



# City of Hamilton

## PLANNING COMMITTEE REVISED AGENDA

**Meeting #:** 23-002  
**Date:** January 31, 2023  
**Time:** 9:30 a.m.  
**Location:** Council Chambers (Planning)  
Hamilton City Hall  
71 Main Street West

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

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	<b>Pages</b>
<b>1. CEREMONIAL ACTIVITIES</b>	
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*14.1	Outstanding Business List	
	*a. Items Requiring New Due Dates:	
	20L - Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858	
	Current Due Date: September 20, 2022	
	Proposed New Due Date: March 21, 2023	
<b>15.</b>	<b>PRIVATE AND CONFIDENTIAL</b>	

- 15.1 Closed Minutes - November 29, 2022  
Pursuant to to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 15.2 Closed Minutes - January 17, 2023  
Pursuant to to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 15.3 Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan – Judicial Review Application of Minister's Decisions (LS22035(a)) (City Wide)  
Pursuant to to Section 9.3, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

## 16. ADJOURNMENT



## **PLANNING COMMITTEE MINUTES**

### **23-001**

**January 17, 2023**

**9:30 a.m.**

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

**Present:** Councillor M. Wilson. (Chair)  
Councillor J.P. Danko (1<sup>st</sup> Vice Chair)  
Councillor T. Hwang (2<sup>nd</sup> Vice Chair)  
Councillors J. Beattie, C. Cassar, E. Pauls, M. Francis,  
C. Kroetsch, N. Nann, M. Spadafora, M. Tadeson, A. Wilson

**Also in Attendance:** Councillors T. Jackson, B. Clark

**Absent with Regrets:** Councillor T. McMeekin - Personal

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

**1. To Extend and Open a Portion of Lands as Public Highway being Nashville Circle by By-Law (PED23025) (Ward 5) (Item 9.1)**

**(Francis/Spadafora)**

- (a) That the lands identified as Block 111 on Registered Plan 62M-965 be established as a public highway to form part of Nashville Circle;
- (b) That the By-Law to incorporate the lands to form part of Nashville Circle be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the City Solicitor, or designate, be authorized and directed to register the By- law.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
YES – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**2. Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3250 and 3260 Homestead Drive (PED23002) (Ward 11) (Item 10.1)**

**(Hwang/Tadeson)**

- (a) That Official Plan Amendment Application UHOPA-22-010, by UrbanSolutions Planning and Land Development Consultants (c/o Matt Johnston), on behalf of 1333664 Ontario Inc. (c/o Mike Valvasori, Owner) to redesignate lands municipally known as 3250 Homestead Drive from “District Commercial” to “Mixed Use – Medium Density” on Schedule E-1 in the Urban Hamilton Official Plan and from “District Commercial” to “Mixed Use – Medium Density” in the Mount Hope Secondary Plan, to permit a three storey, 40 unit multiple dwelling on the subject lands and abutting lands, known as 3260 Homestead Drive, as shown on Appendix “A” attached to Report PED23002, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23002, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAC-22-020, by UrbanSolutions Planning and Land Development Consultants (c/o Matt Johnston), on behalf of 1333664 Ontario Inc. (c/o Mike Valvasori, Owner) for a change in zoning from the District Commercial (C6, 344) Zone to the Mixed Use Medium Density (C5, 823) Zone and from the Mixed Use Medium Density (C5, 652, H102) Zone to the Mixed Use Medium Density (C5, 823) Zone, to permit a three storey, 40 unit multiple dwelling for lands located at 3250 and 3260 Homestead Drive, as shown on Appendix “A” attached to Report PED23002, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED23002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**3. Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) (Item 10.2)**

**(Francis/Beattie)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, to redesignate lands in the Nash Neighbourhood Secondary Plan from “Neighbourhood Park” to “Natural Open Space”; to redesignate lands from “Low Density Residential 2” to “Neighbourhood Park”, “Natural Open Space” and “Utility”; to redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2” and “Utility”; to redesignate lands from “Neighbourhood Park” to “Low Density Residential 2” and “Low Density Residential 2h”; to redesignate lands from “Utility” to “Low Density Residential 2”, “Low Density Residential 2h” and “Natural Open Space”; to remove the “Proposed Roads” identification on lands and adding these lands to the “Neighbourhood Park”, “Low Density Residential 2” and “Low Density Residential 2h” designations; to realign “Proposed Road”; to remove the “Hedge Row” identification on lands; and to identify the subject

lands as a Site Specific Policy Area to permit a decrease in density in order to permit the development of the subject lands for 25 single detached dwellings (Lots 1 to 25), a Neighbourhood Park (Block 26), 51 townhouse dwellings (Blocks 27 and 28), 29 street townhouse dwellings (Blocks 29 to 34), Utilities (Block 35 to 37), Natural Open Space (Blocks 38 and 39) and the extension of a public road (Street "A"), on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan;
- (b) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change is zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4" Zone (Block 1), Single Residential "R4-39" Zone, Modified (Block 2); Multiple Residential "RM2-47" Zone, Modified (Block 3); and Multiple Residential "RM3-72(H)" Zone, Modified, Holding (Block 4); to permit the development of 25 single detached dwellings, 29 street townhouse dwellings, 51 townhouse dwellings and the extension of a public road (Street "A"), on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "C" to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning for the following:

***Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R4(H1)", "R4-39(H1)", "RM2-47(H1)" and "RM3-72"(H1, H2)" by this By-law, the Holding symbol (H) may be removed and thereby give effect to the R4(H1)", "R4-***

**39(H1)", "RM2-47(H1)" and "RM3-72(H1, H2)" Zone provisions in Section 2 above, upon completion of the following:**

**(H1) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.**

**(H2) That the owner demonstrates the following:**

- (aa) That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street 'A' in line with a low point on Street 'A' without having any impact on Block 27 and 28;
- (bb) That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB's) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB's shall be designed considering 50% blockage conditions;
- (cc) That the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37;
- (dd) Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA);

all to the satisfaction of the satisfaction of Director of Growth Management, Growth Management Division.

- (iii) That the proposed change in zoning are consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan and Niagara Escarpment Plan;



- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish a future linkage block and protect lands located along the escarpment brow and to establish lands for a connection to the neighbourhood park to the south, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “D” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) ***That the amending By-law apply the Holding Provision of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:***
    - “140. Notwithstanding Sections 7.1 and 7.5 of this By-law, on those lands zoned Neighbourhood Park (P1, H140) Zone and Conservation/Hazard Land (P5, H140), identified on Map Nos. 1353 and 1354 of Schedule “A” – Zoning Maps and described as 15 Ridgeview Drive, no development shall be permitted until such time as:***
      - (a) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.***
  - (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 Niagara Escarpment Plan;
  - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That Draft Plan of Subdivision Application 25T-201701, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o

Fabio and Pia Neri), Owners, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED, subject to the following:

- (i) That this approval apply to the Draft Plan of Subdivision “City View Estates” 25T-2017001, certified by Nicholas P. Muth, O.L.S., dated August 18, 2022, consisting of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street “A”) attached as Appendix “F” to Report PED23003, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix “G” to Report PED23003;
- (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

**Result: Main Motion, As Amended, CARRIED by a vote of 8 to 4, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 NO – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 NO – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 NO – Ward 12 Councillor C. Cassar  
 NO – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora

NOT PRESENT – Ward 15 Councillor T. McMeekin

**4. Licensing Short-Term Rental (STR) Accommodations (PED17203(c)) (City Wide (Outstanding Business List Item) (Item 11.1))**

**(Danko/Nann)**

- (a) That Report PED17203(c), Licensing Short-Term Rental (STR) Accommodations, to license and regulate Short-Term Rentals in Hamilton, be approved;
- (b) That the By-law to amend the Licensing By-law 07-170 with respect to Short-Term Rental (STR) Accommodations outlined in Revised Appendix “D”, with the annual 120 day rental cap removed, to Report PED17203(c), which has been prepared in a form satisfactory to the City Solicitor, be approved subject to approval of items (i), (ii), (iii), (iv) and (v) below:
  - (i) That the City of Hamilton User Fees and Charges By-law 19-160 be amended to reflect the new Short-Term Rental Licensing Fee Schedule attached as Appendix “B” to Report PED17203(c);
  - (ii) That the request for 2.25 Full Time Equivalent (FTEs), with no net levy impact in the Licensing & By-law Services Division to support Licensing Short-Term Rentals Accommodations, be approved;
  - (iii) That an additional vehicle, including vehicle maintenance costs, at an estimated cost of \$42,000 be approved for Licensing and By-law Services for enforcing the Short-Term Rental Licensing program;
  - (iv) That subject to approval of (ii) and (iii) implementation costs be funded through an internal loan plus interest over a two-year term from the Investment Stabilization Reserve (112300) to be repaid once revenues are collected.
  - (v) That the Director of Licensing and By-law Services be authorized to sign any agreements between the City of Hamilton and Short-Term Rental Broker as required pursuant to the Licensing By-law 07-170 in a form satisfactory to the City Solicitor;
- (c) That Council endorse the implementation plan as detailed in Report PED17203(c) to develop, administer and enforce the licensing of Short-Term Rentals units;
- (d) That, subject to the approval of Recommendation (b), Licensing and By-law Services be directed to work with Legal Services to obtain approval for set fines with the Ministry of the Attorney General, and create

administrative penalties to amend By-law 17-225 (Administrative Penalties By-law); and,

- (e) That Item 22P respecting Licensing Short-Term Rental (STR) Accommodations be identified as complete and removed from the Planning Committee's Outstanding Business List.

**Result: Motion CARRIED by a vote of 10 to 2, as follows:**

NO – Ward 1 Councillor M. Wilson  
 NO – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**5. Demolition Permit for 820 Rymal Road East, Hamilton (Added Item 12.1)**

**(Danko/Spadafora)**

WHEREAS, the owner of the above-mentioned property would like to demolish the existing dwelling without having to obtain a Building Permit for the proposed 14 unit townhome plan prior to receiving a demolition permit at 820 Rymal Road East, Hamilton; and,

WHEREAS, there have been ongoing issues for approximately six years with the vacant single-family home being repeatedly trespassed and vandalized, creating ongoing safety and security concerns for the surrounding neighbours and owner;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 820 Rymal Road East, Hamilton, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with the conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 NOT PRESENT – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**6. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment ZAC-22-025 for Lands located at 1019 Wilson Street West (LS21023(a)) (Ward 12) (Added Item 15.1)**

**(Cassar/Danko)**

- (a) That the directions to staff in closed session respecting Confidential Report LS21023(a) be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal.
- (b) That the balance of this Confidential Report LS21023(a) remain confidential.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**7. Appeal to the Ontario Land Tribunal for Official Plan Amendment and Zoning By-law Amendment Applications for Lands Located at 405 James Street North (LS23012) (Ward 2) (Added Item 15.2)**

**(Kroetsch/Cassar)**

- (a) That the directions to staff in closed session respecting Confidential Report LS23012 be released to the public, following approval by Council; and
- (b) That the balance of Confidential Report LS23012 remain confidential.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
NOT PRESENT – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
NOT PRESENT – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 14 Councillor M. Spadafora  
NOT PRESENT – Ward 15 Councillor T. McMeekin

**FOR INFORMATION:**

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

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

**6. DELEGATION REQUESTS**

6.1 Delegation Requests respecting Short Term Rental Licensing (Item 11.1) (For today's meeting)

- (iv) ~~Lilli Jones (in-person)~~ WITHDRAWN
- (v) Kwasi Obeng (pre-recorded)
- (vi) Cliff Lloyd (in-person)
- (vii) Norah McIntyre (in-person)
- (viii) Hamza Patel (in-person)
- (ix) Ben Oburota (virtual)
- (x) Adam Wayland, Ontario Short-term Rental Hosts Association ~~(in-person)~~ (VIRTUAL)
- (xi) Bryan and Natascha DiFrancesco (pre-recorded)
- (xii) John Thistlethwaite (in-person)
- (xiii) Bob Tyrrell (in-person)
- (xiv) Scott Ramsay (virtual)
- (xv) Melina Trindale (in-person)
- (xvi) Sally Lloyd (in-person)
- (xvii) James Buren (in-person)
- (xviii) Emily Power ~~(in-person)~~ (VIRTUAL)
- (xix) Kevin Marczi (in-person)
- (xx) Andrew Robertson (in-person)
- (xxi) Shannon Roberts (pre-recorded)
- (xxii) Sameera Prematilake (virtual)

**10. PUBLIC HEARINGS**

10.2 Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9)

- (a) Written Submissions
  - (i) Raivo Uukkivi

## **11. DISCUSSION ITEMS**

### **11.1 Licensing Short-Term Rental (STR) Accommodations (PED17203(c)) (City Wide)**

#### **(a) Written Submissions**

- (iii) Lou Piriano, Realtors Association of Hamilton-Burlington
- (iv) Steven Devisser
- (v) Mark Krikke
- (vi) Gabrielle Marchese
- (vii) Hamza Patel
- (viii) Omo Aisosa-igiebor
- (ix) Bryan Adlam
- (x) Shalaine Ritchie
- (xi) Kirby Wilkins
- (xii) Alex Poliakov
- (xiii) Matthew Ferro
- (xiv) Adam Oldfield
- (xv) Paul Bellavia
- (xvi) Holly Jespersen
- (xvii) Gillian Fletcher
- (xviii) Bryan DiFrancesco
- (xix) Monica Fox
- (xx) Scott Ramsay
- (xxi) Connie Kidd
- (xxii) Toni Daramola
- (xxiii) Lynn Mackey
- (xxiv) Cale McKenna
- (xxv) Mark Wessman
- (xxvi) Sameera Prematilake
- (xxvii) Helene Ladouceur

## **13. NOTICES OF MOTION**

- 13.1 Demolition Permit for 820 Rymal Road East, Hamilton

## **15. PRIVATE AND CONFIDENTIAL**

- 15.1 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment ZAC-22-025 for Lands Located at 1019 Wilson Street West (LS21023(a)) (Ward 12)

- 15.2 Appeal to the Ontario Land Tribunal for Official Plan Amendment



and Zoning By-law Amendment Applications for Lands Located at  
405 James Street North (LS23012) (Ward 2)

**(Danko/Hwang)**

That the agenda for the January 17, 2023 Planning Committee meeting be approved, as amended.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

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

The were no declarations of interest.

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

**(i) November 29, 2022 (Item 4.1)**

**(Francis/Cassar)**

That the Minutes of the November 29, 2022 meeting be approved, as presented.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**(d) DELEGATION REQUESTS (Item 6)**

**(i) Various Delegation Requests (Items 6.1 and 6.2)**

**(Danko/Hwang)**

That the following Delegation Requests, be approved:

- (i) Delegation Requests respecting Short Term Rental Licensing (Item 11.1) (For today's meeting) (Item 6.1)
- (i) Laura Qusen (in-person)
  - (ii) Cayley Stephenson (in-person)
  - (iii) Mark Krikke (in-person)
  - (iv) ~~Lilli Jones (in-person)~~ WITHDRAWN
  - (v) Kwasi Obeng (pre-recorded)
  - (vi) Cliff Lloyd (in-person)
  - (vii) Norah McIntyre (in-person)
  - (viii) Hamza Patel (in-person)
  - (ix) Ben Oburota (virtual)
  - (x) Adam Wayland, Ontario Short-term Rental Hosts Association ~~(in-person)~~ (VIRTUAL)
  - (xi) Bryan and Natascha DiFrancesco (pre-recorded)
  - (xii) John Thistlethwaite (in-person)
  - (xiii) Bob Tyrrell (in-person)
  - (xiv) Scott Ramsay (virtual)
  - (xv) Melina Trindale (in-person)
  - (xvi) Sally Lloyd (in-person)
  - (xvii) James Buren (in-person)
  - (xviii) Emily Power ~~(in-person)~~ (VIRTUAL)
  - (xix) Kevin Marczi (in-person)
  - (xx) Andrew Robertson (in-person)
  - (xxi) Shannon Roberts (pre-recorded)
  - (xxii) Sameera Prematilake (virtual)
- (ii) Frank Lenarduzzi respecting Expansion of Permitted Uses for P4 Zoning (For the January 31st meeting) (Item 6.2)

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**(e) DELEGATIONS (Item 8)**

**(i) Delegations respecting Short Term Rental Licensing (Item 11.1)  
(Added Item 8.1)**

Chair M. Wilson advised that the in-person and virtual delegations would all be heard before the pre-recorded submissions.

The following Delegations were not in attendance when called upon:

- (ii) Cayley Stephenson
- (v) Kwasi Obeng
- (viii) Hamza Patel
- (ix) Ben Oburota (virtual)
- (xii) John Thistlethwaite (in-person)
- (xiv) Scott Ramsay (virtual)
- (xix) Kevin Marczi (in-person)

The following Delegations addressed the Committee respecting Short Term Rental Licensing (Item 11.1):

- (i) Laura Qusen (in-person)
- (iii) Mark Krikke (in-person)
- (vi) Cliff Lloyd (in-person)
- (vii) Norah McIntyre (in-person)
- (x) Adam Wayland, Ontario Short-term Rental Hosts Association (virtual)
- (xiii) Bob Tyrrell (in-person)
- (xv) Melina Trindale (virtual)
- (xvi) Sally Lloyd (in-person)
- (xvii) James Buren (in-person)
- (xviii) Emily Power (virtual)

- (xx) Andrew Robertson (in-person)
- (xxii) Sameera Prematilake (virtual)
- (xxi) Shannon Roberts (pre-recorded)
- (xi) Bryan and Natascha DiFrancesco (pre-recorded)

**(Beattie/Francis)**

That the time limit for the Delegation from Bryan and Natascha DiFrancesco be extended to sixteen minutes to allow for the playing of their pre-recorded submission.

**Result: Motion CARRIED by a vote of 7 to 4, as follows:**

- YES – Ward 1 Councillor M. Wilson
- YES – Ward 2 Councillor C. Kroetsch
- YES – Ward 3 Councillor N. Nann
- YES – Ward 4 Councillor T. Hwang
- YES – Ward 5 Councillor M. Francis
- YES – Ward 7 Councillor E. Pauls
- NO – Ward 8 Councillor J.P. Danko
- YES – Ward 10 Councillor J. Beattie
- YES – Ward 11 Councillor M. Tadeson
- NO – Ward 12 Councillor C. Cassar
- NO – Ward 13 Councillor A. Wilson
- NO – Ward 14 Councillor M. Spadafora
- NOT PRESENT – Ward 15 Councillor T. McMeekin

**(A. Wilson/Hwang)**

That the following Delegations respecting Short Term Rental Licensing (Item 11.1), be received:

- (i) Laura Qusen (in-person)
- (iii) Mark Krikke (in-person)
- (vi) Cliff Lloyd (in-person)
- (vii) Norah McIntyre (in-person)
- (x) Adam Wayland, Ontario Short-term Rental Hosts Association (virtual)
- (xiii) Bob Tyrrell (in-person)
- (xv) Melina Trindale (virtual)
- (xvi) Sally Lloyd (in-person)
- (xvii) James Buren (in-person)
- (xviii) Emily Power (virtual)
- (xx) Andrew Robertson (in-person)
- (xxii) Sameera Prematilake (virtual)
- (xxi) Shannon Roberts (pre-recorded)
- (xi) Bryan and Natascha DiFrancesco (pre-recorded)

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**(Hwang/Tadeson)**

That the Committee recess until 12:32 p.m.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**(f) PUBLIC HEARINGS (Item 10)**

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

In accordance with the provisions of the *Planning Act*, Chair M. Wilson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Development applications before the Committee

today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(i) Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3250 and 3260 Homestead Drive (PED23002) (Ward 11) (Item 10.1)**

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

**(Tadeson/Spadafora)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

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

**(Tadeson/Francis)**

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

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

Chair M. Wilson called three times for public delegations and none came forward.

**(Tadeson/Spadafora)**

- (a) That the written submissions in the Staff report, regarding this matter were received and considered by the Committee; and,
- (b) That the public meeting be closed.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 2.

- (ii) **Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) (Item 10.2)**

Michael Fiorino, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

**(Francis/Beattie)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

Franz Kloibhofer with AJ Clarke & Associates, was in attendance and indicated support for the staff report.

**(Tadeson/Nann)**

That the delegation from Franz Kloibhofer with AJ Clarke & Associates, be received.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

Chair M. Wilson called three times for public delegations and none came forward.



**(Francis/Hwang)**

- (a) That the following written submission regarding this matter was received and considered by the Committee;
  - (i) Raivo Uukkivi, in opposition to the proposal
- (b) That the public meeting be closed.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**(Spadafora/Hwang)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, to redesignate lands in the Nash Neighbourhood Secondary Plan from “Neighbourhood Park” to “Natural Open Space”; to redesignate lands from “Low Density Residential 2” to “Neighbourhood Park”, “Natural Open Space” and “Utility”; to redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2” and “Utility”; to redesignate lands from “Neighbourhood Park” to “Low Density Residential 2” and “Low Density Residential 2h”; to redesignate lands from “Utility” to “Low Density Residential 2”, “Low Density Residential 2h” and “Natural Open Space”; to remove the “Proposed Roads” identification on lands and adding these lands to the “Neighbourhood Park”, “Low Density Residential 2” and “Low Density Residential 2h” designations; to realign “Proposed Road”; to remove the “Hedge Row” identification on lands; and to identify the subject lands as a Site Specific Policy Area to permit a decrease in density in order to permit the development of the subject lands for 25 single detached dwellings (Lots 1 to 25), a Neighbourhood Park (Block 26), 51 townhouse dwellings (Blocks

27 and 28), 29 street townhouse dwellings (Blocks 29 to 34), Utilities (Block 35 to 37), Natural Open Space (Blocks 38 and 39) and the extension of a public road (Street "A"), on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan;
- (b) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change is zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4" Zone (Block 1), Single Residential "R4-39" Zone, Modified (Block 2); Multiple Residential "RM2-47" Zone, Modified (Block 3); and Multiple Residential "RM3-72(H)" Zone, Modified, Holding (Block 4); to permit the development of 25 single detached dwellings, 29 street townhouse dwellings, 51 townhouse dwellings and the extension of a public road (Street "A"), on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "C" to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning for the following:

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "RM3-72"(H)" by this By-law, the Holding symbol (H) may be removed and thereby give effect to the "RM3-72(H)" Zone provisions in Section 2 above, upon completion of the following:

- (1) That the owner demonstrates the following:

- (aa) That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street 'A' in line with a low point on Street 'A' without having any impact on Block 27 and 28;
- (bb) That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB's) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB's shall be designed considering 50% blockage conditions;
- (cc) That the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37;
- (dd) Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA);

all to the satisfaction of the satisfaction of Director of Growth Management, Growth Management Division.

- (iii) That the proposed change in zoning are consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan and Niagara Escarpment Plan;
  - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change in zoning from the Neighbourhood Development "ND" Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish a future linkage block and protect lands located along the escarpment

brow and to establish lands for a connection to the neighbourhood park to the south, on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "D" to Report PED23003, 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 Niagara Escarpment Plan;
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That Draft Plan of Subdivision Application 25T-201701, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision "City View Estates" 25T-2017001, certified by Nicholas P. Muth, O.L.S., dated August 18, 2022, consisting of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street "A") attached as Appendix "F" to Report PED23003, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix "G" to Report PED23003;
  - (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies

for Development and the City's Parkland Dedication By-law, as approved by Council.

**(Spadafora/Hwang)**

That the recommendations in Report PED23003 respecting the Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeway Drive, Stoney Creek, be **amended**, as follows:

- (a) To add new sub-sections (b) (ii) (H1) and (H2) as follows:
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning for the following:

~~Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "RM3-72"(H)" by this By-law, the Holding symbol (H) may be removed and thereby give effect to the "RM3-72(H)" Zone provisions in Section 2 above, upon completion of the following:~~

***Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R4(H1)", "R4-39(H1)", "RM2-47(H1)" and "RM3-72"(H1, H2)" by this By-law, the Holding symbol (H) may be removed and thereby give effect to the R4(H1)", "R4-39(H1)", "RM2-47(H1)" and "RM3-72(H1, H2)" Zone provisions in Section 2 above, upon completion of the following:***

***(H1) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.***

~~(1) That the owner demonstrates the following:~~

***(H2) That the owner demonstrates the following:***

- (aa) That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street 'A' in line with a low point on

Street 'A' without having any impact on Block 27 and 28;

- (bb) That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB's) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB's shall be designed considering 50% blockage conditions;
  - (cc) That the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37;
  - (dd) Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA);
- (b) To add new sub-sections (c) (ii) and renumber the balance accordingly, as follows:
- (c) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change in zoning from the Neighbourhood Development "ND" Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish a future linkage block and protect lands located along the escarpment brow and to establish lands for a connection to the neighbourhood park to the south, on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:
    - (i) That the draft By-law, attached as Appendix "D" to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) ***That the amending By-law apply the Holding Provision of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning for the following:***

***“140. Notwithstanding Sections 7.1 and 7.5 of this By-law, on those lands zoned Neighbourhood Park (P1, H140) Zone and Conservation/Hazard Land (P5, H140), identified on Map Nos. 1353 and 1354 of Schedule “A” – Zoning Maps and described as 15 Ridgeview Drive, no development shall be permitted until such time as:***

- (a) ***That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.***

~~(ii)~~(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 Niagara Escarpment Plan;

~~(iii)~~(iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;

**Result: Amendment CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson

YES – Ward 14 Councillor M. Spadafora  
NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 3.

**(g) DISCUSSION ITEMS (Item 11)**

**(i) Licensing Short-Term Rental (STR) Accommodations (PED17203(c))  
(City Wide) (Outstanding Business List Item) (Item 11.1)**

Ben Spychaj, Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

**(a) (A. Wilson/Nann)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
YES – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
YES – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 14 Councillor M. Spadafora  
NOT PRESENT – Ward 15 Councillor T. McMeekin

**(b) (Spadafora/Tadeson)**

That the following written submissions (Item 11.1 (a)), be received:

- (i) Lilli Jones
- (ii) Norah McIntyre
- (iii) Lou Piriano, Realtors Association of Hamilton-Burlington
- (iv) Steven Devisser
- (v) Mark Krikke
- (vi) Gabrielle Marchese
- (vii) Hamza Patel
- (viii) Omo Aisosa-igiebor
- (ix) Bryan Adlam



- (x) Shalaine Ritchie
- (xi) Kirby Wilkins
- (xii) Alex Poliakov
- (xiii) Matthew Ferro
- (xiv) Adam Oldfield
- (xv) Paul Bellavia
- (xvi) Holly Jespersen
- (xvii) Gillian Fletcher
- (xviii) Bryan DiFrancesco
- (xix) Monica Fox
- (xx) Scott Ramsay
- (xxi) Connie Kidd
- (xxii) Toni Daramola
- (xxiii) Lynn Mackey
- (xxiv) Cale McKenna
- (xxv) Mark Wessman
- (xxvi) Sameera Prematilake
- (xxvii) Helene Ladouceur

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**(c) (Danko/Nann)**

- (a) That Report PED17203(c), Licensing Short-Term Rental (STR) Accommodations, to license and regulate Short-Term Rentals in Hamilton, be approved;
- (b) That the By-law to amend the Licensing By-law 07-170 with respect to Short-Term Rental (STR) Accommodations outlined in Revised Appendix “D”, with the annual 120 day rental cap removed, to Report PED17203(c), which has been prepared in a form satisfactory to the City Solicitor, be

approved subject to approval of items (i), (ii), (iii), (iv) and (v) below:

- (i) That the City of Hamilton User Fees and Charges By-law 19-160 be amended to reflect the new Short-Term Rental Licensing Fee Schedule attached as Appendix “B” to Report PED17203(c);
  - (ii) That the request for 2.25 Full Time Equivalents (FTEs), with no net levy impact in the Licensing & By-law Services Division to support Licensing Short-Term Rentals Accommodations, be approved;
  - (iii) That an additional vehicle, including vehicle maintenance costs, at an estimated cost of \$42,000 be approved for Licensing and By-law Services for enforcing the Short-Term Rental Licensing program;
  - (iv) That subject to approval of (ii) and (iii) implementation costs be funded through an internal loan plus interest over a two-year term from the Investment Stabilization Reserve (112300) to be repaid once revenues are collected.
  - (v) That the Director of Licensing and By-law Services be authorized to sign any agreements between the City of Hamilton and Short-Term Rental Broker as required pursuant to the Licensing By-law 07-170 in a form satisfactory to the City Solicitor;
- (c) That Council endorse the implementation plan as detailed in Report PED17203(c) to develop, administer and enforce the licensing of Short-Term Rentals units;
  - (d) That, subject to the approval of Recommendation (b), Licensing and By-law Services be directed to work with Legal Services to obtain approval for set fines with the Ministry of the Attorney General, and create administrative penalties to amend By-law 17-225 (Administrative Penalties By-law); and,
  - (e) That Item 22P respecting Licensing Short-Term Rental (STR) Accommodations be identified as complete and removed from the Planning Committee’s Outstanding Business List.

**(d) (Kroetsch/A. Wilson)**

That the above motion be amended to include an annual 180 day rental cap.

**Result: Motion DEFEATED by a vote of 8 to 4, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 NO – Ward 4 Councillor T. Hwang  
 NO – Ward 5 Councillor M. Francis  
 NO – Ward 7 Councillor E. Pauls  
 NO – Ward 8 Councillor J.P. Danko  
 NO – Ward 10 Councillor J. Beattie  
 NO – Ward 11 Councillor M. Tadeson  
 NO – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 NO – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 4.

**(h) NOTICES OF MOTION (Item 13)**

**(i) Demolition Permit for 820 Rymal Road East, Hamilton (Added Item 13.1)**

**(Danko/Spadafora)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Demolition Permit for 820 Rymal Road East, Hamilton.

**Result: Motion CARRIED by a 2/3rds vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 NOT PRESENT – Ward 13 Councillor A. Wilson

YES – Ward 14 Councillor M. Spadafora  
NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 5.

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 14)**

**(i) General Manager's Update (Added Item 14.1)**

Jason Thorne, General Manager of Planning and Economic Development advised the Committee of staff changes and the implementation of Planning process changes.

**(A. Wilson/Spadafora)**

That the General Manager's Update be received.

**Result: Motion CARRIED by a vote of 9 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
NOT PRESENT – Ward 2 Councillor C. Kroetsch  
NOT PRESENT – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
NOT PRESENT – Ward 5 Councillor M. Francis  
YES – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 14 Councillor M. Spadafora  
NOT PRESENT – Ward 15 Councillor T. McMeekin

**(j) PRIVATE AND CONFIDENTIAL (Item 15)**

**(Tadeson/Spadafora)**

That Committee move into Closed Session for Items 15.1 and 15.2 pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**Result: Motion CARRIED by a vote of 9 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 NOT PRESENT – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 NOT PRESENT – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 14 Councillor M. Spadafora  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

- (i) Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment ZAC-22-025 for Lands located at 1019 Wilson Street West (LS21023(a)) (Ward 12) (Added Item 15.1)**

For disposition of this matter, refer to Item 6.

- (ii) Appeal to the Ontario Land Tribunal for Official Plan Amendment and Zoning By-law Amendment Applications for Lands Located at 405 James Street North (LS23012) (Ward 2) (Added Item 15.2)**

For disposition of this matter, refer to Item 7.

- (k) ADJOURNMENT (Item 16)**

**(Hwang/Francis)**

That there being no further business, the Planning Committee be adjourned at 5:05 p.m.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson

**Planning Committee  
Minutes 23-001**

**January 17, 2023  
Page 35 of 35**

YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 14 Councillor M. Spadafora  
NOT PRESENT – Ward 15 Councillor T. McMeekin

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Councillor M. Wilson  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator

**From:** Lakewood Beach Community Council  
**Sent:** Monday, January 30, 2023 10:33 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; DL - Council Only <dlcouncilonly@hamilton.ca>  
**Subject:** OLT Appeal of Committee of Adjustment Denial - 310 Frances Avenue - Procedural Clarification on Delegated Authority  
**Importance:** High

*Morning Lisa, can you please add this to tomorrow's Planning Committee Agenda*

Dear Chair Wilson and Planning Committee Members (c.c. Council)

**We are writing to you to seek clarification during tomorrow's Planning Committee Meeting on what processes are in place in regards to whether or not Council approves settlement agreements prior to being presented to the Ontario Land Tribunal for decision?**

Historical Background

- Committee of Adjustments denied the applicants request for 7 variances. The variance requests were deemed to not be minor in nature as per the 4 tests under the Planning Act. Staff Recommendation to CoA was to deny as well.
- Applicant appealed CoA decision to the Ontario Land Tribunal
- Tribunal set a 5 day hearing in June 2022 during the Case Management Conference to begin today at 1:00 p.m. and granted LBCC (us) Party Status.
- The Tribunal Order stated the City was to "work" with us during the tribunal proceedings.
- The City filed many Witness Statements from City Staff Planner as well as hired an outside expert, all of which opined the variances were not minor (didn't meet the 4 tests under the Planning Act) and that the applicant should submit a full Zoning By-law amendment application as per the Planning Act (inclusive of full public participation and City Council decision)
- LBCC was informed by the applicant's legal counsel this past Thursday, a settlement was negotiated and finalized last Wednesday via a request to the OLT to adjourn today's 5 day hearing and have a 1 day hearing on Friday, Feb 3<sup>rd</sup> in order to present the negotiated settlement.
- At no time was LBCC advised settlement talks were occurring nor did any of the actions indicate talks were occurring. The Community has had zero input on the dispute resolution proceedings.
- On Friday, LBCC asked for details and was advised that we will "likely" receive details tomorrow on what the "City" mutually agreed to and what will be presented on Friday for Tribunal to approve.

Besides being thrown for a loop and deeply dismayed on what has transpired (even though there is a possibility the community would also be agreeable to the terms of the settlement),

we feel the process should be reviewed by Committee and Council and some transparency provided to the public.

Specifically in this case,

1. Who has Delegated Authority to approve a settlement? (*we had always been under the impression City Council has to approve prior to being presented to the Ontario Land Tribunal*)
2. Who **should** have Authority?
3. *Should* LBCC, as a group who was granted Party Status by the Tribunal, been informed that settlement talks were occurring behind the scenes in order to have been given the opportunity to adequately prepare for the proceedings?

In regards to future situations, there are increased appeals by applicants for Non-Decisions. The likelihood of resident groups or individuals being granted Party Status by the Tribunal in those situations is likely to increase and is already occurring (ie. Winona Gardens redevelopment). Based on what has transpired in our case, why would anyone put the time, resources and effort in being involved when the rug is pulled so quickly at the 11<sup>th</sup> hour by the City and with no public or City Council awareness?

Respectfully,

Viv / Anna / Nancy  
Lakewood Beach Community Council

P.S. For those that don't know, this development application for the 'Triple Towers' - the existing zoning approved by Council in 2010 has no height and no density caps. Hence, the community has been very invested in this Site Plan application submitted in December 2018 and the Minor Variance application submitted in late 2021.



# Retirement Living Proposal

Better Retirement Living for Seniors - Subcommittee  
Pensioners Chapter — Society of United Professionals

Famee Furlane Property Planning Subcommittee

Frank Lenarduzzi, Chair

# Rational & Drivers

## Record Population Growth

In 2021/2022, Canada's population grew by a record 703,404 people (+1.8%) The vast majority of this growth (93.5%) is due to international migration.

## Aging Population

On July 1, 2022, almost one in five Canadians (18.8% of the population; 7,329,910 people) were at least 65 years of age.

All levels of Government have identified housing issues as a priority, along with better healthcare and a cleaner greener future.

At a Community level we need more recreational facilities to deal with this growth.

**Our Club is under-utilized and we would like to help by offering more community services.**

# Open Space FAMME FURLANE

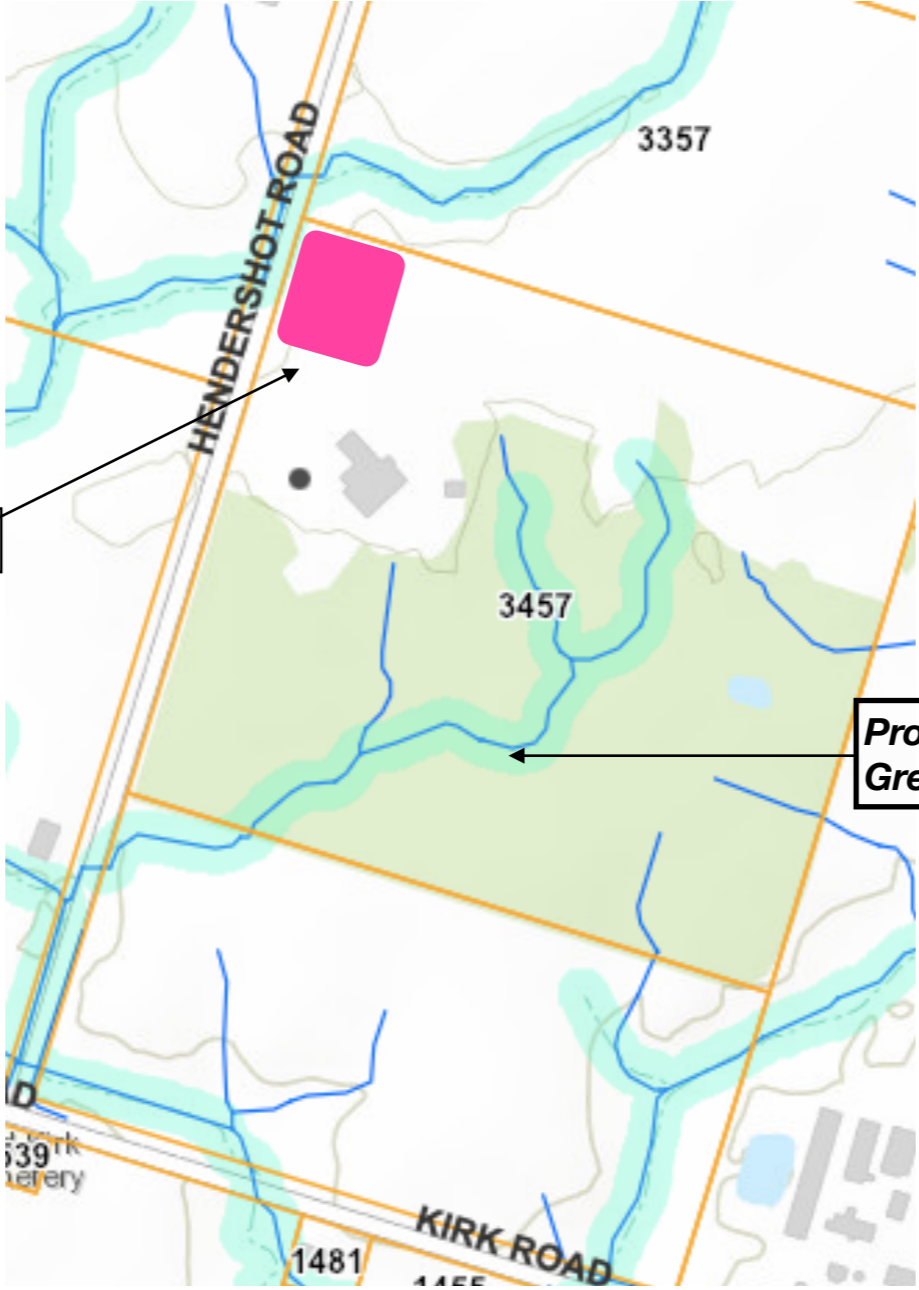


The Famee Furlane of Hamilton is a no-profit Club providing Club functions and passive recreational amenities to the community at large. We also host a Weekly Religious Service for an outside group. <https://fameefurlane.ca/>

We are seeking to enhance the Club and Community services being provided.

**FAMEE FURLANE**  
**Northwest Corner of 3457**  
**Hendershot Rd**

Proposed Development



*Property with P7 Zoning shown in Green*

# Summary of the Zoning Issue

We have closely looked at what is permitted and conclude the Zoning has some shortcomings that we would like to address. Specifically, the fact that it appears that we can't have any Site Habitation. Despite the fact that camping is permitted, which is a form of temporary habitation. Some consider senior living as temporary. Regardless, we would like to investigate senior living options on the site that could include:

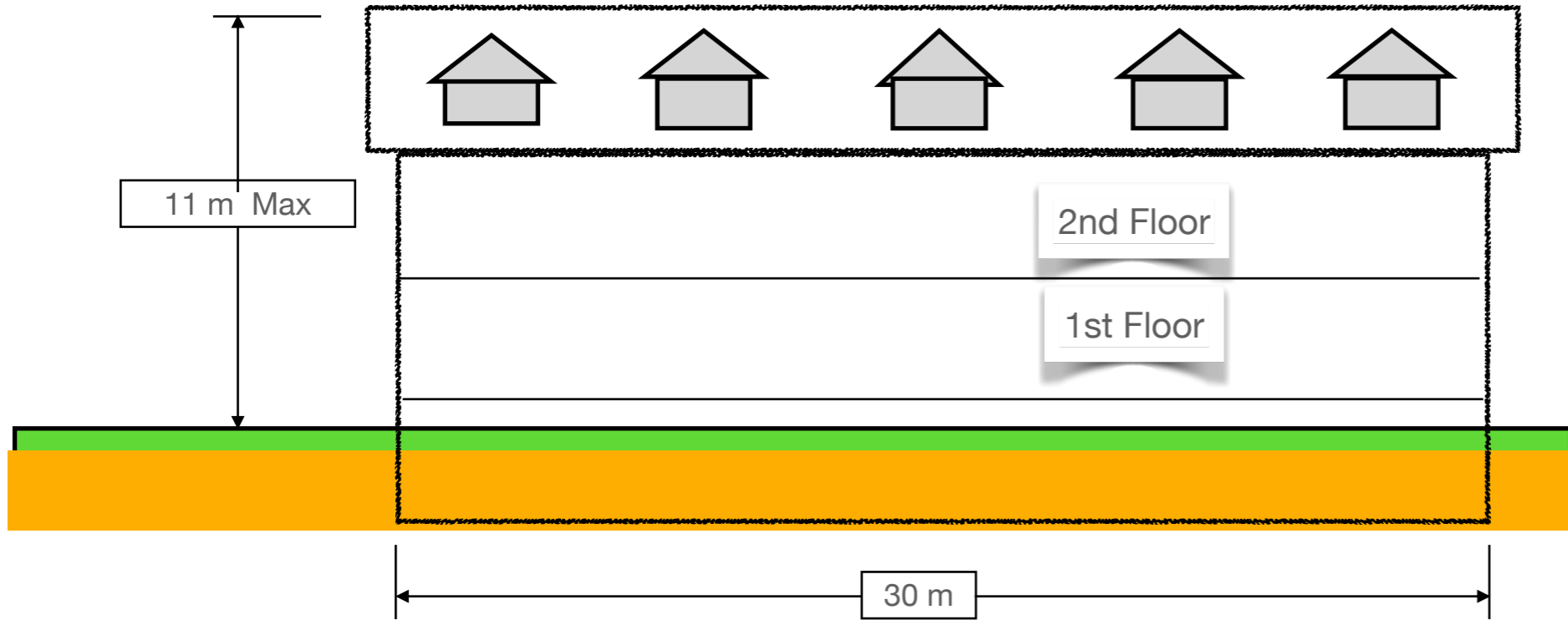
Respite Care; Palliative Care; Short-term Convalescent Care; Short-term Crisis Management Care; Non-Profit house for Seniors; Senior's Independent Living; Senior Assisted Living; Short-term Housing (Short-Term Rental) for Refugees, following the Russian invasion of Ukraine, for example.

We have evaluated each of these categories and have one building plan which has been developed for all these categories.

