



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 21-012
Date: August 10, 2021
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

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

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

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

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14.	PRIVATE AND CONFIDENTIAL	

14.1 License Rental Housing (PED21097/LS21022) (Wards 1, 8 and part of Ward 14)

Appendix C - Confidential

Pursuant to Section 9.1, Sub-sections (f) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15. ADJOURNMENT



PLANNING COMMITTEE MINUTES

21-011

July 6, 2021

9:30 a.m.

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

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

Also in Attendance: Councillor B. Clark

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Cootes to Escarpment EcoPark System - Strategic Plan and Memorandum of Understanding (PED21120) (Wards 1, 13 and 15) (Item 7.1)

(Partridge/Ferguson)

- (a) That the City of Hamilton endorse the Cootes to Escarpment EcoPark System Strategic Plan (2021-2030), attached as Appendix "A" to Report PED21120;
- (b) That the City of Hamilton reaffirm its commitment for the Cootes to Escarpment EcoPark System by approving the Memorandum of Understanding (MOU), attached as Appendix "B" to Report PED21120, for a five year period from 2022 to 2026;
- (c) That the City Manager be authorized and directed to consent to a one time extension of the 2016-2021 Cootes to Escarpment EcoPark System Memorandum of Understanding, for the period between June 20, 2021 to the effective date of the draft "Cootes to Escarpment EcoPark System 2022-2026 Memorandum of Understanding", attached as Appendix "B" to Report PED21120, to continue the administrative functions and operational needs of the EcoPark System.
- (d) That the City of Hamilton continue to support the Cootes to Escarpment EcoPark System operating budget, shown in Table 1 of the Memorandum of Understanding, attached as Appendix "B" to Report PED21120, through annual contributions starting with \$15,937 in 2022, with 2% inflation for a

five year period beginning in 2022 from the current Planning Division Budget;

- (e) That the City Manager be authorized and directed to sign the MOU on behalf of the City of Hamilton; and,
- (f) That Planning Division staff be authorized to continue to provide in-kind resources for the implementation of the Cootes to Escarpment EcoPark System Strategic Plan and MOU.

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

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

2. Demolition Permit – 202 Cannon Street East, Hamilton (PED21127) (Ward 2) (Item 7.2)

(Farr/Ferguson)

- (a) That the Chief Building Official be authorized to issue a demolition permit for 202 Cannon Street East, Hamilton in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:
 - (i) That the applicant has applied for and received a building permit for a replacement building on this property;
 - (ii) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (1) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
 - (2) is a lien or charge on the property until paid; and,
 - (iii) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

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

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

3. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21147) (City Wide) (Item 7.3)

(Pearson/Ferguson)

That Report PED21147 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

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

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

4. Hamilton Municipal Heritage Committee Report 21-005 (Item 7.4)

(Pearson/Farr)

(a) Bill 108, More Homes, More Choice Act, 2019, Ontario Regulation 385/21 made under the Ontario Heritage Act and the Draft Ontario Heritage Tool Kit (PED19125(c))(City Wide) (Added Item 8.1)

- (i) That Council adopt the submissions and recommendations as provided in Report PED19125(c) regarding the Regulation under the Ontario Heritage Act, as amended by Bill 108, More Homes, More Choice Act, 2019 that is scheduled to be Proclaimed July 1, 2021 and the associated Draft Ontario Heritage Tool Kit, attached hereto as Appendix A to Report 21-005;
- (ii) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix "D" to Report PED19125(c); and,

- (iii) That the Director of Planning and Chief Planner, be authorized and directed to negotiate and consent to agreements to extend or eliminate the 90-day timeline to issue a notice of intention to designate when a Prescribed Event occurs, to ensure the comprehensive review of Planning Act applications as well as cultural heritage resources.

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

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

5. Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for lands located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) (Item 9.2)

(Johnson/Ferguson)

- (a) That Revised Zoning By-law Amendment application ZAC-19-039, by GSP Group Inc. on behalf of Eman Construction (Owner) for a change in zoning from the Existing Residential "ER" Zone to Residential 4 – Holding "H-R4-320" Zone, Modified (Block 1) and Residential Multiple "RM3-321" Zone, Modified (Block 2) in the Township of Glanbrook Zoning By-law No. 464, to permit 24 townhouse units on a private road (condominium road) and three single detached dwellings on Valiant Crescent, for the lands located at 3140 and 3150 Binbrook Road, as shown on Appendix "A" to Report PED21111, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED21111, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding "H" as a prefix to the proposed zoning as shown on Schedule "A" of Appendix "B" to Report PED21111.

The Residential 4 – Holding "H-R4-320" Zone, Modified, applicable to lands shown on Schedule "A" to Appendix "B" to Report PED21111 be removed conditional upon the following:

That the “H” symbol applicable to the lands zoned “H-R4-320” shall not be removed until such time that the landowner demonstrate to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton, that land assembly has occurred to achieve the minimum lot area requirement and lot frontage requirement in accordance with the “R4” Zone; and,

The landowner pays all applicable outstanding costs associated with Valiant Circle to the satisfaction of the Senior Director, Growth Management;

- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan.
- (b) That Revised Draft Plan of Condominium application 25CDM-202002, by GSP Group Inc. on behalf of Eman Construction (Owner), to establish a Draft Plan of Condominium (Vacant Land) on lands located at 3140 and 3150 Binbrook Road (Glanbrook), as shown as Block 2 on Appendix “A”, attached to Report PED21111, be APPROVED subject to the following:
 - (i) That the approval for Draft Plan of Condominium (Vacant Land) application 25CDM-202002 prepared by GSP Group, certified by Bahram Aminezhad O.L.S., dated April 21, 2021, consisting of 24 vacant land units for townhouse dwellings, a private condominium road, sidewalks, 12 visitor parking spaces, and centralized mailboxes, attached as Appendix “C” to Report PED21111 subject to the owner entering into a standard form condominium approval agreement as approved by City Council and with special conditions attached as Appendix “D” to Report PED21111;
 - (ii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council.
- (c) ***That the public submissions were received and considered by the Committee in approving the application.***

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins

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

6. Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 15, 17 and 21 Stone Church Road East (Hamilton) (PED21117) (Ward 8) (Item 9.3)

(Danko/Farr)

- (a) That Revised Urban Hamilton Official Plan Amendment Application UHOPA-20-016, by Fothergill Planning & Development Inc. (c/o Ed Fothergill, Applicant) on behalf of Nova Plaza Ltd. (c/o Steve Klemenic, Owner) to re-designate the subject lands from the “Arterial Commercial” designation to the “Mixed Use Medium Density” designation within the Urban Hamilton Official Plan, in order to permit a five storey mixed use development with 60 multiple dwelling units and ground floor commercial space, and with a maximum net residential density of 172 units per hectare, for lands located at 15, 17 and 21 Stone Church Road East, as shown on Appendix “A” to Report PED21117, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment Application ZAC-20-028, by Fothergill Planning & Development Inc. (c/o Ed Fothergill, Applicant) on behalf of Nova Plaza Ltd. (c/o Steve Klemenic, Owner) to change the zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium Density (C5, 742) Zone, in order to permit a five storey mixed use development with 526 m² of ground floor commercial space and 60 dwelling units above with on-site ground floor amenity space, 14 surface parking spaces, and 51 underground parking spaces, for lands located at 15, 17 and 21 Stone Church Road East, as shown on Appendix “A” to Report PED21117, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED21117, 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); and,
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-20-016 and Zoning By-law Amendment Application ZAC-20-028, the subject lands be re-designated from “Commercial (General)” to “Commercial & Apartments” in the Jerome Neighbourhood Plan.
- (d) That the public submissions were received and considered by the Committee in approving the application.***

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

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

7. Application to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for lands located at 466 to 490 Highway No. 8 (Stoney Creek) (PED21136) (Ward 10) (Item 9.4)

(Pearson/Johnson)

- (a) That Urban Hamilton Official Plan Amendment application UHOPA-18-25, by Rykka Care Centres GP Inc., Owner, for an amendment to the Western Development Area Secondary Plan to redesignate a portion of the lands from “Local Commercial” to “Institutional” (Block A) and to add a site specific policy for the lands known as 466 to 490 Highway No. 8 to permit high density residential having a maximum density of 243 units per hectare and local commercial uses on the ground floor (Block B), as shown on Appendix “A” to Report PED21136 be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21136, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

- (b) That Zoning By-law Amendment application ZAC-18-059, by Rykka Care Centres GP Inc., Owner, for a change in zoning from the Neighbourhood Commercial (C2, 579) Zone to the Major Institutional (I3, 744, H36) Zone (Block 1); from the Major Institutional “I” Zone to the Major Institutional (I3, 744, H36) Zone (Block 2); and, from the Major Institutional (I3) Zone to the Major Institutional (I3, 744, H36) Zone to permit the construction of a four storey, 224 bed long term care facility, an eight storey multiple dwelling with 132 dwelling units and 489 square metres of ground floor commercial space, and a nine storey multiple dwelling with 128 dwelling units for the lands known as 466 to 490 Highway No. 8, as shown on Appendix “A” to Report PED21136, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED21136, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Major Institutional (I3, 744, H36) Zone on Maps 1252 and 1305 of Schedule “A” – Zoning Maps and described as 466 to 490 Highway No. 8, the development shall not proceed until:

 - (1) Necessary upgrades are completed to the sanitary sewer system and necessary payments are provided, to the satisfaction of the Manager of Engineering Approvals.
 - (iii) That this By-law is in conformity with the Urban Hamilton Official Plan upon approval of the Urban Hamilton Official Plan Amendment No. XX and that the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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

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

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

8. Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) (Item 9.5)

(Ferguson/Partridge)

- (a) That Rural Hamilton Official Plan Amendment application RHOPA-20-028, by Urban Solutions Planning & Land Development Consultants Inc. on behalf of Knollwood Golf Ltd., (Owner), to amend the Rural Hamilton Official Plan designation from “Open Space” to “Agricultural” on two portions of the subject lands (Knollwood Golf Course) and recognize a reduced lot area to permit the severance of the existing single detached dwellings for the lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster as shown on Appendix “A” to Report PED21125, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21125, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the proposed Official Plan Amendment implements the direction given by Planning Committee on September 22, 2020 (PED21125) of Committee of Adjustment applications AN/B-20:30, AN/B-20:31 and AN/B-20:32.
- (b) That Zoning By-law Amendment application ZAR-20-045, as amended, by Urban Solutions Planning & Land Development Consultants Inc. on behalf of Knollwood Golf Ltd., (Owner) to change the zoning from the Open Space (P4) Zone to the Agricultural (A1, 746) Zone to permit a single detached dwelling on each of the three lots to be created and modifications to the required setbacks, accessory structure size, height, for lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster, to reflect the existing buildings and structures on the subject lands as shown on Appendix “C” to Report PED21125, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED21125, 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 required in order to implement Condition No. 10 of Consent application AN/B-20:30, Condition No. 9 of Consent application AN/B-20:31 and Condition No. 9 of Consent application AN/B-20:32; and,
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2020), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

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

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

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

9. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road (Flamborough) (PED20188) (Ward 15) (Item 9.6)

(Partridge/Ferguson)

- (a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-19-013, by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), to establish an Area Specific Policy to amend the Commercial, Mixed Use – Medium Density and Staging of Development policies of the Waterdown South Secondary Plan to reduce the minimum requirement for retail and commercial space, permit accessory/associated residential uses on the ground floor and eliminate the retail and commercial development phases for lands located at 10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road, as shown on Appendix “A” to Report PED20188, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20188, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019), as amended.
- (b) That Amended Zoning By-law Amendment application ZAC-19-046 by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), for a further modification to the Urban Commercial “UC-13” Zone for Blocks 1, 2a and 2b, to permit accessory/associated residential uses on the ground floor, a minimum of 1,256 sq m of retail and service commercial floor space, include additional “UC-13” Zone uses in the minimum retail and service commercial gross floor area calculation, establish minimum floor areas for each property and to facilitate the development of a 90 unit, six storey mixed use building with 306 sq m of ground floor commercial (Block 2a) and a seven unit, three storey mixed use building with 418 sq m of ground floor commercial (Block 2b) for lands located at 10 and 40 Mallard Trail (Block 1), 488 Dundas Street East (Block 2a) and 39 Mallard Trail (Block 2b) (Flamborough), as shown on Appendix “A” to Report PED20188 be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED20188, 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 will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That Amended Zoning By-law Amendment application ZAC-19-046 by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), to amend the Holding Provision of the Urban Commercial “UC-14(H)” Zone by removing the retail and service commercial Gross Leasable Floor Space provision, for lands located at 585 Skinner Road, as shown on Appendix “A” to Report PED20188 be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “D” to Report PED20188 which has been prepared in a form satisfactory to the City Solicitor be forwarded to Council for enactment;
 - (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 will comply with the Urban Hamilton

Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

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

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

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

10. Regulating Off-Road Vehicles (PED21110) (City Wide) (Item 10.1)

(Johnson/Partridge)

- (a) That the draft By-law to regulate Off-Road Vehicles, ***as amended to include All-terrain vehicles, Extreme Terrain Vehicles, Multi-purpose Off-highway Utility Vehicles, Off-Road Motorcycles, Off-Road Vehicles, and Recreational Off-highway Vehicles***, attached as ***Revised Appendix "A"*** to Report PED21110, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council; and,
- (b) That subject to the approval of Recommendation (a), By-law 17-225; a By-law to Establish a System of Administrative Penalties which has been prepared in a form satisfactory to the City Solicitor be amended accordingly to include the By-law attached as Appendix "B" to Report PED21110.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

11. Comments on the Proposed Provincial Land Use Compatibility Guideline (PED21137) (City Wide) (Item 10.2)

(Johnson/Danko)

- (a) That the Province of Ontario be advised that the timing of the proposed Land Use Compatibility Guideline and associated implementation of the Guideline through the Official Plan will impact the City's Municipal Comprehensive Review process and potentially delay the City's submission of the Municipal Comprehensive Review Urban Hamilton Official Plan Amendment by the end of 2021 or early 2022.
- (b) That the City supports the proposed Land Use Compatibility Guideline subject to the following changes to the Guideline:
 - (i) The Areas of Influence (AOI) **of 2,000 metres** and the Minimum Separation Distance (MSD) **of 500 metres be endorsed;**
 - (ii) The requirement for the Demonstration of Need study be eliminated as the City has determined where sensitive land uses, in particular residential land uses, are appropriate and are permitted; and,
 - (iii) That dedicated cannabis manufacturing facilities be classed similarly to food manufacturing for the purpose of establishing recommended setbacks from sensitive land uses as cannabis products are similar to other processing products.
 - (iv) The Province amends the guidelines to establish a 3,000m (3 km) Area of Influence (AOI) and Minimum Separation Distance (MSD) for landfill operations within the urban area and that any expansion of a landfill operation comply with the enhanced setback requirements from a sensitive land use.**
- (c) That the Province of Ontario provide Terms of Reference for the preparation of Land Use Compatibility Studies to assist proponents and municipalities in the preparation and review of these Study requirements.
- (d) That Report PED21137 be forwarded to the Ministry of Environment, Conservation and Parks (MOECP) and the Ministry of Municipal Affairs and Housing (MMAH) to be considered the City of Hamilton's formal comments on Environmental Registry of Ontario (ERO) Posting #019-2785 respecting the proposed Land Use Compatibility Guideline.

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

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko

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

12. Bill 276, Amendments to the *Planning Act* – Division of Land (PED21139) (City Wide) (Item 10.3)

(Johnson/Partridge)

- (a) That Council adopt the submissions and recommendations regarding proposed changes to the *Planning Act* in force with Bill 276, as provided in Report PED21139;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submission made to the Province attached as Appendix “A” to Report PED21139.

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

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

13. Proposed Settlement of appeals by 2261305 Ontario Inc. and Nick and Anna DeFilippis of the Fruitland Winona Secondary Plan (UHOPA No. 17) (LS21025/PED21146) (Ward 10) (Item 14.1)

(Pearson/Johnson)

That Report LS21025 /PED21146, its recommendations and Appendices “A” and “B” thereto, remain confidential.

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

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. PUBLIC HEARINGS / DELEGATIONS (Item 9)

9.1 Application for a Zoning By-law Amendment for Lands Located at 1269 Mohawk Road, Ancaster (PED21113) (Ward 14)

(a) Added Written Submissions:

- (n) Erica Heinel
- (o) Nalin Amin
- (p) Shahnaz Tehseen
- (q) Kamal Khera
- (r) Syed Hasnain
- (s) Jashim Uddin
- (t) Mohamad Alayche
- (u) Ken Dowie
- (v) Shilpa Amin
- (w) Ken Cook
- (x) Rajeev Sharma
- (y) Barbara Lynne and Bernice Simpson
- (z) M and H van Woudenberg
- (aa) Bob Maton, Ancaster Village Heritage Community

9.2 Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for lands located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) - Revised Appendix B.

(Wilson/Johnson)

That the agenda for the July 6, 2021 meeting be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**(i) June 15, 2021 (Item 4.1)****(Pearson/Partridge)**

That the Minutes of the June 15, 2021 meeting be approved, as presented.

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

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

(d) CONSENT ITEMS (Item 7)**(i) Cootes to Escarpment EcoPark System - Strategic Plan and Memorandum of Understanding (PED21120) (Wards 1, 13 and 15) (Item 7.1)**

Jennifer Roth, Planner 1, addressed the Committee with the aid of a PowerPoint presentation.

(Partridge/Wilson)

That the staff presentation from Jennifer Roth, Planner 1, be received.

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

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

For disposition of this matter, refer to Item 1.

(ii) Hamilton Municipal Heritage Committee Report 21-005 (Item 7.4)

(Johnson/Wilson)

That staff report back to the Planning Committee regarding options for fees or cost recoveries relating to multiple requests for the same property to be removed from the Heritage Registry, where the property owner has not provided any new information or demonstrated a change in the factual basis to support the request to remove the property from the Heritage Registry, in order to offset the costs to receive and process repetitive requests, as part of the Heritage Permit Review process.

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

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

For further disposition of this matter, refer to Item 4.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

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

In accordance with the provisions of the *Planning Act*, Chair Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, Official Plan Amendment, and Draft Plan of Condominium applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the 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 1269 Mohawk Road, Ancaster (PED21113) (Ward 14) (Item 9.1)

Mark Andrews, Planner 1, addressed the Committee with the aid of a PowerPoint presentation.

(Pearson/Ferguson)

That the staff presentation be received.

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

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

Michael Barton with MBI Consulting Inc., was in attendance and indicated support for the staff report.

(Wilson/Johnson)

That the delegation from Michael Barton with MBI Consulting Inc., be received.

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

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

(Wilson/Johnson)

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

- (a) Edward and Debra Valevicius – in Opposition
- (b) Aieda Taha – in Opposition
- (c) Azmy Taha – in Opposition
- (d) Layla Abuahmad – in Opposition
- (e) Emma Kang – in Opposition
- (f) Aisha Taha – in Opposition
- (g) Abdul Taha – in Opposition
- (h) Alia Taha – in Opposition
- (i) Adnan Taha – in Opposition
- (j) Madu Masco – in Opposition
- (k) Jan Kielt – in Opposition
- (l) Marie-Helene Tissier – in Opposition

- (m) Ronald and Margaret Winters – in Opposition
- (n) Erica Heinel – in Support
- (o) Nalin Amin – in Support
- (p) Shahnaz Tehseen – in Support
- (q) Kamal Khera – in Support
- (r) Syed Hasnain – in Support
- (s) Jashim Uddin – in Support
- (t) Mohamad Alayche – in Support
- (u) Ken Dowie - – in Opposition
- (v) Shilpa Amin – in Support
- (w) Ken Cook – in Opposition
- (x) Rajeev Sharma – in Support
- (y) Barbara Lynne and Bernice Simpson – in Opposition
- (z) M and H van Woudenberg – in Opposition
- (aa) Bob Maton, Ancaster Village Heritage Community – in Opposition

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

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

When called upon, the Registered Delegation (Item 9.1(b) (a)) Debra Valevicius was not in attendance.

(Partridge/Pearson)

That the public meeting be closed.

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

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

(Pearson/Partridge)

- (a) That amended Zoning By-law Amendment Application ZAC-19-006, by Shine Mohawk Independent Living Enterprises Ltd. (Owner), for

a change in zoning from the Agricultural “A” Zone (Block 1) and the Residential “R4-666” Zone, Modified (Block 2) to a Holding Residential Multiple “H-RM6-708” Zone, Modified, to facilitate the development of a four-storey, 19-unit multiple dwelling with 35 parking spaces on lands located at 1269 Mohawk Road (Ancaster), as shown on Appendix “A” to Report PED21113, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix “B” to Report PED21113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H’ to the proposed Residential Multiple “RM6-708” Zone, Modified, with the ‘H’ symbol being eligible to be removed conditional upon:
 - (1) That the owner shall submit and receive approval of a Documentation and Salvage Report which further details the approach for removing, labelling, storing, and if required, reassembly of material salvaged from the removal of any portions of existing building, to the satisfaction of the Director of Planning and Chief Planner.
 - (2) That the owner shall submit and receive approval of a Stage 3 (and if required, Stage 4) archaeological assessment for the site to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan (2019, as amended) and complies with the Urban Hamilton Official Plan.

(Pearson/Partridge)

That the recommendations in Report PED21113 be ***amended*** by adding the following sub-section (b):

- (b) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

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

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

(Ferguson/Johnson)

That Report PED21113 be DEFERRED to the September 7, 2021 Planning Committee meeting.

Result: Motion CARRIED by a vote of 7 to 1, as follows:

NO - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(ii) Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for lands located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) (Item 9.2)

No members of the public were registered as Delegations.

(Johnson/Partridge)

That the staff presentation be waived.

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

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

Nancy Frieday with GSP Group Inc., was in attendance and indicated support for the staff report.

(Johnson/Pearson)

That the delegation from Nancy Frieday with GSP Group Inc., be received.

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

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

(Johnson/Pearson)

That the written submissions in Report PED21111, be received.

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

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

(Johnson/Pearson)

That the public meeting be closed.

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

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

(Johnson/Pearson)

(a) That Revised Zoning By-law Amendment application ZAC-19-039, by GSP Group Inc. on behalf of Eman Construction (Owner) for a change in zoning from the Existing Residential “ER” Zone to Residential 4 – Holding “H-R4-320” Zone, Modified (Block 1) and Residential Multiple “RM3-321” Zone, Modified (Block 2) in the Township of Glanbrook Zoning By-law No. 464, to permit 24 townhouse units on a private road (condominium road) and three single detached dwellings on Valiant Crescent, for the lands located at 3140 and 3150 Binbrook Road, as shown on Appendix “A” to Report PED21111, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21111, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding “H” as a prefix to the proposed zoning as shown on Schedule “A” of Appendix “B” to Report PED21111.

The Residential 4 – Holding “H-R4-320” Zone, Modified, applicable to lands shown on Schedule “A” to Appendix “B” to Report PED21111 be removed conditional upon the following:

That the “H” symbol applicable to the lands zoned “H-R4-320” shall not be removed until such time that the landowner demonstrate to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton, that land assembly has occurred to achieve the minimum lot area requirement and lot frontage requirement in accordance with the “R4” Zone; and,

The landowner pays all applicable outstanding costs associated with Valiant Circle to the satisfaction of the Senior Director, Growth Management;

- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan.
- (b) That Revised Draft Plan of Condominium application 25CDM-202002, by GSP Group Inc. on behalf of Eman Construction

(Owner), to establish a Draft Plan of Condominium (Vacant Land) on lands located at 3140 and 3150 Binbrook Road (Glanbrook), as shown as Block 2 on Appendix "A", attached to Report PED21111, be APPROVED subject to the following:

- (i) That the approval for Draft Plan of Condominium (Vacant Land) application 25CDM-202002 prepared by GSP Group, certified by Bahram Aminezhad O.L.S., dated April 21, 2021, consisting of 24 vacant land units for townhouse dwellings, a private condominium road, sidewalks, 12 visitor parking spaces, and centralized mailboxes, attached as Appendix "C" to Report PED21111 subject to the owner entering into a standard form condominium approval agreement as approved by City Council and with special conditions attached as Appendix "D" to Report PED21111;
- (ii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.

(Johnson/Pearson)

That the recommendations in Report PED21111 be ***amended*** by adding the following sub-section (c):

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

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

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

For disposition of this matter, refer to Item 5.

(iii) Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 15, 17 and 21 Stone Church Road East (Hamilton) (PED21117) (Ward 8) (Item 9.3)

No members of the public were registered as Delegations.

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

(Wilson/Danko)

That the staff presentation be received.

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

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

Ed Fothergill with Fothergill Planning and Development Inc., was in attendance and indicated support for the staff report.

(Partridge/Danko)

That the delegation from Ed Fothergill with Fothergill Planning and Development Inc., be received.

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

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

(Farr/Danko)

That the following written submissions (Item 9.3(a)), be received:

(a) Michael Destro – in Opposition.

- (b) Mike Wendelaar – in Opposition.

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

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

(Pearson/Danko)

That the public meeting be closed.

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

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

(Wilson/Danko)

- (a) That Revised Urban Hamilton Official Plan Amendment Application UHOPA-20-016, by Fothergill Planning & Development Inc. (c/o Ed Fothergill, Applicant) on behalf of Nova Plaza Ltd. (c/o Steve Klemenic, Owner) to re-designate the subject lands from the “Arterial Commercial” designation to the “Mixed Use Medium Density” designation within the Urban Hamilton Official Plan, in order to permit a five storey mixed use development with 60 multiple dwelling units and ground floor commercial space, and with a maximum net residential density of 172 units per hectare, for lands located at 15, 17 and 21 Stone Church Road East, as shown on Appendix “A” to Report PED21117, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment Application ZAC-20-028, by Fothergill Planning & Development Inc. (c/o Ed Fothergill, Applicant) on behalf of Nova Plaza Ltd. (c/o Steve Klemenic, Owner) to change the zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium Density (C5, 742) Zone, in order to permit a five storey mixed use development with 526 m² of ground floor commercial space and 60 dwelling units above with on-site ground floor amenity space, 14 surface parking spaces, and 51 underground parking spaces, for lands located at 15, 17 and 21 Stone Church Road East, as shown on Appendix “A” to Report PED21117, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED21117, 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); and,
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-20-016 and Zoning By-law Amendment Application ZAC-20-028, the subject lands be re-designated from “Commercial (General)” to “Commercial & Apartments” in the Jerome Neighbourhood Plan.

(Wilson/Danko)

That the recommendations in Report PED21117 be ***amended*** by adding the following sub-section (d):

- (d) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

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

YES - Ward 1 Councillor Maureen Wilson

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

Councillor Danko relinquished the Chair to Councillor Johnson in order to move Item 6.

For disposition of this matter, refer to Item 6.

Councillor Danko assumed the Chair.

(iv) Application to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for lands located at 466 to 490 Highway No. 8 (Stoney Creek) (PED21136) (Ward 10) (Item 9.4)

No members of the public were registered as Delegations.

Melanie Schneider, Planner 2, addressed the Committee with the aid of a PowerPoint presentation.

(Pearson/Partridge)

That the staff presentation be received.

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

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

Anthony Greenberg with SVN Architects + Planners, was in attendance and indicated support for the staff report.

(Pearson/Johnson)

That the delegation from Anthony Greenberg with SVN Architects + Planners, be received.

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

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

(Pearson/Johnson)

That the following written submission (Item 9.4(a)), be received:

(a) Robert and Eva Infanti – in Opposition.

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

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

(Pearson/Johnson)

That the public meeting be closed.

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

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

(Pearson/Johnson)

(a) That Urban Hamilton Official Plan Amendment application UHOPA-18-25, by Rykka Care Centres GP Inc., Owner, for an amendment to the Western Development Area Secondary Plan to redesignate a portion of the lands from “Local Commercial” to “Institutional” (Block A) and to add a site specific policy for the lands known as 466 to

490 Highway No. 8 to permit high density residential having a maximum density of 243 units per hectare and local commercial uses on the ground floor (Block B), as shown on Appendix "A" to Report PED21136 be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED21136, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment application ZAC-18-059, by Rykka Care Centres GP Inc., Owner, for a change in zoning from the Neighbourhood Commercial (C2, 579) Zone to the Major Institutional (I3, 744, H36) Zone (Block 1); from the Major Institutional "I" Zone to the Major Institutional (I3, 744, H36) Zone (Block 2); and, from the Major Institutional (I3) Zone to the Major Institutional (I3, 744, H36) Zone to permit the construction of a four storey, 224 bed long term care facility, an eight storey multiple dwelling with 132 dwelling units and 489 square metres of ground floor commercial space, and a nine storey multiple dwelling with 128 dwelling units for the lands known as 466 to 490 Highway No. 8, as shown on Appendix "A" to Report PED21136, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED21136, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That schedule "D" – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Major Institutional (I3, 744, H36) Zone on Maps 1252 and 1305 of Schedule "A" – Zoning Maps and described as 466 to 490 Highway No. 8, the development shall not proceed until:

- (1) Necessary upgrades are completed to the sanitary sewer system and necessary payments are provided, to the satisfaction of the Manager of Engineering Approvals.

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

(Pearson/Johnson)

That the recommendations in Report PED21136 be **amended** by adding the following sub-section (c):

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

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

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

For disposition of this matter, refer to Item 7.

- (v) Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) (Item 9.5)**

No members of the public were registered as Delegations.

(Ferguson/Partridge)

That the staff presentation be waived.

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

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

NOT PRESENT - Ward 10 Councillor Maria Pearson

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

(Ferguson/Partridge)

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

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

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

(Ferguson/Partridge)

That the public meeting be closed.

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

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

(Ferguson/Partridge)

- (a) That Rural Hamilton Official Plan Amendment application RHOPA-20-028, by Urban Solutions Planning & Land Development Consultants Inc. on behalf of Knollwood Golf Ltd., (Owner), to amend the Rural Hamilton Official Plan designation from "Open Space" to "Agricultural" on two portions of the subject lands (Knollwood Golf Course) and recognize a reduced lot area to permit the severance of the existing single detached dwellings for the lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster as shown on Appendix "A" to Report PED21125, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED21125, which has been prepared

in a form satisfactory to the City Solicitor, be enacted by City Council; and,

- (ii) That the proposed Official Plan Amendment implements the direction given by Planning Committee on September 22, 2020 (PED21125) of Committee of Adjustment applications AN/B-20:30, AN/B-20:31 and AN/B-20:32.
- (b) That Zoning By-law Amendment application ZAR-20-045, as amended, by Urban Solutions Planning & Land Development Consultants Inc. on behalf of Knollwood Golf Ltd., (Owner) to change the zoning from the Open Space (P4) Zone to the Agricultural (A1, 746) Zone to permit a single detached dwelling on each of the three lots to be created and modifications to the required setbacks, accessory structure size, height, for lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster, to reflect the existing buildings and structures on the subject lands as shown on Appendix “C” to Report PED21125, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21125, 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 required in order to implement Condition No. 10 of Consent application AN/B-20:30, Condition No. 9 of Consent application AN/B-20:31 and Condition No. 9 of Consent application AN/B-20:32; and,
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2020), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

(Ferguson/Partridge)

That the recommendations in Report PED21125 be **amended** by adding the following sub-section (c):

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

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

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

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

For disposition of this matter, refer to Item 8.

(vi) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road (Flamborough) (PED20188) (Ward 15) (Item 9.6)

No members of the public were registered as Delegations.

(Partridge/Ferguson)

That the staff presentation be waived.

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

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

Sarah Knoll with GSP Group Inc. and James Webb with WEBB Consulting, was in attendance and indicated support for the staff report.

(Partridge/Ferguson)

That the delegation from Sarah Knoll with GSP Group Inc. and James Webb with WEBB Consulting, be received.

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

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

(Partridge/Ferguson)

That the public meeting be closed.

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

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

(Partridge/Ferguson)

- (a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-19-013, by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), to establish an Area Specific Policy to amend the Commercial, Mixed Use – Medium Density and Staging of Development policies of the Waterdown South Secondary Plan to reduce the minimum requirement for retail and commercial space, permit accessory/associated residential uses on the ground floor and eliminate the retail and commercial development phases for lands located at 10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road, as shown on Appendix “A” to Report PED20188, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20188, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019), as amended.
- (b) That Amended Zoning By-law Amendment application ZAC-19-046 by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), for a further modification to the Urban Commercial “UC-13” Zone for Blocks 1, 2a and 2b, to permit accessory/associated residential uses on the ground floor, a minimum of 1,256 sq m of retail and service commercial floor space, include additional “UC-13” Zone uses in the minimum retail and service commercial gross floor area calculation, establish minimum floor areas for each property and to facilitate the development of a 90 unit, six storey mixed use building with 306 sq

m of ground floor commercial (Block 2a) and a seven unit, three storey mixed use building with 418 sq m of ground floor commercial (Block 2b) for lands located at 10 and 40 Mallard Trail (Block 1), 488 Dundas Street East (Block 2a) and 39 Mallard Trail (Block 2b) (Flamborough), as shown on Appendix “A” to Report PED20188 be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20188, 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 will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That Amended Zoning By-law Amendment application ZAC-19-046 by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), to amend the Holding Provision of the Urban Commercial “UC-14(H)” Zone by removing the retail and service commercial Gross Leasable Floor Space provision, for lands located at 585 Skinner Road, as shown on Appendix “A” to Report PED20188 be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED20188 which has been prepared in a form satisfactory to the City Solicitor be forwarded to Council for enactment;
 - (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 will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(Partridge/Ferguson)

That the recommendations in Report PED20188 be **amended** by adding the following sub-section (d):

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

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

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

YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 9.

(f) DISCUSSION ITEMS (Item 10)

(i) Regulating Off-Road Vehicles (PED21110) (City Wide) (Item 10.1)

(Johnson/Partridge)

That Appendix "A" to Report PED21110 be amended to include All-terrain vehicles, Extreme Terrain Vehicles, Multi-purpose Off-highway Utility Vehicles, Off-Road Motorcycles, Off-Road Vehicles, and Recreational Off-highway Vehicles.

Result: Amendment CARRIED by a vote of 5 to 0, as follows:

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

For disposition of this matter, refer to Item 10.

(ii) Comments on the Proposed Provincial Land Use Compatibility Guideline (PED21137) (City Wide) (Item 10.2)

(Johnson/Partridge)

That recommendation (b) in Report PED21137 be **amended** to amend the wording in sub-section (b)(i), and to add sub-section (b)(iv), as follows:

- (i) The Areas of Influence (AOI) **of 2,000 metres** and the Minimum Separation Distance (MSD) **of 500 metres** ~~remain as guidelines~~ **be endorsed;** and not be required to be included as part of the Official Plan;
- (iv) **The Province amends the guidelines to establish a 3,000m (3 km) Area of Influence (AOI) and Minimum Separation Distance (MSD) for landfill operations within the urban area and that any**

expansion of a landfill operation comply with the enhanced setback requirements from a sensitive land use.

Result: Amendment CARRIED by a vote of 5 to 0, as follows:

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

For disposition of this matter, refer to Item 11.

(g) PRIVATE AND CONFIDENTIAL (Item 14)

- (i) Proposed Settlement of appeals by 2261305 Ontario Inc. and Nick and Anna DeFilippis of the Fruitland Winona Secondary Plan (UHOPA No. 17) (LS21025/PED21146) (Ward 10) (Item 14.1)**

The Committee determined that discussion of Item 14.1 was not required in Closed Session; therefore, the matter was addressed in Open Session.

For disposition of this matter, refer to Item 13.

(h) ADJOURNMENT (Item 15)

(Pearson/Ferguson)

That there being no further business, the Planning Committee be adjourned at 2:14 p.m.

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

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

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator

Kelsey, Lisa

From: Walker, Catherine
Sent: June 14, 2021 9:58 AM
To: Barroso, Lisa; Belair, Nada; Chan, Alvin; Coe, Emily; Croghan, Miranda; Delry, Pam; Fabac, Anita; Flemmings, Ana; Gargano, Debbie; GIS Services (IS); Hickey-Evans, Joanne; Kelsey, Lisa; Kovacevic, Michael; MacDonald, Patrick; Manser, Jillian; Ortiz, Dio; Pepper, Allison; Race, Zeltite; Robichaud, Steve; Thorne, Jason; Wong, George
Subject: LPAT Decision

Good Morning,
Please find below an LPAT Decision.

Decision	By-law Number
<p>Decision Issue Date: May 18, 2021 and September 25, 2015 LPAT Case No. PL130701, PL141020 LPAT File Nos. PL130701, PL130702, PL141020</p> <p><u>Link to By-law No. 21-106-LPAT-01 and By-law Nos. 21-106-LPAT-02 and 21-106-LPAT-03</u></p>	<p>21-106-LPAT-01</p> <p>The Tribunal Orders that the appeal of the proposed amendment to the City of Hamilton Urban Hamilton Official Plan by Nebo Group (2006), now the Lockwood Auto Group Inc., is allowed in part, as further modified by Attachment "1" to the Decision issued on September 25, 2015; and the Tribunal Orders that the appeal of the proposed amendment to the City of Hamilton By-law No. 05-200, by Nebo Group (2006), now the Lockwood Auto Group Inc., is allowed in part as further amended by Attachment "2" to the Decision issued on September 25, 2015.</p> <p>21-106-LPAT-02 Attachment 1 To Adopt Official Plan Amendment No. 151 to the Urban Hamilton Official Plan</p> <p>21-106-LPAT-03 Attachment 2 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 899 Nebo Road (Glanbrook)</p> <p>The Board orders that the appeal by Nebo Group (2006), now the Lockwood Auto Group, of a proposed official Plan amendment with the approval authority file number ROPA-12-001 is dismissed. The Board's order allowing in part the appeals by Nebo Group (2006), now the Lockwood Auto Group Inc.:</p>

1. of its proposed amendment to the City of Hamilton Urban Official Plan, as further modified by Attachment 1 to this decision, and
 2. Of its proposed amendment to the City of Hamilton By-law No. 05-200, as further amended by Attachment 2 to this decision,
- is withheld until the Board is advised in writing that the matters set out in paragraph 5 of the Minutes of Settlement, filed as Exhibit 2 in these proceedings, have been met.

Best regards,

Catherine Walker

Records and Information Management Clerk

Office of the City Clerk, Corporate Services

City of Hamilton

905-546-2424 x2615

Catherine.Walker@hamilton.ca

The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19 www.hamilton.ca/coronavirus.



HAMILTON FIRE DEPARTMENT

1227 Stone Church Road East Hamilton ON L8W 2C6 Phone: 905.546.3346 Fax: 905.546.3344

"Protect And Promote Quality Of Life And Public Safety"



INCIDENT REPORT - ALL INFORMATION

HES Incident No.	2021-0004166	CAD Event No.	F21010047
Incident Begin Time	05/17/2021 22:15:21	Incident End Time	05/17/2021 23:56:49
Address:	170 CAROLINE ST S	Dollar Loss	0
Type of Incident:	INVESTIGATE ODOURS	Response Type	59 Other Public Hazard
Officer-In-Charge:	Chad Hiller [REDACTED]	Reporting Officer:	Chad Hiller [REDACTED]
		Alarm To Fire Department:	09 Other Alarm

INCIDENT SUMMARY

Engine 11 responded code green to 170 Caroline St S for a report of a chemical odour. On arrival, E-11 proceeded to the basement and found maintenance person [REDACTED] had been applying a polyurethane sealant to a wood floor. As a result of this floor sealant application, the odour had migrated through the building and multiple tenants evacuated the building. Engine 11 began ventilation and checked the building with MX6. Readings on the PID were highest at the main floor entrance and in the room of sealant application in the basement. Positive pressure ventilation continued and E-11 began to read fresh air readings with the MX6 through the building while ventilation applied. The owner, [REDACTED] arrived on scene and brought his own set of fans to assume the duties of what was assigned as overnight ventilation duties. The building was left with [REDACTED] to ensure adequate ventilation. E-11 10-8.

INCIDENT BENCHMARKS

Command Established:	Second Alarm Called:	
Primary Search Completed:	Mutual Aid Requested:	
Exting Agent Applied:	Incident End Time:	05/17/2021 23:56:49
Situation under Control:	Incident Duration:	1 Hrs 41 Mins 28 Secs
Loss Stopped:	Total Response Time:	301



HAMILTON FIRE DEPARTMENT

1227 Stone Church Road East Hamilton ON L8W 2C6 Phone: 905.546.3346 Fax: 905.546.3344

"Protect And Promote Quality Of Life And Public Safety"



INCIDENT REPORT - ALL INFORMATION

HES Incident No.	2021-0004162	CAD Event No.	F21010042
Incident Begin Time	05/17/2021 20:50:47	Incident End Time	05/17/2021 21:26:26
Address:	170 CAROLINE ST S	Dollar Loss	0
Type of Incident:	ALARM CONDITIONS	Response Type	29 Other pre fire conditions (no fire)
Officer-In-Charge:	Chad Hiller [REDACTED]	Reporting Officer:	Chad Hiller [REDACTED]
		Alarm To Fire Department:	05 Telephone from Monitoring Age

INCIDENT SUMMARY

Engine 11 responded to code green for a report of alarm conditions at 170 Caroline St S. On arrival, we were met by a tenant who wished to remain anonymous and advised a maintenance person for the building had been using a torch in one of the basement units and smoke was being generated. E-11 investigated the basement area where we found a maintenance worker [REDACTED] [REDACTED] was torching the wooden floors to create an artistic effect. The apartment and the hallway were smoke filled which had set off the alarm prior to our arrival. The worker advised [REDACTED] had shut the fire alarm off to the entire building (by shutting off the breaker) so the alarm would stop sounding. E-11 advised the worker of the danger of this practice. E-11 ventilated the space and checked the floors and walls with the TIC. There was no fire extension or further smoke generation. The alarm panel had the power turned back on and the battery back ups reconnected. The maintenance worker had disconnected the battery back ups to the system as well prior to our arrival. E-11 advised [REDACTED] that the fire alarm system should not be silenced, shut off or tampered with in any way prior to fire department arrival in the future. The tenant caller was met outside and explained the cause of the alarm. E-11 10-8.

INCIDENT BENCHMARKS

Command Established:	Second Alarm Called:	
Primary Search Completed:	Mutual Aid Requested:	
Exting Agent Applied:	Incident End Time:	05/17/2021 21:26:26
Situation under Control:	Incident Duration:	0 Hrs 35 Mins 39 Secs
Loss Stopped:	Total Response Time:	409

I would like to start by first saying hello to my Ward Councillor, Jason Farr.

Secondly, I would like to state that I'm in favour of licensing landlords to better protect tenants.

I am nervous writing this letter as I'm speaking out against my current landlord. My landlord has applied to have me evicted over false accusations and on Wednesday August 11th, I will learn the outcome.

A few years ago, I spoke out against a maintenance worker living in the utility room of my building and have faced harassment ever since.

For a few years now, I have been experiencing ongoing anxiety and stress and even nightmares due to both the harassment and the many safety concerns. I stay because I pay below the current average, and therefore I'm also in support of rent caps.

The most recent incident is when the maintenance worker who I spoke out against years ago, had used a blow torch on the floors in the unit below us. The building fire alarm went off and my unit was full of smoke. The maintenance worker turned off the fire alarm and disconnected the battery backup and proceeded to use the blow torch on the floor. I called the fire department. After the fire department left, the maintenance worker proceeded to use polyurethane sealant on the floor. Many of us evacuated the building due to the strong odour that quickly spread throughout the building. I called the fire department again and after arriving, they knocked on doors to advise tenants to quickly ventilate and they aired out the building using industrial fans. They also told my landlord that he needs to get down to the building immediately. This was at 10pm on a workday.

I've attached the two fire incident reports.

If the maintenance worker had started a fire in using the blow torch, the fire alarms wouldn't have sounded because he turned them off. He put all of us at risk that night.

One tenant had told me that she felt like she was going to pass out from the polyurethane sealant. Two tenants had told me they experienced headaches as a result.

I urge you to proceed with the pilot project to license rental housing in Wards 1 and 8.

I also urge you to adopt a city-wide program. We need and deserve to be better protected.

Thank you to both Councillor Maureen Wilson and Councillor John Danko.

Thanks for listening,

Sara Shwadchuck

Tenant and ACORN Member

From: Emily Kam
Sent: August 3, 2021 9:17 PM
To: clerk@hamilton.ca
Cc: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>
Subject: Planning Committee Agenda for Item 10.5 “Licence Rental Housing (PED21097/LS21022) (Wards 1, 8 and parts of Ward 14)

Please include in the August 10th Planning Committee Agenda meeting for “Licence Rental Housing”

To whom it may concern,

I am in full support of the proposed by-law for licensing rental housing in our area. This will allow the city to make a much larger impact on unsafe, cramped student housing in the Bonnington neighbourhood specifically.

Walking the area it's easy to see the many, many safety issues that surround many rental properties in our high rental area. The main concern I have is the amount of people living in the 1.5 story homes built in our neighbourhood. These homes are not meant to have more than 3/4 bedrooms, while an easy realtor search shows some homes as having as high as 10 bedrooms, the average rental having 6/7.

Having entered many of the homes that are for sale in the area over the years, with these high bedroom numbers, I have seen first hand they are not anywhere near up to par-as a safe space.

I'd like to end on a few issues I've heard from our Syrian refugee neighbours over the past few years. They have five children, one who is in a power wheelchair, and have zero disability aids in the home. The home they live in has two sets of switch back stairs and I see the father carrying his son and chair everyday up and down the front steps. It's heart breaking. He has complained about his back many times.

They have had trouble with language, and communicating with their Toronto landlord, who when they first moved in did not supply a shovel for winter (or snow removal) or a mower in summer (so a few residents helped cut the long long grass after he showed me a by law note he could not read). More recently, he has stated to me the basement is leaking and he can't get help from the landlord to fix it. This is an example of where licensing would help support better living conditions for the family who is, in my opinion, in a vulnerable renting position. Again, this has my full support.

Emily Kam



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 10, 2021
SUBJECT/REPORT NO:	Biodiversity Action Plan – Execution of Agreement with the Hamilton Naturalists’ Club (PED21065(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lauren Vraets (905) 546-2424 Ext. 2634
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Municipal Contribution Agreement, attached as Appendix “A” to Report PED21065(a)), between the City of Hamilton and the Hamilton Naturalists’ Club for a one-time funding contribution towards hiring a project coordinator for the development of a Biodiversity Action Plan, be approved; and,
- (b) That the General Manager of Planning and Economic Development (or their designate) and the General Manager of Public Works (or their designate) be authorized and directed to sign the Municipal Contribution Agreement, attached as Appendix “A” to Report PED21065(a), on behalf of the City of Hamilton.

EXECUTIVE SUMMARY

Staff from the City of Hamilton’s Planning and Economic Development Department and Public Works Department have been working with local environmental organizations and Conservation Authorities to develop a Biodiversity Action Plan (BAP). The development of the BAP requires a project coordinator position to be funded at a local environmental organization. The Hamilton Naturalists’ Club (HNC) will be the lead organization responsible for hiring and managing a BAP project coordinator. The BAP coordinator position at the HNC will require external funding.

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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: Biodiversity Action Plan – Execution of Agreement with the Hamilton Naturalists’ Club (PED21065(a)) (City Wide) - Page 2 of 5

City Council, at its meeting of April 14, 2021, approved a recommendation that the City of Hamilton commit a total combined one-time financial contribution of \$40,000 towards the BAP coordinator position from the Planning Division and Hamilton Water Division budgets. Staff were directed to prepare an Agreement between the City and the HNC for the disbursement of the funds, and to present the draft Agreement back to Committee and Council for final approval. Legal Services staff have been involved in the drafting of the recommended agreement.

The purpose of this Report is to present the draft Municipal Contribution Agreement (‘Agreement’) between the City and the Hamilton Naturalists’ Club, attached as Appendix “A” to Report PED21065(a) to the Planning Committee and Council, and to seek authorization and direction for the General Manager of Planning and Economic Development (or their designate) and the General Manager of Public Works (or their designate) to sign the Agreement on behalf of the City.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The Planning and Economic Development Department, Planning Division, will contribute \$20,000 from the annual 2021 Data Management for Natural Areas account (812020-54378).

Hamilton Water, Public Works Department has identified a potential one-time contribution of \$20,000 from account 510360-55916.

Staffing: N/A

Legal: The Municipal Contribution Agreement has been prepared by the City’s Legal Services Division to ensure that the City’s funds are used appropriately for the fulfilment of the roles and responsibilities of the BAP Coordinator.

HISTORICAL BACKGROUND

On April 7, 2021, Planning Division staff presented Report PED21065 to the General Issues Committee, outlining the feasibility of developing a Biodiversity Action Plan (BAP) for Hamilton in partnership with local environmental organizations. The Report noted the timely development of a BAP for Hamilton requires a project coordinator position be funded at a local environmental organization.

As a result of Report PED21065, the City’s General Issues Committee approved a recommendation authorizing a one-time financial contribution of \$20,000 from the Planning and Economic Development and \$20,000 from the Public Works Department / Hamilton Water Division.

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SUBJECT: Biodiversity Action Plan – Execution of Agreement with the Hamilton Naturalists’ Club (PED21065(a)) (City Wide) - Page 3 of 5

City staff were also authorized to prepare an Agreement between the City and the HNC to ensure the \$40,000 in one-time funding would be used appropriately for the required roles and responsibilities of the BAP coordinator. City staff were directed to report back to the General Issues Committee and Council with the draft Agreement between the City and the HNC. On June 9, 2021, Council approved a motion from the General Issues Committee (Item 13.1.c) to have the BAP draft funding agreement report, and all future reports regarding the BAP, referred to the Planning Committee.

Appendix “A” to Report PED21065(a) is the draft Agreement recommended for approval between the City of Hamilton and the HNC.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not applicable.

RELEVANT CONSULTATION

Planning Division staff have consulted with staff from Legal and Risk Management Services, Corporate Services Division with regard to the Agreement. Legal Services staff have prepared the draft Agreement attached as Appendix “A” to Report PED21065(a).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The term ‘biodiversity’ refers to the variety of life on earth. It includes all living things, such as bacteria, fungi, insects, plants, fish and wildlife, and humans. Biodiversity is the variety of living organisms that form an interconnected web of life that make up a healthy and resilient environment.

At a local and global scale biodiversity is in a state of decline. To protect and rehabilitate Hamilton’s unique biodiversity assets, a coordinated approach is needed between the City of Hamilton and local community environmental partners. A Biodiversity Action Plan (BAP) will assist in ensuring that there are clear goals, and actionable strategies for protecting, enhancing and restoring biodiversity in Hamilton. To develop a BAP for Hamilton in a timely manner (approximately 12 months), a project coordinator at a local environmental organization is needed. The BAP coordinator would be responsible for writing and researching related to the BAP, assisting in developing the proposed areas of focus and subsequent actions, leadership of, and administration for, the multi-organizational working group, communicating about the BAP to the public, and preparing the final BAP report.

Appendix “A” to Report PED21065(a) presents the draft Municipal Contribution Agreement between the City of Hamilton and the Hamilton Naturalists’ Club. The Agreement is required to ensure that the funding from the City is used appropriately to

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SUBJECT: Biodiversity Action Plan – Execution of Agreement with the Hamilton Naturalists’ Club (PED21065(a)) (City Wide) - Page 4 of 5

assist in funding the BAP Coordinator position and any additional staff or sub-contracted staff to carry out the deliverables of developing the BAP.

Staff recommend that the Committee and Council endorse the Agreement and authorize and direct the General Manager of Planning and Economic Development Department (or his designate) and the General Manager of Public Works Department (or his designate) to sign the Agreement with the Hamilton Naturalists’ Club on behalf of the City.

ALTERNATIVES FOR CONSIDERATION

Do not endorse the Municipal Contribution Agreement between the City and the Hamilton Naturalists’ Club. This alternative is not recommended, as the timely development of the BAP is dependent on the HNC hiring a staff person to lead the project.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: No financial implications for the City, however financial implications for the HNC who will need to find alternative funding to assist with hiring the BAP Coordinator.

Staffing: The HNC will not be able to hire a contract staff person for the BAP. City Staff may need to take on more responsibility for BAP development if a project coordinator cannot be hired by the HNC.

Legal: N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Clean and Green

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

Community Engagement and Participation

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

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SUBJECT: Biodiversity Action Plan – Execution of Agreement with the Hamilton Naturalists’ Club (PED21065(a)) (City Wide) - Page 5 of 5

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Draft Municipal Contribution Agreement between the City of Hamilton and Hamilton Naturalists’ Club

MUNICIPAL CONTRIBUTION AGREEMENT
(the "Agreement")

THIS AGREEMENT is made as of the ___ day of _____, 2021 (the "**Effective Date**").

BETWEEN:

CITY OF HAMILTON
(the "**City**")

-and-

HAMILTON NATURALISTS' CLUB
(the "**Recipient**")

(Together the "Parties" and individually a "Party")

WHEREAS on February 19, 2020, the City's General Issues Committee ("**GIC**") passed a motion directing that City staff investigate the feasibility and resources required to develop a Biodiversity Action Plan ("**BAP**"), in collaboration with the local conservation community and provide a report back to GIC with the findings;

AND WHEREAS on April 7, 2021 Report PED21065 was presented to and approved by GIC;

AND WHEREAS Recommendation (b) of Report PED21065 authorized a one-time, maximum financial contribution totaling Forty Thousand Dollars (\$40,000) from the City to the Recipient;

AND WHEREAS the City wishes to make the Financial Contribution to the Recipient pursuant to and subject to compliance with the terms and conditions contained herein.

AND WHEREAS the Recipient wishes to accept the Financial Contribution pursuant to and subject to compliance with the terms and conditions contained herein

NOW THEREFORE for good and valuable consideration, the receipt and sufficiency of which are hereby irrevocably acknowledged by the Parties, the Parties agree as follows:

ARTICLE 1
INTERPRETATION

1.1 PREAMBLE. The Parties acknowledge and agree that the statements in the foregoing preamble are true in substance and in fact.

1.2 DEFINED TERMS. All capitalized terms used in this Agreement that are not defined shall have the following meanings:

- (a) "Act of God" means an event that directly and exclusively results from the occurrence of natural causes that could not have been prevented by the exercise of reasonable foresight or caution;
- (b) "Financial Contribution" means a one-time, maximum financial contribution totaling Forty Thousand Dollars (\$40,000) from the City to the Recipient to be used by the Recipient only for the Permitted Purpose;
- (c) "Governmental Authority" means any federal, provincial, local, municipal or foreign governmental entity, authority or agency, court, tribunal, regulatory commission or other body, whether legislative, judicial or executive (or a combination or permutation thereof), and any arbitrator to whom a dispute has been presented by law or by agreement of the Parties with an interest in such dispute;
- (d) "Permitted Purpose" means the Recipient's use of the Financial Contribution to temporarily retain and pay contract staff and/or subcontractors with the necessary professional expertise to perform the duties and obligations set forth in Schedule "A", all in accordance with the terms and conditions set forth herein;
- (e) "Person" means any individual, corporation, partnership, joint venture, association, joint stock company, trust, limited liability company, unincorporated organization, Governmental Authority or any other form of entity;

1.3 CURRENCY. All dollar amounts in this Agreement are stated and shall be paid in Canadian currency.

1.4 SEVERABILITY. If any provision of this Agreement is determined to be void, invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, the remaining provisions of this Agreement shall remain in effect and continue to bind the Parties.

1.5 ENTIRE AGREEMENT. The following schedules that are attached to this Agreement are incorporated by reference and form a part hereof:

Schedule Number	Title
Schedule "A"	Duties and Obligations to be Performed

The Parties acknowledge and agree that this Agreement sets forth the entire understanding of the Parties with respect to the subject matter contained herein and supersedes all previous agreements or understandings between the Parties with respect to the subject matter herein, whether written, oral, expressed or implied.

ARTICLE 2
TERM AND PURPOSE

2.1 TERM. The term of this Agreement shall commence on the Effective Date and remain in effect until October 31, 2022, unless terminated early or extended in accordance with the terms of this Agreement (the "**Term**").

2.2 PURPOSE. The City agrees to enter into this Agreement with the Recipient to provide a one-time, maximum financial contribution of Forty Thousand Dollars (\$40,000) to the Recipient to be used by the Recipient to temporarily retain and pay contract staff and/or subcontractors with the necessary professional expertise to perform the duties and obligations set forth in Schedule "A", all in accordance with the terms and conditions set forth herein.

ARTICLE 3
MAXIMUM CITY CONTRIBUTION AND FINANCIAL CONDITIONS

3.1 Subject to all terms and conditions set forth in this Agreement and conditional upon the Recipient fulfilling all of its obligations hereunder, the City agrees to provide a one-time, maximum financial contribution of Forty Thousand Dollars (\$40,000) to the Recipient to be used by the Recipient for the Permitted Purpose, as more specifically detailed in Schedule "A" hereto.

3.2 If, following the expiry or termination of this Agreement, there are unused funds remaining from the Financial Contribution then such unused funds shall be returned to the City within ten (10) business days of the effective date of expiry or termination of this Agreement, as the case may be.

3.3 The City reserves the right to audit or cause to have audited the accounts and records of the Recipient relating to the Financial Contribution and/or Permitted Purpose for a period of up to five (5) years after the end of this Agreement to ensure compliance with the terms and conditions of the Agreement. The scope, coverage and timing of such an audit shall be determined by the City and, if conducted, may be carried out by employees of the City or its agent(s). The Recipient shall make available to auditors, in a timely manner, any records, documents and information that the auditors may require.

3.4 The Recipient agrees to adhere to generally accepted accounting practices and principles and shall keep and make available to the City's representatives for examination and audit its books, accounts and registers of all revenues and expenditures in relation to the matters contemplated by this Agreement, as the case may be.

ARTICLE 4
OBLIGATIONS AND ACKNOWLEDGEMENTS

4.1 During the Term of this Agreement, the Recipient shall:

- (a) Take all necessary actions to maintain itself in good standing, to preserve its legal capacity and to inform the City without delay of any failure to do so;
- (b) Upon the request of the City and without delay, make its authorized representative(s) available to meet with an employee(s) of the City for budget review and update meetings. During such meetings the Recipient shall disclose any financial or budget related information relevant to the Permitted Purpose that the City may request;
- (c) Upon the written request of the City and without delay, provide any information as the City may require concerning this Agreement and/or the Permitted Purpose; and
- (d) Disclose to the City, without delay, any fact, development or event that would or might compromise the Recipient's ability to carry out the Permitted Purpose or the Recipient's ability to carry out any of the terms and conditions of this Agreement. For greater certainty, the Recipient shall also disclose to the City, without delay, any fact, development or event that would or might change any aspect of the Permitted Purpose from what is set forth in Schedule "A".

4.2 The Recipient hereby agrees that a public announcement with respect to this Agreement and/or the Permitted Purpose may be made by the City in the form of a press release, press conference or otherwise and that all reasonable and necessary assistance in the organization of the public announcement, as the City sees fit, shall be provided.

4.3 RECIPIENT'S ACKNOWLEDGEMENTS. The Recipient hereby acknowledges and agrees that:

- (a) the Financial Contribution is being provided by the City to the Recipient to assist the Recipient in carrying out the Permitted Purpose and not for any other reason or purpose;
- (b) the City is not responsible for carrying out the Permitted Purpose and nothing in this Agreement gives either Party an interest in the affairs, business or property of the other Party, except as expressly provided herein;
- (c) the City has no financial, contractual or other obligations to the Recipient with respect to the Permitted Purpose, except as expressly provided herein;

- (d) The City is bound by the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M56 ("MFIPPA"). In the event of a conflict between any of the terms and conditions of this Agreement and the City's obligations under MFIPPA, MFIPPA shall prevail.

4.4 MUTUAL ACKNOWLEDGEMENTS. The Parties acknowledge and agree with each other as follows:

- (a) This Agreement constitutes a legal, valid and binding obligation, enforceable against it in accordance with the terms and conditions contained herein;
- (b) The Parties shall not act in any case where there may be any conflict of interest between them;
- (c) The Parties shall maintain in confidence the terms and conditions of this Agreement except and to the extent that a proposed disclosure of any specific term of condition hereof by either Party is: authorized in advance by the other Party; (ii) made to a Party's legal or business advisors; (iii) required by applicable law; or (iv) otherwise permitted by this Agreement.

ARTICLE 5

REPRESENTATIONS AND WARRANTIES

5.1 RECIPIENT'S REPRESENTATIONS AND WARRANTIES. The Recipient hereby represents and warrants to the City, as of the Effective Date, as follows:

- (a) Recipient is a not-for-profit corporation, duly organized and validly existing under the laws of Ontario, with all necessary power and authority to enter into this Agreement and to consummate the transactions herein contemplated. Recipient is duly qualified to operate in the Province of Ontario;
- (b) Neither the execution and delivery of this Agreement by the Recipient nor the performance by the Recipient of its obligations hereunder will: (i) violate any statute, regulation, rule, judgment, order, decree, stipulation, injunction, charge or other restriction of any Governmental Authority or court to which the Recipient is subject, or any provision of the articles of incorporation, bylaws or other constating documents of the Recipient, or (ii) conflict with, result in a breach of, constitute a default under, result in the acceleration of, create in any party the right to accelerate, terminate, modify, or cancel, or require any notice under any contract, lease, sublease, license, sublicense, franchise, permit, indenture, agreement or mortgage for borrowed money, instrument of indebtedness, security interest, or other agreement to which the Recipient is a party or by which the Recipient or its assets are bound;

- (c) All proceedings required to be taken by or on behalf of the Recipient to authorize the Recipient to execute and deliver this Agreement and to perform the covenants, obligations and agreements of the Recipient hereunder have been duly taken. No consent to the execution and delivery of this Agreement by the Recipient or the performance by the Recipient of its covenants, obligations and agreements hereunder is required from any partner, board of directors, shareholder, creditor, investor, judicial, legislative or administrative body, Governmental Authority to which the Recipient is subject or any other Person, other than any such consent which has already been given;
- (d) To the extent that any third party intellectual property rights are required to perform its obligations hereunder, the Recipient has obtained all necessary permissions, licenses, consents and has the authority and right to provide such third party intellectual property rights to the City in connection with this Agreement and no intellectual property rights created by the Recipient for the City or furnished to the City by the Recipient pursuant to this Agreement will infringe upon or violate any intellectual property rights of any third party or Person.
- (e) This Agreement constitutes the valid and legally binding obligation of the Recipient, enforceable in accordance with its terms and conditions, except as such enforcement may be limited by bankruptcy, insolvency, reorganization, moratorium or other similar laws presently or hereafter in effect, affecting the enforcement of creditors' rights generally and by general principles of equity whether applied in a proceeding at law or in equity;
- (f) To the best current actual knowledge of the Recipient, there is no action, suit, claim, proceeding or investigation pending or currently threatened against the Recipient that questions the validity of this Agreement or the transactions contemplated herein or that could either individually or in the aggregate have a material adverse effect on the assets, conditions, affairs, or prospects of the Recipient, or any Person for whom the Recipient is legally responsible, financially or otherwise.
- (g) The Recipient has no interest, pecuniary or otherwise, in any matter that would put it in an actual or apparent conflict of interest;
- (h) That the description of the duties and obligations in Schedule "A" accurately reflects the duties and obligations that the staff and/or subcontractors with the necessary professional expertise shall be contracted to perform for the Recipient, that the information contained therein is accurate, and that all relevant information has been disclosed to the City;
- (i) The Recipient is not now and has not been subject to any proceeding commenced by or against the Recipient, whether voluntary or involuntary,

seeking to have an order for relief entered against the Recipient as debtor or to adjudicate it a bankrupt or insolvent, or seeking liquidation, winding-up, reorganization, arrangement, adjustment or composition under any law relating to bankruptcy, insolvency, reorganization or relief or debtors, or seeking appointment of a receiver, trustee, custodian or other similar official for the Recipient or its assets;

- (j) To the best of the Recipient's knowledge, no representation or warranty made in this Agreement by the Recipient contains any untrue statement of a material fact or omits to include any material fact necessary to make such representation or warranty not misleading to the City in light of the circumstances in which such representation or warranty is made.

5.2 The Recipient acknowledges and agrees that it shall immediately notify the City of any material change to the representations set out in Section 5.1 herein.

5.3. CITY'S REPRESENTATIONS AND WARRANTIES. The City represents and warrants to the Recipient, as of the Effective Date, as follows:

- (a) The City is a municipality created by the *City of Hamilton Act*, 1999, S.O. 1999, c.14, Sched. C, with all necessary power and authority to enter into this Agreement and to consummate the transactions herein contemplated;
- (b) Neither the execution and delivery of this Agreement by the City nor the performance by the City of its obligations hereunder will: (i) violate any statute, regulation, rule, judgment, order, decree, stipulation, injunction, charge, or other restriction of any Governmental Authority or court to which the City is subject, or any provision of any by-laws or the City, or (ii) conflict with, result in a breach of, constitute a default under, result in the acceleration of, create in any party the right to accelerate, terminate, modify, or cancel, or require any notice under any contract, lease, sublease, license, sublicense, franchise, permit, indenture, agreement or mortgage for borrowed money, instrument or indebtedness, security interest, or other agreement to which the City is a party or by which the City or its assets are bound;
- (c) This Agreement constitutes the valid and legally binding obligation of the City, enforceable in accordance with its terms and conditions, except as such enforcement may be limited by bankruptcy, insolvency, reorganization, moratorium or other similar laws presently or hereafter in effect, affecting the enforcement of creditors' rights generally and by general principles of equity whether applied in a proceeding at law or in equity;
- (d) All proceedings required to be taken by or on behalf of the City to authorize the City to execute and deliver this Agreement and to perform the covenants, obligations and agreements of the City hereunder have been

duly taken. No consent to the execution and delivery of this Agreement by the City or the performance by the City of its covenants, obligations and agreements hereunder is required from any mayor, councillor, parliament, partner, board of directors, shareholder, creditor, investor, judicial, legislative or administrative body, Governmental Authority or other Person, other than any such consent which already has been given;

- (e) To the best current actual knowledge of the City, there is no action, suit, claim, proceeding or investigation pending or currently threatened against the City that questions the validity of this Agreement or the transactions contemplated herein or that could either individually or in the aggregate have a material adverse effect on the assets, conditions, affairs, or prospects of the City, financially or otherwise.

ARTICLE 6

INSURANCE, INDEMNIFICATION AND WSIB

6.1 INSURANCE REQUIREMENTS. During the Term, each Party shall obtain and maintain at its own expense, commercial general liability insurance that:

- (a) is written on IBC Form 2100 or its equivalent;
- (b) covers against any and all claims for libel, slander, false arrest, bodily injury, including death, personal injury, and property damage or loss, including acts or omissions of employees, agents and invitees;
- (c) has a limit of coverage of not less than Two Million Dollars (\$2,000,000) per occurrence and Five Million Dollars (\$5,000,000) in the aggregate, and
- (d) includes, but may not be limited to the following provisions:
 - (i) Standard form automotive liability insurance that complies with all requirements of the current legislation of the Province of Ontario, having an inclusive limit of not less than Two Million Dollars (\$2,000,000) per occurrence for third party liability;
 - (ii) non-owned automobile liability insurance in standard form having an inclusive limit of not less than Two Million Dollars (\$2,000,000) per occurrence or such greater amount as the City may from time to time request, in respect of vehicles not owned by the Recipient, that are used or operated on its behalf for the provision of services under this Agreement;
 - (iii) cross-liability, and
 - (iv) severability of interest.

The Recipient shall provide the City with proof of the insurance required by this Agreement in the form of valid certificates of insurance that reference this Agreement and confirm the required coverage, before the execution of this Agreement by the City, and renewal replacements on or before the expiry of the insurance. The Recipient shall obtain the insurance policies described in this Agreement with an insurance company acceptable to the City, and its commercial general liability insurance policy shall be endorsed to include the City of Hamilton as an additional insured. Certificate holder for the City will be addressed as the City of Hamilton, City Hall, 71 Main Street West, Hamilton, Ontario L8P 4Y5 attn: Director, Planning and Chief Planner. Upon the request of the City, a copy of each insurance policy shall be made available to it.

For greater certainty, the Recipient acknowledges and agrees that any contractors and/or sub-contractors retained by the Recipient for purposes of fulfilling the Recipient's obligations under this Agreement are required to provide proof of insurance confirming General Liability coverage written on IBC Form 2100 or its equivalent with limits of no less than Two Million Dollars (\$2,000,000) per occurrence and Five Million Dollars (\$5,000,000) in the aggregate and adding the City of Hamilton as an additional insured.

6.2 INDEMNIFICATION. The Recipient shall defend, indemnify and save harmless the City and its employees, elected officials, representatives and agents from and against all claims, liabilities, losses, damages, costs and expenses (including solicitor/client fees on a substantial indemnity basis, administrative fees and disbursements); and all claims, demands, actions and other proceedings made, sustained, brought, prosecuted, or threatened to be brought or prosecuted in any manner, based upon, occasioned by, or attributable to an injury to a person, the death of a person, intellectual property rights infringement, an environmental effect, damage to (or loss of) property, whether arising directly or indirectly, or due to the result of a wilful or negligent act, omission or delay, on the part of the Recipient, its employees, subcontractors, agents or voluntary workers in carrying out its obligations under this Agreement. The City shall not claim indemnification, under this Section 6.2, to the extent that the injury, loss or damage has been caused by the negligent acts or omissions of the City or its employees, elected officials or agents.

6.3 LIMITATION OF LIABILITY. In no event shall the City be liable to the Recipient under any provision of this Agreement for lost or prospective profits, or for any other special, indirect, incidental, consequential, exemplary or punitive damages, in contract, tort or otherwise, whether or not caused by or resulting from the City's own, sole or concurrent negligence or the negligence of its affiliates or related parties, including claims of the Recipient arising out of third party claims; provided, however, that the foregoing in this Section 6.3 shall not be construed to limit the City's liability for actual damages.

6.4 WSIB. The Recipient shall provide, prior to the Effective Date:

- (a) A valid, current and original Clearance Certificate from the Ontario Workplace Safety and Insurance Board ("WSIB") declaring that the

Recipient is registered with the WSIB and has an account in good standing;
or

- (b) A letter of Good Standing issued by WSIB.

The Recipient shall provide additional certificates with respect to the coverage referred to above as often as the City deems necessary during the Term to ensure continued good standing with the WSIB.

6.5 If WSIB coverage is not required by law to be carried by the Recipient, the Recipient shall provide one of the following (as the case may be):

- (a) An exemption letter from WSIB, satisfactory to the City's solicitor, acting reasonably;
- (b) An independent operator's status certificate issued by WSIB; or
- (c) Such further and other evidence as may be satisfactory to the City's solicitor, acting reasonably.

6.6 Without restricting the indemnities provided by the Recipient elsewhere in this Agreement, the Recipient agrees to indemnify the City and its respective elected officials, officers, employees, agents, successors and assigns for all losses, claims, expenses (including reasonable legal fees) or other charges related to the Recipient's status with WSIB.

ARTICLE 7 **TERMINATION**

7.1 EVENTS OF DEFAULT. The occurrence of any of the following shall constitute an event of default by the Recipient or a "Recipient Default":

- (a) Subject to Section 7.8 below, the failure of the Recipient to perform any covenant of the Recipient with respect to insurance policies and coverages to be maintained by the Recipient pursuant to and in accordance with Section 6.1 herein;
- (b) Subject to Section 7.8 below, the failure of the Recipient to comply with and maintain in good standing any professional certificates, permits, licenses or approvals required by this Agreement or required in order to fulfill its obligations under this Agreement;
- (c) Subject to Section 7.8 below, the failure of the Recipient to keep, observe or perform any of the other terms, representations, warranties, covenants

or agreements set forth in this Agreement on the Recipient's part to be kept, performed or observed.

7.2 RIGHT OF TERMINATION. This Agreement may be terminated in any of the following circumstances:

- (a) By the Recipient if the City fails to observe or perform any material provision of this Agreement and does not: (i) cure such breach within thirty (30) days following receipt of written notice of such breach from the Recipient (if such breach can be remedied) or, (ii) provide a reasonable rectification plan to the Recipient within thirty (30) days of receipt of written notice of such breach, or such longer period of time as may be granted by the Recipient to the City.
- (b) By either Party, where the other Party:
 - i. Becomes insolvent;
 - ii. Terminates all or substantially all of its business or operations;
 - iii. Is the subject of a voluntary or involuntary filing of a bankruptcy petition or similar proceeding, under the law of any jurisdiction;
 - iv. Makes any assignment or proposal for the benefit of its creditors;
 - v. Takes any step to dissolve, liquidate or wind itself up; or
 - vi. Has appointed in relation to some of all of its property a receiver, receiver and manager or some similar person.
- (c) By either Party if the occurrence of a Force Majeure Event continues for thirty (30) days following the delivery of Force Majeure Notice to the other Party.
- (d) By the City, by written notice to the Recipient, at any time if, at the City's sole and unfettered discretion, there is a change in risk that would jeopardize the Recipient's ability to fulfill its obligations under this Agreement.
- (e) By the City, by written notice to the Recipient, at any time if the Recipient, either directly or through its representatives, makes or has made a false or misleading statement or representation in respect of any matter related to this Agreement, other than in good faith, to the City.

- (f) By the City if the Recipient commits an act of Recipient Default which remains uncured pursuant to the terms and conditions set forth in Section 7.8 herein.

7.3 Subject to the terms and conditions of this Agreement, in the event that the Agreement is terminated by the City for any reason, the funding obligations of the City shall cease as of the date of such notice. Further, the City shall not be responsible for: (i) any losses, expenses, costs, charges, damages, indemnities and/or liabilities, which may be sustained, paid or incurred by the Recipient or any other person or persons, by reason of such termination of this Agreement by the City, and/or (ii) any damages, losses, injuries or deaths, however caused, or for any compensation whatsoever to the Recipient or others resulting from such termination of this Agreement by the City.

7.4 Upon the expiration or early termination of this Agreement pursuant to this Article 7, all rights and opportunities granted by each Party to the other shall immediately terminate and automatically revert to the granting Party. Furthermore, each Party shall immediately destroy all copies of the other Party's confidential information in its possession and shall certify in writing to the other Party that such action has been taken.

7.5 All obligations of the Recipient herein shall, expressly or by their nature, survive termination or expiry of this Agreement for a maximum period of ten (10) years, until and unless they are fulfilled or by their nature expire.

7.6 Where there is a breach by the Recipient or a Recipient Default or where, in the City's sole and unfettered opinion, there is likely to be a breach by the Recipient or a Recipient Default under this Agreement, the City may reduce the Financial Contribution, suspend any payment, rescind this Agreement and immediately terminate any financial obligation arising out of it and require repayment of amounts already paid.

7.7 The fact that the City refrains from exercising a remedy or any right herein shall not be considered to be a waiver of such remedy or right and, furthermore, partial or limited exercise of a remedy or right conferred on the City shall not prevent the City in any way from later exercising any other remedy or right under this Agreement or other applicable law.

7.8 Notwithstanding anything else provided for in this Article 7, the City may not terminate this Agreement pursuant to Section 7.1 unless it has served written notice to the Recipient of the Recipient Default and the Recipient has failed to remedy such default within a period of thirty (30) days from the date that the written notice was served, however, if such default cannot reasonably be remedied within such thirty (30) day period, then a longer period of time may be afforded to remedy such default, up to a total of ninety (90) days, provided that the Recipient is diligently seeking a remedy and the City is not irreparably harmed by the extension of the remedy period. At the expiration of the thirty (30) days, or ninety (90) days, as the case may be, the City may terminate this Agreement and rely on any remedy provided for under this Agreement if it deems that the Recipient has not remedied the Recipient Default in a satisfactory manner.

ARTICLE 8

FORCE MAJEURE

8.1 Neither Party will be liable to the other Party for any failure or delay in performance under this Agreement due to circumstances beyond its reasonable control, including, without limitation, Acts of God, fire, earthquake, hurricane, flood, riot, civil commotion, terrorist act, terrorist threat, storm, washout, wind, lightning, landslide, explosion, epidemic, pandemic, outbreak of a communicable disease, any law, ordinance, rule, regulation, or order of any public or military authority stemming from the existence of economic or energy controls, hostilities or war, a labor dispute which results in a strike or work stoppage affecting the transactions described in this Agreement, or any other cause or occurrence outside the reasonable control of the Party claiming an inability to perform which by the exercise of due diligence could not be reasonably prevented or overcome and which would frustrate such Party from performing its obligations under this Agreement or the threat of any of the foregoing (a "Force Majeure Event").

8.2 A Party seeking to excuse its non-performance as a result of a Force Majeure Event shall have the burden of proof to demonstrate that the Force Majeure Event prevents its performance and must, upon becoming aware of a Force Majeure Event that prevents its performance, provide written notice to the other Party specifying the details in such regard within thirty (30) days of the date on which such Party gains actual knowledge of such Force Majeure Event (a "Force Majeure Notice").

ARTICLE 9

MFIPPA

9.1 MFIPPA REQUIRED DISCLOSURE. The disclosure of information relating to this Agreement and the Agreement itself are governed in accordance with the disclosure requirements of the applicable laws, including MFIPPA. In accordance with MFIPPA, this will notify Recipient that all correspondence, documentation and information provided to the City or its employees, agents or representatives by Recipient in connection with or arising out of this Agreement shall become a record of the City. City records are subject to the provisions of MFIPPA, and the City's obligations under MFIPPA may require records to be released. Recipient acknowledges that the City is subject to the collection, use and disclosure obligations set out in MFIPPA and that this Agreement is therefore subject to MFIPPA. Recipient agrees to comply with all applicable privacy legislation, including MFIPPA and the *Personal Information and Electronic Documents Act*, 2000, c.5 ("PIPEDA").

9.2 DISCLOSURE NOTIFICATION. In accordance with MFIPPA, this will notify Recipient that any personal information that Recipient provides to the City during the Term of the Agreement is being collected under the authority of the *Municipal Act* (Ontario).

9.3 MFIPPA PUBLIC RECORD. Recipient's name at a minimum will be made public on request. In addition, certain contractual information must be disclosed to City of Hamilton Council and accordingly may become part of the public record.

ARTICLE 10
GENERAL CONTRACT TERMS AND PROVISIONS

10.1 GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein.

10.2 LANGUAGE. The Parties have required that this Agreement be drawn up in the English language.

10.3 NOTICE. All notices and other communications required or permitted under this Agreement must be in writing and will be deemed given when: delivered personally; sent by overnight courier; or transmitted by facsimile or email with the word "NOTICE" written in the subject line. Notices must be sent to a Party at the following addresses, or to such other place as the Party may subsequently designate for its receipt of notices in accordance with this Section:

To City of Hamilton:

Attention: Stephen Robichaud, Director, Planning and Chief Planner
Department: Planning and Economic Development
Office Phone No.: 905-546-2424 Ext. 4281
Email: Steve.Robichaud@hamilton.ca

Mailing Address:

Planning Division
City of Hamilton, Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

With a copy to:

Attention: City Clerk
Department: Corporate Services, City Clerk's Office
Phone No.: +1-905-546-2424 Ext. 4408
Email: Clerk@hamilton.ca

Mailing Address:

City Clerks Office,
City of Hamilton,
71 Main Street West, 1st Floor
Hamilton, Ontario L8P 4Y5 Hamilton, Ontario L8P 4Y5

To Hamilton Naturalists' Club:

Attention: Chris Motherwell, President
Hamilton Naturalists' Club
Office Phone No.: 416-830-2119
Email: president@hamiltonnature.org

Mailing Address:

P.O. Box 89052
Hamilton, ON
L8S 4R5

10.4 AMENDMENTS. This Agreement may be amended, supplemented or modified only by written agreement signed by each Party.

10.5 COMPLIANCE WITH APPLICABLE LAWS. The Recipient acknowledges and agrees that it shall comply in all respects with all applicable legal requirements governing its duties, obligations and practices respecting its obligations under this Agreement, including without limitation compliance with: (i) privacy laws, (ii) the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1, (iii) all laws dealing with or relating to accessibility, (iv) Human Rights Code, R.S.O. 1990, c. H.19, and (v) WSIB rules and regulations.

10.6 RELATIONSHIP OF THE PARTIES. The relationship of the Recipient and City under this Agreement is that of independent parties, each acting in its own best interests. Notwithstanding anything in this Agreement to the contrary, this Agreement does not constitute and shall not be construed as constituting a partnership, joint venture or agency between the City and the Recipient. No Party shall have any right to obligate or bind the other Party in any manner whatsoever. The Recipient shall not represent itself as being a partner, co-contractor, co-producer, employee or agent of the City in carrying out its obligations under this Agreement.

10.7 ASSIGNMENT. Neither Party may assign this Agreement nor the rights granted herein without the express written consent of the other Party. Any assignment that fails to comply with this provision shall be deemed invalid.

10.8 BINDING AGREEMENT. The Parties acknowledge and agree that this Agreement constitutes a legal, valid and binding obligation, enforceable against it in accordance with the terms and conditions contained herein.

10.9 ENUREMENT. The Parties acknowledge that the terms and conditions of this Agreement shall be binding upon, and enure to the benefit of, the Parties and their permitted successors and assigns. Nothing in this Agreement, whether express or implied, shall be construed to give any Person (other than the Parties and their permitted successors and assigns and as expressly provided herein) any legal or equitable right, remedy or claim under or in respect of this Agreement or any covenants, conditions or provisions contained herein nor any standing or authority to enforce the terms and conditions of this Agreement.

10.10 CONFLICT OF INTEREST. The Parties shall not act in any case where there may be any conflict of interest between them. Immediately upon becoming aware of a conflict of interest situation or a potential conflict of interest situation, the affected Party shall notify the other Party in writing, and both Parties shall forth-with work collaboratively to remove the cause(s) of the conflict of interest.

10.11 SUBCONTRACTORS. In the event that any of the Recipient's obligations under this Agreement are subcontracted to a third party the Recipient shall retain the entire responsibility for the obligations subcontracted as well as for each subcontractor's compliance with this Agreement. Recipient understands, acknowledges and agrees that its use of subcontractors shall not in any way alter its obligations, representations and warranties made herein. Recipient shall be fully responsible for all acts and omissions of its subcontractors. Nothing in this Agreement shall be construed to create any contractual relationship between City and any subcontractor, nor any obligation on the part of City, to pay or to ensure the payment of any money due to any subcontractor. Any subcontractor engaged by Recipient to fulfill Recipient's obligations under this Agreement must agree to be bound by reasonable and customary confidentiality provisions, but only to the extent such subcontractor may receive or have access to City's Confidential Information hereunder.

10.12 COUNTERPARTS. This Agreement and any other document delivered in connection herewith may be executed and delivered in counterparts and by scan or facsimile and each such counterpart, taken together, will constitute one and the same agreement.

10.13 DISPUTE RESOLUTION. In the event of a dispute arising under the terms of this Agreement, the Parties agree to make a good-faith attempt to settle the dispute.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK. SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF the Parties have executed this Agreement as of the Effective Date.

CITY OF HAMILTON

By: _____

Name: Dan McKinnon

Title: General Manager, Public Works

By: _____

Name: Jason Thorne

Title: General Manager, Planning and Economic Development

HAMILTON NATURALISTS' CLUB

By: _____

Name: Chris Motherwell

Title: President

I/we have the authority to bind the corporation.

SCHEDULE "A"
DUTIES AND OBLIGATIONS TO BE PERFORMED

Researching/Writing

- Act as head researcher and writer for BAP
- Produce a background report summarizing the state of biodiversity in Hamilton in consultation with the Working Group and with Stakeholders
- Summarize the existing and City and Community led projects related to biodiversity
- Provide a summary of the public / stakeholder engagement
- Incorporate working group comments and public/stakeholder feedback into final draft
- Draft of the final BAP document including actions, timeline, and the lead agency/organization

Administrative

- Organize and facilitate bi-weekly BAP Working Group meetings during BAP development, including preparation of agenda and minutes and distribution to Working Group members
- Distribute draft written materials to BAP working group members for comment
- Seek out additional funding opportunities for the BAP development and manage BAP funds. Maintain transparent accounting for BAP funds.
- Distribute draft written materials to BAP working group members for comment
- Manage electronic project files on behalf of Working Group on OneDrive

Communications/Public Engagement


- Act as lead contact person for all communications related to the BAP development
- Develop communications plan in partnership with Working Group members for building public awareness of the BAP (social media, websites, etc.)
- Coordinate with Working Group members on public engagement activities / open houses (in-person and/or virtual)
- Present final BAP to Council alongside presentation and report by City Staff. Present final BAP to Boards of Working Group members if requested.
- Attend (virtually or in-person) all City meetings related to the BAP and make delegations to Committee and Council (if needed)

Facilitator

- Lead the BAP Working Group through the formulation of the draft actions and summary of Hamilton's Biodiversity to prepare for stakeholder engagement sessions
- Lead stakeholder/public workshops for BAP and prepares a summary report that will inform the Plan.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 10, 2021
SUBJECT/REPORT NO:	To Incorporate City Lands into Rachel Drive by By-law (PED21138) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Sally Yong-Lee (905) 546-2424 Ext. 1428
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the following City lands designated as Part 2 on Plan 62R-21169 be established as a public highway to form part of Rachel Drive;
- (b) That the By-law to incorporate the City lands to form part of Rachel Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

EXECUTIVE SUMMARY

Council at its meeting of April 26, 2017 approved the acquisition of lands in Ward 11 (now in Ward 10) to establish a direct road connection to the North Service Road. The Winona Road area has experienced an increase in vehicular traffic as a result of the commercial developments south of the Queen Elizabeth Way (QEW). The proposed road would help alleviate vehicular traffic filtering through the residential community north of the QEW and west of Winona Road

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: To Incorporate City Lands into Rachel Drive by By-law (PED21138)
(Ward 10) - Page 2 of 4**

Vacant lands at 1288 Baseline Road, owned by Trillium Housing Winona Non-Profit, was identified as a suitable location to establish a road connection to the North Service Road. A Memorandum of Understanding (MOU), effective March 14, 2018, was entered with Trillium Housing Winona Non-Profit to transfer a portion of lands at 1288 Baseline Road for a proposed road and to construct the municipal road.

Lands at 1288 Baseline Road was granted Site Plan Approval (DA-18-151) on December 4, 2018, conditional on conveying the lands for the municipal road (Rachel Drive), and to construct the road to municipal standards under an External Works Agreement with the City.

Construction of the road is substantially completed and is currently blocked off and used as a private driveway access for the proposed housing development. Real Estate is finalizing the reality transaction with Trillium Housing Winona Non-Profit on the land acquisition for the road. The By-law will be held in abeyance until the lands are transferred to the City. Upon passing of the By-law to establish Rachel Drive as a public highway, the road will be opened to traffic.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-law.

HISTORICAL BACKGROUND

Councillor Brenda Johnson, Ward Councillor for the area, brought forward a motion to the April 18, 2017 Planning Committee meeting to acquire lands in Ward 11 (now in Ward 10) to establish a direct road connection from Baseline Road to the North Service Road. The Winona area is seen an increase in vehicular traffic as a result of the commercial developments that has occurred south of the QEW. The proposed road connection would potentially alleviate vehicular traffic filtering through the residential community north of the QEW, and west of Winona Road. The acquisition of lands for a road in Ward 11 (now in Ward 10), was approved by Council at its meeting of April 26, 2017.

**SUBJECT: To Incorporate City Lands into Rachel Drive by By-law (PED21138)
(Ward 10) - Page 3 of 4**

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations do not bind the corporation to any policy matter.

RELEVANT CONSULTATION

Geomatics and Corridor Management of the Public Works Department and Legal Services of the City Manager's Office have been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Current Provincial legislation requires a Municipal By-law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into as a public highway to form part of Rachel Drive would bar legal access to the abutting housing development.

