



City of Hamilton

PLANNING COMMITTEE REVISED AGENDA

Meeting #: 23-004
Date: March 21, 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

Pages

1. CEREMONIAL ACTIVITIES

1.1 Appointment of Chairs and Vice Chairs

2. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 February 14, 2023

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5. COMMUNICATIONS

6. DELEGATION REQUESTS

6.1 Joel Tavormina respecting an Extension for Reconstruction (for the April 4th meeting)

*6.2 Kasper Koblauch, ERA Architects, respecting Designation of 66-68 Charlton Ave. West (Item 9.1) (For today's meeting) (in-person)

7. DELEGATIONS

- 7.1 Mike Burnet, ACORN, respecting a Landlord Registry (Approved at the February 14th meeting) (in-person)

8. STAFF PRESENTATIONS

- 8.1 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15) 46
- 8.2 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook (PED23057) (Ward 11) 76
(moved from Consent Items - was previously Item 9.5)
- 8.3 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11) 275
(moved from Consent Items - was previously Item 9.6)

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- 9.3 Integrating Health & Environmental Requirements to Demolition Permits (PED23066) (City Wide) (Outstanding Business List Item) 395
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14.	GENERAL INFORMATION / OTHER BUSINESS	
15.	PRIVATE AND CONFIDENTIAL	
15.1	Closed Session Minutes - February 14, 2023 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 <i>Ontario Municipal Act</i> , 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 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-004) and Zoning By-law Amendment Application (ZAC-18-009) for lands located at 299-307 John Street South and 97 St. Joseph's Drive, Hamilton (LS22007(a)/PED22038(b)) (Ward 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.

16. ADJOURNMENT



PLANNING COMMITTEE MINUTES

23-003

February 14, 2023

9:30 a.m.

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

Present: Councillor J.P. Danko (Acting Chair)
Councillor T. Hwang (2nd Vice Chair)
Councillors J. Beattie, C. Cassar, E. Pauls, M. Francis,
C. Kroetsch, T. McMeekin, N. Nann, M. Spadafora, M. Tadeson,
A. Wilson

Absent with Regrets: Councillor M. Wilson - Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23020) (City Wide) (Item 9.1)**

(Spadafora/Hwang)

That Report PED23020 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

2. Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) (Item 10.1)

(Cassar/Beattie)

- (a) That amended Zoning By-law Amendment Application ZAC-22-056, by T. Johns Consulting Group Ltd., on behalf of Filippo Cimino c/o Carmela Pagliaro, Owner, for a change in zoning from the Agricultural “A” Zone, to the Low Density Residential (R1, 836) Zone, to facilitate two new residential lots for single detached dwellings and the retention of an existing single detached dwelling, for lands located at 343 Springbrook Road, Ancaster, as shown on Appendix “A” attached to Report PED23031, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED23031, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan (UHOP) and the Meadowlands Neighbourhood IV Secondary Plan.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

3. Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) (Item 10.2)

(McMeekin/Cassar)

- (a) That Zoning By-law Amendment Application ZAC-22-031, by MHBC Planning Urban Design & Landscape Architecture on behalf of St. James

United Church (the United Church of Canada), for a change in zoning from Community Institutional (I2, 757) Zone to Community Institutional (I2, 825) Zone in the City of Hamilton Zoning By-law No. 05-200, to permit development of 44 purpose built rental dwelling units, for lands located at 306 Parkside Drive, Flamborough, as shown on Appendix “A” attached to Report PED23032, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED23032, 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 the Niagara Escarpment Plan, 2017, and complies with the Urban Hamilton Official Plan.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

4. Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (Ward 10) (Item 10.3)

(Beattie/Spadafora)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-19-003, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners, to redesignate the southern portion of the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” within the Western Development Area Secondary Plan to permit the development of 11 block townhouse

dwellings with a maximum residential density of 46 units per hectare on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23040, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAC-19-007, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-71” Zone, Modified, to permit the development of 11 block townhouse dwellings with two parking spaces per unit and six visitor parking spaces, on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED23040, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Draft Plan of Subdivision Application 25T-201901, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners, on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be APPROVED, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Barton Estates” 25T-201901, prepared by A. J. Clarke and Associates Ltd., and certified by Nicolas P. Muth, O.L.S., dated November 20, 2022, consisting of one block for proposed townhouses (Block 1) and one block for a right-of-way widening (Block 2), attached as Appendix “F” to Report PED23040, 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 PED23040;

- (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton responsibility for cost sharing for this subdivision;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

5. Application for a Zoning By-law Amendment for Lands Located at 198 Lover’s Lane, Ancaster (PED23041) (Ward 12) (Item 10.4)

(Cassar/Spadafora)

- (a) That Amended Zoning By-law Amendment Application ZAR-22-042, by James Gregory Warnick, for a change in zoning from the Deferred Development “D” Zone to the Low Density Residential (R1,) Zone for lands located at 198 Lover’s Lane, Ancaster, as shown on Appendix “A” to Report PED23041, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED23041, 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), conforms to the Niagara Escarpment Plan (2017, as amended), and complies with the Urban Hamilton Official Plan.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

6. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for 2782 Barton Street East, Hamilton (PED23024) (Ward 5) (Item 10.5)

(Francis/Beattie)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-22-012 by A.J. Clarke and Associates on behalf of LJM Developments (Hamilton) Inc.-Owner, to delete existing Site Specific Policy UHN-23, to permit the development of a 17 storey (52.5m) multiple dwelling, for the lands located at 2782 Barton Street East, as shown on Appendix “A” attached to Report PED23024, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23024, be adopted by City Council;
- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That Amended Zoning By-law Amendment Application ZAC-22-023 by A.J. Clarke and Associates on behalf of LJM Developments (Hamilton) Inc.- Owner, to change the zoning from “E-3/S-306c” (High Density Multiple

Dwelling) District, Modified, to “E-3/S-306d” (High Density Multiple Dwelling) District, Modified, in order to permit a 17 storey (52.5 m) multiple dwelling with 313 residential units and 354 parking spaces, for lands located at 2782 Barton Street East, as shown on Appendix “A” attached to Report PED23024, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED23024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XXX.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

7. Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) (Item 10.6)

(Tadeson/Hwang)

- (a) That Amended Zoning By-law Amendment Application ZAR-22-033, by Urban in Mind (c/o Jacob Dickie), on behalf of Bill Wieske (Applicant) and Andrew Elgersma and Kayla Elgersma (Owners), for a change in zoning from the Existing Residential “ER” Zone to the Low Density Residential (R1, 835) Zone and from the Residential Holding “H-R3-144” Zone, Modified to the Low Density Residential (R1, 835) Zone to facilitate the development of a single detached dwelling for lands located at 91 and 95 Strathearne Place, Glanbrook, as shown on Appendix “A” attached to Report PED23036, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED23036, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow (2019, as amended), and comply with the Urban Hamilton Official Plan and the Mount Hope Secondary Plan.

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

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

8. Implementation of Changes to Section 41 of the Planning Act - Site Plan Approval, in Response to Provincial Bill 23, More Homes Built Faster Act, 2022 (PED23043) (City Wide) (Item 10.7)

(Spadafora/Francis)

That the Draft By-law, attached as Appendix “A” to Report PED23043, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

9. City Review of Residential Developments Exempted from Site Plan Control by Bill 23 (PED23045) (City Wide) (Item 10.8)

(Beattie/Tadeson)

- (a) That staff be directed to update and amend By-law 15-091 and any other applicable By-laws to include a Municipal Road Damage Deposit (MRDD) as a guarantee against damage to the curb, sidewalk, road, boulevard and other City infrastructure located within the municipal road allowance, as well as any clean-up of the adjoining streets;
- (b) That the Amending By-law to By-law 12-282 (Tariff of Fees), as amended, attached as Appendix “A” to Report PED23045, which has been prepared in a form satisfactory to the City Solicitor, be passed and the new proposed fees, including an exemption from the new proposed fees for charitable and not-for-profit organizations proposing affordable housing projects be implemented;
- (c) That the costs of waiving the Engineering Review Fees for charitable and not-for-profit organizations proposing affordable housing projects as set out in item 3 of the Amending By-law, attached as Appendix “A” to Report PED23045, be absorbed by the Planning and Economic Development Department, Growth Management Division, in 2023, and the permanent funding accommodated through adjustment to the 2024 Growth Management Division’s Base Budget;
- (d) That staff be authorized and directed to prepare and implement the necessary application process and forms for an exemption from the Engineering Review Fees for charitable and not-for-profit organizations proposing affordable housing projects as proposed in this Report.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

10. Municipal Housing Pledge (PED23056) (City Wide) (Item 11.1)

(Kroetsch/A. Wilson)

That Council does not endorse the Minister of Municipal Affairs and Housing's Municipal Housing Pledge.

Result: Motion CARRIED by a vote of 6 to 4, as follows:

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

11. Inclusionary Zoning - Housing Needs Assessment (PED23044(a)) (City Wide) (Outstanding Business List Item) (Item 11.2)

(Hwang/Spadafora)

- (a) That the Draft Housing Needs Assessment Report, prepared by SHS Consulting, dated December 2022, attached as Appendix "A" to Report PED23044(a), be received;
- (b) That the Housing Needs Assessment addendum letter, prepared by SHS Consulting, dated January 2023, attached as Appendix "B" to Report PED23044(a), be received;
- (c) That staff be directed and authorized to undertake public and stakeholder consultation on the Housing Needs Assessment report and addendum letter.

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

NOT PRESENT – 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
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

12. Request to Appeal to Ontario Land Tribunal for 64 Lover’s Lane (Added Item 12.1)

(Cassar/Beattie)

WHEREAS, City staff previously recommended refusal of a requested minor variance for a reduced setback re: Variance Application AN/A-22:180 64 Lovers Lane;

WHEREAS, on September 9, 2021, the CoA approved the requested variance;

WHEREAS, neighbourhood residents appealed the Committee of Adjustment decision to the Ontario Land Tribunal who upheld the appeal, denying the variance;

WHEREAS, a further request for minor variance for 64 Lovers Lane was submitted to the Committee of Adjustment and was approved on February 2, 2023; and,

WHEREAS, there is a 20-day time limit to file an appeal.

THEREFORE, BE IT RESOLVED:

That Legal Services staff be directed to file an appeal to the Ontario Land Tribunal of the Committee of Adjustment’s decision on application AN/A-22:180 and report to the next available Planning Committee meeting with a confidential report regarding whether to proceed with the appeal

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

NOT PRESENT – Ward 1 Councillor M. Wilson
 YES – 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
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

- 13. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-009) and Zoning By-law Amendment Application (ZAC-22-018) for lands located at 651 Queenston Road, Hamilton (LS23001/PED22184(a)) (Ward 5) (Item 15.2)**

(Francis/Hwang)

- (a) That the directions to staff (recommendations (a), (b), (c) and (d)) to Report LS23001/PED22184(a) be released to the public, following approval by Council;
- (b) That the balance of Report LS23001/PED22184(a) remain confidential.

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

NOT PRESENT – 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
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

14. **Appeal to the Ontario Land Tribunal on the City of Hamilton’s approval of Official Plan Amendment (OPA 102) and Zoning By-law Amendment (By-law 18-114) being the updated Downtown Hamilton Secondary Plan and Implementing Zoning By-law, for the lands located at 215-231 Main Street West, 62 and 64 Hess Street South, and 67-69 Queen Street South (LS19037(a)/PED19198(a)) (Ward 2) (Item 15.3)**

(Kroetsch/Spadafora)

- (a) That the directions to staff (recommendations (a), (b), (c) and (d)) to Report LS19037(a)/PED19198(a) and Appendices “B”, “C” and “D” hereto, be approved and remain confidential until made public coincident with staff’s presentation of the City’s position before the Ontario Land Tribunal;
- (b) That the balance of Report LS19037(a)/PED19198(a), including Appendices “E” and “F” remain confidential.

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

NOT PRESENT – 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
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

15. **Appeal to the Ontario Land Tribunal (OLT) for Refusal of Zoning By-law Amendment Application (ZAR-18-057) for Lands Located at 130 Wellington Street South (LS23005) (Ward 2) (Item 15.4)**

(Kroetsch/Beattie)

- (a) That closed session recommendations (a), (b), (c), and (d) to Report LS23005 and Appendices “A” and “B” hereto, be approved and remain confidential until made public coincident with staff’s presentation of the City’s position before the Ontario Land Tribunal;
- (b) That the balance of Report LS23005, including Appendix “C” hereto, remain confidential.

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

NOT PRESENT – 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
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

11. DISCUSSION ITEMS

11.1 Municipal Housing Pledge (PED23056) (City Wide)

(a) Written Submissions:

(i) Lou Piriano, Realtors Association of Hamilton-Burlington

14. GENERAL INFORMATION / OTHER BUSINESS

14.1 Outstanding Business List

(a) Items Requiring New Due Dates:

12B - Request to Designate 437 Wilson Street East (Ancaster)
 Current Due Date: December 7, 2021
 Proposed New Due Date: March 21, 2023

14A - Adding 206, 209 and 210 King St E to the Register of Property of Cultural Heritage Value or Interest

Current Due Date: December 7, 2021
Proposed New Due Date: March 21, 2023

17B - Designation of the Gore District as a Heritage Conservation District

Current Due Date: September 21, 2021
Proposed New Due Date: April 18, 2023

18D - Consultation on the Regulatory Content of Bill 7

Current Due Date: April 2022
Proposed New Due Date: March 21, 2023

18L - Review of C6 and C7 Zoning Regulations

Current Due Date: November 29, 2022
Proposed New Due Date: March 21, 2023

19B - Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200

Current Due Date: June 14, 2022
Proposed New Due Date: March 21, 2023

19P - Corporate Policy for Official Planning Notification During Mail Strikes

Current Due Date: September 21, 2021
Proposed New Due Date: April 18, 2023

19U - Heritage Designation Process and Delegated Authority to Consent to Heritage Permits

Current Due Date: September 21, 2021
Proposed New Due Date: September 19, 2023

19EE - Angela Riley respecting a Request for a Taxi Stand

Current Due Date: September 20, 2022
Proposed New Due Date: Late Q2 2023

21E - Temporary Amendments to the Cash-in-Lieu of Parking Policy for the Downtown Secondary Plan Area

Current Due Date: November 29, 2022
Proposed New Due Date: March 21, 2023

21Q - Options for Fee/Cost Recoveries for Multiple Requests for Same Property being removed from the Heritage Registry (Hamilton Municipal Heritage Committee Report 21-005)

Current Due Date: TBD
Proposed New Due Date: March 21, 2023

21Z - UHOPA and Zoning By-law Amendments for 1173 and 1203
Old Golf Links Road
Current Due Date: TBD
Proposed New Due Date: April 18, 2023

22D - OPA and Zoning By-law Amendments for 65 Guise Street
East (Pier 8, Block 16)
Current Due Date: March 22, 2022
Proposed New Due Date: April 18, 2023

22K - Condominium Conversion Policy Review
Current Due Date: TBD
Proposed New Due Date: March 21, 2023

22M - Temporary Use By-law - Outdoor Commercial Patios and
Temporary Tents (CI-20-F4)
Current Due Date: TBD
Proposed New Due Date: Q1 2024

(b) Items to be Removed:

19CC - Feasibility of Glanbrook Sports Park Being Included in the
Binbrook Village Urban Bounday
(Addressed as Item (b)(ii) in GIC Report 21-023)

20M - Non-Statutory Public Meeting for OPA and Zoning By-law
Amendments for 73-89 Stone Church Rd W and 1029 West 5th
Street
(Addressed as Item 5.1(e) on Planning Committee Report 22-003 -
LPAT/OLT decision issued)

21AA - Outdoor Dining Districts Extension
(Addressed as Item 6 in Planning Committee Report 22-003)

21BB - Bill 13, Proposed Supporting People and Businesses Act
(Addressed as Item 8 on Planning Committee Report 22-013)

21DD - Draft OPA as part of the Municipal Comprehensive Review
(Addressed as Item 7 on Planning Committee Report 22-001 and
Item 5.8(a) on Council Minutes 22-002)No

22E - OPA and Zoning By-law Amendments for 442-462 Wilson St E
(Addressed as Item 10 on Planning Committee Report 22-006)

22F - Nuisance Party By-law
(Addressed as Item 6 on Planning Committee Report 22-014)

22J - MCR/OPA Review - Phase I
(Addressed as Item 7 on Planning Committee Report 22-012)

22N - OPA and Zoning By-law Amendments for 510 Centennial
Parkway North
(Addressed as Item 13 on Planning Committee Report 22-013)

22O - Urban and Rural Official Plan Amendments to Implement Bill
13 and Bill 109
(Addressed as Item 8 on Planning Committee Report 22-013)

22P - Licensing Short-Term Rental (STR) Accommodations
(Addressed as Item 4 on Planning Committee Report 23-001)

(Spadafora/Tadeson)

That the agenda for the January 31, 2023 Planning Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

NOT PRESENT – 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
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – 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) January 31, 2023 (Item 4.1)

(Beattie/Hwang)

That the Minutes of the January 31, 2023 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

(d) DELEGATION REQUESTS (Item 6)

(i) Mike Burnet, ACORN, respecting a Landlord Registry (For the March 21st meeting) (Item 6.1)

(Hwang/Francis)

That the Delegation Request from Mike Burnet, ACORN, respecting a Landlord Registry be approved for the March 21, 2023 Planning Committee meeting.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

NOT PRESENT – 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

YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(e) PUBLIC HEARINGS (Item 10)

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

In accordance with the provisions of the *Planning Act*, Acting Chair J.P. Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the 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) Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) (Item 10.1)

Devon Morton, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Cassar/Hwang)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

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

(Cassar/Spadafora)

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

Result: Motion CARRIED by a vote of 11 to 0, as follows:

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

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

(Cassar/Beattie)

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

Result: Motion CARRIED by a vote of 11 to 0, as follows:

NOT PRESENT – 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
 YES – Ward 13 Councillor A. Wilson

YES – Ward 14 Councillor M. Spadafora

YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 2.

(ii) Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) (Item 10.2)

Devon Morton, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(McMeekin/Hwang)

That the staff presentation be received.

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

NOT PRESENT – 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

YES – Ward 15 Councillor T. McMeekin

Andrew Hannaford with MHBC, was in attendance and indicated support for the staff report.

(McMeekin/Cassar)

That the delegation from Andrew Hannaford with MHBC, be received.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

Registered Delegations:

The following Delegations addressed the Committee:

- (i) Mark Schroeder (Item 10.2 (a)) (in person)

Chair Danko called three times for any additional public delegations and the following Delegations came forward:

- (ii) Andy MacLaren (Added Item 10.2 (a)(ii))
- (iii) Alex Varghese (Added Item 10.2(a)(iii))
- (iv) Margaret Woolley (Added Item 10.2(a)(iv))
- (v) Jeff Holdright (Added Item 10.2(a)(v))
- (vi) Murray Sylvester (Added Item 10.2(a)(vi))

(McMeekin/Kroetsch)

- (a) That the following public submissions (Item 10.2(a)) regarding this matter were received and considered by the Committee; and,

- (i) Mark Schroeder, with Concerns regarding the development
- (ii) Andy MacLaren, with Concerns regarding the development
- (iii) Alex Varghese, with Concerns regarding the development
- (iv) Margaret Woolley, with Concerns regarding the development
- (v) Jeff Holdright, with Concerns regarding the development
- (vi) Murray Sylvester, with Concerns regarding the development

- (b) That the public meeting be closed.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 3.

(iii) Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (Ward 10) (Item 10.3)

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

(Beattie/Spadafora)

That the staff presentation be received.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

Ryan Ferrari with A.J. Clarke and Associates, was in attendance and indicated support for the staff report.

(Beattie/Spadafora)

That the delegation from Ryan Ferrari with A. J. Clarke and Associates, be received.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

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

(Beattie/Spadafora)

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

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 4.

(iv) Application for a Zoning By-law Amendment for Lands Located at 198 Lover's Lane, Ancaster (PED23041) (Ward 12) (Item 10.4)

Mark Michniak, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Cassar/Spadafora)

That the staff presentation be received.

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

NOT PRESENT – 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
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

James Thomas with A.J. Clarke & Associates, was in attendance and indicated support for the staff report.

(Cassar/Hwang)

That the delegation from James Thomas with A.J. Clarke & Associates, be received.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

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

(Cassar/Spadafora)

- (a) That the public 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 10 to 0, as follows:

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 5.

- (v) Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for 2782 Barton Street East, Hamilton (PED23024) (Ward 5) (Item 10.5)**

(Francis/Tadeson)

That the staff presentation be waived.

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

NOT PRESENT – 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
YES – Ward 15 Councillor T. McMeekin

Ryan Ferrari with A.J. Clarke & Associates, was in attendance and indicated support for the staff report.

(Francis/Tadeson)

That the delegation from Ryan Ferrari with A.J. Clarke & Associates, be received.

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

NOT PRESENT – 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
YES – Ward 15 Councillor T. McMeekin

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

(Francis/Tadeson)

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

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 6.

(vi) Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) (Item 10.6)

Mark Michniak, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Tadeson/Hwang)

That the staff presentation be received.

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

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

Jacob Dickie with Urban in Mind, was in attendance and indicated support for the staff report.

(Tadeson/Beattie)

That the delegation from Jacob Dickie with Urban in Mind, be received.

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

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

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

(Tadeson/Beattie)

- (a) That the public 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 9 to 0, as follows:

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

For disposition of this matter, refer to Item 7.

(Kroetsch/Tadeson)

That the Committee recess from 12:15 p.m. to 12:45 p.m.

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

NOT PRESENT – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – 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
 NOT PRESENT – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(vii) Implementation of Changes to Section 41 of the Planning Act - Site Plan Approval, in Response to Provincial Bill 23, More Homes Built Faster Act, 2022 (PED23043) (City Wide) (Item 10.7)

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

(Spadafora/Cassar)

That the staff presentation be received.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

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

(Kroetsch/Spadafora)

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

(b) That the public meeting be closed.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 8.

(viii) City Review of Residential Developments Exempted from Site Plan Control by Bill 23 (PED23045) (City Wide) (Item 10.8)

Binu Korah, Manager of Engineering Approvals, addressed the Committee with the aid of a PowerPoint presentation.

(Beattie/Tadeson)

That the staff presentation be received.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

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

(Beattie/Tadeson)

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

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 9.

(f) DISCUSSION ITEMS (Item 11)

(i) Municipal Housing Pledge (PED23056) (City Wide) (Item 11.1)

Christine Newbold, Manager of Sustainable Communities, addressed the Committee with the aid of a PowerPoint presentation.

(Tadeson/Cassar)

That the staff presentation be received.

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

(Hwang/Spadafora)

That the following written submission be received:

- (i) Lou Piriano, Realtors Association of Hamilton-Burlington (Added Item 11.1 (a)(i))

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

NOT PRESENT – 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
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 10.

- (ii) **Inclusionary Zoning - Housing Needs Assessment (PED23044(a)) (City Wide) (Outstanding Business List Item) (Item 11.2)**

Tiffany Singh, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

(Kroetsch/Hwang)

That the staff presentation be received.

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

NOT PRESENT – 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
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 11.

(g) NOTICES OF MOTION (Item 13)

(i) Establishment of a Proactive By-law Team to Work with Industrial and Commercial Partners (Item 13.1)

Councillor Hwang introduced the following Notice of Motion respecting Establishment of a Proactive By-law Team to Work with Industrial and Commercial Partners:

WHEREAS, section 128 of the Municipal Act, 2001 authorizes the City to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could be public nuisances;

WHEREAS, certain kinds of noise are or could become public nuisances;

WHEREAS, section 8, 9 and 10 of the Municipal Act, 2001 authorizes the City to pass by-laws necessary or desirable for municipal purposes, including by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of the persons;

WHEREAS, Council deems it desirable to establish standards for the maintenance and occupancy of certain properties, so that owners and occupants provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of the properties; WHEREAS, Council receives numerous complaints from residents about the air and noise pollution coming from some of the industrial and commercial industries; and,

WHEREAS, Council considers it in the public interest to enforce these by-laws, amend the by-laws or draft new by-laws.

THEREFORE BE IT RESOLVED:

(a) That Licensing and By-law Services staff be directed to report back to the Planning Committee by Q4 2023, in advance of the 2024 Budget deliberations, on the scope, budget and resourcing for a 2024 pilot project that would review existing and potential new by-laws related to the impacts of commercial and industrial operations in industrial and commercial areas of Hamilton and establish a proactive by-law team.

(ii) Consolidating Consent and Zoning Applications for the Same Lands (Added Item 13.2)

Councillor Kroetsch introduced the following Notice of Motion respecting Consolidating Consent and Zoning Applications for the Same Lands:

That staff report back to the Planning Committee in Q1 of 2024 with options and considerations with respect to consolidating applications for consents with applications for zoning amendments before the Planning Committee, where the applications are dealing with the same lands.

(iii) Request to Appeal to the Ontario Land Tribunal for 64 Lover's Lane (Added Item 13.3)

(Cassar/Beattie)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Request to Appeal to the Ontario Land Tribunal for 64 Lover's Lane.

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

NOT PRESENT – 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
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson

YES – Ward 14 Councillor M. Spadafora

YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 12.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 14)

(i) Outstanding Business List (Added Item 14.1)

(Kroetsch/Cassar)

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

(a) Items Requiring New Due Dates:

12B - Request to Designate 437 Wilson Street East (Ancaster)

Current Due Date: December 7, 2021

Proposed New Due Date: March 21, 2023

14A - Adding 206, 209 and 210 King St E to the Register of
Property of Cultural Heritage Value or Interest

Current Due Date: December 7, 2021

Proposed New Due Date: March 21, 2023

17B - Designation of the Gore District as a Heritage Conservation
District

Current Due Date: September 21, 2021

Proposed New Due Date: April 18, 2023

18D - Consultation on the Regulatory Content of Bill 7

Current Due Date: April 2022

Proposed New Due Date: March 21, 2023

18L - Review of C6 and C7 Zoning Regulations

Current Due Date: November 29, 2022

Proposed New Due Date: March 21, 2023

19B - Modifications and Updates to the City of Hamilton Zoning By-
law No. 05-200

Current Due Date: June 14, 2022

Proposed New Due Date: March 21, 2023

19P - Corporate Policy for Official Planning Notification During Mail
Strikes

Current Due Date: September 21, 2021

Proposed New Due Date: April 18, 2023

19U - Heritage Designation Process and Delegated Authority to Consent to Heritage Permits
Current Due Date: September 21, 2021
Proposed New Due Date: September 19, 2023

19EE - Angela Riley respecting a Request for a Taxi Stand
Current Due Date: September 20, 2022
Proposed New Due Date: Late Q2 2023

21E - Temporary Amendments to the Cash-in-Lieu of Parking Policy for the Downtown Secondary Plan Area
Current Due Date: November 29, 2022
Proposed New Due Date: March 21, 2023

21Q - Options for Fee/Cost Recoveries for Multiple Requests for Same Property being removed from the Heritage Registry (Hamilton Municipal Heritage Committee Report 21-005)
Current Due Date: TBD
Proposed New Due Date: March 21, 2023

21Z - UHOPA and Zoning By-law Amendments for 1173 and 1203 Old Golf Links Road
Current Due Date: TBD
Proposed New Due Date: April 18, 2023

22D - OPA and Zoning By-law Amendments for 65 Guise Street East (Pier 8, Block 16)
Current Due Date: March 22, 2022
Proposed New Due Date: April 18, 2023

22K - Condominium Conversion Policy Review
Current Due Date: TBD
Proposed New Due Date: March 21, 2023

22M - Temporary Use By-law - Outdoor Commercial Patios and Temporary Tents (CI-20-F4)
Current Due Date: TBD
Proposed New Due Date: Q1 2024

(b) Items to be Removed:

19CC - Feasibility of Glanbrook Sports Park Being Included in the Binbrook Village Urban Bounday
(Addressed as Item (b)(ii) in GIC Report 21-023)

20M - Non-Statutory Public Meeting for OPA and Zoning By-law Amendments for 73-89 Stone Church Rd W and 1029 West 5th Street

(Addressed as Item 5.1(e) on Planning Committee Report 22-003 - LPAT/OLT decision issued)

21AA - Outdoor Dining Districts Extension

(Addressed as Item 6 in Planning Committee Report 22-003)

21BB - Bill 13, Proposed Supporting People and Businesses Act

(Addressed as Item 8 on Planning Committee Report 22-013)

21DD - Draft OPA as part of the Municipal Comprehensive Review

(Addressed as Item 7 on Planning Committee Report 22-001 and Item 5.8(a) on Council Minutes 22-002)No

22E - OPA and Zoning By-law Amendments for 442-462 Wilson St E

(Addressed as Item 10 on Planning Committee Report 22-006)

22F - Nuisance Party By-law

(Addressed as Item 6 on Planning Committee Report 22-014)

22J - MCR/OPA Review - Phase I

(Addressed as Item 7 on Planning Committee Report 22-012)

22N - OPA and Zoning By-law Amendments for 510 Centennial Parkway North

(Addressed as Item 13 on Planning Committee Report 22-013)

22O - Urban and Rural Official Plan Amendments to Implement Bill 13 and Bill 109

(Addressed as Item 8 on Planning Committee Report 22-013)

22P - Licensing Short-Term Rental (STR) Accommodations

(Addressed as Item 4 on Planning Committee Report 23-001)

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

NOT PRESENT – 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
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(i) PRIVATE AND CONFIDENTIAL (Item 15)

(i) Closed Session Minutes – January 31, 2023 (Item 15.1)

(Beattie/Hwang)

That the Closed Session Minutes dated January 31, 2023 be approved, as presented, and remain confidential.

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

NOT PRESENT – 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
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

(Spadafora/Beattie)

That Committee move into Closed Session for Items 15.2, 15.3 and 15.4 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:

NOT PRESENT – 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
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 14 Councillor M. Spadafora
 YES – Ward 15 Councillor T. McMeekin

- (ii) **Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-009) and Zoning By-law Amendment Application (ZAC-22-018) for lands located at 651 Queenston Road, Hamilton (LS23001/PED22184(a)) (Ward 5) (Item 15.2)**

For disposition of this matter, refer to Item 13.

- (iii) **Appeal to the Ontario Land Tribunal on the City of Hamilton's approval of Official Plan Amendment (OPA 102) and Zoning By-law Amendment (By-law 18-114) being the updated Downtown Hamilton Secondary Plan and Implementing Zoning By-law, for the lands located at 215-231 Main Street West, 62 and 64 Hess Street South, and 67-69 Queen Street South (LS19037(a)/PED19198(a)) (Ward 2) (Item 15.3)**

For disposition of this matter, refer to Item 14.

- (iv) **Appeal to the Ontario Land Tribunal (OLT) for Refusal of Zoning By-law Amendment Application (ZAR-18-057) for Lands Located at 130 Wellington Street South (LS23005) (Ward 2) (Item 15.4)**

For disposition of this matter, refer to Item 15.

- (j) **ADJOURNMENT (Item 16)**

(Spadafora/McMeekin)

That there being no further business, the Planning Committee be adjourned at 5:15 p.m.

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

NOT PRESENT – 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
NOT PRESENT – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
YES – Ward 15 Councillor T. McMeekin

Councillor J.P. Danko
Acting Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with Subsections 22(7) and 34(11), of the *Planning Act*, an Official Plan Amendment (OPA) Application and a Zoning By-law Amendment Application, may be appealed to the Ontario Land Tribunal (OLT) after 120 days if Council has not made a decision on the applications.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OLT.

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment (UHOPA) Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032, which have been appealed for lack of decision.

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: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15) - Page 2 of 4

INFORMATION

The subject property is municipally known as 909 North Waterdown Drive. The subject property is rectangular in shape and is located on the northside of North Waterdown Drive having a total lot area of 16.21 hectares. The portion of the lands that are proposed to be developed are irregular in shape (refer to Appendix “A” attached to Report PED23062) and roughly 1.86 hectares in size and fall within the Hamilton Urban Boundary.

Applications UHOPA-22-018 and ZAC-22-032 were submitted on April 25, 2022 and were deemed complete on May 16, 2022. On October 20, 2022, 178 days after the receipt of the application, an appeal was received.

PROPOSED DEVELOPMENT

The proposed development is for 84, three storey stacked townhouse dwellings arranged in six blocks, referred to as “Kaleidoscope Phase 3”, and for an eight to 15 storey multiple dwelling of up to 150 units, referred to as “Kaleidoscope Phase 4”.

The stacked townhouse dwellings would be supported with two parking spaces (one driveway parking space, and one garage parking space), as well as 24 surface parking spaces for visitors. The multiple dwelling would be supported with 128 underground parking spaces and 11 surface parking spaces. Also proposed are two amenity areas totalling 1,594 square metres and a private road (refer to Appendix “B” attached to Report PED23062).

The subject lands were previously subject to an UHOPA Application (UHOPA-17-006) and a Zoning By-law Amendment Application (ZAC-17-016) to permit 104 stacked townhouses arranged in ten blocks at three storeys high, with density of approximately 45 units per gross hectare. These applications were appealed to the OLT in March 2020, due to lack of decision, and on November 8, 2021 the OLT issued decision PL200274 ordering the appeals to be refused as the previous proposal’s reduced density did not align with or contribute to the City’s vision for the Waterdown North Secondary Plan.

The Applicant submitted the following studies/reports in support of the proposal:

- Planning Justification Report;
- Functional Servicing Report;
- Stormwater Management Report;

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15) - Page 3 of 4

- Traffic Impact Study;
- Geotechnical Report;
- Hydrogeological Report;
- Environmental Impact Study;
- Tree Protection Plan;
- Noise Study; and,
- Urban Design Report.

These reports and studies were circulated to internal and external review agencies for comment on May 19, 2022.

OFFICIAL PLAN AMENDMENT APPLICATION

The OPA Application is to amend the Waterdown North Secondary Plan to redesignate the lands from Low Density Residential 2 to High Density Residential 1, redesignate a portion of the High Density Residential 1 lands to Natural Open Space and establish a Site Specific Policy Area in the Secondary Plan that would permit a minimum density of 100 units per gross residential hectare and a maximum density of 175 units per gross residential hectare.

ZONING BY-LAW AMENDMENT APPLICATION

The Zoning By-law Amendment application proposes to rezone the property from Agriculture “A” Zone to a site specific Medium Density Residential “R6” Zone, in Town of Flamborough Zoning By-law No. 90-145-Z and to add a portion of the lands to City of Hamilton Zoning By-law No. 05-200 as a site specific Conservation/Hazard Land (P5) Zone.

A number of site specific modifications are proposed to implement the proposed stacked townhouses, including:

- Reductions to the minimum setback requirements;
- Reductions to the minimum parking requirements; and,
- Reductions to the minimum landscaping requirements.

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15) - Page 4 of 4

City Staff's Review and Comments:

Issues/concerns identified through the circulation include:

- An updated Environmental Impact Study based on up to date staking of the Core Area features on site was not provided. Staking occurred in 2014 as part of the previous Official Plan and Zoning By-law Amendment applications submitted; however, as per the City of Hamilton's Environmental Impact Statement (EIS) Guidelines, field data from previous studies may be used as a secondary source of information, but must be updated if collected more than five years ago;
- An updated Traffic Impact Study including an updated parking review, truck access and circulation and an updated Transportation Demand Management section is required;
- An updated Noise Study with the most recent traffic data is required;
- A revised draft amending Zoning By-law is required; and,
- A revised concept plan showing an enhanced primary pedestrian route to the interior and rear of the site.

Public Consultation

The applicant's Public Consultation Strategy was to follow the public notification process prescribed by the *Planning Act*. On May 19, 2022, a notice of complete application was sent to residents within 120 metres of the subject lands.

To date staff have not received written submissions from residents in opposition or support of the development.

APPENDICES AND SCHEDULES ATTACHED

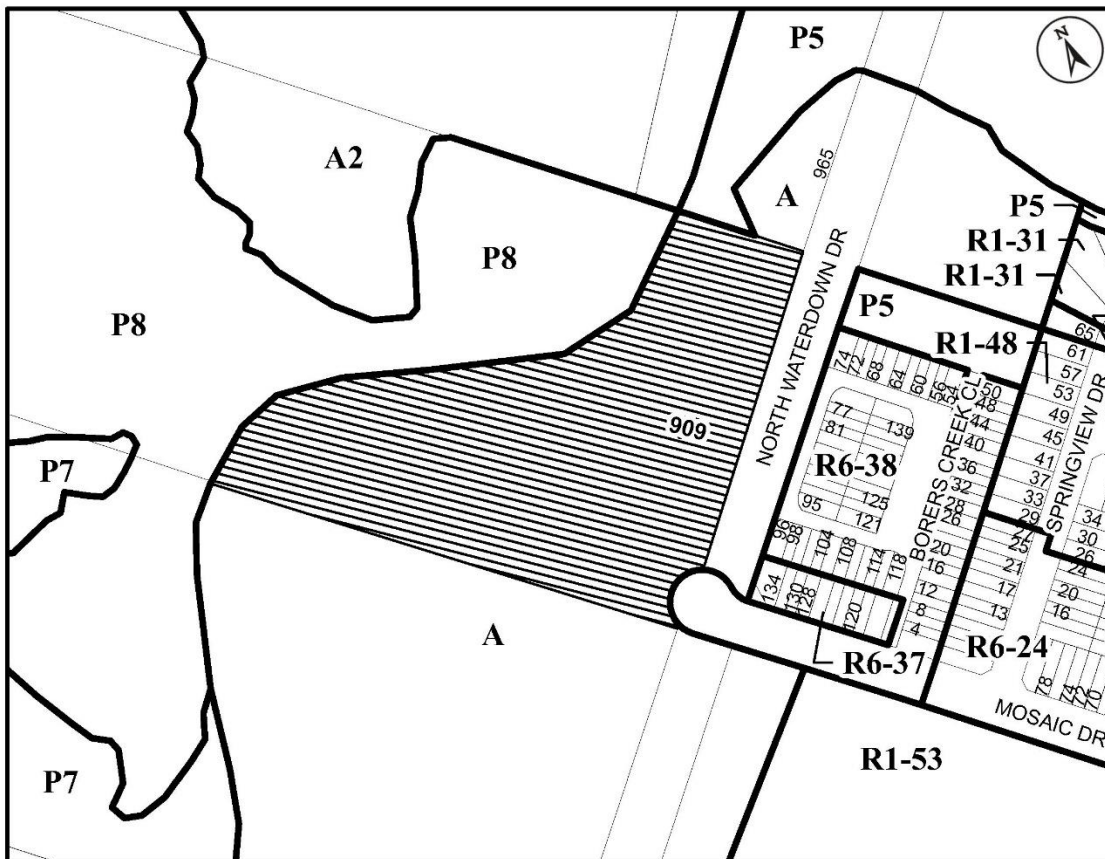
Appendix "A" to Report PED23062 - Location Map

Appendix "B" to Report PED23062 - Site Plan

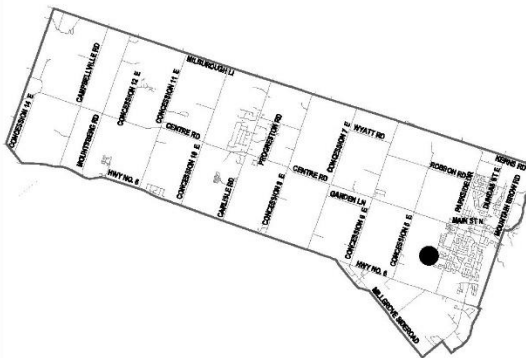
Appendix "C" to Report PED23062 - Letter of Appeal

JVR:sd

Appendix "A" to Report PED23062
Page 1 of 1



● Site Location



Key Map - Ward 15

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-032 & UHOA-22-018


Date:
May 13, 2022

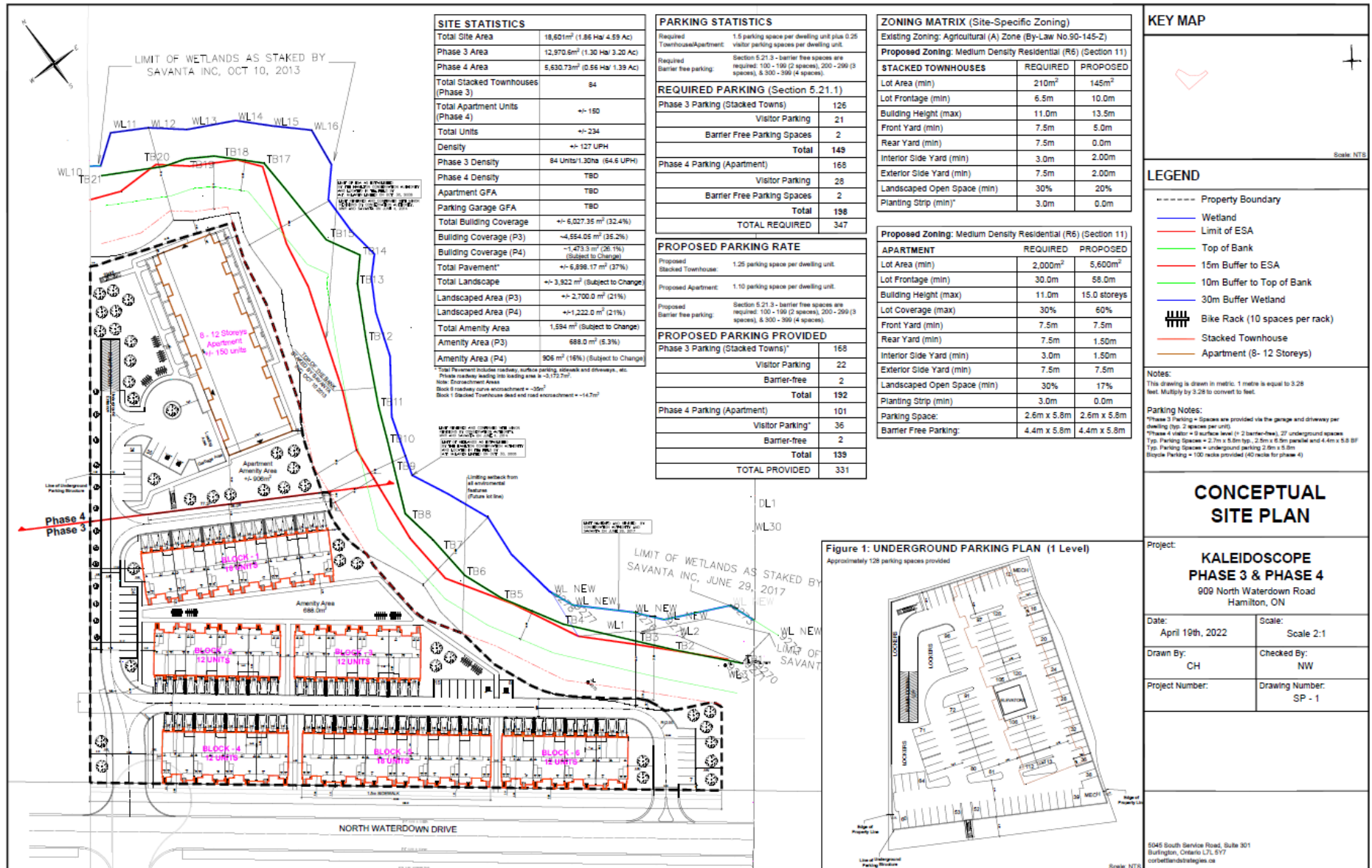
Appendix "A"

Scale:
N.T.S

Planner/Technician:
AB/VS

Subject Property

 909 North Waterdown Drive



October 20, 2022

DELIVERED BY COURIER AND E-MAIL

Ms. Andrea Holland
City Clerk
Corporation of the City of Hamilton
71 Main Street West, 1st Floor
Hamilton, Ontario
L8P 4Y5

Dear Ms. Holland:

**Re: Notice of Appeals Pursuant to Section 22(7) and 34(11) of the
Planning Act, R.S.O. 1990, c. P. 13, as amended – Liv
Developments Ltd. - 909 North Waterdown Drive, Waterdown,
Part of Lot 10 Concession 4, City of Hamilton
City of Hamilton File Nos. UHOPA-22-018 & ZAC-22-032**

We are counsel for Liv Developments Ltd., the owners of the above referenced lands in the City of Hamilton.

Liv Developments Ltd., through its land use planning consultants, Corbett Land Strategies Inc., filed applications to amend both the Official Plan and the Comprehensive Zoning By-law of the City of Hamilton in respect of the above referenced property on April 11, 2022. The applications were deemed complete by the City of Hamilton on May 16, 2022.

To date the City of Hamilton has failed to adopt the Official Plan Amendment and neglected to make a decision on the Zoning By-law Amendment.

This letter will serve as our client's Notice of Appeal of Hamilton Council's failure to adopt the requested Official Plan Amendment Application pursuant to Section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. This letter will also serve as our client's Notice of Appeal of Hamilton Council's neglect to make a decision on the Zoning By-law pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Please find enclosed our firm's cheque in the amount of \$2200.00, payable to the "Minister of Finance – Ontario", which we understand to be the required combined

Royal Building
277 Lakeshore Road East, Suite 211
Oakville ON L6J 1H9



Toronto Meeting Rooms
Brookfield Place, 161 Bay Street, Suite 2700
Toronto ON M5J 2S1

fee for these types of appeals. Please also find enclosed one set of completed Form "A1" of the Ontario Land Tribunal, for inclusion with the documentation you will forward to the Ontario Land Tribunal.

Our client is of the opinion that the applications as submitted are consistent with the Provincial Policy Statement 2020, issued under Section 3 of the *Planning Act*. We also are of the opinion that the applications are in conformity with the Growth Plan for the Greater Golden Horseshoe, which is the Provincial Plan in effect and applicable to these lands. We believe the applications that were submitted constitute good land use planning.

We trust that you will now prepare a record and forward the prescribed material to the Ontario Land Tribunal within fifteen days of the receipt of this notice, in compliance with Sections 22(9) and 34(23) of the *Planning Act*.

Thank you for your cooperation in respect of this matter.

Yours very truly,



Russell D. Cheeseman

cc. Mr. Andrew Mulder (via e-mail)
Mr. Eldon Darbyson (via e-mail)
Mr. John Corbett (via e-mail)
Mr. Nick Wood (via e-mail)



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
 Tel: 416-212-6349 | 1-866-448-2248
 Web Site: olt.gov.on.ca

Appeal Form (A1)

Municipal/Approval Authority Date Stamp	Receipt Number (OLT Office Use Only)	Date Stamp – Appeal Received by OLT
	OLT Case Number (OLT Office Use Only)	

Please complete this Appeal Form by following the instructions in the companion document titled “Appeal Form Instructions”. Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal’s [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information				
Last Name:			First Name:	
Mulder			Andrew	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
LIV Developments Ltd.				
Email Address:				
amulder@livhere.ca				
Daytime Telephone Number:			Alternative Telephone Number:	
289-245-1300	ext.	518		
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
301	1005	Skyview Road		
City/Town:	Province:	Country:	Postal Code:	
Burlington	Ontario	Canada	L7P 5B1	

Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name:		First Name:	
Cheeseman		Russell	

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):
 Barrister and Solicitor

Email Address:
 rdcheese@aol.com

Daytime Telephone Number:		Alternative Telephone Number:	
416-955-9529	ext.	416-520-9854	

Mailing Address

Unit Number:	Street Number:	Street Name:	P.O. Box:
Ste 211	277	Lakeshore Road East	

City/Town:	Province:	Country:	Postal Code:
Oakville	Ontario	Canada	L6J 1H9

Note: If your representative is not licensed under the *Law Society Act*, please confirm that they have your written authorization, as required by the *OLT Rules of Practice and Procedure*, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.

I certify that I understand that my representative is not licensed under the *Law Society Act* and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.

Location Information

Are you the current owner of the subject property? Yes No

Address and/or Legal Description of property subject to the appeal:
 909 North Waterdown Drive, Waterdown

Municipality:
 City of Hamilton

Upper Tier (Example: county, district, region):
 N/A

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Official Plan Amendment	Planning Act	22(7)
2	Zoning By-law Amendment	Planning Act	34(11)
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
x	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A

<input type="checkbox"/>	Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information	
Number of new residential units proposed:	
234	
Municipal Reference Number(s):	
UHOPA-22-018 and ZAC-22-032	
List the reasons for your appeal:	
<p>Please see attached Letter dated October 20, 2022.</p>	
Has a public meeting been held by the municipality? <input type="checkbox"/> Yes x No	
For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:	
A: A decision of a Council or Approval Authority is:	
<input type="checkbox"/> Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the <i>Planning Act</i> <input type="checkbox"/> Fails to conform with or conflicts with a provincial plan <input type="checkbox"/> Fails to conform with an applicable Official Plan	
And	
B: For a non-decision or decision to refuse by council:	
<input checked="" type="checkbox"/> Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i> <input checked="" type="checkbox"/> Conformity with a provincial plan <input type="checkbox"/> Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan	

If it is your intention to argue one or more of the above grounds, please explain your reasons:

Please see attached Letter dated October 20, 2022.

Oral/Written submissions to council
Did you make your opinions regarding this matter known to council?
<input type="checkbox"/> Oral submissions at a public meeting of council
<input type="checkbox"/> Written submissions to council
<input checked="" type="checkbox"/> Not applicable

Related Matters
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <u>Section 3B Checklist(s)</u> located <u>here</u> and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information
Outline the grounds for the appeal and the relief requested:
Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission’s website (www.escarpment.org))

--

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all “Filed Only” Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

--

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

--

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

--

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

--

Respondent Information

Conservation Authority:

--

Contact Person:

--

Email Address:

--

Daytime Telephone Number:		ext.		Alternative Telephone Number:
---------------------------	--	------	--	-------------------------------


--	--	--	--	--

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 6 Checklist(s) located here and submit all documents listed on the checklist.			

Section 7 – Filing Fee

Required Fee			
Please see the attached link to view the OLT Fee Chart .			
Total Fee Submitted: \$ 2200.00			
Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>
	<input type="checkbox"/>	Credit Card	
		Money Order	x
		Lawyer's general or trust account cheque	
If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.			
If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the Fee Reduction request form .			
<input type="checkbox"/> Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)			

Section 8 – Declaration (Mandatory)

Declaration		
I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete. By signing this appeal form below, I consent to the collection of my personal information.		
Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Russell D. Cheeseman		2022/10/20
Personal information or documentation requested on this form is collected under the authority of the <i>Ontario Land Tribunal Act</i> and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the <i>Freedom of Information and Protection of Privacy Act</i> and section 9 of the <i>Statutory Powers Procedure Act</i> , all information collected is available to the public subject to limited exceptions.		
We are committed to providing services as set out in the <i>Accessibility for Ontarians with Disabilities Act, 2005</i> . If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.		

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation	
You must file your Appeal Form with the appropriate authority(s) by the filing deadline.	
If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.
If the completed Section is:	You must file with the following:

Section 3A	<p align="center">Municipality or the Approval Authority/School Board</p> <p align="center">*If you are filing under the <i>Ontario Heritage Act</i>, including under s. 34.1(1), please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.</p>	
Section 3A & 3B or Section 4A or Section 4B or Section 6	<p align="center">Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5</p> <p align="right">Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca</p>	
Section 5	<p align="center">For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p align="center">File with: NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1 Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p align="center">For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p align="center">File with: NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1 Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>

NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.



WELCOME TO THE CITY OF HAMILTON

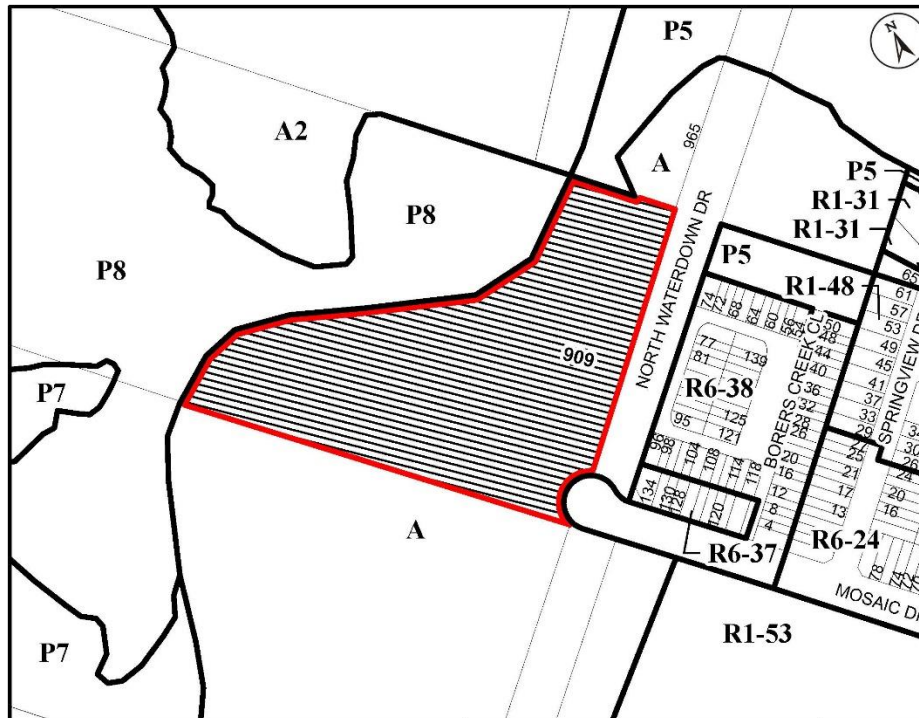
PLANNING COMMITTEE

March 21, 2023

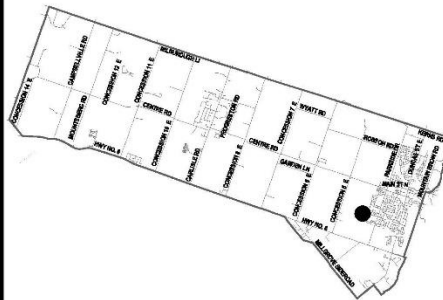
PED23062 – (ZAC-22-032 & UHOPA-22-018)

Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Flamborough.

Presented by: James Van Rooi



● Site Location



Key Map - Ward 15

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
 ZAC-22-032 & UHOPA-22-018

Date:
 May 13, 2022

Appendix "A"

Scale:
 N.T.S.

Planner/Technician:
 AB/VS

Subject Property



909 North Waterdown Drive



SUBJECT PROPERTY



909 North Waterdown Drive, Flamborough



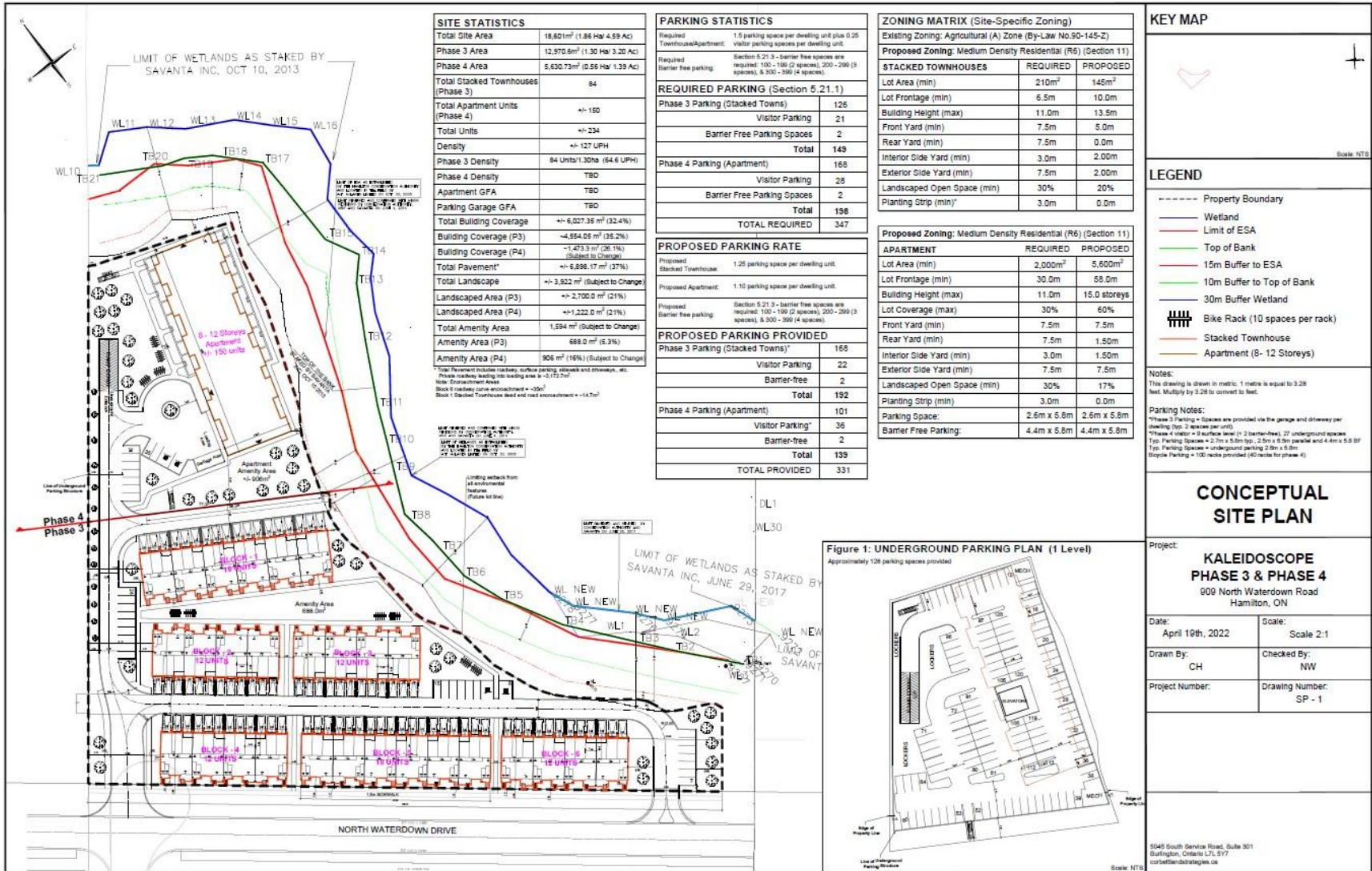


Figure 1: UNDERGROUND PARKING PLAN (1 Level)
 Approximately 126 parking spaces provided





Subject Site



View Subject Lands from end of Mosaic Drive



View on North Waterdown Drive looking away from Mosaic Drive



View of North Waterdown Drive looking towards Mosaic Drive



View of Mosaic Drive looking towards Parkside Drive



View of Subject lands from wetland end



View of townhouses on opposite side of North Waterdown Drive



View of conservation land, singles and towns on opposite side of NWD



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook (PED23057) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Devon Morton (905) 546-2424 Ext. 1384
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with subsections 22(7) and 34(11) of the *Planning Act*, an Official Plan Amendment Application together with a Zoning By-law Amendment Application may be appealed to the Ontario Land Tribunal (OLT) after 120 days if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding Council's non-decision, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OLT.

The following information is provided to Planning Committee with regards to Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050, which have been appealed by the proponent for non-decision.

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: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook (PED23057) (Ward 11) – Page 2 of 4

INFORMATION

The subject lands are municipally known as 3064, 3070, 3078 and 3084 Regional Road No. 56 (refer to Appendix “A” attached to Report PED23057). The applicant, MHBC Planning Urban Design and Landscape Architecture, c/o Stephanie Mirtitsch, on behalf of 1583123 Ontario Inc. (Owner), has applied for amendments to the Urban Hamilton Official Plan (UHOPA-22-023) and Zoning By-law No. 05-200 (ZAC-22-050).

The subject lands encompass four interior lots, a corner lot and a small land-locked lot, all generally rectangular in shape, with a combined area of approximately 5,441.52 square metres (approximately 1.35 acres). Four lots front onto Regional Road No. 56 with a total of 81.42 metres of frontage and one lot has 19.12 metres of frontage onto Viking Drive. The subject lands are surrounded by low density residential (single detached and townhouse dwellings) and commercial uses. The lots fronting onto Regional Road No. 56 are currently occupied with vacant single detached dwellings, of which, one was previously used for commercial purposes (chiropractic clinic).

The Owner proposes to develop a six-storey residential building with 116 dwelling units and 145 vehicular parking spaces. The applicant has provided a Concept Plan and Architectural Renderings and the required studies and reports in support of the application (see Appendix “B” and Appendix “C” attached to Report PED23057).

The application was received on July 20, 2022, deemed complete on July 22, 2022 and circulated to internal departments and external review agencies for comment on August 5, 2022. The appeal of the Official Plan Amendment and Zoning By-law Amendment, filed by Jennifer Meader (Turkstra Mazza), agent for 1583123 Ontario Inc. (Owner), was received by the City Clerk’s Office on November 22, 2022, 123 days after the applications were deemed complete.

A Submission to the City’s Design Review Panel (DRP) was requested by City staff. To date, a submission to DRP has not been made.

Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200

The subject lands are designated “Mixed Use - Medium Density” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP) and further designated “Mixed Use - Medium Density – Pedestrian Focus” on Land Use Plan Map B.5.1-1 of the Binbrook Village Secondary Plan.

The subject lands are zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone pursuant to City of Hamilton Zoning By-law No. 05-200 (refer to Appendix “A” attached to Report PED23057).

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook (PED23057) (Ward 11) – Page 3 of 4

Official Plan Amendment Application

The Applicant is requesting an Official Plan Amendment to establish a site-specific policy area to:

- Permit a multiple dwelling whereas the use is not permitted;
- Permit a maximum building height of six storeys whereas the maximum permitted building height is three storeys; and,
- Redesignate a portion of the lands from “Neighbourhoods” to “Mixed Use-Medium Density – Pedestrian Focus”.

Zoning By-law Amendment Application

The Applicant is requesting a Zoning By-law Amendment to change the zoning from Mixed Use Medium Density – Pedestrian Focus (C5a) Zone to a site specific Mixed Use Medium Density – Pedestrian Focus (C5a) Zone to:

- Allow a Multiple Dwelling as a permitted use whereas the use is not permitted;
- Permit a maximum building height of 20.0 metres whereas a maximum building height of 11.0 metres is permitted;
- Permit a maximum setback from Viking Drive of 7.84 metres whereas a maximum setback of 3.0 metres is permitted;
- Permit a minimum rear yard setback of 7.0 metres whereas a minimum rear yard setback of 7.5 metres is required; and,
- Permit a minimum of 35% of the area of the ground floor façade facing the street to be composed of doors and windows whereas 60% of the area of the ground floor façade facing the street is to be composed of doors and windows.

The requested modifications are conceptually shown on the Concept Plan and Architectural Renderings (see Appendix “B” and Appendix “C” attached to Report PED23057).

City Staff’s Review and Comments

Staff have concerns with the proposed building height and introduction of residential units on the ground floor. More specifically, the proposed building height does not achieve the planned vision of the area as established in the Binbrook Village Secondary Plan and the introduction of residential units on the ground floor of a pedestrian-focused area equates to a loss of potential commercial development and impacts the commercial function of the Community Core.

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application
UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-
050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road
No. 56, Glanbrook (PED23057) (Ward 11) – Page 4 of 4**

At the time of appeal, City staff have technical concerns with the Functional Servicing Report.

Public Consultation

Notice of Complete Application was circulated to property owners within 120 metres of the subject property on August 3, 2022.

To date staff have received a total of eleven written submissions opposed to the development. Concerns raised relate to loss of privacy, increased noise, increased traffic, depreciation of home values, reduced safety, loss of views, loss of sunlight, increased pollution, increased taxes, added pressure on education system, length of construction, loss of tree canopy, loss of character, compensation, access and parking.

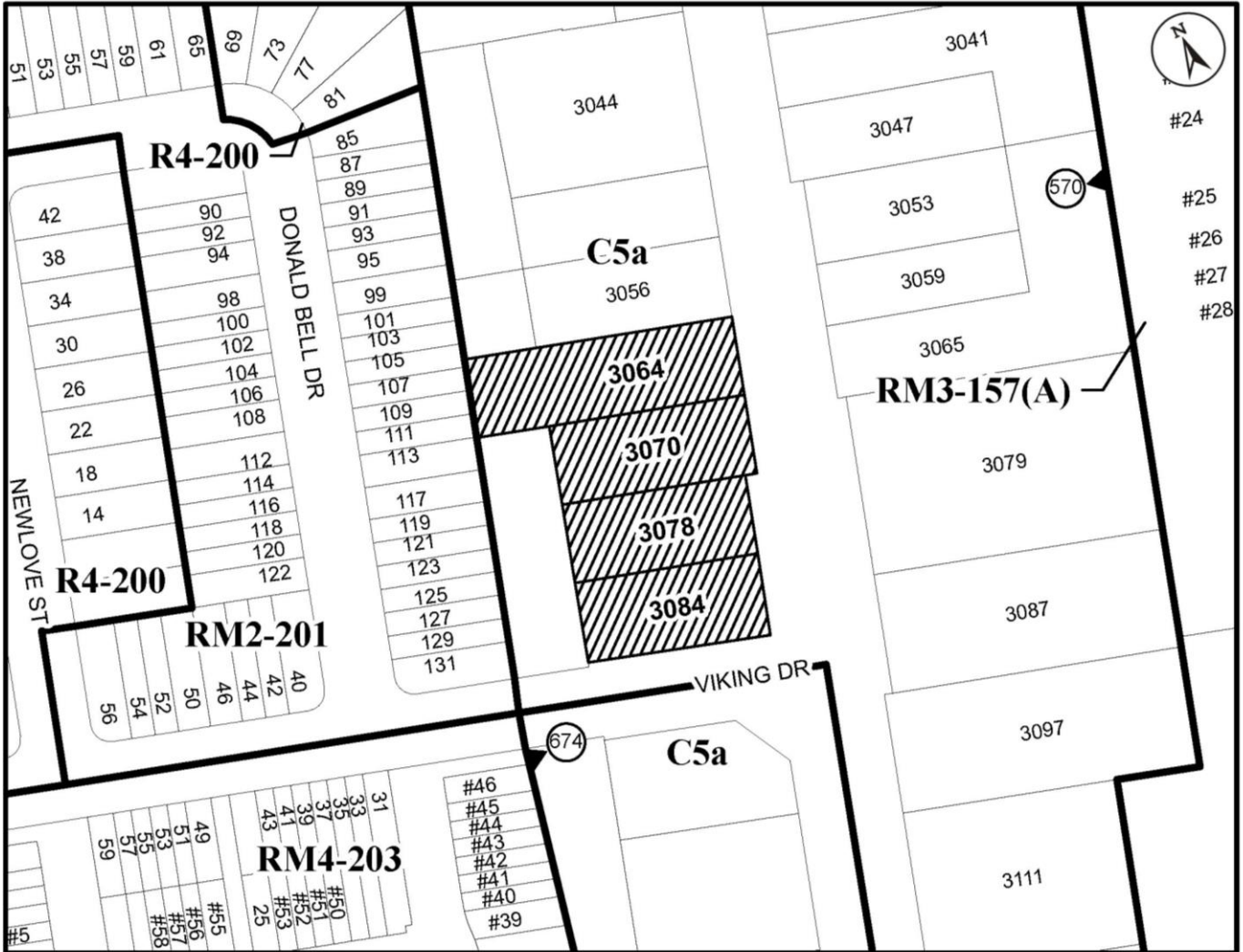
The Applicant submitted a Public Engagement Strategy which suggested a Community Information Meeting may be required following discussions with the Ward Councillor and City staff. Given the amount of public input received related to the proposal, staff recommended the Applicant proceed with the Community Information Meeting, however, the applications were appealed before the Community Information Meeting was scheduled.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23057 – Location Map
Appendix “B” to Report PED23057 – Concept Plan
Appendix “C” to Report PED23057 – Architectural Renderings
Appendix “D” to Report PED23057 – Letter of Appeal

DM:sd

Appendix "A" to Report PED23057
Page 1 of 1



● Site Location

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-050

Date:
July 25, 2022

Appendix "A"

Scale:
N.T.S.

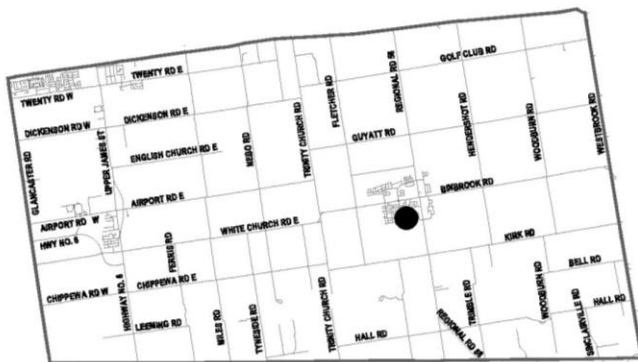
Planner/Technician:
DM/VS

Subject Property

3064, 3070, 3078, 3084 Regional Road 56



Change in Zoning from the "Mixed Use Medium Density – Pedestrian Focus" (C5a, 570) Zone to the "Mixed Use Medium Density – Pedestrian Focus" (C5a, XXX) Zone, Modified



Key Map - Ward 11

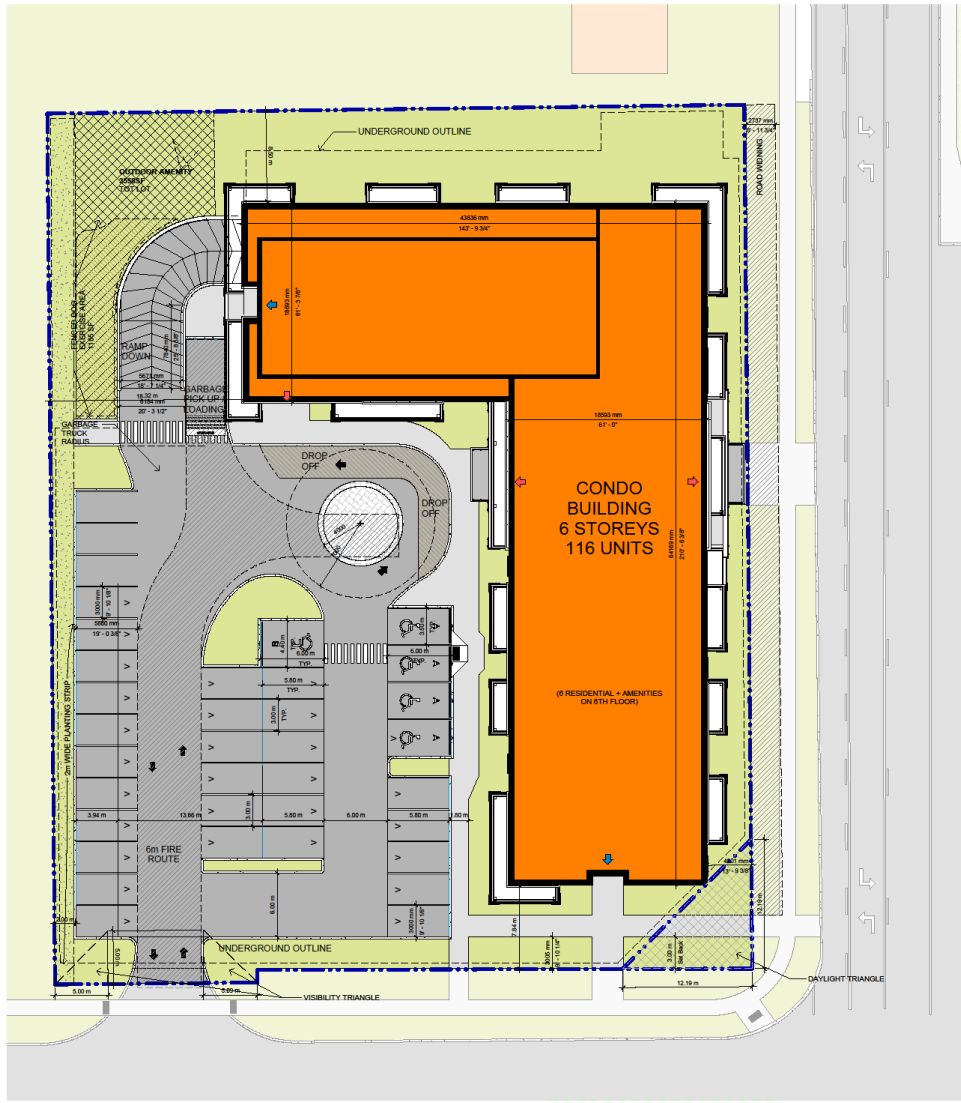


Appendix "B" to Report PED23057
Page 1 of 1

Chamberlain Architects
Constructors
Managers

Chamberlain Architect
Services Limited
4071 Pabulum Way (Unit 1)
Burlington, Ontario L7M 0W0
CANADA
Phone: 905.631.7777
www.chamberlainPD.com

NO.	ISSUED	DATE



VIKING DRIVE

1 Site Plan
A001 / 1:200

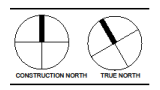
	REQUIRED	PROPOSED
MINIMUM PARKING - MULTIPLE DWELLING CSA Z941 - UNITS GREATER THAN 800 SQUARE METRES IN GFA	1.0 PER UNIT 116 SPACES REQUIRED	145 SPACES PROVIDED INCLUDING 24 VISITOR SPACES
MINIMUM PARKING - MULTIPLE DWELLING CSA Z941 - UNITS GREATER THAN 800 SQUARE METRES IN GFA	1.25 PER UNIT 145 SPACES PERMITTED	145 SPACES PROVIDED
BARRIER FREE PARKING - 1% - 200 SPACES	MINIMUM 1 SPACE, 1% OF THE TOTAL NUMBER OF REQUIRED PARKING SPACES: 4 SPACES REQUIRED	5 PROPOSED

SITE STATISTICS			
DESCRIPTION	AREA (SQM)	AREA (SQF)	PERCENTAGE
BUILDING FOOTPRINT			
BUILDING FOOTPRINT	1654.08 m ²	17804 R ²	31.1%
HARD LANDSCAPE	1654.08 m ²	17804 R ²	31.1%
GRASS	54.78 m ²	580 R ²	1.0%
BALCONY	120.88 m ²	1296 R ²	2.3%
ASPHALT	1682.93 m ²	18115 R ²	31.7%
PAVER	38.40 m ²	414 R ²	0.7%
SEWALK	350.25 m ²	3750 R ²	6.5%
SOFT LANDSCAPE	1400.75 m ²	15078 R ²	26.4%
LANDSCAPE	1400.75 m ²	15078 R ²	26.4%
	5311.07 m ²	57168 R ²	100.0%
OVERALL SITE	5441.52 m ²	58572 R ²	100.0%

AMENITY SPACE PROVIDED - SCHEDULE			
Name	Area	Count	%
AMENITY	331 m ²	3	50%
OUTDOOR AMENITY	480 m ²	5	100%
	727 m ²	8	100%

UNIT NUMBER - OVERALL		
Count		%
116		100%
116		100%

THIS SITE PLAN IS BASED UPON AND MUST BE READ IN CONJUNCTION WITH THE SITE SPECIFICATIONS AND GENERAL AMENITY PROVIDED. SERVICES LISTED ABOVE ARE NOT GUARANTEED FOR THE ACCURACY OF THE INFORMATION PROVIDED. CHAMBERLAIN ARCHITECTS AND MANAGERS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED. CHAMBERLAIN ARCHITECTS AND MANAGERS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED. CHAMBERLAIN ARCHITECTS AND MANAGERS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED.



WINDWOOD 3

3064, 3070, 3078, and 3084
Regional Road 56, Binbrook

CONCEPTUAL
SITE PLAN

STATE DATE: 2020-12-10
DRAWN BY: ME / RU / SD / SR
CHECKED BY: JM
SCALE: 1 : 200
PROJECT NO.: 119029

DRAWING:
A001

Appendix "C" to Report PED23057
Page 1 of 6



Appendix “C” to Report PED23057
Page 2 of 6



Appendix "C" to Report PED23057
Page 3 of 6



Appendix “C” to Report PED23057
Page 4 of 6



Appendix “C” to Report PED23057
Page 5 of 6



Appendix "C" to Report PED23057
Page 6 of 6





OFFICE OF THE CITY CLERK

NOV 22 2022

REF'D TO _____

REF'D TO _____

REF'D TO _____

ACTION _____

Jennifer Meader
 Turkstra Mazza Associates
 15 Bold Street
 Hamilton Ontario Canada L8P 1T3
 Office: 905.529.3476 x2740
 Cell: 416.605.0508
jmeader@tmalaw.ca

November 21, 2022

VIA EMAIL & COURIER

City of Hamilton
71 Main Street West
Hamilton, Ontario L8P 4Y5

Attention: Andrea Holland, City Clerk

Dear Ms. Holland:

Re: NOTICE OF APPEAL
3064, 3070, 3078, and 3084 Regional Road 56, Binbrook, Hamilton (Windwood 3)
Failure to Make a Decision to Amend Official Plan
Failure to Make a Decision to Amend Zoning By-Law
Municipal File Nos. UHOPA-22-023, ZAC-22-050, and FC-21-070

We represent 1583123 Ontario Inc. ("Losani"), owner of lands municipally known as 3064, 3070, 3078, and 3084 Regional Road 56, within the community of Binbrook, within the City of Hamilton ("Subject Lands"). On April 25, 2022, our client submitted an Official Plan Amendment and Zoning By-law Amendment Application (together, the "Applications") to the City of Hamilton ("City") to permit the development of a six-storey residential apartment building containing 116 residential units and amenity space ("Development Proposal").

Given that more than 120 days have passed since the Applications were submitted and the City has failed to make a decision, we hereby appeal the Applications to the Ontario Land Tribunal, pursuant to subsection 34(11) and 22(7) of the *Planning Act*, R.S.O., c. P.13 ("Planning Act").

THE SUBJECT LANDS

The Subject Lands are located at the corner of Regional Road 56 and Viking Drive, are comprised of six parcels, and have an area of approximately 0.54 hectares (1.3 acres). The Subject Lands contain three existing buildings and accessory structures, which are currently vacant and are proposed for demolition.

Generally, surrounding land uses include the following:

JENNIFER J MEADER PROFESSIONAL CORPORATION
 TURKSTRA MAZZA ASSOCIATES

- West: Directly west of the Subject Lands are residential townhouse uses. Further to the west are single detached residential uses.
- North: Directly north of the Subject Lands are large lot residential uses designated for mixed use development. Further to the north is Binbrook Road and the Binbrook core area containing commercial amenities and uses including a pharmacy, bank, restaurants, the Binbrook Library and post office.
- East: Directly east of the Subject Lands is Regional Road 56 which is a minor arterial road through the settlement area of Binbrook, providing a connection to the Hamilton settlement areas to the north. On the east side of Regional Road 56 are large lot residential and commercial uses designated for mixed use development.
- South: Directly south of the Subject Lands is Viking Drive. On the south side of Viking Drive is a residential apartment building under construction. Further to the south includes Binbrook Trails hiking area, located along the stormwater management corridor, and additional residential uses.

The Subject Lands are designated Mixed Use - Medium Density and Neighbourhoods in the Urban Hamilton Official Plan ("UHOP") and Mixed Use - Medium Density – Pedestrian Focus in the Binbrook Village Secondary Plan ("SP"). An Official Plan Amendment is required to redesignate a portion of the lands from Neighbourhoods to Mixed Use – Medium Density – Pedestrian Focus, and to amend the SP to permit the proposed multiple residential use and an increase in building height.

DEVELOPMENT PROPOSAL

The Subject Lands measure approximately 5,442 square metres in size and were previously used for residential and commercial purposes. One six-storey residential apartment building is proposed, which will front onto Regional Road 56, which is an arterial road. The Development Proposal includes 145 surface and underground off-street parking spaces at a parking ratio of 1.25 spaces per unit.

The overall vision for the Development Proposal is a medium density residential building along Regional Road 56 that will integrate into both the existing neighbourhood to the west and the transitioning corridor along Regional Road 56.

Sidewalk and pedestrian walkways are located throughout the Subject Lands and provide convenient and safe connections to buildings, landscaped areas and future adjacent developments. The internal driveway and vehicular network are accessed by a main entrance way to the south portion of the Subject Lands, minimizing conflict points and disruption to public sidewalks. An internal drive aisle loop and drop-off turn circle are proposed within the internal road network to accommodate anticipated traffic volume and provide efficient vehicle movement within the Subject Lands.

BASIS FOR APPEAL

The reasons for appealing the Applications include but are not limited to the following:

JENNIFER J MEADER PROFESSIONAL CORPORATION
TURKSTRA MAZZA ASSOCIATES

1. The Applications have appropriate regard to matters of provincial interest set out in section 2 of the Planning Act.
2. The Applications are consistent with the Provincial Policy Statement, 2020.
3. The Applications conform to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.
4. The Applications meet the intent and purpose of the UHOP.
5. The Applications meet the intent and purpose of the SP.
6. The Applications represent good planning and are in the public interest.

A detailed analysis of applicable provisions from the legislation and policy documents enumerated above are set out in the Planning Justification Report prepared by MHBC, dated April 2022, and which is attached to this Notice of Appeal.

FORM AND FEE

In satisfaction of OLT's processing requirements, enclosed please find:

1. The Planning Justification Report
2. The required OLT Appeal Form A1; and
3. A cheque in the amount of \$2,200 as the OLT's requisite appeal fee.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned. Otherwise, we thank you for your receipt of this appeal package.

Yours truly,



Jennifer Meader



KITCHENER
WOODBIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

PLANNING JUSTIFICATION **REPORT**

OFFICIAL PLAN AMENDMENT AND
ZONING BY-LAW AMENDMENT

3064, 3070, 3078 and 3084 Regional Road 56
Binbrook, City of Hamilton

Date:

April, 2022

Prepared for:

Losani Homes

Prepared by:

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)

540 Bingemans Centre Drive, Suite 200

Kitchener, Ontario

T: 519.576.3650

F: 519.576.0121

Our File 14196BN

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Figure 2 – Context Plan

Figure 3 – Concept Plan

Figure 4 – A Place to Grow – Schedule 2

Figure 5 – Urban Hamilton Official Plan Land Use Schedule E1

Figure 6 – Binbrook Village Secondary Plan Land Use Plan

Figure 7 – Existing Zoning

Figure 8 – Proposed Zoning

LIST OF APPENDICES

Appendix A – Formal Consultation Agreement

Appendix B – Draft Official Plan Amendment

Appendix C – Draft Zoning By-law

1.0 INTRODUCTION

MHBC Planning has been retained by Losani Homes to prepare a Planning Justification Report and applications for development of the lands municipally known as 3064, 3070, 3078, and 3084 Regional Road 56, in Binbrook, Hamilton, Ontario (the "subject lands"). The subject lands are legally described as Part of Block 130, Registered Plan 62M-1062 and Part of Lot 1, Block 4, Concession 4 in the Geographic Township of Binbrook, in the City of Hamilton. In order to permit the proposed development, amendments to the Urban Hamilton Official Plan and Zoning By-law are required.

The subject lands are located on the west side of Regional Road 56 between Viking Drive and Binbrook Drive, as shown on **Figure 1**. The subject lands are presently occupied by vacant residential and commercial buildings and accessory structures.

The proposal includes the removal of the existing buildings for the redevelopment of the lands with multiple residential uses. The proposed redevelopment contemplates a 6-storey building containing a total of 116 residential units and amenity space. One vehicular access is proposed from Viking Drive. Parking is provided at surface and below grade for a total of 145 parking spaces including barrier free and visitor parking.

The subject lands are designated 'Mixed Use – Medium Density' and 'Neighbourhoods' in the Urban Hamilton Official Plan and 'Mixed Use – Medium Density – Pedestrian Focus' in the Binbrook Village Secondary Plan. The land use designation of the subject lands permits residential uses including multiple dwellings.

The intent of the Official Plan and Zoning By-law Amendments are to establish a land use planning framework for the proposed residential development. This planning report assesses the planning framework related to the proposed use of the lands and includes the following:

- An introduction and general description of the subject lands, surrounding land uses and existing conditions to provide an understanding of the locational and policy context;
- Overview of the proposed development and applications;
- Description of the overall land use planning and design elements of the proposed development
- Review of existing policy framework and assessment of consistency with the Provincial Policy Statement and conformity with the Growth Plan, Urban Hamilton Official Plan and Binbrook Village Secondary Plan; and
- Consideration and integration of recommendations and conclusions from the supporting studies and reports.

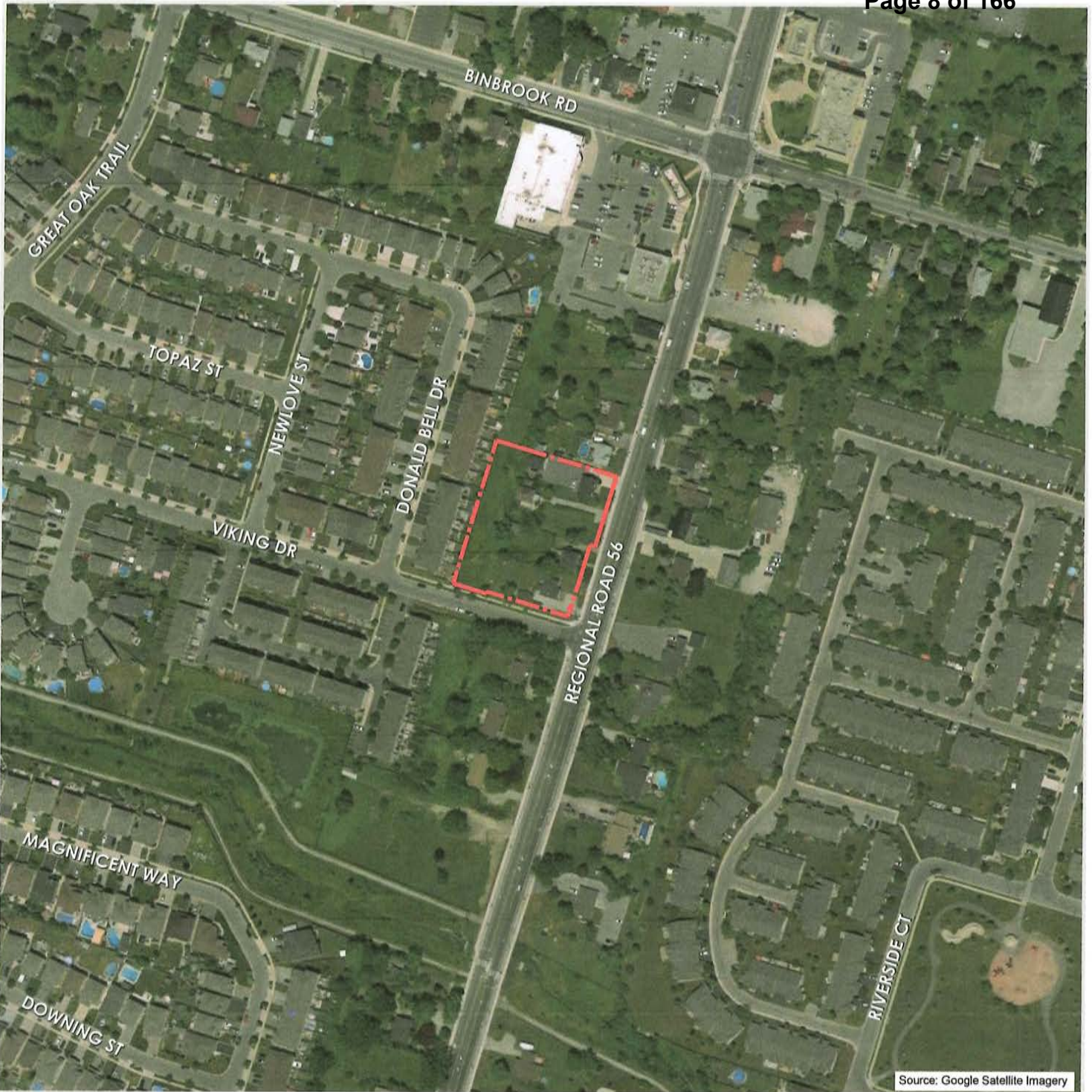



Figure 1:
Location Plan

LEGEND

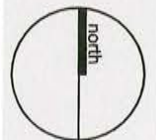
 Subject Lands

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BN

DRAWN: LC



K514196BN-HWY 56 BINBROOKRPTLOCATION_FEB2022.DWG

3064, 3070, 3078, & 3084 Regional Road 56
 Binbrook
 City of Hamilton

1.1 Formal-Consultation and Submission Requirements

A Formal Consultation meeting was held for the development of the subject lands on June 24, 2021 and a copy of the Formal Consultation Document was issued on November 17, 2021, after a revised plan was provided to City Staff on September 15, 2021. The revised plan included the addition of the lands to the west of the lands municipally known as 3064, 3070, 3078, and 3084 Regional Road 56 and a revised building was incorporated with a unit count of 116 units.

The Formal Consultation Document identified the planning process required to permit the proposed development on site. A list of the technical requirements for the submission of a Complete Application was included in the Formal Consultation Document, which have been completed and included as part of this submission, as follows:

- Urban Design Brief
- Planning Justification Report
- Transportation Impact Study
- Noise Impact Study
- Functional Servicing Report
- Cultural Heritage Impact Study (CHIA)
- Geotechnical Report
- Archaeological Assessment
- Conceptual Site Plan
- Conceptual Elevations
- Survey Plan
- Tree Management / Protection Plan
- Engineering Plans
- Sun / Shadow Study

A brief summary of the technical reports are included in **Section 5.0** of this report and a copy of the Formal Consultation Document is included as **Appendix A** of this report.

2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The subject lands are located in Binbrook, at the northwest corner of Viking Drive and Regional Road 56. The subject lands have a frontage of approximately 69 metres on Viking Drive and 82 metres on Regional Road 56. Viking Drive is a local road and Regional Road 56 is a minor arterial road which travels north south through the settlement area of Binbrook. The location of the subject lands is shown on **Figure 1** of this report.

The subject lands are comprised of six individual parcels, and are municipally known as 3064, 3070, 3078, and 3084 Regional Road 56. The four municipally addressed lands and two vacant parcels located to the west have been incorporated into the proposed development. The subject lands have a total area of approximately 0.54 hectares.


The subject lands are occupied by existing residential and commercial buildings and accessory structures which are presently vacant. It is proposed to remove the existing buildings on the lands, allowing for the construction of the proposed residential apartment use.

The subject lands are surrounded by commercial and residential uses and a context plan is included as **Figure 2** of this report. Generally, surrounding land uses include the following:

- WEST:** Directly west of the subject lands are residential townhouse uses. Further to the west are single detached residential uses.
- NORTH:** Directly north of the subject lands are large lot residential uses designated for mixed use development. Further to the north is Binbrook Road and the Binbrook core area containing commercial amenities and uses including a pharmacy, bank, restaurants, the Binbrook Library and post office.
- EAST:** Directly east of the subject lands is Regional Road 56 which is a minor arterial road through the settlement area of Binbrook, providing a connection to the Hamilton settlement areas to the north. On the east side of Regional Road 56 are large lot residential and commercial uses designated for mixed use development.
- SOUTH:** Directly south of the subject lands is Viking Drive. On the south side of Viking Drive is a residential apartment building under construction. Further to the south includes



Figure 2:
Context Plan

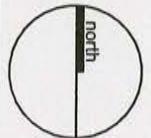
LEGEND
 Subject Lands

DATE: February 2022

SCALE: 1: 7,500

FILE: 14196BN

DRAWN: LC



K:\14196BN- HWY 56 BINBROOK\PTCONTEXT.DWG

3064, 3070, 3078, & 3084 Regional Road 56
 Binbrook
 City of Hamilton

MHBC PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
 200-540 BINGEMANS CENTRE DR. WICHERIEP, ON. N2B 3K9
 P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

Binbrook Trails hiking area, located along the stormwater management corridor, and additional residential uses.

In general, the subject lands are surrounded by a mix of residential, commercial and recreational uses. The main commercial area of Binbrook is located to the north and within a 5-minute walking distance (400 metres) of the subject lands and contains commercial amenities including a food market, pharmacies, financial institutions, restaurants, and public services (i.e., library, fire station, post office, and learning centre). Further to the north and within a 10-minute walking distance (800 metres) is a food store and the Binbrook Agricultural Society providing community recreation opportunities. Additional commercial amenities are located to the south of the subject lands and within a 5-minute walking distance including restaurants, a medical office and hair salons.

In terms of institutional uses, two elementary schools (St. Matthew Catholic Elementary School and Bellmore Public school) are located within a 1-kilometre radius of the subject lands. The Binbrook Public Library is located within walking distance of the subject lands providing community programs and services. A number of churches are located in proximity of the subject lands providing additional community opportunities.

The subject lands are located within a 5-minute distance of the Binbrook Trail which is located along the stormwater management corridor that travels throughout the settlement area. The trail provides connections throughout Binbrook facilitating a connection to a number of parks and uses including Southbrook Park, Laidman Park, St. Matthew Elementary School, Fairgrounds Community Park, Bellmoore Elementary School. Binbrook Park is located to the north, in close proximity to the subject lands, and is adjacent to the Binbrook Agricultural Society grounds. Overall, the subject lands are well-located to existing recreational uses.

Pedestrian infrastructure exists along the frontage of the property on Regional Road 56 and Viking Drive. Designated bike lanes are located along Regional Road 56 and continue north and south through the settlement area. Bike lanes are also located on Binbrook Road, Fall Fair Way and Bradley Avenue providing additional connections to key locations including Fairgrounds Community Park, Binbrook Park, the public elementary schools in the area, and commercial amenities. The Binbrook Trail provides an additional recreational bike path encouraging safe active transportation.

In summary, the site is well-located and in close proximity to a range of uses including commercial, institutional and recreational uses. The site is well connected to the minor arterial road network and is situated in an ideal location for future transit services. The subject lands are located in an area in proximity to existing pedestrian infrastructure and bike lanes supporting active transportation in the Binbrook settlement area.

3.0 PROPOSED DEVELOPMENT AND APPLICATIONS

The overall vision for the development of the site is for a medium density, six-storey residential building along Regional Road 56 that will integrate into both the existing neighbourhood to the west and the transitioning corridor along Regional Road 56. A concept plan is included in this report as **Figure 3**.

3.1.1 SITE DESIGN

The site measures approximately 5,442 square metres in size and was previously used for residential and commercial purposes. On the lands is proposed to be developed at one (1) six storey residential apartment building fronting onto Regional Road 56, which is an arterial road. The proposal includes 145 surface and underground off-street parking spaces at a parking ratio of 1.25 spaces per unit.

The overall vision for the development of the site is for a medium density residential building along Regional Road 56 that will integrate into both the existing neighbourhood to the west and the transitioning corridor along Regional Road 56.

As illustrated in **Figure 3**, the proposed redevelopment concept contemplates a six storey residential building with frontage on Regional Road 56. The proposed development will assist in animating the street frontage along Regional Road 56 with a similar design to Windwood 1 and Windwood 2 which are located to the south. The proposal has been designed to create an attractive residential development that functions as a pedestrian oriented space and animates the regional road.

The location of the various building types are strategically located to ensure compatibility with uses on the subject property and adjacent lands. The proposed building is located towards Regional Road 56, while surface parking and amenity spaces are located to the rear of the subject property, closer to the adjacent low density residential neighbourhoods. The buffer between the adjacent land uses maintains the employment and village focus of the area from Regional Road 56 and the Binbrook Community Core while also accommodating the residential development.

Sidewalk and pedestrian walkways are located throughout the development and provide convenient and safe connections to buildings, landscaped areas and future adjacent. The internal driveway and vehicular network is accessed by a main entrance way to the south portion of the subject lands, minimizing conflict points and disruption to public sidewalks. An internal drive aisle

Figure 3:
Concept Plan

3064, 3070, 3078, & 3084 Regional Road 56
Brimack
City of Hamilton

LEGEND
Subject Lands

DATE: April 2022
SCALE: As Noted
FILE: 14196SN
DRAWN: LC



City of Hamilton
Sustainable
Development
Department

Conceptual Site Plan
Subject Lands

3064, 3070, 3078, & 3084 Regional Road 56
Brimack
City of Hamilton

www.hamilton.ca



DESCRIPTION	AREA (SQ FT)	NO. OF UNITS	PREVALENCE
RESIDENTIAL CONDOMINIUM	100,000 SF	116 UNITS	25%
OFFICE	50,000 SF	0 UNITS	10%
RETAIL	20,000 SF	0 UNITS	5%
INDUSTRIAL	10,000 SF	0 UNITS	2%
COMMERCIAL	5,000 SF	0 UNITS	1%
OTHER	15,000 SF	0 UNITS	3%
TOTAL	200,000 SF	116 UNITS	100%

PROPERTY TYPE	NO. OF UNITS	%
RESIDENTIAL CONDOMINIUM	116	100%
OFFICE	0	0%
RETAIL	0	0%
INDUSTRIAL	0	0%
COMMERCIAL	0	0%
OTHER	0	0%

NO. OF UNITS	%
116	100%



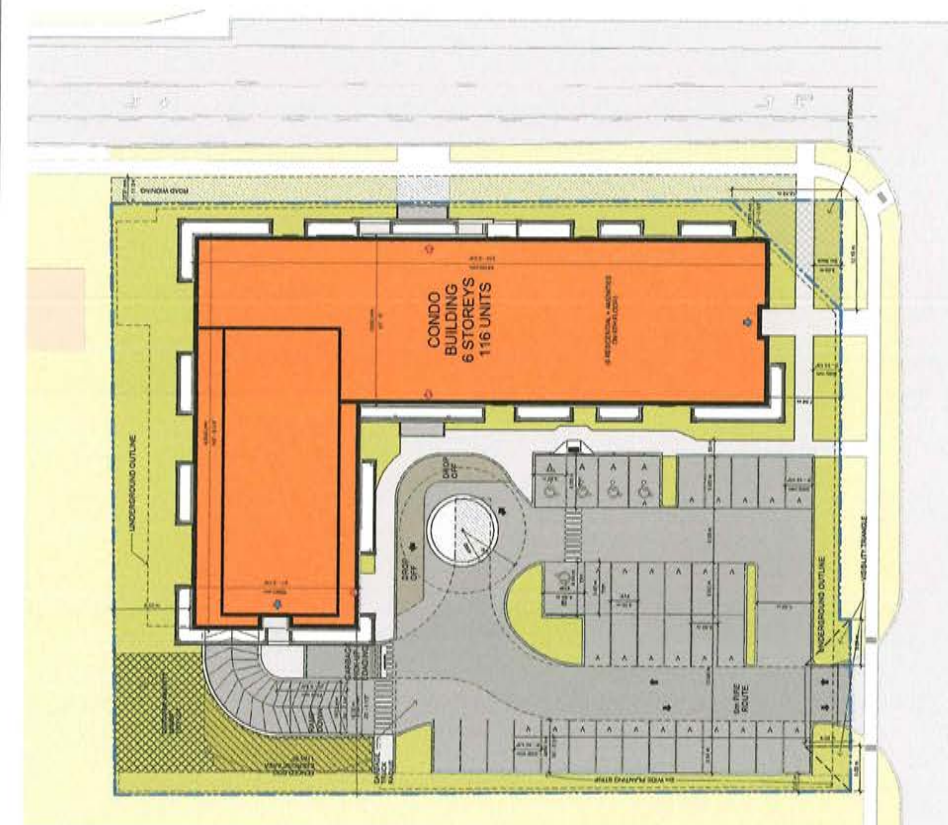
WINDWOOD 3

3064, 3070, 3078, & 3084 Regional Road 56, Brimack

CONCEPTUAL SITE PLAN

PROJECT NO: 2020-10-10
DATE: 11-2020
SCALE: 1:200
DRAWN: LC

A001



VIKING DRIVE



loop and drop-off turn circle are proposed within the internal road network to accommodate anticipated traffic volume and provide efficient vehicle movement within the proposed development.

The six storey residential apartment building is proposed to front onto Regional Road 56, consisting of 116 residential units. Access to the apartment building is proposed directly from the entrance on the Regional Road 56 frontage, as well as from internal drop-off turn circle. Surface parking and access to the underground parking level is proposed to the rear and south of the residential building, screening parking from the public street.

Waste collection and loading areas are located away from sidewalks and pedestrian walkways. The subject lands are generally flat with only minor grading changes proposed. Detailed design elements, such as lighting and signage, will be reviewed during the site plan stage.

In total, the proposed development will provide 116 residential dwelling units through built form types that provide a range of unit sizes to accommodate different demographics, and will provide appropriate transition from the community core uses to the north, and commercial uses to the east and south.

3.1.2 BUILDING DESIGN

The proposed architectural design consists of one (1) six storey residential apartment building.

The architectural façade of the building will provide for a contemporary appearance through the use of durable, yet contextual sensitive colour and material palette. The façade design will include a mixture of materials, including various coloured bricks, concrete, glass, and metal to create a visual interest while respecting the surrounding character. These materials will be continuous for all building elevations to provide for a consistent and high quality appearance, which take cues from the surrounding residential, agricultural, and culturally significant built form appearance.

The proposed residential building will have transitions in its massing to create architectural interest. The appearance of bulk and mass is reduced through variations in the roof line and vertical plane. This approach avoids long, flat roof surfaces and sheer walls. The massing of the proposed development is divided through the use of varying high quality building materials to create a pedestrian scaled environment. Storeys one through three are comprised of brick and metal materials that resemble historic building materials of the Binbrook area. A distinguishable use of metal, various coloured brick and increased use of glazing create a visually appealing divide between upper and lower floors. Concrete materials form building entrance features and storeys four through six. The use and transition of varying building materials between the third and fourth storey maintain the streetscape and character of other developments along Regional Road 56.

The proposed architectural design and built form scale supports a pedestrian oriented streetscape setting through emphasizing pedestrian mobility and building street wall animation along the

internal streets, sidewalk and trail network. Building entrance points are planned to be highly visible from the road network and public amenity areas, with landscaping and enhanced architectural features.

The overall proposed building design demonstrates symmetry and rhythm while promoting a high quality design through the use of materials and street-level design.

3.1.3 LANDSCAPE DESIGN

The landscape plan seeks to provide an enhanced, functional, and attractive outdoor space. A shared amenity feature is proposed to connect the development, while providing pedestrian spaces to safely traverse the site. The creation of interconnected series of amenity and green spaces created a distinctly pedestrian urban environment to provide ample outdoor space for residents.

Pedestrian open spaces are located throughout the site, but active areas will be placed around the perimeter of the subject lands, for easy access from the proposed building. The materials and furnishings in the amenity space will be determined throughout the detailed design stage.

Trees will be considered throughout the amenity areas. Shade trees and plantings will be considered for pedestrian walkways to heighten the overall pedestrian experience.

The overall design of the parking and service areas are designed to mitigate the overall visual impact to the public realm. In order to strengthen the development's pedestrian amenities, car parking and service areas will be screened with thoughtfully placed vegetation and screening. Parking areas are located to the rear of the building and large canopy trees and understory will be considered to reduce the visual impact of the area. Paving materials will differ from parking lots to pedestrian crossings, which will provide visual cues as well as provide a richer pallet of materials. Detailed landscaped design will be incorporated at the site plan stage of development.

