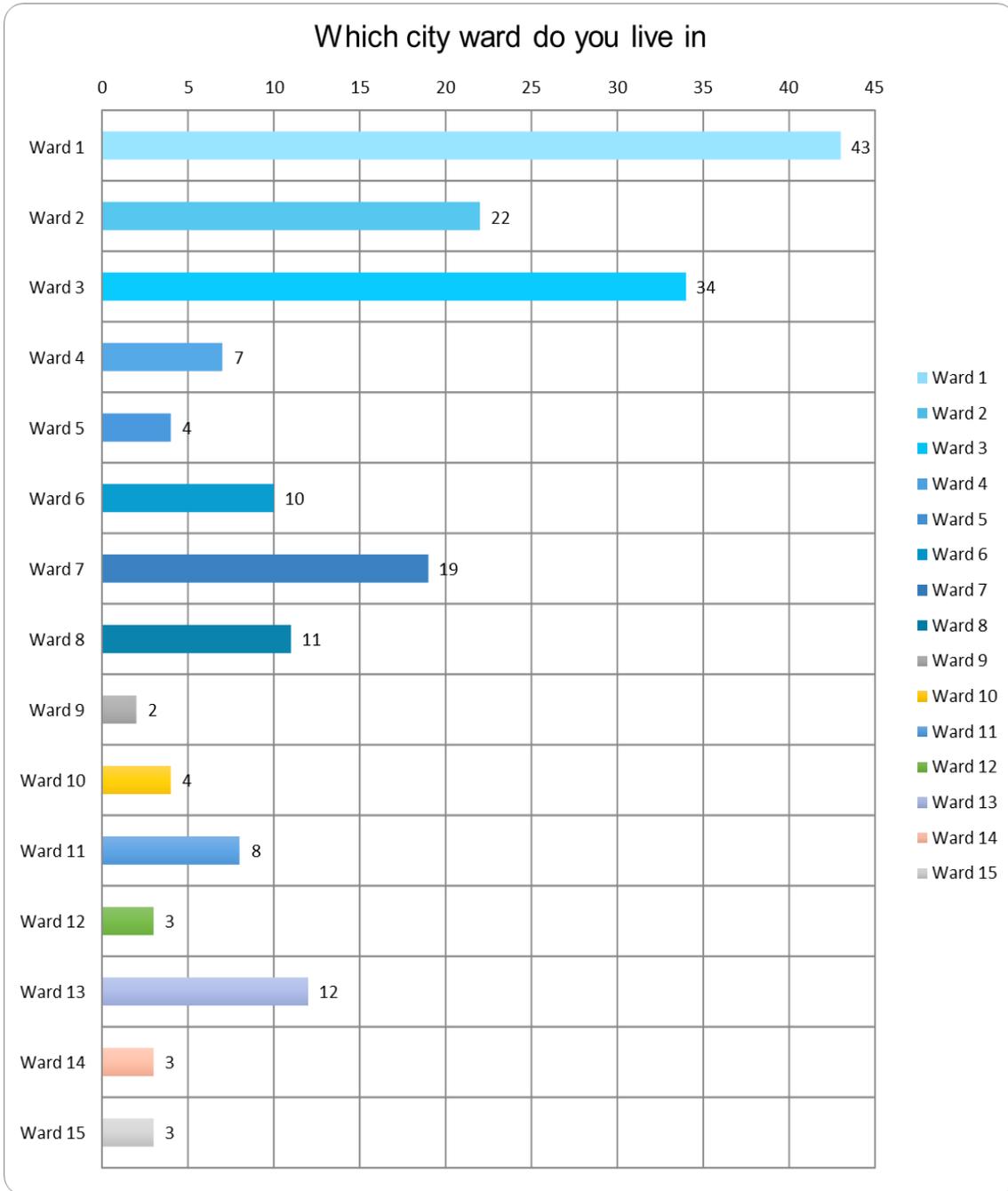
All participants were required to be registered with the Engage Hamilton portal (<https://engage.hamilton.ca/>). The online surveys were well received with 194 unique submissions for the Urban Area survey.

1.1 Urban Area Online Survey

Due to the pandemic, staff are employing online methods to engage the public on City initiated projects. The Urban Area online survey, as shown in the bar chart below, the majority of respondents (68%) were in the 25 to 54 age groups, with fewer number of respondents over 55 years old (24%). The data suggest the number of visitors to the SDU project’s online page who endeavour to participate in surveys, are spread across many age groups.



As shown in the chart, almost two-thirds of respondents reside in Wards 1, 2, 3, and 7. The rest of the respondents reside mostly in Wards 4, 5, 6, 8, and 13.



One question at the end of the survey asks whether the respondent is a homeowner or renter. Of the respondents, 10% are renters living in the Urban Area, and 63% are homeowners. The rest identify themselves as "others" and might either live in the Rural Area, or do not live in Hamilton.

Another question asks if the homeowner wishes to construct an SDU. Of the respondents who identified themselves as homeowners (120 of the 189 participants),

101 of them would like to build an SDU which signifies interest within the broader community of SDUs.

A second question further breaks down the type of SDU a homeowner wishes to construct. There is a rough split between constructing an SDU internal to the dwelling, a newly constructed detached SDU (which garnered the most), and converted detached SDU.

2.0 Urban Area Online Survey Results

Survey questions explained the participant's preference based on themes such as performance standards (setbacks, height, maximum gross floor area), design, and parking. The following paragraphs summarize the survey findings.

Overall, SDUs are supported with minimal regulations. These regulations are intended to mitigate potential neighbourhood impacts.

2.1 Minimum Size of Internal Secondary Dwelling Unit

Participants were asked about regulations dealing with a minimum size of Secondary Dwelling Unit (SDU) that are internal to the principal dwelling. A total of 54% of respondents agreed that a minimum gross floor area should be applied, and 45.5% of respondents indicated there should be a minimum.

A second question was, if a minimum size of SDU is implemented, then what would be the ideal size? A total of 52% indicated that the ideal minimum size of an internal SDU is 50 square metres, whereas 27% indicated a minimum 65 square metres (which is the currently minimum standard for converted dwellings in Hamilton Zoning By-law No. 6593. The remainder said "other" which ranges from a minimum of 23 square metres to 74 square metres.

2.2 Maximum Size of Internal Secondary Dwelling Unit

There is no maximum size of SDUs internal to the principal dwelling contemplated.

A total of 70.3% of respondents supported this approach by indicating that a maximum gross floor area should not be applied; 29.6% of respondents agreed there should be a maximum.

A second question was if a maximum size of the internal SDU is implemented, what would be the ideal size? Only 27% of respondents identified 50 square metres as the maximum size, with the rest as "other". A few respondents suggested the maximum should be restricted to bedrooms instead of floor area. Others suggest up to 100 square metres, or depending on the size of the house, a percentage of the floor area of the main dwelling.

2.3 Entrances to Internal Secondary Dwelling Unit

The proposed regulation would require the entrance for the internal SDU to face the rear or side yard. The intent is to avoid "two front doors" that face the street, which may alter the appearance from the street appearance. A total of 66.7% of respondents chose "doesn't matter", indicating there is an indifference to the regulation. A total of 29.7% of respondents prefer to see the entrance to be to the rear or the side of the house, and only 4% prefer having two front doors.

2.4 Maximum Size of Detached Secondary Dwelling Unit

To maintain community integration, a proposed regulation would restrict the size of the detached SDU to 50 square metres. The survey asks participants whether there should be a maximum size of detached SDUs, where 54% said yes and 46.8% said no.

A second question was asked: what would be the ideal maximum size of the detached SDU? A total of 19% identified that 50 square metres should be the maximum, and the rest of the respondents indicated the size should be based on a percentage of the total lot. During the public engagement process, feedback received via email indicated that 50 square metres was too small as a maximum size.

2.5 Maximum Height of Detached Secondary Dwelling Unit

The proposed regulation for detached SDUs is to restrict the building height to 6.0 metres, which is equivalent to two floors with a flat roof. Note that the definition of height varies depending on the definition in each Zoning By-law. A total of 57% of respondents indicate their preference is to have the same height as the main house (10.5 m), and 26.5% of respondents agree with the proposed 6.0 metres in maximum height. Finally, 16% prefer to reduce the maximum height to 4.5 metres, which is equivalent to a one-storey SDU.

2.6 Windows above the First Floor

A survey question was asked respecting permitting windows above the first floor. A vast majority of respondents would want windows to be permitted above the first floor. A follow up question asks respondents where the window could face; a total of 52.7% responded with the backyard, and 30% responded facing the street. Only 17% of respondent would like to see windows face the side yard.

2.7 Balcony and Rooftop Patios above the First Floor

Similar to the above mentioned design regulation, one proposed regulation is to prohibit balconies and rooftop patios above the first floor. Two-thirds of respondents indicate that balconies and rooftop patios should be permitted on the second floor and the rest do not agree. A follow up question asked respondents where the balcony or rooftop patio could face. A total of 58% said that it should be able to face the backyard, and 32.2% indicate it could face the street. Only 9% said it could face the side yard.

2.8 Additions to Converted Detached Secondary Dwelling Unit

Additions to a converted detached SDU is permitted subject to the proposed regulations. A fundamental question asked in the survey was whether additions should be permitted. A total of 89% of respondents said additions should be permitted, and 11% indicated it should not be permitted, and whatever the size and height of the accessory building is, is what would be allowed to be converted.

A second question is if yes, then under what circumstances would additions be permitted. A total of 50.9% of respondents said there should be no limit as long as the setbacks are the same. A total of 25% said additions should be permitted if the existing accessory building is smaller than the maximum gross floor area and within the maximum height of 6.0 metres. Finally, 24% indicated no limit at all.

2.9 Parking Exemptions for Secondary Dwelling Unit

A survey question was asked whether SDUs be exempt from providing one additional on site parking space for each dwelling unit? A total of 62% said yes, 22% said no, and 15% said yes but only in certain areas of the City.

Engage Hamilton Rural Online Survey Results

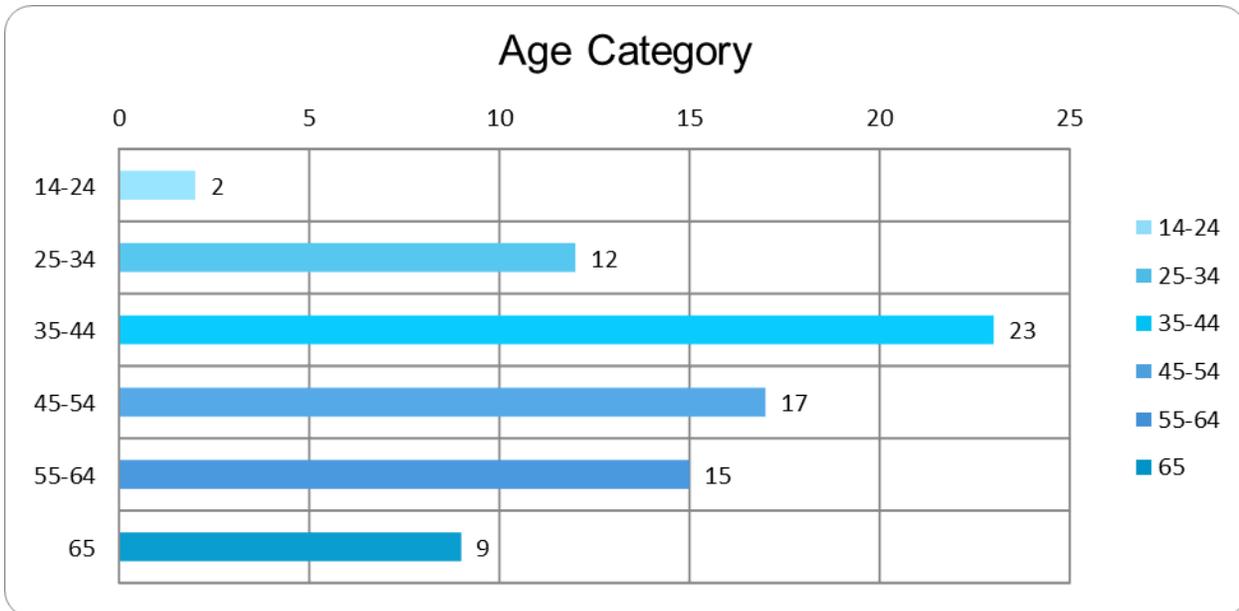
As part of the public engagement process for the Secondary Dwelling Unit (SDU) project, an Rural Area online survey was conducted via the Engage Hamilton Portal. The purpose of the survey was to seek feedback from the general public on key themes and regulations of SDUs in the Rural Area. It was based on three typologies: internal to the principal dwelling; newly constructed detached SDU; and, converted SDU. The following paragraphs include a discussion of general observations of the survey, and Rural Area survey results. The Urban Area Online Survey results are be found in Appendix “L-1” to Report PED20093(a).

1.0 Demographics of Urban and Rural Area Survey Participants

All participants were required to be registered with the Engage Hamilton portal (<https://engage.hamilton.ca/>). The online surveys were well received with 78 unique submissions for the Rural Area survey.

1.1 Rural Area Online Survey

As shown in the bar chart below, the age breakdown is very similar to the Urban Area online survey, where the majority of respondents were in the 25 to 54 age groups, and fewer number of respondents over 55 years old.



Most of the participants reside in Wards 11, 13, and 15, while the rest of the respondents are evenly split amongst the remaining Wards.

Two questions were asked about whether the respondent is a homeowner or renter and what type of SDU they would want to construct if they were a homeowner. Of the

respondents, about 17% are renters either currently living in the Rural Area or renters looking for a rental unit in the Rural Area and 60% are homeowners. 19% of the homeowners responded they have an SDU which is interesting as current Zoning By-laws do not permit SDUs in the Rural Area, and homeowners might include garden suites. A total of 49% are homeowners wish to build an SDU. The remaining 34% of respondents specified other which includes homeowners who do not wish to construct an SDU or are not renters or homeowners.

Although only SDUs internal to the principal dwelling are proposed during this phase of the project, the survey asked respondents what type of SDU they wished to construct. There is an even split between constructing an SDU internal to the dwelling, a newly constructed detached SDU, and converted detached SDU.

2.0 Rural Area Online Survey Results

There were a total of two dozen survey questions which looked at participant's preference for certain regulations such as performance standards (setbacks, height, maximum gross floor area); design; and, parking. Even though detached SDU's are not part of the first phase of the SDU project, the survey did contain questions relating to detached SDUs which will be used in a future phase.

Overall, the findings appear that SDUs are supported with minimal regulations, even though these regulations are intended to mitigate potential neighbourhood impacts.

2.1 Minimum Size of internal Secondary Dwelling Unit

A total of 68% of respondents indicated there should not be a minimum size requirement for an SDU and 32% said there should be.

A second question was, if a minimum size of SDU is implemented, then what would be the ideal size? A total of 75% said the minimum should be 50 square metres, and 20.8% indicated 65 square metres. Only one said "other".

2.2 Maximum Size of Internal Secondary Dwelling Unit

A total of 62.8% of respondents said there should not be a maximum gross floor area, and 37.1% said there should be a maximum.

A second question was if a maximum size of the internal SDU is implemented, what would be the ideal size? A majority of respondents (89%) said 65 square metres should be the maximum, with 11% said 50 square metres.

2.3 Entrances to Internal Secondary Dwelling Unit

The proposed regulation is to restrict the entrance to the internal SDU to face the rear or side yard. The intent is to avoid "two front doors" to face the street, which may alter the

appearance from the street. A total of 87% of respondents chose "doesn't matter" and 10% chose side or rear door for the SDU.

2.4 Maximum Size of Detached Secondary Dwelling Unit

The survey asked about whether a maximum size of a detached SDU should be required in the Rural Area. There was a almost even split of 52.6% saying no, there should not be a maximum size of the detached SDU, and 47.3% saying yes, there should be.

A second question asked was what is the ideal maximum size of the detached SDU. Only 25% said 50 square metres should be the maximum, and the rest identified as "other" where respondents suggested not more than the principal dwelling, or a hard maximum of 92 square metres.

2.5 Maximum Height of Detached Secondary Dwelling Unit

One survey question asked what the maximum height of a detached SDU should be in the Rural Area. Similar to Urban Area responses, 59% of respondents indicated their preference to have the same height as the main house, 19.1% of respondents agree with the proposed 6.0 metres in maximum height, and 22% prefer to reduce the maximum height to 4.5 metres, which is equivalent to a one-storey SDU. In sum, the preference by the majority of respondents is to allow the detached SDU to have the same height as the main house.

2.6 Windows above the First Floor

The survey asked about design considerations for detached SDUs in particular permitting windows above the first floor to minimize privacy and overlook impacts on abutting neighbours. A vast majority of respondents would want windows to be permitted above the first floor. A follow up question asks respondents where the window could face. A total of 52% responded with the backyard, and 38% responded with the street. Only 10% responded with permitting windows to face the side yard. These responses are generally similar to the Urban Area responses.

2.7 Balcony and Rooftop Patios above the First Floor

One survey question asked about design considerations for detached SDUs in particular prohibiting balconies and rooftop patios above the first floor. Two-thirds of respondents indicate that balconies and rooftop patios should be permitted on the second floor and the rest do not agree. A follow up question asked respondents where the balcony or rooftop patio could face. A total of 68% said that it should be able to face the backyard, and 21% indicate it could face the street. Only 10.5% said it could face the side yard.

2.8 Additions to Converted Detached Secondary Dwelling Unit

Another question asked if additions to a converted detached SDU should be permitted. A total of 88% of respondents said additions should be permitted, and 11% indicated it should not be permitted.

A second question is if yes, then under what circumstances would additions be permitted. A total of 54.5% of respondents said that there should be no limit as long as the setbacks are the same. A total of 16.6% said additions should be permitted if the existing accessory building is smaller than the maximum gross floor area and within the maximum height. Finally, 28.8% indicated no limit at all.

2.9 Maximum Size of Converted Detached Secondary Dwelling Unit

The survey asked if there should be a size restriction for existing accessory buildings that are converted to a detached SDU. There was roughly even split among the respondents saying there should be a maximum size (42.3%) versus those people that said there should not be a restriction (57.6%).

A second question was asked what would be the ideal maximum size of the converted detached SDU be. A total of 72.7% indicated that it should be limited to the size that can be accommodated using the existing services (such as well and septic system). Finally, 18% supported a maximum size of 50 square metres.

Regulations for Second Dwelling Units

The following sections identify proposed regulations for each typology of Second Dwelling Units. This chart does not include regulations that have been added to the By-laws for technical areas, particularly for interpretation reasons.

1.0 GENERAL REGULATIONS FOR SDUS - SINGLE DETACHED, SEMI-DETACHED, AND TOWNHOUSE DWELLING UNITS/LOTS

REGULATIONS	REQUIREMENT
Definitions	<p>Secondary Dwelling Unit means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling and shall not include a Farm Labour Residence.</p> <p>Secondary Dwelling Unit – Detached means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling but shall not include a Farm Labour Residence</p> <p>Swale means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage</p> <p>Ditch means a small to moderate excavation created to channel water</p>
Number of Units permitted	<p>Lots within a Residential, Rural, Institutional or Downtown Zone that permit and contain a single detached dwelling, semi-detached dwelling, street townhouse, and block townhouse dwelling shall be permitted a maximum of:</p> <p>1 SDU in the principle dwelling; and, 1 detached SDU.</p>
Citywide parking standard	1 parking space for each SDU in addition to parking requirements of the principal dwelling.
Area of the City where parking space not required	Parking is not required on lots containing a legally established dwelling unit in parts of the lower City roughly bounded by Highway 403 in the west, south of the industrial area to the north, the Niagara Escarpment to the south, and Ottawa Street to the east. (see Appendix “M-2” to Report PED20093(a)).

REGULATIONS	REQUIREMENT
Landscaping requirements in front yard for parking	50% of the front yard has to be landscaped. Landscaping does not include concrete, asphalt, gravel, pavers, or other similar material. Encroachments into the front yard is permitted such as bay windows, gutters, front steps, unenclosed porches in accordance with the General Provisions of each Zoning By-law.
Landscaped Area Requirement for each dwelling unit	8 m ² for dwelling units less than 50 m ² 12 m ² for dwelling units 50 m ² or larger
Multiple Driveways per Lot	A maximum of one driveway for an interior lot, and a maximum of one driveway for each street frontage for a corner lot.
Parking Area	Permeable pavers are permitted.

2.0 REGULATIONS FOR SECOND DWELLING UNITS LOCATED INTERNAL TO THE PRINCIPAL OR MAIN DWELLING UNIT

REGULATIONS	REQUIREMENT
Additions - Setback and Height for principle dwelling	Governed by Zoning regulations for the lot.
Additional Entrance	Permitted on the side and rear of the building, except in parts of the lower City roughly bounded by Highway 403 in the west, south of the industrial area to the north, the Niagara Escarpment to the south, and Ottawa Street to the east. (see Appendix "M-2" to Report PED20093(a)).
Exterior Staircase above the first floor	Not permitted unless it is an emergency exit.
Maximum/Minimum Unit Size	None required.

3.0 PROPOSED REGULATIONS FOR NEWLY CONSTRUCTED DETACHED SECOND DWELLING UNITS

REGULATIONS	REQUIREMENT
Side yard Setback:	1.2 metres
Interior Flankage Yard	Governed by Zoning regulations for the lot.

REGULATIONS	REQUIREMENT
	Side yards shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
Front Yard Setback	Not Permitted in the Front Yard
Rear Yard Setback	1.2 metres Side yards shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
Locational Requirements	Allowed in rear or interior side yard.
Minimum Distance from Rear Façade of the Principal Dwelling	7.5 metres of the required Rear Yard
Maximum Gross Floor Area of the detached SDU	75.0 square metres, but not larger than the principal dwelling.
Maximum Lot Coverage	Governed by existing Maximum Lot Coverage requirement for the lot. For Zoning By-laws that do not have Maximum Lot Coverage requirements, 25% of the lot for all accessory buildings including the detached SDU but not including the principal dwelling.
Maximum Building Height	6.0 metres
Locational Requirement for detached Secondary Dwelling Unit located in the interior side yard	Setback a minimum of 5.0 metres from the front façade of the principal dwelling.
Maximum linear distance from the Front or Flankage Lot Line to the entrance of the detached Secondary Dwelling Unit	40.0 metres
Minimum distance between the principal Dwelling and the detached secondary dwelling in the interior side yard	3.0 metres

REGULATIONS	REQUIREMENT
Unobstructed path between the street and the entrance to the detached Secondary Dwelling Unit	An unobstructed path from the front lot line to the entrance of the detached Secondary Dwelling Unit with a minimum 1.0 metre width and minimum 2.1 metres height clearance shall be provided.
Landscaped Area Screening	A 0.3 m to 1.0 m in height visual barrier.
Balconies and rooftop patios	Prohibited above the first floor.
Second Floor Windows	Permitted where the building façade is a minimum 1.2 metres from the property line.

4.0 PROPOSED REGULATIONS FOR CONVERTED DETACHED SECOND DWELLING UNITS

REGULATIONS	REQUIREMENT
Vacuum Clause	A legally established accessory building existing as the date of the passing of the SFDU by-law that is converted an SDU and shall be deemed to comply with the regulations for any required side, rear, and flankage yard setbacks, height, locational requirements, lot coverage, and minimum distance from rear and interior side yards of principal dwelling.
Additions to Existing Building	Additions to converted detached Secondary Dwelling Units, greater than 10%, shall be in accordance with regulations for newly constructed detached SDU (see Section 3.0)
Parking requirements for the principal dwelling must be maintain.	The number of required parking spaces for the principal dwelling shall be maintained on the lot in accordance with the applicable parking standards of the Zoning By-law.

5.0 PROPOSED REGULATIONS FOR SECOND DWELLING UNITS SPECIFIC TO THE RURAL AREA

REGULATIONS	REQUIREMENT
Number of Units permitted	1 SDU internal to the principle dwelling
Minimum Lot Area	0.6 hectares
Entrance	Side or Rear of the building
Waste Disposal and Water Supply Systems	Approved waste disposal and water supply systems to sustain the use of land for buildings shall be provided and maintained to the satisfaction of the Chief Building Official; and,

REGULATIONS	REQUIREMENT
	All regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate.



NOTICE OF PUBLIC MEETING OF THE PLANNING COMMITTEE

SECONDARY DWELLING UNITS

Modifications to Zoning By-law No.-05-200 and Six Former Municipal Zoning By-laws in effect in the City of Hamilton

and

Repeal of By-laws 18-299 (Laneway Housing) and 19-307 (Temporary Use By-law for Hamilton Zoning By-law No. 6593 – Secondary Dwelling Units)

ACCESSORY BUILDING AND OTHER REGULATIONS

Modifications to Zoning By-law No.-05-200

WHAT? WHY?

The Planning Committee is holding a Public Meeting under the *Planning Act*:

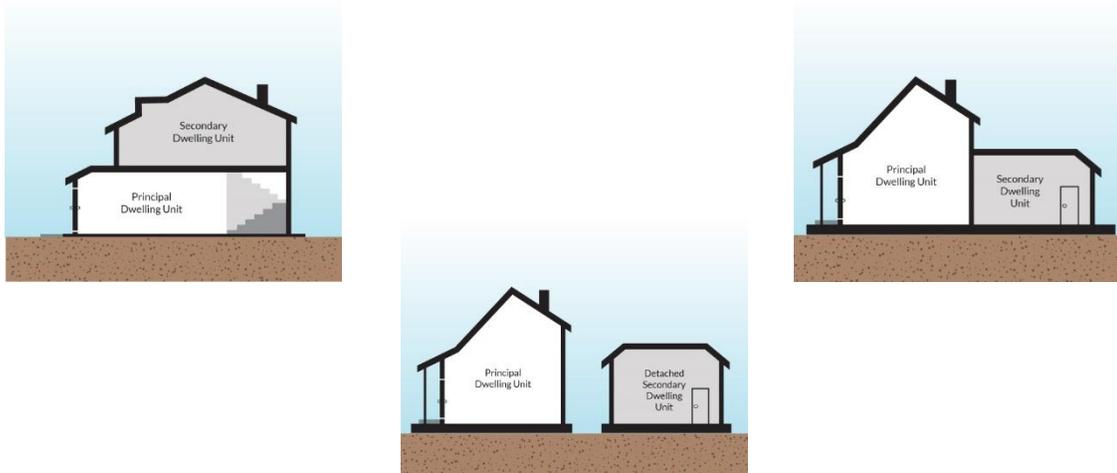
 to consider modifications to Hamilton Zoning By-law No. 05-200, Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, and City of Stoney Creek Zoning By-law No. 3692-92 to amend and/or add new Secondary Dwelling Units (SDUs) regulations to implement the Official Plans :

General SDU Regulations (Urban and Rural Areas):

A map has not been included in this Notice since the lands affected by the Zoning By-law Amendments are City-Wide.

- Urban Area: Permit SDUs in certain Zones on lots that permit a single-detached, semi-detached, street townhouse, or townhouse dwelling in the following forms:

- Internal to the Principal Dwelling;
- Newly Constructed detached SDUs; and,
- Converted detached SDUs.



- Rural Area: Permit SDUs internal to the principal dwelling on lots greater than 0.6 ha in size containing a single-detached or semi-detached dwelling.

Parking Requirements:

- Citywide parking requirement;
 - one parking space per SDU, in addition to the parking requirement of the principal dwelling, except,
 - no additional parking space is required for SDU for properties within a portion of the lower City (roughly bounded by Highway 403 south of the industrial area, the Niagara Escarpment, and Ottawa Street).

Urban Area Regulations:

Internal SDUs to the Principal Dwelling

- One entrance to the principal dwelling and SDU shall face the street, except lands bounded by Highway 403 south of the industrial area, the Niagara Escarpment, and Ottawa Street where two entrances can face the street.

Newly Constructed Detached SDUs

- Locational requirements - side yard and rear yard only, distance from the street and between the SDU and the principle dwelling;

- Minimum landscaped area for each SDU;
- Setbacks from neighbouring properties and swales;
- Height and size limitations; and,
- Design regulations for windows, patios, porches balconies.

Converted Detached SDUs

- Vacuum Clause - to recognize the existing location of the existing accessory building; and,
- Additions to existing accessory buildings regulations.

Rural Area Regulations

Internal SDUs to the Principal Dwelling

- Minimum lot size requirements, adequate services provisions, and other technical regulations.

In addition, the following two By-laws will be repealed from Hamilton Zoning By-law No. 6593 since the new SDU regulations in Section 1 have made these By-laws redundant:

- By-law18-299 - Second Dwelling Units (Laneway Houses).
- By-law 19-307, the Temporary Use By-law - Second Dwelling Units for Certain Lands-in the Lower City.



to consider modifications to Hamilton Zoning By-law No. 05-200 to delete and replace the existing Accessory Building Regulations and to add new interpretation regulations:

- Regulations for Accessory Buildings in Residential, Institutional, Commercial, Industrial and Utility, and Agricultural, and Rural, addressing: Height; Setback requirements; Maximum Gross Floor Area.; Location Restrictions.
- Interpretation regulations - Allow use of diagrams for reference purposes and the use of tables and notations for regulations and permitted uses

The purpose and effect of these Zoning By-law Amendments is to ensure Zoning By-law regulations are up to date and current.

WHEN? Tuesday, April 6, 2021
9:30 a.m.

WHERE? Due to the COVID-19 and the closure of City Hall all Virtual Meetings can be viewed at:

City's Website:

www.hamilton.ca/MeetingAgendas

City's YouTube Channel:

<https://www.youtube.com/InsideCityofHamilton>

HOW? **Accessing the Proposed Zoning By-law Amendments and Report**

The information and material related to the proposal will be available in the staff report for public inspection, which will be available to the public on or after Wednesday, March 31, 2021 and may be obtained from the City's website www.hamilton.ca/MeetingAgendas or contact Timothy Lee at 905-546-2424 Ext. 1249 or by e-mail at timothy.lee@hamilton.ca for a copy of the staff report.

Planning Committee Agenda

Copies of the Planning Committee agenda, including staff reports, will be available on or after Wednesday, March 31, 2021 and may be obtained from the City's website www.hamilton.ca/MeetingAgendas or contact the City Clerks Office by email at clerk@hamilton.ca.

Public Input

Members of the public who would like to participate in a statutory public meeting are able to provide comments in writing via mail or email in advance of the meeting. Comments can be submitted by emailing clerk@hamilton.ca or by mail to the Legislative Coordinator, Planning Committee, City of Hamilton, 71 Main Street West, 1st Floor, Hamilton, Ontario, L8P 4Y5. Comments must be received by noon Thursday, April 1, 2021. Any written comments received after the deadline will be included on the Wednesday, April 14, 2021 Council agenda.

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West.

Pre-Recorded Submissions

Members of the public can participate in a statutory public meeting by submitting a pre-recorded video by noon Thursday, April 1, 2021. The video

must be no longer than 5 minutes in length and will be reviewed before the meeting to ensure it adheres to the City's procedures and protocols in presenting to Council. The video can be submitted by emailing clerk@hamilton.ca or dropping off a USB at the City Hall drop box located at the back of the 1st Floor of City Hall, 71 Main Street West, to the attention of the Legislative Coordinator, Planning Committee. Any videos that do not adhere to the City's procedures and protocols will not be presented at the meeting.

Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments, no longer than 5 minutes in length, regarding statutory public meeting items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. Interested members of the public **must register** by noon Thursday, April 1, 2021.

To register to participate by Webex either via computer or phone, members of the public must submit a Request to Speak form which can be found at www.hamilton.ca/RequestToSpeak. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting. The link must not be shared with others as it is unique to the registrant.

All members of the public who register to participate by Webex will be contacted by City Staff to confirm details of the registration prior to the meeting and provide an overview of the public participation process.

If you need clarification or have any questions on how to participate in a statutory public meeting, please email clerk@hamilton.ca or by phone at 905-546-2424 Ext. 4605.

To request a Notice of Decision

If you wish to be notified of the decision of the City of Hamilton on the proposed Zoning By-law Amendments, you must make a written request to Lisa Kelsey, Legislative Coordinator (contact information below).

Lisa Kelsey, Legislative Coordinator
City Clerks Office, 1st Floor, 71 Main Street West,
Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 Ext. 4605
E-mail: lisa.kelsey@hamilton.ca

Appeals

In accordance with the provisions of the *Planning Act*,

Zoning By-law Amendments

- i. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the proposed Zoning By-law amendments are adopted, the person or public body is not entitled to appeal the decision of Council, City of Hamilton to the Local Planning Appeal Tribunal (LPAT).
- ii. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the proposed Zoning By-law amendments are adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

Collection of Information

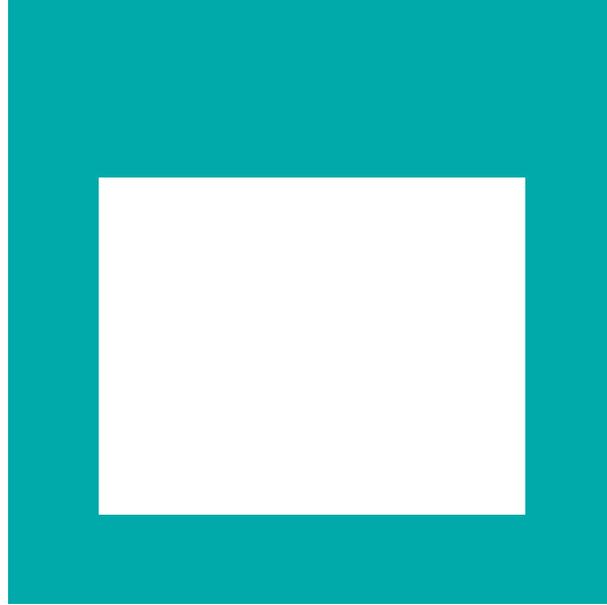
Information respecting this application is being collected under the authority of the *Planning Act*, R.S.O. 1990, c.P.13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address and contact information of persons submitting comments and / or opinions, will become part of the public record and will be made available to the general public **and will appear on the City's website unless you expressly request within your communication the City remove your personal information.**

Contact: For further information, please contact:

Timothy Lee, Senior Planner
Planning & Economic Development Department
City of Hamilton
71 Main Street West, 4th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 Ext. 1249
E-Mail: timothy.lee@hamilton.ca

This Notice is issued March 18, 2021.

(CI-20-E)



WELCOME TO THE CITY OF HAMILTON

Proposed Secondary Dwelling Unit Regulations

Recommendations to Increase Housing Options in Hamilton

April 6, 2021 – Planning Committee Meeting

Today's Agenda

1. **Joanne Hickey-Evans (Manager, Policy Planning & Zoning By-law Reform)**: an overview of the history and importance of secondary dwelling units
2. **Tim Lee (Senior Planner, Zoning By-law Reform Section)**: a review of the SDU public engagement and staff recommendations

What are the elements of the Secondary Dwelling Unit Project?

Secondary Dwelling Units in the Urban Area

Secondary Dwelling Units in the Rural Area

- Council direction to also include permitting SDUs in the Rural Area
- Rural matters to address such as servicing and minimum lot size requirements.

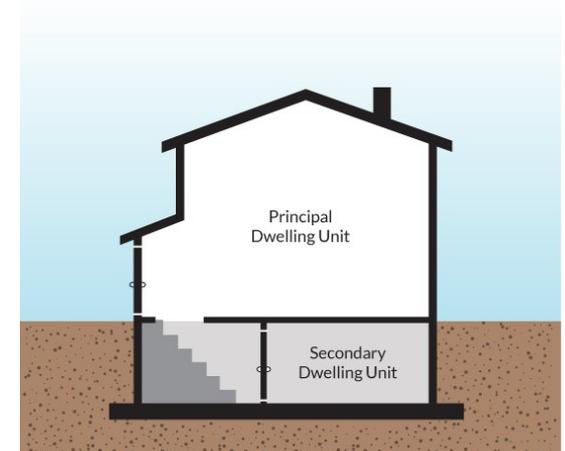
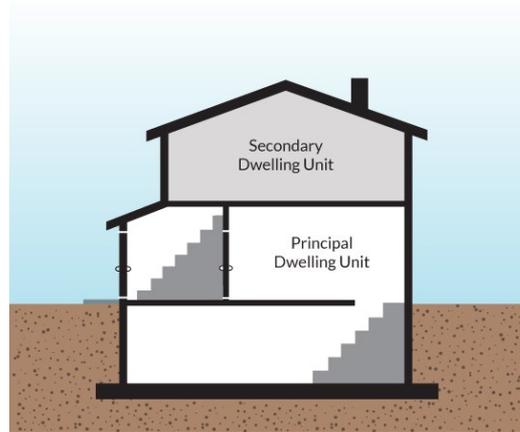
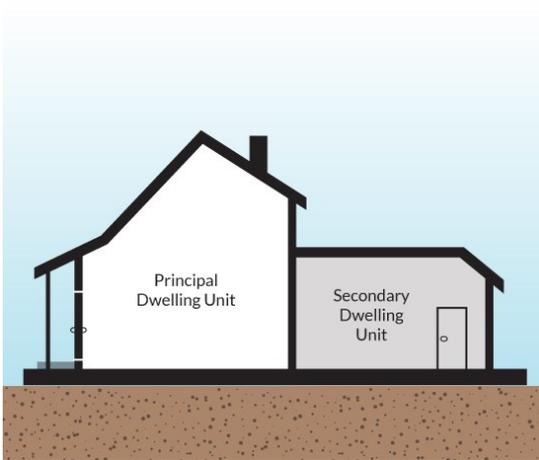
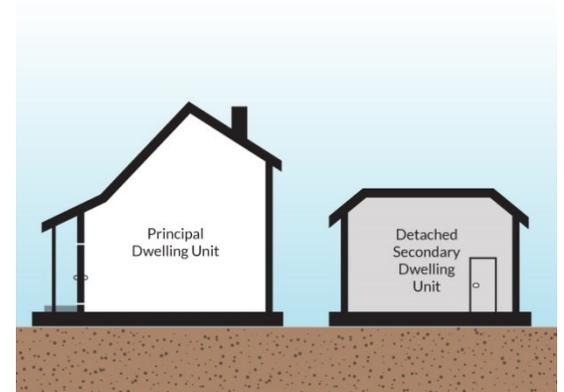
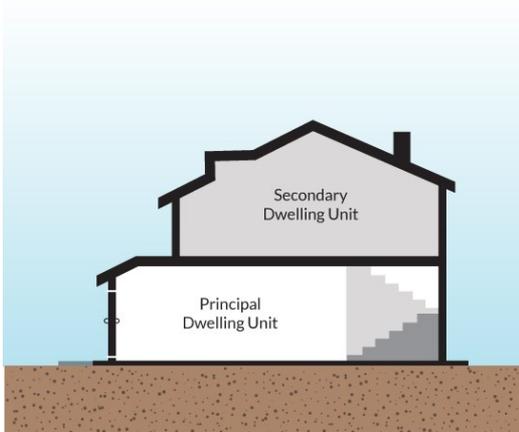
What is the Purpose of Permitting Secondary Dwelling Units?