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.

**SUBJECT: To Incorporate City Lands into Rachel Drive by By-law (PED21138)
(Ward 10) - Page 4 of 4**

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

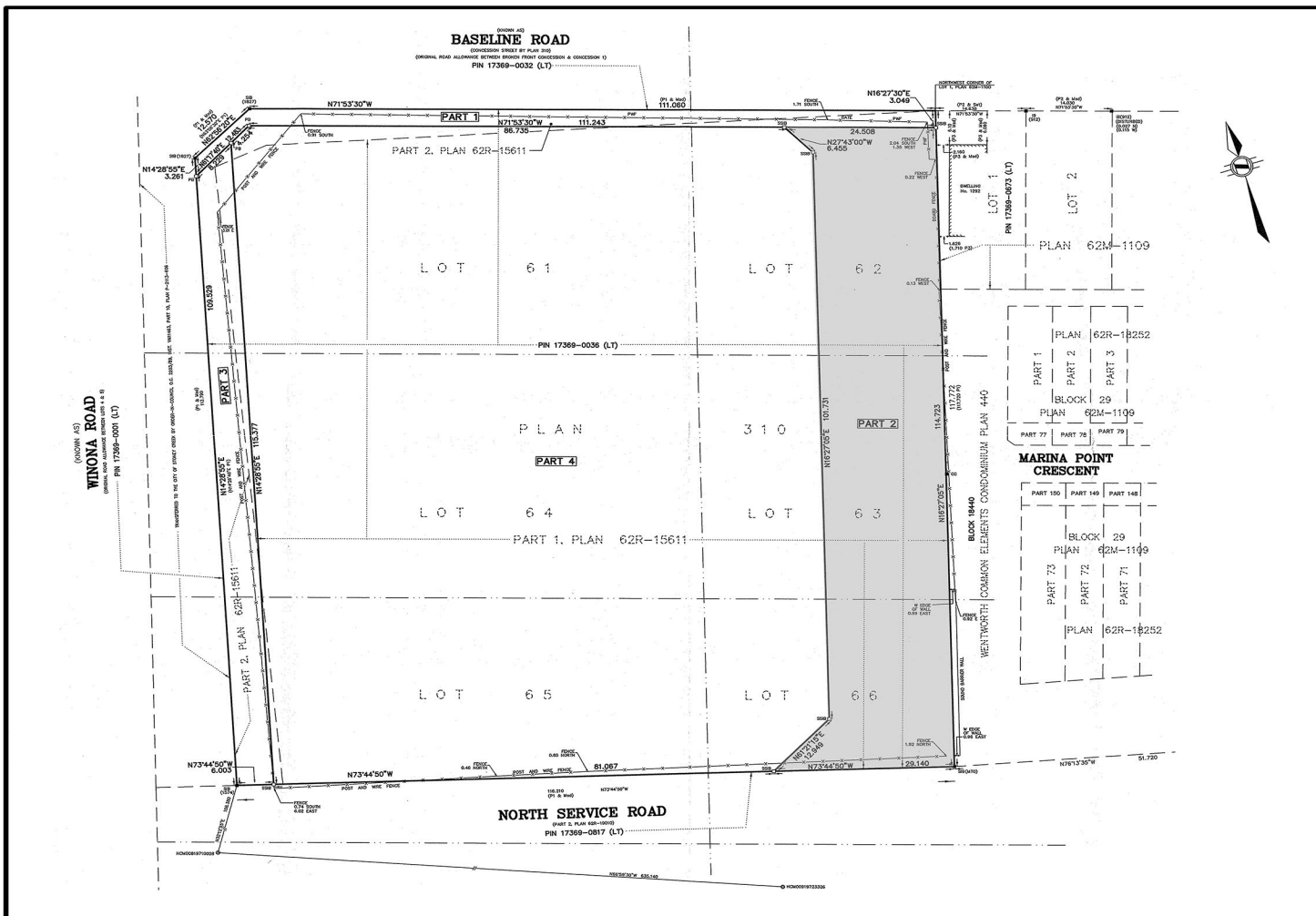
Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

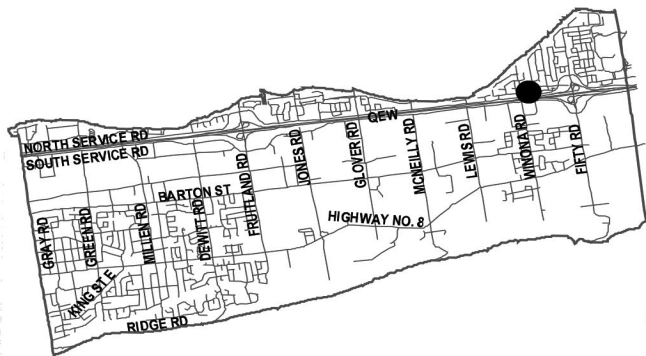
Appendix "A" to Report PED21138 – Key Location Map

Appendix "B" to Report PED21138 – By-law No. XX – To Incorporate City Lands
Designated as Part 2 on Plan 62R-21169 be
Established as a Public Highway to Form Part of
Rachel Drive

SYL:sf



● Site Location



Key Map - Ward 10



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Rachel Dr

Date:
June 11, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
SLVS

Subject Property

 Rachel Drive, Stoney Creek

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-

**To Establish City of Hamilton Land
Described as Part 2 on Plan 62R-21169
as Part of Rachel Drive**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass By-laws necessary or desirable for municipal purposes, and in particular By-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a By-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Part 2 on Plan 62R-21169, is established as a public highway, forming part of Rachel Drive.
2. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).


PASSED this day of , 2021.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 10, 2021
SUBJECT/REPORT NO:	Site Alteration By-law No. 19-286 (PED19201(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alvin Chan (905) 546-2424 Ext. 2978
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

The City of Hamilton Site Alteration By-law No. 19-286 (“the By-law”), attached as Appendix “A” to Report PED19201(a), was approved by Planning Committee on November 19, 2019 (Report PED19201). It was recommended that staff review the By-law and report back to Committee in eighteen months. This review has been delayed due to current operational and staffing issues and the recent changes in provincial legislation noted below, but the review is now ready to begin.

INFORMATION

Since the passage of the City’s new By-law, the Ministry of Environment Conservation and Parks have made several amendments and regulations, particularly, Ontario Regulation 406/19 “On-Site and Excess Soil Management”.

Accordingly, in order to ensure compliance with these changes, including impacts to municipal operations, and to address issues experienced with the current By-law, staff will retain a Consultant from the City’s Roster to review and provide guidance on the updating of the Site Alteration By-law No. 19-286.

An internal and external public consultation plan will be developed as part of the project and related Terms of Reference, and will include at a minimum, consultation with the City’s Excess Soil Working Group overseen by the Public Works Department, Municipal

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

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

SUBJECT: Site Alteration By-law No. 19-286 (PED19201(a)) (City Wide) - Page 2 of 2

Law Enforcement, Legal Services, the City's Agricultural and Rural Affairs Committee and the Development Industry Liaison Group.

Funding for the consultant assignment will be through the existing account set aside for Site Alteration being account number 8121555100.

The consultant will assist with updating the Site Alteration By-law to address existing issues / concerns and to ensure compliance with recent Ministry of the Environment, Conservation and Parks (MECP) amendments and regulations, including, but not limited to Ontario Regulation 406/19 "On-Site and Excess Soil Management".

Staff continue to work with the Excess Soils Working Group in developing a project Terms of Reference for the consulting assignment. In particular, the following matters, amongst others, will be identified as part of the Project Terms of Reference:

- Compliance with recent MECP Amendments and Regulations, in particular, Ontario Regulation 406/19 – "On-Site and Excess Soil Management";
- Detailed identification of when a site alteration permit is required;
- Improved delineation of Major and Minor application types;
- Review and refinements to the exemptions from the Site Alteration By-law;
- Incorporation of stockpile permissions and maximums;
- Clarification of application requirements and evaluation criteria;
- Refinements to the appeal of decision and process;
- Clarification and procedure for Bona-fide Farmer Credential Validation;
- Consideration of the use of Table 2 Soil within the City of Hamilton;
- Review of the restriction of soil sources from within the limits of the City of Hamilton;
- Review of ground water / surface water body / feature restrictions impacting the use of Excess Soils;
- Enhancements to enforcement and penalties for contraventions of the By-law; and,
- General administrative changes to language and formatting.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED19201(a): Site Alteration By-law No. 19-286

AC:sf

Authority: Item 6, Planning Committee
Report 19-018 (PED19201)
CM: November 27/28, 2019
Ward: City Wide
Bill No. 286

CITY OF HAMILTON

BY-LAW NO. 19-286

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

WHEREAS the *Municipal Act, 2001*, particularly section 142, authorizes the City of Hamilton to pass by-laws respecting these matters; and

WHEREAS Council deems it necessary to enact this by-law for the purposes set out in section 2 of this by-law.

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

Short Title

1 This By-law may be cited as the Site Alteration By-law.

Purposes

2 The purposes of this By-law are,

- (a) to control and regulate site alteration on lands within the City of Hamilton;
- (b) to ensure site alteration is undertaken for necessary or beneficial purposes, not primarily for financial gain;
- (c) to minimize adverse impacts on infrastructure, environment and community in respect of site alteration undertakings; and
- (d) to promote and protect agricultural resources.

Definitions

3 In this By-law:

“agricultural operation” has the same meaning as under the *Farming and Food Production Protection Act, 1998*, which is, for ease of reference, an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward;

“building” has the same meaning as under the *Building Code Act, 1992*;

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

Page 2 of 25

"City" means the City of Hamilton;

"Director" means the Senior Director of Growth Management or designate;

"fill" means earth or rock fill or material of a similar nature;

"land" includes land covered by water;

"normal farm practice" has the same meaning as under the *Farming and Food Production Protection Act, 1998*, which is, for ease of reference, a practice that,

(a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or

(b) makes use of innovative technology in a manner consistent with proper advanced farm management practices;

"qualified person" has the same meaning as in section 5 of Ontario Regulation 153/04;

"Rural Area" means all lands within the City of Hamilton except those designated as "Urban Area" on Schedule "D" to the Rural Hamilton Official Plan;

"topsoil" means those horizons in a soil profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.

Application

4 The provisions of this By-law regarding "site alteration" apply to all land within the City of Hamilton in respect of,

- (a) excavating, depositing or stockpiling fill or topsoil,
- (b) removing topsoil, and
- (c) altering the grade of land.

Statutory Exemptions

5 (1) This By-law does not apply to site alteration undertaken,

- (a) as a condition to the approval of or a condition of or a requirement of any of the following, imposed after December 31, 2002 pursuant to the *Planning Act*:
 - (i) a site plan or site plan agreement under section 41;

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

Page 3 of 25

- (ii) a plan of subdivision or a subdivision agreement under section 51;
- (iii) a consent under section 53;
- (iv) a development permit or agreement under a regulation made under section 70.2;
- (b) by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (c) on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (d) on land in order to lawfully establish and operate or enlarge any pit or quarry on land;
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
- (e) as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*; or
- (f) as part of the use, operation, establishment, alteration, enlargement or extension of a waste disposal site within the meaning of Part V of the *Environmental Protection Act*.

Normal Farm Practices

(2) Subject to subsection (3), this By-law does not apply to the removal of topsoil as an incidental part of a normal farm practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products undertaken as a permitted or legal non-conforming use of land.

Removal of Topsoil

(3) The removal of topsoil as an incidental part of a normal farm practice does not include the removal of topsoil for sale, exchange or other disposition.

Stockpiling for Agricultural or Commercial Operations

6 (1) Despite subsection 11(1), this By-law does not prohibit or require a site alteration permit for the stockpiling of fill or topsoil on land for sale or exchange or use as an

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

Page 4 of 25

incidental part of an agricultural or commercial operation undertaken as a permitted use of the land, provided that any such stockpiles,

- (a) are used, depleted and refreshed on a continuous basis during periods when the stockpiles are actively in use in the agricultural or commercial operation;
- (b) are removed and the existing grade restored while the agricultural or commercial operation is suspended or during periods when the stockpiles are not actively in use in the agricultural or commercial operation; and
- (c) no stockpile remains substantially unchanged for longer than 6 months.

Existing Commercial Stockpiles

(2) Subsection (1) applies to stockpiles existing on the date this By-law comes into force that were exempt from the requirement for a permit pursuant to section 3.14 of By-law No. 03-126.

Exceptions from Permit Requirement

- 7 (1) Despite subsection 11(1), no permit is required for site alteration undertaken,
- (a) for the purposes of lawn maintenance, landscaping or gardening, provided that:
 - (i) the depth of fill deposited on the site does not exceed 15 centimetres at any location;
 - (ii) there is no change in the location, direction or rate of drainage to neighbouring properties; and
 - (iii) there is no change or blockage of any swale.
 - (b) for the installation of a pool where a permit has been issued pursuant to By-law No. 16-184, provided that:
 - (i) any previously approved grading plan is maintained or if there is no previously approved grading plan applicable to the property, a minimum 60-centimetre strip of undisturbed ground remains along the rear and side property lines within the rear yard; and
 - (ii) any retaining walls are limited to 0.5 metres in height, measured from existing ground elevations.
 - (c) incidental to the construction of a building for which a building permit has been issued by the Chief Building Official, provided that the accompanying

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application provides sufficient information for the Chief Building Official to determine that such site alteration conforms with this By-law.

Rural Area Exceptions from Permit Requirement

(2) Despite subsection 11(1), no permit is required for site alteration undertaken in the Rural Area,

- (a) for the purposes of improving site drainage or soil quality provided that:
 - (i) the site alteration involves a maximum of 500 cubic metres of fill or topsoil, which may include imported fill or topsoil only from within the City of Hamilton;
 - (ii) the Director is notified of the intended site alteration at least 48 hours in advance of commencing site alteration; and
 - (iii) this exception may be used only once with respect to a property, and otherwise a permit is required.
- (b) for the purposes of dredging existing ponds provided that:
 - (i) the surface area of the existing pond is not increased;
 - (ii) the depth of the existing pond is not increased beyond its original depth; and
 - (iii) where possible, dredged fill is deposited on the same property without altering existing drainage patterns, and piles or berms of dredged fill are not created adjacent to the pond.
- (c) for the purpose of maintaining existing granular driveways, roads, farm field access roads, or parking areas with appropriate imported granular material including native granular, recycled aggregate, recycled asphalt or recycled concrete provided that previously existing grades are being re-instated and provided the material is obtained from a commercial supplier.

City Undertakings

8 (1) Subject to subsection (2), this By-law does not apply to site alteration undertaken by the City or a local board of the City on lands owned by the City or local board.

Receiving Site

(2) Where the City or a local board of the City deposits fill on a site not owned by the City or local board, the owner of the site shall be required to obtain a site alteration permit in accordance with this By-law.

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No Permit Granted for *Planning Act* Applications

9 No site alteration permit shall be issued for a site which is the subject of or included within any outstanding application to the City for any of the approvals listed in clause 5(1)(a) on the date of application for a site alteration permit.

Prohibitions and Permit Requirements

Consent of Owner

10 No person shall undertake site alteration or cause site alteration to be undertaken except with the consent of the owner of the site.

Permit Required

11 (1) No person shall undertake site alteration or cause site alteration to be undertaken unless a site alteration permit has been issued to undertake such site alteration.

Permit Application

(2) An owner of a site, or a person with the consent of an owner of a site, may apply to the Director for a site alteration permit to undertake site alteration on the site in accordance with section 14 or 15.

Issuance of Permits

(3) The Director shall not issue a site alteration permit unless,

- (a) the application is complete;
- (b) the applicant, and any other required parties, have entered into a site alteration agreement required by section 19;
- (c) the applicant has paid all fees required by section 20;
- (d) the applicant has provided security required by section 21; and
- (e) the Director is satisfied the proposed site alteration will be undertaken in accordance with this By-law.

Criteria

(4) In considering whether to issue a site alteration permit, the Director shall have regard to,

- (a) whether the primary use of the site is the depositing of fill on the site;

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- (b) whether the proposed site alteration is necessary for the purpose identified in the application;
- (c) whether the proposed site alteration is part of a normal farm practice;
- (d) whether the proposed site alteration is likely to be completed within the term of the site alteration permit;
- (e) any effects on ground and surface water resources;
- (f) any effects on drainage;
- (g) if the use of the site is residential, whether the proposed site alteration complies with the City's Lot Grading Policy, Criteria and Standards;
- (h) any effects on agricultural resources;
- (i) any effects on the environment;
- (j) any planning and land use considerations;
- (k) any effects on nearby communities;
- (l) any comments provided by external bodies or agencies;
- (m) the suitability of the proposed erosion and sediment control measures;
- (n) the suitability of the proposed construction site control and security measures;
- (o) the final grading and rehabilitation plans for the site;
- (p) the main haulage routes and proposed truck traffic to and from the site;
- (q) the quality of the fill proposed to be transported to the site from any other source site or moved from one area of the site to another;
- (r) the applicant's history of compliance with this By-law or similar By-laws of other municipalities or similar Acts; and
- (s) such other matters as are considered appropriate.

Reasons

- (5) If an application is refused, the Director shall provide written reasons for the refusal.

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Revocation

- (6) The Director may revoke a site alteration permit if,
- (a) it was issued on false or incorrect information;
 - (b) it was issued in error; or
 - (c) a provision of this By-law has not been complied with.

Notice of Change

(7) No person shall make or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying, filing details with and obtaining the authorization of the Director.

Prohibition

(8) No person shall undertake site alteration or cause site alteration to be undertaken except in accordance with the plans, specifications, documents and any other information on the basis of which a permit was issued or any changes to them authorized by the Director.

Commenting Agencies

12 The Director may circulate an application for comment by such external bodies or agencies as the Director determines to be necessary.

Compliance with Other Law

13 The issuance of a site alteration permit or an exception from the permit requirements pursuant to this By-law does not relieve a person from compliance with any other applicable legislation, regulations or permit requirements, including the requirements of the Niagara Escarpment Commission or a conservation authority.

Site Alteration Permit Applications

Minor Agricultural Application Requirements

14 (1) This section applies to an application for a site alteration permit for a site alteration proposal involving a maximum of 500 cubic metres of fill or topsoil for a site where an agricultural operation is carried on and the proposed site alteration is part of a normal farm practice, other than as described in subsection 5(2).

- (2) An application for a site alteration permit pursuant to this section shall contain:
- (a) the address, legal description and registered owner of the site;
 - (b) the area of the site in hectares;

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- (c) up-to-date contact details of the owner of the site, and of the applicant, if not the owner of the site;
- (d) the past, current and intended future uses of the site;
- (e) the purpose of the proposed site alteration;
- (f) the volume of soil involved in the proposed site alteration in cubic metres;
- (g) intended start date and completion date for the proposed site alteration;
- (h) an approximate sketch of the site showing:
 - (i) the property lines;
 - (ii) such dimensions and absolute or relative elevations as are required to permit the Director to determine whether to issue a site alteration permit;
 - (iii) buildings and other structures including retaining walls;
 - (iv) highways, driveways and paths;
 - (v) easements and rights-of-way;
 - (vi) above- and below-ground private, municipal or utility infrastructure including the size and invert elevations of drainage swales, ditches, pipes and culverts;
 - (vii) bodies of water and watercourses;
 - (viii) wetlands and floodplains;
 - (ix) Conservation Authority regulation boundaries;
 - (x) trees measuring 150 mm or greater in diameter at breast height including species;
 - (xi) vegetation masses by canopy outline;
- (i) design details and specifications for any proposed retaining walls;
- (j) design details and specifications for any proposed drainage or stormwater management systems;
- (k) if required by the Director, in a form satisfactory to the Director,

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- (i) an excess soil management plan prepared by a qualified person,
- (ii) a dust management plan,
- (iii) an erosion and sediment control plan,
- (iv) a groundwater management plan,
- (v) a stormwater management plan,
- (vi) a traffic management plan; and
- (l) any other information, plans or studies the Director requires to determine whether the site alteration proposal complies with this By-law.
- (m) the contact details of the farmer responsible for the agricultural operation;
- (n) a statement of nature of the agricultural operation;
- (o) the farm business registration number of the agricultural operation or proof of membership in an accredited farm organization;
- (p) a description of the normal farm practice;
- (q) any plans or evidence supporting the normal farm practice that the applicant wishes to rely upon, including the qualifications of any person providing such plans or evidence;
- (r) if the proposed site alteration on a site involves fill being transported to the site from any other source site, a statement from the farmer responsible for the agricultural operation or a qualified person that the fill to be transported to the site is suitable for use at the site; and
- (s) the proposed haul routes, daily truck volume and hours of operation of truck traffic to and from the site.

(3) If an application pursuant to this section is refused, an applicant may reapply pursuant to the requirements of section 15.

General Application Requirements

15 (1) This section applies to all applications other than those to which section 14 applies.

(2) An application for a site alteration permit pursuant to this section shall contain:

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- (a) the address, legal description and registered owner of the site;
- (b) the area of the site in hectares;
- (c) up-to-date contact details of the owner of the site, and of the applicant, if not the owner of the site;
- (d) the past, current and intended future uses of the site;
- (e) the purpose of the proposed site alteration;
- (f) the volume of soil involved in the proposed site alteration in cubic metres;
- (g) intended start date and completion date for the proposed site alteration;
- (h) a control plan of the site and the area within 30 metres of the property lines of the site drawn to scale, prepared by a licenced surveyor, professional engineer or professional geoscientist, showing the property lines and all existing and proposed:
 - (i) elevation contours at 0.5 metre intervals or less;
 - (ii) spot elevations at 15 metre intervals along the property lines;
 - (iii) predominant native soil types;
 - (iv) buildings and other structures including retaining walls;
 - (v) highways, driveways and paths;
 - (vi) impermeable surfaces;
 - (vii) easements and rights-of-way;
 - (viii) above- and below-ground private, municipal or utility infrastructure including the size and invert elevations of drainage swales, ditches, pipes and culverts;
 - (ix) bodies of water and watercourses;
 - (x) wetlands and floodplains;
 - (xi) Conservation Authority regulation boundaries;
 - (xii) trees measuring 150 mm or greater in diameter at breast height including species;

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- (xiii) vegetation masses by canopy outline;
- (xiv) tree protection measures;
- (xv) erosion and sediment control measures;
- (xvi) construction site control and security measures;
- (xvii) locations of site alteration including temporary stockpiles, specifying the volumes, source and type of fill involved;
- (xviii) final ground covering;
- (i) design details and specifications for any proposed retaining walls;
- (j) design details and specifications for any proposed drainage or stormwater management systems;
- (k) if required by the Director, in a form satisfactory to the Director,
 - (i) an excess soil management plan prepared by a qualified person,
 - (ii) a dust management plan,
 - (iii) an erosion and sediment control plan,
 - (iv) a groundwater management plan,
 - (v) a stormwater management plan,
 - (vi) a traffic management plan; and
- (l) any other information, plans or studies the Director requires to determine whether the site alteration proposal complies with this By-law.

Transportation of Excess Soil

(3) Subject to section 25, if the proposed site alteration on a site involves fill being transported to the site from any other source site, the application shall contain:

- (a) the address and legal description of each source site;
- (b) a statement of the nature of the project on each source site that is generating the fill to be transported to the site;
- (c) the volume of fill to be transported to the site from each source site;

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- (d) the contact details for the person responsible for the project on each source site;
- (e) the past uses of each source site;
- (f) a copy of the detailed sampling and analysis plan for all fill excavated from each source site, and confirmation from a qualified person retained by the registered owner of the source site stating that the fill to be transported to the site is suitable for use at the site;
- (g) a letter from the registered owner of the source site confirming (a) to (f);
- (h) the contact details of a person from the source site, which is located in the City of Hamilton, who has knowledge of any past uses of the source site and who is able to provide information with respect to Records of Site Condition of the source site; and
- (i) the proposed haul routes, daily truck volume and hours of operation of truck traffic to and from the site.

Site Alteration as Normal Farm Practice

(4) If an application for a site alteration permit is made for a site where an agricultural operation is carried on or is intended to be carried on and the proposed site alteration is part of a normal farm practice, other than as described in subsection 5(2), the application shall contain:

- (a) the contact details of the farmer responsible for the agricultural operation;
- (b) a statement of nature of the agricultural operation;
- (c) the farm business registration number of the agricultural operation;
- (d) a description of the normal farm practice; and
- (e) any plans or evidence supporting the normal farm practice, including the qualifications of any person providing such plans or evidence.

Waiver of Application Requirements

16 Despite section 15, the Director may waive any application requirement the Director determines to be unnecessary in the circumstances of the proposed site alteration.

Application Form

17 An application shall be made in such form as may be determined by the Director from time to time.

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Appeal for Normal Farm Practices

18 (1) Where section 14 or subsection 15(4) applies, if the Director refuses to issue a site alteration permit, the applicant may appeal the refusal to the Planning Committee or any successor Committee by requesting an appeal in writing to the Clerk within 30 days of being notified of the refusal.

(2) Upon receipt of a written request for an appeal, the Clerk shall:

- (a) schedule a hearing of the appeal before the Committee;
- (b) give the applicant notice of the appeal date at least 7 days prior to the hearing date; and
- (c) give notice of the request for an appeal to the Director, who shall forward the complete application and reasons for refusal to the Clerk for distribution to the Committee.

(3) If the applicant does not attend the appointed time and place for the appeal, the appeal may proceed in the absence of the applicant and the applicant shall not be entitled to further notice in the proceeding.

(4) On an appeal, the Committee has all the powers and duties of the Director in considering whether to issue a site alteration permit to the applicant.

(5) The applicant shall not be entitled to a further hearing on the matter before Council.

(6) The decision of the Committee, once confirmed by Council, is final and binding.

Fee, Security and Agreement

Site Alteration Agreement

19 Prior to the issuance of a site alteration permit, the Director may require the applicant, registered owner of the site, and such other persons as the Director deems appropriate to enter into a site alteration agreement with the City, which may be registered on title to the site, which agreement may address any of the matters relevant to this By-law, including indemnification of the City and insurance, and the Director is authorized to enter such agreement.

Application Fee

20 (1) The Director shall determine the application fee to be paid by the applicant in accordance with Schedule "A".

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Fee Where Contravention

(2) Where an applicant applies for a site alteration permit for a site where site alteration has occurred in contravention of this By-law, the application fee to be paid by the applicant shall be twice the amount otherwise payable, subject to the discretion of the Director.

Security

21 (1) An applicant shall provide financial security to the City to ensure compliance with this By-law, including to ensure:

- (a) maintenance of construction site control and security measures;
- (b) remediate fouling or damage to municipal roads and other infrastructure; and
- (c) rehabilitation and restoration of the site to a condition consistent with this By-law.

Amount of Security

(2) The Director shall determine the amount of the security to be provided to the City by the applicant, being:

- (a) fifty percent of the value of the earthworks involved in the proposed site alteration; plus
- (b) one hundred percent of the estimated cost to restore lands and infrastructure affected by the earthworks

Form of Security

(3) Security shall be provided in cash or an irrevocable letter of credit issued by a financial institution or equivalent in a form satisfactory to the City Solicitor.

Drawing Upon Security

(4) The City may draw upon the security to remedy any breach of this By-law, including a breach of the terms of an issued site alteration permit or a site alteration agreement with the City, and the for payment of any costs set out in section 36.

Release of Security

(5) The City shall not release the security until,

- (a) site alteration is complete in accordance with the site alteration permit;

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- (b) if applicable, the permit holder has provided a certificate of compliance prepared by the person who prepared the control plan required by clause 15(2)(h), or a person of equivalent qualifications, confirming that site alteration has been completed in accordance with the approved control plan; and
- (c) the City has carried out a final inspection of the site, and the Director is satisfied that the site alteration is in accordance with this By-law, the site alteration permit and the site alteration agreement, if applicable.

Compliance Letter

22 Upon paying any applicable fee, a permit holder may obtain a letter from the Director confirming that a final inspection has been carried out and the Director is satisfied that the site alteration is in accordance with this By-law, the site alteration permit and the site alteration agreement, if applicable.

Site Alteration Undertakings

Public Notice

23 (1) At least 14 days prior to commencing site alteration pursuant to an issued site alteration permit, the permit holder shall provide written notice, at the permit holder's expense, of the approved site alteration undertaking to neighbouring property owners likely to be impacted by the site alteration undertaking in a form approved by the Director.

Same

(2) Prior to commencing site alteration pursuant to an issued site alteration permit, the permit holder shall provide certification to the Director that subsection (1) has been complied with, including a list of the addresses or a map showing the properties where the written notice has been delivered.

Pre-Construction Meeting for General Application

24 (1) No person shall undertake site alteration pursuant to a site alteration permit to which section 15 applies without first participating in pre-construction meeting with Growth Management Division staff and obtaining the approval of the Director to commence site alteration.

Notification for Minor Agricultural Application

(2) No person shall undertake site alteration pursuant to site alteration permit to which section 14 applies without first notifying the Director 48 hours in advance of commencing site alteration

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Fill From Outside Hamilton Prohibited

25 No person shall transport fill or topsoil to a site from any other source site that is located outside the City of Hamilton.

General Conditions

26 No person shall undertake site alteration or cause site alteration to be undertaken except in accordance with the following conditions:

- (a) no fill deposited on the site shall contain garbage, asphalt, glass, plastic, metals, petroleum products, putrescible material, soluble or decomposable chemical substances, or similar materials;
- (b) no fill transported to the site from any other source site or moved from one area of the site to another shall exceed the soil quality standards determined in accordance with section 28;
- (c) topsoil shall be removed and stockpiled on the site from all areas likely to be disturbed by any other site alteration, and shall be replaced on the site to the extent practicable;
- (d) the permit holder shall maintain such written or electronic records of fill transported to the site from any other source site as the Director may require;
- (e) fill transported to the site from any other source site or moved from one area of the site to another shall be finally placed in accordance with the approved control plan within 14 days of being deposited or moved, except as stockpiled in accordance with the approved control plan;
- (f) fill deposited on the site shall be compacted in accordance with good engineering practices;
- (g) site alteration shall not cause adverse impacts, on the site or any other lands, on any of the following:
 - (i) surface water drainage;
 - (ii) groundwater or a water source intended for agricultural use or human consumption;
 - (iii) bodies of water or watercourses;
 - (iv) private, municipal or utility infrastructure;
 - (v) buildings or other structures;

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- (vi) trees or vegetation;
- (vii) wildlife;
- (viii) agricultural production;
- (h) no site alteration shall be undertaken:
 - (i) on any Saturday, Sunday, or statutory holiday;
 - (ii) using highways to transport fill to or from the site except those highways approved as a haul route by the Director, and in accordance with Traffic By-law No. 01-215;
 - (iii) in contravention of the Noise By-law No. 11-285;
 - (iv) at any time when a wind warning issued by Environment Canada is in effect for the area of the site; or
 - (v) during or within 48 hours of the site receiving 15 mm or more of precipitation within a 24-hour period.

Potential Contamination

27 (1) If, at any time, any person performing site alteration, or an employee, agent or contractor of a person performing site alteration makes an observation of the site or any fill being excavated, moved, transported or deposited on the site, including any visual or olfactory observation, that the fill may be affected by contaminants, the site alteration shall stop immediately.

Notice to Director

(2) Any person who makes an observation described in subsection (1) and the permit holder shall immediately notify the Director if there has been an observation described in subsection (1).

Remediation

(3) The permit holder shall take steps to remove and remediate the potentially contaminated fill to the satisfaction of the Director.

Prohibition

(4) No person shall resume site alteration until authorized by the Director.

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Soil Quality Standards

28 The soil quality standards referred to in clause 26(b) shall be the standards set out in Table 1 of the Soil, Ground Water and Sediment Standards, referenced in O. Reg. 153/04, as applicable to the use of the site described in the permit application unless the applicant submits an excess soil management plan prepared by a qualified person and demonstrates to the satisfaction of the Director that a less stringent standard is appropriate.

Additional Conditions

29 (1) In addition to the general conditions set out in section 25, the Director may impose such conditions to the issuance of a permit as in the Director's opinion are reasonable to ensure compliance with this By-law.

Variance of Conditions

(2) The Director may vary any of the conditions set out in section 25 provided that the general intent of this By-law is still met.

Restoration Upon Revocation or Incompleteness

30 If a permit is revoked by the Director or the permit holder is unable to or determines not to complete the approved site alteration proposal, the permit holder shall promptly restore the site to a condition consistent with this By-law to the satisfaction of the Director.

Permit Expiry

31 (1) A site alteration permit shall be valid for a period of 2 years from the date of issuance.

Permit Renewal

(2) A site alteration permit may be renewed for a period of 2 years upon application within 90 days of the date of expiry.

Not Transferrable

(3) A site alteration permit is issued for a particular site and is not transferrable to another site.

Deemed Revocation

(4) A site alteration permit shall be deemed to be revoked upon the transfer of ownership of the site unless the new owner provides a written undertaking to comply with all of the terms of the site alteration permit, including assuming any agreement executed by the former owner, and the requirement to provide security.

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Administration and Enforcement

Administration

32 This By-law shall be administered and enforced by the Director, who may designate inspectors for the purposes of this By-law from time to time.

Experts and Consultants

33 The Director may engage such persons possessing special or expert knowledge, including legal counsel, that the Director requires to

- (a) evaluate or peer review a site alteration permit application;
- (b) provide advice as to any matter relevant to a site alteration permit application, site alteration permit or site alteration agreement;
- (c) perform inspections, testing or sampling required to enforce this By-law;
- (d) provide advice or project management with respect to work carried out by the City pursuant to subsection 35(3)0; or
- (e) otherwise enforce this By-law.

Entry on Land

34 (1) An inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not any of the following are being complied with:

- (a) this By-law;
- (b) a condition of a site alteration permit;
- (c) an order under the *Municipal Act, 2001* or this By-law;
- (d) a site alteration agreement.

Inspection Powers

(2) An inspector carrying out an inspection under subsection (1) may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

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- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

Biosecurity Practices

(3) An inspector or other person entering upon land where an agricultural operation occurs shall observe appropriate biosecurity practices.

Orders

35 (1) An inspector who is satisfied that a contravention of this By-law has occurred may make one or more orders requiring any person who contravened the By-law,

- (a) to discontinue the contravening activity, or
- (b) to do work to correct the contravention.

Immediate Effect

(2) An order under subsection (1) may take immediate effect.

Remedial Action

(3) If a person fails to comply with an order under subsection (1), the Director or persons acting upon the Director's instructions may enter on land at any reasonable time to do the things required by the order at the person's expense.

Recovery of Costs

36 The City may recover any of the following costs by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes:

- (a) its actual costs plus 15% for administration and staff costs plus interest at the rate of 15% per year to engage persons possessing special or expert knowledge pursuant to section 33;
- (b) its actual costs plus 50% for project management, administration and staff costs plus interest at the rate of 15% per year for work performed by the City pursuant to subsection 35(3).

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Offences and Penalties

Offence

37 (1) Any person other than a corporation who contravenes any provision of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$10,000 for a first offence, and \$25,000 for a subsequent offence.

Officers and Directors

(2) Any officer or director who knowingly concurs in the contravention of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$10,000 for a first offence and \$25,000 for a subsequent offence.

Corporations

(3) Any corporation which contravenes any provision of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

Economic Advantage

(4) In addition, if any person convicted of an offence under this By-law has gained economic advantage from the contravention of the By-law, they are liable to a special fine equal to the economic advantage gained.

Continuing Offence

38 Each day or a part of a day that a contravention of this By-law continues is deemed to be a separate offence.

Administrative Penalties

39 In the alternative to a charge for the offences described in section 37, an inspector may issue an administrative penalty notice for any contravention of this By-law.

Administrative Provisions

Severability

40 In the event that any provision or part of a provision in this By-law is found to be invalid or unenforceable then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and effect and shall be valid and enforceable to the fullest extent permitted by law.

Administrative Penalty Table

41 Administrative Penalty By-law No. 17-225 is amended by adding Table 20:

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

TABLE 20: BY-LAW NO. 19-286 PROHIBITING AND REGULATING THE ALTERATION OF PROPERTY GRADES, THE PLACING OR DUMPING OF FILL, AND THE REMOVAL OF TOPSOIL					
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 EARLY PAYMENT	COLUMN 4 SET PENALTY
1	19-286	11(1)	Site alteration without permit	\$400.00	\$500.00
2	19-286	25	Transporting Fill to a site from a source site that is located outside the City of Hamilton	\$400.00	\$500.00

Transition

42 (1) Despite section 44, the provisions of By-law No. 03-126, as amended, continue to apply to a permit issued pursuant to that By-law.

No Renewals

(2) The Director shall not grant any extensions or renewals of permits issued under By-law No. 03-126.

Schedules

43 (1) The following Schedules are attached to and form part of this By-law:

- (a) Schedule "A" – Site Alteration Permit Application Fees
- (b) Schedule "B" – Financial Security

(2) Schedule "A" and any other fees arising from this By-law may be amended by Council through the City's User Fees and Charges By-law from time to time.

(3) Schedule "B" may be revised by the Director.

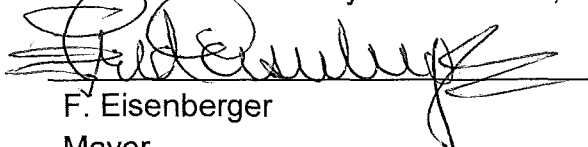
Repeal


44 City of Hamilton By-law No. 03-126, as amended, is repealed.

Coming Into Force

45 This By-law comes into force on the day it is passed.

PASSED this 28th day of November, 2019.


 F. Eisenberger
 Mayor


 A. Holland
 City Clerk

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

Page 24 of 25

Schedule "A" to By-law No. 19-286

Site Alteration Permit Application Fees

- I. Minor Permit Fee for Residential Applications and Minor Agricultural Applications
\$696.00 (includes HST)
- II. Major Permit Fee for non-residential applications and Major Agricultural Applications - \$2,770.00 (includes HST)

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

Schedule "B" to By-law No. 19-286

Financial Security

Security deposit to be used by the City as in accordance with Section 21 of the Agreement, which amount is calculated to be the sum of 50% of the value earthworks and 100% of the value of restoration of the lands affected by earthworks.

Item	Amount	Basis
Earthworks		Cost of importing/exporting per cubic meter (50%)
Restoration		Grade and seed (100%)
Soil Testing		As per recommendations of Soil Management Plan (100%)
Siltation Erosion Control		Cost of implementation of Erosion and Siltation Control measures (100%)
Municipal Road Remediation		Remediate fouling or damage to municipal roads and other infrastructure



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
DATE:	August 10, 2021
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21153) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannah Evans (905) 546-2424 Ext. 1928
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

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

Background:

Planning Division staff have been preparing and submitting on a monthly basis an Information Report to the Planning Committee on the status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the 120 day or the 180 day statutory timeframe provisions of the *Planning Act* for non-decision appeals to the Planning Committee. The monthly report includes a table outlining the active applications, sorted by Ward, from oldest application to newest.

Policy Implications and Legislative Requirements – Pre Bill 108

In accordance with the *Planning Act*, prior to September 3, 2019, an applicant had the right to appeal to the Ontario Land Tribunal an Official Plan Amendment application

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

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

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

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21153) (City Wide) - Page 2 of 4

after 210 days (subsection 17 (40)), Zoning By-law Amendment application after 150 days (subsection 34 (11)) and a Plan of Subdivision after 180 days (subsection 51 (34)).

In accordance with subsection 17(40.1) of the *Planning Act*, the City of Hamilton had extended the time period of Official Plan Amendment applications from 180 days to 270 days for applications received after July 1, 2016 as prescribed in Bill 73 and from 210 to 300 days for applications received after December 12, 2017 as prescribed in Bill 139. It should be noted that either the City or the applicant were able to terminate the 90-day extension period if written notice to the other party was received prior to the expiration of the 180 day or 210 day statutory timeframes.

In addition, Zoning By-law Amendment applications that were submitted with an Official Plan Amendment application were subject to the 210 day statutory timeframe.

Policy Implications and Legislative Requirements – Post Bill 108

On June 6, 2019, Bill 108 received Royal Assent, which reduced the statutory timeframes for non-decision appeals to the Ontario Land Tribunal outlined in the *Planning Act* for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision. The changes are applicable to complete applications received on or after September 3, 2019.

In accordance with the *Planning Act*, an applicant may appeal an Official Plan Amendment application to the Ontario Land Tribunal for non-decision after 120 days (Subsection (40)), a Zoning By-law Amendment application after 90 days (Subsection 34 (11)) and a Plan of Subdivision after 120 days (Subsection 51 (34)). However, Zoning By-law Amendment applications that are submitted together with a required Official Plan Amendment application are also subject to the statutory timeframe of 120 days. The 90-day extension previously prescribed in Bills 73 and 139 is no longer applicable.

Information:

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

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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21153) (City Wide) - Page 3 of 4

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

Attached as Appendix “A” to Report PED21153 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of July 12, 2021, there were:

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

Within 60 to 90 days of August 10, 2021, all 9 development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix “B” to Report PED21153 is a table outlining the active applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest application to newest. As of July 12, 2021, there were:

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

Within 60 to 90 days of August 10, 2021, all 15 development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

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

Attached as Appendix “C” to Report PED21153 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of July 12, 2021, there were:

- 19 active Official Plan Amendment applications;

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21153) (City Wide) - Page 4 of 4

- 34 active Zoning By-law Amendment applications; and,
- 11 active Plan of Subdivision applications.

Within 60 to 90 days of August 10, 2021, 4 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Thirty-five development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 63 active development proposals. Seventeen proposals are 2021 files (27%), 19 proposals are 2020 files (30%) and 27 proposals are pre-2020 files (43%).

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q4, 2021 and this information will be incorporated into the monthly report to Council. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website.

Current Non-Decision Appeals to the Ontario Land Tribunal

At the February 2, 2021 Planning Committee meeting, Planning Committee requested that information be reported relating to development applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix “D” to Report PED21153 is a table outlining development applications, along with the applicant/agent, that have been appealed for non-decision to the Ontario Land Tribunal. There are currently 14 active appeals for non-decision. Third party appeals are not included in this information as Council has made a decision on the application.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - List of Active Development Applications (prior to December 12, 2017)
 Appendix “B” - List of Active Development Applications (after December 12, 2017)
 Appendix “C” - List of Active Development Applications (after September 3, 2019)
 Appendix “D” - Planning Act Applications Currently Appealed to the Ontario Land Tribunal

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Aug 10, 2021
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep- 17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1413
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct- 16	n/a	02-Nov- 16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1763
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek	12-Oct- 16	n/a	02-Nov- 16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1763
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec- 16	n/a	16-Dec- 16	01-Apr-17	31-May- 17	29-Aug- 17	A.J. Clarke & Associates Ltd.	1712
Ward 10									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul- 15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	2231

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Aug 10, 2021
Ward 10 Cont'd									
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec- 16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	1691
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec- 15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	2057
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul- 17	n/a	01-Aug- 17	25-Nov- 17	n/a	n/a	T. Johns Consultants Inc.	1474
Ward 13									
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug- 17	n/a	17-Aug- 17	07-Dec- 17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	1462

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 12, 2021)**

Active Development Applications

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

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

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of Aug 10, 2021
Ward 2									
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	1327
ZAR-19-008	124 Walnut St. S., Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	963
Ward 6									
ZAC-19-035	694 Pritchard Rd., Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	825
Ward 8									
ZAC-19-017	1020 Upper James St., Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	894

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of Aug 10, 2021
Ward 10									
UHOPA-18-025* ZAC-18-059	466-490 Highway No. 8, Stoney Creek	23-Nov-18	n/a	06-Dec-18	n/a	n/a	19-Sep-19*	SvN Architects + Planners	991
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton St., Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	965
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	1127

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective July 12, 2021)**

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Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	1066
25T-2018006	140 Glancaster Rd., Glanbrook	05-Jul-18	n/a	08-Nov-18	n/a	01-Jan-19	n/a	MHBC Planning Limited	1006
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Rd., Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	1009

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of Aug 10, 2021
UHOPA-18-024* ZAC-18-058	154 Wilson St. E., Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	986
UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Rd., Ancaster	03-Dec-18	n/a	01-Dec-18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	981
Ward 14									
ZAC-19-011	1933 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	972
Ward 15									
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	1114

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of Aug 10, 2021
RHOPA-19-102* ZAC-19-044 25T-201905	30, 36 & 42 Dundas St. E. & 522 Highway 6, Flamborough	10-Jun-19	n/a	08-Jul-19	n/a	08-Oct-19	05-Apr-20*	MHBC Planning Limited	792

Active Development Applications

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

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Aug 10, 2021
Ward 1								
UHOPA-20-012 ZAC-20-016	1107 Main St. W., Hamilton	13-Feb-20	n/a	13-Mar-20	n/a	12-Jun-20	Bousfields Inc.	544
Ward 2								
UHOPA-20-001 ZAR-20-001	383 and 383 1/2 Hughson St. N., Hamilton	29-Nov-19	n/a	29-Dec-19	n/a	28-Mar-20	T. Johns Consulting Group	620
UHOPA-20-008 ZAR-20-013	222-228 Barton St. E., and 255 - 265 Wellington St. N. Hamilton	20-Dec-19	n/a	17-Jan-20	n/a	18-Apr-20	Urban Solutions Planning and Land Development	599
UHOPA-20-025 ZAC-20-038	115 George St. & 220-222 Main St. W., Hamilton	04-Sep-20	n/a	28-Sep-20	n/a	02-Jan-21	GSP Group	340
UHOPA-21-007 ZAC-21-014	101 Hunter St E., Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	140

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Aug 10, 2021
ZAC-21-020	221 Charlton Ave E., Hamilton	26-Apr-21	n/a	06-May-21	25-Jul-21	n/a	T. Johns Consulting Group	106
Ward 3								
UHOPA-21-013 ZAC-21-028	315 Robert Street & 219, 225, 247 East Avenue North	05-July-21	n/a	08-Jul-21	n/a	2-Nov-21	T. Johns Consulting Group	29
Ward 4								
UHOPA-21-009 ZAC-21-021	1842 King St. E., Hamilton	07-May-21	n/z	13-May-21	n/a	04-Sep-21	Urban Solutions Planning and Land Development	95
Ward 7								
ZAC-20-033	1411 & 1415 Upper Wellington St. Hamilton	05-Aug-20	n/a	02-Sep-20	03-Nov-20	n/a	T. Johns Consulting Group	370
25T-202004	4 Vickers Rd., Hamilton	12-Aug-20	n/a	9-Sep-20	n/a	10-Dec-20	The Biglieri Group	363

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Aug 10, 2021
UHOPA-20-021 ZAC-20-037 25T-202006	544 & 550 Rymal Rd. E., Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	333
UHOPA-21-005 ZAC-21-009 25T-202104	311 and 313 Stone Church Rd. E., Hamilton	14-Dec-20	n/a	22-Jan21	n/a	13-Apr-21	Urban Solutions Planning and Land Development	239
ZAC-21-023	1540 Upper Wentworth Street	14-Jun-21	n/a	21-Jun-21	12-Sep-21	n/a	T. Johns Consulting Group	50
Ward 8								
ZAC-19-056	11 Springside Cres., Hamilton	26-Nov-19	n/a	06-Dec-19	25-Mar-20	n/a	Urban In Mind Planning Consultants	623
ZAC-20-018	212 and 220 Rymal Rd. W., Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	537

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Aug 10, 2021
UHOPA-20 -016 ZAC-20-028	15-21 Stone Church Rd. E., Hamilton	16-Jul-20	n/a	30-Jul-20	n/a	13-Nov-20	GSP Group	390
UHOPA-20-017 ZAC-20 029 25T-202003	393 Rymal Rd. W., Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group	386
Ward 9								
ZAC-20-004	329 Highland Rd. W., Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	599
UHOPA-20-010 ZAC-20-015 25T-200303R	2080 Rymal Rd. E., Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	557
ZAC-20-026	250 First Rd. W., Stoney Creek	20-Jul-20	n/a	24-Jul-20	30-Sep-20	n/a	Urban Solutions Planning and Land Development	404

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Aug 10, 2021
Ward 10								
ZAC-19-036	564 Fifty Rd., Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	512
UHOPA-21-004 ZAC-21-008	1290 South Service Rd. Stoney Creek	25-Dec-20	n/a	21-Jan-21	n/a	24-Apr-21	IBI Group	228
Ward 11								
ZAC-20-019	9255 Airport Rd., Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	532
25T-202002	9326 and 9322 Dickenson Rd., Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	515

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Aug 10, 2021
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Rd. Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	239
UHOPA-21-006 ZAC-21-011	582 & 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	183
ZAC-21-024	3435 Binbrook Road	21-Jun-21	n/a	06-Jul-21	19-Sep-21	n/a	Armstrong Planning	35
Ward 12								
25T-200720R (2019 File)	1020 Osprey Dr., Ancaster	15-Apr-19	30-Aug-19	11-Dec-19	n/a	02-Apr-20	Coltara Development / 1892757 ONTARTO INC.	608

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Aug 10, 2021
UHOPA-20-009 ZAC-20-014	281 Hamilton Dr., Ancaster	20-Dec-19	n/a	22-Jan-20	n/a	18-Apr-20	A.J. Clarke & Associates Ltd.	599
UHOPA-20-013 ZAC-20-017	210 Calvin St., Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	425
ZAC-20-024	140 Wilson St. W., Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	421
25T-202102	370 Garner Rd. E., Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	235
UHOPA-21-002 ZAC-21-002	327 and 335 Wilson St. E., Ancaster	23-Dec-20	n/a	15-Jan-21	n/a	22-Apr-21	T. Johns Consulting Group	230
25T-202105	700 Garner Rd. E., Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	204

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Aug 10, 2021
ZAR-21-015	365 Springbrook Drive, Ancaster	25-Mar-21	n/a	9-Apr-21	23-Jun-21	n/a	GSP Group	138
Ward 13								
ZAC-21-003	125 Pirie Dr. Dundas	23-Dec-20	n/a	22-Jan-21	23-Mar-21	n/a	Wellings Planning Consultants	230
Ward 15								
ZAC-20-006	518 Dundas St. E., Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	596
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas St. E., Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	230

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 12, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Aug 10, 2021
ZAC-21-017	265 Mill St S., Flamborough	8-Apr-21	n/a	12-Apr-21	7-Jul-21	n/a	IBI Group	124

Active Development Applications

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

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective July 12, 2021)**

Ward	Address	Applicant /Agent	Date Appeal Received
Ward 1			
1	69 Sanders Blvd. & 1630 Main St. W., Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	October 2020
1	1190 Main St. W., 43, 47, 51 & 55 Forsyth Ave. S., 75, 77, 81, 83, 99, 103, 107, 111, 115 Traymore Ave. & 50 Dalewood Ave., Hamilton	Bousfields Inc.	March 2018
1	354 King St. W., Hamilton	GSP Group	July 2021
Ward 2			
2	195 Wellington St. S., Hamilton	Bousfields Inc.	November 2017
Ward 8			
8	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021
Ward 9			
9	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
Ward 10			
10	261 King St. E., Hamilton	GSP Group	November 2017

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective July 12, 2021)**

Ward	Address	Applicant /Agent	Date Appeal Received
Ward 11			
11	3033, 3047, 3055 & 3063 Binbrook Rd., Glanbrook (Binbrook)	GSP Group	August 2017
11	3355 Golf Club Rd., Glanbrook	Corbett Land Strategies Inc.	June 2021
Ward 13			
13	73-89 Stone Church Rd. W. & 1029 West 5 th St., Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	July 2020
Ward 15			
15	609 and 615 Hamilton St. N., 3 Nesbit Blvd. & 129 – 137 Trudell Cir., Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
15	157 Parkside Dr. (a.k.a. 909 North Waterdown Rd.), Flamborough (Waterdown)	MHBC Planning	March 2020
15	34 11 th Concession Rd. West and 1800 Highway 6, Flamborough	2417985 Ontario Inc & 2417972 Ontario Inc.	July 2017
15	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 10, 2021
SUBJECT/REPORT NO:	Request to Deem Lands located at 323 Rymal Road East, Hamilton, as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (PED21160) (Ward 7)
WARD(S) AFFECTED:	Ward 7
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:	

RECOMMENDATION

- (a) That the request by IBI Group on behalf of 133364 Ontario Inc., to deem the lands located at 323 Rymal Road East (see Appendix "A" attached to Report PED21160) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning) be approved by Council;
- (b) That the Class 4 Area designation apply only to the development proposal attached as Appendix "B" to Report PED21160 with the requirement that all noise mitigation and warning clauses be secured and implemented through the applicable Site Plan Control Approval and future Draft Plan of Condominium applications.

EXECUTIVE SUMMARY

The subject property is municipally known as 323 Rymal Road East. On June 15th, 2021, IBI Group on behalf of 1333664 Ontario Inc. requested Planning Committee to consider deeming the lands a Class 4 Area. Planning Committee directed staff to

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SUBJECT: Request to Deem Lands located at 323 Rymal Road East, Hamilton, as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (PED21160) (Ward 7) - Page 2 of 7

report back with a formal recommendation supported with rationale for deeming the lands as a Class 4 Area pursuant to the MECP Noise Guidelines NPC-300.

The subject property is located in proximity to stationary noise sources and the practicality of adopting mitigation measures to meet MECP Class 1 Area sound level is limited. As a result, the applicant is seeking to have the subject property classified a Class 4 Area by City Council pursuant to the MECP Noise Guidelines NPC-300. As per MECP NPC-300 Section B9.2, the land use planning authority may classify lands a Class 4 Area where it is considered to be appropriate.

Staff are supportive of the request to deem the lands as a Class 4 Area provided through the applicable Site Plan and Condominium approvals processes, purchasers and/or tenants are notified of the Class 4 Area noise classification and appropriate warning clauses are registered on title. These requirements will be reiterated through the Draft Plan of Condominium approvals process.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The subject lands were subject to Zoning By-law Amendment application ZAC-19-031, which rezoned the lands from the “AA” (Agricultural) District to the “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding. On July 17, 2020 Council passed By-law No. 20-153 to permit a three storey, 21 unit multiple dwelling with 26 surface parking spaces. The Holding Provision was required to allow for further investigation into the stationary noise sources such as the HVAC equipment and any potential conflict with the proposed sensitive land use.

On September 30, 2020, Site Plan Control application DA-20-009 received Conditional Approval for the construction of the three storey, 21 unit multiple dwelling. The applicants submitted an Environmental Noise Feasibility study and an addendum study, which was reviewed through Site Plan Control application (DA-20-009).

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On June 15, 2021, IBI Group on behalf of 1333664 Ontario Inc. made a delegation to Planning Committee requesting the lands be deemed a Class 4 Area. Staff were directed to report back to Planning Committee respecting, the request to classify 323 Rymal Road East as a Class 4 Area. A Class 4 Area designation can only be applied to new development.

Deeming a new development as a Class 4 Area, although infrequent, has occurred previously in the City. In 2018, Council passed a motion that delegated the authority to the Director of Planning and Chief Planner to deem an area subject to development approval as a Class 4 Area in Hamilton's Downtown Secondary Plan area. However, as the subject lands are not within the Downtown Secondary Plan the applicant has requested that Council consider and deem the subject lands a Class 4 Area in accordance with MECP NPC-300, Section B9.2.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Environmental Noise Guideline (NPC-300) & Urban Hamilton Official Plan (UHOP)

The MECP has a noise criteria guideline entitled "Environmental Noise Guideline: Stationary and Transportation Noise Sources – Approval and Planning (NPC-300)". This publication provides advice on sound level limits and guidance that may be used when land use planning decisions are made to minimize potential land use conflicts.

In addition to the MECP Noise requirements, the City also has UHOP policies regarding noise, including but not limited to:

- "B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
- B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
 - b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;

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- B.3.6.3.8 Proponents of development proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:
- e) Provide evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours, appropriate mitigation measures shall be incorporated into the development, according to provincial guidelines, and appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.
- B.3.6.3.20 Where noise attenuation measures are required to address noise from stationary sources, noise barriers shall only be used where other attenuation methods are not feasible or sufficient. If noise barriers must be used, the barrier shall be designed to complement the streetscape and community design.”

An Environmental Noise Feasibility study based on MECP guidelines was prepared by Valcoustics dated April 25, 2019. The Environmental Noise Feasibility study reviewed the acoustic requirements with respect to transportation sources, such as Rymal Road East, and stationary noise sources from the YMCA and Turner Park Hamilton Public Library. The results of the study are discussed below.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The Environmental Noise Feasibility study identified that the daytime and night time noise levels from the transportation noise sources will be approximately 66 dBa during the daytime and 59 dBa at night. As per MECP's NPC-300 Section C7.1, daytime noise levels exceeding 65 dBa and nighttime noise levels exceeding 60 dBa require the installation of central air conditioning or an approved equivalent ventilation system.

The applicant will be providing central air conditioning and including warning clauses in all agreements of purchase and sale and lease agreements to meet the above noted guideline for transportation noise sources.

2. With respect to stationary noise sources, the applicants submitted an addendum to the Environmental Noise Feasibility Study dated November 18, 2020. This addendum further assessed the stationary noise sources and identified that the evening and night time noise levels exceeded MECP's NPC-300 Class 1 Area requirements at three receptor locations being:

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- The southern façade of the building measured at the third floor at the exterior plane of the window;
- The eastern façade of the building, toward the front of the building measured at the third floor at the exterior plane of window; and,
- The eastern façade of the building toward the rear of the building.

All of the above locations exceeded the Class 1 Area night time noise levels, and the receptor that was located at the eastern façade toward the rear also exceeded the evening sound level requirement for Class 1 Area.

The noise mitigation measures proposed by the addendum study offered two options to comply with the MECP's NPC-300 Class 1 Area requirements:

- Option 1: provide rooftop acoustic screens 3.5 metres in height around the HVAC units located on the northern end of the YMCA and Turner Park Library building.
- Option 2: provide custom enclosures to five of the HVAC units and/or replace the HVAC units with quieter units.

The Addendum Study advised that noise mitigation at the source could result in implications as these noise sources are located off-site and would be difficult to implement. Furthermore, the implementation of 3.5 metre screens could have an impact on the perceived height and could increase the visual impact of the Library and the YMCA building from the street.

Given the extent of the mitigation measures required to achieve compliance with the MECP Class 1 Area for stationary noise sources, staff are in agreement that 3.5 metre high barriers or enclosures are not appropriate.

The Environmental Noise Feasibility study and the Addendum Study recommended that where it is not possible to comply with the MECP requirements, the lands may be considered by Council for re-classification from a Class 1 Area to a Class 4 Area in accordance with MECP's NPC-300.

The noise mitigation measures that will be implemented for the proposed development respecting both transportation noise sources and stationary noise sources are as follows:

- Standard building materials, required under the Ontario Building Code for windows and exterior walls;
- Centralized air conditioning will be provided in order to allow windows to remain closed;

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- A warning clause advising prospective purchasers and tenants that sound levels due to increased road traffic may exceed the MECP requirements;
 - A warning clause advising prospective purchasers and tenants that centralized air conditioning is being established in order to allow windows and exterior doors to remain closed;
 - A warning clause advising prospective purchasers and tenants that the property has been deemed a Class 4 Area; and,
 - A warning clause advising prospective purchasers and tenants that due to proximity of the Hamilton Public Library, YMCA, police station, and works yard noise from these facilities may at times be audible.
3. The proposed identification of the subject lands as a Class 4 Area is necessary for the implementation of required noise mitigation measures and warning clauses, which will include informing all prospective purchasers and tenants that the lands have been classified as a Class 4 Area through the Site Plan Control process.

Additionally, the owner is expected to apply for a draft plan of condominium application, which will include conditions advising prospective purchasers and tenants that the units are located in a Class 4 Area and will include the appropriate noise warning clauses to be registered on title and in any lease or rental agreements.

As such, staff support deeming the lands as a Class 4 Area applicable only to the development proposal attached as Appendix "B" to Report PED21160 with the requirement that all noise mitigation and warning clauses be secured through the Site Plan Control Approval and a future Draft Plan of Condominium application.

ALTERNATIVES FOR CONSIDERATION

Should Council deny the request for deeming the property as a Class 4 Area, the property would be considered a Class 1 Area and the developer be required to implement appropriate off-site mitigation to address noise.

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.

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Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED21160 – Location Map

Appendix "B" to Report PED21160 – Development Proposal

Appendix "C" to Report PED21160 – Noise Study Addendum

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● Site Location



Key Map - Ward 7

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
323 Rymal Rd E

Date:
July 8, 2021


Appendix "A"

Scale:
N.T.S

Planner/Technician:
JV/AL

Subject Property

323 Rymal Road East

 Reclassification of lands from Class 1 Area to Class 4 Area



30 Wertheim Court, Unit 25
Richmond Hill, Ontario, Canada, L4B 1B9

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telephone • 905 764 5223

fax • 905 764 6813

November 18, 2020

1333664 Ontario Inc.
7049 Twenty Road
Hannon, Ontario
L0R 1P0

Attention: Tracy Tucker
Tracy.Tucker@ibigroup.com

VIA E-MAIL

**Re: Addendum to the Environmental Noise Feasibility Study
323 Rymal Road East
Hamilton, Ontario
VCL File: 118-0658**

Dear Ms. Tucker:

1.0 INTRODUCTION

Valcoustics Canada Ltd. (VCL) previously prepared an Environmental Noise Feasibility Study (herein referred to as the "Noise Report"), dated April 25, 2019, for the proposed residential development. The Hamilton Public Library and YMCA building is to the south of the site, on the opposite side of Rymal Road. At the time the report was prepared, access to this facility could not be obtained and sound measurements of the noise sources (rooftop mechanical units) could not be completed. The assessment in the Noise Report was therefore based on assumptions.

VCL has now been able to access the Hamilton Public Library and YMCA building and complete sound measurements of the roof top sources. This Addendum has been prepared to update the assessment using the measurement data. The analysis has also been updated to account for the latest Site Plan, Floor Plans and Elevations. The results of the assessment are outlined herein.

This Addendum is based on:

- The Site Plan, prepared by IBI Group, last revised December 16, 2019.
- The Floor Plans, prepared by KNYMH Inc., received June 19, 2020; and
- The Elevations, prepared by KNYMH Inc., dated December 16, 2020.

The Site Plan is shown as Figure 1. The Floor Plans and Elevations are included as Appendix A.

2.0 TRANSPORTATION NOISE

2.1 ASSESMENT

The transportation noise source with the potential for impact at the subject site is road traffic on

Rymal Road East. In the previous assessment, the year 2016 road traffic volume on Rymal Road East was escalated to the year 2029 (a 10-year projection from the date of the Noise Report). For this assessment, the road traffic volumes were escalated to the year 2030 (a 10-year projection from the date of this Addendum). Note the extra 1-year projection results in a 0.1 dB increase in sound levels, which is considered acoustically insignificant. In addition, the building setback from Rymal Road East remains unchanged. Thus, the predicted sound levels at the building facades due to road traffic noise on Rymal Road East remain unchanged.

2.2 NOISE ABATEMENT REQUIREMENTS

2.2.1 Indoors

2.2.1.1 Architectural Elements

At the time the Noise Report was prepared, building elevations were not available. The exterior wall and window STC requirements were therefore assessed using assumed wall and window heights. The analysis has been updated using the latest floor plan and elevation drawings.

The assessment was done at a first-floor bedroom on the south facade and a second-floor living room at the southeast corner of the building. At the bedroom, the wall and window areas on the south facade were calculated to be 52% and 37%, respectively, of the associated floor area. The wall area on the west facade was calculated to be 14% of the associated floor area. For the living room, the wall and window areas on the south facade were calculated to be 37% and 31%, respectively, of the associated floor area. The wall and window areas on the east facade were calculated to be 59% and 14%, respectively, of the associated floor area.

With the predicted sound levels and the wall/window areas above, exterior wall and window construction meeting the minimum non-acoustical requirements of the OBC will be sufficient to meet the indoor noise criteria.

The requirements should be confirmed if the architectural drawings are revised.

2.2.1.2 Ventilation Requirements

Since the predicted sound levels at the building facades remain unchanged, the ventilation requirements for the development remain unchanged. All suites in the development require mandatory air conditioning to allow windows to remain closed for noise control purposes.

2.2.2 Outdoors

All balconies in the development are less than 4 m in depth and therefore do not qualify as OLA's under the MECP guidelines. There are no grade-level common outdoor amenity spaces. Thus, sound barriers are not required for noise control purposes.

3.0 STATIONARY NOISE

3.1 NOISE SOURCES AND OPERATING SCENARIOS

The main noise sources with the potential for impact at the subject site are the rooftop mechanical units at the Turner Park Branch of the Hamilton Public Library and the Les Charter Family YMCA facilities. Sound measurements of the rooftop mechanical units at these facilities were done by VCL staff on July 23, 2020.

The rooftop units consisted of HVAC units and exhaust fans. The noise source locations and source ID's are shown on Figure 2. The source sound levels, heights and operating times are summarized in Table 4.

3.2 ANALYSIS METHOD AND RECEPTORS

The analysis method remains unchanged from the Noise Report.

The same three receptors from the Noise Report, representing the worst-case locations on the exterior of the subject building, were used in this assessment. All receptors were assessed at a height of 7.5 m above grade. The receptors are:

- R01 – representing the 3rd floor plane of windows on the south facade;
- R02 – representing the 3rd floor plane of windows on the east facade, toward the front of the building; and
- R03 – representing the 3rd floor plane of windows on the east facade, toward the rear of the building.

The receptor locations are shown on Figures 3 to 5.

The ambient sound levels at these receptors, due to road traffic noise, remain unchanged from the Noise Report. Thus, the noise guideline limits at each receptor remain unchanged from the Noise Report.

3.3 SOUND LEVEL ASSESSMENT

Figure 3 and Table 5 show the predicted unmitigated sound levels due to the HVAC units, together with the applicable guideline limits.

The sound levels are predicted to exceed the Class 1 noise guideline limits at all receptors. The excesses occur mainly during the nighttime, with a minor 1 dB excess over the evening limit at R03. The predicted sound levels comply with the guideline limits during the day.

4.0 MITIGATION

4.1 CLASS 1 RECEPTOR STATUS

Two options to mitigate the sound levels to the Class 1 guideline limits have been investigated.

Option 1: Rooftop Acoustic Screens

To mitigate the sound levels to the noise guideline limits, rooftop acoustic screens could be used:

- Four 3.5 m high acoustic screens would be required at the units toward the front of the building; and
- A 2.7 m high acoustic screen is required at RTU05.

All acoustic screens are required to have acoustically absorptive material meeting NRC 0.8 on the inner surface. The locations of the screens and the predicted sound levels are shown on Figure 4.

It is noted that the acoustic screen heights are primarily driven by the heights of the HVAC units. (To be effective, the acoustic screen must at least break the line of sight between the HVAC unit and the upper floors of the proposed residential building. Some of the HVAC units are very high relative to the top of roof.)

Option 2: Custom Acoustic Enclosures

If acoustic screens are not feasible, another mitigation option would be to add custom acoustic enclosures to five of the units. The required approximate sound level reduction is:

- RTU01 and RTU02 – 12 dB reduction (maximum sound power level: 85 dBA)
- RTU03 – 15 dB reduction (maximum sound power level: 86 dBA)
- RTU07 – 10 dB reduction (maximum sound power level: 84 dBA)
- RTU08 – 10 dB reduction (maximum sound power level: 81 dBA)

The units could also be replaced with quieter units meeting the maximum sound power levels outlined above.

The predicted sound levels are shown on Figure 5.

4.2 CLASS 4 RECEPTOR STATUS

Due to the heights of the units and the high sound emission levels, significant mitigation measures would be required to meet the Class 1 guideline limits. The required sound level reductions can be achieved using acoustic screens or custom acoustic enclosures. Note that there may be structural implications with both options that will need to be reviewed and addressed by others in order to determine the feasibility.

If the mitigation measures are not feasible to implement, changing classification of the subject site from Class 1 to Class 4 could be considered. A Class 4 area is subject to less stringent sound level limits. The limits are similar to those in a Class 1 area in that they are the higher of the minimum exclusion limits or the ambient due to road traffic. However, the Class 4 minimum exclusion limits for plane of window receptors are 10 dBA higher than the Class 1. The outdoor point of reception minimum exclusion limits are 5 dBA higher than the Class 1 limits. As shown on Figure 6, the unmitigated sound levels at the subject site due to the noise sources at the library and YMCA meet the Class 4 sound level limits without the need for any physical mitigation measures.

In addition:

- It is important to note that only the land use approval authority (the City of Hamilton in this case) can deem the site "Class 4".
- If the proposed development is deemed Class 4, warning clauses must be registered to make future occupants aware of the noise situation.

- As part of the Class 4 status, it is also required that the proposed development be provided with air conditioning. This will allow windows to remain closed for noise control purposes. (Note that air conditioning is required regardless, to mitigate noise from road traffic sources).
- It is noted that the sound levels from the library/YMCA facility are predicted to exceed the Class 1 sound level limits at the existing two-storey residential dwellings to the east and west of the subject site.
 - Custom acoustic enclosures at RTU01 (8 dB reduction) and RTU03 (15 dB reduction) would mitigate the sound levels at the existing dwellings to the Class 1 guideline limits.
 - If the facility were brought into compliance with the noise limits at the existing receptors, minor 2-3 dBA excesses over the Class 1 guideline limits would result at the subject site during the nighttime hours only, on the east façade only.
 - A 2 to 3 dBA excess is considered minor and insignificant in practice. A change in sound level of 3 dB would be just noticeable to human ear. As such, the substantial mitigation measures that would be needed to achieve the additional 3 dB attenuation may not be warranted. The use of Class 4 would allow the development to proceed without the need for these additional measures.

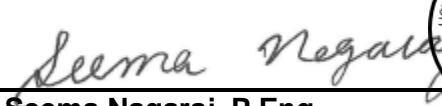

5.0 CONCLUSIONS

With appropriate acoustical design of the development as outlined herein, a suitable acoustical environment can be provided and the applicable MECP noise guideline requirements met.

To meet the Class 1 guideline limits, mitigation measures are required at the library/YMCA building. The sound levels meet the Class 4 guideline limits without the need for physical noise control measures. Given the presence of existing noise sensitive uses with elevated sound levels due to the HVAC units at the library/YMCA building, and the significant mitigation measures that would be required to meet the Class 1 limits at the existing dwellings and proposed development, a Class 4 classification is recommended for the subject site.

Yours truly,

VALCOUSTICS CANADA LTD.

Per:   November 18, 2020
Seema Nagaraj, P.Eng.

Per:   November 18, 2020
Mark Levkoe, P.Eng.

Enclosures

TABLE 1: ROAD TRAFFIC DATA

Roadway	Year	24-Hour Volume	% Trucks		Day/Night Split (%)	Speed Limit (kph)
			Medium	Heavy		
Rymal Road East ⁽¹⁾	2016	19 828	5.1	1.2	90/10	60

Note:

- (1) Year 2016 volumes were provided by the City of Hamilton in the form of a TMC at Republic Avenue. Year 2030 volumes were calculated using a growth rate of 2%, compounded annually. Overall truck and bus volumes were provided in the TMC. Buses were counted as medium trucks. The medium/heavy truck split was assumed to be 40%/60% of the total truck volume. The day/night split was assumed.

TABLE 2: PREDICTED UNMITIGATED SOUND LEVELS OUTDOORS - ROAD TRAFFIC

Location ⁽¹⁾	Source	Distance (m) ⁽²⁾	L _{eq} Day (dBA)	L _{eq} Night (dBA)
South Facade	Rymal Road East	22	66	59
East / West Facades	Rymal Road East	22	63	56

Notes:

- (1) See Figure 2.
 (2) Distance indicated is taken from the centreline of the noise source to the point of reception.

TABLE 3: NOISE ABATEMENT MEASURES

Location	Air Conditioning ⁽¹⁾	Exterior Wall ⁽²⁾	Exterior Window ⁽³⁾	Sound Barrier ⁽⁴⁾	Warning Clauses ⁽⁵⁾
All dwelling units	Mandatory	No special acoustical requirements			A + B + C (+ D if Class 4)

Notes:

- (1) Provision for adding air conditioning typically takes the form of a ducted ventilation system suitably sized to permit the addition of central air conditioning by the occupant.
- (2) STC - Sound Transmission Class Rating (Reference ASTM-E413).
The requirements are based on the floor plans (received June 19, 2020) and elevation drawings (dated December 16, 2019) both prepared by KNYMH Inc. and should be reviewed if the plans are significantly different.
- (3) STC - Sound Transmission Class Rating (Reference ASTM-E413). A sliding glass walkout door should be considered as a window and be included in the percentage of glazing.
The requirements are based on the floor plans (received June 19, 2020) and elevation drawings (dated December 16, 2019) both prepared by KNYMH Inc. and should be reviewed if the plans are significantly different.
- (4) Sound barriers must be of solid construction having a minimum face density of 20 kg/m² with no gaps or cracks. The acoustic fence height shown is taken relative to grade.
- (5) Warning clauses to be registered on title and be included in Offers of Purchase and Sale for designated lots:
 - A. "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound level may exceed the noise criteria of the Ministry of the Environment and/or the municipality."
 - B. "This dwelling unit has been supplied with a central air conditioning system which will allow windows and doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."
 - C. "Purchasers/tenants are advised that due to the proximity of the Hamilton Public Library, YMCA, police station and works yard, noise from these facilities may at times be audible."
 - D. "Purchasers/tenants are advised that sound levels due to the adjacent library/YMCA building are required to comply with the sound level limits at are protective of the indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed."
- (6) All exterior doors shall be fully weatherstripped

TABLE 4: SOURCE SOUND POWER LEVELS

Source ID	Make and Model	Height (m) ⁽¹⁾	Sound Power Level (dBA)	Operating Time (min/hour)	
				Daytime / Evening (0700 to 2300)	Nighttime (2300 to 0700)
RTU01	AAON CL-045-4-0-0A04-000	3.1	97	60	30
RTU02	AAON CL-045-4-0-0A04-000	3.1	97	60	30
RTU03	Haakon Pentpak	1.7	101	60	30
RTU04	McQuay ACZ090BCS37-ER11	2.9	89	60	30
RTU05	Haakon Pentpak	1.7	89	60	30
RTU06 ⁽²⁾	Haakon Pentpak	1.7	89	60	30
RTU07	McQuay ACZ030BCS37-ER11	3.1	94	60	30
RTU08	McQuay ACZ040BCS37-ER11	3.2	91	60	30
EF1	Greenheck GB-141-5-X	0.8	79	60	60
EF2 ⁽³⁾	Greenheck GB-091-4-X	0.8	-	-	-
EF3 ⁽⁴⁾	Greenheck GB-091-4-X	0.8	82	60	60
EF4 ⁽⁴⁾	Greenheck GB-101HP-4-X	0.8		60	60

Notes:

- (1) Source heights are relative to the tops of the roofs.
- (2) Unit was not operating during the measurement. Source was modelled using the measurements of RTU5.
- (3) This fan was not a significant noise source and was therefore not included in the assessment.
- (4) EF3 and EF4 were measured together and modelled as a single source.
- (5) Assumed (typical) operating times.

TABLE 5: UNMITIGATED SOUND LEVELS DUE TO LIBRARY/YMCA BUILDING

Receptor ⁽¹⁾	Predicted Hourly Sound Level (dBA)			Class 1 Guideline Limit (dBA) ⁽²⁾			Class 4 Guideline Limit ⁽⁴⁾		
	Daytime (0700 to 1900)	Evening (1900 to 2300)	Nighttime (2300 to 0700)	Daytime (0700 to 1900)	Evening (1900 to 2300)	Nighttime (2300 to 0700)	Daytime (0700 to 1900)	Evening (1900 to 2300)	Nighttime (2300 to 0700)
R01	58	58	55	62 ⁽³⁾	61 ⁽³⁾	49 ⁽³⁾	62 ⁽³⁾	61 ⁽³⁾	55
R02	58	58	55	59 ⁽³⁾	58 ⁽³⁾	45	60	60	55
R03	56	56	53	56 ⁽³⁾	55 ⁽³⁾	45	60	60	55

Notes:

- (1) See Figures 3 and 6.
- (2) Minimum exclusion limits for a Class 1 area unless otherwise noted.
- (3) Ambient sound level due to road traffic on Rymal Road East.
- (4) Minimum exclusion limits for a Class 4 area unless otherwise noted.

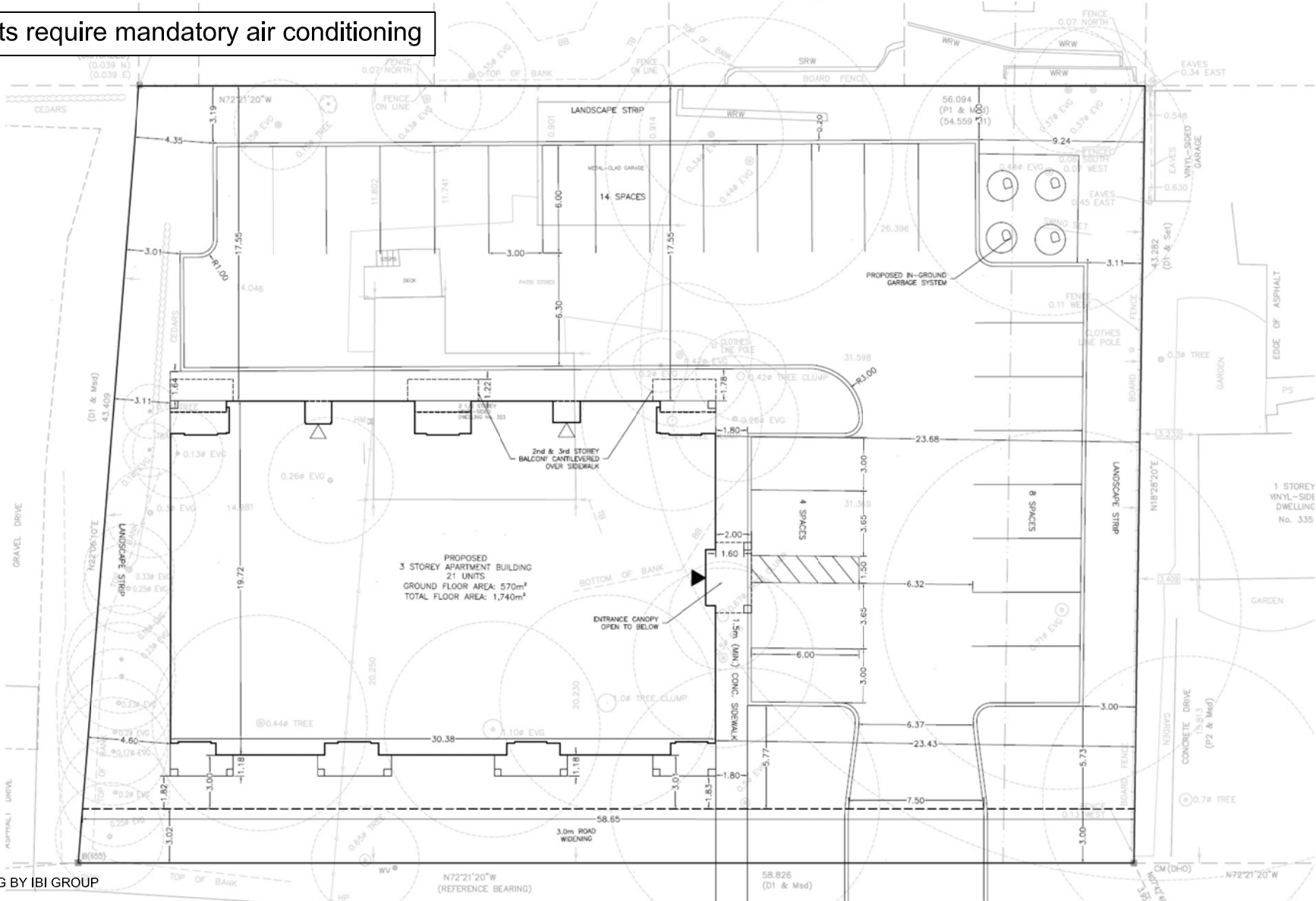
TABLE 6: MITIGATED SOUND LEVELS DUE TO LIBRARY/YMCA BUILDING

Receptor ⁽¹⁾	Predicted Hourly Sound Level (dBA) Mitigation Option 1			Predicted Hourly Sound Level (dBA) Mitigation Option 2			Class 1 Guideline Limit (dBA) ⁽²⁾		
	Daytime (0700 to 1900)	Evening (1900 to 2300)	Nighttime (2300 to 0700)	Daytime (0700 to 1900)	Evening (1900 to 2300)	Nighttime (2300 to 0700)	Daytime (0700 to 1900)	Evening (1900 to 2300)	Nighttime (2300 to 0700)
R01	48	48	46	48	48	45	62 ⁽³⁾	61 ⁽³⁾	49 ⁽³⁾
R02	48	48	45	48	48	45	59 ⁽³⁾	58 ⁽³⁾	45
R03	47	47	44	47	47	44	56 ⁽³⁾	55 ⁽³⁾	45


Notes:

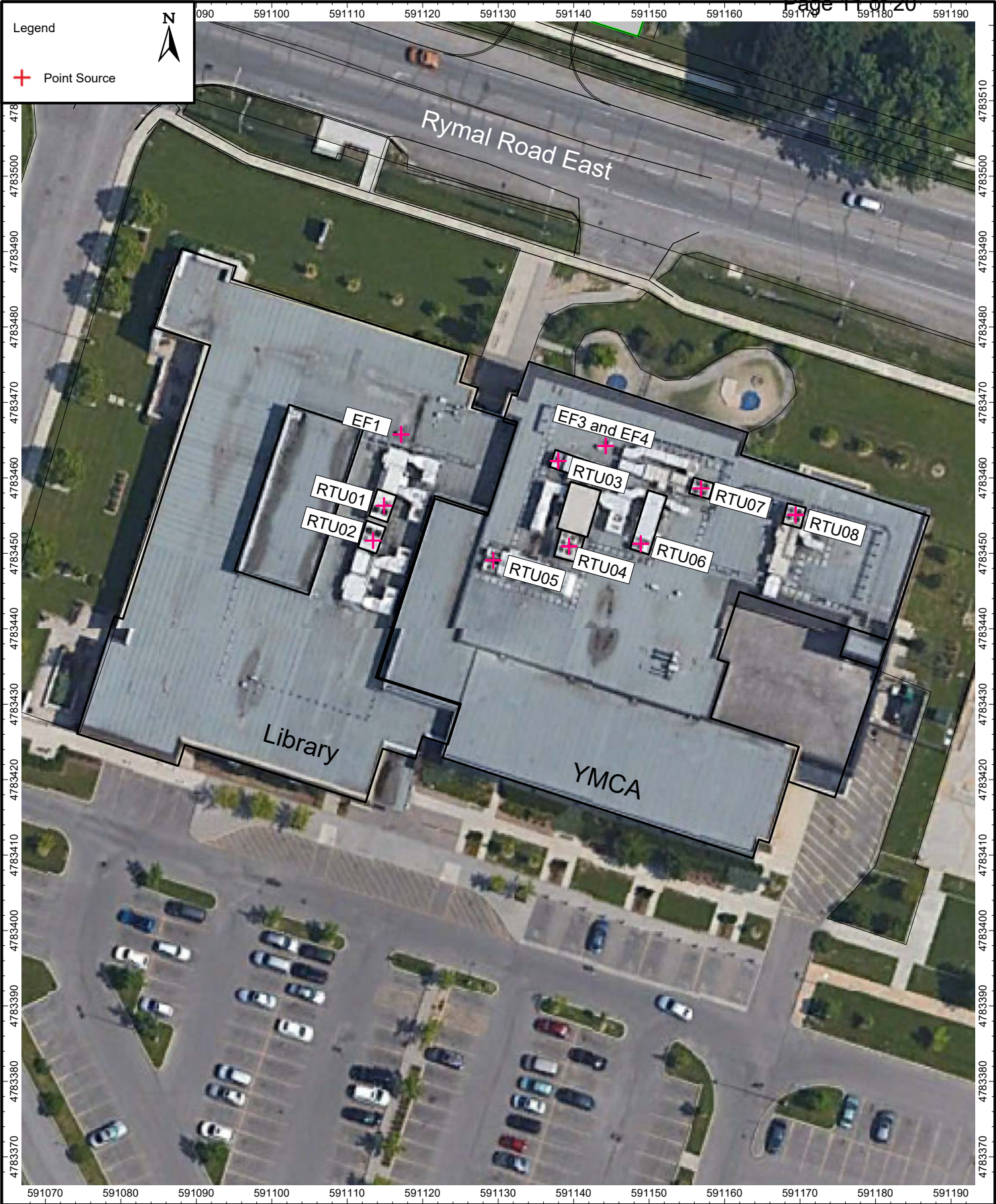
- (1) See Figures 4 and 5.
- (2) Minimum exclusion limits for a Class 1 area unless otherwise noted.
- (3) Due to road traffic on Rymal Road East.