Above ground utilities and services will be located away from main pathways and screened with vegetation and decorative fencing as much as feasibly possible.

3.1.4 PEDESTRIAN AND VEHICULAR CIRCULATION

The siting of the proposed buildings on the subject lands will promote safe pedestrian linkages through a continuous pedestrian experience along the primary frontage of the building. Bicycle parking will be accessible near main entrance areas where feasible to supporting active transportation. A bicycle parking storage room is proposed within the underground parking garage, and at grade bicycle parking spaces will be provided near the building entrances. The internal pathway network proposed within the subject lands provides direct access from the surrounding neighbourhood, amenity space, and parking lot to the proposed residential building. The sidewalk and path network will connect to the building main entrances to ensure continuous access and safety for pedestrians.

The proposed entranceways and walkways will ensure barrier-free accessibility requirements are met by implementing sufficient walkway widths, gradual grade changes, and textured surface paving where appropriate. Wayfinding features, including bollard light fixtures and signage will be implemented where required to safely guide pedestrian movement. The building main entrances will be covered and weather-protected with appropriate lighting to create a comfortable and well-defined pedestrian arrival and departure experience.

Vehicle circulation is guided through a roundabouts located at the entrance of the building. A main internal road through the site provides access to the underground parking access area and surface visitor parking for the residential use. Drop-off areas are proposed for the building and provide convenient locations for deliveries, ridesharing services or other forms of transit.

3.1.5 SITE SERVICING AND PARKING

The proposed development will accommodate the majority of the 145 proposed parking spaces within one level of underground parking. Surface level parking is provided primarily for visitor and accessible parking spaces. The proposed parking arrangement and design will allow for a safe and continuous vehicular movement between the parking spaces and sidewalks while ensuring accessible parking needs are prioritized and situated in close proximity to building entrances to ensure barrier free access is provided. The proposed at grade parking areas will integrate appropriate landscape treatment and accent paving materials where feasible to enhance the pedestrian and building frontage experience at grade level and to ensure a high quality landscape transition is achieved.

The majority of the proposed parking is located through one underground parking, which limits the overall amount of surface parking. Underground parking access is provided by the internal driveway that connects the subject property to Viking Drive to the south. The underground parking will help to reduce surface level parking and provide opportunities for greenspace and landscaping.

Loading, storage and other services will be internalized and located at the rear and/or sides of the building to minimize impacts on landscaped open space. Access to loading, storage and servicing will be located efficiently to minimize impacts on vehicular and pedestrian traffic.

3.2 Summary of Official Plan Amendment Application

The subject lands are designated Mixed-Use Medium Density in the City of Hamilton Urban Hamilton Official Plan (UHOP) and further designated in the Binbrook Village Secondary Plan as Mixed Use – Medium Density – Pedestrian Focus.

An Official Plan Amendment is required to:

- Permit a multiple dwelling
- Permit a maximum building height of six storeys
- Redesignate a portion of the lands designated Neighbourhoods in the UHOP to Mixed Use – Medium Density – Pedestrian Focus to align with the remainder of the subject lands.

A draft Official Plan Amendment is enclosed as **Appendix B** to this Report.

3.3 Summary of Zoning By-law Amendment Application

A Zoning By-law Amendment is required to permit the proposed mixed use development and implement the Official Plan and Secondary Plan Amendment. The proposed zoning for the subject lands is Mixed-Use Medium Density (C5a) – Pedestrian Focus Zone with the following site-specific provisions:

- Permit a maximum building height of 20.0 metres.
- Permit Multiple Dwelling as a permitted use
- Permit a maximum streetline setback of 7.84 metres from Viking Drive
- Permit a reduced rear yard setback of 7 metres

Details of the proposed zoning are included in **Section 4.5** of this report. A draft Zoning By-law Amendment is enclosed as **Appendix C** to this Report.

4.0 PLANNING ANALYSIS

The following is a review of the provincial, regional and municipal land use policy framework related to the subject lands, and how the proposal has met those considerations.

4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) was issued by the Province of Ontario in accordance with Section 3 of the Planning Act. The 2020 PPS applies to all decisions regarding the exercise of any authority that affects a land use planning matter made on or after May 1, 2020.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure. The PPS encourages a diverse mix of land uses in order to provide choice and diversity to create complete communities. A variety of modes of transportation are required to facilitate pedestrian movement, active transportation opportunities and less reliance on the automobile. The PPS strongly encourages development that will provide long term prosperity, environmental health and social wellbeing. One of the key considerations of the PPS is that planning decisions 'shall be consistent' with the Policy Statement. The following is an analysis of the proposed development in the context of the policies in the PPS.

Settlement Areas (1.1.3)

The PPS states that Settlement Areas shall be the focus of growth and development, and that their vitality and regeneration shall be promoted. The proposed development is located within the City of Hamilton which is a designated Settlement Area. Further, land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- efficiently use land and resources;
- are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- minimize negative impacts to air quality and climate change, and promote energy efficiency;
- support active transportation;
- are transit-supportive, where transit is planned, exists or may be developed; and
- are freight-supportive.

As well, a range of uses and opportunities for intensification and redevelopment are encouraged.

The proposed development provides an opportunity for the development of underutilized parcels of land within an existing Settlement Area, which was previously used for low density residential and commercial uses. The proposed development will provide an additional 116 residential apartment units in an area that has existing municipal services, and primarily low density housing forms, and contribute to the mix of housing choice in the area.

The proposed development will have a density of 215 units per hectare, and will provide for a compact housing form, further minimizing the impacts on air quality and climate change. This density will support any future transit investments in the area.

As detailed in the Functional Servicing Report, prepared by S. Llewellyn and Associates, the subject lands are able to be serviced by municipal services.

Housing (1.4.3)

The PPS identifies that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households.
- Permitting and facilitating: all forms of housing required to meet the social, health, and well-being requirements of current and future residents, including special needs requirements; and all forms of residential intensification, including second units, and redevelopment;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- Establishing development standards for residential intensification, redevelopment and new residential development, which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed development will provide 116 units with a range and mix of unit sizes and contribute to the overall range and mix of housing types offered in Binbrook, which has primarily low density housing forms including single detached dwellings and townhouse dwellings. While the Binbrook Village Secondary Plan identifies a significant amount of residential land for development, there are limited opportunities for medium density residential planned for the area that would permit apartment uses. The proposed development will contain a mix of one bedroom, one bedroom plus

den, and two bedroom units, which will provide units for a broad demographic, and offer a more attainable housing choice.

Existing infrastructure and services are present in the area surrounding the proposed development and will be able to support the projected increase of 116 units.

Public Spaces, Recreation, Parks, Trails and Open Space (1.5.1)

The PPS identifies that healthy, active communities should be promoted by:

- planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- providing opportunities for public access to shorelines; and
- recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

The subject lands are proposed to contain a series of interconnected, sidewalks that provide connections throughout the development, and to Viking Drive and Regional Road 56, and connections to the surrounding parks and trails for recreational opportunities. Amenity spaces, both public and private, and landscaped areas are provided throughout the proposed development and offer opportunities for recreation and connection to adjacent land uses and environmental features.

Sewage, Water and Stormwater (1.6.6)

As per the PPS, municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

The subject lands are within a Settlement Area, and are located within an area with existing services. The subject lands will be able to provide for connections to full municipal services, as detailed in the Functional Servicing Report prepared by S. Llewellyn and Associates and submitted in support of these applications.

Transportation Systems (1.6.7)

The PPS identifies that transportation and land use considerations shall be integrated at all stages of the planning process. Further, it promotes multimodal transportation systems, and a land use

pattern, density and mix of uses which minimize the length and number of vehicle trips and support current and future use of transit as well as active transportation.

The subject site is located in close proximity to the intersection of Regional Road 56 (Highway 56) and Binbrook Road (Highway 65). Highway 56 provides northbound connections to Stoney Creek and Highway 65 provides westbound connections to Mount Hope and the Hamilton International Airport. Regional Road 56 offers connections into Stoney Creek and connections to the Red Hill Valley Parkway and Lincoln M. Alexander Parkway, for connections throughout the City.

Regional Road 56 was recently reconstructed in 2015 to provide for a mix of active transportation options, including delineated bicycle lanes and wide sidewalks connections. A multi-use trail exists to the South. Transit connections have been contemplated for the area, including trans-cab services. The proposed development will provide a transit supportive density for any future transit expansion in the area, and will be conveniently located for residents to access transit stops, as the building entrances are located onto Regional Road 56.

As a result of the existing road network connections and recently constructed active transportation infrastructure, the site is appropriately located for the amount of density proposed. As discussed above, pedestrian and cycling paths are proposed as part of the development and will provide access to the existing active transportation network.

Based on the above, the applications are consistent with the Provincial Policy Statement.

4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe ('A Place to Grow') came into effect on August 28, 2020. This Plan is the framework for implementing the Provincial Government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities to achieve a high quality of life.

The policies of A Place to Grow centres on the key themes of directing growth to Built-Up Area, intensification in strategic growth areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses.

Among the guiding principles of the plan include:

- Support the achievement of complete communities that are designed to support healthy and active living and meeting the needs of daily living.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.



Figure 4:

**A Place to Grow:
 Growth Plan for the
 Greater Golden
 Horseshoe - Schedule
 2**

3064, 3070, 3078, & 3084 Regional Road 56
 Binbrook
 City of Hamilton

LEGEND

- Subject Lands

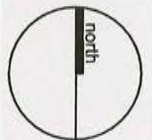
- Urban Growth Centres
- Future Transportation Corridors*
- Existing Major Highways*
- Highway Extensions*
- Welland Canal*
- Gateway Economic Zone
- Gateway Economic Centre
- Border Crossings
- Built-Up Area – Conceptual
- Designated Greenfield Area – Conceptual
- Priority Transit Corridors*
- Existing Higher Order Transit*
- Committed GO* Transit Rail Extensions
- Future High-Speed Rail Corridor*
- ✈ International Airports
- ✈ Proposed Airport
- ⚓ Major Ports
- Greenbelt Area*
- Greater Golden Horseshoe Growth Plan Area**

DATE: March 2022

SCALE: 1: 5,000

FILE: 14196BN

DRAWN: LC



K14196BN-HWY 56 BINBROOK/RTPA PLACE TO GROW.DWG

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- Support a range and mix of housing options.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities.
- Provide for different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe.

Delineated Built-Up Area (2.2.2)

The subject site is located within the delineated Built-Up Area of the City of Hamilton, as shown on **Figure 4**. A Place to Grow identifies general intensification targets for the Built-Up Area, stating that a minimum of 50 percent of all annual residential development will be within the Built-Up Area until 2031.

The subject site is located within the Built-Up Area and will contribute to the intensification target of 50 percent within A Place to Grow. The proposed dwelling units will contribute residential uses to the area, optimize existing infrastructure and add 116 residential apartment units within the Built-Up Area. Overall, the development achieves a density of approximately 215 units per hectare.

Housing (2.2.6)

Section 2.2.6 of A Place to Grow provides policies to support the achievement of complete communities. Specifically, Section 2.2.6.2 states that municipalities will support the development of complete communities by: planning to accommodate forecasted growth to the horizon of this Plan; planning to achieve the minimum intensification target and density targets; considering the range and mix of housing options and densities of the existing housing stock; planning to diversify the overall housing stock across the municipality.

The proposed development will assist the City of Hamilton in achieving the minimum density targets set out in the Growth Plan and the Urban Hamilton Official Plan through the intensification of underutilized properties within the built-up area. The proposed residential units will contribute to the range and mix of housing options in the City by offering a medium density housing form.

Infrastructure to Support Growth (3.2)

The Growth Plan also identifies that infrastructure planning, land use planning and infrastructure investment should be coordinated, as well as transportation system planning and investment should be coordinated with land use planning.

The proposed development will support the existing active transportation connections recently constructed on Regional Road 56. The proposed development will also support the consideration of providing future transportation options, including transit service. The subject lands are an ideal

location for medium-density residential uses that will utilize existing municipal infrastructure and support potential transit development.

Based on the above, the proposed applications are in conformity with the policies of the Growth Plan.

4.3 City of Hamilton Urban Official Plan

The City of Hamilton's Urban Official Plan (UHOP) came into effect on August 16th, 2013. A review of the Official Plan has identifies that the subject lands fall within the following designations of the Official Plan:

- **Schedule C – Functional Road Classification**
 - Regional Road 56 - Minor Arterial
 - Viking Drive – Local Road
 - Highway 65 (Binbrook Road) – Minor Arterial
- **Schedule E – Urban Structure**
 - Neighbourhoods
- **Schedule E1 – Urban Land Use Designations (Figure 5)**
 - Mixed Use – Medium Density
 - Neighbourhoods

The subject site also falls within the Binbrook Village Secondary Plan Area, which is detailed in **Section 4.4** of this Report. Below is a review and discussion of the policies associated with the designations within the Official Plan.

4.3.1 LAND USE DESIGNATIONS

The City of Hamilton is committed to managing its urban growth and development in a sustainable, comprehensive manner that balances the economy, the environment and the social needs of the community. The goals that apply to the urban systems and land use designations in the UHOP include:




- Develop compact, mixed-use urban environments that support transit and active transportation;
- Develop complete communities where people can live, work, learn and play;
- Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs;
- Promote and support design, which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic and livable urban places; and
- Recognize that Hamilton's neighbourhoods are stable, not static.



Figure 5:

**Urban Hamilton
 Official Plan Schedule
 E1 - Urban Land Use
 Designations**

LEGEND

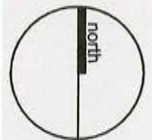
-  Subject Lands
-  Mixed Use - Medium Density
-  Neighbourhoods

DATE: February 2022

SCALE: 1: 2,500

FILE: 14196BN

DRAWN: LC



K14196BN-HWY 56 BINBROOK/PT HAMILTON OP LAND USE SCH E1.DWG

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The proposed development will assist the City in implementing these goals and objectives by providing for a medium density housing form, which will contribute to the range of housing types and intensification in Binbrook.

Mixed Use – Medium Density Designation

The majority of the subject lands are designated Mixed Use – Medium Density. Mixed Use – Medium Density areas are to serve a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale and to increase the proportion of multiple storey, mixed use buildings. These areas are to recognize the traditional mixed use main streets as well as other large commercial areas which serve the surrounding community or a series of neighbourhoods and which are intended to evolve and intensify into mixed use, pedestrian oriented areas. Mixed Use – Medium Density areas are to accommodate an increasing number of people who work and live within the area and contribute to the planned function of an area as a people place. Mixed Use - Medium Density are to serve as vibrant people places with increased day and night activity through the introduction of residential development.

The Mixed Use – Medium Density Designation permits the following uses:

- commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars;
- institutional uses such as hospitals, places of worship, and schools;
- arts, cultural, entertainment, and recreational uses;
- hotels; and
- multiple dwellings.

A mix and range of densities and building heights up to a maximum of six (6) storeys is permitted depending on the area, Secondary Plan and Zoning By-law. The design of the development will reflect the direction of the Binbrook Village Secondary Plan. The Binbrook Village Secondary Plan is discussed in **Section 4.4**.

The predominant built form shall be mid-rise and low-rise mixed use buildings. Commercial uses are not proposed given the sites proximity to the Binbrook Village and other commercial uses to the South.

The proposed development will be compact, and will contain residential apartments units, with a range of unit types. The proposed development will provide for sidewalk connections within itself and to the surrounding street network.

The design of developments in the Mixed Use – Medium Density Designation are to be designed and oriented to create comfortable vibrant and stimulating pedestrian oriented streets.

Developments are to facilitate a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation.

The proposed development will support a comfortable and attractive pedestrian environment with sidewalks internal to and providing connections in and out of the development, and landscaping. The majority of parking is located underground, which limits the overall amount of surface parking and provides more land for pedestrian oriented areas, including outdoor amenity spaces and landscaped buffers.

Neighbourhoods Designation

The 'Neighbourhoods' designation applies to the rear portion of the subject lands, as shown on **Figure 5** of this Report. The Neighbourhoods designation intends to recognize that all neighbourhoods are diverse, and that their intention is to provide context for daily life for citizens, and plays where people can live, learn play and socialize on a daily basis, by including a mix of land uses. General objectives for Residential / Mixed Use Areas, include:

- Develop compact, mixed use, transit-supportive and active transportation friendly neighbourhoods;
- Develop neighbourhoods as part of a complete community;
- Plan and designate lands for a range of housing types and densities, with consideration for affordable housing needs;
- Promote and support design which enhances and respects character of existing neighbourhoods while still allowing for ongoing evolution; and
- Promote and support residential intensification of appropriate scale and in appropriate locations.

The Neighbourhoods designation permits the following uses:

- Residential dwellings;
- Open space and parks;
- Local community facilities / services; and
- Local commercial uses.

The Neighbourhoods designation permits residential uses. The portion of the subject lands designated 'Neighbourhoods' are to be designated Mixed Use – Medium Density designation to reflect the designation of the remainder of the subject lands.

4.3.2 GROWTH MANAGEMENT AND INTENSIFICATION

The proposed development will assist the City in achieving the proposed population forecasts by providing 116 residential units with a mix of one and two bedroom units.

The proposed density for the subject lands is approximately 215 units per hectare. The proposed density will provide a dense form of housing that will accommodate the projected City-wide population growth and intensification targets.

The City's Official Plan and growth targets are currently under review as part of the City's MCR and GRIDS 2 process, and it should be noted that City Council recently voted against the expansion of the City's Urban Boundary and accommodate new planned growth through intensification. The proposed development offers a unique opportunity within the City to incorporate additional density while maintaining the intent of the Official Plan and Secondary Plan, and providing high quality design and an appropriate built form.

4.3.3 TRANSPORTATION NETWORK

The UHOP identifies that the transportation network and land uses are mutually exclusive, meaning that land uses are connected and accessible through the transportation network. The network is intended to be integrated and sustainable, as well as safe, environmentally friendly, affordable, efficient, convenient and accessible.

The transportation network should be integrated and also provide for convenient, fast, frequent and affordable public transportation. Active transportation and contribution to transportation demand management (TDM) initiatives is also encouraged. The City shall encourage new development to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement where feasible.

More detailed on the proposed local transportation system surrounding the proposed development is included in **Section 4.4** of this Report, as it relates to the Binbrook Village Secondary Plan Area.

Regional Road 56 is identified as a Minor Arterial Road on Schedule C – Functional Road Classification. Minor Arterial Roads are subject to the following policies:

- The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- Land accesses shall be permitted with some controls.
- The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.
- Minor arterial roads shall generally be organized in a grid pattern with collectors, major and minor arterials, parkways and provincial highways.
- Bicycle lanes may be in place to accommodate cyclists and sidewalks shall generally be provided on both sides of the street for pedestrians.
- Gateway features may be permitted where required.

- On street parking and loading may be prohibited or at minimum be restricted in the peak hours.

Access to the subject lands is provided via Viking Drive with a four way intersection that aligns with the access for the adjacent Windwood 2 development. The proposed four way intersection from Viking Drive will assist in minimizing conflicts. It is intended that the current access from Viking Drive will accommodate the anticipated traffic volumes generated by the proposed development.

A Transportation Impact Study was prepared by Paradigm, dated February, 2022 and has been submitted in support of our applications. A summary of this report is included in **Section 5.7** of this Report.

A road widening of approx. 3 metres along Regional Road 56 is required, and a daylight triangle of 12.19 x 12.19 metres is also required at the intersection of Regional Road 56 and Viking Drive, which has been provided for on the concept plan.

Pedestrian and cycling access will be provided from Viking Drive and Regional Road 56. Sidewalk connections will be provided throughout the site, and to the Viking Drive and Regional Road 56, and to the open space amenity area.

The proposed applications generally conform to the intent of the applicable land use policy framework of the City of Hamilton Urban Official Plan.

4.4 Binbrook Village Secondary Plan

The subject lands are located within the Binbrook Village Secondary Plan, which is adopted under the Official Plan. A review of the Secondary Plan has identified that the subject lands fall within the following designations:

- **Map B.5.1-1 Land Use Plan:** Mixed Use – Medium Density – Pedestrian Focus (**Figure 6**)

The Binbrook Village Secondary Plan is intended to implement an integrated and sustainable community with a unique small town identity. The Core of Binbrook is to be developed as a medium density area (Community Core) that enjoys a high degree of visibility and provides as a gateway to the City.

Urban design of is of high importance in the quality and character for this highly visible area. Residents and visitors should sense they are within a unique area as they move around the Community Core and must know when they are entering or leaving it. The overall design of the Community Core is important in defining Binbrook Village's small-town character and providing a sense of place. An Urban Design Brief has been prepared by MHBC which provides an analysis of relevant urban design policies.

The proposed development has been considered in the context of the vision and goals of the Binbrook Village Secondary Plan. The proposed development will create an attractive, comfortable and safe streetscape. Access from the proposed development will be provided along the street frontage and include connections to sidewalk and bicycle lanes on Regional Road 56, offering convenient and safe connections the Binbrook Core and other nearby amenities.

4.4.1 GENERAL POLICIES (5.1.3)

The Binbrook Village Secondary Plan identifies general policies that have been considered in the development of the proposed development.

The proposed development will provide for an integrated and compact urban form that includes a mix of apartment unit types. The design of the proposed development provides a distinct and unique identity within the Binbrook Community through the use of high quality materials and enhanced façade design elements. Building massing elements have been utilized to 'break-up' the building façade and distinguish a visual separation between the third and fourth storey. The change in building material and enhancement will respect the existing character of the area and reflect similar building material and design elements of other historical building elements in the community. Further design discussion is included in the Urban Design Brief.

The proposed development is located on Regional Road 56, which is identified as a minor arterial road in UHOP Schedule C – Functional Road Classification. Future transit service, if established, is

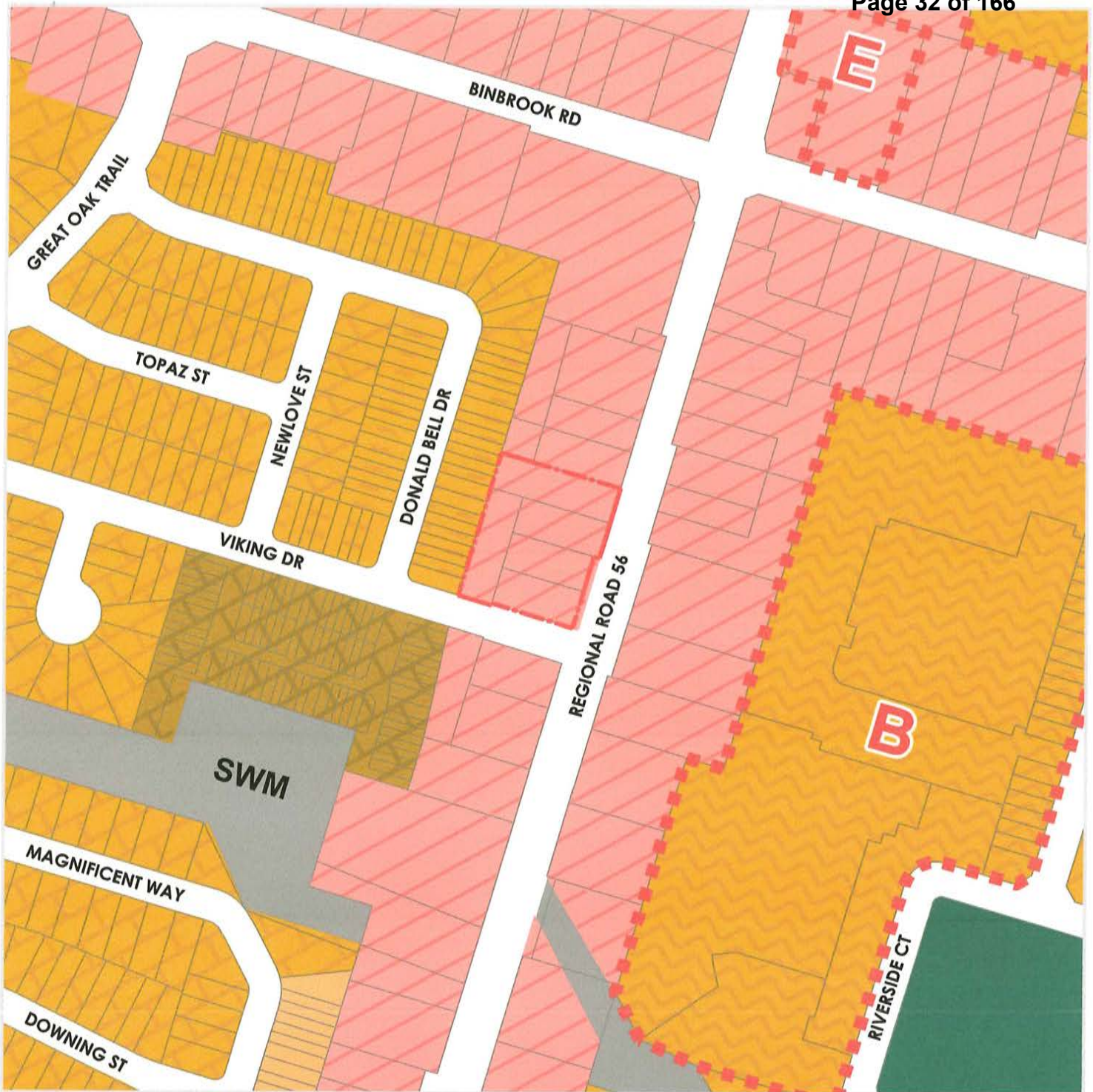


Figure 6:
**Binbrook Village
 Secondary Plan -
 Land Use Plan**

LEGEND

-  Subject Lands
-  Area or Site Specific Policy
-  Low Density Residential 2d
-  Low Density Residential 2e
-  Low Density Residential 2h
-  Low Density Residential 3e
-  Neighbourhood Park
- SWM** Storm Water Management
-  Mixed Use - Medium Density - Pedestrian Predominant

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BN

DRAWN: LC



K114196BN-HWY 56 BINBROOK/RPT/BINBROOK VILLAGE SECONDARY PLAN - LAND USE.DWG

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likely to utilize Regional Road 56. Site access to the proposed development is proposed from Viking Drive, which will reduce points of conflict with future transit service along Regional Road 56. Direct pedestrian connections to the sidewalk network and potential transit stops are provided from the east, west and south sides of the proposed development. The proposed development will assist in providing transit supportive density for future transit connections and networks in the Binbrook area.

4.4.2 MIXED USE - MEDIUM DENSITY DESIGNATION – PEDESTRIAN FOCUS

The Mixed-Use - Medium Density designation is proposed to serve as the commercial, service and cultural centre of Binbrook Village. Areas within the Mixed-Use – Medium Density designation are intended to support businesses and service uses. The Binbrook Village Secondary Plan identifies the general policies for development in the area, which are applicable to and have been considered for the development of the subject lands.

The Binbrook Village Secondary Plan refers to Section E.4.6 of the UHOP for additional policies on development in the area. **Section 4.3** of this Report identifies the applicable policies that have been considered for the development of the subject lands.

An Official Plan Amendment is required to amend the Binbrook Village Secondary Plan, Mixed Use – Medium Density Designation, to permit an increase in height from three (3) storeys to six (6) storeys. Appropriate architectural design features and building setbacks have been reviewed and implemented into the building design to ensure compatibility with the surrounding area and adjacent residential uses.

Pedestrian Focus

The subject lands are identified as a 'Pedestrian Focus Street' within the Binbrook Village Secondary Plan. Section E.4.3 of the UHOP provides policies for *pedestrian focus streets*. Pedestrian Focus Streets are intended to cater to the pedestrian by creating a comfortable, active and visually stimulating walking environment. Pedestrian focus streets shall have wide sidewalks, buildings oriented to the public sidewalks, outdoor cafes, and a high level of streetscape design and activity. These areas include the main street retail areas of the former downtowns as well as other historic main street areas and future areas designed to have similar pedestrian oriented character.

The proposed development concept includes an enhanced public facing building façade with pedestrian connections directly from the existing sidewalk network to the proposed building entrances. The location of the proposed development in proximity to the sidewalk network will provide for a visually stimulating environment that enhances the streetscape and sidewalk from Regional Road 56 and Viking Drive. The massing of the proposed development is divided through the use of varying high quality building materials to create a pedestrian scaled environment. Storeys one through three are comprised of brick and metal materials that resemble historic

building materials of the Binbrook area. Concrete materials form building entrance features and storeys four through six. The use and transition of varying building materials between the third and fourth storey maintain the streetscape and character of other developments along Regional Road 56 (Windwood 2).

4.4.3 GENERAL POLICIES

Compatibility

The proposed building will be compatible with other developments in the area. The proposed built form is similar to recently approved and planned developments notably an approved six-storey mixed use development at 3033-3063 Binbrook Road (DA-17-107), the Losani Homes development located to the south (Windwood 2), and proposed Windwood 4 development further to the south.

Compatibility with the lower density area to the west has been considered by siting the proposed building adjacent to Regional Road 56 to focus the height and massing of the building away from the lower density uses. The "L" shape form of the building allows for an efficient built form, while minimizing impacts such as shadowing, and overlook to adjacent developments. The "L" portion of the building is located to the north adjacent to areas also planned for medium density, and likely to be redeveloped in the future. A sufficient setback is proposed from the northerly and westerly property limits. The portion of the building in proximity to the residential uses to the west has been designed in a way to contain outdoor amenity space which allows for a stepped design and limits the massing of the top of the building, and minimizes shadow impacts.

A landscape buffer is proposed along the northerly and westerly property limit which will allow for landscaping and fencing as required.

Streetscape Design Guidelines

The Binbrook Village Secondary Plan identifies that streetscapes in Binbrook Village are to be designed with a quality streetscape that creates unique and attractive places. Streetscapes along major arterial roads are to be enhanced through the location of main building facades that present along the street and enhance the appearance from the street.

The proposed development includes a mix of high quality building materials and architectural design elements to enhance the massing and streetscape on Regional Road 56 and Viking Drive. Building projections and façade enhancements distinguish design elements of the building, including building entrances and height transitions.

Sidewalks, crosswalks and landscaping elements are provided throughout the development and connect to entrances and existing active transportation routes, including the existing sidewalk network and bicycle lands along Regional Road 56. A daylight triangle is provided at the

intersection of Regional Road 56 and Viking Drive and provides sightlines to sidewalk connections and enhances safety for cyclists and other active transportation users to view vehicular traffic on both roads.

Barrier free design elements, including flush mounted curbs and accessible parking spaces, are provided throughout the proposed development, and will be detailed through a future site plan application.

Transportation and Parking

The proposed development includes vehicle access from Viking Drive. The location of vehicle access to the proposed development maintains the continuous street frontage along Region Road 56 and improves the streetscape and urban character.

Locations for parking areas are to be provided on collector and local roads in an appropriate manner that respects the streetscape design of the area. The proposed development includes surface parking and accessible vehicle parking with access from Viking Drive. One (1) level of underground parking is proposed. The location of parking facilities for the proposed development will encourage a pedestrian friendly streetscape along Regional Road 56 and minimize potential conflicts between vehicles, pedestrians and cyclists.

The Secondary Plan identifies that sidewalks are to municipal encourage active transportation and facilitate connections between local amenities, such as parks, businesses, schools and recreation areas. Sidewalks are to be provided on routes along streets that provide connections to nearby destinations.

The proposed development provides access to sidewalks along Regional Road 56 and Viking Drive. Access is provided through the building façade on both areas fronting the public streets. An internal sidewalk network connects the public sidewalk network to the common amenity area located within the site.

The Secondary Plan identifies that the City shall encourage the provision of public transportation facilities to service Binbrook Village at such time as the need and economic feasibility is demonstrated.

The proposed development will assist Binbrook Village in providing the economic feasibility should public transit be re-introduced to the area. The development of a medium density building along a minor arterial road (Regional Road 56) will provide transit supportive density for future public transportation.

Infrastructure

The Secondary Plan identifies policies relating to the use and connection to municipal services when available. Electrical power and other energy distribution systems are to be located underground.

The proposed development will be connected to existing municipal water and wastewater services in the area. The Functional Servicing Report prepared by SLA, 2022 confirms sufficient capacity for connection to existing municipal infrastructure.

Summary

The proposed development has considered the general policy direction of the Binbrook Village Secondary Plan, as it is a medium density residential development with a range of unit types and sizes. It will provide 116 residential units and has an overall proposed density of 215 units per hectare. The development will provide additional housing options within the Binbrook community and provides an enhancement to the existing fabric of the Community Core area, and contributes to the overall mixed use community.

4.5 City of Hamilton Zoning By-law 05-200

Existing Zoning

The subject lands are currently zoned 'Mixed Use Medium Density – Pedestrian Focus 'C5a' – Exception 570, in the City of Hamilton Zoning By-law 05-200, as shown on **Figure 7**.

The existing Mixed Use Medium Density – Pedestrian Focus 'C5a' zone permits dwelling units and commercial uses including:

- Dwelling Unit (in conjunction with a commercial use)
- Commercial Entertainment;
- Financial Establishment;
- Hotel;
- Medical Clinic;
- Office;
- Restaurant;
- Retail; and,
- Veterinary Service.

Special Exception 570 permits a maximum height of 11.0 metres for the subject lands.

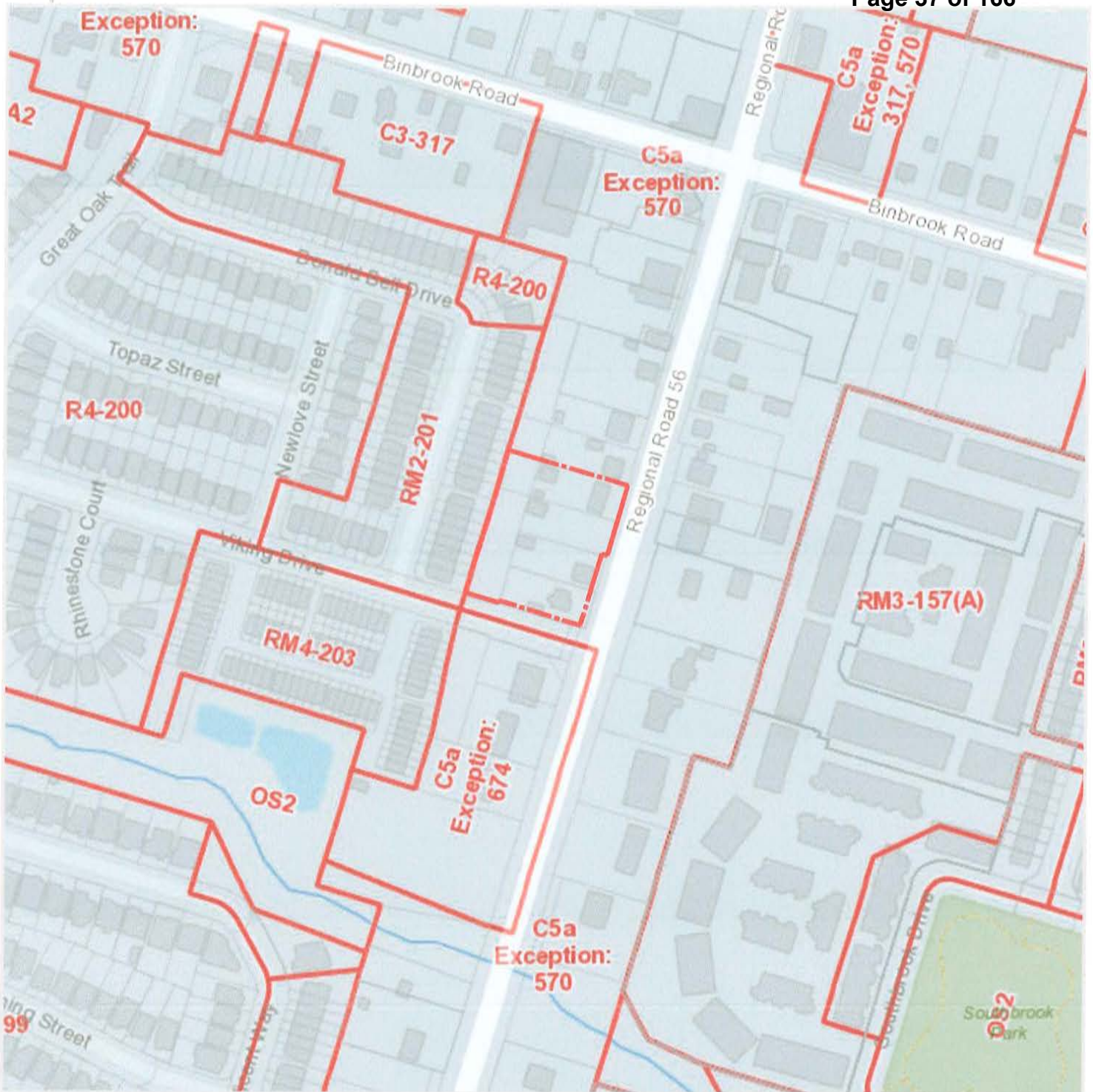


Figure 7:
Existing Zoning

LEGEND

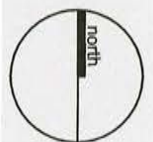
- Subject Lands
- A2 Rural Zone
- C3 Community Commercial Zone
- C5a Mixed Use Medium Density - Pedestrian Focus Zone
- OS2 Public Open Space Zone
- R4 Residential 4 Zone
- RM2 Residential Multiple 2 Zone
- RM3 Residential Multiple 3 Zone
- RM4 Residential Multiple 4 Zone

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BN

DRAWN: LC



K114196BN-HWY 56 BINBROOKRFP/EXISTING ZONING.DWG

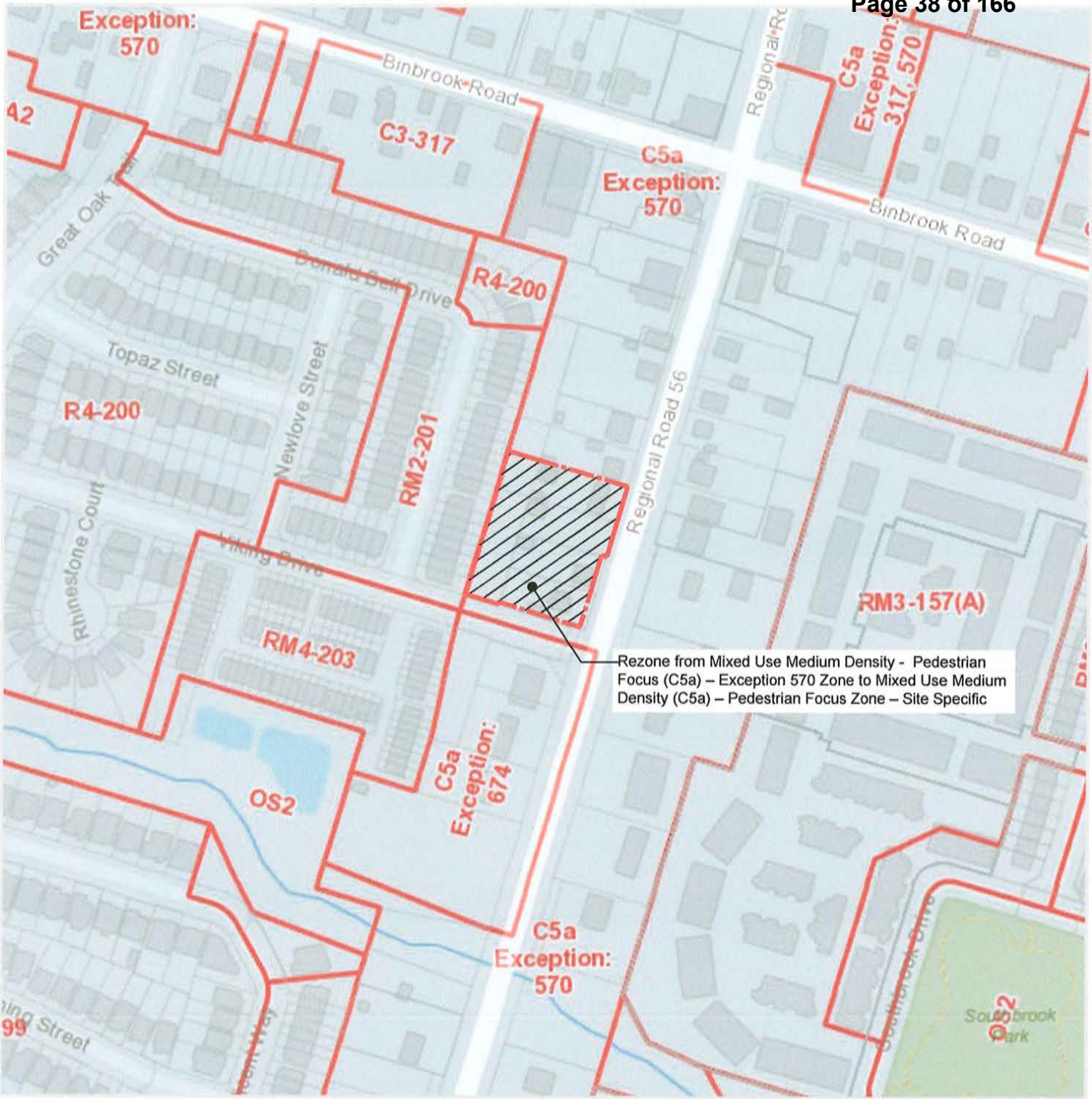


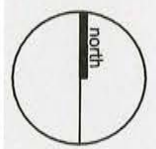


Figure 8:
Proposed Zoning

LEGEND	
	Subject Lands
	Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) - Exception 570 Zone to Mixed Use Medium Density (C5a) - Pedestrian Focus Zone - Site Specific
A2	Rural Zone
C3	Community Commercial Zone
C5a	Mixed Use Medium Density - Pedestrian Focus Zone
OS2	Public Open Space Zone
R4	Residential 4 Zone
RM2	Residential Multiple 2 Zone
RM3	Residential Multiple 3 Zone
RM4	Residential Multiple 4 Zone

DATE: February 2022
 SCALE: 1:3,000
 FILE: 14196BN
 DRAWN: LC



3064, 3070, 3078, & 3084 Regional Road 56
 Binbrook
 City of Hamilton

KS14196BN-HWY 56 BINBROOKRPTPROPOSED ZONING.DWG



PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE

205-540 BINGEMANS CENTRE DR. RICHMOND, ON, N2B 3K9
 P. 519.576.3550 F. 519.376.0121 | WWW.MHBCPLAN.COM

Proposed Zoning

To permit the proposed development, the subject lands will require a Zoning Amendment to Mixed Use Medium Density (C5a) – Pedestrian Focus Zone to permit site specific regulations as detailed below. **Figure 8** illustrates the proposed zoning for the subject lands. The table below provides an analysis of the proposed development and the C5a zone regulations:

Mixed Use Medium Density (C5a) Zone			
Section	Provision	Required	Proposed
10.5a.3 a)	Maximum Building Setback from a Street Line (metres)	i) 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback; ii) Notwithstanding Section 10.5a.3i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and, iii) Section 10.5a.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).	7.84 metres
10.5a.3 b)	Minimum Rear Yard	7.5 m	7.0 metres
10.5a.3 c)	Minimum Interior Side Yard	7.5 m metres abutting a Residential or Institutional Zone or lot containing a residential use.	18.32 metres
10.5a.3 d) i)	Minimum Façade height for any portion of a building along a street line;	7.5 m	19.3 metres
10.5a.3 d) ii) and iii) / Special Exception 570	Maximum Building Height	11.0 metres (Special Exception 570)	20 metres
10.5a.3 h)	Built Form for New Development	i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.	Rooftop mechanical equipment is not visible from the east or south elevation.
10.5a.3 h)	Built Form for New Development	ii) For an interior lot or through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot front line.	N/A

10.5a.3 h) 10.5a.3 h)	Built Form for New Development	iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street. iv) In addition to Section 10.5a.3i) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.	Greater than 50%
10.5a.3 h)	Built Form for New Development	v) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line	Visitor parking located between the façade and frontage lot line in accordance with Section 5.1.d)i)
10.5a.3 h)	Built Form for New Development	vi) A minimum of one principal entrance shall be provided: 1. within the ground floor façade that is set back closest to a street; and, 2. shall be accessible from the building façade with direct access from the public sidewalk.	Principal entrance provided on Regional Road 56 with direct access from the public sidewalk.
10.5a.3 h)	Built Form for New Development	vii) A walkway shall be permitted in a Planting Strip where required by the Bylaw.	N/A
10.5a.3 h)	Built Form for New Development	viii) Notwithstanding Section 10.5a.3 , for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.	N/A
		ix) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows	35%
		x) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.	3.66 metres
10.5a.3 i)	Planting Strip Requirements	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.	2 metres along westerly property edge
10.5a.3 j) / 4.19	Visual Barrier Requirement	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in	2 metre wide planting strip provided.

		accordance with the requirements of Section 4.19 of this By-law.	
10.5a.3 k)	Outdoor Storage	i) No outdoor storage of goods, materials, or equipment shall be permitted; and, ii) Notwithstanding Section 10.5a.3i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	No outdoor storage proposed.
5.6 c)	Minimum Parking – Multiple Dwelling C5a Zone– Units Greater than 50.0 square metres in GFA	1.0 per unit 116 spaces required	145 spaces provided including 5 barrier free spaces
5.6 c)	Maximum Parking – Multiple Dwelling C5a Zone– Units Greater than 50.0 square metres in GFA	1.25 per unit 145 spaces permitted	145 spaces provided
5.5 a)	Barrier Free Parking - 101 – 200 spaces	Minimum 1 space + 3% of the total number of required parking spaces; 4 spaces required	5 spaces provided

Requested Special Provisions:

The proposal generally conforms to the C5a – Pedestrian Focus zoning as well as the parking provisions in Section 5 of the zoning by-law. The following special provisions are required to implement the proposed development, and are discussed below.

A draft zoning by-law for the proposed development is enclosed as **Appendix C** of this Report.

1. Permit a multiple dwelling as a permitted use

The proposed development is for a multiple dwelling with 116 residential uses and no commercial uses. Commercial uses are not proposed given the sites proximity to both the Binbrook Village and other commercial uses to the south at Windwood Drive. The area is well served by commercial uses, including grocery stores, drug stores, restaurants, financial institutions and medical and personal service uses all located within a short walking distance to the subject lands. The broader area contains a range of mix and uses which achieves the intent of the mixed use designation in the Secondary Plan.

2. A maximum building setback from a streetline (Viking Drive) of 7.84 metres

Given the corner lot configuration, and the requirement for a 12.19 x 12.19 metre daylight visibility triangle at the intersection of Regional Road 56 and Viking Drive, the building cannot be shifted closer to Viking Drive. Therefore, the resulting maximum setback to the Viking Drive streetline is 7.84 metres, whereas a maximum of 3.0 metres is permitted. The intent of this provision is to locate the building close to the streetline, which is maintained.

3. A minimum rear yard setback of 7.0 metres

As the site is a corner lot, the rear lot line is the northerly lot line. A minimum setback of 7 metres is proposed whereas 7.5 metres is required. 8.5 metres is provided to the face of the building, and the additional 1.5 metres is requested for private balconies. The intent of the 7 metre setback to minimize the building massing adjacent to the property limit is maintained.

4. A maximum building height of 20 metres

The proposed maximum building height is 20 metres, whereas 11 metres is permitted. The proposed 20 metre height will allow for the development of a six storey building.

The proposed building has been sited adjacent to Regional Road 56 to focus the height and massing of the building away from the lower density uses. The "L" shape form of the building allows for an efficient built form, while minimizing impacts such as shadowing, and overlook to adjacent developments. The "L" portion of the building is located to the north adjacent to areas also planned for medium density, and likely to be redeveloped in the future.

A sufficient setback is proposed from the northerly and westerly property limits. The portion of the building in proximity to the residential uses to the west has been designed in a way to contain outdoor amenity space which allows for a stepped design and limits the massing of the top of the building, and further minimizes shadow impacts, which generally occur to the east.

5. A minimum of 35% of the area of the ground floor façade facing the street shall be composed of doors and windows

The proposed portion of the ground floor façade facing the street (Viking Drive and Regional Road 56) is 35%, whereas the by-law requires 60%. The intent of this provision is to create active ground floor spaces, intended for commercial uses. As no commercial spaces are proposed, and private residential space is proposed, minimizing the amount of doors and windows is required for safety and privacy concerns.

5.0 SUMMARY OF TECHNICAL REPORTS

5.1 Archaeological Report

A Stage 1 and Stage 2 Archaeological Assessment were prepared by AMICK Consultants Limited in October, 2021. The Stage 2 Assessment confirmed that no archaeological resources were encountered, and provided for the following recommendations:

- No further archaeological assessment of the study area is warranted;
- The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed; and,
- The proposed undertaking is clear of any archaeological concern.

An acknowledgement letter from the Ministry of Culture, Tourism and Sport regarding the Stage 1-2 assessment has been received for the subject lands confirming that no further study is warranted and the subject lands are clear of archaeological concerns.

5.2 Urban Design Brief

MHBC Planning prepared Urban Design Brief in support of the proposed application dated, April, 2022. The Urban Design Brief includes an analysis of the relevant urban design policy in the Urban Hamilton Official Plan, Binbrook Village Secondary Plan and the City's terms of reference for urban design guidelines.

5.3 Heritage Impact Assessment

MHBC Planning prepared a Heritage Impact Assessment (HIA) for the subject lands. The HIA determined that the proposed development is likely to result in moderate to major adverse impacts, primarily related to:

- the removal of the dwelling at 3078 ON-56 which is considered a representative example of a dwelling constructed in the early 20th century; and
- the removal of all buildings located on the subject lands of CHVI which contribute to the identified character of the CHL

Alternative development options have been considered in the HIA, as per the requirements of the City of Hamilton Urban Official Plan. The following recommendations are provided based on the evaluation of the subject lands and impacts to heritage resources resulting from the proposed development:

- Document the site through photographs to supplement the historic record through the completion of:
 - A photo map of the property noting the location of photographs, as well as photographs of all existing buildings and features from the exterior (as provided in this Heritage Impact Assessment);
 - Historical documentation of the subject lands (as provided in this Heritage Impact Assessment) so that it may supplement the historic record; and
- Demolition of the existing dwelling at 3078 ON-56 should include a plan for the separation of materials which could be salvaged and made available for re-use as opposed to being deposited as landfill;
- That materials of the building at 3078 ON-56 be preserved and displayed for commemorative purposes which includes graphic and textual descriptions of the site's history and former residential buildings; and
- That the proposed development consider alternatives in materials and contemporary designs which are complementary to, and distinguishable from the range of 19th and mid. 20th century architectural styles and built forms in the identified CHL.

5.4 Functional Servicing Report (FSR)

A Functional Servicing Report (FSR) was prepared by Scott Llewellyn and Associates, dated March, 2022. The FSR concluded that the proposed development can be serviced by existing municipal services and constructed to meet the City of Hamilton requirements.

The FSR provided for the following conclusions and recommendations:

- The development be graded and serviced in accordance with the Preliminary Grading & Erosion Control Plan and the Preliminary Site Servicing Plan prepared by S. Llewellyn & Associates Limited;
- A 110mmØ orifice plate be installed as per the Preliminary Site Servicing Plan and this report to provide adequate quantity control;
- A cast-in-place storage tank be installed as per the Preliminary Site Servicing Plan and this report to provide effective stormwater storage;
- Erosion and sediment controls be installed as described in this report to meet City of Hamilton requirements;
- A HydroStorm HS5 oil/grit separator be installed as per the Preliminary Site Servicing Plan and this report to provide efficient stormwater quality control;

- Area drains within the parking lot are to be fitted with FlexStorm inlet filters as illustrated on the Preliminary Site Servicing Plan and this report; and
- The proposed sanitary and water servicing system be installed as per the Preliminary Site Servicing Plan and this report to adequately service the proposed development.

5.5 Noise Feasibility Study

HGC Engineering prepared a Noise Feasibility Study, dated February, 2022 in support of the proposed applications. The primary noise source for the proposed development was determined to be road traffic on Regional Road 56, with secondary noise contribution from Binbrook Road. The sound level predictions indicate that future road traffic sound levels will be within the MECP guidelines at the façades of the proposed residential building. The recommended noise control measures include appropriate wall and window glazing assemblies and an alternative means of ventilation to open windows. Noise warning clauses are recommended (Type A, B and C) in order to inform future owners/tenants of the traffic noise impacts, to address sound level excesses and to inform future residents of their proximity to the nearby existing retail and commercial uses.

An analysis was also conducted to determine the potential impact of noise from existing rooftop units on the buildings in the commercial plaza to the north on the proposed building. The analysis for the existing buildings in the commercial plaza north of the proposed development was based on aerial photos and reasonable estimates of sound data for rooftop equipment. The results indicate that sound emissions from the rooftop equipment associated with the existing buildings in the commercial plaza on the proposed building are expected to be within the MECP's minimum exclusionary sound level limits. Further physical mitigation measures will not be required.

The following recommendations were made for transportation noise sources:

1. The proposed mixed-use building should be equipped with an alternative means of ventilation to open windows. Central air conditioning will meet and satisfy this requirement. The location, installation and sound ratings of the air conditioning devices should comply with NPC-300, as applicable.
2. Any glazing construction meeting the minimum requirements of the Ontario Building Code (OBC) will provide adequate sound insulation for all façades of the proposed building.
3. Warning clauses should be included in the property and tenancy agreements and offers of purchase or sale to inform future owners/occupants of the noise issues and the presence of the roadways and nearby retail/commercial uses.

5.6 Transportation Impact Study (TIS)

Paradigm prepared a Transportation Impact Study, dated February, 2022. Based on the assessment, the reported provides for the following conclusions recommendations:

- Traffic control signals are not warranted at Binbrook Road and Great Oak Trail under the 2033 horizon. As a v/c of 0.72 is projected, the northbound approach is operating at 72% or less of its available capacity. As northbound left-turning traffic is expected to moderate, drivers are likely to seek an alternative route via Bradley Avenue to travel westbound along Binbrook Road to avoid delay "tie-ups." Through this reassignment, a sensitivity analysis was completed and identified the intersection would operate with improved operations.
- With the additional traffic and growth projected for the area, Binbrook Road at Regional Road 56 will require the traffic signals to operate with a cycle length of 100 seconds and optimized signal timings split. The intersection will operate with considerable improvements through these minor modifications as outlined within the sensitivity analysis.
- No other changes to the existing lane configurations or traffic control have been identified with the build-out of the proposed development.

5.7 Geotechnical Investigation

A Geotechnical Investigation was prepared by Soil-Mat Engineers and Consultants in support of the proposed development. The purpose of the report is to provide an assessment of site subsurface soil and groundwater conditions. The report provides conclusions of the recommended foundation design and recommends that the underground parking level should be limited to 3 metres in depth below grade.

5.8 Tree Management Plan

A Tree Preservation Plan was prepared by GeoProcess Research Associates Inc. to identify and assess the existing trees for the subject lands. An assessment of individual trees included all trees 10 cm Diameter at Breast Height (DBH) or greater for the Study Area, and accessible trees within 6 metres from the property limit.

The tree inventory documented 30 trees, of which 22 are private, 4 are neighboring and 4 are public trees. A dense Eastern White Cedar (*Thuja occidentalis*) hedgerow was documented within one of the residential lots (HR1:Map 1a). The majority of hedgerow trees were likely less than 10 cm DBH, however they could not be individually measured. These trees are not included in the overall inventory count.

The Study Area contained four (4) White Ash (*Fraxinus americana*) trees that are severely affected by Emerald Ash Borer (EAB) and would be potential hazards if left on-site. Several Manitoba Maples (*Acer negundo*) also exhibited poor and hazardous growth conditions in the form of open trunk wounds, dead canopy, leaning trunk growth and growth constriction from existing fences and housing structures.

Other trees located in the Study Area included Sugar Maple (*Acer saccharum*), Basswood (*Tilia americana*), Siberian Elm (*Ulmus pumila*), and White Mulberry (*Morus alba*).

A total of six (6) trees are recommended for preservation. Tree 20, B, C and D are neighboring, and tree are A and B are private. These trees are to be preserved with non-fatal injury due to Tree Protection Zone (TPZ) encroachment.

A total of 21 private trees and one cedar hedgerow are expected to require removal due to conflict with construction of the proposed condo, roadway, and above and below ground parking. The City of Hamilton requires 1 for 1 compensation for any private tree (10 cm DBH or greater) that is proposed to be removed. Therefore, 21 trees will need to be compensated for by replacement planting, cash-in-lieu or a combination of both. This compensation requirement shall be completed during the project detailed design and construction phases.

As per the City of Hamilton By-law NO.15-125, an approved permit will be required from the Director to remove tree F and G.

6.0 PUBLIC CONSULTATION STRATEGY

The Formal Consultation for the proposed development, identified that a Public Consultation Strategy is required to ensure that neighbouring residents are informed about the proposal and also provided opportunities to provide input.

This proposal will follow the requirements outlined by City Council's Public Participation Policy. This will include the circulation of the Notice of Complete Application to property owners within 120 metres of the subject lands, the posting of a Public Notice Sign on the subject property, which will provide information regarding details of the proposal and contact information should additional information be desired.

MHBC Planning and Losani Homes will liaise with City Staff and the Ward Councillor to determine if a Community Information Meeting would be beneficial to the public engagement process. If it is determined that this meeting would be beneficial, it will be held following the preliminary circulation of the application.

The intent of the meeting would be to inform the public about the proposed development and to record comments and feedback from the public, which will be included in City Staff's Planning Report that will be presented at the Public Meeting before the Planning Committee.

Following the application review process, a Formal Public Meeting will be scheduled to be heard before the City's Planning Committee. The Formal Public Meeting date will be posted to the Public Notice Sign, and Public Meeting Notices will be circulated to property owners within 120 metres of the subject lands and additional individuals who requested notification.

A copy of the Formal Consultation Document from 2021 is attached as **Appendix A**.

7.0 SUMMARY & CONCLUSIONS

The proposed Official Plan Amendment and Zoning By-law Amendment for the subject lands are appropriate and represent good planning for the following reasons:

1. Consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe.
2. Supports provincial and local intensification targets and growth policies by providing for a medium density residential built-form within the Built-Up Area.
3. Supports intensification in the Built-Up Area and provides for a complete community at a transit-supportive density that will contribute towards economic development and vitality of Binbrook, and implements objectives of the Urban Hamilton Official Plan and Binbrook Village Secondary Plan.
4. Introduces additional apartment uses, to support a range and mix of housing types within the Binbrook Village Secondary Plan area.
5. Can be adequately serviced by municipal services and is supported by a Functional Servicing Report.

Respectfully submitted,

MHBC



Dave Aston, MSc, MCIP, RPP
Vice-President, Partner



Stephanie Mirtitsch, BES, MCIP, RPP
Associate

APPENDIX A - FORMAL CONSULTATION AGREEMENT



Hamilton

Planning and Economic Development Department
 Development Planning, Heritage and Design
 71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
 Phone: 905.546.2424 - Fax: 905.546.4202

Formal Consultation Document

Meeting Date: June 24, 2021 File No: FC-21-070
 Owner: 1593123 Ontario Ltd
 Applicant: MHBC Planning Ltd. c/o Stephanie Mirtitsch

PROPERTY INFORMATION

Address and/or Legal Description:	3064, 3070, 3078 and 3084 Regional Road 56, Glanbrook			
Lot Frontage:	3064 Regional Road 56 ±20.2 m	3070 Regional Road 56 ± 20.2 m	3078 Regional Road 56 ± 20.2 m	3084 Regional Road 56 ± 20.2 m
Lot Depth:	± 50.2 m	± 50.2 m	± 50.2 m	± 50.2 m
Lot Area:	0.1 ha	0.1 ha	0.1 ha	0.19 ha
Urban Hamilton Official Plan Designation	Mixed-Use Medium Density			
Binbrook Village Secondary Plan Designation	Mixed – Use Medium Density – Pedestrian Focus			
City of Hamilton Zoning By-law No. 05-200:	Mixed – Use Medium Density – Pedestrian Focus (C5a, 570) Zone			

Description of current uses, buildings, structures and natural features on the subject lands:

3064, 3070, 3078 and 3084 Regional Road 56 currently contain single detached dwellings. The properties are located at the intersection of Viking Drive and Regional Road 56.

Brief description of proposal:

The applicant proposes to construct a 6 Storey 116 unit residential dwelling with approximately 36 surface parking spaces and 114 underground parking spaces.

APPLICATIONS REQUIRED

Rural Hamilton Official Plan Amendment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Urban Hamilton Official Plan Amendment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Local Official Plan Amendment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Zoning By-law Amendment (Type: Complex)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Subdivision	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Condominium	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Site Plan (Type: Full Site Plan))	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Consent	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Variance(s)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Other	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Note: The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New Rural, Commercial and Residential zoning may be implemented which could be different than the current zoning. Accordingly, additional applications may be required. If a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).

FEEES REQUIRED

City of Hamilton:	APPLICATION TYPE	FEE	TOTAL
	Official Plan Amendment	\$33,470.00**	\$33,470.00**
	Complex Zoning By-law Amendment	\$ 24,255.00**	\$ 24,255.00**
	Per unit fee to be determined at the time of submission		
	TOTAL (UHOPA & ZBA)		\$ 57,725.00**
	25% joint application fee reduction		-\$14,431.25**
	Formal consultation credit	-\$ 1,205.00	-\$ 1,205.00
	TOTAL (UHOPA, ZBA, joint reduction fee and FC Credit)		\$ 42,088.75**
	Site Plan Control Application	\$ 24,280.00**	\$ 24,280.00**
	Tree Protection Review	\$ 610.00**	\$ 610.00**
	GRAND TOTAL		\$ 66,978.75**
Conservation Authority Review Fees:	None		
TOTAL:	\$ 66,978.75**		

**If the application is submitted after 2021, then the fees that will be required will need to be based on the updated fees in effect at the time of the submission.

Notes:

- *Formal Consultation fee may be credited towards a future application*
- *Notwithstanding the fees noted above, all fees are payable based on the rate in the fee schedule by-law in effect on the date the payment is made.*
- *Further fees may be required at a later date as per the fee schedule.*
- *Separate cheques are payable to the City of Hamilton and the applicable Conservation Authority.*
- *A Cost Acknowledgement Agreement for potential costs at the Ontario Municipal Board may also be required.*

DESIGN REVIEW PANEL

The Design Review Panel shall provide urban design advice to Planning Division staff on Planning applications with respect to complex Zoning and Site Plan applications in the following Design Priority Areas:

- (a) Downtown Hamilton Secondary Plan Area;
- (b) Areas of Major Change and Corridors of Gradual Change within the West Harbor Secondary Plan Area;
- (c) Primary Corridors as shown on Schedule E – “Urban Structure” of the Urban Hamilton Official Plan;
- (d) Any other large scale projects that may impact the physical environment functionally and/or aesthetically.

The Director of Planning or his or her designate may waive projects from the review of the Design Review Panel, if the project is not deemed to have the potential to significantly impact the physical environment functionally and/or aesthetically.

Design Review Panel review required? Yes No

REQUIRED INFORMATION AND MATERIALS

All identified reports, studies, and/or plans must be submitted before an application is deemed complete. Unless otherwise noted, 5 copies of each item and an electronic digital file in PDF locked file format must be submitted.

Reports, Studies, Plans	Required	Staff Responsible for providing guidelines or terms of reference
Background Information		
Survey Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421

Concept Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
Planning		
Affordable Housing Report/Rental Conversion Assessment	<input type="checkbox"/>	
Draft OPA, and By-laws	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
Land Use/Market Needs Assessment	<input type="checkbox"/>	
Planning Justification Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
Site Plan and Building Elevations	<input checked="" type="checkbox"/>	Detailed Concept Plans Required at OPA/ZBA Stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421 Conceptual Elevations required at OPA/ZBA stage: Urban Design – V. Cox Final Site Plan and Elevations Required at Site Plan Stage
Urban Design Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Urban Design – V. Cox
Cultural		
Archaeological Assessment	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Cultural Heritage – C. Richer 905-546-2424 Ext. 7163
Cultural Heritage Impact Assessment	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Cultural Heritage – C. Richer 905-546-2424 Ext. 7163
Environmental		
Aggregate Resource Assessment	<input type="checkbox"/>	

Aggregate/Mineral Resource Analysis	<input type="checkbox"/>	
Air Quality Study	<input type="checkbox"/>	
Channel Design and Geofluvial Assessment	<input type="checkbox"/>	
Chloride Impact Study	<input type="checkbox"/>	
Cut and Fill Analysis	<input type="checkbox"/>	
Demarcation of top of bank, limit of wetland, limit of natural hazard, limit of Environmentally Significant Area (ESA), or limit of Conservation Authority regulated area	<input type="checkbox"/>	
Environmental Impact Statement (EIS)	<input type="checkbox"/>	
Erosion Hazard Assessment	<input type="checkbox"/>	
Fish Habitat Assessment	<input type="checkbox"/>	
Floodline Delineation Study/Hydraulic Analysis	<input type="checkbox"/>	
General Vegetation Inventory (GVI)	<input type="checkbox"/>	
Impact Assessment for new Private Waste Disposal Sites	<input type="checkbox"/>	
Karst Assessment/Karst Contingency Plan	<input type="checkbox"/>	
Landscape Plan	<input checked="" type="checkbox"/>	<p>Required at Site Plan stage: Natural Heritage – C. Plosz 905-546-2424 Ext. 1231</p> <p>Required at Site Plan stage: Urban Design – V. Cox</p> <p>Required at Site Plan stage: Forestry – S. Brush 905-546-2424 Ext. 7375</p>
Linkage Assessment	<input type="checkbox"/>	
Meander Belt Assessment	<input type="checkbox"/>	
Nutrient Management Study	<input type="checkbox"/>	
Odour, Dust and Light Assessment	<input type="checkbox"/>	
Restoration Plan	<input type="checkbox"/>	
Shoreline Assessment Study/Coastal Engineers Study	<input type="checkbox"/>	
Slope Stability Study and Report	<input type="checkbox"/>	
Species Habitat Assessment	<input type="checkbox"/>	
Tree Management Plan/Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Forestry – S. Brush 905-546-2424 Ext. 7375
Tree Protection Plan (TPP)	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Natural Heritage – C. Plosz 905-546-2424 Ext. 1231

Environmental/Servicing and Infrastructure		
Contaminant Management Plan	<input type="checkbox"/>	
Record of Site Condition (RSC)	<input type="checkbox"/>	
Erosion and Sediment Control Plan	<input type="checkbox"/>	
Hydrogeological Study	<input type="checkbox"/>	
Grading Plan	<input type="checkbox"/>	
Master Drainage Plan	<input type="checkbox"/>	
Stormwater Management Report/Plan and/or update to an existing Stormwater Management Plan	<input type="checkbox"/>	
Soils/Geotechnical Study	<input type="checkbox"/>	
Sub-watershed Plan and/or update to an existing Sub-watershed Plan	<input type="checkbox"/>	
Financial		
Financial Impact Analysis	<input type="checkbox"/>	
Market Impact Study	<input type="checkbox"/>	
Servicing and Infrastructure		
Recreation Feasibility Study	<input type="checkbox"/>	
Recreation Needs Assessment	<input type="checkbox"/>	
School Accommodation Issues Assessment	<input type="checkbox"/>	
School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment	<input type="checkbox"/>	
Functional Servicing Report (See "ADDITIONAL INFORMATION" section below for requirements)	<input checked="" type="checkbox"/>	Required at OPA/ZBA: Development Approvals – S. Ryan 905-546-2424 Ext. 1354
Servicing Options Report	<input type="checkbox"/>	
Water and Wastewater Servicing Study	<input type="checkbox"/>	
Land Use Compatibility		
Agricultural Impact Assessment	<input type="checkbox"/>	
Dust Impact Analysis	<input type="checkbox"/>	
Land Use Compatibility Study	<input type="checkbox"/>	
Landfill Impact Study	<input type="checkbox"/>	
Minimum Distance Separation Calculation	<input type="checkbox"/>	
Noise Impact Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
Odour Impact Assessment	<input type="checkbox"/>	
Sun/Shadow Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Urban Design – V. Cox
Vibration Study	<input type="checkbox"/>	

Wind Study	<input type="checkbox"/>	
Transportation		
Cycling Route Analysis	<input type="checkbox"/>	
Transportation Impact Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Transportation Planning – tplanning@hamilton.ca
Parking Analysis/Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage (can be incorporated as part of the Transportation Impact Study or a separate study): Transportation Planning – tplanning@hamilton.ca
Pedestrian Route and Sidewalk Analysis	<input type="checkbox"/>	
Roadway/Development Safety Audit	<input type="checkbox"/>	
Modern Roundabout and Neighbourhood Roundabout Analysis	<input type="checkbox"/>	
Neighbourhood Traffic Calming Options Report	<input type="checkbox"/>	
Transit Assessment	<input type="checkbox"/>	
Transportation Demand Management Options Report	<input type="checkbox"/>	
Cost Recoveries		
Cost Acknowledgement Agreement	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
DRP Submission Requirements	<input type="checkbox"/>	
Public Consultation Strategy	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
<ul style="list-style-type: none"> • Updated Wastewater Generation Assessment • Updated Water Servicing Assessment or Watermain Hydraulic Analysis • Geotechnical and/or Hydrogeological Report • Site servicing plans and servicing permits • Site grading and Erosion and Sediment Control Plan • Updated Stormwater Management 	<input checked="" type="checkbox"/>	Required at Site Plan Control Stage: Development Approvals – S. Ryan 905-546-2424 Ext. 1354

<ul style="list-style-type: none"> • Temporary Sewer Discharge Permit • Municipal Act Servicing Cost Recoveries • Associated Site Servicing Drawing and Review and Final Site Plan Inspection Fees 		
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ADDITIONAL INFORMATION

Comments:

Development Planning

- The Binbrook Village Secondary Plan permits a maximum height of three storeys and the Mixed – Use Medium Density – Pedestrian Focus (C5, 570) Zone permits a maximum height of 11.0 metres. As the proposal is for a six storey building, an Official Plan Amendment and Zoning By-law Amendment application will be required.
- Staff recommend the height be reduced to three storeys in conformity with the Secondary Plan

Urban Design

- It is important to note that development in Binbrook Village shall maintain and respect Binbrook’s historical community identity.
- Staff recommend reducing the height of the building to three storeys.

Cultural Heritage

- The application includes the proposed demolition of two early 20th century dwellings; as such, cultural heritage resources will be impacted. Therefore, A future CHIA will be required.
- Cultural Heritage Impact Assessments are used to evaluate potential development and site alteration of cultural heritage resources and demonstrate how the heritage attributes of the on-site and adjacent heritage resources will be conserved through mitigative measures and/or alternative development approaches as required.
- CHIA reports shall be prepared in conformity with the City’s Cultural Heritage Impact Assessment Guidelines and shall be submitted for review by Planning staff prior to acceptance of the report as being complete or the clearance of any conditions on any development approvals.

Transportation Planning

- A Road Widening Dedication (Ultimate Road Width needs to be 26.213 metres) and Daylight Triangle Dedication (which measures 12.19 metres by 12.19

metres) will need to be provided at the Site Plan Control Stage. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s) and Daylight Triangle Dedication.

Development Planning advises a concept at the OPA/ZBA stage will need to consider the distance from the new ultimate property lines and not the previous property lines.

- 5.0 metres x 5.0 metres visibility triangles must be provided for each driveway access
- Transportation Planning notes that a maximum grade percentage of 10% is required as per City of Hamilton Comprehensive Development Guidelines for underground parking ramps. If the ramp grades do not conform to City Development Guidelines, as a Special Condition of Site Plan Approval, prior to application for any building permits, a letter certifying the design of the ramp will be required, to be provided and signed by a Licensed Architect or Engineer, to the satisfaction of the Manager, Transportation Planning.

Finance

- At the time of payment is staff will confirm the value with Corporate Service staff.

Environmental Services Division

- Staff note that the development is eligible for municipal waste collection, but the current design it is not serviceable. The applicant will need to revise the site plan to address Environmental Services Division in order to receive municipal waste collection.

Public Works

- The outdoor amenity space and fenced in dog area will not count towards parkland dedication. We encourage the provision of a fenced in dog area.

Growth Planning

- It should be determined if there are any implications arising from the adjacent Registered Plan of Subdivision, Elizabeth Gardens Phase 3, 62M-1062 (25T-200111), e.g. cost recoveries relating to the registered plan or any reserves to be lifted. It is noted that the subject lands are also within a defined area of cost recovery.
- At the time of a submission for a Draft Plan of Condominium application a PIN Abstract would be required with a future submission. If the intent is to phase the Condominium, Schedules "G" and "K" as per the *Condominium Act*, would be required for future phases. If condominium, it should also be confirmed if the proposed parking will be unitized.

- The owner and agent should be made aware that the address for this proposal will be determined after conditional Site Plan approval is granted.

Development Engineering

- Block 130, 62M-1062 [Elizabeth Gardens Phase 3]: This Block is correctly shown as merging with the subject parcels pursuant to the requirements of the Elizabeth Gardens Phase 3 Subdivision.
- Block 136, 62M-1062 [Elizabeth Gardens Phase 3]: Existing 0.3 reserve along the north limit of Viking Drive adjacent to 3084 Regional Road 56. The portion of the 0.3m reserve will be required to be lifted in order to allow the proposed access driveway to be created on Viking Drive. There are no cost recoveries associated with this reserve.
- The Functional Servicing Study will need to include the following information:
 - Calculations/analysis to demonstrate that flows generated from the proposed development will not adversely impact the sewer capacity and hydraulic performance of the City's sanitary or storm sewer system
 - Wastewater Generation Assessment
 - Water Servicing Assessment or Watermain Hydraulic Analysis (WHA). The WHA is to identify the modelled system pressures at pressure district (PD23) level under various boundary conditions and demand scenarios. Please note that the requirement for a WHA may be waived following review of the water demand and fire flow requirements if it can be demonstrated that there is adequate service for the proposed development within the existing municipal system based on hydrant tests.
 - Two-hydrant flow tests,
 - Stormwater Management
 - Preliminary Erosion and Sediment Control
 - Preliminary Grading & Servicing Plans
 - Storm and Sanitary Drainage Area Plans/Design Sheets).



PLEASE BE ADVISED OF THE FOLLOWING:

1. *The purpose of this document is to identify the information required to commence processing a complete application as set out in the Planning Act. Formal Consultation*

does not imply or suggest any decision whatsoever on behalf of City staff or the City of Hamilton to either support or refuse the application.

2. This document expires 1 year from the date of signing or at the discretion of the Director of Planning.
3. In the event this Formal Consultation Document expires prior to the application being accepted by the City, another document may be required.
4. If an application is submitted without the information and materials identified in this Formal Consultation Document the City may deem such an application incomplete and refuse to accept the application.
5. In accordance with the Planning Act, it is the policy of the City of Hamilton to provide public access to all Planning Act applications and supporting documentation submitted to the City. Therefore, the information contained in an application and any documentation, including reports, studies and drawings, provided in support of an application, by the owner, or the owner's agents, consultants and solicitors, constitutes public information and will become part of the public record. With the filing of an application, the applicant consents to the City of Hamilton making the application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.
6. It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.
7. The above requirements for deeming an application complete are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Formal consultation and building permit review are separate and independent processes.

SIGNATURES

<u>Charlie Toman, SPM</u>		<u>Nov 17, 21</u>
Planning Staff	Planning Staff Signature	Date
<u>Alaina Baldassarra</u>		<u>Nov. 16, 21</u>
Planning Staff	Planning Staff Signature	Date
<u>Engineering Staff</u>	<u>Engineering Staff Signature</u>	<u>Date</u>

Owner

Owner Signature

Date

Applicant (I have the authority
to bind the Owner)

Applicant Signature

Date

Agent (I have the authority
to bind the Owner)

Agent Signature

Date

Other Staff or Agency

Signature

Date

Other Staff or Agency

Signature

Date

Other Staff or Agency

Signature

Date

APPENDIX B - DRAFT OFFICIAL PLAN AMENDMENT

Authority: Item XX, Planning Committee
Report: XX-XXX (PEDXXXXX)
CM: Date XXXXXXX, 2022
Ward: 11

Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. _____

To Adopt:

**Official Plan Amendment No. XX to
the Urban Hamilton Official Plan**

Respecting:

3064, 3070, 3078, and 3084 Regional Road 56 (Binbrook)

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

1. Amendment No. XX to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this XX day of XXXX, 2022

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule "1"

Urban Hamilton Official Plan Amendment No. XX

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:


The purpose and effect of this Amendment is to add a Site Specific Policy Area XX of the Binbrook Village Secondary Plan and redesignate a portion of the lands to Neighbourhoods in the Urban Hamilton Official Plan to permit a six storey multiple dwelling for the lands located at 3064, 3070, 3078, and 3084 Regional Road 56 (Binbrook)

2.0 Location:

The lands affected by this Amendment are known municipally as 3064, 3070, 3078, and 3084 Regional Road 56 (Binbrook).

3.0 Basis:

The basis for permitting this Amendment is to accommodate a six storey multiple dwelling development in conformity with overall Provincial and City policy planning direction.

Urban Hamilton Official Plan Amendment No. XX	Page 1 of 3	
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4.0 Actual Changes:

4.1 Volume 1 – Parent Policies

Schedules and Appendices

4.1.1 Schedules

- a. That Schedule E-1 of the Urban Hamilton Official Plan be amended to redesignate a portion of the subject lands as 'Neighbourhoods'.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B-2 Glanbrook Secondary Plans

- a. That Volume 2 Chapter B – Glanbrook Secondary Plans: Binbrook Village Secondary Plan Specific Policy Area XX be added to Section 5.1.13 as follows:

For lands municipally known as 3064, 3070, 3078, and 3084 Regional Road 56, and shown on Area Specific Policy – Area XX on Map B.5.1.1 – Binbrook Village Secondary Plan – Land Use Plan:

- Multiple residential uses shall be permitted
- A maximum building height of six storeys (20.0 metres) shall be permitted.


Schedules and Appendices

4.1.2 Schedules

- a. That Schedule B.5.5.1 – Binbrook Village Secondary Plan– Land Use Plan be amended to add 'Area Specific Policy XX'

5.0 Implementation:

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the XX of XXXX, 2022.

Urban Hamilton Official Plan Amendment No. XX	Page 2 of 3	
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Fred Eisenberger
MAYOR

A. Holland
CITY CLERK

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

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

Committee: Chair and Members Report No.: PEDXXXX Date: XX/XX/2022

Ward(s) or City Wide: 11

Prepared by:

Phone No: 905-546-2424 ext. XXXX

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

APPENDIX C - DRAFT ZONING BY-LAW

Authority: Item , Planning Committee
Report 22-____(PED22____)
Ward: 11

CITY OF HAMILTON

BY-LAW NO. 22-____

A By-law to amend Zoning By-law 05-200 to Permit the Development of a Residential Development on Lands Located at 3064, 3070, 3078, and 3084 Regional Road 56 (Binbrook)

WHEREAS Council approved Item__of Report 22-____of the Planning Committee, at its meeting held on_____, 2022;

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

NOW THEREFORE Council enacts as follows:

1. That Map Nos. 1911, 1912, 1934, 1935, and 1956 of Schedule "A" – Zoning Maps, of Zoning By-law No. 05-200, be amended as follows:
 - a. by amending the Mixed Use Medium Density - Pedestrian Focus (C5a, XXX) Zone with special provisions, to the lands the extent and boundaries of which are shown as Schedule "A" to by By-law.
2. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding an additional special exception as follows:

"XXX Within the lands zoned Mixed Use Medium Density - Pedestrian Focus (C5a, XXX) Zone identified on Map Nos. 1911, 1912, 1934, 1935, and 1956 of Schedule "A" Zoning Maps and described as 3064, 3070, 3078, and 3084 Regional Road 56, the following special provisions shall apply:

 - a) Notwithstanding Subsection 10.5a.1, a multiple dwelling be permitted as a permitted use, including on the ground floor;
 - b) Notwithstanding Subsection 10.5a.3 a) the maximum building setback from a street line shall be 7.84 metres from Viking Drive;
 - c) Notwithstanding Subsection 10.5a.3 b) the minimum rear yard setback shall be 7.0 metres;
 - d) Notwithstanding Subsection 10.5a.3 (d) ii), and Special Exception 570 a) the

maximum building height shall be 20.0 metres.

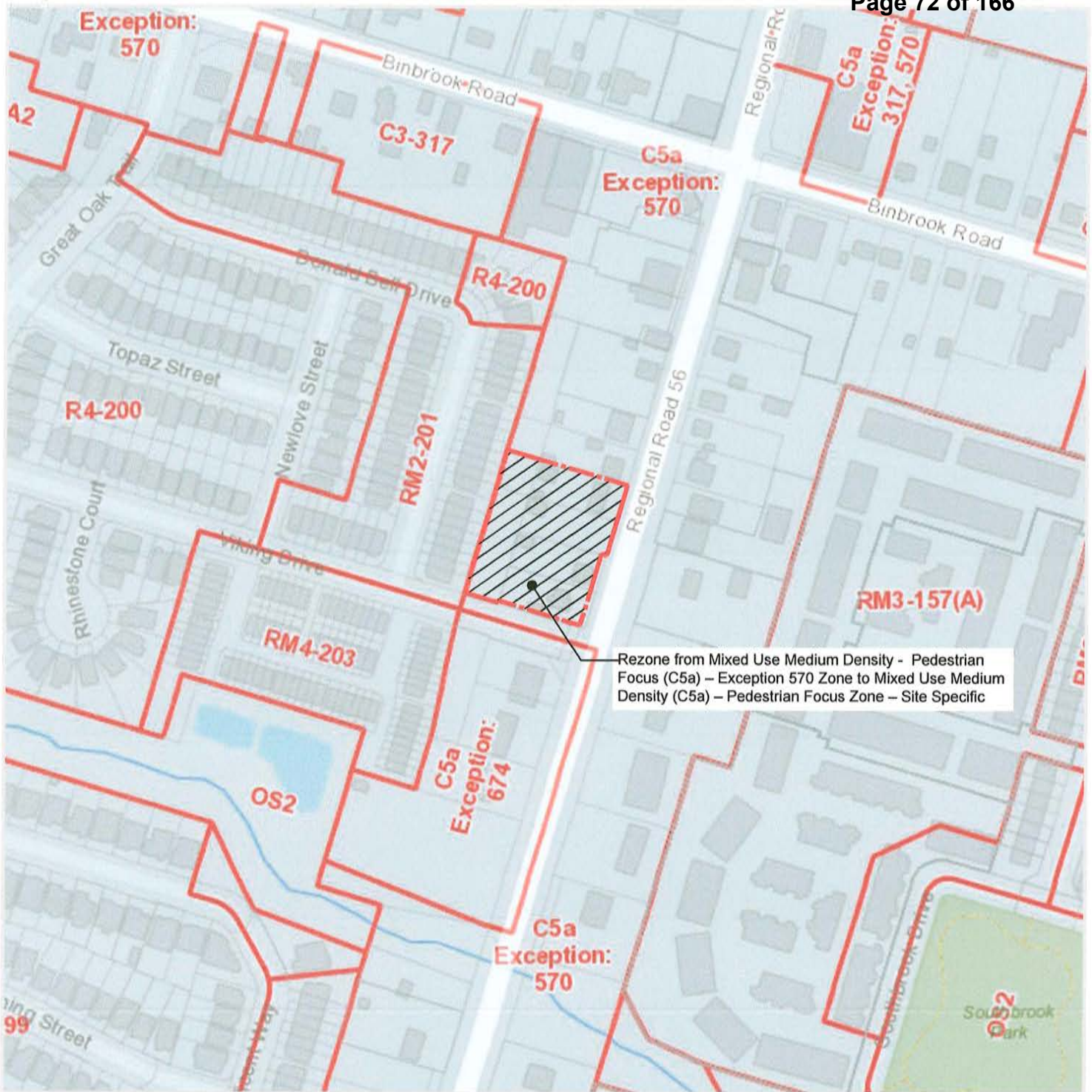
- e) Notwithstanding Subsection 10.5a.3(h) ix) minimum of 35% of the area of the ground floor façade facing the street shall be composed of doors and windows.
3. That the Clerk is hereby authorized and directed to proceed with the giving of the notice of passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this _____ day of _____, 2022

F. Eisenberger
Mayor

A. Holland
City Clerk



ZAC-22-XXX



Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) – Exception 570 Zone to Mixed Use Medium Density (C5a) – Pedestrian Focus Zone – Site Specific

Figure 8:
Proposed Zoning

LEGEND

-  Subject Lands
-  Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) – Exception 570 Zone to Mixed Use Medium Density (C5a) – Pedestrian Focus Zone – Site Specific
- A2 Rural Zone
- C3 Community Commercial Zone
- C5a Mixed Use Medium Density - Pedestrian Focus Zone
- OS2 Public Open Space Zone
- R4 Residential 4 Zone
- RM2 Residential Multiple 2 Zone
- RM3 Residential Multiple 3 Zone
- RM4 Residential Multiple 4 Zone

DATE: February 2022

SCALE: 1:3,000

FILE: 14196BN

DRAWN: LC



K114196BN-HWY 56 BINBROOKRUPPTPROPOSED ZONING.DWG



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
 Tel: 416-212-6349 | 1-866-448-2248
 Web Site: olt.gov.on.ca

Appeal Form (A1)

Municipal/Approval Authority Date Stamp	Receipt Number (OLT Office Use Only)	Date Stamp – Appeal Received by OLT
	OLT Case Number (OLT Office Use Only)	

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
1583123 Ontario Inc.			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:

City/Town:	Province:	Country:	Postal Code:

Representative Information				
<input type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me				
Last Name:		First Name:		
Meader		Jennifer		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Turkstra Mazza Associates				
Email Address:				
jmeader@tmalaw.ca				
Daytime Telephone Number:			Alternative Telephone Number:	
905.529.3476	ext.	2740	416.605.0508	
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
	15	Bold Street		
City/Town:	Province:	Country:	Postal Code:	
Hamilton	Ontario	Canada	L8P 1T3	
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>				
<p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>				

Location Information	
Are you the current owner of the subject property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Address and/or Legal Description of property subject to the appeal:	
3064, 3070, 3078, and 3084 Regional Road 56, Binbrook, Hamilton	
Municipality:	
City of Hamilton	
Upper Tier (Example: county, district, region):	
Not Applicable	

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Official Plan Amendment	Planning Act	22(7)
2	Zoning By-law Amendment	Planning Act	34(11)
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6

<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal
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Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

116

Municipal Reference Number(s):

Municipal File Nos. UHOPA-22-023, ZAC-22-050, and FC-21-070

List the reasons for your appeal:

Please see attached covering letter.

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

Please see the attached covering letter and Planning Justification Report prepared by MHBC and dated April 2022.

Oral/Written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

April 25, 2022

Date municipality deemed the application complete if known (yyyy/mm/dd):

July 22, 2022

Please briefly explain the proposal and describe the lands under appeal:

Please see the attached covering letter and Planning Justification Report.

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

--

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

--

Outline the relief requested:

--

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

--

Address or legal description of the subject property:

--

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

--

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: **\$2,200**

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).


Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Jennifer Meader		2022/11/21

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

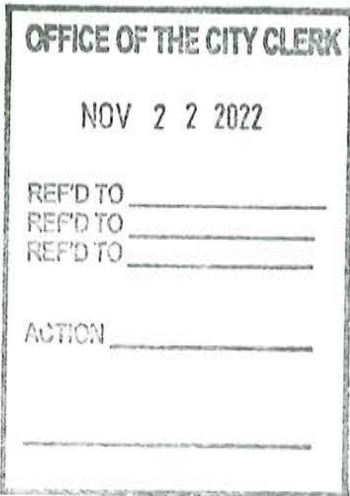
If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5 Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca	
Section 5	For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton File with: NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3 rd Floor Georgetown, ON L7G 4B1	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) File with: NIAGARA ESCARPMENT COMMISSION 1450 7 th Avenue Owen Sound, ON N4K 2Z1

	<p>Phone: 905-877-5191</p> <p>Fax: 905-873-7452</p> <p>Website: www.escarpment.org</p> <p>Email: necgeorgetown@ontario.ca</p>	<p>Phone: 519-371-1001</p> <p>Fax: 519-371-1009</p> <p>Website: www.escarpment.org</p> <p>Email: necowensound@ontario.ca</p>
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NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.



Jennifer Meader
Turkstra Mazza Associates
15 Bold Street
Hamilton Ontario Canada L8P 1T3
Office: 905.529.3476 x2740
Cell: 416.605.0508
jmeader@tmalaw.ca

November 21, 2022

VIA EMAIL & COURIER

City of Hamilton
71 Main Street West
Hamilton, Ontario L8P 4Y5

Attention: Andrea Holland, City Clerk

Dear Ms. Holland:

Re: NOTICE OF APPEAL
3160, 3168, 3180 and 3190 Regional Road 56, Binbrook, Hamilton (Windwood 4)
Failure to Make a Decision to Amend Official Plan
Failure to Make a Decision to Amend Zoning By-Law
Municipal File Nos. UHOPA-22-024, ZAC-22-051, and FC-21-071

We represent 1583123 Ontario Inc., owner of lands municipally known as 3160, 3168, 3180 and 3190 Regional Road 56, within the community of Binbrook, within the City of Hamilton ("Subject Lands"). In May 2022, our client submitted an Official Plan Amendment and Zoning By-law Amendment Application (together, the "Applications") to the City of Hamilton ("City") to permit the development of a five-storey residential apartment building containing 121 residential units and sixth-storey amenity space ("Development Proposal").

Given that more than 120 days have passed since the Applications were submitted and the City has failed to make a decision, we hereby appeal the Applications to the Ontario Land Tribunal, pursuant to subsection 34(11) and 22(7) of the *Planning Act*, R.S.O., c. P.13 ("Planning Act").

THE SUBJECT LANDS

The Subject Lands are located in Binbrook, on the west side of Regional Road 56 between Viking Drive and Windwood Drive. Regional Road 56 is a minor arterial road which travels in the north south direction through the settlement area of Binbrook. The Subject Lands are comprised of four parcels with a total area of approximately 0.61 hectares (1.5 acres) and have a frontage of approximately 97 metres on Regional Road 56. The Subject Lands are occupied by two vacant residential buildings and an accessory garage structure. The existing buildings are proposed for demolition to allow for the construction of the

JENNIFER J MEADER PROFESSIONAL CORPORATION
TURKSTRA MAZZA ASSOCIATES

proposed residential multiple dwelling use.

Generally, surrounding land uses include the following:

- West: Directly west of the Subject Lands are residential townhouse uses. Further to the west are single detached residential uses.
- North: Directly north of the Subject Lands is a stormwater management corridor containing a recreational trail. Further to the north are lands currently under construction to develop multiple residential uses. Further to the north is the Binbrook core area containing commercial amenities and uses including a pharmacy, bank, restaurants, the Binbrook Library and post office.
- East: Directly east of the Subject Lands is Regional Road 56 which is a minor arterial road through the settlement area of Binbrook, providing a connection to the Hamilton settlement area to the north. On the east side of Regional Road 56 are residential uses including lands designated for mixed use development.
- South: Directly south of the Subject Lands is a commercial building. Further to the south is a mixed use development.

The Subject Lands are designated Mixed Use - Medium Density by the Urban Hamilton Official Plan ("UHOP") permitting residential uses and multiple dwellings and designated Mixed Use - Medium Density - Pedestrian Predominant in the Binbrook Village Secondary Plan ("SP").

DEVELOPMENT PROPOSAL

The Development Proposal is five storeys in height with a sixth floor amenity space, and proposes a total of 121 residential units and flexible commercial/office units on a portion of the ground floor. Access to the Subject Lands is provided from Regional Road 56 through the ground floor of the building. Parking, loading, and access to the underground garage are located to the rear of the building, and are screened from the public street. The proposed building has been oriented to Regional Road 56 and designed with an articulated building façade and landscaped area along Regional Road 56.

The incorporation of flexible commercial/office units on the ground floor will allow for the implementation of the employment and village focus of the area along Regional Road 56 and to the Binbrook Community Core, while accommodating residential development.

The existing surrounding uses have been considered in the design of the proposed development through building orientation and setbacks. The building is setback from the existing residential uses to the west and commercial building to the south to reduce the impacts of building height on the adjacent uses.

Vehicular access for the proposed development is reduced to one access and is located to the north of the site, intended to minimize conflict points and disruption to public sidewalks. The internal driveway and vehicular network are accessed by a main entrance way, and an internal drive aisle loop and drop-off

turn circle are proposed within the internal road network to accommodate anticipated traffic volume and provide efficient vehicle movement within the Development Proposal.

The following studies were submitted in support of the Applications:

1. Planning Justification Report
2. Urban Design Brief
3. Functional Servicing Report
4. Transportation Impact Study
5. Noise Impact Study
6. Archaeological Assessment
7. Geotechnical Report
8. Conceptual Site Plan
9. Conceptual Elevations
10. Sun/Shadow Study
11. Survey Plan
12. Tree Management/Protection Plan
13. Engineering Plans

THE PLANNING INSTRUMENTS

An Official Plan Amendment is required to permit:

- A multiple dwelling; and
- A maximum building height of six storeys

A Zoning By-law Amendment is required to permit the proposed mixed-use development and implement the Official Plan and Secondary Plan Amendment. The proposed zoning for the Subject Lands is Mixed-Use Medium Density (C5a) - Pedestrian Focus Zone with the following site-specific provisions:

- Permit a multiple dwelling as a permitted use;
- A minimum interior side yard of 5.0 metres;
- A maximum building height of 21.5 metres;
- A minimum of 38% of the area of the ground floor façade facing the street shall be composed of doors and windows; and
- A maximum first storey height of 5.5 metres.

BASIS FOR APPEAL

The reasons for appealing the Applications include but are not limited to the following:

1. The Applications have appropriate regard to matters of provincial interest set out in section 2 of the Planning Act.
2. The Applications are consistent with the Provincial Policy Statement, 2020.

3. The Applications conform to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.
4. The Applications meet the intent and purpose of the UHOP.
5. The Applications meet the intent and purpose of the SP.
6. The Applications represent good planning and are in the public interest.

A detailed analysis of applicable provisions from the legislation and policy documents enumerated above are set out in the Planning Justification Report prepared by MHBC, dated May 2022, and which is attached to this Notice of Appeal.

FORM AND FEE

In satisfaction of OLT's processing requirements, enclosed please find:

1. The Planning Justification Report
2. The required OLT Appeal Form A1; and
3. A cheque in the amount of \$2,200 as the OLT's requisite appeal fee.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned. Otherwise, we thank you for your receipt of this appeal package.

Yours truly,



Jennifer Meader



KITCHENER
WOODBIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

PLANNING JUSTIFICATION REPORT

OFFICIAL PLAN AMENDMENT AND
ZONING BY-LAW AMENDMENT

3160, 3168, 3180 & 3190 Regional Road 56
Binbrook, City of Hamilton

Date:

May, 2022

Prepared for:

1583123 Ontario Inc.

Prepared by:

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)

540 Bingemans Centre Drive, Suite 200

Kitchener, Ontario

T: 519.576.3650

F: 519.576.0121

Our File 1419680

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Appendix A – Formal Consultation Agreement

Appendix B – Draft Official Plan Amendment

Appendix C – Draft Zoning By-law

1.0 INTRODUCTION

MHBC Planning has been retained by 1583123 Ontario Inc. to prepare a Planning Justification Report and applications for development of the lands municipally known as 3160, 3168, 3180 and 3190 Regional Road 56 in Binbrook, Hamilton, Ontario (the "subject lands"). The subject lands are legally described as part of Lot 1 and Block 4, Concession 4, in the former Township of Glanbrook. In order to permit the proposed development, amendments to the Urban Hamilton Official Plan and Zoning By-law are required.

The subject lands are located on the west side of Regional Road 56 between Viking Drive and Windwood Drive, as shown on **Figure 1** of this report. The subject lands are rectangular in shape and have an area of approximately 0.61 hectares (1.5 acres), with an approximate frontage of 97 metres on Regional Road 56. The subject lands are presently occupied by three vacant residential dwellings.

The proposal includes the removal of the existing residential dwellings for the redevelopment of the subject lands. A five storey building is proposed with a sixth floor amenity space. The proposed building contains a total of 121 residential apartment units and potential for commercial / office units on a portion of the ground floor.

One vehicular access is proposed from Regional Road 56, which is to be located through the ground floor of the proposed building. The vehicular access connects to a rear surface parking area, loading area and access to underground parking. Parking is provided at surface and underground for a total of 135 spaces including 27 visitor spaces and 5 barrier free parking spaces.

The subject lands are designated 'Mixed Use – Medium Density' by the Urban Hamilton Official Plan permitting residential uses and multiple dwellings and designated 'Mixed Use – Medium Density – Pedestrian Predominant' in the Binbrook Village Secondary Plan.

The Official Plan and Zoning By-law Amendments are proposed to establish the land use planning framework for the proposed residential development. This planning report assesses the planning framework related to the proposed use of the lands and includes the following:

- An introduction and general description of the subject lands, surrounding land uses and existing conditions to provide an understanding of the locational and policy context;
- Overview of the proposed redevelopment and applications;
- Description of the overall land use planning and design elements of the proposed development

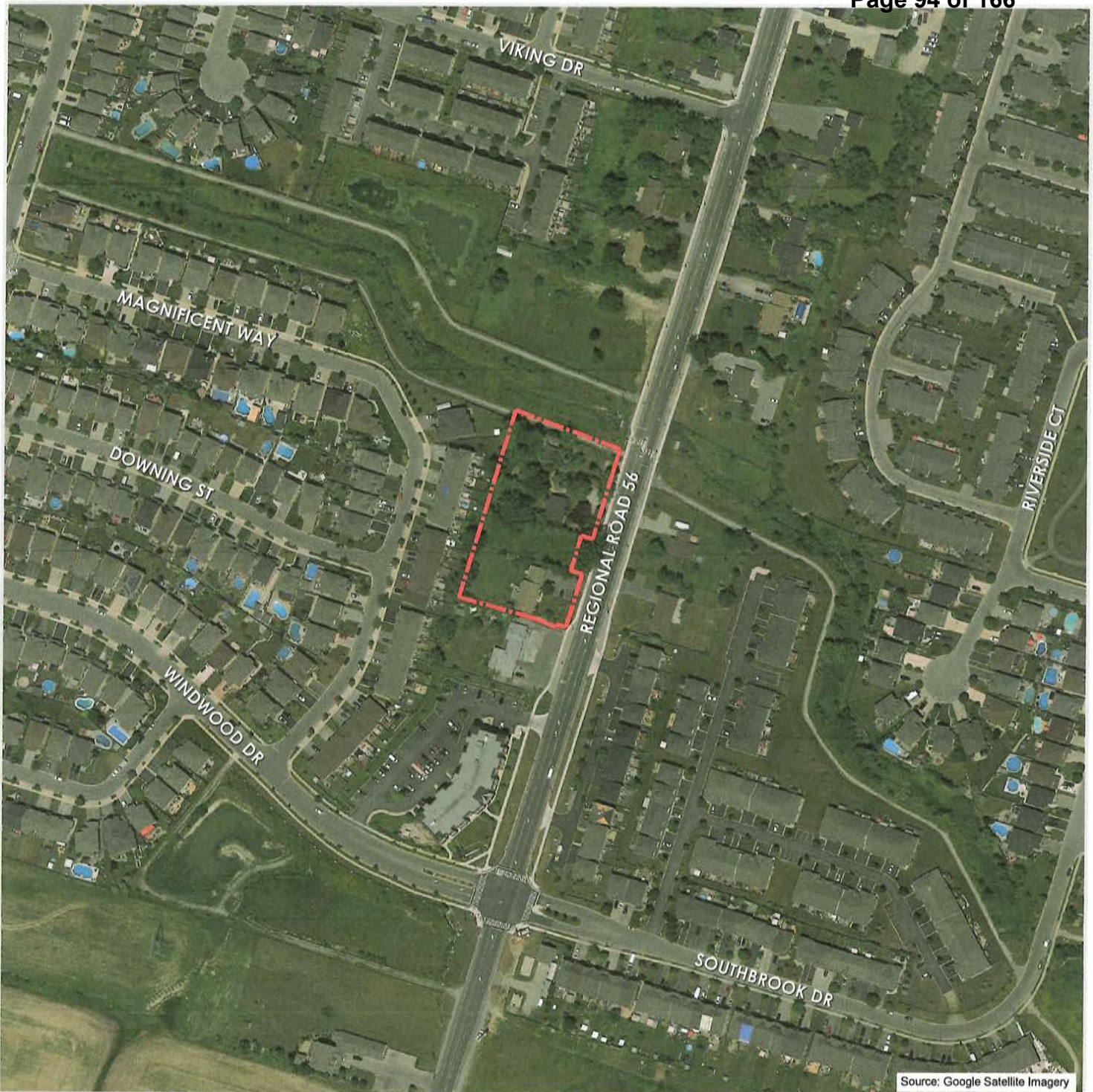
- Review of existing policy framework and assessment of consistency with the Provincial Policy Statement and conformity with the Growth Plan, Urban Hamilton Official Plan and Binbrook Village Secondary Plan; and
- Consideration and integration of recommendations and conclusions from the supporting studies and reports.

1.1 Formal-Consultation and Submission Requirements

A Formal Consultation meeting was held for the development of the subject lands on June 9, 2021. The Formal Consultation Document identified the planning process required to permit the proposed development of the subject lands. In addition to this Planning Justification Report, the following Technical Studies and Plans were identified in the Formal Consultation Document to form a complete application under the Planning Act:

- Urban Design Brief
- Functional Servicing Report
- Transportation Impact Study
- Noise Impact Study
- Archaeological Assessment
- Geotechnical Report
- Conceptual Site Plan
- Conceptual Elevations
- Sun / Shadow Study
- Survey Plan
- Tree Management/Protection Plan
- Engineering Plans


A brief summary of the Technical Studies are included in **Section 5.0** of this report and a copy of the Formal Consultation Document is attached as **Appendix A**.



Source: Google Satellite Imagery

Figure 1:
Location Plan

LEGEND

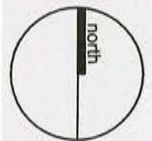
 Subject Lands

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K14196BO - WINDWOOD 4RPT/LOCATION.DWG

3160, 3168, & 3190 Regional Road 56
 Binbrook
 City of Hamilton



MHBC PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE
200-340 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
 P: 519.574.5650 F: 519.574.0121 | WWW.MHBCPLAN.COM

2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The subject lands are located in Binbrook, on the west side of Regional Road 56 between Viking Drive and Windwood Drive. Regional Road 56 is a minor arterial road which travels in the north south direction through the settlement area of Binbrook. The subject lands are municipally known as 3160, 3168, 3180 and 3190 Regional Road 56, and the location of the subject lands is shown on **Figure 1** of this report.