Permitting Secondary Dwelling Units (SDUs) in the Urban and Rural Area is one way to increase housing supply by:

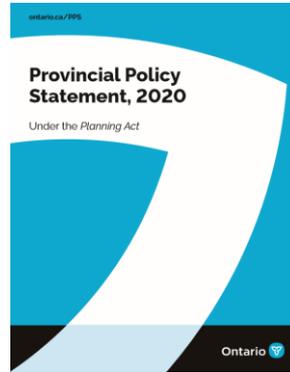
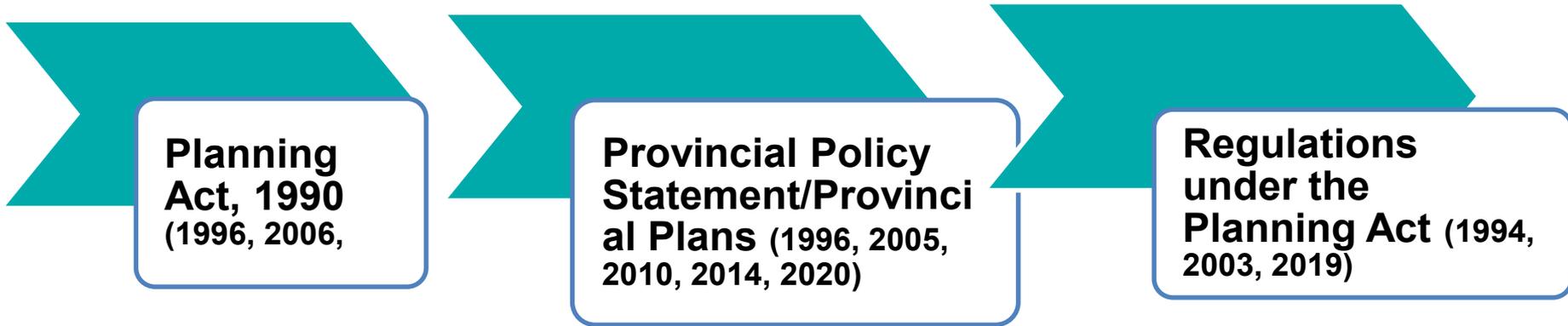
- Allowing a greater range of housing opportunities; and,
- Creating a more diverse range of household types for various income levels.



What are Secondary Dwelling Units?



Provincial Interest in Secondary Dwelling Units

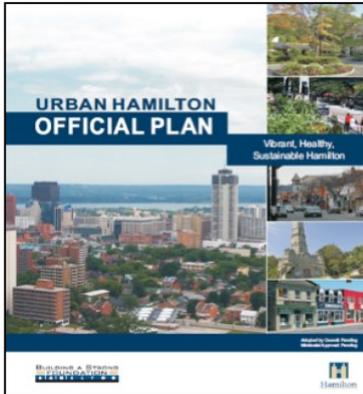


Bill 108

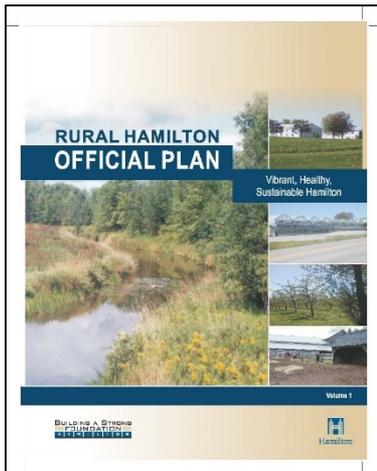


Permissions in the Official Plan

SDUs permitted in.....

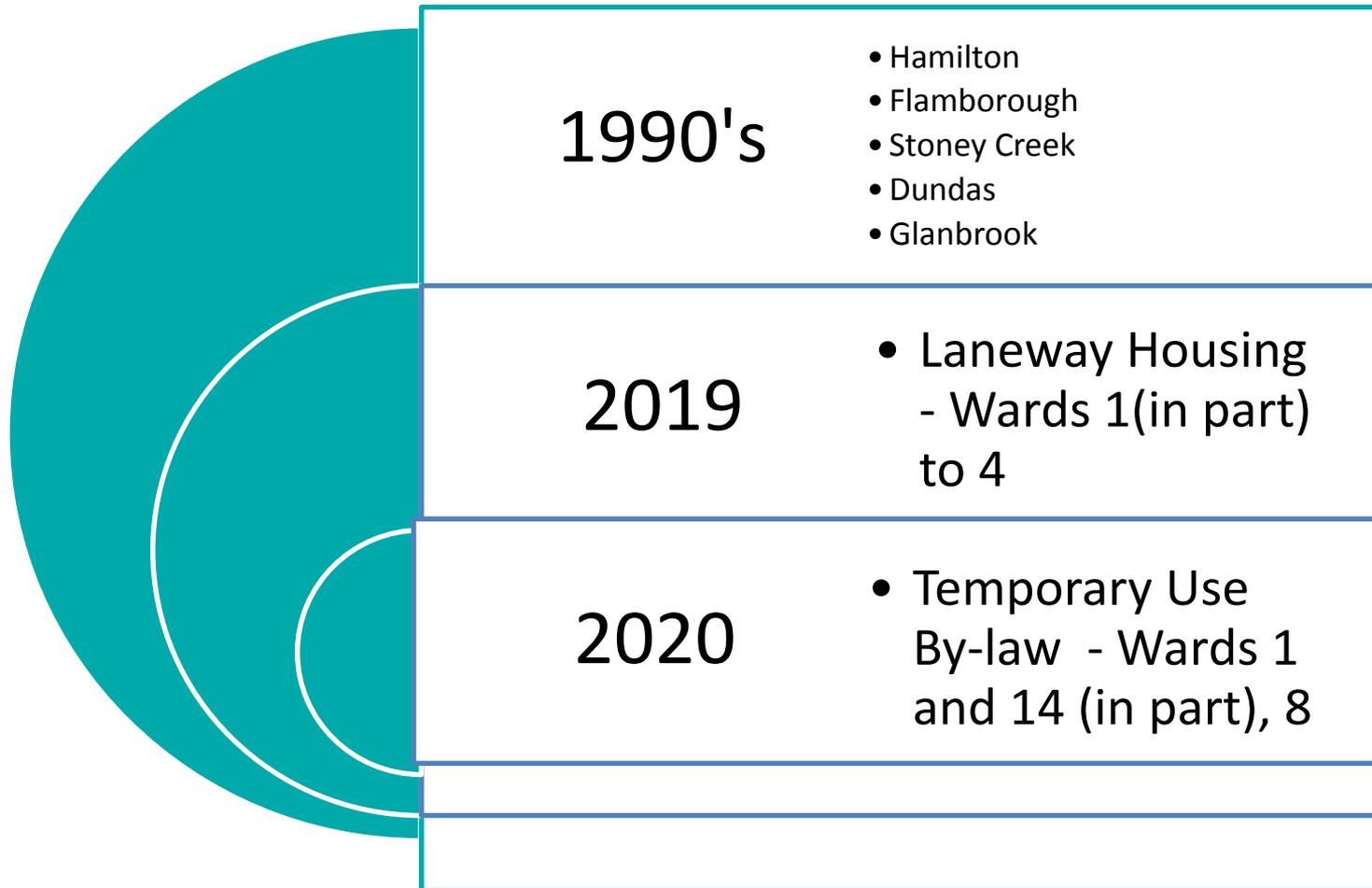


- Detached and Accessory SDUs - Neighbourhoods Designation on lots containing a Single Detached Semi-Detached Dwellings and townhouses (UHOPA 142)



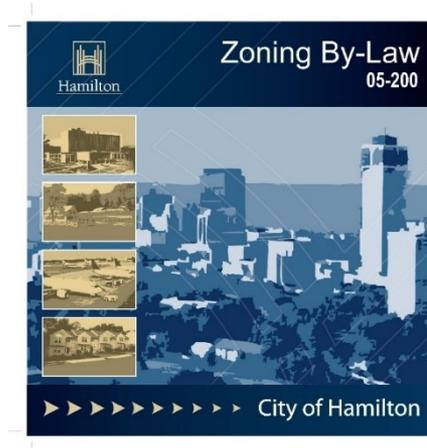
- Accessory SDUs - on lots containing a Single Detached, Semi-Detached, Dwellings subject to servicing policies (RHOPA 26)

Hamilton's History of Permitting SDUs - Zoning



Zoning By-laws control...

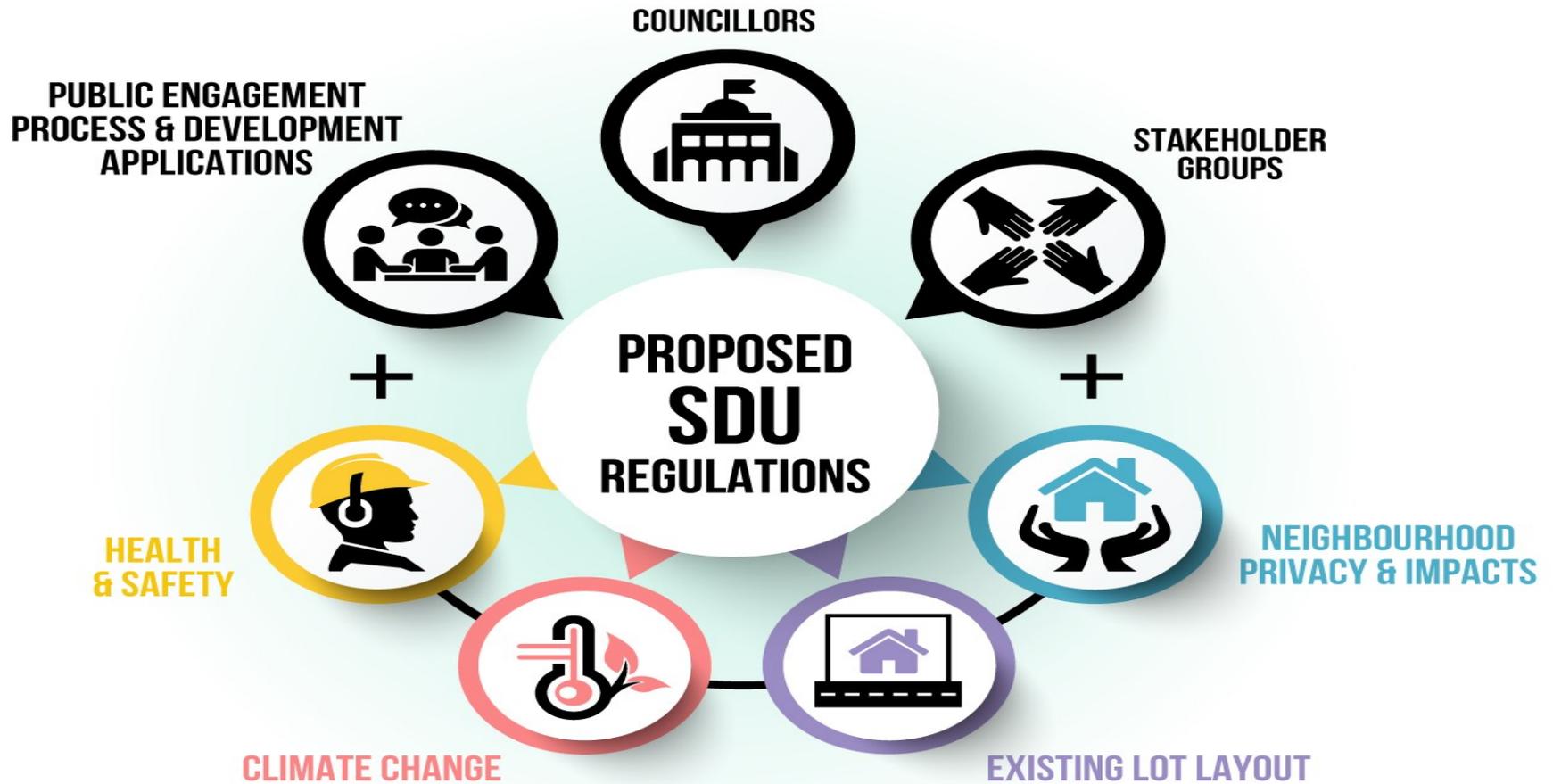
Types of land uses permitted



Performance standards for the uses – setbacks, parking, height, etc.

Background Context for the Regulations

WHAT WE HEARD



LAND USE PLANNING / CORPORATE GOALS & OBJECTIVES



Who's Listening

Joanne Hickey-Evans

Manager, Policy Planning and Zoning
By-law Reform
City of Hamilton

Email residentialzoning@hamilton.ca



Timothy Lee

Planner, Zoning By-law Reform
City of Hamilton

Email residentialzoning@Hamilton.ca





So what have we heard? Overall Comments



Overall Support for Supporting SDUs in Urban and Rural Area



Fewer regulations or less restrictive regulations



Non-Land Use Matters

(Crime, Property Standards, Snow Removal, Parking, Absentee Landlords, SDUs built without Building Permit)

So what have we heard? SDU Regulations



Increase the Maximum GFA of 50 sq. m. for design flexibility



Reduce minimum requirements for mandatory safety regulations



Some regulations are too restrictive (setbacks and lot coverage)



General Support for “one front door” facing street

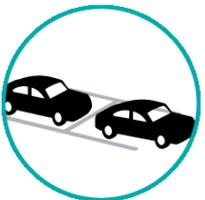
So what have we heard? Parking Regulations



Ensure landscaping in the front yard for climate change and character



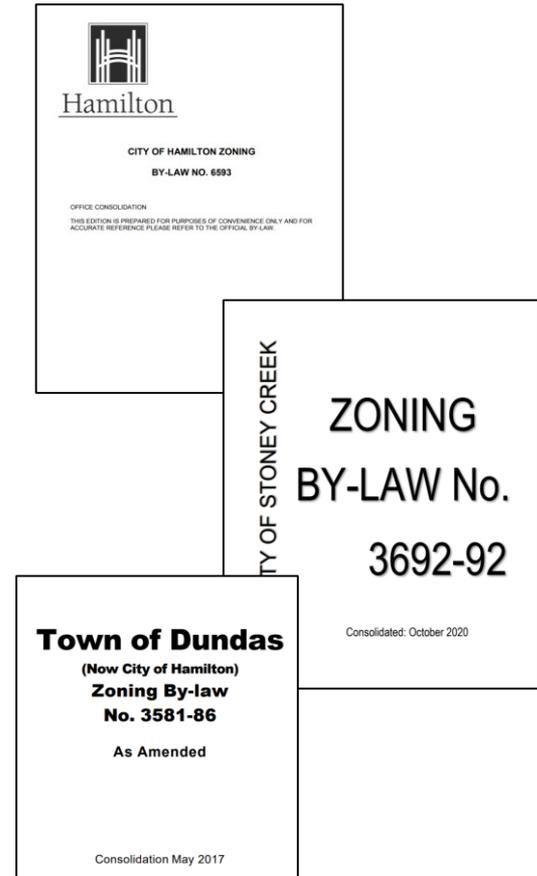
General acceptance of citywide parking requirements and support for no parking in Lower Hamilton



Tandem Parking should be permitted

How are the Recommended By-laws Structured?

- A total of seven draft Zoning By-laws found in Appendix “A” to “G” of Report PED20093(a).
- Each draft By-law include their own set of SDU regulations, and all contains the same regulations for consistency throughout the City.
- Nuances consider for existing Zoning By-law regulations.
- Regulations serves as a “bridge” to future Residential Zones in Zoning By-law No. 05-200.



Meeting City Goal Objectives through regulations



CLIMATE CHANGE



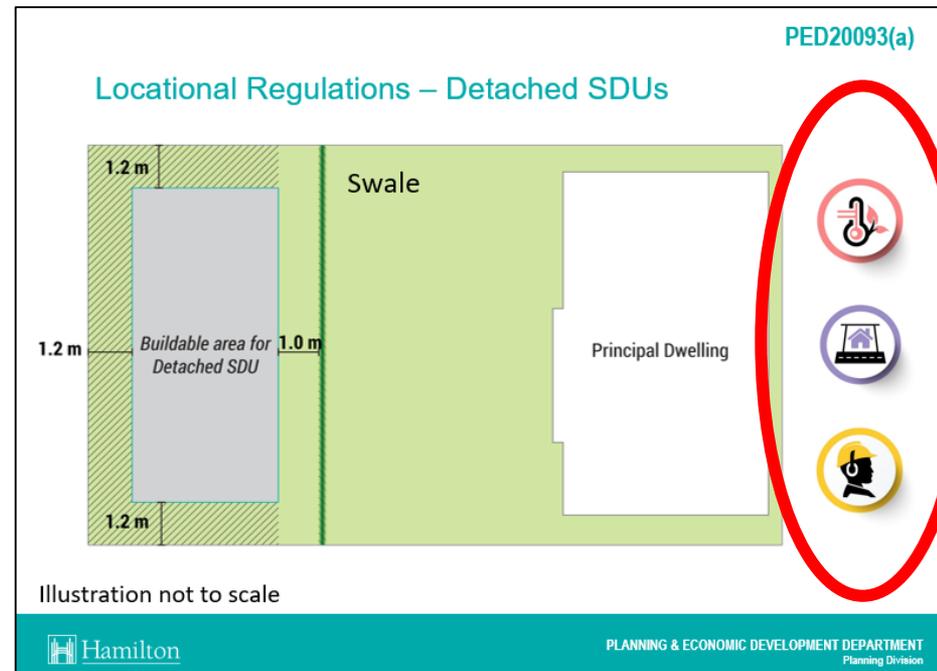
HEALTH & SAFETY



**NEIGHBOURHOOD
PRIVACY & IMPACTS**



EXISTING LOT LAYOUT



Proposed Design Regulation – Units internal to Principal Dwelling

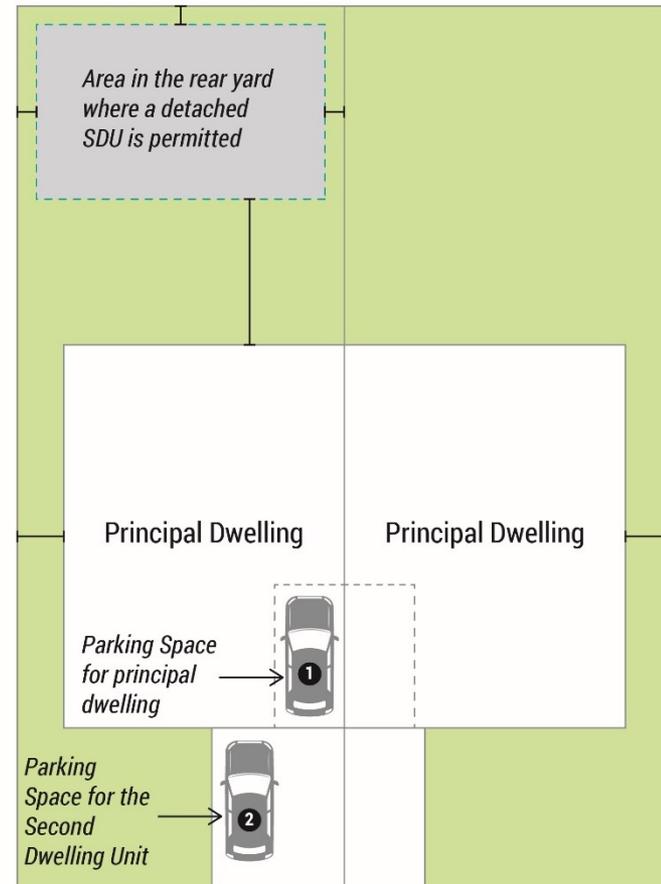
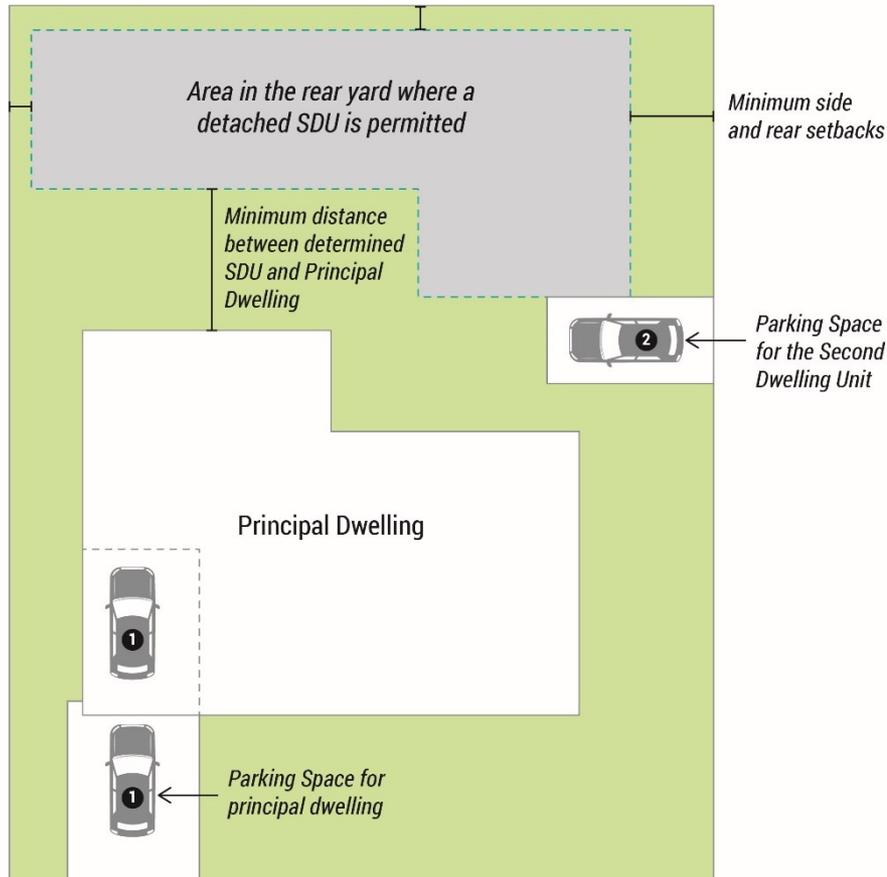
- Regulations designed to maintain the overall appearance from the street includes:
 - One entrance shall face the street.
 - Exterior appearance of façade facing street shall be maintained.
 - No exterior stairway except as required.



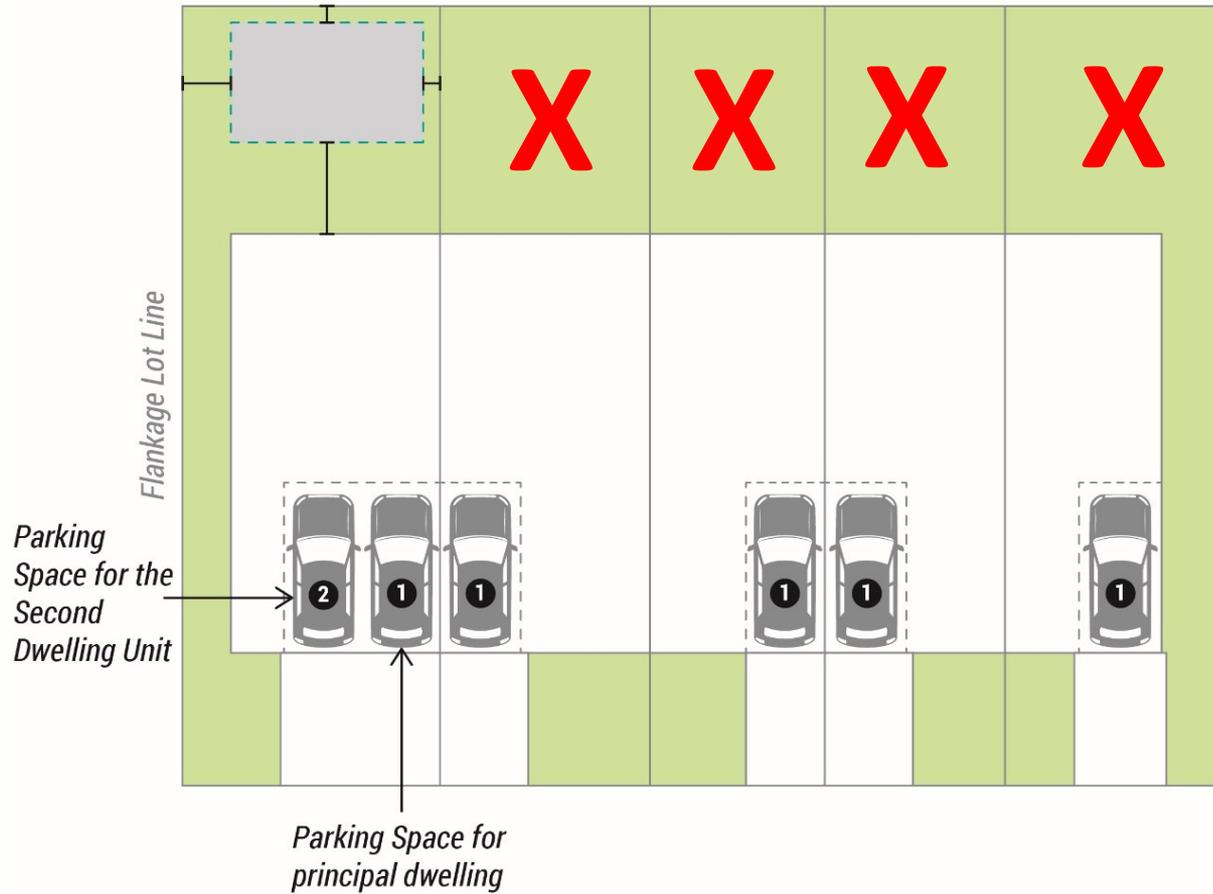
Design Regulation – Units internal to Principal Dwelling