All units require mandatory air conditioning

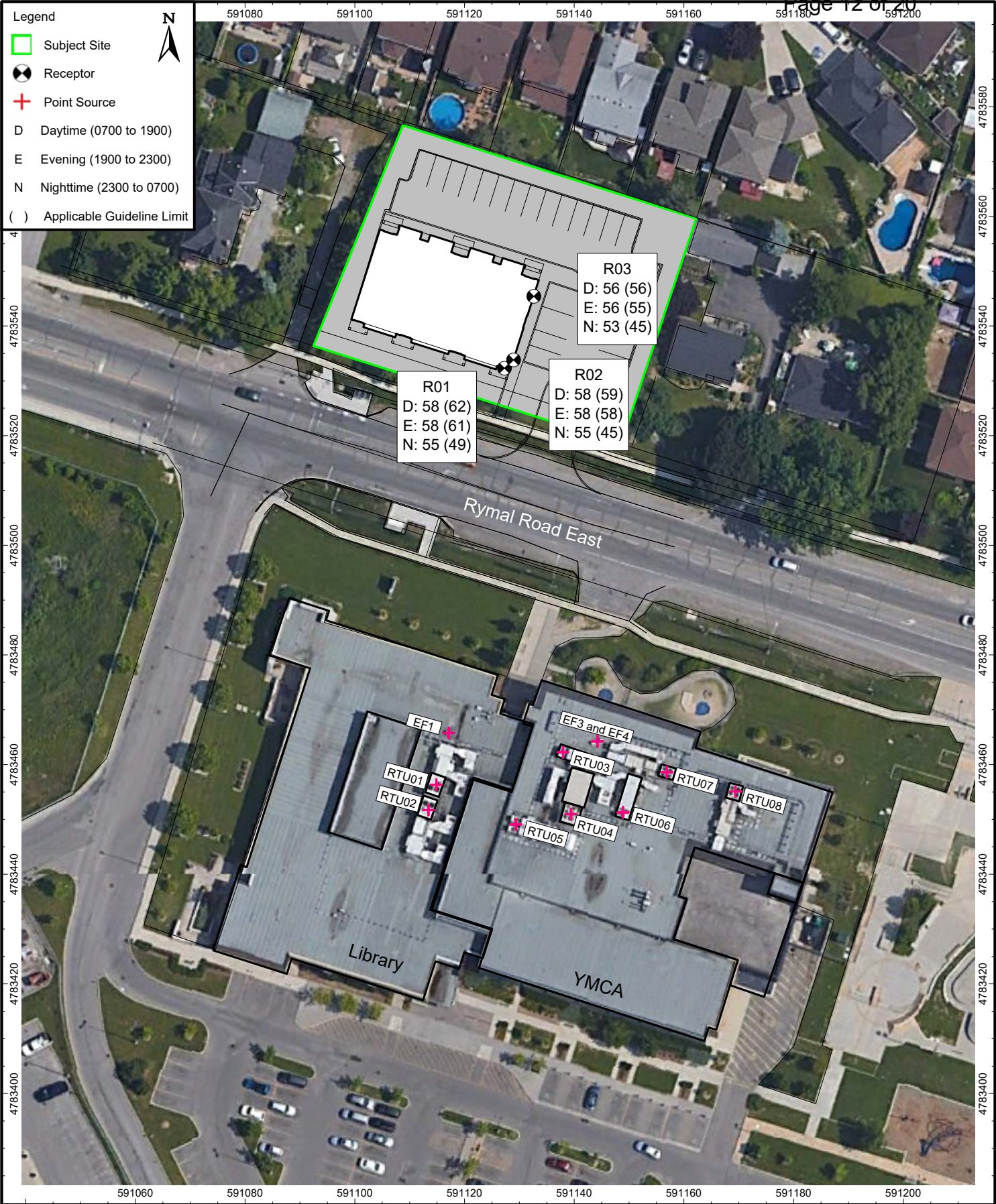


BASE DRAWING BY IBI GROUP

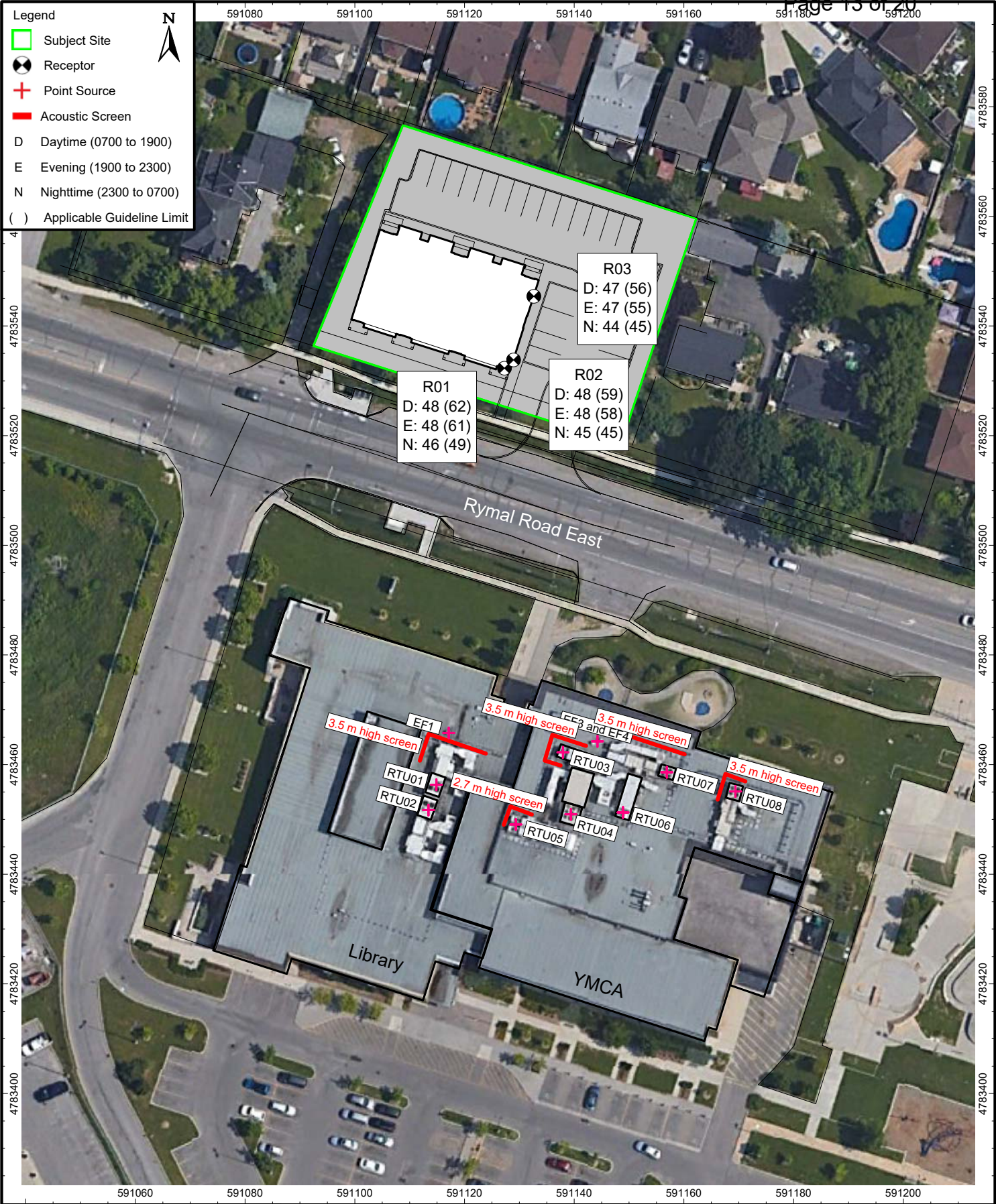
	 <p>30 Wertheim Court, Unit 25 Richmond Hill, Ontario Canada L4B 1B9 solutions@valcoustics.com Phone: (905) 764-5223 Fax: (905) 764-6813</p>	<p>Title Site Plan</p>	<p>Project No. 118-0658</p>	<p>Date Oct. 19, 2020</p>														
<table border="1"> <thead> <tr> <th>No.</th> <th>Revision/Issue</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Revision/Issue	Date													<p>Project Name 323 Rymal Road East, Hamilton</p>	<p>Scale N.T.S.</p>	<p>Figure 1</p>
No.	Revision/Issue	Date																



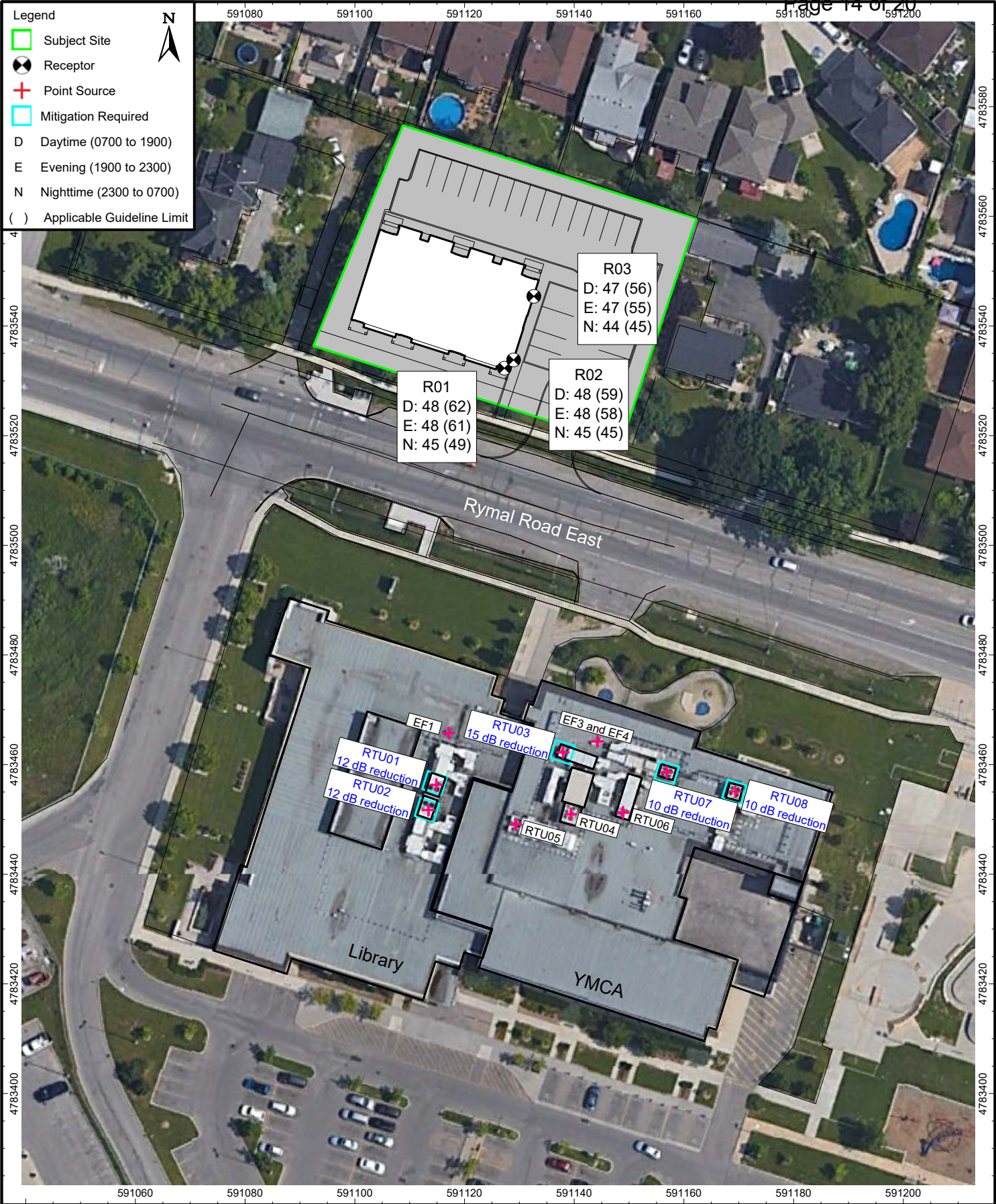
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	Source ID's	Oct. 19, 2020	
	Project Name	Project No.	
	323 Rymal Road East, Hamilton	118-0658	



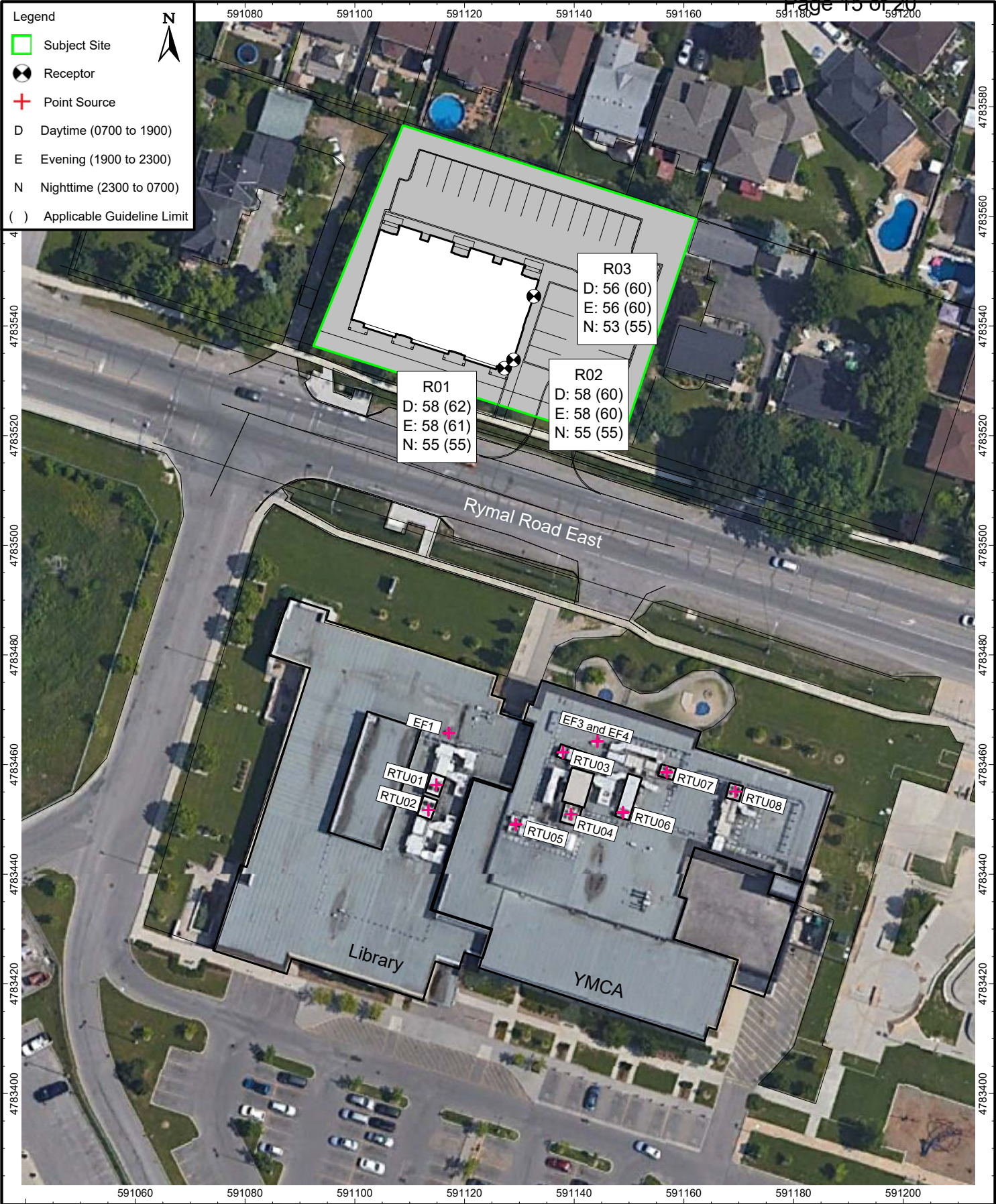
	Title	Date	Figure
	Project Name	Project No.	
	Unmitigated Hourly Sound Levels (dBA)	Oct. 19, 2020	3
	323 Rymal Road East, Hamilton	118-0658	



	Title	Date	Figure
	Project Name	Project No.	
	Mitigated Hourly Sound Levels (dBA) - Option 1	Oct. 19, 2020	4
	323 Rymal Road East, Hamilton	118-0658	



	Title	Date	Figure
	Project Name	Project No.	
	Mitigated Hourly Sound Levels (dBA) - Option 2	Oct. 19, 2020	5
	323 Rymal Road East, Hamilton	118-0658	



	Title	Date	Figure 6
	Unmitigated Hourly Sound Levels (dBA) - Class 4 Guideline Limits Project Name 323 Rymal Road East, Hamilton	Oct. 19, 2020 Project No. 118-0658	

APPENDIX A

FLOOR PLANS AND ELEVATIONS

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.
 ALL DRAWINGS MUST BE SUBJECT TO CHANGE DUE TO COMMENTS FROM THE CITY OF HAMILTON. ALL DIMENSIONS AND JOB CONDITIONS ARE THE PROPERTY OF THE ARCHITECTS AND MUST BE RETURNED AT THE COMPLETION OF THE WORK. THE CONTRACTOR WORKING FROM DRAWINGS NOT SPECIFICALLY MARKED FOR CONSTRUCTION MUST ASSUME FULL RESPONSIBILITY AND BEAR COSTS FOR ANY CORRECTIONS OR DAMAGES RESULTING FROM SUCH WORK.

KEY TO DETAIL LOCATION

No.	DETAIL NUMBER
No.	DRAWING SHEET NUMBER

DRAWING SETS ISSUED	No.	DATE	BY
SITE PLAN APPROVAL	1	16.12.2019	WHL

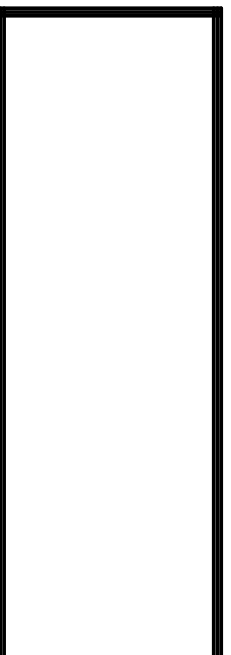
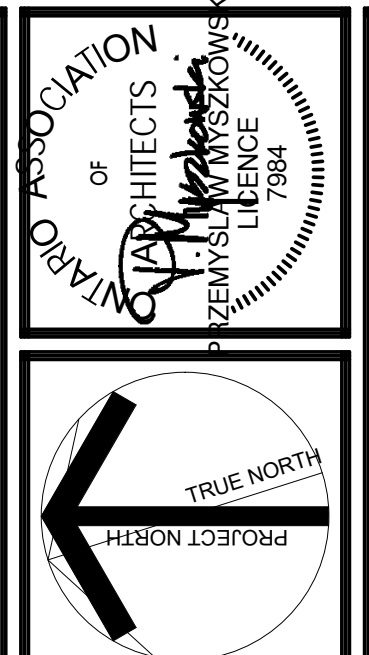
ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED.

REVISIONS TO DRAWING	No.	DATE	BY

BUILDING PERMIT NUMBER:
 NOT FOR CONSTRUCTION WITHOUT PERMIT

KNYMIH
 ARCHITECTURE • SOLUTIONS

KNYMIH, INC.
 1006 SKYVIEW DRIVE • SUITE 101
 BURLINGTON, ONTARIO • L7P 0V1
 T 905.639.6595
 F 905.639.6384
 www.knytmh.com
 info@knytmh.com



RYMAL RESIDENCES
 323 RYMAL ROAD EAST
 HAMILTON, ON

DRAWING SHEET TITLE:
ELEVATIONS

DRAWING SCALE:
 As Indicated

PROJECT NUMBER:
19003

DRAWING SHEET NUMBER:
A400



2 EAST ELEVATION - COLOUR
 A400 1:100



4 WEST ELEVATION - COLOUR
 A400 1:100



1 NORTH ELEVATION - COLOUR
 A400 1:100



3 SOUTH ELEVATION - COLOUR
 A400 1:100

LEGEND

GL	GLAZING PANEL
STN	STONE VENEER
BR	BRICK VENEER
SD	CLAPBOARD SIDING
ST	STUCCO COLOUR 1

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No.	DRAWING SHEET NUMBER

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1.			

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PROJECT NORTH

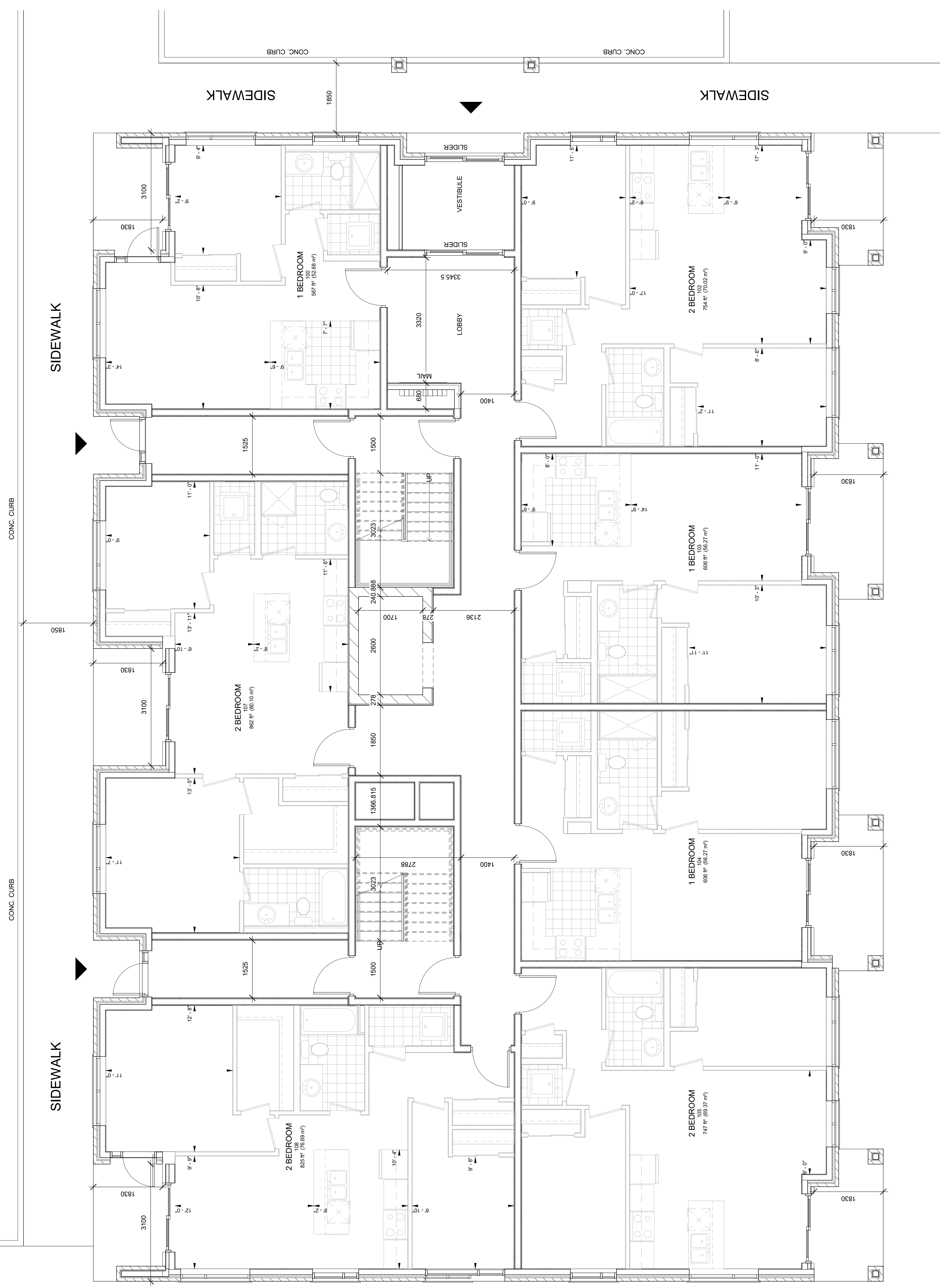
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 323 RYMAL ROAD EAST
 HAMILTON, ON

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1st FLOOR PLAN

DRAWING SCALE:
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PROJECT NUMBER:
19003

DRAWING SHEET NUMBER:
A201



1
 1st FLOOR
 A201 1:50

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KEY TO DETAIL LOCATION

No.	DETAIL NUMBER
No.	DRAWING SHEET NUMBER

DRAWING SETS ISSUED	No.	DATE (DD/MM/YY)	BY
1			

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APPROVED

PROJECT NORTH

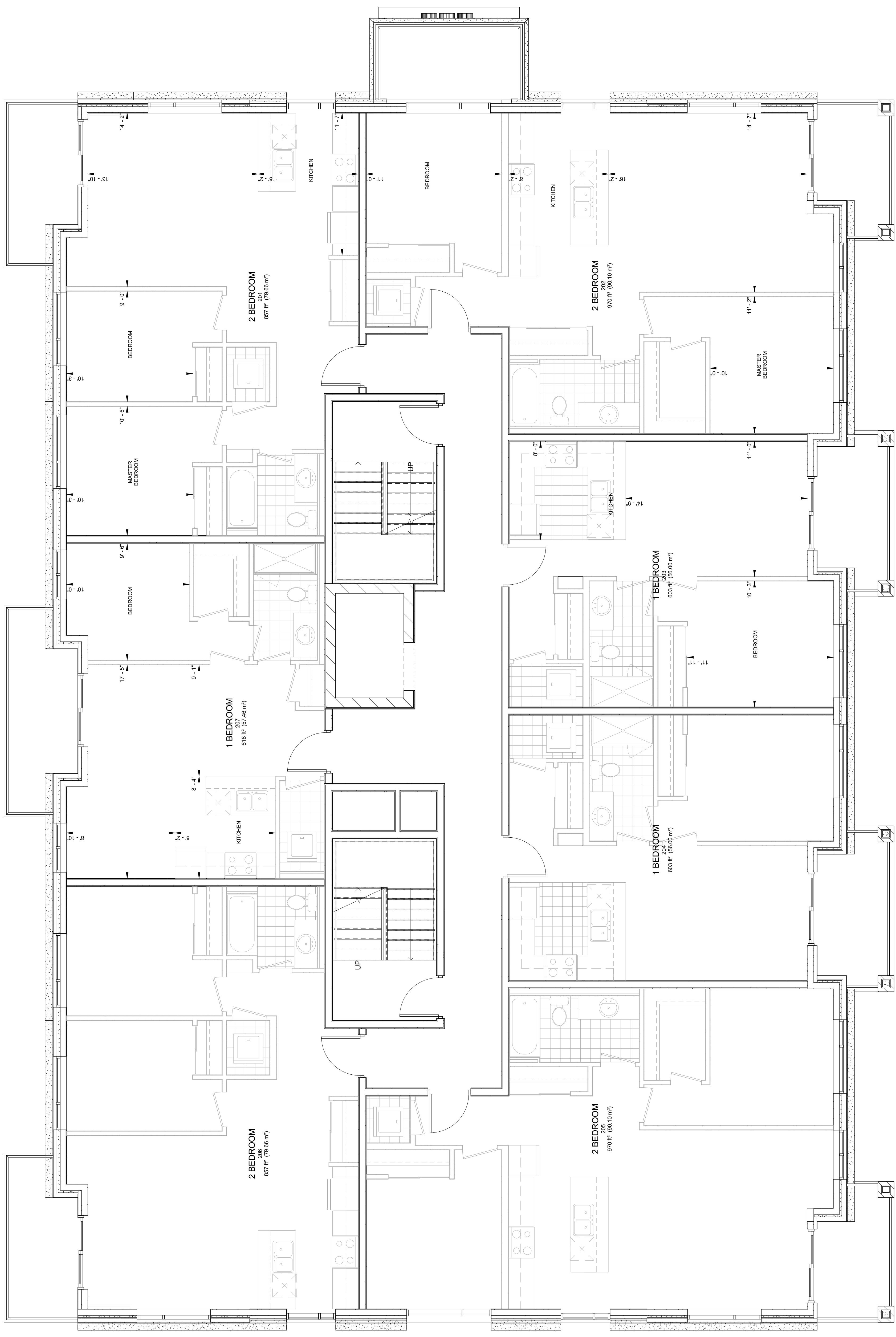
RYMAL RESIDENCES
 323 RYMAL ROAD EAST
 HAMILTON, ON

DRAWING SHEET TITLE:
2nd FLOOR PLAN

DRAWING SCALE:
 1 : 50

PROJECT NUMBER:
19003

DRAWING SHEET NUMBER:
A202



1 2nd FLOOR
 1 : 50
 A202

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KEY TO DETAIL LOCATION

No.	DETAIL NUMBER
No.	DRAWING SHEET NUMBER

DRAWING SETS ISSUED	No.	DATE (DD/MM/YY)	BY
1.			

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPPRESSED.

REVISIONS TO DRAWING	No.	DATE (DD/MM/YY)

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 info@knymh.com

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RYMAL RESIDENCES
 323 RYMAL ROAD EAST
 HAMILTON, ON

DRAWING SHEET TITLE:
3rd FLOOR PLAN

DRAWING SCALE:
 1 : 50

PROJECT NUMBER:
19003

DRAWING SHEET NUMBER:
A203



1 3rd FLOOR
 A203 1 : 50



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 10, 2021
SUBJECT/REPORT NO:	Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-F(3)) (PED20135(b)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That approval be given to **City Initiative-20-F(3) Outdoor Commercial Patios and Temporary Tents for Commercial, Institutional, and Industrial Uses** to amend Temporary Use by-law No. 20-181, as amended by By-law No. 20-215, under Zoning By-law No. 05-200 to further extend the time period for the outdoor commercial patio regulations until December 31, 2021, on the following basis:
- (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(b), be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan.
- (b) That approval be given to **City Initiative-20-F(3) Outdoor Commercial Patios and Temporary Tents for Commercial, Institutional, and Industrial Uses** to amend Temporary Use by-law No. 20-214 under Zoning By-law No. 05-200 to extend the time period for permissions for temporary tents until December 31, 2021 and to extend the permissions for temporary tents to certain commercial zones, uses

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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: Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-F(3)) (PED20135(b)) (City Wide) - Page 2 of 8

permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, certain commercial uses and accessory commercial uses to a permitted use in certain industrial zones, on the following basis:

- (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(b), be approved by City Council;
- (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

On August 21, 2020, City Council passed a Temporary Use By-law (By-law No. 20-181, in effect until December 31, 2020), to permit outdoor commercial patios, under certain conditions, in a side or rear yard that abuts a residential zone for certain commercial zones. The Temporary Use By-law also permitted entertainment on outdoor commercial patios within the downtown area.

On October 14, 2020, City Council passed two temporary use by-laws. Temporary Use By-law No. 20-215, in effect until October 31, 2021, extended the opportunities for physical distancing due to COVID beyond December 31, 2020 by extending the outdoor commercial patio permissions of Temporary Use By-law No. 20-181 until October 31, 2021, and added a new regulation to allow temporary outdoor commercial patios to be located within required parking spaces.

The second temporary use by-law passed on October 14, 2020 (Temporary Use By-law No. 20-214, in effect until October 31, 2021), was to allow temporary tents for restaurants and institutional uses, namely places of worship, hospitals and educational establishments, for six consecutive months under certain conditions to accommodate physical distancing, whereas Zoning By-law No. 05-200 restricts the erection of temporary tents to five consecutive days.

The purpose of Report PED20135(b) is to present modifications to Zoning By-law No. 05-200 to improve operational flexibility based on indoor and outdoor physical distancing measures beyond October 31, 2021 by:

- extending Temporary Use By-law No. 20-181, as amended by Temporary Use By-law No. 20-215, and Temporary Use By-law No. 20-214, until December 31, 2021 for outdoor commercial patios and temporary tents; and,

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SUBJECT: Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-F(3)) (PED20135(b)) (City Wide) - Page 3 of 8

- expanding the temporary tent permissions established through Temporary Use By-law No. 20-214 to additional commercial uses, in addition to the existing temporary use permissions for restaurants and places of worship, hospitals, and educational establishments in institutional zones. To facilitate Ontario's Roadmap to Reopen, Temporary Use By-law No. 20-214 is to be modified to allow temporary tents for an expanded range of uses in certain commercial zones, uses permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, and personal services, restaurants, and retail, and accessory commercial uses to a permitted use in certain industrial zones.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Subsection 39 of the *Planning Act* allows a municipality to pass Temporary Use By-laws for up to a 3-year period with the ability to extend the Temporary Use By-law. The extension may not exceed 3 years. More than one extension may be authorized by Council by passing an extending by-law relating to the effective time period.

The Urban Hamilton Official Plan requires that notice of a Public meeting is provided 17 days prior to a Public meeting where changes to a Zoning By-law are contemplated.

HISTORICAL BACKGROUND

1.0 Temporary Use By-Law No. 20-181 – Outdoor Commercial Patio Locational Requirements and Outdoor Entertainment

On August 21, 2020, City Council passed a Temporary Use By-law (By-law No. 20-181), to permit outdoor commercial patios under certain conditions, in a side or rear yard that abuts a residential zone for certain commercial zones. The purpose of the Temporary Use By-law was to provide further opportunities for businesses to participate in the Outdoor Dining Districts and temporary outdoor patio program, while minimizing any potential adverse impacts on neighbourhood residential properties. The Temporary Use By-law also permitted entertainment on outdoor commercial patios within the downtown area. The By-law was deemed in effect until December 31, 2020.

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SUBJECT: Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-F(3)) (PED20135(b)) (City Wide) - Page 4 of 8

These temporary locational requirements applied to all the Downtown Commercial, Commercial and Mixed Use and Transit Oriented Corridor Zones in the urban area, with the exception of the Residential Character (C1) Zone and the Transit Oriented Corridor Multiple Residential (TOC3) Zone. Entertainment on the outdoor commercial patios was restricted to commercial and mixed use and park/open space lands within the Downtown Secondary Plan area.

2.0 Temporary Use By-law Nos. 20-214 and 20-215 - Temporary Tents and an Addition to and Extension of Temporary Use Permissions for Outdoor Commercial Patios

On October 14, 2020, City Council passed a Temporary Use By-law (By-law No. 20-215, in effect until October 31, 2021), to extend the opportunities for physical distancing due to COVID beyond December 31, 2020 by extending the outdoor commercial patio permissions of Temporary Use By-law No. 20-181 until October 31, 2021, and to add a new regulation to allow temporary outdoor commercial patios to be located within required parking spaces.

Also on October 14, 2020, City Council passed a Temporary Use By-law (By-law No. 20-214, in effect until October 31, 2021), to allow temporary tents for restaurants and institutional uses, namely places of worship, hospitals and educational establishments, for six consecutive months under certain conditions to accommodate physical distancing, whereas Zoning By-law No. 05-200 restricts the erection of temporary tents to five consecutive days. These temporary tents are not intended for human habitation.

The temporary tent permissions applied to certain Downtown zones, all Commercial and Mixed Use Zones with the exception of the Residential Character Commercial (C1) Zone, the Transit Oriented Corridor Zones with the exception of the Multiple Residential (TOC3) Zone, and all Institutional Zones.

These temporary amendments to Zoning By-law No. 05-200 were supported to facilitate businesses and certain institutional establishments to accommodate physical distancing measures through outdoor commercial patios and temporary tents.

3.0 Council Motion – Extension of Support for Businesses Operating Outdoors

On June 23, 2021, City Council passed the following motion:

“WHEREAS, the City of Hamilton is committed to supporting our local businesses as they try to navigate and respond to the challenges of the COVID pandemic;

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SUBJECT: Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-F(3)) (PED20135(b)) (City Wide) - Page 5 of 8

WHEREAS, the Mayor’s Task Force on Economic Recovery has recommended the City consider options to support local businesses through actions that facilitate placemaking, outdoor activities, and animation of commercial streets;

WHEREAS, on August 21, 2020 City Council through Report PED20135 approved Temporary Use By-law 20-181 to modify zoning standards with respect to where outdoor patios for restaurants, cafes, and similar uses could be located in order to facilitate the Outdoor Dining Districts Program;

WHEREAS, on October 14, 2020 City Council through Report PED20135(a) approved Temporary Use By-law 20-214 to allow temporary tents (not to be used for human habitation) for restaurants, places of worship, hospitals and schools for up to 6 consecutive months instead of the otherwise permitted five consecutive days;

WHEREAS, all of the Temporary Use By-laws, and therefore the special provisions for patios and for temporary tents, are currently set to expire on October 31, 2021;

WHEREAS, on June 7, 2021, the Province announced that Ontario will move into Step One of the Roadmap to Reopen as of Friday, June 11, which includes permission for outdoor fitness classes, outdoor personal training, and the opening of concert venues, theatres and cinemas outdoors for the purpose of rehearsing or performing a recorded or broadcasted concert, artistic event, theatrical performance or other performance with no more than 10 performers;

WHEREAS, these outdoor uses may seek to erect temporary tent structures, which may require Building Permits, and which will therefore need to meet all applicable zoning; and,

WHEREAS the current Temporary Use By-laws for the erection of temporary tents do not apply to these other outdoor uses.

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to prepare the appropriate Public Meeting notice under the Planning Act and associated report for Planning Committee to consider the following Zoning By-law 05-200 amendments at a future statutory public meeting:
 - (i) The necessary amendments to Temporary Use By-law 20-214 and other temporary use by-laws as necessary to include temporary tents associated with outdoor retail, commercial, entertainment, arts, and recreational uses as

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SUBJECT: Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-F(3)) (PED20135(b)) (City Wide) - Page 6 of 8

well as ancillary uses to existing permitted uses for up to 6 consecutive months and within required parking spaces; and,

- (ii) The necessary amendments to the existing Temporary Use By-laws to extend the permissions for patios and temporary tents through to December 31, 2021.
- (b) That Council direct staff to immediately suspend the enforcement of the current zoning by-law provisions that were modified by the existing Temporary Use By-laws as they relate to outdoor retail, commercial, entertainment, arts, and recreational uses as well as ancillary uses to existing permitted uses, and that the suspension of enforcement continue until such time as Council has considered the requested amendments to the Temporary Use By-laws.”

This report implements the June 23, 2021 Council direction.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Policy

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and the Provincial Policy Statement 2020 are silent on outdoor commercial patios and temporary tents since these uses are accessory to permitted uses.

2.0 Urban Hamilton Official Plan (UHOP)

Section F.1.11 contains policies with respect to Temporary Use By-laws. Report PED21135(a) contains an explanation of the relevant policies.

The extension to the time period for Outdoor Commercial Patios and the extension of the time period and expansion of use permissions for temporary tents conform to the Urban Hamilton Official Plan.

3.0 Zoning By-law No. 05-200

As noted above, there are temporary use by-laws for outdoor commercial patios and the erection of temporary tents. These by-laws amended the regulations in Zoning By-law No 05-200 on a temporary basis. The proposed amendments include extending the time period for the temporary use permissions until December 31, 2021.

No changes to the outdoor commercial patio regulations are proposed.

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SUBJECT: Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-F(3)) (PED20135(b)) (City Wide) - Page 7 of 8

Additional amendments are required to add a range of uses where the temporary erection of tents is permitted. No changes to the regulations are proposed.

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1. On June 7, 2021, the Province announced that Ontario will move into Step One of the Roadmap to Reopen as of Friday, June 11th. Step One of the Roadmap to Reopen expands permissions for outdoor uses. Certain temporary amendments to Zoning By-law No. 05-200 can facilitate businesses and institutional establishments to accommodate physical distancing measures as the Province reopens, through the temporary relaxation of certain regulations, specifically respecting outdoor commercial patios and temporary tents.
2. City Council, at its meeting of June 23, 2021, directed staff to prepare the necessary amendments to Temporary Use By-law No. 20-214 to expand the permissions for temporary tents to additional commercial uses in certain commercial zones, uses permitted in the Community Park (P2) Zone and City Wide (P3) Zone, and certain commercial uses and accessory commercial uses to a permitted use, in certain industrial zones. Further, staff were directed to amend Temporary Use By-law No. 20-214 to extent the time period the by-law is in effect to December 31, 2021. This report implements the June 23, 2021 Council direction.
3. City Council, at its meeting of June 23, 2021, further directed staff to amend Temporary Use By-law No. 20-181, as amended by Temporary Use By-law No. 20-215, for outdoor commercial patios, by extending the time period the by-law is in effect to December 31, 2021. This report implements the June 23, 2021 Council direction.

ALTERNATIVES FOR CONSIDERATION

N/A

**SUBJECT: Extension to Temporary Use By-law to Zoning By-law No. 05-200 –
Outdoor Commercial Patios, Addition and Extension to Temporary
Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-
F(3)) (PED20135(b)) (City Wide) - Page 8 of 8**

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21035(b) – Proposed Temporary Use By-law to Zoning By law No. 05-200 for outdoor commercial patios and temporary tents.

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Authority: Item
Report: 21- (PED20135(b))
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW No. _____

To amend Zoning By-law No. 05-200 with respect to an extension of the Temporary Use By-law for Outdoor Commercial Patios and an addition to and extension of the Temporary Use By-law for Temporary Tents

WHEREAS By-law No. 20-181 amended the outdoor commercial patio regulations in Zoning By-law No. 05-200 to provide temporary relief from the locational requirements and to permit entertainment on outdoor commercial patios for certain commercial zones within the City of Hamilton;

AND WHEREAS By-law No. 20-215 amended By-law No. 20-181 to provide additional temporary relief from the locational requirements for outdoor commercial patios in certain commercial zones and to extend the period of time the by-law was in effect;

AND WHEREAS By-law No. 20-214 amended the temporary tent regulations in Zoning By-law No. 05-200 to allow tents for restaurants and certain institutional uses in certain commercial and institutional zones within the City of Hamilton to be erected for longer periods of time to accommodate physical distancing;

AND WHEREAS the temporary use permissions of By-law Nos. 20-214 and 20-215 expire on October 31, 2021;

AND WHEREAS Subsection 39(3) of the *Planning Act* provides that Council may by by-law grant further periods of time that the temporary use is in effect for a period not more than three years;

AND WHEREAS Step One of Ontario's Roadmap to Reopen includes permissions for outdoor uses and to facilitate the reopening plan, businesses may seek to erect temporary tents but in doing so, may not be able to meet the temporary use by-law provisions for temporary tents in Zoning By-law No. 05-200;

AND WHEREAS it is appropriate to amend the temporary tent regulations to allow tents on a temporary basis, to be erected for longer periods of time for an expanded

**To amend Zoning By-law No. 05-200 with respect to an extension of the
Temporary Use By-law for Outdoor Commercial Patios and an addition to and extension of
the Temporary Use By-law for Temporary Tents**

range of uses in certain commercial zones, uses permitted in the Community Park (P2) Zone, the City Wide (P3) Zone, and certain commercial uses and accessory commercial uses permitted in certain industrial zones, to facilitate the Province's Roadmap to Reopen;

AND WHEREAS Council approved Item _____ of Report _____ of the Planning Committee, at the meeting held on August 10, 2021;

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

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

1. That the period of time Temporary Use By-law No. 20-214 and Temporary Use By-law No. 20-181, as amended by Temporary Use By-law No. 20-215, are in effect shall be extended to December 31, 2021.
2. That Schedule "A" – Zoning Maps of Zoning By-law 05-200 is amended by adding the Temporary Use symbol to Maps 102, 118, 124, 142-143, 148, 172-173, 199-200, 310, 340, 380-381, 411, 413, 476, 523, 548, 611, 613, 642, 658-659, 739, 749-752, 776, 789-792, 817,821, 823-824, 828-833, 914-920, 959, 962, 991, 1002-1006, 1013, 1022, 1035, 1049, 1059, 1068, 1088, 1094-1096, 1098-1099, 1147-1148, 1159, 1201-1204, 1213, 1244, 1255-1257, 1296, 1309-1310, 1313, 1349, 1365, 1393, 1400-1401, 1404, 1439, 1441-1442, 1446, 1451, 1481, 1484-1493, 1495, 1525, 1528-1531, 1535-1542, 1545, 1548, 1570, 1573-1574, 1580-1581, 1584-1585, 1590, 1592, 1627-1629, 1634, 1637, 1671, 1676-78, 1717, 1784, 1883, 1908.
3. That Schedule "E" – Temporary Use Provisions is amended by deleting and replacing Temporary Use Provision T-8 as follows:
 - "8. Within the lands zoned Downtown Central Business District (D1) Zone, Downtown Mixed Use – Pedestrian Focus (D2) Zone, Downtown Mixed Use (D3) Zone, Community Park (P2) Zone, City Wide (P3) Zone, Neighbourhood Institutional (I1) Zone, Community Institutional (I2) Zone, Major Institutional (I3) Zone, Research and Development (M1) Zone, General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Business Park Support (M4) Zone, General Industrial (M5) Zone, Light Industrial (M6) Zone, Airside Industrial (M7) Zone, Airport Related Business (M8) Zone, Airport Light Industrial (M10) Zone, Airport Prestige Business (M11) Zone, Shipping and Navigation (Port Lands) (M13) Zone, Shipping and Navigation (East Port) (M14) Zone, Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density

**To amend Zoning By-law No. 05-200 with respect to an extension of the
Temporary Use By-law for Outdoor Commercial Patios and an addition to and extension of
the Temporary Use By-law for Temporary Tents**

(C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, Transit Oriented Corridor Local Commercial (TOC2) Zone, Transit Oriented Corridor Mixed Use High Density – Pedestrian Focus (TOC4) Zone, the following provisions shall apply for the period running to December 31, 2021:

- a) That notwithstanding Section 3, 4.18 d), and 5.1 c) the following provisions shall apply to temporary tents for uses permitted in the Downtown Central Business District (D1) Zone, Downtown Mixed Use – Pedestrian Focus (D2) Zone, Downtown Mixed Use (D3) Zone, Community Park (P2) Zone, City Wide (P3) Zone, Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, Transit Oriented Corridor Local Commercial (TOC2) Zone, Transit Oriented Corridor Mixed Use High Density – Pedestrian Focus (TOC4) Zone, for places of worship, hospitals, and educational establishments in the Neighbourhood Institutional (I1) Zone, Community Institutional (I2) Zone and Major Institutional (I3) Zone, and personal services, restaurants, and retail, and accessory commercial uses to a permitted use in the Research and Development (M1) Zone, General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Business Park Support (M4) Zone, General Industrial (M5) Zone, Light Industrial (M6) Zone, Airside Industrial (M7) Zone, Airport Related Business (M8) Zone, Airport Light Industrial (M10) Zone, Airport Prestige Business (M11) Zone, Shipping and Navigation (Port Lands) (M13) Zone, Shipping and Navigation (East Port) (M14) Zone:
1. the temporary use by-law with respect to tents, shall not apply to the Residential Commercial (C1) Zone;
 2. the temporary tent shall not be in operation for more than 6 consecutive months;
 3. the temporary tent shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone;
 4. notwithstanding Clause 3. above, the temporary tent shall be setback a minimum of 5 metres from a Residential Zone;

**To amend Zoning By-law No. 05-200 with respect to an extension of the
Temporary Use By-law for Outdoor Commercial Patios and an addition to and extension of
the Temporary Use By-law for Temporary Tents**

5. the temporary tent shall not occupy areas devoted to barrier-free parking space(s) or loading space(s);
 6. the temporary tent shall not be used for human habitation; and,
 7. for the purposes of this Temporary Use by-law, a temporary tent shall not be considered as an accessory building."
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passage of this By-law in accordance with the *Planning Act*.
 5. That this By-law comes into force in accordance with Sections 34 and 39 of the *Planning Act*.

PASSED and ENACTED this day of 2021.

Fred Eisenberger
MAYOR

Andrea Holland
CITY CLERK

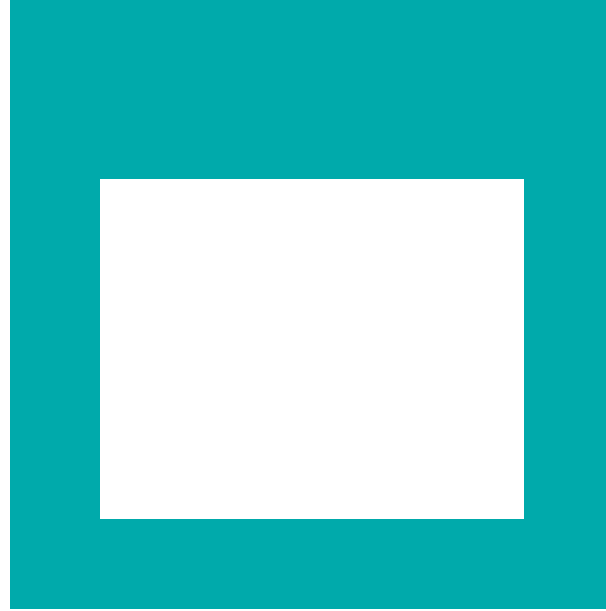
CI 20-F(3)

**To amend Zoning By-law No. 05-200 with respect to an extension of the
Temporary Use By-law for Outdoor Commercial Patios and an addition to and extension of
the Temporary Use By-law for Temporary Tents**

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

Is this by-law derived from the approval of a Committee Report? Yes	
Committee: Planning Committee	Report No.: PED20135(b) Date: 8/10/21
Ward(s) or City Wide: City wide	(MM/DD/YYYY)

Prepared by: Alana Fulford	Phone No: ext. 4771
<i>For Office Use Only, this doesn't appear in the by-law</i>	



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

August 10, 2021

PED20135(b)

Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents

Presented by: Alana Fulford

Background

- On August 21, 2020, City Council passed Temporary Use By-law No. 20-181 to permit:
 - Outdoor commercial patios, under certain conditions, in a side/rear yard that abuts a residential zone for certain commercial zones.
 - Entertainment on outdoor commercial patios within the Downtown area.
 - In effect until December 31, 2020.

Background

- On October 14, 2020, City Council passed two Temporary Use By-laws.
 1. By-law No. 20-215:
 - Extended the permissions of the previous by-law to October 31, 2021.
 - Added a new regulation to allow temporary outdoor commercial patios to be located within required parking spaces.

Background

2. By-law No. 20-214:

- Permitted temporary tents for restaurants and institutional uses (places of worship, hospitals, and educational establishments), for six consecutive months to accommodate physical distancing.
- Applies to certain Downtown Zones, all Commercial and Mixed Use Zones with the exception of the Residential Character Commercial (C1) Zone, the Transit Oriented Corridor Zones with the exception of the Multiple Residential (TOC3) Zone, and all Institutional Zones.
- In effect until October 31, 2021

Council Motion – Extension of Support for Businesses Operating Outdoors

- On June 23, 2021, City Council passed a motion to:
 - Amend existing temporary use by-laws as necessary to include temporary tents associated with outdoor retail, commercial, entertainment, arts, and recreational uses as well as ancillary uses to existing permitted uses, for up to 6 consecutive months and within required parking spaces.
 - Extend the permissions for patios and temporary tents through to December 31, 2021.

Council Motion – Extension of Support for Businesses Operating Outdoors

- Council direction - to facilitate businesses and institutional establishments to accommodate physical distancing measures as the Province reopens (Roadmap to Reopen), through the temporary relaxation of certain regulations, specifically respecting outdoor commercial patios and temporary tents.

Proposed Temporary Use By-law – Outdoor Commercial Patios and Temporary Tents

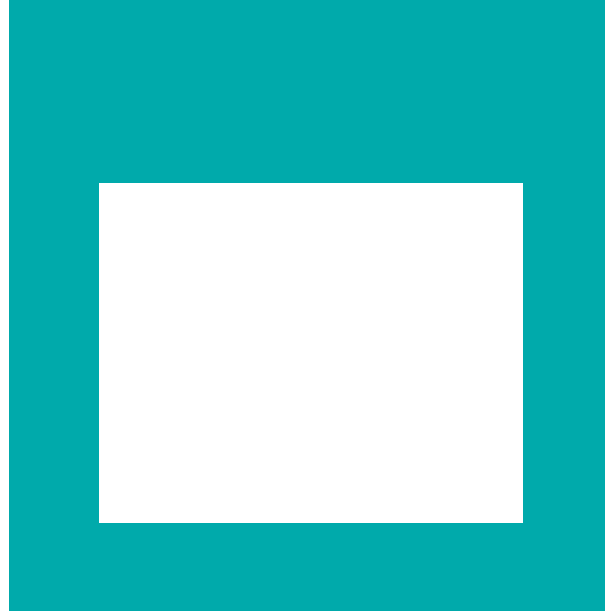
- This report implements the June 23, 2021 Council direction by:
 - Expanding the temporary tent permissions to additional commercial uses – in certain Commercial Zones, Park Zones, and Industrial Zones (accessory commercial uses to a permitted use).
 - Extending temporary use permissions for outdoor commercial patios and temporary tents to December 31, 2021.

Recommendations

- Amend Temporary Use By-law No. 20-214 to expand the permissions for Temporary Tents to:
 - additional commercial uses in certain Commercial Zones;
 - uses permitted in the Community Park (P2) Zone and City Wide (P3) Zone; and,
 - personal services, restaurants, and retail, and accessory commercial uses to a permitted use in certain Industrial Zones.
- Amend Temporary Use By-law No. 20-214 to extend the time period the by-law is in effect to December 31, 2021.

Recommendations

- Amend Temporary Use By-law No. 20-181, as amended by Temporary Use By-law No. 20-215, for Outdoor Commercial Patios, by extending the time period the by-law is in effect to December 31, 2021.



THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE

Special Conditions for Draft Plan of Subdivision Approval for 25T-202004

That this approval for the Draft Plan of Subdivision, 25T-202004, prepared by The Biglieri Group and certified by S. Dan McLaren, O.L.S., dated July 15, 2020 (Revision 1, dated February 26, 2021), consisting of seven (7) development blocks for street townhouse dwellings (Blocks 1-7) be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration of the final plan of subdivision**, the Owner shall establish a 4.5 metre x 4.5 metre daylight triangle at the southwest corner of Jellicoe Court and Vickers Road and a 4.57 metre x 4.57 metre daylight triangle at the southeast corner of East 16th Street and Vickers Road, to the satisfaction of the Senior Director, Growth Management Division.
2. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules provision to install a 1.50 m curb faced sidewalk along the west side of Jellicoe Court extending from Vickers Road to the cul-de- sac including a transitional sidewalk to match the existing sidewalk within the cul-de-sac at the south limit of Jellicoe Court, to the satisfaction of the Senior Director, Growth Management Division.
3. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules provision to replace the existing combined curb and sidewalk on the east side of East 16th Street (from Callie Street to Vickers Road) and the south side of Vickers Road (from East 16th Street to Jellicoe Court) with a new 1.50m sidewalk, including lay-bys on Vickers Road, to the satisfaction of the Senior Director, Growth Management Division.
4. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules provision to reconstruct the full road widths of Vickers Road from East 16th Street to Jellicoe Court, East 16th Street from Callie Road to Vickers Road including replacement of the combined sewer on East 16th Street and Jellicoe Court from Vickers Road to the south limit of the existing cul-de-sac, including replacement of the combined sewer on Jellicoe Court, all at the Owner's expense, to the satisfaction of the Senior Director, Growth Management Division.
5. That, **prior to registration of the plan of subdivision**, the Owner agrees, at their expense, to remove, relocate or replace, as required, all affected utility poles, hydrants, pedestals, hydro vaults etc., on East 16th Street, Vickers Road, and Jellicoe Court to the satisfaction of the Senior Director, Growth Management.

6. That, **prior to preliminary grading**, the Owner agrees to obtain written permission from the Owner of the adjacent lands to the south to permit grading on their property, to the satisfaction of the Senior Director, Growth Management Division.
7. That, **prior to servicing**, the Owner prepares and submits a driveway location/on street parking plan, to the satisfaction of the Senior Director, Growth Management Division, showing:
 - i. The location of driveways based on the premise of achieving on-street parking for the total freehold dwelling units in accordance with the submitted On-street parking plan (dated March 4, 2021);
 - ii. The driveways ramps and curb openings for all lots;
 - iii. Parking lay-bys on the south side of Vickers Road;
 - iv. the pairing of driveways;
 - v. where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
 - vi. the location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities.
8. That, **prior to preliminary grading**, the Owner provides, to the satisfaction of the Senior Director of Growth Management, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works be completed as necessary, to the satisfaction of the Senior Director, Growth Management Division.
9. That, **prior to preliminary grading**, the Owner agrees to implement recommendations of a Geotechnical report, prepared by a qualified consultant, to the satisfaction of the Senior Director, Growth Management Division.
10. That, **prior to servicing**, the Owner shall prepare and submit a Construction Management Plan (CMP) for the works within the existing ROW's including Vickers Road, East 16th Street and Jellicoe Court. The CMP shall identify the anticipated staging of construction, temporary road restrictions anticipated including any full road closure requests and partial road restrictions and timing of restoration. The CMP will be required to be submitted and approved prior to servicing. Additionally, the Applicant, through their Contractor will be required to provide (post-design

approval) a Construction Staging Plan which shall provide additional details and information about how they specifically intend to construct and complete the necessary servicing and restoration works within the existing ROW to the satisfaction of the Senior Director, Growth Management.

11. That, **prior to preliminary grading**, the Owner shall submit a detailed Stormwater Management Report prepared by a qualified professional Engineer, in accordance with the City of Hamilton Drainage Polices, City of Hamilton Comprehensive Development Guidelines and the MECP's Stormwater Management Planning and Design Manual (2003), to the satisfaction of the Senior Director, Growth Management Division, considering the following parameters:
 - i. The 100-year post development peak flows from Blocks 1- 7 and shall be controlled to 2-year allowable rates proposed in Table 1.1 of the technical memorandum for Linden Park Stormwater management and storm servicing scheme dated Feb 3, 2021 prepared by SLA Consulting Engineers. The required SWM system within East 16th Street, Vickers Road and Jellicoe Court shall be implemented at the Owner's expense in order to accommodate the freehold units in Blocks 1-6.
 - ii. The outflows from the SWM facilities on Block 7 shall not exceed 20l/s up to the 100-year storm event in Table 1.1 of the technical memorandum for Linden Park Stormwater management and storm servicing scheme dated Feb 3, 2021 prepared by SLA Consulting Engineers.
 - iii. The design must consider an adequate number of inlets (CB, DCB, RYCB, TCCB's etc.) to capture 100-year flows considering 50% blockages of the inlets, including total capture grates where necessary.
 - iv. Provide Level 1 (Enhanced) quality treatment for stormwater runoff on Block 7.
12. That, **prior to servicing**, the Owner agrees that Blocks 1-7 will be developed concurrently under a single servicing contract such that the ultimate SWM facility on Block 7 will be in place and operational in accordance with an ECA from MECP to meet the overall flow control target rates to the allowable flow rates identified in Table 1.1 of the technical memorandum for Linden Park Stormwater Management and Storm Servicing Scheme dated Feb 3, 2021 prepared by SLA Consulting Engineers, to the satisfaction of the Senior Director, Growth Management Division.
13. That, **prior to servicing**, the Owner agrees to install a 1.5m high black vinyl coated heavy-duty chain-link fence along the south side yards of Blocks 6 and 7 that abut the existing public Park lands, to the satisfaction of the Senior Director, Growth Management.

14. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost schedules, provision for pavement line painting to reinstate the pavement marking to original conditions, to the satisfaction of the Senior Director, Growth Management Division.
15. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules, provision to provide adequate water quality flushing of the proposed dead end watermain on Jellicoe Court, to the satisfaction of the Senior Director, Growth Management Division.
16. That, **prior to servicing**, the Owner shall provide a wastewater generation assessment report, to the satisfaction of Hamilton Water and the Senior Director, Growth Management Division.

Development Planning:

17. That, **prior to preliminary grading and / or servicing**, the Owner shall prepare a Tree Preservation / Enhancement Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; and to implement all approved tree saving measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner.
18. That, **prior to registration of the plan of subdivision**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect to the satisfaction of the Director of Planning and Chief Planner. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City's Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees.

Forestry and Horticulture Section, Public Works Department:

19. That, **prior to preliminary grading and / or servicing**, the Owner shall submit a Tree Management Plan and the payment of all applicable fees, all to the satisfaction of the Forestry and Horticulture Section, Public Works Department.

Transportation Planning:

20. That, **prior to registration**, the Owner shall pay \$12,000 to the City of Hamilton for the placement of two speed cushions on Vickers Road, to the satisfaction of the Manager, Transportation Planning and Manager, Transportation Operations.

21. That, **prior to servicing**, the Owner shall provide a detailed engineering submission for the design and construction of the proposed lay-bys on Vickers Road. The location of the lay-bys shall be pre-approved by Transportation Planning with design to the satisfaction of the Manager, Transportation Planning and Manager, Transportation Operations.
22. That, **prior to servicing**, the road reconstruction of Jellicoe Court shall include increasing the cul-de-sac pavement radius to 13.0 metres on the west side, which shall include a reduced sidewalk width of 1.2 metres and a 0.2 metre curb, resulting in a 1.4 metre sidewalk, to the satisfaction and approval of the Manager, Transportation Planning, unless dictated otherwise by the Manager, Development Approvals.

Canada Post:

23. That **prior to registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
- i. That the home / business mail delivery will be from a designated Centralized Mail Box.
 - ii. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
24. That **prior to registration of the plan of subdivision**, the Owner agrees to:
- iii. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - iv. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - v. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - vi. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.

- vii. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

25. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Bell Canada:

26. That **prior to registration of the plan of subdivision**, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

Rogers Communication Inc.:

27. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Rogers Communications Inc. ("Rogers") the necessary easements and / or agreements required by Rogers for the provision of telecommunications services for this project, in a form satisfactory to Rogers.

Union Gas:

28. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Enbridge Gas Inc.'s operating as Union Gas, ("Union") the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

Growth Management

29. That prior to registration of the plan of subdivision, the owner shall coordinate with Growth Planning Staff the finalization of municipal addressing for each of the development blocks, to the satisfaction of the Senior Director, Growth Management.

NOTES TO DRAFT PLAN APPROVAL

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be

considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. This development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law 20-221. The development can set out their waste along the curbside in front of their dwelling units. An Agreement for On-Site Collection of Municipal Solid Waste must be executed and submitted to the City prior to the start of waste collection service for the units fronting the private roadway.
3. Information concerning the City's requirements for waste management services for new developments is available in the "City of Hamilton Waste Collection Design Standards for New Developments and Redevelopments". This document is available as Appendix 21 at the following link:
<https://www.hamilton.ca/develop-property/policies-guidelines/site-plan-guidelines>.

Andrews, Mark

From: [REDACTED]
Sent: September 25, 2020 9:29 AM
To: Rybensky, Yvette; Andrews, Mark
Subject: development at 4 Vickers Road, Hamilton - 25T-202004

Good morning Yvette and Mark,

I am writing with a question about the letter we received about the Biglieri Group/Dicenzo development application plan for 4 Vickers Road 25T-202004.

I am wondering about block 7 on the draft plan. That seems like a fairly small area of space for 49 residential units (I apologize if the number is slightly off, the copy is small and becomes pixelated on expansion) My question is what is the plan for block 7? I welcome residential development in the area but am not looking to have a mid rise building in our neighborhood. How many stories is it planned to be?

Thank-you for any information,
[REDACTED]

Andrews, Mark

From: [REDACTED]
Sent: October 2, 2020 4:14 PM
To: Andrews, Mark
Subject: Draft Plan of Subdivision (file no. 25T-202004)

Hello Mark,

I'm writing as a concerned resident of the Hill Park area. The intersection of East 17th and Vickers is already a moderately high traffic area. I am worried that there will be too many cars coming in such a tight space. With the addition of 83 homes and families, we've already lost park and green space due to the construction of the homes, is there anything going in its place? As for schools, in the last 5 years we've closed 3 public schools in the area. This neighbourhood is changing with already lots of turn over to new families in the area. What are we going to do with the overcrowding schools in this catchment area?

These are my main concerns, I hope that you include them in the report.

Regards,

[REDACTED]

Andrews, Mark

From: [REDACTED]
Sent: October 25, 2020 6:36 PM
To: Andrews, Mark
Subject: Re: New development on bickers road

Hello Mark

As discussed in previous email . I didn't receive information regarding the new development on Vickers Road. I do understand once the information is sent out via mail you have limited control of where it ends up. With that said when discussing important and time sensitive matters it is the city's responsibility to ensure this information is directed to the right people affected. That could have been achieved via registered mail. That being said this is my submission regarding the development of 83 three storey freehold townhouses. I will be doing this in point form as follows as well as an option for signed petition to be presented at the upcoming meeting that's yet to be scheduled.

The community infrastructure would not support 83 families on such a small patch of land. Examples lighting, parking, sewer which has been a problem for years.

This type of development doesn't suit or improve the neighborhood by adding this amount of housing with no primary school or high school there isn't even a park within the neighbourhood.

There is no where within the city of Hamilton that has three storey townhomes place with a older neighborhood of predominantly bungalows built in the 1950,1960.

This is completely inappropriate amount of homes within this pre existing community.

The density is to great for this land with the thought of 83 townhomes.

I understand the need for development but why not two storey townhomes with backyards mixed with sem detached or single story homes or townhomes.this would be more suitable housing for this type of pre existing older neighborhood.

I as well as my neighbours who have started a petition feel this will greatly devalue our property values . This development will be a complete eyesore especially three storey townhomes with no backyards and the quantity of them on a small patch of land.

This was thrown at this community when we were assured when that land was up for sale the city would take into consideration what the dynamic of the neighborhood would be kept in tack. This was a lie if the city allows for 83 three storey townhomes to be built on such a small patch of land.

I look forward to hearing when the future meeting will occur via email and registered mail. This is to allow a democratic meeting and not just hoping everyone gets the information. This is especially true when many of my neighbours are against such a huge development on such a small patch of land.

Sincerely [REDACTED]

Andrews, Mark

From: [REDACTED]
Sent: December 17, 2020 8:10 PM
To: Andrews, Mark
Subject: 4 Vickers Road, Hamilton - Proposed Redevelopment - Further Questions

Hi Mark,

Please consider the following questions and concerns on the staff report. Please keep my contact information confidential.

- Will construction traffic be limited to one way-in and one way-out from the planned site?
- What control measures will be in place for additional traffic? We already have concerns with traffic signs being disobeyed. Worries with respect to pedestrian traffic and children playing in the neighbourhood.
- Who will be responsible for the cleaning of Vickers throughout the construction process?

My address is [REDACTED] Please ensure all updates and reports are provided.

Thanks,
[REDACTED]

Andrews, Mark

From: [REDACTED]
Sent: January 16, 2021 11:18 AM
To: Mike Pettigrew
Cc: Andrews, Mark; Pauls, Esther
Subject: Parking Issues at Linden Park Development
Attachments: 20630-Prresentation-Virtual Neighbourhood Open House-20.12.17.pdf

Hi Mike, from the attached presentation it looks like this development will have enough room for at least two cars in the driveway. Is this an accurate representation of the Proposed development? If not why was it used in the presentation?



If the driveways in fact only provide enough room for one car, then I think the buildings should be set back to provide this additional driveway space.

Parking is going to be an issue as all agreed in the meeting on December 17. We really need to plan for the additional parking as it will for sure have a negative impact in the neighborhood.

The same parking issue can be seen at Paramount Drive next to Janet Lee School. From a Google Maps shot you can see people from the townhouses parking at the Cineplex parking lot. The parking is a problem in this development even though they have much more visitor parking spaces than the proposed development at Linden Park.



Visitor Parking Analysis:

Paramount:

Units = 96

Visitor Parking Spots = 48

Ratio = 0.5 Visitor Parking to Units

Linden Park

Units = 83

Visitor Parking Spots = 12

Ratio = 0.1 Visitor Parking to Units

Why is the Visitor Parking to Unit Ratio so poor for the Linden Park development?

The two car driveway plan was successfully designed and implemented at the Cardinal Heights development. I'm sure those new home owners appreciate the two car plus garage parking and paid a price premium for this feature. The only drawback is that likely their backyard is slightly smaller. I think most people would sacrifice the slightly smaller backyard so that they can park at their door and not down around the block on the road.



How will DiCenzo homes be able to redesign the proposed layout so that the agreed parking issues in the current design will be solved?

Best regards,

[Redacted signature]

Andrews, Mark

From: [Redacted]
Sent: January 16, 2021 11:21 AM
To: Andrews, Mark
Cc: Pauls, Esther; mpettigrew@thebiglierigroup.com
Subject: Sewer Construction and Design at Linden Park Development

Hi Mark, at the public meeting for the Linden Park development, the sewer connection for the new townhouse units to the current infrastructure was discussed. The concern was, what would the impact be of the increased waste water to the current neighborhood. This area has a history of sewers backing up into basements.

Where will the Linden Park development sewer connection be made to the existing sewer system?
What proactive measures are being made to prevent increased burden on the existing sewer system?
Are there any plan to separate the sanitary and storm sewers in this area?

Best regards,

[Redacted signature]

Andrews, Mark

From: [REDACTED]
Sent: February 8, 2021 12:56 PM
To: Mike Pettigrew; Pauls, Esther; Andrews, Mark
Cc: Milovanov, Zora
Subject: Re: Parking Issues at Linden Park Development

Mike and Esther,

In my original email I offered two of my solutions.

The first solution was to re-orient the development to accommodate a larger driveway; this may also have resulted in fewer units for sale.

Densification is another word for maximizing the number of units per square hectare. Densification increases the rate of return for the developer and the resulting tax base for the city. Densification is commonly spun on the back of the environment so that it is more palatable to the public. Will DiCenzo be re-orienting the proposed development to accommodate additional parking? This indeed would prove the assertion stated at the beginning of the December 17 meeting that DiCenzo builds high quality communities.

The second solution while not spelled out in black and white is how the people at the Janet Lee townhouses found adjacent parking to alleviate the obvious parking problem within their complex. I'm sure you have noticed the generous adjacent parking to the Linden Park site? Will the people that live in the new development be given access to this parking lot? Remember people are like electricity, they will take the path of least resistance. And water does not flow up hill. People will find the nearest parking spot to accommodate their daily parking needs.

Mark, speaking of water, why have you not answered my concerns on the sewer construction and design that I emailed January 16?

All, I have also added comments within the original text of this email – please read and comment.

Esther, is it true that the current Hamilton bylaw does not require visitor parking?

Mike, when is the second community meeting going to be held?

Looking forward to your prompt replies.

Best regards,
[REDACTED]

From: [Mike Pettigrew](#)
Sent: Wednesday, February 03, 2021 10:52 AM
To: [Pauls, Esther](#); [REDACTED]
Cc: [Andrews, Mark](#); [Milovanov, Zora](#)
Subject: RE: Parking Issues at Linden Park Development

Thanks for the follow-up Zora!

Andrews, Mark

From: [REDACTED]
Sent: March 10, 2021 6:50 PM
To: Andrews, Mark; Mike Pettigrew
Cc: Pauls, Esther; Milovanov, Zora
Subject: Re: Parking Issues at Linden Park Development

Hi Mark,

Mike was able to answer the questions I had regarding the setbacks and sidewalks in his email response. Thanks for the information Mike.

I was asking about the setback to see if there was any opportunity for two cars to park in the driveway. This would have a direct impact on my property because if there is not sufficient parking in the new development, the people in those houses will find a place to park on the street, which would likely be encroaching on my driveway ramp.

Some other parking solutions that the new home owners might consider:

- Parking at the school – that little fence won't stop anyone. In fact a former home owner on the street used to park his eighteen wheeler in the Hill Park driveway on the weekend.
- Pave the grass area in front of their house to make a double driveway.
- Squeeze two cars into the driveway so that the back end of the second car eclipses the sidewalk.

When will the recommendation report be complete and ready for my review?

Best regards,

[REDACTED]

Andrews, Mark

From: [REDACTED]
Sent: March 19, 2021 3:35 PM
To: Andrews, Mark
Cc: Pauls, Esther; Milovanov, Zora; Mike Pettigrew
Subject: Re: Parking Issues at Linden Park Development

Thanks for the update Mark.
Best regards,

[REDACTED]

From: [Andrews, Mark](#)
Sent: Friday, March 19, 2021 2:51 PM
To: [REDACTED]
Cc: [Pauls, Esther](#) ; [Milovanov, Zora](#) ; [Mike Pettigrew](#) ; [Fabac, Anita](#) ; [Izirein, Ohi](#)
Subject: RE: Parking Issues at Linden Park Development

Hi [REDACTED]

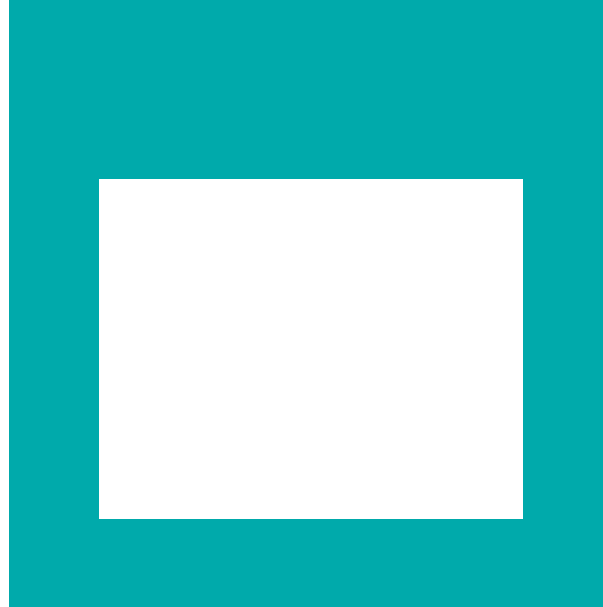
We are not yet in a position to have a report presented with our recommendations to Planning Committee. We had just received a revised submission which has been circulated and is under review again by technical staff.

When we are in a position to make a recommendation and have a report ready, you will receive a copy of it. But we are not yet at that position in the review process.

Thank you.

Mark Andrews, M.Pl., MCIP, RPP

Planner I, Development Planning, Heritage and Design – Suburban Team
Planning and Economic Development
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4K5



WELCOME TO THE CITY OF HAMILTON

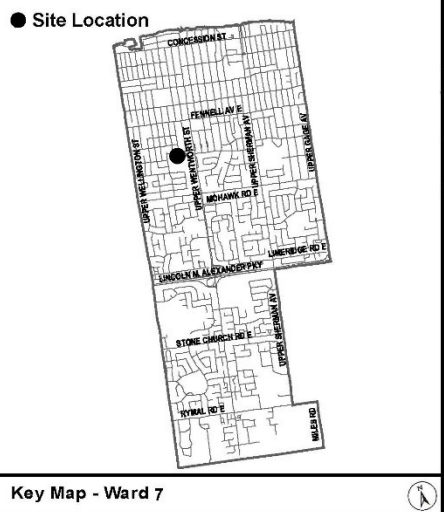
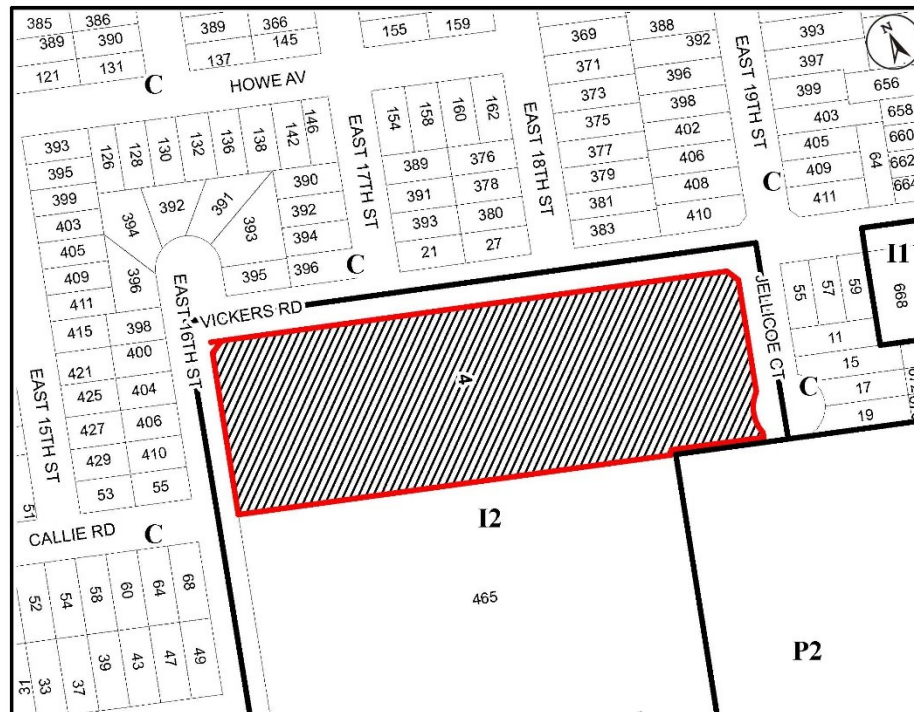
PLANNING COMMITTEE

August 10, 2021

PED21155– (25T-202004)

Application for Approval of a Draft Plan of Subdivision for Lands Located at
4 Vickers Road, Hamilton

Presented by: Mark Andrews



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: 25T-202004	Date: September 3, 2020
Appendix "A"	Planner/Technician: MA/AL

Subject Property

 4 Vickers Road



SUBJECT PROPERTY



4 Vickers Road, Hamilton

3 SIDE ELEVATION
 A400 LIGHT BLOCK
 SIDE VIEW

1 FRONT ELEVATION
 A400 LIGHT BLOCK
 FRONT VIEW

4 SIDE ELEVATION
 A400 DARK BLOCK
 SIDE VIEW

2 REAR ELEVATION
 A400 LIGHT BLOCK
 REAR VIEW

LEGEND

AL - ALUMINUM FASCIA	RWL - RAIN WATER LEADER
AO - ALUMINUM OUTER	S - STONE
AS - ASPHALT SHINGLES	SC - SOLDIER COURSE
B - BRICK VENEER	SIL - SILLS
CB - CORNER BRACKET	ST - STUCCO
CP - CONCRETE PORCH	VS - VINYL SIDING
FB - FREEZE BOARD	VST - VINYL SIDING TRIM
K - KEYSTONE	WP - WOOD POST /
L.S. - LIMESTONE SILL	WR - WOOD RAILING
MRE - DECORATIVE METAL RAIL	WS - WOOD PRIVACY SCREEN
PS - PRECAST STEP	

CONSTRUCTION NOTES:
 1. CONSTRUCTION MATERIALS AND METHODS SHALL BE AS SPECIFIED IN THE PERMITTING AND APPROVAL PROCESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

PERMIT TABLE:

NO.	DESCRIPTION	DATE	STATUS
1	CONSTRUCTION PERMIT	2024-01-15	ISSUED
2	PLUMBING PERMIT	2024-01-15	ISSUED
3	ELECTRICAL PERMIT	2024-01-15	ISSUED
4	Mechanical Permit	2024-01-15	ISSUED

KNYMH ARCHITECTURE + SOLUTIONS
 45 VINE RD. SUITE 100
 HAMILTON, ONTARIO L8N 3R7
 TEL: 905.571.8800 FAX: 905.571.8801
 WWW.KNYMH.COM

DICENZO HOVES
 LINDEN TOWNS
 4 VICKERS ROAD
 HAMILTON, ONTARIO

6 UNIT BLOCK ELEVATIONS BLDGS A,D,F,G,K,P

STRAND NO. 19092

PROJECT NO. A400

DATE: 2024-01-15

SCALE: AS SHOWN

3 SIDE ELEVATION
 A437 2.21.2018 1/8" = 1'-0"

1 FRONT ELEVATION
 A410 2.21.2018 1/8" = 1'-0"

4 SIDE ELEVATION
 A438 2.21.2018 1/8" = 1'-0"

2 REAR ELEVATION
 A411 2.21.2018 1/8" = 1'-0"

LEGEND

AF - ALUMINUM FASCIA	RWL - RAIN WATER LEADER
AG - ALUMINUM GUTTER	S - STONE
AS - ASPHALT SHINGLES	SC - SOLDIER COURSE
B - BRICK VENEER	SH - SHAKER
CB - CORNER BRACKET	ST - STUCCO
CP - CONCRETE PORCH	VS - VINYL SIDING
FB - FREEZE BOARD	VST - VINYL SIDING TRIM
K - KEYSTONE	WP - WOOD POST /
LS - LIMESTONE SILL	WR - WOOD RAILING
MIS - DECORATIVE METAL RAIL	WPS - WOOD PRIVACY SCREEN
PS - PRECAST STEP	

NOT FOR CONSTRUCTION

<p>CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND LOCATIONS BEFORE PROCEEDING WITH ANY WORK. ALL DIMENSIONS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND SHALL BE USED AS SUCH. THE DEVELOPER AND CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL COSTS OF CORRECTIONS AND REVISIONS TO ANY WORK DONE BY THE CONTRACTOR WHICH DOES NOT MEET THE REQUIREMENTS OF THE ARCHITECT.</p> <p>DATE: 02/21/2018</p> <p>BY: [Signature]</p>	<p>NO. 123456789</p> <p>DATE: 02/21/2018</p> <p>BY: [Signature]</p>	<p>NO. 123456789</p> <p>DATE: 02/21/2018</p> <p>BY: [Signature]</p>	<p>NO. 123456789</p> <p>DATE: 02/21/2018</p> <p>BY: [Signature]</p>
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KNYMI ARCHITECTURE + SOLUTIONS
 KRYVEM, INC.
 1000 GARDEN AVE., SUITE 101
 BRIMLEY ON WILSON
 TORONTO, ONTARIO
 M1M 1S7
 416-491-9911

DICENZO HOMES
 LINDEN TOWNS
 4 VICKERS ROAD
 HAMILTON, ONTARIO

UNION ASSOCIATION OF ARCHITECTS OF ONTARIO
 19092

4 UNIT BLOCK ELEVATIONS BLDGS 1, 4, 1, 4 (MIRROR)
 19092
 A410

1 FRONT ELEVATION
 1/10/20
 5 UNIT BLOCK

2 REAR ELEVATION
 1/10/20
 5 UNIT BLOCK

3 SIDE ELEVATION
 1/10/20
 5 UNIT BLOCK

4 SIDE ELEVATION
 1/10/20
 5 UNIT BLOCK

LEGEND

AF - ALUMINUM FASCIA	RWL - RAIN WATER LEADER
AG - ALUMINUM GUTTER	S - STONE
AS - ASPHALT SHINGLES	SC - SULLYHUR COURSE
B - BRICK VENEER	SH - SHAKERS
CS - CORNER BRACKET	ST - STUDIO
CP - CONCRETE PORCH	VS - VINYL SIDING
FD - FREEZE BOARD	VST - VINYL SIDING TRIM
K - KEYSTONE	WP - WOOD POST /
LS - LIMESTONE SILL	WR - WOOD RAILING
ME - DECORATIVE METAL RAIL	WS - WOOD PRIVACY SCREEN
PS - PRECAST STEP	

NOT FOR CONSTRUCTION

KNYMI- ARCHITECTS + SOLUTIONS
 KYLE M. INC.
 1000 WILSON AVENUE #101
 MISSISSAUGA, ONTARIO L4X 1L7
 TEL: 905-277-8888
 FAX: 905-277-8889
 www.knymi.com

DICENZO HOVES
 LINDEN TOWNS
 4 VICKERS ROAD
 HAMILTON, ONTARIO

5 UNIT BLOCK ELEVATIONS BLDGS C # 1
 PROJECT NO: 19092
 SHEET NO: A420

3 SIDE ELEVATION
 (A43) 1/4" = 1' (8" X 11")

1 FRONT ELEVATION
 (A43) 1/4" = 1' (8" X 11")

4 SIDE ELEVATION
 (A43) 1/4" = 1' (8" X 11")

2 REAR ELEVATION
 (A43) 1/4" = 1' (8" X 11")

LEGEND

AF - ALUMINUM FASCIA	RWL - RAIN WATER LEADER
AG - ALUMINUM GUTTER	S - STONE
AS - ASPHALT SHINGLES	SC - SOLDIER COURSE
B - BRICK VENEER	SH - SHAKES
CB - CORNER BRACKET	BT - BUTTICE
CP - CONCRETE PORCH	VS - VINYL SIDING
FB - FRIEZE BOARD	VST - VINYL SIDING TRIM
K - KEYSTONE	WP - WOOD POST /
LS - LIMESTONE SILL	WR - WOOD RAILING
MRE - DECORATIVE METAL RAIL	WB - WOOD PRIVACY SCREEN
PS - PRECAST STEP	

NOT FOR CONSTRUCTION

<p>FOR FINANCIAL REVIEW CHECK AND VERIFY ALL DIMENSIONS AND MATERIALS SPECIFICATIONS FOR CONSTRUCTION OF THIS PROJECT. ALL DIMENSIONS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND SHALL BE USED ONLY FOR THE CONSTRUCTION OF THIS PROJECT.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p>	<p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p>	<p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p>	<p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p> <p>NO CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.</p>
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KNYMH ARCHITECTURAL SOLUTIONS

ARCHITECTS OF HAMILTON

DICENZO HOVES
 LINDEN TOWNS
 4 VICKERS ROAD
 HAMILTON, ONTARIO

6 UNIT BLOCK ELEVATIONS BLDG E

19092

A430

3 SIDE ELEVATION
 A440 1/21 BLOCK

1 FRONT ELEVATION
 A440 1/21 BLOCK

4 SIDE ELEVATION
 A440 1/21 BLOCK

2 REAR ELEVATION
 A440 1/21 BLOCK

LEGEND

AF - ALUMINUM FASCIA	RWL - RAIN WATER LEADER
AG - ALUMINUM GUTTER	S - STONE
AS - ASPHALT SHINGLES	SC - SOLIDAR COURSE
B - BRICK VENEER	BH - SHAKERS
CB - CORNER BRACKET	ST - STUCCO
CP - CONCRETE PORCH	VS - VINYL SIDING
FD - FRIeze BOARD	VST - VINYL SIDING TRIM
K - KEYSTONE	WP - WOOD POST /
LS - LIMESTONE SILL	WR - WOOD RAILING
MIR - DECORATIVE METAL RAIL WS	WPS - WOOD PRIVACY SCREEN
PS - PRECAST STEP	

NOTES

CONTRACTOR MUST CHECK UNIVERSITY ALL DIMENSIONS AND THE DIMENSIONS BEFORE PROCEEDING. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE ACCURACY OF ALL DIMENSIONS AND THE PROPORTION OF THE DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

NOT FOR CONSTRUCTION

KNYMIH
 ARCHITECTURE • SOLUTIONS

5 UNIT BLOCK
 ELEVATIONS
 B, DGs 0 & B, H (MIRROR)

DICENZO HOVES
 LINDEN TOWNS
 4 VICKERS ROAD
 HAMILTON, ONTARIO

19092

A440

1 STANDARD END UNIT ELEVATION

A450

2 STREET FACING END UNIT ELEVATION

A450

LEGEND	
AF - ALUMINUM FASCIA	RWL - RAIN WATER LEADER
AG - ALUMINUM GUTTER	S - STONE
AS - ASPHALT SHINGLES	SC - SOLDIER COURSE
B - BRICK VENEER	SH - SHAKES
CB - CORNER BRACKET	ST - STUCCO
CP - CONCRETE PORCH	VS - VINYL SIDING
FB - FREEZE BOARD	VST - VINYL SIDING TRIM
K - KEYSTONE	WP - WOOD POST /
LS - LIMESTONE SILL	WR - WOOD RAILING
MR - DECORATIVE METAL RAIL WB	WOOD PRIVACY SCREEN
PS - PRECAST STEP	

FOR INFORMATION ONLY: THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING.

DATE: 01/15/2019

BY: [Signature]

PROJECT: [Project Name]

NOT FOR CONSTRUCTION

KNYMH
 ARCHITECTS & SOLUTIONS

100 KING STREET WEST
 SUITE 200
 TORONTO, ONTARIO M5X 1C7
 TEL: 416-593-8888
 WWW.KNYMH.COM

PROFESSIONAL SEAL

19092

PROJECT NAME

LINDEN TOWNS

4 VICKERS ROAD

HAMILTON, ONTARIO

PROJECT NUMBER

A450



Subject Property looking east towards Upper Wentworth Street at Jellicoe Court



Northeast corner of Subject Property looking towards Vickers Road and East 19th Street



Jellicoe Court looking south (subject property to the west)



Vickers Road looking west from Jellicoe Court (subject property to the south)



Subject Property looking southwest towards Hillpark Learning Centre (from Vickers Road and East 19th Street)



Subject Property looking west from Jellicoe Court



Subject Property looking south towards Sackville Hill Memorial Park



Southeast side of Subject Property looking north Towards East 19th Street



Subject Property looking northwest towards Vickers Road and East 18th Street



Subject Property looking west towards East 16th Street



Subject Property looking east towards Jellicoe Court



Subject Property looking south from Vickers Road and East 18th Street



Subject Property looking southwest at site of demolished school



Subject Property looking north towards Vickers Road and East 18th Street



Subject Property looking northwest towards Vickers Road and East 17th Street



Subject Property looking east (former school site in foreground)



Subject Property looking southeast towards Hillpark Learning Centre



Subject Property looking north towards Vickers Road and East 16th Street



East 16th Street Cul-De-Sac from Subject Property



East 16th Street looking south



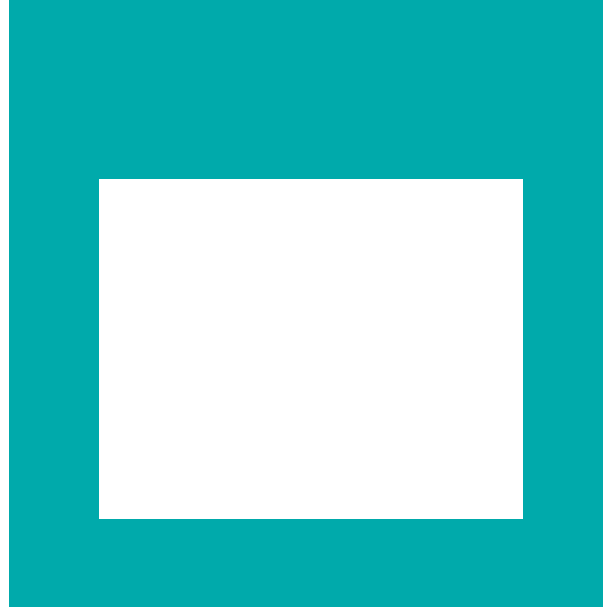
Subject Property looking east towards East 16th Street



Vickers Road looking south (subject property to the south)



Looking west at Callie Road and East 16th Street from Subject Property





THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 10, 2021
SUBJECT/REPORT NO:	Amendments to the Property Standards and Vital Services By-law (PED21049(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the amendment to the City of Hamilton Property Standards By-law 10-221 with respect to improvements and maintenance involving rental properties and apartments described in Report PED21049(a) and detailed in the proposed amending By-law attached as Appendix "A" to Report PED21049(a) be approved;
- (b) That the amendment to Table 14 to the City of Hamilton Administrative Penalties By-law 17-255 described in Report PED21049(a) and detailed in the proposed amending By-law attached as Appendix "B" to Report PED21049(a) be approved;
- (c) That the amendment to the City of Hamilton Vital Services By-law 09-190 and the City of Hamilton Administrative Penalty By-law 17-255 described in Report PED21049(a) and detailed in the proposed amending By-law attached as Appendix "C" to Report PED21049(a) be approved;

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: Amendments to the Property Standards and Vital Services By-law (PED21049(a)) (City Wide) - Page 2 of 6

- (d) That the amending By-laws attached as Appendix “A”, Appendix “B”, and Appendix “C” to Report PED21049(a), which has been prepared in a form satisfactory to the City Solicitor be enacted by Council; and,
- (e) That this item (Item 4 of Planning Committee Report 21-004) be removed from the Outstanding Business List.