The subject lands are comprised of four parcels with a total area of approximately 0.61 hectares (1.5 acres) and have a frontage of approximately 97 metres on Regional Road 56. The subject lands are occupied by two vacant residential buildings and an accessory garage structure. It is proposed to remove the existing buildings to allow for the construction of the proposed residential multiple dwelling use.

The subject lands are surrounded by commercial and residential uses and a context plan is included as **Figure 2** of this report. Generally, surrounding land uses include the following:

- WEST:** Directly west of the subject lands are residential townhouse uses. Further to the west are single detached residential uses.
- NORTH:** Directly north of the subject lands is a stormwater management corridor containing a recreational trail. Further to the north are lands currently under construction to develop multiple residential uses. Further to the north is the Binbrook core area containing commercial amenities and uses including a pharmacy, bank, restaurants, the Binbrook Library and post office.
- EAST:** Directly east of the subject lands is Regional Road 56 which is a minor arterial road through the settlement area of Binbrook, providing a connection to the Hamilton settlement area to the north. On the east side of Regional Road 56 are residential uses including lands designated for mixed use development.
- SOUTH:** Directly south of the subject lands is a commercial building. Further to the south is a mixed use development.



Figure 2:
Context Plan

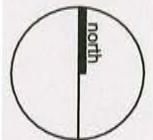
- LEGEND**
- Subject Lands
 - Urban Boundary
 - Parks
 - Binbrook Trails

DATE: February 2022

SCALE: 1: 7,500

FILE: 14196BO

DRAWN: LC



K:\14196BO - WINDWOOD 4\RP1\CONTEXT PLAN.DWG

3160, 3168, & 3190 Regional Road 56
 Binbrook
 City of Hamilton

MHBC PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE

200-340 BIRCHMEAD BLVD. CENTRE DR. KITCHENER, ON. N2B 3Y9
 P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

In general, the subject lands are surrounded by a mix of residential, commercial and recreational uses. The main commercial area of Binbrook is located to the north and within a 10-minute walking distance (800 metres) of the subject lands and contains commercial amenities including a food market, pharmacies, financial institutions, restaurants, and public services (i.e., library, fire station, post office, and learning centre). Further to the north is a food store and the Binbrook Agricultural Society providing community recreation opportunities. Additional commercial amenities are located directly to the south of the subject lands including restaurants, a medical office and hair salons.

In terms of institutional uses, two elementary schools (St. Matthew Catholic Elementary School and Bellmore Public school) are located within a 1-kilometre radius of the subject lands. The Binbrook Public Library is located within walking distance of the subject lands providing community programs and services. A number of churches are located in proximity of the subject lands providing additional community opportunities.

The subject lands are located directly adjacent to the Binbrook Trail which is located along the stormwater management corridor that travels throughout the settlement area. The trail provides connections throughout Binbrook facilitating a connection to a number of parks and uses including Southbrook Park, Laidman Park, St. Matthew Elementary School, Fairgrounds Community Park, Bellmoore Elementary School. Binbrook Park is located to the north, in close proximity to the subject lands, and is adjacent to the Binbrook Agricultural Society grounds. Overall, the subject lands are well-located to existing recreational uses.

Pedestrian infrastructure exists along the frontage of the property on Regional Road 56. Designated bike lanes are located along Regional Road 56 and continue north and south through the settlement area. Bike lanes are also located on Binbrook Road, Fall Fair Way and Bradley Avenue providing additional connections to key locations including Fairgrounds Community Park, Binbrook Park, the public elementary schools in the area, and commercial amenities. The Binbrook Trail provides an additional recreational bike path encouraging safe active transportation.

In summary, the site is well-located and in close proximity to a range of uses including commercial, institutional and recreational uses. The site is well connected to the minor arterial road network and is situated in an ideal location for future transit services. The subject lands are located in an area in proximity to existing pedestrian infrastructure and bike lanes supporting active transportation in the Binbrook settlement area.

3.0 PROPOSED DEVELOPMENT AND APPLICATIONS

The overall vision for the development of the site is for a medium density, five-storey residential building with a sixth floor amenity space and flexible commercial / office space on the ground floor along Regional Road 56. The proposed redevelopment will integrate into both the existing neighbourhood to the west and the transitioning corridor along Regional Road 56. A concept plan is included in this report as **Figure 3**.

3.1.1 SITE DESIGN

The proposed redevelopment is five storeys in height with a sixth floor amenity space, and proposes a total of 121 residential units and flexible commercial / office units on a portion of the ground floor. Access to the site is provided from Regional Road 56 through the ground floor of the building. Parking, loading and access to the underground garage are located to the rear of the building, and are screened from the public street. The proposed building has been oriented to Regional Road 56 and designed with an articulated building façade and landscaped area along Regional Road 56.

The incorporation of flexible commercial / office units on the ground floor will allow for the implementation of the employment and village focus of the area along Regional Road 56 and to the Binbrook Community Core, while accommodating residential development.

The existing surrounding uses have been considered in the design of the proposed development through building orientation and setbacks. The building is setback from the existing residential uses to the west and commercial building to the south to reduce the impacts of building height on the adjacent uses.

Vehicular access for the proposed development is reduced to one access and is located to the north of the site, intended to minimize conflict points and disruption to public sidewalks. The internal driveway and vehicular network is accessed by a main entrance way, and an internal drive aisle loop and drop-off turn circle are proposed within the internal road network to accommodate anticipated traffic volume and provide efficient vehicle movement within the proposed development.

Figure 3:

Concept Plan

3160, 3168, & 3190 Regional Road 56
Brimok
City of Palmilton

LEGEND

Subject Lands

DATE: April 2022
SCALE: 1:800
FILE: 1419680
DRAWN: LC



EX-1181602-19-10000000-00000000-00000000



PLANNING
URBAN DESIGN
& LANDSCAPE ARCHITECTURE
MHC ARCHITECTURE
1100 N. UNIVERSITY AVE. SUITE 100
ANN ARBOR, MI 48106-1500
TEL: 734.769.8800
WWW.MHCARCHITECTURE.COM



Sidewalk and pedestrian walkways are located throughout the development and provide convenient and safe connections to the building, landscaped areas and existing sidewalk infrastructure along the roadway

Waste collection and loading areas are distanced from sidewalks and pedestrian walkways. The subject lands are generally flat with only minor grading changes proposed. Detailed design elements, such as lighting and signage, will be reviewed during the site plan stage.

In summary, the proposed development will provide 121 additional residential dwelling units to the area through a built form that provides a range of unit sizes to accommodate a variety of demographics. The site design will provide an appropriate transition from the residential uses to the west, and commercial uses to the south.

3.1.2 BUILDING DESIGN

The proposed architectural design consists of a five storey residential multiple dwelling with a sixth floor amenity space, containing residential apartment uses on floors one through five and flexible commercial / office space on a portion of the ground floor. The following renders represent the proposed architectural design of the building.





The architectural façade of the building will provide for a contemporary appearance through the use of durable, yet contextual sensitive colour and material palette. The façade design will include a mixture of materials, including various coloured bricks, concrete, glass, and metal to create a visual interest while respecting the surrounding character. These materials will be continuous for all building elevations to provide for a consistent and high quality appearance, which take cues from the surrounding residential, agricultural, and culturally significant built form appearance.

The proposed residential building will have transitions in its massing to create architectural interest. The appearance of bulk and mass is reduced through variations in the roof line and vertical plane. This approach avoids long, flat roof surfaces and sheer walls. The massing of the proposed development is divided through the use of varying high quality building materials to create a pedestrian scaled environment. Storeys one through three are comprised of brick and metal materials that resemble historic building materials of the Binbrook area. A distinguishable use of metal, various coloured brick and increased use of glazing create a visually appealing divide between upper and lower floors. Concrete materials form building entrance features and storeys four through five. The use and transition of varying building materials between the third and fourth storey maintain the streetscape and character of other developments along Regional Road 56.

The proposed architectural design and scale of the built form supports a pedestrian oriented streetscape setting through emphasizing pedestrian mobility and building street wall animation along street, sidewalk and trail network. Building entrance points are planned to be highly visible from the road network and public amenity areas, with landscaping and enhanced architectural features.

The overall proposed building design demonstrates symmetry and rhythm while promoting a high quality design through the use of materials and a pedestrian oriented façade.

3.1.3 LANDSCAPE DESIGN

Landscaping on the site will seek to provide an enhanced, functional, and attractive outdoor space. A shared amenity area is proposed to connect the development, while providing pedestrian spaces to safely move throughout the site. The creation of interconnected series of amenity and green

spaces create a distinctly pedestrian urban environment to provide ample outdoor space for residents.

Pedestrian open spaces are located in the central area of the site and around the perimeter. Pedestrian infrastructure is incorporated which provides connections to access the building and to Regional Road 56. The materials and furnishings in the amenity space will be determined throughout the detailed design stage.

Trees will be considered throughout the amenity areas. Shade trees and plantings will be considered for pedestrian walkways to heighten the overall pedestrian experience.

The overall design of the parking and service areas are designed to mitigate the overall visual impact to the public realm. In order to strengthen the development's pedestrian amenities, car parking and service areas will be screened with thoughtfully placed vegetation and screening. Parking areas are located to the rear of the building and large canopy trees and understory will be considered to reduce the visual impact of the area. Paving materials will differ from parking lots to pedestrian crossings, which will provide visual cues as well as provide a richer pallet of materials. Detailed landscaped design will be incorporated at the site plan stage of development.

Above ground utilities and services will be located away from main pathways and screened with vegetation and decorative fencing as much as feasibly possible.

3.1.4 PEDESTRIAN AND VEHICULAR CIRCULATION

The siting of the proposed on the subject lands will promote safe pedestrian linkages through a continuous pedestrian experience along the primary frontage of the building. Bicycle parking will be accessible near main entrance areas where feasible to supporting active transportation. A bicycle parking storage room is proposed within the underground parking garage, and at grade bicycle parking spaces will be provided near the building entrances. The internal pathway network proposed within the subject lands provides direct access from the surrounding neighbourhood, amenity space, and parking lot to the proposed building. The sidewalk and path network will connect to the building main entrances to ensure continuous access and safety for pedestrians.

The proposed entranceways and walkways will ensure barrier-free accessibility requirements are met by implementing sufficient walkway widths, gradual grade changes, and textured surface paving where appropriate. Wayfinding features, including bollard light fixtures and signage will be implemented where required to safely guide pedestrian movement. The building main entrances will be covered and weather-protected with appropriate lighting to create a comfortable and well-defined pedestrian arrival and departure experience.

A main internal road through the site provides access to the underground parking access area and surface visitor parking for the residential use. A drop-off area is proposed for the building and provides a convenient location for deliveries, ridesharing services or other forms of transit.

3.1.5 SITE SERVICING AND PARKING

The proposed development will accommodate the majority of the proposed parking spaces within one level of underground parking. Some surface parking is provided primarily for visitor and accessible parking spaces. The proposed parking arrangement and design will allow for a safe and continuous vehicular movement between the parking spaces and sidewalks while ensuring accessible parking needs are prioritized and situated in close proximity to building entrances to ensure barrier free access is provided.

The proposed at grade parking areas will integrate appropriate landscape treatment and accent paving materials where feasible to enhance the pedestrian and building frontage experience at grade level and to ensure a high quality landscape transition is achieved.

The majority of the proposed parking is located through one underground parking, which limits the overall amount of surface parking. Underground parking access is provided by the internal driveway. The underground parking will help to reduce surface level parking and provide opportunities for greenspace and landscaping.

Loading, storage and other services will be internalized and located at the rear of the building to minimize impacts on landscaped open space. Access to loading, storage and servicing will be located efficiently to minimize impacts on vehicular and pedestrian traffic.

3.2 Summary of Official Plan Amendment Application

The subject lands are designated Mixed-Use Medium Density in the City of Hamilton Urban Hamilton Official Plan (UHOP) and further designated in the Binbrook Village Secondary Plan as Mixed Use – Medium Density – Pedestrian Focus.

An Official Plan Amendment is required to permit:

- Permit a multiple dwelling
- Permit a maximum building height of six storeys

A draft Official Plan Amendment is enclosed as **Appendix B** to this Report.

3.3 Summary of Zoning By-law Amendment Application

A Zoning By-law Amendment is required to permit the proposed mixed use development and implement the Official Plan and Secondary Plan Amendment. The proposed zoning for the subject lands is Mixed-Use Medium Density (C5a) – Pedestrian Focus Zone with the following site-specific provisions:

- Permit a multiple dwelling as a permitted use;
- A minimum interior side yard of 5.0 metres;
- A maximum building height of 21.5 metres;
- A minimum of 38% of the area of the ground floor façade facing the street shall be composed of doors and windows; and
- A maximum first storey height of 5.5 metres.

Details of the proposed zoning are included in **Section 4.5** of this report. A draft Zoning By-law Amendment is enclosed as **Appendix C** to this Report.

4.0 PLANNING ANALYSIS

The following is a review of the provincial, regional and municipal land use policy framework related to the subject lands, and how the proposal has met those considerations.

4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) was issued by the Province of Ontario in accordance with Section 3 of the Planning Act. The 2020 PPS applies to all decisions regarding the exercise of any authority that affects a land use planning matter made on or after May 1, 2020.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure. The PPS encourages a diverse mix of land uses in order to provide choice and diversity to create complete communities. A variety of modes of transportation are required to facilitate pedestrian movement, active transportation opportunities and less reliance on the automobile. The PPS strongly encourages development that will provide long term prosperity, environmental health and social wellbeing. One of the key considerations of the PPS is that planning decisions 'shall be consistent' with the Policy Statement. The following is an analysis of the proposed development in the context of the policies in the PPS.

Settlement Areas (1.1.3)

The PPS states that Settlement Areas shall be the focus of growth and development, and that their vitality and regeneration shall be promoted. The proposed development is located within the City of Hamilton which is a designated Settlement Area. Further, land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- efficiently use land and resources;
- are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- minimize negative impacts to air quality and climate change, and promote energy efficiency;
- support active transportation;
- are transit-supportive, where transit is planned, exists or may be developed; and
- are freight-supportive.

As well, a range of uses and opportunities for intensification and redevelopment are encouraged.

The proposed development provides an opportunity for the development of underutilized land within an existing Settlement Area. The subject lands were previously used for low density residential uses and it is proposed to redevelop the lands with medium density residential uses and flexible commercial / office space providing for an increase in housing units in the area. The proposed development will provide an additional 121 residential apartment units to the Binbrook settlement area which contains existing municipal services, and primarily low density housing forms. The proposed redevelopment will contribute to the mix of housing choice in the area.

The proposed development will have a compact housing form with a density of 199 units per hectare. The proposed compact form of development will minimize the impacts on air quality and climate change and support future transit investments in the area.

As detailed in the Functional Servicing Report, prepared by S. Llewellyn and Associates, the subject lands can be serviced by municipal services.

Housing (1.4.3)

The PPS identifies that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households.
- Permitting and facilitating: all forms of housing required to meet the social, health, and well-being requirements of current and future residents, including special needs requirements; and all forms of residential intensification, including second units, and redevelopment;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- Establishing development standards for residential intensification, redevelopment and new residential development, which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed development will provide 121 units with a range and mix of unit sizes. The proposed development will contribute to the overall range and mix of housing types offered in Binbrook, which primarily contains low density housing forms such as single detached and townhouse dwellings. While the Binbrook Village Secondary Plan identifies a significant amount of residential

land for development, there are limited opportunities for medium density residential planned for the area that would permit apartment uses. The proposed development will contain a mix of one bedroom, one bedroom plus den, and two bedroom units, which will provide units for a broad demographic, and offer a more attainable housing choice.

Existing infrastructure and services are present in the area surrounding the proposed development and can support the increased residential density.

Public Spaces, Recreation, Parks, Trails and Open Space (1.5.1)

The PPS identifies that healthy, active communities should be promoted by:

- planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- providing opportunities for public access to shorelines; and
- recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

The subject lands are proposed to contain a series of interconnected, sidewalks that provide connections throughout the development, and to Regional Road 56. Connections are provided to the existing sidewalk infrastructure. A recreational trail is located north of the proposed development within the area reserved for stormwater management, and provides connections to the surrounding parks and trails for recreational opportunities. An amenity space is provided within the proposed development offering opportunities for recreation and pedestrian connections to adjacent land uses and environmental features promote the use of open space and recreational trails.

Sewage, Water and Stormwater (1.6.6)

As per the PPS, municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

The subject lands are within a Settlement Area, and are located within an area with existing services. The subject lands will be able to provide for connections to full municipal services, as detailed in the Functional Servicing Report prepared by S. Llewellyn and Associates and submitted in support of the applications.

Transportation Systems (1.6.7)

The PPS identifies that transportation and land use considerations shall be integrated at all stages of the planning process. Further, it promotes multimodal transportation systems, and a land use pattern, density and mix of uses which minimize the length and number of vehicle trips and support current and future use of transit as well as active transportation.

The subject lands are located on Regional Road 56, a minor arterial road, which provides a connection north to Stoney Creek and to the Red Hill Valley Parkway and Lincoln M. Alexander Parkway, for connections throughout the City. Regional Road 56 connects to Binbrook Road (Highway 65) providing westbound connections to Mount Hope and the Hamilton International Airport.

Regional Road 56 was recently reconstructed in 2015 to provide for a mix of active transportation options, including delineated bicycle lanes and wide sidewalks connections. A multi-use trail exists to the north. Transit connections have been contemplated for the area, including trans-cab services. The proposed development will provide a transit supportive density for any future transit expansion in the area, and will be conveniently located for residents to access transit stops, as the building entrances are located onto Regional Road 56.

As a result of the existing road network connections and recently constructed active transportation infrastructure, the site is appropriately located for proposed density. Pedestrian connections are proposed as part of the development and will provide access to the existing active transportation network.

Summary

Based on the above, the proposed Official Plan Amendment and Zoning By-law Amendment applications are consistent with the policies of the Provincial Policy Statement.

4.2A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe ('A Place to Grow') came into effect on August 28, 2020. This Plan is the framework for implementing the Provincial Government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities to achieve a high quality of life.

The policies of A Place to Grow centres on the key themes of directing growth to Built-Up Area, intensification in strategic growth areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses.

Among the guiding principles of the plan include:



Figure 4:

**A Place to Grow:
 Growth Plan for the
 Greater Golden
 Horseshoe - Schedule
 2**

3160,3168, & 3190 Regional Road 56
 Binbrook
 City of Hamilton

LEGEND

- Subject Lands
- Urban Growth Centres
- Future Transportation Corridors*
- Existing Major Highways*
- Highway Extensions*
- Welland Canal*
- Gateway Economic Zone
- ◆ Gateway Economic Centre
- Border Crossings
- Built-Up Area – Conceptual
- Designated Greenfield Area – Conceptual
- Greenbelt Area*
- Greater Golden Horseshoe Growth Plan Area**
- Priority Transit Corridors*
- Existing Higher Order Transit*
- Committed GO* Transit Rail Extensions
- Future High-Speed Rail Corridor*
- ⊗ International Airports
- ⊗ Proposed Airport
- ⊗ Major Ports

DATE: April 2022

SCALE: 1: 5,000

FILE: 14196BO

DRAWN: LC



K14196BO - WINDWOOD 4/RPTA PLACE TO GROW.DWG

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- Support the achievement of complete communities that are designed to support healthy and active living and meeting the needs of daily living.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.
- Support a range and mix of housing options.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities.
- Provide for different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe.

Delineated Built-Up Area (2.2.2)

The subject site is located within the delineated Built-Up Area of the City of Hamilton, as shown on **Figure 4**. A Place to Grow identifies general intensification targets for the Built-Up Area, stating that a minimum of 50 percent of all annual residential development will be within the Built-Up Area until 2031.

The subject site is located within the Built-Up Area and will contribute to the intensification target of 50 percent within A Place to Grow. The proposed dwelling units will contribute residential uses to the area, optimize existing infrastructure and add 121 residential apartment units within the Built-Up Area. Overall, the development achieves a density of approximately 199 units per hectare.

Housing (2.2.6)

Section 2.2.6 of A Place to Grow provides policies to support the achievement of complete communities. Specifically, Section 2.2.6.2 states that municipalities will support the development of complete communities by: planning to accommodate forecasted growth to the horizon of this Plan; planning to achieve the minimum intensification target and density targets; considering the range and mix of housing options and densities of the existing housing stock; planning to diversify the overall housing stock across the municipality.

The proposed development will assist the City of Hamilton in achieving the minimum density targets set out in the Growth Plan and the Urban Hamilton Official Plan through the intensification of underutilized properties within the built-up area. The proposed residential units will contribute to the range and mix of housing options in the City by offering a medium density housing form.

Infrastructure to Support Growth (3.2)

The Growth Plan also identifies that infrastructure planning, land use planning and infrastructure investment should be coordinated, as well as transportation system planning and investment should be coordinated with land use planning.

The proposed development will support the existing active transportation connections recently constructed on Regional Road 56. The proposed development will also support the consideration of providing future transportation options, including transit service. The subject lands are an ideal location for medium-density residential uses that will utilize existing municipal infrastructure and support potential transit development.

Summary

Based on the above, the proposed Official Plan Amendment and Zoning By-law Amendment applications are in conformity with the policies of the Growth Plan.

4.3 City of Hamilton Urban Official Plan

The City of Hamilton's Urban Official Plan (UHOP) came into effect on August 16th, 2013. A review of the Official Plan has identified that the subject lands fall within the following designations of the Official Plan:

- **Schedule C – Functional Road Classification**
 - Regional Road 56 - Minor Arterial
- **Schedule E – Urban Structure**
 - Neighbourhoods
- **Schedule E1 – Urban Land Use Designations (Figure 5)**
 - Mixed Use – Medium Density

The subject lands also fall within the Binbrook Village Secondary Plan Area, which is detailed in **Section 4.4** of this Report. Below is a review and discussion of the policies associated with the designations within the Official Plan.

4.3.1 LAND USE DESIGNATIONS

The City of Hamilton is committed to managing its urban growth and development in a sustainable, comprehensive manner that balances the economy, the environment and the social needs of the community. The goals that apply to the urban systems and land use designations in the UHOP include:

- Develop compact, mixed-use urban environments that support transit and active transportation;
- Develop complete communities where people can live, work, learn and play;
- Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs;
- Promote and support design, which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic and livable urban places; and



Figure 5:

**Urban Hamilton
 Official Plan Schedule
 E1 - Urban Land Use
 Designations**

LEGEND

-  Subject Lands
-  Mixed Use - Medium Density
-  Neighbourhoods
-  Urban Boundary

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K114196BO - WINDWOOD 4RPT/HAMILTON OP LAND USE SCH E1.DWG

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- Recognize that Hamilton's neighbourhoods are stable, not static.

The proposed development will assist the City in implementing these goals and objectives by providing for a medium density housing form, which will contribute to the range and mix of housing types and provide intensification in a settlement area.

Mixed Use – Medium Density Designation

The subject lands are designated Mixed Use – Medium Density. Mixed Use – Medium Density areas are to serve a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale and to increase the proportion of multiple storey, mixed use buildings. These areas are to recognize the traditional mixed use main streets as well as other large commercial areas which serve the surrounding community or a series of neighbourhoods and which are intended to evolve and intensify into mixed use, pedestrian oriented areas. Mixed Use – Medium Density areas are to accommodate an increasing number of people who work and live within the area and contribute to the planned function of an area as a people place. Mixed Use - Medium Density are to serve as vibrant people places with increased day and night activity through the introduction of residential development.

The Mixed Use – Medium Density Designation permits the following uses:

- commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars;
- institutional uses such as hospitals, places of worship, and schools;
- arts, cultural, entertainment, and recreational uses;
- hotels; and
- multiple dwellings.

A mix and range of densities and building heights up to a maximum of six (6) storeys is permitted depending on Secondary Plan policies and Zoning By-law regulations. The design of the development will reflect the direction of the Binbrook Village Secondary Plan. The Binbrook Village Secondary Plan is discussed in **Section 4.4**.

The subject lands are located within a 5 minute walking distance of the commercial area located to the north at the intersection of Regional Road 56 and Binbrook Road. The subject lands will be serviced by existing commercial amenities in the area including restaurants, a bank, pharmacies and public services. Additional commercial uses are located directly south of the subject lands including a commercial building, and a mixed-use development. Given the proximity of the existing commercial uses, residential uses are appropriate for the development of the subject lands. Additionally, flexible commercial / office units have been incorporated into a portion of the ground floor of the development to allow for residential or commercial uses along the street frontage of

Regional Road 56. Flexibility in uses has been integrated into the design of the development to meet changing market demand for either residential or commercial uses.

The proposed redevelopment is a compact form of development, which will contain residential apartments units with a range of unit types and sizes, and provides flexible commercial / office space.

The design of developments in the Mixed Use – Medium Density Designation are to be designed and oriented to create comfortable vibrant and stimulating pedestrian oriented streets. Developments are to facilitate a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation.

The proposed development will support a comfortable and attractive pedestrian environment with sidewalks internal to, and in and out of the development. Detailed landscape design will be incorporated into the development at the time of site plan and will provide for an attractive pedestrian space. Surface parking is limited to accessible and visitor spaces and underground parking is provided for residents. Decreased parking on the surface through the incorporation of an underground parking design allows for an improved landscaped space and a pedestrian friendly design, which incorporates pedestrian walkways, outdoor amenity space and landscaped buffers.

4.3.2 GROWTH MANAGEMENT AND INTENSIFICATION

The proposed development provides 121 residential units with a mix of one and two bedroom units, for a density of approximately 199 units per hectare. The proposed residential units will assist the City in accommodating the projected City-wide population growth and housing demands and will contribute to the residential intensification targets for the City of Hamilton.

The City's Official Plan and growth targets are currently under review as part of the City's MCR and GRIDS 2 process and the focus for future growth is for new population and housing to be accommodated through intensification. The proposed development offers a unique opportunity within the City to incorporate additional density within a Built-up Area.

4.3.3 TRANSPORTATION NETWORK

The UHOP identifies that the transportation network and land uses are mutually exclusive, meaning that land uses are connected and accessible through the transportation network. The network is intended to be integrated and sustainable, as well as safe, environmentally friendly, affordable, efficient, convenient and accessible.

The transportation network should be integrated and also provide for convenient, fast, frequent and affordable public transportation. Active transportation and contribution to Transportation Demand Management (TDM) initiatives is also encouraged. The City shall encourage new

development to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement where feasible.

Details on the proposed local transportation system surrounding the proposed development is included in **Section 4.4** of this Report, as it relates to the Binbrook Village Secondary Plan Area.

Regional Road 56 is identified as a Minor Arterial Road on Schedule C – Functional Road Classification. Minor Arterial Roads are subject to the following policies:

- The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- Land accesses shall be permitted with some controls.
- The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.
- Minor arterial roads shall generally be organized in a grid pattern with collectors, major and minor arterials, parkways and provincial highways.
- Bicycle lanes may be in place to accommodate cyclists and sidewalks shall generally be provided on both sides of the street for pedestrians.
- Gateway features may be permitted where required.
- On street parking and loading may be prohibited or at minimum be restricted in the peak hours.

The Official Plan policies permit land accesses with some controls. One vehicular access is provided to the subject lands via a private driveway to Regional Road 56. The design of the site has limited the number of vehicular access to one driveway to minimize conflicts with existing uses in the area.

The Official Plan requires minimum right-of-way widths and identifies future road widenings within the City of Hamilton. The proposed development has incorporated a road widening of approximately 5 metres along Regional Road 56 and daylight triangles for the proposed entrance, meeting the policies of the Official Plan.

Parking is designed to be provided off-street and will not impact the function of the Regional Road. Pedestrian and cycling accesses will be provided to Regional Road 56, supporting active transportation within the settlement area of Binbrook.

As part of this application, a Transportation Impact Study (TIS) was prepared by Paradigm, dated April, 2022. The TIS provides an analysis and recommendations relating to the traffic generation of the proposed development and a summary of the findings are included in **Section 5.7** of this Report.

The proposed applications implement the direction of the applicable land use policy framework of the City of Hamilton Urban Official Plan.

4.4 Binbrook Village Secondary Plan

The subject lands are located within the Binbrook Village Secondary Plan, which is adopted under the Official Plan. A review of the Secondary Plan has identified that the subject lands fall within the following designations:

- **Map B.5.1-1 Land Use Plan: Mixed Use – Medium Density – Pedestrian Focus (Figure 6)**

The Binbrook Village Secondary Plan is intended to implement an integrated and sustainable community with a unique small town identity. The Core of Binbrook is to be developed as a medium density area (Community Core) that enjoys a high degree of visibility and provides as a gateway to the City of Hamilton.

Urban design is of high importance in the quality and character for this highly visible area. Residents and visitors should sense they are within a unique area as they move around the Community Core and must know when they are entering or leaving it. The overall design of the Community Core is important in defining Binbrook Village's small-town character and providing a sense of place. An Urban Design Brief has been prepared by MHBC which provides an analysis of relevant urban design policies.

The proposed development has been considered in the context of the vision and goals of the Binbrook Village Secondary Plan. The proposed development will create an attractive, comfortable and safe streetscape while integrating flexible commercial / office units on a portion of the ground floor. Access from the proposed development will be provided along the street frontage and includes connections to pedestrian sidewalks and bicycle lanes on Regional Road 56, offering convenient and safe connections to the Binbrook Core and other nearby amenities.

4.4.1 GENERAL POLICIES (5.1.3)

The Binbrook Village Secondary Plan identifies general policies that have been considered in the proposed development.

The proposed development will provide for an integrated and compact urban form that includes a mix of apartment unit types and flexible commercial / office units on a portion of the ground floor. The design of the proposed development provides a distinct and unique identity within the Binbrook Community through the use of high quality materials and enhanced façade design elements. Building massing elements have been utilized to 'break-up' the building façade and distinguish a visual separation between the third and fourth storey. The change in building material and enhancement will respect the existing character of the area and reflect similar building material and design elements of other historical building elements in the community. Further design discussion is included in the Urban Design Brief.

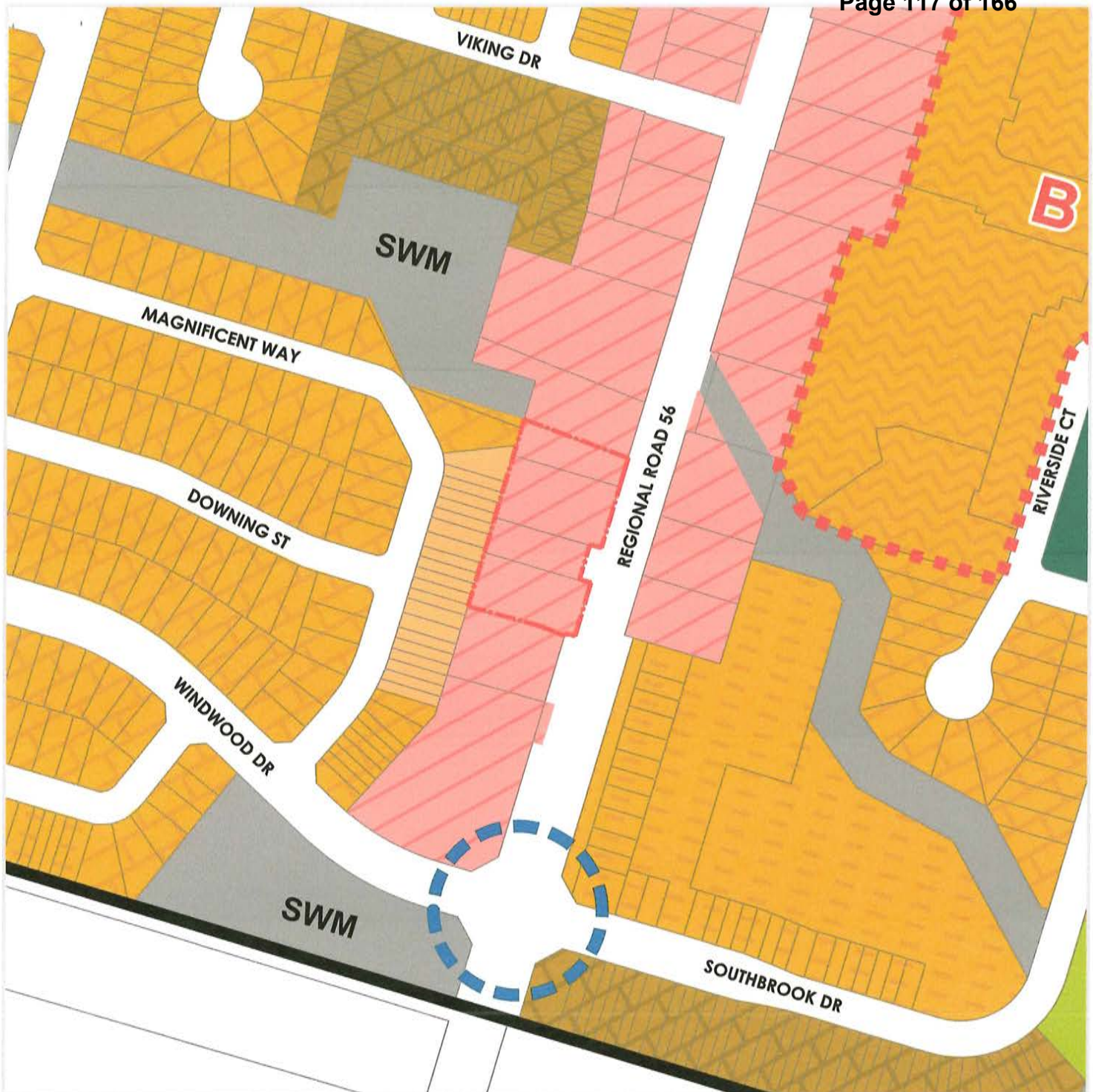


Figure 6:

Binbrook Village Secondary Plan - Land Use Plan

3160, 3168, & 3190 Regional Road 56
 Binbrook
 City of Hamilton

LEGEND

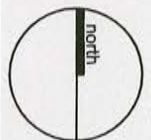
- Subject Lands
- Area or Site Specific Policy
- Low Density Residential 2d
- Low Density Residential 2e
- Low Density Residential 2h
- Low Density Residential 3e
- Neighbourhood Park
- Parkette
- SWM Storm Water Management
- Mixed Use - Medium Density - Pedestrian Predominant
- Gateway

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K314196BO - WINDWOOD 4RPT/BINBROOK VILLAGE SECONDARY PLAN - LAND USE.DWG

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The proposed development is located on Regional Road 56, which is identified as a minor arterial road in UHOP Schedule C – Functional Road Classification. Future transit service, if established, is likely to utilize Regional Road 56. Direct pedestrian connections to the sidewalk network and potential transit stops are provided to Regional Road 56 from the proposed development. The proposed development will assist in providing transit supportive density for future transit connections and networks in the Binbrook area.

4.4.2 MIXED USE - MEDIUM DENSITY DESIGNATION – PEDESTRIAN FOCUS

The Mixed-Use - Medium Density designation is proposed to serve as the commercial, service and cultural centre of Binbrook Village. Areas within the Mixed-Use – Medium Density designation are intended to support businesses and service uses. The Binbrook Village Secondary Plan identifies the general policies for development in the area, which are applicable to and have been considered for the development of the subject lands.

The Binbrook Village Secondary Plan refers to Section E.4.6 of the UHOP for additional policies on development in the area. **Section 4.3** of this Report identifies the applicable policies that have been considered for the development of the subject lands.

An Official Plan Amendment is required to amend the Binbrook Village Secondary Plan, Mixed Use – Medium Density Designation, to permit an increase in height from three (3) storeys to six (6) storeys and to permit multiple dwellings, including residential uses on the ground floor. Appropriate architectural design features and building setbacks have been implemented into the building design to ensure compatibility with the surrounding area and adjacent residential and commercial uses.

Pedestrian Focus

The subject lands are identified as a 'Pedestrian Focus Street' within the Binbrook Village Secondary Plan and Section E.4.3 of the UHOP provides policy direction for Pedestrian Focus Streets, which are intended to cater to the pedestrian by creating a comfortable, active and visually stimulating walking environment. Pedestrian focus streets shall have wide sidewalks, buildings oriented to the public sidewalks, and a high level of streetscape design and activity. These areas include the main street retail areas of the former downtowns as well as other historic main street areas and future areas designed to have similar pedestrian oriented character.

The proposed development concept includes an enhanced public facing building façade with pedestrian connections directly from the existing sidewalk network to the proposed building entrances. The location of the proposed development in proximity to the sidewalk network will provide for a visually stimulating environment that enhances the streetscape and sidewalk from Regional Road 56. Flexible commercial / office units are incorporated into a portion of the ground floor to allow for future commercial uses based on market demand.

The massing of the proposed development is divided through the use of varying high quality building materials to create a pedestrian scaled environment. Storeys one through three are comprised of brick and metal materials that resemble historic building materials of the Binbrook area. Concrete materials form building entrance features and storeys four through six. The use and transition of varying building materials between the third and fourth storey maintain the streetscape and character of other developments along Regional Road 56 (Windwood 2).

4.4.3 GENERAL POLICIES

Compatibility

The proposed building will be compatible with other developments in the area through building orientation and appropriate setbacks. The proposed built form is similar to recently approved and planned developments including an approved six-storey mixed use development located to the north at 3033-3063 Binbrook Road (DA-17-107), the mixed-use development located to the south (Windwood 2), and the proposed residential development (Windwood 3) to the north.

Compatibility with the lower density uses to the west has been considered by articulating the proposed building towards Regional Road 56, and by focusing the height and massing of the building towards the street. The "U" shape of the building allows for an efficient built form, while minimizing impacts such as shadowing, and overlook onto the proposed development and adjacent properties. An appropriate building setback is proposed from the southerly and westerly property limits, maintaining distance of the proposed development and existing uses.

The proposed development has incorporated a landscaped strip along the west boundary of the property to provide screening of the proposed development from adjacent properties. The proposed landscaped buffer will allow for landscaping and fencing as required.

The building has been oriented towards the street frontage and an amenity space has been incorporated to the rear of the building providing additional opportunities for landscaping. The building incorporates a stepped design from the fifth to sixth floor reducing the massing of the building and minimizing shadowing.

Streetscape Design Guidelines

The Binbrook Village Secondary Plan identifies that streetscapes in Binbrook Village are to be designed with a quality streetscape that creates unique and attractive places. Streetscapes along major arterial roads are to be enhanced through the location of main building facades that present along the street and enhance the appearance from the street.

The proposed development includes a mix of high quality building materials and architectural design elements to enhance the massing and streetscape on Regional Road 56 and Viking Drive.

Building projections and façade enhancements distinguish design elements of the building, including building entrances and height transitions.

Sidewalks, crosswalks and landscaping elements are provided throughout the development and connect to entrances and existing active transportation routes, including the existing sidewalk network and bicycle lands along Regional Road 56. A daylight triangle is provided at the intersection of Regional Road 56 and Viking Drive and provides sightlines to sidewalk connections and enhances safety for cyclists and other active transportation users to view vehicular traffic on both roads.

Barrier free design elements, including flush mounted curbs and accessible parking spaces, are provided throughout the proposed development, and will be detailed through a future site plan application.

Transportation and Parking

The proposed development includes vehicle access from Regional Road 56. The singular vehicle access to the proposed development reduces the number of accesses along Regional Road 56 and improves the streetscape and urban character.

The proposed development includes surface parking and accessible vehicle parking with access from Regional Road 56. One (1) level of underground parking is proposed. The location of parking facilities for the proposed development will encourage a pedestrian friendly streetscape along Regional Road 56 and minimize potential conflicts between vehicles, pedestrians and cyclists.

The Secondary Plan identifies that sidewalks encourage active transportation and facilitate connections between local amenities, such as parks, businesses, schools and recreation areas. Sidewalks are to be provided on routes along streets that provide connections to nearby destinations.

The proposed development provides access to sidewalks along Regional Road 56. Access is provided through the building façade and adjacent to the commercial area to the south. An internal sidewalk network connects the public sidewalk network to the common amenity area located within the site.

The Secondary Plan identifies that the City shall encourage the provision of public transportation facilities to service Binbrook Village at such time as the need and economic feasibility is demonstrated.

The proposed development will assist Binbrook Village in providing the economic feasibility should public transit be re-introduced to the area. The development of a medium density building along a minor arterial road (Regional Road 56) will provide transit supportive density for future public transportation.

Infrastructure

The Secondary Plan identifies policies relating to the use and connection to municipal services when available. Electrical power and other energy distribution systems are to be located underground.

The proposed development will be connected to existing municipal water and wastewater services in the area. The Functional Servicing Report prepared by S. Llewellyn confirms sufficient capacity for connection to existing municipal infrastructure.

Summary

The proposed development has considered the general policy direction of the Binbrook Village Secondary Plan, as it is a medium density residential development containing a range and mix of unit types and sizes, and contemplates flexible commercial / office space on the ground floor. It will provide 121 residential units and has an overall proposed density of 199 units per hectare. The development will provide additional housing options within the Binbrook community and provides an enhancement to the existing fabric of the Community Core area, and contributes to the overall mixed use community.

4.5 City of Hamilton Zoning By-law 05-200

Existing Zoning

The subject lands are currently zoned 'Mixed Use Medium Density – Pedestrian Focus 'C5a' – Exception 570, in the City of Hamilton Zoning By-law 05-200, as shown on **Figure 7**.

The existing Mixed Use Medium Density – Pedestrian Focus 'C5a' zone permits dwelling units and commercial uses including:

- Dwelling Unit (in conjunction with a commercial use)
- Commercial Entertainment;
- Financial Establishment;
- Hotel;
- Medical Clinic;
- Office;
- Restaurant;
- Retail; and,
- Veterinary Service.

Special Exception 570 permits a maximum height of 11.0 metres for the subject lands.

Proposed Zoning

To permit the proposed development, the subject lands will require a Zoning By-law Amendment to Mixed Use Medium Density (C5a) – Pedestrian Focus Zone with site specific regulations as detailed below. **Figure 8** illustrates the proposed zoning for the subject lands. The table below provides an analysis of the proposed development and the C5a zone regulations:

Mixed Use Medium Density (C5a) Zone			
Section	Provision	Required	Proposed
10.5a.3 a)	Maximum Building Setback from a Street Line (metres)	i) 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback; ii) Notwithstanding Section 10.5a.3i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and,	3 metres

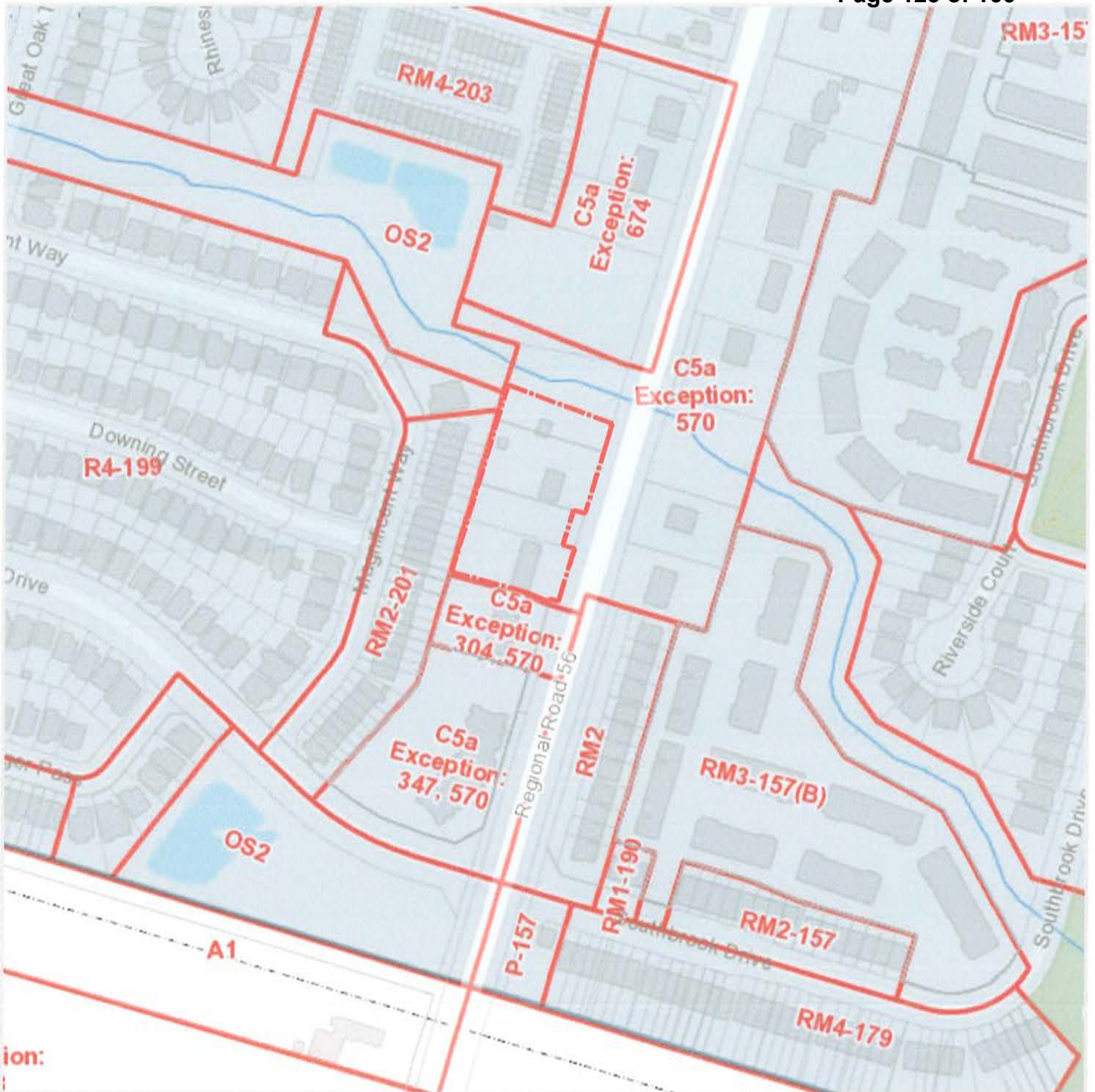


Figure 7:
Existing Zoning

LEGEND

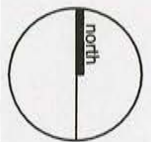
- Subject Lands
- A1 Agricultural Zone
- C5a Mixed Use Medium Density - Pedestrian Focus Zone
- OS2 Public Open Space Zone
- R4 Residential 4 Zone
- RM2 Residential Multiple 2 Zone
- RM3 Residential Multiple 3 Zone
- RM4 Residential Multiple 4 Zone

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K:\14196BO - WINDWOOD 4RPT\EXISTING ZONING.DWG

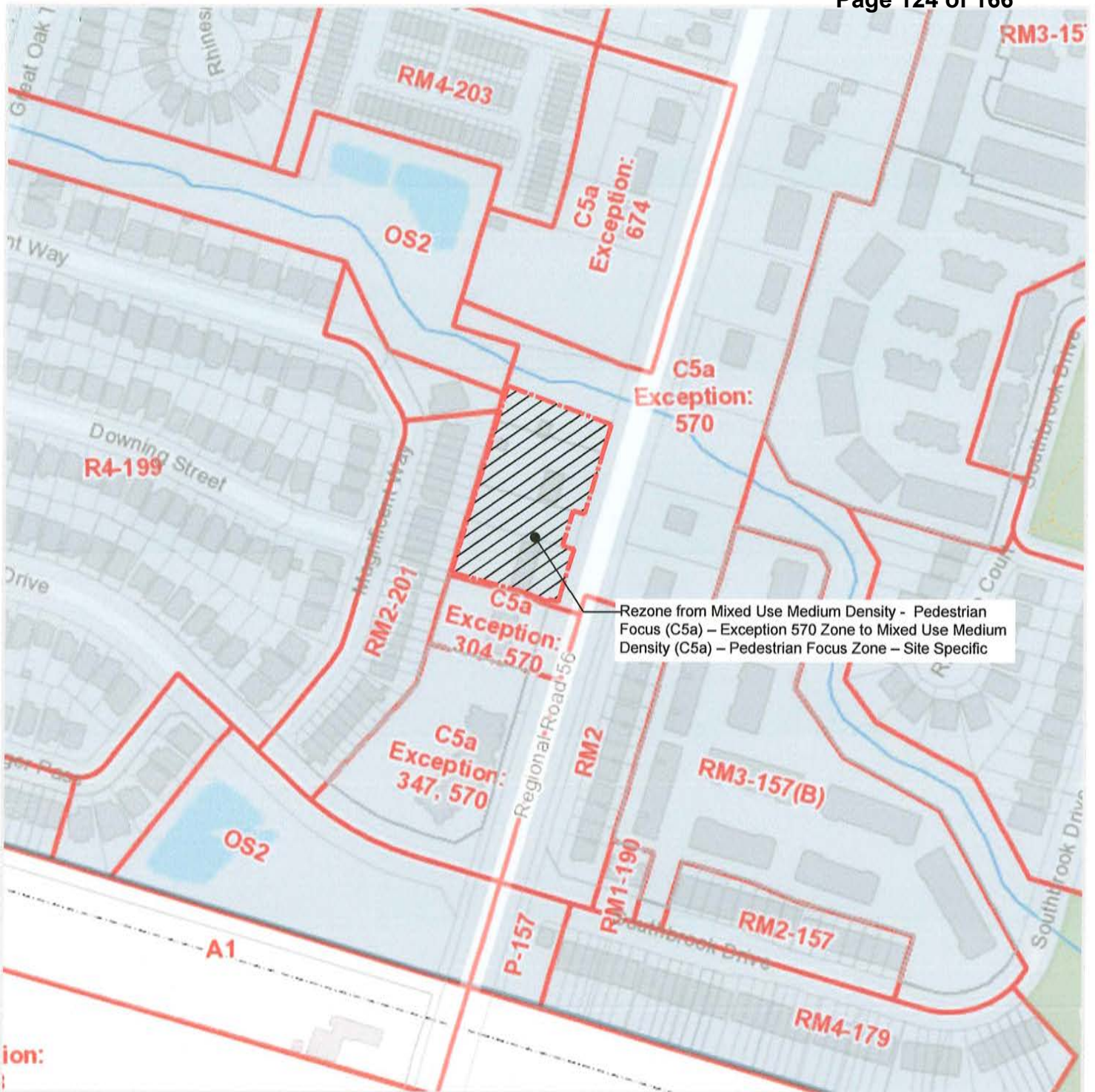


Figure 8:
Proposed Zoning

LEGEND

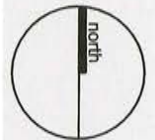
- Subject Lands
- Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) - Exception 570 Zone to Mixed Use Medium Density (C5a) - Pedestrian Focus Zone - Site Specific
- A1 Agricultural Zone
- C5a Mixed Use Medium Density - Pedestrian Focus Zone
- OS2 Public Open Space Zone
- R4 Residential 4 Zone
- RM2 Residential Multiple 2 Zone
- RM3 Residential Multiple 3 Zone
- RM4 Residential Multiple 4 Zone

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K14196BO - WINDWOOD 4RPTVPROPOSED ZONING.DWG

		iii) Section 10.5a.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).	
10.5a.3 b)	Minimum Rear Yard	7.5 m	13.9 metres
10.5a.3 c)	Minimum Interior Side Yard	7.5 m metres abutting a Residential or Institutional Zone or lot containing a residential use.	5.0 metres
10.5a.3 d) i)	Minimum Façade height for any portion of a building along a street line;	7.5 m	17.7 metres
10.5a.3 d) ii) and iii) / Special Exception 570	Maximum Building Height	11.0 metres (Special Exception 570)	21.5 metres
10.5a.3 h)	Built Form for New Development	i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.	Rooftop mechanical equipment is not visible from the east elevation.
10.5a.3 h)	Built Form for New Development	ii) For an interior lot or through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot front line.	84% (wall to wall, without balconies)
10.5a.3 h) 10.5a.3 h)	Built Form for New Development	iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street. iv) In addition to Section 10.5a.3i) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.	N/A
10.5a.3 h)	Built Form for New Development	v) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line	No parking, stacking lanes or aisles proposed between the façade and front lot line.
10.5a.3 h)	Built Form for New Development	vi) A minimum of one principal entrance shall be provided:	Principal entrance provided within the

		1. within the ground floor façade that is set back closest to a street; and, 2. shall be accessible from the building façade with direct access from the public sidewalk.	ground floor façade on Regional Road 56 with direct access from the public sidewalk.
10.5a.3 h)	Built Form for New Development	vii) A walkway shall be permitted in a Planting Strip where required by the Bylaw.	N/A
10.5a.3 h)	Built Form for New Development	viii) Notwithstanding Section 10.5a.3 , for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.	N/A
		ix) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows	35%
		x) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.	5.5 metres
10.5a.3 i)	Planting Strip Requirements	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.	2.0 metres along westerly property edge
10.5a.3 j) / 4.19	Visual Barrier Requirement	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	2.0 metres wide plating strip provided.
10.5a.3 k)	Outdoor Storage	i) No outdoor storage of goods, materials, or equipment shall be permitted; and, ii) Notwithstanding Section 10.5a.3i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	No outdoor storage proposed.
5.6 c)	Minimum Parking – Multiple Dwelling C5a Zone– Units	1.0 per unit 121 spaces required	135 spaces provided including 5 barrier free spaces

	Greater than 50.0 square metres in GFA		
5.6 c)	Maximum Parking – Multiple Dwelling C5a Zone– Units Greater than 50.0 square metres in GFA	1.25 per unit 152 spaces permitted	135 spaces provided including 5 barrier free spaces
5.5 a)	Barrier Free Parking - 101 – 200 spaces	Minimum 1 space + 3% of the total number of required parking spaces; 4 spaces required	5 spaces provided at grade

Requested Special Provisions:

The proposal generally conforms to the C5a – Pedestrian Focus zoning as well as the parking provisions in Section 5 of the zoning by-law. The following special provisions are required to implement the proposed development, and are discussed below.

A draft zoning by-law for the proposed development is enclosed as **Appendix C** of this Report.

1. Permit a multiple dwelling as a permitted use

The proposed development is for a multiple dwelling with 121 residential units and contemplates flexible commercial / office uses on the ground floor along Regional Road 56. It is proposed to permit multiple dwellings as a permitted use to allow for flexibility of the ground floor units to accommodate future market demand for residential or commercial / office uses. The proposed development incorporates a ground floor design which is flexible to accommodate residential and commercial / office uses, is pedestrian friendly, and is designed with a first floor height and façade which animates the streetscape along Regional Road 56.

Mixed-use development is located to the south of the subject lands and currently contains vacant commercial spaces on the ground floor. The proposed multiple dwelling as a permitted use considers the current demand for commercial space and allows for future flexibility of the development.

2. A minimum interior side yard of 5.0 metres

A minimum interior side yard of 5.0 metres is requested whereas 7.5 metres is permitted. The reduced interior side yard setback will allow for the articulation of the building to the north, adjacent to the existing stormwater management area. The building placement considers the future development of the lands to the south for mixed-use and situates the building towards the

open space lands, allowing for a pedestrian walkway and enhanced landscaping south of the proposed building facilitating a pedestrian friendly design. The reduced side yard is not anticipated to cause adverse impacts to the adjacent open space area.

3. A maximum building height of 21.5 metres

The proposed maximum building height is 21.5 metres, whereas 11 metres is permitted. The proposed 21.5 metre height will allow for the development of the five storey building with an sixth floor amenity space.

The proposed building is located along Regional Road 56 and focuses the mass of the building towards the street frontage. The sixth floor amenity space is located on the north portion of the building only, adjacent to the stormwater management area, and is located away from existing low to medium density residential uses. A sufficient setback is proposed from the westerly and southerly property limits and the "U" shape and massing of the building allows for an efficient built form, while minimizing impacts such as shadowing and overlook to adjacent developments.

The proposed building contains an enhanced ground floor design accommodating vehicle access through the ground floor and flexibility for commercial uses. The design of the first floor contributes to the increase in height for the development, however, contributes to the flexibility for mixed-use and accommodates a parking design which screens parking areas from view.

4. A minimum of 35% of the area of the ground floor façade facing the street shall be composed of doors and windows

The proposed portion of the ground floor façade facing the street (Regional Road 56) is 38%, whereas the by-law requires 60%. The intent of this provision is to create active ground floor spaces, intended for commercial uses. The ground floor design of the building incorporates a vehicle access and accommodates flexibility for commercial and residential uses. As the street facing units are intended to be flexible for residential or commercial use, reducing the amount of windows and doors is required for safety and privacy concerns.

5. A maximum first storey height of 5.5 metres

A maximum first storey height of 5.5 metres is proposed, whereas a maximum of 4.5 metres is permitted. The increased first storey height is required to permit the vehicle access design through the ground floor, which efficiently utilizes the space on the subject lands for a compact urban form of development. The ground floor vehicular access allows for parking, loading and underground access to be screened from the public street view. Additionally, an increased first storey height allows for future flexibility of the ground floor units to accommodate residential or commercial uses.

5.0 SUMMARY OF TECHNICAL REPORTS

5.1 Archaeological Report

A Stage 1 and 2 Archaeological Assessment was prepared by AMICK Consultants Limited in support of the proposed development. The Stage 2 Property Assessment of the study area confirmed that no archaeological resources were encountered, and provided for the following recommendations:

- No further archaeological assessment of the study area is warranted;
- The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed; and,
- The proposed undertaking is clear of any archaeological concern.

An acknowledgement letter from the Ministry of Culture, Tourism and Sport regarding the Stage 1-2 assessment has been received for the subject lands confirming that no further study is warranted and the subject lands are clear of archaeological concerns.

5.2 Urban Design Brief

An Urban Design Brief has been prepared by MHBC in support of the proposed development. The Urban Design Brief includes an analysis of the relevant urban design policy in the Urban Hamilton Official Plan, Binbrook Village Secondary Plan and the City's terms of reference for urban design guidelines.

5.3 Functional Servicing Report

A Functional Servicing Report (FSR) was prepared by Scott Llewellyn and Associates in support of the proposed development. The purpose of the FSR is to provide details of the proposed servicing for the development and provides details related to the proposed stormwater management, sediment and erosion control, sanitary sewer servicing, and domestic and fire water supply servicing. The FSR concluded that the proposed development can be serviced by existing municipal services and constructed to meet the City of Hamilton requirements.

The FSR provided the following conclusions and recommendations:

- The development be graded and serviced in accordance with the Preliminary Grading & Erosion Control Plan and the Preliminary Site Servicing Plan prepared by S. Llewellyn & Associates Limited;
- A 75mmØ orifice plate be installed as per the Preliminary Site Servicing Plan and this report to provide adequate quantity control;
- A cast-in-place storage tank be installed as per the Preliminary Site Servicing Plan and this report to provide effective stormwater storage;
- Erosion and sediment controls be installed as described in this report to meet City of Hamilton requirements;
- A HydroStorm HS6 oil/grit separator be installed as per the Preliminary Site Servicing Plan and this report to provide efficient stormwater quality control;
- Area drains within the parking lot are to be fitted with FlexStorm inlet filters as illustrated on the Preliminary Site Servicing Plan and this report; and
- The proposed sanitary and water servicing system be installed as per the Preliminary Site Servicing Plan to adequately service the proposed development.

5.4 Noise Feasibility Study

A Noise Feasibility Study was prepared by HGC Engineering in support of the proposed development. The primary noise source for the proposed development was determined to be road traffic on Regional Road 56, with secondary noise contribution from Windwood Drive. Relevant road traffic data was obtained from City of Hamilton and used to predict future traffic sound levels.

The report provides the following conclusions and recommendations:

- Future road traffic sound levels will be within the MECP guidelines at the facades of the proposed residential building.
- Recommended noise control measures include appropriate wall and window glazing assemblies and an alternative means of ventilation to open windows. Central air conditioning will meet and satisfy this requirement.
- Noise warning clauses are recommended in order to inform future owners/tenants of the traffic noise impacts, to address sound level excesses and to inform future residents of their proximity to nearby existing retail and commercial uses.
- Sound emissions from the rooftop equipment of the existing commercial building to the south are expected to be within the MECP minimum exclusionary sound level limits. Further physical mitigation measures will not be required.

5.5 Transportation Impact Study

A Transportation Impact Study (TIS) has been prepared by Paradigm in support of the proposed development. The report provides the following key conclusions and recommendations:

- Traffic control signals are not warranted at Binbrook Road and Great Oak Trail under the 2033 horizon. A volume to capacity ratio of 0.57 is projected and the northbound approach operates at 57% or less of its available capacity.
- No other changes to the existing lane configurations or traffic control have been identified.
- The following TDM measures are recommended to be included in the site plan / development program:
 - Pedestrian amenities (benches, landscaping, lighting) are provided in the landscaping plan;
 - Long-term secure bicycle parking spaces be provided at a rate of 0.50 to 1.25 spaces per unit;
 - Short-term bicycle parking spaces be provided at a rate of 0.05-0.20 spaces per unit; and
 - Parking for occupants be unbundled from the purchase/rental of the residential units.

5.6 Geotechnical Investigation

A Geotechnical Investigation was prepared by Soil-Mat Engineers and Consultants in support of the proposed development. The purpose of the report is to provide an assessment of site subsurface soil and groundwater conditions. The report provides conclusions of the recommended foundation design and recommends that the underground parking level should be limited to 3 metres in depth below grade.

5.7 Tree Preservation Plan

The tree inventory documented 114 live trees, including 110 within the Study Area limits and four (4) within 6 m of the property boundary. The trees have been inventoried and assessed for possible preservation in the context of the proposed works. A total of 33 trees are recommended for preservation and a total of 108 live trees and 12 dead require removal (119 private and 1 public) due to direct conflict with the proposed works. As per the City of Hamilton By-law NO.15-125, an approved permit will be required to remove the tree on public lands in the right-of-way. Furthermore, 107 trees will need to be compensated for by replacement planting, cash-in-lieu or a combination of both.

6.0 PUBLIC CONSULTATION STRATEGY

The Formal Consultation for the proposed development, identified that a Public Consultation Strategy is required to ensure that neighbouring residents are informed about the proposal and also provided opportunities to provide input.

This proposal will follow the requirements outlined by City Council's Public Participation Policy. This will include the circulation of the Notice of Complete Application to property owners within 120 metres of the subject lands, the posting of a Public Notice Sign on the subject property, which will provide information regarding details of the proposal and contact information should additional information be desired.

MHBC Planning and Losani Homes will liaise with City Staff and the Ward Councillor to determine if a Community Information Meeting would be beneficial to the public engagement process. If it is determined that this meeting would be beneficial, it will be held following the preliminary circulation of the application.

The intent of the meeting would be to inform the public about the proposed development and to record comments and feedback from the public, which will be included in City Staff's Planning Report that will be presented at the Public Meeting before the Planning Committee.

Following the application review process, a Formal Public Meeting will be scheduled to be heard before the City's Planning Committee. The Formal Public Meeting date will be posted to the Public Notice Sign, and Public Meeting Notices will be circulated to property owners within 120 metres of the subject lands and additional individuals who requested notification.

A copy of the Formal Consultation Document from 2021 is attached as **Appendix A**.

7.0 SUMMARY & CONCLUSIONS

The proposed Official Plan Amendment and Zoning By-law Amendment applications for the subject lands are appropriate and represent good planning for the following reasons:

1. The applications are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe.
2. The applications support provincial and City intensification targets and growth policies by providing for additional housing units and population in a compact form within the Built-Up Area.
3. The applications support intensification in the Built-Up Area and provide for a density and design which facilitates pedestrian movement contributing to a complete community, implementing the objectives of the Urban Hamilton Official Plan and Secondary Plan.
4. The proposed redevelopment introduces additional apartment uses, to support a range and mix of housing types within the Binbrook Village Secondary Plan area.
5. The redevelopment of the lands can be accommodated by existing municipal services.

Respectfully submitted,

MHBC

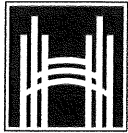


Dave Aston, MSc, MCIP, RPP
Vice-President, Partner



Stephanie Mirtitsch, BES, MCIP, RPP
Associate

APPENDIX A - FORMAL CONSULTATION AGREEMENT



Hamilton

Planning and Economic Development Department
 Development Planning, Heritage and Design
 71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
 Phone: 905.546.2424 - Fax: 905.546.4202

Formal Consultation Document

Meeting Date: June 9, 2021 File No: FC-21-071
 Owner: 1593123 Ontario Ltd
 Applicant: MHBC Planning Ltd. c/o Stephanie Mirtitsch

PROPERTY INFORMATION

Address and/or Legal Description:	3160, 3168, 3180 and 3190 Regional Road 56, Glanbrook			
Lot Frontage:	3160 Regional Road 56 ±16.5 m	3168 Regional Road 56 ± 35.7 m	3180 Regional Road 56 ± 20.3 m	3190 Regional Road 56 ± 30.7 m
Lot Depth:	± 61 m	± 61.3 m	± 61 m	± 60.4 m
Lot Area:	0.11 ha	0.21 ha	0.10 ha	0.19 ha
Urban Hamilton Official Plan Designation	Mixed-Use Medium Density			
Binbrook Village Secondary Plan Designation	Mixed – Use Medium Density – Pedestrian Focus			
City of Hamilton Zoning By-law No. 05-200:	Mixed – Use Medium Density – Pedestrian Focus (C5, 570) Zone			

Description of current uses, buildings, structures and natural features on the subject lands:

3160, 3168 and 3190 Regional Road 56 currently contain single detached dwellings. 3180 Regional Road 56 is vacant. There is a trail and conservation lands located to the north of 3160 Regional Road 56.

Brief description of proposal:

The applicant proposes to construct a 6 Storey 126 unit residential dwelling with 44 surface parking spaces and 114 underground parking spaces.

APPLICATIONS REQUIRED

Rural Hamilton Official Plan Amendment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Urban Hamilton Official Plan Amendment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Local Official Plan Amendment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Zoning By-law Amendment (Type: Complex)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Subdivision	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Condominium	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Site Plan (Type: Full Site Plan))	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Consent	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Variance(s)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Note: The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New Rural, Commercial and Residential zoning may be implemented which could be different than the current zoning. Accordingly, additional applications may be required. If a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).

FEES REQUIRED

City of Hamilton:	APPLICATION TYPE	UNITS	FEE	TOTAL
	Official Plan Amendment	1	\$33,470.00	\$33,470.00
	Complex Zoning By-law Amendment	1	\$ 24,255.00	\$ 24,255.00
	Per unit fee to be determined at the time of submission			
	TOTAL (UHOPA & ZBA)			\$ 57,725.00
	25% joint application fee reduction			-\$14,431.25
	Formal consultation credit	1	-\$ 1,205.00	-\$ 1,205.00
	TOTAL (UHOPA, ZBA, joint reduction fee and FC Credit)			\$ 42,088.75
	Site Plan Control Application	1	\$ 24,280.00	\$ 24,280.00
	Tree Protection Review	1	\$ 610.00	\$ 610.00
	GRAND TOTAL			\$ 66,978.75
Conservation Authority Review Fees:	To be determined by the Niagara Peninsula Conservation Authority.			
TOTAL:				\$ 66,978.75

Notes:

- *Formal Consultation fee may be credited towards a future application*
- *Notwithstanding the fees noted above, all fees are payable based on the rate in the fee schedule by-law in effect on the date the payment is made.*
- *Further fees may be required at a later date as per the fee schedule.*
- *Separate cheques are payable to the City of Hamilton and the applicable Conservation Authority.*
- *A Cost Acknowledgement Agreement for potential costs at the Ontario Municipal Board may also be required.*

DESIGN REVIEW PANEL

The Design Review Panel shall provide urban design advice to Planning Division staff on Planning applications with respect to complex Zoning and Site Plan applications in the following Design Priority Areas:

- (a) Downtown Hamilton Secondary Plan Area;
- (b) Areas of Major Change and Corridors of Gradual Change within the West Harbor Secondary Plan Area;
- (c) Primary Corridors as shown on Schedule E – “Urban Structure” of the Urban Hamilton Official Plan;
- (d) Any other large scale projects that may impact the physical environment functionally and/or aesthetically.

The Director of Planning or his or her designate may waive projects from the review of the Design Review Panel, if the project is not deemed to have the potential to significantly impact the physical environment functionally and/or aesthetically.

Design Review Panel review required? Yes No

REQUIRED INFORMATION AND MATERIALS

All identified reports, studies, and/or plans must be submitted before an application is deemed complete. Unless otherwise noted, 5 copies of each item and an electronic digital file in PDF locked file format must be submitted.

Reports, Studies, Plans	Required	Staff Responsible for providing guidelines or terms of reference
Background Information		
Survey Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360

Concept Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
Planning		
Affordable Housing Report/Rental Conversion Assessment	<input type="checkbox"/>	
Draft OPA, and By-laws	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
Land Use/Market Needs Assessment	<input type="checkbox"/>	
Planning Justification Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
Site Plan and Building Elevations	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development Planning – E. Meneray x 6360 Urban Design – V. Cox x 1393 Conceptual Elevations required at OPA/ZBA stage: Urban Design – V. Cox x 1393
Urban Design Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Urban Design – V. Cox x 1393
Cultural		
Archaeological Assessment	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Cultural Heritage – C. Richer x 7163
Cultural Heritage Impact Assessment	<input type="checkbox"/>	
Environmental		
Aggregate Resource Assessment	<input type="checkbox"/>	
Aggregate/Mineral Resource Analysis	<input type="checkbox"/>	
Air Quality Study	<input type="checkbox"/>	
Channel Design and Geofluvial Assessment	<input type="checkbox"/>	
Chloride Impact Study	<input type="checkbox"/>	
Cut and Fill Analysis	<input type="checkbox"/>	

Demarcation of top of bank, limit of wetland, limit of natural hazard, limit of Environmentally Significant Area (ESA), or limit of Conservation Authority regulated area	<input type="checkbox"/>	
Environmental Impact Statement (EIS)	<input type="checkbox"/>	
Erosion Hazard Assessment	<input type="checkbox"/>	
Fish Habitat Assessment	<input type="checkbox"/>	
Floodline Delineation Study/Hydraulic Analysis	<input type="checkbox"/>	
General Vegetation Inventory (GVI)	<input type="checkbox"/>	
Impact Assessment for new Private Waste Disposal Sites	<input type="checkbox"/>	
Karst Assessment/Karst Contingency Plan	<input type="checkbox"/>	
Landscape Plan	<input checked="" type="checkbox"/>	Required at Site Plan stage: Natural Heritage – C. Plosz x 1231 Urban Design – V. Cox x 1393 Forestry – S. Brush x 7375 Landscape Architecture – C. Graham x. 2337
Linkage Assessment	<input type="checkbox"/>	
Meander Belt Assessment	<input type="checkbox"/>	
Nutrient Management Study	<input type="checkbox"/>	
Odour, Dust and Light Assessment	<input type="checkbox"/>	
Restoration Plan	<input type="checkbox"/>	
Shoreline Assessment Study/Coastal Engineers Study	<input type="checkbox"/>	
Slope Stability Study and Report	<input type="checkbox"/>	
Species Habitat Assessment	<input type="checkbox"/>	
Tree Management Plan/Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Forestry – S. Brush x 7375
Tree Protection Plan (TPP)	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Natural Heritage – C. Plosz x 1231
Environmental/Servicing and Infrastructure		
Contaminant Management Plan	<input type="checkbox"/>	
Record of Site Condition (RSC)	<input type="checkbox"/>	
Erosion and Sediment Control Plan	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development

		Approvals – S. Al-Dabbagh x 5197
Hydrogeological Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA and Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
Grading Plan	<input checked="" type="checkbox"/>	Conceptual Grading Plan required at OPA/ZBA stage: Development Approvals – S. Al-Dabbagh x 5197 Landscape Architecture – C. Graham x. 2337 Grading Plan required at Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
Master Drainage Plan	<input type="checkbox"/>	
Stormwater Management Report/Plan and/or update to an existing Stormwater Management Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA and Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197 Niagara Peninsula Conservation Authority Nikolas Wensing
Soils/Geotechnical Study	<input type="checkbox"/>	
Sub-watershed Plan and/or update to an existing Sub-watershed Plan	<input type="checkbox"/>	
Financial		
Financial Impact Analysis	<input type="checkbox"/>	
Market Impact Study	<input type="checkbox"/>	
Servicing and Infrastructure		
Recreation Feasibility Study	<input type="checkbox"/>	
Recreation Needs Assessment	<input type="checkbox"/>	
School Accommodation Issues Assessment	<input type="checkbox"/>	
School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment	<input type="checkbox"/>	
Functional Servicing Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA and Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
Servicing Options Report	<input type="checkbox"/>	

Water and Wastewater Servicing Study	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
Land Use Compatibility		
Agricultural Impact Assessment	<input type="checkbox"/>	
Dust Impact Analysis	<input type="checkbox"/>	
Land Use Compatibility Study	<input type="checkbox"/>	
Landfill Impact Study	<input type="checkbox"/>	
Minimum Distance Separation Calculation	<input type="checkbox"/>	
Noise Impact Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
Odour Impact Assessment	<input type="checkbox"/>	
Sun/Shadow Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Urban Design – V. Cox x 1393
Vibration Study	<input type="checkbox"/>	
Wind Study	<input type="checkbox"/>	
Transportation		
Cycling Route Analysis	<input type="checkbox"/>	
Transportation Impact Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Transportation Planning – G. Borys T.planning@hamilton.ca
Parking Analysis/Study	<input type="checkbox"/>	
Pedestrian Route and Sidewalk Analysis	<input type="checkbox"/>	
Roadway/Development Safety Audit	<input type="checkbox"/>	
Modern Roundabout and Neighbourhood Roundabout Analysis	<input type="checkbox"/>	
Neighbourhood Traffic Calming Options Report	<input type="checkbox"/>	
Transit Assessment	<input type="checkbox"/>	
Transportation Demand Management Options Report	<input type="checkbox"/>	
Cost Recoveries		
Cost Acknowledgement Agreement	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
DRP Submission Requirements	<input type="checkbox"/>	
Public Consultation Strategy	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development

		Planning – E. Meneray x 6360
<ul style="list-style-type: none"> • Wastewater Generation Assessment • Water Servicing Report • Watermain Hydraulic Analysis, if required • Storm Drainage Area Plans • Securities • Shoring Plans • Shoring Agreement • Construction Management Plans • Cost Recoveries 	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197

ADDITIONAL INFORMATION

Comments:

Development Planning

- The Binbrook Village Secondary Plan permits a maximum height of three storeys and the Mixed – Use Medium Density – Pedestrian Focus (C5, 570) Zone permits a maximum height of 11.0 metres. As the proposal is for a six storey building, an Official Plan Amendment and Zoning By-law Amendment application will be required.

Urban Design

- The proposal does not align with the Binbrook Village Secondary Plan vision. Staff encourage the applicant to review the policies within the Binbrook Village Secondary Plan and associated Binbrook Village Community Core Urban Design Guidelines
- It is important to note that development in Binbrook Village shall maintain and respect Binbrook’s historical community identity.
- There are concerns with the long continuous building mass along Regional Road 56 and the large building footprint which is not in keeping with the village character. Staff recommend revising the proposal to better align with the vision outlined in the Secondary Plan.

Finance

- Note that \$68,885.85 is outstanding Municipal Act Sewer & Water Charges for 3160, 3168 and 3190 Regional Road 56.
- If payment is made at a later date, staff will confirm the value with Corporate Service staff.

Real Estate

- Please have the Applicant confirm the location of the City Trail/Pathway outlined in Red to confirm that the trail is not located on the northerly portion of the Applicant's Lands (3160 Regional Road 56) and is in fact confirmed to be within the adjacent City owned parcel

Environmental Services Division

- Staff note that the development is eligible for municipal waste collection, but the current design it is not serviceable. The applicant will need to revise the site plan to address Environmental Services Division in order to receive municipal waste collection.

Landscape Architectural Services

- Require a grading and landscape plan to show how the grading and landscaping will function in association to the existing trail that runs along the north edge of the property on parcel 3160.
- A parcel with the trail should be dedicated to the City as it is a critical part of the trail infrastructure.

PLEASE BE ADVISED OF THE FOLLOWING:

1. *The purpose of this document is to identify the information required to commence processing a complete application as set out in the Planning Act. Formal Consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Hamilton to either support or refuse the application.*
2. *This document expires 1 year from the date of signing or at the discretion of the Director of Planning.*
3. *In the event this Formal Consultation Document expires prior to the application being accepted by the City, another document may be required.*
4. *If an application is submitted without the information and materials identified in this Formal Consultation Document the City may deem such an application incomplete and refuse to accept the application.*
5. *In accordance with the Planning Act, it is the policy of the City of Hamilton to provide public access to all Planning Act applications and supporting documentation submitted to the City. Therefore, the information contained in an application and any documentation, including reports, studies and drawings, provided in support of an application, by the owner, or the owner's agents, consultants and solicitors, constitutes public information and will become part of the public record. With the filing of an application, the applicant consents to the City of Hamilton making the application and its supporting documentation available to the general public, including copying and*

disclosing the application and its supporting documentation to any third party upon their request.

6. *It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.*
7. *The above requirements for deeming an application complete are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Formal consultation and building permit review are separate and independent processes.*

SIGNATURES

Charlie Toman, SPM



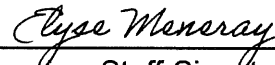
Aug 17, 2021

 Planning Staff

 Planning Staff Signature

 Date

Elyse Meneray



August 17, 2021

 Planning Staff

 Planning Staff Signature

 Date

 Engineering Staff

 Engineering Staff Signature

 Date

 Owner

 Owner Signature

 Date

 Applicant (I have the authority
 to bind the Owner)

 Applicant Signature

 Date

 Agent (I have the authority
 to bind the Owner)

 Agent Signature

 Date

 Other Staff or Agency

 Signature

 Date

Other Staff or Agency

Signature

Date

Other Staff or Agency

Signature

Date

APPENDIX B - DRAFT OFFICIAL PLAN AMENDMENT

Authority: Item XX, Planning Committee
Report: XX-XXX (PEDXXXXX)
CM: Date XXXXXXX, 2022
Ward: 11

Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. _____

To Adopt:

**Official Plan Amendment No. XX to
the Urban Hamilton Official Plan**

Respecting:

3160, 3168, 3180 and 3190 Regional Road 56 (Binbrook)

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

1. Amendment No. XX to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this XX day of XXXX, 2022

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule "1"

Urban Hamilton Official Plan Amendment No. XX

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

1.0 **Purpose and Effect:**


The purpose and effect of this Amendment is to add a Site Specific Policy Area XX of the Binbrook Village Secondary Plan to permit a six storey multiple dwelling for the lands located at 3160, 3168, 3180 and 3190 Regional Road 56 (Binbrook)

2.0 **Location:**

The lands affected by this Amendment are known municipally as 3160, 3168, 3180 and 3190 Regional Road 56 (Binbrook).

3.0 **Basis:**

The basis for permitting this Amendment is to accommodate a six storey multiple dwelling development in conformity with overall Provincial and City policy planning direction.

Urban Hamilton Official Plan Amendment No. XX	Page 1 of 2	
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4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B-2 Glanbrook Secondary Plans

- a. That Volume 2 Chapter B – Glanbrook Secondary Plans: Binbrook Village Secondary Plan Specific Policy Area XX be added to Section 5.1.13 as follows:

For lands municipally known as 3160, 3168, 3180 and 3190 Regional Road 56, and shown on Area Specific Policy – Area XX on Map B.5.1.1 – Binbrook Village Secondary Plan – Land Use Plan:

- Multiple residential uses shall be permitted
- A maximum building height of six storeys (21.5 metres) shall be permitted.

Schedules and Appendices

4.1.2 Schedules

- a. That Schedule B.5.5.1 – Binbrook Village Secondary Plan– Land Use Plan be amended to add 'Area Specific Policy XX'

5.0 Implementation:

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the XX of XXXX, 2022.

Fred Eisenberger
MAYOR

A. Holland
CITY CLERK

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

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

Committee: Chair and Members Report No.: PEDXXXX Date: XX/XX/2022

Ward(s) or City Wide: 11

Prepared by:

Phone No: 905-546-2424 ext. XXXX

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

APPENDIX C - DRAFT ZONING BY-LAW

Authority: Item , Planning Committee
Report 22-____(PED22____)
Ward: 11

CITY OF HAMILTON

BY-LAW NO. 22-____

A By-law to amend Zoning By-law 05-200 to Permit the Development of a Residential Development on Lands Located at 3160, 3168, 3180 and 3090 Regional Road 56 (Binbrook)

WHEREAS Council approved Item____of Report 22-____of the Planning Committee, at its meeting held on _____, 2022;

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

NOW THEREFORE Council enacts as follows:

1. That Map Nos. 1911, 1912, 1934, 1935, and 1956 of Schedule "A" – Zoning Maps, of Zoning By-law No. 05-200, be amended as follows:
 - a. by amending the Mixed Use Medium Density - Pedestrian Focus (C5a, XXX) Zone with special provisions, to the lands the extent and boundaries of which are shown as Schedule "A" to the By-law.
2. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding an additional special exception as follows:

"XXX Within the lands zoned Mixed Use Medium Density - Pedestrian Focus (C5a, XXX) Zone identified on Map Nos. 1911, 1912, 1934, 1935, and 1956 of Schedule "A" Zoning Maps and described as 3160, 3168, 3180, and 3090 Regional Road 56, the following special provisions shall apply:

 - a) Notwithstanding Subsection 10.5a.1, a multiple dwelling be permitted as a permitted use, including on the ground floor;
 - b) Notwithstanding Subsection 10.5a.3 c) the minimum interior side yard shall be 5.0 metres;
 - c) Notwithstanding Subsection 10.5a.3 (d) ii), and Special Exception 570 a) the maximum building height shall be 21.5 metres.

- d) Notwithstanding Subsection 10.5a.3(h) ix) minimum of 35% of the area of the ground floor façade facing the street shall be composed of doors and windows.
 - e) Notwithstanding Subsection 10.5a.3(h) x) the first storey shall have a maximum height of 5.5 metres.
3. That the Clerk is hereby authorized and directed to proceed with the giving of the notice of passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this _____ day of _____, 2022

F. Eisenberger
Mayor



A. Holland
City Clerk

ZAC-22-X



Figure 8:
Proposed Zoning

LEGEND

-  Subject Lands
-  Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) - Exception 570 Zone to Mixed Use Medium Density (C5a) - Pedestrian Focus Zone - Site Specific
- A1 Agricultural Zone
- C5a Mixed Use Medium Density - Pedestrian Focus Zone
- OS2 Public Open Space Zone
- R4 Residential 4 Zone
- RM2 Residential Multiple 2 Zone
- RM3 Residential Multiple 3 Zone
- RM4 Residential Multiple 4 Zone

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K:\14196BO - MIDWOOD 48PT PROPOSED ZONING.DWG

3160, 3168, & 3190 Regional Road 56
 Binbrook
 City of Hamilton

MHBC PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
 200-540 BINGEMAN'S CENTRE DR. KITCHENER, ON, N2B 3X9
 P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
 Tel: 416-212-6349 | 1-866-448-2248
 Web Site: olt.gov.on.ca

Appeal Form (A1)

**Municipal/Approval Authority
Date Stamp**

**Receipt Number
(OLT Office Use Only)**

**OLT Case Number
(OLT Office Use Only)**

**Date Stamp – Appeal Received
by OLT**

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
1583123 Ontario Inc.			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:

City/Town:	Province:	Country:	Postal Code:

Representative Information				
<input type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me				
Last Name:		First Name:		
Meader		Jennifer		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Turkstra Mazza Associates				
Email Address:				
jmeader@tmalaw.ca				
Daytime Telephone Number:		Alternative Telephone Number:		
905.529.3476	ext. 2740	416.605.0508		
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
	15	Bold Street		
City/Town:	Province:	Country:	Postal Code:	
Hamilton	Ontario	Canada	L8P 1T3	
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>				
<p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>				

Location Information	
Are you the current owner of the subject property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Address and/or Legal Description of property subject to the appeal:	
3160, 3168, 3180 and 3190 Regional Road 56, Binbrook, Hamilton	
Municipality:	
City of Hamilton	
Upper Tier (Example: county, district, region):	
Not Applicable	

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Official Plan Amendment	Planning Act	22(7)
2	Zoning By-law Amendment	Planning Act	34(11)
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6

<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal
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Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

121

Municipal Reference Number(s):

Municipal File Nos. UHOPA-22-024, ZAC-22-051, and FC-21-071

List the reasons for your appeal:

Please see attached covering letter.

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

Please see the attached covering letter and Planning Justification Report prepared by MHBC and dated May 2022.

Oral/Written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

Date municipality deemed the application complete if known (yyyy/mm/dd):

Please briefly explain the proposal and describe the lands under appeal:

Please see the attached covering letter and Planning Justification Report.

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

--

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

--

Outline the relief requested:

--

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

--

Address or legal description of the subject property:

--

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

--

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: **\$2,200**

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).


Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Jennifer Meader		2022/11/21

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5 Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca	
Section 5	For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton File with: NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3 rd Floor Georgetown, ON L7G 4B1	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) File with: NIAGARA ESCARPMENT COMMISSION 1450 7 th Avenue Owen Sound, ON N4K 2Z1

	<p>Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p>Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>
--	--	--

NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.



WELCOME TO THE CITY OF HAMILTON

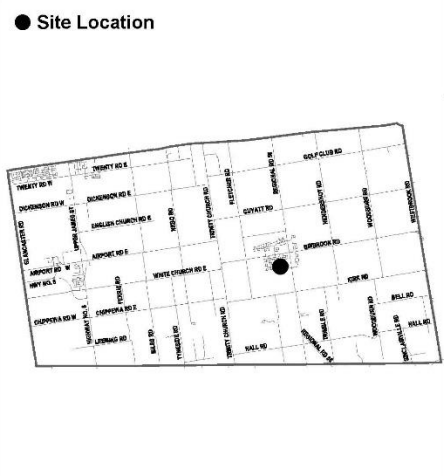
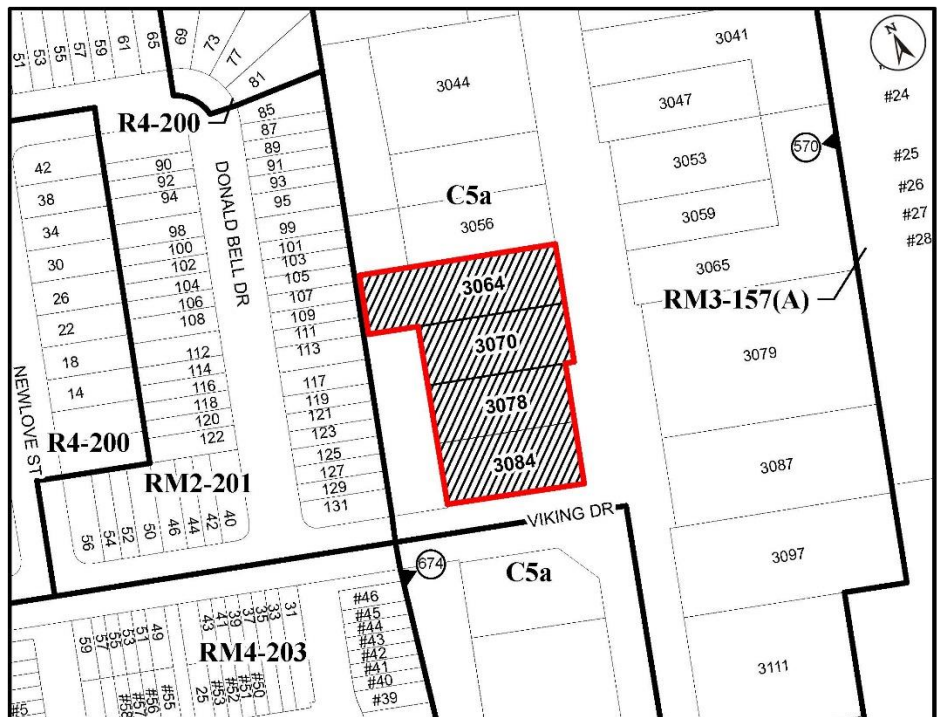
PLANNING COMMITTEE

March 21, 2023

PED23057 – (ZAC-22-050)

Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook.

Presented by: Devon Morton



Key Map - Ward 11

Location Map

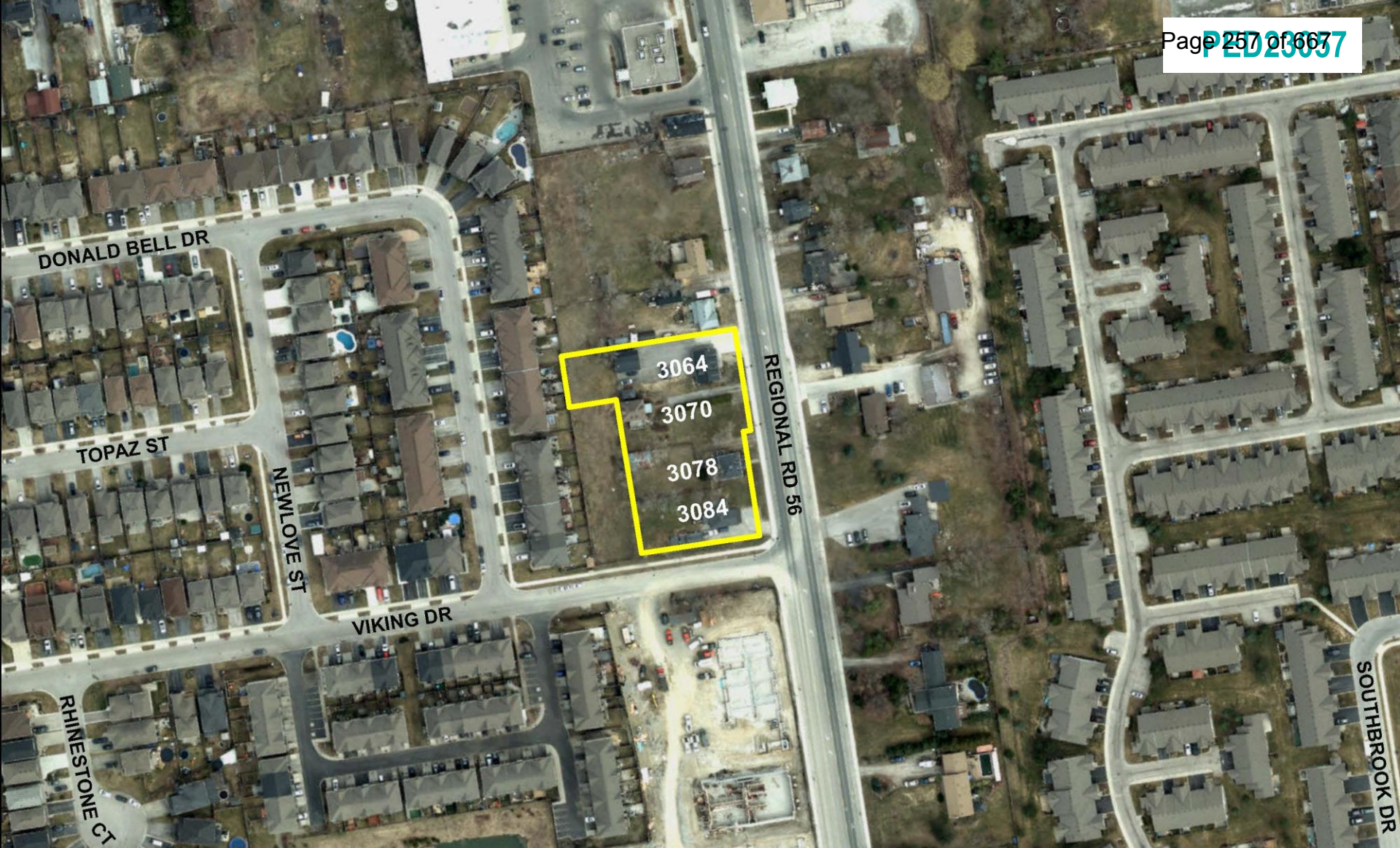


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-22-050	Date: July 25, 2022
Appendix "A"	Scale: N.T.S.
	Planner/Technician: DM/VJS

Subject Property

3064, 3070, 3078, 3084 Regional Road 56

- Change in Zoning from the "Mixed Use Medium Density – Pedestrian Focus" (C5a, 570) Zone to the "Mixed Use Medium Density – Pedestrian Focus" (C5a, XXX) Zone, Modified

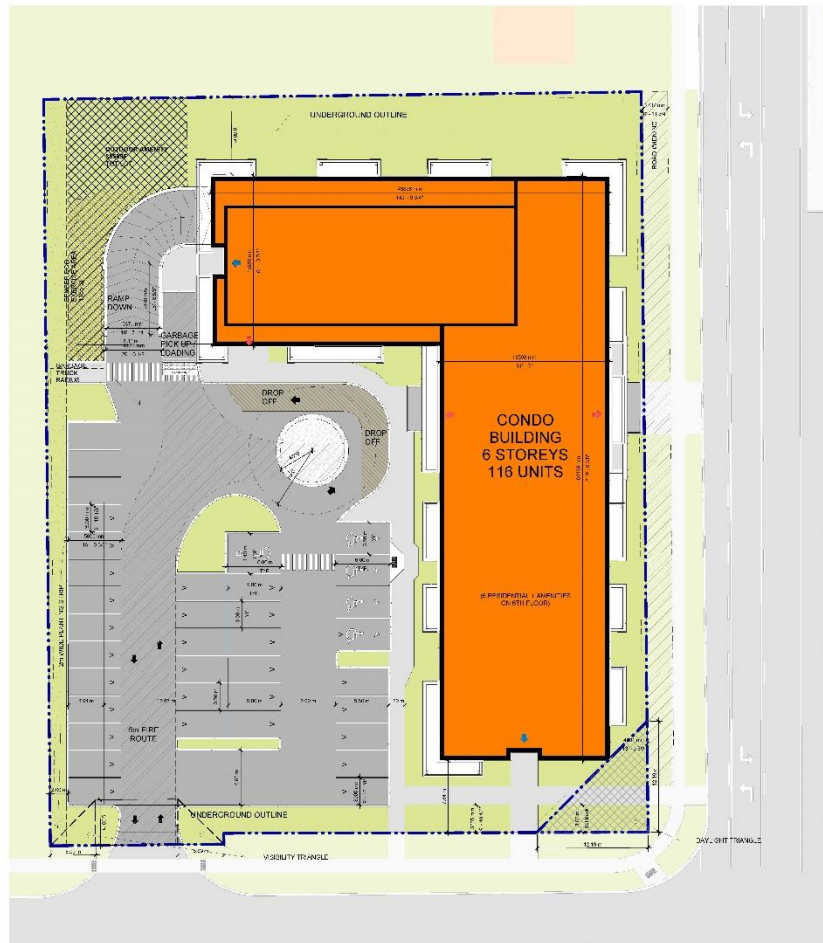


SUBJECT PROPERTY



3064, 3070, 3078 & 3084 Regional Road No. 56, Glanbrook





Site Plan
 1" = 200'

VIKING DRIVE

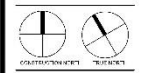
DESCRIPTION	QUANTITY	REMARKS
CONDO BUILDING 6 STOREYS 116 UNITS	1	116 UNITS
PARKING SPACES	116	116 SPACES PROVIDED
UNDERGROUND PARKING	116	116 SPACES PROVIDED

DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE
CONDO BUILDING	17851 SF	31.1%
PARKING	17851 SF	31.1%
LANDSCAPE	530 SF	1.0%
DRIVEWAY	1200 SF	2.2%
WALKWAY	1815 SF	3.3%
SCREENING	414 SF	0.7%
SCREENING	2000 SF	3.6%
SCREENING	2439 SF	4.4%
SCREENING	1462 SF	2.6%
SCREENING	1887 SF	3.4%
SCREENING	5114 SF	9.2%
OVERALL SITE	57122 SF	100.0%

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SCREENING	5114 SF	9.2%
OVERALL SITE	57122 SF	100.0%

Chamberlain
 Architect
 4875 Tisdale Way (2nd Fl.)
 Scarborough, Ontario M1S 2W9
 CANADA
 Phone: (416) 291-7777
 www.chamberlain.ca



WINDWOOD 3

3084, 3070, 3076 and 3088
 Regional Road 98, Tillamook

CONCEPTUAL
 SITE PLAN

DATE: 2020-12-10
 DRAWN BY: ME / RL / SD / SK
 CHECKED BY: JF
 SCALE: 1" = 200'
 PROJECT NO: 118020

A001







3064 Regional Road No. 56



**CITY OF HAMILTON
 PUBLIC NOTICE**

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

OWNER:	ESK323 Ontario Inc.
APPLICANT:	MHBC Planning
SUBJECT LANDS:	3064, 3070, 3075, 3084 Regional Road 56, Biltmore

PURPOSE AND EFFECT OF THE PROPOSED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT:

The purpose of the Urban Official Plan Amendment application is to establish a Site-Specific Policy Area for the Subject Lands under the Mixed Use - Medium Density - Pedestrian Focus designation of the Biltmore Village Secondary Plan to permit a multiple dwelling without ground floor commercial uses and to increase the maximum permitted building height on the subject lands from 3 stories to 6 stories.

The purpose of the Zoning By-law Amendment application is to amend the Zoning of the Subject Lands from the current Mixed Use - Medium Density - Pedestrian Focus (CU-200) Zone under the City of Hamilton Zoning By-law No. 95-200, to permit a multiple dwelling with modifications including an increased maximum permitted building height of 20.0 metres. The applications are to facilitate the development of a 6 storey multiple dwelling (residential building) with 18 dwelling units and 145 surface and underground off-street parking spaces.

PUBLIC MEETING TO BE ANNOUNCED
 9:30 a.m.
 Council Chambers, 2nd Floor, City Hall
 71 Main Street West, Hamilton

Inquiries Refer to Files: ZAC-22-050, UOFR-22-023

For where and when a copy of the proposed Official Plan Amendment and information and material related to it and additional information and material about the proposed By-law to amend the Zoning By-law will be available for public inspection or for a copy of the Notice of Complete Applications which was mailed to all land owners within 120 metres of the subject lands, please contact Devon M. Morton at 905-546-2424 ext. 1304 or by email at Devon.Morton@Hamilton.ca.

For more information about this matter, including information about preserving your appeal rights, contact Devon M. Morton.

Collection of information
 Information respecting this application is being collected under the authority of the Privacy Act, R.S.C. 1985, c. P.21. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public and will appear on the City's website unless you expressly request within your communication that City remove your personal information.

3070 Regional Road No. 56



3078 Regional Road No. 56



3084 Regional Road No. 56



View (North)



View (South)



View (East)



View (West)



Existing Residential



Neighbourhood



Neighbourhood 2



Laidman Park



St. Matthew Catholic Elementary School



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Devon Morton (905) 546-2424 Ext. 1384
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with Subsections 22(7) and 34(11) of the *Planning Act*, an Official Plan Amendment Application together with a Zoning By-law Amendment Application may be appealed to the Ontario Land Tribunal (OLT) after 120 days if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding Council's non-decision, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OLT.

The following information is provided to Planning Committee with regards to Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051, which have been appealed by the proponent for non-decision.

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: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11) – Page 2 of 4

INFORMATION

The subject lands are municipally known as 3160, 3168, 3180 and 3190 Regional Road No. 56 (refer to Appendix “A” attached to Report PED23058). The applicant, MHBC Planning Urban Design and Landscape Architecture, c/o Stephanie Mirtitsch, on behalf of 1583123 Ontario Inc. (Owner), has applied for amendments to the Urban Hamilton Official Plan (UHOPA-22-024) and Zoning By-law No. 05-200 (ZAC-22-051).

The subject lands encompass four lots, all rectangular in shape, with a combined area of approximately 6,102.15 square metres (approximately 1.5 acres). The lots front onto Regional Road No. 56 with a total of 97.25 metres of frontage. The subject lands are surrounded by low density residential (single detached and townhouse dwellings) and commercial uses. Two lots are currently occupied with single detached dwellings; one lot is occupied by an accessory structure and the remaining lot is vacant. A pedestrian pathway is located at the northern limit of 3160 Regional Road No. 56 adjacent to a watercourse regulated by the Niagara Peninsula Conservation Authority.

The Owner proposes to develop a six-storey mixed-use building with 121 dwelling units, 135 vehicular parking spaces and approximately 394.28 square metres of ground floor commercial gross floor area. The applicant has provided a Concept Plan and Architectural Renderings, along with required studies and reports in support of the application (see Appendix “B” and Appendix “C” attached to Report PED23058).

The application was received on July 20, 2022, deemed complete on July 22, 2022 and circulated to internal departments and external review agencies for comment on August 5, 2022. The appeal of the Official Plan Amendment and Zoning By-law Amendment, filed by Jennifer Meader (Turkstra Mazza), agent for 1583123 Ontario Inc. (Owner), was received by the City Clerk’s Office on November 22, 2022, 123 days after the applications were deemed complete.

A Submission to the City’s Design Review Panel (DRP) was requested by City staff. To date, a submission to DRP has not been made.

Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200

The subject lands are designated “Mixed Use - Medium Density” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP) and further designated “Mixed Use - Medium Density – Pedestrian Focus” on Land Use Plan Map B.5.1-1 of the Binbrook Village Secondary Plan.

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11) – Page 3 of 4

The subject lands are zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone pursuant to City of Hamilton Zoning By-law No. 05-200 (refer to Appendix “A” attached to Report PED23058).

Official Plan Amendment Application

The Applicant is requesting an Official Plan Amendment to establish a site-specific policy area to:

- Permit a multiple dwelling whereas the use is not permitted; and,
- Permit a maximum building height of six storeys whereas the maximum permitted building height is three storeys.

Zoning By-law Amendment Application

The Applicant is requesting a Zoning By-law Amendment to change the zoning from Mixed Use Medium Density – Pedestrian Focus (C5a) Zone to a site specific Mixed Use Medium Density – Pedestrian Focus (C5a) Zone to:

- Allow a Multiple Dwelling as a permitted use whereas the use is not permitted;
- Permit a minimum interior side yard of 5.0 metres whereas a minimum interior side yard of 7.5 metres is permitted;
- Permit a maximum building height of 21.5 metres whereas a maximum building height of 11.0 metres is permitted;
- Permit a minimum of 35% of the ground floor façade facing the street to be composed of doors and windows whereas 60% of the ground floor façade facing the street is to be composed of doors and windows; and,
- Permit a maximum first storey height of 5.5 metres whereas a maximum first storey height of 4.5 metres is permitted.