**Better Retirement Living for Seniors Subcommittee  
Famee Furlane Property Planning Subcommittee**

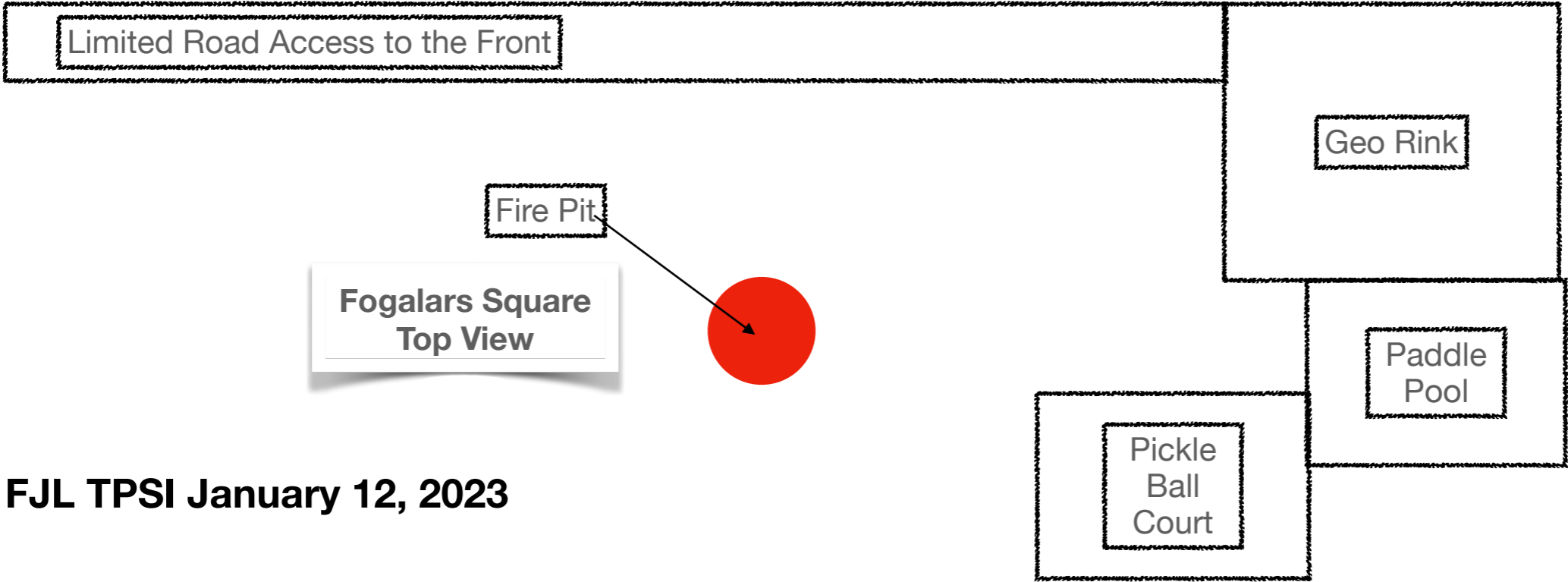
**Northwest Corner of 3457 Hendershot Rd  
Showing Proposed Building From View**

**Seniors  
Building  
Front View**



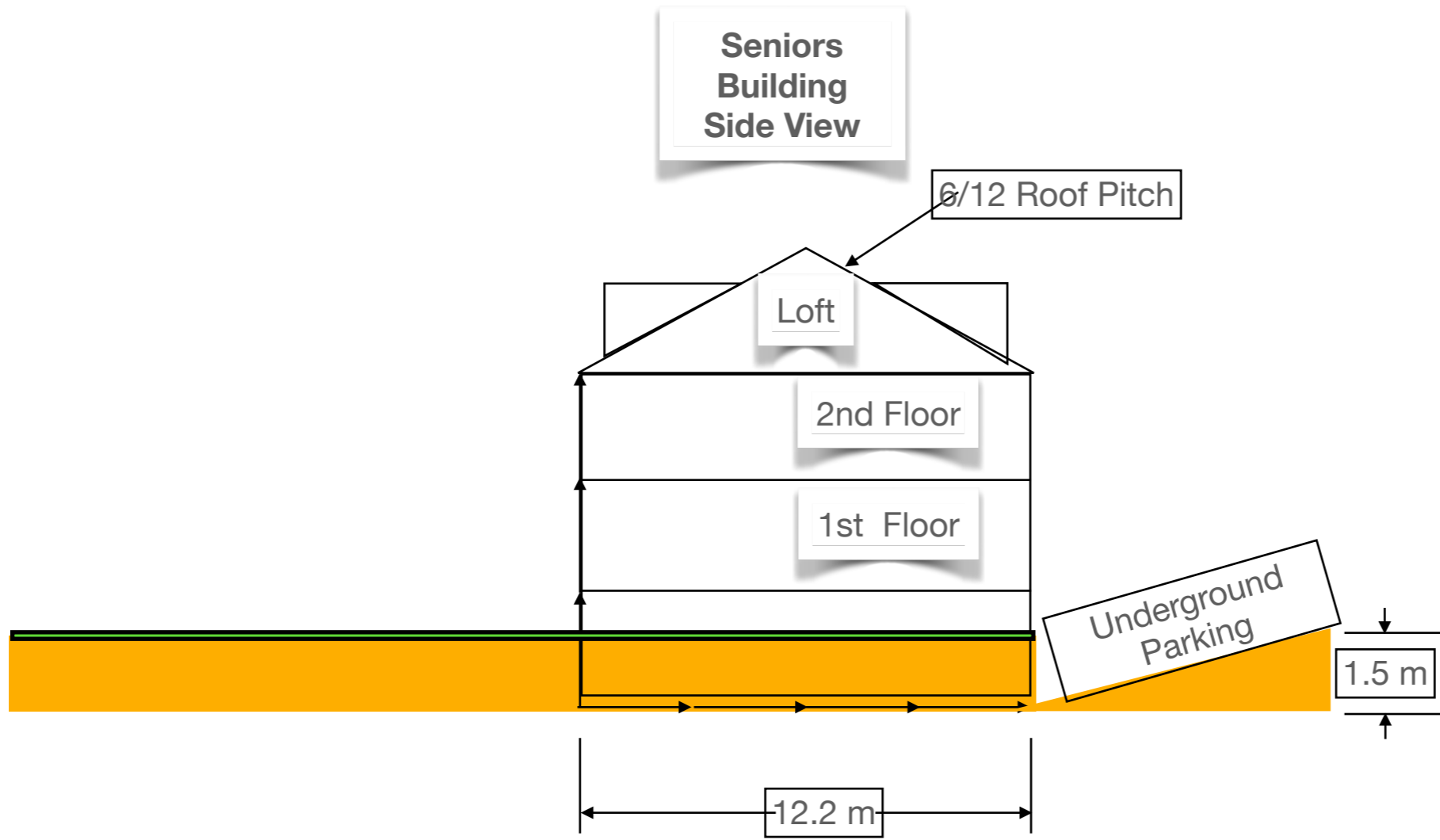
**FJL TPSI January 12, 2023**

**Northwest Corner of 3457 Hendershot Rd  
Plot Plan Showing Amenities**



**FJL TPSI January 12, 2023**

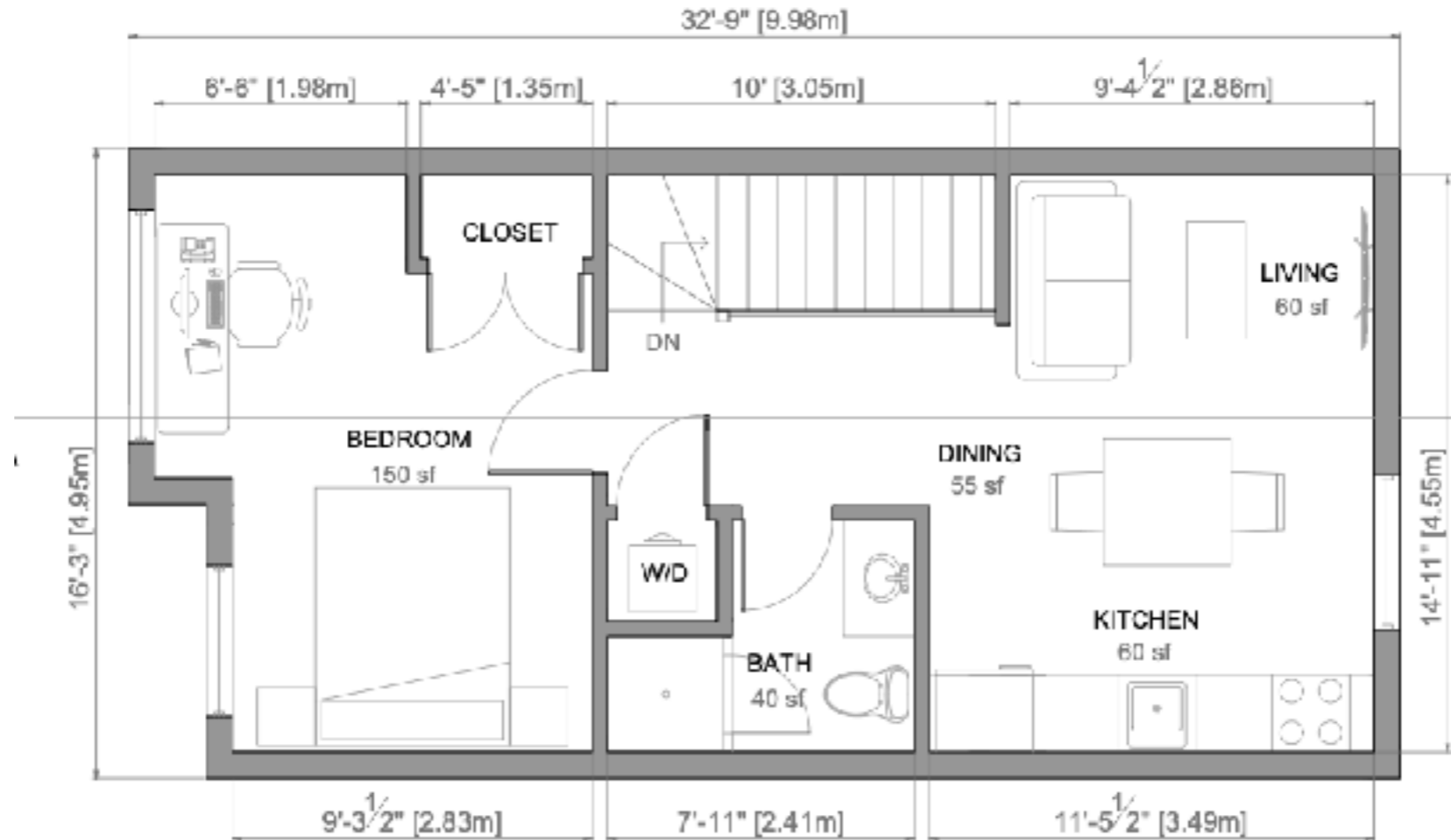
**Northwest Corner of 3457 Hendershot Rd  
Showing Proposed Building Side View**



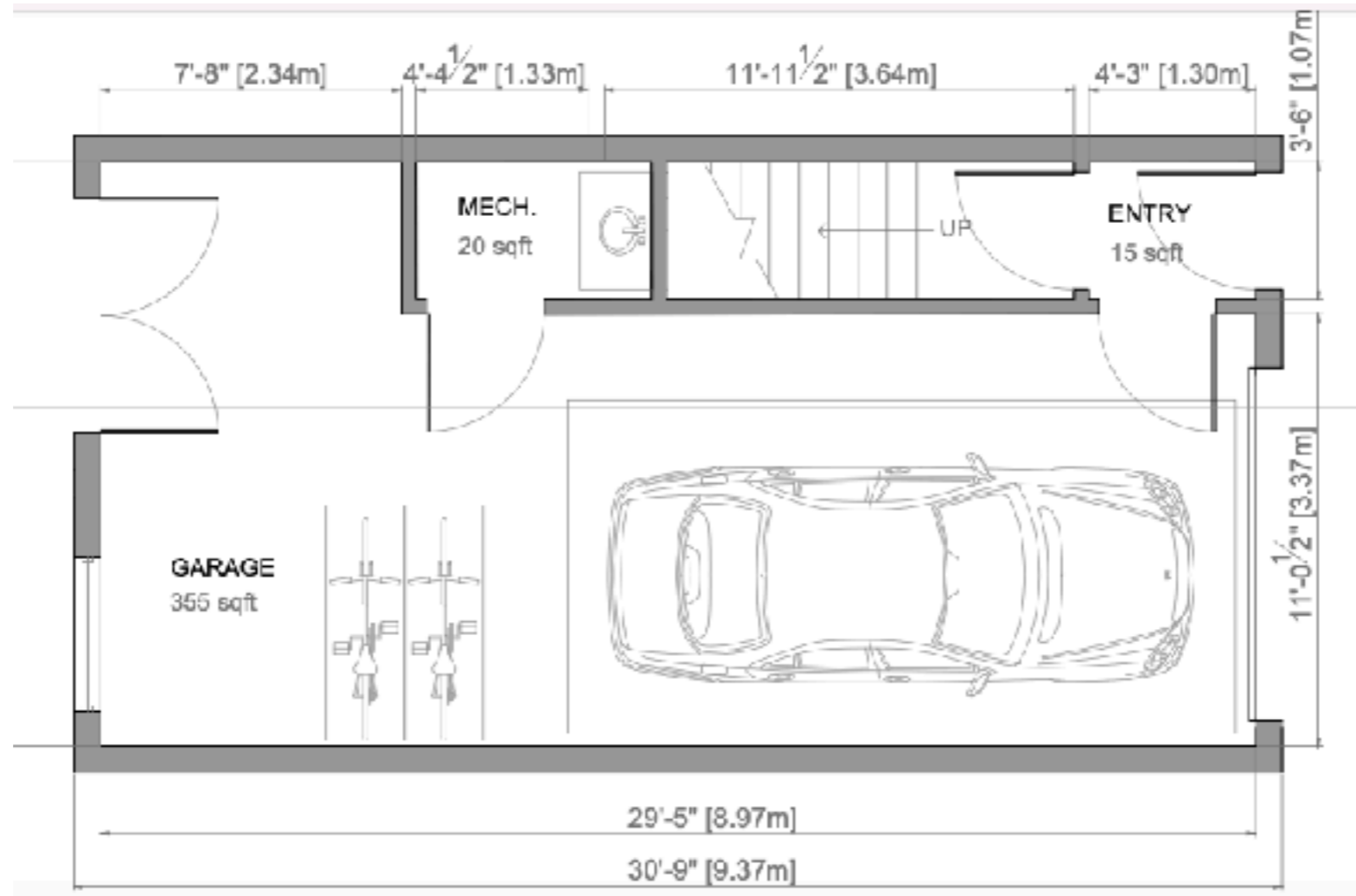
**FJL TPSI January 12, 2023**



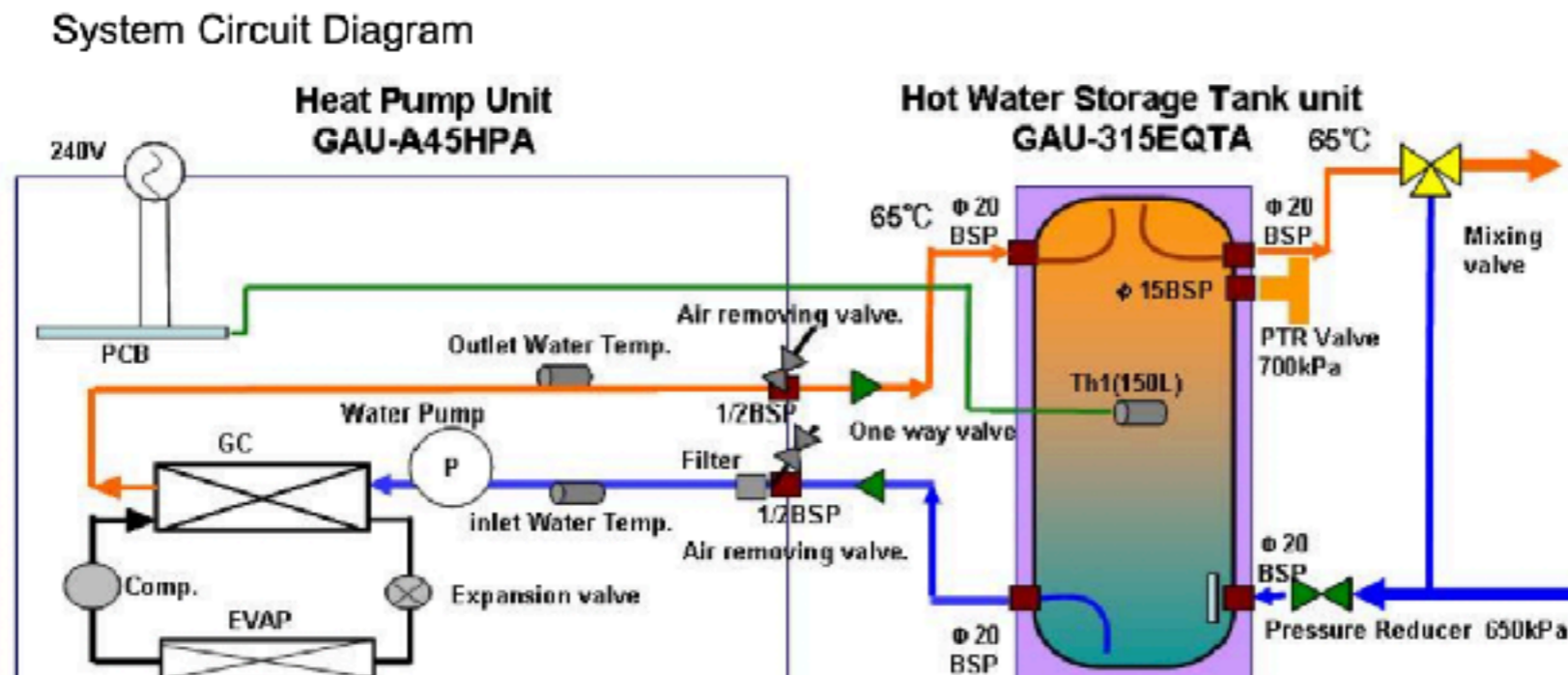
# Example of 1st Floor Accommodations



# Example of Basement Floor Plan

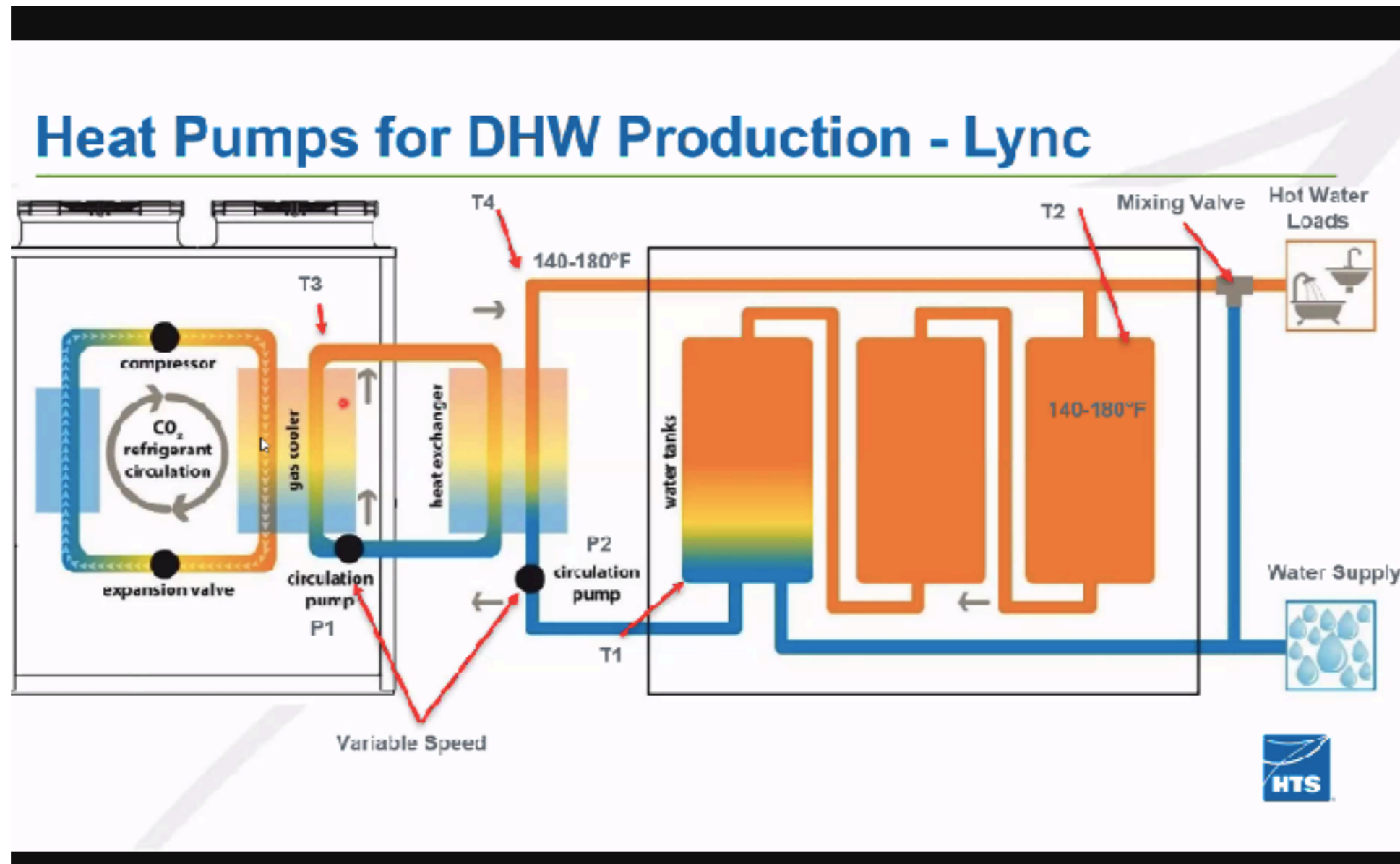


# Retirement Living With Ground-Source Heat Heat Pumps & Thermal Storage



Better Retirement Living for Seniors - Subcommittee  
Pensioners Chapter — Society of United Professionals

# Retirement Living with Air-Source Heat Pumps & Thermal Storage



Better Retirement Living for Seniors - Subcommittee  
Pensioners Chapter — Society of United Professionals

# Retirement Living with Outdoor State-of-the-Art Amenities for the Local Community



# Current Facilities

**St. Elizabeth Village** is an example of a seniors facility that has grown over many years from a modest beginning of dedicated Sisters committed to improving healthcare for seniors located at Rymal Road and Garth.

**Garth Trails** is another example of an Adult Lifestyle Community located just off Twenty Rd and Garth St. It has a number of activities and events including exercise programs, bocce, darts, billiards, tennis, golf, ballroom dancing, needlework and horseshoes to mention a few.

While these are good examples; they fall short, in our mind, by not integrating the seniors with the Community at large. In most cases, the amenities are not shared with the local community and are exclusive to the residents.

**In our view this is a mistake that we do not want to make. By allowing both the residents and the local community shared access to our site we plan a better senior living alternative where the residents could participate more fully in the Community at large. This core idea is shared by experts like Pat Armstrong.**

# Better Option

Shared access to our site is our long-term vision. It would allow both young and old to work and participate in managing the facilities. I actively participate in several groups that represent thousands of seniors retired from the electricity sector.

**One common theme I often hear is that seniors are a huge under-utilized resource and most of us seniors would be much happier if we had something useful to do.**

We are seeking to do just that.

Our group has the expertise in the design, build and management of better senior facilities. Co-sharing amenities with the community at large is seen as an easy implementation.

# Short List of Participants

**Terra Power Systems Inc (TPSI).**, an Oakville based company, with a background in sustainable development and green building. TPSI have been involved in Planning Aspects with the Town of Oakville and have reviewed zoning requirements with the City of Toronto, City of Hamilton, Norfolk County, City of Mississauga and on North Vancouver Island in BC., with building projects in most of these listed jurisdictions.

**Nightingale Software** brings the IT expertise to the group. They operate the Web-based monitoring and control software that is used in our projects to both validate performance and provide remote monitoring and control.

**McMaster University** has been active in the past helping to evaluate the performance of sustainable technologies and have co-hosted numerous Workshops on Conservation and Demand Management. We will be seeking their cooperation on this project.

**Adrian Mauro** president of Chamberlain Architect Services Limited.

**The Pensioner Chapter of the Society of United Professionals** has offered both in-kind and funding support to promote Better Retirement Living for Seniors.

Better Retirement Living for Seniors - Subcommittee  
Pensioners Chapter — Society of United Professionals



# **Expanded List of Participants & Contacts Offering Support for Better Retirement Living for Seniors**

Architects

Doctor/Engineers

Teachers

Nursing Homes Health Professionals

Net Zero Consultants

Commercial Real Estate People

McMater University

Pharmacist

CEO's

Nurses

Bank Executives

Business People

Developers

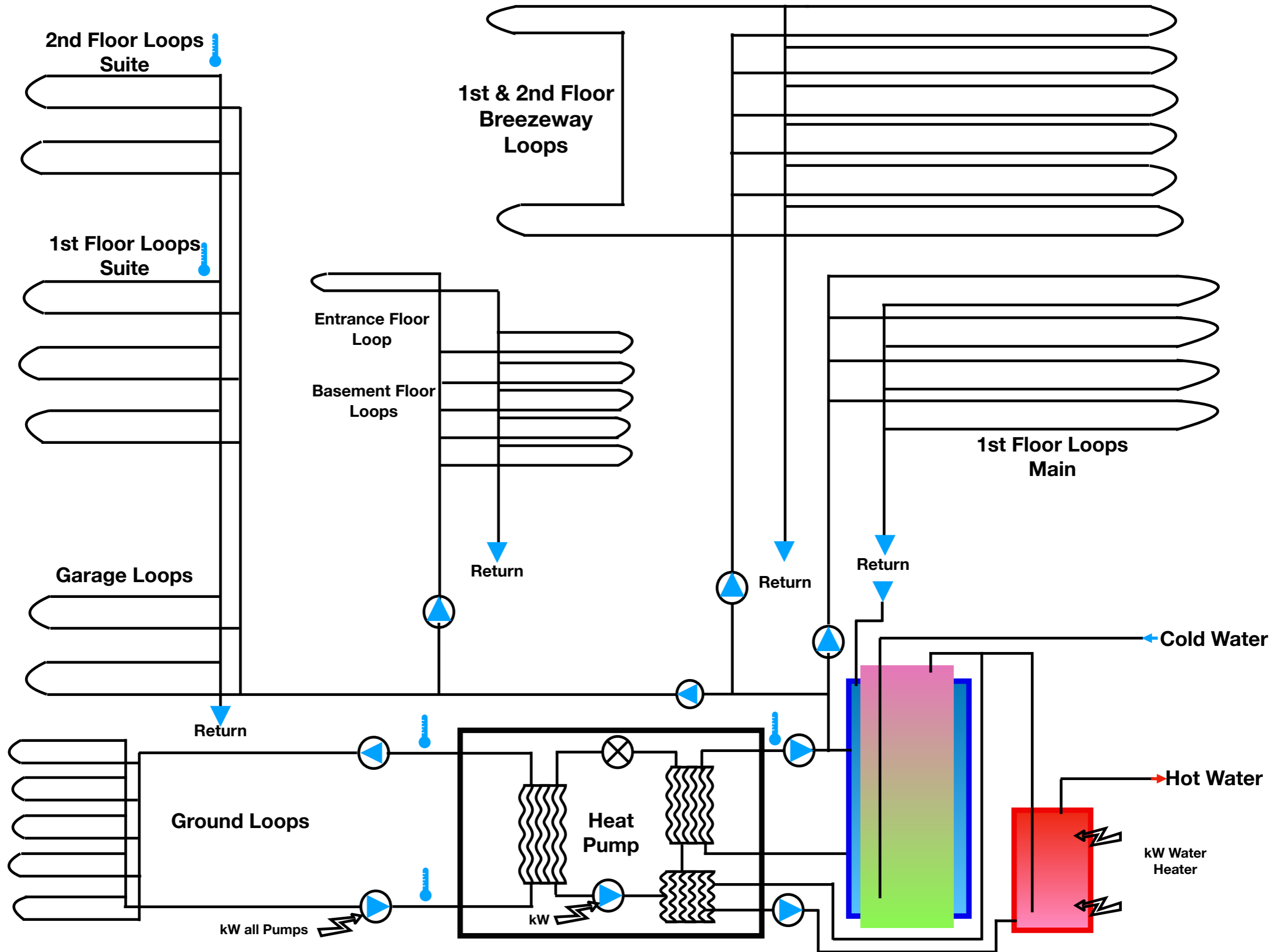
Builders

# Lap Pool & Paddle Pool



# Meeting Space & Privacy Zones







# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 31, 2023
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23034) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Shannah Evans (905) 546-2424 Ext. 1928
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

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

## INFORMATION

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor Applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this Report, the status of active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, that were in effect pursuant to statutory timeframes prescribed in *Bill 73* and *Bill 139* and new statutory timeframes prescribed in *Bill 108*.

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

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

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

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23034) (City Wide) - Page 2 of 4**

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

Attached as Appendix “A” to Report PED23034 is a table outlining the active Applications received prior to December 12, 2017, sorted by Ward, from oldest Application to newest. As of December 16, 2022, there were:

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

Within 60 to 90 days of December 16, 2022, all seven development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix “B” to Report PED23034 is a table outlining the active Applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest Application to newest. As of December 16, 2022, there were:

- 4 active Official Plan Amendment Applications, all of which are subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 8 active Zoning By-law Amendment Applications; and,
- 4 active Plan of Subdivision Applications.

Within 60 to 90 days of December 16, 2022, all eight development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

**Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)**

Attached as Appendix “C” to Report PED23034 is a table outlining the active Applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest Application to newest. As of December 16, 2022, there were:

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23034) (City Wide) - Page 3 of 4**

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- 29 active Official Plan Amendment Applications;
- 59 active Zoning By-law Amendment Applications; and,
- 19 active Plan of Subdivision Applications.

As of December 16, 2022, 8 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Fifty-six (55) development proposals have passed the 90 or 120 day statutory timeframe.

### **Planning Division Active Files**

Combined to reflect property addresses, there are 79 active development proposals. Three (3) proposals are 2023 (4%), 39 proposals are 2022 files (49%), 37 proposals are pre-2022 files (47%).

A table comparing the number of projects by application type by month for 2021 (Figure 1) and 2022 (Figure 2) is attached as Appendix “D” to Report PED22034. This demonstrates that the number of active projects, reported monthly, have increased in 2022, with an average of 70 in 2021, and 82 in 2022. However, 16 of the active projects are pre-2020 files which have had limited activity in the past 18 months. It is noted that Planning staff monitor the activities associated with a file and if a file is considered to be inactive for more than six months, staff contact the Applicant and request if the Applicant wishes to withdraw the Application and if not, request clarification of the Applicants intention with respect to proceeding. If no response is received, staff will proceed to close the file.

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active Applications. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website, and an e-mail system will provide notification of when a new Application is received.

### **Current Non-Decision Appeals to the Ontario Land Tribunal**

At the February 2, 2021, Planning Committee meeting, Planning Committee requested that information be reported relating to development Applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix “E” to Report PED23034 is a table outlining Development Applications, along with the applicant/agent, that have been appealed for non-decision to the Ontario Land Tribunal. There are currently 20 active appeals for non-decision. Third party appeals are not included in this information as Council has made a decision to approve the Application.

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23034) (City Wide) - Page 4 of 4**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23034 - List of Active Development Applications (prior to December 12, 2017)

Appendix "B" to Report PED23034 - List of Active Development Applications (after December 12, 2017)

Appendix "C" to Report PED23034 - List of Active Development Applications (after September 3, 2019)

Appendix "D" to Report PED23034 - Number of Active Projects by Application Type by Month (2021 and 2022)

Appendix "E" to Report PED23034 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal



**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 7</b>									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1934
<b>Ward 9</b>									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 490 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	2284
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	n/a	09-Jul-17	T. Johns Consultants Inc.	2284
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Drive, Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May- 17	29-Aug-17	A.J. Clarke & Associates Ltd.	2233
<b>Ward 10</b>									
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	2752

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 12</b>									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Road, Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	2578
ZAC-17-062	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	1995

#### Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 270 day timeframe commences the day the Application was received.

\* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 180 days to 270 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 2</b>									
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	1484
<b>Ward 6</b>									
ZAC-19-035	694 Pritchard Road, Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	1346
<b>Ward 10</b>									
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton Street, Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	1486
<b>Ward 11</b>									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	1648
<b>Ward 12</b>									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive, Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	1587

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 12 Continued</b>									
.UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Road, Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	1530
<b>Ward 14</b>									
ZAC-19-011	1933 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	1493
<b>Ward 15</b>									
RHOPA-18-020* ZAC-18-045	173 and 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	1629

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective December 16, 2022)**

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 300 day timeframe commences the day the Application was received.
  
- \* In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment Applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.
  
- \* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 1</b>								
UHOPA-20-027 ZAC-20-042	1629-1655 Main Street West, Hamilton	2-Nov-20	n/a	1-Dec-20	n/a	02-Mar-21	GSP Group	796
UHOPA-22-005 ZAC-22-012	200 Market Street, 55 Queen Street North, Hamilton	19-Jan-22	n/a	19-Jan-22	n/a	19-May-22	GSP Group	331
<b>Ward 2</b>								
UHOPA-20-025 ZAC-20-038	115 George Street and 220-222 Main Street West, Hamilton	04-Sep-20	n/a	28-Sep-20	n/a	02-Jan-21	GSP Group	861
UHOPA-21-007 ZAC-21-014	101 Hunter Street East, Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	691
UHOPA-22-001 ZAC-22-003	65 Guise Street, Hamilton	15-Nov-21	n/a	18-Nov-21	n/a	15-Mar-22	James Webb Consulting Inc.	392

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 3</b>								
ZAC-22-049	338 Cumberland Avenue, Hamilton	20-July-22	n/a	20-July-22	18-Oct-22	n/a	Urban Solutions Planning & Land Development	150
ZAC-22-053	83 Emerald Street South, Hamilton	9-Aug-22	n/a	22-Aug-22	7-Nov-22	n/a	Gladki Planning Associates Inc.	130
<b>Ward 5</b>								
ZAC-21-043	300 Albright Road, Hamilton	29-Sep-21	n/a	30-Sep-21	04-Jan-22	n/a	MHBC Planning Ltd.	471
ZAC-22-013	200 Centennial Parkway North, Hamilton	19-Jan-22	n/a	20-Jan-22	19-April-22	n/a	Calloway REIT (Stoney Creek) Inc.	330
UHOPA-22-012 ZAC-22-023	2782 Barton Street East, Hamilton	17-Mar-22	n/a	n/a	n/a	14-July-222	A.J. Clarke & Associates Ltd.	275
UHOPA-22-016 ZAC-22-030	399 Greenhill Avenue, Stoney Creek	26-Apr-22	n/a	27-Apr-22	n/a	28-July-22	Bousfields Inc.	234

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 5 Continued</b>								
ZAC-22-060	3 North Park Avenue, Hamilton	8-Sep-22	n/a	14-Sep-22	7-Dec-22	n/a	IBI Group	100
<b>Ward 6</b>								
ZAC-22-037 25T-202207	61 Eleanor Avenue, Hamilton	13-June-22	n/a	15-June-22	n/a	12-Oct-22	A.J. Clarke & Associates Ltd.	187
ZAC-22-038	4 and 10 Trinity Church Road, Hamilton	13-June-22	n/a	22-June-22	12-Sep-22	n/a	T. Johns Consulting Group	187
UHOPA-22-019 ZAC-22-045	570 Upper Ottawa Street, Hamilton	8-July-22	n/a	8-July-22	n/a	5-Nov-22	Urban Solutions Planning & Land Development	162
UHOPA-22-027 ZAC-22-065	1400 Limeridge Road East, Hamilton	31-Oct-22	n/a	10-Nov-22	n/a	28-Feb-23	MHBC Planning Ltd.	47
25T-202210	705 Rymal Road East, Hamilton	22-Oct-22	n/a	2-Dec-22	n/a	24-Feb-23	Wellings Planning Consultants	56



**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 7</b>								
UHOPA-20-021 ZAC-20-037 25T-202006	544 and 550 Rymal Road East, Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	891
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	309
ZAR-22-052	311 Rymal Road East, Hamilton	3-Aug-22	n/a	n/a	1-Nov-22	n/a	GSP Group Inc.	136
UHOPA-23-001 ZAC-23-001	499 Mohawk Road East, Hamilton	8-Nov-22	n/a	21-Nov-22	n/a	21-Feb-23	Urban Solutions Planning & land Development	39
<b>Ward 8</b>								
ZAC-20-018	212 and 220 Rymal Road West, Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	1058

**Active Development Applications  
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(Effective December 16, 2022)**

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<b>Ward 8 Continued</b>								
UHOPA-20-017 ZAC-20 029 25T-202003	393 Rymal Road West, Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group Inc.	899
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July-21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	523
ZAC-22-024 25T-202204	1456-1460 Upper James Street, Hamilton	28-Mar-22	n/a	08-Apr-22	n/a	26-Jul-22	A.J. Clarke & Associates	264
ZAR-22-035	105 Horning Drive, Hamilton	27-May-22	n/a	n/a	25-Aug-22	n/a	Metropolitan Consulting Inc.	204
ZAC-22-041	251 Stone Church Road, Hamilton	22-June-22	n/a	29-June-22	21-Sep-22	n/a	T. Johns Consulting Group	178
UHOPA-22-021 ZAC-22-047	1177, 1183, 1187 West 5 <sup>th</sup> Street, Hamilton	13-July-22	n/a	13-July-22	n/a	10-Nov-22	Urban Solutions Planning & Land Development	157
ZAC-22-066	81 Rymal Road East, Hamilton	24-Oct-22	n/a	24-Nov-22	22-Jan-22	n/a	GSP Group Inc.	54

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 9</b>								
ZAC-20-004	329 Highland Road West, Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	1120
ZAC-22-064 25T-202209	82 Carlson Street, Stoney Creek	11-Oct-22	n/a	13-Oct-22	n/a	12-Jan-23	MHBC Planning Ltd.	67
UHOPA-20-010 ZAC-20-015 25T-200303R	2080 Rymal Road East, Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	1078
ZAC-22-001	2153, 2155, and 2157 Rymal Road East, Stoney Creek	4-Nov-21	n/a	n/a	2-Feb-22	n/a	Weston Consulting	407
ZAC-22-029 25T-202206	481 First Road W., Stoney Creek	22-Apr-22	n/a	n/a	n/a	24-Jul-22	Kuok Kei Hong	239

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 10</b>								
UHOPA-21-018 ZAC-21-039	1400 South Service Road, Stoney Creek	10-Sep-21	n/a	16-Sep-21	n/a	14-Jan-22	MHBC Planning Ltd.	484
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	704
UHOPA-22-020 ZAC-22-046 25T-202208	220 McNeilly Road, Hamilton	8-July-22	n/a	22-July-22	n/a	5-Nov-22	T. Johns Consulting Group	162
UHOPA-22-026 ZAC-22-063	1310 South Service Road, Stoney Creek	28-Sep-22	n/a	30-Sep-22	n/a	5-Jan-23	The Planning Partnership	80
<b>Ward 11</b>								
25T-202002	9326 and 9322 Dickenson Road, Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	1036
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Road, Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	760

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 11 Continued</b>								
ZAC-22-008 25T-202201	3479 Binbrook Road, Glanbrook	10-Jan-22	n/a	24-Jan-22	n/a	10-May-22	Metropolitan Consulting	341
UHOPA-22-008 ZAC-22-017	3054 Homestead Drive, Hamilton	27-Jan-22	n/a	10-Feb-22	n/a	25-May-22	Urban Solutions Planning & Land Development	326
UHOPA-22-020 ZAC-22-010 25T-2022003	3250 and 3260 Homestead Drive, Hamilton	17-Feb-22	n/a	8-Mar-22	n/a	17-June-22	Urban Solutions Planning & Land Development	304
UHOPA-22-014 ZAC-22-027 25T-202205	2876 Upper James Street, Glanbrook	05-Apr-22	n/a	05-Apr-22	n/a	03-Aug-22	Rice Group	256
ZAR-22-033	91 Strathearne Place, Glanbrook	10-May-22	n/a	26-May-22	8-Aug-22	n/a	Urban in Mind	221
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	123

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 12</b>								
UHOPA-20-013 ZAC-20-017	210 Calvin Street, Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	946
ZAC-20-024	140 Wilson Street West, Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	942
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	756
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	725
ZAC-21-027	140 and 164 Sulphur Springs Road, Ancaster	05-Jul-21	n/a	16-July-21	02-Oct-21	n/a	Fothergill Planning & Development Inc.	547
UHOPA-22-002 ZAC-22-005	487 Shaver Road, Ancaster	2-Nov-21	n/a	17-Nov-21	n/a	2-Mar-22	GSP Group Inc	393
ZAR-22-042	198 Lovers Lane, Ancaster	23-June-22	n/a	30-June-22	22-Sep-22	n/a	A.J. Clarke & Associates Ltd.	177

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 12 Continued</b>								
ZAC-22-056	343 Springbrook Avenue, Ancaster	2-Sep-22	n/a	8-Sep-22	17-Nov-22	n/a	T. Johns Consulting Group	106
ZAC-22-058	111 Fiddlers Green Road, Ancaster	6-Sep-22	n/a	7-Sep-22	16-Nov-22	n/a	T. Johns Consulting Group	110
UHOPA-23-003 ZAR-23-003	382 Southcote Road, Ancaster	9-Nov-22	n/a	5-Dec-22	n/a	9-Mar-23	Urban Solutions Planning & Land Development	38
<b>Ward 13</b>								
ZAC-22-044	64 Hatt Street, Dundas	6-July-22	n/a	7-July-22	4-Oct-22	n/a	GSP Group Inc.	164
ZAR-22-004	12 Louisa Street, Flamborough	15-Nov-21	n/a	23-Nov-21	13-Feb-22	n/a	MB1 Development Consulting Inc.	387
RHOPA-23-002 ZAC-23-002	127 Freelton Road, Flamborough	16-Nov-22	n/a	22-Nov-22	n/a	16-Mar-22	Urban Solutions Planning and Land Developmen	30

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective December 16, 2022)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of December 16, 2022
<b>Ward 14</b>								
UHOPA-22-015 ZAC-22-028	631 and 639 Rymal Road West, Hamilton	22-Apr-22	n/a	28-Apr-22	n/a	29-July-22	Bousfields Inc.	239
<b>Ward 15</b>								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	1090
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	724
UHOPA-22-017 ZAC-22-031	306-308 Parkside Drive, Flamborough	27-Apr-22	n/a	3-May-22	n/a	25-Aug-22	MHBC Planning Ltd.	228
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	128



**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective December 16, 2022)**

Active Development Applications

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

**Number of Active Development Project by Application Type by Month  
(2021 and 2022)**

**Figure 1 - Number of Active Projects by Application Type, as Reported to Planning Committee - 2021**

<b>Application Type</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
Zoning By-law Amendment	24	24	24	23	24	24	23	21	24	25	26	24
Official Plan and Zoning By-law Amendment	25	23	24	23	21	22	21	19	24	22	24	27
Official Plan and Zoning By-law Amendment and Plan of Subdivision	10	11	13	14	14	14	12	14	14	13	13	13
Zoning By-law Amendment / Plan of Subdivision	3	3	3	3	3	3	3	3	4	4	4	3
Official Plan Amendment	0	0	0	0	0	0	0	0	0	0	0	0
Plan of Subdivision	7	7	8	9	9	7	6	6	5	5	6	6
<b>Total</b>	<b>69</b>	<b>68</b>	<b>72</b>	<b>72</b>	<b>71</b>	<b>70</b>	<b>65</b>	<b>63</b>	<b>71</b>	<b>69</b>	<b>73</b>	<b>73</b>

**Figure 2 - Number of Active Projects by Application Type, as Reported to Planning Committee - 2022**

<b>Application Type</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct*</b>	<b>Nov</b>	<b>Dec*</b>
Zoning By-law Amendment	33	29	34	33	35	29	31	29	33	-	30	-
Official Plan and Zoning By-law Amendment	28	24	28	28	26	29	29	25	24	-	25	-
Official Plan and Zoning By-law Amendment and Plan of Subdivision	15	12	11	13	14	14	14	13	14	-	14	-
Zoning By-law Amendment / Plan of Subdivision	5	3	5	5	6	6	6	7	7	-	7	-
Official Plan Amendment	0	0	0	0	0	0	0	0	0	-	0	-
Plan of Subdivision	6	6	5	5	3	4	4	4	5	-	4	-
<b>Total</b>	<b>87</b>	<b>74</b>	<b>83</b>	<b>84</b>	<b>84</b>	<b>82</b>	<b>84</b>	<b>79</b>	<b>83</b>	<b>-</b>	<b>80</b>	<b>-</b>

\*No Planning Committee

**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (OLT)  
(Effective December 16, 2022)**

	Address	Applicant /Agent	Date Appeal Received
<b>Ward 2</b>			
1	299-307 John Street South, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2021
2	186 Hunter Street West, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	June 2022
<b>Ward 5</b>			
3	651 Queenston Road, Hamilton	A.J. Clarke & Associates Ltd	September 2022
4	2900 King Street East, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2022
<b>Ward 9</b>			
5	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
<b>Ward 10</b>			
6	1036, 1038, 1054, 1090 Barton Street, and 262 McNeilly Road, Stoney Creek	Glen Schnarr & Associates Inc.	November 2021
7	860, and 884 Barton Street, Stoney Creek	MHBC Planning Limited	March 2022
<b>Ward 11</b>			
8	526 Winona Road, Stoney Creek	Urban Solutions Planning & Land Development Consultants Inc.	June 2022

**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (OLT)  
(Effective December 16, 2022)**

	Address	Applicant /Agent	Date Appeal Received
<b>Ward 11 Continued</b>			
9	3160,3168,3180, and 3190 Regional Road 56, Binbrook	MHBC Planning Limited	November 2022
10	3064, 3070, 3078, 3084 Regional Road 56, Glanbrook	MHBC Planning Limited	November 2022
11	11,19,20,21,23,27 & 30 Lakeside Drive, 81 Waterford Crescent, Stoney Creek	IBI Group	December 2022
<b>Ward 12</b>			
12	140 Garner Road, Ancaster	MHBC Planning Limited	February 2022
13	1019 Wilson Street West, Ancaster	MHBC Planning Limited	July 2022
14	442-462 Wilson Street East, Ancaster	GSP Group	July 2022
<b>Ward 13</b>			
15	125 Pirie Drive, Dundas	Wellings Planning Consultants	September 2022
<b>Ward 14</b>			
16	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021

**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Ontario Land Tribunal (OLT)  
(Effective December 16, 2022)**

	Address	Applicant /Agent	Date Appeal Received
<b>Ward 15</b>			
17	609 and 615 Hamilton Street North and 3 Nesbit Boulevard and 129 – 137 Trudell Circle, Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
18	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017
19	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021
20	909 North Waterdown Drive, Flamborough	Corbett Land Strategies Inc.	December 2022



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 31, 2023
<b>SUBJECT/REPORT NO:</b>	Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning - Market Feasibility Study (PED23044) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Tiffany Singh (905) 546-2424 Ext. 1221
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That in accordance with Subsection 2.(1)7 of Ontario Regulation 232/18 Council deem N. Barry Lyon Consultants Limited ('NBLC') qualified to complete the required peer review and provision of a formal written opinion of the Inclusionary Zoning (IZ) - Market Feasibility Study currently being prepared by urbanMetrics inc. on behalf of the City of Hamilton; and,
- (b) That the single source procurement, pursuant to Policy #11 Non-competitive Procurements, to NBLC for the required peer review be approved.

## EXECUTIVE SUMMARY

Council authorization of the peer reviewer is required by Provincial legislation Ontario Regulation 232/18 (Appendix "A" attached to Report PED23044) thereby enabling the inclusionary zoning project to continue in a timely manner.

This report seeks to obtain Council's endorsement on the qualifications of N. Barry Lyon Consultants Limited ('NBLC') to complete a peer review of the Market Feasibility Study prepared by urbanMetrics inc. towards fulfilling the necessary components of an inclusionary zoning municipal assessment report. The peer review is expected to take

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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: Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning - Market Feasibility Study (PED23044) (City Wide) - Page 2 of 5**

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six to eight weeks to complete. A copy of the NBLC scope of work and qualifications of the NBLC staff who will be undertaking the peer review is attached as Appendix “B” to Report PED23044

A report containing a comprehensive overview of all the background components of the project, consultation program, and next steps is planned for the end of Q1 2023.

**Alternatives for Consideration – See Page 4.**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Based on discussions with eight other municipalities for similar services undertaken in the past, it is estimate that the required peer review will cost approximately \$8,000 - \$15,000.

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

Inclusionary Zoning is a tool that may help increase the supply of affordable housing in the City over the long term. The tool requires new market rate residential development within a Protected Major Transit Station Area (PMTSA) to include a certain percentage of new affordable housing units.

The City of Hamilton is undertaking the required municipal assessment report that is legislated by Ontario Regulation 232/18 (Appendix “A” attached to Report PED23044) to be completed prior to implementation of an inclusionary zoning (IZ) by-law.

The municipal assessment report includes two key components. The first component is an analysis of existing and projected housing supply and affordability, demographic trends, and resulting housing needs across the City. The City has retained SHS Consulting to complete this analysis through a Housing Needs Assessment towards fulfilling the necessary IZ legislative requirements.

The second component of the municipal assessment report is an analysis of the market and financial viability of development and redevelopment from the enactment of an inclusionary zoning policy framework. The City has retained urbanMetrics inc. to complete a Market Feasibility Study towards fulfilling this portion of the municipal assessment. Ontario Regulation 232/18 requires that this work be peer reviewed prior to adoption of an Official Plan Amendment to establish an IZ framework.

**SUBJECT: Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning - Market Feasibility Study (PED23044) (City Wide) - Page 3 of 5**

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The results of both the Housing Needs Assessment and the Market Feasibility Study are anticipated in Q1 2023 and will be presented as part of a comprehensive staff report towards the end of Q1 2023.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Ontario Regulation 232/18 Subsection 2.(1)7. requires that:

- an independent written opinion on the Municipal Feasibility Study component of the IZ project be obtained; and,
- Council deem the peer reviewer to be qualified to prepare the written opinion.

Staff are seeking to confirm that Council is satisfied that N. Barry Lyon Consultants Limited ('NBLC') is qualified to complete the peer review and prepare the written opinion, which would enable the City to proceed with next steps and advance its work on IZ promptly. A copy of the NBLC scope of work and qualifications of the NBLC staff who will be undertaking the peer review is attached as Appendix "B" to Report PED23044

## **RELEVANT CONSULTATION**

Staff interviewed municipalities in Ontario that either have or are investigating the feasibility of using the inclusionary zoning tool in their community or who have enacted inclusionary zoning by-laws. All have completed the peer review component of their municipal assessments as required by Ontario Regulation 232/18.

The following municipalities have retained NBLC either as the lead consultant or peer reviewer for undertaking the necessary market impact analysis:

- City of Mississauga;
- City of Kitchener, City of Waterloo and City Cambridge (collectively with the Region of Waterloo);
- City of Brampton;
- City of London;
- City of Toronto; and,
- City of Ottawa.

In addition, NBLC is familiar with the City of Hamilton, having completed real estate impact analysis work on both the LRT line and the CityHousing Hamilton Jamesville redevelopment. Staff in the Municipal Land Development Office and Corporate Real Estate Office were satisfied with the quality of their work.



**SUBJECT: Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning - Market Feasibility Study (PED23044) (City Wide) - Page 4 of 5**

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In addition, Procurement staff were consulted regarding retaining NBLC and confirmed that this single source request is in accordance with By-Law 20-205 as amended, Policy #11 Non-Competitive Procurements.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

NBLC has extensive experience working with other municipalities across Ontario on market assessment and development feasibility studies or peer reviews (see Appendix “B” attached to Report PED23044 for summary of qualifications). Staff from all the municipalities interviewed have confirmed NBLC’s demonstrated expertise and professionalism making them qualified to provide the written peer review opinion.

Given the demonstrated breadth of experience and expertise of NBLC, staff are recommending NBLC to undertake the peer review and that Council endorse NBLC as qualified to undertake the peer review of the Market Feasibility Study completed by urbanMetrics inc. and prepare the required formal written opinion.

The results of the peer review will be presented to Committee and Council with the Market Feasibility and Housing Needs Assessment reports being prepared by urbanMetrics and SHS Consulting for public consultation and stakeholder feedback tentatively scheduled for late Q1, 2023 and Q2, 2023.

### **ALTERNATIVES FOR CONSIDERATION**

Based on the value of the work to be undertaken, NBLC’s service could have been undertaken via Procurement Policy 5.1 - Low Dollar Value Procurements, or Policy 5.2 - Request for Quotations. However, none of these options are feasible as the Provincial legislation Ontario Regulation 232/18, stipulates that Council authorization of the peer reviewer is required by Provincial legislation Ontario Regulation 232/18. However, Council could direct staff to issue a full request for proposal (RFP) pursuant to Policy 5.4 - Request for Proposals. This is not recommended, as there are few firms with the necessary expertise and experience to conduct this type of detailed market analysis. The other leading firm in conducting this specific type of work has already been retained as the City’s lead consultant (urbanMetrics inc.) for the Market Feasibility Study component, and therefore cannot peer review their own work.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Community Engagement and Participation**

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

**SUBJECT: Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning - Market Feasibility Study (PED23044) (City Wide) - Page 5 of 5**

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**Economic Prosperity and Growth**

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

**Healthy and Safe Communities**

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

**Built Environment and Infrastructure**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23044 – Excerpts from Ontario Regulation 232/12 under the *Planning Act, R.S.O, 1990* – Requirement for Inclusionary Zoning

Appendix “B” to Report PED23044 – Summary of Qualifications of N. Barry Lyon Consultants Limited



Français

**ONTARIO REGULATION 232/18**

made under the

**PLANNING ACT**

Made: April 11, 2018

Filed: April 11, 2018

Published on e-Laws: April 11, 2018

Printed in The Ontario Gazette: April 28, 2018

**INCLUSIONARY ZONING**

**Definitions**

1. In this Regulation,

“inclusionary zoning by-law” means a by-law passed under section 34 of the Act to give effect to the policies described in subsection 16 (4) of the Act; (“règlement municipal relatif au zonage d’inclusion”)

“non-profit housing provider” means,

- (a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,
- (b) a corporation without share capital to which the *Canada Business Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, or
- (d) an organization that is a registered charity within the meaning of the *Income Tax Act* (Canada) or a non-profit organization exempt from tax under paragraph 149 (1) (l) of that Act, and whose land is owned by the organization, all or part of which is to be used as affordable housing; (“fournisseur de logements sans but lucratif”)

“offsite unit” means an affordable housing unit that is required in an inclusionary zoning by-law and that is erected or located in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units. (“logement hors site”)

**Assessment report**

2. (1) An assessment report required by subsection 16 (9) of the Act shall include information to be considered in the development of official plan policies described in subsection 16 (4) of the Act, including the following:

- 1. An analysis of demographics and population in the municipality.
- 2. An analysis of household incomes in the municipality.
- 3. An analysis of housing supply by housing type currently in the municipality and planned for in the official plan.
- 4. An analysis of housing types and sizes of units that may be needed to meet anticipated demand for affordable housing.

5. An analysis of the current average market price and the current average market rent for each housing type, taking into account location in the municipality.
6. An analysis of potential impacts on the housing market and on the financial viability of development or redevelopment in the municipality from inclusionary zoning by-laws, including requirements in the by-laws related to the matters mentioned in clauses 35.2 (2) (a), (b), (e) and (g) of the Act, taking into account:
  - i. value of land,
  - ii. cost of construction,
  - iii. market price,
  - iv. market rent, and
  - v. housing demand and supply.
7. A written opinion on the analysis described in paragraph 6 from a person independent of the municipality and who, in the opinion of the council of the municipality, is qualified to review the analysis.

(2) The analysis described in paragraph 6 of subsection (1) shall take into account the following related to growth and development in the municipality:

1. Provincial policies and plans.
2. Official plan policies.

(3) An updated assessment report required by subsection 16 (10) or (11) of the Act shall contain the information specified in subsection (1).

**Official plan policies**

3. (1) Official plan policies described in subsection 16 (4) of the Act shall set out the approach to authorizing inclusionary zoning, including the following:

1. The minimum size, not to be less than 10 residential units, of development or redevelopment to which an inclusionary zoning by-law would apply.
2. The locations and areas where inclusionary zoning by-laws would apply.
3. The range of household incomes for which affordable housing units would be provided.
4. The range of housing types and sizes of units that would be authorized as affordable housing units.
5. For the purposes of clause 35.2 (2) (a) of the Act, the number of affordable housing units, or the gross floor area to be occupied by the affordable housing units, that would be required.
6. For the purposes of clause 35.2 (2) (b) of the Act, the period of time for which affordable housing units would be maintained as affordable.
7. For the purposes of clause 35.2 (2) (e) of the Act, how measures and incentives would be determined.
8. For the purposes of clause 35.2 (2) (g) of the Act, how the price or rent of affordable housing units would be determined.
9. For the purposes of section 4, the approach to determine the percentage of the net proceeds to be distributed to the municipality from the sale of an affordable housing unit, including how net proceeds would be determined.
10. The circumstances in and conditions under which offsite units would be permitted, consistent with paragraphs 2, 3 and 4 of section 5.



## About Us

N. Barry Lyon Consultants has grown over the last forty four years from specializing in housing market research, to a broad based advisory firm involved in a wide range of public and private initiatives influencing the shape of our urban communities.

## Mission

Our mission is to uphold professionalism and excellence in our services; to work efficiently to bring about practical solutions which are grounded in reality and guided by long term vision; to use team effort to maximize innovation and creativity, to know our business inside-out, and to always provide timely, candid advice.

## Our Work

Our work keeps us on top of emerging economic, demographic and market trends, changes in government policy, the pulse of the land development industry, land use planning and development trends.

## Our History

Barry Lyon (1939 – 2015) founded NBLC in 1976 after many years working in senior real estate positions and was regarded as one of the leading experts on residential development in the Greater Toronto Area.

Barry played a key role in the development of communities such as Meadowvale, Port Credit, Regent Park and Toronto’s Waterfront.