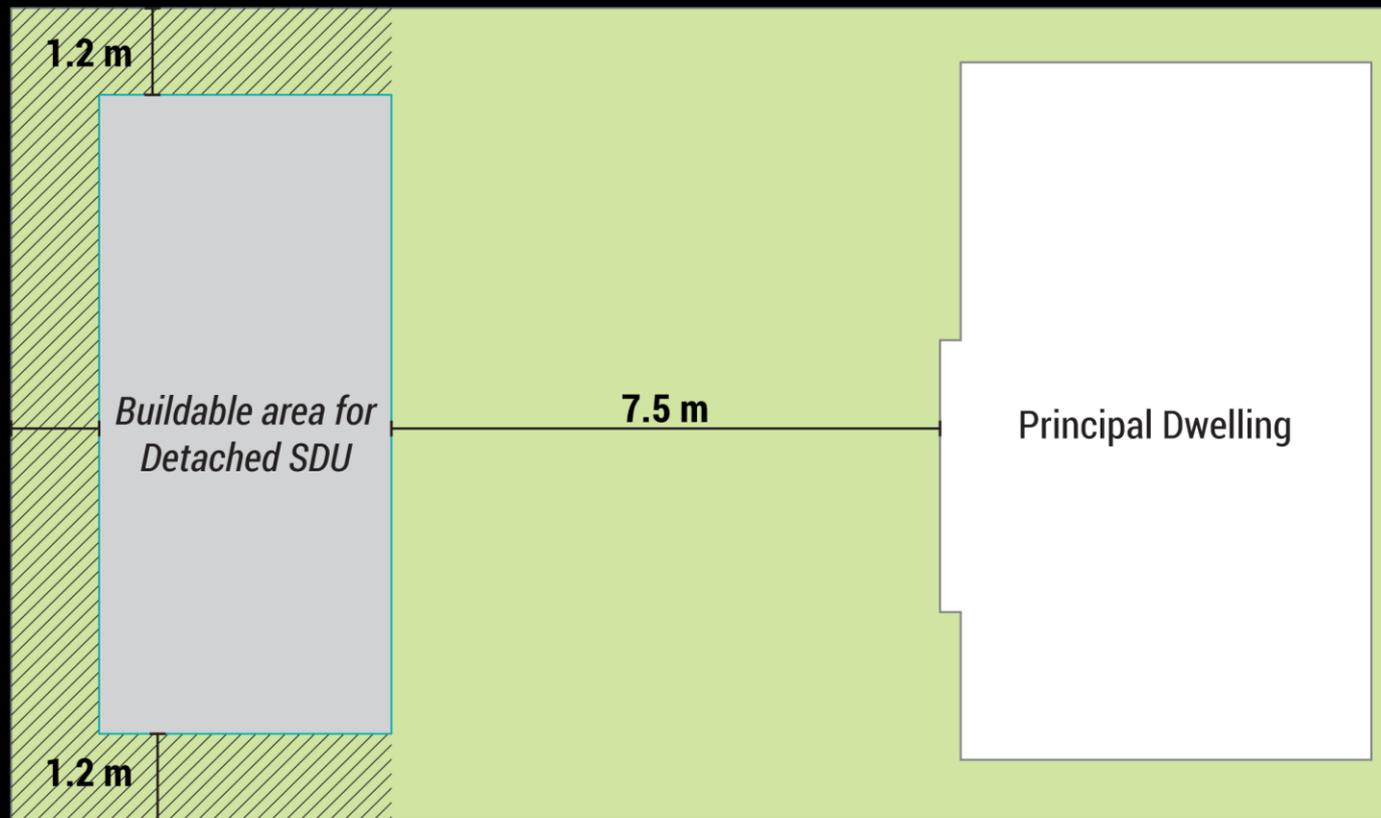
Locational Regulations – Detached SDUs



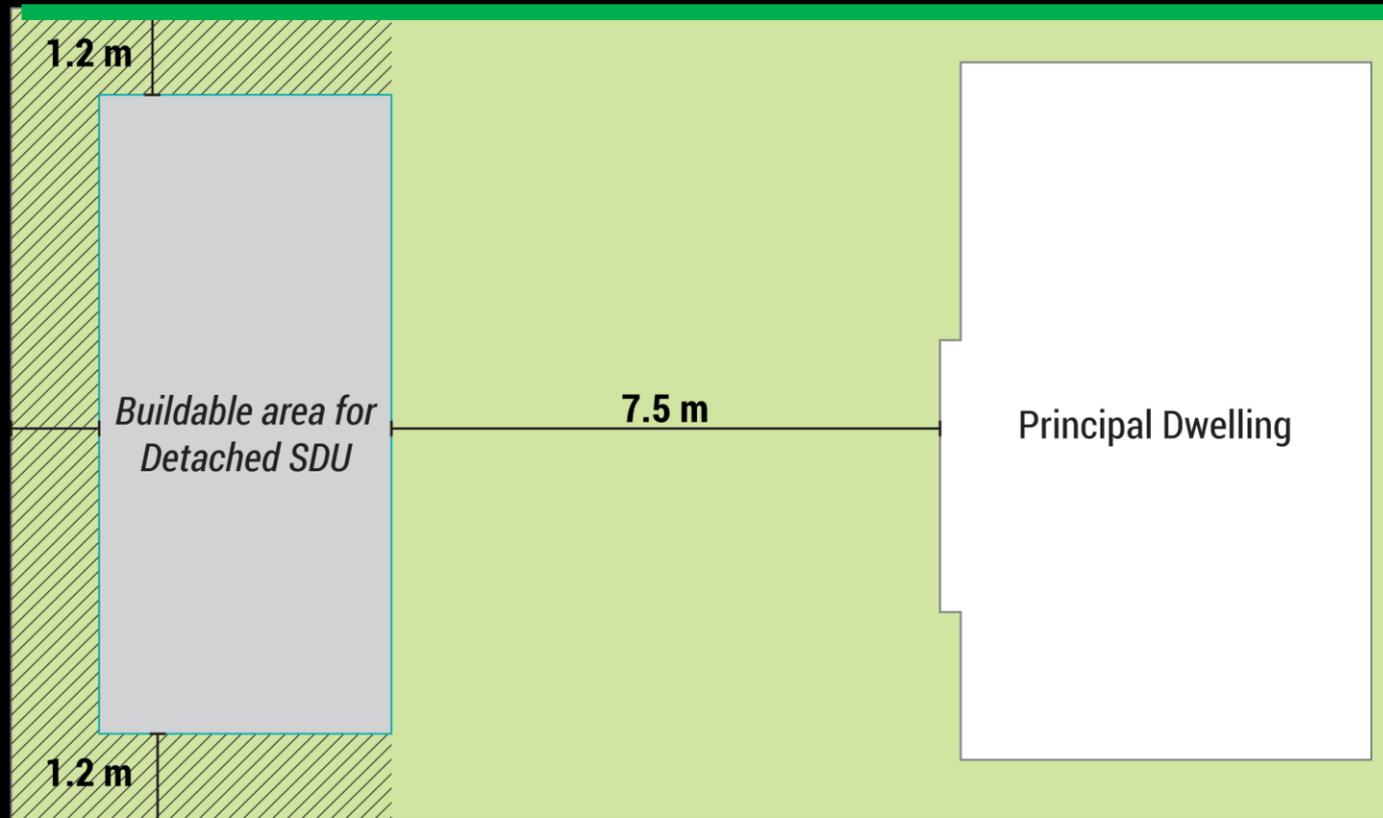
Parking Regulations – Detached SDUs



Locational Regulations – Detached SDUs



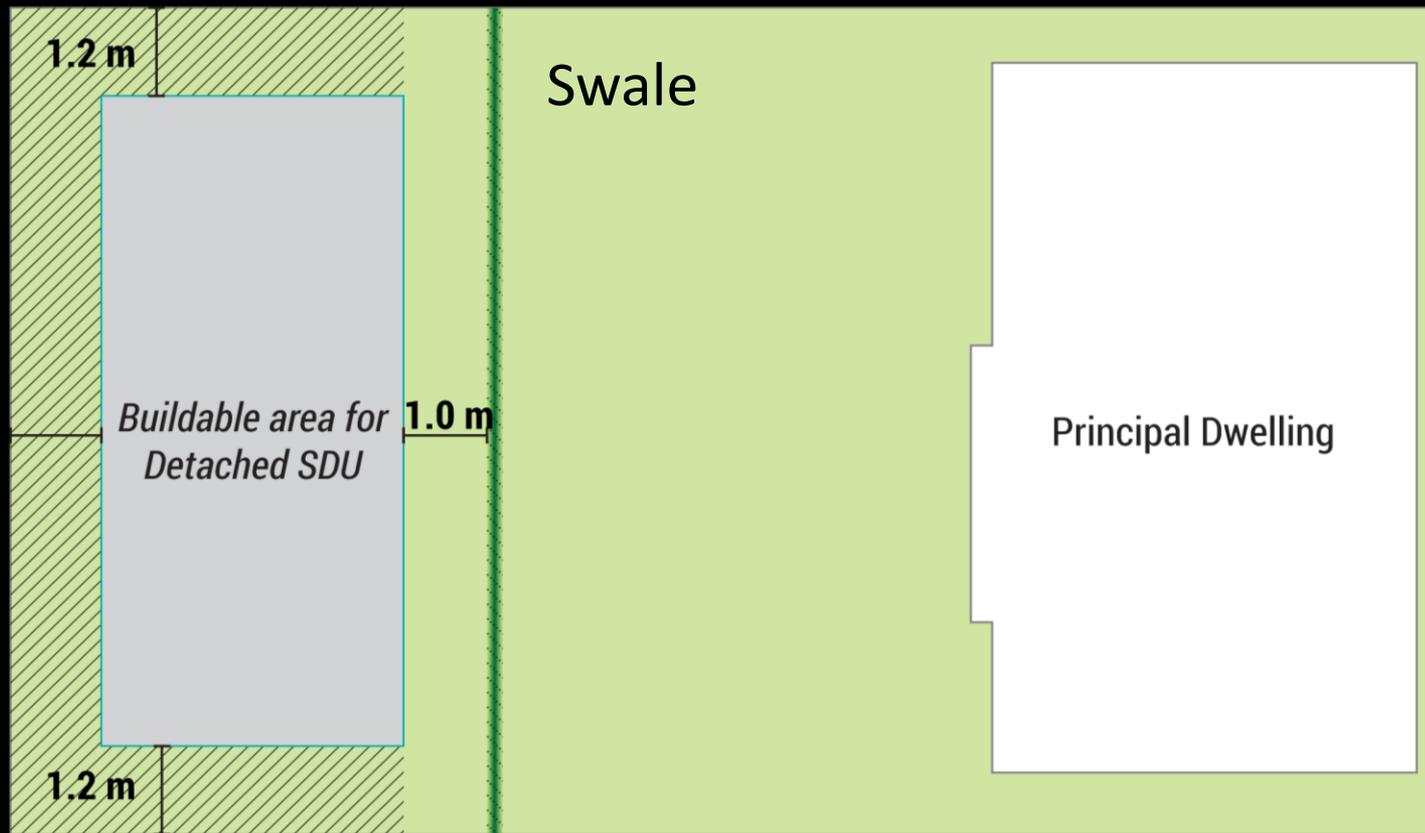
Locational Regulations – Detached SDUs



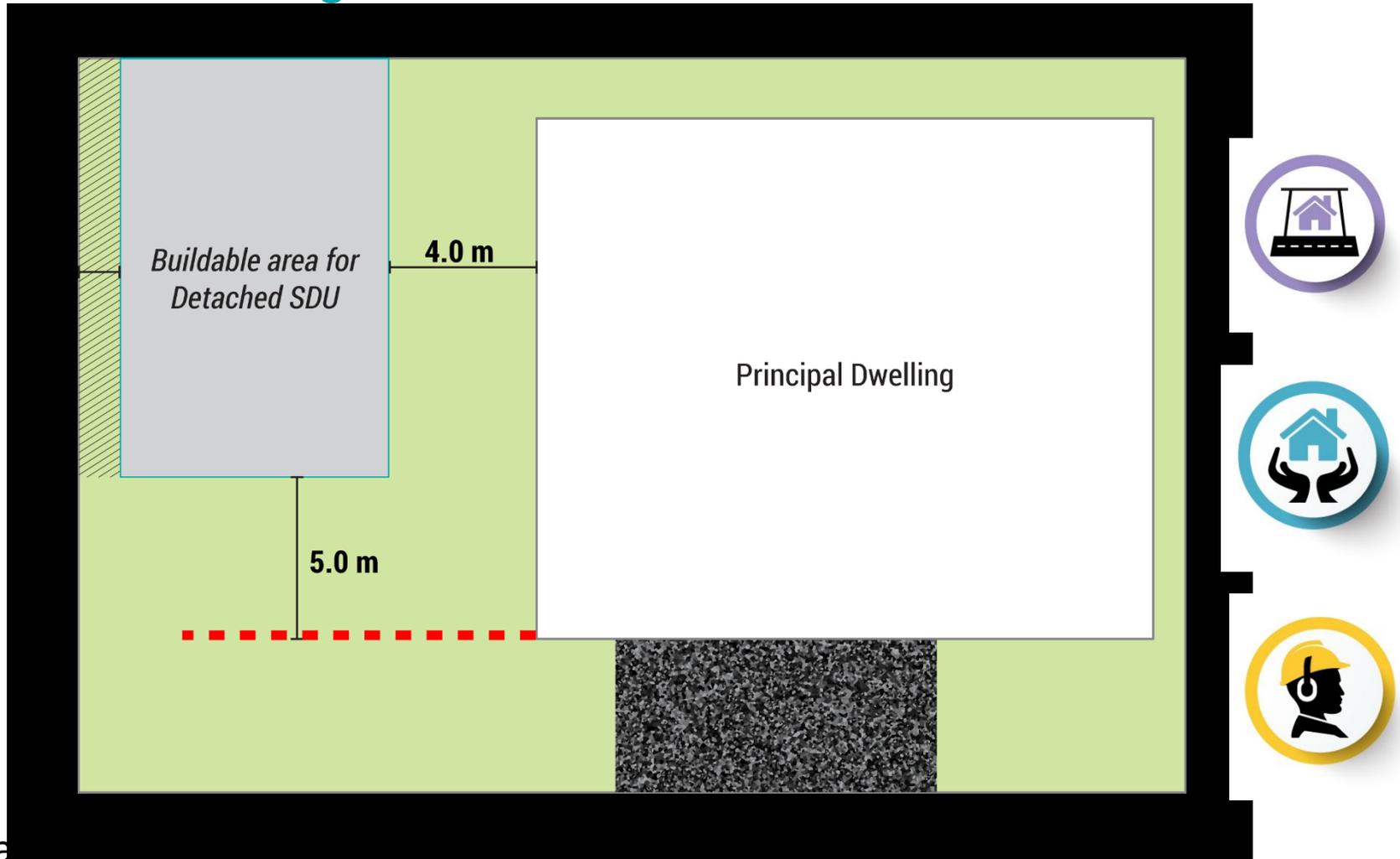
ale on
Line



Grading Regulations – Detached SDUs



Locational Regulations – Detached SDUs



Illustra

Locational Regulations – Detached SDUs



Amenity Space Regulations – Detached SDUs



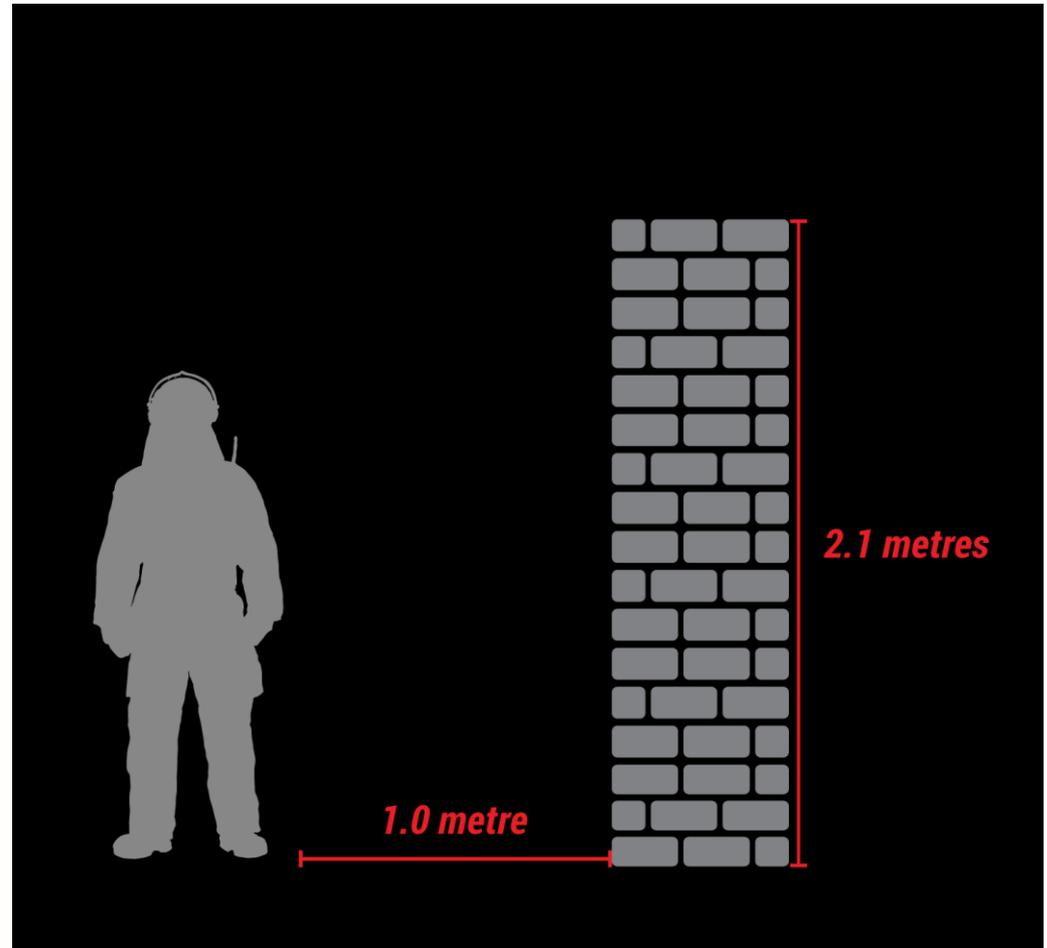
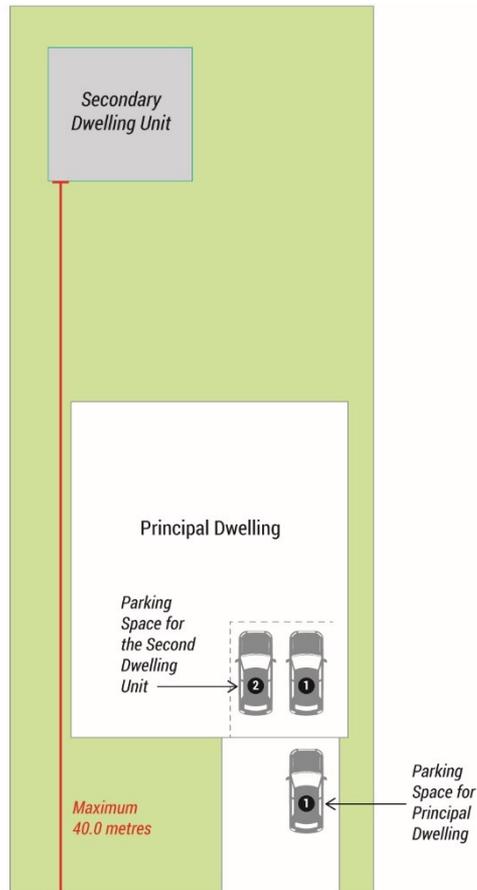
Less than 50 square metres



50 square metres or more



OBC and Fire Code Regulations for Detached Second Dwelling Units



OBC and Fire Code Regulations for Detached Second Dwelling Units



Design Regulation – Detached SDUs



Illustration not to scale

Building Size Regulation – Detached SDUs

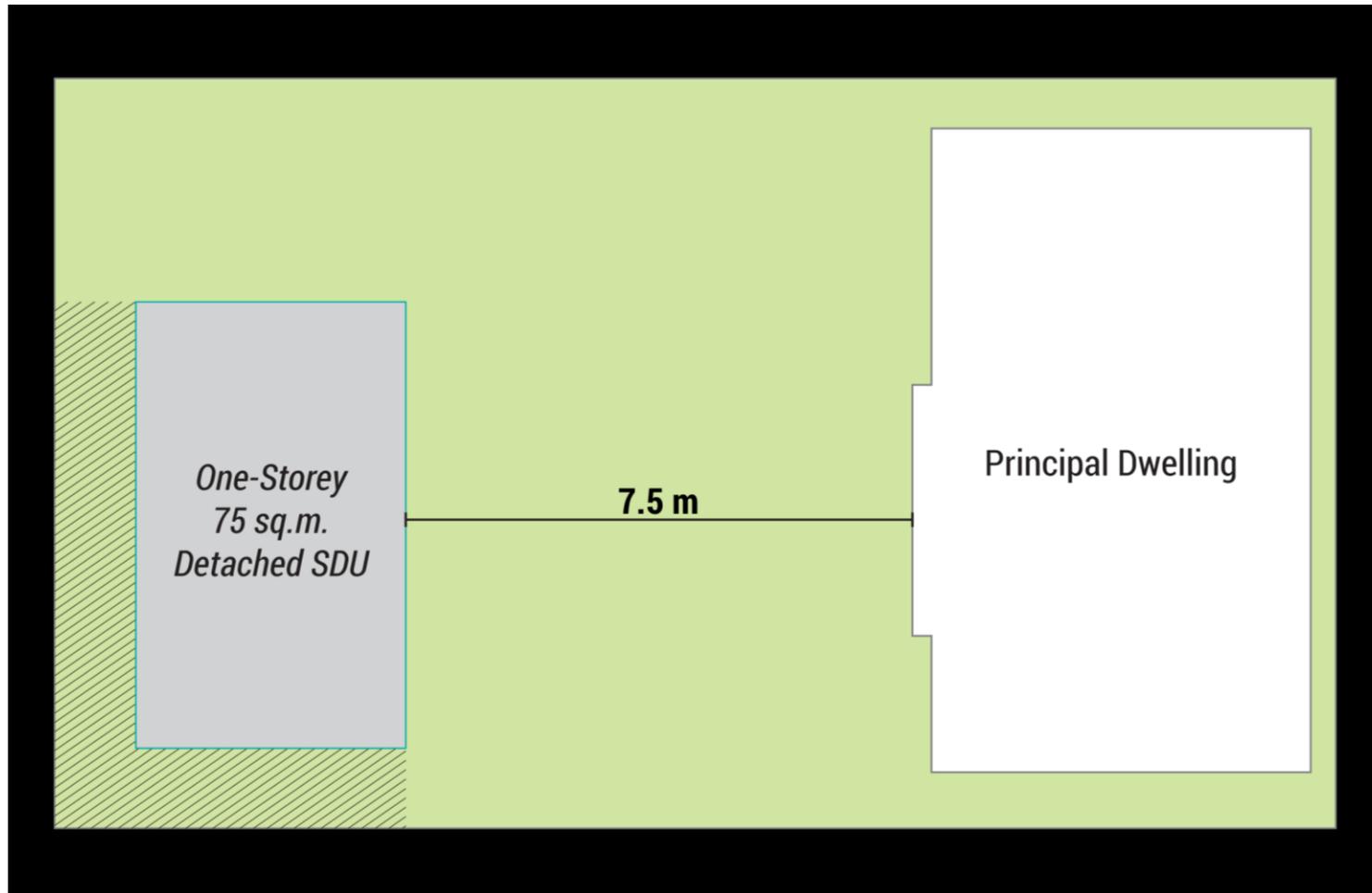
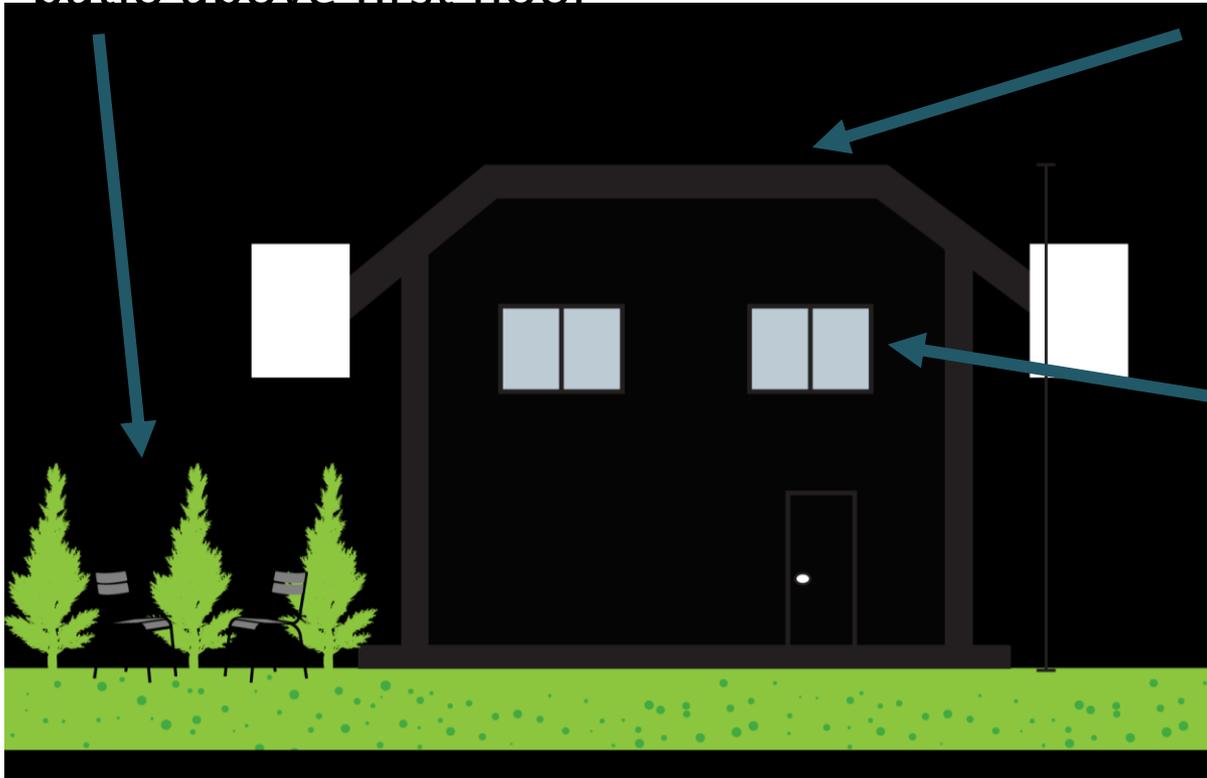


Illustration not to scale

Design Regulation – Detached SDUs

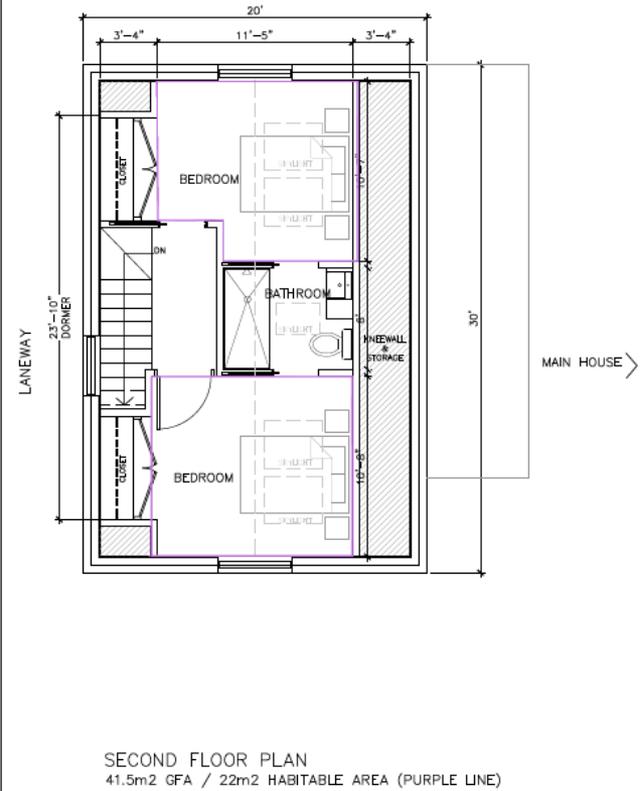
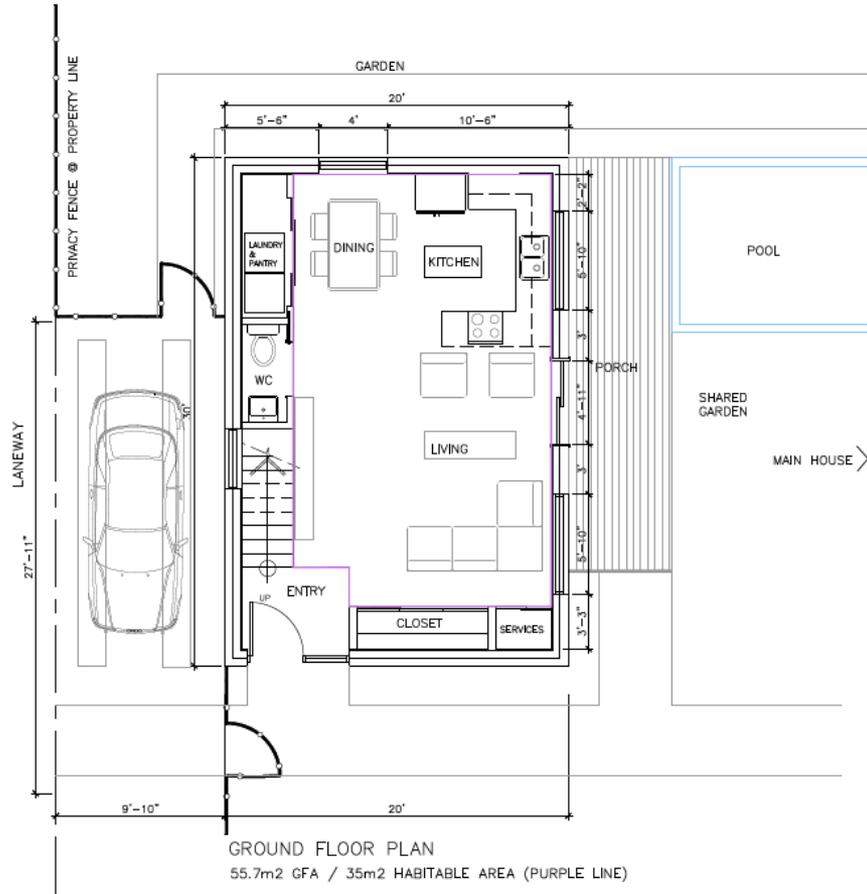
No balcony or rooftop patio above first floor



Roof design subject to maximum height

Windows on all floors as per OBC





PRELIMINARY FLOOR PLANS
 SCALE 1:75



Detached Second Dwelling Units - Conversion



Detached Second Dwelling Units - Conversion



Parking Regulations for SDUs

Permitted

Not Permitted

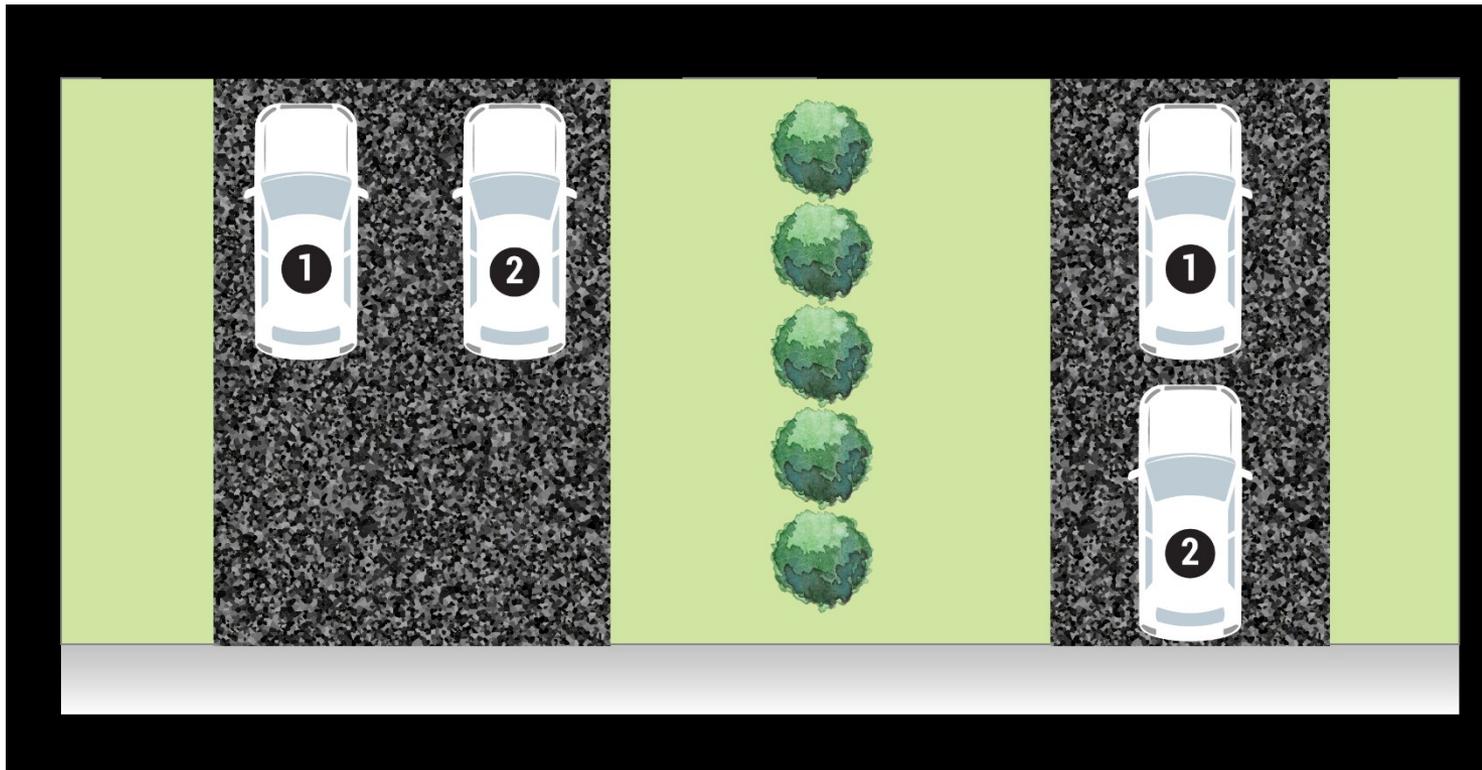


Illustration not to scale

Street

Parking Regulations for SDUs



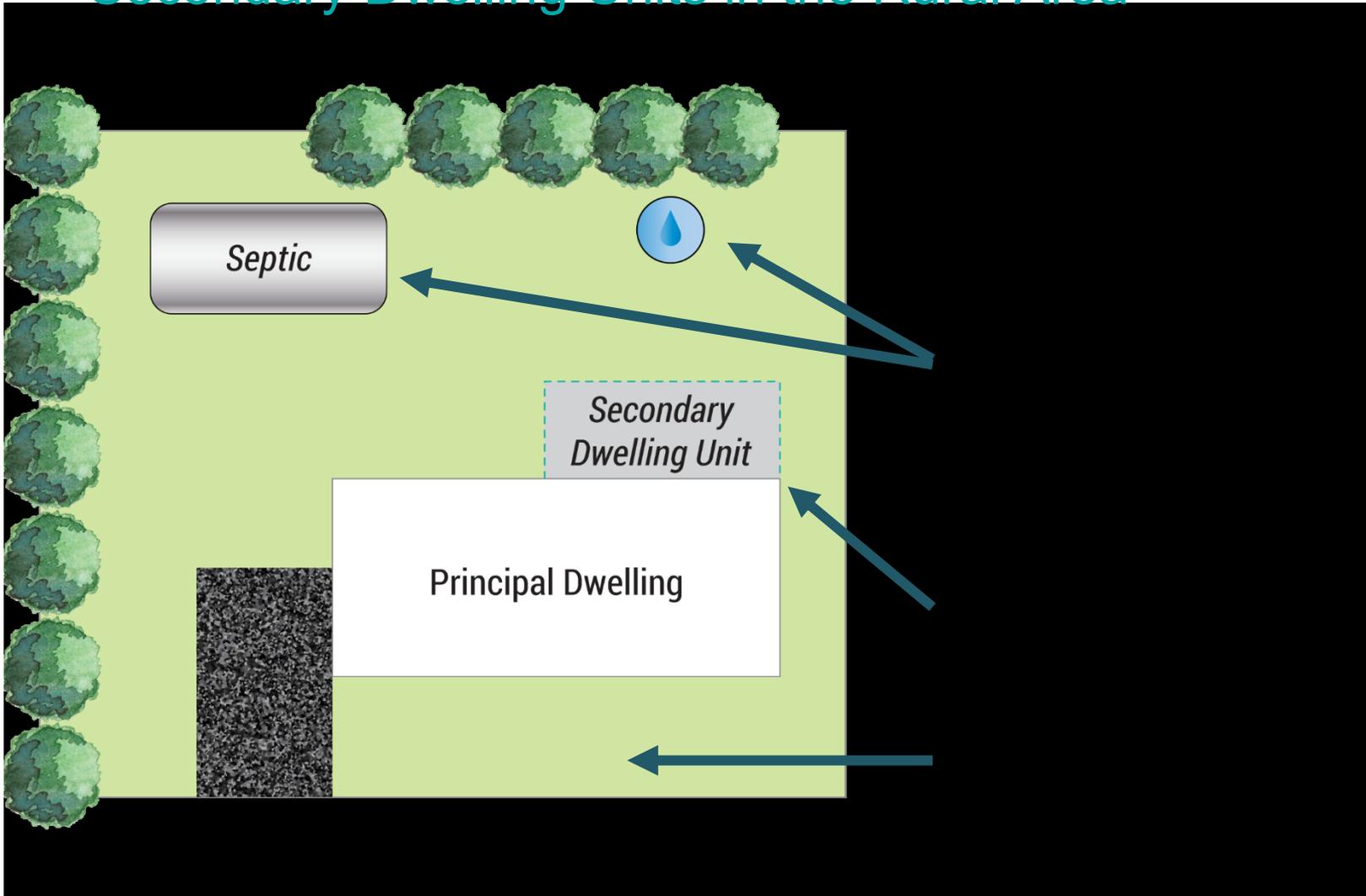
Parking Regulations for SDUs

Building Façade



Illustration not to scale

Secondary Dwelling Units in the Rural Area



Agricultural
settlement

waste
supply

to
is

0.6

New Fee Reductions to Support SDUs

- Proposed reduction in Minor Variance fee to \$600 for modifications to SDU regulations only. Assists by reducing overall costs by homeowners.
- Amendment to the Parkland Dedication By-law for reduced fees when constructing more than on SDU, whether detached or internal units.
- On March 31, 2021, Council directing staff to update the Development Charges By-law based on the SDU permissions of up to two SDUs on a lot. Effective date will be in July 2021.



Repeal of By-laws in Hamilton Zoning By-law No. 6593

Laneway Housing Pilot Project (By-law No. 18-299)

- Approved in 2018 to permit detached SDUs when lots abut a laneway.
- Permissions in Wards 1 to 4.
- No longer required as new regulations permits detached SDUs (new or converted).

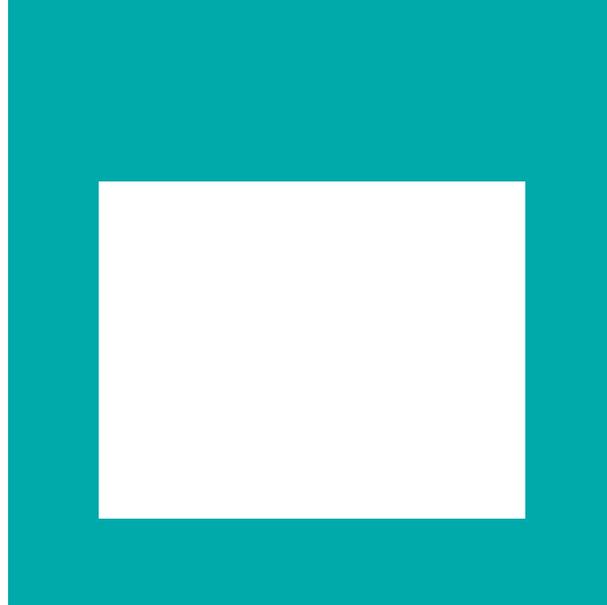
Temporary Use By-law (By-law No. 19-307)

- Modifies certain regulations under Section 19(1) in Wards 1, 7, and parts of 14 to provide some flexibility
- Expires December 2021.
- No longer required as new set of regulations will replace Section 19(1).

Update of the Accessory Building Regulations in Hamilton Zoning By-law No.05-200

- Current Accessory Building regulations in Section 4.8 have been in effect since 2005.
- Needs updating as new Zones have been added over time and address unforeseen scenarios.
- New regulations for:
 - Mixed Use Development
 - Considerations for carports, play equipment, and gazebos.





THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE



Secondary Dwelling Units Deputation

April 6, 2021

WE HBA contributes

- 27000+ jobs
- \$ 1.7 billion in wages
- \$ 3 billion in investment value

to the local economy.

Benefits of Secondary Dwelling Units

- Will assist the City of Hamilton in promoting infill opportunities
- Small-scale opportunities for individual property owners to help address housing affordability for themselves and their tenants.
- Legalizing existing units could improve the safety of the residential housing stock in Hamilton.
- Permitting Secondary Dwelling Units allows more residents to age in place within their community.
- Secondary Dwelling Unit Policies reduce barriers to our members in the delivery of more housing opportunities for Hamiltonians.



Collaboration on Housing Attainability

- As members of Hamilton's Housing & Homelessness Planning Group WE HBA is pleased to see the City of Hamilton moving towards allowing gentle small scale intensification opportunities that can contribute to housing affordability.
- Our membership includes small scale builders and renovators who will be key partners with the City to implement Secondary Dwelling Units.
- WE HBA strongly supports the reduction of fees for homeowners to implement Secondary Dwelling Units, including the reduced parkland dedication rate and reduced costs for minor variance applications.
- This will promote greater adoption and implementation of small-scale intensification opportunities for Hamilton to reach its Provincial Growth Targets.



members will need the City of Hamilton's support to deliver **110, 300** new housing units by 2051.

Safety & Quality Assurance

- The City of Hamilton already has Secondary Dwelling Units throughout the City, that were typically constructed and implemented as hidden or illegal apartments.
- Adopting a more permissive approach to secondary dwelling units as the City is proposing will enable more homeowners to legally add secondary dwelling units. This enhances the quality and safety of units, especially as it relates to fire safety.
- WE HBA can be a partner and part of the solution in terms of guidance and training on the new Hamilton framework as our membership includes many Renomark certified small contractors and local Hamilton infill developers.



From: Suite Additions <info@suiteadditions.com>

Sent: April 1, 2021 11:49 AM

To: clerk@hamilton.ca

Subject: Pre-Recorded Submission - NOTICE OF PUBLIC MEETING Stage 1 Low Density - Tuesday, April 6, 2021 9:30 am

Hello,

This link contains my pre-recorded submission for the meeting on April 6th

https://drive.google.com/file/d/1nXzeJAEWb6ygDyDgHDTaeYkD71e9ic_Q/view?usp=sharing

If this does not comply with the guidelines can I submit the following text instead?

Hi, this is Andy Tran from Suite Additions. We are a design and consulting company primarily focused on low rise housing densification projects.

Thank you to the city of Hamilton and the zoning by-law reform department for working on this detailed proposal for secondary dwelling units within the urban boundary.

As a consultant for over 150 2-family dwelling projects in Hamilton over the past several years, we have worked hard and played a small part in providing safe, legal, well constructed additional affordable housing units in the city of Hamilton. This new SDU proposal is a very progressive initiative by the city to make it easier for homeowners to provide more housing.

Many of the items covered in the discussion paper appear to provide a good balance of streamlining the process, while also minimizing impact to the look and feel of existing residential neighbourhoods.

However, there is one issue which still stands out as being potentially a big hurdle for many homeowners who reside in the upper part of Hamilton. That is the requirement for 1 non-tandem parking space for each unit. For homes with 2 SDUs, which means 3 units in total, this would result in 3 non-tandem parking space requirements.

Under the current parking requirements of section 18A of Hamilton zoning bylaws 6593, as well as other former municipalities, the vast majority of homes will not be compliant, meaning homeowners will need to undergo a lengthy and costly minor variance process if they want to add 2 SDUs.

3 non-tandem parking spaces will increase non-permeable surfaces, reduce landscaping, and increase water runoff and add additional pressure to the storm sewage system.

Many of these homes with additional SDUs will not have vehicles for each unit, and it's more appropriate to allow for these homeowners to come up with parking solutions that work for them, as is the case with other municipalities in Ontario with similar proposals for SDUs, such as Kitchener, Brantford, Toronto, Barrie and Welland.

Our recommendation is to allow for one of the following:

1. Tandem parking (and allow homeowners to come up with parking solutions that are suitable for their unique circumstances), or
2. To reduce the non-tandem parking requirements for 2 vehicles instead of 3, or
3. To allow for permeable parking surfaces which count towards the minimum soft landscaping requirements - this also has the added benefit of reduced water run off into the storm sewer system.

We feel reducing the parking requirements, in particular areas in the upper mountain where density is extremely low will encourage more homeowners to build SDU

Thank you once again, and looking forward to the Public meeting on April 6th, and a favourable outcome for this proposal.

--

Thank you,

Andy M Tran

From: Bryan Webber
Sent: March 18, 2021 11:48 AM
To: clerk@hamilton.ca
Subject: SDU Zoning Changes

Dear City Clerk.

I am in full support of the city's plans to make zoning changes that support the development of secondary dwelling units in the lower city.

This would appear to be the lowest cost and most effective way to accommodate new residents coming to the city, given its capacity to make use of existing city infrastructure.

Additionally, I hope that the city plans to include waiving development charges, as was proposed when the zoning changes were first being considered.

Bryan

Bryan Webber
Hamilton, ON

From: Marilyn Brown

Sent: March 18, 2021 12:13 PM

To: clerk@hamilton.ca

Cc: Partridge, Judi <Judi.Partridge@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>

Subject: SDU's in Residential Zones

To the Clerk's office

This is a comment on the proposed changes to zoning to allow SDUs in residential areas I am not in favour of this proposal in the Waterdown VillageCore .

I live in this area and we have different types of architectural designs of homes on large lots .

Adding a SDU next to a home in the village on a 50 ft lot will increase the number of cars , traffic, congestion, When we moved here 45 years ago the lot size was 50 feet and could not be any narrower If a person sold 6 ft of his property then his 44 ft lot was useless for sell to building a house .

The lot sizes have lessened so much for intensification The core has many old large trees providing a wonderful tree canopy over the area , replenishing oxygen and cooling the general air temperature Any construction near a tree , even if not cut down, suffers stress to its root system that becomes evident 3 yrs later With newer homes close together, (3000 sq ft homes built on 40 ft lots) there is only a postage stamp size green grass around it .

The air quality suffers because grass provides a large majority of clean air Cover it with concrete and rain runoff has no where to go but into basements , air temperature rises causing the use of more air conditioners running using more energy from our system I worked in downtown Hamilton and arriving in Waterdown at Hamilton and Highway 5 my car outside temperature gauge was 5 degrees cooler The Core of Waterdown has a very large compilation of trees on streets and inside yards.

New homes have few trees and those planted at the front are specimen varieties which grow to small stature to fit the landscape .

Homes generally have a few sq feet of grass and little room for bushes , flower gardens etc which keep our ecosystem healthy Bees , birds , insects have no homes and without these little creatures our whole environment suffers As each SDU is built ground is dug up and piled somewhere else , replaced by concrete ,a non porous material .

Rain run off becomes a huge problem for existing homes that don't have the drainage system to cope with the extra puddling water and results in flooding finished basements , adding insurance claims which then rise ,as do premiums .

More things thrown in our garbage dumps.

How many trees will be cut down to make way for. SDU ?

We have no bylaw protection for existing trees in Hamilton .

Anyone can cut down a tree in their yard .