The requested modifications are conceptually shown on the Concept Plan and Architectural Renderings (see Appendix “B” and Appendix “C” attached to Report PED23058).

City Staff’s Review and Comments

Staff have concerns with the proposed building height and introduction of residential units on the ground floor. More specifically, the proposed building height does not achieve the planned vision of the area as established in the Binbrook Village Secondary Plan and the introduction of residential units on the ground floor of a pedestrian-focused

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application
UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-
051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road
No. 56, Glanbrook (PED23058) (Ward 11) – Page 4 of 4**

area equates to a loss of potential commercial development and impacts the commercial function of the Community Core.

In addition, City staff have additional technical concerns with the Functional Servicing Report.

Public Consultation

Notice of Complete Application was circulated to property owners within 120 metres of the subject property on July 28, 2022.

To date staff have received a total of eight written submissions opposed to the development. Concerns raised relate to the increase in height, loss of privacy, increased noise, increased traffic, loss of tree canopy, loss of character, lack of available services, demand on services, and parking.

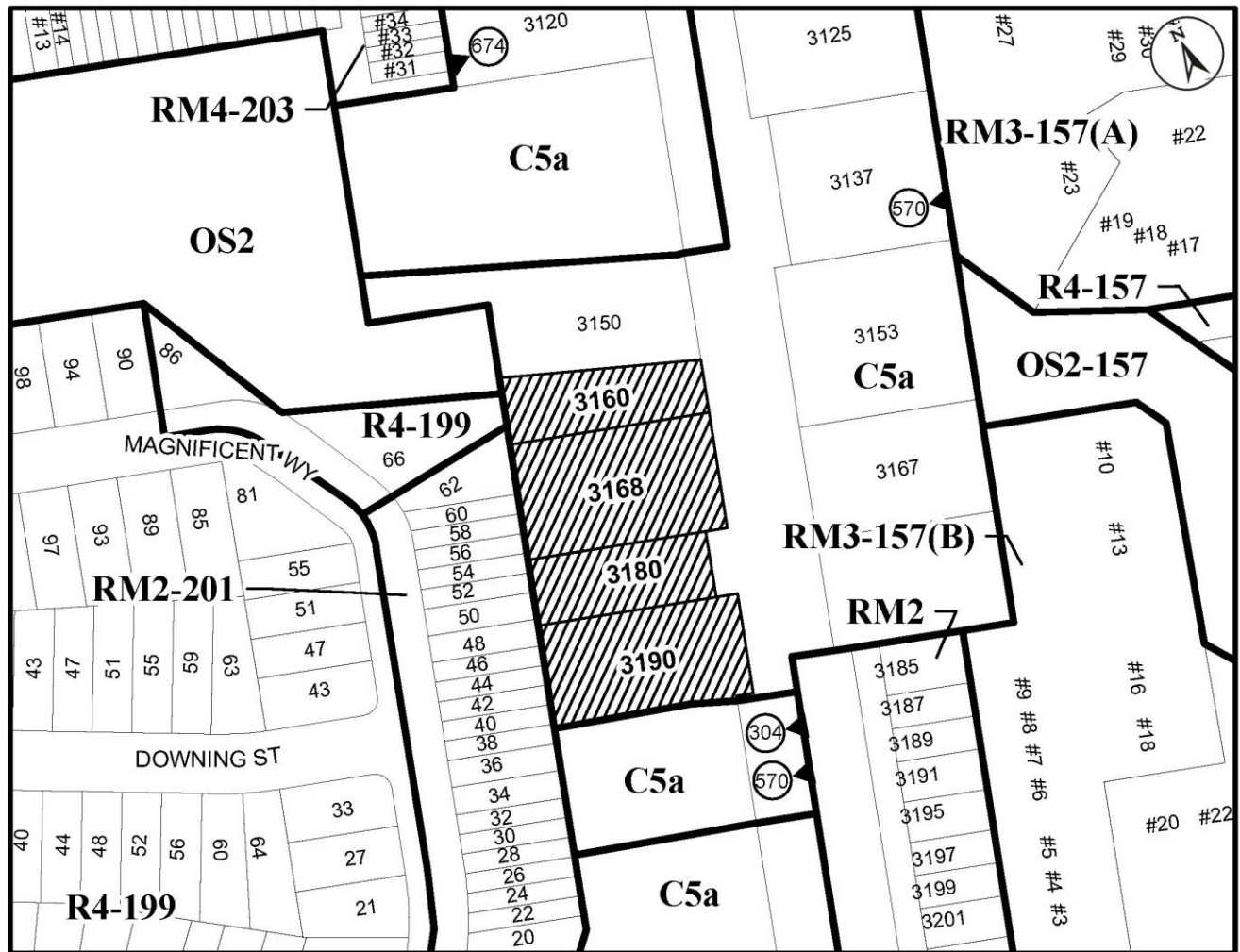
The Applicant submitted a Public Engagement Strategy which suggested a Community Information Meeting may be required following discussions with the Ward Councillor and City staff. Given the amount of public input received related to the proposal, staff recommended the Applicant proceed with the Community Information Meeting, however, the applications were appealed before the Community Information Meeting was scheduled.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23058 – Location Map
Appendix “B” to Report PED23058 – Concept Plan
Appendix “C” to Report PED23058 – Architectural Renderings
Appendix “D” to Report PED23058 – Letter of Appeal

DM:sd

Appendix "A" to Report PED23058
Page 1 of 1



● Site Location

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-051

Date:
July 25, 2022

Appendix "A"

Scale:
N.T.S

Planner/Technician:
DM/VS

Subject Property

3160, 3168, 3180, 3190 Regional Road 56

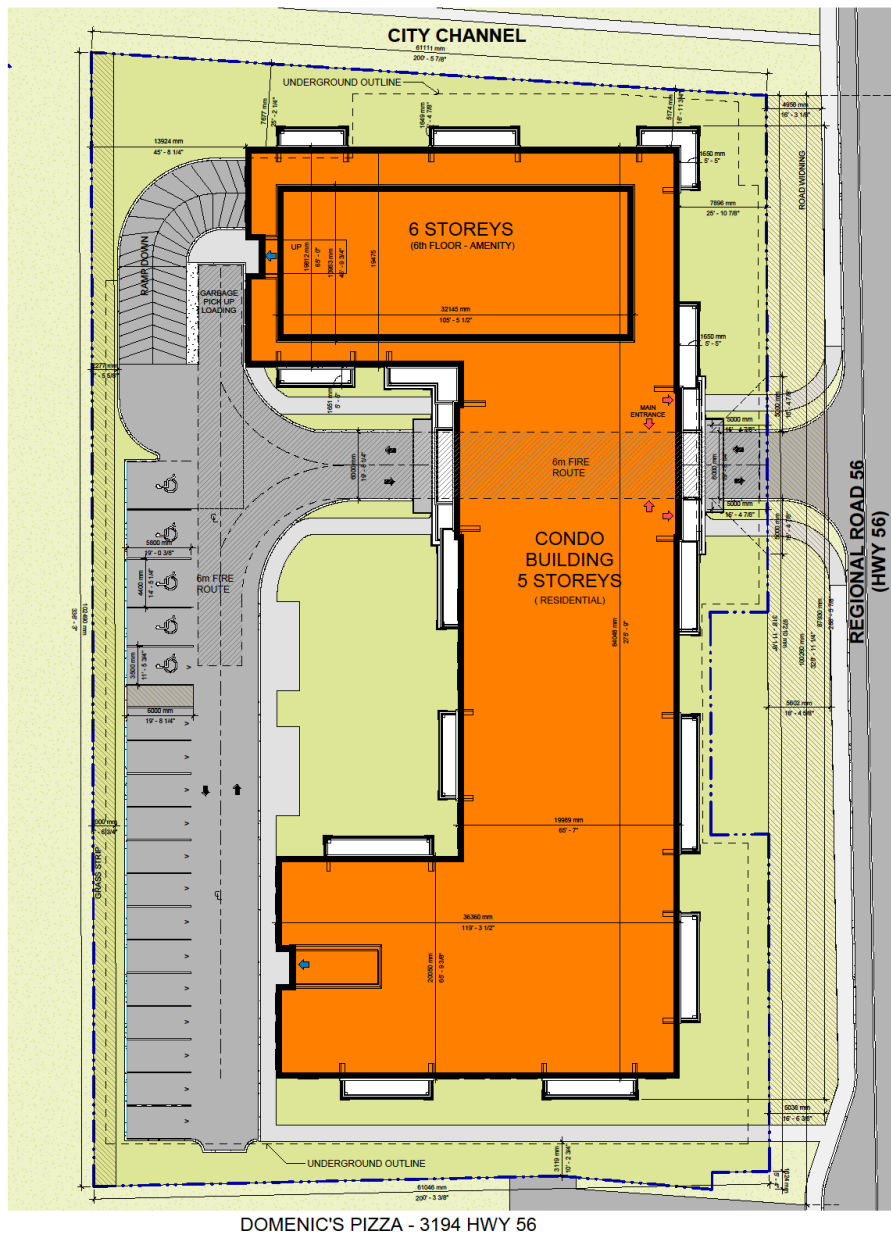


Change in Zoning from the "Mixed Use Medium Density – Pedestrian Focus" (C5a, 570) Zone to the "Mixed Use Medium Density – Pedestrian Focus" (C5a, XXX) Zone, Modified

Key Map - Ward 11



Appendix "B" to Report PED23058



DOMENIC'S PIZZA - 3194 HWY 56

1 Site Plan
A001 1:200

	REQUIRED	PROPOSED
MINIMUM PARKING - MULTIPLE DWELLING GSA ZONE - UNITS GREATER THAN 20.5 SQUARE METRES IN GFA	1.0 PER UNIT 116 SPACES REQUIRED	136 SPACES PROVIDED INCLUDING 29 VISITOR SPACES
MAXIMUM PARKING - MULTIPLE DWELLING GSA ZONE - UNITS GREATER THAN 20.5 SQUARE METRES IN GFA	1.25 PER UNIT 145 SPACES PERMITTED	136 SPACES PROVIDED
BARRIER FREE PARKING - 101 - 200 SPACES	MINIMUM 1 SPACE + 3% OF THE TOTAL NUMBER OF REQUIRED PARKING SPACES. 4 SPACES REQUIRED	0 PROPOSED

SITE STATISTICS - OPTION 5 STOREY			
DESCRIPTION	AREA (SM)	AREA (SF)	PERCENTAGE
BUILDING FOOTPRINT			
BUILDING FOOTPRINT	2145.12 m²	23000 ft²	35.2%
HARD LANDSCAPE	1343.87 m²	14482 ft²	22.0%
ASPHALT	550.80 m²	5922 ft²	8.9%
SIDEWALK	1624.37 m²	20714 ft²	31.5%
HARDSCAPE			
CURBS	71.61 m²	771 ft²	1.2%
LANDSCAPE	1961.55 m²	21114 ft²	32.1%
SOFT LANDSCAPE			
LANDSCAPE	1961.55 m²	21114 ft²	32.1%
OVERALL SITE	6102.15 m²	65683 ft²	100.0%

AMENITY SPACE PROVIDED - SCHEDULE			
Name	Area	Count	%
AMENITY	1267 m²	4	07%
OUTDOOR AMENITY	346 m²	2	33%
	643 m²	6	100%

UNIT NUMBER - OVERALL	
Count	%
T15	100%
T16	100%

FLEX UNIT NUMBER - OVERALL	
Count	%
5	100%

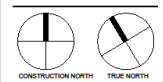
Chamberlain Architects
Constructors
Managers

Chamberlain Architect
Services Limited
4071 Palladium Way (Unit 1)
Burlington, Ontario, L7M 0W9
CANADA
Phone: 605.631.7777
www.chamberlainPA.com

NO.	ISSUED	DATE

THIS SITE PLAN IS BASED UPON AND MUST BE READ IN CONJUNCTION WITH THE REGULATIONS FROM CHAMBERLAIN ARCHITECT SERVICES LIMITED. CHAMBERLAIN ARCHITECT SERVICES LIMITED ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE DATA PROVIDED AND IS NOT PROVIDING ANY WARRANTIES OR GUARANTEES. DO NOT SCALE DRAWINGS. USE ONLY DIMENSIONS SHOWN ON DRAWINGS. CHAMBERLAIN ARCHITECT SERVICES LIMITED IS NOT PROVIDING ANY WARRANTIES OR GUARANTEES FOR THE ACCURACY OF THE INFORMATION PROVIDED. CHAMBERLAIN ARCHITECT SERVICES LIMITED AND CHAMBERLAIN ARCHITECT SERVICES LIMITED HAVE SEPARATE OWNERSHIP.

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WINDWOOD 4

3168, 3180, 3190
REGIONAL ROAD 56,
BRINERBROOK

SHEET NAME

CONCEPTUAL
SITE PLAN

START DATE: 2022-04-25
DRAWN BY: ME / RL / CMC / SR
CHECKED BY: JM
SCALE: 1:200
PROJECT NO: 119030
DRAWING

A001

Appendix "C" to Report PED23058
Page 1 of 6



Appendix "C" to Report PED23058
Page 2 of 6



Appendix "C" to Report PED23058
Page 3 of 6



Appendix "C" to Report PED23058
Page 4 of 6



Appendix "C" to Report PED23058
Page 5 of 6



Appendix "C" to Report PED23058
Page 6 of 6





Jennifer Meader
Turkstra Mazza Associates
15 Bold Street
Hamilton Ontario Canada L8P 1T3
Office: 905.529.3476 x2740
Cell: 416.605.0508
jmeader@tmalaw.ca

November 21, 2022

VIA EMAIL & COURIER

City of Hamilton
71 Main Street West
Hamilton, Ontario L8P 4Y5

Attention: Andrea Holland, City Clerk

Dear Ms. Holland:

Re: NOTICE OF APPEAL
3160, 3168, 3180 and 3190 Regional Road 56, Binbrook, Hamilton (Windwood 4)
Failure to Make a Decision to Amend Official Plan
Failure to Make a Decision to Amend Zoning By-Law
Municipal File Nos. UHOPA-22-024, ZAC-22-051, and FC-21-071

We represent 1583123 Ontario Inc., owner of lands municipally known as 3160, 3168, 3180 and 3190 Regional Road 56, within the community of Binbrook, within the City of Hamilton ("Subject Lands"). In May 2022, our client submitted an Official Plan Amendment and Zoning By-law Amendment Application (together, the "Applications") to the City of Hamilton ("City") to permit the development of a five-storey residential apartment building containing 121 residential units and sixth-storey amenity space ("Development Proposal").

Given that more than 120 days have passed since the Applications were submitted and the City has failed to make a decision, we hereby appeal the Applications to the Ontario Land Tribunal, pursuant to subsection 34(11) and 22(7) of the *Planning Act*, R.S.O., c. P.13 ("Planning Act").

THE SUBJECT LANDS

The Subject Lands are located in Binbrook, on the west side of Regional Road 56 between Viking Drive and Windwood Drive. Regional Road 56 is a minor arterial road which travels in the north south direction through the settlement area of Binbrook. The Subject Lands are comprised of four parcels with a total area of approximately 0.61 hectares (1.5 acres) and have a frontage of approximately 97 metres on Regional Road 56. The Subject Lands are occupied by two vacant residential buildings and an accessory garage structure. The existing buildings are proposed for demolition to allow for the construction of the

JENNIFER J MEADER PROFESSIONAL CORPORATION
TURKSTRA MAZZA ASSOCIATES

proposed residential multiple dwelling use.

Generally, surrounding land uses include the following:

- West: Directly west of the Subject Lands are residential townhouse uses. Further to the west are single detached residential uses.
- North: Directly north of the Subject Lands is a stormwater management corridor containing a recreational trail. Further to the north are lands currently under construction to develop multiple residential uses. Further to the north is the Binbrook core area containing commercial amenities and uses including a pharmacy, bank, restaurants, the Binbrook Library and post office.
- East: Directly east of the Subject Lands is Regional Road 56 which is a minor arterial road through the settlement area of Binbrook, providing a connection to the Hamilton settlement area to the north. On the east side of Regional Road 56 are residential uses including lands designated for mixed use development.
- South: Directly south of the Subject Lands is a commercial building. Further to the south is a mixed use development.

The Subject Lands are designated Mixed Use - Medium Density by the Urban Hamilton Official Plan ("UHOP") permitting residential uses and multiple dwellings and designated Mixed Use - Medium Density - Pedestrian Predominant in the Binbrook Village Secondary Plan ("SP").

DEVELOPMENT PROPOSAL

The Development Proposal is five storeys in height with a sixth floor amenity space, and proposes a total of 121 residential units and flexible commercial/office units on a portion of the ground floor. Access to the Subject Lands is provided from Regional Road 56 through the ground floor of the building. Parking, loading, and access to the underground garage are located to the rear of the building, and are screened from the public street. The proposed building has been oriented to Regional Road 56 and designed with an articulated building façade and landscaped area along Regional Road 56.

The incorporation of flexible commercial/office units on the ground floor will allow for the implementation of the employment and village focus of the area along Regional Road 56 and to the Binbrook Community Core, while accommodating residential development.

The existing surrounding uses have been considered in the design of the proposed development through building orientation and setbacks. The building is setback from the existing residential uses to the west and commercial building to the south to reduce the impacts of building height on the adjacent uses.

Vehicular access for the proposed development is reduced to one access and is located to the north of the site, intended to minimize conflict points and disruption to public sidewalks. The internal driveway and vehicular network are accessed by a main entrance way, and an internal drive aisle loop and drop-off

turn circle are proposed within the internal road network to accommodate anticipated traffic volume and provide efficient vehicle movement within the Development Proposal.

The following studies were submitted in support of the Applications:

1. Planning Justification Report
2. Urban Design Brief
3. Functional Servicing Report
4. Transportation Impact Study
5. Noise Impact Study
6. Archaeological Assessment
7. Geotechnical Report
8. Conceptual Site Plan
9. Conceptual Elevations
10. Sun/Shadow Study
11. Survey Plan
12. Tree Management/Protection Plan
13. Engineering Plans

THE PLANNING INSTRUMENTS

An Official Plan Amendment is required to permit:

- A multiple dwelling; and
- A maximum building height of six storeys

A Zoning By-law Amendment is required to permit the proposed mixed-use development and implement the Official Plan and Secondary Plan Amendment. The proposed zoning for the Subject Lands is Mixed-Use Medium Density (C5a) - Pedestrian Focus Zone with the following site-specific provisions:

- Permit a multiple dwelling as a permitted use;
- A minimum interior side yard of 5.0 metres;
- A maximum building height of 21.5 metres;
- A minimum of 38% of the area of the ground floor façade facing the street shall be composed of doors and windows; and
- A maximum first storey height of 5.5 metres.

BASIS FOR APPEAL

The reasons for appealing the Applications include but are not limited to the following:

1. The Applications have appropriate regard to matters of provincial interest set out in section 2 of the Planning Act.
2. The Applications are consistent with the Provincial Policy Statement, 2020.

3. The Applications conform to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.
4. The Applications meet the intent and purpose of the UHOP.
5. The Applications meet the intent and purpose of the SP.
6. The Applications represent good planning and are in the public interest.

A detailed analysis of applicable provisions from the legislation and policy documents enumerated above are set out in the Planning Justification Report prepared by MHBC, dated May 2022, and which is attached to this Notice of Appeal.

FORM AND FEE

In satisfaction of OLT's processing requirements, enclosed please find:

1. The Planning Justification Report
2. The required OLT Appeal Form A1; and
3. A cheque in the amount of \$2,200 as the OLT's requisite appeal fee.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned. Otherwise, we thank you for your receipt of this appeal package.

Yours truly,



Jennifer Meader



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

PLANNING JUSTIFICATION REPORT

OFFICIAL PLAN AMENDMENT AND
ZONING BY-LAW AMENDMENT

3160, 3168, 3180 & 3190 Regional Road 56
Binbrook, City of Hamilton

Date:

May, 2022

Prepared for:

1583123 Ontario Inc.

Prepared by:

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)

540 Bingemans Centre Drive, Suite 200

Kitchener, Ontario

T: 519.576.3650

F: 519.576.0121

Our File 14196BO

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Appendix B – Draft Official Plan Amendment

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1.0 INTRODUCTION

MHBC Planning has been retained by 1583123 Ontario Inc. to prepare a Planning Justification Report and applications for development of the lands municipally known as 3160, 3168, 3180 and 3190 Regional Road 56 in Binbrook, Hamilton, Ontario (the "subject lands"). The subject lands are legally described as part of Lot 1 and Block 4, Concession 4, in the former Township of Glanbrook. In order to permit the proposed development, amendments to the Urban Hamilton Official Plan and Zoning By-law are required.

The subject lands are located on the west side of Regional Road 56 between Viking Drive and Windwood Drive, as shown on **Figure 1** of this report. The subject lands are rectangular in shape and have an area of approximately 0.61 hectares (1.5 acres), with an approximate frontage of 97 metres on Regional Road 56. The subject lands are presently occupied by three vacant residential dwellings.

The proposal includes the removal of the existing residential dwellings for the redevelopment of the subject lands. A five storey building is proposed with a sixth floor amenity space. The proposed building contains a total of 121 residential apartment units and potential for commercial / office units on a portion of the ground floor.

One vehicular access is proposed from Regional Road 56, which is to be located through the ground floor of the proposed building. The vehicular access connects to a rear surface parking area, loading area and access to underground parking. Parking is provided at surface and underground for a total of 135 spaces including 27 visitor spaces and 5 barrier free parking spaces.

The subject lands are designated 'Mixed Use – Medium Density' by the Urban Hamilton Official Plan permitting residential uses and multiple dwellings and designated 'Mixed Use – Medium Density – Pedestrian Predominant' in the Binbrook Village Secondary Plan.

The Official Plan and Zoning By-law Amendments are proposed to establish the land use planning framework for the proposed residential development. This planning report assesses the planning framework related to the proposed use of the lands and includes the following:

- An introduction and general description of the subject lands, surrounding land uses and existing conditions to provide an understanding of the locational and policy context;
- Overview of the proposed redevelopment and applications;
- Description of the overall land use planning and design elements of the proposed development

- Review of existing policy framework and assessment of consistency with the Provincial Policy Statement and conformity with the Growth Plan, Urban Hamilton Official Plan and Binbrook Village Secondary Plan; and
- Consideration and integration of recommendations and conclusions from the supporting studies and reports.

1.1 Formal-Consultation and Submission Requirements

A Formal Consultation meeting was held for the development of the subject lands on June 9, 2021. The Formal Consultation Document identified the planning process required to permit the proposed development of the subject lands. In addition to this Planning Justification Report, the following Technical Studies and Plans were identified in the Formal Consultation Document to form a complete application under the Planning Act:

- Urban Design Brief
- Functional Servicing Report
- Transportation Impact Study
- Noise Impact Study
- Archaeological Assessment
- Geotechnical Report
- Conceptual Site Plan
- Conceptual Elevations
- Sun / Shadow Study
- Survey Plan
- Tree Management/Protection Plan
- Engineering Plans

A brief summary of the Technical Studies are included in **Section 5.0** of this report and a copy of the Formal Consultation Document is attached as **Appendix A**.

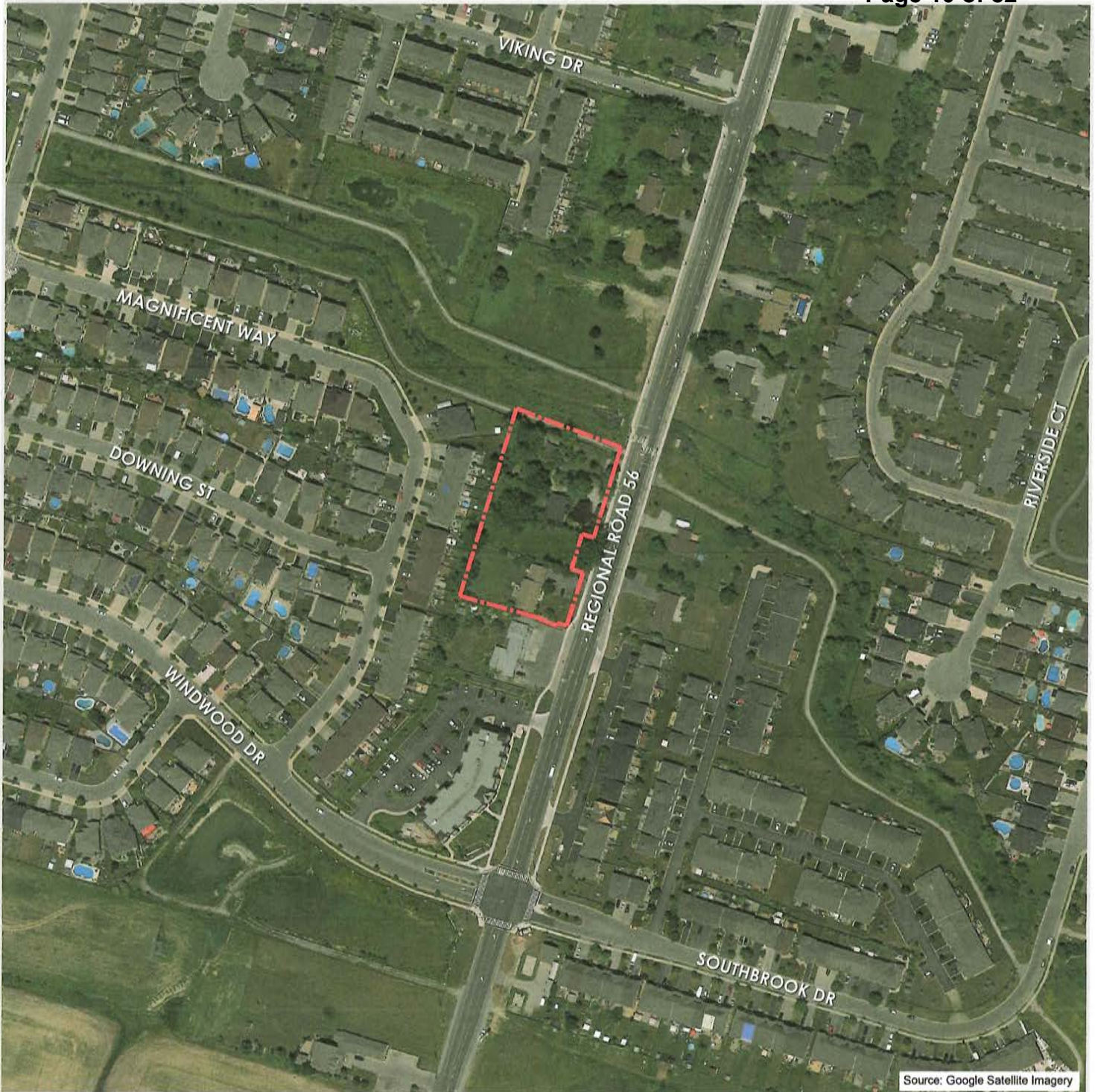



Figure 1:
Location Plan

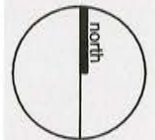
LEGEND
 Subject Lands

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K14196BO - WINDWOOD 4RPTLOCATION.DWG

3160, 3168, & 3190 Regional Road 56
 Binbrook
 City of Hamilton

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 & LANDSCAPE
 ARCHITECTURE
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2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The subject lands are located in Binbrook, on the west side of Regional Road 56 between Viking Drive and Windwood Drive. Regional Road 56 is a minor arterial road which travels in the north south direction through the settlement area of Binbrook. The subject lands are municipally known as 3160, 3168, 3180 and 3190 Regional Road 56, and the location of the subject lands is shown on **Figure 1** of this report.

The subject lands are comprised of four parcels with a total area of approximately 0.61 hectares (1.5 acres) and have a frontage of approximately 97 metres on Regional Road 56. The subject lands are occupied by two vacant residential buildings and an accessory garage structure. It is proposed to remove the existing buildings to allow for the construction of the proposed residential multiple dwelling use.

The subject lands are surrounded by commercial and residential uses and a context plan is included as **Figure 2** of this report. Generally, surrounding land uses include the following:

- WEST:** Directly west of the subject lands are residential townhouse uses. Further to the west are single detached residential uses.
- NORTH:** Directly north of the subject lands is a stormwater management corridor containing a recreational trail. Further to the north are lands currently under construction to develop multiple residential uses. Further to the north is the Binbrook core area containing commercial amenities and uses including a pharmacy, bank, restaurants, the Binbrook Library and post office.
- EAST:** Directly east of the subject lands is Regional Road 56 which is a minor arterial road through the settlement area of Binbrook, providing a connection to the Hamilton settlement area to the north. On the east side of Regional Road 56 are residential uses including lands designated for mixed use development.
- SOUTH:** Directly south of the subject lands is a commercial building. Further to the south is a mixed use development.



Source: Google Satellite Imagery

Figure 2:
Context Plan

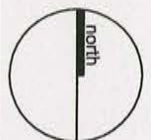
- LEGEND**
- Subject Lands
 - Urban Boundary
 - Parks
 - Binbrook Trails

DATE: February 2022

SCALE: 1: 7,500

FILE: 14196BO

DRAWN: LC



K:\14196BO - WINDWOOD 4RPT\CONTEXT PLAN.DWG

3160, 3168, & 3190 Regional Road 56
 Binbrook
 City of Hamilton

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 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE

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In general, the subject lands are surrounded by a mix of residential, commercial and recreational uses. The main commercial area of Binbrook is located to the north and within a 10-minute walking distance (800 metres) of the subject lands and contains commercial amenities including a food market, pharmacies, financial institutions, restaurants, and public services (i.e., library, fire station, post office, and learning centre). Further to the north is a food store and the Binbrook Agricultural Society providing community recreation opportunities. Additional commercial amenities are located directly to the south of the subject lands including restaurants, a medical office and hair salons.

In terms of institutional uses, two elementary schools (St. Matthew Catholic Elementary School and Bellmore Public school) are located within a 1-kilometre radius of the subject lands. The Binbrook Public Library is located within walking distance of the subject lands providing community programs and services. A number of churches are located in proximity of the subject lands providing additional community opportunities.

The subject lands are located directly adjacent to the Binbrook Trail which is located along the stormwater management corridor that travels throughout the settlement area. The trail provides connections throughout Binbrook facilitating a connection to a number of parks and uses including Southbrook Park, Laidman Park, St. Matthew Elementary School, Fairgrounds Community Park, Bellmoore Elementary School. Binbrook Park is located to the north, in close proximity to the subject lands, and is adjacent to the Binbrook Agricultural Society grounds. Overall, the subject lands are well-located to existing recreational uses.

Pedestrian infrastructure exists along the frontage of the property on Regional Road 56. Designated bike lanes are located along Regional Road 56 and continue north and south through the settlement area. Bike lanes are also located on Binbrook Road, Fall Fair Way and Bradley Avenue providing additional connections to key locations including Fairgrounds Community Park, Binbrook Park, the public elementary schools in the area, and commercial amenities. The Binbrook Trail provides an additional recreational bike path encouraging safe active transportation.

In summary, the site is well-located and in close proximity to a range of uses including commercial, institutional and recreational uses. The site is well connected to the minor arterial road network and is situated in an ideal location for future transit services. The subject lands are located in an area in proximity to existing pedestrian infrastructure and bike lanes supporting active transportation in the Binbrook settlement area.

3.0 PROPOSED DEVELOPMENT AND APPLICATIONS

The overall vision for the development of the site is for a medium density, five-storey residential building with a sixth floor amenity space and flexible commercial / office space on the ground floor along Regional Road 56. The proposed redevelopment will integrate into both the existing neighbourhood to the west and the transitioning corridor along Regional Road 56. A concept plan is included in this report as **Figure 3**.

3.1.1 SITE DESIGN

The proposed redevelopment is five storeys in height with a sixth floor amenity space, and proposes a total of 121 residential units and flexible commercial / office units on a portion of the ground floor. Access to the site is provided from Regional Road 56 through the ground floor of the building. Parking, loading and access to the underground garage are located to the rear of the building, and are screened from the public street. The proposed building has been oriented to Regional Road 56 and designed with an articulated building façade and landscaped area along Regional Road 56.

The incorporation of flexible commercial / office units on the ground floor will allow for the implementation of the employment and village focus of the area along Regional Road 56 and to the Binbrook Community Core, while accommodating residential development.

The existing surrounding uses have been considered in the design of the proposed development through building orientation and setbacks. The building is setback from the existing residential uses to the west and commercial building to the south to reduce the impacts of building height on the adjacent uses.


Vehicular access for the proposed development is reduced to one access and is located to the north of the site, intended to minimize conflict points and disruption to public sidewalks. The internal driveway and vehicular network is accessed by a main entrance way, and an internal drive aisle loop and drop-off turn circle are proposed within the internal road network to accommodate anticipated traffic volume and provide efficient vehicle movement within the proposed development.

Figure 3:

Concept Plan

3160, 3168, & 3190 Regional Road 56
Blairbrook
City of Hamilton

LEGEND

 Subject Lands

DATE: April 2022
SCALE: 1:500
FILE: 141660
DRAWN: LC



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& LANDSCAPE ARCHITECTURE
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Sidewalk and pedestrian walkways are located throughout the development and provide convenient and safe connections to the building, landscaped areas and existing sidewalk infrastructure along the roadway

Waste collection and loading areas are distanced from sidewalks and pedestrian walkways. The subject lands are generally flat with only minor grading changes proposed. Detailed design elements, such as lighting and signage, will be reviewed during the site plan stage.

In summary, the proposed development will provide 121 additional residential dwelling units to the area through a built form that provides a range of unit sizes to accommodate a variety of demographics. The site design will provide an appropriate transition from the residential uses to the west, and commercial uses to the south.

3.1.2 BUILDING DESIGN

The proposed architectural design consists of a five storey residential multiple dwelling with a sixth floor amenity space, containing residential apartment uses on floors one through five and flexible commercial / office space on a portion of the ground floor. The following renders represent the proposed architectural design of the building.





The architectural façade of the building will provide for a contemporary appearance through the use of durable, yet contextual sensitive colour and material palette. The façade design will include a mixture of materials, including various coloured bricks, concrete, glass, and metal to create a visual interest while respecting the surrounding character. These materials will be continuous for all building elevations to provide for a consistent and high quality appearance, which take cues from the surrounding residential, agricultural, and culturally significant built form appearance.

The proposed residential building will have transitions in its massing to create architectural interest. The appearance of bulk and mass is reduced through variations in the roof line and vertical plane. This approach avoids long, flat roof surfaces and sheer walls. The massing of the proposed development is divided through the use of varying high quality building materials to create a pedestrian scaled environment. Storeys one through three are comprised of brick and metal materials that resemble historic building materials of the Binbrook area. A distinguishable use of metal, various coloured brick and increased use of glazing create a visually appealing divide between upper and lower floors. Concrete materials form building entrance features and storeys four through five. The use and transition of varying building materials between the third and fourth storey maintain the streetscape and character of other developments along Regional Road 56.

The proposed architectural design and scale of the built form supports a pedestrian oriented streetscape setting through emphasizing pedestrian mobility and building street wall animation along street, sidewalk and trail network. Building entrance points are planned to be highly visible from the road network and public amenity areas, with landscaping and enhanced architectural features.

The overall proposed building design demonstrates symmetry and rhythm while promoting a high quality design through the use of materials and a pedestrian oriented façade.

3.1.3 LANDSCAPE DESIGN

Landscaping on the site will seek to provide an enhanced, functional, and attractive outdoor space. A shared amenity area is proposed to connect the development, while providing pedestrian spaces to safely move throughout the site. The creation of interconnected series of amenity and green

spaces create a distinctly pedestrian urban environment to provide ample outdoor space for residents.

Pedestrian open spaces are located in the central area of the site and around the perimeter. Pedestrian infrastructure is incorporated which provides connections to access the building and to Regional Road 56. The materials and furnishings in the amenity space will be determined throughout the detailed design stage.

Trees will be considered throughout the amenity areas. Shade trees and plantings will be considered for pedestrian walkways to heighten the overall pedestrian experience.

The overall design of the parking and service areas are designed to mitigate the overall visual impact to the public realm. In order to strengthen the development's pedestrian amenities, car parking and service areas will be screened with thoughtfully placed vegetation and screening. Parking areas are located to the rear of the building and large canopy trees and understory will be considered to reduce the visual impact of the area. Paving materials will differ from parking lots to pedestrian crossings, which will provide visual cues as well as provide a richer pallet of materials. Detailed landscaped design will be incorporated at the site plan stage of development.

Above ground utilities and services will be located away from main pathways and screened with vegetation and decorative fencing as much as feasibly possible.

3.1.4 PEDESTRIAN AND VEHICULAR CIRCULATION

The siting of the proposed on the subject lands will promote safe pedestrian linkages through a continuous pedestrian experience along the primary frontage of the building. Bicycle parking will be accessible near main entrance areas where feasible to supporting active transportation. A bicycle parking storage room is proposed within the underground parking garage, and at grade bicycle parking spaces will be provided near the building entrances. The internal pathway network proposed within the subject lands provides direct access from the surrounding neighbourhood, amenity space, and parking lot to the proposed building. The sidewalk and path network will connect to the building main entrances to ensure continuous access and safety for pedestrians.

The proposed entranceways and walkways will ensure barrier-free accessibility requirements are met by implementing sufficient walkway widths, gradual grade changes, and textured surface paving where appropriate. Wayfinding features, including bollard light fixtures and signage will be implemented where required to safely guide pedestrian movement. The building main entrances will be covered and weather-protected with appropriate lighting to create a comfortable and well-defined pedestrian arrival and departure experience.

A main internal road through the site provides access to the underground parking access area and surface visitor parking for the residential use. A drop-off area is proposed for the building and provides a convenient location for deliveries, ridesharing services or other forms of transit.

3.1.5 SITE SERVICING AND PARKING

The proposed development will accommodate the majority of the proposed parking spaces within one level of underground parking. Some surface parking is provided primarily for visitor and accessible parking spaces. The proposed parking arrangement and design will allow for a safe and continuous vehicular movement between the parking spaces and sidewalks while ensuring accessible parking needs are prioritized and situated in close proximity to building entrances to ensure barrier free access is provided.

The proposed at grade parking areas will integrate appropriate landscape treatment and accent paving materials where feasible to enhance the pedestrian and building frontage experience at grade level and to ensure a high quality landscape transition is achieved.

The majority of the proposed parking is located through one underground parking, which limits the overall amount of surface parking. Underground parking access is provided by the internal driveway. The underground parking will help to reduce surface level parking and provide opportunities for greenspace and landscaping.

Loading, storage and other services will be internalized and located at the rear of the building to minimize impacts on landscaped open space. Access to loading, storage and servicing will be located efficiently to minimize impacts on vehicular and pedestrian traffic.

3.2 Summary of Official Plan Amendment Application

The subject lands are designated Mixed-Use Medium Density in the City of Hamilton Urban Hamilton Official Plan (UHOP) and further designated in the Binbrook Village Secondary Plan as Mixed Use – Medium Density – Pedestrian Focus.

An Official Plan Amendment is required to permit:

- Permit a multiple dwelling
- Permit a maximum building height of six storeys

A draft Official Plan Amendment is enclosed as **Appendix B** to this Report.

3.3 Summary of Zoning By-law Amendment Application

A Zoning By-law Amendment is required to permit the proposed mixed use development and implement the Official Plan and Secondary Plan Amendment. The proposed zoning for the subject lands is Mixed-Use Medium Density (C5a) – Pedestrian Focus Zone with the following site-specific provisions:

- Permit a multiple dwelling as a permitted use;
- A minimum interior side yard of 5.0 metres;
- A maximum building height of 21.5 metres;
- A minimum of 38% of the area of the ground floor façade facing the street shall be composed of doors and windows; and
- A maximum first storey height of 5.5 metres.

Details of the proposed zoning are included in **Section 4.5** of this report. A draft Zoning By-law Amendment is enclosed as **Appendix C** to this Report.

4.0 PLANNING ANALYSIS

The following is a review of the provincial, regional and municipal land use policy framework related to the subject lands, and how the proposal has met those considerations.

4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) was issued by the Province of Ontario in accordance with Section 3 of the Planning Act. The 2020 PPS applies to all decisions regarding the exercise of any authority that affects a land use planning matter made on or after May 1, 2020.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure. The PPS encourages a diverse mix of land uses in order to provide choice and diversity to create complete communities. A variety of modes of transportation are required to facilitate pedestrian movement, active transportation opportunities and less reliance on the automobile. The PPS strongly encourages development that will provide long term prosperity, environmental health and social wellbeing. One of the key considerations of the PPS is that planning decisions 'shall be consistent' with the Policy Statement. The following is an analysis of the proposed development in the context of the policies in the PPS.

Settlement Areas (1.1.3)

The PPS states that Settlement Areas shall be the focus of growth and development, and that their vitality and regeneration shall be promoted. The proposed development is located within the City of Hamilton which is a designated Settlement Area. Further, land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- efficiently use land and resources;
- are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- minimize negative impacts to air quality and climate change, and promote energy efficiency;
- support active transportation;
- are transit-supportive, where transit is planned, exists or may be developed; and
- are freight-supportive.

As well, a range of uses and opportunities for intensification and redevelopment are encouraged.

The proposed development provides an opportunity for the development of underutilized land within an existing Settlement Area. The subject lands were previously used for low density residential uses and it is proposed to redevelop the lands with medium density residential uses and flexible commercial / office space providing for an increase in housing units in the area. The proposed development will provide an additional 121 residential apartment units to the Binbrook settlement area which contains existing municipal services, and primarily low density housing forms. The proposed redevelopment will contribute to the mix of housing choice in the area.

The proposed development will have a compact housing form with a density of 199 units per hectare. The proposed compact form of development will minimize the impacts on air quality and climate change and support future transit investments in the area.

As detailed in the Functional Servicing Report, prepared by S. Llewellyn and Associates, the subject lands can be serviced by municipal services.

Housing (1.4.3)

The PPS identifies that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households.
- Permitting and facilitating: all forms of housing required to meet the social, health, and well-being requirements of current and future residents, including special needs requirements; and all forms of residential intensification, including second units, and redevelopment;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- Establishing development standards for residential intensification, redevelopment and new residential development, which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed development will provide 121 units with a range and mix of unit sizes. The proposed development will contribute to the overall range and mix of housing types offered in Binbrook, which primarily contains low density housing forms such as single detached and townhouse dwellings. While the Binbrook Village Secondary Plan identifies a significant amount of residential

land for development, there are limited opportunities for medium density residential planned for the area that would permit apartment uses. The proposed development will contain a mix of one bedroom, one bedroom plus den, and two bedroom units, which will provide units for a broad demographic, and offer a more attainable housing choice.

Existing infrastructure and services are present in the area surrounding the proposed development and can support the increased residential density.

Public Spaces, Recreation, Parks, Trails and Open Space (1.5.1)

The PPS identifies that healthy, active communities should be promoted by:

- planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- providing opportunities for public access to shorelines; and
- recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

The subject lands are proposed to contain a series of interconnected, sidewalks that provide connections throughout the development, and to Regional Road 56. Connections are provided to the existing sidewalk infrastructure. A recreational trail is located north of the proposed development within the area reserved for stormwater management, and provides connections to the surrounding parks and trails for recreational opportunities. An amenity space is provided within the proposed development offering opportunities for recreation and pedestrian connections to adjacent land uses and environmental features promote the use of open space and recreational trails.

Sewage, Water and Stormwater (1.6.6)

As per the PPS, municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

The subject lands are within a Settlement Area, and are located within an area with existing services. The subject lands will be able to provide for connections to full municipal services, as detailed in the Functional Servicing Report prepared by S. Llewellyn and Associates and submitted in support of the applications.

Transportation Systems (1.6.7)

The PPS identifies that transportation and land use considerations shall be integrated at all stages of the planning process. Further, it promotes multimodal transportation systems, and a land use pattern, density and mix of uses which minimize the length and number of vehicle trips and support current and future use of transit as well as active transportation.

The subject lands are located on Regional Road 56, a minor arterial road, which provides a connection north to Stoney Creek and to the Red Hill Valley Parkway and Lincoln M. Alexander Parkway, for connections throughout the City. Regional Road 56 connects to Binbrook Road (Highway 65) providing westbound connections to Mount Hope and the Hamilton International Airport.

Regional Road 56 was recently reconstructed in 2015 to provide for a mix of active transportation options, including delineated bicycle lanes and wide sidewalks connections. A multi-use trail exists to the north. Transit connections have been contemplated for the area, including trans-cab services. The proposed development will provide a transit supportive density for any future transit expansion in the area, and will be conveniently located for residents to access transit stops, as the building entrances are located onto Regional Road 56.

As a result of the existing road network connections and recently constructed active transportation infrastructure, the site is appropriately located for proposed density. Pedestrian connections are proposed as part of the development and will provide access to the existing active transportation network.

Summary

Based on the above, the proposed Official Plan Amendment and Zoning By-law Amendment applications are consistent with the policies of the Provincial Policy Statement.

4.2A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe ('A Place to Grow') came into effect on August 28, 2020. This Plan is the framework for implementing the Provincial Government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities to achieve a high quality of life.

The policies of A Place to Grow centres on the key themes of directing growth to Built-Up Area, intensification in strategic growth areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses.

Among the guiding principles of the plan include:



Figure 4:

**A Place to Grow:
 Growth Plan for the
 Greater Golden
 Horseshoe - Schedule
 2**

3160,3168, & 3190 Regional Road 56
 Binbrook
 City of Hamilton

LEGEND

- Subject Lands

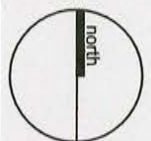
<ul style="list-style-type: none"> ● Urban Growth Centres — Future Transportation Corridors* — Existing Major Highways* — Highway Extensions* — Welland Canal* — Gateway Economic Zone ◆ Gateway Economic Centre — Border Crossings ■ Built-Up Area – Conceptual ■ Designated Greenfield Area – Conceptual 	<ul style="list-style-type: none"> — Priority Transit Corridors* — Existing Higher Order Transit* — Committed GO* Transit Rail Extensions — Future High-Speed Rail Corridor* ⊗ International Airports ⊕ Proposed Airport ⊙ Major Ports ■ Greenbelt Area* ■ Greater Golden Horseshoe Growth Plan Area*
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DATE: April 2022

SCALE: 1: 5,000

FILE: 14196BO

DRAWN: LC



K14196BO - WINDWOOD 4#RPTA PLACE TO GROW/DWG

**PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE**

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- Support the achievement of complete communities that are designed to support healthy and active living and meeting the needs of daily living.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.
- Support a range and mix of housing options.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities.
- Provide for different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe.

Delineated Built-Up Area (2.2.2)

The subject site is located within the delineated Built-Up Area of the City of Hamilton, as shown on **Figure 4**. A Place to Grow identifies general intensification targets for the Built-Up Area, stating that a minimum of 50 percent of all annual residential development will be within the Built-Up Area until 2031.

The subject site is located within the Built-Up Area and will contribute to the intensification target of 50 percent within A Place to Grow. The proposed dwelling units will contribute residential uses to the area, optimize existing infrastructure and add 121 residential apartment units within the Built-Up Area. Overall, the development achieves a density of approximately 199 units per hectare.

Housing (2.2.6)

Section 2.2.6 of A Place to Grow provides policies to support the achievement of complete communities. Specifically, Section 2.2.6.2 states that municipalities will support the development of complete communities by: planning to accommodate forecasted growth to the horizon of this Plan; planning to achieve the minimum intensification target and density targets; considering the range and mix of housing options and densities of the existing housing stock; planning to diversify the overall housing stock across the municipality.

The proposed development will assist the City of Hamilton in achieving the minimum density targets set out in the Growth Plan and the Urban Hamilton Official Plan through the intensification of underutilized properties within the built-up area. The proposed residential units will contribute to the range and mix of housing options in the City by offering a medium density housing form.

Infrastructure to Support Growth (3.2)

The Growth Plan also identifies that infrastructure planning, land use planning and infrastructure investment should be coordinated, as well as transportation system planning and investment should be coordinated with land use planning.

The proposed development will support the existing active transportation connections recently constructed on Regional Road 56. The proposed development will also support the consideration of providing future transportation options, including transit service. The subject lands are an ideal location for medium-density residential uses that will utilize existing municipal infrastructure and support potential transit development.

Summary

Based on the above, the proposed Official Plan Amendment and Zoning By-law Amendment applications are in conformity with the policies of the Growth Plan.

4.3 City of Hamilton Urban Official Plan

The City of Hamilton’s Urban Official Plan (UHOP) came into effect on August 16th, 2013. A review of the Official Plan has identified that the subject lands fall within the following designations of the Official Plan:

- **Schedule C – Functional Road Classification**
 - Regional Road 56 - Minor Arterial
- **Schedule E – Urban Structure**
 - Neighbourhoods
- **Schedule E1 – Urban Land Use Designations (Figure 5)**
 - Mixed Use – Medium Density

The subject lands also fall within the Binbrook Village Secondary Plan Area, which is detailed in **Section 4.4** of this Report. Below is a review and discussion of the policies associated with the designations within the Official Plan.

4.3.1 LAND USE DESIGNATIONS

The City of Hamilton is committed to managing its urban growth and development in a sustainable, comprehensive manner that balances the economy, the environment and the social needs of the community. The goals that apply to the urban systems and land use designations in the UHOP include:




- Develop compact, mixed-use urban environments that support transit and active transportation;
- Develop complete communities where people can live, work, learn and play;
- Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs;
- Promote and support design, which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic and livable urban places; and



Figure 5:

**Urban Hamilton
 Official Plan Schedule
 E1 - Urban Land Use
 Designations**

LEGEND

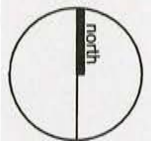
-  Subject Lands
-  Mixed Use - Medium Density
-  Neighbourhoods
-  Urban Boundary

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K514196BO - WINDWOOD 4RPT/HAMILTON OF LAND USE SCH E1.DWG

3160, 3168, & 3190 Regional Road 56
 Binbrook
 City of Hamilton

MHBC PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE
 200-540 BINGEMANS CENTRE DR. WITCHENER, ON, N2B 3V9
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- Recognize that Hamilton's neighbourhoods are stable, not static.

The proposed development will assist the City in implementing these goals and objectives by providing for a medium density housing form, which will contribute to the range and mix of housing types and provide intensification in a settlement area.

Mixed Use – Medium Density Designation

The subject lands are designated Mixed Use – Medium Density. Mixed Use – Medium Density areas are to serve a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale and to increase the proportion of multiple storey, mixed use buildings. These areas are to recognize the traditional mixed use main streets as well as other large commercial areas which serve the surrounding community or a series of neighbourhoods and which are intended to evolve and intensify into mixed use, pedestrian oriented areas. Mixed Use – Medium Density areas are to accommodate an increasing number of people who work and live within the area and contribute to the planned function of an area as a people place. Mixed Use - Medium Density are to serve as vibrant people places with increased day and night activity through the introduction of residential development.

The Mixed Use – Medium Density Designation permits the following uses:

- commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars;
- institutional uses such as hospitals, places of worship, and schools;
- arts, cultural, entertainment, and recreational uses;
- hotels; and
- multiple dwellings.

A mix and range of densities and building heights up to a maximum of six (6) storeys is permitted depending on Secondary Plan policies and Zoning By-law regulations. The design of the development will reflect the direction of the Binbrook Village Secondary Plan. The Binbrook Village Secondary Plan is discussed in **Section 4.4**.

The subject lands are located within a 5 minute walking distance of the commercial area located to the north at the intersection of Regional Road 56 and Binbrook Road. The subject lands will be serviced by existing commercial amenities in the area including restaurants, a bank, pharmacies and public services. Additional commercial uses are located directly south of the subject lands including a commercial building, and a mixed-use development. Given the proximity of the existing commercial uses, residential uses are appropriate for the development of the subject lands. Additionally, flexible commercial / office units have been incorporated into a portion of the ground floor of the development to allow for residential or commercial uses along the street frontage of

Regional Road 56. Flexibility in uses has been integrated into the design of the development to meet changing market demand for either residential or commercial uses.

The proposed redevelopment is a compact form of development, which will contain residential apartments units with a range of unit types and sizes, and provides flexible commercial / office space.

The design of developments in the Mixed Use – Medium Density Designation are to be designed and oriented to create comfortable vibrant and stimulating pedestrian oriented streets. Developments are to facilitate a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation.

The proposed development will support a comfortable and attractive pedestrian environment with sidewalks internal to, and in and out of the development. Detailed landscape design will be incorporated into the development at the time of site plan and will provide for an attractive pedestrian space. Surface parking is limited to accessible and visitor spaces and underground parking is provided for residents. Decreased parking on the surface through the incorporation of an underground parking design allows for an improved landscaped space and a pedestrian friendly design, which incorporates pedestrian walkways, outdoor amenity space and landscaped buffers.

4.3.2 GROWTH MANAGEMENT AND INTENSIFICATION

The proposed development provides 121 residential units with a mix of one and two bedroom units, for a density of approximately 199 units per hectare. The proposed residential units will assist the City in accommodating the projected City-wide population growth and housing demands and will contribute to the residential intensification targets for the City of Hamilton.

The City's Official Plan and growth targets are currently under review as part of the City's MCR and GRIDS 2 process and the focus for future growth is for new population and housing to be accommodated through intensification. The proposed development offers a unique opportunity within the City to incorporate additional density within a Built-up Area.

4.3.3 TRANSPORTATION NETWORK

The UHOP identifies that the transportation network and land uses are mutually exclusive, meaning that land uses are connected and accessible through the transportation network. The network is intended to be integrated and sustainable, as well as safe, environmentally friendly, affordable, efficient, convenient and accessible.

The transportation network should be integrated and also provide for convenient, fast, frequent and affordable public transportation. Active transportation and contribution to Transportation Demand Management (TDM) initiatives is also encouraged. The City shall encourage new

development to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement where feasible.

Details on the proposed local transportation system surrounding the proposed development is included in **Section 4.4** of this Report, as it relates to the Binbrook Village Secondary Plan Area.

Regional Road 56 is identified as a Minor Arterial Road on Schedule C – Functional Road Classification. Minor Arterial Roads are subject to the following policies:

- The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- Land accesses shall be permitted with some controls.
- The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.
- Minor arterial roads shall generally be organized in a grid pattern with collectors, major and minor arterials, parkways and provincial highways.
- Bicycle lanes may be in place to accommodate cyclists and sidewalks shall generally be provided on both sides of the street for pedestrians.
- Gateway features may be permitted where required.
- On street parking and loading may be prohibited or at minimum be restricted in the peak hours.

The Official Plan policies permit land accesses with some controls. One vehicular access is provided to the subject lands via a private driveway to Regional Road 56. The design of the site has limited the number of vehicular access to one driveway to minimize conflicts with existing uses in the area.

The Official Plan requires minimum right-of-way widths and identifies future road widenings within the City of Hamilton. The proposed development has incorporated a road widening of approximately 5 metres along Regional Road 56 and daylight triangles for the proposed entrance, meeting the policies of the Official Plan.

Parking is designed to be provided off-street and will not impact the function of the Regional Road. Pedestrian and cycling accesses will be provided to Regional Road 56, supporting active transportation within the settlement area of Binbrook.

As part of this application, a Transportation Impact Study (TIS) was prepared by Paradigm, dated April, 2022. The TIS provides an analysis and recommendations relating to the traffic generation of the proposed development and a summary of the findings are included in **Section 5.7** of this Report.

The proposed applications implement the direction of the applicable land use policy framework of the City of Hamilton Urban Official Plan.

4.4 Binbrook Village Secondary Plan

The subject lands are located within the Binbrook Village Secondary Plan, which is adopted under the Official Plan. A review of the Secondary Plan has identified that the subject lands fall within the following designations:

- **Map B.5.1-1 Land Use Plan:** Mixed Use – Medium Density – Pedestrian Focus (**Figure 6**)

The Binbrook Village Secondary Plan is intended to implement an integrated and sustainable community with a unique small town identity. The Core of Binbrook is to be developed as a medium density area (Community Core) that enjoys a high degree of visibility and provides as a gateway to the City of Hamilton.

Urban design is of high importance in the quality and character for this highly visible area. Residents and visitors should sense they are within a unique area as they move around the Community Core and must know when they are entering or leaving it. The overall design of the Community Core is important in defining Binbrook Village's small-town character and providing a sense of place. An Urban Design Brief has been prepared by MHBC which provides an analysis of relevant urban design policies.

The proposed development has been considered in the context of the vision and goals of the Binbrook Village Secondary Plan. The proposed development will create an attractive, comfortable and safe streetscape while integrating flexible commercial / office units on a portion of the ground floor. Access from the proposed development will be provided along the street frontage and includes connections to pedestrian sidewalks and bicycle lanes on Regional Road 56, offering convenient and safe connections to the Binbrook Core and other nearby amenities.

4.4.1 GENERAL POLICIES (5.1.3)

The Binbrook Village Secondary Plan identifies general policies that have been considered in the proposed development.

The proposed development will provide for an integrated and compact urban form that includes a mix of apartment unit types and flexible commercial / office units on a portion of the ground floor. The design of the proposed development provides a distinct and unique identity within the Binbrook Community through the use of high quality materials and enhanced façade design elements. Building massing elements have been utilized to 'break-up' the building façade and distinguish a visual separation between the third and fourth storey. The change in building material and enhancement will respect the existing character of the area and reflect similar building material and design elements of other historical building elements in the community. Further design discussion is included in the Urban Design Brief.



Figure 6:
**Binbrook Village
 Secondary Plan - Land
 Use Plan**

3160, 3168, & 3190 Regional Road 56
 Binbrook
 City of Hamilton

LEGEND

- Subject Lands
- Area or Site Specific Policy
- Low Density Residential 2d
- Low Density Residential 2e
- Low Density Residential 2h
- Low Density Residential 3e
- Neighbourhood Park
- Parkette
- SWM Storm Water Management
- Mixed Use - Medium Density - Pedestrian Predominant
- Gateway

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K114196BO - WINDWOOD #RPT/BINBROOK VILLAGE SECONDARY PLAN - LAND USE.DWG


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The proposed development is located on Regional Road 56, which is identified as a minor arterial road in UHOP Schedule C – Functional Road Classification. Future transit service, if established, is likely to utilize Regional Road 56. Direct pedestrian connections to the sidewalk network and potential transit stops are provided to Regional Road 56 from the proposed development. The proposed development will assist in providing transit supportive density for future transit connections and networks in the Binbrook area.

4.4.2 MIXED USE - MEDIUM DENSITY DESIGNATION – PEDESTRIAN FOCUS

The Mixed-Use - Medium Density designation is proposed to serve as the commercial, service and cultural centre of Binbrook Village. Areas within the Mixed-Use – Medium Density designation are intended to support businesses and service uses. The Binbrook Village Secondary Plan identifies the general policies for development in the area, which are applicable to and have been considered for the development of the subject lands.

The Binbrook Village Secondary Plan refers to Section E.4.6 of the UHOP for additional policies on development in the area. **Section 4.3** of this Report identifies the applicable policies that have been considered for the development of the subject lands.

An Official Plan Amendment is required to amend the Binbrook Village Secondary Plan, Mixed Use – Medium Density Designation, to permit an increase in height from three (3) storeys to six (6) storeys and to permit multiple dwellings, including residential uses on the ground floor. Appropriate architectural design features and building setbacks have been implemented into the building design to ensure compatibility with the surrounding area and adjacent residential and commercial uses.

Pedestrian Focus

The subject lands are identified as a 'Pedestrian Focus Street' within the Binbrook Village Secondary Plan and Section E.4.3 of the UHOP provides policy direction for Pedestrian Focus Streets, which are intended to cater to the pedestrian by creating a comfortable, active and visually stimulating walking environment. Pedestrian focus streets shall have wide sidewalks, buildings oriented to the public sidewalks, and a high level of streetscape design and activity. These areas include the main street retail areas of the former downtowns as well as other historic main street areas and future areas designed to have similar pedestrian oriented character.

The proposed development concept includes an enhanced public facing building façade with pedestrian connections directly from the existing sidewalk network to the proposed building entrances. The location of the proposed development in proximity to the sidewalk network will provide for a visually stimulating environment that enhances the streetscape and sidewalk from Regional Road 56. Flexible commercial / office units are incorporated into a portion of the ground floor to allow for future commercial uses based on market demand.

The massing of the proposed development is divided through the use of varying high quality building materials to create a pedestrian scaled environment. Storeys one through three are comprised of brick and metal materials that resemble historic building materials of the Binbrook area. Concrete materials form building entrance features and storeys four through six. The use and transition of varying building materials between the third and fourth storey maintain the streetscape and character of other developments along Regional Road 56 (Windwood 2).

4.4.3 GENERAL POLICIES

Compatibility

The proposed building will be compatible with other developments in the area through building orientation and appropriate setbacks. The proposed built form is similar to recently approved and planned developments including an approved six-storey mixed use development located to the north at 3033-3063 Binbrook Road (DA-17-107), the mixed-use development located to the south (Windwood 2), and the proposed residential development (Windwood 3) to the north.

Compatibility with the lower density uses to the west has been considered by articulating the proposed building towards Regional Road 56, and by focusing the height and massing of the building towards the street. The "U" shape of the building allows for an efficient built form, while minimizing impacts such as shadowing, and overlook onto the proposed development and adjacent properties. An appropriate building setback is proposed from the southerly and westerly property limits, maintaining distance of the proposed development and existing uses.

The proposed development has incorporated a landscaped strip along the west boundary of the property to provide screening of the proposed development from adjacent properties. The proposed landscaped buffer will allow for landscaping and fencing as required.

The building has been oriented towards the street frontage and an amenity space has been incorporated to the rear of the building providing additional opportunities for landscaping. The building incorporates a stepped design from the fifth to sixth floor reducing the massing of the building and minimizing shadowing.

Streetscape Design Guidelines

The Binbrook Village Secondary Plan identifies that streetscapes in Binbrook Village are to be designed with a quality streetscape that creates unique and attractive places. Streetscapes along major arterial roads are to be enhanced through the location of main building facades that present along the street and enhance the appearance from the street.

The proposed development includes a mix of high quality building materials and architectural design elements to enhance the massing and streetscape on Regional Road 56 and Viking Drive.

Building projections and façade enhancements distinguish design elements of the building, including building entrances and height transitions.

Sidewalks, crosswalks and landscaping elements are provided throughout the development and connect to entrances and existing active transportation routes, including the existing sidewalk network and bicycle lands along Regional Road 56. A daylight triangle is provided at the intersection of Regional Road 56 and Viking Drive and provides sightlines to sidewalk connections and enhances safety for cyclists and other active transportation users to view vehicular traffic on both roads.

Barrier free design elements, including flush mounted curbs and accessible parking spaces, are provided throughout the proposed development, and will be detailed through a future site plan application.

Transportation and Parking

The proposed development includes vehicle access from Regional Road 56. The singular vehicle access to the proposed development reduces the number of accesses along Regional Road 56 and improves the streetscape and urban character.

The proposed development includes surface parking and accessible vehicle parking with access from Regional Road 56. One (1) level of underground parking is proposed. The location of parking facilities for the proposed development will encourage a pedestrian friendly streetscape along Regional Road 56 and minimize potential conflicts between vehicles, pedestrians and cyclists.

The Secondary Plan identifies that sidewalks encourage active transportation and facilitate connections between local amenities, such as parks, businesses, schools and recreation areas. Sidewalks are to be provided on routes along streets that provide connections to nearby destinations.

The proposed development provides access to sidewalks along Regional Road 56. Access is provided through the building façade and adjacent to the commercial area to the south. An internal sidewalk network connects the public sidewalk network to the common amenity area located within the site.

The Secondary Plan identifies that the City shall encourage the provision of public transportation facilities to service Binbrook Village at such time as the need and economic feasibility is demonstrated.

The proposed development will assist Binbrook Village in providing the economic feasibility should public transit be re-introduced to the area. The development of a medium density building along a minor arterial road (Regional Road 56) will provide transit supportive density for future public transportation.

Infrastructure

The Secondary Plan identifies policies relating to the use and connection to municipal services when available. Electrical power and other energy distribution systems are to be located underground.

The proposed development will be connected to existing municipal water and wastewater services in the area. The Functional Servicing Report prepared by S. Llewellyn confirms sufficient capacity for connection to existing municipal infrastructure.

Summary

The proposed development has considered the general policy direction of the Binbrook Village Secondary Plan, as it is a medium density residential development containing a range and mix of unit types and sizes, and contemplates flexible commercial / office space on the ground floor. It will provide 121 residential units and has an overall proposed density of 199 units per hectare. The development will provide additional housing options within the Binbrook community and provides an enhancement to the existing fabric of the Community Core area, and contributes to the overall mixed use community.

4.5 City of Hamilton Zoning By-law 05-200

Existing Zoning

The subject lands are currently zoned 'Mixed Use Medium Density – Pedestrian Focus 'C5a' – Exception 570, in the City of Hamilton Zoning By-law 05-200, as shown on **Figure 7**.

The existing Mixed Use Medium Density – Pedestrian Focus 'C5a' zone permits dwelling units and commercial uses including:

- Dwelling Unit (in conjunction with a commercial use)
- Commercial Entertainment;
- Financial Establishment;
- Hotel;
- Medical Clinic;
- Office;
- Restaurant;
- Retail; and,
- Veterinary Service.

Special Exception 570 permits a maximum height of 11.0 metres for the subject lands.

Proposed Zoning

To permit the proposed development, the subject lands will require a Zoning By-law Amendment to Mixed Use Medium Density (C5a) – Pedestrian Focus Zone with site specific regulations as detailed below. **Figure 8** illustrates the proposed zoning for the subject lands. The table below provides an analysis of the proposed development and the C5a zone regulations:

Mixed Use Medium Density (C5a) Zone			
Section	Provision	Required	Proposed
10.5a.3 a)	Maximum Building Setback from a Street Line (metres)	i) 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback; ii) Notwithstanding Section 10.5a.3i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and,	3 metres

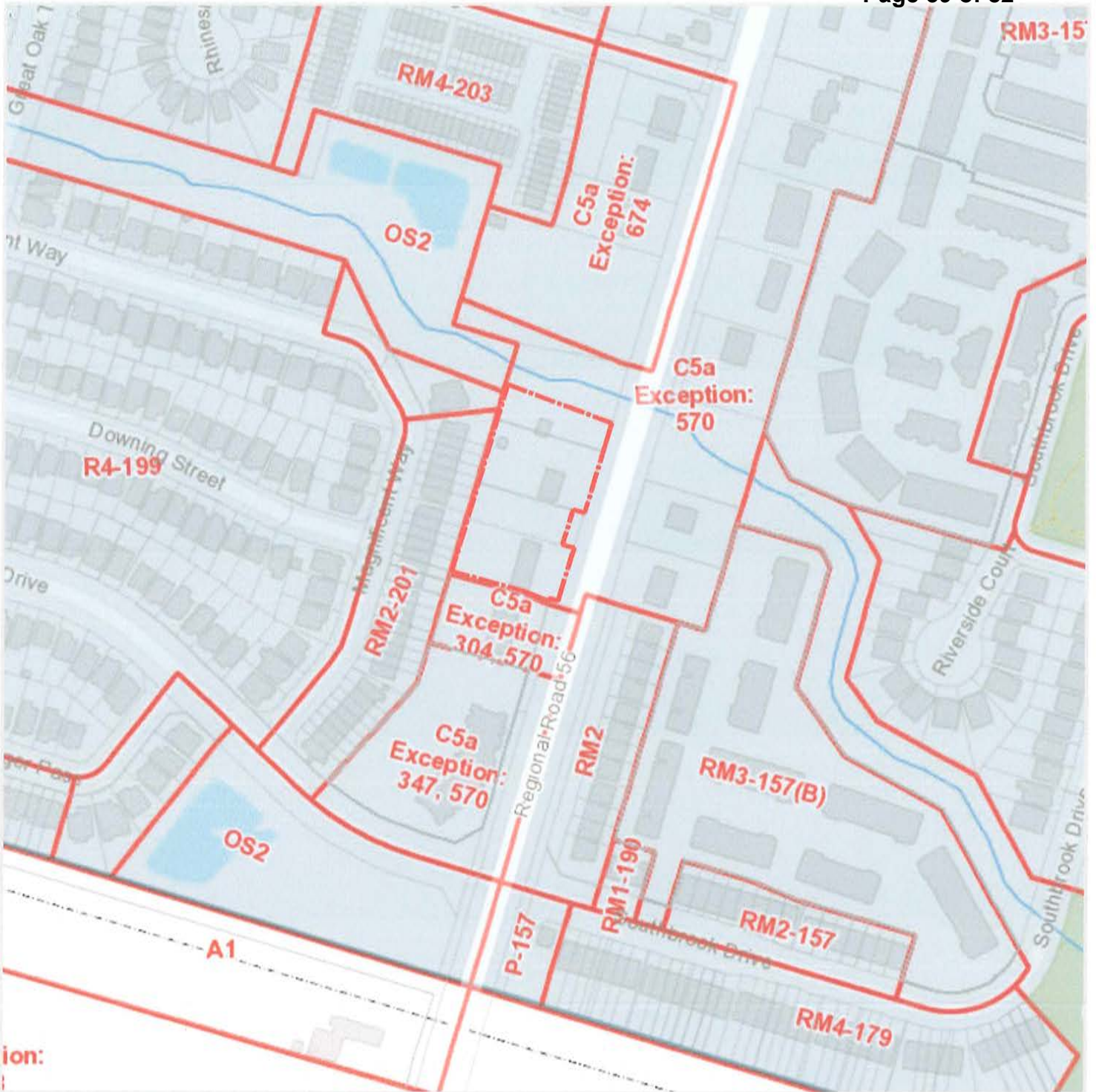



Figure 7:
Existing Zoning

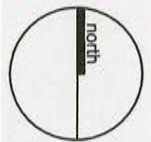
- LEGEND**
-  Subject Lands
 - A1 Agricultural Zone
 - C5a Mixed Use Medium Density - Pedestrian Focus Zone
 - OS2 Public Open Space Zone
 - R4 Residential 4 Zone
 - RM2 Residential Multiple 2 Zone
 - RM3 Residential Multiple 3 Zone
 - RM4 Residential Multiple 4 Zone

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DRAWN: LC



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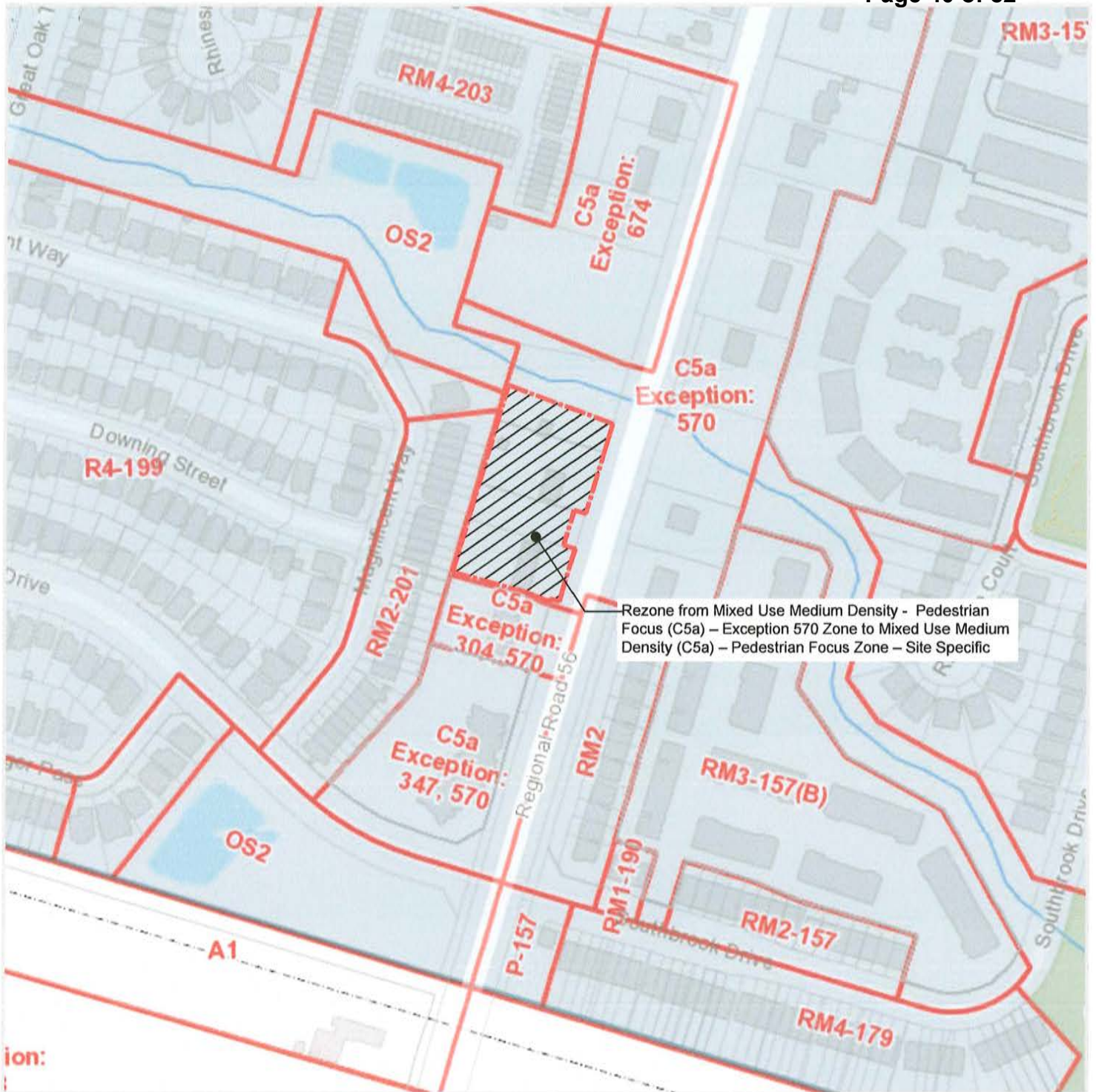




Figure 8:
Proposed Zoning

LEGEND

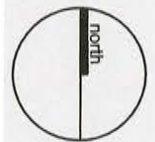
-  Subject Lands
-  Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) - Exception 570 Zone to Mixed Use Medium Density (C5a) - Pedestrian Focus Zone - Site Specific
- A1 Agricultural Zone
- C5a Mixed Use Medium Density - Pedestrian Focus Zone
- OS2 Public Open Space Zone
- R4 Residential 4 Zone
- RM2 Residential Multiple 2 Zone
- RM3 Residential Multiple 3 Zone
- RM4 Residential Multiple 4 Zone

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		iii) Section 10.5a.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).	
10.5a.3 b)	Minimum Rear Yard	7.5 m	13.9 metres
10.5a.3 c)	Minimum Interior Side Yard	7.5 m metres abutting a Residential or Institutional Zone or lot containing a residential use.	5.0 metres
10.5a.3 d) i)	Minimum Façade height for any portion of a building along a street line;	7.5 m	17.7 metres
10.5a.3 d) ii) and iii) / Special Exception 570	Maximum Building Height	11.0 metres (Special Exception 570)	21.5 metres
10.5a.3 h)	Built Form for New Development	i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.	Rooftop mechanical equipment is not visible from the east elevation.
10.5a.3 h)	Built Form for New Development	ii) For an interior lot or through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot front line.	84% (wall to wall, without balconies)
10.5a.3 h) 10.5a.3 h)	Built Form for New Development	iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street. iv) In addition to Section 10.5a.3i) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.	N/A
10.5a.3 h)	Built Form for New Development	v) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line	No parking, stacking lanes or aisles proposed between the façade and front lot line.
10.5a.3 h)	Built Form for New Development	vi) A minimum of one principal entrance shall be provided:	Principal entrance provided within the

		1. within the ground floor façade that is set back closest to a street; and, 2. shall be accessible from the building façade with direct access from the public sidewalk.	ground floor façade on Regional Road 56 with direct access from the public sidewalk.
10.5a.3 h)	Built Form for New Development	vii) A walkway shall be permitted in a Planting Strip where required by the Bylaw.	N/A
10.5a.3 h)	Built Form for New Development	viii) Notwithstanding Section 10.5a.3 , for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.	N/A
		ix) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows	35%
		x) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.	5.5 metres
10.5a.3 i)	Planting Strip Requirements	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.	2.0 metres along westerly property edge
10.5a.3 j) / 4.19	Visual Barrier Requirement	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	2.0 metres wide plating strip provided.
10.5a.3 k)	Outdoor Storage	i) No outdoor storage of goods, materials, or equipment shall be permitted; and, ii) Notwithstanding Section 10.5a.3i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	No outdoor storage proposed.
5.6 c)	Minimum Parking – Multiple Dwelling C5a Zone– Units	1.0 per unit 121 spaces required	135 spaces provided including 5 barrier free spaces

	Greater than 50.0 square metres in GFA		
5.6 c)	Maximum Parking – Multiple Dwelling C5a Zone– Units Greater than 50.0 square metres in GFA	1.25 per unit 152 spaces permitted	135 spaces provided including 5 barrier free spaces
5.5 a)	Barrier Free Parking - 101 – 200 spaces	Minimum 1 space + 3% of the total number of required parking spaces; 4 spaces required	5 spaces provided at grade

Requested Special Provisions:

The proposal generally conforms to the C5a – Pedestrian Focus zoning as well as the parking provisions in Section 5 of the zoning by-law. The following special provisions are required to implement the proposed development, and are discussed below.

A draft zoning by-law for the proposed development is enclosed as **Appendix C** of this Report.

1. Permit a multiple dwelling as a permitted use

The proposed development is for a multiple dwelling with 121 residential units and contemplates flexible commercial / office uses on the ground floor along Regional Road 56. It is proposed to permit multiple dwellings as a permitted use to allow for flexibility of the ground floor units to accommodate future market demand for residential or commercial / office uses. The proposed development incorporates a ground floor design which is flexible to accommodate residential and commercial / office uses, is pedestrian friendly, and is designed with a first floor height and façade which animates the streetscape along Regional Road 56.

Mixed-use development is located to the south of the subject lands and currently contains vacant commercial spaces on the ground floor. The proposed multiple dwelling as a permitted use considers the current demand for commercial space and allows for future flexibility of the development.

2. A minimum interior side yard of 5.0 metres

A minimum interior side yard of 5.0 metres is requested whereas 7.5 metres is permitted. The reduced interior side yard setback will allow for the articulation of the building to the north, adjacent to the existing stormwater management area. The building placement considers the future development of the lands to the south for mixed-use and situates the building towards the

open space lands, allowing for a pedestrian walkway and enhanced landscaping south of the proposed building facilitating a pedestrian friendly design. The reduced side yard is not anticipated to cause adverse impacts to the adjacent open space area.

3. A maximum building height of 21.5 metres

The proposed maximum building height is 21.5 metres, whereas 11 metres is permitted. The proposed 21.5 metre height will allow for the development of the five storey building with an sixth floor amenity space.

The proposed building is located along Regional Road 56 and focuses the mass of the building towards the street frontage. The sixth floor amenity space is located on the north portion of the building only, adjacent to the stormwater management area, and is located away from existing low to medium density residential uses. A sufficient setback is proposed from the westerly and southerly property limits and the "U" shape and massing of the building allows for an efficient built form, while minimizing impacts such as shadowing and overlook to adjacent developments.

The proposed building contains an enhanced ground floor design accommodating vehicle access through the ground floor and flexibility for commercial uses. The design of the first floor contributes to the increase in height for the development, however, contributes to the flexibility for mixed-use and accommodates a parking design which screens parking areas from view.

4. A minimum of 35% of the area of the ground floor façade facing the street shall be composed of doors and windows

The proposed portion of the ground floor façade facing the street (Regional Road 56) is 38%, whereas the by-law requires 60%. The intent of this provision is to create active ground floor spaces, intended for commercial uses. The ground floor design of the building incorporates a vehicle access and accommodates flexibility for commercial and residential uses. As the street facing units are intended to be flexible for residential or commercial use, reducing the amount of windows and doors is required for safety and privacy concerns.

5. A maximum first storey height of 5.5 metres

A maximum first storey height of 5.5 metres is proposed, whereas a maximum of 4.5 metres is permitted. The increased first storey height is required to permit the vehicle access design through the ground floor, which efficiently utilizes the space on the subject lands for a compact urban form of development. The ground floor vehicular access allows for parking, loading and underground access to be screened from the public street view. Additionally, an increased first storey height allows for future flexibility of the ground floor units to accommodate residential or commercial uses.

5.0 SUMMARY OF TECHNICAL REPORTS

5.1 Archaeological Report

A Stage 1 and 2 Archaeological Assessment was prepared by AMICK Consultants Limited in support of the proposed development. The Stage 2 Property Assessment of the study area confirmed that no archaeological resources were encountered, and provided for the following recommendations:

- No further archaeological assessment of the study area is warranted;
- The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed; and,
- The proposed undertaking is clear of any archaeological concern.

An acknowledgement letter from the Ministry of Culture, Tourism and Sport regarding the Stage 1-2 assessment has been received for the subject lands confirming that no further study is warranted and the subject lands are clear of archaeological concerns.

5.2 Urban Design Brief

An Urban Design Brief has been prepared by MHBC in support of the proposed development. The Urban Design Brief includes an analysis of the relevant urban design policy in the Urban Hamilton Official Plan, Binbrook Village Secondary Plan and the City's terms of reference for urban design guidelines.

5.3 Functional Servicing Report

A Functional Servicing Report (FSR) was prepared by Scott Llewellyn and Associates in support of the proposed development. The purpose of the FSR is to provide details of the proposed servicing for the development and provides details related to the proposed stormwater management, sediment and erosion control, sanitary sewer servicing, and domestic and fire water supply servicing. The FSR concluded that the proposed development can be serviced by existing municipal services and constructed to meet the City of Hamilton requirements.

The FSR provided the following conclusions and recommendations:

- The development be graded and serviced in accordance with the Preliminary Grading & Erosion Control Plan and the Preliminary Site Servicing Plan prepared by S. Llewellyn & Associates Limited;
- A 75mmØ orifice plate be installed as per the Preliminary Site Servicing Plan and this report to provide adequate quantity control;
- A cast-in-place storage tank be installed as per the Preliminary Site Servicing Plan and this report to provide effective stormwater storage;
- Erosion and sediment controls be installed as described in this report to meet City of Hamilton requirements;
- A HydroStorm HS6 oil/grit separator be installed as per the Preliminary Site Servicing Plan and this report to provide efficient stormwater quality control;
- Area drains within the parking lot are to be fitted with FlexStorm inlet filters as illustrated on the Preliminary Site Servicing Plan and this report; and
- The proposed sanitary and water servicing system be installed as per the Preliminary Site Servicing Plan to adequately service the proposed development.

5.4 Noise Feasibility Study

A Noise Feasibility Study was prepared by HGC Engineering in support of the proposed development. The primary noise source for the proposed development was determined to be road traffic on Regional Road 56, with secondary noise contribution from Windwood Drive. Relevant road traffic data was obtained from City of Hamilton and used to predict future traffic sound levels.

The report provides the following conclusions and recommendations:

- Future road traffic sound levels will be within the MECP guidelines at the facades of the proposed residential building.
- Recommended noise control measures include appropriate wall and window glazing assemblies and an alternative means of ventilation to open windows. Central air conditioning will meet and satisfy this requirement.
- Noise warning clauses are recommended in order to inform future owners/tenants of the traffic noise impacts, to address sound level excesses and to inform future residents of their proximity to nearby existing retail and commercial uses.
- Sound emissions from the rooftop equipment of the existing commercial building to the south are expected to be within the MECP minimum exclusionary sound level limits. Further physical mitigation measures will not be required.

5.5 Transportation Impact Study

A Transportation Impact Study (TIS) has been prepared by Paradigm in support of the proposed development. The report provides the following key conclusions and recommendations:

- Traffic control signals are not warranted at Binbrook Road and Great Oak Trail under the 2033 horizon. A volume to capacity ratio of 0.57 is projected and the northbound approach operates at 57% or less of its available capacity.
- No other changes to the existing lane configurations or traffic control have been identified.
- The following TDM measures are recommended to be included in the site plan / development program:
 - Pedestrian amenities (benches, landscaping, lighting) are provided in the landscaping plan;
 - Long-term secure bicycle parking spaces be provided at a rate of 0.50 to 1.25 spaces per unit;
 - Short-term bicycle parking spaces be provided at a rate of 0.05-0.20 spaces per unit; and
 - Parking for occupants be unbundled from the purchase/rental of the residential units.

5.6 Geotechnical Investigation

A Geotechnical Investigation was prepared by Soil-Mat Engineers and Consultants in support of the proposed development. The purpose of the report is to provide an assessment of site subsurface soil and groundwater conditions. The report provides conclusions of the recommended foundation design and recommends that the underground parking level should be limited to 3 metres in depth below grade.

5.7 Tree Preservation Plan

The tree inventory documented 114 live trees, including 110 within the Study Area limits and four (4) within 6 m of the property boundary. The trees have been inventoried and assessed for possible preservation in the context of the proposed works. A total of 33 trees are recommended for preservation and a total of 108 live trees and 12 dead require removal (119 private and 1 public) due to direct conflict with the proposed works. As per the City of Hamilton By-law NO.15-125, an approved permit will be required to remove the tree on public lands in the right-of-way. Furthermore, 107 trees will need to be compensated for by replacement planting, cash-in-lieu or a combination of both.

6.0 PUBLIC CONSULTATION STRATEGY

The Formal Consultation for the proposed development, identified that a Public Consultation Strategy is required to ensure that neighbouring residents are informed about the proposal and also provided opportunities to provide input.

This proposal will follow the requirements outlined by City Council's Public Participation Policy. This will include the circulation of the Notice of Complete Application to property owners within 120 metres of the subject lands, the posting of a Public Notice Sign on the subject property, which will provide information regarding details of the proposal and contact information should additional information be desired.

MHBC Planning and Losani Homes will liaise with City Staff and the Ward Councillor to determine if a Community Information Meeting would be beneficial to the public engagement process. If it is determined that this meeting would be beneficial, it will be held following the preliminary circulation of the application.

The intent of the meeting would be to inform the public about the proposed development and to record comments and feedback from the public, which will be included in City Staff's Planning Report that will be presented at the Public Meeting before the Planning Committee.

Following the application review process, a Formal Public Meeting will be scheduled to be heard before the City's Planning Committee. The Formal Public Meeting date will be posted to the Public Notice Sign, and Public Meeting Notices will be circulated to property owners within 120 metres of the subject lands and additional individuals who requested notification.

A copy of the Formal Consultation Document from 2021 is attached as **Appendix A**.

7.0 SUMMARY & CONCLUSIONS

The proposed Official Plan Amendment and Zoning By-law Amendment applications for the subject lands are appropriate and represent good planning for the following reasons:

1. The applications are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe.
2. The applications support provincial and City intensification targets and growth policies by providing for additional housing units and population in a compact form within the Built-Up Area.
3. The applications support intensification in the Built-Up Area and provide for a density and design which facilitates pedestrian movement contributing to a complete community, implementing the objectives of the Urban Hamilton Official Plan and Secondary Plan.
4. The proposed redevelopment introduces additional apartment uses, to support a range and mix of housing types within the Binbrook Village Secondary Plan area.
5. The redevelopment of the lands can be accommodated by existing municipal services.

Respectfully submitted,

MHBC

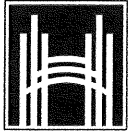


Dave Aston, MSc, MCIP, RPP
Vice-President, Partner



Stephanie Mirtitsch, BES, MCIP, RPP
Associate

APPENDIX A - FORMAL CONSULTATION AGREEMENT



Hamilton

Planning and Economic Development Department
 Development Planning, Heritage and Design
 71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
 Phone: 905.546.2424 - Fax: 905.546.4202

Formal Consultation Document

Meeting Date: June 9, 2021 File No: FC-21-071
 Owner: 1593123 Ontario Ltd
 Applicant: MHBC Planning Ltd. c/o Stephanie Mirtitsch

PROPERTY INFORMATION

Address and/or Legal Description:	3160, 3168, 3180 and 3190 Regional Road 56, Glanbrook			
Lot Frontage:	3160 Regional Road 56 ±16.5 m	3168 Regional Road 56 ± 35.7 m	3180 Regional Road 56 ± 20.3 m	3190 Regional Road 56 ± 30.7 m
Lot Depth:	± 61 m	± 61.3 m	± 61 m	± 60.4 m
Lot Area:	0.11 ha	0.21 ha	0.10 ha	0.19 ha
Urban Hamilton Official Plan Designation	Mixed-Use Medium Density			
Binbrook Village Secondary Plan Designation	Mixed – Use Medium Density – Pedestrian Focus			
City of Hamilton Zoning By-law No. 05-200:	Mixed – Use Medium Density – Pedestrian Focus (C5, 570) Zone			

Description of current uses, buildings, structures and natural features on the subject lands:

3160, 3168 and 3190 Regional Road 56 currently contain single detached dwellings. 3180 Regional Road 56 is vacant. There is a trail and conservation lands located to the north of 3160 Regional Road 56.

Brief description of proposal:

The applicant proposes to construct a 6 Storey 126 unit residential dwelling with 44 surface parking spaces and 114 underground parking spaces.

APPLICATIONS REQUIRED

Rural Hamilton Official Plan Amendment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Urban Hamilton Official Plan Amendment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Local Official Plan Amendment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Zoning By-law Amendment (Type: Complex)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Subdivision	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Condominium	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Site Plan (Type: Full Site Plan))	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Consent	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Variance(s)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Note: The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New Rural, Commercial and Residential zoning may be implemented which could be different than the current zoning. Accordingly, additional applications may be required. If a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).

FEEES REQUIRED

City of Hamilton:	APPLICATION TYPE	UNITS	FEE	TOTAL
	Official Plan Amendment	1	\$33,470.00	\$33,470.00
	Complex Zoning By-law Amendment	1	\$ 24,255.00	\$ 24,255.00
	Per unit fee to be determined at the time of submission			
	TOTAL (UHOPA & ZBA)			\$ 57,725.00
	25% joint application fee reduction			-\$14,431.25
	Formal consultation credit	1	-\$ 1,205.00	-\$ 1,205.00
	TOTAL (UHOPA, ZBA, joint reduction fee and FC Credit)			\$ 42,088.75
	Site Plan Control Application	1	\$ 24,280.00	\$ 24,280.00
	Tree Protection Review	1	\$ 610.00	\$ 610.00
	GRAND TOTAL			\$ 66,978.75
Conservation Authority Review Fees:	To be determined by the Niagara Peninsula Conservation Authority.			
TOTAL:				\$ 66,978.75

Notes:

- *Formal Consultation fee may be credited towards a future application*
- *Notwithstanding the fees noted above, all fees are payable based on the rate in the fee schedule by-law in effect on the date the payment is made.*
- *Further fees may be required at a later date as per the fee schedule.*
- *Separate cheques are payable to the City of Hamilton and the applicable Conservation Authority.*
- *A Cost Acknowledgement Agreement for potential costs at the Ontario Municipal Board may also be required.*

DESIGN REVIEW PANEL

The Design Review Panel shall provide urban design advice to Planning Division staff on Planning applications with respect to complex Zoning and Site Plan applications in the following Design Priority Areas:

- (a) Downtown Hamilton Secondary Plan Area;
- (b) Areas of Major Change and Corridors of Gradual Change within the West Harbor Secondary Plan Area;
- (c) Primary Corridors as shown on Schedule E – “Urban Structure” of the Urban Hamilton Official Plan;
- (d) Any other large scale projects that may impact the physical environment functionally and/or aesthetically.

The Director of Planning or his or her designate may waive projects from the review of the Design Review Panel, if the project is not deemed to have the potential to significantly impact the physical environment functionally and/or aesthetically.

Design Review Panel review required? Yes No

REQUIRED INFORMATION AND MATERIALS

All identified reports, studies, and/or plans must be submitted before an application is deemed complete. Unless otherwise noted, 5 copies of each item and an electronic digital file in PDF locked file format must be submitted.

Reports, Studies, Plans	Required	Staff Responsible for providing guidelines or terms of reference
Background Information		
Survey Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360

Concept Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
Planning		
Affordable Housing Report/Rental Conversion Assessment	<input type="checkbox"/>	
Draft OPA, and By-laws	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
Land Use/Market Needs Assessment	<input type="checkbox"/>	
Planning Justification Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
Site Plan and Building Elevations	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development Planning – E. Meneray x 6360 Urban Design – V. Cox x 1393 Conceptual Elevations required at OPA/ZBA stage: Urban Design – V. Cox x 1393
Urban Design Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Urban Design – V. Cox x 1393
Cultural		
Archaeological Assessment	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Cultural Heritage – C. Richer x 7163
Cultural Heritage Impact Assessment	<input type="checkbox"/>	
Environmental		
Aggregate Resource Assessment	<input type="checkbox"/>	
Aggregate/Mineral Resource Analysis	<input type="checkbox"/>	
Air Quality Study	<input type="checkbox"/>	
Channel Design and Geofluvial Assessment	<input type="checkbox"/>	
Chloride Impact Study	<input type="checkbox"/>	
Cut and Fill Analysis	<input type="checkbox"/>	

Demarcation of top of bank, limit of wetland, limit of natural hazard, limit of Environmentally Significant Area (ESA), or limit of Conservation Authority regulated area	<input type="checkbox"/>	
Environmental Impact Statement (EIS)	<input type="checkbox"/>	
Erosion Hazard Assessment	<input type="checkbox"/>	
Fish Habitat Assessment	<input type="checkbox"/>	
Floodline Delineation Study/Hydraulic Analysis	<input type="checkbox"/>	
General Vegetation Inventory (GVI)	<input type="checkbox"/>	
Impact Assessment for new Private Waste Disposal Sites	<input type="checkbox"/>	
Karst Assessment/Karst Contingency Plan	<input type="checkbox"/>	
Landscape Plan	<input checked="" type="checkbox"/>	Required at Site Plan stage: Natural Heritage – C. Plosz x 1231 Urban Design – V. Cox x 1393 Forestry – S. Brush x 7375 Landscape Architecture – C. Graham x. 2337
Linkage Assessment	<input type="checkbox"/>	
Meander Belt Assessment	<input type="checkbox"/>	
Nutrient Management Study	<input type="checkbox"/>	
Odour, Dust and Light Assessment	<input type="checkbox"/>	
Restoration Plan	<input type="checkbox"/>	
Shoreline Assessment Study/Coastal Engineers Study	<input type="checkbox"/>	
Slope Stability Study and Report	<input type="checkbox"/>	
Species Habitat Assessment	<input type="checkbox"/>	
Tree Management Plan/Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Forestry – S. Brush x 7375
Tree Protection Plan (TPP)	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Natural Heritage – C. Plosz x 1231
Environmental/Servicing and Infrastructure		
Contaminant Management Plan	<input type="checkbox"/>	
Record of Site Condition (RSC)	<input type="checkbox"/>	
Erosion and Sediment Control Plan	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development

		Approvals – S. Al-Dabbagh x 5197
Hydrogeological Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA and Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
Grading Plan	<input checked="" type="checkbox"/>	Conceptual Grading Plan required at OPA/ZBA stage: Development Approvals – S. Al-Dabbagh x 5197 Landscape Architecture – C. Graham x. 2337 Grading Plan required at Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
Master Drainage Plan	<input type="checkbox"/>	
Stormwater Management Report/Plan and/or update to an existing Stormwater Management Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA and Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197 Niagara Peninsula Conservation Authority Nikolas Wensing
Soils/Geotechnical Study	<input type="checkbox"/>	
Sub-watershed Plan and/or update to an existing Sub-watershed Plan	<input type="checkbox"/>	
Financial		
Financial Impact Analysis	<input type="checkbox"/>	
Market Impact Study	<input type="checkbox"/>	
Servicing and Infrastructure		
Recreation Feasibility Study	<input type="checkbox"/>	
Recreation Needs Assessment	<input type="checkbox"/>	
School Accommodation Issues Assessment	<input type="checkbox"/>	
School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment	<input type="checkbox"/>	
Functional Servicing Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA and Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
Servicing Options Report	<input type="checkbox"/>	

Water and Wastewater Servicing Study	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
Land Use Compatibility		
Agricultural Impact Assessment	<input type="checkbox"/>	
Dust Impact Analysis	<input type="checkbox"/>	
Land Use Compatibility Study	<input type="checkbox"/>	
Landfill Impact Study	<input type="checkbox"/>	
Minimum Distance Separation Calculation	<input type="checkbox"/>	
Noise Impact Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
Odour Impact Assessment	<input type="checkbox"/>	
Sun/Shadow Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Urban Design – V. Cox x 1393
Vibration Study	<input type="checkbox"/>	
Wind Study	<input type="checkbox"/>	
Transportation		
Cycling Route Analysis	<input type="checkbox"/>	
Transportation Impact Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Transportation Planning – G. Borys T.planning@hamilton.ca
Parking Analysis/Study	<input type="checkbox"/>	
Pedestrian Route and Sidewalk Analysis	<input type="checkbox"/>	
Roadway/Development Safety Audit	<input type="checkbox"/>	
Modern Roundabout and Neighbourhood Roundabout Analysis	<input type="checkbox"/>	
Neighbourhood Traffic Calming Options Report	<input type="checkbox"/>	
Transit Assessment	<input type="checkbox"/>	
Transportation Demand Management Options Report	<input type="checkbox"/>	
Cost Recoveries		
Cost Acknowledgement Agreement	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
DRP Submission Requirements	<input type="checkbox"/>	
Public Consultation Strategy	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development

		Planning – E. Meneray x 6360
<ul style="list-style-type: none"> • Wastewater Generation Assessment • Water Servicing Report • Watermain Hydraulic Analysis, if required • Storm Drainage Area Plans • Securities • Shoring Plans • Shoring Agreement • Construction Management Plans • Cost Recoveries 	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197

ADDITIONAL INFORMATION

Comments:

Development Planning

- The Binbrook Village Secondary Plan permits a maximum height of three storeys and the Mixed – Use Medium Density – Pedestrian Focus (C5, 570) Zone permits a maximum height of 11.0 metres. As the proposal is for a six storey building, an Official Plan Amendment and Zoning By-law Amendment application will be required.

Urban Design

- The proposal does not align with the Binbrook Village Secondary Plan vision. Staff encourage the applicant to review the policies within the Binbrook Village Secondary Plan and associated Binbrook Village Community Core Urban Design Guidelines
- It is important to note that development in Binbrook Village shall maintain and respect Binbrook’s historical community identity.
- There are concerns with the long continuous building mass along Regional Road 56 and the large building footprint which is not in keeping with the village character. Staff recommend revising the proposal to better align with the vision outlined in the Secondary Plan.

Finance

- Note that \$68,885.85 is outstanding Municipal Act Sewer & Water Charges for 3160, 3168 and 3190 Regional Road 56.
- If payment is made at a later date, staff will confirm the value with Corporate Service staff.

Real Estate

- Please have the Applicant confirm the location of the City Trail/Pathway outlined in Red to confirm that the trail is not located on the northerly portion of the Applicant's Lands (3160 Regional Road 56) and is in fact confirmed to be within the adjacent City owned parcel

Environmental Services Division

- Staff note that the development is eligible for municipal waste collection, but the current design it is not serviceable. The applicant will need to revise the site plan to address Environmental Services Division in order to receive municipal waste collection.

Landscape Architectural Services

- Require a grading and landscape plan to show how the grading and landscaping will function in association to the existing trail that runs along the north edge of the property on parcel 3160.
- A parcel with the trail should be dedicated to the City as it is a critical part of the trail infrastructure.

PLEASE BE ADVISED OF THE FOLLOWING:

1. *The purpose of this document is to identify the information required to commence processing a complete application as set out in the Planning Act. Formal Consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Hamilton to either support or refuse the application.*
2. *This document expires 1 year from the date of signing or at the discretion of the Director of Planning.*
3. *In the event this Formal Consultation Document expires prior to the application being accepted by the City, another document may be required.*
4. *If an application is submitted without the information and materials identified in this Formal Consultation Document the City may deem such an application incomplete and refuse to accept the application.*
5. *In accordance with the Planning Act, it is the policy of the City of Hamilton to provide public access to all Planning Act applications and supporting documentation submitted to the City. Therefore, the information contained in an application and any documentation, including reports, studies and drawings, provided in support of an application, by the owner, or the owner's agents, consultants and solicitors, constitutes public information and will become part of the public record. With the filing of an application, the applicant consents to the City of Hamilton making the application and its supporting documentation available to the general public, including copying and*

disclosing the application and its supporting documentation to any third party upon their request.

6. *It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.*
7. *The above requirements for deeming an application complete are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Formal consultation and building permit review are separate and independent processes.*

SIGNATURES

Charlie Toman, SPM



Aug 17, 2021

 Planning Staff

 Planning Staff Signature

 Date

Elyse Meneray



August 17, 2021

 Planning Staff

 Planning Staff Signature

 Date

 Engineering Staff

 Engineering Staff Signature

 Date

 Owner

 Owner Signature

 Date

 Applicant (I have the authority
 to bind the Owner)

 Applicant Signature

 Date

 Agent (I have the authority
 to bind the Owner)

 Agent Signature

 Date

 Other Staff or Agency

 Signature

 Date

Other Staff or Agency

Signature

Date

Other Staff or Agency

Signature

Date

APPENDIX B - DRAFT OFFICIAL PLAN AMENDMENT

Authority: Item XX, Planning Committee
Report: XX-XXX (PEDXXXXX)
CM: Date XXXXXXX, 2022
Ward: 11

Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. _____

To Adopt:

**Official Plan Amendment No. XX to
the Urban Hamilton Official Plan**

Respecting:

3160, 3168, 3180 and 3190 Regional Road 56 (Binbrook)

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

1. Amendment No. XX to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this XX day of XXXX, 2022

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule "1"

Urban Hamilton Official Plan Amendment No. XX

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:


The purpose and effect of this Amendment is to add a Site Specific Policy Area XX of the Binbrook Village Secondary Plan to permit a six storey multiple dwelling for the lands located at 3160, 3168, 3180 and 3190 Regional Road 56 (Binbrook)

2.0 Location:

The lands affected by this Amendment are known municipally as 3160, 3168, 3180 and 3190 Regional Road 56 (Binbrook).

3.0 Basis:

The basis for permitting this Amendment is to accommodate a six storey multiple dwelling development in conformity with overall Provincial and City policy planning direction.

Urban Hamilton Official Plan Amendment No. XX	Page 1 of 2	
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4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B-2 Glanbrook Secondary Plans

- a. That Volume 2 Chapter B – Glanbrook Secondary Plans: Binbrook Village Secondary Plan Specific Policy Area XX be added to Section 5.1.13 as follows:

For lands municipally known as 3160, 3168, 3180 and 3190 Regional Road 56, and shown on Area Specific Policy – Area XX on Map B.5.1.1 – Binbrook Village Secondary Plan – Land Use Plan:

- Multiple residential uses shall be permitted
- A maximum building height of six storeys (21.5 metres) shall be permitted.