Under Barry’s direction, NBLC carried out market and financial feasibility studies on over 250,000 units of housing across Canada.

Barry is an inductee of the Building Industry and Land Development Association’s Hall of Fame.



# Matthew Bennett

## Partner, MCIP, RPP, PLE

### PROFESSIONAL EXPERIENCE

Partner, (2018-present)  
N. Barry Lyon Consultants Limited

Associate (2014-2018)  
N. Barry Lyon Consultants Limited

Planner & Real Estate Analyst  
(2008-2014)  
N. Barry Lyon Consultants Limited

### ACADEMIC

Bachelor of Urban and Regional  
Planning  
Toronto Metropolitan University  
2008

### PROFESSIONAL AFFILIATIONS

Member, Lambda Alpha Society,  
Honorary Society for the  
Advancement of Land Economics

Member, Ontario Land Economists

Member, Canadian Institute of  
Planners, Registered Professional  
Planner

Member, Ontario Professional  
Planners Institute

Young Leader, Urban Land Institute

Graduate Studio Mentor, Toronto  
Metropolitan University

Guest Lectures, Toronto  
Metropolitan University, University of  
Waterloo

A graduate of the School of Urban Planning at Toronto Metropolitan University, Matthew Bennett is a Registered Professional Planner and Land Economist. Matthew has experience and knowledge with a diversified range of both public and private sector development and land use planning projects. His work includes most forms and types of residential, commercial, institutional, resort, recreational and mixed-use development.

At NBLC, Matt has analyzed real estate throughout a wide range of consulting assignments across Canada. These projects include highest and best use studies, market and financial feasibility analyses, major urban infrastructure and renewal initiatives and value planning exercises. Matt's work also often leverages his experience with financial analysis, concept development, and design.

Matt also has experience in the development of disposition and procurement strategies, including public-private partnership models, asset management programs and business plans for institutions and public bodies considering the development or redevelopment of land assets.

In addition to development feasibility assessments for private sector development clients, some of Matthew's recent and notable assignments include:

### REAL ESTATE ADVISORY

- Waterfront Toronto Quayside redevelopment, affordable housing and financial advisory services
- National Capital Commission, Business Plan and Economic Impact Analysis for LeBreton Flatts, Ottawa
- Waterfront Toronto, East Bay Front, Toronto Port Lands and Quayside Real Estate Strategies and Due Diligence
- York Region Transit, Davis Drive Residual Lands Disposition Strategy
- City of Brampton, Business Case for a Municipal Development Corporation
- United Church of Canada, National Portfolio Review and Real Estate Strategy (3,000 sites)
- United Church of Canada, Disposition Process Advisor (six site RFP process)
- Anglican Diocese of Toronto, Real Estate Review and Decision-Making Strategy (250 sites)

# Matthew Bennett

## Partner, MCIP, RPP, PLE

- Town of Oakville, Business Case and Inaugural Business Plan for its Municipal Development Corporation
- University of Toronto, Housing Plan for Families on St. George Campus
- Create TO/ Build Toronto, Real Estate Portfolio Review and Asset Management Analyses
- University of Toronto Scarborough, Master Plan Economic Impact Analysis
- Port Stanley Waterfront Development/Business Strategy
- Canada Lands, One Port Street Development Strategy
- Town of Oakville, Municipal Land Value Capture Analysis
- Toronto District School Board, Site Planning & Disposition Strategy (230+ sites) GTA Housing Action Lab & Tower Renewal Partnership, strategic advisory

### LAND USE PLANNING & POLICY

- Impact Analysis for an Inclusionary Zoning Policy: City of Toronto; City of Markham, City of Kitchener, Cambridge and Waterloo (joint study)
- Peer Review, Inclusionary Zoning Impact Analysis, City of Ottawa
- Analysis of Alternative Cash-in-Lieu of Parkland (S.42) Policy Alternatives: City of Toronto; City of Markham; City of Guelph; Town of Halton Hills; Town of Oakville; and, City of Brampton;
- Cities of Toronto, Kitchener, and Mississauga: Analysis of cumulative impacts relating to Growth Funding Tool changes (Development Charges, Community Benefits Charge, Parkland Cash in Lieu and Inclusionary Zoning)
- City of Mississauga, Downtown Office CIP Financial Analysis
- Town of Milton Mobility Hub Plan
- City of Burlington Mobility Hubs Strategy
- Town of Oakville Official Plan Review, Assessment of Redevelopment Viability in Main Street Growth Areas
- City of Toronto, Growing Up (Vertical Communities) Study
- Region of Waterloo, Brownfields Financial Incentive Review

### DEVELOPMENT FEASIBILITY

- Create TO/ Waterfront Toronto – Analysis of land value potential, Villiers Island
- PSP Downsview Redevelopment Master Plan, Financial Analyses, Economic Impact Analysis
- Town of Oakville, Redevelopment and Disposition Strategy, Oakville Trafalgar Hospital
- University of Saskatchewan, Student Housing Demand Analysis
- Peel District School Board, Britannia Farm Master Plan (CIP Award for Planning Excellence, 2017)
- University of Toronto, Huron Sussex Neighbourhood Real Estate Strategy (CIP Award for Planning Excellence, 2014)
- Infrastructure Ontario, Ontario Place Revitalization Analysis
- TDSB, Office Administrative Centre Development Analysis

# Matthew Bennett

## Partner, MCIP, RPP, PLE

- Toronto Region Conservation Authority, Administrative Headquarters redevelopment study and Public-Private-Partnership (PPP) procurement analysis
- Town of Oakville, Downtown Cultural Hub Redevelopment Analysis and Public-Private-Partnership (PPP) procurement analysis
- Trent University, Endowment Lands, Residential Redevelopment Analysis

### AFFORDABLE HOUSING

- Birch Housing, Portfolio Review and Real Estate Strategy
- York Region, Analysis of a Mixed-Tenure, Mixed-Income, Housing Pilot
- Toronto Housing Secretariat, Peer Review of Open Door Program Applications
- Mainstay Housing, Portfolio Review and Real Estate Strategy
- Toronto Supportive Housing Network, Portfolio Review and Real Estate Strategy
- Peel Region, Affordable Housing Strategy
- Waterfront Toronto, Analysis of a Mixed-income Housing Pilot
- SE Health, Mixed-Income Independent and Co-Living Senior's Housing Model
- City Housing Hamilton, Redevelopment Feasibility Analysis for Jamestown
- City of Mississauga, Incentives for Affordable Housing Study
- City of Toronto, Financial Incentives Study for Priority Neighbourhoods
- City of Toronto, Large Sites Affordable Housing Policy Review
- TCHC, Portfolio Review and Asset Management Strategy
- St. Christopher's House, Affordable Housing Redevelopment Analysis

### REAL ESTATE AND TRANSIT

- City of Ottawa, Confederation Line TOD Opportunity Analysis & Framework for RFP Implementation
- Metrolinx, Eglinton, Finch West & Sheppard East LRT Corridor Real Estate Strategies
- Metrolinx, GO Station (RER) Real Estate Impact Analysis
- City of Waterloo, Transit Real Estate Value Enhancement Strategy
- City of Toronto, Sheppard Subway Financing Plan Analysis (with KPMG)
- City of Toronto Spadina Subway Line Extension, Land Value Impact Analysis
- Metrolinx, Kennedy Mobility Hub Study
- Hurontario High Order Transit Study, Business Case



# Mark Conway

## President, MCIP, RPP, PLE

### PROFESSIONAL EXPERIENCE

President, (2000-present)  
 N. Barry Lyon Consultants Limited

Head of Real Estate & Environment  
 Group (1997-2000)  
 Dillon Consulting Limited

Director of Planning & Development,  
 (1993-1997)  
 City of Toronto Economic  
 Development Corporation (TEDCO)

Manager of Planning (1987-1993)  
 Toronto Harbour Commission

Community Planner (1983 -1987)  
 Ministry of Municipal Affairs

### ACADEMIC

Bachelor of Applied Arts, Urban and  
 Regional Planning  
 Toronto Metropolitan University  
 1983

Bachelor of Arts, Geography  
 Lakehead University 1980

### PROFESSIONAL AFFILIATIONS

Advisory Committee, Centre for  
 Urban Research and Land  
 Development

Member, Lambda Alpha Society,  
 Honorary Society for the  
 Advancement of Land Economics

Member, Ontario Land Economists

Member, Expropriation Association  
 of Ontario

Member, Canadian Institute of  
 Planners, Registered Professional  
 Planner

Member, Ontario Professional  
 Planners Institute

Mark Conway is the President of NBLC and oversees the management and professional activities of the company.

Mark is a professional planner and land economist with about 40 years of experience ranging from municipal and corporate real estate strategies to site specific assessments of development feasibility. Mark has also played a lead role in the development of affordable housing, real estate and economic development strategies policies throughout Ontario.

The following are a sample of assignments that Mark has led at NBLC:

### ADVISORY AND STRATEGY

- Waterfront Toronto Evaluation Committee – Sidewalk Labs Proposal
- Metrolinx – TOC Advisory Panel
- City of Brampton – Industrial Lands Strategy
- Town of Oakville – Public Lands Study
- National Capital Commissions - LeBreton Business Plan
- Canada Lands, Ottawa, Rockcliffe Park CFB Business Plan
- City of Toronto, Relief Line Real Estate Impact Study
- City of Toronto – Film Studio Relocation Study
- CPA Association Real Estate Strategy
- PSP Downsview Redevelopment Masterplan, Toronto
- 20 Vic, Shopping Centre Intensification Study, Vancouver
- Chartwell REIT, Ottawa, Retirement Home Market Study
- Greywood Investment, Condominium Market Study, West Don Lands
- City of Toronto – Development Charge Impact Analysis City of Toronto Canada Lands, One Port Street – Development Strategy
- Choice Property REIT – Market Studies – Multiple Sites
- Realstar, Rental Development Feasibility Study, Burlington
- Momentum Developments- Condominium Feasibility Study –Waterloo
- K&G Management – Market Assessment – Avondale Lands
- Parc Downsview Park – Residential Market Analysis
- Daniels Corporation, Market Study, Erin Mills Rental Project
- United Jewish Appeal Lebovic Community Centre Lands RFP Management;
- FRAM, Port Credit Village, Market and Financial Feasibility Study
- City of Kingston Waterfront Condominium Market Feasibility Study
- Auburn Developments – Barrel Yards – Waterloo
- Town of Wasaga Beach Redevelopment Strategy

# Mark Conway

President, MCIP, RPP, PLE

- Port Stanley Waterfront Development/Business Strategy
- Waterfront Toronto –Quayside Market and Financial Analysis
- Build Toronto, Portfolio Analysis
- City of Windsor Neighborhoods Market Analysis
- Town of Oakville – Municipal Land –Value Capture Analysis
- Infrastructure Ontario- Community Hubs Study
- Portfolio Review – Anglican Church – Toronto Diocese
- Portfolio Review – United Church of Canada
- City of Hamilton – Creative Catalyst Study
- Peel District School Board – Britannia Farms Redevelopment Study
- City of Kingston – Kingston Penitentiary Redevelopment Analysis
- United Church of Canada –National Portfolio Review
- League Assets – Colwood Market and Redevelopment Analysis, Victoria
- Rompsen Investment Fund, Niagara Falls Golf Course Community Study
- TWRC, Toronto Port Lands Implementation Strategy
- Toronto Housing, Lawrence Heights Redevelopment Strategy
- Richie Brothers Auction Development – Economic Impact Analysis
- Windsor Race Track, Redevelopment Assessment, Toldo Enterprises
- City of Waterloo, Community Arts Hub Feasibility Study

## REAL ESTATE AND TRANSIT

- Region of Durham - GO Extension Business Case and Transit Funding Proposal
- Metrolinx – Cooksville TOD Land Value Analysis
- City of Toronto – DRL Real Estate Impact Analysis
- Toronto Portland Company – SIM Industries Development Proforma
- City of Toronto - Mimico Station TOD Analysis
- Kilmer – Waterloo Transit Hub Market Study
- Metrolinx – Milton Station TOD Analysis
- City of Ottawa – Confederation Line TOD Opportunity Analysis
- City of Hamilton - LRT Real Estate Impact Analysis
- Region of Waterloo – ION TOD Real Estate Impact Analysis
- City of Toronto – Smart Track Real Estate/Land Value Capture Analysis
- Metrolinx – GO Station (RER) Real Estate Impact Analysis
- City of Waterloo, Transit Real Estate Value Enhancement Strategy
- Metrolinx, Finch LRT Real Estate Analysis
- Metrolinx, Eglinton Crosstown LRT – Real Estate Study
- City of Toronto Spadina Subway Line Extension, Land Value Impact Analysis
- Metrolinx, Eglinton Crosstown LRT – Retail Demand Forecast

# Mark Conway

## President, MCIP, RPP, PLE

- City of Toronto, Sheppard – Eglinton Subway Financing Study (with KPMG)
- Metrolinx, Downtown Bus Terminal Development Feasibility Study
- Metrolinx, Cooksville Mobility Hub Study
- Metrolinx, Kennedy Mobility Hub Study
- TTC, Residential Feasibility Study, Selected TTC Station sites
- Metrolinx, Dundas Mobility Hubs Land Value Uplift Analysis
- Hurontario High Order Transit Study – Business Case

### DEVELOPMENT FEASIBILITY

- Infrastructure Ontario – Pan Am Games Athletes Village Feasibility Study
- Toronto Portlands Company Film Studio Development Feasibility
- Choice Property REIT – Rental Market Study Parksville BC
- TDSB, Office Administrative Centre Development Analysis
- Fairmont Hots Springs B.C.– Master Plan Feasibility Study
- Cadillac Fairview, Redevelopment Analysis-Don Mills Shopping Centre
- TCH, Alexandra Park Revitalization Business Plan
- City of Kingston – Block 4 Market and Feasibility Study
- Infrastructure Ontario, Ontario Place Redevelopment Feasibility Study
- Concert Properties; Site Analysis and Investment Strategy
- Port Stanley Redevelopment Business Plan; Municipality of Central Elgin
- Town of Oakville Downtown Cultural Hub Feasibility Study
- Quadreal – Mississauga Rental Market Study

### LAND USE PLANNING POLICY

- Peel Region Employment Land CIP Review
- City of Brampton Employment Land CIP
- City of Toronto Inclusionary Zoning Study
- Region of Waterloo- Brownfields Financial Incentive Review City of Toronto Parkland Policy Options Analysis
- Town of Innisfil Employment Lands Analysis (w/SGL)
- Pickering Growth Management Strategy (w/SGL)
- Town of Aurora, Aurora 2C Employment Lands Study
- County of Essex Employment/Residential Lands Study (W/Jones)
- City of Niagara Falls – Urban Boundary Peer Review
- Town of Grimsby Employment Lands Analysis
- Town of Halton Hills, 401 Corridor Industrial Secondary Plan
- Haldimand County, Growth Management Plan (w/SGL)
- Town of Markham, Yonge Corridor Intensification Study

# Mark Conway

## President, MCIP, RPP, PLE

- Hamlet of Norval Secondary Plan, Town of Halton Hills
- Town of Halton Hills, Intensification Study
- Glen Williams Secondary Plan, Town of Halton Hills
- Milton, CBD Secondary Plan, Town of Milton
- County of Norfolk – Lakeshore Secondary Plan (w/MMM)
- City of Toronto, Keele Street Avenues Study
- UOIT Oshawa Downtown Master Plan- CIP Study
- Downtown Milton Secondary Plan

### HOUSING STUDIES

- City of Sudbury Housing Regeneration Strategy
- United Church of Canada - National Housing Strategy
- City of Toronto Affordable Housing Policy
- Mainstay Not- For-Profit Housing – Regeneration Strategy
- Toronto Interfaith Not-for Profit – Housing Needs Study
- Peel Region Affordable Housing Strategy
- Town of Blue Mountains Attainable Housing Strategy
- City of Windsor Housing Regeneration Strategy
- City of Mississauga – Incentives Requirement for Affordable Housing
- TCH, Alexandra Park Revitalization Business Plan
- TCH, Lawrence Heights Revitalization Business Plan
- City of Toronto, AHP Program Evaluation
- Grey County Housing Study
- Town of Blue Mountains Housing Study
- Trillium Housing Corporation 14 Trent Market Study
- Housing Lab, Market and Financial Guidance
- City of Toronto – Affordable Housing Policy
- Peel Living – Twin Pines Redevelopment Strategy
- City of Toronto Large Sites Affordable Housing Policy Review
- City of Mississauga – Incentives for Affordable Housing Study
- City of Hamilton – Affordable Housing Subsidy Analysis
- St Christopher’s House – Affordable Housing Community Land Trust
- Sidney Street Non- Profit Housing Corporation Feasibility Study
- TCH, Regent Park Financial Review
- City of Toronto – Financial Advisor – Bayside Affordable Housing
- City of Waterloo, Community Arts Hub Feasibility Study
- Ministry of Municipal Affairs, Affordable Housing Program
- Windsor Community Housing - Regeneration Study

# Mark Conway

President, MCIP, RPP, PLE

## EXPERT WITNESS EXPERIENCE

- City of Windsor v. Pacioka – Expropriation Hearing with respect to Shergar v City of Windsor
- Town of Aurora vs Aurora 2C Landowners Group OMB Hearing– Viability of Employment Lands designation
- Lakeside Park Dev v. City of St. Catharines, OMB Hearing, Condominium Project
- 131/151 Bloor – Victoria College v. Morguard- GE Capital – Lease Arbitration
- 2 Bloor- City of Toronto v. Brookfield Lease Arbitration
- Resort Residential Development Lafarge Canada v. City of Toronto – OPA 492 Central Waterfront Plan – Land Use Compatibility of Industrial and Residential Uses.
- Waterdown Bay Inc. v. City of Hamilton – Residential Demand Analysis
- Smartcentres v. City of Burlington – Residential Intensification at GO Stations.
- Private Developer v. Town of Innisfil – Demand for Resort Residential Development
- Town of Halton Hills v. Private Developer – Glen Williams Secondary Plan.
- Town of Halton Hills v. Private Developer – Georgetown South Secondary Plan
- Town of Milton v. Private Developer – Downtown Milton Secondary Plan.
- All Souls United Church v. City of Toronto – High Density developments at Subway Stations
- Home Depot v. City of Toronto – Land Use Compatibility of Big Box Stores in Industrial Areas
- Milalda Farms v. Province of Ontario – 407 Widening Expropriation.
- McRae v. Province of Ontario – 407 Widening Expropriation.
- Emerson Electric v. The Region of York – Expropriation with respect to the Markham By-pass
- Simone v. City of Toronto – Expropriation of Industrial Lands for Bathurst Street Extension
- Private developer v. Township of Oro Medonte – Estate Lot Development
- Town of Aurora v. Private Developer – Adequacy of Employment Lands
- SF Partners – Grand Niagara – Golf Course –Resort Residential Valuation
- Sharon Investments v. Insured – Damages from an improper land transfer
- Southcott Homes v. TDCSB Damages associated with failing to conclude a purchase agreement
- Base Ninety v. Ontario 407 Hwy Industrial Lands Expropriation, Burlington
- Smart Centres v. City of Burlington – Feasibility of High Density Development at GO Train Stations, OMB Hearing
- Brewers v Block – Revenue Forecast to Assess Costs

## DISPOSITION

- United Church of Canada – RFP Five Properties
- York Region Transit – Davis Drive Residual Lands Disposition Strategy
- National Capital Commission – LeBreton Flats RFP Management, Ottawa
- City Ottawa – Process Advisor TOD – Confederation Line Phase 2
- Imperial Oil – Port Credit Refinery Disposition and RFP Management
- Halton Catholic District School Board – 2337 Coronation Drive Disposition

# Mark Conway

President, MCIP, RPP, PLE

- Build Toronto, Disposition and Joint Venture Analysis -10 York Street
- Build Toronto, Disposition and Joint Venture Analysis -150 Front Street
- Disposition and Joint Venture -Goodwill Industries
- Family Service Toronto 355 Church Street- Disposition Analysis and RFP
- Toronto Community Housing – Regent Park – RFP Management
- Canadian National Institute for the Blind – Disposition and RFP Management
- BDO Dunwoody - Sapphire Tower – Process Advisor
- Prom-Edu-Val - 77 Charles Street, Disposition Analysis and RFP Management
- Canada Lands Company Downsview Park – RFP Management
- Canadian Opera Company- 227 Front Disposition Analysis
- BMO Canada Lands – 150 Front Street
- BMO – 234 Simcoe Street – Transaction Support
- Metrolinx 433 Front Street - RFP Management
- Halton District School Board – Lakeshore Woods School Site - RFP Management
- Town of Midland Waterfront Lands – RFP Management

# Nick Michael

## Partner, MCIP, RPP, PLE

### PROFESSIONAL EXPERIENCE

Partner, (2020-present)  
 N. Barry Lyon Consultants Limited

Associate, (2016-2020)  
 N. Barry Lyon Consultants Limited

Planner & Real Estate Analyst,  
 (2014-2016)  
 N. Barry Lyon Consultants Limited

Development Planner (2012-2014)  
 R.G. Richards and Associates

Development Services, (2012)  
 Region of Peel

Student Planner, (2011)  
 City of Kingston

### ACADEMIC

Master of Planning  
 Queen's University 2012

Bachelor of Arts  
 York University 2009

### PROFESSIONAL AFFILIATIONS

Member, Association of Ontario  
 Land Economists

Registered Professional Planner,  
 Ontario Professional Planners  
 Institute

Member, Canadian Institute of  
 Planners

2020 OPPI Conference Keynote  
 Speaker

Guest Lecturer on Housing Market,  
 Economics, and Development  
 Feasibility, Toronto Metropolitan  
 University

Nick is a Partner at N. Barry Lyon Consultants Limited who specializes in the housing market and urban economics. He holds a Master's degree in Urban and Regional Planning from Queen's University and is a Registered Professional Planner (RPP) and Land Economist (PLE).

Nick has extensive experience assessing housing issues and regularly completes a wide range of assignments for both the public and private sector. These projects include highest and best use studies, market and financial feasibility analyses, affordable housing solutions, assessment of current supply and demand characteristics and projections, social housing regeneration initiatives, and market and land value analyses in support of expropriation hearings. Nick also has experience evaluating the impacts of major transit projects on real estate markets, the impact of financial incentives to encourage private sector investment, and providing market and economic support to the development of planning policies and guidelines.

Nick is also often retained to evaluate the office and industrial markets in Ontario by both the public and private sectors. Nick has developed incentive programs to target employment growth and provided numerous employment analyses in support of planning policies and real estate strategies.

Nick also has experience with the approval of Planning Act applications, having previously completed Official Plan and Zoning By-Law amendments, Committee of Adjustment applications, and approval for site plan control.

A selection of projects exemplifying Nick's experience are provided below:

### REAL ESTATE ADVISORY

- Kingston Penitentiary Visioning Exercise and Redevelopment Opportunity – Canada Lands Corporation and the City of Kingston
- Borden Community Hub Market and Land Value Assessment – InfrastructureOntario
- Species at Risk Compensation Lands (public land disposition) Market Soundings and Analysis – Infrastructure Ontario
- Real Estate Portfolio Analysis and Development Potential - Imperial Oil
- Real Estate Portfolio Analysis – Greater Sudbury and Windsor-Essex Housing Corporations
- Value of Public Lands in Downtown Hamilton, Value Estimation, and Disposition Strategy – City of Hamilton
- Options for Film Studio Replacement in the Port Lands – City of Toronto

# Nick Michael

## Partner, MCIP, RPP, PLE

- Zoning By-Law Amendment 628 Church Street, Toronto – Aspen Ridge Homes
- Numerous private sector market, financial, and highest and best use analyses
- Numerous Planning Act Applications completed at R.G. Richards and Associates. Work included Official Plan and Zoning By-Law Amendments, Site Plans, Minor Variance and Consent Applications.

### LAND USE PLANNING & POLICY DEVELOPMENT

- The Impact of Government Imposed Charges on Housing Affordability – City of Mississauga
- Official Plan Review – Market and Land Needs Assessment – East Gwillimbury
- Major Office Employment CIP Analysis – Peel Region
- Employment and Affordable Housing CIP Analysis – City of Brampton
- Affordable Housing and Employment CIP Analysis – Durham Region
- Wasaga Beach Official Plan Review and Growth Management Exercise – Town of Wasaga Beach
- Neighbourhood Market Value Analysis and Neighbourhood Typology Study – City of Windsor
- Rental Replacement By-Law Analysis – City of Mississauga
- Financing Options for the Delivery of Rail Deck Park – City of Toronto
- Transit Corridor Zoning By-Law Review – City of Hamilton
- Cumulative Impact Analysis (Development Charges, Parkland Fees, TO Core Policies) on Development Feasibility – City of Toronto

### DEVELOPMENT FEASIBILITY

- Downsview Redevelopment Master Plan, Market and Economic Analysis – PSP Investments and Canada Land Corporation
- Rental Housing Development Viability Analysis in Support of the Mayor's Task Force – City of Kingston
- Review of the Need for Financial Incentives to Encourage Development in Hamilton's Downtown – City of Hamilton
- The need for Development Charge Exemptions to Encourage Development in Windsor's Downtown – City of Windsor
- OMB Hearing Regarding the Market Impact and Development Potential of the Mimico Judson Rail Yards – Metrolinx and City of Toronto
- Expropriation hearings in support of land value, market potential, and injurious affections for properties along the Eglinton LRT corridor
- Agincourt Mall Market Assessment, Development Opportunity, and Affordable Housing Gap Analysis – North American Development Group
- Highest and Best Use and Development Strategy of a former major warehouse site in the City of Brampton – Canadian Tire Real Estate Limited
- Downtown Kingston Condominium Market and Financial Study – Private Sector Client
- Kingston Rental Market Feasibility Study - CaraCo Development Corporation



# Nick Michael

## Partner, MCIP, RPP, PLE

- Rental Market Feasibility Analysis – Ottawa, London Sault Ste. Mare – North American Development Group
- Market and Financial Feasibility Analysis of 1107 Main Street West in the City of Hamilton – Coldwell Banker Brokerage

### AFFORDABLE HOUSING

- Housing Needs Analysis and Master Plan – Oxford County
- Affordable Housing Strategy and Incentive Analysis – City of Brampton
- Inclusionary Zoning Assessment Report and Financial Feasibility Analysis – Toronto, London and Peel Region
- Redevelopment Feasibility Analysis for Jamestown Social Housing Property – City Housing Hamilton
- Financial Feasibility and Land Value Analysis for City Owned Affordable Housing Development - City of Kingston
- Incentives for Affordable Housing Study – City of Mississauga
- Affordable Housing Strategy and Incentive Program - Region of Peel
- Affordable Housing Demand Analysis – Windsor Essex Community Housing Corporation
- Housing Regeneration Plan and Business Case (including Financial Feasibility) - Windsor Essex Community Housing Corporation
- Housing Revitalization Plan and Business Case (including Financial Feasibility) – City of Greater Sudbury
- Housing and Homelessness Plan Update – City of Greater Sudbury
- The Impact of Government Funding on Affordable Housing Delivery – Several Private Sector Clients

### REAL ESTATE AND TRANSIT

- Eglinton, Finch West & Sheppard East LRT Corridor Real Estate Strategies – Metrolinx and the City of Toronto
- GO Station (RER) Real Estate Impact Analysis - Metrolinx
- Downtown Relief Line Real Estate Study: Development Opportunities and Impacts – City of Toronto
- Development Potential Adjacent the GO Transit Rail Stations – Metrolinx
- Real Estate Investment Impact Analysis of the B-Line LRT – City of Hamilton
- SmartTrack Real Estate Impact Analysis and Corridor Capacity Study – City of Toronto
- Danforth GO Station Area Plan – Metrolinx
- Hurontario LRT Corridor Analysis of Office Market Demand – City of Mississauga
- Land Value Uplift and Development Impacts of a Property along Eglinton Avenue in Support of Metrolinx Expropriation – Metrolinx
- The Impact of LRT and RER Transit on the Office Market in Peel Region – Region of Peel, City of Mississauga, City of Brampton

# Cameron Macdonald

## Associate, MCIP, RPP, PLE

### PROFESSIONAL EXPERIENCE

Associate  
(March 2021 – present)  
N. Barry Lyon Consultants Limited

Planner & Real Estate Analyst  
(March 2018 – March 2021)  
N. Barry Lyon Consultants Limited

Real Estate Analyst  
(April 2017 – March 2018)  
Urbanation

Research Associate  
(January 2016 – April 2017)  
Centre For Urban Research and  
Land Development

### ACADEMIC

Bachelor of Urban and Regional  
Planning  
Toronto Metropolitan University,  
2017

Bachelor of Arts (Hon.)  
University of Toronto, 2009

### PROFESSIONAL AFFILIATIONS

Member, Association of Ontario  
Land Economists

Registered Professional Planner,  
Ontario Professional Planners  
Institute

Member, Canadian Institute of  
Planners

Member, Urban Land Institute

Cameron is an Associate at N. Barry Lyon Consultants Limited who specializes in development feasibility and land economics. He holds a bachelor's degree in Urban and Regional Planning from Toronto Metropolitan University and is a Registered Professional Planner, a Member of the Canadian Institute of Planners, and a Professional Land Economist.

Cameron has extensive experience assessing housing markets and regularly completes a wide range of assignments for both public and private sector clients. These projects include highest and best use studies, market and financial feasibility analyses, assessment of current supply and demand characteristics and projections, and market/land value analyses. Cameron also has experience evaluating the impacts of major transit projects on real estate markets, the impact of financial incentives to encourage private sector investment and providing market and economic support to the development of planning policies and guidelines.

Cameron also has experience evaluating and analyzing employment markets in Ontario, for both public and private sector clients. This includes work developing incentives programs that target employment growth, developing leasing strategies based on market analysis, completing employment feasibility studies, and providing employment analyses in support of planning policies and real estate strategy.

A selection of projects exemplifying Cameron's experience are provided below:

### REAL ESTATE ADVISORY

- Redevelopment Analysis for an existing industrial building as part of the Downsview Redevelopment, Canada Lands Corporation
- Kingston Provincial Campus Visioning Exercise and Development Options Analysis, City of Kingston
- Weston GO Station Development Options Analysis, Metrolinx
- Villiers Island Valuation Analysis, CreateTO
- City-Owner Uptown Properties Strategic Utilization Analysis, City of Waterloo
- Subject Matter Support for Sidewalk Labs Proposal – Waterfront Toronto
- Market and Real Estate Strategy (office, industrial, residential) for the Humber River Hospital Lands – Infrastructure Ontario

# Cameron Macdonald

## Associate, MCIP, RPP, PLE

- Land Value Analysis and Options Analysis for a site in North York, Thimble Realty
- Assessment of market potential and land value estimate across the GO Rail Network, Metrolinx and MTO
- Waterfront East LRT Business Case, Waterfront Toronto
- Planning and Market Feasibility Analysis for a residential project in Port Elgin
- Multiple Employment Lands Conversion Studies in Toronto, Choice Properties
- Employment Land Conversion Analysis in North York, CT REIT
- Employment Land Conversion Analysis in Scarborough, Westdale Properties
- Employment Land Conversion Analysis in North York, OTT Financial
- South Port Market and Leasing Strategy, CreateTO
- Employment Land Conversion Analysis in Scarborough, Nova Depot
- Development Options Analysis for an employment property in Toronto, Toronto Stock Yards Land Development Board
- Finch-Kennedy Smartrack Station, Development Options Analysis, East Urban Properties Inc.
- Tourism Industry Workforce Housing Business Case (South Georgian Bay), Blue Mountain Village Association

### LAND USE PLANNING & POLICY DEVELOPMENT

- Inclusionary Zoning Impact Analysis, City of Toronto
- Inclusionary Zoning Impact Analysis, City of Brampton
- Growth Funding Tools Cumulative Impact Analysis, City of Kitchener
- Growth Funding Tools Cumulative Impact Analysis, City of Toronto
- Growth Funding Tools Cumulative Impact Analysis, City of Mississauga
- Britannia Secondary Plan Market Analysis, Town of Milton
- Inclusionary Zoning Impact Analysis, City of London
- Affordable Housing and Employment CIP Analysis, Durham Region
- Population and Employment Needs Study for a property in Toronto, Toronto Stock Yards Land Development Board
- Settlement Area Boundary Expansion in South Huron, Tridon Group
- Employment Analysis and Economic Impact Study for a project in North York, First Capital
- Parkland Dedication Guidelines, City of Vaughan
- Industrial and Office Market and Incentive Analysis, City of Brampton

### DEVELOPMENT FEASIBILITY & MARKET ANALYSIS

- Downsview Market and Economic Analysis, Employment Conversion Study, Housing Issues Study, and other supporting analysis – PSP Investments, Northcrest Developments, and Canada Land Corporation
- Employment Use Analysis for a site in Etobicoke, Tallisker Corporation
- Residential Market Feasibility Analysis for a site in St. Catharines, Canada Lands Corporation

# Cameron Macdonald

Associate, MCIP, RPP, PLE

- Land Value Analysis and Development Options Analysis for a former industrial site in the City of Toronto, Harry Korolnek Holdings
- Land Value Analysis for a transit adjacent site in Downtown Toronto, EDEV Realty Advisors
- Multiple Residential and Employment Market/Financial Feasibility Analyses for various private sector clients throughout Ontario.
- Multiple Affordable Housing Analyses for various private sector clients
- Multiple Highest and Best Use Analyses for various private sector clients.
- Multiple Land Valuation Analyses for various private sector clients.

# Joe Chipman

## Senior Analyst

### PROFESSIONAL EXPERIENCE

Senior Analyst, (2021-present)  
N. Barry Lyon Consultants Limited

Development Analyst (2018-2021)  
New Commons Development

Planner & Real Estate Analyst  
(2016-2018)  
N. Barry Lyon Consultants Limited

Public Consultation Assistant  
(2015-2016)  
Brook Pooni Associates

Student Planner (2015)  
Diamond Corp

### ACADEMIC

Bachelor of Urban and Regional  
Planning  
Toronto Metropolitan University  
2016

Bachelor of Geography  
Simon Fraser University 2012

Certificate of Urban Studies  
Simon Fraser University 2012

### PROFESSIONAL AFFILIATIONS

Candidate Member, Planning  
Institute of British Columbia &  
Canadian Institute of Planners

Joe Chipman joined N. Barry Lyon Consultants as a Planner and Real Estate Analyst in May 2016 and rejoined the firm as a Senior Analyst in January 2021. His professional experience at NBLC includes feasibility analysis, real estate strategy, market analysis, affordable housing policy, and economic analysis of land use planning and policy.

Joe graduated with a Bachelor of Urban and Regional Planning from Toronto Metropolitan University in 2016. His research focused on development feasibility analysis, urban economics, and housing policy. He also holds a Bachelor of Arts in Geography and a Certificate of Urban Studies, both from Simon Fraser University.

While at Toronto Metropolitan University, Joe worked as a student planner for Diamond Corp., assisting with due diligence research for the acquisition of high-density residential and mixed-use development sites in Toronto. He also worked as a public consultation assistant for Brook Pooni Associates, where he and his team helped to educate the public and solicit feedback regarding the proposed redevelopment of Honest Ed's/Mirvish Village in downtown Toronto. Prior to rejoining NBLC in 2021, Joe worked as a development analyst and project manager for New Commons Development, a non-profit owner's representative and real estate developer based in Vancouver and Toronto.

Joe is a Candidate Member of the Ontario Professional Planners Institute and is currently working toward his accreditation as a Registered Professional Planner.

Some of the work undertaken by Joe includes:

### DEVELOPMENT FEASIBILITY

- Cadillac Fairview – Affordable Rental Housing Analysis
- Great Eagle Holdings – Development Feasibility Analysis
- Spotlight Development – Affordable Ownership Analysis
- Emshih Developments – Affordable Housing Feasibility Analysis
- City of Hamilton – Affordable Rental Housing Analysis
- New Commons Development – Affordable Housing Cost Analysis
- North American Development Group – Residential Market Update & Affordable Housing Gap Analysis

# Joe Chipman

## Senior Analyst

- Options for Homes – Development Feasibility Analysis
- Toronto Community Housing – Residential Market and Land Value Analysis
- Build Toronto – Land Value Analysis
- Maplegrove York Apartments – Purpose-Built Rental Market Feasibility Analysis

### REAL ESTATE STRATEGY

- Metrolinx – Commercial Review of Transit Oriented Communities Project
- Woodbine Entertainment – Affordable Housing Advisory
- Northcrest Developments – Affordable Housing Advisory
- Region of Halton – Regional Ontario Street (Allendale Campus) Phase 1 Implementation Plan
- City of Greater Sudbury – Social Housing Regeneration Plan
- Chartered Professional Accountants of Ontario – Real Estate Strategy
- Windsor-Essex Community Housing Corporation – Social Housing Regeneration Plan
- United Church of Canada & CMHC – National Land Inventory & Real Estate Strategy
- Town of Oakville – Financial Analysis of Surplus Lands

### LAND USE PLANNING AND POLICY

- City of Toronto – Evaluation of Potential Impacts of an Inclusionary Zoning Policy
- City of Markham – Evaluation of Potential Impacts of an Inclusionary Zoning Policy
- City of London – Evaluation of Potential Impacts of an Inclusionary Zoning Policy
- City of Toronto – Evaluation of Potential Impacts of Proposed Municipal Charges and Fees for Residential Development
- City of Mississauga - Evaluation of Potential Impacts of Proposed Municipal Charges and Fees for Residential Development
- City of Kitchener – Evaluation of Potential Impacts of Proposed Municipal Charges and Fees for Residential Development
- City of Markham – Analysis of Alternative Approaches to Stormwater Management & Parkland Dedication
- City of Toronto – Parkland Strategy
- City of Toronto – Financial Analysis of Alternative Parkland Dedication Rates
- City of Mississauga & Region of Peel – Affordable Housing Program: Cost of Incentives Study
- City of Mississauga – Downtown Office CIP Financial Analysis
- Metrolinx – Development Impact Assessments of the Crosstown LRT
- Infrastructure Ontario – Literature Review of Land Use Impacts of LRT Investment



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 31, 2023
<b>SUBJECT/REPORT NO:</b>	Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That amended **Urban Hamilton Official Plan Amendment Application UHOPA-20-025 by Bousfields Inc. (c/o Ashley Paton) on Behalf of Coletara Development, Owner**, to amend the Downtown Hamilton Secondary Plan to change the classification of the Maximum Height from “Mid-rise” and “Low-rise 2” to “High-rise 2” on Map B.6.1-2 to permit the development of a 23 storey mixed use commercial / residential building, for lands located at 220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street, as shown on Appendix “A” attached to Report PED23022, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23022, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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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 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) - Page 2 of 31**

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- (b) That amended **Zoning By-law Amendment Application ZAC-20-038 by Bousfields Inc. (c/o Ashley Paton) on Behalf of Coletara Development, Owner**, for a change in zoning from the Downtown Central Business District (D1, H21) Zone and the Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone to permit a 23 storey mixed use building with 282 dwelling units, 854 square metres of retail space and 152 parking spaces for lands located at 220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street, as shown on Appendix “A” attached to Report PED23022, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED23022, 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 approval of Official Plan Amendment No. XX;
  - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H132’ to the proposed Downtown Central Business District (D1, 820) Zone:
    - H132. Notwithstanding Section 6.1 of this By-law, on those lands zoned Downtown Central Business District (D1, 820) Zone, identified on Map 951 of Schedule “A” – Zoning Maps and described as 220 and 222 Main Street West and 107 and 109 George Street, no development shall be permitted until such time as:
      - (1) The Owner submits and receives approval of the following Cultural Heritage studies, to the satisfaction of the Director, Heritage and Urban Design:
        - (aa) Documentation and Salvage Report for 220 Main Street West and 222 Main Street West;
        - (bb) Commemoration Brief for 220 Main Street West and 222 Main Street West;



**SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) - Page 3 of 31**

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- (2) The Owner establish an easement to allow vehicle access to the rear of the existing building located at 107 and 109 George Street, to the satisfaction of the Manager of Transportation Planning;
- (3) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and the submission of the City of Hamilton's current RSC administration fee;
- (4) That the Owner demonstrate that the proposed development does not exceed the height of the Niagara Escarpment to the satisfaction of the Director of Planning and Chief Planner;

H141. Notwithstanding Section 6.1 of this By-law, on those lands zoned Downtown Central Business District (D1, 820) Zone, identified on Map 951 of Schedule "A" – Zoning Maps and described 115 and 117 George Street, no development shall be permitted until such time as the Owner submits and receives approval of a Conservation Plan, to the satisfaction of the Director, Heritage and Urban Design.

## **EXECUTIVE SUMMARY**

The Applicant has applied for an Official Plan Amendment and Zoning By-law Amendment to permit a 23 storey mixed use building consisting of 282 dwelling units and 854 square metres of retail space with a six storey podium, and incorporating an existing heritage building at the intersection of Queen Street South and George Street together with 152 parking spaces on lands located at 220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street. The subject lands are bounded by Main Street West, Queen Street South and George Street.

The purpose of the Official Plan Amendment is to amend the Downtown Hamilton Secondary Plan to change the classification of the Maximum Height from "Mid-rise" and "Low-rise 2" to "High-rise 2" within the Downtown Hamilton Secondary Plan.

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The purpose of the Zoning By-law Amendment is to change the Downtown Central Business District (D1, H21) Zone and the Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone in Zoning By-law No. 05-200. Site specific modifications are proposed to accommodate the proposed development.

As part of the Zoning By-law Amendment, two Holding Provisions are required to be added to the subject lands. The purpose of the Holding Provisions are to ensure that no development shall be permitted until such time as the owner submits and receives approval for a Documentation and Salvage Report (220 and 222 Main Street West), Conservation Plan (115 and 117 George Street) and a Commemoration Brief (220 and 222 Main Street West), establishes an easement to allow vehicle access to the rear of the existing building located at 107 and 109 George Street, enters into a conditional building permit agreement with respect to completing the Record of Site Condition, and demonstrates that the proposed development does not exceed the height of the Niagara Escarpment.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan upon finalization of the OPA. The proposed development provides for an appropriate level of intensification at this location that will support the provision of a mix of housing types in the neighbourhood.

**Alternatives for Consideration – See Page 30**

**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 Official Plan Amendment and Zoning By-law Amendment applications.

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## HISTORICAL BACKGROUND

### Report Fact Sheet

<b>Application Details</b>	
Owner:	Coletara Development
Applicant:	Bousfields Inc. (c/o Ashley Paton)
File Numbers:	UHOPA-20-025 and ZAC-20-038
Type of Application:	Official Plan Amendment and Zoning By-law Amendment
Proposal:	<p>To permit a 23 storey mixed use building with 282 dwelling units, 854 square metres of retail space and 152 parking spaces.</p> <p>The subject application proposes the demolition of the circa 1891 building at 222 Main Street West (listed on the Municipal Heritage Register as a non-designated property) and the circa 1907 building at 220 Main Street West (listed on the Inventory of Heritage Properties). The applicant proposes to retain the circa 1871 building located at 115 and 117 George Street in Hess Village.</p>
<b>Property Details</b>	
Municipal Address:	220 and 222 Main Street West, 115, and 117 George Street and the southern portion of 107 and 109 George Street, Hamilton
Lot Area:	0.29 ha (2,900 square metres).
Servicing:	Existing full municipal services.
Existing Use:	Three, two and a half storey commercial buildings.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Downtown Urban Growth Centre” on Schedule E and “Downtown Mixed Use Area” on Schedule E-1.
Official Plan Proposed:	No changes proposed.

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<b>Documents</b>	
Secondary Plan Existing:	<p>“Downtown Mixed Use” on Map B.6.1-1 – Land Use Plan in the Downtown Hamilton Secondary Plan.</p> <p>“Mid-rise” (220-222 Main Street West) and “Low-rise 2” (107-117 George Street on Map B.6.1-2 – Maximum Building Heights in the Downtown Hamilton Secondary Plan.</p>
Secondary Plan Proposed:	<p>Staff amended the application and are recommending the following modification:</p> <p>“High-rise 2” on Map B.6.1-2 – Maximum Building Heights in the Downtown Hamilton Secondary Plan.</p>
Zoning Existing Bylaw No. 05-200:	Downtown Central Business District (D1, H21) Zone (220 and 222 Main Street West) and Downtown Mixed Use – Pedestrian Focus (D2) Zone (107, 109, 115 and 117 George Street).
Zoning Proposed Bylaw No. 05-200:	Downtown Central Business District (D1, 820, H132, H141) Zone.
Modifications Proposed:	<p>Staff amended the application and are recommending the following modification:</p> <ul style="list-style-type: none"> <li>• To permit a maximum of five parking spaces to be located outside of a building, whereas parking spaces are required to be located within a building;</li> <li>• To permit a maximum 6.0 metre setback from the street line along George Street and a maximum 4.7 metre setback for all other street lines, whereas a maximum 4.5 metre setback is permitted;</li> <li>• To permit a maximum setback of 8.5 metres for that portion of a building providing an access driveway to a garage, whereas 6.0 metres is required;</li> <li>• To permit a driveway with a maximum width of 7.7 metres, whereas a maximum width of 7.5 metres is permitted; and,</li> <li>• To permit a maximum building height of 78 metres for a portion of the subject lands, whereas maximum building heights of 44 metres (220 and 222 Main Street West) and 22 metres (107, 109, 115 and 117 George Street) are permitted.</li> </ul>
<b>Processing Details</b>	
Received:	September 4, 2020.
Deemed Complete:	September 28, 2020.
Notice of Complete Application:	Sent to 225 property owners within 120 metres of the subject lands on October 7, 2020.

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<b>Processing Details</b>	
Public Notice Sign:	Posted on October 7, 2020 and updated with public meeting date on January 4, 2023.
Notice of Public Meeting:	Sent to 225 property owners within 120 metres of the subject property on January 13, 2023.
Public Consultation	<p>The applicant has completed the following additional Public Consultation:</p> <ul style="list-style-type: none"> <li>• January 20, 2021 – project microsite launched with project information and digital links to application materials.</li> <li>• January 28, 2021 – phone call with the president of the Strathcona Community Council.</li> <li>• February 16, 2021 – attended the Durand Neighbourhood Association Executive Meeting.</li> <li>• February 24, 2021 – virtual public open house held via Zoom. Notices of the open house were delivered to all addresses within 120 metres of the subject lands and emailed to the Kirkendall Neighbourhood Association, Durand Neighbourhood Association, Central Neighbourhood Association and the Strathcona Community Council. A total of 23 residents attended the virtual open house.</li> </ul>
Public Comments:	One letter expressing concern was submitted. The letter is attached as Appendix “F” to Report PED23022 and is discussed on page 22 of this Report.
Processing Time:	858 days.

### Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Three, two and a half storey commercial buildings	Downtown Central Business District (D1, H21) Zone (220 and 222 Main Street West and Downtown Mixed Use – Pedestrian Focus (D2) Zone (107, 109, 115 and 117 George Street)

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**Surrounding Land Uses:**

North	Two and a half storey commercial buildings	Downtown Mixed Use – Pedestrian Focus (D2) Zone
South	Two and a half storey commercial buildings	Downtown Mixed Use (D3) Zone

**Surrounding Land Uses Continued:**

East	Two storey commercial buildings	Downtown Central Business District (D1, H21) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone
West	One storey commercial building and two and a half storey multiple dwellings	Mixed Use Medium Density (C5, 297) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020)**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (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 proposal.

“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 uneconomic expansion;
- e) Support active transportation; and,

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f) Are transit-supportive, where transit is planned, exists or may be development.

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 residential development would contribute to the supply of a range of housing options. The site is located within the Downtown Hamilton Secondary Plan which provides the area with convenient access to downtown amenities and outdoor city parks (including Victoria Park and Hamilton Amateur Athletic Association Grounds).

The property is located on Queen Street South which has been identified as a Higher Order Transit Station Area in the Downtown Hamilton Secondary Plan. The Higher Order Transit Station Area is within 200 metres to the Higher Order Transit Station at Queen Street South and King Street West which is an LRT Stop and as a result has been identified as a Priority Transit Corridor. Therefore, the proposal would efficiently use land and existing infrastructure and is transit supportive by providing intensification within the Hamilton Street Railway (HSR) Transit area and is within close proximity to GO Transit (Hamilton GO Centre) Station.

#### Cultural Heritage and Archaeology

“2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

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

- 1) In the vicinity of distinctive or unusual landforms;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject applications. An acknowledgement note of the archaeological requirements applicable to the site is required and will be addressed at the future Site Plan Control stage.

The following three cultural heritage properties are subject to this application:

- 220 Main Street West – Listed in the City’s Inventory of Heritage Buildings;
- 222 Main Street West – Listed in the City’s Municipal Heritage Register; and,
- 115 and 117 George Street – Listed in the City’s Municipal Heritage Register.

The subject properties are also adjacent to properties designated under Part IV of the *Ontario Heritage Act* (107 and 109 George Street and 34 Hess Street South) and non-designated properties listed on the Municipal Heritage Register. The properties at 220 and 222 Main Street West are located within the Main Street West Cultural Heritage Landscape (CHL). The subject sites are also located within the Central Established Historical Neighbourhood.

A Cultural Heritage Impact Assessment (CHIA), prepared by GBCA Architects, dated June 24, 2020, GBCA Architects, and revised on February 9, 2021 were reviewed by Planning staff and the Hamilton Municipal Heritage Committee – Policy and Design Working Group on October 19, 2020 and March 15, 2021.

The subject application proposes the demolition of the circa 1891 building at 222 Main Street West (listed on the Municipal Heritage Register as a non-designated property) and the circa 1907 building at 220 Main Street West (listed on the Inventory of Heritage Properties). The Cultural Heritage Impact Assessment (dated February 9, 2021) does not find 222 Main Street West to be worthy of designation under Part IV of the *Ontario Heritage Act*, though the property retains some cultural heritage value. Further, the report documents the significantly altered state of 220 Main Street West, currently vacant, and the reduction in the architectural character of the original dwelling. As such, it was determined that the buildings at 220 and 222 Main Street West could be



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demolished. Cultural Heritage Staff have requested that a Documentation and Salvage Report and Commemoration Brief are submitted prior to the Holding Provision being lifted on the subject lands.

The circa 1871 building located at 115 and 117 George Street in Hess Village (listed on the Municipal Heritage Register as a non-designated property) is proposed to be retained on the subject lands. As part of the application Cultural Heritage Staff have requested that a Conservation Plan be submitted, reviewed and approved prior to any construction occurring on the property. In addition, the property is proposed to be designated as part of a separate process under Part IV of the *Ontario Heritage Act*.

In order to address the remaining cultural heritage comments, a Holding Provision is proposed that requires that a Documentation and Salvage Report, Conservation Plan, and Commemoration Brief be submitted and approved before any development can occur on the property.