In Oakville a tree no matter what size is protected because they understand how long it takes to grow and it's value for better air quality and quality of living as well as healthy lungs In this time of Global Warming we should be doing more not less to improve the ecosystems and air quality One more driveway built with each SDU - Everyone in any city needs a car because we can't walk and lug home all our groceries or walk to pay taxes etc It's not possible More car emissions and heat SDU 's should be confined to Downtown Hamilton or Farms In downtown It will provide needed shelter for the homeless Farmers families can stay living on the farm

Sincerely Marilyn Brown

Waterdown On

From: greg <
Sent: March 20, 2021 11:47 PM
To: clerk@hamilton.ca
Subject: City Clerk for Residential Zones .. Secondary Dwelling Units

March 19, 2021

To Whom It May Concern

I am writing in regards to the proposed by law amendments for Secondary dwelling units in the back alleys of the lower city. First, I'm not sure what the actual purpose of allowing this is since the city gave up on it's large number of alleyways and lanes years ago and what they once were is not what they are now! Is this a way to increase the tax rates of personal properties and a signal that you are actually going to start maintaining them again after years of neglect? From what I understand, the lanes are not large enough to accommodate the large city trucks and most can't even support vehicles anymore due to people encroaching past property lines to increase their lot size. Others have the fence line right on the property line not allowing for cars to even perform a three point turn to turn around. This city already has created a nightmare for on street parking with it's lax attitude to enforce existing by laws regarding property status. Most registered duplexes quite often contain more units than allowed but inspections seem to be based on a complaint basis, and non existent during Covid. There will be almost nowhere to park in these alleyways, so the overflow will be on the street, competing with others. As a homeowner living on a street in the lower city, this is already a huge problem for us and the other 7 homes on our block that unfortunately do not have a driveway. We watch all of the illegal units in houses where it seems all tenants have a car or two and wonder if we will be able to even park on our own block when we come home. Our latest minor variance that was approved , gave the property at 133 Fairleigh Ave. S. legal duplex status even though it had a very visible but nicely done basement apartment making 3 complete units. It was inspected and still approved, and now this home is up for sale again boldly advertising the income potential, stating that it has 2 units and an in-law suite, with possible garage conversion for more income! Great, and that should add a few more cars to our congested street!

I think about the water and sewer lines that would be required for these SDU's and with the aging infrastructure that has plagued the lower city and the added stress to them. Our street in particular, has quite a history of sewer repairs and sinkholes. Many of our homes have issues with damp basements as one of the old streams that came down the escarpment travels underground to empty out near the Sherman spit in the harbour. The city has maintained a patch work approach to this issue as it is only one of many streets with old pipes and poor drainage so adding more to this problem seems troublesome since the city has no plans to replace this aging system. I would think that there must be a cost to all of this as far as making the laneways driveable. With the finances of this city already burdened, how does this help? Could monies be used better by

finding solutions for building more affordable city housing units or by using it to clean up that enormous raw sewage mess that city council wanted to keep from the public in Chedoke creek that has contaminated Cootes Paradise?

I think about the fact that the city is having a crisis with affordable housing and the lack available. Believe me, adding more units in back alleys, specially on streets in some of the better neighbourhoods like ours, is not going to help with affordable housing. If anything, it will help drive the price of houses even higher. It will be a way for owners and absentee landlords to bring in even more income and they won't be pricing them cheap! What the city will do is raise their property taxes since there will be more services to the property. Approving this will bring a new element of greed to house flippers and landlords who already ignore all of the city's codes and by-laws and since it is a difficult task to enforce them, why are you considering this current amendment regarding SDU's ? The Hamilton real estate board now shows the average house prices are the third highest and tightest market in Canada, and this new measure is counter productive.

I would love to see Hamilton clean up it's alleys as I for one am tired of some of the illegal activity taking place in them, but are we to expect that this will change if people live on them. Do I expect to see them cleaned up and maintained, no! I don't know of any that have any kind of lighting along them nor would I want to see streetlights out back and front. We have our own motion sensor lighting at back to keep the graffiti artists and illegal drug users at bay.

In closing I ask ...1. What is the purpose for this amendment in the first place ?

2. What is the budget for this and what are the projected costs?

3. How do you see this improving neighbourhoods?

4. What are the plans for the existing sewer infrastructure?

5. How will you address the problem with on street parking?

6. How might this affect our property taxes?

Edward Brown

From: tom stone112

Sent: March 29, 2021 10:19 PM

To: clerk@hamilton.ca

Subject: Thomas Klak Comment for April 6th Public Meeting about Secondary Dwelling Units for the City of Hamilton

To whom this may concern,

Hi, my name is Thomas Klak, and I live with my wife Courtenay Brown, and our 10-month-old daughter in Flamborough at # Ofield Rd N. I am writing this to try to encourage everyone on the Planning Committee to look upon the new zoning by-law favourably, and to ask them to do their best to help it pass swiftly and without too much delay.

Our family currently has a building permit under review by the City of Hamilton for an in-law suite for my mom, Maria Klak. We first submitted the permit in the summer of 2020 and were denied by the City as the current zoning we live in, (A1), does not allow for such dwellings. We found this decision to be very unfair and completely unjustified, and I'll try to explain our reasoning as to why we feel this way.

First and foremost, the addition is for an aging parent, and just as the federal government has an immigration policy that favours family reunion, we should have a housing policy that also favours the togetherness of families.

One rationale for the restrictiveness of the current rural zoning by-law is the protection of farmland. We agree wholeheartedly that farmland should be protected, but allowing my mom to live on our 17-acre property will in fact promote the health of our family and community, by giving us more time and resources to devote to gardening and farming.

As everyone should be aware of these days, housing affordability is becoming increasingly challenging for families and everyday citizens. We live in a free country and thus I believe, we should allow the free market to help us with this problem. I believe that simply allowing a greater range of housing options, and eliminating bureaucratic obstacles and hurdles can help. If citizens would be allowed to build more housing and make use of existing infrastructure on their own properties, then the extra supply in the housing market can contribute to making housing more affordable for everyone.

I hope the words I write will be taken into consideration, our family is eagerly awaiting the zoning by-law proceedings to come a conclusion. We are hoping and praying the decisions made by Planning Committee and ultimately City Council, will be beneficial not only to families such as ourselves, but for the greater good of all the residents of the City of Hamilton.

Thank you very much for your time, Take Care.

From: Evelyn LaMarsh
Sent: March 31, 2021 11:10 AM
To: clerk@hamilton.ca
Subject: Secondary Dwelling Unit - feedback

Hello,

I am very interested in building an SDU for my mother-in-law when it becomes legal. I also have several rental properties in Hamilton with lot sizes that would comfortably accommodate an SDU. This will help provide more housing to help alleviate the housing crisis.

I want to be part of the housing solution!

I would like to suggest allowing units:

- have a square footage of at least **750 sq feet**
- Allow for 2 bedrooms
- No additional parking requirements

Thank you !

Evelyn LaMarsh

From: Larry VanKuren

Sent: March 31, 2021 10:57 AM

To: Jackson, Tom <Tom.Jackson@hamilton.ca>; clerk@hamilton.ca

Subject: RE: Important Report regarding Secondary Dwelling Units coming April 6th

Thanks Tom

You may recall in an E:mail I sent to you a year or so ago regarding the SDU's plus a couple of my other concerns regarding the SDU's. Some do not have a secondary FIRE ESCAPE for the for the upstairs and most of them for sure do not have one for the basement. Some of the bedrooms are at the rear most part of the basement and farthest from an EXIT.

The second problem is that some of the SDU's have four or more cars and they park on the street. One house across the street from me has four adults and six or eight children and a trailer in the driveway and a van and one van on the street. Another one has four adults and five children. Each have one family up stairs and one in the basement. If the cars park on both sides of these narrow streets there is very little, if any, room for fire trucks, snow plows or the garbage trucks to pass through. Several times I have had a problem backing my boat into my driveway because of cars parked on the street.

We need to eliminate these SDU's and get these residential areas back to normal.

Sincerely,

Larry VanKuren



Planning Committee
City Of Hamilton
71 Main St West
Hamilton, ON
L8P 4Y5

March 31, 2021

Attention: Lisa Kelsy, Legislative Coordinator

Re: Proposed Zoning By-Law Amendment for Accessory Buildings including Laneway Housing and Second Dwelling Units - Planning Meeting April 6, 2021

Dear Councillor Danko and Planning Committee Members,

The Durand Neighbourhood Association (DNA) is fully supportive of the City-Wide proposal to allow secondary suites, in detached structures, or at the back of a lane or inside an existing house.

The DNA believes that this zoning by-law amendment will provide more equitable, safe, multi-generational and sustainable communities throughout the City of Hamilton.

The DNA has advocated for diverse, safe and affordable housing since its inception in 1972. This unique neighbourhood is a poster child for many housing options. We have towers where applicable, we have examples of the “missing middle”, we have single family homes, we have duplexes, triplexes, quads and Wheeler Lane, the only laneway housing currently in the City. The DNA supports this proposed type of infill in our existing neighbourhood which will preserve our existing built heritage and our streetscapes. This compliments the DNA’s Character Project as it helps with outcomes that we are hoping to accomplish by moving forward with our Project.

Thank you for considering this very important and game changing zoning amendment!

Yours sincerely,

Chris Redmond, **President Durand Neighbourhood Association**

Board Members: Roberta Harman, Erica Ippolito, Janice Brown, Frances Murray, Dennis Baker, Michelle Tom, Rachelle Waterman, Geoff Roche, Kyle Morris, and Brian Ogryzlo

Submission to the Public Meeting of the Planning Committee about Secondary Dwelling Units

We would like to begin by thanking the members of Hamilton Council as well as the Planning Committee for the work you do for its citizens. Especially under these current circumstances, we can appreciate that your work must be more complicated and intensive than ever before. Thank you for taking the time to consider this important topic.

Gray Court Drive in Ancaster, west of Southcote Road, is part of an older neighbourhood. All around us big homes are being constructed, often by tearing down older bungalows and replacing them with larger homes on these beautiful lots. We are sensitive to the controversy around changes in old neighbourhoods in Ancaster, and we are sympathetic to the idea of maintaining the character of these areas.

We would like to make a small addition to our home in order to facilitate the care of our elderly parents. At the moment they live in a retirement area, but, being in their mid-eighties, they are now contemplating their next move. Long-term care facilities have been the subject of considerable negative press already well before the start of the pandemic. Of course, now the pandemic has revealed even more serious shortcomings in these homes. This certainly will not be an attractive alternative for our parents in the foreseeable future, quite apart from the long waiting list we understand to exist currently.

Our parents have been encouraged by some acquaintances in surrounding communities who had successfully obtained the necessary permits and were able to build units commonly referred to as “granny suites”. All of us were very disappointed to discover that Hamilton/Ancaster does not presently allow for such units.

Recently, we have been following with interest the progress made by the Planning Committee as it relates to Second Dwelling Units (SDUs) and the pressure the City has felt for some time to curb urban sprawl and to focus more on intensifying existing living spaces. As well, current real estate prices are having a negative impact on the situations of those who are looking for affordable housing, and SDUs would be a welcome benefit.

Last summer we hired an architect to design a plan for such a SDU. Understandably, obtaining a permit for a basement renovation or a second floor would not be suitable for the needs of our elderly parents. Instead, our plan incorporates the “granny suite” seamlessly into our main home by renovating and extending the garage, and thus creating a separate, but attached, home for our parents. It would be easily accessible as it would be close to grade level, and it would increase the street appeal by enhancing the front profile yet without overpowering our oversized lot. This professionally-designed plan fits in well with the neighbouring homes, several of which have had an extension added to the original dwelling, while others have been completely replaced by more spacious houses.

We view the proposed amendment to our zoning by-laws to include SDUs to be a positive step for the City, which stands to gain additional living space without added infrastructure costs, and for families such as ours who prefer to be personally involved in the care of their aging parents or even other family members. Moreover, being near-seniors ourselves, this would open up the possibility of moving into the unit later, when we may require assistance. We encourage you to

make SDUs available to the citizens of Hamilton and create some room for us to facilitate a separate, but attached, home for our parents.

Thank you.

Peter and Eleanor Boeringa
Ancaster

From: Ashley Taylor
Sent: March 25, 2021 8:19 AM
To: Residential Zoning <residentialzoning@hamilton.ca>
Subject: Secondary suites

Hello,

I was reviewing your secondary suite policies and it appears that secondary suites will not be permitted access via the side or rear yards. I think that secondary suites should be permitted access via the side and rear yards. Some houses have existing side entrances that are perfectly setup for a secondary suite and it would not change the look of the house or neighbourhood. It will also bring more housing options online without restrictions.

Thank you,

Ashley

From: Margaret Plut
Sent: March 28, 2021 9:32 AM
To: Residential Zoning <residentialzoning@hamilton.ca>
Subject: Secondary Detached Units - comments

Hello,

We are housing providers in Hamilton and have been for over a decade. Over the years we have noticed an incredible increase in demand for our clean, safe and well-maintained homes. We encourage the city to make use of this opportunity to allow an increase in homes from within.

We have read through the literature and am not clear on proposed maximum size that will be allowed. While we fully support and understand the need for mindful integration into the current neighbourhood, it' would be a shame to be too conservative.

To that end, please consider maximum **footprints** of at least 750 square feet rather than total square footage where appropriate (relative to lot size). Also, wherever there are 1.5 or two-story homes it makes sense to allow one to build up, as long as one is mindful of privacy concerns (ie. Windows facing inward or to the street in a corner lot). Finally, where setbacks allow, it makes sense to allow basements as that too will not affect the sprawl or privacy.

Footprint, not finished living space!

As an investor, a unit too small will not encourage us to build as the costs will be too high to be feasible. It will also limit who these additional units can assist. Families with children need more space and won't necessarily have more cars than couples.

Thanks for the opportunity to comment. We are very much looking forward to an opportunity to make Hamilton more available!

Margaret Plut

Matthew Brown

From: Viv Saunders

Sent: March 22, 2021 9:12 AM

To: DL - Council Only <dlcouncilonly@hamilton.ca>

Subject: Secondary Units re parking

Please reconsider the proposed boundaries of no parking space required within certain specified land boundaries.

The potential requirement to increase non permeable surfaces outside of the downtown core, or insist that onsite vehicle parking be provided that could result in a decrease in our tree canopy, in my opinion, doesn't align with other City goals.

Please consider including locations outside the core that are for example a certain distance to a HSR transit stop and/or an anchor institution such as Mohawk College in Stoney Creek .

Thank you

Viv Saunders

From: Mary Lynn Taylor
Sent: March 31, 2021 4:57 PM
To: clerk@hamilton.ca
Subject: Fwd: SDU submission

Good afternoon,

Please find attached my written submission comments for the April 6,2021 planning committee meeting.

Thanks kindly,
Mary Lynn Taylor

I appreciate the efforts being made to have policies and procedures in place in converting residential dwellings to include Secondary Dwelling Units.

Who is responsible to ensure investors are obtaining building permits and meeting fire regulations when converting single dwelling houses into 2 apartments? It is great to have policy and procedures but who is responsible in enforcing them? Do you have additional budget to financially support the staff who will be required to enforce new policies?

On the east Hamilton mountain, ward 6, bungalows (under 1100 sq ft) continue to be bought by investors to be converted into 2 rental units (1 on the main floor, one in the basement). In most cases these home renovations are completely renovated without any/all the required building permits and/or meeting fire code. Without inspection the newly converted apartments may or may not meet/pass building and fire regulations.

Section 8.1.1 Minimum and Maximum Size Requirements of a Second Dwelling Unit:

"Current regulations in Hamilton require both the principal dwelling and accessory dwelling unit to each exceed 65 square metres which means a dwelling has to be at least 130 square metres (1,400 square feet) to be eligible to add a SDU."

Square footage of a bungalow calculations are based on the area above grade (ground) and does not include basement (below grade) area, developed or undeveloped, as liveable floor area. The section 8.1.1 Minimum and Maximum

Size Requirements of a Second Dwelling Unit uses the term square footage of a dwelling, but does it really mean total liveable space as square footage is above grade (ground)? Does this mean the conversion of single dwelling homes under 1400 square feet into 2 apartments does not meet section 8.1.1 and are therefore illegal? Who is responsible to enforce this?

The Ontario Fire Code Retrofit Section 9.8 looks at these areas of Fire Safety:

- Containment - Fire separations between dwelling units.
- Means of egress - The number of means of escape from a dwelling unit.
- Electrical Safety - in order to ensure that the electrical wiring in a two unit dwelling is safe, the owner is responsible for having a general inspection conducted by the Electrical Safety Authority (ESA) and must pay for the associated inspection fees. Any electrical hazards identified during the inspection must be repaired. Owners should retain the letter of compliance from ESA for future reference purposes. This letter must be made available to the Chief Fire Official upon request.
- Fire Alarm and Detection - Smoke alarms and Carbon Monoxide detectors

There appears to be a lack of policies or procedures or follow up to be sure the Investors are made to request Building Permits for work required to comply with Fire Code, or an Inspection order issued under the Fire Protection and Prevention in conversion of single family homes to two unit apartments (SDU's). Who is responsible to enforce Ontario Fire Code Retrofit Section 9.8?

Are the people renting these apartments aware these dwellings may or may not have been inspected and may or may not meet building and fire codes?

My concern is not only for the safety of the renters who may not know they are renting a unit that may not have passed building and fire code inspection, but also for the neighbouring house owners.

In summary, who is responsible to ensure investors are obtaining building permits and meeting fire regulations when converting single dwelling houses into 2 apartments? Does the city have budget to hire the necessary resources to enforce the policies? It is great to have policies and procedures in place as long as they are being enforced.

From: Laura Katz
Sent: April 1, 2021 9:54 AM
To: clerk@hamilton.ca
Subject: Correspondence for April 6th planning meeting

Good morning,

Can you please include the below correspondence for the April 6th planning meeting. With thanks,

Laura Katz, Ward 1

Further to my concern about a potential boundary expansion, I am writing in support of allowing for maximum flexibility with regard to Second Dwelling Units.

Some KEY BENEFITS of SDUs:

- SDUs are a form of 'gentle density' that can increase population in existing neighbourhoods – SDUs are a form of urban infill development that can generate more living spaces within existing residential neighbourhoods. This, in turn, can increase population levels in a way that justifies enhanced public transit, & makes grocery stores and other neighbourhood amenities more viable in the area. All of this helps to build more complete communities where residents can access essential services and needs often within easy walking distance. Accommodating more people in urban areas means less need to expand outwards.
- SDUs can increase the availability of rental units across urban & suburban neighbourhoods, & in rural settlement areas – SDUs increase the range of rental options available in a municipality, opening the door to enabling someone to live, for instance, in a residential neighbourhood in a house with a yard and garden access. In some Ontario municipalities (eg Toronto) incentive programs exist to encourage homeowners to rent their SDU at lower than market rents to help address housing affordability issues.
- SDUs can help people become or remain homeowners – A rental unit in or on a residential property might make a home purchase viable for a first-time buyer – with rental revenue helping to pay for a mortgage. An SDU might also be what enables a current homeowner to remain in their home by providing the revenue required to cover on-going costs.

- SDUs can enable extended families to support each other – The opportunity to establish an SDU such as a laneway suite or garden flat, can enable a primary resident to create housing for adult children or aging parents on site but in separate living space. This enables everyone to have their own living space on a family property but with supports nearby –something that might be essential in the case of elderly family members.
- Secondary suites are an affordable way to create more homes for people within our existing communities using gentle intensification. More people in our current neighbourhoods will help local businesses, schools, etc. to thrive and is an alternate response to sprawl.
- Developing secondary suites is a great way to reduce the carbon footprint of both these new homes, which will typically be more energy efficient due to their scale and location, and supports more walkable and less car-centric communities. You recognize that Hamilton has declared a Climate Emergency and Urban Sprawl is a huge contributor to GHG emissions, this is an antidote to that.
- Detached secondary suites are a great way for people to age in place in their communities, creating stronger and healthier communities. In order to support barrier free spaces and accessible design, you would support increasing the allowable gross floor area further than the draft bylaws, on lots where appropriate (see bullet point below).
- City Staff have already included recommendations for a development charge (DC) waiver to go to the finance committee later this month, which is a great way to incentivize this type of infill. Similarly, a reduced parkland dedication fee and minor variance application fee are very supportable. You can express your support for these recommendations since Council will also need to vote on them. Incentives like these will significantly help allow these types of infill developments to happen across our city.

A few more technical points that will help make this new zoning even more effective:

- The maximum areas listed in the bylaw for detached secondary suites is still more restrictive than necessary. You can request that the maximum Gross Floor Area (GFA) for these homes be increased and suggest a maximum GFA of 100m² AND a maximum lot coverage for the SDU of 25% - whichever is more restrictive as a reasonable maximum threshold. Further, the required setbacks from the rear and side lot lines and from the primary house will further limit smaller sites. However, allowing larger units on appropriate lots will reduce the number of unnecessary minor variances.
 - o Note: While you understand that the goal is to create small-scale infill that is considerate of the context of the neighbourhood and surrounding houses, Toronto allows laneway houses up to 160m² in their bylaw, and Edmonton allows 130m². Vancouver allows up to 83.5m². The typical SDU size in Vancouver, which has had hundreds of applications, ranges from 70-100m² GFA.

- The requirements for the 1.2m Rear Yard (4.33.1b2) with only sod could be finessed so that it works for sites accessed from a laneway through the rear yard. As it is written, the bylaw does not allow for other forms of visual barrier from the lane to the SDU which would improve privacy. We would suggest removing the requirement for only sod in the required rear yard and allowing for other permeable landscaping, fencing, or permeable surface treatment used to access the SDU.

- The requirements related to the Ontario Building Code relating to the max 40m distance from the Front Lot Line to the entrance (4.33.1b2) of the Secondary Dwelling Unit will limit SDUs on larger lots. While it is understood that this requirement is related to the Ontario Building Code, it can be dealt with at the permit review instead of being written into the bylaw. That way, if an SDU is further from the street line it can be dealt with as an Alternate Solution on a case by case basis instead of written into the zoning bylaw. For example, in Toronto there has been an allowance for sprinklers in the SDU if this 40m distance to an entry cannot be met.

THANK YOU!

Laura Katz

From: Geoff Palmer <

Sent: April 1, 2021 9:55 AM

To: Pauls, Esther <Esther.Pauls@hamilton.ca>

Cc: clerk@hamilton.ca; Ward 1 Office <ward1@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: April 6, 2021 Planning Committee Item CI 20-E & CI 21-A and report PED 20093(a)

Dear Councillor Esther Pauls, I am your constituent in Ward 7.

I'm reaching out to you this morning in support of the draft bylaw allowing secondary suites within homes as well as detached secondary suites across Hamilton.

We are hoping to eventually build a secondary detached suite on our property at # East 24th Street. Our intention is to provide an affordable home for our children as they mature and eventually for ourselves in retirement.

We would like to suggest that a more reasonable maximum gross floor area (GFA) for the home be increased to 100m², or even larger as other Cities have allowed, such as Toronto where 160m² is the maximum. Also, we feel the 6m height is too restrictive and limits 2 story buildings to a flat (modern) roof style which is not cohesive with the existing homes in the neighborhood.

Thank you so much!

Geoff Palmer

Hamilton, ON

From: Catherine DeLottinville
Sent: April 1, 2021 10:16 AM
To: clerk@hamilton.ca
Subject: re: comments for zoning bylaws change meeting April 6, 2021
Importance: High

Comments for zoning bylaws change meeting April 6, 2021

Re: Planning committee repeal of town of Dundas zoning by-laws no. 3581-86 for secondary dwelling units

My name is Catherine DeLottinville. I live on Melville Street in Dundas.

I am concerned with the proposed changes to the Dundas zoning by-laws that will allow secondary dwelling units on a property since these changes would diminish the historical character of this neighbourhood.

I also object to the way these changes are being communicated. The agenda reports (according to the residential zoning by-law notice) would not be available until March 31. I read the report but due to the unavailability of relevant information, I found it very difficult to have a comprehensive objection by noon April 1 2021. Some of the sections requested to be changed in the zoning by-laws do not appear in the on-line version of the Dundas zoning by-law (dated May 2017) that is available on the zoning by-law webpage for the city of Hamilton.

I request that the city council does not approve these changes to the zoning by-laws since due to the pandemic and the resulting difficulty in obtaining information by the public, it is impossible to determine the opinions of the people you represent.

Catherine DeLottinville

Dundas

From: Justin Hogeterp

Sent: April 1, 2021 10:59 AM

To: Ward 1 Office <ward1@hamilton.ca>; clerk@hamilton.ca

Subject: April 6, 2021 Planning Committee Item CI 20-E & CI 21-A and report PED 20093(a)

Dear Councillor.

I am your constituent in Ward 1.

I am writing to voice my support for this important initiative.

Secondary suites are an excellent solution to our housing challenges through gentle intensification of our current neighbourhoods. They will allow families to live in closer proximity across generations and enhance the social fabric of our communities.

I encourage and support you to support the changes required to creatively enable secondary suites in our city and to reduce barriers both procedural and economic to help make this possibility a reality.

Please feel free to share this letter of support with council. I do not wish to delegate either live or pre-recorded at this time.

Thank you for time and consideration,

Justin Hogeterp

From: Lydell Andree Wiebe

Sent: April 1, 2021 11:15 AM

To: Wilson, Maureen <Maureen.Wilson@hamilton.ca>

Cc: clerk@hamilton.ca

Subject: Comments for Planning Committee April 6 Item 9.4: Secondary Dwelling Units

Dear Councillor Wilson,

I am writing with regard to Agenda Item 9.4 of the upcoming Planning Committee Meeting on April 6, which addresses Secondary Dwelling Units per City Initiatives 20-E and 21-A and Report PED 20093a. As a homeowner who would like to build a laneway house for my in-laws to age in place, I think the proposed bylaw amendments are a step in the right direction, and could be improved in a few small but significant ways.

I reviewed the report on this issue with our family's situation in mind. We own a property in Ward 1 (412 Dundurn Street South) that is 50' wide x 200' deep, or about 4 times the size of a typical lot in the area. As my in-laws age, it has become clear that the best long-term situation for them would be to live in a laneway house where we could help provide community and care for them to age in place. As such, last fall we requested a minor variance to allow an approximately 99 m² laneway house for them, which is about the minimum required to provide a one-bedroom, single-level home that can accommodate potential accessibility needs (e.g. wheelchair turn circles). This size is also well within a reasonable scale for our lot: it would come about as close to our house as neighbours' garages along the same laneway. However, this proposal did not receive support from city staff, with the concern that it is much larger than the current number of 50m² in the bylaw. In other words, while those who write the bylaws might expect that the minor variance process provides an avenue to consider unusual circumstances such as a quadruple-sized lot, that has not been our experience.

Based on my review of the report, the following items caught my attention:

1. The proposed increase in size to 75 m² (page 175 of 395 in <https://pub-hamilton.escribemeetings.com/FileStream.ashx?DocumentId=264619>) is an improvement, as only "tiny houses" would meet the current limit of 50 m². I noticed that the public engagement (p306 of 395; item 2.4) suggests that 81% of respondents thought the size should be based on a percentage of the total lot, which is also my view, but I could not see this suggestion addressed in the report. For example, on my lot, a garage would be permitted to be significantly larger than 75 m². I do not see a clear reason why secondary dwelling units should be restricted to a smaller size than garages, and would **suggest that the limit on size be the same as is currently in bylaws for other accessory buildings.**
2. There is a new requirement that the SDU have a smaller floor area than the principal building (page 175 of 395). I think this is a reasonable new requirement to ensure that the secondary dwelling is indeed secondary, particularly if the maximum allowable size were changed to be proportional to the lot size instead of one-size-fits-all as in the current proposal. **I think this new requirement should be kept.**
3. **Fire access issues (pages 175-176 of 395) are important. However, it seems that the best way to deal with this would be through the permit process instead of zoning.** For example, on my block (Dundurn and Hyde Park between Aberdeen and Glenside), all the lots are approximately 60 m deep, while the proposal is to have a maximum distance from the street of 40 m. This would be an ideal block to add some sustainable density to Ward 1, but this provision would require all laneway houses to be set extremely far back (approximately 15 m / 50 ft) from the laneway in order to maintain proximity to the street. This would make both the laneway and the yards look very strange. Addressing this issue through permitting instead of zoning would

ensure that fire safety is reviewed by those with the expertise required to consider potential alternatives (e.g. providing sprinklers in order to increase this distance).

4. A proposed new design regulation has a visual barrier between 0.3 m and 1.0 m in height on two sides of the amenity area (page 176 of 395). I am not sure of the reasons for the upper limit: is it not permitted to plant a tree that could grow to five feet tall in that area? Also, 6-foot fences are common in backyards and not intrusive. **I would suggest amending this change to have an upper limit of 2.0 m, which would apply only to artificial barriers (i.e. fences).**
5. **Subsection 4.33.1.b.3 (page 201 of 395) suggests a minimum rear yard that can only have sod.** I think there are many ways of providing beauty along a street or laneway that are not sod, and **would like to see this requirement revised or removed.** For example, in my family's case, we would like to have plants for part of the rear yard, a nice wooden fence for part to provide privacy to the laneway house, and paving for part to allow access to a garage.

Again, I am pleased to see Hamilton moving forward with developing regulations that can support sustainable development in the city. I hope that my comments may provide some helpful perspective on how this can be implemented.

Respectfully yours,

Lydell Andree Wiebe

From: Patty Clydesdale

Sent: April 1, 2021 11:18 AM

To: Office of Ward 3 City Councillor Nrinder Nann <ward3@hamilton.ca>; Office of Ward 3 City Councillor Nrinder Nann <ward3@hamilton.ca>

Cc: clerk@hamilton.ca; Ward 1 Office <ward1@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Subject: April 6, 2021 Planning Committee Item CI 20-E & CI 21-A and report PED 20093(a)

Dear Councillor Nann,

As a constituent in Ward 3, I would like to express my support for the report and the draft bylaws (noted in the subject line above), with the addition of the **Recommended Amendments** included below.

Lack of housing security is growing at an alarming rate. Secondary suites are an affordable way to create more homes for people within our existing communities using gentle intensification. More people in our current neighbourhoods will drive support for local businesses, and schools, enabling them to thrive. Secondary Suites are an alternate response to sprawl, and allow family members to live closer to support one another, enabling multi-generational living, thereby creating a stronger family unit.

As Hamilton has committed to reducing climate change through its declaration of a Climate Emergency and Urban sprawl is a massive contributor to GHG emissions, developing secondary suites is a great way to reduce our carbon footprint as these secondary homes will likely be more energy efficient due to their scale and location, and supports more walkable and less car-centric communities.

Detached secondary suites are a great way for people to age in place in their communities, creating stronger and healthier communities. In order to support barrier free spaces and accessible design, I support increasing the allowable gross floor area further than the draft bylaws, on lots where appropriate (see bullet point below).

City Staff have already included recommendations for a development charge (DC) waiver to go to the finance committee later this month, and is a great way to incentivize this type of infill. Similarly, a reduced parkland dedication fee and minor variance application fee. I support both these incentives as they will significantly allow and encourage these types of infill developments to happen across our city.

A new non-profit organization in the GTHA is forming called *In My Backyard* which will be utilizing this new zoning in Hamilton and other communities to develop smaller SDUs for people in need of affordable housing in the back yards of willing homeowners. This is a great way for us to be the empathetic, inclusive, yet ambitious City we want to be, impacting the lives of people struggling with the affordable housing crisis and the challenges that families have faced during the pandemic, and its continuing impact on how we live our lives.

Recommended amendments:

The maximum areas listed in the bylaw for detached secondary suites is still more restrictive than necessary. I request that the maximum Gross Floor Area (GFA) for these homes be increased and suggest a maximum GFA of 100m² AND a maximum lot coverage for the SDU of 25% - whichever is more restrictive as a reasonable maximum threshold. Further, the required setbacks from the rear and side lot lines and from the primary house will further limit smaller sites. However, allowing larger units on appropriate lots will reduce the number of unnecessary minor variances.

Note: I understand that the goal is to create small-scale infill that is considerate of the context of the neighbourhood and surrounding houses, however, Toronto allows laneway houses up to 160m² in their bylaw, and Edmonton allows 130m². Vancouver allows up to 83.5m². The typical SDU size in Vancouver, which has had hundreds of applications, ranges from 70-100m² GFA.

The requirements for the 1.2m Rear Yard (4.33.1b2) with only sod could be finessed so that it works for sites accessed from a laneway through the rear yard and is more sustainable. As it is written, the bylaw does not allow for other forms of visual barrier from the lane to the SDU which would improve privacy. We would suggest removing the requirement for only sod in the required rear yard and allowing for other permeable landscaping, fencing, or permeable surface treatment used to access the SDU.

The requirements related to the Ontario Building Code relating to the max 40m distance from the Front Lot Line to the entrance (4.33.1b2) of the Secondary Dwelling Unit will limit SDUs on larger lots. While it is understood that this requirement is related to the Ontario Building Code, it can be dealt with at the permit review instead of being written into the bylaw. That way, if an SDU is further from the street line it can be dealt with as an Alternate Solution on a case by case basis instead of written into the zoning bylaw. For example, in Toronto there has been an allowance for sprinklers in the SDU if this 40m distance to an entry cannot be met.

Thank you,

Patty Clydesdale

From: Ashley Moore
Sent: April 1, 2021 11:25 AM
To: clerk@hamilton.ca
Subject: Laneway dwellings

I support laneway dwellings!

From: Sandy McIntosh

Sent: April 1, 2021 11:29 AM

To: VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>

Cc: clerk@hamilton.ca; Ward 1 Office <ward1@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; nrinder.nann@hamilton.ca; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Heather Bancroft

Subject: April 6, 2021 Planning Committee Item CI 20-E & CI 21-A and report PED 20093(a)

Dear Councillor Arlene,

My wife Heather and I are your constituents in Ward 13. I am writing to you today in advance of Planning Committee review of Item CI 20-E & CI 21-A and report PED 20093(a) to provide support and encouragement for some proposed positive change and updates in Hamilton to allow for innovative improvements for community building that opens some doors for much needed housing options to be more explored and readily viable for many people in our great City.

Having read through the recent report and draft bylaws concerning Secondary Dwelling Units yesterday and drawing from some discussions with other leaders in the SDU movement in other cities across Canada.... The report overall and draft bylaw are GREAT. Along with this letter of support I hope it will be helpful to suggest a few potential small changes that could make the zoning bylaw revisions proposed even better. If these are not incorporated it will just require more minor variances...and delays in addressing affordable housing, smart growth opportunities, and providing responsive solutions to the climate change emergency. Overall, it is very encouraging to review a very positive report and bylaws being proposed.

A few noteworthy comments and thoughts:

- 1) Secondary suites are an affordable way to create more homes for people within our existing communities using gentle intensification. More people in our current neighbourhoods will help local businesses, schools, etc. to thrive and is an alternate response to sprawl.
- 2) The Province developed Bill 108 in 2019 and you support this move to allow homeowners to become developers as a way to help solve our affordable housing crisis. You also understand that many of these secondary suites will be used to allow family member to live closer together.
- 3) Developing secondary suites is a great way to reduce the carbon footprint of both these new homes, which will typically be more energy efficient due to their scale and location, and supports more walkable and less car-centric communities. You recognize that Hamilton has

declared a Climate Emergency and Urban Sprawl is a huge contributor to GHG emissions, this is an antidote to that.

4) Detached secondary suites are a great way for people to age in place in their communities, creating stronger and healthier communities. In order to support barrier free spaces and accessible design, you would support increasing the allowable gross floor area further than the draft bylaws, on lots where appropriate (see bullet point below).

5) City Staff have already included recommendations for a development charge (DC) waiver to go to the finance committee later this month, which is a great way to incentivize this type of infill. Similarly, a reduced parkland dedication fee and minor variance application fee are very supportable. You can express your support for these recommendations since Council will also need to vote on them. Incentives like these will significantly help allow these types of infill developments to happen across our city.

6) There is a new non-profit organization in the GTHA forming called In My Backyard which will be utilizing this new zoning in Hamilton and other communities to develop smaller SDUs for people in need of affordable housing in the back yards of willing homeowners. This is a great way for us to make a real impact in the lives of people struggling with the affordable housing crisis.

A few more technical points that will help make this new zoning even more effective:

- 1) The maximum areas listed in the bylaw for detached secondary suites is still more restrictive than necessary. You can request that the maximum Gross Floor Area (GFA) for these homes be increased and suggest a maximum GFA of 100m² AND a maximum lot coverage for the SDU of 25% - whichever is more restrictive as a reasonable maximum threshold. Further, the required setbacks from the rear and side lot lines and from the primary house will further limit smaller sites. However, allowing larger units on appropriate lots will reduce the number of unnecessary minor variances.
- 2) Note: While you understand that the goal is to create small-scale infill that is considerate of the context of the neighbourhood and surrounding houses, Toronto allows laneway houses up to 160m² in their bylaw, and Edmonton allows 130m². Vancouver allows up to 83.5m². The typical SDU size in Vancouver, which has had hundreds of applications, ranges from 70-100m² GFA.
- 3) The requirements for the 1.2m Rear Yard (4.33.1b2) with only sod could be finessed so that it works for sites accessed from a laneway through the rear yard. As it is written, the bylaw does not allow for other forms of visual barrier from the lane to the SDU which would improve privacy. We would suggest removing the requirement for only sod in the required rear yard and allowing for other permeable landscaping, fencing, or permeable surface treatment used to access the SDU.
- 4) The requirements related to the Ontario Building Code relating to the max 40m distance from the Front Lot Line to the entrance (4.33.1b2) of the Secondary Dwelling Unit will limit SDUs on larger lots. While it is understood that this requirement is related to the Ontario

Building Code, it can be dealt with at the permit review instead of being written into the bylaw. That way, if an SDU is further from the street line it can be dealt with as an Alternate Solution on a case by case basis instead of written into the zoning bylaw. For example, in Toronto there has been an allowance for sprinklers in the SDU if this 40m distance to an entry cannot be met.

Thank you again!