EXECUTIVE SUMMARY

On January 22, 2020, Council approved Item 12 of Planning Committee Report 20-001 directing Licensing and By-law Services (LBS) staff to consult with stakeholders and review best practices relating to rental properties and apartments for improvements to the Property Standards By-law 10-221.

Staff review and stakeholder consultation detailed in Information Report PED21049 (Property Standards By-law Review and Municipality Comparison) dated March 23, 2021, identified areas of improvement needed to the Property Standards By-law.

Council directed staff to bring forward a By-law to amend the Property Standards By-law to reflect the areas for improvement found in Information Report PED21049 to enhance the health and safety of rental houses and apartments within the City of Hamilton (the City). In addition, staff is seeking approval that any amendments to the Property Standards By-law be included in the Administrative Penalties System (APS) By-law 17-255.

Further, Report PED21049(a) recommends amending the City’s Vital Services By-law 09-190 to include water into its provisions, more stringent tenant notice when a vital service is shut off and amendments to the APS By-law to include contraventions under the Vital Services By-law.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial/Staffing: The proposed amending By-laws do not have financial or staffing implications.

Legal: Council has the authority to make these amendments pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, *Residential Tenancies Act, 2006*, S.O. 2006, S.O. 2006, c. 17 and the *Municipal Act, 2001*, S.O. 2001, c. 25.

SUBJECT: Amendments to the Property Standards and Vital Services By-law (PED21049(a)) (City Wide) - Page 3 of 6

HISTORICAL BACKGROUND

On September 15, 2010, Council enacted the Property Standards By-law to prescribe the standards for the maintenance and occupancy of property within the City. By-law amendments are occasionally required to improve enforcement activities and update various By-laws to ensure that the City has the most efficient and effective By-laws. Since the adoption of the Property Standards By-law, there have been eight amendments made to improve the By-law.

At its meeting of September 27, 2017, Council approved Item 3 of Planning Committee Report 17-015 to enact the City of Hamilton's APS By-law, directing staff to implement an administrative penalty system for the City's regulatory By-laws. The Property Standards By-law was included in the APS By-law for issuing APS tickets to assist in promoting compliance.

On January 22, 2020, Council approved Item 12 of Planning Committee Report 20-001 directing LBS staff to meet with internal and external stakeholders concerning possible improvements to the Property Standards By-law involving rental properties and apartments; and to review and compare our current Property Standards By-law with other municipalities to determine best practices and improvements to our current legislation.

Staff review of best practices and stakeholder consultation detailed in Information Report PED21049 identified areas of improvement needed in the Property Standards By-law. At its meeting of March 31, 2021, Council approved Item 4 of Planning Committee Report 21-004 directing LBS staff, in consultation with Legal Services, to bring forward a By-law to amend the Property Standards By-law to reflect the areas for improvement found in Information Report PED21049.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Building Code Act, 1992* allows municipalities to pass a By-law to prescribe standards for the maintenance and occupancy of property.

The *Residential Tenancies Act, 2006* allows municipalities to pass a By-law to provide adequate and suitable vital services to each of the landlord's rental units.

The *Municipal Act, 2001* allows municipalities to pass by-law to provide for the health, safety and well-being of persons as well as the protection of persons and property, including consumer protection. The Municipal Act, 2001 also authorizes the use of APS for designated By-laws, to provide for the payment of administrative monetary penalties if the municipality is satisfied that a person has failed to comply with a By-law of the municipality passed under that *Act*.

**SUBJECT: Amendments to the Property Standards and Vital Services By-law
(PED21049(a)) (City Wide) - Page 4 of 6**

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report and the draft amending By-laws attached as Appendix “A”, Appendix “B”, and Appendix “C” to Report PED21049(a).

Public Health Services was also consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Property Standards By-law 10-221 sets minimum standards to ensure that property owners maintain their properties. These standards are put in place to protect the health and safety of those that reside on the property as well as the general public. Section 15.2 of the *Building Code Act, 1992* provides authority to issue Orders requiring compliance for all aspects of the property’s interior and exterior features that are non-compliant with the By-law. If the property owner does not comply with the Order, the officer can use various tools to resolve the violation which may include:

- A fee for inspection cost that would be added to the property taxes;
- Registering the Order on title;
- APS tickets or court action; and,
- Sending out a contractor to complete the required work with the costs added to the property taxes as a priority lien.

Concerns were expressed by community organizations/associations and members of the public about the quality and safety of rental accommodations. Consultation with tenant advisory groups, neighbourhood associations, members of the legal community, building owners and apartment associations identified the following key issues for staff to include in the Property Standards By-law:

- Intercoms and Security Locking;
- Appliances Kept in Good Repair;
- Mail Collection Areas;
- Common Area/Hallways Cleanliness;
- Garbage Chutes - Washed and Disinfected;
- Ventilation Systems Cleaned;
- Floors/Walls Similar Finishes Upon Repair;
- Cupboards/Fixtures/Faucets in Good Repair; and,
- Pest and Vermin Control.

Staff review of By-laws from comparable municipalities and *O. Reg. 517/06 MAINTENANCE STANDARDS* under the *Residential Tenancies Act* identified

SUBJECT: Amendments to the Property Standards and Vital Services By-law (PED21049(a)) (City Wide) - Page 5 of 6

opportunities to improve and strengthen the Property Standards By-law in relation to rental accommodations. Attached as Appendix “A” to Report PED21049(a) is a draft amending By-law that updates and improves the Property Standards By-law. These amendments address the maintenance and occupancy concerns as detailed in Report PED21049, except pests and vermin.

Pest and Vermin Control

Currently, pest issues in the City are addressed under the authority of the Property Standards By-law 10-221, as amended. Section 26 requires that an owner of a dwelling unit, or a property located within the urban boundaries, be kept free of pests. Public Health Services currently administers and enforces designated pests under the provisions of the Property Standards By-law, except ants which is administered and enforced by LBS.

The Property Standards By-law does not set minimum standards for treatment efforts, which has been problematic when dealing with some pests. In November 2015, Council approved the Board of Health motion that Public Health staff review Hamilton’s By-laws dealing with pest control. An internal review involving multiple City departments and outside agencies to develop a Pest Control By-law to facilitate effective strategies to deal with pest and vermin control, including:

- Integrated Pest Management plans for property owners/landlords;
- Pro-active Rodent Management plans for demolition, building construction as well as infrastructure projects; and,
- The transfer for the administration and enforcement to Licensing and By-law Services.

LBS and Public Health staff continue to discuss the guiding principles for the administration and enforcement of a comprehensive Pest Control By-law, including staffing considerations and cost implications on City operations. The proposed changes to the issue of pests will be brought back under a separate report once further consultation is completed with Public Health and Legal Services.

Continuous Improvements

Further to the concerns expressed at stakeholder meetings, as part of the LBS continuous improvement efforts, staff will work to review enforcement activities and update various By-laws as needed. The following amendments are needed to address additional tenants’ concerns in relation to the vital services in rental residential properties:

Staff propose amending the City’s Vital Services By-law 09-190 and APS By-law attached as Appendix “C” to Report PED21049(a) to:

SUBJECT: Amendments to the Property Standards and Vital Services By-law (PED21049(a)) (City Wide) - Page 6 of 6

- include water alongside gas, fuel, oil and electricity as a vital service;
- require proper notice if a vital service will be shut off for any period of time; and,
- introduce an Administrative penalty of \$500 for failing to provide a vital service, and \$200 for failing to provide notice regarding the shut-off of a vital service.

Administrative Penalties System

The current process for Property Standard Orders involves a formal appeal procedure that may delay the required remedial work. The use of APS has produced positive impacts to administer and enforce minor contraventions. Issuing APS tickets does not include the lengthy formal process found in appeals to Property Standards Orders. It has proven to be an important step in the Progressive Enforcement Policy established by LBS as a fair, effective, and efficient enforcement tool to compel voluntary compliance. Staff propose amending the APS By-law to include those contraventions attached as Appendix “B” and Appendix “C” to Report PED21049(a).

ALTERNATIVES FOR CONSIDERATION

N/A

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

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 PED21049(a) – By-law to Amend the Property Standards By-law 10-221

Appendix “B” to Report PED21049(a) – By-law to Amend the Administrative Penalty System By-law 17-255

Appendix “C” to Report PED21049(a) – By-law to Amend the Vital Services By-law 09-190 and the Administrative Penalty System By-law 17-255

RU:eo

Appendix “A” to Report PED21049(a)**Page 1 of 3**

Authority: Item ,
Report (PED21049(a))
CM:
Ward: City Wide

Bill No.**CITY OF HAMILTON****BY-LAW NO. 21-xxx**

To Amend Property Standards By-law No. 10-221, as Amended, a By-law to Prescribe Standards for the Maintenance and Occupancy of Property

WHEREAS; Council enacted a by-law to prescribe standards for the maintenance and occupancy of property, being City of Hamilton By-law No.10-221; and

WHEREAS Council wishes to amend By-law No. 10-221 to include standards to enhance the health and safety of rental houses and apartments within the City.

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

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That Subsection 2(1) to By-law No. 10-221 be amended by adding the following definition:

“appliances” means, but is not limited to, a stove, refrigerator, clothes washer, clothes dryer, dishwasher, air conditioner or a hot water tank;
3. That Bylaw No. 10-221 is amended by retitling Section 9 to:

DOORS, WINDOWS, SECURITY SYSTEMS AND LOCKING ETC.

4. That Section 9 to Bylaw No. 10-221 is amended by adding the following subsection:

Intercoms and Security Locking

9(7) In multiple dwellings where a voice communications system between each dwelling unit and the front lobby and a security locking and release facilities for the entrance have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair.
5. That Subsection 10(1) to By-law No. 10-221 is repealed and the following substituted:

10(1) Natural or mechanical ventilation of a room or space in a building shall be Building Code compliant, regularly cleaned, and maintained so as to properly perform its intended function.

Appendix “A” to Report PED21049(a)
Page 2 of 3

6. That By-law No. 10-221 is amended by retitling Section 12 to:

STAIRWAYS, LANDINGS, BALCONIES, PORCHES, COMMON AREAS, ETC.

7. That Section 12 to By-law No. 10-221 is amended by adding the following subsections:

COMMON AREAS

12(5) All interior common areas and exterior common areas shall be kept clean and free of hazards.

12(6) For the purpose of subsection (5), “interior common areas” includes, but is not limited to, laundry rooms, garbage rooms, corridors, lobbies, vestibules, boiler rooms, parking garages, storage areas, stairways, mail collection areas, and recreation rooms.

8. That Subsection 13(5) to By-law No. 10-221 is repealed and the following substituted:

13(5) Where a floor has been covered with a sheet or vinyl floor covering or other flooring that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet or vinyl flooring or other floor covering shall be repaired or replaced comparable in design and colour with adjoining decorative finishing materials.

9. That Section 13 to By-law No. 10-221 is amended by adding the following subsection:

13(8) Any repair or replacement to a wall or ceiling shall have a similar finish to that of the original covering and comparable to the surrounding finishes.

10. That Subsection 15(1) to Bylaw No. 10-221 is amended by adding the following clause:

15(1)(e) every cupboard, kitchen fixture and fitting shall be maintained in a state of good repair and working order.

11. That By-law No. 10-221 is amended by adding the following Section:

APPLIANCES

15.1 Appliances supplied by the landlord of a rental unit shall be maintained in a good state of repair and in a safe operable condition.

Appendix "A" to Report PED21049(a)

Page 3 of 3

12. That Subsection 24(1) to By-law No. 10-221 is repealed and the following substituted:

24(1) A waste storage area, including a waste chute, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as is necessary to be clean and odour free.

13. That in all other respects, By-law No. 10-221 is confirmed.

14. That the provisions of this by-law shall take full force and effect on its day of passing.

PASSED this _____ , _____

F. Eisenberger
Mayor

Andrea Holland
City Clerk

Appendix “B” to Report PED21049(a)**Page 1 of 2**

Authority: Item ,
Report (PED21049(a))
CM:
Ward: City Wide

Bill No.**CITY OF HAMILTON****BY-LAW NO. 21-xxx**

To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

WHEREAS; Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225.

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That Table 14 titled By-law 10-221 Property Standards to Schedule A of By-law No.17-225 is amended by adding the following items:

TABLE 14: BY-LAW 10-221 PROPERTY STANDARDS BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
158	10-221	9(7)	front lobby voice communication system not maintained in good repair	\$100.00
159	10-221	9(7)	front lobby security locks not maintained in good repair	\$100.00
160	10-221	10(1)	natural/mechanical ventilation not cleaned	\$100.00
161	10-221	12(5)	fail to keep common areas clean and free of hazards	\$100.00
162	10-221	15(1)(e)	cupboard not maintained in good repair or working order	\$100.00
163	10-221	15(1)(e)	kitchen fixture/fitting not maintained in good repair or working order	\$100.00
164	10-221	15.1	fail to maintain appliance (specify)	\$100.00

3. That in all other respects, By-law 17-225 is confirmed; and
4. That the provisions of this by-law shall become effective on the date approved by City Council.

Appendix "B" to Report PED21049(a)
Page 2 of 2

PASSED this _____ , _____

F. Eisenberger
Mayor

Andrea Holland
City Clerk

Appendix “C” to Report PED21049(a)
Page 1 of 3

Authority: Item ,
 Report
 CM:
 Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-xxx

To Amend City of Hamilton By-law 09-190, Being a By-law Requiring the Supply of Vital Services and To Amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties

WHEREAS Council has the authority under the *Residential Tenancies Act, 2006*, S.O. 2006 Chapter 17 (the “*Residential Tenancies Act*”) and the *Municipal Act, 2001*, S.O. 2001, c. 25, to require the supply of vital services by landlords to tenants for the tenants’ health and safety; and,

AND WHEREAS Council deems it necessary to add “water” to the list of vital services and to add notice provisions so that tenants know when the landlord will be shutting off a vital service.

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

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That the following definition be added to By-law 09-190:

“APS By-law” shall mean the City’s Administrative Penalties By-law No. 17-225;

3. That subsection 3(4) of By-law 09-190 be repealed and replaced with the following:

This By-law only applies to vital services which are gas, fuel oil, electricity or water.

4. That subsection 4(1) of By-law 09-190 be amended by adding the following subsection:

- 4 (1) (a) The landlord or property managers of a building shall notify the tenants of that building if a vital service will be shut off for any period of time, in accordance with the requirements under this By-law.

Appendix "C" to Report PED21049(a)**Page 2 of 3**

(b) The notice from the landlord or property manager to the affected tenant (s) shall be in writing and shall be given to the tenant (s) at least twenty-four (24) hours in advance of the vital service being shut off, or as soon as practicable under the circumstances. Notices may be sent by e-mail, mail, or a notice posted in a conspicuous place in the building where it is most likely to come to the attention of the tenants.

(c) The notice shall indicate the reason for the vital service being shut off and the expected time it will be turned back on.

5. That By-law 09-190 be amended by adding the following after clause 14:

14.1 Without limiting the above, every person who contravenes this by-law may also be liable, upon issuance of a penalty notice, to pay an administrative penalty in an amount specified in the APS By-law.

14.2 An administrative penalty imposed by the City on a person under section 434.1 of the *Municipal Act, 2001*, constitutes a debt of the person to the municipality. If an administrative penalty is not paid within 15 days after the day that it becomes due and payable, the City may add the administrative penalty to the tax roll for any property in the city of Hamilton for which all of the owners are responsible for paying the administrative penalty and collect it in the same manner as municipal taxes

6. That Schedule A of By-law No.17-225 be amended by adding the following table:

TABLE 28: BY-LAW NO. 09-190 REQUIRING THE SUPPLY OF VITAL SERVICES				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	09-190	4(1)	Fail to provide adequate and suitable vital services	\$500.00
2	09-190	4(1)(a)	Fail to provide proper notice re shut-off of vital service	\$300.00

7. That in all other respects, By-law 09-190 and 17-225 are confirmed; and,
8. That the provisions of this By-law shall become effective on the date approved by City Council.

PASSED this _____ , _____


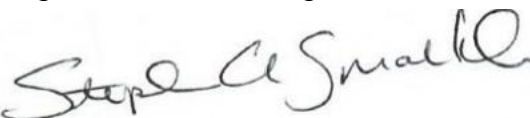
Appendix "C" to Report PED21049(a)
Page 3 of 3

F. Eisenberger
Mayor

A. Holland
City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 10, 2021
SUBJECT/REPORT NO:	License Rental Housing (PED21097/LS21022) (Wards 1, 8 and parts of Ward 14) (Outstanding Business List Item)
WARD(S) AFFECTED:	Wards 1, 8 and parts of Ward 14
PREPARED BY:	Monica Ciriello (905) 546-2424 Ext. 5809 Leanne Fioravanti (905) 546-2424 Ext. 4423
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Stephen Spracklin City Solicitor Legal and Risk Management Services
SIGNATURE:	

Discussion of Appendix "C" to report PED21097/LS21022 in Closed Session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the Ontario Municipal Act, 2001:

- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

RECOMMENDATIONS

- (a) That consideration for a Rental Housing Licensing pilot project for Wards 1, 8 and parts of Ward 14 be postponed to Q1 2023;

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: License Rental Housing (PED21097/LS21022) (Wards 1, 8 and parts of Ward 14) - Page 2 of 15

- (b) That Staff report back to Planning Committee in Q1 2023 with an Information Report that includes the following:
 - i. updated information on average market rents and vacancy rates post-COVID;
 - ii. number of secondary dwelling units created and number of secondary dwelling units legalized following the City's recent adoption of the new secondary dwelling unit zoning changes; and
 - iii. complaints and enforcement activity with respect to the expanded property standards & vital services for rental housing under City of Hamilton Property Standards By-law 10-221.
- (c) That Staff be directed to re-engage with stakeholders in 2022 to re-assess and re-confirm comments and perspectives with respect to rental housing licensing post-COVID;
- (d) That the contents of Appendix "C" to Report PED21097/LS21022 remain confidential under solicitor-client privilege; and,
- (e) That the matter respecting this item, Item 2 of Planning Committee Report 18-015, be identified as complete and removed from the Planning Committee be removed from the Outstanding Business List.

EXECUTIVE SUMMARY

Through Planning Committee Report 18-015, Staff were directed to "bring forward a draft Licensing By-law for rental business operators to contemplate the implementation of a Rental Housing Licensing pilot project in Wards 1 and 8." The requested By-law amendment, which would have the affect of creating a rental housing licensing pilot program for Wards 1, 8 and parts of Ward 14, is included as Appendix "A" to Report PED21097/LS21022. The estimated total cost to the City of Hamilton (the City) to implement, administer and enforce a two-year pilot project would be approximately \$2,014,992 and the total estimated (max) revenues of a two-year pilot would be \$1,684,100 for an estimated total net levy impact of \$330,892.

Staff are recommending that this amending By-law not be enacted at this time, and that consideration of the Rental Housing Licensing pilot project (the pilot project) be postponed to Q1 2023.

Since the approval of Planning Committee Report 18-015, the rental market landscape has shifted considerably, most notably during the COVID-19 pandemic. The COVID-19 pandemic has significantly increased the pressure on the City's rental market and the housing system in general. For tenants, rents for new units are increasing, vacancy

SUBJECT: License Rental Housing (PED21097/LS21022) (Wards 1, 8 and parts of Ward 14) - Page 3 of 15

rates are down especially for the most affordable units, and there is potential for high levels of displacement following the ending of the provincial moratorium on evictions. Introducing a rental housing licensing regime at this time could have a further destabilizing affect on the rental housing market.

Furthermore, the City has recently undertaken two significant initiatives whose impact on the quality and quantity of rental housing should be assessed prior to making a decision regarding rental housing licensing. The first is the new secondary dwelling unit zoning initiative, which is anticipated to provide opportunities for new rental units, as well as remove barriers to the legalization of existing units. The second is the amendments to the City of Hamilton Property Standards By-law 10-221 that were requested by Council to expand the scope of the Property Standards By-law to address some long-standing concerns of tenants including good repair of appliances, cleanliness of common areas, ventilation systems, fixtures and faucets. These two initiatives may have an impact on the need for, and/or scope of a future rental housing licensing program.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications associated with the Staff recommendation. The financial implications should Council wish to adopt the Amending By-law (Schedule 31 – Rental Housing Units) included as Appendix “A” to Report PED21097/LS21022 are discussed in the Alternatives for Consideration section.

Staffing: There are no Staffing implications associated with the Staff recommendation. The Staffing implications should Council wish to adopt the Amending By-law (Schedule 31 – Rental Housing Units) included as Appendix “A” to Report PED21097/LS21022 are discussed in the Alternatives for Consideration section.

Legal: Please see Appendix “C” to Report PED21097/LS21022 – Confidential Legal Memo for detailed legal implications.

HISTORICAL BACKGROUND

City Council established a Rental Housing Sub-Committee to assist in the implementation of an approach to enforce and legalize rental housing. The Sub-Committee was in effect from 2014 – 2018 and reported to the Planning Committee. The Sub-Committee obtained information that Wards 1, 8 and parts of Ward 14 had the majority of complaints regarding “illegal dwelling units” and “absentee landlords”.

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Furthermore, the City also received numerous property standards and yard maintenance complaints from these Wards.

Based on the information shared with the Sub-Committee between 2014 – 2018, the Sub-Committee recommended that Wards 1 and 8 (and now parts of Ward 14) should be the focus of a Rental Housing Licensing pilot project.

In approving Planning Committee Report 18-015, City Council on December 19, 2018, directed:

- (a) That Staff in consultation with Legal Services, bring forward a draft Licensing By-law for rental business operators to contemplate the implementation of a rental licensing pilot project in Wards 1 and 8;
- (b) That a report respecting the implementation of a Rental Licensing pilot project in Wards 1 and 8 be brought to a future meeting of the Planning Committee, and include:
 - (i) An education component for landlords and tenants;
 - (ii) Consideration of financial off-sets for tenants impacted by a rental increase due to the licensing; and,
- (c) That Staff be directed to include a review of all affordable housing issues related to the implementation of a rental licensing project in Wards 1 and 8.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Municipal By-laws: Licensing, Property Standards, and Zoning By-laws.

Provincial Legislation:

- *Planning Act*, R.S.O. 1990, c.P.13
- *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4
- *Residential Tenancies Act*, 2006, S.O. 2006, c.17
- *Municipal Act*, 2001, S.O. 2001, c.25
- *Ontario Building Code Act*, 1992, S.O. 1992, c.23.

RELEVANT CONSULTATION

Internal Consultation

Staff in the Licensing and By-law Services Division consulted with Staff in the Legal Services Division, Financial Planning, Planning Division, Housing Services Division, Licensing and By-law Services (LBS), Building Division and Fire Department.

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External Consultation

Staff consulted with the following stakeholder groups: Hamilton Help Housing Centre, Acorn, Neighbourhood Associations in the pilot project areas, Mohawk Students Association, McMaster Students Association, Hamilton and District Apartment Association, Realtors Association of Hamilton- Burlington, and the Hamilton Community Legal Clinic.

Comments raised during the stakeholder consultation included the scope of the By-law, concerns regarding fees and costs that would be passed down to tenants in already high rent markets, and the need for a licence versus utilizing the City's property standards By-law.

It is important to note that external consultation commenced in 2018 and ended in 2020 prior to COVID-19. Since these consultations, the rental market landscape has shifted considerably, most notably during the COVID-19 pandemic and Staff have been unable to re-engage with stakeholders during this time. As a result of the pandemic, there has been significant increased pressure on the City's rental market and housing system and as a result; stakeholder comments, including tenants and landlords, may have changed.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff are recommending that a pilot project to license rental housing not be enacted at this time.

Rental Housing Market Uncertainties Post-COVID

The Provincial Government has instituted many changes to rental housing legislation since the onset of the COVID-19 pandemic, including:

- three moratoriums on evictions (March 20, 2020- August 1, 2020, January 13, 2021- February 16, 2021, April 8, 2021- June 2, 2021) that have backlogged eviction hearings which are now only done by remote online hearings;
- a rent freeze at 2020 rent levels for persons residing in their units since November 2018; and,
- the introduction of Bill 184 with a number of amendments to the *Residential Tenancies Act, 2006 (RTA)* and *Housing Service Act, 2011* including new provisions for evictions.

Despite the moratoriums on evictions, property owners were still permitted to file applications to the Landlord and Tenant Board to evict tenants over non-payment. A

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review of Hamilton addresses during the first moratorium disclosed 323 eviction applications were filed (6% of all applications in the Province). In the three months following the first moratorium, 230 further eviction applications were filed.

The impacts of these legislative changes have created a number of uncertainties in the rental housing market immediately post-COVID. Introducing a new licensing regime at the same time, could add to these uncertainties as it has the potential to impact costs as well as supply of units.

The additional costs to property owners of rental housing licensing is likely to affect rents, which could potentially make rental housing less affordable and may result in displacement.

The costs of the rental housing licensing program outlined in Appendix “A” to Report PED21097/LS21022 includes the following:

- City license - \$215.00
- Licensing administration fee - \$77.00
- Electrical safety inspection fee - \$350- \$550
- Zoning verification fee - \$254
- Fire inspection fee -\$81-\$680
 - The owner would incur the following inspection costs based on the type of building occupancy being applied for (2021 fees):
 - Residential buildings with 1 dwelling - \$81.05
 - Student housing, Lodging house - \$308.10
 - Residential buildings with 2 dwellings - \$389.15
 - Less than 4 stories and more than 2 dwelling units - \$680.90

In addition to the direct costs of the licensing program, a licensing regime may result in additional costs associated with property improvements. It is unclear how many buildings would require building upgrades to meet compliance.

The City of Hamilton’s Housing Services Division has recommended that consideration of a rental housing licence program not proceed until the pandemic has ended and the rental market and household incomes have stabilized.

The Housing Services Division expressed additional concerns with licensing of landlords of smaller rental properties, particularly when tenants, landlords, and the rental market are experiencing high levels of instability and uncertainty due to the pandemic. Any market disruption created by the implementation of a licensing regime at this time such as tenant displacement and loss of rental housing stock, would have a greater impact than during a more stable time. The pandemic has also placed extreme

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strain on the system of housing services supports, which has less capacity at this time to support tenants negatively impacted by the implementation of a new licensing regime.

From 2017 to 2020, Hamilton has experienced a stagnation in the amount of private rental housing stock, as shown by the CMHC Rental Market Survey. This is particularly challenging for bachelor and one-bedroom units, which increased by only 240 units, a 1.3% increase.

During this same period, there have been significant rent increases particularly for bachelor and one-bedroom units. The CMHC average market rent for bachelor units increased from \$632 in October 2017 to \$866 in October 2020, and for one-bedroom apartments increased from \$845 to \$1,033. The CMHC average market rent for this market segment has increased a minimum of 5% annually over this time period with a peak of 7% in 2019 for bachelor apartments. Note that CMHC average market rent is based on existing tenancies, a large proportion of which are rent controlled so, are substantially lower than the rent for a new tenancy.

There is particular concern regarding licensing negatively impacting small landlords whose principal income is from rental housing and who may be facing personal financial hardship at this time. There is a heightened risk of units being taken out of the rental stock by small landlords unable to absorb the cost of licensing and potential renovations to bring their units into code compliance. The CMHC rental housing stock data is released annually, Staff will report back to Committee in Q1 2023 the post- COVID 2022- year end data.

Existing By-laws and Regulations

The City has a number of existing By-laws which can address many of the problems and concerns frequently heard regarding rental housing units:

- the Property Standards By-law (10-221), as amended;
- the Noise By-law (11-285);
- the Parking By-law (01-218);
- the Property Maintenance (Yards) By-law No. 10-118;
- the Snow and Ice By-law No. 03-296;
- the By-law Respecting the Prohibition and Inspection of Marijuana Grow Operations (By-law 07-244); and,
- the By-law to Prohibit and Regulate Fortification and Protective Elements of Land (By-law 10-122).

At its meeting of March 31, 2021, Council approved Item 4 of Planning Committee Report 21-004 directing Staff to bring forward a By-law to amend the City's Property

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Standards By-law to expand its scope to include a number of common areas of concern of tenants, namely:

- Intercoms and Security Locking;
- Appliances Kept in Good Repair;
- Mail Collection Areas;
- Common Area/Hallways Cleanliness;
- Garbage Chutes - Washed and Disinfected;
- Ventilation Systems Cleaned;
- Floors/Walls Similar Finishes Upon Repair;
- Cupboards/Fixtures/Faucets in Good Repair; and,
- Pest and Vermin Control.

Expanding the scope of the Property Standards By-law may positively impact some of the same areas of concern that some stakeholders were seeking to address through rental housing licensing. Therefore, there is merit in postponing the consideration of rental housing licensing until the impact of these Property Standards By-law improvements can be assessed.

Secondary Dwelling Units Zoning Initiative

One of the common concerns frequently expressed about rental housing licensing is that it could remove accessory apartment rental stock from the market, if it is cost-prohibitive for existing property owners to bring these rental units into compliance. It has also been suggested that one of the barriers to landlords improving their rental units is the need to acquire a Building Permit, which first requires that their rental units be zoning compliant.

The City of Hamilton made a significant step forward in this regard in early 2021 with the approval of new zoning standards for secondary dwelling units which establishes as-of-right permissions for one “attached” secondary dwelling unit and one “detached” secondary dwelling unit city-wide, subject to various standards. A reduced minor variance fee was also established.

These new zoning permissions are expected to encourage existing landlords to legalize and improve their units, and also encourage the creation of new units. Therefore, there is merit in postponing the consideration of rental housing licensing until the impact of these new zoning permissions on the quantity and quality of rental housing stock can be assessed.

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Cost, Administration and Enforceability of a Licensing Program

If Council were to approve the Alternative for Consideration of a two-year pilot project to licence the approximate 2,000 rental houses in Wards 1, 8 and parts of Ward 14, there would be additional demands on various City departments to administer the Rental Housing Licensing pilot project. This includes Licensing and By-law Services, Building, Zoning, and Fire, as well as the Housing Services Division to support tenants potentially displaced by the pilot project.

A two-year pilot project would require an additional 10 FTES. 3 FTES in Licensing and By-law Services at a cost of \$707,804 for two-years, 3 FTES in Building at a cost of \$536,730 for two-years, and 4 FTES in the Fire Department at a cost of \$770,458 for two-years, for a total cost of approximately \$2,014,992 for a two-year pilot. Total estimated (max) revenues of the two-year pilot is \$1,684,100 for an estimated total net levy impact of \$330,892.

The three Building FTEs would consist of full-time temporary zoning Staff to provide administrative input to the licensing application, pull and scan microfilm and complete the required zoning reviews for the zoning verifications.

The four Fire Department FTEs would consist of full-time temporary fire inspectors to complete inspections before a licence may be issued. It should be noted that under the current collective agreement language, Local 288 does not have temporary positions. As such, the Fire Department would need to negotiate a memorandum of understanding to hire temporary fire inspectors for a two-year pilot.

The three LBS FTEs would consist of one full-time temporary Licensing Administrator to issue rental housing licences and two full-time temporary Licensing Compliance Officers to proactively and reactively inspect the rental units.

A pilot would also require new internal licence processes and materials for licensees and tenants.

Prior to the implementation of a two-year pilot project, the following would be required:

- operating databases (AMANDA) would need to be updated and enhanced;
- creation of printed materials (for tenant and property owner education);
- implementation of tracking and reporting of enforcement statistics and financial data requiring additional support from Finance and Administration; and,
- online resources and training programs for tenants and licensees (see Appendices "D" & "D2" to Report PED21097/LS21022).

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

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

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

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It is important to note that entry to rental units may pose a challenge during COVID-19. Officers would require permission from the tenant to enter the residence for inspection and investigation. From the onset of the COVID-19 pandemic, many people have expressed concerns and stated that they do not wish persons from outside their households to enter their houses. Some municipalities with Rental Licensing By-laws such as the City of London, have suspended inspections altogether during the pandemic for safety reasons.

Revocation of Licences

One of the concerns regarding a Rental Housing Licensing pilot project is the potential for tenant displacement if the licensee fails to renew the licence with the City, or if a violation of the Rental Housing By-law causes a license to be suspended or revoked (e.g. if certain safety standards may not be met).

The Ontario Human Rights Commission (OHRC) recommends that municipalities consider the impact on tenants of any decisions to shut down their rental unit and work to make sure that tenants are not displaced without recourse or assistance. With low vacancy rates throughout the City, and strained resources for housing supports during the COVID-19 pandemic, it may be difficult to help find alternative housing for people who are displaced.

The rental housing By-law attached as Appendix “A” to Report PED21097/LS21022 does give the Director of Licensing and By-law Services some guidance before recommending the revocation or suspension of a licence. Namely, the Director shall consider:

- the impact of any such licence revocation or suspension of tenants; and,
- impose terms and conditions on any such licence revocation or suspension that would minimize the adverse impact on any Tenants, including the possibility of providing a reasonable time period before the licence revocation or suspension takes place to permit tenants to find new housing or to seek relief in a court or before the Ontario Landlord and Tenant Board.

Licensing and Renovictions

Staff have become aware of the issue of renovictions within the City. Since this report and draft By-law concentrates on a pilot project in Wards 1, 8 and parts of 14 and would only regulate dwelling units with 4 or less units, “renovictions” would be better addressed in a more fulsome report that could analyze the comprehensive city-wide challenges.

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At the April 8, 2021 Emergency and Community Services (E&CS) meeting, housing services Staff were directed to report back to E&CS with a framework, including timeline and resources to develop a comprehensive renovictions strategy for the City. It is to include: the evaluation of the tenant defence fund, proactive tenant education options, a review of the governing legislation regarding the *Residential Tenancies Act, 2006*, S.O. 2006, c.17 and consideration of a licensing and By-law regime.

Staff are reviewing the New Westminster case from British Columbia where a licensing By-law that deals with “renovictions” was challenged in the courts. New Westminster’s By-law requires any landlord who is doing renovations to obtain every building permit, plumbing permit, development permit, special development permit or heritage alteration permit required. Additionally, the landlord must also enter into a new tenancy agreement with the tenant on the same terms or better for a comparable rental unit in the same building. If they are unable to accommodate in the same building, they must make other arrangements in writing for the tenants’ temporary accommodation during the renovation. Central to the New Westminster licensing By-law is the premise that tenants should be able to reside within their unit during renovations and subsequent accommodations are to be made to address their needs within the unit or building during the renovations. The onus is on the landlord to apply to the City in the circumstances when this is not feasible.

Jurisdictional Scan

A review of best practices across Ontario municipalities reveal that 10 out of 15 of the municipalities reviewed did not have a rental housing licensing By-law (see Appendix “B” to Report PED21097/LS21022). The City of North Bay, City of Waterloo, City of Oshawa, City of Peterborough and City of London have enacted residential rental housing By-laws.

ALTERNATIVES FOR CONSIDERATION

The following direction can be given, should Council wish to proceed with a rental housing licensing by-law now, for Wards 1, 8 and part of Ward 14.

- (a) That the draft By-law “Rental Housing Units” (Schedule 31) attached as Appendix “A” to Report PED21097/LS21022, which has been prepared in a form satisfactory to the City Solicitor be brought back to a future Planning Committee meeting to satisfy the public notice requirement;
- (b) That Staff be authorized to create 10 temporary FTEs as follows: three full-time temporary zoning Staff to be partially funded from zoning verification fees; four full-time temporary Fire Inspectors to be partially funded from inspection fees; and one full-time temporary Licensing Administrator and two full-time temporary

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Licensing Compliance Officers to be partially funded from licensing fees, to implement the 2 year- pilot project in Wards 1, 8, and parts of Ward 14 at a total cost of \$2,014,992 and a total estimated (max) revenue of \$1,684,100 for an estimated total net levy impact of \$330,892; and,

- (c) That Staff report back to Planning Committee after the “Rental Housing Units” (Schedule 31) has been enacted for 18 months with an update on the pilot project.

Scope of the By-law

The types of rental housing units that would be subject to a rental housing license would include buildings identified under the zoning verification as having a recognized use of single-family dwelling, two-family dwelling, three-family dwelling, semi-detached dwelling and multiple dwellings containing four dwelling units. All secondary dwelling units existing or created in the pilot project area that are for rental purposes will also be included. The rationale behind this approach is that buildings with a larger number of dwelling units are generally subject to site plan control and also have additional safety construction requirements as part of the Building Code and the Fire Code.

Cost of Pilot Project

The pilot area in Wards 1, 8 and parts of Ward 14 has approximately 2,000 rental properties that would be subject to the licensing By-law. To successfully license this number of properties within the first year of the two-year pilot project, it would require an additional 3 FTEs in Licensing and By-law Services at a cost of \$707,804 for two-years, 3 FTEs in Building at a cost of \$536,730 for two-years, and 4 FTEs in the Fire Department at a cost of \$770, 458 for two-years at a total cost of approximately \$2,014,992 for the two-year pilot. These costs include non-staffing costs, vehicles, cell phones, uniforms etc.

User fees generated by the paid inspections will offset some of the costs associated with hiring temporary FTEs. Total estimated (max) revenues of the two-year pilot is \$1,684,100 for an estimated total net levy impact of \$330,892.

Enforcement Strategy for Pilot Project

The enforcement strategy for the pilot project would focus on proactive education and awareness, and reactive enforcement responding to public/tenant complaints.

The primary focus will be to encourage voluntary compliance by educating the public and seeking voluntary compliance from property owners. Enforcement efforts will follow

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the progressive enforcement approach and be respectful of tenant rights that occupy the rental unit.

Applications and renewals will require a pre-inspection by an Officer to ensure that the rental units comply with federal, provincial and the City's By-laws. During the COVID-19 pandemic, this may be problematic as many people have expressed concern and stated that they do not wish persons from outside their households to enter their houses. This may result in the delay of issuing rental housing licences. Throughout the pilot project, audits will be completed of the licensed rental units to ensure ongoing compliance.

Implementation

Upon the approval of Recommendation (a), accompanying the By-law will be a detailed Staff report outlining; specific costs, the By-law enactment date, education and enforcement timelines, taking into account time to develop materials, recruit, hire and train additional Staff.

Upon the enactment of the By-law, Staff would begin a phased implementation plan. In addition to the information provided above regarding the internal administration changes that would be required. Staff would also need to:

- publish information and guidelines for applications on the City of Hamilton website;
- begin a public awareness campaign to explain rules to applicants, tenants and the public and encourage compliance;
- accept and review applications submission remotely; and,
- work remotely with landlords and property managers to process their applications for registrations.

Enforcement would occur following the initial education and intake phase. Staff would:

- issue licenses to eligible applicants;
- educate property owners about what they need to do to become compliant; and,
- enforce the new regulations on a case-by-case basis, including identification and investigation of illicit rentals based on public complaints (i.e. reactive enforcement).

Monitoring and Performance Measurement

Staff would monitor rental housing activity within the pilot areas to assess the overall impacts and the effectiveness of the By-law. This information would be presented to Council at the end of the two-year pilot project.

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Key metrics considered for assessment include:

- The number and location of rentals;
- Compliance rates for municipal By-laws, Building/Fire Code, Public Health and safety concerns;
- Impacts on housing availability and affordability, where possible;
- Number of licence revocations;
- The resulting revenue and staffing implications; and,
- Budget and service impacts for expanding the program City-wide.

Options After Pilot Project

Following the two-year pilot project, if Council were to decide to discontinue the licensing program, Staff would work with the communications department to advise the community that City licenses would no longer be provided.

If Council were to expand the program City-wide, there would be significant cost implications. Staff would have to assess at that time the resources that would be necessary to implement rental housing licensing city-wide.

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 PED21097/LS21022 – Amending By-law (Schedule 31 – Rental Housing Units)

Appendix B to Report PED21097/LS21022 – Jurisdictional Scan

Appendix C to Report PED21097/LS21022 – Confidential Legal Memo

Appendices D & D2 to Report PED21097/LS21022 – Educational Pieces Pamphlets / Guidelines

MC:LF:eo

SUBJECT: License Rental Housing (PED21097/LS21022) (Wards 1, 8 and parts of Ward 14) - Page 15 of 15

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Appendix “A” to Report PED21097/LS21022

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Authority: Item,
Report
CM:
Wards: 1, 8 and 14

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-XXX

Rental Housing By-law No. 21-XXX to Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS subsection 10 (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “*Municipal Act, 2001*”) provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; and in paragraph 11, Business Licensing;

AND WHEREAS subsection 151 (1) of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business;

AND WHEREAS the Council for the City of Hamilton considers it necessary and desirable for the public to regulate the renting of residential premises for the purpose of protecting the health and safety of the persons residing in residential rental premises by ensuring that certain regulations are met, that the required essentials such as plumbing, heating and water are provided, to ensure that the residential rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the residential amenity, character and stability of residential areas;

AND WHEREAS for several years, Wards 1, 8 and parts of 14 have had the most Rental Housing Units, compared to the rest of Hamilton, and many complaints regarding housing issues and “absentee landlords” come from those wards, which is why Council has decided to begin a pilot project in Wards 1, 8 and 14 before deciding to expand the Rental Housing Unit licensing regime across the City;

AND WHEREAS the Council for the City of Hamilton is aware of the Ontario Human Rights Commission’s concerns that these types of rental licensing by-laws may reduce the availability of low-cost rental housing and impact disadvantaged groups that are protected under the *Ontario Human Rights Code* (Code) who rely on low-cost rentals and Council will therefore evaluate the pilot project after 2 years to see whether the licensing regime should be expanded to the entire City in further stages, or if the by-law should be repealed;

Appendix "A" to Report PED21097/LS21022
Page 2 of 10

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

1. That By-law 01-170 be amended by adding the following at the end of Section 30:

Schedule 31 Rental Housing Units
2. That By-law 01-170 be amended by adding Appendix A to this amending by-law as Schedule 31 – Rental Housing Units, to By-law 01-170;
3. That in all other respects, By-law 01-170 is confirmed; and,
4. That the provisions of this by-law shall become effective on the date passed by Council.

PASSED this _____ day of _____, 20_____.

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix A

SCHEDULE 31

RENTAL HOUSING UNITS

1: DEFINITIONS

1.1 In this Schedule:

"Applicant" means a person applying for a licence under this Schedule;

"Building" means a structure, whether permanent or temporary, with walls or a roof or part thereof, used or intended to be used for shelter, accommodation or enclosure of persons, animals, goods or chattels;

"Building Code" means Ontario Regulation 332/12, as amended, under the *Building Code Act*,

"Building Code Act" means the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;

"By-law" means the City of Hamilton By-law No. 07-170, a By-law to License and Regulate Various Businesses, and includes this Schedule 31;

"Chief Building Official" means the Chief Building Official as appointed by Council pursuant to the *Building Code Act*, or their designate, and may include building inspectors for the purpose of doing inspections as contemplated under this Schedule;

"Dwelling Unit" means a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway;

"Fire Chief" means the City of Hamilton Chief of the Hamilton Fire Department or his or her designate and includes all members of the Hamilton Fire Department that are designated as an "Assistant to the Fire Marshal" for the purpose of doing inspections as contemplated under this Schedule;

"Fire Code" means Ontario Regulation 213/07, as amended under the *Fire Protection and Prevention Act*,

"Fire Protection and Prevention Act" means the *Fire Protection and Prevention Act*, 1997 S.O. 1997, c.4, as amended;

"Licensee" means any person, corporation or partnership licensed under this Schedule;

"Medical Officer of Health" means the Medical Officer of Health for the Hamilton

Appendix “A” to Report PED21097/LS21022

Page 4 of 10

Health Unit or their designate and includes public health inspectors for the purpose of doing inspections as contemplated under this Schedule;

“Multiple Dwelling” means a building or part thereof containing five or more self-contained Dwelling Units;

“Municipal Law Enforcement Officer” means an employee of the Licensing and By-law Services Division of the City of Hamilton who is assigned by the Director of Licensing to enforce the provisions of this By-law;

“Officer” shall include a Municipal Law Enforcement Officer, Medical Officer of Health, Fire Chief, Chief Building Official and a Hamilton Police Services police officer;

“Owner” includes:

- (i) each registered owner of a Rental Housing Unit;
- (ii) each person who permits occupancy of a Rental Housing Unit; and
- (iii) the heirs, assigns, personal representatives and successors in title of a person referred to in clauses (i) and (ii);

“Rental Housing Unit” means a Building or part of a Building:

- (i) Consisting of one or more rooms;
- (ii) Containing toilet and cooking facilities;
- (iii) Designed for use as a Single Housekeeping Establishment; and
- (iv) Used or intended for use as a rented residential premise;

“Ontario Fire Code” means O. Reg. 213/07, as amended, under the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended.

“Schedule” means this Schedule 31 to City of Hamilton By-law No. 07-170, a By-law to License and Regulate Various Businesses;

“Single Housekeeping Establishment” - shall mean a household whose members are an interactive group of persons jointly occupying a Dwelling Unit, including joint access to and use of all common areas including living, kitchen, and eating areas within the Dwelling Unit, and sharing household activities and responsibilities such as meals, chores, expenses and maintenance, and in which there is collective decision making with respect to the control of the premises, and the occupants have the largest degree of control over the use of the dwelling and property; and,

“Tenant” includes a person who pays rent or provides services in lieu of paying rent, in return for the right to occupy a Rental Housing Unit and includes the person’s heir, assigns (including subtenants) and personal representatives.

2. PROHIBITIONS

2.1 No person shall operate a Rental Housing Unit without holding a current valid licence

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issued under the provisions of the By-law;

- 2.2 No person shall hold themselves out to be licensed under the By-law if they are not;
- 2.3 No person shall contravene or fail to comply with a term or condition of their licence imposed under the By-law;
- 2.4 No person shall operate a Rental Housing Unit while their licence issued under the By-law is under suspension;
- 2.5 No person shall transfer or assign a licence issued under the By-law;
- 2.6 No person shall provide false or misleading information to the City when applying for a licence under the By-law, renewing a licence or at any other time;
- 2.7 No person shall hinder or obstruct an Officer or attempt to hinder or obstruct an Officer who is performing a duty under the By-law; and,
- 2.8 Any person who provides false information to the City shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.

3. APPLICATION OF SCHEDULE 31 – RENTAL HOUSING UNITS

- 3.1 This Schedule shall apply to the geographic area as shown in Appendix “A” of this Schedule (Appendix “A” – Rental Housing Units in Wards 1, 8 and 14).
- 3.2 This Schedule shall not apply to:
 - a) a Multiple Dwelling;
 - b) a hotel, motel, inn or bed and breakfast; tourist home, lodging house or short-term rental; or
 - c) a Rental Housing Unit to which any of the following statutes, or their regulations, apply:
 - i. the *Homes for Special Care Act*, R.S.O. 1990, c. H.12, as amended;
 - ii. the *Innkeepers Act*, R.S.O. 1990, c. 17, as amended;
 - iii. the *Long-Term Care Homes Act*, 2007, S.O. 2007, c. 8, as amended;
 - iv. the *Retirement Homes Act*, 2010, S.O. 2010, c. 11, as amended;
 - v. the *Social Housing Reform Act*, 2000, S.O. 2000, c. 27, as amended; and,
 - vi. social housing or affordable housing that is not subject to *Social Housing Reform Act*, 2000, S.O. 2000, c. 27, as amended, but which is subject to an agreement with the City of Hamilton and which has been approved for exemption by the Director.

4. APPLICATIONS FOR A LICENCE AND RENEWAL OF LICENCE

- 4.1 Every application for a licence and renewal shall be made to the Director on the forms provided by the Director. Without limitation, and in addition to the

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requirements under the General Provisions of By-law 07-170, every application for a licence or a renewal shall include the following information:

- a) the municipal address and legal description of the Rental Housing Unit;
- b) the name, municipal address, telephone number and email address of each Owner;
- c) If the Owner is a partnership, the name, address, telephone number and e-mail address of each partner;
- d) If the Owner is a corporation, the address of its head office, the name, address, telephone number of each director and officer and a copy of:
 - i. Articles of incorporation;
 - ii. A copy of the last initial notice or notice of change which has been filed with the provincial or federal government; and,
 - iii. A Certificate of Status issued by the Ministry of Government and Consumer services.
- e) Evidence of ownership of the property to the satisfaction of the Director;
- f) A sworn statement by each Applicant certifying the accuracy, truthfulness and completeness of the application;
- g) If none of the Owners reside in the City of Hamilton, or if the Owner is a corporation, the name and contact information of any local contact including their address, telephone number, facsimile number and e-mail address;
- h) Proof of Insurance that:
 - i. Includes a limit of liability of no less than \$2,000,000 (two million dollars) per occurrence for property damage and bodily injury;
 - ii. Identifies that the proposed use of the premise is that of a rental property; and,
 - iii. Requires that the Director be notified of any intended cancellation by the insurer no fewer than 14 days prior to such cancellation; and,
- i) Any other documentation or information as may be required in any other part of the By-law or this Schedule, and by the Director.

4.2 Every person applying for a license shall, in addition to completing the application provided for in this Schedule and in addition to the requirements under the General Provisions of By-law 07-170, provide the following additional materials in support of the license application:

- (a) Floor plan of the Rental Housing Unit including, for each room, its dimensions and proposed use, clearly indicating the location and number of bedrooms;
- (b) A site sketch that indicates the location of the Rental Housing Unit, any external garage/recycling facilities, and parking spaces (clearly indicate the number of spaces provided and their dimensions) for the Rental Housing Unit;
- (c) Evidence satisfactory to the Director confirming that the Rental Housing Unit and its proposed use complies with the *Electrical Safety Code*, O. Reg. 164/99;
- (d) Certificate of compliance from the City verifying that the Rental Housing Unit complies with the minimum maintenance requirement of the City’s Property Standards By-law;
- (e) Certificate of zoning verification from the City;
- (f) Completed fire inspection from the City confirming compliance with the Fire

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Code;

- (g) A completed self-certification check list, as provided by the City;
- (h) A signed written statement that: The Licensee acknowledges that the Rental Housing Unit must comply with all relevant federal and provincial legislation, including the Ontario Human Rights Code, as well as all relevant municipal by-laws, and that they will comply with all of them; and,
- (i) Any other documentation or information as may be required in any other Part of the By-Law or by the Director.

5. ISSUANCE OF LICENCES

5.1 Without limiting the requirements under the General Provisions of the By-law, every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold and renewing a licence all of which shall be performed and observed by the Applicant or the Licensee:

- a) the Applicant or Licensee shall allow, at any reasonable time and when permitted by law, the City to inspect the Rental Housing Unit;
- b) the Rental Housing Unit shall be in accordance with the requirements of the *Building Code Act* and the regulations thereunder, the *Fire Protection and Prevention Act, 1997* and the regulations thereunder, and the City's Property Standards By-law 10-221;
- c) where the Rental Housing Unit is altered and a building permit is required to carry out the alterations, the Rental Housing Unit, as altered, shall be altered to the satisfaction of the City;
- d) the use of the Rental Housing Unit is permitted or conforms with the uses permitted under the applicable zoning by-law or is a legal non-conforming use;
- e) the Applicant or Licensee shall not directly or indirectly require or cause a Tenant to refuse to consent to lawful entry and inspection of a Rental Housing Unit for the purpose of determining compliance with the By-law; and,
- f) the Licensee shall produce a copy of its tenant agreement immediately when requested to do so by an Officer.

5.2 A licence issued under the By-law shall be valid only for the number of bedrooms that were indicated on the application form.

5.3 A separate licence shall be required for each Rental Housing Unit.

5.4 No licence issued under this By-law may be sold or transferred.

5.5 The Licensee shall notify the Director of any change in ownership of the Rental

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Housing Unit and shall surrender his, her or its licence to the Director within seventy-two (72) hours of the completion of such change.

- 5.6 All licence fees and inspection fees related to this By-law shall be paid in accordance with the applicable fees and charges by-law, as may be passed and amended by the Council from time to time, and such licence fees and inspection fees paid shall be non-refundable;

6. POWERS OF THE DIRECTOR

- 6.1 Notwithstanding any other provision in the By-law, the power and authority to issue or renew a licence, refuse to issue or refuse to renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions on a licence are delegated to the Director.

- 6.2 (a) The Director shall issue a licence or renew a licence where the requirements or conditions of the By-law and this Schedule have been met:

(b) In addition to the powers granted to the Director under the General Provisions of the By-law, the Director may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds;

- i) The conduct of the Applicant or the Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the operation of the Rental Housing Unit in accordance with the law or with honesty or integrity;
- ii) There are reasonable grounds to believe that an application or other documents provided to the Director by or on behalf of the Applicant or a Licensee contains a false statement;
- iii) There are reasonable grounds to believe that the issuing of the licence would not be in the public interest;
- iv) There are reasonable grounds to believe that the issuing of the licence would pose a threat to the health and safety of person or property;
- v) An Applicant or Licensee is carrying on activities that are in contravention of the By-law;
- vi) The Applicant or Licensee’s Rental Housing Unit is subject to an order, or orders, made pursuant to or by:
 - 1) The City of Hamilton’s Property Standards By-law No. 10-221, Property Maintenance (Yards) By-law No. 10-118, Snow and Ice By-law No. 03-296, By-law Respecting the Prohibition and Inspection of Marijuana Grow Operations (By-law 07-244), By-law to Prohibit and Regulate Fortification and Protective Elements of Land (By-law 10-122), or By-law to Regulate Enclosures for Privately-Owned Outdoor Pools (By-law 16-184);
 - 2) The *Building Code Act*, 1992 or any regulations made under it, including the Building Code;
 - 3) The *Fire Protection and Prevention Act*, 1997, as amended, or any

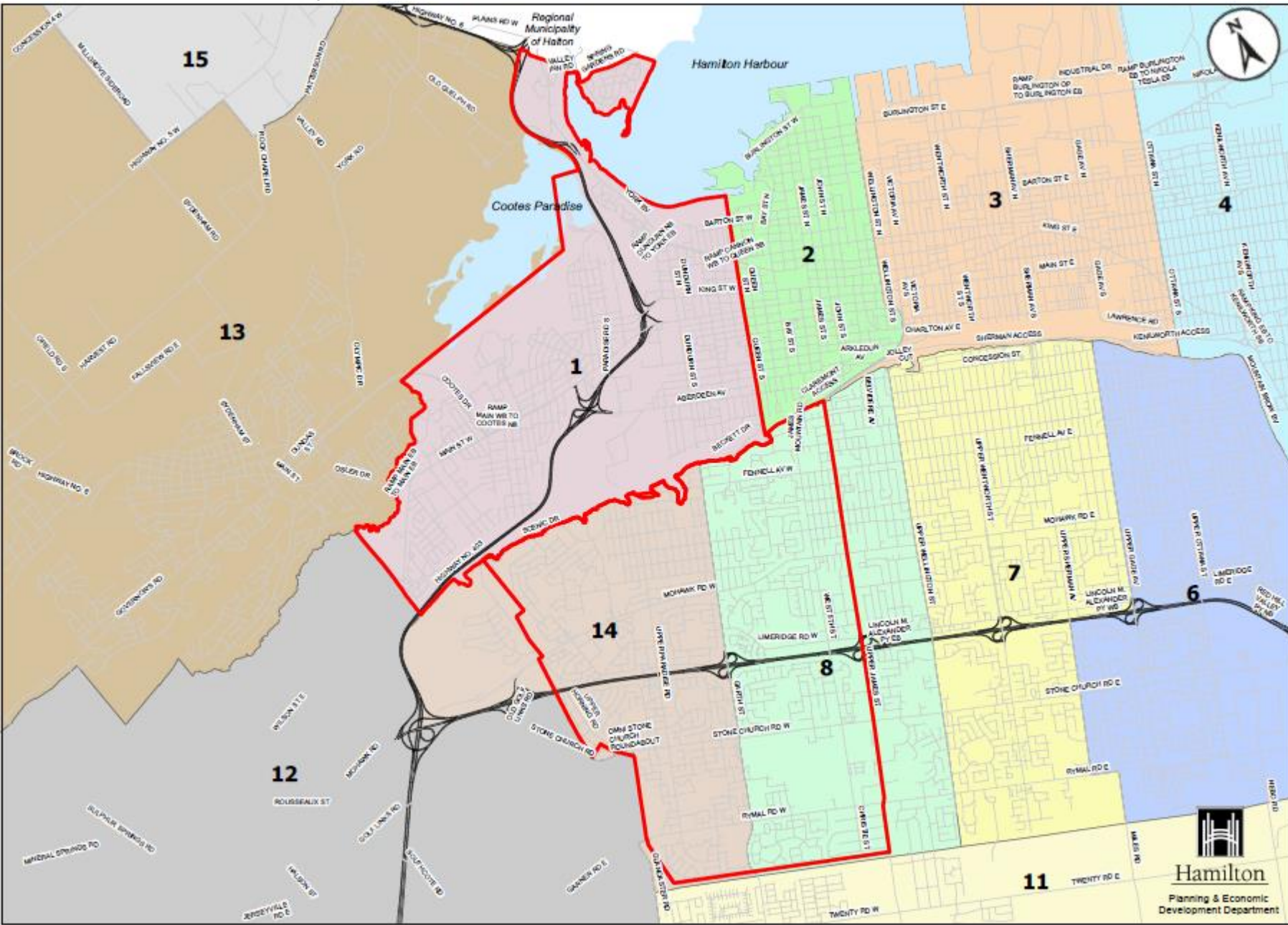
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- regulation made under it, including the Fire Code; or
- 4) The *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7
- vii) An Applicant or Licensee does not meet all the requirements of the By-law or that the Rental Housing Unit does not comply with the provisions of the By-law;
 - viii) The Director has received an objection to the issuance or renewal of the license by:
 - 1) the Chief Building Official;
 - 2) the Fire Chief;
 - 3) Medical Officer of Health; and/or,
 - 4) chief planner for the City of Hamilton, or his or her designate.
- 6.3 The Director may reject an application or its renewal where any of the documents required by this By-law are incomplete or have not been filed.
- 6.4 Notwithstanding any other provision in the By-law, the Director may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as necessary in the opinion of the Director to give effect to this Schedule.
- 6.5 Before revoking or suspending a license, the Director shall consider:
- a) The impact of any such license revocation or suspension on any Tenant; and
 - b) Imposing terms or conditions on any such license revocation or suspension that would minimize the adverse impact on Tenants, including the possibility of providing a reasonable time period before the license revocation or suspension takes place to permit Tenants to find new housing or to seek relief in a Court or before the Ontario Landlord and Tenant Board;

7. ENFORCEMENT

- 7.1 This Schedule may be enforced by an Officer.
- 7.2 An Officer performing a duty under this By-law may be accompanied by a person under his or her direction.

File Name/Number: Appendix A - Rental Housing Units in Wards 1, 8 and parts of 14



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Jurisdictional Scan

#	City	Licence Required
1	North Bay	Yes
2	Waterloo	Yes
3	Oshawa	Yes
4	Peterborough	Yes
5	London	Yes
6	Guelph	No
7	Belleville	No
8	Oakville	No
9	Ottawa	No
10	Sarnia	No
11	Sault Ste Marie	No
12	Thunder Bay	No
13	Vaughan	No
14	Barrie	No (under review)
15	Sudbury	No (under review)

RENTAL HOUSING BY- LAW

Frequently Asked Questions:

What is the fee for a Licence for a Rental Unit?

The fee for a Licence of a Rental Unit will be \$215 annually. There will also be the standard Licensing Processing Fee for all licences issued in the City which is \$77 for the 2021 licensing year.

Where will I need to make application for a Licence?

A licence can be applied for online, over the phone or at Hamilton City Hall 71 Main Street West – 1st floor Hamilton.

How long is a Rental Unit Licence valid?

A licence will be valid for one year from date of issuance.

Does a secondary unit require a license?

A secondary unit is a separate and complete single housekeeping unit located within a primary dwelling unit. The secondary unit would require a licence.

Who will be enforcing the By-Law?

Municipal Law Enforcement

Property-Related Enforcement Activities

These enforcement activities are typically directed at ensuring that properties meet minimum standards as they relate to health and safety, property maintenance and appropriate land use. Typically, these would be covered in the Property Standards By-Law 10-221 and Yard Maintenance By-Law 10-118.

Zoning Related Enforcement Activities

These activities relate to the enforcement of zoning standards in relation to private property as established in the City’s Zoning By-law 6593. As well City of Hamilton Zoning By-Law 05-200 will be in effect for some properties in the Pilot Project Area.

Licensing-Related Enforcement Activities

As the renting of Rental Units will be considered a Business, the Licensing Bylaw 07-170 will need to be adhered to.

What tools will Officers use to achieve compliance of the Rental Housing By-Law?

- Education:
- Notice of Violation:

- Order to Comply:
- Administrative Monetary Penalty Notice:
- Provincial Offences Act Offence Notice or Summons:

What Wards does the Rental Housing By-law apply during the Pilot Project?

Ward 1 and 8 and parts of Ward 14.



Good Neighbour Handbook

For use in the Pilot Project Area of Wards 1, 8 and parts of 14.

This guide has been created to give you information you will need to be a good neighbour as you begin your rental tenancy in the City of Hamilton. Included you will find information on City By-Laws such as Yard Maintenance, Property Standards, public safety and other responsibilities.

This guide is intended for general information purposes only, it includes summaries of some of the City of Hamilton's By-Laws. This guidebook will promote education and awareness of your rights and responsibilities. This guidebook is not a legal document, it only gives a glimpse of some of the By-Laws that may affect you as a neighbour in your community. More information can be found on the City of Hamilton's website:

<https://www.hamilton.ca/>

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The City of Hamilton is focused on helping neighbourhoods be great places to live, work, play and learn. The City is working with community partners, neighbourhood groups and residents to develop action plans to build healthier communities. The City of Hamilton is committed to having neighbourhoods that are evolving into places where people want to live and raise their families.

Living in your neighbourhood should be a positive experience. Having good relationships with your neighbours needs to be cultivated and maintained to prevent bad feelings, misunderstandings and frustrations from boiling over. When living near other individuals it is important to have consideration, communication and show tolerance.

In creating a more pleasant neighbourhood, being aware of both your own and your neighbours' rights and responsibilities can lead to having unique and rewarding relationships with those who live close to you.

The Aim of this Handbook

This handbook will be a guide for information to assist you in improving and maintaining your neighbourhood, your property, and enhance the overall quality of life of everyone in your neighbourhood. By reading this handbook you will increase your knowledge of City of Hamilton By-Laws related to living in the City, inform you of your rights, encourage you to participate in the identification and resolution of By-Law infractions.

NOISE BY-LAW 11-285

Examples of noise that is unreasonable or likely to disturb violations:

- amplified music in a backyard
- persistent barking dog
- a bell, horn, siren or other warning device, including a vehicle's bell, horn, siren or other warning device when unnecessary or for an unreasonable period of time
- a condition of disrepair or maladjustment, including the maladjustment of any load, of any vehicle or a part or accessory of any vehicle
- car radio blasting on your driveway audible at least 8 m from the vehicle
- a discharge of the exhaust of any steam engine, internal combustion engine or pneumatic device except with an exhaust or intake muffling device in good working order and in constant operation that prevents unreasonable noise
- construction or loading that can be heard between 10:00 pm of one day and 7:00 am of the next day
- noise that contravenes an applicable Noise Pollution Control Publication of Ontario's Ministry of the Environment; or
- noise that contravenes a permission, such as a certificate of approval, under federal or provincial legislation

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Noise is measured at the **point of reception**. The point of reception means any point on a property where noise originating from other than that property is heard. Meaning, it is illegal to make noise that can be heard off your property and can be heard at a neighbouring property (public or private).

There are some instances where the Noise Control By-law does not apply.

Some highlights include:

- Activities carried out at the Tim Hortons Field
- Activities carried on in accordance with a Special Event Permit issued by the City of Hamilton
- A filming event carried on in accordance with a Film Permit issued under the Hamilton Film Permit By-law, etc.

After hours and weekend noise program

Municipal Law Enforcement has teamed up with the Hamilton Police Service to provide a service unlike any other. The specialized noise team now responds to late night complaints on a weekly basis every Thursday, Friday and Saturday from 9:00 pm – 5:00 am to control music and loud parties.

Making a Noise Complaint

If you believe that a noise violation is occurring, and it is outside of business hours, please contact the Hamilton Police Service non-emergency contact number at (905) 546-4925 to make a complaint. If you believe that a noise violation is occurring during regular business hours, please contact Municipal Law Enforcement at (905) 546-2782, e-mail: mle@hamilton.ca, or visit www.hamilton.ca/mle to fill out an on-line complaint form.

Help us help you

Enforcing noise complaints is challenging and MLEO's need assistance from the public. Before the City can proceed with legal action, details of the complaint must be established. The person making the complaint is asked to record details about the noise and explain them to the clerk and/or Officer.

Your name and identifying details will be kept confidential, however, they may be disclosed if the case goes to court. Personal information collected by the City is protected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M-26*.

What does this mean to you?

Many residents enjoy late nights out, when out late at night try to avoid yelling, loud laughter and foul language on the streets. This will allow your neighbours who are sleeping to remain sleeping. When playing music whether at home or in a vehicle do so at a reasonable volume, also while indoors maybe close the window or ask your neighbours/roommates if they mind your music playing or when a good time to listen to your music would be.

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If you are planning on hosting a party, be aware of how much noise you are making, inform your neighbours on all sides about your party ahead of time, provide them with a contact number should they have any concerns about your party. You are responsible for limiting the noise that is being created on your property day and night. Be aware of noise you are creating in daylight hours and how it can be affecting the surrounding area and neighbours, many people work shifts. Keeping your noise at a reasonable level always goes a long way to encouraging a harmonious neighbourhood.

FIRE SAFETY CHECKLIST

- All exits are operable and clear of obstructions including snow and ice.
- Extension cords, power bars and ‘cheater blocks’ are not used to power ‘high energy’ appliances such as fridges, freezers, air conditioners, microwaves and heaters.
- Electrical cords are in good condition and do not run beneath carpets.
- Clothes dryers are vented using noncombustible rigid or flexible metal material and cleaned annually.
- Fuel burning appliances such as a gas furnace and gas fireplace are serviced annually by a certified heating contractor.
- Storage and materials are kept at least 1 meter away from heaters and fuel burning appliances.
- Smokers smoke outside and dispose of materials in sturdy metal ‘noncombustible’ containers.
- Stovetop and oven is kept clear of clutter and free of grease and spills.
- Plan to escape by knowing 2 ways out of your home in case of fire and have a designated meeting place.
- A working smoke alarm is required on every story of the home and outside all sleeping areas. Smoke alarm batteries must be replaced annually or when the low battery signal is sounding and both hardwired and battery-operated alarms replaced every 10 years or according to the manufacturer’s instructions. Test smoke alarms monthly.
- A working carbon monoxide alarm is required outside sleeping areas if the home contains a fuel burning appliance or an attached garage. CO alarm batteries must be replaced annually or when the low battery signal is sounding and, alarms replaced every 7 years or according to the manufacturer’s instructions. Test CO alarms monthly.

Rental Business Owners (landlords) are required to provide the manufacturer’s maintenance instructions for smoke and CO alarms to their tenants. This information can be downloaded from the manufacturer’s website.

PENALTIES

Failure to install and/or maintain working smoke alarms and carbon monoxide alarms as required is a violation under the Ontario Fire Code and could result in a \$360 ticket or a fine of up to \$50,000 for individuals or \$100,000 for corporations.

Tampering with a smoke or carbon monoxide alarm such as removing the battery is a violation under the Ontario Fire Code and could result in a \$360 ticket or a fine of up to \$50,000 for individuals or \$100,000 for corporations.

What does this mean to you?

Fire is an ever-present danger for building occupants. Understanding and applying code requirements will enhance occupant safety regardless of the materials used to construct a building. An owner is required to make sure that the mandated requirements under the Fire Code of Ontario are in place, a tenant must be sure that the smoke detectors, carbon monoxide detectors and fire extinguishers are present and able to perform in the way that they are intended.

OPEN AIR BURNING

Under the City of Hamilton By-law [02-283](#), (PDF, 768 KB) open-air burning is only allowed in areas that have been designated as rural. These designations are as set out in our [Official Plan](#) . All open-air burning must adhere to the [Open Air Burning Guidelines](#) (PDF, 127 KB)

Open Air Burning Permits

There are 3 types of open air burning a resident in the rural area is permitted to conduct with the purchase an Open Air Burning Permit:

Standard Fire

- Maximum size: 2m x 2m x 1m in height
- Minimum clearances: 30m to any building or other combustible material

Recreational Campfire

- Maximum size: 0.6m in diameter
- Minimum clearances: 3m to any building or other combustible material

Outdoor Fireplace

- Maximum size: Flames confined to the fireplace unit and do not extend into the chimney
- Minimum clearances: 3m to any building or other combustible material

What type of burning does not require an open air burning permit?

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The following are allowed in both rural and urban areas. They do not require a permit.

- An outdoor propane or natural gas fire pit
- A small, confined fire that is supervised at all times and used to cook food on a grill or a barbecue.

Important Information

- Open Air Burning Permits will only be issued to property owners, or to those with written authorization from the owner. If you need to submit written authorization it can be emailed to fire.prevention@hamilton.ca.
- You are only allowed to burn clean wood and brush.

Fee Price: \$25.50 (2021)

How to purchase a burn permit

Online: [Purchase my permit](#)

Drop Box Application: Print and Complete the Application for [Open Air Burn Permit form](#) (PDF, 203 KB). The application and fee payable by cheque to the City of Hamilton - Fire Prevention can be dropped off in person to drop boxes at select City locations.

In person drop box locations:

- Hamilton City Hall - 71 Main Street West, Hamilton
- Glanbrook Municipal Service Centre - 4280 Binbrook Road, Glanbrook
- Stoney Creek Municipal Service Centre - 777 Highway #8, Stoney Creek
- Dundas Municipal Service Centre - 60 Main Street, Dundas

Your burn permit will be mailed to you. If you provide an email address on the application, a scanned copy of the burn permit will also be emailed.

ENFORCEMENT

You can be prosecuted for failure to obtain a permit or for contravening the guidelines. In addition, failure to comply with the guidelines may result in your permit being revoked. You may also be held liable for costs incurred as the result of an emergency response. You can be prosecuted for open air burning in an area that does not allow it.

PROPERTY STANDARDS BY-LAW 03-117

The City of Hamilton consists of beautiful neighbourhoods that are a source of pride for residents throughout the city. The **Property Standards By-law (10-221)** ensures that owners properly maintain their homes and properties so that our neighbourhoods will always be

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attractive, safe and healthy places to live. This by-law is a set of minimum standards that apply to both owned and rented dwellings.

Common examples of Property Standards violations:**Interior**

- Doors and windows (i.e., broken glass or hardware)
- Floors, walls (i.e., water penetration, rotted boards, mould)
- Plumbing (i.e., leaking pipes under the kitchen sink)
- Stairs
- Plumbing (i.e., broken toilet)
- Electrical
- Pests (i.e., bed bugs, rats)

Exterior

- Exterior wall and roof (i.e., leakage of water)
- Eaves troughs and downspouts (i.e., improper drainage)
- Balconies, porches and stairs
- Fences, retaining walls
- Walkways
- Garages and sheds (i.e., entry of vermin and birds)
- Chimneys (i.e., falling bricks)
- Parking lots (i.e., dust/spillover onto sidewalks, concrete wheel stops)

Are you having issues with your rental unit?

We typically encourage tenants and property owners to work together to resolve the issue together. Property owners must maintain and repair the interior and exterior of their property. If you notice a problem with the door, windows, stairs, plumbing, electrical, roofs, walls, etc. first speak with your property owner to make them aware and put your concerns in writing. Keep a copy for yourself as Municipal Law Enforcement staff may want a copy of the dated letter as part of their investigation.

Making a complaint

If the repairs are not done in a timely manner you can make a complaint by calling (905) 546-2782 (option 3), or (905) 546-CITY (2489) if it is after business hours, e-mail: mle@hamilton.ca, or visit www.hamilton.ca/mle to fill out an on-line complaint form.

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Process for investigation

Your complaint will be assigned to a Municipal Law Enforcement Officer (MLEO). The MLEO may need to contact you for more information and also to gain entry into the area for investigation.

- If no violation is found, the file will be closed
- If a violation is found, the MLEO will contact the property owner and advise them of the violations, request the corrections to be made, and/or issue an Order to Comply with a specific time frame to complete the work

If the owner does not comply with the Order

- A ‘Fee for Inspection’ cost will be added to the property taxes
- Issue a ticket or court action
- Arrange a city approved contractor to complete the required work and costs will be added to the property taxes.
- **Tip:** Good communication between the property owner, occupant and the MLEO are key to avoid added costs

Property owner’s rights

The property owner has the option to appeal the Order to Comply to the Property Standards Committee. The directions and timelines to make an appeal are noted on the Order to Comply or you can also contact the MLEO in carriage of the file for additional information.

What does this mean to you?

The City of Hamilton encourages both owners and tenants to take pride in the dwellings in which they live. Should you see an example of a Property Standards violation you are encouraged as a property owner to remedy the situation, tenants are encouraged to inform the owner and ask for the violation to be remedied in a timely manner, failing that a complaint can be made at 905-546-2782.

HEAT BY-LAW (04-091)

The property owner must ensure to supply an adequate amount of heat in a unit that is rented or leased. The **Heat By-law (04-091)** states that if a dwelling is occupied, there must be sufficient heat maintained reaching a temperature of not less than 20°C during September 15th through May 15th each year.

No occupied building shall be equipped with portable heating equipment as the primary source of heat. This causes a fire safety hazard and needs to be addressed by the property owner.

Making a complaint

If you or someone you know has a concern about their living conditions with regards to inadequate heat, please call Municipal Law Enforcement at (905) 546-2782 (Monday – Friday, between 8:30 am – 4:30 pm), or the Customer Contact Centre after business hours at (905) 546-CITY (2489), or e-mail: mle@hamilton.ca to start an investigation.

What does this mean to you?

As an owner of a property that you are renting out it is the law that the dwelling must be able to achieve a heat reading of at least 20 degrees Celsius between September 15th and May 15th. As a tenant you are entitled to have a dwelling that is capable of being heated to that temperature from a primary heating apparatus (not portable).

VITAL SERVICES -BY-LAW 09-190

A landlord must provide adequate and suitable vital services to residential rental units and buildings which are tenant occupied or where a tenant has a right to occupy a rental unit. The **Vital Services By-law (09-190)** ensures that vital services such as gas, fuel oil, or electricity are provided in a rental unit.

The by-law helps protect tenants and may assist you if you rent and:

- Your landlord is responsible for the utility payments as part of your lease or rental agreement
- Your utility has been or is about to be shut off because your landlord has not paid the utility bill they are responsible for

If you meet the above conditions, this by-law may allow the City of Hamilton to apply a lien and pay monthly utility bills so that the utilities can be temporarily turned back on. This by-law does not apply if you agreed to pay the utility bills for a vital service (fuel, electricity or gas) in your lease. It is important to check your lease agreement and provide it to the investigating officer once you make a complaint. Depending on the nature of the situation, you may be referred to contact the Landlord and Tenant Board (www.ltb.gov.on.ca) for further assistance.

Responsibilities of landlords and utility suppliers

If the Rental Business Owner is responsible for paying for vital services such as fuel, electricity or gas as part of a lease agreement, they must provide an adequate suitable supply of these vital services to each of their rental units.

The Rental Business Owner cannot end a vital service except when necessary to change or repair the rental unit and they can only end the vital service for the least amount of time necessary to correct the problem.

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The supplier of fuel, electricity or gas cannot legally stop providing the vital service to a rental unit unless they give the City 30 days written notice of a discontinuance of the vital service.

Making a complaint

If you believe that there is a vital services violation in your rental unit, please call Municipal Law Enforcement at (905) 546-2782 (Monday through Friday 8:30 am – 4:30 pm), after business hours call the Customer Contact Centre at (905) 546-CITY (2489), or fill out an online complaint form at www.hamilton.ca/mle to register a complaint.

What does this mean to you?

As an owner of a rented property you are responsible to make sure that fuel, electricity or gas is available to the occupants of your dwelling. As a tenant you have a right to these services being provided, if they are not you can then receive aid from the City of Hamilton in re-establishing these services to your dwelling.

YARD MAINTENANCE BY-LAW 10-118**Garbage and Debris**

Garbage and debris including animal waste, leaves and weeds are unsightly and can be a health and safety hazard. Garbage and debris attracts rodents and wild life which have a negative impact on our health and wellbeing. The state of our homes is also affected by rodent infestations. Remember to clean up around your home and reduce clutter to prevent hiding spots for rodents. It is important to understand that the boulevard adjacent to your property must also be kept clean and free of all waste.

Help create a safe and pleasant environment for everyone by clearing garbage and debris from your property.

This includes but is not limited to:

- Animal waste
- Broken or discarded material
- Disconnected appliances and parts of such appliances
- Firewood not stacked neatly
- Inoperative vehicles (unable to operate and/or no permit)
- Inoperative machinery and parts of such machinery not packaged for immediate shipment or parts of vehicles not packaged for immediate shipment
- Torn or cut twigs or branches
- Waste lumber
- Material resulting from construction, demolition, repair or renovation projects

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Piping, ducting, tubing, conduits, cable, wire and fittings or related accessories not packaged for immediate shipment

An inoperative vehicle, includes a vehicle that is unable to operate as a result of being dismantled, broken or incomplete, decayed or dilapidated, in particular with missing wheels, tires, body components or windows;

Making a complaint

If you would like to report an inoperative vehicle in your neighbourhood please call (905) 546-2782, e-mail: mle@hamilton.ca to register a complaint, or visit www.hamilton.ca/mle to fill out an on-line complaint form.

Where can I store my waste?

When waste is not placed out for collection, all waste is to be stored:

- in a rigid, watertight container
- provided with a tight-fitting cover
- maintained in good condition without holes or spillage
- closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste
- kept in a rear yard located against a building, structure, fence or retaining wall and arranged in an orderly manner
- not allowed to accumulate for longer than 10 days

If you fail to keep your property clean of garbage and debris or store waste containers incorrectly, a Municipal Law Enforcement Officer (MLEO) may issue an Order to Comply ordering you remove the garbage and/or place the containers according to the by-law. After approximately 3-5 days, the MLEO will then re-inspect and if the work is not completed, will arrange for a City approved contractor to remove the garbage and rearrange the waste containers and charge the costs to the property owner. Costs plus a ‘Fee for Inspection’ will be added directly to the owner’s property taxes.

Making a complaint

To report improper storage of garbage containers or garbage and debris in your neighbourhood please call (905) 546-2782, e-mail: mle@hamilton.ca to register a complaint, or visit www.hamilton.ca/mle to fill out an on-line complaint form.

What does this mean to you?

Don’t throw your garbage on the streets. The citizens of Hamilton take great pride in keeping the city clean and beautiful, and they expect the same from everyone else. Try to keep your

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items properly stored and out of sight (i.e. trash, old furniture, empty bottles etc.). Garbage should only be put out on collection days. Clean up after your pets.

SOLID WASTE MANAGEMENT BY-LAW 09-067

The City of Hamilton offers a convenient waste management program to support residents in the City with their garbage disposal and to help keep our community clean. To find out when your scheduled waste collection (garbage, recycling, organics and yard waste) day is please visit: www.hamilton.ca/waste

Remember to ensure that your waste is separated properly. Make sure to use your blue boxes to recycle, use your green bin to compost, drop off household hazardous waste and larger recyclables at your nearest Community Recycling Centre (CRC) and take advantage of bulk pick up dates.

The **Solid Waste Management By-law (09-067)** ensures that City waste operations run smoothly and sets guidelines and timeframes for setting out your accumulated garbage. Waste collection containers and blue boxes need to be stored in the rear yard or garage.

Waste items must be at the curb in front of your property:

- before **7:00 a.m.** on your scheduled collection day or
- after **7:00 p.m.** the evening before

All waste containers must be removed from the curb by 7:00 p.m. on your scheduled collection day.

Once waste is at the curb for collection, it becomes City property and it is illegal to remove, pick over, interfere with or disturb it.

Bulk Garbage Pick Up

Bulk pick up (furniture and large household items) is available throughout the year. Please call (905) 546-CITY (2489) at least one week before your regular waste collection day to arrange for bulk item collection. Please note that there is a limit of 4 items per collection. Bulk items should be placed at the curb with your regular waste collection and make sure each item weighs no more than 90kg (200 lbs) and is no longer than 1.2m (4ft).

Community Recycling Centres (CRCs)

Locations

- 27 Olympic Drive, Dundas
- 460 Kenora Avenue, East Hamilton
- 37 Kilbride Road, Hamilton Mountain

Hours

Monday through Saturday 8 a.m. – 6 p.m.

Closed on Sundays and Statutory Holidays (open Easter Monday)

Fees

Visit www.hamilton.ca/waste for current transfer station fees.

One Bag or One Container Limit

There is a one waste container limit each week per residential property. A container can have several bags in it as long as it does not weigh more than 50 pounds. **Trash tags** have been provided to residents and may be used on extra bags or cans of garbage any week of the year. Garbage without trash tags will not be collected as they will be considered “over the limit.”

You can request an additional 14 trash tags online at www.hamilton.ca/trashtags, by visiting a Municipal Service Centre or City Hall, or by calling (905) 546-CITY (2489).

What does this mean to you?

It is important to know the garbage/recycling schedule for your neighbourhood. To review the garbage and recycling schedule and what recycling items are accepted in the City of Hamilton, check out the City of Hamilton website. You should also be aware that all garbage and recycling containers are required by law to be stored in a backyard.

SNOW AND ICE BY-LAW (03-296)

The City of Hamilton wants to ensure that the community is accessible and safe for all persons. The **Snow and Ice By-law (03-296)** requires property owners to remove snow and ice from sidewalks surrounding their properties within 24 hours after the snow has stopped falling. This includes the portion of the sidewalk that is an access ramp which allows pedestrians entry to be able to cross the road.

Property owners are responsible for the complete removal of snow and ice:

- From all City sidewalks surrounding their property within 24 hours of a snowfall
- From walkways, stairs, and other areas of a property where passage is needed
- Build up on roofs or eaves that overhang a City sidewalk

It is illegal to place/throw snow and ice on a road or boulevard. Doing this may cause a safety hazard for vehicles and can also block catch basins (storm sewers) which can cause flooding.

When the City receives a complaint about sidewalks that are not cleared, a Municipal Law Enforcement Officer (MLEO) will investigate and may issue an Order to Comply requiring the property owner or occupant to clean the sidewalk immediately. The MLEO will re-inspect and if

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the work is still not complete, a City approved contractor will be arranged to clear the sidewalk, charging the costs to the property owner. Costs plus an additional ‘Fee for Inspection’ will be added directly to the property owner’s taxes.

Tickets issued under the Provincial Offences Act can range up to \$5,000 for repeated violations.

Making a complaint

To report a sidewalk that has not been cleared after 24 hours of a snowfall in your neighbourhood, please call (905) 546-2782, e-mail: mle@hamilton.ca to register a complaint, or visit www.hamilton.ca/mle to fill out an on-line complaint form.

What does this mean to you?

The owner of every property in Hamilton must ensure for the removal of snow and ice from sidewalks surrounding their properties within 24 hours after the snow has stopped falling. A tenant could be “employed” to clear snow and ice from a property in which they live, but this must be done in an agreement outside of the standard Ontario Lease Agreement.

PARKING

The City of Hamilton has several by-laws that provide safe streets and better traffic flow throughout the City. The following is a list of the most common parking offences under the Municipal Parking By-laws which may result in the vehicle owner being issued a parking ticket. The amount of the fine varies depending on the offence.

- Blocking the sidewalk: your car is parked in a driveway and covering a portion of the sidewalk
- Overhanging the curb: your car is parked in a driveway, partially over the curb and into the street
- On the boulevard: your car is parked on the grass between the street and the sidewalk
- Facing the wrong way: your car is parked facing the opposite direction of the flow of traffic
- In the centre of a court: your car is parked without the two right-side tires within 15 cm (6 inches) of the curb
- Overnight: parking is limited to 12 hours unless otherwise posted; Parking is prohibited on all through streets between the hours of 2 a.m. – 7 a.m.
- Unplated or not working: your broken or unplated vehicles are left on the street
- Fire route: your car is parked in a fire route – these must be kept clear in case of emergency
- Fire hydrant: your car is parked within 3 metres (10 feet) of a fire hydrant

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- Corner: your car is parked within 6 metres (18 feet) of a corner
- Parking in an accessible parking space: your car is parked in a designated accessible parking space without a valid accessible permit clearly visible, including the expiry date
- Abuse of an accessible parking permit: your car is parked in an accessible parking permit that was not issued to you is displayed

If you see any of these violations or others in your neighbourhood, please call Parking Services at (905) 540-6000, e-mail: parking@hamilton.ca to start an investigation or visit www.hamilton.ca/parking for more information.

Accessible Parking

All public parking areas are required to provide designated accessible parking spaces. This is to ensure that people with disabilities have close access to their destination and more space to maneuver in and out of their vehicles.

Accessible parking spaces are wider, located closer to buildings and readily accessible with ramps and special downward curbs. Only vehicles displaying a valid Accessible Parking Permit are allowed to park in these spaces. Parking in an accessible parking space without a properly displayed permit (including expiry date) may result in a significant fine.

Note: Accessible Parking Permits are only to be used by the person/s to whom they were issued. The registered permit holder must be present when the Accessible Parking Permit is used.

If you see an individual misusing an accessible parking space please call Parking Services at (905) 540-6000 immediately and be prepared to describe the location and description of the vehicle and/or plate number to have an officer dispatched.

What does this mean to you?

As a resident of Hamilton, it is important to know that you can only park your vehicle where it is allowed, the rules are in place to allow for traffic to flow and City services to perform duties such as street cleaning. Be aware of any signage in your neighbourhood regarding on street parking and if having guests at your residence, make sure they are obeying the rules in place for street parking.

PETS AND ANIMALS

Under the Responsible Animal Ownership By-law (12-031) all dogs living in the City of Hamilton require a licence. You must obtain a licence for your dog from the City of Hamilton before your dog is 3 months old and it must be attached to your dog's collar. This licence must be renewed every year.

Cat owners must keep their cat indoors or on their own property. Hamilton residents are encouraged to buy a cat registration tag from the City of Hamilton to help their lost or strayed cat return to their home. Cat registration tags are available for a one-time fee.