#### 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.”

To address Ministry of Environment, Conservation and Parks' (MECP) noise guidelines, the applicant submitted a revised Environmental Noise Feasibility Study dated August 2020 and prepared by dBA Acoustical Consultants Inc. The Study reviewed the vehicle traffic on Main Street West, King Street West and Queen Street South, and rail traffic on the CP Railway corridor which are the dominant transportation noise sources affecting the proposed development. An updated Noise Impact Study based on the final detailed design is required at the Site Plan Control stage and all required noise warning clauses and noise control measures will be required to be implemented as conditions of final site plan approval.

Metrolinx provided comments stating that the Noise Study would need to be updated to include the analysis on the operation of GO Transit (Hamilton GO Centre) on Canadian Pacific's Hamilton Subdivision facility at the Site Plan Control stage.

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### 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 property was determined by Staff to require a Record of Site Condition (RSC) to be completed on the subject lands. Staff have included a Holding Provision requiring the completion of a Record of Site Condition and Notice of Acknowledgment letter from the Ministry of Environment, Conservation and Parks for the RSC or a conditional building permit agreement respecting completion of an RSC prior to the Holding Provision being lifted.

Based on the foregoing and subject to the proposed Holding Provisions, the proposal is consistent with the PPS.

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

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:
  - 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*;

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- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,
  - c) Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;”

The subject property is located within a settlement area as defined by the PPS. The proposed residential development would contribute to the supply of a range of housing options and is located in proximity to Downtown which provides the area with convenient access to downtown amenities and outdoor city parks (including Victoria Park and Hamilton Amateur Athletic Association Grounds).

The property is located on Queen Street South which has been identified as a Higher Order Transit Station Area in the Downtown Hamilton Secondary Plan. The Higher Order Transit Station Area is within 200 metres to the Higher Order Transit Station at Queen Street South and King Street West which is an LRT Stop and as a result has been identified as a Priority Transit Corridor. Therefore, the proposal would efficiently use land and existing infrastructure and is transit supportive by providing intensification within the Hamilton Street Railway (HSR) Transit area and is within close proximity to GO Transit (Hamilton GO Centre) Station.

### **Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan**

The subject lands are identified as “Downtown Urban Growth Centre” on Schedule “E” – Urban Structure and designated “Downtown Mixed Use Area” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

- “E.2.3.1.2 The Downtown Urban Growth Centre shall be the pre-eminent node in Hamilton due to its scale, density, range of uses, function and identity by residents of the City as the Downtown and accordingly, it shall be planned for a range of uses appropriate to its role as the City's pre-eminent node;
- E.2.3.1.5 The Downtown Urban Growth Centre shall serve a regional retail function by providing retail stores and services which appeal to a broad regional

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market and serve residents across the City and the surrounding area as well as providing day-to-day retail facilities and services to serve Downtown residents; and,

- E.2.3.1.6 The Downtown Urban Growth Centre shall function as a residential neighbourhood with a large and diverse population. A range of housing types, including affordable housing and housing with supports, shall be encouraged as set out in the Downtown Hamilton Secondary Plan and other associated secondary plans and policies of this Plan.”

#### Downtown Mixed Use Designation

- “E.4.4.2 The area designated Downtown Mixed Use shall also serve as a central focus for the City by creating a sense of place. Retail and service commercial uses are a key element in maintaining that function and ensuring the continued vibrancy of the Downtown. New commercial *development* shall be designed and oriented to enhance the streetlife of the Downtown;
- E.4.4.7 Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use; and,
- E.4.4.8 Within the area designated Downtown Mixed Use, a higher density form of housing shall be encouraged, including *affordable* housing, that may be integrated with business uses including retail and service commercial establishments on the ground floor, as further set out in the Downtown Secondary Plan.”

The subject property is located within Downtown Urban Growth Centre. The proposed residential development would contribute to the supply of a range of housing options. The proposal would efficiently use land, existing infrastructure and is located along a Higher Order Transit Station Area and within 200 metres of the Higher Order Transit Station (LRT Station stop) as described in the above policy review. The transit surrounding the area, including the Higher Order Transit Areas are supported by both HSR (Bus and LRT) and Metrolinx (Go Train and Go Bus). The site is located within an area with convenient access to downtown amenities and outdoor city parks (including Victoria Park and Hamilton Amateur Athletic Association Grounds). The proposal includes ground floor retail along Main Street West to encourage activity along the street frontage for the broader neighbourhood.

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As identified within the applicable policies a mixed-use multiple dwelling is a permitted use. The permitted densities and building heights are set out in the Secondary Plan and the analysis regarding the requested Official Plan Amendment application to reclassify the property in order to permit an increased building height has been provided below.

Volume 2

The subject lands are designated as “Downtown Mixed Use” and identified as “Pedestrian Focus” for only the properties known as 115-117 and 107-109 George Street (Hess Village) on Map B.6.1-1: Land Use Plan in the Downtown Hamilton Secondary Plan. The subject lands known as 220 and 222 Main Street West are identified as “Mid-rise” and the properties known as 115-117 and 107-109 George Street are identified as “Low-rise 2” on Map B.6.1-2 in the Downtown Hamilton Secondary Plan. The following policies, amongst others, apply to the proposal.

#### General Land Use Policies and Building Heights

“B.6.1.4.6 When considering an application for development, the following matters shall be evaluated:

- a) Compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other impacts;
- b) The consideration of transition in height to adjacent and existing buildings;
- c) That height, massing, scale and arrangement of the buildings and structures are compatible with adjacent development and sympathetic to the character and heritage of the neighbourhood; and,
- d) The conservation of on-site and adjacent cultural heritage resources.

B.6.1.4.12 Building heights are identified on Map B.6.1.2 – Downtown Hamilton Building Heights and the maximum heights for each area shall fall into the following categories:

- b) Low Rise 2 – up to 6 storeys;

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- c) Mid Rise – up to 12 storeys; and,
- e) High Rise 2 – up to 30 storeys.

B.6.1.4.14 Notwithstanding Policy B.6.1.4.12 and Map B.6.1-2 Building Heights, maximum building height within the Downtown Hamilton Secondary Plan area shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue, identified on Appendix “D” – Niagara Escarpment Heights; and,

B.6.1.4.15 The siting, massing, height, and design of a building on one site shall not necessarily be a precedent for development on an adjacent or nearby site.”

The proposal includes a tower that has a height of 23 storeys with a podium base of seven storeys. An Official Plan Amendment is required to change the designation from “Low Rise 2” and “Mid Rise” to “High Rise 2” to permit the proposed height. It was determined through a Shadow Impact Study, prepared by Kozlowski Architect and dated July 31, 2020 that the proposed height, scale, and massing respects existing uses by providing a gradation of building height on site to transition from the low rise buildings fronting George Street at the rear of the proposed multiple dwelling. In addition, a Pedestrian Wind Study, Shadow Impact Study, Urban Design Brief, Visual Impact Assessment and Concept Architectural Plans were included. Staff have reviewed the documentation and are satisfied that the increased height will not have a negative impact to the adjacent property and is lower than the height of the Niagara Escarpment.

Staff have reviewed the building base and tower façade as part of the submission. Staff are satisfied that the proposed setbacks and stepbacks are appropriate for the development and the surrounding area. Final elevations will be reviewed and approved at the detailed design stage through the Site Plan Control application.

As stated above, the application was reviewed by cultural heritage staff and additional information is required in order to address their comments. As a result, a Holding Provision was added requiring the appropriate documentation in order to address their comments.

A Visual Impact Study, prepared by GSP Group and dated August 2020, was submitted to assess if the proposal impacted views to the Niagara Escarpment. Based on the documentation submitted Staff determined that the development would not impact the views to the Niagara Escarpment. As part of the Holding Provision, the owner will be

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required to provide documentation confirming that the proposal is not higher than the Niagara Escarpment prior to any development taking place on the subject lands.

Therefore, the development meets the current Tall Building Guidelines.

#### High-Rise (Tall) Buildings

- “B.6.1.4.19 The Downtown Hamilton Tall Building Guidelines shall apply to tall building development and shall be used by City Staff when evaluating tall building development proposals;
- B.6.1.4.21 Tall building development shall require transition to adjacent existing and planned low-rise and mid-rise buildings through the application of separation distances, setbacks, and stepbacks in accordance with Policies B.6.1.4.31 through B.6.1.4.39 of this Plan and as informed by the Downtown Hamilton Tall Building Guidelines;
- B.6.1.4.23 All tall buildings shall meet the following requirements:
- a) The building base shall be designed to:
    - i) Fit harmoniously within the context of neighbouring streetwall heights. Where there is no consistent streetwall height context for the area, the streetwall height shall be established in a manner that maintains a comfortable pedestrian scale and appropriate street proportion;
    - ii) Reduce and mitigate wind impacts on the public realm, including streets, sidewalks, parks and open spaces, and privately owned publicly accessible spaces. Pedestrian level wind conditions shall be suitable for sitting and standing, with higher standards applied to parks and open spaces and Pedestrian Focus Streets; and,
    - iii) Minimize shadows, in accordance with Policies B.6.1.4.34 through B.6.1.4.39 of this Plan, to preserve the utility of sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios, and other similar uses.

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- b) The building base may be required to setback at grade to achieve access to sunlight on sidewalks, parks, public and private open spaces, schoolyards and buildings, childcare centres, playgrounds, sitting areas, patios, and other similar uses;
- c) Tall building development shall provide setbacks from the lot line to the building face of the tower and adequate separation distance between towers on the same lot. These lot line tower setbacks shall ensure that individual tall buildings within a city block and the cumulative effect of multiple tall buildings within a block contribute to creating a strong and healthy neighbourhood by fitting in with the existing and/or planned context. Providing adequate space between towers shall:
  - i) Enhance the ability to provide a high-quality, comfortable public realm;
  - ii) Protect development potential of other sites within blocks;
  - iii) Provide access to sunlight on sidewalks, parks, public and private open spaces, school yards and buildings;
  - iv) Provide access to natural light and a reasonable level of privacy for occupants of tall buildings;
  - vi) Limit the impacts of uncomfortable wind conditions on streets, parks, open spaces, and surrounding properties; and,
  - vii) Provide appropriate transitions to adjacent lower-scale planned context, built heritage resources, and cultural heritage landscapes.

B.6.1.4.31 Development shall provide built form transition in scale through a variety of design methods including angular planes, location and orientation of the building, and the use of setbacks and stepbacks of building mass; and,

B.6.1.4.41 Above-ground vehicular parking shall be fronted by permitted uses other than parking at street level and upper storeys shall be screened from view from the street.”

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

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

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



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The proposed development was reviewed against the Downtown Hamilton Tall Buildings Guidelines and it complies with the applicable policies. In terms of policy B.6.1.4.23 c) ii), the proposed tower has been provided in a location that would minimize negative impacts of surrounding sites to develop. As per policy B.6.1.4.21, B.6.1.4.23 c) vii) and B.6.1.4.31, the proposal provides an appropriate transition to the adjacent lower scale neighbourhood (Hess Heritage Village) and maintains an existing heritage building at the corner of George Street and Queen Street South.

As per policy B.6.1.4.23 a), B.6.1.4.23 b) ii) and iii) B.6.1.4.23 c) iv) and vi), a wind study, prepared by SLR dated August 11, 2020, and shadow study, prepared by Kozlowski Architect and dated July 31, 2020, were submitted in support of the applications. Based on the studies submitted, Staff have determined that the proposed development complies with the Shadow study guidelines within the Tall Building Guidelines for the Downtown Secondary Plan. In addition, as part of the proposed redevelopment, the proposed scale and existing pedestrian streetscape along George Street and Queen Street South will be maintained (Hess Village).

As per policy B.6.1.4.41, the applicant is proposing to construct three levels of underground parking. There are also two levels of above ground parking which have residential units fronting on Main Street West and a portion of Queen Street South. The residential use is permitted within the current zoning and designation while screening the parking from the street. As a result, the proposal meets the intent of the policy which discourages applicants from providing inactive uses along the public realm.

“B.6.1.6.2 A portion of the lands designated Downtown Mixed Use are also identified as Pedestrian Focus Streets on Map B.6.1.1 – Downtown Hamilton Secondary Plan - Land Use Plan. In addition to Section E.4.3 – Pedestrian Focus Streets of Volume 1, the following policies shall apply to areas identified as Pedestrian Focus Streets:

- a) The vision for Pedestrian Focus Streets is to complete the streetwall and provide an uninterrupted building line at the street level through compatible development and infill development along the corridor;
- b) Notwithstanding Policy E.4.3.4 f) of Volume 1, all development shall be a minimum height of three storeys;
- c) The height of new buildings and additions shall be consistent with the traditional streetwall height at the street line;

**SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) - Page 20 of 31**

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- d) Taller building masses shall be sufficiently stepped back from the street to avoid interference with the perceived massing of the street as primarily a low to mid-rise corridor;
- e) The articulation of façades shall retain a similar rhythm and scale to the street front shops in its surroundings;
- f) The articulation of the façade of new buildings shall reflect or complement the traditional patterns of fenestration in adjacent buildings;
- g) Limited articulation of the front façades may be permitted in order to create sheltered areas at ground level or to allow for the incorporation of architectural design elements and access to significant views, provided that the sense of enclosure is maintained and that the articulation does not detract from the retention of the traditional building line;
- h) The ground floor frontage shall be clearly articulated in the massing of the façade, substantially glazed, with generous floor-to-floor heights and designed to accommodate signage; and,
- i) Where possible, buildings shall be constructed to the side lot line in order to maintain the sense of enclosure and avoid gaps in the streetscape.”

As per Policy B.6.1.6.2 a), the proposal meets the intent because the proposed building provides a continuous street wall on Main Street West and a significant portion of Queen Street South. The proposal also maintains the existing heritage façade and existing streetscape along George Street and a portion of Queen Street South as part of the proposed development (Hess Village). As per Policy B.6.1.6.2 b), the base of the podium and tower is more than three storeys in height.

As per Policies B.6.1.6.2 c), d), e), f), g) and h), there are varying heights surrounding the proposed development. Staff reviewed the location of the podium façade and tower and are of the opinion that the proposed development respects both the current varying landscape height and the opportunity for surrounding properties to be redeveloped according to the downtown zoning.

As per Policy B.6.1.6.2 i), the proposal meets the intent of the policy by developing the proposed mixed use building without leaving any façade gaps at the corner of Main

**SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) - Page 21 of 31**

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Street West and Queen Street South. The façade gaps proposed to exist along Queen Street South are because the driveway access for the development is from Queen Street South. In addition, a portion of the existing heritage building is proposed to be maintained at the corner of George Street and Queen Street South. Therefore, the existing interface at Queen Street South and George Street will be maintained.

Therefore, Staff support the OPA to change the Maximum Height Classification from “Mid-rise” and “Low-rise 2” to “High-rise 2”.

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

To facilitate the proposed development, a rezoning from the Downtown Central Business District (D1, H21) Zone and the Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone in City of Hamilton Zoning By-law No. 05-200 is required. The maximum height permitted within Schedule “F” (Special Figures) – Figure 1 Map is 44 metres for 220 and 222 Main Street West and 22 metres for 107, 109, 115 and 117 George Street. The site specific modifications required to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “D” attached to Report PED23022, and the removal of Holding Provision ‘H21’ and the proposed Holding Provisions are further discussed in the Analysis and Rationale for Recommendation section of this Report.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>	
<ul style="list-style-type: none"> <li>• Staging of Development / Legislative Approvals Section, Growth Management Division, Planning and Economic Development Department;</li> <li>• Landscape Architectural Services, Strategic Planning Division, Public Works Department;</li> <li>• Asset Management Section, Engineering Services Division, Public Works Department; and,</li> <li>• Construction Section, Engineering Services Division, Public Works Department.</li> </ul>	No Comment or Concerns

**SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) - Page 22 of 31**

	<b>Comment</b>	<b>Staff Response</b>
Metrolinx	<ul style="list-style-type: none"> <li>• Metrolinx has no objections to the Official Plan Amendment and Zoning By-law Amendment;</li> <li>• At the site plan stage, the Applicant shall update the Environmental Noise Impact Study to include analysis on the operation of GO Transit on Canadian Pacific's Hamilton Subdivision. The Applicant is encouraged to contact Third Party Projects Review to obtain the current rail traffic forecast to facilitate updates to the Environmental Noise Impact Study;</li> <li>• At the Site Plan stage, the Owner shall register on title an environmental easement in favour of Metrolinx against the subject residential dwellings; and,</li> <li>• The applicant's solicitor shall submit a letter of undertaking to Metrolinx stipulating that the following warning clause will be inserted into all development agreements, offers to purchase and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way.</li> </ul>	<ul style="list-style-type: none"> <li>• All outstanding comments will be addressed at the Site Plan Control stage.</li> </ul>
Waste Management Operations Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• The site is eligible for municipal waste collection subject to meeting the city requirements. Advised that additional information is required to confirm it is serviceable by the municipal waste collection program otherwise private collection will be required.</li> </ul>	<ul style="list-style-type: none"> <li>• Waste collection will be reviewed in detail at the Site Plan Control stage.</li> </ul>

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**SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) - Page 23 of 31**

	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>The Development Engineering Approvals section is able to support the rezoning application. The proponent has revised the allowable discharge rate based on the existing catchment area draining to the combined sewer on Queen Street South and controlled the sum of the 100-year post-development storm discharge and peak sanitary discharge to the two-year pre-development storm discharge rate. The proponent has satisfactorily demonstrated that there is adequate fire flow available within the municipal system to meet the required fire flow demand for the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>Additional updates and studies will be required at the Site Plan Control stage.</li> </ul>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>Forestry approves the Tree Management Plan and Landscape Plan prepared by GSP Group and dated May 30, 2022.</li> <li>Outstanding fees are required and can be addressed as part of a future application.</li> </ul>	<ul style="list-style-type: none"> <li>Additional fees for Forestry Permit, Loss of Canopy, and street tree fees will be required to be paid at the Site Plan Control stage.</li> </ul>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>Transportation Planning is in support of the Official Plan and Zoning By-law Amendments because the development is projected to be generally supported by the surrounding transportation network and the parking ramp configuration internal to the site will potentially limit conflicts between vehicles entering and exiting the main driveway access on Queen Street South.</li> </ul>	<ul style="list-style-type: none"> <li>The dedication of Daylight Triangles will be required at the Site Plan Control stage.</li> <li>The Driveway Ramp into parking garage, Long-term and Short-Term Bicycle Parking spaces will be implemented at the Site Plan Control stage.</li> </ul>

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**SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) - Page 24 of 31**

	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>Continued</b>	<ul style="list-style-type: none"> <li>• Transportation Planning reviewed and approved the following: 115-117 and 220 and 222 Main Street West, Hamilton, Transportation Impact Study, Parking Justification and Transportation Demand Management Report dated September 2020 and an addendum to the report dated February 7, 2022 prepared by Paradigm Transportation Solutions Limited.</li> <li>• Transportation Planning will be requiring a 6.096 m X 6.096 m daylight triangle at the intersection of Main Street West and Queen Street South and a 4.57 m X 4.57 m daylight triangle at the corner of Queen Street South and George Street.</li> <li>• Transportation Planning waives the Right-of-Way dedication along Queen Street South.</li> <li>• Transportation Planning notes that a mutual access agreement may be required to allow access to the rear of the existing building on 109 George Street.</li> </ul>	
<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Concern about value of adjacent property for redevelopment purposes.	Concern regarding the location of the tower proposed since the developer intended to build 5 metres from the shared property line on Main Street East and the City requires a 25 metre minimum distance between towers. The neighbour requested that the setback of the proposed tower be at least 12.5 metres from the property line.	The applicant has revised the proposal and is proposing a minimum of 13 metres from the side lot line on Main Street West.

### **Design Review Panel (DRP)**

The development proposal was presented to the City's Design Review Panel (DRP) on February 11, 2021 after submission of the Official Plan Amendment and Zoning By-law

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Amendment applications. The proposal has been modified since the application was presented at the Design Review Panel.

The DRP provided a number of design recommendations to staff and the applicant, including the summarized comments below, amongst others:

- The panel acknowledged that the site is located on a Primary Corridor and is suited for an appropriately designed tall building; however, the City of Hamilton's Tall Building Guidelines (TBGs) should be applied in order to mitigate negative impacts to the adjacent properties. The TBGs should be reviewed and followed, especially separation distances and floor plate areas. Generally, the height and density should both be lowered to reduce negative impacts to the community;
- The DRP noted the tower separation from the interior lot lines creates a difficult scenario for the future development of the adjacent lots;
- The DRP agreed that the Queen Street streetscape must incorporate active uses with more permeability between the proposal and the street with multiple entrances. The panel noted that parking should be situated below ground, but any proposed above grade parking should be screened from public views and should be wrapped by either residential or commercial uses to mimic the existing rhythm along the street;
- The building massing needs to respect Hess Village and provide appropriate transitions to mitigate shadows and access to sun issues;
- The DRP commended the applicant on preserving and integrating the existing heritage building into the development. More consideration should be given to how the buildings relate to each other;
- The DRP noted that the proposed building height at the corner seems reasonable but the design (at the time of the review) appears bulky and has severe impacts on the surrounding community [possible option was removing the mid-rise portion of the proposed building], The overall building mass and floor plate areas should be reduced to create a more sophisticated and sleek proposal;
- The DRP agreed that the incorporation of the existing heritage building positively contributes to the development, although the proposal should better relate to the heritage building by providing more breathing room; and,

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- The DRP agreed that the Queen Street façade should be composed of active uses and noted that enhanced landscaping alone does not achieve an active streetscape. A blank façade will not retain the unique character of the area.

Applicant's Response to DRP Advice:

Through changes to the proposals, the setback of the tower was increased from a minimum of approximately 5 metres to 12.5 metres from the interior side lot lines. The proposal addressed the comments to add active uses by incorporating retail at grade along Main Street West and the majority of the portion fronting Queen Street. The proposal also includes retail units fronting the podium parking within levels 2 and 3 along Main Street West and Queen Street. The proposal removed the midrise portion of the building and is providing landscaping and a separation between the proposed multiple dwelling and the existing heritage building.

## **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 225 property owners within 120 metres of the subject property on October 7, 2020. A Public Notice sign was posted on the property on October 7, 2021 and updated with the Public Meeting date on January 4, 2023. Finally, Notice of the Public Meeting was mailed on January 13, 2023 in accordance with the requirements of the *Planning Act*.

### Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant hosted a virtual neighbourhood meeting on February 24, 2021. There were 23 people who attended the neighbourhood meeting. Details on the Public Consultation Strategy are summarized in the Report Fact sheet. A summary of the public consultation and comments have been attached as part of Appendix "F" to Report PED23022.

To date, one public submission expressing concern has been received by staff and included in the report (see Appendix "F" attached to Report PED23022).



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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

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) The applications comply with the policies of the Urban Hamilton Official Plan and complies with the general intent of the Downtown Hamilton Secondary Plan; and,
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by providing for the development of range of housing types, contributing to a complete community, making efficient use of existing infrastructure within the urban boundary, there is no sun/shadow impact and supporting commercial businesses and public transit within the downtown Hamilton area.
2. Official Plan Amendment

The purpose of the Official Plan Amendment is to amend the Downtown Hamilton Secondary Plan to change the classification of the Maximum Height from “Mid-rise” and “Low-rise 2” to “High-rise 2”.

The proposed residential development is a permitted use in the current “Downtown Mixed Use” designation in the Downtown Hamilton Secondary Plan. The existing “Mid-rise” and “Low-rise 2” classifications do not permit the proposed building height as identified within the Maximum Building Heights map within the Downtown Secondary Plan, therefore an Official Plan Amendment is required to permit the proposed height of the mixed-use multiple dwelling. The applicant has proposed to amend the Downtown Secondary Plan to redesignate the subject lands to “High Rise 2”. The proposed building height can be supported as the height complies with the policies of the Downtown Secondary Plan and Tall Buildings Guidelines with respect to the height of new buildings being less than the height of the escarpment.

As per the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, Staff are satisfied that the proposed Official Plan Amendment meets the intent of the Downtown Hamilton Secondary Plan to encourage a broad mix of household types. The proposed height of the building, scale and massing respects existing uses by providing a gradation of building height on site to transition from the low rise buildings fronting George Street at the rear of the

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proposed multiple dwelling. In addition, the submission confirmed that the proposed increase in height would not be higher than the height of the Niagara Escarpment which will be reconfirmed at the detailed design stage. In addition, a Pedestrian Wind Study, Shadow Impact Study, Urban Design Brief, Visual Impact Assessment and Concept Architectural Plans were included. Staff have reviewed the documentation and are satisfied that the increased height will not have a negative impact to the adjacent property and is lower than the height of the Niagara Escarpment.

The proposal addresses cultural heritage comments by implementing recommendations through the Cultural Heritage Assessment Review by requiring a Conservation Plan (for 115 – 117 George Street), Documentation and Salvage Report (for 220 and 222 Main Street) and Commemoration Brief (for 220 and 222 Main Street West). In addition, a holding provision has been added requiring confirmation that the development is not taller than the Niagara Escarpment. Therefore, staff support the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned Downtown Central Business District (D1, H21) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone in Zoning By-law No. 05-200. The applicant has proposed to change the zoning to the Downtown Central Business District (D1, 820, H132, H141) Zone. Modifications to the development standards of the (D1) Zone are required to facilitate the proposal and are summarized in the Report Fact Sheet above and discussed in detail in Appendix “D” attached to Report PED23022.

As part of the change in zoning, two figures are required to be modified within Zoning By-law No. 05-200. Schedule B – Property Detail is amended by adding Figure 3 in order to clarify the limits of the proposed increase in height for areas of the property identified as 220 and 222 Main Street West and the south portion of 115, 117, 107 and 109 George Street. In addition, Schedule F is amended in order to modify Figure 1 in the Downtown Secondary Plan in order to permit a maximum height of 78 metres for a portion of the property identified as 220 and 222 Main Street West and the south portion of 115, 117, 107 and 109 George Street. Based on the Niagara Escarpment Height – Appendix “D” map in the Downtown Secondary Plan the height of the escarpment is 190 metres and the elevations submitted show a height of 185.90 m (not including the mechanical penthouse). For the purposes of confirming if the proposal exceeds the height of the escarpment, the height is calculated by adding the proposed building height (75 m) to the average grade of the property (111 m). Therefore, the proposed

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building as shown would not be taller than the height of the escarpment. As part of the detailed design stage, a Holding Provision has been added to confirm that the height of the building does not exceed the height of the escarpment in order to confirm compliance with applicable policies.

The proposed development is compatible with existing land uses in the immediate area, will contribute to a complete community and will comply with the Downtown Hamilton Secondary Plan upon approval of the Official Plan Amendment. Therefore, staff support the proposed Zoning By-law Amendment.

4. Holding Provision

As part of the applications, Staff are supportive of removing existing Holding Provision 'H21' that was added on the property by By-law No. 18-114. The purpose of the Holding Provision is to require a Cultural Heritage Impact Assessment be submitted and conditional approval issued on the subject lands prior to the lifting of the Holding Provision. As part of the Official Plan Amendment and Zoning By-law Amendment application a Cultural Heritage Impact Assessment was submitted and reviewed by Staff. Additional requirements were identified which have been included as part of the new Holding Provision to be added to the property as part of the current applications. In terms of the requirement to obtain conditional approval, a Site Plan Control application is required as per Site Plan Control By-law No. 15-176, as amended. Therefore, Staff have a mechanism to require a future Site Plan Control application.

There are two new 'H' Holding Provisions are recommended to proposed to address the following:

The first Holding Provision (H132) is for the following:

- The Owner submits, receives approval and implements the following Cultural Heritage studies, to the satisfaction of the Director of Heritage and Urban Design:
  - A Documentation and Salvage Report for 220 and 222 Main Street West be submitted in accordance with the City's Guidelines for Documentation and Salvage Reports prior to any demolition and the Owner shall demonstrate that a copy of this Report is submitted to the Hamilton Public Library; and,
  - Commemoration Brief for 220 and 222 Main Street West.

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- The Owner establish an easement to allow vehicle access to the rear of the existing building located at 107 and 109 George Street, to the satisfaction of the Manager of Transportation Planning;
- The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and the submission of the City of Hamilton's current RSC administration fee; and,
- That the Owner demonstrate that the proposed development does not exceed the height of the Niagara Escarpment to the satisfaction of the Director of Planning and Chief Planner.

The second Holding Provision (H141) requires a Conservation Plan be submitted and receives approval application to the satisfaction of the Director of Heritage and Urban Design prior to any development for the addresses municipally described as 115 and 117 George Street.

Development will not be able to proceed until the 'H' Holding Provision is lifted for each individual municipal address.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands can be used in accordance with the Downtown Central Business District (D1, H21) Zone and Downtown Mixed Use - Pedestrian Focus (D2) Zone in Zoning By-law No. 05-200. The Downtown Central Business District (D1, H21) Zone permits a range of commercial, residential and institutional uses within the existing building until such time that the Holding Provision is lifted. The Downtown Mixed Use - Pedestrian Focus (D2) Zone permits a range of uses including commercial, residential and institutional uses.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

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

**SUBJECT: Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) - Page 31 of 31**

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**Economic Prosperity and Growth**

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

**Healthy and Safe Communities**

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

**Built Environment and Infrastructure**

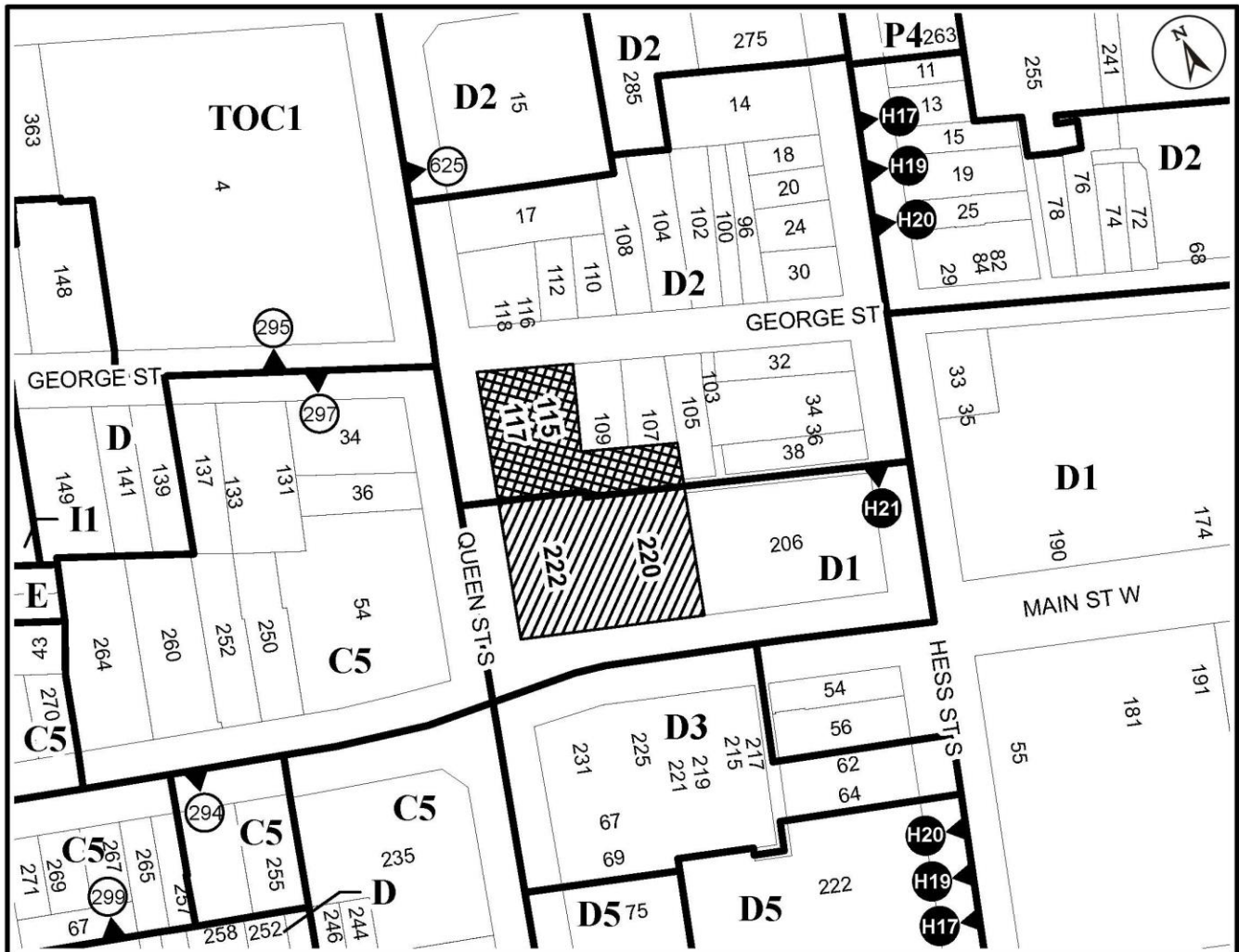
Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

**APPENDICES AND SCHEDULES ATTACHED**

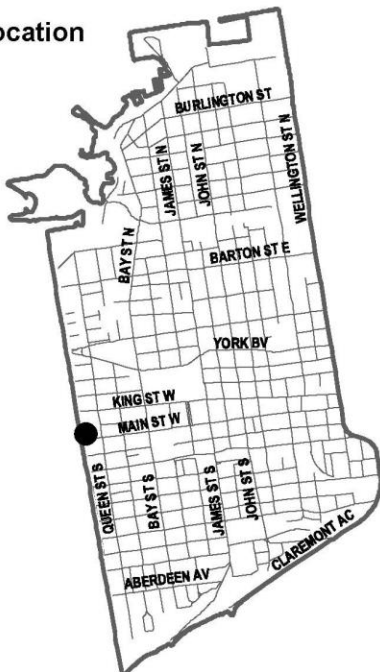
- Appendix “A” to Report PED23022 – Location Map
- Appendix “B” to Report PED23022 – Draft Official Plan Amendment
- Appendix “C” to Report PED23022 – Draft Amendment to Zoning By-law No. 05-200
- Appendix “D” to Report PED23022 – Zoning By-law Site Specific Modification Chart
- Appendix “E” to Report PED23022 – Revised Concept Plan and Elevations
- Appendix “F” to Report PED23022 – Public Submissions

AB:sd

Appendix "A" to Report PED23022  
Page 1 of 1



● Site Location



Key Map - Ward 2

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-20-038 & UHOPA-20-025

Date:  
December 9, 2022


Appendix "A"


Scale:  
N.T.S

Planner/Technician:  
MK/AL

### Subject Property

220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street

 Downtown Central Business District (D1, H21) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone

 Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone

Schedule "1"

## DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with Appendix "A", Volume 2: Map B.6.1-2 – Downtown Hamilton Secondary Plan – Maximum Building Heights, 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 amend the Downtown Hamilton Secondary Plan to change the Maximum Height classification from "Mid-rise" and "Low-rise 2" to "High-rise 2" to permit the development of a mixed use High Rise building.

### 2.0 **Location:**

The lands affected by this Amendment are known municipally as 220 and 222 Main Street West, 115 and 117 George Street, and portions of 107 and 109 George Street in the former City of Hamilton.

### 3.0 **Basis:**

The basis for permitting this Amendment is:

- The proposed development implements the vision of the Downtown Hamilton Secondary Plan by providing a mix of uses on site and contributing to a range of housing options within Downtown Hamilton.
- The proposed development conforms with the design criteria for High-Rise (Tall) Buildings in the Downtown Hamilton Secondary Plan and the Downtown Hamilton Tall Buildings Guidelines.
- 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**

***Maps***

4.1.1 Maps

- a. That Volume 2: Map B.6.1-2 – Downtown Hamilton Secondary Plan – Maximum Building Heights be amended by:
- i) changing the height category for a portion of the subject lands from "Mid-rise" to "High-rise 2"; and,
  - ii) changing the height category for a portion of the subject lands from "Low-rise 2" to "High-rise 2",
- as shown on Appendix "A", attached to this Amendment.

**5.0 Implementation:**

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

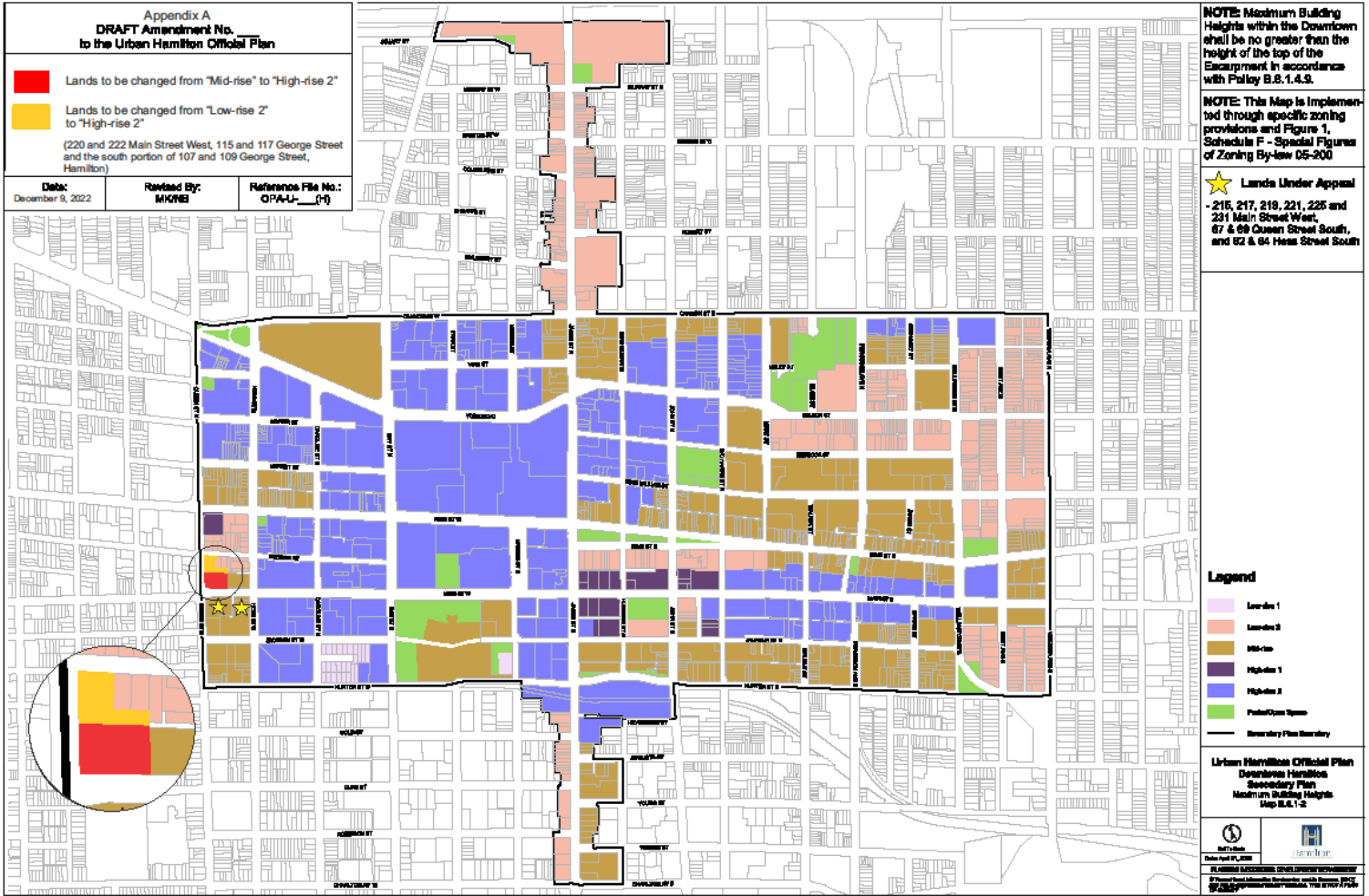
This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_\_, 2023.

**The  
City of Hamilton**

\_\_\_\_\_  
A. Horwath  
MAYOR

\_\_\_\_\_  
A. Holland  
CITY CLERK





**Appendix “C” to Report PED23022****Page 1 of 7**

**Authority:** Item ,  
 Report (PED23022)  
 CM:  
 Ward: 2

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

**To Amend Zoning By-law No. 05-200  
 Respecting Lands Located at  
 220 and 222 Main Street West and 107, 109, 115, and 117 George Street, Hamilton**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on January 10, 2023;

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

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

1. That Map 951 of Schedule “A” – Zoning Maps is amended by changing the zoning from the Downtown Central Business District (D1, H21) Zone and the Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Central Business District (D1, 820, H132, 141) Zone for the lands known as 220 and 222 Main Street West and 107, 109, 115, and 117 George Street as shown on Schedule “A” attached to this By-law.
2. That Schedule “B” – Property Details is amended by adding Figure 3 – 220 & 222 Main Street West and south portions of 107, 109, 115 and 117 George Street as shown on Schedule “B” to this By-law.
3. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:
  - “820. Within the lands zoned Downtown Central Business District (D1) Zone, identified on Map 951 of Schedule “A” – Zoning Maps and described as 220 and 222 Main Street West and 107, 109, 115 and 117 George Street, the following special provisions shall apply:
    - a) Section 6.0 c) i) shall not apply where the required step back is measured to the hypotenuse of a daylight triangle.
    - b) Notwithstanding Sections 6.1.1.1 i) 1. A., 6.1.3 a) i) and ii), and 6.1.3 c) iv), the following special provisions shall apply:
      - i) Restricted Uses In the case of a Parking Facility developed after the effective date of

**Appendix “C” to Report PED22023**  
**Page 2 of 7**

this By-law, a maximum of five parking spaces shall be permitted to be located outside of a building. All other parking spaces shall be contained within a building.

- |   |  |
|---|--|
| ii) Building Setback from a Street Line | <ol style="list-style-type: none"> <li>1. For any portion of a building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access, the following shall apply:           <ol style="list-style-type: none"> <li>A. Maximum 6.0 metres from the George Street Line; and,</li> <li>B. Maximum 4.7 metres from all other Street Lines.</li> </ol> </li> <li>2. Notwithstanding Section ii) 1. above, a maximum setback of 8.5 metres for that portion of a building providing an access driveway to a garage.</li> </ol> |
| iii) Built Form for New Development     | A driveway with a maximum width of 7.7 metres shall be permitted for ingress and egress.   |

4. That Schedule “D” – Holding Provisions be amended by removing Holding Provision 21 for lands municipally known as 220 and 220 Main Street West, Hamilton.

5. That Schedule “D” – Holding Provisions be amended by adding the following Holding Provision:

“132. Notwithstanding Section 6.1 of this By-law, on those lands zoned Downtown Central Business District (D1, 820) Zone, identified on Map 951 of Schedule “A” – Zoning Maps and described as 220 and 222 Main Street West and 107 and 109 George Street, no development shall be permitted until such time as:

- i) That the owner submits, receives approval and implements the following Cultural Heritage studies, to the satisfaction of the Director of Heritage and Urban Design:
  - A. A Documentation and Salvage Report for 220 and 222 Main Street West be submitted in accordance with the City’s Guidelines for Documentation and Salvage Reports prior to any demolition

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and the Owner shall demonstrate that a copy of this Report is submitted to the Hamilton Public Library; and,

B. Commemoration Brief for 220 and 222 Main Street West.

- ii) The Owner establish an easement to allow vehicle access to the rear of the existing building located at 107 and 109 George Street, to the satisfaction of the Manager of Transportation Planning.
- iii) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and the submission of the City of Hamilton’s current RSC administration fee.
- iv) That the Owner demonstrate that the proposed development does not exceed the height of the Niagara Escarpment to the satisfaction of the Director of Planning and Chief Planner.

6. That Schedule “D” – Holding Provisions be amended by adding the following Holding Provision:

“141. Notwithstanding Section 6.1 of this By-law, on those lands zoned Downtown Central Business District (D1, 820) Zone, identified on Map 951 of Schedule “A” – Zoning Maps and described 115, and 117 George Street, no development shall be permitted until such time as the Owner submits and receives approval of a Conservation Plan, to the satisfaction of the Director of Planning and Chief Planner.

7. That Schedule “F” – Special Figures, Figure 1 – Maximum Building Height be amended by changing the Maximum Building Height for a portion of the subject lands from 44 metres and 22 metres to 78 metres as shown on Schedule “C” to this By-law.

8. 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 Downtown Central Business District (D1, 820, H132) Zone, subject to the special provisions referred to in Section 2 of this By-law.

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

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**Page 4 of 7**

**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

---

A. Horwath  
Mayor

---

A. Holland  
City Clerk

ZAC-20-038

**Appendix "C" to Report PED2023**  
**Page 5 of 7**



This is Schedule "A" to By-law No. 23-

Passed the ..... day of ....., 2023

-----  
 Mayor

-----  
 Clerk


**Schedule "A"**


Map forming Part of  
 By-law No. 23-\_\_\_\_\_

to Amend By-law No. 05-200  
 Map 951

**Subject Property**

220 and 222 Main Street West, 115 and 117 George Street  
 and the south portion of 107 and 109 George Street

 Downtown Central Business District (D1, H21) Zone  
 to the Downtown Central Business District  
 (D1, 820, H132, H141) Zone

 Downtown Mixed Use – Pedestrian Focus (D2) Zone  
 to the Downtown Central Business  
 District (D1, 820, H132, H141) Zone

Scale:  
 N.T.S

File Name/Number:  
 ZAC-20-038 & UHOPA-20-025

Date:  
 December 9, 2022

Planner/Technician:  
 AB/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Appendix "C" to Report PED22023  
Page 6 of 7



Figure 3 Schedule B: 220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street

Date:  
December 5, 2022

Legend



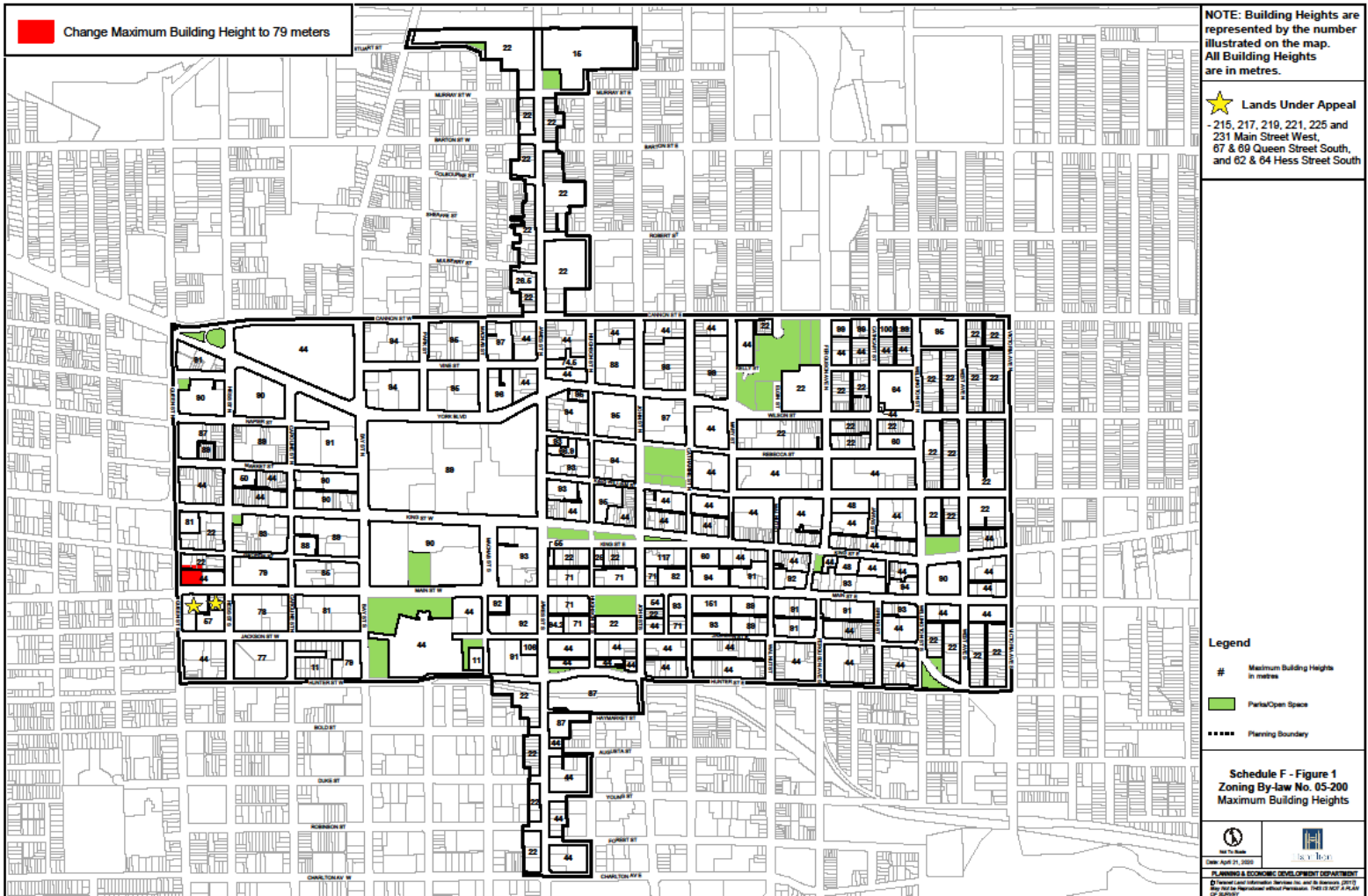
Change Maximum Building Height to 79m (as per Schedule F - Figure 1 Maximum Building Height)



Hamilton  
Planning & Economic  
Development Department

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Page 7 of 7

Schedule C





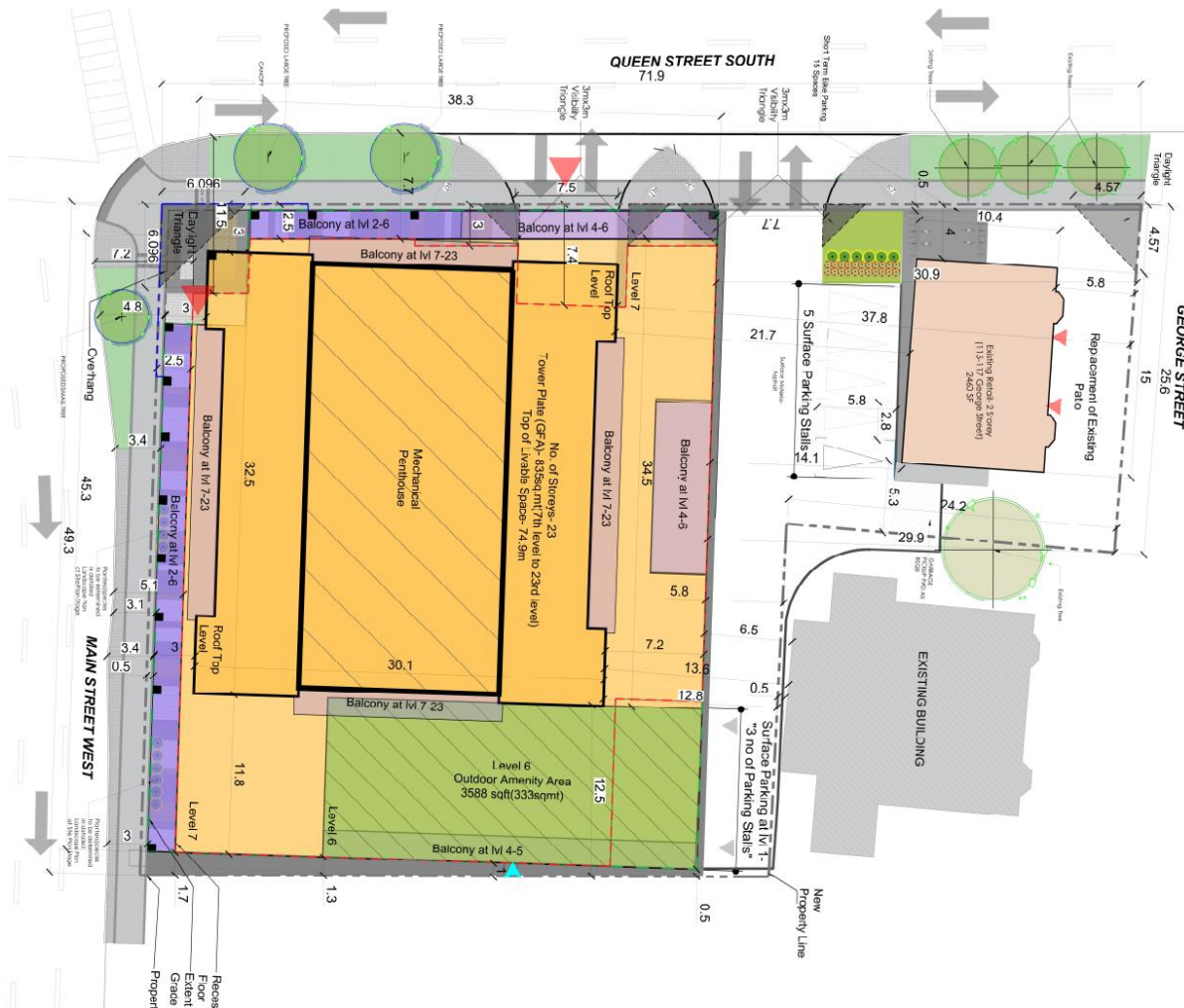
### Site Specific Modifications to the Zone

Regulation	Required	Modification	Analysis
6.0 c) i) Minimum Stepback from Building Base Façade Height	A minimum stepback of 3.0 m shall be required from the building base façade height of 22 metres.	No minimum stepback shall apply where the required stepback is measured to the hypotenuse of a daylight triangle.	The purpose and intent of the regulation is to require variations in the building façade in order to improve the public realm surrounding the proposed building. The proposed modification is only for the portion of the building where the stepback would be measured at the hypotenuse of the daylight triangle. The 3.0 m stepback will be required on all other portions of the building. Therefore, the requested modification is considered minor and can be supported by Staff.
6.1.1.1 i) 1. A. Restricted Uses: Parking Facility	Parking shall only be contained within a building.	In the case of a Parking Facility developed after the effective date of this By-law, a maximum of five parking spaces shall be permitted to be located outside of a building. All other parking spaces shall be contained within a building.	The purpose and intent of the regulation is to not permit surface parking along the public realm in order to improve the pedestrian experience. The proposed modification would only allow five of the proposed parking spaces to be outside of a building (all other parking spaces would be required to be located within the building as per the existing regulation). The proposed modification meets the intent of the By-law because the parking spaces would be screened by structures (the registered heritage building at the corner of George Street and Queen Street North and the proposed multiple dwelling at Main Street West and Queen Street North) and not visible to the public realm. Since the proposal maintains the intent of the regulation, Staff are in support of the modification.