Sandy

From: brody

Sent: April 1, 2021 11:52 AM

To: clerk@hamilton.ca

Subject: planning committee april 6 - item 9.4 [support]

Hello, to whom it may concern,

I support adopting/continually improving this policy, in the sense that I would like for SDU's to be much more accessible.

I have seen how these structures can add a lot of value to place especially when done thoughtfully with the quality of life for humans and non-humans as the foundation.

thank you

--

Brody Robinmeyer B. A.



HAMILTON CHAPTER

Written delegation. Office of the City Clerk
Re: Item 9.4 Planning Committee, April 6

Dear City Councillors,

On behalf of the Hamilton Chapter, please accept our thanks for your commitment to civic engagement despite pressure from the province to expand the urban boundary in a big hurry. That was a very long meeting even by Hamilton standards, and we appreciated the way everyone was treated equally and respectfully. We applaud Councillors Clark and Johnson for bringing forward the motions that they did on the 29th, and we applaud you all for voting your approval of them, with one abstention noted on one of them.

Our chapter as you know, has asked you to consider putting solar panels on municipal buildings. We hope you will take that idea up, and also that there might be ways to incentivize using solar power for the new gentle intensification that we need within the city boundary. We very much approve of the SDU policy being applied across every ward in our city. I expect if you held a photo contest to see who could find the most useable empty lots and spaces within the urban boundary, you could generate a lot of fun and interest in this new and exciting way of housing ourselves in whole communities. No more food deserts in Hamilton, please! Many like myself do not own a vehicle, and hauling groceries on and off buses is hard for many people.

Our city is so lucky to have talented young architects like Emma Cubitt to show the community how innovative and attractive the IN MY BACKYARD! concept of backyard suites and laneway dwellings really can be. It can even dovetail with the tiny house movement so that people who have up till now been houseless could have a home that is easy to care for, close to the familiar places they use in their daily lives, and is inexpensive to build. I heard someone on Council, I believe, mention the word re-village, and that sounds intriguing too. If one of you can let us know what the context of that was, we'd be glad. You can reach us at chapterhamilton@gmail.com. Thanks again for listening to your constituents!

Yours sincerely,

Mary Love, Secretary, Hamilton Chapter, Council of Canadians

From: Akira Ourique

Sent: April 1, 2021 12:20 PM

To: Nann, Nrinder <Nrinder.Nann@hamilton.ca>

Cc: Ward 1 Office <ward1@hamilton.ca>; clerk@hamilton.ca; Office of the Mayor <mayor@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: April 6, 2021 Planning Committee Item 20-E & CI 21-A and report PED20093(a)

Dear Nrinder,

I am a constituent in your ward, and an advocate against urban sprawl for its social, economic, and environmental impact. One of the biggest issues in Hamilton is our housing crisis, and sprawl will not solve this (let us not forget that subdivisions are made up of million dollar homes.)

I am emailing to voice my support for the approval of secondary suite building. These secondary homes are an affordable and simple way to create homes for people within our existing communities using gentle intensification. They are additionally pleasant to look at, and will make Hamilton's downtown more vibrant. It will make our alleys safer at night. It will decrease the amount of garbage in our lanes. Secondary suites are a push in the right direction for Hamilton for numerous reasons.

This is the gist of what I have to say. I want you to vote with us, for the approval of secondary suite development. It is a great opportunity for Hamilton.

Thank you for your time,

Akira Ourique

From: Nicole

Sent: April 1, 2021 12:30 PM

To: Collins, Chad <Chad.Collins@hamilton.ca>

Cc: clerk@hamilton.ca; Ward 1 Office <ward1@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: April 6, 2021 Planning Committee Item CI 20-E & CI 21-A and report PED 20093(a)

Dear Councillor Chad Collins,

I am your constituent in Ward 5.

I am writing to support the proposed changes to Secondary Dwelling Units in the Urban and Rural Areas. As a single working millennial, I currently cannot afford the cost of a house in this city I call home.

The opportunity to build secondary dwelling units in the city will open the door for people like me to find affordable housing in the city I want to stay in.

I support the suggestion to use the reduced parkland dedication rate instead of the standard rate for a new dwelling of 5% of existing land value. I also support the recommendation that any applications for Minor Variances with respect to establishing an SDU be charged the "Routine Minor Variance" fee of \$600 as opposed to the "Full Minor Variance" fee of that ranges from \$3,320 to \$4,145.

Reducing or even removing the aforementioned fees would provide an incentive to create affordable secondary dwellings for more Hamiltonians and provide a way to deal with the current housing crisis. It would allow people like myself to build a secondary dwelling unit that I can live in, instead of only supporting individuals or property developers with the financial means to create overpriced secondary dwellings.

The maximum areas listed in the bylaw for detached secondary suites is still more restrictive than necessary. I request that the maximum Gross Floor Area (GFA) for these homes be increased and suggest a maximum GFA of 100m² AND a maximum lot coverage for the SDU of 25% - whichever is more restrictive as a reasonable maximum threshold. Further, the required setbacks from the rear and side lot lines and from the primary house will further limit smaller sites. However, allowing larger units on appropriate lots will reduce the number of unnecessary minor variances.

While I understand that the goal is to create small-scale infill that is considerate of the context of the neighbourhood and surrounding houses, Toronto allows laneway houses up to 160m² in their bylaw, and Edmonton allows 130m². Vancouver allows up to 83.5m². The typical SDU size in Vancouver, which has had hundreds of applications, ranges from 70-100m² GFA.

The requirements for the 1.2m Rear Yard (4.33.1b2) with only sod could be finessed so that it works for sites accessed from a laneway through the rear yard. As it is written, the bylaw does not allow for other forms of visual barrier from the lane to the SDU which would improve privacy. I suggest removing the requirement for only sod in the required rear yard and allowing for other permeable landscaping, fencing, or permeable surface treatment used to access the SDU.

The requirements related to the Ontario Building Code relating to the max 40m distance from the Front Lot Line to the entrance (4.33.1b2) of the Secondary Dwelling Unit will limit SDUs on larger lots. While it is understood that this requirement is related to the Ontario Building Code, it can be dealt with at the permit review instead of being written into the bylaw. That way, if an SDU is further from the street line it can be dealt with as an Alternate Solution on a case by case basis instead of written into the zoning bylaw. For example, in Toronto there has been an allowance for sprinklers in the SDU if this 40m distance to an entry cannot be met.

Thank you,

Nicole Andruszkiewicz

From: Bryan Webber
Sent: April 1, 2021 2:41 PM
To: Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Ward 1 Office <ward1@hamilton.ca>
Cc: clerk@hamilton.ca; Stephanie Hilson <
Subject: SDU Draft Bylaw

Hi Maureen.

I wanted to let you know that I am in full support of the draft by law being considered by Council for the development of secondary dwelling units in our city.

In fact, I am considering the development of a unit on our Alexander St. property.

I think it is a creative way to accommodate the anticipated population growth in our city, using existing infrastructure.

It will have the potential to make a significant contribution to addressing the affordable housing crisis we have in our city, in addition to helping families stay together.

It will also help the city in its commitment to address climate change, by reducing the average carbon footprint of residents in the city that would be achieved through this type of infill.

I think this type of housing will also attract younger residents to our city, looking for affordable housing and the cool vibe that comes with this type of community development.

I also support the staff recommendation to waive development charges, as this will incentivize homeowners in the city to take advantage of this opportunity to strengthen communities across the city.

We have an opportunity in Hamilton to be a leader in this type of urban planning, given the proliferation of lane ways and the architectural expertise and creativity in our city.

Kind regards,

Bryan

Bryan Webber

From: Lilly N

Sent: April 1, 2021 2:52 PM

To: clerk@hamilton.ca; Ward 1 Office <ward1@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: April 6, 2021 Planning Committee Item CI 20-E & CI 21-A and report PED 20093(a)

To Mayor and Council,

Re: Planning Committee Item CI 20-E & CI 21-A and report PED 20093(a)

Secondary Dwelling Units within Urban and Rural Areas

It's great to finally see this bylaw come to Planning Committee in Hamilton.

It will allow for gentle infilling needed to address housing affordability and better land use as well as addressing the climate emergency as a small footprint home.

If I had the room on my property, I would build one secondary suite for my mother who is 83 and ready to live near us (but she doesn't want to live in my home) and another for my newly married son and his wife who need an affordable place to live but also do not want to live in my home.

These secondary dwellings will make great homes for many families.

But we can't just approve this new bylaw and sit back. We need for these units to be built ASAP. We need incentives or reduced development fees for these types of units and an increase in fees for greenfield construction that never pays for all the longterm infrastructure maintenance necessary with that type of construction. Subsidize one with the other.

We need the rules to make it so a decent size of garden suite can be built to make it liveable. Let's make Hamilton units at least 100m². Toronto allows laneway houses up to 160m² in their bylaw, and Edmonton allows 130m².

And perhaps most importantly, let's count these new homes not as apartments but as single family dwellings which is what they are.

See attached for a cute Vancouver laneway home.



Thank you,

Lilly Noble

From: A. Erin Clayton

Sent: April 1, 2021 3:27 PM

To: clerk@hamilton.ca

Subject: In support of Secondary Dwelling Units Bylaw

Hi there,

Ward 3 resident here, I wanted to share my support for the construction of lane way and garden suites for gentle infill and affordable housing. Not build out.

Thank you for your time.

A. Erin Clayton (she/her)

From: Christine Heidebrecht

Sent: April 1, 2021 9:36 PM

To: clerk@hamilton.ca; Ward 1 Office <ward1@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Planning Committee Item CI 20-E & CI 21-A and report PED 20093(a) Secondary Dwelling Units within Urban and Rural Areas

Dear Mayor Eisenberger and members of Council,

I understand that next week you will be voting on a bylaw to allow secondary dwelling units (e.g. laneway homes) to be built. As a resident of Hamilton who is concerned about urban sprawl (and in particular its environmental impacts) and lack of affordable housing in our city, I am writing to share my enthusiastic support of this bylaw. I would also like to voice my support for incentives and other programs that will facilitate the immediate and efficient construction of these dwellings.

Sincerely,

Christine Heidebrecht

From: Morgan Van Groningen
Sent: April 2, 2021 7:14 AM
To: clerk@hamilton.ca
Subject: Laneway and garden suite support

Good morning,

I wanted to send this email to inform you of my support of the Secondary Dwelling Bylaw.

Thank you,

Morgan Van Groningen
Hamilton

From: Dennis/Patricia Baker
Sent: April 2, 2021 10:00 AM
To: clerk@hamilton.ca
Cc: Dennis/Patricia Baker
Subject: SDUs, planning committee April 6

Sir: I would like to make a couple of comments re. the discussion on SDUs. My husband and I are fully in favour of the plan, the full page ad in the Spectator was a great idea and very informative.

We would like to see the plan approved and applied to ALL the residential neighbourhoods. It will increase some low level intensity, help in the provision of rental accommodation and also help in purchase and provision of accommodation for family members. If this is applied across all areas it would help to prevent Urban Boundary expansion.

We would like to see that changes to commercial areas in residential neighbourhoods be considered. Here we are thinking of somewhere like Limeridge Mall or Big Bos store areas which are giant parking lots. Either charge them for parking as the streets/parking areas in the more central areas of the city do or put residential accommodation over the parking and earn tax revenue. Either idea is win/win for city revenues.

Thank you for your consideration - bring Hamilton forward as a leader!

Patricia Baker

From: Dennis/Patricia Baker <

Sent: April 2, 2021 9:52 AM

To: Farr, Jason <Jason.Farr@hamilton.ca>

Cc: Office of the Mayor <mayor@hamilton.ca>; Ward 1 Office <ward1@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Thorne, Jason <Jason.Thorne@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; Ward 1 Office <ward1@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Thorne, Jason <Jason.Thorne@hamilton.ca>

Subject: Planning committee - SDUs

Hello Jay, sorry to bother you on a holiday weekend but I would like you to know that Dennis and I are so pleased that you will be looking at the SDU plan next Tuesday. Seeing it in the Spectator was a great idea and I hope it will be applied across all city neighbourhoods. We have so much space that could be used for this purpose.

The idea will help in increasing density, at a low level, and can provide more rental accommodation. Had it been feasible when we moved perhaps we could have stayed in our home but added a place for other family members.

Do hope you and your colleagues at City Council will support the plan and perhaps expand the the idea to eventually include commercial areas such as huge parking lots which could have accommodation above the parking area - tax revenue also.

Have a good weekend, Pat Baker

March 31, 2021

To: Planning Committee

Re: Secondary Dwelling Units – Item 9.4 on Agenda for April 6, 2021

Following the marathon General Issues Committee on March 29, 2021 and clear direction from Councilors to look more thoroughly at ways to accommodate future growth without taking over lands in the “food belt”, aka “white belt”, it’s clear that we need to find new ways of doing things in Hamilton if we are going to address the climate crisis and the need for affordable housing.

I applaud the City for taking the initial steps toward allowing secondary dwellings in separate built structures on existing residential lots. This is a great step toward providing more housing options.

Cities like Vancouver have achieved considerable success in allowing for this. One of the prime drivers was to find ways to **provide affordable housing**, something that is very much needed in Hamilton too.

Gone are the days of the majority wanting to live in big sprawling homes. More and more people recognize the value of living within their means. Introducing SDUs into the residential fabric means **providing real ways for people to reduce their carbon footprint**, live in walkable locations, use public transit and **feel more connected to their neighbours** and neighbourhoods. SDUs are also well suited to the aging population allowing for more to age in place within proximity of a watchful neighbour.

Given the smaller size of SDUs, reduced development charges make sense and note the fee charged for a residential dwelling typically much larger and requiring a more lengthy review. This will help encourage current property owners to take the step toward building an SDU.

To reduce the anticipated number of Minor Variances staff and property owners would need to navigate I encourage increasing the maximum size up from the proposed 50 m², saving time and staff resources while allowing to build something practical and desirable for prospective residents. Encouraging **gentle density in this form while maintaining character and providing affordable options is a win-win**.

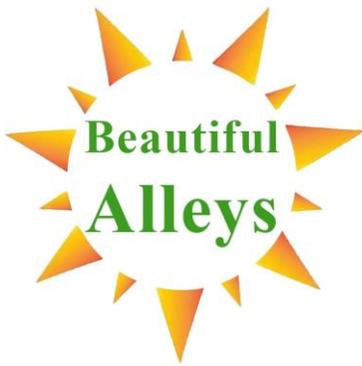
It is also significant regarding future growth targets for SDUs to be recognized in the provincial Growth Plan not as “apartments” but instead as the single dwelling units they genuinely are.

I am eager to watch how this unfolds and see results from the pilot. I’m confident that more affordable, **ground-based housing choices** will be well received by many current and prospective residents.

Thank you for the opportunity to submit these written comments.

Regards,

Zoe Green
Ward 13



April 4, 2021

To: Planning Department, City of Hamilton

RE: Secondary Dwelling Units (CI-20-E and CI-21-A) (PED20093(a))

To whom it may concern:

On behalf of our community volunteer group, I would like to offer support for flexible zoning for secondary suites.

Hamilton is home to over 700 alleys, the majority, over 400, are in the lower city. These alleys can be seen as auxiliary “streets” that provide potential for secondary dwelling units. The lower city, in particular Wards 2, 3 and 4 are occupied by a mixed demographic of elderly established residents and recent younger residents that are attracted to the education, services, parks and greenspaces of these areas to raise their families. Some were raised in the homes their parents now occupy but can no longer maintain. SDU’s could provide an alternative to relocating the parents and allow for the children to occupy the original home while they can stay in the neighbourhood they know and love. Another opportunity exists for the grown children to occupy the unit until they can get established in their career; a safer and more cost effective alternative to sub-standard housing and high rents. During the current precarious work opportunities and due to the pandemic influence on income, SDU’s provide an opportunity for additional income, allowing homeowners to meet their financial needs and staying in their home by renting the unit.

This is an area that is both blessed and cursed. We have the space to provide opportunity and we are desperate for housing and a solution to plummeting poverty. Secondary Dwelling Units are not the complete answer, but offer a solution that can build resilience and capacity that can benefit our city. Please consider how your decisions can impact the future.

A handwritten signature in blue ink, appearing to read "B. Duke".

Brenda Duke
Chair/Beautiful Alleys

From: Diane Shamchuk

Sent: April 4, 2021 10:24 AM

To: Ward 1 Office <ward1@hamilton.ca>

Cc: clerk@hamilton.ca; Office of the Mayor <mayor@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>

Subject: April 6, 2021; Planning Committee Item CI 20-E & CI 21-A & Report PED 20093(a)

Dear Councillor Wilson,

As a tax paying resident of Ward 1, I support the draft bylaw allowing secondary suites within homes, as well as detached secondary suites across Hamilton.

Laneway suites are a great way for people to age in our community, whilst using the community services and infrastructure already in place. I would support increasing the allowable gross floor area further than the report states, on lots that are appropriate.

As a homeowner, I would like to develop a detached secondary suite to help aid in the gentle population intensification within our urban boundaries.

Thank you for your consideration.

Kind regards,
Diane Shamchuk

From: Ashley Feldman

Sent: April 3, 2021 10:33 PM

To: Office of the Mayor <mayor@hamilton.ca>

Cc: Partridge, Judi <Judi.Partridge@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Ward 1 Office <ward1@hamilton.ca>; clerk@hamilton.ca

Subject: We Support SDU's!

I am a Ward 1 constituent.

Please help make Hamilton a smart city!

#HamOnt #StopSprawlHamOnt #StopSprawlOntario #Sprawl #SaveTheFarmOnt

From: Mary Ann Frerotte

Sent: April 3, 2021 7:21 PM

To: Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; Ward 1 Office <ward1@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Laneway Homes

I am a constituent of Ward 13 and I support the draft bylaw allowing secondary suites within homes as well as detached secondary suites across Hamilton.

- Secondary suites are an affordable way to create more homes for people within our existing communities using gentle intensification. More people in our current neighbourhoods will help local businesses, schools, etc. to thrive and is an alternate response to sprawl.
- The Province developed Bill 108 in 2019 and I support this move to allow homeowners to become developers as a way to help solve our affordable housing crisis. I also understand that many of these secondary suites will be used to allow family member to live closer together.
- Developing secondary suites is a great way to reduce the carbon footprint of both these new homes, which will typically be more energy efficient due to their scale and location, and supports more walkable and less car-centric communities. I recognize that Hamilton has declared a Climate Emergency and Urban Sprawl is a huge contributor to GHG emissions, this is an antidote to that.
- Detached secondary suites are a great way for people to age in place in their communities, creating stronger and healthier communities. In order to support barrier free spaces and accessible design, I would support increasing the allowable gross floor area further than the draft bylaws, on lots where appropriate.
- City Staff have already included recommendations for a development charge (DC) waiver to go to the finance committee later this month, which is a great way to incentivize this type of infill. Similarly, a reduced parkland dedication fee and minor variance application fee are very supportable. I support these recommendations. Incentives like these will significantly help allow these types of infill developments to happen across our city.

Thank You

Mary Ann Frerotte

From: Deann McGlinchey

Sent: April 3, 2021 4:23 PM

To: Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; Ward 1 Office <ward1@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>

Cc: Deann McGlinchey

Subject: I support SDU's

I am a Ward 2 constituent and homeowner, and I support SDU's.

Deann McGlinchey

https://m.youtube.com/watch?fbclid=IwAR0E168CSTmKly_iLcuxpUxRDs906b_Tqkzyqq26czYDwzFUSG76OCe-SxI&v=xu0ag0ENC2Y&feature=youtu.be

From: Alicia Wilson
Sent: April 4, 2021 11:45 AM
To: clerk@hamilton.ca
Subject: Secondary Dwelling Units

Hello Jason Farr and Hamilton City Councillors

My name is Alicia Wilson. I am a current resident of Hamilton Ward 2.

I am also the co-founder of In My Backyard or IMBY; a non-profit that is launching this spring with the aim to utilize backyard spaces and secondary dwelling units to create affordable housing options for those who are at risk of homelessness and isolation. These demographics include newcomers to Canada, youth aging out of foster care, seniors, and those in addiction recovery.

We envision a world where deep needs are met through flourishing communities offering peaceful hospitality and practicing sustainable stewardship.

What if instead of closing our lives and our backyards to the needs of the world - we opened them instead? The changes in by-laws for SDU hamilton could pave the way in making our vision a reality.

In My Backyard (IMBY) plans to design and build secondary dwellings (SDU's ie a tiny house that can be placed in a host's backyard) as an affordable housing unit. IMBY will provide wrap-around support to both the IMBY Dweller and the hosts. We have created a win, win, win financial structure in which the host has financial benefit, the IMBY dweller gains affordable housing while also building savings in an equity trust and IMBY is able to use a portion of the rental income to provide wrap-around support to both the IMBYhost and IMBYdweller.

With development charges waived we would be able to create a stronger structure of wrap-around support as we could direct fewer funds to those fees and more to wrap-around supports.

Thank you for leading the way.

Sincerely

Alicia Wilson

Co-Founder IMBY

In My BackYard



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 23, 2021
SUBJECT/REPORT NO:	Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road, Hamilton (PED21053) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Draft Plan of Condominium Application 25CDM-202013, by T. Johns Consulting Group Ltd. on behalf of Chedoke Redevelopment Corp., owner** to establish a Draft Plan of Condominium (Common Element) comprised of a private road network, sidewalks, landscaped amenity areas, and visitor parking for 107 street townhouse dwellings on lands located at 20 Southridge Court (Hamilton), as shown on Appendix “A”, attached to Report PED21053, be **APPROVED** subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-202013 applies to the plan prepared by A.J. Clarke & Associates, certified by Nicholas P. Muth OLC, and dated March 1, 2021, comprised of a private road network, sidewalks, landscaped amenity areas and visitor parking for 107 street townhouse dwellings, attached as Appendix “B” to Report PED21053;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-202013, attached as Appendix “D” to Report PED21053, be received and endorsed by City Council.

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SUBJECT: Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road (PED21053) (Ward 14) - Page 2 of 14

- (b) That **Draft Plan of Condominium Application 25CDM-202014, by T. Johns Consulting Group Ltd. on behalf of Chedoke Redevelopment Corp., owner** to establish a Draft Plan of Condominium (Common Element) comprised of a private road network, sidewalks, landscaped amenity areas, and visitor parking for 104 street townhouse dwellings on lands located at 533 Sanatorium Road (Hamilton), as shown on Appendix “A”, attached to Report PED21053, be **APPROVED** subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-202014 applies to the plan prepared by A.J. Clarke & Associates, certified by Nicholas P. Muth OLC, and dated March 1, 2021, comprised of a private road network, sidewalks, landscaped amenity areas and visitor parking for 104 street townhouse dwellings, attached as Appendix “C” to Report PED21053;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-202014, attached as Appendix “E” to Report PED21053, be received and endorsed by City Council.

EXECUTIVE SUMMARY

The subject properties are municipally known as 20 Southridge Court and 533 Sanatorium Road. The Owner has applied for approval of two Draft Plans of Condominium (Common Element) to create a private road network, sidewalks, landscaped amenity areas and visitor parking for a total of 211 street townhouse dwellings. Reciprocal easements and rights of way over the two proposed condominiums will be provided to deal with access and servicing considerations.

The proposed development is conditionally approved under Site Plan Control application DA-17-170. The private road network will access onto Southridge Court and Sanatorium Road. The proposed Draft Plans of Condominium will conform to the Hamilton Zoning By-law No. 05-200, as amended by Minor Variance Application No. HM/A-18:408 and HM/A-21:54.

The proposed Draft Plans of Condominium have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020) (PPS);
- They conform to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) (Growth Plan); and,
- They comply with the Urban Hamilton Official Plan (UHOP) and Chedmac Secondary Plan.

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SUBJECT: Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road (PED21053) (Ward 14) - Page 3 of 14

Alternatives for Consideration – See Page 14

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 a Draft Plan of Condominium (Common Element).

HISTORICAL BACKGROUND

Proposal:

The purpose of the applications are to establish two Draft Plans of Condominium (Common Element) to create a shared private road network, sidewalks, landscaped amenity areas and visitor parking for a total of 211 street townhouse dwellings to be developed on the subject lands in accordance with conditionally approved Site Plan Control application DA-17-170, attached as Appendix “F” to Report PED21053. The private road will provide access to Sanatorium Road and Southridge Court.

Site Plan Control Application DA-17-170

On September 17, 2018, Site Plan Control application DA-17-170 was conditionally approved. The Site Plan Control application implements the site layout and design for the proposed 211 street townhouses, including design for the landscaped amenity areas and a total of 267 parking spaces, 57 of which are for visitor parking. The Site Plan also notes that the existing Southam Building at the north-easterly portion of the site be retained and redeveloped for residential purposes but this does not form part of the Site Plan Application DA-17-170 as an Official Plan Amendment and Zoning By-law Amendment is required and is currently under review.

Minor Variance Applications HM/A-18:408 and HM/A-21:54

The Committee of Adjustment approved Minor Variance application HM/A-18:408 on February 7, 2019 which permitted adjustments to minimum required lot areas, rear yard setbacks, the maximum building height, and adjustment to the minimum required parking on site to facilitate Site Plan Control application DA-17-170.

Minor Variance application HM/A-21:54 is scheduled for the March 4, 2021 Committee of Adjustment Hearing. The purpose of the application is to permit a reduced front yard

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SUBJECT: Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road (PED21053) (Ward 14) - Page 4 of 14

setback for lots fronting on a curve. At the time of preparation of this report, a decision on the Minor Variance application has not been made. Zoning conformity is a standard condition of draft plan approval for all condominium applications in the City of Hamilton.

Part Lot Control Application PLC-20-012

The applicants have submitted a Part Lot Control application (PLC-20-012) to create parcels of tied land for the proposed street townhouse dwellings and to create parcels comprised of the Common Element Condominium, including the street network and recreation blocks. At the time of preparation of the report, the application is currently under review.

Report Fact Sheet

Application Details	
Applicant/Owner:	Chedoke Redevelopment Corp.
File Number:	25CDM-202013 and 25CDM-2014
Type of Application:	Draft Plans of Condominium (Common Element)
Proposal:	To create a private road network, sidewalks, landscaped amenity areas and visitor parking for 211 street townhouse dwellings.
Property Details	
Municipal Address:	20 Southridge Court and 533 Sanatorium Road
Lot Area:	7.28 ha
Servicing:	Full Municipal Services.
Existing Use	Former Chedoke Hospital-currently unoccupied.
Documents	
Provincial Policy Statement (PPS)	Proposal is consistent with the PPS.
A Place to Grow:	Proposal conforms to A Place to Grow.

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Official Plan Existing:	<ul style="list-style-type: none"> • Neighbourhoods on Schedule “E” – Urban Structure; • Institutional on Schedule “E-1” – Urban Land Use Designations in the UHOP; and, • “Institutional” in the Chedmac Secondary Plan.
Official Plan Proposed:	No proposed amendment.
Zoning Existing:	Major Institutional (I3) Zone.
Zoning Proposed:	No proposed amendment.
Modifications Proposed:	N/A
Processing Details	
Received:	October 28, 2020
Deemed Complete:	November 12, 2020
Notice of Complete Application:	Sent to 117 property owners within 120 m of the subject property on December 2, 2020.
Public Notice Sign:	December 15, 2020 and updated on February 24, 2021.
Notice of Public Meeting:	March 5, 2021
Public Consultation:	N/A
Public Comments:	To date, staff have not received any public submissions through this circulation.
Processing Time:	146 days

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EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Former Chedoke Hospital	Major Institutional (I3) Zone
Surrounding Lands:		
North	Former Chedoke Hospital, block townhouses	Major Institutional (I3) Zone and "RT-20/S-1654" (Townhouse – Maisonette) District, Modified
South	Medical Services, block townhouses	Major Institutional (I3) Zone and "DE/S-1357a" (Low Density Multiple Dwellings) District, Modified
East	Holbrook Park, Columbia College	Neighbourhood Park (P1) Zone and Major Institutional (I3) Zone
West	Chedoke Twin Pad Arena, Long Term Care Facility, Former Chedoke Hospital	City Wide Park (P3) Zone and Major Institutional (I3) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS 2020):

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent 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.

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The following policy relating to potential noise impacts is applicable:

- “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.”

A Noise Impact Study prepared by HGC Engineering Ltd., dated August 14, 2019 prepared in support of Site Plan Control application DA-17-170 evaluated noise impacts on the proposed dwelling units. Several small noise walls adjacent to Sanatorium Road, upgraded building components, and noise warning clauses will be required to be incorporated into the development. The warning clauses must be included in all future purchase and sale or lease agreements, per Condition No. 18 of Appendix “D” and Condition No. 17 of Appendix “E” to Report PED21053.

In addition, the following policies are applicable as they relate to archaeological and cultural heritage resources:

- “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 lands meet four of ten criteria for defining archaeological potential as follows:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

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These criteria define the property as having archaeological potential. As a proactive measure, an archaeological assessment (P018-215-2007) was submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. In a letter dated January 2009, the Ministry requested more information before being in a position to concur with the report. The Province signed off on the reports for compliance with licensing requirements in a letter dated May 12, 2011. Staff are in concurrence with the archaeological assessment and are satisfied that the municipal interest in the archaeology of this portion of the site has been addressed.

The site currently contains existing buildings formerly used as the Chedoke Hospital and before that, the Mountain Sanatorium which was used to treat tuberculosis patients. All buildings on the subject lands except the Southam Building are scheduled to be demolished to facilitate the development of 211 street townhouse dwellings on a private road network, as shown on Site Plan Control application DA-17-170, attached as Appendix "F" to Report PED21053. A Cultural Heritage Impact Assessment (CHIA) / Documentation and Salvage Report was prepared in support of the Site Plan Control application and was reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee on July 16, 2019. Further, an addendum was submitted on August 2, 2019 to address feedback from the Policy and Design Working Group which was approved by staff.

As the application for a Draft Plan of Condominium complies with the UHOP, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2020); and,
- conforms to A Place to Grow (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure, designated as "Institutional" on Schedule "E-1" – Urban Land Use Designations in the UHOP, and, "Institutional" in the Chedmac Secondary Plan in Volume 2. The following Secondary Plan policies, amongst others, are applicable to the subject application.

Chedmac Secondary Plan

- "B.6.3.4.1 In addition to Sections E.3.10 – Community Facilities and Services Policies and E.6.0 – Institutional Designation of Volume 1, the following policies shall apply to the lands designated Institutional on Map B.6.3 -1 - Chedmac - Land Use Plan:

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- a) New Institutional or recreational facilities shall be designed in a comprehensive manner with existing recreations facilities.
- b) The development of any new institutional facilities, including those associated with Chedoke-McMaster Hospitals, shall be designed to mitigate any negative impact on adjacent residential development.”

Since the proposal seeks to redevelop the lands for residential purposes within the Institutional designation of the Secondary Plan, Section E.6.0 of Volume 1 shall be evaluated.

Institutional Designation

“E.6.2.2 The following uses shall be permitted on lands designated Institutional on Schedule E-1 – Urban Land Use Designations:

- c) health care facilities;

E.6.2.6 Notwithstanding Policy E.6.2.2, where institutional uses cease on lands designated Institutional, low density residential uses, parks and open space uses, or community facilities/services uses may be permitted without an amendment to this Plan, provided the uses are compatible with the surrounding area and are in keeping with the policies of this Plan.

Low Density Residential

E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.

E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.

E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The proposal seeks to establish a common element condominium in favour of 211 street townhouse dwellings having a density of 30.9 units per hectare. The dwelling units have a height ranging from one and a half to three storeys, in accordance with Policy E.3.4.5 of the UHOP. The Draft Plan of Condominium application is required to establish tenure for the road network and a Part Lot Control application is required to create the individual lots having frontage on the street, ensuring that the proposal complies with the UHOP in terms of permitted uses. Condition No. 3 of Appendices “D”

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and “E” have been included to ensure that the individual street townhouse lots are created.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Major Institutional (I3) Zone in Hamilton Zoning By-law No. 05-200 which permits street townhouse dwellings.

Minor Variance application HM/A-18:408 was approved by the Committee of Adjustment on February 7, 2019, which made adjustments to the minimum rear yard setback requirements, minimum lot area, building height, and minimum parking requirements of the Major Institutional (I3) Zone.

Minor Variance application HM/A-21:54 will be heard by the Committee of Adjustment on March 4, 2021 and requests a reduced minimum front yard setback for lots fronting onto a curved road.

The proposal conforms to Hamilton Zoning By-law No. 05-200, as approved by Minor Variance Applications HM/A-18:408 and subject to approval of HM/A-21:54. Section 4.3b) of the Zoning By-law permits street townhouses to have frontage on a private condominium road. Condition No. 1 of Appendices “D” and “E” to Report PED21053 has been included to ensure the proposal is developed in accordance with the Zoning By-law.

Site Plan Control Application DA-17-170

Site Plan Control application DA-17-170 received conditional approval on September 17, 2018. The proposed Draft Plan of Condominium will be required to comply with the final approved Site Plan (see Condition No. 2 of Appendices “D” and “E” to Report PED21053).

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
Forestry and Horticulture	No Comment	N/A
Recycling and Waste Disposal	The site is eligible for municipal waste collection, subject to meeting design requirements.	Details regarding eligibility for municipal waste collection is being

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Section, Public Works Department		addressed through Site Plan Control Application DA-17-170.
Engineering Approvals Section	<p>Site grading, drainage and servicing design shall be in accordance with Site Plan Control Application DA-17-170. Part of this design includes a private underground stormwater oil/grit separator which needs to be maintained by the future Condominium Corporations. The Corporations shall also be responsible for maintenance of catch basins, maintenance holes, parking areas, roadways, sidewalks and retaining walls.</p> <p>Recommended the inclusion of conditions for the on-going maintenance and / or replacement costs for any structures within the condominium lands and a drainage easement within the backyards of property owners adjacent to public lands to ensure that drainage patterns established in the approved grading plan are maintained. Warning clauses are recommended for some units within the proposed Draft Plan of Condominium at 20 Southridge Court.</p> <p>The development consists of two Condominium corporations sharing one road network and servicing design. Joint Use Agreements and Reciprocal Easements will be required to establish easements for</p>	These requirements are addressed through Condition Nos. 5, 6, 13, 14, and 15 of Appendix "D" and Condition Nos. 5, 6, 13 and 14 of Appendix "E" to Report PED21053.

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	vehicular and pedestrian access.	
Legislative Approvals Section	The standard note should be added to the Draft Plan of Condominium Conditions as Note 1.	The note has been included in Appendices "D" and "E" to Report PED21053.
Canada Post Corporation	The site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per standard requirements.	Associated warning clauses regarding this requirement have been included as Condition Nos. 7(ii) and 8 to 12 in Appendices "D" and "E" to Report PED21053.
Bell Canada	Necessary easements and / or agreements for the provision of communication / telecommunication infrastructure for this project is required.	This has been included as Condition No. 17 in Appendix "D" and Condition No. 16 in Appendix "E" to Report PED21053.
Union Gas Ltd.	Requires that the applicant provide necessary easements and/or agreements for the provision of gas services for this project.	This has been included as Condition No. 16 in Appendix "D" and Condition No. 15 of Appendix "E" to Report PED21053.
Public Consultation		
	Comment	Staff Response
	To date, staff have not received any public submissions through this circulation.	N/A - No submissions received.

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 and conforms to A Place to Grow Plan for the Greater Golden Horseshoe;
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,

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- (iii) The proposal establishes condominium tenure for a form of development permitted under the Hamilton Zoning By-law No. 05-200. It will implement the conditionally approved Site Plan Control application DA-17-170, which provides for a form of development that is compatible with surrounding land uses.
2. The proposed Draft Plans of Condominium (Common Element) are comprised of the following common elements: private road network, sidewalks, landscaped amenity areas and visitor parking for 211 street townhouse dwellings, as shown on the attached plans, marked as Appendices “B” and “C” to Report PED21053. The private condominium road will provide two accesses-one to Southridge Court and one access to Sanatorium Road. All units will be accessed from the private condominium road.
3. Future Owners and residents of this development shall be advised through Condition No. 7 of Appendices “D” and “E” to Report PED21053 that their garages are provided for the purposes of parking a vehicle and not for storage purposes. In addition, they will be advised that the Condominium Corporations will be responsible for maintenance and snow removal for the private road network.
4. Prior to these Common Element Condominiums being registered, Site Plan Control application DA-17-170, Minor Variance application HM/A-21:54, and Part Lot Control application PLC-20-012 shall receive final approval per Condition Nos. 1, 2 and 3 of Appendices “D” and “E” to Report PED21053. Both condominiums must be created in order to allow the lots created through Part Lot Control Application PLC-20-012 to have frontage on a road.
5. A Development Agreement is required to ensure that the street townhouse dwellings have legal rights tied to the Common Element Condominium and has been included as Condition No. 4 in Appendices “D” and “E” to Report PED21053.
6. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition No. 19 in Appendix “D” and Condition No. 18 in Appendix “E” to Report PED21053).
7. The applicant has applied for Official Plan Amendment and Zoning By-law Amendment applications UHOPA-20-04 and ZAC-20-009 to allow for the adaptive reuse of the existing Southam Building as a 23-unit multiple dwelling. The proposal will require that sanitary, storm and water services and vehicular and pedestrian accesses be shared between the proposed street townhouse dwellings and the multiple dwelling.