Schedules and Appendices

4.1.2 Schedules


- a. That Schedule B.5.5.1 – Binbrook Village Secondary Plan– Land Use Plan be amended to add 'Area Specific Policy XX'

5.0 Implementation:

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the XX of XXXX, 2022.

Fred Eisenberger
MAYOR

A. Holland
CITY CLERK

Urban Hamilton Official Plan Amendment No. XX	Page 2 of 2	
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For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

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

Committee: Chair and Members Report No.: PEDXXXX Date: XX/XX/2022

Ward(s) or City Wide: 11

Prepared by:

Phone No: 905-546-2424 ext. XXXX

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

APPENDIX C - DRAFT ZONING BY-LAW

Authority: Item , Planning Committee
Report 22-____(PED22____)
Ward: 11

CITY OF HAMILTON

BY-LAW NO. 22-____

A By-law to amend Zoning By-law 05-200 to Permit the Development of a Residential Development on Lands Located at 3160, 3168, 3180 and 3090 Regional Road 56 (Binbrook)

WHEREAS Council approved Item____of Report 22-____of the Planning Committee, at its meeting held on _____, 2022;

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

NOW THEREFORE Council enacts as follows:

1. That Map Nos. 1911, 1912, 1934, 1935, and 1956 of Schedule "A" – Zoning Maps, of Zoning By-law No. 05-200, be amended as follows:
 - a. by amending the Mixed Use Medium Density - Pedestrian Focus (C5a, XXX) Zone with special provisions, to the lands the extent and boundaries of which are shown as Schedule "A" to the By-law.
2. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding an additional special exception as follows:

"XXX Within the lands zoned Mixed Use Medium Density - Pedestrian Focus (C5a, XXX) Zone identified on Map Nos. 1911, 1912, 1934, 1935, and 1956 of Schedule "A" Zoning Maps and described as 3160, 3168, 3180, and 3090 Regional Road 56, the following special provisions shall apply:

 - a) Notwithstanding Subsection 10.5a.1, a multiple dwelling be permitted as a permitted use, including on the ground floor;
 - b) Notwithstanding Subsection 10.5a.3 c) the minimum interior side yard shall be 5.0 metres;
 - c) Notwithstanding Subsection 10.5a.3 (d) ii), and Special Exception 570 a) the maximum building height shall be 21.5 metres.

- d) Notwithstanding Subsection 10.5a.3(h) ix) minimum of 35% of the area of the ground floor façade facing the street shall be composed of doors and windows.
 - e) Notwithstanding Subsection 10.5a.3(h) x) the first storey shall have a maximum height of 5.5 metres.
3. That the Clerk is hereby authorized and directed to proceed with the giving of the notice of passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this _____ day of _____, 2022

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-22-X



Figure 8:
Proposed Zoning

LEGEND

- Subject Lands
- Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) - Exception 570 Zone to Mixed Use Medium Density (C5a) - Pedestrian Focus Zone - Site Specific
- A1 Agricultural Zone
- C5a Mixed Use Medium Density - Pedestrian Focus Zone
- OS2 Public Open Space Zone
- R4 Residential 4 Zone
- RM2 Residential Multiple 2 Zone
- RM3 Residential Multiple 3 Zone
- RM4 Residential Multiple 4 Zone

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K:\14196BO - VMD\WOOD 4RP1\PROPOSED ZONING.DWG

3160, 3168, & 3190 Regional Road 56
 Binbrook
 City of Hamilton

MHBC PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE
 200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
 P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
 Tel: 416-212-6349 | 1-866-448-2248
 Web Site: olt.gov.on.ca

Appeal Form (A1)

Municipal/Approval Authority Date Stamp
--

Receipt Number (OLT Office Use Only)

OLT Case Number (OLT Office Use Only)
--

Date Stamp – Appeal Received by OLT
--

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
1583123 Ontario Inc.			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:

City/Town:	Province:	Country:	Postal Code:

Representative Information				
<input type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me				
Last Name:		First Name:		
Meader		Jennifer		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Turkstra Mazza Associates				
Email Address:				
jmeader@tmalaw.ca				
Daytime Telephone Number:			Alternative Telephone Number:	
905.529.3476	ext.	2740	416.605.0508	
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
	15	Bold Street		
City/Town:	Province:	Country:	Postal Code:	
Hamilton	Ontario	Canada	L8P 1T3	
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>				
<p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>				

Location Information	
Are you the current owner of the subject property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Address and/or Legal Description of property subject to the appeal:	
3160, 3168, 3180 and 3190 Regional Road 56, Binbrook, Hamilton	
Municipality:	
City of Hamilton	
Upper Tier (Example: county, district, region):	
Not Applicable	

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Official Plan Amendment	Planning Act	22(7)
2	Zoning By-law Amendment	Planning Act	34(11)
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6

<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal
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Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

121

Municipal Reference Number(s):

Municipal File Nos. UHOPA-22-024, ZAC-22-051, and FC-21-071

List the reasons for your appeal:

Please see attached covering letter.

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

Please see the attached covering letter and Planning Justification Report prepared by MHBC and dated May 2022.

Oral/Written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

Date municipality deemed the application complete if known (yyyy/mm/dd):

Please briefly explain the proposal and describe the lands under appeal:

Please see the attached covering letter and Planning Justification Report.

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: **\$2,200**

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).


Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Jennifer Meader		2022/11/21

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5 Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca	
Section 5	For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton File with: NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3 rd Floor Georgetown, ON L7G 4B1	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) File with: NIAGARA ESCARPMENT COMMISSION 1450 7 th Avenue Owen Sound, ON N4K 2Z1

	<p>Phone: 905-877-5191</p> <p>Fax: 905-873-7452</p> <p>Website: www.escarpment.org</p> <p>Email: necgeorgetown@ontario.ca</p>	<p>Phone: 519-371-1001</p> <p>Fax: 519-371-1009</p> <p>Website: www.escarpment.org</p> <p>Email: necowensound@ontario.ca</p>
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NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.



WELCOME TO THE CITY OF HAMILTON

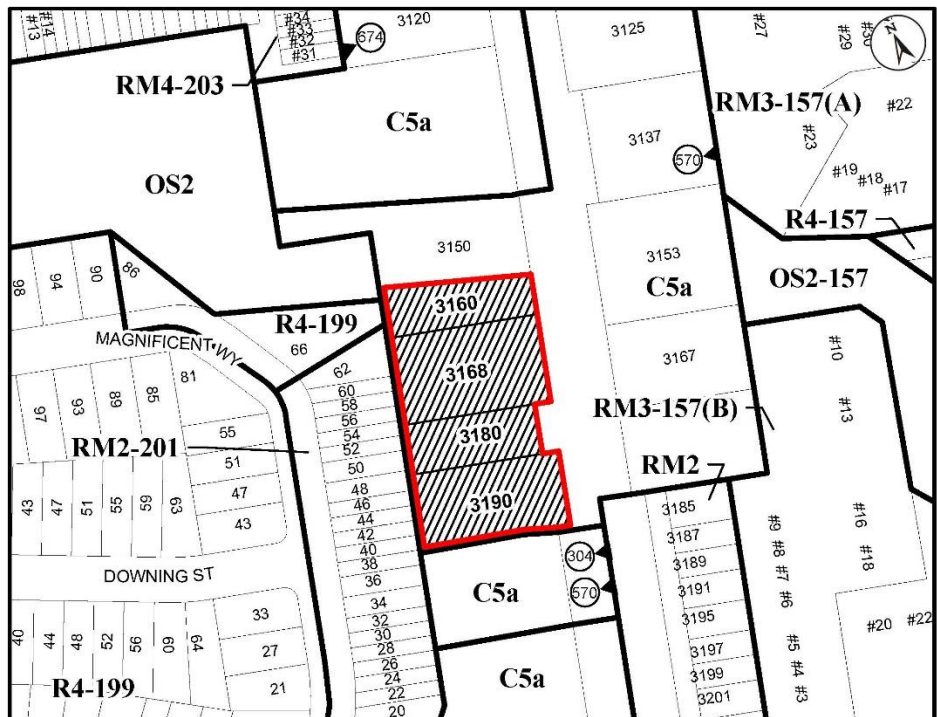
PLANNING COMMITTEE

March 21, 2023

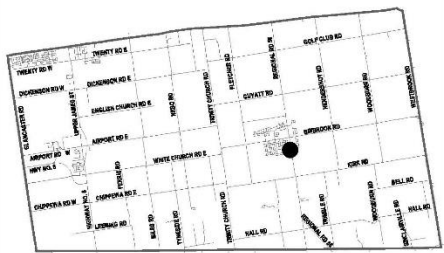
PED23058 – (ZAC-22-051)

Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook.

Presented by: Devon Morton



● Site Location



Key Map - Ward 11

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-22-051	Date: July 25, 2022
Appendix "A"	Scale: N.T.S.
Planner/Technician: DM/VJS	

Subject Property

3160, 3168, 3180, 3190 Regional Road 56

Change in Zoning from the "Mixed Use Medium Density – Pedestrian Focus" (C5a, 570) Zone to the "Mixed Use Medium Density – Pedestrian Focus" (C5a, XXX) Zone, Modified

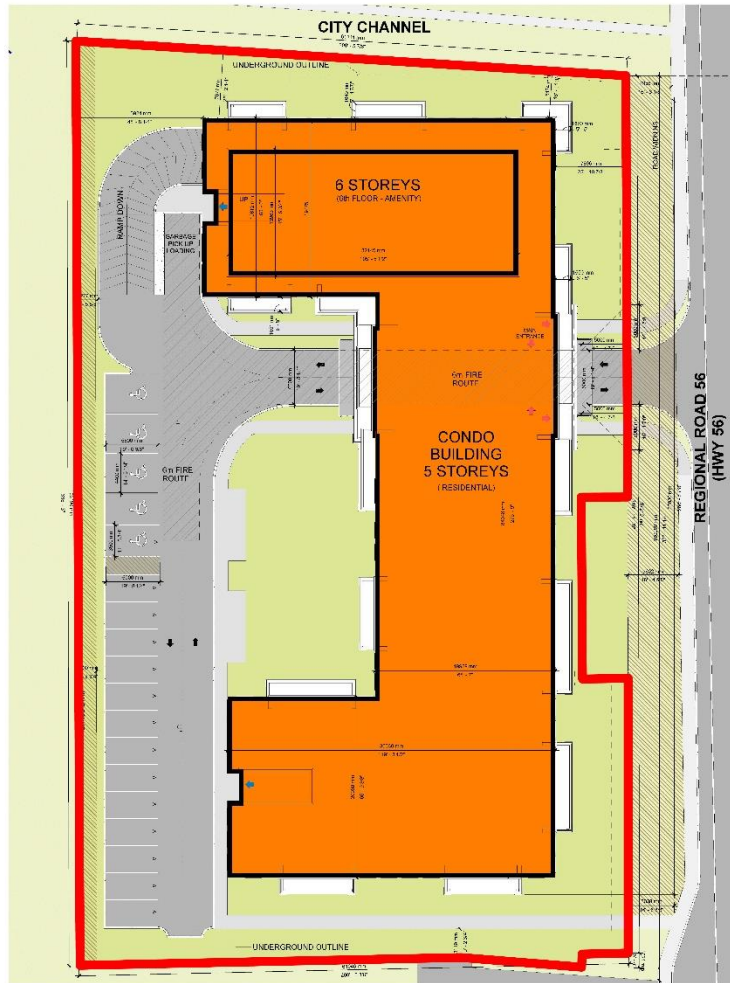


SUBJECT PROPERTY



3064, 3070, 3078 & 3084 Regional Road No. 56, Glanbrook





DOMINIC'S PIZZA - 3194 HWY 56

Site Plan
 1:200

	REQUIRED	PROPOSED
RECYCLED CONTENT IN THE CONCRETE IN THE CURB & GUTTER IN THE SIDEWALK	10% REQUIRED	10% PROVIDED
RECYCLED CONTENT IN THE CURB & GUTTER IN THE SIDEWALK	10% REQUIRED	10% PROVIDED
RECYCLED CONTENT IN THE CURB & GUTTER IN THE SIDEWALK	10% REQUIRED	10% PROVIDED
RECYCLED CONTENT IN THE CURB & GUTTER IN THE SIDEWALK	10% REQUIRED	10% PROVIDED

SITE STATISTICS - OFFICIAL STORY			
DESCRIPTION	AREA (SQ)	AREA (%)	PERCENTAGE
BUILDING (OO PATH)	2145.32 SQ	2000 SQ	93.2%
BUILDING (OO PATH)	2145.32 SQ	2000 SQ	93.2%
PARK/LANDSCAPE	1393.87 SQ	1462 SQ	22.8%
ASPHALT	588.85 SQ	6042 SQ	9.8%
CONCRETE	1894.87 SQ	2000 SQ	31.6%
HARDWARE	74.21 SQ	771 SQ	1.2%
GRASS	11.21 SQ	117 SQ	1.2%
OVERALL SITE	8102.12 SQ	8663 SQ	106.6%

AMENITY SPACE PROVIDED - SCHEDULE			
WIND	AREA	Count	%
AMENITY	200 SQ	4	100%
OUTDOOR AMENITY	142 SQ	2	100%

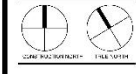
UNIT NUMBER - OVERALL		
Count	Area	%
1-6	100%	100%
7-8	100%	100%

R.P.C. UNIT NUMBER - OVERALL		
Count	Area	%
1-6	100%	100%
7-8	100%	100%



1 2 3 4 5 6 7 8 9 10 11 12

THIS SITE PLAN IS A PRELIMINARY CONCEPTUAL SITE PLAN AND IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR OBTAINING PERMITS OR APPROVALS FROM ANY GOVERNMENT AGENCY. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS SITE PLAN. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE SERVICES PROVIDED HEREIN. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT OR ANY OTHER SOURCE. THE ARCHITECT'S SERVICES ARE LIMITED TO THE DESIGN AND DRAWING OF THIS SITE PLAN. THE ARCHITECT DOES NOT PROVIDE ANY CONSULTING OR ENGINEERING SERVICES. THE ARCHITECT'S SERVICES ARE LIMITED TO THE DESIGN AND DRAWING OF THIS SITE PLAN. THE ARCHITECT DOES NOT PROVIDE ANY CONSULTING OR ENGINEERING SERVICES.



WINDWOOD 4
 3194, 3196, 3198
 REGIONAL ROAD 56
 BRIMLEY

CONCEPTUAL
 SITE PLAN

DATE: 2022 04 25
 DRAWN BY: ME / R. / CMG / SR
 CHECKED BY: JIM
 SCALE: 1:200
 PROJECT NO: 119030

A001







3190 Regional Road No. 56



3180 Regional Road No. 56



3168 Regional Road No. 56



3160 Regional Road No. 56



View (North)



View of property east of site



View (East)



View (West)



Neighbourhood



Laidman Park



St. Matthew Catholic Elementary School



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Correspondence Regarding the Notice of Intention to Designate 66-68 Charlton Avenue West, Hamilton, under Part IV of the <i>Ontario Heritage Act</i> (PED22208(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Lisa Christie (905) 546-2424 Ext. 1291
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

BACKGROUND

On December 7, 2022, Council approved the recommendation to issue a Notice of Intention to Designate (NOID) the property located at 66-68 Charlton Avenue West, Hamilton, in accordance with Section 29 of the *Ontario Heritage Act* (see Report PED22208, Hamilton Municipal Heritage Committee Report 22-010 and Planning Committee Report 22-016).

The NOID was published in the Hamilton Spectator and served on the registered owner and the Ontario Heritage Trust on December 14, 2022. In accordance with Section 29 (5) of the *Ontario Heritage Act*, any person who objects to a proposed designation shall, within thirty days after the date of publication of the notice of intention to designate, serve the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts. The 30-day objection period ended on January 13, 2023.

INFORMATION

On January 13, 2023, the City received correspondence from Stikeman Elliott LLP, legal counsel representing the registered owner of 66-68 Charlton Avenue West, Hamilton (attached as Appendix “A” to Report PED22208(a)). The correspondence included

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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: Correspondence Regarding the Notice of Intention to Designate 66-68 Charlton Avenue West, Hamilton, under Part IV of the *Ontario Heritage Act* (PED22208(a)) (Ward 2) - Page 2 of 2

comments regarding the heritage designation of the property, and the desire of the owner to explore redevelopment of the property for residential purposes. The letter indicates that the property owner has retained ERA Architects Inc. (ERA), heritage consultants, to undertake a condition assessment and evaluation of the property. As outlined in the correspondence, ERA, was not able to conduct their assessment before the end of the 30-day objection period for the Notice of Intention to Designate. Staff note that no reasons for objection to the NOID were provided in the correspondence.

Staff have reviewed the letter and do not believe the correspondence constitutes a formal objection under Section 29 (5) of the *Ontario Heritage Act*. As such, the by-law to designate 66-68 Charlton Avenue West, Hamilton under Part IV of the *Ontario Heritage Act* will be included on the March 29, 2023, Council meeting agenda for passing.

On January 27, 2023, staff responded to the owner's legal counsel to acknowledge receipt of their correspondence dated January 13, 2023. As part of the response, staff advised their legal counsel that staff would be reporting to the Planning Committee to notify them of their letter before Council passes the designation by-law for the property, and that this Information Report was anticipated to be brought forward on the March 21, 2023, agenda.

Should Council decide to proceed with passing the designating by-law, Section 29 (11) of the *Ontario Heritage Act*, states that any person who objects to the proposed designation by-law may appeal to the Ontario Land Tribunal within 30-days of publication of the notice of passing of the Designation By-law.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22208(a) – Correspondence from Stikeman Elliott LLP dated January 13, 2023

LC:sd

Calvin Lantz
Direct: [Redacted]
[Redacted]

January 13, 2023

By E-mail
clerk@hamilton.ca

City Hall
71 Main Street West, 1st Floor
Hamilton, ON
L8P 4Y5

Attention: Ms. Andrea Holland, City Clerk, City of
Hamilton

Dear Ms. Holland:

**Re: 66-68 Charlton Avenue West, Hamilton
Notice of Intention to Designate
Commenting Letter from 1333609 Ontario Ltd.**

We are counsel to 1333609 Ontario Ltd., the registered owner of the property municipally known as 66-68 Charlton Avenue West, Hamilton (the "**Property**"). The Property contains two former single-detached 2.5-storey dwellings that have been vacant for the past three years. Our client is exploring the redevelopment of the Property for residential purposes. To facilitate this redevelopment, on October 13 and 17, 2022, our client submitted applications to demolish the buildings on the Property.

Our client has since received the City's Notice of Intention to Designate the Property as being of cultural heritage value, which is dated December 14, 2022. Pursuant to subsection 29(5) of the *Ontario Heritage Act*, we are writing to provide our client's comments regarding the proposed heritage designation of the Property.

It is important to note that the buildings on the Property are in a state of significant disrepair—they have been vacant for the past three years, and there is visual evidence of vandalism and deterioration, leading to concerns regarding potential safety hazards. Our client's heritage consultants, ERA Architects Inc., have been commissioned to undertake a condition assessment and evaluation of the Property. However, due to our client and consultant team's lack of availability during the holiday period, it has not been possible to conduct this assessment within the 30-day commenting period triggered by the City's Notice of Intention to Designate.

Our client and consultant team look forward to working with City staff to resolve issues surrounding these potentially hazardous buildings, particularly in the context of the redevelopment of the Property.

If you have any questions, please do not hesitate to contact me.

Stikeman Elliott

Yours truly,




Calvin Lantz

CL/jsc/dy

cc. Jonathan S. Cheng, *Stikeman Elliott LLP*
Michael McClelland, *ERA Architects Inc.*
Lisa Christie, Cultural Heritage Planner, City of Hamilton
Client



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Annual Report on Building Permit Fees (PED23065) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Alan Shaw Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

The *Building Code Act* (BCA) and the Ontario Building Code require that a report be prepared annually on fees collected and costs incurred. Specifically, Article 1.9.1.1, of Division C, of the Ontario Building Code state:

- “(1) The report referred to in subsection 7(4) of the Act shall contain the following information in respect to fees authorized under clause 7(1)(c) of the Act:
- (a) total fees collected in the 12-month period ending no earlier than three months before the release of the report;
 - (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the principal authority in the 12-month period referred to in Clause (a);
 - (c) a break down in the costs described in Clause (b) into at least the following categories:

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**SUBJECT: Annual Report on Building Permit Fees (PED23065) (City Wide) -
Page 2 of 3**

- (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of *buildings*, and
 - (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
 - (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12-month period referred to in Clause (a).
- (2) The *principal authority* shall give notice of the preparation of a report under subsection 7(4) of the Act to every person and organization that has requested that the *principal authority* provide the person or organization with such notice and has provided an address for the notice.”

Revenue Collected

Building permit fees and BCA fines collected during 2022 totalled \$15,245,499.

Costs Incurred

The net operational costs, both indirect and direct, incurred during 2022 were \$14,372,403 as shown in the table below.

**Building Division
Statement of Activities
For 12 Month Period Ending December 31, 2022**

Category	2022 Actuals
Building Revenues:	
Permit Fees	\$ 14,971,013
BCA Fines	\$ 274,486
Less Expenses:	
Direct Cost	\$ 12,492,208
Indirect cost	\$ 1,880,195
Transfer to Building Revenue Stabilization Reserve	\$ 873,096

*Note: Figures rounded to nearest dollar

2022 Unallocated Reserve Balance **\$ 25,200,793**

**SUBJECT: Annual Report on Building Permit Fees (PED23065) (City Wide) -
Page 3 of 3**

Building Permit Revenue Stabilization Reserve


The starting balance for the Building Permit Stabilization reserve for 2022 was \$28,048,079. 100% cost-recovery of services for building permit issuance, administration and enforcement of the *Building Code Act* netted a transfer of \$873,096 into the reserve. Additionally, there was an accrued interest of \$664,179 for a total transfer of \$1,537,275 into the reserve in 2022. Additionally, \$3,684,560 has been allocated for the next phase of the multi-year Digitization of Microfiche Records project and \$700,000 has been allocated for our Department's Power Platform Portal project. Accordingly, the Building Permit Fee Reserve contained \$29,585,353 with an unallocated balance of \$25,200,793 at the end of 2022.

APPENDICES AND SCHEDULES ATTACHED

Not applicable



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Integrating Health & Environmental Requirements to Demolition Permits (PED23066) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jorge Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Alan Shaw Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

On February 10, 2021, Council provided the following direction to staff:

- (a) That the General Manager of Planning and Economic Development draft a letter to the Ministry of Municipal Affairs and Housing requesting demolition requirements, under the Ontario Building Code be expanded to include a mandatory notification to all neighbouring properties, in writing, of the date and time that a commercial or industrial demolition is to take place which includes:
 - (i) the previous use of the site to be demolished;
 - (ii) a list of any potential contaminants which could become airborne or enter Hamilton's waterways or soil;
 - (iii) the potential human health impacts of contamination; and,
 - (iv) a detailed action plan to mitigate all potential impacts to human health, air quality and waterways or soil.

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SUBJECT: Integrating Health & Environmental Requirements to Demolition Permits (PED23066) (City Wide) - Page 2 of 8

- (b) That Public Health Services work with the Building Division to:
 - (i) determine the size, scope, building-types of commercial and industrial demolitions that present the highest risk to human health;
 - (ii) determine application requirements for permit approval for any higher risk demolitions that qualify, such as:
 - (1) ensure that a designated substances survey (DSS), as defined within the Occupational Health And Safety Act, has been completed prior to demolition;
 - (2) an appropriate dust management plan will be implemented during demolition; and,
 - (3) inform mitigation requirements of human health impacts.
 - (iii) review the dust mitigation plan with the Building Division before final approval.
- (c) That the Building Division be directed to:
 - (i) review the current demolition permitting process of other Ontario Municipalities which account for human health and environmental impacts and make relevant adjustments in accordance with the Ontario Building Code including but not limited to the above; and
 - (ii) report back with final recommended revisions to the City of Hamilton Building & Demolition Permit.

This report will address the above noted directions.

INFORMATION**Background**

This Report has been prepared in response to concerns raised by Council and the general public related to the demolition of commercial and industrial buildings. Below is the response from the Building Division and Public Health Services to each of the directions given by Council.

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Sub-Section (a) – Letter to the Ministry of Municipal Affairs and Housing

A letter has been sent to the Ministry of Municipal Affairs and Housing by the General Manager of Planning and Economic Development Department requesting an amendment be made to the Ontario Building Code requiring mandatory notification of pending demolition to all neighbouring properties, including the time that a commercial or industrial demolition will take place. Additionally, Council directed that such notice is to include the additional requirements outlined in clauses (i) to (iv) of sub-section (a) of the Council Direction given at the beginning of this Information Report.

Sub-Section (b) – Public Health Services Comments on Demolition Process

Public Health Services staff worked with Building Division staff to provide the following responses to clauses (i) to (iii) of sub-section (b) of the Council Direction:

(i) determine the size, scope, building-types of commercial and industrial demolitions that present the highest risk to human health.

There is little published literature that directly addresses the question “what size, scope and type of building demolition presents the highest risk to human health?”, from a public health perspective. The available literature related to demolition activities and risk to health, safety and environment is primarily limited to the demolition site and workers, not the public and surrounding environment.

Available literature from well-documented studies of public health impacts associated with demolition practices are related to hazards such as lead (Pb), asbestos, mercury, silica dust and other contaminants that are identified as ‘designated substances’ under O. Reg. 490/09 under the *Occupational Health and Safety Act*.

The National Building Code of Canada (2020) includes provisions for “Protection of the public” at demolition sites that primarily addresses prevention of physical injury to the public related to the demolition site activities (i.e., fencing and barricades; traffic control; control of waste material).

Despite the lack of evidence contained within the literature, there is existing legislation in Ontario that define physical characteristics of buildings during demolition. Section 6 (c) of O. Reg. 213/91 - Construction Projects, under the *Ontario Occupational Health and Safety Act* states that if “*the work is the demolition of a building at least four metres high with a floor area of at least thirty square metres;*”, the project must be registered with the Ministry of Labour.

(ii) determine application requirements for permit approval for any higher risk demolitions that qualify, such as:

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(1) ensure that a designated substances survey (DSS), as defined within the Occupational Health and Safety Act, has been completed prior to demolition.

The Ontario *Occupational Health and Safety Act* requires that a list of all designated substances at a project site be provided to all bidders at the tendering stage.

Sec. 30 (1) of O. Reg. 490/09 - Designated Substances, under the *Act*, states: “Before beginning a project, the owner shall determine whether any designated substances are present at the project site and shall prepare a list of all designated substances that are present at the site.”

A Designated Substances Survey includes a visual inspection (walk-through) of the site, to identify the readily-accessible areas for the presence of designated substances used in building and construction materials and equipment. Accordingly, assessment of the type, characteristics and condition of the building materials and collection of sample materials for subsequent laboratory analysis.

The result is a Designated Substances Survey (Assessment Report) that outlines materials of concern on the job site, lab analysis and results of materials tested, overall discussion of the materials (types, locations) found in the job site and conclusions/recommendations made according to these observations and testing.

Thus, in properly identifying these other Hazardous Materials on a project work site, work procedures and proper waste handling guidelines can be determined to minimize possible health and environmental impact.

(2) an appropriate dust management plan will be implemented during demolition;

In Ontario, Professional Engineers are subject to regulation under the *Professional Engineers Act, 1990*. Performance standards for building construction, enlargement, alteration and demolition are detailed within O. Reg. 260/08 – Performance Standards, under the *Act*.

As per Sec. 3 (2) (vi) of O. Reg. 260/08, “*The professional engineer, limited licence holder or provisional licence holder shall include in a demolition plan made with respect to the demolition of a building or structure, a description of any environmental hazard that would or could arise as a result of the demolition, and of the measures necessary to address the hazard*”

In addition to the provincial regulation referenced above, Hamilton Public Health Services staff have worked with Clean Air Hamilton to develop a best practices handbook for the reduction of air emissions from construction and demolition activities (see Appendix “A” to Report PED23066).

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(3) inform mitigation requirements of human health impacts.

As per the Ontario Ministry of Labour's *Occupational Health and Safety Act, 1990*, and the Ministry of Environment, Conservation and Parks' *Environmental Protection Act, 1990*, protection of impacts to human health and the environment are provided therein. If demolitions are performed in accordance with provisions of the *Acts* and their associated regulations, human health impacts will be mitigated.

(iii) review dust mitigation plan with the Building Division before final approval.

Public Health Services is not an approving authority for the issuing of a demolition permit under the OBC. Additionally, Public Health Services is not the approving authority for dust management plans for demolitions, or other projects related to land development and construction.

As noted earlier in this report with respect to developing a demolition plan, Professional Engineers in Ontario are subject to O. Reg. 260/08, which requires the Engineer to *"include in a demolition plan made with respect to the demolition of a building or structure, a description of any environmental hazard that would or could arise as a result of the demolition, and of the measures necessary to address the hazard"*

Sub-Section (c) – Building Division Review of Demolition Permit Process

Demolition Permits are regulated under the *Building Code Act*, which establishes what authorities the City has with respect to demolitions.

In order to secure a Demolition Permit, an applicant must do the following:

- Complete a demolition permit application form
- Provide a site plan showing the location of buildings to be demolished
- Provide confirmation that utilities have been disconnected (applicant must submit a completed "Disconnection of Services" form)
- Provide a Commitment to General Review Form, where the demolition is being reviewed by a professional engineer
- Complete an Application Demolition Checklist
- Pay the required permit fee

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In addition, Article 1.2.2.3. of Division C of the Ontario Building Code states that:

- “(1) The applicant for a permit respecting the demolition of a building shall retain a professional engineer to undertake the general review of the project during demolition, where,
- (a) the building exceeds 3 storeys in building height or 600 m² in building area,
 - (b) the building structure includes pre-tensioned or post-tensioned members,
 - (c) it is proposed that the demolition will extend below the level of the footings of any adjacent building and occur within the angle of repose of the soil, as drawn from the bottom of such footings, or
 - (d) explosives or a laser are to be used during the course of demolition.”

Additionally, where a professional engineer is required to review the project during demolition the professional engineer must complete and submit a Commitment to General Review form at the time of application which states that they have been retained to provide general review during demolition.

Under the Ontario Building Code, the Demolition Permit holder is not required to call for City inspections during the demolition. They are only required to call once the demolition has been completed. The City of Hamilton would then confirm that the building has been demolished and the site made clear.

It is not within the City’s authority to attach additional conditions to the Demolition Permit, such as when the demolition can occur, required weather conditions, etc. It is up to the demolition contractor, together with the consulting engineer, to determine when, and how, to best to carry out the demolition taking into account dust suppression, weather conditions, proximity to other buildings, noise, etc. However, the following Provincial Ministries do have separate dust regulations in the Province of Ontario which must be complied with during demolition.

The Ministry of Environment, Conservation and Parks (MOECP) requires owners to have a plan to control emissions from their site, and to meet Section 49 of Ontario Regulation 419/05 (regulation made under the *Environmental Protection Act*) which states that no contaminant shall be carried beyond the limits of the property on which the demolition is taking place unless every step necessary to control the emission of the contaminant has been implemented. Meeting these provisions is the responsibility of the owner and their consulting engineer.

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The Ministry of Labour regulates dust if it is a hazard to workers under the *Occupational Health and Safety Act*. Under this Act, dust must be adequately controlled, or workers must be given personal protective equipment to ensure their health and safety. Residents or workers may contact the Ministry of Labour's Health and Safety Contact Centre to inquire about workplace health and safety, and to report unsafe work practices.

The Professional Engineers of Ontario have also published a Guideline dated June 2022 titled "Professional Engineers Providing Services for Demolition of Buildings and other Structures". The purpose of this guideline is to offer professional engineers with guidance on the level of diligence they should provide during the demolition of buildings or structures.

Even though the requirement for dust control measures are outside the scope of applicable law under the *Building Code Act*, the Building Division currently attaches an information sheet with all building and demolition permits in order to remind permit applicants that there may be other legislation (MOECP, Ministry of Labour, etc.) that their project may be subject to.

In order to address concerns raised by Council and the general public related to demolition of commercial and industrial buildings, Building Staff have had several meetings with Public Health Services, Ministry of the Environment, Conservation and Parks, and the Ministry of Labour regarding this issue. These meetings started in late 2019, however, they were put on hold during the COVID-19 shutdown from March of 2020 until earlier this year. As a result of these discussions the following changes were made to the demolition permit application process in order to clarify the different regulations (outside of the Ontario Building Code) that may also apply to the proposed demolition and to ensure the applicants for demolition permits were aware of their duty to ensure these regulations were followed:

- At the time of Permit application, a completed Demolition Application Checklist must be completed by the owner, or authorized agent of the owner, requiring them to answer specific environmental consideration questions and advising them of other legislation that apply to their demolition, and who to contact (MOECP, Ministry of Labour) for additional information.
- We have now put in place a process where the MOECP is notified of all commercial and industrial demolition permits issued by our Division to provide them with a notification of upcoming demolitions.

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- The Building Division is also making available at our front counter copies of the “Contractor’s Environmental Handbook, Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities” (see Appendix “A” to Report PED23066).

These changes have been made to ensure applicants for demolition permits are made aware that there are other regulations and environmental considerations that apply to their demolition site in addition to the *Building Code Act*.

Given this information, it is recommended that this item be removed from the Outstanding Business List.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23066 – Contractor’s Environmental Handbook: Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities

CONTRACTOR'S ENVIRONMENTAL HANDBOOK

Best Practices for
**THE REDUCTION
OF AIR EMISSIONS**
from Construction and
Demolition Activities



This handbook outlines
best practices for the
reduction of fugitive
dust emissions during
construction and
demolition activities.

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In conjunction with the
Construction and Demolition Multi-stakeholder Working Group

Prepared for:

Environment Canada
Transboundary Issues Branch

INTRODUCTION

WHO IS THIS HANDBOOK FOR?

This handbook should be useful to project owners, designers, managers, forepeople, supervisors, contractors, and equipment operators interested in minimizing dust and particulate matter emissions at project sites.

FOCUS OF THIS HANDBOOK:

This handbook outlines best practices for the reduction of fugitive dust emissions during construction and demolition activities. It's content has been adapted from the document '*Best Practices for the Reduction of Air Emissions From Construction and Demolition Activities*', March 2005, prepared for Environment Canada. <http://www.bv.transports.gouv.qc.ca/mono/1173259.pdf>. Please refer to this document when clarification or further detail is needed.

WHAT ARE CONSTRUCTION ACTIVITIES?

Any on-site activities preparatory to or related to the building, alteration, rehabilitation or improvement of property, including, but not limited to the following activities: grading, excavation, trenching, loading, vehicular travel, crushing, blasting, cutting, planning, shaping, breaking, equipment staging/storage areas, weed abatement activities or adding or removing bulk materials from storage piles.

WHAT ARE DEMOLITION ACTIVITIES?

The wrecking or taking out of any load-supporting structural member of a structure or building and related handling operations.

WHY SHOULD THIS BOOK BE USED?

There are significant health and environmental effects associated with emissions of particulate matter (PM) and other criteria air contaminants. Small airborne particulates with a diameter less than 10 microns (PM10), can be inhaled into the upper respiratory tract where heart and lungs can be affected. Particulate matter with a diameter or less than 2.5 microns (PM2.5) can be inhaled and absorbed into cells and reach the bloodstream. This can have various negative health effects, especially on the respiratory and cardiovascular systems. Particulate matter increases respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing. People with heart or lung disease, children and older adults are particularly sensitive to this pollutant.¹ Particulate matter permitted to pollute the environment can harm plants and animals directly and can impair habitat, food and water in which they need to survive.

What you should know about Ontario's designated substances:

THERE ARE 11 DESIGNATED SUBSTANCES PRESCRIBED BY THE ONTARIO MINISTRY OF LABOUR. A designated substance is a biological, chemical or physical component or combination considered hazardous and can pose a risk to workers or occupants during a planned renovation, demolition, or restoration project. Designated substances are particularly hazardous, especially when adequate controls are not in place to protect workers or occupants. They can cause cancers, strong allergic reactions, liver and lung problems, and effects on the nervous system. Some projects may therefore be subject to additional regulatory requirements. Please contact the Ministry of Environment, Conservation and Parks (MECP) office to inquire if additional permits are required.

The most common designated substances found in residential and other types of buildings include:	Other substances include:	In addition, there are other materials or conditions that are considered as hazardous. These primarily include:
<ul style="list-style-type: none"> ● Asbestos ● Lead ● Silica ● Mercury 	<ul style="list-style-type: none"> ● Arsenic ● Benzene ● Acrylonitrile ● Coke Oven Emissions ● Isocyanates ● Ethylene Oxide ● Vinyl Chloride 	<ul style="list-style-type: none"> ● Mould ● Polychlorinated Biphenyls (PCBs) ● Urea Formaldehyde Foam Insulation (UFFI)



The following table describes suspect Designated Substances in common building materials or locations. (Source: Infrastructure Health and Safety Association)

DESIGNATED SUBSTANCE	MEDIUM OR LOCATION FOUND IN	
ASBESTOS Other names include chrysotile, amosite, crocidolite	<ul style="list-style-type: none"> • Insulation (boiler, pipe, and sprayed on/fire-stop/fireproofing materials) • Transite pipe or panels • Loose-fill vermiculite as attic or block insulation • Wallboard • Asphalt 	<ul style="list-style-type: none"> • Adhesives and caulking • Ceiling tiles • Vinyl floor tiles and sheet flooring • Gaskets • Drywall joint-filling compound • Plaster (smooth, texture, stipple) • Roofing shingles and felts
LEAD	<ul style="list-style-type: none"> • Old paint (homes built before 1960 and if built between 1960 and 1990, the exterior may contain lead-based paint) 	<ul style="list-style-type: none"> • Old mortar • Old water pipes • Lead sheeting (radiation or sound control)
SILICA Other names include quartz, tridymite, cristobalite	<ul style="list-style-type: none"> • Brick/block • Granite • Abrasives used for blasting • Concrete 	<ul style="list-style-type: none"> • Sandstone • Cement • Mortar
ISOCYANATES	<ul style="list-style-type: none"> • Fresh polyurethane spray foam insulation • Sealants • Rock support in underground mining 	<ul style="list-style-type: none"> • Paint shops and auto-body repair • Finishes • Adhesives
MERCURY	<ul style="list-style-type: none"> • Fluorescent lights • Switches • Contamination in laboratory drains 	<ul style="list-style-type: none"> • Pressure gauges • Electrodes
ARSENIC	<ul style="list-style-type: none"> • Wood preservatives • Smelters 	<ul style="list-style-type: none"> • Glass production
COKE OVEN EMISSIONS, BENZENE, ACRYLONITRILE, VINYL CHLORIDE, ETHYLENE OXIDE	<ul style="list-style-type: none"> • Chemicals that are typically used in, or are by-products of, manufacturing facilities and health-care settings. 	

The following table describes the health risks and how to reduce your exposure to the most common designated substances.

DESIGNATED SUBSTANCE	HEALTH RISKS	HOW TO REDUCE RISK OF EXPOSURE
ASBESTOS	<p>Breathing in asbestos fibres can cause cancer and other diseases, such as:</p> <ul style="list-style-type: none"> • Asbestosis, a scarring of the lungs, which makes it difficult to breathe • Mesothelioma, a rare cancer of the lining of the chest or abdominal cavity • Lung cancer; people who smoke can be at a greatly increased risk 	<p>Hire a professional to test for asbestos when undertaking a home renovation, an addition or demolition. If asbestos is found, hire a qualified asbestos removal specialist to get rid of it before beginning work. Avoid disturbing asbestos material yourself.</p>
LEAD	<p>Exposure to lead is associated with harmful effects on the brain, heart, and kidneys, and to reproduction.</p>	<p>If you think the paint in your building may contain lead, have it tested. If you have lead-based paint in good condition, it is best to leave it alone, paint over it, or cover it with wallpaper, wallboard or paneling. If the lead-based paint is chipping, cracking, peeling or flaking, use a chemical paint stripper and don't use sanders, heat guns or blowlamps to remove paint in older buildings.</p>
SILICA	<p>Inhaling crystalline silica can lead to serious, sometimes fatal illnesses including:</p> <ul style="list-style-type: none"> • Silicosis • Lung cancer • Tuberculosis (in those with silicosis) • Chronic obstructive pulmonary disease (COPD). 	<p>Prevent the dust from becoming airborne by using engineering controls to reduce exposures. Water can be used to suppress the dust and vacuums can be used to capture it at the source. When water or vacuums are not feasible, or if the exposures are still high even with these controls, a NIOSH (National Institute for Occupational Health and Safety) approved respirator should be used; however, respirators won't protect those working close by. Other ways to reduce or eliminate exposures include using different materials, such as aluminum oxide instead of sand for abrasive blasting, or using work practices that help minimize dust.</p>

DESIGNATED SUBSTANCE	HEALTH RISKS	HOW TO REDUCE RISK OF EXPOSURE
MERCURY	<p>Mercury can be absorbed through your skin as a liquid, or inhaled as a vapour. The health effects appear to be the same for both types of exposure. Repeated, long-term exposure to mercury can cause:</p> <ul style="list-style-type: none"> ● Kidney damage ● Central nervous system problems (stupor, tremors, nervousness) ● Vision and hearing changes ● Hearing loss ● Cognitive and behavioral abnormalities 	<p>Use appropriate PPE such as chemical safety goggles, a face shield, protective clothing such as gloves, and a respirator. Do not use mercury where it could contact a hot surface and vaporize. Avoid inhaling mercury vapour.</p> <p>Put mercury waste in a special waste container, do not combine it with other wastes and do not dispose of it down a sink.</p>

Other benefits to reducing PM/dust and other pollutant emissions include:

- Improved health benefits for workers (i.e. reduced risk of developing respiratory illnesses, breathing problems, irritation of the nose and throat, and dermatitis)
- Dust control safeguards enhance efficiency with a cleaner, safer work environment thus increasing productivity
- Reduction in lost-time incidents for employees
- Improved corporate/company image
- Avoid involvement with regulators
- Development and transfer/sale of knowledge and technology

WHAT DOES THIS HANDBOOK COVER?

This handbook describes technologies and work practices that can reduce emissions associated with construction and demolition activities. Proponents should consider the economic, environmental and technical circumstances with an emphasis on worker safety when choosing the elements of this document that best suit the unique features of each project, with the goal of eliminating off-site dust emissions whenever possible.

ENVIRONMENTAL MANAGEMENT PLAN

Every construction and demolition project should have a site-specific environmental management plan (EMP) before work begins. The plan will organize and document features of the project as they relate to communities and ecosystems, and note baseline conditions and sensitive receptors that need protection.

ACTIONS TO MITIGATE EMISSIONS

FROM THE CONSTRUCTION AND DEMOLITION SECTOR

1 USING WATER AND CHEMICAL DUST SUPPRESSANTS AT CONSTRUCTION SITES

1.1 WATER APPLICATION

1.1.1 Benefits/Effectiveness

- Most common alternative, is affordable and effective at reducing dust by causing particles to stick together
- Water can be applied via trucks, water pulls, canons, hoses, sprinklers, etc.

1.1.2 Challenges/Cautions

- Affected areas need to be sprayed at least three times/day or more frequently if required (i.e. During hot summer months).
- Can trigger other environmental challenges such as runoff issues, soil instability, spreading contaminants, and erosion. Runoff prevention measures such as silt curtains may be required, depending on the proximity to water courses, drainage ditches, stormwater grates, and so on.
- Over-application can lead to equipment mobility problems as the strength for supporting traffic can be diminished.



■ Above: This photo illustrates wet suppression, an additional best management practice for stockpiles.

1.2 DUST SUPPRESSANTS

1.2.1 Benefits/Effectiveness

- More expensive than water but more effective and applied less frequently.
- There are a variety of chemical versions available. Soil particles are bonded together forming a “crust” when it dries that strengthens the soil surface.

1.2.2 Challenges/Cautions

- Consideration should be taken to reduce potential environmental impacts when deciding on the extent to which water and chemical dust suppressants are utilized. Environment consequences to keep in mind are:
 - The hazardous, biodegradable and water-soluble properties of the substance;
 - Effect on surrounding environment such as waterbodies and wildlife;
 - Are watershed considerations for protecting fish and fish habitat from surface runoff in place?

1.3 PROS AND CONS OF WATER AND CHEMICAL DUST SUPPRESSANTS

CONTROL METHOD	ADVANTAGES	DISADVANTAGES
WATER	Inexpensive and generally available.	Dries out fast, needs frequent application. Excess application creates muddy conditions.
DUST SUPRERSSANTS MIXED WITH WATER SUCH AS SALT	Can help form a longer lasting seal.	May be expensive to ship supplies. Application may require special equipment. May impact vegetation and water quality.



2 DESIGN CONSIDERATIONS TO REDUCE EMISSIONS FROM CONSTRUCTION AND BUILDINGS

2.1 SITE PLANNING

Create a site-specific dust management plan that identifies potential fugitive emission sources from the construction operation. Start with a facility site map and note all roads, stockpiles, material transfer points, staging areas, material conveyances, parking lots, and other open areas subject to wind erosion. Also, note the prevailing wind direction on the map.

2.2 BUILDING MATERIALS USED

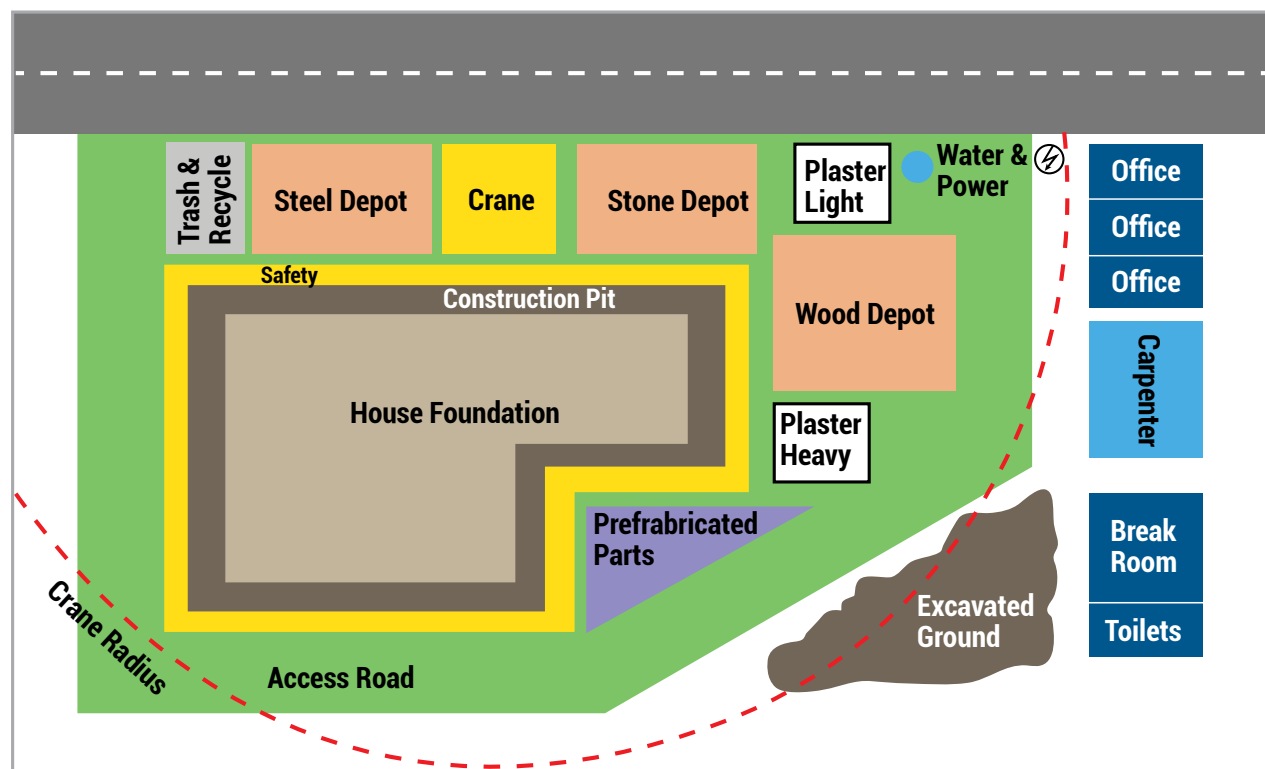
Use pre-fabricated materials/modular construction units where possible. Improving construction quality reduces the need for maintenance, rehabilitation and reconstruction of structures.

2.3 MINIMIZING VEHICLE TRAFFIC CONGESTION

Delays and road closures/lane reductions can cause increased vehicle emissions due to idling or slow-moving traffic.

2.4 MINIMIZING DISTANCES TRAVELLED FOR DELIVERY OF CONSTRUCTION MATERIALS

Deliveries of materials like concrete, asphalt and aggregates can generate road dust and increased vehicle emissions. If possible, establish temporary plants on site if financially feasible and properly managed/controlled.



3 REDUCING FUGITIVE DUST EMISSIONS FROM CONSTRUCTION AND DEMOLITION SITES

There are various technologies and work practices that can be applied to minimize fugitive dust emissions during construction and demolition activities.

3.1 SITE PREPARATION

Work, especially in drier weather, can generate significant dust emissions. Consider employing the various work practices prior to, during and after site preparation.

- Grade in phases (not all at once) and begin construction in a location that is upwind from the prevailing wind direction.
- Utilize permanent perimeter or temporary interior Wind Fencing and install as early as possible. Examples include trees or shrubs left in place during site clearing, sheets of plywood, wind screen material such as that used around tennis courts, snow fences, hay bales, crate walls, sediment walls, burlap fences, etc.
- Stabilize surfaces of completed earthworks with vegetation.
 - Surfaces of completed earthworks (including landscaping) should be re-vegetated (i.e., seeded and mulched) within 10 days after active operations have ceased.
 - It is recommended that existing trees and large shrubs (and other live perennial vegetation) be allowed to remain in place to the greatest extent possible during site grading processes.
- Stabilize surfaces of completed earthworks with stone/soil/geotextiles.
- Create ridges to prevent dust getting picked up by the wind. Ridges run on contours of slopes can deflect and raise wind 5 or 6 inches above the soil surface.
- Compact disturbed soil with rollers or other similar equipment to reduce the erosion potential. Compacting soil could potentially increase runoff so measures such as silt fences, catchbasin covers, etc. should be considered.
- Where possible, reduce dust-generating (e.g., concrete cutting, earth moving, etc.) activities during windy conditions and utilize best control practices at all other times (i.e. water spray, etc).
- Capture fugitive dust emissions escaping through building openings by installing removable filters over appropriate building openings.
- To reduce fugitive dust emissions on road surfaces within the construction site, the following may be considered:
 - Establish on-site vehicle restrictions for haul roads being watered, and post speed limits.
 - Properly maintain roads.
 - In winter, use low silt content de-icing materials and plow instead of sanding.



■ Above: Construction screen on temporary panels blocks vision, dust and debris

3.2 STORAGE PILES

Several work practices can be employed to mitigate fugitive dust emissions resulting from storage piles.



■ Protecting a stockpile.

These work practices primarily reduce the exposure of storage piles to wind.

- Storage pile activities should be conducted downwind
- Utilize enclosures/coverings for storage piles.
 - Enclosures can include three-sided bunkers, storage silos, and open-ended buildings, or fully enclosing the pile within a building.
 - Tarpaulins, plastic or other material can be used for temporary covering, and should be anchored.

- Utilize wind fences/screens for storage piles.
- Can be human-made or vegetative in nature.
 - Use vegetation cover such as perennial grasses, trees or shrubs as a wind break around storage piles.
- Properly shape storage piles and minimize disturbance.
- Properly schedule the delivery of landscaping materials to minimize storage time and reduce the potential for emissions (i.e. carried away by wind).

EARTHWORKS are engineering works created through the processing of parts of the earth’s surface involving quantities of soil or unformed rock.

source: [https://en.wikipedia.org/wiki/Earthworks_\(engineering\)](https://en.wikipedia.org/wiki/Earthworks_(engineering))

3.3 MATERIAL HANDLING AND TRANSFER SYSTEMS

3.3.1 Control Mud and Dirt Trackout and Carryout

- Conduct street cleaning to remove trackout and carryout, at least once per day, at the end of the working day.
- If trackout extends more than 10 metres (33 feet) onto a paved public road, cleaning should be undertaken immediately.
 - Can be completed with a broom and sufficient wetting, vacuum sweeping, water flushing, or water sweeper.
 - According to a City of Toronto study, efficient street sweepers are most effective to control particulate matter pollution. The study involved extensive testing to determine the best machines on the market. (<https://www.toronto.ca/legdocs/2005/agendas/committees/wks/wks050629/it009.pdf>). These use a “regenerative air technology” that blasts air on the pavement, then sucks almost all of the debris and dust immediately. Old-style machines blasted water on the pavement, which often caused dirt to stick in cracks.
 - Wet vacuum sweepers and mechanical sweepers should therefore be avoided, as when they spray water on the pavement, a thin layer of road dust sludge remains on the surface of the road.
- Create paved haul roads or gravel strips early in the project. This will limit mud and dirt trackout onto public paved roads.
- Site restrictions should be considered, including the following,
 - confine load-in/load-out procedures to leeward (downwind) side of the material;
 - designate a single site entrance and exit; and
 - ensure that vehicles stay on established traffic routes within the construction site.



■ Above: These figures illustrate an installed grate (left) and a gravel bed (right), both of which are additional best management practices associated with track-out/carry-out.

3.3.1.1 Trackout Control Devices

- Trackout control devices, for instance a grizzly or a wheel washing system, can be installed to remove dirt and mud from truck tires and the undercarriage of motor vehicles and/or haul trucks prior to leaving the work site. Note that track-out control devices require environmental management plans to control surface deposition.
- A grizzly is also known as a wheel shaker/wheel spreading device and consists of raised dividers (rails, pipe or grates) that are at least three inches tall, at least six inches apart, at least 8 meters long and 3 meters wide.
- Wheel washers may be adjusted to spray the entire vehicle including bulk-stored material in haul vehicles.
- Grizzlies and wheel washers should be cleaned/maintained on a regular basis to ensure their effectiveness.
 - These devices should be installed on sites with a disturbed surface area of 3 hectares or more and from all work sites where 75 cubic meters (~100 cubic yards) of bulk materials are hauled on/or off-site per day.
 - All traffic should be routed over the installed trackout control devices.

3.3.2 Minimize Material Drop at the Transfer Point and Enclosure

- Drop heights should be kept to a minimum when loading materials onto vehicles and conveyors.
- Where feasible, transfer points and conveyor belts should be totally enclosed when in operation.
- Distance between material transfer points should be minimized.
- Conveyor belts should have belt wipers and proper size hoppers to prevent spills.
- Belts and area underneath should be cleaned periodically.
- The speed of the belt should be restricted to minimize spills.



■ Above: This figure illustrates reducing drop height, a required best management practice.

3.3.3 Utilize Foam Suppression Systems

- Foam systems (combination of water and a chemical surfactant) may be used on material transfer systems to mitigate dust generation.
- The primary advantage of foam systems is that they provide equivalent control and consume less water than water spray systems.

3.3.4 Secure Loads on Haul Trucks

To minimize fugitive dust emissions from the transportation of aggregate material within a construction site, several work practices can be employed:

- Partially or totally enclose the entire work surface area of hauled bulk materials with an anchored tarp, plastic or other material. Or, use completely enclosed trucks.
- Freeboard is the vertical distance between the top edge of a cargo container area and the highest point at which the bulk material contacts the sides, front and back of the container. Where feasible, trucks may be loaded such that the freeboard is not less than 7 cm (~3 inches).
- Loader bucket materials should be emptied slowly.

3.3.5 Prevent PM Emissions from Spills

The storage and load-out of materials such as cement powder and similar dusty materials can increase fugitive dust emissions associated with the movement of mobile equipment transferring the material. If spillage cannot be prevented due to heavy traffic and transfers, the following work practices are recommended:

- Have ready a spill response plan and equipment.
- A vacuum truck should be used to clean up dusty material spills.
- There should be regular removal of spilled material in areas within 100 metres of the storage pile.
- Assign an individual to spill response, clean-up and reporting. Reporting is required under section X of the Ontario Environmental Protection Act if there is a discharge:
 - into the natural environment,
 - from or out of a structure, vehicle or other container, and
 - that is abnormal in quality or quantity in light of all the circumstances of the discharge.

3.4 FABRICATION PROCESSES

3.4.1 Cutting, Grinding and Drilling

- Use pre-fab where possible, apply water sprays, etc.
- Consider design technique to avoid grinding and cutting.
- Should grinding be necessary, PM emissions can be mitigated by:
 - i. fitting tools with dust bags;
 - ii. prewashing work surfaces;
 - iii. screening off areas to be ground; and
 - iv. vacuuming up, as opposed to sweeping away, residual dust.

3.4.2 Sand and Grit Blasting and Facade Cleaning

- Wet processes (e.g. high-pressure water blasting or water blasting supplemented with abrasives) should be used.
- Utilize enclosures such as curtains or shrouds (tarpaulins or containment screens) around the blasting operation. Contain debris in dumpsters or drums, secure lids, and dispose of properly.
- Dry blasting should be conducted indoors.
- More durable abrasives with lower dust generation potential should be used, such as non-friable abrasives.

3.4.3 Concrete and Asphalt Cutting

- The use of water in sufficient quantities to wet the cutter, the immediate surrounding work area, and the fugitive dust immediately emanating from the cutting is effective (e.g., use of a wet vacuum system).
- A vacuum should be used to collect dust when cutting materials.



■ Above: These photos illustrate concrete cutting and how the activity can generate dust.

3.4.4 Mixing Processes

Utilize pre-mixed concrete, plasters and masonry compounds, use correctly-sized pre-cast sections to reduce the need for cutting and drilling, mix in enclosed/protected areas, fine materials should be palletized and shrink wrapped, keep foundations moist, and use larger pours.

3.4.5 Internal and External Finishing and Refurbishment

Dust suppression/collection equipment should be attached when using sanding and cutting machinery.

3.5 DEMOLITION AND DECONSTRUCTION

- Apply deconstruction techniques rather than demolition.
- Minimize drop heights for debris.
- Enclose chutes and cover bins.
- Use fogging systems to cause dust to become heavy and fall, but only in an area that has a pocket or cover.
- Use barriers such as curtains or shrouds to prevent dispersion.
- Avoid blasting when feasible, noting that in some instances blasting would be the safest manner to take down a structure.
- Vacuum debris and accumulated dust from internal structures before deconstruction.
- Load debris into haulage trucks with a minimum fall distance to minimize dust emissions from tumbling debris. Place fine debris and dry debris into bins first.
- Avoid prolonged storage of debris and its exposure to wind.

4 REDUCING OTHER EMISSIONS AT CONSTRUCTION AND DEMOLITION SITES

If you have any questions regarding permitting in your jurisdiction, please contact the local Ministry of Environment, Conservation and Parks (MECP) about what your project is proposing to do, and inquire if additional permits are required.

4.1 VEHICLE AND EQUIPMENT ENGINES

Road and heavy engineering construction activities rely on the utilization of a wide range of mobile equipment, such as bulldozers, graders, dump trucks, pavers, excavators, and bobcats. The engine exhaust from these vehicles, especially from those operating on diesel fuel, represent a source of particulate and other emissions (e.g., Sulphur Dioxide (SO₂), Nitrogen Oxides (NO_x), Volatile Organic Compounds (VOCs), Polycyclic Aromatic Hydrocarbons (PAHs), Carbon Dioxide (CO₂)) from the construction site. Outlined below are technologies and work practices that can be employed to reduce these emissions use diesel particulate filters.

- Take out of service immediately in the event of an equipment failure
- Use diesel particulate filters
- Use fuel-borne catalysts
- Use diesel oxidation catalysts
- Ensure catalytic converters are operating efficiently
- Evaluate alternative technologies to reduce emissions from vehicle engines
- Properly maintain engines and exhaust systems and conduct daily inspections
- Use low sulphur diesel

- Use alternative fuels such as biodiesel, ethanol, propane, natural gas and various fuel additives where feasible
- Reduce or eliminate idling time to less than five minutes to provide environmental benefits as well as economic benefits. The City of Hamilton has a by-law (No. 07-160) not allowing vehicles to idle for more than three minutes in a sixty-minute period². The by-law applies to construction sites
- Evaluate alternatives for heat and air conditioning for off-road vehicles
- Minimize cold starts by retrofitting engine block heaters and pre-heated catalytic converters for more efficient combustion
- Evaporative losses associated with the fuel tank should be minimized



4.2 HOT MIX ASPHALT PRODUCTION AT PORTABLE PLANTS

The focus is on work practices to reduce gaseous emissions from portable hot mix asphalt plants that occur from the combustion process. Gaseous emissions include Sulphur Oxides (SO_x), NO_x, Carbon Monoxide (CO) and VOC's. The various work practices outlined below have been summarized from the document published by the Canadian Construction Association³.



■ Above: Portable Hot Mix Asphalt Plant

- Maintain proper air to fuel ratio in the combustion system to completely and efficiently burn the fuel.
- Burner and air systems should be regularly inspected and maintained by qualified personnel, tune-ups planned annually, and repairs made as needed.
- Conduct regular inspections of other equipment such as dampers, dryer flights, primary and secondary collectors, and hot oil heater systems.
- Aggregate should not be allowed to pass through combustion zone of the burner's flame.
- Thermocouples and other sensors should be regularly calibrated.
- Low sulphur fuels should be used.

4.3 VOLATILE ORGANIC COMPOUNDS

- VOCs are primarily emitted from the construction and demolition sector through the following sources:
 - i. architectural surface coatings;
 - ii. traffic marking operations;
 - iii. asphalt concrete paving; and
 - iv. asphalt roofing kettles.

4.3.1 Architectural Surface Coatings

Outlined below are the various work practices that should be employed in order to reduce VOC emissions from these sources.

- Use durable and high-performance architectural surface coatings (paint, primer, varnish, etc.) with a low VOC content. VOC emissions from the storage, handling and preparation of coatings should be minimized by:
 - tightly sealing containers
 - open only when needed
 - cover containers when not in use
 - add small amount of solvent to empty containers to prevent paint on interior from drying and therefore reducing cleaning effort

- add thinners to coatings just prior to application in order to avoid long dwell times
- coatings should be thinned with water or VOC exempt compounds
- always mix thinner with the coating according to manufacturer’s instructions
- mixing operations should be undertaken to minimize the exposure of the coating to air
- Coatings wastage through spillage and splashing should be minimized.
- Surface to be coated should be properly prepared (e.g. repair cracks, sanding, etc.).
- Paint heaters should be used instead of paint thinners.
- Technologically advanced spray guns should be utilized to apply coatings.
- Spray-gun operators should apply correct application techniques and take care to spray at appropriate distance and speed, and use proper overlap.
- Proper technique should be used when cleaning spray guns.
- Alternative cleaners or low-VOC cleaners should be used instead of solvents.
- Paint colour changes should be optimized to reduce the use of cleaning solvents.
- Alternative finishing practices should be used – non-VOC surface coverings (walls, floors, ceilings) should be used were economical and feasible.



VOLATILE ORGANIC COMPOUNDS (VOCs) are a family of organic compounds that contain one or more carbon atoms and have high vapour pressures so that they evaporate readily into the atmosphere.

source: <https://www.canada.ca/en/environment-climate-change/services/managing-pollution/sources-industry/volatile-organic-compounds-consumer-commercial/overview.html>

4.3.2 Traffic Marking Operations

Includes marking of highway centre lines, edge stripes, directional markings and parking lots. The following painting materials, typically used for traffic marking, emit VOCs:

- Non-aerosol traffic paint;
- Aerosol marking paint – paints used to apply stripes or markings to outdoor surfaces, such as streets, golf courses, athletic fields, etc.; and
- Preformed tapes applied with adhesive primer

Alternatives to solvent-based traffic paints are water-based paints, thermoplastics, preformed tapes, field-reacted systems and permanent markers. Some of these alternatives can be used in the summer but consideration should be given to refraining from traffic line painting completely when smog alerts have been issued in the area.

4.3.3. Asphalt Concrete Paving

Three categories of asphalt concrete:

- i. Hot-mix which is a mixture of aggregate (rock) and asphalt cement (glue) that can be customized to specific paving applications.
- ii. Cutback asphalt is made by adding petroleum distillates (e.g. naphtha, kerosene, etc. to asphalt cement. Also contains the highest levels of VOCs per tonne used and are banned in some parts of North America.
- iii. Emulsified asphalt is made by adding water and an emulsifying agent (such as soap) to asphalt concrete. Can be used in most of the same applications as cutback asphalt, but emits less VOCs.

4.3.4 Asphalt Roofing Kettles

VOCs are emitted from the installation and repair of asphalt roofs on commercial and industrial buildings, specifically from roofing kettles. A roofing kettle is a device used to heat and melt asphalt or coal tar pitch so that it can be applied onto a rooftop to provide a protective coating. To limit VOC emissions:



■ Above: A roofing kettle

- The temperature of asphalt inside a kettle should not exceed 260°C and coal tar pitch should not exceed 200°C. Temperature controlling devices should be installed and properly maintained.
- Close fitting lids should be used.
- Kettle vent should be kept closed.
- All roofing kettles should be equipped with afterburner lids to eliminate VOCs by destroying them at the source.

5 MEASURING/MONITORING AND RECORD-KEEPING

5.1 MEASURING/MONITORING

Establishing a fugitive dust emission measurement and monitoring program can determine the need for dust actions as well as their effectiveness. This typically takes the form of maintaining a daily record-keeping log. The recommended procedures to measure and monitor opacity, stabilized surfaces and wind speed are provided below. Please see <http://www.bv.transports.gouv.qc.ca/mono/1173259.pdf> for detailed steps to these procedures.

5.1.1 Opacity Monitoring

The opacity of dust leaving the property line where the activities are taking place should not exceed 20%. This test is conducted standing 5 meters away from a source with the sun behind, and observing the plume at zero seconds and five seconds. Repeat 12 times consecutively and average the readings. If the average is equal to or below 20%, the source is below the recommended opacity standard for construction and demolition sites. Make opacity observations approximately 1 meter above the ground. Record opacity observations making notes of the location, source type, method of control if any, observer's name, etc. Consider using commercial opacity monitors for the most accurate analysis. Visually monitoring opacity requires a trained and certified Visible Emission Observer, and is only a general determination.

5.1.2 Stabilized Surfaces

This test determines whether a property is sufficiently crusted to prevent windblown dust. It requires a steel ball with a diameter of 1.6 cm and mass of 16 – 17 grams. Hold the steel ball one (1) foot over your survey area and drop it. Make observations. If it causes an indentation or sinks and disturbs loose grains of dirt, it has failed the test. If only causes slight indentation but there are no loose grains of dirt, it has passed. Repeat test 3 times in at least 3 areas. If one fails the surface is insufficiently crusted.

5.1.3 Wind Speed

Monitoring wind speed will only be practical for the largest of construction sites and for sites who have regulatory requirements.

5.2 RECORD KEEPING

Construction/demolition projects should maintain daily self-inspection records, and records retained for at least 3 years after project completion. Records such as inspections, fuel use and chemical dust suppression use, should be retained on site and made available to local permitting authorities upon request.



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This report was prepared for the City of Hamilton with contributions from
The Hamilton Industrial Environmental Association (Heidi Levitzky)



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
General Manager's Office

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Municipal Reporting on Planning Matters - Proposed Minister's Regulation Under the <i>Planning Act</i> (PED23082) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Rob Lalli (905) 546-2424 Ext. 4674
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Appendix "A" to Report PED23082 be endorsed as the City of Hamilton's response to the Municipal Reporting on Planning Matters - Proposed Minister's Regulation under the *Planning Act*.

EXECUTIVE SUMMARY

In February 2023, a proposed Minister's regulation under the *Planning Act* was put forward for consideration outlining quarterly, annual and one-time reporting requirements on planning matters for select municipalities. If approved, the new reporting regulation would apply to 29 of Ontario's largest and fast-growing municipalities, including the City of Hamilton.

Staff have reviewed the proposed datapoints and the information to be reported as part of the proposed regulation and have identified a number of challenges related to data collection, data sharing, reporting frequency and indicator selection. Of particular concern to staff is the time and staff resources that will be required to comply with the regulation, especially given our current focus on expedited development review and development approvals. The current assessment of data availability and reporting efforts is based on a number of assumptions. More information, including data

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definitions and reporting templates, is needed to understand the full impacts of the proposed reporting requirements.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications associated with the adoption of this report. If the proposed regulation is implemented, the Ministry estimates an annual direct compliance cost of \$3,953 per municipality for the first year, and approximately \$3,193 per municipality annually thereafter. Staff have not undertaken a detailed cost estimate, but anticipate that the costs inclusive of staff time will be significantly higher than this estimate.

Staffing: There are no staffing implications associated with the adoption of this report. If the proposed regulation is implemented, a preliminary estimate by City staff is that, at minimum, 0.5 FTE will be needed to compile the required data and submit to the Ministry in the proposed format. More information, including data definitions and reporting templates, is needed to understand the full impacts of the proposed reporting requirements.

Legal: Not applicable.

HISTORICAL BACKGROUND

As part of the More Homes for Everyone Act, 2022, recent amendments have been made to the *Planning Act*. Under these amendments, the Minister of Municipal Affairs and Housing now has the authority to require municipalities and planning boards to report information of planning matters to the Province.

In February 2023, a proposed Minister's regulation under the *Planning Act* was put forward for consideration outlining quarterly, annual, and one-time reporting requirements on planning matters for select municipalities. The Ministry of Municipal Affairs and Housing (Ministry) has indicated that it intends to use the data collected through this regulation to inform evidence-based decisions for housing and planning policy and to measure progress towards the Housing Supply Action Plan, including the commitment for construction of 1.5 million new homes by 2031. If approved, the regulation would apply to 29 of Ontario's largest and fast-growing municipalities as listed in Appendix "B" to Report PED23082, including the City of Hamilton.

As part of the proposed Minister's regulation, municipalities would be required to report annually on Geographic Information System (GIS) datapoints related to:

- Areas identified as strategic growth areas;

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- Areas subject to an intensification target;
- Employment areas;
- Employment area conversions;
- Existing water and wastewater infrastructure;
- Major transit station area boundaries; and,
- Settlement area boundaries.

In addition to annual reporting, quarterly reporting would also be required starting June 30, 2023, and would include datapoints related to:

- Official Plan Amendment applications;
- Zoning By-Law Amendments;
- Plans of Condominium;
- Plans of Subdivision;
- Site Plan applications;
- Land Severances (consents);
- Minor Variances; and,
- Housing units built as-of-right.

Municipalities would also be required to submit a one-time five-year historical report (2018 – 2022) for all proposed datapoints listed above to the Ministry by December 31, 2023. A full list of proposed data to be reported under the requirement is included in Appendix “C” to Report PED23082.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

As part of the More Homes for Everyone Act, 2022, recent amendments have been made to the *Planning Act* which give the Minister of Municipal Affairs and Housing the authority to require municipalities and planning boards to report information of planning matters to the Province.

RELEVANT CONSULTATION

Planning, Growth Management and Transportation Planning staff were consulted in preparing this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff have reviewed the proposed datapoints and the information to be reported as part of the proposed regulation and have identified a number of challenges, many of which would result in significant impacts on staff resources:

- The City would not currently be able to generate automated reports from a single data source to satisfy all of the quarterly reporting requirements. This means that

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more labour-intensive, manual processes would need to be used to consolidate data for quarterly reporting;

- Due to required changes in business processes over the past few years to adhere to the various provincial planning regulation amendments, not all historical data is available to satisfy the Ministry's one-time reporting requirement. This work would be required to be completed manually;
- Reporting will require changes to data entry processes to capture datapoints in alignment with Ministry requirements and to produce reliable automated reports in the future;
- Some of the required data (GIS-related data) is governed by strict data-sharing and licensing agreements. It is unclear whether this data can be shared with external parties; and,
- The form of the data requested does not reflect the planning process nor the full scope of planning applications. For example, the proposed format does not contemplate an application being deemed "incomplete" after being received, nor does the requested format differentiate between the purpose of a consent application (e.g. lot creation, easement, lot addition, mortgage) and similar for a plan of condominium that may not actually create any residential lots/units (e.g. a common element condominium limited to a private driveway).

Of particular concern to the City is the time and staff resources that will be required to comply with the regulation, especially given our current focus on expedited development review and development approvals. The Ministry has estimated a direct compliance cost of adhering to the regulation at \$3,953 per municipality for the first year, and \$3,193 per municipality annually thereafter. Based on the time required to compile this information as part of the City's internal reporting and Municipal Benchmarking Network Canada reporting, it is estimated that the actual cost will be significantly higher, especially for the historical data which may not be in an electronic format. Preliminary estimates anticipate that this regulation will require, at minimum, 0.5 FTE to compile and submit the required data to the Ministry in the proposed format. It is important to note that the assessment of data availability and reporting efforts is based on a number of assumptions. More information, including data definitions and reporting templates, is needed to understand the full impacts of the proposed reporting requirements.

To reduce administrative burden in reporting, the Ministry should ensure that the required data is not duplicated in other reporting mandates from the various provincial ministries and should also consider whether reduced reporting frequency (e.g. semi-annually or annually) would provide the same value to the Province.

In response to the proposed regulation, comments were invited by the Ministry. The City submitted comments to the Ministry highlighting challenges to the proposed reporting requirements as outlined in this report. The Association of Municipalities of Ontario (AMO) have also organized a response on behalf of the municipal sector focusing on many of the same challenges identified by staff (Appendix "D" to Report PED23082). If

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the regulation is approved, the Ministry will provide guidance documents, instructions and templates to support municipalities with compliance. Staff will continue to provide updates on this matter to the Planning Committee, including resource requests, if required.

ALTERNATIVES FOR CONSIDERATION

Council could amend or modify the staff comments attached as Appendix “A” to Report PED23082.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

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 PED23082 – Response Letter to Proposed Minister’s Regulation Under the *Planning Act*

Appendix “B” to Report PED23082 – List of Proposed Municipalities

Appendix “C” to Report PED23082 – Proposed Datapoints and Information to be Reported

Appendix “D” to Report PED23082 – AMO’s Submission to Municipal Reporting on Planning Matters – Proposed Minister’s Regulation under the *Planning Act*



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March 8, 2023

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

**Re: Municipal Reporting on Planning Matters
Proposed Minister's Regulation under the *Planning Act***

Dear Minister:

This letter provides staff-level comments in response to Proposal 23-MMAH001, Municipal Reporting on Planning Matters – Proposed Minister's Regulation under the *Planning Act*.

The City of Hamilton welcomes transparency with respect to development activity and development approvals. For several years now, the City of Hamilton has reported publicly on development activity levels in the City and development review timelines. The underlying data has also been available through our open data portal.

The City of Hamilton has reviewed the proposed datapoints and the information to be reported as part of the proposed regulation and, based on our experience, has identified a number of challenges with the proposal. It is important to note that our assessment of data availability and reporting efforts is based on a number of assumptions. More information, including data definitions and reporting templates, is needed to understand the full impacts of the proposed reporting requirements.

Of particular concern to the City is the time and staff resources that will be required to comply with the regulation, especially given our current focus on expedited development review and development approvals. The City would not currently be able to generate automated reports from a single data source to satisfy all of the quarterly reporting requirements. This means that more labour-intensive, manual processes would need to be used to consolidate data for quarterly reporting, resulting in significant impacts on staff resources. Reporting will also require changes to data entry processes to capture datapoints in alignment with Ministry requirements and to produce reliable automated reports in the future, again resulting in significant impacts on staff resources. The historical data being requested is of particular concern. Due to required changes in our business processes over the past few years to adhere to the various provincial planning regulation amendments, not all historical data is available to satisfy the Ministry's one-time reporting requirement. This work would be required to be completed manually, resulting in significant impacts on staff resources.

Subject: Municipal Reporting on Planning Matters

Page 2 of 2

To reduce administrative burden in reporting, the Province should ensure that the required data is not duplicated in other reporting mandates from the various provincial ministries. The Province should also consider whether reduced reporting frequency (e.g. semi-annually or annually) would provide the same value to the Province while reducing administrative burden on municipalities.

The City also notes that some of the required data (GIS-related data) is governed by strict data-sharing and licensing agreements. It is unclear whether this data can be shared with external parties.

As a general comment, the form of the data requested does not reflect the planning process nor the full scope of planning applications. For example, the proposed format does not contemplate an application being deemed "incomplete" after being received, nor does the requested format differentiate between the purpose of a consent application (e.g. lot creation, easement, lot addition, mortgage) and similar for a plan of condominium that may not actually create any residential lots/units (e.g. a common element condominium limited to a private driveway).

In addition to the above administrative and process related concerns, the background information provided with the proposal suggests that annual costs to municipalities to compile and forward the information to the Ministry will be approximately \$3,300. Based on the time required to compile this information as part of the City of Hamilton's internal reporting and Municipal Benchmarking Network Canada reporting (formerly the Ontario Municipal Benchmarking Initiative), the City believes that the actual cost will be significantly higher, especially for the historical data which may not be available in an electronic format. Our preliminary estimate is that that this regulation will require, at minimum, 0.5 FTE (staffing resources) to compile the data and submit to the Province in the proposed format.

City of Hamilton staff with expertise in the development approvals process and data collection and reporting are available to meet with Provincial staff to clarify the City of Hamilton's comments and assist in the development of a monitoring framework that would build upon the City's existing best practices and processes. Please do not hesitate to contact Rob Lalli, Director of Strategic Initiatives at (905) 546-2424, Ext. 4674 if you wish to discuss this matter further.

Thank you for your consideration of these comments.

Yours sincerely,



Jason Thorne
General Manager
Planning and Economic Development Department
City of Hamilton

cc Rob Lalli, Director, Strategic Initiatives

List of Proposed Municipalities

Municipalities	
City of Barrie	City of Pickering
City of Brampton	City of Richmond Hill
City of Brantford	City of St. Catharines
City of Burlington	City of Toronto
City of Cambridge	City of Vaughan
City of Guelph	City of Waterloo
City of Hamilton	City of Windsor
City of Kingston	Municipality of Clarington
City of Kitchener	Town of Ajax
City of London	Town of Caledon
City of Markham	Town of Milton
City of Mississauga	Town of Newmarket
City of Niagara Falls	Town of Oakville
City of Oshawa	Town of Whitby
City of Ottawa	

Appendix 2: Proposed Data to be Reported

Data Element	Information for Collection	Frequency of Reporting
Community Infrastructure and Housing Accelerator Tool and Ministers Zoning Orders	<ul style="list-style-type: none"> • Number of building permits issued to date • Downstream planning approval status 	Annual Reporting Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).
Land Severance (Consent)	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to Ontario Land Tribunal or Local Appeal Body, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition ▪ Decision ▪ Non-decision ▪ Third Party Appeal • Date of Decision (if applicable) 	Quarterly Reporting: <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year)
Minor Variance Application	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Under Review 	Quarterly Reporting: <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31

	<ul style="list-style-type: none"> ○ Application Approved ○ Application Refused ○ If appealed to Ontario Land Tribunal or Local Appeal Body, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition ▪ Decision ▪ Non-decision ▪ Third Party Appeal ● Date of Decision (if applicable) ● Proposed Use 	<p>Q4: October 1 – December 31, due by March 31 (of the next calendar year)</p>
<p>Official Plan Amendment Applications</p>	<ul style="list-style-type: none"> ● Application Number ● Application Address ● Date Application Submitted ● Date Application Deemed Complete ● Application Status <ul style="list-style-type: none"> ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to Ontario Land Tribunal, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Decision ▪ Non-decision ▪ Third Party Appeal ● Date of Decision (if applicable) ● Proposed Designation ● Heritage Status 	<p>Quarterly Reporting:</p> <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year)
<p>Plan of Condominium</p>	<ul style="list-style-type: none"> ● Application Number ● Application Address ● Date Application Submitted ● Date Application Deemed Complete ● Application Status <ul style="list-style-type: none"> ○ Under Review ○ Application Approved ○ Application Refused 	<p>Quarterly Reporting:</p> <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year)

	<ul style="list-style-type: none"> ○ If appealed to Ontario Land Tribunal, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition ▪ Decision ▪ Non-decision ▪ Third Party Appeal • Date of Decision (if applicable) • Date Registered (if applicable) <ul style="list-style-type: none"> ○ If registered, number of registered new residential condominium units • Proposed Use • Proposed Number of Net New Residential Condo Units 	
Plan of Subdivision	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to Ontario Land Tribunal, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition ▪ Decision ▪ Non-decision ▪ Third Party Appeal • Date of Decision (if applicable) • Date Registered (if applicable) <ul style="list-style-type: none"> ○ If registered, number of registered new residential lots • Proposed Use • Proposed Number of Net New Residential Lots • Heritage Status 	<p>Quarterly Reporting:</p> <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year)

<p>Site Plan Application</p>	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to Ontario Land Tribunal or Local Appeal Body, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition ▪ Decision ▪ Non-decision ▪ Third Party Appeal • Date of Decision (if applicable) • Proposed Use 	<p>Quarterly Reporting:</p> <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year)
<p>Zoning Bylaw Amendment Application</p>	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Submitted ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to the Ontario Land Tribunal, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition ▪ Decision ▪ Non-decision ▪ Third Party Appeal • Date of Decision (if applicable) • Proposed Use • Heritage Status 	<p>Quarterly Reporting:</p> <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year)

<p>Areas identified as a Strategic Growth Area with a minimum target</p>	<ul style="list-style-type: none"> • A copy of the geospatial data identifying areas identified as a strategic growth area with a minimum target for your municipality. Indicate as part of the data attributes the applicable density targets, development phasing policies and other relevant policy or zoning requirements, where applicable and appropriate. <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. ○ Contact information • Description of the file format (e.g., ESRI shapefile) 	<p>Annual Reporting Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>
<p>Areas Subject to an Intensification Target</p>	<ul style="list-style-type: none"> • A copy of the geospatial data identifying areas subject to an intensification target for your municipality. Indicate as part of the data attributes any applicable targets. <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary 	<p>Annual Reporting Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>

	<ul style="list-style-type: none"> ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. ○ Contact information 	
<p>Employment Areas</p>	<ul style="list-style-type: none"> ● Description of the file format (e.g., ESRI shapefile) ● A copy of the geospatial data identifying employment areas in your municipality. Indicate as part of the data attributes the applicable density targets, development phasing policies and other relevant policy or zoning requirements, where applicable and appropriate. <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. ○ Contact information ● Description of the file format (e.g., ESRI shapefile) 	<p>Annual Reporting Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>

<p>Employment Area Conversions</p>	<ul style="list-style-type: none"> • A copy of the geospatial data identifying employment area conversions in your municipality. <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. ○ Contact information • Description of the file format (e.g., ESRI shapefile) 	<p>Annual Reporting Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>
<p>Existing water and wastewater infrastructure</p>	<ul style="list-style-type: none"> • A copy of the geospatial data for the existing and under construction water and wastewater trunk lines and locations of municipal water and wastewater treatment plants in your municipality. <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) 	<p>Annual Reporting</p> <ul style="list-style-type: none"> • Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).

	<ul style="list-style-type: none"> ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. ○ Contact information for Technical Questions ○ Description of the file format (e.g., ESRI shapefile) 	
<p>Major Transit Station Area Boundaries</p>	<ul style="list-style-type: none"> • A copy of the geospatial data identifying major transit station area boundaries in your municipality. Indicate as part of the data attributes any applicable inclusionary zoning, density targets, development phasing requirements and other relevant policy or zoning requirements, where applicable and appropriate; and • A copy of the geospatial data of any changes to major transit station area boundaries. • For both items: <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. ○ Contact information 	<p>Annual Reporting Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>

	<ul style="list-style-type: none"> ○ Description of the file format (e.g., ESRI shapefile) 	
Settlement Area Boundaries	<ul style="list-style-type: none"> • A copy of the geospatial data for all existing settlement area boundaries for your municipality; and • (Optional) A copy of the geospatial data for any settlement area boundary expansion(s). • For both items: <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. ○ Contact information ○ Description of the file format (e.g., ESRI shapefile) 	Annual Reporting <ul style="list-style-type: none"> • Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).



AMO's Submission to Municipal Reporting on Planning Matters – Proposed Minister's Regulation under the *Planning Act*

Comments to the Ministry of Municipal Affairs and Housing on ERO 019-6619
and 23-MMAH001

March 8, 2023

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About AMO

The Association of Municipalities of Ontario (AMO) is a non-profit, non-partisan association that has been representing the interests of municipal governments across Ontario since 1899. AMO addresses common challenges facing our members and provides meaningful advice to the government on practical solutions that meet the needs of all Ontarians.

AMO is actively involved in housing and homelessness advocacy because municipal governments play an important role in building strong, complete communities. In February 2022, AMO published a policy paper titled, "[AMO's Blueprint for Action: An Integrated Approach to Address the Ontario Housing Crisis](#)" to outline how all partners can work together to increase housing supply, diversify housing mix and increase affordability for all Ontarians. It was created in response to a lack of municipal representation on the province's Housing Affordability Task Force.

Context

Since 2018, the province has fundamentally changed the land-use planning process in Ontario through the creation of three Housing Supply Action Plans. In October 2022, the province set a goal to build 1.5 million homes by 2031 and assigned 1.229 million of those homes to the 29 largest and fastest-growing lower- and single-tier municipalities in southern Ontario. The Ministry of Municipal Affairs and Housing (MMAH) have requested these municipalities submit a housing pledge on how they would achieve their assigned growth target by March 22, 2023.

Last month, MMAH released this regulatory proposal that will require these 29 municipalities to report specific planning-approval information quarterly, annually, as well as to provide five-year historical data from 2018-2022, inclusive for all datapoints identified.

To inform this submission, AMO has met with planning staff from all 29 municipalities, including the City of Toronto, to better understand what would be required to meet the expectations in this reporting regulation. The following comments reflect trends and patterns common throughout these discussions and provides recommendations for the province to consider as it moves forward.

Municipalities Welcome Transparency & Continuous Improvement

100 percent of municipalities agreed that transparency and open data is important. There was also widespread agreement that continuous improvement is key which is why municipalities were appreciative of the Streamline Development Approval Fund (SDAF), and the extended timelines that were provided.

All municipalities have projects underway through the SDAF, which provides a roadmap for Ontario's largest, fastest-growing municipalities to improve their planning infrastructure and capacity to make truly effective changes for the process. For example, municipalities have used the SDAF to review their end-to-end development and planning application processes, hire consultants and in-house staff, and accelerating planning infrastructure upgrades to support modernization and digitization.

At the time of writing all municipalities had either submitted or were in the process of submitting their housing pledges. The willingness to take actions within a municipality's control to help meet their respective targets was a common theme throughout. However, the pledges also make clear

that municipalities' success will be contingent on having cooperation and funding from other orders of government, enough servicing capacity, and a robust development sector that can build the homes required.

All 29 municipalities are working within their sphere of influence to build communities for people to live, work and raise a family in. However, AMO is concerned that the reporting regulation in its current form will create a system that uses an incomplete dataset to tell an incomplete story.

The Importance of Telling a Complete Story

The province's goal is to streamline the land-use planning system to make it faster to build housing and stop the 'planning carousel'. Municipalities welcome the opportunity to provide detailed comments in **Appendix A** as to what information would help track the province's intended outcomes, including some data points that are not currently listed. These include, but are not limited to, the time an application is:

- Waiting for developers and their consultants to submit complete applications after a pre-consultation meeting, and between resubmissions (some municipalities reported an application requires 2 or 3 resubmissions on average, with additional resubmissions on more complex files)
- Waiting for comments from provincial line ministries, including the Ministry of Transportation and the Ministry of Natural Resources and Forestry, etc.
- Waiting for comments from external agencies, including railways, Metrolinx, Niagara Escarpment Commission, etc.

Additionally, most municipalities thought it was important to track:

- The time between the municipality having approved the application (either by council, the Ontario Land Tribunal, or staff through delegated authority), and when the developer pulls a building permit.
- The number of affordable units that are built given that councils are interested in the full spectrum of housing, not just market supply. AMO and its members are eager for the Minister's bulletin to be released to inform local metrics on increasing affordability.

Finally, many municipalities were confused as to how they will be expected to record the number of housing units built "as-of-right" as it is listed in the posting as required quarterly, but there is no data field included in the chart.

AMO Recommendation #1:

- That the province create metrics around these additional data points so that municipalities can report out publicly on the complete story and that MMAH balance the addition of these new data points by removing some that are currently proposed that do not add as much value (see Appendix A for details).

Understanding the Current Data Systems

AMO found that none of the municipalities currently collect all of the information included in this regulation as part of their planning processes, despite what the posting suggests.

Even if municipalities were able pull the requested data, none of them felt it would be possible by the proposed timelines because data entry of new fields and checking to ensure accuracy would be required.

Approximately 65 percent of municipalities use the "Amanda" platform for building and/or planning processes, and all are various stages of customization and digitization. Many municipalities highlighted the use of "Amanda" strictly as it was intended, which is to manage workflow rather than function as a comprehensive database.

In addition to "Amanda", many rely on GIS, Bluebeam and Microsoft Excel programs that would require substantial efforts to comb through these datasets to provide this level of detail.

The remaining 35 percent of municipalities that do not use "Amanda" have systems including Accela, PLANit, Plan Trak, CityView, Cloudpermit, and Energov. Many municipalities are transitioning from old (sometimes paper-based) systems to new with thanks to the Streamline Development Approval Fund (SDAF).

AMO is also unclear how this proposal will work before the Data Standards for Development and Planning Applications are developed by the Ministry of Municipal Affairs and Housing and the Ministry of Public and Business Service Delivery. AMO is pleased to have municipal representatives actively participating on this multi-stakeholder working group and look forward to timely outcomes of the work.

AMO Recommendation #2:

- That the province accelerate the work of the Data Standards for Development and Planning Applications underway with the Ministry of Public and Business Service Delivery to ensure these projects complement these modernization efforts.

Reporting Frequency

All municipalities AMO spoke with understood the need for transparent data; however, more time and a better understanding through the guidance material as to the details that are being requested will be required.

Of those, 93 percent of municipalities believed quarterly reporting was too burdensome at this level of detail.

None of the municipalities advised that assembling the historical data would be feasible by December 31, 2023, and questioned the time required and the affiliated outcomes. AMO recognizes that recent legislative changes (Bills 108, 109, 23, etc.) render historical data less relevant to the future of municipal planning as we all work together to build 1.229 million homes.

In addition to this work, many councils through their housing pledges have asked for additional reporting on metrics from staff uniquely suited to their municipality (e.g. affordable units, housing mix and type).

Given the planning and building staff shortages that municipalities are already facing, AMO recognizes that this work will require the redeployment of staff that are otherwise available to process development applications, implement SDAF projects, and meet their respective housing targets.

Based on these discussions, AMO is strongly encouraging the province not to expand this regulation to the remaining 415 municipalities in Ontario at this time.

AMO Recommendation #3:

- That the province reconsider the timelines associated with the reporting regulation in the following manner to allow for a more successful implementation:
Remove the requirement for 5-year historical data.
- Instead of requiring quarterly data, request semi-annual data in June and December. Alternatively, extend deadline for first quarterly report from June 30, 2023 to September 30, 2023.
- Extend deadline for first annual reports from March 31, 2023 to September 30, 2023
- Remove the requirement for 5-year historical data.

Note: All recommended timelines are contingent on MMAH providing a guidance document including detailed instructions and sample templates to support municipalities.

The Estimated Level of Effort for Evidence-Based Decision-Making

Over 90 percent of the 29 municipalities indicated that the proposal underestimated the cost of adhering to the regulation at \$3,953 for the first year and \$3,193 per municipality annually thereafter.

Of those, all felt that after upfront work was done, at significantly more than the amount proposed, ongoing work would be more manageable to report to MMAH on an annual basis. The cost associated with providing 5-year historical data was estimated to add weeks of time, not days.

The guidance document including detailed instructions and sample template to support municipalities will be incredibly important to prepare well in advance of the first timeline as it will help municipalities prepare the correct and accurate data. This will also help to identify how labour intensive this will be – particularly that the need for five-year historical data was estimated to add weeks of time, not days.

Note that where this work is already being done, it was identified as a role that is not appropriate for a junior planner and requires some intermediate knowledge of data, planning and development frameworks, as well as local applications. For some municipalities, multiple staff in multiple roles would be required to assemble this information, no matter what the frequency.

AMO has found through these discussions that multiple staff in multiple roles would be required to assemble this information, no matter what the frequency. All municipalities will need to allocate already limited municipal resources that would otherwise be available for development review functions, especially in small municipalities.

AMO Recommendation #4:

- That the province consider providing additional up-front funding to municipalities captured under this regulation and that MMAH work with the municipalities to develop a template to make it clear of what is being asked.

Open Data & Privacy

All 29 municipalities agree that there should be effective reporting on planning matters to MMAH, and that data collected in this regulation should be available at an aggregate level to the public, including developers.

Similar to the other key municipal data collection tools, municipalities welcome the opportunity to share the data collected through this process, provided that it is collected:

- in a consistent manner; and,
- on the additional metrics that are laid out above that would tell the complete story.

Sharing this data publicly with the adequate context will go far in providing transparency and ground-truthing the ongoing theory that it is municipalities are in the bottleneck of applications and should be penalized for not meeting their housing growth targets since they are solely responsible for building homes.

Finally, some municipalities questioned whether there are information and privacy concerns affiliated with asking for this level of detail, as they mentioned that access to this information would require a Freedom of Information request.

AMO Recommendation #5:

- That MMAH champion open data for this proposal at an aggregate level.
- That MMAH confirm that the data being requested does not conflict with requirements under other legislative frameworks, including the municipal and provincial responsibilities under the *Municipal Freedom of Information and Protection of Privacy Act* / *Freedom of Information and Protection of Privacy Act*.

Conclusion

Municipal planning departments are working hard to adapt to the fast pace of change. There are a finite amount of staff available to do this work in addition to meeting the legislated timelines set out under recent housing initiatives. There has been a lot of effort focused on identifying what flaws exist in municipal planning and development approvals, but the collaborative and iterative process to gain an approval is only part of the story.

Municipalities need developers to be at the table at all stages in the process – including providing complete submissions and resubmissions. Line ministries and external bodies also must provide timely input. Increasing the number of homes in the pipeline awaiting a permit to be pulled is a key priority to ensure that the province's housing goal can be reached.

Municipalities are supportive of reporting the whole and complete story in a way that does not undermine the larger objective of getting houses built. Ontario's largest, fastest-growing municipalities are getting their housing pledges in are ready to stand with the province to help meet its goal of building 1.229 million homes by 2031 but we cannot do it alone.