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
6.1.3 a) i) Building Setback from a Streetline	Maximum 4.5 metres for any portion of building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access.	The modification is to permit a maximum setback of 6.0 m along George Street and 4.7 m along all other streets for any portion of building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access.	The purpose and intent of the regulation is to create a continuous building façade close to the street and to discourage uses such as surface parking along a public road. The subject lands have a registered heritage building on-site which is proposed to be maintained as part of this development. Therefore, the change in the setback maximum is required to recognize the location of the current building located at the intersection of George Street and Queen Street North. Therefore, Staff are in support of the proposed modification.
6.1.3 a) ii) Building Setback from a Streetline	Notwithstanding Section 6.1.3 a) i) above, a maximum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.	A maximum setback of 8.5 metres for that portion of a building providing an access driveway to a garage.	The purpose and intent of the regulation is to keep buildings close to the street to maintain street presence. Staff are of the opinion that the proposed increase in the setback for the driveway access is minor in nature and there is no negative impact to the façade treatment on Queen Street South. Therefore, Staff are supportive of the proposed modification.
Sections 6.1.3 c) iv) Built Form for New Development	Notwithstanding Section 6.1.3 c) ii) and iii) above, a driveway with a maximum width of 7.5 metres shall be permitted for ingress and egress.	A driveway with a maximum width of 7.7 metres shall be permitted for ingress and egress.	The proposed modification to the proposed driveway width to go from 7.5 metres to 7.7 metres is considered minor in nature. Therefore, Staff are supportive of the proposed modification.
Schedule “F” – Special Figures	Maximum Building Height shall be 44 metres and 22 metres.	Maximum Building Height for a portion of the subject lands shall be 78 metres.	The purpose and intent of the application is to identify a maximum building height on the subject lands. As part of the proposal, the submission confirmed that the proposed increase in height would not be higher than the height of the Niagara Escarpment as per the Downtown Secondary Plan. In addition, a Pedestrian Wind Study, Shadow Impact Study, Urban Design

Regulation	Required	Modification	Analysis
			Brief, Visual Impact Assessment and Concept Architectural Plans were included. Staff have reviewed the documentation and are satisfied that the increased height will not have negative impacts and is lower than the height of the Niagara Escarpment. Therefore, Staff are in support of the proposed modification.

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**Page 1 of 6**



JOINING STATISTICS	
Net Lot Area	2,280 sqm
Proposed Building Coverage	15.2%
Ground Floor Area	301.7 sqm
Building Height	23.5 m
Building Footprint Area	712 sqm
Average Grade Elevation (Top of Finished Floor)	442.6 m
Max. Overhanging Deck	2.82 m
Max. Overhanging Space Proposed	1.5 m
Building Footprint Area	712 sqm
Building Height	23.5 m
Average Grade Elevation (Top of Finished Floor)	442.6 m
Max. Overhanging Deck	2.82 m
Max. Overhanging Space Proposed	1.5 m

SITE PLAN STATISTICS	
Net Lot Area	2,280 sqm
Proposed Building Coverage	15.2%
Ground Floor Area	301.7 sqm
Building Height	23.5 m
Building Footprint Area	712 sqm
Average Grade Elevation (Top of Finished Floor)	442.6 m
Max. Overhanging Deck	2.82 m
Max. Overhanging Space Proposed	1.5 m

BUILDING STATISTICS				
Level	Area (sqm)	Volume (cu m)	Area (sqm)	Volume (cu m)
Level 1	1,081	10,810	1,081	10,810
Level 2	1,081	10,810	1,081	10,810
Level 3	1,081	10,810	1,081	10,810
Level 4	1,081	10,810	1,081	10,810
Level 5	1,081	10,810	1,081	10,810
Level 6	1,081	10,810	1,081	10,810
Level 7	1,081	10,810	1,081	10,810
Level 8	1,081	10,810	1,081	10,810
Level 9	1,081	10,810	1,081	10,810
Level 10	1,081	10,810	1,081	10,810
Level 11	1,081	10,810	1,081	10,810
Level 12	1,081	10,810	1,081	10,810
Level 13	1,081	10,810	1,081	10,810
Level 14	1,081	10,810	1,081	10,810
Level 15	1,081	10,810	1,081	10,810
Level 16	1,081	10,810	1,081	10,810
Level 17	1,081	10,810	1,081	10,810
Level 18	1,081	10,810	1,081	10,810
Level 19	1,081	10,810	1,081	10,810
Level 20	1,081	10,810	1,081	10,810
Level 21	1,081	10,810	1,081	10,810
Level 22	1,081	10,810	1,081	10,810
Level 23	1,081	10,810	1,081	10,810
Level 24	1,081	10,810	1,081	10,810
Level 25	1,081	10,810	1,081	10,810
Level 26	1,081	10,810	1,081	10,810
Level 27	1,081	10,810	1,081	10,810
Level 28	1,081	10,810	1,081	10,810
Level 29	1,081	10,810	1,081	10,810
Level 30	1,081	10,810	1,081	10,810
Level 31	1,081	10,810	1,081	10,810
Level 32	1,081	10,810	1,081	10,810
Level 33	1,081	10,810	1,081	10,810
Level 34	1,081	10,810	1,081	10,810
Level 35	1,081	10,810	1,081	10,810
Level 36	1,081	10,810	1,081	10,810
Level 37	1,081	10,810	1,081	10,810
Level 38	1,081	10,810	1,081	10,810
Level 39	1,081	10,810	1,081	10,810
Level 40	1,081	10,810	1,081	10,810
Level 41	1,081	10,810	1,081	10,810
Level 42	1,081	10,810	1,081	10,810
Level 43	1,081	10,810	1,081	10,810
Level 44	1,081	10,810	1,081	10,810
Level 45	1,081	10,810	1,081	10,810
Level 46	1,081	10,810	1,081	10,810
Level 47	1,081	10,810	1,081	10,810
Level 48	1,081	10,810	1,081	10,810
Level 49	1,081	10,810	1,081	10,810
Level 50	1,081	10,810	1,081	10,810
Level 51	1,081	10,810	1,081	10,810
Level 52	1,081	10,810	1,081	10,810
Level 53	1,081	10,810	1,081	10,810
Level 54	1,081	10,810	1,081	10,810
Level 55	1,081	10,810	1,081	10,810
Level 56	1,081	10,810	1,081	10,810
Level 57	1,081	10,810	1,081	10,810
Level 58	1,081	10,810	1,081	10,810
Level 59	1,081	10,810	1,081	10,810
Level 60	1,081	10,810	1,081	10,810
Level 61	1,081	10,810	1,081	10,810
Level 62	1,081	10,810	1,081	10,810
Level 63	1,081	10,810	1,081	10,810
Level 64	1,081	10,810	1,081	10,810
Level 65	1,081	10,810	1,081	10,810
Level 66	1,081	10,810	1,081	10,810
Level 67	1,081	10,810	1,081	10,810
Level 68	1,081	10,810	1,081	10,810
Level 69	1,081	10,810	1,081	10,810
Level 70	1,081	10,810	1,081	10,810
Level 71	1,081	10,810	1,081	10,810
Level 72	1,081	10,810	1,081	10,810
Level 73	1,081	10,810	1,081	10,810
Level 74	1,081	10,810	1,081	10,810
Level 75	1,081	10,810	1,081	10,810
Level 76	1,081	10,810	1,081	10,810
Level 77	1,081	10,810	1,081	10,810
Level 78	1,081	10,810	1,081	10,810
Level 79	1,081	10,810	1,081	10,810
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Level 81	1,081	10,810	1,081	10,810
Level 82	1,081	10,810	1,081	10,810
Level 83	1,081	10,810	1,081	10,810
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Level 95	1,081	10,810	1,081	10,810
Level 96	1,081	10,810	1,081	10,810
Level 97	1,081	10,810	1,081	10,810
Level 98	1,081	10,810	1,081	10,810
Level 99	1,081	10,810	1,081	10,810
Level 100	1,081	10,810	1,081	10,810



**Once Condominiums**  
220 - 222 Main Street West and 115 - 117 George Street,  
Toronto, Ontario

**Conceptual Site Plan**  
OPAZA Reurbanism

DATE: 27.06.22  
SCALE: N15  
DRAWING NO: A-102



**COLETTARA**

CONTRACT ARCHITECTURE  
1100 BAYVIEW AVENUE, SUITE 200  
SCARBOROUGH, ONTARIO M1B 2Y1  
TEL: 416-291-2200  
WWW.COLETTARA.COM

**CONTRACTOR**  
MCCORMICK + COOPER ARCHITECTS  
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WWW.MCCORMICKCOOPER.COM

Appendix "E" to Report PED23022  
Page 2 of 6



- DRAMA NOTE:**
1. THE ARCHITECT SHALL PREPARE AND SUBMIT TO THE CITY ENGINEER AND ARCHITECTURAL REVIEW BOARD FOR REVIEW AND APPROVAL ALL DRAWINGS AND SPECIFICATIONS AND BEFORE PROCEEDING WITH THE WORK.
  2. ALL WORK SHALL COMPLY WITH THE 2022 CALIFORNIA BUILDING CODE AND ORDINANCES.
  3. THE ARCHITECT SHALL MAINTAIN CLOSE COOPERATION AND COMMUNICATION WITH THE CITY ENGINEER AND ARCHITECTURAL REVIEW BOARD THROUGHOUT THE PROJECT.
  4. ALL CHANGES TO THE PROJECT SHALL BE DOCUMENTED IN WRITING AND APPROVED BY THE ARCHITECT AND THE CITY ENGINEER AND ARCHITECTURAL REVIEW BOARD BEFORE ANY CONSTRUCTION BEGINS.
  5. THE ARCHITECT SHALL MAINTAIN A RECORD OF ALL CHANGES TO THE PROJECT AND SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE RECORD DRAWINGS FOR THE PROJECT.
  6. THE ARCHITECT SHALL MAINTAIN A RECORD OF ALL CHANGES TO THE PROJECT AND SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE RECORD DRAWINGS FOR THE PROJECT.
  7. THE ARCHITECT SHALL MAINTAIN A RECORD OF ALL CHANGES TO THE PROJECT AND SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE RECORD DRAWINGS FOR THE PROJECT.

No.	Date	Revision
00	00	00

**Oracle  
Condominiums**

220 - 222 Main Street West and  
115 - 117 George Street,  
Miramonte, CA 91326

**Conceptual Floor Plan  
Level 1**

OPAZ/BA Resubmission

Date: 27/06/22  
Project No: 202205291 - 1773252  
Scale: 1/8" = 1'-0"

Sheet: A-103  
NTS

**Building Statistics**

Item	Value	Unit
Building Area	17,732.52	Sq Ft
Net Area	17,732.52	Sq Ft
Net Area	17,732.52	Sq Ft
Net Area	17,732.52	Sq Ft

**Building Statistics**

Item	Value	Unit
Building Area	17,732.52	Sq Ft
Net Area	17,732.52	Sq Ft
Net Area	17,732.52	Sq Ft
Net Area	17,732.52	Sq Ft

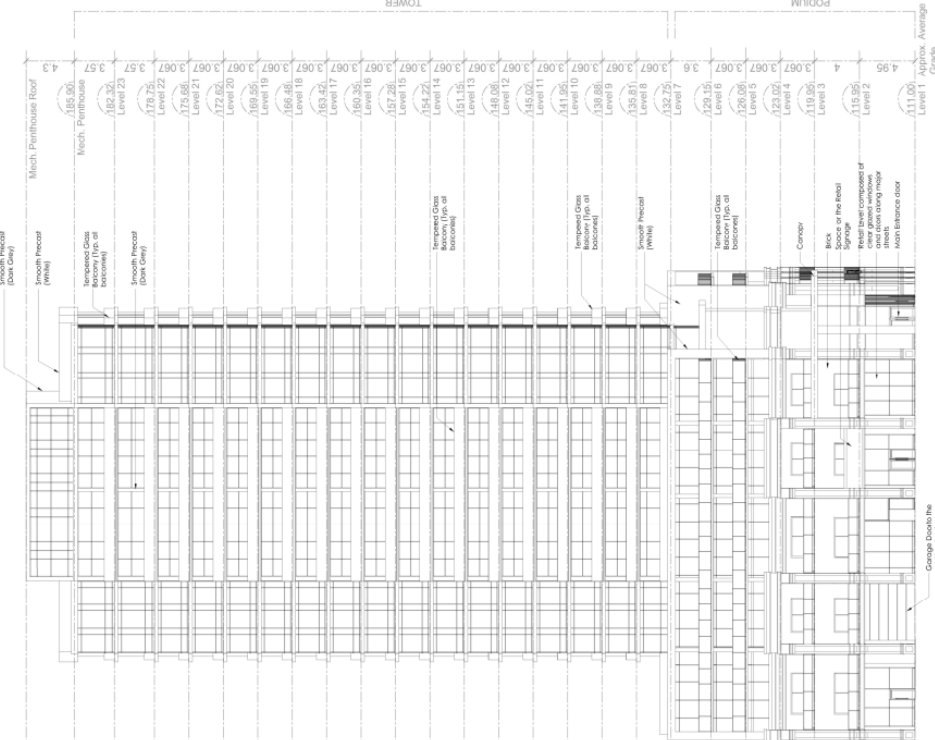


**Conceptual Floor Plan  
Level 1**

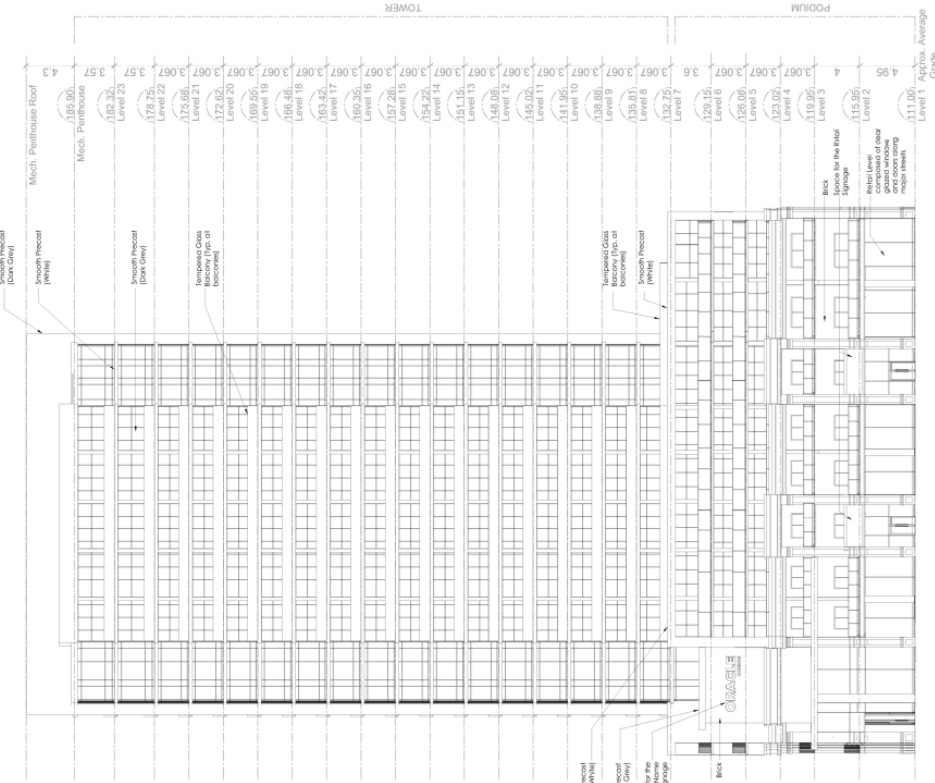


Coletara Development  
1611 Harvard Drive, Suite 222  
Atlanta, GA 30318  
P.O. Box 902344, Atlanta, GA 30390  
www.coletara.com

- GENERAL NOTES:**
1. SHALL USE FINISHES OVERCAST.
  2. ALL WORK SHALL COMPLY WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.
  3. ALL WORK SHALL COMPLY WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.
  4. ALL WORK SHALL COMPLY WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.
  5. ALL WORK SHALL COMPLY WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.
  6. ALL WORK SHALL COMPLY WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.
  7. ALL WORK SHALL COMPLY WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.



Conceptual Elevation West



Conceptual Elevation South

No.	Date	Revision
00	00	00

**Oracle Condominiums**  
220 - 222 Main Street West and 115 - 117 George Street, Toronto, Ontario

**Conceptual Elevations South & West**

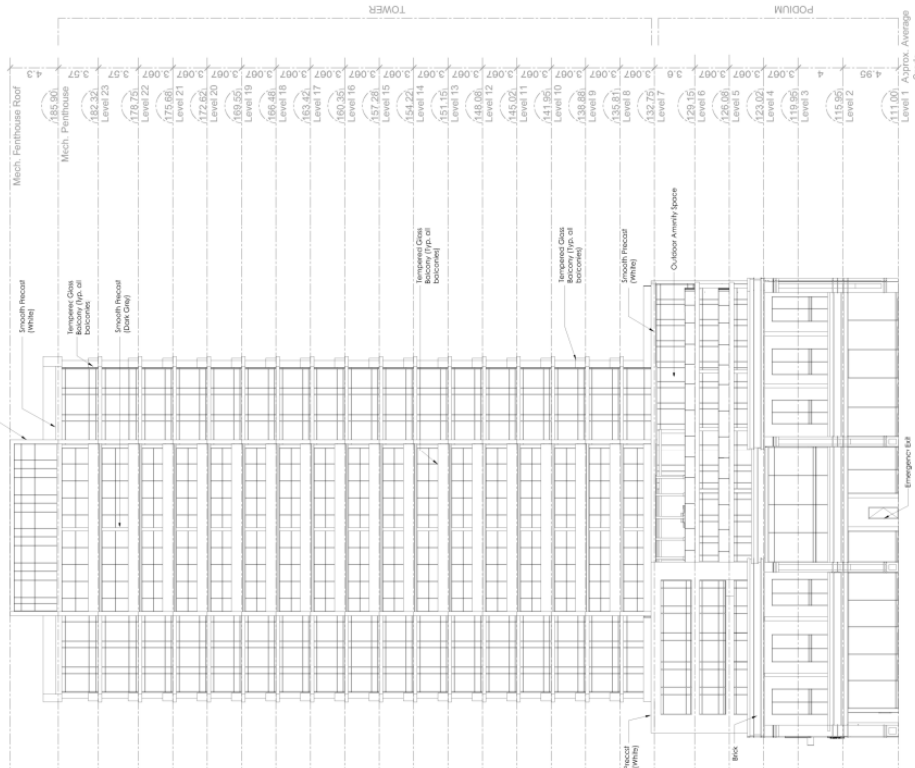
OPA/ZBA Resubmission  
24-01-22  
NTS  
A-110

Appendix "E" to Report PED23022  
Page 4 of 6

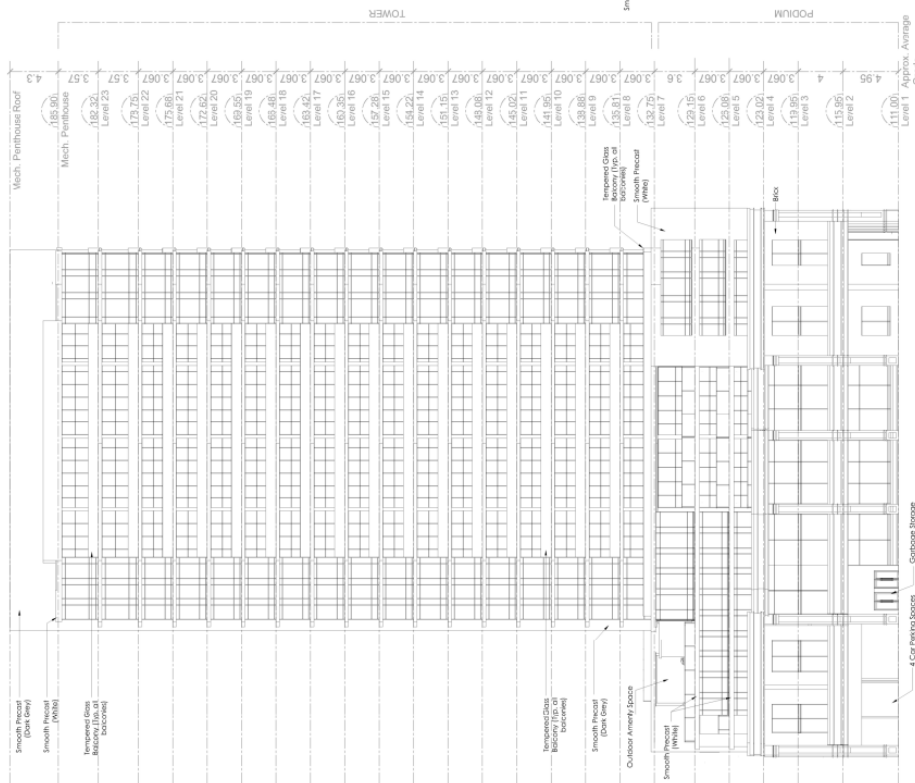


Coletara Development  
1400 North Dearborn Street  
Chicago, Illinois 60610  
Ph: 866.534.4100  
www.coletara.com

- GENERAL NOTES:**
1. THE ARCHITECT'S RESPONSIBILITY IS TO PREPARE ARCHITECTURAL DRAWINGS THAT COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.
  2. ALL WORK SHALL COMPLY WITH THE 2015 INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.
  3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OF MECHANICAL, ELECTRICAL, PLUMBING, OR STRUCTURAL SYSTEMS UNLESS SPECIFICALLY NOTED OTHERWISE.
  4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTY TRADES UNLESS SPECIFICALLY NOTED OTHERWISE.
  5. ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
  6. THE ARCHITECT'S RESPONSIBILITY IS TO PREPARE ARCHITECTURAL DRAWINGS THAT COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.
  7. THE ARCHITECT'S RESPONSIBILITY IS TO PREPARE ARCHITECTURAL DRAWINGS THAT COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.



Conceptual Elevation East



Conceptual Elevation North

No. Date Revision  
00 00 00

Oracle  
Condominiums

220 - 222 Main Street West and  
115 - 117 George Street,  
Chicago, Illinois

Conceptual Elevations  
North & East

Scale: 1/8" = 1'-0"

Project No: 24-01-22  
Revision No:  
Date: NTS  
Scale: A-111  
By: [Signature]



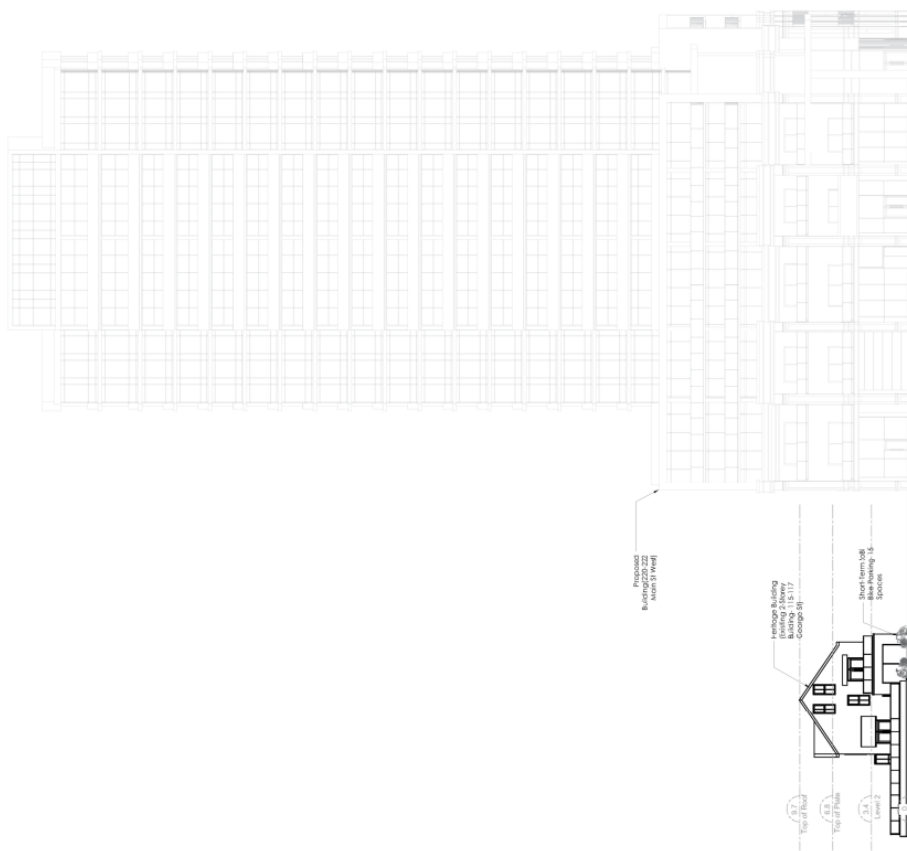
OPA/ZBA Resubmission

Appendix "E" to Report PED23022  
Page 5 of 6



Goletara Construction  
464 Portland Drive, Suite 221  
Hillsdale, Colorado 80401  
Phone: 303.440.1000  
www.goletara.com

- GENERAL NOTES**
1. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND RECORD THE EXISTING CONDITIONS.
  2. ALL WORK SHALL BE ACCORDING TO THE CITY OF DENVER SPECIFICATIONS AND ORDINANCES.
  3. CONTRACTOR SHALL CHECK AND VERIFY ALL EXISTING CONDITIONS TO THE PROJECT BEFORE ANY CONSTRUCTION BEGINS.
  4. ALL CONTRACTS AND SUB CONTRACTORS SHALL BE IN FULL COMPLIANCE WITH ALL CITY OF DENVER ORDINANCES AND SPECIFICATIONS.
  5. ALL CONTRACTS SHALL BE IN FULL COMPLIANCE WITH ALL CITY OF DENVER ORDINANCES AND SPECIFICATIONS.
  6. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND RECORD THE EXISTING CONDITIONS.
  7. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND RECORD THE EXISTING CONDITIONS.



No.	Date	Revision
00	00	00

**Oracle Condominiums**  
220 - 222 Main Street West and 115 - 117 George Street,  
Hillsdale, Colorado  
**Heritage Building Conceptual Elevations South & West**

OPA/ZBA Resubmission 71  
Date: 24-01-22  
Project No.:  
Scale: NTS  
A-112

Conceptual Elevation Heritage Building South

Conceptual Elevation Heritage Building West

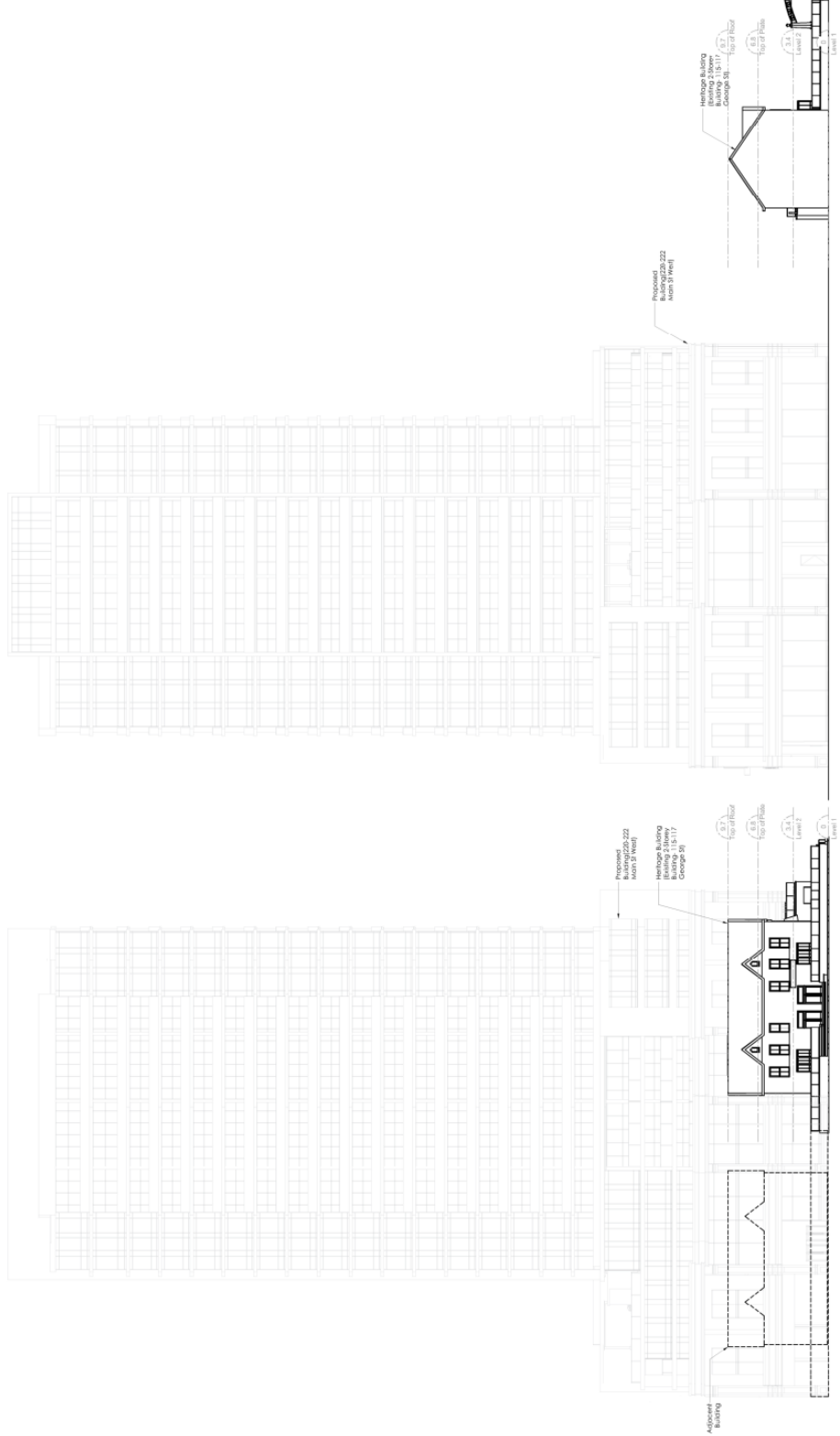


Appendix "E" to Report PED23022  
Page 6 of 6



Coletara Development  
1000 Lakeshore Blvd. West  
Mississauga, Ontario L5S 1A5  
Ph. No. 905.524.4100  
www.coletara.com

- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING CODE OF CANADA.
  2. ALL WORK SHALL COMPLY WITH THE B.C.T.C. (BRITISH COLUMBIAN CONTRACTORS ASSOCIATION) STANDARD CONTRACT AND MORE PARTICULARLY THE PROVISIONS RELATING TO THE PROTECTING THE WORK.
  3. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING CODE OF CANADA.
  4. ALL STRUCTURAL MATERIALS SHALL BE PROVIDED BY THE CONTRACTOR AND SHALL BE APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION.
  5. ALL STRUCTURAL MATERIALS SHALL BE PROVIDED BY THE CONTRACTOR AND SHALL BE APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION.
  6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
  7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.



Oracle Condominiums  
220 - 222 Main Street West and  
115 - 117 George Street,  
North York, Ontario  
**Heritage Building  
Conceptual Elevations  
South & West**

OPF/ZBA Re-submission 1

Date: 24-01-22  
Project No.:  
Scale: NTS  
Drawing No.: A-113

Conceptual Elevation  
Heritage Building  
East

Conceptual Elevation  
Heritage Building  
North

No.	Date	Revision
00	00	00

Appendix "F" to Report PED22023  
Page 1 of 6

**Kehler, Mark**

---

**From:** Andrew C Adams [REDACTED]  
**Sent:** Tuesday, February 8, 2022 3:35 PM  
**To:** Kehler, Mark  
**Subject:** Re: 206 Main St. W

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

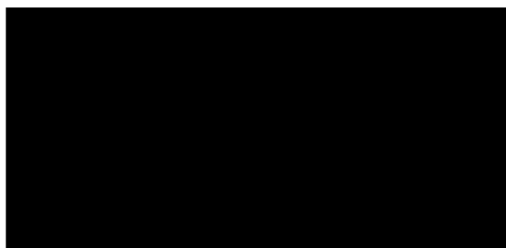
Hi Mark,

I was wondering if there has been a resubmission by Colatera on the project at the neighbouring site to our property at 206 Main St. W?

If you could kindly add my home address for notices to owners of nearby subject lands, that would be most appreciated.

It is:

Andrew Adams



On Nov 19, 2021, at 2:05 PM, Kehler, Mark <Mark.Kehler@hamilton.ca> wrote:

Hi Andrew,

Unfortunately City Hall remains closed to the public so I cannot sit down with you to review the file.

The most recent concept submitted by the applicant is here:

<https://cityshare.hamilton.ca/s/xYnSfbZzMJYMrso>

Staff have responded to the applicant that the proposed tower separation to the east property line does not align with the City's Tall Buildings Guidelines, including guidelines that protect for the development potential of adjacent lands.

A Notice of Complete Application was mailed to all property owners within 120 m of the subject lands in October 2020. If you have an address you would like future notices for this application mailed to you can email it to me and I will add it to the file.

**Appendix “F” to Report PED22023**  
**Page 2 of 6**

If you would like to discuss further, please don't hesitate to give me a call.

**Mark Kehler**

Senior Planner - Urban Team  
Planning and Economic Development  
Planning, City of Hamilton  
(905) 546-2424 Ext.4148



**NOTE:** As of March 18, all City of Hamilton offices and facilities have been closed to the public with the exception of the First Floor, City Hall, to help prevent the possible spread of the Covid-19 virus.

Planning staff will continue to serve the community over the phone or by email. However, staff are working from home as a precautionary measure to protect both the public and staff and staff will endeavour to reply to your email as soon as possible.

Digital submissions and resubmissions are preferred. Alternatively you may make your submission by courier, mail or by drop off at the First Floor, City Hall.

Please be aware that information on the City's response to Covid-19 and the City of Hamilton Official Plan, Zoning By-laws and submission requirements can be found on the City's website at [www.hamilton.ca](http://www.hamilton.ca).

Thank you for your anticipated cooperation.

**From:** Andrew C Adams [REDACTED]  
**Sent:** November 17, 2021 3:58 PM  
**To:** Farr, Jason <Jason.Farr@hamilton.ca>  
**Cc:** Kehler, Mark <Mark.Kehler@hamilton.ca>  
**Subject:** Re: 206 Main St. W

Thanks very much for the prompt response Councillor. And thank you for the introduction to Mark.

Mark, can we please arrange a day to sit down and to review this file? I'm wondering when you raised the issue of tower separation, did you give a specific metre suggestion? We would like to develop the 206 site some day, and having a 5 m setback on the 220 property would force us to maintain a 20 m setback on our property, which would greatly devalue our project. We believe that 12.5m of setback for both 220 and 206 would be the most fair.

Finally, was something mailed to our building regarding this submission? I ask because if so, we did not receive it. There are several businesses in the building and it's possible that it was misplaced. Is it possible that we have any official correspondence on the 206 Main St. W. property come to my personal home address so that we can stay on top of the planning process?

Thanks very much for your help,

Andrew-C. Adams

On Mon, Nov 15, 2021 at 8:59 AM Farr, Jason <[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)> wrote:

The issue of the tower separation to 206 Main St W was raised by staff in our response to the applicant.

**Appendix "F" to Report PED22023**  
**Page 3 of 6**

We are expecting a formal resubmission in response to staff comments but have not yet received it.

Dr. Adams, you are welcome to check in with Mark (City Planner on the file - cc) for updates and he will ensure your concerns are noted and responded to in any future staff report.

Thanks for engaging, Dr. Adams and good to hear from you again.

Councillor Jay

Sent from my iPhone

**From:** Andrew C Adams [REDACTED]  
**Date:** November 14, 2021 at 7:41:32 PM EST  
**To:** "Farr, Jason" <[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)>  
**Subject:** 206 Main St. W

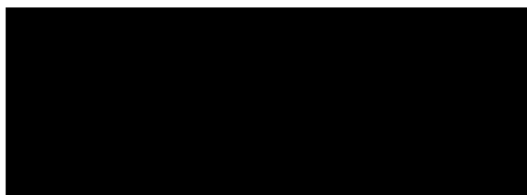
Dear Councillor Farr,

I hope all is well with you. We had met prior to the pandemic at your office to discuss our building at 206 Main St. W. It's the old yellow house at the corner of Main and Hess. We operate a dental anaesthesia practice from that location.

We understand that Colterra has purchased the neighbouring properties at 220 Main W. and intends to build 23 story towers there. They are asking to build up to the 5m boundary to our shared property line. Further, we understand that the city wants 25m between towers. Since we one day intend to develop our site, we feel this is unfair, since we would then have to build 20m from our property line as currently proposed. The approval of Colterra to build up to 5m of the property line would greatly devalue our property as it would limit the footprint of a property on our site. We feel that it would only be fair for Colterra and us to have a setback each of 12.5m from the property line.

Can you please advise on the Colterra submissions and applications and what stage they are at? We would like the opportunity to be heard on this matter.

Thank you,  
Andrew Adams





SHAPING GREAT COMMUNITIES

April 12, 2021

File: 21009

Andrea Dear, MCIP, RPP  
Senior Planner  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

Dear Ms. Dear:

**RE: PUBLIC CONSULTATION RESPONSE  
UHOPA-20-025 / ZAC-20-038  
115-117 GEORGE STREET & 220-222 MAIN STREET WEST, HAMILTON**

---

In accordance with the City of Hamilton's "Public Consultation Strategy Guidelines" (no date), we are pleased to submit this summary of the community consultation to date for the proposed development at 115-117 George Street and 220-222 Main Street West, on behalf of the owners of the property: 115 George Street Inc., 220 Main Street (Hamilton) Holdings Inc., and 222 Main Street (Hamilton) Holdings Inc.

A virtual community meeting was hosted on Wednesday, February 24<sup>th</sup> at 6:30pm via Zoom. As required by the guidelines, individual invitations were provided via email on or before January 21, 2021 to the following:

- Andrea Dear, Planner, City of Hamilton;
- Councillor Farr, Councillor, Ward 2;
- Strathcona Community Council (Jason Morse, President);
- Durand Neighbourhood Association (Chris Redmond, President);
- Central Neighbourhood Association; and
- Kirkendall Neighbourhood Association.

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria Street South, Suite 201, Kitchener, ON N2G 4Y9 519 569 8883  
162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477  
gspgroup.ca

**Appendix “F” to Report PED22023**  
**Page 5 of 6**

In addition, notices of the virtual community meeting (included as **Appendix A**) were hand-delivered to each property within 120 m of the subject property (address included as **Appendix B**) on January 21, 2021 by Coletara Development.

A copy of the presentation materials presented at the virtual community meeting is attached as **Appendix C**.

Below is a timeline of the consultation efforts by the consultant team and owner of the Site:

- **Various dates 2020-2021** - Phone calls and meetings between owners and neighbouring property and business owners.
- **January 20, 2021** - Virtual public meeting notices hand-delivered to all addresses within 120 m of the Site by Coletara Development.
- **January 20, 2021** - Project microsite launched with project information and digital links to all submitting reports/plans.
- **January 21, 2021** - Emails sent to Kirkendall Neighbourhood Association, Durand Neighbourhood Association, Central Neighbourhood, and the Strathcona Community Council with a copy of the Virtual meeting notice and a meeting request to speak about the proposal.
- **January 28, 2021** - Call with Jason Morse (President of Strathcona Community Council) with Ashley Paton (Planner, GSP), Paul Kemper (Coletara Development) and Michael Krasic (Coletara Development). Comments/questions are summarized in table below.
- **February 16, 2021** - Durand Neighbourhood Association Executive Meeting (attended by Councillor Jason Farr) attended by project team (Ashley Paton, Paul Kemper). Comments/questions are summarized in table below.
- **February 24, 2021** - Virtual Community Meeting held on Zoom (see **Appendix D** for list of attendees with registrant postal codes and redacted names). Comments/questions are summarized in table below

**Summary of Comments and Questions Received from the Public**

- Restoration of 115-117 George Street, the proposed uses of this building and questions as to how elements of the existing buildings will be incorporated into the new buildings. Response clarified that the intention is for the retained/restored building at 115-117 George Street to be used as a commercial/retail unit and that similar materiality and articulation (i.e. window placement, brick etc.) to the 2 existing buildings proposed to be removed will respect what exists there today.

## Appendix "F" to Report PED22023

Page 6 of 6

- **Alleyway:** questions were raised about the future of the alleyway that provides access to abutting businesses. Response included explanation that access will be maintained for abutting 2 properties through the site as they are the only properties that have an access easement. The other business east of the Site are serviced via the laneway accessible from Hess Street.
- **Parking:** Questions raised to clarify the demand for parking in this area. Response included the owner's intention to provide enough parking for residents who want it without providing an oversupply. The proposed parking rate is aligned with sales for the nearby Platinum condos at 15 Queen Street South (also developed by Coletara Development). Slight reduction in parking is requested from what the Zoning By-law currently requires.
- **Tenure of Units:** Questions were asked about the future tenure of the building (i.e. rental or condominium) and whether the units would provide affordable or assisted living units. Responses were provided stating the units will be condominium units and will be sold at market rate (i.e. not affordable and not assisted living/retirement).

One (1) member of the public expressed concern that their questions were not answered during the Zoom webinar however the Zoom Q+A report nor any of the panelists saw their questions appear. An individual email response was provided to their questions and comments.

### Summary of Response and Modifications to the Proposal

Responses to the comments/questions received from the community and City of Hamilton staff and modifications to the proposal based on these comments are currently being prepared and will be submitted under separate cover.

We trust that the information above provides additional information relating to the public consultation process that has occurred with regards to the above mentioned applications. Should you have any questions or require any additional information, please do not hesitate to contact me.

Yours truly,

**GSP Group Inc.**



Ashley Paton, B.U.R.Pl., MCIP, RPP  
Planner / Urban Designer



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

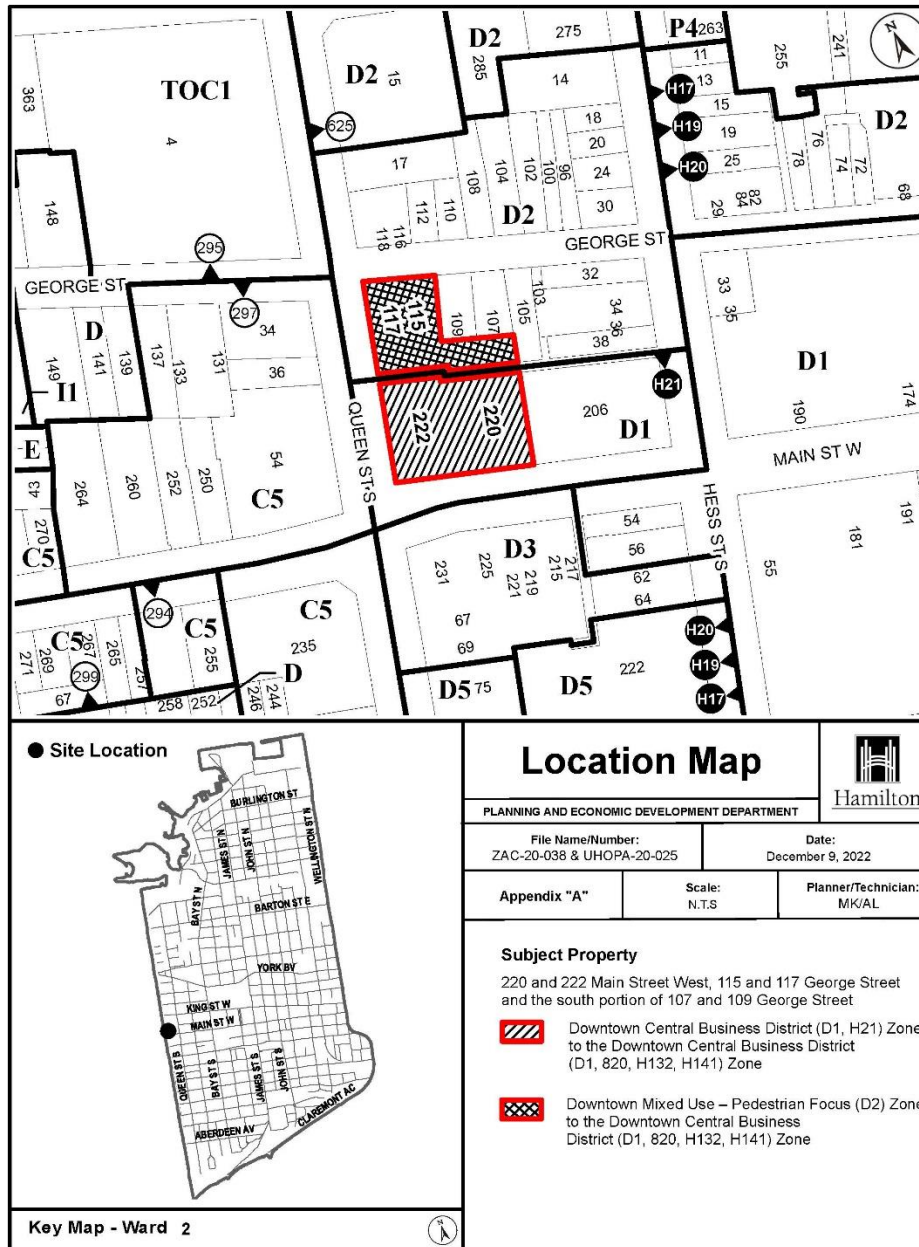
January 31, 2023



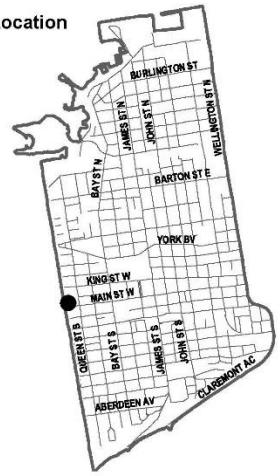
## **PED23022 – (ZAC-20-038 / UHOPA-20-025)**

Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton.