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The benefits of a licensing your pet

Licensing of your pet allows City staff to contact you 24 hours a day, 7 days a week, 365 days of the year in the event that your pet is found away from your home. It is easier to find your pet if it is licensed and wearing its tag. A lost pet will receive a complimentary ride home if found by Animal Services (once per year). Your pet can come home to you instead of to the shelter and you avoid costly fines for not having your pet licenced.

How are licence fees used?

Licence fees are used to care for and feed lost or stray pets and find homes for the unwanted animals in our city.

\$1.00 from the licence fee goes towards creating and maintaining leash free parks in the City of Hamilton.

Buy or renew a licence in person at one of these locations

Hamilton Animal Services

247 Dartnall Road, Hamilton ON L8W 3V9

Mon - Fri: 8:30 am to 4:30 pm

Sat & Sun: 10:00 am to 2:00 pm (Closed on Holidays)

Phone: (905) 574-3433 ext. 4 Fax: (905) 546-4044

Other locations to purchase in person Mon to Fri: 8:30 am to 4:30 pm:

- 77 James Street North - Suite 250 – Hamilton
- 71 Main Street West - 1st Floor – Hamilton
- 300 Wilson Street East – Ancaster
- 60 Main Street – Dundas
- 163 Dundas Street East – Flamborough
- 4280 Binbrook Road – Glanbrook
- 777 Highway No. 8 – Stoney Creek

Fees

Please contact (905) 574-3433 ext. 4 for the current fee schedule.

You can purchase a new or renew a dog licence in person, by phone, by mail or by fax by visiting <https://www.hamilton.ca/animals-pets/dogs/buy-dog-licence> and downloading the “Animal Licence Application”.

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Cat registration tags are available for a one time fee by phone, mail, or in person at Hamilton Animal Services, 247 Dartnall Road, Hamilton, Ontario L8W 3V9 located at the rear of the SPCA Building or call (905) 574-3433 for more information.

Rabies Vaccines

All dogs and cats over the age of 3 months are required to be vaccinated for rabies. It is not a requirement to show proof when purchasing a licence.

Animal Services may be coming to your door!

Animal Services Licensing Officers are going door to door to educate dog owners on their responsibilities to purchase licences for their dogs.

Fines

The City of Hamilton has a zero-tolerance dog licence enforcement program. Any person who owns, has custody of or keeps an unlicensed dog may be charged under the Provincial Offences Act. Fines start at \$180 and go up to \$10,000.

For Animal Control Officer response, dogs at large, animals in distress or deceased animals please call: (905) 574-3433 ext. 1

Poop and Scoop for Animals

Dog owners are required to pick up after their pets on any public or private property including their own yard, neighbours' yards, parks, sidewalks, roads, etc. You must immediately remove and dispose of any feces left by the animal on any property. This does not apply to people reliant on a service animal or police animal, when the dog is in service.

Leash laws

Animals are not permitted to be at large within the City of Hamilton. As a result, pet owners are required to keep their dogs leashed and under control always, with the following exceptions:

- When the dog is on the owner's property
- If prior consent is given by the person owning the land on which the dog is located
- Police work dogs that are performing their duties
- When the dog is in a designated leash-free area

Animals that are found in any place other than their owner's property and not under the control of someone may be seized and impounded.

Leash-free Areas

The City of Hamilton offers designated leash-free areas at the following Parks and Open Space:

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- Hamilton SPCA (Upper part of park) -245 Dartnall Road. Hours of operation: 6 am - 11 pm (except between the hours of 9 am and 12 pm)
- Heritage Green - 447 1st Road West, Stoney Creek, Hours of operation: 6 am - 11 pm- PARKING LOT CLOSED FOR CONSTRUCTION: May 21 to November 20, 2019 (approximate). Park users can park at Heritage Green Sports Park, accessible via Green Mountain Road and use the pathways to access the Dog Park
- Hill Street - 13 Hill Street, Hours of operation: 6 am - 11 pm
- Birch Avenue -Between Brant Street and Princess Street on West side, behind the City's Operation building at 330 Wentworth Street -Hours of operation: Monday to Friday, 5 pm to 11 pm | Saturday and Sunday, 6 am to 11 pm
- Borer's Falls - 491 York Road, Dundas, at the corner of York Road and Valley Road. -Hours of operation: 6 am to 11 pm
- Cathedral- 707 King Street West, - Hours of operation: 6 am to 11 pm -There is no parking at location, walk in access is from Main Street
- Globe Park- Brampton Street, East of Woodward Avenue, -
- Rail Trail, -Escarpment Rail Trail off Corktown Park near Forest Avenue and Aurora Street- Hours of operation: 7 am to 9 pm

Please remember to follow the Rules and Regulations for Leash Free Parks set out in Section 7 of the City's Leash Free Parks Policy that is posted in the Leash Free Parks. For more information regarding Animal Services, please visit us online at www.hamilton.ca/animals-pets

Number of animals permitted on private property

The Responsible Animal Ownership By-law (12-031) sets limits on the number of pets you own. The allowance is 4 domestic animals per house in urban areas. Urban chickens are not permitted. There are some exceptions to this by-law please see Section 5.4 (1) of the by-law for more information.

Kennels and Pet Shops

The Licensing By-law (07-170) allows kennels or pet shops to operate with a licence. The operator of a kennel or pet shop must ensure:

- All animals are adequately fenced or caged to prevent them from running at large;
- No animal is kept in a cage of inadequate size;
- All animals are fed and supplied with water regularly and kept in a clean, healthy condition free from vermin and disease

Prohibited animals

The following animals are not allowed to be kept on private property in the City of Hamilton including but not limited to ducks, geese, cattle, goats, sheep, pigs, deer, elk, alpacas and llamas, otters, wolves, bears, coyotes, foxes, tigers, leopards, cougars, lions, lynx, mink, skunks, weasels, badgers, mongooses and raccoons, bats, alligators, crocodiles, pheasants,

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grouse, guinea fowls, turkeys, chickens, horses, donkeys, jackasses, mules, ponies, chimpanzees, gorillas, monkeys, eagles, hawks, falcons and owls, and some lizards and snakes.

Some of these animals are exempted in lands that are zoned rural or agricultural. Check with Animal Control before becoming a pet owner to any of the above.

For more information regarding Animal Services, please visit us online at www.hamilton.ca/animals-pets

What does this mean to you?

Pets play an important part of many of Hamilton’s citizen’s life. If you are a pet owner in Hamilton, know your rights and responsibilities in the care of your pet, how your pet could affect neighbours in your community and avail yourself to the services offered by the Animal Control Division.

LIQUOR LICENSE ACT OF ONTARIO

The Liquor License Act provides alcohol laws, which are put in place, partly to control access to youth among other things. In Ontario, it is illegal to consume alcohol before the age of 19. It is also illegal for anyone to supply alcohol to minors. Drinking under age or providing alcohol to an under aged is subject to being charged with a provincial offense. Other rules and regulations regarding liquor are:

- It is legal, for persons 19 years and over, to carry sealed, unopened alcohol in their vehicle. If the alcohol has been opened, or put into a different container, it must be out of reach of everyone in the vehicle.
- Alcohol is not permitted to be removed from a licensed premise. If you take your drink outside, the police can charge you with a provincial offense.

Anyone who is intoxicated in public and is causing a disturbance or indecent exposure can be charged with a provincial offense.

What does this mean to you?

Liquor consumption can have negative impacts on neighbourhoods, persons imbibing in alcohol consumption must keep in mind their surroundings and responsibilities of being good neighbours, large parties in houses can become potentially unsafe and lead to high risk activity.

PUBLIC NUISANCE BY-LAW (09-110)

The **Public Nuisance By-law (09-110)** addresses behaviours that may result in tickets issued by Hamilton Police Services or Municipal Law Enforcement Officers under the Provincial Offences Act.

Examples of violating the Public Nuisance By-law:

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- Urinate or defecate in a public place
- Knock over or attempt to knock over a Canada Post mailbox, Canada Post relay box, newspaper box, blue box or other waste container

Making a complaint

If you believe that there is a violation under the public nuisance by-law, please call Hamilton Police Services non-emergency contact number (905) 546-4925, or Municipal Law Enforcement at (905) 546-2782. Remember to provide the location, date, and time of the incident as well as the details of what happened to aid an Officer with the investigation.

What does this mean to you?

The City of Hamilton would hope all citizens would act in a responsible manner always, quality of life can be affected when some citizens choose to not to act in a reasonable manner. In a neighbourhood, behaviours as outlined in this By-Law have negative effects.

ZONING**What is the Zoning By-law?**

The Zoning By-law regulates the use of land and controls how each property in the City is approved to be used. It contains zones for agricultural, residential, institutional, commercial and mixed uses, industrial and parks and open space zones. It also sets restrictions on:

- the types of buildings such as townhouses, manufacturing or retail stores that are permitted
- where buildings and structures can be located on a property
- the lot sizes and dimensions, parking requirements, building heights, setbacks from the street and other regulations

The City is preparing a new Zoning By-law for the entire City of Hamilton, replacing the Zoning By-law of the former municipalities.

Currently the City of Hamilton has 7 Zoning By-laws in effect for most residential dwellings. For most of the properties in the former municipalities, the zoning for commercial, institutional, industrial, parks and open space uses, as well as Downtown Hamilton is regulated by [Zoning By-law \(05-200\)](#). The remaining areas are regulated by the Zoning By-laws from:

- [Zoning By-laws for the former municipalities:](#)
 - Town of Ancaster Zoning By-Law (87-57)
 - Town of Dundas Zoning By-Law (3581-86)
 - Town of Flamborough Zoning By-Law (90-145-Z)
 - Township of Glanbrook Zoning By-Law (464)

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- City of Hamilton Zoning By-Law (6593)
- City of Stoney Creek Zoning By-law (3692-92)

A property cannot be used for something other than what it is zoned for. If the zoning specifies that a property is zoned as Residential and a person is repairing vehicles from their garage this is considered a violation of the by-law because it is not a permitted or recognized use of the property. If a property or business owner wanted to inquire about the viability of operating a Public Garage they should contact the Licensing Section at (905) 546-2782 or e-mail: licensing@hamilton.ca with their inquiry.

For more information about permitted use, requirement and restrictions of the Zoning By-law please contact the Building Division at (905) 546-2720, e-mail: building@hamilton.ca, or visit or City Hall, 71 Main Street West, 3rd floor.

Interactive zoning mapping

An interactive zoning map has been created which allows you to find the zoning designation of a property in Hamilton.

To find zoning information on a specific area or property, you can visit the following link and type in the property address: <https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/interactive-zoning-mapping>

Applying for an exemption from the Zoning By-law

There are cases where a property owner may want an exemption to a requirement from the Zoning By-law. The property owner will have to apply for a minor variance or amendment to the by-law to legalize the situation.

Minor variance

A minor variance can be done through the Committee of Adjustment, which is a committee, made up of Hamilton residents chosen by City Council that deal with consents and minor variances. The variance can relate to the land, building, structure, or its use.

Examples of minor variance applications may include, but are not limited to:

- New buildings or additions to existing buildings
- Porch enclosure or new deck
- New accessory buildings such as garages and sheds
- Enlargement, extension or change of use of any legal non-conforming building
- Parking spaces required for new or expanded businesses

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Prior to submitting an application, it is strongly recommended that you contact the Planning Division and speak to who is responsible for your particular area in order to determine the feasibility of your proposal.

If a property owner would like to proceed with a minor variance, an online application form and fees can be found by visiting: <https://www.hamilton.ca/develop-property/planning-applications/minor-variance>

If a property owner would like to make changes to a property that deviates from the permitted uses or the regulations of the Zoning By-law, the owner must apply for a Zoning By-law Amendment.

Zoning by-law amendment

A Zoning By-law can be amended to change either the zoning of the land or add special provisions to the zoning designation for a special property (also known as rezoning). This amending by-law can be as little as changing the zoning designation from one to another, adding a use or changing a zoning by-law requirement. For example, a change of use from residential to commercial would require a Zoning By-law Amendment.

A formal consultation is the first step in the planning application process.

Prior to submitting an application, it is a requirement for property owners or developers to attend a meeting with Planning staff. This meeting will provide an opportunity to meet with staff and outside agencies to understand the standards and expectations for various Planning Act applications. You may find more information about the formal consultation process and fees by visiting: <https://www.hamilton.ca/develop-property/planning-applications/formal-consultation>

For more zoning or building permit information, please contact the Building Division by calling (905) 546-2720, e-mail: building@hamilton.ca, or in person by visiting City Hall, 3rd Floor.

Making a complaint

Municipal Law Enforcement investigates complaints regarding the zoning by-law and use of property. To make a complaint, please call (905) 546-2782, e-mail: mle@hamilton.ca, or visit www.hamilton.ca/mle to fill out an online complaint form.

Zoning enforcement against illegal units

Sometimes property owners have converted properties to accommodate additional units inside a dwelling than what is permitted by the law. To ensure that any dwelling is safe for all residents, as well as fire and emergency workers, it must comply with the Zoning By-law, Ontario Building Code and/or Fire Code.

What does this mean to you?

Zoning allows City Council to set rules for where new buildings should go, what types of buildings they can be, what activities and businesses can happen there, as well as requirements for other things such as parking and landscaping. For example, it's nice to have two houses next to each other. It's not so nice to have a house and a loud, smelly factory next to each other! Zoning also controls the height, size and location of buildings. Controlling a building's height can maintain views of the river valley or local monuments, or limit how large a shadow a building can cast on its neighbours.

Controlling the size and location of buildings includes rules around where on the property a building can be built and how much space it can take up. These rules exist so the city can make sure there are front and backyards, space between you and your neighbours, and room for parking, sidewalks and trees. Zoning also controls the activities or businesses allowed on a property. For example, in many zones where people live (known as residential zones) it can be all right to have a day care or a religious building like a church, mosque, temple or synagogue.

RENTING A PROPERTY

It is important to note that the City of Hamilton has instituted a Licensing program for Wards 1 and 8 that requires all Rental Units (5 units or less) to have a licence, an inspection of the rental property will need to occur. Tenants of low density rental dwellings will be given notice of any inspection by the City of Hamilton for purposes of Rental Business Owners obtaining a licence. The purpose of the inspection is to make sure tenants are provided with safe and legal accommodation.

What does this mean to you?

The notice of inspection will inform tenants about the purpose and process of inspections, you should not fear this inspection as it is for your benefit, it will allow you to converse or bring up any concerns with a City Inspector, also it will provide an opportunity for you to gather information and educate yourself about various City regulations, it will also give you an opportunity to have your residence ready for inspection.

It is the responsibility of all Rental Business Owners of Rental Unit Buildings to obtain the Licence. City of Hamilton staff will work diligently to assure that the process is done in a smooth, transparent, and expeditious manner. Everyone involved in a rental property should have a goal of either providing or residing in a healthy and safe home.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 10, 2021
SUBJECT/REPORT NO:	Interim Control By-law Extension - Pleasantview Area (PED21157) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Christine Newbold (905) 546-2424 Ext. 1279
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Interim Control By-law No.20-186 be extended for an additional year from the date of the passing of the By-law No. 20-186 (September 10, 2020), to allow additional time to complete the Pleasantview Land Use Study and bring forward for Council's consideration amendments to the Rural Hamilton Official Plan and Zoning By-law 05-200 to implement the Pleasantview Land Use Study, for lands located generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road/York Road to the west.
- (b) That the Draft By-law No. 21-XXX, attached as Appendix "B" to Report PED21157 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

On September 10, 2020, Council passed a motion directing staff to undertake a land use study for the area known as Pleasantview and an Interim Control By-law (By-law No. 20-186). The purpose of the Interim Control By-law (ICBL) was to temporarily suspend most development within the Pleasantview area until the Pleasantview Land Use Study was completed.

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SUBJECT: Pleasantview Land Use Study and Interim Control By-law Extension (PED21157) (Ward 13) - Page 2 of 5

The lands subject to the Pleasantview Land Use Study and Interim Control By-law are shown as Schedule "A" to By-law No. 20-186, attached as Appendix "A" to Report PED21157.

The ICBL will expire on September 10, 2021, unless Council passes a resolution to extend By-law 20-186.

It is proposed that the ICBL be extended for an additional year. The Pleasantview Land Use Study and implementing Rural Hamilton Official Plan Amendment (RHOPA) and zoning by-law amendment (ZBA) are expected to be brought forward to Planning Committee on September 21, 2021, however a Council decision would not occur until after the current expiration date of the ICBL. It is not anticipated that a full year would be necessary and the ICBL could be lifted upon Council's decision on the land use study and associated RHOPA and ZBA

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The draft by-law has been reviewed by Legal Services staff and they have no concerns.

HISTORICAL BACKGROUND

Pleasantview Area Interim Control By-law

Hamilton City Council, at its meeting of September 10, 2020 passed By-law No. 20-186, being an Interim Control By-law (ICBL) for the Pleasantview Lands as shown on Schedule "A" to Appendix "A" to Report PED21157. In addition, staff were directed to undertake a land use study to review existing local municipal and provincial policy frameworks and bring forward the necessary changes to the municipal framework to clarify policy direction for the Pleasantview Area and to ensure conformity with the Niagara Escarpment Plan policies and designations for the area.

The ICBL is in effect until September 10, 2021. The purpose of the ICBL is to suspend development permissions with the Pleasantview area until the Pleasantview Land Use Study was completed.

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SUBJECT: Pleasantview Land Use Study and Interim Control By-law Extension (PED21157) (Ward 13) - Page 3 of 5

Pleasantview Area Land Use Study

Following the passing of By-law No. 20-186, staff initiated the Pleasantview Area Land Use Study. The purpose of the study is to review the local and provincial policy framework and local zoning for the Pleasantview Area and make recommendations for modifications to the RHOP and zoning to ensure the local policy and zoning framework is brought into conformity with the applicable Provincial Plans. A draft of the Pleasantview Area Land Use Study was presented in two virtual public meetings on June 23, 2021. The project team (staff and consultants) have prepared a draft zoning by-law amendment for inclusion of Pleasantview Area into Zoning By-law 05-200. The draft zoning by-law amendment was posted on the project webpage for public review on August 6, 2021 and feedback has been requested by August 23, 2021.

Niagara Escarpment Commission Development Control Initiative

On September 11, 2019, City Council directed staff to work with the Niagara Escarpment Commission (NEC) staff to petition the Ministry of Natural Resources and Forestry (MNR) to put the Pleasantview survey lands under Development Control (Regulation 826) as soon as possible.

On September 19th, 2019, the Niagara Escarpment Commission approved an NEC Staff recommendation that “the Niagara Escarpment Commission support staff in pursuing the application of Development Control within the Pleasant View Survey Area”. Staff worked with the NEC and MNR to provide necessary technical information to assist with the addition of Pleasantview into the area of NEC Development Control.

On March 18, 2021, the NEC passed a resolution directing the Chair of the NEC to request the Minister of Natural Resources and Forestry to proceed to include the Pleasantview in the Area of Development Control through a Minister’s Regulation. A letter from the Chair of the NEC communicating the resolution was sent to the Minister on March 22, 2018.

On July 23, 2021 the Ministry of Natural Resources and Forestry posted “*Amendment to Ontario Regulation 826 to add the Pleasant View Survey lands within the Niagara Escarpment Plan area in the City of Hamilton to the area of development control*” to the Environmental Registry of Ontario webpage (ERO number 019-3898). The purpose of this proposal is to amend Ontario Regulation 826 under the *Niagara Escarpment and Development Act* to add the Pleasantview Area lands to the Area of Development Control for the Niagara Escarpment Commission. The commenting period for the posting ends on September 6th, 2021. Until such time as the proposal has been approved by the Province, the Dundas Zoning by-law No.3581-86 remains in force and effect in the Pleasantview Area.

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SUBJECT: Pleasantview Land Use Study and Interim Control By-law Extension (PED21157) (Ward 13) - Page 4 of 5

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Planning Act

Subsection 38(1) of the Planning Act states that where the council of a local municipality has directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area, the council of the municipality may pass an interim control by-law for a period of time not exceeding one year, prohibiting the use of land, buildings or structures within the municipality for such uses set out in the zoning by-law.

Subsection 38(2) allows council to extend the period of time of the ICBL so that the total time does not exceed two years from the date of the passing of the by-law.

No notice or hearing (public meeting) is required for an ICBL. However, the Clerk is required to give notice of the decision within 30 days of passage of the by-law to the prescribed persons and public bodies. There is a 60-day appeal period associated with the passage of an extension to an interim control by-law.

RELEVANT CONSULTATION

Legal Services has been consulted in the preparation of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose of an ICBL is to give time for staff to complete a land use study and bring forward the study for Council's consideration. An option for extending the duration of the ICBL is provided in the Planning Act for situations where the Study is on-going, and more time is necessary to complete the study.

The Pleasantview Land Use Study is currently underway. Staff have undertaken consultation with the community on the Study and draft RHOPA and zoning by-law amendment has been made available for review by the public at www.hamilton.ca/pleasantview. The consultation period on the draft RHOPA and Zoning by-law amendment closes on August 16, 2021. The draft RHOPA and zoning by-law amendment is scheduled to be presented to Planning Committee at its meeting on September 21, 2021.

With the ICBL expiring on September 10, 2021, Council will not be in a position to consider the results of the land use study and any implementing Rural Hamilton Official Plan and zoning by-law changes to implement the study until late September at the earliest. An extension to the ICBL of one year is requested although staff feel a full year will not be necessary. Upon Council's decision on the land use study and potential

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**SUBJECT: Pleasantview Land Use Study and Interim Control By-law Extension
(PED21157) (Ward 13) - Page 5 of 5**

changes to the RHOP and zoning bylaw, Staff will bring forward a by-law to Council to repeal the ICBL (By-law No. 20-186).

ALTERNATIVES FOR CONSIDERATION

Council could choose not to extend the ICBL. This alternative is not recommended as staff feel the additional time needed for the draft Land Use Study and associated RHOPA and zoning by-law amendment to proceed to Council is short. Should the ICBL be allowed to expire, the existing policy framework and former Town of Dundas Zoning By-law would be reinstated in the Pleasantview area.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Healthy and Safe Communities**

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

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21157– City of Hamilton By-law 20-186

Appendix “B” to Report PED21157 – DRAFT Interim Control By-law Extension

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Authority: Item 3.3
CM: September 10, 2020
Ward: 13

Bill No. 186

CITY OF HAMILTON

By-Law No. 20-186

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road / York Road to the west (Pleasant View)

WHEREAS section 38 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS subsection 38(1) of the *Planning Act*, R.S.O. 1990 c.P. 13 as amended provides as follows:

Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the *City of Hamilton Act*, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS the City will be undertaking a land use study in respect of land use policies and future underlying zoning by-law regulations to ensure the Rural Hamilton Official Plan and underlying Zoning By-laws are in conformity with Provincial policies including the Niagara Escarpment Plan and the future development control for lands within the Pleasant View area of the former Town of Dundas;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road / York Road to the west (Pleasant View)

Page 2 of 4

AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan;

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

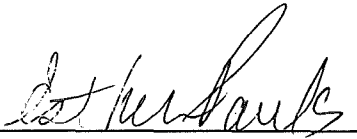
1. Staff are hereby directed to undertake planning studies in respect of land use policies and zoning by-law regulations, in the area described in Schedule "A", attached hereto.
2. No buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law. Notwithstanding the foregoing restriction, the following actions are permitted:
 - a) an expansion of such legally existing buildings or structures, to a maximum of 20% of the existing gross floor area.
 - b) a change to the interior or façade of legally existing buildings or structures;
 - c) the reconstruction or replacement of such legally existing buildings or structures which are totally or partially destroyed by fire, accident or natural disaster, provided the building or structure is reconstructed on its original site and the floor area and dimensions are not increased; and,
 - d) the erection of a new accessory building or structure.
3. Within the area described in Schedule "A" attached hereto, a building permit may be issued in accordance with the following provisions:
 - a) a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance, site specific zoning, site plan, or consent, that has been approved or conditionally approved by the City of Hamilton or the Local Planning Appeal Tribunal after the date of Ministerial approval of Niagara Escarpment Plan Amendment No. 179 (Pleasant View) (October 28, 2013) and up to the day before By-law No. 20-186 was passed by Council; and,
 - b) a building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the City of Hamilton on or before the day before By-law No. 20-186 was passed by Council.
 - c) For the purposes of determining zoning conformity, the following shall apply:

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road / York Road to the west (Pleasant View)

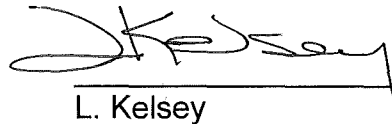
Page 3 of 4

- i. This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection a) or b) above.
 - ii. Once the permit or approval under Subsection a) or b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.
4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.
 5. The Municipal 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 10th day of September, 2020.

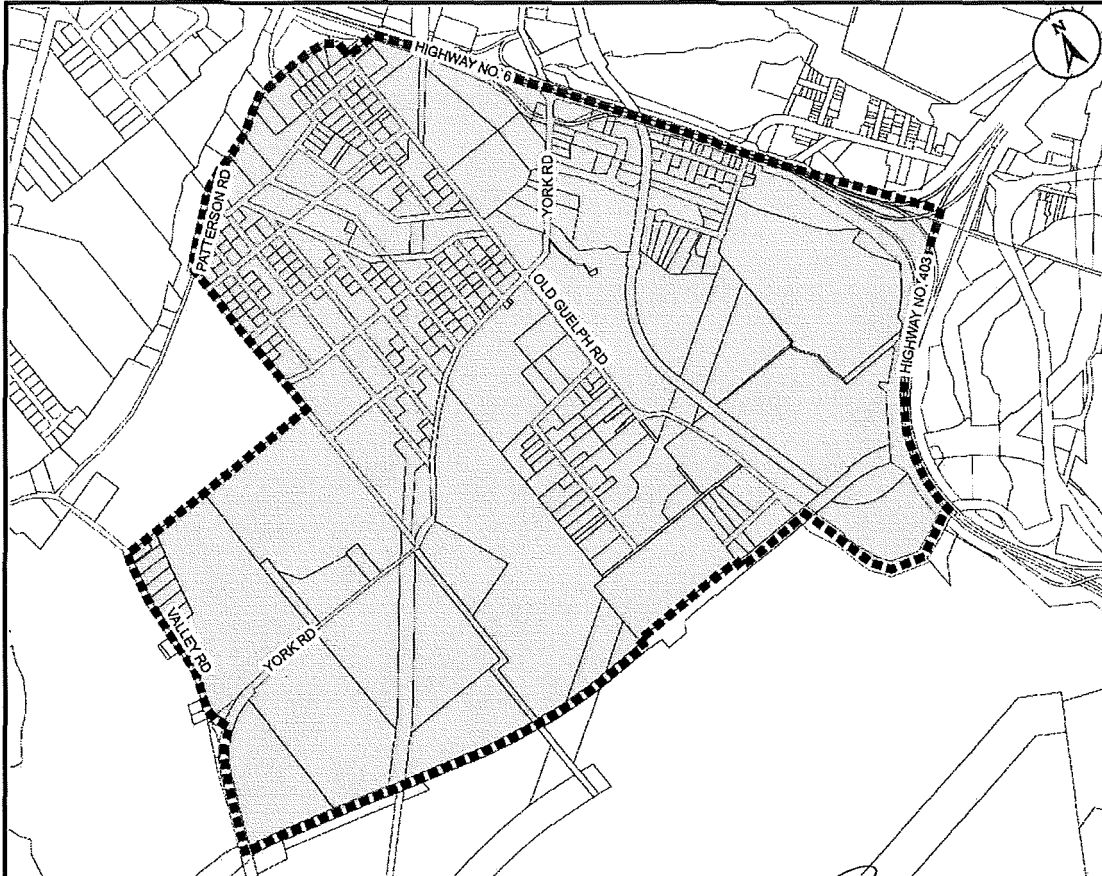


E. Pauls
Acting Mayor



L. Kelsey
Acting City Clerk

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road / York Road to the west (Pleasant View)



<p>This is Schedule "A" to By-law No. 20-186</p> <p>Passed the <u>10</u> day of <u>September</u>, 2020</p>	<p style="text-align: center;"><i>Esther Parks</i> ----- Mayor</p> <p style="text-align: center;"><i>Kesey</i> ----- Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 20-186</p> <p>to Amend By-law No. 3581-86</p>	<p>Subject Property</p> <p> Geographical Area (lands) subject to By-law No. 20-186</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: Interim Control By-law - Pleasant View</p>	<p>Hamilton</p>
<p>Date: September 10, 2020</p>	<p>Planner/Technician: CN/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item [REDACTED]
Planning Committee
CM:
Ward: 13

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To extend the time period of the Interim Control By-laws respecting lands in the former Town of Dundas, generally in the area bounded by Patterson road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road/York road to the west (Pleasantview)

WHEREAS section 38 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas;

AND WHEREAS on September 10, 2020, City Council passed Interim Control By-law 20-186 for the purposes of undertaking a land use study in respect of land use policies and future underlying zoning by-law regulations to ensure the Rural Hamilton Official Plan and underlying Zoning By-laws are in conformity with Provincial policies including the Niagara Escarpment Plan within Pleasantview area of the former Town of Dundas;

AND WHEREAS City Council wishes to amend the Interim Control By-laws to extend the time period for an additional year, in accordance with subsection 38(2) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended, to complete the land use study;

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

1. That Section 4 of By-law No. 20-186 be amended to extend the time period for an additional year to expire on September 10, 2022.
2. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this day of _____, 2021.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk

DRAFT

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

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

Committee: Planning Committee Report No.: PED21157 Date: Aug 10, 2021

Ward: 13

Prepared by: Christine Newbold

Phone No: 905-546-2424 ext. 1279

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

DRAFT



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 10, 2021
SUBJECT/REPORT NO:	Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy (PED21018) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Alissa Mahood (905) 546-2424 Ext. 1250 Jennifer Roth (905) 546-2424 Ext. 2058
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Pier 8 Block 16 Urban Design Guidelines, attached as Appendix “B” to Report PED21018, be adopted and staff be directed and authorized to use the guidelines to evaluate and guide development applications for lands identified as Pier 8 (65 Guise Street East), Block 16 in the West Harbour area, as shown on Appendix “A” to Report PED21018.

EXECUTIVE SUMMARY

In 2017, City Council enacted Zoning By-law No. 17-095 and approved a draft Plan of Subdivision, 25T-201605, for the lands known as Piers 7 and 8 (65 Guise Street East, Hamilton) for the intended purpose of implementing the West Harbour “Setting Sail” Secondary Plan as it applies to the Pier 7 and 8 lands. Zoning By-law No. 17-095 and the draft Plan of Subdivision 25T- 201605.

The planning instruments were subsequently appealed to the Ontario Land Tribunal (formerly the Local Planning Area Tribunal (LPAT) (Case No. PL170742)). An agreement was reached by way of a settlement between the City, Waterfront Shores Corporation (WSC), and the Harbour West Neighbours Inc (HWN) to resolve the appeal

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SUBJECT: Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy (PED21018) (Ward 2) - Page 2 of 23

files by HWN. The proposed settlement was brought forward to Council for its consideration on September 4, 2019 (Confidential Report LS19033(a)/PED19180(a)). Council's approval of the settlement was subsequently presented to the LPAT and approved on September 16, 2019.

Minutes of Settlement Decision

The minutes of settlement direct the City to bring forward, for Planning Committee and Council's consideration, an amendment to the Setting Sail Secondary Plan and an implementing zoning-by-law amendment that would re-designate and re-zone the existing institutional block (Block 16) on Pier 8 (refer to location map in Appendix "A" to Report PED21018) to permit either residential or mixed use development in a mid-rise or high-rise form. The terms of the settlement require that the City bring forward an official plan amendment and a zoning by-law amendment within one year of the date of execution of the Settlement. As the Covid-19 pandemic impacted the City's ability to consult with the community, all Parties consented to the City request for an extension to the 1-year time frame.

Although the City agreed to bring forward an OPA and ZBA for Block 16 for Council's future consideration as part of the LPAT settlement process, there was no commitment for additional height on Block 16.

Pier 8 Block 16 Study and Urban Design Guidelines

In order to fulfil the minutes of settlement, a review of the existing Pier 7 and 8 Urban Design Study (2016) in order to assess the opportunity and design parameters required to accommodate a mid-rise (5-12 storeys) or tall building (+ 12 storeys) on Block 16 and to develop associated urban design guidelines for the subject lands was undertaken by Planning Division staff, in conjunction with external planning and urban design consultants.

The Pier 8 Block 16 Urban Design Guidelines (attached as Appendix "B" to Report PED21018) contain recommendations pertaining to matters such as character, landscape requirements, amenity areas, massing, sustainability, circulation and accessibility for both a mid-rise and tall building scenario on Block 16, as well as recommendations for successful implementation of the Guidelines.

The Urban Design Guidelines serve as design, form and functional benchmarks to which future official plan and zoning by-law regulations will be developed for Block 16.

These guidelines also provide the design criteria and performance standards to evaluate future development applications for Block 16, including the official plan amendment and zoning by-law amendments to be submitted to address the

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SUBJECT: Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy (PED21018) (Ward 2) - Page 3 of 23

requirements of the minutes of settlement and a subsequent site plan control application for Block 16.

The Urban Design Guidelines identify the role that a mid-rise or tall building on Block 16 must have to positively contribute to the built form context of the rest of the Pier 8 development lands. The design of a mid-rise building should complement the planned public realm context of Pier 8 and generally replicate the shape, form, size and texture of the surrounding mid-rise buildings on Pier 8. However, a tall building proposal should create a metropolitan/regional landmark that can only be achieved if designed to standards of exceptional quality and design excellence. A tall building in this location must be considered intentional urban design and an architecturally innovative building that creates a singular exception to the uniformity of the 8-storey maximum height on all the other blocks on Pier 8. A tall building on Block 16 must create both variety and interest in the urban fabric and a landmark that is emblematic of the renewal of the Hamilton Harbour. It must raise the bar as an example of exceptional design and environmental sustainability that will serve as an exemplar for future community development. The planning permissions for a tall building proposal should be restricted to one and only one tall tower in this location in order to achieve and maintain the planned intent and design vision for the area. Therefore, in the case of a tall building proposal, the Guidelines recommend a more rigorous implementation and design review process.

Consultation with the public on the Draft Urban Design Guidelines occurred on November 5, 2020 in the form of a virtual Public Information Centre. Feedback from the public and the City's Design Review Panel was incorporated into the revised Urban Design Guidelines.

Alternatives for Consideration – See Page 22

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The adoption of the Urban Design Guidelines is the first step towards fulfilling the City's obligation to bring forward, for Council's consideration, an Official Plan and Zoning By-law amendment for either a mid-rise or high-rise mixed-use or residential building on Block 16, as identified in the approved LPAT minutes of settlement.

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SUBJECT: Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy (PED21018) (Ward 2) - Page 4 of 23

HISTORICAL BACKGROUND

The West Harbour (Setting Sail) Secondary Plan came into effect into the Hamilton Official Plan by way of an Ontario Land Tribunal (formerly Ontario Municipal Board) decision on December 27, 2012. Currently the lands are not in effect in the Urban Hamilton Official Plan and remain identified as Non-decision No. 113. Setting Sail is a comprehensive land use plan for the West Harbour area, bound by Wellington Street to the east, Cannon Street to the south, York Boulevard to the west, and Hamilton Harbour to the north. It establishes the planning principles, land use designations and policies that guide development throughout the West Harbour area. Block 16 is designated “Institutional” on Schedule “M-2” – General Land Use, in the Setting Sail Secondary Plan.

In May, 2016, City Council adopted the Pier 7 and 8 Urban Design Study. The Pier 7 and 8 Design Study was guided by the planning framework of the Setting Sail Secondary Plan and translates Setting Sail policy text in a visual way to guide the future development of Piers 7 and 8. Recommendations pertaining to matters such as character, massing, sustainability, circulation, accessibility and programming were developed through consultation with the community. The urban design guidelines contained in the study informed, where appropriate, the Zoning By-law amendment (No. 17-095). The Draft Plan of Subdivision (25T- 201605) that were approved by Council on May 24, 2017 for the Pier 8 lands contains conditions requiring a control architect and sustainability consultant to ensure, amongst other matters, the appropriate development of Pier 7 and 8 with respect to design, built form, materials, wind and noise mitigation and sustainability in compliance with the approved Urban Design Guidelines for Pier 7 and 8.

In May, 2017, the Zoning by-law amendment and Draft Plan of Subdivision were appealed to the then Local Planning Area Tribunal (now Ontario Land Tribunal) by Herman Turkstra, the Harbour West Neighbour Inc. and Parrish & Heimbecker Ltd. (the Parrish & Heimbecker Ltd. appeal has been resolved separately). Through mediation, a settlement was reached between Herman Turkstra, the Harbour West Neighbours, the City and Waterfront Shores Corporation. Waterfront Shores Corporation is acquiring the Pier 7 and 8 lands from the City and will be proceeding to develop these lands in accordance with the Setting Sail Secondary Plan. The proposed settlement was brought forward to Council for its consideration on September 4, 2019 (Confidential Report LS19033(a)/PED19180(a)). Council’s approval of the settlement was subsequently presented to the LPAT and the LPAT approved the Minutes of Settlement on September 16, 2019.

Minutes of Settlement Decision

The minutes of settlement, signed by the City of Hamilton, require the City to bring forward, an amendment to the Setting Sail Secondary Plan and an implementing

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SUBJECT: Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy (PED21018) (Ward 2) - Page 5 of 23

zoning-by-law amendment that would re-designate and re-zone the existing institutional block (Block 16) on Pier 8 (refer to location map in Appendix “A” to Report PED21018) to permit residential or mixed use in a mid-rise or high-rise form for Planning Committee and Council’s consideration. Council may accept, modify or reject the proposed amendments to the Secondary Plan.

Other components of the settlement included the following key items:

- The total density allowed within the nine development blocks of Pier 8 (including the redevelopment of Block 16) remains unchanged at 1,645 units;
- 15% of the units developed on Pier 8 must be “family units” (defined to mean residential units of two or more bedrooms);
- If an OPA and ZBA is approved for Block 16 resulting in an increase in height above the current permission (4 storeys), additional family-sized units would be required based on the number of additional storeys approved:

Change in Height (additional storeys)	Additional Family Units
No change in height	0
+ 4 storeys	25
+ 5 to 11 storeys	50
+12 to 19 storeys	75
+20 to 30 storeys	100
31+ storeys	150

The terms of the settlement require that the City bring forward the Official Plan amendment (OPA) and Zoning by-law amendment (ZBA) for Block 16 within one year of the date of execution of the settlement (i.e. September 16, 2020). As a result of the Covid-19 pandemic and to ensure that community consultation occurred, the City requested an extension to the one-year time frame. Parties to the settlement agreed with extending the timeline to accommodate community consultation and engagement.

Although the City agreed to bring forward an OPA and ZBA for Block 16 for Planning Committee and Council’s future consideration as part of the settlement process, Council is not bound to any requirement to approve additional height on Block 16.

City staff have undertaken a two phased planning process that included public consultation in order to comply with the commitment to bring forward for Council’s consideration an OPA and ZBA process for Block 16. Phase 1 is the Pier 8 Block 16 Urban Design Study and Guidelines and Phase 2 will be the official plan and zoning by-law amendments.

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Phase 1 – Pier 8 Block-16 Study and Urban Design Guidelines

The City retained the consulting firm Brook-McIlroy, the authors of the Pier 7 and 8 Urban Design Study (2016), to assist City staff with the completion of Phase 1.

Led by Community Planning staff, the Phase 1 is the study that resulted in the development of the Pier 8 Block 16 Urban Design Guidelines which is the subject matter of this staff report. Phase 1 included a review of the existing Pier 7 and 8 Urban Design Study (2016) in order to assess the opportunity and parameters required to accommodate a mid-rise or high-rise building on Block 16. This process tested various building height scenarios and the associated design requirements to provide direction for a land use change and associated urban design guidelines.

The purpose of Phase 1 was to develop performance standards and criteria for a mid-rise building scenario (8 to 12 storeys) and a tall building scenario (+ 12 storeys) to assist Council and staff when deciding on the development application that challenges the current height permissions on Block 16. The study included the following tasks:

- Evaluate Block 16 as an opportunity site for a change in land use designation from institutional to residential or mixed-use; and,
- Evaluate Block 16 as an opportunity site for increased height as either residential or mixed use (i.e. evaluate mid-rise residential, mid-rise mixed use, high-rise residential, and high-rise mixed use);
- Develop urban design guidelines and update the Pier 7 and 8 Urban Design Study (2016) to reflect the outcome of the above evaluations;
- Identify any recommended changes to the Setting Sail Secondary Plan and Zoning By-law to implement the outcome of all the above.

The Phase 1 study resulted in urban design guidelines for Block 16 based on a mid-rise scenario (8 to 12 storeys) and a tall building scenario (greater than 12 storeys) (Pier 8 Block 16 Urban Design Guidelines are attached as Appendix “B” to Report PED21018). If the Block 16 Urban Design Guidelines are approved, they will be used to assist Staff and Council when evaluating an application for a change in land use and increased height for Block 16.

Phase 2 – Block 16 OPA/ZBA Application Process

Phase 2 involves the preparation of the implementing official plan and zoning by-law amendments based on the policy framework and design guidelines developed in Phase 1. Consistent with the previous Pier 7 and 8 development applications, West Harbour staff have retained Webb Planning Consultants Inc. to prepare and formally submit the applications to the Planning Division for review. The development applications will be prepared and will proceed through the statutory planning application process under the *Planning Act*, including a statutory public meeting of the Planning Committee to consider any changes to the Secondary Plan and associated Zoning By-law applicable

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to Block 16. The Phase 2 process will commence once the Pier 8 Block 16 Urban Design Guidelines have been presented to Council for approval.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

West Harbour (Setting Sail) Secondary Plan

The Pier 8 Block 16 lands are currently designated as “Institutional” in the Setting Sail Secondary Plan. Pier 8 Block 16 is part of the broader West Harbour waterfront for which the Setting Sail Secondary Plan provides the following Waterfront vision:

“A.6.3.2.8 Promote excellence in design

All urban environments should be designed well; however, because West Harbour is centrally located in Hamilton and conveys an image of the city to the world with its waterfront, the area should demonstrate the highest standard of design. Achieving design excellence will respect the pride of residents, attract tourists and encourage reinvestment in the area. In designing new buildings and open spaces in West Harbour, and enhancing existing ones, citizens, developers and the public sector have an obligation to:

- i) design and construct buildings that respect, complement and enhance the best attributes of West Harbour;
- ii) adopt “best practice” technologies to achieve energy efficient buildings;
- iii) ensure the public realm—the area’s parks, squares, streets, trails and public buildings—is designed, up-graded and maintained to the highest standards;
- iv) incorporate public art into the design of significant buildings and open spaces; and,
- v) promote the development of inspiring, meaningful and memorable places.

A.6.3.3.1.14 In Medium Density Residential 2 areas:

- iv) existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan, shall be respected;
- v) front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;
- vi) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- vii) parking areas shall be provided at the rear of sites, underground and/or in above-grade structures, with access from public streets or laneways;
- viii) above-grade parking structures shall be located within buildings and fronted on all levels by residential uses;
- ix) front yard parking shall not be permitted;
- x) the main entrances to buildings shall face public streets;

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- xi) private amenity space shall be provided on balconies and terraces, at the front or rear of individual ground-floor units, and/or within internal courtyards outdoors and indoors;
- xii) common amenity space shall be consolidated on the site to create useable spaces;
- xiii) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and
- xiv) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.15 In High Density Residential areas:

- i) apartment buildings and apartment buildings combined with street townhouses are permitted;
- ii) the maximum density of development on individual sites shall be the density that existed on the date of adoption of this Plan;
- iii) notwithstanding ii), the addition of street-relating dwelling units to existing High Density Residential areas is permitted and encouraged, subject to rezoning; and,
- iv) in the event of comprehensive redevelopment, new buildings shall be more compatible with surrounding lower-density housing than existing buildings, in terms of their built form, and shall generally comply with Policy A.6.3.3.1.14 iv)-xiv) of this Plan.

A.6.3.5.1.1 Development and improvements in the Waterfront shall help realize the City's vision of a waterfront that:

- i) is beautiful, publicly-accessible and inviting;
- ii) promotes a healthy world class harbour;
- iii) offers a variety of attractions to Hamilton residents and visitors;
- iv) facilitates active and passive enjoyment of the harbour;
- v) contains a variety of linked open spaces at the water's edge, including parks, trails, promenades and plazas;
- vi) enhances recreational boating opportunities;
- vii) accommodates waterfront-appropriate commercial amenities;
- viii) accommodates new residential neighbourhoods;
- ix) is active throughout the day, the week and the year;
- x) enhances adjacent neighbourhoods and complements the vision for Downtown;
- xi) extends the existing grid pattern of streets in West Harbour; and,
- xii) displays pride in the city's heritage and excellence in design."

More specific to the Piers 8 Block 16 study, the Secondary Plan policies have determined that the Pier 8 area will be a mixed use neighbourhood surrounded by open space that maintains public access to the Waterfront:

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“A.6.3.5.1.7 Piers 6 - 8 will be the focus of physical improvements and development that combine new civic spaces and promenades with residential, cultural and mixed-use buildings to establish over time a series of linked destinations and a distinct, urban waterfront neighbourhood.”

The Pier 8 Block 16 study is an implementation initiative required to guide development on Block 16.

The Secondary Plan contains environmental policies regarding sustainability measures to incorporate into development in the West Harbour:

“A.6.3.4.1.2 The design and construction of new development and redevelopment shall incorporate best practices and appropriate building technology to minimize energy consumption, conserve water, reduce waste and improve air quality.

A.6.3.4.1.3 New development and redevelopment shall be encouraged to incorporate rooftop terraces, green walls, rooftop gardens and/or other green technologies to improve micro-climatic conditions, energy efficiency, air quality and for stormwater management.

A.6.3.4.1.4 To reduce energy consumption and improve air quality, a balanced transportation network for automobiles, public transit, bicycles, and pedestrians, including efficient routes for walking and cycling, shall be provided and promoted in West Harbour.”

The guiding policy framework includes the “Institutional” land use designation for Block 16 (Policy A.6.3.3.1.20). This designation permits institutional uses such as museums, places of worship and social services, hospitals, nursing homes, schools, day cares and libraries. The building height permissions for the site is a maximum of four storeys.

The above policies, amongst others, provided the framework and direction for the development of the Urban Design Guidelines for Block 16.

Pier 7 and 8 Urban Design Study (2016)

The lands located at Block 16 were included in the Pier 7 and 8 Urban Design Study (2016) and treated as an institutional block as per the land use designation in the Setting Sail Secondary Plan. Within the Pier 7 and 8 Urban Design Study, key design considerations for Block 16 (referred to as Block “A” in the design study) include the following:

- Building massing shall not negatively affect the Waterfront Promenade or the Greenway;

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- Driveway access into the internal parking and loading areas shall not be provided facing the water;
- Blank elevations shall not be permitted;
- A mid-block pedestrian walkway shall be provided between Block A (Block 16) and B (Block 1) if there is a change in use between the blocks.

The Pier 7 and 8 Urban Design Study (2016) provided an alternate design option for Block 16 that included creating a single residential development block with Block 1 and eliminating the institutional uses on Block 16. This option was considered in order to expand the uses on Block 16 and to continue the rhythm of residential buildings from Blocks C and D facing onto the new Waterfront Park. This alternative option requires an official plan and zoning by-law amendment.

The key design considerations outlined above have been carried forward in the Pier 8 Block 16 study.

RELEVANT CONSULTATION

Public consultation was important to the process. The Emergency Order during the COVID-19 pandemic made it impossible for traditional consultation to take place, therefore all consultation events and meetings were carried out virtually. The following process of consultation was carried out as summarized below:

- May 6th, 2020 - North End Neighbourhood Association, Planning Committee Meeting (via Zoom)
- May 14th, 2020 - Pier 8 Block 16 City Webpage launched
- May 19th, 2020 – Staff Technical Advisory Committee
- May 20th, 2020 – North End Neighbourhood Association, General Meeting (via Zoom)
- May 28th, 2020 - Progressive North End Neighbours Association Meeting (via Zoom)
- July 14th, 2020 – City of Hamilton Design Review Panel
- October 1st, 2020 - EngageHamilton.ca website launch
- October 22nd, 2020 – Virtual Meeting Notice published in the Hamilton Spectator and emailed to all contacts on the West Harbour master mail list

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- November 5th, 2020 - Virtual Public Information Session (via WebEx Events)
- April 8th, 2021 – City of Hamilton Design Review Panel

Neighbourhood Association Meetings

On May 6th, 2020, City Staff were invited by the North End Neighbourhood Association's 'Planning Committee' to talk to the committee about the study process for Block 16 and to provide an update on the Ontario Land Tribunal settlement decision. There were approximately 25 people in attendance at this virtual meeting.

On May 20th, 2020, the City was invited to present to the members of the North End Neighbourhood Association. On May 28th, 2020, the City attended and presented at the Progressive North End Neighbours Association virtual meeting.

During these initial meetings, City staff explained the outcome of the Ontario Land Tribunal settlement and the scope of work that was to be undertaken for the urban design study. Brook-McIlroy presented draft parameters for the urban design study for Block 16. Waterfront Shores Corporation (WSC) was also invited by the Neighbourhood Associations to attend these virtual meetings and subsequently presented their proposed renderings for a high-rise building on Block 16 based on the draft urban design parameters that Brook-McIlroy presented.

The information was well received at these meetings. Based on input received from the participants, there was support for a tall building on Block 16. Concerns were expressed about increase traffic and impacts of increased density on Pier 8 as a result of a tall building but staff clarified that, as per the settlement agreement, the maximum number of units for the entirety of the project (all of Pier 8), including any building on Block 16, would remain at 1,645 units as was approved through the 2017 re-zoning and plan of subdivision for Pier 8. Therefore, there is no anticipated increased population/household traffic impacts.

Staff Technical Advisory Committee Meeting and Design Review Panel Meeting

On May 19th, 2020, the Technical Advisory Committee comprised of City staff reviewed and commented on the Block 16 study and preliminary design principles. The group provided technical analysis from the perspective of various disciplines and staff responsibilities, including planning, engineering, transportation and transit, community services, healthy living, parks, culture and recreation. Staff were supportive of the general principles and design criteria that were presented at this meeting.

The City's Design Review Panel was circulated the draft urban design concepts for consideration at their virtual meeting on July 14th, 2020 and asked to comment on the draft urban design guiding principles and evaluation criteria. Overall, the Design Review

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Panel was concerned with the proposed changes to Block 16 being made in isolation from the rest of Pier 8, even though this process is occurring as a result of an Ontario Land Tribunal decision. Although there can be no change in the number of total units on Pier 8, even if a tall building is proposed, the panel was concerned that Block 16 should not be considered in isolation of the balance of Pier 8 and the impacts of the change in density for the remainder of the blocks and the associated impacts on built form, open space and parking need to be considered.

With respect to the design of a landmark tower on Pier 8, the panel commented that it is difficult to control architecture through design policies and guidelines, recommending an international design competition to achieve a signature “beacon” of the highest design quality. The advice of the Design Review Panel from this meeting is attached as Appendix “D” to this report.

Revised draft urban design guidelines document was presented again to DRP on April 8th, 2021. Recognizing that the guidelines had been revised and that the DRP membership had been renewed and comprised all new members), staff provided historical and conceptual information to the DRP members. Overall, the panel was pleased with the draft urban design guidelines for a mid-rise and tall building scenario on Block 16. The panel supported the City and design team for aiming for an environmental certification for the site and that the sustainability focus in the guidelines is strong. They acknowledged that Block 16 could act as a visual anchor for the entire Pier 8 site, however, they also noted that the guidelines and architectural control alone may not be enough to ensure that a landmark building is developed. The panel discussed that a building’s unique, innovative and landmark quality is not tangible enough to be described and can only be achieved by excellent architects and design teams, which typically occurs through an international design competition. The advice of the Design Review Panel from the April 2021 meeting is attached as Appendix “E” to Report PED21018.

Virtual Public Information Meeting – November 5th, 2020

A virtual public information meeting was held using WebEx on November 5th, 2020 at 7 pm. The meeting included a presentation by City staff on the details of the Ontario Land Tribunal settlement and the scope of work being carried out. This presentation was followed by a presentation by Brook McIlroy on the Pier 8 Block 16 study and draft urban design guidelines. Following the presentations, a question and answer period was provided. The meeting was recorded and uploaded onto the City’s EngageHamilton website at www.engage.hamilton.ca/piers7and8. A survey on the EngageHamilton website was made available following the virtual meeting and commenting closed on November 19th, 2020. A summary of the survey results is contained in Appendix “C” to PED21018.

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The meeting was important for clarifying the purpose of the Block 16 study to discuss the urban design objectives and draft guidelines and confirming that any new building for the site would go through a planning process which would culminate in a City Council decision for the site.

Based on the public discussion at the Live Public Information Meeting some individuals were opposed to any form of high rise on this site whereas other individuals were supportive of an architecturally significant landmark building.

Questions arose about the impact of having a residential building on Block 16 on the rest of the Pier 8 lands. City staff responded that the maximum number of units for the entirety of the project, including any building on Block 16, would remain at 1,645 units. Further questions were noted about family housing and whether these would be in a mid-rise or high rise on Block 16 or elsewhere on Pier 8 lands. City staff confirmed that the increase in family units referenced could be anywhere on the Pier 8 lands. Questions and comments on the draft urban design guidelines sought to clarify step backs, building separation, outdoor landscaping, and site lines. Discussion also occurred on bird safety and bird friendly design. The Consultation Feedback Report is attached as Appendix "C" to Report PED21018.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Pier 8 Block 16 Urban Design Guidelines are attached as Appendix "B" to Report PED21018. The purpose of the Urban Design Guidelines document is to establish a set of performance standards and criteria for a mid-rise building scenario (8 to 12 storeys) and a tall building scenario (+ 12 storeys) to assist Council and staff when deciding on the development application that changes the current height permissions on Block 16. The guidelines illustrate a design framework applicable to new development located on Block 16 on Pier 8. They provide design directions for a new building and site development to promote the creation of a high-quality space for people, which reflects the unique West Harbour context. The guidelines also provide direction on the implementation process for the future planning applications for the Block.

The Urban Design Guidelines outline the design, form and functional benchmarks to which future official plan and zoning by-law regulations will be developed for Block 16. The guidelines also provide the design criteria and performance standards to evaluate future development applications for Block 16, including the official plan amendment and zoning by-law amendments to be submitted to address the requirements of the minutes of settlement and a subsequent site plan control application for Block 16.

The Pier 8 Block 16 Urban Design Guidelines provide design direction for both a mid-rise building and tall building development on Block 16, however, the final selection of the most appropriate form of development will be a decision of Hamilton City Council when the development application for this block is submitted by the Waterfront Office.

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The Vision and Guiding Principles for Block 16 build upon the established Vision Statement and Guiding principles in the 2016 Pier 7 and 8 Urban Design Study:

“Pier 8 will become a vibrant urban waterfront neighbourhood to be enjoyed by all residents of the City. The vitality of Hamilton’s urban waterfront will be supported by a mix of residential, commercial, community and cultural uses.”

The Pier 7 and 8 Urban Design Study (2016) also establishes key development concepts that influence the potential character of future development on Block 16. These include:

- *“A new Green Street (The Greenway) that connects from east to west. This open space is framed by new residences and has activity anchors at the east and west boundaries of the open space...”*
- *A mix of building heights and massing to provide a varied and interesting architectural character.”*

These development concepts are relevant as Block 16 is the westernmost development parcel on the Greenway. A mid-block pedestrian mews located on the east side of Block 16 links the Greenway and the waterfront Promenade park lands. The pedestrian mews can serve as a high amenity tree-lined mews flanked by at grade residential and work/live units.

Additional considerations informed how the development of Block 16 was addressed. These considerations build upon the vision established in the Pier 7 and 8 Urban Design Study (2016) and are supplemented by the following site-specific objectives and guiding principles developed for Block 16 during the study:

- Because of its strategic location, flanked on all four sides by public and publicly accessible open spaces, and within the James Street view corridor, Block 16 a site of strategic importance within the overall Pier 8 development.
- In considering the potential for a residential or mixed-use development as an alternative use for Block 16, the public role of the site should continue to be recognized and therefore requires a high-quality development of exceptional design in order to achieve the landmark status that this site calls for.
- For both a mid-rise and tall-building scenario, future development of Block 16 has the potential to create a landmark and a visual anchor at Pier 8 that is emblematic of the Harbour’s renewal.
- A mid-rise building in this location should strive to create a district level landmark while a tall-building should create a metropolitan level landmark development.

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- New development should strive to capture the public imagination by achieving a unique high-quality building design that is exceptional.
- Given Block 16's location on the north side of the Greenway, the identity of new development should express environmentally sustainable features, green design references, and exceptional high-quality landscaping.
- New development should animate the surrounding pedestrian areas with unique active uses at grade and create a high-quality, accessible public realm.
- New multi-storey residential development should offer a high quality of life for residents of all ages including family-friendly unit design and generous outdoor living spaces contiguous with units.
- New development should provide appropriate transition and sufficient separation distances between development on the surrounding blocks and public spaces.

Universal Design Objectives and Guidelines for both a Mid-rise or Tall Building

For Block 16, a series of universal objectives and guidelines have been created for both the mid-rise and tall-building development scenarios. The objectives are as follows:

- Focus on the unique site opportunities which provide a meaningful location for a landmark building;
- Create a visual anchor at the Harbour that is emblematic of the Harbour's renewal;
- Capture the public imagination by achieving a unique, high-quality building design that is exceptional;
- Integrate green and environmental features in both the building and landscape design;
- Create a high-quality accessible public realm with unique active uses at grade;
- Provide a sufficient building envelope to ensure appropriate transition and sufficient separation distance to the planned and existing context;
- Provide flexibility to support innovative architectural design, forms and orientation.

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Regardless of the height of development proposed for Block 16, a set of universal urban design guidelines have been developed that would apply to both development scenarios as follows:

Fit and Transition in Scale: New buildings on Block 16 should be developed with consideration with the surrounding context and building design should respect the existing and planned built form and public realm context of Pier 8. This can be achieved through appropriate transitions to surrounding buildings, parks, and open spaces.

Sunlight and Sky View: Design and locate new development to ensure adequate access to sunlight and sky view for the surrounding context of buildings, streets, parks, and other sensitive areas. Shadows from new development shall allow for a minimum of 3 hours of continuous sun coverage between 9 am and 6 pm (measured from March 21st to September 21st) for any area on public sidewalks and a minimum of 50% sun coverage at all times of the day on the Waterfront Promenade.

Prominent Sites and Views: Block 16 is located at the northwest corner of Pier 8. Its location is prominent and provides a high degree of visibility from the Harbour's edge and from the City. As a prominent site, consideration of its function as a view terminus must be addressed through the provision of high-quality design characteristics.

Site Organization: Site organization refers to how new buildings are placed within a site and how the overall site responds to and improves the public realm and surrounding context. The site should be organized to improve the public realm and to create a highly liveable environment. Primary building entrances should front onto public streets and pedestrian pathways and should be clearly visible and accessible. Site access, servicing, parking, and other related functions should be located to reduce visual and functional impact on the Waterfront Promenade. Private open spaces should be designed to maximize liability and year around usability. These spaces include front yards associated with at-grade units; at-grade shared open spaces/parklets; individual unit residential balconies and individual or shared roof terraces. Balconies should be an extension of private living spaces and as much as possible should be usable year-round. The design of balconies should enhance the building's façade.

Public Realm Interface: Public Realm Interface refers to how the building and overall site interacts with public facing areas. The design of buildings and the overall site should promote a comfortable and attractive pedestrian environment. Development on Block 16 should provide high-quality, well designed streetscape and landscape elements between proposed buildings and the adjacent streets, parks, and open spaces to support a comfortable, safe, and vibrant public realm, and where appropriate, line the base of buildings with active, grade related uses to promote an animated and safe public realm.

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Mid-block Pedestrian Connection (pedestrian mews): A new pedestrian mews connection should be provided at the east of Block 16 and the west of Block 1 to provide a north-south, mid-block pedestrian connection. The Pedestrian Mews would serve to connect the Waterfront Promenade and Greenway. It will also function as a gateway to prominent pedestrian areas and as a transitional green amenity space between Block 16 and Block 1. The mid-block pedestrian connection will include live/work or townhouse units to create an animated residential edge.

Residential Building Design: Residential lobbies are the “living rooms” of buildings. They should be centred around functionality and social engagement, not just a security desk or passageway. They should be functional and foster a sense of community and promote interaction between visitors and residents. Amenity spaces are both an extension of private residential areas and serve as shared common areas for communal activities. Well-designed and located common areas can foster a culture of neighbourliness in multi-story buildings, serving as places for shared activities and social interaction that supports the diverse lifestyle and socialization needs of residents of all ages.

Family Sized Units: New families are encouraged in the West Harbour Neighbourhood. Family friendly designs should be incorporated into a new building on Block 16 to support a vibrant, comfortable, safe, and inviting community. Family sized units should be located on the first 6 storeys as much as possible to maintain a closer relationship with ground level activities and within proximity to indoor and outdoor amenity areas. A mid-rise building would result in 50 additional “family sized” units, whereas a tall building would result in 75 to 150 additional “family sized” units.

Sustainability: New development on Block 16 should incorporate sustainable design elements to reduce environmental impacts. Buildings should be located, orientated, and designed to minimize adverse wind conditions on adjacent streets, parks and open spaces, building entrances, and in public and private amenity areas. Sufficient mitigation measures should be applied to ensure pedestrian comfort and safety. Green buildings should be encouraged to promote improved energy efficiency, water conservation and improved air quality. Bird friendly building design measure must be applied to reduce bird deaths associated with collisions on buildings and structures. Bird friendly design techniques can be achieved through lighting, landscape and building design.

Mid-rise Building Design Guidelines (5 to 12 storeys) – District Level Landmark

In addition to the general guidelines that would apply to both a mid-rise and tall building, guidelines unique to a mid-rise building scenario have also been prepared. These guidelines are intended provide flexibility for the building design. The mid-rise building and site can function as a district level landmark that contributes to the quality of the surrounding public spaces including the Promenade, Greenway and mid-block Mews

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and surrounding streets and sidewalks. The design of a mid-rise building on Block 16 should complement the planned public realm context while providing an appropriate transition to adjacent open spaces and buildings. A summary of key design considerations for a mid-rise scenario are as follows:

- The maximum building height on Block 16 should be no greater than 40.0 metres (12 storeys respectively) including the mechanical penthouse.
- The maximum Gross Construction Area of the mid-rise building, including above ground mechanical spaces but excluding below grade areas is 13,600 square metres.
- A 3-storey podium is required on the east side of the building flanking the pedestrian mews. Storeys above the 3rd storey should be setback a minimum of 3.0 metres. The north, west and south sides for the building may or may not incorporate a podium if adequate wind mitigation measures can be demonstrated.
- The mid-rise building envelope defines a series of setbacks, stepbacks and heights which are intended to regulate building massing to mitigate visual and physical impacts on the surrounding sites and public realm. The primary defining element for the site and adjacent public realm should be the lower portions of the building.
- Apply high-quality and environmentally sustainable materials and finishes to promote design excellence, innovation, and resilience.

Tall Building Design Guidelines – Metropolitan Level Landmark

A set of unique guidelines have been developed for a tall building scenario (buildings greater than 12 storeys in height). Whereas in the mid-rise building scenario the building guidelines generally replicated the shape, form, size and texture of the surrounding mid-rise buildings on Pier 8, a tall building in this location has the potential to create a visible metropolitan level landmark that will draw attention to the harbour front. Therefore, the design of a tall building on block 16 should be of exceptional quality and innovation in order to create a landmark building at the metropolitan scale. As such, a tall building must be exceptional in design excellence. Through design, innovation and creativity, the tall building scenario should reflect the aspirations of Pier 8 as a vibrant urban waterfront neighbourhood, a place with a high quality of life and a tangible commitment to environmental sustainability.

The guidelines for a tall building are intended to provide sufficient flexibility for design excellence and innovation while ensuring appropriate transitions and sufficient separation distances to surrounding development and public spaces. The tall-building design should create an exceptional metropolitan landmark building and site. The tall building design and site should reinforce and promote a positive public realm and serve

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as an extension to the Greenway to the south and the Waterfront Promenade to the north. A summary of key design considerations for a tall building scenario are as follows:

- The maximum building height within Pier 8 Block 16 should be no greater than 147.0 metres (45 storeys respectively) including the mechanical penthouse. While this height is considered the maximum, tall buildings are defined as anything above 12 storeys on Pier 8.
- Based on a 45 storey maximum height, the maximum Gross Constructed Area of a tall building, including above ground mechanical spaces but excluding below grade areas, is 38,100 square metres.
- A three-storey podium is required on the east side of the building flanking the pedestrian mews. Floors above the 3rd storey should be setback a minimum of 5.0 metres. The north, west and south sides of the building may or may not incorporate a podium if adequate wind mitigation measures can be demonstrated.
- The lower development zone defines a build-to envelope that may include building area, such as a podium, but may alternatively be used for landscaping or free-standing built elements. This zone is defined by the height of the first 3 storeys of the building. This zone should be designed to animate the surrounding public realm, to express the themes associated with the Greenway, green building design and sustainability. This zone includes the lobby, at grade residential or live/work units and may include common amenity areas.
- The building envelope above the 3 storey lower development zone considers the visual and physical impacts of the surrounding site, buildings and public realm. Special emphasis should be placed on optimizing building shape and design to reduce adverse wind impact early in the design process. The application of appropriate tower setbacks and stepbacks will reduce the perception of height and mass while protecting the public realm from adverse wind and shadow impacts.
- Regardless of the height of the building, the size of the tower floor plates above the 3rd floor should be limited to a maximum average of 750.0 square metres. This permits some lower floor plates to be larger than 750 square metres, while others higher up will be less than 750 square metres.
- The south façade of the building is encouraged to integrate design features that reference green elements as a continuation of the Greenway.
- The design of the top of a tall-building must make a positive contribution to the quality and character of the Hamilton skyline.

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- Materials selected should be of high quality and environmentally sustainable to promote design excellence, innovation, and resilience.

Critical to achieving the requirement of exceptional design excellence, a tall building on Block 16 must raise the bar for environmental sustainability and should serve as an exemplar for future community development. In addition to the EnergyStar Certification that already applies to all buildings on Pier 8, a LEED Certification, Green Globes, or similar sustainability standard shall be used to guide the design and development of a tall building on Block 16. In addition to the sustainability guidelines that apply to both the mid-rise and tall building scenario, a number of energy related guidelines apply to the tall building scenario with the intent of limiting operational greenhouse gas emissions and encouraging use of low carbon energy sources.

Successful Implementation

Although the Pier 8 Urban Design Guidelines provide direction for a mid-rise and a tall building, the final approval of the height and form of development will be the decision of Hamilton City Council made through the formal planning process which will include amendments to the Setting Sail Secondary Plan and zoning by-law and special conditions that will require design review at the site plan approval stage.

The success of the Pier 8 Block 16 Urban Design Guidelines in positively shaping development on Block 16 will be directly related to the implementation process (as outlined in Section 9.0 of the Pier 8 Block 16 Urban Design Guidelines attached as Appendix "B" to Report PED21018).

Amendments to the Setting Sail Secondary Plan and zoning by-law will be informed by the Pier 8 Block 16 Urban Design Guidelines and key design considerations and performance standards should be incorporated into the policy framework of the Official Plan amendment and translated into the technical provisions of the zoning by-law.

A mid-rise building proposal for Block 16 could provide a form of development that is similar to the existing mid-rise blocks within the remainder of the Pier 8 development, nevertheless, a mid-rise building in this location should still strive to create a district level landmark given its strategic location and visibility.

A tall building proposal in this location, when designed to standards of exceptional quality and design excellence, has the opportunity to create a metropolitan/regional level landmark. At the ground plane it can act as the gateway to the Greenway and Waterfront Promenade while the taller portions of the tower will be highly visible from the downtown, the McQueston High Level Bridge and the James N. Allan Skyway, creating a landmark view. Because of the strategic location of Block 16, flanked on all sides by public open spaces, as well as its high visibility location at the terminus of the James Street view corridor, any development for a tall building on this site must create

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an architectural landmark that tells a distinct story of innovation and ambition. A tall building proposal should be designed in such a way that it is considered as intentional urban design and an architecturally innovative building that creates a singular exception to the uniformity of the 8-storey maximum height on all the other blocks within the Pier 8 development. A tall building in this location can create both variety and interest in the urban fabric and provides an opportunity to create a landmark that is emblematic of the renewal of the Hamilton Harbour. It should strive to capture the public's imagination by achieving a unique building design that is exceptional. Therefore, in the case of a tall building proposal on Block 16, a more rigorous design review process is required.

Successful implementation of the Urban Design Guidelines, whether for a mid-rise or tall building scenario will be enforced through several mechanisms including Holding provisions placed on the zoning and special conditions of Draft Plan approval of which Council will have the opportunity to make decisions at various steps in the process. Appendix "F" to Report PED21018 outlines the proposed implementation process.

Achieving Design Excellence

In order to achieve design excellence and to create an exceptional landmark, it is recommended that in the case of the tall building proposal (greater than 12 storeys) a special design review process be required to develop three options for a tall building design that addresses innovation in three areas: quality of life, sustainability, and exceptionalism (defined as the creation of a landmark building of exceptional design excellence that is emblematic of the renewal of Hamilton Harbour) of which one final design option will be created as the preferred design option for the site.

1. Development of Design Options

The applicant will be encouraged to engage multiple design professionals in the development of a minimum of three different tower design options that will each address innovation in all of the following three areas: sustainability, quality of life, design excellence. Once the options have been developed, a special public meeting will be held where the applicant will present the three tall building designs to the public for feedback and incorporate comments and revisions based on public feedback into the implementing official plan and zoning bylaw amendment. The applicant will be required to ensure that each design option presented is architecturally innovative and unique.

2. Selecting a Design

A special design review panel will be selected by the City of Hamilton and will attend the public meeting on the design options. At a minimum, this panel will include subject matter experts in the areas of sustainability, quality of life and architecture and should be impartial to the design team that has developed the various tower designs. The role of the special design review panel will be to attend the public meeting and listen to the

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public feedback regarding each of the designs. After the public meeting, a meeting will be held with the applicant and the special design review panel to discuss the components of the various design options.

Based on the information and feedback gathered at the public meeting and special design review panel meeting, the applicant will produce a final preferred tower design to be submitted to the City for review by the director of Planning and Chief Planner as the design to accompany the OPA/ZBA application. The Director of Planning and Chief Planner will then report back to planning committee with a recommendation on the preferred tower design and the OPA/ZBA. To ensure that the preferred design option proceeds to site plan, it is proposed that a Holding provision will be placed on the zoning. In order to lift the Holding, the applicant will have to demonstrate that the preferred design option has been implemented through the site plan application process. Prior to receiving final site plan approval, the Holding provision must be lifted.

Building on the current subdivision requirements, special conditions of site plan approval will include the review of the final design and site plan by a Control Architect and Sustainability Consultant (independent of the Design Architect and Engineers), to review the matters of urban design and sustainability as they relate to the Pier 8 Block 16 Urban Design Guidelines and the selected design.

The special design review will take place after a statutory public meeting has been held but prior to a decision being made on the official plan and zoning by-law applications. Appendix "F" to Report PED21018 provides a detailed outline of the proposed implementation process for a tall building proposal.

ALTERNATIVES FOR CONSIDERATION

The Pier 8 Block 16 Urban Design Guidelines document is an important tool that will assist Staff and Council when reviewing development applications for Block 16. It will provide clear design direction, implementation process and expectations for the applicant. Council could choose not to approve the Pier 8 Block 16 Urban Design Guidelines (attached as Appendix "B" to Report PED21018), however, as per the terms in the minutes of settlement, the City must bring forward an amendment to the Setting Sail Secondary Plan and a zoning-by-law amendment to re-designate the existing institutional block (Block 16) on Pier 8 for a mid-rise or high-rise building for Council's consideration. The Pier 8 Block 16 Urban Design Guidelines will provide Staff, Planning Committee, and Council the tools needed to assist in deciding on these applications.

Another option would be for Council to approve the Urban Design Guidelines but hold the approval in abeyance until a decision has been made on the development applications.

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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 PED21018:	Location Map
Appendix “B” to Report PED21018:	Pier 8 Block 16 Urban Design Guidelines
Appendix “C” to Report PED21018:	Consultation Feedback Report
Appendix “D” to Report PED21018:	Design Review Panel Meeting Summary (July 14, 2020)
Appendix “E” to Report PED21018:	Design Review Panel Meeting Summary (April 8, 2021)
Appendix “F” to Report PED21018:	Implementation Process for a Tall Building Proposal – Pier 8 Block 16

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● Site Location



Key Map - Ward 2

N.T.S. 

LOCATION MAP



Hamilton

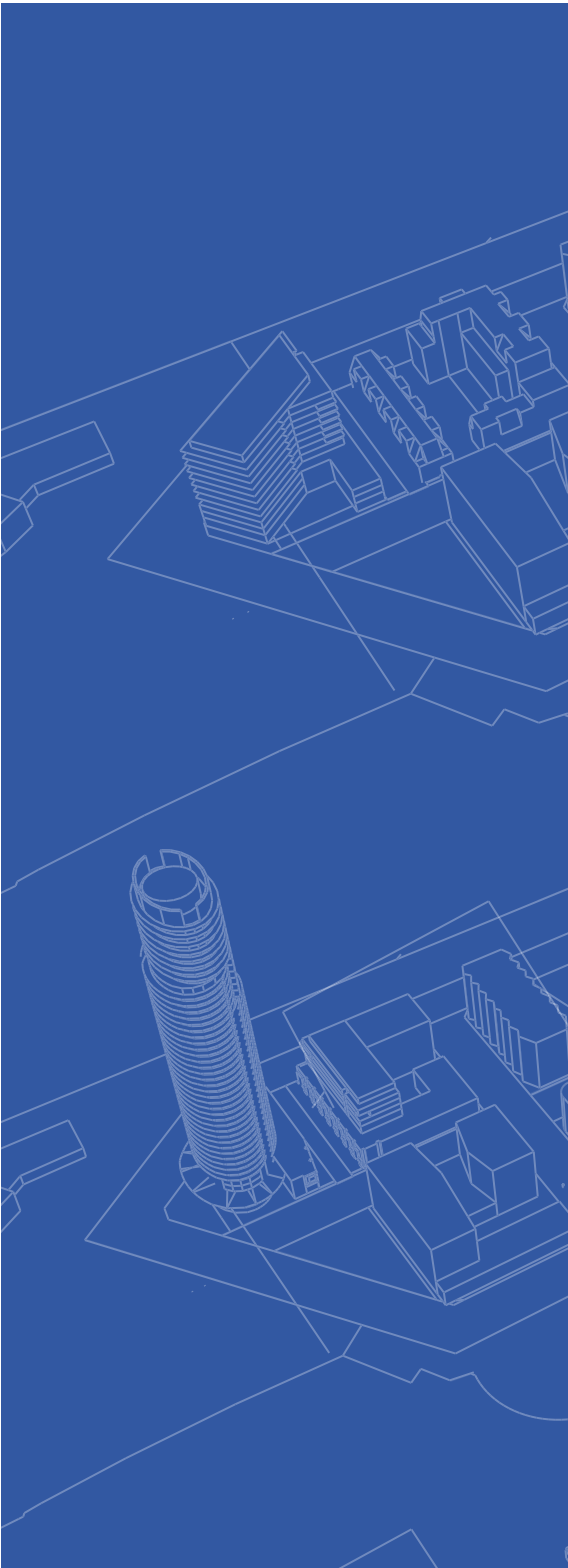
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Subject Property

65 Guide Street East



Block 16



PIER 8 BLOCK 16

URBAN DESIGN GUIDELINES
CITY OF HAMILTON

JULY 2021



BrookMcIlroy/

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Preamble

In 2017, City Council approved a zoning by-law amendment and draft plan of subdivision for the lands known as Pier 8 (65 Guise Street, Hamilton). Although the zoning by-law and draft plan of subdivision were guided by the principles and directions of the Pier 7 + 8 Urban Design Study (2016), the planning instruments were appealed to the Local Planning Area Tribunal where an agreement was reached by way of settlement between the City and appellants.

The settlement agreement directed the City to bring forward, for Council's consideration, an amendment to the Setting Sail Secondary Plan and zoning by-law to re-designate and re-zone the existing institutional block (Block 16) on Pier 8, to permit either residential or mixed-use development in a mid-rise or high-rise form. Although the City agreed to bring forward the amendments for consideration, there was no commitment to approve additional height on Block 16.

To fulfill the settlement agreement, the City carried out a study to determine the opportunity and parameters required to accommodate a mid-rise or high-rise development on Block 16. The study applied the vision and guiding principles established in the Pier 7 + 8 Urban Design Study (2016) to test various mid-rise and high-rise built form scenarios for Block 16. Visual impact assessments and shadow studies were carried out to establish appropriate massing envelopes, urban design performance standards, and site design measures (contained in this document) that shall inform future development applications for the site.

The Pier 8 Block 16 Urban Design Guidelines provide a design framework to promote the creation of a high-quality development of exceptional design on Block 16. Future development of this site should reflect the unique West Harbour context and create a landmark and visual anchor at Pier 8 that is emblematic of the Harbour's renewal.

The design guidelines and policy objectives contained within this document shall be used to prepare the official plan amendment, zoning by-law amendment and site plan conditions for any application for a mid-rise or high-rise development scenario on Block 16.

Although the urban design guidelines contained within this document provide direction for both a mid-rise and high-rise building, the final approval of the height and form of development will be a decision of Hamilton City Council.

1.0 INTRODUCTION & OVERVIEW



1.1 How The Guidelines Are Applicable

The Pier 8 Block 16 Urban Design Guidelines (the “Guidelines”) are a design framework applicable to new development located on Pier 8 Block 16. They provide design directions for potential new buildings and site development to promote the creation of high-quality spaces for people, which reflect the unique West Harbour context. Guideline principles are directly applicable for Block 16, but may also refer to considerations for the design of the adjacent Block 1.

These guidelines are an addendum to the Pier 7 and 8 Urban Design Study. They provide additional design direction for Block 16 if land use changes are contemplated for the Block. They should be read in conjunction with the Pier 7 and 8 Urban Design Study.



Location of Block 16.

1.2 How To Use This Document

The Pier 8 Block 16 Urban Design Guidelines provide design direction for both a Mid-Rise building and a Tall-building development on Block 16. The final selection of the most appropriate form of development will be a decision of Hamilton City Council.

The guidelines also address implications for adjacent blocks and open spaces. Sections 1.0 to 6.0 provide general design directions applicable to both Mid-Rise and Tall-buildings. Section 7.0 address Mid-Rise building development and Section 8.0 applies to a Tall-building development. Section 9.0 includes an overview of implementation while Section 10.0 includes Demonstration Plans and Section 11.0 provides visual analysis including shadow impact studies and view analysis.

The sections identified in this document includes:

Section 1.0	Introduction & Overview
Section 2.0	Contextual Considerations
Section 3.0	Site Organization
Section 4.0	Public Realm Interface
Section 5.0	Residential Building Design
Section 6.0	Sustainability
Section 7.0	Mid-Rise Building Design
Section 8.0	Tall Building Design
Section 9.0	Implementation
Section 10.0	Demonstration Plans
Section 11.0	Visual Analysis

1.3 Vision and Guiding Principles

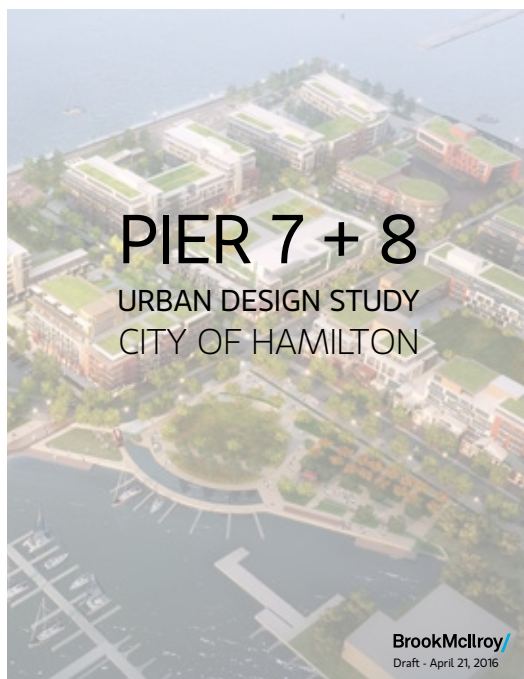
The Vision and Guiding Principles for Block 16 build upon the established Vision Statement and Guiding Principles established in the 2016 Pier 7 + 8 Urban Design Study (the "Urban Design Study").

The Urban Design Study Vision Statement states:

"Pier 8 will become a vibrant urban waterfront neighbourhood to be enjoyed by all residents of the City. The vitality of Hamilton's urban waterfront will be supported by a mix of residential, commercial, community and cultural uses."

The Urban Design Study also establishes key development concepts that influence the potential character of future development on Block 16. These include:

- *"A new Green Street (The Greenway) that connects from east to west. This open space is framed by new residences and has activity anchors at the east and west boundaries of the open space..."*
- *A mix of building heights and massing to provide a varied and interesting architectural character."*



Setting Sail
Secondary Plan for West Harbour



These development concepts are relevant as Block 16 is the westernmost development parcel on the Greenway. A Mid-Block Pedestrian Connection located on the east side of Block 16 links the Greenway and the waterfront Promenade park lands. The Mid-Block walkway can serve as a high amenity tree-lined Mews flanked by at-grade residential and Live/Work units.

Additional considerations inform how development of Block 16 should be addressed. These considerations build upon the vision established in the Urban Design Study and are supplemented by the following site-specific objectives and guiding principles.

- Because of its strategic location, flanked on all four sides by public and publicly accessible open spaces, and within the James Street view corridor, Block 16 has always been considered a site of strategic importance within the overall Pier 8 development.
- Recognizing this high visibility, prominence and strategic role, the Urban Design Study designated Block 16 as a potential institutional site appropriate for a public facility.
- The taller height proposed for Block 16 should be considered an intentional urban design device creating a singular exception to the uniformity of 8-storey maximum heights on the other Pier 8 Blocks. A taller building in this location can create both variety and interest in the urban fabric and provides an opportunity to create a landmark that is emblematic of the renewal of the Hamilton Harbour.
- In considering the potential for a residential or mixed-use development as an alternative use for Block 16, the public role of the site should continue to be recognized and therefore requires a high-quality development of exceptional design in order to achieve the landmark status that this site calls for.
- For both a mid-rise and tall-building scenario, future development of Block 16 has the potential to create a landmark and a visual anchor at Pier 8 that is emblematic of the Harbour's renewal.
- A mid-rise building in this location should strive to create a district level landmark given its strategic location and visibility as a feature centred on the James Street view corridor and as the block that serves as the western gateway to both the Greenway and the Waterfront Promenade.
- A tall-building in this location, when designed to standards of exceptional quality and design excellence, has the opportunity to create a metropolitan/regional landmark emblematic of the renewal of Hamilton Harbour. At the ground plane it can act as the gateway to the Greenway and Waterfront Promenade. The higher portions of the tower will be highly visible from the downtown, centred on the James Street Corridor. A tower will also be clearly visible as a landmark visible from the McQueston High Level Bridge and the James N. Allan Skyway.

- New development should strive to capture the public imagination by achieving a unique high-quality building design that is exceptional;
- Given Block 16's location on the north side of the Greenway, the identity of new development should express environmentally sustainable features, green design references, and exceptional high-quality landscaping;
- New development should animate the surrounding pedestrian areas with unique active uses at-grade and create a high-quality, accessible public realm;
- New multi-storey residential development should offer a high quality of life for residents of all ages including family-friendly units design and generous outdoor living spaces contiguous with units.
- New development should provide appropriate transition and sufficient separation distances between development on the surrounding blocks and public spaces.



Diagram showing recommended open space network

Extract from the Pier 7 & 8 Urban Design Study illustrating a mid-block pedestrian connection between Block 16 (highlighted) and Block 1.

2.0

CONTEXTUAL CONSIDERATIONS



The design of a building for Block 16 should be based on a rational consideration and explanation for its role and contribution to the surrounding existing and planned built form and public realm context while improving the quality of Pier 8.

2.1 Fit and Transition in Scale

Ensure new development complements the existing and planned context and provides an appropriate transition to surrounding buildings, parks, and open spaces.

Guidelines

- 2.1.1 Apply minimum horizontal separation distances and other building envelope controls (including stepbacks and setbacks) to transition from new development to lower-scale buildings.

2.2 Sunlight and Sky View

Design and locate new development to ensure adequate access to sunlight and sky view for the surrounding context of buildings, streets, parks, and other sensitive areas.

Guidelines

Public Sidewalks Across the Street from the Development:

- 2.2.1 Shadows from new development should allow for a minimum of 3.0 hours of sun coverage between 9:00a.m. and 6:00p.m. as measured from March 21st to September 21st for any spot on public sidewalks opposite the Block 16 development.

Waterfront Promenade:

- 2.2.2 Shadows from new development should allow for a minimum of 50% sun coverage at all times of the day as measured from March 21st to September 21st on the waterfront promenade.

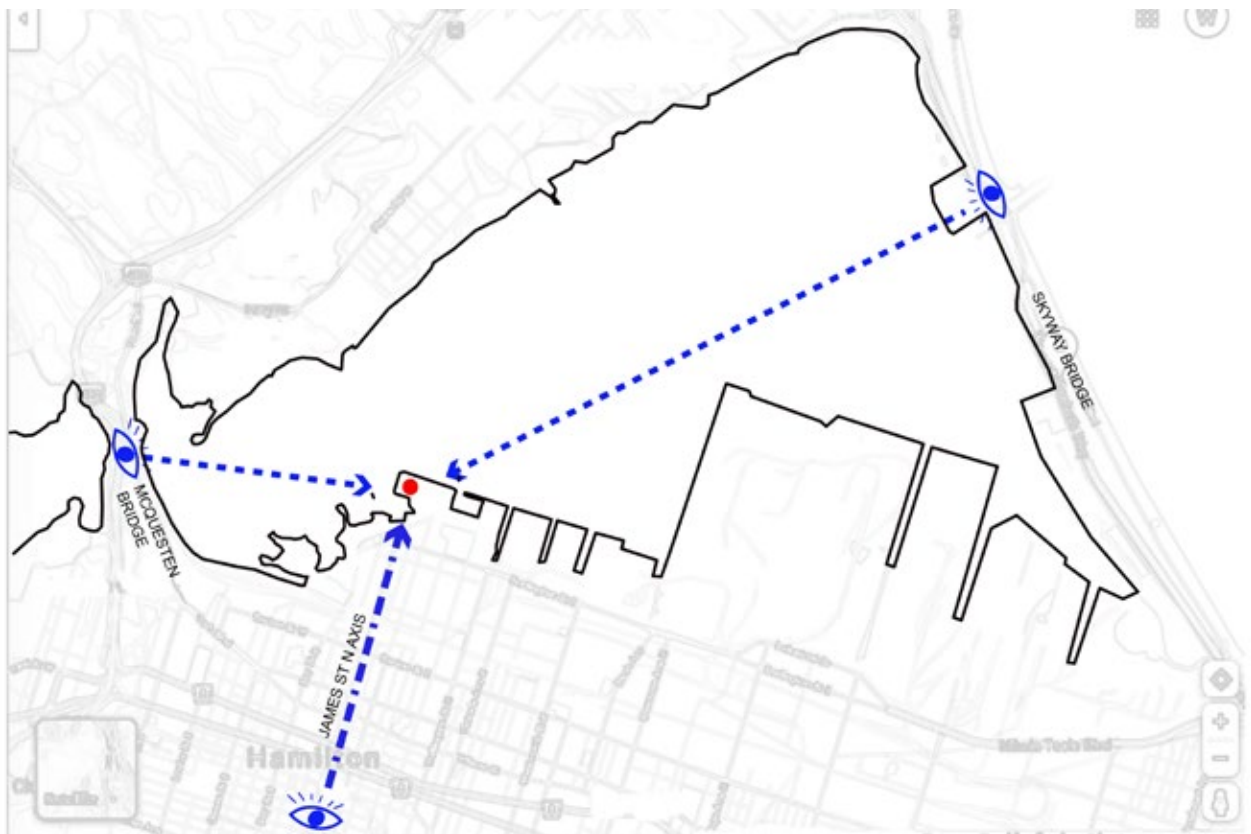
2.3 Prominent Sites and Views

Block 16 is located at the far northwest corner of Pier 8. Its location is prominent and provides a high degree of visibility from the Harbour's edge and from the City. As a prominent site, consideration of its function as a view terminus must be addressed through the provision of high-quality design characteristics.