Appendix A: AMO Comments on Minister's Regulation

General Comments for Clarification:

- Are the “number of housing units built as-of-right” on a quarterly basis referring to additional dwelling units?
- Are the geospatial data requirements required for the 5-year historical data?
- Development applications should be able to be reportable using a tabular format
- Are there information and privacy concerns affiliated with asking for this level of detail (some municipalities mentioned access to this information would require a Freedom of Information request)
- The province should consider asking for data that records the time waiting for developers and/or their consultants to submit complete applications after their pre-consultation meeting, and between resubmissions
- The province should consider asking for data that records the length of time the municipality is waiting for comments from provincial line ministries and external agencies

Data Element	Information for Collection	Frequency of Reporting	AMO Comments
Community Infrastructure and Housing Accelerator Tool and Ministers Zoning Orders	<ul style="list-style-type: none"> • Number of building permits issued to date • Downstream planning approval status 	Annual Reporting Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).	<p>General: Some tracking systems do not currently track these or planning applications that follow an MZO or CIHA tool. Clarity is also needed on whether this is on new construction only.</p> <p>Bullet #1: Clarify what is meant by “building permit” as some are enabling permits may be required that do not directly relate to new dwelling units (multiple per properties is also possible)</p> <p>Bullet #2: What does this refer to and/or mean?</p>
Land Severance (Consent)	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to Ontario Land Tribunal or Local Appeal Body, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition ▪ Decision ▪ Non-decision 	Quarterly Reporting: <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year) 	<p>General: Clarity needed as consent applications be used to create a new lot, lot addition, mortgage or easements. Each take different times.</p> <p>Bullet #5: Should add “adjourned to future meeting” to capture the actual status of these applications at the end of the reporting period.</p> <p>#5a): Should add “By Who” in “Under Review”? Clarifying that will help tell the complete story.</p> <p>#5d (i-4): Not all municipalities currently track this.</p>

Data Element	Information for Collection	Frequency of Reporting	AMO Comments
	<ul style="list-style-type: none"> ▪ Third Party Appeal • Date of Decision (if applicable) 		
Minor Variance Application	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to Ontario Land Tribunal or Local Appeal Body, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition ▪ Decision ▪ Non-decision ▪ Third Party Appeal • Date of Decision (if applicable) <ul style="list-style-type: none"> ○ Proposed Use 	<p>Quarterly Reporting:</p> <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year) 	<p>General: The requests here do not capture what is happening on the ground with these applications. Some are table at the request of the applicant to resolve an issue or concern. The application can be resolved but can take weeks or months depending. They also do not all lead to new units.</p> <p>Bullet #5: Should add the type of application (S. 45(1) or (2)) as outcomes can be different. Should also add “adjourned to future meeting” to capture the actual status of these applications at the end of the reporting period.</p> <p>#5a): Should add “By Who” in “Under Review”? Clarifying that will help tell the complete story.</p> <p>#5d (i-iv): Some do not currently track this and would be required to research each application that is appealed.</p> <p>#6a): Clarification is requested as to why this is needed if the outcome is to build housing (e.g. would capture changes such as adding a pool pump or garden shed).</p>
Official Plan Amendment Applications	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to Ontario Land Tribunal, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Decision ▪ Non-decision ▪ Third Party Appeal • Date of Decision (if applicable) • Proposed Designation • Heritage Status 	<p>Quarterly Reporting:</p> <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year) 	<p>General: Looking for clarification that the province is only interested in OPAs that will result in residential developments.</p> <p>Bullets #2 & 3: These are tracked in some larger systems but are not easily extractable and would take time. It also oversimplifies what is happening on the ground. Bill 109 requires an application “complete” or “incomplete” in two business days. However, there is nowhere to track whether that application has been perfected. It also doesn’t reflect tabled applications, applications referred to staff or revised applications.</p> <p>#5a): Should add “By Who” in “Under Review”? Clarifying that will help tell the complete story.</p> <p>#5d (i-iii): Some do not currently track this and would be required to research each application that is appealed.</p> <p>#6: Some do not track this detail.</p> <p>#7: Some have this data but it is not easily extracted. Others questioned what is the proposed designation does not change but it relates to a specific policy standard.</p> <p>#8: Several questioned what the relevance to this in an OPA</p>

Data Element	Information for Collection	Frequency of Reporting	AMO Comments
<p>Plan of Condominium</p>	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to Ontario Land Tribunal, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition ▪ Decision ▪ Non-decision ▪ Third Party Appeal • Date of Decision (if applicable) • Date Registered (if applicable) <ul style="list-style-type: none"> ○ If registered, number of registered new residential condominium units • Proposed Use • Proposed Number of Net New Residential Condo Units 	<p>Quarterly Reporting:</p> <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year) 	<p>and that several do not track this. Bill 109 and Bill 23 already changed this process to allow for the legal removal of heritage property if appealed.</p> <p>General: This oversimplifies what is happening on the ground. There are also four types of condos (standard, vacant land, leased, and common elements). Each type will have a different outcome. For example, common elements will result in 0 new units. Also missing the number of proposed units not subject to the plan of condominium (e.g. rental, co-op site plan applications wouldn't indicate the number of proposed units).</p> <p>Often this is tied to another application (plan of subdivision, or site plan). How will the province avoid double counting? Will the template only request municipalities to report out on last planning application or will the template require them to be linked together?</p> <p>Bullets 2 & 3: These are tracked in some larger systems but are not easily extractable and would take time. It also oversimplifies what is happening on the ground. Bill 109 requires an application "complete" or "incomplete" in two business days. However, there is nowhere to track whether that application has been perfected. It also doesn't reflect tabled applications, applications referred to staff or revised applications.</p> <p>#5a: Should add "By Who" in "Under Review"? Clarifying that will help tell the complete story.</p> <p>#5d (i-iv): Some do not currently track this and would be required to research each application that is appealed.</p> <p>#6-8: Some do not track this detail and if they do it is difficult to extract.</p>
<p>Plan of Subdivision</p>	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to Ontario Land Tribunal, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition 	<p>Quarterly Reporting:</p> <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year) 	<p>General: This will take the majority time to track. This is missing part lot control applications and doesn't track the phases. For example, the plan of subdivision only asks for the number of proposed and registered lots but blocks are further divided. This means that new homes constructed that contribute to housing targets will be underestimated (e.g. number of proposed vs. draft approved units can differ and happen over multiple years).</p> <p>Bullets 2 & 3: These are tracked in some larger systems but are not easily extractable and would take time. It also oversimplifies what is happening on the ground. Bill 109 requires an application "complete" or "incomplete" in two business days. However, there is nowhere to track whether that application has been perfected. It also doesn't reflect tabled applications, applications referred to staff or revised applications.</p>

Data Element	Information for Collection	Frequency of Reporting	AMO Comments
	<ul style="list-style-type: none"> ▪ Decision ▪ Non-decision ▪ Third Party Appeal • Date of Decision (if applicable) • Date Registered (if applicable) <ul style="list-style-type: none"> ○ If registered, number of registered new residential lots • Proposed Use • Proposed Number of Net New Residential Lots • Heritage Status 		<p>applications.</p> <p>#5a: Should add "By Who" in "Under Review"? Clarifying that will help tell the complete story.</p> <p>#5d (i-iv): Some do not currently track this and would be required to research each application that is appealed.</p> <p>#6-10: Not all municipalities track this information and would require varying levels of effort to produce.</p> <p>#7a): They can be registered in phases which is not captured here (e.g. one has had 13 phases since 1985).</p> <p>#9: It underestimates the number of new units because it captures large lots but not the multiple dwellings within (e.g. in one over 40 percent of plans of subdivisions are townhomes, which are measured in blocks but actually mean 4-8 townhouses per block).</p> <p>#10: Several questioned what the relevance to this as several do not track this. Bill 109 and Bill 23 already changed this process to allow for the legal removal of heritage property if appealed.</p>
<p>Site Plan Application</p>	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to Ontario Land Tribunal or Local Appeal Body, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition ▪ Decision ▪ Non-decision ▪ Third Party Appeal • Date of Decision (if applicable) • Proposed Use 	<p>Quarterly Reporting:</p> <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 2. Q2: April 1 – June 30, due by September 30 3. Q3: July 1 – September 30, due by December 31 4. Q4: October 1 – December 31, due by March 31 (of the next calendar year) 	<p>Bullets #3 & 4: Some municipalities would find this information hard to extract.</p> <p>#5a: Should add "By Who" in "Under Review"? Clarifying that will help tell the complete story.</p> <p>#5d (i-iv): Some do not currently track this and would be required to research each application that is appealed.</p> <p>#6-7: Some municipalities would find this information hard to extract.</p>
<p>Zoning Bylaw Amendment Application</p>	<ul style="list-style-type: none"> • Application Number • Application Address • Date Application Submitted 	<p>Quarterly Reporting:</p> <ol style="list-style-type: none"> 1. Q1: January 1 – March 31, due by June 30 	<p>General: The same issues apply with Official Plan Amendments. Some municipalities would require a manual process to ensure the units are not being double counted as there could be several applications on one property.</p>

Data Element	Information for Collection	Frequency of Reporting	AMO Comments
	<ul style="list-style-type: none"> • Date Application Deemed Complete • Application Status <ul style="list-style-type: none"> ○ Submitted ○ Under Review ○ Application Approved ○ Application Refused ○ If appealed to the Ontario Land Tribunal, whether it is an appeal of: <ul style="list-style-type: none"> ▪ Condition ▪ Decision ▪ Non-decision ▪ Third Party Appeal • Date of Decision (if applicable) • Proposed Use • Heritage Status 	<p>2. Q2: April 1 – June 30, due by September 30</p> <p>3. Q3: July 1 – September 30, due by December 31</p> <p>4. Q4: October 1 – December 31, due by March 31 (of the next calendar year)</p>	<p>Bullets 2 & 3: These are tracked in some larger systems but are not easily extractable and would take time. It also oversimplifies what is happening on the ground. Bill 109 requires an application “complete” or “incomplete” in two business days. However, there is nowhere to track whether that application has been perfected. It also doesn't reflect tabled applications, applications referred to staff or revised applications.</p> <p>#5e (i-iv): Some do not currently track this and would be required to research each application that is appealed.</p> <p>#6-8: Some do not track this detail and if they do it is difficult to extract.</p>
<p>Areas identified as a Strategic Growth Area with a minimum target</p>	<ul style="list-style-type: none"> • A copy of the geospatial data identifying areas identified as a strategic growth area with a minimum target for your municipality. Indicate as part of the data attributes the applicable density targets, development phasing policies and other relevant policy or zoning requirements, where applicable and appropriate. <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. ○ Contact information • Description of the file format (e.g., ESRI shapefile) 	<p>Annual Reporting: Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>	<p>General: Clarification is needed as to whether this refers to locally significant or those defined in the Official Plan. Some municipalities split this data between this and the one below, meaning it would make it difficult to compare year over year. Many questioned why this information is needed annually because they are long-term targets in an Official Plan that do not change often.</p> <p>Many municipalities are interested in details on this data presentation request because they have geospatial data but not the attributes being requested.</p> <p>Bullet #1(f-i): For some this type of data layer will not come with attributes and data dictionaries. The layout just includes properties.</p>

Data Element	Information for Collection	Frequency of Reporting	AMO Comments
<p>Areas Subject to an Intensification Target</p>	<ul style="list-style-type: none"> • A copy of the geospatial data identifying areas subject to an intensification target for your municipality. Indicate as part of the data attributes any applicable targets. <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. • Contact information • Description of the file format (e.g., ESRI shapefile) 	<p>Annual Reporting: Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>	<p>General: This information is set by a provincial regulation so municipalities questioned why this is being required. Clarification was also required as to how it relates to the data element directly above.</p> <p>In at least one case, the municipality's Official Plan assigns targets to the entire urban area so the shape file would include the whole municipality.</p> <p>Many municipalities are interested in details on this data presentation request because they have geospatial data but not the attributes being requested.</p> <p>Bullet #1(f-i): For some this type of data layer will not come with attributes and data dictionaries. The layout just includes properties.</p>
<p>Employment Areas</p>	<ul style="list-style-type: none"> • A copy of the geospatial data identifying employment areas in your municipality. Indicate as part of the data attributes the applicable density targets, development phasing policies and other relevant policy or zoning requirements, where applicable and appropriate. <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have 	<p>Annual Reporting: Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>	<p>General: Some wondered whether office is included in the definition of employment areas. Many municipalities questioned the need for this data given it is already in the Official Plan and its schedules that the province approves.</p> <p>Many municipalities are interested in details on this data presentation request because they have geospatial data but not the attributes being requested.</p> <p>Bullet #1(f-i): For some this type of data layer will not come with attributes and data dictionaries. The layout just includes properties.</p>

Data Element	Information for Collection	Frequency of Reporting	AMO Comments
	<ul style="list-style-type: none"> ○ separate copyright considerations. ○ Contact information • Description of the file format (e.g., ESRI shapefile) 		
Employment Area Conversions	<ul style="list-style-type: none"> • A copy of the geospatial data identifying employment area conversions in your municipality. <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. ○ Contact information • Description of the file format (e.g., ESRI shapefile) 	<p>Annual Reporting: Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>	<p>General: The impact of changing provincial policy and municipal comprehensive reviews will change responsibility for these. Municipalities questioned why this reporting is require if Official Plans do not allow for conversions until the next review process in 5-10 years.</p> <p>Many municipalities are interested in details on this data presentation request because they have geospatial data but not the attributes being requested.</p> <p>Bullet #1(f-i): For some this type of data layer will not come with attributes and data dictionaries. The layout just includes properties.</p>
Existing water and wastewater infrastructure	<ul style="list-style-type: none"> • A copy of the geospatial data for the existing and under construction water and wastewater trunk lines and locations of municipal water and wastewater treatment plants in your municipality. <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel 	<p>Annual Reporting: Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>	<p>General: Lower-tier municipalities mentioned that this data sits at the regional level as it is not a lower-tier function and the upper-tier municipalities are not compelled to give this information.</p> <p>Some single-tier municipalities have trunk/sub-trunk line infrastructure identified in their Master Plans that can be pulled.</p> <p>Bullet #1(f-i): For some this type of data layer will not come with attributes and data dictionaries. The layout just includes properties.</p>

Data Element	Information for Collection	Frequency of Reporting	AMO Comments
	<p>Data, Ontario Road Network, or other data sources which may have separate copyright considerations.</p> <ul style="list-style-type: none"> ○ Contact information for Technical Questions • Description of the file format (e.g., ESRI shapefile) 		
<p>Major Transit Station Area Boundaries</p>	<ul style="list-style-type: none"> • A copy of the geospatial data identifying major transit station area boundaries in your municipality. Indicate as part of the data attributes any applicable inclusionary zoning, density targets, development phasing requirements and other relevant policy or zoning requirements, where applicable and appropriate; and • A copy of the geospatial data of any changes to major transit station area boundaries. • For both items: <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. ○ Contact information • Description of the file format (e.g., ESRI shapefile) 	<p>Annual Reporting: Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>	<p>General: Once these are set in an Official Plan, these are not looked at until a Municipal Comprehensive Review. Given these are generated by the province, municipalities are wondering why this information is needed.</p> <p>Some do not have this data available because they are awaiting approvals from the province. Others wanted clarification as to whether it is referring to Protected MTSAs or more generally.</p> <p>Bullet #1: If Inclusionary Zoning is already implemented, there is already a requirement to report every year. Some found this reporting detail to be a redundant process. Others wanted clarity on whether the province is asking for number of units only.</p> <p>#3(f-i): For some this type of data layer will not come with attributes and data dictionaries. The layout just includes properties.</p>

<p>Settlement Area Boundaries</p>	<ul style="list-style-type: none"> • A copy of the geospatial data for all existing settlement area boundaries for your municipality; and • (Optional) A copy of the geospatial data for any settlement area boundary expansion(s). • For both items: <ul style="list-style-type: none"> ○ Brief description of the data ○ Date created ○ Date updated (if newer) ○ Update frequency (if applicable) ○ Spatial referencing information (map projection, coordinate systems, geodetic model, geographic extent) ○ List of data attributes and a data dictionary ○ Data collection and process (if available) ○ Data accuracy (e.g., the scale the data can be used at) (if available) ○ Copyright information <ul style="list-style-type: none"> ▪ Indicate if boundaries are developed using Ontario Parcel Data, Ontario Road Network, or other data sources which may have separate copyright considerations. ○ Contact information • Description of the file format (e.g., ESRI shapefile) 	<p>Annual Reporting: Due by March 31 of the next calendar year (e.g., information for 2022 due March 31, 2023).</p>	<p>General: Municipalities questioned whether this information was needed annually as once it is set in an Official Plan it is not reviewed against under a Municipal Comprehensive Review.</p> <p>#3(f-i): For some this type of data layer will not come with attributes and data dictionaries. The layout just includes properties.</p>
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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-19-035, by Mafe Ontario Inc. and 2688183 Ontario Inc. (Owner)**, for a change in zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone to permit business support uses as well as to establish a standard parking rate, on lands located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, as shown on Appendix "A" attached to Report PED23063, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED23063, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan (UHOP).

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

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

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 2 of 18

EXECUTIVE SUMMARY

This application proposes to change the zoning of the subject lands from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone. The (M4) Zone permits a broad range of uses that support the businesses and employees of the surrounding employment area, including financial establishments, medical clinics, personal services, and limited retail. One zoning modification is required to implement a standard parking rate for all uses permitted in the (M4) Zone.

The regulations and urban design standards (e.g. maximum height, minimum yard depths, landscaped area requirements, etc.) of the Business Park Support (M4) Zone are consistent with the existing Prestige Business Park (M3) Zone and will continue to apply to the site. In addition, the site is appropriately designated in the Urban Hamilton Official Plan (UHOP) and is the subject of Site Plan Control Application DA-21-160.

The proposal has merit and can be supported as it is consistent with the PPS (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent of the UHOP. The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community through the addition of a limited range of strategically located supportive commercial uses for employees and businesses within the Employment Area where there is a determined need, making efficient use of land and existing infrastructure and satisfying the criteria for supportive commercial uses in Employment Areas as set out in the UHOP.

Alternatives for Consideration – See Page 17

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 3 of 18

HISTORICAL BACKGROUND

Application Details	
Owner:	Mafe Ontario Inc. and 2688183 Ontario Inc. (c/o Anthony Magnini)
Applicant/Agent:	A.J Clarke and Associates Ltd. (c/o Liam Doherty)
File Number:	ZAC-19-035
Type of Application:	Zoning By-law Amendment
Application Details	
Proposal:	To permit a broader range of permitted uses that support the businesses and employees of the surrounding employment area, including medical clinics, personal services, and limited retail.
Property Details	
Municipal Address:	1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton.
Lot Area:	±0.97 ha (Irregular).
Servicing:	Full municipal services.
Existing Use:	1557 Rymal Road East Vacant lands. 1565 Rymal Road East and 694 Pritchard Road Existing Motor Vehicle Service Station with Accessory Retail and Retail.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Employment Area” along a “Secondary Corridor” on Schedule E – Urban Structure and “Business Park” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Prestige Business Park (M3) Zone

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 4 of 18

Documents	
Zoning Proposed:	Business Park Support (M4, 839) Zone
Modifications Proposed:	The following modification to the Business Park Support (M4) Zone is required for the development: <ul style="list-style-type: none"> • Parking shall be a minimum of one space for each 30.0 square metres of gross floor area.
Processing Details	
Received:	May 8, 2019.
Deemed complete:	May 21, 2019.
Notice of Complete Application:	Sent to 18 property owners within 120 metres of the subject property on May 28, 2019.
Public Notice Sign:	Posted May 30, 2019 and updated with public meeting date on February 22, 2023.
Notice of Public Meeting:	Sent to 15 property owners within 120 metres of the subject property on March 3, 2023.
Public Consultation:	The strategy follows the City's circulation and public notice sign posting, with an option for a supplemental letter from the proponent to further explain the proposal and seek feedback.
Public Comments:	No comments have been received as of the writing of this report.
Revised Submissions Received:	<ul style="list-style-type: none"> • December 22, 2020; • July 21, 2021; • August 20, 2021; and, • February 4, 2022.
Processing Time:	1,413 days from date of receipt of initial application, and 410 days from receipt of final submission.

Previous Site Plan Applications

The applicant received final approval of Site Plan Control Application DA-20-025 on October 15, 2021 which developed the southeast portion of the lands along Rymal Road East and Pritchard Road in accordance with the Prestige Business Park (M3) Zone. The applicant received approval for the construction of a motor vehicle service station with accessory retail (six post gas pump and canopy) and two storey office building.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 5 of 18

In addition, the applicant has also applied for Site Plan Control application DA-21-160 for the remainder of the subject lands. Both registered parcels of land are in the same name and title and therefore are deemed to be one lot in accordance with the consolidated lot provisions of the Zoning By-law. This second phase of development will consolidate irregular shaped lots for comprehensive development.

The application received conditional site plan approval on January 18, 2022. Conditional approval was granted on the basis of the existing Prestige Business Park (M3) zoning regulations. Approval of this Zoning By-law Amendment application will permit a broader range of permitted uses including medical clinics, personal services, and limited retail.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands:	1557 Rymal Road East: Vacant Lands	Prestige Business Park (M3) Zone
	1565 Rymal Road East and 694 Pritchard Road: Motor Vehicle Service Station	

Surrounding Land Uses:

North	Warehousing: Outdoor Storage Yard	Prestige Business Park (M3) Zone
South	Place of Worship	Prestige Business Park (M3, 369) Zone
East	Vacant, Single Detached Dwelling: Industrial, and, Utility Transmission (Tower)	Prestige Business Park (M3) Zone
West	Building or Contracting Supply Establishment	Prestige Business Park (M3) Zone

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 6 of 18

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement PPS (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

As the application for a Zoning By-law Amendment complies with the Official Plan, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (PPS, 2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Secondary Corridor" on Schedule E – Urban Structure and designated "Business Park" on Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, apply to the proposal. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. The applicant has confirmed that this application is to be reviewed under the UHOP policies currently in effect, as amended by OPA No. 167.

Cultural Heritage

"B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and conserve the tangible *cultural heritage resources* of the City, including *archaeological resources*, *built heritage resources*, and *cultural heritage landscapes* for present and future generations."

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 7 of 18

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

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

These criteria define the property as having archaeological potential.

Stage 1, 2 and 3 archaeological reports (P255-0008-2018, P321-0069-2019, P244-0154-2019 and P321-0191-2020) have been submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. While the Provincial interest has yet to be signed off by the Ministry for Stage 3, staff concur with the recommendations made in the report, and the archaeology requirement for the subject application has been met to the satisfaction of staff. Staff request a copy of the letter from the Ministry when available.

Hazard Lands

- “B.3.6.5.1 The City shall reduce the risk to its residents or potential for public cost from natural hazards.
- B.3.6.5.2 Hazard lands include hazardous lands and hazardous sites.
- B.3.6.5.3 Hazard lands are identified, mapped, and regulated by the Conservation - Authorities. Boundaries of most hazard lands are determined by the appropriate Conservation Authority.
- B.3.6.5.4 Hazard lands shall be placed in a separate zoning classification in the Zoning By-law.”

Based on the Upper Hannon Creek Master Drainage Plan Municipal Class Environmental Assessment (AECOM, October 2017), several karst features were identified within the vicinity of the subject properties. A Karst Assessment was prepared by Terra-Dynamics Consulting Inc. (May 9, 2020) in support of the Site Plan Control application DA-20-025. The Karst Assessment noted that no natural karst hazards appear to be present. As a result, it is appropriate to retain the employment lands zoning on the entirety of the subject lands.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 8 of 18

Linkages

- “C.2.2.2 The boundaries of *Core Areas* and *Linkages*, shown on Schedule B - Natural Heritage System, are general in nature. Minor refinements to such boundaries may occur through Environmental Impact Statements, *watershed* studies or other appropriate studies accepted by the City without an amendment to this Plan. Major changes to boundaries, the removal or addition of *Core Areas* and *Linkages* identified on Schedule B - Natural Heritage System and Schedules B-1-8 – Detailed Natural Heritage Features require an amendment to this Plan.
- C.2.7.3 The City shall require the incorporation of Linkages into a design of new development requiring approval by this Plan to retain and enhance the cultural, aesthetic, and environmental qualities of the landscape, wherever possible and deemed feasible to the satisfaction of the City.”

Schedule B – Natural Heritage System of the UHOP identifies a Linkage within the subject lands. Through review of previous Site Plan Control applications (DA-16-134 and DA-20-025) for the subject properties, it was determined that due to the current site conditions of the subject lands and the lands to the north, natural landscape and vegetation do not exist within this area and that the movement of wildlife and plants was disjointed (adjacent to major roadways including Rymal Road East and Upper Red Hill Valley Parkway) and as such the Linkage function does not exist within this area and Planning staff determined that a Linkage Assessment was not required with those applications because 694 Pritchard Road is located directly adjacent to Rymal Road, the Red Hill Expressway extension and Highland Road and as such wildlife and plant movement is disjointed within this area. Minor refinements to the boundaries of the Linkage do not require an amendment to the UHOP. Removal of the Linkage identification in Schedule B of the UHOP within the subject lands to reflect staff’s determination will be addressed through future housekeeping amendments.

Tree Management

- “C.2.11.1 The city recognizes the importance of trees and woodlands to the health and quality of life in our community. The city shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

A Tree Protection Plan, prepared by Kuntz Forestry Consulting Inc., dated June 4, 2019 and revised January 9, 2020, was reviewed with respect to the Site Plan Control application DA-20-025 (which received final approval on October 15, 2021) for the lands known municipally as 1565 Rymal Road East and 694 Pritchard Road. The Tree Protection Plan identified the removal of trees from the lands municipally known as

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 9 of 18

1557 Rymal Road East, which is the subject of Site Plan Control application DA-21-160. A total of 56 trees and one tree polygon (grouping of trees) were inventoried on these properties, of which 53 trees were proposed to be removed to facilitate the proposal. Since the preparation of the Tree Protection Plan, all 53 trees have been removed from the subject lands. To ensure existing tree cover is maintained, the City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is removed from private property, with said compensation to be identified on the Landscape Plan. Compensation is required for 53 trees. Compensation will occur by a combination planting for the proposal on site and a cash-in-lieu payment, which will be addressed through Site Plan Control application DA-21-160.

Employment Area – Business Park Designation

- “E.2.8.2 Employment Areas shall provide employment through a broad range of uses, including traditional industrial uses, research and development uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. Major retail uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.
- E.2.8.3 Employment Areas shall provide for a diverse range of employment opportunities in proximity to the City’s major infrastructure including the Port, the Airport, and the highway and transit network. It is important to provide a range of opportunities in order to meet the varying locational and market requirements for businesses including regionally significant industries.
- E.5.4.1 The range of employment uses allows for a wide variety of industrial activity and accommodates employment support uses, such as offices, that will foster the development of a prestige employment area. The Employment Area – Business Park designation applies to the City’s business parks, excluding the Airport Business Park, identified on Schedule E-1 – Urban Land Use Designations.
- E.5.4.3 The following uses may be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations, in accordance with the Zoning By-law: (OPA 109)
- a) Manufacturing, warehousing, repair service, building or contracting supply establishments, building and lumber supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 10 of 18

Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited;

- b) Uses which primarily support industry, including labour association halls, conference and convention centres, trade schools, commercial motor vehicle and equipment sales, and commercial rental establishments;
- c) Ancillary uses which primarily support businesses and employees within business parks, including hotels, health and recreational facilities, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities;
- d) Limited agricultural uses including only a cannabis growing and harvesting facility, a greenhouse and an aquaponics facility; (OPA 23) (OPA 112)
- e) Waste processing facilities and waste transfer facilities; and,
- f) Accessory uses, such as limited retail and office.

E.5.4.4 In addition to Policy E.5.4.3 c), ancillary uses may be permitted within the Employment Area provided the following conditions are met:

- a) The uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;
- b) Notwithstanding Policy E.5.4.4 a), the Zoning By-law may:
 - i) Permit a limited number of restaurants where a need for the use can be justified; and,
 - ii) Restrict or limit the number of ancillary uses from occupying Employment Areas.
- c) The need for the uses to support the businesses and employees within the Employment Area has been determined;
- d) The uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and,

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- e) Where possible, the uses should be clustered on single sites to limit the impact on the supply of developable lands for use permitted in Policy E.5.4.3 a). (OPA 109)”

Employment Areas are to be preserved for employment-type uses. As provided above, a wide range of employment uses are permitted throughout the Employment Areas, with some limited support commercial uses permitted at strategic locations within the Business Parks. The range of permitted ancillary and accessory commercial uses in Industrial Zones has been restricted in the Zoning By-law in accordance with these UHOP policies, which is further detailed below in the Scale and Design section of this Report. The Prestige Business Park (M3) Zone is applicable and permits a range of light industrial, office, and research and development uses. The Business Park Support (M4) Zone has been applied to the exterior of business parks and permits the same range of industrial and employment uses as the (M3) Zone, as well as ancillary uses which are designed to support the businesses and employees of the employment area. It is important to note that major retail and residential uses are not permitted.

It was not intended that the (M4) Zone be widely used in Business Parks, but that the (M4) Zone would be applied in locations that would serve businesses and employees within the Business Parks. The subject lands are located at the intersection of two major roads (Rymal Road East and Pritchard Road). In review of the criteria as set out in Policy E.5.4.4 c) to e), staff note:

- The proposed additional uses of financial establishment, medical clinic, personal services, and limited retail will support existing local businesses, industries and employees of the Upper Red Hill Valley Parkway area;
- The applicant has provided supplemental market analysis, prepared by PureRealty Brokerage dated February 9, 2023, to demonstrate that the specific demand and market for supportive commercial uses to locate within the business park for the express purpose of offering services catering towards potential clients from existing and planned businesses and the workforce located within the business park, particularly for medical and financial services, exists. A review of the market indicates very limited opportunity for those uses in the Rymal Road East and Pritchard Road corridor and that the demand for these uses cannot be met within the nearby commercially zoned lands as they offer exclusive and premium space targeted towards the general public;
- The proposed development will consolidate irregular shaped lots for comprehensive development allowing for coordinated development which has been designed to the scale and function of the Business Park designation;
- The regulations of the (M4) Zone limit the scale of office and retail uses as prescribed by the policies of Section E.5.4.5 of the UHOP. These zoning regulations will provide a basic framework for future development of the site and

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serve to implement the scale and design policies of the UHOP during the Site Plan Control stage; and,

- The subject lands are a corner property located along a Secondary Corridor, a designated Major Arterial road, and in proximity to the intersection of Upper Red Hill Valley Parkway, a designated Major Arterial road.

Based on the foregoing, staff are of the opinion that the subject criteria have been met.

Scale and Design

- “E.2.8.5 Smaller scale office buildings shall be permitted within all Employment Areas; however, they shall be restricted in function and scale.
- E.2.8.6 Employment Areas shall be planned and designed to be easily accessible by a range of transportation modes including the automobile, transit, and active transportation.”
- E.5.4.5 Offices within the Employment Area – Business Park designation shall comply with the following criteria:
- a) Offices are prestige business park uses and shall generally be located along the exterior of employment areas at intersections of arterial or collector roads. (OPA 167)
 - b) Offices shall be restricted in function, scale and type and shall be limited in size through the Zoning By-law. (OPA 167)
 - c) Offices shall be limited to less than 4,000 square metres per free standing building. (OPA 167)
 - d) Deleted by OPA 167.
- E.5.4.6 Retail establishments shall serve the businesses and employees of the Employment Area, shall be limited to 500 square metres of gross floor area per lot, and shall only be permitted where the supporting uses for the business park are permitted by Policy E.5.4.4. (OPA 142)
- E.5.4.7 (a) New *development* and *redevelopment* of existing sites shall contribute to a quality image for the business park by incorporating quality building and landscaping designs in those areas adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 13 of 18

E.5.4.7 (d) A range of compatible employment uses shall be encouraged to locate adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use. Outdoor storage, assembly and loading areas shall be appropriately located and buffered from these adjacent lands.”

The UHOP contains policies which limit the function, scale and type of office uses and the location and scale of ancillary retail uses. The Business Park Support (M4) Zone has requirements that implement the above noted policies through the requirement of a Minimum Lot Area of 4,000 m² and a Maximum Gross Floor Area of 500 m² for an individual retail establishment. Further, the (M4) Zone contains the same regulations and urban design standards as those required in the Prestige Business Park (M3) Zone. The specific site planning details required per UHOP Policy E.5.4.7 are being addressed through the review of conditionally approved Site Plan Control application DA-21-160 (refer to Concept Plan attached as Appendix “D” to Report PED23063).

The proposal provides for a range of uses that are suitable for transition from general industrial uses to the west. The proposal provides for an expanded range of economic opportunities in proximity to Upper Red Hill Valley Parkway and will encourage multi-modal transport that supports industry locational and market requirements.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan.

Hamilton Zoning Bylaw No. 05-200

The subject property is currently zoned Prestige Business Park (M3) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED23063.

The Prestige Business Park (M3) Zone permits a range employment uses, including but not limited to manufacturing, warehousing, offices, commercial vehicle or equipment repair services, sales and rentals, restaurants, hotels, and conference and convention centres.

To permit a broader range of uses that support the businesses and employees of the surrounding employment area, including medical clinics, personal services, and retail, an amendment to the Zoning By-law is required to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone. The (M4) Zone includes the same regulations and urban design standards as required in the existing (M3) Zone. Regulations requiring minimum setbacks for manufacturing uses from sensitive land uses also apply. The proposed zoning is discussed in the Analysis and Rationale section of this Report, and an evaluation of the proposed modification to the (M4) Zone is included in Appendix “C” attached to Report PED23063.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 14 of 18

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Landscape Architectural Services, Strategic Planning, Public Works Department 		No Comment
Department	Comment	Staff Response
Development Engineering Approvals Section, Planning and Economic Development Department	Development Engineering Approvals Section has no concerns with this Zoning By-Law Amendment application. All grading, servicing, stormwater management, and other engineering comments relating to this site have been reviewed and approved or in the process of being reviewed in the related Site Plan Control Applications DA-20-025 and DA-21-160.	Noted.
Transportation Planning, Planning and Economic Development, Department	<p>Transportation Planning reviewed the submitted Transportation Impact Study document which is approved.</p> <p>Transportation Planning does not support a full moves driveway access onto Rymal Road East. The proposed access onto Rymal Road East will be limited to right-in-right-out movements only with the extension of the concrete median on Rymal Road East to improve safety and reduce potential conflicts within the surrounding area.</p> <p>No further land dedication is required along the frontage of 1557 and 1565 Rymal Road East and 694 Pritchard Road.</p>	The detailed design of the right-in-right-out access and median extension along Rymal Road East is being reviewed through Site Plan Control Application DA-21-160.

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Department	Comment	Staff Response
Hamilton Conservation Authority	Staff are supportive of the application with further review of the Stormwater Management Report, Erosion and Sediment Control Plan, Grading Plan and Site Servicing will occur through the Site Plan Control Application.	The Stormwater Management Report, Erosion and Sediment Control Plan, Grading Plan and Site Servicing will be reviewed in detail through Site Plan Control Application DA-21-160.
Forestry and Horticulture, Public Works Department	There are no municipal tree assets on site; therefore, a Tree Management Plan is not required. A Landscape Plan is required.	The Landscape Plan will be addressed in detail through Site Plan Control Application DA-21-160.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	The applicant will need to confirm if tenure for the subject proposal will be a Condominium. The proposed addressing for this development will be determined after conditional Site Plan approval has been granted.	These matters will be addressed at the future Draft Plan of Condominium stage (if required) and addressed in detail through Site Plan Control Application DA-21-160.
Waste Management Division, Public Works Department	The development is not serviceable as the development will exceed the allowable garbage container limit as outlined in the City's Solid Waste Management By-law No. 20-221. In addition, Building "E" is a four storey office building which is not eligible to receive municipal waste collection according to the City's Solid Waste Management By-law No. 20-221.	The applicant will address private waste haulage in detail through Site Plan Control Application DA-21-160.
Alectra	Advises that the relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense and that Alectra should be contacted in order to facilitate this work and that the Applicant shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.	The applicant will address utility servicing in detail through Site Plan Control Application DA-21-160.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 16 of 18

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 18 property owners within 120 m of the subject property on May 28, 2019.

A Public Notice Sign was posted on the property on May 30, 2019, and updated on February 22, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on March 3, 2023, in accordance with the requirements of the *Planning Act*.

The applicant submitted a Public Consultation Strategy with their Planning Justification Report. The strategy follows the City's circulation and public notice sign posting, with an option for a supplemental letter from the proponent to further explain the proposal and seek feedback. No comments were received by either the applicant or City staff and it was determined that further consultation was not required.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) (PPS);
 - (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) It complies with the Urban Hamilton Official Plan; and,
 - (iv) It is compatible with and complementary to the existing surrounding proposed development and represents good planning by, among other things, providing for the development of a range of employment uses and opportunities, making efficient use of land and existing infrastructure within the urban boundary while protecting existing, future, and planned employment uses in the area.

2. Zoning By-law Amendment

The subject lands are located on the northwest corner of the intersection of Rymal Road East and Pritchard Road. The proposal is for a Zoning By-law Amendment to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone to permit a broader range of industrial activities and employment support uses to serve the businesses and employees

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) - Page 17 of 18

of the surrounding business park and minimize vehicle trips. These additional uses include:

- Medical clinic (limited to a maximum of 3,000 m² per lot);
- Personal services;
- Retail (limited to a maximum of 500 m² per establishment); and,
- Financial establishments.

The requested change in zoning provides for four additional uses being sought (financial establishment, medical clinic, personal services and retail). The intent of the (M4) Zone is to permit a limited range of commercial uses which are designed to support employees and businesses within the Employment Area in addition to the same range of employment uses. These additional requested uses function as supportive uses to the predominant employment uses and are therefore in keeping with the intent of the Official Plan.

The implementing by-law proposes a modification to the (M4) Zone, which is discussed in Appendix “C” attached to Report PED23063.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could be developed in accordance with the Prestige Business Park (M3) Zone.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23063 – Location Map

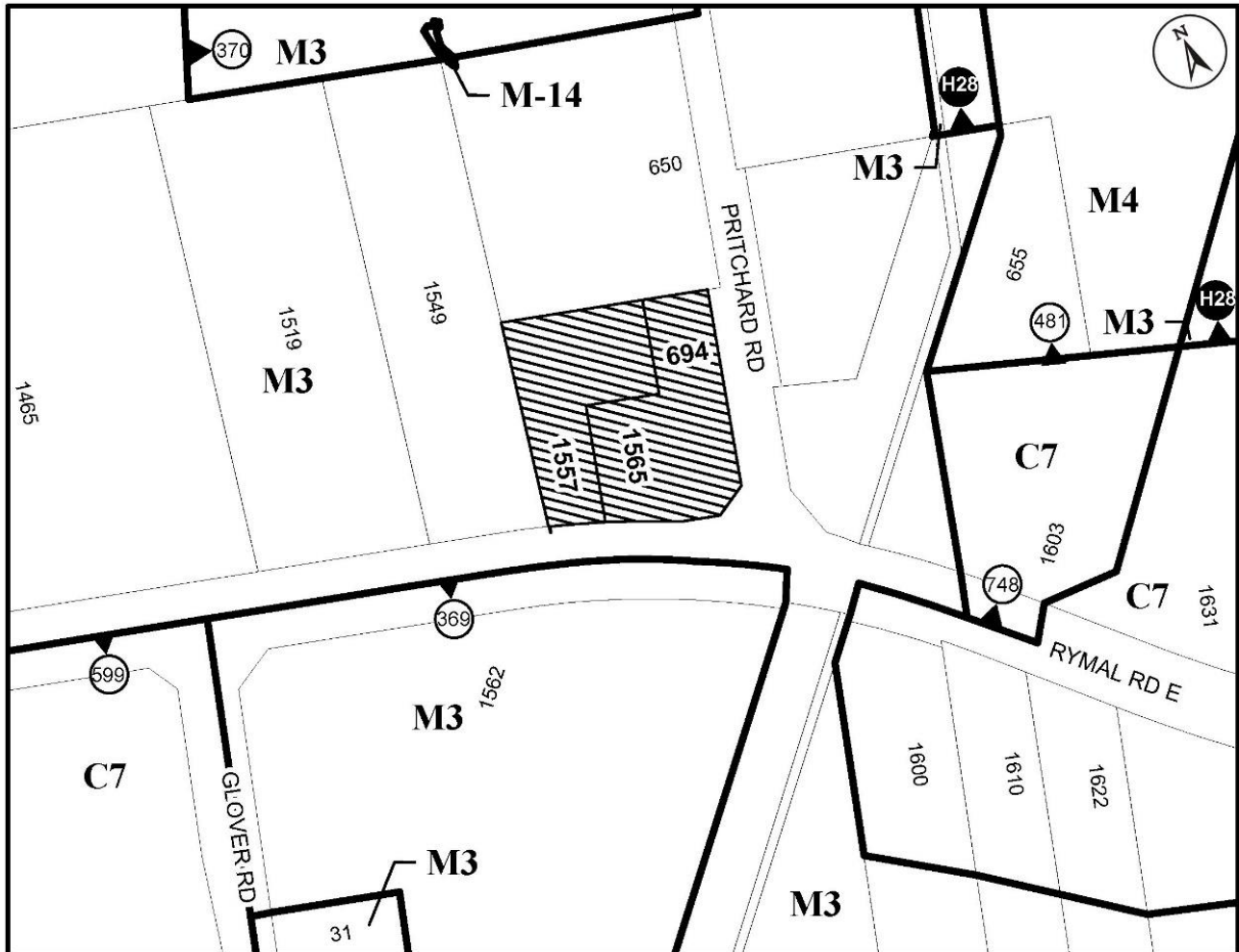
Appendix “B” to Report PED23063 – Draft Zoning By-law Amendment

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at
1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton
(PED23063) (Ward 6) - Page 18 of 18**

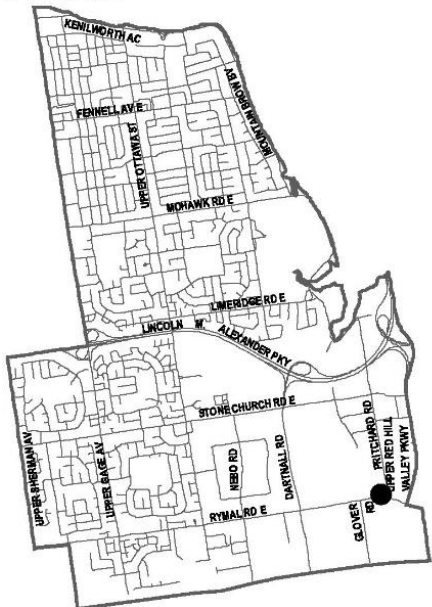
Appendix "C" to Report PED23063 – Zoning Modification Table
Appendix "D" to Report PED23063 – Concept Plan

MF:sd

Appendix "A" to Report PED23063
Page 1 of 1



● Site Location



Key Map - Ward 6

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-035

Date:
January 25, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MF/VS

Subject Property

1557 & 1565 Rymal Road East & 694 Pritchard Road



Change in zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone



Appendix “B” to Report PED23063

Page 1 of 2

Authority: Item ,
Report (PED23063)
CM:
Ward: 6

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 with respect to lands located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on _____, 2023;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Map Nos. 1548 of Schedule “A” – Zoning Maps are amended by changing the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone for the lands identified on the Location Map attached as Schedule “A” to this By-law.
2. That Schedule “C” - Special Exceptions is amended by adding the following new Special Exception:
 - “839. Within the lands zoned Business Park Support (M4, 839) Zone, identified on Map No. 1548 of Schedule “A” – Zoning Maps and described as 1557 and 1565 Rymal Road East and 694 Pritchard Road, the following special provision shall apply:
 - a) Notwithstanding Sections 5 and 9.4.3 p), parking shall be a minimum of 1 space for each 30.0 square metres of gross floor area.”
3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this _____ , _____

A. Horwath
Mayor

A. Holland
City Clerk

Appendix "B" to Report PED23063
Page 2 of 2



This is Schedule "A" to By-law No. 23- Passed the day of, 2023	----- Mayor ----- Clerk
---	--------------------------------------

<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 23-_____</p> <p>to Amend By-law No. 05-200 Map 1548</p>	<p>Subject Property</p> <p>1557 & 1565 Rymal Road East & 694 Pritchard Road</p> <p> Change in zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone</p>
---	---

Scale: N.T.S	File Name/Number: ZAC-19-035	
Date: January 25, 2023	Planner/Technician: MF/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

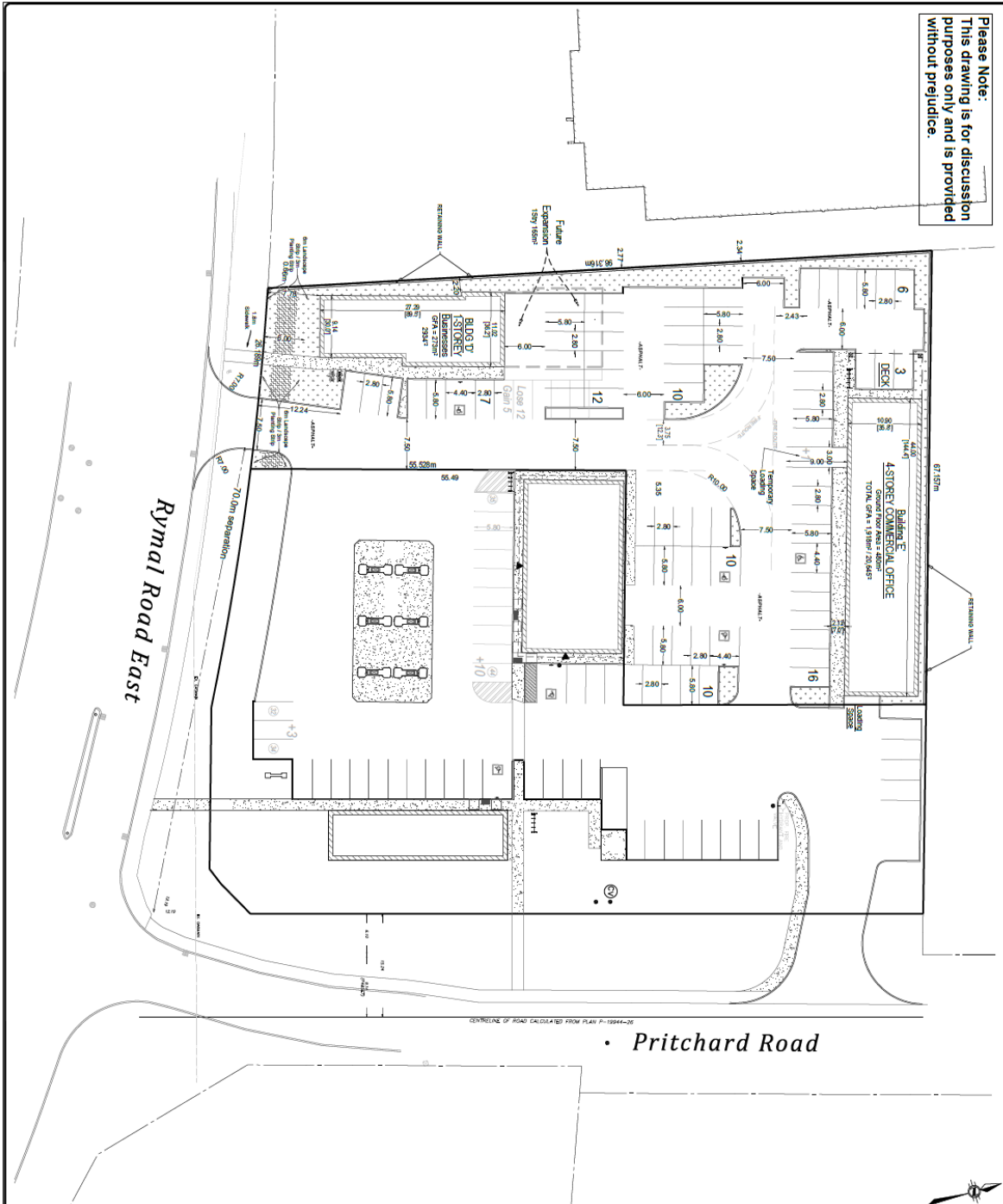
**Appendix “C” to Report PED23063
Page 1 of 1**

Site Specific Modifications to the Business Park Support (M4) Zone

Regulation	Required	Modification	Analysis
Minimum Number of Parking Spaces	104 parking spaces.	Notwithstanding Sections 5 and 9.4.3 p), parking shall be a minimum of 1 space for each 30.0 square metres of gross floor area.	<p>The Applicant has requested this modification to allow for flexibility should uses change within a building but that the overall required number of parking spaces would not change.</p> <p>A total of 118 parking spaces will be provided inclusive of six barrier free parking spaces.</p> <p>The Transportation Impact Study, prepared by Trans-Plan Transportation Engineering and dated May 2021, supported the parking rate to allow flexibility in uses within the Business Park Support (M4) Zone. The site is well supported by a variety of alternative transportation options including public transit, which is presently available and higher order transit may be provided in the future along the BLAST network.</p> <p>Therefore, staff support the modification.</p>

Appendix "D" to Report PED23063

Please Note:
This drawing is for discussion
purposes only and is provided
without prejudice.



CONCRETE CERTIFICATE
HEREBY AUTHORIZES DODHARTY PLANNING AND DESIGN TO
PREPARE AND SUBMIT THIS DRAFT PLAN FOR APPROVAL.

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO
BE SHOWN ON THIS PLAN AND DEEPLY
RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY
SHOWN.

DATE: _____
SURVEYOR: _____

DETAILS:
 Building Lot Area: 0.4427 ha
 Building Coverage: 10.1 %
 Parking Rate: 1 per 30m² GFA
 Accessible Parking: 4 Spaces
 Loading Area: 1 Space
 Fire Route Width: 7.5 metres minimum
 Fire Route Interior Radius: 10.0 metres minimum
 Drive-Through Stacking: None

This drawing is the property of Dodharty Planning & Design and is
 to be used only for the project or site indicated on the express written
 consent of the designers

Building	Foam	Shps	GFA m ²	Parking Req
Building D	277.6	1	277.6	9.3
Building E	479.7	4	918.7	64.0
TOTAL	757.2	5	1196.3	73.3

APPLICANT AND OWNER:
 2688183 ONTARIO INC. &
 Made Ontario Inc.
 899 Neco Road, Hamilton, ON, L0R 1P0

PREPARED BY:
 Dodharty Planning & Design
 9600 Finner Rd., Unit 100, Mississauga, ON, L7E 2R8

PROJECT:
 Concept Site Plan
 4 Str-NO DT-Phased
 Rymal Pitchard NW

1557 Rymal Rd E 690-694 Pritchard Rd
 Municipality: Hamilton
 City of Hamilton

CITY FILE # ZAC19 035 #DA21-160
 DATE: April 1, 2022
 SCALE: 1:250



WELCOME TO THE CITY OF HAMILTON

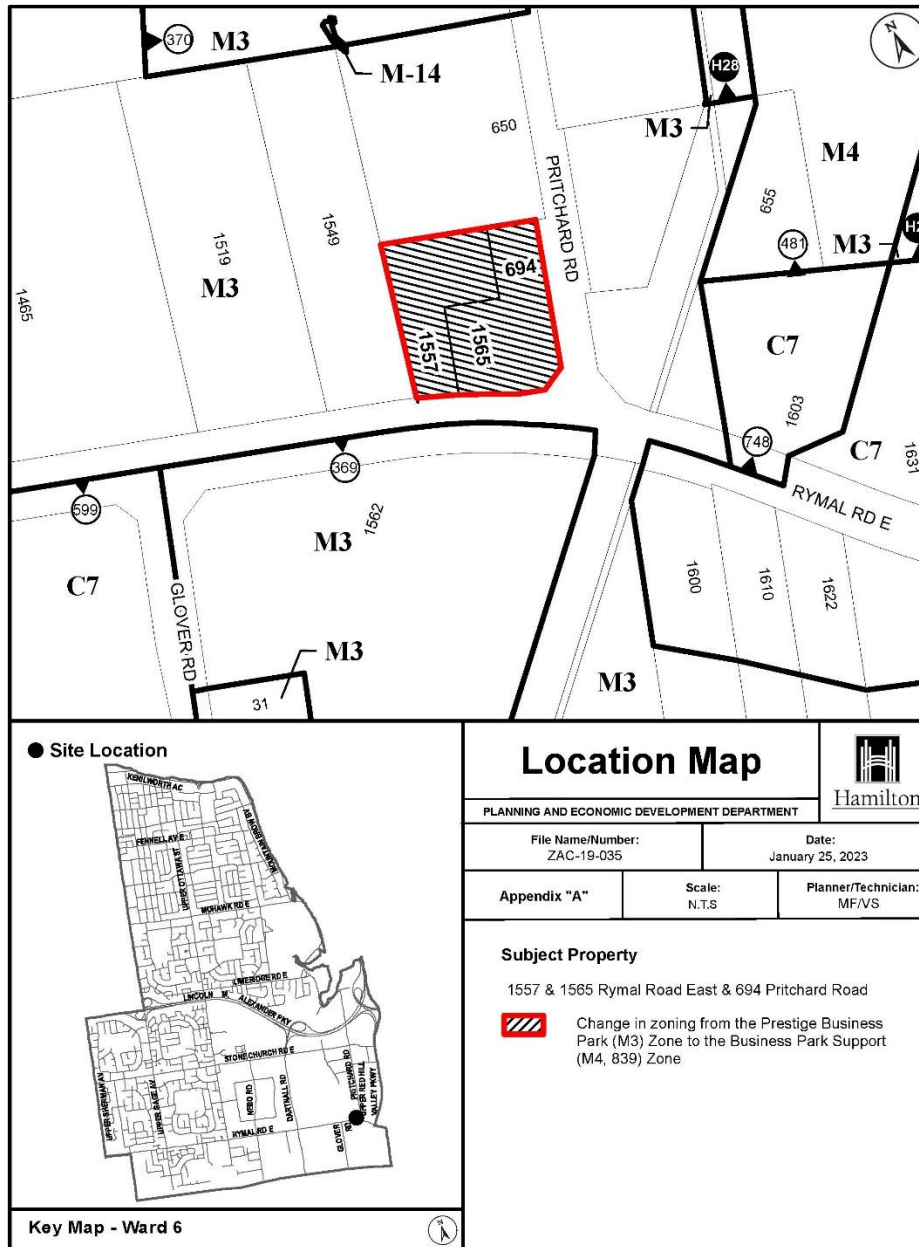
PLANNING COMMITTEE

March 21, 2023

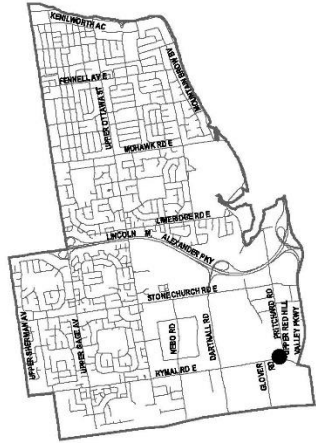
PED23063 – (ZAC-19-035)

Application for a Zoning By-law Amendment for Lands Located at
1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton.

Presented by: Michael Fiorino



● Site Location



Key Map - Ward 6

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-19-035	Date: January 25, 2023
Appendix "A"	Scale: N.T.S.
	Planner/Technician: MF/VJS

Subject Property

1557 & 1585 Rymal Road East & 694 Pritchard Road

- Change in zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone

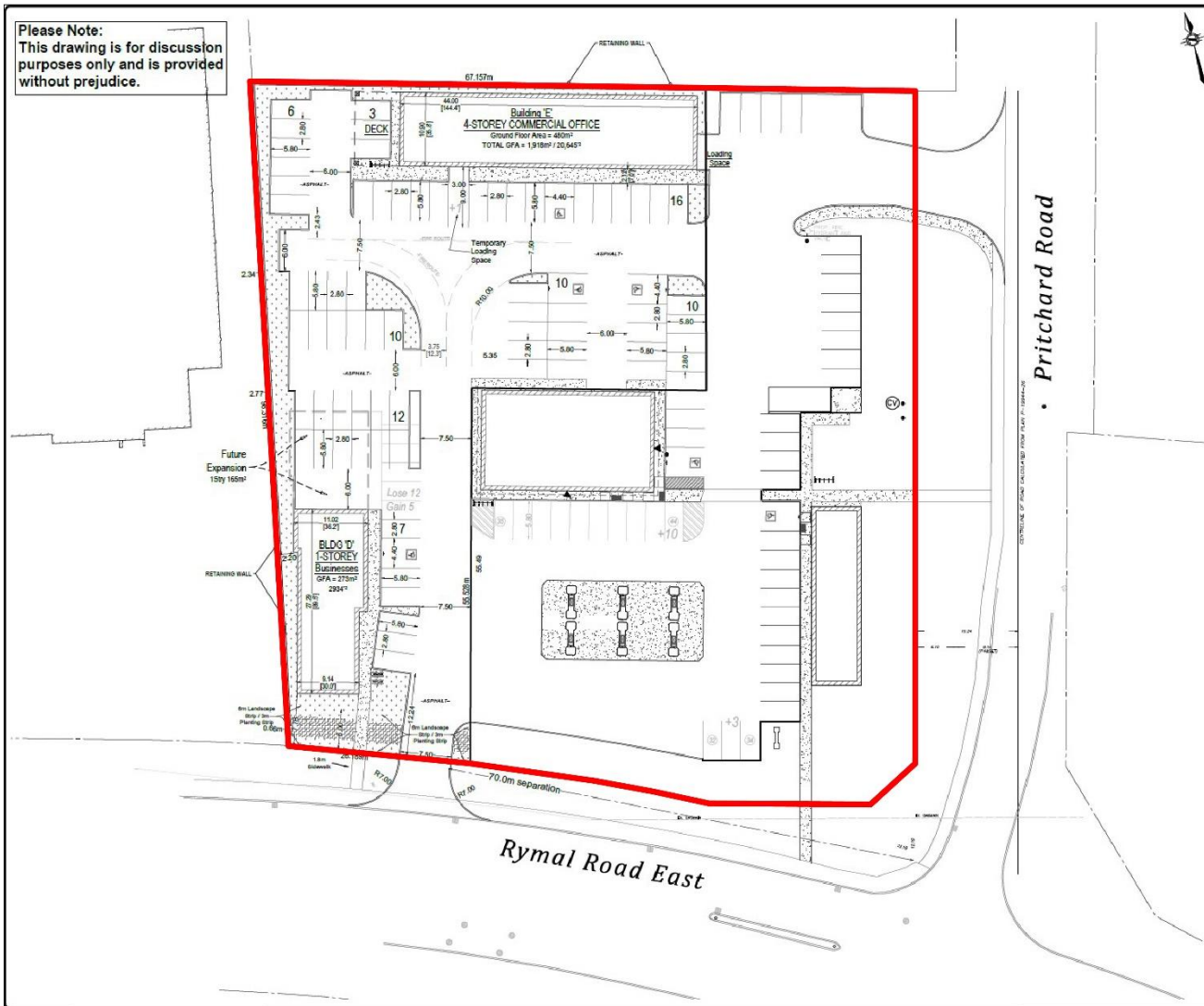


SUBJECT PROPERTY



1557 and 1565 Rymal Road East & 694 Pritchard Road, Hamilton





Please Note:
 This drawing is for discussion purposes only and is provided without prejudice.

Key Plan: [Map showing site location in Hamilton]

Legal Description:
 Part of Lot 1, Concession 5, in the former Geographic Township of Barton, now in the municipality of the City of Hamilton

OWNER'S CERTIFICATE:
 I HEREBY AUTHORIZE DOHERTY PLANNING AND DESIGN TO PREPARE AND SUBMIT THIS DRAFT PLAN FOR APPROVAL.
 Date: _____

SURVEYOR'S CERTIFICATE:
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THERE RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.
 SURVEYOR: _____ Date: _____

Details:
 #1557 Lot Area: 0.4457 ha
 Building Coverage: 16.1 %
 Parking Rate: 1 per 30m² GFA, Planned Business Centre, M4 zone.
 Parking Provided: 75 Spaces
 Accessible Parking: 4 Barrier Free Loading Area: 1 Spaces
 Fire Route Width: 7.5 metres minimum
 Fire Route Interior Radii: 10.0 metres minimum
 Drive-Through Stacking: None

This drawing is the property of Doherty Planning & Design and is not to be copied, reproduced or used without the express written consent of the designers.

Building	Footprint	Stys	GFA m²	Parking Req
Building D	272.5	1	272.6	9.1
Building E	479.7	4	1918.7	64.0
Total	752.2	4	2191.3	73.0

Applicant and Owner:
 2688183 ONTARIO INC. & Mafe Ontario Inc.
 899 Nebo Road, Hannon, ON, L0R 1P0

Planner/Designer:
 Liam Doherty RPP CPT
 Doherty Planning & Design
 90-441-1st St #114 • 1500 Highway 10 West • 900 Fraser Dr. Unit 103, Burlington, ON, L7L 1P5

Drawing:
Concept Site Plan
4 Stry-No DT-Phased

Project:
Rymal Pritchard NW
 1557 Rymal Rd E 690-694 Pritchard Rd

Municipality:
 Hamilton
 City of Hamilton

City File: #ZAC19 035 **Site Plan #:** #DA21-160
Date: April 1, 2022 **Scale:** 1:250



1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton - Facing North



1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton - Facing North



1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton - Facing North



1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton - Facing East



1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton - Facing West



1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton - Facing Northwest



1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton - Facing Northwest



1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton - Facing Southwest



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

REPORT 23-002

12:00 p.m.

February 24, 2023

Room 264, 2nd Floor, City Hall

Present: Councillor C. Kroetsch
A. Denham-Robinson (Chair), J. Brown, K. Burke, G. Carroll, L. Lunsted, R. McKee, T. Ritchie

Absent with

Regrets: C. Dimitry and W. Rosart

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 23-002 AND RESPECTFULLY RECOMMENDS:

1. **Response to Bill 23, Schedule 6, More Homes Built Faster Act, 2022, and its Changes to the Ontario Heritage Act and its Regulations (PED22211(a)) (City Wide) (Item 8.1) (attached hereto as Appendix "A" to Hamilton Municipal Heritage Committee Report 23-002)**
 - (a) That, as a result of the *Bill 23* changes to the *Ontario Heritage Act*, the Council-approved process for designating properties under Part IV of the *Ontario Heritage Act*, including the City of Hamilton: Cultural Heritage Evaluation Criteria and staff designation work plan, as outlined in Report PED08211, be rescinded;
 - (b) That the Candidates for Part IV Designation list, attached as Appendix "B" to Hamilton Municipal Heritage Committee Report 23-002, be approved;
 - (c) That Cultural Heritage Planning staff, be directed to update the Candidates for Part IV Designation list, as required, to identify properties of cultural heritage value or interest worthy of further review for potential designation under Part IV of the *Ontario Heritage Act*, and that the list be reported to the Hamilton Municipal Heritage Committee quarterly and be made publicly available;
 - (d) That Cultural Heritage Planning staff be directed to review the high priority properties of cultural heritage value or interest, identified in Appendix "B" attached to Report PED22211(a), and report back to Council with recommendations to designate individual properties under Part IV of the *Ontario Heritage Act*, and that this work be completed no later than January 1, 2025;
 - (e) That, pursuant to Subsection 27(11) of the *Ontario Heritage Act*, Council require that any notice of intention to demolish or remove any building or

structure on a property included on either the Candidates for Part IV Designation list attached as Appendix “A” to Report PED22211(a) or the High Priority Candidates for Part IV Designation list attached as Appendix “B” to Report PED22211(a), include a Cultural Heritage Impact Assessment report prepared to the satisfaction and approval of the Director of Planning and Chief Planner;

- (f) That Cultural Heritage Planning staff be directed to report back to Council with a Heritage Conservation District Strategy and Work Plan by Q4 2023;
- (g) The following items be considered dealt with and removed from the Planning Committee Outstanding Business List:
 - (i) Item 12B - Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the *Ontario Heritage Act* (PED12166);
 - (ii) Item 14A - Adding 206, 208, 210 King Street East to the Register of Property of Cultural Heritage Value or Interest;
 - (iii) Item 21Q – HMHC Report 21-005 RE: cost recoveries related to multiple Register removal requests from owners;
 - (iv) Item 17B - Designation of the Gore District as a Heritage Conservation District;
- (h) That staff report back on the creation of a standardized “Notice of Intention to Demolish” process, including an application form, for the consideration of the Hamilton Municipal Heritage Committee and Council in Q2 2023.

2. Inventory and Research Working Group Notes - November 28, 2022 (Item 10.1)

2. 922 Main Street East, Hamilton (Item 2)

- (a) The Inventory & Research Working Group recommends that 922 Main Street East, Hamilton, be listed on the Municipal Heritage Register as a non-designated property, due to its physical/design value as an example of a Neo-Gothic church, its historical/associative value due to its association with the Victoria Avenue Baptist Church and prominent Hamilton architectural firm Hutton & Souter, and its contextual value as a prominent building on Main Street East; and
- (b) That the property located at 922 Main man Street East, Hamilton be referred to staff to review for Part IV Designation.

3. Hamilton Municipal Heritage Committee Heritage Recognition Awards (Item 13.2)

That the following Hamilton Municipal Heritage Committee Heritage Recognition Awards be approved:

- (i) Heritage Property Conservation Award Recipients
 - (a) 2 Ravenscliff Avenue, Hamilton
 - (b) 44 Chatham Street, Hamilton
 - (c) 22 Homewood Avenue, Hamilton
 - (d) 79 South Street West, Dundas
 - (e) 263 John Street South, Hamilton

- (ii) Heritage Property Developer Recognition Award Recipients
 - (a) Indwell – The Oaks (Royal Oaks Dairy and Dairy Lofts), 219-225 East Avenue North, Hamilton

- (iii) Adaptive Reuse of Heritage Property Award Recipients
 - (a) 200 Caroline Street, Hamilton (Bridgeworks)
 - (b) 280 Main Street East, Hamilton (Thomas Anglican Church Apartment Conversion)
 - (c) 366 Victoria Avenue North, Hamilton (Factory Media Resource Centre Gallery & Studio),
 - (d) 29 Harriet Street, Hamilton, Aeon Studio Group

- (iv) Cultural Heritage Landscape Award Recipients
 - (a) Royal Botanical Gardens – Indigenous Plant Medicine Trail, 16 Old Guelph Road, Hamilton

- (v) Making Heritage Accessible Award Recipients
 - (a) Hamilton Public Library – Dundas Branch, 18 Ogilvie Street, Dundas

- (vi) Education in Heritage Award Recipients
 - (a) Mark McNeil, Journalist
 - (b) Kevin Werner, Journalist
 - (c) Sarah Sheehan and Barton Street BIA - Woodlands Park Ghost Landscape Placemaking Project, 501 Barton Street East, Hamilton

- (vii) The Art of Heritage Award Recipients
 - (a) Sara Sandham (HamOnt Doodles), Artist
 - (b) Gordon Leverton, Artist

- (viii) Heritage Group, Society or Specialty Team Award Recipient
 - (a) Friends of St. Giles - 679 Main St E, Hamilton
- (ix) Heritage Streetscape Revitalization Award Recipients
 - (a) Green Venture – De-pave Paradise Projects (Good Shepherd Venture Center, De-paving Differently on Barton) 155 Cannon Street East, Hamilton, and 578-581 and 539 Barton Street East, Hamilton
 - (b) Locke Street Improvement Project – City of Hamilton, Public Works
 - (c) 154 James Street North, Hamilton
- (x) Volunteer Acknowledgement
 - (a) Jim Charlton – Posthumous Award
 - (b) Vivian Chang – Student Artist
- (xi) Specialized Heritage Craft and Trade
 - (a) Alan Stacey, Principal Conservator – Heritage Mill Historic Building Conservation
 - (b) DR Masonry and Authentic Ironworks (Laidlaw United Church Front Stair Restoration Project) - 155 Ottawa St N, Hamilton, ON L8H 3Z2
 - (c) Jason Schubert - Schubert Traditional Craftwork (woodwork at 33 Ontario Street, Hamilton)

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

8. STAFF PRESENTATION DISTRIBUTED

- 8.1 Response to Bill 23, Schedule 6, More Homes Built Faster Act, 2022, and its Changes to the Ontario Heritage Act and its Regulations (PED22211(a)) (City Wide)

9. CONSENT ITEMS

- 9.1 Delegated Approval: Heritage Permit Applications
 - 9.1.f Heritage Permit Application HP2023-009: Sunday School Alterations and Restoration of Stained-Glass Windows of the Church's Chancel at 137 Strathcona Avenue North / 10 Tom

Street, Hamilton (Ward 1) (By-law No. 96-148) - Extension of
Previously Approved Heritage Permit HP2020-005

9.3 Heritage Permit Review Sub-Committee Minutes - January 17, 2023

13. GENERAL INFORMATION / OTHER BUSINESS

13.3 Recruitment of Citizens to the Hamilton Municipal Heritage
Committee

CHANGE IN THE ORDER OF ITEMS

5.1 Devyn Thomson, respecting Philpott Memorial Church, 84 York
Boulevard, Hamilton was moved down the agenda to follow the discussion
of Report PED22211(a) respecting a Response to Bill 23, Schedule 6,
More Homes Built Faster Act, 2022, and its Changes to the Ontario
Heritage Act and its Regulations (PED22211(a)) (City Wide)

13.2 Hamilton Municipal Heritage Committee Heritage Recognition Awards was
moved up on the agenda to be discussed prior to the Declarations of
Interest.

The agenda for January 26, 2022, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

No declarations of interest were made.

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

(i) January 26, 2023 (Item 4.1)

The Minutes of January 26, 2023 of the Hamilton Municipal Heritage
Committee, were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Devyn Thomson, respecting Philpott Memorial Church, 84 York
Boulevard, Hamilton (Item 5.1)

That the Correspondence from Devyn Thomson, respecting Philpott
Memorial Church, 84 York Boulevard, Hamilton, was referred to staff to
review the property for Part IV Designation.

(e) STAFF PRESENTATIONS (Item 8)

(i) Response to Bill 23, Schedule 6, More Homes Built Faster Act, 2022, and its Changes to the Ontario Heritage Act and its Regulations (PED22211(a)) (City Wide) (Item 8.1)

Alissa Golden, Program Lead, Cultural Heritage addressed Committee with a presentation respecting Response to Bill 23, Schedule 6, More Homes Built Faster Act, 2022, and its Changes to the Ontario Heritage Act and its Regulations (PED22211(a)).

The Presentation respecting Response to Bill 23, Schedule 6, More Homes Built Faster Act, 2022, and its Changes to the Ontario Heritage Act and its Regulations (PED22211(a)), was received.

For further disposition, refer to Item 1

(f) CONSENT ITEMS (Item 9)

The following were received:

- (i) Delegated Approval: Heritage Permit Applications (Item 9.1)
 - (a) Heritage Permit Application HP2023-001: Installation of a new commercial sign at 152 James Street South, Hamilton (Ward 2) (By-law No. 95-116) (Item 9.1(a))
 - (b) Heritage Permit Application HP2023-002: Exterior in-kind renovations at 11 Melville Street, Dundas (Ward 13) (By-law No. 3899-90) (Item 9.1(b))
 - (c) Heritage Permit Application HP2023-003: Restoration of the front entrance and construction of a new front porch at 15 Park Street East, Dundas (Ward 13) (By-law No. 4213-95) (Item 9.1(c))
 - (d) Heritage Permit Application HP2023-004: Renovation of the existing detached accessory structure at 63 Sydenham Street, Dundas (Ward 13), Cross Melville Heritage Conservation District (By-law No. 3899-90) (Item 9.1(d))
 - (e) Heritage Permit Application HP2023-006: Replacement of storm windows, restoration and replacement of shutters, and the addition of new wood trellises and period-appropriate hardware at 41 Jackson Street West, Hamilton (Whitehern-McQuesten House) (Ward 2) (By-law No. 77-239) - Extension of Previously Approved Heritage Permit HP2021-022 (Item 9.1(e))
 - (f) Heritage Permit Application HP2023-009: Sunday School Alterations and Restoration of Stained-Glass Windows of the

Church's Chancel at 137 Strathcona Avenue North / 10 Tom Street,
Hamilton (Ward 1) (By-law No. 96-148) - Extension of Previously
Approved Heritage Permit HP2020-005 (Added Item 9.1(f))

- (ii) Policy and Design Working Group Meeting Notes - January 16, 2023 (Item 9.2)
- (iii) Heritage Permit Review Sub-Committee Minutes - January 17, 2023 (Added Item 9.3)

(g) DISCUSSION ITEMS (Item 10)

(i) Inventory and Research Working Group Notes - November 28, 2022 (Item 10.1)

- 1. Modernist Residential Designs of Jerome Markson, Architect (Item 1)

The Inventory & Research Working Group recommends that the following properties be listed on the Municipal Heritage Register as non-designated properties, due to their physical/design value as unique and exceptional examples of modernist design and historical/associative value based on their association with Jerome Markson, prominent Canadian architect recognized for his modernist architectural design:

- (a) M. Goldblatt Residence (1957) – 79 Amelia Street, Hamilton (Kirkendall)
- (b) Moses Residence (1959) – 8 Mayfair Place, Hamilton (Westdale)
- (c) Minden Residence (1959) – 125 Amelia Street, Hamilton (Kirkendall)
- (d) Lawrence H. Enkin Residence (1967) – 538 Scenic Drive, Hamilton (Ward 14)
- (e) 14) – (Also known as “The Stream”)

The recommendation respecting the Modernist Residential Designs of Jerome Markson, Architect **was amended** as follows:

That the following information respecting the Modernist Residential Designs of Jerome Markson be received, due to the physical/design value as unique and exceptional examples of modernist design and historical/associative value based on their association with Jerome Markson, prominent Canadian architect recognized for his modernist architectural design:

- (a) M. Goldblatt Residence (1957) – 79 Amelia Street, Hamilton (Kirkendall)

- (b) Moses Residence (1959) – 8 Mayfair Place, Hamilton (Westdale)
- (c) Minden Residence (1959) – 125 Amelia Street, Hamilton (Kirkendall)
- (d) Lawrence H. Enkin Residence (1967) – 538 Scenic Drive, Hamilton (Ward)
- (e) 14) – (Also known as “The Stream”)

~~The Inventory & Research Working Group recommends that the following properties be listed on the Municipal Heritage Register as non-designated properties,~~ ***That the following information respecting the Modernist Residential Designs of Jerome Markson be received*** due to their physical/design value as unique and exceptional examples of modernist design and historical/associative value based on their association with Jerome Markson, prominent Canadian architect recognized for his modernist architectural design:

- (a) M. Goldblatt Residence (1957) – 79 Amelia Street, Hamilton (Kirkendall)
- (b) Moses Residence (1959) – 8 Mayfair Place, Hamilton (Westdale)
- (c) Minden Residence (1959) – 125 Amelia Street, Hamilton (Kirkendall)
- (d) Lawrence H. Enkin Residence (1967) – 538 Scenic Drive, Hamilton (Ward)
- (e) 14) – (Also known as “The Stream”)

2. 922 Main Street East, Hamilton (Item 2)

- (a) The Inventory & Research Working Group recommends that 922 Main Street East, Hamilton, be listed on the Municipal Heritage Register as a non-designated property, due to its physical/design value as an example of a Neo-Gothic church, its historical/associative value due to its association with the Victoria Avenue Baptist Church and prominent Hamilton architectural firm Hutton & Souter, and its contextual value as a prominent building on Main Street East; and
- (b) The Inventory & Research Working Group recommends that 922 Main Street East, Hamilton, be added to Staff’s Designation Work Plan as a high priority, with the intent on achieving Part IV Designation under the Ontario Heritage Act.

Sub-section (b) **was amended** as follows:

(b) That the property located at 922 Main man Street East, Hamilton be referred to staff to review for Part IV Designation.

(a) The Inventory & Research Working Group recommends that 922 Main Street East, Hamilton, be listed on the Municipal Heritage Register as a non-designated property, due to its physical/design value as an example of a Neo-Gothic church, its historical/associative value due to its association with the Victoria Avenue Baptist Church and prominent Hamilton architectural firm Hutton & Souter, and its contextual value as a prominent building on Main Street East; and

~~(b) The Inventory & Research Working Group recommends that 922 Main Street East, Hamilton, be added to Staff's Designation Work Plan as a high priority, with the intent on achieving Part IV Designation under the Ontario Heritage Act.~~

(b) That the property located at 922 Main man Street East, Hamilton be referred to staff to review for Part IV Designation.

For further disposition, refer to Item 2.

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

(i) Buildings and Landscapes (Item 13.1)

Updates to properties can be viewed in the meeting recording.

The following updates were received:

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

Ancaster

- (i) 372 Butter Road West, Andrew Sloss House (D) – C. Dimitry
 - (ii) 1021 Garner Road East, Lampman House (D) – C. Dimitry
 - (iii) 398 Wilson Street East, Marr House (D) – C. Dimitry
- Dundas
- (iv) 2 Hatt Street (R) – K. Burke
 - (v) 216 Hatt Street (I) – K. Burke
 - (vi) 215 King Street West (R) – K. Burke
 - (vii) 219 King Street West (R) – K. Burke

Glanbrook

- (viii) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (ix) 80-92 Barton Street East, Former Hanrahan Hotel (R) – T. Ritchie
- (x) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xi) 66-68 Charlton Avenue West (NOID) – J. Brown
- (xii) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – R. McKee
- (xiii) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (xiv) 127 Hughson Street North, Firth Brothers Building (D) – T. Ritchie
- (xv) 163 Jackson Street West, Pinehurst / Television City (D) – J. Brown
- (xvi) 108 James Street North, Tivoli (D) – T. Ritchie
- (xvii) 98 James Street South, Former James Street Baptist Church (D) – J. Brown
- (xviii) 18-22 King Street East, Gore Buildings (D) – W. Rosart
- (xix) 24-28 King Street East, Gore Buildings (D) – W. Rosart
- (xx) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (xxi) 378 Main Street East, Cathedral Boys School (R) – T. Ritchie
- (xxii) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (xxiii) 120 Park Street North (R) – R. McKee
- (xxiv) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (xxv) 100 West 5th Street, Century Manor (D) – G. Carroll

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

Dundas

- (i) 64 Hatt Street, Former Valley City Manufacturing (R) – K. Burke
- (ii) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (iii) 3 Main Street, Former Masonic Lodge (R) – K. Burke
- (iv) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke

- (v) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – W. Rosart

Flamborough

- (vi) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (vii) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (viii) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – T. Ritchie
- (ix) 384 Barton Street East, St. Paul's Ecumenical Church (D) – T. Ritchie
- (x) 134 Cannon Street East, Cannon Knitting Mill (R) – T. Ritchie
- (xi) 52 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xii) 56 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xiii) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (xiv) 54-56 Hess Street South (R) – J. Brown
- (xv) 1000 Main Street East, Dunington-Grubb Gardens / Gage Park (R) – G. Carroll
- (xvi) 1284 Main Street East, Delta High School (D) – G. Carroll
- (xvii) 1 Main Street West, Former BMO / Gowlings (D) – W. Rosart
- (xviii) 311 Rymal Road East (R) – C. Dimitry
- (xix) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (xx) 50-54 Sanders Boulevard, Binkley Property (R) - J. Brown
- (xxi) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (xxii) 84 York Boulevard, Philpott Church (R) – G. Carroll
- (xxiii) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll

Stoney Creek

- (xxiv) 77 King Street West, Battlefield House NHS (D) – R. McKee
- (xxv) 2251 Rymal Road East, Former Elfrida Church (R) – C. Dimitry

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

Dundas

- (i) 104 King Street West, Former Post Office (R) – K. Burke
Hamilton
- (ii) 46 Forest Avenue, Rastrick House (D) – G. Carroll
- (iii) 88 Fennell Avenue West, Auchmar (D) – R. McKee
- (iv) 125 King Street East, Norwich Apartments (R) – T. Ritchie
- (v) 206 Main Street West, Arlo House (R) – J. Brown

- (d) Heritage Properties Update (black):
(Black = Properties that HMHC have no control over and may be
demolished)

Ancaster

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

(ii) Hamilton Municipal Heritage Committee Heritage Recognition Awards (Item 13.2)

The Committee received a presentation on the Hamilton Municipal Heritage Committee Heritage Recognition Awards.

The presentation respecting the Hamilton Municipal Heritage Committee Heritage Recognition Awards, was received.

For further disposition, refer to Item 3.

(iii) Recruitment of Citizens to the Hamilton Municipal Heritage Committee (Added Item 13.3)

The Legislative Coordinator advised that the City of Hamilton launched the recruitment for citizens on Agencies, Local Boards and Sub-Committees. The recruitment will run from February 24 to April 6, 2023.

The information respecting the Recruitment of Citizens to the Hamilton Municipal Heritage Committee, was received.

(i) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 2:02 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	February 24, 2023
SUBJECT/REPORT NO:	Response to <i>Bill 23, Schedule 6, More Homes Built Faster Act, 2022</i> , and its Changes to the <i>Ontario Heritage Act</i> and its Regulations (PED22211(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alissa Golden (905) 546-2424 Ext. 1202
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That, as a result of the *Bill 23* changes to the *Ontario Heritage Act*, the Council-approved process for designating properties under Part IV of the *Ontario Heritage Act*, including the City of Hamilton: Cultural Heritage Evaluation Criteria and staff designation work plan, as outlined in Report PED08211, be rescinded;
- (b) That the Candidates for Part IV Designation list, attached as Appendix "A" to Report PED22211(a), be approved;
- (c) That Cultural Heritage Planning staff, be directed to update the Candidates for Part IV Designation list, as required, to identify properties of cultural heritage value or interest worthy of further review for potential designation under Part IV of the *Ontario Heritage Act*, and that the list be reported to the Hamilton Municipal Heritage Committee quarterly and be made publicly available;
- (d) That Cultural Heritage Planning staff be directed to review the high priority properties of cultural heritage value or interest, identified in Appendix "B" attached to Report PED22211(a), and report back to Council with

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- recommendations to designate individual properties under Part IV of the *Ontario Heritage Act*, and that this work be completed no later than January 1, 2025;
- (e) That, pursuant to Subsection 27(11) of the *Ontario Heritage Act*, Council require that any notice of intention to demolish or remove any building or structure on a property included on either the Candidates for Part IV Designation list attached as Appendix “A” to Report PED22211(a) or the High Priority Candidates for Part IV Designation list attached as Appendix “B” to Report PED22211(a), include a Cultural Heritage Impact Assessment report prepared to the satisfaction and approval of the Director of Planning and Chief Planner;
 - (f) That Cultural Heritage Planning staff be directed to report back to Council with a Heritage Conservation District Strategy and Work Plan by Q4 2023;
 - (g) The following items be considered dealt with and removed from the Outstanding Business List:
 - (i) Item 12B - Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the *Ontario Heritage Act* (PED12166);
 - (ii) Item 14A - Adding 206, 208, 210 King Street East to the Register of Property of Cultural Heritage Value or Interest;
 - (iii) Item 21Q – HMHC Report 21-005 RE: cost recoveries related to multiple Register removal requests from owners;
 - (iv) Item 17B - Designation of the Gore District as a Heritage Conservation District;
 - (h) That staff report back on the creation of a standardized “Notice of Intention to Demolish” process, including an application form, for the consideration of the Hamilton Municipal Heritage Committee and Council in Q2 2023.

EXECUTIVE SUMMARY

The changes to the *Ontario Heritage Act* through *Bill 23, More Homes Built Faster Act, 2022*, proclaimed on January 1, 2023, affect the City’s existing heritage designation process. The existing process includes a multi-year work plan of 166 properties for review into 2039 and listing work plan properties on the Municipal Heritage Register (Register) to provide them with interim protection from demolition until they are comprehensively reviewed for designation. *Bill 23* changes to how municipalities can use the Register as a tool for heritage conservation, effectively making it a placeholder

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for individual Part IV designation only and will result in the automatic de-listing of all of the 2,345 non-designated properties currently listed on the Register on January 1, 2025. These properties are prohibited to be re-listed until January 1, 2030. This Report recommends that a new heritage designation process be implemented to address the *Bill 23* changes, including:

- Rescinding the existing Council-adopted heritage designation process;
- Implementing a new publicly accessible list of Candidates for Part IV Designation based off of the existing designation work plan list; and,
- Prioritizing 60 of the existing work plan properties for review for Part IV designation by January 1, 2025.

This Report also recommends that staff report back to Council with a Heritage Conservation District (HCD) Strategy and Work Plan to address areas with concentrations of properties of cultural heritage value or interest that will be automatic de-listed from the Register in two years, as well as a new focus for the City's proactive Built Heritage Inventory Strategy work moving forward.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The *Bill 23* amendments to the *Ontario Heritage Act* will have financial implications in terms of the staff time and resources required to address the candidates for designation listed on the Register at an accelerated rate. The Planning Division will be hiring two full-time temporary two-year Cultural Heritage Planning Technician positions to address this accelerated work, which will be funded from Capital Project ID Account No. 8121255620 in 2023 and referred to the 2024 Operating Budget.

Staffing: The full extent of the implications of *Bill 23* on staff resource are not known at this time. However, staff anticipate additional resources and time will be required to:

- Track Register listing and removal dates and five-year restrictions on re-listing;
- Accurately maintain the publicly accessible Register to reflect the changing statuses;
- Notify owners of Register removals;
- Liaise with owners, members of the public, HMHC and staff in other departments to confirm and explain the changing heritage status of properties;

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- Prepare listing recommendations triggered by Formal Consultation Applications in advance of subsequent Prescribed Events under the *Planning Act*;
- Prepare emergency designations triggered by Formal Consultation Applications and Prescribed Events under the *Planning Act*;
- Prepare notifications to owners on the existing staff work plan of the expedited review for designation; and,
- Process approximately 60 new heritage designations before January 1, 2025.

Staff anticipate there will be a reduction in resources and time required to address owner requests for removal from the Register.

Staff do not currently have the capacity to address the preliminary impacts outlined above. The two new temporary Cultural Heritage Planning Technician positions to be hired will focus primarily on the research and evaluation of heritage properties on the high priority designation list (see Appendix “B” attached to Report PED22211(a)) and would also address work triggered by Prescribed Events under the *Planning Act*. It is estimated that each contract staff could prepare approximately 15 designations per year.

Staff will report back to Council at the end of the temporary contracts on the effectiveness of the positions to address the designation work plan and to advise if a permanent position(s) is required to continue to support the designation work triggered by Prescribed Events and / or the list of Candidates for Part IV Designation (see Appendix “A” attached to Report PED22211(a)).

Legal: The *Bill 23* amendments to the *Ontario Heritage Act* are anticipated to require additional Legal resources and staff time to:

- Provide support interpreting and implementing the *Ontario Heritage Act* changes;
- Assist with the preparation of reports, by-laws, and agreements, and registration of the documents to comply with the new requirements; and,
- Represent the City at the Ontario Land Tribunal (OLT) as staff anticipate a higher number of OLT appeals to designations triggered by Prescribed Events under the *Planning Act* and to address the listed properties on staff’s designation work plan before they are automatically removed from the Register on January 1, 2025.

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HISTORICAL BACKGROUND

The City's existing heritage designation process, adopted by Council in 2008 as part of Report PED08211, provides a framework to address heritage designation requests and prioritize a staff work plan for designating individual properties under Part IV of the *Ontario Heritage Act*. The City's Built Heritage Inventory Strategy and Work Plan, as outlined in Report PED20133, is an initiative to proactively identify cultural heritage resources to facilitate informed decision-making and priority-based planning from staff and Council. Since the Built Heritage Inventory (BHI) work began in 2011, over 2,000 properties have been added to the Municipal Heritage Register, providing interim 60-day protection from demolition and the opportunity for staff to discuss conservation or salvage options with the owner, or for Council to protect the property if it is a significant heritage resource worthy of designation under Part IV of the *Ontario Heritage Act*. The BHI work has also resulted in the identification of over 80 candidate properties for designation that have been added to staff's designation work plan for more comprehensive review and assessment.

On July 1, 2021, *Bill 108, More Homes, More Choice Act, 2019*, was proclaimed, which amended the *Ontario Heritage Act* (OHA). The amendments included changes to the process for designating properties, including restricting designations within 90 days of a Prescribed Event under the *Planning Act* and placing the final decision on designation appeals with the OLT instead of Council (see Report PED19125(c) for further discussion).

On October 25, 2022, *Bill 23, More Homes Built Faster Act, 2022* was introduced at the Ontario Legislature and subsequently received Royal Assent on November 28, 2022. Schedule 6 of *Bill 23* proposes changes to the *Ontario Heritage Act* and anticipated future changes to its regulations. On November 15, 2022, the Hamilton Municipal Heritage Committee (HMHC) received Information Report PED22211, notifying them of *Bill 23* and the proposed changes to the *Ontario Heritage Act*. Planning staff prepared comments on the proposed changes to the *Ontario Heritage Act* as part of a report to Council on all of the relevant legislative changes proposed through *Bill 23*, which was presented to Planning Committee on November 29, 2022, as part of Report PED22207.

On December 15, 2022, *Ontario Regulation 569/22* was introduced (see Appendix "C" attached to Report PED22211(a)) to amend *Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest*. Schedule 6 of *Bill 23* was proclaimed on January 1, 2023.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recommendations of this Report are consistent with Provincial and Municipal

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legislation, policy and direction, including:

- Ensuring significant cultural heritage resources are conserved (*Provincial Policy Statement*, 2020, Sub-section 2.6.1);
- Protecting and conserving the tangible cultural heritage resources of the City, including built heritage resources for present and future generations (Urban Hamilton Official Plan, Volume 1, Chapter B, 3.4.2.1(a));
- Identifying cultural heritage resources through a continuing process of inventory, survey and evaluation, as the basis for wise management of these resources (Urban Hamilton Official Plan, Section B.3.4.2.1(b)); and,
- Designating properties of cultural heritage value under Part IV of the *Ontario Heritage Act* (Urban Hamilton Official Plan, Section B.3.4.2.3).

RELEVANT CONSULTATION

External

- Ontario Association of Heritage Professionals

Internal

- Planning and Economic Development Department, Tourism and Culture Division, Heritage Resource Management; and,
- Corporate Services Department, Legal Services Division, Legal and Risk Management Services.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The cumulative changes to the *Ontario Heritage Act* over the past few years, implemented by *Bill 108* and *Bill 23*, as well as the *Planning Act* changes implemented by *Bill 109*, will require a substantial shift in how the City of Hamilton identifies and protects significant cultural heritage resources and a reallocation of staff resources. The existing heritage designation process and BHI Strategy have focused on: the proactive identification of heritage resources; comprehensive and defensible evaluations of the heritage value or interest of properties; informed prioritization of how staff resources are being used to protect identified heritage resources; early and ongoing consultation with property owners; and a strong component of community engagement and education.

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The key *Bill 23* changes to the *Ontario Heritage Act* that will affect the City of Hamilton's Heritage Planning work, conducted by the Planning Division and Tourism and Culture Division, include:

- Limitations on the use of Register listings, including:
 - Expiry of non-designated properties currently listed on a Register on January 1, 2025 (two years from the time of proclamation of *Bill 23* on January 1, 2023);
 - Expiry of any new Register listings added after *Bill 23* proclamation, two years from their listing date; and,
 - 5-year restrictions on re-listing properties after expiry.
- New restrictions on designating as part of *Planning Act* applications, requiring a property to be listed prior to a Prescribed Event to be able to designate the property.

Note: *Bill 108* previously introduced a 90-day timeframe to issue a Notice of Intention to Designate a property subject to a Prescribed Event under the *Planning Act*.

- New thresholds for determining cultural heritage value or interest, as per *Ontario Regulation 9/06*, amended by *Ontario Regulation 569/22* (attached as Appendix "C" to Report PED22211(a)), including:
 - 2 criteria required instead of one for Part IV designation; and,
 - 1 criteria required for listing non-designated properties on the Register.
- New powers to exempt public bodies from complying with Provincial Standards and Guidelines for Conservation.
- Expansion of owner objection rights for properties listed on the Register prior to *Bill 108* proclamation on July 1, 2021.

Bill 23 changes to how municipalities can use the Register as a tool for heritage conservation and effectively make it a placeholder for individual Part IV designation only.

Changes to the Heritage Designation Process

The existing Council-approved process for designating properties under Part IV of the *Ontario Heritage Act*, as outlined in Report PED08211, allows staff to list properties on the Register and prioritize future assessment work for designation years into the future. The current work plan includes 166 properties, anticipates approximately four properties

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being reviewed per year (with some clusters of properties being reviewed concurrently) with work projected into 2039. With property listings now expiring automatically after two years, this work plan and prioritization process is not viable as properties will no longer have interim protection from demolition by listing on the Register until a recommendation to designate can be brought forward at a later date.

The *Bill 23* changes also present an opportunity to address the unsustainable nature of the City's existing designation work plan, which originally proposed low, medium and high priority categories that would be addressed within 5 years and has now grown to over 166 properties requiring over 40 years of work.

Staff recommend that the existing process be rescinded as a result of the legislative changes as part of *Bill 23*, including the request process, staff designation work plan, City of Hamilton: Cultural Heritage Evaluation Criteria and the review of draft Cultural Heritage Evaluation reports by the Inventory and Research Working Group (see Recommendation (a) of this Report).

List of Candidates for Part IV Designation

A new heritage designation process is proposed to be implemented which includes a list of Candidates for Designation under Part IV of the *Ontario Heritage Act* maintained by staff, to be accessible to the public (see Recommendation (b) of this Report). The new list of designation candidates, attached as Appendix "A" to Report PED22211(a), includes properties on the existing staff designation work plan to be rescinded, as well as additional properties inventoried and identified as Significant Built Resources that have not yet been added to the work plan. These 120 properties are not considered to be a high priority for designation because they were flagged proactively as part of the City's Built Heritage Inventory Strategy work, are generally stable residential properties and have a lower risk of potential change or demolition.

A staff review for designation may be prioritized if one of the following types of events occur:

- A Building Permit Application to demolish;
- A Formal Consultation Application that involves demolition or significant alteration of the potential heritage resource(s);
- A Prescribed Event under the *Planning Act*;
- An owner request for designation; or,
- If staff resources permit.

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Notices will be sent to the owners of all the properties to notify them of the change in status from being on the designation work plan to the new list of candidates for designation.

High Priority Candidates for Part IV Designation

In addition to the list of designation candidates, there are 60 properties on the existing work plan that are recommended to be given high priority for staff review for designation. Staff identified the property as a high priority for review by January 1, 2025 (see Appendix “B” attached to Report PED22211(a)) if:

- There was a perceived or immediate risk to the property with respect to demolition, removal or substantial alteration; or,
- Designation was originally requested by the owner or a third party (e.g. it was not proactively identified as part of the BHI Strategy work).

Staff note that a handful of work plan properties that were added by Council motion or HMHC request have not been included in the high priority list because they were found to be generally stable residential or City-owned property with low risk of demolition or removal, or their potential for Part IV designation has not yet been evaluated.

It is recommended that staff review the high priority properties for Part IV designation prior to January 1, 2025, when they will automatically be removed from the Register (see Recommendation (d) of this Report). Any properties on the high priority list not addressed by January 1, 2025, would be added to the Candidates for Part IV Designation list. Notices will be sent to the property owners to notify them of the change in status from being on the designation work plan to the new list of high priority designation candidates.

Proactive Designation Triggered by Prescribed Events

In addition to the high priority designation candidates for review by January 1, 2025, the City will also need to address designations that may be triggered by Prescribed Events under the *Planning Act*. This work will be reactionary in nature and staff will need to be able to undertake property evaluations and bring forward recommendations to designate triggered by Formal Consultation Applications in a timely manner due to the limitations imposed on the municipality by *Bill 108* and *Bill 23*, respectively, to designate a property within 90 days of a Prescribed Event. On average, the City has received approximately 150 Formal Consultation Applications per year, which would mean staff may need to prepare as many recommendations for listing and/or Notices of Intention to Designate, if warranted, before Prescribed Events are triggered.

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Proactive Listing Prior to Prescribed Events

The amended *Ontario Heritage Act* now requires that a property be listed on the Register prior to a Prescribed Event in order for a municipality to be able to issue a notice of intention to designate within the 90-day restricted window. As such, staff anticipate reporting to the HMHC, as required, with a list of non-designated properties of cultural heritage value or interest flagged as part of the Formal Consultation process for listing on the Register and/or addition to the list of Candidates for Part IV Designation. There are two gaps in this process of proactive listing prior to Prescribed Events that should be highlighted:

- Properties currently listed on the Register will be automatically removed from the Register (de-listed) two years after the *Bill 23* amendments to the OHA are proclaimed on January 1, 2023. If a Formal Consultation Application is received after a property of heritage value or interest has been removed from the Register in accordance with the new provisions, then the City would not be able to re-list it for five years from its removal, making it vulnerable during the redevelopment process; and,
- If a property is newly listed on the Register as a result of a Formal Consultation Application process, it could be de-listed and not be able to be listed again for five years if the Prescribed Event is not triggered or if a Notice of Intention to Designate is not issued within two years of listing, making it vulnerable during the redevelopment process.

In both of the above situations, the requirement for an owner to enter into a heritage easement or covenant agreement as a condition of approval of their application may be a solution for ensuring a significant heritage resource is conserved as part of the *Planning Act* process.

New Designation Requests

New requests for Part IV designation may be submitted by a property owner, a third party, the Hamilton Municipal Heritage Committee and / or directed by Council. Staff will review new designation requests against the provincial criteria for determining cultural heritage value or interest and report to HMHC for their advice on the recommended action under the *Ontario Heritage Act*, such as temporary listing on the Municipal Heritage Register or recommendations for Part IV designation. Staff will notify the subject property owner(s) and the local Councillor of the request and include any feedback or comment received from them into the applicable report to the HMHC for reference.

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Owner requested designations will be evaluated directly by staff and, if determined to meet the provincial criteria for designation, a recommendation to designate will be brought forward in a timely manner, as staff resources permit. In situations where designation requests are received by a third party, the HMHC and / or directed by Council, and where staff do not perceive an immediate risk of demolition, removal or substantial alteration to a property, staff may advise the HMHC that the property be added to the list of Candidates for Part IV Designation for future review and consideration, as outlined above.

Staff do not recommend listing properties of cultural heritage value or interest on the Register unless they are under immediate threat of potential demolition or removal or are anticipated to trigger a Prescribed Event under the *Planning Act*. A strategic approach to listing will need to be followed to limit situations where properties are de-listed and unable to be listed again for five years, limiting the municipality's ability to designate if Prescribed Events are triggered.

Amendments to Existing Pre-2005 Designation By-laws

As a result of the *Bill 23* amendments, and to ensure that properties of potential heritage significance are not left unprotected, staff recommend prioritizing new designations over amendments to existing Part IV designation by-laws passed prior to 2005 that may need to be updated to be in conformity with the *Ontario Heritage Act*. Amendments to existing by-laws should only be prioritized when there are no new designations that need to be addressed, if requested by the owner, or if required as part of a *Planning Act* or *Ontario Heritage Act* process.

Requirements for Notices of Intention to Demolish

Listing on the Municipal Heritage Register under Section 27(3) of the *Ontario Heritage Act* requires that Council be given 60 days' notice in writing of the intention to demolish or remove any building or structure on the property, as per Section 27(9) of the *Act*. Council may require that the notice of intention be accompanied by such plans and information as they deem necessary, as provided by Section 27(11) of the *Act*.

In 2017, Council passed a resolution to require that an owner of a listed property on staff's existing designation work plan submit a Cultural Heritage Impact Assessment report, to the satisfaction and approval of the Director of Planning and Chief Planner, as part of their notice of intention to demolish any building or structure on a property (see Report PED17092). In light of Recommendation (a) of this Report to rescind the existing designation work plan, staff recommend that this requirement be applied to all listed properties on the new Candidates for Part IV Designation and High Priorities for Part IV Designation lists moving forward, as per Recommendation (e) of this Report.

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For all other listed properties not currently included on the designation work plan, staff does not have the delegated authority of Council to require any plans or information be submitted with a notice of intention to demolish under Section 27(11). In some cases where a Building Permit Application to demolish has been submitted, these applications have served as notice. Staff will report back on a standard “Notice of Intention to Demolish” process, including an application form, for the consideration of the Hamilton Municipal Heritage Committee and Council in Q2 2023 (see Recommendation (h) of this Report).

Heritage Conservation District Strategy and Work Plan

The *Bill 23* amendments to the *Ontario Heritage Act* substantially changes the effectiveness of the Register as a tool for heritage conservation; by limiting its use it will become a placeholder for designation. Now that Schedule 6 of *Bill 23* has been proclaimed on January 1, 2023, the City will have 2 years to address the 2,345 listed properties of heritage value or interest before they are automatically removed from the Register on January 1, 2025. Some of candidates for designation that are listed on the Register are located in concentrations or clusters of properties that may be worthy of study as Heritage Conservation Districts. In addition, the remaining 2,179 listed properties may not be candidates for individual designation but could be part of cultural heritage landscapes worthy of protection through Heritage Conservation District designation and / or planning policy or zoning provisions. Potential Heritage Conservation Districts in areas with concentrations of listed properties include:

- Ancaster Village, Wilson Street East, Ancaster;
- Charlton-Hughson-Forest-John Block, Hamilton;
- Gore Park, King Street East, Hamilton
- James Street North, Hamilton;
- Waterdown Village, Flamborough; and,
- Ravenscliffe Avenue, Hamilton.

There are also several potential Heritage Conservation Districts that have been previously identified and deferred to a future Cultural Heritage Landscape Inventory and Management Plan study. These include Mineral Springs Road (Ancaster) and the Strathcona Neighbourhood (Hamilton). Additional areas of heritage interest included on the Cultural Heritage Landscape Inventory may be candidates for district designation subject to further review, including historic streetscapes, neighbourhoods and settlement areas across the City.

With the changes to how the Register can be used, the focus of the Built Heritage Inventory Strategy work will need to be realigned. The baseline of the work would remain the same, but instead of prioritizing Register listings, the focus will need to be

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designating significant built heritage resources under Part IV of the *Ontario Heritage Act* and identifying concentrated areas of properties of heritage value or interest for further Heritage Conservation District Study. This would streamline the individual survey work and owner engagement that has been required to date as part of the Register listing process but would also require additional resources to initiate and project manage new HCD Studies, public engagement around those projects and the development of HCD Plans.

It is recommended that staff report back with a Heritage Conservation District Strategy and Work Plan to address these areas of heritage interest and to identify other areas that might be worthy of review for district designation (see Recommendation (f) of Report PED22211(a)).

Outstanding Business List Items

Several Outstanding Business List (OBL) items have been addressed by the recommendations of this report or are no longer relevant in light of the *Bill 23* amendments to the *Ontario Heritage Act*. Recommendation (g) of this Report would remove the following items from the OBL list:

- Addition of 437 Wilson Street East (Ancaster) to staff's designation work plan (Item 12B);
- Listing of 206, 208, 210 King Street East to the Register (Item 14A);
- Designation of the Gore District as a Heritage Conservation District (Item 17B); and,
- A report on cost recoveries related to multiple Register removal requests from owners (Item 21Q).

ALTERNATIVES FOR CONSIDERATION

Not applicable.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Built Environment and Infrastructure

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

Culture and Diversity

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

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22211(a) – Candidates for Designation under Part IV of the
Ontario Heritage Act

Appendix "B" to Report PED22211(a) – High Priority Candidates for Designation under
Part IV of the *Ontario Heritage Act*

Appendix "C" to Report PED22211(a) – *Ontario Regulation 569/22*

AG:sd

Candidates for Designation under Part IV of the *Ontario Heritage Act***Ancaster**

- 65 Central Drive
- 105 Filman Road
- 3819 Indian Trail
- 3513 Jerseyville Road West
- 1032 Lower Lions Club
- 490 Old Dundas Road (Ancaster Village)
- 713 Old Dundas Road
- 2059 Powerline Road
- 2224 Powerline Road
- 277, 283, 286, 287, 289, 297, 303, 327, 349, 346, 347, 357, 363-367, 413, 420, 423, 426, 430, 442, 449, 450, 454 and 558 Wilson Street East (Ancaster Village, 23 properties)

Dundas

- 7 Rolph Street (Lennard House)
- Cootes Drive (Desjardins Canal)

Flamborough

- 200 Hamilton Street North (Waterdown Memorial Park)
- 341 Main Street North (Rymal / Buchan House)
- 115 Main Street South (Sealey Park)
- 201 Main Street South (J.K. Griffin House)
- 9 Margaret Street (Waterdown Union Cemetery)

Glanbrook

None currently.

Hamilton

- 37 Aberdeen Avenue (Moodie Residence)
- 64 Aberdeen Avenue (Undercliffe)
- 125 Aberdeen Avenue
- 131-135 Aberdeen Avenue (Gateside)
- 45 Amelia Street (Markson / Goldblatt House)
- 62-74 Barton Street East (Holden Apartments)
- 80-92 Barton Street East (Former Hotel Hanrahan)

- 191 Barton Street East (Former Smart-Turner)
- 173 Bay Street South
- 254 Bay Street South (Maple Lawn)
- 274 Bay Street South (Widderly)
- 280 Bay Street South (Brightside / Sunny Side)
- 282 Bay Street South (Balfour House)
- 311 Bay Street South (Gibson Residence)
- 312 Bay Street South
- 321 Bay Street South (Cartwright Residence)
- 351-353 Bay Street South (Whitton Residence)
- 358 Bay Street South (Pigott Residence)
- 13-15 Bold Street (Hereford House)
- 19-21 Bold Street (Royal Alexandra, 2 properties)
- 192 Bold Street
- 170 Caroline Street South (Henson Court)
- 103 Catharine Street North (Hughson House)
- 39, 43 and 49 Charlton Avenue East (Charlton-Hughson-Forest-John Block, 3 properties)
- 14-24 Charlton Avenue West (Eggshell Terrace, 5 properties)
- 41 Charlton Avenue West
- 64 Charlton Avenue West (Wood House)
- 72 Charlton Avenue West
- 181 Charlton Avenue West (First Christian Reformed Church)
- 1 Duke Street (The Castle / Amisfield)
- 14 Duke Street (Duke Street Double House)
- 98 Duke Street
- 99 Duke Street
- 40 and 50 Forest Avenue ((Charlton-Hughson-Forest-John Block, 2 properties)
- 11-17 Herkimer Street (Herkimer Terrace, 4 properties)
- 44-46 Herkimer Street (Herkimer Street Terrace, 2 properties)
- 86 Herkimer Street (Herkimer Apartments)
- 370 Hess Street South (Kildallan)
- 378 Hess Street South
- 384 Hess Street South
- 1 Hughson Street South (Gore Park)
- 183, 187 and 189 Hughson Street South (Charlton-Hughson-Forest-John Block, 3 properties)
- 17 Jackson Street West (Bell Building)
- 10 James Street North (Oak Hall)

- 161-169 James Street North (Eager Row, 4 properties)
- 170-174 James Street North
- 175 James Street North (Orange Hall)
- 193-197 James Street North (Former Armoury Hotel)
- 199 James Street North
- 207-211 James Street North
- 213 James Street North (Former St. Michael's Parish Hall)
- 16 Jarvis Street (Former Hamilton Distillery Company Building)
- 55 John Street North (Hamilton Hydro / Horizon Utilities)
- 111 Kenilworth Access (Barton Reservoir)
- 103 Kenilworth Avenue North (Kenilworth Library)
- 100 King Street West (Stelco Tower)
- 170 Longwood Road North (Hambly House)
- 203 MacNab Street South (HREA Residence)
- 50 Main Street East (Former County Courthouse)
- 100 Main Street East (Landmark Place / Century 21 Building)
- 1000 Main Street East (Gage Park)
- 347 Queen Street South
- 403 Queen Street South
- 189 Rebecca Street

Stoney Creek

None currently.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Application for Cash-in-Lieu of Parking for Lands Located at 211-225 John Street South and 70-78 Young Street, Hamilton (PED23052) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Rino Dal Bello (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Cash-in-Lieu of Parking (CLIP) Application CIL-22-002 by Corktown LP, Slate Asset Management, Owner**, for a partial exemption from the parking provisions of Zoning By-law No. 05-200 for 15 of the required 409 parking spaces, for lands located at 211-225 John Street South and 70-78 Young Street, as shown on Appendix "A" attached to Report PED23052, be **APPROVED** on the following basis:

- (a) That the owner pays the Cash-in-Lieu of Parking sum of \$581,250 for each of the 15 parking spaces (\$38,750 per space) with the funds to be deposited in Account No. 115085 (Off-Street Parking Reserve Fund);
- (b) That the City Solicitor be authorized and directed to prepare the appropriate Cash-in-Lieu of Parking Agreement to be registered on title of the subject lands in accordance with Section 40 of the *Planning Act*;
- (c) That the City Clerk be authorized to provide a certificate in accordance with Section 40 (5) of the *Planning Act* when all money payable to the City under the Cash-in-lieu of Parking Agreement has been paid or the agreement has been terminated.

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SUBJECT: Application for Cash-in-Lieu of Parking for Lands Located at 211-225 John Street South and 70-78 Young Street, Hamilton (PED23052) (Ward 2) - Page 2 of 7

EXECUTIVE SUMMARY

The applicant, Corktown LP, Slate Management has applied for Cash-in-Lieu of Parking for relief from the parking provisions of Zoning By-law No. 05-200 for 15 parking spaces associated with Site Plan Control application DA-21-112 for the development of a 27 storey residential building and a 14 storey residential building with commercial at the ground level. The development includes 744 units and 394 parking spaces across three levels of underground parking. The owner will be required to pay the Cash-in-Lieu of Parking sum of \$581,250 for 15 parking spaces, which is equivalent to a 50% payment of the total cost of \$1,162,500 for all 15 spaces.

The Cash-in-Lieu option provides an additional option for an applicant. Rather than seek a Zoning By-law Amendment of parking, they can instead request that they meet the requirement through a Cash-in-Lieu payment. Staff support the application as a contribution to Cash-in-Lieu of Parking is permitted by Zoning By-law No. 05-200, the applicant is implementing transportation demand management (TDM) measures and the proposed development is located adjacent to the transit system and supports city policies including active transportation and a pedestrian focused public realm.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The City's current CLIP Policy states that all funds collected will be deposited in the Reserve Fund Account No. 115085 for Off-street Parking for the purposes of increasing the amount of municipal off-street parking in the City. The City will collect \$581,250 for the Cash-in-Lieu of Parking which is equivalent to a 50% payment of the total cost of \$1,162,500 for all 15 spaces.