Presented by: Alaina Baldassarra



● Site Location



Key Map - Ward 2

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-20-038 & UHOPA-20-025	Date: December 9, 2022
Appendix "A"	Scale: N.T.S.
	Planner/Technician: MK/AL

- Subject Property**  
 220 and 222 Main Street West, 115 and 117 George Street  
 and the south portion of 107 and 109 George Street
- Downtown Central Business District (D1, H21) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone
  - Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone



**SUBJECT PROPERTY**



**220 & 222 Main Street West and the south portion of  
107 & 109 George Street, Hamilton**

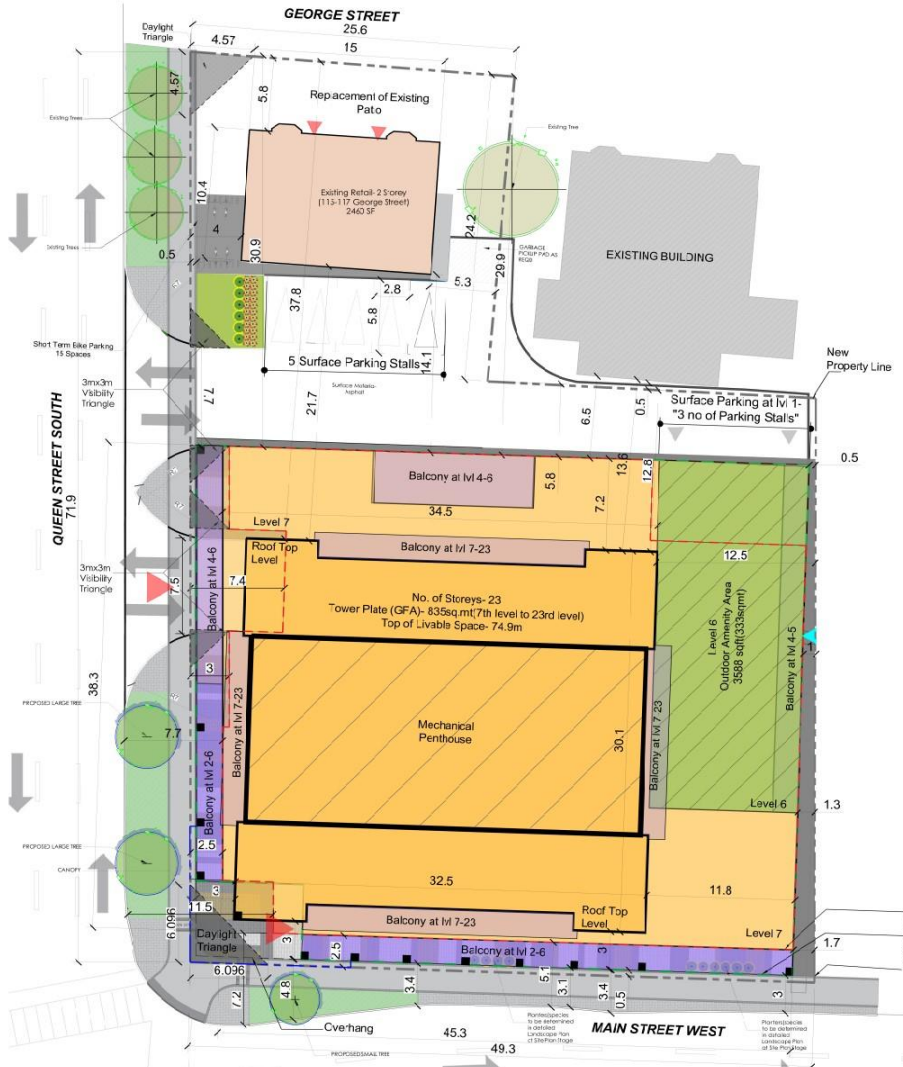




Coletara Development  
 860 Pontiac Drive Suite 221  
 Mississauga, Ontario L4W 4M7  
 Ph. No. 905-624-4100  
 www.coletara.com

**GENERAL NOTES**

1. ALL WORK SHALL COMPLY WITH THE 2015 ONTARIO BUILDING CODE AND AMENDMENTS.
2. ALL WORK SHALL COMPLY WITH THE 2015 ONTARIO ELECTRICAL CODE AND AMENDMENTS.
3. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
5. ALL OCCUPANTS REMAIN THE PROPERTY OF THE ARCHITECT UNLESS OTHERWISE INDICATED AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. DOCUMENTS PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
6. THE ARCHITECT, CONTRACTOR, ENGINEER, ARCHITECTURAL CONSULTANT AND/OR ARCHITECTURAL FIRM SHALL BE RESPONSIBLE FOR THE PREPARATION AND USE OF THESE DOCUMENTS. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE BALANCE ONLY DECISIONS TO BE MADE BASED ON THE INFORMATION PROVIDED BY THE ARCHITECT.
7. THE CONTRACTOR ACCEPTS RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY A THIRD PARTY AS A RESULT OF CONTRACTOR'S ACTIONS IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.



**ZONING STATISTICS**

Net Lot Area	2,908 sq.m.
Proposed Building Coverage	55.2%
Gross Floor Area	30,167 sq.m.
Building Height Proposed & Permitted (top of livable space)	74.9 m / Permitted: 44.6 m
No. of Residential Units	282 Units
No. of Parking Spaces Proposed	152 Spaces
Required:	
1) Down Ring Units less than 50 sq square metres in gross floor area	68 Units
Units 2-27	Open unit 12 x 2 = 24 Spaces
Units 28 - 33	Open unit 30 x 2 = 60 Spaces
2) Units greater than 50 sq square metres in gross floor area	214 Units
Units 2-27	Open unit 12 x 2 = 24 Spaces
Units 28-30	Open unit 30 x 2 = 60 Spaces
Units 31-33	Open unit 30 x 2 = 60 Spaces
3) Units with 3 or more bedrooms:	8 Units
Units 3-12	Open unit 12 x 2 = 24 Spaces
Units 13-33	Open unit 30 x 2 = 60 Spaces
<b>TOTAL</b>	<b>152 Spaces</b>
No. of Barrier Free Parking	8.8 Spaces
Proposed:	
Barrier Free	8.8 Spaces
Amenity Areas	8.8 m <sup>2</sup> per unit
Proposed:	
Barrier Free	1012 sq.m.
Other Amenity	282 sq.m.
Outdoor Amenity	152 sq.m.
<b>TOTAL</b>	<b>1446 sq.m.</b>

**SITE PLAN STATISTICS**

Net Lot Area	2,908 sq.m.
Net Building Area	1,850 sq.m.
Building Coverage	65.2%
Building Height	74.9 m (Top of Livable Space)
Average Grade Elevation	113.99 m
Building Storey	23 Storeys
Commercial GFA	9,153 sq. Parking Spaces
Parking Proposed	
T1	45 Spaces
T2	23 Spaces
T3	8 Spaces
Unit # - 1	38 Spaces
Unit # - 2	0 Spaces
<b>Total</b>	<b>152 Spaces</b>
Barrier Free per unit	8.8
Amenity Areas	8.8 m <sup>2</sup> per unit

**BUILDING STATISTICS**

FLOOR	Area	GFA	Area	Area	Area	Area	Area	Area	Area
R1	1,875	20,322	2,808	18,465	1	-	-	-	41
R2	1,875	20,322	2,808	18,465	1	-	-	-	44
R3	1,875	21,228	878	18,508	1	-	-	-	28
Level 1	1,900	20,448	2,248	18,790	1	9.0	5.0	4.0	58
Level 2 (Parking-Hall)	1,708	22,829	2,686	21,111	1	9.0	5.0	4.0	58
Level 3 (Parking-Hall)	1,708	22,829	2,286	20,543	1	9.0	5.0	4.0	58
Level 4-5	1,288	24,615	2,375	22,240	1	10.0	10.0	10.0	4
Level 6	1,353	24,139	2,272	21,867	1	13.0	10.0	7.0	0
Level 7-22	15,208	145,522	12,524	128,001	35	10.0	10.0	4.0	0
Level 23-29	1,803	28,420	1,150	17,974	2	20	14	6	0
Level 30	0	0	0	0	0	0	0	0	0
Level 31	0	0	0	0	0	0	0	0	0
<b>TOTAL (R1-31)</b>	<b>30,167</b>	<b>349,721</b>	<b>213,700</b>	<b>239,654</b>	<b>73</b>	<b>224</b>	<b>68</b>	<b>147</b>	



No.	Date	Revision
00	00	00

Oracle Condominiums

220 - 222 Main Street West and  
 115 - 117 George Street,  
 Hamilton, Ontario

Conceptual Site Plan

OPA/IBA Resubmission

Date: 27-06-22  
 Project No: [Blank]  
 NTS





Coletara Development  
 966 Portola Drive Suite 22,  
 Missoula, Montana, 59701  
 Ph. No: 905-224-4100  
 www.coletara.com

- GENERAL NOTES**
1. DO NOT SCALE DIMENSIONS. ALL DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
  2. ALL WORK SHALL COMPLY WITH THE 2012 CHICAGO BUILDING CODE AND AMENDMENTS.
  3. CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
  4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL MAKE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
  5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNLESS OTHERWISE SPECIFIED, ANOTHER REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. DOCUMENTS WERE PREPARED IN THE CONSULTANT'S OFFICE.
  6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST DETERMINED BASIS OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION AND IS NOT GUARANTEED. THE PARTIES SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION AND SHALL BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.
  7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, FINE, LOSS, INJURY OR OTHER PARTIAL OR COMPLETE CONSTRUCTION ACTIONS BASED ON THE CONTRACT DOCUMENTS.

No.	Date	Revision
00	00	00

**Oracle Condominiums**  
 220 - 222 Main Street West and  
 115 - 117 George Street,  
 Missoula, MT

**Conceptual Floor Plan Level 1**

OPA/ZBA Resubmission

Date: 27-06-22

Plan No.:

Scale: NTS



**Conceptual Floor Plan Level 1**

**Building Statistics**

FLOOR	GCA	GFA	# PARKING	RETAIL
Level 1	20,655 SqFt	19,796 SqFt	3 (Retail) + 5 (Bicycle) = 8	8,721 SqFt

**Bike Parking**

LONG-TERM	SHORT-TERM
15	0



Coletara Development  
 866 Parlane Drive Suite 22  
 Mississauga, Ontario L4V 2Z1  
 Ph: No. 905-424-4100  
 www.coletara.com

- GENERAL NOTES**
1. **2D VISUAL DRAWINGS:** VISITORS OBSERVING SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
  2. ALL WORK SHALL COMPLY WITH THE 2012 CANADIAN BUILDING CODE AND AMENDMENTS.
  3. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
  4. ALL CONTRACTORS AND SUB CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
  5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. VISITORS MUST BE ADVISED IN WRITING AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
  6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION AND DOES NOT CONSTITUTE WARRANTIES OF THE CONTRACT DOCUMENTS OR ANY RELATED CONDUCTOR'S LIABILITY BASED THEREON ARE THE RESPONSIBILITY OF SUCH THIRD PARTY.
  7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, EVEN LIMITED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.

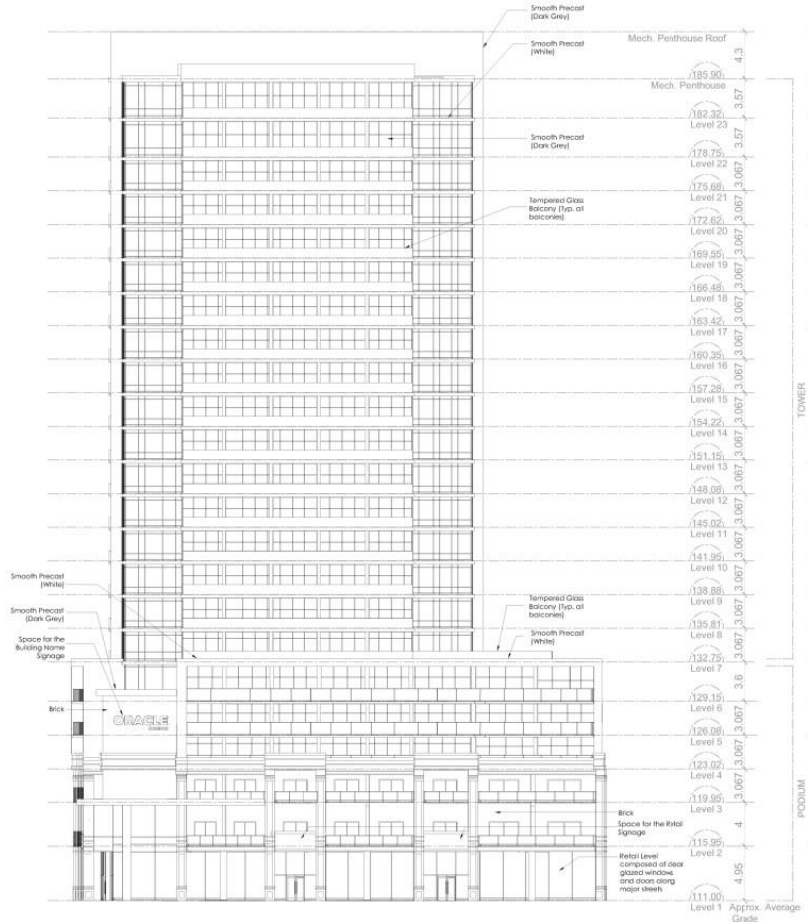
No.	Date	Revision
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**Oracle Condominiums**  
 220 - 222 Main Street West and  
 115 - 117 George Street,  
 Waterloo, Ontario

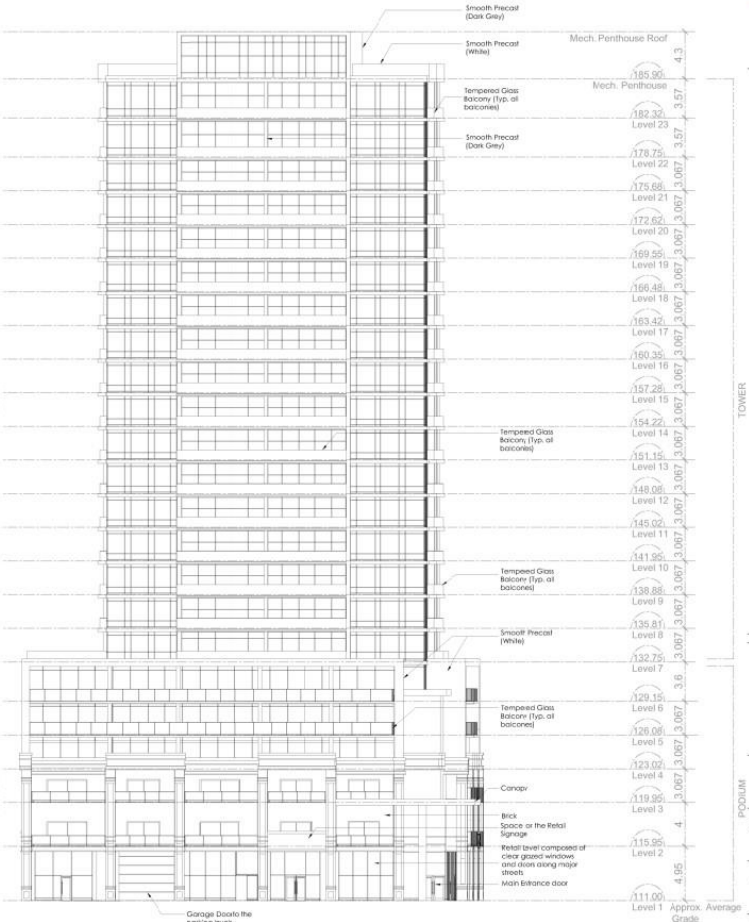
**Conceptual Elevations South & West**

OPA/ZBA Resubmission

Date: 24-01-22  
 Project No.:  
 Scale: A-1/32



**Conceptual Elevation South**



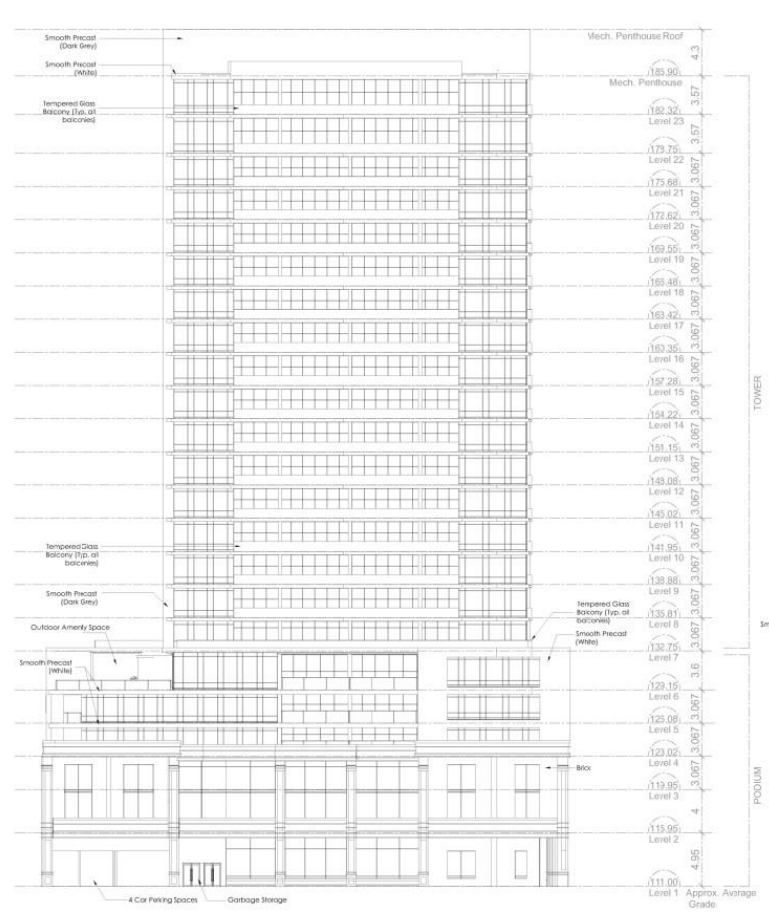
**Conceptual Elevation West**

Appendix E

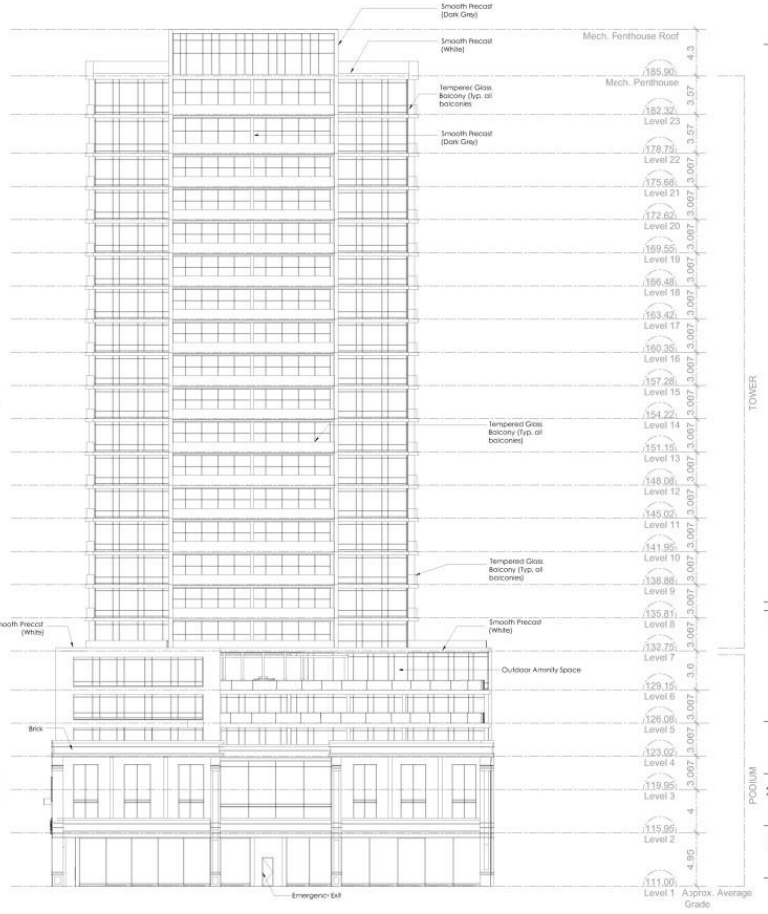


Coletara Development  
 844 Toronto Drive Suite 22  
 Mississauga, Ontario L4W 2S1  
 P.O. No. 905-624-4108  
 www.coletara.com

- GENERAL NOTES**
1. DO NOT SCALE DRAWINGS. VERIFY DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS.
  2. ALL WORK SHALL COMPLY WITH THE 2010 ONTARIO BUILDING CODE AND AMENDMENTS.
  3. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AGAINST APPROVED CONTRACT DOCUMENTS TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
  4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SIGNED APPROVED CONSTRUCTION DOCUMENTS ON FILE AT ALL TIMES.
  5. ALL DOCUMENTS EXCEPT THE REVIEW OF THE ARCHITECT SHALL REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, REPRODUCTION AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED UNLESS WRITTEN PERMISSION IS OBTAINED FROM THE ARCHITECT. THE ARCHITECT'S CONTRACT DOCUMENTS SHALL BE PROVIDED TO THE CONTRACTOR FOR THE ARCHITECT'S USE ONLY.
  6. THE ARCHITECT, CONTRACTOR AND SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CONTRACTOR AND SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
  7. THE CONTRACTOR ACCEPTS FULL RESPONSIBILITY FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES AS A RESULT OF SUCH WORK OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.



**Conceptual Elevation North**



**Conceptual Elevation East**

No.	Date	Revision
00	00	00

**Oracle Condominiums**

220 - 222 Main Street West and  
 115 - 117 George Street,  
 Toronto, Ontario

**Conceptual Elevations North & East**

OPA/ZBA Resubmission

Date: 24-01-22

Scale: NTS



Sheet No. **A-111**



Coletara Development  
 166 Porterra Drive Suite 22  
 Mississauga, Ontario L4V 2Y1  
 Ph. No. 905-424-4100  
 www.coletara.com

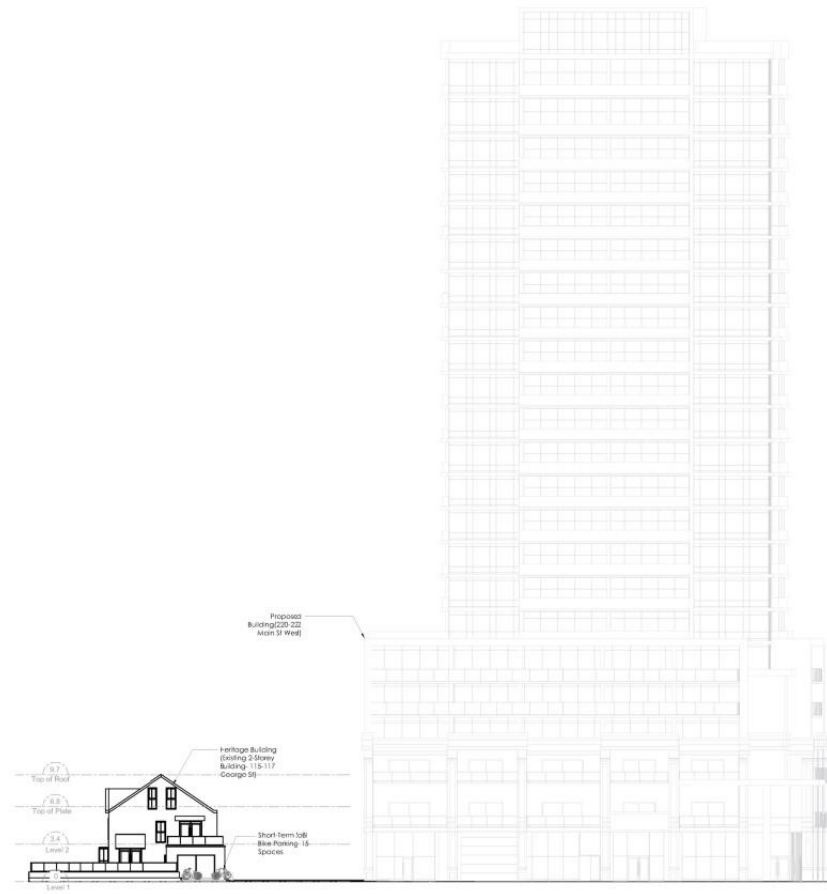
- GENERAL NOTES**
1. **DO NOT SCALE DRAWINGS.** WHETHER DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
  2. ALL WORK SHALL COMPLY WITH THE 2012 CANADIAN BUILDING CODE AND AMENDMENTS.
  3. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
  4. ALL CONTRACTORS AND SUB CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
  5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. CONTRACTORS OR SUB CONTRACTORS MAY MAKE COPIES FOR THEIR OWN USE AND FOR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT PERMISSION. THE CONTRACT DOCUMENTS HEREIN PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
  6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION AND IS SUBJECT TO ANY PARTY CLAIMS OF THE CONTRACT DOCUMENTS OR ANY RELATED DOCUMENTS TO BE MADE BASED ON THEM AND THE RESPONSIBILITY OF SUCH THIRD PARTIES.
  7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, EVEN LIMITED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.

No.	Date	Revision
00	00	00

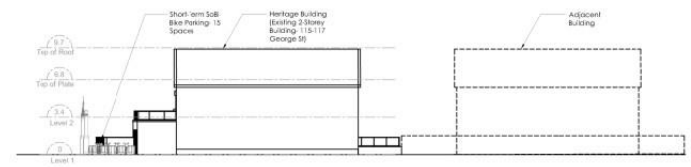
**Oracle Condominiums**  
 220 - 222 Man Street West and 115 - 117 George Street,  
 Hamilton, Ontario  
**Heritage Building Conceptual Elevations South & West**

OPA/ZBA Resubmission

Date: 24-01-22  
 Project No.:



**Conceptual Elevation  
 Heritage Building  
 West**



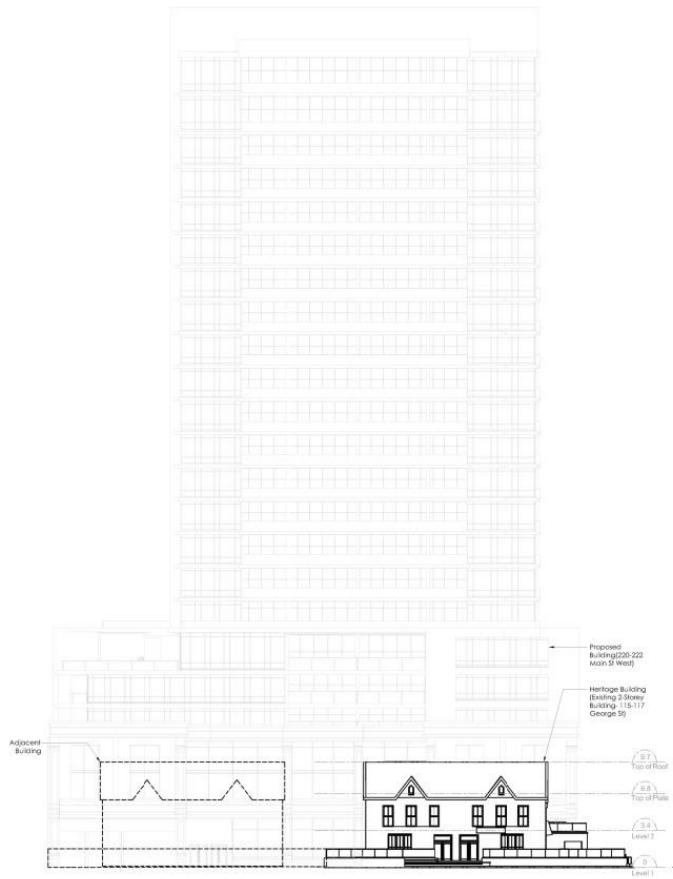
**Conceptual Elevation  
 Heritage Building  
 South**



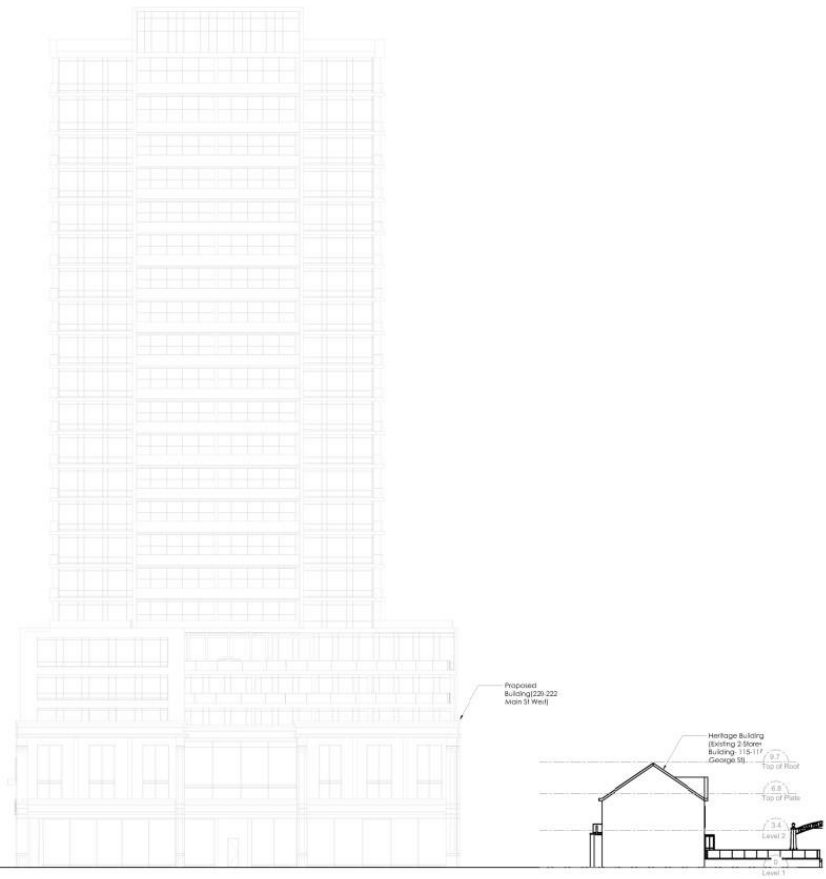


Coletara Development  
 961 Parkside Drive Suite 22  
 Mississauga, Ontario L4W 2S1  
 P.O. No. 024-4-00  
 www.coletara.com

- GENERAL NOTES**
1. **DO NOT SCALE DIMENSIONS.** WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALES DIMENSIONS.
  2. ALL WORK SHALL COMPLY WITH THE 2013 ONTARIO BUILDING CODE AND AMENDMENTS.
  3. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
  4. ALL CONTRACTORS AND SUB CONTRACTORS SHALL HAVE A REPUTABLE APPROVED CONSTRUCTION DOCUMENTS ON FILE AT ALL TIMES.
  5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, REPLICATION AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACTOR ASSUMES THE RESPONSIBILITY OF THE CONSULTANT FOR THE ACCURACY OF THE OWNER.
  6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY AND ALL THIRD PARTY CLAIMS OF THE CONTRACTOR OR OWNER, OR ANY RELATED JURISDICTIONS, SHALL BE THE SOLE RESPONSIBILITY OF SUCH THIRD PARTY.
  7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IN ANY MANNER, AND IS NOT PARTY AT A RESULT OF DECISIONS MADE OF ACTIONS BASED ON THE CONTRACT DOCUMENTS.



Conceptual Elevation  
 Heritage Building  
 North



Conceptual Elevation  
 Heritage Building  
 East

No.	Date	Revision
00	00	00

**Oracle Condominiums**  
 220 - 222 Main Street West and  
 115 - 117 George Street,  
**Heritage Building Conceptual Elevations  
 South & West**  
 Oracle  
 OPA/ZBA Resubmission

Date: 24-01-22  
 Project No.:  
 Scale: NTS  
 Drawing No.: **A-113**



Looking north at the Subject Lands known as 220 and 222 Main Street West, buildings to be demolished

Looking south at the Subject Lands known as 220 and 222 Main Street West, buildings to be demolished



Looking at the Subject Lands known as 115, 117, 107 and 109 George Street, looking east towards Hess Village



Looking at the building of 115 and 117 George which will be retained as part of the application

Looking at the rear of the property for 115, 117, 107 and 109 George Street, Location of the private driveway for the proposed development



Looking west of the Subject Lands (Northwest corner of the intersection of Queen Street South and Main Street West)



Looking southwest of the Subject Lands at the corner of the intersection of Queen Street South and Main Street West



Looking south of the Subject Lands on Main Street West

Looking south of the Subject Lands on Main Street West



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



January 6, 2023  
City of Hamilton  
Planning & Economic Development Department  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

**RE: 115-117 George Street, 220-222 Main Street West,  
Hamilton**

To Whom it May Concern,

The submission of this letter confirms that I, the current owner of [REDACTED] George Street, support the development application, which includes 220-222 Main Street West, and 115-117 George Street, which are close to my property. The development will also include the rear of my land, which is going through a separate process with the city for approval (HM/B-22:124).

Through my discussions with Coletara Development, I understand there will be renovations to the existing building at 115-117 George Street, and eventually the construction of a 23-storey building at the intersection of Main Street West and Queen Street South.

In my opinion, the proposal supports the healthy development of the Hess Village area and will encourage growth of local businesses. The renovation of the 115-117 George Street property will revitalize a building that has stood vacant for an extended period of time. I see this proposal as a benefit to the community and future residents and am looking forward to its completion.

Please have my letter be a part of the public record.

Respectfully submitted,

[REDACTED]

Tate Graham

[REDACTED]



TIBRO PROPERTIES

January 12<sup>th</sup>, 2023

City of Hamilton  
Planning & Economic Development  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

**Re: 115-117 George Street, 220-222 Main Street West**

Ms. Baldassarra,

Please accept the submission of this letter to confirm my support for the upcoming applications for the properties at the corner of Queen Street South and Main Street West and George Street. As a neighbouring property owner in the Hess Village area (████ King Street West), I am encouraged to see revitalization coming in the future with this 23-storey building.

The images of the tower look very visually appealing, and seems that it will continue this new trend of architecture we are seeing in Downtown Hamilton going forward.

It will also be great from a safety and community standpoint, to have the building renovated and use the land in a different way. I am personally looking forward to having more housing for current and new Hamiltonians to join the area.

I am looking forward to seeing this project go ahead, and therefore seeing our community flourish.

Regards,

---

Savan Chandaria  
Vice President, Tibro Properties



TIBRO PROPERTIES

7 - 25 Scarsdale Rd, North York, ON, M3B 2R2  
+1.647.426.3415

**January 10<sup>th</sup>, 2023**

City of Hamilton  
Planning & Economic Development Department  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

**RE: 115, 117 GEORGE STREET & 220, 222 MAIN  
STREET WEST, HAMILTON**

To: The City of Hamilton

Please accept this letter as my support for the upcoming development at the above property (corner of Main and Queen). I am the registered owner of ■ Hess Street South, which is located just down the street from the proposed development.

In my view, adding new residents and foot traffic to Hess Village will be positive for the growth of nearby businesses. We also have a housing shortage, so it will be great to add more housing options in Downtown Hamilton.

I have seen 3D images of the buildings and the architecture looks attractive and would preserve the character of the surrounding area. The new building at 15 Queen Street South has turned out well, and I am hoping to see another high-quality building at this location.

I am happy to provide my support for this application. In my opinion, our community will see new benefits from the high-rise building.

Yours truly,



**January 9, 2023**  
**City of Hamilton**  
**Planning & Economic Development Department**  
**71 Main Street West, 5<sup>th</sup> Floor**  
**Hamilton, ON L8P 4Y5**

**RE: 220/222 Main Street West and 115/117 George Street**

Dear Ms. Baldassarra,

I am submitting this letter as the current owner of [REDACTED] George Street, to support Coletara Development's rezoning application for land neighbouring my property, at 115-117 George Street and 220-222 Main Street West.

I have had conversations with Coletara, which has led to the back portion of my land being integrated into the above development proposal. We are concurrently in the process of registering the land severance with the City of Hamilton (file no. HM/B-22:125).

I am enthusiastic about adding new residents in this 23-storey building to Hess Village, for not only my business, but the rest of the shops and restaurants along George Street and in the surrounding area. I am looking forward to having the area revitalized through this new density.

Coletara also owns the existing building at 115-117 George Street, which is directly next to my property. They have explained to me that they have a plan to renovate the building and bring welcome new retail uses to this corner of Queen and George.

I would like to re-iterate my support and ensure that my letter is included for public access. I am hopeful that this project will be successful.

Kind regards,

[REDACTED]  
MICHAEL W. PERNFUSS  
[REDACTED]

**Dr. Andrew-Christian Adams,**  
BHSc, DDS, MSc (Dental Anaesthesia), Dip. ADBA

January 11, 2023

City of Hamilton  
Planning & Economic Development  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

**Re: 115/117 George Street and 220/222 Main Street West, Hamilton, ON**

To Whom It May Concern:

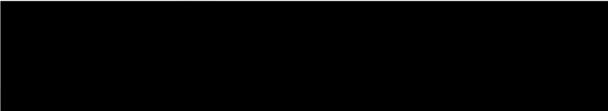
I am submitting this letter to support the development applications at 115/117 George Street, 220/222 Main Street West. As a neighbouring business owner of Downtown Sleep Dentistry and Oral Surgery (█ Main Street West), I am happy to see a proposal for increased density and positive development in this area of the downtown core.

From my recollection, the existing building on this corner has been sitting vacant for some time. It would be beneficial to our local businesses to have more people using this land to live and work.

I see that Coletara Development is proposing a 23-storey building on this land. I am happy that a developer who has a good track record and is familiar with the community is looking to continue revitalizing downtown Hamilton.

This proposal appears to be a reasonable and compatible approach to maintaining the character of this neighbourhood, and I am pleased to see it moving forward.

Sincerely,

  
Dr. Andrew-C. Adams

January 12<sup>th</sup>, 2023

City of Hamilton  
Planning & Economic Development Department  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

**Re: 115,117 GEORGE STREET & 220,222 MAIN STREET WEST, HAMILTON,  
ONTARIO**

To Whom it May Concern,

I am writing this letter as confirmation that I support the upcoming development at the above properties in Downtown Hamilton, at the corner of Main Street West and Queen Street South. As a local business owner in the neighbourhood, owner of [REDACTED] Hess Street S, from my view it is very positive to see the area moving forward with a development like this.

As a real estate professional, I understand the need for increased housing options and commercial locations to ensure that the city grows appropriately.

With this 23 storey building, there will be added supply into the housing market which will make Hamilton a more attractive location for people to live, visit, and ultimately contribute to our local economy. Personally, I would like to see more density.

Please include my letter as part of the public documents for this project.

Kind regards,

A large black rectangular redaction box covering the signature area.

Adrian Mekli



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 31, 2023
<b>SUBJECT/REPORT NO:</b>	Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Charlie Toman (905) 546-2424 Ext. 5863
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Revisions to Draft Approved Plan of Subdivision 25T-201507R, by MHBC Planning on behalf of Flamborough Power Centre Inc. (Owner)** to remove the extension of Street B on the subdivision known as “Flamborough Power Centre North Business Park” and located at 74, 78, 90 and 96 Parkside Drive, Flamborough, as shown on Appendix “A”, attached to Report PED23023, be **APPROVED** subject to the following conditions:

- (a) That the approval applies to the Draft Plan of Subdivision application “25T-201507R” prepared by J.D. Barnes Limited, and certified by R. S. Querubin, O.L.S, dated June 1, 2022, consisting of one block for employment uses (Block 20), one block for Conservation / Hazard Land (Block 21), dedicated road widening for Enterprise Crescent (Blocks 8 and 9) and 0.30 metre reserves (Blocks 18 and 19), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions as attached to Appendix “F” to Report PED23023;
- (b) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;

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

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

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

**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 2 of 15**

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- (c) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.

## **EXECUTIVE SUMMARY**

The application is for a revision to a Draft Approved Plan of Subdivision 25T-201507, known as Flamborough Power Centre North Business Park and attached as Appendix "B" to Report PED23023, to remove the extension of a public road (Street B), municipally known as Enterprise Crescent, is to accommodate larger employment land parcels in response to shifting market demands. Street B, as shown on the existing draft plan of subdivision, is internal to the subject lands. The approved Draft Plan of Subdivision included Street B to facilitate the development of smaller land parcels which were reflective of market conditions at the time.

Draft Plan of Subdivision 25T-201507 was approved in 2018 to facilitate the development of employment land uses covering 38.2 ha. The subdivision is being registered in two phases with Phase 1, approximately 26.5 ha in area, being registered in January 2021 as Plan 62M-1270 (see Appendix "C" attached to Report PED23023). Phase 1 of the subdivision included the registration of approximately 20 metres of Street B ending with a temporary cul-de-sac until Phase 2 was completed.

The proposed revision to the Draft Approved Plan of Subdivision would result in Phase 2 establishing one block (Block 20) for employment uses and one block (Block 21) dedicated to the City as Conservation / Hazard Land and associated road widening and 0.3 metre reserves.

Should this application be approved, the existing temporary cul-de-sac at the end of Enterprise Crescent would become permanent. The owner would be required to submit a future Consent, Part Lot Control or Draft Plan of Subdivision application to create smaller employment land lots within Block 20 fronting onto Clappison Avenue, Enterprise Crescent, or Parkside Drive.

The proposed revision will provide for the orderly development of employment uses. The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan (UHOP).



**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 3 of 15**

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**Alternatives for Consideration – See Page 14**

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: The *Planning Act* does not require Council to hold a Public Meeting to consider a revision (Major or Minor) to a Draft Approved Plan of Subdivision.

### **HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner:	Flamborough Power Centre Inc.
Applicant/Agent:	MHBC Planning Limited (c/o Gerry Tischer)
File Number:	25T-201507R
Type of Application:	Revisions to Draft Approved Plan of Subdivision
Proposal:	To delete a public road (extension of Street B known as Enterprise Crescent) to create one employment land block (Block 20) and one block for Conservation / Hazard Land (Block 21).
<b>Property Details</b>	
Municipal Address:	74, 78, 90 and 96 Parkside Drive (see Appendix “A” to Report PED23023)
Lot Area:	± 9.29 ha (irregular)
Servicing:	Full municipal services.
Existing Use:	The lands within Phase 2 of Draft Plan of Subdivision 25T-201507 are vacant.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 4 of 15**

<b>Documents</b>	
Official Plan Existing:	“Employment Areas” on Schedule E – Urban Structure and “Business Parks” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Prestige Business Park (M3, 388) Zone, Prestige Business Park (M3, 437) Zone, and Conservation / Hazard Land (P5) Zone.
Zoning Proposed:	No amendment proposed.
<b>Processing Details</b>	
Received:	August 3, 2022
Deemed Complete:	August 11, 2022
Processing Time:	173 days

### **Previous Applications**

The subject lands were subject to an Urban Hamilton Official Plan Amendment application (UHOPA-18-12), Zoning By-law Amendment application (ZAC-15-039) and Draft Plan of Subdivision application (25T-201507), as shown on Appendix “B” to Report PED23023 for the purpose of developing the subject lands, known as the Flamborough Power Centre North Business Park, for employment uses. The effect of these applications was to permit the development of:

- Six blocks (Blocks 1, 3, 4, 7, 8, 9) for employment and limited ancillary uses;
- Two blocks (Blocks 6 and 10) for Conservation / Hazard Lands;
- One block (Block 3) for a Stormwater Management Facility;
- Three proposed streets (extension of Clappison Avenue, proposed Street A and Street B);
- One block (Block 12) for a Road Widening; and,
- Two blocks (Blocks 11 and 13) for 0.3 m reserves.

Phase 1 of Draft Plan of Subdivision 25T-201507, as shown on Appendix “C” attached to Report PED23023, was registered in January 2021 and the City has issued Site Plan Approval for several employment developments, including Stryker Medical (DA-16-165), Lincoln Electric (DA-19-178) and AXYZ Automation (DA-21-103). A subdivision agreement has been registered between the applicant and the City.

**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 5 of 15**

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**EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant	General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Prestige Business Park (M3, 388) Zone and Conservation / Hazard Land (P5) Zone.
<b>Surrounding Land Uses:</b>		
North	Agricultural, car wash (under construction)	Rural (A2) Zone and Prestige Business Park (M3, 469) Zone.
South	Borers Creek, Commercial uses, Vacant Land	Conservation/Hazard Land (P5) Zone and General Business Park (M2) Zone.
East	Low Density Residential, Belmont Park	Urban Residential (Semi-Detached & Link) "R4" Zone and Neighbourhood Park (P1) Zone.
West	Employment Uses	General Business Park (M2) Zone, Prestige Business Park (M3) Zone, and Prestige Business Park (M3, 288) Zone.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, as amended.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 6 of 15**

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As the application 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: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan**

The subject lands are identified as "Employment Areas" on Schedule E - Urban Structure and designated "Business Parks" on Schedule E-1 - Land Use Designations. The original draft plan of subdivision was reviewed and found to conform to the applicable Urban Hamilton Official Plan through PED18133, including natural heritage and archaeology policies.

The following policies, amongst others, apply to the proposed revision:

#### Employment Areas

"E.2.7 Employment Areas are the primary employment generators in the City and the location of diverse areas of employment. These employment areas range from the historic, heavy industrial, and port employment areas to planned business parks.

E.2.7.7 Employment Areas shall be planned and designed to maximize access to goods movement corridors and the efficiency of goods movement within the Employment Areas. Goods movement includes maximizing access to the highway network, the port, and the airport.

#### Employment Area – Business Park Designation

E.5.4 Business Parks are planned for a broad range of employment uses compatible with the design policies for business parks. These areas are well served by roadway infrastructure and are generally more able to accommodate proper buffering from sensitive land uses."

The proposed revision to the draft approved plan of subdivision will not impact the planned function of the Flamborough Power Centre North Business Park as the subject lands have sufficient access to Clappison Avenue and Enterprise Crescent. Removal of Street B from the Draft Plan of Subdivision will increase the amount of land

**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 7 of 15**

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available for employment uses within Block 20, as shown on Appendix “D” to Report PED23023, by approximately 0.86 hectares.

#### Transportation

“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:
  - iv) Local roads ending in cul-de-sacs shall generally be discouraged, except under the following criteria:
    1. Where the road extension would have to cross a railway right-of-way or any other utility corridor;
    2. Where it has been determined by the City that public street connectivity is not essential to the street circulation network or the underground services and utility grid network of the adjacent area; or,
    3. Where the local road network is arranged such that connections for pedestrians and cyclists are direct and continuous.”

Street B, known as Enterprise Crescent, is a local road and the proposed revision to the draft approved plan of subdivision would result in the temporary cul-de-sac constructed as a condition of the first phase of the subdivision becoming permanent. Street B was planned to facilitate creation of smaller lots within the business park and is internal to the subject lands. Based on technical studies provided by the applicant, including a Transportation Impact Study addendum, staff are satisfied that the proposed revision to end Street B in a cul-de-sac will not negatively impact the broader street circulation nor will it affect the development opportunities or any adjacent lands within the business park.

#### Infrastructure

“C.5.3.12 Water and wastewater systems shall be designed and constructed in accordance with the specifications and standards of the City, provincial guidelines, and other applicable standards, regulations and guidelines.

C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and,

**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 8 of 15**

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where technically and economically possible, the City shall require such services to be located underground.”

Staff are satisfied that the proposed subdivision revision can be adequately serviced by existing water and wastewater systems subject to the submission of a Watermain Hydraulic Analysis and Water Quality Analysis which are recommended as Condition No. 46 in Appendix “F” attached to PED23032.

#### Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) The plan of subdivision conforms to the policies and land use designations of this Plan.
- b) The plan of subdivision implements the City’s staging of development program;
- c) The plan of subdivision can be supplied with adequate services and community facilities;
- d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) The plan of subdivision can be integrated with adjacent lands and roadways;
- f) The plan of subdivision shall not adversely impact municipal finances; and,
- g) The plan of subdivision meets all requirements of the Planning Act, R.S.O., 1990 c. P.13.”

As has been previously discussed, the proposed revision to the Draft Approved Plan of Subdivision complies with the UHOP and meets all requirements of the *Planning Act*.

The proposed revision to the Draft Approved Plan of Subdivision is consistent with the Criteria for Staging of Development as the site can be adequately serviced using existing infrastructure, subject to the recommended Draft Plan Conditions. The development will not adversely impact the transportation system or natural environment. The application will not adversely impact municipal finances as removal of the extension of Street B reduces the amount of public road that would be dedicated and maintained by the City, while increasing the amount of assessed employment lands.

**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 9 of 15**

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Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan.

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

The subject lands are currently zoned General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Prestige Business Park (M3, 388) Zone, Prestige Business Park (M3, 437) Zone, and Conservation / Hazard Land (P5) Zone. The boundaries of these zones are depicted in Appendix "A" to Report PED23023.

The General Business Park (M2) Zone and General Business Park (M3) Zone permits a range of employment uses including Manufacturing, Research and Development Establishment and Warehouses. The General Business Park (M3, 388) Zone includes a modification to the minimum yard abutting a street and landscaped area regulations of the General Business Park (M3) Zone. The Prestige Business Park (M3, 437) Zone includes a modification to allow a Fitness Club and Medical Clinic in addition to the standard uses permitted in that zone.

The Conservation / Hazard Land (P5) Zone applies to the lands within the pipeline corridor and limits permitted uses to conservation, flood and erosion control facilities and passive recreation.

Should the revision to the subdivision be approved, Block 20 would be split zoned between General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Prestige Business Park (M3, 388) Zone, and Prestige Business Park (M3, 437) Zone. Section 2.6 f) of Zoning By-law No. 05-200 states "Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for each of the applicable zones". The applicant will be required to demonstrate compliance with the applicable zoning by-law regulations prior to development of the subject lands through Site Plan Control.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>	
<ul style="list-style-type: none"> <li>• Hamilton Conservation Authority;</li> <li>• Ministry of Transportation; and,</li> <li>• Commercial Districts and Small Business Section, Corporate Real Estate Office, Economic Development Division, Planning and Economic Development Department.</li> </ul>	No Comment.

**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 10 of 15**

<b>Departments and Agencies</b>		
	<ul style="list-style-type: none"> <li>Heritage &amp; Urban Design Section, Planning Division, Planning and Economic Development Department; and,</li> <li>Alectra Utilities.</li> </ul>	No Comment.
	<b>Comment</b>	<b>Staff Response</b>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>In accordance with the New Developments Tree Planting Policy, the city of Hamilton collects cash in lieu of Trees for residential subdivisions; the Forestry &amp; Horticulture Section will provide clearance of a Street Tree Planting condition upon receipt of a plan depicting new trees and a cash payment as shown in item 2.8 of the completed Subdivision Agreement. The remittance is to be made payable directly to the Forestry &amp; Horticulture Section.</p> <p>There are no municipal tree assets on site; therefore, no Tree Management Plan is required.</p>	The applicant has already entered into a Subdivision Agreement with the City which includes provisions respecting Street Trees.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>Can support the proposed revision to the Draft Plan of Subdivision subject to the following conditions being included as part of the Draft Plan Approval:</p> <p>1. That the Owner shall utilize the existing 300mmØ watermain stub at the end of Enterprise Court for servicing and provide adequate flushing velocities in the watermain on Enterprise Court as a result of this development. This must be demonstrated through a Watermain Hydraulic Analysis. If the average demands from the development do not result in adequate flushing velocities within the watermain on Enterprise Court, then a looped watermain connection will need to be provided to Clappison Avenue through the development with the required easements in place.</p>	<p>Approval of a Watermain Hydraulic Analysis or a requirement for a looped watermain connection is required as Condition No. 46 of Appendix "F" attached to Report PED23023.</p> <p>Approval of the Stormwater Management Brief is required as Condition No. 45 of Appendix "F" attached to Report PED23023</p> <p>Requirement for a Subdivision Agreement Addendum respecting assumption of the watermain has been included as Condition No. 47 of Appendix "F" attached to Report PED23023.</p>

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

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



**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 11 of 15**

	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department <b>Continued</b>	<p>2. Prior to registration, the owner agrees that a stormwater management brief (SWM brief) will require for the proposed development on Block 20 to demonstrate how onsite stormwater quantity and quality controls will be handled in accordance with the technical memo ('Stormwater Management Technical Memorandum' prepared by SLA, dated: June 10, 2022) and approved SWM Report for Flamborough Power Centre North (prepared by SLA; dated: August 2017).</p> <p>3. The Owner agrees to enter into a Subdivision Agreement Addendum with the City agreeing that the City of Hamilton will not assume the watermains for the Flamborough Power Centre subdivision until Block 20 has been developed and the Owner submits a water quality analysis.</p>	
Legislative Approvals Section, Growth Management Division, Planning and Economic Development Department	Request that a draft plan condition be added to finalize street naming and municipal addressing for the individual Lots and Blocks.	This is addressed through Condition No. 48 of Appendix "F" attached to Report PED23023.
Hamilton Conservation Authority (HCA)	No concerns with the proposed revision or additional conditions required.	Noted.
Landscape Architectural Services, Strategic Planning Division, Public Works Department (LAS)	Noted that the Recreational Trails Master Plan identifies a trail planned (Initiative 15-3) along the corridor connecting Parkside Drive to the existing Borer's Creek Trail and Belmont Park to the south.	The applicant has not indicated an interest in entering into a Parkland Development Financing Agreement with the City.