Guidelines

2.3.1 The following viewpoints towards Pier 8 Block 16 should be considered:

- a. Mid-span on the Burlington Bay James N. Allan Skyway;
- b. Mid-span on the McQuesten High Level Bridge; and
- c. James Street North at King Street.



The visual prominence of Block 16 is noteworthy. It has high visibility at the Harbour's edge and from both the McQuesten High Level and Skyway Bridges, both of which are gateways into the City. A building in this location has the potential to act as a visual beacon or landmark on the Harbour.

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3.0

Site Organization



Site organization refers to how new buildings are placed within Block 16 and how the overall site responds to and improves the public realm and surrounding context. The site should be designed to create a high-quality public realm and to create a highly livable environment.

3.1 Building Entrances

Primary building entrances should front onto public streets and pedestrian paths. They should be clearly visible and accessible from adjacent sidewalks.

Guidelines

- 3.1.1 Primary building entrances should be accessible and front onto public streets and pedestrian paths.
- 3.1.2 Primary entrance(s) should be prominent and distinguished through articulation and facade variations.
- 3.1.3 Entrances should be highly glazed to provide enhanced visibility, surveillance, interest, and activity.
- 3.1.4 Primary building entrances should be weather protected by incorporating measures such as canopies, awnings, or overhangs.
- 3.1.5 The location of the main building entrance to the lobby and at-grade entrances to individual units should consider wind impacts and provide mitigating measures to ensure pedestrian comfort and safety.

3.2 Site Access, Servicing and Parking

Site Access, Servicing, Parking, and other related functions should be located to reduce visual and functional impact on the waterfront promenade.

Guidelines

- 3.2.1 Consider shared site servicing and parking infrastructure for Block 16 and Block 1, with parking access located at the east side of Block 1 if a shared or consolidated access is provided.
- 3.2.2 Minimize the extent of site area dedicated to site servicing and parking access through the use of shared infrastructure, efficient layouts, and reduced curb cuts.
- 3.2.3 Recess, screen, and minimize the dimension of garage doors and service openings visible from public streets and open spaces. Apply high-quality finishes and design.
- 3.2.4 Parking should be located below grade. Surface parking should be limited to short-term drop-off and delivery spaces.

3.3 Private Open Spaces

Private Open Spaces should be designed to maximize livability and year around usability. These spaces include front yards associated with at-grade units; at-grade shared open spaces; individual unit residential balconies and individual or shared roof terraces.

Guidelines

- 3.3.1 A minimum of 20% of the site area should be landscaped at-grade. Landscaped areas at-grade will include elements such as hard and soft exterior paved areas, water features, public art installations, etc.
- 3.3.2 Where appropriate, private open spaces should be visually integrated with the Greenway south of Block 16.

- 3.3.3 All at-grade units should have a front door facing the exterior with a landscaped front yard between a minimum of 2.5 metres to 4.0 metres in depth. Landscaping, minor changes in elevation, short fences, and front steps may be included within the front yard setback.
- 3.3.4 At-grade units should, where possible, be elevated approximately 0.6 metres above the flanking public sidewalk, if an accessible path can also be provided, to allow for appropriate public-private transition.
- 3.3.5 At-grade enclosed balconies should not be permitted.

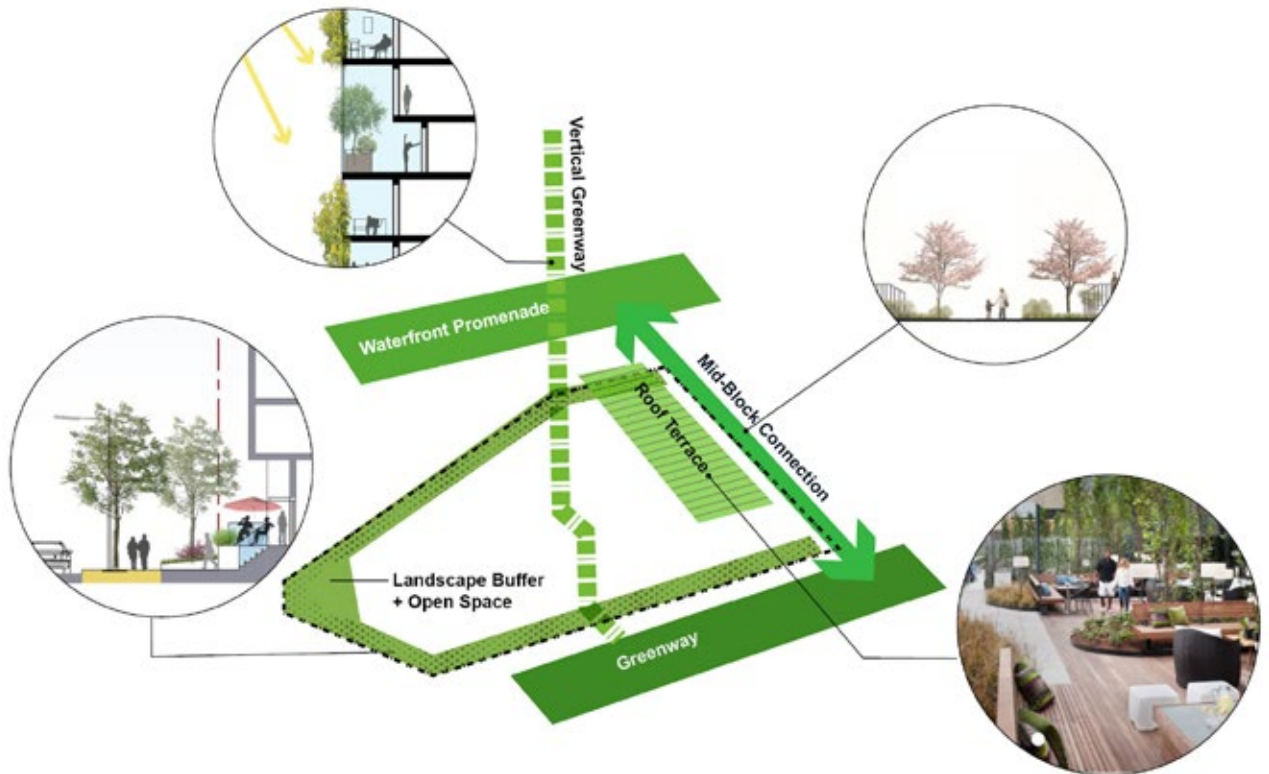


Illustration of the components of Private Open Space and the connections with Public Open Space.

3.4 Above Grade Balconies

Balconies should be an extension of private living spaces and as much as possible should be usable year-round. The design of balconies should enhance the building's facade.

Guidelines

- 3.4.1 All units shall have access to private outdoor space contiguous with, and accessible from, the residential unit in the form of a balcony or a terrace.
- 3.4.2 Private residential balconies on all sides and especially the south side should reference the Greenway through design themes and balcony infrastructure that supports outdoor planting.
- 3.4.3 Balconies should be designed to be large enough to accommodate a range of activities and hold basic furnishings while maximizing sunlight access. They should also be safe and generally free from uncomfortable wind conditions.



The facades of the building are encouraged to integrate design features that provide expansive balconies averaging 2.5 metres in depth that provide usable spaces for outdoor living. Screening elements should be considered as a way to extend the usability of balconies. The design of screens should consider referencing green elements as a way of expressing the Greenway that flanks the south side of the building.

- 3.4.4 The size of balconies may vary depending on location, orientation, and architectural design but should strive to create depths in some locations that support a wide range of outdoor functions such as outdoor dining.
- 3.4.5 The area of the balcony shall be free of any mechanical equipment, permitting full outdoor use as an extension of the indoor unit.
- 3.4.6 Balconies should be integrated into the building design composition and may include a combination of projecting and recessed balconies.
- 3.4.7 20% of the area of a terrace or balcony and 20% of its exterior width can be occupied by micro-sunrooms. These are small glass enclosures integrated within the terrace or balcony to serve as a sunroom or a small greenhouse providing opportunities for year round use of terraces and the integration of urban agriculture and visible plantings. These glass enclosures provide a means to articulate the facade of the building and extend the Greenway theme into its architectural expression. The area of the micro sunrooms will be exempt from the permitted GFA of the building but will be considered as contributing to the 2.0 square metre exterior amenity area required for every unit.

3.5 Public to Private Realm Interface

Provide an appropriate interface between the public and private realm to reflect the nature of the building use at-grade. When possible, include common spaces and other active uses within the first 4-storeys to create active frontages and promote views between interior and exterior areas.



Illustration of the transition between public to private spaces for at-grade units.

Guidelines

- 3.5.1 Ensure an appropriate level of visual and physical access and overlook at-grade.
- 3.5.2 Promote sufficient glazing and landscape design to promote natural surveillance and views towards public and private areas.
- 3.5.3 Provide direct, universal access from the public sidewalk for all public entrances to commercial uses and shared lobbies.
- 3.5.4 Provide high-quality landscaped setbacks, between 2.5 metres and 4.0 metres, for private entrances to ground floor residential units. Landscaping, minor changes in elevation, short fences, and front steps may also be included within setbacks.
- 3.5.5 At-grade units should, where possible, be elevated approximately 0.6 metres above the flanking public sidewalk, if an accessible path can also be provided, to allow for appropriate public-private transition.
- 3.5.6 Provide Live/Work or townhouse development along the east side of the building facing the mid-block connection, with at-grade entrances, to promote grade related activity.
- 3.5.7 Place common areas with active uses within the first 4-storeys of buildings.
- 3.5.8 Encourage green elements, such as trees, green walls, water features, and other visually engaging elements within and surrounding new development.

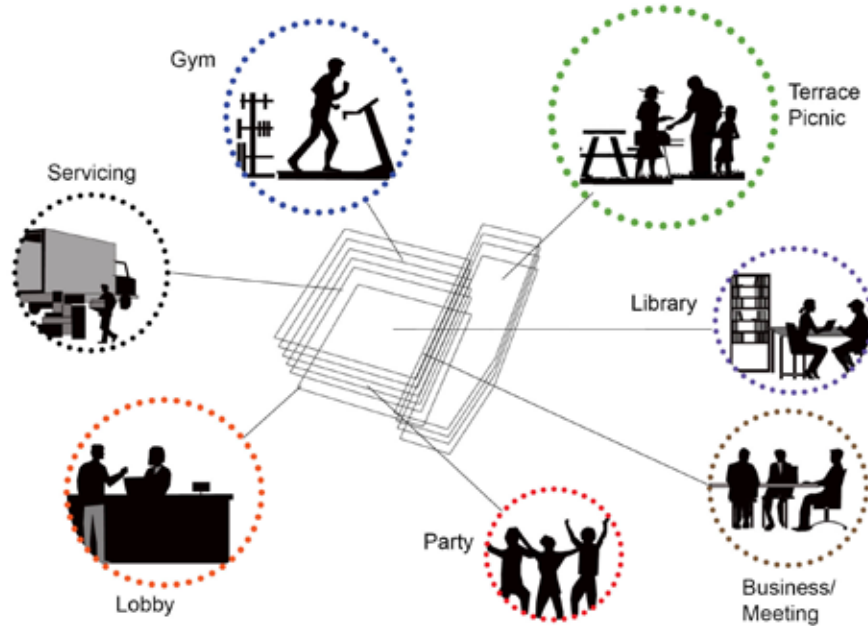
3.6 Expressing the Building Base

The lower storeys of the base building should be massed and designed to ensure there is a strong visual connection between the adjacent public realm and common uses at-grade. The base of the building should express common uses and connect them with green elements and lighting.

Guidelines

- 3.6.1 Feature views into common areas such as the lobby, gym and common rooms and integrate 'green' elements, such as trees, green walls, public art, and water features, inside and surrounding the building.

3.6.2 Integrate the creative use of featured lighting to enliven the site and base building.



Shared uses at the building base with an integration of "green" elements and lighting.

4.0

Public Realm Interface



Public Realm Interface refers to how the building and overall site interacts with public facing areas. The design of buildings and the overall site should promote a comfortable and attractive pedestrian environment.

4.1 Streetscape and Landscape Design

Provide high-quality, well designed streetscape and landscape elements between proposed buildings and the adjacent streets, parks, and open spaces to support a comfortable, safe, and vibrant public realm.

Guidelines

- 4.1.1 Organize streetscape and landscape elements to support a comfortable, vibrant, and safe public realm through the use of consistent design elements, materials, and landscaping.
- 4.1.2 Provide a minimum landscaped buffer of 1.5 metres on the north, west and south side of the site.
- 4.1.3 Provide decorative pedestrian oriented lighting.

4.2 At-Grade Units

Where appropriate, line the base of buildings with active, grade related uses to promote an animated and safe public realm.

Guidelines

- 4.2.1 Place Live/Work or townhouse units and other grade related units with an appropriate landscape setback and amenities to animate adjacent streets and open spaces.
- 4.2.2 All grade related units should be setback to allow for a landscaped front yard and an appropriate public-private transition.
- 4.2.3 Live/Work or townhouse units should have a minimum front yard depth of 2.5-4.0 metres measured from the Greenway or pedestrian mews.

4.3 Mid-Block Pedestrian Connection (Pedestrian Mews)

A new Pedestrian Mews connection should be provided at the east of Block 16 and the west of Block 1 to provide a north-south, mid-block pedestrian connection. The Pedestrian Mews would serve to connect the Waterfront Promenade and Greenway. It will also function as a gateway to prominent pedestrian areas and as a transitional green amenity space between Block 16 and Block 1.

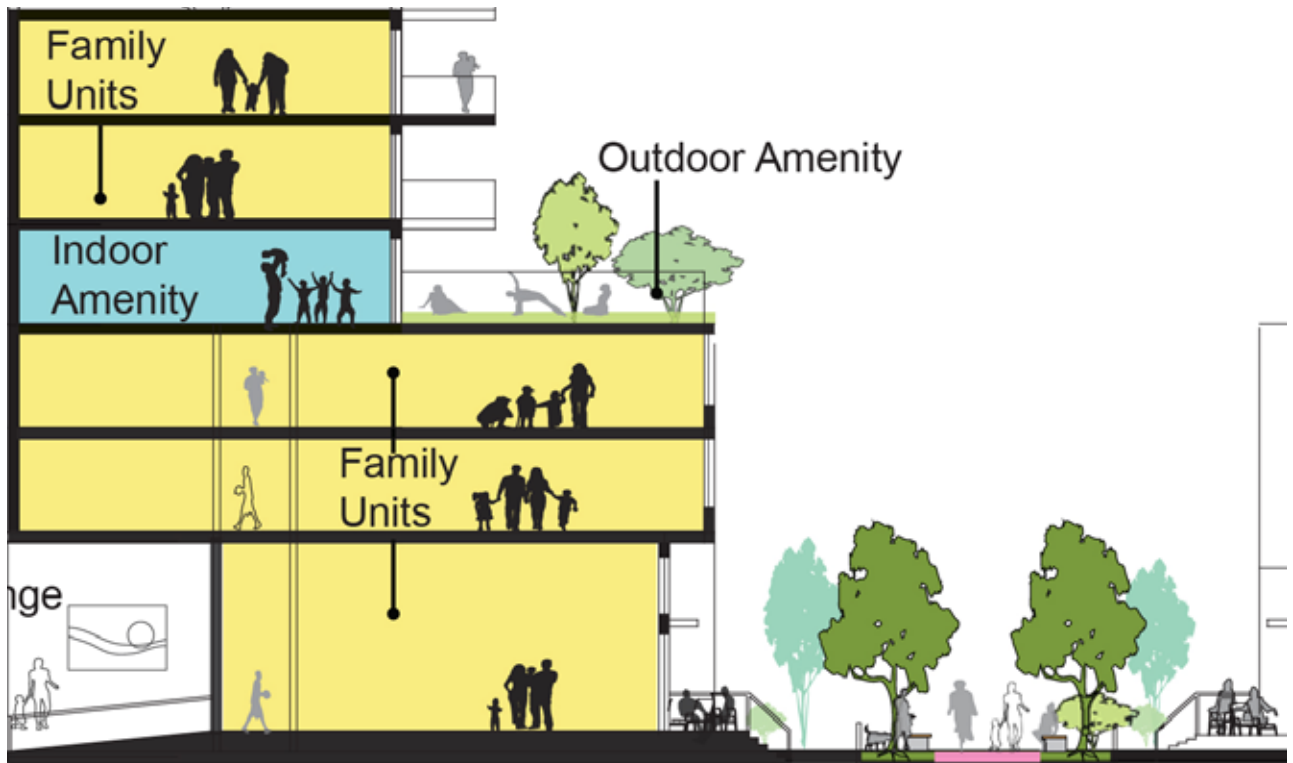
Guidelines

- 4.3.1 Provide a new Pedestrian Mews along the east edge of Block 16 and west edge of Block 1.
- 4.3.2 Public access will be provided through the Mews.
- 4.3.3 The width of the Mews measured from building face to building face between buildings on Block 16 and 1, should be 12.0 metres for a mid-rise building and 15.0 metres for a tall-building.
- 4.3.4 Three-storey at-grade Live/Work or townhouse units with front doors facing the Mews should flank the west (Block 16) and east (Block 1) sides of the Mews. To create adequate transition between private at-grade units and the public walkway within the Mews, a landscaped front yard zone should be provided within the Mews area in front of all at-grade units. This front yard area may include steps, landscaping, and other elements to provide suitable transition.
- 4.3.5 Live/Work or Townhouse units located adjacent to the Pedestrian Mews should have a minimum frontage width of 5.0 metres per unit.
- 4.3.6 The end units should be designed with a corner condition with architectural treatments and windows that address both frontages.

- 4.3.7 For a mid-rise building on Block 16 the entirety of the 12.0 metres Mews may be located on the east side of Block 16. A tree-lined public, pedestrian walkway of at least 3.0 metres in width should be centred within the Mews, with a seating, landscaping and tree planting zone of approximately 2.0 metres on either side and 2.5 metres depth landscaped front yards flanking grade-related Live/Work or Townhouse units on either side.
- 4.3.8 For a tall building, the 15.0 metres aggregate width of the Mews is proposed to be evenly split, with 7.5 metres located on the east side of Block 16 and 7.5 metres provided on the west side of Block 1. A tree-lined public, pedestrian walkway of at least 3.0 metres in width should be centred within the Mews, with a seating, landscaping and tree planting zone of approximately 2.0 metres on either side and 4.0 metres depth landscaped front yards flanking grade-related Live/Work or Townhouse units on either side.
- 4.3.9 Provide high-quality, well designed streetscape elements including granite unit pavers, benches, bike racks, pedestrian scale light standards or light bollards, to promote a comfortable pedestrian experience and safety.



A mid-block pedestrian connection linking the Greenway to the Waterfront Promenade between Block 16 and Block 1 is planned. The mid-block pedestrian connection will include live/work or townhouse units to create an animated residential edge condition.



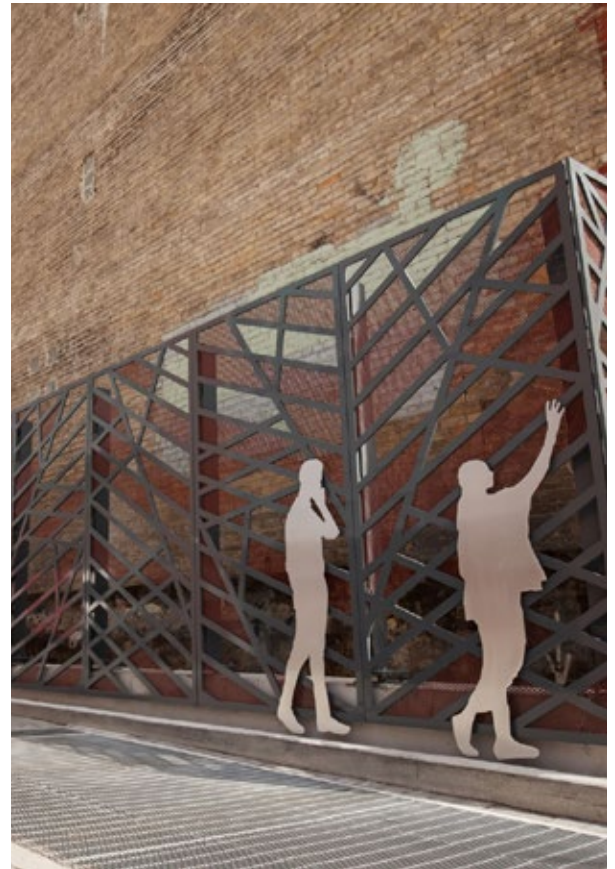
The mid-block pedestrian connection (Mews) provides a tree-lined public walkway flanked by landscaped front yards and at-grade live/work or townhouse units on both sides.

4.4 Public Art

Include public art on Block 16 to enhance the quality of new development and the surrounding public realm. Public art may serve as a distinguishing landmark for the Block and Pier 8.

Guidelines

- 4.4.1 Ensure adequate building setbacks and space surrounding public art to allow for visual accessibility.
- 4.4.2 Public art may be integrated into architectural designs or placed within the public realm.



Public art shall be an important element of the public realm, adding culture, beauty and interest to streetscapes as well as open spaces and buildings.

5.0

Residential Building Design



5.1 Lobby

Residential lobbies are the “living rooms” of buildings. They should be centred around functionality and social engagement providing more than a security desk and circulation. They should be functional and foster a sense of community and promote interaction between visitors and residents.

Guidelines

- 5.1.1 Residential lobbies should be visually and physically connected to adjacent open spaces, outdoor amenity areas, and public sidewalks.
- 5.1.2 Residential lobbies should be located on a ground floor with a minimum floor to floor height of 6.0 metres and should be generously glazed to provide interior and exterior views and natural observation.
- 5.1.3 Residential lobbies should be designed to encourage socialization and interaction.



Residential lobby in context with outdoor amenity spaces, family units, and the adjacent street.

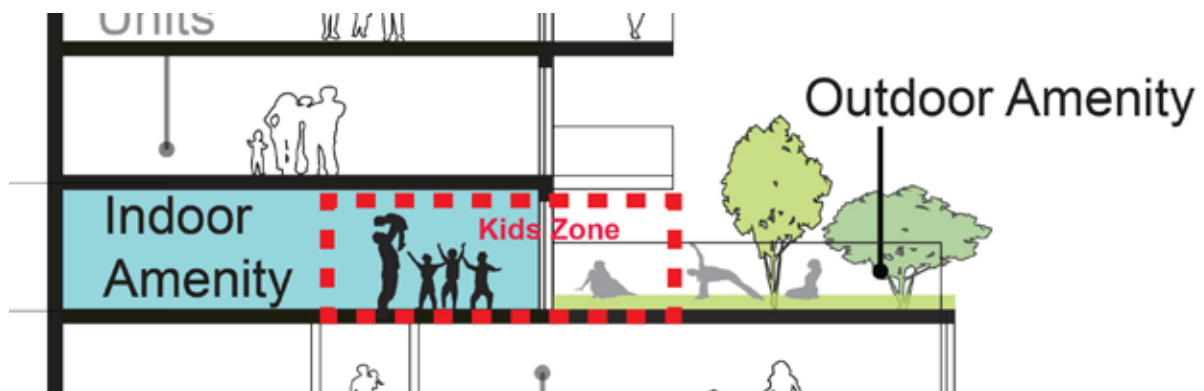
- 5.1.4 Residential lobbies should be flexible in their design to accommodate a range of activities.
- 5.1.5 Residential lobbies should provide designated areas to accommodate locker storage areas for parcel and food deliveries, waiting areas, communal lounge areas and recreational/activity spaces.

5.2 Amenity Spaces

Amenity spaces are both an extension of private residential areas and serve as shared common areas for communal activities. Well-designed and located common areas can foster a culture of neighbourliness in multi-story buildings, serving as places for shared activities and social interaction that supports the diverse lifestyle and socialization needs of residents of all ages.

Guidelines

- 5.2.1 New development should provide a minimum of 2.0 square metres of indoor and 2.0 square metres of outdoor amenity space per unit.
- 5.2.2 Common indoor and outdoor amenity spaces should be located adjacent to each other where feasible either at-grade or where indoor amenity spaces are adjacent to a large outdoor roof terrace.
- 5.2.3 Indoor and outdoor amenity areas should have provisions for child and youth areas and activities, as well for a range of ages.
- 5.2.4 Common outdoor amenity spaces should be located where they will have optimal sunlight access and mitigation from wind.



Common indoor and outdoor amenity spaces should be located adjacent to each other and should incorporate spaces for children and youth.

5.2.5 The design of common areas should imaginatively address the needs of people of all ages and abilities.

5.2.6 A common area for pet-friendly amenities should be provided.



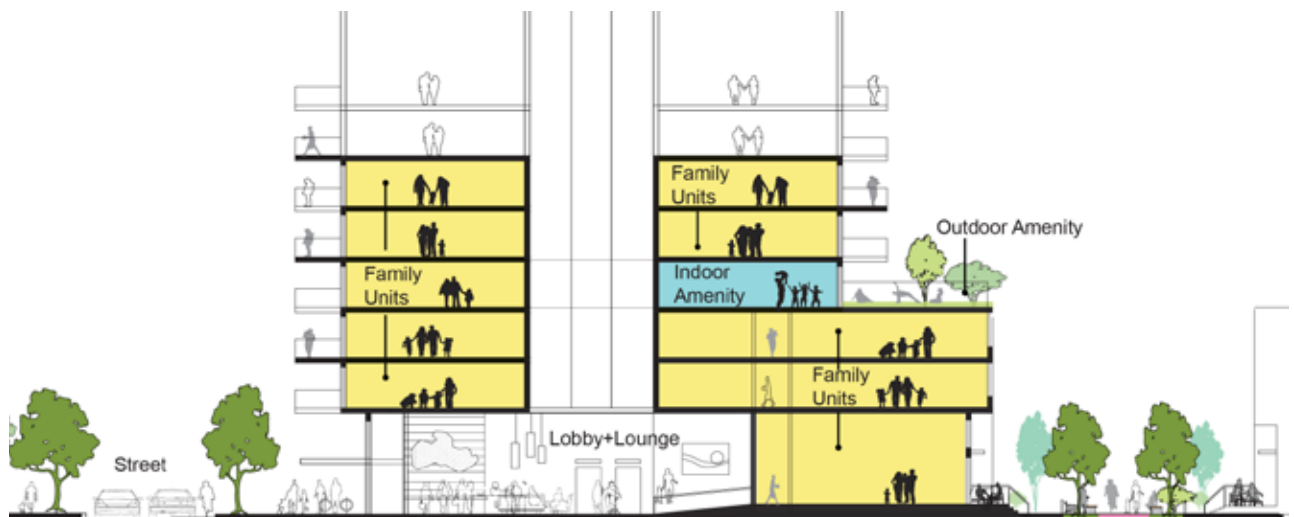
Top: Indoor amenity area connected to an outdoor amenity roof terrace. // Bottom: Designated indoor amenity area for kids.

5.3 Family Sized Units

New families are encouraged in the West Harbour Neighbourhood. Family friendly designs should be incorporated into a new building on Block 16 to support a vibrant, comfortable, safe, and inviting community. A sufficient mix of housing units should be included to encourage a diverse mix of residents. New development should encourage family sized units in vertical neighbourhoods.

Guidelines

- 5.3.1 A minimum of 10% of units should be three-bedroom units.
- 5.3.2 Three-bedroom units should be located on the first 6-storeys as much as possible to maintain a closer relationship with ground level activities or within proximity to indoor and outdoor amenity areas.
- 5.3.3 For both the mid-rise and tall building scenarios, larger floor plate sizes have been recommended in these guidelines for the lower levels of the buildings to provide sufficient dimensions for larger family-sized units.
- 5.3.4 Three-bedroom units should be placed in proximity to indoor and outdoor amenity areas where feasible.
- 5.3.5 Provide a varied mix of three-bedroom units in the form of grade-related units, live/work and townhouse units.

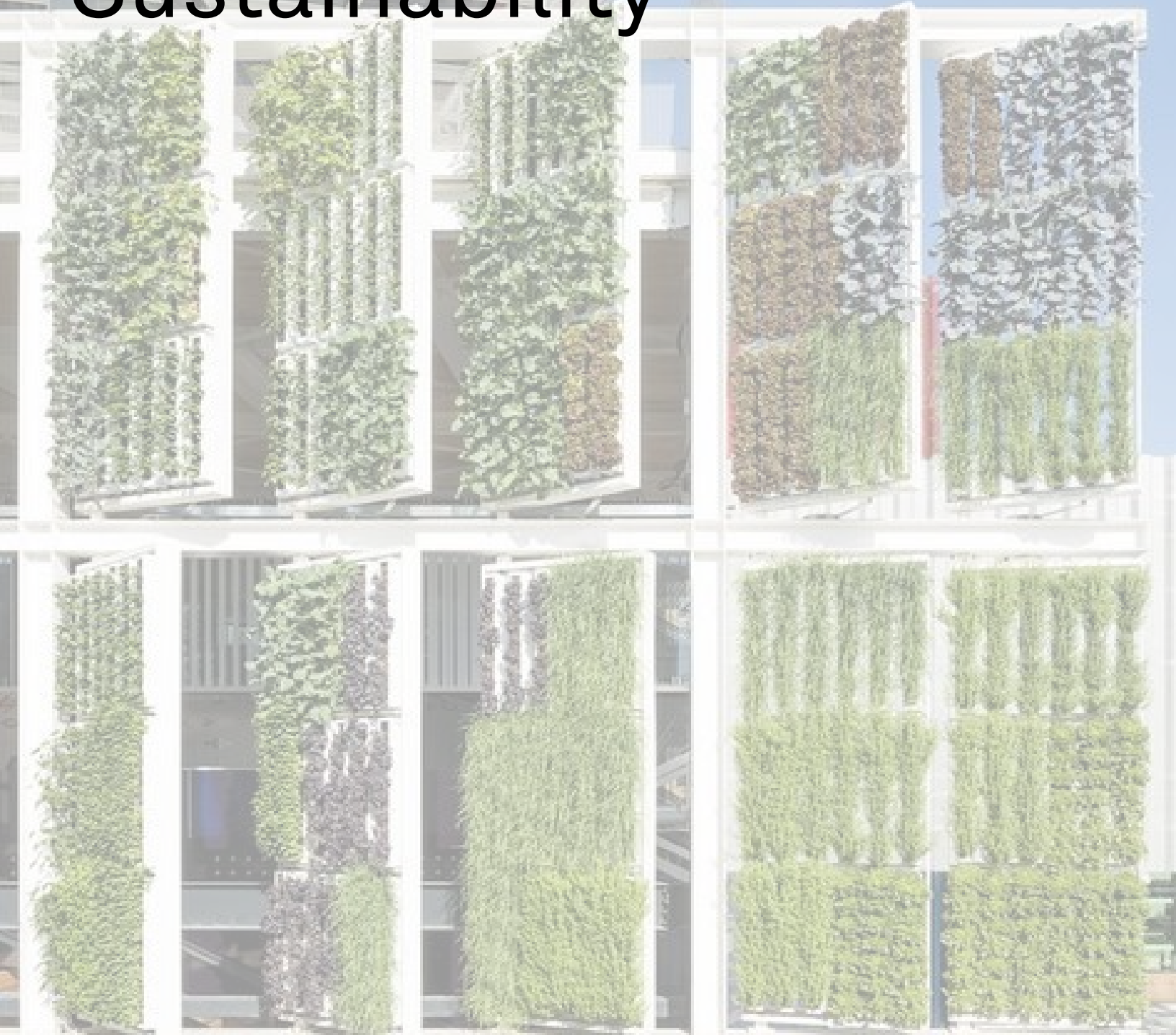


Family size units should be grouped within the first 6-storeys of new development to maintain a relationship with ground level activities.

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6.0

Sustainability



One of the guiding principles of the Pier 7 and 8 Urban Design Study is that future buildings on Pier 8 should have environmentally sustainable buildings and landscapes that contribute to a low impact community footprint.

In order to reduce the ecological footprint on Pier 8 and to minimize life cycle costs, a holistic design approach to development that considers the natural conditions of the site and sustainability opportunities is required.

Within the Pier 8 development lands, extensive work has already begun with the design of the public open space areas and the shoreline and as the buildings on Pier 8 are designed they will also be evaluated through the sustainability guidelines in the Pier 7 and 8 Urban Design Study.

Block 16 provides an opportunity to establish a progressive sustainability precedent for the City of Hamilton that exemplifies the community's commitment to a low-carbon, green future. The following guidelines pertain to both a Mid-Rise and a Tall building scenario. Additional sustainability requirements for a Tall building are provided in Section 8.12

6.1 Green Building

Guidelines

- 6.1.1 Energy Star certification shall be achieved for any new buildings on Block 16 including provision of Energy Star Certified appliances.
- 6.1.2 Complete Energy Modeling, Mechanical Commissioning and Air Tightness testing to the Energy Star certification standard is required.
- 6.1.3 Include high performance facade design that may include elements such as solar shading, lower glazing to wall ratio, triple glazing and renewable materials.
- 6.1.4 Consideration should be given to preparing for future District Energy connections by:
- Providing space for future equipment and thermal piping;
 - Securing an easement between the mechanical rooms and the property line for future thermal piping;
 - Including two-way pipes within the building to carry thermal energy from the district energy network to the section in the building where the future energy transfer station will be located.
- 6.1.5 Complete a Lifecycle Carbon Assessment (LCA) that is third party verified and identify opportunities to reduce carbon emissions through building material selection.



Cool roof and solar panels help reduce the heat island effect and improve energy efficiency.

- 6.1.6 Cool Roof design and material should be used to reflect UV rays and self-cool by efficiently emitting radiation away from the building.
- 6.1.7 Building roofs should include a minimum of 50% coverage for green roofs. Alternative configurations may include a minimum of 50% roof coverage for solar capture equipment, cool roofing materials, or a combination thereof.

6.2 Air Quality and Thermal Performance

Indoor air quality and temperature is important within and around buildings and structures, especially as it relates to the health and comfort of building occupants. Identifying and controlling common pollutants indoors can help reduce the risk of indoor health concerns.

Guidelines

- 6.2.1 Design the building's Heating, Ventilation and Air Conditioning (HVAC) system to support enhanced air quality and thermal performance.
- 6.2.2 Design building HVAC system to be mold resistant.
- 6.2.3 Include enhanced filtration systems to filter out particulate matter that may enter through operable windows.
- 6.2.4 Select building materials that reduce VOC emissions to contribute to healthy air within the building. Applicable materials include flooring, common amenity space furniture, sealants, paints and insulation.

6.3 Resiliency and Health

The design of buildings and landscapes should plan for natural and manmade disturbances and provide mitigating measures.

Guidelines

- 6.3.1 Implement design strategies to reduce viral transmission by reducing common touch points within shared spaces, including entryways, lobby, elevator and amenity areas.
- 6.3.2 In an effort to reduce contact with respiratory droplets, natural ventilation should be provided throughout all building areas to enhance fresh air flow.
- 6.3.3 The building should be designed with access to back up generators that can supply energy to the entire building for a period of up to 48 hours.
- 6.3.4 The building should be designed to provide residents with a back-up drinking water supply for a period of 48 hours.
- 6.3.5 The building should be designed to ensure ease of communication of updates during states of emergency.
- 6.3.6 The building should be designed to ensure equal access to high speed internet, including the provision of wi-fi in amenity areas.

6.4 Light

The building should be designed to capitalize on opportunities for natural daylight, which can be accomplished through efficiencies in building footprint design, window design, reflections, ceiling design, light filtering, and building orientation.

Guidelines

- 6.4.1 Amenity spaces, lobby areas and a minimum of 50% of a dwelling unit shall have access to natural light.
- 6.4.2 LED lighting should be provided to reduce energy requirements.

6.5 Microclimate (Pedestrian Weather Protection & Wind Effects)

Buildings should be located, orientated, and designed to minimize adverse wind conditions on adjacent streets, parks and open spaces, building entrances, and in public and private amenity areas. Sufficient mitigation measures should be applied to ensure pedestrian comfort and safety.

Guidelines

- 6.5.1 Building design and landscape design should mitigate adverse wind impacts on at-grade and elevated areas used by the public or building occupants.
- 6.5.2 Ensure building design and mitigation measures allow for the appropriate wind comfort criteria desired for an area.
- 6.5.3 Provide sufficient mitigation measures where wind comfort criteria is exceeded.
- 6.5.4 Provide permanent pedestrian weather protection, including overhangs and canopies, at building entrances and along at-grade frontages and pedestrian sidewalks.

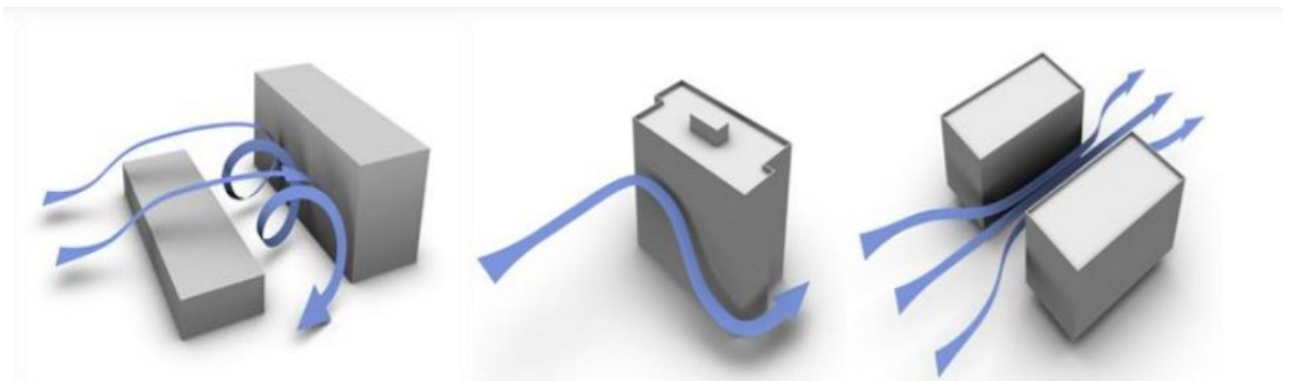


Illustration of the wind impacts: Downward wind flow, accelerated winds flow near building corners and Wind tunnels.

6.6 Water

Guidelines

- 6.6.1 The building design should be compliant with City and Provincial standards and guidelines for Low Impact Development Measures.
- 6.6.2 Water filtration systems should be designed to enhanced standards.
- 6.6.3 The building should be designed with appropriate ventilation systems to remove humidity from bathrooms.
- 6.6.4 Provision of water efficient fixtures that meet Energy Star standards shall occur to reduce indoor water use.
- 6.6.5 Domestic water heating fixtures that meet Energy Star standards should be provided.
- 6.6.6 Greywater recycling should be used as a source for irrigation of the site landscaping.

6.7 Waste

Guidelines

- 6.7.1 Buildings shall be designed with appropriate waste sorting facilities to ensure recycling and organic waste collection programs are supported.

6.8 Landscaping

Guidelines

- 6.8.1 Plant 100% native plants. Preference should be given to drought resistant planting strategies. Invasive species shall be avoided.
- 6.8.2 Utilize bioswale, rain gardens, and permeable paving materials within landscaping.
- 6.8.3 Greywater irrigation systems should be used.

- 6.8.4 Soil volumes for tree plantings should be increased at least 5% above City of Hamilton minimum standards.
- 6.8.5 Green roofs should be used on roof surfaces that are not used as active terraces and also as landscape features within active terraces.

6.9 Green Infrastructure

Green infrastructure should be provided to promote the use of bicycles and electric cars as sustainable transportation.

Guidelines

- 6.9.1 Provision of Electric Vehicle (EV) infrastructure for a minimum of 10% residential parking spaces.
- 6.9.2 The remaining vehicle parking spaces must be designed to be EV capable (i.e. a complete electrical circuit terminating in an electrical outlet for the purpose future installation of EV charging).
- 6.9.3 Provision of well-designed bicycle parking facilities to meet the needs of cyclists and support bicycle use. Short-term parking (visitors or less than two hours parking), long-term parking (residents parking) and bicycle parking facilities should be provided within the below-grade parking structure.
- 6.9.4 Short-term outdoor bike parking:
 - a. Located close to building entrances (no more than 20.0 metres) to make it easily accessible;
 - b. Within the view of residents, building security, or in an area close to street or public amenities and;
 - c. The design of bike parking racks or other systems should be attractive and integrated into the site design, public art opportunities, street furniture other amenities on site.

- 6.9.5 Short-term and long-term indoor bike parking:
- a. Located in the ground level or in the first level of the underground parking garage to provide easy access from the ground level designed to minimize the interactions between bicycles and automobiles.
 - b. The below-grade parking garage bike parking room should be easily accessible by elevator and ramp. A dedicated two-way bicycle ramp (3.0m wide at 6-7% slope) should be provided.
 - c. The ground level bike room should be located away from the main entrance but side of the building facing the mid-block connection.
 - d. Ensure regular security surveillance to improve safety and prevent vandalism and misuse.
 - e. Provide electrical outlets for electric bikes and scooters.

6.10 Bird Friendly Design

Bird friendly designs should be applied to reduce bird deaths associated with bird strikes.

Guidelines

- 6.10.1 Design new development with bird friendly best practices including sunshades or louvers, visual markers within glazed surfaces, and non-reflective glazing to reduce window collisions with birds.
- 6.10.2 Exterior lighting fixtures should be programmable to allow for dimming during migratory seasons.
- 6.10.3 Ensure the design of buildings complies with Bird Friendly Design Guidelines in accordance with the Canadian Standard Association's CSA A460 Bird friendly building design.



Bird-safe glass creates a special pattern that breaks up the reflectivity of the glass and alerts birds to its presence.

6.11 Setting Sail Secondary Plan (Sustainability Extract)

Environmental Policies

- 6.11.1 The design and construction of new development and redevelopment shall incorporate best practices and appropriate building technology to minimize energy consumption, conserve water, reduce waste and improve air quality.
- 6.11.2 New development and redevelopment shall be encouraged to incorporate rooftop terraces, greenwalls, rooftop gardens and/or other green technologies to improve micro-climatic conditions, energy efficiency, air quality and for stormwater management.

6.12 Pier 7 and 8 Urban Design Study (Sustainability Extract)

Community Character

- 6.12.1 A core focus on environmental sustainability should be reflected in both the building and landscape designs.

Naturalized Approach to Managing Storm Water

- 6.12.2 Pedestrian and cycling paths can double as a naturalized storm water management areas. The landscape features should be engineered to minimize the overall environmental impacts of development. If required, the overall water quality can be maintained by having water flow through an oil grit separator and then into the water gardens.

Infrastructure

- 6.12.3 An objective for redevelopment at Pier 7 + 8 is to reduce the ecological footprint of the community and to minimize life cycle costs. This is to be achieved through a holistic design approach to development that considers the natural conditions of the site and the sustainability opportunities that arise when planning a new community from the very beginning. Designers will be asked to further the area's sustainability goals through consideration of the following:
- Alternate energy sources such as wind or solar should be encouraged in the schematic design phases of each development project.
 - The landscape and architectural design of the community will highlight its sustainable features.
 - Landscape architectural design will prioritize the use of indigenous, non-invasive plant material and will promote biodiversity, stormwater management and creation of shade.

Cycling Network

- 6.12.4 Cycling should be accommodated in all development plans by providing for secure bicycle parking for visitors, residents and employees.
- 6.12.5 Bicycle parking should be placed closer to front doors and key destinations.

Parking Structures

- 6.12.6 Parking structures should include parking for bicycles, motorcycles, mopeds, e-bikes, small cars, electric car parking with charging stations and accessible parking.
- 6.12.7 Parking structures should be designed with the ability to be retrofitted into usable space should the area's demand for parking be reduced in the future.
- 6.12.8 Priority parking spaces should be provided for car share stations.
- 6.12.9 Priority parking spaces should be provided for electric vehicles as well as the provision for electrical supply stations and their expansion should be provided for in utility designs.

7.0

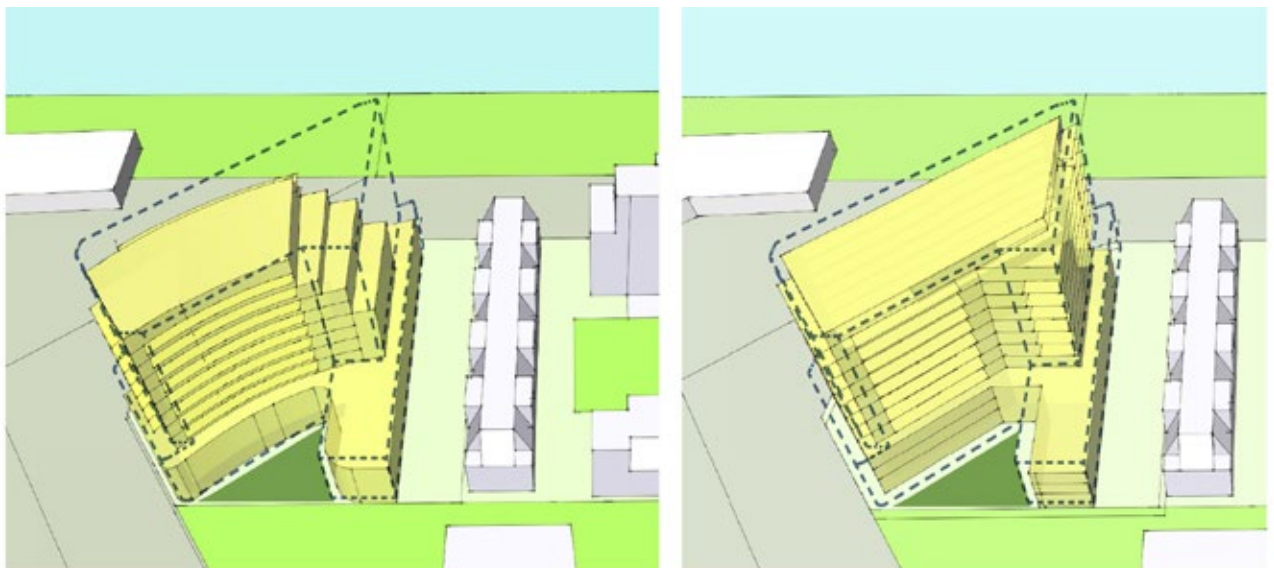
Mid-Rise Building Design



The following section is applicable to a mid-rise development on Block 16. For the purpose of these guidelines, the definition of a mid-rise building is a building that is a minimum of 5 storeys and a maximum of 12 storeys above grade. The guidelines are intended to provide sufficient flexibility for the building design. The massing envelope for a mid-rise building should ensure appropriate transitions and sufficient separation distances to surrounding development and public open spaces.

7.1 Massing Envelope

The massing envelope defines a three-dimensional volume within which the building must be located. The size of the building itself is controlled by a maximum building area which is less than the envelope. The massing envelope ensures that appropriate setbacks, transitions between development parcels and sufficient separation distances can be achieved while allowing for flexibility in the design and how a building fits within the envelope. For instance, while some sides of the massing envelope allow for a podium to be provided on the lower storeys of a building, the massing of the building itself does not have to provide a podium other than on the east side adjacent to the Mews.



The blue dashed lines represent the theoretical massing envelope. A variety of building shapes, forms and sizes can fit within the confines of the massing envelope. The massing envelope should provide flexibility to support innovative architectural design.

A variety of building designs can fit within the massing envelope permitting flexibility in the design solution. In the diagram above, the blue dashed lines represent the theoretical massing envelope within which a variety of building designs can fit. This massing envelope represents a volume of 56,100 cubic metres. The building design that fits into this volume should be no more than 48,000 cubic metres. This does not include the area for balconies.

The gross constructed area of the building should be no more than 14,000 gross square metres. The massing envelope therefore provides flexibility to support innovative architectural design deployed within the envelope. All setbacks and stepbacks are to the face of structure including any terraces or balconies.

The design of a mid-rise building on Block 16 should complement the planned public realm context while providing an appropriate transition to adjacent open spaces and buildings. The mid-rise building and site can function as a district level landmark that contributes to the quality of the surrounding public spaces including the Promenade, Greenway and Mid-Block Pedestrian Mews and surrounding streets and sidewalks.

Guidelines

- 7.1.1 Proposed building designs should fit within the massing envelope described in Sections 7.2 to 7.7 to ensure a compatible mid-rise building.

7.2 Height

The maximum building height for a mid-rise building on Block 16 should be no greater than 40.0 metres including the mechanical penthouse.

7.3 Building Area

The maximum Gross Construction Area of the mid-rise building, including above ground mechanical spaces but excluding below grade areas is 14,000 square metres.

7.4 Podium

A three storey podium is required on the east side of the building flanking the Mews. Storeys above the third storey should be setback a minimum of 3.0 metres. The north, west and south sides for the building may or may not incorporate a podium if adequate wind mitigation measures can be demonstrated.

7.5 Ground Floor Height

Minimum ground floor heights should be established to provide prominence to the building's base and support active uses.

Guidelines

- 7.5.1 All common spaces on the ground floor shall provide a minimum height of 6.0 metres, measured floor-to-floor from average grade.
- 7.5.2 At-grade units should, where possible, be elevated approximately 0.6 metres above the flanking public sidewalk, if an accessible path can also be provided, to allow for appropriate public-private transition.

7.6 Separation Distance and Setback

The mid-rise massing envelope defines a series of setbacks, stepbacks and heights which are intended to regulate building design to mitigate visual and physical impacts on the surrounding sites and public realm. The primary defining element for the site and adjacent public realm should be the lower portions of the building. All setbacks and stepbacks shall be measured to the exterior face of structure inclusive of balconies.

Guidelines

- 7.6.1 The massing envelope for the first 3-storeys should be setback:
 - a. A minimum of 1.5 metres from the north, south and west property line; and
 - b. A minimum of 12.0 metres from the east property line.

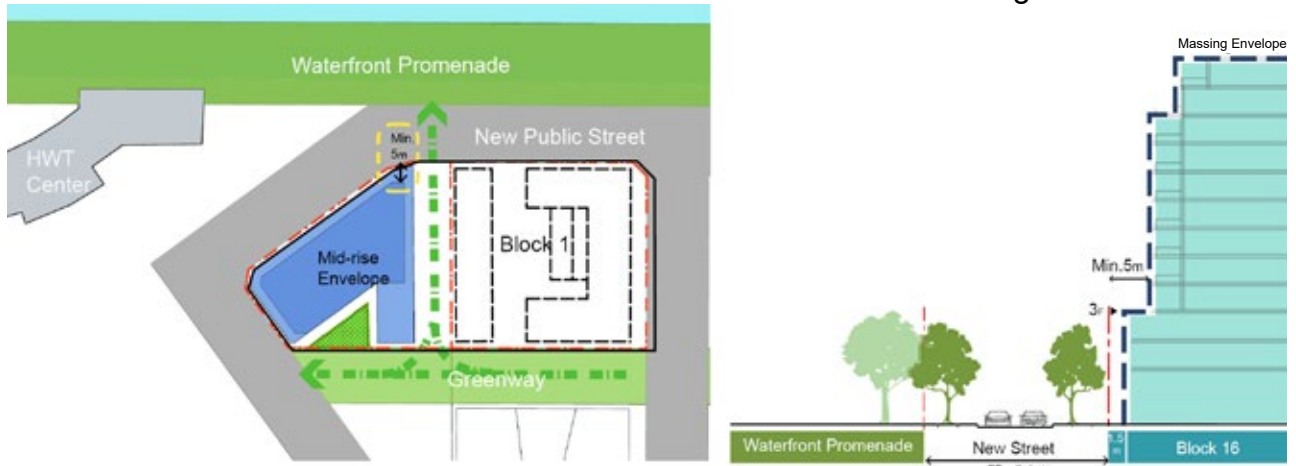
- 7.6.2 The following minimum setbacks define the massing envelope above the third storey:
- a. 3.5 metres on the north (this provides a minimum separation distance of 25.0 metres from the Waterfront Promenade);
 - b. 3.0 metres on the west (this provides a minimum separation distance 30.0 metres from the existing Hamilton Waterfront Trust Centre);
 - c. 3.0 metres on the south;
 - d. 3.0 metres on the east (which provides minimum separation distance above the third story of 15.0 metres from Block 1).
- 7.6.3 The following minimum setbacks define the massing envelope above the 10th floor:
- a. 2.0 metres from the north and west; and
 - b. 2.0 metres from the east.

7.7 Building Width and Articulation

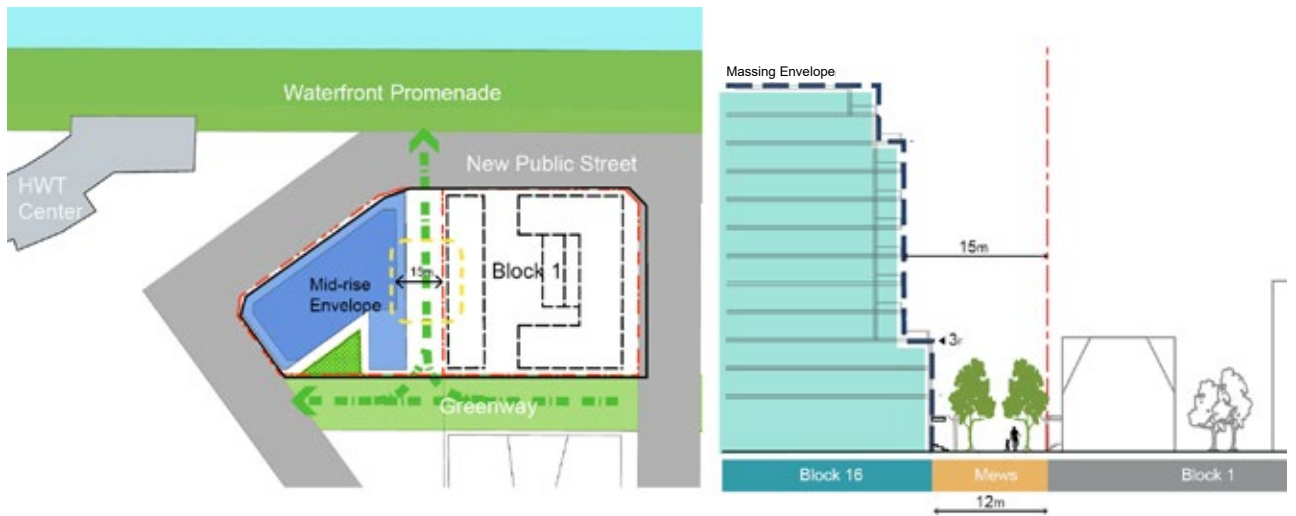
Large building widths should be mitigated with building articulations and facade changes to provide a fine grain appearance.

7.8 Green Building Feature

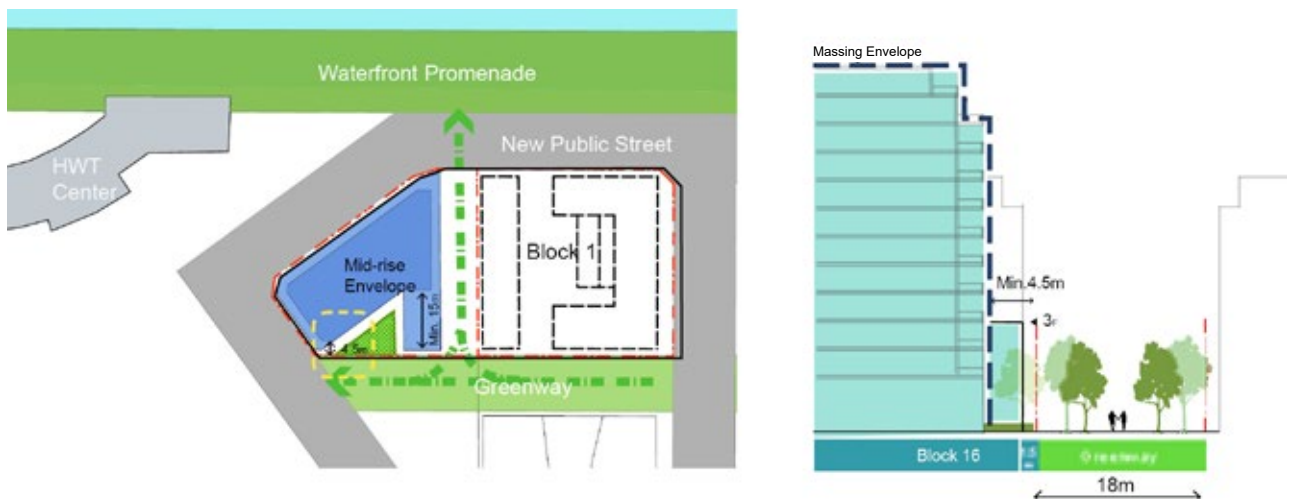
Integration of outdoor planting and trees on balconies, terraces and roofs should be provided to the greatest extent possible.



The application of appropriate setback and setbacks are required on the north side of the block to provide a human-scale street edge and to reduce shadow impact.



The application of appropriate setback and setbacks are required on the east side of the block to provide a transitional space for the mid-block pedestrian connection and to ensure sufficient separation distance to the Block 1 development.



The application of appropriate setbacks are required on the south side of the block to provide a human-scale building edge along the Greenway anchoring the westernmost end of the Greenway.

7.9 Mechanical Penthouse

The mechanical penthouse and/or any mechanical rooftop units of a mid-rise building should not be visibly distinct from the form, massing, materiality and architectural expression of the main areas of the building.

Guidelines

- 7.9.1 Roof-top mechanical elements should fit harmoniously and complement the overall architectural design.
- 7.9.2 Where possible, mechanical penthouses and all rooftop units should be hidden from sight with screening or wrapped by residential units.
- 7.9.3 Mechanical penthouses may also be recessed from the building face to minimize the perceived height of the building, unless incorporated into the building design.

7.10 Materiality

Apply high-quality and environmentally sustainable materials and finishes to promote design excellence, innovation, and resilience.

Guidelines

- 7.10.1 Bird friendly designs should be incorporated to reduce bird strikes.
- 7.10.2 High-quality, durable, and sustainable materials should be used.
- 7.10.3 Materials should be distinct while respecting the rhythm of existing materials used throughout Pier 8.
- 7.10.4 Exterior Insulation and Finish System (EFIS) is not permitted.

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8.0

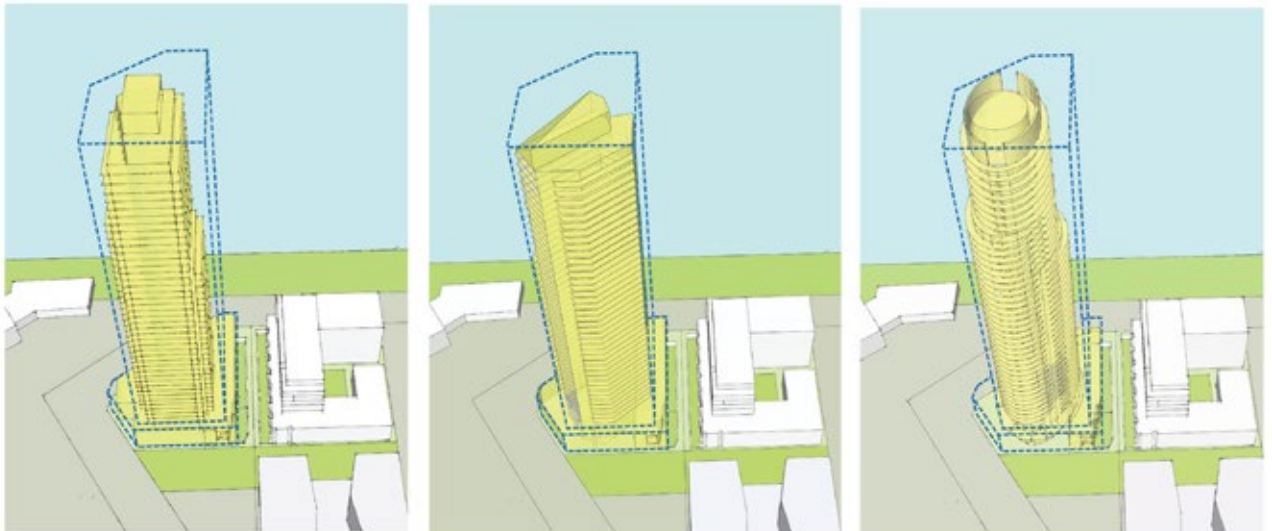
Tall Building Design



The following section is applicable to a tall-building development on Block 16. For the purpose of these guidelines, the definition of a tall-building should be no greater than 45 storeys and a maximum height of 147.0 metres including the mechanical penthouse. The guidelines are intended to provide sufficient flexibility for the building design. The massing envelope for a tall-building should ensure appropriate transitions and sufficient separation distances to surrounding development and public open spaces.

8.1 Massing Envelope

The massing envelope defines a three-dimensional volume within which the building must be located. The size of the building itself is controlled by a maximum building area which is less than the envelope. The massing envelope ensures appropriate setbacks, transitions between development parcels and sufficient separation distances are achieved while allowing for flexibility in the design and how a building fits within the envelope. For instance, while some sides of the massing envelope allow for a podium to be provided on the lower storeys of a building, the massing of the building itself does not have to provide a podium other than on the east side adjacent to the mid-block pedestrian connection.



The blue dashed lines represent the theoretical massing envelope. A variety of building shapes, forms and sizes can fit within the confines of the massing envelope. The massing envelope should provide flexibility to support innovative architectural design.

The massing envelope provides flexibility in the design solution. In the diagram above, the blue dashed lines represent the theoretical massing envelope within which a variety of building designs can fit. This envelope represents a volume of 221,000 cubic metres. The building mass that fits into this volume should be no more than 123,300 cubic metres. The gross constructed area of the building should be no more than 38,200 gross square metres. The massing envelope therefore provides flexibility to support innovative architectural design deployed within the envelope. All setbacks and stepbacks are to the face of structure including any terraces or balconies.

The design of a tall building on Block 16 should be of exceptional quality and innovation in order to create a landmark building at the metropolitan scale. It should also create a high quality public realm reflecting its strategic location between the Greenway and the Waterfront Promenade.

Guidelines

- 8.1.1 Proposed building designs should fit within the massing envelope described in Sections 8.2 to 8.8 to ensure a compatible tall-building.

8.2 Height

The recommended maximum height (147.0 metres) was derived from an analysis that reviewed the tallest building presently in Hamilton (Landmark Place), which has a geodetic elevation at 226.0 metres. For Block 16 the recommended maximum geodetic elevation is slightly lower at 224.0 metres which equates to 147.0 metres above grade. The intent of this recommended height is to avoid a building form that is above the presently established maximum. The 147.0 metre height can accommodate a 45-storey building based on a 6.0 metre ground floor, average floor to floor heights for upper levels at 3.0 metres as well as the height of a mechanical penthouse. The topmost elevation of the structure including the mechanical penthouse cannot be above 147.0 metres. (See Appendix A for maximum height diagrams).

8.3 Building Area

The maximum Gross Constructed Area of a tall building, including above ground mechanical spaces but excluding below grade areas, is 38,200 square metres.

8.4 Podium

A three storey podium is required on the east side of the building flanking the Mews. Storeys above the third storey should be setback a minimum of 5.0 metres. The north, west and south sides of the building may or may not incorporate a podium if adequate wind mitigation measures can be demonstrated.

8.5 Lower Development Zone

The lower development zone defines a build-to envelope that may include building area, such as a podium, but may alternatively be used for landscaping or free-standing built elements. This zone is defined by the height of the first 3-storeys of the building. This zone should be designed to animate the surrounding public realm, to express the themes associated with the Greenway, green building design and sustainability. This zone includes the Lobby, at-grade residential, live/work or townhouse units and may include common amenity areas.

Guidelines

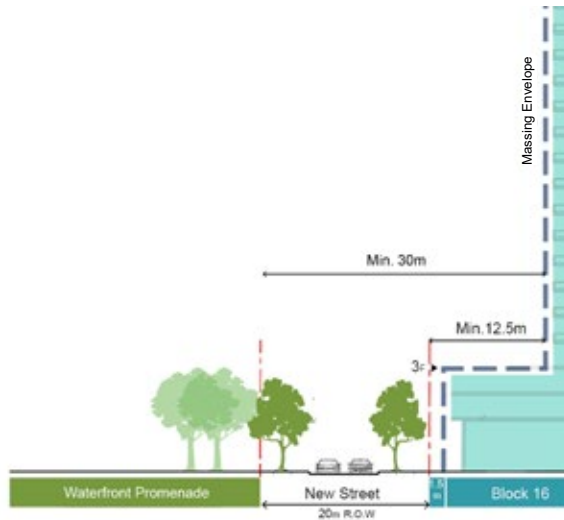
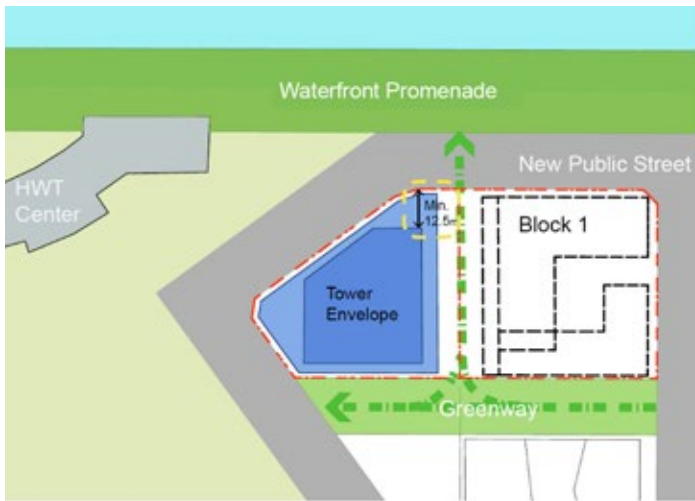
- 8.5.1 The following lower development zone setbacks define the massing envelope to ensure an appropriate transition between public and private spaces:
- a. 1.5 metres from the north, south, and west property line and a minimum of 4.0 metres from all property lines when adjacent to grade related units.
 - b. 7.5 metres from the east property line.

8.6 Tower Placement and Separation Distances

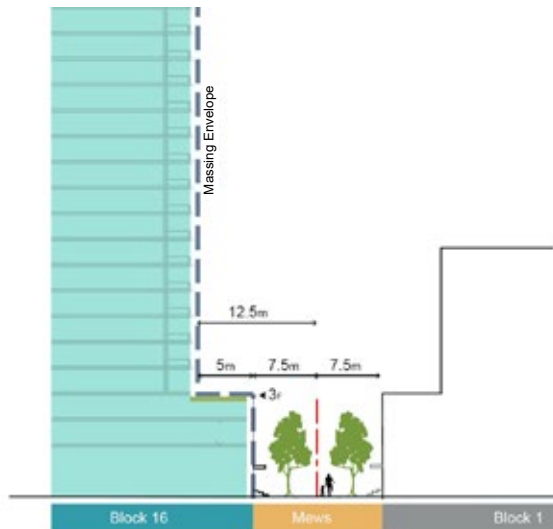
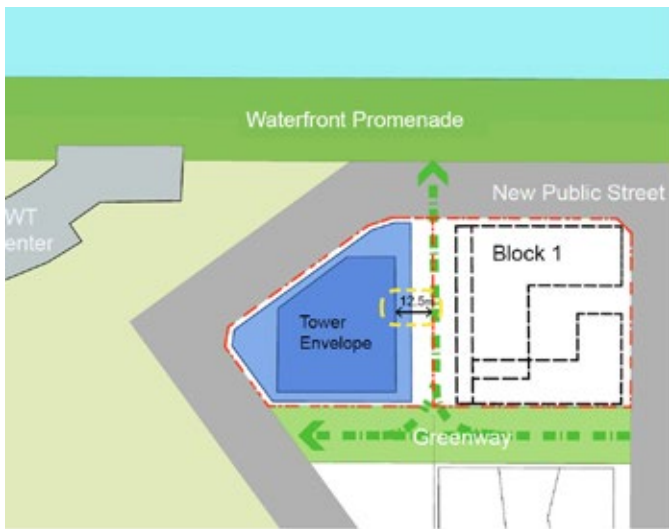
The massing envelope above the three storey lower development zone considers the visual and physical impacts of the surrounding site, buildings and public realm. Special emphasis should be placed on optimizing the building shape to mitigate wind impacts and to provide a slender, tapered building profile.

Guidelines

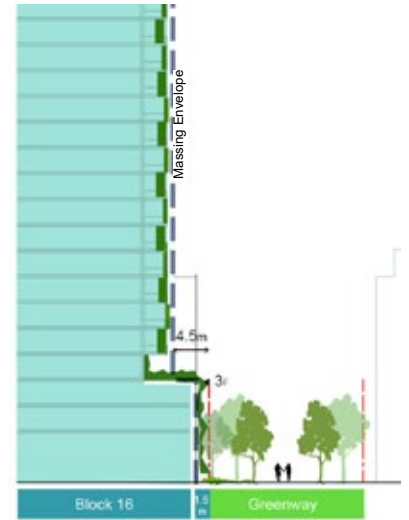
- 8.6.1 The following minimum building setbacks should be applied to the massing envelope above the third storey to ensure appropriate transition and separation distances between development sites, to provide adequate sky views and sunlight access and to reduce pedestrian level wind impacts:
- a. 11.0 metres on the north to provide a minimum separation distance of 30.0 metres from the Waterfront Promenade;
 - b. 13.5 metres on the west which provides a minimum separation distance of 45.0 metres from the existing Hamilton Waterfront Trust Centre;
 - c. 3.0 metres on the south which connects the vertical and horizontal Greenway; and
 - d. 5.0 metres on the east which provides a minimum separation distance of 25.0 metres for any buildings above three storeys on Block 1. Any portion of Block 1 above three storeys should incorporate an equivalent 12.5 metre setback in order to achieve an aggregate 25.0 metre separation distance between buildings above three storeys.
- 8.6.2 A multidisciplinary team of wind consultants, designers, and engineers should be engaged by the applicant early in the design process to ensure building designs are compliant with appropriate Pedestrian Level Wind conditions.



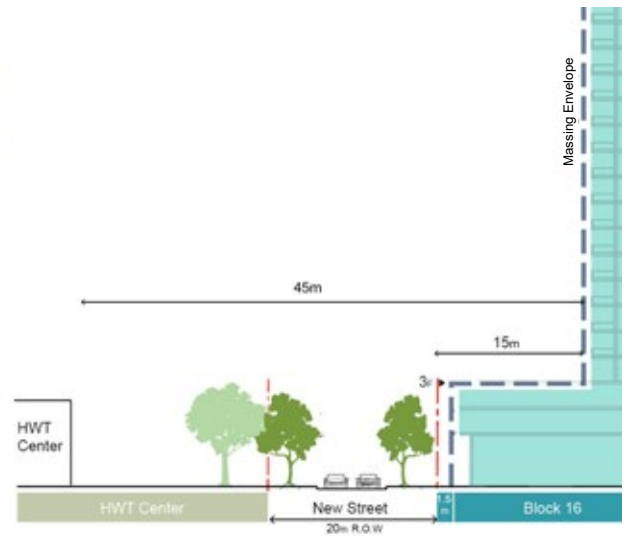
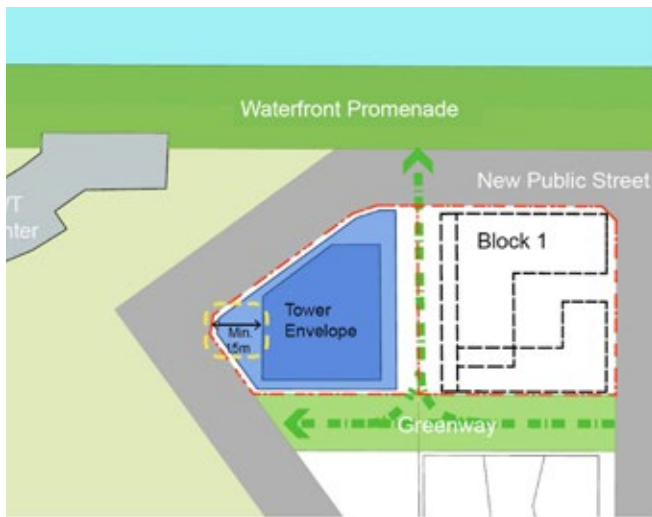
The application of appropriate setback and setbacks are required on the north side of the block.



The application of appropriate setback and setbacks are required on the east side of the block.



The application of appropriate setback and setbacks are required on the south side of the block.



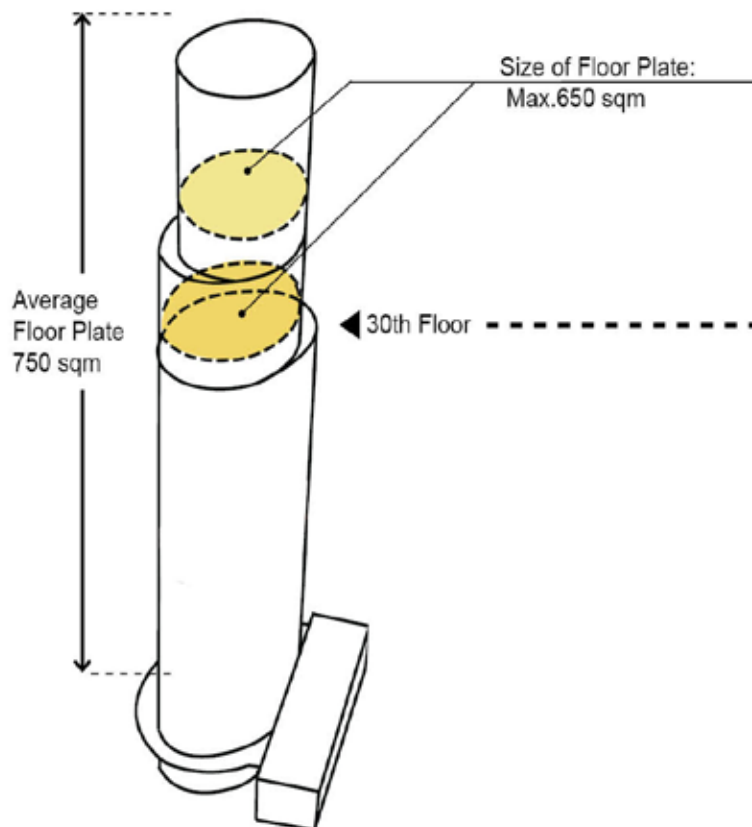
The application of appropriate setback and setbacks are required on the west side of the block.

8.7 Floor Plate Size and Shape

Regardless of the height of the building, up to a maximum of 147.0/45-storeys, the size of the tower floor plates above the third floor should be limited to a maximum average of 750.0 square metres. This permits some lower floor plates to be larger than 750.0 square metres, while others higher up will be less than 750.0 square metres. Floor plate size includes all building areas within the building, but excludes balconies.

Guidelines

- 8.7.1 To ensure a slender and tapered building design:
- Tower floor plates should not exceed 850.0 square metres between the 4th-30th storeys; and
 - Tower floor plates should not exceed 650.0 square metres above the 31st storey.



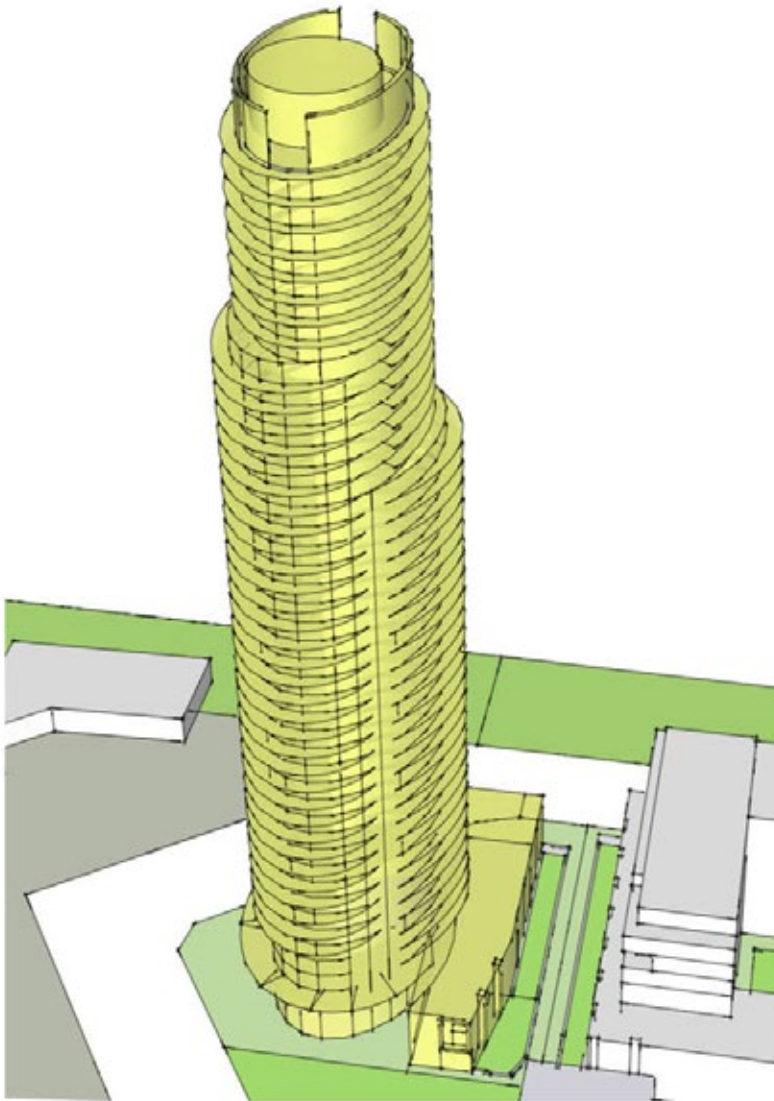
New development will have an average floor plate that should not exceed 750.0 square metres.

8.8 Building Proportion

The tall building massing envelope should be proportioned and articulated with consideration from multiple viewpoints.

Guidelines

- 8.8.1 A tall building on Block 16 should be proportioned to be slender when viewed from the James Street North corridor.



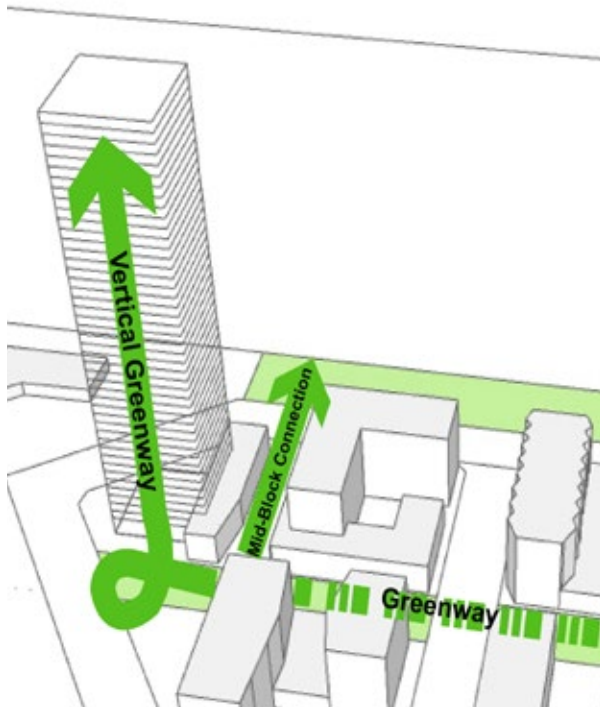
The articulation of the building massing for a tall building should create an image referencing the “harbour beacon” theme, using a slender profile as seen from the James Street corridor and other surrounding areas.

8.9 Green Facade

The south facade of the building is encouraged to integrate design features that reference green elements such as micro sunrooms, greenhouses, patterned wind screens, color accents and design themes that relate to elements within the Greenway.

Guidelines

- 8.9.1 The south side facade should include unique design patterns and additional balcony and terrace areas to accommodate outdoor planting and landscaping.



The south facade of the building is encouraged to integrate design features that reference green elements as a continuation of the Greenway theme.

8.10 Building Top (Tower Top)

The design of the top of a tall building should make a positive contribution to the quality and character of the Hamilton skyline.

Guidelines

- 8.10.1 Roof-top mechanical elements should be screened and complement the overall tower shape and design.
- 8.10.2 If exterior illumination is integrated into the design of a tall building it should enhance and promote the landmark location of Pier 8 and contribute to the character of the Harbour, without adversely impacting the surrounding neighbourhood context and other sustainability objectives (eg. bird friendly).
- 8.10.3 Programmable fixtures which can be dimmed or turned off are encouraged to reduce bird strikes during migration season.



A rooftop mechanical penthouse and equipment should be integrated into the architectural design to create an iconic skyline that references the “harbour beacon” theme. Exterior lighting may complement the design of the building and positively contribute to a distinctive landmark building.

8.11 Materiality

Apply high-quality and environmentally sustainable materials and finishes to promote design excellence, innovation, and resilience.

Guidelines

- 8.11.1 Materials with a lighter appearance are recommended for the portions of the building above the third floor.
- 8.11.2 Bird friendly designs should be incorporated to reduce bird strikes.
- 8.11.3 High-quality, durable, and sustainable materials should be used.
- 8.11.4 Exterior Insulation and Finish System (EFIS) is not permitted.
- 8.11.5 Landscaping materials should be of high quality including granite pavers for pedestrian paths.

8.12 Sustainability for a Tall Building

The following guidelines are additional to the guidelines from Section 6.0. The design of a Tall Building should reference both sections.

Critical to achieving the requirement of exceptional design excellence, a Tall Building on Block 16 must raise the bar for environmental sustainability and should serve as an exemplar for future community development.

A LEED Certification, Green Globes or similar sustainability standard shall be used to guide the design and development of a Tall Building and site on Block 16 in addition to the EnergyStar certification that applies to all buildings on Pier 8.

The type of standard and specific sustainability targets shall be agreed to by the City of Hamilton and the Developer as documented in the Sustainability Report to be submitted in support of the Official Plan and Zoning By-law amendments for Block 16. Additional standards such as the WELL standard that enhance human health and well-being should also be considered.

Guidelines

Energy

- 8.12.1 The design and operations of the building shall limit operational greenhouse gas emissions and encourage use of low-carbon energy sources using whole-building energy modeling and an annual greenhouse gas intensity (GHGI) target to be established and agreed to by the City of Hamilton as contained in the Sustainability Report to be submitted in support of the Official Plan Amendment and Rezoning.
- 8.12.2 A Building Automation System (BAS) shall be designed to monitor building-level data representing total building energy consumption (electricity, natural gas, chilled water propane, biomass, domestic hot water, etc.) and renewable energy production.
- 8.12.3 The building shall be enrolled in Energy Star Portfolio Manager to track / energy and water consumption and waste generation of the new development during operations. Enrollment of the project in the program must occur before the project presents Detailed Design to the City of Hamilton Design Review Panel.

- 8.12.4 In Energy Star Portfolio Manager, provide the City of Hamilton with read only access to the project on an annual basis.
- 8.12.5 An Operations & Maintenance (O&M) Manual will be prepared for the project and include direction and guidance for building operators into the building on how to upload data into Energy Star Portfolio Manager on a monthly basis.
- 8.12.6 Energy Star certification shall be achieved including provision of Energy Star Certified appliances.
- 8.12.7 Complete Energy Modeling, Mechanical Commissioning and Air Tightness testing to the Energy Star certification standard.
- 8.12.8 Include high performance facade design that may include elements such as solar shading, lower glazing to wall ratio, triple glazing and renewable materials.
- 8.12.9 Complete a Lifecycle Carbon Assessment (LCA) that is third party verified and identify opportunities to reduce carbon emissions through building material selection.

9.0

Implementation



The Pier 8 Block 16 Urban Design Guidelines establish a vision for Block 16 and provide a design framework to promote the creation of a high-quality development of exceptional design on Block 16. Future development of this site should reflect the positive attributes of the unique West Harbour context and create a landmark and visual anchor at Pier 8 that is emblematic of the Harbour's renewal.

The design guidelines and policy objectives contained within this document shall be used to prepare the official plan amendment, zoning by-law amendment and site plan conditions for a mid-rise or high-rise development scenario on Block 16.

As part of the formal planning process, the creation of an exceptional building will also require additional input and review through a Peer Review and Design Review Panel process.

In the case of a tall building proposal, a 3-stage design workshop, juried process will be used to ensure that the goals of exceptionalism and design excellence are achieved.

Although the urban design guidelines contained within this document provide direction for both a mid-rise and tall building, the final approval of the height and form of development will be a decision of Hamilton City Council and the development of Block 16 will be determined by this formal planning process. The success of these guidelines in positively shaping development on Block 16 will be directly related to the implementation process.

9.1 Planning Process

The West Harbour (Setting Sail) Secondary Plan and Zoning By-law 05-200 will require amendments to implement changes on Block 16, whether the change is for a mid-rise or tall building. The following recommendations and updates should be implemented.

- 9.1.1 **When drafting the Setting Sail Secondary Plan amendment for Block 16, consideration should be given to creating a special policy area for Block 16 that contains key design considerations and performance criteria that has been identified in the Block 16 Urban Design Guidelines.**
- 9.1.2 **The following documents should be submitted to support the Official Plan and Zoning By-law amendments on Block 16:**
 - a. **An Urban Design Brief that demonstrates compliance with the urban design direction of the Pier 8 Block 16 Urban Design Guidelines. The Urban Design Brief should include, at a minimum, the following:**

- i) Completion of an Urban Design Checklist (see Appendix B) to provide a brief evaluation of the proposed design and its conformity to the recommendations within these guidelines.
- ii) Text, plans, details and/or elevations, as necessary, to demonstrate how the intent of the Block 16 Urban Design Guidelines have been met, to the satisfaction of the Director of Planning and Chief Planner.
- iii) A Context Analysis Report providing a comprehensive assessment of the impact of the proposed development of Block 16 on the remaining development Blocks on Pier 8. The report shall evaluate revisions to the planned context of Pier 8 as a result of the Block 16 development including changes to the planned height and massing of Pier 8 buildings, the distribution of units and any revised plans for parking infrastructure. (Note: revisions must be within the approved planning permissions as set out in the existing Secondary Plan and zoning regulations).
- iv) A Shadow Impact Study, a Pedestrian Level Wind Study, a Visual Impact Assessment, and a Noise Impact Study.
- v) In the case of a tall building proposal, a Sustainable Design Report identifying the sustainability standard to be used to guide the design and development of the building and site in addition to Energy Star certification. The type of standard (Leed, Green Globes, etc.) and specific sustainability targets including the GHGI target shall be agreed to in support of the Official Plan and Zoning By-law amendments. The report will provide a comprehensive summary of all sustainability initiatives, targets and third-party verification procedures that will be used to guide the development.