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ALTERNATIVES FOR CONSIDERATION

Should the proposed Plan of Condominium (Common Element) not be approved, the proposal would be considered a block townhouse development, which is not permitted in the Urban Hamilton Official Plan or the Major Institutional (I3) Zone. Successful Official Plan Amendment and Zoning By-law Amendment applications would be required to implement the proposal.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Plan of Condominium for 20 Southridge Court

Appendix "C" – Draft Plan of Condominium for 533 Sanatorium Road

Appendix "D" – Draft Plan Conditions of Approval for 20 Southridge Court

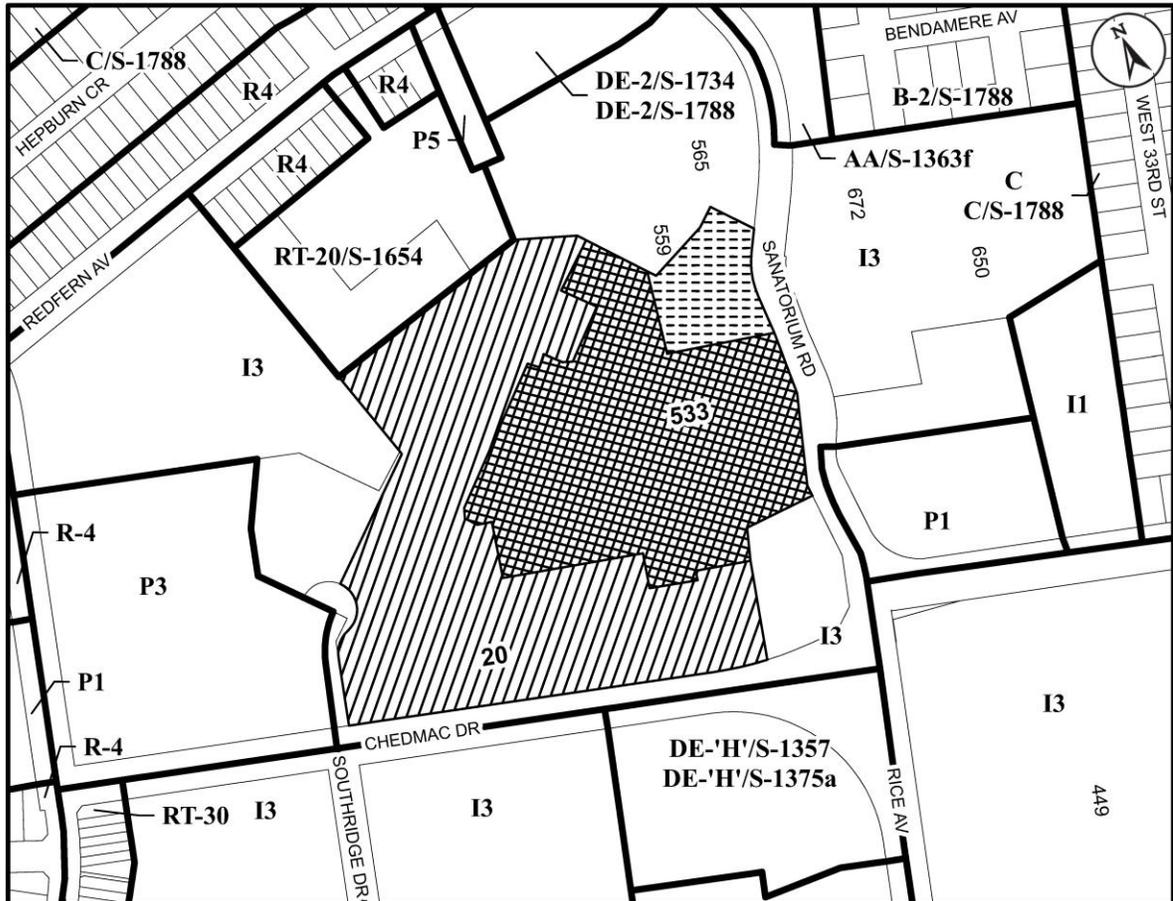
Appendix "E" – Draft Plan Conditions of Approval for 533 Sanatorium Road

Appendix "F" – Site Plan

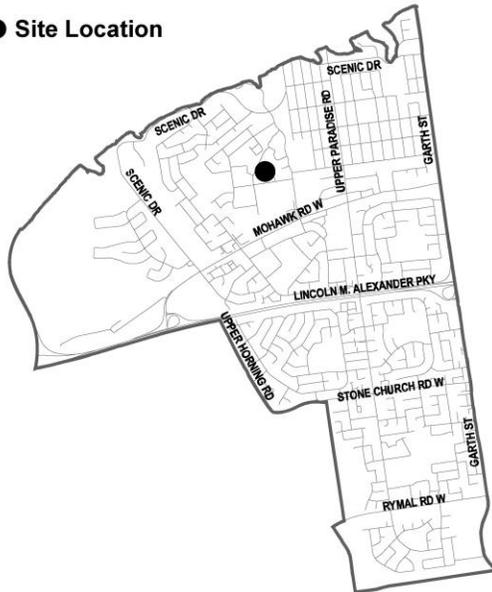
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● Site Location



Key Map - Ward 14



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25CDM-202013 & 25CDM-202014

Date:
March 2, 2021

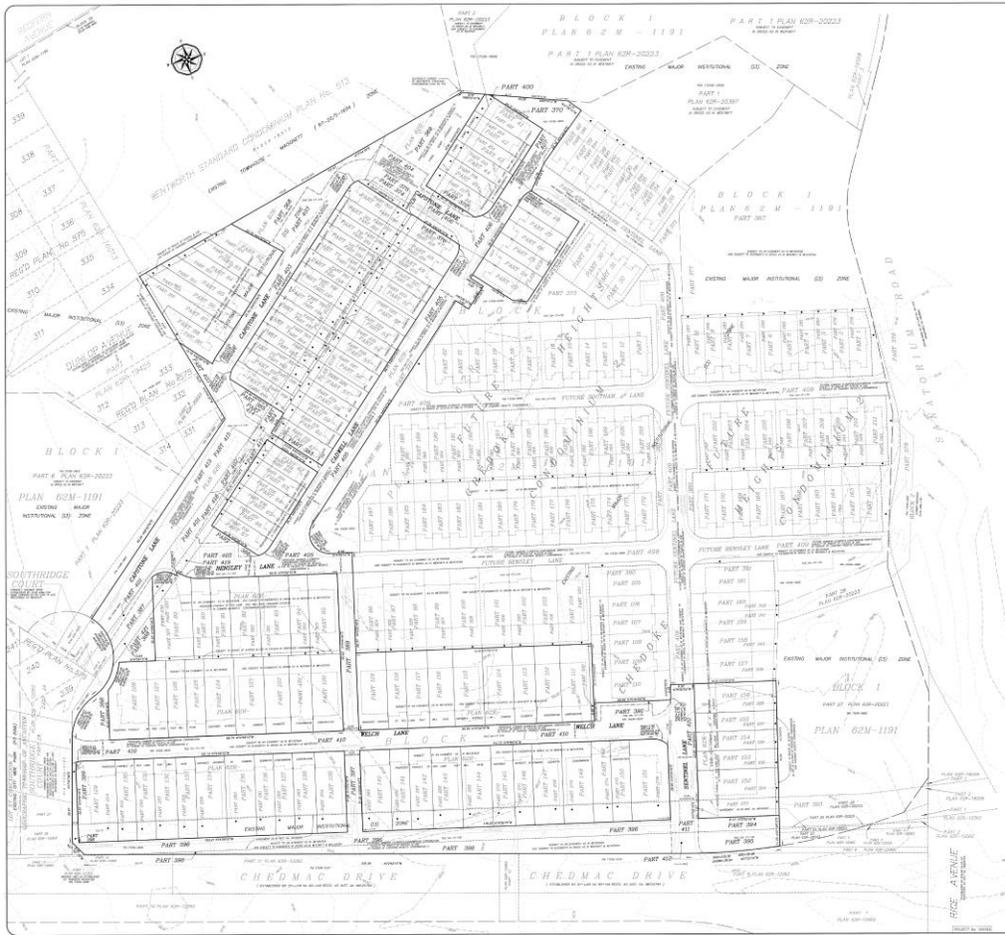
Appendix "A"

Scale:
N.T.S

Planner/Technician:
MS/NB

Subject Property

-  20 Southridge Court
-  533 Sanatorium Road
-  Additional Lands owned by Applicant



**DRAFT PLAN OF
CHEDOKE HEIGHTS
CONDOMINIUM 1**

BEING A PROPOSED CHEDOKE HEIGHTS CONDOMINIUM DEVELOPMENT OF
**PART OF BLOCK 1
PLAN 62M-1191
CITY OF HAMILTON**

DATE: 2014
DRAWN BY: [Name]
CHECKED BY: [Name]

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVIEW AND APPROVAL.

WARNING: EXISTING BOUNDARIES, LOTS AND AREAS ARE AS SHOWN AND SHOULD BE CHECKED AGAINST THE CITY OF HAMILTON RECORDS.

**RE: CHAPTER 413 R.S.O. 1990 SECTION 31(1) OF THE
PLANNING ACT AND SECTION 8 OF THE CONDOMINIUM ACT (1998)**

1. DRAFT OF PLAN
2. DRAFT OF PLAN
3. DRAFT OF PLAN
4. DRAFT OF PLAN
5. DRAFT OF PLAN

CONDOMINIUM DRAFT AFFIDAVIT

I, the undersigned, being a duly qualified and sworn-in surveyor, do hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner thereof, and that the same has been prepared in accordance with the provisions of the Planning Act and the Condominium Act.

DATE: 2014
BY: [Name]
TITLE: [Title]

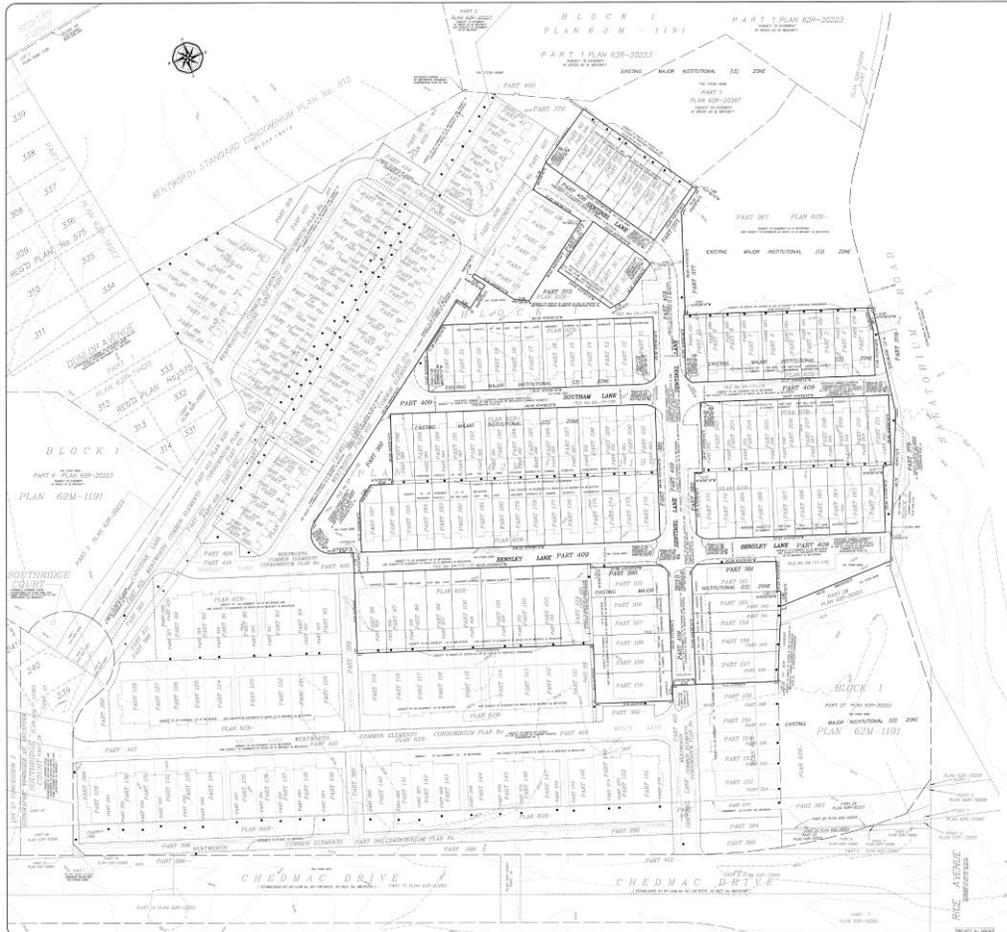
CONDOMINIUM DRAFT AFFIDAVIT

I, the undersigned, being a duly qualified and sworn-in surveyor, do hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner thereof, and that the same has been prepared in accordance with the provisions of the Planning Act and the Condominium Act.

DATE: 2014
BY: [Name]
TITLE: [Title]

City of Hamilton

PLANNING DEPARTMENT
400 KING STREET WEST, 3RD FLOOR
HAMILTON, ONTARIO L8N 2K5
TEL: 905.546.3100 FAX: 905.546.3101
WWW.CITYOFHAMILTON.ONT.CA



**DRAFT PLAN OF
CHEDOKE HEIGHTS
CONDOMINIUM 2**

WITH A PROPOSED COMMON ELEMENTS CONDOMINIUM CORPORATION OF
**PART OF BLOCK 1
PLAN 62M-1191
CITY OF HAMILTON**

DATE: 2022
SCALE: AS SHOWN

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

KEY: COMMON ELEMENTS ARE SHOWN IN GREY AND CAN BE LOCATED BY REF TO BLOCK 1 PLAN 62M-1191.

**RE: CHAPTER P.13 R.S.O. 1990 SECTION 31(17) OF THE
PLANNING ACT AND SECTION 3 OF THE CONDOMINIUM ACT (1998)**

1. DRAWN BY PLAN 2. CHECKED BY PLAN 3. DATE OF PLAN 4. SCALE OF PLAN 5. DRAWN BY PLAN 6. CHECKED BY PLAN 7. DATE OF PLAN 8. SCALE OF PLAN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION ON WHICH THIS PLAN IS BASED IS TRUE AND CORRECT AND THAT I AM A LICENSED SURVEYOR OF THE PROVINCE OF ONTARIO.

DATE: 2022
SIGNATURE: [Signature]
NAME: [Name]
ADDRESS: [Address]

LAND USE SCHEDULE

PARTS 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

CONDOMINIUM DRAFT APPROVAL

THIS PLAN IS THE PROPERTY OF [Name] AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF [Name].

DATE: 2022
SIGNATURE: [Signature]
NAME: [Name]
ADDRESS: [Address]

A. J. Clark and Associates Ltd.

1000 SHEPPARD AVENUE EAST, SUITE 100
SCARBOROUGH, ONTARIO M1S 1T7
TEL: 416-291-1111 FAX: 416-291-1112
WWW.AJCLARK.COM

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-202013, by T. Johns Consulting Group on behalf of Chedoke Redevelopment Corp., Owner**, to establish a Draft Plan of Condominium (Common Element) comprised of a private road network, sidewalks, landscaped amenity areas and visitor parking for 107 street townhouse dwellings, on lands located at 20 Southridge Court (Hamilton), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the Hamilton Zoning By-law No. 05-200, and Minor Variance application HM/A-18:408 and HM/A-21:54, at the time of registration of the Draft Plan of Condominium, to the satisfaction of the Director of Planning and Chief Planner.
2. That Site Plan Application DA-17-170 receive final approval and that the final Plan of Condominium complies with the final approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. The Owner / Developer shall receive final approval of Part Lot Control application PLC-20-012, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
4. The Owner / Developer shall enter into a Development Agreement to ensure that the tenure of each of the proposed street townhouse dwellings have frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.
5. The Owner/ Developer shall enter and register on title of the lands, a Joint Use Agreement with the City in order to permit the use of shared sewer and water services across future property lines and to establish a private sewer and water servicing easement over the adjacent common element private condominium road in addition to easements for vehicular and pedestrian access to the Senior Director of Growth Management. The Owner / Developer shall also pay the associated Joint Use Agreement fee of the year it is registered.
6. That the Owner / Developer enter into and register on title of the lands a reciprocal easement with the adjacent condominium corporation to address mutual access and maintenance of the private roads between the condominium corporations, to the satisfaction of the City's Manager of Development Approvals.

7. That the Owner / Developer shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements, to the satisfaction of the Senior Director of Growth Management:
 - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
 - (ii) The home mail delivery will be from a Community Mail Box.
 - (iii) Garages and visitor parking areas are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
8. That the Owner / Developer will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
9. That the Owner / Developer work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
10. That the Owner / Developer install a concrete pad in accordance with the requirements of, and in locations to be approved by, the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
11. That the Owner / Developer identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
12. That the Owner / Developer determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
13. That the Owner / Developer shall include in the Declaration and Description pursuant to Section 93 of the *Condominium Act*, 1998, a provision to establish a Capital Reserve fund to provide for regular on-going cleaning and maintenance or possible eventual replacement of the underground stormwater Oil/Grit Separator

(OGS) unit by a qualified service provider as per the manufacturers' requirements to ensure compliance with the approved stormwater management plan by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management. The Owner is advised to follow the manufacturers' maintenance recommendations for the above stated items.

14. That the Owner / Developer shall include a clause in all Purchase and Sale Agreements and/or rental or lease agreements for Parts 41 – 81, 212 – 238, 240 – 253, 89, 239, 129 – 152 and 254 – 277 (inclusive) to the satisfaction of the Manager of Development Approvals:
 - i) that no fences or landscaping will be permitted within the existing municipal storm and sanitary sewer easements. The existing Owner and/or Condominium Corporation will be responsible for 100% of the costs associated with the removal of fences or landscaping within the easement during repair or maintenance of the existing storm and/or sanitary sewers. The City of Hamilton will not be responsible for the repair or reinstatement of fences or landscaping within the municipal storm and sanitary sewer easements. In addition, restoration by the City of Hamilton shall be limited to minor grading, topsoil and sod regardless of pre-existing condition.
 - ii) that no permanent structures will be permitted within the existing municipal storm and sanitary sewer easements. The existing Owner will be responsible for 100% of the costs associated with the removal of any structure within the easement during repair or maintenance of the existing storm and/or sanitary sewers. The City of Hamilton will not be responsible for the repair or reinstatement of private structures within the municipal storm and sanitary sewer easements. In addition, restoration by the City of Hamilton shall be limited to minor grading, topsoil and sod regardless of pre-existing condition.
15. That the Owner / Developer create upon registration of this Declaration and Description pursuant to Section 20 of the *Condominium Act*, 1998: Reserving unto the Condominium Corporation, its assigns, successors, servants, agents and employees, the right in the nature of an easement, to enter without charge in, over and along all of the Units and the Common Elements of the Condominium, from time to time, for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in accordance with the Detailed Grading Plan and the overall Grading Plan approved by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management.
16. That the Owner / Developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.

17. That the Owner / Developer shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement for communication / telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements, in a form satisfactory to Bell Canada.
18. That the Owner / Developer shall agree to include the following warning clauses in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, to the satisfaction of the Director of Planning and Chief Planner:

Units 129-151, 153 – 156

- a) Purchasers / Tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria.

Unit 152

- b) Purchasers / Tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment, Conservation and Parks.

Units 129 – 156

- c) This dwelling unit has been fitted with forced air heating system and ducting etc, was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the criteria of the Municipality and the Ministry of Environment, Conservation and Parks.

All Units

- e) Purchasers / tenants are advised that due to the proximity of the adjacent industrial, commercial and institutional facilities, noise from these facilities may at times be audible.
19. That the Owner / Developer shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

NOTES TO DRAFT PLAN APPROVAL

Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-202014, by T. Johns Consulting Group on behalf of Chedoke Redevelopment Corp., Owner**, to establish a Draft Plan of Condominium (Common Element) comprised of a private road network, sidewalks, landscaped amenity areas and visitor parking for 104 street townhouse dwellings, on lands located at 533 Sanatorium Road (Hamilton), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the Hamilton Zoning By-law No. 05-200, and Minor Variance applications HM/A-18:408 and HM/A-21:54, at the time of registration of the Draft Plan of Condominium, to the satisfaction of the Director of Planning and Chief Planner.
2. That Site Plan Application DA-17-170 receive final approval and that the final Plan of Condominium complies with the final approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. The Owner / Developer shall receive final approval of Part Lot Control application PLC-20-012, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
4. The Owner / Developer shall enter into a Development Agreement to ensure that the tenure of each of the proposed street townhouse dwellings have frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.
5. The Owner/ Developer shall enter and register on title of the lands, a Joint Use Agreement with the City in order to permit the use of shared sewer and water services across future property lines and to establish a private sewer and water servicing easement over the adjacent common element private condominium road in addition to easements for vehicular and pedestrian access to the Senior Director of Growth Management. The Owner / Developer shall also pay the associated Joint Use Agreement fee of the year it is registered.
6. That the Owner / Developer enter into and register on title of the lands a reciprocal easement with the adjacent condominium corporation to address mutual access and maintenance of the private roads between the condominium corporations, to the satisfaction of the City's Manager of Development Approvals.

7. That the Owner / Developer shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements, to the satisfaction of the Senior Director of Growth Management:
 - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
 - (ii) The home mail delivery will be from a Community Mail Box.
 - (iii) Garages and visitor parking areas are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
8. That the Owner / Developer will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
9. That the Owner / Developer work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
10. That the Owner / Developer install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
11. That the Owner / Developer identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
12. That the Owner / Developer determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
13. That the Owner / Developer shall include in the Declaration and Description pursuant to Section 93 of the *Condominium Act*, 1998, a provision to establish a Capital Reserve fund to provide for regular on-going cleaning and maintenance or possible eventual replacement of the underground stormwater Oil/Grit Separator

(OGS) unit by a qualified service provider as per the manufacturers' requirements to ensure compliance with the approved stormwater management plan by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management. The Owner is advised to follow the manufacturers' maintenance recommendations for the above stated items.

14. That the Owner / Developer create upon registration of this Declaration and Description pursuant to Section 20 of the *Condominium Act*, 1998: Reserving unto the Condominium Corporation, its assigns, successors, servants, agents and employees, the right in the nature of an easement, to enter without charge in, over and along all of the Units and the Common Elements of the Condominium, from time to time, for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in accordance with the Detailed Grading Plan and the overall Grading Plan approved by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management.
15. That the Owner / Developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.
16. That the Owner / Developer shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement for communication / telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements, in a form satisfactory to Bell Canada.
17. That the Owner / Developer shall agree to include the following warning clauses in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, to the satisfaction of the Director of Planning and Chief Planner:

Units 2 – 4, 157 – 161, 163 – 165, 209 and 210

- a) Purchasers / Tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria.

Units 1, 162, and 211

- b) Purchasers / Tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the

dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment, Conservation and Parks.

Units 1 – 4, 157 – 161, 209 – 211

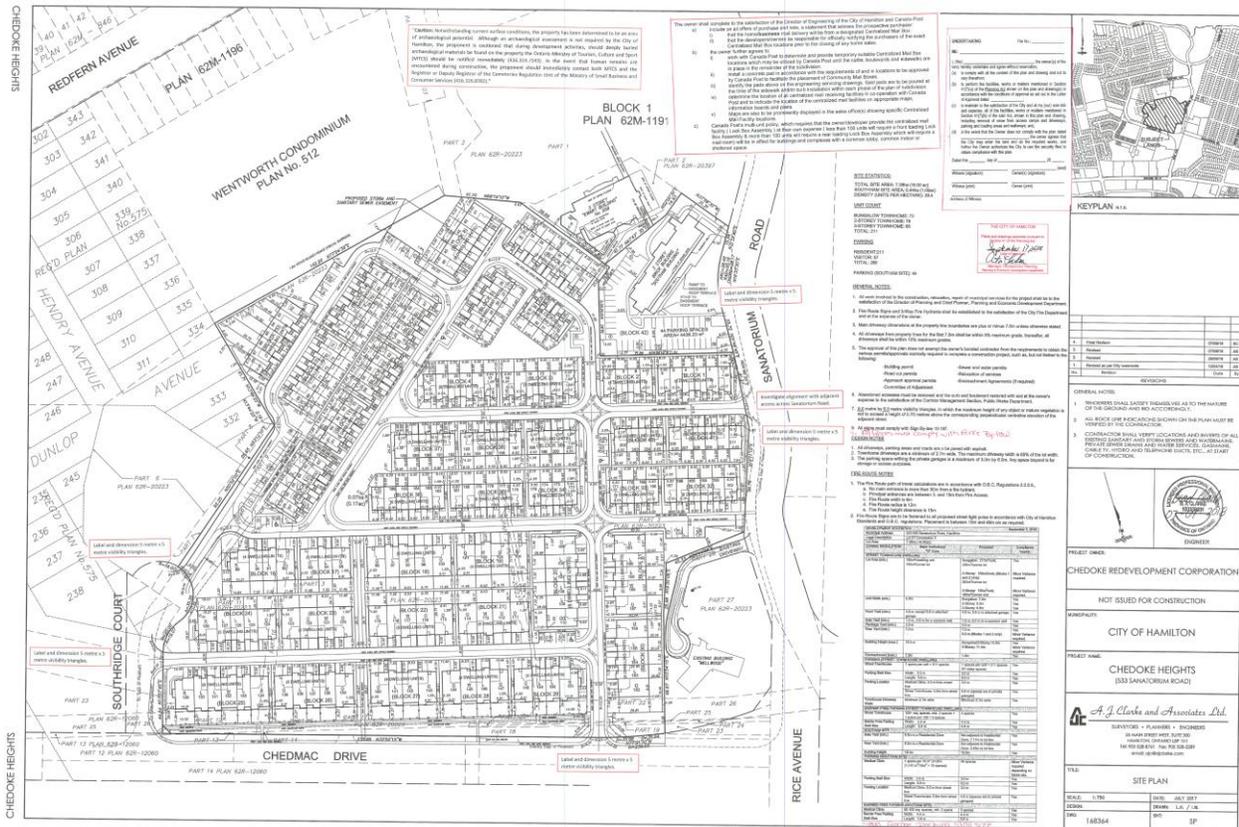
- c) This dwelling unit has been fitted with forced air heating system and ducting etc, was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the criteria of the Municipality and the Ministry of Environment, Conservation and Parks.

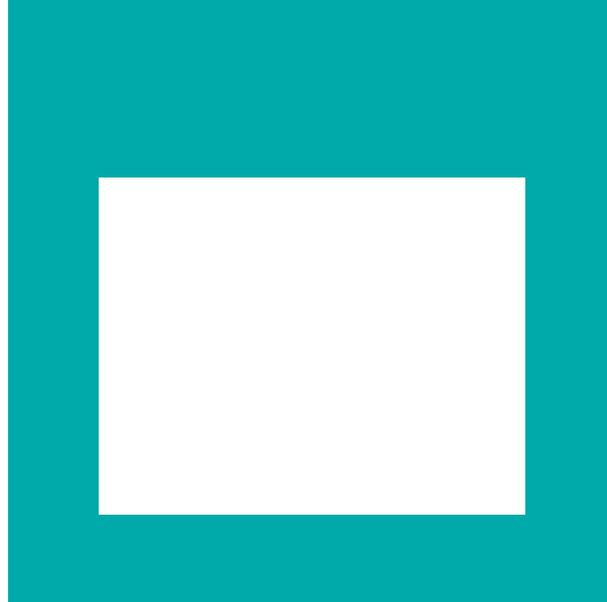
All Units

- e) Purchasers / tenants are advised that due to the proximity of the adjacent industrial, commercial and institutional facilities, noise from these facilities may at times be audible.
18. That the Owner / Developer shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

NOTES TO DRAFT PLAN APPROVAL

Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.





WELCOME TO THE CITY OF HAMILTON

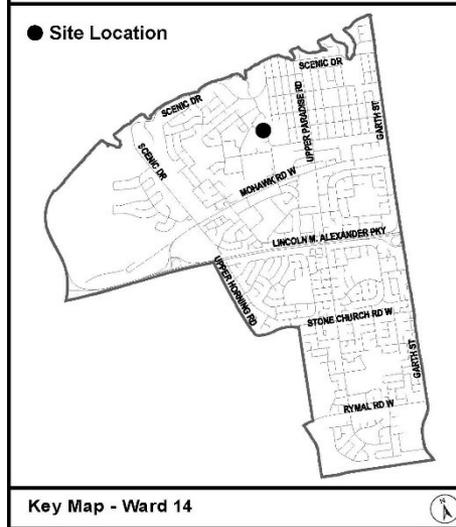
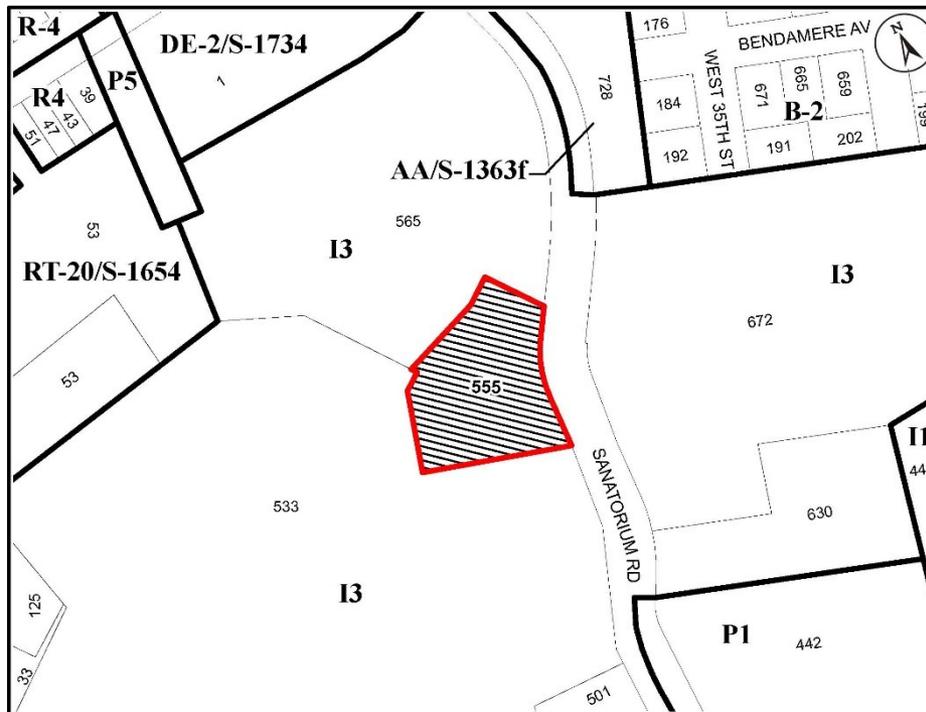
PLANNING COMMITTEE

April 6, 2021

PED21061– (ZAC-20-009 & UHOPA-20-004)

Applications for Urban Hamilton Official Plan Amendment and Hamilton Zoning By-law Amendment for lands located at 555 Sanatorium Road, Hamilton

Presented by: Melanie Schneider



Location Map		 Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAC-20-009 & UHOPA-20-004	Date: January 24, 2020	
Appendix "A"	Scale: N.T.S.	Planner/Technician: MS/AL
Subject Property  555 Sanatorium Road		



SUBJECT PROPERTY



555 Sanatorium Road, Hamilton



CITY OF HAMILTON PUBLIC NOTICE

OF COMPLETE APPLICATIONS FOR AN OFFICIAL PLAN AMENDMENT / ZONING BY-LAW AMENDMENT AND PUBLIC MEETING OF THE PLANNING COMMITTEE

OWNER: Chedoke Redevelopment Corporation

APPLICANT: T. Johns Consulting Group Ltd.

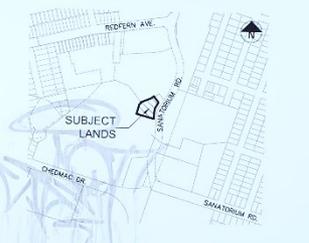
SUBJECT LANDS: 555 Sanatorium Road, Hamilton

PURPOSE AND EFFECT OF THE PROPOSED OFFICIAL PLAN AMENDMENT / ZONING BY-LAW AMENDMENT

The purpose of the proposed Urban Hamilton Official Plan Amendment is to redesignate a portion of the lands from "Institutional" to "Neighbourhoods".

The purpose of the Zoning By-law Amendment is for a change in zoning from the Major Institutional (I3) Zone to a modified "DE-2" (Multiple Dwelling) District.

The effect of these applications is to permit the adaptive reuse of the existing three storey medical building, designated under Part IV of the Heritage Act, for 23 residential units.



PUBLIC MEETING
April 6, 2021

DATE: 9:30 a.m.

TIME:

LOCATION: City of Hamilton, 1000 George St., 3rd Floor, City of Hamilton, 1000 George St., Hamilton, ON L8N 4K1

Inquires Refer to Files: ZAC-20-309 and UHOPA-20-024

For where and when a copy of the proposed Official Plan Amendment and information and material related to it additional information and material about the proposed By-law to amend the Zoning By-law additional information regarding the proposed plan of subdivision will be available for public inspection or for a copy of the Notice of Complete Applications which are mailed to all land owners within 120 metres of the subject lands, please contact Melanie Schneider at 905.546.2424 ext. 1224 or by e-mail at Melanie.Schneider@hamilton.ca.

For more information about this matter, including information about preserving your appeal rights, contact Melanie Schneider.

Collection of Information

Information regarding this application is being collected under the authority of the Planning Act, R.S.O. 1990, c.7.31. All comments and opinions submitted to the City of Hamilton in connection with the hearing and/or written submissions and/or oral presentations, will become part of the public record and will be made available to the Assistant and the general public and will appear on the City's website unless you expressly request within your submission that City remove your personal information.

Public Notice sign in front of Southam



Subject lands from the east



Lands to the east



Subject lands from the southeast



Lands to the south



Looking west from the south



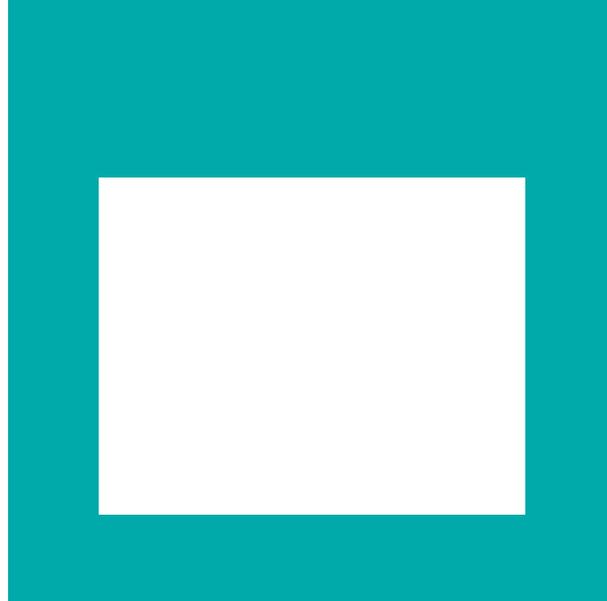
Westerly facade of subject lands



West elevation bridge connecting to Ewel removed



565 Sanatorium - building north of Southam



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 6, 2021
SUBJECT/REPORT NO:	Dedicated Mohawk College Enforcement (PED18220(b)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James Buffett (905) 546-2424 Ext. 3177
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That a 12-month extension of the temporary Parking Enforcement Officer for the Mohawk College Precinct be approved;
- (b) That the estimated gross annual cost of \$86,900 and a net cost of \$0 continue to be funded from the Tax Stabilization Reserve;
- (c) That staff report back with results and recommendations following the 12-months at the end of Q1 2022.

EXECUTIVE SUMMARY

In September 2019, Council approved a pilot project to create a temporary Parking Enforcement Officer position to address the significant number of parking enforcement requests in the Mohawk College Precinct. This pilot project was approved for a 12-month extension in February 2020 just prior to the COVID-19 Pandemic. The extension was approved on the basis that the pilot project achieved positive results and enforcement revenues substantially offset staff costs. The Recommendations approved in February 2020 also enabled greater flexibility for this Officer to be deployed to other

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**SUBJECT: Dedicated Mohawk College Enforcement (PED18220(b)) (City Wide) -
Page 2 of 4**

areas of the City, a change that proved to be useful and cost effective during the COVID-19 Pandemic.

Since February 2020, parking activity in the Mohawk College Area has not been reflective of normal conditions. As a result, the purpose of this Report is to recommend a subsequent 12-month extension of the temporary Parking Enforcement Officer.

It is noted that, full in-person learning may not return to Mohawk College until Fall 2022, but parking challenges in the area are still present. Parking enforcement demand across the entire City of Hamilton is experiencing rapid growth, with the total number of complaints increasing annually. In 2019, City-wide requests for enforcement rose 14% over the previous year.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: \$86,900 gross cost to Transportation Planning and Parking, but at a Net Cost of \$0 to be funded from the Tax Stabilization Reserve.

Staffing: A 12-month extension for the use of a temporary full-time employee (FTE) Parking Control Officer (PCO) until end of Q1 2022.

Legal: N/A

HISTORICAL BACKGROUND

At the Council Meeting of May 23, 2018, Council passed a Motion from the Ward Councillor “that staff look at the feasibility of a dedicated PCO in the Mohawk College Precinct”.

At the Planning Committee Meeting on September 18, 2018, staff submitted Recommendation Report PED18220 outlining the feasibility of the Pilot Program. Staff indicated that a dedicated PCO in the Mohawk College Area could provide a heightened level of enforcement and at a ‘net zero’ cost.

At the Council meeting of September 26, 2018, Council approved a one-year pilot program using one temporary FTE Parking Enforcement Officer for the Mohawk College Precinct at an estimated gross annual cost of \$84 K and net cost of \$0; and that staff report back with results and recommendations following the one-year pilot program.

The pilot program was amended by Council at its meeting of June 26, 2019, where it approved Item 7.1, which read as follows: “That the one (1) Temporary FTE Parking

**SUBJECT: Dedicated Mohawk College Enforcement (PED18220(b)) (City Wide) -
Page 3 of 4**

Enforcement Officer assigned to the one (1) year pilot program for Mohawk College Precinct, be reassigned over the summer months, to other areas to cover vacation/sick time.”