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**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 12 of 15**

	<b>Comment</b>	<b>Staff Response</b>
Landscape Architectural Services, Strategic Planning Division, Public Works Department (LAS) <b>Continued</b>	Requested that the applicant consider entering into a Parkland Development Financing Agreement with the City to construct this trail segment but noted that this was not a condition of the existing draft approved plan of subdivision for the subject lands.	
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	This development is an industrial property which is ineligible for municipal waste collection as outlined in the City of Hamilton's Solid Waste Management By-law No. 20-221.  A private waste hauler must be arranged for the removal of all waste materials.	This is included as a Note 2 of Appendix "F" attached to Report PED23023.
Transportation Planning Section, Planning and Economic Development Department	Transportation Planning staff have reviewed the Transportation Impact Study addendum letter, prepared by BA Group and dated July 13, 2022, and advise that the overall increase in trip generation is projected to be relatively low and will not significantly affect the surrounding road network.  A revised pavement marking, signage and infrastructure plan shall be provided reflecting the revised cross-section of Clappison Avenue (five lane roadway with centre left-turn lane) following the removal of the two un-built sections of Street B (Enterprise Crescent). The design shall indicate and illustrate the proposed lane configuration, additional supplementary pavement markings and infrastructure to be included within the municipal right-of-way.	The requirement for a revised pavement markings, signage and infrastructure plan is addressed through Condition No. 49 of Appendix "F" to Report PED23023.

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**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 13 of 15**

	<b>Comment</b>	<b>Staff Response</b>
Ministry of Transportation	Have no concerns with the proposed revision but note that development of each block/parcel within the draft plan of subdivision will require a full MTO development review and permits.	MTO permits will be addressed at the future site plan control stage for each development block / lot.

### Public Engagement

The *Planning Act* and Public Participation policies in the Urban Hamilton Official Plan do not require a statutory public meeting or written notification to surrounding properties of an application for a revision (minor or major) to a Draft Approved Plan of Subdivision.

The *Planning Act* does require that written notice of changes of draft approval shall be provided to any public body that made a submission during the statutory public meeting.

During the statutory public meeting to consider the original draft plan of subdivision, the City received one public submission from an abutting land owner at 32 Parkside Drive requesting that the applicant be required to extend full municipal services along their frontage on Parkside Drive and that the subdivision does not impact their drainage. Staff note that special condition 23 of draft plan approval for the subdivision, see Appendix "E" to Report PED23023, is for the owner to enter into an agreement with the City respecting the extension of municipal services on Parkside Drive across the frontage of the subject lands.

### ANALYSIS AND RATIONALE FOR RECOMMENDATION

The application is for Revision to Draft Plan of Subdivision to remove a section of Street B, municipally known as Enterprise Crescent. The proposal has merit and can be supported for the following reasons:

- i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- ii) It provides for larger employment land parcels in response to shifting market demands;
- iii) It makes efficient use of land and infrastructure; and,
- iv) The proposed development is compatible with the existing development in the immediate area with respect to use, size and scale.

**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 14 of 15**

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1. The subject lands are part of Phase 2 of the subdivision known as “Flamborough Power Centre North Business Park” and located at 74, 78, 90 and 96 Parkside Drive (Flamborough). The subject application (25T-201507R) is to remove the extension of a public road (Street B), municipally known as Enterprise Crescent, to accommodate larger employment land parcels in response to shifting market demands.

In reviewing of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision revision, staff advise that:

- i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- ii) It complies with the applicable policies of the Urban Hamilton Official Plan;
- iii) The proposed subdivision revisions will be compatible with the existing road network and block pattern of the surrounding area;
- iv) The dimensions and shapes of the proposed lots conform to the Zoning By-law and are sufficient to accommodate development of employment lands;
- v) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval;
- vi) Adequate utilities and municipal services are available to service the proposed blocks within the subdivision, the particulars of which will be determined as part of conditions of draft approval; and,
- vii) The application will not have any negative impact on City’s finances.

Therefore, staff are supportive of the Draft Plan of Subdivision revision and recommend its approval.

### **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the lands would be developed in accordance with the existing Draft Plan approval which includes the extension of Street B, municipally known as Enterprise Crescent, back to Clappison Avenue.

**SUBJECT: Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) - Page 15 of 15**

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## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

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

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

### **Built Environment and Infrastructure**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23023 – Location Map

Appendix “B” to Report PED23023 – Original Draft Plan of Subdivision 25T-201507

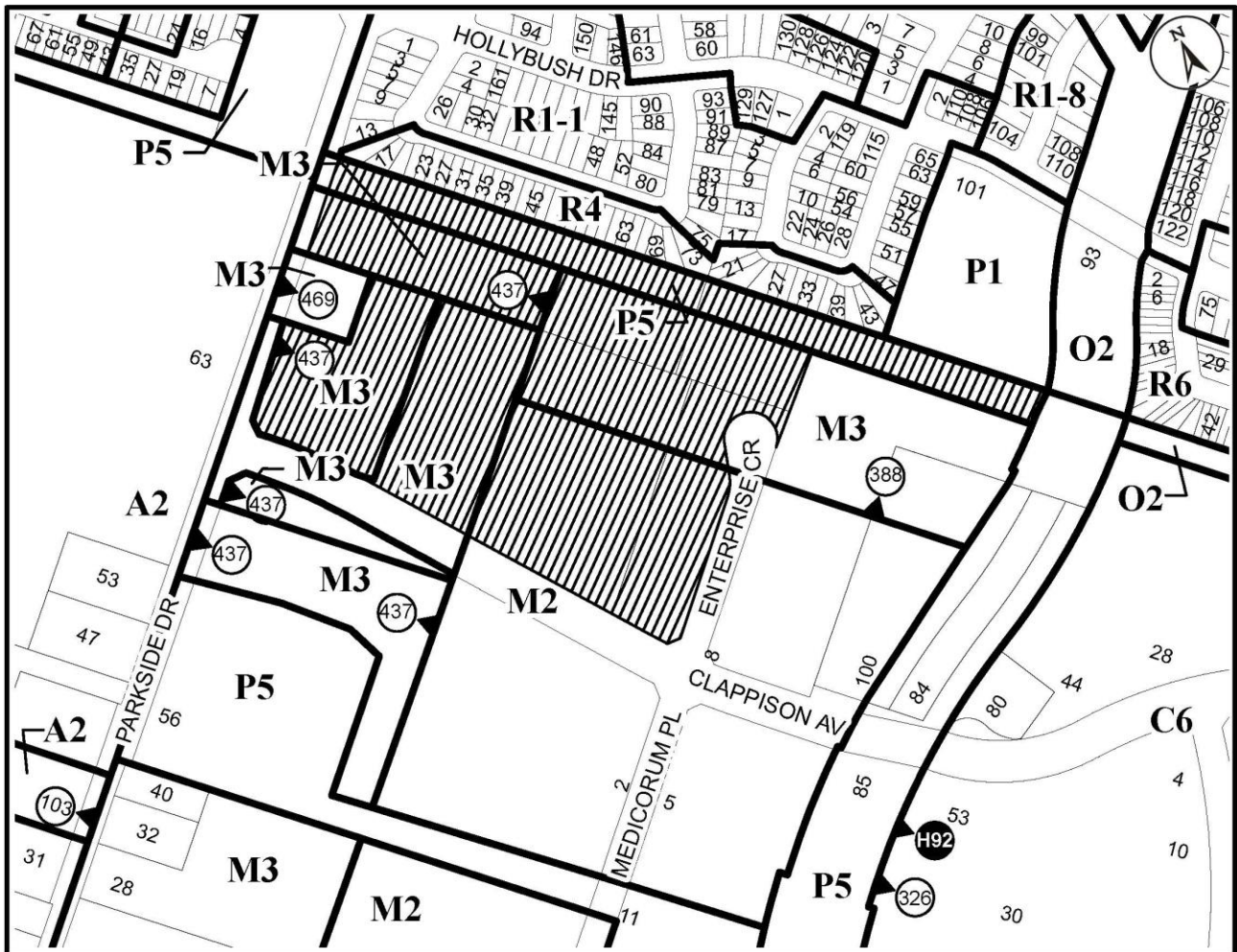
Appendix “C” to Report PED23023 – Registered Plan of Subdivision 62M-1270

Appendix “D” to Report PED23023 – Proposed Draft Plan of Subdivision 25T-201507R

Appendix “E” to Report PED23023 – Special Conditions of Draft Plan of Subdivision Approval (25T-201507)

Appendix “F” to Report PED23023 – Draft Plan of Subdivision Special Conditions

CT:sd



● Site Location

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25T-201507R


Date:  
December 13, 2022

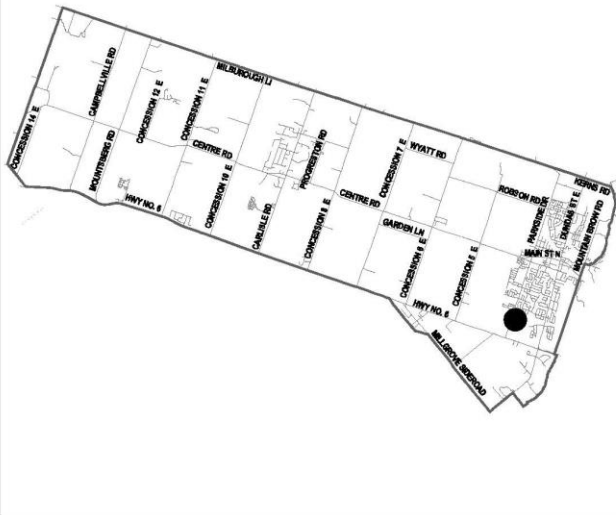
Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
CT/AL

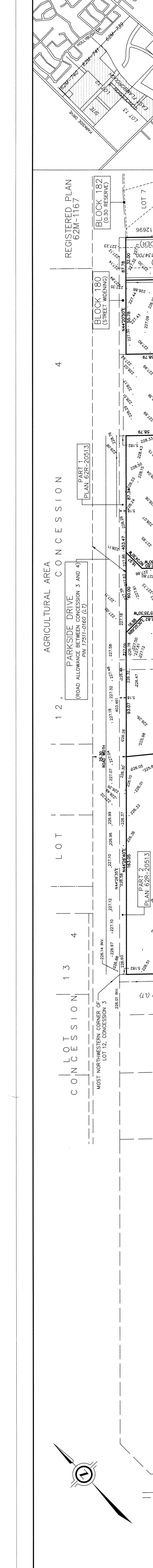
### Subject Property

 Subject Lands



Key Map - Ward 15





KEYPLAN  
NOT TO SCALE

DRAFT PLAN OF SUBDIVISION OF  
PART OF LOTS 12 AND 13  
CONCESSION 3  
(GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH) AND  
BLOCK 128  
BLOCK 129  
BLOCK 129  
REGISTERED PLAN 62M-740 AND  
REGISTERED PLAN 62M-741  
CITY OF HAMILTON

J.D. BARNES LIMITED  
1000  
© COPYRIGHT

NOTES  
BEARINGS ARE UTM GRID DERIVED FROM REAL TIME NETWORK (RTN) OBSERVATIONS.  
UM ZONE 17, MAGN. CORRS (2010).

REMARKS: ALL DIMENSIONS ARE DIMENSIONS FOR CLARITY  
PURSUANT TO SECTION 5(17) OF THE PLANNING ACT, EASEMENT APPROVAL SHALL  
BE OBTAINED FROM THE CHIEF ENGINEER OF THE CITY OF HAMILTON PRIOR TO THE  
DEPOSIT OF THIS PLAN. A WRITTEN REQUISITE IS REQUIRED BEFORE  
THE DEPOSIT APPROVAL IS GIVEN.

INTEGRATION DATA  
SPECIFIED CONTROL POINTS (SPN): UTM ZONE 17, MAGN. CORRS (2010).  
COORDINATES TO AN UTM GRID ACCURACY PER SECTION 14 (2) OF OREG 26/10

POINT ID      EASTING      NORTING  
SP      597 297.03      4 796 444.58  
EP      597 297.03      4 796 444.58  
CORNER POINTS ARE TO BE SET OUT BY THE SURVEYOR  
CORNER POINTS SHALL BE USED TO RE-ESTABLISH  
CORNER POINTS OF BOUNDARIES SHOWN ON THIS PLAN.

ADDITIONAL INFORMATION REQUIRED UNDER  
SECTION 5(17) OF THE PLANNING ACT

- (A) SHOWN ON PLAN
- (B) NOT SHOWN ON PLAN
- (C) SHOWN ON PLAN
- (D) SHOWN ON PLAN
- (E) SHOWN ON PLAN
- (F) SHOWN ON PLAN
- (G) SHOWN ON PLAN
- (H) SHOWN ON PLAN
- (I) SHOWN ON PLAN
- (J) SHOWN ON PLAN
- (K) SHOWN ON PLAN
- (L) SHOWN ON PLAN
- (M) SHOWN ON PLAN
- (N) SHOWN ON PLAN
- (O) SHOWN ON PLAN
- (P) SHOWN ON PLAN
- (Q) SHOWN ON PLAN
- (R) SHOWN ON PLAN
- (S) SHOWN ON PLAN
- (T) SHOWN ON PLAN
- (U) SHOWN ON PLAN
- (V) SHOWN ON PLAN
- (W) SHOWN ON PLAN
- (X) SHOWN ON PLAN
- (Y) SHOWN ON PLAN
- (Z) SHOWN ON PLAN

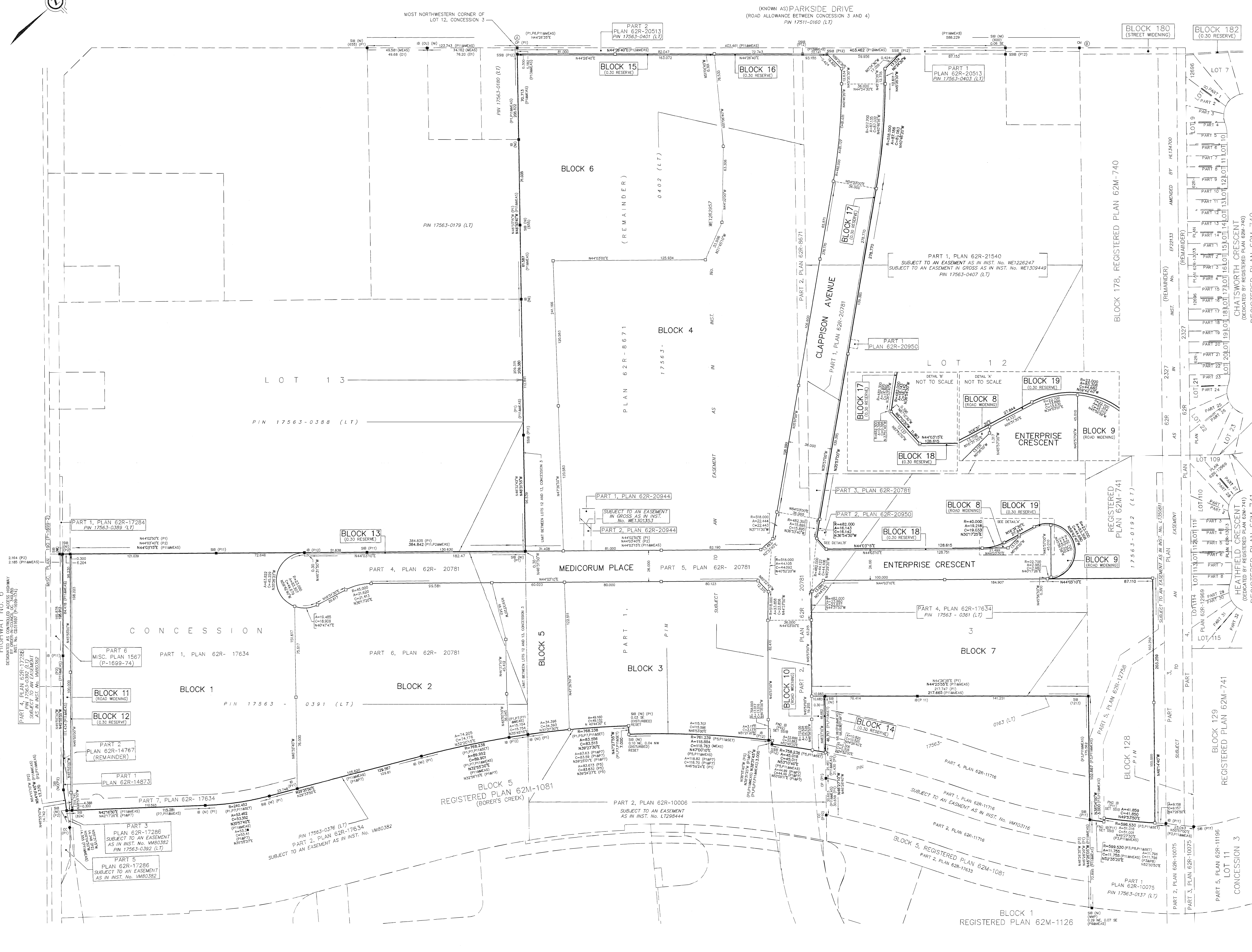
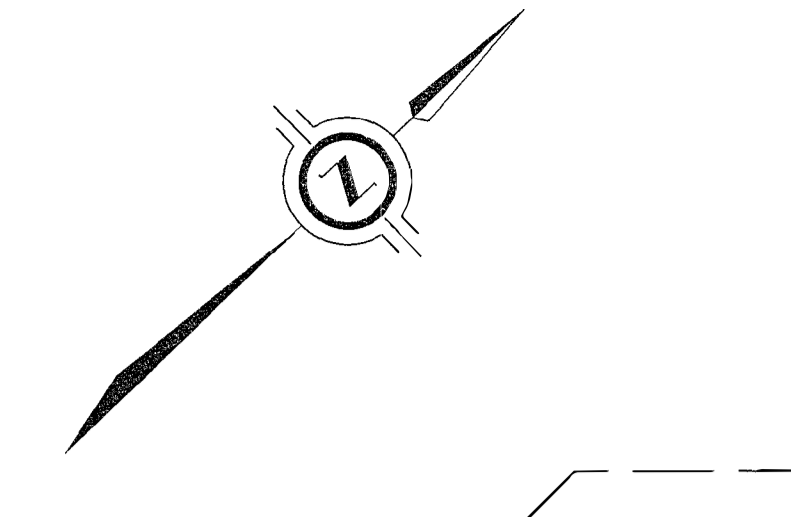
STATISTICS (LAND USE)  
PROPOSED LAND USE      AREA (SQ M)      PERCENTAGE (%)  
RESIDENTIAL      140,000      70.0  
COMMERCIAL      100,000      50.0  
INDUSTRIAL      50,000      25.0  
TOTAL      290,000      100.0

OWNER'S CERTIFICATE  
I, THE UNDERSIGNED, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS,  
HEREBY AUTHORIZE J.D. BARNES LIMITED TO PREPARE THIS DRAFT PLAN,  
SUBDIVISION AND TO SUBMIT SAME TO THE CITY OF HAMILTON FOR APPROVAL.

OWNER'S CERTIFICATE  
I, THE UNDERSIGNED, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS,  
HEREBY AUTHORIZE J.D. BARNES LIMITED TO PREPARE THIS DRAFT PLAN,  
SUBDIVISION AND TO SUBMIT SAME TO THE CITY OF HAMILTON FOR APPROVAL.

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I, THE UNDERSIGNED, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS,  
HEREBY AUTHORIZE J.D. BARNES LIMITED TO PREPARE THIS DRAFT PLAN,  
SUBDIVISION AND TO SUBMIT SAME TO THE CITY OF HAMILTON FOR APPROVAL.

SURVEYOR'S CERTIFICATE  
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SURVEYED, AND THEIR  
RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.



I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF NEWNORTH (No. 62) AT 11:46 O'CLOCK ON THE 14 DAY OF JANUARY 2020 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIER 17563-0391 (LT) 17563-0402 (LT), 17563-0407 (LT), 17563-0391 (LT), 17563-0367 (LT), 17563-0192 (LT) AND THE REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. 17563-0391 REPRESENTATIVE FOR LAND REGISTRAR

THIS PLAN COMPRISES ALL OF PINS 17563-0391 (LT) AND 17563-0402 (LT) AND PART OF PINS 17563-0407 (LT), 17563-0391 (LT) AND 17563-0391 (LT). ALL OF BLOCKS 3, 6, 10 (ROAD WIDENING), 14 (0.30 RESERVE), 15 (0.30 RESERVE) AND PARTS OF BLOCKS 4, 5, 16 (0.30 RESERVE) AND PART OF CLAPPISON AVENUE AND PART OF MEDICORUM PLACE ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT NUMBER WET226247.

PART OF BLOCKS 4, 16 (0.30 RESERVE), 17 (0.30 RESERVE) AND PART OF CLAPPISON AVENUE ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT NUMBER WET226247 AND SUBJECT TO AN EASEMENT IN GROSS AS IN INSTRUMENT NUMBER WET226247.

PART OF BLOCK 4 IS SUBJECT TO AN EASEMENT IN GROSS AS IN INSTRUMENT NUMBER WET226247.

PART OF BLOCK 7 IS SUBJECT TO AN EASEMENT AS IN INSTRUMENT NUMBER WET226247.

ALL OF BLOCKS 3, 6, 10 (ROAD WIDENING), 14 (0.30 RESERVE), 15 (0.30 RESERVE) AND PART OF MEDICORUM PLACE COMPRISE ALL OF PIN 17563-0402 (LT).

ALL OF BLOCKS 7, 8 AND 9 AND ALL OF ENTERPRISE CRESCENT AND ALL OF BLOCKS 16 (0.30 RESERVE) AND 19 (0.30 RESERVE) ARE HEREBY DEDICATED TO THE CITY OF HAMILTON AS PUBLIC HIGHWAYS.

THE STREETS NAMED ENTERPRISE CRESCENT, CLAPPISON AVENUE AND BLOCK 8 (ROAD WIDENING), BLOCK 9 (ROAD WIDENING) AND BLOCK 10 (ROAD WIDENING) ARE HEREBY DEDICATED TO THE CITY OF HAMILTON AS PUBLIC HIGHWAYS.

THE STREET NAMED BLOCK 11 IS HEREBY DEDICATED AS PUBLIC HIGHWAY.

DATED THIS 24 DAY OF NOVEMBER 2020  
**FLAMBOROUGH POWER CENTRE INC.**

I HAVE THE AUTHORITY TO BIND THE CORPORATION.  
**OWNER'S CERTIFICATE - PLAN OF SUBDIVISION**  
FOR PIN 17563-0192 (LT)  
THIS IS TO CERTIFY THAT:  
1. PART OF BLOCK 4, THE STREET NAMED PART OF CLAPPISON AVENUE AND THE BLOCK 8 (ROAD WIDENING), BLOCKS 16 AND 17 HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.

DATED THIS 24 DAY OF NOVEMBER 2020  
**FLAMBOROUGH CAPITAL CORPORATION INC.**

I HAVE THE AUTHORITY TO BIND THE CORPORATION.  
**OWNER'S CERTIFICATE - PLAN OF SUBDIVISION**  
FOR PIN 17563-0192 (LT)  
THIS IS TO CERTIFY THAT:  
1. PART OF BLOCK 4, THE STREET NAMED PART OF CLAPPISON AVENUE AND THE BLOCK 8 (ROAD WIDENING), BLOCKS 16 AND 17 HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.

DATED THIS 24 DAY OF NOVEMBER 2020  
**ANKARA REALTY LIMITED**

I HAVE THE AUTHORITY TO BIND THE CORPORATION.  
**NOTES**  
REFERENCES ARE MADE TO OBSERVED BENCHMARK POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF OREG 216/10.

**INTEGRATION DATA**

POINT ID	EASTING	NORTHING
CRP (A)	507 200.15	4 797 164.02
CRP (B)	507 492.56	4 797 451.98

COORDINATES CANNOT IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**LEGEND**

1. DENOTES SURVEY MONUMENT FOUND  
 2. DENOTES SURVEY MONUMENT SET  
 3. DENOTES SHORT STANDARD IRON BAR  
 4. DENOTES IRON BAR  
 5. DENOTES CUT CROSS  
 6. DENOTES CONCRETE MONUMENT  
 7. DENOTES CONCRETE PIN  
 8. DENOTES MEASURED POINT  
 9. DENOTES SIDNEY W. WOODS, O.L.S.  
 10. DENOTES JOHN I. PETERS, O.L.S.  
 11. DENOTES AT. McLEOD LIMITED  
 12. DENOTES JOHN I. PETERS, O.L.S.  
 13. DENOTES MCDONALD, PETERS, O.L.S.  
 14. DENOTES NOT IDENTIFIABLE  
 15. DENOTES PLAN 62M-1210  
 16. DENOTES PLAN 62M-1006  
 17. DENOTES REGISTERED PLAN 62M-1126  
 18. DENOTES PLAN 62M-1734  
 19. DENOTES PLAN OF SURVEY BY J.D. BARNES LTD., DATED APRIL 24, 2015  
 20. DENOTES PLAN 62R-1764  
 21. DENOTES PLAN 62R-1764  
 22. DENOTES INSTRUMENT NO. C005044  
 23. DENOTES FOUND

ALL SET 550 MONUMENTS WERE USED DUE TO LACK OF OVERLAP AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF OREG 225/91.

SURVEY MONUMENTS PLANTED ARE SHORT STANDARD IRON BARS UNLESS OTHERWISE NOTED.

DISTANCES SHOWN ON CURVED LIMITS ARE ARC MEASUREMENTS.

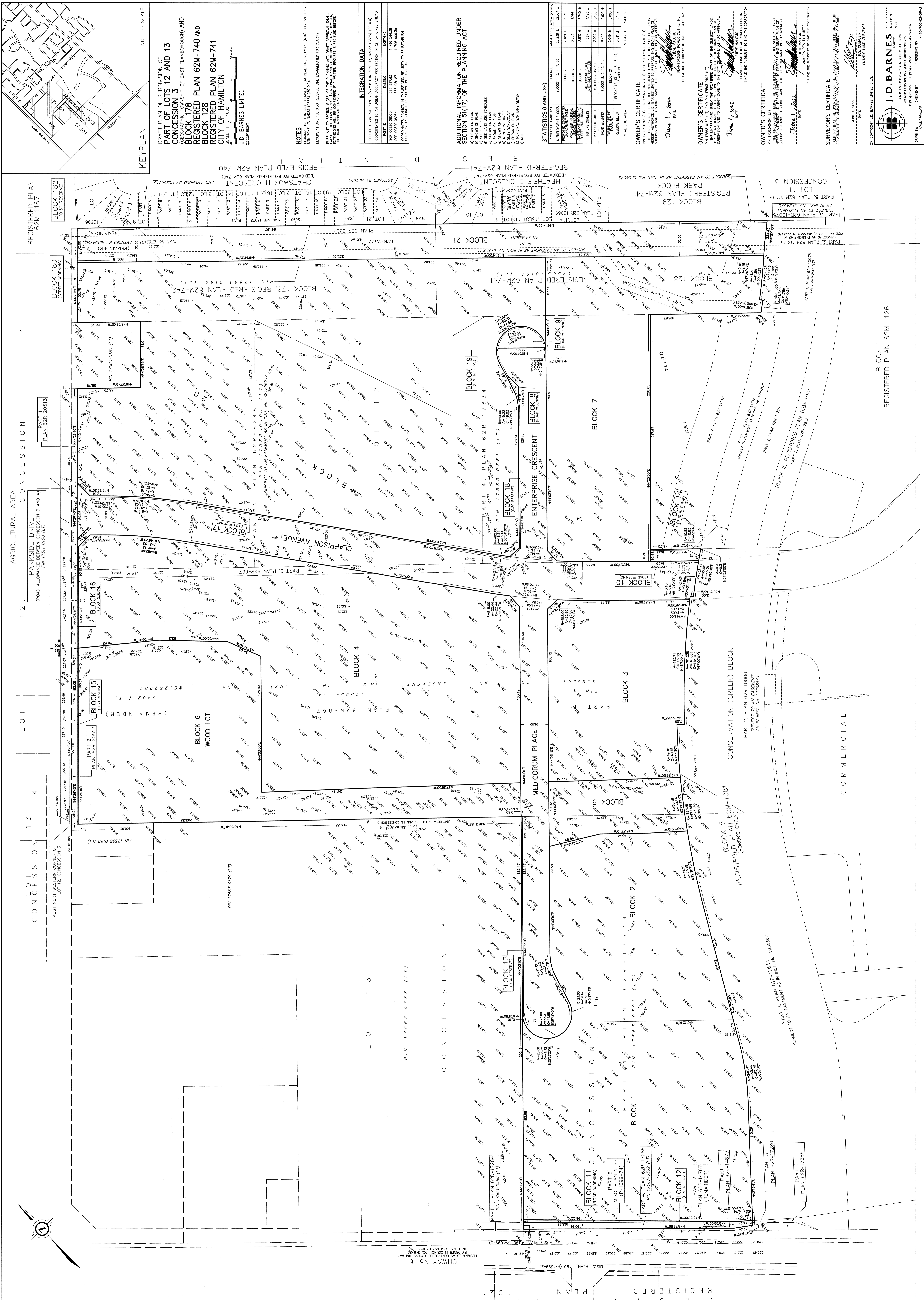
THE 0.30 RESERVE BLOCKS HAVE BEEN ENLARGED FOR CLARITY.

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE REGULATIONS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON NOVEMBER 23, 2020

NOVEMBER 24, 2020  
DATE

R. S. OGDON  
ONTARIO LAND SURVEYOR





KEYPLAN  
NOT TO SCALE

DRAFT PLAN OF SUBDIVISION OF  
PART OF LOTS 12 AND 13  
CONCESSION 3  
SECTION 17, TOWNSHIP OF EAST FLAMBOURGH AND  
BLOCK 178  
REGISTERED PLAN 62M-740 AND  
BLOCK 128  
REGISTERED PLAN 62M-741  
CITY OF HAMILTON

J.D. BARNES LIMITED  
SCALE 1:1000  
DATE: 2022

NOTES  
1. THIS PLAN IS A DRAFT AND IS NOT TO BE USED FOR CONSTRUCTION.  
2. BLOCKS 11 AND 13, 0.39 RESERVE, ARE EXEMPTED FOR CLARITY.  
3. PLANS TO SECTION 14(3) OF THE PLANNING ACT MUST BE APPROVED BY THE CITY OF HAMILTON BEFORE THE PLAN IS SUBMITTED TO THE CITY OF HAMILTON FOR APPROVAL.  
4. THE PLAN IS NOT TO BE USED FOR CONSTRUCTION WITHOUT A WRITTEN REQUEST TO REVISIONS FROM THE CITY OF HAMILTON.

INTEGRATION DATA

POINT ID	EXISTING	WORKING
SPT 00020180043	4 796 544.38	
SPT 00020180044	506 950.87	
CONVEYANCE OF ADJACENT LAND TO BE ESTABLISHED		

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT

- 1) SHOW ON PLAN
- 2) SHOW ON PLAN
- 3) SEE LAND USE SCHEDULE
- 4) SHOW ON PLAN
- 5) SHOW ON PLAN
- 6) SHOW ON PLAN
- 7) SHOW ON PLAN
- 8) SHOW ON PLAN
- 9) SHOW ON PLAN
- 10) SHOW ON PLAN

STATISTICS (LAND USE)

PROPOSED LAND USE	AREA (SQ. M)	AREA (ACRES)
RESERVE	1,347.70	25.28
RESERVE	2,489.88	46.94
RESERVE	6,053.33	111.44
RESERVE	8,740.00	159.77
RESERVE	1,697.43	31.14
RESERVE	2,090.00	38.54
RESERVE	2,249.00	41.24
RESERVE	2,041.00	37.41
RESERVE	1,041.00	19.01
RESERVE	28,947.00	534.06

OWNER'S CERTIFICATE  
I, the undersigned, being the registered owner of the subject lands, hereby certify that the information contained in this plan is true and correct and that I have the authority to bind the corporation.

OWNER'S CERTIFICATE  
I, the undersigned, being the registered owner of the subject lands, hereby certify that the information contained in this plan is true and correct and that I have the authority to bind the corporation.

OWNER'S CERTIFICATE  
I, the undersigned, being the registered owner of the subject lands, hereby certify that the information contained in this plan is true and correct and that I have the authority to bind the corporation.

SURVEYOR'S CERTIFICATE  
I, the undersigned, being a duly qualified and licensed surveyor, hereby certify that I have examined the plan and the original field notes and that the same are correct and that I have the authority to bind the corporation.

J.D. BARNES LIMITED  
1000 SHEPPARD AVENUE EAST, SUITE 1000, SCARBOROUGH, ONTARIO M1S 1T7  
CHECKED BY: J.D. BARNES  
DATE: JUNE 1, 2022  
REGISTERED PLAN 62M-1126

**Appendix “E” to Report PED23023**  
**Page 1 of 10**

**Special Conditions for Draft Plan of Subdivision Approval for 25T-201507**  
**“Flamborough Power Centre North”**

That this approval for the Revised Draft Plan of Subdivision, 25T-201507, prepared by J.D. Barnes and certified by R.S. Querubin, O.L.S., dated January 30, 2018, consisting of 7 blocks for employment uses (Blocks 1, 3, 4, 7, 8, and 9), 3 blocks for Conservation/Hazard Land uses (Blocks 5, 6 and 10), 1 block for a road widening (Block 12), 1 Block for a Stormwater Management Facility (Block 2), 1 Block for a 0.3 m reserve (Block 11) and three municipal roads (Extension of Clappison Avenue, Street A and Street B) be received and endorsed by City Council with the following special conditions;

**Development Engineering**

1. That, **prior to registration of the plan of subdivision**, the Owner shall show on the final plan a 0.3 m reserve:
  - a. Along the north side of Street A from the west limit of Block 6 to the west limit of Street A;
  - b. Along the west limit of the lands owned by others south of Block 9 from the south limit of Block 9 to the north limit of the Borer’s Creek lands;

all to the satisfaction of the Senior Director of Growth Management.
2. That, **prior to servicing**, the owner shall:
  - a. Provide detailed design and cost estimates to construct a bridge where Clappison Avenue will cross Borer’s Creek entirely at the owner’s expense in accordance with the approved Class Environmental Assessment Study for Flamborough Power Centre Inc. prepared by Fothergill Planning & Development Inc., June 1, 2005;
  - b. Agree to pay the entirety of costs of peer review of the bridge design in accordance with the City’s policies;
  - c. determine the type of structure to be employed at the Clappison Avenue crossing of Borer’s Creek by considering natural, social and economic factors including the potential impact to valley features such as bank stability / erosion potential and riparian vegetation, stream morphology, fish habitat, other aquatic habitat features, the interaction of groundwater and surface water, and considering that creek crossing structure must be designed and constructed to convey greater of 100 year or Hurricane Hazel storm in accordance with City of Hamilton Development Guidelines, 2017;

all to the satisfaction of the Senior Director of Growth Management.

**Appendix “E” to Report PED23023**  
**Page 2 of 10**

3. That, **prior to registration**, the owner shall construct the bridge to cross Borer’s Creek on Clappison Avenue entirely at the owner’s expense to the satisfaction of the Senior Director of Growth Management.
4. That, **prior to preliminary grading**, the Owner shall provide drainage area plans and associated drainage calculations for both sanitary and storm systems to the satisfaction of the Senior Director of Growth Management.
5. That, **prior to preliminary grading**, the applicant agrees to obtain written permission from the owners of any adjacent lands for any works that will require access to or changes on lands outside the boundary of the subject lands to the satisfaction of the Senior Director of Growth Management.
6. That, **prior to registration**, the Owner agrees to pay their proportionate share of the total cost of urbanization of Parkside Drive to the satisfaction of the Senior Director of Growth Management.
7. That, **prior to preliminary grading**, the owner shall include in the engineering design and cost estimate schedules provisions to construct sidewalks on both sides of all proposed streets including those noted as future works entirely at the owner’s expense to the satisfaction of the Senior Director of Growth Management.
8. That, **prior to preliminary grading**, the owner shall include in the engineering design and cost estimate schedules provisions to construct temporary traffic controls as required at the intersection of Clappison Avenue and Parkside Drive entirely at the owner’s expense to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to preliminary grading**, the owner shall include in the engineering design and cost estimate schedules provisions to construct a temporary concrete sidewalk on the south side of Parkside Drive where the subject lands front directly onto Parkside Drive from the east limit of the subject lands to Clappison Avenue entirely at the owner’s expense to the satisfaction of the Senior Director of Growth Management.
10. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for construction of a 1.5 m high black vinyl coated heavy duty chain link fence entirely at the owner’s expense in the following locations:
  - a. Along the east boundary of Block 10 and Block 11 from Parkside Drive to the limit of Borer’s Creek;
  - b. Adjacent to the limits of Borer’s Creek, along south limit of Block 9 and Block 11 from the east limit of the subject lands to the east limit of the external lands south of Block 9 (approximately 85 m west of the east limit of Block 11);
  - c. Along the entire south limit of Block 1;

**Appendix “E” to Report PED23023**  
**Page 3 of 10**

- d. Along the entire south limit of Block 2;
- e. Along the entire south limit of Block 3;
- f. Along the east and west limits of Block 5 from Street A to the south limit at Borer’s Creek;
- g. Along the east and west boundaries of Block 6 from Street A to Parkside Drive including the north-south portion of the boundary between Block 4 and Block 6;
- h. Along the west limit of Block 2, adjacent to Block 1;

all to the satisfaction of the Senior Director of Growth Management.

11. That, **prior to registration of the plan of subdivision**, 9.0 m by 9.0 m daylight triangles be established on the final plan of subdivision at the following intersections:
- a. Street B and Clappison Avenue (north intersection);
  - b. Street B and Clappison Avenue (south intersection);
  - c. Street A and Clappison Avenue;
  - d. Where Street B transitions from an east-west configuration to a north-south configuration;

all to the satisfaction of the Senior Director of Growth Management.

12. That, **prior to registration**, 12 m by 12 m daylight triangles be established on the final plan of subdivision at the intersection of Clappison Avenue and Parkside Drive based on the widened limits of Parkside Drive to the satisfaction of the Senior Director of Growth Management.
13. That, **prior to preliminary grading**, the Owner agrees in writing that the removal of all existing septic beds, buildings, wells, and/or any structures will be at the sole cost to the owner to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to servicing**, the Owner be required to relocate, if necessary, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Parkside Drive entirely at the owner’s expense to the satisfaction of the Senior Director of Growth Management.
15. That, **prior to preliminary grading**, the Owner agrees to provide in writing a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision. This document will also include first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as

**Appendix "E" to Report PED23023**  
**Page 4 of 10**

contractor/agent contact information so that the City can direct the work to be completed as necessary all to the satisfaction of the Senior Director of Growth Management.

16. That, **prior to servicing**, the owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zones, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to building construction, and to undertake the works as recommended including monitoring. The report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:
  - a. an aquifer is breached during excavation;
  - b. groundwater is encountered during any construction within the subdivision, including but not limited to house construction;
  - c. sump pumps are found to be continuously running; and,
  - d. water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted;all to the satisfaction of the Senior Director of Growth Management.
17. That, **prior to servicing**, the Owner, through a soil consultant or other qualified consultant:
  - a. shall check existing wells that provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells prior to commencement of construction; monitor these wells during construction, and continue monitoring and checking the wells after completion of construction until full buildout of the subdivision;
  - b. if, in the opinion of the City, any problems arise, they must be appropriately addressed by the Owner;all to the satisfaction of the Senior Director of Growth Management.
18. That, **prior to preliminary grading**, the owner shall prepare and provide a Construction Management Plan that provides details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes etc. The plan must identify any required sidewalk and/or lane closures and the estimated length of time for such closures). Details on heavy truck routing must also be included, all to the satisfaction of the Senior Director of Growth Management.
19. That, **prior to preliminary grading**, the Owner shall revise the Functional Servicing Report, signed and sealed by a qualified, licensed professional

**Appendix “E” to Report PED23023**  
**Page 5 of 10**

engineer (P.Eng.) to the satisfaction of the Senior Director of Growth Management.

20. That, **prior to preliminary grading**, copies of lot and drainage plans showing existing and final grades and demonstrating that drainage is controlled and directed away from the pipe line easement must be submitted to Imperial Oil Ltd. and Sun-Canadian Pipeline Authority for their review and approval to the satisfaction of the Senior Director of Growth Management.
21. That, **prior to preliminary grading**, the Owner shall submit an overall subdivision grading plan including:
  - a. Demonstration of how the individual Blocks will be graded and drained in the interim development condition (post servicing but prior to Site Plan) such that they drain independently and not adversely affect adjacent Blocks, private lands, pipeline easement etc.;
  - b. each block shall have at least one (1) dedicated storm outlet including an overland flow route to the municipal system;all to the satisfaction of the Senior Director of Growth Management.
22. That, **prior to Servicing**, the owner shall design and construct an appropriate storm conveyance to convey the greater of 100-year pre-development or regional storm flows from the external drainage area north of Parkside Drive entirely at the owner's expense, to the satisfaction of the Senior Director of Growth Management.
23. That, **prior to Servicing**, the Owner shall include in the engineering design and cost estimate schedule provision for the construction of storm sewers within the Parkside Drive right-of-way including all restoration works to convey local and external drainage entirely at the owner's expense, to the satisfaction of the Senior Director of Growth Management.
24. That, **prior to preliminary grading**, the Owner agrees to:
  - a. submit a detailed Stormwater management (SWM) report prepared by a qualified professional engineer that demonstrates how quality, quantity, and erosion control will be handled in accordance with City of Hamilton Development Guidelines (2017) and MOECC Stormwater Management Design Guideline (2003);
  - b. identify and establish a suitable storm outlet for the proposed SWM facility to convey controlled and uncontrolled flows to Borer's Creek;
  - c. demonstrate that the hydraulic grade line (HGL) for the post-development 100-year storm event is located at or below the top of grate elevation at all inlet locations, and that the 5 year HGL shall not exceed the obvert of the sewers;

**Appendix “E” to Report PED23023**  
**Page 6 of 10**

- d. Verify that the proposed SWM Facility, Block 2, shall be of sufficient size, shape, and depth to adequately accommodate the ultimate SWM facility, including an adequate decanting area as per City standards. Until such time as the size and shape are confirmed, the adjacent Block 1 shall be considered, as undevelopable. The SWM facility design geometry shall be as per City of Hamilton Development Guidelines (2017) and facility landscaping as per City of Hamilton Landscape Design Guidelines for SWM facilities (2009);
- e. maintain drainage routing through the subject lands for any external storm flows that drain to or through the lands;
- f. demonstrate that runoff from the 100-year storm can be conveyed to the appropriate downstream outlet(s) without impacting adjacent properties;

all to the satisfaction of the Senior Director of Growth Management.

25. That, **prior to servicing**, the owner agrees that they will be responsible for the design and construction of the stormwater management (SWM) facility and will maintain the facility entirely at the owner's expense until it is assumed by the City including the following commitments:

- a. to submit an operation and maintenance manual as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009);
- b. to inspect and monitor the Stormwater management facility upon commencement of construction or pre-grading of the subject lands through to assumption of the facility by the City in accordance with the conditions of ECA issued by MOECC;
- c. To keep detailed logs concerning Stormwater management facility performance and maintenance, including costs of cleaning and removal of sediment and to submit such logs to the City during pre-grading and construction activities in accordance with the operation manual;
- d. To construct, operate, and maintain at the Owner's expense, the Stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the MOE&CC's approval, throughout servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Senior Director of Growth Management Division; and,
- e. To remove sediment from the Stormwater management facility attributed to development, carry out a bathymetric survey, and verify volumetric capacity of the Stormwater management facility prior to release of the Owner's operation and maintenance responsibilities for the Stormwater management facility;

all to the satisfaction of the Senior Director of Growth Management.

**Appendix "E" to Report PED23023**  
**Page 7 of 10**

26. That, **prior to registration of the final plan of subdivision**, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey an adequate Stormwater Management Facility block (Block 2, and potential additional lands being Block 1, subject to an approved Stormwater management design), of the draft plan to the City with no City Share for land or construction costs in accordance with the current Development Charges Bylaw, to the satisfaction of the Senior Director of Growth Management.
27. That, **prior to registration of the draft plan of subdivision**, the Owner shall submit the necessary transfer deeds to the City's Legal Department to convey an easement on Block 1 of the draft plan for the SWM facility outlet and the sanitary sewer & storm outlet for external lands, to the satisfaction of the Senior Director of Growth Management.
28. That, **prior to servicing**, the owner shall agree to provide sanitary servicing along Parkside Drive from Clappison Avenue west along the frontage of the development lands to the west limit at the property line adjacent to 40 Parkside Drive to the satisfaction of the Senior Director of Growth Management.
29. That, **prior to registration**, the owner will dedicate lands between the Clappison Avenue right-of-way and the lands owned by others south of Block 9 to the city and add a 0.3m block on the City's property along the west boundary of the lands owned by others, to the satisfaction of the Senior Director of Growth Management.
30. That, **prior to registration**, the owner shall demonstrate that the temporary turning circle at the existing north limit of Clappison Avenue immediately south of Borer's Creek has been properly removed to the satisfaction of the Senior Director of Growth Management.

**Development Planning:**

31. That, **prior to preliminary grading**, the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and Chief Planner and the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

**Ministry of Transportation:**

32. That prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a detailed Storm Water Management



**Appendix “E” to Report PED23023**  
**Page 8 of 10**

report, in accordance with the MTO Storm Water Management Requirements for Land Development Proposals.

33. That prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a traffic impact study to assess site impacts on Hwy 6 and Hwy 5, and ensure that appropriate mitigation, if required, is provided for by the owner. Please see the link below for additional information on the Ministry's Traffic Impact Study Guidelines.
34. That prior to final approval, Block 12 (new Right-of-Way) will be dedicated as public highway on the owner's certificated on the final plan.
35. That prior to final approval, the owner shall enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to assume financial responsibility for the construction of all necessary associated highway improvements.

**Hamilton Conservation Authority:**

36. That the applicant prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:
  - a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;
  - b) All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff;
  - c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
  - d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
37. That the applicant prepares and implements a Stormwater Management Plan for the subject property to the satisfaction of the Hamilton Conservation Authority. The approved plan shall ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality guidelines are implemented.
38. That the applicant prepares and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority.
39. That the applicant obtain a permit from the Hamilton Conservation Authority under its *Development, Interference with wetlands, and alterations to shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04* prior to any

**Appendix “E” to Report PED23023**  
**Page 9 of 10**

construction and/or grading activities associated with the installation of the Con Span culvert installation and any watercourse alteration.

**Union Gas:**

40. The owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

**Transportation:**

41. That, **prior to servicing**, an updated TIS shall be provided to the satisfaction of the Manager, Transportation Planning, Planning and Economic Development Department.
42. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules provisions to construct the signalized intersection of Parkside Drive and Clappison Avenue and further that:
  - a. it will be designed as a temporary installation with the existing Parkside Drive cross-section;
  - b. it will also be designed with the future / ultimate cross-sections of Parkside Drive and Clappison Avenue;
  - c. all costs associated with these works, including but not limited to design and construction, will be at the expense of the applicant;

all to the satisfaction of the Manager of Traffic Operations and Engineering.
43. That, **prior to servicing**, the Applicant shall provide a design that adequately incorporates Hamilton Pedestrian Mobility Plan with regards to the needs of pedestrians with disabilities (i.e. AODA regulations and barrier free designs) where the Built environmental standard - buffered sidewalks must have a minimum clear width of 1.5 m along right-of-way to the satisfaction of the Manager, Transportation Planning, Planning and Economic Development Department.

**Notes to Draft Plan Approval**

1. Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if written request is received before the Draft Approval lapses.

**Ministry of Transportation**

2. Direct access to the development from Hwy 6 will not be granted at any time. Any currently existing access to Hwy 6 shall be closed permanently and the Right-of-Way restored.
3. The City of Hamilton should make considerations for access connections to the proposed "Street A" and Clappison Avenue in the future planning of lands, not included in this application, which are bordered by Hwy 6, Parkside Dr, Clappison Avenue and "Street A".
4. All future access connections to Parkside Drive shall follow the recommended spacing and standards set out by the Access Management Guidelines.
5. The proposed subdivision is considered a major traffic generator. As such, all buildings/sites on all development blocks of the subdivision require MTO Building and Land Use permits prior to the start of any construction on the blocks. Additionally, permits are required prior to Site Grading/Servicing/internal road construction, and for site signs; and MTO Encroachment permit is required for any works proposed within Hwy 6 limits.
6. All structures (above and below ground), including land uses considered essential to the site's viability must be setback a minimum of 14m from the future designated Hwy 6 limits.

**Revised Special Conditions for Draft Plan of Subdivision Approval for  
25T-200803R**

That the following revised special conditions for Draft Plan of Subdivision Approval for 25T-201507R be received and endorsed by City Council:

- a) That the second paragraph of the preamble in Schedule 1 be deleted and replaced with the following:
1. That this approval for the Revised Draft Plan of Subdivision, 25T-201507, prepared by J.D. Barnes and certified by R.S. Querubin, O.L.S., dated June 1, 2022, consisting of five blocks for employment uses (Blocks 1, 3, 4, 7, 20), three blocks for Conservation/Hazard Land uses (Blocks 5, 6 and 21), four blocks for a road widening (Block 8 - 11), one Block for a Stormwater Management Facility (Block 2), Seven Blocks for a 0.3 m reserve (Blocks 12-19) and three municipal roads (Extension of Clappison Avenue, Modicum Place and Enterprise Crescent) be received and endorsed by City Council with the following special conditions;
- b) That the following Condition Nos. 45 through 49 (inclusive) be added:

**Growth Management:**

45. That, **prior to registration**, the Owner agrees that a stormwater management brief (SWM brief) will be required for the proposed development on Block 20 to demonstrate how onsite stormwater quantity and quality controls will be handled in accordance with the technical memo ('Stormwater Management Technical Memorandum' prepared by SLA, dated: June 10, 2022) and approved SWM Report for Flamborough Power Centre North (prepared by SLA; dated: August 2017), to the satisfaction of the Senior Director of Growth Management.
46. That, **prior to registration**, the Owner shall include in an engineering design and cost schedule, a provision for a flushing and monitoring program, including a water quality analysis, in accordance with MECP standards, to address water quality maintenance for the watermain along Enterprise Crescent until the City assumes the watermain within the Flamborough Power Centre subdivision. The Owner further agrees to reimburse to the City of Hamilton for actual costs, including administrative costs associated with the flushing. Furthermore, the Owner agrees to utilize the existing 300mm dia. watermain stub at the end of Enterprise Crescent for servicing. If the average demands from the development do not result in adequate flushing velocities within the watermain on Enterprise Crescent, then a looped watermain connection is required to be provided to Clappison Avenue through the development with the required

**Appendix "F" to Report PED23023****Page 2 of 2**

easements in place (in accordance with City standards), all to the satisfaction of the Director of Development Engineering.