The City's Official Plan also provides for cash-in-lieu of parking and how the funds are to be spent through the following policy F.1.20:

"1.20.1 Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements. Such funds shall be used for the acquisition of lands and/or the provision of off-street parking as deemed appropriate by the City:

- a) The acquisition of lands and/or the provision of off-street parking;
- b) Support for measures that reduce or shift the demand for parking through outreach, education and targeted programs; and,

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SUBJECT: Application for Cash-in-Lieu of Parking for Lands Located at 211-225 John Street South and 70-78 Young Street, Hamilton (PED23052) (Ward 2) - Page 3 of 7

- c) Provision of infrastructure and services that support micro-mobility including bicycles, shared bicycles, E-scooters and electric bicycles. (OPA 155)”

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The City of Hamilton has provided developers with the option of meeting their parking requirements through a “cash-in-lieu provision” for many years. The former City of Hamilton adopted operational guidelines on how cash-in-lieu of parking payment was to be calculated in accordance with the *City of Hamilton Act*, and this policy is still in force and effect.

The applicant received Conditional Site Plan Approval (File DA-21-112) on October 21, 2021 for the subject lands. The conditionally approved site plan is for the development of a 27 storey residential building and a 14 storey residential building with commercial at the ground level. The development includes 769 residential units and 461 parking spaces across four levels of underground parking which results in a parking ratio of 0.6 spaces per unit.

Following conditional approval, the applicant indicated the cost of constructing a fourth level of parking would be costly and requested reducing the number of parking spaces. A parking justification study was submitted, providing rationale for a reduced parking ratio. Staff recommended that the applicant apply to the Committee of Adjustment to reduce the parking ratio from 0.6 to 0.55 spaces per unit since the reduction would be considered minor.

Council granted the applicant permission to apply for a minor variance and then to consider a cash-in-lieu of parking application. The applicant applied to the Committee of Adjustment (HM/A-22:64) on October 7, 2022 for a Minor Variance requesting a parking ratio reduction from 0.6 to 0.55 parking spaces per unit and a revised development of 744 residential units and 409 parking spaces.

Staff supported the reduction subject to implementation of the Transportation Demand Management (TDM) measures. The Minor Variance application was approved by the Committee of Adjustment on November 17, 2022 with the TDM measures included as a conditional, as shown on Appendix “B” attached to Report PED23052.

The applicant submitted a Cash-in-Lieu of Parking application with a further revised development which includes 744 residential units and 394 parking spaces across three

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SUBJECT: Application for Cash-in-Lieu of Parking for Lands Located at 211-225 John Street South and 70-78 Young Street, Hamilton (PED23052) (Ward 2) - Page 4 of 7

levels of underground parking which represents a parking ratio of 0.53 spaces per unit, as shown on Appendix "C" attached to Report PED23052. The revised development reduces the number of parking spaces from 409 to 394 on site parking spaces with a parking ratio of 0.53 spaces per unit which results in the applicant requesting relief from the Zoning By-law No. 05-200 for 15 parking spaces in the form of a Cash-in-Lieu of parking payment.

The cost to construct one underground parking space was determined by the Real Estate Section at \$38,750. The estimated land value of the site is \$310 per square foot. Since the parking spaces are in a multiple storey building (in the form of an underground parking levels), the actual land value is prorated based on the proportion of parking relative to the total building. The development indicates that parking Gross Floor Area (GFA) is 13,197 square meters and total GFA is 63,583 square metres, the parking GFA is 20.7555% of the total GFA.

The calculation of the cost of the parking space is based on the formula below:

$$\text{Multi-level Parking} = (C2 + (L \times S2)) \times N \times 50\%$$

C2 = Current estimate of construction cost of a surface parking space

L = Current estimate of land cost of a parking space based on the current market value of the lands where development and/or redevelopment is proposed.

S2 = Size of each surface parking space including space required for aisles and driveways.

N = Number of parking spaces for which payment is requested by the proponent.

$$(\$55,000.0 + (\$64.34 \times 350)) \times 50\%$$

$$(\$55,000.0 + \$22,500.0 \text{ (rounded)}) \times 50\%$$

$$=\$38,750.0 \text{ per parking space}$$

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Section 40(1) and 40(2) of the *Planning Act* allows municipalities to enter into an agreement with an owner or occupant that effectively allows for the payment of "cash-in-lieu" of any requirement.

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SUBJECT: Application for Cash-in-Lieu of Parking for Lands Located at 211-225 John Street South and 70-78 Young Street, Hamilton (PED23052) (Ward 2) - Page 5 of 7

The former City of Hamilton adopted operational guidelines on how the cash-in-lieu of parking payment was to be calculated and, in accordance with the *City of Hamilton Act*, this policy is still in force and effect.

The City's Official Plan also provides for cash-in-lieu of parking through the following policy F.1.20:

F.1.20 Cash-in-Lieu of Parking

"1.20.1 Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements. Such funds shall be used for the acquisition of lands and/or the provision of off-street parking as deemed appropriate by the City:

- a) The acquisition of lands and/or the provision of off-street parking;
- b) Support for measures that reduce or shift the demand for parking through outreach, education and targeted programs; and,
- c) Provision of infrastructure and services that support micro-mobility including bicycles, shared bicycles, E-scooters and electric bicycles. (OPA 155)"

RELEVANT CONSULTATION

Staff in the following Divisions were consulted in the preparation of this Report:

- Planning and Economic Development Department, Planning Division, Transportation Planning & Parking Division, Parking Operations Section, and Economic Development Division, the Corporate Real Estate Office Section.

The above Divisions had no objections to the Cash-in-Lieu of Parking application for the subject lands and provided the evaluation amount.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Cash-in-Lieu of Parking Committee received the submission and recommended approval of application CIL-22-002 for the following reasons:

- The need of the applicant to contribute Cash-in-Lieu of Parking for the subject lands, in accordance with the *Planning Act* is permitted under Zoning By-law No. 05-200, Section 5.1 a) ii), by the City of Hamilton;

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SUBJECT: Application for Cash-in-Lieu of Parking for Lands Located at 211-225 John Street South and 70-78 Young Street, Hamilton (PED23052) (Ward 2) - Page 6 of 7

- The City of Hamilton Zoning By-law No. 05-200 requires 0.55 parking spaces per dwelling unit. The development is proposing 744 dwelling units which requires 409 parking spaces. The applicant is seeking relief for 15 parking spaces;
- The applicant is implementing TDM measures for the development;
- The redevelopment implements City policies that encourage the development and use of public transit, active transportation, live, work and play opportunities, a pedestrian focused public realm and is located adjacent to transit;
- The redevelopment of the property will act as a catalyst for further development in the neighbourhood; and,
- The amount of \$581,250 is based on the value of the land and the cost of construction of 15 parking spaces.

Therefore, staff recommend that Cash-in-Lieu of Parking application CIL-22-002 for lands located at 211-225 John Street South and 70-78 Young Street be approved.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the applicant would be required to provide the 15 parking spaces in accordance with Zoning By-law No. 05-200 or reduce the number of residential units which would reduce the number of parking spaces required. The applicant could also submit an application to the Committee of Adjustment for a further reduction of the parking ratio, however staff would not support the application.

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.

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23052 – Location Map

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**SUBJECT: Application for Cash-in-Lieu of Parking for Lands Located at 211-225
John Street South and 70-78 Young Street, Hamilton (PED23052) (Ward
2) - Page 7 of 7**

Appendix "B" to Report PED23052 – Transportation Demand Management (TDM)
Measures

Appendix "C" to Report PED23052 – Concept Plan

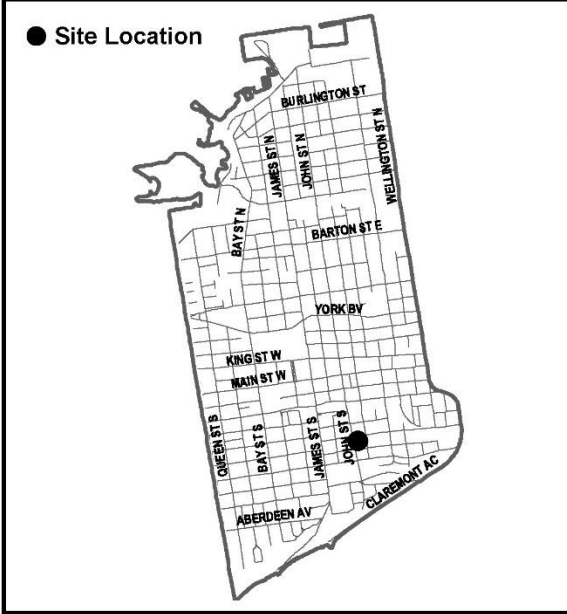
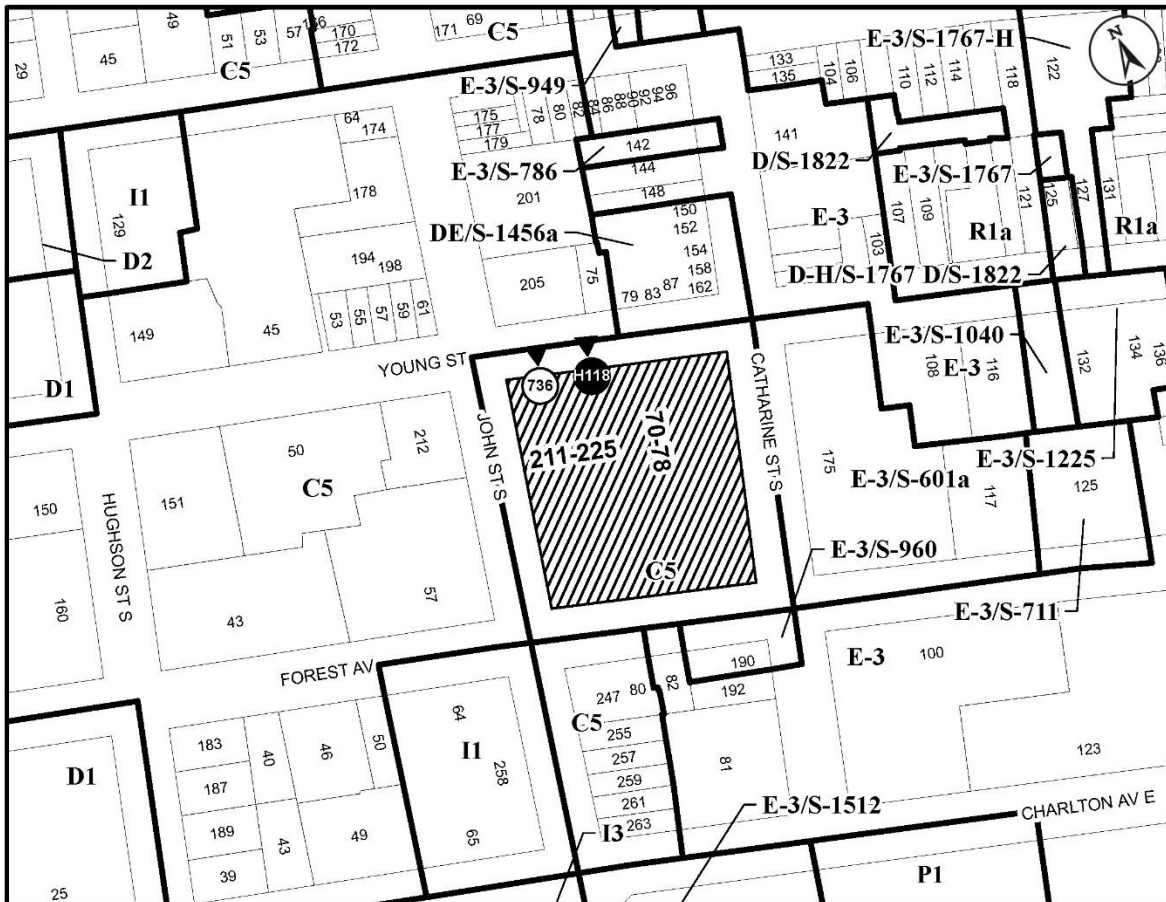
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Appendix "A" to Report PED23052
Page 1 of 1



Key Map - Ward 2

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
CIL-22-001


Date:
January 25, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
RD/NB

Subject Property

 211-225 John Street South and 70-78 Young Street, Hamilton (Ward 2)

Appendix “B” to Report PED23052
Page 1 of 2

SUBJECT: 211-225 John Street South & 70-78 Young Street (WARD 2)

DA-21-112 (Previous Files: PSR-20-090, UHOPA-18-017, ZAC-18-041)

Documents Reviewed

- *211 John Street South – Parking Study Addendum, Prepared by Paradigm, dated 30 June 2022*

Transportation Planning has reviewed the 211 John Street South – Parking Study Addendum prepared by Paradigm, dated 30 June 2022. Based on the previously prepared Transportation Impact Study (TIS) and Parking Justification Study (June 2020) and the June 2022 addendum, Transportation Planning has developed two parking ratio options for consideration by the Applicant. Both options provide a reduction in parking that is acceptable to Transportation Planning and is supportive of the City’s goal to “explore changes to parking as an opportunity for economic recovery and stimulus” while ensuring the site provides adequate onsite parking so as not to increase the high demand for on-street parking within the surrounding area. Both options will require a commitment to the implementation of Travel Demand Management (TDM) measures to encourage and facilitate travel by alternative modes.

Option 1: 0.55 per unit parking ratio

To achieve this ratio, the applicant is required to provide the following TDM measures:

1. Long-term bicycle parking is to be provided at a minimum of 0.5 spaces per dwelling unit, or 371 spaces, located within a secure, weather-protected area(s) within the building. These spaces are to be illustrated and identified on the site plan.
2. Short-term bicycle parking is to be provided in excess of the Zoning By-law. Transportation Planning requires a total of 0.1 space per unit, or 74 short-term bicycle parking spaces. These spaces are to be provided in well-lit onsite areas near the building entrances and adjacent to the commercial space(s). These spaces are to be illustrated and identified on the site plan.
3. The Applicant is to provide, at their expense, an onsite Hamilton Bike Share (SoBi) hub near the John Street South and Young Street site limits and in close proximity to the existing HSR transit stop.
4. The Applicant is to provide a minimum of two dedicated onsite carshare parking spaces, to be reserved for one or more car-share providers. These spaces are to be provided in a location that is convenient for both residents and the surrounding neighbourhood and are to be illustrated and identified on the site plan.
5. The Applicant is to contact Hamilton Street Railway (HSR) to discuss upgrading the John Street South and Young Street transit stop, at the Applicant’s expense. Upgrades could include an enhanced shelter or additional seating as space permits.

Appendix “B” to Report PED23052
Page 2 of 2

6. The site plan shall provide enhanced walking routes between main building entrances and the existing municipal sidewalks and transit stop located at John Street South and Young Street.
7. Where possible, the site should provide weather-protected waiting areas adjacent to the existing transit stop.
8. Explore the option of paid parking for employees and visitors. Transportation Planning recognizes that paid parking implementation may not be feasible since parking is proposed to be shared between all onsite uses. However, this could be achieved through designating un-assigned residential spaces as either visitor or employee parking until such time as those spaces are purchased and assigned. At a minimum, paid parking should be implemented at the short-term surface parking spaces.
9. The Applicant is required to implement unbundled parking so only those units requiring parking purchase a space. The applicant is strongly encouraged to assign spaces to units and limit parking purchases to one space per unit.
10. The Applicant is required to provide one Presto card with a pre-loaded balance of \$350, approximately the equivalent of a three-month Presto pass; and one six-month Hamilton Bike Share membership (\$100) with each new unit purchase to encourage travel by alternative modes.

Option 2: 0.50 per unit parking ratio

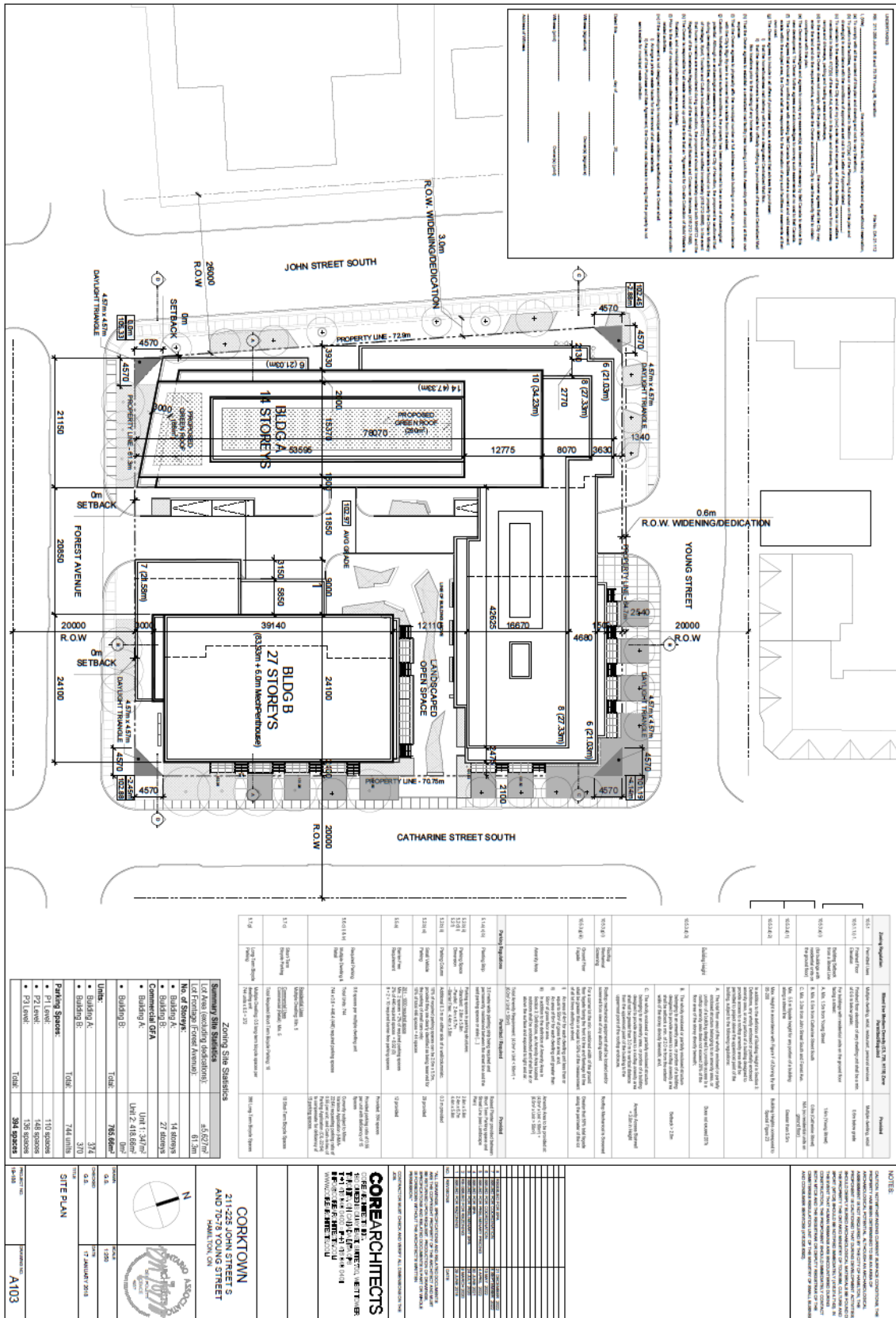
To achieve this ratio, the applicant is required to:

1. Provide all of the above-noted TDM measures with the exception of the Hamilton Bike Share hub, which will be provided at the City's expense.
2. Provide cash-in-lieu of parking (CILP) for 37 spaces (the difference in parking between 0.55 spaces per unit and 0.50 spaces per unit) based on the City's CILP Policy. The amount is based on 50% of the cost of constructing a parking space and will be calculated by the City.

The Applicant will be required to enter into a written agreement to provide the required TDM measures (Option 1) or TDM measures and CILP (Option 2).

Should you have any questions, please email tplanning@hamilton.ca, referencing:
211-225 John Street South and 70-78 Young Street - DA-21-112 (Ward 2)
Transportation Planning Response

Appendix "C" to Report PED23052
Page 1 of 4



NOTES:

1. This plan is submitted in accordance with the provisions of the Planning Act, R.S.O. 1990, c. 30, and the Planning Act Regulations, R.R.O. 1997, c. 191.
2. The applicant warrants that the information provided in this plan is true and correct to the best of their knowledge and belief.
3. The applicant warrants that the information provided in this plan is not misleading and that it does not contain any false or deceptive information.
4. The applicant warrants that the information provided in this plan is not in violation of any applicable laws, regulations, or by-laws.
5. The applicant warrants that the information provided in this plan is not in violation of any applicable zoning or land use regulations.
6. The applicant warrants that the information provided in this plan is not in violation of any applicable environmental laws or regulations.
7. The applicant warrants that the information provided in this plan is not in violation of any applicable heritage laws or regulations.
8. The applicant warrants that the information provided in this plan is not in violation of any applicable accessibility laws or regulations.
9. The applicant warrants that the information provided in this plan is not in violation of any applicable fire safety laws or regulations.
10. The applicant warrants that the information provided in this plan is not in violation of any applicable health and safety laws or regulations.
11. The applicant warrants that the information provided in this plan is not in violation of any applicable building codes or standards.
12. The applicant warrants that the information provided in this plan is not in violation of any applicable engineering or professional standards.
13. The applicant warrants that the information provided in this plan is not in violation of any applicable professional standards.
14. The applicant warrants that the information provided in this plan is not in violation of any applicable ethical standards.
15. The applicant warrants that the information provided in this plan is not in violation of any applicable moral standards.

Item No.	Description	Reference	Notes
1001.0	Site Plan	Section 1001.0	As shown on this plan.
1001.1	Site Plan	Section 1001.1	As shown on this plan.
1001.2	Site Plan	Section 1001.2	As shown on this plan.
1001.3	Site Plan	Section 1001.3	As shown on this plan.
1001.4	Site Plan	Section 1001.4	As shown on this plan.
1001.5	Site Plan	Section 1001.5	As shown on this plan.
1001.6	Site Plan	Section 1001.6	As shown on this plan.
1001.7	Site Plan	Section 1001.7	As shown on this plan.
1001.8	Site Plan	Section 1001.8	As shown on this plan.
1001.9	Site Plan	Section 1001.9	As shown on this plan.
1001.10	Site Plan	Section 1001.10	As shown on this plan.
1001.11	Site Plan	Section 1001.11	As shown on this plan.
1001.12	Site Plan	Section 1001.12	As shown on this plan.
1001.13	Site Plan	Section 1001.13	As shown on this plan.
1001.14	Site Plan	Section 1001.14	As shown on this plan.
1001.15	Site Plan	Section 1001.15	As shown on this plan.
1001.16	Site Plan	Section 1001.16	As shown on this plan.
1001.17	Site Plan	Section 1001.17	As shown on this plan.
1001.18	Site Plan	Section 1001.18	As shown on this plan.
1001.19	Site Plan	Section 1001.19	As shown on this plan.
1001.20	Site Plan	Section 1001.20	As shown on this plan.

Zoning Site Statistics

Lot Area (including dedication)	45,827 m ²
No. of Lots	01/01
Building A	14 stories
Building B	27 stories
Commercial OPA	1/31 T, 3/48 m ²
Building A	1/31 T, 3/48 m ²
Building B	1/31 T, 3/48 m ²
Units:	
• Building A	312
• Building B	370
Parking Spaces:	744 (80%)
• P1 Level	110 spaces
• P2 Level	148 spaces
• P3 Level	158 spaces
Total	394 spaces

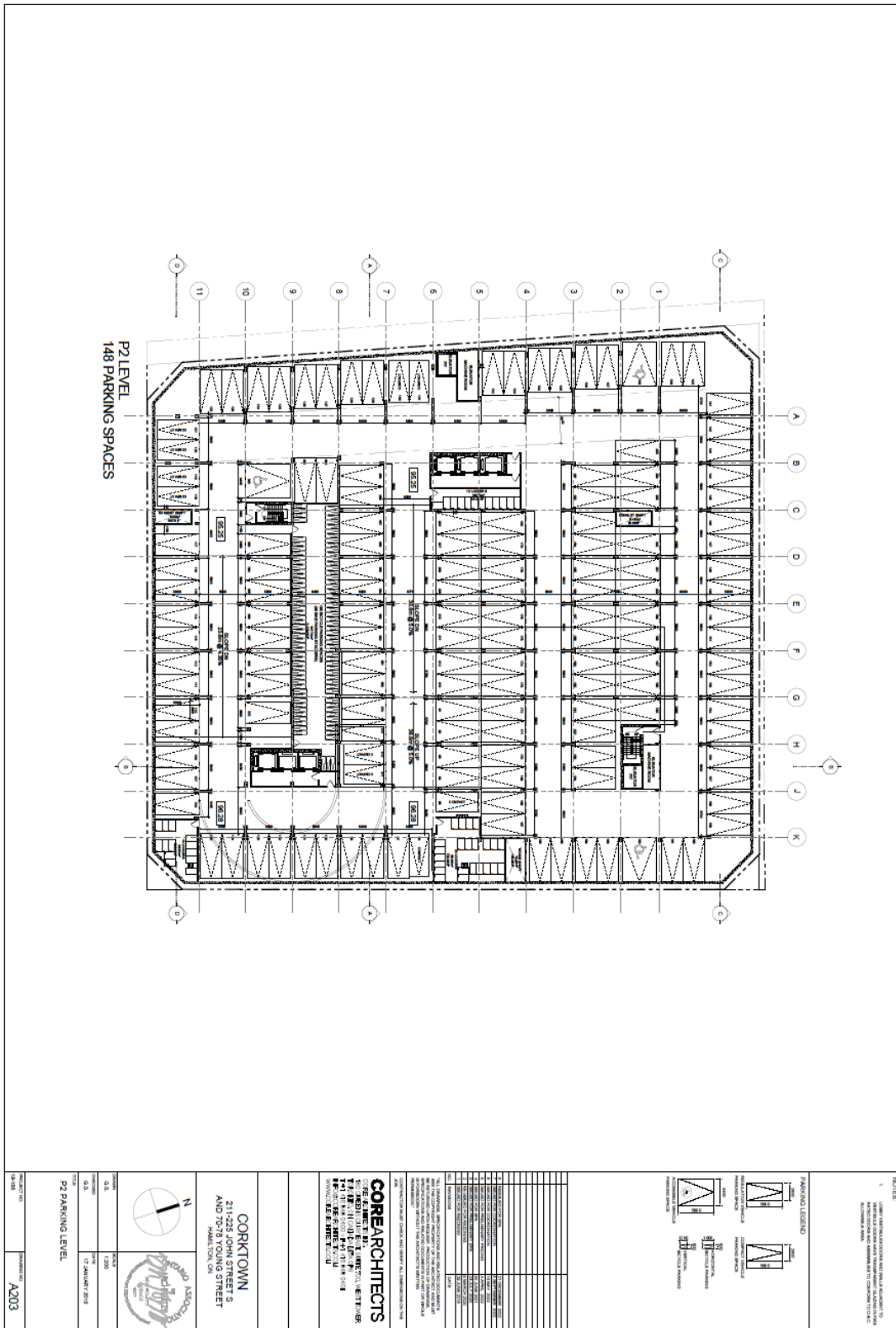
Summary Site Statistics

211-225 JOHN STREET S AND 70-78 YOUNG STREET
CORKTOWN
MUNICIPALITY OF YORK

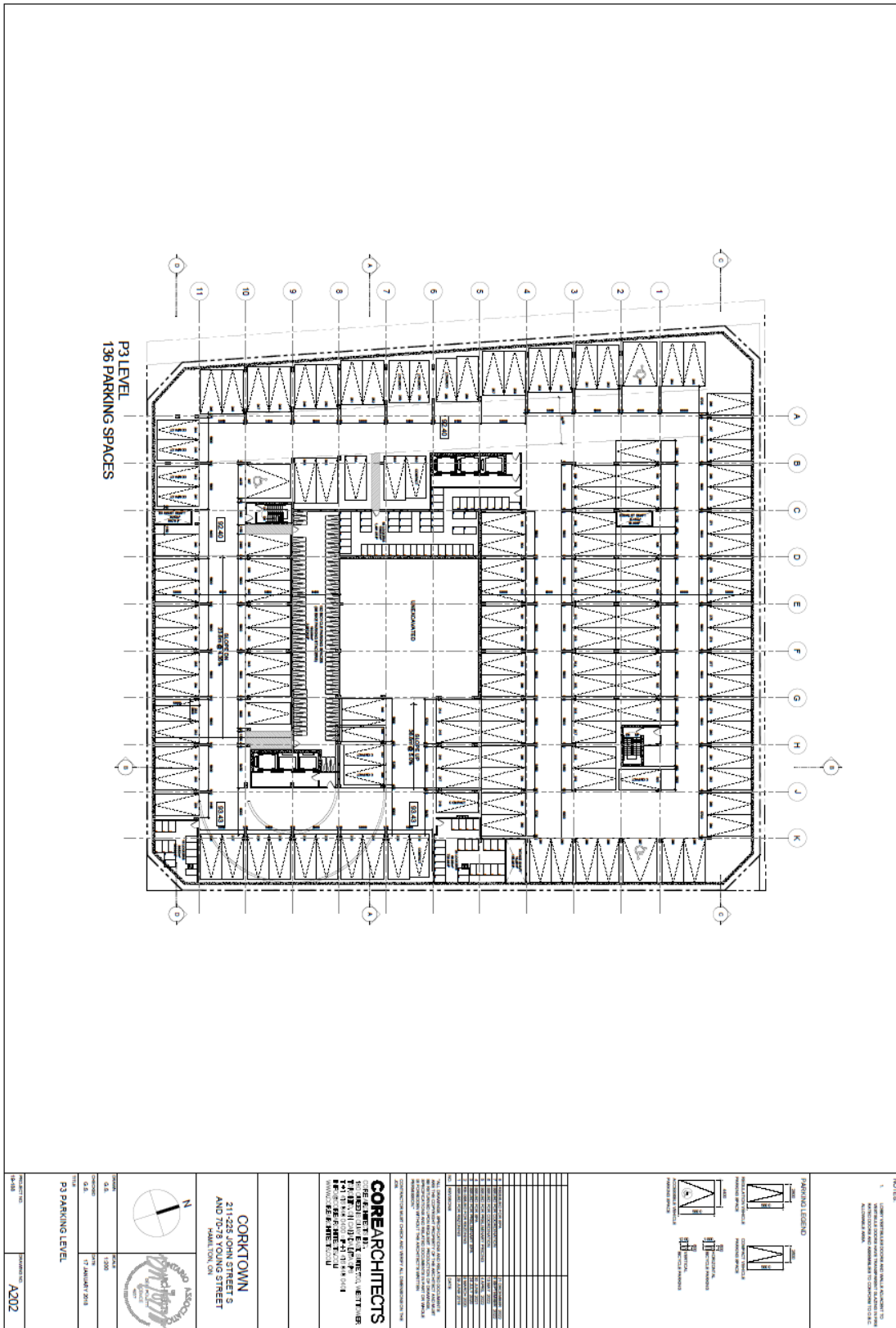
COREARCHITECTS
CORE ARCHITECTS INC.
1000 SHEPPARD AVENUE EAST, SUITE 100
MARKHAM, ONTARIO L3R 9V7
TEL: (905) 477-1111
WWW.COREARCHITECTS.COM

SITE PLAN
DATE: 17 JANUARY 2018
PROJECT NO: A103

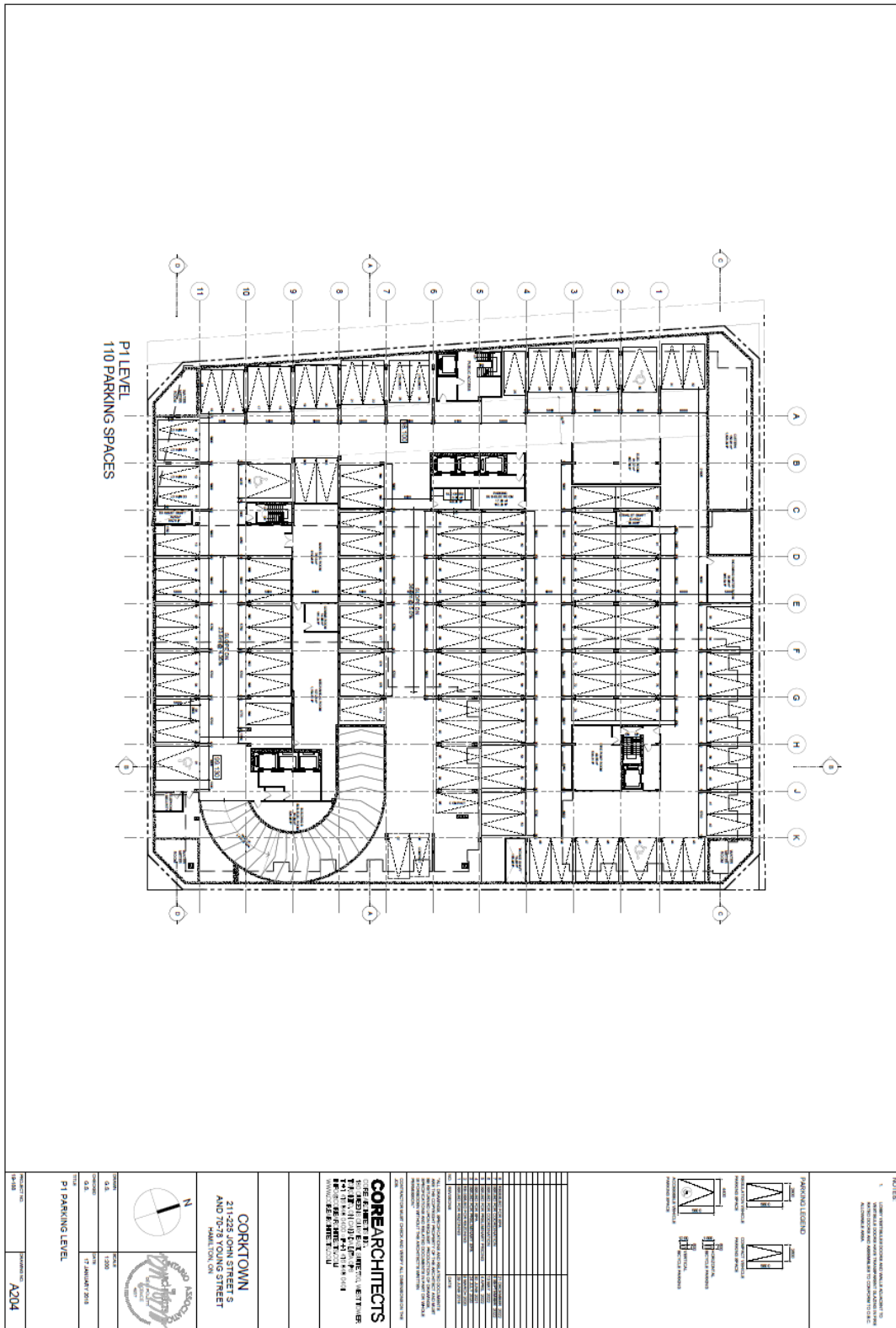
Appendix "C" to Report PED23052
Page 2 of 4



Appendix "C" to Report PED23052
Page 3 of 4



Appendix "C" to Report PED23052
Page 4 of 4





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Application for Cash-in-Lieu of Parking for Lands Located at 412 Barton Street East, Hamilton (PED23053) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Rino Dal Bello (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Cash-in-Lieu of Parking (CLIP) Application CIL-22-001 by T. Johns Consulting Ltd., for St. Mathew's House, Owner**, for an exemption from the parking provisions of Zoning By-law No. 05-200 for four parking spaces, for lands located at 412 Barton Street East, as shown on Appendix "A" attached to Report PED23053, be **APPROVED** on the following basis:

- (a) That the owner pays the Cash-in-Lieu of Parking sum of \$1 for each of the four parking spaces;
- (b) That the City Solicitor be authorized and directed to prepare the appropriate Cash-in-Lieu of Parking Agreement in accordance with Section 40 of the *Planning Act* and authorized to register the agreement on title of the subject land;
- (c) That the City Clerk be authorized to provide a certificate in accordance with Section 40 (5) of the *Planning Act* when all money payable to the City under the Cash-in-lieu of Parking Cash-in-lieu of Parking Agreement has been paid or the agreement has been terminated.

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**SUBJECT: Application for Cash-in-Lieu of Parking for Lands Located at 412
Barton Street East, Hamilton (PED23053) (Ward 3) - Page 2 of 6**

EXECUTIVE SUMMARY

The applicant, St. Mathew's House, has applied for Cash-in-Lieu of Parking for relief from the parking provisions of Zoning By-law No. 05-200 for four parking spaces associated with Site Plan Control application DA-22-087 for the development of a six storey, 889 square metre building containing 15 affordable rental units, with a community kitchen and community use at grade, as shown on Appendix "B" attached to Report PED23053. The development requires four parking spaces which cannot be provided on the subject lands.

As per the City of Hamilton Cash-In-Lieu of Parking Policy (Report PED21028) the City may provide for a reduction to \$0 for each parking space for affordable housing developments that provide housing for persons of low and moderate income as determined by the City's Housing Division. The applicant is proposing affordable housing units for persons of low income.

In accordance with the City Policy, staff support the application as a contribution of Cash-in-Lieu of Parking (CILP) is permitted by Zoning By-law No. 05-200 and the applicant is providing affordable housing units for individuals with low income as confirmed by the City's Housing Division.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The City's current CLIP Policy states that for affordable housing developments for individuals with low income, as determined by the City's Housing Division, the City may provide for a reduction to \$0 for each parking space.

The City's Official Plan also provides for cash-in-lieu of parking and how the funds are to be spent through the following policy F.1.20:

"1.20.1 Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements. Such funds shall be used for the acquisition of lands and/or the provision of off-street parking as deemed appropriate by the City:

- a) The acquisition of lands and/or the provision of off-street parking;
- b) Support for measures that reduce or shift the demand for parking through outreach, education and targeted programs; and,

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**SUBJECT: Application for Cash-in-Lieu of Parking for Lands Located at 412
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- c) Provision of infrastructure and services that support micro-mobility including bicycles, shared bicycles, E-scooters and electric bicycles. (OPA 155)”

Staffing: N/A

Legal: However, as the intent of the CILP provisions of the *Planning Act*, Legal staff have advised that notwithstanding the previous Council direction to charge \$0 per space, that a nominal amount of \$1 per space is more appropriate.

HISTORICAL BACKGROUND

The City of Hamilton has provided developers with the option of meeting their parking requirements through a “cash-in-lieu provision” for many years. The former City of Hamilton adopted operational guidelines on how cash-in-lieu of parking payment was to be calculated and in accordance with the *City of Hamilton Act*, and this policy is still in force and effect.

The applicant received Conditional Site Plan Approval (File DA-22-089) on June 28, 2022 for the subject lands. The conditionally approved site plan is for the development of a six storey, 889 square metre building containing 15 affordable rental units, with a community kitchen and community use at grade. The development requires four parking spaces for the units that cannot be provided on the subject lands.

The cost to construct one parking space for a surface parking facility was determined by the Real Estate Section at \$27,600.0. The land value was estimated to be \$70.0 per square foot and 360 square feet for each parking space. The cost of \$30,000.0 per space is used for construction costs.

The calculation of the cost of a parking space is based on the formula below:

$$\text{Surface Parking} = (C1 + (L \times S1)) \times N \times 50\%$$

C1 = Current estimate of construction cost of a surface parking space

L = Current estimate of land cost of a parking space based on the current market value of the lands where development and/or redevelopment is proposed.

S1 = Size of each surface parking space including space required for aisles and driveways.

N = Number of parking spaces for which payment is requested by the proponent.

$$(\$30,000 + (\$70 \times 360)) \times 50\%$$

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$(\$30,000 + \$25,200) \times 50\%$

= \$27,600 per parking space

As a condition of Site Plan approval, the Applicant / Owner is to apply for and receive final approval of a Cash in Lieu of Parking application for the four parking spaces that cannot be provided on the subject lands.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Section 40(1) and 40(2) of the *Planning Act* allows municipalities to enter into an agreement with an owner or occupant that effectively allows for the payment of “cash-in-lieu” of any requirement.

The former City of Hamilton adopted operational guidelines on how the cash-in-lieu of parking payment was to be calculated and, in accordance with the *City of Hamilton Act*, this policy is still in force and effect.

The City’s Official Plan also provides for cash-in-lieu of parking through the following policy F.1.20:

Cash-in-Lieu of Parking

“1.20.1 Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements. Such funds shall be used for the acquisition of lands and/or the provision of off-street parking as deemed appropriate by the City:

- a) The acquisition of lands and/or the provision of off-street parking;
- b) Support for measures that reduce or shift the demand for parking through outreach, education and targeted programs; and,
- c) Provision of infrastructure and services that support micro-mobility including bicycles, shared bicycles, E-scooters and electric bicycles. (OPA 155)”

RELEVANT CONSULTATION

Staff in the following Divisions were consulted in the preparation of this Report:

- Planning and Economic Development Department, Planning Division, Transportation Planning & Parking Division, Parking Operations Section, and Economic Development Division, the Corporate Real Estate Office Section.

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**SUBJECT: Application for Cash-in-Lieu of Parking for Lands Located at 412
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The above Divisions had no objections to the Cash-in-Lieu of Parking application for the subject lands and that it is Council Policy to charge \$0 per parking space. However, as the intent of the CILP provisions of the *Planning Act*, Legal staff have advised that notwithstanding the previous Council direction to charge \$0 per space, that a nominal amount of \$1 per space is more appropriate.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Cash-in-Lieu of Parking Committee received the submission and recommended approval of application CIL-22-001 for the following reasons:

- The need of the applicant to contribute Cash-in-Lieu of Parking for the subject lands, in accordance with the *Planning Act* is permitted under Zoning By-law No. 05-200, Section 5.1 a) ii), by the City of Hamilton;
- The City of Hamilton Zoning By-law No. 05-200 requires 0.3 parking spaces per dwelling unit less than 50.0 square metres in gross floor area. The proposed 15 dwelling units range from 31.1 square metres to 37.2 square metres in gross floor area. The applicant is seeking relief from the required four residential parking spaces;
- The applicant is providing affordable housing units for individuals with low income which has been confirmed by the City's Housing Division;
- The subject lands prevent additional parking to be provided on the site;
- Off-street parking is available in the area; and,
- The area is serviced by the local transit systems.

Therefore, staff recommends that the Cash-in-Lieu of Parking application CIL-22-001 for lands located at 412 Barton Street East be approved.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the applicant would be required to provide the four parking spaces in accordance with Zoning By-law No. 05-200 or reduce the number of residential units which would reduce the number of parking spaces required. The applicant could also submit an application to the Committee of Adjustment for a further reduction of the parking ratio, however staff would not support the application.

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**SUBJECT: Application for Cash-in-Lieu of Parking for Lands Located at 412
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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.

Clean and Green

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

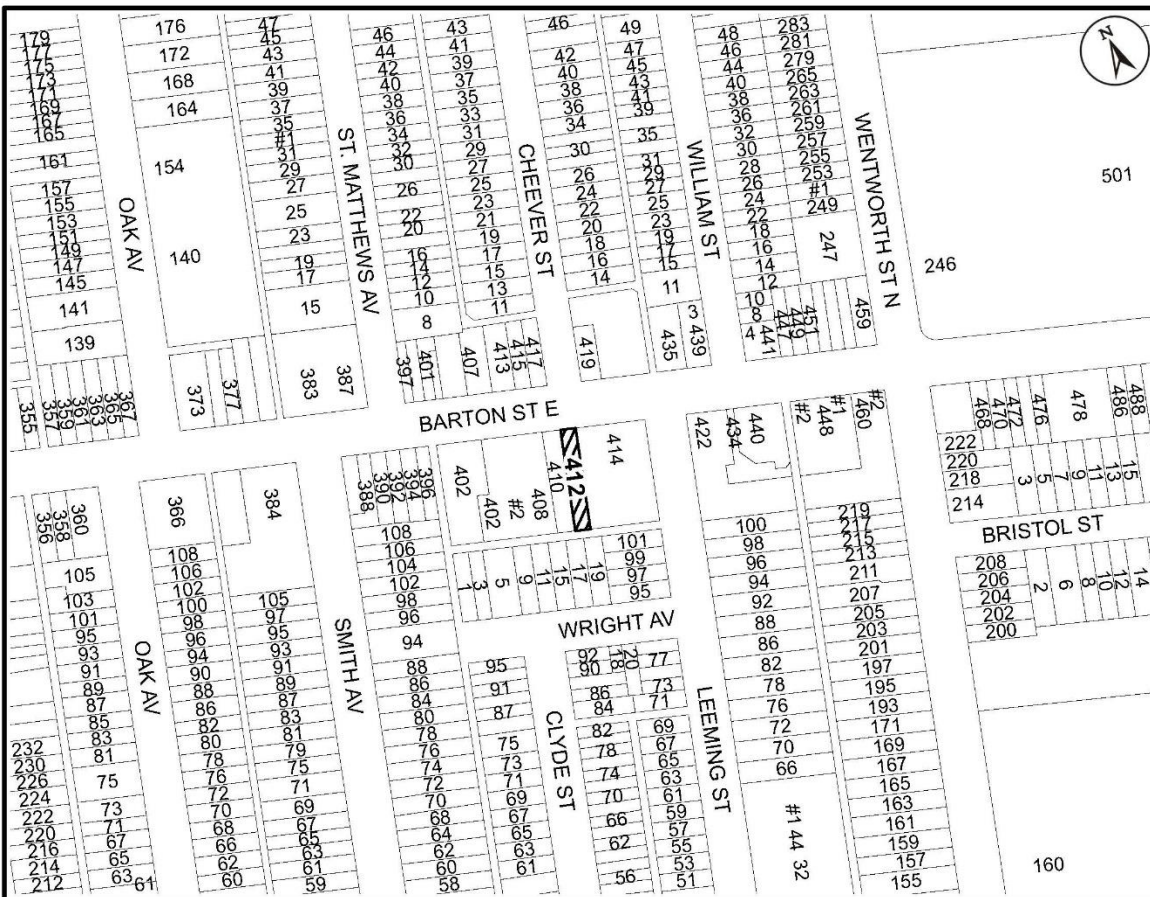
APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23053 – Location Map

Appendix “B” to Report PED23053 – Concept Plan

RDB:sd

Appendix "A" to Report PED23053



● Site Location



Key Map - Ward 3

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
CIL-22-002

Date:
February 8, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
RD/AL

Subject Property

412 Barton Street East

Appendix "B" to Report PED23053
Page 1 of 1

FILE NAME: S:\2022 Project\22A108 - Barton Street Hamilton\Design\Design\Barton Street Hamilton.Dwg

DETAILS OF DEVELOPMENT

NET LOT AREA = 7/- 300.16 M2
 BUILDING COVERAGE = 0.49
 GFA = 9,964 S.F./808.49 M2
 FSI = 2.06

BUILDING HEIGHT = 18.29M / 6 STORIES
 NUMBER OF UNITS = 18 STUDIOS / 9 SUITES
 NUMBER OF PARKING SPACES: 0
 NUMBER OF SHORT TERM BICYCLE SPACES: 5
 LANDSCAPE AREA = 80 M2

BARTON STREET
ROAD ALIGNED WITH THE PROPOSED 1 AND 2 STOREY TOWER OF BARTON,
 REGIONAL ROAD NO. 124 BY LARSEN ASSOCIATES ARCHITECTS OF GUELPH, GUYR 0000000 0.0000

Annotations on plan include:
 - "Ensure property lines are clearly delineated. Revise to label property lines with surveyed information in black text."
 - "Revise note to read 'Lands to be dedicated for right-of-way widening purposes'."
 - "Clarify location of garbage storage areas, both internal and external to the proposed building. At a minimum the building requires 18.66 sqm of storage space to be delineated on the Plan. Refer to Waste Management comments for detailed requirements."
 - "Label surface material of the parking space / maneuvering area."
 - "Required maneuvering space (min. 6.0m) to be provided on the subject lands. Revise or Apply for and obtain Final Approval of a Minor Variance."
 - "Landscape Plan required to show how outdoor amenity area and entire rear will be designed."
 - "Add Site Plan Notes to the Plan Add Underlating to the Plan"
 - "Parking spaces are required at a rate of 0.3 / dwelling unit under 50sqm for a total of 4 parking spaces; and 1/100sqm of GFA for 3 Social Spaces Establishment for a total of 0 parking spaces based on 285sqm GFA indicated on floor plans). Applicant has advised that Cash-in-Lieu of Parking will be pursued for the required 4 parking spaces. Applicant to confirm if 1 proposed barrier free parking space will be provided and maintained. See note about required maneuvering space."

THE CITY OF HAMILTON
 100 KING STREET WEST, 10TH FLOOR
 HAMILTON, ONTARIO L8N 2K1
 TEL: 905.546.3100 FAX: 905.546.3101
 www.cityofhamilton.ca

Ken Cott
 City Engineer
 2023-03-20

Colin
 City Engineer
 2023-03-20

REVISIONS AND DISTRIBUTION LOG

No.	Date	By	Reason
1	APR 6 2023	BUILT FOR MAINTENANCE	ISSUED FOR MAINTENANCE
2	JUNE 8 2023	ISSUED FOR COMMERCIAL	ISSUED FOR COMMERCIAL

**222 EAST BRIDGE STREET, SUITE 200
 HAMILTON, ONTARIO L8N 1Y5
 TEL: 905.520.1000 FAX: 905.520.1005
 www.gmvgroup.com**

GMV GROUP
 ENVIRONMENTALISTS

ONTARIO ASSOCIATION OF ARCHITECTS
 DANIEL L. COVING
 LICENSE 5380


**412 BARTON STREET EAST
 HAMILTON
 ONTARIO**

SITE PLAN AND PROJECT STATISTICS

Project No.	22A108
Issue No.	1-200
Issue Date	2023-03-20
Project Name	A101
Sheet No.	2



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
 Hamilton Water Division
 And
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Tertiary Septic Systems and Rural Development (PW20082(a)/PED23047) (Wards 9,10,11,12,13 and 15) (Outstanding Business List Item)
WARD(S) AFFECTED:	Wards 9, 10, 11, 12, 13 and 15
PREPARED BY:	Mike Christie (905) 546-2424 Ext. 6194
SUBMITTED BY:	Cari Vanderperk Director, Watershed Management Public Works Department
SIGNATURE:	
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) The revisions to the City of Hamilton Guidelines for Hydrogeological Studies and Technical Standards for Private Services, attached as Appendix "A" to Report PW20082(a)/PED23047 be approved to reflect the City of Hamilton's interim policy and position on the use of tertiary treatment systems until such time as the Province comprehensively regulates the use of tertiary treatment systems;
- (b) That City of Hamilton staff be directed and authorized to continue to engage the Ministry of Environment, Conservation and Parks and the Ministry of Municipal Affairs and Housing to seek regulatory guidance on the municipal enforcement of the performance of tertiary septic systems;
- (c) That the matter respecting the "Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858

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**SUBJECT: Tertiary Septic Systems and Rural Development
(PW20082(a)/PED23047) (Wards 9, 10, 11, 12, 13 and 15) – Page 2 of
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(PW20082/LS20032)” be removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

At the December 8, 2020, Planning Committee Meeting, Report PW20082/LS20032 was approved with the recommendation that staff be directed to review and report back to Committee on options, if any, for the establishment of City of Hamilton (City) policies or by-laws for the regulation, monitoring and enforcement of tertiary septic systems for residential developments and ICI developments.

Development proposals located outside the urban boundary typically rely on a private well and septic system to manage their water and wastewater. The City is the approval authority for private septic systems where the daily flow rate is less than 10,000 litres per day (which is typically for residential and small scale institutional, commercial or industrial uses). If not appropriately sited, operated and maintained, septic systems can pose risks to human health and the environment. Microbial pathogens (i.e. bacteria, viruses, protozoa) and nutrients such as nitrates and phosphorus are the most common contaminants in septic system effluent and can degrade groundwater quality which can impact private drinking water wells nearby.

Nitrate is the “indicator” contaminant used in the Ministry of Environment, Conservation, and Parks (MECP) Guideline D-5-4 and in the technical review of privately serviced developments in Ontario. In recent years there has been an increase in development proposals in Hamilton’s rural areas that have included the use of tertiary septic systems for the reduction of nitrates in order to justify development based on existing site characteristics and/or smaller lots.

Part 8 of the Ontario Building Code (OBC) does not regulate nitrate or other pollutants from septic system effluent. Based on staff’s regulatory and technical review, staff do not recommend pursuing a municipal policy or by-law at this point in time that accepts tertiary septic systems to justify development approvals based on site characteristics (lot size, fractured bedrock, soil conditions) due primarily to concerns over the long-term performance of tertiary systems and legal enforcement associated with the performance, including the following issues:

- From a legal perspective, a number of issues arise when considering tertiary systems. Municipalities have no legislated standards against which to enforce performance of these systems. Under the *Municipal Act*, municipalities can enter into long-term monitoring agreements with property owners for private sewage systems but the authority to monitor construction, operation and maintenance of private sewage systems is tied to a site plan or subdivision agreement. These

**SUBJECT: Tertiary Septic Systems and Rural Development
(PW20082(a)/PED23047) (Wards 9, 10, 11, 12, 13 and 15) – Page 3 of
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agreements cannot directly regulate system performance but rather are limited to requiring monitoring and remedial action if the system is not performing as anticipated. The City would be required to seek a Court order to enforce the agreement. As such, and based on the current regulatory environment, the use of tertiary septic systems with advanced treatment transfers unacceptable risks and costs from the developer to the City;

- Tertiary systems are typically more expensive to install, operate and maintain. Once a development is approved that relies on tertiary septic system technology, the City has no legal means to ensure that type of system remains on the property in perpetuity. At any point in the future after the approval, property owners could apply for a building permit to install a conventional septic system that requires less maintenance and long-term obligations. The City would have to rely on a development agreement (i.e. Consent, Site Plan, Subdivision or Condominium) to deny the permit, even if the permit meets the OBC standards; and,
- Under s.35 of the *Building Code Act*, municipalities cannot enact policies or by-laws where construction standards are more restrictive than the OBC. This restricts the creation of a municipal by-law that addresses regulatory gaps as it relates to enforcing performance of tertiary septic systems.

It is also recommended that revisions be adopted within the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services to reflect the policy recommendations herein, as outlined in Appendix "A" attached to Report PW20082(a)/PED23047.

Further, staff note that should the Province provide updated guidance and/or changes to the OBC in the future to address the regulation and enforcement of tertiary septic systems, staff will revisit this issue and will provide updated policy recommendations, if required, at that time for Council's consideration.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Legal and Risk Management Services has been consulted and can provide advice with respect to these issues as required.

**SUBJECT: Tertiary Septic Systems and Rural Development
(PW20082(a)/PED23047) (Wards 9, 10, 11, 12, 13 and 15) – Page 4 of
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HISTORICAL BACKGROUND

Conventional and Tertiary Septic Systems:

Conventional septic systems have two (2) basic components: a septic tank to manage solids and floatables, as well as a leaching bed which allows effluent to percolate into the underlying soil.

A tertiary septic system (also referred to as a Level IV Treatment Unit under the OBC) is an alternative septic system that can improve some characteristics of the effluent and is regulated through OBC table 8.6.2.2.A. Given that this system offers an additional level of treatment, the size of the system's leaching bed can be reduced. This has become attractive for property owners who have limitations with siting a large leaching bed (i.e. due to pools, landscaping, decks, etc.) or to allow for a smaller lot size where new development is proposed by way of Consent or Plan of Subdivision. Given that tertiary systems have greater operational complexity than a conventional septic system, there are often increased costs for owners primarily related to ongoing service/maintenance contracts, testing and energy consumption. It should be noted that meeting OBC requirements does not address all factors in ensuring sustainable rural development and other planning policies.

The Effluent Quality Criteria as per the OBC imposes treatment standards for tertiary systems for CBOD5 (5-day carbonaceous biological oxygen demand) and total suspended solids. Outside of the OBC regulations, a number of septic system manufacturers developed "advanced treatment units" that can reduce nitrates in the wastewater effluent. Because nitrate is the indicator parameter when assessing risks and calculating a minimum sustainable lot size, development applicants propose the use of tertiary systems to justify the scale and scope of the proposal compared to traditional septic systems.

In 2022, the Building Division completed an analysis of tertiary treatment systems within the City of Hamilton. While Building Division staff are continuing to make efforts to find older legacy septic systems to add to their database, 145 tertiary treatment systems were found. Approximately 50 out of the 145 systems have records of enforcement actions due to failing systems, failure of submitting annual sampling results, or lack of a maintenance contract. The Building Division works with the property owners to resolve the enforcement action in an attempt to resolve any potential risk to health and safety because in some cases, the property owners were unaware of their obligations.

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(PW20082(a)/PED23047) (Wards 9, 10, 11, 12, 13 and 15) – Page 5 of
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City of Hamilton Background - Policy and Development Review:

In 1996, the Region of Hamilton-Wentworth and the Province of Ontario signed a Memorandum of Understanding (MOU) which transferred the review of privately serviced development to the municipality. Within that MOU, key municipal responsibilities were enacted that pertain to sustainable water/wastewater servicing in rural development, such as the requirement to:

- Identify potential soil and groundwater contamination, and identify need for and conduct technical review of soil and groundwater contamination for reviews of *Planning Act* applications;
- Provide comments and monitor water supply capacity and sewage treatment capacity for *Planning Act* applications;
- Identify need for and conduct technical review of reports on individual drinking water quality and quantity for all development proposals; and,
- Identify need for, conduct technical review, and issue permits for individual inground wastewater discharge systems that are not subject to s.53 of the *Ontario Water Resources Act* (large septic systems approved by MECP).

Policies within the Rural Hamilton Official Plan (RHOP) and the Provincial Policy Statement also mandate that *Planning Act* applications demonstrate sustainable water use and wastewater management. The Watershed Management section in Hamilton Water supports Planning and Economic Development to ensure *Planning Act* applications in the rural area conform to the sustainable servicing policies of the RHOP (C.5.1) and fulfil the City's obligations under the MOU. When assessing and reviewing development applications (i.e., Rezoning, Consent, Site Plan), conformity of these sustainable servicing policies is demonstrated through a satisfactory Hydrogeological Study that characterizes the potential impacts that developments could pose to the local groundwater system and nearby residents that use a private well for their water supply.

The City relies on the MECP Guideline D-5-4 (1996) to assess risks associated with privately serviced developments that rely on septic systems to manage their wastewater. Nitrate is the "indicator" contaminant used in Guideline D-5-4 and in the technical review of privately serviced development in Ontario.

In 2011, the Ministry of Municipal Affairs and Housing (MMAH) issued a proposed change to the OBC (S-B-08-06-06) that specifically addressed tertiary septic systems and provided performance standards for the three (3) most common septic system pollutants - nitrogen, phosphorus, and coliform bacteria. However, this proposed amendment on tertiary systems was not incorporated into the 2012 OBC. Inquiries with the MMAH to understand the rationale for not proceeding with implementing the proposed changes to the OBC have not been successful.

**SUBJECT: Tertiary Septic Systems and Rural Development
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Ontario Land Tribunal:

Over the last number of years, Hydrogeological Studies that show high daily sewage flows, poor soil conditions, and/or small rural lots propose tertiary septic systems with nitrate-reducing treatment units to mitigate the risks have been submitted in support of development applications as part of the applicant's submission to the Ontario Land Tribunal (OLT) as to why the application(s) should be approved. This was most recently observed in the OLT (formerly Local Planning Appeal Tribunal) decision to approve a rural subdivision in Flamborough.

The City did not support the use of tertiary treatment systems to justify the size of the proposed residential lots. The OLT decision concluded that "the proposed on-site sewage system will achieve the appropriate nitrate levels at the property boundaries" and that a condition of approval requiring mandatory testing of the system "will be enforceable" without specifying what the basis for that enforcement would be.

It is inferred that the OLT decision contemplates private agreements between developer/owner and the City that would establish enforcement remedies. However, such contractual remedies would likely require judicial intervention - that is, to enforce a development agreement the City would be required to take the property owner to court, whereas under the OBC, the City can levy a charge and mandate remedial actions. As previously noted, these private agreements would not provide the same enforcement powers found in the OBC.

As a result of this OLT decision and subsequent appeals, on December 8, 2020, the Planning Committee directed staff to review and report back to Committee on options for the establishment of City policies or by-laws for the regulation, monitoring and enforcement of tertiary septic systems for rural development.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Rural Hamilton Official Plan:

When considering requirements for sustainable private servicing and minimum sustainable lot size, the Rural Hamilton Official Plan Policy C.5.1.1 states the following:

"C.5.1.1 No draft, conditional, or final approval of development proposals shall be granted by the City for any development in Rural Hamilton that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following:

**SUBJECT: Tertiary Septic Systems and Rural Development
(PW20082(a)/PED23047) (Wards 9, 10, 11, 12, 13 and 15) – Page 7 of
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- a) Prior to or at the time of application for a proposal that could impact existing private services or involves proposed private services, development proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the proponent does not agree with the City's calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.5 – Hydrogeological Studies of Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time.
- b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.5 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. The City may request or conduct a peer review of the study or servicing information, which shall be completed by an agency or professional consultant acceptable to the City and retained by the City at the applicant's expense.
- c) The minimum size for a new lot proposed in an application for a severance, lot addition or draft plan of subdivision with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall: i) be the size required to accommodate the water system and sewage disposal system with acceptable on-site and off-site impacts; ii) shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b); and, iii) not be less than 0.4 hectare (one acre) in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1 f). (OPA 26).
- d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 f).

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(PW20082(a)/PED23047) (Wards 9, 10, 11, 12, 13 and 15) – Page 8 of
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- e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact”.

Further, Policy F.1.14.2.1 f) states:

- “f) The maximum lot size for all proposed severances and lot additions outside of designated Rural Settlement Areas, except severances or lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.”

The Rural Hamilton Official Plan requires proponents to demonstrate that there will be no off-site impacts of the proposed servicing regime through the submission of a Hydrogeological Study. The study must be prepared in accordance with the City’s guidelines (see below). To avoid confusion and provide clarification, it may be necessary to amend the RHOP to prohibit the use of tertiary systems. This will be reviewed as part of Phase 3 of the Growth-Related Integrated Development Strategy/ Municipal Comprehensive Review (GRIDS 2/MCR) exercise in 2023.

City of Hamilton Guidelines for Hydrogeological Studies and Technical Standards for Private Services:

The City of Hamilton Guidelines for Hydrogeological Studies and Technical Standards for Private Services were approved in 2014 to provide technical standards and minimum requirements for hydrogeological studies that support planning applications in the rural area.

The revised City of Hamilton Guidelines for Hydrogeological Studies and Technical Standards for Private Services, attached as Appendix “A” to Report PW20082(a)/PED23047 will provide greater clarity for rural development proponents and their agents when completing Hydrogeological Studies.

Other Legislation:

Other policy implications and legislated requirements related to the *Building Code Act* and *Municipal Act* are outlined in other sections within this report.

**SUBJECT: Tertiary Septic Systems and Rural Development
(PW20082(a)/PED23047) (Wards 9, 10, 11, 12, 13 and 15) – Page 9 of
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RELEVANT CONSULTATION

Engagement has been initiated with the MECP and the MMAH through a letter signed by the Mayor within Appendix “A” to Report PW20082/LS20032. In April 2021, the Minister provided a response, but this letter did not directly address the City’s concerns. City staff have had an initial consultation with MMAH staff and will continue to consult with provincial partners to seek regulatory clarity on these issues.

Hamilton Water also consulted several other municipalities regarding tertiary septic systems and their subsequent impact on lot sizing and planning approvals. Of the 18 municipalities contacted, six (6) do not support tertiary systems guiding lot sizing decisions, three (3) municipalities accept them, four (4) had no knowledge of these systems, and five (5) have yet to respond. The results of this outreach are found in Appendix “B” attached to Report PW20082(a)/PED23047. The councillors of the affected wards have been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The use of tertiary treatment systems as a basis for the approval of ‘undersized’ lots based on conventional septic systems for proposed developments in all rural areas across the City is a significant issue. Sustainable lot sizing as per RHOP Policy C.5.1.1 allows for the proper dilution of septic system pollution subject to the proponent demonstrating that the groundwater quality and public health of neighbouring properties would not be impacted from this pollution.

It should be noted that the MECP Guideline D-5-4 states that one (1) hectare (2.54 acres) commonly represents a minimum sustainable lot size for a single residential development’s conventional septic system. The existing rural non-farm residential lot fabric in Hamilton can be as low as 0.1-0.2 hectares (0.25 - 0.5 acres). The RHOP requires a minimum lot area of 0.4 hectares (1.0 acre) as per policy C.5.1.1c) for new lots, subject to the proponent demonstrating through an approved Hydrogeological Study the long-term sustainability of the proposed private services. However, it should be noted that based on provincial and municipal hydrogeological guidelines, the minimum lot size for new single-family residential lots is typically 0.6 to 1.0 ha (1.5-2.5 acres).

2. The concerns related to the use and dependence on tertiary treatment systems that reduce nitrates primarily relates to their long-term performance of treating septic system pollution, the legal enforcement associated with this performance, and the implications of system failures and the financial costs to replace the system, as discussed below.

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2.1 Long Term Performance of Tertiary Treatment Systems:

The proposed systems are nitrogen-reducing, in that they operate to reduce nitrate levels in the effluent. Nitrate is a key pollutant from sewage disposal systems that increases the risk to groundwater quality and public health. Nitrate-reducing technologies are not incorporated into the OBC, which makes monitoring and enforcement of proper functioning of these systems problematic.

Contaminants that may enter groundwater from septic systems include nitrate, bacteria, viruses, detergents, and household cleaners. Hamilton Water has concerns that if nitrate-reducing technologies become widely accepted to justify undersized lots in the rural area, the risks of poor septic system performance would lead to degraded groundwater quality for private well owners and increase acute and chronic health risks to these residents. The City's lack of effective enforcement powers under the OBC only increases that risk.

Based on data available to Hamilton Water, these nitrate-reducing systems often initially perform adequately but can quickly decline in performance, even with regular, comprehensive maintenance. A technical memorandum from MECP Source Protection Branch indicates that these nitrate-reducing systems increase the risk of groundwater contamination from pathogens (such as E. coli), which presents a more acute health risk to neighbouring private well owners. MECP cites that up to 35% of these systems do not perform as intended.

2.2 Long Term Legal Enforcement/Monitoring

A common measure that is proposed by developers to address performance and maintenance issues is to enter into a legal monitoring agreement of the private sewage works, with provisions for specific monitoring and reporting to the municipality. As a result of the changes to the *Planning Act* through Bill 23, the City can no longer utilize site plans controlled for residential buildings containing fewer than 10 units. As such, it is no longer possible to require a site plan agreement for low density residential uses (e.g. single detached dwellings) in the rural areas. Section 23 of the *Municipal Act* allows municipalities to enter into such agreements. However, the existing legislation speaks only to the construction, operation and maintenance of private water/sewage works but does not provide authority to effectively enforce system performance.

Another limitation staff have identified relates to planning approvals in that, if these advanced systems are proposed to justify the proposed development, any landowner who later decides to replace a nitrate-reducing septic system with a conventional system could then easily exceed the capacity of the lot to

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sustainably manage pollution from the wastewater effluent. The City would not have any ability to prevent this if the new system met OBC requirements for a conventional system as private monitoring agreements cannot supersede applicable law. This would result in increased public health and water quality risks. Collectively, a specific septic system technology cannot be tied to a property in perpetuity. The best approach to reduce these risks is to ensure, at the planning application stage, that the proposed development can accommodate all septic system pollution within its property limits regardless of the proposed technology.

Furthermore, over time the lot may need to accommodate an increase in wastewater flow compared with the initial assessment as a result of the intensification of the land use (for example, the addition of an internal secondary dwelling unit). Having an undersized lot accompanied by increased wastewater flows may lead to public health impacts on surrounding residents and businesses who consume groundwater for drinking water purposes.

3. If these nitrate-reducing systems become more widespread and their performance deteriorates due to insufficient oversight/enforcement (particularly in a rural settlement area), long term risks can increase. Hamilton Water has concerns that groundwater quality could be degraded enough to warrant a provincial order from the MECP and Public Health to build new municipal water infrastructure to safely provide a rural community with a sustainable water supply. Ratepayers would bear the costs to plan, design, construct, operate and maintain this new infrastructure. Hamilton Water has municipal well systems in Freulton and Lynden that were created as a result of water quality and public health impacts associated with septic systems on undersized lots. Similar to the City's municipal well systems in Carlisle and Greenville, these drinking water systems represent extremely high per capita costs to build, operate, and upgrade infrastructure to deliver safe, clean municipal water, with limited ability to recover the costs from a small base of customers.

'Alternative' treatment systems with monitoring requirements outside of those set forth in the Building Code create staffing and resource issues for the City in addition to the enforcement concerns set forth above. It also can leave future owners with ongoing responsibilities and costs for proper care and maintenance of these more complex systems. Effectively, the long-term operating and monitoring costs are transferred from the developer to the homebuyer with the City having to assume an oversight role funded through either the rates budget or the general levy.

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4. Based on all of the above, staff do not recommend pursuing a municipal policy or by-law that would allow for the use of tertiary septic systems to justify development approvals based on site characteristics (lot size, fractured bedrock, soil conditions). As such, to fulfil this policy position, staff are proposing revisions to the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services attached as Appendix "A" to Report PW20082(a)/PED23047. These revisions will remove reference to tertiary treatment systems related to a development approval and state the City's policy position and clarification as to why these systems should not be proposed to justify approvals related to lot sizing (Page 63 of 67 in Appendix "A" to Report PW20082(a)/PED23047. This will provide greater clarity for applicants as they prepare their Hydrogeological Studies for approval.

The effect of the proposed interim policy is to preclude the use of OBC approved tertiary septic systems as justification for applications of lot creation, change in zoning or redevelopment that would otherwise not comply with the City's policies for private servicing. This will provide clarity for property owners and their consultants when considering development proposals on private services in the rural area. If the MECP and the OBC provide additional guidance on tertiary septic system regulations, amendments to the policy, and associated Rural Hamilton Official Plan policies and implementing Zoning By-law regulations may be appropriate to regulate lot area provisions. If further regulations are brought forward by the Province, staff will review and provide updated policy recommendations for Committee and Council's consideration.

ALTERNATIVES FOR CONSIDERATION

Council may elect to allow developments to proceed using tertiary treatment systems for nitrate reduction, and the City assumes the risk that these systems may fail to perform as intended or get replaced with a conventional septic system and ultimately become a greater source of contamination to private wells nearby. The widespread adoption of these systems would require staffing increases to create site-specific monitoring agreements and provide ongoing oversight and enforcement on the terms of these agreements. The City could also face additional legal/financial risks if the water quality of neighbouring private well owners becomes compromised, where the provision of a safe water supply could be an ongoing obligation. Should Council direct staff to develop a program related to approval of tertiary systems for the purposes of *Planning Act* approvals, a subsequent report would discuss the following:

1. Proposed monitoring and enforcement program, along with their legal, financial, health and environmental implications;
2. Staffing requests; and,

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3. Other potential costs, benefits, and risks for consideration prior to final implementation.

As mentioned previously, municipalities do not have the legal tools to enforce septic system performance due to limitations under the *Municipal Act*. A new by-law that relates to construction standards for septic systems is not permitted as per s.35 of the *Building Code Act*.

Due to groundwater quality risks, lack of enforcement powers, liability exposure for the City, and the requirement for more staffing and financial resources, staff do not recommend this alternative.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Alternative adoption of tertiary systems could lead to financial risks if the water quality of neighbouring private well owners becomes compromised, where the provision of a safe water supply could be an ongoing obligation.

Staffing: Alternative adoption of tertiary systems would require additional staffing to provide proper oversight of private monitoring agreements.

Legal: Legal and Risk Management Services has been consulted and can provide advice with respect to these issues as required.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW20082(a)/PED23047 - Revisions to City of Hamilton Guidelines for Hydrogeological Studies and Technical Standards for Private Services

Appendix “B” to Report PW20082(a)/PED23047 - Municipal Benchmarking Scan



HAMILTON WATER

GUIDELINES FOR HYDROGEOLOGICAL STUDIES AND TECHNICAL STANDARDS FOR PRIVATE SERVICES

NOVEMBER 2013
REVISED MARCH 2023

REPORT
PW14032



[Hamilton](http://Hamilton.ca)

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APPENDICES

- Appendix A Groundwater Quality Parameters
- Appendix B On-site and Off-site Predictive Assessment
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 - ~~Appendix B4 Example On Site Nitrate Impact Calculation for Privately-Serviced Residential Subdivision with Tertiary Treatment~~
 - Appendix B5 Ontario Building Code Standards for Septic Systems (Part 8)
- Appendix C Groundwater Recharge / Infiltration
- Appendix D **Tertiary Treatment with Advanced Treatment Units - Policy Position**

FORWARD

These Guidelines have been developed by considering several existing documents developed in other Ontario Municipalities. The City of Hamilton is indebted to the Regional Municipality of Halton and Regional Municipality of Waterloo for their cooperation and input. This document is consistent with technical standards developed by the Ontario Ministry of the Environment (MOE) regarding private servicing and conforms to the standards established in the Ontario Building Code (2011, as amended).

1. INTRODUCTION

1.1. Applicability

This document provides information to persons proposing to develop lands that will be serviced with private groundwater supplies and/or private on-site sewage disposal systems (septic systems).

It is the responsibility of proponents of all development applications to show, to the satisfaction of the City, that the proposed development will not adversely impact the existing environment through the use of private on-site servicing, and that there is sufficient groundwater to provide an adequate water supply.

It should be noted that where municipal water and wastewater services are not available, the City of Hamilton's Rural Hamilton Official Plan requires all developments to be self-sustaining on private individual water wells and private individual sewage disposal systems.

Generally, the following types of applications will not be deemed complete until a Hydrogeological Study Report has been submitted, though whether a study is required and the specific study requirements will be determined by the City on a case-by-case basis:

- official plan amendments
- zoning by-law amendments
- plans of subdivision, condominium
- all severance applications, with some potential exemptions listed below
- proposals for new agricultural-related uses
- expansions of existing uses that will increase the needs for private water and/or sewage disposal.

On a case-by-case basis, under certain conditions listed below, the City may exempt some development applications from hydrogeological investigation. An exemption may be based dependent upon the satisfactory completion of other investigations such as servicing studies.

The following application types may be exempt from the requirement for hydrogeological investigation:

- development applications that will have no impact on existing private water or sewage disposal systems and do not propose a new private water or sewage disposal system
- severances of an agricultural lot into two agricultural lots that meet the minimum agricultural lot sizes for the relevant designation and zone
- severances to convey lands to an approved authority for the purposes of natural heritage protection where the retained lot is of sufficient size

- severances for the purposes of single detached dwellings either as surplus farm dwellings or within rural settlement areas where all resulting lots for single detached dwellings are a minimum of one (1) hectare and a settlement capability study or other servicing study does not recommend larger lots for the subject lands. Note that residential severances under other conditions are not permitted under the Rural Hamilton Official Plan.

The City reserves the right to request additional studies for any exempted conditions based on criteria that include, but are not limited to, the following:

- areas of significant groundwater recharge
- areas either in proximity to, or within, a wellhead protection area
- areas deemed vulnerable with respect to groundwater, surface water, or the ecological community
- areas with existing groundwater contamination issues
- any other conditions deemed relevant by the City.

The guidelines presented in this document follow the methodology and procedures indicated in the Technical Guideline D-5 (Ministry of Environment, 1996) and the Ontario Building Code (Ministry of Municipal Affairs and Housing, 2011, as amended) for development proposals involving private on-site servicing. These guidelines shall be adhered to, to the satisfaction of the City of Hamilton, prior to the City's approval of the development application.

This document provides guidance to the proponent indicating the items that must be included in a Hydrogeological Study Report to be submitted to support the above types of applications. The information contained in this document provides comprehensive rationale and guidance for site-specific studies that will need to be carried out on a case-by-case basis for individual development applications by the proponents and/or their qualified professional consultants.

1.2. Purpose

The purpose of these guidelines, in keeping with the sustainable private water and wastewater services policies of the City's Rural Hamilton Official Plan, is to ensure that:

- i) an adequate and safe supply of potable water for proposed development is available without compromising/impacting existing groundwater and surface water resources or the ecological community;
- ii) the on-site and off-site groundwater quality and quantity and its users will not be adversely affected;
- iii) site conditions are suitable for on-site sewage disposal and that appropriate accommodation can be made in the event of system failure (i.e. a reserve area);

- iv) on-site sewage disposal systems will not impair the use of groundwater or surface water resources.

1.3. Limitations / Other Relevant Requirements

These guidelines should be used in conjunction with the following relevant regulatory requirements.

1.3.1. Water Demand

Section 34 of the *Ontario Water Resources Act* (OWRA) requires anyone (with the exceptions of domestic water use, livestock watering and water taken for firefighting purposes) taking more than a total of 50,000 liters of water in a day from a lake, stream, river, or groundwater source to obtain a Permit to Take Water from the Ontario Ministry of the Environment (MOE).

1.3.2. Sewage Disposal

Section 53 of the OWRA requires that an approval must be obtained to establish, alter, extend or replace any sewage works (sewage works are defined as works used for the collection, transmission, treatment or disposal of wastewater, but not including plumbing to which the *Ontario Building Code Act* (1992) applies). Operations that require such approval include, but are not limited to:

- municipal or private sewage treatment lagoons;
- municipal septage disposal lagoons;
- subsurface sewage disposal systems (with a design capacity of more than 10,000 litres per day);
- municipal or private mechanical sewage treatment plants;
- sewage pumping stations;
- storm water management facilities;
- sanitary and storm sewers.

(For further information check the Ministry of Environment website for the most recent documents: <http://www.ene.gov.on.ca/>).

“Small” systems are defined as having design flows of 10,000 litres or less per day. A small system is located entirely within the boundaries of the single lot it is intended to serve. The single lot should be identified on a legal survey which has been registered on title to the lands. Approvals for “small” systems are granted by municipalities (or the delegated authority) under the Ontario Building Code (2011, as amended).

The Ontario Building Code requires that any person installing or repairing a **Class 2, 3, 4** or **5** sewage system obtain a permit issued by the Chief Building Official prior to commencing construction.

1.3.3. Classifications of Private Sewage Systems

Class 1 – a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system;

Class 2 – a grey water system;

Class 3 – a cesspool;

Class 4 – a leaching bed system (septic system), or

Class 5 – a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced prior to its collection by a hauled sewage system.

1.3.4. Large Systems (Section 53, Ontario Water Resources Act [OWRA])

If the “lot” does not have a survey, and is part of a larger parcel of land on which other septic systems are located or will be located, an approval for a large system will be required if the total flows exceed 10,000 L/day. MOE issues an Environmental Compliance Approval (ECA) under the Environmental Protection Act (EPA) for the treatment and disposal of sewage by large subsurface sewage disposal systems (LSSDS), which are characterized by flows of more than 10,000 L/day. A number of small systems on a campground would also qualify as a large system if their total design flows exceed 10,000 L/day. In addition, if there are a number of residences or cottages occupying one large lot (i.e., all existing within the survey boundaries for the large lot) and each is serviced by an individual septic system (or all are serviced by one or more communal systems), this would constitute a ‘large’ system if the combined daily flows of all the individual systems exceed 10,000 liters per day. Approval, therefore, would be required from the Ministry for a large system.

If the septic system is not on the same lot as the building that it serves, or if the system serves a number of lots, the system is considered to be a large system regardless of whether the flows are greater than or less than 10,000 L/day, an Environmental Compliance Approval (ECA) is required from the Ministry of the Environment.

Although an ECA is required by the MOE for any large subsurface sewage system, the City must also endorse the system and the MOE will not approve the ECA unless the City has endorsed the system. A copy of the proposal for any large system to be approved by the MOE shall be submitted to the City for review well in advance. The proponent must ensure that the technical reports submitted meet the requirements of the MOE, as these may differ from the requirements of the City.

For industrial/commercial developments the sewage must consist of only domestic waste. No industrial/commercial cooling or process waste water is to be considered for effluence to the septic system.

Applications for approval of the use of groundwater source heat pumps should be included in the draft plan and will be considered on a case-by-case basis.

1.4. Processing Fees

The proponent will be required to pay to the City the costs associated with the assessment of the application. The review process of the Hydrogeological Study includes one day review and associated meetings with the proponent. If additional staff time is required, or if an independent qualified professional is retained by the City, the proponent will be responsible for these additional costs. The proponent will be notified in advance of any additional costs.

All costs associated with preparation of the Hydrogeological Study (including the retaining of private qualified professional services as may be required) are the proponent's responsibility.

2. BACKGROUND AND RELATED LEGISLATION

The documents are grouped in terms of Provincial Legislation – Provincial Guidelines – Procedures; and City delegated authority and supporting technical documents. In some instances, the City has adopted a more conservative approach to the minimum provincial standards / requirements described in the documents below.

All development proposals, including those considering private servicing, should conform to the following key planning documents:

2.1. Provincial Legislation

- ***Ontario Water Resources Act*** (1990), **Sections 52 and 53** provide guidance for applying for approval of municipal and private water and sewage works. Activities that require an Environmental Compliance Approval (ECA), or are exempt, are governed by the Ontario Water Resources Act or the Environmental Protection Act and the regulations under those Acts.
- ***Clean Water Act*** (2006) ensures communities are able to protect their municipal drinking water supplies through the development of collaborative, locally driven, science-based source water protection plans.
- ***Safe Drinking Water Act*** (2002) defines the quality standards for potable water and also establishes the minimum requirements for policy and best practices to protect human health. The standards for drinking water quality in Ontario are prescribed in O. Reg. 169/03 under the *Safe Drinking Water Act (2002)*.
- ***Ontario Building Code Act*** (1992) is the legislative framework governing the construction, renovation and change of use of buildings. The Building Code is a regulation authorized by the Act, and is updated about every 5 years. The most recent is the 2011 Building Code. The Building Code represents a collection of regulations and requirements which pertain to specific subjects (septic bed design, clearances, etc.) that regulate specific practices (such as designing, constructing or remodeling buildings).
- ***The Planning Act*** (1990) sets out the basic rules for land use planning in Ontario and describes how land uses may be controlled, and who may control them.
- ***Environmental Protection Act*** (Part VIII, 1990) entitles the municipality to conduct inspections of the parcels of land served by a private system and to comment on the suitability of such lands for sewage disposal. The Ministry of the Environment Director's authority to issue an Environmental Compliance Approval (ECA) is set out in the Environmental Protection Act as well.

2.2. Provincial Guidelines and Procedures

The following guidance documents provide various methodologies for undertaking the analysis required for the hydrogeological and technical assessments. These are not meant to be prescriptive, but provide useful approaches to the analysis. Where contradictions are evident, the approach indicated by the most recent document (in keeping with the sustainable private water and wastewater services policies of the Rural Hamilton Official Plan), would prevail.

- ***MOEE Hydrogeological Technical Information Requirements for Land Development Applications*** (1995) provides general administrative and technical guidance to developers applying for subdivision approval, and prescribes a set of minimum requirements for preparing Groundwater Assessment reports;
- ***Guideline D-5. Planning for Sewage & Water Services*** (1996) describes an implementation approach for municipal planning for servicing and infrastructure with a particular focus on sewage and water services. It applies to the development proposal of more than five units but also to residential, commercial and industrial proposals which use individual on-site sewage disposal systems for the treatment of domestic waste;
- ***Procedure D-5-4. Technical Guideline for Individual On-site Sewage Systems: Water Quality Impact Risk Assessment*** (1996) describes MOE requirements regarding the assessment of the potential impact on groundwater caused by proposed developments on individual on-site sewage systems;
- ***Procedure D-5-5. Technical Guideline for Private Wells: Water Supply Assessment*** (1996) describes the MOE position regarding the assessment of water supplies for residential developments on individual private wells. The guideline also applies to developments for which a plan of condominium is required and to industrial, commercial or institutional developments where water is used for human consumption;
- ***Wells, Ontario Regulation 903/90 (last amended O.Reg. 468/10)*** that provides direction on the licensing requirements for performing work related to well construction, maintenance and abandonment and the standards by which these operations should be undertaken;
- ***MOE Design Guidelines for Sewage Works, Chapter 22 (2008)*** provides an overview of large subsurface disposal systems and a comparison of these systems to those smaller systems regulated by Part 8 of Division B of the Building Code.

- **Manual of Policy Procedures and Guidelines for On-Site Sewage Systems** (1982) was replaced by the Ontario Building Code, but remains a useful tool for technical support for on-site sewage systems; and
- **Guideline B-7 Incorporation of the Reasonable Use Concept into MOEE Groundwater Management Activities** (MOEE, 1994) establishes the bases for determining the levels of contaminant considered acceptable by the Ministry in the light of groundwater use on properties adjacent to sources of contaminants.

2.3. City of Hamilton and Key Planning Documents/Reports

The City of Hamilton is the approval authority for development applications including: official plan amendments, zoning by-law amendments, draft plans of subdivisions /condominiums, land severances, part-lot control exemptions and site plans. The City evaluates development applications by assessing their conformity with Official Plan policies, zoning regulations and associated guidelines. Plans and applications for development on private services are approved only where the City's private servicing requirements have been successfully fulfilled.

Where municipal water and wastewater services are not available, the Rural Hamilton Official Plan (2012) requires all developments to be self-sustaining on private individual water wells and private individual sewage disposal systems. This Guideline excludes¹ any proposed works or systems deemed communal-based or partial servicing as they are contrary to current Rural Hamilton Official Plan policy.

The Key Planning Documents/Reports include:

- **Rural Hamilton Official Plan and the Official Plans currently in effect (Regional Official Plan and one for each of the six former area municipalities: Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek)** provide through the adopted policies, consistency with the Greenbelt Plan and with the Provincial Policy Statement. One of the objectives of the Rural Hamilton Official Plan is to ensure that all new rural developments establish sustainable private services wherever municipal water and wastewater services are not available.
- **Source Protection Plans.** Under the Clean Water Act legislation, Source Protection Plans are built on scientific information and public consultation in order to set out

¹ Existing site specific Official Plan / Zoning By-law policies may be in place to permit communal based services.

policies and risk management strategies to address any significant threats to the municipal drinking water supply. Current Source Protection documents relevant to the City of Hamilton include the following:

- Assessment Report Halton Region Source Protection Area (Halton-Hamilton Source Protection Committee, 2012) (approved by the Ministry of Environment 2012),
 - Assessment Report Hamilton Region Source Protection Area (Halton-Hamilton Source Protection Committee, 2012) (approved by the Ministry of Environment 2012),
 - Assessment Report, Niagara Peninsula Source Protection Area (Niagara Peninsula Source Protection Committee, 2011) (approved by the Ministry of Environment 2011),
 - Assessment Report, Grand River Watershed (Lake Erie Region Source Protection Committee, 2012) (approved by the Ministry of Environment 2012),
 - Proposed Source Protection Plans developed for the above mentioned Source Protection Areas and Regions.
- ***City of Hamilton Studies*** – various Master Plans, Sub-watershed Studies, Municipal Class Environmental Assessments, specific well supply studies and other pertinent studies that provide background technical information should be reviewed.
 - ***Hydrogeological Reports***. The following should be reviewed for pertinent information.
 - Hamilton Groundwater Resources Characterization and Wellhead Protection (SNC Lavalin, 2006),
 - Vulnerability Assessment and Scoring of Wellhead Protection Areas – City of Hamilton (Earth FX, 2010)
 - ***Rural Settlement Capability Studies***. These documents provide a general overview of the development capacity of each settlement area based upon water and sewage constraints. Any development proposal should take into account overall cumulative impact concerns identified in these Settlement Capability studies. The relevant Rural Settlement Capability Studies are listed following.

Settlement Capability Study (SCS) Location	SCS Name and Date
Jerseyville, Ancaster	SCS for Jerseyville Area, Gartner Lee, Feb 1983
Copetown, Ancaster/ Flamborough	SCS for Copetown, Underwood McLellan
Flamborough Centre, Flamborough	SCS for Flamborough Centre
Greenville, Flamborough	Greenville, Servicing Studies I & II, Gartner Lee, June 1985
Kirkwall, Flamborough	SCS for Region of Hamilton-Wentworth, Vol. 1, Underwood McLellan Feb., 1976
Millgrove, Flamborough	SCS for the Rural Settlement of Millgrove, Hydrology Consultants, June 1986
Orkney, Flamborough	SCS for Region of Hamilton-Wentworth, Vol. 1, Underwood McLellan Feb., 1976
Rockton, Flamborough	SCS for the Rural Settlement of Rockton, Hydrology Consultants, Nov., 1983
Sheffield, Flamborough	SCS for the Rural Settlement of Sheffield, Hydrology Consultants, Nov., 1983
Strabane, Flamborough	SCS for the Rural Settlement of Strabane, Hydrology Consultants, Nov., 1984
Troy, Flamborough	SCS for the Rural Settlement of Troy, Hydrology Consultants, Nov., 1984
Westover, Flamborough	SCS for Region of Hamilton-Wentworth, Vol. 1, Underwood McLellan Feb., 1976
Woodburn, Glanbrook	SCS for Woodburn Area, Underwood McLellan July 1980
Freelton, Flamborough	SCS for Freelton, Underwood McLellan, July

	1980
Binbrook Area	SCS for Binbrook Area, Gartner Lee 1981
Mt. Hope, Glanford	SCS for Mt. Hope Area, Gartner Lee, Feb., 1983

- Nature Counts Project: Hamilton Natural Areas Inventory***, Hamilton Naturalists' Club, 2003, Dwyer, J.K. (ed.) provides background information on significant natural features (wetlands, fish habitat, Areas of Natural and Scientific Interest, Environmentally Significant Areas), physiography and topography, geology, soils, hydrology and surface water drainage.

3. HYDROGEOLOGICAL STUDY AND REPORT

3.1. Approval Process

The assessment process involves the completion of a Hydrogeological Study (HS) and the preparation of a Hydrogeological Study Report (HSR). The purpose of the report is to provide background information on the suitability of the site for development on private services and to confirm site specific information through field work and detailed site specific evaluations.

Table 1 outlines the approval process. A pre-consultation meeting can be arranged between the proponent and the City's Planning & Economic Development Department to assist the proponent in identifying the requirements and any costs associated with their application.

This process will ensure that water and sewage impact assessments will be consistently and comprehensively evaluated by the proponent's qualified professionals and that the report satisfies the City's requirements.

The Hydrogeological Study will be completed by and/or under the direction of *qualified professionals*. The Hydrogeological Study Report will be prepared by *qualified professionals*. For the purposes of these guidelines, the City defines qualified professionals as Professional Engineers and Professional Geoscientists with demonstrated training and experience in the field of hydrogeology. Where necessary, preparation of the Hydrogeological Study Report may require input from a professional with experience in the design of private services.

A Hydrogeological Study Report, where applicable, will be a requirement for a complete application under the Planning Act and the Official Plan.

Table 1. Approval Process

Step	Explanation	Responsibility
1	Proponent initiates the approval process.	Proponent
2	Formal consultation and/or application circulation. Planning & Economic Development Department (PEDD) Staff may consult with Public Works (PW) Department Staff to determine the applicability of a Hydrogeological Study and its scope.	PEDD
3	The proponent submits the Hydrogeological Study Report following the Hydrogeological Study Guidelines.	Proponent
4	The Hydrogeological Study Report is submitted to PEDD and reviewed by PW staff.	PEDD and PW
5	If the Hydrogeological Study Report does not fulfil the City requirements, the proponent and/or their consultants <u>may investigate an alternative technical solution or the project may not be supported.</u> If the City requirements are fulfilled, go to step 6.	Proponent
6	PW signs off on the requirement for a Hydrogeological Study Report prior to any Planning Act approvals to be issued by PEDD.	PEDD

The Hydrogeological Study Report and its recommendations must be accepted by the City prior to any approval, Official Plan amendments, rezoning, Draft Plan of Subdivision approval, severances and site plans. Once accepted, the proponent will confirm their acceptance through the development agreement with the City and will be obliged to follow the recommendations in the Hydrogeological Study Report as part of the Draft Plan approval.

The Hydrogeological Study Report will form the basis for providing or denying servicing approval.

3.2. Hydrogeological Study Components

3.2.1. Water Supply

An assessment is required to determine and quantify:

- a) the availability and sustainability of adequate groundwater supplies with respect to quantity and quality.

For the purposes of these Guidelines, the only exceptions to the use of groundwater for anything other than a drinking water supply shall be reasonable uses that involve

water quality more stringent than defined by the ODWQS (for example: providing baseflow and/or maintaining quality of a cold water trout stream);

- b) any potential interference to existing water users and sensitive receptors (i.e., wetlands, watercourses etc.) caused by the proposed development.

The Hydrogeological Study will establish groundwater availability and representative supply quality through a well construction and testing program, the minimum requirements being those described in the MOE Procedure D-5-5, Technical Guideline for Private Wells: Water Supply Assessment. Test well requirements derived from this Technical Guideline are outlined below.

1. The minimum number of test wells will be: 3 for sites up to 15 hectares in area; 4 for more than 15 hectares and up to 25 hectares; 5 for more than 25 hectares and up to 40 hectares; and for more than 40 hectares, one additional test well is required for each additional 20 hectares or portion thereof.
2. In the case of a proposed severance, it is recommended that a test well be constructed on the lot to be severed. The well should be located and constructed in a manner such that the well could be used as a water supply source if the severance application is approved. The proponent will also be required to demonstrate that a potable supply of groundwater, of sufficient quantity, is available from a well located on the lot to be retained.
3. The areal distribution of the wells must be such that the hydrogeological conditions across the site are adequately represented. Consideration should be given to having at least one of the test wells drilled to determine the stratigraphic sequence and the presence of deeper aquifer zones.
4. The test wells should be located and constructed in such a way as to permit the prediction of the quantity and quality of groundwater that domestic wells throughout the development site will extract in the future.

Any existing and unused wells on the site must be documented. If there are pre-existing wells on the property, the developer may use them as domestic water wells if they comply with the standards set out in O.Reg. 903/90 (as amended) made under the *Ontario Water Resources Act (1990)*. If such wells are to be used, the respective water well records must be accurately and fully completed.

5. The wells must be constructed by a licensed water well contractor. Any test wells constructed that are not required for future supply must be abandoned as per O.Reg. 903/90 (as amended).

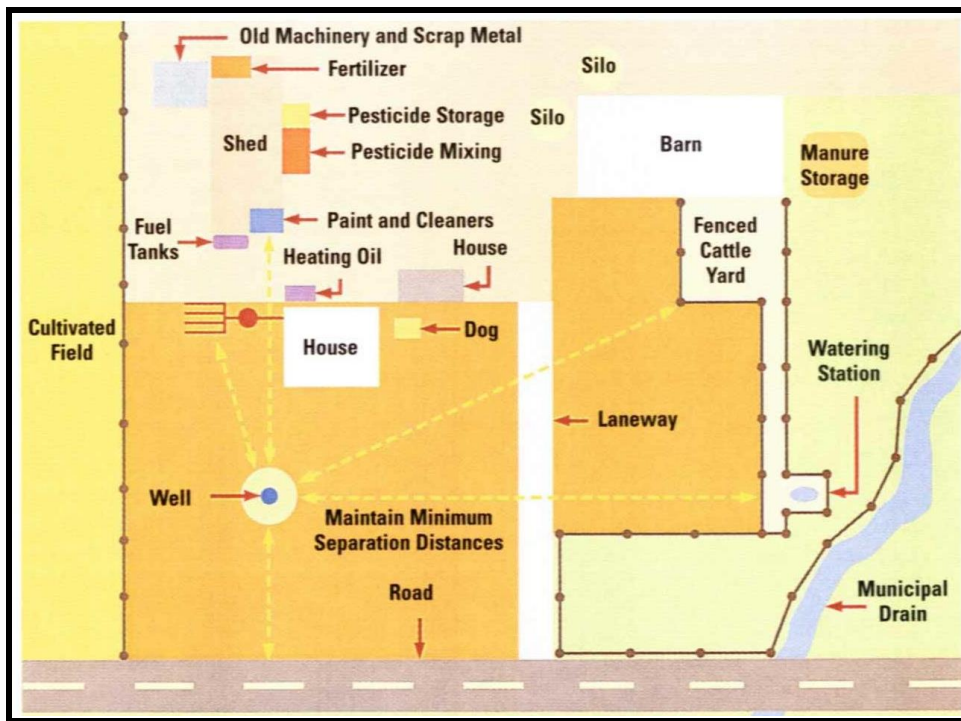
Well Construction

The construction of test wells and future domestic supply wells must comply with O.Reg. 903/90 (as amended) made under the *Ontario Water Resources Act (1990)*, and with the City's requirements, where applicable.

Separation distances between wells and any potential contaminants as specified in the relevant regulation must be adhered to. The locations of wells should be so as to minimize the impact from any leaching beds. Potential sources of contamination such as manure storage or handling facilities, waste disposal sites or other sources which can interfere with the drinking water supply shall be identified and documented.

Figure 1 provides some guidance in properly locating a potable water supply well so as to reduce the risk of impact from potential contaminant sources.

Figure 1. Locating a potable water well supply



(From Best Management Practices)

Separation distances between the potable water well and other potential contaminant(s), as provided in regulations and other information sources are to be considered as a minimum requirement. In certain environmental settings these distances may be required

to be greater (e.g., fractured bedrock) to ensure the safety of users, particularly downgradient of the potential contaminant source.

The proponent's qualified professional should work with a planner and/or engineer in producing the development plan. On-site water and sewage systems should be incorporated at an early stage in the site design, thereby optimizing site resources for water supply and sewage treatment. Stormwater management must also be considered when sites for water and sewage systems are identified.

The qualified professional and/or the City may recommend additional site-specific construction criteria and/or supervision of well construction by qualified staff. For example, the qualified professional's initial findings may indicate that water quality or quantity standards cannot be met without special well construction specifications.

Water Quantity

The ability of an aquifer to provide and sustain the anticipated demands of the proposed development will be determined by completing a pumping test program. The minimum requirements for the pumping test program being those described in the MOE Procedure D-5-5, Technical Guideline for Private Wells: Water Supply Assessment. The pumping test program shall be undertaken at all constructed test wells on-site, under the direction of a qualified professional.

Accessible off-site wells within 200 metres from any development well should be monitored during the on-site pumping test(s), provided well owner approval is obtained in response to a formal request.

Water Quality

Water quality sampling should be undertaken at test wells and monitoring wells on-site, and off-site where possible. The water quality parameters for which the analyses must be performed is listed in Tables 1 and 2 of Appendix A. Where there are wells in nearby established developments, information is to be obtained from residents, where possible, and other sources regarding water quality issues.

Water quality may vary between aquifers or with depth in the same aquifer. The qualified professional should recommend appropriate well construction and must assess the potential for cross-contamination between aquifers. This information will then be used in determining the preferred aquifer to ensure sustainability of the water supply.

3.2.2. Sewage Disposal

All proposed development on private services will be reviewed on the basis of its capability to support a primary sewage disposal system and to accommodate a reserve discharge site or leaching bed for the system effluent by maintaining an area of vacant and suitable land in an appropriate location. This will help to ensure that the development proceeds at a density and scale that will not result in exceedance of acceptable limits or cause degradation of groundwater resources.

Although the City may support proposals involving individual on-site sewage systems, it does not assume responsibility for failure of the system(s), for correcting the damage to adjacent properties, or for the construction of new sewage systems. This is the responsibility of the proponent/owner of the system.

The most common on-site investigation components to assess the feasibility for private sewage disposal include:

- a) on-site hydraulic testing of saturated soil through groundwater monitors;
- b) surficial soil analysis through site specific testing of the proposed primary and reserve bed area. The excavations/boreholes should extend to at least 3.0 metres (below ground surface) or to bedrock refusal, whichever comes first, distributed at one excavation/borehole per lot of the development property;
- c) soil percolation estimation through on-site permeameter testing or through laboratory grain size analysis (including hydrometer testing). The City reserves the right to request additional percolation tests as the soil condition may change over the course of the subdivision development as a result of soil compaction, re-grading, infilling etc., where percolation rates vary across the site, or when percolation rates appear inconsistent with grain size analysis.

For the purposes of this guideline, the Ontario Drinking Water Quality Standard (ODWQS) of 10 mg/L of nitrate-nitrogen is used as the maximum allowable boundary conditions respecting groundwater impact (as per MOE Procedure D-5-4). The potential impact from phosphorus (15 mg/L) and other parameters which may be of concern as listed in the MOE Guideline B-1-1 *Water Management - Policies, Guidelines, Provincial Water Quality Objectives of the Ministry of Environment and Energy* (MOE, 1995) should be addressed where the proposed sewage system effluent may be discharged to surface water.

Any application for a proposed development should include a water conservation plan based on recommended methods to conserve groundwater and reduce sewage volumes, such as regulating and metering the flow of water.

3.3. Hydrogeological Study Report Details

Following the completion of a Hydrogeological Study, a Hydrogeological Study Report (HSR) shall be prepared by qualified professionals to present the study results that support an assessment of the suitability of the site for development on private services. Summarized below are descriptions of the HSR contents that are required as a minimum.

3.3.1. Physical Setting

- a) regional and local maps, showing site location and orientation with Lot and Concession Numbers, area municipal infrastructure, roads and highways. Maps should be of a scale best suited to depicting the site and local features. An air photo base would be appropriate to supplement the identification of local features.
- b) present a description of the geological and hydrogeological setting of the site (i.e., site conceptual model). This shall be based on a review of all available geologic and hydrogeologic information. The data review shall include, but not necessarily be limited to, the following:
 - i) agricultural county soil and aggregate reports;
 - ii) quaternary & bedrock geology maps and reports (e.g., Ontario Geological Survey publications);
 - iii) hydrogeologic maps and reports (e.g., watershed studies and source protection technical studies);
 - iv) reference to water supply and septic suitability reports for existing nearby developments;
 - v) a well survey, based on a review of MOE water well records, conducted to determine the condition and details of local wells (i.e., to the extent possible within the requirements of O.Reg. 903/90), including the method of construction, water level, pump intake, well depths, water use. The well survey shall be completed with the assistance of well owners and should include all wells within 500-metre radius of site and include, where possible, field confirmation;
 - vi) where the proposed development is in a rural settlement area, overall settlement capability (cumulative impacts) should be assessed in order to address concerns raised in the Rural Settlement Capability Studies. In some settlement areas, further development may be characterized or placed in context of cumulative impact concerns (e.g., currently elevated nitrate concentrations in groundwater and/or limited available groundwater supplies). In other areas, larger lot sizes may serve to reduce cumulative impacts through less intensive development and the effective use of the soils' attenuating capacities; and,

- vii) minimum lot sizes for an area must respect the Official Plans, Secondary Plans, and Rural Settlement Capability Studies;
- c) describe local land uses and servicing, surface topography, surface drainage conditions, significant environmental features (i.e., wetlands, watercourses, flood plains) and sensitive receptors (i.e., wellheads, discharge/recharge areas, surface water, lake intakes and drainage outlets) within at least a 500-meter radius of the site; and
- d) identify present and previous on-site land uses (i.e., contaminant site inventory, MOE waste site inventory, etc.), and possible contamination sources (i.e., spills, refuse, fertilizers) that may affect water quality or quantity.