At the Council Meeting of February 26/27, 2020, Council approved the following:

- (1) A 12-month extension to the pilot program;
- (2) The temporary Parking Enforcement Officer Supplement City-wide parking enforcement in addition to the Mohawk College Precinct;
- (3) That staff report back with results and recommendation at the end of Q1 2021; and,
- (4) The item respecting staff report back with results and recommendations following the one-year pilot program respecting the temporary Dedicated Mohawk College Parking Enforcement Officer be identified as complete and removed from the Planning Committee Outstanding Business List.

The remainder of 2020 saw unprecedented challenges to the entire City of Hamilton. During this 12-month extension, enforcement regulations were lifted and relaxed to assist with “stay at home” initiatives/orders, quarantining, and self-isolation. Education Institutions at all levels had closures and major adaptations to online learning. These factors immensely changed existing pressures and needs in the Mohawk College Area, and we are not clear on what the future needs may be.

Despite the changes in the Mohawk College Area, the additional temporary staff member was key in assisting ongoing Parking Enforcement operations and service provision, namely the ability to assist with short-term absences and the need to significantly alter staffing schedules in response to COVID-19.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Staff had regular interaction and communication over the course of the Pilot Program and leading up to this Report with the Ward 8 Councillor.

**SUBJECT: Dedicated Mohawk College Enforcement (PED18220(b)) (City Wide) -
Page 4 of 4**

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The 12-month extension that was approved in February 2020 was meant to serve as a window of observation and analysis. With the onset of COVID-19, our Parking Enforcement Services were significantly altered, and historical enforcement needs within The Mohawk College Precinct were significantly impacted. Time Limit Enforcement was relaxed across the City, which is the focus of enforcement in this area. Utilization of the surrounding community for transient parking attending the college was and continues to be significantly reduced with campus rolling closures and transition to online learning. In the end, during 2020, Parking Penalty Issuance fell below pre-pilot program levels with this theorized temporary change of parking behaviours in the Mohawk College Precinct.

Despite the reduced need within the Mohawk College Precinct, other pressures, such as short-term absences relating to COVID Screening Protocols, and altered staff scheduling, were alleviated with this additional staffing resource.

ALTERNATIVES FOR CONSIDERATION

- (a) Staff could be directed to approve one new permanent FTE PCO, to enforce the regulations in the Mohawk College Precinct and enhance overall City of Hamilton service provision, and that the increased complement of one FTE be referred to in the finalization of the 2021 budget process or move to the 2022 budget process for consideration; and,
- (b) Staff could be directed to immediately end the Pilot Program and revert to regular routine enforcement and calls for service.

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

N/A

JB:cr



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 6, 2021
SUBJECT/REPORT NO:	Growing the Greenbelt – ERO Posting 019-3136 - City of Hamilton Comments (PED21235) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joanne Hickey-Evans (905) 546-2424 Ext. 1282
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That City Council, in response to ERO posting 019-3136 – Consultation of Growing the Greenbelt, authorize staff to reiterate to the Province the City of Hamilton’s previous request from December, 2015 and May, 2016, to request the Province to add Coldwater Creek (Dundas) to the Greenbelt Plan as an urban river valley as part of the Provincial “Growing the Greenbelt” consultations.

EXECUTIVE SUMMARY

On February 17, 2021, the Province released ERO posting 019-3136 – Consultation of Growing the Greenbelt. The Province is seeking feedback on ways to grow the size and further enhance the quality of the Greenbelt. The main focuses are:

1. Identifying a study area of lands focussed on the Paris Galt Moraine; and,
2. Generating Ideas for adding, expanding and further protecting Urban River Valleys.

In addition to the above, a broader question has been posed in the ERO posting “Do you have suggestions for other potential areas to grow the Greenbelt?”

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**SUBJECT: Growing the Greenbelt – ERO Posting 019-3136 - City of Hamilton
Comments (PED21235) (City Wide) - Page 2 of 7**

Comments on the above posting are due to the Provincial government by April 19, 2021.

Over the past six years, the City has provided comments to the Province on any requests for Greenbelt boundary changes. The 2017 Greenbelt Plan added approximately 780 ha of land to the Plan area, along with Fifty Creek as an urban river valley.

Based on the extensive review in 2015, which included a focus on the urban river valleys, staff recommend that no additional urban river valleys be added to the Greenbelt Plan (other than to reiterate two previous Council requests to add Coldwater Creek in Dundas) The urban river valleys have an extensive amount of existing natural heritage system protection based on a combination of public ownership, inclusion within the Niagara Escarpment Plan, being regulated by the Conservation Authorities, designated Open Space in the Urban Hamilton Official Plan and zoned as Open space. An additional layer of planning policy would not enhance the existing protection.

Further consideration of adding lands to the Greenbelt Plan can occur in the future. At the conclusion of the current GRIDS2 / MCR process and the implementation and approval of the related Official Plan Amendments, the quantum and location of urban boundary expansion lands to accommodate the population and employment forecasts until 2051 will be known. At this time, there may be an opportunity to identify lands that may be suitable for inclusion in the Greenbelt because of the extent of the NEF contours, potential infrastructure challenges or other matters.

The Paris Galt moraine is outside the City of Hamilton municipal boundary; it is located within Brant and Wellington Counties, the Region of Waterloo and is adjacent to the City of Guelph. Only a small portion of this proposed study area is contiguous to Hamilton. Staff have no comments on this study area.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The Greenbelt Plan policies and boundaries have been reviewed several times over the past seven years. The most fulsome review was the 2015 Coordinated Provincial Plan

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**SUBJECT: Growing the Greenbelt – ERO Posting 019-3136 - City of Hamilton
Comments (PED21235) (City Wide) - Page 3 of 7**

review. One of the components of the Review was the evaluation of the Greenbelt Plan boundaries.

Throughout the course of the review, the City of Hamilton has provided specific comments on potential Greenbelt Plan boundary changes, including both additions and deletions. Several Reports have been considered by Planning Committee and City Council on the issue of Greenbelt Plan boundaries (see Appendix “A” to Report PED21235).

A summary of specific boundary changes requests and results are described below. Appendix “B” to Report PED21235 identifies the specific areas referenced in the chart below.

Reports	Additions to Greenbelt Plan	Deletions to Greenbelt Plan
City Council Requests – December 2015 (PED15078(a))	Lands south of Twenty Mile Creek, east of Miles Road, north of Airport Road, and west of Trinity Church Road (approximately 430 ha); Area A-2 on Appendix “B” to Report PED21235 as well as a westerly extension to Miles Road. Extension added at December 9, Council meeting)	Lands in Lower Stoney Creek (104 ha) – Area R-1 on Appendix “B” to Report PED21235
	Coldwater Creek (added at December 9, Council Meeting)	lands north of Parkside Drive, east of Centre Road in Waterdown (28 ha) from the Greenbelt Plan Area R-5 on Appendix “B” to Report PED21235
Draft Greenbelt Plan released – May 2016	Book Road lands (450 ha) Area A-1 on Appendix “B” to Report PED21235	a few parcels of land in Lower Stoney Creek (30 ha) that were already in the urban boundary. Area R-1b on Appendix “B” to Report PED21235
	a portion of the Miles road area (330 ha), not the full 430 ha which had been requested	

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**SUBJECT: Growing the Greenbelt – ERO Posting 019-3136 - City of Hamilton
Comments (PED21235) (City Wide) - Page 4 of 7**

Reports	Additions to Greenbelt Plan	Deletions to Greenbelt Plan
	Area A-2 on Appendix “B” to Report PED21235	
	Fifty Creek as an urban river valley Not identified on any map	
City Council Comments on Draft Greenbelt Plan boundaries – September 2015 (PED15078(B))	Confirmed Support for Book Road lands and Fifty Creek Reiterated request for the remainder of the Miles Road and Coldwater creek be added to the Greenbelt Plan	Reiterated request for lands on lower Stoney Creek and Parkside Drive to be removed based on December 2015 request
Final 2017 Greenbelt Plan	No changes from the draft Greenbelt Plan	No changes from the draft Greenbelt Plan

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Section 6 of the Greenbelt Plan describes urban river valleys:

Key river valleys in urban areas adjacent to the Greenbelt provide opportunities for additional connections to help expand and integrate the Greenbelt and its systems into the broader southern Ontario landscape. The Urban River Valley designation provides direction to those areas where the Greenbelt occupies river valleys in an urban context. These urban river valleys may be the setting for a network of uses and facilities, including recreational, cultural and tourist amenities and *infrastructure*, which are needed to support urban areas.

6.1 Description

The Urban River Valley designation as shown on Schedule 1 applies to lands within the main corridors of river valleys connecting the rest of the Greenbelt to the Great Lakes and inland lakes. The lands in this designation comprise river valleys and associated lands and are generally characterized by being:

- lands containing natural and hydrologic features, including coastal *wetlands*
- lands designated in official plans for uses such as parks, open space, recreation, conservation and environmental protection

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**SUBJECT: Growing the Greenbelt – ERO Posting 019-3136 - City of Hamilton
Comments (PED21235) (City Wide) - Page 5 of 7**

6.2 Policies

For lands falling within the Urban River Valley, the following policies shall apply:

1. Only publicly owned lands are subject to the policies of the Urban River Valley designation. Any privately owned lands within the boundary of the Urban River Valley area are not subject to the policies of this designation. For the purposes of this section, publicly owned lands means lands in the ownership of the Province, a municipality or a local board, including a conservation authority.
2. The lands are governed by the applicable official plan policies provided they have regard to the objectives of the Greenbelt Plan.
3. All existing, expanded or new *infrastructure* which is subject to and approved under the *Environmental Assessment Act*, or which receives a similar approval, is permitted provided it supports the needs of adjacent *settlement areas* or serves the significant growth and economic development expected in southern Ontario and supports the goals and objectives of the Greenbelt Plan.
4. The Protected Countryside policies do not apply except for:
 - a. The policies of section 3.2.6 (External Connections); and,
 - b. The policies of section 3.3 (Parkland, Open Space and Trails).

From time to time, individual municipalities or the Province, propose to add lands to the Greenbelt Plan.

RELEVANT CONSULTATION

- Hamilton Conservation Authority

ANALYSIS AND RATIONALE FOR RECOMMENDATION

On February 17, 2021, the Province released ERO posting 019-3136 – Consultation of Growing the Greenbelt. The Province is seeking feedback on ways to grow the size and further enhance the quality of the Greenbelt. The main focuses are:

1. Identifying a study area of lands focussed on the Paris Galt Moraine, which is home to critical groundwater resources;
2. Generating Ideas for adding, expanding and further protecting Urban River Valleys

In addition to the above, a broader question has been posed in the ERO posting “Do you have suggestions for other potential areas to grow the Greenbelt?”

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Comments (PED21235) (City Wide) - Page 6 of 7**

Comments on the above posting are due to the Provincial government by April 19, 2021.

1.0 Urban River Valleys

In 2015, as part of the Coordinated Provincial Plan Review, valleys to the Greenbelt Plan were evaluated to determine if they should be added to the Greenbelt Plan. The staff recommendation from PED10078(a) was to exclude urban river valleys from the Greenbelt Plan since these areas were protected by a combination of the Niagara Escarpment Plan, regulated by the Conservation Authorities, designated Open Space in the Urban Hamilton Official Plan and zoned as Open space. Additional planning layers would not increase the protection of these areas. Further, the largest urban river valleys (i.e. Red Hill) are in public ownership.

The Greenbelt Plan policies requires urban river valleys to be in public ownership. Some of the urban river valleys may not qualify because they have some degree of private ownership (i.e. Stoney Creek).

Council, through a motion, requested that Coldwater Creek in Dundas be included as an urban river valley. The Provincial government did not add this creek to the 2017 Greenbelt Plan but instead added Fifty Creek (Stoney Creek) to the Plan.

Based on previous requests in December 2015 and May 2016, that Council reiterate that Coldwater Creek (Dundas) should be added to the Greenbelt Plan as an urban river valley.

2.0 Adding Other Lands within Hamilton to the Greenbelt Plan

As noted in the Historical Background section of this Report, the only lands that were not added to the Greenbelt Plan that were requested by the City of Hamilton in 2015, are approximately 100 ha from Miles Road eastward to the existing boundary of the Greenbelt Plan.

At the conclusion of the current GRIDS2 / MCR process and the implementation and approval of the related Official Plan Amendments, the quantum and location of urban boundary expansion lands to accommodate the population and employment forecasts until 2051 will be known. At this time, there may be an opportunity to identify lands that may be suitable for inclusion in the Greenbelt because of the extent of the NEF contours, potential infrastructure challenges or other matters.

3.0. Paris Galt Moraine Study Area

As shown on Appendix "C" attached to Report PED21235, the proposed Paris Galt moraine study area is located within Wellington County, Brant County and the Region of

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**SUBJECT: Growing the Greenbelt – ERO Posting 019-3136 - City of Hamilton
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Waterloo. Only a very small part of the study area touches on the City's northern border.

At the time of writing this Report, no decision has been made by these municipal Councils as to whether they support the study area or adding these lands to the Greenbelt Plan for this area.

The addition of these lands to the Greenbelt Plan does not affect land use planning or other city programs/initiatives of the City.

ALTERNATIVES FOR CONSIDERATION

Council could refrain from providing comments on ERO posting 019-3136.

Council could request the Province to add urban river valleys to the Greenbelt Plan.

Council could support the potential study area of the Paris Galt Moraine with a view to a future addition to the Greenbelt Plan area.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - History of Greenbelt Plan Boundary requests to the Province by the City of Hamilton

Appendix "B" - Map of areas proposed for addition or deletion to the Greenbelt Plan (2015)

Appendix "C" - Excerpt of staff report PED15078a respecting Urban River Valleys

Appendix "D" - Map of Paris Galt Moraine

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History of Greenbelt Plan Boundary reviews - Background reports and Planning Report recommendations

- June 2015 (PED15078)

The City hired Dillon Consulting to assist with several public open houses, the purpose of which was to get feedback on potential changes to the Growth Plan for the Greater Golden Horseshoe, the Niagara Escarpment Plan (NEP) and the Greenbelt Plan prior to submitting comments to the Province.

Staff explained in this Report that as part of the review of the Provincial Plans, staff have begun to look at potential changes to the Greenbelt boundaries. A number of recommendations for changes to the boundaries were also brought forward by members of the public at the City's public consultation sessions. To help inform this boundary review process, Dillon Consulting has been retained to undertake a preliminary review of the long term land needs in the City to accommodate future growth. Based on this concern, the following recommendation was included in Report PED15078.

"(e) That City staff consult with the Province, the public, and the development community on options for any changes to the Greenbelt boundaries that are necessary to ensure Hamilton has sufficient land to accommodate future growth, while at the same time ensuring there is no net decrease in the size of the Greenbelt in Hamilton, and ensuring that the Greenbelt's goals related to protecting agricultural lands and natural heritage are achieved; and that these options be brought forward for Council's approval, prior to submitting them to the Province for its consideration.

Planning Committee approved the recommendation but the Report PED15078 was sent back to Planning Committee for a further review of the Greenbelt Plan boundaries.

- December 2015 (PED15078(a))

Public events were held to solicit input on changes to the Greenbelt Plan Plan boundaries. Five options were identified for potential changes to these boundaries. The recommendations in the report were two-fold:

(b) That the City of Hamilton requests the Province:

(ii) to defer any decisions on potential changes to the Greenbelt Plan boundaries in the City of Hamilton to allow the City to complete a municipal comprehensive review which will include a full assessment of the opportunities and constraints:

- (1) to determine the amount and location of land (both non-employment and employment) required to meet the 2031 to 2041 Growth Plan forecasts;
 - (2) to identify appropriate lands to add to the Whitebelt area, in the event that additional land is required for an urban boundary expansion to meet targets and based on the principles of cost effective, complete and healthy communities; and,
 - (3) to identify appropriate lands to be added to the Greenbelt Plan area;
- (c) That upon completion of the municipal comprehensive review, City Council request the Province to revise the Greenbelt Plan boundaries prior to the City adopting the Official Plan Amendment relating to Growth Plan conformity and implementation of the Municipal Comprehensive Review.
- (d) That notwithstanding Recommendations (b) and (c), as part of the current Coordinated Provincial Plan Review, the City of Hamilton requests the Province to give consideration to the following modifications to Greenbelt Plan Protected Countryside area as follows:
- (i) remove the Lower Stoney Creek lands (104 ha) and the lands north of Parkside Drive, east of Centre Road in Waterdown (28 ha) from the Greenbelt Plan, as shown on Appendix "B", identified in *Greenbelt Plan Boundary Review Report* prepared by Dillon Consulting, and attached as Appendix "C"; and,
 - ~~(ii) add the lands between Twenty Mile Creek and Airport Road, west and east of Nebo Road (231 ha) to the Greenbelt Plan, as shown on Appendix "B", identified in *Greenbelt Plan Boundary Review Report* prepared by Dillon Consulting, and attached as Appendix "C";~~
 - (ii) add the lands south of Twenty Mile Creek, east of Miles Road, north of Airport Road, and west of Trinity Church Road (approximately 430 ha) to the Greenbelt Plan;**
- (I) That staff be directed to include Coldwater Creek as an addition into the Greenbelt, as part of the City of Hamilton's submission of comments to the Coordinated Provincial Plan Review on the Greenbelt Plan and the Niagara Escarpment Plan Boundary Review.**

Staff's recommendations were modified as identified in the bold text, and supported by Planning Committee and City Council.

- September 2016 (PED15078(b))

The Province released its draft Greenbelt Plan boundary changes for comment in May 2016, which included the following proposed boundary changes:

- (i) the addition of the Book Road lands (450 ha) and only a portion of the Miles road area (330 ha), not the full 430 ha which had been requested (see Appendix "A");
- (ii) the addition of Fifty Creek as an urban river valley; and,
- (iii) removal of a few parcels of land in Lower Stoney Creek (30 ha) that were already in the urban boundary, which is considered a technical amendment only (see Appendix "B").

The removal of the lands in Lower Stoney Creek and Waterdown, as well as the westerly portion of the Miles Road area and Coldwater Creek, as requested by the City, were not included in the May 2016 Greenbelt Plan revisions.

In September, City Council supported the additions to the Greenbelt Plan for Book Road and the Miles Road Area. However, they also reiterated their previous positions to:

- (i) remove the Waterdown and Lower Stoney Creek lands;
- (ii) add more lands to the Miles Road/Nebo Road area, as well as the Coldwater Creek urban river valley.

Options for Greenbelt Boundary Refinement

Below are the areas considered for potential addition to or removal from the Greenbelt.

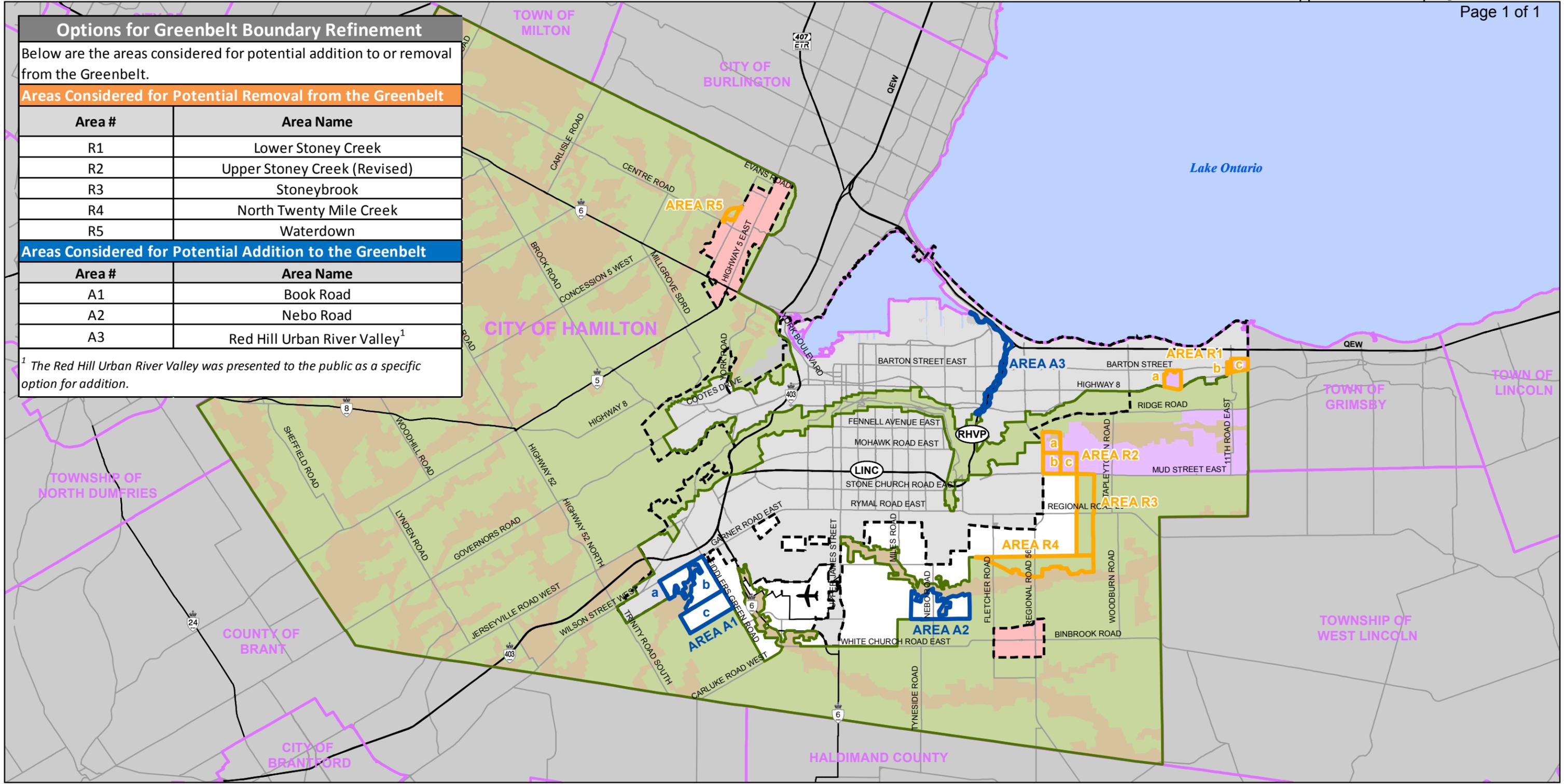
Areas Considered for Potential Removal from the Greenbelt

Area #	Area Name
R1	Lower Stoney Creek
R2	Upper Stoney Creek (Revised)
R3	Stoneybrook
R4	North Twenty Mile Creek
R5	Waterdown

Areas Considered for Potential Addition to the Greenbelt

Area #	Area Name
A1	Book Road
A2	Nebo Road
A3	Red Hill Urban River Valley ¹

¹ The Red Hill Urban River Valley was presented to the public as a specific option for addition.



CITY OF HAMILTON Greenbelt Boundary Review Report

Areas for Consideration for Options 2 to 4 Figure 9

Lands that Could be Added to the Greenbelt Plan	Highway	Whitebelt	Waterbody	Greenbelt Plan Features	Tender Fruit and Grape
Lands that Could be Removed from the Greenbelt Plan	Urban Boundary*	Municipal Boundary	Natural Heritage System	Protected Countryside	Towns and Villages
Arterial Roads	Urban Area*	John C. Munro Hamilton International Airport			

Area R2 reflects a revised configuration of the original area presented to the public.
Area R5 was added for consideration after the public consultation.
Areas A1, A2, A3, R1, R3, and R4 are the same configuration that was presented to the public.



MAP DRAWING INFORMATION:
DATA PROVIDED BY THE CITY OF HAMILTON &
THE MINISTRY OF NATURAL RESOURCES AND FORESTRY

MAP CREATED BY: SFG
MAP CHECKED BY: AJ
MAP PROJECTION: NAD 1983 UTM Zone 17N

*Shows recently approved Airport Employment
Growth District Secondary Plan urban boundary expansion



SCALE 1:185,000



FILE LOCATION: I:\GIS\115318 - Hamilton AEGD\Greenbelt
Transition Discussion Paper\Mapping\Project Location.MXD
PROJECT: 151970 STATUS: FINAL DATE: 10/19/2015

Excerpt from Report PED15078(a) - Coordinated Provincial Plan Review (Greenbelt Plan and Niagara Escarpment Plan Boundary Review) - City of Hamilton Comments

"3.5 Option 5: Grow the Greenbelt"

The last option is to add all areas identified for potential addition to the Greenbelt Plan into the Greenbelt Plan Boundary (i.e. Book Road, Nebo Road and Urban River Valley Areas). During the open house events, many participants expressed that all areas identified for potential addition into the Greenbelt Plan should be included due to the significant agricultural lands within the Nebo Road and Book Road areas that would benefit from protection and enhancement through Greenbelt policy. Many other participants expressed opposition to the addition of the Book Road and Nebo Road areas due to financial investment and development interests.

Option 5 would include the addition of urban river valleys. City staff identified the potential addition of the Red Hill Creek Valley as part of the consultation process. Additional suggestions provided by the public at the open house sessions included adding the following areas:

- Lower Spencer Creek / Spencer Gorge;
- Chedoke Creek;
- Ancaster Crescent Valley;
- Stoney Creek and Battlefield Creek;
- Grindstone Creek Valley; and,
- Tributaries through Dundas and Ancaster.

In 2011, the Province added a new policy framework called urban river valleys:

"Key river valleys in urban areas adjacent to the Greenbelt provide opportunities for additional connections to help expand and integrate the Greenbelt and its systems into the broader Southern Ontario landscape. The Urban River Valley designation provides direction to those areas where the Greenbelt occupies river valleys in an urban context. These urban river valleys may be the setting for a network of uses and facilities including recreational, cultural and tourist amenities and infrastructure, which are needed to support urban areas.

The Urban River Valley designation as shown on Schedule 1 applies to publicly owned lands within the main corridors of river valleys connecting the rest of the Greenbelt to the Great Lakes and inland lakes. The lands

in this designation comprise river valleys and associated lands and are generally characterized by being:

- *Lands containing natural and hydrologic features; and/or,*
- *Lands designated in municipal official plans for uses such as parks, open space, recreation, conservation and environmental protection.*

The lands are governed by the applicable municipal official plan policies provided they have regard to the objectives of the Greenbelt Plan.

All existing, expanded or new infrastructure which is subject to and approved under the Environmental Assessment Act, or which receives a similar approval, is permitted provided it supports the needs of adjacent urban areas or serves the significant growth and economic development expected in southern Ontario and supports the goals and objectives of the Greenbelt Plan."

When considering this option, it should be noted that adding lands to the Greenbelt Plan can be undertaken outside of the ten year review provided the six criteria are met as described in the Province's *Growing the Greenbelt* document (page 4, Appendix "I").

Adding the Red Hill Valley and other creeks / streams to the Greenbelt Plan at this point in time is not being recommended for the following reasons:

Red Hill Valley

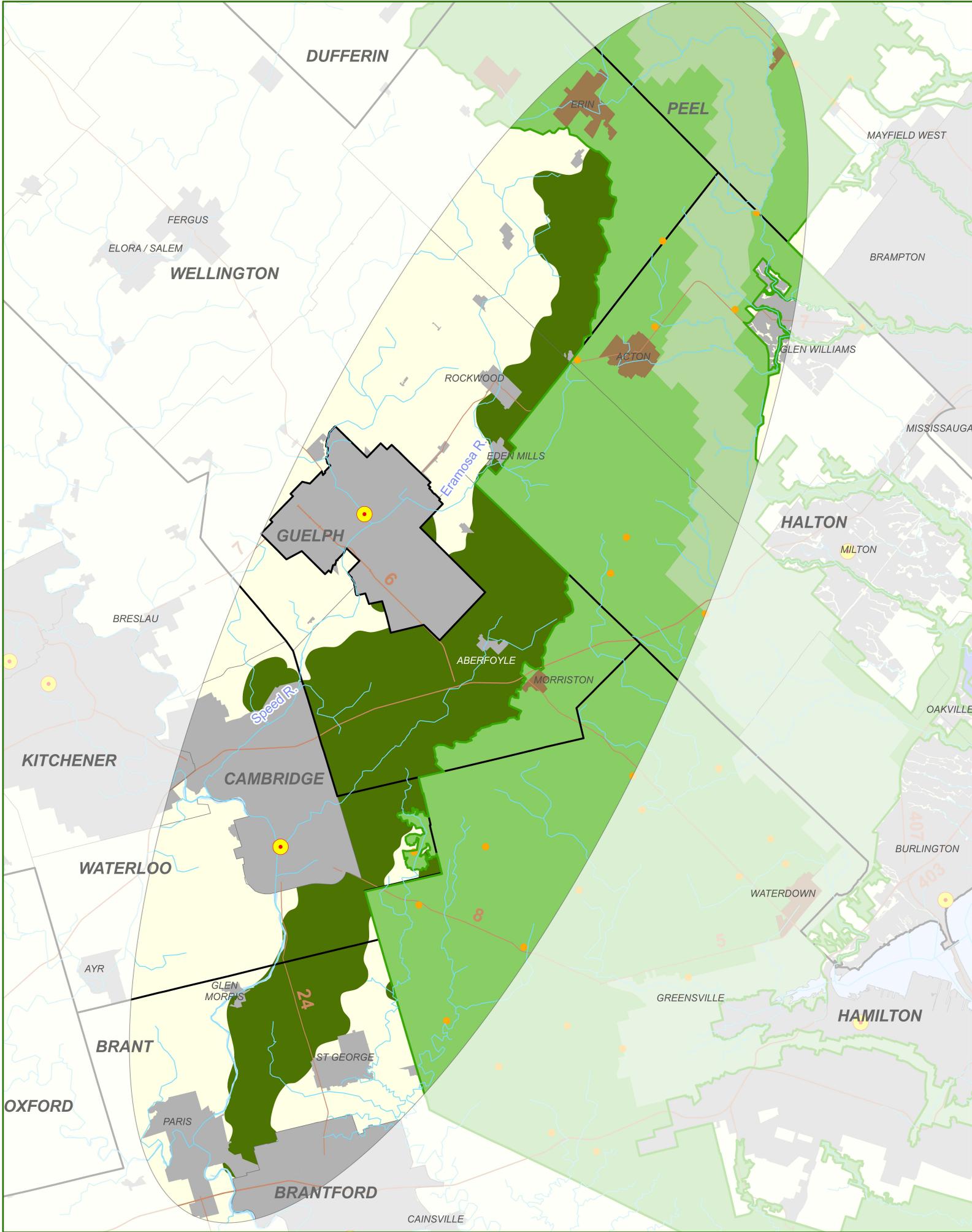
- 1) Any revision to policy within the Red Hill Valley requires consultation with Joint Stewardship Board. In 2002, the City of Hamilton and the Six Nations community signed a number of agreements intended to preserve the Haudenosaunee interest in the Red Hill Valley with the onset of the construction for the Red Hill Valley parkway. The intent of the agreements was to foster long-term relationships and to create a plan for the Valley. The Joint Stewardship Board, comprised of equal representation from the City of Hamilton and the Haudenosaunee, has a responsibility to ensure cooperation and successful continuation of the environmental management plans for the Red Hill Valley. Therefore any consideration of adding the Red Hill Valley to the Greenbelt Plan will require consultation with the Board prior to any decisions made.
- 2) Any potential revisions to the approved Environmental Assessment would require an evaluation as to how the infrastructure 'supports the needs of adjacent urban areas or serves the significant growth and economic development expected in Southern Ontario' according to the policies contained within the Greenbelt Plan, specifically Section 6.0 Urban River Valley Policies.

- 3) The City owns most of the Red Hill Valley lands in the Greenbelt Plan, but some lands are privately owned which may impact the application of the Urban River Valley designation to the Valley lands (i.e. only publicly owned lands can be designated "Urban River Valley" in the Greenbelt Plan).
- 4) The lands are designated Open Space on Schedule 'E-1' – Urban Land Use Designations and identified as a core area of the Natural Heritage System within the Urban Hamilton Official Plan. Additional provincial policy does not create a greater level of environmental protection. Additional planning policy layers undermine the goals of the Coordinated Provincial Plan Review (i.e. remove policy layers).

Other Creeks / Streams

- 5) Some of the creeks are already within the NEP Area and protected through regulations of the governing Conservation Authorities (e.g. Grindstone Creek Valley, tributaries through Dundas, etc.) and additional provincial direction is unnecessary.
- 6) The City has protected all these areas through the Official Plan, the Zoning By-law and public acquisition (where applicable). Additional planning layers do not increase the protection for these areas.

Growing the Greenbelt Study Area – Paris Galt Moraine



LEGEND

- Greenbelt Area (O.Reg. 59/05, as amended)
- Protected Countryside
- Towns / Villages
- Hamlets
- Urban River Valleys
- Niagara Escarpment Plan Area
- Paris Galt Moraine Study Area
- GGH Settlement Areas Outside the Greenbelt (incl. Brantford/Brant Annexation)
- Municipal Boundary
- Water
- Urban Growth Centres
- Major Road or Highway

This map is for illustrative purposes only to seek feedback on a Study Area of lands focused on the Paris Galt Moraine, growing the Greenbelt. The Paris Galt Moraine Study Area does not constitute a Greenbelt boundary.

Settlement boundaries generally reflect information provided by the relevant municipality. For precise boundaries and locations of Settlement Areas (e.g. Settlements Areas Outside the Greenbelt and Greenbelt Towns/Villages and Hamlets), the appropriate municipalities should be consulted.

Source of Information:
 Produced by and using data sources from the Ministry of Municipal Affairs and Housing, Ministry of Environment, Conservation and Parks and the Ministry of Energy, Northern Development and Mines.

Projection: UTM Zone17 NAD83

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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division
and
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 6, 2021
SUBJECT/REPORT NO:	Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Brian Hollingworth (905) 546-2424 Ext. 2953 Steve Robichaud (905) 546-2424 Ext. 4281
SUBMITTED BY: SIGNATURE:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SUBMITTED BY: SIGNATURE:	Steve Robichaud Director, Planning Planning and Economic Development Department

RECOMMENDATION

- (a) That the revised and updated City of Hamilton Cash-In-Lieu of Parking Policy attached as Appendix "B" to Report PED21028 be adopted;
- (b) That staff be directed to track the usage of the Cash-In-Lieu of Parking Policy, and report back to Planning Committee after 18 months, that being November, 2022, with an Information Report on the number of projects that utilized the Cash-In-Lieu of Parking option, the revenues generated, and the parking spaces that were foregone.

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SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 2 of 14

EXECUTIVE SUMMARY

On December 16, 2020, following a recommendation of the Mayor's Task Force on Economic Recovery, Council directed staff to report back to Planning Committee with options for modifying the City's existing Cash-In-Lieu of Parking (CILP) Policy to provide for a temporary, reduced cash-in-lieu of parking fee within the Downtown Secondary Plan (DTSP) Area for a temporary period.

The City's current CILP Policy authorizes the City to consider a cash-in-lieu payment for all or part of the parking required under the applicable in force Zoning By-law.

The methodology for calculating the cash-in-lieu payment is contained in the CILP Policy and is based on 50% of the cost of constructing an off-site parking space. The calculation takes into account both the land costs and the capital construction costs.

The most recent use of the CILP Policy was calculated in September 2018 for eight parking spaces for a project in downtown Hamilton. The total cost was estimated to be \$35,100 per parking space and resulted in the payment of \$140,400 to the City (approximately \$17,550 per parking space).

Given the high cost of the cash-in-lieu payments, the policy has been rarely used. There have only been two projects that have utilized the policy since 2015, both in downtown Hamilton.

In response to the Task Force recommendations, staff are proposing a temporary reduced rate of 25% of the cost of a parking space for new development in the DTSP Area.

In addition, the current CILP Policy was adopted by the Council of the former City of Hamilton in 1986, and as such, revisions to update the policy to reflect the existing operational structure are also required.

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no additional costs associated with this Report. It is anticipated that the changes to the CILP Policy recommended in this Report will result in higher utilization of the CILP option for meeting the City's parking requirements, which will generate additional revenues for the City. The City's current CILP Policy states that all funds collected "will be deposited in the Reserve Funds for Off-street Parking for the purposes of increasing the amount of municipal off-street parking in the City." The

SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 3 of 14

City's Official Plan echoes this direction in Policy F.1.20.1 which states that "Such funds shall be used for the acquisition of lands and/or the provision of off-street parking as deemed appropriate by the City."

Staff are not recommending any changes to these aspects of the CILP Policy or the Official Plan. Therefore, any funds collected would need to be allocated to Reserve 115085 HMPS CILP consistent with past practise. The current balance of Reserve 115085 is \$656,496.79 as of January 31, 2021. The use of any funds from Reserve 115085 would be subject to Council approval through the normal budget process.

It is important to note that should Council wish to change this direction and utilize the CILP revenues for purposes other than those stated in the Official Plan, and Amendment to the Official Plan would be required, which would require a separate staff report and statutory public process.

Staffing: None.

Legal: None. Legal staff will be involved in the drafting of any required agreements to implement the CILP Policy, consistent with current practice.

HISTORICAL BACKGROUND

The City of Hamilton has provided developers with the option of meeting their parking requirement through a "cash-in-lieu provision" for many years.

The former City of Hamilton adopted operational guidelines on how the cash-in-lieu of parking payment was to be calculated and, in accordance with the City of Hamilton Act, 1999 S.O. 1999, CHAPTER 14, SCHEDULE C, this Policy is still in force and effect. The policy outlines that a staff report to Planning Committee/Council is required after the application and fee are paid to the City. In accordance with the Policy, Council approval of the cash payment is required, and the City Solicitor is then authorized to prepare the necessary agreements.

The City's Official Plan also provides for CILP.

The Policy has been rarely used, owing largely to the high cost assigned to the cash-in-lieu provision. Since 2015, only two development projects utilized the CILP provisions:

- 46-52 James Street North (cash-in-lieu payment of \$265,600 for 16 spaces); and,
- 11-15 Cannon Street (cash-in-lieu payment of \$140,400 for 8 spaces).