47. That, **prior to registration**, the Owner agrees to enter into a Subdivision Agreement Addendum with the City agreeing that the City of Hamilton will not assume the watermains for the Flamborough Power Centre subdivision until Block 20 has been developed and the Owner submits a water quality analysis, to the satisfaction of the Director of Development Engineering.

**Legislative Approvals**

48. That, **prior to registration**, the owner and agent work with Legislative Approvals / Staging of Development staff to finalize street naming and municipal addressing for the individual Lots and Blocks, to the satisfaction of the Director of Growth Management.

**Transportation Planning**

49. That, **prior to registration**, the owner shall provide a revised pavement marking, signage and infrastructure plan illustrating the revised cross-section of Clappison Avenue following the removal of the two un-built sections of Street 'B' (Enterprise Crescent). The design shall indicate the proposed lane configuration and infrastructure to be included within the municipal right-of-way and shall be completed to the satisfaction and approval of the Manager, Transportation Planning and Manager, Transportation Operations & Maintenance.

**NOTES TO DRAFT PLAN APPROVAL**

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.
2. This development is an industrial property which is ineligible for municipal waste collection as outlined in the City of Hamilton's Solid Waste Management By-law No. 20-221. A private waste hauler must be arranged for the removal of all waste materials.



WELCOME TO THE CITY OF HAMILTON

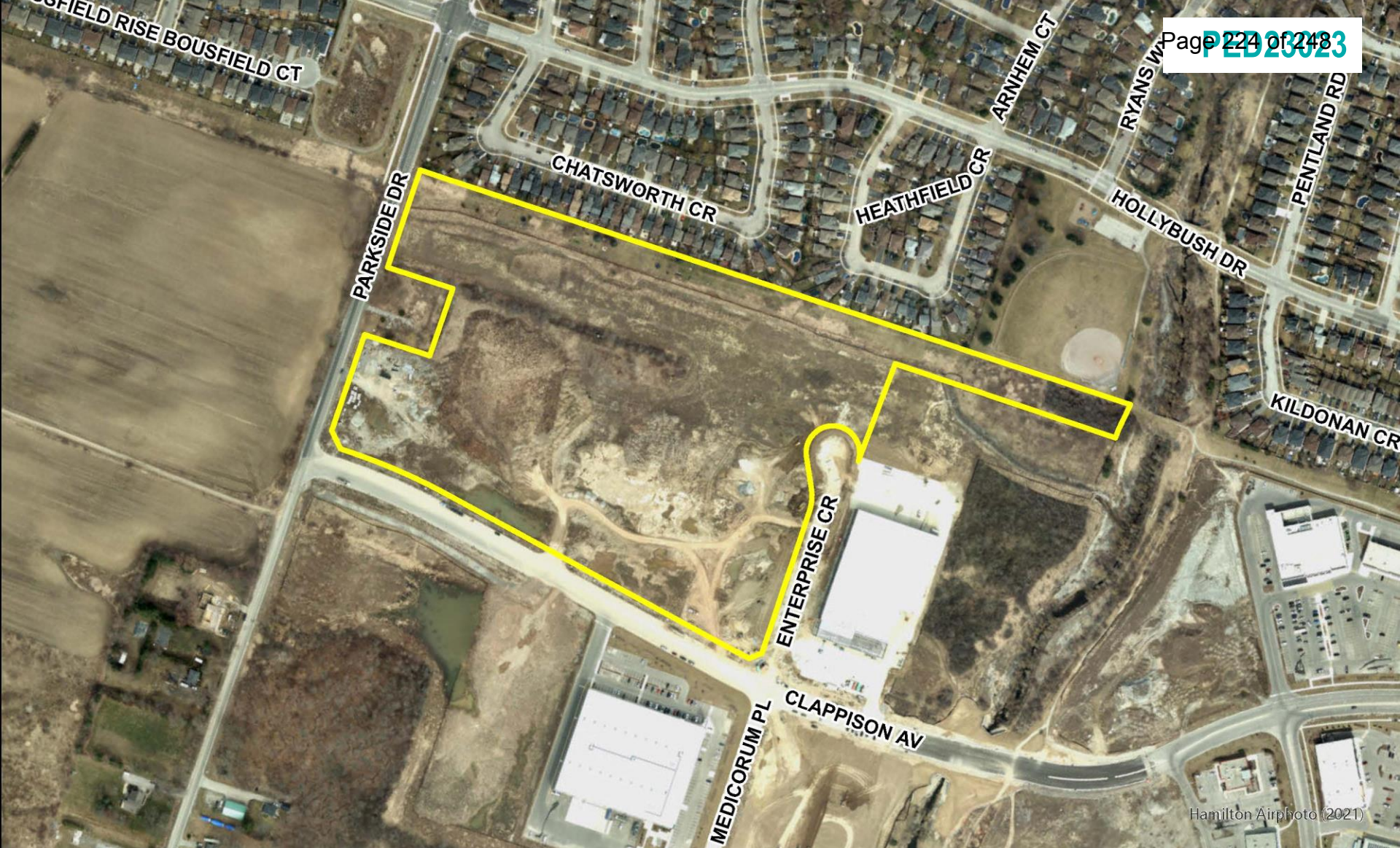
# PLANNING COMMITTEE

January 31, 2023

## **PED23023 – (25T-201507R)**

Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough.

Presented by: Charlie Toman



Hamilton Airphoto (2021)

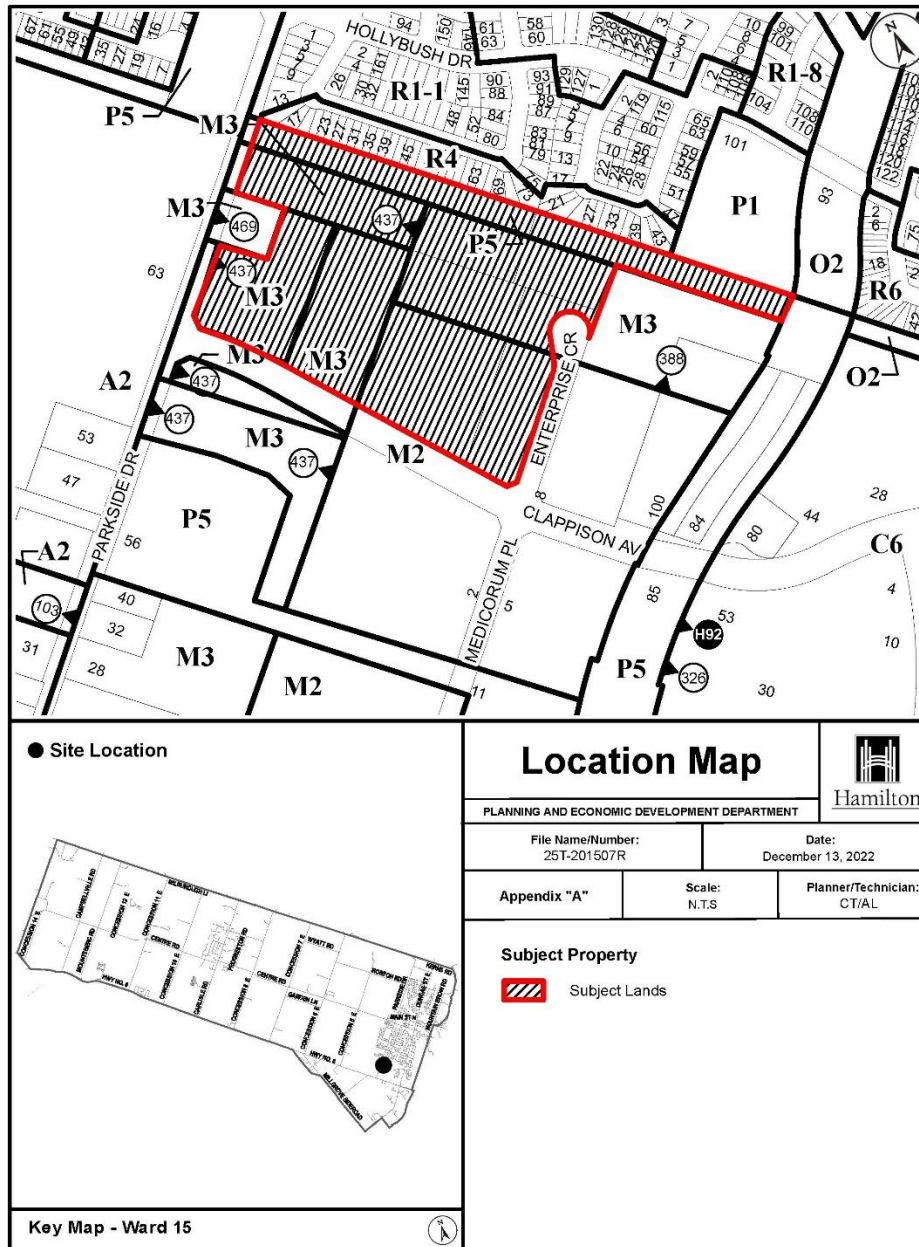
**SUBJECT PROPERTY**

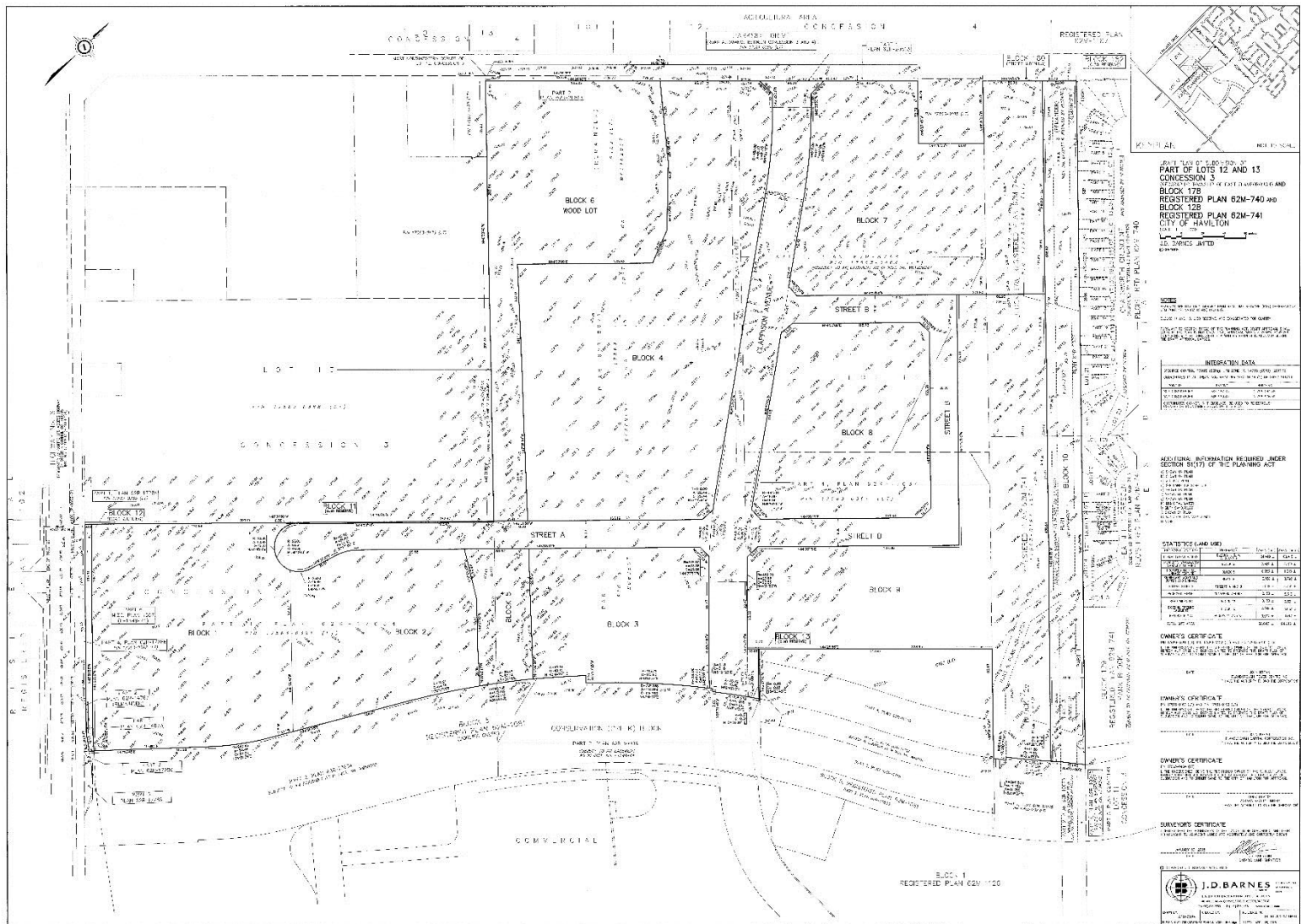


74, 78, 90 and 96 Parkside Drive, Flamborough









PART 13 OF 15 BOOKS OF  
 PART OF LOTS 12 AND 13  
 CONCESSION 3  
 REGISTERED PLAN 62M-740 AND  
 BLOCK 128  
 REGISTERED PLAN 62M-741  
 CITY OF HAMILTON  
 2023  
 J.D. BARNES JATED  
 2023

**NOTE**  
 THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO THE APPROVAL OF THE BOARD OF CONTROL AND THE BOARD OF HEALTH. THE BOARD OF CONTROL AND THE BOARD OF HEALTH MAY REQUIRE CHANGES TO THIS PLAN BEFORE IT IS APPROVED. THE BOARD OF CONTROL AND THE BOARD OF HEALTH MAY ALSO REQUIRE CHANGES TO THIS PLAN AFTER IT IS APPROVED. THE BOARD OF CONTROL AND THE BOARD OF HEALTH MAY ALSO REQUIRE CHANGES TO THIS PLAN AFTER IT IS APPROVED.

**INTEGRATION DATA**

DESCRIPTION	DATE	BY
REGISTERED PLAN 62M-740 AND BLOCK 128	2023	J.D. BARNES
REGISTERED PLAN 62M-741	2023	J.D. BARNES
REGISTERED PLAN 62M-740 AND BLOCK 128	2023	J.D. BARNES
REGISTERED PLAN 62M-741	2023	J.D. BARNES

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 5(1) OF THE PLANNING ACT**

1. THE NAME OF THE PERSON OR PERSONS WHOSE INTERESTS ARE AFFECTED BY THIS PLAN AND THE ADDRESS OF EACH OF THEM.

2. THE NAME OF THE PERSON OR PERSONS WHOSE INTERESTS ARE AFFECTED BY THIS PLAN AND THE ADDRESS OF EACH OF THEM.

3. THE NAME OF THE PERSON OR PERSONS WHOSE INTERESTS ARE AFFECTED BY THIS PLAN AND THE ADDRESS OF EACH OF THEM.

4. THE NAME OF THE PERSON OR PERSONS WHOSE INTERESTS ARE AFFECTED BY THIS PLAN AND THE ADDRESS OF EACH OF THEM.

**STATISTICS (LAND USE)**

LAND USE	AREA (SQ. METERS)	PERCENTAGE
AGRICULTURAL	1,234,567	100.00%
RESIDENTIAL	0	0.00%
COMMERCIAL	0	0.00%
INDUSTRIAL	0	0.00%
OPEN SPACE	0	0.00%
WATER	0	0.00%
ROADS	0	0.00%
UTILITIES	0	0.00%
OTHER	0	0.00%

**OWNER'S CERTIFICATE**

I, the undersigned, being the owner of the land shown on this plan, hereby certify that the information furnished in this plan is true and correct to the best of my knowledge and belief.

SIGNED: J.D. BARNES

DATE: 2023

**TOWN'S CERTIFICATE**

I, the undersigned, being the Mayor of the City of Hamilton, hereby certify that the information furnished in this plan is true and correct to the best of my knowledge and belief.

SIGNED: J.D. BARNES

DATE: 2023

**OWNER'S CERTIFICATE**

I, the undersigned, being the owner of the land shown on this plan, hereby certify that the information furnished in this plan is true and correct to the best of my knowledge and belief.

SIGNED: J.D. BARNES

DATE: 2023

**SURVEYOR'S CERTIFICATE**

I, the undersigned, being a registered professional engineer, hereby certify that the information furnished in this plan is true and correct to the best of my knowledge and belief.

SIGNED: J.D. BARNES

DATE: 2023







Looking west Intersection of Enterprise Crescent and Clappison Avenue



Looking east from Enterprise Crescent



Looking north from Enterprise Crescent across the Subject Lands



Looking east from enterprise crescent across the Subject Lands



Looking east from Clappison Avenue looking towards the Subject Lands





THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



## INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 31, 2023
<b>SUBJECT/REPORT NO:</b>	Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (PED23046) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Christine Newbold (905) 546-2424 Ext. 1279
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

This Report provides further information and analysis to Council regarding the December 16, 2022 decision by the Province of Ontario to remove lands within the City of Hamilton from the Greenbelt Plan and Greenbelt Plan Area Boundary Regulation. The location of the lands removed from the Greenbelt are shown in Appendix "A" attached to Report PED23046.

### INFORMATION

On November 4, 2022, the Province requested comments on proposed changes to the Greenbelt Plan through the Environmental Registry of Ontario (ERO) (ERO Postings 019-6216 and 019-6217). The proposals included the removal of 7,400 acres (2,995 ha) of land from the Greenbelt Plan Area in Ontario to be used to build housing in the near term.

Within the City of Hamilton, approximately 795 hectares of lands were identified for potential removal at the following locations:

- Lands located south of Garner Road West, west of Fiddlers Green Road, east of Shaver Road in the vicinity of Book Road ('Book Road Lands') (727 ha in size);

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

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- Lands located south of White Church Road East, west of Miles Road, north of Chippewa Road East, east of Upper James Street (“Whitechurch Lands”) (64 ha in size); and,
- Lands located at 331 and 339 Fifty road, at the north-west corner of Barton Street and Fifty Road (“Fifty Road Lands”) (4 ha in size).

Through the November 4, 2022 ERO postings, the Province indicated that the proposed removals support the goals of the Province to build 1.5 million homes over the next 10 years under the More Homes Built Faster Plan through the construction of housing in the very short term and that should these lands be removed from the Greenbelt Plan, significant progress on approvals and implementation is to be achieved by the end of 2023, with construction to begin no later than 2025. The Province also expects that proponents would fully fund necessary infrastructure upfront. If these conditions are not met, the ERO posting indicated that the government will begin the process to return the properties back to the Greenbelt Plan.

On November 30, 2022, City Council approved the following recommendations:

- “(a) That the City does not support the removal of lands from the Greenbelt Plan because removal of the lands contradicts the vision and goals of the Greenbelt Plan to provide permanent protection to the natural heritage and water resource systems that are crucial to sustain ecological and human health and build resilience to and mitigate climate change and the City has no requirement for additional lands to accommodate housing growth to 2051 given the recent expansions to the urban area approved through Official Plan Amendment No. 167, and further;
- (b) That Report PED22213 be forwarded to the Ministry of Municipal Affairs and Housing (MMAH) to be considered as part of the City of Hamilton’s comments on Environmental Registry of Ontario (ERO) Postings 019-6216 and 019-6217 respecting proposed amendments to the Greenbelt Plan.”

The Staff Report and Council-adopted recommendations were forwarded to the Province prior to the November 4, 2022 commenting deadline.

Through updates to ERO Postings 019-6216 and 019-6217 and confirmed through the December 16, 2022 letter from the Minister of Municipal Affairs and Housing, the Province issued its decision on proposed changes to the Greenbelt Plan. In the City of Hamilton, all lands proposed for removal through the ERO postings have been removed from the Greenbelt Plan.

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Additional direction from the Province was not provided to clarify the expectations of progress towards approvals nor were details of the process to be undertaken to return lands to the Greenbelt Plan Area should there not be significant progress.

**Implications of Existing Policy Framework on Greenbelt Removals**

Lands removed from the Greenbelt Plan area remain in the rural area of Hamilton and therefore are subject to the policies of the Rural Hamilton Official Plan (RHOP).

Guiding the RHOP are three of ten Directions to guide development decisions. The ten directions were established in 2006 and updated through the GRIDS2 process and endorsed by City Council. Revised Directions are incorporated in the Urban Hamilton Official Plan (UHOP) but speak to both the urban and rural areas. Direction #4 in the UHOP is the same of the existing Direction #3 in the RHOP and articulates the direction for development in the City's rural areas as follows:

“Direction #3 – Protect rural areas for a viable rural economy, agriculture resources, environmentally sensitive recreation and enjoyment of the rural landscape.”

Policies of the RHOP build on this direction, as well as on existing Provincial policy directions to ensure viable agricultural areas.

**Land Use Designations**

Land use designations in the RHOP are based on the principle that agricultural uses are the primary long-term land use in the rural area and the purpose of the designation in the RHOP is to provide a secure land base for agricultural activity. The RHOP designates the areas removed from the Greenbelt Plan as follows:

Table 1

<b>Area Removed from Greenbelt Plan</b>	<b>RHOP Designations</b>
Book Road Lands	Agriculture Rural Open Space Mineral Aggregate Resource Extraction Area
Whitechurch Lands	Agriculture
Fifty Road Lands	Specialty Crop

Agriculture, Rural and Specialty Crop designations permit agricultural uses and agricultural-related uses and on-farm secondary uses. In addition, lands designated Rural permit resource-based rural uses and institutional uses serving the rural community. To develop these lands for residential uses would require amendments to the official plan and zoning by-laws. However, the following policies of the RHOP were

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approved and modified by the Province in the November 4, 2022 decision on RHOPA 34:

- “D.2.2.1 Lands designated Agriculture shall not be redesignated for non-agricultural uses, except for expansions to the urban boundary through a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe. (OPA 34, Mod. 2)”
- “D.3.2.1 Lands Designated Specialty Crop shall not be redesignated for non-agricultural uses, except for expansions to the urban boundary through a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe. (OPA 34, Mod. 3)”
- “D.4.2.1 Lands designated Rural shall not be redesignated for uses not permitted by the policies of this Plan, except for expansions to the urban boundary through a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe. (OPA 34, Mod. 4)”.

Expansion areas are within Hamilton’s urban area and the lands removed from the Greenbelt Plan Area are not within the expansion areas, therefore amendments to the RHOP are not to be permitted outside a municipal comprehensive review (MCR) process where lands would be redesignated from Rural to Urban. Hamilton’s first phase of its MCR addressed land needs for growth and has concluded with the Minister’s approval and modification of OPA 167 and 34 resulting in the expansion of the urban boundary. The next two phases of the MCR address RHOP policy conformity and local-level policy conformity and do not address the urban boundary and growth.

The Book Road Lands, in addition to Rural and Agricultural designations, includes a Mineral Aggregate Resource Extraction. Designation on a property on which there is an existing licence issued under the Aggregate Resources and is therefore a mineral aggregate operation. There is also an area designated Open Space which recognizes the existing cemetery use.

It should be noted that under Section 9(1) of the *Greenbelt Act, 2005*, municipalities located within areas designated as Protected Countryside of the Greenbelt Plan are required to amend official plans to conform to the Greenbelt Plan through official plan update processes and conformity exercises under Section 26 of the *Planning Act*. The RHOP designates lands with both Greenbelt Plan designations on Schedule A as well as local Rural designations and policies on Schedule D. Greenbelt designations are found on Schedule B – Natural Heritage System, and Schedules B-1 through B-8 which show the different natural heritage features. The Greenbelt Natural Heritage System designation is found on Book Road Lands only.

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Amendments to the RHOP must be made to bring the RHOP into conformity with the revised Greenbelt Plan Area. Those amendments will occur as part of the Phase 2 of the MCR which is reviewing and updating the RHOP policies and schedule. Until an amendment to the RHOP addressing provincial plan conformity can be brought forward for approval, the RHOP framework, which incorporates the Greenbelt Plan policies and designations will remain.

It should be noted that the Book Road lands only show Protected Countryside and Greenbelt Natural Heritage System on a 'finger' of land across the area as shown on Appendix "B" attached to Report PED23046. The remainder of the lands were added to the Greenbelt Plan Area in 2017 as part of the Province's coordinated provincial plan review initiative. Updates to RHOP policies and mapping were planned to occur during the current RHOP update and conformity process. With the recent Greenbelt Plan removals, only the Greenbelt Natural Heritage System and underlying Protected Countryside designation will need to be removed on Book Road Lands.

### **Natural Heritage**

Within the RHOP, Whitechurch and Book Road lands are shown as part of the Natural Heritage System on RHOP Schedule B and part of the Book Road Lands continue to be shown as part of the Greenbelt Natural Heritage System designation. The Fifty Road Lands and Whitechurch Lands are not part of the Greenbelt Natural Heritage System and review of the natural heritage mapping within the RHOP.

The RHOP policies of Section C.2.0 set out the policies for the Natural Heritage System in the rural area and direct the protection, restoration and enhancement of the natural heritage system to ensure a healthy, functional ecosystem. Core Areas form the foundation of the Natural Heritage System are made up of key natural heritage features and key hydrologic features and their vegetation protection zones as well as provincially significant and local natural areas. The RHOP also contains policies for Core Areas within the Greenbelt Natural Heritage System of the Protected Countryside which apply to the Book Road and Whitechurch Lands, although these lands are now no longer part of the Greenbelt Plan Area. As discussed above, the current mapping is now out of date and amendments are required to resolve this conflict.

Table 2

<b>Area Removed from Greenbelt Plan</b>	<b>RHOP Natural Heritage System</b>
Book Road Lands	Core Areas and Linkages Features include: - Unevaluated wetlands; - Watercourses; - Significant Woodlands; and, - Duff's Corners South Woodlot.

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<b>Area Removed from Greenbelt Plan</b>	<b>RHOP Natural Heritage System</b>
Book Road Lands <b>Continued</b>	- Environmentally Significant Area (ESA); - Potential Species at Risk (SAR) Habitat; - Potential Significant Wildlife Habitat (SWH); and, - Linkage (hydro corridor)
Whitechurch Lands	Core Areas Features: Key Hydrologic Features - Streams
Fifty Road Lands	No natural heritage features indicated by RHOP mapping

Table 2 identifies the natural heritage features on the land removed from the Greenbelt Plan Area. The Book Road Lands contain Core Areas comprised of different natural heritage features. Permitted uses within Core Area are limited to existing agriculture; forest, fish and wildlife management; conservation and flood or erosion control projects existing uses; passive recreation, and infrastructure projects. Policies within the RHOP specify that any development within or adjacent to Core Area features will not be permitted unless ecologic function has been evaluated through the preparation of an Environmental Impact Statement (EIS) demonstrating that the proposal has no negative impacts on the natural features and its ecological function and appropriate vegetation protection zones are identified.

When considering larger tracts of land for development, analysis of Natural Heritage Features usually occurs in stages. Sub-watershed studies provide an appropriate level of analysis to inform planning for stormwater management and the development of land use concepts for secondary plan development. Detailed review and preparation of EIS occur at the development stage through subdivision approval processes and any further OPA or rezoning processes required to implement approved Secondary Plans. However, the development of large tracts of land for housing in the rural area is not contemplated in the policies of the RHOP as indicated in the land use designation policies described above.

### **Airport Policies**

Policies in the RHOP support the continued development of the John C. Munro International Airport as a major economic node and transportation facility. The City maintains Noise Exposure Forecasts (NEF) which are shown on RHOP Appendix D – Noise Exposure Forecast Contours and Primary Zoning Regulation Area and restricts development that is noise- or land use-sensitive to airport operations. Development of new residential and sensitive uses in areas that exceed the 28 NEF are prohibited. For development proposals for residential or sensitive uses within a 25 and 28 NEF, noise

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studies are required, and noise mitigation measures are to be implemented. Appendix “B” attached to Report PED23046 shows that a large portion of the Book Road Lands are encumbered by the NEF contours with the 25, 28, 30 and 35 NEF contours traversing the lands.

### **Servicing Policies**

The servicing policies of both the RHOP and the UHOP work together to direct the provision of services within the rural area. First, the objective of the RHOP with respect to servicing is that all rural development is to occur on sustainable private services. Both the UHOP and RHOP prohibit the extension of lake-based municipal water and wastewater systems outside the urban area boundary except in response to public health emergencies.

Notwithstanding the RHOP and UHOP policies that prevent extension of municipal services, Appendix “C” attached to Report PED22213 – Proposed Amendments to the Greenbelt Plan – ERO Posting 019-626 and 019627 – City of Hamilton Comments (November 29, 2022) provided high level staff comments on servicing potential for each of the areas removed from the Greenbelt and is attached to as Appendix “C” to Report PED23046.

Table 3

<b>Area Removed from Greenbelt Plan</b>	<b>Staff Servicing Comments</b>
Book Road Lands	<ul style="list-style-type: none"> <li>- Water and wastewater servicing and capacity needs to be determined through Master Plan process;</li> <li>- Timing in relation to other projects is of concern should these lands proceed to development by 2025. Temporary solutions to overflow may be needed; and,</li> <li>- Development requires urbanization and expansion of Garner Road West and Fiddler’s Green (EA process is initiated only for Garner Road West)</li> </ul>
Whitechurch Lands	<ul style="list-style-type: none"> <li>- Land have not been assessed for water and wastewater capacity but should be done through Master Plans;</li> <li>- Routing options for sanitary need analysis and should be done in conjunction with adjacent boundary expansion area; and,</li> <li>- lands are not well connected to existing transportation systems for transit and active transportation.</li> </ul>

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<b>Area Removed from Greenbelt Plan</b>	<b>Staff Servicing Comments</b>
Whitechurch Lands <b>Continued</b>	- Lands are outside Transit Service Area.
Fifty Road Lands	Concerns with Transportation system - Development will exacerbate transportation challenges on Fifty Road; and, - Additional lanes and active transportation facilities will be required.

High level Water/wastewater/stormwater servicing comments were provided to assess the potential for servicing of the lands through the extension of municipal services in order to meet the development timeframes indicated by the province, i.e. construction to begin by 2025. The comments indicate that the Book Road and Whitechurch lands are unlikely to be serviced in time to permit housing construction by 2025. Table 3, above, provides a short summary of the material in Appendix “C” attached to Report PED23046.

### **Summary**

At the time of the proposal for the removal of lands from the Greenbelt Area, it was unclear how the Province would manage the removals from the Greenbelt Area to implement housing development on the lands. The lands remain in the rural area and therefore subject to the policies of the RHOP leaving these lands unable to be developed in the very near term for housing as the RHOP does not allow extension of municipal services outside the urban area, nor does it allow designations on lands designated Agriculture, Rural or Specialty Crop outside of the municipal comprehensive review process. In addition, the current conflict within the local RHOP policies will not be reconciled until an amendment is approved to bring the RHOP into conformity with the provincial planning framework.

### **Implications of Greenbelt Removals on Growth Area Planning**

On November 4, 2022, the Province issued the Notice of Decision on the City of Hamilton’s Official Plan Amendments (Amendment No. 167 to the UHOP and No. 34 to the RHOP) as part of the City’s Municipal Comprehensive Review.

The Provincial decision including amendments to the City’s urban boundary to add approximately 2200 gross ha of land to the urban area to accommodate residential growth, and very small area of employment growth. The expansion areas are also shown on Appendix “A” attached to Report PED23046.

The amendments to the UHOP approved through OPA 167 (including the Provincial modifications) provide direction for accommodating the City’s forecasted growth of

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people and jobs to 2051 through a combination of intensification, increased densities in both the built-up area and existing greenfield areas, as well as growth within the Urban Expansion Areas. There is sufficient land supply to accommodate forecasted housing growth to 2051 and possibly beyond.

With the addition of former Greenbelt Area lands now identified for housing by the Province, the City now needs to consider these lands in the context of City-wide urban growth and servicing although the policy frameworks do not support or recognize these lands as urban lands. Provincial commentary on the timing of development expected in the former Greenbelt areas would indicate that these areas are near term growth areas and therefore priority areas for growth and needs to be reflected in city-wide master planning processes. This confounds efforts to establish phasing and servicing plans for lands within the urban boundary where there is the direction and policy basis for growth. The uncertainty of development timing on the former Greenbelt lands or the possibility of a return of lands back to the Greenbelt Plan Area as indicated by the Province, creates a conundrum on moving forward on planning for growth within the urban area. The land base for which the City must plan is uncertain.

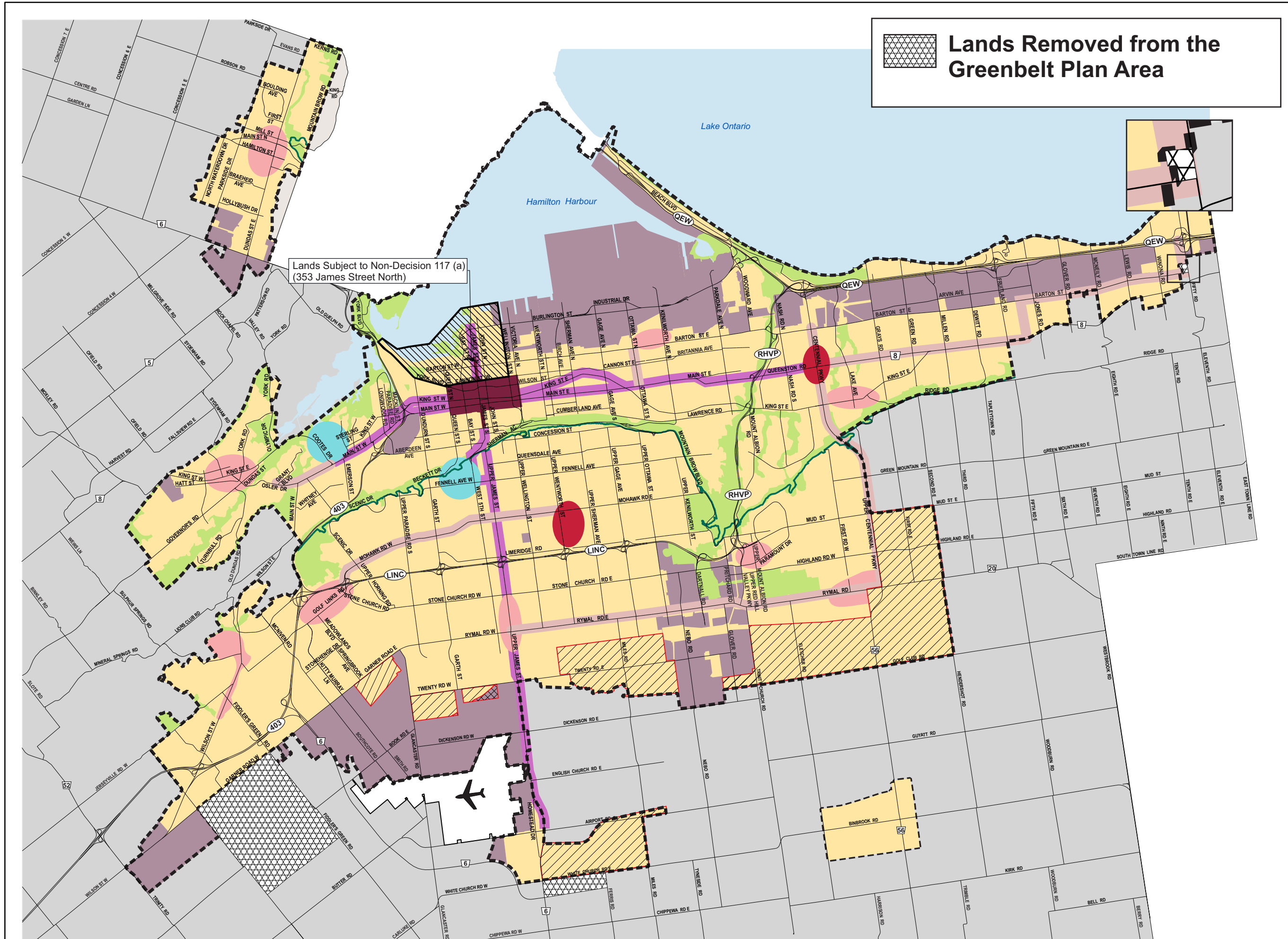
Staff are in the process of finalizing the future growth area population and housing allocations and determining density targets for development in the new greenfield areas of the urban expansion boundaries. City-wide master planning projects (Transportation, Water-wastewater and Stormwater) require the population allocations to complete modelling and analysis to determining servicing strategies for the entire city, including the new growth areas. Secondary Planning approaches are also being considered to move forward on planning for new growth areas.

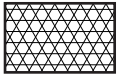
It is likely that parallel streams of analysis in the Master Plan projects will need to occur due the uncertainty of development on the lands that have been removed from the Greenbelt Plan Area. There are likely to be additional costs and delays to running parallel streams of analysis however those costs or timing implications have not been estimated.

## **APPENDICES AND SCHEDULES ATTACHED**



















- Appendix "A" to Report PED23046 - Location Map – Lands Removed from the Greenbelt and Urban Boundary Expansion Areas
- Appendix "B" to Report PED23046 - Lands Removed from the Greenbelt – Rural Hamilton Official Plan Schedule Illustrations
- Appendix "C" to Report PED23046 - Appendix "C" to Report PED22213 – Summary Staff Comments on Greenbelt Plan Removals

CN:ab



 **Lands Removed from the Greenbelt Plan Area**

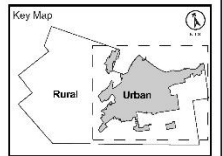
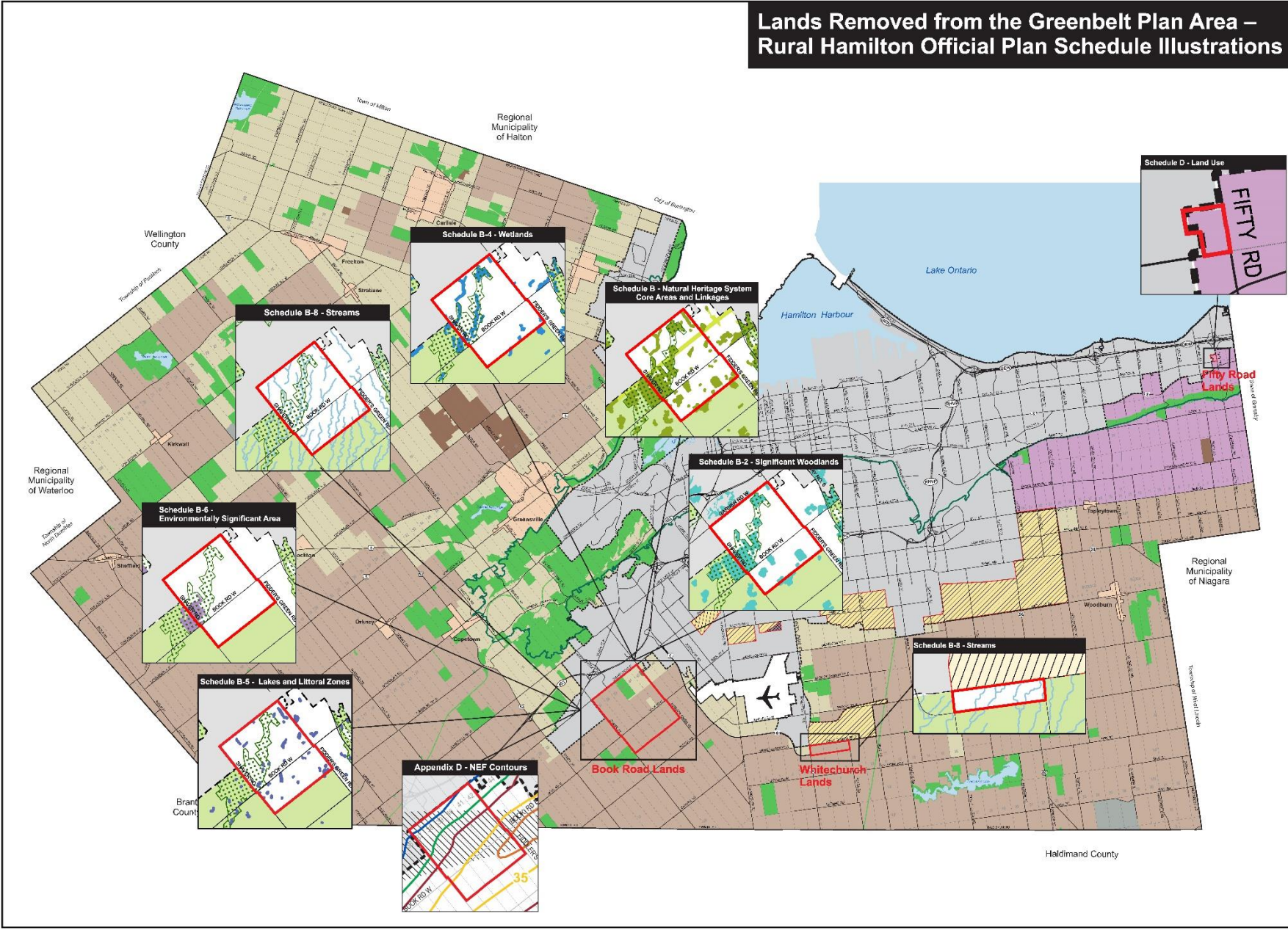
Lands Subject to Non-Decision 117 (a)  
 (353 James Street North)

- Legend**
- Urban Structure Elements**
-  Neighbourhoods
  -  Employment Areas
  -  Major Activity Centres
  -  Major Open Space
  -  Urban Expansion Area - Neighbourhoods
  -  Urban Expansion Area - Employment
- Nodes**
-  Downtown Urban Growth Centre
  -  Sub Regional Service
  -  Community
- Corridors**
-  Primary
  -  Secondary
  -  Priority Transit Corridor
- Other Features**
-  Rural Area
  -  John C. Munro Hamilton International Airport
  -  Niagara Escarpment
  -  Urban Boundary
  -  Municipal Boundary
  -  Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009  
 Ministerial Approval: March 16, 2011  
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan  
 Schedule E  
 Urban Structure**

## Lands Removed from the Greenbelt Plan Area – Rural Hamilton Official Plan Schedule Illustrations



Note: For Urban Land Use Designations, refer to Schedule E-1 of the Urban Hamilton Official Plan.



- Legend**
- Rural Settlement Areas
  - Urban Expansion Area - Neighbourhoods
  - Urban Expansion Area - Employment
- Rural Land Use Designations**
- Agriculture
  - Specialty Crop
  - Rural
  - Mineral Aggregate Resource Extraction Areas
  - Open Space
  - Utility
- Other Features**
- Urban Area
  - John C. Munro Hamilton International Airport
  - Niagara Escarpment
  - Urban Boundary
  - Municipal Boundary

Council Adoption: September 27, 2006  
 Ministerial Approval: December 24, 2008  
 Effective Date: March 7, 2012

**Rural Hamilton Official Plan  
 Schedule D  
 Rural Land Use Designations**

Not to Scale

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
 Date: Nov. 2022

**Appendix “C” to Report PED23046**  
**Page 1 of 4**

Criteria	Fifty Road	Whitechurch Road	Book Road
Servicing – Water / wastewater / stormwater	<ul style="list-style-type: none"> <li>• Lands are adjacent to existing infrastructure that has been sized to accommodate.</li> <li>• Water servicing needs to be reviewed with neighbouring municipality (Grimsby).</li> </ul>	<ul style="list-style-type: none"> <li>• Area will be assessed with respect to water servicing and wastewater capacity through ongoing W/WW/SWM Master Plan.</li> <li>• Lands should be reviewed in conjunction with Whitechurch Urban expansion lands (white belt lands).</li> <li>• Would have to presume sufficient capacity in the Dickenson trunk main to accommodate sanitary servicing. Additional servicing requirements not significant, although routing options need to be analyzed in conjunction with white belt lands. Option could possibly include an outlet to Twenty Road SPS.</li> </ul>	<ul style="list-style-type: none"> <li>• Input regarding water servicing and wastewater capacity needs to be determined through ongoing W/WW/SWM Master Plan.</li> <li>• Concerns about development in this area proceeding prior to the completion of the Dickenson trunk sewer due to potential for overflow. Sanitary outlet would need to be determined.</li> </ul>
Transportation	<ul style="list-style-type: none"> <li>• Lands are contiguous to existing transportation system</li> <li>• Development of lands will exacerbate transportation challenges on Fifty Road furthering the need for requiring upgrades including additional lanes and active transportation facilities, as planned through the Barton and Fifty Environmental Assessment.</li> <li>• QEW/Fifty Road is experiencing operational</li> </ul>	<ul style="list-style-type: none"> <li>• Lands are not well connected to existing transportation systems for transit and active transportation; lands are outside of transit service area</li> <li>• Development in close proximity to provincial highway system</li> <li>• Development in close proximity to Airport Employment Growth District</li> <li>• Need to ensure lands for future Highway 6-RHVP connector are maintained. Alignment has not been determined.</li> </ul>	<ul style="list-style-type: none"> <li>• Development of lands will require urbanization and expansion of Garner Road West (EA initiated January 2022, programmed in capital budget)</li> <li>• Development of lands will require urbanization and upgrading of Fiddler’s Green (EA not initiated, capital improvements not programmed)</li> <li>• Development supports S-Line Transit Priority Corridor</li> <li>• Development in close proximity to provincial highway system</li> </ul>

## Appendix “C” to Report PED23046

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Criteria	Fifty Road	Whitechurch Road	Book Road
	<p>issues; MTO has identified this as challenge for nearby developments</p> <ul style="list-style-type: none"> <li>• Area is not currently served by fixed route transit services</li> <li>• Significant upgrades to active transportation facilities are needed in vicinity of lands to be implemented as part of Barton and Fifty upgrades</li> </ul>	<ul style="list-style-type: none"> <li>• Would align with future Red Hill ring road</li> </ul>	<ul style="list-style-type: none"> <li>• Development in close proximity to Ancaster Employment Lands and Airport Employment Growth District</li> <li>• Will create pressures on rural roads including Shaver Road and Book Road</li> <li>• Development in northern portion of subject lands adjacent to Garner Road may be developable in the near term from a transportation perspective. Garner Road EA will be completed and Garner Road supports transit.</li> </ul>
Natural Heritage	<ul style="list-style-type: none"> <li>• These properties do not support features or functions associated with the City’s Natural Heritage System (including the Greenbelt Natural Heritage System)</li> <li>• These properties are located close to areas that have been developed/proposed to be developed which would minimize further negative impacts on other areas within the City that support the Natural Heritage System.</li> </ul>	<ul style="list-style-type: none"> <li>• This area supports Core Areas (Key Hydrologic Features-Streams).</li> <li>• The removal of this area from the Greenbelt Plan is not supported from a Natural Heritage perspective</li> <li>• A comprehensive Secondary Plan or Servicing Strategy has not been completed for this area. It is unclear how this area will be developed in an efficient manner.</li> <li>• There is currently limited natural heritage information for this area. To determine how the Natural Heritage System can be integrated within the proposed development and to ensure that any developments or site alteration within or adjacent to</li> </ul>	<ul style="list-style-type: none"> <li>• Site contains a Natural Heritage System that includes the Greenbelt Natural Heritage System, Core Areas and Linkages. The features/functions of the Natural Heritage System include Unevaluated wetlands, Watercourses, Significant Woodlands, Duff’s Corners South Woodlot Environmentally Significant Area (ESA), Potential Species at Risk (SAR) Habitat, Potential Significant Wildlife Habitat (SWH), Linkage (hydro corridor)</li> <li>• The removal of this area from the Greenbelt Plan is not supported from a Natural Heritage perspective</li> <li>• A comprehensive Secondary Plan or Servicing Strategy has not been completed for this area. It is</li> </ul>

**Appendix “C” to Report PED23046**  
**Page 3 of 4**

Criteria	Fifty Road	Whitechurch Road	Book Road
		<p>Core Areas shall not negatively impact their environmental features or ecological functions (RHOP policy C.2.3.3), detailed plans/inventories would be required to be undertaken. The evaluation of natural features and their functions need to occur during appropriate timing windows (i.e., birds are evaluated in the spring when they are breeding; multi-season vegetation surveys).</p> <ul style="list-style-type: none"> <li>• This area is located within the Niagara River Area of Concern watershed (designated in 1987 by the International Joint Commission). The AOC was identified due to water quality issues. Most restoration efforts have been focused on Niagara River, however, projects such as re-establishing riparian habitat have been undertaken within the AOC watershed. It is unclear how specific initiatives such as this have been taken into consideration.</li> </ul>	<p>unclear how this area will be developed in an efficient manner.</p> <ul style="list-style-type: none"> <li>• There is currently limited natural heritage information within this area. To determine how the Natural Heritage System can be integrated within the proposed development and to ensure that any developments or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions (RHOP policy C.2.3.3), detailed plans/inventories would be required to be undertaken. The evaluation of natural features and their functions need to occur during appropriate timing windows (i.e., birds are evaluated in the spring when they are breeding; multi-season vegetation surveys).</li> <li>• To implement the RHOP, the City of Hamilton has applied specific Conservation/Hazard Land zoning to many of the features within the Natural Heritage System within this area. These zones have been applied to protect the Natural Heritage System from the impacts of development. Fragmentation of the Natural Heritage System may occur.</li> </ul>

**Appendix “C” to Report PED23046**  
**Page 4 of 4**

Criteria	Fifty Road	Whitechurch Road	Book Road
			<ul style="list-style-type: none"> <li>• There are several headwater tributaries located within this area. Within the Provincial Policy Statement and the Greenbelt Plan, it is recognized that natural heritage features and functions do not respect administrative boundaries. It is unclear if this cross-jurisdictional relationship has been considered.</li> </ul>
Planning	<ul style="list-style-type: none"> <li>• Lands are surrounded to the north and west by existing development (Foothills of Winona) subdivision.</li> </ul>	<ul style="list-style-type: none"> <li>• Lands are located adjacent to the Urban Expansion Area to the north which was added to the urban area through OPA 167. If lands are removed from the Greenbelt Plan, planning of this area should occur comprehensively. The lands to the north require a Secondary Plan to be completed prior to development occurring.</li> <li>• Lands are connected to the Mount Hope settlement area but disconnected from the remainder of the urban area, and separated by rural lands which will not develop for any urban uses in the near term due to restrictions on residential development by the airport noise contours.</li> </ul>	<ul style="list-style-type: none"> <li>• Lands are bisected by the airport Noise Exposure Forecast contour 28. The Rural and Urban Hamilton Official Plans do not permit residential development above the 28 NEF contour. The Provincial ERO posting notes that the lands are being removed from the Greenbelt to allow for housing to be developed. It is not clear why these lands are being proposed for removal given the restriction on residential development in the area resulting from the noise contour.</li> </ul>