9.1.3

In order to achieve design excellence and to create an exceptional landmark building, in the case of a tall building proposal (greater than 12 storeys) it is recommended that a special design review process be required to develop three unique design options for a tall building that addresses innovation in the following areas:

- Sustainability;
- Quality of Life for Occupants; and
- Exceptionalism - defined as the creation of a landmark building of exceptional design excellence that is emblematic of the Hamilton Harbour's renewal.

The applicant will be encouraged to engage multiple design professionals in the development of three different tower design options that will each address innovation in the three areas (sustainability, quality of life, design excellence). Once the options have been developed, a special public meeting will be held where the applicant will present the three distinct tall building design options to the public for feedback. Each design option presented should be architecturally innovative and unique.

A special design review panel will be selected by the City of Hamilton to attend the public meeting to listen to feedback from the community on the three design options. At a minimum, this panel should include subject matter experts in the areas of sustainability, quality of life and architecture and should be impartial to the design team that has developed the three tower designs. The role of the special design review panel will be to attend the public meeting and listen to the public feedback regarding each of the designs. After the public meeting, a meeting will be held with the special design review panel to review and provide feedback on the three designs. Based on the information gathered at the public meeting and the special design review panel, the applicant will develop a final design option to be submitted to the director of Planning and Chief Planner as the design to accompany the OPA/ZBA application. The Director of Planning and Chief Planner will review the final design option and will report back to planning committee with a recommendation on the OPA/ZBA.

To ensure that the final design option proceeds to site plan, a Holding provision will be placed on the zoning. In order to lift the Holding, the applicant will have to demonstrate that the recommended design option has been implemented through the site plan application process. Prior to receiving final site plan approval, the Holding provision must be lifted. Special conditions of site plan approval will include the review of the final design and site plan by a Control Architect and Sustainability

Consultant (independent of the Design Architect and Engineers), to review the matters of urban design and sustainability as they relate to the Pier 8 Block 16 Urban Design Guidelines and the selected design.

- 9.1.4 Site Approval will be required to implement the urban design objectives of the Pier 8 Block 16 Urban Design Guidelines. In the case of a tall building proposal (greater than 44 metres in height) the following should be included as special conditions of Site Plan Approval:
- a. Prior to receiving final site plan approval, the Holding provision must be lifted.
 - b. Prior to application for building permit, at the owner's expense, a "Control Architect" and a "Sustainability Consultant" independent of the "Design Architect and Engineers" shall be retained to the satisfaction of the Director of Planning and Chief Planner and whose function shall be:
 - i) To ensure, amongst other matters, the appropriate development of Block 16 with respect to design excellence, sustainability, siting, built form, materials, wind mitigation measures noise/dust and odour control measures and landscaping in compliance with the approved Urban Design Guidelines.
 - ii) To ensure the submission of a detailed landscaping plan prepared by a Landscape Architect showing how accessible and safe public amenity areas will be incorporated into the design of the block. Approval and implementation of the landscape plan shall be to the satisfaction of the Director of Planning and Chief Planner.
 - iii) To ensure that the sustainability standards contained in the Sustainability Report with respect to all sustainability initiatives and targets are reflected in the design and specifications used to guide the design and development of the building and site.
 - iv) To demonstrate that the proposed development has implemented Bird Friendly Design Guidelines in accordance with the Canadian Standard Association's CSA A460 Bird friendly building design.

- v) To ensure the intent and delivery of the above requirements will be sustained through submission and approval of the Urban Design Checklist (Appendix B).
- c. Prior to application for building permit, the City of Hamilton should undertake periodic reviews of certified drawings to ensure compliance with the Block 16 Urban Design Guidelines. Where inadequate compliance is evident, the City of Hamilton may cease to accept certified drawings by the Control Architect and Sustainability Consultant and the City shall retain another Control Architect and Sustainability Consultant satisfactory to the Director of Planning and Chief Planner.
- d. Prior to application for building permit for Block 16, the owner shall submit detailed architectural and landscape drawings for review and advice from the City's Design Review Panel to the satisfaction of the Director of Planning and Chief Planner.
- e. Prior to application for building permit, that as required, Site Plan Agreements be entered into in order to review and secure matters approved through the site plan process, subject to the sole discretion of the Director of Planning and Chief Planner.
- f. Prior to application of building permit, the owner/developer shall prepare a stewardship brochure to the satisfaction of the Director of Planning and Chief Planner. This brochure will describe the building's sustainability features and functions and how the homeowner can utilize these features. The Owner/Developer shall ensure that the sustainability brochure will be included in all agreements of purchase and sale and lease agreements.

9.1.5 As part of the development application, the existing special conditions of Draft Plan Approval for 25T-1605, Pier 8, 65 Guide Street East, Hamilton will be amended by updating Condition No. 35 to clarify that the 2021 Urban Design Guidelines apply to Block 16.

A detailed table summarizing the implementation process for a tall building proposal is located in Appendix "C".

10.0

Demonstration Plans

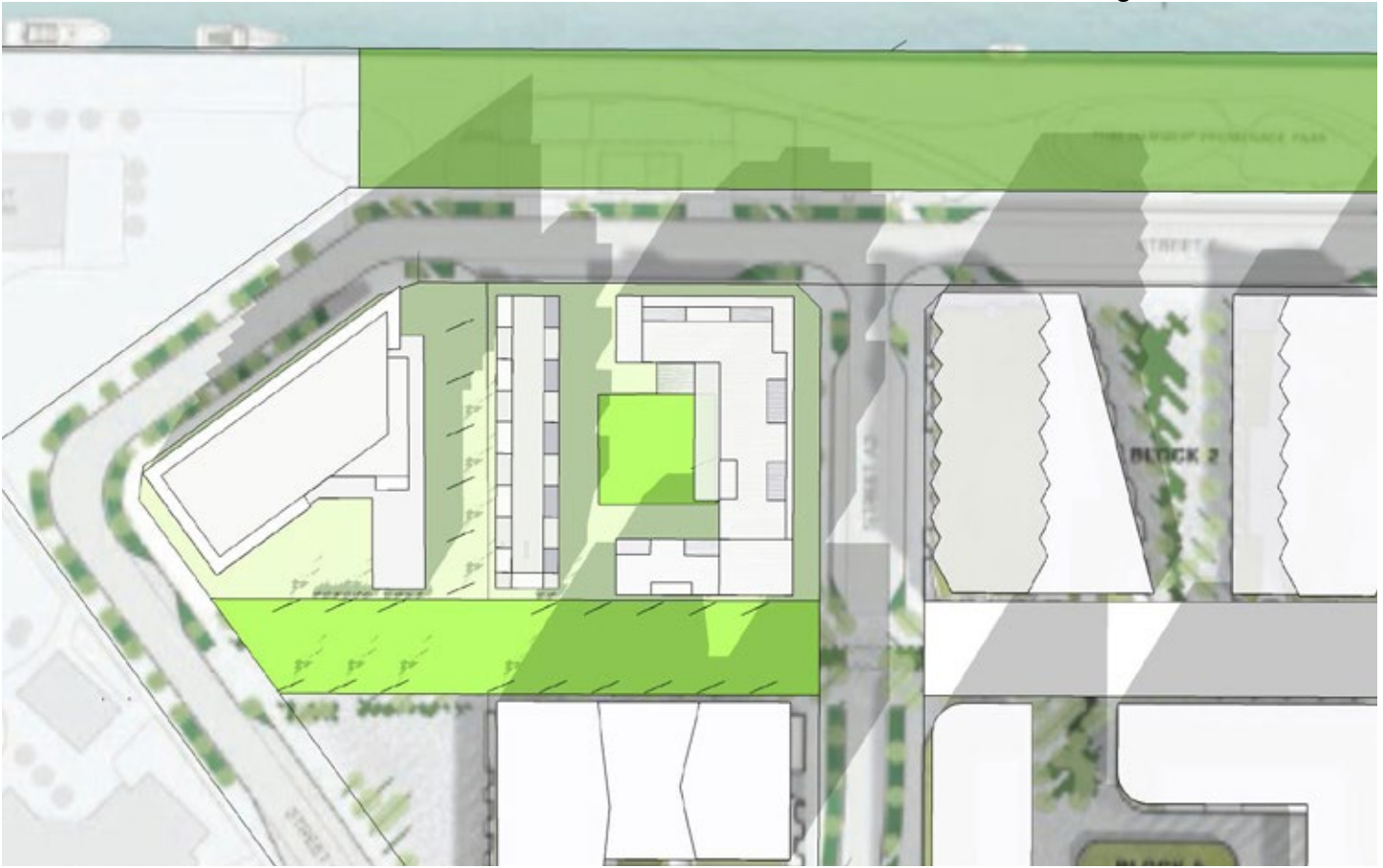


Aerial view of the 12-storey mid-rise development scenario at Block 16.



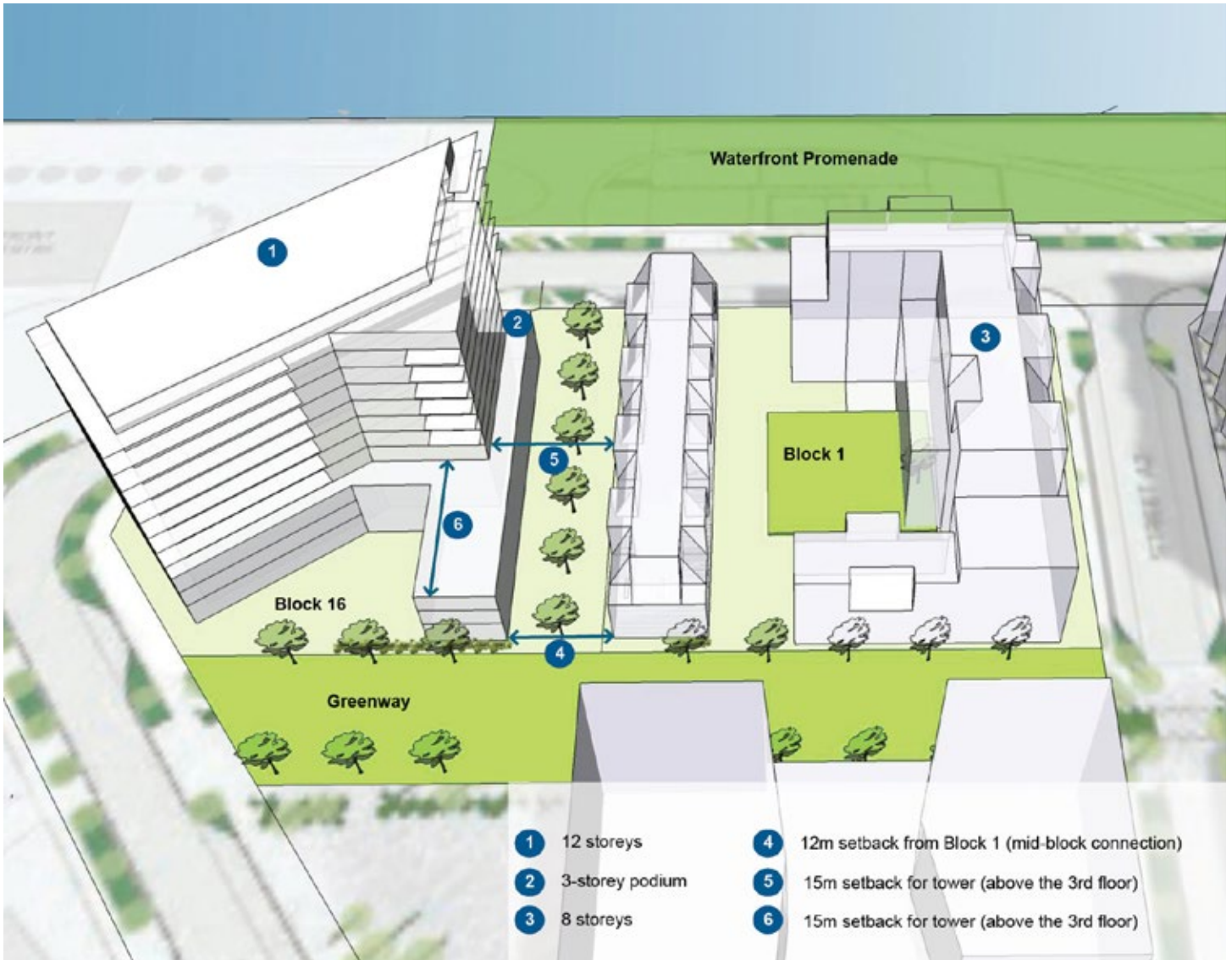
Aerial view of the 45-storey tower development scenario at Block 16.

Disclaimer: The demonstration and concept plans are not representative of what will be constructed on the site and are only an example of what could be constructed.



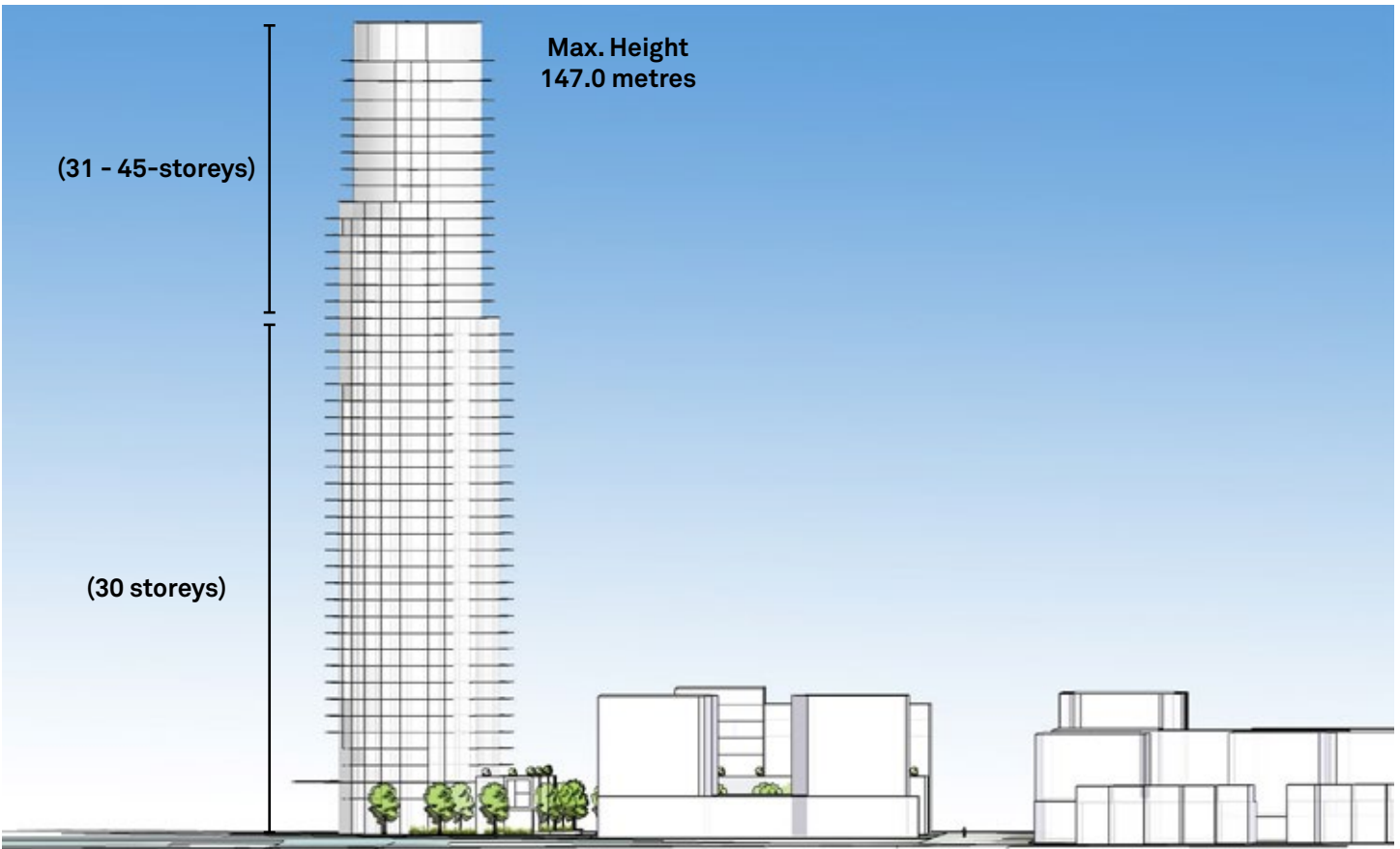
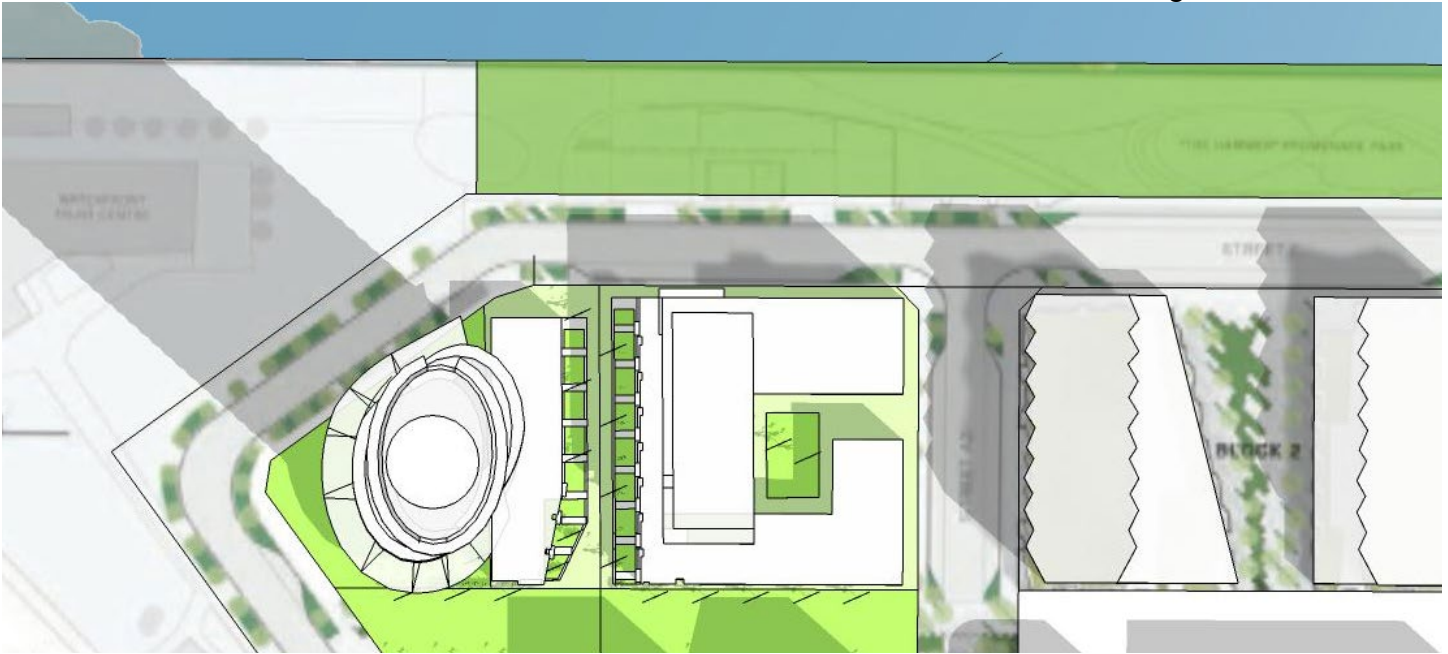
12-storey mid-rise building concept plan - Elevation and Demonstration Plan.

Disclaimer: The demonstration and concept plans are not representative of what will be constructed on the site and are only an example of what could be constructed.



12-storey mid-rise building concept plan - 3D model.

Disclaimer: The demonstration and concept plans are not representative of what will be constructed on the site and are only an example of what could be constructed.



45-storeys tower building concept plan - Elevation and Demonstration Plan.

Disclaimer: The demonstration and concept plans are not representative of what will be constructed on the site and are only an example of what could be constructed.



45-storeys tower concept plan - 3D model.

Disclaimer: The demonstration and concept plans are not representative of what will be constructed on the site and are only an example of what could be constructed.

11.0

Visual Analysis and Shadow Studies

Shadow Studies



12-storey mid-rise building
March 21st at 10:00 am



12-storey mid-rise building
March 21st at 12:00 pm



12-storey mid-rise building
March 21st at 2:00 pm

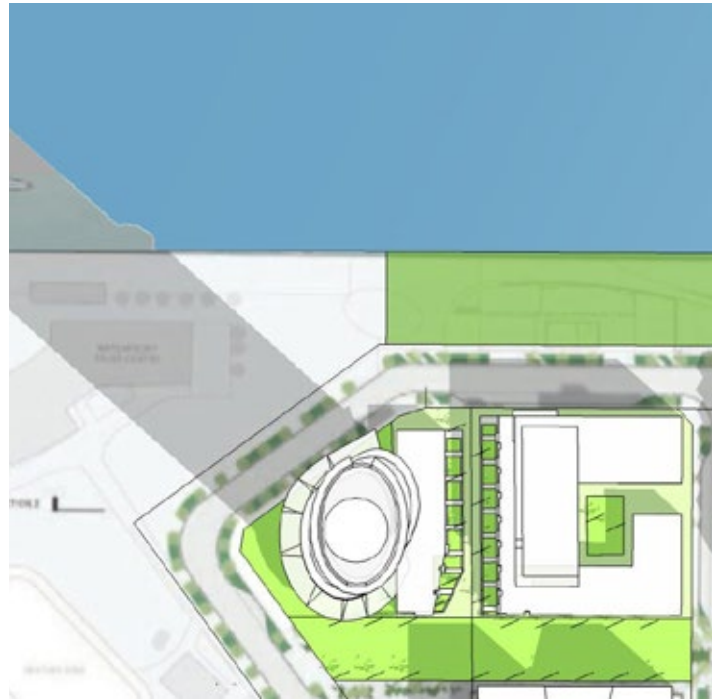


12-storey mid-rise building
March 21st at 4:00 pm

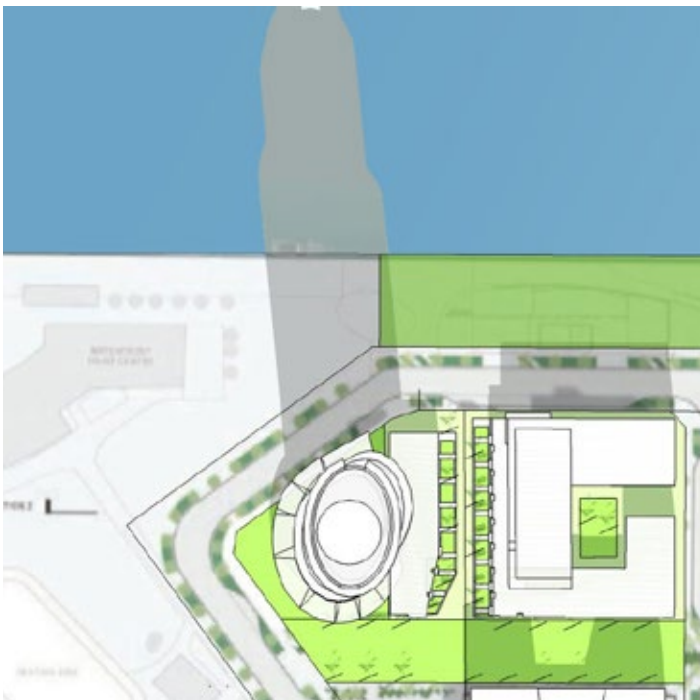
Shadow Studies (continued)



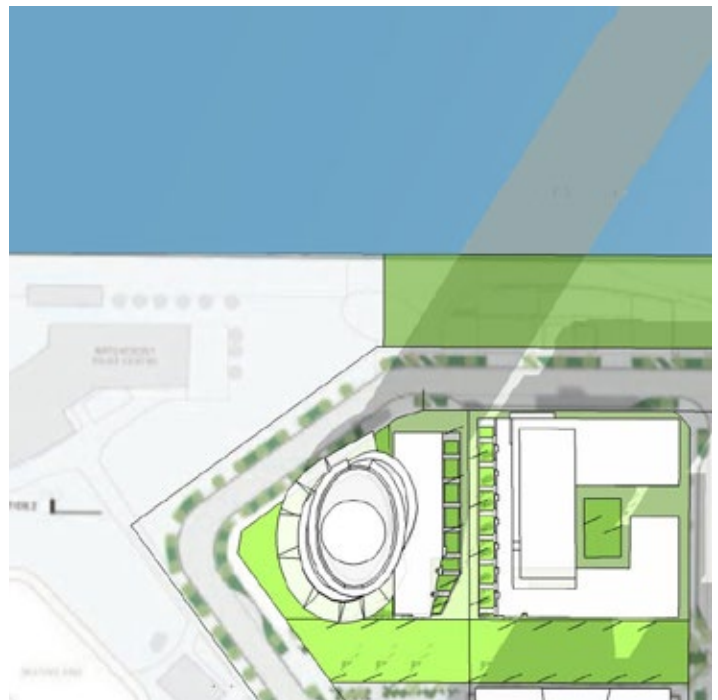
45-storey tower
March 21st at 10:00 am



45-storey tower
March 21st at 12:00 pm



45-storey tower
March 21st at 2:00 pm

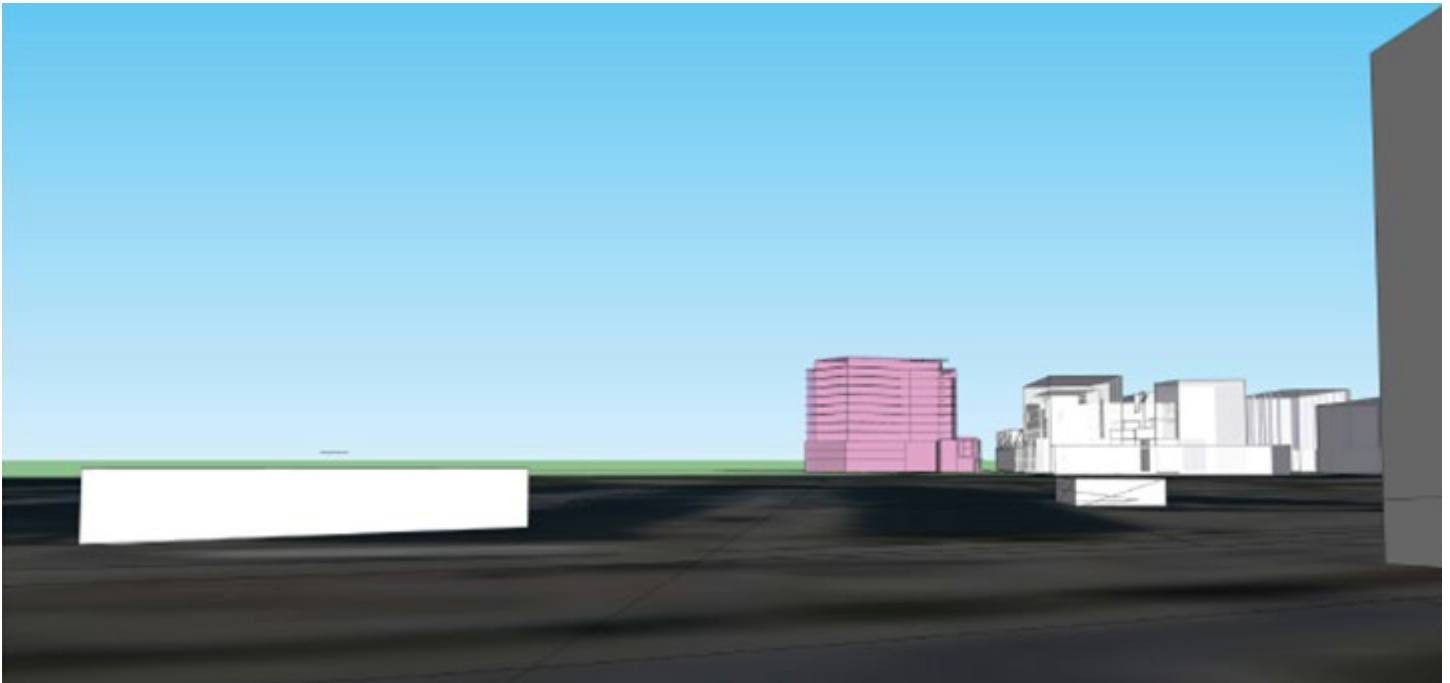


45-storey tower
March 21st at 4:00 pm

Visual Analysis



James Street North & Guise Street East - Looking north.

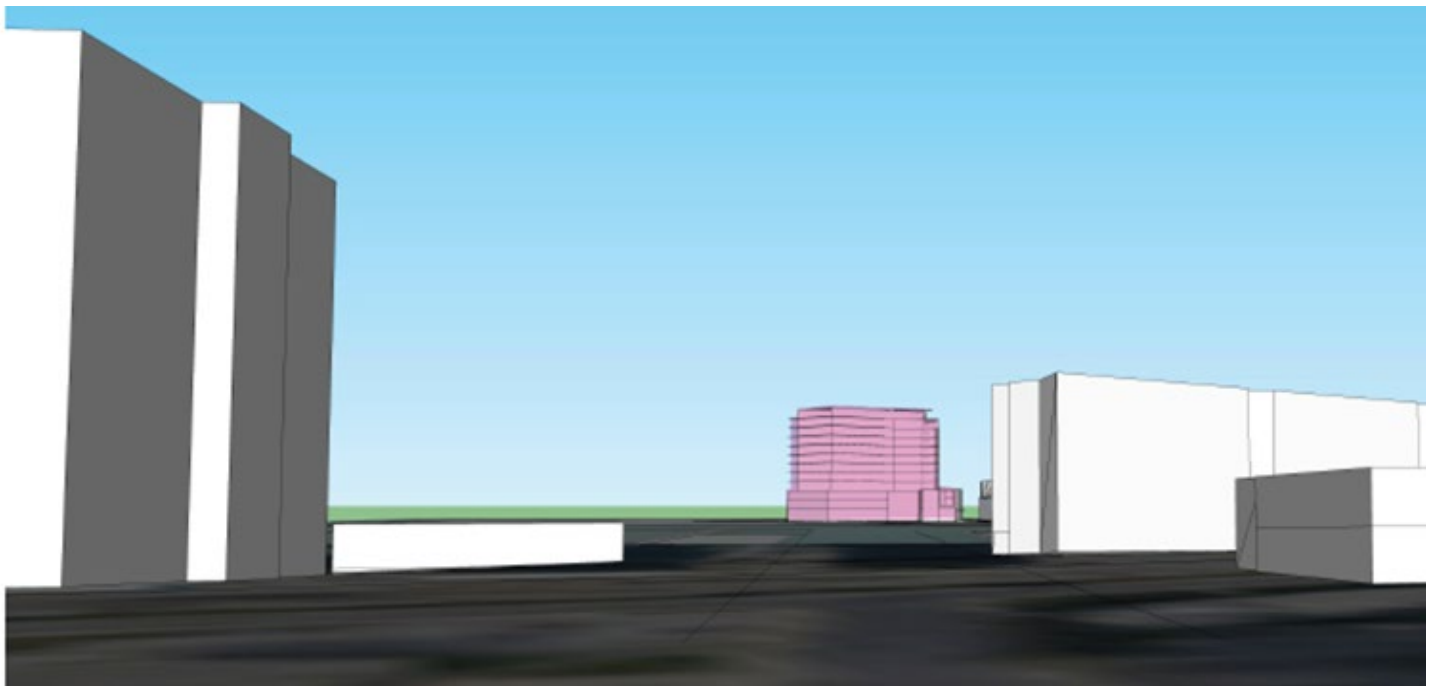


James Street North & Guise Street East - Looking north to a mid rise building massing illustration.

Visual Analysis (continued)



James Street North & Burlington Street - Looking north.



James Street North & Burlington Street - Looking north to a mid rise building massing illustration.

Visual Analysis (continued)



Tall building massing illustration on Block 16 as viewed from the McQuesten Bridge.

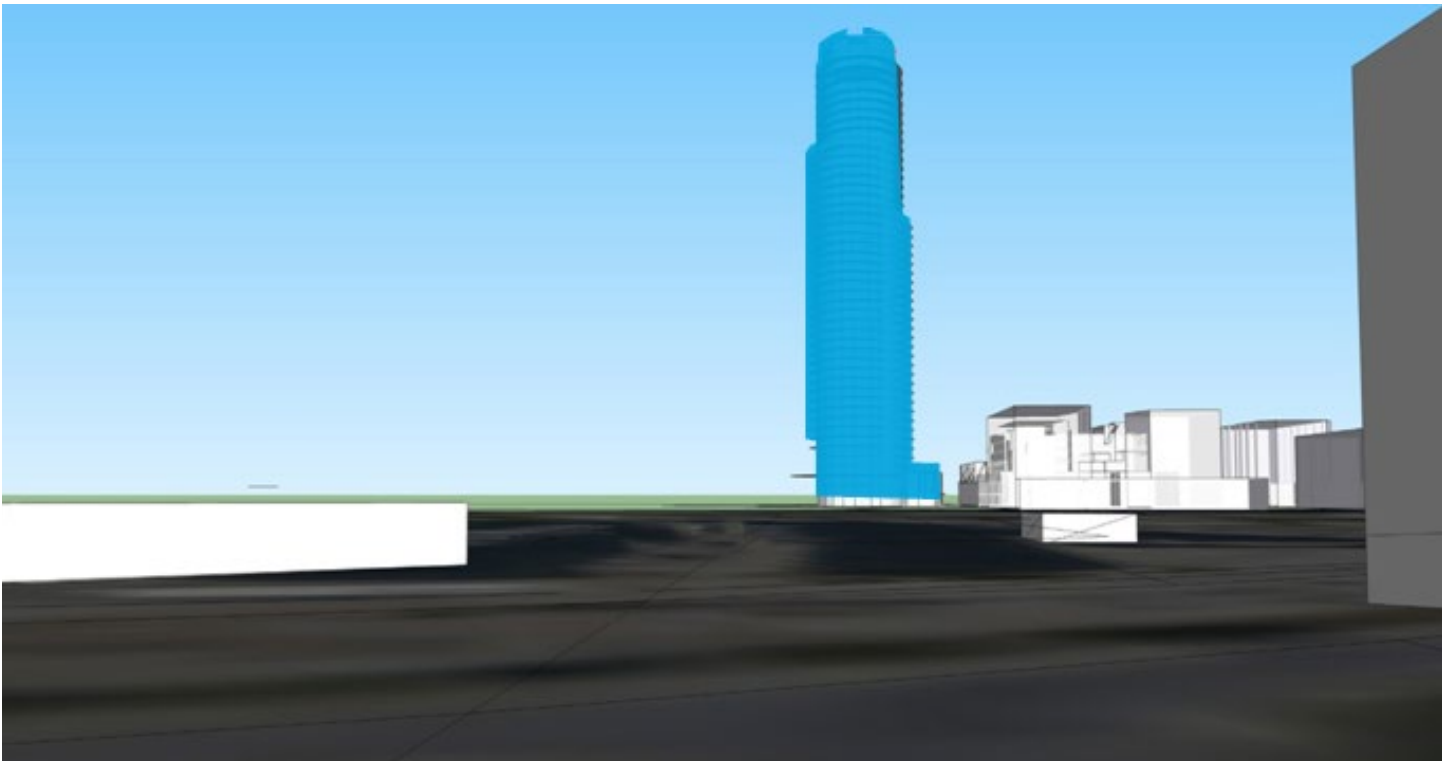


Tall building massing illustration on Block 16 as viewed from the Skyway bridge.

Visual Analysis (continued)



James Street North & Guise Street East - Looking north.

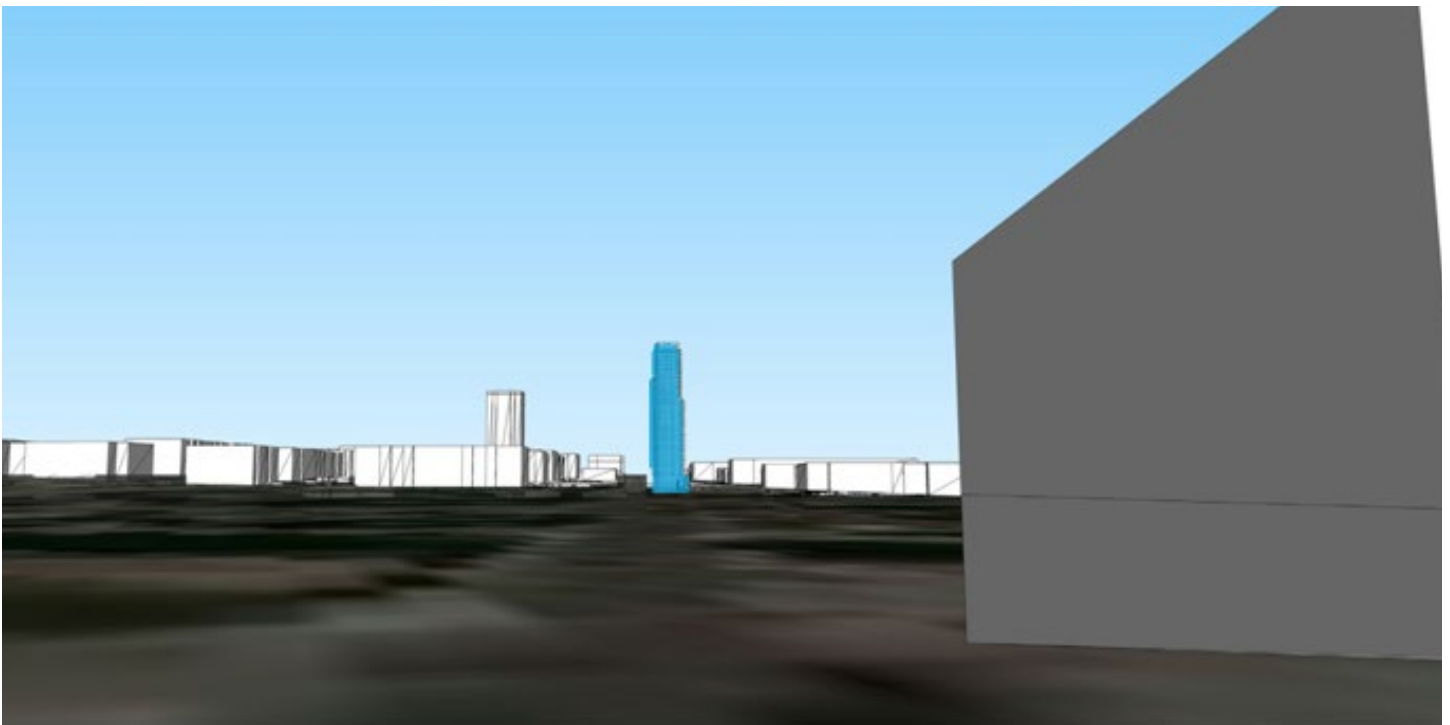


James Street North & Guise Street East - Looking north to a tall building massing illustration.

Visual Analysis (continued)



James Street North near Liuna Station - Looking north.

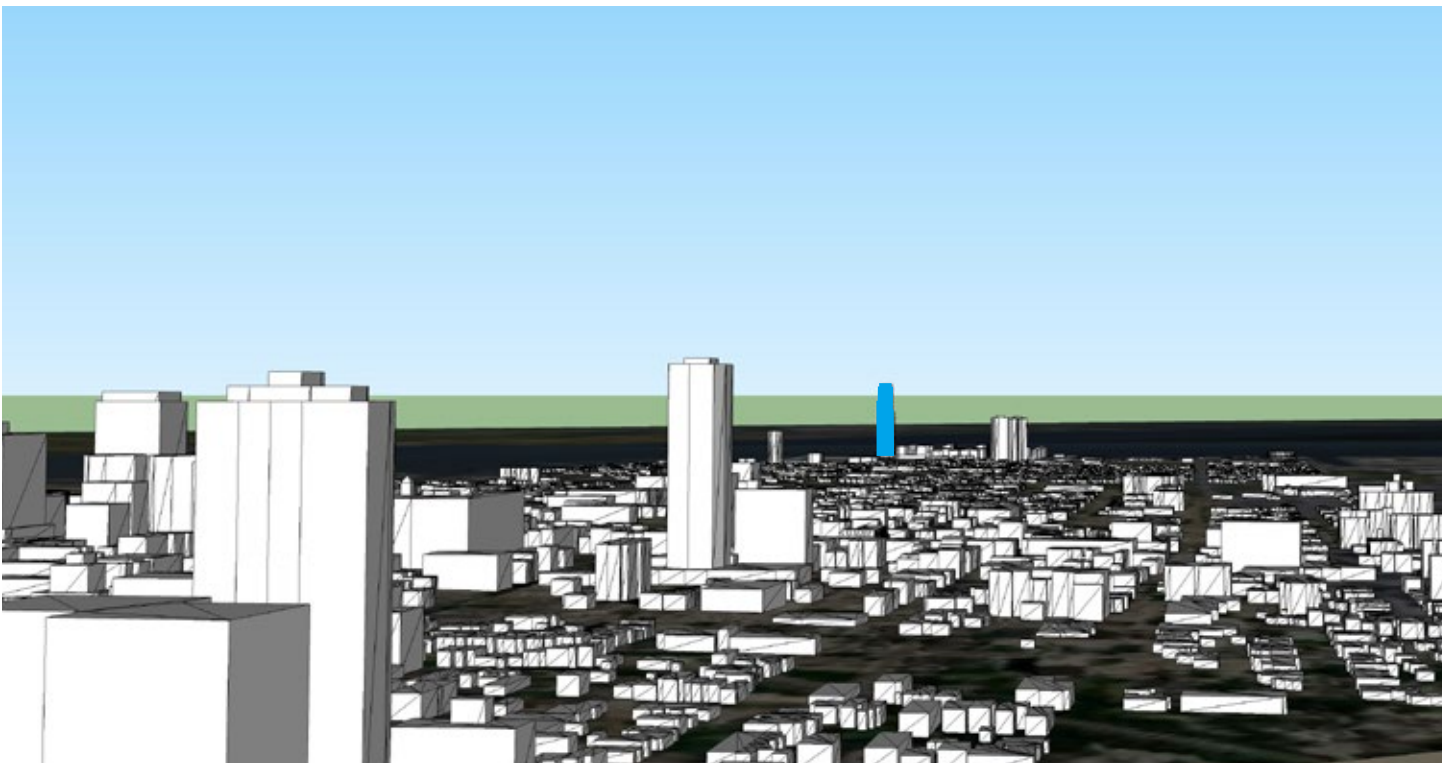


James Street North near Liuna Station - Looking north to a tall building massing illustration.

Visual Analysis (continued)



Sam Lawrence Park - Looking northwest.



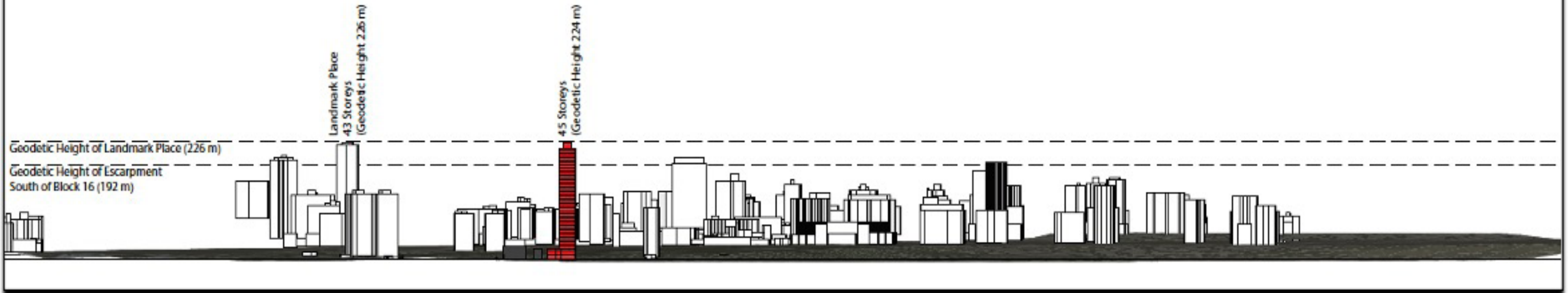
Sam Lawrence Park - Looking northwest to a tall building massing illustration.

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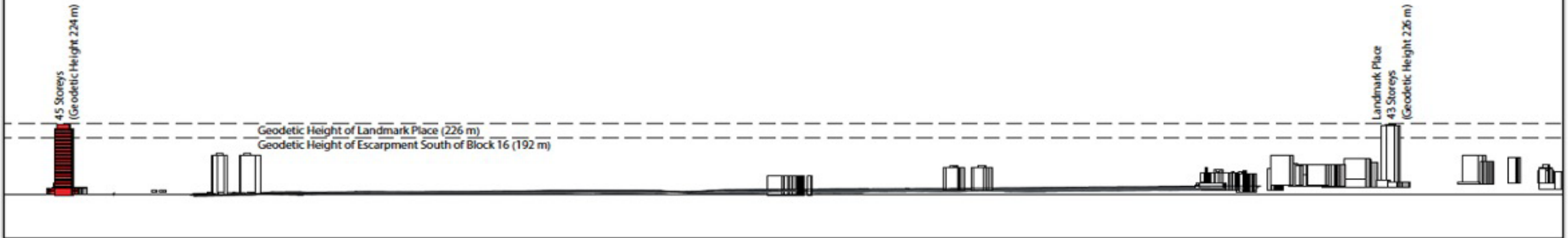
Appendix A:

Tall Building Analysis

East-West Cross Section



North-South Cross Section



The above cross sections illustrate the maximum building height of 147 metres for a tall building on Block 16 which should be no taller than the height of Hamilton's tallest existing building.

Appendix B:

Urban Design Checklist

PIER 8 BLOCK 16 DESIGN CHECKLIST DESIGN PRINCIPLES & DIRECTIONS	Complies	Partially Complies	Does Not Comply	Not Applicable	Essential or Discretionary	DESCRIBE HOW THE GUIDELINE OR DESIGN DIRECTION IS MET (provide drawing reference as required)
PIER 7 + 8 URBAN DESIGN VISION						
1.3 VISION AND GUIDING PRINCIPLES						
<p>The Urban Design Study Vision Statement states:</p> <p>“Pier 8 will become a vibrant urban waterfront neighbourhood to be enjoyed by all residents of the City. The vitality of Hamilton’s urban waterfront will be supported by a mix of residential, commercial, community and cultural uses.”</p> <p>The Urban Design Study also established key development concepts that influence the potential character of future development on Block 16. These include:</p> <ul style="list-style-type: none"> • “A new Green Street (The Greenway) that connects from east to west. This open space is framed by new residences and has activity anchors at the east and west boundaries of the open space... • A mix of building heights and massing to provide a varied and interesting architectural character.” <p>Additional Considerations inform how development on Block 16 should be addressed. These considerations building upon the vision established in the Urban Design Study and are supplemented by the following site-specific objectives and guiding principles:</p> <ul style="list-style-type: none"> • “Because of its strategic location, flanked on all four sides by public and publicly accessible open spaces, and within the James Street view corridor, Block 16 has always been considered a site of strategic importance within the overall Pier 8 development. • Recognizing this high visibility, prominence and strategic role, the Urban Design Study designated Block 16 as a potential institutional site appropriate for a public facility. • In considering the potential for a residential or mixed-use development as an alternative use for Block 16, the public role of the site should continue to be 						

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<p>recognized and therefore requires a high-quality development of exceptional design in order to achieve the landmark status that this site calls for.</p> <ul style="list-style-type: none"> For both a mid-rise and tall-building scenario, future development of Block 16 has the potential to create a landmark and a visual anchor at Pier 8 that is emblematic of the Harbour's renewal. A mid-rise building in this location should strive to create a district level landmark given its strategic location and visibility as a feature centred on the James Street view corridor and as the block that serves as the western gateway to both the Greenway and the Waterfront Promenade. A tall-building in this location, when designed to standards of exceptional quality and design excellence, has the opportunity to create a metropolitan/regional landmark emblematic of the renewal of Hamilton Harbour. At the ground plane it can act as the gateway to the Greenway and Waterfront Promenade. The higher portions of the tower will be highly visible from the downtown, centred on the James Street Corridor. A tower will also be clearly visible as a landmark visible from the McQueston High Level Bridge and the James N. Allan Skyway. New development should strive to capture the public imagination by achieving a unique high-quality building design that is exceptional. Given Block 16's location on the north side of the Greenway, the identity of new development should express environmentally sustainable features, green design references, and exceptional high-quality landscaping. New development should animate the surrounding pedestrian areas with unique active uses at-grade and create a high-quality, accessible public realm. New multi-storey residential development should offer a high quality of life for residents of all ages including family-friendly units design and generous outdoor living spaces contiguous with units. 						

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<ul style="list-style-type: none"> New development should provide appropriate transition and sufficient separation distances between development on the surrounding blocks and public space. “ 						
PIER 8 BLOCK 16 URBAN DESIGN GUIDELINES						
2.0 CONTEXTUAL CONSIDERATIONS						
2.1 Fit and Transition in Scale						
2.1.1 Apply minimum horizontal separation distances and other building envelope controls (including setbacks and setbacks) to transition from new development to lower-scale buildings.						
2.2 Sunlight and Sky View						
2.2.1 Shadows from new development should allow for a minimum of 3.0 hours of sun coverage between 9:00a.m. and 6:00p.m. as measured from March 21 st to September 21 st for any spot on public sidewalks opposite the Block 16 development.						
2.2.2 Shadows from new development should allow for a minimum of 50% sun coverage at all times of the day as measured from March 21 st to September 21 st on the waterfront promenade.						
2.3 Prominent Sites and Views						
2.3.1 The following viewpoints towards Pier 8 Block 16 should be considered: <ol style="list-style-type: none"> Mid-span on the Burlington Bay James N.Allan Skyway; Mid-span on the McQuesten High Level Bridge; and James Street North at King Street. 						
3.0 SITE ORGANIZATION						
3.1 Building Entrances						

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3.1.1 Primary building entrances should be accessible and front onto public streets and pedestrian paths.						
3.1.2 Primary entrance(s) should be prominent and distinguished through articulation and façade variations.						
3.1.3 Entrances should be highly glazed to provide enhanced visibility, surveillance, interest, and activity.						
3.1.4 Primary building entrances should be weather protected by incorporating measures such as canopies, awnings, or overhangs.						
3.1.5 The location of the main building entrance to the lobby and at-grade entrance to individual units should consider wind impacts and provide mitigating measures to ensure pedestrian comfort and safety.						
3.2 Site Access, Servicing and Parking						
3.2.1 Consider shared site servicing and parking infrastructure for Block 16 and Block 1, with parking access located at the east side of Block 1 if a shared or consolidated access is provided.						
3.2.2 Minimize the extent of site area dedicated to site servicing and parking access through the use of shared infrastructure, efficient layouts, and reduced curb cuts.						
3.2.3 Recess, screen, and minimize the dimension of garage doors and service openings visible from public streets and open spaces. Apply high-quality finishes and design.						

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3.2.4 Parking should be located below grade. Surface parking should be limited to short-term drop-off and delivery spaces.						
3.3 Private Open Spaces						
3.3.1 A minimum of 20% of the site area should be landscaped at-grade. Landscaped areas at-grade will include elements such as hard and soft exterior paved areas, water features, public art installations, etc.						
3.3.2 Where appropriate, private open spaces should be visually integrated with the Greenway south of Block 16.						
3.3.3 All at-grade units should have a front door facing the exterior with a landscaped front yard between a minimum of 2.5 metres to 4.0 metres in depth. Landscaping, minor changes in elevation, short fences, and front steps may be included within the front yard setback.						
3.3.4 At-grade units should, where possible, be elevated approximately 0.6 metres above the flanking public sidewalk, if an accessible path can also be provided, to allow for appropriate public-private transition.						
3.3.5 At-grade enclosed balconies should not be permitted.						
3.4 Above Grade Balconies						
3.4.1 All units shall have access to private outdoor space contiguous with, and accessible from, the residential unit in the form of a balcony or a terrace.						

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<p>DESIGN PRINCIPLES & DIRECTIONS</p> <p>3.4.2 Private residential balconies on all sides and especially the south side should reference the Greenway through design themes and balcony infrastructure that supports outdoor planting.</p>						
<p>3.4.3 Balconies should be designed to be large enough to accommodate a range of activities and hold basic furnishings while maximizing sunlight access. They should also be safe and generally free from uncomfortable wind conditions.</p>						
<p>3.4.4 The size of balconies may vary depending on location, orientation, and architectural design but should strive to create depths in some locations that support a wide range of outdoor functions such as outdoor dining.</p>						
<p>3.4.5 The area of the balcony shall be free of any mechanical equipment, permitting full outdoor use as an extension of the indoor unit.</p>						
<p>3.4.6 Balconies should be integrated into the building design composition and may include a combination of projecting and recessed balconies.</p>						
<p>3.4.7 20% of the area of a terrace or balcony and 20% of its exterior width can be occupied by micro-sunrooms. These are small glass enclosures integrated within the terrace or balcony to serve as a sunroom or a small greenhouse providing opportunities for year round use of terraces and the integration of urban agriculture and visible plantings. These glass enclosures provide a means to articulate the façade of the building and extend the Greenway theme into its architectural expression. The area of the micro sunrooms will be exempt from the permitted GFA of the building but will be considered as contributing to the 2.0 square metre exterior amenity area required to every unit.</p>						
<p>3.5 Public to Private Realm Interface</p>						

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3.5.1 Ensure an appropriate level of visual and physical access and overlook at-grade.						
3.5.2 Promote sufficient glazing and landscape design to promote natural surveillance and views towards public and private areas.						
3.5.3 Provide direct, universal access from the public sidewalk for all public entrances to commercial uses and shared lobbies.						
3.5.4 Provide high-quality landscaped setbacks, between 2.5 metres and 4.0 metres, for private entrances to ground floor residential units. Landscaping, minor changes in elevation, short fences, and front steps may also be included within setbacks.						
3.5.5 At-grade units should, where possible, be elevated approximately 0.6 metres above the flanking public sidewalk, if an accessible path can also be provided, to allow for appropriate public-private transition.						
3.5.6 Provide Live/Work or townhouse development along the east property line, with at-grade entrances, to promote grade related activity.						
3.5.7 Place common areas with active uses within the first 4-storeys of buildings.						
3.5.8 Encourage green elements, such as trees, green walls, water features, and other visually engaging elements within and surrounding new development.						
3.6 Expressing the Building Base						
3.6.1 Feature views into common areas such as the lobby, gym and common rooms and integrate 'green' elements, such as trees, green walls, public art, and water features, inside and surrounding the building.						

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3.6.2 Integrate the creative use of featured lighting to enliven the site and base building.						
4.0 PUBLIC REALM INTERFACE						
4.1 Streetscape and Landscape Design						
4.1.1 Organize streetscape and landscape elements to support a comfortable, vibrant, and safe public realm through the use of consistent design elements, materials, and landscaping.						
4.1.2 Provide a minimum landscaped buffer of 1.5 metres on the north, west and south side of the site.						
4.1.3 Provide decorative pedestrian oriented lighting.						
4.2 At-Grade Units						
4.2.1 Place Live/Work or townhouse units and other grade related units with an appropriate landscape setbacks and amenities to animate adjacent streets and open spaces.						
4.2.2 All grade related units should be setback to allow for a landscaped front yard and an appropriate public-private transition.						
4.2.3 Live/Work or townhouse units should have a minimum front yard depth of 2.5-4.0 metres.						

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4.3 Mid-Block Pedestrian Connection (Pedestrian Mews)						
4.3.1 Provide a new Pedestrian Mews along the east edge of Block 16 and west edge of Block 1.						
4.3.2 Public access will be provided through the Mews.						
4.3.3 The width of the Mews measured from building face to building face between buildings on Block 16 and 1, should be 12.0 metres for a mid-rise building and 15.0 metres for a tall-building.						
4.3.4 Three-storey at-grade Live/Work or townhouse units with front doors facing the Mews should flank the west (Block 16) and east (Block 1) sides of the Mews. To create adequate transition between private at-grade units and the public walkway within the Mews, a landscaped front yard zone should be provided within the Mews area in front of all at-grade units. This front yard area may include steps, landscaping, and other elements to provide suitable transition.						
4.3.5 Live/Work or Townhouse units located adjacent to the Pedestrian Mews should have a minimum frontage width of 5.0 metres per unit.						
4.3.6 The end units should be designed with a corner condition with architectural treatments and windows that address both frontages.						
4.3.7 For a mid-rise building on Block 16 the entirety of the 12.0 metres Mews may be located on the east side of Block 16. A tree-lined public, pedestrian walkway of at least 3.0 metres in width should be centred within the Mews. With a seating, landscaping and tree planting zone of approximately 2.0 metres on either side and 2.5 metres depth landscaped front yards flanking grade-related Live/Work or Townhouse units on either side.						

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<p>4.3.8 For a tall building, the 15.0 metres aggregate width of the Mews is proposed to be evenly split, with 7.5 metres located on the east side of Block 16 and 7.5 metres provided on the west side of Block 1. A tree-lined public, pedestrian walkway of at least 3.0 metres in width should be centred within the Mews, with a seating, landscaping and tree planting zone of approximately 2.0 metres on either side and 4.0 metres depth landscaped front yards flanking grade-related Live/Work or Townhouse units on either side.</p>						
<p>4.3.9 Provide high-quality, well designed streetscape elements including granite unit pavers, benches, bike racks, pedestrian scale light standards or light bollards, to promote a comfortable pedestrian experience and safety.</p>						
4.4 Public Art						
<p>4.4.1 Ensure adequate building setbacks and space surrounding public art to allow for visual accessibility.</p>						
<p>4.4.2 Public art may be integrated into architectural designs or placed within the public realm.</p>						
5.0 RESIDENTIAL BUILDING DESIGN						
5.1 Lobby						
<p>5.1.1 Residential lobbies should be visually and physically connected to adjacent open spaces, outdoor amenity areas, and public sidewalks.</p>						
<p>5.1.2 Residential lobbies should be located on a ground floor with a minimum floor to floor height of 6.0 metres and should be generously glazed to provide interior and exterior views and natural observation.</p>						

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5.1.3 Residential lobbies should be designed to encourage socialization and interaction.						
5.1.4 Residential lobbies should be flexible in their design to accommodate a range of activities.						
5.1.5 Residential lobbies should provide designated areas to accommodate locker storage areas for parcel and food deliveries, waiting areas, communal lounge areas and recreational/activity spaces.						
5.2 Amenity Spaces						
5.2.1 New development should provide a minimum of 2.0 square metres of indoor and 2.0 square metres of outdoor amenity space per unit.						
5.2.2 Common indoor and outdoor amenity spaces should be located adjacent to each other where feasible either at-grade or where indoor amenity spaces are adjacent to a large outdoor roof terrace.						
5.2.3 Indoor and outdoor amenity areas should have provisions for child and youth areas and activities, as well for a range of ages.						
5.2.4 Common outdoor amenity spaces should be located where they will have optimal sunlight access and mitigation from wind.						
5.2.5 The design of common areas should imaginatively address the needs of people of all ages and abilities.						
5.2.6 A common area for pet-friendly amenities should be provided.						

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5.3 Family Sized Units						
5.3.1 A minimum of 10% of units should be three-bedroom units.						
5.3.2 Three-bedroom units should be located on the first 6-storeys as much as possible to maintain a closer relationship with ground level activities or within proximity to indoor and outdoor amenity areas.						
5.3.3 For both the mid-rise and tall building scenarios, larger floor plate sizes have been recommended in these guidelines for the lower levels of the buildings to provide sufficient dimensions for larger family-sized units.						
5.3.4 Three-bedroom units should be placed in proximity to indoor and outdoor amenity areas where feasible.						
5.3.5 Provide a varied mix of three-bedroom units in the form of grade-related units and townhouse/loft units.						
6.0 SUSTAINABILITY						
6.1 Green Building - Energy						
6.1.1 Energy Star certification shall be achieved for any new buildings on Block 16 including provision of Energy Star Certified appliances.						
6.1.2 Complete Energy Modeling, Mechanical Commissioning and Air Tightness testing to the Energy Star certification standard is required.						

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6.1.3 Include high performance façade design that may include elements such as solar shading, lower glazing to wall ratio, triple glazing and renewable materials.						
6.1.4 Consideration should be given to preparing for future District Energy connections by: <ul style="list-style-type: none"> • Providing space for future equipment and thermal piping; • Securing an easement between the mechanical rooms and the property line for future thermal piping; and, • Including two-way pipes within the building to carry thermal energy from the district energy network to the section in the building where the future energy transfer station will be located. 						
6.1.5 Complete a Lifecycle Carbon Assessment (LCA) that is third party verified and identify opportunities to reduce carbon emissions through building material selection.						
6.1.6 Cool Roof design and material should be considered to reflect UV rays and self-cool by efficiently emitting radiation away from the building.						
6.1.7 Building roofs should include a minimum of 50% coverage for green roofs. Alternative configurations may include a minimum of 50% roof coverage for solar capture equipment, cool roofing materials or a combination thereof.						
6.2 Air Quality and Thermal Performance						
6.2.1 Design the building's Heating, Ventilation and Air Conditioning (HVAC) system to support enhanced air quality and thermal performance.						
6.2.2 Design Building HVAC system to be mold resistant.						

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6.2.3 Include enhanced filtration systems to filter out particulate matter that may enter through operable windows.						
6.2.4 Select building materials that reduce VOC emissions to contribute to healthy air within the building. Applicable materials include flooring, common amenity space furniture, sealants, paints and insulation.						
6.3 Resiliency and Health						
6.3.1 Implement design strategies to reduce viral transmission by reducing common touch points within shared spaces, including entryways, the lobby, elevators and amenity areas.						
6.3.2 In an effort to reduce contact with respiratory droplets natural ventilation should be provided throughout all building areas to enhance fresh air flow.						
6.3.3 The building should be design with access to back up generators that can supply energy to the entire building for a period of up to 48 hours.						
6.3.4 The building should be designed to provide residents with a back-up drinking water supply for a period of up to 48 hours.						
6.3.5 The building should be designed to ensure ease of communication of updates during states of emergency.						
6.3.6 The building should be designed to ensure equal access to high speed internet, including the provision of wi-fi in amenity areas.						

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6.4 Light						
6.4.1 Amenity spacey, lobby areas and a minimum of 50% of a dwelling unit shall have access to natural light.						
6.4.2 LED lighting should be provided to reduce energy requirements.						
6.5 Microclimate (Pedestrian Weather Protection and Wind Effects)						
6.5.1 Building design and landscape design should mitigate adverse wind impacts on at-grade and elevated areas used by the public or building occupants.						
6.5.2 Ensure building design and mitigation measures allow for the appropriate wind comfort criteria desired for an area.						
6.5.3 Provide sufficient mitigation measures where wind comfort criteria is exceeded.						
6.5.4 Provide permanent pedestrian weather protection, including overhangs and canopies, at building entrances and along at-grade frontages and pedestrian sidewalks.						
6.6 Water						
6.6.1 The building design should be compliant with City and Provincial standards and guidelines for Low Impact Development Measures.						
6.6.2 Water filtration systems should be designed to enhanced standards.						
6.6.3 The building should be designed with appropriate ventilation systems to remove humidity from bathrooms.						

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6.6.4 Provision of water efficient fixtures that meet Energy Star standards shall occur to reduce indoor water use.						
6.6.5 Domestic water heating fixtures that meet Energy Star standards should be provided.						
6.6.6 Greywater recycling should be used as a source for irrigation of the site landscaping.						
6.7 Waste						
6.7.1 Buildings shall be designed with appropriate waste sorting facilities to ensure recycling and organic waste collection programs are supported.						
6.8 Landscaping						
6.8.1 Plant 100% native plants. Preference should be given to drought resistant planting strategies. Invasive species shall be avoided.						
6.8.2 Utilize bioswale, rain gardens and permeable paving materials within landscaping.						
6.8.3 Greywater irrigation systems should be used.						
6.8.4 Soil volumes for tree plantings should be increased at least 5% above minimum standards.						
6.8.5 Green roofs should be used on roof surfaces that are not used as active terraces and also as landscape features within active terraces.						

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6.9 Green Infrastructure						
6.9.1 Provision of Electric Vehicle (EV) infrastructure for 10% of residential parking spaces.						
6.9.2 The remaining vehicle parking spaces must be designed EV capable (i.e. a complete electrical circuit terminating in an electrical outlet for the purpose of future installation of EV charging).						
6.9.3 Provision of well-designed bicycle parking facilities to meet the needs of cyclists and support bicycle use. Short-term parking (visitors or less than two hours parking), long-term parking (residents parking) and overnight visitor bicycle parking facilities should be provided within the below-grade parking structure.						
6.9.4 Short-term outdoor bike parking: <ul style="list-style-type: none"> a. Located close to building entrances (no more than 20 metres) to make it easily accessible; b. Within the view of residents, building security, or in an area close to street or public amenities and; c. The design of bike parking racks or other systems should be attractive and integrated into the site design, public art opportunities, street furniture, and other amenities on site. 						
6.9.5 Short-term and long-term indoor bike parking: <ul style="list-style-type: none"> a. Located in the ground level or in the first level of underground parking garage to make an easy access from the ground level and minimize the interactions between bicycles and automobiles in the garage; b. The underground bike parking room should be easily accessible by elevator or ramp. A dedicated two-way bicycle ramp (3.0m wide at 6-7% slope) is preferred; 						

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DESIGN PRINCIPLES & DIRECTIONS							
c.	The ground level bike room should be located away from the main entrance but side of the building facing the mid-block connection;						
d.	Ensure regular security surveillance to improve safety and prevent vandalism and misuse; and,						
e.	Provision of electrical outlets for electric bikes and scooters.						
6.10 Bird Friendly Design							
6.10.1	Design new development with bird friendly best practices including sunshades or louvers, visual markers within glazed surfaces, and non-reflective glazing to reduce window collisions with birds.						
6.10.2	Exterior lighting fixtures should be programmable to allow for dimming during migratory seasons.						
6.10.3	Ensure the design of buildings complies with Bird Friendly Design Guidelines in accordance with the Canadian Standard Associations CSA A460 Bird Friendly building design.						
6.11 Setting Sail Secondary Plan (Sustainability Extract)							
6.11.1	The design and construction of new development and redevelopment shall incorporate best practices and appropriate building technology to minimize energy consumption, conserve water, reduce waste and improve air quality.						
6.11.2	New development and redevelopment shall be encouraged to incorporate rooftop terraces, greenwalls, rooftop gardens and/or other green technologies to improve micro-climatic conditions, energy efficiency, air quality and for stormwater management.						

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6.12 Pier 7 and 8 Urban Design Study (Sustainability Extract)						
6.12.1 A core focus on environmental sustainability should be reflected in both the building and landscape designs.						
6.12.2 Pedestrian and cycling paths can double as a naturalized storm water management area. The landscape features should be engineered to minimize the overall environmental impacts of development. If required, the overall water quality can be maintained by having water flow through an oil grit separator and then into the water gardens.						
6.12.3 An objective for redevelopment at Pier 7 + 8 is to reduce the ecological footprint of the community and to minimize life cycle costs. This is to be achieved through a holistic design approach to development that considers the natural conditions of the site and the sustainability opportunities that arise when planning a new community from the very beginning. Designers will be asked to further the area’s sustainability goals through consideration of the following: <ul style="list-style-type: none"> • Alternate energy sources such as wind or solar should be encouraged in the schematic design phases of each development project. • The landscape and architectural design of the community will highlight its sustainable features. • Landscape architectural design will prioritize the use of indigenous, non-invasive plant material and will promote biodiversity, stormwater management and creation of shade. 						
6.12.4 Cycling should be accommodated in all development plans by providing for secure bicycle parking for visitors, residents and employees.						
6.12.5 Bicycle parking should be placed closer to front doors and key designations.						

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6.12.6 Parking structures should include parking for bicycles, motorcycles, mopeds, e-bikes, small cars, electric car parking with charging stations and accessible parking.						
6.12.7 Parking structures should be designed with the ability to be retrofitted into usable space should the area's demand for parking be reduced in the future.						
6.12.8 Priority parking spaces should be provided for car share stations.						
6.12.9 Priority parking spaces should be provided for electric cars as well as the provision for electrical supply stations and their expansion should be provided for in utility designs.						
7.0 Mid-Rise Building Design						
7.1 Massing Envelope						
7.1.1 Proposed building designs should fit within the massing envelope described in Sections 7.2 to 7.7 to ensure a compatible mid-rise building.						
7.2 Height						
The maximum building height for a mid-rise building on Block 16 should be no greater than 40.0 metres including the mechanical penthouse.						
7.3 Building Area						
The maximum Gross Construction Area of the mid-rise building, including above ground mechanical spaces but excluding below grade areas is 14,000 square metres.						
7.4 Podium						
A three storey podium is required on the east side of the building flanking the Mews. Storeys above the third storey should be setback a minimum of 3.0 metres. The north, west and south sides for the building may or may not incorporate a podium if adequate wind mitigation measures can be demonstrated.						

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7.5 Ground Floor Height						
7.5.1 All common spaces on the ground floor shall provide a minimum height of 6.0 metres, measured floor-to-floor from average grade.						
7.5.2 At-grade units should, where possible, be elevated approximately 0.6 metres above the flanking public sidewalk, if an accessible path can also be provided, to allow for appropriate public-private transition.						
7.6 Separation Distance and Setback						
7.6.1 The massing envelope for the first 3-storeys should be setback: <ul style="list-style-type: none"> a) A minimum of 1.5 metres from the north, south and west property line; and, b) A minimum of 12.0 metres from the east property line. 						
7.6.2 The following minimum setbacks define the massing envelope above the third storey: <ul style="list-style-type: none"> a) 3.5 metres on the north (this provides a minimum separation distance of 25.0 metres from the Waterfront Promenade); b) 3.0 metres on the west (this provides a minimum separation distance of 30.0 metres from the existing Hamilton Waterfront Trust Centre); c) 3.0 metres on the south; d) 3.0 metres on the east (which provides minimum distance above the third storey of 15.0 metres from Block 1). 						
7.6.3 The following minimum setbacks define the massing envelope above the 10 th floor: <ul style="list-style-type: none"> a) 2.0 metres from the north and west; and 						

PIER 8 BLOCK 16 DESIGN CHECKLIST DESIGN PRINCIPLES & DIRECTIONS	Complies	Partially Complies	Does Not Comply	Not Applicable	Essential or Discretionary	DESCRIBE HOW THE GUIDELINE OR DESIGN DIRECTION IS MET (provide drawing reference as required)
b) 2.0 metres from the east.						
7.7 Building Width and Articulation						
Large building widths should be mitigated with building articulation and façade changes to provide a fine grain appearance.						
7.8 Green Building Feature						
Integration of outdoor planting and trees on balconies, terraces and roofs should be provided to the greatest extent possible.						
7.9 Mechanical Penthouse						
7.9.1 Roof-top mechanical elements should fit harmoniously and complement the overall architectural design.						
7.9.2 Where possible, mechanical penthouses and all rooftop units should be hidden from sight with screening or wrapped by residential units.						
7.9.3 Mechanical penthouses may also be recessed from the building face to minimize the perceived height of the building, unless incorporated into the building design.						
7.10 Materiality						
7.10.1 Bird friendly designs should be incorporated to reduce bird strikes.						
7.10.2 High-quality, durable and sustainable materials should be used.						
7.10.3 Materials should be distinct while respecting the rhythm of existing materials used through Pier 8.						
7.10.4 Exterior Insulation and Finish System (EFIS) is not permitted.						

PIER 8 BLOCK 16 DESIGN CHECKLIST DESIGN PRINCIPLES & DIRECTIONS	Complies	Partially Complies	Does Not Comply	Not Applicable	Essential or Discretionary	DESCRIBE HOW THE GUIDELINE OR DESIGN DIRECTION IS MET (provide drawing reference as required)
8.0 Tall Building Design Guidelines						
8.1 Massing Envelope						
8.1.1. Proposed building designs should fit within the massing envelope described in Sections 8.2 to 8.8 to ensure a compatible tall building.						
8.2 Building Height						
The recommended maximum height (147.0 metres) was derived from an analysis that reviewed the tallest building presently in Hamilton (Landmark Place), which has a geodetic elevation at 226.0 metres. For Block 16 the recommended maximum geodetic height is slightly lower at 224.0 metres which equates to 147.0 metres above grade. The intent of this recommended height is to avoid a building form that is above the presently established maximum. The 147.0 metre height can accommodate a 45 storey building based on a 6.0 metre ground floor, average floor to floor heights for upper levels at 3.0 metres as well as the height of a mechanical penthouse. The topmost elevation of the structure including the mechanical penthouse cannot be above 147.0 metres. (See Appendix A for maximum height diagrams).						
8.3 Building Area						
The maximum Gross Constructed Area of a tall building, including above ground mechanical spaces but excluding below grade areas, is 38,200 square metres.						
8.4 Podium						
A three storey podium is required on the east side of the building flanking the Mews. Storeys above the third storey should be setback a minimum of 5.0 metres. The north, west and south sides of the building may or may not incorporate a podium if adequate wind mitigation measures can be demonstrated.						
8.5 Lower Development Zone						
8.5.1 The following lower development zone setbacks define the massing envelope to ensure an appropriate transition between public and private spaces: a) 1.5 metres from the north, south and west property lines and a minimum of 4.0 metres from all property lines when adjacent to grade related units.						

PIER 8 BLOCK 16 DESIGN CHECKLIST DESIGN PRINCIPLES & DIRECTIONS	Complies	Partially Complies	Does Not Comply	Not Applicable	Essential or Discretionary	DESCRIBE HOW THE GUIDELINE OR DESIGN DIRECTION IS MET (provide drawing reference as required)
b) 7.5 metres from the east property line.						
8.6 Tower Placement and Separation Distances						
8.6.1 The following minimum building setbacks should be applied to the massing envelope above the third storey to ensure appropriate transition and separation distances between development sites, to provide adequate sky views and sunlight access and to reduce pedestrian level wind impacts: a) 11.0 metres on the north to provide a minimum separation distance of 30.0 metres from the Waterfront Promenade; b) 13.5 metres on the west which provides a minimum separation distance of 45.0 metres from the existing Hamilton Waterfront Trust Centre; c) 3.0 metres on the south which connects the vertical and horizontal Greenway; and, d) 5.0 metres on the east which provides a minimum separation distance of 25.0 metres for any buildings above three storeys on Block 1. Any portion of Block 1 above three storeys should incorporate an equivalent 12.5 metre setback in order to achieve an aggregate 25.0 metre separation distance between buildings above three storeys.						
8.6.2 A multidisciplinary team of wind consultants, designers and engineers should be engaged by the applicant early in the design process to ensure building designs are compliance with appropriate Pedestrian Level Wind conditions.						
8.7 Floor Plate Size and Shape						
8.7.1 To ensure a slender and tapered building design: a) Tower floor plates should not exceed 850.0 square metres between the 4 th – 30 th storeys; and						

PIER 8 BLOCK 16 DESIGN CHECKLIST DESIGN PRINCIPLES & DIRECTIONS	Complies	Partially Complies	Does Not Comply	Not Applicable	Essential or Discretionary	DESCRIBE HOW THE GUIDELINE OR DESIGN DIRECTION IS MET (provide drawing reference as required)
b) Tower floor plates should not exceed 650 square metres above the 31 st storey.						
8.8 Building Proportion						
8.8.1 A tall building on Block 16 should be proportioned to be slender when viewed from the James Street North corridor.						
8.9 Green Facade						
8.9.1 The south side façade should include unique design patterns and additional balcony and terrace areas to accommodate outdoor planting and landscaping.						
8.10 Building Top (Tower Top)						
8.10.1 Roof-top mechanical elements should be screened and complement the overall tower shape and design.						
8.10.2 If exterior illumination is integrated into the design of a tall building it should enhance and promote the landmark location of Pier 8 and contribute to the character of the Harbour, without adversely impacting the surrounding neighbourhood context.						
8.10.3 Programmable fixtures which can be dimmed or turned off are encouraged to reduce bird strikes during migration season.						
8.11 Materiality						
8.11.1 Materials with a lighter appearance are recommended for the portions of the building above the third floor.						
8.11.2 Bird friendly designs should be incorporated to reduce bird strikes.						

PIER 8 BLOCK 16 DESIGN CHECKLIST DESIGN PRINCIPLES & DIRECTIONS	Complies	Partially Complies	Does Not Comply	Not Applicable	Essential or Discretionary	DESCRIBE HOW THE GUIDELINE OR DESIGN DIRECTION IS MET (provide drawing reference as required)
8.11.3 High-quality, durable, and sustainable materials should be used.						
8.11.4 Exterior Insulation and Finish System (EFIS) is not permitted.						
8.11.5 Landscaping materials should be of high quality including granite pavers for pedestrian paths.						
8.12 Sustainability for a Tall Building						
8.12.1 The design and operations of the building shall limit operational greenhouse gas emissions and encourage use of low-carbon energy sources using whole-building energy modeling and an annual greenhouse gas intensity (GHGI) target to be established and agreed to by the City of Hamilton as contained in the Sustainability Report to be submitted in support of the Official Plan Amendment and Rezoning.						
8.12.2 A Building Automation System (BAS) shall be designed to monitor building-level data representing total building energy consumption (electricity, natural gas, chilled water propane, biomass, domestic hot water, etc.) and renewable energy production.						
8.12.3 The building shall be enrolled in Energy Star Portfolio Manager to track energy and water consumption and waste generation of the new development during operations. Enrollment of the project in the program must occur before the project presents Detailed Design to the City of Hamilton Design Review Panel.						
8.12.4 In Energy Star Portfolio Manager, provide the City of Hamilton with read-only access to the project on an annual basis.						

PIER 8 BLOCK 16 DESIGN CHECKLIST DESIGN PRINCIPLES & DIRECTIONS	Complies	Partially Complies	Does Not Comply	Not Applicable	Essential or Discretionary	DESCRIBE HOW THE GUIDELINE OR DESIGN DIRECTION IS MET (provide drawing reference as required)
8.12.5 An Operations & Maintenance (O&M) Manual will be prepared for the project and include direction and guidance for building operators into the building on how to upload data into Energy Star Portfolio Manager on a monthly basis.						
8.12.6 Energy Star certification shall be achieved including provision of Energy Star Certified appliances.						
8.12.7 Complete Energy Modelling, Mechanical Commissioning and Air Tightness testing to the Energy Star certification standard.						
8.12.8 Include high performance façade design that may include elements such as solar shading, lower glazing to wall ratio, triple glazing and renewable materials.						
8.12.9 Complete a Lifecycle Carbon Assessment (LCA) that is third party verified and identify opportunities to reduce carbon emissions through building material selection.						

Appendix C:

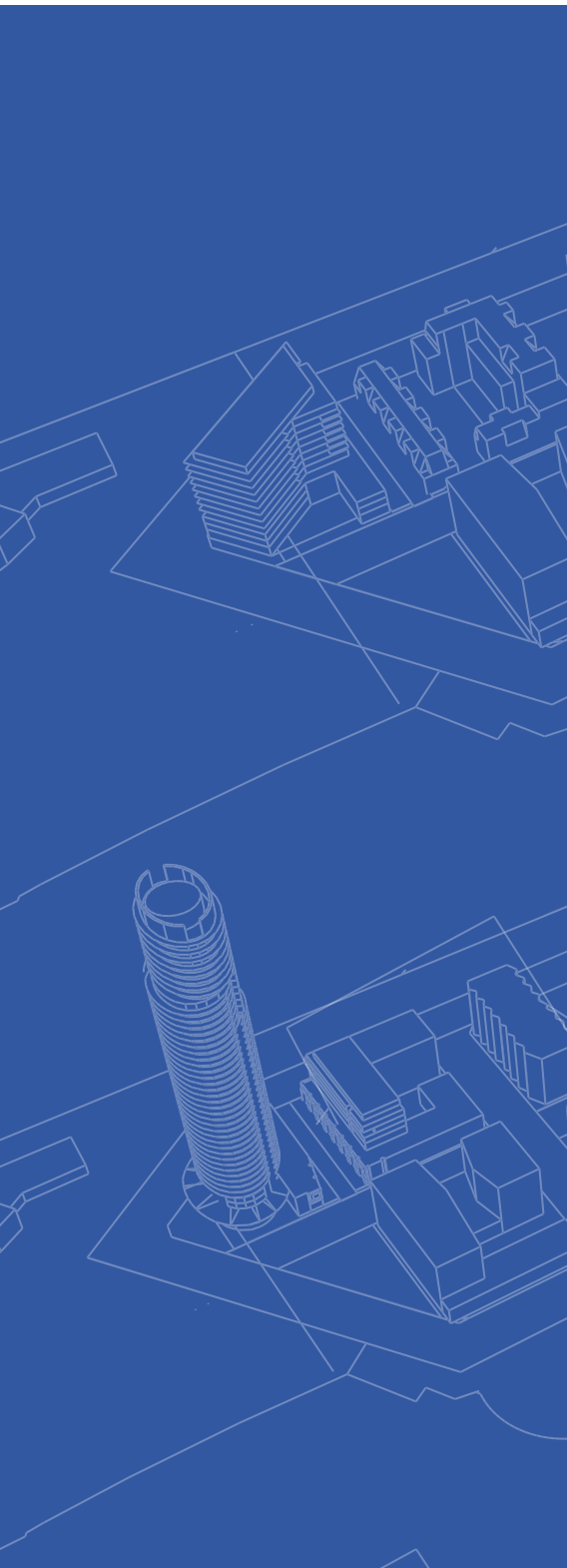
Implementation Chart

IMPLEMENTATION PROCESS FOR A TALL BUILDING PROPOSAL – PIER 8 BLOCK 16

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
	PIER 8 BLOCK 16 UDG DECISION	OPA/ZBA APPLICATION (120 days to make a decision)	STATUTORY PUBLIC MEETING ON OPA/ZBA	DEVELOPMENT OF DESIGN OPTIONS (Applicant)	PUBLIC INFORMATION CENTRE	SPECIAL DESIGN REVIEW PANEL RECOMMENDATION	OPA/ZBA DECISION	SITE PLAN APPLICATION	CONDITIONAL SITE PLAN APPROVAL, HOLDING REMOVAL APPLICATION AND DRAFT PLAN OF SUBDIVIION CONDITIONS	FINAL SITE PLAN APPROVAL	IMPLEMENTATION (Transfer of Lands, Building Permit and Condominium Approvals)
Target Date for Completion	August 10, 2021 – PC August 15 - Council	October 2021	November 2021 – report deadline January/February 2022 – PC	Feb 2022	March 2022	March 2022	June 2022 – Report deadline September 2022 – PC	Timing for Site Plan application submission dependent on applicant’s phasing plan for Pier 8.			
DESCRIPTION	Present Pier 8 Block 16 Urban Design Guidelines to Council for approval.	Submission of the OPA/ZBA based on the design direction of the guidelines. Includes full scope of studies (urban design brief, sustainability report, sun/shadow, wind, noise studies, FSR, etc.)	Hold the statutory public meeting to present the proposed application and receive public input on the OPA/ZBA. Report Recommendation: that the applicant be directed to participate in a special design process to develop three tower designs. Each design should address innovation in following three areas: sustainability, quality of life and design excellence.	Applicant to engage in multiple design professionals to develop three tower designs that address innovation in three areas: sustainability, quality of life and design excellence.	Public Information Centre to present the three tower designs. The applicant will explain how each design is an example of innovation in sustainability, quality of life and design excellence. A special design review panel will also attend this meeting to understand feedback from the public on the three tower design options.	A special design review panel will review the feedback received at the PIC on the three tower design options presented to provide comments and feedback on the three options to staff.	Recommendation Report to Planning Committee on OPA/ZBA and preferred tower design option. The proposed ZBA will include a Holding provision that states that the proponent shall implement, through site plan approval, the preferred tower design option.	Site Plan application that implements the OPA/ZBA and detailed aspects of the preferred design option.	Once it has been determined that the preferred design option has been implemented through the Site Plan application process, an application can be made to remove the Holding Provision on the Zoning. The Holding Provision will be included as a special condition of conditional site plan approval. The condition of draft plan of subdivision related to the Urban Design Brief being compliant will be updated to reflect the Pier 8 Block 16 Urban Design Guidelines.	Final Site Plan approval can be granted. Special conditions should include review of the final design and site plan by a Control Architect and Sustainability Consultant (independent of the Design Architect and Engineers) to review the matters of Urban Design and Sustainability.	Control Architect Review for conformity with Design Guidelines
DECISION	Adopt; or Receive; or Deny	Notice of Complete application.	No decision at this meeting on the OPA/ZBA. Approve or deny the proposed special design process.	N/A	N/A	N/A	Approval or denial of OPA/ZBA If the UDG were received in Step 1 then Council could adopt here if approving the OPA/ZBA.	Site Plan application deemed complete.	Approve or Deny Holding removal By-law.	Prior to final site plan approval, staff will consult with Council and incorporate Council’s advice in making a decision on the application.	Transfer of lands/ Issuance of building permit/Condominium approvals.
APPROVAL AUTHORITY	Council	Planning Staff	Council	N/A	N/A	N/A	Council	Planning Staff	Council – Holding Staff – Subdivision and Site Plan Condition	Chief Planner and Director of Planning.	<ul style="list-style-type: none"> City Manager’s Office/Real Estate Department Chief Building Official Planning Staff

IMPLEMENTATION PROCESS FOR A TALL BUILDING PROPOSAL – PIER 8 BLOCK 16

<p>OUTCOME or ACTION</p>	<p>Approve Guidelines (proceed to Step 2); or Approve guidelines but hold in abeyance until decision on OPA/ZBA (Step 7); or Deny</p>	<p>Notice of Complete Application and Circulation of application.</p>	<p>At the statutory meeting Council and the public to provide feedback and comments on the proposed OPA/ZBA. Council could approve or deny recommendation to proceed with a special design process.</p>	<p>Three tower designs to be presented to the public and a special design review panel for comment.</p>	<p>Feedback received will be considered by the applicant in the development of the final preferred tower design option.</p>	<p>Applicant to review comments from public and the special design review panel and prepare one final design option that will proceed with the OPA/ZBA application. Chief planner to review the final design option and prepare a recommendation report on the preferred option and OPA/ZBA for Council's consideration.</p>	<p>Approve OPA/ZBA (If approved, proceed to Site Plan application) Or Deny OPA/ZBA</p>	<p>Prior to receiving final site plan approval, the Holding Provision must be lifted.</p>	<p>If the Holding Provision has been removed, proceed to Site Plan approval.</p>	<p>Approved site plan based on preferred design option, UDG and OPA/ZBA. Proceed to Building Permit.</p>	<p>Proceed to construction phase.</p>
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Hamilton

BrookMcIlroy/



PIER 8 BLOCK 16 OPPORTUNITY STUDY VIRTUAL CONSULTATION PUBLIC FEEDBACK REPORT

About This Report

The City of Hamilton is carrying out an update to the Pier 7+8 Urban Design Study (2016) for lands identified as Block 16 on Pier 8 in Hamilton’s West Harbour. The purpose of the study is to develop urban design guidelines for mid-rise and high-rise development on Block 16.

The study is a result of an Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) settlement decision regarding Case No. PL170742, which directs the City to bring forward, for Council’s consideration, an amendment to the Setting Sail Secondary Plan and an implementing zoning by-law amendment that would re-designate the existing institutional block (Block 16) to permit residential or mixed use in a mid-rise or high-rise form.

This study is not taking a position or recommending a specific outcome related to height, however, it will provide information on urban design direction for a mid-rise scenario and a tall building scenario on Block 16. The final materials will be presented to Council for their approval and if approved will be used to assist in the evaluation of future development applications for Block 16.

Due to the ongoing Covid-19 pandemic, all consultations within the City are being held virtually to protect the health and safety of Hamilton residents and staff.