In June, 2020, the City established the Mayor's Task Force on Economic Recovery with a mandate to provide multi-sectoral advice to Council to guide Hamilton's sustainable

SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 4 of 14

and equitable recovery during, and in the aftermath of the pandemic. The final report of the Task Force that was received by Council in December 2020 included the following recommended action from the Transportation, Building & Infrastructure Working Group:

Encourage staff and Council to explore changes to parking requirements as an opportunity for economic recovery and stimulus.

The recommendation of the Task Force has precedent in the City. The City previously used a temporary reduction in parking requirements to stimulate downtown development, through a Temporary Use By-law for the period November 1, 1996 to September 1, 1999.

In response to the Task Force report, on December 16, 2020, Council approved the following motion:

That Planning staff be directed to report back to Planning Committee with options for modifying the City's existing cash-in-lieu of parking policy to provide for a temporary, reduced cash-in-lieu of parking fee within the Downtown Secondary Plan Area for a temporary period

Report PED21028 responds to the December 16, 2020 Council direction.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Section 40(1) and 40(2) of the Planning Act allows municipalities to enter into an agreement with an owner or occupant of a building that effectively allows for the payment of "cash-in-lieu" of any parking requirement.

The former City of Hamilton adopted operational guidelines on how the cash-in-lieu of parking payment was to be calculated and, in accordance with the City of Hamilton Act, 1999 S.O. 1999, CHAPTER 14, SCHEDULE C, this policy is still in force and effect.

The City's current CILP Policy is attached as Appendix "A" to Report PED21028.

The City's Official Plan also provides for cash-in-lieu of parking through the following policy F.1.20:

F.1.20 Cash-in-Lieu of Parking

1.20.1 Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements. Such funds shall be used for the

SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 5 of 14

acquisition of lands and/or the provision of off-street parking as deemed appropriate by the City.

Both the CILP Policy and the Official Plan direct that revenues collected through the CILP provisions be utilized by the City for the provision of off-street parking. Providing for a more flexible approach to parking requirements, through an off-site provision, is consistent with the City's Transportation Master Plan and Draft Parking Master Plan.

Specifically, the Draft Parking Master Plan, which will be finalized in Spring 2021, identifies the challenges with respect to providing parking supply specific to individual sites and uses, and conversely the benefits of an alternative strategy that seeks to facilitate shared parking among different buildings and facilities in an area to take advantage of different peak periods.

Shared off-site parking is already permitted under Zoning By-law 05-200, Section 5.1 a) ii) which states that

“where the provision of parking on the same lot as the use requiring the parking is not possible, such off-site parking may be located on another lot within 300.0 metres of the lot containing the use requiring the parking.”

RELEVANT CONSULTATION

Staff in the following divisions were consulted in the preparation of this Report:

- Planning Division, Planning and Economic Development Department;
- Transportation Planning & Parking Division, Planning and Economic Development Department;
- Growth Management Division, Planning and Economic Development Department;
- Housing Services, Healthy and Safe Communities Department;
- Legal Services; and,
- Finance.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Current Parking Provisions in the Downtown Secondary Plan (DTSP) Area

In May, 2018, City Council adopted a new DTSP, and Zoning By-Law No. 18-114 that amends parking provisions in the Hamilton Zoning By-law No. 05-200, Section 5: Parking. The plan and associated Zoning By-law amendment was approved by the LPAT in August 2019 except for one property where a site specific appeal remains.

The boundaries of the DTSP are shown in Appendix “C” to Report PED21028.

SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 6 of 14

Zoning By-Law No. 18-114 introduced a reduction and in some cases an elimination of parking requirements in Downtown Hamilton compared to the previous standards for this area. The intent was to support and implement the policies of the Downtown Hamilton Secondary plan that encourage the development and use of public transit, active transportation, live, work and play opportunities, a pedestrian focused public realm, and the re-use of existing buildings. In addition, the new parking regulations reduce requirements that would have been prohibitive in the development of critical affordable housing.

The most notable change brought forward in amending Zoning By-law No. 18-114, is that the parking requirements for residential development has been eliminated for buildings with fewer than 12 units and reduced for the remaining units within a building. The elimination of parking for buildings with fewer than 12 units applies to duplex, single-detached, semi-detached, townhouse and multiple dwellings alike. Parking requirements for institutional and commercial uses have also been reduced and simplified. Furthermore, where an existing multiple dwelling is now deemed to have surplus parking as a result of the new lower parking standards in the DTSP Area, the zoning has been revised to allow these spaces to be rented out as a commercial parking facility.

The following is a summary of the parking requirements for All Downtown Zones:

Use	Parking Requirement
Single, Semi Detached and Duplex Dwellings Street townhouse, and a Dwelling Unit	0 spaces
Multiple Dwelling with units less than 50 square metres and units with 3 or more bedrooms	Units 1 – 12: 0 per unit (min) and 1.25 (max) Units 13+: 0.3 per unit (min) and 1.25 (max)
Multiple Dwelling with units greater than 50 square metres	Units 1-12: 0 per unit (min) and 1.25 (max) Units 13-50: 0.5 per unit (min) and 1.25 (max) Units 51+: 0.7 per unit (min) and 1.25 (max)
Commercial Uses (ie Banks, Medical Clinic and Office). No parking will be required for Commercial uses that are not	1 for each 50 square metres of gross floor area in excess of 450 square metres

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SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 7 of 14

listed in the By-law (ie retail and restaurant)	
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Current Cash-In-Lieu of Parking (CILP) Policy

The City's current CILP Policy is attached as Appendix "A" to Report PED21028.

The current CILP Policy authorizes the City to consider a cash-in-lieu payment for all or part of the parking required under the applicable in force Zoning By-law requirements. An owner wishing to pursue CILP would be required to make an application and pay the application fee to the Planning Division. The policy outlines that a staff report to Planning Committee/Council is required after the application and fee are paid to the City. In accordance with the policy, Council approval of the cash payment is required, and the City Solicitor is then authorized to prepare the necessary agreements.

The methodology for calculating the cash-in-lieu payment is contained in the CILP Policy and is based on 50% of the cost of constructing an off-site parking space. The calculation takes into account both the land costs and the capital construction costs, but not lifecycle replacement or operating costs. The 50% provision is based on the assumption that the off-site space would not only be utilized by the contributing development, but would also be available to the general public, and therefore have a benefit beyond the contributing development.

The most recent use of the CILP Policy was calculated in September 2018 for eight parking spaces for a project in downtown Hamilton. The total cost was estimated to be \$35,100 per parking space, including \$30,000 as the estimated construction cost and \$5,100 in land value per space. It resulted in the payment of \$140,400 to the City (approximately \$17,550 per parking space). It is important to note that this calculation was based on provision of the parking in a parking structure. In other parts of the City where surface parking is permitted, the expected cost of the cash-in-lieu option would be expected to be less.

The CILP Policy authorizes, but does not obligate, the City to consider cash-in-lieu as a means for a particular development to meet the parking requirement. City staff first determine the parking requirement based on the in-force zoning. The applicant then has the option to meet the requirement on-site, or through an off-site agreement with an adjacent property owner.

If an applicant cannot meet the parking requirement, or does not wish to meet the parking requirement, they can seek an amendment through either a Minor Variance or Zoning By-law Amendment application.

SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 8 of 14

The cash-in-lieu option provides an additional option for an applicant. Rather than seek a Minor Variance or a Zoning By-law Amendment, they can instead request that they meet the requirement through a cash-in-lieu payment. The cash-in-lieu option can apply to all or part of the parking requirement.

As noted above, the CILP Policy does not obligate the City to accept cash-in-lieu of parking. Staff from the Transportation Planning and Parking Division, Real Estate, the Building Division and the Planning Division would review the application, and if supportable given the nature and context of the proposed development, would determine the cost of each parking space. Council approval of the cash payment is required and then the City Solicitor would receive authorization to prepare the necessary CILP agreement. The payment of the cash-in-lieu is deemed to have met the parking requirement, and therefore no Minor Variance or Zoning By-law Amendment application is required.

The CILP payment, agreement and issuance of the CILP certificate is done prior to final Site Plan Approval and prior to the application for a Building Permit.

Proposed Changes to the Cash-In-Lieu of Parking (CILP) Policy

The recommended revised CILP Policy is attached as Appendix “B” to Report PED21028.

The key changes being recommended are summarized below.

1) Temporary Reduced Rate in the Downtown Secondary Plan Area

The current CILP Policy states that payments will not be less than 50% of the total cost of the parking not provided. Most recently, in September 2018, this amount was calculated to be \$17,550 per parking space (50% of \$35,100).

Staff are recommending that a temporary reduced rate be applied within the DTSP area of not less than 25% (which would be approximately \$8,750 per parking space).

It is expected that the recommended reduced rate would result in more applicants seeking to take advantage of the cash-in-lieu option, and providing less on-site parking. Staff will need to assess these on a case-by-case basis, based on the merits and context of each proposal.

Recent developments have generally sought a reduction in parking requirements as outlined in the table below.

SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 9 of 14

Project	# of Units	Commercial GFA	Minimum Parking Required Based on ZBL (as-of-right)	Minimum Parking Requirement as Modified through MV or ZBLA	Actual Parking Spaces Built
212 King William St. SPA-18-136	266	437.47 sq. m.	134	No Modification	135
43-51 King St. E. & 60 King William St. DA-18-016	581	1,192 sq. m.	526 *Based on By-law in Effect (old Downtown Zoning)	395 HM/A-19:125	415 (Not yet Final Approved)
14 – 18 Augusta St. DA-20-084	40	347 sq. m.	14	13 HM/A-20:243	13 (Not yet Final Approved)
1 Jarvis St. DA-20-035	375	314 sq. m.	157	156 HM/A-20:235	156 (Not yet Final Approved)
46-50 King St. E. SPA-15-110	n/a	4,617.0 sq. m.	84 *Based on By-law in Effect (old Downtown Zoning)	11 HM/A-15:186	11
20-22 George St.	242	635.28 sq. m.	242	145	Residential: 149

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

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

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SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 10 of 14

DA-16-155			*Based on By-law in Effect (old Downtown Zoning)	HM/A-16:323 & HM/A-18-371	Commercial: 435
15 Queen St. S. DA-18-114	292	197.0 sq. m. Place of Worship: 423.0 sq. m.	131	160 spaces Special Exception 625	175 spaces *per site statistics on site plan
44 Hughson St. S. and 77 James St. S. DA-19-174	403	1,290.0 sq. m.	215	Modification required	165 spaces *per Zoning comments (Not yet Final Approved)

Where permitted, the reduction in on-site parking would reduce the cost of development, thereby helping to meet the objective stated by the Mayor's Task Force on Economic Recovery to explore changes to parking as an opportunity for economic recovery and stimulus. In the downtown area, where in almost all cases parking is provided through above- or below-grade parking structures, the cost of providing parking can be several million dollars. Recently approved projects in the downtown have included anywhere from 11 parking spaces (46-50 King Street East) to 415 parking spaces (43-51 King Street East & 60 King William Street). Assuming a cost of \$35,000 per space, this would amount to \$385,000 to \$14,525,000 million per project to provide parking.

By reducing the cost of development, a reduction in on-site parking would also be anticipated to reduce the unit costs for new development, thereby contributing positively to affordability.

A reduction in on-site parking would also have a benefit from a climate change perspective. Specifically, materials used in the construction of parking (namely concrete, asphalt and steel) generate high amounts of greenhouse gas emissions in their production. In addition, surface lots also add to the urban heat effect, amplifying the impacts of climate change.

SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 11 of 14

It is important to note that it is unlikely that sufficient cash-in-lieu revenues would be generated from new development to construct a new municipal parking structure in the short-term.

For example, in the DTSP Area, 1,009 units were approved in 2018-2020 and these approvals included 633 parking spaces. If developers had adopted for CILP for all 633 spaces, this would have generated approximately \$11 million in capital. Conversely, the cost of a 600 space garage would require at least \$20-\$30 Million to construct depending on location and configuration.

Therefore, expanded use of the cash-in-lieu option at the reduced rate could create a risk of constrained supply in the short-term, should residents move into the new units and then seek a parking space off-site. However, at present the majority of municipally operated off-street parking spaces assigned to monthly parkers in the downtown are utilized by commuters. Of the some 2,800 municipal off-street spaces in the downtown, it is estimated that less than 5% of these spaces would be used by downtown residents opting to purchase a monthly permit. Additionally, within the Downtown, the majority of on-street parking is metered or time-limited parking and not assigned to residential users.

Staff are recommending that the temporary reduced rate be limited to the DTSP Area, as this is the area with the highest levels of transit service, the highest existing mode shares for walking and cycling, and is therefore the area of the City that is most likely to be able to accommodate parking-free residential units and/or commercial space in the short-term.

Secondly, outside of the downtown, there are very few off-site municipal or commercial parking facilities that could be available as an alternative to on-site parking.

Thirdly, outside of the downtown area there would be greater potential for conflicts for on-street parking spaces given that there are few locations outside of the downtown where permits are required for on-street parking.

Finally, under the DTSP, permission has recently been granted for existing residential buildings to offer any surplus parking within their buildings to the public as commercial parking. This permission creates new opportunities for off-site parking supply.

2) Flat Fee for the Temporary Reduced Rate

Currently, the calculation of the cash-in-lieu amount is done on a case-by-case basis. This requires an assessment of land values at each specific location and can be a cumbersome and time-consuming process. It is also has only a minor impact on the

SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 12 of 14

calculated rate, as land costs tend to be a much smaller component of the cost compared to construction costs.

To streamline the application of the Policy, and provide certainty for applicants, staff are recommending that a flat fee be established for the duration of the temporary reduced rate in the DTSP Area. One flat fee will be established for “surface parking” and one for “multi-level parking” based on the application of the reduced rate to an average downtown land value and construction cost. This flat rate will be applied for the duration of the temporary program.

3) Downtown Residential Areas

The current CILP Policy does not apply to residential zones within the City. The majority of the Downtown Secondary Plan Area is designated for Mixed Use Development, and is therefore eligible for the CILP Policy. There are a few, limited areas that are designated for Residential Use. Staff are recommending that the CILP Policy also apply in these areas in order to provide consistent application across the Secondary Plan Area.

4) Time Limited with a “Sunset Clause”

As noted previously, when an applicant pays cash-in-lieu of parking, they are deemed to have met the provisions of the Zoning By-law. Therefore, provided all other requirements have been met (e.g. Site Plan Approval), once payment is made the applicant can proceed with a Building Permit application.

The agreement to accept cash-in-lieu of parking is outlined in a Cash-In-Lieu of Parking Agreement. Once the applicant enters into a CILP Agreement, the City Clerk issues them a CILP Certificate.

Staff are recommending that the reduced rate only be available for a period of two years, ending on May 1, 2023. Therefore, the cash-in-lieu rate for any CILP Agreement entered into after May 1, 2023 would return to 50% of the parking cost.

Staff are further recommending that there be a “sunset clause” for any CILP Agreement in the DTSP Area. Under the current CILP Policy there is no “sunset clause”, so once the City has accepted that cash will be provided in lieu of the parking requirement through a CILP Agreement, there is no “expiry date” on that permission. Staff are proposing that, for the purpose of the reduced rate, that it only be applicable for a period of two years after the execution of the CILP Agreement. After that time, the applicant would be required to pay the full cash-in-lieu amount.

SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 13 of 14

In summary, staff are proposing that the reduced rate only be available until May 1, 2023, and that it expire if it is not utilized within two years of the date of agreement.

Staff will track the usage of the CILP Policy, and report back to Planning Committee after 18 months with an Information Report on the number of projects that utilized the CILP option, the revenues generated, and the parking spaces that were foregone. Council may at that time wish to consider extending any of these timelines if Council wishes to continue with the reduced rate.

5) Housekeeping Changes and Delegated Authorities

In addition to the changes above, staff are recommending a number of changes to the CILP Policy to modernize the language and ensure it is consistent with the City's current policies and organization structure. The effect of these changes is to clarify that the application of the policy is delegated to the General Manager of Planning and Economic Development, with all Agreements to be in a form that is satisfactory to the City Solicitor.

As required by the Planning Act, a report will be prepared and presented to Planning Committee and Council with an associated recommendation.

ALTERNATIVES FOR CONSIDERATION

Option 1 – Status Quo

Council could make no changes to the current CILP Policy. It is anticipated that this option would result in minimal utilization of the policy, consistent with recent years.

Option 2 – Alternative Reduced Rate

Council could adopt the recommended changes to the CILP Policy, but apply an alternative reduced rate for the Downtown Secondary Plan Area (either greater or lesser than the recommended rate).

Option 3 – City-Wide Reduced Rate For All Non-Residential Development

The current CILP Policy already applies and is available City-wide (outside of residential areas) at the rate of 50% of the cost of providing off-site parking. Council could apply the temporary reduced rate city-wide, instead of just in the Downtown Secondary Plan Area. Staff are not recommending this approach as it could result in increased demand for off-site parking in areas of the City that do not already have existing off-site municipal parking lots or private commercial parking lots. When staff report back on the

SUBJECT: Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2) - Page 14 of 14

implementation of the recommended amendments in 18 months, Council may wish to consider modifying the geographic scope at that time.

Option 4 – City-Wide Reduced Rate For Affordable Housing Only

The current CILP Policy does not make any exceptions for affordable housing. As a result, affordable housing projects must pay the same cash-in-lieu rate as market developments. Furthermore, given that the policy does not apply in residential zones, it would be not be available at all to some affordable housing projects.

Council could apply the temporary reduced rate to all affordable housing projects City-wide, based on the same definition that is currently used for the waiving of planning and development fees. That definition requires that the applicant be a Not-for-Profit Corporation or Not-for-Profit Co-operative that is creating new non-profit affordable housing, that the land on which the non-profit housing will be located must be owned or leased for a minimum of twenty years, and that the monthly occupancy costs charged be consistent with the affordable housing definition in the City's Official Plan.

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.

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" – Current City of Hamilton Cash-In-Lieu of Parking Policy

Appendix "B" – Recommended revised City of Hamilton Cash-In-Lieu of Parking Policy

Appendix "C" – Boundaries of the Downtown Secondary Plan Area

Cash-In-Lieu of Parking Policy

City of Hamilton
(Council Approved June 24, 1986)

Purpose

Pursuant to Section 39 of the Planning Act, the purpose of the Policy is to provide relief from the parking provisions of the Zoning By-law, by providing proponents of development the option of making a cash payment to the City. Such funds are to be used for the provision of off-street parking on a city-wide basis. The Policy will apply to all areas in the City, except for residential zones.

Applicability

The Policy could be applied to all developments and/or redevelopments throughout the City except for residential zones. Further, the Policy will be utilized provided that planning and traffic objectives are not jeopardized.

Cash Payment

Payments will be made based on the estimated cost of each required parking not provided in the development and/or redevelopment. Payments made by proponents will not be less than 50% of the total cost of the parking not provided. The cost of each parking space will be calculated based on the following criteria:

- estimated construction cost based on current rates; and,
- estimated land cost determined by current market value of the property.

The following formula will be used to calculate a proponent's share of cash payment in lieu of parking not provided:

- Surface Parking = $(C_1 + (L \times S_1)) \times N \times 50\%$
- Multi-level Parking = $(C_2 + (L \times S_2)) \times N \times 50\%$

where:

C_1 = current estimate of construction cost of a surface parking space;

C_2 = current estimate of construction cost of a parking space in a multi-level parking structure;

- L = current estimate of land cost of a parking space based on the current market value of the lands where development and/or redevelopment is proposed;
- S₁ = size of each surface parking space including space required for aisles and driveways;
- S₂ = size of each parking space in a multi-level parking structure including space required for aisles and driveways;
- N = number of parking spaces for which cash payment is requested by the proponent; and,
- 50% = proponent's share of the total costs.

Payments will be made in a lump sum prior to the issuance of a building permit. Payments may also be made by mutually agreed installments which will include interest. In each case an agreement will be entered into between the City and proponent. In cases when payments are made by installments, the agreement will be registered against the title of the land in the Registry Office, as a lien against the property, until discharged.

All monies will be deposited in the "Reserve Funds for Off-Street Parking" for the purposes of increasing the amount of municipal off-street parking, in the City.

General

- Cash payment in lieu of required parking spaces will not be a right, but will be an exception to the rule which may be granted by the Municipality.
- Cash payment in lieu may be made for all or part of the parking spaces required by the Zoning By-law.
- The Municipality, having accepted the cash payment option, will be under no obligation to provide parking spaces at any particular location at any particular time.
- Proponents electing to use the cash payment option will have no proprietary rights to free or reduced-rate parking, nor any equity whatsoever in any lot which may subsequently be constructed by the Parking Authority.

Administration

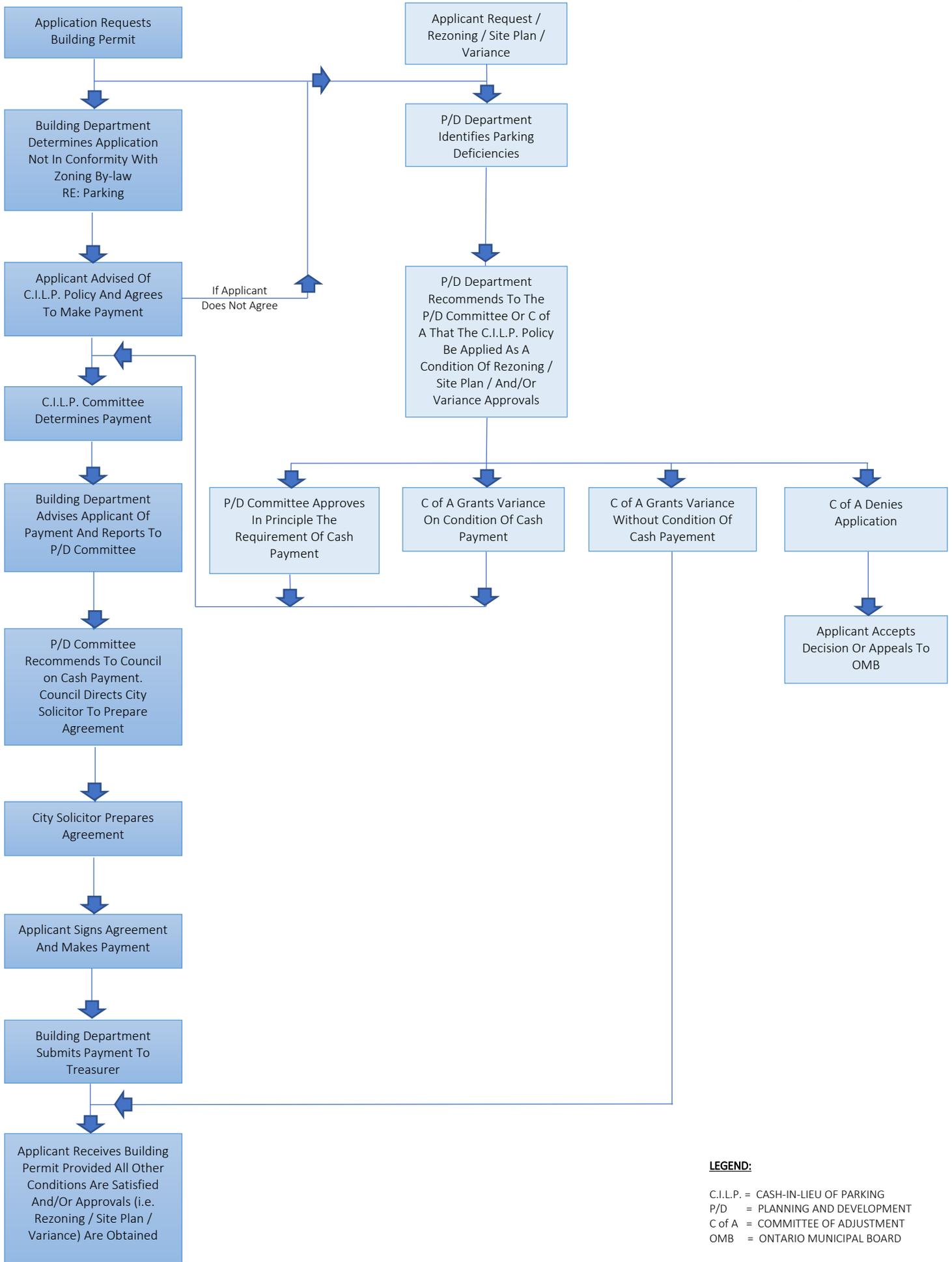
To administer the Policy, a Cash-in-Lieu of Parking Committee will be established. This Committee will consist of a member from:

- The Traffic Department;
- The Hamilton Parking Authority;
- The Real Estate Department;
- The Local Planning Branch of the Hamilton-Wentworth Planning and Development Department; and,
- The Building Commissioner, who will act as Chairman.

The Cash-in-Lieu of Parking Policy will be applied as a condition of rezoning, site plan and/or variance approvals. The rezoning and site plan approvals would be dealt with by the Planning and Development Committee and the minor variance approval would be through the Committee of Adjustment. This policy will also be applied when a proposed development and/or redevelopment does not satisfy the parking provisions of the Zoning By-law. Further, in providing comments on Committee of Adjustment applications for parking variances, staff will recommend to that Committee that the Cash-in-Lieu of Parking Policy be utilized.

In each case, the Cash-in-Lieu of Parking Committee will determine the cost of each parking space and require a cash payment to be paid by the proponent. The City Solicitor will prepare the necessary Agreement specifying the amount and conditions of payment. An Agreement will be entered into prior to the issuance of a building permit. All monies received will be deposited in the "Reserve for Off-Street Parking Account."

By adopting the Policy, Council will direct the Cash-in-Lieu of Parking Committee to determine cash payment requirements and report back through the Planning and Development Committee to Council with specific recommendations. Once Council approves the cash payments, the City Solicitor will be authorized to prepare the necessary Agreement which will specify the amount and conditions of payment.



LEGEND:

- C.I.L.P. = CASH-IN-LIEU OF PARKING
- P/D = PLANNING AND DEVELOPMENT
- C of A = COMMITTEE OF ADJUSTMENT
- OMB = ONTARIO MUNICIPAL BOARD

Appendix "B" to Report PED21028
Page 1 of 4

Cash-In-Lieu of Parking Policy

City of Hamilton

(Revised March, 2021)

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Purpose

Pursuant to Section 39 of the Planning Act, the purpose of the Policy is to provide relief from the parking provisions of the Zoning By-law, by providing proponents of development the option of making a cash payment to the City. Such funds are to be used for the provision of off-street parking on a city-wide basis. The Policy will apply to all areas in the City, except for residential zones.

Applicability

The Policy could be applied to all developments and/or redevelopments throughout the City except for residential zones. Further, the Policy will be utilized provided that planning, transportation planning, parking management and traffic objectives are not jeopardized.

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Cash Payment

Payments will be made based on the estimated cost of each required parking not provided in the development and/or redevelopment. Payments made by proponents will not be less than 50% of the total cost of the parking not provided. For lands within the Downtown Secondary Plan Area, the payment made by proponents will be not less than 25% of the total cost of the parking not provided where a building permit application has been made and deemed complete prior to ~~September 1, 2022~~ May 1, 2023. The cost of each parking space will be calculated based on the following criteria:

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- estimated construction cost based on current rates; and,
- estimated land cost determined by current market value of the property.

The following formular will be used to calculate a proponent's share of cash payment in lieu of parking not provided (utilize 25% rather than 50% where applicable for the Downtown Secondary Plan Area):

- Surface Parking = $(C_1 + (L \times S_1)) \times N \times 50\%$
- Multi-level Parking = $(C_2 + (L \times S_2)) \times N \times 50\%$

Appendix "B" to Report PED21028
Page 2 of 4

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where:

- C_1 = current estimate of construction cost of a surface parking space;
- C_2 = current estimate of construction cost of a parking space in a multi-level parking structure;
- L = current estimate of land cost of a parking space based on the current market value of the lands where development and/or redevelopment is proposed;
- S_1 = size of each surface parking space including space required for aisles and driveways;
- S_2 = size of each parking space in a multi-level parking structure including space required for aisles and driveways;
- N = number of parking spaces for which cash payment is requested by the proponent; and,
- 50% = proponent's share of the total costs.

Notwithstanding the above, Council at its sole discretion may authorize a standardized, flat fee rate for specific geographic areas, generally based on the above methodology, in order to provide for ease of use.

Payments will be made in a lump sum prior to the issuance of a building permit. Payments may also be made by mutually agreed installments which will include interest. In each case an agreement will be entered into between the City and proponent. In cases when payments are made by installments, the agreement will be registered against the title of the land in the Registry Office, as a lien against the property, until discharged.

All monies will be deposited in the "Reserve Funds for Off-Street Parking" for the purposes of increasing the amount of municipal off-street parking, in the City.

General

- Cash payment in lieu of required parking spaces will not be a right, but will be an exception to the rule which may be granted by the Municipality.
- Cash payment in lieu may be made for all or part of the parking spaces required by the Zoning By-law.

Appendix "B" to Report PED21028
Page 3 of 4

- The Municipality, having accepted the cash payment option, will be under no obligation to provide parking spaces at any particular location at any particular time.
- Proponents electing to use the cash payment option will have no proprietary rights to free or reduced-rate parking, nor any equity whatsoever in any lot which may subsequently be constructed by the [City of Hamilton Parking Authority](#).

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Administration

To administer the Policy, a Cash-in-Lieu of Parking Committee will be established. This Committee will consist of a member from:

- ~~The Transportation Planning and Parking Division, Planning and Economic Development Department~~~~Traffic Department;~~
- ~~The Hamilton Parking Authority;~~
- The Real Estate [Section, Economic Development Division, Planning and Economic Development](#) Department;
- ~~The Local Planning Branch of the Hamilton-Wentworth Planning and Development Department;~~ and,
- The [Chief Planner, Planning Division, Planning and Economic Development Department](#)~~Building Commissioner~~, who will act as Chairman.

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The Cash-in-Lieu of Parking Policy will be applied as a condition of rezoning, site plan and/or variance approvals. The rezoning ~~and site plan~~ approvals would be dealt with by the Planning ~~and Development~~ Committee, [site plan approvals by the Manager of Development Planning, Planning Division](#), and the minor variance approval would be through the Committee of Adjustment. This policy will also be applied when a proposed development and/or redevelopment does not satisfy the parking provisions of ~~the~~ Zoning By-law [No. 05-200](#). Further, in providing comments on Committee of Adjustment applications for parking variances, staff will recommend to that Committee that the Cash-in-Lieu of Parking Policy be utilized.

In each case, the Cash-in-Lieu of Parking Committee will determine the cost of each parking space and require a cash payment to be paid by the proponent. The City Solicitor will prepare the necessary Agreement specifying the amount and conditions of

Appendix "B" to Report PED21028
Page 4 of 4

payment. An Agreement will be entered into prior to the issuance of a building permit. All monies received will be deposited in the "Reserve for Off-Street Parking Account."

By adopting the Policy, Council will direct the Cash-in-Lieu of Parking Committee to determine cash payment requirements and report back through the Planning and Development Committee to Council with specific recommendations. Once Council approves the cash payments, the City Solicitor will be authorized to prepare the necessary Agreement which will specify the amount and conditions of payment.

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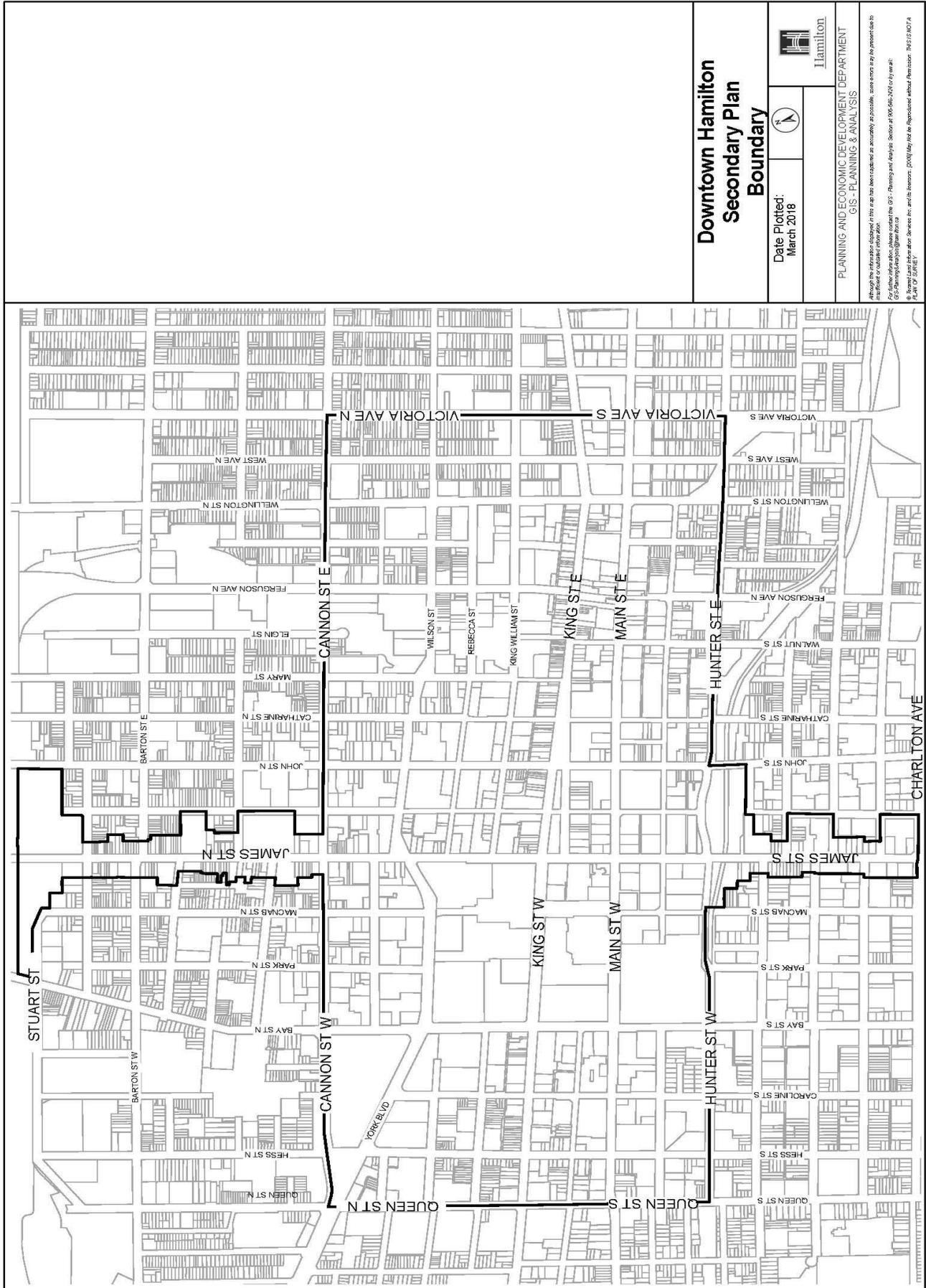
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**Downtown Hamilton
Secondary Plan
Boundary**

Date Plotted:
March 2018



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
GIS - PLANNING & ANALYSIS

Although the information contained in this report has been prepared in accordance with the standards of the profession, the City of Hamilton does not warrant the accuracy, completeness, or timeliness of the information. The City of Hamilton is not responsible for any errors or omissions in this report. The City of Hamilton is not responsible for any damages, including consequential damages, arising from the use of this report. The City of Hamilton is not responsible for any damages, including consequential damages, arising from the use of this report. The City of Hamilton is not responsible for any damages, including consequential damages, arising from the use of this report.

CITY OF HAMILTON

MOTION

Planning Committee: April 6, 2021

MOVED BY COUNCILLOR L. FERGUSON

SECONDED BY COUNCILLOR

Ancaster Tennis Club – 291 Lodor Street – Waiving of Site Plan Application Fee

WHEREAS, the lands located at 291 Lodor Street have received Conditional Site Plan Approval (SPA-19-114) for the construction of an air supported dome to cover the existing tennis court and storage building;

WHEREAS, Condition 1c of the Standard Site Plan conditions states that in the event a building permit for the proposed development has not been issued within one year from the date of Site Plan approval, the approval shall lapse; and,

WHEREAS, Site Plan approval for SPA-19-114 lapsed on September 26, 2020 and a new Site Plan application and fee is required for a building permit to be issued;

THEREFORE BE IT RESOLVED:

That staff be directed to waive the City of Hamilton fee for the required Site Plan Application for 291 Lodor Street (SPA-19-114).

CITY OF HAMILTON

MOTION

Planning Committee: April 6, 2021

MOVED BY COUNCILLOR L. FERGUSON

SECONDED BY COUNCILLOR

2004 Glancaster Road, Braun Nursery – Waiving of Moratorium for a Minor Variance Application

WHEREAS, Bill 73, *Smart Growth for our Communities Act*, 2015 placed a moratorium for Minor Variance applications within 2 years of passing a site specific zoning by-law amendment;

WHEREAS, the application as presented in Report PED20130 for lands including 2004 Glancaster Road was approved by Council on September 30, 2020 and is currently within the 2 year moratorium which will end September 30, 2022;

WHEREAS, Council may waive this moratorium on a site specific basis, to allow the applicant to make an application to the Committee of Adjustment;

WHEREAS, the application as presented in Report PED20130 was approved for a maximum height of 10.5 metres and any proposed height increases cannot proceed without an amendment to the Zoning By-law; and,

WHEREAS, Fothergill Planning and Development Inc. on behalf of Braun Nursery Limited submitted Site Plan Amendment application SPAR-20-119, where a variance for the maximum height was identified to implement the final building proposal;

THEREFORE BE IT RESOLVED:

That Council provide authorization to Braun Nursery Limited and Fothergill Planning and Development Inc. to apply for a Minor Variance for lands located at 2004 Glancaster Road in order to permit a building height of 11.5 metres and to vary a site specific by-law approved within the last 2 years.