3.3.2. Water Supply

- a) describe the regional hydrogeological setting (general identifiable units, general characteristics, overburden and bedrock aquifers, groundwater flow direction, recharge/discharge zones, vulnerable zones, high water table areas, municipal wellhead protection areas, aquifer demands, municipal/communal well locations, regulated water taking locations [i.e., PTTWs], existing well yields, etc.). Much of this material can be obtained from Source Protection reports;
- b) plot and locate representative water well(s), and observation wells on an appropriate scale (1:10,000 or lower scale maps should be used);
- c) tabulate local well depths, static levels, pumping water levels, etc.;
- d) prepare at least two cross-sections (orthogonal directions) extending through the development lands and identify preferred aquifer for water supply;
- f) assess the susceptibility of the proposed water-supply aquifer to surface-derived contamination;
- g) provide the historic well construction particulars for any on-site well (i.e. MOE well logs);
- h) provide historic pumping-test particulars for each of the on-site wells; and
- i) discuss the historic water quality obtained at each well in regard to the groundwater potability and treatment requirements.

Groundwater Quantity

The details that are to be presented in the HSR to support an assessment of the quantity of groundwater available will include:

- a) maps indicating the shallow groundwater system (lateral groundwater gradients and direction of groundwater movement) beneath the site and defining the area down gradient of the property limits;
- b) list of well construction particulars for each on-site test well, including:
 - i) detailed diagrams showing casing length and wall thickness, screened interval and slot size, borehole depth and diameter, and elevations of ground surface, water found, static level, and top-of-casing;
 - ii) MOE water well records;
- c) elevation survey (to an accuracy of 2 cm) of all on-site and selected private wells, where possible, depending on the availability of access and land-owner permission, and as limited by O. Reg. 903/90;
- d) accurate water-level elevations of selected individual wells to confirm the water table and/or potentiometric surface, and groundwater flow directions within the supply aquifer(s) and provide maps and plans showing groundwater elevations;
- e) pumping-test particulars for each on-site well, including:
 - i) graphical plots of the step test and the aquifer test (performed at a constant rate for at least six hours);
 - ii) analysis of the pumping test results (by Jacob or Theis method, or others with justification of selected methodology). The analysis should discuss and identify the short-duration and sustained (perennial) capabilities of the tested wells with consideration of seasonal fluctuations;
- f) estimation of the recoverable on-site recharge and assessment of the sustainability of the groundwater supply source;
- g) confirmation that adequate water quantity supplies of potable water are available on each lot of the proposed development based on the MOE Procedure D-5-5, Technical Guideline for Private Wells: Water Supply Assessment. If significant interference is anticipated, provide a mitigative procedure acceptable to the potentially-impacted party(s) and the proponent. The potential for an adverse impact to, or by, the development within a minimum of 500 metres of the site must be addressed when there have been, are, or may be in the foreseeable future significant potential sources of groundwater contamination.
- h) existing improperly abandoned wells are to be identified, and a plan proposed for proper abandonment of supply and test wells consistent with O. Reg. 903/90 (as

amended). Wells that are selected for ongoing monitoring must be identified and a maintenance / monitoring plan for these wells must be documented in the HSR.

Groundwater Quality

The details that are to be presented in the HSR to support an assessment of the quality of groundwater available will include:

- a) assessment of the susceptibility of the proposed water-supply aquifer(s) to surface-derived contamination (i.e., septic effluent, road salt etc). If there is potential risk to the aquifer(s) from these sources, proposed control measures must be included in the HSR;
- b) summary of the water-quality results for each of the water-supply wells and test wells. Complete documentation of sampling times, any on-site analytical methods, field QA/QC program, chain-of-custody and certificates of analyses. The qualified professional must also determine whether conditions specific to the site, or its surrounding area, require the inclusion of additional parameters to those listed in Tables 1 and 2 of Appendix A;
- c) Raw groundwater analysis should indicate compliance with the Ontario Drinking Water Quality Standards (ODWQS). Review nitrate concentration analysis for all sampled wells. Where health-related ODWQS criteria are met but aesthetic objectives are exceeded, a qualified professional should recommend methods such as in-home water treatment systems to reduce the values of the aesthetic parameter(s) concentrations to an acceptable level.

The treatment systems listed in Table 4 of Appendix A are suggested for single parameters. When treatment for more than one parameter is required, the systems suggested may not be appropriate due to treatment process interferences. In this situation, the qualified professional or water treatment specialist must make recommendations regarding the type of treatment required.

Although the City may support development proposals involving individual home water treatment devices, the City does not assume any responsibility for monitoring the operational effectiveness, maintenance, failure or replacement. This is the responsibility of the proponent / owner of the water treatment device / system.

3.3.3. Sewage

The details that are to be presented in the HSR to support an assessment of the suitability of the site for the operation of sewage disposal systems must include:

- a) a plot of the locations of any site specific information points such as test pits/ boreholes and water-table quality monitors;

- b) graphical plots of grain-size determinations of representative soil samples for proposed leaching bed locations and, if applicable, graphical plots of grain-size determinations after the re-grading or the infilling of sewage system envelopes;
- c) descriptions of major soil types within the development lands based in part upon site specific information. The focus of the soil investigation is to assess:
 - i. the hydraulic capabilities of the on-site soils for subsurface sewage effluent disposal;
 - ii. the infiltration capacity of the surficial soils;
- d) an assessment of the infiltration rate through the surficial sediments, recognizing the distribution of the major soil types and any vertical gradients established between the defined shallow and deeper groundwater systems;
- e) provide calculations of the allowable development for the proposed residential or commercial/industrial development by conducting on-site and off-site predictive assessment for nitrate impact, the minimum requirements being those described in MOE Procedure D-5-4, Technical Guideline for Individual On-site Sewage Systems: Water Quality Impact Risk Assessment. Examples of on-site and off-site nitrate impact calculations are presented for reference in Appendix B. The nitrate impact calculations shall make use of, and reference, infiltration rates provided in Appendix C. For septic systems that produce more than 4500 L/days, the MOE Design Guidelines for Sewage Works, Chapter 22 (2008) shall represent the preferred methodology for the study.
- f) The on-site and off-site assessment is to include the impact of any potential contaminant plumes from leaching beds on the water supply(s) for the development as well as off-site water sources. The assessment should acknowledge that septic system effluence may result in long narrow contaminant plumes in permeable overburden and bedrock;
- g) the impact of the on-site discharge of sewage effluent into surface water must be evaluated where the receiving water body occurs on-site, or within 500 metres from the downgradient property boundary;
- h) the qualified professional must make recommendations regarding the optimum location and orientation of leaching beds. In general, the attenuation capabilities of a site can be optimized by maximizing separation distances between individual on-site septic systems, on-site wells, downgradient wells, and property boundaries, while having regard for the minimum separation distances;

- i) provide site-specific / lot-by-lot documentation on the leaching-bed design and tile-bed area requirements for sewage-disposal systems compliant with the Ontario Building Code / Guidelines requirements. This includes an overall proposed grading / servicing plan with proposed and reserved septic envelopes to be provided. This type of plan allows for an evaluation of the development as a whole.

Additional studies could be required if the proposed development is either in proximity of, or lies within, a wellhead protection area and capture zone of a municipal well.

Tertiary Treatment Units

~~Reference should be made to Appendix D, which provides applicable current information from the Ministry of Municipal Affairs and Housing, relative to the Ontario Building Code. An example nitrate impact calculation for a sewage disposal system that includes a tertiary treatment unit is included in Appendix B, for demonstration purposes only outlines our policy position on advanced treatment units to support water quality impact risk assessments from on-site sewage disposal systems.~~

3.3.4. Stormwater Management

Stormwater management infrastructure shall be designed in accordance with City of Hamilton, Criteria and Guidelines for Stormwater Infrastructure Design and Stormwater Management Planning and Design Manual, Ministry of Environment (2003).

Where applicable the HSR should identify:

- a) requirements for stormwater quantity and quality control measures;
- b) suitable outlet for minor and major system flows including external drainage areas;
- c) opportunities to provide groundwater recharge through infiltration and other Low Impact Development (LID) components if conditions (existing soil, topography, water quality etc.) permit; and
- d) locations of stormwater management facilities, infiltration galleries, and easements.

Submission of Hydrogeological Study Report for Approval

The Hydrogeological Study Report and a sewage system permit application should be submitted to the Planning and Economic Development Department for screening, and to the Public Works Department for review. The timing and submission of reports should be verified with Planning Staff. If all the relevant requirements are fulfilled, a Draft Approval will be issued by the Planning and Economic Development Department.

REFERENCES

- City of Hamilton, *Rural Hamilton Official Plan*, March 2012
- Ministry of Housing and Municipal Affairs, *Ontario Building Code Act*, Part 8. Sewage Systems, 2006
- Ministry of the Environment and Energy, MOEE Guideline B-1-1: *Water Management Policies, Guidelines, Provincial Water Quality Objectives of the Ministry of Environment and Energy*, 1994
- Ministry of the Environment, Guideline B-7 (Formerly Policy 15-08), *Incorporation of the Reasonable Use Concept into MOEE Groundwater Management Activities*, 1994
- Ministry of the Environment, Manual of Policy, *Procedures and Guidelines for Onsite Sewage Systems* (Referring to Ontario Regulation 347/81 under Part VII of the Environment Protection Act), Queen's Printer for Ontario, ISBN 0-7743-7303-2, 1982
- Ministry of the Environment, *MOEE Hydrogeological Technical Information Requirements for Land Development Applications*, 1995
- Ministry of the Environment, Notice 3/87: *Protection of Ground Water Quality*, 1987
- Ministry of the Environment, Ontario Regulation 169 - *Ontario Drinking Water Quality Standards*, 2003
- Ministry of the Environment, Procedure D-5: *Planning for Sewage & Water Services*, 1995
- Ministry of the Environment, Procedure D-5-: *Technical Guideline Private Wells: Water Supply Assessment*, 1995
- Ministry of the Environment, Procedure D-5-4: *Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment*, 1995
- Ministry of the Environment, *Procedures for Disinfection of Drinking Water in Ontario*, 2003
- Ministry of the Environment, *Technical Guideline for Private Wells: Water supply Assessment*, 1995
- Ministry of the Environment, Wells, *Ontario Regulation 903/90* (Amended to O.Reg. **468/10**)
- Regional Municipality of Halton, *Guidelines for Hydrogeological Studies and Standards for Private Services*, May 2000
- Regional Municipality of Waterloo, *Guidelines for Hydrogeological Studies for Privately Serviced Developments*, May 1991

GLOSSARY OF TERMS

- Accessible Well:* A water-supply well in which the water level may be measured by wetted tape or electric depth gauge. Access into the well for such monitoring shall be the responsibility of the well owner, and as regulated by O. Reg. 903/90 (as amended).
- Adverse Quality Impact:* An increase in the off-site concentration of a chemical parameter above the Ontario Drinking Water Quality Standards, deduced to occur from the proposed sewage loading of a development.
- Aquifer:* An overburden or bedrock system that either is, or that may be used to provide private and public water supplies.
- Combined Impact:* Refers to the blended quality impact of all the individual on-site systems on the development site. The effluent impact on groundwater is not assessed on a plume-by-plume basis.
- Dry Industrial/Commercial Uses:* Those uses in which only the disposal of the domestic waste of employees is permitted and treated. No industrial liquid wastes, wash or cooling water or process wastes are permitted.
- Health Department:* The Medical Officer of Health of the Regional Health Department and Public Health Inspection staff mandated under the Health Protection Act.
- Groundwater Recharge:* The entry of infiltrating precipitation into the saturated zone at the water table surface.
- Hydrogeologically Isolated:* Those areas characterised by strong upward hydraulic gradients; massive, unfractured clay deposits at or near ground surface; or other thick impervious layers of materials over water-bearing formations.
- Hydrogeologically Sensitive:* Karstic areas, areas of fractured bedrock exposed at surface, areas of thin soil cover, or areas of highly permeable soils.
- Highly Vulnerable Aquifer (Clean Water Act definition):* An aquifer that can be easily changed or affected by contamination from both human activities and natural processes as a result of (a) intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, or (b) by preferential pathways to the aquifer.
- Low permeability environments:* Where it can be shown that the uppermost subsurface unit(s) at have a vertical hydraulic conductivity of 10⁻⁵ cm/sec or less, is at least 10 metres (33 feet) thick and extends at least 100 m (330 ft) downgradient of the infiltration area, attenuation calculations may not be required. The assessment would however need to demonstrate the absence of higher permeability pathways in the lower permeability material.”

Potable Water: Water that meets the MOE Ontario Drinking Water Quality Standards for the chemical and bacteriological parameters listed in Appendix A, or that contains aesthetic parameters exceeding these objectives at concentrations considered to be reasonably treatable.

Private Services: Individual on-site private sewage disposal system and private water well supply.

Private Sewage Disposal System – Class IV: An on-site septic tank and tile bed system regulated by the Ontario Building Code.

Private Sewage Disposal System – Tertiary system: Sewage system designed with a treatment unit other than a septic tank, **commonly featuring advanced treatment units that reduce specific septic system pollutants.**

Private Water Supply: Individual On-Site Well constructed in accordance with O.Reg. 903/90 (as amended) under the Ontario Water Resources Act.

Significant Interference: Where the withdrawal of water from one or more water wells causes a reduction in the quantity of water that can be withdrawn from a previously-established water supply well(s).

APPENDIX A

Groundwater Quality Parameters

TABLE 1. MICROBIOLOGICAL STANDARDS

Item	Microbiological Parameter	Standard (expressed as a maximum)
1.	<i>Escherichia coli</i> (E. coli)	Not detectable
2.	Total coliforms	Not detectable

O. Reg. 169/03, Sched. 1; O. Reg. 248/06, s. 1.

TABLE 2. CHEMICAL STANDARDS

Item	Chemical Parameter	Standard (expressed as a maximum concentration in milligrams per litre)
1.	Alachlor	0.005
2.	Aldicarb	0.009
3.	Aldrin + Dieldrin	0.0007
4.	Antimony	0.006
5.	Arsenic	0.025
6.	Atrazine + N-dealkylated metabolites	0.005
7.	Azinphos-methyl	0.02
8.	Barium	1.0
9.	Bendiocarb	0.04
10.	Benzene	0.005
11.	Benzo(a)pyrene	0.00001
12.	Boron	5.0
13.	Bromate	0.01
14.	Bromoxynil	0.005
15.	Cadmium	0.005
16.	Carbaryl	0.09
17.	Carbofuran	0.09
18.	Carbon Tetrachloride	0.005
19.	Chloramines	3.0
20.	Chlordane (Total)	0.007
21.	Chlorpyrifos	0.09
22.	Chromium	0.05
23.	Cyanazine	0.01
24.	Cyanide	0.2

25.	Diazinon	0.02
26.	Dicamba	0.12
27.	1,2-Dichlorobenzene	0.2
28.	1,4-Dichlorobenzene	0.005
29.	Dichlorodiphenyltrichloroethane (DDT) + metabolites	0.03
30.	1,2-dichloroethane	0.005
31.	1,1-Dichloroethylene (vinylidene chloride)	0.014
32.	Dichloromethane	0.05
33.	2,4-Dichlorophenol	0.9
34.	2,4-Dichlorophenoxy acetic acid (2,4-D)	0.1
35.	Diclofop-methyl	0.009
36.	Dimethoate	0.02
37.	Dinoseb	0.01
38.	Dioxin and Furan	0.000000015 ^a
39.	Diquat	0.07
40.	Diuron	0.15
41.	Fluoride	1.5
42.	Glyphosate	0.28
43.	Heptachlor + Heptachlor Epoxide	0.003
44.	Lead	0.010
45.	Lindane (Total)	0.004
46.	Malathion	0.19
47.	Mercury	0.001
48.	Methoxychlor	0.9
49.	Metolachlor	0.05
50.	Metribuzin	0.08
51.	Microcystin LR	0.0015

52.	Monochlorobenzene	0.08
53.	Nitrate (as nitrogen)	10.0
54.	Nitrite (as nitrogen)	1.0
55.	Nitrate + Nitrite (as nitrogen)	10.0
56.	Nitrilotriacetic Acid (NTA)	0.4
57.	N-Nitrosodimethylamine (NDMA)	0.000009
58.	Paraquat	0.01
59.	Parathion	0.05
60.	Pentachlorophenol	0.06
61.	Phorate	0.002
62.	Picloram	0.19
63.	Polychlorinated Biphenyls (PCB)	0.003
64.	Prometryne	0.001
65.	Selenium	0.01

66.	Simazine	0.01
67.	Temephos	0.28
68.	Terbufos	0.001
69.	Tetrachloroethylene (perchloroethylene)	0.03
70.	2,3,4,6-Tetrachlorophenol	0.1
71.	Triallate	0.23
72.	Trichloroethylene	0.005
73.	2,4,6-Trichlorophenol	0.005
74.	2,4,5-Trichlorophenoxy acetic acid (2,4,5-T)	0.28
75.	Trifluralin	0.045
76.	Trihalomethanes	0.100 ^b
77.	Uranium	0.02
78.	Vinyl Chloride	0.002

Footnotes:

^a Total toxic equivalents when compared with 2,3,7,8-TCDD (tetrachlorodibenzo-p-dioxin).

^b This standard is expressed as a running annual average.

O. Reg. 169/03, Sched. 2; O. Reg. 268/03, s. 1; O. Reg. 248/06, s. 2; O. Reg. 242/07, s. 1.

TABLE 3. RADIOLOGICAL STANDARDS

Item	Radiological Parameter	Standard (expressed as a maximum in becquerels per litre)
Natural Radionuclides		
1.	Beryllium-7	4000.0
2.	Bismuth -210	70.0
3.	Lead-210	0.1
4.	Polonium-210	0.2
5.	Radium-224	2.0
6.	Radium-226	0.6
7.	Radium-228	0.5
8.	Thorium-228	2.0
9.	Thorium-230	0.4
10.	Thorium-232	0.1
11.	Thorium-234	20.0
12.	Uranium-234	4.0
13.	Uranium-235	4.0
14.	Uranium-238	4.0
Artificial Radionuclides		
15.	Americium-241	0.2
16.	Antimony-122	50.0
17.	Antimony-124	40.0
18.	Antimony-125	100.0
19.	Barium-140	40.0
20.	Bromine-82	300.0
21.	Calcium-45	200.0
22.	Calcium-47	60.0
23.	Carbon-14	200.0
24.	Cerium-141	100.0
25.	Cerium-144	20.0
26.	Cesium-131	2000.0
27.	Cesium-134	7.0
28.	Cesium-136	50.0
29.	Cesium-137	10.0
30.	Chromium-51	3000.0
31.	Cobalt-57	40.0
32.	Cobalt-58	20.0
33.	Cobalt-60	2.0
34.	Gallium-67	500.0

35.	Gold-198	90.0
36.	Indium-111	400.0
37.	Iodine-125	10.0
38.	Iodine-129	1.0
39.	Iodine-131	6.0
40.	Iron-55	300.0
41.	Iron-59	40.0
42.	Manganese-54	200.0
43.	Mercury-197	400.0
44.	Mercury-203	80.0
45.	Molybdenum-99	70.0
46.	Neptunium-239	100.0
47.	Niobium-95	200.0
48.	Phosphorus-32	50.0
49.	Plutonium-238	0.3
50.	Plutonium-239	0.2
51.	Plutonium-240	0.2
52.	Plutonium-241	10.0
53.	Rhodium-105	300.0
54.	Rubidium-81	3000.0
55.	Rubidium-86	50.0
56.	Ruthenium-103	100.0
57.	Ruthenium-106	10.0
58.	Selenium-75	70.0
59.	Silver-108m	70.0
60.	Silver-110m	50.0
61.	Silver-111	70.0
62.	Sodium-22	50.0
63.	Strontium-85	300.0
64.	Strontium-89	40.0
65.	Strontium-90	5.0
66.	Sulphur-35	500.0
67.	Technetium-99	200.0
68.	Technetium-99m	7000.0
69.	Tellurium-129m	40.0
70.	Tellurium-131m	40.0
71.	Tellurium-132	40.0
72.	Thallium-201	2000.0
73.	Tritium	7000.0
74.	Ytterbium-169	100.0
75.	Yttrium-90	30.0
76.	Yttrium-91	30.0

77.	Zinc-65	40.0
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78.	Zirconium-95	100.0
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Notes:

Radionuclide concentrations that exceed the standard may be tolerated for a short period, as long as the annual average concentrations remain below the standard and the restriction (see immediately below) for multiple radionuclides is met.

Restrictions for multiple radionuclides: If two or more radionuclides are present, the following relationship, based on International Commission on Radiological Protection (ICRP) Publication 26, must be satisfied and, if not satisfied, the standard shall be considered to have been exceeded:

$$\frac{c_1}{C_1} + \frac{c_2}{C_2} + \dots + \frac{c_i}{C_i} \leq 1$$

where

c_1, c_2 and c_i are the observed concentrations, and C_1, C_2 and C_i are the maximum acceptable concentrations for each contributing radionuclide.

O. Reg. 169/03, Sched. 3.

TABLE 4 - COMMON AESTHETIC, ANALYTICAL, AND INDICATOR PARAMETERS

Parameter	ODWQS ⁶	Comments	Maximum Concentration Considered Reasonably Treatable	Comments on Treatment
Alkalinity	30 - 500 mg/L	Useful analytical parameter; alkalinity is a measure of the amount of alkaline materials in the water. Excessive alkalinity levels may cause scale formation.		
Ammonia		Contamination Indicator		
Calcium		See hardness		
Chloride	250 mg/L	Associated with salt problems	250 mg/L	
Colour	5 TCU	Associated with certain metal and organic substances	7 TCU	Carbon filter ¹ treatment systems
Conductivity		Useful analytical parameter; specific conductivity is a measure of the ability of water to carry an electric current. This ability depends on the presence of ions, which are present with dissolved solids in the water. Waters with high dissolved solids generally don't taste as good and may leave a white film on dishes, etc.		
Dissolved Organic Carbon (DOC)	5.0 mg/L (as C)	Taste, odour, colour, turbidity precursor for harmful contaminants after chlorination.	10 mg/L (as C)	Carbon filter treatment systems
Heterotrophic Plate Count (HPC)		Heterotrophic Plate Counts provide an indication of the bacterial population beyond a measure of the coliform bacteria present; contamination Indicator	500 ⁹ CFU/mL	
Hardness	500 mg/L	Taste, encrustation, and reaction with soap.		Water softener ⁸
Iron	0.3mg/L	May cause staining of plumbing fixtures and laundry.	Up to 5.0 mg/L	Water softener or manganese greensand filters
Magnesium		See hardness		
Manganese	0.5 mg/L	May cause staining of plumbing fixtures and laundry	1.0 mg/L	Water softener or manganese greensand filters
pH	6.5-8.5	Associated with corrosion or encrustation or contamination by other substances.		
Sodium	200 mg/L	Taste ¹⁰	200 mg/L	Not considered reasonably treatable above the limit
sulphate	500 mg/L	Laxative	500 mg/L	Not considered reasonably treatable above the limit
Total Dissolved Solids (TDS)	500 mg/L	Refers to inorganic substances dissolved in water. Corrosion or encrustation of metal fixtures or appliances.		
Turbidity	5 NTU	see Note 11	5 NTU	
Other parameters		see Note 12		

Notes:

⁶ Except for hardness, the Ontario Drinking Water Standards in Table 4 are Aesthetic Objectives under the Ontario Drinking Water Quality Standards. Units of measure and, where required, conversion factors must be provided. For more information on the standards, refer to MOE publication entitled "Ontario Drinking Water Quality Standards".

⁷ Higher, iron-related colour may be removed by manganese greensand treatment; however the nature of the constituents causing excessive colour must be determined.

⁸ Generally, water with a hardness value of more than 300 mg/L is considered "very hard". The MOE publication entitled "Ontario Drinking Water Quality Standards" states that waters with hardness "in excess of 500 mg/L are unacceptable for most domestic purposes". A maximum treatable value is not available.

⁹ Increases in HPC concentrations above baseline levels are considered undesirable.

¹⁰ Sodium also has a health-related "warning level" of 20 mg/L (see Table 2). Since water softening results in high sodium levels, a separate tap, which supplies unsoftened waters should be installed for drinking purposes.

¹¹ For the purposes of this guideline, the consultant must note that if turbidity is present, particular care must be taken during testing to ensure that the bacteria requirements of Table 1 are met.

¹² Reference: Section 3 "Water Quality", regarding the responsibilities of the proponent or consultant to add parameters where necessary; the consultant must also provide the relevant information on any drinking water quality limits, including those from other jurisdictions.

CFU = colony forming units

TCU = true colour unit

NTU= Nephelometric turbidity unit

APPENDIX B

On-Site and Off-site Predictive Assessment

APPENDIX B

ON-SITE & OFF-SITE PREDICTIVE ASSESSMENT FOR NITRATE IMPACT

On-Site Predictive Assessment for Nitrate Impact (as per MOE Procedure D-5-4, Technical Guideline for Individual On-site Sewage Systems: Water Quality Impact Risk Assessment, 1996).

Residential Development:

In the Hydrogeological Study Report, the City requires as a minimum the following considerations and assumptions to be used in assessing the combined nitrate impact of individual on-site sewage systems at/ and downgradient of the development boundary:

- (a) Nitrate Source: in most cases total nitrogen (all species) converted to nitrate-nitrogen is considered as the critical contaminant. For the purposes of predicting the potential for groundwater impacts a nitrate loading of at least 40 grams/lot/day per residential dwelling unit shall be used. This is based on minimum sewage flows of 1,000 L/day.

A residential dwelling with up to three bedrooms shall be considered to generate a minimum of 1000L/day of sewage. For each additional bedroom in a residence, the sewage generation shall increase by 200L/day (or an additional loading of 8 grams/day nitrate resulted from the nitrate loading calculations: 40mg/L x Flow).

(b) Nitrate Dilution:

- i) in assessing the nitrate impact, only on-site infiltrating precipitation will be accepted by the City as a quantifiable dilution mechanism;
- iii) the on-site groundwater infiltration rates acceptable to the City are listed in Appendix C, and are accordant with predominant soil textures;
- iv) estimates of the on-site recharge shall consider and account for post-development impermeable areas (including roof tops and paved areas). While the City in some cases may encourage the establishment of infiltration galleries and other Low Impact Development (LID) measures, their real or perceived contribution to infiltration is not to be considered in calculations as a quantifiable dilution mechanism
- v) mathematical (computer) models may be used to demonstrate the on-site infiltration potential. Although the model selection will be left to the proponent, the City must be provided with information on the model, reliability, validation, limitations, and assumptions. All model simulations must include appropriate sensitivity analyses.

- vi) Appendix B1 exemplifies an on-site nitrate-impact evaluation for a privately serviced residential subdivision. If this example site was located up-gradient of a surface water body, the qualified professional must undertake a similar mass balance loading calculation using phosphorous as the source in the water body at the boundary. Calculations can use only the area of the proposed development that is upgradient of the water body and assume an initial phosphorous concentration of 15 mg/L for the sewage effluent. Setbacks established by regulatory agencies (Conservation Authorities, City's Building Department, etc.) must be maintained.
- ii) mixing with (or dilution by) groundwater flowing through the site (i.e., underflow) will normally not be considered in the predictive assessment as it may not be possible to control present or future upgradient land uses. However, where upgradient lands have been fully developed for a considerable period of time (i.e. as defined by City Planning), the quantity and quality of groundwater flow available to dilute the effluent entering the receiving groundwater may be considered. An example calculation of this approach is provided in Appendix B1.
- iv) from the on-site investigation and nitrate impact assessment, an estimate of the number of lots which can be accommodated on the property is determined. The minimum lot size must conform to the provisions of the Rural Hamilton Official Plan (2012).

Industrial/Commercial Development:

The nitrate loading from industrial/commercial individual on-site systems can vary greatly depending on the type and intensity of use. The following procedure is to be followed in establishing maximum allowable effluent flow for each lot:

a) Available Infiltration:

- i) the groundwater infiltration rates listed in Appendix C must be used unless a detailed water balance and/or on-site soil (particle size analysis, permeameter, etc.) and groundwater studies support a higher rate for the on-site soils, and
- ii) estimates of the groundwater recharge must consider the post-development impermeable areas (including roof tops and paved areas).

b) Maximum Allowable Flow:

The maximum allowable flow for each lot or the entire industrial/ commercial development can be calculated by dividing the calculated infiltration by a factor of three.

This is derived by simplifying the equation $(40 \text{ mg/L} \times \text{Flow}) / (\text{Flow} + \text{Infiltration}) = 10 \text{ mg/L} - \text{Background}$

Alternatively, the projected flow could be estimated from the uses as provided in the Building Code, and then the projected effluent volume could be calculated. This would provide estimated nitrate loading levels and on-site infiltration dilution calculations.

(c) Maximum Number of Users:

To determine the maximum number of persons that can be supported by the calculated allowable flow, reference should be made to the Ontario Building Code. The flow volumes, accordant with the various uses listed in the Building Code, are provided in Appendix B5. Restrictions with respect to the allowable number of users will normally be incorporated as recommendations in the qualified professional's assessment, and the recommendations shall be implemented by provisions in the development agreement between the proponent and the municipality.

Appendix B2 exemplifies an on-site nitrate-impact evaluation for a privately-serviced industrial / commercial development, based on the above considerations.

Off-Site Predictive Assessment for nitrate impact

The off-site predictive assessment is required for the Hydrogeological Study Report.

For both residential and commercial/industrial developments, the City requires an evaluation of the potential nitrate impact that may occur at the proposed development boundary and existing privately serviced areas situated within 500 meters down-gradient.

a) Contaminant Source

In predicting a nitrate increase, all residential dwellings shall be considered to produce 40 grams/lot/day of nitrate-nitrogen and commercial/industrial development shall be considered to produce an effluent flow equivalent to one-quarter of the available on-site infiltration and to contain 40 mg/L nitrate-nitrogen.

b) Nitrate Dilution

In assessing the off-site nitrate impact from the proposed development, the upgradient and downgradient recharge occurring within the groundwater flow channel framing the development is to be utilized to evaluate the quality impact in the existing downgradient groundwater sources. All residences within the flow channel 200 metres upgradient and 500 metres downgradient from the development shall be included in the mass-balance appraisal. The upgradient recharge contribution may be deduced by evaluation of:

- i) the soil types and infiltration rates in the defined catchment area, and/or

- ii) the prevailing lateral gradient and water-transmitting capacity of the developed aquifer, as appropriate. Ambient nitrate concentrations and impermeable surfaces are to be considered in the mass-balance calculation.

If the calculated nitrate concentration exceeds 10 mg/L across the greater area including the proposed development, additional studies will be required prior to completing and submitting the Hydrogeological Study Report. Where an acceptable nitrate concentration is calculated, the excess groundwater recharge flow-through may not be utilized in determining the development density. The density must be based on available on-site recharge only.

Appendix B3 provides an example of a simplified mass-balance calculation of the off-site nitrate impact to assist in the interpretation of this requirement.

On-Site Predictive Assessment for Nitrate Impact With Tertiary Treatment

~~Appendix B4 provides an example of an on-site nitrate impact evaluation for a privately serviced residential subdivision, similar to Appendix B1, but includes a reduction in effluent nitrate concentration based on tertiary treatment. This example is provided for demonstration purposes only, as tertiary treatment units designed for reduction of nitrate in the effluent are currently not recognized by the Ontario Building Code~~

Appendix B1

Example On-Site Nitrate Impact Calculation

for

Privately-Serviced Residential Subdivision

Example
On-Site Nitrate Impact Calculation For Privately-Serviced Residential Subdivision

Evaluation Criteria/ Site Information:

Number of Proposed Lots (P)	20
Daily Effluent Flow / Lot (F)	1,000 L/day
Subdivision Area (A)	20 ha
Infiltration Rate (I) (from Appendix C)	0.2 m/year
Nitrate Loading/ Dwelling (N)	40 grams/day
Impervious Surface (S)	10%

1. Calculation of On-site Recharge (R)

$$\begin{aligned}
 &= (A) \times (1-S) \times (I) + (P) \times (F) \\
 &= 200,000 \text{ m}^2 \times (1-0.1) \times (0.2 \text{ m/year}) + 20 \times 1,000 \text{ L/day} \\
 &= 36,000 \text{ m}^3/\text{year} + 20,000 \text{ L/day} \\
 &= 99,000 \text{ L/day} + 20,000 \text{ L/day} = 119,000 \text{ L/day}
 \end{aligned}$$

2. Calculation of Nitrate Loading (L)

$$\begin{aligned}
 &= (N) \times (P) \\
 &= 20 \text{ lots} \times 40 \text{ g/day} \\
 &= 800,000 \text{ mg/day}
 \end{aligned}$$

3. Resultant Nitrate Concentration at Site Boundary

$$\begin{aligned}
 &= (L) \div (R) \\
 &= 800,000 \text{ mg/day} \div 119,000 \text{ L/day} \\
 &= 6.7 \text{ mg/L}
 \end{aligned}$$

Based on the above calculations and considering the given site information, the estimated concentration of nitrate in the receiving groundwater at the site boundary permits the construction of 20 lots on the subdivision area of 20 ha.

Example
On-Site Nitrate Impact Calculation For Privately-Serviced Residential Subdivision
Including Dilution From Lateral Groundwater Flow
Where Upgradient Lands Are Fully Developed

Evaluation Criteria/ Site Information:

Number of Proposed Lots (P)	20
Daily Effluent Flow / Lot (F)	1,000 L/day
Subdivision Area (A)	20 ha
Infiltration Rate (I) (from Appendix C)	0.15 m/year
Nitrate Loading/ Dwelling (N)	40 grams/day
Impervious Surface (S)	10%
Background Nitrate Concentration in Groundwater at Upgradient Property Boundary (Nb) *	5.0 mg/L

Groundwater flow through the site (Qb)** L/day (see below)

* Background Nitrate concentration in groundwater at upgradient site boundary established by monitoring program conducted by a qualified professional.

** Groundwater flow through the site, as estimated by a qualified professional, based on values for hydraulic conductivity, average horizontal gradient in direction of flow, and cross-sectional area of groundwater flow regime perpendicular to flow direction.

1. Calculation of Groundwater Flow Through Site

For this example: Hydraulic Conductivity (K) = 1.0×10^{-5} m/sec
 Gradient (i) = 0.01
 Cross-sectional Area (A) = 3000 m²

Estimated Groundwater Flow (Qb)

$$\begin{aligned}
 &= (K) \times (i) \times (A) \\
 &= 1.0 \times 10^{-5} \text{ m/sec} \times 0.01 \times 3000 \text{ m}^2 \\
 &= 0.0003 \text{ m}^3/\text{sec} = 26,000 \text{ L/day}
 \end{aligned}$$

2. Calculation of On-site Recharge (R)

$$\begin{aligned}
 &= (A) \times (1-S) \times (I) + (P) \times (F) \\
 &= 200,000 \text{ m}^2 \times (1-0.1) \times (0.15 \text{ m/year}) + 20 \times 1,000 \text{ L/day} \\
 &= 27,000 \text{ m}^3/\text{year} + 20,000 \text{ L/day} = 94,000 \text{ L/day}
 \end{aligned}$$

3. Calculation of Nitrate Loading (L)

$$\begin{aligned} &= (N) \times (P) \\ &= 20 \text{ lots} \times 40 \text{ g/day} \\ &= 800,000 \text{ mg/day} \end{aligned}$$

4. Resultant Nitrate Concentration at Site Boundary with Groundwater Flow Included

$$\begin{aligned} &= [L + (Nb \times Qb)] \div [R + Qb] \\ &= [800,000 + 130,000 \text{ mg/day}] \div [94,000 + 26,000 \text{ L/day}] \\ &= 930,000 \text{ mg/day} \div 120,000 \text{ L/day} \\ &= 7.75 \text{ mg/L} \end{aligned}$$

Based on the above calculations and considering the given site information, the estimated concentration of nitrate in the receiving groundwater at the site boundary permits the construction of 20 lots on the subdivision area of 20 ha. This example also demonstrates the effect of the fully-developed upgradient lands and groundwater flow through a site.

Appendix B2

Example On-Site Nitrate Impact Calculation

for

Privately-Serviced Commercial/ Industrial Development

Example

On-Site Nitrate Impact Calculation for Privately-Serviced Commercial/ Industrial Development

Evaluation Criteria/ Site Information:

Development Area (A)	30 ha
Infiltration Rate (I)	0.15 m/year
Sewage Nitrate Concentration (C)	40 mg/L
Drinking Water Standard (O)	10 mg/L
Impervious Surface (S)	25%

1. Calculation of On-site Recharge (R)

$$\begin{aligned} &= (A) \times (1-S) \times (I) \\ &= 300,000 \text{ m}^2 \times (1-0.25) \times (0.15 \text{ m/year}) \\ &= 34,000 \text{ m}^3/\text{year} = 93,000 \text{ L/day} \end{aligned}$$

2. Required Dilution Ratio (D)

$$\begin{aligned} &= O \div C \\ &= 10 \text{ mg/L} \div 40 \text{ mg/L} \\ &= 0.25 \end{aligned}$$

3. Permissible Sewage Effluent Loading (E)

$$\begin{aligned} &= (R) \times (D) \\ &= 93,000 \text{ L/day} \times 0.25 \\ &= 23,000 \text{ L/day} \end{aligned}$$

4. Number of Lots with maximum allowable 4,500 L/day flows

$$\begin{aligned} &= (E) \div (4,500) \\ &= 23,000 \div 4,500 \\ &= 5.1 \text{ (round to 5 lots)} \end{aligned}$$

Based on the above calculations and considering the given site information, there are a maximum of five (5) commercial / industrial lots possible to be built on the subdivision area of 30 ha.

Appendix B3

Example Off-Site Nitrate Impact Calculation for Privately-Serviced Residential Subdivision

Example

Off-Site Nitrate Impact Calculation for Privately-Serviced Residential Subdivision

Evaluation Criteria/ Site Information:

Proposed Number of Lots (P)	15
Number of existing Upgradient and Downgradient Residences within Flow Channel (E)	32
Daily Effluent Flow / Lot (F)	1,000 L/day
Nitrate Loading/Dwelling (N)	40 grams/day
Flow Channel Area (A)	60 ha
Soil Distribution	60% sandy silt till 30% sand 10% impermeable surfaces
Infiltration Rates (I)	See Appendix C

1. Calculation of Nitrate Loading (L) =

$$\begin{aligned}
 &= (P + E) \times N \\
 &= 47 \times 40 \text{ grams/day} \\
 &= 1,880 \text{ grams/day}
 \end{aligned}$$

2. Calculation of On-site Recharge (R) =

$$\begin{aligned}
 &= (0.6 \times A \times I) + (0.3 \times A \times I) + (P+E) \times 1,000 \text{ L/day} \\
 &= (0.6 \times 600,000 \text{ m}^2 \times 0.15 \text{ m/year}) + (0.3 \times 600,000 \text{ m}^2 \times 0.2 \text{ m/year}) + \\
 &\quad + 47 \times 1,000 \text{ L/day} \\
 &= (54,000 \text{ m}^3/\text{year}) + (36,000 \text{ m}^3/\text{year}) + 47,000 \text{ L/day} \\
 &= 90,000 \text{ m}^3/\text{year} + 47,000 \text{ L/day} = 294 \text{ m}^3/\text{day}
 \end{aligned}$$

5. Resultant Nitrate Concentration =

$$\begin{aligned}
 &= (L) \div (R) \\
 &= 1,880 \text{ grams/day} \div 294 \text{ m}^3/\text{day} \\
 &= 6.4 \text{ grams/ m}^3 \\
 &= 6.4 \text{ mg/L}
 \end{aligned}$$

Appendix B4

Example On-Site Nitrate Impact Calculation

for

Privately-Serviced Residential Subdivision

with Tertiary Treatment

Example

On-Site Nitrate Impact Calculation For Privately-Serviced Residential Subdivision, With Tertiary Treatment (for Demonstration Purposes Only)

Evaluation Criteria/ Site Information:

Number of Proposed Lots (P)	20
Daily Effluent Flow / Lot (F)	1000 L/day
Subdivision Area (A)	20 ha
Infiltration Rate (I) (from Appendix C)	0.15 m/year

~~Nitrate Loading/ Dwelling (N) — if tertiary treatment units are capable of reducing Nitrate in effluent by 50 percent~~ ~~20 grams/day~~

~~Impervious Surface (S)~~ ~~10%~~

~~**1. Calculation of On-site Recharge (R)**~~

$$\begin{aligned}
 &= (A) \times (1 - S) \times (I) + (P) \times (F) \\
 &= 200,000 \text{ m}^2 \times (1 - 0.1) \times (0.15 \text{ m/year}) + 20 \times 1,000 \text{ L/day} \\
 &= 27,000 \text{ m}^3/\text{year} + 20,000 \text{ L/day} = 94,000 \text{ L/day}
 \end{aligned}$$

~~**2. Calculation of Nitrate Loading (L)**~~

$$\begin{aligned}
 &= (N) \times (P) \\
 &= 20 \text{ lots} \times 20 \text{ g/day} \\
 &= 400,000 \text{ mg/day}
 \end{aligned}$$

~~**3. Resultant Nitrate Concentration at Site Boundary**~~

$$\begin{aligned}
 &= (L) \div (R) \\
 &= 400,000 \text{ mg/day} \div 94,000 \text{ L/day} \\
 &= 4.3 \text{ mg/L}
 \end{aligned}$$

~~Based on the above calculations and considering the given site information, the estimated concentration of nitrate in the receiving groundwater at the site boundary permits the construction of 20 lots on the subdivision area of 20 ha.~~

Appendix B5

Ontario Building Code Standards for Septic Systems (Part 8)

Ontario Building Code Standards for Septic Systems (Part 8)

Table 1. Residential Occupancy

Residential Occupancy	Volume, litres
Apartments, Condominiums, Other Multi-family Dwellings - per person ⁽¹⁾	275
Boarding Houses	
a) Per person,	
i) with meals and laundry facilities, or,	200
ii) without meal or laundry facilities, and	150
b) Per non-resident staff per 8 hour shift	40
Boarding School - per person	300
Dwellings	
a) 1 bedroom dwelling	750
b) 2 bedroom dwelling	1100
c) 3 bedroom dwelling	1600
d) 4 bedroom dwelling	2000
e) 5 bedroom dwelling	2500
f) Additional flow for ⁽²⁾	
i) each bedroom over 5,	500
ii) A) each 10 m ² (or part of it) over 200 m ² up to 400 m ² ⁽³⁾ ,	100
B) each 10 m ² (or part of it) over 400 m ² up to 600 m ² ⁽³⁾ , and	75
C) each 10 m ² (or part of it) over 600 m ² ⁽³⁾ , or	50
iii) each fixture unit over 20 fixture units	50
Hotels and Motels (excluding bars and restaurants)	
a) Regular, per room	250
b) Resort hotel, cottage, per person	500
c) Self service laundry, add per machine	2500
Work Camp/Construction Camp, semi-permanent per worker	250

Notes to Table 1:

- (1) The *occupant load* shall be calculated using ON Building Code, Part 3, Subsection 3.1.17.
- (2) Where multiple calculations of sewage volume is permitted the calculation resulting the highest flow shall be used in determining the design daily *sanitary sewage* flow.
- (3) Total finished area, excluding the area of the finished *basement*.

Table 2. Other Occupancies

Establishments⁽¹⁾	Volume, litres
Airports, Bus Terminals, Train Stations, Dock/Port Facilities (Food Services excluded)	
a) Per passenger, and	20
b) Per employee per 8 hour shift	40
Assembly Hall - per seat	
a) No food service, or	8
b) Food service provided	36
Barber Shop/Beauty Salon - per service chair	650
Bowling Alleys (Food Service not included) - per lane	400
Churches and Similar Places of Worship - per seat	
a) No kitchen facilities, or	8
b) Kitchen facilities provided	36
Country Club (excluding Food Service)	
a) Per resident,	375
b) Per employee per 8 hour shift, and	50
c) Per member or patron	40
Day Care Facility per person (staff and children)	75
Dentist Office	
a) Per wet service chair, and	275
b) Per dry service chair	190
Doctors Office	
a) Per practitioner, and	275
b) Per employee per 8 hour shift	75
Factory (excluding process or cleaning waters) - per employee per 8 hour shift	
a) No showers, or	75
b) Including showers	125
Flea Markets ⁽²⁾ (open not more than 3 days per week)	
a) Per non-food service vendor space,	60
b) Per food service establishment / 9.25 m ² of floor space, and	190
c) Per limited food service outlet	95
Food Service Operations	
a) Restaurant (not 24 hour), per seat	125
b) Restaurant (24 hour), per seat	200
c) Restaurant on controlled access highway, per seat	400
d) Paper service restaurant, per seat	60
e) Donut shop, per seat	400
f) Bar and cocktail lounge, per seat	125
g) Drive-in restaurant per parking space	60

h) Take-out restaurant (no seating area)	
i) per 9.25 m ² of floor area, and	190
ii) per employee per 8 hour shift	75
i) Cafeteria - per meal	12
j) Food outlet	
i) excluding delicatessen, bakery and meat department, per 9.25 m ² of floor space,	40
ii) per 9.25 m ² of delicatessen floor space,	190
iii) per 9.25 m ² of bakery floor space,	190
iv) per 9.25 m ² of meat department floor space, and	380
v) per water closet	950
Hospitals - per bed	
a) Including laundry facilities, or	750
b) Excluding laundry facilities	550
Nursing Homes, Rest Homes, etc. - per bed	450
Office Building ⁽³⁾	
a) Per employee per 8 hour shift, or	75
b) Per each 9.3 m ² of floor space	75
Public Parks	
a) With toilets only per person, or	20
b) With bathhouse, showers, and toilets per person	50
Recreational Vehicle or Campground Park	
a) Per site without water or sewer hook-up, or	275
b) Per site with water and sewer hook-up	425
Schools - per student	
a) Day school,	30
b) With showers,	30
c) With cafeteria, and	30
d) Per non-teaching employee per 8 hour shift	50
Service Stations (no vehicle washing) ⁽³⁾	
a) Per water closet, and	950
i) per fuel outlet ⁽⁴⁾ , or	560
ii) per vehicle served	20
Shopping Centre (excluding food and laundry) - per 1.0 m ² of floor space	5
Stadiums, Race Tracks, Ball Parks - per seat	20
Stores ⁽³⁾	
a) Per 1.0 m ² of floor area, or	5
b) Per water closet	1230
Swimming and Bathing Facilities (Public) - per person	40
Theatres	
a) Indoor, auditoriums per seat,	20

b) Outdoor, drive-ins per space, or	40
c) Movie theatres per seat	15
Veterinary Clinics	
a) Per practitioner,	275
b) Per employee per 8 hour shift, and	75
c) Per stall, kennel, or cage if floor drain connected	75
Warehouse	
a) Per water closet, and	950
b) Per loading bay	150

Notes to Table 8.2.1.3.B.:

- (1) The *occupant load* shall be calculated using ON Building Code, Part 3, Subsection 3.1.17.
- (2) Flea markets open more than 3 days per week shall be assessed using the volumes stated under the heading "Stores".
- (3) Where multiple calculations of *sanitary sewage* volume is permitted the calculation resulting in the highest flow shall be used in determining the design daily *sanitary sewage* flow.
- (4) The number of fuel outlets is considered the maximum number of fuel nozzles that could be in use at the same time.

APPENDIX C

Groundwater Recharge / Infiltration

APPENDIX C

4. GROUNDWATER RECHARGE/INFILTRATION

Within the City of Hamilton, the sewage-system impact assessment only allows consideration of on-site groundwater recharge for dilution purposes. In this Guideline, the portion of infiltrating precipitation that reaches the groundwater table is considered groundwater recharge.

The available groundwater recharge is determined by reference to the following table, which was previously assembled by MOE regional staff from the results of Ministry drainage basis studies.

The listed rates are consistent with the rates presented in "Ministry of Environment Hydrogeological Technical Information Requirements for Land Development Applications, April 1995".

Table C1 - Typical Groundwater Recharge (Infiltration) Rates

Predominant Soil Textures	Ground water Recharge (Infiltration) Rate (mm/year)
Coarse Sand Gravel	250
Fine to Medium Sand	200
Silty Sand	175
Sandy Silt	150
Silt	125
Clayey Silt	100
Clay	75

Groundwater recharge within a particular property may be determined by using the above noted values or by more detailed analysis. If proposed, such additional studies may involve lengthy on-site monitoring using infiltrometers and piezometer nests. It will be the consultant's responsibility to determine alternative method used to assess the groundwater recharge and such method should be reviewed with the City prior to commencement of field studies. Any assessment of groundwater recharge will need to consider pre and post development conditions.

APPENDIX D

Tertiary Treatment

APPENDIX D

TERTIARY TREATMENT WITH ADVANCED TREATMENT UNITS – POLICY POSITION

The City of Hamilton does not support the use of advanced septic system treatment units (also known as Level IV treatment units) as it relates to justifying a development approval on an undersized, privately-serviced lot. A variety of legal and technical issues are evident when an approval is inextricably tied to a specific septic system technology. Until such time that advanced treatment units are formally incorporated into the Ontario Building Code (e.g. similar to OBC Change Number S-B-08-06-06), no development approvals that propose advanced treatment units will be supported by the City of Hamilton unless the lot size can be deemed sustainable with a conventional sewage disposal system.

At present, issues related to advanced treatment units primarily relates to uncertainty over their long-term performance of treating septic system pollution, and the legal enforcement associated with this performance. At this time, advanced treatment units (e.g. nitrate-reducing treatment units) are not incorporated into Ontario Building Code Table 8.6.2.2, which makes monitoring and enforcement of proper functioning of these systems unfeasible.

Proposals for advanced treatment units would normally require a long term, legal monitoring agreement of the private sewage works, with provisions for specific monitoring and reporting to the municipality. Section 23 of the *Municipal Act* allows municipalities to enter into such agreements. However, the existing legislation speaks only to the construction, operation and maintenance of private water/sewage works but does not provide authority to effectively enforce system performance.

Another limitation staff have identified relates to Planning approvals in that, if these advanced systems are proposed to justify a development on an undersized lot, any landowner who later decides to replace an advanced treatment unit with a conventional sewage disposal system could then easily exceed the capacity of the lot to sustainably manage this effluent and its associated pollutants. The City would not have any ability to prevent this if the new system met Ontario Building Code requirements for a conventional system as private monitoring agreements cannot supersede applicable law. This would result in increased public health and water quality risks. Collectively, a specific septic system technology cannot be tied to a property in perpetuity. The best approach to reduce these risks is to ensure, at the planning application stage, that the proposed lot can accommodate all septic system pollution within its property limits regardless of the proposed technology.

~~5.~~

~~This Appendix provides applicable current information obtained from the Ministry of Municipal Affairs and Housing (MAH), relative to the Ontario Building Code. An example nitrate impact calculation for a sewage disposal system that includes a tertiary treatment unit is included in Appendix B, for demonstration purposes only.~~

~~The full details on proposed changes related to on-site sewage systems are available at: www.mah.gov.on.ca. The following pages are a copy of the information at this MAH web site link.~~

~~“Current Provisions~~

~~Since 1998, the Building Code has set requirements for the construction, operation and maintenance of small on-site sewage systems. Such systems have a design capacity of 10,000 litres per day or less, and serve a single lot. Larger systems are regulated by the Ministry of the Environment.~~

~~The Building Code requirements are intended to minimize pathogens released into the environment, thereby supporting the Code objectives of “environmental integrity” and “health” and “safety”. The Building Code currently does not contain requirements for nutrient abatement (phosphorous and nitrates).~~

~~The Building Code regulates a number of different classes of on-site sewage systems. Class 4 systems typically consist of a septic tank and a leaching bed that provides treatment of effluent.~~

~~Class 4 systems may also include a secondary or tertiary treatment unit located “downstream” from the septic tank. Because such treatment units provide effluent treatment prior to discharge into the leaching bed, the size of the bed can be reduced.~~

~~Treatment units must meet performance criteria set out in the Building Code. Treatment units listed in Supplementary Standard SB-5 to the Building Code are deemed to meet these requirements. Treatment unit technologies are evaluated by MMAH for inclusion in SB-5 based on a number of criteria, including:~~

- ~~• testing and certification by the NSF International (U.S.-based) standard~~
- ~~• consideration of Ontario’s environmental/climatic conditions~~
- ~~• evidence of in-field performance.~~

~~Under the Building Code, tertiary treatment units may discharge into traditional leaching beds or shallow buried trench systems. However, another soil absorption system, known as an area bed, is currently permitted as an innovative technology under authorizations issued by the Building~~

~~Materials Evaluation Commission. A total of nine area bed authorizations have been issued since 1999.~~

~~Recent amendments to the 2006 Code, made in July 2010, support the effective regulation of on-site sewage systems by requiring and governing the inspection of existing systems. These regulations are consistent with the implementation of the Clean Water Act, 2006, and the Lake Simcoe Protection Plan.~~

Potential Changes

~~Potential changes to the Building Code included in the second round of consultation would reference the new national standard for testing wastewater residential treatment technologies established by the Bureau de normalisation du Québec (BNQ). This reference would replace the current performance criteria for treatment units set out in the Code, and the list of treatment units set out in Supplementary Standard SB-5 which are deemed to meet these Code requirements. Specifically, criteria for secondary treatment units would be replaced with Levels 2 and 3 of the BNQ standard, while criteria for tertiary treatment units will be replaced with Level 4 of the BNQ standard. In addition, these units would be required to meet a given effluent disinfection standard in the BNQ with a given level being determined by the design of the dispersal bed.~~

~~A “sunset” date of December 31, 2016 would be established for Supplementary Standard SB-5, so that treatment unit manufacturers would need to certify their units under the BNQ standard by that date. Administratively, new treatment units would no longer be considered by MMAH for inclusion in Supplementary Standard SB-5 as of December 31, 2014.~~

~~The BNQ standard for treatment units includes protocols for testing these units over the course of the one-year certification period. The testing protocol allows for testing the unit under different effluent temperatures. The potential changes to the Building Code set out in this consultation paper would recognize effluent testing conducted either at uncontrolled temperatures, or temperature controlled at $11\text{C} \pm 1$ degrees Celsius.~~

~~In addition to assessing the efficacy of treatment units in removing pathogens, the BNQ standard can also test for the abatement of nutrients (i.e., phosphorous and nitrates). Potential changes to the Building Code include a requirement that on-site sewage systems in certain at-risk areas be required to be equipped with a tertiary treatment unit certified under the BNQ to abate nutrients. These requirements would come into force on December 31, 2016.~~

~~At risk areas would initially include those areas which are subject to mandatory on-site sewage re-inspection on that date, and potentially other lakes considered to be “at capacity” from the perspective of nutrient loading. These lakes would be identified in conjunction with the~~

~~ministries of the Environment and Natural Resources, and would be subject to further public consultations.~~

~~Other potential changes to the on-site sewage system provisions of the Building Code in the second round of consultation include an amendment to clarify the sampling requirements for Tertiary Treatment Units following installation to more accurately gauge their performance.~~

~~In addition, potential changes to the Building Code would establish standards for “dispersal beds” in the Code. Such beds would be downstream from a treatment unit certified to tertiary quality or the new BNQ criteria. The second round of consultation would set out two different compliance paths:~~

- ~~• requirements similar to those consulted on in winter 2008~~
- ~~• requirements based on a review of on-site sewage standards in other jurisdictions.~~

~~The Ministry of Municipal Affairs and Housing would undertake field testing of dispersal beds constructed to the new Building Code requirements along with dispersal beds that meet other design parameters. Dispersal beds would be evaluated using effluent equivalent to that discharging from a treatment unit that meets BNQ Level 4 criteria. Results of testing would inform the development of future dispersal bed requirements in the Building Code.~~

Rationale

~~Building Code regulation of on-site sewage systems contributes to public health and safety and environmental protection by reducing the release of pathogens into ground water and water bodies.~~

~~Developing requirements for nutrient abatement in selected areas would further support these Code objectives as well as the Clean Water Act, 2006 and the Lake Simcoe Protection Plan. Under the Clean Water Act, 2006 nutrient reduction tools are key to meeting the objectives of the Clean Water Act in protecting sources of drinking water.~~

~~Other potential Building Code changes would recognize industry-based standards for treatment units and acknowledge that dispersal bed technology has been used widely across Ontario for 12 years and should be incorporated into the Code.~~

~~The proposed changes also reflect recommendations made by the Building Materials Evaluation Commission regarding standards for on-site sewage systems.” (source: www.mah.gov.on.ca)~~

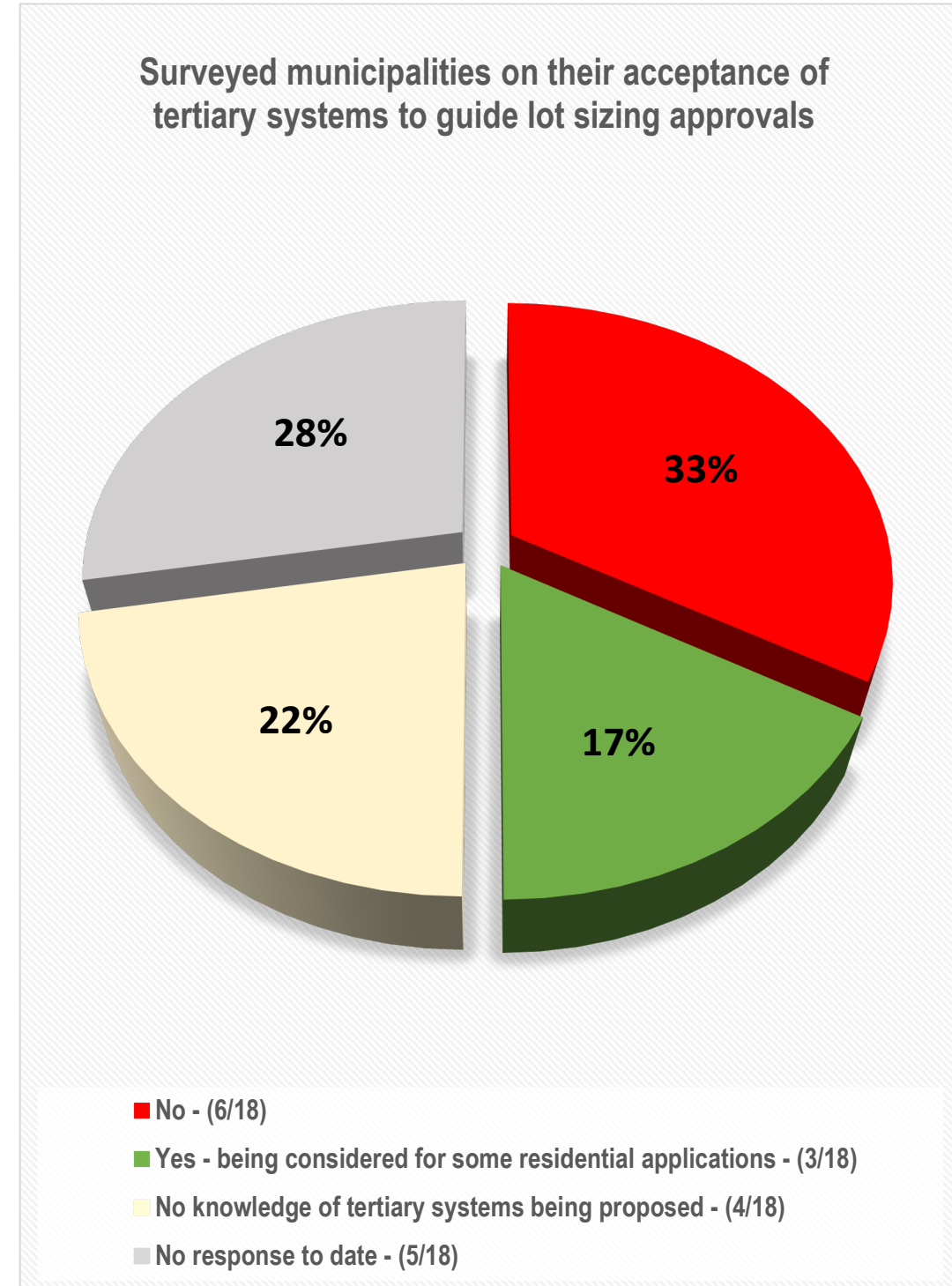
List of Potential Changes

CHANGE #	CODE REFERENCE	SUBJECT
S-A-01-04-01	Div. A 1.4.1.2.	Add new definition of "Type A dispersal bed".
S-A-01-04-02	Div. A 1.4.1.2.	Add new definition of "Type B dispersal bed".
S-B-08-01-01	Div. B 8.1.3.1.	Require grease interceptors to conform to CSA B481.1 or B481.2.
S-B-08-02-01	Div. B 8.2.1.2.(2)	Add an alternate method of determining percolation time.
S-B-08-02-02	Div. B 8.2.3.1. & 8.2.3.2.	Require subsurface detection of leaching bed components.
S-B-08-06-01	Div. B 8.6.2.1.	Specify particle size and area for effluent filters.
S-B-08-06-02	Div. B 8.6.2.2.(1)	Reference the BNQ 3680-600 treatment classifications.
S-B-08-06-03	Div. B 8.6.2.2.(2)	Set minimum treatment levels for treatment units used with shallow buried trench and dispersal bed systems.
S-B-08-06-04	Div. B 8.6.2.2.(5)	Recognize the classification of treatment units by the BNQ 3680-600 standard.
S-B-08-06-05	Div. B 8.6.2.2.(6)	Recognize the classification of treatment units by the BNQ 3680-600 standard in at-risk areas.
S-B-08-06-06	Div. B Table 8.6.2.2.A.	Revise the effluent quality table to make it consistent with the BNQ 3680-600 standard's classifications of treatment units.

Change # ~~S-B-08-06-06~~ (from above table) makes available specific reference to the proposed Tertiary Treatment Unit Quality of Effluent for Nutrients (i.e. total phosphorus and nitrate).

Appendix B. Municipal Benchmarking Scan

Municipality	Accepts tertiary to guide lot sizing approvals?
Halton	No
Waterloo	No
Ottawa	No
Huron County	No
Municipality of Bluewater	
Municipality of Central Huron	
Municipality of Huron East	
Municipality of Morris-Turnberry	
Municipality of South Huron	
Town of Goderich	
Township of Ashfield-Colborne-Wawanosh	
Township of Howick	
Township of North Huron	
Middlesex Centre	No
Peterborough County	No
Haldimand	No knowledge of tertiary systems being proposed
Barrie	No knowledge of tertiary systems being proposed
York Region	No knowledge of tertiary systems being proposed
King Township	No knowledge of tertiary systems being proposed
Town of Whitchurch-Stouffville	No response to date
Innisfill	No response to date
Renfrew County	No response to date
Niagara	Being considered in some applications, however majority of privately serviced development in Niagara relies on cistern
Durham	No response to date
Dufferin County	No response to date
Bruce County	In the process of developing zoning regulations for CAN-BNQ 3680-600 approved residential advanced treatment systems.
Oxford County	Tertiary systems being considered for subdivisions with municipal water (partial servicing)
City of Woodstock	
Town of Ingersoll	
Town of Tillsonburg	
Township of Blandford Blenheim	
Township of East Zorra-Tavistock	
Township of Norwich	
Township of South-West Oxford	
Township of Zorra	





WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

March 21, 2023

Implementing OPA 167 – Secondary Planning Strategy for Urban Expansion Areas and Municipal Comprehensive Review Update (PED21067(d)) (City Wide)

Presented by: Melanie Pham

Presentation Outline

- Brief update on MCR process
- Planning implications of Provincially modified Urban Boundary
- Secondary Plan approaches
- Staff Recommendations
- Public Consultation
- Next steps



Historical Background – MCR/GRIDS2

- Municipal Comprehensive Review (MCR) initiated in 2017 in conjunction with update to Growth Related Integrated Development Strategy (GRIDS 2)
- November 2021 – Council approved a No Urban Boundary Expansion growth option
- June 2022 – UHOPA 167 (Urban OP) and RHOPA 34 (Rural OP) adopted by City Council and sent to Ministry of Municipal Affairs and Housing (MMAH) for approval.
- November 2022 - MMAH issues decision, with modifications

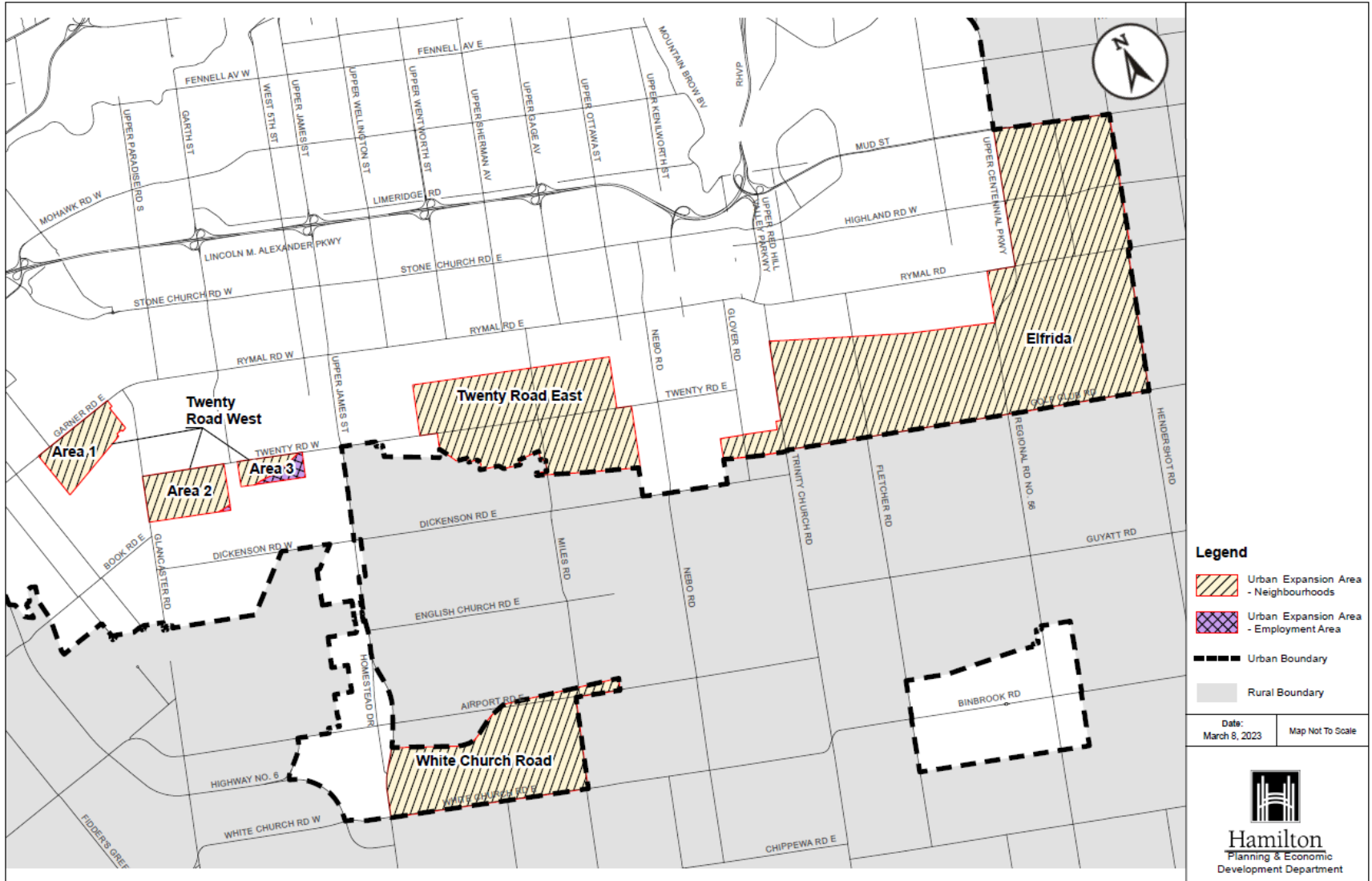


MMAH Modifications - Urban Expansion Areas

- Key modifications to UHOPA and 167 and RHOPA 34:
 - Changes to Urban Boundary
 - Intensification and greenfield density targets TBD
 - Redesignation of Employment lands (2 sites)
 - Increased height and density permissions in Community Nodes
 - Expanded locations for Major Office
 - Higher density along BLAST network routes
 - Removal of 30 storey height limit in Neighbourhoods
- Approximately 2200 ha of land added to urban area, of which about 1600 ha is estimated to be developable



Urban Expansion Areas



MMAH Modifications – Additional Implications

- MMAH modifications require Secondary Planning to be completed for Urban Expansion Areas prior to development.
- MMAH modifications require the minimum density target for greenfield areas to be established through a future amendment to the UHOP as part of the MCR process.
- Master Planning processes and DC By-law updates linked to MCR impacted by changes.

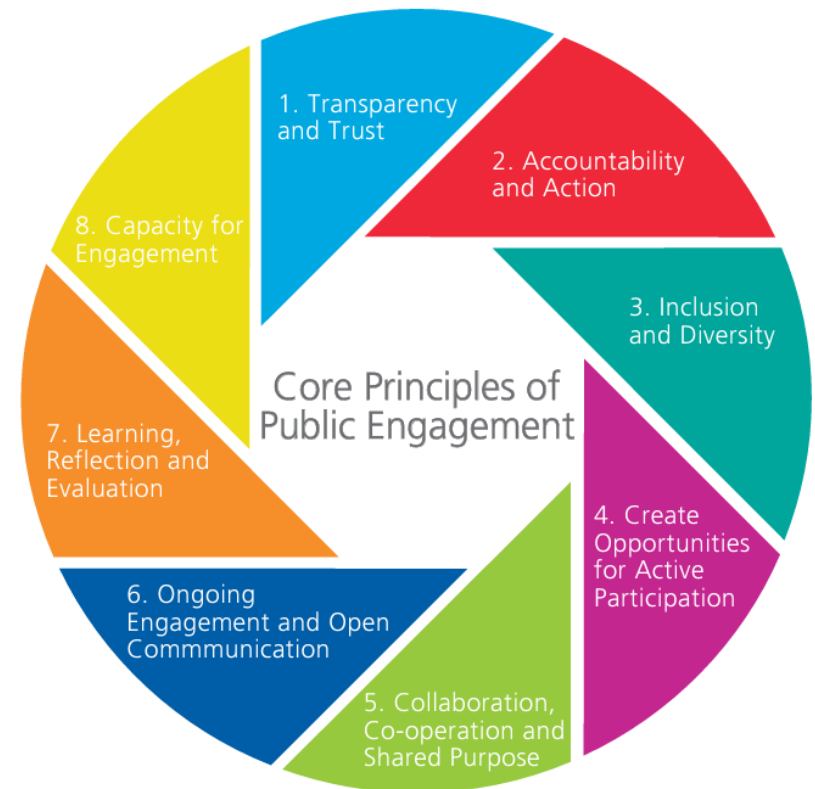


MCR Workplan

Focus	Workplan	Timing
Urban Focus MCR	Conformity OPA complete. Implementation still required for density and intensification targets, Urban Expansion Area policies, and to correct matters relating to MMAH modifications.	Q2-Q3, 2023
Major Transit Station Areas	Address policy changes since 2019. Delineate all MTSAs and density targets. Investigation into Protected MTSAs where Inclusionary Zoning policies may be applied.	Q3 2023
Rural Focus MCR	All RHOP conformity matters. Agricultural System Mapping refinements. Rural policy updates and Natural Heritage updates.	Q2 2024
Local Context Official Plan Review	All policy updates not related to Provincial Conformity. Implementation of new and revised local strategies. Updates to secondary plans. Focus on policy refinements that implement local objectives.	Q2 2024

Secondary Planning

- Secondary Planning is a complex process
- Requires significant background work and studies to be done
- Requires significant level of public engagement



Urban Expansion Areas – Existing Information

Area	Existing Information
All Areas Except White Church Road	Some high level study completed as part of GRIDS2/MCR to compare Ambitious Density and No Urban Boundary Growth Scenarios. Includes GHG Emissions Analysis, Fiscal Impact Assessment, Agricultural Impact Assessment, Servicing Needs Technical Memo, Background Report on Transportation Criteria.
Twenty Road West Areas (3 Areas)	Airport Employment Growth District (AEGD) Secondary Plan studies Update to the existing 2011 AEGD Transportation Management Plan currently underway. Various Class EAs underway for arterial roads in the area.
Twenty Road East	2017 Upper Hannon Creek Master Drainage Plan Municipal Class Environmental Assessment applies to a portion of the area
Elfrida	2017 Upper Hannon Creek Master Drainage Plan Municipal Class Environmental Assessment applies to a portion of the area. Phase 1 of Elfrida Subwatershed Study was completed. Preliminary work was completed as part of Elfrida Growth Area Study

Secondary Planning Approaches

	Summary
1	The City leads Secondary Plan processes. Plans have a full level of detail.
2	The City leads Secondary Plan processes. Plans include only a high-level community structure.
3	The City leads Secondary Plan processes, but a portion of work is completed by a landowner/landowner group.
4	Landowners and/or landowner groups lead Secondary Planning and submit private Official Plan Amendment applications to enact Secondary Plans.
5	Secondary Planning led by City may be implemented through a Community Planning Permit System (CPPS) By-law.

Community Planning Permit System (CPPS)

- Also known as Development Permit System
- Combines Zoning, Site Plan and Minor Variance into one streamlined 45 day planning review process
- Permit-based approvals framework that replaces need for an implementing Zoning by-law
- Detailed policy development needed prior to establishing a CPPS is similar to Secondary Plan and Zoning development process
- Potential benefits:
 - I.e. streamlined process, flexible and conditional zoning, no third party appeals once implemented, bonusing capabilities, permit process includes site alteration, grading and landscaping, applies to development under 10 units

Recommendations

- City shall lead Secondary Planning processes
- Add specific fee for Official Plan Amendment – Urban Expansion Area Secondary Plan to reflect additional staff resources needed for review
- Confirm proposed sequencing and scheduling of Secondary Plans and resultant staffing needs

Recommendations

Planning staff to prepare a policy framework outlining requirements for Secondary Plans in Urban Expansion Areas

Key directions:

- City intends to undertake Secondary Plans
- Policies apply to all Secondary Plan processes for Urban Expansion Areas
- Re-confirming key UHOP priorities to address
- Key studies needed for Secondary Plans
- Minimum geographic boundaries
- Servicing Strategies to be completed concurrently with Secondary Plan processes
- Enabling policies and direction for cost-sharing agreements between landowners

Recommendations

That Council endorse the draft Secondary Plan Guidelines in Appendix A

Key Content in Guidelines:

- A requirement for establishment of a detailed area-specific Terms of Reference prior to initiating a Secondary Plan
- Explanation of the Ten Directions for Development in the Urban Hamilton Official Plan and how they are the core foundational principles for planning new communities
- Required Secondary Plan phases
- Required components of a Secondary Plan
- Minimum standards for public engagement and public notification
- Requirements for a Secondary Plan Report

Proposed Consultation Program

- Inclusion of information on City's Engage Hamilton platform
- Virtual public information centre
- Commenting period for emailed and written comments
- Meeting with Development Industry Liaison Group (DILG)
- Notice to GRIDS2/MCR public and stakeholder mailing lists, Indigenous Nations and via newspaper notice



Next Steps

- Staff to prepare policy framework for Secondary Planning in Urban Expansion Areas
- Public and stakeholder consultation on draft policy framework and draft Secondary Plan Guidelines
- Staff to investigate detailed resource requirements for reviewing privately initiated applications for Secondary Plan Official Plan Amendment and determine appropriate fee
- Determine proposed sequencing and scheduling of City-led Secondary Plans, including budget and staffing implications
- Report back in Q3



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



Hamilton

Secondary Plan Guidelines For Urban Expansion Areas

PURPOSE:

This document explains the guidelines for the preparation of a Secondary Plan for any area designated as “Urban Expansion Area” within the Urban Hamilton Official Plan. It is intended to illustrate the expectations and standards that the process of creating a Secondary Plan is intended to follow. This document applies to both Secondary Plans undertaken and/or led by the City of Hamilton or privately initiated Secondary Plans.

Where a Secondary Plan is privately initiated, failure to adhere to the guidelines may result in a final Secondary Plan report being considered unsatisfactory.

PREPARED BY:

The Secondary Planning process must include a Registered Professional Planner (RPP) as a project lead and the final report for a Secondary Plan must be prepared by a Registered Professional Planner (RPP).

BACKGROUND:

A Secondary Plan is a land use plan for a particular geographic area of a municipality that is prepared as an amendment to an official plan. Secondary plans identify more detailed land uses, densities, design requirements, and infrastructure requirements and other implementing actions appropriate for a community. They are considered a second layer of the City-wide Official Plan and supplement Volume 1 policy directions and designations.

Secondary Planning is a specific tool, which:

- Helps understand opportunities and address issues related to land use in certain defined geographic areas;
- Provides community specific guidance for those areas of the City where more detailed direction is needed for matters beyond the general framework provided by the Official Plan;
- Directs how growth and change should occur;
- Provides an opportunity to promote consistency in new/developing areas and compatibility between land uses; and,
- Co-ordinates local development with City-wide planning and infrastructure strategies to ensure the efficient provision of infrastructure.

Within Urban Expansion Areas, the City’s Urban Hamilton Official Plan requires a Secondary Plan to be completed prior to any development occurring.

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PRIOR TO COMMENCING SECONDARY PLAN:

Where the City is leading a Secondary Plan process, a detailed Terms of Reference specific to the area intended for the Secondary Plan will be prepared prior to the initiation of a Secondary Plan.

Any privately initiated Secondary Plans shall require City approval of a detailed Terms of Reference prior to the commencement of a Secondary Plan, in accordance with Policy F.1.2.3 of the Urban Hamilton Official Plan.

Detailed terms of references shall include all minimum standards outlined in these guidelines. The detailed terms of references should also identify all supporting/aligning studies that will provide input to the Secondary Plan process.

FOUNDATIONAL DIRECTIONS FOR SECONDARY PLANNING:

As part of the recent GRIDS 2 study, ten directions to guide development were endorsed by Council as a tool to guide and evaluate decisions related to growth, and are included in Policy A.2.1 of the City’s Urban Hamilton Official Plan. These core directions should be considered foundational directions to address as part of all planning processes, including planning for Urban Expansion Areas.

- Direction 1: Plan for climate change mitigation and adaptation, and reduce greenhouse gas emissions.
- Direction 2: Encourage a compatible mix of uses in neighbourhoods, including a range of housing types and affordabilities, that provide opportunities to live, work, learn, shop and play, promoting a healthy, safe and complete community.
- Direction 3: Concentrate new development and infrastructure within existing built-up areas and within the urban boundary through intensification and adaptive re-use.
- Direction 4: Protect rural areas for a viable rural economy, agricultural resources, environmentally sensitive recreation and the enjoyment of the rural landscape.
- Direction 5: Design neighbourhoods to improve access to community life for all, regardless of age, ethnicity, race, gender, ability, income and spirituality.
- Direction 6: Retain and intensify existing employment land, attract jobs in Hamilton’s strength areas and targeted new sectors, and support access to education and training for all residents.
- Direction 7: Expand transportation options through the development of complete streets that encourage travel by foot, bike and transit, and enhance efficient inter-regional transportation connections.

Direction 8: Maximize the use of existing buildings, infrastructure, and vacant or abandoned land.

Direction 9: Protect ecological systems and the natural environment, reduce waste, improve air, land and water quality, and encourage the use of green infrastructure.

Direction 10: Maintain and create attractive public and private spaces and respect the unique character of existing buildings, neighbourhoods and communities, protect cultural heritage resources, and support arts and culture as an important part of community identity.

SECONDARY PLAN PHASES:

The process of creating a Secondary Plan shall include three general phases:

Phase 1: Background work to collect data and identify existing conditions, opportunities, and constraints (E.g. airport noise levels). Identification of land use needs (e.g. employment, commercial, residential, parks, schools, recreational facilities and other community services and facilities). Completion of visioning exercises to establish high level principles, goals, and/or objectives for the Secondary Plan.

Phase 2: Analysis of information and creation of land use options for consideration by stakeholders and the public, with input from aligning studies.

Phase 3: Identification of a preferred land use plan and policy directions for the Secondary Plan area, and an implementation strategy.

Work may be further broken down into more detailed components or additional phases if appropriate. Throughout all phases, the project lead will monitor any ongoing Provincial and City projects and initiatives as they pertain to a Secondary Plan study area, to ensure that the outcomes of other projects are understood and incorporated into the Secondary Plan as required.

COMPONENTS OF A SECONDARY PLAN:

All Secondary Plans shall include the following components:

- Description of the secondary plan area;
- Vision;
- Principles, Objectives and/or Goals;
- Land Use Policies for all land use designations;
- Urban Design Policies;
- Cultural Heritage Policies;
- Natural Heritage Policies;
- Transportation Policies;

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- Infrastructure, Energy and Sustainability Policies;
- Implementation Policies, including specific direction for land owner groups where appropriate;
- Site Specific Policies; and,
- Maps illustrating permitted land uses, transportation network elements, natural heritage system features, cultural heritage resources, and other details as appropriate.

This is not an exhaustive list of all potential components that may form part of a Secondary Plan. Other components may be included where appropriate.

PUBLIC ENGAGEMENT:

Public Engagement is a critical part of a Secondary Plan process and must occur at each phase of the process. Feedback must be documented to be able to illustrate how it has been considered at each phase. Where a Secondary Plan is privately initiated, a Public Consultation Plan that meets or exceeds the consultation standards noted below shall be required as part of a detailed terms of reference.

Information about each consultation shall be collected and documented in a feedback report, which shall form part of the final Secondary Plan report. Information included in feedback reporting should be consistent with the Council approved Public Consultation Summary and Comment Response Guidelines for Planning Act applications.

Minimal consultation for **each phase** includes:

- For City-led Secondary Plan processes, one advance meeting with an internal Technical Advisory group comprised of City staff;
- For a privately initiated Secondary Plan, one advance meeting with a City staff review group;
- One meeting with a Community Liaison Group/Community Focus Group;
- One in-person Public Meeting or Workshop; and,
- One virtual Public Meeting or Workshop (virtual meetings may be combined with in-person meetings).

The standards above outline minimum requirements for public engagement. Nothing in this guideline is intended to restrict additional public engagement from taking place. Additional staff, stakeholder or public meetings may be beneficial as part of a Secondary Plan process. Additional methods of engagement to solicit feedback are encouraged and could include pop-up events, surveys, or other engagement methods. Social media postings and advertising are forms of communication but not considered engagement methods.

Community Liaison Group/Community Focus Group

The purpose of a Community Liaison Group/Community Focus Group is to act as a ‘sounding board’ and provide input to the project team completing a Secondary Plan at each phase prior to broader public consultation meetings.

These groups are an important method of engagement because the knowledge and advice of local residents, stakeholders, and community leaders can lead to more informed and better decision making. A Community Liaison Group/Focus Group can assist in the identification of opportunities, issues and constraints, share knowledge of an area, review the project team's work and provide input at key milestones throughout the study, provide feedback that reflects the needs and interests of the local community and/or their represented interest group, and assist with communicating the study's progress to the larger community. A Community Liaison Group/Focus Group should be comprised of approximately 6-12 persons. Members should come from a wide range of backgrounds to represent the overall study area, and may include persons who are residents, part of the agricultural industry, business and land owners, workers, and/or representatives from local residents' associations and interest groups.

Project Email

A project contact email shall also be established at the commencement of the project, to receive questions and comments regarding the Secondary Plan. The project email shall be monitored on a regular basis and the project team must provide responses to inquiries in a timely manner. All comments submitted via email should be documented as part of the feedback report.

PUBLIC NOTICE REQUIREMENTS:

Throughout a Secondary Plan project, a list of persons who have requested to be notified about the project shall be maintained and updated on an ongoing basis. Every phase of the Secondary Plan process shall require notification to all persons on this list by email or mail.

The first phase of a Secondary Plan requires a higher level of notification to ensure that potential interested persons are made aware of the Secondary Plan from the beginning of the process. Notice of the first phase of public consultations must include:

- A mailed notice to all addresses within the study area for the Secondary Plan and to all addresses within 120 metres of the boundary of a study area.

Each Phase of the Secondary Plan process (Phases 1, 2 and 3) shall require the following additional notification measures:

- A mailed or emailed notice to all parties normally notified of an Official Plan Amendment application. These may include but are not limited to Utility Companies, Railways, School boards, Conservation Authorities, Canada Post, Transport Canada, Metrolinx and the Ministry of Transportation (contact information may be provided by the City);
- A mailed or emailed notice to the Hamilton International Airport;
- A mailed or emailed notice to the Mayor and all Councillors;
- A mailed or emailed notice to any Neighbourhood Associations located in surrounding areas;

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- A mailed or emailed notice to the Ontario Federation of Agriculture and the Agriculture and Rural Affairs Advisory Committee Legislative Coordinator;
- A mailed or emailed notice to the Director of Planning and Chief Planner;
- A newspaper notice in a newspaper with a City-wide distribution area; and,
- A newspaper notice in any local community newspaper whose distribution area includes all or part of the Secondary Plan study area.

Indigenous Consultation

Notification shall also be provided by mail or email prior to commencement of the first Phase of a Secondary Plan, to all indigenous nations which may have an interest in the project. Initial notification prior to commencement of the project shall include an offer to meet with each indigenous nation to discuss the project. Where no response to a project commencement notice is received, a follow-up email and phone call is needed to confirm whether there are any interests related to the project. Follow-ups shall be documented in the project records.

Website

A central website shall be created and made publicly available where information related to the project, contact information, and information about public consultation opportunities is available.

Newspaper Notice Content

A newspaper notice must include a brief description of the Secondary Plan study, a location map of the study area, information about planned consultation events, instructions for how the public can provide input, and project contact information.

FINAL REPORT:

Once the Secondary Plan process has been completed, a final Secondary Plan Report shall be prepared in support of the recommended/proposed Secondary Plan.

Where a Secondary Plan is privately initiated, this report shall be a requirement for a Complete Application for Official Plan Amendment, when the formal application is made for the proposed Secondary Plan.

In addition to any other requirements identified through the consultation process, the report must include the following components, prepared in accordance with City of Hamilton Terms of References:

- Basic background information about the Secondary Plan area;
- A summary of the process undertaken to create the Secondary Plan, including a review of supporting studies and how they were incorporated;
- A review of applicable planning policy and how the proposed plan conforms to those policies;

Appendix “A” to Report PED21067(d)
Page 7 of 8

- A summary of all consultations undertaken throughout the process of creating the Secondary Plan;
- A summary of public feedback received, and copies of feedback in an appendix;
- Information about how public feedback was considered at each phase and incorporated into the Plan;
- A detailed analysis and rationale for the recommended Secondary Plan. This should include growth estimates for the plan, land use information for different types of land uses, transportation network information, infrastructure information, and information about other planning priorities such as housing, urban design, natural and cultural heritage conservation, sustainability and climate change adaptation; and,
- A final draft of the proposed Official Plan Amendment to establish the Secondary Plan, including all policies, maps and schedules.

Note:

A Secondary Plan Report is similar to a Planning Justification Report as it sets out the planning rationale for the Secondary Plan and how all of the planning considerations related to the Secondary Plan have been balanced appropriately based on good planning principles. Where a Secondary Plan is privately initiated and a Planning Justification Report is also a requirement for a complete application, a single report may be submitted to satisfy both requirements, provided it meets the guidelines for both reports.

OTHER INFORMATION

GRIDS 2 / MCR

<https://www.hamilton.ca/build-invest-grow/planning-development/grids/grids-2-and-municipal-comprehensive-review>

Land Needs Assessment (LNA)

<https://www.hamilton.ca/build-invest-grow/planning-development/grids/land-needs-assessment>

Official Plan Review

<https://www.hamilton.ca/build-invest-grow/planning-development/official-plan/official-plan-review>

Development Application Guidelines

<https://www.hamilton.ca/build-invest-grow/planning-development/planning-policies-guidelines>

REVIEWED AND APPROVED BY:

Sustainable Communities, Planning and Economic Development Department

CONTACT:

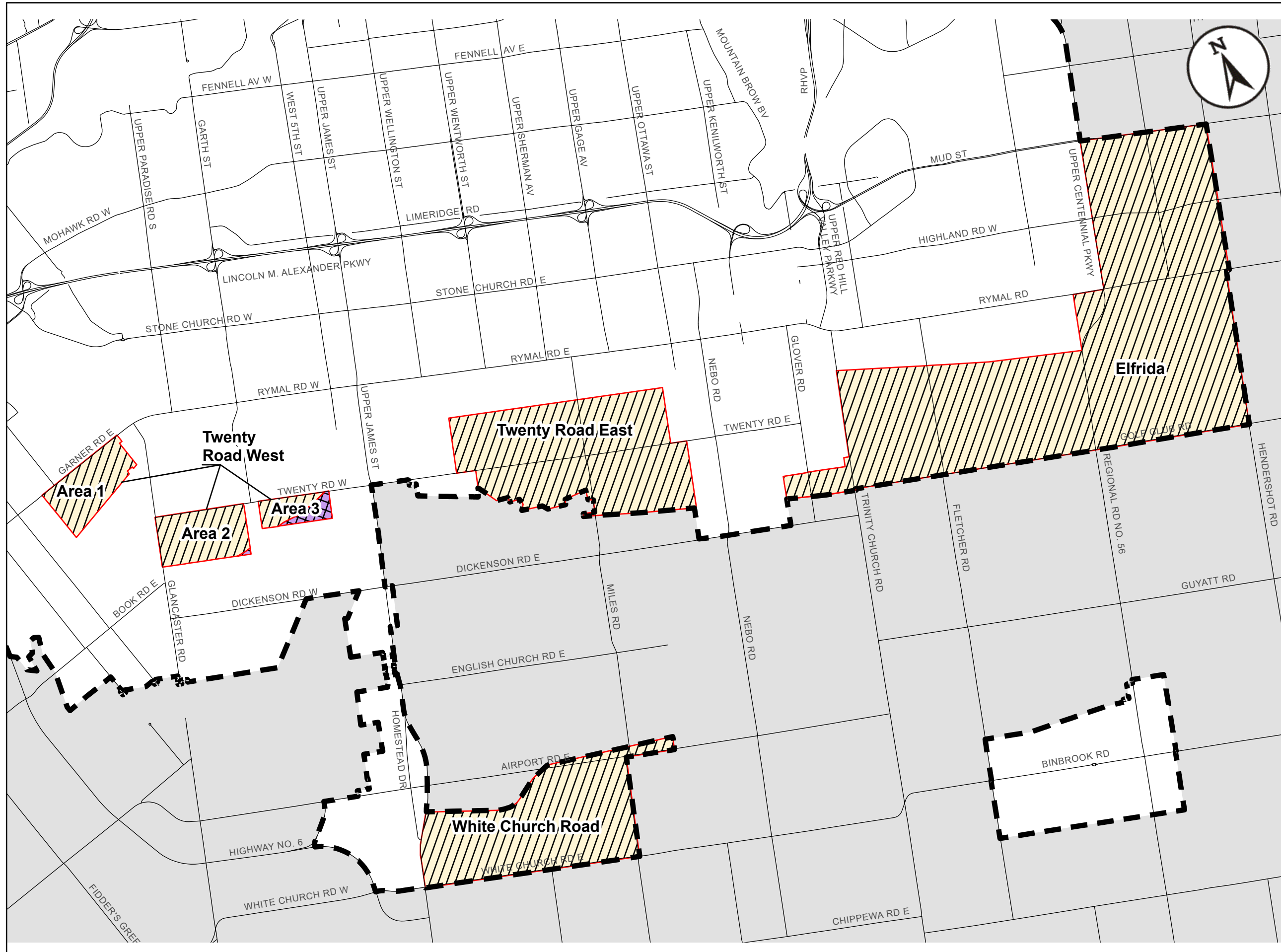
Christine Newbold, Manager, Sustainable Communities
Christine.Newbold@hamilton.ca

DRAFT





Ten Directions to Guide Development

The following are the Ten Directions to Guide Development, as provided in Volume 1, Policy A.2.1 – Urban Hamilton Official Plan:

- Direction 1:** Plan for climate change mitigation and adaptation, and reduce greenhouse gas emissions.
- Direction 2:** Encourage a compatible mix of uses in neighbourhoods, including a range of housing types and affordabilities, that provide opportunities to live, work, learn, shop and play, promoting a healthy, safe and complete community.
- Direction 3:** Concentrate new development and infrastructure within existing built-up areas and within the urban boundary through intensification and adaptive re-use.
- Direction 4:** Protect rural areas for a viable rural economy, agricultural resources, environmentally sensitive recreation and the enjoyment of the rural landscape.
- Direction 5:** Design neighbourhoods to improve access to community life for all, regardless of age, ethnicity, race, gender, ability, income and spirituality.
- Direction 6:** Retain and intensify existing employment land, attract jobs in Hamilton’s strength areas and targeted new sectors, and support access to education and training for all residents.
- Direction 7:** Expand transportation options through the development of complete streets that encourage travel by foot, bike and transit, and enhance efficient inter-regional transportation connections.
- Direction 8:** Maximize the use of existing buildings, infrastructure, and vacant or abandoned land.
- Direction 9:** Protect ecological systems and the natural environment, reduce waste, improve air, land and water quality, and encourage the use of green infrastructure.
- Direction 10:** Maintain and create attractive public and private spaces and respect the unique character of existing buildings, neighbourhoods and communities, protect cultural heritage resources, and support arts and culture as an important part of community identity.



Legend

-  Urban Expansion Area - Neighbourhoods
-  Urban Expansion Area - Employment Area
-  Urban Boundary
-  Rural Boundary

Date: March 8, 2023
 Map Not To Scale



Gatzios Planning + Development Consultants Inc.

File No: 62HA-0721

March 20, 2023

Planning Committee

City of Hamilton

71 Main Street West

Hamilton, Ontario

L8P 4Y5

**Regarding: MARCH 21, 2023 PLANNING COMMITTEE ITEM 11.5 REPORT PED21067(d)
IMPLEMENTING OPA 167 – SECONDARY PLANNING STRATEGY FOR URABN
EXPANSION AREAS AND MUNICIPAL COMPREHENSIVE REVIEW UPDATE**
on behalf of **TWENTY ROAD EAST LANDOWNERS**

Dear Planning Committee members:

I am writing on behalf of my clients, Carmen Chiaravalle, 1694408 Ontario Inc., Demik Brothers Hamilton Ltd., John Edward Demik, Peter Demik and Elaine Vyn (collectively, the "Twenty Road East Landowners Group"), being owners of lands in the south area of the City of Hamilton centered around the intersection of Twenty Road and Miles Road.

My client's lands are included within the Urban Expansion Areas in the recent approval of the UHOPA, within the area labelled as "**Twenty Road East**" on Appendix "C" to Report PED21067(d).

The comments provided below on the above-noted Report are preliminary as the Report was only available to us for review as of midday today. Additional comments will be provided shortly.

First, we are appreciative and supportive of the City turning its attention to the planning for the Urban Expansion Areas, and initiating the processes which will be required to see these areas proceed through the planning process.

The Twenty Road East Landowners Group is eager to work with the City to see this area comprehensively planned to accommodate urban growth.

We have the following preliminary comments on the staff report that is on the agenda as item 11.5 for the March 21, 2022 Planning Committee meeting.

1. Recommendation (b) regarding Secondary Plan Guidelines

It appears that recommendations (b)(i) and (b)(ii) contradict each other as written, with (i) indicating that the interim draft Secondary Plan Guidelines in Appendix "A" be endorsed, followed then by (ii) indicating that staff be directed to consult on the Guidelines.

It is requested that recommendation (i) be revised to read "**Be used by staff for the purposes of consultation regarding future Secondary Planning processes for**". In the absence of this change, the consultation required by recommendation (ii) would not be meaningful if the Guidelines are already endorsed pursuant to (i).

If use of the term "endorsed" is meant to imply approved for the purposes of consultation, then we suggest that the language be revised to clearly indicate this, since "endorsed" does not suggest consultation is still pending.

Further, we have not yet had a chance to review the interim draft Secondary Plan Guidelines document found in Appendix "A" and would appreciate the opportunity to review and provide our comments to the city prior to any endorsement by Council.

2. Recommendations (c) and (d) regarding Secondary Plans

We note that the Report describes various ways that Secondary Plans could proceed within Urban Expansion Areas, describing Options 1 to 5 within section 4 of the Report.

However, it appears that Recommendation (c)(i) has staff requesting direction to proceed with Option 1 being "lead the development of comprehensive Secondary Plans".

Further on, recommendation (d) has staff requesting direction to report back on Option 4, being privately initiated submissions of Official Plan Amendments to enact Secondary Plans.

It is difficult to reconcile these two recommendations, and admittedly due to the Report being released midday Monday for the Tuesday morning meeting, there has been insufficient time to review the information and summary of Options contained in the Report.

We ask that a decision on which Option or Options are available on this matter and contained within any future Official Plan Amendment as directed in recommendation (a) of process be deferred until such time as staff has the opportunity to consult on the various Options and material contained in this Report.

Summary

In summary, we believe the information and potential Options contained within the Report provides a good summary outline towards planning for the future of the Urban Expansion Areas, and should be used as the basis for public consultation going forward.

We would like the opportunity to provide input prior to the endorsement of the Secondary Plan Guidelines and, we would like the opportunity to provide input to the various Options prior to staff being directed to proceed with one over the other.

We believe that a City-initiated Official Plan Amendment which establishes a policy framework outlining requirements for Secondary Plans in Urban Expansion Areas as outlined in recommendation (a) should await input on these various items prior to being drafted and considered by Council.

We look forward to working with staff on these initiatives to move this process forward.

Sincerely,

Gatzios Planning + Development Consultants Inc.

A handwritten signature in black ink, appearing to read 'M Gatzios', with a stylized flourish at the end.

Maria Gatzios, MCIP RPP

Copy to: TRE Landowner Group
Davies Howe LLP
Weir Foulds LLP

CITY OF HAMILTON M O T I O N

Planning Committee: March 21, 2023

MOVED BY COUNCILLOR T. HWANG.....

SECONDED BY COUNCILLOR

Establishment of a Proactive By-law Team to Work with Industrial and Commercial Partners

WHEREAS, section 128 of the *Municipal Act, 2001* authorizes the City to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could be public nuisances;

WHEREAS, certain kinds of noise are or could become public nuisances;

WHEREAS, section 8, 9 and 10 of the *Municipal Act, 2001* authorizes the City to pass by-laws necessary or desirable for municipal purposes, including by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of the persons;

WHEREAS, Council deems it desirable to establish standards for the maintenance and occupancy of certain properties, so that owners and occupants provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of the properties;

WHEREAS, Council receives numerous complaints from residents about the air and noise pollution coming from some of the industrial and commercial industries; and,

WHEREAS, Council considers it in the public interest to enforce these by-laws, amend the by-laws or draft new by-laws.

THEREFORE BE IT RESOLVED:

- (a) That Licensing and By-law Services staff be directed to report back to the Planning Committee by Q4 2023, in advance of the 2024 Budget deliberations, on the scope, budget and resourcing for a 2024 pilot project that would review existing and potential new by-laws related to the impacts of commercial and industrial operations in industrial and commercial areas of Hamilton and establish a proactive by-law team.

CITY OF HAMILTON M O T I O N

Planning Committee: March 21, 2023

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR

Consolidating Consent and Zoning Applications for the Same Lands

That staff report back to the Planning Committee in Q1 of 2024 with options and considerations with respect to consolidating applications for consents with applications for zoning amendments before the Planning Committee, where the applications are dealing with the same lands.

CITY OF HAMILTON

NOTICE OF MOTION

Planning Committee: March 21, 2023

MOVED BY COUNCILLOR M. FRANCIS.....

Outdoor Commercial Patios – Minor Variances and Temporary Use By-laws

WHEREAS, Outdoor Commercial Patios are regulated in size and location by Zoning By-law No. 05-200;

WHEREAS, By-law No. 20-181, as amended by By-law Nos. 20-215 and 21-143 amended the Outdoor Commercial Patio regulations in the Zoning By-law to provide temporary relief from the locational requirements for Outdoor Commercial Patios;

WHEREAS, Report PED20135(c) recommended reinstatement of the temporary locational permissions for Outdoor Commercial Patios to support local businesses by increasing operational flexibility;

WHEREAS, Council approved By-law No. 22-073 to reinstate the temporary locational permissions for Outdoor Commercial Patios on properties abutting a Residential Zone provided a minimum setback of 5 metres from a Residential Zone is provided and the patio does not obstruct a driveway, parking aisle or fire route, and the Zoning By-law restricts Outdoor Commercial Patios to the front yard of a property if the rear lot line abuts a Residential Zone, Downtown Residential (D5) Zone, or Downtown Multiple Residential (D6) Zone, or is separated by a laneway from said zones;

WHEREAS, Report PED20135(c) directed staff to report back to Council before April 2025, prior to the expiration of the Temporary Use By-law, to present staff's evaluation of the merits of establishing the temporary locational permissions for Outdoor Commercial Patios as permanent given that commercial entertainment and recreation on Outdoor Commercial Patios is now permitted in the Zoning By-laws and regulated by the Noise Control-By-law;

WHEREAS, a Minor Variance Application is required to assess variations from the requirements of the Zoning By-law;

WHEREAS, a Minor Variance Application fee is \$3,735.00.

WHEREAS, a Routine Minor Variance fee of \$675.00 is applied to pools, decks, sheds, accessory buildings, porches, eave projections, recognizing legal non-complying situations and secondary dwelling units;

WHEREAS, in 2022, four Minor Variance Applications were received to modify the zoning regulations associated with Outdoor Commercial Patio locations;

WHEREAS, a variance to the locational permissions and setback requirements for Outdoor Commercial Patios shall require varying the location requirements in the Zoning By-law and the temporary location permissions and setback requirements of the Temporary Use By-law;

THEREFORE BE IT RESOLVED

That staff be directed to amend the interpretation note for Routine Minor Variance applications in the Tariff of Fees By-law to include variances to the zoning by-law regulations for Outdoor Commercial Patios and the temporary use provisions where a Temporary Use By-law applies to the property for Outdoor Commercial Patios as a Routine Minor Variance.