Virtual consultations were held in November 2020 and included the opportunity to participate in a Live Information Meeting held on November 5, 2020 from 7:00 pm to 8:30 pm. and to complete an online survey available on the Engage Hamilton website from November 5 to November 19, 2020.

This report, prepared by Facilitator Sue Cumming, MCIP RPP, Cumming+Company, provides a summary with the verbatim public input that resulted from the virtual consultation including public comments and questions from the Live Information Meeting and online survey. Staff are also reviewing comments received through the Engage Hamilton website. All feedback is being considered.

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PIER 8 BLOCK 16 OPPORTUNITY STUDY VIRTUAL CONSULTATION PUBLIC FEEDBACK REPORT

1. HOW THE VIRTUAL CONSULTATION WAS ORGANIZED

The Pier 8 Block 16 Opportunity Study consultations were held virtually and provided the following ways for individuals to participate and provide comments:

<i>By joining and participating in a LIVE Information meeting which was held on Thursday, November 5, 2020 from 7:00 pm to 8:30 pm.</i>	The information meeting was hosted on WebEx Events and included a live presentation followed by facilitated question and discussion.
<i>By completing the Let's Talk Pier 8 Block 16 Online Survey which was available on the Engage Hamilton website from November 5 to November 19, 2020.</i>	The survey asked questions about objectives for Block 16 and urban design guidelines for mid-rise and high-rise buildings among other design considerations.

The City of Hamilton hosted a virtual public information session on November 5, 2020 from 7:00 to 8:30 p.m. The meeting was advertised in the Hamilton Spectator and on the city's website. The purpose of the meeting was to provide information to the public on the background for why the study was being undertaken and to present draft urban design guidelines for a mid-rise or tall building on Block 16, to hear comments and provide responses.

Residents registered for the meeting via WebEx. The format included a live presentation by Jennifer Roth, City of Hamilton and Victor Cheung of Brook McIlroy urban design consultants followed by a facilitated question and answer period. Questions were typed into the Q and A bar for the meeting and read aloud by the facilitator. The Live Information Meeting Panel Members included the following:

Christine Newbold, City of Hamilton	Calvin Brook, Brook McIlroy
Alissa Mahood, City of Hamilton	Victor Cheung, Brook McIlroy
Jennifer Roth, City of Hamilton	Wei Shi, Brook McIlroy
Melanie Pham, City of Hamilton	Sue Cumming, Cumming+Company,
Chris Phillips, City of Hamilton	Facilitator

The online materials available on the Engage Hamilton website included background for the project, and the Pier 8 Block 16 Draft Urban Design Guidelines. The presentation portion of the meeting was recorded and posted on the project website for viewing a few days after the meeting. Throughout the month of November, the website was visited 987 times. Sixty-four (64) individuals participated in the LIVE information meeting. Thirty-two (32) individuals completed the online comment survey form.

This report, prepared by the Facilitator, Sue Cumming, includes a synthesis of key messages heard and the verbatim input received at the live information meeting together with the input from the completed online surveys. The verbatim input from the virtual consultation is included in the report appendices as follows:

- Appendix 1 - Comments noted through the November 5, 2020 Live Information Meeting.
- Appendix 2 - Input from the Let’s Talk Pier 8 Block 16 Opportunity Study Online Survey.

2. WHAT WAS HEARD

There continues to be a high degree of public interest in the Pier 8 Development. There were numerous questions about why City staff were developing urban design guidelines for either a mid-rise or a tall building on Block 16. City Staff were able to explain why the work was being done resulting from direction from the settlement and the importance of having criteria for Council’s future decision-making. City Staff were also able to clarify that they were not taking a position on the built form and height of any building on Block 16.

The meeting was important for clarifying the purpose of the Block 16 Opportunity Study, for discussing urban design objectives and draft guidelines and confirming that any new building for the site would go through a planning process which would culminate in a City Council decision for the site.

Based on the public discussion at the Live Public Information Meeting it is evident that there are mixed views about the potential for a tall building on Block 16 with some individuals opposed to any form of high rise on this site whereas other individuals appear supportive of a architecturally significant landmark building.

Questions arose about the impact of having a residential building on Block 16 could have on the rest of the Pier 8 lands. City staff responded that the maximum number of units for the entirety of the project, including any building on Block 16, would remain at 1645 units. Further questions were noted about family housing and whether these would be in a mid rise or high rise on Block 16 or elsewhere on Pier 8 lands. City staff confirmed that the increase in family units referenced could be anywhere on Pier 8 lands. Questions and comments on the draft urban design guidelines sought to clarify step backs, building separation, outdoor landscaping, and site lines. Discussion also occurred on bird safety and bird friendly design.

The frequently noted topics from the Live Information Meeting are included in **Figure 1**. Appendix 1, **Figure 4** includes the verbatim comments grouped under these topics.

Figure 1 – Live Information Meeting Questions/ Comments Frequently Noted Topics

- Why city staff are preparing tall building guidelines for Block 16
- The effect a tall building on Block 16 could have with respect to the rest of Pier 8
- Who will decide the height of a building on Block 16
- Increase in height in relation to proportional increase in family units
- Building step backs and separation between buildings
- Outdoor landscaped elements including balconies and terraces
- Bird safety, migration patterns and bird friendly design
- Site lines and light pollution
- Parking for new residents
- Transportation options envisioned for Pier 8

- Parking for area users
- Existing designation for Block 16
- The tenure of a proposed building
- Who will develop Pier 8

The online survey was completed by 32 individuals. The survey included specific questions about the urban design objectives and asked opinions on what the important design elements for would be either a mid rise or high-rise building on Block 16.

55% indicated that they felt that the urban design guidelines capture the design elements that they think are important for Block 16. Survey questions including the opportunity to comment on urban design objectives, specific design elements and included open text questions for receiving ideas and comment on what individuals feel would be important site design considerations for a mid-rise and for a high-rise on Block 16.

With respect to the urban design objectives, the survey responses indicate that the objectives generally ranked evenly. The three that received the highest ranking are as follows:

1. Create a high-quality accessible public realm with unique active uses at grade.
2. Capture the public imagination: achieve a unique, high-quality building design that is exceptional.
3. Integrate green and environmental features in both the building and landscape design.

With respect to design elements, architectural design ranked the highest. This was followed by environmentally friendly building practices and building location and orientation.

Responses were sought as to what were the most important elements of site design for both a mid-rise and tall building on Block 16. The questions were open text and provided the opportunity for individuals to express their ideas about what is important to them. **Figures 2 and 3** are a synthesis of feedback received.

For the question on a mid-rise building, 26 individuals responded to this question. Several noted that they do not support a mid-rise building on this site with some preferring a low density building and others expressing that they feel that a mid-rise is a lost opportunity to have a landmark building here. The detailed verbatim comments are included in Appendix 2, page 15.

For the question on a high-rise building, 27 individuals responded to this question. Nine individuals noted that they do not support a high-rise building on this site. The detailed verbatim comments are included in Appendix 2, page 17.

Figure 2 – Important Elements of Site Design for a Mid-rise Building on Block 16

- Built to maximize sunlight and views such that no building should obstruct views of the waterfront. Set back from the waterfront to keep an open view of the Bay.
- Sufficient setback so the building does not feel oppressive.
- Public access to the waterfront.

Figure 2 – Important Elements of Site Design for a Mid-rise Building on Block 16

- Green features including living walls, generous sized balconies, terraces, and rooftops.
- Green space and landscaping.
- Retail and community event space at the ground floor level.
- Mix of housing including affordable housing.
- Consistency with the human-scaled street-level pedestrian environment that is being created on the rest of Pier 8. Achieves a dense, urban form, without being overwhelming and dehumanizing.
- Architecturally significant. Iteration and engagement with site context.
- Exceptional architectural design.

Figure 3 – Important Elements of Site Design for a High-Rise Building on Block 16

- Creation of an amazing signature stand out building of exceptional architectural design.
- A unique bold visual anchor.
- It should meet the street well, be situated on a reasonable size podium (maybe four storeys) and should be of exceptional architectural quality and exceptional material quality.
- Public realm and surrounding amenities should be substantive enough to match the proposed density.
- Windows and unique visual design worthy of a historical landmark.
- Should not overpower the property due to height and size.
- No building should obstruct the view of the waterfront.
- Set far back from the waterfront, to keep the open view of the bay.
- Should be designed to not overshadow abutting uses and commercial and public space.
- Should ensure that the waterfront should be open and airy, with easy, tree-lined access to the water and boardwalk.

The survey included an open text question where individuals could share other comments and ideas about the Urban Design Guidelines and Block 16 Opportunity Study. 24 individuals responded to this question and the verbatim comments are included in Appendix 2, page 19.

The City is committed to ensuring that there is full transparency in reporting on what was heard to ensure that the public feedback received and is considered in the finalization of the urban design guidelines for the Pier 8, Block 16 Opportunity Study. It is important that this synthesis of what was heard be read in conjunction with the verbatim detailed comments found in Appendices 1 and 2.

3. NEXT STEPS

Public input received from the meeting and survey will be used to inform revisions to the Pier 8 Block 16 Urban Design Guidelines.

The Opportunity Study and Urban Design Guidelines will be presented to Council for approval. Once approved they will serve as design, form, and functional benchmarks to which

future Official Plan and Zoning By-law Regulations would be developed to implement the Opportunity Study. Development applications on the Block 16 will be required to conform to the requirements of the Opportunity Study.

Appendix 1 – Comments noted through November 5, 2020 Live Information Meeting.

Following the presentations, individuals could ask questions by typing these into the WebEx Q and A Bar and the facilitator read aloud the questions and comments noted. **Figure 4** includes the verbatim comments and questions received. Where possible the responses provided at the meeting by City Staff and Brook McIlroy are included. The comments received have been grouped under the themes noted. These are numbered for reference purpose only and each number represents a different individuals’ question of comments.

Figure 4 – Live Information Meeting Comments and Responses Noted

Themes Noted	Live Information Meeting Comments and Responses Noted
<p>Why city staff are preparing tall building guidelines for Block 16</p>	<ol style="list-style-type: none"> 1. Why is City Staff making Draft Guidelines for Tall Building Scenario? We do not want any increase in height that blocks out views from escarpment and any buildings South of Barton Street! 2. The public had input into the proposed development of Pier 8. 3. We do not want height increases, and these requests from the City Staff undermine the values of residents, are insulting and unnecessarily time consuming. 4. The ratepayers (city residents) have already voiced their desire for a maximum height of 4 stories for the West Harbour Recreation Master Plan area. 5. This is an incredible opportunity to build something aesthetically beautiful that fits in with the environment immediately around it. To consider putting a prominent, angular building beside a large water feature makes no sense to me. 6. Who will be able to afford these units? The public made their comments known on the existing Pier 8 plans. This did not include a tall tower and it is disappointing to have this idea come forward now. <p><i>Response from City Staff: The LPAT Settlement Decision referred to in the presentation directed staff to identify considerations for different scenarios on Block 16 to include mid-rise and tall buildings. City Staff felt that it was important to develop evaluation criteria or parameters, checks and balances for Council to decide to either support or deny an increase in height. Council is the final decision maker.</i></p> <ol style="list-style-type: none"> 7. These sound like boiler plate urban design guidelines. When it comes to the final design, what assurance do we have that it will be exceptional rather than mediocre?

Themes Noted	Live Information Meeting Comments and Responses Noted
	<p><i>Response from Brook McIlroy: We do not think that these are boiler plate. They are pretty specific. Urban design guidelines do not guarantee an exceptional building. A design review process over regular process must occur. There must be a positive contribution.</i></p>
<p>The effect a tall building on Block 16 could have with respect to the rest of Pier 8</p>	<p>8. What effect will a tall building have on the rest of Pier 8. Will the urban design or built form be affected?</p> <p>9. If Pier 8 can not exceed 1645 units, how will this affect the original drawings and suggestions for the remaining blocks. It would appear as close to half of the unit will be in these high-rise buildings.</p> <p><i>Response from Brook McIlroy: It does have an impact in the sense that any units built on Block 16 will be deducted from any units constructed on the rest of Pier 8. Reduces scale of the rest of the pier which is based on 8 storey maximums. If more units go into Block 16 which was originally designated for residential, this gives flexibility for the rest of the development to have less units and more height variation in under 8 storeys. Relieves pressure on other blocks. A maximum of 300 units will be in the taller building.</i></p> <p>10. If a tall building is approved does the existing planning framework permit a second or third building or does the 8 storey limit continue to apply to the rest of Pier 8.</p> <p><i>Response from City Staff: There would be no other changes for the rest of lands to go taller than 8 storeys. This site can only accommodate one tall building. The Memorandum of Understanding with the purchaser and the City says the zoning can't change. The original zoning is confirmed through the LPAT settlement.</i></p> <p>11. It should be noted that the approved height limit for Pier 8 is 8 stories and not 4 stories?</p> <p><i>Response by City Staff: Block 16 was a maximum of 4 and the rest was 8 storeys.</i></p> <p>12. If there is a tall building, what buildings would be on the rest of the land?</p> <p><i>Response from City Staff: The rest of pier 8 is intended to be developed for mid rise.</i></p>
	<p>13. In plain English, city council has the right to veto a high rise if they choose. Correct?</p>

Themes Noted	Live Information Meeting Comments and Responses Noted
<p>Who will decide the height of a building on Block 16</p> <p>Who will decide the height of a building on Block 16 (continued)</p>	<p><i>Response from City Staff: Yes, they can approve or deny.</i></p> <p>14. City Staff can veto the height request! Wow, so City residents have already said that they don't want height increases and was adopted into the Master Plan, are you placating developers desires over all the historical concerns of city residents?</p> <p><i>Response from City Staff: We are being directed through the LPAT settlement. A new building on Block 16 will go through the Planning Act Process with public input. Council will decide. The settlement was a balance between several issues.</i></p>
<p>Increase in height in relation to proportional increase in family units</p>	<p>15. What is the desire for a high rise apposed to a lower level?</p> <p><i>Response from Staff: The LPAT settlement references that more family units would be provided with a taller building and opportunities for a public parking facility.</i></p> <p>16. Just to confirm, the increase in height of the tall building would lead to proportional increase in family units. This would do well to support the City's motto as a great place to raise children & the North End being a family friendly neighbourhood.</p> <p>17. Would a panelist identify the connection of the building size to the significant increase in family friendly housing on Pier 8 and reduced density next to the existing homes.</p> <p><i>Response from City Staff: Density has not changed across all of pier 8.</i></p> <p>18. Do we know how much residential square footage is estimated on Blocks 1 to 15 and how much sq ft would be added with a 45 storey tower on 16?</p> <p>19. Why not put family friendly units in the proposed Pier 8 plans? Why would families want to be on 35 storey building?</p> <p><i>Response from City Staff: More units on block 16 doesn't mean the family units are on Block 16. It increases the requirements across all of Pier 8. At least 10% of the units in a mid rise or tall building will be family units. We expect family units to be spread out across Pier 8. Response from Brook McIlroy: The best place for family units is on the lower floors of buildings.</i></p>
<p>Building setbacks and separation between buildings</p>	<p>20. Clarification of the proposed building separations of 25m between tower faces. Some municipalities require 30 m.</p>

Themes Noted	Live Information Meeting Comments and Responses Noted
<p>Building step backs and separation between buildings (continued)</p>	<p><i>Response from Brook McIlroy: The setback of 25 metres is between Block 16 and an 8 storey max.</i></p> <p>21. Could you please clarify the building setback at sidewalk level and the available street tree plantings available and pedestrian walkway areas.</p> <p><i>Response from Brook McIlroy: It depends on which building side:</i></p> <ul style="list-style-type: none"> • <i>Mid rise on east side, 12 metres</i> • <i>Tall rise on east side, 15 metres</i> • <i>Other 3 sides, setbacks range from 3 - 5 metres, minimum area of landscaped open space.</i> • <i>There will be other areas that will be substantially more landscaped.</i> <p>22. Green buffer zone setbacks ought to be 30m. Where is there a 5m (16ft) balcony in other urban scenarios? Most Architectural Designs have 2.5m balconies.</p> <p><i>Response from Brook McIlroy: Setback above 3rd floor would be a common amenity terrace. Agree more architectural designs have 2.5 m balcony depths and this is the average in the Urban Design Guidelines with 2.7m increased on the south side.</i></p> <p>23. With regards to Brook McIlroy’s response regarding the setbacks. Are the 3rd storey 5m terraces private or public? I assume private, so why is City Staff considering reducing the public green space setback to 25 metres?</p> <p>24. Why is City Staff reducing this space compared to provincial standards and other communities’ standards?</p>
<p>Outdoor landscaped elements including balconies and terraces</p>	<p>25. Why is there not going to be green elements on all facades?</p> <p><i>Response from Brook McIlroy: green elements are encouraged. We want balconies and terraces that are deep enough to have outdoor landscape elements and an expansion of living areas. These are specifically mentioned in the guidelines for the south façade – practical level to grow plants on the south side. Visual prominence perspective of the view looking down James St. We can explore expanding the greenery on all sides.</i></p> <p>26. Would the underground construction accommodate the required tree planting depths?</p> <p><i>Response from Brook McIlroy: Yes – 5 ft depth in trenches.</i></p>

Themes Noted	Live Information Meeting Comments and Responses Noted
<p>Bird safety, migration patterns and bird friendly design</p>	<p>27. Bird safety and migration paths need to be considered when exterior lighting is planned at water’s edge.</p> <p><i>Response from Brook McIlroy: Must look at lighting carefully through studies and modulation of light. At certain periods of the year the building wouldn’t be illuminated</i></p> <p>28. Is there consideration of bird friendly design materials for the facade treatments of any buildings?</p> <p><i>Response from Brook McIlroy: Yes, by avoiding the reflectivity of glass, so that a bird knows to avoid glass.</i></p>
<p>Site lines and light pollution</p>	<p>29. Will you be considering light pollution and site line interruption to current residents?</p> <p><i>Response from Brook McIlroy: We tested various views from the surrounding neighbourhood. Those views have been documented in the guidelines and in tonight’s presentation. Yes, you will be able to see any building, a mid rise or a tall building. There will need to be a future analysis on light pollution.</i></p> <p>30. Height increases over 4 stories will reduce actual views of the water, from King and James or anywhere within the sightlines of the waterfront.</p> <p>31. If I am standing at King and James, can I see a 30 storey building vs a 45 storey building?</p> <p><i>Response from Brook McIlroy: Yes. you would be able to see both. The 45 storeys would be taller, and it depends on your vantage point you may or may not perceive the difference.</i></p>
<p>Parking for new residents</p>	<p>32. Where would parking be located for the residents of a tower? It is not realistic to have underground parking there because of water table. So?</p> <p><i>Response from Brook McIlroy: Going more than one level down is expensive but it is feasible. If it is a tall building site, they will go two stories down. Combined with Block 1, the parking can be accommodated. It is feasible but costs more money.</i></p> <p>33. By parking structure do you mean an above ground parking garage?</p> <p><i>Response from Brook McIlroy: Parking structures for the residential building would not be above grade and would be all below grade.</i></p>

Themes Noted	Live Information Meeting Comments and Responses Noted
<p data-bbox="162 279 456 380">Transportation options envisioned for Pier 8</p> <p data-bbox="162 751 456 898">Transportation options envisioned for Pier 8 (continued)</p>	<p data-bbox="500 239 1458 310">34. What transportation options are envisaged both for the residents and those who visit the site?</p> <p data-bbox="500 338 1446 485"><i>Response from City. There are a number of transportation options including connections to HSR and active transportation. The maximum number will stay at 1645. The development of Block 16 may lead to an opportunity for additional parking.</i></p> <p data-bbox="500 512 1430 621">35. But why just assume car as a transportation option. Why not look into a better mass transportation option, i.e., frequent bus service?</p> <p data-bbox="500 648 1252 684"><i>Response from City. City is looking at service levels.</i></p> <p data-bbox="500 711 1442 821">36. Are there plans to expand public transit to link Pier 8 with West Harbour station or Hamilton GO? We need to encourage public transit for residents and visitors.</p> <p data-bbox="500 848 1252 884"><i>Response from City. City is looking at service levels.</i></p> <p data-bbox="500 911 1442 982">37. These public transit questions are excellent and top of my mind as well.</p> <p data-bbox="500 1010 1446 1058">38. In addition, what considerations are being made for bike paths?</p> <p data-bbox="500 1085 1442 1262"><i>Response from City and Brook McIlroy: There is lots of cycling infrastructure in place today and it will be enhanced as we go. The periphery of pier 8 park will have multiple avenues for cycling and jogging. Piers 6-7 area will have a cantilevered boardwalk and a trail.</i></p> <p data-bbox="500 1289 1414 1436">39. Does concentrating dwellings onto a single block of Pier 8 change how motorist traffic enters and exits the Pier and how can a protected active transportation network help to reduce motorist impact?</p> <p data-bbox="500 1463 1430 1640"><i>Response Brook McIlroy: With the combined parking of Blocks 1 and 16 – it gives many options for how people get into the parking garage. Perhaps more than one entrance. Dissipates the concentration of traffic from one entrance/exit point. Lessen pressure on one point.</i></p>
<p data-bbox="162 1715 407 1780">Parking for area users</p>	<p data-bbox="500 1682 1414 1753">40. Block 16 is now where everyone parks. Where is the parking going to be for the skating etc.?</p> <p data-bbox="500 1780 1425 1881"><i>Response from City Staff: There will be more parking in the short term as the different development blocks occur. Block 16 is yes where some parking is, it was always a development block</i></p>

Themes Noted	Live Information Meeting Comments and Responses Noted
Parking for area users (continued)	<p><i>meaning parking was being removed. Parking is going to be looked at for Piers 6 to 8.</i></p> <p>41. What about parking for the public? For the individuals that have a boat at the marina? residents?</p> <p>42. Will the Harbour West marina boaters have to pay for parking?</p> <p>43. Will the parking for the harbour west marina be eliminated?</p> <p><i>Response from City Staff: there is no specific parking for each area. The parking on Block 16 will eventually be eliminated and parking will be provided by Leander.</i></p> <p>44. How will the City build a parking structure at Pier 6/7 if those properties are currently for sale?</p> <p><i>Response from City Staff: A parking structure is identified within the Recreation Master Plan and is worked into the sale.</i></p>
Existing designation for Block 16	<p>45. The original designs had Block 16 as a market area, entertainment area etc. for the inhabitants of Pier 8 as well as the public. Will there still be these services for Pier 8?</p> <p><i>Response from City Staff: It is important to clarify that the original Pier 7 and 8 study had Block 16 as an institutional designation. You may be referring to lands to the west of Block 16.</i></p>
The tenure of a proposed building	<p>46. Would these units be allowed to be rentals, Airbnb etc.?</p> <p>47. Is this proposed building a rental unit or condo's for purchase?</p> <p><i>Response from City Staff. It is not known at this time if the units would be condominium or rental. With respect to Airbnb and short-term rentals, the city is considering requirements for this on a city-wide basis and any future buildings will need to meet the requirements that are established.</i></p>
Who will develop Pier 8	<p>48. Has Pier 8 been sold to the development consortium yet?</p> <p><i>Response from City Staff: The sale is being finalized.</i></p> <p>49. If the family units are spread out across the development and different developers could this force the last developer to build all family units?</p> <p><i>Response from City Staff: One developer has been chosen so they have to provide them across the site.</i></p>

Themes Noted	Live Information Meeting Comments and Responses Noted
	<p>50. Does the approval of a mid size or tall building have a bearing on contract negotiations with Waterfront Shores?</p> <p><i>Response from City Staff: This development block was already included in the original negotiations.</i></p> <p>51. If a tall building is approved by council is it a given that it would be designed by the team from Waterfront Shores i.e., Bruce Kuwabara etc., or could it be a competition.</p> <p><i>Response from City Staff: Yes, WSC and Bruce Kuwabara are the ones designing.</i></p> <p>52. What is the timeline for the promenade completion?</p> <p><i>Response from City Staff: The Cops pier is under construction now. The underground works are going on now with a planned July 2021 opening.</i></p>

In addition to the comment noted at the meeting, there were several emails that were received following the meeting and these are noted in **Figure 5**. The comments are verbatim. Each number represents a different individual's comment.

Figure 5 – Email follow-up comments to November 5, 2020 Meeting

1. Thank you very much for the webinar last evening - most informative. I am still perplexed about the entire aspect of the tower whether it be 8 stories or 45. The design as presented by waterfront shores won the tender, for its design. This did not include a high rise or a medium rise. It did include "the snail" - the building that would be a "community center" of sorts. The neighbourhood clearly do not wish for this structure, no matter how high and I am not sure that Hamiltonians wish for this either. Why do we need a beacon? If, as has been said, that the high rise (medium rise) permits more family friendly units, then simply add them into the remaining blocks. Especially with COVID-19 and probably the enduring and lasting changes, people will be working from home. So, these larger units are not even necessarily family friendly, they are work from home friendly. I have not seen anywhere, discussion of a school. How can you have family friendly when there is no school? Please consider returning to Bruce K.'s plan and design.
2. A couple of comments. City Staff said that parking would be moving around as construction happened. There was an error in his comment. West harbour marina uses to have their own gated secure parking which has been taken away. When an event occurs at the Royal and Leander there will be little or no parking available. Why we would we not put the tall building on block 4 (on the Haida side) instead and not take away everyone's view of the gorgeous sunsets we have.
3. Hi, I would like Towers in the Shape of Lighthouses calling out our Sailing and Industrial Heritage with Lights Above flashing in Different Colours or for Different Occasions hope

you will take some of these Options for Consideration know there is a lot out there.
Thanks for your time.

4. I have been reviewing the Pier 7 & 8 Tower study meeting/video of Nov5 and am not understanding the Family Units (2BR or more) details or concepts. I understand with a tall bldg the total units across Pier 8 stays fixed at 1645. your presentation says the current zoning pegs FU to be a min of 15%, or 195 Family Units.... $15\% \text{ of } 1645 = 247.???$ Where does the 195 come from? If the tall building gets approved, then the remaining 4-8 storey buildings will more or less not change height, will not reduce in #'s of total units, but the sizes of some of the units within those 4-8 storey buildings will increase - is this the concept? Also, I understand there are no residential units on Pier 7, correct?

Appendix 2: Input from the Let’s Talk Pier 8 Block 16 Opportunity Study Online Survey

The virtual consultations included an online survey which was available on the Engage Hamilton website. The survey included 6 questions. It was completed by 32 individuals. Not everyone who responded completed every question and some were left blank. The following are the verbatim responses to the questions posed.

Question 1: Do the draft urban design guidelines capture the design elements that you think are important for Block 16?

31 individuals responded to this question. Over 50% indicated that they felt that the urban design guidelines capture the design elements that they think are important for Block 16. The responses are shown on **Figure 6**.

Figure 6 – Question 1 Responses

Response Choices	Number of responses
Yes	17
No	10
Not Sure	4
Total Number of Responses	31

Question 2: Rank the important of these urban design objectives for Block 16 from most important (1) to least important (7).

31 individuals responded to this question. The responses are shown on **Figure 7**. The responses indicate that the objectives generally ranked evenly.

Figure 7 – Responses to Question 2

Response Choices - Urban Design Objectives	Ranking based on how assigned in survey response Ranking	Order of how each was ranked from responses
Create a high-quality accessible public realm with unique active uses at grade.	3.29	1
Capture the public imagination: achieve a unique, high-quality building design that is exceptional.	3.37	2
Integrate green and environmental features in both the building and landscape design.	3.71	3
Provide flexibility to support innovative architectural design, forms, and orientation.	4.1	4
Focus on the unique site opportunities which provide a meaningful location for a landmark building.	4.2	5
Create a visual anchor at the Harbour: emblematic of the Harbour’s renewal.	4.4	6
Provide a sufficient building envelope to ensure appropriate transition and sufficient separation distance to the planned and existing context.	4.77	7

Question 3: Rank the importance of these design elements from most important (1) to least important (7).

31 individuals responded to this question. This question asked individuals to rank the design elements from most important to least important. The responses are shown on **Figure 8**. The responses indicate that Architectural Design ranked the highest. The survey question also included a response choice of other. When this was selected, individuals were asked to indicate what these other design elements should be.

Figure 8 – Question 3 Responses

Response Choices – Design Elements	Ranking based on how assigned in survey response	Order of how each was ranked from responses
Architectural design	2.48	1
Environmentally friendly building practices	3.35	2
Building location and orientation	3.58	3
Landscaping elements	3.97	4
Building materials	4.00	5
Affordable housing	4.39	6
Other	5.44	7

If other was selected for question 3, individuals were asked what design element were being referred to. Nine individuals provided the following responses:

- Off grid or alternative energy sources. Focus on non-vehicular traffic on the pier itself (peripheral parking).
- Parking, the MUST be parking.
- In my opinion this area should be emblematic of a lighthouse - calling ships into the harbor, and thus should have a design that reflects that - with light at the top of the building, and a design that reflects a lighthouse design.
- Low-rise Waterfront buildings only on the waterfront.
- Courage to allow a great design, without arbitrary restrictions (example: no taller than Landmark Place)
- Compatibility with a human-scale pedestrian environment.
- Uniqueness.
- Human scale building height.
- Building height - LOW building height as per original Setting Sail plan.

Question 4: What elements of site design do you consider most important for a mid-rise building on Block 16?

This question focused on what individuals feel is most important about site design elements for a mid-rise building on Block 16. 26 individuals responded to this question. The following are numbered for reference purposes. Each number represents a different individual's comment.

1. Family units and green features (living walls and rooftops).
2. Plenty of windows and green space.
3. Green space and landscaping.
4. Built to maximize sunlight and setbacks to allow for access to the water.
5. Accessibility for all citizens to waterfront.
6. It should definitely not be a skyscraper. 45 stories may be too high. I think between 25 & 30 is high enough. It needs to include environmentally friendly landscape and perhaps public use garden space.
7. Proper setback so the building does not feel oppressive. Architectural design for first 3-6 levels that isn't architecturally lazy (cookie cutter designs) that has an architectural craftsmanship feel to it that harmonizes with the rest of the buildings around it architectural excellence of design - nothing super ultra modern - something that shows work. No precast concrete legoblock design - make the exterior look like effort was put into it. Some level of craftsmanship - too long have we gone now where materials are just slapped together without a concept of harmony and architectural detail - no cheap ikea-like designs.
8. The building should be set far back from the waterfront, to keep the open view of the bay. No building should obstruct the view of the waterfront.
9. Mixed use, creation of street wall and enhanced street scape. Architecturally significant. Iteration and engagement with site context.
10. Does not block view.
11. The primary consideration for this site should be consistency with the human-scaled street-level pedestrian environment that is being created on the rest of Pier 8. The primary value proposition of the Pier 8 development is that it achieves a dense, urban form, without being overwhelming and dehumanizing. It is akin to the centuries-old, dense, but human-scaled, urban form that might be seen in Amsterdam, Paris, or Copenhagen, in its respect of the pedestrian realm and of human sensibilities. This is its greatest feature. The plans truly make it a standout, and a model for future intensification in Hamilton. No mid-rise development on Block 16 should jeopardize that sense of intimacy and human-scale.
12. Minimal setbacks, sidewalks on all sides of streets, windows at ground floor.
13. Multi use for business, culture, living, art, hotel, recreation.
14. A mid-rise building is a missed opportunity to achieve the maximum community benefit of Pier 7-8. The more density and the more occupants on the Pier the more street and public space vitality, and the more likely we will see commercial viability.
15. With intensification being a necessary goal, it would be a missed opportunity to take advantage of both creating a waterfront icon for the city and more density.
16. That it remains a focal point of our city.
17. A mid-rise building on Block 16 would represent a missed opportunity to do something special and unique on the waterfront. However, if a mid-rise form is chosen, it should meet

the street well, be lined with retail spaces of varying size (small retail creates a great varied streetscape and provides opportunities for small business, so please include small spaces as well), should be a large mid-rise building (around 12 storeys), and should be of exceptional architectural design (consider an architecture competition).

18. Density and economic diversity of residents. In other words, allowing for a greater capacity of residents and a greater variation in their income and lifestyles to improve community, culture, and commercial viability in the pier.
19. Generous sized balconies, preferably terraces.
20. Mixed use: affordable, accessible housing and condos, but no high rises!!
21. Prefer a low-rise building as originally intended for the site. Ensure it contributes to an accessible public space. Keep it to scale with the surrounding North End neighbourhood. Ensure there is appropriate parking provided.
22. Affordable housing is something that should not limit a landmark building. It can be prioritized throughout the whole development but shouldn't hold up a landmark building.
23. Gathering aspect - food and beverage opportunities - Christmas market - summer events
24. Environmental building practices, affordable housing, and landscaping.
25. Do not want a mid rise building, stick with the original 4-8 storey plans.
26. Landscaping and community use, affordable housing.

Question 5: What elements of site design do you consider most important for a high-rise building on Block 16?

This question focused on what individuals feel is most important about site design elements for a high-rise building on Block 16. 27 individuals responded to this question. The following are numbered for reference purposes. Each number represents a different individual's comment.

1. Really kick-ass amazing design that makes the harbour stand out as a recreational water-sport hub and socially & environmentally conscious focal point of a renewed & re-envisioned Hamilton that honours its labour history and actively seeks to make the world (acting locally, thinking globally) a brighter and better place: family units, affordable units, green/renewable resources.
2. Windows and unique visual design worthy of a historical landmark
3. Highrise buildings have no place in our neighbourhood.
4. Not to be built. To not block view nor overpower the property due to height and size.
5. No high rise on the waterfront
6. Again 30 floors are enough otherwise same as above.
7. Its shadows cannot block landmark locations - like the patio area of Williams Pub next door where sunlight for eating, dancing, and skating are paramount. It has to have some sort of illumination on the top of the building - and the top of the building should not be flat. The building should be anything but rectangular - we are really starting to develop a

modular tabletop design feature standard in this city, and it makes us look unimaginative - a landmark feature should stand out and not look like everything else - but also not look like a giant cigar sticking out of the ground. Mississauga's landmark towards is a great example in which they almost look like giant pop bottles - we need innovation like that in this city. It should not be brown grey or taupe in design - it makes the design look tired as was evidenced by the George Street design when built with white and blue glass elements - it made the buildings beside it look tired. This building should stand out and look clean. It should also be an architectural marvel. Not amazing due to height and amt of glass but also the actual architectural elements to it. Go big or go home. If this is going to be our landmark waterfront building, make it a shining jewel with architectural buildings. Take a cue from the supreme court justice building downtown - a mix of stone and glass brings a timeless look

This building should be seen like a lighthouse, which would tie in the element of being on a harbour perfectly - and thus its design elements should perfectly match that. Look at the sail building in Dubai - it became emblematic of its location. This building should do the same.

The whole building should have potential for illumination like the CN Tower – especially on each side of the green strip climbing up it from the green path, so that at night those elements are accentuated and can still be appreciated. Make it so that people have something to look up at in awe.

8. The building should be set far back from the waterfront, to keep the open view of the bay. No building should obstruct the view of the waterfront.
9. Creation of signature stand out building of exceptional architectural design. This will set the precedent for future developments. Additionally, the scope of the public realm and surround amenities should be substantive enough to match the proposed density and be on mixed use.
10. Please no high-rise at the shore. Please, please please.
11. High quality design, high quality materials
12. Firstly, no high-rise building should even be considered for the location. Notwithstanding that input, by no means should any building in the lower city be higher than the escarpment. The citizens of this city gave you feedback around tall buildings, and we unequivocally requested that no buildings should be higher than the escarpment. You thankfully established guidelines accordingly. By even entertaining a building that is higher than the escarpment, you are telling the citizens who in good faith contributed to that process, that the city is happy to throw the resulting plans in the garbage. You undermine all future consultation efforts and poison future citizen engagement by even bringing this option to the table. Not to mention you make it impossible for the City to credibly enforce the escarpment height limit on any future building applications.
13. Minimal setbacks, sidewalks on all sides of streets, windows at ground floor
14. One of a kind, unique, bold statement, multi facets, live & work bldg including medical, dental, labs, businesses etc.

15. Bruce Kuwabara is the most important Canadian architect of our era, full stop.
Please just leave him unencumbered to use his best design judgement of what will be appropriate; no one on City Council or staff should impede his vision.
16. That the architectural design be left in the hands of Bruce Kuwabara a highly celebrated architect. We should consider ourselves fortunate they he is invested in this project.
17. Creating a visual anchor that redefines Hamilton would be a key component. The striking visual of industry cannot be the main view of our waterfront or guests to our city will be left with the impression that we are only our industry.
18. A high-rise building on Block 16 is the most appropriate and sensible option both economically and physically. It should meet the street well, be situated on a reasonable size podium (maybe four storeys) and should of exceptional architectural quality and exceptional material quality.
If Bruce Kuwabara is the architect in charge of the tower on Block 16, he will no doubt bring a tower unlike any other to Hamilton, and I implore you not to fiddle with the details too much or let the architecture suffer under bureaucracy and design-by-committee.
19. Unbridled creativity and innovation in architecture, create something inspiring and iconic for the city, free from bureaucratic constraints or the meddling of councillors.
20. This should not be a high-rise building. Stick to the maximum height of 8 stories or less.
21. Not acceptable on this site or anywhere near the harbour. Do NOT do what Toronto did to their shoreline. It is disgusting an inaccessible to many due to the overbuild of condos.
22. No high-rise building please! No beacon please - this will be disruptive (light pollution to existing North end neighbourhood, impact on bird migration).
23. Something outstanding / iconic. There are two recognizable building in Hamilton that can be seen for those passing through/by. The gas globe and the cathedral. This has the opportunity to be the third.
24. Free parking
25. Environmental building practices, affordable housing, and architectural design
26. For me this is a leap of faith with Bruce Kuwabara, given his reputation we would trust his judgement.
27. Not in favour of a high-rise building.

Question 6: Do you have any additional comments or feedback you would like to share?

The following are the responses received to the question of whether there were any additional comments or feedback that individuals would like to share. 24 individuals responded to this question. Each of the following numbered comments represents an individual's opinion. These are numbered for reference only and are not listed in any order.

1. Highrise buildings have no place in our neighborhood!!

2. I think the city's money should be going into existing infrastructure and not this gigantic waste of money.
3. I think that a mid size building with 2 bedroom apartments is extremely important, but the height of the building, I feel will destroy the ambiance of waterfront.
4. One high-rise will lead to more and destroy the hopes for a free, open, and beautiful space for all to enjoy.
5. This is an opportunity for the city to help alleviate the affordable housing lack. Every new build should be mandated to provide a percentage (10 - 20%) of affordable housing units.
6. I have concerns over how taking away all the parking for the Williams pub area is going to affect people coming down to this area from the rest of the city. While I understand they will have new patrons from the residential area itself I question how it is going to affect people's ability to get here and enjoy it, esp. in times like the winter. Is there enough parking to meet this demand and the demand of the city itself for this region?

Also keeping the roofs as purely a green roof thing seems like a giant waste of this entire footprint - why not make every square inch of the footprint you have taken up be useable and make the roofs be areas that can be accessible for restaurants, play areas, gardens, places to grow food, etc.? We should be using all our roof space.

I also hope that you are not going to go the ultra modern route for the mew townhouse designs - imo this area should be something that would be welcome in downtown Oakville, and the architecture should be high quality to prove it- and not just be cheap modular designs passed off as "chic" but, just cheaper to produce.

7. The waterfront should be open and airy, with easy, tree-lined access to the water and boardwalk. Any buildings, especially medium- or high-rise buildings should be set far back from the water. There should be no obstruction of the view. If you build one high-rise, there will be many more in years to come and it will be the disastrous wall of condos that has happened to Toronto's waterfront. Another example is Kelowna. They had a beautiful waterfront and boardwalk until high-rises took away the view, the nature, the air, and the sunlight. It made it darker and more dangerous too. People want to have safe access and views, with light, sun, and space. Consider what Chicago has done to their waterfront. The waterfront is open to a nice park, the roadway runs up from that, and the high rises are farther back. It is a people place, in nature, bright and accessible.
Please, please keep the waterfront open and airy, not blocked by buildings. Set those buildings way back and keep them, at the very most, 8 stories high.
8. I think the city should consider the approval of increased density. If done correctly this can add great value to the city of Hamilton. This should be used an opportunity to establish a precedent that will allow for future development in the city.
9. When I saw the idea for a signature tower at Pier 8, I was excited, but I genuinely do not feel like this will get off the ground. I do not believe our current Council has the courage or foresight to enable such an opportunity.
10. Please, do not ruin the Pier 8 development by allowing a high-rise. We need high-quality examples of intensification in this city, and if people start to equate intensification with

inhuman, imposing high-rises, you are fundamentally undermining any such future efforts. There are centuries-worth of amazing examples of human-friendly, dense, urban spaces, please draw from those examples. The city should use Pier 8 to showcase the opportunities for densification, but it should be Denmark-inspired density, Dutch-inspired density - not Dubai-inspired density. Please do not permit a high-rise building at that location.

11. There is little impact on the perception of height at grade from mid-rise to high-rise, especially if a +/4 storey podium is implemented. This is a great opportunity to create an iconic high-rise building on Hamilton's waterfront.
12. love to have an absolute WOW building that can be seen in Toronto, Niagara, from anywhere in Hamilton. They have stunning buildings throughout the world. Make this building the talk of the world in shape, height, light, uses.
13. It is wonderful that this Urban Design Study proves that a high tower is very appropriate and very possible on this site, and the many excellent city building benefits it will deliver. I totally agree with this concept.

But adding the Block 16 land to the Pier 7 and 8 development yet holding the already very low maximum density is actually reducing the overall number of units and people, an extraordinarily poor and backward decision in 2020. This is also completely irrational. The only issue would be proving that the traffic works, which I am sure intuitively it will, and an update to the traffic study is fast and inexpensive. By reducing the potential Pier 7 and 8 density City Council and staff will create a community of only the wealthy on the Pier, and shame on them for this.

More density, height and units will deliver a wider range of unit size and cost, as well as more street vitality, commercial viability, tax revenue, higher quality architecture, etc., all needed to ensure that the Pier 7 and 8 development delivers the greatest community benefit.

You should always fight the battle for the right things, instead of surrendering to a few toxic cranks. There are always NIMBYs who fear change.

City Council and staff also must get past their fear of height and density. Reading the OMB decision on the Television City project is a good place to start. Please listen to this Urban Design Report also.

I recommend that the City ask Bruce K. what he believes is an appropriate urban form for the entirety of Pier 7 and 8 and adjust the plan accordingly. The current plan does not deliver the most appropriate height and density for this site, and this is a one-time opportunity to get this critical site developed correctly.

Please do the right thing and develop the entire Pier with the most appropriate height and density to get the maximum community benefit.

14. I believe this concept will add great value to the North end and the city as a whole. Having lived in the North end, I know there are those who are hesitant and apprehensive to

change. In my experience, many of "those" have come around once change has been implemented. Indwell is a great example of a building and use which was met with resistance and is now being celebrated in the North End.

15. Rampant NIMBYism chokes Hamilton. We are the confluence of both a major housing crisis and a need to redefine our city. A city defining waterfront skyscraper would address both needs.
16. The inclusion of a tower on Pier 8 is positive. However, it is my understand that because the tower will include a large number of units, the rest of the buildings built on the Pier 8 lands will be downsized. This may hasten the end of the LPAT dispute, but it does not make sense from an urban point of view, a housing supply point of view, an economic point of view, or a highest-and-best-use point of view.

The rest of the development can and should be denser and taller. The mid-rise buildings on the rest of the site should not be downsized to 3-6 storeys because of the inclusion of a tower, otherwise the result will be a development with appropriate density in one location and missed density (opportunity) on the rest of the site.

We only have one opportunity to develop this land - do not squander the opportunity. Push for the most density that makes sense, along with as many units as possible to allow as many citizens as possible the ability to live on our lovely waterfront and ensure that all the requirements for a quality urban community are met (retail, high pop. density, pedestrian friendly streets, exceptional urban environment, etc.)

17. Do not let this project get watered down by the lack of political vision, imagination, and accomplishment of Hamilton politicians.
18. Generous public space and access to the waterfront with room for pedestrians and cyclists.
19. I am a resident of the North End. The North End Neighbourhood Association does not represent the interests of "north enders." We were not in favour of the LPAT nor the proposed changes for a mid-rise or high-rise building on Pier 8.



City of Hamilton Design Review Panel Meeting Summary – July 14, 2020

Meeting Summary

The Design Review Panel met virtually on **Thursday July 14th 2020** via webex.

Panel Members Present:

- Vincent Colizza**, Vincent Colizza Architects, *Chair*
- Mario Patitucci**, Adesso Design Inc.
- Tim Smith**, Urban Strategies Inc.
- Jackie VanderVelde**, Land Art Design Landscape Architects Inc.
- Yasin Visram**, Perkins + Will Canada

Staff Present:

- Jason Thorne**, General Manager of Planning and Economic Development
- Stephen Robichaud**, Director of Planning and Chief Planner
- Christine Newbold**, Manager of Community Planning & GIS
- Alissa Mahood**, Senior Project Manager, Community Planning & GIS
- Jennifer Roth**, Planner I, Community Planning & GIS
- Shannon McKie**, Senior Project Manager, Urban Team
- Victoria Cox**, Urban Designer, Urban Team

Applicant and Design Team Present:

Presentation #1 Pier 8 Block 16 Opportunity Study 65 Guise Street East	Calvin Brook , Brook McIlroy Victor Cheung , Brook McIlroy Zhongwei Shi , Brook McIlroy
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Regrets:

- Robert Freedman**, Freedman Urban Solutions (Panel Member)
- Ute Maya-Giambattista**, Fotenn Planning + Design (Panel Member)

Declaration of Interest:

- James Webb**, Webb Planning Inc (Panel Member)
- Colin Berman**, Brook McIlroy (Panel Member)

Schedule:

Start Time	Address	Type of Application	Applicant/ Agent	Planner
1:30 p.m.	Pier 8 Block 16 Opportunity Study 65 Guise Street East	N/A	Owner: City of Hamilton Agent and Presentation: BMY. Calvin Brook	Jennifer Roth, Planner I

Summary of Comments:

Note: The Design Review Panel is strictly an advisory body and makes recommendations to Planning Division staff. These comments should be reviewed in conjunction with all comments received by commenting agencies and should be discussed with Planning Division staff prior to resubmission.

1. Pier 8, Block 16 – 65 Guise Street East

Proposal Overview

The City of Hamilton is completing an Opportunity Study for the lands know as Block 16 on Pier 8, municipally known as 65 Guise Street East. The Opportunity Study is the result of an appeal on the Zoning By-law amendment application for Pier 8. Through mediation in July 2019, the parties reached an agreement to resolve the appellants' appeals which involved considering Block 16 (currently designated and zoned for institutional uses with a height range of 2 – 4 storeys) for either residential or mixed use in a mid-rise or high-rise built form. The City has retained Brook McIlroy to assist with the Opportunity Study and to develop an Addendum to the Piers 7 and 8 Urban Design Study (2016). The Addendum will be approved by Council.

Once the Addendum is complete, the Waterfront Office will apply for Official Plan amendment and Zoning By-law amendment applications prior to the land being sold to Waterfrontshores Consortium.

The proposal presented includes 3 scenarios that are being tested to assist with determining what is appropriate on the site. All three scenarios can be residential or mixed use.

Scenario 1 – 12 storey

Scenario 2 – 30 storey

Scenario 3 – 45 storey

Key Questions to the Panel from Planning Staff

1. Does the midblock connection between Blocks 1 and 16 (slide 10) create an appropriate interface or transition? Are there other transition techniques that should be considered?
2. Are there certain mechanisms (ie. Holding provision, DRP, control architect) to ensure that quality design / landmark building status can be secured?
3. Are there certain criteria (ie. sustainability, high quality and innovative urban design techniques, bird friendly design) to ensure that quality design / landmark building status can be secured?

Panel Comments and Recommendations

a) Overview and Response to Context (Questions 1, 2, 3)

- The panel stated that any proposed changes to Block 16 would require the rest of Pier 8 to be re-evaluated as changes to Block 16 will have major implications for the entire Pier 8 lands. Staff noted that a comprehensive site analysis has not been undertaken and that Block 16 is being studied in isolation as the result of a LPAT decision. The panel is concerned that making this change to Block 16 in isolation, instead of a holistic look at the entire Pier 8 lands, will set a precedent for additional waterfront “beacons”, regardless of height and density limits in the Secondary Plan.
- The panel commented that there should be a greater focus on the impact of a tall building on the public realm and intended sense of place in Pier 8 that should include safe and walkable streets, mid-block connections, pedestrian mews, usable green spaces, etc. There should be a balance between the interior and exterior areas.
- Generally, the panel recommended lower building heights, likely a mid-rise condition (below 12 storeys) in keeping with the existing and planned context, at least until the Secondary Plan and Urban Design Plan have been comprehensively updated. There were concerns that the development of a tall building with a point tower does not fit the community character and will create an imbalance in the neighborhood and the city. The panel feels the City is taking a risk in introducing a tall building at this location, especially one that is 45 storeys. This is setting a dangerous precedent by going above the datum line of the escarpment as this does not conform to the City of Hamilton’s Tall Building Guidelines.
- The panel noted that if a tall building with point tower is being contemplated, the implications for how the remainder of the permitted density would be spread throughout the Pier 8 lands needs to be clearly understood. The panel questioned if three buildings would be considered to accommodate the 1645 units. Staff noted this has not been considered.

- The panel questioned why the City would depart from the original mid-rise vision and noted a number of items that should be considered when making changes, including:
 - What is the impact on Pier 8 itself, particularly as a destination area that the City is trying to create?
 - What is the anticipated experience for those visiting Pier 8 and for those who live there?
 - How can the City ensure that family-size units will be affordable to families with young children?
 - How might more height variation, including multiple tall buildings, contribute to an interesting skyline that does not compete with downtown?
- The majority of the panel questioned if a 45 storey tower is something that should be terminating the view of James Street, when the harbor and the public uses on the waterfront are what should draw people. Most panel members did not feel a condo building is a view terminus.
- The panel noted that updates to the Urban Design Study and the Secondary Plan should happen concurrently.

b) Built Form and Character (Questions 1, 3)

- Some panel members accept the idea that one single point tower with excellent architectural qualities could work on Block 16, but do not see the need for an exceptionally tall building at the corner of the waterfront.
- The panel focused on understanding the view corridors within the neighborhood and the impact a taller building would have. The panel suggested that the views should be carefully analyzed.
- Some panel members noted that a more slender tower does contribute to a landmark building and the panel appreciated the proposed slim massing and smaller floor plate.

c) Site Layout and Circulation (Questions 1, 3)

- The proposal prompted a number of questions among panel members regarding the parking strategy for the site and Pier 8 as a whole, with the panel suggesting that parking is another issue that should be reviewed comprehensively. The panel has concerns parking will end up in large parking structures or parking podiums.

d) Streetscape, The Pedestrian Realm & Landscape Strategy (Questions 1, 3)

- The panel focused on creating a positive pedestrian experience, including providing wide sidewalks.
- The panel commented that a tall building would accommodate a lot of density and therefore could increase the amount of landscaped open space on Pier 8.
- The panel was concerned with parking ending up all over the site which limits the opportunity to plant trees.

Summary

The Design Review Panel was concerned with the proposed changes to Block 16 being made in isolation from the rest of Pier 8, even though this process is occurring as a result of a LPAT decision. Particularly, the panel was concerned with the impacts of the change in density for the remainder of the blocks and the associated impacts on built form, open space and parking. The panel recommends a holistic analysis of the change in height and density, and the opportunity to provide additional information to avoid setting a negative precedent. The panel would like to see an evenness of architectural quality across all of Pier 8 and not just focused on one point tower.

With respect to the design of a landmark tower on Pier 8, should the City ultimately go in that direction, the panel noted that it is difficult to control architecture through design policies and guidelines, recommending an international design competition to achieve a signature “beacon” of the highest design quality. One panel member recommended a detailed Terms of Reference with specific objectives and a strong jury made up of renowned design professionals.

Meeting was adjourned at 2:40 p.m.



City of Hamilton
Design Review Panel
Meeting Summary – April 8, 2021

Meeting Summary

The Design Review Panel met virtually on **Thursday April 8th 2021** via WebEx.

Panel Members Present:

- David Clusiau**, *Chair*
- Dayna Edwards**
- Joey Giaimo**
- Hoda Kameli**
- Jana Kelemen**
- Jennifer Sisson**
- Eldon Theodore**

Staff Present:

- Jason Thorne**, General Manager of Planning and Economic Development
- Anita Fabac**, Manager of Development Planning, Heritage and Design
- Christine Newbold**, Manager of Community Planning &GIS
- Shannon McKie**, Senior Project Manager, Urban Team
- Alissa Mahood**, Senior Project Manager, Community Planning
- Victoria Cox**, Urban Designer, Urban Team
- Jennifer Roth**, Planner I, Urban Team

Others Present:

Presentation #1 Pier 8 Block 16 Urban Design Guidelines 65 Guise Street	Calvin Brook , Brook McIlroy
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Regrets:

- Jennifer Mallard** (Panel Member)
- Ted Watson** (Panel Member)

Declaration of Interest: None

Schedule:

Start Time	Address	Type of Application	Applicant/ Agent	Planner
2:00 p.m.	Urban Design Guidelines 65 Guise Street East – Pier 8 Block 16 Urban Design Guidelines	Urban Design Guidelines	Owner: City of Hamilton Agent and Presentation: Brook McIlroy, Calvin Brook	Jennifer Roth, Planner I

Summary of Comments:

Note: The Design Review Panel is strictly an advisory body and makes recommendations to Planning Division staff. These comments should be reviewed in conjunction with all comments received by commenting agencies and should be discussed with Planning Division staff prior to resubmission.

65 Guise Street East - Pier 8 Block 16 Urban Design Guidelines

Development Proposal Overview

In 2017, City Council approved a zoning by-law amendment and draft plan of subdivision for the lands known as Pier 8 (65 Guise Street, Hamilton). Although the zoning by-law and draft plan of subdivision were guided by the principles and directions of the Pier 7 + 8 Urban Design Study (2016), the planning instruments were appealed to the Local Planning Appeal Tribunal where an agreement was reached by way of settlement between the City and appellants.

The settlement agreement directed the City to bring forward, for Council's consideration, an amendment to the Setting Sail Secondary Plan and zoning by-law to re-designate and re-zone the existing institutional block (Block 16) on Pier 8, to permit either residential or mixed-use development in a mid-rise or high-rise form. Although the City agreed to bring forward the amendments for Council's consideration, there was no commitment to approve additional height on Block 16.

The settlement agreement provided direction that any increase in height would be directly correlated to a requirement to provide additional family units. Family units were defined as containing two or more bedrooms.

Building Height	Additional Family Units
No change	Zero
Four or fewer storeys	25
5 – 11 storeys	50
12 – 19 storeys	75
20 – 30 storeys	100
31 or more	150

To fulfil the settlement agreement, the City is carrying out a study to determine the opportunity and parameters required to accommodate a mid-rise or high-rise development on Block 16. This study applies the vision and guiding principles established in the Pier 7 + 8 Urban Design Study (2016) to test various mid-rise and high-rise built form scenarios for Block 16. Visual impact assessments and shadow studies have been carried out to establish appropriate building envelopes, urban design performance standards, and site design measures (contained in the urban design document) that shall inform future development applications for the site.

The intent of the Pier 8 Block 16 Urban Design Guidelines is to provide a design framework to promote the creation of a high-quality development of exceptional design on Block 16. Future development of this site should reflect the unique West Harbour context and create a landmark and visual anchor at Pier 8 that is emblematic of the Harbour's renewal.

The design guidelines and policy objectives contained within the urban design document will be used to prepare the official plan amendment, zoning by-law amendment and site plan conditions for any application for a mid-rise or high-rise development scenario on Block 16.

Although the urban design guidelines for Block 16 provide direction for both a mid-rise and high-rise building, the final approval of the height and form of development will be a decision of Hamilton City Council.

Key Questions to the Panel from Planning Staff

1. Any future development that proposes to increase height on Block 16 must be designed to standards of exceptional quality and design excellence. The property is flanked by publicly accessible open spaces and has always been considered a site of strategic importance within the overall Pier 8 development. Do the proposed guidelines capture the standards and design criteria to create a unique building with high quality design and exceptionalism?
2. Are there design considerations that have not been contemplated that would contribute to design excellence or exceptionalism?

3. Are there other qualitative aspects of the project beyond sustainability and good design that you think should be considered in the guidelines?
4. How can the City ensure that exceptional design/landmark building status be secured? (i.e. Holding Provision, DRP, architectural control, other)?

Panel Comments and Recommendations

a) Overview and Response to Context

- The panel stated that Pier 8 is its own identifiable community that will develop independently from the North End Neighbourhood as John Street North is the only road that extends directly into the site. As a result, the panel thought that a greater degree of change may occur on Pier 8 as it stands alone.
- The panel acknowledged that more housing is needed, in the GTA and Hamilton, and that there is an opportunity to incorporate a mix of mid and high-rise buildings on the Pier 8 lands. The panel suggested introducing more affordable housing units, or a variety of tenures, to address affordable housing.
- The panel considered an implementation strategy of establishing a minimum mid-rise building height and permissions for high-rise buildings would only be granted should certain criteria be met.
- The panel acknowledged that Block 16 could act as a visual anchor for the entire Pier 8 site and identified the Peninsula tower in Vancouver as an example. The Peninsula became the focal point as towers were developed around it.
- The panel stated that the guidelines are successful from a livability standpoint but suggested incorporating more family friendly units. They also suggested including more direction on storage requirements for families and other unique livability guidelines targeting families.
- The panel noted that there could be more of a focus on social uses as to not remove the historical institutional use from the block entirely.

b) Built Form and Character

- The panel stated that a successful building envelope was defined in the guidelines, but that consideration should be given to reducing setbacks (12.5 and 15 metres) as they may be too generous and limit architectural creativity.
- The panel recommended providing an upper storey viewing area accessible by the general public.
- The panel noted that while it would be a unique design element, the concept of a vertical greenway may be challenging to implement and maintain.

c) Site Layout and Circulation

- The panel noted that including a community area for social activities where the townhouses are proposed would enhance the design and provide a good amenity for the future residents.

d) Streetscape, The Pedestrian Realm & Landscape Strategy

- The design of public spaces needs more attention in the guideline document.
- Based on the location and status as a landmark building, the panel recommended adding a community use at grade (a library for example) to create a stronger relationship with the public realm.
- The panel recommended applying a consistent design language for street furniture and other landscape architecture elements within the guideline document.

e) Sustainability

- The panel supported the City and design team aiming for an environmental certification (like SITES or LEED).
- The panel noted that the sustainability focus is strong and that the guidelines should continue to aim high in this regard.

f) General

- The panel stated that the guideline document and architectural control will not be enough to ensure that a landmark building is created. The panel discussed that a building's unique, innovative and landmark quality is not tangible enough to be described and can only be achieved by excellent architects and design teams, which typically occurs through an international design competition.
- The panel questioned whether the guidelines should cover a wider scope to include all Pier 8 lands and consider all buildings.
- The panel recommended that certain guidelines could be more definitive (shall vs should).

Summary

The panel appreciated the detail provided in the draft urban design guidelines and the presentations provided by staff and the consultant. While the panel thought there were many successful elements in the guideline document, there were concerns that the guidelines themselves could not achieve a landmark building. The panel noted that a well-designed taller building on Block 16 could contribute to the unique character of Pier 8.

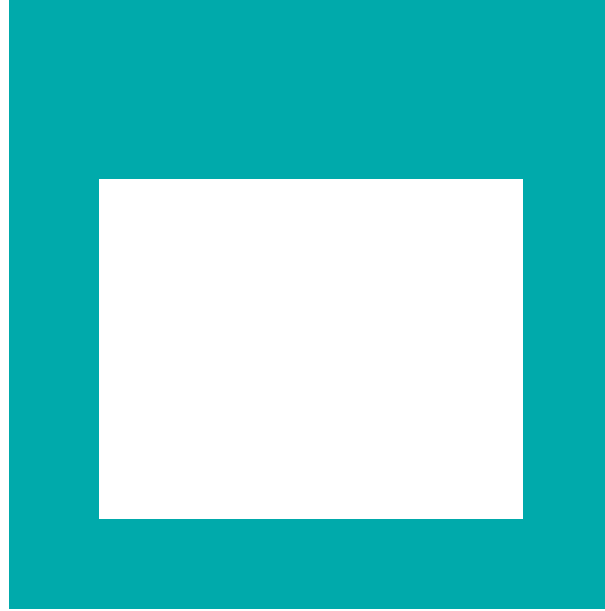
Meeting was adjourned at 3:00 p.m.

IMPLEMENTATION PROCESS FOR A TALL BUILDING PROPOSAL – PIER 8 BLOCK 16

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
	PIER 8 BLOCK 16 UDG DECISION	OPA/ZBA APPLICATION (120 days to make a decision)	STATUTORY PUBLIC MEETING ON OPA/ZBA	DEVELOPMENT OF DESIGN OPTIONS (Applicant)	PUBLIC INFORMATION CENTRE	SPECIAL DESIGN REVIEW PANEL	OPA/ZBA DECISION	SITE PLAN APPLICATION	CONDITIONAL SITE PLAN APPROVAL, HOLDING REMOVAL APPLICATION AND DRAFT PLAN OF SUBDIVIION CONDITIONS	FINAL SITE PLAN APPROVAL	IMPLEMENTATION (Transfer of Lands, Building Permit and Condominium Approvals)
Target Date for Completion	August 10, 2021 – PC August 15 - Council	October 2021	November 2021 – report deadline January/Feb 2022 – PC	Feb 2022	March 2022	March 2022	June 2022 – Report deadline September 2022 – PC	Timing for Site Plan application submission dependent on applicant’s phasing plan for Pier 8.			
DESCRIPTION	Present Pier 8 Block 16 Urban Design Guidelines to Council for approval.	Submission of the OPA/ZBA based on the design direction of the guidelines. Includes full scope of studies (urban design brief, sustainability report, sun/shadow, wind, noise studies, FSR, etc.)	Hold the statutory public meeting to present the proposed application and receive public input on the OPA/ZBA. Report Recommendation: that the applicant be directed to participate in a special design process to develop three tower designs. Each design should address innovation in following three areas: sustainability, quality of life and design excellence.	Applicant to engage in multiple design professionals to develop three tower designs that address innovation in three areas: sustainability, quality of life and design excellence.	Public Information Centre to present the three tower designs. The applicant will explain how each design is an example of innovation in sustainability, quality of life and design excellence. A special design review panel will also attend this meeting to understand feedback from the public on the three tower design options.	A special design review panel will review the feedback received at the PIC on the three tower design options presented to provide comments and feedback on the three options to staff.	Recommendation Report to Planning Committee on OPA/ZBA and preferred tower design option. The proposed ZBA will include a Holding provision that states that the proponent shall implement, through site plan approval, the preferred tower design option.	Site Plan application that implements the OPA/ZBA and detailed aspects of the preferred design option.	Once it has been determined that the preferred design option has been implemented through the Site Plan application process, an application can be made to remove the Holding Provision on the Zoning. The Holding Provision will be included as a special condition of conditional site plan approval. The condition of draft plan of subdivision related to the Urban Design Brief being compliant will be updated to reflect the Pier 8 Block 16 Urban Design Guidelines.	Final Site Plan approval can be granted. Special conditions should include review of the final design and site plan by a Control Architect and Sustainability Consultant (independent of the Design Architect and Engineers) to review the matters of Urban Design and Sustainability.	Control Architect Review for conformity with Design Guidelines
DECISION	Adopt; or Receive; or Deny	Notice of Complete application.	No decision at this meeting on the OPA/ZBA. Approve or deny the proposed special design process.	N/A	N/A	N/A	Approval or denial of OPA/ZBA If the UDG were received in Step 1 then Council could adopt here if approving the OPA/ZBA.	Site Plan application deemed complete.	Approve or Deny Holding removal By-law.	Prior to final site plan approval, staff will consult with Council and incorporate Council’s advice in making a decision on the application.	Transfer of lands/ Issuance of building permit/Condominium approvals.
APPROVAL AUTHORITY	Council	Planning Staff	Council	N/A	N/A	N/A	Council	Planning Staff	Council – Holding Staff – Subdivision and Site Plan Condition	Chief Planner and Director of Planning.	<ul style="list-style-type: none"> City Manager’s Office/Real Estate Department Chief Building Official Planning Staff

IMPLEMENTATION PROCESS FOR A TALL BUILDING PROPOSAL – PIER 8 BLOCK 16

<p>OUTCOME or ACTION</p>	<p>Approve Guidelines (proceed to Step 2); or</p> <p>Approve guidelines but hold in abeyance until decision on OPA/ZBA (Step 7); or</p> <p>Deny</p>	<p>Notice of Complete Application and Circulation of application.</p>	<p>At the statutory meeting Council and the public to provide feedback and comments on the proposed OPA/ZBA.</p> <p>Council could approve or deny recommendation to proceed with a special design process.</p>	<p>Three tower designs to be presented to the public and a special design review panel for comment.</p>	<p>Feedback received will be considered by the applicant in the development of the final preferred tower design option.</p>	<p>Applicant to review comments from public and the special design review panel and prepare one final design option that will proceed with the OPA/ZBA application.</p> <p>Chief planner to review the final design option and prepare a recommendation report on the preferred option and OPA/ZBA for Council's consideration.</p>	<p>Approve OPA/ZBA (If approved, proceed to Site Plan application)</p> <p>Or</p> <p>Deny OPA/ZBA</p>	<p>Prior to receiving final site plan approval, the Holding Provision must be lifted.</p>	<p>If the Holding Provision has been removed, proceed to Site Plan approval.</p>	<p>Approved site plan based on preferred design option, UDG and OPA/ZBA.</p> <p>Proceed to Building Permit.</p>	<p>Proceed to construction phase.</p>
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WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

August 10, 2021

PED21018

Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy

Presented by: Jennifer Roth and Alissa Mahood

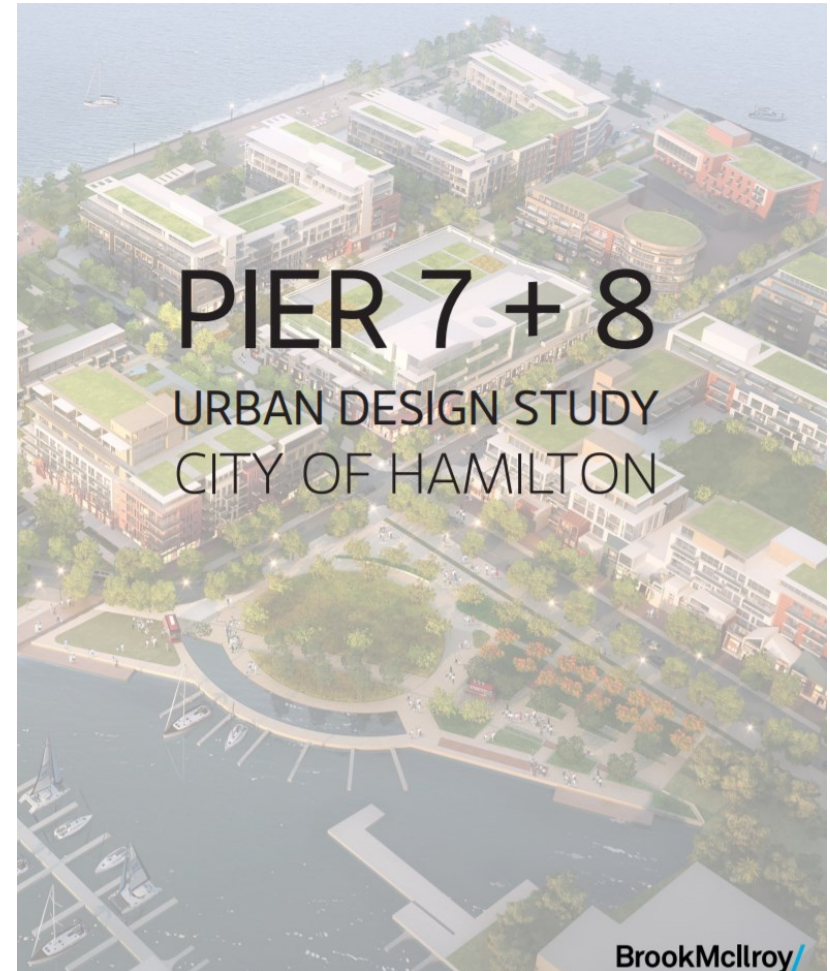
LOCATION



Study

April 2016

- Council approved the Pier 7 + 8 Urban Design Study for the City owned lands located on Pier 8 within the West Harbour
- The Urban Design study contains recommendations for the design of the public areas and proposed buildings as well as other initiatives related to the future development of the area including recommendations for updating the zoning by-law regulations for the area



BACKGROUND – Pier 7 & 8 Planning Applications

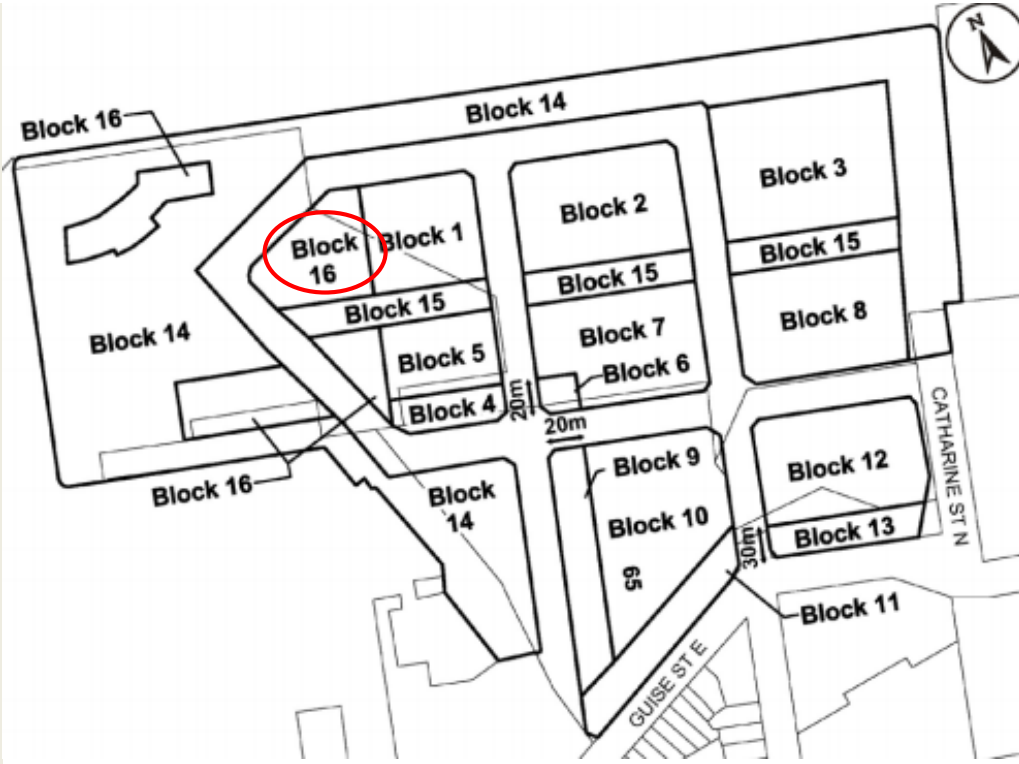
Applications

May 25, 2017

- The Zoning By-law amendment (No.17-095) and Draft Plan of Subdivision was approved by Council for Pier 8
- The Zoning By-law amendment was appealed to the Local Planning Area Tribunal (LPAT), (Case No. PL170742)

September 16, 2019

- Through mediation, Minutes of Settlement were approved by the LPAT for the appeal to the zoning by-law amendment



- City Staff to bring forward for Council’s consideration an Official Plan Amendment and Zoning By-law Amendment for Block 16 (Pier 8) to permit either residential or mixed-use in a mid-rise or high-rise form.
- Regardless of any additional height that may be approved on Block 16, there will be no change to the maximum number of residential units permitted on Pier 8 (1,645 units total)
- At least 15% of all units built as part of the Pier 8 development will be family units* (= 246 family units)
- Additional family unit requirements relative to building height increases on Block 16:

Change in Height (additional storeys)	Additional Family Units
No change in height	0
+ 4 storeys	25
+ 5 to 11 storeys	50
+12 to 19 storeys	75
+20 to 30 storeys	100
31+ storeys	150

** Family units defined to mean residential units comprised of two or more bedrooms.*

BACKGROUND- Setting Sail Secondary Plan Context

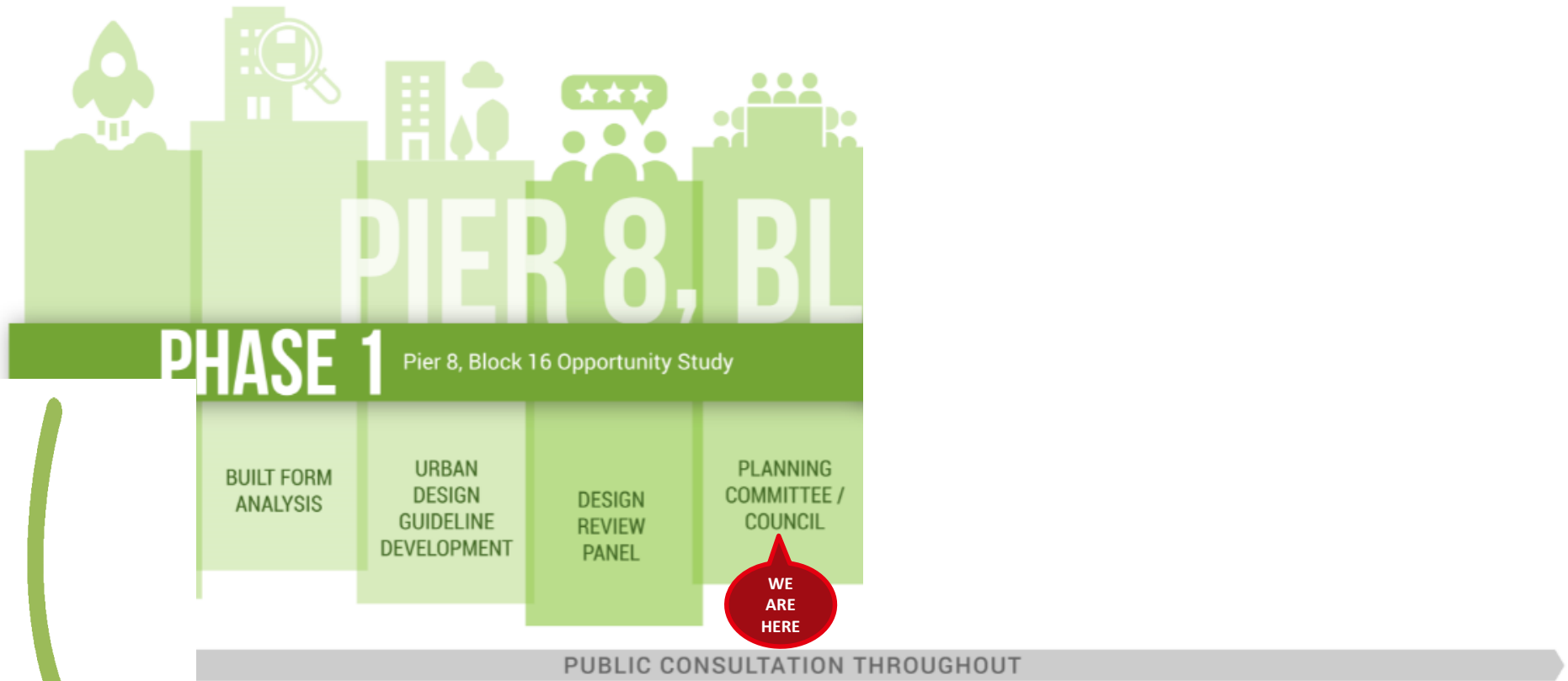
Policy A.6.3.8.9.4

“The City shall initiate and complete an urban design study of Piers 7-8 to determine the appropriate height, massing and character of new buildings and the appropriate physical relationship between buildings and public open spaces...prior to the adoption of new development and Zoning By-law Amendments for Piers 7-8.”

Setting Sail Secondary Plan for West Harbour

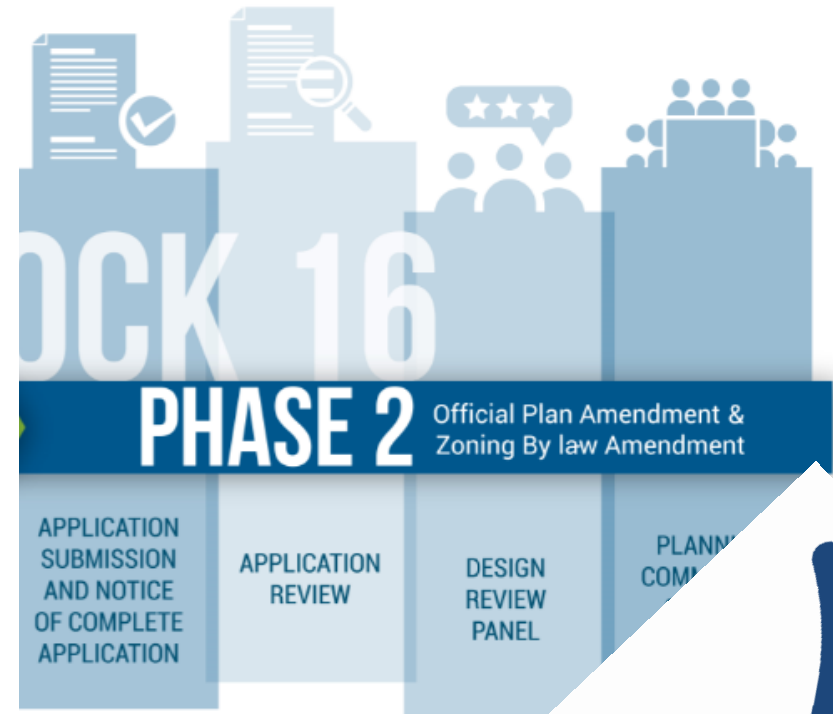


PROCESS – Phase 1



PIER 8 BLOCK 16 URBAN DESIGN GUIDELINES & IMPLEMENTATION STRATEGY

PROCESS – Phase 2



PUBLIC CONSULTATION THROUGHOUT

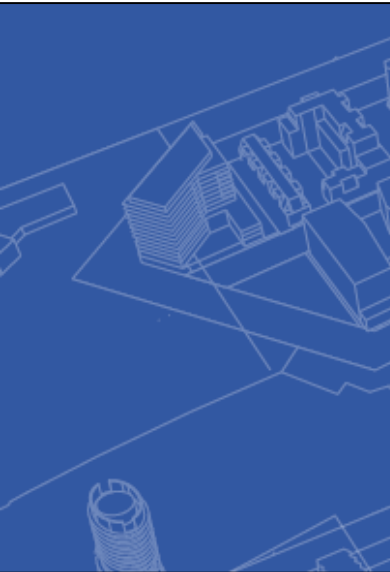
OFFICIAL PLAN / ZONING BY-LAW AMENDMENT

PHASE 1 Pier 8, Block 16 Opportunity Study



PIER 8 BLOCK 16

URBAN DESIGN GUIDELINES
CITY OF HAMILTON



PIER 8 BLOCK 16

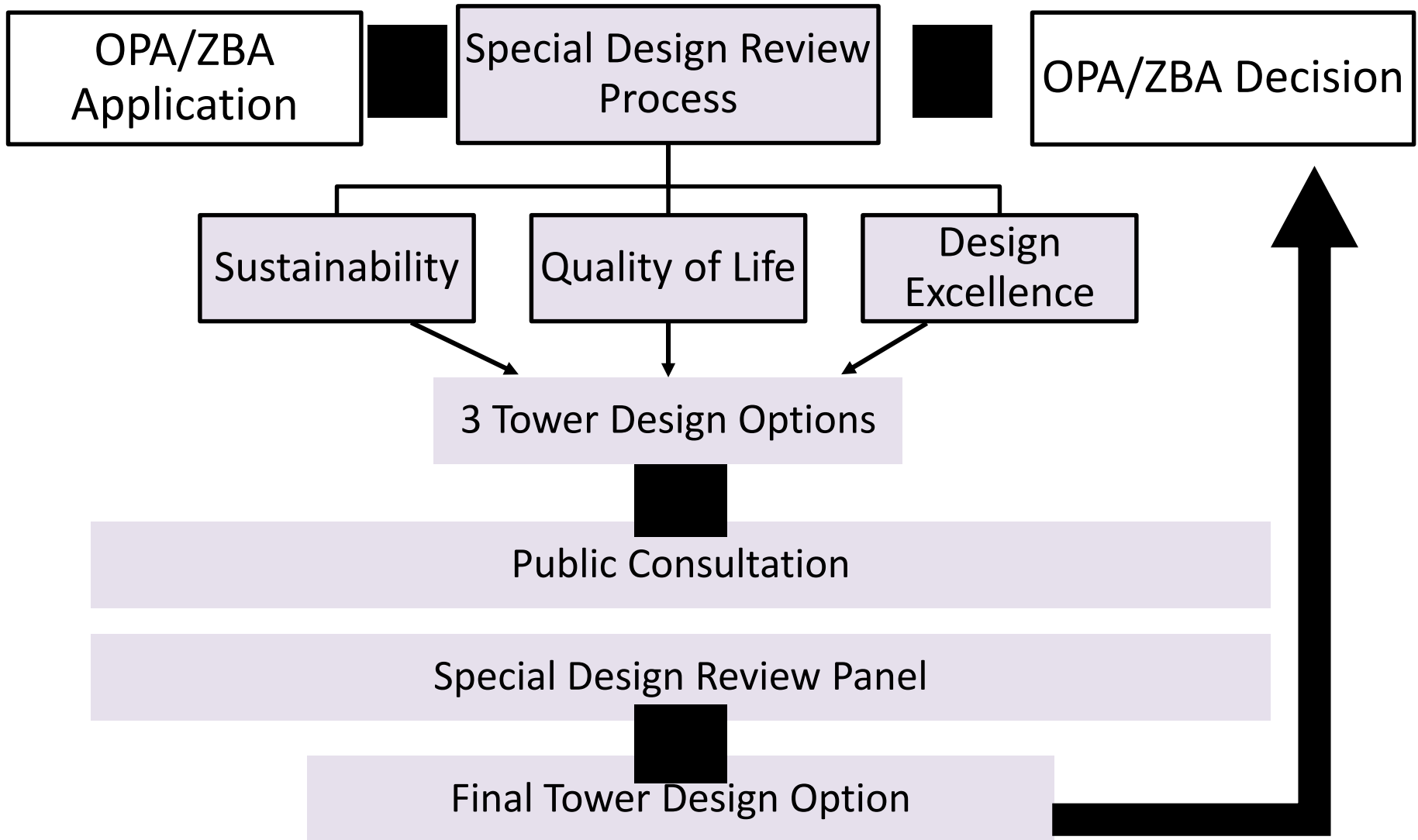
URBAN DESIGN GUIDELINES
CITY OF HAMILTON

Mid-Rise Guidelines
(5 to 12 storeys)

Tall Building Guidelines
(+12 storeys)

Successful
Implementation

SUCCESSFUL IMPLEMENTATION – Tall Building Scenario



SUCCESSFUL IMPLEMENTATION – Tall Building Scenario

HOLDING PROVISION REMOVAL

- Demonstrate the recommended tower design option has been implemented through the site plan application process

SPECIAL CONDITIONS OF SITE PLAN APPROVAL

- Control Architect and Sustainability Consultant Review
- Periodic reviews of certified drawings to ensure compliance with Block 16 Urban Design Guidelines
- Design Review Panel
- Site Plan Agreements

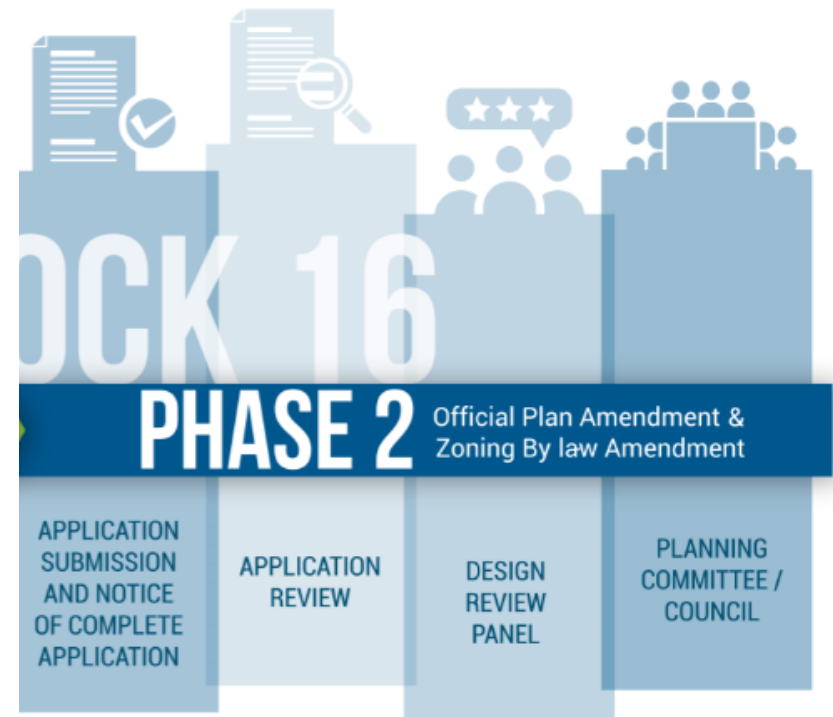
URBAN DESIGN CHECKLIST

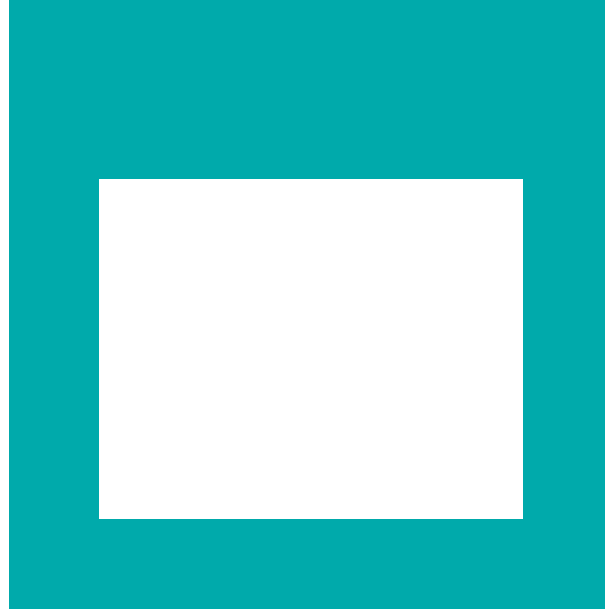
- To evaluate the design and its conformity to the recommendations in the Urban Design Guidelines

NEXT STEPS

PHASE 2 – OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT APPLICATIONS

- Submission of OPA/ZBA
- Special Design Review Process
- Public Consultation
- Council Decision





THANK YOU FOR ATTENDING

THE CITY OF PLANNING COMMITTEE

CITY OF HAMILTON MOTION

Planning Committee: August 10, 2021

MOVED BY COUNCILLOR J.P DANKO.....

SECONDED BY COUNCILLOR

Demolition Permit for 323 Rymal Rd. East

WHEREAS, the owner has received conditional site plan approval and is awaiting final sign off on the Delegated Authority as per the Demolition Control By-Law and is currently working through site plan approvals.

WHEREAS, the owner has boarded up the vacant property but continues to have untoward activity at the property that is uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of this building as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate;

THEREFORE BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 323 Rymal Road East, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the *Planning Act*, as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.